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SENATE—*Monday, May 25, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, who has taught us that "they that wait upon the Lord shall renew their strength," grant us now that inner strength which comes from Thee. Forgive us if we say "in God we trust" and then deny Thee by ignoring Thy presence and rejecting Thy aid. Open our minds to receive Thy truth and strengthen our wills to serve Thy will. Infuse our lives by an awareness of Thy presence that we may serve Thee as ardently in our daily duties as we worship Thee in the House of Prayer. Consecrate us anew to the service of all the people and to the furtherance of Thy kingdom.

In the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 25, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 22, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, under the previous order, the Senator from New York (Mr. JAVITS) will be recognized for not to exceed 30 minutes.

What is the pleasure of the Senate?

EXECUTIVE SESSION

Mr. KENNEDY. Mr. President, awaiting the appearance of the distinguished Senator from New York (Mr. JAVITS), I ask unanimous consent that the Senate proceed in executive session to consider the nomination on the Executive Calendar, without the Senator from New York losing his right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senate proceeded to consider executive business.

U.N. TRUSTEESHIP COUNCIL

The ACTING PRESIDENT pro tempore. The clerk will state the nomination on the Executive Calendar.

The assistant legislative clerk read the nomination of Sam Harry Wright, of the District of Columbia, to be the representative of the United States of America on the Trusteeship Council of the United Nations with the rank of ambassador.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered; and, without objection, it is confirmed.

Mr. KENNEDY. Mr. President, I ask that the President be notified immediately of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, as I understand, the distinguished Senator from New York is to be recognized for not to exceed 30 minutes, and then the distinguished Senator from Ohio (Mr. YOUNG) is to be recognized, following the Senator from New York, for not to exceed 15 minutes. Is my understanding correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

ORDER FOR LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, after the Senator from Ohio has concluded his remarks, I ask unanimous consent that statements made in reference to routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

Mr. KENNEDY. Mr. President, I ask unanimous consent that the call of unobjected to measures on the Calendar under rule VIII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. KENNEDY. Mr. President, awaiting the arrival of the Senator from New York, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Chair recognizes the Senator from New York (Mr. JAVITS) for not to exceed 30 minutes, under the previous order.

THE DEVASTATING IMPACT OF THE INDOCHINA WAR ON THE NATION'S ECONOMY AND SECURITIES MARKETS

Mr. JAVITS. Mr. President, I have asked for time this morning as I believe the country faces a very dangerous economic crisis, and I come from the State and from the city which are the financial centers of the country. I think we know, as well as anybody, how serious is this crisis. I believe there is altogether too much complacency about it and the attitude that it will work itself out and that prosperity is just around the corner—which I heard as a very young man in the great depression of 1932.

Prosperity is not just around the corner. Complacency is not warranted, nor is rosy optimism, nor are general statements about the fact that unemployment is going to go up, so what?

I think the American people are very deeply concerned about the problem. I see us on a very perilous course, which is compounded by the fact that the Government is not acting effectively to stem the tide. My purpose this morning is to lay out an action program on what Government can do.

There is one last point of which I am convinced: I deeply believe if nothing else is material to a rapid solution to our economic problems, stepping up the time table for our withdrawal out of Vietnam, is. It is getting so serious that, in my judgment, there is no other way, aside from remedial measures like some forms of controls which can deal with the deteriorating economic situation. I know this is repugnant to the administration and repugnant to the American people, but the only other way in which this economy is going to be relieved is by a much sooner, rather than a much later, timetable for withdrawal from Vietnam. The administration's timetable looks like the earliest date of our withdrawal will the end of 1972.

Mr. President, that timetable, in order to do any good, in terms of our deteriorating and serious economic situation, will have to be accelerated to some time in 1971, or at the outside, the end of 1971.

The administration has now revised its budget estimates for fiscal years 1970 and 1971. On May 19, the President and the Bureau of the Budget announced that in these fiscal years the Federal Government will face a slight deficit rather than a slight surplus. Unfortunately, the changing estimates—and estimates are often inaccurate—do not address themselves to the key problem.

The key problem is not whether the budget has a surplus of $1.5 billion or a deficit of $1.8 billion—these margins are paper thin in an overall budget of approximately $200 billion—but rather whether the administration and the Congress are taking the required measures to get our economy out of its present slump, to restore the confidence of the business community in the United States, and to halt the ravages of continued inflation. Or are the administration's policies risking a serious recession without curbing the inflation? That could be calamitous.

The deterioration of business and investor confidence is symbolized by the plummeting stock market. Confidence is a state of mind, and state of mind has considerable influence on business and investment decisions. The events of this year have made the Nation's state of mind pessimistic, fearful, and uncertain, and we have reached the point where psychology—more than economics—could drive this country into a deeper recession.

Attorney General Mitchell was the most recent of the administration's spokesmen to attempt to turn back the black mood that has enveloped our financial markets. If measured by stock market performance, his words failed in their attempted effect. The stock market continued to plummet.

The reasons for this are clear—the words did not adequately offset such ominous news developments as our involvement in Cambodia, a budget deficit at a time when the Nation had been warned by Dr. Burns a few days earlier that a surplus was essential, rising interest rates, mounting prices, mounting unemployment, civic violence, a Treasury financing crisis, a liquidity squeeze, a deteriorating international balance of payments—to name only a few factors on the dark side of the ledger.

Attorney General Mitchell has said, and I agree with him fully, that "confidence is not issued, confidence must be built;" that "the market is an accurate measure of investor confidence and has a real effect on both consumer and capital spending," and that "peace is the most bullish element in the market in our times."

These quotes, which hopefully have not been taken out of context, help explain the sharp market drop after Cambodia. To the average investor, peace—the most bullish element in the market in our times—seemed further down the road.

Mr. Mitchell also stated that the track record of the administration is an essential element in building confidence. Again, in all honesty, the track record of the administration is not that good from the strictly economic point of view. We are facing a deficit after a surplus was promised; we have been promised lower prices while key price indices continue their upward spiral; we have been promised an average 4.3 percent rate of unemployment for this year and our unemployment rate is already approaching 5 percent and we were told that the economy had turned the corner on its downward slide, while key economic indices continued to point to deeper recession. I can understand why the American investor feels an economic credibility gap which when added to Cambodia, causes a crisis of confidence. To paraphrase Mr. Mitchell, to ignore this would be putting one's head in the sand, and that is the one thing an administration should not do.

To date it is clear that the authoritative measures that must be taken to win back this confidence have not been taken, and administration spokesmen are quick to knock down new suggestions for action—no matter that they emanate from Arthur Burns or from the Joint Economic Committee of the Congress.

I ask unanimous consent that the text of Attorney General Mitchell's remarks as they appeared in the Wall Street Journal on May 20 be placed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MITCHELL: "DON'T SELL THIS COUNTRY SHORT"

(By John N. Mitchell)

(NOTE.—This article is excerpted from a speech delivered yesterday by the U.S. Attorney General.)

I think this is a good time for some plain talk about the economy, the stock market and the overall strategy of this Administration.

When I first came to Washington, there were those who said, "What does a Wall Street lawyer know about being Attorney General?"

And when I discuss the economy today, I am sure there will be some who will say, "What does an Attorney General know about Wall Street?"

I understand there is a movement afoot, based on the recent stock market decline, to revise the conflict-of-interest regulations. Under the new plan, Government appointees would be required not to sell their stocks when they take office.

There seems to be a long-standing tradition in Washington that says that the securities markets are not a proper subject for discussion.

One reason for this tradition is this: Wall Street was once the habitat of men in silk hats and diamond stickpins, and no self-respecting political figure could afford to be associated with them.

Another reason is this: Communist propaganda for a century has been depicting Wall Street as the nerve center for all warmongering.

And finally, there was a practical reason: No soothing syrup manufactured in the corridors of power has any effect on a market that wants to go down.

The first two of those reasons are no longer valid.

With 28 million American stockholders affected by the market, a Government that is compassionate about unemployment must also be concerned about "uninvestment."

EXPLODING A MYTH

And with peace the most bullish element in the market in our times, the myth of the Wall Street warmonger, has been exploded forever. With no disrespect intended to the symbol of the Soviets, war is obviously bearish.

That third reason, though, remains cause for hesitation—if Government cannot do anything about market fluctuations, why should Government say anything about them?

I believe there is a basic fallacy in that question. It assumes that when a bull market is roaring along, all a Government can do is bask in reflected glory; and it assumes that when a bear market comes along, all a Government can do is grind out statements of rosy reassurance.

But clouds of pessimism are never dispelled by statements of sweetness and light. Confidence is not issued, confidence must be built.

When I was on Wall Street, the degree of my own confidence was affected by the elements of certainty in any situation. The track record of management is a basic element of certainty, both in business and government, and the track record of this Administration in doing what it says it will do is worth your consideration.

Let me begin, then, by acknowledging this: Investors large and small are suffering. And the Administration is properly quite concerned about it, especially since many decisions in the securities market are being based on fears rather than on facts.

In that regard, let me answer a question that has been often asked in the past few months: To what degree does Government take the stock market into account in making its economic decisions?

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The answer, in a word, is "some." Wall Streeters themselves know that the market is traditionally a notorious overreactor, where economic trends are reflected in wide and sometimes irrational swings. They know, too, that the market is not always an accurate indicator; someone recently paraphrased Paul Samuelson by saying that the market as predicted "eleven out of the last four recessions."

At the same time, the market is an accurate measure of investor confidence, and has a real effect on both consumer and capital spending. To ignore this would be putting your head in the sand, and that is one thing this Administration does not do.

CONFIDENCE THE KEY

Therefore, it is important that the inflation psychology of last year not be replaced by any recession psychology, but by the psychology of price stability and economic growth. The key to this psychology of stability is confidence.

How is confidence earned?

First, by the establishment of a good track record over a period of time, as you do what you say you will do. Second, by the evidence of success in the goals you have set. . . .

The President said that to curb inflation, he would gain command over the powerful momentum of increased Federal spending. The revised budget figures which are to be released soon will vividly illustrate that the President is doing what he said he would do.

From fiscal 1965 until 1969, the average increase in Federal spending was over 13% every year. In fiscal 1970, which ends this coming June 30, that momentum was cut to about 7.4%; and in the coming year, the budget increase will be cut in half again. When you consider some rise in prices, that means there will be no increase in real Federal spending next year. That, I submit, is a track record that should convince even the most skeptical about our intention to redeem our pledges. It was achieved under the most intense pressure from some spenders in Congress to continue the policies of the past.

A small deficit, caused by a shortfall in revenues, is now projected for fiscal 1970 and 1971. We do well to remember that rapid expenditure increases and consequent huge deficits of the '60s were the prime cause of inflation today; but a small deficit that comes as a result of the economy taking a brief breathing spell is, I submit, not a cause for concern, as long as we are keeping expenditures within the basic revenue capacity of the tax system.

Another example: At a time last year when inflation psychology was rampant, the President made clear that he intended to help cool the overheated economy. At the time, not everyone believed it would actually happen, but now—to put it mildly—there seems to be universal agreement that the economy is no longer racing at an unsustainable pace. We have done what we said we had to do.

We also said, you will recall, that price indexes would be the last of the inflation indicators to slow down. Nobody will deny that the rate of increase, which had been steadily rising to over 6%, has leveled off; as a matter of fact, there is considerable evidence that the rate of increase of prices has been headed downward lately. This includes food prices, the most important component of all to the consumer. For those whose eyes are fixed on the financial tables in the newspaper, I would suggest they also glance at the food advertisements to see concrete progress in the fight against inflation.

The President also said that he did not believe it was necessary to induce a recession in order to curb inflation. He and his economic advisers pointed out that the time to ease restraints was well before the ultimate results of price-slowing became apparent.

Accordingly, in the past few months we have seen the predicted moves to ease restraints. The removal of voluntary restraints on Federally aided state and local construction was a small step in this direction; more significantly, the independent Federal Reserve Board has been increasing the money supply at an annual rate of 4% since January, after a long period of no growth at all. Again, we have done what we said we were going to do, and the Fed has now done what we said we hoped it would do.

We made it clear that we would not impose wage and price controls, since we were determined to deal with the causes rather than the symptoms of inflation. This is an especially hard ghost to lay to rest, since it offers what may appear to be a snap solution. But wage and price controls, with the rationing, black marketeering and Government domination that follow in their wake, are not now and never have been a part of our economic strategy. Forget about them.

We said we were willing to trade off speed in reducing price increases in order to avert the hardships of dislocation and high unemployment. I believe that is a trade that the American people are willing to make. It takes longer, but no one group should have to bear all the burden of establishing a sound prosperity.

Now, after coming this far, some people are worried that we will throw away the progress we have made and let the economy go off to the races again. If they would only consider the track record, they would see how unlikely an eventuality that is. We did not cave in before, and we will not cave in now or later—on the contrary, we will encourage a sustainable rate of economic growth. That sustainable growth will be quite evident in the second half of this year. Sustainable is the key word, and steadiness of progress is the key concept.

Just as we do not intend to put the economy through the wringer so we do not intend to pump the economy into a booming inflation again. Our prudence on the budget, and the moderation of Federal Reserve policy show that.

It is interesting to note at this point that most of the worriers on Wall Street are divided into those who worry about whether our policy to curb inflation will be unsuccessful, and those who worry that the fight against inflation will be too successful. I urge both groups to consider the benefits that will accrue to the nation and to themselves when we bring about a new steadiness of progress.

No single industry is more harshly whipsawed by inflation than the securities industry. A runaway economy makes speculators out of many investors who should not be, induces reputable firms to expand too rapidly to absorb the explosion of business and threatens their stability when the bonanza turns out to be transitory, as it always does.

A new steadiness of progress, therefore, will offer stability of prices to the consumer, opportunity to the wage earner and the investor and a less frenetic and more rewarding way of life to the people who make their living in Wall Street. . . .

A NATIONAL STRATEGY

This Administration has a strategy. Let me make it plain that it is a national strategy, a strategy of reform of national affairs to bring about a new steadiness of progress.

We are convinced that this strategy will work. We have some evidence that it is beginning to work already, especially in the economic field. We intend to persevere, and you as businessmen would do well to make your plans and investments on the basis of the elements of certainty provided by a Government that already has a record of doing what it said it would do.

Our strategy is fallible, but it is not frantic; it is sounder, we believe, than any other strategy we have heard, and has certainly been better than the makeshift policy of the past.

Nobody can assure you that this strategy is perfect, but let me assure you here and now that it will be followed. We will be sensitive to trends, and will adapt our tactics, but there will be flip-flops in the basic design.

The people put a man in the oval office to take the long view, and to act in the best interests of all the people. That is what he is doing now. I am confident that it will become increasingly apparent that—in our time and with this President—it is not a good idea to sell this country short.

Mr. JAVITS. Mr. President, the Nation's business community is beginning to appreciate that a key element in the deteriorating business climate is the distortions that the war has caused in the American economy. The near failure of most recent Treasury refinancing after the administration's Cambodian decision was announced gives the most graphic testimony in support of this fact. In further support of this argument, I have heard four specific complaints:

First. War production is not profitable; and production of the consumer goods needed by our developing society is much to be preferred.

Second. The Vietnam war has accounted for a high proportion of our expenditures for research and development, thus weakening the worldwide competitive position of American industry. Thus, while the United States has now produced the most efficient armored helicopter in the world, we no longer are the most efficient automobile producer, television set producer, and so forth.

Third. The inadequate financing of the Vietnam war contributed directly to the skyrocketing interest rate that business and individuals must pay to raise money; and this has also squeezed profit margins and seriously endangered securities markets.

Fourth. The inflationary pressures generated by the Vietnam war have led to wage increases which are not directly related to productivity gains. The result is that business faces the choice of raising the cost of its products or often jeopardizing essential profit margins.

There is another factor. Last year, when the investment tax credit was repealed, Senator Percy and I pushed hard for the rapid phasing in of revised depreciation schedules. We believe that such revised depreciation schedules are necessary to insure that our business investment expenditures are sufficient to maintain the international competitive position of American industry and in turn to maintain a full-employment economy in an increasingly competitive world of the 1970's. Treasury will soon report to the Congress on its plans regarding revision of the depreciation schedules. However, we have been led to believe that such revised schedules would be put into effect only when the Federal budget could sustain the revenue loss inherent therein. A deficit position works against the prompt and badly needed establishment of revised depreciation schedules.

These examples back up the recent contention of respected business leaders

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such as Louis Lundborg, chairman of the board of the Bank of America and John Connor, a former Secretary of Commerce and presently the chairman of the board of Allied Chemical Corp. that the Vietnam war is bad for American business.

John Connor put it particularly well when he stated before the Business Council that "any continuation, much less an intensification, of the Vietnam war is bad for American business, every bit as much as it is harmful for the people of the United States generally."

Let me now turn to the war and its impact on the American people.

On October 17 of last year, the President addressed the Nation on the rising cost of living. His words are worth recalling. He stated:

> There was a fairly simple reason why your cost of living got out of hand: the blame for the spiral of wages and prices falls fundamentally on the past policies of your government.
>
> The Federal Government spent a lot more than it raised in taxes. Some of that spending was on the war in Vietnam, some of the spending was on new social programs, but the total spending was heavy. Now we are paying for all that red ink—not only in higher taxes, but in higher prices for everything you buy. To put it bluntly, the frequent failure to balance the Federal budget over the past five years has been the primary cause for unbalancing the family budget of millions of Americans.

The President also called for the support of the American people in the policy of holding down Federal spending so that we are able to continue setting an example with a responsible budget for fiscal year 1971.

Since the ink will be red in fiscal year 1970 and 1971 if we continue on the same road we are following today, the country and the American people will, in my view, have to make some hard choices.

First. We can continue the fiscally irresponsible policies of the past, commonly known as President Johnson's "guns and butter" policies, and by refusing to adequately finance the war, face the sure consequence of mounting budget deficits and continuing galloping inflation.

Second. Or if we are to be economically responsible and continue our present Indochina policies at the same time we maintain a level of domestic expenditures designed to keep our society from deteriorating, we will have to increase taxes. There is a hint of dishonesty in policies which are designed to mask the true costs of Indochina from the American people, and I have yet to see the public opinion poll which asks whether the American people would favor the higher taxes required to adequately finance the expanded Vietnamese war.

Third. Or we can balance the budget and channel Government expenditures more productively by reducing defense expenditures. This course of action is contingent on our prompt withdrawal not only from Cambodia but also from Vietnam. This more productive channeling of Government expenditures becomes an increasingly urgent problem as our economy enters recession. Climbing unemployment rates automatically increase Government outlays in such fields as unemployment compensation, manpower training, trade adjustment assistance, and, hopefully, public-sector jobs. It should be stressed that our society cannot afford to further to cut domestic programs to balance out increased defense expenditures and/or increased expenditures made necessary by a declining economy. The plight of our cities, health services, universities, and the polluted state of our air and water give more than ample testimony to this fact.

I do not think that it is important for America to realize that there is a sharp inconsistency between being a supporter of the present Indochina policies and at the same time being against higher taxes and/or the present rate of inflation. One cannot have one's guns and butter and a stable price level too. This much, at least, we should have learned from Vietnam. I find the same inconsistency in logic in those members of the business community who support the present Indochina policy while complaining against higher interest rates, deteriorating business profits, and shaky financial markets.

I would like to address myself, now, to the almost continually deteriorating balance-of-payments position of the United States—also a very negative economic factor for the United States. It can come as no surprise to those who have been following our deteriorating balance-of-payments position that there are growing doubts in the developed world about the controversial Eurodollar market and the soundness of the dollar itself is a reserve currency. International currency flows during the period of the Vietnam war have been anything but normal, and interest rate fluctuation in the Eurodollar market have been chaotic, at best. Again these factors relate to the roaring inflation in the United States which has progressively undermined our trade position both by pricing our exports out of certain markets and by attracting a flow of imports. The flow of Eurodollars also has been rendered chaotic by the historically high interest rates in the United States as well as by the liquidity squeeze caused by the tight-money policies in the United States.

In a recent meeting in Europe, former Under Secretary of Treasury Robert Roosa was reported to have pointed out that the inability of the American trade balance itself to offset Government spending deficits overseas—which alone have increased from an annual average of $5.5 billion to $7.5 billion in 5 years—was at the bottom of the U.S. balance-of-payments deficit. Reportedly, he predicted a grave crisis in the 1970's unless the U.S. Government finds some way of reducing its persistent overseas deficit.

A German banker was reported as having warned the United States that the increasing amounts of dollars held by foreign public authorities and private interests was exposing the United States to a liquidity risk and was meeting with growing resistance from foreign central banks.

He was reported as having stated that "the predominance of the U.S. economy and the dollar is, in the long run, only tolerable for the other industrialized countries, if it is coupled with a fair measure of stability in the United States."

The question must be posed whether "this fair measure of stability" is possible in the context of our present policy in Indochina. Another vital question is whether a weakening of the international position of the dollar is not a greater threat to the strength and national security of our Nation—than is an obscure war in a far corner of Asia.

As our policymakers confront these fundamental choices facing our economy, there are immediate steps which should be taken to ameliorate the deepening 1970 recession, the higher-than-expected unemployment rates, and the inflation which continues almost unabated.

First. The Congress should promptly enact the proposed new tax on leaded gasoline as requested by the President. This tax will raise an estimated $1.6 billion over the next fiscal year and may help keep manageable the Government's growing deficit position. However, I personally regret that the President has chosen to let the 5-percent surtax, which we were all assessed the first half of this year, expire as of June 30. Retention of the surtax would have provided more of the revenue so badly needed by our Federal Government and this type of tax, on balance, is a more progressive tax than the gasoline tax. As a matter of principle, I believe lower taxes at a time of expanding war is neither good economics nor good for the country.

Second. The measures proposed by Dr. Arthur Burns at Hot Springs, Va., earlier this week should be welcomed. An "incomes policy" directed at the excessive increases in wages and prices would do as much as Dr. Burns has suggested "to speed us through this transition period of cost-push inflation." It also is consistent with the steps we have taken in the past when we were similarly engaged in a war—and let us be clear that the timetable on withdrawals announced by the President before Cambodia, would require us to be in Vietnam for at least another two to four years.

A first step in the implementation of such an "incomes policy" should be the immediate adoption of the recommendation contained in the Minority views of the Joint Economic Report, which I put into the RECORD on Friday.

HUD Secretary Romney has endorsed publicly this proposal, and on Friday I introduced a measure entitled Senate Resolution on Price and Wage Stability to put this recommendation into effect. My Republican Senate colleagues on the Joint Economic Committee, Senator MILLER of Iowa and Senator JORDAN of Idaho, have joined me in sponsoring this important resolution which is designed to halt the serious wage and price inflation ravaging our Nation.

Finally, in addition to a short-run "incomes policy," a critical need over the long run is to restore fiscal discipline on both the revenue and expenditure side, in both the administration and the Congress. Such discipline involves setting

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realistic spending ceilings, realistic revenue projections and realistic political-military goals—and then living strictly within these plans. I supported the spending ceiling which was contained in the second supplemental appropriation act last summer, and I intend to support similar legislation now before the Senate. For the first time, we have given ourselves a tool to ascertain how well the administration is holding to its budget estimates.

This ceiling, however, is a ceiling on the administration, and not on the Congress. By its terms, changes in appropriations voted by Congress can change the ceiling, dollar for dollar. For example, action by Congress over the past year has raised this ceiling $3.5 billion for the present fiscal year.

In its annual report this year, the Republican members of the Joint Economic Committee stated that should congressional action on particular revenue or expenditure measures shift the budget to a net position inappropriate for economic stabilization, Congress must enact offsetting measures to shift the budget back into the appropriate position.

A spending ceiling which controls the Executive, but puts no limit on the Congress, is a very leaky ceiling. Nevertheless, we need now more than ever some injection of fiscal discipline in order to cool inflation and get on with the urgent business of devoting more resources to solving our domestic problems. I believe that legislation such as I have described would help repair this cost cutting at the Federal level.

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Mr. President, the disastrous economic policies followed by President Johnson which masked the true economic cost of the war as well as its impact on our balance of payments, paradoxically postponed the moment of economic truth. This postponement resulted in President Nixon's inheritance of grave economic problems which now threaten our economic security and concomitantly our national security to a far greater extent than does the Vietcong. Because of this accident of timing, President Nixon now faces the moment of economic truth. It is becoming increasingly clear that our chances of following an economic policy that will get this Nation moving again will be seriously compromised as long as we have the bone which is Vietnam in our throat.

Mr. President, it is a fair prediction to say that the President soon will find that the greatest single force dictating an accelerated timetable and withdrawal from a war in which we do not seek military—because there is no victory involved so far as our country is concerned—it is not our war—will be the state of our economy. We went in there to help a small nation secure the right of self-determination, and in that cause we have done infinitely more than any other nation on earth ever dreamed of doing. It is not a war in which it is a question of victory or defeat. I believe that the group of people in this country of the greatest influence, who will materially accelerate the timetable that the President has for getting out of the war and, if necessary, will move Congress to assert its authority in order to materially shorten that timetable, much as I deprecate that kind of constitutional confrontation, will be the business community of the United States. The business community is beginning to see at long last that we cannot possibly avoid a deepening recession, and perhaps even a depression, without an acceleration of the timetable for getting out of Vietnam.

Finally, Mr. President, I urge upon the administration some restraint in respect of wages, prices, and credit. You cannot engage in a war situation without meeting the challenge of war. The challenge of war is that inflation will get away from you unless you have some form of control. I hope this administration will not make the mistake made by the previous administration of sweeping inflation under the rug by disguising its effect.

Now, Mr. President, it is being widely recommended that there also be an immediate freeze on wages and prices, that wage, price, and credit controls be phased into the situation in order to deal with our serious economic trouble. That time may have to come.

But certainly a recommendation to begin to exercise restraints on wages and prices—as endorsed by all members of the minority on the Joint Economic Committee, including some of the most conservative Senators in this Chamber is now in order and deserves the immediate consideration of the administration.

Mr. President, I am disquieted, as I think the country is disquieted, by the attitude of complacency over the grave danger of an economic debacle which is widely recognized in the business and financial community of the United States.

Whatever else I have done here, I certainly have bespoken their views, which are critically important to the future of the country.

There is no room for complacency.

The Government must act.

Automaticity, which is what the Government is depending on, because it will exercise a restraint on fiscal and monetary policy, will, in my judgment, also lead us into a deeper recession, if not a depression.

The steps which I have outlined as modest steps to take in this dangerous situation, are as follows:

First, we must face realistically the fiscal and monetary situation of the country regarding taxation and budgets which includes a necessary realinement and a change in national priorities.

Second, we can give real hope to the American people by a clear indication of a materially accelerated timetable for withdrawal from Cambodia, which we now accept from the President as certain, and withdrawal from Vietnam.

Third, the beginning—and there must be a beginning—of some recognition of the fact that we are in a war, that we are going to be in it for a little while longer yet and, therefore, some control regarding wages, prices, and credits are absolutely essential to begin it. Such controls can begin in a mild way by implementing the recommendation of the Joint Economic Committee which I have now put in resolution form along with its sponsors, Mr. MILLER and Mr. JORDAN of Idaho; but, we should also be ready to accept, if need be, even more stringent action.

If the Government does not give that signal now to the business and financial community of this country, I have grave fear for the economy of America.

I hope very much that this appeal will be addressed not only to the President, to the administration, but also to the business and financial community of the United States.

Two outstanding leaders, the Chairman of the Board of the Bank of America and the president of Allied Chemical, have sounded what should be the proper note—to wit, their advice to the Government of the United States to act now, to restrain inflation, and to restore the confidence of the American business and financial community through accelerated withdrawal from Vietnam.

The price of inaction now may be far more costly than our people, our social order, and our Government should be called upon to bear.

Mr. President, I hope very much that these words will be heeded by the administration. Equally important, I encourage the business and financial community of the United States to speak up at this moment—for this is the right moment—if they are to have a telling effect on the future political/military as well as economic policies of our Nation.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio (Mr. YOUNG) is now recognized for 15 minutes.

WASHINGTON CRIME REPORT

Mr. YOUNG of Ohio. Mr. President, Vice President AGNEW stated that since Attorney General John Mitchell has taken office the crime rate on the Washington streets has been brought under control by strong executive action in the Justice Department and reduced 16 percent from the rate when Ramsey Clark was Attorney General. That is extravagant credit and entirely undeserved. Admittedly, since President Nixon appointed his law partner, John Mitchell, Attorney General the Potomac shore has been livened up. Obviously, however, the valid and correct reasons that there is less crime not only in downtown Washington, but throughout the entire District of Columbia, is that men and women do not venture out at night, nor do they permit their children.

Pennsylvania Avenue during the past year is a deserted thoroughfare at night as are other streets throughout the entire District area.

The real reason for less crime in Washington in recent months is that the downtown area is utterly deserted after dark. Many citizens living in residential sections barricade themselves in their homes and apartments fearing to venture out at night.

Mr. President, it happens that my Washington residence is really not in the slum area. My Washington home is in Northwest Washington not far from American University near the boundary of the District of Columbia with Maryland. Frequently, in the nighttime our 13-year-old daughter babysits from 7 to 10 p.m. at a home but four houses away from mine. However, nowithstanding that is a comparatively short distance, my wife and I would not permit her to return alone at 10 o'clock. Either Colonel Barber accompanies her from his house to mine or I call and bring her home. Wherever people live in the Washington area they have learned to be careful and watchful when away from home after dark.

How can you have as many muggers on Washington streets to commit crimes when there are not as many muggees for the muggers to mug?

Last Friday noon the First Lady, Mrs. Nixon, gave a luncheon at the White House for Senate wives. President Nixon dropped in and delighted them expressing his admiration for politicians' wives whose lot he said is more difficult than theirs. "She has to be far more than a wife usually is. She gives good advice, has to be sympathetic, cheers when he wins, stands by when he loses." Also, President Nixon brought the women the good news that crime in the District of Columbia has come down during the past 4 months. He could have said the reason for this is very few people venture from their homes after dark. Hence, fewer crimes as potential victims remain behind closed doors.

THAT BRUTAL GREEK FASCIST REGIME

Mr. YOUNG of Ohio. Mr. President, it is unconscionable, almost beyond belief, that the United States continues to supply military assistance to the brutal Fascist junta that continues to tyrannize the people of Greece.

Our continued support for the Fascist colonels now ruling in Athens, the cradle of democracy, clearly shows that we have failed to learn that there is no difference at all between a right-wing repressive regime and a Communist dictatorship. In both cases, the people suffer while a self-serving elite remains in power by terror and force of arms.

Since a clique of Army officials overthrew the constitutional Government of Greece in a midnight coup more than 3 years ago, the United States has given $234 million of taxpayers' money in military aid to help maintain that junta in power.

Much of this military aid has gone to Greece through the loophole in the Foreign Assistance Act that has allowed the Defense Department to thwart the will of Congress and conduct its own foreign aid program from the corridors of power in the Pentagon.

The saddest part of the tragedy in Greece is that in the minds of free people everywhere we have been the accomplices of the Fascist colonels, subsidizing their sadistic regime with our arms assistance.

The fact is that the junta has conducted an intensive campaign to convince the Greek people that the American Government supports their rule. Recently, Estia, a government controlled newspaper that prints the regime's policy, referred to the Pentagon as one of the "real friends of modern Greece." The Greek people are well aware that American guns back the junta. At present, nearly 7,000 American servicemen and dependents live outside Athens in a golden ghetto—a transplanted suburb of middle America complete with bridge clubs, servants, and supermarkets.

U.S. military officers visiting Greece never miss a chance to be photographed with members of the dictatorship presently governing Greece. Outrageous as it is, during the Christmas holiday, members of the American military community sent their children to serenade Prime Minister Papadopolous with Christmas carols.

Since Colonel Papadopolous assumed power, the secret police force has been more than doubled in size.

Mr. President, under the regime thousands of political prisoners in Greece, both men and women—they say the number exceeds 14,000—have suffered physical and mental tortures beyond belief. The horrors of the concentration camps of Nazi Germany are being relived in the dungeon cells of Athens' Bouboulinas Street prison where torture specialists and sadists have been given free reign to practice their trade and scientific torture methods.

Mr. President, the United States can no longer afford to ignore the brutality that is being perpetrated by the Fascist colonels and their underlings. These are the same colonels who received their training from the U.S. military and who used American weapons to overthrow the constitutional government in Athens.

It is alarming to learn that the Nixon administration is now giving serious consideration to renewing full-scale American arms shipments to the Greek regime. The administration is withholding making an announcement to this effect for fear it would sabotage the Rome NATO meeting as our NATO allies have made it clear they are bitterly opposed to the junta.

The most recent sign that European hostility to the Greek colonels is rising came in the April 16 announcement of the European Common Market. On that date, for the first time in Common Market history a communique dealt with a purely political matter—the Greek dictatorship.

The Common Market nations received "with growing concern" the failure of the junta to adopt democratic procedures and end the terror of imprisonment and torture. The communique warned Greece that its formal association with the Common Market "must be" reconsidered. The reason cited was "the repeated offenses against human and civil rights."

This strong language followed the junta's angry withdrawal from the semiofficial Council of Europe last December 12. The Greek withdrawal was a face-saving move to prevent certain expulsion.

Mr. President, we must immediately cease military aid to Greece—aid which is used to perpetuate the dictatorship. What is the difference in reality between a Fascist junta governing by decree and a Communist government governing by decree? I would like to have some right-winger explain this to me.

Our interest lies in a strong democratic Greece. Without our continued extensive support the Fascist colonels could not remain in power for more than a few months. The United States should take steps to remove forthwith all support whatever for the Fascist government of Colonel Papadopolous.

WEST POINTERS IN DISSENT

Mr. YOUNG of Ohio. Mr. President, since 1964 I have spoken out many times in Ohio and in the Senate against our waging war in Vietnam. I have expressed in the strongest terms that the worst mistakes any President of the United States ever made were waging a ground war in faraway Vietnam, a small Asiatic nation of no importance whatever to the defense of the United States.

President Johnson made a most horrendous mistake when he enlarged our military assistance program by sending hundreds of thousands of American soldiers to fight and die in Vietnam. Now President Nixon has enlarged and expanded our warfare by invading Cambodia and by round-the-clock bombing of Laos. This war in Vietnam has been extended and expanded by President Nixon without the advice and consent of the Senate into an Indochinese war. This is the most unpopular war in the history of our Republic. It is an undeclared war and an immoral war.

Mr. President, it happens that I am one of five Senators who voted in 1966 to repeal the Gulf of Tonkin resolution. I shall be glad to renew my vote later in this session. Furthermore, my convictions in opposition to this war have been strengthened by reason of the fact that in 1965 I spent the greater part of a month in all areas of Vietnam, Laos, South Korea, and Thailand and that again in 1968 I spent nearly a month in every area of South Vietnam from Khe Sanh to the Mekong Delta and I was in every area of Laos and Thailand, going everywhere by helicopter.

In 1965 I observed that our warplanes bombing Laos were disguised. This is no doubt due to the fact that we had guaranteed the neutrality of Laos. In 1968 our warplanes were openly bombing Laos.

That we are waging war in Indochina is an act of national insanity. This most unpopular war in the history of our Republic has now become the longest war in time and the bloodiest in the total number of American soldiers killed, wounded, and maimed for life.

Mr. President, the Washington Post of May 24 carried a letter written by four young Army officers. These officers are all West Point graduates and decorated veterans of the Vietnam fighting.

Mr. President, these West Point graduates know from their combat experience the nature of this war in which we have

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become involved on a major scale in the muck and the slime of Southeast Asia, and theirs is a voice we would do well to heed.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WEST POINTERS IN DISSENT

With regard to your May 4, 1970 article pertaining to Lt. Louis Font, we also graduates of West Point, wholeheartedly support the stand taken by Lt. Font. Three of us have served in Vietnam; one of us was wounded. We have earned between us one Silver Star and four Bronze Stars. We have seen the ideals of the Republic which we have sworn to defend perverted beyond recognition in the systematic destruction of another people's country. We have seen the price in lives and treasure that has been paid by both Vietnamese and Americans, and we declare it a waste beyond redemption. In the pursuit of a series of myths (self-determination, outside aggression, Democracy vs. Communism, etc.) this nation has devastated a peasant Asian society—physically with our weapons, culturally with our attitudes—and in so doing we have divided and neglected our country with its own massive social problems yet unsolved. This intolerable situation cries out for correction; we are offered instead by our President a program designed to lower American casualties to a level which the electorate will accept—a tolerable level of death—while we inch toward disengagement, and Vietnamese continue to die in large numbers at our hands.

In the name of the America of our hopes we join Lt. Font in saying—No.

GORDON S. LIVINGSTON,
Class of 1960.
THOMAS R. SHECKELLS,
Class of 1965.
ROBERT BOWIE JOHNSON, JR.,
Class of 1965.
JOHN T. THOMASSON.
Class of 1965.

WASHINGTON.

TRANSACTION OF ROUTINE BUSINESS

The ACTING PRESIDENT pro tempore. At this time the Senate will proceed to the transaction of routine morning business with a limitation of 3 minutes on statements.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following act and joint resolution:

On May 21, 1970:

S.J. Res. 199. Joint resolution to further amend the Elementary and Secondary Education Act.

On May 22, 1970:

S. 1458. An act to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a nonprofit corporation or association.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate a message from the President of the United States submitting the nomination of Preston Martin, of California, to be a member of the Federal Home Loan Bank Board, which was referred to the Committeee on Banking and Currency.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 15424) to amend the Merchant Marine Act, 1936, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 3920. An act for the relief of Beverly Medlock and Ruth Lee Medlock;

H.R. 5419. An act to provide relief for Comdr. Edwin J. Sabec, U.S. Navy;

H.R. 6402. An act for the relief of the Sanborn Lumber Co., Inc.;

H.R. 8694. An act for the relief of Capt. John T. Lawlor (retired); and

H.R. 9910. An act for the relief of Hannibal B. Taylor.

HOUSE BILL REFERRED

The bill (H.R. 15424) to amend the Merchant Marine Act, 1936, was read twice by its title and referred to the Committee on Commerce.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION (S. Doc. No. 83)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1970 in the amount of $150,000,000 in budget authority to provide immediate assistance to school districts which must desegregate by the fall of 1970, which with an accompanying paper was referred to the Committee on Appropriations, and ordered to be printed.

REPORT ON THE ADEQUACY OF PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

A letter from the Assistant Secretary of Defense, Manpower, and Reserve Affairs, transmitting, pursuant to law, a report on the adequacy of pay and allowances of the uniformed services (with an accompanying report); to the Committee on Armed Services.

PROPOSED 2-YEAR EXTENSION OF AUTHORITY OF FEDERAL RESERVE BANKS TO PURCHASE U.S. OBLIGATIONS DIRECTLY FROM THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury (with accompanying papers); to the Committee on Banking and Currency.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunities for savings through the elimination of nonessential stock items. General Services Administration, dated May 22, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unrecovered costs in providing address correction service to postal patrons, Post Office Department, dated May 22, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on an inappropriate source of power used as a basis for allocating costs of water resources projects, Corps of Engineers (Civil Functions), Department of the Army, Department of the Interior, Water Resources Council, dated May 25, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE DIRECTORS OF FEDERAL PRISON INDUSTRIES, INC.

A letter from the Commissioner, Federal Prison Industries, Inc., U.S. Department of Justice, transmitting, pursuant to law, a report of the Federal Prison Industries, Inc., for the fiscal year 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of his department for fiscal year 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution adopted by the Military Order of the World Wars, New Orleans, La., expressing its unqualified support for the ROTC program; to the Committee on Armed Services.

A resolution adopted by the Military Order of the World Wars, New Orleans, La., expressing its complete and unqualified support of the Vietnam policy of the administration of the President of the United States; to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. PELL, from the Committee on Labor and Public Welfare, without amendment:

S. 2293. A bill to amend the National Sea Grant College and Program Act of 1966 in order to extend the authorizations for the purposes of such Act (Rept. No. 91-894); referred to the Committee on Commerce, pursuant to unanimous-consent agreement of May 29, 1969.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive A, 91st Congress, second session, Agreement between the Government of the United States of America and the Government of Canada, relating to the operation of radiotelephone stations (Ex. Rept. 91-19); and

Executive C, 91st Congress, second session, Treaty on Extradition between the United States and New Zealand, signed at Washington on January 12, 1970 (Ex. Rept. 91-20).

BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRIS:

S. 3876. A bill to establish a National Economic Equity Board to protect the public interest in price stability and the control of inflation; to the Committee on Banking and Currency.

(The remarks to Mr. Harris when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PELL (for himself and Mr. Javits):

S. J. Res. 204. Joint resolution relating to withdrawal of U.S. military forces from Southeast Asia; to the Committee on Foreign Relations.

(The remarks of Mr. Pell when he introduced the joint resolution appear later in the Record under the appropriate heading.)

SENATE JOINT RESOLUTION 204—INTRODUCTION OF A JOINT RESOLUTION RELATING TO WITHDRAWAL OF U.S. MILITARY FORCES FROM SOUTHEAST ASIA

Mr. PELL. Mr. President, on behalf of the senior Senator from New York and myself, I introduce a joint resolution and ask that it be appropriately referred and that the text of the joint resolution be printed in the Record at this point.

The Presiding Officer (Mr. Dole). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S. J. Res. 204) relating to withdrawal of U. S. military forces from Southeast Asia, introduced by Mr. Pell (for himself and Mr. Javits), was received, read twice by its title, referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

S. J. Res. 204

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that combat forces of the United States should be withdrawn from Southeast Asia by December 31, 1970; that remaining United States forces be withdrawn as soon as possible thereafter, and that during the period of withdrawal, steps should be taken to provide asylum for those in South Vietnam whose lives could be endangered by such action; and,

Resolved further, That, notwithstanding any other provision of law, no funds appropriated by the Congress shall be expended for offensive operations by United States forces in South Vietnam after December 31, 1970, provided, however, that funds may be expended for the secure and orderly withdrawal of all United States military personnel.

Mr. PELL. Mr. President, I think there is no question but that there is a deep conviction on the part of the vast majority of Americans, including the President of the United States and most of the Congress, that the United States should cease engaging in military operations in Southeast Asia.

The big questions are when and how?

My own view is that the answer to the question "when" is as "soon as possible." And, the answer to the question of how is simply to start doing it.

Again, there are many of us who share this view. The problem is to find the right array of words that will carry this view simply, succinctly and effectively to the President and to the Nation.

I recognize also there are two crucial considerations to be taken into account in connection with our military withdrawal from Indochina. The first question is the protection of the lives of our own men to make sure they are not stabbed in the back as we draw down our forces. This security is provided for in our resolution in the phase that funds may continue to be "expended for the secure and orderly withdrawal" of our personnel.

The second requirement is to make sure that there are no blood baths or slaughter of those South Vietnamese who sided with us over the past years, regardless of whether their reason for siding with us was that of cupidity or patriotism or both. This objective would be met by the requirement that "during the period of withdrawal, steps should be taken to provide asylum for those South Vietnamese whose lives could be endangered."

For these reasons I hope that my colleagues will give thought to this resolution. It meets the objectives of those of us who want to get out of Southeast Asia, at the same time assuring that our own men's lives are not endangered and that a South Vietnamese blood bath is avoided.

ADDITIONAL COSPONSORS OF A BILL

S. 3842

Mr. KENNEDY. Mr. President, on behalf of the distinguished Senator from Wyoming (Mr. McGee), I ask unanimous consent that at the next printing, the names of the Senator from West Virginia (Mr. Randolph) and the Senator from Delaware (Mr. Boggs) be added as cosponsors of S. 3842, to improve and modernize the postal service and to establish the U. S. postal service.

The ACTING PRESIDENT pro tempore (Mr. Allen). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 187

Mr. HRUSKA. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. Goodell) be added as a cosponsor of Senate Joint Resolution 187, to authorize the President to designate the third Sunday in June of each year as Father's Day.

The ACTING PRESIDENT pro tempore (Mr. Allen). Without objection, it is so ordered.

OFFICE OF EDUCATION APPROPRIATIONS 1971—AMENDMENT

AMENDMENT NO. 654

Mr. NELSON (for himself, Mr. Kennedy, Mr. Goodell, and Mr. Hart) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 656

Mr. CASE (for himself, Mr. Cooper, Mr. Mondale, and Mr. Cranston) submitted amendments, intended to be proposed by them, jointly, to House bill 16916, supra, which were ordered to lie on the table and to be printed.

AUTHORIZATION OF APPROPRIATION DURING FISCAL YEAR 1971 FOR PROCUREMENT OF AIRCRAFT, MISSILES, NAVAL VESSELS, AND TRACKED COMBAT VEHICLES—AMENDMENT

AMENDMENT NO. 655

Mr. NELSON. Mr. President, in the muddy fire bases and in the thick, steamy jungles where the ugly warfare of body counts and kill ratio is being fought in Vietnam and Cambodia, the prospects of an end to the fighting tomorrow or even next summer have a cynical, unreal ring.

To the young soldiers and marines who spill out of helicopters with thumping rotors kicking up dust and debris, ready to lift quickly in case of attack, war is present and endless.

By ever-increasing numbers, the young men who make up the units that seek out and destroy the suspected sanctuaries of the elusive Vietcong guerrillas are not the volunteer soldiers of 5 years ago, but the draftee, who in most cases would have finished his schooling or started a family and a career had he not been drafted.

And he goes to fight with a good chance of not returning from a confusing, unpopular war that no rational man wants to see continue and that nearly every American leader in and out of Government says must come to an end.

He is fighting and sacrificing his life in a war Congress did not declare. In a war that grew to full scale as the country first sent economic and military assistance to the shaky government of South Vietnamese President Diem after the French colonial rule ended in 1954, then sent advisers, then volunteers, and then the draftees.

The draftee, as so often has been the case in this country's wars, is an efficient, economical source of manpower. He can be quickly trained and is inexpensive be-

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cause he falls into the lower ranks. At present, it is estimated that it costs only $6,200 a year to maintain a foot soldier.

With the overwhelming bulk of the draftees—some 95 per cent—going into the Army ground forces, the draftee's chance of becoming a combat soldier is very good. With the reenlistment rates of Regular Army soldiers dropping from a normally stable level, the draftee, while numbering only one-third of all the troops in Vietnam, is bearing an increasingly heavier share of the fighting and now is representing over 50 percent of the total of the men dying in the Southeast Asian war.

The likelihood of a draftee ending up in a combat rifle company is also increased by the fact that the enlisted or volunteer soldier has the first choice for the technical support jobs available. It is estimated that it takes about 10 men outside the immediate combat areas to support one rifleman in combat.

Since he makes up two-thirds of the total of all men going into the Army, increasing numbers of draftees are being sent to Southeast Asia.

The Marines, an almost totally volunteer force, and the Army are handling the bulk of the fighting in Vietnam. Since 1965, when we first committed ground combat troops to Vietnam the reenlistment rates of the career soldier plunged along with the increase in the war's unpopularity.

In 1965, the reenlistment rate for the Army was 47.4 percent. According to recent Department of Defense figures for fiscal year 1969, it has dropped to 30.1 percent. For the Marines, it was 34.3 percent in 1965. By fiscal 1969, it had fallen to a dramatic 14.7 percent.

The reenlistment figures are even dwindling for the Air Force and Navy. The Navy has experienced a drop from 40.4 to 34.5 percent, and the Air Force from 61.4 to 54.3 percent during the same period.

On April 23 of this year, the President sent a message to Congress proposing an end to the draft. He said the draft "must be phased out, so that we can be certain of maintaining our defense strength at every step—as we move away from reliance on the draft, we must make provisions to establish a standby draft system that can be used in case of emergency."

The goal of an all-volunteer Army, which I have strongly supported, is the concern of many Congressmen. But that goal seems to be slipping farther and farther away as this country places greater reliance on the draftee to fill the widening gap left by the diminishing reenlistment rates.

That problem, like so many of the others—domestic and foreign—presently plaguing this Nation, is tied tightly to the undeclared war in Vietnam that is tarnishing the Nation's image, draining our resources, and destroying the morale of young and old alike, both within and outside the Armed Forces.

We must begin now to extricate ourselves from the war in Southeast Asia that we neither can nor intend to win and a war in which tens of thousands of people are dying—military and civilian, on both sides of the battle lines.

Now that Congress begins to accept its responsibility to get us out of this undeclared war, we must begin phasing out all the nonvolunteer troops fighting there.

The amendment which I submit to the military authorization bill for procurement will immediately stop the sending of draftees to South Vietnam, Cambodia, Thailand, and Laos. The amendment also provides that all draftees presently serving in those four Southeast Asian countries must be phased out completely by the end of the calendar year—December 31, 1970.

This amendment offers a reasonable beginning to a phase out of our Armed Forces in Vietnam and presents a basis for Congress to begin movement in seeking an all-volunteer Army.

A companion piece of legislation, containing the same provisions, will be introduced in the House of Representatives by Illinois Democrat ABNER MIKVA.

This amendment is not a substitute for any pending amendment in either House that would conclude our Vietnam involvement at an early date, as certainly we should. It is aimed at the question of who should serve in this kind of war—the draftee or the career soldier. Perhaps nobody should. Whatever other arguments may be made, it is my belief that a draftee should not be required to serve combat duty in a war that has not been declared, in a war that everyone now agrees was a mistaken enterprise from the beginning, a war that everyone agrees should be concluded at the earliest practicable date. The only remaining dispute in and out of Congress is over the definition of what is "the earliest practicable date."

Under these circumstances, draftees should not be required to fight while the country muddles along trying to reach a concensus on the exact date and method of withdrawal. Furthermore, if the President and the Congress should unfortunately decide that some troops must remain there beyond what many believe to be a reasonable time, those troops should be the professionals.

I ask unanimous consent that the amendment and an article from the May 24 issue of the New York Times by correspondent James P. Sterba and one by Washington Evening Star columnist, Crosby Noyes, be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment and articles will be printed in the RECORD.

The amendment (No. 655) was referred to the Committee on Armed Services, as follows:

AMENDMENT NO. 655

At the end of the bill add a new section as follows:

"SEC. —. No funds appropriated pursuant to this or any other law may be expended after the date of enactment of this section, unless specifically authorized by law hereafter enacted, for the purpose of supporting or maintaining in South Vietnam, Laos, Cambodia or Thailand persons inducted into the Armed Forces of the United States under the Military Selective Service Act of 1967, except that funds may be expended until December 31, 1970, for supporting and maintaining members of the Armed Forces of the United States who, inducted under such Act, are serving in South Vietnam, Laos, Cambodia, or Thailand on the date of enactment of this section."

The articles, presented by Mr. NELSON, are as follows:

[Special to the New York Times]

FOR GI, IT'S WAR AS USUAL IN CAMBODIA

(By James P. Sterba)

QUANLOI, SOUTH VIETNAM.—Most of the G.I.'s went into Cambodia without saying anything. Like all the combat assaults they had been on before, when muscles knot, throats dry and stomachs seem to go beserk, this assault—into another country—was greeted mostly with silence.

If there were 500 things to think about as the helicopters dropped into the pickup zone to ferry them to a new battleground, whether President Nixon had made the right decision or not was at the bottom of the list. Drowning out all other thoughts on the mind of the young soldiers as they lifted their packs and rifles was an old, lonely question: "Am I going to live through this one?"

To ask them if they wanted to go seemed ludicrous. They all said no and supplemented that with dozens of reasons why: No food. Not enough water. Not enough ammunition. The replacements aren't here yet. The war is crazy. The war is wrong. The war is immoral.

"What they were trying to say," an Army psychiatrist commented later, "was that they were scared."

Hours and days later, when they heard on their portable radios in the Cambodian jungles that young men of their age in America were outraged and that bullets were flying at some of their alma maters, some responded with one of those universal grunt expressions that cover everything from a commander's order to the sight of a dead soldier: "There it is."

Any one of them would have gladly traded the compulsory violence of Vietnam and Cambodia for the elective violence of America. They did not choose this violence; they were chosen for it. They were aware of the four dead at Kent State, but they were more aware of the dead and wounded in their own company.

In the jungles of the Fishhook region of Cambodia the Second Squadron of the 11th Armored Cavalry Regiment had stopped for lunch.

"Man, its really, really insane, isn't it?" a tank gunner said. "But, man, so is the whole, entire war. All I know is that I got 79 days and they can just have it all."

For the grunt, or footsoldier, the boundaries of national geography are far less important than the boundaries of time. By far the most positive thought a soldier on the battlefield has is that he will go home at the end of one year—if he makes it.

The Cambodian invasion has troubled few soldiers politically. Barely a dozen, some in the 25th Infantry Division and others in the Fourth Infantry Division, said they did not want to go. Six soldiers in the Fourth were evacuated for possible courts-martial.

Even for the substantial number of soldiers who had spent two or three years in college or had college degrees before they were drafted, the significance of the political decision that put them in Cambodia was overshadowed by more basic and personal considerations.

It is difficult to distinguish college graduates from high school dropouts on the battlefield. After a number of bouts with fear and exhaustion, rhetoric is reduced to half-sentences and offers no clues.

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In the last three weeks soldiers in 11 line companies both in and out of Cambodia have estimated that 80 to 90 per cent of their men are draftees and that 30 to 50 per cent have some college experience.

Only a minority in their units, they said, are for the war—"mostly lifers," or career soldiers. The rest were against it when they came or have turned against it now that they are in it—mostly, according to those interviewed, because it is "screwed up."

Yet many of the antiwar soldiers favored going into Cambodia because "if we gotta be here, we shouldn't monkey around."

After a few days the war in Cambodia took on the appearance of the war in Vietnam.

Just as the elephants in War Zone C and in northern Binhlong and Phuoclong Provinces had been killed by helicopter gunners because they were laboring for the Vietcong, so were the water buffalo in some parts of Cambodia gunned down for their circumstantial affiliations.

Just as some companies of grunts went out of their way to befriend frightened civilians in South Vietnam, so did the First Battalion, Fifth Infantry, of the First Cavalry Division (Airmobile) send its medics to Cambodian villages to stem infections and distribute captured rice.

Just as tank troopers of the 11th Armored Cavalry Regiment befriended stray dogs in the jungles of South Vietnam, so did they carefully gather baby chickens and even baby pigs from the battlefields and offer them the relative security of a flak-jacket nest in the bowels of their rumbling tanks.

And just as a few grunts, with whatever compassion they still had, shook their heads at the discovery of a wounded South Vietnamese child, so did they unsuccessfully fight back tears at the sight of a tiny dead girl with her arm blown off in the ruins of Snoul.

There were scenes that were hard to believe. The grunts who had been through frightening enemy attacks in which they were sure they would all die would look at you later, fumbling for words, and finally say, "It was just like in the movies."

On the southern edge of the Snoul airfield a North Vietnamese soldier had been talked out of his hole, where he had been shooting at helicopters with a .51-caliber machine gun. The Kit Carson Scout—a Vietcong defector working with the Americans—was slapping him in the face when another North Vietnamese soldier entrenched in a nearby hole tossed out a grenade, wounding six Americans, including a regimental commander.

"Kill him, kill him!" shouted a sergeant who, tears in his eyes and shaking with rage, ran toward the prisoner and began kicking him in the groin.

A grunt tossed a grenade in the other enemy soldier's hole. He was dragged out, an arm and a leg missing but still alive. Fifteen minutes later he died as an Army medic, aboard a helicopter being shot at by other North Vietnamese, breathed into his lungs to try to save him.

A short time later soldiers in another tank on the outskirts of Snoul stopped shooting to cool their machine guns.

"Give me a couple of those pills," the driver of the tank said to a reporter inside. The pills were Darvon, a tranquilizer.

"Only one left," the reporter replied.

"No, no," the driver said. There's a whole bottle of them down there.

The faces of Company C, First Battalion, Fifth Infantry, of the 25th Division were full of blank stares and glazed eyes. The men had been drinking beer for two days—ever since they rolled into Tayninh from Cambodia, where five of them had been killed and 35 had been wounded in eight days of fighting.

Many had been drunk since they arrived. Many had still not shaved. Some had showered and put on the same dirt-covered fatigues, like football players who never seem to be able to shed their uniforms after a game.

The atmosphere recalled one of those post-funeral affairs when everyone takes a stiff belt from the bottle and pretends to forget. The G.I's played basketball and poker, watched regular movies and blue movies and howled as two Philippine dancers gyrated to the sounds of a rock band brought especially for them.

They wandered down to an impromptu "boom boom boom," where Vietnamese girls smuggled onto the base as cleaning women were making half a year's salary in half a day.

On the second night a few outsiders from Tayninh base camp tried to crash Company C's party. There was some scuffling and the intruders left. About 20 minutes later one came back with his rifle and started shooting. Two members of Company C were killed and 16 were wounded.

His reason was not political: "There's lots of goods over there."

Specialist 4 Raymond Roxby, a 19-year-old draftee from Scranton, Pa., had been fighting in Cambodia for four days when he was hit in the back by fragments from an American 105-mm. howitzer shell that had exploded too close. He was the 20th man in his company wounded in Cambodia. One had been killed.

He sat up in bed at the 45th Surgical Hospital in Tayninh and smoked a cigarette.

"I guess it's a good idea to get all those supplies and stuff, but nobody wanted to go over there," he said.

As is the case with many other soldiers, his conversation rarely deals with politics, national boundaries and domestic turmoil. In eight months as a grunt in Vietnam he has been wounded three times. Now most of his thoughts and silent prayers involve a wish shared by nearly all his brethren: "Maybe now I'll get a nice rear job—sit back in the rear—I hope."

"Just ain't enough rear jobs for everybody, though," he said.

A Prediction on All-Volunteer Force in Vietnam

(By Crosby S. Noyes)

Whoever may be right about the "feasibility" of an all-volunteer American force in Vietnam next year, we would hazard a small prediction:

Once the political decision is made to have such a force and the administration is committed to it, ways will be found to overcome the technical difficulties.

It would seem that the decision may already have been reached. In any event, Defense Secretary Melvin R. Laird and his top assistants are moving further out on the all-volunteer limb, despite the reservations of his generals. He is encouraging the hope that by mid-1971 the American forces remaining in Vietnam—probably less than 250,000—can get along without draftees.

The generals disagree. As they see it, it will not be feasible to go to an all-volunteer basis until American "residual forces" are down to around 50,000. And even this force, they say, would be hard to maintain.

The difficulties are there, all right.

One of the major problems is that many men who volunteer for the armed forces these days do so precisely because there is a draft and because draftees are rather more likely to wind up fighting in Vietnam than the volunteers are.

Traditionally, volunteers are given a better break in picking assignments and specialties, with the fairly predictable result that a large percentage of them do not wind up in the combat infantry. This accounts for the fact that while draftees make up only 36.4 percent of the Army as a whole, they represent 54 percent of the Army enlisted men killed in Vietnam.

It also accounts for the fact that there are so many volunteers. The threat of the draft and the hope of avoiding active combat duty no doubt provide a considerable incentive for a good many young men.

An all-volunteer force in Vietnam would drastically change this state of affairs. Any volunteer in this case would automatically be applying for duty in Vietnam, with a strong presumption at this point that he might well find himself in a combat role. The draftee on the other hand, could face his shorter term of service, assured of an assignment outside of the war zone.

In this situation, the prediction is that voluntary enlistments could drop dramatically. Many professional officers—including Gen. Creighton Abrams—have been highly skeptical as things stand of finding as many as 200,000 volunteers for service in Vietnam.

There are some obvious things that can be done to modify this prediction. Substantial pay increases for enlisted volunteers are already in the works. Additional bonuses for service in the war zone might be considered.

But the real answer—and the real basis for Laird's hope of an all-volunteer force in Vietnam—quite clearly lies in the changing nature of the war itself.

According to the secretary, American troops will not be playing an active combat role by mid-1971. The brunt of the fighting already has been taken over by the South Vietnamese. In another year, according to Laird, the American role will be limited to logistical support and the protection of bases.

If this can be done, the problem of finding enough volunteers for Vietnam should not be very great. It might be remembered that the French, before 1954, found it possible to maintain an army of more than 150,000 in Vietnam, which included no draftees.

And if it is possible to stop sending draftees to Vietnam after this year, it also should be possible to get on toward the announced goal of the Nixon administration to abolish the draft altogether in the fairly near future. Here again, there are many professional military men who are skeptical. But here again, it is the politicians who have the last word on what can and what cannot be done.

NOTICE OF HEARINGS ON DISTRICT OF COLUMBIA REPRESENTATION

Mr. COOK. Mr. President, on behalf of the Senator from Indiana (Mr. Bayh), chairman of the Subcommittee on Constitutional Amendments, I am pleased to announce that the subcommittee will hold hearings on Senate Joint Resolutions 52 and 56 and any other proposals to provide the District of Columbia with representation in Congress. The hearings will be held on June 1, 1970, in room 318 of the Old Senate Office Building, beginning at 9:30 a.m.

PETITION TO REQUIRE THE FAA TO SET ENVIRONMENTAL AND NOISE STANDARDS FOR THE SST

Mr. PROXMIRE. Mr. President, shortly our colleagues in the House will be considering the administration's appropriation request for the Department of Transportation. Included within it is a request for $290 million for one of the most enormous white elephants—the SST.

Many of us have labored to try and convince the administration of its folly. We are perplexed that an administration

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which takes every opportunity to loudly proclaim its dedication to the curbing of our runaway and ruinous inflation and to the reduction of our mounting rise in unemployment would commit so much of our all too limited revenues to this project. A project which, according to the President's own expert advisers—and I have reference now to the Council of Economic Advisers, to the Treasury Department, to the Labor Department, and to the State Department—will have a negative effect on this country's balance of payments, offers no hope of reducing our critical unemployment problem, offers little potential for technological fallout, has no national defense implications, and has adverse foreign policy effects.

Mr. President, when the SST program was launched with a modest appropriation of $11 million in the early 1960's, we were assured that the aircraft would be ready for service in the early 1970's and in no event would the Government contribute more than $750 million to the private developers. The appropriation requested by the administration this year for the 1971 budget would bring the Federal investment up to the range of $1 billion and we are still a minimum of 8 years away from commercial production, assuming there are no further delays.

We have been led to believe that the Government assistance would be terminated once the prototypes were constructed. Earlier this month the Subcommittee on Economy in Government of the Joint Economic Committee held several days of hearings on the SST, which I chaired. We heard testimony from Dr. Richard L. Garwin of the President's Science Advisory Committee and from Mary Goldring, business editor of the Economist. Both corroborated what many of us have long insisted, that the SST is totally uneconomic. As a result, any hope of commercial production without increasing Government contributions is illusory—contributions, according to Dr. Garwin, of approximately $5 billion. All this for an airplane which at most will serve less than 1 percent of our population while taxing every citizen.

But the shocking fact is, Mr. President, that the SST will probably never be able to fly in the United States. This is because it has virtually no hope of being able to satisfy the requirements for FAA certificates of airworthiness.

This astonishing fact is brought out in a petition which is being filed today with the Federal Aviation Administration by the Environmental Defense Fund. The petition would compel the FAA to set noise and environmental standards for the SST.

If FAA standards are set in line with the standards now in effect for the subsonic planes, as they unquestionably should be, I cannot see how this plane can ever be permitted to fly here. Russell Train, Chairman of the President's Council on Environmental Quality, told us at our recent hearings that the SST will not be capable of operating within the noise limits already announced by the FAA for subsonic aircraft. Since Chairman Train has also assured us that the administration will not permit a degradation of those standards, it is clear the SST will not be able to fly in the United States.

Dr. Richard Garwin, Science Advisor to Presidents Kennedy, Johnson, and Nixon, was more specific. He told our subcommittee that the noise generated by the SST's engines will be equivalent to the sound of 50 subsonic jets taking off simultaneously. It is highly improbable that this kind of environmental monster will ever be permitted to use our airports.

Developers should be apprised of the standards they will have to meet before plans become technologically finalized. The public should be assured that standards will be set to protect the public, rather than to protect the developer's investments. And the Congress should be assured that the aircraft will be able to satisfy those standards before it commits an additional $290 million of the taxpayers' money.

The Environmental Defense Fund is rendering a great public service in holding the FAA to account before another $3 billion is poured down the drain on the SST. Most of us have become increasingly familiar with EDF over the past several months. EDF first gained national prominence by its activities in my own State and I am glad to say that they alerted all of us to the disastrous effects of DDT on our biosphere. It has since carried its battle against DDT to Washington where it is now engaged in litigation against the Secretaries of Agriculture and HEW. More recently EDF secured an injunction in connection with the Trans-Alaska pipeline, it has moved to halt construction of the Cross-Florida Barge Canal, and it has alerted us all to the dangers of automotive lead pollution and is trying to force HEW to take real protective action.

The thrust of the EDF Petition to the FAA is eminently reasonable. EDF wants the FAA to publish as soon as possible noise and environmental standards that the SST will have to meet before it will be permitted to enter commercial service.

Last November, the FAA established airport noise limits for subsonic aircraft. As the EDF petition points out, "there is no logical basis for drawing a distinction between subsonic and supersonic aircraft. If airport noise exceeds the safe level from an environmental and human health standpoint the effects will be the same regardless of the source."

Mr. President, noise is only one of the serious environmental and human health hazards presented by the SST. The other hazards are detailed thoroughly in the petition filed by EDF. The administration assures us that those hazards will be considered before the aircraft enters commercial service and that these hazards should have no bearing on our appropriating funds for the prototypes. At the same time, however, we are assured that the Government will recoup its investment when commercial use begins. It would appear that the administration is speaking out of both sides of its mouth.

I hope that the FAA will recognize the sense of the EDF request. I hope that the Congress will recognize the wisdom of waiting until we have some answers before asking the taxpayers to spend another $290 million on this white elephant.

Mr. President, I ask unanimous consent that the petition filed with the FAA be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

PETITION UNDER THE FEDERAL AVIATION ACT REQUESTING THE IMMEDIATE PROMULGATION OF THE ENVIRONMENTAL STANDARDS THAT WILL GOVERN CERTIFICATION OF THE SUPERSONIC TRANSPORT

The Environmental Defense Fund, Incorporated (EDF), is a non-profit public benefit membership corporation organized under the laws of the State of New York. It is comprised of scientists and other citizens dedicated to the protection of man's environment from harmful and unnecessary intrusions. EDF is convinced that the civilian supersonic transport will present numerous substantial environmental and human health hazards.

Before the supersonic transport will be permitted to enter service certificates of airworthiness will have to be issued. At that time the FAA will have to explore fully those hazards and determine whether certification will be in the public interest. However, if the formulation and announcement of standards is delayed until the certification stage is imminent, economic and technological investments will impose unfortunate restraints on the decisionmaking process to the prejudice of the public.

When the United States launched its supersonic transport program in the early 1960's, the public was assured that the Government investment would not exceed $750 million. To date, Government expenditures approximate $700 million and, according to the proponents of the program, we are still at least two years away from prototype testing and eight years away from commercial production. The Government investment alone is now placed at several billion dollars.

Accordingly, EDF, on behalf of itself, its membership and the public generally, hereby petitions for the following action:

1. An immediate determination that the noise standards applicable to subsonic aircraft will be applied to supersonic aircraft, without any reduction of those standards, and
2. The immediate initiation of a public rulemaking proceeding to consider the minimum environmental standards that will govern certification of the supersonic transport and the formulation and publication of those standards at the earliest feasible date.

Respectfully submitted,

EDWARD BERLIN,
GLADYS KESSLER.

MEMORANDUM IN SUPPORT OF PETITION UNDER THE FEDERAL AVIATION ACT REQUESTING THE IMMEDIATE PROMULGATION OF THE ENVIRONMENTAL STANDARDS THAT WILL GOVERN CERTIFICATION OF THE SUPERSONIC TRANSPORT

INTRODUCTION

On January 1, 1970, with the signing into law of the National Environmental Policy Act (NEPA),[1] the President formally launched the decade which, it is heralded, will be one of unprecedented environmental concern. The purposes of the Act, as stated in Section 2, are:

> To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to

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the Nation; and to establish a Council on Environmental Quality.

As will be shown, the legislation seeks the realization of two overriding objectives: The reexamination of national priorities particularly as they relate to federal spending programs which have adverse environmental consequences and the analysis of environmental factors at the earliest possible time so as to minimize adverse effects, preclude irreparable damage and permit an inquiry which is unimpeded by economic exigencies.

There is no program to which the legislation appears more directed than the supersonic transport program. It involves unprecedented government assistance, poses serious ecological problems, including human health effects not occasioned by proven alternatives, and the feasibility of conducting a meaningful environmental inquiry becomes more difficult each day it is deferred.

Interest in a United States SST program began building in 1960. The following year the Congress appropriated $11 million for a two year research program. In 1963, having been assured by the Administration that the Government investment would never exceed $750 million, Congress appropriated an additional $60 million. To date the Government investment is approaching $700 million with the experts agreeing that several billion may be required before commercial operation is possible. The anticipated in-service date has now been postponed from the mid-1970's until at least 1978.

Before the supersonic transport will be able to be utilized in commercial aviation, certificates of airworthiness will have to be issued. At that time it will have to be established that the aircraft can be certificated consistent with NEPA and the noise abatement provision of the Federal Aviation Act, 49 U.S.C. 1431. But if the environmental inquiry and the promulgation of standards are postponed until commercial operation is imminent, the Federal Aviation Administration will find itself in precisely the dilemma that each of those Congressional directives are designed to avoid: the need to temper environmental interests by the already accomplished commitment of economic resources.

At a minimum, in fairness to the taxpaying public, the Congress, the private developers of the SST and the Federal Aviation Administration itself, the FAA should immediately promulgate the environmental standards that will be applicable to the certification of the supersonic transport. If the airport noise limits already promulgated for subsonic aircraft apply to the SST—and there would not appear to be any justification for failing to apply them—it is clear that the presently contemplated aircraft could not be certificated for entry into commercial service.

I. THE FAA SHOULD DETERMINE IMMEDIATELY THAT THE NOISE STANDARDS APPLICABLE TO SUBSONIC AIRCRAFT WILL BE APPLIED TO SUPERSONIC AIRCRAFT

A. The FAA has a statutory duty to do all that is feasible to abate and control noise pollution

Aircraft noise has become a problem of serious proportions to many people in many locales. It represents an intrusion on the pattern of their lives and a disruption of the environment which cannot go unattended. It can, and must, be alleviated. Aircraft noise is a burgeoning national problem, which can only become worse if action is not taken.[2]

In that statement the Senate Committee on Commerce succinctly summarized the intention underlying enactment, in 1968, of the noise and sonic boom abatement section of the Federal Aviation Act.[3] "The purpose of * * * [the] bill is to authorize and require the Federal Government to establish and apply noise reduction standards to the issuance of certificates [by the FAA] and to prescribe and amend such rules and regulations as are necessary to provide for the control and abatement of aircraft noise."[4]

Under the legislation the FAA is charged with actively carrying forth a noise reduction program. It is a mandatory duty. As stated by the House Commtitee on Interstate and Foreign Commerce:

> . . . the introduced bill merely *authorized* the establishment of standards, rules, and regulations and their application in the certification process. The bill reported by the committee *requires* their establishment and application. The basic purpose of this legislation is the control and abatement of aircraft noise and sonic boom. The committee would emphasize that this legislation should not be construed as permissive. Its intent is the reduction of unnecessary aircraft noise and sonic boom. All such noise might well be deemed unwanted. The committee believes that, as a matter of public policy, the goal must be the lowest possible level of disturbance consonant with safety and the public interest. The committee would not have anyone construe this legislation as a license to permit noise or sonic boom. Rather, the application of standards, rules and regulations will establish ceilings beyond which noise and sonic boom will not be tolerated.[5]

The legislation, according to the House debate, "is aimed at combating aircraft noise pollution by striking directly at its source, the design and operation of the aircraft causing noise."[6] The Administrator's authority extends both to already certificated aircraft and to those yet to be certificated. As to the former, the Administrator can require modifications aimed at noise reduction; as to the latter, he can and is to impose noise criteria that must be satisfied before a certificate of airworthiness will issue.[7]

As to aircraft already in operation, the Administrator has the authority to require that they "be modified if and when this appears to be a practical thing to do, taking into account the amount such modification will reduce noise levels and also the consequent disruptions to service and the cost to the airlines.[8]

As to "the future generation of aircraft" the Administrator is to refuse to issue airworthiness certificates "unless they are so designed and powered by engines which will produce no more noise than the tolerable standards [which have been] established * * *.[9]

The "economically reasonable [and] technological feasible" qualification, which is written into the statute (49 U.S.C. 1431(b)(4)), makes the earliest promulgation of standards of critical importance for achieving the overriding noise abatement objective. If promulgation of such standards is deferred until technology for a specific new aircraft has been finally developed, the Administrator will have lost the opportunity which the Congress considered most promising—that of influencing aircraft design—and will be in the untenable position of fitting standards to the performance capabilities of the aircraft. This procedural turn-about would be most unfortunate.

It is of particular significance that the Congress specifically had the supersonic transport in mind when it enacted the noise control and abatement section. Speaking principally to the sonic boom problem, Congressman Pucinski stated:

> . . . it is my hope the Secretary will announce his intentions now so that the designers and manufacturers of supersonic aircraft both in the United States and in other nations of the world, will be put on notice that if they fail to develop an air foil and powerplant which will produce no more than 1.5 pounds overpressure per square foot at supersonic speeds, they risk the prospect of not having their aircraft approved for supersonic operations within the continental United States.
>
> Mr. Chairman, I consider this one of the most important environmental health bills to come before this Congress. The problem of jet noise has deeply and seriously had adverse effects on a vast segment of our population.[10]

It was Congressman Pucinski's hope that the enactment of the noise abatement section would put all aircraft manufacturers "on notice that the next generation of aircraft to come off the production lines must meet the minimum noise standards."[11]

According to Congressman Herbert Tenzer the legislation "will provide us with the safeguards we need if and when supersonic aircraft becomes operational, whether built domestically or abroad, if such aircraft does not meet the standards set."[12]

Congressman Hastings Keith categorized the legislation "an important first step at attacking the problem of aircraft noise and sonic booms. With the development of the SST, and with other advancements in aeronautical technology, the potential dangers will become even more critical. The future well-being of our citizens, and even our animals and buildings, is at stake."[13]

Finally, speaking in support of the legislation and with reference to the SST, Congressman Donald Fraser said: "It is up to us to act now while the situation is still manageable."[14]

B. Airport noise associated with the SST and its health implications

The SST airport noise problem was most recently summarized by Russell E. Train, Chairman, Council on Environmental Quality:

> At present the most significant unresolved environmental problem I see for the supersonic transport is the high level of noise in the vicinity of airports. * * * In terms of the measures used by the Federal Aviation Administration to assess annoyance, the SST would be three to four times louder than current FAA sideline noise standards and four to five times louder than the 747. In terms of noise pressure, the sideline noise level would also be substantially higher than that of subsonic jets meeting the FAA requirements.
>
> I doubt that communities adjacent to our large international airports will accept this added noise burden if it should extend beyond airport boundaries—a circumstance which seems likely in the case of most existing airport facilities. This is a view that I believe is shared by a majority of those responsible for the operation of airports. *Furthermore, the discomfort and hazard to those actually on the airport site—both passengers and service personnel—will require careful attention.*[15]

In the case of airport noise, experience with industrial noise levels and animal experimentation gives a basis for judging effects on physical and mental health. As Cohen has reported

> * * * there are some indications that prolonged exposures to excessive noise may lead to physiologic disorders. For example, animals presented with high level noise for long periods of time eventually reveal endocrine and metabolic deficits which reduce the organism's ability to cope with the noise stress * * *. Continued noise exposure here results in gastro-intestinal ailments, cardiovascular disease, and tissue pathology in organs such as the kidneys and liver. Reproductive dysfunction is also found in animals similarly exposed and is believed traceable to noise-induced changes in the endocrine system. * * * Reports, mainly in the foreign scientific literatures, cite data which link intense occupational noise exposure with in-

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creased incidence of cardiovascular and neurologic irregularities in workers * * *. In apparent contradiction, however, still other studies involving human exposures to high level noise as found in military environments reveal no unusual health disturbances, physical or mental * * *. Reasons for these discrepant findings are not obvious. Perhaps military personnel, conditioned to combat stress, are better able to withstand a noxious noise environment.[16]

In addition, prolonged high level noise can incite fear and anxiety, create a loss of equilibrium and cause mental fatigue. "For example, astronauts, upon being exposed to 145-dB sounds from a jet engine at full thrust, experienced difficulty in carrying out simple arithmetical operations and tended to put down any answer in order to end the experiment quickly * * *."[17] Speaking directly of the new projected SST airport noise levels, the Presidential Environmental Panel has reported:

> Land use planning in the vicinity of airports is the only satisfactory solution to [the noise] problem at the present time. Airport personnel and airline passengers, however, will be exposed to very high noise levels regardless of land use planning. Prolonged exposure to intense noise produces permanent hearing loss and may also disrupt job performance by interferring with speech communication, distracting attention, and otherwise complicating the demands of the task. *Noise-induced hearing loss looms as a major health hazard in American industry.* However, a national hearing conservation standard governing allowable or safe exposures remains to be established.[18]

From our industrial experience we know that "steady noises above 80 dBA are capable of producing some changes in auditory threshold, and above 105 dBA they are sure to produce PTS [permanent threshold shift] in the normal unprotected ear if exposure continues, eight hours a day, for several years."[19] Moreover, habitual exposure to high level noise does not make the ear more resistant. "In fact, Chizuka (1965) recently found just the opposite: his 15-to-18-year-old boys allegedly showed more auditory fatigue after working in noise for several months than they did at the beginning of employment."[20]

On November 3, 1969, following a comprehensive rulemaking proceeding, the FAA imposed a maximum approach and sideline noise limit of 108 PNdB, for subsonic aircraft. Although the FAA-Boeing contract calls for an aircraft that will not exceed 118 PNdB in sideline noise, 94 PNdB in community noise and 108 PNdB in approach noise, it is now anticipated that the aircraft will give off sideline noise in the range of 122–129 PNdB and community and approach noise of 110 PNdB and 112 PNdB respectively.[21] Because of the logarithmic relationship, "at 125 PNdB of airport [sideline] noise, the SST will produce as much noise as the simultaneous takeoff of 50 jumbo jets * * * [each of which satisfies] the 108 PNdB subsonic requirement."[22] According to the Presidential Environmental Panel:

> The data indicates that on landing and takeoff the SST can be expected to produce noise levels exceeding 100 PNdB over a distance of 13 miles. An area 4 miles long and approximately 2 miles wide surrounding the runway would be exposed to noise levels in excess of 100 PNdB.[23]

By all reasonable standards, the anticipated airport noise of the SST seems certain to be intolerable and irremediable.[24]

C. The subsonic airport noise limits must apply as well to the SST

In summarizing the report of the Presidential Environmental Panel, the Department of Transportation states:

"The 'airport noise' problem should be based on what people near airports will accept, and design requirements established accordingly, not in reverse order. We should not wait for the aircraft to be built, and then set standards based on what has been accomplished."[25]

Therefore, in November, 1969, the FAA promulgated approach and sideline noise limits after considering factors relative to human health and comfort. There is no logical basis for drawing a distinction between subsonic and supersonic aircraft. If airport noise exceeds the safe level from an environmental and human health standpoint the effects will be the same regardless of the source.

Congress was convinced, when it enacted the noise abatement provision, that the greatest promise for its fulfillment lay in the area of aircraft design. For that potential to be realized within the context of the "economically reasonable" qualification in the noise abatement provision, it is essential that all concerned be apprised fully of the applicable noise standard at the earliest possible time. Having already determined the maximum permissible noise level the Administrator should immediately make it applicable to the SST.

Moreover, since the economics of the SST program is predicated on the use of existing airports, it is essential that the Administrator speak to that point. No doubt local opposition will be vociferous. In fairness to all concerned the public dialogue should not be postponed until the economic pressures reach overbearing proportions.

II. THE FAA SHOULD PROMULGATE THE ENVIRONMENTAL STANDARDS THAT WILL GOVERN CERTIFICATION OF THE SST

A. Under the National Environmental Policy Act the FAA will have to consider fully the environmental effects of the SST before it can be certificated

The 1968 amendment to the Federal Aviation Act requires that one environmental intrusion of air travel be considered—noise. The National Environmental Policy Act requires that all environmental intrusions be considered. Before any federal action is taken which "significantly affect[s] the quality of the human environment" the federal agency must consider (Section 102(c), Public Law 91–190):

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

There is no question but that the requirements of Section 102(c) apply to the FAA and that they will have to be satisfied before certificates of airworthiness are issued for supersonic transport. Chairman Train made this clear in his recent testimony before the Joint Economic Committee. In responding to whether the FAA will be required to consider the full range of environmental implications, he said:

"In my opinion, yes, very definitely, Mr. Chairman, because of the provisions of the National Environmental Policy Act of 1969. The statute to which I refer requires that a full range of environmental factors must be taken into account by Federal agencies in their decision-making. And section 105 of that statute makes it clear that this requirement and policy is supplemental to any existing statutory authority. *So that while the specific statutory authority of FAA with respect to certification may be by its terms limited, and not as broad as we would otherwise like to see it, we are of the opinion that they are required by the National Environmental Policy Act to take the fullest range of environmental factors into account as part of the certification procedure.*"[26]

This construction of the Act is compelled by its legislative history. Senator Henry Jackson, the floor leader, had this to say when the measure first came up for Senate debate:

"As reported by the Committee, S. 1075 provides a considered congressional statement of national goals and purposes for the management and preservation of the quality of America's future environment. The bill directs that all Federal agencies conduct their activities in accordance with these goals, and provides 'action-forcing' procedures to insure that these goals and principles are observed. The bill specifically provides that its provisions are supplemental to the existing mandates and authorizations of all Federal agencies. This constitutes a statutory enlargement of the responsibilities and the concerns of all instrumentalities of the Federal Government."[27]

While, "[C]oncern for environmental quality must be made part of every phase of Federal action,"[28] Senator Jackson emphasized that section 102 is intended to apply "especially [to] those agencies who now have little or no legislative authority to take environmental considerations into account."[29] Those environmental considerations are to include "critical air and water pollution problems * * * faltering and poorly designed transportation systems * * * rising levels of noise * * * radiation hazards * * * growing scarcity of essential resources; and many, many other environmental quality problems."[30]

In essence, NEPA "establishes priorities and gives expression to our national goals and aspirations."[31] The consideration of environmental factors is no longer to be postponed until irreparable harm results or economic pressures preclude a full evaluation of alternatives. This is the real thrust of the legislation. As the Senate Report states:

> As a result of this failure to formulate a comprehensive national policy, environmental decisionmaking largely continues to proceed as it has in the past. Policy is established by default and inaction. Environmental problems are only dealt with when they reach crisis proportions. Public desires and aspirations are seldom consulted. Important decisions concerning the use and the shape of man's future environment continue to be made in small but steady increments which perpetuate rather than avoid the recognized mistakes of previous decades.
>
> * * * * *
>
> Past neglect and carelessness are now costing us dearly, not merely in opportunities foregone, in impairment of health, and in discomfort and inconvenience, but also in a demand upon tax dollars, upon personal incomes, and upon corporate earnings. The longer we delay meeting our environmental responsibilities, the longer the growing list of "interest charges" in environmental deterioration will run. The cost of remedial action and of getting on to a sound basis for the future will never again be less than it is today.[32]

As Senator Jackson reiterated:

"We can no longer afford to view the environmental problem on a basis of cleaning up our dirt. We must approach it from the standpoint of prevention. Prevention will require planning—long-range planning—and that planning must rest upon research and new technology."[33]

Hence, the mandate to the FAA is that whenever it will be required to make a decision which could have environmental effects, it must do so at the earliest practicable date—before "the difficulty of evaluating them in comparison with economic and technical factors" arises[34]—to permit

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the meaningful consideration of alternatives.

B. The SST presents further environmental and human health dangers

1. The Sonic Boom

Undoubtedly the most talked about environmental intrusion occasioned by the SST is the sonic boom. The boom, or shockwave, "travels far, jolting everything it strikes. It continually spreads outward until the diameter is about 40 to 60 miles (and) is as long as the supersonic flight path itself." [35] The anticipated boom of the presently planned Boeing SST—"about 3.5 psf during the earlier part of the supersonic flight and 2.1 during cruise" [36]—will be of particularly intense magnitude. It will be twice as severe as the booms experienced in Oklahoma City during the 1964 military test flights; [37] it promises to develop more intense booms than either the lighter U.S. military supersonic aircraft now in operation or the British-French Concorde being readied for flight testing; [38] it will produce a boom which "is about 40% worse" than anticipated from Boeing's previous, but now abandoned designs; [39] it will, in short, produce a boom of totally unacceptable intensity.[40] Indeed, the Presidential Environmental Panel has stated that the boom is likely "to be considered intolerable by a very large percentage of the people affected." [41]

The FAA, in an apparent effort to satisfy these criticisms, recently published a proposed rule which would, with exceptions, preclude flights at supersonic speeds where they would result in booms which strike land within the United States.[42]

Unfortunately, the overwhelming expert opinion is in agreement that the SST has no hope of being economically acceptable unless overland supersonic flights are permitted.[43] FAA Administrator John Shaffer has conceded as much:

> I believe that this airplane may be dragged into the [domestic] market by the beneficial economic performance sometime after initial introduction and it is quite possible that pressures from the people who want to use * * * this airplane for the profit that it will generate in the world transportation market may drag it into that market, which one might identify as east to west or west to east over populated areas.[44]

Assuming, however, that the prohibition will not be weakened, a not insignificant portion of our population, and a major part of the world's eco-system, is nonetheless left entirely unprotected from the consequences of the boom. As noted, the boom will be considerably more intense during the early part of the flight. Lundberg has stated that "[t]he nominal boom will be at least 25% greater at start of supersonic climb than initial cruise * * * because transition to supersonic speed takes place at lower altitude, 30,000–40,000 feet." [45] Therefore, the maximum boom would strike where the concentration of commercial and pleasure vessels is greatest, namely, over off-shore waters. Moreover, because the routes of the SST's will closely approximate shipping lanes "[t]here will be a concentration of sonic booms almost directly above the ships. The booms would be very frequent here—perhaps every 30 minutes, on the average, night and day * * * It has been estimated that each SST flight across the North Atlantic will boom about 4,000 persons, on the average." [46] A portion of the booms experienced on shipboard may be extremely severe—in the overpressure range of 4.0 to 8.0 psf.[47] Superbooms "are more frequent in summer than in winter," [48] precisely when traffic will be heaviest in our coastal waters.

It would seem reasonable to assume that a portion of persons on pleasure ships, as on land, will be those who because of age or illness, are more vulnerable to the detrimental effects of the boom than are average healthy adults. As Shurcliff has reported "[p]eople differ greatly in their vulnerability to startle." [49] Undoubtedly, this explains why a report prepared for the Surgeon General recommends "serious study" of "the possible health effects of sonic boom exposures on sick and disabled populations." [50] According to Cohen "one cannot rule out the possibility that the startle quality of the boom may trigger attacks in cardiac patients, induce seizures in epileptic sufferers, or generally aggravate those illnesses for which rest and absence of excitement are believed essential to recovery." [51]

Former Surgeon General William H. Stewart is of the same view:

> Aside from hearing loss, it has been demonstrated that noise can cause physiological changes. These include cardiovascular, glandular, and respiratory effects reflective of a generalized stress reaction. These changes are typically produced by intense sounds of sudden onset—the sonic boom is the most frequently cited example—but can also occur under sustained high level, or even moderately high, noise conditions.[52]

In addition to these physiological effects, the startle quality of the boom has substantial adverse implications from the standpoint of psychological well-being. Cohen has reported that:

> The effects of prolonged sleep deprivation are well known: losses in mental and physical functioning, irritability, hallucinatory tendencies, and ideas confusion * * *.
>
> In any case, it is quite evident that noise can frustrate desires for privacy, rest, relaxation, and sleep. For example, surveys of communities impacted by significant subsonic and supersonic aircraft flyover noise have found that the interruption of rest, relaxation, and sleep are the major underlying causes of registered complaints, and that such complaints grow with increasing amounts of aircraft noise exposure . . .[53]

Apart from these human health implications the sonic boom poses threats to fish and wildlife.[54] (It has already inflicted serious and irreparable damage upon unique natural areas.[55]) The migratory patterns of birdlife undoubtedly will be affected as will be the normal routine of oceanic island wildlife. There is also a possibility that the ocean may resonate the boom at certain depths with unknown consequences to marine life.

With all of the unknowns about the sonic boom, one thing at least is clear at this time: As Shurcliff has documented, the experts agree there is no "cure" for the boom even vaguely in sight.[56]

2. Atmospheric intrusions

The Department of Transportation summary of the Presidential Environmental report on the SST states:

> Increased water vapor released into the atmosphere from combustion of aircraft fuel could be a problem, in terms of local climates and changes in atmospheric circulation and must be further examined.[57]

On May 12, 1970, in testimony before the Joint Economic Committee, the Chairman of the Council on Environmental Quality gave some indication of the magnitude and seriousness of the SST's atmospheric problems:

> I now turn to a potential problem which has not received the attention it deserves. The supersonic transport will fly at an altitude between 60,000 to 70,000 feet. It will place into this part of the atmosphere large quantities of water, carbon dioxide, nitrogen oxides and particulate matter. This part of the atmosphere is to a substantial extent, isolated from the rest of the atmosphere. For example, on the average, 18 months are required for a water molecule introduced into the atmosphere at 65,000 feet to find its way to the lower atmosphere. A fleet of 500 American SST's and Concordes flying in this region of the atmosphere could, over a period of years, increase the water content by as much as 50 to 100 percent. This could be very significant because observations indicate that the water vapor content of the stratosphere has already increased about 50 percent over the last five years due presumably to natural processes, although there is a possibility which should be researched that subsonic jets have been contributing to this increase.
>
> Water in this part of the atmosphere can have two effects of practical significance. First, it would affect the balance of heat in the entire atmosphere leading to a warmer average surface temperature. Calculations on the magnitude of this increased temperature are most uncertain but probably it would be on the order of .2 to .3° F. Secondly, water vapor would react so as to destroy some fraction of the ozone that is resident in this part of the atmosphere. The practical consequences of such a destruction could be that the shielding capacity of the atmosphere to penetrating and potentially highly dangerous ultraviolet radiation is decreased. As in the case of surface temperature, we do not have adequate knowledge on which to make secure judgments as to the practical significance of the effect of water on the ozone. Finally, the increased water content coupled with the natural increase could lead in a few years to a sun shielding cloud cover with serious consequences on climate.
>
> Clearly the effects of supersonics on the atmosphere are of importance to the whole world. Any attempt to predict those effects is necessarily highly speculative at this time. The effects should be thoroughly understood before *any country* proceeds with a massive introduction of supersonic transports.[58]

When Senator Proxmire asked Council Member Dr. Gordon MacDonald for further explanation and inquired whether the main effect of the water vapor discharges would be on the ozone and sunlight, the following colloquy took place:

> Mr. MacDonald. The main effect is on the sunlight through its trapping of some of the radiation. And secondly, if the concentration is increased sufficiently it could form high thin layers of cloud in this part of the atmosphere that could persist for a long time and potentially could have a very large effect on climate.
>
> Senator Proxmire. What is the ultraviolet advantage?
>
> Mr. MacDonald. And the effect on the ultraviolet is that the sun gives out radiation over a wide spectrum. Some hard radiation, which we call ultraviolet, can have and does have in sufficient quantities a damaging effect on any living matter, it destroys the cells. The ozone in the upper atmosphere shields us from this damaging radiation. If we decrease the percentage of ozone, the concentration of ozone in this part of the atmosphere, we might have some effect at ground level. We do not know what the practical significance is. We do know that putting water into this part of the atmosphere will decrease the ozone. I think everybody would agree to this.
>
> Senator Proxmire. What physiological effect on man or animals could this have?
>
> Mr. MacDonald. The principal effects, of course, are fairly familiar. Ultraviolet radiation causes sunburn, the fraction that does reach the surface. As you increase the percentage of ultraviolet that reaches the surface you can have other adverse biological effects, particularly on leafy plants, and things that are sensitive.
>
> But I must emphasize that we are just beginning to understand these consequences. It is a very iffy subject.
>
> Senator Proxmire. Give us one or two examples of what might happen that would be seriously adverse to a person or animal or plant.
>
> Mr. MacDonald. Well, let us suppose that

Footnotes at end of article.

> through some other means you stripped the ozone from the atmosphere and exposed the surface to the full force of the solar ultraviolet. This would effectively wipe out life, except in the oceans, anything that would be exposed. But if you remove only a small fraction of the ozone, the effect might not be noticeable at all. We raise the question. This is potentially such a significant problem that we really must understand it before proceeding in any way to alter the water vapor content of this part of the atmosphere. It would be my judgment as to one who has worked in this field that the effects probably would be minor. But I would not be willing to take that risk without having much more available in the way of information.[59]

Congressman Reuss has reported the concern of scientists that the "increase in cloudiness could reflect away enough sunlight to significantly lower the temperature of the earth, ushering in a new ice age. Others have said that the potential atmospheric changes from SST flights might lead to an increase in the earth's temperature, melting the polar ice caps and leading to extensive flooding."[60]

In addition to these high atmospheric problems, the SST most assuredly will seriously add to already pressing air pollution difficulties.

As stated by Russell Train, then Under Secretary of Interior:

> I would add pollution resulting from engine discharges as an additional significant environmental problem. It is my understanding that operation at subsonic speeds, including speeds necessary for takeoff and landing, results in inefficient fuel combusion with a resulting heavy discharge of pollutants into the atmosphere. Both atmospheric pollution and ground contamination seem likely to result.[61]

3. Hazards to Passengers and Crew

The Presidential Environmental Panel has concluded that:

> There is an urgent need to carefully evaluate the inherent operational and environmental hazards that will be encountered while accelerating from zero to Mach 3 and cruising at supersonic speeds in a hostile environment. Passengers and crew will be vulnerable to a number of potentially serious physical, physiological, and psychological stresses associated with rapid acceleration, gravitational changes, reduced barometric pressure, increased ionizing radiation, temperature changes, and aircraft noise and vibration.
>
> Men cannot tolerate acceleration loads above 4 to 5 g. Visual disturbances occur between 3 and 4 g. At 5 g. loss of consciousness occurs. Turbulent flight may cause brief, linear acceleration of 10 to 12 g. which could cause fractures in unrestrained persons. Angular accelerations in turns and linear-angular accelerations during turbulent flight are important causes of motion sickness.[62]

The danger of sudden and exaggerated aircraft movement is a real one. "At altitudes of about 55,000 to 65,000 feet, where SST's will cruise, CAT [clean air turbulence] regions have been found to be surprisingly numerous, according to investigations made with military supersonic planes."[63]

One of the more troubling aspects of supersonic flight is the danger of radiation exposure. Again, the problem was succinctly summarized by the Presidential Environmental Panel:

> The radiation hazard would be approximately 100 times greater than at ground level. A flight crew exposed for 600 hours annually will accumulate 0.85 rem (roentgen-equivalent-man) from this source alone. When this value is compared with the Maximum Permissible Dose of 0.5 rem for the general public, the question arises whether SST crews should be placed in the category of radiation workers and kept under close surveillance. The advisability of allowing pregnant women, especially in the first trimester, to travel in these planes, and of limiting diagnostic x-rays for individuals who fly SST's will also need to be considered.[64]

As already noted the ozone layer which is in the atmosphere at 65,000 feet (in a concentration of about 8 parts per million) serves an indispensible purpose—that of protecting life on earth from excessive and deadly ultraviolet rays. However, "[t]here is ample evidence that ozone is a highly toxic substance which must not be allowed to enter the plane."[65] The most minute amounts of leakage could prove serious since "it is now known that even extremely small concentrations (on the order of one part per million) are dangerous."[66]

A sudden loss of cabin pressure—caused for example by an explosion resulting in a small air frame rupture or the breakage of several windows—would also prove fatal in moments according to the Presidential Environmental Panel:

> A doubling of the present flight altitude reduces ambient air pressure from one-fifth to one-thirtieth that at sea level. Therefore, in order to maintain current cabin pressures equivalent to an altitude of 7,500 feet, pressurization of the SST must be increased by approximately 2.5 psi above subsonic jets. *A loss of pressure at 65,000 feet would result in all aboard losing consciousness within fifteen seconds.*[67]

In addition, the SST will have manueverability problems, may well have stability problems, and will be particularly susceptible to hail, lightning and fire.[68] The latter is a result of its unprecedented fuel consumption. "The fuel load of the Boeing SST at take-off will be almost 200 tons."[69] This fuel requirement itself will present a whole range of environmental problems associated with resource exploration, refinement and delivery, not to mention taxing industries that already claim shortages and therefore inability to meet existing demand.[70]

CONCLUSION

In summarizing the report of the Presidential Environmental Panel, that "we should not wait for the aircraft to be built, and then set standards based on what has been accomplished," the Department of Transportation had specific reference to the problem of aircraft noise. However that conclusion applies with no less force to the full range of environmental considerations.

The early announcement of standards responsive to environmental problems is particularly essential in the case of the SST. As already stated, when the United States launched its own SST program we were assured that the public commitment would never exceed $750 million;[71] it is already approaching $700 million[72] and there is ample evidence to suggest that it will amount to several billion.[73]

What is particularly shocking is the fact that it is impossible to point to any advantage flowing to the public in return for this unprecedented allocation of public resources in support of a private business venture. The experts have concluded that the SST will have a negative effect on this country's balance of payments,[74] it offers little, if any, increased employment opportunities[75] or potential for technological fallout, it has no national defense implications[77] and its foreign policy effects are adverse.[78]

Moreover, the economics of the SST have been called into serious question both in terms of the aircraft sale price and the estimated number of sales.[79] The airlines themselves are skeptical as to whether the SST will make economic sense.[80] At best, it is extremely doubtful that the United States Government will recoup any part of its investment.[81]

What is not at all the subject of doubt is that the SST—an aircraft which will serve at most 1% of the population[82]—presents grave environmental and human health problems which the Departments of Health, Education, and Welfare,[83] Interior[84] and Labor[85] and the President's Science Adviser[86] agree must be considered without further delay.

It follows that it is incumbent upon the FAA to now publish the environmental standards that will be applied when certificates of airworthiness are sought. Foreign policy considerations require that we now advise the British, French, and Russians of what the applicable certification requirements will be as to noise and the other environmental and human health problems.

Accordingly, the following actions are required:

1. An immediate determination that the noise standards applicable to subsonic aircraft will be applied to supersonic aircraft without any reduction of those standards, and
2. The immediate initiation of a public rulemaking proceeding to consider the minimum environmental standards governing certification of the supersonic transport and the formulation and publication of those standards at the earliest feasible date.

Respectfully submitted,

EDWARD BERLIN,
GLADYS KESSLER.

FOOTNOTES

[1] P.L. 91–190, 83 Stat. 852.

[2] Senate Report No. 1353, 90th Cong., 2d Sess., 1968 U.S. Code Cong. and Adm. News 2688.

[3] 49 U.S.C. 1431, P.L. 90–411, 82 Stat. 395.

[4] *Ibid* fn. 2.

[5] House Report No. 1463, 90th Cong., 2d Sess., p. 5. During the floor debate, Congressman Roman Pucinski emphasized the obligatory effect of the amendment (114 Cong. Rec 16397):

> This is just not another study commission. What we are doing here is amending the Aviation Act. We want to make certain that the Secretary of the Department of Transportation has a mandate to do something affirmative, something positive and meaningful about jet noise abatement and sonic boom. It is my opinion that within the structure of this legislation we will be able to do this.

Senator Joseph Tydings made a similar statement during Senate debate (114 Cong. Rec. 20930):

> In summary, the bill provides for the control and abatement of aircraft noise, and marks Congress' first attempt to try to protect America's eardrums. It authorizes and requires the Administrator of the Federal Aviation Administration to establish noise reduction standards for the measurement of aircraft noise and sonic boom, and to apply these standards in the issuance of certificates under Title VI of the Federal Aviation Act.

[6] 114 Cong. Rec. 16390; See also Senate Report No. 1353, *supra* fn. 2 at p. 2690 and House Report No. 1463 at p. 4.

[7] The noise abatement provisions apply to the full scope of the Administrator's certification functions. See House Report No. 1463, p. 2 and 114 Cong. Rec. 16384. According to the Senate Committee on Commerce, "the aircraft certificates would be the ones most probably subjected to noise standards." Senate Report No. 1353, *supra* fn. 2 at p. 2692.

[8] 114 Cong. Rec. 16384.

[9] 114 Cong. Rec. 16387.

[10] 114 Cong. Rec. 16388.

[11] *Ibid*; See also 114 Cong. Rec. 16395 and 16396.

[12] 114 Cong. Rec. 16389.

[13] 114 Cong. Rec. 16390.

[14] 114 Cong. Rec. 16392.

[15] Prepared statement of Russell E. Train before the Subcommittee on Economy in Government of the Joint Economic Committee, May 12, 1970 (hereinafter "Train") pp. 4–5 (emphasis added).

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[16] Cohen, Dr. Alexander, *Effects of Exposure to Sonic Boom on Man*, U.S. Department of Health, Education and Welfare (January 1969) (hereinafter "Cohen, 1969"), p. 9.

[17] Cohen, Dr. Alexander, *Effects of Noise on Psychological State*, paper presented at the June 1968 National Conference on Noise as a Public Health Hazard, American Speech and Hearing Association (hereinafter "Cohen, 1968"), p. 78. The Conference Journal will hereinafter be referred to as "Noise".

[18] Cong. Rec. October 31, 1969, H. 10440, emphasis added. The Panel was one of four established by the President on February 19, 1969 to consider various aspects of the SST program. It consisted of representatives of the Departments of Health, Education, and Welfare, and Interior and of the Office of Science and Technology.

[19] Ward, W. Dixon, *Effects of Noise on Hearing Thresholds*, Noise pp. 44 and 46.

[20] *Id.* at p. 45.

[21] Prepared statement of Congressman HENRY S. REUSS before the Subcommittee on Economy in Government of the Joint Economic Committee, May 7, 1970 (hereinafter "REUSS"), p. 8; see also the statement of Under Secretary of Transportation James M. Beggs at the hearings of that Subcommittee (hereinafter "Hearings"), p. 1219.

[22] Prepared statement of Dr. Richard L. Garwin before the Subcommittee on Economy in Government, *supra*, fn. 21, May 7, 1970 (hereinafter "Garwin"), p. 5.

[23] Cong. Rec., October 31, 1969, H. 10435.

[24] Prepared statement of Russell E. Train before the Subcommittee on Economy in Government, *supra*, fn. 21, May 12, 1970, hereinafter "Train").

[25] Con. Rec. October 31, 1969, H. 10439, emphasis added.

[26] Hearings, p. 1272, emphasis added.

[27] Cong. Rec. July 10, 1969, S 7815. See also: Cong. Rec., October 8, 1969, S 12125 and 12143; December 12, 1969, S 17450–17454; December 23, 1969, H 13093–13095; and Senate Report No. 296, 91st. Cong., 1st Sess., pp. 6–9, 14 and 19–20.

[28] Cong. Rec., October 8, 1969, S 12145.

[29] Cong. Rec., December 20, 1969, S 17453.

[30] Cong. Rec., December 20, 1969, S 17452.

[31] Cong. Rec., July 10, 1969, S 7815.

[32] Senate Report No. 296, pp. 5, 16–17. See also Cong. Rec., December 20, 1969, S 1745, where Senator Jackson expresses concern over the fact that "too much of our past history of dealing with environmental problems has been focused on efforts to deal with 'crises', and to 'reclaim' our resources from past abuses."

[33] Cong. Rec., December 20, 1969, S 17457.

[34] Cong. Rec., December 20, 1969, S 17455.

[35] Shurcliff, Dr. William A., *S/S/T and Sonic Boom Handbook*, Ballantine Books, New York, 1970 (hereinafter "Shurcliff, 1970") pp. 23–24. See also Lundberg, Bo, *Acceptable Nominal Sonic Boom Overpressure in SST Operation*, Noise, p. 279.

[36] Shurcliff, 1970, p. 22.

[37] Shurcliff, 1970, p. 40. In the Oklahoma experience the booms were regularly scheduled during daytime hours. Thus, the critical element of surprise was removed.

[38] Cohen, 1969, p. 4.

[39] Shurcliff, William A., *SST and Sonic Boom Handbook*, Citizens League Against the Sonic Boom, Cambridge, Mass. (February, 1969) (hereinafter "Shurcliff, 1969"), p. 5.2.

[40] Shurcliff, 1970, p. 60.

[41] Cong. Rec., October 31, 1969, H. 10435.

[42] 35 Federal Register 6189, April 16, 1970.

[43] See Cohen, 1969, p. 6 and Shurcliff, 1969, p. 30.1; see also: Garwin, p. 5; Reuss, p. 3; Cong. Rec., December 17, 1969, S 10721 and 10735–36; and Hearings, pp. 1250 and 1291.

[44] Hearings on H.R. 14794 before the Transportation Subcommittee of the Senate Committee on Appropriations, 91st Cong., 1st Sess., p. 792. Concern over this economic pressure was also expressed by the Presidential Environmental Panel.

[45] Lundberg, *Noise*, p. 279.

[46] Shurcliff, 1969, p. 22.1.

[47] Shurcliff, 1970, p. 90.

[48] *Id* at p. 26.

[49] Shurcliff, 1970, p. 41. See also, Rosenblith, Walter A., *Introductory Remarks*, Noise, pp. 13–15.

[50] Cohen, 1969, p. 10.

[51] *Id* at pp. 10–11.

[52] Noise, p. 9.

[53] Cohen, 1968, pp. 83–84. See also Cohen, 1969, pp. 11–12, and Rosenblith, Walter A., Noise, p. 15.

[54] See Shurcliff, 1969, p. 21.1 and Shurcliff, 1970, pp. 86–88.

[55] See Shurcliff, 1970, pp. 35–38 and 88–89.

[56] Shurcliff, 1970, pp. 60–61.

[57] Cong. Rec., October 31, 1969, H 10439.

[58] Train, pp. 6–7.

[59] Hearings, pp. 1278–1280. See also Testimony of Congressman Sidney R. Yates, Hearings, p. 1181; Shurcliff, 1970, p. 86; Cong. Rec., October 31, 1969, H 10435–10436.

[60] Reuss, p. 5.

[61] Cong. Rec., October 31, 1969, H 10441. See also Shurcliff, 1970, pp. 4–5 and Reuss, p. 4.

[62] Cong. Rec., October 31, 1969, H 10435.

[63] Shurcliff, 1970, p. 69.

[64] Cong. Rec., October 31, 1969, H 10435. See also Shurcliff, 1970, pp. 68–74.

[65] Cong. Rec., October 31, 1969, H 10435.

[66] Shurcliff, 1970, p. 74.

[67] Cong. Rec., October 31, 1969, H 10435, emphasis added. See also Shurcliff, 1970, p. 71.

[68] Shurcliff, 1970, pp. 64–68.

[69] *Id.* at p. 64.

[70] When that report was prepared the National Environmental Policy Act had not yet been enacted. Accordingly, noise pollution was the only environmental factor that the FAA had a statutory obligation to consider at the time of certification.

[71] Cong. Rec., October 31, 1969, H 10432 and Garwin, p. 12.

[72] See Hearings, p. 1207 and Yates, p. 6.

[73] See Yates, p. 5, Garwin, pp. 17–19 and Hearings, p. 1092.

[74] See Cong. Rec., October 31, 1969, H 10432–10433 and 10437, and Garwin, p. 27.

[75] See Cong Rec., October 31, 1969, H 10433.

[76] See Cong. Rec., October 31, 1969, H 10436.

[77] See Cong. Rec., October 31, 1969, H 10442 and Garwin, p. 19.

[78] See Cong. Rec., October 31, 1969, H 10437.

[79] See Shurcliff, 1969, p. 9.1; Cong. Rec., October 31, 1969, H 10433 and 10434; Prepared statement of Mary Goldring before the Joint Economic Committee, May 11, 1970 (hereinafter "Goldring"), p. 3; Garwin, pp. 5 and 15–17.

[80] See Cong. Rec., December 17, 1969, S. 17034.

[81] See Cong. Rec., December 17, 1969, S 17021 and Cong. Rec., October 31, 1969, H 10441.

[82] See Reuss, p. 1 and Goldring, pp. 3 and 4.

[83] See Cong. Rec., October 31, 1969, H 10437.

[84] See Cong. Rec., October 31, 1969, H 10438.

[85] See Cong. Rec., October 31, 1969, H 10441.

[86] Dr. Lee A. DuBridge, Director of the Office of Science and Technology, summarized his views on the SST program as follows:

> Granted that this is an exciting technological development, it still seems best to me to avoid the serious environmental and nuisance problems and the Government should not be subsidizing a device which has neither commercial attractiveness nor public acceptance.

See Cong. Rec., October 31, 1969, H 10442.

NO ACTION BY THE JUSTICE DEPARTMENT ON FITZGERALD CASE AFTER 183 DAYS

Mr. PROXMIRE. Mr. President, when will the forces of law and order begin to enforce law and order? 183 days, more than half a year, have passed since I wrote to the Department of Justice on November 22, 1969, calling for an immediate investigation into the sacking of A. E. Fitzgerald by the Air Force.

A major principle is at stake. Mr. Fitzgerald gave honest and truthful testimony to a committee of the Congress. He was asked to testify by the committee. At the hearing itself, the Air Force representative stated publicly that he had permission to testify.

Testify he did. He revealed that the overrun on the C-5A was $2 billion. As a result of that testimony he was ostracized, lied about, investigated, and fired.

That is against the law. It is a crime to threaten, influence, intimidate, or impede any witness in connection with a congressional investigation. It is a crime to injure a witness on account of his testimony. And courts have held that firing a man is injury to him. Commonsense dictates such a conclusion, too.

I am told that there is written over one of the entrances to the Justice Department, "All those seeking justice enter here." At the moment there appears to be another sign at that door. It says, "Use other entrance."

How many more days must pass before the Justice Department acts? When will law and order be applied to the Defense Department?

ADDITIONAL STATEMENTS OF SENATORS

ELMER L. KOONS

Mr. MANSFIELD. Mr. President, I regret to announce to the Senate the passing of Elmer L. Koons. Mr. Koons died today at the age of 75 after a long illness. He had a legion of friends in the Senate, which he served faithfully for 50 years as a transcriber and as a special assistant to the Official Reporters of Debates until his retirement in June 1967. "Elmer," as he was known with great affection by everyone who knew him, will be greatly missed. His friends and associates will remember him for his kindness, his great decency, and unfailing courtesy. The Senate was enriched by his presence on the staff and his outsanding service. I extend the deep sympathy of the Senate to his wife, Mrs. Laura M. Koons, and his daughter, Mrs. Richard C. Molloy, in their loss.

THE GENOCIDE CONVENTION—WHY THE SENATE SHOULD REFUSE TO RATIFY IT

Mr. ERVIN. Mr President, it would be extremely unwise for the Senate of the United States to ratify the Genocide Convention. This is particularly true at a time when it is manifest that a substantial part of the American people wish to contract rather than expand their international obligations.

HISTORY OF THE GENOCIDE CONVENTION

During the 1940's activists connected with the United Nations engaged in a strenuous effort to establish by treaties laws to supersede domestic laws of nations throughout the earth. The Genocide Convention represents one of these efforts. It originated in a resolution of the United Nations condemning genocide as a crime whether "committed on religious, racial, political, or any other grounds." When reduced to its final form it excluded genocide committed on "political" grounds because some of the parties to it did not wish to surrender even nominally their right to exterminate political groups hostile to their rulers. Under its provisions, individuals as well as persons exercising governmental power would be subject to trial and punishment for offenses which have always been regarded as matters falling within the domestic jurisdiction of the various nations.

The Genocide Convention was adopted by the General Assembly of the United Nations on December 10, 1948, and was submitted by President Harry S. Truman to the Senate for its consideration on June 16, 1949. The Senate Foreign Relations Committee appointed a subcommittee composed of very able Senators, who conducted hearings in January and February 1950, and reported to the full committee that the United States should not ratify the convention in any event unless the Senate adopted four substantial understandings and one substantial declaration. Since this report was made, the Senate Foreign Relations Committee and the Senate itself by inaction have refused to ratify this convention.

In contrast to the attitude represented by this inaction during the preceding 20 years, the Senate Foreign Relations Committee has apparently revived the question of ratification during the past few months, notwithstanding the fact that there has been no change of circumstances which would make what was unwise in 1950 wise in 1970.

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The only argument now advanced for ratification of this convention is that it would improve the image of the United States in the eyes of Russia and other totalitarian parties to the convention, which, strange to say, have repudiated by understanding and reservations many of the provisions of the convention.

For example, these nations refuse to be bound by article IX which subjects their actions under it to the jurisdiction of the International Court of Justice. Some of the proponents of ratification by the Senate advance the rather strange argument that the United States can safely ratify the convention because there is no effective way to enforce its provisions against the United States if the United States refuses to abide by them. I cannot buy this argument because I think that any nation which makes a contract in the form of a treaty should accept its obligations even in the event such obligations prove to be contrary to its own interest. Otherwise, why make treaties.

Before discussing the obligations which the United States would assume as the result of Senate ratification of the Genocide Convention, I wish to call attention to its salient provisions.

PROVISIONS OF THE GENOCIDE CONVENTION

By the Genocide Convention or treaty the contracting parties affirm in article I "that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish."

Articles II and III of the convention read:

> *Article II*
>
> In the present convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
>
> (a) Killing members of the group;
>
> (b) Causing serious bodily or mental harm to members of the group;
>
> (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
>
> (d) Imposing measures intended to prevent births within the group;
>
> (e) Forcibly transferring children of the group to another group.
>
> *Article III*
>
> The following acts shall be punishable:
>
> (a) Genocide;
>
> (b) Conspiracy to commit genocide;
>
> (c) Direct and public incitement to commit genocide;
>
> (d) Attempt to commit genocide;
>
> (e) Complicity in genocide.

Article IV specifies that "persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals."

Article V obligates the contracting parties to enact the necessary legislation to give effect to the provisions of the convention and to provide effective penalties "for persons guilty of genocide or of any of the other acts enumerated in article III."

Article VI provides that "persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the nation in the territory of which the act was committed or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction."

Article VII provides that the parties to the treaty pledge themselves in genocide cases to grant extradition in accordance with their laws and treaties. Article VIII provides that "any contracting party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III."

Article IX provides that "disputes between the Contracting Parties relating to the interpretation, application, or fulfillment of the present Convention—shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

This brings me to the considerations which ought to deter the Senate from ratifying the Genocide Convention. Time and space compel me to limit my statement to only the most substantial of them.

CONVENTION DISTORTS CONCEPT OF GENOCIDE

First, if the Senate should ratify the Genocide Convention, the United States would be obligated by it to prosecute and punish public officials and private citizens of our country for acts alien to the concept embodied in the term genocide.

The definition of genocide appears in article II which states that the term genocide embraces five specified acts "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." The convention definition of genocide is inconsistent with the real meaning of the term, which is "the systematic, planned annihilation of a racial, political, or cultural group." The word annihilation clearly contemplates the complete destruction or the complete wiping out of the designated group.

Yet, the convention definition covers the destruction either in whole or in part of members of a group embraced by it. This means that a public official or a private individual is to be subject to prosecution and punishment for genocide if he intentionally destroys a single member of one of the specified groups.

When it considered this convention in 1950, the subcommittee of the Committee on Foreign Relations took note of the fact that the convention distorts and perverts the entire concept embraced in the word "genocide," and for that reason stated that the Senate ought not to consider ratification of the convention unless it announced this understanding of its meaning:

> That the United States Government understands and construes the crime of genocide, which it undertakes to punish in accordance with this convention, to mean the commission of any of the acts enumerated in article II of the convention, with the intent to destroy an entire national, ethical, racial, or religious group within the territory of the United States, in such manner as to effect a substantial portion of the group concerned.

This distortion and perversion of the plain concept embraced in the word "genocide" represents an effort on the part of the drafters of the convention to make punishable either in the courts of an adherent to the treaty or in an international tribunal to be established under the terms of the treaty, all of the acts enumerated in articles II and III of the convention.

Since an intent to destroy a single person belonging to one of the four designated groups would subject an official or individual to punishment, the treaty would make virtually every person in any nation adhering to it a potential victim of genocide as the meaning of that term is distorted and perverted by the convention. This is true simply because virtually every person on earth belongs to one or more of the four groups designated.

This observation is made exceedingly plain by the fact that an ethnical group is a "social group within a cultural and social system that claims or is accorded special status on the basis of complex, often variable traits including religious, linguistic, ancestral, or physical characteristics."

DRASTIC IMPACT OF CONVENTION ON OUR SYSTEM OF GOVERNMENT

Second. Article II, section 2 of the Constitution provides that "the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the

Senators present concur." Article VI of the Constitution provides that "the Constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

If the Senate should ratify the Genocide Convention, these constitutional provisions would automatically make the convention the law of the land, put all of its self-executing provisions into immediate effect as such, and impose upon the United States the obligation to take whatever steps are necessary to make its non-self-executing provisions effective. This means that the provisions of the Genocide Convention would immediately supersede all State laws and practices inconsistent with them, and would nullify all provisions of all acts of Congress and prior treaties of the United States inconsistent with them.

While Congress could repeal provisions of the Genocide Convention by future legislation, the States would be bound by them as long as the convention remained in effect. Moreover, the Genocide Convention would immediately require and authorize Congress to enact legislation implementing its provisions, even though such legislation were beyond the power of Congress in the absence of the convention, and even though such legislation would deprive the States of the power to prosecute and punish in their courts acts condemned by articles II and III of the convention.

Surely, the Senate should pause and ponder what the impact of the ratification of the Genocide Convention would have on our system of government.

It is noted that virtually all the other nations of the earth have no constitutional or legal principle similar to article VI of the Constitution of the United States making treaties "the supreme law of the land," and that for this reason treaties do not take effect as internal law in other nations unless their legislative branches of government adopt laws subsequent to their ratification giving them such effect.

Third. One of the most drastic impacts the ratification of the Genocide Convention would have upon our system of government is in the criminal field. If the Senate should ratify the Genocide Convention, the duty and the power to prosecute and punish criminal homicides, assaults and batteries, and kidnapings covered by categories (a), (b) and (e) of article II of the convention would be forthwith transferred from the states which have always had such duty and power in respect to these crimes to the Federal Government. To make this transfer of justification workable, Congress would be required to enact new laws laying down rules of procedure to govern the trial of these newly created Federal and international crimes. Pending the passage of such laws, our country would experience utter confusion in the administration of criminal justice in respect to homicides, assaults and batteries, and kidnapings.

Proponents of ratification may argue that many homicides, assaults and batteries, and kidnapings would not fall within the definition of genocide. This contention accentuates rather than minimizes the folly of ratifying the Genocide Convention.

As has been pointed out, virtually every person in America falls within one or more of the four groups designated in the Genocide Convention, and any offense denounced by the Genocide Convention against any one of them would ostensibly fall within the scope of the convention. The jurisdiction of the Federal courts under the Genocide Convention would not depend upon what the jury found in particular cases. It would depend upon the allegations made in the indictments or informations charging the offenses.

Consequently, we can reasonably expect that demands will be made that every homicide, every assault and battery inflicting serious injury, and every kidnaping shall be tried in a Federal court, or in an international court to be established pursuant to the convention. What this will do to increase the congestion in the already overburdened Federal courts of our land beggars description.

In the absence of ratification of the convention, demands have already been made that the United Nations investigate the slaying of Black Panthers by police officers on the ground that their slaying constituted genocide under article II(a), and that the United Nations investigate the action of the legislature of one State in respect to welfare benefits on the ground that the legislative action constituted genocide under article II(c).

I respectfully suggest that the Senate should pause and ponder whether it is desirable to ratify a convention which would necessitate a fundamental alteration in the way in which criminal justice has been administered in the United States ever since our country came into existence as a free republic.

When the subcommittee of the Senate Foreign Relations Committee considered the Genocide Convention in 1950, it clearly recognized that ratification of the convention would play havoc with our system of administering criminal justice in respect to domestic crimes made Federal and international crimes by articles II and III, and for this reason decided that the Senate should not ratify the convention in any event without making this declaration:

> In giving its advice and consent to the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, the Senate of the United States of America does so considering this to be an exercise of the authority of the Federal Government to define and punish offenses against the law of nations, expressly conferred by article I, section 8, clause 10 of the United States Constitution, and consequently, the traditional jurisdiction of the several States of the Union with regard to crime is in no way abridged.

Confusion in the administration of criminal justice in respect to domestic crimes made Federal or international crimes by the Genocide Convention would not disappear with the enactment of legislation by Congress implementing the convention. The validity of this observation may be illustrated by taking a single crime, that of unlawful homicide. Under the Constitution of the United States, Congress does not have the power to make unlawful homicides generally Federal or international crimes. If ratified by the Senate, the Genocide Convention would give Congress this power in respect to homicides constituting genocide under the definition contained in the convention. Jurisdiction to prosecute and punish other unlawful homicides would remain in the State.

The only distinction between unlawful homicides remaining in the jurisdiction of the States and unlawful homicides transferred by the Genocide Convention and Acts of Congress implementing it to the Federal Government would depend upon whether the homicide is committed with genocidal intent. As a consequence, every unlawful homicide would apparently be within the jurisdiction of both the Federal and the State government insofar as the external circumstances of the slaying are concerned.

Hence, either State or Federal courts could assert jurisdiction in respect to virtually all homicides, and an acquittal of the charge in one would not bar a second prosecution based on the same facts in the other court. This being true, a person could be twice placed in jeopardy for the same offense.

The power of a Federal court to try a person for a homicide on the ground that it constitutes genocide depends upon the allegations of the indictment and not upon the ultimate finding of the jury. On a trial in the Federal court, the jury would be compelled to acquit the accused of genocide unless it found that he acted with the requisite genocidal intent, no matter how atrocious the circumstances attending the homicide otherwise might be. In such a case, the accused would go unwhipped of justice unless he was placed upon trial a second time in a State court.

The Senate should be slow to ratify any convention which would make such confusion in the administration of criminal justice in cases of this kind.

MEANING OF CONVENTION SHROUDED IN UNCERTAINTY

Fourth. If the Senate should ratify the Genocide Convention, it would place obligations upon the United States to prosecute and punish as genocides acts whose nature the convention fails to disclose and to take steps whose nature the convention fails to reveal.

If the convention is ratified, article II(b) would impose upon the United States the duty to prevent and to prosecute and punish public officials and individuals who cause "mental harm to members" of any one of the four groups named in the convention. What mental harm means in this context is totally incomprehensible, and what psychological acts or omissions are made punishable in this context are left in obscurity. When the Subcommittee of the Senate Foreign Relations Committee considered

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the Genocide Convention in 1950, it reached the conclusion that the Senate ought not to ratify the Genocide Convention in any event unless it expressed this understanding:

> That the United States Government understands and construes the words "mental harm" appearing in article II of this Convention to mean permanent physical injury to mental faculties.

If the convention is ratified, article II(c) would impose upon the United States the duty to prevent and to prosecute and punish anyone who deliberately inflicts "on the group conditions of life calculated to bring about its physical destruction in whole or in part." What this means, no mind can fathom. Does it mean that a State or county official who refuses to give to a member of one of the four groups designated in the convention the amount of welfare benefits deemed desirable is to be punished or prosecuted for genocide? Does it mean that the Court of International Justice shall have power under article IX to adjudge that Congress or a State legislature which does not make available to members of one of the four groups what the Court deems to be adequate welfare benefits has violated the convention?

If the convention is ratified, article III(c) makes any official or individual in our land punishable for "direct and public incitement to commit genocide." What does this mean? Does it mean that the convention undertakes to make a Senator or a Congressman punishable for genocide if he makes a speech outside of the Chamber of his respective House in which he justifies the action of Arabs in killing Jews, or the action of Jews killing Arabs? Does it undertake to deprive public officials and citizens of America of the right to freedom of speech with respect to matters falling within the terms of the Genocide Convention?

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If anyone believes that the first amendment invalidates my apprehension on this score, let him read and ponder *Fox* v. *Washington*, 236 U.S. 273, and *Feiner* v. *New York*, 340 U.S. 315, as well as the majority and dissenting opinions in *Terminiello* v. *Chicago*, 337 U.S. 1.

If the convention is ratified, public officials and private citizens of our land will be subject to punishment in Federal courts or possibly in international penal tribunals to be established under article VI if they are guilty of the undefined offense designated as "complicity in genocide." What is "complicity in genocide?" The convention does not say.

When the subcommittee of the Senate Foreign Relations Committee considered the Convention in 1950, it recognized the vagueness and uncertainty of this proposed Federal and international crime, and recommended that the Senate should not ratify this Convention in any event without stating the following reservation:

> That the United States Government understands and construes the words 'complicity in genocide' appearing in article II of this Convention to mean participation before and after the fact and aiding and abetting in the commission of the crime of genocide.

If the convention is ratified, article II would impose upon the United States the obligation to prevent and to punish as a crime under international law any act of genocide "whether committed in time of peace or in time of war," and article VIII would authorize any party to the convention to call on the United Nations to take such action against the United States under the charter of the United Nations it considers "appropriate for the prevention and suppression of acts of genocide, or any of the other acts enumerated in article III" occurring or likely to occur anywhere in the United States.

What actual obligation does article I impose upon the United States with respect to events occurring either in peace or in war in lands beyond the seas? Does it require the United States to go to war to prevent one nation from killing the nationals of another nation? The Convention does not say, but article IX places the power to determine this question in the International Court of Justice.

Does article VIII imply that the United States agrees that the United Nations is to investigate or take action concerning the acts of public officials and individuals occurring within the borders of the United States? The convention does not say, but article IX leaves this determination to the International Court of Justice.

Able lawyers have expressed the fear that article VI imposes upon the Congress an implied commitment to support the creation of an international court for trials of American citizens for genocide. I find myself in complete harmony with their opposition to subjecting our citizens and other persons within our territorial jurisdiction to trial, conviction, and sentence for acts of genocide committed in the United States by an international penal tribunal where they would not be surrounded by the constitutional safeguards and legal rights accorded persons charged with a domestic crime.

CONVENTION MAKES SOLDIERS PUNISHABLE FOR SERVING THEIR COUNTRY IN COMBAT

Fifth. If the Senate should ratify the Genocide Convention, it would make American soldiers fighting under the flag of their country in foreign lands triable and punishable in foreign courts—even in courts of our warring enemy—for killing and seriously wounding members of the military forces of our warring enemy.

This is made indisputable by article I which provides that genocide is punishable under the convention whether it is committed in time of peace or in time of war, and by the fact that it contains no provision exempting soldiers engaged in combat from the coverage of the provisions of the convention. When soldiers kill or seriously wound members of a detachment of the military forces of a hostile nation, they certainly do so with intent to destroy, in whole or in part, a national group as such. Hence, their acts in combat fall clearly within the purview of the convention. In such cases, they are triable and punishable under article VI in the courts of the nation in whose territory their acts are committed, or in such an international penal tribunal "as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction."

These things being true, American soldiers killing or seriously wounding North Vietnamese soldiers or members of the Vietcong, or South Vietnamese civilians in South Vietnam, are triable and punishable in courts sitting in South Vietnam, and American aviators who kill North Vietnamese soldiers or civilians in bombing raids upon targets in North Vietnam, and who fall into the hands of the North Vietnamese, are triable and punishable in the courts of North Vietnam. No sophistry can erase this obvious interpretation of the Genocide Convention.

CONVENTION SUBORDINATES THE AMERICAN GOVERNMENT TO THE WORLD COURT

Sixth. If the Senate should ratify the Genocide Convention, article I would impose upon the President, as the Chief Executive of the United States, the duty to enforce both the provisions of the convention and any acts of Congress implementing them as the supreme law of the land.

Article V would obligate the Congress to enact legislation to give effect to all the provisions of the convention, and to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III, and article VI would obligate the Supreme Court of the United States and all inferior Federal courts created by Congress to interpret and apply all of the provisions of the convention and of the acts of Congress implementing it to cases coming before them under the terms of the convention and the acts of Congress implementing such terms.

Seventh. If the Senate should ratify the Genocide Convention, it would bring into play article IX which provides that disputes between the parties to the convention relating to the "interpretation, application, or fulfillment" of the convention "shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

Under this article the International Court of Justice would be empowered to decree that the President of the United States, as Chief Executive Officer of the United States, had interpreted and applied the provisions of the convention incorrectly and by so doing impose upon the President of the United States its notions as to how the convention should be interpreted and enforced; the power to adjudge that legislation enacted by Congress to give effect to the provisions of the convention was insufficient to fulfill the obligations imposed upon it by the convention; and the power to adjudge that the Supreme Court of the United States and Federal courts inferior to it had interpreted and applied the provisions of the convention incorrectly and by so doing require these tribunals to apply its notions as to how such provisions should be interpreted and applied to future cases coming before them.

When their attention is called to the drastic powers which the ratification of the Genocide Convention would bestow upon the International Court of Justice in respect to the President, the Congress, and the Supreme Court and other inferior Federal courts, the proponents of ratification assert that these agencies of the Government of the United States do not have to obey the rulings of the International Court of Justice if they deem that such rulings infringe upon the fundamental sovereignty of the United States. In so doing they ignore the solemn obligation assumed by the United States under article 94 of the charter of the United Nations which reads as follows:

> Each member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

The charter of the United Nations clearly contemplates that the United Nations will not interfere in the domestic affairs of any nation. The Genocide Convention goes a bow shot beyond the charter of the United Nations. It undertakes to regulate certain domestic affairs of the parties to it by converting what have always been domestic crimes into international crimes, and confers upon the International Court of Justice the vast powers set forth in article IX.

Consequently, if the Senate should ratify it, the Genocide Convention would render the Connally reservation, which was designed to prevent the International Court of Justice from exercising jurisdiction over any domestic affair of the United States, inapplicable to any of the matters covered by the convention, and would nullify the Vandenberg reservation to the jurisdiction of the International Court of Justice which stipulates that American acceptance of compulsory jurisdiction of the Court shall not apply to "disputes arising under a multilateral treaty, unless all parties to the treaty affected by the decision are also parties to the case before the Court, or the United States specially agrees to jurisdiction."

What I have said does not militate against the good intentions of those who drafted the Genocide Convention, or those who favor its ratification. All of us are opposed to the systematic, planned annihilation of any national, ethnical, racial, or religious group. The existing laws of the United States and its several States are adequate to punish all of the physical acts of violence denounced by the Genocide Convention. Hence the Senate does not need to ratify the Genocide Convention in order to make these acts punishable as crimes if committed within the borders of our land.

But the Senate should not permit itself to be persuaded by the good intentions of the proponents of ratification to ratify a convention which would have such a tragic impact upon the system of government which has always existed in our land, and which for the first time in our history undertakes to make undefined psychological harms inflicted in some undefined manner Federal and international crimes.

The American Bar Association has twice urged the Senate to reject the Genocide Convention—once in 1949 and again in 1970.

In closing, I urge every Senator to read the booklet entitled "The Convention on the Prevention and Punishment of the Crime of Genocide" prepared by 36 of the most distinguished and patriotic lawyers of America.

When this convention was originally submitted to the Senate for ratification or rejection, one of America's ablest jurists, Orie L. Phillips, chief judge of the U.S. Court of Appeals for the 10th Circuit, wrote an article entitled "The Genocide Convention: Its Effect on Our Legal System," which was published in the American Bar Association Journal for August 1949. I ask unanimous consent that the article be printed in the RECORD. I commend it to all Senators for their reading:

THE GENOCIDE CONVENTION: ITS EFFECT ON OUR LEGAL SYSTEM

(By Orie L. Phillips)

(NOTE.—In this article, Judge Phillips makes a concise, precise, analysis of the terms of the proposed Convention on the Prevention and Punishment of Genocide, and then discusses the effect of the Convention should it be consented to by the Senate. He points out that under the Constitution, a treaty is the supreme law of the land, superior to any state constitution or statute, and any existing federal statute, and that once a treaty has been approved by the Senate no further action is necessary to make it part of the municipal law of every state, binding upon individuals. While recognizing our international responsibilities, Judge Phillips questions the wisdom of this Convention and offers a suggestion that will carry out our international obligations without subjecting individual Americans to trial and conviction by a court that may not operate under the safeguards to an accused accorded by our legal system.)

On June 16, 1949, the President transmitted to the Senate the Convention on Genocide with the request that the Senate give its advice and consent to its ratification.

By this Treaty the contracting parties confirm that genocide is, "A crime under international law which they undertake to prevent and punish."

Articles II and III of the Convention read:

ARTICLE II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

Article V obligates the contracting parties to enact the necessary legislation to give effect to the provisions of the Convention and to provide effective penalties "for persons guilty of genocide or any of the other acts enumerated in Article III."

Article VI provides that "persons charged with genocide or any of the other acts enumerated in Article II shall be tried by a competent tribunal of the state" in which the act was committed, or by "such international penal tribunal as may have jurisdiction with respect to such contracting parties which shall have accepted its jurisdiction."

Article IX provides that disputes between the contracting parties relating to the "interpretation, application or fulfillment of the present convention," shall be submitted to the International Court of Justice at the request of any party to the dispute.

Thus, it will be seen that it is proposed by the action of the President, consented to by two-thirds of the Senators present[1] when Senate action is taken, to define certain acts, which have traditionally been regarded as domestic crimes, as international crimes and to obligate the United States to provide for their punishment and for the trial of persons accused thereof either in our domestic courts or in an international tribunal.

Treaty-making power is reviewed

It would seem appropriate, therefore, to review the treaty-making power.

Section 2 of Article II of the United States Constitution authorizes the President by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur.

The power is not one granted by the states. Neither did the powers of external sovereignty depend on the affirmative grants of the Constitution. If they had not been mentioned in the Constitution, they would have vested in the Federal Government as necessary concomitants of nationality. They embrace all the powers of government necessary to maintain an effective control of international relations.[2]

". . . the external powers of the United States are to be exercised without regard to state laws or policies."[3]

". . . the field which affects international relations is 'the one aspect of our government that from the first has been most generally conceded imperatively to demand broad national authority.' "[4]

The treaty-making power is not limited by any express provision in the Constitution. But it does not authorize what the Constitution forbids and its exercise must not be inconsistent with the nature of our Government and the relation between the states and the United States.[5]

The treaty-making power is not subject to the limitations imposed by the Constitution on the power of Congress to enact legislation, and treaties may be made which affect rights under the control of the states.[6]

Treaty is equivalent to statute

A treaty, entered into in accordance with constitutional requirements, to the extent that it is self-executing, has the force and effect of a legislative enactment and to all intents and purposes is the equivalent of an Act of Congress. In addition to being an international contract, it becomes municipal law of the United States and of each of the states, and the judges of every state are bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.[7]

In the event of a conflict between a treaty made in accordance with constitutional requirements and the provisions of a state constitution or a state statute, whether enacted prior or subsequently to the making of the treaty, the treaty will control.[8]

But, a treaty may be abrogated by the enactment of a subsequent federal statute which is clearly inconsistent therewith.[9]

Thus, it will be seen that it is proposed that we set out on a course, under a power without express limitation and of broad scope, to enact domestic criminal law, without any concurrence by the House of Repre-

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sentatives, the body traditionally regarded as closest to the people.

Moreover, if the offenses involved should be regarded as international in character by Section 8 of Article I of the United States Constitution, Congress has the power "to define and punish . . . offenses against the law of nations."

Convention would become supreme law of land

Since the Convention in most respects is self-executing, in those respects, on ratification, it would become the supreme law of the land. That would not be true as to any other contracting party except France and a few other states. Even if non-self-executing, the obligation to implement the Treaty by legislation is as binding as the Treaty itself.

It is one of our fundamental concepts that a legislative body, in the exercise of its power to declare what constitutes a crime, must define it so as to inform persons subject thereto, with reasonable precision, what it intends to prohibit so they may have a certain and understandable rule of conduct and know what it is their duty to avoid. "A statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law."[10]

Do the definitions in Articles II and III of the Convention meet that test?

What is a part of a national, ethnical, racial or religious group—one member, two members, how many?

If an act was done with intent to destroy two members of a group, although actuated by no malice toward the group as such, would that be genocide?

Would it not be more accurate and desirable if the prerequisite intent was defined as an act committed with intent to injure one of the enumerated groups as such, so as to make it clear the act must be directed toward the group as such and not merely at an individual member or members thereof?

What is meant by mental harm?

Does not complicity mean the act of an accessory, or to aid, abet, assist, or incite genocide?

A person accused of an offense defined by the Convention, if tried by an international penal tribunal, would not be surrounded by the safeguards we accord persons charged with domestic crimes.

FOOTNOTES

[1] See Art. II, § 2 United States Constitution.

[2] *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 315–318.

[3] *United States* v. *Belmont,* 301 U.S. 324, 331.

[4] *United States* v. *Pink,* 315 U.S. 203, 232.

[5] *Asakura* v. *Seattle,* 265 U.S. 332, 341; *Holden* v. *Joy,* 84 U.S. 211, 243; *Geofroy* v. *Riggs,* 133, U.S. 258, 267.

[6] *Missouri* v. *Holland,* 252 U.S. 416, 432.

[7] See *Valentine* v. *Neidecker,* 299 U.S. 5, 10; *Whitney* v. *Robertson,* 124 U.S. 190, 194.

[8] *Santovincenzo* v. *Egan,* 284 U.S. 30, 40; *Nielsen* v. *Johnson,* 279 U.S. 47, 52.

[9] *Whitney* v. *Robertson,* 124 U.S. 190, 195; *Botiller* v. *Dominguez,* 130 U.S. 238, 247; 52 *Am. Jur. Treaties,* 818 § 21; Note, 134 *A.L.R.* 885.

[10] *Connally* v. *General Const. Co.,* 269 U.S. 385, 391.

NORTH VIETNAM TAKES UNREAL ATTITUDE TOWARD PRISONERS

MR. GRIFFIN. Mr. President, from the very beginning of our major involvement in Vietnam there has been an unreal quality about much that has happened.

Footnotes at end of article.

It is hard for Americans to understand much that has gone on. And much of it has seemed both bizarre and shocking to most Americans. But perhaps nothing that has happened is as unreal as the situation involving Americans captured by the North Vietnamese.

The attitude the North Vietnamese have taken is almost as if the prisoners did not exist. Every now and then, when it suits their propaganda purposes, there is word from or about one of the American prisoners. But that is about all. Strange as it seems, we do not actually know how many Americans are being held by the North Vietnamese. The best estimate is that there are somewhere between 1,400 and 1,500 prisoners. But we really do not know because the North Vietnamese have never officially or otherwise notified our Government as to their number or who they are.

This situation stems from another unreality in the never-never land of Southeast Asia. Although literally hundreds of thousands of North Vietnamese regulars are and have been fighting in and around South Vietnam, Hanoi has never admitted it is involved in the Vietnamese war.

Hanoi clings to the fiction that what has been going on in South Vietnam is a revolution conducted solely by South Vietnamese against the Saigon government. There has never been an admission that North Vietnam gives more than moral support to the Vietcong.

Because of this basic fiction, the North Vietnamese have not been able to admit that any North Vietnamese prisoners are being held by the American and South Vietnamese Governments. Therefore, there is missing in our negotiations with the North Vietnamese a basic ingredient, and that is the possibility of prisoner exchange.

When one side merely says there are not any prisoners of war, as the North Vietnamese say about their own men being held in the South, then it becomes impossible to discuss prisoner exchange with them.

Meanwhile, the American prisoners in North Vietnam and their families here at home are forced to suffer for this Communist ploy. The North Vietnamese have refused to notify the American Government of any prisoners they hold. They have refused to allow international inspection of the prisoner compounds, so nobody knows for sure the condition of the men being held, what they are being fed, how well they are being cared for—and how many of them still survive.

In addition, the Communists have refused to allow even the most minimal communication between the men and their families—as is prescribed by the Geneva Convention on Prisoners.

To make matters worse for the anguished wives and mothers of these men, the Hanoi government has repeatedly indicated there is a possibility that they can hear from their loved ones if they will take steps to denounce the American Government for its role in Vietnam.

The little information we have gotten about prisoners has come largely through the so-called peace groups in the United States, and through leftist organizations.

This use of prisoners for propaganda purposes also runs clearly counter to both the letter and the intent of the Geneva agreements. It in effect turns the prisoners into hostages, which is a concept that was discarded by civilized nations centuries ago.

This cruelly unreal approach by the North Vietnamese adds to an already serious problem. It makes it impossible not only for our Government but for private individuals to do anything to improve the lot of the men so held.

As President Nixon has pointed out, we will not allow these men to be used as hostages. Our Government is continuing to make every effort through every open diplomatic channel, to get the point across to Hanoi. I believe we must redouble that effort to use whatever means are available to force the Communists at the conference table to accept the fact that this is a point which must be negotiated if we are ever to achieve peace in the area.

ADMISSION OF LARGER JET AIRCRAFT TO NATIONAL AIRPORT

Mr. SPONG. Mr. President, the Federal Aviation Administration's decision to admit larger jet aircraft to National Airport came as a rude surprise to some Members of the Senate who had been assured that no such action would be taken.

The decision follows three studies—two by staff members of the FAA—recommending in the strongest terms against permitting the Boeing 727-200, at National.

Mr. President, this decision is certain to jeopardize the future of Dulles International Airport. Dulles was built at a cost to the taxpayers of $115 million, and is has been subsidized every year since it was opened. Congress has the right to expect that the agency charged with operating this airport would do all in its power to see that Dulles becomes a profitable enterprise. Certainly it would be expected that no decision which is obviously against the best interest of Dulles would be made.

Mr. President, I shall have more to say on this subject in the days ahead, but at this time I ask unanimous consent that three editorials be printed in the RECORD: A WTOP editorial entitled "FAA Playing a Sneaky Trick at National," broadcast April 23 and 24; a second WTOP editorial, entitled "FAA Believability Wrecked on Stretch Jets at National," broadcast May 20 and 21; and an editorial, entitled " 'Stretch Jets' and Dulles," published in the Richmond Times-Dispatch of May 22, 1970.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FAA PLAYING SNEAKY TRICK AT NATIONAL

(WTOP editorial, Apr. 23 and 24, 1970)

The Federal Aviation Administration is playing a sneaky, despicable trick at National Airport.

The FAA now is allowing bigger-capacity jets to use the field—something the agency has said time after time it wouldn't do.

During the recent air controllers' walkout,

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the FAA lifted its ban on the so-called "stretch" jets in what it claimed was a temporary move to help ease the air-travel situation. Now, however, with the walkout ended, the FAA says it will continue to allow airlines to bring in the bigger planes. We need to study the situation more broadly, says the FAA, "to properly assess the public interest."

That's pure balderdash. The public interest will be served by phasing-down activity at National Airport. The stretch-jets will do exactly the opposite, particularly in terms of adding a bigger load to terminal facilities which already are badly overcrowded.

The FAA, you see, has been scheming for a long time to get a bigger National Airport. This latest maneuver is an obvious piece of strategy to create what amounts to artificial pressure for a modernized, expanded facility.

At Senate hearings last year, FAA spokesmen gave repeated assurances that stretch-jets and airbuses would not be permitted to use National. Arven Saunders of the FAA went on to say, "we will not change our policy."

Well, they've changed it, all right.

The FAA speaks reverently of "the public interest," but it hasn't even bothered to consult the public. Its tactics in this affair have been evasive and deceitful. It's one more justification for Congress to create a locally-oriented authority to run Washington's airports.

Meanwhile, the FAA should end its tricks and get the bigger jets out of National Airport.

This was a WTOP Editorial—Norman Davis speaking for WTOP.

[WTOP editorial, May 20 and 21, 1970]

FAA Believability Wrecked on Stretch-Jets at National

The Federal Aviation Administration has virtually wrecked its believability in the matter of allowing stretch-jets to use National Airport. The best thing it can do is ban the big jets immediately.

A Senate hearing this week chaired by Virginia Senator William Spong laid on the record a shabby string of excuses and tricks by the agency which operates National and Dulles airports.

The FAA's clandestine decision a few weeks ago to lift the ban on the stretch version of the Boeing 727 flew in the face of repeated reassurances to Congress that it wouldn't be done.

Most devastating of all, however, is a study done by ranking staff members of the FAA earlier this year and disclosed publicly this week by Senator Spong. If the bigger 727's were allowed into National, says the study, the airlines would reap a financial "bonanza." The government and the taxpayers, it goes on, would suffer a "substantial loss." The study concludes that the growth of Dulles airport would be substantially retarded, and the prospect for a regional airport system would be jeopardized.

The FAA hierarchy, of course, went right ahead and did it. It was a political decision, in our view, which utterly ignored the public interest.

One of the most disturbing aspects of the FAA study is the unusually cozy alliance which seems to emerge between the airlines themselves and the agency charged on behalf of the public with regulating the airlines.

FAA administrator John Shaffer tried at the Senate hearing to minimize the significance of his own staff's report, but it didn't wash well. His testimony in general about the stretch-jet affair can only be described as lame.

The FAA, in effect, has shot down its own case. We hope Senator Spong and others in Congress will look much more deeply into the FAA's political maneuvers regarding Washington's airports.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

[From the Richmond (Va.) Times-Dispatch, May 22, 1970]

Stretch Jets and Dulles

Virginia Sen. William B. Spong Jr. is right in trying to make sure that all reasonable steps are taken to promote the use of the giant Dulles International Airport.

One way to promote Dulles (and also Friendship International Airport in nearby Maryland) is to limit the size of planes that can use the Washington National Airport.

National, located only a few miles from downtown Washington, is an extremely busy airport, and the theory is that it should confine its operations to smaller planes and let Dulles and Friendship handle the big ones.

Under that theory, until a few months ago the Federal Aviation Administration had prohibited the Boeing 727 "stretch jets" from landing at National. (These planes get their name from the fact that they are, in effect, the original Boeing 727 that has been "stretched" by lengthening the fuselage about 20 feet, making room for additional passengers.)

On April 9, however, the "stretch jets" began using National under what was believed to be only temporary FAA authorization. FAA lifted its ban because these larger aircraft were needed to serve the traveling public during the air traffic controllers' work slowdown, it was explained.

But on Tuesday of this week, Sen. Spong and other members of the Senate's District of Columbia Committee charged the FAA with simply using the work slowdown as an excuse to do what it had planned to do all along—that is, to bring the "stretch jets" into National. And John H. Shaffer, FAA administrator, admitted to the committee that the federal agency was considering the possibility of allowing the planes to use the airport on a permanent basis.

Spong released a memorandum written by officials of the Bureau of National Capital Airports, an FAA subsidiary, which declared that allowing the big jets to use National would produce a "financial bonanza" for the airlines but would seriously damage efforts to develop Dulles and Friendship. The study was dated Jan. 12, months before the FAA lifted its ban on the "stretch jets," but Shaffer told the committee Tuesday he hadn't seen the memorandum.

The airlines have contended that if the larger jets are permitted to use National on a permanent basis, it would not add to congestion, since fewer planes could handle the same number of passengers.

This view is strongly denied by opponents. But if the airlines' contention is correct the National can accommodate the planes without difficulty, then it would be hard to argue against such use merely on the grounds that Dulles and Friendship need more business. Admittedly, National is far more convenient to Washington than is Dulles, for instance, which is 26 miles away and not easy to get to by ground transportation.

Nevertheless, since several senators say the FAA had assured them that the "stretch jets" would never be allowed to land at National, and since the planes are still there even though the controllers' slowdown is over, it does appear that the federal agency has been candid in this whole matter. Sen. Spong's criticism is justified.

THE NEED FOR RURAL WATER AND WASTE DISPOSAL SYSTEMS

Mr. SYMINGTON. Mr. President, many of our Nation's problems can be traced to the unbalanced distribution of population across our great land. All too often, we have allowed our cities to develop into great unmanageable sprawls. It is becoming increasingly more difficult and more expensive to provide the necessary public services so desperately needed by our urban citizens. In addition, high population density in many metropolitan areas has tended to aggravate social problems: crime, drug abuse, and pollution.

At the same time, many rural communities are steadily deteriorating; and as a result, young people in rural America must go to the cities in search of better opportunities for employment, education, and public services.

The Department of Commerce estimates that our population will increase by an additional 80 to 100 million more people by the year 2000; and if past trends continue, three-quarters of this increase will be in the metropolitan areas—already far too crowded. A better urban-rural balance demands that we give much greater attention to promoting growth and development of our small rural communities.

The lack of adequate water distribution and waste disposal systems is a serious obstacle to the continued development, and in some cases survival, of small rural communities. Yet, despite these needs, the Administration in the 1971 budget is proposing to reduce funds for rural water and waste disposal grants administered by the Farmers Home Administration to $24 million. This proposed reduction would amount to nearly a 50-percent decrease from the appropriation of $46 million for 1970.

In addition, the administration's proposed budget for 1971 reduces the funds for the Farmers Home Administration loans to finance rural water and waste disposal systems $18 million below the estimated total of $144 million for 1970.

A recent letter from Mr. Wesley Bockman, mayor of Winona, Mo., a town of some 800 persons, illustrates the serious problems currently confronting many small rural communities because of the lack of needed public facilities. Mr. Bockman presents that the lack of an adequate sewer system in Winona is seriously hampering efforts to improve housing, to attract new business and industry to the community, and to provide better public services.

Mr. President, I ask unanimous consent that the letter from Mr. Bockman be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

CITY OF WINONA, MO.,
April 28, 1970.

HON. STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SYMINGTON: A telegram from you, Senator Eagleton and Congressman Burlison came to my attention as Mayor of Winona. By way of explanation, my brother, W. M. Bockman, was Mayor but died of a heart attack early last year and I was elected to succeed him.

Before I get into the matter of the telegram, may I say that I have felt from time to time that I should write to commend and encourage you in your work as Senator. During your first campaign you came

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into my little store to shake hands and ask support. You have served us well with your sound judgment and your determination that we should know what is taking place. I hope and believe your present campaign will also be successful.

The telegram stated $45,000.00 had been allocated to the OEO here for assistance in securing funds and developing facilities. We appreciate the efforts to help this part of the country and I hope what I have to say is not taken as a gripe but as an attempt to place the situation in the perspective seen by some of us who are also struggling with these problems.

Our most critical need in this little town is a sewer system. Lack of it is seriously hampering housing, business and industry. We have lost a substantial number of jobs in the past two years, not because industry didn't need them but because community facilities and opportunities were not sufficient to persuade them (the workers) to stay.

Like thousands of other communities, the ever increasing need to serve larger schools, industry, more homes, self-service laundry, etc. has built up to a major problem. Perhaps enough has been invested in septic tanks and makeshift disposal facilities to have paid for an adequate system. However, that investment can not be reclaimed and we are left with more than the community can handle without financial assistance.

There does not seem to be any shortage of technical assistance or agencies who are willing and anxious to help. I would even go so far as to say that sometimes it seems we are being smothered by the organizations trying to help and are starving for the funds to do the actual work.

We have access to the facilities of the Regional Planning Commission through which development programs must be cleared. We have been offered assistance by the County Health Office, State Health Dept., Missouri Water Pollution Board, Air Conservation Commission, Geological Survey, Conservation Agencies, Vista Worker, University Extension Service, Farmers Home Administration and others.

The most promising help has come from the Farmers Home Administration. After reaching dead ends on other attempts we applied for assistance through them. The last word from them was that the project is worthy of consideration but there are no funds.

It doesn't raise our hopes much to see funds being used to establish new positions when there is a shortage of funds to do the projects laid out by those already assigned to various agencies. If you are wondering why such action is taken without review by those affected by it, we are in the same boat. Your telegram was the first notice I had of it.

I realize the OEO grant has already been approved and I am not seeking a cancellation. If I can assist I will do so. Our greater need, however, is for funds to carry on work already in the works.

The Farmers Home Administration has been a big help here. With its recently broadened program it can provide us with most of the help we need in the line of housing and community facilities at a minimum cost to the Government if adequate funds are provided for it.

Grants or loans made available to a community should be conditioned upon action by that community to insure that the same problems will not build up again.

Thanks for letting me get some of this off my chest. We appreciate the effort you have made to help develop Missouri and ask your support in solving our present problem.

Respectfully yours,

WESLEY BOCKMAN.

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J. GEORGE STEWART

MR. BOGGS. Mr. President, Members of Congress lost a valued friend with the passing of J. George Stewart over the past weekend. As one who knew George Stewart for most of my life, I feel the deep loss today of a good friend.

George Stewart, who would have been 80 years old next week, was the eighth man to hold the important office of Architect of the Capitol. During this 16 years in that position, Congress has seen a sharp increase in its need for space. George Stewart devoted great attention to the task of fulfilling this need.

A native of Wilmington, Del., George Stewart received his bachelor's degree in civil engineering from the University of Delaware. Since his graduation he was an active and enthusiastic alumnus of that university. He served as a Member of the House of Representatives from Delaware from 1935 to 1937. In addition to this background, he brought to the position of Architect of the Capitol his experience in the operation of his own construction business prior to when he was appointed by President Eisenhower in 1954.

He also served as a member of the Capitol Police Board, the District of Columbia Zoning Commission, the President's Commission on Pennsylvania Avenue, and the Commission for the Extension of the Capitol, and was Director of the U.S. Botanical Garden.

To his children and other family members, I wish to extend my deep sympathies and condolences.

VISITS TO SENATORS BY STUDENT DELEGATIONS

Mr. SPARKMAN. Mr. President, during the last 2 weeks, all Senators have had the opportunity to meet with a great many student delegations and to discuss with them issues of vital importance to our country. I have met with a large number of these young people—many from my own State and many others from all sections of the country.

Although I have not fully agreed with all that these young Americans have had to say, I want to say that I was much impressed with the majority of them. I was impressed with their sincerity, their idealism, and their dedication to improving the conditions of the world. Naturally, some of those whom I have seen might be classed among the radical student groups that we read and hear so much about these days. But a vast majority are determined to work within the framework of our time-honored political institutions, and I am much encouraged by this.

Much as we all deplore the instances of student violence, vandalism, and destruction that have occurred on many of our campuses, and much as we deplore the two instances of tragic reaction by the forces attempting to maintain order, the people of this country will be making a serious mistake if, on the one hand, we judge all our young people by the actions of a few radicals and those that they mislead, and, on the other hand, if we judge our institutions—"The Establishment," if you please—on the basis of what happened at Kent State and Jackson State. I have great faith in our American institutions, and I have great faith that the next generation of leaders will preserve them.

Certainly, we cannot expect this next generation to preserve our system, unless we now preserve their right to be heard. We have done that these last 2 weeks. The Nation has done it. Our young people have been heard in Congress and across the land, and, I believe, it has been a healthy thing for America. In preserving the right of young Americans to make their views known, however, they must be made to understand that the greatest threat to that right lies in the activities of those few radicals who preach lawlessness, violence, and revolution.

On Thursday of this week, the Washington Post reprinted on its editorial page excerpts from a speech made by my fellow Alabamian, Postmaster General Winton Blount, at a meeting in Wilmington, Del. Although I did not see the text of the entire speech, the part that was printed in the Post was an excellent analysis of the situation that exists in America today. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 21, 1970]

GENERAL BLOUNT ON THE YOUNG

(By Winton M. Blount)

Whatever the questions, whatever the answers, we have been on a collision course with reality in America. We came to reality in a burst of gunfire in Ohio two weeks ago and, as the country held its breath in that dark silence, we understood finally that America cannot move to the third century of its freedom at war with its children. . . .

I think the significance of the past ten days rests in the fact that Americans are beginning to lower their voices. One might wish that we could have the time now to breathe and examine where we are without the pressures of publicity and the passions of politics, but we cannot. Still, I think our young people are ready to believe that the promise to listen to the voices that have despaired of being heard—that that promise stands, and it will be kept. . . .

It is important to listen to the questions they are asking and also to examine the answers they are offering. There is a vast basis for mutual understanding with the young; there are vast differences as well. But difference is the driving force in the dialectical process that takes us forward. So let us understand those differences, and respect them.

When we see war as a political reality, they see peace as a moral imperative. When we speak of making the world safe for democracy, they speak of making the world safe for humanity. When we point to history and the lessons of past wars, they point to the future and answer with the hope that we can put wars by. When we point to what has been accomplished, they point to what remains to be accomplished.

It is a simple matter to see in our differences that the young are naive, that their view of the world suffers from a superabundance of idealism, and a lack of reality and the hard lessons that come with responsibility. And if we see only in these terms, then we miss the more important fact that beyond our differences we share a vast community of interest. . . .

It is from this base that we can reach out and help the young to grow and come to civic maturity. And it would be wrong to ignore what has already been accomplished here, both with and for the young.

This administration has gotten the first positive changes in the draft system, and draft reforms continue. This is a matter which has been discussed with students. So are the SALT talks underway in Vienna. So is de-escalation in Southeast Asia. So is the effort to lower the voting age.

I think that as the young make demands, they should recognize that there is movement—that there is progress.

These are all matters which concern them. These are matters which affect their welfare, and these issues have been discussed with students and other young people.

So there has been communication. But we can have more. We can listen to their ideas. And I think we can and must expect them to listen to ours. They have not always done this. We can weigh their concerns. We can explain our actions. We can take them into those councils where decisions are made.

Good universities have done this for years. President Nixon has asked his department heads to do this, and we have done so, and we will do more. But let business do it as well. Let industry do it. Let local government do it. Let us together find ways to bring these people into their society.

Last March, a group of students from Princeton asked if they could visit me in my office, and I invited them down. Last Friday they came.

They were naturally very much concerned about Cambodia. But in a deeper sense they were concerned about America—concerned about our priorities, and about the assumptions on which we base those priorities. And they were concerned about their place—their future in America.

I was greatly impressed with their understanding, with their ability to advance an argument, and their ability to analyze differences of opinion. I was impressed with their willingness to listen.

We reached no agreement in our discussion. We clarified some disagreements. But the most hopeful note, it seemed to me, came at the end. I asked them if young people felt so closed out and alienated that we could no longer find a mutually acceptable basis for action, and they said no. They said generally that young people wanted to try again, to stay within the system, and make it work.

I think there is cold political comfort here. They indicated they will try to change the Congress to their liking—that they will be in opposition to many of the policies of the Nixon administration. I think we would be very foolish to underestimate the effect they are going to have in the upcoming elections, and in 1972. The brains, the devotion, and the energy they can bring to their cause is a formidable combination. So they are going to try to make their views prevail. Some of them are going to be disillusioned if they aren't completely successful . . .

They must understand that those who have power are going to try to hold it. Those who decide are going to defend their decisions. This doesn't mean they are invulnerable, that power can't be transferred, and decisions changed. They can.

But it has to happen in the center. It has to happen through the system. It has to happen at the ballot box. I don't think our troubles are over. The radicals on both fringes can't survive without turmoil and bitterness and they're going to try to create more of it. But I think we've turned the corner. There was a silent majority too among the young, and among the students, and they are speaking out now. I think we're going to get an accommodation with this generation.

CONSEQUENCES OF AMERICAN ACTIONS IN INDOCHINA

Mr. HATFIELD. Mr. President, it is alleged that we are fighting in Vietnam to halt the spread of communism, and particularly to thwart the advance of Communist China's influence in Asia. However, our policies in Indochina, which have depleted billions of dollars of our resources, divided our Nation, and demanded the sacrifice of nearly 50,000 American lives, almost seems to fulfill Chairman Mao's prediction about us. Furthermore, the incursion into Cambodia and the consequent widening of the war have given further credence to those in Peking and Hanoi who believe that peace can never come to Indochina through negotiations. Rather, eventual victory will come from an arduous and protracted struggle, they argue. Of course, there is a faction in Hanoi that believes negotiations should be pursued, claiming that the United States will eventually commit itself to a military withdrawal and negotiated settlement. Our actions in Cambodia could not have been better calculated to weaken the position of this moderate element and strengthen those who advocate a protracted struggle.

In Sunday's Washington Post Joseph Kraft explores these diplomatic consequences of our current actions in Indochina with great clarity and, in my judgment, great precision. Also, in the New Republic for May 23, Robert Yoakum sets forth in the style of political satire a fascinating view of how Peking is likely to view our latest ventures in Indochina. I ask unanimous consent that these articles be printed in the Record. Amendment No. 609—the amendment to end the war—would commit us to a responsible plan of disengagement from Vietnam. There would be no better way to dispel the dire predictions of the Chinese to discourage those hard line elements who advocate protracted war, and to enliven the hope of a negotiated settlement of this conflict. These articles further point out the advisability of adopting this approach to solving the Indochina war.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, May 24, 1970]

The Cambodian Impasse—U.S. Actions Elate Communist War Hawks; Revive Hopes for a "Total Victory"

(By Joseph Kraft)

Paris —Crazy as it may seem in Washington, the American actions in Cambodia have stirred a wild elation on the other side. Paris representatives of the insurgent movements in South Vietnam, Laos and Cambodia are suddenly talking up the Chinese theory of winning a "total victory" over the United States.

A few leaders in North Vietnam, backed by Russia, continue to push for a political settlement. But in the heady atmosphere engendered by the Cambodian foray, they are having hard going.

The Chinese theory of "total victory" over the United States is old stuff. The basic idea is that American forces can be lured into extended ground combat on the Asian mainland. These forces will spread themselves thin holding onto occupied cities. Eventually—as Mao Tse Tung's designated successor, Marshal Lin Piao, put it—"The countryside will overcome the cities."

The transfusion of that idea to the guerrilla movements operating in South Vietnam, Laos and Cambodia took place at the Indochinese People's Conference of April 24–25. The meeting was held in China a couple of hundred miles southwest of Canton. It brought together the chief Vietnamese insurgent leaders—Chairman Nguyen Huu Tho, from the Revolutionary Government of South Vietnam; Prince Norodom Sihanouk, the recently deposed ruler in Phnom Penh, for Cambodia, and Prince Souphanouvong for the Pathet Lao.

Premier Chou En-Lai of China went to the meeting for the final banquet. But the Chinese have made almost no use of the fact in their propaganda. Peking does not want to seem to be influencing the Indochinese insurgents who are, all by themselves, pushing the Chinese thesis.

For example, Prince Sihanouk in his speech to the conference stressed the line of never coming to terms with the United States. He said that "diplomacy, negotiations, conferences and even friendly neutrality represent a mortal danger"; only "armed combat could annihilate this danger."

Chau Seng, Sihanouk's representative here in Paris and a colleague at the conference, goes even further in pushing the Chinese line. "If the United States wants to clean out the Vietcong sanctuaries," he said the other day, "they will find these sanctuaries everywhere—even as far away as Peking." And when I asked him whether the Cambodian guerrillas planned to retake Phnom Penh for Prince Sihanouk, he replied: "Why, so you Americans can bomb us?"

Though the Vietcong, or provisional government of South Vietnam, are supposed in Washington to be pure puppets of Hanoi, their representatives are also working the Chinese theme. The other day, Nguyen Van Tien, the number two man in their delegation to the peace talks, observed: "You couldn't win fighting in South Vietnam. What makes you think you can win by spreading yourself thin over a much wider area? That just opens holes for us behind your lines."

Maybe this is all bravado and propaganda, put on for an American journalist. But those North Vietnamese known to be interested in keeping negotiations alive don't act that way. On the contrary, they are bestirring themselves to prevent the foreclosing of the negotiating option.

The presence of Premier Pham Van Dong at the conference in China is indicative. Normally Hanoi should have sent a party figure—not a man from the government. But the available party leader was Truong Chinh, a well-known partisan of the Chinese approach. Presumably Pham Van Dong, a leader with Moscow ties, was sent to prevent tipping the balance all the way in the Chinese direction.

In that connection, it is notable that Hanoi, not Peking, broke the news that the conference took place in China and in the presence of Chou En-lai. For Hanoi's interest is to emphasize that the new, bellicose line is not indigenous to the insurgents but more a product of Chinese influence.

The same point emerges from the recent long stay of Lee Duan, the first secretary of the North Vietnamese party, in Moscow. Lee Duan, another leader with Moscow ties is also thought to be a partisan of a negotiated

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settlement. Almost certainly, he was trying to work out with the Russians a joint strategy for holding the negotiating possibility open against the Chinese pressure to go to protracted warfare. In that connection, it may be that the curious statement made by the Soviet ambassador to the United Nations, Jacob Malik, on behalf of another Geneva conference was really an effort to break up the push of the Asian Communists to seal off the negotiating possibility.

Right now, the outcome of this maneuvering on the other side seems to be in doubt. The three chief North Vietnamese representatives in the Paris talks—politburo member Le Duc Tho, Ambassador Xuan Thuy and Col. Ha Van Lau—are all back in Hanoi for consultation. Almost certainly there is a question as to whether the Paris talks should be continued.

Whatever the outcome of these discussions, there is at least available now a much better picture of the lineup on the other side as regards negotiations. There are important partisans for political settlement in Hanoi. They are not soft-liners. They insist that American troops withdraw entirely from Vietnam, and on changes in the Saigon government to include figures known to favor political settlement. However, they still think these goals through jawing as well as warring.

But there are also important partisans of the fight to the finish in China—and among the various guerrilla movements. They are deeply suspicious of negotiations as an American trick designed to weaken their morale and slow down their military operation.

And the more the United States intensifies its operations, the more it expands the war and supports the present regime in Saigon, the more it strengthens the hand of those on the other side who believe they can achieve their goals only in protracted war.

[From the New Republic, May 23, 1970]

CHAIRMAN MAO'S BREAKTHROUGH

(By Robert H. Yoakum)

My Chinese acquaintance was impeccably dressed and spoke almost perfect English. I asked what kind of work he did.

"My work is traveling for the People's Republic of China," answered Mr. Hee. Then he added with a mischievous grin, "To see how things are going."

"And how *are* things going?"

"Very, very well. Your government's invasion of Cambodia was exactly on schedule."

"What schedule?" I asked.

"*Our* schedule," said Mr. Hee.

"I don't understand," I said, feeling irritated and embarrassed.

"Well," said Mr. Hee, "several years ago our great leader, Chairman Mao, made a major psychological-geopolitical breakthrough. He learned that Americans fear, above all other things, losing face. This discovery by itself would not show that Chairman Mao is a genius; it was the application he made of it.

" 'What we shall do,' said Chairman Mao, 'is to use this American fear of losing face to suck them deeper and deeper into a psychological-economic-political-military struggle that they cannot win. We shall help them to bleed themselves to death. And we shall do this without employing one Chinese soldier.'

"This new policy was tested in a few small incidents," Mr. Hee continued, "the way your capitalists test products in local markets before selling them nationally. It worked perfectly. Then we launched the full program in Vietnam. From that point on you have been moving on our schedule.

"Our Chairman then further refined this plan. He called it the Self-Perpetuating Principle of Self-Destructive Face-Saving. It means that you make your enemy lose face in such a way that he thinks he is keeping it *while everyone else is watching him lose it*. He undermines his own prestige, and publicly humiliates himself—all the while talking loudly about how he will not be humiliated. It is the ultimate form of humiliation. And the enemy himself sustains the processes of his own unwitting suicide."

I shuddered.

"For example," Mr. Hee continued, "in the invasion of Cambodia it was necessary for President Nixon to say. . . ." Mr. Hee pulled a newspaper clipping from his pocket ". . . 'I would rather be a one-term President than be a two-term President at the cost of seeing America become a second-rate power, and see this nation accept the first defeat in its proud 190-year history.'

"You understand?" asked Mr. Hee. "We tell the rest of the world that you are fighting in Asia, killing tens of thousands of Asians, because you are power-mad and terrified of defeat at the hands of the ordinary people. You say you are fighting in Asia to help the Asians. But who do they believe when they read that your President has said he fears *American* defeat, and *America* becoming a second-rate power? The Asians see that you are mainly afraid of losing *your* face, not of their losing *their* heads. You do not see this. So you unwittingly hasten your own doom.

"Another example of how you lose face while you are keeping it: Your President says one day that he will withdraw 150,000 troops. Then ten days later he says it is necessary to invade Cambodia in order to protect American troops. If they are in such great danger now, how could he earlier have promised to weaken them by greatly reducing their numbers? That is precisely the kind of public announcement that is anticipated in the Self-Perpetuating Principle of Self-Destructive Face-Saving.

"Look at the results brought by the application of Chairman Mao's Principle:

"First, your military men have been discredited. The more mistakes they make, the more ridiculous they look. The more ridiculous they look, the more face they lose. The more face they lose, the more they extend themselves. And the more they extend themselves, the more mistakes they make.

"Second, ten years ago there were almost no Communists in America. Now there are Communists in every slum and on every campus.

"Third, you have spent more than $100 billion on the Vietnam war, or the equivalent of about $3500 for each Vietnamese—an amount on which one could retire in that country. But instead of buying peasant prosperity which could have ruined us you have used the money on war and killing and face-saving, leaving yourself a legacy of hatred on which we will flourish.

"Fourth, you have not made South Vietnam into a showplace of capitalist glories, but rather into a showplace of continued poverty, disease, prostitution, and massive corruption.

"Fifth, your economy is beginning to come apart under the pressure of maintaining face everywhere, just as we thought it would.

"Sixth, your society is also coming apart because there are some Americans who do not care about saving face. The black faces, especially, do not care about saving white faces."

"But," I protested, "what if the people who want to save the country prevail over those who want to save face? Wouldn't your whole plan go down the drain?"

"Yes, it would," Mr. Hee admitted, "and we were concerned when President Johnson left Washington. No one worried more about saving face than he. But we need not have worried. The three most admired men in your nation, according to the Gallup Poll—President Nixon, Billy Graham, and Vice President Agnew—are all greatly afraid of losing face. We have nothing to fear.'

Mr. Hee giggled, as though remembering something funny. "You know," he said, "until Chairman Mao made the breakthrough we had much trouble understanding you Occidentals. You look alike, you sound alike, and you hold life very cheaply. Even on the streets you attack one another, and your television each night dramatizes hundreds of horrible, violent, senseless deaths. You even let children watch. We had no idea how to deal with you.

"Now, after Chairman Mao's discovery, we still don't understand you very well, but we do know how to deal with you."

"Can you tell me what is planned for our future?" I asked.

"The future, . . ." Mr Hee smiled scrutably; I could see that much had been planned for us. "Well, we shall wait until you are as mired in Cambodia as you are in Vietnam. Then Laos. Then Burma, India, Pakistan, Afghanistan, Iran, Iraq. . . ."

"Wait!" I almost shouted. "You're taking us right into the Middle East. That might mean war with Russia as well!"

"Ah, so?" said Mr. Hee.

SUPPORT URGED FOR ISRAEL

Mr. CRANSTON. Mr. President, the situation in the Middle East has become more ominous in past weeks. There is more cause for concern at this moment than at any time since the 1967 war.

We have now witnessed a dramatic change in the balance of power in that area due to the introduction of Soviet pilots and SAM missiles in Egypt.

The gravity of these recent events has prompted me to propose, and caused several Senators to join with me in sending, a letter to President Nixon, urging that he sell the requested jets to Israel and that he take meaningful and substantive steps to demonstrate our continued support for the State of Israel.

The letter was signed by six Senators: The Senator from Missouri (Mr. EAGLETON), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Ohio (Mr. YOUNG). I know that many other Senators of both parties would have joined us in signing the letter if there had been sufficient time and opportunity for them to have done so.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

We who are among those who believe that our country must disengage from the Indochina war are concerned that the Soviet Union may be misinterpreting the spirited national debate in America over that war as a sign that our nation will not take effective steps to protect our vital national interests in the Middle East.

We are joining in this statement to make plain our deep conviction that our vital national interests are, indeed, involved in preserving the balance of power in the Middle East pending a final settlement of the Arab-Israeli dispute.

There are fundamental differences between the situation in Indochina and the situation in Israel.

The government of Israel is a democracy. This is not true of the regimes our armed forces are supporting in Southeast Asia. Israel asks only that we sell her the military equipment she needs to defend her freedom.

South Vietnam, Cambodia and Laos ask

that we give them—not sell them—the military equipment to defend their own forms of repression against other forms of repression. Worse yet, they ask that we spill American blood and spend American lives in their behalf. Israel makes no such demand on us.

But now we see the open use of Soviet pilots and Soviet troops in Egypt—an unprecedented assertion of Soviet power which threatens not only Israel but world peace.

In providing Israel weapons to retain the balance of power in the Middle East, we would be fulfilling the doctrine which you announced at Guam, and your subsequent call for "a more responsible participation by our foreign friends in their own defense . . ."

The night you announced that American troops were crossing the border into Cambodia, you spoke of the firmness displayed by President John F. Kennedy, a firmness backed by the entire nation, when the Soviet Union attempted to place missiles in Cuba.

It may well be that we now face in the Middle East a Soviet thrust that is equally ominous and provocative.

The new Soviet intervention in the Middle East may well stem from a combination of Soviet misinterpretations, not only of the national debate over the Indochina war, but of the administration's decision to withhold the sale of the jets Israel has requested.

So we urge that you make available to Israel the aircraft she needs. We also urge that you take whatever steps are appropriate to demonstrate both our willingness to work for peace in the Middle East and the firmness of our support for Israel and for those moderate Arab governments also threatened by the Soviet expansion.

We urge you to consult with NATO and other allies in an attempt to restore a cease fire as a first step toward a stable peace in the Middle East.

These steps would demonstrate to the Soviet Union that we shall not abdicate our responsibilities in the Middle East, as well as our earnest desire for peace.

Very sincerely,

Alan Cranston
Thomas F. Eagleton
Philip A. Hart
Harold E. Hughes
George McGovern
Stephen M. Young

A CURTAIN OF IGNORANCE

Mr. DOLE. Mr. President, the Senator from Wyoming (Mr. Hansen) is necessarily absent from the Senate today. I ask unanimous consent to have a statement and an article printed in the Record on his behalf.

There being no objection, the statement by Senator Hansen and the article were ordered to be printed in the Record, as follows:

A Curtain of Ignorance

Mr. Hansen. Mr. President, Columnist Marquis Childs, in an article published in the Washington Post on May 22, stated that unless the American withdrawal from Vietnam is accomplished with United Nations supervision, the Communists of North Vietnam and of the so-called National Liberation Front may take over South Vietnam by force of arms.

Mr. Childs speculates that should the Communists win decisively, all foreigners, including news reporters, would be expelled from the country and a "curtain of ignorance would descend.

"Behind that curtain," Mr. Childs said, "the night of the longknives would begin. All political opposition, actual or potential, would be systematically eliminated. Then would come personal revenge. . . ."

Mr. Childs points out the "spine-chilling" massacre of an estimated 5,700 civilians—men, women, and children—during the 1968 Tet offensive at Hue.

U.N. Supervision Prerequisite To Withdrawal From Vietnam

(By Marquis Childs)

Like the ghost at the banquet, whether it be a banquet of doves or hawks, the very words "blood bath" strike fear to the heart. In his press conference after the decision on Cambodia President Nixon said that precipitous withdrawal as advocated by "many of our very sincere critics" would allow the enemy to come into Vietnam and "massacre the civilians there by the millions."

That is not the first time the President has raised the peril of mass slaughter in the event of a rout of American forces or a pullout so abrupt that the South Vietnamese could not defend the country. Not an idle bogey serving scare purposes, it deserves more serious consideration from those in Congress pushing for a quick end to American participation in the war.

As Sen. Harold Hughes (D-Iowa), noted in the joint broadcast of the four principal sponsors of the end-the-war amendment, that amendment provides that funds may be used after the cut-off for the safe and systematic withdrawal of United States military personnel, the exchange of prisoners and "for the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces." This last has been a concern of Sen. George McGovern (D-S.D.) since he put in a resolution providing for asylum a year ago.

From talking with McGovern, however, it is clear that the proposal for asylum has not been formulated with anything like the definition or on the scale required.

A report has just come out on the "Vietcong strategy of terror" that deserves the most sober consideration. One reason is that the author, Douglas Pike, has earned in his years in Vietnam a reputation for careful judgment. His last book, "War, Peace and the Vietcong," was praised by those on both sides of the issue of American involvement. Since 1958 he has been an officer of the United States Information Agency.

His detailed description of the unearthing of the bodies of civilians massacred during the 1968 Tet offensive at Hue is spine-chilling. The estimated 5,700 civilians were killed, Pike was convinced by his on-the-spot investigation at Hue, as a calculated effort to liquidate all opposition.

After about three weeks the Communist grip on roughly half the city, the cultural capital of Vietnam, was broken. Only over a period of months were the mass graves uncovered.

"The first fact," he writes, "and perhaps the most important, is that despite contrary appearances virtually no Communist killing was due to rage, frustration, or panic during the Communist withdrawal at the end. Such explanations are frequently heard but they fail to hold up under scrutiny. Quite the contrary, to trace back any single killing is to discover that almost without exception it was the result of a decision rational and justifiable in the Communist mind. In fact, most killings were, from the Communist calculation, imperative."

From his analysis of the Hue massacre Pike outlines what he believes would happen if the Communists were to win decisively in South Vietnam and he stresses the word decisively. First, all foreigners would be cleared out immediately and especially the several hundred foreign newsmen reporting from there. A curtain of ignorance would descend and the outside world would know little or nothing of what was happening.

Behind that curtain the night of the longknives would begin. All political opposition, actual or potential, would be systematically eliminated. Then would come personal revenge, a small wheel turning within the larger wheel of Communist retribution, as Pike puts it.

Since this report was prepared for the U.S. mission in Saigon it may be discounted. In the opinion of this observer, a carefully planned and thought-out program of asylum, with far more reality than is now in sight, must be evolved. United Nations supervision is surely the smallest prerequisite.

CONGRESS AND THE WAR POWER

Mr. SYMINGTON. Mr. President, in previous comments on the Senate floor, I have discussed my deep misgivings about the crossing of thousands of American troops into Cambodia from the standpoint of the negative implications this new escalation of a war could have on first, the success of the "Vietnamization" policy; second, the future of the negotiations in Paris; third, the SALT talks in Vienna; fourth, our domestic economy already strained by the high cost of these foreign ventures; and perhaps most important, fifth, the respect and regard in which the American people, especially the young people, hold their government and their country.

But I have another concern which I believe is equally important and about which I would speak today; namely, my concern for preserving the constitutional separation of powers, while at the same time preserving a credible and flexible national defense posture.

The Constitution tells us that the power to declare war and to appropriate funds for the waging of war is reserved to Congress. The Constitution also provides that the President, under his powers as Chief Executive and Commander in Chief, has the power to respond quickly to an immediate threat to national safety or the safety of our troops.

These two principles are not inconsistent; the Constitution dictates that they be balanced. But a proper balance will result only if both Congress and the President are aware of their separate responsibilities and are prepared to act to fulfill them.

The principle which emerges from the debates over the formulation and adoption of the Constitution, and its application in the early years of our history, is that Congress should have the power and responsibility to decide when American forces will be used to achieve national security objectives, with the single limited exception that the President should have discretion to commit troops to battle when the threat to the safety and survival of the Nation itself is immediate.

The most obvious example of this limited exception is nuclear war. If we should be attacked with nuclear weapons, only the President can respond in the few minutes time that action is possible and meaningful. Thankfully, this remains only a future possibility.

On the other hand, the Constitution does not give the President discretion to act alone if a possible threat to our national security is not so immediate as to preclude a few days of congressional consideration.

In the middle of the last century an attempt was made in the House of Representatives to censure the President for "unnecessary and unconstitutional" action in committing American troops to a war with Mexico without providing Congress with all of the information needed to make a sound judgment on whether such intervention was justified. That attempt at censure was supported by perhaps our greatest President, when he was still a Member of the House—Abraham Lincoln—as well as by another Member who had formerly been a President—John Quincy Adams.

The history of the constitutional balance in the intervening century has proven that congressional inaction can be disastrous. The President's inherent powers to respond to immediate emergencies has been expanded far beyond the original intent to justify his unilateral assumption of the power to decide between war and peace.

Commitments of large numbers of troops for an indeterminate length of time to a war in a far-off land is not the sort of decision which the Constitution delivers to the sole discretionary power of the President. It is certainly not a decision to respond immediately to a threat to the safety of our troops.

Such commitments may be a decision as to what is essential to our national security, but not one which need be—or should be—made precipitously.

I find the distinction between an immediate threat to national safety and a general threat to national security a nice one—and I conclude that Congress should participate in decisions as to the proper response to the latter.

President after President in this century, however, has made this sort of decision privately, without any deference to congressional authority; and often without even consulting the legislative branch. We have seen how the traditional power of Congress has atrophied, as time after time the Executive has committed and dispatched American forces to foreign conflict; occasionally, as I have emphasized previously, under cover of secrecy.

Part of the blame, of course, belongs to Congress. We have for too long passively accepted the President's ability to commit our troops to battle, to use the awesome Military Establishment with which we have provided him as the equivalent of a constitutional power to do so, and so as to preclude congressional attention to the issue.

Time after time we have justified these involvements by invocation of the magic words of "national security" as a means of foreclosing either congressional scrutiny or public examination.

To invoke the words "national security" or even "safety of our troops," with nothing more, is merely to beg the question of what our national security really requires in troop commitments, and of what the safety of our troops really means.

Who is truly supporting our young military—those who would leave more to die where too many have died already, or those who would bring them home in orderly fashion as quickly as possible? The answer is at least debatable—and the proper forum for that debate is Congress itself.

The result of the repeated and specious invocation of the concept of "national security," which has been used to justify giving unbridled war power to the President, has been a series of private executive decisions in which Congress has played no meaningful role; and the most striking example of the executive's arrogation of the power to make such private decisions about what constitutes our national security, is the whole conduct of the war in Indochina, by administrations of both parties.

First, we had the Tonkin Gulf joint resolution. Certainly, none of us foresaw that the measures required then to protect our ships—whether or not they had provoked attack by the North Vietnamese—would require the eventual commitment of hundreds of thousands of our troops—Army, Navy, and Air Force—to a protracted war on the Asian mainland.

The decision that our security required such a commitment, with the ensuing heavy cost in lives, treasure, and domestic distress, was made exclusively in the secret counsels of the executive branch of the Government.

A second example of a private executive decision as to what the national security required was the decision that led to our deep involvement in the conflict in northern Laos. Not only was the decision not made by Congress, but the truth about the situation was not made available to Congress.

Time after time I have pointed out the grave danger incident to the veil of secrecy which the administration drew over our role in that area.

If the President's power to respond to immediate threats justified those combat actions in an area far removed from any American combat forces, his discretionary powers would allow him to commit our forces to battle just about anywhere in the world. But the President did engage our forces, and in such a manner as to exclude congressional participation in the decision.

A third, and the most recent and dramatic example of a private Executive determination of what national security required was the decision to send troops into Cambodia. The situation posed there was certainly not an immediate threat to our security as a Nation, by any standard.

It was a situation which could have been dealt with in consultation with the Congress. Instead, the executive branch has been quite proud of its ability to keep the plans for this venture a secret for a considerable period. Their pride in preserving this secrecy illustrates precisely how much the original allocation of the war power has been twisted and distorted.

Today I am sorry to state that the balance has tipped heavily to one side. This tipping is not solely the fault of the present President. It is a process that has been going on for years under several Presidents. And Congress must carry its share of the blame for failure to meet its constitutional responsibilities.

Passing the Cooper-Church amendment will not by itself redress the balance and undo the current misallocation of decisionmaking power. It will be only one step, the first step, in what I hope will be a growing list of instances where Congress exercises its share of this power. The weight of precedent and the powers of the Presidency are so strong that only continued awareness and sensitivity by Congress can guard the congressional prerogatives which remain, and recoup those which have been defaulted in recent years.

Furthermore, it is fitting that we begin the process of reasserting our responsibilities by addressing the most recent example of executive arrogation of the power to make decisions about the national security; namely, the venture in Cambodia, a nation hitherto not included in even the most diffuse and distorted conceptions of national security.

The President's unilateral decision must be balanced, and balanced immediately, by a firm and clear expression of the will of Congress. The amendment proposed by Senators Cooper and Church is an example of the kind of action that is necessary, and it addresses itself to that Presidential action which stands out most prominently at the moment as an arrogation of the power which rightfully belongs to Congress. It is one important reason why I am a cosponsor and supporter of the amendment and urge its adoption.

Let me stress that the blame for the American tragedy in Vietnam does not lie with one political party, or with one President, or with one Congress. But regardless, let us now have the fortitude to admit these past errors; and firmly commit ourselves to seeing that they are rapidly corrected, so we will be able to pull back from the brink of the most serious domestic political crisis to have endangered this Republic since the Civil War.

DEVELOPMENTS IN AGING, 1969

Mr. FANNIN. Mr. President, the Special Committee on Aging has just filed its annual report entitled "Developments in Aging 1969." I commend this thoughtful study to all Senators as an excellent presentation of the hard facts concerning the economic plight of our 20 million older Americans. I need not reiterate all of the statistics at this time, but I want to drive home to Senators as forcefully as I can the fact that one third of all persons 65 and over are living in poverty, and that this situation is not improving in any significant way. The recent 15 percent increase in social security benefits only began to close the gap between fixed income retirement benefits and the present income needs of retirees.

As a member of the Special Committee on Aging, I have observed and encouraged the valuable efforts of the committee during the past year in shedding light on the scope of older citizens' problems and on the need for public action to remedy the intolerable situation of many of our retired citizens. During the past year, the committee's principal endeavor was a series of hearings on the "Economics of Aging." These hearings are now winding up, and they will contribute, when completed, a voluminous portrait of the conditions of life for older Americans ever assembled. I urge Sena-

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tors to study these findings as summarized in the annual report.

The past year has also seen an intensive study by the committee of the health needs of the elderly, in particular the burgeoning needs and accompanying problems in the nursing home and extended care area of health services. Many other areas were surveyed: housing, transportation, community services, employment, nutrition, and government programs.

I am especially eager to commend this year's report to Senators. The report as a whole contains an extensive presentation of each area of concern, and it is filled with the facts and figures essential to drafting appropriate legislation.

I particularly call the Senate's attention to the minority views which concretely set forth a program for action. Twelve specific areas for congressional action are outlined and discussed. They range from income assurance proposals to research in aging. Our minority views, however, also focus on what I regard as the most truly significant aspect of the aging problem: the need for public awareness that older people are human beings with needs, interests, and aspirations every bit as real as those of younger Americans. Accordingly, the minority recommends a new national policy in aging which will change social policies toward the aged from negative to positive ones. This urgent need is summarized in the minority views, as follows:

> Implementation of humane and realistic policies will require major changes in attitudes toward aging on the part of government, business, education and all other elements of society including older persons themselves.
>
> Recognition must be given to the expanded ability of persons at all ages to participate as fully as they desire in the Nation's economic and social life and to the growing emotional need of people in their sixties, seventies and even their eighties for involvement in the mainstream of life.

Finally, I want to express my appreciation to the members of the committee and to the staffs of both sides for contributing significantly to the enhancement of programs designed to give a better life to Americans who are over 65.

OPPOSITION TO THE SST IS GROWING

Mr. PROXMIRE. Mr. President, two items published recently in the New York Times and an editorial from the Washington Evening Star point up the growing concern over our supersonic transport program. They demonstrate that the public is not going to stand idly by while the Government goes ahead spending billions on a plane which threatens to become an environmental outrage.

Anthony Lewis, in a column in the Times, refers to testimony at our recent hearings of the Economy in Government Subcommittee of the Joint Economic Committee. Russell Train, Chairman of the President's newly formed Council on Environmental Quality, testified that the American SST would be "three to four times louder" than the 108 decibel limit now allowed at U.S. airports. Dr. Richard Garwin, member of the Science Advisory Board for Presidents Kennedy, Johnson, and Nixon, told our subcommittee that the SST's airport noise would be equivalent to 50 subsonic jets taking off stimultaneously. Other witnesses spoke of the large quantities of water vapor the SST would release into the upper atmosphere, and the effect this would have upon cloud formations, worldwide weather patterns and the earth's protective ozone layer. According to Dr. Gordon MacDonald, a member of the Environmental Quality Council, any damage to the ozone in the upper atmosphere could have an incalculable effect upon all life on earth, because the earth's ozone is the only protective screen we have for the sun's potentially lethal ultraviolet rays.

An editorial from Monday's Evening Star emphasizes that we cannot win the race against the Anglo-French Concorde in building a supersonic transport anyway. But we are proceeding with the race just the same. As the Star noted:

> Just the knowledge that Uncle Sam is in the race, we are told, will preserve a part of our prestige.

This is hogwash, of course. The State Department last year said in the clearest possible terms that national prestige is no justification for going ahead with the SST.

The Star also refers to the $76 million overrun that has just come to light. More will undoubtedly follow. In fact, when Under Secretary of Transportation Beggs appeared before our subcommittee last week, he told us that the Government could no longer guarantee that it would not become involved in phases IV and V of the SST program—certification and preproduction. His estimate of the Government's additional involvement: $1 billion.

Finally, the British-French counterpart of the SST has recently come in for some criticism from some very high places. The New York Times reports that Prince Charles, in unusually outspoken remarks, criticized the Concorde program and said it threatened Britain with sonic booms. This is the first time I am aware of that a member of the Royal Family has been so outspoken on a political issue. In my opinion, he could not have chosen a better issue.

Mr. President, I ask unanimous consent that the column by Anthony Lewis from Monday's New York Times, the editorial from Monday's Evening Star, and the article from last Thursday's New York Times be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the New York Times,
May 18, 1970]

VAINGLORY ON THE CIVILIAN SIDE

(By Anthony Lewis)

London.—The cause of the environment, for all its deep significance, has seemed something of a distraction in recent months. The moral disquiet of Americans about the Vietnam war was channeled into environmental protest—too often into rather empty, abstract gestures instead of the specific, difficult, controversial programs really required to reduce the destruction of our surroundings.

Any thought that vague environmental cheerleading could be a substitute for political action and protest against the war has been dispelled by Cambodia. It is hard for even the person most worried about clean air or water to keep his mind on that subject while Americans are widening the war in Southeast Asia and shooting each other at home.

But there is one issue related to the environment that now requires urgent public attention—the development of supersonic transport planes.

All along, the arguments for supersonic transports have been of a mystical kind—the urge to the ultimate, the irrepressible human desire for bigger and faster machines, the challenge of design.

Those are understandable motivations. When the first Concorde lifted its odd-shaped beak off the runway, there were doubtless feelings of pride among Englishmen and Frenchman apart from the engineers and politicians who feel their prestige so directly engaged.

LIKE CLIPPER SHIPS

But the Concorde and the projected SST are a little like the American clipper ships of fond memory: beautiful in their way, adventurous—and utterly uneconomic. Most people forget that those lovely sailing ships were never competitive with tubbier competitors. And the clippers were a burden only on ventured capital, not on the public purse, public health and public tranquility.

Professor R. E. Newell of the Massachusetts Institute of Technology estimates that 400 supersonic transport planes—a moderate projection of the sales targets of the Concorde and SST—would inject about 150,000 tons of water vapor into the stratosphere every day. That, he says, would increase the natural intake of water by a third.

The result could be to increase cloud cover, reflect more of the sun's heat away and reduce the earth's temperature. Members of President Nixon's Council on Environmental Quality have said that there might be "serious consequences on climate."

Then there is noise. So far attention has been focused on the sonic boom. Prince Charles reflected the concern of many Britons when he remarked the other day that the Concorde's worth would be questionable if it damaged ancient churches, as some fear it will on the forthcoming first supersonic flights over Scotland and England.

But engine noise may be a more painful and destructive fact of supersonic life than the boom. The chairman of the President's Council, Russell E. Train, has just testified that the planned SST would be "three to four times louder" than the present legal limits on aircraft engine noise. The Economist, the British weekly, speaks of "the noise of fifty jumbo jets at take-off."

MARGINAL BENEFITS

For a society willingly to undergo pain of that kind, one would assume that it expected in return an enormous increase in efficency and convenience of air transportation. But in fact the supersonic planes, by the most optimistic accounts of their boosters, would provide only marginal benefits if any.

The actual cabins would be less spacious and comfortable. Assuming that SST's would be bearable at present urban airports and that ground time would not increase—doubtful assumptions—the trans-Atlantic traveler might save two hours. To do so he would have to pay a premium fare. Even then, the aircraft would probably not be economic to operate; airline executives are saying that they would have to be subsidized from other operations.

All airline passengers, then, would be paying for the doubtful time-saving of a handful of travelers in SST's. So would the public, of course; billions of dollars in development costs are being paid by the British, French and American Governments.

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'BALANCE OF PAYMENTS'

In the light of this grotesque imbalance of costs and benefits, why should governments press on with the adventure? The latest American answer is that otherwise airlines might buy supersonic planes elsewhere and injure the balance of payments. And the Nixon Administration put that argument forward, The Economist says, "largely because it could find no other sensible reason."

In short, the SST is a civilian version of our society's tendency toward vainglory and official self-deception. And here, as on the military side, it will take an aroused public to end the illusion and the waste.

[From the Washington Star, May 18, 1970]

OFF WE GO . . .

The supersonic transport has already gone off into the wild red yonder with the first announcement of a cost overrun since the United States joined the international race for a bigger and better sonic boom.

As such things go these days, the amount involved is no great shakes—a mere $76 million. But it's still early in the game, and before the first SST shatters its first silence the civilian planners may yet be contending for top honors in underestimation with the Pentagon.

It must also be considered that military equipment, such as the much maligned C5A transport, may be a very handy thing to have around. It may even, someday, prove to be worth what we paid for it.

The billion dollar SST program, on the other hand, was conceived not because of a pressing need for jet passengers to roar along at mach 2, but because of a belief that America will lose face—and part of aircraft market—if we stay too long out of the supersonic race. The Russians and the British-French combine have us beaten, of course. But just the knowledge that Uncle Sam is in the race, we are told, will preserve a part of our prestige. And the fact that when we do arrive we will be the fastest, the roomiest and noisiest of all will, presumably, restore our image and our international balance of payments. Lots of luck.

It might have been pleasant, just for once, to let someone else make the costly mistakes so that the United States might profit by them instead of paying for them. But that, it seems, is too much to hope for. All that's left now is to watch the cost overruns rise like a one-way tide, and to hope for the best.

PRINCE CHARLES SAYS CONCORDE THREATENS POLLUTION BY NOISE

CAMBRIDGE ENGLAND, May 13. — Prince Charles struck at pollution in unusually outspoken comments last night and said the multimillion dollar British-French supersonic transport, the Concorde, threatened the environment with sonic booms.

Charles spoke in debate before the Cambridge Union Society to an audience of 600 fellow undergraduates.

It was the maiden speech before the society for Charles, who drew laughter when he noted he was supposed to avoid controversy.

But, he said, "I must put forward a few of my own views on this subject in which I happen to be particularly interested because it is concerned with pollution."

He said people were becoming "creatures of technology."

"We must stop for a moment to consider very carefully what we are trying to achieve from technology," he said.

The 21-year-old heir to the British throne said that he saw the Concorde the other day and that it was a "very fascinating and exciting aircraft and one of the very latest developments in man's technology."

"Sometimes I think I would like to go in it," he said. "But then, if it is going to pollute us with noise, if it is going to knock down churches or shatter priceless windows when it tests its sonic booms—is this what we really want?

"This is one of the technological achievements which could do harm. What sort of price are we prepared to pay for this sort of advance?"

The society was debating the motion that "This house believes that technological advance threatens the individuality of man and becomes its master."

Charles's great uncle, Lord Mountbatten, and the novelist, C. P. Snow, spoke against the motion, but it carried, 214 to 184.

ONLY A TIMETABLE CAN EXTRICATE NIXON

Mr. HATFIELD. Mr. President, amendment No. 609, submitted by Senators GOODELL, MCGOVERN, HUGHES, CRANSTON, and me, and now having 22 cosponsors, is designed to bring about a systematic and orderly process for disengagement from Vietnam. It rests on the assumption that a timetable for our withdrawal is the best means both to enliven the negotiations in Paris and give to the South Vietnamese the responsibility for their own defense. It is our sincere conviction that this is the only strategy open to the President for insuring our disengagement from the war.

We are not alone in sharing this conviction. Former Secretary of Defense Clark Clifford has recently stated in the most persuasive terms the logic of establishing a timetable for our own withdrawal. Yesterday, Morton H. Halperin and Les Gelb, writing in the Washington Post, also have argued in the most cogent and reasonable manner the advisability of establishing such a definite plan and schedule for our disengagement. Mr. Gelb served as former acting Deputy Assistant Secretary of Defense, and Mr. Halperin served as a senior staff member of the National Security Council under this administration and continued as a consultant to it on Southeast Asian affairs until just a few weeks ago. They maintain that "Only a Timetable Can Extricate Nixon" and deal with every question I have seen raised about this proposal. Their perspectives set forth in the clearest possible manner the military and diplomatic logic supporting our amendment.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 24, 1970]

ONLY A TIMETABLE CAN EXTRICATE NIXON

(By Les Gelb and Morton H. Halperin)

President Nixon's Vietnam policy depends explicitly on using threats of escalation to persuade the Soviet Union and Hanoi to accept a settlement on American terms or to refrain from stepping up military pressure as U.S. forces gradually withdraw. President Nixon certainly would like to avoid escalation, and to continue U.S. troop withdrawals and negotiate an end to the Vietnam war, but his policies are leading him in the opposite direction.

Faced with the President's stated determination to withdraw American combat forces only to the degree that Vietnamization enables Saigon to fill the gap, Hanoi will almost certainly step up military pressure as U.S. forces are withdrawn. Thus there is a grave danger of even more futile escalation unless we commit ourselves to withdrawal according to a fixed schedule.

The President has not sought to keep his policy a secret from the American people. But despite what he said, most observers have assumed that he was first of all a politician, and that he therefore had ruled out any escalation and was planning to withdraw all American forces before 1972. The pace of withdrawals announced April 20, the invasion of Cambodia and the new bombing attacks on North Vietnam suggest the need for another look at the record.

Neither by word nor deed has the President indicated any intention to withdraw all American forces. He has promised only to withdraw combat forces and has not committed himself to any withdrawals beyond those he has already announced. This leisurely pace, which will bring U.S. troop levels to 285,000 by June 1971, makes clear that the President is responding to public pressure to withdraw U.S. forces only to the degree that he believes the South Vietnamese forces can fill the gap, and only if Hanoi does not step up its military effort. Given these criteria, there will be many American troops in Vietnam for a long time to come.

HINTS DON'T COUNT

There is no basis for the wishful thinking which ignores what the President does and says and clings to a few carefully dropped, ambiguous hints in order to reach the conclusion that he really intends to withdraw all American forces on a fixed schedule, determined only by the desires of the American people and the need to provide security for the withdrawing forces.

Nor can there be any remaining doubt about the role of escalation in the President's strategy. During the campaign, candidate Nixon made his basic approach very clear. For example, in his talk to Southern delegates at the Republican Convention:

"How do you bring a war to a conclusion? I'll tell you how Korea was ended. We got in there and had this messy war on our hands. Eisenhower let the word go out—let the word go out diplomatically—to the Chinese and the North Koreans that we would not tolerate this continual ground war of attrition. And within a matter of months, they negotiated. . . .

"Critical to the settlement of Vietnam is relations with the Soviet Union. That is why I have said over and over again that it is going to be necessary for the next President to sit down and talk with the Soviet leaders —and talk quite directly, not only about Vietnam, you've got to broaden the canvas—because in Vietnam they have no reason to end that war. It's hurting us more than it's hurting them."

In almost every one of his public statements on Vietnam, the President has stated his intention to respond if Hanoi steps up its military pressure as U.S. forces are withdrawn. For example, his position was clearly delineated in his April 20 statement where he discussed the risks of withdrawing 150,000 Americans:

"But I again remind the leaders of North Vietnam that while we are taking these risks for peace, they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam in Cambodia or in Laos.

"I repeat what I said Nov. 3 and Dec. 15: If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation. My responsibility as commander in chief of our armed forces is for the safety of our men, and I shall meet that responsibility."

In his press conference defending the Cambodia invasion, President Nixon stated that this was the kind of response he had in mind.

In fact, providing yet another explanation for his action, he implied that its purpose was to make credible future escalation should the enemy ignore his warnings:

"But I also warned at that time that increased enemy action in Laos, in Cambodia as well as in Vietnam, was something that we had noted, and that if I had indicated, and if I found, that increased enemy action would jeopardize the remaining forces who would be in Vietnam after we had withdrawn 150,000, I would take strong action to deal with it. I found that the action that the enemy had taken in Cambodia would mean the 240,000 Americans who would be there a year from now without many combat troops to help defend them would leave them in an untenable position. That is why I had to act."

QUANTUM ESCALATION

There is no reason to believe that the President has concluded from the domestic reaction to the Cambodian affair that future escalation is ruled out. At the same press conference, in explaining how his actions differed from those of President Johnson, he gave a clue as to the form his next escalation would take:

"However, the difference is that he did move step by step. This action is a decisive move, and this action also puts the enemy on warning that if it escalates while we are trying to de-escalate, we will move decisively and not step by step."

An even more ominous possibility was raised by James Reston. In a column commenting on the passage quoted above from the President's April 20 statement, Reston wrote:

"Here what the President says should be taken with the utmost seriousness. For if he personally takes the responsibility for withdrawing troops against the advice of Gen. Abrams, and the enemy then launches an attack that threatens a major military defeat or even the destruction of Abrams' command, it is not too much to say that he will use any weapons at his command—*any* weapons—to avoid destruction of his remaining troops."

This hint of the use of nuclear weapons was contradicted by a White House source who stated authoritatively that nuclear weapons would not be used in Vietnam.

What is likely to happen if policy does not change?

Assume that the Cambodian venture ends on schedule and the President meets his announced plan for withdrawing U.S. forces from Vietnam. Depending on the timing of these withdrawals, the crunch will come in eight to 12 months after the effects claimed for the Cambodian invasion have worn off and, more important, most American combat forces are gone. At that time Hanoi will have three choices:

1. Avoid expansion of its efforts and permit American casualties to decline drastically. However, this would mean that U.S. forces would remain in South Vietnam indefinitely propping up the Thieu-Ky regime. Hanoi would not accept this.

2. Seek a negotiated political solution. But what political solution can be negotiated? Hanoi insists on a coalition government or commission prior to elections, and Saigon insists on remaining the government during the elections. Sharing power on a leopard spot territorial or federal basis seems equally unnegotiable. Moreover, even if there were the best of will on both sides, it is by no means clear that either side would have any confidence in the peaceful transfer of power thereafter. Hanoi has reiterated that it will not negotiate until the United States commits itself to total withdrawal. Hanoi's leaders have demonstrated that they mean what they say and are not deterred by military threats.

3. Increased military and political pressure in South Vietnam. Hanoi will almost certainly go this route at some point, seeking to keep U.S. casualties high and destroy the morale of the South Vietnamese. Its expectation be that, faced with increased domestic pressure because of the casualties and continued costs of the war, the United States would then be forced to withdraw completely. But the history of the war indicates that Hanoi would also be prepared for escalation and ready to accept its consequences.

A MASSIVE RESPONSE

Thus Hanoi is likely to step up military pressure and ignore the President's warning. How will the President respond? To do nothing would be to confess that his warnings were meaningless and to ask the American people to look forward to an indefinite period of involvement in Vietnam with high casualties and no end in sight. To announce a schedule for the withdrawal of the remaining U.S. forces would be to abandon the President's withdrawal criteria and ignore all that he has said about the importance of Vietnam.

If the President acts in accordance with his threats, his concept of national interest and his misguided view of the efficacy of "decisive" escalation, he may well launch an all-out attack against North Vietnam coupled with a blockade of Haiphong. Unless our policy is changed, we may all wake up one morning to learn that in support of his withdrawal schedule, the President has been forced to order yet another and more serious escalation.

What is the alternative? The President has maintained that the only alternative to his Vietnamization policy and negotiating strategy is "precipitous withdrawal" leading to the "defeat and humiliation" of the United States. This statement of alternatives was successful for two reasons. The President was withdrawing U.S. troops, and his free choice proposals at Paris seemed reasonable. The upshot was that public debate on alternatives virtually ceased for over a year.

The most promising alternative—an announced timetable for the phased withdrawal of all U.S. forces and personnel—was squelched by the President. In his Nov. 3 speech, he said that "a fixed timetable . . . would completely remove any incentive for the enemy to negotiate an agreement," and that "they would simply wait until our forces had withdrawn and then move in."

These arguments have gained a curious kind of acceptance—probably because most people simply have not thought about them. What incentive has the President's policy given Hanoi to negotiate?

There has been absolutely no progress in the Paris peace talks. Is there any indication that Hanoi will become more conciliatory in the future? And if we look at what Hanoi is doing in South Vietnam, the evidence points to its battening down for protracted warfare.

The President's second argument about Hanoi's gaining a military advantage and "moving in" is similarly weak. If Hanoi is aiming to wait out the departure of U.S. forces, it can do so whether or not the withdrawal schedule is announced.

A BLOOD BATH NOW

Another argument frequently used by the Nixon administration against a fixed withdrawal schedule is that a blood bath would ensue in South Vietnam. This is a serious matter to take into account. The administration, however, is using it as a scare tactic. Speculations—and they can be only speculations—about a blood bath have to be weighed against the certainty that South Vietnamese are now being killed by the thousands and will continue to be killed by the thousands each year that the war goes on.

The North Vietnamese record of dealing with their enemies after the 1954 Geneva Conference is certainly no worse than the record of our South Vietnamese allies. The performance of both on the matter of human life over the last six years has been equally appalling. For the South Vietnamese who would not wish to take their chances with a "peace," we should, of course, stand ready to provide sanctuary and assistance.

But the interesting thing about the blood bath argument is that it must hide either the belief that the South Vietnamese army is hopeless or the conviction that U.S. forces can never be fully withdrawn—or both. The Nixon administration keeps insisting that our South Vietnamese allies have made great progress in the military field, and even the heretofore knowledgeable pessimists agree. The South Vietnamese armed forces number one million, and if police and civil defense forces are counted, this adds another quarter million. They have the most modern U.S. equipment, and after an American withdrawal could continue to receive U.S. military assistance.

The 1¼ million-man force would be left to contend with a combined North Vietnamese and Vietcong force of about 220,000 backed up by a North Vietnamese army of approximately 400,000. If these numerical odds are not considered significant by the President, is he really concerned about something else? Does it have something to do with the quality of the South Vietnamese forces? Will they ever be able to hold their own against North Vietnam?

All these questions come down to the overwhelming question: Does the President really intend to get out of Vietnam fully or will his policy inevitably lead to a leveling off of U.S. forces at 100,000 or even 250,000 men? If the latter is his policy, the President really has no objection to the fixed timetable alternative. His objection rather would see to be to the very principle of full withdrawal in the absence of a negotiated settlement.

HARDLY PRECIPITOUS

The President's arguments have led to a confusion between a fixed timetable and "precipitous withdrawal." Most advocates of a timetable speak in terms of full withdrawal in 12 months to 2 years. Is this precipitate, and if so, why? Is it "precipitous" because the President believes that a large-scale U.S. presence will still be required in Vietnam 2 years from now to prevent the collapse of the present Saigon government?

The only test of the timetable alternative is how it would measure up against the four problems that the President faces: (1) bringing our South Vietnamese allies into a position where they can take care of themselves; (2) moving the Paris peace talks off dead center; (3) restoring U.S. domestic support for some kind of continuing U.S. role in world affairs, and (4) dealing with domestic priorities and reunifying our nation.

First, advocates of a fixed withdrawal are not uninterested in the fate of South Vietnam. Many would like to see the narrowly based military rule of Thieu and Ky broadened to include moderates and nationalists, to develop a more responsive and politically stronger government in Saigon. Only that kind of government would have the confidence to negotiate seriously with the other side and to chance subsequent political competition.

Many would also like to see the South Vietnamese armed forces better able to fight. But as long as the Saigon leaders believe President Nixon's statement that U.S. withdrawals will be contingent on their ability to assume more of the combat burden, they have little incentive to shape up. Saigon's interest is to have the United States stay around as long as possible. The fixed timetable would put it on notice that the time has come to get its house in order.

Second, progress in Paris will come only after Hanoi is satisfied that U.S. forces will be withdrawn fully by a definite time. The Presi-

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dent's strategy of giving Hanoi a choice between a one-year mutual withdrawal of forces and an indefinite U.S. presence simply is not working. Hanoi's military strategy has been gearing for the long haul.

But once Washington announced a fixed timetable, Hanoi would have a real incentive to ensure that we went through with it. The United States should be in a strong position to get the following kinds of concessions from Hanoi: return of U.S. POWs; deescalation or a cease-fire to provide for the safety of our men; a reduction of North Vietnamese military operations in Laos and Cambodia, and possibly even an agreement to sit down with the present or a broadened Saigon government to discuss a political settlement.

There may have been a time, say two years ago, when it would have been possible to negotiate free elections or territorial divisions of power, but the North Vietnamese and the Vietcong are probably not strong enough now in South Vietnam to take the risks. The fixed withdrawal would allow us to negotiate what is negotiable rather than engaging in futile pipe dreams about negotiating an overall settlement in Paris.

OUR GLOBAL IMAGE

Third, the continuation of the war in Vietnam is bringing about precisely the kind of world situation which the President justly seeks to avoid. He has often expressed concern that the way we extricate ourselves from Vietnam will affect the credibility of U.S. interests in Korea, Japan, Western Europe, the Middle East and elsewhere.

But the longer the Vietnam war goes on, the more U.S. domestic opposition to any kind of foreign involvement, the less likely that the President will be in a position to act in accord with U.S. interests and the expectations of our allies. The fixed timetable would let the nations of the world know once again what our international priorities are and would begin rebuilding the President's base for a new and sustainable approach to U.S. foreign policy.

Finally and most importantly, the certainty of our exit from Vietnam by a specified time would allow the President to turn his energies to peace and progress at home. There is no external menace that compares to the internal menace of millions of Americans living in poverty, 20 million blacks living with hate, our youth living in disenchantment and Americans—those for and those against the President's Vietnam policy—despairing of a way out of the pit.

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WHERE IS OUR ECONOMY HEADED?

Mr. SYMINGTON. Mr. President, with the unemployment rate rising rapidly, the stock market in precipitous decline, and inflation continuing unabated, it is now quite clear that the Nation is facing a serious economic and financial crisis.

The unemployment rate is now near 5 percent, and if it continues to increase in the second half of this year at the rate it increased during the first half, by December the rate will be 7.4 percent.

The stock market is at its lowest point in 7 years, dropping below the 700 mark. This has literally wiped out the savings of many Americans.

This market plunge clearly reflects the growing lack of confidence of our people in the economic policies of this administration, along with the dismal business outlook for the next few years.

Our consumers are suffering—and that is all of us—as inflation continues to barrel ahead at a 6-percent annual rate.

Interest rates remain at historically high levels, the housing industry is in a depression, and the automobile industry is in a slump.

It was somewhat frightening to hear the President of the United States say several weeks ago that if he had any money he would buy stocks.

Every American is now being put in the triple vice of rising prices, an exorbitantly high cost of money, and lower real earnings because of the continuing slowdown in economic activity.

Somehow we have managed to create a recession in the midst of rampant inflation, and the public is caught in the middle of this vicious squeeze. It is particularly punishing on the poor, the elderly, and the large middle class who earn a fixed income.

The reasons for this sad state of economic affairs are not hard to discover. For well over a year now this administration and the Federal Reserve Board have embraced the theory that the best way to stop inflation is through a tight money policy. Wages and prices have been allowed to run rampant, fueled by excessive Government expenditures, but the Fed has even tightened the screws on the money supply.

Under simplistic assumptions, this administration has relied on the "marketplace" for a solution to all economic problems. But, let us face it, markets are not perfectly free and prices and wages do not move up, and certainly not down, in accordance with perfectly free market conditions.

The price of money is regulated, the prices of many of our products are, in effect, regulated directly or indirectly, and the price of labor is also regulated by minimum wage laws and by the bargaining power of unions.

Government intervention in the marketplace is pervasive and is not always bad. In fact, we have deliberately passed many laws to protect labor from exploitation, to protect industry from price discrimination, and to establish health and safety requirements for the consumer—to mention but a few areas.

Government intervention in the marketplace is often a necessary and desirable adjunct to the recognition of certain social and economic problems, which the laissez faire capitalism of the 19th century neglected. Somehow, however, we seem to have adopted the theory that the Government has to be a passive onlooker to all price and wage decisions, even though indirectly through fiscal, monetary, and regulatory actions we set the conditions which influence these decisions.

This administration has deliberately raised the price of money to stop inflation, while at the same time letting other Government actions, such as Federal spending to support our troops in Asia and Europe, fuel the flames we are trying to stamp out by a tight monetary policy.

This excessive reliance on monetary policy is based on simplistic assumptions which defy rational explanation. An 8-percent prime rate does not prevent General Motors or A.T. & T. from borrowing capital to finance their plant and equipment expenditures, or to channel efforts away from production of civilian goods to military hardware. But it does stop Mr. and Mrs. Average American from borrowing money to purchase that home they have dreamed of or to finance the college expenses of their children.

What is the rationale for a policy that lows the great corporations to continue to spend billions, that allows the Federal Government to spend billions upon billions to fight, almost by itself, for other nations' freedom, while Mr. Average American is enslaved by the ravages of inflation, high interest rates, and a deepening recession?

Is it not a strange anomoly that a Republican administration, which traditionally represents the views of business and banking, has so mismanaged the economy that, in the space of less than 18 months in office, it has brought us into a full-fledged recession, a stock market crisis, growing unemployment, and the highest rate of price inflation since the end of World War II?

One should not desire to make political capital out of economic chaos—and certainly the previous administration is partly to blame for the mess we are in—but I cannot remain silent while Americans are put out of work, while our people must pay ever rising prices—all under the simplistic free market theories of "laissez-faire" economists who have put their eggs in the tight monetary basket.

Let us not overlook the root cause of our inflation—Government expenditures—particularly by our world embracing Defense Establishment, which accounts for over 40 percent of our budget. We have assumed the responsibility of defending Asian countries against Asian communism and European countries against European communism, while the rest of the so-called free world—always privately and often openly, contemptuous of our policies—has concentrated on improving its economic efficiency and competitiveness, as well as on policies which prevent our commodities from entering their markets.

The result has been that our basic manufacturing industries are being driven to the wall by foreign competition, jobs are being transferred abroad, and we Americans who arrogate to ourselves the role of protecting and financing those who are putting us out of business, suffer the economic and social consequences of these policies.

Clearly, both the overall economy and our financial markets are depressed; and are yearning for peace and an easier money policy.

Military expenditures do not help our competitive position in the nonmilitary industrial sector of our economy anywhere near the extent to which they ruin our competitive position by fueling the flames of inflation. Clearly also the effect of Vietnam on our economy has been negative. But it has helped Japan, Korea, Taiwan, and our European friends in their taking over of a steadily increasing share of our market.

I do not believe the American people will tolerate much longer the continuation of policies which could soon lead us to economic and financial ruin under the mantle of "fulfilling our international obligations." We have spent generously our taxpayers' money to build up our friends abroad—since World War II some $130 billion in foreign aid, plus tens of billions of dollars annually in overseas military expenditures. Overseas aid and military expenditures account for over half our national debt which has reached the staggering figure of $368 billion. That is over $60 billion more than the debt of all the other countries in the world combined.

Now we find that Japanese and European industries are, in effect, taking over our markets in such basic manufacturing sectors as textiles, shoes, steel, and electronics. Are we supposed to give these up for the sake of our international obligations, while those very European and Far East countries protect their own producers with a rash of tariff and nontariff barriers?

Is it not time that we began to think more about our own people, and less about our "international obligations"?

Let me sum up:

We are in a serious economic and financial crisis;

The crisis has been brought about fundamentally by our burgeoning Government expenditures over the last several years, along with the excessively tight monetary policy of the past year;

Our economic policy has created distortions and inequities in our society, without providing any remedy for the inflation, and the "crisis in confidence" which pervades the markets today:

The average American has borne the brunt of the tight money policy, while the more fortunate have borne a disproportionately smaller burden;

Our worldwide commitments approach to foreign policy has not only put a heavy burden on the American taxpayer, but has also caused us to neglect far too many of our pressing economic and social needs here at home;

Our basic industries and labor force are being injured by import competition from countries we are protecting with the use of our own tax money;

Unless these policies, and the trends they induce, are changed, the American people will soon be calling for even more drastic action—action which could lead—to a polarization of extremists in this country, both groups in disdain of the middle road; and anyone familiar with the history of certain other countries in this century is well aware of the political, social, and human consequences of economic chaos;

This administration can no longer fail to live up to its responsibilities. It must take action, and I suggest the following:

Restore the waning confidence in our economic system;

Use all its powers—including, if necessary, wage-price and credit controls—to end the inflation which is destroying purchasing power, without resorting to a recession;

Bring logic—some would say sanity—to our foreign policy;

To end the spiritual as well as the financial recession—some would say depression—that is affecting many of us—young and old—who oppose evermore vigorously where we are heading as a nation.

The only inexpensive item left in America is talk. But we have had enough rhetoric about our problems. Now we need a plan of action to resolve them, and we do hope that this administration will soon propose some concrete measures to that end.

WETA

Mr. DOLE. Mr. President, over at WETA, Washington's educational television station, they have been very quiet these days hoping that some of us will forget their active antagonism toward the Republican Party, working wives, and, most important, a free press.

I refer again to the firing last month of Mr. William Woestendiek and WETA's double standard for its new personnel.

The Senate will recall that Mr. Woestendiek was fired from his $50,000 a year job as head of the "newsroom" program at WETA because his wife accepted a job as press secretary to Mrs. Martha Mitchell. The excuse was that Mr. Woestendiek had incurred a conflict of interest by allowing his wife to work for a public figure. Of course, this is nonsense, Mr. President, but let us for a moment assume that it is valid.

The question then is: Why has WETA not fired others who have or who may have this same kind of conflict of interest? I personally hope they do not, but I would be less than objective if I did not say they should, if they sincerely believe Mr. Woestendiek had a conflict.

A similar case is that of Walterene Swanston, who is the wife of a press aide to the junior Senator from California. Mrs. Swanston is also on "newsroom." Yet there has been from WETA no demand that Mr. Swanston quit his job or that Mrs. Swanston quit hers.

Of course, Mr. Max Kampleman, the board chairman of WETA, has been the most flagrant violator of WETA conflict-of-interest standards. He once worked for Hubert Humphrey and continues to be one of his close advisers. He is a leading and influential figure in the Democratic Party.

Why has he not resigned as board chairman—a policy post if there ever were one?

Mr. President, WETA personnel policies raise serious questions that Congress or the FCC should investigate.

The doubts raised by WETA's actions should not be allowed to spoil the reputation of our Nation's educational television system.

JOHN GRAVES

Mr. HUGHES. Mr. President, my staff and I were terribly saddened by the sudden death of our friend John Graves. We became acquainted with John very soon after coming to the Senate in January 1969, and we found him invaluable in helping us to learn about the customs and procedures of the Senate and its working community. He was unfailingly cooperative and pleasant, and I always enjoyed his quiet good humor. The death of this fine young man brings a feeling of great personal loss, and I want to express our deepest sympathies to Mrs. Graves and their children.

THE AMERICAN CIVIL LIBERTIES UNION ON THE GENOCIDE CONVENTION: NO FIRST AMENDMENT VIOLATION

Mr. PROXMIRE. Mr. President, I invite the attention of the Senate to the excellent testimony presented by the American Civil Liberties Union at the recent hearings on the Genocide Convention.

Hope Eastman, the assitant director of the ACLU's Washington office, represented the ACLU before the special Foreign Relations Subcommittee considering this treaty. Her testimony dealt with the fundamental questions of free speech and free press under the Genocide Convention.

I quote briefly from Mrs. Eastman's statement on these questions. She stated:

> Ratification of this Convention could not obligate us to ignore the First Amendment and is in fact completely consistent with the decisions of the Supreme Court which over the years have amplified for us the scope of the constitutional guarantees of speech and press.

Her testimony definitively explains why the Genocide Convention will not abridge our rights of free speech and free press. And the well-deserved reputation of the ACLU as a vanguard of first amendment protection certainly lends Mrs. Eastman's statement special significance.

I ask unanimous consent that Mrs. Eastman's testimony on behalf of the ACLU be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HOPE EASTMAN

My name is Hope Eastman. I am the Assistant Director of the Washington Office of the American Civil Liberties Union. I am an attorney and a member of the State Bar of California. On behalf of the ACLU, I would like to thank the Chairman and members of the Subcommittee for this opportunity to appear today in order to add our voice to the many others who have already spoken in favor of ratification of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

The American Civil Liberties Union strongly endorses the ratification of this U.N. Convention on Genocide. This Convention was adopted by the United Nations in 1948 and has been ratified by seventy-five countries. The provisions of the Convention are fully in accord with the civil liberties and civil rights provisions of our Constitution. The Convention is in all respects consistent with the Constitution, laws and ideals of the United States. Moreover, ratification of the Convention, which would have a beneficial impact on world opinion of the United States and which would be a valuable contribution to world law, would clearly serve our national interest. It deals with a subject which is a matter of international concern. Ratification of this Convention is, therefore, a proper exercise of the treatymaking power of the Constitution. These essential points have been amply documented by the recent reports on the Genocide Convention by the American Bar Association's Section of Individual Rights and Responsibilities, and by its Standing Committee on World Order Through Law, and by "A Report on the Treatymaking Power of the United States in Human Rights Matters" of the Special Committee of Lawyers

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of the President's Commission for the Observance of Human Rights Year 1968.

I do not think it is necessary for me to repeat the constitutional and legal arguments so thoroughly covered by these reports, but I would like to comment briefly on one point in which the American Civil Liberties Union has a particular interest and, we think, some special competence. Some critics of this Convention have argued that ratification of the Convention would conflict with the First Amendment. The American Civil Liberties Union is well known for its vigorous efforts to protect the First Amendment rights and we would not hesitate to criticize this Convention if it violated the First Amendment. But it clearly does not. Ratification of this Convention could not obligate us to ignore the First Amendment and is in fact completely consistent with the decisions of the Supreme Court which over the years have amplified for us the scope of the constitutional guarantees of speech and press.

Critics point to Article III of the Convention, which makes it a crime to engage in "direct and public incitement to commit genocide," as evidence for their assertion that the Convention infringes the First Amendment guarantees of freedom of speech and press. This assertion is entirely erroneous. The First Amendment does not protect conduct which involves efforts to incite to immediate unlawful action. The First Amendment would, we believe, protect the advocacy of genocide. But the Convention does not make this a crime. It seeks to ban only "direct and public" incitement. This standard is fully consistent with Supreme Court decisions drawing the line between protected speech and prohibited direct and immediate incitement to action. This standard has been most recently enunciated by the Court in *Brandenburg* v. *Ohio,* 395 U.S. 444, 447 (1969), where the Court said:

"The constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation *except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.*" (Emphasis added.)

Although the Convention's standard meets the prevailing definition of the scope of the Convention, one further point should be mentioned to negate any fear of conflict with the First Amendment. Should a particular indictment produce a conflict between the Convention and the First Amendment, the First Amendment would prevail. Article V of the Convention obligates the contracting parties to enact, "in accordance with their respective Constitutions" implementing legislation necessary to make these offenses punishable in their countries. Moreover, it is axiomatic that, as a matter of constitutional law, a treaty could not validly obligate the United States to do anything the Constitution prohibits. If a case arose under implementing legislation enacted by the Congress to make "direct and public incitement to commit genocide" a criminal offense in the United States, the accused person would still have to be prosecuted and convicted under those criminal procedures which protect all persons accused of committing a crime in this country. The Supreme Court could invalidate a conviction if it found that the acts with which the defendant was charged were protected by the First Amendment and did not constitute the kind of incitement which falls outside the protection of the First Amendment. Ratification of the Convention would in no way diminish the Court's power to apply the First Amendment.

As the constitutional objections to the Convention have been shown by many to be without substance, there is no legal obstacle to U.S. ratification of this Convention. The United States should move promptly toward ratification. This country played a leading role in the adoption of the Genocide Convention by unaminous vote of the members of the U.N. General Assembly in 1948. Since then the United States has continued to work for the promotion of human rights through the United Nations. However, the United States' failure to ratify this Convention in the twenty years since its adoption, when coupled with a similar lack of movement on some of the other human rights conventions, casts serious doubt on the sincerity of our efforts and of our stated commitment to human rights. Our concern about human rights in the international community must be accompanied by a willingness to obligate ourselves to act in accordance with these same international standards. Ratification of the Genocide Convention would be a long overdue step in the pursuit of truly effective international human rights throughout the world.

THE SEABEDS—A WELCOME STEP TOWARD A NATIONAL POLICY

Mr. PELL. Mr. President, for nearly 3 years, I have been urging our Government, both this administration and the preceding one, to provide leadership in the world community toward resolving the very difficult and divisive question of jurisdiction over the seabeds of the world.

Unfortunately, during this time our Government has persisted in maintaining a policy vacuum, in pursuing what I have called a "no-policy policy." As a result, the United States consistently has found itself in a negative, nonleadership role as other nations of the world displayed increasing interest and concern over this issue.

During the weekend, the White House released a policy statement outlining the administration's position on the question of seabed jurisdiction. As a result, we now have the broad outlines of this administration's position on this vital question. At long last, we have at hand the beginnings of a national policy. I congratulate and commend President Nixon and his advisers on taking this first and critically important step toward filling the policy vacuum.

The specific details of the administration's position will not be available until this issue is taken up again in August by the Seabeds Committee of the United Nations. Accordingly, I reserve my own judgment on the administration policy until it is more fully developed.

At this time, however, I wish to offer some observations on the general direction of that policy as outlined in the White House statement.

Of particular importance, I think, is the administration's decision to propose a treaty which would set the Outer Continental Shelf boundary at a depth of 200 meters and, beyond that boundary, create an international legal regime which would require, among other things, that a portion of the royalties derived from exploitation of seabed mineral resources "be used for international community purposes, particularly economic assistance to the developing countries."

In addition, I am glad to see the administration reiterate its desire to help establish "international machinery" to authorize and regulate both the exploration and exploitation of the deep ocean floor. Both of them are great steps forward and furnish us great gratification.

Looking down the road over the next few years, I am convinced that these decisions will, if properly implemented, prove to have been of monumental significance.

In fact, the only reservation I have about the President's announced oceans policy concerns the decision calling for the establishment of "international trusteeship zones" in that area between the 200-meter boundary and the beginning of the deep ocean floor. The reason for such zones is not stated; rather, it is simply noted that in these zones "coastal states act as trustees for the international community."

General comments such as this are not very satisfying, and appear to leave sufficient loopholes for the petroleum industry to achieve its major, long-held objectives. This leads me to ask "Why not let the international community act on its own behalf through the 'international machinery' which the administration says it hopes will be created?" In this connection, I think it is necessary to raise an additional question, "To what extent would coastal State management of the 'international trusteeship zones' leave the door open for littoral States to extend their national rights and domestic legislation to these zones?"

Mr. President, I hope the administration will clarify these points as quickly as possible, and I hope it will make it clear that the proposed 200-meter boundary is intended as an international boundary, both in word and in deed, and that coastal State management is to be limited to administering only those rules and regulations that are agreed to internationally.

If this is not the case, the administration's proposed international regime will be seriously weakened—we will be extending our jurisdiction for one purpose, the Canadians will be extending their jurisdiction for another purpose, and the Latin Americans are sure to outdo both of us and everyone else at the same time.

Mr. President, I ask unanimous consent that the administration's oceans policy statement be printed in the Record.

There being no objection, the policy statement was ordered to be printed in the Record, as follows:

Presidential Announcement on U.S. Oceans Policy

The nations of the world are now facing decisions of momentous importance to man's use of the oceans for decades ahead. At issue is whether the oceans will be used rationally and equitably and for the benefit of mankind or whether they will become an arena of unrestrained exploitation and conflicting jurisdictional claims in which even the most advantaged states will be losers.

The issue arises now—and with urgency—because nations have grown increasingly conscious of the wealth to be exploited from the seabeds and throughout the waters above, and because they are also becoming apprehensive of the ecological hazards of unregulated use of the oceans and seabeds. The stark fact is that the law of the sea is inadequate to meet the needs of modern technology and the concerns of the international community. If it is not modernized multilaterally, unilateral action and international conflict are inevitable.

This is the time, then, for all nations to set about resolving the basic issue of the future regime for the oceans—and to resolve it in a way that redounds to the general benefit in the era of intensive exploitation that lies ahead. The United States as a major maritime power and a leader in ocean technology has a special responsibility to move this effort forward.

Therefore, I am today proposing that all nations adopt as soon as possible a treaty under which they would renounce all national claims over the natural resources of the seabed beyond the point where the high seas reach a depth of 200 meters (218.8 yards), and would agree to regard these resources as the common heritage of mankind.

The treaty should establish an international regime for the exploitation of seabed resources beyond this limit. The regime should include the collection of substantial mineral royalties to be used for international community purposes, partiularly economic assistance to developing countries. The regime should also establish general rules to prevent unreasonable interference with other uses of the ocean, to protect the ocean from pollution, to assure the integrity of the investment necessary for such exploitation and to provide for peaceful and compulsory settlement of disputes.

I propose two types of machinery for authorizing exploitation of seabed resources beyond a depth of 200 meters.

First, I propose that coastal nations act as trustees for the international community in an international trusteeship zone consisting of the continental margins beyond a depth of 200 meters off their coasts. In return, each coastal state would receive a share of the international revenues from the zone in which it acts as trustee and could impose additional taxes if it deemed this desirable.

As a second step, agreed international machinery would authorize and regulate exploration and use of seabed resources beyond the continental margins.

The United States will introduce specific proposals at the next meeting of the United Nations Seabeds Committee to carry out these objectives.

Although I hope agreement on such steps can be reached quickly, negotiation of such a complex treaty may take some time. I do not, however, believe it is either necessary or desirable to try to halt exploration and exploitation of the seabeds beyond a depth of 200 meters during the negotiating process.

Accordingly, I call on other nations to join the United States in an interim policy. I suggest that all permits for exploration and exploitation of the seabeds beyond 200 meters to be issued subject to the international regime to be agreed upon. The regime should accordingly include due protection for the integrity of investments made in the interim period. A substantial portion of the revenues derived by a state from exploitation beyond 200 meters during this interim period should be turned over to an appropriate international development agency for assistance to developing countries. I would plan to seek appropriate Congressional action as soon as a sufficient number of other states indicate their willingness to join us in this interim policy.

I will propose necessary changes in the domestic import and tax laws and regulations of the United States to assure that our own laws and regulations do not discriminate against U.S. nationals operating in the trusteeship zone off our coast or under the authority of the international machinery to be established.

It is equally important to assure unfettered and harmonious use of the oceans as an avenue of commerce and transportation, and as a source of food. For this reason the United States is currently engaged with other states in an effort to obtain a new treaty for these purposes. This treaty would establish a 12-mile limit for territorial seas and provide for free transit through international straits. It would also accommodate the problems of developing countries and other nations regarding the conservation and use of the living resources of the high seas.

I believe that these proposals are essential to the interests of all nations, rich and poor, coastal and landlocked, regardless of their political systems. If they result in international agreements, we can save over two-thirds of the earth's surface from national conflict and rivalry, protect it from pollution and put it to use for the benefit of all. This would be a fitting achievement for this 25th anniversary year of the United Nations.

PREVENTIVE DETENTION

Mr. COOK. Mr. President, I have just had the privilege of reading the opening remarks of the senior Senator from North Carolina (Mr. Ervin) at recent hearings of the Constitutional Rights Subcommittee on the Justice Department's preventive detention plan, which has been included in the District of Columbia crime bill.

Senator Ervin has demonstrated once again that he is the premier constitutional lawyer of the U.S. Senate. By use of irrefutable logic he has destroyed the argument for this so-called anticrime measure, which is unconstitutional at best and completely inconsistent with the basic tenets of a free society at worst.

I join him in his statement that he is "unalterably opposed to preventive detention," and I congratulate him on his fine remarks.

Mr. President, I ask unanimous consent that the statement of Senator Ervin be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Sam J. Ervin, Jr.

Today the Constitutional Rights Subcommittee resumes the hearings it began in January and February of 1969 on the operation of the Bail Reform Act of 1966 and proposals to amend it. Among the proposed amendments to the Act are several which would authorize pretrial preventive detention of criminal suspects alleged to be dangerous to the community. These measures trouble me greatly for I am convinced that they are unconstitutional and would initiate a dangerous and unfortunate policy in the administration of criminal justice.

We began a comprehensive consideration of these problems in our 1969 hearings but deemed it unwise to attempt a resolution of the difficult issues at that time for several reasons.

First, to deny reasonable bail and thus imprison without conviction or trial, represents a radical departure from traditions of law and justice and from constitutional principles held sacred in this country for nearly 200 years. If such a step is to be taken, it should not be done hurriedly and without the most careful and deliberate consideration.

Second, it was apparent that the Bail Reform Act of 1966 and related machinery had not been used to optimum effect. Time for further study of its provisions was plainly advisable.

Third, the hearings clearly demonstrated the conspicuous absence of any reliable statistics to support any preventive detention plan. Since that time I have repeatedly pointed out to the advocates of preventive detention that reliable statistical data constitutes an absolute prerequisite to fair and comprehensive Congressional consideration of preventive detention.

Several important developments over the past year make this a propitious time for us to resume our hearings. The Constitutional Rights Subcommittee staff has pursued its study of the difficult issues raised by preventive detention and has, among other things, solicited the views of constitutional law experts and bar associations across the country. Six months after conclusion of our earlier hearings the Department of Justice introduced its own preventive detention bill, S. 2600. Senator Goodell has offered a proposal for civil commitment, S. 2920. Several useful independent studies have been undertaken and reports have been published. At least one major national conference has been held, and a published report of that proceeding should be available soon. An effort commissioned by the Department of Justice and conducted by the National Bureau of Standards and the Law Enforcement Assistance Administration to secure, for the first time, reliable statistics on bail recidivism in the District of Columbia has just been completed. And, finally, there has been a tremendous increase in public awareness and public appreciation of the fundamental issues involved.

In the face of these developments and our previously announced intention to hold hearings on the preventive detention issue as soon as the Department of Justice completed its statistical study, I was astonished to learn on January 29th of this year that the Department was seeking immediate preventive detention for the District of Columbia. That change in the Department's position seemed especially incongruous since its statistical study dealt exclusively with the District and was due to be released just a few weeks later. By the time the study was published on April 8, 1970, and available to Congress and the public, the Department of Justice had already succeeded in getting its preventive detention proposal through the House in a D.C. crime bill. It is now before a House-Senate conference committee even though the Senate has never considered it and even though the factual data has just become available for our examination.

Regrettably, it appears that the Justice Department has chosen to hide its preventive detention legislation under false colors in the deepest recesses of the House version of the D.C. crime bill. The effect of this tactic has been substantially to foreclose a full and free debate on the constitutional and practical issues raised by the Department's bill. It is entirely possible that the Senate may be asked to vote on preventive detention incorporated in a conference report on the D.C. crime bill even before these hearings are complete. That course of action frustrates meaningful consideration of the issues and is at variance with acceptable legislative principles.

I strongly oppose any effort to enact such controversial legislation by these dubious procedures. If this Congress wishes to enact preventive detention legislation, it should do so only after full consideration of all the law and facts and alternatives. The Senate should not even consider voting on legislation of doubtful constitutionality and unproved practicality which has never been subjected to full and fair hearings. I hope the conference on the D.C. crime bill will strike the preventive detention provisions from the bill if they have not already done so.

The Justice Department's preventive detention plan included in the D.C. crime bill is identical to S. 2600, its national bill, now pending before this subcommittee. The D.C.

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preventive detention plan received only a few minutes of discussion on the last day of the House District Committee hearings and the only witness called to testify was from the Justice Department. Not a single judge or law professor testified, and the Justice Department statistical study was not before the Committee. As a matter of fact, it has been impossible for anyone or any congressional committee to consider that plan fairly or comprehensively until now because no reliable statistics have been available before. The time for meaningful hearings on preventive detention has just now arrived. That is the reason we are beginning these hearings today.

My advocacy of full and fair hearings on operation of the Bail Reform Act of 1966 and preventive detention proposals is purely and simply a vote for adherence to due legislative process to which I have always been firmly committed. My advocacy of hearings should not, however, be construed as support for preventive detention in any form. I remain unalterably opposed to preventive detention.

During the year in which the United States began under the new Constitution, namely 1789, Congress passed the Judiciary Act of 1789 and thereby established a practice which has prevailed throughout the intervening 181 years, namely, that all persons charged with noncapital crimes have an absolute right to be released on bail pending their trial and conviction. That principle is incorporated in federal statute, federal rules of criminal procedure, and in the constitutions and laws of some 40 states. Several legislative proposals, including S. 2600, have been submitted to Congress asking that this 181-year tradition be abrogated. These proposals authorize judges to imprison persons charged with crime prior to trial and conviction if they are charged with crime designated as either dangerous crimes or crimes of violence, and if the judge predicts that they may commit some crime if freed on bail.

Manifestly, these proposals would authorize the imprisonment and punishment of persons for crimes which they have not yet committed and may never commit. Preventive detention is not only repugnant to our traditions but it will handicap an accused and his lawyer in preparing his case for trial. It will result in the incarceration of many innocent persons.

If America is to remain a free society, it will have to take certain risks. One is the risk that a person admitted to bail may flee before trial. Another is the risk that a person admitted to bail may commit crime while free on bail.

In my judgment, it is better for our country to take these risks and remain a free society than it is for it to adopt a tyrannical practice of imprisoning men for crimes which they have not committed and may never commit merely because some court may peer into the future and surmise that they may commit crimes if allowed freedom prior to trial and conviction.

I want to make it abundantly clear that I am deeply concerned about the crime problem in this country and about the safety of our law-abiding citizens. The increasing rate of criminal activity in our land is appalling. I am especially disturbed by the crime problems besetting us each day here in the District of Columbia. The existence of these problems, however, should not prompt Congress towards enacting unconstitutional and unwise and deceptively appealing legislation. Rather, it should provide us with the opportunity to make those difficult legislative decisions which are essential if our court and corrective systems are to cope with the demands of modern society.

Advocates of preventive detention generally attribute the need for preventive detention legislation to problems caused by the Bail Reform Act of 1966. Again, I am constrained to say that they are in error. As members of this Committee well know, the Bail Reform Act revised Federal bail law for the first time since 1789. Its purpose is to implement the two fundamental principles which have always been at the foundation of American bail law—first, that a criminal suspect shall be released pending trial unless there are good reasons to believe he will flee rather than appear for trial; and second that a person's financial inability to post monetary bond shall not preclude his right to pretrial release. These principles constitute the American ideal of bail—one which we have always sought but had never achieved until 1966. We should not recklessly repudiate these principles by enacting a preventive detention law.

The clamor for repudiation of the Bail Reform Act and for rejection of the constitutional right to pretrial release in non-capital cases rests on a little more than a handful of highly emotional and highly publicized cases. Some of the more exaggerated statements have made it appear that this city's crime problem is wholly due to the Bail Act. Other statements in support of preventive detention raise questions about the adequacy of current practices more than they prove the need for preventive detention. For example, it was suggested some eight months ago by the D.C. Chief of Police that pretrial imprisonment of a few offenders—between 300 and 800—would solve the city's crime problems and usher in the millenium.

If indeed those offenders were known with certainty, which I doubt, why has their identity not been made known to the prosecutors?

Why have their names not been placed on an accelerated calendar?

Why have they not been speedily tried and the guilty convictd and sentenced?

The clamor should be for speedy trials and not for repudiation of the Bail Reform Act.

As we continue our search today for a solution to the problem of crime on bail, candor compels us to begin with an acknowledgment of three facts. First, crime on bail, though the exact extent is uncertain, represents but a small part of the overall crime problem. Second, the problem, irrespective of its precise magnitude, could be substantially reduced if trials were conducted within 60 days and even 120 days following arrest and release. Third, the Bail Reform Act of 1966 has been inaccurately and unfairly cited as the villian responsible for crime on bail. It is in that perspective that we should examine preventive detention.

S. 2600—THE DEPARTMENT OF JUSTICE PREVENTIVE DETENTION PROPOSAL

It is appropriate that we focus our attention on S. 2600 since that is the Administration's proposal whose adoption has been urged so vigorously upon the Congress. Much of our consideration at these hearings will be given to that preventive detention bill, and we should briefly examine its features.

The Administration proposal would authorize judges to consider a defendant's "danger to the community" as well as the "likelihood of flight", in setting release conditions. If no condition of release is considered adequate to protect the community, the judge could order a detention hearing for defendants charged with a "dangerous crime" or a "crime of violence." To be subject to detention, the "crime of violence" must have been committed while on bail, probation, or parole, or within 10 years of a prior conviction of a crime of violence. Persons charged with "dangerous crimes" could be detained even if they had no prior record of involvement with the law. It has been estimated that the bill encompasses between 40% and 75% of all persons charged with felonies in Washington.

To order detention, the judge must find "clear and convincing evidence" that the defendant has committed a "dangerous crime" or a "crime of violence", that there is "substantial probability" of his guilt, and that no release conditions will assure the safety of the community. Right to counsel and other rights of an adversary criminal proceeding apply, except that the rules of evidence will not govern. Testimony of the defendant at the hearing may not be introduced later at trial on the issue of guilt but may be used for impeachment purposes and perjury and bail violation proceedings.

Detention is nominally limited to 60 days, but it can be extended indefinitely if the trial is in progress or if the defendant has asked for a continuance. The detained suspect is given a series of severely qualified "rights"—he is to be confined separately from convicted criminals "to the extent practical;" he is to be given "reasonable opportunity" to consult with counsel; he may be released, in the custody of a U.S. Marshal, for the purpose of aiding his defense when he shows "good cause"; he is to be given an expedited trial "to the extent practicable."

Other provisions of the bill provide mandatory penalties for bail-jumping and for failure to appear at trial, which are presumptively "willful" unless the defendant can show otherwise. Mandatory imprisonment is provided for conviction of an offense committed while on bail.

CONSTITUTIONAL OBJECTIONS

In my view, the provisions of S. 2600 raise grave constitutional questions when considered in light of the Eighth Amendment's guarantee of reasonable bail, the due process clause of the Fifth Amendment and the Sixth Amendment's guarantees of access to counsel and the opportunity to participate in preparation of a defense.

The historical purpose of bail is to insure the appearance at trial of a criminal suspect and not to detain him in the hope that such detention will impede the possibility of his further criminal activity. The Eighth Amendment prohibits excessive bail. Clearly, if bail is set at a level higher than necessary to insure appearance, it is excessive and is serving a function not consonant with its historical purpose. The result of excessive bail is pretrial detention violative of the Eighth Amendment. In my judgment, the Eighth Amendment implicitly guarantees a right to bail in all non-capital cases.

Moreover, the right to bail in all non-capital cases was explicitly provided by the Judiciary Act of 1789, which preceded adoption of the Eighth Amendment. It is evident that the founders of our country adopted the Eighth Amendment's prohibition against excessive bail as a means of securing the pre-existing right established by the same Congress only months previously. An especially significant manifestation of that intent is the presence of an absolute right to bail in non-capital cases in the great majority of our state constitutions. In its memorandum defending the constitutionality of this legislation, the Justice Department argues that the Eighth Amendment guarantees a right to reasonable bail only in those cases where Congress authorizes bail. According to this argument, Congress could define away the right to bail and leave the Eighth Amendment meaningless.

While arguments may be mounted on both sides of the Eighth Amendment issue, it is generally agreed that existing case law is not dispositive. Although I am personally satisfied that preventive detention prostitutes the purpose of bail and runs afoul of the Eighth Amendment, the constitutional implications would remain unclear until a case raising them reached the Supreme Court. At best, preventive detention is a constitutionally questionable device whose survival depends on a frontal assault on the Eighth Amendment as it has been understood from its enactment.

The constitutional difficulty of this proposal does not end, however, even if the

Eighth Amendment is overcome. In my opinion, preventive detention proposals are fraught with even greater difficulty when viewed in light of the Fifth Amendment guarantee of due process.

Prior to ordering preventive detention under the Justice Department bill, a judicial officer must find, among other things, that there is a "substantial probability" that the individual committed the offense charged. This provision allows the government to deprive a suspect of his liberty on the basis of a vague and uncertain standard of proof. I do not believe the standard "substantial probability of guilt" comports with due process.

Fundamental to due process of law is the tenet that a man is presumed innocent until proven guilty beyond a reasonable doubt. Preventive detention proponents argue that the presumption of innocence is merely a technical rule of evidence assigning the burden of proof to the government at the actual trial. To the contrary, I believe that the presumption inheres in due process. Under our system of justice the government cannot deprive a man of his liberty on the basis of a mere accusation or assumption that he has committed a crime or is likely to do so. In practical effect, preventive detention legislation convicts individuals of "probable" guilt and "dangerousness" and sentences them to 60 days imprisonment without trial and conviction of a crime. Such flagrant violation of due process smacks of a police state rather than a democracy under law. It is reminiscent of similar devices in other countries which have proved all too useful as tools of political repression.

The Administration's bill, S. 2600, attempts to avoid the due process argument by providing for a preventive detention hearing. That hearing is ostensibly designed to protect the accused, but in reality it does him irreparable harm without satisfying due process.

While the preventive detention hearing is adversary in nature, the rules of evidence do not apply. Thus, it appears that hearsay and other incompetent evidence would be admissible and that the hearing would not be a truly evidentiary one. Notwithstanding that fact, the accused's testimony at the detention hearing may be used pursuant to provisions of the bill for his impeachment in any subsequent proceeding. I doubt both the wisdom and constitutionality of that provision.

Under our system of criminal justice, the prosecution must come forward with evidence of guilt at trial. The defendant may reserve his case pending establishment by the prosecution of a *prima facie* case. This procedure also protects the defendant's privilege against self-incrimination and does not put him to his election of whether or not to testify at least until after the prosecution has gone forward with evidence of a *prima facie* case.

The procedure for a preventive detention hearing would constitute a radical departure from our traditional procedure in criminal cases and would place a defendant in an untenable position. If he wishes to avoid preventive detention, he must present his defense, including perhaps his own testimony, at this very early stage of the proceedings. The procedure prescribed by S. 2600 thereby strikes a serious blow at two fundamental privileges traditionally reserved to a defendant at the time of his trial.

Notwithstanding the supposed safeguard of the required preventive detention hearing, it should be noted that a suspect could be detained under the Administration's bill for at least eight days without a hearing of any sort. For good cause shown, the U.S. Attorney may secure a continuance of three days while the suspect's attorney may obtain one for five additional days or more in event of extenuating circumstances. Here again we are confronted with the question of whether due process is accorded an individual as required by the Fifth Amendment.

Preventive detention hearing procedures also raise a double jeopardy issue under the Fifth Amendment. If, at the preventive detention hearing, the judicial officer finds no "substantial probability" that a suspect committed the crime, may that suspect successfully plead *res judicata* and double jeopardy at the subsequent trial? It would seem that having failed to meet the standard of "substantial probability," the government should not thereafter be allowed to try to prove guilt beyond a reasonable doubt.

In considering the constitutional problems posed by S. 2600 and other preventive detention proposals, we must not overlook the Sixth Amendment right of an accused to have the effective assistance of counsel for his defense. Pretrial detention clearly militates against access to counsel and the opportunity to participate in preparing a defense. While S. 2600 provides for a suspect's temporary release "for good cause," that privilege is diluted, if not totally devoid of meaning, because the release is in the custody of a U.S. Marshal and at the pleasure of the custodial official. The presence of a U.S. Marshal is hardly conducive to contacting prospective defense witnesses. Thus, preventive detention, even with a temporary release provision, substantially infringes upon a defendant's ability to assist in his defense and severely impairs his right to the effective assistance of counsel.

It is difficult to exhaust the list of constitutional questions this legislation raises. Plainly, findings of "dangerousness to the community" and "likelihood to commit serious crime" are not petty matters. Nor is a preliminary sentence of 60 days imprisonment.

Does the Fifth Amendment provision regarding grand jury indictment apply to preventive detention?

Is the guarantee of trial by jury secured by the Sixth Amendment applicable?

Can a defendant convicted of "probable guilt" receive a fair and unprejudiced jury trial thereafter?

The constitutional defects in this legislation, as I have indicated, are many and not to be dismissed lightly.

POLICY OBJECTIONS

There are other equally cogent and persuasive factors, some with constitutional implications, which require Congressional attention. Perhaps the foremost of these is the fact that preventive detention rests on an untested theory of predictability. A judicial officer must be able to pick out with precision the suspect who will commit new crime while on bail. Yet there are no standards for determining dangerousness and no statistical guidelines on which to base the prediction which must be made under the proposed law. The recent Justice Department statistical study makes those facts abundantly clear.

The Department's bill assumes that accurate predictions can be based upon an evaluation of information available to the judge on the offense charged, the evidence on hand, the individual's personal circumstances, such as family and community ties, financial condition, and employment, and his past criminal records. In large part these are the same factors which are now used to help guide the court in setting bail conditions. The factors employed in making bail decisions were developed after experience with a number of pilot bail projects in Washington, New York City and elsewhere in the years before the Bail Reform Act was enacted. Their usefulness for the purpose of setting bail conditions was proven before the Bail Reform Act was passed. Experience with the Act since then has substantiated their value for that purpose.

The usefulness of such indicators for predicting future criminal behavior is quite another thing, however. As the Department's study itself makes clear:

"Data collected in current pre-trial release programs appears to be inadequate for the type of in-depth studies needed to develop and validate a high quality prediction device. Even if an adequate past-data base could be secured, the present procedures for collecting information do not appear to be adequate. The information now being collected is intended to give some measure of the defendant's likelihood of appearing for trial. Assuming that the same factors are relevant to the defendant's likelihood of committing crime while on pre-trial release does not seem to be valid; such prediction may require quite different hypotheses on the identities and relative 'weights' of the important factors. The one pretrial release program visited in this study which attempted to predict a defendant's 'dangerousness' used subjective judgment, rather than statistical data, to reach a conclusion."

The researchers attempted to find possible leads to a prediction system using the evidence available from a search of the records it examined. They analyzed such factors as age, education, community ties, employment, skills, family ties and previous records. It should be emphasized that the researchers had the advantage of being able to check all the sources of information in these categories, that they had an opportunity to verify them, and that they had a considerable amount of time and technical assistance in making their analysis. None of this would be available to the judge making the preventive detention prediction. He is required to make a prediction of future crime within a few hours or days of the defendant's arrest. In all likelihood the judge will have little more to go on than the word of the prosecutor, and what incomplete and inaccurate records as can be gathered in a short period of time.

The study's analysis shows that the theory of prediction used in the Department's preventive detention bill provides no helpful guidance for developing a reliable method of prediction.

Considering the factors in order of their treatment the study shows:

(1) Persons arrested for more serious crimes tend to be younger than average. Those who are rearrested for serious crimes are older.

(2) There is no significant relationship between the amount of education and critical arrests, although those who were rearrested tended to have slightly less schooling.

(3) Those who were rearrested were found to have lived longer in the city than those who were not, perhaps because they were also older.

(4) There was a low rate of employment among those rearrested for a dangerous crime. On the other hand, no conclusion could be made respecting the relationship of working skills and the occurrence of rearrests.

(5) No correlation was shown between rearrests and the closeness of family ties.

(6) No relationship could be detected between rearrests and prior criminal records.

When the report's section on predicting "danger to the community" is thoroughly analyzed it becomes clear that at the minimum, the factors listed in the Department's bill cannot be substantiated as reliable guides for actual use in a preventive detention procedure. Certainly, it is most significant to note that the key element in the Department's prediction mechanism—prior record—does not survive analysis.

The Bureau stated:

"Differences in personal characteristics vary in their usefulness and significance. Taken singly, they do not appear to be outstanding predictors, but their actual value as predictors will require continued analysis and correlation."

Viewed very generously, the study demonstrates the need for considerably more

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work on theories of predicting crime. The report concluded:

"Thus, we conclude that the development of an accurate predictive instrument must depend upon the acquisition of a sufficient data base and upon more adequate testing of the predictability of criminal behavior from specified factors. The information-related activities of the Criminal Justice System would require expansion, and the continuing cooperation of that system in further analyses would be prerequisite to progress in developing a reliable prediction mechanism."

In my opinion, the study demonstrates that the predictive theory employed by the Department in its legislation is not substantiated by the facts. In order to justify a system of preventive detention, the Department should have to shoulder a heavy burden of proof. The study shows that none of its assumptions about prediction survive that test. A legislative judgment of predictability which does not rest on an adequate factual foundation as S. 2600 does not, may not be constitutionally valid where the consequences to personal freedom and a fair trial are so serious.

Throughout any consideration of the theory of predictability, on which preventive detention is based, we should remember that only a small percentage and number of suspects actually commit crime while on bail. When that fact is coupled with the fact that judges have nothing to guide them other than some enigmatic power of prophecy, the law will most assuredly result in the imprisonment without trial of many persons who are not dangerous and who are innocent of the charges. If the preventive detention law is judged by its susceptibility to abuse, plainly it is an evil law.

Another policy factor we must consider is the administrative effect of this proposed preventive detention measure. The need for preventive detention legislation concededly rests on the inability to provide speedy trials for criminal suspects. It is an attempt to compensate for a progressive breakdown in our law enforcement structure and especially our over-burdened courts. Yet, the proposed solution would impose heavy additional administrative burdens on the already heavily backlogged courts.

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The required full adversary hearing and the need to make informed decisions on predictability would, in many instances, take as much time as would actual trial of the principal case. The judicial and prosecutorial manpower required by this legislation has not been estimated, but it is no doubt great. Court congestion would get worse. Delays in criminal trials, now running almost a year, would increase.

Under the terms of S. 2600, those detained would presumably be released after 60 days. While the Department would have us believe that its bill authorizes preventive detention only for the first 60 days following arrest, it is by no means clear that this will be so in practice. This bill, it is true, authorizes preventive detention only for 60 days. However, if trial is not held at the end of that time, the defendant will not necessarily be released. At this point he will be returned for a new bail hearing under the modified procedures of the bill. While theoretically the detained defendant may be released at this point, as a practical matter it is doubtful how often, if at all, this will actually be the case.

It is hard to believe that any judge will release a man whom he has previously found to be so dangerous as to require preventive detention. The bill allows the judge to set bail conditions based upon suspected "danger to the community"—the same standard employed in the preventive detention hearing. While money bail may not be imposed on the grounds of "danger," it still may be imposed with respect to "flight," as is now the law. There may be a theoretical difference between imposing high money bail to deter "flight" but not for "danger." There is no difference in practice. Even now, under the Bail Reform Act, money bail is set on more than half the defendants charged with felonies. More than 30% of felony defendants are not released. Spokesmen for the Department's bill have argued that preventive detention now exists *sub rosa* because judges impose high bail to deter dangerous offenders in the guise of deterring flight. It is disingenuous to argue that a formal system of 60-day preventive detention should be instituted to end this "extra-legal" form of preventive detention when the same bill would retain and actually encourage "extra-legal preventive detention" after the initial 60-day formal detention.

We can expect that money bail will be imposed after the 60-day period is up, and that it and other conditions will be set so as to assure, as a practical matter, the continuing imprisonment of the preventive detention defendant for however long it takes for him to come to trial. The Department's bill must be evaluated not on the basis of a "little bit" of imprisonment without trial, but as guilt by arrest, with an indeterminate sentence of up to two years.

As with any legislation affecting the freedom and livelihood of the individual, we should examine the impact of that law upon the individual with the utmost care. It is obvious that 60 days minimum preventive detention will cost the detained individual his job. Loss of employment plus physical absence from his home will unquestionably have a detrimental effect upon his family. The taxpayers will probably be required to contribute to the financial support of his family and will certainly pay the costs of his detention. It is interesting to note that testimony during bail reform hearings a few years ago estimated that the public cost of pretrial detention before the Bail Reform Act was $2 million.

Probably the most serious blows to be dealt the individual will stem from his subjection to the physical and psychological deprivations and degradations of prison life. It is true that S. 2600 does provide that an individual preventively detained under the bill will be confined separately, if "practicable." That provision, however, constitutes another example of the meaningless "rights" the bill offers those subjected to preventive detention.

Approximately 40% of all Federal criminal cases in the country are tried in the District of Columbia. Criminal suspects in the District of Columbia will bear the brunt of the preventive detention law. Consequently, we ought to ask where individuals selected by prophetic judges for preventive detention in the District will be incarcerated pending trial.

The combined District of Columbia detention facilities have a capacity of 3,053 inmates but on May 15, 1970, housed 3,275. Out of that total 1,408 persons, more than 40% were in jail awaiting trial at that time. Of these, 934 had been awaiting trial 30 days or more. Nearly half, 675, or 48%, had been incarcerated without trial for more than 60 days. Over 10%, 149, had been imprisoned for more than one year with no trial. Incredibly, 20 had been there more than two years and 4 for more than three years.

The D.C. Corrections Department already wrestles each day with the problems of assault, narcotics, and homosexual rape, as well as general turmoil and unrest, all of which result primarily from overcrowding and inadequate supervision. The jails of this city are already a national disgrace. Yet the advocates of preventive detention would inject untold additional individuals, many of them innocent, into our problem-ridden, over-crowded prison system. The probability that separate confinement facilities will be available for detainees under S. 2600 is simply non-existent.

A period of sixty days or more of preventive detention in such a system is not likely to improve an individual's reputation. It will make securing employment difficult. It will, in all probability, increase rather than reduce any existing criminal tendencies. And it will sharply detract from the defendant's ability to secure a fair trial, or a probationary or suspended sentence in the event of conviction.

Although I have not exhausted either the constitutional ramifications of S. 2600 or the implications of instituting preventive detention as the policy of our government in the realm of criminal justice, I hope that at the very least the need for great care in examination of pending preventive detention legislation is clear. On the basis of our hearings last year and my study of proposed preventive detention legislation, I stand firmly convinced that the legislation is unconstitutional on its face and would initiate a disastrous policy in criminal justice. Preventive detention will not solve the problem at hand but will instead merely relax the mounting public pressure for a real and lasting solution to our crime problem.

Perhaps most damaging of all to the proponents of preventive detention is the fact that there are no compelling factual data to support the claims of necessity for such drastic legislation. The almost total lack of any reliable statistics on bail recidivism has been a major and long-standing impediment to resumption of these hearings today. For that reason I anxiously awaited completion of the Justice Department statistical study. Once that study was finally released last month, it became clear that the facts in the study completely disprove the theories on which the preventive detention bill has been based.

S. 2600 is based upon a series of untested assumptions about the amount and nature of pretrial crime, and the ability of judges and prosecutors to predict those defendants who are predisposed to crime while on pretrial release. The bill defines certain special classes of offenses, and certain special types of defendants who will be subjected to pretrial detention proceedings. It utilizes a theory of predicting dangerous behavior based on certain facts about the individual and his background. It presumes a knowledge of the frequency of crime, and of the kind of information about defendants available to the police, the prosecutors, and the judge. It makes other assumptions about the capacity of the courts to handle additional works, and of the jails to accommodate additional defendants.

AMOUNT OF PRETRIAL CRIME

One of the primary assumptions which is disproved by the study is that the rate of pretrial dangerous and violent crime is very high and thus justifies preventive detention. I think it will be useful to view that assumption in light of the low rearrest rate shown in the study.

The study's most valuable information about crime on bail may be its overall statistics. The National Bureau of Standards traced the subsequent arrest records of the 712 defendants falling in three categories; those arrested for all felonies, those arrested for so-called "dangerous" crimes, and those arrested for "violent" felonies. The latter two categories are artificial ones used by the Department of Justice in the preventive detention bill. They are catchall phrases for defined groups of crimes listed in the bill. Although the bill is not perfectly clear, I assume the definitions apply only to felonies, and do not include misdemeanor versions of these offenses.

Briefly, the "dangerous" category consists of robbery with use of force, burglary, rape, arson of property used for dwelling or business, and sale of drugs. "Violent" crimes consist of all types of robbery, burglary, rape, all types of arson and drug crimes—in other words, an expanded definition of the dangerous ctaegory—plus homicide, kidnapping, and assault with a dangerous weapon.

It should be noted that many of the offenses in these categories are capital, and under the law as it has existed from the founding of the country until now, and as preserved by the Bail Reform Act, defendants in capital cases have no right to bail and may be detained pending trial. Special preventive detention is not needed for such cases. The inclusion of these categories of cases, however, tends to overstate the problem of crime on bail when one looks at the study results to gauge the need for preventive detention. As appears often in the analysis of the Bureau, the study has erred on the side of overstating, rather than understating, the data in favor of preventive detention.

Looking first to all felony arrests, the study shows that the overall rearrest figure was 17%. That is, one in six persons arrested for a felony was rearrested for either a felony or a misdemeanor while on bail. As low as this figure is, however, it is by no means the most pertinent fact for the purposes of estimating the seriousness of crime on bail or the effect the preventive detention bill will have on such crime. When one looks at this 17% figure more closely, it turns out that only 7% can be attributed to a second felony arrest. The balance, more than half of the rearrests, represents misdemeanors or is unknown. Thus, when considering serious offenses, using the felony-misdemeanor distinction, only one in 14 persons arrested for a felony and released on bail is rearrested for a subsequent felony.

The Department of Justice preventive detention bill does not, however, propose to subject all persons arrested for felonies to preventive detention. The bill is directed to the smaller arbitrary categories of dangerous and violent crimes as defined by the Department. When the Bureau analyzed the data according to the Department of Justice categories, it found equally interesting results.

In the violent crime category, the rearrest rate overall is 17%, or one in six. However, even this low recidivist rate overstates the case for the Department's preventive detention. Two-thirds of these rearrests are for nonviolent crimes, presumably misdemeanors and all felonies other than the defined violent kind. The percentage of persons arrested for violent crimes and released who are later arrested for subsequent violent offenses is only 5%, or only 5 persons in the group of 106 released on bail. In other words, for every 100 persons arrested for a violent crime and subjected to the jeopardy of imprisonment without trial, only five can be expected to be risks warranting detention.

A similar result is disclosed when the other major category, dangerous crimes, is examined. Here the overall rate for rearrests is somewhat higher, 25%. But by far the greater number of these subsequent arrests are for non-dangerous crimes. For dangerous crimes, the rearrest rate is again 5%, or 4 of the 68 total released on bail.

It cannot be stressed too often that the figures in this study which are relevant to preventive detention must be those which conform to the assumptions and procedures underlying the actual bill before Congress. Even if there were shown a very high rearrest rate for all persons arrested, no matter what the charge, this would not be especially relevant to the evaluation of a bill which did not presume to authorize preventive detention for all these persons. The Department bill does not presume to authorize preventive detention for all persons arrested, whether on traffic offenses, misdemeanors, felonies or what have you. The bill assumes that persons committing certain kinds of serious crimes have a high probability of committing subsequent crimes of similar kind and seriousness.

For these purposes, the 17% overall rearrest rate for felonies, even if considered high, is not pertinent. Nor indeed, is the 7% felony rearrest rate pertinent, low as it is. The Department does not presume to detain all felony arrestees.

By the same token, the overall rearrest rates for violent crimes—17%—and for dangerous crimes—25%—is not pertinent. The Department does not justify its deprivation of liberty on the grounds that we must protect society against subsequent misdemeanors, or even subsequent felonies, whatever their type. The Department's justification for preventive detention is limited to preventing persons arrested for dangerous and violent crimes from committing additional alleged offenses of equal seriousness. Thus, the bill must be evaluated on the basis of the frequency of repeat crimes in these categories. As the study shows, the rate is five percent—five out of every 100. To pass the Department's bill means that 100 people stand the risk of deprivation of liberty in order to protect society against the five in their midst. It means that due process, fair trial, and pretrial liberty may be sacrificed for 95 in order to get the five. Viewed from the perspective of the Department's bill, and adopting all its procedures and policy as true, it still turns out that the Department is prepared to accept 19 wrong decisions in order to get the one.

Thus, the assumption that persons arrested for dangerous or violent crimes have a high propensity to be arrested for subsequent offenses of a serious nature, turns out to be wrong. The rate is very low, too low to justify preventive detention.

OTHER UNPROVED ASSUMPTIONS ABOUT PREVENTIVE DETENTION

A second assumption is that when persons who are arrested for serious felonies are rearrested, it will be for an equally serious charge. This, too, is not substantiated by the study.

A third assumption is that judges can accurately predict those who will be dangerous if released. This turns out to be unsupported by the study's findings.

The Department's bill is also predicated on assumptions (1) that the most critical period in which recidivism must be controlled is the first 60-day period following initial release, and (2) that speedy trials within 60 days of arrest can be conducted for persons detained.

The study confirms what most have assumed about the frequency of arrests of persons released on bail. The longer the delay between arrest and trial the greater the crime. Frequency of crime is higher when trial is delayed more than four or five months.

The critical period when rearrests occur is definitely not in the first 60 days following arrest, which is what the Department's bill presumes. Rather, the need, if indeed one exists, is to prevent recidivism in the period beyond two months, and particularly beyond four months from release. If trials could be held even within a four-month period from arrest and release, crime on bail could be substantially reduced.

The study explodes another myth propounded in favor of preventive detention—the myth that robbery and burglary offenders tend to repeat these same crimes if released on bail. In fact, of 80 persons arrested on felony robbery and burglary charges, only 2 were rearrested for repeat robbery and burglary felonies. This figure is so low as to show there is no probable relationship at all in this class of defendants.

The preventive detention proposal assumes that there is enough basis in an arrest for a serious offense to justify subjecting the defendant to the risk of imprisonment at the initial bail stage. Yet the study shows that half of the serious charges made ultimately will not be substantiated when trial is finally held.

Of every 200 people arrested for a dangerous or violent offense and released on bail, about 10 will later be rearrested for a second dangerous or violent crime. But only two or three of these 200 will eventually be convicted of two successive dangerous or violent crimes. And it should always be remembered that the judge has no reliable means of selecting those two or three from the 200 who will appear before him in jeopardy of preventive detention. Thus, another and very critical assumption—that arrest is the equivalent of guilt and so justifies preventive detention—is not proved by the facts.

Each assumption is rebutted by the Justice Department report. Preventive detention is more than unconstitutional. It is based on unsupported theories of criminal behavior. It presumes a need for preventive detention which has not been shown to exist. It claims an effectiveness for reducing crime which is asserted but unproved. It promises to make extremely difficult the achievement of those reforms which can help to improve criminal justice. I have dealt with these statistical matters in greater detail in a separate statement and will include a copy in the hearing record.

If the Justice Department statistical study undermines, as I believe it does, the fundamental premises on which preventive detention is based, then we surely must look elsewhere for answers to the problem of crime on bail.

ALTERNATIVES TO PREVENTIVE DETENTION

In my judgment, the real solution to the immediate problem of crime committed by persons on bail and, indeed, the solution to the general problem of crime, lies not in the preventive detention of individuals presumed innocent but in the speedy trial of the accused and the swift and sure punishment of the guilty. To attain that objective we must bring major improvements, long overdue, into our system of criminal justice. We must have more judges with adequate staffs and facilities, more prosecutors with sufficient supporting personnel, a more efficient system of defense for suspects financially unable to obtain counsel, and a more enlightened approach to penal reform.

The House and the Senate are both considering a variety of legislative proposals designed to achieve those ends. We must proceed with dispatch to enact carefully thought-through legislation in each of the areas affecting our criminal justice system. While working toward such long range reform, we can, I am convinced, meet our immediate problem by greater effort on the part of our judges and prosecutors to bring about speedy trials, by the advancement of cases involving defendants believed dangerous, and by wider use of the procedures established in the Bail Reform Act of 1966 and the D.C. Bail Agency Act to supervise and control the conduct of defendants on bail.

Given the choice between a course of action fraught with constitutional perils and others clearly constitutional and necessary to a just and efficient judicial system, I hope we will choose the latter. We should flatly reject this facile and desperate detention device which repudiates our traditional concepts of liberty and pursue instead the goal of speedy trial of criminal suspects. That objective does not depend upon constitutional affront but rather plainly preserves and enhances the rights of us all under the Constitution.

The constitutional issues, the statistical study, the practical difficulties, the policy problems and viable alternatives to preventive detention must receive deliberate and careful consideration. It is our intention in

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these hearings to consider all these matters in a just manner and to see the issues fully aired by Senators, Congressmen, judges, prosecutors, defense attorneys, law professors, bar association representatives and other knowledgeable individuals we have invited to our hearings.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. KENNEDY. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusets?

There being no objection, the Senate resumed the consideration of the bill.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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TIME OF CONVENING TOMORROW

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. What time does the session tomorrow begin?

The ACTING PRESIDENT pro tempore. At 10 o'clock, as previously ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the Chaplain's prayer tomorrow, the time be equally divided between the majority and minority leaders, or Senators they may designate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRIFFIN. Mr. President, I can say that I have discussed this matter with the minority leader, and this arrangement is acceptable to him.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. In other words, Mr. President, after the prayer has been delivered by the Chaplain, we will be on controlled time until the hour of 2 o'clock, at which time the vote on the Cooper-Church amendment will occur.

The ACTING PRESIDENT pro tempore. There will be no controlled time until the next legislative day, then?

Mr. MANSFIELD. That is correct.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That the Senate proceed to vote at 2 o'clock p.m. on Tuesday, May 26, 1970, on the pending amendment (No. 653) by Senators Cooper, Church, Mansfield and Aiken, with the time on Tuesday prior to the vote being equally divided and controlled by the Majority and Minority Leaders, or whomever they designate.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NEEDED: AN ACT OF CONGRESS

Mr. CHURCH. Mr. President, the hard facts about the Indochina war continue to come from Saigon rather than from Washington.

The President has pledged to pull back American forces from Cambodia by June 30. However, the United States finds itself already compromised by South Vietnam's announced intention to remain in Cambodia. President Thieu, Vice President Ky, and other Saigon generals have bluntly indicated that South Vietnam's Army is going to keep operating in Cambodia beyond President Nixon's deadline "as long as necessary."

Over the weekend, for instance, Saigon committed 7,000 more men to the Cambodian operation, setting the total ARVN force in Cambodia at 47,000, including elements from eight of South Vietnam's 12 regular infantry divisions. This new thrust, thus, underscores South Vietnam's determination to stay on, and gives new urgency to the need for Congress to provide legislative backstopping for the President to better enable him to bring our forces out of Cambodia on time.

As the New York Times concluded in their lead editorial of May 24:

> The Senate can help to restrain Saigon's reckless ambition by enacting the Cooper-Church amendment which prohibits, among other things, "paying the compensation or allowances of, or otherwise supporting directly or indirectly, any person in Cambodia who . . . engages in any combat activity in support of Cambodian forces."

Last Wednesday, Vice President Ky said that South Vietnamese forces "are strong enough to conduct separate operations in Vietnamese territory as well as in Cambodia." He then said scornfully that it is "a silly argument of silly people" to believe that the South Vietnamese will leave Cambodia when the Americans do.

That is harsh language to be used in rebuttal to an argument that had been made by the President of the United States in his press conference on May 8th.

The New York Times contends:

> Saigon's announced determination to keep South Vietnamese troops in Cambodia indefinitely, which has now been publicly sanctioned by Defense Secretary Laird, is a direct challenge to the Administration's own professed efforts and those of Congress to reestablish limits to the Southeast Asian conflict.

Daniel Southerland, of the Christian Science Monitor, quotes a European diplomat in Saigon as saying:

> The ARVN may end up being your Frankenstein's monster.

The diplomat went on—

> It may drag you, kicking and screaming, deeper into Cambodia than you ever intended to go.

Mr. President, there is gathering evidence that this may become the greatest danger in the decision that President Nixon made to move Americans across the South Vietnam border into Cambodia.

I have just seen on the UPI ticker a morning story out of Phnom Penh, which reads as follows:

> PHNOM PENH, Cambodia.—Foreign minister Yem Sambaur said today he will ask President Nixon to keep American troops in Cambodia along with South Vietnamese soldiers "until the end of the war."
>
> His remarks in an airport news conference before leaving for Saigon for the first visit there by a high Cambodian official since Prince Norodom Sihanouk was deposed March 18.
>
> President Nixon has said he will have American ground forces out of Cambodia by June 30, with the South Vietnamese leadership pledging to keep its men there until the Viet Cong and North Vietnamese are beaten.
>
> "I am going to ask President Nixon to keep the Americans in Cambodia until the end of the war," Yem Sambaur said. The request apparently has not yet been made.
>
> As for the South Vietnamese, he said, they can stay "as long as the war lasts. Then we will ask them to leave."
>
> The purpose of his trip to Saigon was to discuss the reestablishment of diplomatic relations between the two nations and to protest what was described only as "misbehavior" by South Vietnamese troops in Cambodia.
>
> Yem Sambaur told newsmen in Saigon after his arrival that his visit would "inaugurate a new era of fertile cooperation for the future of our two countries."
>
> Yem Sambaur's departure from Phnom Penh for Saigon coincided with that of the last remaining Viet Cong, North Vietnamese, North Korean and Communist Chinese diplomats in Cambodia. They flew to Peking.

Mr. President, that wire service story is the latest indication of the mounting pressure on our Government to keep American forces in Cambodia. First, the pressure came from Saigon in a series of statements last week from high-ranking officials of the Thieu-Ky regime. Now, on Monday morning of this week, it has begun to come directly out of Cambodia from the foreign minister of the new Lon Nol regime, Yem Sambaur.

Amidst this background to the Cambodian operation, Tom Wicker of the New York Times asked the penetrating question, "Who is saving whom from what?" American taxpayers know by now that the ARVN cannot fight effectively in either Cambodia or in their own country without American supplies of every kind. This includes American personnel.

Mr. Wicker correctly points out:

> This is precisely the nightmare that motivates the sponsors of the Cooper-Church amendment to the military sales bill: the amendment, which the Administration is strongly opposing, would prohibit spending appropriated funds to keep American forces

> in Cambodia, to pay for the operations of advisers or mercenaries from other countries in Cambodia, or to conduct "any combat activity in the air above Cambodia after June 30."

Mr. Wicker goes on explaining the amendment's purpose:

> On the face of it, this does no more than guarantee legislatively what Mr. Nixon has promised personally; in fact, however, the Cooper-Church amendment is designed also to prevent a strong-willed ally like the Thieu-Ky Government in Saigon from dragging or persuading Mr. Nixon into continuing military operations in Cambodia.

That is the real question we face, Mr. President (Mr. SPONG): Will we be dragged further into Cambodia now that the borders have been breached?

Continuing to read from Mr. Wicker's article:

> The statements of Ky and other South Vietnamese, as well as a State Department spokesman's concession this week that "determinations have not finally been made" about when South Vietnamese troops will withdraw, don't square with the hit-and-run kind of Cambodian operation the Administration originally described.
>
> Therefore, backers of the Church-Cooper amendment have been strengthened in their fears that the United States will be dragged, if it does not jump, into a far wider war.
>
> The Administration has insisted that it has moved only to clean out the sanctuaries, not to support the Cambodian military Government of Lon Nol. Yet, if it is now to acquiesce in long-term South Vietnamese operations in Cambodia, with American air and logistic support, the reason can only be to support the Lon Nol regime, weak as it is.

Another troubling element, as the New York Times editorial describes, is the possibility that the United States is now "actively promoting a new defense alliance in Southeast Asia that would link South Vietnam and Thailand—and perhaps others—militarily with the shaky Lon Nol government in Phnompenh, forging a new anti-Communist alliance across the southern half of Southeast Asia."

Before such an undertaking develops too far, it should certainly be made necessary for the executive branch to come before the proper committees in both Houses of Congress, to lay out their plans, and for the Congress "to explore thoroughly the implications of such a far-reaching development and especially the role that the United States would be expected to play."

Mr. Wicker expresses the fears and perceptions of many of us in the Congress when he says:

> Continuing South Vietnamese operations in Cambodia, moreover, raise the possibility that in some emergency the United States might have to put its own troops back in for rescue or assistance; or that Thieu and Ky, with their apparently boundless ability to lead American Administrations by the nose, might at some point persuade Mr. Nixon that "just one more" American effort in Cambodia would be decisive.

Because our vital national interests are not at stake, Mr. Wicker concludes that what is really required at this serious juncture in the widening Indochina war is an "act of Congress" to preclude further American involvement, either for short-range, temporary military tactics or by letting our Saigon allies call the terms as they please. He writes:

> It is really no wonder, then, that the Church-Cooper amendment is believed to command a majority in the Senate; even Mr. Nixon's opposition to the amendment in the face of his own pledges, raises questions about his real intentions in Cambodia.
>
> The situation was sharply illuminated at a dinner here the other night when a high Administration official described the Presidency as the unifying force of the nation. He said that Americans recently had seen one President destroyed by assassination and another by lost credibility, and implored his audience not to let a third be destroyed for lack of support, even if it now required "an act of compassion, an act of love" by his critics.
>
> Whereupon a leading Senator coolly replied: "What many of us think is required is an act of Congress."

I ask unanimous consent, Mr. President, that the two articles from the New York Times, the article from the Christian Science Monitor, and two news reports from the Washington Evening Star be printed here in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 24, 1970]

VIETNAMIZING CAMBODIA

Saigon's announced determination to keep South Vietnamese troops in Cambodia indefinitely, which has now been publicly sanctioned by Defense Secretary Laird, is a direct challenge to the Administration's own professed efforts and those of Congress to re-establish limits to the Southeast Asian conflict.

It should be noted that the South Vietnamese are not speaking in terms merely of further operations against the border sanctuaries, as Secretary Laird indicated, but of a wider general effort against the Communists throughout Cambodia in support of the Lon Nol Government. South Vietnamese troops already have penetrated to within three miles of the Cambodian capital, they say, and are operating in other areas far beyond the 21-mile limit imposed on American forces.

If these operations are prolonged, there can be little doubt that they will provoke a strong reaction from the Communists and possibly also from Cambodians who are showing increasing signs of malaise over South Vietnamese activities within their borders. It is straining credibility to suggest that the South Vietnamese, who are not yet capable of defending their own country, can fight successfully alone in an alien environment where they must also confront the deep traditional antipathy of the native people.

Vice President Nguyen Cao Ky has boasted that South Vietnamese forces "have the capability of mounting military operations independently in Cambodia as well as in Vietnam." If this is so, there is no further excuse for continuing to maintain American forces in South Vietnam to fight Saigon's battles there. If it proves false, as is most likely, Americans have a right to ask what fresh demands will be made on the United States to help pull Saigon's chestnuts out of this foreign fire.

The Administration has failed so far to make clear its own intentions regarding future allied operations in Cambodia. President Nixon declared on May 8—and the White House reiterated last weekend—that it is expected "that the South Vietnamese would come out approximately at the same time that we do, because when we come out our logistical support and air support will also come out with them." Vice President Ky has scornfully dismissed this "hypothesis" as "a silly argument of silly people." Secretary Laird and some other more recent Administration spokesmen seem to agree with him.

Even more disturbing are recent State Department hints that the United States Government is actively promoting a new defense alliance in Southeast Asia that would link South Vietnam and Thailand—and perhaps others—militarily with the shaky Lon Nol Government in Pnompenh, forging a new anti-Communist alliance across the southern half of Southeast Asia. Congress will certainly want to explore thoroughly the implications of such a far-reaching development and especially the role that the United States would be expected to play.

In the meantime, the Senate can help to restrain Saigon's reckless ambition by enacting the Cooper-Church amendment which prohibits, among other things, "paying the compensation or allowances of, or otherwise supporting directly or indirectly, any person in Cambodia who . . . engages in any combat activity in support of Cambodian forces."

[From the New York Times, May 24, 1970]

WHO IS SAVING WHOM FROM WHAT?

(By Tom Wicker)

WASHINGTON.—Vice President Ky, who is South Vietnam's Agnew, has called the statement that South Vietnamese troops would withdraw from Cambodia when America's troops did "a silly argument of silly people." This is a harsh way for an ally to speak of President Nixon, who said on May 9 that he "would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out, our logistical support and air support will also come out with them."

But will they? That is a more important and less obvious matter than Ky's manners. Certain sources here are now guardedly explaining that while American combat troops will be out of Cambodia by July 1, as repeatedly promised by the Administration, a strong South Vietnamese force may well have to remain in Cambodia, with the support of American air strikes from bases in Thailand as well as South Vietnam. And while Ky boasted that Saigon's forces had the capability to fight in both countries, the fact is that they could not fight in either without American supplies of every kind.

This is precisely the nightmare that motivates the sponsors of the Cooper-Church amendment to the military sales bill: the amendment, which the Administration is strongly opposing would prohibit spending appropriated funds to keep American forces in Cambodia, to pay for the operations of advisers or mercenaries from other countries in Cambodia, or to conduct "any combat activity in the air above Cambodia after June 30."

AMENDMENT'S PURPOSE

On the face of it, this does no more than guarantee legislatively what Mr. Nixon has promised personally; in fact, however, the Cooper-Church amendment is designed also to prevent a strong-willed ally like the Thieu-Ky Government in Saigon from dragging or persuading Mr. Nixon into continuing military operations in Cambodia.

Why would such operations be needed? If the sweep through the border sanctuaries has been as successful as the Administration proclaims, Communist military activities will have been badly set back for months to come. This is the Administration's own claim, and its high-level officers have contended that if the sanctuaries became a renewed problem later on, the South Vietnamese would by then be strong enough to sweep them again without American troops.

But the statements of Ky and other South Vietnamese, as well as a State Department spokesman's concession this week that "determinations have not finally been made" about when South Vietnamese troops will withdraw, don't square with the hit-and-run kind of Cambodian operation the Administration originally described.

Therefore, backers of the Church-Cooper amendment have been strengthened in their fears that the United States will be dragged, if it does not jump, into a far wider war.

The Administration has insisted that it has moved only to clean out the sanctuaries, not to support the Cambodian military Government of Lon Nol. Yet, if it is now to acquiesce in long-term South Vietnamese operations in Cambodia, with American air and logistic support, the reason can only be to support the Lon Nol regime, weak as it is.

That means, at the least, one more puppet or client state the United States will have agreed to prop up. It could lead, at the outside, to fulfillment of Ky's proposal for "an anti-Communist front consisting of Cambodia, Thailand, Laos and South Vietnam" that would "guarantee the security of all of Southeast Asia."

ONE MORE TIME

What that would really guarantee is that there could be no negotiated settlement of the Vietnamese question—hence only an endless war in which U.S. would have to back these four weak sisters against North Vietnam and China.

Continuing South Vietnamese operations in Cambodia, moreover, raise the possibility that in some emergency the United States might have to put its own troops back in for rescue or assistance; or that Thieu and Ky, with their apparently boundless ability to lead American Administrations by the nose, might at some point persuade Mr. Nixon that "just one more" American effort in Cambodia would be decisive.

All of this is put in chilling perspective by Mr. Nixon's reported remark to retired Admiral W. R. Smedberg, two days before he told the nation on April 30 about the supposedly limited sweep into the sanctuaries. The admiral quoted Mr. Nixon as saying: "I am not going to let Cambodia go down the drain as some of my advisers want me to do."

It is really no wonder, then, that the Church-Cooper amendment is believed to command a majority in the Senate; even Mr. Nixon's opposition to the amendment, in the face of his own pledges, raises questions about his real intentions in Cambodia.

The situation was sharply illuminated at a dinner here the other night when a high Administration official described the Presidency as the unifying force of the nation. He said that Americans recently had seen one President destroyed by assassination and another by lost credibility, and implored his audience not to let a third be destroyed for lack of support, even if it now required "an act of compassion, an act of love" by his critics.

Whereupon a leading Senator coolly replied: "What many of us think is required is an act of Congress."

[From the Christian Science Monitor, May 19, 1970]

Viet Army to Need Bridling?

(By Daniel Sutherland)

SAIGON.—The Cambodian campaign has given a big boost to the morale of South Vietnam's Army. But a number of officials, diplomats, and other observers here are concerned about the potential dangers of unrestrained South Vietnamese intervention in Cambodia.

As troops of the ARVN (Army of the Republic of Vietnam) plunged with obvious zest deeper into their neighbor's territory, one American official commented: "ARVN morale is getting so high, I'm almost afraid of it."

The United States has the power to hold back the ARVN simply by threatening to cut off its vital supplies.

MILITARY VERSUS POLITICAL THRUST

But President Thieu, Vice-President Nguyen Cao Ky, and other Saigon generals have indicated the South Vietnamese are going to try to keep operating in Cambodia well beyond President Nixon's June 30 deadline for the pullout of all U.S. troops from that country.

"The ARVN may end up being your Frankenstein's monster," a European diplomat remarked to an American friend. "It may drag you, kicking and screaming, deeper into Cambodia than you ever intended to go."

As the Saigon military leaders see it, there are a number of persuasive reasons why they should stay on in Cambodia beyond the Nixon deadline.

While paying lip service to the American-inspired idea of a negotiated compromise to end the war, President Thieu has always believed strongly in what basically comes down to a military solution. In his view, the North Vietnamese and Viet Cong must be beaten badly—to the point where they will accept a settlement on Saigon's terms. As he sees it, sustained operations in Cambodia might force an already weakened enemy to its knees.

Continuing South Vietnamese involvement in Cambodia could also help President Thieu divert attention from his own internal political problems, and they are formidable. In the past few weeks, student and Buddhist unrest has approached the boiling point.

Mr. Thieu has been able to take some of the sting out of his critics' attacks, which had begun to focus on his government's inability to prevent Cambodian mistreatment of Vietnamese nationals. He did this by making one of the purposes of his operations the repatriation of those Vietnamese civilians who want to leave Cambodia.

Some of the Vietnamese senators who had been critical of Mr. Thieu's initial restraint in dealing with the problem of the Vietnamese residents in Cambodia, now are applauding South Vietnam's intervention there.

Commenting on the boost to ARVN morale, one American working with the Vietnamese Army said: "This is the greatest thing that ever happened to them. The frustration of not being able to cross that border has been relieved."

PHNOM PENH LOSES GROUND

"A military operation like this is exhilarating," he said. "They've got a feeling they're moving somewhere and they're doing something. They feel that if you must fight, it's much better to fight in Cambodian villages than Vietnamese villages."

The Phnom Penh government appears to have little choice in the matter. Its position has crumbled throughout the area lying east of the Mekong River. The Cambodians appear to have lost control to the extent that they know less about what is going on in Cambodia's eastern provinces than the South Vietnamese, or for that matter, the Viet Cong.

And President Thieu recently told newsmen that General Lon Nol, the Cambodian Premier, had invited the South Vietnamese to help take over the defense of the eastern provinces.

But there is convincing evidence that long-term South Vietnamese military involvement in Cambodia would inevitably lead to conflict between the Cambodians and the South Vietnamese. And it would be accompanied by incidents involving South Vietnamese soldiers eager to avenge the deaths of Vietnamese nationals massacred in earlier incidents by Cambodian troops.

All this might then serve only to weaken the U.S. and South Vietnamese position in Indo-China.

Another danger for the United States is that the Western-leaning government of General Lon Nol may find whatever authority it still retains being undermined by the South Vietnamese intervention.

The Cambodian Army's weakness has led to an attitude of ill-disguised contempt on the part of some of the South Vietnamese generals.

One recently emerged from a meeting with a Cambodian colonel and remarked to assembled reporters: "He told me the situation here was critical for his men. . . . But of course, it is not critical for me."

The Vietnamese contempt for the Cambodians is matched in intensity by the Cambodians' traditional fear and dislike of the more aggressive Vietnamese.

Thus, while General Lon Nol may accept the Vietnamese interventon as a painful necessity to help ensure his government's survival, it can hardly be popular with the rank and file in Cambodia.

In the past, when Vietnamese troops were called in to help reinstate Cambodian monarchs threatened with internal strife, the Vietnamese always demanded a price; usually in the form of territorial concessions.

U.S. PULLOUT SIZED UP

Before the Cambodian drama has played itself out, then, Phnom Penh may find itself in the uncomfortable position of being bullied not only by the North Vietnamese but also by the South Vietnamese.

Once the Americans pull out of Cambodia, however, the initial euphoria of the South Vietnamese generals may yield to a recognition of harsh facts.

President Thieu remains heavily dependent on United States assistance, and he is in no position to go off on his own in Cambodia.

The South Vietnamese can be expected to continue to launch brief forays across the Cambodian border such as the ones they initiated, despite American misgivings, toward the end of March. But large-scale, sustained operations are another matter.

"I think that in the final analysis, Thieu will stay in Cambodia as long as he can," said an American source. "But he does not want to push it to the point where he is jeopardizing his relationship with the United States."

[From the Washington Star, May 22, 1970]

Laird Says Don't Curb Saigon Push

(By Orr Kelly)
Star Staff Writer

Defense Secretary Melvin R. Laird said today it would be a mistake to set a "firm timetable" for withdrawal of South Vietnamese forces from Cambodia.

His flat statement in a televised interview this morning indicated a possible growing controversy within the Nixon administration over whether or not the South Vietnamese should be forced to get out of Cambodia by the June 30 deadline set for withdrawal of American forces.

Laird, interviewed on NBC's Today Show, repeated President Nixon's assurance that American troops would be out of Cambodia by June 30. He also promised that there will be no American advisers in Cambodia after June 30."

Some high-ranking officials—including President Nixon—have indicated strongly that the South Vietnamese also would be expected to be out by that date.

BUNKER, THIEU CONFER

U.S. Ambassador Ellsworth T. Bunker met with South Vietnamese President Nguyen Van Thieu today and was expected to urge him to have his forces meet the American deadline.

A statement by South Vietnamese Vice President Nguyen Cao Ky that South Vietnamese troops had no intention of leaving Cambodia at the same time as Americans has generated new concern in Congress.

"I think it would be a mistake," Laird said, "to make a firm timetable and establish it here for the Vietnamese forces. I per-

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sonally feel as secretary of defense, if the occasion should arise when the South Vietnamese forces could go into the sanctury areas when there are North Vietnamese occupying a particular territory, I would recommend that they be used if they so desire.

"It would be a decision that would be worked out with the cooperation of the Cambodian government and the South Vietnamese . . . and would not be a matter in which we should become involved in any direct way."

QUERIED ABOUT AMBITIONS

Laird was asked about the possible South Vietnamese "territorial ambitions" toward Cambodia, a point raised by Senate Democratic Leader Mike Mansfield.

Laird acknowledeged that "there are problems" in that area because of long-time enmity among some neighboring Indochina area nations such as Vietnam, Cambodia, and Thailand. He added, "This will be watched very closely and very carefully."

Laird called the allied thrust into Cambodia by U.S. and South Vietnamese troops "a great tactical success." He said it exceeded expectations as far as the destruction of enemy supplies and captured food was concerned.

As for the strategic success of the operation which began April 30, Laird said that would have to be judged on the progress of our Vietnamization program and the decrease in U.S. casualties.

COSVN CHASED OUT

The Pentagon said yesterday that the allied thrust forced the North Vietnamese to move their elusive central headquarters beyond the 21-mile striking distance permitted U.S. ground troops.

High-level military and political elements of the enemy's command structure had moved to positions "north of Mimot" by May 16, the Pentagon said.

Just how far north of Mimot was not disclosed. However, in briefing newsmen, a Pentagon spokesman said it was beyond the 21-mile limit established by the President for U.S. ground operations in Cambodia but within range of American jet and bomber strikes. Limits for these strikes have not been disclosed.

Nixon on April 30 gave as a main goal of the Cambodian operation the destruction of the North Vietnamese headquarters—known as COSVN, Central Office for South Vietnam.

Both the President, in briefing certain congressional leaders, and Secretary of State William P. Rogers, in public statements, have implied that the South Vietnamese, as well as the Americans, would be out of Cambodia by the end of June.

The President said on May 8 that "I would expect that the South Vietnamese would come out at approximately the same time we do because when we come out, our logistical and air support will also come out with them."

Another such statement came Saturday in a background briefing for reporters at Key Biscayne, Fla., by a top White House official.

OPPOSED BY DEFENSE

He said the United States had every reason to expect the South Vietnamese to be out by July 1, and this was widely interpreted as a White House assurance that the U.S. would enforce such a pullout.

Defense officials said they feel this kind of talk is harmful for three reasons.

First, they said they think the Cambodian operation has been a great morale builder for the South Vietnamese forces and it does not help to talk as though they were puppets whose every action can be precisely controlled from Washington.

Second, the South Vietnamese, despite their dependence on American support, are perfectly capable of keeping at least a token force in Cambodia beyond the June 30 deadline just to show that they can not be ordered around.

Third, defense officials said they don't want the enemy to think he can return to the sanctuaries after June 30. In this view, the possibility that the South Vietnamese might return to the base areas in Cambodia will at least keep the enemy guessing.

[From the Washington Star, May 22, 1970]

SAIGON PLACES NO DEADLINE ON CAMBODIA ROLE

SAIGON.—The South Vietnamese military command announced today that its forces will stay in Cambodia "as long as necessary" to destroy Vietnamese Communist forces and their sanctuaries and remove their threat to South Vietnam.

The announcement came in response to a question whether South Vietnamese troops would withdraw from Cambodia by June 30, the deadline set by President Nixon for American troops to pull back to South Vietnam.

A spokesman for the South Vietnamese command recalled earlier statements by President Nguyen Van Thieu and Vice President Nguyen Cao Ky that South Vietnamese troops would stay in Cambodia as long as necessary to complete their mission and that they had the ability to stay there alone.

CAMBODIA AID IN QUESTION

The spokesman did not indicate whether this mission includes aiding the Cambodian government in its fight against the North Vietnamese and Viet Cong.

But Ky said Wednesday that South Vietnamese forces "are strong enough to conduct separate operations in Vietnamese territory as well as in Cambodia. You will see the presence of our troops as long as the Communists fight there."

The announcement today clashed with predictions of some White House officials last weekend that South Vietnamese troops would withdraw from Cambodia around June 30.

Ambassador Ellsworth Bunker met for 30 minutes today with President Thieu. Spokesmen would not say what was discussed, but it was reported from Washington that the Nixon administration had instructed Bunker and Gen. Creighton W. Abrams, commander of U.S. forces in Vietnam, to work out a joint policy of troop withdrawal with Thieu's government.

40,000 IN CAMBODIA

The South Vietnamese military command also disclosed that it now has 40,000 regular troops operating in Cambodia, the largest number it has acknowledged. They include elements from eight of South Vietnam's 12 regular infantry divisions.

The spokesman also reported that South Vietnamese marines and infantrymen had pushed to within three miles of Phnom Penh, the Cambodian capital, in recent operations. He said their mission was to provide security for Route 1, the Phnom Penh-to-Saigon highway, to protect the movement of supplies to South Vietnamese troops operating in Cambodia.

Informed sources said the number of U.S. troops in Cambodia had increased in recent days from 10,000 to 11,000 or 12,000. The additional troops are helping evacuate the thousands of tons of war materials seized.

BOMBING IN FISHHOOK

About 50 U.S. B52 bombers unloaded 1,500 tons of bombs in the Fishhook region of Cambodia today, hitting areas where intelligence information indicated the presence of North Vietnamese storage depots.

Little ground action was reported in Cambodia and South Vietnam. But the eight-jet Stratofortresses pummeled suspected Cambodian sanctuaries that the sweeping ground troops apparently have not reached.

About half the more than 1,000 B52 sorties flown this month have been against targets in Cambodia. The other half have been split between South Vietnam and Laos. A sortie is one flight by one B52, carrying 30 tons of bombs.

There was speculation that the B52 raids on Cambodia are being stepped up to get at territory American troops cannot reach before June 30, the date President Nixon has said they will all be out of Cambodia.

Earlier this week, Lt. Gen. Michael S. Davison, commander of the 10,000 U.S. troops in Cambodia, said his men had been able to cover only 30 percent of the territory assigned to them since they crossed the border three weeks ago.

Results of the B52 raids in Cambodia have not been announced, but informed sources said the strikes have killed at least 150 North Vietnamese soldiers and set off scores of secondary explosions, indicating hits on ammunition and fuel stores.

In South Vietnam, enemy troops ambushed a five-truck U.S. convoy in the Central Highlands six miles south of Dalat, killing two Americans and wounding 13.

THREE COPTERS DOWNED

U.S. headquarters also announced that enemy gunners shot down three American observation helicopters at scattered points along the Laotian border in northwestern South Vietnam. Three crewmen were wounded.

In Peking, Cambodian Prince Norodom Sihanouk told Chairman Mao Tse-tung and a cheering crowd of 500,000 that he is "prepared to persevere in a protracted people's struggle" against the Cambodian leaders who deposed him, and against the U.S. and South Vietnamese troops in his country.

"At the end of the long road there will be victory and the consequent liberation of Cambodia," he declared.

The former chief of state also denounced last week's Asian-Pacific Conference on Cambodia in Jakarta and rejected its recommendation that another international conference, similar to the Geneva conferences on Indochina and Laos, be held to restore Cambodian neutrality.

He demanded that the Indochinese people be left alone to solve their problems.

Hsinhua, the Chinese Communist news service, reported that at least 3 million persons turned out for rallies in Peking, Tientsin and Shanghai expressing support for the fight to expel U.S. forces from Indochina. Mao was flanked at the Peking rally by all top officials of his regime.

SOUTH KOREA SUPPLIES

Sources in Seoul said the South Korean government has decided to provide medical supplies to the Lon Nol government in Phnom Penh as the initial step in a program of nonmilitary assistance to the regime that overthrew Sihanouk. The newspaper Chosun Ilbo said the cabinet had earmarked $15,000 for the initial aid.

The Philippine government also announced that it would contribute to a "people to people" program of food, clothing and medicine for Cambodian war victims.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. GRIFFIN. Mr. President, on previous occasions when I have listened to the distinguished Senator from Idaho, it has seemed to me that he has made a great point of the fact that the amendment, which he cosponsors, is not intended in any way to question the credibility of the President of the United States. I may not quote him exactly, but I think he has used words to the effect that all he seeks to do

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is to support the President of the United States.

In light of the remarks the Senator has made this morning, and particularly the quotations which he has now inserted in the Record with his approval, would he comment again as to whether the purpose of his amendment raises doubts and whether the amendment is intended to raise questions about the credibility of the President?

Mr. CHURCH. Certainly not, Mr. President, the matter I have placed in the Record this morning——

Mr. GRIFFIN. The Senator does not agree with what he has had printed in the Record?

Mr. CHURCH. No; the Senator draws the wrong inference from the matter I have had printed in the Record this morning. All of these insertions relate to the pressures developing that could mire us down in Cambodia, despite the best intentions of the President.

The argument I made is that the time has come for us to backstop the President by legislatively establishing his own limits on this operation, so as to prevent the very thing happening to us in Cambodia that did happen to us in Vietnam.

Mr. President, I look back over the last 6 or 7 years and remember a great many Presidential assurances of one kind or another. And although I am certain that every time the President making them was sincere, events rapidly overtook him and we found that we were being carried, step by step, deeper and deeper into the morass.

That was our experience in Vietnam. I think we should learn from it.

The way we can avoid duplicating that experience in Cambodia, in my judgment, is to adopt the Cooper-Church amendment.

Mr. GRIFFIN. Mr. President, the Senator has referred to a statement on the wires by the Foreign Minister of Cambodia indicating that he will ask President Nixon for American troops to remain in Cambodia beyond June 30. Does the Senator from Idaho have any doubt or question in his mind what the response of the President of the United States will be?

Mr. CHURCH. Mr. President, I certainly anticipate, in line with the President's pledge to the American people, that he will reject the request of the Foreign Minister of Cambodia. But I recall that, at his last press conference, the President was asked if the South Vietnamese troops would leave Cambodia when the American troops left. And he responded in words to the effect that they would have to, because they were dependent on us for their logistical support.

Now, just a few short days later, we are informed by the Government in Saigon that it intends to keep its troops in Cambodia. And there is growing indication that this will now be done with the acquiescence, if not with the support, of the administration.

So, already the ground is shifting. I do not mean to imply that the President was not sincere when he said that the South Vienamese would have to leave with us. It is obvious, however, that new arguments are being pressed upon him, new reasons for giving way. The policy is being reconsidered. And the earlier position of the administration is being eroded.

The resolve that the President displayed only 2 short weeks ago is no longer reflected by the statements emanating from the State Department or the Pentagon.

This is what I am concerned about. And this is why I think, if we are going to strengthen the President's own resolve and back up his own pledge, then we should enact this amendment to better guarantee that the limits he himself has imposed on this Cambodian operation will, in fact, be observed.

Mr. GRIFFIN. In order to keep the record straight, it should be pointed out that while others have frequently referred to the Government of South Vietnam as a puppet government of the United States, the fact is that we do not make all of the decisions of the Government of South Vietnam.

President Nixon's statement referred to what the United States would do. And he has made it very clear that all American troops will be out of Cambodia by the end of June. And I believe him. And I think that most Americans believe him and that they do not want to see action taken in the Senate of the United States which tends to say to the world that the Senate does not believe the President of the United States.

Mr. CHURCH. Mr. President, since the Senator from Michigan is not the only Member of the Senate who feels duty bound to keep the record straight, let me reiterate what I have often said: this is not, in any way, an amendment which calls into question the intention of the President of the United States. I fail to see how anyone could read the language we are now proposing in the preamble of this amendment and find in it any possible implication of rebuke to the President.

Indeed, we have expressly stated that we ask this action in concert with the declared objective of the President to withdraw American forces from Cambodia by the end of June.

So, I simply think that the argument made by the distinguished Senator from Michigan is entirely without any foundation in fact.

A VALUABLE ADDITION TO THE CAMBODIAN DEBATE

Mr. CHURCH. Mr. President, on Saturday, May 23, the distinguished Senator from Missouri (Mr. Symington) spoke at a breakfast gathering in Columbia, Mo., on the current Cambodian situation.

I call attention to this speech, Mr. President, because of the signal contribution it makes to the debate we are now engaged in with respect to the amendment offered by the Senator from Kentucky (Mr. Cooper) and myself.

Senator Symington has traced the Constitutional question involved here in some detail. Quite rightly he points out that it is a matter of balance—balance between the Congress' power to declare war and the President's powers as Commander in Chief to protect American security.

"The history of Constitutional balance —in the past century—has proven that congressional inaction can be disastrous," Senator Symington points out. "The President's inherent powers to respond to immediate emergencies has been expanded far beyond the original intent to justify his unilateral assumption of the power to decide between war and peace."

The Senator also points out that—

> Commitments of large numbers of troops for an indeterminate length of time in a far-off land is not the sort of decision which the Constitution delivers to the sole discretionary power of the President.

This, I submit, goes right to the heart of the debate in which we are now engaged. I commend Senator Symington's speech to the Senate and ask unanimous consent that it be printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Congress and the Right To Declare War

I have expressed before my deep misgivings about recent events in Southeast Asia, particularly the crossing of thousands of American troops into Cambodia.

I have also expressed concern about the implications of this new escalation of a war that has already gone on too long—the implications this action could have on (1) the success of the "Vietnamization" policy, (2) the future of the negotiations in Paris, (3) the SALT talks in Vienna, (4) our domestic economy already strained by the high cost of these foreign ventures; and perhaps most important (5) the respect and regard in which the American people, especially the young people, hold for their government and their country.

But I have another concern which I believe is equally important; namely, my concern for preserving the Constitutional separation of powers, while at the same time preserving a credible and flexible national defense posture; and it is the latter I would dwell on briefly today.

The Constitution tells us that the power to declare war and to appropriate funds for the waging of war is reserved to Congress. The Constitution also provides that the President, under his powers as Chief Executive and Commander in Chief, has the power to respond quickly to an immediate threat to national safety or the safety of our troops.

These two principles are not inconsistent; the Constitution dictates that they be balanced. But a proper balance will result only if both Congress and the President are aware of their separate responsibilities and are prepared to act to fulfill them.

The principle which emerges from the debates over the formulation and adoption of the Constitution, and its application in the early years of our history, is that Congress should have the power and responsibility to decide when American forces will be used to achieve national security objectives, with the single limited exception that the President should have discretion to commit troops to battle when the threat to the safety and survival of the nation itself is immediate.

The most obvious example of this limited exception is nuclear war. If we should be attacked with nuclear weapons, only the President can respond in the few minutes time that action is possible and meaningful. Thankfully, this remains only a future possibility.

On the other hand, the Constitution does not give the President discretion to act alone if a possible threat to our national security

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is not so immediate as to preclude a few days of Congressional consideration.

In the middle of the last century an attempt was made in the House of Representatives to censure the President for "unnecessary and unconstitutional" action in committing American troops to a war with Mexico without providing Congress with all of the information needed to make a sound judgment on whether such intervention was justified. That attempt at censure was supported by perhaps our greatest President, when he was still a member of the House—Abraham Lincoln—as well as by another member who had formerly been a President, John Quincy Adams.

The history of the constitutional balance in the intervening century has proven that Congressional inaction can be disastrous. The President's inherent powers to respond to immediate emergencies has been expanded far beyond the original intent to justify his unilateral assumption of the power to decide between war and peace.

Commitments of large numbers of troops for an indeterminate length of time to a war in a far-off land is not the sort of decision which the Constitution delivers to the sole discretionary power of the President. It is certainly not a decision to respond immediately to a threat to the safety of our troops.

Such commitments may be a decision as to what is essential to our national security, but not one which need be—or should be—made precipitously.

I find the distinction between an immediate threat to national safety and a general threat to national security a nice one—and I conclude that Congress should participate in decision as to the proper response to the latter.

President after President in this century, however, has made this sort of decision privately, without any deference to Congressional authority; and often without even consulting the legislative branch. We have seen how the traditional power of Congress has atrophied, as time after time the executive has committed and dispatched American forces to foreign conflict; occasionally, as I have emphasized previously, under cover of secrecy.

Part of the blame, of course, belongs to Congress. We have for too long passively accepted the President's ability to commit our troops to battle, to use the awesome military establishment with which we have provided him as the equivalent of a Constitutional power to do so, and so as to preclude Congressional attention to the issue.

Time after time we have justified these involvements by invocation of the magic words of "national security" as a means of foreclosing either Congressional scrutiny or public examination.

To invoke the words "national security" or even "safety of our troops," with nothing more, is merely to beg the question of what our national security really requires in troop commitments, and of what the safety of our troops really means.

Who is truly supporting our young military—those who would leave more to die where too many have died already, or those who would bring them home in orderly fashion as quickly as posible? The answer is at least debatable—and the proper forum for that debate is Congress itself.

The result of the repeated and specious invocation of the concept of "national security," which has been used to justify giving unbridled war power to the President, has been a series of private executive decisions in which the Congress has played no meaningful role; and the most striking example of the executive's arrogation of the power to make such private decisions about what constitutes our national security, is the whole conduct of the war in Indochina, by Administrations of both parties.

First, we had the Tonkin Gulf Resolution. Certainly, none of us foresaw that the measures required then to protect our ships—whether or not they had provoked attack by the North Vietnamese—would require the eventual commitment of hundreds of thousands of our troops—army, navy and air force—to a protracted war on the Asian mainland.

The decision that our security required such a commitment, with the ensuing heavy cost in lives, treasure, and domestic distress, was made exclusively in the secret counsels of the Executive Branch of the government.

A second example of a private Executive decision as to what the national security required was the decision that led to our deep involvement in the conflict in northern Laos. Not only was the decision not made by Congress, but the truth about the situation was not made available to Congress.

Time after time I have pointed out the grave danger incident to the veil of secrecy which the Administration drew over our role in that area.

If the President's power to respond to immediate threats justified those combat actions in an area far removed from any American combat forces, his discretionary powers would allow him to commit our forces to battle just about anywhere in the world. But the President did engage our forces, and in such a manner as to exclude Congressional participation in the decision.

A third, and the most recent and dramatic example of a private executive determination of what national security required was the decision to send troops into Cambodia. The situation posed there was certainly not an immediate threat to our security as a nation, by any standard.

It was a situation which could have been dealt with in consultation with the Congress. Instead, the executive branch has been quite proud of its ability to keep the plans for this venture a secret for a considerable period. Their pride in preserving this secrecy illustrates precisely how much the original allocation of the war power has been twisted and distorted.

Today I am sorry to state that the balance has tipped heavily to one side. This tipping is not solely the fault of the present President. It is a process that has been going on for years under several Presidents. And Congress must carry its share of the blame for failure to meet its Constitutional responsibilities.

Passing the Cooper-Church amendment will not by itself redress the balance and undo the current misallocation of decision-making power. It will be only one step, the first step, in what I hope will be a growing list of instances where Congress exercises its share of this power. The weight of precedent and the powers of the Presidency are so strong that only continued awareness and sensitivity by Congress can guard the Congressional prerogatives which remain, and recoup those which have been defaulted in recent years.

Furthermore, it is fitting that we begin the process of reasserting our responsibilities by addressing the most recent example of executive arrogation of the power to make decisions about the national security: namely, the venture in Cambodia, a nation hitherto not included in even the most diffuse and distorted conceptions of national security.

The president's unilateral decision must be balanced, and balanced immediately, by a firm and clear expression of the will of Congress. The amendment proposed by Senators Cooper and Church is an example of the kind of action that is necessary, and it addresses itself to that Presidential action which stands out most prominently at the moment as an arrogation of the power which rightfully belongs to Congress. For these reasons I am a co-sponsor and supporter of the amendment.

Let me stress that the blame for the American tragedy in Vietnam does not lie with one political party, or with one President, or with one Congress. But regardless, let us now have the fortitude to admit these past errors; and firmly commit ourselves to seeing that they are rapidly corrected, so we will be able to pull back from the brink of the most serious domestic political crisis to have endangered this Republic since the Civil War.

SENATOR KENNEDY AND CAMBODIA

Mr. CHURCH. Mr. President, amid the torrent of words in opposition to American military presence in Cambodia, there have been comments of special significance. One such commentary was that of Senator Edward Kennedy of Massachusetts, the distinguished majority whip. His remarks were published recently in the Washington Post in the form of a letter replying to the syndicated columnist Joseph Alsop.

At one point, Senator Kennedy vividly declares:

> "Political lunacy" it was that brought upon us the events of the past two weeks. Yet, I would not place that charge against those who came to Washington (for the May demonstration), but on those who caused them to come here. As a Nation we have had enough of war, and death, and devisiveness. What goal do we have in mind, what prize so enviable, that this great nation must pursue Asians through endless jungles, across borders, in and out of their burning villages, to give and take human life. Do we do these things in 1970 for trucks and rice, rifles and bunkers, some mythical Pentagon in the forests? Or do some among our military or political leadership still suffer the illusion that a military victory can be won in Vietnam? Unfortunately I must conclude, all public statements aside, that the motivation to move into Cambodia was the latter.

Senator Kennedy, in his eloquent broadside, asks how in the name of sanity and humanity:

> can one persist in asking the American people, and especially the young, to support this war as just another painful incident in history made necessary by some grand and mystical design? How can we ask the American people to keep a stiff upper lip, to wait out what many consider an immoral war in the hope that one day it will be clear to all how thousands and thousands of innocent and combatant deaths were necessary to satisfy some archaic definition of the great power burden?

Mr. President, I ask that the text of Senator Kennedy's remarkable letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Senator Kennedy Replies to a Letter

Dear Joe: I have never before replied to an open letter with an open letter—but I agree with you that the times demand some rules be broken.

Though I am flattered that you imply I may have the capacity to bring this land to some unanimity of view in these difficult moments, neither I nor anyone else except the President of the United States can bring this nation together. And he can do so only by ending the war. It should be understood by now that the turmoil in America created by Vietnam results not from a public misunderstanding, but from deep and personal convictions of right and wrong.

I must say, without qualification, that I

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fully and openly protest against what has now become the war in Indo china. I am sure you feel that in taking this position I have allied myself with the naive, the idealistic, and the young. I ally myself with no one, and I seek no one to join with me. I simply protest the war and its consequences, as one person who has obligations of office, some sense of the responsibilities memory has placed upon me, and as a man who has not escaped the "harshnesses of the historic process."

"Political lunacy" it was that brought upon us the events of the past two weeks. Yet, I would not place that charge against those who came to Washington, but on those who caused them to come here. As a nation we have had enough of war, and death, and divisiveness. What goal do we have in mind, what prize so enviable, that this great nation must pursue Asians through endless jungles, across borders, in and out of their burning villages, to give and take human life. Do we do these things in 1970 for trucks and rice, rifles and bunkers, some mythical Pentagon in the forests? Or do some among our military or political leadership still suffer the illusion that a military victory can be won in Vietnam? Unfortunately, I must conclude, all public statements aside, that the motivation to move into Cambodia was the latter.

The continuation of these acts, if justifiable at all, could only be morally defended if the vital security interests and welfare of the people of the United States of America were at stake. I do not believe that they are, nor do I believe that it was the very survival of our country that involved us in this tragedy in the first place.

At this late, date, then, how can one persist in asking the American people, and especially the young, to support this war as just another painful incident in history made necessary by some grand and mystical design? How can we ask the American people to keep a stiff upper lip, to wait out what many consider an immoral war, in the hope that one day it will be clear to all how thousands and thousands of innocent and combatant deaths were necessary to satisfy some archaic definition of the great power burden?

If those thoughts had persisted in us, even in the face of this great error in Vietnam, the Cambodian adventure should have cut all that. Cambodia should have shown us that no foreign adventure, for whatever reason short of national survival, is worth the threatened destruction of American institutions and traditional checks on presidential discretion.

And so perhaps we have now learned that what once was rationalized, in the atmosphere of a decade ago, as an attempt to maintain a balance in the game of world power politics, has deteriorated into a monumental and historic catastrophe. Now we know it was an error—and now we must not only end it, but never commit that error again. We cannot, in essence, so fear tomorrow and our ability as men to assure peace on this planet that we must constantly be at war—always striving, ever reaching, always professing a desire for a higher order of life, never relying upon the higher instincts within us to attain it.

It is, then, this question of America's survival that divides you and me. You attempt to draw an inverse relationship between United States and Soviet Union actions, i.e. as we show weakness in Vietnam or on our own campuses, Russia shows a greater boldness in her actions in the world. I would draw a direct relationship that maintains:

The longer we remain bogged down in Southeast Asia, with periodic escalations that only serve to involve us deeper, the more latitude the Soviet Union feels in her Middle East adventures;

The greater the growth in our military budget and preoccupation with things of war, the greater the growth in Soviet concerns with such matters;

The louder the official noise and the more conflicting the arguments for an ABM system or Polaris or MIRV program, the more numerous the Russian implacements of nuclear missiles and construction of missile-bearing submarines;

The more we escalate in Vietnam, the more the Soviet Union escalates her activities there.

In my view, it was our escalation in Southeast Asia that brought an end to the favorable developments that could have followed from the Nuclear Test Ban Agreement.

So it is that I cannot be deterred from my abhorrence of the Vietnam war by the argument that our extrication from it means that America must assume the blame for the death of Jews in Israel: the strange logic that says that every Asian child who dies becomes a ghostly messenger to Moscow, warning the Marshals of the Soviet Union that they must go easy on the banks of the Suez. If it is Russia that we are now fighting in Indochina, then the American people should be so informed by their President. Then we will be forced to face at last the moral question of great powers destroying third countries to avoid the possibility of dealing with or facing each other.

On another level I do believe America's survival is involved in this awful war—her survival not within the family of the world, but within her own borders. As one of the most perceptive observers of the domestic scene, you must recognize the deterioration taking place in our society, among young people, and between the age groups.

But we are a nation constantly being reborn, and we can thank our God that those newly arrived in our society will not casually accept their views and presumptions of their fathers, much less their errors. They do not protest their "country's successes on the battlefield," doubtful as those successes may be; they protest the very existence of the battlefield, for it has no place in their vision of the country that is to be theirs. And I support them in that.

When we were young, and struggling as a collection of colonies to go our own way, to make our own political choices, we had a spokesman in the English Parliament who supported our effort not out of affection but from a conviction and deep faith that the affairs of the world could be met by means other than stark violence. He viewed the colonialists in the prophetic terms that could apply to many in America today. "They auger misgovernment at a distance; and sniff the approach of tyranny in every tainted breeze." In pleading before his King and country to allow our colonies to be free of England's domination without having to pass through the crucible of war, Edmund Burke said:

> The proposition is Peace. Not peace through the medium of War; not Peace to be hunted through the labyrinth of endless negotiations; not Peace to arise out of universal discord . . .; not Peace to depend on the juridical determination of perplexing questions; or the precise marking the shadowy boundaries of a complex government. It is simple Peace; sought in its natural course, and in its ordinary haunts—It is Peace sought in the spirit of Peace; and laid in principles purely pacific.

I wish to conclude on a note as personal as can be carried in an open letter. I have long valued our friendship and I mean to keep it. There are in America today enough people by half not talking, communicating, or understanding each other. And I am mindful of the respect that President Kennedy and my brother Robert had for you. You are quite right in noting that President Kennedy did not hold the view that our country is immune from history's dangers. I would only add, that while holding that view he also never doubted that the future could be different.

Your Friend,

TED.

DISSENT AT WEST POINT

Mr. CHURCH. Mr. President, there appeared in the Washington Post on May 24, 1970, a letter that needs no comment from me. It speaks for itself. The letter is signed by four graduates of West Point who express their opposition to our policy in Vietnam.

It was my intention simply to ask that the letter be printed in the RECORD. However, because it is such a poignant and powerful letter, I will read it instead. The young officers write:

WEST POINTERS IN DISSENT

With regard to your May 4, 1970 article pertaining to Lt. Louis Font, we, also graduates of West Point, wholeheartedly support the stand taken by Lt. Font. Three of us have served in Vietnam; one of us was wounded. We have earned between us one Silver Star and four Bronze Stars. We have seen the ideals of the Republic which we have sworn to defend perverted beyond recognition in the systematic destruction of another people's country. We have seen the price in lives and treasure that has been paid by both Vietnamese and Americans, and we declare it a waste beyond redemption. In the pursuit of a series of myths (self-determination, outside aggression, Democracy vs. Communism, etc.) this nation has devastated a peasant Asian society—physically with our weapons, culturally with our attitudes—and in so doing we have divided and neglected our country with its own massive social problems yet unsolved. This intolerable situation cries out for correction; we are offered instead by our President a program designed to lower American casualties to a level which the electorate will accept—a tolerable level of death—while we inch toward disengagement, and Vietnamese continue to die in large numbers at our hands.

In the name of the America of our hopes we join Lt. Font in saying—*No.*

GORDON S. LIVINGSTON,
Class of 1960.
THOMAS R. SHECKELLS,
Class of 1965.
ROBERT BOWIE JOHNSON, JR.,
Class of 1965.
JOHN T. THOMASSON,
Class of 1965.

WASHINGTON.

CONFERENCE OF MAJOR SUPERIORS OF JESUITS SPEAK AGAINST THE WAR

Mr. CHURCH. Mr. President, each day the mails bring me fresh evidence of the pervasive alarm felt by persons in all categories of the social order against the persistent American involvement in Southeast Asia. The most recent goad to this alarm has been, of course, the American military operations in Cambodia.

I have received a letter that I believe should be paid solemn heed. It is a letter from the Conference of Major Superiors of the Society of Jesus urging that we in the Senate "take steps to end this war without delay." The letter, dated May 20, 1970, is signed by John V. O'Connor, S.J., executive secretary of the conference, the headquarters of which is located at 1717 Massachusetts Avenue NW., in Washing-

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ton, D.C. The letter is sent on behalf of Major Superiors in 10 provinces of the Jesuit order in the United States—the Provinces of Maryland, California, New Orleans, Detroit, Oregon, New England, Chicago, New York, Missouri, and Wisconsin. I ask that the full text of the letter be published in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONFERENCE OF MAJOR
SUPERIORS OF JESUITS,
Washington, D.C., May 20, 1970.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: We write to you as a corporate body of Major Superiors of the Society of Jesus, as leaders of the Jesuits who work throughout the United States. Meeting in Tampa for our semiannual review of our ministries, we take this occasion to bring to your attention our concern over moral issues afflicting the conscience of every citizen of this Nation.

We speak to you out of our deep appreciation of the dignity of all human life and of the brotherhood of all mankind. We can no longer be silent in the face of an issue which encourages and fosters hostile divisions between man and man, at home and abroad. The tenets of our Christian faith cry out for peace among all men.

We wish to express to you our deep concern over the moral implications of the war in Indochina. We must ask whether the results which are sought in good conscience by those who support the war, are any longer proportionate to the evil involved. Our concern is further heightened by the clouded origin of American involvement in this war and by the questionable morality of the recent escalation of the war by the invasion of Cambodia and the resumption of the bombing of North Vietnam. In addition, we deplore any attempt to motivate the American people to accept this escalation on the basis of our never having lost a war.

Over and above the moral ambiguity of the war in itself we have a further concern over the effects of the Indochina war in our own country, namely, violence in our streets, unrest on our campuses, and the problem of the military draft.

Moved by these considerations and by our profession as ministers of religion, we call for immediate action from every member of the Senate of the United States:

(1) We urge that you take steps to end this war without delay.

(2) We urge that the national budget be channeled into peaceful directions by cutting back military appropriations.

(3) We urge you to modify Selective Service regulations (the draft) to allow selective conscientious objection, as recently espoused by the United States Catholic Conference.

(4) We urge that you take these positive actions to heal the alienation of our youth from this country.

We earnestly address these requests to the Senate of the United States, as American citizens and ministers of religion, grievously distressed over the present moral stance of our beloved country.

Most sincerely yours,
JOHN V. O'CONNOR, S.J.,
Executive Secretary.

EDITORIAL VOICES OF OPPOSITION

Mr. CHURCH. Mr. President, illustrative of the vast outpouring of protest against the American military action in Cambodia is the volume of editorials recently published.

On May 22, the New York Times encouraged support for the Church-Cooper amendment, which it described as a "warning shot across the bows that says: 'No More Cambodias!' "

I fully agree.

The New York Times urges the administration to revise its views so as to understand that the amendment offered by Senator COOPER and myself is designed to assist the President in carrying out his intention to withdraw American combat troops from Cambodia by July 1, 1970. The New York Times concludes:

> But whether the Administration accepts it or not, the Senate can best serve the national interest now by pressing ahead with its (the Cooper-Church amendment) enactment.

In an earlier editorial, one appearing on May 17, 1970, the New York Times quite properly points out the grave price we are paying domestically for the Cambodian invasion. The New York Times states:

> But the heaviest price for President Nixon's Cambodian misadventure has been paid at home where bitter division and bloodshed have torn American society . . . Congress can help restore confidence at home and abroad on the direction of American foreign policy by beginning to reassert its own constitutional powers through adoption of the Cooper-Church amendment.

The Washington Post, in an editorial on May 15, 1970, evidenced an apprehension about the Nixon position in respect to Cambodia. Discussing the ambiguity of whether all American military forces, air as well as ground, will be removed by July 1, 1970, or only ground troops, the Washington Post states:

> One can appreciate why the Administration would not wish to tell Hanoi and the Vietcong, from the rooftops as it were, that if they will only keep their heads down in Cambodia for six more weeks, they will never be bothered again. Ambiguity has an obvious military utility. Yet at a certain point in the American people's rising ferment, the reasons for keeping the enemy guessing butt against the claims of Americans to be informed and reassured about their own government's policy. After everything that has happened in the last few weeks, is there still an argument about where the priority lies?

And finally, Mr. President, I wish to call attention to a discussion of American foreign policy, particularly that in Southeast Asia and the Middle East, which was written by Wallace Carroll, distinguished editor and publisher of the Winston-Salem, N.C., Journal and Sentinel.

Mr. Carroll, in his article that appeared May 17, 1970, began by stating:

> For sixteen years we Americans have been trying to save South Vietnam. Now it is time to save the United States of America.

In conclusion, he notes that every American military unit should be evacuated from Vietnam by the end of 1971. He notes that by that time we will have been involved in Vietnam for 17 years and he declares:

> Seventeen years is a long time, and we Americans must mend the neglected fences around the home shift and the further pastures. If the Vietnamese cannot stand on their own feet after 17 years of tutelage, it means either that they lack the will to learn or that we lack the skill to teach.
>
> Yes, it is time to come home. It is time to bind up the nation's wounds. And it is time for the best of our youth and the best of their elders to sit down together and agree on what they want this America of ours to be.
>
> For when this nation is again at peace with itself nothing in the world will be impossible.

Mr. President, I ask that the three editorials and the article by Mr. Carroll be printed in the RECORD at this point in my remarks.

There being no objection, the editorials and articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 15, 1970]

CAMBODIA AFTER JUNE

Some of the blurred edges of Mr. Nixon's pledge to take "all Americans of all kinds, including advisers . . . out of (Cambodia) by the end of June" are beginning to come into focus. The clearer view is not entirely reassuring. Essentially, what Mr. Rogers and Mr. Laird have said this week in amplification of the President's withdrawal commitment is that, while ground troops will be removed from Cambodia by the set deadline, the United States maintains the option of using its own air and naval arms there and of supporting later forays by military units of South Vietnam.

One can appreciate why the administration would not wish to tell Hanoi and the Vietcong, from the rooftops as it were, that if only they will keep their heads down in Cambodia for six more weeks, they will never be bothered again. Ambiguity has an obvious military utility. Yet at a certain point in the American people's rising ferment, the reasons for keeping the enemy guessing butt against the claims of Americans to be informed and reassured about their own government's policy. After everything that has happened in the last few weeks, is there still an argument about where the priority lies?

Perhaps these simple things should be said about the Cambodian intervention. First, it involves combat in another sovereign state, a fact not altered by the use of airplanes or ships or allies rather than ground troops. Second, the criticality of further operations in Cambodia, as opposed to their convenience, remains to be demonstrated, the more so as the current intervention is claimed to be a success. Third, such further operations confirm precisely the fears of those who suspected from the start that intervention in Cambodia could not be swift and "surgical." That is just what "a wider war" means.

Saigon's policy is especially disturbing. The Thieu-Ky leadership is broadcasting loudly that it intends to fight on in Cambodia after June 30; Mr. Ky speaks wistfully of recapturing a town fully 80 miles beyond Phnom Penh. But observers on the scene wonder how long a rekindling of traditional Vietnamese-Cambodian animosities can be avoided, if Saigon's strikes go on. Another worry is that South Veitnamese units, if deprived after June 30 of their customary extensive American support, may get into trouble so deep that pressure on the United States to rescue them will overwhelm the discretion evident now. The administration's commitment to the Thieu-Ky government is large. It is by building up its military prowess that Mr. Nixon hopes to allow troop withdrawals from Vietnam to go forward. Yet surely that commitment does not require the administration to license Saigon to fight a proxy war in a third country.

With some apprehension, we note reports

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that a good part of the Nixon policy in Cambodia is being based on estimates of what the American public will stand for. Use of airplanes, ships and South Vietnamese, it is suggested, may not make outrage brim over, the way the use of ground troops did. This is in our view, a very chancy basis for policy-making. It literally asks for policy to be made in the streets. If students and others dismayed by the war come to believe that mass protest is the only deterrent Mr. Nixon will honor, then the evidence of the last three weeks plainly is that the protesters will accept that challenge. Domestic peace as well as international sense argues for limiting the intervention in Cambodia, before June 30 and after.

[From the New York Times, May 17, 1970]

CAMBODIAN BALANCE SHEET

Desperately eager to head off a long-overdue reassertion of Congressional restraints over the President's warmaking powers, the Nixon Administration strove last week to put the best possible face on what it insists will be only a limited extension of the Vietnam war into Cambodia. It remains too early to tell how much or how little military success will attend the two-week-old Cambodian escalation, but it is already plain that it is a political disaster.

Administration sources cite a count of more than 7,000 reported enemy dead and an impressive list of weapons and other booty captured as evidence that the thrust into border sanctuaries has proved its worth. But even Defense Secretary Laird appears skeptical of the body count and nobody doubts that the seized supplies will be replaced in time.

Meanwhile, the main body of enemy forces has not been touched. The Communists continue to extend their grip over northern Cambodia and southern Laos, beyond the self-imposed limits of American penetration. Still a phantom is the central Communist headquarters that President Nixon had said was the principal target of the allied attack.

On the global political front Secretary of State Rogers has conceded that foreign reaction has been largely negative. Instead of inducing the other side to negotiate, President Nixon's get-tough policy appears to have stiffened Hanoi's resolve and strengthened North Vietnam's ties with its Communist allies. It has exacerbated Soviet-American relations at a critical time in the SALT talks and in Middle East negotiations; it even appears to have cooled the quarrel between Moscow and Peking.

But the heaviest price for President Nixon's Cambodian misadventure has been paid at home where bitter division and bloodshed have torn American society. Less than a month ago, Mr. Nixon was boasting that the Communists had made "their most fatal calculation" when they "thought they could win politically in the United States." Now it is the President who has misjudged the depth of American aversion to the war. This opposition has exploded not only on the campuses but within his own Cabinet, in the usually mute State Department bureaucracy and among such solid citizens as 1,000 "establishment" lawyers who plan to travel from New York to Washington this week to urge "immediate withdrawal from Indochina."

Henry Kissinger, the White House foreign policy adviser, yesterday said that the Presiden's July 1 timetable of withdrawal would be fulfilled and that the South Vietnamese would pull out their combat forces about the same time. His statement is made speculative because they have gone far beyond the border sanctuaries and become deeply involved in Cambodia's internal affairs. In any case, it is difficult to believe that the Saigon forces, incapable thus far of mastering their own country, can save the inept rulers of a neighboring nation whose people are ancient enemies of the Vietnamese.

Equally unsettling is the reiteration by an American spokesman in Paris last week of the President's earlier warning that, if the Communists remain intransigent in negotiations and aggressive on the battlefield, "we will react accordingly."

Congress can help restore confidence at home and abroad on the direction of American foreign policy by beginning to reassert its own constitutional powers through adoption of the Cooper-Church amendment. Its goal of cutting off funds for future military involvement in Cambodia would not imperil the troops or undermine Presidential authority to carry out all of Mr. Nixon's stated objectives in the current drive there. Rather it would enable Congress to share with the Chief Executive as it should, responsibility for ending a war that already has cost the United States far more than it could ever be worth.

[From the New York Times, May 22, 1970.]

NO MORE CAMBODIAS

The firmness with which Senators of both parties are resisting efforts to kill or cripple the Cooper-Church amendment on Cambodia is encouraging evidence of a new determination in Congress to restore the constitutional balance in reaching vital decisions on war and peace.

The proposal to bar funding of American troops in Cambodia after June 30 does not infringe on the President's constitutional power to command the armed forces in the nation's defense. It does reassert the long-eroded constitutional prerogatives of Congress to participate in foreign policy and defense decisions, which President Nixon ignored when he unilaterally ordered American troops into Cambodia.

An aroused public opinion, to which Congress is at last responding, already has prompted the President to make an open commitment to terminate his Cambodian adventure by June 30. The Cooper-Church amendment would enable Congress to share responsibility for this important decision, as it should under the American constitutional system, and would give it the reassuring force of law.

The measure does not interfere with the military operations now under way. Nor does it bar any important actions in the future that the President himself has not already foreclosed. It does not prohibit limited arms aid to the Cambodian forces nor air interdiction of Communist supply lines through Cambodia to South Vietnam. Nor—despite some Congressional misgivings on this point—does it rule out future American air and logistical support to South Vietnamese units in Cambodia, although Mr. Nixon has pledged himself to halt the current support operations by June 30.

There is no need, despite Administration urging, for the amendment to re-state the President's power to take action to protect American forces in the field should they be in imminent danger of attack. Congress cannot restrict this power. What Congress seeks to prevent is the use of this power as a pretext for military operations of wider scope undertaken without consultation with the nation's elected legislators.

Essentially, the Cooper-Church proposal is a warning shot across the bows that says: "No More Cambodias!" It does not create a constitutional crisis, but implies that the President could precipitate one—if he again widens the war or reverses American disengagement from Vietnam without Congressional agreement. The Administration argument that the amendment would impair the President's credibility in dealing with the Communists is unpersuasive. The way to assure Presidential credibility is to gain Congressional support by treating Congress as a partner in decisions on peace and war. Acceptance of the Cooper-Church amendment would be a useful step in that direction. But whether the Administration accepts it or not, the Senate can best serve the national interest now by pressing ahead with its enactment.

[From the Winston-Salem Journal and Sentinel, May 17, 1970]

TIME TO COME HOME—WE'VE DONE OUR BEST FOR VIETNAM—NOW LET US SAVE AMERICA

(By Wallace Carroll)

For 16 years we Americans have been trying to save South Vietnam. Now it is time to save the United States of America.

All wars confuse, and the war in Vietnam has confused our minds and purposes more than most. But if we stand back a moment and ignore the angry clamor at home and abroad, we should be able to establish two useful truths:

1. The United States is not losing the war in Vietnam.
2. What we *are* losing is something more serious than the loss of any war or territory. It is the soul of America that is being lost in Vietnam.

It is time for us to save the soul of America.

MYTHS AND REALITIES

This fixes our purpose. Now what must we do? Let us begin by cutting through the underbrush of myth, sloganeering and emotional catchwords that will otherwise keep us from reaching any wise solution to our Vietnam problem.

The most persistent myth of all is that the war in Vietnam is a do-or-die struggle with "World Communism"—that if we falter in Southeast Asia, the balance of power in the world could shift heavily against us.

Why is this a myth?

What we are concerned with here is the reality of *power*—the ability of a nation to control or precipitate events beyond its own borders.

Among the Communist nations there are two great concentrations of power, the Soviet Union and Communist China. No American who has read his history will underestimate the hostility of these two power centers to the United States. This hostility is heavily documented by 50 years of words and acts. And today, if you talk to an American ambassador or intelligence agent in any part of the world, he will tell you that the local operatives of the Soviets and Chinese, though they may not be on speaking terms, are vying with each other in the damage they can do to American influence and prestige.

Any prudent American must therefore want his country to maintain its present margin of superiority—its deterrent capability—over these two hostile power centers, and particularly over the Soviet Union. So why should the United States stop smiting the Communists in Vietnam?

It takes no special insight to see that, despite all we have done in Vietnam, we have left the two big hostile power centers completely untouched. For 16 years we have been helping the South Vietnamese with money and brains. For the past five years we ourselves have made appalling sacrifices in blood, money, prestige and internal peace and security. Yet for all this, we have not singed the whiskers of a single commissar in Moscow or Peking.

SOVIET INFLUENCE

During these past five years our first team —the best of our fighting men—has been bogged down in a grinding struggle with what is not even the fourth team of the Communist side.

During these five years two presidents, with all the military and civilian brains at

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their command, have spent fretful days and sleepless nights, week after week, month after month, year after year, absorbed by this dirty little war. And during all this time the big rascals in Moscow and Peking have been sitting back comfortably and laughing at us.

During those same five years (as we shall see in a moment), the Soviet Union especially has been able to project its power and influence into parts of the world that really weigh heavily in the strategic balance—areas that are much more vital to the United States than South Vietnam. And the United States has suffered a disastrous—yes, disastrous—loss of prestige and influence in those areas.

The net effect, then, of the Vietnam war to date on the world power situation has been to enhance the strength of the Communist side and weaken our own.

But suppose that the United States persists in Vietnam. Suppose that we go on fighting for another 10 years until the last little man in black pajamas has been run to earth. Won't that change the world equation?

No, it will not. The centers of power in Moscow and Peking will remain untouched. And our own resources will only be squandered further in what is no more than a strategic backwater.

Consequently, if we are really alarmed by the growth of Communist power in the world, it would make much more sense to put our resources where they can count in the balance. We would do better, for example, to put $10 billion into an anti-ballistic missile system that would help maintain our deterrent capability over the Soviet Union and Red China than to put another $100 billion into Vietnam. (We could do even better by putting more money into our cities, schools, hospitals and anti-pollution programs, but we are only concerned at the moment with the power relationships outside our borders). Yet as long as we continue to waste our substance in Vietnam, Congress and the taxpayer will be reluctant to spend adequate amounts on our truly vital needs.

In sum, the continuance of the war in Vietnam is all gain for the Soviet Union and Communist China, all loss for the United States.

But other myths and catchwords persist. We are told, for example, that we cannot end this war in Vietnam short of military victory without losing our "national honor."

Certainly every American should be concerned about the honor of his country, so let us examine this argument.

American aid to Vietnam does not derive from a treaty negotiated between the two governments and solemnly ratified by the Senate. It all stems from a letter sent by President Eisenhower on October 24, 1954, to the late President Diem. In that letter President Eisenhower simply promised "assistance" to the government of South Vietnam; in return the United States expected South Vietnam to undertake "needed reforms."

Now, President Eisenhower's pledge of assistance did not means that Americans would fight in Vietnam. In fact, no fighting men were sent for the next 10 years. The letter simply meant that the United States would send military and civilian advisers, war materials and economic and technical assistance.

On the Vietnames side, neither Diem nor any of his successors ever took the promised reforms seriously. To this day, successive Vietnamese governments have done very little to build a solid base of support among their people.

On the American side, however, Eisenhower's promise has been fulfilled many thousand times over.

Forty-one thousand Americans have given their lives. Another 285,000 have been maimed or scarred. And hundreds of thousands more have interrupted their careers and left their homes and families to fight for a country from which we can never expect any material return or even gratitude.

The United States has spent $100 billion in the war. And it is continuing to spend at the rate of nearly $25 billion a year.

This vast expenditure has aggravated a ruinous inflation that eats up the earning power and savings of every family in America.

This same expenditure has deprived our schools, hospitals, welfare services and other programs of the funds they urgently need to meet the growing demands of our own people.

Our effort to help Vietnam has caused political and social strains such as this nation has not experienced in more than a century. It has set generation against generation. It has brought two presidents into a constitutional conflict with the Congress. It has, indeed, ground up one President and now threatens to grind up another.

What more must we do? Clearly the "national honor" argument is a hollow one, and no responsible American should give it currency.

FACING REALITY

Still, we are told, if we leave Vietnam without "victory" our allies will never trust us again.

If we are honest with ourselves, we must admit that withdrawal from Vietnam *would* shake our allies in that part of the world, particularly Thailand, Nationalist China and the Philippines.

But alliances must be based on realities, and the leaders of these countries must face the reality that the United States will never again fight anyone's battles that way it has fought the battles of South Vietnam.

Our withdrawal would therefore give the governments of these allies a healthy and needed jolt. It would tell them, in effect, to hitch up their britches, make the kind of reforms that the Vietnamese have failed to make, win the confidence of their people and be resolved to fight their own battles against internal and external enemies.

Given such energetic measures of self-help, these governments might then expect advice, military supplies, economic assistance and only such additional help as a touchy Congress would be willing to give under our constitutional procedures.

But there are other more potent allies, notably in Western Europe. There we find the second great power concentration of the non-Communist world. In this power complex, symbolized by the NATO alliance, our obsession with Vietnam and our neglect of Europe have been resented and deplored by the civil and military leaders.

In this area, which is the prime battleground of the Cold War, our withdrawal from Vietnam would bring one spontaneous cheer: "Thank God the Americans have come to their senses."

On balance, then, our alliances would be strengthened and our leadership enhanced by withdrawal from Vietnam.

FALLING DOMINOES

There remains one of the most hoary and seductive catchwords of the lot—"the falling domino theory." If South Vietnam falls to communism (so the theory goes), Laos, Cambodia, Thailand and Malaysia will inevitably follow.

Let's assume for the sake of argument that this theory is 100 percent correct—that all these nations will slip into the embrace of their big neighbor, Communist China.

What would be the effect on the world power equation?

Power in the modern world is determined largely by industrial production and technological skills. A rough index to this kind of power is a nation's gross national product—its annual output of goods and services.

The World Bank puts the GNP of South Vietnam at a little less than $2 billion. For purposes of comparison the output of goods and services in the state of North Carolina is about $19 billion.

The GNP of South Vietnam, Laos, Cambodia, Thailand and Malaysia combined is barely $11 billion. Compare this with little Belgium, which alone has a GNP of about $22 billion.

It follows that if these five Asian countries joined up with China lock, stock and bean-sprouts, the effect on the world balance would be negligible.

As we know too well, the people of these countries can make life miserable for an intruder. But for the rest of this century they will not be able to project power—military, economic or political—beyond their borders in ways that might shape events in the world.

WHERE DISASTER LOOMS

There is one part of the world, however, where the domino theory is working with ominous accuracy—and working relentlessly against us. This area is not a strategic backwater, an economic cipher, like Southeast Asia; it is an area of prime strategic importance in the world power equation.

The land, sea and air communications of three continents and the oil pipelines that feed an even wider area traverse the Middle East.

This region now leads the world in oil production. The output of countries bordering on the Persian Gulf alone is 10 million barrels a day compared with 8.8 million barrels in the United States.

This oil is wealth and power. The U.S. forces in Southeast Asia run on Persian Gulf oil. So do the U.S. and NATO forces in Western Europe. For the latter reason, the Persian Gulf has been called the eastern flank of the NATO alliance.

In addition, Western Europe gets three-fourths of its non-military oil supplies from the Gulf. And Persian Gulf oil flows eastward to fuel the economy of Japan, the second leading industrial power of the non-Communist world, as well as Australia, New Zealand and most of the countries of South Asia.

It follows that any serious interruption of the oil flow from this region could cause economic disruption from London to Tokyo and hamper the military operations of the United States and its allies from Britain to the Sea of Japan.

With this background, let us see what has happened since the United States decided that everything must be sacrificed to Vietnam. The map shows how the dominos have fallen.

Start with Iraq on the eastern flank of the Arab world. Iraq is rich in oil and it leads to the still richer oil-producing sheikdoms of the Persian Gulf. (Bear in mind that for more than a century, czars and commissars have schemed to gain access to the Gulf.) Iraq, like most of the other Arab countries, has broken diplomatic relations with the United States. Its government is fanatically anti-American and up to its neck in Soviet advisers. Its armed forces are equipped and trained by the Soviet Union.

To the west, commanding an important stretch of the eastern Mediterranean, is Syria. Same story here. The government is saturated with Soviet influence, the armed forces equipped and trained by the Soviets.

Now jump to the United Arab Republic on the southern shore of the Mediterranean. Here is a country in hock to the Soviet Union. There are now said to be as many as 10,000 Soviet "advisers" in the UAR. Among them are more than 100 Soviet fighter pilots.

Next to the west is Libya. Only a year ago its government was pro-western. Now a new military dictatorship, like those in the other Arab countries, is flirting ominously with Egypt and the Soviets. The British have been

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forced out of their bases at Tobruk and El Adem; the United States is being forced to withdraw from Wheelus Air Force Base, our last remaining military installation in the Middle East.

Farther to the west (skipping Tunisia, which remains friendly to the U.S.) is Algeria. Its government is so close to the Soviets that it permitted only Russian accounts of the invasion of Czechoslovakia to be published in 1968. The armed forces are trained and equipped by the Russians.

Let us pause here in our map-reading long enough to make a point. If anyone thinks these vast Soviet investments in the UAR and other Arab countries are aimed against Israel, he should have his head examined. They are aimed against *us*—against us and our allies.

For more than a hundred years the British kept the Russians out of the Mediterranean. Only five years ago this vast sea was an American lake. Now most of the eastern and southern littoral are dyed a deep pink. A Soviet fleet sails the blue waters, using former British and French naval bases that are denied to the American Navy.

The Russians are well on their way to achieving their strategic objective: to make it impossible for American sea and air power to operate in this area and to destroy American political influence as well.

Now look at the Red Sea, the link between the Mediterranean and the Indian Ocean when the Suez Canal is open. The Red Sea is becoming a very red sea indeed. On the western shore are the United Arab Republic and the Sudan. The latter, like the UAR, has a pro-Soviet government and Soviet-trained armed forces. On the eastern shore, commanding the narrow entrance to the Red Sea from the Indian Ocean, are the South Yemen Republic and Yemen. Both are armed by the Soviets and are overrun with Soviet advisers.

Just to sew things up, the Soviets have equipped and trained the armed forces of Somalia, which stands on the peninsula where Africa juts out to form the Gulf of Aden.

There remains the Persian Gulf itself. For more than a century, the British, who were masters there, would not let a Russian poke his nose into these shiekdoms. But now the British are leaving—their small air, ground and naval forces will be entirely out of the Gulf next year. Already the Russions have sent warships on "courtesy calls" to the Gulf ports. When the Suez Canal is again open Soviet vessels from the Black Sea will be able to sail down the Red Sea to Aden, the old British base which the obliging South Yemen government has made available to them. From Aden they will be able to patrol the Persian Gulf at will.

All of this Soviet maneuvering, from the Persian Gulf to the Straits of Gibraltar, makes up the boldest power play of the entire Cold War (which has not come to an end, by the way, no matter what some of our eminent scholars may say).

If this power play succeeds—and it is far on its way to success—the Soviet Union will be able at a given moment to slow down industry from Western Europe to Japan and put a crimp in the military operations of the United States and its NATO partners.

THE HOME FRONT

The Middle East is the worst example of what has happened to American interests since we made Vietnam the be-all and end-all of our foreign and domestic policies. There are other regions, notably Western Europe, where American interests have also suffered from similar neglect. But let us move now to the home front. And again let us confine our discussion to one area—the effects of the war in Vietnam on the soul and character of this nation.

We can begin with some ancient wisdom from the Bible. The second book of Chronicles tells the story of Amaziah, a young king of Judah whose reign promised well until he set off on a foreign war. In a battle with the Edomites, Amaziah's army killed 10,000 of the enemy and took 10,000 prisoners. By Amaziah's orders these prisoners were hurled over a cliff to their death. Then the young king brought home with him the gods of his enemies and set them up and worshipped them. This was the beginning of the end of Amaziah.

We Americans have fought three wars in less than 30 years and we have known no real peace in between. And from each of these wars we have brought back the gods of our enemies—the gods of violence and terror, we were repelled, of course, by the bestial cruelty of Hitler's Nazis, the Japanese militarists and the North Korean Communists. But as we fought fire with fire we learned ways of war that would have appalled the soldiers of the 18th, 19th and early 20th centuries.

All of these new and hideous forms of violence and cruelty were brought out of our arsenal in Vietnam.

Heaven knows we Americans did not introduce cruelty to Southeast Asia. Here, in fact, we met an enemy who was—if possible—even more fiendish than the Nazis. But again we let his gods become gods—his standards our standards.

We ordered our American boys, who had been brought up to believe in justice and mercy and love of their fellow men, to sow the land with napalm, a hellish kind of liquid fire that spared no one, no matter how innocent or unoffending.

We set up "free fire zones" and ordered our troops to shoot anything that moved. We set fire to the thatched villages of the miserable people we had come to save. If we did not torture and butcher prisoners ourselves, we stood and watched while our allies did it for us. We dabbled in the hideous arts of assassination. We sprayed the fields and forests with chemicals that wiped out the livelihoods of no one knows how many people and left side effects that may continue for generations.

A few weeks ago we saw on our television sets an American soldier known as "Killer." And why was he called "Killer"? Because he loved to kill "Gooks." How many "Killers" will come home from Vietnam, and what will happen when they re-enter the lifestream of the nation?

The horrible truth is that we have done things in Vietnam that would have made Sherman retch.

"Indeed," wrote Thomas Jefferson in the days of America's innocence, "Indeed, I tremble for my country when I reflect that God is just."

But nobody trembled for America this time. Nobody, that is, except our young people.

THE SERIOUS YOUNG

When we talk about young people, let us shunt aside the Jerry Rubins, Abbie Hoffmans, Mark Rudds and all the other scruffy hooligans who have tried to capture and pervert the idealism of a generation.

The young we have in mind are the millions of sober, serious, hard-working students who have not been hurling rocks or burning down libraries. Anyone who has talked to these idealistic young men and women in recent years must have been struck by the kind of sadness that hangs over them like the mist on an upland meadow. These young people are sad with the sadness of impending doom. They have seen the United States—this country they were taught to love—go to war with every kind of violence and savagery against the people of a far-away land. They have become conscious of what this violence and savagery have been doing to the American character. And they have become increasingly fearful that the "American system" has gone off the tracks and is lurching headlong toward doomsday.

For their entire generation they can see only a fiery end in the ultimate madness of a nuclear war.

For more than five years these students—the serious and idealistic ones—have been trying to tell their elders of their fears. They started out quietly, seeking to show us that the war in Vietnam was wrong—morally wrong and wrong in every other way because it could only end in futility. They tried to tell us that the war was destroying the soul of America—that, like any moral wrong, it was hurting the perpetrators more than it was hurting the victims.

But nobody would listen—nobody, that is, but a few senators, like Eugene McCarthy and Robert Kennedy.

The young rallied to these leaders and tried to make their point through the open and legitimate ways of our political system. They left the campuses and went to work for the candidates who were willing to stand for and end to the war.

In this effort of political persuasion they were largely unsuccessful, and the leader who might have won for them became a victim of violence (like his brother before him).

Still, the young did not give up. After a time they resumed their rallies, their petitions, their letter writing to the politicians, their debates and discussions. But as the nation continued, unheeding, on its course, something ugly happened.

It was the supreme irony of the student peace movement that many of the students who were revolted by the violence in Vietnam began to condone violence at home—anything that would make "the system" listen.

BLOODY EVENTS

And this violence of the young brought the inevitable reaction. The killing of students on university campuses and the assault of an organized mob on a peace march in New York City were ominous enough. But even more disturbing was the cry of exultation over these bloody events that went up across the nation and the clamor for more student blood from supposedly civilized Americans.

If we of the older generation can overlook the students' excesses for a moment and try to be honest with ourselves, we will have to admit that these young people were right about the war when we were wrong.

These young men and women saw the folly and futility of this war and they sensed that it was poisoning the bloodstream of the nation. They saw the futility of the war long before President Johnson (who recognized it only tacitly and reluctantly in March, 1968) and well before President Nixon (who conceded it even later).

But if we still refuse to give these young people their due, let us imagine that their reaction to the war had taken the opposite course.

Suppose that when the recruiters for the napalm company came to the campus, the students had vied for those well-paid jobs in the chemical industry.

Suppose that they had shouted at their rallies: "Pour it on. Burn the mothers, scorch the children, destroy the villages, slaughter the prisoners, drop the atom bomb!"

If we had raised such a generation of fiends, would we be better pleased with them? And would the future of our country be the brighter for it?

THE CITIZEN'S JOB

Every consideration of internal health as well as the standing of the United States in the world thus points to the unmistakable lesson: We must get out of Vietnam.

We must get out, out, out. We must get out fast, fast, fast.

President Nixon has started the withdrawal of our fighting men. For that he should get full credit. The aim of every conscientious citizen should be to keep him on this course and to get him to move faster.

There are many citizens, no doubt, who distrust Mr. Nixon. But they might remember this: He is the only President we have, and he is by far the best President we can possibly have until January 1973.

We should therefore rally round him when he does the right thing and let him know our displeasure when he goes off course, If he speeds withdrawals, we should applaud him. If he goes astray, as he did in Cambodia, we should let him know that we do not like it. And when the super-patriots and jingos start abusing him with cries of "Treason" and "Betrayal" we should let him know that the same people of this country, who are still a majority, are right behind him. As a matter of fact, the same people can try a little jingoism of their own: Do we stand for Vietnam First or America First?

We should also support and applaud those political leaders of either party who work to speed the end of this dirty war.

We can do all this in the healthy ways open to the people of a democracy—letters to the President himself and to other political leaders; by visits to senators and congressmen; by petitions, and by *orderly* rallies and demonstrations.

Finally, every conscientious citizen should close his ears to the demagogues and ranters who would try to divide us, generation against generation, black against white, region against region.

With the nation proceeding on this course toward peace, we should come down hard on the practitioners of violence. The essence of statesmanship is to identify a source of trouble, correct it, then punish those who still try to exploit it. Any one who troubles the peace of our cities, campuses or countryside should be met with the awesome severity of the law.

GETTING OUT

There remains a hard, practical question: How soon can we "decently" get out of Vietnam?

A high official of the State Department recently told a Senate committee that some U.S. forces would have to stay there for another 10 years.

Of all the foolish assumptions that have been made since this bloody mess began, this one is the most outrageous.

We now realize that we should never have put an army into Vietnam.

We know that as long as we keep an army there we shall risk new Cambodias, new temptations to bomb hither and thither, new massacres, new deceptions.

And we know that as long as Americans keep dying in Vietnam the home front will never be at peace.

This is a prospect that we cannot tolerate. We have done our best to save Vietnam. Now it is time to save America.

Secretary Laird has said that American units will no longer be needed in ground combat after the middle of 1971. Why can't we do better than that and aim to get all American units out of Vietnam by that date?

If that should prove to be logistically impossible, we must set the end of 1971 as the absolute deadline for every unit to be out.

By that time 17 years will have passed since we started out to help the Vietnamese to help themselves. Seventeen years is a long time, and we Americans must mend the neglected fences around the home shift and the further pastures. If the Vietnamese cannot stand on their own feet after 17 years of our tutelage, it means either that they lack the will to learn or that we lack the skill to teach.

Yes, it is time to come home. It is time to bind up the nation's wounds. And it is time for the best of our youth and the best of their elders to sit down together and agree on what they want this America of ours to be.

For when this nation is again at peace with itself nothing in the world will be impossible.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. CHURCH. Yes; I am glad to yield to the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, during this debate the Senator from Idaho has made many valuable contributions. Today he has made a very important contribution in tracing recent trends in Cambodia and South Vietnam which seek to influence, if not control American decisions.

During the course of the debate Members of this body, and people throughout the country, have asked whether our amendment questions the President, distrusts the President's statement that our troops will be removed from Cambodia through June 30.

We have maintained that the suggestion is incorrect for several reasons: First, the President has said categorically that our troops would be removed through June 30, and he has said also that as our troops are removed, the supply of the South Vietnamese forces would not be available and, therefore, they, too, would move from Cambodia.

Our amendment, when studied carefully, will be seen directed toward the period after June 30. It takes into account that there might be forces and events over which the President might not have control, over which the Congress would have no control, which could compromise the President's statement and intent to remove our forces by June 30. Some of those forces and events over which the President has no control have commenced to assert themselves. This is the point I want to make with reference to the statement of the Senator from Idaho.

While the response of the Cambodian Government is somewhat vague, there have been reports that Cambodia expected our forces to remain in that country after June 30. If we did, I think it is very possible, and most probable, that the United States would become engaged in a war for Cambodia, for its Government, for its forces. I believe everyone, whether he opposes this amendment or not, does not favor the U.S. becoming engaged in war in Cambodia.

Other forces have also been asserting themselves, such as the statement by Vice President Ky and the modified statement by President Thieu that their forces would remain in Cambodia after June 30. If our amendment should take effect, South Vietnamese supplies would dry up, because the amendment would forbid money to support South Vietnamese forces in Cambodia after June 30, 1970. But for a time they would have equipment that we have supplied them. They could find ample equipment in the supplies that have been captured in Cambodia. They might very well assert their sovereignty to stay in South Vietnam and be supplied for quite a long time with equipment captured in Cambodia. I do not think we in the Congress could do anything about that, but I think we can, with this amendment, state that, as far as the U.S. Government is concerned, we will not provide further supplies to them—so South Vietnam cannot dictate the continued engagement of the United States in war in Cambodia.

I would hope the persuasive efforts of our Government will argue that South Vietnam shall follow our lead and come out of Cambodia before June 30.

I say again, I can hardly believe anyone in this country would object to our purpose. We have been involved in South Vietnam for 17 years, and it really is a 20-year involvement because for during 3 years before our Government contributed $2 billion to the French, who were trying to impose again their colonial rule on Vietnam.

What I want is the application and success of the doctrine of President Nixon that our forces in Vietnam will be withdrawn in an orderly way. There are others who do not support the program, but I support it as a reversal of past policy, and one which offers promise that our forces in Vietnam will be withdrawn. But I doubt that the program, or any program, can succeed if a continued war takes place in Cambodia, a continued war even if fought by the South Vietnamese. I believe the President will withdraw our forces, by June 30, as he has said he will.

I think it is very important for the morale of the people of the United States that this occur. I would hope also that, with the persuasion of our leaders, the South Vietnamese would not find it very profitable to remain in Cambodia.

I shall finish by saying that the chief argument that has been made against our amendment, other than the one I have just mentioned, is that in some way it will reduce the protection of our own forces in Cambodia and South Vietnam. That is an argument which goes deeply into the consciences and hearts of the people in this country, particularly those who have sons there. I said the other day that it is not a correct argument. The President, in his constitutional powers, can protect our own forces, and we cannot give him that power and we cannot take it away from him. Those of us who support this amendment want those men to be protected, just as much as those who are fearful they may not be.

I make the point again that we are not dealing with the Cambodian operation. We do not question it, and we do not approve it. We have stayed away from his powers.

The chief thrust of this amendment is to say we shall not become engaged in a longer war in Cambodia or for Cambodia, without the approval of the Congress. Personally, I do not believe the Congress would act favorably upon such a decision.

So I hope very much that the true nature and purpose of our amendment will be understood.

I have confidence that the President will withdraw our forces, and I hope very much that, through his influence, he can persuade the South Vietnamese also to withdraw their forces.

Mr. CHURCH. I thank the Senator. I do not know whether he was present on the floor earlier today when I quoted a news dispatch from the UPI wire out of Phnompenh, as follows:

> Foreign Minister Yem Sambaur said today that he will ask President Nixon to keep American troops in Cambodia along with South Vietnamese soldiers "until the end of the war."

This simply bears out the developing preassures that all of us knew would inevitably follow once the boundaries of Cambodia had been breached.

I agree with the Senator: What this amendment is, rather than an effort to somehow rebuke the President, is in fact an effort to reinforce his own declared intention to limit this Cambodian operation. The amendment sets those limits precisely where the President has set them. If I were in his position, I should think it would be of great help to be able to say, "I have declared the policy, I have set the limitations, and the Congress of the United States backs me up. How much stronger his position would then be in dealing with these mounting pressures.

I thank the Senator for his remarks.

Mr. TYDINGS. Mr. President, the time has come for Congress to live up to its important responsibility over the great issue of war and peace. Indeed, after 15 years of American military involvement in Vietnam, the expansion of the war across international boundaries into Cambodia and Laos, the tragic loss of over 40,000 American lives, the wounds inflicted upon a quarter of a million American servicemen, the expenditure of more than $100 billion desperately needed to solve serious domestic problems in our own country, the marked decline in America's capacity for leadership around the world, the divisiveness and turmoil and violence at home, the sizable damage wrought upon our economy, congressional action to help extricate our Nation from the tragic and widening military quagmire in Southeast Asia is long overdue.

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Now, the Senate is presented with a critically important opportunity to take such action, an opportunity to reassert its long-neglected responsibility over the issue of peace in Southeast Asia. This opportunity is in the form of the Church-Cooper amendment which calls for the end of American military involvement in Cambodia after July 1, 1970.

The significance of each Senator's vote on this matter must be measured not only in terms of its affect on hastening the conclusion of this disastrous war, important as this may be. The votes will also test whether the Senate shall continue to be nothing more than a mute sister unwilling to make the hard decisions when it comes to guiding the Nation into or out of war, or whether the Senate shall at long last reclaim and exercise its rightful authority to help make these important decisions. The vote shall test whether the checks and balances of our governmental system are to remain asleep or whether they shall be revived to doublecheck and oversee and, if necessary, refrain the President from committing our Nation to a war of any scope, against any adversary and for any duration. The vote shall test whether one man or one Government is to have control over the contraction or expansion of a war which has already cost our country so dearly in blood and treasure. The Church-Cooper vote shall test whether the people of this Nation, through their chosen representatives, shall regain control over their own destinies with regard to the most important issue facing them—that of sacrificing their lives and their treasure in battle.

Last week on the floor of the Senate the distinguished Senator from North Carolina (Mr. Ervin) argued that the Church-Cooper amendment should be defeated because it represents an unconstitutional infringement upon the President's authority as Commander in Chief. Not even the most imaginative construction of the Constitution supports the thesis that Congress is totally without authority over the overseas warmaking activities of the President. Indeed, not even the loosest interpretation of the Constitution could support the argument that Congress lacks the power to set up the perimeters of American military involvement in this war. And when the Constitution addresses itself to the great warmaking power of our Nation, it behooves all of us not to stray from its plain meaning. Thus, I was very surprised to see my distinguished colleague (Mr. Ervin) try to make this elastic interpretation of our Constitution, knowing his general reputation for strict constructionism.

However, the facts are that the plain meaning of our Constitution, the recorded intentions of our Founding Fathers who framed this great document, the opinions of the Justices of the Supreme Court, and the statements and actions of the leaders of our country throughout its history squarely support the authority of Congress to enact the Church-Cooper amendment.

Congress fundamental authority to keep Federal funds from being used for military matters in Cambodia after July 1, 1970, is founded in two important clauses in the Constitution. First, in clause 1 of article 1, section 8 of the Constitution it is provided that Congress shall have the power "to lay and collect taxes, duties, in posts and excises, to . . . provide for the common defense." Second, in clause 11 it is provided that Congress shall have the power "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

Our forefathers were indeed wise in giving to Congress both the power to initiate and generally control war and the power of the purse to ensure that its wishes with regard to war were not abused. They remembered the long history of kings and rulers who plunged their countries into disastrous wars without the approval of their parliaments and people. They sought to insure that no U.S. President would ever involve this country in a war without the stated consent of the peoples' elected representatives in the Congress.

Thus, at the Constitutional Convention in 1787, the framers sought to employ language that would clearly show that the power to embark on war rested solely in Congress. To this end, the words "to make war" were used in the first draft of the Constitution to describe Congress complete control over this area.

It is significant to note that during the debate over this provision, it was suggested that the warmaking powers be given to the President instead. Voicing opposition to this suggestion, George Mason, the great Virginian, said the President could not safely be trusted with it." Others also voiced their objection, and the suggestion was forever put aside.

However, James Madison moved to substitute the phrase "declare war" for "make war." In suggesting this change, his recorded intention was to keep the warmaking authority in Congress but to leave to the President the "power to repel sudden attacks." Roger Sherman agreed, stating that the Executive "should be able to repel and not commence war." With this understanding, Madison's change of language was adopted.

Thus, as the debate reflects, the framers of our Constitution intended Congress to retain control over the power to make war, with the exception that the President was empowered to repel unilaterally sudden attacks upon our shores.

In contrast to the broad warmaking powers entrusted to Congress, the founders of our country envisioned the Commander in Chief powers to be similar to the power possessed by any high military or naval commander. This was the view of Hamilton as expressed in "Federalist Paper No. 69." Hamilton wrote:

> The President is to be Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces as first General and admiral of the Confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies, all which, by the Constitution under consideration, would appertain to the legislature.

There is no question what Alexander Hamilton had in mind. There is no question what James Madison had in mind. There is no question what any of the drafters of our Constitution had in mind. It is rather amazing to me that my distinguished colleague from North Carolina (Mr. Ervin), a man who prides himself on his strict constructionism approach to the Constitution, would advocate such a loose and liberal interpretation of the Constitution, which could hardly ever be jusified in the light of the language of the document itself, or the recorded words and intentions of our Founding Fathers who framed the Constitution.

Mr. President, the framers of our Constitution could hardly have imagined that when they vested in Congress the power to commit our Nation to war and made the President the Commander in Chief of our Nation's troops, they were creating in one man, the President, the unfettered power to make for all the Nation a decision to send our troops across recognized boundaries into foreign nations for any time and at any expense.

Likewise, our forefathers could hardly have imagined that in giving Congress the power to initiate war it failed to also give Congress the power to limit a war or, indeed, to end it.

The leaders of our young Nation demonstrated an awareness of Congress broad constitutional power with regard to engaging in war outside our shores. They recognized that congressional authorization was a constitutional prerequisite to committing American troops to battle outside of our country. And they understood that in limited wars, Congress was intended to retain control over the scope and boundaries of American military involvement.

Our first war, which lasted from 1789 to 1801, was a limited naval war with France. Although American shipping was endangered, Alexander Hamilton cautioned President Adams not to take action against the French fleet without congressional authority. Hamilton wrote:

> In so delicate a case, in one which involves so important a consequence as war, my opinion is that no doubtful authority ought to be exercised by the President.

President Adams listened to the advice of Hamilton and elected to follow the lead of Congress.

The supremacy of Congress with regard to the making of war was likewise voiced by President Jefferson, President James Monroe, Secretary of State John Quincy Adams, and Secretary of State Daniel Webster. For example, during a dispute with Spain in 1805 over the boundary between Louisiana and Florida, Jefferson told Congress:

> Considering that Congress alone is constitutionally invested with the power of changing our position from peace to war, I have thought it my duty to await their authority before using force in any degree which could be avoided. . . . The spirit and honor of our country require that force should be interposed to a certain degree. It will probably contribute to advance the object of peace.
>
> But the course to be pursued will require the command of means which it belongs to Congress exclusively to yield or deny. To them I communicate every fact material for their information and the documents necessary to enable them to judge for themselves. To their wisdom, then, I look for the course I am to pursue, and will pursue with sincere zeal that which they shall approve.

The words of Monroe and Adams are equally enlightening. In 1824, President Monroe addressed himself to the activities of Cuban-based pirates who plundered American shipping and fled again to the safety of Spanish territory. In his annual message to Congress, Monroe said:

> Whether those robbers should be pursued on the land, the local authorities be made responsible for these trocities, or any other measure be resorted to to suppress them, is submitted to the consideration of Congress.

In 1824, Colombia, then an infant nation, informed the United States that it was threatened by France and needed protection. Even though the Monroe Doctrine had been announced the preceding year, the President would not commit the Nation to defend Colombia. In a letter to former President Madison, Monroe wrote that "the Executive has no right to compromit the Nation in any question of war." Three days later, Secretary of State Adams formally wrote to the Minister of Colombia that "by the Constitution of the United States, the ultimate decision of this question belongs to the legislative department of the Government."

Over the history of our Nation, the Supreme Court has also addressed itself to the relative roles of the President and Congress in the warmaking process. Three very illuminating decisions of the Supreme Court involve cases which grew out of the French-American naval war. The first case, Bas against Tingey, decided in 1800, involved a claim by the owner of a French vessel that his vessel could not be seized and salvaged by an American naval commander because the United States was not officially at war with France. This case raised the question whether Congress had the power to initiate a limited or "imperfect" war and whether the Congress was empowered to so determine the scope of this war. The Supreme Court stated that Congress may both establish and set the boundaries of limited war. Justice Chase said:

> Congress is empowered to declare a general war, or Congress may wage a limited war; limited in place, in object, in time . . . if a partial war is waged, its extent and operation depend on our municipal laws.

Justice Patterson agreed. He said:

> As far as Congress tolerated and authorized the war on our part, so far may we proceed in hostile operations.

Chief Justice John Marshall was not on the Supreme Court when Bas against Tingey was decided, but he had an opportunity to discuss the war in Talbot against Seeman. Upholding the right of a U.S. ship of war to take a prize, he said:

> The whole power of war being, by the Constitution of the United States, vested in Congress, the action of that body can alone be resorted to as guides in this inquiry.

The third case is Little against Barreme, decided in 1804. This case involved a law of Congress which authorized the President to instruct the Navy to seize any American ship "sailing to" any French port. In contrast, President Adams instructed naval commanders to seize American vessels "bound to or from French ports." A Danish vessel bound from a French port was mistaken for an American vessel and seized. In affirming a lower court decision awarding damage against the American captain, Chief Justice Marshall, writing for the Supreme Court, held that the naval commander was not authorized to follow the instructions of the President and seize an outward bound ship beause Congress, pursuant to its warmaking power, had already legislated otherwise.

Thus, Chief Justice Marshall, the man whose court laid down so many of the fundamental constitutional law decisions of our Nation's jurisprudence, opined that the acts of Congress enacted pursuant to its war-declaring power are superior to the actions of the President undertaken pursuant to his commander in chief power, and that the President must comply with the boundaries established by Congress for fighting a limited war.

Moreover, in 1850, the Supreme Court in Flemming against Page stated that as Commander in Chief the President's "duty and power are purely military" and the Court held that this power cannot be expanded to include certain powers conferred on Congress by the Constitution.

In 1863, in the prize cases the Court again turned its attention to the power of the legislative and executive branches over war. The Court said:

> By the Constitution, Congress alone has the power to declare a national or foreign war . . . [The President] has no power to initiate or declare a war against a foreign nation.

Aside from these Supreme Court decisions, aside from the plain meaning of the Constitution, aside from the "Federalist Papers," and aside from the words and explanations of Madison, Mason, Hamilton, and Sherman, and their deeds and actions and those of the rest of the delegates of the Philadelphia Convention, more recent events serve as ample precedent for congressional action designed to keep our troops out of Cambodia. I am referring to the Selective Service and Training Act of 1940 which set clear geographical limits on the use of our troops abroad. This act provided that:

> Persons inducted into the land forces of the United States under this act shall not be employed beyond the limits of the Western Hemisphere except in the territories and possessions of the United States, including the Philippine Islands.

In brief, it is clear that the war-declaring clause of the Constitution independently empowers Congress to specify the outer boundaries of our Nation's involvement in the war in Southeast Asia.

Some might conclude that the President's decision to send American troops into Cambodia without congressional authorization represents an infringement of Congress' warmaking authority and an abuse of his own authority as Commander in Chief. I am somewhat puzzled by the way this matter has been answered. For while it has been argued on the Senate floor that the Gulf of Tonkin resolution supplies adequate authority for the President's action in Cambodia, the administration has told us that it is not relying on the Tonkin Gulf resolution as support for its Vietnam policy.

However, it is not my purpose to question the President's Commander in Chief authority. Rather, the point I wish to make is that the argument of the distinguished Senator from North Carolina (Mr. ERVIN), that Congress does not have the constitutional right to limit the perimeters of U.S. military activity is completely without support in the constitutional history of the Nation; indeed, it is contrary not only to the language of the Constitution but also to the words of the Founding Fathers and the great opinions of the Supreme Court that were addressed to this vital matter.

It is dear that Congress has been granted by the Constitution, at the very least, an equally important role to play with regard to the issue of war and peace.

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We must no longer ignore that responsibility.

Mr. President (Mr. Cranston), I again invite the attention of the distinguished Senator from North Carolina (Mr. Ervin)—I wish he were here in the Chamber now—to the fact that the first draft of the Constitution of the United States had the words "that the Congress shall have the power to make war." It was only after lengthy debate, and after the President's authority was clearly limited, that the words "to declare war" were substituted.

An equally independent source of constitutional authority for the Church-Cooper amendment is Congress Article 1, Section 8, power to lay taxes to provide for the common defense. In this regard, there is no doubt that under the Constitution, Congress has complete control over governmental use of funds. This power over the purse must rank as one of the most important standards of our representative democracy. In the "Federalist Papers," Madison described the money power in the following terms.

> This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people.

Madison knew what he was talking about.

The power to levy taxes which would determine whether a king could or could not send his country into war contrary to the desires and best interests of his people was the most important single power demanded and received by the barons at Runnymede when Magna Carta was agreed to by King John.

XUM

Last year, Congress, acting under its pursestring power, took an important step in restricting the President's control over the use of our Armed Forces abroad. In the Defense Appropriations Act for fiscal 1970, Congress provided that "None of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

This provision serves as a clear precedent for similar restrictions on the use of American troops in Cambodia under Church-Cooper and, indeed, in Vietnam itself.

Mr. President, the time has come for Congress to live up to its own constitutional authority over the issue of peace. Its important responsibilities under the war-declaring clause and the pursestring clause of the Constitution for too long have remained dormant. Indeed, for too long has Congress relied upon an imaginary rubber-stamp clause when faced with the great warmaking and peacemaking decisions of our Nation. Congress can no longer sit back, falsely claiming that the war is the sole prerogative of the President. Since Congress has the constitutional power to limit the war, Congress must share with the President the culpability for the war's continuance, or the credit for bringing it to an end.

There is abundant constitutional authority to support the enactment of the Church-Cooper amendment.

I urge Congress to exercise this authority and do its share toward ending our military involvement in Southeast Asia.

Mr. CHURCH. Mr. President, I thank the distinguished senior Senator from Maryland for his very fine statement in support of the Church-Cooper amendment.

The constitutional issue we face is extremely grave. It was never contemplated, at the time the Constitution was adopted, that the President of the United States would ever assert, unilaterally, a greater power than that of defending the country against an attack.

Too frequently, it is being said these days, that in the nuclear age, the provisions of the Constitution have become outmoded.

No one maintains that the President lacks authority to defend the United States if it is threatened by imminent attack. Those who cry, "It's different now, in this nuclear age," never bother to explain how the difference outmodes the Constitution. As long as the President possesses all the authority he needs to protect the American people, as well as the security of the country against a hostile attack from without, there is nothing in the nuclear age to call into question the wisdom of the constitutional proposition that the decision to enter a foreign war should be made, not by one man, the Chief Executive, but, rather, by all the elected representatives of the people. After all, this was the fundamental reason we revolted against the arbitrary rule of George III.

Congressional authority is what we seek here to reassert.

I commend the distinguished Senator from Maryland for the very fine argument he has made today.

BUSINESSMEN BACK CONGRESSIONAL EFFORT TO END THE WAR

Mr. President, it is taken for granted these days that our young people—by overwhelming margins—are opposed to the war in Indochina and especially the American invasion of Cambodia.

What we do not often realize is that large segments of the adult population likewise oppose the administration's Indochina policy. They support congressional efforts to end the war.

Last Friday and again on Monday—May 15 and 18—a poll was taken of business employees in the San Francisco Bay area by business administration students at the University of California.

Sixty-three firms in the Bay area participated in the poll. In all, about 12,700 ballots on congressional initiatives to end the war were distributed to employees of these firms. Of this number, 8,169 were returned.

The results are overwhelming. Seventy-one percent of those responding agreed that the Congress of the United States should "act now to promote and ensure an end to the use of U.S. air, ground, and sea forces in the undeclared war in Southeast Asia."

Mr. President, I ask unanimous consent that a full breakdown of this poll be printed at this point in the Record, together with a copy of the opinion questionnaire on which the results were based.

There being no objection, the material was ordered to be printed in the Record, as follows:

Executive Contact Committee for Business Students, 362 Barrows Hall, University of California, Berkeley. Contact: Dieter Klein, Chairman, Telephone 642-1728. May 19, 1970.

To be released 10:00 A.M., Alexander Grant & Co., 1 California Street, San Francisco.

Business Administration Students at the University of California, Berkeley, with approval of management, have designed a ballot to survey employees of Bay Area business firms on a call for Congressional action to end the war in Southeast Asia. Sixty-three firms participated in this poll by secret ballot on Friday and Monday.

The results of the survey are as follows:

Of 8169 ballots returned,

(1) 5811 support the following call for Congress to act now:

"As an employee of a business firm, I call upon the Congress of the United States to act now to promote and ensure an end to the use of U.S. air, ground and sea forces in the undeclared war in Southeast Asia."

(2) 1900 support the following call for no action by Congress at this time:

"As an employee of a businesss firm, I call upon the Congress of the United States to take no action at this time regarding the use of U.S. air, ground and sea forces in the undeclared war in Southeast Asia."

(3) 458 ballots were invalid.

(4) on the call for Congressional action now, 4875 ballots were signed.

(5) on the call for no Congressional action at this time, 1277 ballots were signed.

All signed ballots will be mailed to the California Congressional Delegation.

An estimated 12,700 ballots were issued.

Mike Echols (PhD Candidate in Management Science) said, "71% of those employees who voted have supported our call for Congressional action to end the war. It is time for Congress to respond to this and similar calls from previously silent Americans. We students also call on business leaders for continued support in our positive efforts to bring an end to the violence and abuse which has characterized campus dissent and governmental response."

The ballot before you was designed by business administration students at the University of California, Berkeley, and accepted by your management to survey the opinion of the business community regarding congressional action on the war in Southeast Asia.

We would like you, if you so desire, to register your opinion as an individual. Accordingly you may sign your name. Irrespective of whether you choose to sign your ballot, it will be counted. Only signed ballots will be mailed to the California congressional delegation.

Choose one of the following two statements by checking the appropriate box.

☐ As an employee of a business firm, I call upon the Congress of the United States to act now to promote and ensure an end to the use of U.S. air, ground and sea forces in the undeclared war in Southeast Asia.

☐ As an employee of a business firm, I call upon the Congress of the United States to take no action at this time regarding the use of U.S. air, ground and sea forces in the undeclared war in Southeast Asia.

Signature (optional): ------------------

City of residence: ----------------------

IDAHO NEWSPAPERS CONTINUE TO PROTEST

Mr. CHURCH. Mr. President, newspaper editorials from Idaho continue to reach me in protest against the decision of President Nixon to send American troops into Cambodia.

The Blackfoot, Idaho News on May 2, concludes its critical editorial with one word—"Humbug." On May 7, the News utters "a prayer of thanks for the remaining influence of the United States Senate." And the News' editorial of May 9 states that "one can only come to the conclusion that U.S. troops must be removed from Indochina with all possible haste." Then on May 14, two News editorials support Senate efforts to curb unilateral presidential decisionmaking as to the involvement and deployment of American combat forces in Southeast Asia.

The Rexburg Standard on May 12 asks a question that has been bothering many of us here in the Senate:

> What will the President do if operations by our own and South Vietnamese troops are not successful?

The Standard contrasts the action of President Nixon in respect to Cambodia with the position of President Kennedy who opted for "doing nothing" despite military advice that "limited" air and ground support be provided in Laos. The Standard points to the wisdom of the Kennedy decision:

> He (Kennedy) refused to follow that line, and we have since avoided large-scale fighting in Laos.

A column by R. J. Bruning, on May 1, 1970, in the North Idaho Press expresses severe misgivings about our military commitments in Southeast Asia. Rollie Bruning wonders whether President Nixon may be "risking involving the United States in a war for Indochina, with virtually all the nations of the world arrayed against us, either actively, indirectly, or passively. He writes that every American would agree with President Nixon that the United States should not become a "second rate power. But nations as powerful as this one—in the context of their times—have fallen into second-rate status because of costly military adventures induced by pride."

Mr. Bruning sums up the case against our military commitments in this persuasive fashion:

> Every American wants his nation to be a first rate power.
>
> But what does 'first rate' imply?
>
> Does it require a military victory, no matter how costly, in the jungles of Southeast Asia?
>
> Or does it mean respect from other nations?
>
> Does it mean villages destroyed in South Vietnam, or ghettoes rebuilt in American cities?
>
> Does it require the spending of billions of dollars on arms, or meeting the growing demands of people at home?
>
> Can the pride of a military victory be matched by the pride in a peaceful domestic scene?
>
> In our desire to defeat Communism in the jungles, we risk losing sight of the fact the greater need is to preserve free government at home.

I ask that these editorials be printed in the Record at this point.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Blackfoot (Idaho) News, May 2, 1970]

Us Naughty Offspring

Say, for the sake of discussion, that President Nixon is for the moment the country's prime "father figure."

Then, still for the sake of discussion, say that Americans who have on moral, legal and Constitutional reasoning opposed U.S. involvement in Indo China are the son or daughter figures.

Thursday night, Father Nixon took son or daughter over his knee, and in preparation for the spanking, said "Now son, you know this is going to hurt me worse than it does you."

After the spanking, Father Nixon said, "Just remember, I did it for your own good."

It may be quite difficult for those of us who are, for the sake of discussion, playing the role of naughty son or daughter, to really believe Mr. Nixon's escalation of the war will hurt him more than it does us, or that it is really for our own good.

Humbug.

Old Cold Warrior Surfaces

The grim visage of the old cold warrior, Richard M. Nixon, finally has emerged.

Many of us were hopeful that the old Richard Nixon, who built a political career by frightening people with the threat of an international communist conspiracy, had disappeared.

How could we have been so foolish! Redbaiting brought Richard M. Nixon from the obscurity of the small village of Yorba Linda in southern California to national prominence.

It was Vice President Richard M. Nixon who joined forces with Secretary of State John Foster Dulles to urge intervention on the part of the United States in the war France waged in Indochina in the fifties in an effort to regain the colonies that had been stripped from her during World War II. To his eternal credit, the good sense of President Eisenhower prevailed, and he vetoed the Nixon-Dulles recommendations.

It was Richard Nixon who from the sidelines in 1965 cheered on President Lyndon Johnson when Johnson made the fatal move of sending American troops into the jungles of Vietnam.

It was Richard Nixon, who, when the American people revolted against a stupid, immoral and illegal war against a primitive people who posed no threat to us, who said he had a plan for ending the war in Vietnam if he only might be elected President.

It was Richard Nixon who invented the phrase of "Vietnamization" to induce the people to support an effort that can only result in leaving hundreds of thousands of American support troops in Vietnam for an indefinite number of years, despite supplying our shabby little puppets in Saigon with the most sophisticated of weapons so they may continue the wholesale killing of their countrymen.

It is Richard Nixon who has sent American troops into Cambodia, thereby increasing the chances that the war will spread all over Indochina.

In his column published May 6, James Reston points out that President Nixon is lashing out from a sense of weakness, not strength.

So we see him persuaded one day that peace is within our grasp—the next day convinced by his military advisers that his whole command will be lost unless he expands the war.

One day he proclaims the sanctity of every human life—even those of the enemy—and the next day he sends 100 bombers over into North Vietnam.

What, asks Reston, will Nixon do next?

As Richard Nixon appears to react more and more to his own basic instincts, I can only utter a prayer of thanks for the remaining influence of the United States Senate.

On Why We Should Leave

Poltical idealism as it is being used to rationalize wars in various portions of the world is no more than a giant canard.

For example, Russia realistically has precious little hope Egypt or any other Arab country will turn "communist" because of Russian support against Israel.

Israel is highly unlikely to adopt Anglo-American "democracy" because of any support from the U.S. Indochina will adopt whatever form of government it wants if and when U.S. forces leave.

This latter statement was backed up this week by Jerome K. Holloway, a State Department official and specialist in Southeast Asia, who said in Idaho Falls "We cannot export Anglo-American 'democracy' to another country," especially an Asian country.

Arab countries are typically nationalist or fascist, Israel uses a modified republican-nationalism mixed with church-and-state rule.

To say that U.S. soldiers are in Vietnam and Cambodia to protect democracy is a naive misconception. The soldiers are there to protect territory.

Russian soldiers are in and around Egypt to protect territory. Israeli soldiers fanned out from Israel in a six-day war to acquire territory.

In World War Two, the fight was over territory and idealism. It was democratists and communists against fascists and Nazis. Today, the fight has narrowed. It is world power against world power in a battle over territory.

The U.S. does not need the territory of Southeast Asia, Indochina. At least, the U.S. does not need it bad enough to justify the expenditure of 40,000 lives.

It is time for us to begin protecting only what is ours. The Monroe Doctrine and the Nixon Doctrine are out of date and useless.

Thus, one can only come to the conclusion that U.S. troops must be removed from Indochina with all possible haste.

The Bill to End the War

It may appear a little far-fetched, but the Hatfield-McGovern bill to end the war in Southeast Asia is the first concrete anti-war move to come into the U.S. Senate.

There has been, up to this time, a lot of anti-war sentiment expressed by men including Lyndon Johnson and Richard Nixon. But sentiment was the extent of it.

Senate critics of President Nixon's course in Southeast Asia—notably including Idaho's Frank Church—banded together Tuesday in an expensive half hour television discussion of their goal.

The proposed amendment to the military procurement spending legislation would cut off spending for U.S. operations in Cambodia 30 days after passage—and would bar spending for military activities in Laos and for combat operations in South Vietnam effective Dec. 31.

All of ths sounds a bit too good to be true—too good to ever be accepted by America's leaders in Congress. But it does have the wholehearted support of the Senate Foreign Relations Committee, which gives it considerable weight.

Mr. Nixon must take the blame—or possibly (some say) credit—for the Cambodian adventure. The House and Senate, however, must shoulder the blame for funding the military operation and favoring the eager advice of the generals all these years.

The Hatfield-McGovern proposal, if nothing else, will show America which senators really want peace badly enough to force the issue.

Every aspect of the war stinks. Sen. Church made possibly the most meaningful comment during the entire bi-partisan half hour. "It is not our power that is in question, it is the wisdom of our policy," he said.

Persons of similar opinion are asked to write opposing as well as favorable Senators and Representatives. Mail to congressmen who dislike the Hatfield-McGovern amendment will probably do more good than mail to those who already approve. But Church and Goodell and McGovern and Hughes could use some thanks, too.

Mail to any senator arrives simply addressed to him by name, Washington, D.C.

YES, THINGS HAVE CHANGED

Five United States Senators sponsored an unusual television program Tuesday in which they asked for public support to effect passage of an amendment termed "the amendment to end the war." It was an impressive presentation, but the amendment should be considered on its merits and all high-sounding rhetoric, on both sides, should be ignored.

Even for those of us who supported the war for years—and election results prove this group has always been a minority—things have changed, and it might be time to take a close, objective look at our involvement in Asia.

1—The war is illegal. Nobody can deny that, because the power to wage war was given to the Senate in our constitution. For this reason alone the amendment should be passed—the executive and the military should not be able to wage any war without the official consent of the Senate, but that is precisely what is going on in Vietnam.

2—We cannot "lose" this war, because we have never considered the possibility of winning it. It is a fact that U.S. troops have never lost a single battle in the conflict.

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3—Our troops would not be endangered by the amendment. If the Pentagon isn't capable of pulling out the men safely over a period of 14 months, the Pentagon certainly should not be allowed to wage a war.

4—We would not be cruelly deserting the people of South Vietnam. For seven years we have done their fighting; for years prior to that we gave them massive doses of arms, money and training. They outnumber their enemies. Nothing is more typical of the American Way than the concept that, given an equal chance, a man or a country should rise or fall on personal effort and ability. We spent over 40,000 American lives giving the South Vietnamese that equal chance. If they can't make it now, they never will.

5—Will we lose face as a nation? Certainly the Communist bloc will herald American withdrawal as a Communist triumph, but since when have we been buddies with the Communist bloc? Our allies—England, France, the Scandinavian nations—have been urging withdrawal for years. How can we lose face with them by doing what they want us to do? The fact that we are virtually alone in Vietnam demonstrates what other Western nations think of our policy there.

6—What, actually, are we fighting for? Communism does not succeed on a national scale, as has been proven time and time again. The only thing our presence does is give Communists a rallying point. How could China keep the minds of her people off their poverty, hunger and disease if there were no "Imperialist warmongers" to unite against?

7—What about Vietnamization? Nixon is sincere in his beliefs, but even Nixon sidesteps the question of eventual total withdrawal, and even the hawks admit the process means an indefinite presence of up to 200,000 men in Vietnam. As Senator Hughes said Tuesday, even if Vietnamization works perfectly, those Americans who have a five-year-old son now will eventually see him in the jungles of Asia.

8—And finally, isn't America as important to Americans as South Vietnam? We are the most powerful and free nation on earth—especially if you are a moderately prosperous white man in Idaho. If our situation is so perfect at home that we can continue to ignore it; if all our problems are so small, then surely there would be no objection if that five-year-old son was to be brought up as an Indian on the reservation, or as a black in the ghetto. He might commit suicide or be killed in a riot, but what is the alternative?

Suppose he grows up "straight" and manages to avoid being killed in Vietnam, then enrolls in a university, joins ROTC, becomes the top man in his class, gets close to his goal of a career in the army, and walks to class some sunny spring day.

A boy did just that recently, and he is dead now. Not because of National Guardsmen, or violent students, or the administration of Kent State, but because of the war.

A patriotic American believes in justice and freedom. He believes in our constitution and all the things America stands for. He is always searching for ways to make the country greater, to move closer to a perfect nation. He does not burn a building; he does not sit on his hands and keep silent.

He writes his congressmen and says, simply, "I vote yes on the amendment to end the war."

[From the Rexburg (Idaho) Standard, May 12, 1970]

THE 'DETERRENT' FALLACY

President Nixon's address to the nation on Cambodia left many unanswered questions. The most important one is this: What will the President do if operations by our own and South Vietnamese troops are not successful?

Basically these operations are deterrent actions: the President is telling the North Vietnamese that they must stop using the sanctuaries inside Cambodia to attack South Vietnam, and further, that they must cease their attacks on the Cambodian army. We know, however, that the North Vietnamese in the past have never responded to our deterrent threats as we would have wished.

The Vietnamese War is a history of these failures of deterrence. We first moved in troops, when this did not suffice, we followed with ever larger commitment of troops. When our troops did not have a satisfactory deterrent effect, we bombed supply trails. When this failed we began bombing extensively in North Vietnam itself. In the end we have reversed the process, abandoning all of these purportedly deterrent actions; we cut back on the bombing and finally stopped it, and now we are removing our troops.

Mr. Nixon talked in his speech about the credibility of our deterrent. The point is that the North Vietnamese, because of the failure of our deterrent actions in the past, feel that our threats are in fact not credible. There is no reason to believe that the present deterrent threat is going to be believed in Hanoi.

Contrary to what the President insinuated, there are precedents for the option of doing nothing. In 1962 President Kennedy faced a similar situation in Laos, where the Royal Laotian army was trapped by Pathet Lao troops in the Plain of Jars region. His military advisers counseled "limited" air and ground support. When Kennedy asked what the options would be if the operation failed, the reply was that another "limited" increase would be needed to bail out the troops. He refused to follow that line, and we have since avoided large-scale fighting in Laos.

President Nixon will no doubt face a similar question in the near future. If the North Vietnamese do not believe our threat and the evidence indicates that they will not—these "limited" actions by U.S. troops in Cambodia may be forced to continue. Once troops have been committed to the operations the only alternative that Nixon will have is to add more troops until the objective is gained. In doing this, he will take a grave risk of turning what was Johnson's Vietnamese War into Nixon's Indochinese War.

[From the North Idaho Press, May 1, 1970]

STREAM OF THOUGHT

(By R. J. B.)

Because President Nixon does not want this nation to "become a second rate power", he is risking involving the United States in a war for Indochina, with virtually all the nations of the world arrayed against us, either actively, indirectly or passively.

No American wants this country to be a "second rate power."

But nations as powerful as this one—in the context of their times—have fallen into second rate status because of costly military adventures induced by pride.

President Nixon said last night he promised to end the war and win a just peace. A "just" peace is always one imposed by the victor. Peace is rarely "just" in the eyes of the defeated.

President Eisenhower, many times the military man that President was, did not see the necessity for winning a "just peace" in South Korea.

He saw instead the necessity of extricating the United States from a costly war and accepted a truce—there has never been a peace agreement, just or otherwise—that put an end to the fighting.

That truce did not make the United States a "second rate power."

But a costly military adventure in Indochina could make the United States a second rate power, even if we do win a "just peace."

The war in South Vietnam so far has cost us the lives of 50,000 American boys, and a hundred billion dollars that could have been better spent correcting the ills we have at home, including ghettos, housing, education, medicine, transportation.

Previous administrations involved us in the war in South Vietnam because of the belief in the "domino theory," that the fall of South Vietnam to the Communists would lead to the fall of all Southeast Asia to the Communists.

To the extent that our involvement in South Vietnam kept Indonesia from going Communist, that rationale was correct.

But now President Nixon has made the war a matter of pride, the pride of winning a military victory.

And if that victory cannot be won by fighting and dying in South Vietnam, then perhaps it can be won by expanding the war to Cambodia, and if that fails, then into Laos, for the Ho Chi Minh trail that supplies the Communist bases in Cambodia runs through Laos. If the attack on bases in Cambodia can be justified, then attacks on the Ho Chi Minh trail in Laos can be justified.

And such an attack in Laos will be carried out, if we insist on winning a "just peace" in South Vietnam.

The drive into Cambodia will be justified, if it is successful in accomplishing its objective in six weeks to two months, as the President hopes it will.

But our experience in South Vietnam to date gives little hope that it will be. Despite overwhelming air superiority, and superiority in fire power, logistics, supplies and equipment, we have not yet been able to "pacify" large areas of South Vietnam. We have won valleys and mountain tops at great cost of life, only to find the enemy reoccupying those areas as soon as we leave.

The guerrilla is a will-of-the-wisp fighter, and he is doubly effective when the native population has no spirit of nationalism or loyalty.

> And so the promise that President Nixon made, that American troops will be withdrawn from Cambodia as soon as Communist forces are driven out of the area and military supplies are destroyed, must be viewed with skepticism.
>
> The men who fought and died for Hamburger Hill in South Vietnam, or clearing the Au Shu valley several times, give basis for such skepticism.
>
> Cambodia is now a battlefield, and the Cambodians are even less prepared and equipped to protect their country than were the South Vietnamese.
>
> Every American wants his nation to be a first rate power.
>
> But what does "first rate" imply?
>
> Does it require a military victory, no matter how costly, in the jungles of Southeast Asia.
>
> Or does it mean respect from other nations?
>
> Does it mean villages destroyed in South Vietnam, or ghettos rebuilt in American cities?
>
> Does it require the spending of billions of dollars on arms, or meeting the growing demands of people at home?
>
> Can the pride of a military victory be matched by the pride in a peaceful domestic scene?
>
> In our desire to defeat Communism in the jungles, we risk losing sight of the fact the greater need is to preserve free government at home.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HOLLAND. Mr. President, I think we are all disturbed by the pending question and by the supplemental questions that are attached to it.

I have just taken this dispatch from the Associated Press ticker tape adjoining the Chamber which I will read into the RECORD simply because it brings up, at least to my mind, two new questions which have not heretofore been considered by me.

This Associated Press dispatch comes from Phnompenh, Cambodia.

Mr. President, it reads:

> While a portable phonograph played their national anthem, the Chinese Communists lowered the flag on their mammoth embassy in Phnom Penh today and the staff took a Swiss airliner for Peking.
>
> "Goodbye, goodbye," called out Ambassador Kang Mao-Chao in English as he passed down a line of television cameramen at the airport.
>
> Aboard the DC8 were 64 Chinese, 25 diplomats from North Korea, the Viet Cong and North Vietnam, and the Swiss Ambassador to Cambodia, Jean Revilliod, who went to arrange the return of 24 Cambodian diplomats in Peking. Two women and three children were among the passengers.

Mr. President, I comment first on that part of this dispatch. Evidently there has been considerable success in connection with the operations in Cambodia, because here we learn that the entire delegation from the Red Chinese Embassy, consisting of 64 persons, including the Ambassador as well as 25 diplomats from North Korea, the Viet Cong, and North Vietnam, were taking off to go to Peking. Apparently the Communists of all four descriptions, as mentioned here, find it very unhealthy to remain in Cambodia.

I call attention to that fact first.

Mr. President, I resume the reading of the dispatch:

> It was an unusually busy day for Phnom Penh's International Airport. A few minutes before the Chinese delegation arrived, Cambodian Foreign Minister Yen Sambaur took off for Saigon.
>
> He told reporters awaiting the Chinese group that he was going to ask that American and South Vietnamese troops remain in Cambodia beyond President Nixon's June 30 pullout date.

That, too, is a disturbing factor. Apparently the Cambodians feel that they are safe with the Americans and South Vietnamese there, but are not safe otherwise. That is not an entirely new comment. That has been mentioned heretofore in this debate.

The third part of this dispatch reads:

> At almost the same moment, a Thai air force transport set down with the first contingent of a Thai military mission to Cambodia. A few minutes later a tiny red plane unloaded a plantation worker wounded in fighting near the South Vietnamese border.

The arrival of a Thai transport plane with what was described as the first contingent of a Thai military mission in Cambodia involves what is, to me at least, a new consideration in this whole debate.

We know, of course, that we have close military relations with the Thais. We know that we have a great many American troops there. We do not know whether there are American advisers with the Thais who went into Phnompenh or not.

I think the complexity of this whole situation is made clearer by this dispatch than anything I have heard read into the RECORD in some time.

The departure of the Communist diplomats hook, line, and sinker from Cambodia, the departure of the Foreign Minister of Cambodia to Saigon—not going to meet with an enemy, but going to ask for more or continued help from the South Vietnamese and Americans—and the arrival of a Thai air force transport setting down "with the first contingent of a Thai military mission to Cambodia" injects a different item into this whole picture.

We are dealing with a most complex transaction. And without commenting at all on the able speeches of the Senator from Maryland (Mr. TYDINGS), which I had the opportunity to hear almost in its entirety and the able remarks of the Senator from Idaho, which I heard with great interest, I just want the record to show that this dispatch, arriving but a few minutes ago by Associated Press, indicates the highly complex nature of this situation in Cambodia and illustrates rather clearly the success up to now of our American venture in that field.

I yield the floor.

Mr. CHURCH. Mr. President, I appreciate the remarks of the Senator from Florida. To me, these news reports fortify the reasons why the Senate should proceed with the enactment of this amendment. Every new development in Cambodia points in the direction of linking the United States with Cambodia in this war. It certainly is very clear from what the Senator read from the wire that strong forces are now at work out there to widen the war, not on a temporary basis, as the President envisioned, but, rather, as a permanent new field of battle.

The policy question we face is whether the United States should extend its present commitment to defend the Government of South Vietnam to a new commitment to defend the Government of Cambodia. This question falls directly within the province of Senate responsibility. At this time, we owe no obligation of any kind—no treaty, no covenant, nothing ever brought before the Senate, or ratified by the Senate, that would obligate the United States to the defense of Cambodia. That is why I think the time has come for us to draw the line right where the President has tried to draw it. If there is a case for us to enlarge the war further, to pledge the lives of American men and untold billions of dollars to the defense of another government in Southeast Asia, let the President come and make that case, and the Congress will pass on it as contemplated by the Constitution.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HOLLAND. I should have said also that three or four dispatches later on the ticker tape is a statement by our Secretary of State and also the White House that the request of the Cambodians for an extension of time beyond June 30 for the stay of our troops will be denied and will not be granted. The point of my bringing into this discussion this particular dispatch, first, is to show that those who felt there could be little success from these raids have been shown that there has been very large success from the raids; otherwise why would all the Communist diplomatic delegations of Phnompenh be taking off to Peking? Incidentally, this is quite interesting—it was to me—they were taking off in American-made DC–8s to get them out of trouble.

That was the first reason I wanted to put this dispatch in the record. The second reason was to raise the question of the intervention of the Thais because I know our own contacts with them are very close, and very intimate. It has been so stated on the floor of the Senate. I am not familiar with the exact nature of those contacts but I have heard members of the Committee on Foreign Relations comment repeatedly that the relations are very close and that we have a great many American troops and a great many American advisers there.

I do not know whether the wording of this resolution goes so far as to affect American advisers coming into Cambodia from the west from Thailand or not; but I think that is a subject and consideration that might well be coming into this discussion, because they are there, we have a great many troops in Thailand, and as I understand, we have some very real obligations and commitments to them. So this is a most complex matter.

So far as the Senator from Florida is concerned, he is glad to report now that the White House has immediately reacted that it will not extend the stay of our troops there beyond the June 30 deadline. In other words, the Senator from Florida is not one of those who thinks the word of the President has to be questioned or confirmed by action of the Senate, which action originally did not seem to be action of confirmation but rather action of questioning. I am glad it is now being proposed to be amended so that instead of questioning the intentioning of the President, if this amendment is agreed to it will, in effect, say that the Senate is asked to act in concert with the President. I personally think there has been a decided change in front on the part of those who were offering this resolution. I wish to read the change in the wording that is suggested. It is as follows:

> In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970 for the purposes of—

The last three or four lines of that wording are identical with what was in the first resolution. The first three or four lines changed the approach from one of confrontation with the President to one of backing him up. I congratulate my friends who offered the resolution for having decided to go down the hill instead of up the hill.

The fact remains that we can rely on the President to do what he said, and the AP ticker tape indicates that is clearly what he proposes to do.

Mr. CHURCH. Mr. President, first I thank the Senator for his remarks. Our purpose in offering the amendment has never changed from the beginning. It remains one of legislatively backstopping the President in his declared intention of limiting the present Cambodian venture. We have changed the wording in the preamble to make it perfectly clear that this is our intention and has been from the outset.

CAMBODIA AND LATIN AMERICA

Mr. President, according to James Nelson Goodsell of the Christian Science Monitor, our friends in Latin America have been appalled at the President's decision to send American troops into Cambodia.

Our incursion into Cambodia "has released a floodtide of press comment, public opinion, and official statement—most of it highly critical of Washington and of U.S. world policy in general." Indeed, the thrust of such strong reaction—in front page newspaper stories, on editorial pages, on popular radio "talk" shows, by various officials representing an assortment of Latin governments, and in peaceful demonstrations by both Latin and North American students—"seems negative," Mr. Goodsell reports.

Mr. President, it is my privilege to chair the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations. I know the close bonds that exist between our Nation and other countries in the Inter-American System. Since 1941, our Latin neighbors have almost always solidly supported our policies overseas. It grieves me, therefore, to see our mistaken policy in Cambodia compromise our position and standing in another part of the globe, especially an area such as Latin America which is far more vital to our national interest than any which we claim to have in Southeast Asia.

It is my earnest hope, then, that the political consequences of our military incursion into Cambodia, which has profoundly distressed our allies and friends in Latin America, will be minimal. It is also my hope that these same neighbors will help us to see our error and encourage us to reorder our foreign policy priorities.

I ask unanimous consent that this May 11 article from the Christian Science Monitor be inserted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Move Into Cambodia Stirs Opposition in Latin America

(By James Nelson Goodsell)

Buenos Aires.—In an area of the world where President Nixon already is viewed with considerable suspicion, it is not surprising to encounter among Latin Americans a very negative reaction to his decision on Cambodia.

In fact, the movement of United States troops into Cambodia has released a floodtide of press comment, public opinion, and official statements—most of it highly critical of Washington and of United States world policy in general.

Cambodia remains far from Latin America physically and emotionally, just as Vietnam is.

But a major escalation in the war in Southeast Asia is enough to bring it closer.

SOME MILD SYMPATHY

Most of the early press comment criticizes President Nixon for fueling the war, rather than putting it out. "He is proving insensitive to the desires of mankind," Lima's La Prensa wrote. "What is needed is an end to warfare and to fighting, not an increase even though it is done under the guise of bringing about the desired goal. For history has proven that such an avenue is doomed to failure."

Other reaction in newspapers was similar, although in some editorials there was a tone of mild sympathy for Mr. Nixon and the dilemma faced by Washington in Asia.

But on balance, the weight of editorial comment fell heavily against the United States action.

Moreover, the news of the Cambodian operation has remained a front-page story in the newspapers, many of which carry maps and special illustrative material to tell readers where Cambodia is and its historic role as part of the Indo-China peninsula.

El Mercurio, a leading morning newspaper in Santiago, the Chilean capital, has been particularly strong on this point.

Public opinion in Latin America is always hard to gauge—simply because the means for assessing public reaction are not as well developed as in the United States or Western Europe. But even here, in early evidence of public opinion, the reaction seems negative.

DISAGREEMENT VOICED

Radio "talk" shows, commonplace in the United States, are just now developing in Latin America. And the talk shows of the past week have in large measure been devoted to Cambodia and public reaction to the question of United States involvement.

The majority of the callers have expressed disagreement with the Nixon decision and the talkmasters, many of them trying to present an opposite position from the callers, have been hard put to refute callers' comments.

Official reaction has been slow. Chile's Foreign Minister Gabriel Valdes said that Chile would hope for an early end to the Southeast Asia conflict, but reserved judgment on the specific question of Cambodia. However, unofficial Chilean comment from sources close to the government expressed "shock, amazement, and concern" over Mr. Nixon's decision.

"It represents the gravest of situations we could imagine and makes us wonder about where the United States is heading," one of these sources said.

This view was echoed by officials in other countries, none of whom wanted to be quoted directly.

"What is this madness?" asked a Colombian Government official, who was quick to say he was not speaking for his government, but for himself. "This is all so tragic and so familiar sounding. Does Washington know it is painting itself into another trap like Mr. Kennedy did and Mr. Johnson did even more surely?"

While these have been the words spoken on the Cambodian involvement, there have also been a number of demonstrations taking place in various Latin American lands.

In Venezuela, two students were killed and four others wounded in a gunfight between police and Central University students demonstrating against the United States involvement in Cambodia.

PROTEST ESCALATED

More than 500 Venezuelan students were involved in the demonstration and the deaths of two of them reportedly triggered an even more massive student protest. Signs linking the Central University killings with those of four Kent State University students in Ohio last week have begun to appear in Caracas.

In downtown San José Cost Rica, about 100 United States youths, most of them teenagers demonstrated outside the United States Embassy, protesting the intervention. The protest was peaceful, but it was staged without official permission from San José municipal authorities.

The majority of the demonstrators were university students studying in Costa Rica and some were the children of North American officials stationed in San José.

Similar demonstrations by United States youths in other Latin American countries are anticipated.

Mr. CHURCH. Mr. President, as the Cambodian operation continues, the American economy shows more and more that it is in grave trouble. Inflation continues to rise unbridled, the unemployment rate continues to go up, while the stock market sinks out of sight, reaching now the lowest level in 8 years.

Financial observers agree that this serious situation is directly related to our deepening involvement in the Southeast Asian morass. Confidence might well be restored if the President of the United States were to be legislatively backstopped regarding Cambodia. Otherwise, the forces now at work—the bureaucracy, the military, and our foreign allies in Southeast Asian capitals such as Saigon, Bangkok, Vientiane, Taipei, and Seoul—are going to be pushing the President on to become ever more involved in Indochina. Indeed, there is hard evi-

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dence already from Saigon that the government there is relentlessly pushing the President to widen the war beyond the limits he set in his April 30th address to the Nation and his May 8th press conference.

It is now acknowledged that administration policy has shifted in the last 10 days regarding the administration's attitude toward South Vietnamese forces staying in Cambodia once we have left.

The American economy needs assistance. As Terry Robards of the New York Times reported last week, the amendment which Senator COOPER and I are offering to the Foreign Military Sales Act, if written into law, would help restore confidence in our economy. By setting, in concert with the President, the outer limits of the Cambodian operation, it would reinforce his hand. He could then tell the bureaucracy, which has come to possess such a large vested interest in our position in Southeast Asia and with which he must cope on a daily basis, he could then tell his military advisers who urge a larger war; he could then tell foreign governments which keep leaning on him to broaden our commitments, that the line has been drawn both by his own hand and by an Act of Congress. This not only would have a beneficial effect in stabilizing our policies in Southeast Asia, but it would also have the most buoying effect on public confidence in the market place here in the United States.

I want to read now an excerpt from Mr. Robards' column, which he captions "A Crisis of Confidence." The article, as I have said, is addressed to the plummeting stock market:

> Analysts say that there has been no worthwhile rally because of a crisis of confidence in the ability of the Nixon Administration to reduce commitments in Indochina and withstand pressure for deeper involvement in the Middle East. They say it is not really the uncertain business outlook that is keeping the market down.
>
> Reassuring comments by the Administration's economists have been repeatedly shrugged off, demonstrating that the state of the economy is not the problem.

To firm up the plunging stock market would be another fallout benefit accruing from adoption of the pending Cooper-Church amendment.

I ask unanimous consent that the article from which I have read appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 15, 1970]

A CRISIS OF CONFIDENCE—DOUBT OVER HOW NIXON WILL HANDLE FOREIGN POLICY CITED IN MARKET DROP

(By Terry Robards)

The gloom that enshrouds Wall Street today is perhaps the heaviest since the early days of the Great Depression. The stock market keeps skidding day after day, with only feeble attempts at recovery, and the bond market is equally depressed.

ECONOMIC ANALYSIS

Analysts say there has been no worthwhile rally because of a crisis of confidence in the ability of the Nixon Administration to reduce American commitments in Indochina and withstand pressures for deeper involvement in the Middle East. They say it is not really the uncertain business outlook that is keeping the market down.

Reassuring comments by the Administration's economists have been repeatedly shrugged off, demonstrating that the state of the economy is not the problem.

The investement community is fearful that the Administration actually has no plan for final disengagement from Vietnam and that it will be lured into a confrontation with the Soviet Union over the Arab-Israeli conflict, which seems to be escalating.

MAKING OF A MALAISE

Campus dissension and the oncoming decline in corporate earning only add to the malaise. Even the perilous state of Bernard Cornfield's overseas mutual fund empire is seized upon as yet another reason for pessimism, since forced liquidations of fund holdings might add to the general market retreat.

There is talk of a selling climax, a conclusive final disgorging of securities in chaotic trading, but it never seems to materialize. The decline is orderly, showing only rare signs of panic, and it is relentless.

"The gloom is at the darkest now and maybe there's something to that old proverb that everything is blackest at the bottom," says August Huber, president of Spencer Trask & Co. "It's been many, many years since we've had the depressed state of mind that we see now. Whereas a couple of months ago people could see the light at the end of the tunnel in Vietnam, now it's all reversed and people are thinking it'll go on for years more."

A THEORY EXPRESSED

Mr. Huber's theory is that the stock market currently is discounting the worst that can happen either in corporate profits or in the American involvements overseas. "We've squeezed a heck of a lot out of this market," he observes. "With the deterioration we've seen, we should be near the bottom. I would expect a fairly decent rally to develop from somewhere close to here."

But comments like this seem to be increasingly rare these days. Most analysts appear to feel that a bolstering of confidence in the Nixon Administration is what is needed. This can come about, they say, only when an end to the long and dreary Vietnam war becomes likely. The engagement in Cambodia has shaken their confidence that the day is near.

Any further deepening of the American involvement in overseas conflicts would be viewed with alarm by investors. It would come as a surprise and there is a widespread belief on Wall Street that the stock market can not withstand many more items of unexpected bad news.

On the other hand, technical analysts say the market is deeply oversold and ready to rally on good news. Wall Street is waiting for concrete evidence of improvement in the Vietnam situation and a clear indication that the United States will not be drawn into any other wars.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, I have just one or two additional comments to make.

Of course, I accept at complete face value the statement of my distinguished friend from Idaho that the motives—and I never examine into motives of Senators—of those who presented this resolution have not been changed by the change in wording of the proposed amendment.

I call attention to the fact, however, that if that is the case, the choice of words that they have used would indicate very considerable change in point of view, because, in the original proposal, the heading of section 47 reads "Prohibition of Assistance to Cambodia," followed by words which I read awhile ago, whereas the proposed amendment reads "Limitations on United States involvement in Cambodia."

I noted from some of the discussion that I have heard on this floor, particularly that included in the address of the Senator from Maryland (Mr. TYDINGS), that apparently he thought—and I do not know how many other Senators think—that the warmaking power of Congress is in question. Apparently the use of the word "prohibition" in the original amendment may have been in line with that concept. As I understand now, everyone is in agreement with the fact that in the Gulf of Tonkin resolution, the President was given discretion to do what has been done in South Vietnam, whether that was fortunate or unfortunate, and some of those who argued most loudly for that Gulf of Tonkin resolution are among those who now proclaim it was unwise, and that we should not have adopted it.

But the fact remains that nobody now seems to question the fact that the waging of the war in South Vietnam—and now, from these new words in this proposed amendment, that the efforts to protect our men fighting there by the raids on the sanctuaries in Cambodia—was anything but a logical sequence of the general power given the President by the Tonkin resolution.

So I call attention, in the first instance, to the fact that the changed wording does indicate a very decided change in approach, because the first wording was "prohibition of assistance to Cambodia," whereas the second proposed wording simply reads "limitation on U.S. involvement in Cambodia." There is a good deal of difference between those two approaches.

The second thing I wish to say before I yield the floor is this: I did not hear my distinguished friend from Idaho make any comment on the AP dispatch indicating the arrival of the first contingent of Thai forces coming into Cambodia to help the Cambodians, and of the further fact that we are known to have and to continue close military operations with the Thais, and we do not even know whether there are any American advisers with this first Thai contingent. It was spoken of only as "the first," indicating that considerable others were to follow.

I should like very much to know from someone on the Foreign Relations Committee whether this section of the resolution would be so broad as to affect those American advisers who may be with the Thai contingent who are arriving there—in fact happened to arrive

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there at the same time that the Communist diplomats were fleeing from the same airport—or whether this resolution does apply to our American advisers to the Thais.

Mr. CHURCH. Mr. President, I am happy to answer the distinguished Senator.

In the first place, as one of the original sponsors of the amendment, who has followed closely each of its different versions, I should again state that our purpose in offering the amendment has changed in no way. The language we have chosen now, we believe, better describes our purpose than the earlier language. That is why we suggested the change of language. But it does not imply, as the Senator seems to insist, a change from the original motivation or original purpose.

In fact, the substantive provisions of the amendment remain unchanged; it is only the preamble that has been changed. A careful examination of the RECORD will show that, from the beginning of the debate, our purpose has been consistent.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HOLLAND. I just wonder if the Senator is of the opinion that the President violated the war-declaring powers of Congress by ordering the raids to eliminate the sanctuaries in Cambodia, or whether, to the contrary, he was fully justified under the general powers given him by the Gulf of Tonkin resolution to protect the men then fighting in South Vietnam from the effect of the continued existence of those sanctuaries within a few miles of where they were having to fight.

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Mr. CHURCH. I am happy to answer the Senator. There is nothing in this amendment, not a word in it, that suggests in any way that the operation undertaken in Cambodia is invalid, or goes beyond the Presidential authority, whether based upon the Gulf of Tonkin resolution or based upon his right as Commander in Chief to protect American forces in the field.

All we are attempting to do here, rather than provoke a contentions constitutional argument, or provide any basis upon which anyone could honestly say that we are trying to undercut the President, is to assert authority that belongs to Congress. This is our authority involving the use of public money.

Mr. HOLLAND. Mr. President, if the Senator will yield right there——

Mr. CHURCH. I would like to complete my point. We are using the purse power of Congress to define the limitation on this operation at the very place where the President himself has fixed it.

Other motives, other purposes, other objectives may be read in by those who oppose this amendment. However, I say respectfully to the Senator, that they cannot really be found in the wording of the amendment itself, nor in any argument we have given in behalf of the amendment from the very time it was first brought to the Senate floor, even in its original form.

Our purposes have been consistent throughout. We believe, however, that this language better explains those purposes than the earlier language did.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. CHURCH. I yield.

Mr. HOLLAND. As I understand it now, from the Senator's latest statement, there is no thought or intent of any charge that the President has gone beyond his powers or violated Congressional power to declare war by the use of American troops in the field, to destroy these sanctuaries and to protect other American troops in the field.

Mr. CHURCH. We have never made that argument. We do not make it now, and I do not anticipate we will make it tomorrow.

Mr. HOLLAND. Mr. President, I am awfully happy that the Senator has made that statement, because the position which he has just taken is so variant from what many of the letters and many of the editorials, and even many of the news reports, have been claiming.

I think that now it should be clear, so that all can see it, that there is no charge even on the part of those offering this resolution—particularly since they have offered to soften it in this latest suggestion—no thought of charging the President with having done more than he has a clear authority to do under the Constitution in protecting American troops in the field.

Mr. CHURCH. Mr. President, if such an interpretation has been laid upon this amendment, it has not been because of the arguments made on the part of its sponsors. It has been the opponents of the amendment who have constantly reiterated that the proponents were attempting somehow to undercut the President of the United States. So, it is not at all surprising that so many newspaper accounts bear this particular coloration. I again point out that there is no basis for these arguments to be found in the text of the amendment itself.

Mr. HOLLAND. Mr. President, I thank the Senator for his candid statement. I simply remark that the source of the accounts I have mentioned, charging the President with violation of his constitutional rights and with overriding the constitutional rights, have not come, as I have seen them, in the main, from people who are opposing the amendment, but from people and columnists in particular who are supporting the amendment; and perhaps they would like to go a little further than those who are offering the amendment intend to go. But those comments have not come from opponents of the Senators' amendment. They have come, in the main—at least, as my observation has gone—from those who not only support the amendment but also are trying to urge that it go a little further each day.

Mr. CHURCH. As the Senator knows, neither he nor I can speak for others. But it is important that we understand one another. I hope this colloquy has helped to improve that understanding with respect to the purposes we seek to serve in offering this amendment to the Senate.

Mr. HOLLAND. I thank the Senator. My second question is this: What is the Senator's opinion, his able opinion—because, as a member of the Committee on Foreign Relations and one who has studied this subject most conscientiously, I am sure he has a worthwhile opinion on it—as to whether this resolution goes so far as to touch the pay, the emoluments, the activities of American advisers to the Thai, who may go in there with Thai to help the Cambodians, and who, by the press dispatch I have just read into the RECORD, are arriving today, some of whom had actually arrived today when that dispatch went out from Phnompenh?

Mr. CHURCH. The Senator has asked, if I understood him correctly, whether this amendment would foreclose U.S. advisers accompanying the Thai forces in Cambodia; and the answer to that question is, "Yes."

The second subsection of the amendment prohibits the compensation or allowances of or otherwise supporting, directly or indirectly, any U.S. personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces.

If the purpose of the Thai forces in Cambodia is to come to the support of Cambodian forces, and if they are accompanied by U.S. advisers, then the second subsection of the amendment would bar the U.S. personnel. However, the President, himself, has indicated in his public statements that it is not his intention to send U.S. personnel into Cambodia in an advisory role. This amendment is drawn to conform with the President's own intention. There is nothing in subsection 2 of the amendment which in any way conflicts with the declared policy of the President.

In view of that declaration, I assume that there are no U.S. advisers moving with the Thai troops into Cambodia. I must say that this is an assumption, but it is one that conforms with the Presidential statements.

Mr. HOLLAND. I thank the Senator. One more question would be this: Is the Senator able to state whether or not such a position on our part would be in conformity with our obligations to the Thai Government and to the Thai people?

Mr. CHURCH. Of course. What are those obligations? They are described in the SEATO treaty, the only treaty the Senate has ratified. The obligation we assumed to the Thai Government, under the SEATO treaty, is first to take appropriate action in accord with our constitutional processes if Thailand itself were attacked; and, second, to consult with other members of the SEATO treaty in the event that the Thai Government were threatened by subversion.

No matter how broadly one would want to construe these obligations under the SEATO treaty, they could not possibly cover a promise to support Thai forces in Cambodia sent by the Thai Government to assist the Lon Nol regime in Phnompenh.

We owe no obligation of any kind to the Cambodian regime, either directly or indirectly, through a Thai intervention. So far, I have heard no administration spokesman who maintains that there is any formal obligation of any kind on the United States.

Mr. HOLLAND. I thank the Senator for that assurance.

I should like to ask the Senator one more question. Why is it that in the writing up of the report on this resolution, which included the original prohibitory section 47, there was no discussion whatever in the report of section 47? It is simply copied into the report without the slightest discussion. Was there any reason for that?

Mr. CHURCH. I think the reason is purely technical. That language is necessary because it adds a new section to the Military Sales Act. That is the only reason.

Mr. HOLLAND. But the report was rather in detail on other sections which I think were much less important and which debate has shown are given much less importance, both by the offerers of the act and the offerers of the amendment. I am wondering why we obtained no information in the report as to the meaning of that section and as to what was intended to be accomplished by it.

Mr. CHURCH. I am not sure that I understand the question of the Senator; but if I do, the answer is that the present Military Sales Act ends at section 46. Therefore, in order to affix the amendment we are discussing, it was necessary to add a section 47 to the act.

Mr. HOLLAND. I understand that perfectly.

Mr. CHURCH. Then, perhaps I do not understand the Senator's question.

Mr. HOLLAND. I should like to know why there is no explanation of section 47 in the report. All the other features were described and explained.

Mr. CHURCH. If the Senator will look at page 9 of the report, the whole of the amendment is set out and explained there, beginning on page 9 and running over through page 10 and, as I recall, elsewhere in the report reference is made to the amendment. The committee report does not omit the discussion of the amendment.

Mr. HOLLAND. I note that in the wording to which the Senator has referred me, this language occurs:

> This language would also prohibit the sending of U.S. personnel into Cambodia as advisers to South Vietnamese military units.

There is no reference there to Thai units. Was that specifically omitted or just not thought of as a possibility so far as its occurrence was concerned?

Mr. CHURCH. The language of the amendment speaks for itself in that regard. It covers U.S. personnel furnishing military instruction to Cambodian forces or engaging in military combat activities in support of Cambodian forces. Thus, if the action of the South Vietnamese was of a character that partook of supporting Cambodian forces, then the amendment would prohibit use of American advisers. The same would apply to Thai forces. The language of the amendment makes it clear that the prohibition relates to U.S. personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces.

Mr. HOLLAND. As a matter of fact, judging from the report and the discussions up to this time, the AP dispatch which was placed in the RECORD as to the intervention by Thailand, was not considered as a probability, was it, by the committee or by the authors of the amendment?

Mr. CHURCH. Yes, indeed. Rather than looking upon this latest news as something to applaud, I look at it with great foreboding. It is precisely the kind of thing the committee contemplated, the kind of action that will weld Cambodia inseparably into the links of a widening war. It is another step in forging the chain that eventually could draw us completely into this second front, as we have, in fact, been drawn into the first front in Vietnam itself.

The purpose of the amendment is to prevent the United States from getting entangled in the defense of the regime in Cambodia. Because we did anticipate these developments, because they were expected, we are hardly surprised now. We offer the amendment to help the President hold the line against an extended involvement on the part of the United States in Cambodia.

Every day, the ticker is full of news which underscores the need for Congress to assert itself and reinforce the President in his own declared intention to keep the present operation in Cambodia limited as to time and limited as to objective.

I surely hope that the Senate will see the urgency of that need.

Mr. HOLLAND. I congratulate the distinguished Senator from Idaho on several things, but one in particular: I am glad that he got away from the word "prohibition" and came to the word "limitation."

I think that is a much softer word and indicates a softening of the attitude of the authors of the amendment, if I may be allowed to say so. To that extent, I congratulate the Senator very warmly.

Mr. CHURCH. I thank the Senator.

Mr. ALLEN. Mr. President, will the Senator from Idaho yield?

The PRESIDING OFFICER (Mr. DOLE). Does the Senator from Idaho yield to the Senator from Alabama?

Mr. CHURCH. I yield.

Mr. ALLEN. The Senator from Idaho has emphasized the fact that the amendment does not question the warmaking power of the President as Commander in Chief. I should like to ask the Senator from Idaho if it is not a fact that the amendment applies not only to the present Cambodian conflict but also it applies ad infinitum, that it does restrict the President in taking emergency action to protect the interests of this country if at some future time he deems that to be necessary; and, is it not a fact, that while no question is raised as to his power to have started the present military action in Cambodia, the effect of the amendment is to say to the President, "In the future, we will not support with our resources or with appropriations any future action on your part in Cambodia as Commander in Chief"; and, does it not, thereby, restrict the powers of the President of the United States as Commander in Chief of the Armed Forces to take emergency action in the best interests of the country in the future?

Mr. CHURCH. Mr. President, that question can be answered, I think, the way many questions in the law must be answered; namely, by applying the standard of the reasonable man.

It is next to impossible to draw a precise line between the powers of the President under the Constitution and the powers of Congress in the matter of war. A gray area exists between the two. So, the amendment was drafted in such form as to avoid that gray area as much as possible.

It is one thing to conjure up a situation in which the President might act reasonably, owing to the immediate needs of our troops in the field. Even if his action were not in strict accordance with the letter of the amendment, I am sure that if the circumstances showed the action was necessary for the protection of our troops, no one in Congress would raise a question——

Mr. ALLEN. Yes, but may I say——

Mr. CHURCH. Let me finish my thought—but if, on the other hand, the President were to say that the protection of the American troops we have sent to South Vietnam required us to invade North Vietnam—a far more important sanctuary of the enemy—or, to think of a more extreme case, if the President were to say, as Commander in Chief, "I have decided that the adequate protection of our troops in South Vietnam necessitates the bombing of China or an all-out attack on the Soviet Union," well then, I doubt anyone in the Senate would argue that the President has inherent power, in order to protect our troops in South Vietnam, to start a third world war or initiate a nuclear exchange that could bring an end to civilization.

No, it is a question of reasonable interpretation of power.

As matters now stand, the President does have broad discretion in determining the extent we will involve ourselves in Cambodia, which adjoins the present theater of operations. But, if the amendment is enacted, and the President signs it into law, then we have exercised congressional power to establish the outer limits in Cambodia. We establish those limits where the President himself has fixed them. As law, the matter would then take a different shape. If the President later decided we should go in and occupy Cambodia, or assume the obligations of defending the Lon Nol government, then he would have to come back and present his case to Congress and ask Congress to lift the limitations.

So I say to the Senator, as best I can, that although it is not possible to define the precise line between the power of the President and the power of Congress in a case of this kind, it is possible to proceed to assert the authority of Congress under this amendment. And the consequences that would flow from that are those I have attempted to describe.

Mr. ALLEN. Mr. President, to take any further action with respect to Cambodia

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after all troops have been withdrawn by July 1, it would be necessary for the President to do, not what he did on this occasion, but to come back to Congress and, in effect, ask for permission to take this action. Is that not correct?

Mr. CHURCH. Mr. President, if this becomes a part of the Military Sales Act which is signed by the President into law, the Senator is correct. That would be the requirement insofar as a future action in Cambodia is concerned.

Mr. ALLEN. Mr. President, in other words the action goes much further than having applicability to the present conflict in Cambodia. It covers, as well, any future action the President might wish to take with respect to Cambodia in an emergency, and that, as distinguished from the action he took in early May without congressional approval, he would have to come back and ask Congress for permission to use moneys for that purpose.

Mr. CHURCH. He would have to come back and ask Congress to change the law if he wanted to spend money for any of the purposes prohibited by the amendment, yes.

Mr. ALLEN. Does this not then curtail the power of the President, which the Senator says he is not criticizing or taking to task in the amendment?

Mr. CHURCH. Mr. President, I have never heard the power of the President defined as reaching so far as to commit the United States to defend a foreign government. Under the Constitution, our assuming an obligation to defend a foreign government is something the President proposes, subject to the advice and consent of the Senate.

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Mr. ALLEN. Mr. President, the junior Senator from Alabama had no reference to defending Cambodia. He did have reference to the sanctuaries and the defense of our own armed forces.

Mr. CHURCH. Mr. President, I know, but this is what the amendment prohibits, and properly so, I think.

As I have said, it is impossible to define the exact line of Presidential authority as Commander in Chief, insofar as it relates to protecting our troops in the field.

I have no doubt that he will do that in the future, should a real and immediate threat to our troops arise. He will do as he has done in the past, and he will rest his case upon the inherent powers of the President as Commander in Chief. But I do not believe it is necessary to jump from that argument to the conclusion that the President therefore possesses the inherent power to do on his own what this amendment reaches—and that is committing the United States to the defense of a new regime in Southeast Asia.

Mr. ALLEN. Mr. President, the Senator from Idaho has pointed out on several occasions on the floor that the effect of the amendment is merely to take the President at his word and work in concert with him with respect to the withdrawal of our troops from Cambodia. But the junior Senator from Alabama seems to recall that the President in his address to the Nation mentioned the fact that it might be necessary in the future to go again, after the withdrawal from the sanctuaries, into Cambodia and recapture them.

Yet the amendment offered by the distinguished Senator from Idaho would require that before doing that, he must come back to Congress and get permission by way of an appropriation or some expression of congressional approval.

Mr. CHURCH. Mr. President, I do not know to what the distinguished Senator from Alabama alludes when he says that the President has indicated that it may be necessary to go back into Cambodia again after the sanctuaries.

That precise question was asked the President in his last press conference.

He said in answer to the question: "And what we have also accomplished is that by buying time, it means that if the enemy does come back to these sanctuaries, the next time the South Vietnamese will be strong enough and well enough trained to handle it alone."

So the President has not indicated any intention of going back. And he has based the justification for his present action on buying time to proceed with his withdrawal from South Vietnam.

I say to the Senator that the line we draw in this amendment conforms in every particular to the best evidence we can get as to the limits the President himself has set.

I think that if, at some later date, he decides the United States should expand the war and go back into Cambodia, or that we should go to the defense of the new Cambodian regime, or to the rescue of the South Vietnamese, who have now apparently decided to stay in Cambodia, he should come to Congress.

Mr. ALLEN. Mr. President, insofar as Cambodia is concerned, it would be necessary for the President to come back to Congress and, in effect, get permission to take any action in Cambodia, even though he thought it was necessary to protect the lives of American soldiers in South Vietnam.

Mr. CHURCH. Mr. President, I say to the Senator what I have said before, because I know he does not want to place words in my mouth.

I have said, and I restate it once again, that the precise limits of the President's authority under the Constitution to protect American troops in the field defies exact definition. The very nature of that authority is such that one cannot enclose it within a certain verbal framework.

This amendment does not challenge the President's right as Commander in Chief to take any action reasonably required to protect our troops in the field; he takes such action under authority that he derives from the Constitution.

We could not, even if we wanted to do it—and we do not. The last thing we want to do—as I am sure the Senator from Alabama will concede, is to place American troops in jeopardy in the field.

Mr. President, what we are trying to do in this amendment is not to define the President's authority, which we can neither diminish nor enlarge. Rather, we seek to assert the authority that Congress possesses over the expenditure of public money in such a way that if the President should later want to exceed limits he himself has defined, he would be required to come back to Congress and get approval.

Mr. ALLEN. Mr. President, it would be possible for him to send troops in. But, without the approval of Congress, those troops could not be supported.

Mr. CHURCH. No. That is not correct. It may be that I am failing to express myself clearly.

Mr. President, I can only restate once more what I have said before, and that is that whatever power the President has under the Constitution to protect American troops in the field, we do not attempt to reach, and we could not reach, even if that were intended. But Congress is the keeper of the public purse strings. And there is a reasonable line of demarcation between action that can be justified as necessary for the protection of American troops and action that involves a new national commitment to go to the defense of a foreign government.

Mr. ALLEN. Mr. President, the Senator says that he is not going to interfere with the President's action as Commander in Chief. Yet, at the same time, he says that he is not going to support that action by appropriations unless the President comes back to Congress and asks for it.

Mr. CHURCH. Mr. President, it is not properly within the President's power as Commander in Chief to commit the United States to the defense of the new regime in Cambodia.

If Congress has any power at all under the Constitution of the United States, it has the right to determine the necessity of such an action, and the Senate itself has the power to ratify or to reject treaties that go to this very question. And we have no treaty with Cambodia.

Mr. ALLEN. Mr. President, I am not talking about protecting the government of Cambodia. I am talking about protecting the lives of American servicemen.

Mr. CHURCH. But this amendment relates to support for Cambodian forces and support for the Cambodian Government.

Mr. ALLEN. That is not what it says. It says retaining American forces in Cambodia. It does not say for what purpose.

Mr. CHURCH. As I stated to the Senator, the retention of American forces in Cambodia is based on a date which the President himself declared to be the date by which he intends to withdraw them. We have merely set the time for their withdrawal on the very date the President himself set.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. WILLIAMS of Delaware. The Senator refers to having set the date which the President himself set. That is in the revised amendment, is it not?

Mr. CHURCH. Yes.

Mr. WILLIAMS of Delaware. Is it not true that the amendment as originally introduced would have been effective immediately, and upon its adoption servicemen in Cambodia now and not withdrawn prior to its enactment would not have been paid?

Mr. CHURCH. The Senator will recall,

because he was present in committee when the earlier version was discussed, that it was not contemplated that the amendment could be approved in the Senate, retained in conference, adopted by the two bodies, sent to the President and signed into law, prior to the July 1 deadline; but in the course of debate, this possibility was raised and for that reason, because we wanted to eliminate any argument that this amendment could, under conceivable circumstances, undercut the President, we put the date in the revised version.

Mr. WILLIAMS of Delaware. Perhaps the Senator and his supporters had plans to keep this debate going for 30 days so that it could not become law. I had assumed they were in earnest and wanted it to pass.

The point is that the amendment was reported to be effective immediately, and we act on measures on that basis. While I did not support the amendment, I was trying to get a vote last week, and conceivably it could have passed and become law. Had it been enacted into law there would have been no pay for servicemen or their families until they had been withdrawn from Cambodia. That is the argument I make.

The Senator has now recognized that discrimination and has changed the effective date to July 1. But as the Senator from Alabama points out, if after July 1 there were one or two servicemen left in there their pay would stop until they were brought out.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS of Delaware. I yield

Mr. MANSFIELD. That is not true. What the Senator from Delaware is doing is reviving an argument he made more than a week ago in which he stated that the Senate, the House, and the President could take action and put this into effect immediately. It is an impossibility.

So I hope, because the date which the Senator wanted and the administration wanted is now in the measure, that argument will be abolished. It held no water in the first place and holds none at the present time.

Mr. WILLIAMS of Delaware. I am trying to get the record straight and that is what the amendment would have done. The amendment states "paying the compensation or allowances" of these servicemen.

Mr. CHURCH. Let us read the amendment. May I read all of the amendment?

Mr. WILLIAMS of Delaware. Surely.

Mr. CHURCH. I think the Senator wants the RECORD complete.

It states, reading from the appropriate place in the preamble:

> It is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970 for the purposes of—
>
> *(1) retaining United States forces in Cambodia*

This is after July 1.

Mr. WILLIAMS of Delaware. It is, under the new amendment.

Mr. CHURCH. It is after July 1 under the new language.

Mr. WILLIAMS of Delaware. Yes.

Mr. CHURCH. Mr. President, I ask unanimous consent that the new language may be inserted at this point in the RECORD.

There being no objection, the language was ordered to be printed in the RECORD, as follows:

> In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970 for the purposes of—

Mr. WILLIAMS of Delaware. That is the language of the amendment.

Mr. CHURCH. Yes; it states "retaining United States forces in Cambodia."

Now, if on July 2 or July 3 American forces are still in Cambodia, but moving out, there is nothing in the amendment that means they cannot be paid for the time they are in there after the deadline. It states for "retaining" them there. There would be no argument about their pay.

The second provision is: "paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any Uniter States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces."

That is clear. We are talking about U.S. personnel who are either giving military instruction to Cambodian forces or engaging in any combat activity in support of Cambodian forces. That is all. No one is contending, least of all the President, that the present U.S. forces in Cambodia are there for the purpose of giving instruction to Cambodians or support to Cambodians.

I think the Senator's argument, if I may say so, stretches the facts.

Mr. WILLIAMS of Delaware. The Senator has admitted the defect of his amendment and corrected it, and if we have a clear understanding we can correct the other.

As I understand it, the Senator is endorsing that action which has been taken; as far as the President's action in Cambodia is concerned, it will not interfere with that or with payment to the men until they are withdrawn—that is, up to July 1.

Mr. CHURCH. The Senator from Idaho is not endorsing the action the President has taken. That is a separate question. But the amendment does not take issue with the action already taken.

Mr. WILLIAMS of Delaware. That is correct.

But these are servicemen we are dealing with. They were ordered into Cambodia under circumstances over which they had no control. They would have been court-martialed if they had not followed orders, and their pay and their family allowances must be paid in full until they are withdrawn.

Mr. CHURCH. That is right.

Mr. WILLIAMS of Delaware. That is true regardless of the July 1 date or whatever date they are withdrawn.

This should be understood, and if the amendment needs clarification I understand the Senator has no objection to clarifying and making it clear that they will be paid full pay and allowances while they are in Cambodia, Vietnam, or wherever they are. Is that correct?

Mr. CHURCH. The legislative history should make clear that there never has been, as the Senator knows, any intention on the part of the sponsors to impair the pay of American servicemen who under orders of the President to clear out these sanctuaries in Cambodia; no, none whatever. We tried to make this clear by setting the same date for withdrawal as the President, and using the term "retaining" so the prohibition applies only to retaining them there.

I take the President at his word. I think he is going to bring our troops out by July 1. But there is nothing in the amendment that could jeopardize paying the men who are acting under the President's orders.

Mr. WILLIAMS of Delaware. I am asking the question because I want that point very clear.

As I understand it, in the opinion of the Senator it can if necessary be further clarified legislatively or otherwise so that there will be no misunderstanding as to the effect on our servicemen. I feel there would be a dangerous precedent in this country to have a situation develop where under any circumstances when our troops are ordered to march in a certain area—whether I agree with their orders or disagree is beside the point, or whether Congress agrees or disagrees is beside the point—they were not entitled to full pay until they were brought home. There should be no question whatever as to their entitlement to full pay while serving our country. That is what I want to make clear.

Mr. CHURCH. I cannot imagine any Member of the Senate quarreling with the Senator on that point. I think the legislative history makes that clear.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. MANSFIELD. Mr. President, I want to commend the distinguished Senator from Idaho for his answers to these arguments and his defense of the amendment offered by the distinguished Senator from Kentucky and himself in which the distinguished Senator from Vermont (Mr. AIKEN) and I were permitted to join.

It appears to me that the thrust of the questions raised today go more towards the war-making—and I emphasize the word "making"—powers of the President rather than the responsibility of the Congress under the Constitution.

Senators may recall that on Thursday last the South Vietnamese established the 13th front in Cambodia—the 13th front. They may remember that on Friday last Vice President Ky said that what we were endeavoring to do back here was "silly" and that he intended to stay in Cambodia just as long as he wanted to; he repeated it. And our State Department is having a difficult time refuting it.

We are being told, in effect, by our own people that we will continue air cover, air support, advisers, and logistical support for the South Vietnamese in Cambodia for as long as they are there.

Cambodia did not invite this country in. We invaded Cambodia. We have no treaty obligations with Cambodia, not even under SEATO. But just today, if I read the ticker correctly, the Cambodian foreign minister expressed the hope that American troops would stay in Cambodia until this war is ended. And just today—I only found this out on the floor—Thai troops have come into Cambodia.

I wonder what we are getting into. What kind of quagmire, what kind of morass, is this country getting involved in? It has been bad enough in Vietnam. It has been bad enough in that ancillary and auxiliary war in Laos. It has been so bad that, according to the latest casualty statistical summary under date of May 21, 1970, Americans—our men—since January 1, 1961, have suffered 278,006 casualties, have suffered 42,118 combat deaths, have suffered 7,949 dead in Southeast Asia not as the result of combat action.

So the grand total of American dead is 50,067. I repeat that number—50,067. And the grand total of casualties, dead and wounded, is 328,073.

And we are quibbling about the President's warmaking powers. What about our powers? What about our obligations to these young men? They are not boys. What are they doing over there? What is the relationship of South Vietnam and Southeast Asia to the security of this Nation?

We have got to ask ourselves a lot of questions. They are not political. The blame goes just as much to the previous administration for what has occurred in Vietnam and Laos as it does to this one for what is occurring at the present time in Cambodia; 328,000 American casualties, and the end is not in sight. Now we go into a new theater, and the Vietnamese war becomes an Indochina war. No end in sight.

What is happening in this country? What is its relationship to what is happening in Southeast Asia? We are in an economic recession, with high interest rates, increasing unemployment, increasing inflation, increasing crime, increasing drug addiction. The stock market has plummeted 33 percent in 16 months—and I do not own a share of stock. Pollution of our resources. Division among our people. Polarization in this Nation.

And we quibble about the President's warmaking powers, but we do not talk enough about the war-declaring powers and the other constitutional responsibilities of the House of Representatives and the Senate.

I think it is about time we think of the people of this Nation more than of the Cambodians, the Thais, the South Vietnamese, and others. I, for one, can stand no longer in silence this mounting and increasing casualty list, this war which has cost this Nation so much in manpower and cost it so much in treasure and which has contributed so much to what is happening internally in this Nation today.

Mr. CHURCH and Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. CHURCH. Mr. President, I promised to hold the floor until the distinguished Senator from Delaware returned. I will yield to him in a moment, but I rest my case with the very eloquent summation just made by the majority leader.

I have been one who for years has felt that our policy in Southeast Asia was utterly unrealistic. The notion that we can just go on and on defending Asians against Asians with Americans, with only one country, our own, paying the bills, is a prescription for disaster, and disaster is overtaking us.

American mothers just cannot produce enough sons to perpetuate this effort of ours to arrange the affairs of Asians for Asians in Asia.

If there ever was a blueprint to suck us dry of all our wealth and life and vitality, it is this one. It has led to disaster in Southeast Asia and within the United States, to this disspirit in our own land, which has a far greater bearing on the health of this Republic in the future than anything we have had at stake at any time in Indochina.

It is time for every Member of Congress to stand up and exercise the responsibility that the Constitution places on him, and draw the limits on our involvement. If we do it, then we may find that we have built a bridge between the Congress and the Presidency on which this country can extricate itself from the jungles of Southeast Asia.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I think the Senator from Idaho has taken steps in his modified amendment which are in the right direction as far as clearing up the understanding of this amendment is concerned. I certainly am not advocating an expansion of the war in Southeast Asia. As the Senator from Idaho knows—we are members of the same committee—I have consistently taken the position that we have no business in an Asian war at all. I regret very much that we ever got involved in Vietnam or a land war in that area. I think we all have the same objective, and that is to get out as soon as possible.

I was asking the questions here today only to clear up these points about the payment of our troops while they are in Cambodia. This was not an imaginary danger on my part. The Senator from Kentucky, one of the supporters of the amendment, both in the conference and on the floor of the Senate confirmed that it was his understanding that part 2 of the Cooper-Church amendment would stop the pay, compensation, and family allowances of servicemen in Cambodia and as originally introduced would be effective immediately upon enactment. Certainly our presence there could be interpreted as affecting the Cambodian Government either directly or indirectly even though that was not the primary objective.

While the President says it is not his intention to support the Cambodian Government we cannot say that our recent actions in that area may not indirectly help the Cambodian Government. Therefore, in the opinion of at least one sponsor of the amendment that activity would fall in that category, and under the original Church-Cooper amendment the servicemen in that area would not be paid, nor would their families be entitled to any allowances until such time as they got out.

The President has said that he has every intention of getting these men out by July 1. The Senator from Idaho and his cosponsors are putting the July 1 date in, which it seems to me would take care of that, and I think this is a constructive step in the right direction.

I am not so sure about what happens after July 1 unless we spell it out, because while I want to get out of Cambodia just as badly as anyone and will join in any constructive steps the Senate can take to expedite our withdrawal, at the same time I do not want to take any steps which would establish a precedent here in Congress whereby in order to stop a war with which we may disagree we would stop the pay of the servicemen on the basis that we could, by so doing, put pressure on the administration.

I say there are better ways to do it. I suggested earlier—rather facetiously, yes, but nevertheless I meant it—that if we really want a hostage we should put our own salaries on the line to be canceled until we get our troops out of Cambodia, but never threaten to withdraw the pay of these servicemen who are ordered in and who would be court-martialed if they did not follow orders. Those men as far as I am concerned are going to have the full resources of the U.S. Government back of every one of them until we get them safely back home. And I want to get them home as badly as everyone else.

I want to discuss another situation briefly here, not so much in connection with the amendment, which has been thoroughly discussed, but in connection with the separation of powers. We hear much about the President's usurping the powers of Congress. I think the Senator from Idaho has made it very clear this afternoon that it is not the intention of the sponsors of the amendment to criticize the President or to take exception to his constitutional power to take the action he did. We can agree or disagree as to whether he should have done so; that is a different question. But there is no question but that he did have the power to do it.

I think a part of this misunderstanding as to his powers arose from the erroneous report which unfortunately came out of the Committee on Foreign Relations a couple of weeks ago. As the Senator knows, that critical report was not approved by the committee but was released apparently by the staff, and it purported to take exception to the Cambodian decision, referring to it as an unconstitutional action on the part of the President.

Unfortunately that report was released over a weekend before the members of

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the committee found out about it, and the word got out all over the country that the Foreign Relations Committee unanimously had criticized the President of the United States; declaring his action unconstitutional and that this was an illegal war. In reality the Foreign Relations Committee never took any such action, nor did it ever authorize any such report. As evidence of that, the report was unanimously withdrawn by the committee for rewriting. The chairman of the committee and the Senator from Idaho were present in the Chamber at the time. They as well as other members of the committee all agreed that that report had never been approved by the committee. There can be no excuse for that false report, which had a most disastrous result for our country.

I think as a result of the action we took in the committee it will not happen again; but it was unfortunate, and I think its release might be partly responsible for the great misunderstanding which has carried over in the Senate action. While that report was to have dealt only with repeal of the Gulf of Tonkin resolution it unfortunately has been mixed in and become a part of this debate. This is most unfortunate because the committee had never taken any action to criticize the President's action. Individual members have expressed their views but not the committee. Now, as far as usurpation of power by the President and not conferring with Congress before taking this action in Cambodia are concerned, I do not know to what extent the leaders of the Senate were conferred with. As leaders they should have been, if they were not. But I do know, and the Senator from Idaho will bear me out, that the Secretary of State did confer with the Foreign Relations committee on a Monday preceding the Thursday when the President made his statement and announced his decision to march into Cambodia.

The whole purpose of the Secretary of State's meeting with the Senate Foreign Relations Committee—and as I recall, we had 12 members present at that meeting—was to confer, first, on the question that our country had received requests from the Cambodian Government for large-scale shipments of arms, and he was trying to get the opinion of the committee as to what response should be made to that request.

In that connection we also discussed to a lesser degree whatever other actions should be taken if we did not furnish the arms, although I must say it was not made as clear that there was a plan for invasion such as materialized later.

The committee was not unanimous, but it was the position of the overwhelming majority of the committee at that time, as has properly been stated by the chairman, that we were concerned with the possible adverse effects of an invasion or large-scale support of Cambodia. While we recognized that advantages could develop if the venture were to succeed, some of us also recognized serious disadvantages which could develop if it were not a success.

I would not want to quote any member of the committee, but the chairman was correct when he said the overwhelming sentiment of the committee was to advise against any such action. At that time I took the strong position that I hoped we would not take this step. I make that statement so that the record will be clear as to our position. But the decision has been made; and now that it is taken, the question is, what do we do from here on in, what action should we take that would be in the best interest of our county?

On that point there may be disagreement, but I do not think there is any disagreement over the objectives sought by any Member of the Senate; and that is, peace and to get our men back home at the earliest possible date.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, what the Senator has said about the meeting with Secretary Rogers is correct. I would point out, though, that there was no discussion, as I recall, about a penetration into Cambodia. There was a question raised about the possibility of acceding to the Cambodian Government's request for aid and assistance, which, as I recall, far exceeded one-half billion dollars. I remember very well the distinguished Senator from Delaware, as well as every other member of that committee, with one exception, expressing their disapproval of such a proposal, and their objection to it.

The question of a penetration or an incursion or an invasion of Cambodia was not raised except in passing, and then only incidentally.

Mr. WILLIAMS of Delaware. That is in line with what I have just said, yes.

Mr. MANSFIELD. As I recall, the unanimous position of the committee was against any invasion of Cambodia at that time, and I think it is almost that today.

But the point I want to make, in addition to supporting what the distinguished Senator has just said, is this: When Secretary Rogers was before the committee, in my opinion, he was just as honest as the day is long, he gave us the benefit of what he knew at that time—not what he may have found out later—because he was in no position to know. So I hold no brief for those who criticize Secretary Rogers. He has always been fair and frank with the committee; he has always laid his cards on the table. I want to take this opportunity to stand up for and support him, and to express my approval of his honesty in the way he appeared before the committee at the meeting which the distinguished Senator has been discussing.

Mr. WILLIAMS of Delaware. I thank the distinguished Senator. I agree completely with his statement as to the frankness of the Secretary of State. I certainly think he was honest and frank with our committee, though it was primarily not a meeting in which he was telling us so much as asking us for our opinions. As I recall it, practically every member of the committee around the table, before he left, expressed his opinion, and the Secretary said that information would be relayed to the President. I do not question that it was. The fact that our advice was not followed does not mean we were not consulted or that it was not considered by the President.

I simply point that out because there has been a suggestion that there was no consultation of any description with any congressional committee prior to his decision. At least to that extent, there was consultation relating to plans for Cambodia.

Mr. MANSFIELD. Yes, but nothing about an invasion of Cambodia. Just about assistance for them.

Mr. WILLIAMS of Delaware. We should make it clear that the Secretary appeared before our committee and was very frank in the discussions of Cambodia's request for arms aid.

Now on another point. Much is said about the President's usurping the powers of Congress. As one who has served here for 23½ years I am just as jealous as any Member of Congress of the powers of the Senate. But let us face it: The criticism of the President's usurping the powers of Congress is not the President's fault. It is because we in Congress have delegated to the President many of these powers which we should have kept right here in the Congress and discharged ourselves. This matter of easy delegation of powers I shall discuss further in a moment. Congress has delegated these powers, oftentimes, and then acted as a Monday morning quarterback after the decision was made. If the President's decision through these powers works out well we take the credit. If it is bad we can then say it is all his fault.

I think Congress should stop this delegation of these broad powers to the President and then trying to second guess him after it is over with as to whether he should or should not have acted.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Let me say that I am in accord with what the distinguished Senator has said. It is not the fault of the President that the executive branch has been able to retain these powers over the past 4 decades; it is because we gave those powers. We did not try to pull them back. If there is any blame, I would attach it to no President, but I would attach it to Congress as a whole, because we have been derelict in our duty and derelict in facing up to our responsibilities in that regard.

Mr. WILLIAMS of Delaware. The Senator from Montana has said it better than I could.

I mentioned particularly that the Secretary was primarily before the committee on that Monday, before the President made the decision regarding Cambodia, to discuss with us and to get our opinion on the question of large-scale shipment of arms for the Cambodian Government which had been requested. There is no secret about this. It was in the press, so we can mention it. Yet under the powers which Congress in earlier years delegated to the President he did not have to come to Congress. He did not have to come to the Committee on Foreign Relations and get our opinion on this question of arms for Cambodia because in the passage of these bills in past months and years we delegated to the President the power to grant these arms to any nation in the world if he thought it was in the best interests of the U.S. Government.

Mr. MANSFIELD. That is inherent in the bill under discussion. I do not think that the Foreign Relations Committee was aware of just how all-embracing, how far embracing the authority in this bill is until the bill was before us a week or two ago.

As the Senator has said, the President, on his own initiative, can empty the arsenal of the United States and give it to any country or any set of countries he wants to. Is that correct?

Mr. WILLIAMS of Delaware. That is correct both under prior laws and so far as this bill is concerned. The bill before the Senate carries appropriations of $250 million in cash sales of military equipment and $350 million in credit sales, which is approximately $600 million. Under this pending bill the President will have the authority to use that $600 million to furnish military equipment, either sales or guarantee credits, to any nation in the world where he thinks it is in the best interests of the United States Government. The only requirement in the existing law or the bill before the Senate is that the President reports to Congress at the end of the fiscal year and tells us what he has done with it. This pending bill is only one of three such laws.

There is also the military sales under the Foreign Aid Act, where we sell surplus military equipment. All told, the figures given to our committee indicate that there is about $600 million in this bill. But there is approximately $2½ billion a year in authority for military sales that is permitted under three acts. Under all those acts as well as under the pending bill we delegate to the President the authority to make these weapons of war available to any nation in the world, except those nations that we spell out such as under the Cooper-Church amendment, which says "except Cambodia." But Congress has delegated him this authority.

That is the reason I am discussing it here today, to point out that the criticism should be directed to us right here in Congress.

I made the point in the Foreign Relations Committee hearings—the chairman is in the Chamber, and he will recall—when a witness from the Defense Department testified. I said that I did not think we would ever regain control of the sale of these military supplies until such time as we stopped delegating this authority to the President. This is no reflection on President Nixon. I trust him just as much as any other President. But I think this is our responsibility in Congress, and we should assume it. And if Congress dodges its responsibility and insists upon delegating these powers to the President then let us stop criticizing him for using it. This broad delegation of powers has been done during the administrations of the past several Presidents. We should stop it. We should let the President of the United States—whoever he may be and whatever his political affiliation—if he wants arms for X country come before Congress and ask us to approve the appropriations for so many planes for this country, so many tanks for that country. It should be done as a line item, country by country just as would be done with the construction of a public building in my State, or a dam in Colorado or Idaho, or the dredging of a river in Ohio. We specifically approve each as a special project; we appropriate the money, and the Executive cannot transfer it to other areas.

I do not think Congress will get control of this until we stop this delegation of authority. The irony of the present situation right here is that Congress under the Cooper-Church amendment would be questioning the word of the President. I cannot get away from the fact that approval of the amendment as proposed to be modified would write into law that the troops must be out by July 1, which is an indication that we are accepting the President at his word but are not quite sure he means it and that therefore Congress is going to write into law a penalty if he does not keep his word. Immediately thereafter, the next vote would be to delegate to the President broad powers to sell $600 million in military equipment anywhere in the world—Thailand, Taiwan, Israel, or even Red China if he desired. Yes, any nation in the world? Does this make sense?

We have had the situation, as Senators know, in Pakistan and India where we were furnishing arms to both sides. When one got ahead of the other we would give arms to the other country. The result is that in any border dispute whoever got killed on either side had the satisfaction of being killed with an American bullet.

I think we must stop this practice. That is how we have been getting involved in all areas of the world. We as a nation just cannot afford to act as policeman for the world. This is not the way to make friends, nor is it a path to peace.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CHURCH. I concur in much of what the Senator has said. I wanted to make the point that when this bill was up for hearing before the committee, we discovered, in the course of the questioning of witnesses, that the President had unlimited authority to distribute excess or surplus weapons. He would declare them surplus, and if he did declare them surplus, he had unlimited power to transfer as many as he cared to any country that was otherwise eligible for military assistance. In the committee, we undertook to impose a ceiling on that authority which had not existed prior to the action of the committee in bringing the bill in its amended form to the floor.

Mr. WILLIAMS of Delaware. That is correct.

Mr. CHURCH. So this bill would, for the first time, impose a ceiling on the amount of equipment the President can simply declare as surplus and transfer at pleasure to foreign governments. I think this bill represents a stride in the right direction, one that we probably should have taken a long time ago, and that we are now getting around to taking in the light of recent developments.

Mr. WILLIAMS of Delaware. But even after that modification, which I supported, it still leaves over $2 billion worth of equipment. This bill is for another $600 million, again with complete delegation of all congressional powers to the President.

The point I am making is this: If we want to regain the power of Congress why do we not just say we are going to stop delegating this authority to the President? In the future let there be line items in the appropriation bills for each country by name. Then Congress can accept or reject the request.

The question is raised as to the disadvantage of Congress assuming its own responsibility. The disadvantage of it from the standpoint of various Members of the Senate is that we would have to stand up and be counted when country A wanted arms or country B wanted planes. Our constituents would know how each Senator had voted in approving or disapproving arms or weapons requested for X country, whereas under the delegation of powers we can go into those areas of the state where it is popular and say, "Yes, we gave authority to the President, and we are glad he approved country B's request for planes."

In an area where his decision was unpopular we can say, "The President is a so and so for having made that decision."

I do not think Congress can retain the opportunity to second-guess the President and ride both sides of the question. I think the Senate ought to be on record as to the weapons we are going to give or sell to the respective countries, wherever in the world it may be.

Should Congress reject this approach and insist upon a continued delegation of our powers and authority to the President then it should stop criticizing or second-guessing his decisions.

I cannot understand the reasoning or the logic behind an argument that we need to adopt an amendment to make sure that the President backs up the word he has given to Congress when he said he would get our troops out of Cambodia by July 1. How can we say: "We don't quite trust you, so we're going to write something in the law to make sure you do it. But we do trust you with the sale at your sole discretion of $2 billion of equipment that you can send to any nation in the world except Cambodia." This delegation of powers would not even bar sales to Red China. Surely this is no way to run a government.

It was agreed in the committee that, assuming that this Cooper-Church amendment is written into the bill in its tightest form it would still not achieve its objective if a President wished to circumvent its intent. For example: We will take country Y. Suppose we are furnishing 80 percent of the military equipment for that country, and they are paying 20 percent. They cannot transfer any of that 80 percent to Cambodia or to any other country because they are prohibited by this act,

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but they can transfer any part of the 20 percent which they themselves are paying for to Cambodia or to any other country that they wish. All the President would have to do to circumvent the intent of the Cooper-Church amendment would be to raise the amount we pay from 80 percent to 90 percent. They could then give half of the equipment they had been paying for to the country barred by this amendment. There is only one way to proceed, and that is to stop the delegation of power—period. Congress should say that in disposing of military weapons, either by sale or gifts, anywhere in the world, no matter what the nation is, the administration should come down to Congress and justify it as a special line item in an appropriation bill for that particular country.

In the bill before us Congress would delegate to the President authority to sell or guarantee payment of $600 million in military equipment to any country anywhere in the world—to Red China if he wants—there is no prohibition except that the President cannot make the equipment available to Cambodia.

Mr. GRIFFIN. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. GRIFFIN. I think the Senator has made his point very well, namely, that it would not be unfair, as a result of the explanation of the Senator from Delaware, to say that Congress, in this legislation, delegates to the President and trusts the President with respect to any country in the world except Cambodia, if the Church-Cooper amendment is adopted. Is that correct?

Mr. WILLIAMS of Delaware. That is correct. There is no question that it does not bar sales to Thailand, or to Red China, or even to Russia, if that is desired. Under the bill even with the Cooper-Church amendment $600 million can be disposed of completely at the President's discretion if he certifies that it is in the best interests of the country. The time has come for Congress, especially the Senate, to stop criticizing the President for usurping the powers of Congress or else to stop delegating those powers. Let us assert our own responsibility by acting on these amounts as line items, as we would for any other project.

The administration could justify those items if it wanted to, whether they be for countries in South America, the Mid East, or in Southeast Asia.

Mr. FULBRIGHT. Will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. FULBRIGHT. First, I would certainly join the Senator in support of limiting the arms aid and sales program further. But I thought that we obtained about as many improvements as was feasible during the committee's work on the bill. I supported those changes and I believe the Senator did also. I would be perfectly willing to go further in limiting giveaway of excess arms, for example. There was a good deal of discussion in the committee on that problem. I thoroughly agree with the Senator that Congress has been improvident in giving extraordinary discretion to Presidents past as well as present. This practice of giving them vast authority did not start with President Nixon.

But there are two questions here. One is the sending in of troops, which, in effect, is waging war on an independent country without even a declaration of war or anything that approximates it. That is a different question from the giving or selling of arms which is the basic subject of this bill. I agree with practically everything the Senator said since I came into the Chamber with regard to the power of the present President and his predecessors. But I want to make it clear that this President did not originate the arms aid and sales program. He inherited programs which have grown up over the years. Congress did start, several years ago, to try to put some limitation on these programs. The first time we became really exercised, as the Senator will recall, was when we thought the preceding President was going to get us involved in the Congo. I remember that the distinguished chairman of the Armed Services Committee at that time, now the chairman of the Appropriations Committee, and several others, discussed the situation. That was the origin of the commitments resolution. It helped to initiate a serious effort to bring back to Congress greater control, in accordance with the Constitution, concerning the sending of troops to or the waging of war in a country without the participation of Congress. Approval of that resolution by the Senate was a very important step, I believe. This amendment is a follow-on, in a more specific way, in that effort to restore the powers of the Congress in these matters. As to arms sales and grants, there are a number of restrictions in the Foreign Assistance and other Acts that Congress hoped would be respected by Presidents. They have not always done so. As I say, I would join the Senator in trying to put on further restrictions because I think this is a dangerous lever for involving this country unnecessarily in the affairs of other countries. I am in sympathy with what he says. But I think that is a separate question from the immediate issue, which has to do, really, with war powers rather than arms sales. He has already sent up a retroactive finding as to arms being given to Cambodia. I am preparing a statement to be issued a little later concerning this matter. We only received the Presidential determination on Friday.

But, does not the Senator admit that there are two different questions involved in this bill, one with regard to the prosecution of the war, and the other with reference to the sales and grants of arms?

Mr. WILLIAMS of Delaware. They are separate, but they must be considered together. I will tell the Senator the reason I say they are alined together.

The Secretary of State came down to the committee about 3 or 4 days before the announcement of the President to send troops into Cambodia. The question was whether the committee thought it should grant the request of the Cambodian Government for arms.

Mr. FULBRIGHT. Yes.

Mr. WILLIAMS of Delaware. It was pointed out that these are sophisticated weapons and that when we sell these weapons to these countries we have to send some advisers to show them how to use them. Then we have to send men to protect the advisers. And then we have to send men to protect the men we sent to protect the advisers. That is how we got into Vietnam. Let us face it. I do not believe that President Kennedy, President Johnson, or any other President intended to get involved in the Vietnam war. But we got into it one step after the other. We are now sending arms all over the world. We then have to send them advisers to show them how to use them.

That is why I want Congress' approval of these requests from the different countries in the form of line items in appropriation bills. Then Congress can have some voice in these early decisions.

Unless we assume our responsibilities we cannot expect to criticize. Perhaps it was advisable to send military arms to country A, and maybe it was advisable to send arms into Vietnam. I did not think so. But if the President had had to come to Congress to ask for the specific authority for Vietnam, Congress could have acted as it wished. All I am suggesting is that in the past we have delegated this broad power to the President and thereby shirked our responsibility. While Secretary Rogers came to the committee on the Monday before the President announced his decision on Thursday to discuss this question of arms for Cambodia, it was gracious on the part of the President to do it, but he did not have to do it under a previous delegation of powers. We delegated these broad powers to the President last year under the Military Sales Act. Altogether Congress in the past year has delegated to him the power to dispose of $2.5 billion in military equipment to any nation or nations he deems essential to the best interest of our country. He could have under these same powers approved arms for Cambodia this year without even consulting Congress. I do not think he should have done so, and I commend him for consulting with our Foreign Relations Committee even though he may not have accepted its advice.

I am one Member who does want to exercise our responsibility and stop this broad delegation of powers. Maybe country A or B should have arms. Maybe certain countries should have certain types of weapons or planes. That is not being debated here either way. But let the administration come to Congress and get approval on these specific line items for each country, and then Congress and the executive branch will each be assuming its responsibility. I am thinking about the Cambodias of tomorrow, the Vietnams of tomorrow.

After all, Congress approves weapons, airplanes, or battleships for our own country by specific mention in an appropriation bill. Why not apply the same rule for weapons for any other country? Besides, the granting of these weapons and military advisers to a foreign coun-

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try can lead to our involvement in a war.

The only way Congress will ever regain its authority will be by assuming that responsibility which is rightfully ours.

That is why in the committee I voted against the approval of this bill granting the President broad authority to sell another $600 million in military equipment to any nation or nations in the world when he decides such action is in the best interests of our country.

If we want to approve $600 million for military sales for next year let the request come in as a line item for each country, and we can approve or disapprove it. But if we delegate all of this power to the President then as Members of the Senate let us stop criticizing him as to how he uses this power and let us stop second-guessing him.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. Mr. President, I yield the floor.

Mr. FULBRIGHT. Mr. President, before the Senator yields the floor, I would like to say that if the Senator offers such an amendment to the bill, I will support it.

The only reason we did not go further than we did is that we did not think we had the votes to support more drastic changes.

I agree with much that the Senator has said. About 3 years ago the Senate put in strict controls on the number of countries that could receive aid without further congressional approval. But we could not hold that provision in conference.

Whenever we have made efforts to restrict military aid and sales activities, we have often found that we did not have the votes either here or in the House.

I do not think the Senator can deny that the Military Establishment, through its powerful and distinguished leaders in both Houses of Congress, have for all practical purposes dominated Congress on these matters. Whenever efforts have been made to do some of the things the Senator has suggested, we have failed for lack of votes.

Congress is certainly much at fault in not having imposed restrictions as the Senator has suggested.

I will support the Senator if he offers such an amendment. I hope that it will carry. I will do all that I can to help him in such an effort.

I would be very glad to eliminate much of the authority and discretion now allowed the executive branch in the giving and selling of arms.

Three years ago the Senator from Missouri conducted extensive hearings on these matters with his subcommittee. That is when we first became aware really of the great need for tightening up the arms sales and grant programs. We made some progress in the Senate but ran into great opposition in the other body.

I would be very glad to support the Senator. What he has said is sound. It is very important that Congress regain control over these matters.

The efforts of the Foreign Relations Committee have been in this direction over the last several years. But last year, for example, the Foreign Relations Committee, of which the Senator is a distinguished member, tried to cut off aid to Greece. That was, in effect, a line-item approach. The committee approved an amendment to cut off aid and on the floor, the prohibition was stricken, by a fairly close margin.

On most efforts that have been made—and there have been a number of them—the Military Establishment has won practically every time in either the Senate or the House.

We are trying to impose additional restrictions through this bill. There were some substantial changes added in the committee. But they have nothing to do with the Cooper-Church amendment. Whether the Senate will agree to these new restrictions, I do not know. And an even greater question is whether the House of Representatives will agree to them.

The Senator is well aware of the extent of the influence of the Military Establishment on the other body. It is very powerful.

Mr. WILLIAMS of Delaware. Mr. President, I point out that the Military Establishment is not responsible for my vote in the Senate. The Senator is correct that Congress has tried on occasion to limit sales with respect to certain countries. Greece was one country, and we have tried to limit sales to other countries.

The point I make is, why approve a bill which provides $600 million and delegate the President this broad authority, only by negative action then to say that the authority is good anywhere in the world, "except in Cambodia and maybe Greece"?

Why single out two or three countries? That is always embarrassing for diplomatic reasons. Why not take our action affirmatively? Why delegate this $2 billion and this $600 million of authority and then start limiting this authority by two or three countries? Why not act affirmatively? Let the administration come down and ask for the authority, mentioning each country by name and amounts, and then let congress vote on the specific request.

Mr. FULBRIGHT. Mr. President, I agree with the Senator.

Mr. WILLIAMS of Delaware. If the Senator will join with me we will defeat the bill where it is and at least stop the delegation of the power to use this $600 million.

Mr. FULBRIGHT. Mr. President, I would like to stop it. But the Senator is confusing two very different things. One is the sale of military weapons. The second is the question of this President's right to go into Cambodia without coming to Congress.

We have not delegated, and the Congress would not allow us to delegate, wide open authority for the President to go to war with any country in the world. Going to war is supposed to be done only in accordance with constitutional procedures.

We have never been faced with a situation quite like the present one.

It is not the arms sales program in which we are particularly interested. The Cooper-Church amendment does not involve the arms sale program. We are concerned in this amendment with the Congress' powers in the field of foreign affairs. I do not think it contributes to public understanding to confuse those two issues.

I say again that I agree with the Senator on the matter of arms sales. I think that it has been a bad program and is not in the national interest.

Mr. WILLIAMS of Delaware. Mr. President, unfortunately the Senator came in when I was half or two-thirds through with my remarks. I discussed that earlier. I was not trying to say these two points were exactly related, but they are part of the same bill. And the Senator from Idaho and the Senator from Florida discussed the constitutionality of the action.

I am speaking of the long-range viewpoint. My own position is that if one has two neighbors and they are having difficuities, and if one of the neighbors is my friend and I give him a gun with which to shoot the other fellow, that man is just as apt to shoot me for furnishing the gun as the other neighbor. That is how our country got involved in the Vietnam war. We first sent them weapons and then we sent them advisers to tell them how to use them. Then we sent soldiers to protect the advisers.

We cannot separate the two points during a discussion of the pending bill because there is $600 million in new authority provided in the pending bill.

If Congress gives this broad authority to the President we have no way to control it.

Congress has lost its authority in the past because we have been negligent in assuming our responsibilities.

Even here today there is a tendency to criticize the President for his alleged resumption of congressional powers and then to turn right around and vote him more extended broad powers. Such hypocrisy.

Mr. FULBRIGHT. Mr. President, I would be delighted to cut the amount to $100 million if the Senator will support it.

Mr. WILLIAMS of Delaware. Mr. President, that would help, but I would cut it all out.

Mr. FULBRIGHT. Mr. President, I would support an amendment to cut it all out. That is not the part that bothers me. I was perfectly willing to cut it far more than the committee did. I can assure the Senator that it was not for lack of interest on the part of many Senators who have tried to cut back on this program. We did not have enough votes to cut it further.

Next year the entire military aid and sales authority will be up for review and, I hope, drastically rewritten.

The Senator's arguments will be very helpful at that time. He can influence a great many people.

There is, I believe, a gradual move in the Senate to try to regain its traditional constitutional authority. The Senator has aided in this effort.

The Senator referred to meeting with Secretary Rogers. As I remember, the Senator along with other members,

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said that they did not wish this administration to give arms to Cambodia.

But they were already in the process of giving them. They really were not consulting us. They had already made up their minds to give them. They were in the process of giving several millions in arms. That was not real consultation in the Constitutional sense; that was no different from the many consultations under President Johnson. They went through the motions of consultation, but the decision had already been made and the delivery of weapons in process. There is nothing new about that kind of procedure. I want to emphasize that the Senator should not think these moves are partisan because of this; the same approach was used by the preceding administration.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULLBRIGHT. I yield.

Mr. MANSFIELD. Again, I feel I must come to the defense of Secretary of State Rogers because I do not think he knew about these arms being shipped by this country to the government at Phnom Penh. That did not come out until Ambassador Bunker, I think, appeared before the committee several weeks later, and only then did the executive branch admit that instead of the South Vietnamese furnishing these arms we had done it; a shipment was sent direct by this country. So I think the record should be clear as far as Secretary of State Rogers is concerned in this particular matter.

Mr. WILLIAMS of Delaware. It was done under authority delegated to the President by Congress, and I say if the Senate disapproves, let us not delegate to him these powers. Why pass this bill providing a $600-million authority to sell arms anywhere in the world and then just put in one limitation? Let us defeat the bill with its broad authority in its entirety, and we will have retained the power of Congress to pass upon these requests from the various countries.

Mr. MANSFIELD. That would not be a bad idea.

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I certainly enjoyed this exchange between two very able Senators whom I respect very much. I do not think I ever heard so much wisdom coupled with so much unrealistic idealism in my life, and that goes back a number of years.

The fact is that everyone in the Senate knows the President has to have consent with reference to furnishing arms where they are badly needed. There is not a citizen in the United States who does not know how he has been pressed to furnish very much needed planes to Israel. Most of the people in the United States feel the President is using proper restraint. I do not suppose you will find one person in ten who does not admit that there has to be somebody in power to act and act when the facts require it.

The same thing is true with reference to this whole question of supplying arms. We live in a world that moves fast.

A while ago I reported to the Senate that the ticker tape indicated that within an hour four different things had happened at an airport in Phnom Penh, halfway around the world. They were very interesting things, too, because they differed so greatly in importance. We live in a fast world, and somebody has to be empowered to act. We love the republican form of government and we like to live under what we call a democracy. But we know its greatest weakness is the inability to act fast unless we delegate some power for fast action in those areas that require it.

With all due respect to my distinguished friend from Delaware and my distinguished friend from Arkansas, I know that they know that Congress does not act fast. They know the Senate frequently exercises its prerogatives for long hearings, for exhaustive reports, and then long debates before it ever acts. At the other end of the Capitol, something of the same situation exists when one considers the long time taken by the Rules Committee to act. So we have to delegate authority.

In this important question of trying to supply arms where they are needed to keep weakness from being overthrown by force and innocence to be overthrown by violence, we have to give the power to somebody, and the President, chosen by all the people in the Nation, is the one who should receive such power. It is utter idealism to suggest he should not have that power.

So much for that point.

Mr. President, who, for a moment, would suggest the President should not be given the power to act in this important matter of aid to Israel, which might become critically needed just as quickly as it can be had? That is just one instance I thought should be mentioned.

The second thing is about the warmaking power. The Senator from Idaho said the warmaking power is not involved in this debate at all; but the Senator from Arkansas, when he came to the floor of the Senate, had not heard that argument, and his main point was that warmaking power was involved in this debate, and had become the principal point in it.

The fact remains that the mighty good and highly idealistic, but I think oftimes unrealistic, people are talking about something of critical importance and something which the Senate has a great deal to shoulder with respect to the responsibility of what is going on. I am sorry the Senator from Arkansas is not here. He led effectively, capably, and responsibly, as he saw it, the debate for the adoption of the Gulf of Tonkin resolution. Two Senators voted against that resolution. They have both been retired from membership in the Senate by the people they represented. They are not here any more. The people in the Nation generally seem to feel it was one of the things which must be done. By way of delegating power to the executive head of this Government, the President of the United States, we passed that resolution.

Sometimes I think that we ourselves did not recognize what a peculiar situation we were placing ourselves in. My distinguished friend from Arkansas, the leader of that resolution, now, because of things which he thinks are sufficient to justify it, believes he was mislead and he is leading in the other direction. He is well able to sustain that position. I do not even criticize him for it. All I am saying is that the Nation, looking at us, must wonder what a group of unrealistic idealists we are in the Senate to run in different directions at different times, sometimes up the hill and then before anybody knows it, to be turning and running in the other direction.

We authorized the then President of the United States to do whatever was necesssary to meet that climactic danger over there in the Far East. He acted. We got more and more men involved there. The present President, whom I did not vote for but he is my President, inherited a situation in which over 500,000 Americans are there and under which, if the figures given by my distinguished friend, the majority leader, are correct, and I suspect they are as correct as we could get them, over 40,000 men have been killed in combat and over 50,000 American lives have been lost all told, as I understand the figures the Senator stated.

Mr. MANSFIELD. The Senator is correct.

Mr. HOLLAND. That is a terrible situation, almost equal to the number of people we lose in accidents on the streets and highways of this Nation in a year, as far as deaths are concerned; but nevertheless a terrible situation.

But it results, in part at least, from what the Senate did in the passage of the Tonkin resolution.

Mr. President, the President of the United States inherited that situation, and he also inherited the situation under which the principal danger to our men who are fighting there and the greatest frustration from which they suffered was the existence of those sanctuaries just across the border in Cambodia. For 5 years they had been building up. For 5 years they had been bringing down that long, long trail, originating in Russia and in China, all of the things they needed—the motor trucks, the guns, the ammunition, and the food from closer places.

I know, from having seen letters—I read one of them into the RECORD the other day—just how strongly the men fighting there support the action of the President in deciding that, at long last, he had a chance, without violating the neutrality of a nation which was claiming neutrality, but, instead, going in there in raids across the line of a nation that itself had just had a revolution and itself was under a new government which was fighting the Communists, just as we were. And he went, with these quick jabs, into Cambodia, along with the South Vietnamese. My understanding is that at least 60 percent, and probably more, of the invading forces have been South Vietnamese.

I think it has been an enormous success. When I read from the ticker a while ago how the whole delegation from Red China was leaving hurriedly to go back to Peking to get away from Phnom

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Penh, accompanied by the entire delegation from North Korea, accompanied by those from the Vietcong and North Vietnam who could get in that great American-built plane, a DC–8, I realized somebody thought they were not safe any longer to stay in Cambodia.

Mr. President, when I read those other stories about the vast numbers of arms we captured, the immense amount of ammunition we captured, the immense number of trucks we captured—and those trucks were not made in North Vietnam or in Cambodia; those trucks came from China or Russia—I knew there had been an enormously helpful effect from this action.

Mr. President, why am I making this point now? I am making it now because if, before the invasion, before these raids into the sanctuaries, we had taken the action that we are asked to take now, those raids could not have been taken. Mr. President, there is not any doubt about it that what it amounts to is reclaiming the right to limit the degree the President can give to his own discretion and judgment, after he has all the facts developed, as to how best he can protect the lives of our men, how best he can protect the objectives of our armies in the field, under a distressing situation such as existed there.

Mr. President, I appreciate the fact that Senators who are offering this amendment have decided to soften it and that they have forgotten about prohibition entirely, but are now talking about limitation. They now say they are trying to support the President, and not reject what he has done. One of them, the Senator from Idaho, said the question of making war was not involved at all, although he was much contradicted by what was later said by the Senator from Arkansas.

I do not know which one of them is right, but I know both of them think they are right.

The fact of the matter is that what we are asked to do here is to impose a limitation upon the Commander in Chief in doing those things which he thinks are necessary to protect his men—our boys—fighting in the field. I will never agree to vote for such a limitation.

Mr. President, I have not had all the experience in combat that a great many Senators have had. I have had some of my own. I have lain awake agonizing during the night when I had a boy fighting on Saipan, again in Tinian, and again trying to land on Okinawa. I know something of what is happening in hundreds of thousands of homes in this country as a result of this terrible situation we are in in Vietnam. I do not gloss it over at all. It is a terrible thing. I want us to get out of there as quickly as we can, but to get out honorably and decently. Furthermore, I do not want us to impose a limitation on our Commander in Chief as he tries to do all he can do to best meet conditions arising in the field which he thinks requires action—action, not just words, not just debate on the floor of the Senate of the United States, but action, and that is what is the President's duty to perform.

I am glad he did it. I think it was a successful effort. I think if we vote this particular limitation—and now it is a limitation, and not a prohibition—we are inviting a land rush—I will call it just that, like the land rush in Oklahoma—on the part of the Communists to get back into those sanctuaries and begin to build them up again just as soon as July 1 comes around. They are going to be wondering how much the U.S. Congress meant it when it said we are going to limit the President. They will be thinking, "Just what did they mean? Did they mean they are not going to permit him to go back again and go through this? Let us find out. Let us find out."

Mr. President, human nature is something all of us have to know in some degree or other. My knowledge of human nature is that by passage of such a limitation we are inviting, and we can confidently expect, a rush back into those sanctuaries, or some of them, to discover very quickly just what the Congress of the United States meant if it did such a foolish thing. At least, my judgment is that it would be foolish, and my judgment may not be any better than or not as good as those who do not think it would be a foolish thing; but I think it would be a foolish thing, an impractical thing, if well intentioned, and destined for great trouble for us in the future if we voted a limitation on the part of the President to act as he thinks he must in the protection of his men—our men—in the field.

So, Mr. President, I hope that, even if it is softened—and I congratulate my friends on their determination to talk about limitation instead of prohibition—and even if there was a division apparently, in the committee, under which some Members wanted to cut out the power entirely to make sales of military equipment—which itself, I think, is another foolish thing, though my wisdom may be lack of wisdom in this regard; I think our President should have the power and the right to determine how much we should help Israel and when we should help Israel and how we should help Israel, and I think this will determine the whole question of whether we are going to have peace or war in the Middle East—that power will be left to him by the Congress of the United States.

So I do not intend to vote for a bill dealing with this softening limitation, even though I want peace as ardently as anybody ever could.

I lost a nephew in Korea. I myself was shot down in action, in a plane. I have been through some of these experiences that make me know that war is the most terrible thing that human beings can face. I wish there were some way to efface it from the earth. Mr. President, we have not found any such way, and while we have not found any such way, I am not going to weaken the hand of my Commander in Chief by limiting him, so that, whether he knows he is hurt badly in this degree, in this matter, or not, the Congress claims the power to limit him in the exercise of the operation—not the making, but the operation, of a war in the field. I can never vote for that kind of limitation.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, in a moment I wish to call up some unobjected to bills, but first I must express my disagreement with the distinguished Senator from Florida.

In the first place, the amendment, as changed, is not "softer." It has just as much substance as before. It is just as strong as before, but it puts down in writing the intent of the sponsors to act "in concert" with the President, and also to put in a date, which was the President's date.

As far as limitations are concerned, the limitations were imposed by the President himself. He is the one who set a 21.5-mile limit. He is the one who set the date of July 1. What Congress has done, on the basis of its responsibility—and we have just as much responsibility, in our way, as does the President—has been to act in concert and to support what he said he intended to do.

I think it is about time that Congress, and especially the Senate, did face up to its constitutional responsibilities and did recall some of the powers which it, willy-nilly, has given to Presidents over the past four decades.

I intend to vote for the amendment tomorrow. I hope it will pass. It is up to the Senate collectively. I think it is a step in the right direction, and I think it is an accommodation of the President's powers and responsibilities within those which the Senate, in this instance, and Congress, finally, hold together.

Does the Senator from Florida wish to be heard further?

Mr. HOLLAND. Mr. President, I should like to make one further comment, if I may.

Mr. MANSFIELD. Surely.

Mr. HOLLAND. The President acted in setting limitations—a mileage limitation and a time limitation. Both of those things he has the authority to change. Both of those things he has the authority to impose in different form, if he is to go in there again. It is my view that that was a proper field for him to act in.

I think the Senate has its proper field to act in. I do not think we have the right to say, "because, Mr. President, you have set this limitation of mileage and this limitation of time for this operation, we are going to make it binding on you, and we will show you that we intend to limit your power in this regard."

That is my point, may I say with great respect to the majority leader.

Mr. MANSFIELD. Mr. President, may I say with equally great respect that the Senator is entitled to his opinion and his interpretation, as every Senator is, but he looks at it one way, and those of us who have sponsored this amendment look at it in another way.

We are not trying to undermine the President's powers as Commander in Chief. We are, in effect—and some people find this hard to believe—supporting the President in his own announced determination.

As far as I am concerned, apart from

what I have just said, I think it was a mistake to go into Cambodia. It did enlarge and extend the war. It did make it an Indochinese war. I do not know what is to stop the Vietcong and the North Vietnamese from coming back. Under any conceivable circumstances, and no matter how much they lose in the way of tons of supplies, small arms ammunition, mortars, and the like, I do not know of any conceivable situation which could prevent them from coming back, at their will and on their own time, under whatever conditions may exist at the time.

So I hope we will not go around the question. Frankly, I do not want to see the President go back into Cambodia even as he says that he has no intention of going back. I was opposed to it in the first place. I found out about it when it was a fait accompli. I think it was a mistake, and I think we will pay dearly for it.

I do not find fault with any other Senator's views. We each have the right and the responsibility to form our own views, and we each have to call them as we see them; and we each have to accept the consequences.

As far as I am concerned, 328,000 casualties, and no end in sight, is a great deal too much for me. All this is happening to this Nation, with a million man South Vietnamese Army available, "Vietnamized," trained, and equipped by us, not over the past 2 or 3 years, but, to my knowledge, speaking personally, since 1954. They cannot protect their borders with Cambodia. We have to go in; this Nation has to suffer 328,000 casualties—for what? For what?

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 893 and 894, in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PICK-SLOAN MISSOURI BASIN PROGRAM

The bill (S. 1100) to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri River Basin program, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the comprehensive program of flood control, navigation improvement, and development for the Missouri River Basin, which arose out of the coordination of the multiple-purpose plans recommended in the report of the Corps of Engineers, United States Army, contained in House Document Numbered 475, Seventy-eighth Congress, and in the report of the Bureau of Reclamation, Department of the Interior, contained in Senate Document Numbered 191, Seventy-eighth Congress, shall hereafter be known as the Pick-Sloan Missouri Basin program. Any law, regulation, document, or record of the United States in which such program is designated or referred to under the name of the Missouri River Basin development program, or under any other name, shall be held and considered to refer to such program under and by the name of the Pick-Sloan Missouri Basin program.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–891), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of this legislation is to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program.

GENERAL STATEMENT

Major river systems such as the Missouri have become an increasingly significant factor in the economy of a nation which is making vast demands upon water resources. The Missouri, longest single river in North America, is no exception. Long feared for periodic and destructive floods, and ignored as a potential water resource of incalculable value, the Big Muddy is today undergoing a transformation at the hands of man. It has already been harnessed at many points by great manmade dams and reservoirs in a comprehensive river control program which the Congress of the United States approved in 1944. Now well advanced by cooperating Federal and State agencies, this broad program, probably the most far reaching ever undertaken in a major river basin, is changing the agricultural, industrial, and recreational life of the Missouri Basin.

In 1944, both the Department of the Army and the Department of the Interior submitted to the Congress comprehensive plans for the development of the Missouri River Basin. The plan submitted by the Department of the Army was prepared under the direction of the then Missouri River division engineer of the Corps of Engineers, Col. Lewis A. Pick, and became known as the Pick plan. Similarly, that of the Department of the Interior was prepared under the direction of W. G. Sloan, then assistant regional director of the Bureau of Reclamation, and became known as the Sloan plan. In order to resolve the differences between the two plans, a committee was appointed, composed of two representatives each from the Corps of Engineers and the Bureau of Reclamation. A coordinated plan was agreed upon and authorized by the Flood Control Act of 1944. It became generally known as the Pick-Sloan plan. This plan formed the basis for the subsequent development of the Missouri River Basin.

W. G. Sloan served the Bureau of Reclamation for some years after development of the plan which bore his name, and much of the construction work of the Bureau's phase of the comprehensive program was begun during his tenure in office. General Pick went on to become Chief of Engineers, and served in this capacity from March 1949 to January 1953, a period in which much of the initial construction of the comprehensive plan was begun. He died in December 1956.

ESTIMATED COST TO THE UNITED STATES IF LEGISLATION IS ENACTED

Enactment of this legislation will not result in any cost to the United States.

VIEWS OF THE FEDERAL AGENCIES

The Department of the Army and the Department of Interior offer no objection to enactment of this bill.

COMMITTEE VIEWS

The committee believes it fitting and proper to designate the comprehensive Missouri River Basin development as the "Pick-Sloan Missouri River Basin program," in honor of two great men who contributed so much to the development of the water resources of the Nation and in particular to the development of the great Missouri River Basin. Accordingly, early enactment of this legislation is recommended.

NEWT GRAHAM LOCK AND DAM

The bill (S. 1500) to name the authorized lock and dam No. 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lock and dam numbered 18 on the Verdigris River, Oklahoma, a feature of the Arkansas River and tributaries navigation project, authorized to be constructed by the River and Harbor Act of July 24, 1946 (60 Stat. 641, 647), as amended, shall be known and designated hereafter as the Newt Graham lock and dam, and the lake created thereby as the Newt Graham Lake. Any law, regulation, map, document, record, or other paper of the United States in which such lock and dam and lake are referred shall be held to refer to such lock and dam as the Newt Graham lock and dam, and the lake as the Newt Graham Lake.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–892), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of this legislation is to designate lock and dam No. 18 on the Verdigris River, Okla., as the Newt Graham lock and dam, and the lake created thereby as the Newt Graham Lake.

GENERAL STATEMENT

The current project for comprehensive development of the Arkansas River and tributaries was authorized by the River and Harbor Act of 1946. It provides for a navigation route from the Mississippi River through Arkansas to Catoosa, near Tulsa, Okla., the production of hydroelectric power, additional flood control through upstream reservoirs and the related benefits of recreation and fish and wildlife enhancement. The navigation route will begin at the confluence of the White River and the Mississippi, proceed about 10 miles via the White, through the manmade Arkansas Post Canal, the Arkansas River and the Verdigris River, a distance of some 450 miles. The navigation channel will have a minimum depth of 9 feet with a series of 17 locks and dams, 12 in Arkansas and five in Oklahoma.

Newton R. Graham played an important role in water resources development in the Arkansas River, serving as vice president of the Oklahoma Planning and Resources Board and as the Oklahoma representative on the Arkansas-White-Red River Basins Interagency Committee. He was instrumental in the development of the Arkansas River navigation project. It has been said that no single man in Oklahoma or Arkansas was more responsible for the successful promotion of the Arkansas River Basin development than Newt Graham. Mr. Graham died in 1957 at the age of 74.

ESTIMATED COST TO THE UNITED STATES IF LEGISLATION IS ENACTED

Enactment of this legislation will not result in any cost to the United States.

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VIEWS OF THE FEDERAL AGENCIES

The Department of the Army and the Bureau of the Budget indicate they have no objection to enactment of this legislation.

COMMITTEE VIEWS

In view of the contributions made by Newt Graham to the comprehensive development of the Arkansas River Basin, the committee considers it fitting to designate one of the projects in the system in his honor. The committee therefore recommends passage of S. 1500.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, when did the application of the rule of germaneness expire?

The PRESIDING OFFICER. At 3:24 p.m.

Mr. MANSFIELD. So I was within my rights under that rule?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. I thank the Chair.

S. 3876—INTRODUCTION OF A BILL TO ESTABLISH A NATIONAL ECONOMIC EQUITY BOARD

Mr. HARRIS. Mr. President, John Maynard Keynes, the father of the "new" economic theory, once said that:

"There is no harm in being sometimes wrong—especially if one is promptly found out."

It is high time that we recognize that the economic and fiscal policies being pursued by our Government are not working and that the Nation's economy is in very serious trouble.

Inflation, as we know, had become a burdensome problem before the present administration took office, and many had hoped, as was promised, that the policies of this administration would bring economic stability.

Instead, we have now witnessed, during more than one-third of President Nixon's term in office, continuing and increasing inflation at an intolerable rate, higher unemployment, which threatens to increase still further, and the highest interest rates since the Civil War—all at the same time.

We have seen America's housing industry become more depressed and less able to meet the housing crisis of this country, depressed profits in most industries—with the exception of the big banks which are realizing the highest profits in history—increased failures of small businesses, the worst decline in the stock market since 1929–32—and I am informed that it dropped sharply again today—and an increasing lack of confidence in the economy generally and in the economic policies of the Government.

For a good while, various spokesmen regularly assured us that the "game plan" of the administration was working and that the effort to get the economy on the right track was near "schedule." These statements have now been proved by events to have been too optimistic. And optimistic statements have proved to be no substitute for effective policy.

An initial mistake made by the Nixon administration was its announcement against any voluntary guideposts or guidelines on wages and prices, even in the basic industries. Such voluntary restraints are by no means perfect, but coupled with the proper monetary and fiscal actions could have served as a very useful component of effective economic policy. The announcement of the "hands-off" attitude which this administration intended to follow, on the other hand, proved to be a direct encouragement to inflationary increases, and we have seen prices in such basic industries as steel and copper go up several times since this administration took office. Basic price increases such as these have then rolled through the economy like ocean waves.

The administration has mistakenly continued to recommend unnecessarily high appropriations for nonessential military and other purposes. It has called for the funding of the ABM and the SST. It has not moved rapidly enough to disengage from the Indochina war. It has not been willing to join in congressional efforts to reduce the numbers of our troops stationed in Europe.

Consequently, as we now know, the 1970 and 1971 budgets will be deficit budgets, not surplus budgets as should have been true.

There never was a real surplus in the 1971 budget recommended by the President. Despite the fact that it gained cash on the credit side of the ledger by recommending a one-shot sale of strategic reserve material, the Budget erroneously overestimated revenue—particularly corporate revenue—and made unjustified assumptions based upon the unrealistic hope that personnel pay raises could be deferred and postal rate increases could be swiftly enacted as recommended.

Congress still has an opportunity to reduce this budget, and it should assume this important fiscal responsibility, though the effort will be hampered seriously unless the administration reverses some of its policy decisions and puts its full influence into the struggle.

The fiscal situation being as it now is, there seems little prospect that the Federal Reserve Board will voluntarily decide, as it should, to change its high interest rate, tight-money policy. This policy, concurred in by the administration, has, although interest rates did dip a little briefly, produced the highest interest rates since the Civil War—with all of the unfair distortions and inequitable effects too much reliance on monetary policy always creates in our economy. The burden of the monetary policy is unfairly distributed, and credit does not get where it is needed most nor where the proper social goals require it to go.

Administration spokesmen from time to time, with incredible disregard for the human beings and families behind the statistics, have spoken of the necessity for unemployment to continue to increase if they were "going to get control of the economy." There has been consistent refusal to say what rate of unemployment would be unacceptable. Rather, there has been uniform predictions by various administration officials that unemployment will go still higher.

It is indefensible deliberately to increase the numbers of the jobless without providing for a decent income maintenance system and a manpower program which assures a job for all those who are willing and able to work.

On February 20 of this year, I spoke in Oklahoma City concerning the economic policies of this administration, stating:

> The result of these policies is that, while there are huge and growing backlogs in housing needs, home construction has been drastically slowed.
>
> While there is tremendous demand for goods and products, idle plant capacity is purposely forced upward.
>
> While hundreds of thousands are already looking for work, the unemployment rate is deliberately pushed higher.

At that time, I suggested the creation of a National Economic Equity Board to set up voluntary guidelines on prices and wages, with the additional standby power, if it was found necessary, to institute price and wage freezes for up to 6 months in order to give the economy time to cool off and get back to normal.

I said further at that time:

> I do not like the idea of wage and price controls any more than the next person. But I think the system I propose would be far preferable to the misguided economic policies of this Administration which deliberately drive interest rates up out of sight and send hundreds of thousands into the jobless lines.

I ask unanimous consent that a full copy of my February 1970 statement may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRIS. Since I made that statement last February, prices have continued to rise, the unemployment rate has continued to increase, interest rates, which declined slightly, have now risen again to their highest level in 100 years, and the stock market has continued its alarming decline.

Last week, the Bureau of Labor Statistics reported that retail prices rose another 0.6 percent in April, the biggest jump since last December. Particularly disturbing about this increase was the fact that significant increases in home insurance, repairs, utilities, and real property taxes were reported, which indicated even more difficulty for the homebuyer and the housing industry in general.

Today, the Dow-Jones industrial average fell further to 641.36, a 7-year low. This is a decline from 932.68 in the index since January 20, 1969, when President Nixon took office—a net decline of approximately 30 percent.

The last announcement concerning the unemployment rate was perhaps the single most disturbing development in the economy. Unemployment has now reached 4.8 percent, which was more than the administration had earlier estimated it would be for the entire year of 1970. Since President Nixon took office, the rate of unemployment has increased by a net of 1.5 percent.

Moreover, the jobless rate in urban poverty areas has risen to 6.6 percent, as compared to 5.6 percent in 1969, and for black people from 7 percent to 8 percent, the first increase since at least 1967. The teenage jobless rate has risen to 15.7 percent, and for black teenagers it has increased to 32 percent, up from 13.9 percent and 20.9 percent, respectively.

The housing industry continues to suffer from high interest rates and tight money, and housing starts are down by more than 30 percent.

Last week, as I have indicated, we also witnessed the announcement of the Director of the Bureau of the Budget, Mr. Robert P. Mayo, that budget deficits are expected for 1970 and 1971 fiscal years, an announcement which, of course, did not provide any encouragement on the economic front.

Added to these miseries is the tragic and mistaken escalation of the war in Indochina. The expansion of the war into Cambodia and the renewed bombings, however limited, will be costly to this country, economically as well as in other more serious ways.

The best judgment of most of the economic experts with whom I have discussed these serious problems recently is that the prospects are not good that continuation of the administration's present policies will bring the necessary economic stability our country must have.

It is their judgment that, given the continuation of present policies, unemployment will continue to rise, inflation will continue at an intolerable rate, and interest rates will not come down appreciably.

These conditions cannot and must not be allowed to continue and worsen. New action is urgently needed.

I believe that we cannot get our Nation's economy back under proper control and on a fully acceptable basis until we have liquidated our involvement in the war in Indochina. I have previously proposed that this be accomplished through an Indochina-wide conference seeking a true neutralization of Laos, Cambodia, and Vietnam, and a more rapid and systematic withdrawal of our troops from the whole area. I support and am a cosponsor of the pending Cooper-Church amendment on Cambodia, the proposed legislation to repeal the Tonkin Gulf resolution, and the McGovern-Hatfield amendment to end the war. I hope that the administration may see the additional economic urgency for taking, by Executive action, the steps which these legislative measures propose.

I hope, too, that the administration will, because of the urgent economic situation in the country, send to Congress a revised budget, cutting military and other such recommended appropriations so that a surplus will be provided in the budget, rather than the deficit which is now expected.

I hope that the administration will join in support of a realistic income maintenance system in America and legislation to assure a job in this country for all those willing and able to work. This latter is particularly pressing because of the high unemployment resulting from present economic policies, as well as the increasing numbers of those who are coming home and who will be coming home from Vietnam.

More particularly, I am today introducing a four-part legislative proposal for immediate attention to the economic problems of the country:

First, the measure I am introducing would establish a national Economic Equity Advisory Commission composed of 12 members appointed by the President, with representatives from labor, management, government, the consumer, the financial community, and other segments of our society. This Commission would consider and recommend to Congress and the President steps which should be taken to improve economic stability and to establish means by which all these groups can best work together to meet our serious economic problems.

I note parenthetically that President Nixon could—and should—convene such a commission or conference on his own authority, without legislation, immediately.

Second, the legislation I am today introducing would create a National Economic Equity Board with the power to set voluntary guidelines on prices, wages, fees, services, and other forms of income. This legislation would institutionalize what has come to be called "jawboning" and would use public opinion to help keep increases within some reasonable and justifiable limits.

While voluntary guidelines alone will not provide all the answers needed, it is a well documented fact that the increase in prices in certain key industries was considerably less when guidelines were in effect during the former administration than the 6 percent rate of such price increases we have seen since the adoption of the hands-off policy of the present administration.

This five-man Board, appointed by the President, would, after study and hearings, prepare and publish standards of criteria which would enable all concerned, including the general public, to judge whether proposed increases in prices, wages, fees, services and other forms of income would or would not be in the public interest.

In the event any action taken by management, labor, any professional groups, or any other person, with regard to prices, wages or other form of income was contrary to the public's interest, the Board would have the responsibility of informing the public on this decision and its effect.

The Board would also have the responsibility of examining key and important decisions of the Federal Government that would have a significant economic impact.

For purposes of highlighting and for information-gatherng purposes, any particular economic decision about to be made or already made could be the subject matter for hearings to be conducted by the Board. The mere prospect of public hearings might make a difference in decisions.

Reports on at least a semiannual basis would be made by the Board to the President and to the Congress. Reports would be made on a more frequent basis if significant economic events required. The Board could recommend executive action or additional legislation that might be necessary to assist in gaining and maintaining economic stability.

An editorial in the New York Times of May 21, 1970, endorses this general concept, and I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

(See exhibit 2.)

Mr. HARRIS. Mr. President, I note parenthetically that President Nixon could—and should—alone or through a board appointed by him, institute wage and price guidelines, without additional legislation, immediately.

Third, the legislation which I am introducing would provide for credit controls to be instituted by the Federal Reserve Board upon action by the National Economic Equity Board. Something must be done immediately to bring down high interest rates. Such high interest rates across the board do not solve the problem of inflation. The proper social goals are not served. A few people are making a great deal of extra money, all to the great detriment of the majority of our people. Legislation already in effect would provide for credit rationing upon the decision of the President, similar to those powers granted to the President during the Korean war so that interest rates would come down and money would be allowed to go where it is needed most. The legislation which I am today introducing would allow such credit rationing to be instituted by action of the National Economic Equity Board.

I note parenthetically that President Nixon could—and should—use the credit rationing powers he already has, without additional legislation, immediately.

Fourth, the legislation which I am today introducing would give the National Economic Equity Board the power, if it found it necessary, to institute price and wage freezes for up to 6 months to halt the present inflationary spiral. Congress by concurrent resolution could veto or terminate any such freeze instituted by the Board, and the power of the Board to establish such a freeze would expire 1 year following the effective date of the legislation.

I note parenthetically that the President and his advisers should consider seriously the necessity for these standby powers, immediately.

Mr. President, I hope we have learned some important economic lessons in recent years—particularly, that our resources are not unlimited and that effective economic action delayed results in increasingly difficult economic problems.

We know a great deal more about how to get an economy moving than we do about how to bring back stability after the economy gets out of hand.

The economic indicators are now confused and conflicting. Each new report is more disturbing—and presents no more clear a signal—than the last.

As Columnist Tom Braden recently put it, we seem to be fighting inflation in the morning and recession in the afternoon. We cannot continue to drift. Inaction is action—but a worse kind of action because its results are less controllable.

Action now may not be fully popular, but it is required because the alternatives—unconscionably high unemployment, high interest rates, and high inflation—are worse.

I do not present a perfect plan. It is one plan. I hope that the legislative proposal which I make will be discussed and debated and that from that discussion and debate it may be perfected or even replaced by ideas which emerge and prove better.

I am pleased that in recent days such figures as the distinguished majority leader of the Senate Mr. MANSFIELD, Mayor John Lindsay, former Supreme Court Justice, Secretary of Labor, and U.N. Ambassador Arthur Goldberg have all spoken out concerning the possibility of wage and price freezes.

The idea must now enter the legislative arena and be elevated to serious and sober legislative and Executive consideration within the Government. Therefore, while I am confident this legislation may be improved upon, I am introducing it so that the need for urgent action may become more generally understood and that more people may become aware that continuation of present fiscal and monetary policies will continue to produce unsatisfactory economic conditions.

Mr. President, I send to the desk the legislation which I have been discussing. I ask that it be received and appropriately referred, and I ask unanimous consent that a brief summary of the bill's provisions may be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. DOLE). The bill will be received and appropriately referred; and, without objection, a summary of the bill will be printed in the RECORD.

The bill (S. 3876) to establish a National Economic Equity Board to protect the public interest in price stability and the control of inflation, introduced by Mr. HARRIS, was received, read twice by its title, referred to the Committee on Banking and Currency.

The text of the summary is as follows:

SUMMARY OF PROVISIONS OF THE ACT TO ESTABLISH A NATIONAL ECONOMIC EQUITY BOARD

SECTION 1

This Section provides that the Act will be cited as the "National Economic Equity Act."

SECTION 2

This Section sets forth the findings and purposes of the Act. Reference is made in the section to diminishing purchasing power, higher interest costs, reduced job opportunities and other hardships arising from inflation which the Government, having the power to do so, should control more effectively.

SECTION 3

This Section provides for the establishment of the Board. The Board is to be composed of five members to be appointed by the President, by and with the advice and consent of the Senate. One of the members of the Board shall be designated by the President to serve as Chairman.

The Board is required to report at least semi-annually to the President and to Congress.

SECTION 4

This Section provides for the establishment of an Advisory Commission to the Board. The Commission is to be composed of twelve members to be appointed by the President, by and with the advice and consent of the Senate. The members are to be representative of labor, management, Government and the consumer.

The Commission shall meet at least monthly and shall advise and consult with the Board with respect to matters of policy arising in connection with the activities and function of the Board.

SECTION 5

This Section provides for the Board to prepare and publish standards and criteria by which the decisions with respect to employment income, self-employment income, and property income, can be measured in terms of their inflationary impact upon the economy. In determining the standards the Board could hold hearings and would have the power to gather information and materials necessary in making such decisions.

The Board would, when a general adjustment in the price of any product or service occurs or is about to occur, make and publish reports, and take other appropriate action to collect and disseminate such information and data concerning the adjustment as will provide a sound basis for informed public opinion.

SECTION 6

This Section would give the Board authority, after fully utilizing the powers conferred by Section 5, and after deciding that inflationary forces within the economy cannot be controlled effectively through voluntary means and that such forces constitute a direct and imminent threat to the economic stability of the Nation, to impose a freeze prohibiting the sale, delivery, or purchase of any commodity, service, or property at a price, rental, commission, rate, fee, charge, or allowance higher than that at which the same or any similar or comparable commodity, service or property was generally sold, delivered, or purchased in such base period as the Board determines and specifies in such order, and the payment or receipt of any salary, wage, or other compensation higher than that paid for the same or comparable services in any such base period.

Any freeze issued by the Board shall terminate upon the expiration of 180 days unless terminated earlier by Congress.

SECTION 7

This Section sets forth that it shall be unlawful for any person to violate any freeze order issued under Section 6.

SECTION 8

This Section provides the sanctions for any violations of a freeze order under Section 6. Criminal and civil actions are provided for as well as the right of the Board to institute actions in certain cases.

SECTION 9

This Section establishes jurisdiction in the district courts of the United States for violations under the Act.

SECTION 10

This Section authorizes the Board, by regulation, subpoena, or otherwise, to obtain such information from inspection of books, records, or by testimony as may be necessary to carry out the purposes of the Act.

SECTION 11

This Section sets forth the general powers of the Board which include such items as, issuing rules and regulations; appointing and fixing the compensation of personnel; obtaining the services of experts and consultants; utilizing volunteers and uncompensated personnel; and obtaining of assistance from other departments and agencies of the Government.

SECTION 12

This Section provides for certain miscellaneous matters including the authorization of such funds as may be necessary to carry out the purposes of the Act.

SECTION 13

This Section provides that the authority conferred by the Act in regard to mandatory price and wage restraints terminates upon the expiration of one year after the date of enactment, except that in the event a freeze order is issued by the Board under Section 6, such authority shall terminate as provided in such order unless the Congress shall, by concurrent resolution, otherwise provide.

EXHIBIT 1

STATEMENT OF U.S. SENATOR FRED R. HARRIS

OKLAHOMA CITY, OKLA.—The economic policies of this Administration are terribly out of kilter.

Inflation is at its worst since 1951, interest rates are at their highest level since the civil war and people are being laid off their jobs in alarming numbers.

The Administration deplores inflation but has mistakenly refused to even speak out against wage and price increases, even in the basic industries, or to set up voluntary guidelines.

The Administration has also been dreadfully mistaken in its high interest rate policy.

The results of these policies is that, while there are huge and growing backlogs in housing needs, home construction has been drastically slowed.

While there is tremendous demand for goods and products, idle plant capacity is purposely forced upward.

While hundreds of thousands are already looking for work, the unemployment rate is deliberately pushed higher.

I say it is a wretched and heartless policy that makes men go jobless in order to slow down the economy.

By refusing to take the steps which it should have taken, this Administration has brought us to the point where more drastic measures are now necessary.

I propose the creation of a National Economic Equity Board to set up voluntary guidelines on prices and wages.

The Board, which should be composed of representatives of both management and labor, would hold hearings and issue findings and focus the spotlight of public opinion on wage and price decisions.

The Board should have the power if necessary to institute wage and price freezes for up to six months in order to give the economy time to cool off and get back to normal.

I do not like the idea of wage and price controls any more than the next person. But I think the system I propose would be far preferable to the misguided economic policies of this Administration which deliberately drives interest rates up out of sight and sends hundreds of thousands into the jobless lines.

EXHIBIT 2

STRENGTHENING THE ECONOMY: III

After inveighing against jawboning and wage-price guideposts since he took office, President Nixon is now confronted with important defections in his own ranks from this position.

Dr. Arthur F. Burns, whom Mr. Nixon sent from the White House to the Federal Reserve Board chairmanship, has publicly declared that some sort of temporary wage-price re-

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straint program could play a "useful—albeit a very modest—role" in shortening the time in which prices keep rising despite the slowing economy. And Secretary of Housing and Urban Development George Romney has called for a presidential "watchdog" commission to hold up inflationary price and wage actions to public notice.

It is far from sure that the views of even such highly placed critics will prevail. The President's chief economic adviser, Dr. Paul W. McCracken, though insisting as he has many times in the past that he is not "theologically" opposed to guideposts, doubts that they would do much good. Other Presidential advisers, such as Labor Secretary George Shultz and Herbert Stein, a member of the Council of Economic Advisers, take an anti-guidepost position so doctrinaire that it might well be called "theological," in Dr. McCracken's terms. Attorney General Mitchell added his powerful voice against wage and price controls a day or two ago.

The President himself has gone to great lengths to assert his scorn of both direct controls and voluntary wage-price restraints, which he seems to lump together as equally pernicious and useless. But the course of the economy may well depend on whether the President can be persuaded to move to a more practical and less ideological position on this crucial issue.

The fact is that wage-price restraints have an important role to play in the present inflationary climate of the United States. The guideposts would indeed be useless in a time of excess demand, caused by overly stimulative fiscal and monetary policy. It was the blunder of President Johnson in trying to build a Vietnam war economy on top of a fully employed civilian economy that splintered the old wage-price guideposts which had played a useful part in the earlier Kennedy-Johnson years.

Today the economy is clearly not suffering from excess demand. On the contrary, output is shrinking and unemployment rising, but inflation persists—a nasty hangover of forces set in motion by the preceding demand-pull inflation. In current circumstances, the right wage-price, or, as it is sometimes called, "incomes" policy could knock out inflationary expectations and induce business and labor to practice restraint in their own as well as the public interest.

What would such a policy involve? First, it would require that the President himself demonstrate his own commitment to the new approach.

Second, President Nixon would have to do everything possible to gain the support of both business and labor. If labor should refuse to go along—as has been true in Canada where Prime Minister Trudeau has launched his own incomes policy—business cooperation could still help to slow the rate of price advance, stiffen management resistance to labor at the bargaining table, and bring extra pressure to bear on organized labor, which has never relished accusations of bad citizenship.

Third, the President should appoint a high-level Price, Wage and Productivity Board, which should certainly call attention to irresponsible wage and price behavior, but whose role should go beyond that. The board should also seek to attack highly inflationary situations in such fields as medical and hospital services, building construction, and other key trouble spots. And it should propose means of creating incentives for spurring productivity gains—without which any wage increases tend to be inflationary. While the board is commencing its studies and reports, which are bound to take time if they are to make sense, the President should without delay issue a call to business and labor to practice the utmost restraint during this period of national economic crisis.

ORDER OF BUSINESS

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. HRUSKA. Mr. President, for a good many days the Members of this body have expressed their views on the President's action in Cambodia. Meantime, our GI's and their Vietnam allies continue to sweep the Cambodian sanctuaries clean of opposition, to capture large quantities of equipment and supplies, and to secure the area against further use for some time to come against our troops in South Vietnam.

As of this morning, Defense Department figures list 7,857 Vietcong dead and 1,770 prisoners; 10,942 individual weapons and 1,618 crew-served weapons captured. More than 15,800 rocket rounds, 26,749 mortar rounds, and 7,686,792 small arms ammunition have also been captured.

More than 6,600 bunkers have been destroyed—these are poured concrete bunkers, Mr. President—and 4,517 tons of rice, representing 198,748 man-months of provisions, have been captured.

This is a most impressive record of achievement, and by any standard of measurement, it must be conceded that the President's decision to knock out the Cambodian sanctuaries was a sound one tactically and strategically. If it is to be criticized on military grounds, it would seem that the action should have been taken sooner, and perhaps our process of Vietnamization would now be much further along than it actually is at this point.

There is full agreement that action against Cambodian sanctuaries will operate to save many American lives, enable strengthening of South Vietnam, and assuring the schedule for withdrawing the 150,000 U.S. troops as ordered by President Nixon.

While we have been discussing this matter before us, each of us has of course been assessing public attitudes on the President's action. Despite the campus turmoil, the tremendous influx in mail opposing the President's action, and the thousands of opponents who have visited Capitol Hill in recent days, a clear picture of national sentiment supporting Mr. Nixon's decision is now emerging. The Newsweek magazine poll of last week and the Harris poll published in today's Washington Post are indicative of the samplings of public opinion, which show that a majority of the people believe the President made the right decision, and that they trust him to complete the action successfully and withdraw our troops as he promised he would do.

The campus turmoil is the most tragic and discouraging byproduct of the President's decision. Many of us were heartened—I know that I was heartened—to learn of the experience at a girls' school when less than 100 members of the student body of 700 signed petitions either for or against the President's action. Those who signed were about equally divided, but the significant factor is that the vast majority of the girls declined to sign at all because, as one student put it, they did not know enough about the situation to make an intelligent judgment.

This fair-minded and constructive attitude is the response which I am sure most Americans would make. With an intelligence which fortunately is the trademark of American voters, our constituents generally recognize that the President and his military advisors have the experience and information necessary to make the right decisions.

They know also that President Nixon has kept his word on Vietnam. He promised that if he were elected, he would end the war honorably. He is doing that. Until he violates the trust of the people, he deserves their confidence and support. I am confident that he will not violate that trust.

When tempers rise and patience wears thin, it is helpful to remember that this is not President Nixon's war. It is one which he inherited. He promised to end it and that is precisely what he is engaged in doing.

He is the fifth American President to be faced with the problem of Vietnam. President Truman was the first to send advisers into that country.

President Eisenhower increased the number of advisers. But, Mr. President, when he left office, there were only 700 men there. President Kennedy sent the first 16,000 fighting troops, and before he left office President Johnson had increased our fighting strength to 532,500 men.

Since President Nixon took office, he had reduced our troops' strength on May 7 to 428,750 men, a decrease of 103,750. His April decision to go into Cambodia also assures that he will be able to keep his promise of bringing another 150,000 men home within the coming year.

Mr. President, we all want to end the war as quickly as possible. There is no disagreement on that. A successful, responsible conclusion must be planned and implemented by the President and his military advisors. Any action on the part of this body which inhibits their tactical plans is a great mistake which, rather than extricating us, may mire us even more deeply in a situation we all want to conclude as quickly as possible.

Mr. President, with respect to the vote which is scheduled to be taken tomorrow afternoon, having to do with text which would modify the preamble of the so-called Church-Cooper amendment, I would like to say that it would be most difficult to object to modifying the language of the proposed amendment to the Foreign Military Sales Act.

I intend, therefore, to support the modification. However, as so modified the Church-Cooper amendment is still not acceptable, in my judgment.

The acceptance of the provision that will be added tomorrow will not lessen the potential danger which the amendment itself poses to an effective solution of the Vietnam situation. Accordingly, I will not cast my vote in favor of the principal amendment known as the Church-Cooper amendment.

PRESIDENT NIXON'S PLEDGE WITH RESPECT TO LAWLESSNESS AND CRIME

Mr. HRUSKA. Mr. President, one of Mr. Nixon's pledges when he was elected President of the United States was to do something about the lawlessness and crime that has gripped the Nation. In formulating his administration's law enforcement program, he ascertained that certain additional law enforcement tools were needed to get the job done properly. Since the beginning of his term in office, Mr. Nixon, through his Attorney General John Mitchell, has submitted more than 20 criminal law procedural or substantive reforms to this Congress. As ranking Republican on the Senate Judiciary Committee, I have had the privilege of sponsoring many of these proposals.

Mr. President, this body has been quite diligent in acting on this list of 22 bills, which I will later enumerate. Extensive hearings have been held on many of these measures. The Judiciary Committee has reported and the Senate has approved 10 of them and sent them to the other body. Hearings by the Senate Judiciary Committee are still in progress on a number of the bills. One of them is awaiting action by the entire committee, having received approval by the subcommittee and another has been referred to the Finance Committee after receiving Judiciary Committee approval.

But Mr. President, notwithstanding this, it is with regret that we note the sorry fact that not a single bill on this list or of this nature has been placed before the President for his signature to make it a law.

BAR ASSOCIATION'S HELP

The President made this very point in a letter dated May 22, to the President of the American Bar Association, Bernard Segal. In soliciting the aid of the bar association in getting his legislative program enacted, Mr. Nixon asked for their support in "urging the Congress to act speedily on the crime legislation which lies before it."

Mr. President, I ask unanimous consent that the text of this letter be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

THE BILLS ARE CONSTITUTIONAL

Mr. HRUSKA. Mr. President, many persons are contending that some of Mr. Nixon's crime proposals are "patently unconstitutional" or repressive against one class of our citizens. They would have us believe that the purpose of these bills is to give the police tools and means to harass and intimidate our citizens and allow the police to act in an unwarranted manner. These charges are unfounded.

Mr. President, I do not support unconstitutional proposals. Attorney General Mitchell and the Department of Justice do not support unconstitutional proposals. Most certainly, President Nixon does not support unconstitutional proposals. These bills have received many days and long periods of thoughtful consideration by competent, experienced constitutional and legislative counsel before being submitted.

For example, Mr. President, Richard Kleindienst, the Deputy Attorney General of the United States, testified before the Constitutional Rights Subcommittee of the Senate Judiciary Committee in support of S. 2600, a bill that would reform the Bail Reform Act of 1966 and would allow the court to consider "danger" to the community as a factor before releasing a person arrested for the commission of a crime. This proposal, more commonly referred to as the "pre-trial detention" bill has received quite a bit of adverse publicity and has generated much controversy. A similar provision is currently in the House version of the District of Columbia Court Reform and Criminal Procedures Act. This bill is in conference, and the Senate will be asked to approve a conference report with this provision, or a similar provision in it, very soon.

So that those Members of the Senate who are not already familiar with this new procedure can put it in the proper perspective, I ask unanimous consent that Mr. Kleindienst's statement be placed in the Congressional Record following my remarks today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

SENATE HAS MADE COMMENDABLE PROGRESS

Mr. HRUSKA. Although Mr. Nixon has submitted or endorsed more than 20 criminal law reforms in this Congress, not one of these bills has reached his desk for signature into law. These are bills that are essential if the lawlessness and crime are to be dealt with effectively.

The District of Columbia Court Reorganization and Criminal Procedures Act, which I mentioned above, is now in conference and is the closest to enactment. This bill encompasses a complete reorganization of the District's criminal justice system. New courts are created and additional judges are added.

The Senate has also considered, and passed, a revision of the statutes controlling drugs and dangerous substances; and a bill to better enable the government to control and cope with organized crime, or the mafia as it is commonly called.

Both of these bills were passed by substantial votes after many days of debate and after many weeks and months of consideration and analysis by the Judiciary Committee. The subcommittee in that instance had as its chairman the Senator from Arkansas (Mr. McClellan) and he is an acknowledged authority in this field of legislation.

The Controlled Dangerous Substances Act (S. 3246) passed the Senate by 82 to 0 on January 28, 1970, and the Organized Crime Control Act, another desperately needed measure, passed the Senate 73 to 1 on January 23, 1970. Both of these are major legislative proposals. The organized crime bill has ten separate titles, for example. Both have provisions that are objectionable to some members of this Congress. But the Senate did what has to be done when it is faced with a tough job, it debated the issue and it voted it up or down as the case may be. The result, of course, was that the bills were approved by the Senate overwhelmingly and thus are one step closer to the President's desk.

Certainly, these bills will excite some opposition. There are many changes of far-reaching import contained therein. But the Congress must do its job and consider them in committee and then deliberate them on the floor and pass that part of the program which in its judgment is the most acceptable version.

MANY OTHER PROPOSALS PENDING IN COMMITTEES

The administration has submitted a number of other reforms which have not been incorporated into any of the bills I have discussed above. Although not as far reaching in effect as the major bills, they nonetheless are still necessary and should be passed.

Mr. President, I ask unanimous consent that there be printed in the Record following my remarks a list of these bills which shows a brief explanation and chronology.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

FAR-REACHING PROPOSALS

Mr. HRUSKA. Mr. President, these proposals range from an amendment to the wagering tax laws to the creation of a procedure to allow the police to obtain nontestimonial evidence prior to actually making an arrest.

What each of them do demonstrate is an attitude on the part of the administration to take advantage of existing case law to expedite the administration of criminal justice.

The proposals are designed to aid the police to conduct better investigations, to expedite the trial of lawsuits, to enable the prisons to actually rehabilitate instead of just incapacitate and further corrupt and so on. These proposals demonstrate an awareness that criminal justice is in a sad state of disrepair and must be improved at all levels if law and order are to be restored and maintained.

THE SERIOUSNESS OF THE CRIME PROBLEM

Mr. President, much has been accomplished by the administration in the last year and one-half to reduce the high crime rate. Recently, the President announced that the District of Columbia's crime rate was turning down.

This reduction and many of the other favorable signs that the situation is improving are very encouraging and can be attributed to a firmness by the police and a dedication by the President and

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Attorney General to get the job done as was promised during the last election campaign. As was reported in an editorial appearing in this morning's Washington Post, "The District has no problems more serious than crime and the feeling we get is that the police are at last beginning to find some of the solutions to it." I ask unanimous consent that the full text of this editorial appear following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. HRUSKA. Mr. President, notwithstanding the gratifying reports of a reduced crime rate as referred to, the fact is that the incidence and volume of crime is still far too substantial. There are limitations to progress in this direction unless the judicial and the law enforcement machinery and resources are revised, updated, and improved.

Mr. President, I suggest that we get to our task. It is with some regret that I notice there has been an attempt to put this matter on a partisan political basis. I say this is highly regrettable, even deplorable.

For example, as early as January we had a situation where it was announced in the Washington Post that "Democrats will blame GOP for rising crime." Part of this release quotes one Member of Congress as saying:

> CRIME-IN-THE-STREETS ISSUE
>
> "President Nixon campaigned on a promise to reduce crime by getting a new Attorney General." But "despite that emphasis on 'law and order' in the 1968 campaign," "the fact is that the rate of crime in the United States has gone up 11 per cent during the first year of President Nixon's term in office. Robberies were up 15 per cent and armed holdups increased by 18 per cent."

Mr. President, when there are some 20 bills proposed to the Congress, when one body has processed and approved some 10 of them and there has been virtually no action in other parts of Congress, both Houses being under control of the party of which this Senator is not a member, I wonder how much validity can attach to the headlines that "Democrats will blame GOP for rising crime."

Here is a story in February entitled "GOP Is Hit on Crime Crisis." One of the statements reads:

> We are still waiting for any administration legislation at all on nationwide prison reform, nationwide court reform, nationwide narcotics treatment programs and for the amendments sorely needed to strengthen the Omnibus Crime and Safe Streets Act.

Mr. President, it was last September 9, that a very comprehensive prison reform bill was introduced in this body, S. 2875. It has not yet become law. I understand that the House Judiciary Committee is ready to act on this bill.

Nationwide court reform is called for. That is certainly one of the aims of the Omnibus Judgeship bill and also in the District of Columbia Court Reorganization Act. Narcotics law reorganization was passed in this body by an overwhelming vote in January. Yet, we have nothing from the other body on the enactment of these bills.

In that same February story, there was an accusation that probably the greatest "bill robbery" of them all consisted of seeking credit for organized crime legislation introduced before President Nixon took office, by the Senator from Arkansas (Mr. McCLELLAN). That bill passed the Senate on January 23 by a vote of 73 to 1. Insofar as political credit is concerned, I, who have been a cosponsor of that measure not only in this Congress but the Congress before, wish to stand here and in all seriousness say that the greatest credit for any single individual to have for the passage of that bill is the Senator from Arkansas (Mr. McCLELLAN).

I know of no campaign or no assertion that it was President Nixon who drafted that bill. He did not do any such thing, but he considers it essential legislation. However, certain titles are administration sponsored. I am sure the President would be particularly pleased if the Congress would gather together their intelligence, resources, time, and diligent efforts to get it into a stage where it could be delivered to 1600 Pennsylvania Avenue, placed on his desk, there to get his signature and become law.

I do not know that there is any particular great credit that can be given to any single individual on any of these matters. It is the combined effort of many people, and that is the way it should be.

But the point the Senator from Nebraska is making now is that the effort to improve law enforcement in this country must not get into the field of partisan politics. If that happens, I would feel constrained to suggest that the CONGRESSIONAL RECORD will show that it is not the President's party that is in control or in charge of either House of this Congress.

I prefer not to go into that, because I have observed, on the basis of many years in Congress, that in the job of improving the law-enforcement system, there is very little in that process that is a political, partisan subject. Many of us differ on philosophy. We can be strict constructionists, or we may be judicial activists. We can possess so-called liberal attitudes or, on certain types of legislation, we may be in favor of a stricter discipline. I have noted a minimum of emphasis on whether we are Republicans and Democrats when dealing with the safety and security of society. So I think it is to be deplored if that should happen now.

I have an idea that, if this question is going to be resolved in the political forum, the fact that the political processes in the legislative branch have not proceeded with the sense of urgency that this problem deserves will be one of the elements that will be brought out. If that contingency happens, the Senator from Nebraska intends to make that fact clear and widely known.

There are other commentaries as well, one as late as April 30. An article appeared in the Baltimore Sun, headlined, "Democrats Say That Nixon Has His Priorities Backward." In that appraisal, there is hardly anything that the President came ahead on. Fortunately for America, the bulk of the American people did not believe that, and the polls have so indicated. However, there is one particular part of this assessment and the list of priorities I should like to comment on in this article.

The proposal was made that the Democrats ask for a billion dollars next year to fight crime and to escalate that by $1 billion until by 1975 nearly $5 billion would be spent each year "to bring America's system of justice up to date."

Mr. President, the Attorney General has testified that his Department cannot productively spend more than $480 million in the law enforcement assistance administration. That is a big pile of money.

Last year, the appropriation was $268 million. This money is to be spent consistent with a brand new concept, whereby increasing sums of money will be allowed in block grants to each one of the 50 States to strengthen and improve the law enforcement system in each State.

The throwing of huge sums of money indiscriminately and without proper planning and emphasis would do more harm than good.

It is reported that the other body has just about reached the conclusion that it will authorize for fiscal year 1971 $650 million. Planning calls for an authorization in the range of $1 billion for fiscal 1972.

That is the way to go about it. But to say of a problem as grave as this, "we will throw out $1 billion and, in successive years, more billions of dollars until $5 billion by 1975 is spent," without laying the proper foundation, is a story that has been experienced too often in national planning. Money is not the answer to every problem. Certainly in urban planning that idea has been used, and it has not worked.

Anyway the suggestion by another Member of this Congress is:

> The solution to mounting violent crime must come from the Democratic Party, which understands that people are not statistics and that money, manpower, and motivation stop crime, rather than slogans, bumper strips, and simpleminded repressive legislation.

Mr. President, this body has passed 10 long law-enforcement improvement bills. The body in which this particular person resides has had an opportunity to act on those 10. The Senator from Nebraska maintains that those are not "bumper strips." They are not "simpleminded legislation." They are not "slogans." They are well-thought-out proposals, under which the law enforcement procedures of national as well as State and local political subdivisions can benefit only after their enactment into law.

Much has been done, but much remains to be done. Certainly the police force in the District of Columbia, for example, are to be commended for its progress. The improvement in that crime picture is reflected by added policemen and greater firmness in police functioning. But, as I have indicated, improvement in the law enforcement program can be limited due to that approach. New tools are needed for criminals are more sophisticated.

The Congress ought not to let the ad-

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ministration stand alone in its fight against crime. We must give them the tools that they need and act with dispatch and favorably on the legislation now before us.

Again I want to say that this is a field in which partisan political considerations have no business. To the extent that they do exist, I think it is unfortunate, to say the least. But if it has to be met on that basis, I have an idea that it will not be the President's party that will be found to be derelict.

Again I pay tribute to the leadership on this side, and particularly to the members of the Committee on the Judiciary, who have done so much to facilitate so many of these proposals and are continuing their efforts. Several Members of the House Judiciary Committee deserve commendation as well. I urge them to act in consort and promptly.

Exhibit 1

Letter of the President to Mr. Bernard Segal, President of the American Bar Association

Mr. Bernard G. Segal,
President, American Bar Association, The Mayflower Hotel, Washington, D.C.

Dear Bernie: I was most appreciative to have had an opportunity to discuss the issue of crime with the American Bar Association Board of Governors yesterday. The reduction of crime is of paramount importance to this society and I have pledged and pursued the strongest measures within my power and authority to resolve this problem.

Today, Mayor Walter Washington reported to me that the April statistics for the more serious crimes here in the District of Columbia dropped below those of March—the fifth consecutive month in this downward pattern. The Mayor pointed out that in November, the number of crimes reported in the more serious categories totaled 6,071—a daily average of 202.4. This daily average decreased to 187.4 in December, to 176.9 in January, to 171.1 in February, to 170.2 in March—and then to last month's 164.2 offenses. The total percentage decrease is 19%. In the District we have authorized extra police manpower, broadened our attack on drug abuse, and encouraged more vigorous prosecution of cases through the courts to eliminate a very serious backlog.

While we can be heartened by this evidence of improvement in the District of Columbia, we have been seriously constricted in our ability to wage our campaign against crime because of the Congressional delay in providing us with necessary new tools to do the job. Major legislative proposals to fight organized crime, narcotics abuse, street crime, pornography and crime in the District of Columbia have been introduced, discussed, debated. While the District of Columbia crime package has progressed to Conference not a single bill has reached my desk for signature.

I iterate my request of yesterday for your support in urging the Congress to act speedily on the crime legislation which lies before it. As I mentioned, we have either submitted or strongly endorsed 20 items of significant crime legislation now pending in the Congress. Some of these proposals have been pending for as long as 15 months. While some of these provisions are controversial, many are not, and all demand prompt Congressional attention. It is inexplicable to me how Congress can delay enactment of these proposals—either as introduced or amended—given the gravity of the crime situation confronting our people in these times.

I would appreciate all the assistance you can provide in this vital and needed effort.

Sincerely,

Richard M. Nixon.

Exhibit 2

Statement of Richard G. Kleindienst, Deputy Attorney General, Department of Justice

S. 2600 AND RELATED BILLS AMENDING THE BAIL REFORM ACT OF 1966 TO AUTHORIZE THE LIMITED PRETRIAL DETENTION OF DANGEROUS DEFENDANTS

Mr. Chairman and members of the Subcommittee, the Administration has been anxious for some time to present its views on our pretrial detention bill before this subcommittee.

We have been anxious to testify because we believe the bill is constitutional, workable, and urgently needed, and that rather than transferring it "to some sort of Smithsonian Institution of legal curiosities," the Congress should incorporate it promptly into the U.S. Code.

We are also anxious to set the record straight about several misconceptions which have achieved notoriety in the public dialogue.

Since some members of the subcommittee have indicated that they perhaps hold views different from ours on the wisdom of this legislation, these hearings should provide a welcome opportunity to examine the issues squarely and honestly.

In 1965, Robert M. Cipes, a distinguished legal scholar, wrote in Moore's Federal Practice that:

"The formulation and expression of a public policy favoring pretrial release without pecuniary conditions, and the consequent pressure on traditional bail practices, may eventually require open consideration of preventive detention. As parole for the poor defendant increasingly becomes the rule, rather than the exception, the means of detaining the allegedly dangerous person will disappear. At the same time, the rate of recidivism of released defendants may give rise to counter-reform . . . ."

This brief quotation sums up precisely what has happened in the federal system. In 1966, under the leadership of Senator Ervin and members of the subcommittee, Congress approved the Bail Reform Act, a historic bill which sought to minimize the use of money bond as a means of detention and a barrier to freedom.

As we review that Act today, no one disputes the merit of its basic objectives.

As written by the Congress, however, and as interpreted by the courts, the Bail Reform Act absolutely precludes a trial judge from considering danger to the community in setting conditions of pretrial release in a non-capital case.

This development, together with the virtual elimination of money bond, has indeed put pressure on traditional bail practices; for, historically, danger to the community has been considered by trial judges who could manipulate money bond to effect detention.

We believe that bail manipulation for this purpose is undesirable, not because it successfully detains some dangerous defendants before trial, but because in practice it is unreliable, discriminatory, and utterly hypocritical. It provides no set standards or due process safeguards to protect a defendant under suspicion; and because it lacks an open, visible determination of dangerousness, it offers almost nothing for a court to review.

But eliminating money bond does not eliminate the social need to detain those persons who pose a serious threat to the public safety. This is the issue in pretrial detention.

Under the Bail Reform Act, every defendant charged with forcible rape, arson, kidnapping, armed robbery, burglary, bank robbery, mayhem, manslaughter, and assault with intent to kill has an absolute, unequivocal statutory right to *release* before trial, unless there is substantial evidence that he will attempt escape. The almost inevitable result of this statutory mandate has been an unacceptable incidence of pretrial recidivism among felony defendants who have been released.

The imperative necessity to deal with these dangerous defendants in federal courts, and the deep desire of this Administration to root out the hypocrisy of money bail in the legal system, impelled our sponsorship of this legislation.

Let me be explicit.

This Administration did not invent pretrial detention. It was considered by this subcommittee and by the House Judiciary Committee in the mid-1960s as a logical component of bail reform. At hearings before you in 1965, former Attorney General Ramsey Clark said that the Department of Justice had "given much consideration to legislation which would expressly permit preventive detention." He described a plan quite similar to our bill, saying:

"This is a straight-forward approach. It is similar to the system used in most parts of the world. It promotes candor, eliminates indirection, and abolishes money or lack of it as the determinant of release before trial . . . [I]t specifically authorizes the courts to hold a highly dangerous defendant who has adequate funds to meet any bail imposed."

Although Mr. Clark did not endorse the proposal, it should be noted that he spoke before the Bail Reform Act was passed and without the ability to foresee the appalling 122 percent increase in the District's serious crime since 1965.

In 1966, the President's Commission on Crime in the District of Columbia recommended that legislation be adopted to authorize the pretrial detention of those defendants who present "a truly high risk to the safety of the community." It further observed that, "After considering the opposing arguments, the majority concludes that the courts are presently capable of identifying those defendants who pose so great a threat to the community that they should not be released, and that a constitutionally sound statute authorizing detention in certain cases can be drawn."

In July of 1968, the D.C. Metropolitan Police Department undertook a study of 130 persons indicted for armed robbery and released during fiscal 1967. The department determined that 34.6 percent of those defendants were indicted for at least one felony while on bail.

In a later study, the United States Attorney's Office collected data on 557 robbery defendants indicted during calendar 1968. Some 70 percent of the 345 defendants released before trial were reportedly rearrested for a new crime.

Subsequently, the Judicial Council Committee to Study the Operation of the Bail Reform Act in the District of Columbia reviewed the U.S. Attorney's investigation. Taking a sample of 140 of the 557 robbery defendants, the Committee determined that 63.7 percent of the 105 defendants released were rearrested while on bail, thus confirming the substance of the original findings.

It is important to note that while these studies were confined to robbery defendants, they focused upon all the defendants indicted within a given category over the course of 12 months. One assumes that a study which considers the total number of defendants within a category will be more accurate than a study which considers only part of the number.

These studies and statistics prompted two distinguished members of the Judiciary Committee, Senator Joseph Tydings of Maryland and Senator Robert Byrd of West Virginia to sponsor legislation on pretrial detention. Senator Byrd told the Subcommittee on February 4, 1969, that ". . . there has now been sufficient experience under the 1966 law to demonstrate certain of its weaknesses and the fact that it is proving a windfall to the chronic violent criminal." Senator Tydings testified that "Recidivism during bail is an especially acute problem in the District of Columbia."

This was the situation that confronted the new Administration when it assumed office 16 months ago. On the basis of the disturbing evidence before him, the President concluded, as Senator Tydings and Senator Byrd had concluded, that legislation was needed to authorize the limited pretrial detention of dangerous defendants.

Since the President's call for this legislation on January 31, 1969, two additional crime commissions—the Judicial Council Committee to Study the Operation of the Bail Reform Act in the District of Columbia and the Advisory Panel Against Armed Violence—have openly supported pretrial detention.

On April 7, 1970, the National Bureau of Standards published the preliminary report of its study of criminal court data relating to the pretrial release of defendants in the District of Columbia. This study was made to analyze what could be learned from criminal justice records about the rearrests of a small sample of defendants given pretrial release. It also analyzed the concept of "dangerousness" to the extent possible from the limited data collected.

The study focused on 426 defendants who were released before trial during four weeks in the first half of 1968. The Report revealed that 17 percent of 147 felony defendants were rearrested during pretrial release. Seventeen percent of the defendants charged with "violent crimes" and 25 percent of the defendants charged with "dangerous crimes" were rearrested on bail. Altogether, 11 percent of the 426 defendants, including those charged with misdemeanors, were rearrested for new offenses. If nothing else, the NBS Report confirms our contention that a substantial amount of crime is being committed by persons released on bail; correspondingly, it undermines the assertion that "offenses committed by persons released on bail are approximately 6 percent of the total crime figure."

Of special significance is the Report's estimate of recidivism as related to important crime factors that were beyond the scope of the study. The Report indicated that, given the low crime clearance rate by police (29 percent for the period covered) and the fact that some 30 percent more rearrests would have been identified had the analysts been able to extend their data search outside the District, the true recidivist rate would be much greater than that reported. The rate would approach 40 percent. Moreover, if the data could account for the amount of crime actually committed but not reported and for the amount of crime which would probably have been committed by the defendants in the study who were not released, the recidivism rate would be considerably higher than 40 percent. (A separate statement on the NBS Report is submitted to the subcommittee with this testimony.)

These figures are consistent with the experience in other cities. For example, officials in Philadelphia report that in 1969, 37 percent of the persons arrested on burglary charges were on bail at the time. Thirty-four percent of the suspects in robbery cases had been free on bail. Twenty-nine percent of the homicide suspects were free on bail at the time of the crime. (See Philadelphia Inquirer, April 20, 1970, at 31.)

However, we believe a compelling rationale exists for amending the Bail Reform Act without a panoply of studies and statistics. Accurate statistics on crime and recidivism would require complete reporting of criminal offenses, plus a police solution rate of 100 percent. They would also require a perfectly coordinated interchange of data among different jurisdictions. This we cannot provide.

On the basis of experience and common sense, we know that a small number of highly dangerous, recidivistic non-capital defendants exist in the federal system. Under present law, the Government of the United States is legally powerless to detain any of these non-capital defendants on grounds of dangerousness before trial.

A defendant charged with any of the serious non-capital offenses that were listed earlier has a statutory right to pretrial release. Thus, according to the language of the Bail Reform Act, a defendant could be caught in the middle of an armed robbery—he could shoot at citizens and police—he could be desperately addicted to heroin—and he could have a long record of violent crime—and he would still be entitled to pretrial release.

Senator Scott observed recently that John Dillinger robbed at least 13 banks, three supermarkets, a mill, a drugstore, and a tavern before he was first captured in 1933. Today, under the Bail Reform Act, John Dillinger would be guaranteed a pretrial release in the District of Columbia.

Police have arrested a person charged with planting 35 bombs in buildings around New York City, including one that exploded in the Public Library. The man was purportedly apprehended while planting a bomb at an Army recruiting booth. At the present time, the federal government—though not the New York State government—has no power whatever to detain such a person on grounds of dangerousness pending trial.

Police in New York City are also said to be looking for a man suspected of giving repeated heroin injections to an 8-year-old girl as well as several of her classmates. In federal jurisdictions under the Bail Reform Act, a court would be forbidden to consider potential danger to the community in granting such a person pretrial release.

Without a change in the present law, the sudden abolition of capital punishment by legislative action or judicial decision would render the government incapable of detaining *any* defendant before trial, regardless of the threat he posed to others.

Society has the inherent right to protect its members, for limited periods through due process procedures, from persons who pose a serious threat to life and safety. It is unconscionable for the Congress of the United States to deny the federal government the legal authority to exercise this right.

No extensive studies were needed by this subcommittee five years ago when it authorized the pretrial detention of defendants charged with kidnapping and rape. Today, however, it is argued that our proposal to authorize the pretrial detention of these same offenders is "unconstitutional, unworkable, and unjustified" and "smacks of a police state." All that has transpired between then and now is the Supreme Court's decision in *United States* v. *Jackson*, 390 U.S. 570 (1968), which invalidated the statutory clause making kidnapping a capital offense.

As a consequence of the *Jackson* decision, rape cannot be punished capitally in the District of Columbia because the penalty provision in the District's rape statute is likewise invalid. It is my understanding that unless the Supreme Court reverses the decision of *Alford* v. *North Carolina*, 405 F. 2d 340 (4th Cir. 1968), the same result will obtain in North Carolina.

We reject the theory that governments are forbidden by the federal Constitution from making these serious, non-capital offenses bailable as a matter of sound judicial discretion rather than a matter of absolute right. New York courts have been vested with such discretion since colonial times.

There is little to indicate that speedy trials, by themselves, are a satisfactory answer to these recidivism problems. Of course, they will be helpful; but the type of person about whom we are concerned is not likely to suspend his criminal activity for 60 days while awaiting trial. On the contrary, the narcotics addict, the incorrigible troublemaker, the defendant who wishes to "bank roll" his family, and the man out for a "last fling" have every motive to accelerate their offenses. Any notion that a heroin addict, with a $100-a-day habit, is suddenly going to control himself for eight weeks is somewhat at odds with the real world.

There is a third rationale for pretrial detention. Even under the Bail Reform Act, many felony defendants are being detained before trial in the District of Columbia and perhaps elsewhere. Inasmuch as there is only one capital offense in the District (first degree murder) which permits the courts to deny bail, the great bulk of defendants not released are being detained through the historic expedient of setting money bond.

The United States Attorney's study of 557 robbery defendants in calendar 1968 revealed that 212 defendants were not released.

The National Bureau of Standards Report indicates that money bond was required of 52 percent of the 217 felony defendants eligible for release. Altogether, of the 654 defendants eligible for release, at least 186 were held in custody.

While there is no doubt whatever that many of the defendants thus detained were dangerous and should not have been released, the Bail Reform Act forbids detention on these grounds. Consequently, in every situation where a defendant was detained on grounds of dangerousness, the legal system was grossly dishonest.

As the Washington Post puts it, the Bail Reform Act is "a constant irritant in the judicial process." Today, federal judges are faced with an agonizing decision when a dangerous defendant stands before them. They must either disregard the mandate of the Bail Reform Act by setting bail beyond the defendant's means, or they must shut their eyes to community danger. One course perpetuates hypocrisy; the other course is hazardous to society.

Open pretrial detention would eliminate hypocrisy from the bail system. Under the legislation we propose, defendants would be afforded a due process hearing in which they would gain a significant measure of protection against arbitrary determinations.

The Administration is opposed to a system in which a rich dangerous defendant can gain his freedom but a poor non-dangerous defendant cannot.

CONSTITUTIONAL QUESTIONS

We find nothing in the Eighth Amendment or the Due Process clause of the Fifth Amendment that bars the enactment of pretrial detention.

The Eighth Amendment provides that "Excessive bail shall not be required. . . ." This language does not establish a right to bail; it forbids judges from requiring excessive bond in cases where the defendant has a statutory right to bail. In *Carlson* v. *Landon*, 342 U.S. 524 (1952), the Supreme Court stated that:

> The bail clause was lifted with slight changes from the English Bill of Rights Act. In England that clause has never been thought to accord a right to bail in all cases, but merely to provide that bail shall not be excessive in those cases where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept. The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country. Thus in criminal cases bail is not compulsory where the punishment may be death. Indeed, the very language of the Amendment fails to say all arrests must be bailable."

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This interpretation was reaffirmed in the recent case of *United States ex rel. Covington v. Coparo*, 297 F. Supp. 203 (S.D. N.Y. 1969), in which the court said:

". . . Congress could, without running afoul of the Eighth Amendment, . . . provide . . . that persons accused of kidnapping, bank robbery with force and violence, or other serious non-capital crimes are not entitled to bail as a matter of right."

This view of the Amendment is supported by several considerations. For example, in 1789, when the Eighth Amendment was drafted, contemporary constitutions in Pennsylvania, North Carolina, and Vermont set out an absolute right to bail in non-capital cases. The right to bail language in these constitutions, in the Northwest Ordinance of 1787, and in the Judiciary Act of 1789 was familiar to the framers of the Bill of Rights, but it was not selected for the Eighth Amendment. Instead, the framers relied on the "excessive bail" language from the English Bill of Rights.

Every state except Illinois has an "excessive bail" clause in its state constitution. More than 35 states also have clauses which establish an absolute right to bail in non-capital cases. The likelihood that the men who wrote these constitutions intended the two bail clauses to mean exactly the same thing is remote. In any event, an "excessive bail" clause has never been construed in any state to establish by itself a right to bail in non-capital cases. On the contrary, state court decisions are consistent with the interpretation advanced by the Supreme Court in *Carlson* v. *Landon*.

Historical research reveals that early American bail provisions all excepted capital offenses from a right to bail. This is significant, for at the time these measures were drafted, most serious offenses, including robbery, rape, and arson, *were* capital offenses and thus not bailable as a matter of right. See Mitchell, *Bail Reform and the Constitutionality of Pretrial Detention*, 55 Va. L. Rev. 1223 (1969). It passes belief to suppose that Congress must now retain its power to execute a dangerous rapist in order to hold him before trial. If this were what the Amendment required, the easy way to skirt it would be to classify all serious offenses as capital offenses. No one would actually have to be executed to create the authority in courts to deny bail.

But if the Eighth Amendment really established a "right" to bail, it is hard to conceive how Congress could create exceptions to that right simply by penalizing offenses with death. Nowhere does the Eighth Amendment authorize exceptions for capital offenses. Nowhere does it authorize the denial of bail when witnesses or jurors are threatened, or when a defendant is charged with an offense during his parole, or when extradition proceedings are pending—yet these exceptions have frequently been approved.

If the Eighth Amendment established an absolute right to bail, one wonders how the American Law Institute, as far back as 1927, could have included a provision for pretrial detention in its Model Code of Criminal Procedure. One wonders how the American Bar Association today can advocate the revocation of bail when a defendant commits a crime during his pretrial release.

It has sometimes been argued that if Congress can determine which offenses are bailable and which offenses are not, then it could abolish the right to bail and the Eighth Amendment would become meaningless. But that is not the case. Although no one has ever contemplated abolishing the right to bail completely, the Due Process clause would certainly bar a total abolition, for such an extreme move could not be defended for *all* offenses. Even if bailable offenses were wholly abolished by Congress, judicial history demonstrates that courts would have inherent power to bail defendants. They have done so repeatedly throughout the country, even when expressly forbidden by statute.

The extreme interpretation of the Eighth Amendment favored by opponents of pretrial detention would have disastrous consequences if the Amendment were applied in the states. For example, the bail provision in the Michigan Constitution would be unconstitutional, for it authorizes the denial of bail to defendants accused of murder, although murder in Michigan is a non-capital offense. The bail provisions in the constitutions of Florida, Rhode Island, and Maine would be unconstitutional because they permit the denial of bail in certain non-capital cases. Voters in Oregon would be denied the right next week to approve Section 11 of the proposed Oregon Bill of Rights:

"Every person, before judgment of conviction, is entitled to bail by sufficient surety, but excessive bail shall not be required. Bail may be denied to a person charged with a crime or offense punishable capitally or by life imprisonment, giving due weight to the evidence and to the nature and circumstances of the event . . ."

These and other points, which are amply supported by authority, substantiate our position on the Eighth Amendment. And this is crucial. For if it is determined that Congress can create categories of offenses which are not automatically bailable, the Due Process objections begin to fail. The Due Process clause has not barred other instances of custody before trial. Given proper procedures, juveniles may be detained; sexual psychopaths and the mentally disturbed may be detained; aliens, addicts, parolees, and accused persons who have fled across state lines may be detained. The Bail Reform Act permits preventive detention to prevent flight. People may be detained in official custody if the interests of society so require.

What remains is a concern for the fairness and reasonableness of the procedures by which this detention is lawfully consummated.

Under the legislation we propose, no one will be held in pretrial detention unless (1) he comes within one of a group of carefully chosen categories of defendants who may pose a danger to society, (2) the judge finds that the defendant cannot be released on any condition that would reasonably assure the safety of the community, and (3) there is a "substantial probability" of the defendant's ultimate conviction.

Under S. 2600, the government must proceed against a defendant in a hearing of record. It must bear the burden of producing evidence and produce persuasion to a "substantial probability". At the hearing the defendant is entitled to counsel. He may present witnesses on his behalf and cross-examine witnesses against him. He will not be detained unless the court finds in writing that *no condition or combination of conditions of release will reasonably assure the safety of the community*—a decision that may be appealed.

If the defendant should be detained, he may not be held for more than 60 days. During his confinement, he is to be set apart from convicted offenders to the maximum feasible extent. He may have virtually unlimited access to counsel. He may be released for short periods in custody to secure witnesses and procure evidence. Every effort will be made by the prosecution and the courts to schedule and hold a speedy trial.

The soundness of the categories we have created is confirmed in the study by the NBS. Our theory was that persons in the "dangerous crimes" category were the most likely to be recidivists. The Report stated that "the evidence seems sufficient to conclude that those in the dangerous category can be expected to produce a much higher recidivism rate about three or four times as much—than those in the non-dangerous category." The data also indicates that those in the "violent" category can be expected to produce a recidivism rate two times as great as those in the non-violent category. As the bill is drafted, detention of persons in the violent category requires definite additional evidence of recidivism.

Some critics have argued that the court's ruling that a defendant is dangerous and that no condition of release will reasonably assure the safety of the community makes the judge a prognosticator of future behavior—which is allegedly unprecedented and unreliable. But, in truth, the legal system has always called upon the trial judge to make predictions of future behavior, from the first appearance after arrest until final sentencing.

Under the Bail Reform Act, a judge is authorized to predict the likelihood of flight. In effect, he is authorized to predict whether the defendant is going to commit the offense of jumping bail. When a capital offense is charged, the judge is directed to take danger to the community into consideration and assess whether the defendant will present a threat to the community if released.

Moreover, every time a judge imposes or suspends a sentence or grants or denies probation he makes a prediction about future behavior and the possibility of rehabilitation. Less than six months ago, the Senate voted in S. 30 to permit a judge to sentence a "dangerous special offender" for up to 30 years in prison. This is permitted when "a period of confinement longer" than the period provided for by the felony statute under which the defendant is convicted "is required for the protection of the public from further criminal conduct by the defendant."

Balancing the interests of the individual and the public is a dilemma inherent in a free society. The choices are difficult for conscientious men. Today, as we reconcile the tensions between order and liberty, the pestilence of crime weighs heavily in the balance; for it threatens important liberties as well as our lives.

Mr. Chairman, S. 2600 is a thoughtfully considered, carefully drafted response to the serious problem of crime on bail. It is a small but essential part of the comprehensive legislative program against crime sponsored by this Administration. I urge the subcommittee to act favorably and promptly on this bill.

Department of Justice Analysis of the Relationship of the National Bureau of Standards Study to the Department's Pretrial Detention Proposals

The discussion following the April release of the National Bureau of Standards limited District of Columbia study of recidivism while on retrial release suggests that additional perspective is necessary in assessing the report. The NBS study focuses primarily on some 426 defendants who were released prior to trial in 4 weeks of 1968. Let us step back a moment and view the larger crime problem confronting the country and this city today.

The FBI, in a release dated March 17, 1970, reported that serious crime in the United States increased 11% in 1969 compared to 1968. All Crime Index offenses increased in volume: crimes of violence were up 11%, forcible rape increased 16%, robbery increased 13%, aggravated assault 9%, murder 7%. Crimes against property increased 11% as a group. Compare this distressing resume with that of the District of Columbia:

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UCR KNOWN OFFENSES, 1968 AND 1969

	Murder, non-negligent man-slaughter	Forcible rape	Robbery	Aggravated assault	Burglary—breaking or entering	Larceny $50 and over	Auto theft
Washington, D.C.:							
1968	195	260	8,622	3,103	17,950	7,876	11,354
1969	287	336	12,423	3,621	22,992	11,548	11,364

While serious crime in the United States increased 11% in 1969, serious crime in the District of Columbia increased 27% in 1969, or 2½ times more than the national increase. This city has faced a horrendous crime burden that has manifested an intolerable upward trend.

This Administration has sought from the Congress a comprehensive package of resources and changes for the criminal justice system of the District of Columbia, of which pretrial detention is one. We sought more police resources so that, among other things, the low crime clearance rate of some 29% or less could be improved. We sought greater resources and responsibilities for the D.C. Bail Agency and D.C. Legal Aid Agency, the latter to be expanded into a Public Defender Service. We sought a major reorganization and upgrading of the local court system; and we sought more resources for this system and all supporting agencies. We sought also a carefully circumscribed procedure for pretrial detention of persons accused of certain crimes and posing a serious danger to the community if released awaiting trial.

These legislative objectives are essential to the goal of speedy and effective justice. No one of these proposals is itself sufficient to meet the needs of the community, nor have we suggested otherwise. The crime problem amply proves that it does not respond to staggered, or tentative, or piecemeal remedies. All parts of the criminal justice system must improve together and be made to respond together, for even modest gains in the war on crime.

Pretrial detention is only one component of this comprehensive approach, but, we contend, a most necessary and valuable component. We proposed pretrial detention provisions because we were convinced, by judgment, experience, and such studies, data and recommendations as are extant on the subject, that pretrial detention is justifiable, constitutional, workable and necessary, as indicated in my testimony. However, no rational and informed person would suggest that there has been, or is now, any sufficient body of data, or statistical analysis or predictive tools regarding criminal behavior, that can substitute for informed judgment and experience. It has not been demonstrated, either that data in the criminal justice system could be used for meaningful statistical analysis without major revision in the data system, nor that statistical analysis of data could resolve or "demonstrate" an issue of broad dimensions like recidivism. An evaluation of the feasibility of such data collection and statistical analysis was the primary purpose behind the commissioning of the National Bureau of Standards study by the National Institute of Law Enforcement and Criminal Justice: "This pilot study was commissioned to assemble and analyze a sample of the available data to determine if a full scale data collection and analysis effort would be worthwhile."

We state unequivocally that the NBS study could not, and of course did not, determine all of the facts of crime and recidivism which must be considered in resolving the policy issues in pretrial detention. Nor did anyone at the Department of Justice or the National Bureau of Standards assume otherwise. Indeed, the NBS Report explicitly notes its many limitations in terms of the larger crime problem that pretrial detention addresses, as follows.

(1) Studies conducted by the National Crime Commission indicated that only about half of all serious crimes committed are reported to the police. In the period covered by the NBS Report, data showed that police made arrests in only 29% of the offenses reported to them. It can be inferred, on the basis of these points, that police made arrests in D.C. in fewer than 15% of the crimes committed. There is no factual basis for directly equating rearrest during pretrial release with crime committed while on pretrial release. Rather, the most reasonable inference is that a great deal of crime, either unreported or not cleared, is committed by persons in a pretrial release status. The NBS Report suggests that if the defendants who were *not* arrested in over 71% of the cases were distributed between recidivist and nonrecidivist cases in the same ratio as the sample, "then the true recidivist rate for pretrial detention would be much greater [than 11%]—approaching 40 percent."

(2) The NBS study of persons on pretrial release, by definition, did not relate to a significant set of defendants who especially had in their number the persons for whom pretrial detention is specifically required—those charged with serious crime and dangerous to society if released. The study involved 654 defendants charged with offenses, 426 of whom were released prior to trial. Study records indicated that 176 defendants were never released and 10 others were probably not released. Thus, 29% of the sample of 654 were not released. By virtue of the scope of the study, many defendants in the sample to whom the criteria for pretrial detention would certainly apply were excluded from the study.

(3) NBS examined information from the FBI Crime Career record which indicated that approximately 30% of the offenses in the record occur in geographic jurisdictions other than the residence location. If this factor were applied to the NBS sample of released defendants, then the rearrest rate would increase from 11% to 14.3%. Moreover, this would increase the rearrest rate of persons charged with crimes of violence from 17% to 22%, and of persons charged with dangerous crimes from 25% to 33%. Therefore, if the important crime data factors in points (1)-(3), which were beyond the scope of the NBS study, were considered the true rate of recidivism for pretrial release cases would be considerably greater than 40%.

(4) Finally, the Report notes that its data base is so small that the results of the study may not be representative of the current situation or even of the 1968 time period. NBS does not suggest, nor can anyone validly defend, the application of the percentages derived from the 4-week sample in 1968 to the years 1969 or 1970. It has already been noted that crime in the District of Columbia increased 27% in 1969, or 2½ times the national increase in 1969. Moreover, 1968 was an aberrant year statistically in D.C. because of the April riots. This induced NBS to select 4 weeks for its sample removed from the April riots' time period. The first two weeks in January and February occurred at a characteristically low crime-rate period. This is seen graphically in the FBI's Uniform Crime Report's charts for the year 1968 at pp. 20–21. The UCR charts also indicate peak crime periods for serious crimes (e.g., homicide, negligent manslaughter, forcible rape, aggravated assault, robbery, burglary) most of which occur at time periods different from those covered by the sample weeks. We note also that the last two sample weeks in May and June, occur at low points in the data curve graphed at p. 97 in the NBS Report.

All of this suggests that generalizations from the data cannot be validly and reliably made regarding 1970 and the current crime and recidivism situation. Furthermore, if one were to suggest that the data in the NBS Report is applicable to other or larger sets of defendants, or criminals, or recidivists, even in the same time period (January–June, 1968), it would be incorrect to use the specific percentages appearing in the Report. NBS, when it released its preliminary Report, indicated confidence ranges for certain key percentages in the Report. Confidence ranges reflect a spread of percentages within which a similar sized but different sample of defendants are likely to fall. If the sample were enlarged, the ranges would spread.

The ranges are as follows:

(1) The overall rearrest rate of 11%, has a confidence range of 8–14%.

(2) The rearrest rate (of persons released after an initial felony charge) of 17% has a confidence range of 11–23%.

(3) The rearrest rate (of persons released after an initial violent crime charge) of 17% has a confidence range of 10–24%.

(4) The rearrest rate (of persons released after an initial dangerous crime charge) of 25% has a confidence range of 15–35%.

Because of the many limitations surrounding the study, it is folly to use individual percentages based on small numbers of defendants in the sample and generalize to a much larger population, such as, regarding the 5% figure on persons charged with violent crimes who were rearrested for a violent crime, to suggest that 5 in 100 or 1 in 20 persons can be expected to commit subsequent violent crimes if released. Failure to note these serious qualifications in using or relying on specific data would be the casual use of averages which NBS cautioned against throughout its Report.

The NBS study concludes that its data strongly support the "dangerous" criterion as a predictive device. It must be noted that there is no system anywhere for determining *in advance* that a given individual will engage in a specific form of behavior, be it criminal or non-criminal. Prediction devices at best *estimate probabilities*. Seat belts in autos are advised not because it is known in advance that an individual will be killed or injured if he doesn't wear them. Rather, they are advised because if the driver gets into an accident, and if the accident is serious enough, there is real danger (i.e., a degree of probability) that he *may* be killed or injured. This advice is premised on a combination of elements: *experience*, *judgment*, and *data*. These same elements, to the extent possible, have been brought to bear in the Administration's formulation of pretrial detention. We don't need statistics (although we seek and welcome them) to conclude that crime is a major threat to life, limb and property in our society and that it imposes intolerable social and economic burdens. There is ample evidence that every criminal justice system is a treadmill in which persons accused and convicted of crime reenter the system with tragic regularity.

The NBS Report states the Administration's definition of dangerous crime in our proposed amendment to the Bail Reform Act of 1966. It then states (at p. 70 of the Report)

Such definitions, based upon experience and knowledge of officials in the Criminal Justice System, may well be necessary in lieu of more precise statistical formulations because of the limited data currently available upon which to base these formulations.

Significantly, the Report draws some general conclusions based on its various tests and analyses which materially support the Administration's judgment in developing its criteria of dangerousness in the proposed amendments. The Report states:

The above data (at p. 113) strongly suggests that the 'dangerous' criterion is the best predictor of rearrest among the three criteria (felony, violent, dangerous); the evidence seems sufficient to conclude that those in the dangerous category can be expected to produce a much higher recidivism rate—about 3 to 4 times as much—than those in the non-dangerous category.

The NBS data also indicates that those in the violent category can be expected to produce a recidivism rate 2 times as great as those in the non-violent category. NBS's conclusions on the felony category are likewise meaningful:

The rearrest rate for defendants on felony charges is much higher than that for misdemeanants—probably twice as high.

Rearrest for the more serious charges is strongly associated with defendants initially charged with felony. Thus, a recidivist on an initial felony charge is just about as likely to be charged again for a felony as for a misdemeanor, while recidivism by initial misdemeanants involved a felony in only about ¼ of such instances.

The NBS study sheds some perspective on the propensity of the sample defendants to be rearrested *over time*. Rearrests were calculated per 1,000 days of pretrial release after presentment for 10 periods of 28 days each. The data suggests that the longer a defendant is released the more crime he is likely to commit, i.e., crime and duration of release are related. However, the data shows that crime occurs regularly and without significant increases or decreases for the sample defendants from the *first period* of 28 days and thereafter. Hence, there is no period of time after release that is more "critical" than others, rather, the danger of crime exists upon release and continues throughout release. The obvious conclusion shown by the data is that the propensity for rearrest of the sample defendants is manifest immediately in the first 28 days and continues for subsequent periods.

Some have contended that the reason for crime after release is lack of a speedy trial, and have suggested that speedy trial will cure the bail recidivism problem. These contentions are unfounded. The NBS data indicates that the incidence of crime is not caused by delay of trial, and is not cured by a speedy trial, e.g., a trial in 30, or 60, or 120 days, because crime occurs in all periods, including the first 30 days after release.

The data is also significant in showing that the overall average index of crime per 1,000 days of release for defendants classified *dangerous* is substantially higher than for those in any other category. These findings support the proposition that dangerous defendants should be detained immediately after charged and tried as quickly as possible.

EXHIBIT 3

LEGISLATIVE PROGRAM STATUS REPORT

91ST CONGRESS, 2D SESSION

PENDING IN CONGRESS

Crime

General Immunity Legislation "Federal Immunity of Witnesses Act"; S. 2122 (McClellan, et al.): H.R. 11157 (Poff, et al.): Title II, S. 30 (McClellan, et al.)

Status

Supported by President in his statement to Congress on Organized Crime April 23, 1969. Incorporated in S. 30 which passed the Senate January 23, 1970.

Crime

To amend section 504 of the Labor-Management Reporting and Disclosure Act of 1959; S. 3583 (Javits and Dominick); H.R. 16407 (Quie and Ashbrook)

Status

Submitted to Congress March 11, 1970.

Crime

Amend Federal Youth Corrections Act re Hearing Examiners; S. 3564 (Hruska); H.R. 16353 (McCulloch; et al.).

Status

Submitted to Congress March 9, 1970. Passed the Senate on May 16, 1970.

Crime

Permit use of Community Treatment Centers by Probationers and Parolees (Finn); S. 3261 (Burdick); H.R. 2175 (Celler).

Criminal Justice Act Amendments; S. 1461 (Hruska and Ervin); H.R. 9856 (McCulloch, et al).

Status

Passed the Senate on April 30, 1970. Pending with Subcommittee number 5, House Judiciary Committee.

Crime

Increase maximum fine under Sherman Act to $500,000; S. 3036 (Hruska and Hart); H.R. 14116 (Celler).

Status

H.R. 14116 passed House February 16, 1970. Pending before full Senate Judiciary Committee.

Crime

Bail Reform Act Amendments; S. 2600 (Hruska, et al.); H.R. 12806 (McCulloch, et al.).

Status

Supported by President in his statement on the District of Columbia January 31, 1969. Submitted to Congress July 11, 1969. Pending with Senate Judiciary Subcommittee on Constitutional Rights.

Crime

Wagering Tax Act Amendments; S. 1624 (Hruska); H.R. 322 (Poff).

Status

Supported by President in his statement to Congress on Organized Crime April 23, 1969. Approved by Senate Judiciary Committee, April 21, 1970. Pending with House Ways and Means Committee.

Crime

Illegal Gambling Business Control Act of 1969; S. 2022 (Hruska, et al.); H.R. 10683 (McCulloch, et al.); Title VIII, S. 30 (McClellan, et al.)

Status

Supported by President in his statement to Congress on Organized Crime April 23, 1969. Submitted to Congress April 29, 1969. Incorporated in S. 30 which passed the Senate January 23, 1970, and is pending with Subcommittee No. 5, House Judiciary Committee.

Crime

Controlled Dangerous Substances Act of 1969; S. 3246 (Dodd and Hruska); H.R. 13742 (Mills, et al.) (Narcotics only); H.R. 13743 (Staggers, et al.) (Dangerous drugs only).

Status

Supported by President in his statement to Congress on Drugs July 14, 1969. Submitted to Congress July 15, 1969. S. 3246 passed Senate January 28, 1970 (not yet referred in House).

Crime

Criminal Appeals Act Amendments; S. 3132 (Hruska); H.R. 14588 (McCulloch, et al.).

Status

Submitted to Congress October 29, 1969. Pending with Subcommittee No. 5, House Judiciary Committee.

Crime

Protection of Minors from Obscenity; S. 2073 (Dirksen, et al.); H.R. 11031 (McCulloch, et al.).

Status

Supported by President in his statement to Congress on Obscenity May 2, 1969. Submitted to Congress May 5, 1969. Joint hearings to be held by the Senate Judiciary Subcommittees on Juvenile Delinquency and Constitutional Rights.

Crime

Organized Crime Control Act of 1969; S. 30 (McClellan, et al.).

Status

Passed Senate January 23, 1970. Pending with Subcommittee No. 5, House Judiciary Committee.

Crime

Prurient Advertising; S. 2074 (Dirksen, et al.); H.R. 11032 (McCulloch, et al.).

Status

Supported by President in his statement to Congress on Obscenity May 2, 1969. Submitted to Congress May 7, 1969. Joint hearings to be held by the Senate Judiciary Subcommittees on Juvenile Delinquency and Constitutional Rights.

Crime

Marihuana Registration and Tax Amendments; S. 2657 (Williams, et al.); H.R. 14799 (Mills, et al.).

Status

Supported by President in his statement to Congress on Drugs July 14, 1969. Submitted to Congress July 15, 1969.

Crime

Non-testimonial Identification of Suspects; S. 3563 (Hruska); H.R. 16354 (McCulloch, et al.).

Status

Submitted to Congress March 9, 1970. Pending with House Judiciary Committee.

Crime

Omnibus Crime Control and Safe Streets Act Amendments; S. 3541 (Hruska, et al.); H.R. 15947 (McCulloch, et al.).

Status

Submitted to Congress February 17, 1970.

Crime

Explosives—Amendment to 18 U.S.C. 837; S. 3650 (Hruska); H.R. 16699 (McCulloch, et al.); H.R. 16700 (McCulloch, et al.).

Status

Submitted to Congress March 25, 1970. Pending with Senate Judiciary Subcommittee on Criminal Laws and Procedures and House Judiciary Subcommittee No. 5.

District of Columbia

D.C. Court Reorganization; S. 2601 (Hruska, et al.); H.R. 12854 (Nelson, et al.); H.R. 13689 (McMillan, et al.).

Status

Supported by President in his statement on the District of Columbia January 31, 1969.

District of Columbia

D.C. Court Reorganization (Criminal Law and procedure) S. 2869.

D.C. Court Reorganization (Juvenile Procedure); S. 2981 (Tydings, et al.); H.R. 14189 (Nelson, et al.); H.R. 14224 (McMillan, et al.).

Status

Submitted to Congress September 26, 1969. S. 2981 passed Senate, with amendment, December 22, 1969.

District of Columbia

D.C. Public Defender Act; S. 2602 (Dirksen, et al); H.R. 12856 (Nelsen, et al.)

Status

Supported by President in his statement on the District of Columbia January 31, 1969. Submitted to Congress July 11, 1969.

XUM

EXHIBIT 4

THE CRIME TREND TURNS DOWN

We have been a little leery the past few weeks of hailing the announcements that the District of Columbia's crime rate was turning down. The crime rate always turns down in mid-winter. But now that there has been a reduction in the daily number of crimes reported to police in each of the last five months, perhaps a permanent trend downward has begun at long last.

The number of index crimes reported in April was 4,947, down more than 300 from March and down more than 1,100 from last November, the worst month in the District's history. The period since November has been the first period since 1956 in which crime dropped in each of five consecutive months.

Of course, the crime rate is still not acceptable. Despite this turndown, 17 per cent more serious crimes were committed this April than were committed last April. And last April's figures were substantially above those of any preceding April. But there is reason now to hope that the crime explosion is being snuffed out.

Chief Wilson credits this decline to the additional policemen who are on the streets and we tend to agree with him. He has had the funds this spring to work officers a sixth day on overtime and he has promised to keep this up until the force reaches its new authorized strength in July. This places a heavy physical strain on the city's policemen and each of them deserves applause for contributing to the improved situation.

Equally satisfying in the chief's report was his statement that the arrest rate is rising. In last November, police were able to report arrests in only 16 out of every 100 crimes. In April, arrests were made in 23 out of every 100 crimes. The chief says this is largely due to a reorganization of the detective force and if that is so he merits highest congratulations.

The District has no problems more serious than crime and the feeling we get is that the police are at last beginning to find some of the solutions to it.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. HRUSKA. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of Friday last, that the Senate adjourn until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, May 26, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 25, 1970:

FEDERAL HOME LOAN BANK BOARD

Preston Martin, of California, to be a member of the Federal Home Loan Bank Board for the term expiring June 30, 1974, reappointment.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25, 1970:

U.N. TRUSTEESHIP COUNCIL

Sam Harry Wright, of the District of Columbia, who was confirmed by the Senate November 26, 1969, as the representative of the United States of America on the Trusteeship Council of the United Nations, to serve on the Council with the rank of Ambassador.

HOUSE OF REPRESENTATIVES—*Monday, May 25, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He that handleth a matter wisely shall find good: and whoso trusteth in the Lord, happy is he.—Proverbs 16:20.

O Thou whose presence surrounds us, whose power supports us, and whose peace sustains us, our minds and hearts widen with wonder when we consider how mindful Thou art of us and how eager to lead us in right and just and good paths.

Inspire us, we pray, with a deeper concern for the welfare of mankind and instill in us a greater desire to walk with Thee and to work together that Thy kingdom of righteousness and peace may come and Thy will be done on earth.

Bless these Members of Congress as they endeavor to maintain a free society which respects the dignity of the individual and where understanding and justice are established. May they be united in spirit as they seek to solve the problems that beset this challenging day.

We pray for the family of our beloved Architect who has gone home to be with Thee. May the comfort of Thy spirit abide in their hearts now and forever.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 21, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3920. An act for the relief of Beverly Medlock and Ruth Lee Medlock.

H.R. 5419. An act to provide relief for Cmdr. Edwin J. Sabec, U.S. Navy.

H.R. 6402. An act for the relief of the Sanborn Lumber Co., Inc.

H.R. 8694. An act for the relief of Capt. John T. Lawlor (retired).

H.R. 9910. An act for the relief of Hannibal B. Taylor.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4813. An act to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes.

H.R. 11060. An act for the relief of Victor L. Ashley.

H.R. 14685. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 528. An act to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir.

S. 3176. An act to authorize a program for the development of a tuna fishery in the central and western Pacific Ocean.

S. 3215. An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

S. 3594. An act to authorize the acquisition of certain property in square 724 in the District of Columbia for the purpose of extension of the site of the additional office building for the U.S. Senate for the purpose of addition to the U.S. Capitol Grounds.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 952) entitled "An act to provide for the appointment of additional district judges, and for other purposes."

INSULT TO MRS. EISENHOWER

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GOODLING. Mr. Speaker, an article in the May 25, 1970, issue of the Washington Post made my blood pressure rise far above normal when it reported that Mrs. Mamie Eisenhower, our beloved former First Lady, was subjected to an indignity upon the occasion of her receiving an honorary Doctor of Humane Letters degree at Wilson College, Chambersburg, Pa.

Although Wilson College, an all-girls college, is not in my congressional district, it is just across the line. Mrs. Mamie Eisenhower is my constituent, my most distinguished constituent, I might add.

According to the report, four students joined the proceedings dressed in black shrouds topped with paper skulls, carrying protest signs bearing the words Cambodia, Kent State, and Jackson State. The students went to the speaker's platform, removed the shrouds and skulls, and placed them in front of the platform.

Mrs. Eisenhower is reported to have said to a friend:

> I refuse to go on the platform and receive my honorary degree as long as those things stay there. I absolutely refuse.

I commend Mrs. Eisenhower for this.

A few minutes later the rains came,

driving the proceedings indoors where Mrs. Eisenhower received her degree.

It shocks ones sensibilities to realize that such an indignity was permitted to confront Mrs. Mamie Eisenhower, herself a charming and peace-loving lady and the widow of one of this country's most loved men, a man dedicated to peace because he knew the futility of war.

Where were the college administrators when this deplorable demonstration was going on? Why were four students permitted to defy authority, disrupt an orderly academic proceeding, and insult a former First Lady?

The countenance of this kind of wrenched conduct suggests the absence of fortitude and the presence of lax standards of discipline, all of which has the unfortunate effect of having a shadow fall on an educational institution.

VICE PRESIDENT AGNEW MUST CONTINUE TO SPEAK OUT

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute.)

Mr. ECKHARDT. Mr. Speaker, on last Friday the distinguished and articulate Vice President of the United States spoke in my hometown and said:

> Nothing would be more pleasing to some of the editors and columnists I have quoted tonight than to have me simply shut up and disappear.

He also said that some others, including those in Congress, would like for this to happen. I simply want to disassociate myself from any Members of the Congress who want the Vice President to simply shut up and disappear. I hope that he will not shut up, that he will not disappear, and that goes also for the charming and ebullient wife of the Attorney General.

XUM

THE LATE HONORABLE J. GEORGE STEWART, ARCHITECT OF THE CAPITOL

(Mr. McCORMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, it becomes my sad duty to announce to the House the passing on yesterday, May 24, 1970, of the Honorable J. George Stewart, Architect of the Capitol.

I believe many Members of the House are aware that Mr. Stewart had been ill for several months, but he continued a keen interest in the operations of his office until near the end.

Mr. Stewart was born in Wilmington, Del., and received his education in the public schools of Wilmington and the University of Delaware. He was a civil engineer.

After leaving school, he was associated with his father's construction firm for some 30 years, where he began as waterboy and worked up finally to become president of the firm. His accomplishments with this firm were outstanding, especially those in Delaware involving new work, alterations, and additions for the Du Pont families. One of these homes, Winterthur, now is a museum housing some of the finest examples of early American architecture and furnishings.

I first knew Mr. Stewart when he was a Member of Congress from Delaware during the 74th Congress.

Effective October 1, 1954, President Eisenhower appointed Mr. Stewart as Architect of the Capitol. He was only the eighth man to hold that position since the days of George Washington.

His accomplishments as Architect of the Capitol are legend. I daresay that every Member of the House will use some time today something constructed or procured under the direction of Architect Stewart, whether it be a building, a room, a subway, an elevator, an escalator, a desk, or a chair. Even the cool air we breathe comes from the refrigeration plant which he expanded a few years ago.

Some of his accomplishments, over and beyond his maintenance and operation duties, are:

The extension of the east front of the Capitol which had been left undone for a hundred years;

Construction of the New Senate Office Building, planned under direction of his predecessor, the late David Lynn;

Construction of the Rayburn House Office Building and the underground garages;

Remodeling of the Cannon House Office Building;

Remodeling portions of the Longworth House Office Building;

Renovating the Capitol dome;

Providing improved lighting in the Capitol Building;

Improvements and expansion of the Capitol Power Plant;

Preliminary plans for the extension of the west central front of the Capitol;

Preliminary plans for the James Madison Memorial Library of Congress Building; and

Purchase of eight squares of property on the House side for new facilities or additions to the Capitol Grounds and purchase of portions of two squares on the Senate side.

We all know, of course, that the project closest to Mr. Stewart's heart was the extension of the east central front of the Capitol. He loved the Capitol and everything it represents throughout this land of ours. He understood its construcion perhaps more thoroughly than any other man. His greatest purpose was to leave it beautiful, sound, and durable. And perhaps his greatest disappointment was that the plans for the west extension did no proceed during the last few years.

In my capacity as Speaker, as chairman of the House Office Building Commission, and as chairman of the Commission for Extension of the U.S. Capitol, I have worked closely for many years with Architect Stewart and his staff and had come to depend on him in so many ways.

He was a good friend, a man of great vision, and a dedicated public servant. His greatest desire was to serve the Congress and he did not hesitate to assume with a firm hand the responsibilities given him.

We will miss him. Of that you may be sure, but we shall rejoice in his great accomplishments.

On behalf of other Members of the House, Mrs. McCormack and myself, I express our deep condolences to Mr. Stewart's family and his staff at this time of stress and sorrow.

Mr. ROTH. Mr. Speaker, Washington and the Nation are saddened over the loss of the Honorable J. George Stewart, Architect of the Capitol for many years, and an outstanding member of the community. A native of Delaware and a former Congressman from Delaware, George Stewart was on all occasions a benefit to Government and a credit to his State. Colorful and even controversial, he was invariably aware of his responsibilities, and anxious to serve.

Appointed under the Eisenhower administration, he accomplished more in his 15 years of service than the average administrator might be expected to accomplish in twice the time. As you, Mr. Speaker, so eloquently pointed out, every Member of the House will use sometime today something constructed or procured under the direction of Mr. Stewart.

He will long be remembered as a man of the greatest vigor and integrity ever to serve in the capacity of Architect of the Capitol. His many friends both in Delaware and Washington will miss this warm, friendly personality.

Mr. McCORMACK. Mr. Speaker, I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, it was not until I came to the Capitol this morning that I learned of the passing of the distinguished Architect of the Capitol.

As the Speaker has just indicated in his tribute, in his remarks, the name of our Architect was from time to time linked with projects which somehow unleashed a certain amount of controversy, and yet there was never any question, I think, in the minds of any of us that our Architect was dedicated to the Capitol, that he loved this Capitol, and that he was dedicated to the job which he held with such distinction and for so many years.

Mr. Speaker, I join the distinguished Speaker of the House in the tribute he has just paid to the late Architect of the Capitol, and I join our Speaker in extending our sympathy to the members of Mr. Stewart's family.

Mr. McCORMACK. Mr. Speaker, I yield to the gentleman from Alabama (Mr. ANDREWS).

Mr. ANDREWS of Alabama. Mr. Speaker, as chairman of the Legislative Subcommittee of the Appropriations Committee, it was my privilege to have many contacts with George Stewart. I did not get to know him and love him until we had those meetings. He was ruggedly honest. If ever the Congress had a friend, it was George Stewart.

He was perfectly willing to take the "heat" off the Congress. The press at times were just cruel to him. They did not know him. They did not know what he was trying to do.

We will miss him. I knew him when he served in the House and always liked George Stewart.

I say again, he was a great friend of the Congress and he loved this Capitol.

I want to thank the Speaker for paying the beautiful tribute to George Stewart he has just done.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I am glad to yield to the gentleman from Texas.

Mr. POAGE. I am one of those who has had no official connection with the Architect of the Capitol, but as one who considered him a good friend and a fine public servant I want to join with the Speaker in commendation of Mr. Stewart.

Mr. McCORMACK. I appreciate the remarks of the gentleman and of the other Members who have made remarks.

Mr. LANGEN. Mr. Speaker, I was saddened this morning to learn of the death of J. George Stewart, who has served as the Architect of the Capitol since 1954.

I had the opportunity to know George better than most of my colleagues because of his work with the Legislative Branch Appropriations Subcommittee on which I serve. Through the years, we had a close working relationship with Mr. Stewart and the members of his staff. In fact, one of the real privileges of serving on the subcommittee was my association with Mr. Stewart.

He was often criticized by Members of Congress and others for lacking a degree in architecture. However, one had to spend only a short time observing the job that he did and the responsibilities that he had, to realize that the fault lay not with him but with the title of his position. For his responsibilities ranged far beyond that of an architect. He was in charge of the physical operations of the Capitol Hill complex and his duties ranged from planning for the orderly expansion and improvement of the complex with the addition of new buildings to maintaining the beautiful lawns and gardens of the Capitol. To this immense task, he brought a great deal of energy, willingness to work hard, experience, and a conscientious sense of duty. His success can be measured by the many improvements that have been achieved throughout the Capitol area during his period of service to the Congress and the country.

Mrs. Langen joins me in extending to his family our deepest sympathy on this occasion of their, and our, loss. His shoes will not be easy to fill.

GENERAL LEAVE TO EXTEND

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members who may desire to do so may have 5 legislative days to extend their remarks in the RECORD on the life, character, and service of the late Honorable George Stewart.

The SPEAKER pro tempore (Mr. ALBERT). Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING GENERAL DEBATE TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit during general debate on tomorrow, May 26.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. ANDERSON of Illinois. Mr. Speaker, reserving the right to object, do I correctly understand that the request has been cleared with the ranking minority member of the Committee on the Judiciary?

Mr. ALBERT. I have been so advised. The subject is Amendments to the Omnibus Crime and Safe Streets Act and other legislation.

Mr. ANDERSON of Illinois. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 138]

Anderson, Calif.
Anderson, Tenn.
Arends
Ashley
Baring
Belcher
Bell, Calif.
Bevill
Biaggi
Biester
Blanton
Boland
Bolling
Brasco
Brown, Calif.
Burlison, Mo.
Burton, Calif.
Camp
Carey
Carter
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cohelan
Conyers
Cowger
Cramer
Culver
Dawson
Denney
Diggs
Downing
Dulski
Dwyer
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Evins, Tenn.
Farbstein
Feighan
Fish
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Goldwater
Green, Oreg.
Gude
Halpern
Hanna
Hansen, Wash.
Harsha
Hastings
Heckler, Mass.
Helstoski
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Jones, Ala.
Jones, Tenn.
Kee
Kirwan
Koch
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lowenstein
Lukens
McCarthy
McCloskey
McClure
McEwen
McMillan
Macdonald, Mass.
MacGregor
Mann
Mathias
Matsunaga
May
Melcher
Miller, Calif.
Minish
Mink
Morse
Nichols
Nix
O'Neal, Ga.
Ottinger
Patten
Pettis
Philbin
Podell
Pollock
Powell
Preyer, N.C.
Railsback
Randall
Reid, N.Y.
Reifel
Rhodes
Riegle
Rodino
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roybal
Ruppe
St Germain
Scherle
Scheuer
Schwengel
Sebelius
Shipley
Sikes
Snyder
Stratton
Stubblefield
Stuckey
Teague, Tex.
Thompson, N.J.
Tunney
Watkins
Watson
Watts
Whalley
White
Whitehurst
Whitten
Wiggins
Wilson, Charles H.

The SPEAKER. On this rollcall 282 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

LEGISLATION DEFINING THE POWERS OF THE PRESIDENT

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, on May 13th I introduced H.R. 17598, a bill to sharply define the authority of the President to commit U.S. troops overseas without prior congressional consent. Today I am reintroducing this proposal with the bipartisan support of 15 of our colleagues in the House. Those who are today cosponsoring this proposal are: Mr. BUTTON, Mr. FRIEDEL, Mr. GIBBONS, Mr. HALPERN, Mr. HANNA, Mr. KYROS, Mr. McKNEALLY, Mr. MILLER of California, Mr. NIX, Mr. OLSEN, Mr. PEPPER, Mr. ROSENTHAL, Mr. SISK, Mr. CHARLES WILSON, and Mr. WRIGHT.

Briefly, this proposal would prohibit the President from sending U.S. forces abroad, for other than peaceful purposes, unless the Congress had declared war, or the United States itself were under attack, or imminent threat of attack, or a treaty, approved by the Senate, was invoked which specifically called for the sending of troops

Further, the President would be required to give Congress an opportunity to act by notifying it within 24 hours of any action taken under these three exceptions.

The purpose of this proposal is to make certain that any future war will come only after a maximum amount of serious deliberation of the issue of war or peace by the Congress.

Mr. Speaker, to insure a proper congressional role it is imperative that the Congress itself undertake a thorough examination of our decisionmaking apparatus for the commitment of U.S. forces to combat overseas. It is my hope that this bill will serve as a catalyst to such a study.

The bill is now pending before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs.

The distinguished chairman of that subcommittee, the Honorable CLEMENT J. ZABLOCKI has assured us that he will hold early and full hearings on this important issue.

I urge my colleagues to participate in the hearings and to cosponsor the bill.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER pro tempore (Mr. ALBERT). This is District of Columbia day. The Chair recognizes the gentleman from Florida (Mr. FUQUA).

AMENDING DISTRICT OF COLUMBIA COOPERATIVE ASSOCIATION ACT

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 17711) to amend the District of Columbia Cooperative Association Act, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. PATMAN. Mr. Speaker, reserving the right to object, I would like to oppose this bill. It is practically the same bill that was up a year ago and some other Members will oppose it. At that time we had a record vote and there were 356 against it to 19 for it.

I feel that the Members, when they understand this bill, will not like to vote for it because it specifically repeals the usury laws in the District of Columbia for FHA-VA housing loans.

Therefore, I would like to have some assurance that there will be no effort made to cut off debate or in any way restrict the time to the point where those who are opposed to it will not have time to discuss it.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. Yes; I yield to the gentleman from Florida .

Mr. FUQUA I can assure the gentleman that I have no—I never have had—any desire to restrict debate on any matter that comes before the House as long as we comply with the rules of the House.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. The gentleman from Texas pointed out the fact that this matter was before the House last year but was voted down. I should like to point out to the gentleman from Texas that this is not the same bill that was before the House last year. The bill which was before the House last year was to exempt installment credit from the District of Columbia usury laws.

Mr. PATMAN. It was to repeal the usury laws and that is what we are talking about.

Mr. BROYHILL of Virginia. H.R. 17711 is an entirely different type bill than we considered a year ago.

Mr. PATMAN. Yes; that was a year ago. But this is the same principle. Of course it applies to different people but it would repeal the usury laws.

Mr. FUQUA. Mr. Speaker, will the gentleman yield further?

Mr. PATMAN. I yield to the gentleman from Florida.

Mr. FUQUA. I think the gentleman is mistaken about the bill we are talking about now. This pertains to the Rural Electric Cooperative Associations.

Mr. PATMAN. Well, that is the first time I heard about that, or just a few minutes ago. I did not know about it. However, I understand the Committee on Agriculture has discussed this type legislation over a long period of time but did not report a bill out. This is, in effect, the same as the one now pending before the Committee on Agriculture? Did any members of the Committee on Agriculture appear before your committee during your consideration of the bill?

Mr. FUQUA. Mr. Speaker, if the gentleman will yield further, no member of the Committee on Agriculture made a request to be heard. I do not think this is the bill that was pending before the Committee on Agriculture.

Mr. PATMAN. Well, I was mistaken about the bill repealing the usury laws relating to FHA and VA loans.

Mr. Speaker, I have always and will continue to support the rural electrification program. It has done as much for rural America as any program I know of.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 17711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 43 of the District of Columbia Cooperative Association Act (D.C. Code, sec. 29-843) is amended by adding at the end thereof the following new sentence: "The Act of February 4, 1913 (D.C. Code, secs 26-601—26-611) (relating to licenses for loaning of money), and chapter 33 of title 28 of the District of Columbia Code (relating to interest rates) shall not apply to—

"(A) any association formed under this Act (whose sole function is to arrange and provide financing for its members), and

"(B) any members of such association engaged in utility operations with respect to any contract or agreement between such association and any member relating to a loan of money in connection with such utility operations."

PURPOSE OF BILL

Mr. FUQUA. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of the bill, H.R. 17711, is to exempt from the District of Columbia laws regulating the loaning of money and interest rates, cooperative associations formed under the District of Columbia Cooperative Association Act and their financing transactions with members.

Very simply the bill adds a new sentence to the District of Columbia Cooperation Association Act (approved June 19, 1940, 54 Stat. 491; D.C. Code, title 29, sec. 801) as follows:

> The Act of February 4, 1913 (D.C. Code, secs. 26-601—26-611) (relating to licenses for loaning of money), and chapter 33 of title 28 of the District of Columbia Code (relating to interest rates) shall not apply to—
>
> (A) any association formed under this Act (whose sole function is to arrange and provide financing for its members), and
>
> (B) any members of such association engaged in utility operations.

This is with respect to any contract or agreement between such association and any member relating to a loan of money in connection with such utility operations.

Although the bill deals with the Cooperative Association Act of the District of Columbia, it has national significance. It is designed to facilitate and advance a national program—the rural electrification program—which, through almost 1,000 rural electric systems financed by the Rural Electrification Administration, furnishes electric service through some 6 million meters to more than 24 million of our citizens who live in rural America.

The recently established National Rural Utilities Cooperative Finance Corporation—known as CFC—was organized in April 1969 by a group of distinguished leaders in the rural electrifications program, representing every section of the country. A total of 778 electric cooperatives, almost 80 percent of all the systems in the country, have applied for membership therein, indicating a very broad base of support.

The CFC mission is to supplement the basic REA financing provided for by the Congress in the Rural Electrification Act of 1936 and in annual loan authorizations included in the annual Department of Agriculture appropriation bills.

Enactment of the bill was requested by the National Rural Utilities Cooperative Finance Corporation—CFC, a nonprofit cooperative association organized under the District of Columbia Cooperative Association Act for the purpose of providing its rural electric system members with capital supplemental to that provided by the Federal Government under the Rural Electrification Act of 1936.

Also, the National Rural Electric Cooperative Association, the national service organization of the nation's rural electric systems, with national offices in the District of Columbia, requested its enactment.

HEARING

A hearing was held on the proposed legislation by subcommittee No. 4 of our committee, on May 13, 1970, at which Members of Congress, representatives of the National Rural Utilities Cooperative Finance Corporation, the National Rural Electric Cooperative Association, and of the District of Columbia Government testified in support thereof.

The bill was amended by your committee to conform to recommendations of the latter, so that as reported H.R. 17711 meets the point raised by the District of Columbia Government on this legislation No testimony or statement was submitted or has been received in opposition to the bill.

BACKGROUND OF COOPERATIVE FINANCE CORPORATION

CFC was organized under the District of Columbia Cooperative Association Act and is headquartered in Washington.

CFC's purpose, as stated in its Articles of Incorporation, is as follows:

> To provide, secure and arrange financing for its members and patrons as required by them for the planning, initiation and execution of their programs, projects and undertakings conducted in accordance with, and in pursuance of their objectives, under the statutes of their respective places of organization and operation, in the United States of America, its territories and possessions, for the primary and mutual benefit of the patrons of the Association and their patrons, as ultimate consumers.

The CFC program is national in scope. It is designed to support the national objective of the Rural Electrification Act of 1936—legislation which has made possible the remarkable advance in rural electrification since its enactment. CFC financing operations must be closely coordinated with those of REA, as a substantial part of CFC loans will consist of participation in loans made jointly with REA. However, the Budget situation in recent years has made it necessary for the rural electric systems to explore sources of financing with which to supplement direct REA loans from Treasury appropriations.

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Testimony was presented to our committee that it is estimated that the rural electric systems, in order to meet the demands for electric energy in their service areas, will in the next 15 years need almost twice as much capital as was injected into the program during its first 35 years. Much of this requirement must still be met by direct low-cost, long-term Government financing. This financing will continue to be needed by many systems serving low density, economically disadvantaged areas. CFC offers those systems which are able to bear higher capital costs for all or part of their future capital requirements a means of progressively freeing themselves from their present complete dependence on Government financing.

MONEY DEMAND TO MEET POWER DEMAND

Rural electric systems are now operating in an area where there is a lot of growth that is going to take place, where there is a boom in population. CFC and its members testified they occupy about 65 percent of the geographic area of the country, and the areas it serves are where these populations are developing and industry is moving in. This creates power demands, and as power demands are created money is needed to supply them.

When the cooperative association goes to the money market it has to pay the going rate—9 percent or thereabouts—to attract investment, and it will have to charge the system a rate to be commensurate with what it has to pay the money market.

CFC further testified that it is strictly interested in using this money as an instrument to provide supplemental funding to the rural electric systems so that they can provide wires, transformer service to the members.

This legislation then is aimed at financing rural electric systems to enable them to invest in the facilities to private power to the user. Thus generating plants and utilities are involved in this legislation, and supplemental funding is necessary to the rural electric systems so that CFC members can secure necessary wires, transformer services, and the like.

CFC testified it does not propose nor contemplate in any way engaging in the sales of electrical appliances, such as refrigerators and stoves.

EFFECT OF BILL

H.R. 17711 exempts cooperative associations organized under the District of Columbia Cooperative Association Act from certain provisions of the District Code with respect to loans to members. The provisions which would be made inapplicable to an organization such as CFC—organized under this act—are those which require money lenders to obtain a license, under limitations and restrictions spelled out therein, before loaning money at an interest rate greater than 6 percent, and which prohibit charging more than 8 percent interest. These laws are commonly known as the "loan shark" and "usury" laws.

LOAN SHARK LAW

The provisions of the "loan shark" law of the District of Columbia clearly indicate that it was designed to apply to persons making small loans on personal security and to discourage exploitation of their borrowers. However, it is so broadly worded as to be capable of interpretation to apply to the type of lending transaction which CFC and similar cooperative organizations will engage in. Its purpose is completely foreign to CFC's objectives and operations. The requirements of the act and the regulations implementing it clearly indicate a design to protect persons borrowing small sums on personal security from exploitation by lenders who, deservedly or otherwise, are labeled "loan sharks". It should not be applied to financial transactions between a cooperative and its members in which there is no reason or opportunity for such exploitation. The District's Cooperative Association Act contains provisions which fully protect cooperative members against the evils which the "loan shark" law seeks to protect against.

There have already been provided numerous exceptions (D.C. Code, title 26, sec. 610) from the "loan shark" law, including the legitimate business of building and loan associations. CFC has already been exempted by the Securities and Exchange Commission from the registration requirements of the Securities Act of 1933 under a provision exempting "any security issued by a building and loan association or similar institution substantially all of the business of which is confined to the making of loans to members." This action recognizes the similarity between the operations of a building and loan association and a cooperative organization such as CFC.

If section 26–610 of the District of Columbia Code which lists the exemptions from the "loan shark" law had incorporated the phrase "and any similar institution", CFC would have qualified thereunder for exemption. The bill supplies the needed authority for such exemption. It is the opinion of our committee that the exemption is warranted and is consistent with the public interest.

USURY LAW

The "usury"—interest rate—law of the District of Columbia, unlike such laws in most other jurisdictions, expressly applies to loans to corporations as well as to individuals. However, a 1963 amendment of the 1954 District of Columbia Business Corporation Act precludes corporations organized thereunder from pleading the usury laws as a defense. (29 D.C. Code 904(h)). The District Code (title 15, sec. 110) also permits interest to be recovered at a rate higher than is lawful in the District if the contract therefor is to be performed in another jurisdiction where the contract rate is lawful.

In the judgment of your committee, the defense of usury should be denied to members of cooperatives, such as CFC, in connection with their loans from cooperatives, and that recovery of interest should be permitted at the rate prescribed by contract between a cooperative and its members regardless of where the contract is to be performed. The District of Columbia Cooperative Association Act furnishes adequate safeguards against the exploitation of members and patrons by cooperatives formed thereunder. It makes stringent provision for nonprofit operation and for allocation and distribution of the net savings of a cooperative among its members and patrons.

I hope that the House will see fit to provide the approval that this organization feels is necessary to enable them to make the necessary loans to the various REA associations throughout the country.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Texas.

Mr. PATMAN. Will this allow them to charge higher rates of interest than now? Will this repeal the usury laws as far as interest rates for housing is concerned, as it would relate to them if they were not repealed?

Mr. FUQUA. No, sir. Let me read to the gentleman that this only exempts those associations—"any associations formed under this Act (whose sole function is to arrange and provide financing for its members)," and secondly, "any members of such association engaged in utility operations."

We drafted it so that it could not be abused by somebody trying to set up some method of trying to evade the usury laws.

Mr. PATMAN. But as I read it, as it was called to my attention, a few minutes ago, this would take the usury law off. In other words, it would be exempted from the usury law. Am I correct in that?

Mr. FUQUA. That is true with respect to any contract or agreement between the association and any member relating to the loaning of money in connection with such utility operation, and it would only be limited to REA cooperatives—and they support this.

Mr. PATMAN. But they could charge any rate of interest—they are not restricted under this the way they presently are?

Mr. FUQUA. That is correct.

Mr. PATMAN. The gentleman says that the REA here in Washington is supporting this?

Mr. FUQUA. That is correct.

Mr. PATMAN. If that is true, and of course I do not doubt the gentleman, I think he is repeating it like it was told to him, and he is correct, and I will assume that they are, therefore I will not move any objection on it.

Mr. FUQUA. I might say to the gentleman that there will not be any involvements in the District which would abuse the basic intent of the law. And again I repeat to the gentleman that the REA associations are in favor of this, and I have a number of them in my district, and they have so advised me of their support.

Mr. Speaker, I will be happy at this time to yield to the distinguished ranking minority member of the committee, a cosponsor of this bill, and also a former administrator of the REA Administration.

Mr. NELSEN. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, for many years those interested in the Rural Electrification Administration have been of the opinion that somewhere, some time a program ought to be started where the REA co-

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operatives would be able to set up a financing plan of their own, feeling that the Government could not forever continue with the plan that they presently have of providing 2 percent financing for expansion, et cetera, and we find it becomes more and more expensive each time the REA program is discussed because investments are necessary to meet demands.

In the District of Columbia where the national office is located and where this organization has been incorporated and set up their plans and procedures, we find that the usury laws here in the District of Columbia would make it impossible for them to borrow money for their bank which they hope to set up so that they can make loans to cooperatives, nationwide.

Hopefully, the interest rates in the future would go down, but presently they cannot operate because of the high cost of money. They could move across, of course, into Maryland or Virginia, and not be hampered by the laws of those States, but it so happens their national office is here in the District of Columbia, they are incorporated here, and therefore they must look at the statutes that cover their operations here in the District.

Under the bill we have here, it would permit them to start in with the plan of providing private financing to help with capital expansion providing, of course, that we enact into law a bill that sets up the bank. But a first step certainly must be to make it possible for them to sell their bonds at a rate that the market will absorb.

This bill has been drawn with that in mind, and I do feel that this is a good piece of legislation. I do think we should give them a chance to set up a plan so that REA may start financing some of their operations on the open money market.

Mr. Speaker, I have these further comments to make. During the years I was Administrator of REA it was long my hope that some day REA could set up a financing plan of its own, independent of reliance on Congress. I also want to say that the REA program generally is one of the greatest programs we have ever had enacted for rural America.

Reference has been made in the previous discussion as to the interest rate charged. This is not the basis of the usual high interest rate claim. The rate the Rural Cooperative Finance Corporation charges its member cooperatives would always be based on the interest one must pay for the money one borrows in the marketplace. The rate the Corporation or the bank will charge on the funds reloaned to its cooperative will vary from time to time. It will not have anything to do with any 2-percent money that REA obtains from the Federal Government.

Mr. Speaker, I take this opportunity to insert into the Record at this point my statement supporting the endorsement of H.R. 17711, to amend the District of Columbia Cooperative Association Act, a bill which I believe will benefit the residents of the rural areas of this country which rely for their electrical power upon the Rural Electric Cooperative Associations in the localities in which they live. Neither the Commissioner nor the District of Columbia City Council has any objection to this legislation, as amended.

It was my pleasure to serve as the Administrator of the Rural Electrification Administration under President Eisenhower. During that period of time, I became convinced that the REA program was one of the finest programs ever instituted by the Federal Government for rural America. The productive capacity of our farms would be far, far less today if many of the rural areas did not have the opportunity to electrify many of their operations. In addition, there is great concern for the exodus from the farms to the cities. I believe that the exodus would be even greater today were it not for the fact that many of the conveniences of the city which are made available through the REA cooperatives have kept many people residing in the rural areas of this country.

I might also point out that during my years with the REA, there was considerable effort to establish plans whereby REA cooperatives would be able to strike out on their own and set up a procedure whereby they could finance their own operations with very limited financial aid from the Government. I think progress has been made in this direction and that the bill which we are considering today—H.R. 17711—is a step further toward this objective.

I am happy to support this bill and I insert in the Record my statement with attachments in support thereof:

Statement Supporting Enactment of a Bill to Amend the District of Columbia Cooperative Association Act

Purpose of Bill.—To exempt from the D.C. "loan shark" and usury laws cooperative associations formed under the D.C. Cooperative Association Act and their financing transactions with members.

Its Sponsors.—The bill is sponsored by National Rural Utilities Cooperative Finance Corporation (CFC), a nonprofit cooperative association organized under the D.C. Cooperative Association Act for the purpose of providing its rural electric system members with capital supplemental to that provided by the Federal Government under the Rural Electrification Act of 1936. (See Attachment #1 "Some Facts About CFC—February, 1970.") The National Rural Electric Cooperative Association, the national service organization of the nation's rural electric systems, headquartered in the District of Columbia, also requests its enactment.

Why the Bill is Needed.—CFC, in preparing to commence its financing operations for its members, is confronted with two obstacles in the District of Columbia Code: (1) the "loan shark" law which requires the licensing of all organizations (except those expressly exempted) engaged in the business of loaning money at more than six percent interest and imposes onerous regulatory requirements which, however appropriate for organizations engaged in making small loans on personal security, serve no public purpose or interest when applied to financing transactions between a nonprofit cooperative and its members; and (2) the usury law which imposes an interest ceiling of eight percent on all written financing instruments even where the borrower is a corporation.

Reasons for Exempting Cooperative Associations and their Financing Transactions with Members.—The lending operations of nonprofit cooperative associations such as CFC whose loans are restricted to members are not within the regulatory intent of the "loan shark" and usury laws and should be expressly exempted therefrom for the following reasons:

1. Cooperative associations incorporated under D.C. law must be operated for the primary and mutual benefit of their patrons.

Since the "loan shark" and usury laws are designed to protect borrowers against exploitation, this element is absent in the case of cooperative associations whose borrowers in fact own and control the lending institution. By virtue of member-borrower ownership and control, they are self-regulated and have no motivation to exploit their borrower-members.

2. Cooperative associations are required to operate on a nonprofit basis.

Without a profit motivation, cooperative associations such as CFC fix their interest charges on loans at the lowest possible rates designed to return the cost of money to them, operating expenses and reasonable reserves for losses.

The District Cooperative Association Act contains express limitations upon the rate of return which may be paid upon share or membership capital and requires the annual allocation of the net savings of cooperative associations at a uniform rate to all patrons of the association in proportion to their individual patronage.

CFC, as is usual in the case of membership associations, provides no return on its membership certificates. CFC by-laws, conforming to the District Code requirements, make complete provision for the annual allocation of net margins on a patronage basis. CFC's nonprofit status was expressly recognized in the recent action of the Internal Revenue Service in approving its application for exemption from Federal income tax.

3. The business of cooperative finance associations merits the same exemption from the "loan shark" law as is now accorded the "legitimate business" of such institutions as building and loan associations, small business investment companies, and real estate brokers by the D.C. Code.

The same considerations of public policy which support the exemptions now provided by statute pertain to cooperative finance associations transactions with their members. Indeed a stronger case is made for exempting organizations operating on a nonprofit cooperative basis. Since they are owned and controlled by their member-borrowers, they are self-regulating and have no incentive to engage in "loan shark" and usurious activity.

4. CFC loans will be made in the District of Columbia to cooperative and public corporations in as many as 46 states. In the interest of uniformity and establishing the highest degree of acceptance in the money market for CFC paper supported by its borrowers' loan instruments, these instruments will state the intent of the parties that the laws of the District of Columbia will govern.

The satutory interest ceiling of eight percent on contracts calling for the payment of interest even where the parties are corporations is, in view of present money market conditions, unrealistic and can seriously interfer with CFC's operations.

The current prime interest rate is 8½ percent and is available only to concerns with the highest credit ratings. While CFC will set interest rates on its loans at the lowest possible levels consistent with prudent management, it must recognize the facts of financial life. It faces the necessity for paying more than eight percent for the funds it will borrow in the private money markets for reloaning to its members. Under current conditions it will have to pass these costs on to its members.

Under these circumstances, CFC is compelled to ask that the "loan shark" and usury laws of the District of Columbia be made in-

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applicable to cooperatives and their financing transactions with members. The District of Columbia is one of very few jurisdictions where such laws are made applicable to loans to corporations. Their major thrust and purpose is to afford protection to individuals who do not have the means or capacity for protecting themselves against unwarrantedly high interest exaction. This motive is absent in cooperative money transactions.

5. Since the CFC supplemental financing program appears to have Administration endorsement (see Attachment #2), the removal of unnecessary obstacles to its successful operation is in the public interest.

6. There is attached hereto a summary of the "loan shark" law, Title 26, District of Columbia Code, Chapter 6, and a summary of the usury law, Title 26, District of Columbia Code, Chapter 23.

Some Facts About the Cooperative Finance Corporation

A little less than one year ago delegates to the NRECA Annual Meeting in Atlantic City, N.J., voted to establish the National Rural Utilities Cooperative Finance Corporation, or CFC. This new cooperative corporation was created to enable rural electrics to supplement with their own funds and private money market resources the annual appropriation for REA loans at 2 per cent interest. CFC thus will provide some of the additional loan funds required to meet the systems' growing capital needs.

Outlined below is a brief report on the progress made by CFC during the past year, and what is expected for 1970.

1. *Organization.*—CFC is a cooperative owned by its participating rural electric systems. It is governed by a 22-member board of directors who were named by the NRECA Board. The next board will be elected by geographic region by the member systems.

2. Capitalization.—Initially, CFC will raise money through membership fees and member subscriptions to capital term certificates. Later, CFC will raise additional money through the sale of long-term obligations to private investors.

3. *Loans and Interest Rates.*—CFC will make loans to its members for purposes related to rural electric system objectives within their statutory authority. The interest rate on such loans will be determined by the cost of money in the open money market.

4. *Membership Applications.*—As of the end of January, 1970, 764 rural electric organizations (individual rural electric cooperatives, power supply cooperatives, statewide associations and NRECA) had sent in their membership applications and fees. Slightly more than 75 per cent of the NRECA membership has thus indicated its intention to join the new institution.

5. *REA and CFC.*—In the words of REA Administrator David A. Hamil, "CFC right now is our best hope to bring urgently needed capital into our electric program." In line with this statement, REA has accepted the general principle of "accommodation" of REA liens on the property of rural electrics. An REA Study Group and the CFC's REA Coordinating Committee have been meeting to work out the details of this accord. This CFC Committee also is developing the new institution's loan policies and related procedure.

6. *Loan Operations.*—As in the past, all rural electric system loan applications will go first to REA for determination of eligibility for available funds under the REA 2 per cent loan program. Loan applications considered eligible for supplemental financing will be forwarded by REA to CFC with appropriate information, including an indication of REA willingness to accommodate its liens to provide equal loan security for CFC. It is anticipated that for most loan applications REA will make part of a loan and CFC the balance.

1. *Internal Revenue Service (IRS) and CFC.*—In October of last year the IRS ruled favorably upon the CFC application for exemption from Federal income tax as a nonprofit social welfare organization. This action will enable CFC to proceed with the plan of member participation in subscribing to the new institution's capital term certificates.

8. *Securities and Exchange Commission (SEC) and CFC.*—The SEC is now in the process of determining whether registration of CFC capital term certificates is required.

9. *In 1970.*—During the coming year the CFC Board of Directors will choose a chief executive officer, to be known as the Governor, of CFC. He will be responsible for day-to-day operations of the new institution. In 1970 the Board also will issue a call for member subscription to capital term certificates. With the present number of members that call will raise, during the initial three-year subscription period, approximately $115 million in "seed" capital for the new institution.

CFC expects to make its first loan to a member system during the coming year.

Administration Endorsement of National Rural Utilities Cooperative Finance Corporation (CFC)

President Richard Nixon: "This is a year of special significance in the rural electrification program as you strive to set up a supplemental financing plan and to become an integral part of the Nation's power industry. We are aware of the heavy backlog of loan application on file with REA, and we know these demands will grow as America grows and as you continue your good efforts to develop rural communities. We commend you for seeking to bring additional credit into the rural electrification program, and wish you success in this undertaking." (Excerpt from message to the Fall 1969 regional meetings of the membership of the National Rural Electric Cooperative Association whose Long Range Study Committee developed the CFC supplemental financing plan.)

"I also commend your efforts to develop additional financing for needed expansion throughout the rural electrification program. This will assist the Administration in bringing the Federal Budget in balance, and it will prove again that Government-sponsored loan programs can move away from total Treasury support when given the encouragement and opportunity to do so." (Excerpt from message to the 28th Annual Meeting of the National Rural Electric Cooperative Association, February, 1970.)

REA Administrator David A. Hamil: "Rural electric cooperatives have established the National Rural Utilities Cooperative Finance Corporation (CFC) as a means of developing supplemental credit for their increasing financing needs. REA supports this effort and has created a study group to plan for REA's relationship with CFC." (Excerpt from Report of the Administrator—1969, received in the Congress January 22, 1970.)

Summary of "Loan Shark" Law—Title 26 D.C. Code, Chapter 6

Prohibits engaging without a license in the District of Columbia in the business of loaning money upon which a rate of interest greater than six per centum per annum is charged upon any security of any kind.

Requires licensee to keep a register showing the amount loaned, the date when loaned and when due, the person to whom loaned, the property or thing named as security for the loan, where the same is located and in whose possession, the amount of interest, all fees, commissions, charges and renewals charged, under whatever name. Further requires that such registry shall be open to public inspection on every day except Sundays and holidays between the hours of 9 A.M and 5 P.M., and that the licensee report annually its assets and liabilities.

Prohibits charging or receiving a greater rate of interest than one per centum per month on the actual amount of the loan, and such charge shall cover all fees and charges made except upon foreclosure of the security. Also prohibits such loan greater than two hundred dollars to any one person, and requires detailed accounting to borrower. Provides for forfeiture of interest and one-fourth of the principal sum of the loan if a greater rate of interest than that fixed in this chapter is received or contracted for.

Provides revocation of license and fine and imprisonment for any violation of the chapter.

Exempts the "legitimate business" of national banks, licensed bankers, trust companies, savings banks, building and loan associations, small business investment companies, real estate brokers, and life insurance companies.

Summary of Usury Law—Title 28, D.C. Code, Chapter 33

Prescribes a ceiling of 8 percent interest per annum on written instruments calling for the payment of money at a future time.

Provides that if a person or corporation contracts in the District verbally to pay more than 6 percent interest or in writing to pay more than 8 percent, the creditor shall forfeit all the interest contracted for; that such interest shall be deducted in full from the principal amount of the debt; and that the debtor may sue for and recover the amount of the unlawful interest paid.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO EXEMPT FHA AND VA MORTGAGES AND LOANS FROM INTEREST AND USURY LAWS OF THE DISTRICT OF COLUMBIA

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 17601) to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentlemen from Florida?

Mr. PATMAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he is going to make an effort to expedite the bill to the extent that some of us who are opposed to it will not have a fair amount of time to discuss it, or will he allow flexibility as to the extension of time.

Mr. FUQUA. Mr. Speaker, if the gentleman will yield, we will be discussing the bill under the 5-minute rule and I would hope we could expedite it. I have no intention of trying to deny any Member his rights under the rules of the House.

Mr. PATMAN. Mr Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there

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objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 17601

A bill to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 33 of title 28 of the District of Columbia Code is amended by adding thereto the following new section:

"§ 28–3307. Federal Housing Administration and Veterans' Administration exemption

"Any mortgage or loan insured or guaranteed under the National Housing Act or chapter 37 of title 38, United States Code, the interest rate of which is subject to regulation by an officer or agency of the Federal Government, is exempt from the provisions of this chapter."

SEC. 2. Effective on March 31, 1972, section 28–3307 of the District of Columbia Code, as added by section 1 of this Act, is repealed.

With the following committee amendments:

1. Page 1, line 3, immediately after "That" insert "(a)".

2. Page 2, immediately below line 2, insert the following:

"(b) The chapter analysis of chapter 33 of title 28 is amended by inserting immediately below the item relating to section 28–3306 the following new item:

"28–3307. Federal Housing Administration and Veterans' Administration exemption."

The committee amendments were agreed to.

PURPOSE OF THE BILL

Mr. FUQUA. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, H.R. 17601 is a temporary measure, the purpose of which is to permit mortgages insured by the Federal Housing Administration and the Veterans' Administration to be made in the District of Columbia even when the effective rate of interest thereon exceeds the 8 percent ceiling presently provided in the District of Columbia interest and usury laws. This temporary exemption will terminate on March 31, 1972.

This legislation was requested of the Congress by the Government of the District of Columbia.

NEED FOR THE LEGISLATION

On September 22, 1969, the Federal National Mortgage Association announced that from that date, it would no longer purchase FHA-insured and VA-guaranteed mortgages covering single family to four-family properties located in the District of Columbia, unless it could be established that such mortgages would not be held usurious. In taking this action, FNMA stated its belief that the courts might well rule that the prevailing FHA and VA interest rates of 7½ percent, in combination with discount points paid by the seller which would bring the total interest level to some 8.43 percent, exceeds the legal rate of interest specified in the District of Columbia usury law (D.C. Code, sec. 28–3301) which provides a ceiling of 8 percent on such loans.

This decision on the part of FNMA meant, in effect, that FHA-insured and VA-guaranteed mortgages will no longer be available in the District of Columbia until and unless this impasse can be resolved.

This situation has created a desperate mortgage crisis in the Nation's Capital. With Government-supported financing virtually no longer available, there exists today only a small fraction of the money needed to maintain a healthy real estate economy, as conventional loans are in extremely short supply.

The people who suffer most in this crisis are the families with small to moderate incomes, who can neither pay all cash for a home nor the large down payment which would be necessary in most instances to assume existing financing. FHA-insured and VA-guaranteed loans have traditionally provided the means by which the person of modest means can purchase a home. At this time, therefore, homeownership, which is perhaps the most important single factor in stabilizing the inner city, has been virtually brought to a halt.

An additional problem is that the development of housing under the section 235 program for low-income ownership also is severely restricted, and the District of Columbia Redevelopment Land Agency consequently is facing a far more difficult task in finding single-family housing for persons displaced by urban renewal activities.

This critical problem is by no means a local one, as the present inflationary rise in the cost of loans has created the same situation on a nationwide scale. As a result, your committee is informed, the following 19 States have enacted legislation exempting FHA and VA mortgages from the provisions of their usury laws:

Alabama, Delaware, Georgia, Illinois, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, South Carolina, Vermont, Virginia, and West Virginia.

It should be noted that both Maryland and Virginia are among the States which have taken this realistic step. In December of 1969, Maryland exempted FHA and VA loans from the usury laws of that State with no limitation as to a terminal date for such exemption; and in March of 1970, the Virginia legislature exempted all first mortgage loans—FHA, VA, and conventional—from their usury laws, until July 1, 1972. These two actions are having a profound effect on the mortgage market in the District of Columbia, as the out-of-State funds which might normally be available to meet the financing needs of the citizens of the District are being diverted to Maryland and Virginia, where the prevailing interest rates are legal.

It is the opinion of our committee that in the face of this situation, it is extremely unlikely that the District of Columbia will be able to generate a sufficient amount of money from local financial institutions to meet the normal requirements of its citizens or the wishes and obligations of the District of Columbia government. For this reason, we feel strongly that the temporary exemption of FHA-insured and VA-guaranteed loans from the interest and usury laws of the District, as provided in this proposed legislation, is essential at this time.

It should be noted also that H.R. 13369, which was reported by the Committee on Veterans' Affairs and approved by the House on September 29, 1969, included a provision which would exempt VA-guaranteed loans from the interest and usury laws of the District of Columbia for a period of 2 years. This measure, however, is still pending in the other body.

PROVISIONS OF THE BILL

H.R. 17601 would permit a rate of interest to be charged on FHA and VA mortgages in the District of Columbia as prescribed for those loans by the Secretary of the Department of Housing and Urban Development. This currently allowable rate is 8½ percent per annum.

Under this provision, of course, lenders would not be permitted to charge exorbitant rates of interest.

The bill provides further that this exemption of such interest rates from the D.C. interest and usury law shall terminate on March 31, 1972.

S. 3313, which was approved by the Senate on April 1, 1970, is identical to H.R. 17601 except that the terminal date for the exemption provided in the bill was fixed at March 31, 1971.

It is the opinion of your committee that in view of the passage of time since this proposed legislation was first considered, the expiration date set by the other body—and which was included also in an earlier House bill, H.R. 15380—would no longer provide a sufficient period of time for the purpose of this bill to be adequately realized. As a practical measure, therefore, we have extended the period for 1 year, to March 31, 1972.

HEARING

A public hearing on this proposed legislation was conducted on May 5, 1970. At that time, testimony in favor of its enactment was presented by spokesmen for the District of Columbia government, the Washington Board of Realtors, the D.C. Chamber of Commerce, the Mortgage Bankers Association of Metropolitan Washington, and the Washington Real Estate Brokers Association. Letters expressing approval of the bill were received also from the Secretary of Housing and Urban Development and from the Administrator of Veterans' Affairs in the Veterans' Administration. No opposition to the enactment of the legislation was presented.

CONCLUSIONS

Your Committee believes this proposed legislation to be vitally necessary in order to attract long term mortgage funds into the District of Columbia. The development, and redevelopment, of housing in the Nation's Capital can be accomplished, in our opinion, only within the scope of the several federally sponsored and insured loan programs. These are the only programs that make it possible for prospective homeowners to purchase residences with minimum amounts of cash and with the lowest possible monthly payments.

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There has actually been a downward real estate trend in the District of Columbia for the past 5 years. In 1965, some $562 million was loaned in this city secured by deeds of trust. By the end of 1969, this figure had declined to $311 million, a loss of almost 45 percent. And for the first 3 months of 1970, while no figures are yet available to your Committee, we are advised that the situation has become even more ominous.

Your Committee feels strongly, therefore, that steps must be taken at this time to reverse this potentially disastrous trend. The provisions of H.R. 17601, we are convinced, will accomplish this purpose. And at the same time, adequate safeguards are provided, by limiting the interest rates to those approved by the Secretary of Housing and Urban Development and by terminating the exemptions within a period of 2 years, to assure protection against abuses.

For these reasons, your Committee urges the passage of this proposed legislation, in the public interest.

The SPEAKER pro tempore. The time of the gentleman from Florida has expired.

(On request of Mrs. SULLIVAN, and by unanimous consent, Mr. FUQUA was allowed to proceed for 5 additional minutes.)

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, how many residential transactions would the gentleman say this might affect in the District of Columbia? Does the gentleman have any idea?

Mr. FUQUA. The statement was made before the committee that 100,000 District families live in inadequate housing, and 102,000 units must be constructed over a 10-year period. Today, no construction starts of FHA or VA construction are going on in the District of Columbia at the present time because of inability to secure money.

Mrs. SULLIVAN. So the gentleman has no idea how many homes it might affect?

Mr. FUQUA. I think we have this information in the committee. I will be happy to get it and provide it for the gentlewoman.

Mr. BROYHILL of Virginia. Mr. Speaker, if the gentleman will yield, I will try to give the gentlewoman some additional information.

Mr. FUQUA. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, as the gentleman pointed out, there has been a drastic reduction in the residential construction in the District of Columbia. While we do not have figures for this year, we know the minimum interest rate for conventional loans is in excess of 8 percent, so any residential construction in the District of Columbia that requires a mortgage cannot be constructed, so the answer is zero.

Mrs. SULLIVAN. Mr. Speaker, I do not think that answers the question, as to how many homes might be built or sold under this bill. Would the gentleman be at all surprised to know that under normal circumstances—not in the tight money period which exists now, but normally—only about two FHA or VA transactions are entered into daily in the District of Columbia?

Mr. FUQUA. What period of time is the gentlewoman referring to?

Mrs. SULLIVAN. That is for 1967, 1968, and 1969.

Is the gentleman aware of any bank or any savings and loan institution in the District which has been active in the field of FHA or VA housing in the last 15 years?

Mr. FUQUA. I think all of them have been somewhat active, and particularly the insurance companies included, in trying to provide funds for the housing needs in the District of Columbia.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman continue to yield?

Mr. FUQUA. I yield to the gentlewoman.

Mrs. SULLIVAN. Mr. Speaker, is the gentleman aware that the interest rate increase which this bill would authorize is not in the neighborhood of one-half percent but more in the neighborhood of one and one-half percent, because under present District of Columbia usury laws, no points can be charged which would raise the yield above 8 percent, while under this bill we can have an 8.5 percent rate plus whatever points the market will bear?

Mr. Speaker, were there any hearings conducted on this bill?

Mr. FUQUA. Yes. I have listed a number of people who appeared before the committee, including the vice chairman of the District of Columbia Council, Sterling Tucker, and chairman of the House Subcommittee on the Council, and James Banks, the Mayor's assistant on housing programs.

Mrs. SULLIVAN. The hearings have not been printed, have they?

Mr. FUQUA. We have copies of them which will be available to the gentlewoman.

Mrs. SULLIVAN. I see you have an unprinted transcript. The reason I ask is that an ad hoc subcommittee of the Committee on Banking and Currency devoted many months to a study of some of the problems presumably covered in this bill, and so far as I know, we have never been consulted or asked for an opinion. I just do not know whether or not the gentleman from Florida had the opportunity to read the report of the ad hoc committee and our findings on the status of VA and FHA loans in the District, or rather the fact that the banks and savings and loans here have generally declined to write such loans over a period of many years.

Mr. FUQUA. I have looked at excerpts of the study and conclusions reached by the gentlewoman's study, and I was most interested in some of the findings made. I believe it is a legitimate area we should look into, and we should see that if these abuses do exist they try to eliminate them.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentleman lists in his report 19 States which have passed similar legislation and urges that this legislation be adopted because these States have enacted legislation exempting FHA and VA mortgages from the provisions of usury laws.

Does the gentleman have any figures here on any of these States since that action has been taken to show there has been an improvement in housing?

I my own State, which is listed, housing starts are down by a substantial percent. Today in the city of Chicago one cannot buy a house unless he makes $15,000 a year.

The SPEAKER pro tempore. The time of the gentleman from Florida has again expired.

(On request of Mr. PUCINSKI, and by unanimous consent, Mr. FUQUA was allowed to proceed for 1 additional minute.)

Mr. FUQUA. I might say to the gentleman, I believe housing starts are off throughout the country because of high interest, but they would be even less in his home State than they are now had they not exempted themselves from this type of thing.

What we are doing is denying the low-income and middle-income people an opportunity to buy a house if they can, if they cannot finance through FHA or VA.

Mr. PUCINSKI. This is a fallacious argument, and I wish the gentleman would comment on it. In the city of Chicago now one cannot buy or build a house unless he is earning at least $15,000 a year. No bank, no mortgage house, no savings and loan association will talk to him unless he has a substantial down payment.

For someone to urge that removal of FHA and VA loans from the usury laws is somehow going to make housing available to the poor is a fallacious argument, and the best proof is what happened in Chicago.

Mr. PATMAN. Mr. Speaker, I move to strike the requisite number of words.

(By unanimous consent, Mr. PATMAN was allowed to proceed for 5 additional minutes.)

Mr. PATMAN. Mr. Speaker, the gentleman from Florida, the distinguished chairman of this subcommittee of the Committee on the District of Columbia, seems to accept the statement as true that if we raise interest rates, a home buyer must pay, we get more money. That is absolutely a fallacious argument. It is not true.

I have been on these committees over a long period of time. The gentlewoman from Missouri (Mrs. SULLIVAN) has taken a special interest in this matter. We discovered it does not provide additional money.

I would ask the gentleman from Florida now if he has any documentation to show that if we raise interest rates more money will be forthcoming for housing? I should like for him to present it here. But I know what the answer is. I have been following this for years.

The homeowner cannot compete with other people in the market where the first marketplace rate prevails, because when the homeowner goes there to com-

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pete he finds the gamblers, the speculators, and the people who are in a position to pay much higher interest rates than he can pay. Therefore, there is no money available. It is just not available for homebuyers.

As interest rates have gone up the housing starts have gone down. No one denies that. Therefore, that alone proves the point that higher interest rates will not provide more money for housing.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Florida.

Mr. FUQUA. Will the gentleman not admit it was his committee which passed the enabling legislation and made this bill necessary, by raising FHA and VA rates to this high rate?

Mr. PATMAN. Well, we reluctantly gave the Secretary of Housing Urban Development temporary authority on FHA and VA interest rates. We hoped he would use the authority in the public interest. You simply cannot get more housing money by raising interest rates. You cannot compete with the 12 or 14 percent that corporations can pay. Corporations are not bound by usury laws, my dear friend. It is only individuals who are bound. You cannot compete with the gamblers, the speculators, and the high-interest loan shark poeple who can pay much more than anyone else can for money. Today the vote on how mortgages has gone up to where the poor person cannot afford housing. Many families have saved their money hoping to buy a home and find they have a little nest egg with which to make a down payment. But now they find that they cannot buy it because of high interest rates. At the time they make a contract to buy a home the interest rates go up and all of the contracts are thrown in the waste basket. They cannot get a home under the new rates. This has been going on for months and years. We have been robbing these people. That is it. We have not done it ourselves personally, but we have stood by and watched it and have permitted it to be done without raising too much sand about it. We should have raised some sand. Today the person who buys a $20,000 home must sign a note that he will pay that $20,000 back in 30 years at so much a month and so much a year, but he must also sign up to pay $38,000 interest on that $20,000 home. That is nearly two to one. That is terribly bad. The word "robbery" would not be inappropriate in a case like that. I assure you that a person buying a $20,000 home today has to pay $58,000 for that home. Just imagine that. We are trying to correct that by stopping this great increase in the interest rates. This legislation here today is going in the opposite direction. This is one bill that I do not see how any Member of Congress can vote for. They are not misleading us. They are telling us the truth. They come out here boldly and say that if you vote for this bill, they will exempt these FHA–VA transactions from the usury laws. In other words, if you vote for this bill, you vote to repeal the usury laws.

On July 28, 1969, we had a bill similar to this before the House, and a motion was made to send it back to the committee without instructions, in other words, just to kill it. That passed 356 to 19. 356 to 19. I place in the Record a copy of this vote:

ROLL No. 125

YEAS—356

Abernethy, Adair, Adams, Addabbo, Albert, Alexander, Anderson of California, Anderson of Illinois, Anderson of Tennessee, Andrews of Alabama, Annunzio, Arends, Ashley, Ayres, Baring, Barrett, Beall of Maryland, Belcher, Bell of California.

Bennett, Betts, Bevill, Biaggi, Biester, Bingham, Blackburn, Boggs, Boland, Bolling, Brademas, Brasco, Bray, Brooks, Brotzman, Brown of California, Brown of Ohio, Broyhill of North Carolina, Buchanan, Burke of Florida, Burke of Massachusetts.

Burleson of Texas, Burlison of Missouri, Burton of California, Bush, Button, Byrne of Pennsylvania, Byrnes of Wisconsin, Caffery, Cahill, Camp, Carter, Casey, Cederberg, Chamberlain, Chappell, Clancy, Clark, Del Clawson, Clay, Cohelan, Collier.

Conable, Conte, Corbett, Corman, Coughlin, Cowger, Cramer, Culver, Cunningham, Daddario, Daniel of Virginia, Daniels of New Jersey, de la Garza, Delaney, Dellenback, Denney, Dennis, Dent, Derwinski, Devine, Diggs.

Dingell, Donohue, Dowdy, Downing, Dulski, Duncan, Dwyer, Eckardt, Edmondson, Edwards of Alabama, Edwards of California, Edwards of Louisiana, Eilberg, Erlenborn, Fallon, Farbstein, Fascell, Feighan.

Findley, Fish, Fisher, Flood, Flowers, Foley, Gerald R. Ford, Foreman, Fountain, Fraser, Frey, Friedel, Fulton of Pennsylvania, Fulton of Tennessee, Galifianakis, Gaydos, Giaimo, Gibbons, Gilbert.

Goldwater, Gonzalez, Goodling, Gray, Green of Oregon, Green of Pennsylvania, Griffin, Griffiths, Gross, Grover, Gubser, Hall, Hamilton, Hammerschmidt.

Hanley, Hanna, Hansen of Idaho, Hansen of Washington, Harsha, Harvey, Hathaway, Hays, Hébert, Hechler of West Virginia, Heckler of Massachusetts, Helstoski, Henderson, Hicks, Hogan, Horton, Hull.

Hungate, Hunt, Hutchinson, Ichord, Jacobs, Jarman, Joelson, Johnson of California, Jonas, Jones of Alabama, Jones of North Carolina, Jones of Tennessee, Karth, Kastenmeier, Kazen, Kee, Keith.

King, Kleppe, Kluczynski, Koch, Kuykendall, Kyl, Kyros, Landrum, Langen, Latta, Leggett, Lennon, Long of Maryland, Lowenstein, Lukens, McCarthy, McClory.

McCloskey, McClure, McCulloch, McDade, McDonald of Michigan, McEwen, McFall, McKneally, Macdonald of Massachusetts, Madden, Mahon, Mailliard, Mann, Marsh, Martin, Matsunaga.

May, Mayne, Meeds, Melcher, Meskill, Michel, Mikva, Miller of California, Miller of Ohio, Mills, Minish, Mink, Mize, Mizell, Mollohan, Monagan, Montgomery, Moorhead, Morgan, Morse, Morton.

Mosher, Moss, Murphy of Illinois, Murphy of New York, Myers, Natcher, Nedzi, Nichols, Nix, Obey, O'Hara, O'Konski, Olsen, O'Neill of Massachusetts, Ottinger, Passman, Patman, Pelly, Pepper, Perkins, Philbin.

Pickle, Pike, Poage, Podell, Poff, Pollock, Preyer of North Carolina, Price of Illinois, Price of Texas, Pryor of Arkansas, Pucinski, Purcell, Quie, Quillen, Railsback, Randall, Rarick, Rees, Reid of Illinois, Reid of New York, Reifel.

Reuss, Rhodes, Riegle, Rivers, Roberts, Robison, Rodino, Rogers of Colorado, Rogers of Florida, Ronan, Rooney of New York, Rooney of Pennsylvania, Rosenthal, Rostenkowski, Roth, Roudebush, Roybal, Ruth, Ryan, Satterfield, Saylor.

Schadeberg, Scherle, Scheuer, Schneebeli, Schwengel, Scott, Sebelius, Shipley, Shriver Sikes, Sisk, Skubitz, Slack, Smith of California, Smith of Iowa, Smith of New York, Snyder, Springer, Stafford.

Staggers, Stanton, Steed, Steiger of Wisconsin, Stokes, Stubblefield, Sullivan, Symington, Taft, Talcott, Taylor, Teague of California, Teague of Texas, Thompson of Georgia, Thompson of New Jersey, Thomson of Wisconsin, Tiernan, Tunney.

Udall, Ullman, Utt, Van Deerlin, Vander Jagt, Vanik, Vigorito, Waggonner, Waldie, Wampler, Watson, Watts, Weicker, Whalen, White, Whitehurst, Whitten, Widnall.

Wiggins, Williams, Bob Wilson, Winn, Wold, Wolff, Wright, Wyatt, Wydler, Wylie, Wyman, Yatron, Young, Zablocki, Zion, Zwach.

NAYS—19

Aspinall, Blanton, Brinkley, Broyhill of Virginia, Cabell, Davis of Wisconsin, Dorn, Esch, Flynt, Frelinghuysen, Fuqua, Gettys, Gude, Hagan, Haley, McMillan, O'Neal of Georgia, Steiger of Arizona, Stephens.

ANSWERED "PRESENT"—2

Cleveland, Evans of Colorado.

NOT VOTING—55

Abbitt, Andrews of North Dakota, Ashbrook, Berry, Blatnik, Bow, Brock, Broomfield, Brown of Michigan, Burton of Utah, Carey, Celler, Chisholm, Don H. Clausen, Colmer, Conyers, Davis of Georgia, Dawson.

Dickinson, Eshleman, Evins of Tennessee, William D. Ford, Gallagher, Garmatz, Halpern, Hastings, Hawkins, Holifield, Hosmer, Howard, Johnson of Pennsylvania, Kirwan, Landgrebe, Lipscomb, Lloyd, Long of Louisiana, Lujan.

MacGregor, Mathias, Minshall, Nelsen, Patten, Pettis, Pirnie, Powell, Ruppe, St Germain, St. Onge, Sandman, Stratton, Stuckey, Watkins, Whalley, Charles H. Wilson, Yates.

The Members of this House, in this body, were on record in opposition to high, usurious interest rates by that action. It also put us in the position of being for low interest rates. That is a good position to be in. If you were to vote for this bill now, you would just reverse the action taken a year ago and put this House in the position of being for high interest rates and for usury and for exorbitant rates and for robbery rates. That is what you would do. It would put you in a position of being against low interest rates. Please do not reverse the sentiment of this House as expressed last July.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I am happy to yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I want to associate myself with the remarks being made by the distinguished gentleman from Texas. I think it is extremely important at this point that the House refuse to go on record as exempting anything else from the usury laws. We ought to be rolling back the interest rates and doing something to encourage a lowering of the interest rates rather than leapfrogging one interest rate after another, which encourages another interest rate in turn to be increased. I certainly wish to associate myself with and agree with the remarks being made by the distinguished gentleman from Texas (Mr. Patman).

Mr. PATMAN. I thank the gentleman.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. I thank the distinguished chairman of the House Banking and Currency Committee for yielding to me and I wish to associate myself with his remarks and to commend the gentleman for his fine statement.

Further, Mr. Chairman, I would like to ask this question: Is it not true that since Secretary Romney has assumed office he has raised interest rates twice and we are still 1.2 million housing starts short?

Mr. PATMAN. The gentleman is correct. And, may I invite the gentleman's attention to the fact that when Mr. Nixon was elected in November 1968, the prime interest rate in this country was 6 percent. The interest rate was raised and raised and raised until it went to 8½ percent.

On June 9 last year, 1969, a big New York banker went out on his front doorsteps and said, "I hereby announce that the prime interest rate in this country is 8.5 percent"—raising it from 7.5 percent. He was followed by all the other big banks in this country, which was sufficient to make it effective. They have been doing that for 40 years—for 40 years—New York bankers have been raising the rate when they wanted to raise it with the rest following.

I wrote to the Attorney General and invited his attention to that and said, "It looks like you could prove a case of conspiracy against the American people when he raised that rate 1 percent because that meant it raised the burden on the people of this Nation $15 billion a year, that action by this banker."

Take out your book and your pencil and figure for yourself. We had at that time debts aggregating $1.5 trillion. It has increased a lot more since then, for an obvious reason. Take 1 percent of that figure and that is $15 billion.

Since Mr. Nixon has been President—he has not done it himself but it has been done—interest rates have been raised 41 percent a year, from 6 percent to 8.5 percent. We cannot stand that. The people of this Nation cannot stand that great burden. They cannot take it.

The American people are paying $120 billion a year interest. That money does not go for services, it does not go for work, it does not go for anything except pencil transactions on the books. That is all. It should not be $120 billion a year. It should not be one-half that much. If we had the rates as they were before, they would not be one-half that much. We are paying $20 billion a year interest on our national debt alone—$20 billion a year.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

(By unanimous consent Mr. PATMAN was allowed to proceed for 2 additional minutes.)

Mr. PATMAN. If you were to roll those interest rates back to where they were a few years ago, we would be paying only $7 billion interest on the national debt. That is what we paid for many decades and less, my friends, but under these increases—under these increases—we have this $20 billion a year, or $13 billion more. Think what we could do with just $13 billion interest on our national debt. We could do a lot with it, and all other debts would be in proportion. People could live and let live and enjoy life and not have just a few people taking money away from them with which they could buy the comforts and necessities of life.

Mr. Speaker, we talk about environmental quality of the family life in this country. There are 55 million families. We really help the country if we help the families. If we hurt the families, we hurt the country. For family life you not only need a proper and adequate diet, food and clothing, but you must have something else very essential—shelter. Shelter and housing and a decent place to live for the families of this country.

How are you going to have a decent place for a family to live when you are charging $38,000 for a $20,000 home, thereby making every purchaser pay $58,000 for every $20,000 home?

I urge you not to go on record here in favor of repealing the usury laws which makes you in favor of extortionate, usurious and excessive interest rates imposed upon the poor.

Today, Mr. Speaker, we have a new move for an end run around the District's 8 percent usury statute. This time, the suggestion is being made that the home buyer, using FHA or VA guaranteed mortgages, pay an interest rate above 8 percent. The bill would exempt these mortgages from the District's usury statutes.

This, of course, means higher interest rates and a break in the District's usury law. Its proponents, of course, will claim that this will mean additional mortgage money for FHA and VA mortgages. This is the same claim that is made every time anyone suggests raising FHA and VA interest rates. We are always told that this will increase the flow of funds into these types of mortgages.

The same claim was made in 1968 when the FHA-VA interest rate was raised. The same claim was made when the FHA-VA interest rates were raised again in January 1969. And the claim was made again when the rates were raised in December 1969.

Yet, this has been a period of declining housing starts, and today, after three increases in the national FHA-VA interest rates, we are building housing only at an annual rate of 1.1 million units.

When Secretary Romney raised the FHA interest rate from 7¼ percent to 8 percent on January 24, 1969, housing starts stood at 1.9 million units on an annual basis. By the end of that year, housing starts had fallen to 1.2 million units. Mr. Romney then announced a new increase in the interest rate to the current level of 9 percent—including one-half percent for insurance—and now housing starts have fallen down to 1.1 million units.

There is absolutely no evidence that higher interest rates bring more housing. They simply raise the cost of housing, but they bring no additional money into the market. It does mean that lower income families are pushed out of the market.

The truth is, Mr. Speaker, housing paper cannot compete successfully in today's tight money market and the Congress does nothing when it votes increases in interest rates. Housing mortgages are being outbid for available money by corporations, fast buck operators, speculators, and others willing and able to pay high interest rates. The average home buyer simply cannot compete with the big boys in the economy and the Congress is deluding itself by thinking it helps the homeowners by raising interest rates.

The increase proposed for the District of Columbia home buyers in this bill will do nothing for housing.

It will not bring more money into the District for housing.

Mr. Speaker, it is curious that the bill before us only exempts FHA and VA mortgages from the usury limit. It does not mention conventional mortgages, which are the overwhelming preponderance of the real estate loans made in the District of Columbia.

Of course, Mr. Speaker, the Federal National Mortgage Association—Fannie Mae—is reluctant to pick up, in its secondary market operations, any FHA and VA mortgages that may have been made in violation of local usury statutes. That, undoubtedly, is the reason that we have this proposal here today. Apparently we are being asked to take the taint off of any FHA and VA mortgages which District of Columbia lenders might make above the 8 percent usury limit.

But what about the conventional mortgages? This bill would apparently still leave them subject to the usury statute of 8 percent while allowing the FHA and VA interest rates to go above that limit.

Mr. Speaker, this seems to be a very strange situation. This would mean that Government-guaranteed programs—mortgages backed by the full faith and credit of the Federal Government—would carry higher interest rates than loans made under conventional terms. This would be a direct contravention of the very purpose of the FHA and VA programs.

Mr. Speaker, I hope during this debate, that the Members of the District Committee will inform the House whether they discovered if lenders in the District of Columbia have already been violating the usury statutes. Is this another one of those retroactive bills—a retroactive excuse for law violations?

On page 2, the committee report talks about an effective interest rate of 8.43 percent on FHA and VA mortgages—well above the 8-percent usury ceiling. Does this mean, Mr. Speaker, that right now, loans are being made in the District of Columbia in violation of the laws passed by this Congress?

Mr. Speaker, the report on this bill raises more questions than it answers. We should know more fully what will happen to home mortgages in the District of Columbia under this law.

Mr. Speaker, in the meantime, the House should reaffirm its position of last July and again vote down any increase in the District of Columbia's usury ceiling.

I trust you will vote against this bill.

Mr. BROYHILL of Virginia. Mr.

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Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of the pending legislation.

I rise to urge the support of my colleagues for the bill H.R. 17601, of which I am pleased to be a cosponsor. At the outset, I wish to say that this legislation is of vital importance, as a means of averting a critical situation with respect to the availability of mortgage money here in the Nation's capital.

Briefly, this bill would exempt FHA-insured and VA-guaranteed loans from the District of Columbia interest and usury laws, until March 31, 1972.

At present, there is a disparity between the higher FHA and VA interest ceilings established by the Secretary of Housing and Urban Development to meet mortgage market conditions, now some 8.5 percent including points charged to the seller, and the lower interest limits set by the usury laws of the District of Columbia, which limits the interest rate on real estate loans to 8 percent per annum. As a result, investors in District of Columbia mortgages have had to charge substantially higher discounts for mortgage funds to realize the same net return as on their investments in other areas of the country. Because of the burden of these higher discounts on sellers of homes, private lenders have originated virtually no new FHA-insured or VA-guaranteed loans in the District of Columbia. And those commitments which have been issued have not been made to low- and moderate-income families. This situation can be remedied only by an exemption of FHA and VA mortgages or loans from the District of Columbia usury law, such as this proposed legislation will provide.

These federally sponsored and insured loan programs provide the only possibility for prospective homeowners of modest incomes to purchase residences with a minimum amount of cash and with the lowest possible monthly carrying charges. Hence, the present curtailment of such funds, which currently are virtually nonexistent in the District of Columbia, creates a particularly difficult problem for the little people—those who cannot afford to pay all cash for a home, or even a large downpayment which is necessary in most cases to assume existing financing.

This problem exists in the various States as well. And at present, 19 States have responded by exempting FHA and VA loans from the usury laws of their jurisdictions. Maryland, for example, has taken this step with no time limit imposed for its termination. And in my own State of Virginia, the legislature just recently exempted all real estate loans—FHA, VA, and conventional loans as well—from our usury statutes through the month of June 1972. Personally, I should like to see this same exemption provided for all real estate loans in the District of Columbia, conventional loans as well as those sponsored and insured by the Federal agencies. As a practical matter, however, we have restricted this exemption to the FHA and VA mortgage loans, in this proposed legislation.

Last September, the House approved the bill H.R. 13369, which was reported by the House Committee on Veterans' Affairs. I was instrumental in getting a provision in that bill which would exempt VA-guaranteed loans from the usury laws of the District of Columbia. Unfortunately, however, that bill has thus far failed of action in the Senate.

Mr. Speaker, the time has come for action in this crisis. We must remove the impediment created by the interest and usury laws in the District of Columbia, so that our veterans and the people of modest means here in the Nation's Capital can obtain financing which they can afford to purchase homes. This problem simply boils down to commonsense. We all know that mortgage loans must compete with other market interest rates, and that the U.S. Treasury has to pay more than 8 percent for the money it borrows on the present market.

Of course, the mortgage interest rates which this bill seeks to exempt from the local usury and interest laws will be limited by the Secretary of Housing and Urban Development. The Secretary's regulation of these maximum interest rates will provide the continued protection to the consumers which is intended by the usury statutes, but with a realistic flexibility and an appropriate regard for the current conditions of the money market. Only in this way can such loans be in fact available, as well as reasonably priced.

Mr. Speaker, in the course of our hearings on this bill we were reliably informed that at present there are some 7,000 vacant and abandoned living units in the District of Columbia. And there are approximately 600 units owned by the National Capital Housing Authority that are uninhabitable because of damage done by vandalism. One development, for example, is Stanton Gardens, which is not more than 20 years old, but has been abandoned, depriving nearly 700 families of decent living quarters. This is a case of sheer vandalism, which has resulted in the owners finding it uneconomical to maintain the properties. We were further informed that as recently as 3 years ago, there were probably not more than 200 such abandoned living units in the District. This development is downright shocking, and I urge that the present government of the District of Columbia attack this problem with far greater vigor than has been shown in the past several years.

On the subject of housing in the District of Columbia, I wish to point out also that the District of Columbia City Council has not aided the problem by voicing support for certain proposed new regulations which in effect will put the landlords in the city at the mercy of the tenants, as far as upkeep and maintenance is concerned. I am sure that none of us condones landlords not fulfilling their responsibility to maintain rental properties in decent and adequate condition. However, neither can I agree that tenants should be allowed to destroy such properties by willful vandalism, and the city government aiding and abetting such irresponsibility by taking a "landlord be damned" attitude. Other communities maintain a proper balance of responsibility in this regard, and I charge the District of Columbia City Council to do likewise.

Here in the Congress, we are striving to make it possible for the people of the District to purchase and own their own homes, as by enacting the legislation contained in H.R. 17601. I think it only proper to urge the city government to do their share as well, by reversing the shocking trend of the rapidly increasing number of unoccupied living units in the city. I cannot approve of the District spending large sums of money to purchase luxury apartment buildings for the housing of indigent citizens while 7,000 residential units stand vacant in the city.

Mr. Speaker, I commend this legislation to my colleagues and ask their favorable action at this time.

In further emphasis of my earlier remarks and in answer to several questions raised in debate, I wish to make the following observations.

In response to one of the remarks made by the gentleman from Texas (Mr. PATMAN) I would like to point out that this bill we have before us is not the same bill—is not the same bill that the House turned down last year. It does not repeal the usury laws for the District of Columbia. What the bill does do, and the only thing it does, is to exempt FHA and VA loans from the usury laws in the District of Columbia.

Now, if the gentleman from Texas wants to refer to what the House did last year, the House last year did approve legislation unanimously to exempt VA loans from the usury laws of the District of Columbia, and that bill is now pending in the other body.

All that this bill does is to repeat that action, and provides for similar exemptions for FHA loans. There is no desire on anyone's part to increase interest rates. All of us would like to hold them down, but the odd thing we have before us today, the odd situation with which we find ourselves confronted today, is that the Congress, through action of another committee, in fact the committee chaired by the gentleman from Texas (Mr. PATMAN) has authorized an agency of the Government, the Secretary of Housing and Urban Development, to set interest rates at an appropriate level. And of course the same authority was given to the VA Administrator for VA loans, and the Secretary of Housing and Urban Development and the Administrator of VA have set the interest rates at 8.5 percent.

So here we have this Congress passing a law permitting interest rates for Government-insured loans to be set at 8.5 percent, and then in another act Congress, the District of Columbia Code, the Congress says that the people living in the Nation's Capital cannot pay interest rates in excess of 8 percent.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I will be glad to yield to the gentleman from Texas.

Mr. PATMAN. The committee also passed it out, and it passed the Congress and was approved by the President of the United States, an act allowing the

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President the privilege of he, himself, as President of the United States, irrespective of anybody else, to roll back interest rates. Now, he could roll interest rates back to 6 percent. Does not the gentleman think that would be a good level for the President to set? Then we would get out of the depression.

Mr. BROYHILL of Virginia. I think a level of 4 percent would be even more desirable, does not the gentleman from Texas think so, if we could find money available?

The gentleman also pointed out that this legislation he speaks of would not make funds available. On the other hand, in this case, there are funds available through the Federal National Mortgage Association for VA, FHA, and section 235 loans. The problem is that FNMA will not purchase District of Columbia loans carrying interest rates in excess of 8 percent and yet FNMA can purchase loans from adjoining States which will provide interest rates in excess of 8 percent. The FNMA is principally a secondary financing organization and it announced last fall it would not buy FHA or VA loans in the District of Columbia even when the rates were set as low as 7.5 percent, because with the points and discount rate that the seller of the mortgage had to pay it would cause the rates to exceed the legal rate of 8 percent. And today, of course, with the discount rate running anywhere from 3 to 4 to 5 percent, it would make the net rate of these mortgages approximately 9 percent.

But if this bill is passed the funds will be available through FNMA through secondary financing, and funds would be available for people to buy homes under FHA and VA.

But the net effect of the restrictions in the District of Columbia limiting the interest rates to 8 percent is that there are no FHA or VA loans available in the District of Columbia.

Now, who is affected by that? It is always the low-income people who need to finance their homes in that manner. If the person can afford to pay cash for his home, and if a person can afford to make an extremely high downpayment, he can get a conventional mortgage that may be as low as 8 percent, and then he can go out and buy a home in the District of Columbia.

But low-income people who have to buy under the FHA or VA are unable now under existing law to buy a home in the District of Columbia. I think this is a tragedy and most unfortunate particularly since the Congress approved Section 235 of the Federal Housing Act that makes it easier for lower income people to obtain homeownership. It is this limitation of the District law that prohibits them from doing so that we are attempting to change in this bill.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

(Mr. BROYHILL of Virginia asked and was given permission to proceed for 5 additional minutes.)

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman.

Mr. PATMAN. Remember that section 235 of the 1968 housing act means that the Government really is subsidizing a family from $20,000 to $30,000 just to buy one home because the interest rate being 9 percent, the Government pays 8 percent of it. Of course, the man himself does not get it, but the banks get it and others, the lenders get it. But that is a $20,000 to $30,000 subsidy on every home.

Now you are making it much higher and that is no excuse for this legislation.

Mr. BROYHILL of Virginia. The gentleman's committee passed legislation authorizing that.

Mr. PATMAN. That is right.

Mr. BROYHILL of Virginia. It seems rather strange that the gentleman is now opposing legislation that will permit the people in the District of Columbia to benefit from it.

Mr. PATMAN. I am not opposing it. I do not think we should pay 8 percent out of every 9 percent—that is what I am against.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman.

Mr. WRIGHT. Mr. Speaker, the gentleman from Virginia has made a point that this bill exempts from the usury laws the FHA and VA home loans—in other words, the Government-insured loans.

Does it make any logical sense to the gentleman that Government-insured loans, which ought to be more secure loans and which ought to be more attactive to lenders, should be exempted from the usury laws that others have to observe? Should not the Government-insured loans be made available to a citizen of the District of Columbia at a lower rate of interest than a noninsured loan?

Mr. BROYHILL of Virginia. I cannot agree with the gentleman more. But the proof of the pudding is in the eating. These VA and FHA rates are set at 8½ percent because the mortgages are not marketable at a lower rate. So I would again repeat and emphasize that the effect of the housing legislation is that the FHA and VA loans are not helping the people of the District of Columbia that they are designed to help when they were originally put in the statute books.

Mr. WRIGHT. The gentleman from Virginia has made quite a point of that and I appreciate the gentleman's concern for the low-income people of the District of Columbia. But I think it is in their interest that I oppose this bill because I cannot understand, and I wonder if the gentleman really believes, that we are benefiting low-income people when we make it possible for others to gouge them by requiring the payment of higher interest rates than they otherwise legally could charge.

Mr. BROYHILL of Virginia. I would think it would be reasonable to assume that this legislation would help low-income residents, and I am going to assume that every Member of this body is for helping low-income people in the District of Columbia and everywhere. We do not have to choose up sides and try to prove who is more concerned for the interests of lower income people. The sole purpose of this bill is to help the low-income people to obtain housing in the District of Columbia under the FHA and VA loans.

Nineteen States of this Union have already amended the usury statutes or have repealed them in order to permit FHA and VA loans to be made in those States. The States of Virginia and Maryland have repealed them for all mortgages, all conventional mortgages as well as for the FHA and VA mortgages. This bill, of course, restricts it just to FHA and VA loans. By the way, it only exempts FHA and VA loans until March 31, 1972. This limits its effect for what we hope is a situation that will correct itself by that date.

The other body, when they approved the legislation, authorized the exemption until March 1971. Of course, anyone who is proposing new construction would undoubtedly find that the loan could not be placed on the building until after March 1971. So we felt that this was the minimum temporary extension or temporary exemption that could be granted.

This has the support of every responsible organization in the District of Columbia, the District of Columbia government, the District of Columbia Chamber of Commerce, the Real Estate Brokers Association, which is predominantly represented by black people in the real estate business, and, of course, it has the support of HUD and the Veterans' Administration.

It will help to stop the downward trend of homeownership in the District.

The gentlewoman from Missouri (Mrs. SULLIVAN) a moment ago mentioned the reduction of homeownership in the District of Columbia. Homeownership in the District of Columbia has dropped from about $500 million in 1965 down to around $300 million in 1969, a reduction of 45 percent. As I stated earlier in response to an inquiry of the gentleman from Florida, I think it has now been reduced to practically zero. There will be little or no productive homeownership in the Nation's Capital in the future, insofar as new homeownership is concerned, unless this bill is passed.

This bill is directed toward helping the low-income people, not the "fat cat" bankers. As far as the low-income people are concerned, in respect to the interest of 8½ percent, they will have the protection of the Secretary of Housing and Urban Development and the Administrator to help insure that they get the lowest interest attainable in the marketplace.

Mr. NELSEN. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized.

Mr. NELSEN. Mr. Speaker, I would like to ask the gentleman from Virginia a question or two. This is an area in which I am not expert. But it is my understanding that holders of VA and FHA loans are legally permitted to pay an interest rate that is above the usury laws of the District of Columbia; is that correct?

Mr. BROYHILL of Virginia. That is correct, 8½ percent at the present date.

Mr. NELSEN. FNMA has indicated

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that it will not buy loans that exceed 7½ percent interest because they are fearful of the fact that they will then be in violation of the usury laws; is that correct?

Mr. BROYHILL of Virginia. It would be a clear-cut violation when the rate is set at 8½ percent. As I pointed out a moment ago, even in the period when the rates were as low as 7½ percent FNMA would not buy those loans, because the discount rate and the interest, the total amount paid, would exceed 8 percent.

Mr. NELSEN. In the State of Virginia the usury laws are at a higher level than they are in the District of Columbia; is that correct?

Mr. BROYHILL of Virginia. The usury laws in the State of Virginia until recently provided a rate of 8 percent. The laws remained that way until the last session of the general assembly on all loans. The last legislature exempted all mortgage loans, including FHA and VA and conventional loans, from the 8½ percent ceiling.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Is it not true that if you now get a waiver of the usury rate, and you let the FHA and the VA rate go up, would you not penalize the veteran who could now buy at the 8-percent rate?

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. How in the world can you penalize the veteran when the veteran cannot get a VA loan today at 8 percent? What we are doing at present is virtually prohibiting him from getting a loan in the District of Columbia at all because the FHA rate is set at 8½ percent and the D.C. usury law is set at 8 percent. I understand there are many who would like to get such loans, but cannot get them.

Mr. BARRETT. In that case your argument is sound, because veterans cannot get your interest rates. We are now working on a bill which would provide not only veterans and those who would buy under the VA program, but we would enable everybody to get a home. Where we are in dire need for homes is in the middle-income brackets. We have done an adequate job for the low- and moderate-income people. The higher income brackets can buy their own homes. They need no help from Congress. The area in which we need help is the middle-income people. Very shortly we will bring to the floor a bill to help them.

I was happy to hear the gentleman say that he would support a bill of that type. We are hoping to bring out a bill that would provide a rate of no more than 6½ percent, which would give everybody, those in the low-, moderate-, and high-income brackets, an opportunity to buy at that level. But what you are doing in this bill is to escalate interest rates on the veteran and those who are buying through FHA, and your conventional mortgages are still at 8 percent. You are taking advantage of the veteran in this bill.

Mr. NELSEN. I would like to point out, in response to an earlier question as to the effect that the 8 percent limitation is having on housing that is being built in the District of Columbia recently, that the record shows in 1965 $562 million was loaned in this city secured by deeds of trust. By the end of 1969 this figure had declined to $311 million, a loss of 45 percent. For the first 3 months of 1970, while no figures are yet available to your committee, we were advised at hearings on this bill that the situation had become even worse.

My interest in this legislation is not to give encouragement to higher interest rates. But I wonder whether, because of circumstances in the surrounding States making it impossible for the people in the District of Columbia to get the housing that they need? Especially, isn't this the case as to section 235 low-income housing? It is regrettable that we do not have some uniformity of usury laws among the States, but since we do not we must consider this legislation in light of existing conditions. At the present time the loaning agencies here who are eligible to make guaranteed loans, cannot sell the loans to FNMA because of circumstances which prevail here. They can go across the District line and make such loans in Maryland and Virgina. As a result of this situation, new housing—VA, FHA, and low-income—has been almost completely terminated in the District of Columbia, which is unfortunate as far as the District residents are concerned.

So that there will be no question about the fact that the District government favors this legislation concerning the FHA and VA mortgage and loan interest rates—H.R. 17601—I wish to include in the Record a copy of a letter which I received from Gilbert Hahn, Jr., Chairman of the District of Columbia City Council, indicating that the council favors the enactment of this legislation.

While it is true that the expiration date Mr. Hahn speaks of is March 31, 1971, the testimony before the House District Committee indicated that such a short period of time would probably not give to the District the type of relief from the high interest rates that the District government would expect. Accordingly, the effective date as contained in H.R. 17601 is March 31, 1972.

Except for this technical amendment, the legislation is that which is supported by the city council.

I also attach for the Record letters addressed to Chairman McMillan on this legislation from the Secretary of Housing and Urban Development and the Administrator of the Veterans' Administration.

The material follows:

Government of the District of Columbia, City Council,
Washington, D.C., April 30, 1970.
Hon. Ancher Nelsen,
House of Representatives,
Washington, D.C.

Dear Congressman Nelsen: I am writing with respect to legislation now pending with the House District Committee which would exempt FHA and VA mortgages and loans from the interest and usury laws of the District of Columbia. The Legislation was submitted to the Congress on November 14, 1969 by the District of Columbia Government. The legislation passed the Senate as S. 3313 and I understand that bill is also pending in the House District Committee.

The District Government submitted this legislation as a result of City Council meetings with community leaders and Federal officials concerned with the housing mortgage market in the District of Columbia. As a consequence of our investigation, we found that the prevailing 8½% interest rate on FHA and VA loans in combination with the 8% usury ceiling in the District had eliminated the issuance of such loans on single-family residences in the city. In addition, the FHA will no longer guarantee mortgages in the District for its Section 235 low-income housing program. Thus, the unavailability of FHA and VA insured loans and mortgages means that virtually no low or moderate income families can finance a house in the District of Columbia.

In order to meet the immediate problem of providing an adequate housing mortgage market in the District of Columbia, we have recommended a temporary exemption from the District's usury laws for FHA and VA mortgages and loans. As passed by the Senate, S. 3313 provides that the expiration date for the usury law exemption will be March 31, 1971, and the District Government supports that date.

As I mentioned above, exemption of FHA and VA mortgages from the usury limit can only be a short term answer to the problem of home financing. With respect to long term answers, the City Council has created a Commission on Interest Rates and Consumer Credit which, among other things, will study the mortgage interest rate situation in the District of Columbia and make specific recommendations with respect thereto.

I believe that temporary relief for the District's housing mortgage market is of great importance to the citizens of the District and I urge your early consideration of the legislation before the House District Committee which would exempt FHA and VA mortgages from the District's usury laws.

Kindest personal regards,

Gilbert Hahn, Jr,
Chairman, City Council.

The Secretary of Housing and Urban Development,
Washington, D.C., March 31, 1970.
Subject: H.R. 15380, 91st Congress (Hogan).
Hon. John L. McMillan,
Chairman, Committee on the District of Columbia, House of Representatives,
Washington, D.C.

Dear Mr. Chairman: This is in further reply to your request for the views of this Department on H.R. 15380, a bill which would temporarily exempt FHA insured mortgages and VA guaranteed loans from the usury laws of the District of Columbia.

This Department supports enactment of H.R. 15380. At present there is a disparity between the higher FHA and VA interest ceilings established by the Secretary of Housing and Urban Development to meet mortgage market conditions and the lower interest limits set by the usury laws of the District of Columbia. As a result, investors in District of Columbia mortgages have had to charge substantially higher discounts for mortgage funds to realize the same net return as on their investments in other areas of the country. Because of the burden of these higher discounts on sellers of homes, private lenders have originated virtually no new FHA insured or VA guaranteed loans in the District of Columbia. Those commitments which have been issued have not been made to low and moderate income families. This situation would be remedied by an exemption of FHA and VA mortgages or loans from the usury law, preferably on a permanent basis.

The Secretary's regulation of maximum

interest rates provides continued protection to consumers which is intended by the usury statutes but with greater flexibility and regard for the current realities of the money markets so that loans are in fact available as well as reasonably priced.

The Federal National Mortgage Association and other secondary market investors remain active in the District of Columbia but their services would be more realistically available if mortgages could be issued at the established FHA and VA interest rate.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GEORGE ROMNEY.

VETERANS' ADMINISTRATION,
Washington, D.C., February 24, 1970.

Hon. JOHN L. MCMILLAN,
Chairman, Committee on the District of Columbia, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for a report by the Veterans Administration on H.R. 15380, 91st Congress.

The bill would exempt loans insured by the Federal Housing Administration and loans guaranteed by the Veterans Administration from the usury law of the District of Columbia.

The District of Columbia usury law limits the interest rate on real estate loans to 8 percent per annum. The current maximum interest rate on VA-guaranteed and FHA-insured loans is 8½ percent. The result is that lenders are unwilling to make guaranteed and insured loans in the District of Columbia since they are unable to obtain 8½ percent interest under the local law. This situation also exists in a number of states. When other factors are equal, it is to be expected that lenders and investors will select jurisdictions where they can obtain the maximum interest rate for the investment of their mortgage funds.

We consider it desirable that GI loan benefits be available on a uniform basis throughout the country to the extent possible. The enactment of this bill would remove the impediment created by the usury law in the District of Columbia and would give veterans an opportunity to obtain GI financing for the purchase of homes in the District of Columbia. Similar legislation exempting VA and FHA loans from local usury laws, has been enacted in a number of states, among which are Pennsylvania, New York, New Jersey, Michigan, Illinois, Maryland, Mississippi, and North Carolina.

If this legislation were enacted, any additional cost incurred would be minimal.

For the foregoing reasons, we recommend favorable consideration of H.R. 15380 by your Committee.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD E. JOHNSON,
Administrator.

Mrs. SULLIVAN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I am somewhat underwhelmed by the seeming urgency of this measure—the fact that we did not have a report on this bill available until this morning and that no printed hearings were available, and that we apparently have to do something quickly and urgently to save the housing industry in Washington, D.C.

The home finance industry in Washington, D.C., has been notoriously disinterested in writing FHA and VA housing loans. The facts and statistics establish that, because there are normally only about two transactions a day in this area involving FHA or VA financing. We established why the reasons for that in an investigation conducted by an ad hoc subcommittee of the House Committee on Banking and Currency. The report of that investigation was made public several weeks ago, and if members of the Committee on the District of Columbia had read that report or had asked us anything about it in connection with this bill, I think they might be less enthusiastic about pushing this bill through.

We found, Mr. Speaker, that the banks in the District of Columbia notoriously do not finance residential mortgages, and particularly not in the District of Columbia. As for the savings and loans in the District, although their purpose is to promote home ownership in the areas in which they are located, the savings and loans in the District prefer to finance in the suburbs—which is understandable—but they also prefer to use conventional rather than FHA or VA types of loans.

Their reason is strictly one of economics. Usually they can make more on a conventional loan than on a Government-guaranteed or Government-insured mortgage. This was candidly acknowledged to us by the president of the Savings and Loan League for the District. He was speaking for his own savings and loan and not as president of the association, but the facts we developed showed clearly that this was the case. I strongly support efforts to bring the local home financing industry into the FHA, VA, and assisted housing programs but for years, when there was no usury ceiling problems, the institutions in the District of Columba have shown very little interest in those programs and recently they have had to be almost shamed into showing a little interest in this field. But this bill is not the way to encourage such interest. We are working on a housing bill for the Nation which I hope will provide some real imeptus to the FHA and VA programs. Mr. Speaker, I urge that H.R. 17601 be voted down.

Mr. PEPPER. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, we all quite understand the dilemma of the members of the committee who are urging this measure, because I suppose they feel if the money is not obtained at a high interest rate, there would not be any money at all, to speak of, as far as FHA and VA are concerned.

What I wanted to ask was, last year the gentlewoman's Committee on Banking and Currency brought out and the Congress enacted a bill authorizing the Executive to control credit for the country. I understood two of the objectives of that legislation were to reduce interest rates and to enable the Executive to channel funds into homebuilding and the provision of home facilities for the people of this country. May I ask the knowledgeable gentlewoman, does she know of anything the administration has done since the enactment of that measure to reduce interest rates and to channel funds into the homebuilding industry, which is relatively stagnant in this country today?

Mrs. SULLIVAN. As the gentleman knows, there has been nothing done on that. We did give the President unusual powers, that had never been given to any President before, to use selective credit control. Had he used those powers he could have helped bring down some of these interest rates.

Mr. PEPPER. I am sure we all deplore that lack of action.

Mr. BARRETT. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Speaker, does the gentlewoman not think if this bill would pass today it would create complications for the Housing Subcommittee bill, which the Committee on Banking and Currency is ready to bring out soon?

Mrs. SULLIVAN. I think it would definitely hurt the incentive provisions of that bill, but I would say to the gentleman also that as chairman of our Housing Subcommittee he knows better than anyone in the House that raising the rates or taking off the ceilings on FHA and VA loans has never brought one additional dollar into the housing market. It has just raised the homeowners' costs by thousands upon thousands of dollars, and has priced families out of the market for homes they could otherwise afford to buy but not at an 8½ percent interest rate on a long-term mortgage—the 1 percent increase in FHA–VA rates this year has added about $17 a month to the amortization cost, or about $6,000 per mortgage.

Mr. PUCINSKI. Mr. Speaker, I move to strike the requisite number of words.

I rise in opposition to this legislation. I take this time to pay a special tribute to the gentleman from Texas (Mr. PATMAN) the Chairman of the Committee on Banking and Currency.

I have listened to the gentleman's remarks in opposition to this legislation. Over the years we have listened to his admonitions and suggestions on the floor of the House. I submit that had this House and this Nation listened to his wise counsel, we would not have the inflation which we have today and we would not have the depression in the building industry which we have today, and we would have the rising unemployment rates we have in America.

I know of few men who do their homework as well as the gentleman from Texas on this very important subject. As he has quite properly pointed out today in his remarks, money lending is the biggest single industry in this country. It is a $120 billion industry in interest rates alone. Yet, the money lenders of America continue to be the untouchables. Everybody is afraid to address himself to the fact that last year they enjoyed higher increases in rates of earnings than any other industry in this country.

I placed into the RECORD an analysis of the increase in earnings of the banking institutions of America during the first 6 months of 1969. We showed that the earnings had increased by an average of 20 percent across the country. Then we took 50 selected banks, banks selected at random, and we looked at their increase in earnings. We found one bank in Detroit increased its earnings by 49 percent, and on down the line until we had one bank in Chicago which increased its earnings by 11 percent.

It should be of considerable concern to us that when everybody else in this country is experiencing losses; when there is a decline in earnings and profits for every other industry, the money lenders continue to show an increase in earnings and profits.

I say to the Members, the gentleman from Texas has stood in this well alone and pleaded for sanity both in Congress and among the people of this country, to follow his good judgment.

Mr. Speaker, the moment of truth is going to be here in a few days.

My good friend from Virginia said that he wants to do something about housing for veterans and we want to do something about housing for middle-income Americans. We also keep hearing of great concern for the poor people over and over. We heard it when we were urged to raise interest rates on VA mortgages from 4½ percent to 5½ percent, and then to 6½ percent, and then to 7½ percent, and then to 8½ percent. We heard the same arguments when we were asked to raise interest rates on FHA mortgages, and in each instance the plea is made that we have to raise these interest rates because the money is not available for housing for these people.

As the gentlewoman from Missouri just said, all these amendments have not brought one new house into the building market.

As the gentleman from Texas said, today it costs an American $58,000 to buy a $20,000 house.

So the moment of truth is coming. The gentleman from Texas will bring in a bill to us very shortly which will provide $4.5 billion at no more than 6½ percent, earmarked specifically and exclusively for low-income and middle-income home construction. We are going to find out, when the vote comes on this proposal, who runs America; whether the banking interests run this country or whether the people run this country.

I say to my friends, here is a Member, a colleague of ours, who has earned the eternal gratitude of all the people of this country. I hope, in view of all the experiences we have witnessed with failures of the past, that for once we will listen to his leadership, get behind him, get that bill passed through the Congress, to move this country ahead again. I have always supported the gentleman's efforts to lower interest rates and intend to do so again.

Everybody talks about wage controls. They want the workingman to pay the full price for inflation. But I have yet to hear anybody in this administration address himself to skyrocketing interest rates.

I would hope the President would call the bankers of this country to the White House and say, "Gentlemen, we are on the verge of national disaster, and you are going to have to take some voluntary action to bring these interest rates down."

I warned on December 8, 1969, that the Nation is faced with economic disaster if interest rates are not reduced. I predicted a $100 billion loss in stock market values and said because anticipated revenue will not materialize, the President will suffer a deficit for his first year in office. I have been proven to be most prophetic. I say now, Mr. Speaker, unless forceful action is taken by the administration right now, we could see a disaster of irreparable magnitude.

Interest rates must come down as the first prerequisite of restoring stability to our economy.

Now, do not tell me that interest rates are dictated by the law of supply and demand. Today's scramble for higher profits from interest rates is nothing more than the rules of the jungle: Grab whatever the traffic will bear. That is exactly what they have been doing for the last 10 years.

So I say to you, my friends, let us get behind the gentleman from Texas, the very learned chairman of the Committee on Banking and Currency. Let us see if for once we cannot pass legislation that will bring meaningful help to the building industry and start addressing ourselves to the $1.2 billion deficit in housing starts that we are now experiencing across the country.

I am convinced that once we pump $4½ billion into the market at no more than 6½ percent interest, the rest of the moneylenders will have to reduce their interest rates to remain competitive.

Mr. BRINKLEY. Mr. Speaker, I move to strike the requisite number of words.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, I want to thank the gentleman for yielding.

I want to close by merely saying that we have heard a lot of conversation here today. I hope some of it is heeded and that we can begin reducing interest rates. I certainly desire that end very much. Talk is somewhat inexpensive. The situation existing in the District of Columbia today is that there is no FHA or VA housing going on.

The argument has been made that this has not brought about any housing. I submit to you that 19 States, including the two surrounding jurisdictions, Maryland and Virginia, lowered their interest rates and have been able to make these commitments. You cannot tell me that the general assemblies of these two States have acted irresponsibly in trying to gouge the poor. Every responsible person in the District of Columbia government from the Mayor, the Vice Chairman of the City Council, the Chairman of the City Council, the Mayor's special assistant for housing, came before this committee and urged us to pass this legislation. I do not think you can accuse Mayor Walter Washington of trying to gouge the poor. I get very tired of coming to the floor of this House and hearing somebody say that you are trying to gouge the poor in order to fatten the pockets of the rich. This is not a bankers bill. If you want a housing bill, here it is. If you do not want housing in the District of Columbia, then vote against this bill. That is your prerogative. But if you want housing in the District of Columbia, this is legislation that we will have to pass. I humbly hope that you will support the commitee and pass this legislation so that we can have a temporary lifting of the laws and enable us to have some kind of housing construction beginning in the District of Columbia.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Minnesota.

Mr. NELSEN. I would like to thank the gentleman from Florida for his comments and point out those of us who serve on the District Committee find it quite a burden. It takes a lot of time, and there is no political mileage to be gained in your own district because of the effort that you put in here.

Here we have an immediate problem facing us that has almost shut off a certain type of financing in the District of Columbia for the housing for the very people that the opponents to this bill seem to be talking about now, that is, the low-income folks. It was the feeling of the committee that this would relieve a problem for low-income residents. If we want to get at the total interest problem in some other way, that is fine with me. But let us not do it by penalizing the low-income resident. I have no desire whatever to contribute to higher interest rates, but I have a desire to try to stimulate, if possible, added housing for the people who need it most in the District of Columbia, the low-income people who would qualify for section 235 HUD housing.

I thank the gentleman for his statement, and I am glad he clarified this matter for the membership.

Mr. FUQUA. I might point out, if the gentleman will yield further, that this bill passed the Senate in April unanimously. We have had more interest in it than in any other piece of legislation. I have had numerous calls asking when this legislation would be considered. Our committee office was flooded by phone calls not from bankers but from people interested in providing themselves with homes.

I urge that the House favorably consider this bill.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman.

Mr. BARRETT. I wonder if the District Committee made any requests to the Housing Subcommittee and whether or not they were anticipating voting a bill out that was going to be acceptable not only to the District of Columbia but to the people throughout the country dealing with low interest rates. This is a complicated issue. The administration today is requesting consolidation, a codifying of the housing laws. Right here again is a demonstration of the complication of these bills so intricate that no one understands them. There is an overlapping in work and direction. We are doing the very same work that you people are bringing in the form of this bill to the floor of the House today. Had you called over we would have told you so and you would not have had to have infringed upon the Housing Subcommittee. You would have been told that within a very short time we will bring out a bill that you are here today using a bill and making heart-bleeding pleas to get lower interest rates—you would have had an opportunity to vote on it.

Mr. BRINKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. HOGAN. Mr. Speaker, as the author of the bill—H.R. 15380—considered by the District Committee and recommended to you for your consideration today, as amended, H.R. 17601, I would like to explain why I support this measure.

My colleagues will recall that last fall, the Federal National Mortgage Association—FNMA—pulled out of the mortgage market in the District of Columbia as a result of fears that covered loans made at the prevailing rates in the District might be declared in violation of the provisions of the D.C. Code limiting the legal interest rate, including points, to 8 percent per annum.

Although some experts in the field feel the addition of points are not considered interest, FNMA was unwilling to risk a decision in the courts to the contrary. District of Columbia law is silent on the specifics of points as interest.

With the absence of FHA-insured and VA-guaranteed mortgage purchases by FNMA, the housing market for moderate income families in the District of Columbia has come to a near standstill. In addition, the development of low-income ownership housing under section 235 of the Housing and Urban Development Act is being severely restricted, as well as efforts of the District of Columbia Redevelopment Land Agency in relocating persons displaced by urban renewal projects.

Mayor Walter Washington and all concerned elements of the community, District of Columbia government officials and HUD and FNMA officials are unanimous in their support of legislation temporarily exempting FHA-insured and VA-guaranteed loans from the District of Columbia usury laws.

The Mayor expressed the support of the District of Columbia government for this legislation as an intermediate step to alleviate the situation while a review of the interest rate policies is undertaken by the District government.

Neighboring States of Maryland and Virginia both faced similar difficulties with respect to their State usury laws. However, by action on the part of the respective State legislatures, these restrictions have been removed and much FHA and VA activity is evidenced in these States.

According to expert forecasts at this time, interest rates nationally may begin to come down to a more reasonable level in the future. In the meantime, until anti-inflationary measures take stronger hold, something must be done to reopen the housing market in this city.

The bill before you would temporarily, until March 31, 1972, lift the interest ceiling requirements on FHA and VA loans in the District of Columbia. I urge my colleagues to vote favorably on this legislation in order that the housing and mortgage markets in the District may be revitalized before they stagnate into total decay.

Included herewith is a letter forwarded to Chairman McMillan of the House District Committee indicating the endorsement of the District of Columbia City Council of legislation that would exempt FHA and VA mortgages and loans from the interest and usury laws of the District of Columbia:

GOVERNMENT OF THE DISTRICT OF
COLUMBIA, CITY COUNCIL,
Washington, D.C., April 30, 1970.

Hon. JOHN L. MCMILLAN,
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing with respect to legislation now pending with the House District Committee which would exempt FHA and VA mortgages and loans from the interest and usury laws of the District of Columbia. The legislation was submitted to the Congress on November 14, 1969, by the District of Columbia Government. The legislation passed the Senate as S. 3313 and I understand that bill is also pending in the House District Committee.

The District Government submitted this legislation as a result of City Council meetings with community leaders and Federal officials concerned with the housing mortgage market in the District of Columbia. As a consequence of our investigation, we found that the prevailing 8½% interest rate on FHA and VA loans in combination with the 8% usury ceiling in the District had eliminated the issuance of such loans on single-family residences in the city. In addition, the FHA will no longer guarantee mortgages in the District for its Section 235 low-income housing program. Thus, the unavailability of FHA and VA insured loans and mortgages means that virtually no low or moderate income families can finance a house in the District of Columbia.

In order to meet the immediate problem of providing an adequate housing mortgage market in the District of Columbia, we have recommended a temporary exemption from the District's usury laws for FHA and VA mortgages and loans. As passed by the Senate, S. 3313 provides that the expiration date for the usury law exemption will be March 31, 1971, and the District Government supports that date.

As I mentioned above, exemption of FHA and VA mortgages from the usury limit can only be a short term answer to the problem of home financing. With respect to long term answers, the City Council has created a Commission on Interest Rates and Consumer Credit which, among other things, will study the mortgage interest rate situation in the District of Columbia and make specific recommendations with respect thereto.

I believe that temporary relief for the District's housing mortgage market is of great importance to the citizens of the District and I urge your early consideration of the legislation before the House District Committee which would exempt FHA and VA mortgages from the District's usury laws.

Kindest personal regards,

GILBERT HAHN, Jr.,
Chairman, City Council.

The SPEAKER pro tempore (Mr. PRICE of Illinois). Without objection, the previous question is ordered on the passage of the bill.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PATMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 119, nays 176, not voting 134, as follows:

[Roll No. 139]

YEAS—119

Abbitt
Abernethy
Adair
Anderson, Ill.
Ashley
Aspinall
Beall, Md.
Berry
Betts
Blackburn
Boggs
Brock
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burleson, Tex.
Bush
Byrnes, Wis.
Cabell
Casey
Cederberg
Collier
Colmer
Conable
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dennis
Derwinski
Dickinson
Dowdy
Erlenborn
Esch
Evans, Colo.
Fallon
Fascell
Findley
Fish
Flowers
Flynt
Fountain
Frey
Fuqua
Gallagher
Griffin
Gubser
Gude
Hagan
Haley
Hammerschmidt
Hansen, Idaho
Harvey
Hébert
Henderson
Hull
Jarman
Jonas
Jones, N.C.
Keith
Kuykendall
Landgrebe
Langen
Lloyd
Long, Md.
Lujan
McClory
McCulloch
McDonald, Mich.
Mailliard
Marsh
Martin
Mayne
Meskill
Michel
Montgomery
Mosher
Myers
Natcher
Nelsen
O'Hara
Passman
Poage
Purcell
Quie
Reid, Ill.
Roberts
Robison
Rogers, Fla.
Satterfield
Schneebeli
Scott
Sikes
Sisk
Smith, N.Y.
Springer
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Stephens
Taft
Talcott
Teague, Calif.
Thomson, Wis.
Vander Jagt
Waggonner
Wampler
Whalen
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wyatt
Wyman

NAYS—176

Adams
Addabbo
Alexander
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Ayres
Baring
Barrett
Bennett
Bingham
Blatnik
Boland
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Utah
Button
Byrne, Pa.
Caffery
Camp
Chappell
Clancy
Clausen, Don H.
Clay
Cleveland
Collins
Conte
Corbett
Corman
Cunningham
Daniels, N.J.
de la Garza
Delaney
Dellenback
Dent
Devine
Dingell
Donohue
Dorn
Duncan
Eckhardt
Edmondson
Eilberg
Eshleman
Fisher
Flood
Foreman
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gonzalez
Goodling
Gray
Green, Pa.
Griffiths
Gross
Grover
Hall
Hamilton
Hanley
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Hicks
Hollifield
Hunt
Hutchinson
Ichord
Jacobs

Johnson, Calif.
Johnson, Pa.
Karth
Kastenmeier
Kazen
King
Kleppe
Kluczynski
Leggett
Long, La.
McDade
McFall
McKneally
Macdonald, Mass.
Madden
Mahon
Meeds
Mikva
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Monagan
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Nedzi
Obey
O'Konski
Olsen
O'Neill, Mass.
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poff
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quillen
Rarick
Rees
Reuss
Roe
Rosenthal
Rostenkowski
Roth
Roudebush
Ruth
Ryan
Sandman
Saylor
Schadeberg
Shriver
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Staggers
Steed
Stokes
Sullivan
Symington
Taylor
Thompson, Ga.
Tiernan
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
White
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young
Zablocki
Zion
Zwach

NOT VOTING—134

Albert
Anderson, Calif.
Anderson, Tenn.
Arends
Belcher
Bell, Calif.
Bevill
Biaggi
Biester
Blanton
Bolling
Brasco
Brown, Calif.
Burlison, Mo.
Burton, Calif.
Carey
Carter
Celler
Chamberlain
Chisholm
Clark
Clawson, Del
Cohelan
Conyers
Cowger
Cramer
Culver
Daddario
Dawson
Denney
Diggs
Downing
Dulski
Dwyer
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Evins, Tenn.
Farbstein
Feighan
Foley
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Green, Oreg.
Halpern
Hanna
Hansen, Wash.
Harsha
Hastings
Helstoski
Hogan
Horton
Hosmer
Howard
Hungate
Jones, Ala.
Jones, Tenn.
Kee
Kirwan
Koch
Kyl
Kyros
Landrum
Latta
Lennon
Lowenstein
Lukens
McCarthy
McCloskey
McClure
McEwen
McMillan
MacGregor
Mann
Mathias
Matsunaga
May
Melcher
Miller, Calif.
Mink
Mollohan
Morse
Morton
Moss
Nichols
Nix
O'Neal, Ga.
Ottinger
Pettis
Podell
Pollock
Powell
Preyer, N.C.
Railsback
Randall
Reid, N.Y.
Reifel
Rhodes
Riegle
Rivers
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roybal
Ruppe
St Germain
Scherle
Scheuer
Schwengel
Sebelius
Shipley
Snyder
Stratton
Stubblefield
Stuckey
Teague, Tex.
Thompson, N.J.
Tunney
Udall
Watkins
Watson
Watts
Weicker
Whalley
Whitten
Wilson, Charles H.

So the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Edwards of Louisiana for, with Mr. Rooney of New York against.

Mr. Hogan for, with Mr. Horton against.

Mr. Rhodes for, with Mr. Morse against.

Mr. Reifel for, with Mr. Biester against.

Until further notice:

Mr. Albert with Mr. Gerald R. Ford.

Mr. Celler with Mr. Arends.

Mr. Dawson with Mr. Lowenstein.

Mr. Evins of Tennessee with Mr. Cowger.

Mr. Stubblefield with Mr. Harsha.

Mr. Burlison of Missouri with Mr. Scherle.

Mr. Matsunaga with Mr. Sebelius.

Mr. Landrum with Mr. Carter.

Mr. Jones of Alabama with Mr. Edwards of Alabama.

Mr. Howard with Mr. Frelinghuysen.

Mr. Feighan with Mr. Latta.

Mrs. Green of Oregon with Mr. Bell of California.

Mr. Brasco with Mr. Halpern.

Mr. Jones of Tennessee with Mr. Snyder.

Mr. Anderson of California with Mr. Goldwater.

Mr. Roybal with Mr. Reid of New York.

Mr. Stuckey with Mr. Belcher.

Mr. Charles H. Wilson with Mr. Hosmer.

Mr. Teague of Texas with Mr. Del Clawson.

Mr. Kee with Mr. Whalley.

Mr. McMillan with Mrs. May.

Mr. Nix with Mr. McCarthy.

Mr. Mann with Mr. Cramer.

Mr. Foley with Mr. McCloskey.

Mr. Cohelan with Mr. Riegel.

Mr. Gaydos with Mr. Chamberlain.

Mr. Conyers with Mr. Brown of California.

Mrs. Mink with Mr. Diggs.

Mr. Farbstein with Mrs. Dwyer.

Mr. Giaimo with Mr. Weicker.

Mr. Stratton with Mr. Hastings.

Mr. Helstoski with Mr. Railsback.

Mr. Biaggi with Mr. McEwen.

Mr. Moss with Mr. Mathias.

Mr. Tunney with Mr. Powell.

Mr. Podell with Mr. Ruppe.

Mr. Anderson of Tennessee with Mr. Schwengel.

Mr. Bevill with Mr. Watts.

Mr. Hungate with Mr. Pollock.

Mr. Kyros with Mr. Lukens.

Mr. Miller of California with Mr. Pettis.

Mr. Carey with Mr. MacGregor.

Mr. Daddario with Mr. Watkins.

Mr. Dulski with Mr. Kyl.

Mr. Hanna with Mr. Denney.

Mr. Rodino with Mr. Morton.

Mr. Rivers with Mr. Watson.

Mr. Burton with Mrs. Chisholm.

Mr. Clark with Mr. Udall.

Mr. William D. Ford with Mr. Culver.

Mrs. Hansen of Washington with Mr. Gilbert.

Mr. Rooney of Pennsylvania with Mr. Shipley.

Mr. Blanton with Mr. Koch.

Mr. Downing with Mr. Gettys.

Mr. Edwards of California with Mr. Melcher.

Mr. Mollohan with Mr. Nichols.

Mr. O'Neal of Georgia with Mr. Randall.

Mr. Ottinger with Mr. Preyer of North Carolina.

Mr. Rogers of Colorado with Mr. Scheuer.

Mr. St Germain with Mr. Whitten.

Mrs. GRIFFITHS and Messrs. DENT and KLEPPE changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the District bills considered today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

TO IMPROVE AND CLARIFY LAWS AFFECTING THE COAST GUARD

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13816) to improve and clarify certain laws affecting the Coast Guard, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, line 21, strike out "and (c)" and insert: "(c), and (e)".

Page 5, lines 12 and 13, strike out "which event he is authorized to exceed the authorized average." and insert: "some areas, in which event he is authorized to reallocate existing funds to high-cost areas so that rental expenditures in such areas exceed the average authorized for the Department of Defense."

Page 6, line 12, strike out [dependents."] and insert: "dependents."

Page 6, after line 12, insert:

"'(e) The authority provided in subsections (a), (b), and (c) of this section shall expire on June 30, 1972.'"

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

BANK RECORDS AND FOREIGN TRANSACTIONS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 941 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15073) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in United States currency be reported to the Department of the Treasury, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendments recommended by the Committee on Banking and Currency now printed on page 4, line 22 through page 5, line 4 and on page 26, line 20 through page 27, line 25 of the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. SPEAKER. House Resolution 941 provides an open rule with 2 hours of debate for consideration of H.R. 15073 to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported

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to the Department of the Treasury, and for other purposes. Because of nongermaneness, the resolution also provides that points of order be waived against the committee amendments in the bill on page 4, line 22 through page 5, line 4, and on page 26, line 20 through page 27, line 25.

The purpose of H.R. 15073 is to deal with two major problem areas in law enforcement. The first is that of financial recordkeeping by domestic banks and certain other domestic financial institutions. The second is the use by American residents of foreign financial facilities located in the jurisdictions with various types of secrecy laws.

Title I of the bill requires the Secretary of the Treasury to prescribe regulations whereby insured banks, insured institutions, and other financial institutions must maintain appropriate types of records which have, or may have, a high degree of usefulness in criminal tax or regulatory investigations or proceedings.

Title II provides for records and reports of domestic currency transactions, exports and imports of monetary instruments and records and reports of foreign transactions by residents or citizens of the United States or persons doing business therein. Transactions under $500 are exempt.

Title III of the bill amends the Securities and Exchange Act to make it unlawful for persons to obtain or retain credit in violation of rules or regulations issued pursuant to that section.

Most of the records required to be maintained under the bill are already kept by most financial institutions, so the regulations should impose almost no additional expense upon those affected. The records required to be maintained will not be made automatically available for law enforcement purposes. They can only be obtained through existing legal process.

Title IV of the bill provides that the provisions of the bill will take effect on the first day of the seventh month beginning after the date of enactment, but allows the Treasury, with respect to titles I and II, and the Federal Reserve Board, with respect to title III, to postpone or advance the effective date by as much as 6 months.

Mr. Speaker, I urge the adoption of House Resolution 941 in order that the bill may be considered.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Indiana has explained, House Resolution 941 provides for 2 hours of debate on the bill H.R. 15073, with an open rule, and for the waiving of points of order on page 4, line 22, through page 5, line 4, and on page 26, line 20, through page 27, line 25, of the bill. I would like to explain to the House why these points of order are waived.

The bill itself amends the Federal Depost and Insurance Act. Section 102 on page 4 provides an amendment to the National Housing Act.

On page 26, title III, margin requirements, the bill makes amendments to the Securities Exchange Act of 1934.

Consequently, these two sections are not germane to the bill, and points of order have to be waived on these two sections of the bill.

As the gentleman from Indiana has explained, the purpose of the bill is to meet several problems associated with financial transactions here and abroad. Current law and practice do not require recordkeeping by our financial institutions; further, many Americans are making use of financial institutions abroad which operate under secrecy laws which make concealment of assets easy. The bill primarily seeks to stop these two problems.

With respect to full financial recordkeeping, the problem can be simply stated; in the past decade, as organized crime and criminals have become more sophisticated, more and greater use has been made by criminal elements of our Nation's financial institutions. Law enforcement officials believe that an effective attack on organized crime requires the maintenance of adequate and appropriate records by financial institutions. The bill does require this, and in such a manner as to facilitate criminal, tax, and regulatory investigations. Most of the required records are already maintained by most financial institutions, generally by photocopying checks, drafts, and similar monetary instruments drawn on them. Under the bill, the Secretary of the Treasury will issue regulations requiring all institutions to so photocopy and maintain all records of transactions within all accounts, except domestic transactions below $500.

Similarly, the bill requires the recording and maintaining of all cash transactions, deposits or withdrawals, under such regulations as are promulgated by the Secretary of the Treasury.

It is important to note that such records as are required to be maintained by the bill by domestic financial institutions are not open matters. In order for law enforcement officials to secure them, existing legal processes must be pursued.

Penalties, both civil and criminal are provided. Civil penalties include a fine of $1,000 upon any financial institution which fails to maintain required records. Any person convicted of a willful violation of any regulations promulgated by the Secretary of the Treasury will be subject to a fine of up to $1,000 or imprisonment of up to 1 year, or both. Where the violation is knowingly committed in furtherance of a Federal felony, it is punishable by a fine of up to $10,000 or imprisonment of not more than 5 years, or both.

With respect to foreign transactions, the existence of foreign financial institutions whose operations are cloaked in secrecy has permitted: utilization by persons trying to evade our tax laws, conceal assets, or punchase gold; utilization by persons as an element in fraud schemes in connection with security transactions; to mount efforts to force mergers or takeovers of American companies, and to serve as a depository for criminal funds from such illegal activities as gambling, narcotics, vice, and other illegal centures.

In jurisdictions with secrecy laws our law enforcement agencies are placed in an impossible position. To have any hope of gaining the desired information, officials must subject themselves to long, drawn-out foreign legal process. Oftentimes the "evidence" has disappeared. To overcome this problem, and still not unduly interfere with the rights, laws, and sovereignty of foreign nations and their institutions, the bill is directed toward Americans and those doing business in the United States, and the Treasury Department is giving wide administrative flexibility to assure the uninterrupted flow of world commerce and trade. The aim is to place such persons in the same position with regard to his secret foreign transactions as he would be with respect to his domestic transactions.

The bill requires that any resident or citizen of the United States, or person doing business here, who engages in any transaction with a foreign financial agency to maintain records or to file reports setting forth required information, which the Secretary of the Treasury or law enforcement agencies would secure through legal processes.

Penalties are imposed: a fine of up to $1,000 for willful violations in civil cases. In criminal cases, the penalty is a fine of up to $1,000 or imprisonment of up to 1 year, or both. Any willful violation in furtherance of a violation of Federal law or as part of a pattern of illegal activity involving transactions exceeding $100,000 in any 12-month period is a felony punishable by a fine of not more than $500,000 or imprisonment for not more than 5 years, or both.

No limits are placed on the impact of U.S. currency to foreign jurisdictions.

No agency reports are contained in the report.

Additional views are filed by Mr. Stanton suggesting that a number of amendments recommended by the Treasury have not been included—but should be.

Chairman PATMAN has filed additional views. He believes the exemption of domestic financial institutions from keeping full records on all transactions under $500 should be removed.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman.

Mr. HALL. I want to say I appreciate the gentleman's excellent explanation of the intent of the bill. I am a little bit puzzled, however, about the explanation of the waivers of the points of order, since no such explanation came from the majority side. It just appears to me that this is another in the long chain of events where the individual rights of the elected Members of Congress are being trampled upon. Now we have it in reverse.

For years we have heard around here when the parent Committee of Ways and Means has a bill on the floor that either the Committee on Rules or the chairman of that committee or the parliamentarian or someone, must exempt points of order so that other offshoots of the original and constitutional Committee on Ways and Means, such as the Committee on Banking and Currency, cannot get in and trample on and do damage to the basic tax law.

Now we have points of order waived

because of nongermaneness in two different sections of this bill, and as meritorious as it might be to get the Mafia or the Cosa Nostra from shipping funds out and depositing them in overseas "more-safe" banks in secret or numbered accounts, and having some record established and margin requirements changed and so forth; I just do not understand how we can have waivers of points of orders both ways—one time to protect our own tax laws, and the other time to protect other people's banking institutions. It just seems to me as though the only real sufferer is the American people and their elected Representatives who forfeit thereby through a function of their own committee or the chairman and those hired to protect the rights of individuals are given up.

I wish we could have just a little bit more of an explanation as to why we have these two waivers of points of order, because nongermaneness is tantamount to and certainly the same as, not only giving up individual rights on the floor discussion, but it also means an invasion of either the surveillance, or oversight, or the jurisdiction on the part of one committee or the other.

Since one of these is the sire of the other two, I wonder why we have to have points of order waived, going in both directions?

Would the gentleman expand on that point, if he has the information, or would that question be better answered by the majority party?

Mr. MARTIN. I shall be glad to try to answer the gentleman from Missouri. In this particular regard, we are talking about the bill we have before us today. As the gentleman well understands, points of order are waived on these two sections of the bill because they amend acts other than the Federal Deposit Insurance Act, to which the bill is primarily directed. If these provisions had been left out of the bill, then the House would have to consider three different bills from three different committees of the House. In consequence it was all included in one bill.

To get at this problem of financial dealings, particularly overseas and overseas banks, it was included in this bill so that it could be considered as one piece of legislation and, of course, points of order, under the rules of the House, would have to be waived.

With regard to the gentleman's remarks about bills from the Ways and Means Committee, which come to us under a closed rule, I would have the gentleman know that when we had under consideration the Family Assistance Act of 1970, I was one of the strong advocates in the Rules Committee for an open rule, or at least a modified rule, as a very minimum, on that piece of legislation, so the House could work its will. Unfortunately, my view did not prevail. The legislation was reported out to the floor of the House, I am very sorry to say, with a closed rule.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I am happy to yield to the gentleman from Missouri.

Mr. HALL. There is no question in my mind or in this colloquy, about any individual, least of all the steadfastness of the gentleman from Nebraska, in supporting the individual principle or rights as elected legislators, nor has there ever been. But in spite of the fact that for years some of us have "kept book" on waivers of points of order, I think the gentleman would agree with me that the action of the committee and the subsequent action of the Congress in confirming the same has been more and more in the trend and in the direction of waiving points of order.

Mr. MARTIN. I would agree with the gentleman.

Mr. Speaker, I have no further requests for time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the bill H.R. 15073, and to include relevant extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

BANK RECORDS AND FOREIGN TRANSACTIONS

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15073) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 15073, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 1 hour, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may use.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. PATMAN. Mr. Chairman, I commend the members of the Rules Committee, from both the minority and the majority sides, for the excellent statements they have made concerning this bill. Their statements show there is no real opposition to this bill. We had considerable hearings before the committee. We heard every witness that the members of the committee wanted to hear.

The bill was reported by a vote of 35 in favor and no votes against it. When the bill came before the Rules Committee on the question of reporting a rule for consideration of the bill, the vote was unanimous. I believe there is less opposition to this bill on the floor of the House than on almost any bill I have had anything to do with in a long time.

This shows that Members see alike on these questions.

This is really a bill which, if enacted into law, will be the longest step in the direction of stopping crime than any other we have had before this Congress in a long time. I am glad Members are in accord with what is intended here.

There is only one amendment that was adopted by the committee that I shall personally ask not be adopted in the Committee of the Whole House for the reason that it was intended by the gentleman offering it as a protection to the small banks of the country, and it was thought if the amendment were not adopted, it would be detrimental to their interests.

After looking into the matter more carefully—we did not have too much information when it was voted on and adopted—those of us who have been studying the bill have also been studying the effects of this amendment, and we have come to the conclusion that instead of helping the small banks, it would hurt them, and furthermore it would create a big loophole in the law as it applies to the big banks. Therefore we will ask that the amendment not be adopted.

Mr. Chairman, H.R. 15073 is the result of over a year's work by your House Committee on Banking and Currency. In the fall of 1968 the committee started looking at the problems posed by the use of secret foreign bank accounts for illegal purposes. It was our first inclination to draft a simple piece of legislation which would have outlawed the use of secret accounts unless there was complete disclosure. As we delved deeper and deeper into the subject, we realized that any legislative proposal would have to be very carefully considered and closely drawn because of a number of great difficulties we might unconsciously or inadvertently create in other areas of the law.

The bill is designed to stop the use of secret bank accounts for illegal practices such as:

One, evasion of taxes.

Two, taking over of legitimate businesses by organized crime.

Three, financing of the narcotic traffic.

Four, overstating of the cost of Government contracts in order to defraud the Government. This has resulted in the Government buying shoddy and inferior equipment for our soldiers in Vietnam.

Five, manipulation of stock prices on our securities market.

Six, violating the margin requirements in purchasing stock.

Seven, corporate officers trading in their company's stock because of inside information.

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Eight, illegal buying of gold by American citizens.

Nine, hiding of untaxed, skimmed money from Nevada gambling casinos.

The bill would accomplish this by giving the Secretary of the Treasury the authority to: First, require banks to photocopy checks drawn on them; second, require reports of large domestic currency transactions; third, require reports of exports and imports of currency and other monetary instruments; fourth, the maintenance of records or the filing of reports by U.S. citizens or residents who engage in transactions with a foreign financial agency, and, fifth, making the margin requirements apply to foreign borrowing.

On every occasion, whether in committee or on the floor of this House or in a public forum, when I have spoken on the subject of secret foreign bank accounts I have gone to great lengths to point out that I, and the House Committee on Banking and Currency, never intended, nor do we now intend, to cast any aspersion or adverse criticism on any foreign nation. The only object of our work and the only purpose of our legislation has been and is to prevent Americans from using these secret foreign bank facilities as a device or as part of a device to break or avoid U.S. law.

We had two big problems. The first was to make sure that our legislation would not unduly interfere with the domestic law of any other nation and second to make sure that we did not place the slightest unjustified burden on the free flow of international commerce.

We also discovered that secret foreign bank accounts were not the only criminal activities related to the banking field. The major law enforcement authority—the Justice Department—of the U.S. Government called our attention to the urgent need for regulations which would make uniform and adequate the present recordkeeping practices, or lack of recordkeeping practices, by domestic banks and other financial institutions.

In these brief remarks, I shall first discuss the prevalence of the use of these secret foreign banks. I shall then discuss the recordkeeping practices of American banks and the need for regulation; and finally, I shall review the provisions of H.R. 15073 and how it seeks to ameliorate these abusive practices.

SWISS BANK SECRECY

When one mentions secret numbered accounts it is almost automatic that we think of the secret Swiss bank account. Biographies of criminals, learned treatises on crime and even the light banter of comedians have so frequently referred to "numbered Swiss bank accounts" that one might think that Switzerland was the only country where such accounts are available. Switzerland is a great nation with whom the United States has always enjoyed the most cordial of relationships. As a neutral power, Switzerland always has well-served the United States and other nations as a facility for relieving the tensions of the cold war. At this very moment, the Swiss Government is representing the interests of the United States in Cuba. Even though the Swiss Government is paid for this service, it would not be performed were it not for the good will existing between our nations.

Banking secrecy has been a tradition in Switzerland dating back to the middle ages. Switzerland is world-renowned for its Alps, its watches, and its banking expertise. In 1934, the Swiss bank secrecy tradition took statutory form. These bank secrecy laws were enacted as a Swiss response to the acts committee upon anti-Nazi Germans by the Hitler regime. Through a series of schemes ranging from tricks to torture, the German Government forced the anti-Nazis to surrender the money in their Swiss accounts to the Gestapo.

American criminals from the simple tax evader to members of the organized underworld discovered that secret Swiss accounts had a use of particular interest to them.

BANK SECRECY IN OTHER NATIONS

But there are other nations with bank secrecy laws. We are not talking about Switzerland alone when we discuss foreign bank secrecy. More than a dozen other countries have adopted bank secrecy laws, many along the Swiss pattern. While these countries, including the Bahamas, are the scene of much American criminal activity, Switzerland has an especial attractiveness. The centuries old banking center offers services whose quality is at least equal to that obtainable in the most highly industrialized countries of the world.

Switzerland has added advantages through its tradition of neutrality, the stability of its government, and the soundness of their currency. Officials and employees of the governments of other countries as well as the wealthier citizens of those countries have for centuries looked upon Switzerland as a haven for their assets no matter how or where these assets were obtained. Many wealthy Americans have, through the medium of Swiss banks, hedged on inflation by converting their value-declining dollars into more stable assets.

The sponsors of this legislation, including myself, have no quarrel with foreign bank secrecy as such, though we have often wondered why right-minded people would want to have a secret bank account if they had nothing to hide.

The bank secrecy laws of foreign jurisdictions are usually accompanied by corporate secrecy laws. These corporate secrecy laws apply the same standards of confidentiality to business information as are applicable to information with respect to bank accounts. Thus, in many of these countries, it is illegal for the employees of a corporation to make books and records available for legitimate purposes.

Bank accounts, trusts, and corporations in these secrecy jurisdictions have been used in support of an almost limitless variety of criminal schemes.

AMERICAN MISUSE OF SECRET ACCOUNTS

The best way to give the Congress an idea of the variety of ways in which these accounts are manipulated and, more importantly, of the magnitude and flagrance of the abuse of American law by American citizens using the facade of these foreign secrecy laws, is to present a rundown of some of the cases discussed in testimony before the committee and uncovered during the committee investigations of this entire subject. These cases dramatize the urgency of the legislation.

There are a number of cases where secret foreign bank accounts were used to violate American law. I will not take the time of the Members to go into detail in each case, but will simply mention the case by name with a sentence or two on what it was about.

However, there is one case which is so recent, so disgraceful, so alarming that I shall treat it in some detail. This case has become known as the Stone/Rosenbaum case. On February 10 of this year, Francis M. Rosenbaum and Andrew L. Stone, a lawyer and a businessman, were each sentenced to 10 years in prison for the parts they played in a fraud involving $47 million worth of Navy defense contracts. With the active cooperation and assistance of two Swiss bankers, Mr. Rosenbaum and Mr. Stone as officials of the Chromcraft Corp. of St. Louis and its successor, the Alsco Corp., defrauded the U.S. Navy of $4 million.

The device they used in this dishonest scheme was quite simple. I might digress here to tell you that whenever you use a secret foreign bank account you do not have to worry very much about devising complicated and highly technical frauds. When you are using foreign secret bank accounts the simpliest kind of fraud will suffice since the law enforcement people cannot find you anyway.

Chromcraft Corp. was a successful bidder on the Navy rocket launcher contract worth about $50 million. Subcontracts were let to dummy corporations with some of the alleged work being performed overseas. Phony invoices were submitted from the subcontractors and paid by the Navy Department to the tune of $4 million, with the payments going to a Swiss bank account.

The investigation of the case disclosed the active complicity of the Swiss bank employees in the conspiracy. Since Swiss law was also violated, there was a modicum of cooperation from the Swiss. The Justice Department examination of the files of the Swiss bank showed the Swiss bank employees not only to be conspirators, but were actively working to complete the scheme. The details of the story are contained in an Associated Press story which appeared in the Washington Post on February 11, 1970. Mr. Chairman, I insert the story at the conclusion of these remarks.

The following are a few of the known cases where the accused used secret foreign banks:

In United States against Hysohion two defendants were convicted of shipping heroin into the United States. During one 3-week period, $950,000 worth of the drug was shipped in. Proceeds from the sale were forwarded through New York to numbered Swiss bank accounts.

In United States against Coggeshall & Hicks a major New York brokerage firm was convicted of violating the Federal Reserve Board margin regulations by arranging for its employees and customers to trade $20 million worth of stocks illegally through numbered Swiss bank accounts.

In United States against Orovitz a former treasurer of General Development Corp., a Florida land firm, was convicted of failure to file required "insider" reports with the Securities and Exchange Commission on a sale of $250,000 in General Development bonds which had been held in the name of a Swiss bank. A total of $500,000 in such bonds was held in the name of the Swiss bank at the defendant's instructions. The defendant admitted at the trial receiving $50,000 in cash from the Swiss bank in the mail but allegedly did not know the details of the origin or purpose of the funds.

In United States against Hayutin the Government proved that defendants sold unregistered stock of a company in which they were insiders to the public by delivering the shares to a bank in Munich which in turn sold them through brokerage firms where it had accounts. The proceeds of the sales were then mailed to insiders in the United States in $5,000 and $10,000 sums in envelopes falsely marked "securities." The convictions and prison sentences were affirmed on appeal.

In United States against Laurence an indictment filed in March 1969, six defendants are charged with the selling unregistered stock of VTR, Inc., a company listed on the American Stock Exchange, by placing $5,000 shares in Swiss and German banks for sale on the exchange while trading the stock throughout the United States, Europe, and the Far East. A Liechtenstein Trust was used in transferring the stock to the German bank.

In United States against Giampola a former employee of the Chase Manhattan Bank was convicted of conspiracy to defraud the bank by sending a fraudulent cable for transferring $11 million from Chase Manhattan Bank to a Swiss bank.

In United States against Blackwood six defendants including a law professor were indicted for taking stolen securities out of the country to be sold through a Swiss bank.

In United States against Braverman manufacturers' representatives selling to military post exchanges were indicted for evading taxes on $1.5 million by diverting commissions to a Swiss bank.

In the United States agains Dolin the executive vice president of Realty Equities Corp., and a director to the company, are named as defendants. This indictment charges that, through a series of transactions, an opportunity became available to Realty Equities to repurchase a note with warrants attached at a price substantially below its fair market value. This opportunity was not utilized for the benefit of the corporation, but instead, the indictment charges, the note was purchased by a Swiss bank for the benefit of the consultant. The purchase was for $531,250; very soon thereafter, the note was sold for $988,542—a quick $450,000 profit. Defendants have since been convicted and sentenced.

In United States against Lerner the indictment charges that significant amounts of three new issues, one of which was Weight Watchers International, Inc., were purchased by a Panamanian company through several Swiss banks, including such giants as Credit Suisse. The defendant owned 48 percent of the Panamanian company used to violate our securities laws.

In United States against Rayward an indictment charged a defendant with siphoning off funds earned in this country into a dummy Panamanian corporation to evade income taxes. The defendant is a fugitive in Switzerland and is continuing to conduct business here through another name. A search warrant executed at the premises was upheld but this failed to halt the operation. The Internal Revenue Service is seeking to pursue civil remedies and may attach the property being used by the defendant's controlled firm which is currently handling his paperboard sales business here.

In United States against Bronston defendant was indicted for perjury in denying that he had a Swiss bank account.

In United States against Philip Bradford and Walter Fink defendants were convicted of transporting $50,000 in stolen U.S. Government bills from New York to Switzerland where they were sold and the proceeds transmitted to the defendants' accounts in a New York bank.

Gulf Coast Leaseholds against Kelly involved a fraudulent scheme to sell 750,000 shares of over-the-counter securities at manipulated prices of over $16 a share. After the sales, the stock fell to $1 a share. The whole business was handled through four Liechtenstein trusts organized to maintain accounts in Swiss banks.

United States against Mensik was a mail fraud case involving a savings and loan association. Testimony was received that defendant had deposited at least $250,000 in a Swiss bank account.

These are but a few of the cases brought to the attention of the committee. One of the most striking things about these cases are the large amounts of money involved. Another thing that should be borne in mind is for every one of these cases there might be a dozen more where either the Government does not know about them because of the foreign secrecy laws or where enough evidence cannot be developed to bring them before the grand jury because of foreign secrecy laws. Former U.S. Attorney Robert Morgenthau has estimated that the tax loss to the U.S. Government through the use of these secret foreign bank accounts amounts to hundreds of millions of dollars. This is not hard to believe.

Secret foreign bank accounts and corporate secrecy laws are used to finance the narcotics addiction in this country; are used as a shield in high priced, white collar crimes; are used as the financial underpinning for organized crime; are used for the illegal purchase of gold by American citizens; are used to purchase securities in violation of the securities exchange regulations; are used to evade income taxes; are used to hide assets illegally in business transactions; are used for payoffs and kickbacks to public officials and private employees; are used as an ingredient in schemes to defraud the innocent and unsuspecting; are used as the ultimate depository of the proceeds for black market activity using American dollars throughout the world, especially in Vietnam; and, are used to hide the sources of financing in conglomerate or corporate takeovers and acquisitions.

DEVELOPMENT OF THE LEGISLATION

As I mentioned earlier, the drafting of legislation designed to prevent these great evils and at the same time avoiding any undue interference with the large volume of international commerce and the domestic laws of any other nation is quite difficult.

H.R. 15073, as it was introduced, represented the 14th working draft of the legislation. Extensive consultations were held with the interested Government agencies. We discussed the proposals on innumerable occasions with responsible officials and staff of the U.S. Treasury Department—including the Internal Revenue Service—the Justice Department, and the Securities and Exchange Commission. We also contacted other agencies of the Government who have had difficulties with the problems of foreign bank secrecy, such as the Defense Department and the Agency for International Development.

DOMESTIC RECORDKEEPING

During our discussions with the Justice Department and the Internal Revenue Service, they told us of their tremendous concern not only on foreign bank secrecy but on the recordkeeping practices of the domestic American banks. We were urged to include in the legislation provisions which would make uniform certain American bank recordkeeping practices. The concern of these agencies stemmed from two major problems. A trend was developing in the larger banks away from their traditional practices of microfilming all checks drawn on them. On several occasions, the U.S. attorneys' offices, particularly in New York, and the Internal Revenue Service have been impeded in their investigations because microfilms of certain checks had either been destroyed or were not made in the first place.

I want to strongly emphasize that this trend away from photostating checks does not stem from any evil motivation on the part of American banks, and I allege none. It is probably being done simply as a cost saving device although the saving to the bank is rather small, indeed, when compared to the increased cost of law enforcement.

Another problem of domestic bank recordkeeping brought to our attention was the identification of depositors. In most cases, account owners are easily identified, although code names on accounts are sometimes used in this country. The real difficulty is in identifying those who are authorized to deal with the account. A typical example might involve a situation where a person with a criminal reputation holds an account but does not personally make deposits or withdrawals. This is usually left to some agent who may be a lawyer or simply a messenger. If these agents who deal with the account are identified it would be a tremendous help to law enforcement authorities.

Those of us who supported H.R. 15073

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were persuaded to include provisions dealing with domestic recordkeeping. Therefore, the bill as introduced authorized the Secretary of the Treasury to issue regulations regarding the type of records to be kept and the length of time they are to be kept. During the committee consideration of the bill, as a result of discussions with key Treasury Department personnel, title I was expanded to include all domestic financial institutions which perform enumerated functions. This expansion was felt necessary in that the financial records of institutions other than banks would be equally as helpful and we did not want to drive criminals away from using banks only to the use of other financial institutions who did not have to keep the records required by the regulations.

FOREIGN SECRECY

Title II of the legislation deals primarily with the use of secret foreign financial agencies by Americans and those subject to U.S. jurisdiction. At the outset, two important points should be made. The first is that title II of the bill does not outlaw any present practices. It simply requires the keeping of records and/or filing of reports of those practices. Second, where the maintenance of records is required by the bill, these are not subject to "fishing expeditions" or broad "blunderbuss" investigations. In order to obtain these records from any individual or institution, law enforcement authorities will have to obtain due legal process, whether it be a subpena, warrant or other type of procedure.

EXEMPTIONS

It is also important to bear in mind when considering title II that section 206 does give exemptive power to the Secretary of the Treasury. The Secretary of the Treasury, after having promulgated his regulations, may exempt parties, classifications of parties, and types and amounts of transactions. His exemption may be conditional or unconditional and may be by regulation, order, licensing, or otherwise. I emphasize this exemption power to allay the fears of those Members who may feel that we are regulating all transactions with all countries. It may be felt that we are so shackling international commerce that tremendous damage may be done to the foreign trade position of this country. Equipped with this exemptive power, the Secretary of the Treasury will be able to let legitimate international commerce flow free and unfettered. The Secretary's primary responsibility under title II is to see to it that criminals do not take undue advantage of international trade and go undetected and unpunished.

SCOPE OF TITLE II

More specifically, title II deals with three basic situations. In order of their importance, they are regulations dealing with foreign transactions, the exports and imports of monetary instruments—mainly currency and coin—and certain domestic currency transactions. Regulations of the latter will cover domestic transactions and are also necessary with respect to certain foreign transactions as will be explained later.

Chapter 4 of title II requires the Secretary of the Treasury to promulgate regulations which require residents or citizens of the United States or persons doing business therein to maintain records or file reports, or both, setting forth certain information with respect to his dealings with foreign financial agencies. A foreign financial agency is defined to cover a broad spectrum of financial institutions who perform their functions outside the United States.

IMPORTS AND EXPORT OF MONETARY INSTRUMENTS

Title II also requires any person who exports or imports monetary instruments, for example, cash, to or from the United States in an amount exceeding $5,000 on any one occasion or $10,000 in any one year to file a report with the Secretary of the Treasury as to the nature and extent of the transportation.

DOMESTIC CURRENCY TRANSACTIONS

Title II requires reports to the Secretary of the Treasury of transactions involving the payment, receipt or transfer of currency or money instruments. These reports must be signed by both the domestic financial institution involved and one or more of the parties to the transaction as the regulations of the Secretary may require.

At present, there is a procedure under the Trading with the Enemy Act authorizing the Secretary to call for reports of unusual currency transactions. This procedure has proved to be inadequate. Title II clarifies this matter and requires the Secretary to call for these reports. Reports of domestic currency transactions will be quite helpful in limiting the use of secret foreign financial facilities for illegal purposes. These reports will also facilitate domestic law enforcement transactions. Cash has always been an almost standard form of exchange for criminals. If certain cash transactions are required to be reported to the Treasury Department, law enforcement agencies, particularly in the income tax field, will have a useful tool in their investigations and proceedings.

PENALTIES

Mr. Chairman, I would like to say a word about the penalties. As to the domestic recordkeeping provisions of title I violation of the regulations can lead to a civil penalty of $1,000. Willful violation is made a misdemeanor providing for a fine of not more than $1,000 or imprisonment for not more than 1 year or both. If the willful violation is knowingly committed in the furtherance of violating another Federal law which is punishable by imprisonment for more than 1 year may be fined not more than $10,000 or imprisonment for not more than 10 years.

Willful violations of title II may lead to a civil penalty not exceeding $1,000. There is a criminal provision for violations calling for a fine of not more than $1,000 or imprisonment for not more than 1 year, or both.

In addition, if the violation is knowingly committed in furtherance of the violation of other Federal law or is a pattern of illegal activities involving transactions exceeding $100,000 in any 12-month period, the penalty is increased to imprisonment of not more than 5 years and a fine of not more than $5,000.

SECURITIES REGULATION

Mr. Chairman, I would like to discuss an important committee amendment which added title III to the bill. Title III amends section 7 of the Securities Exchange Act of 1934 to apply the provisions of margin requirements to borrowers as well as lenders. This amendment was found necessary if we were to wholly and completely deal with the problems created by the use of secret foreign financial institutions for illegal purposes.

In the year 1968, over $13 billion worth of securities were purchased and sold in our markets by foreign sources. Foreign investment in the American market is growing at a $2 billion per year rate. A significant portion—well over 25 percent—of this foreign money comes from countries with bank and corporate secrecy laws. In other words, Mr. Chairman, there is no way of telling who are the parties to these transactions. Significant changes in ownership are being made in American businesses, and many of these businesses are vital to our national securities programs, and there is no disclosure of the principals to the transactions.

Although it is a far out example, it is possible that enemies of the United States could acquire substantial ownership in transportation companies such as airlines and we would not know it. More realistically, the testimony before our committee indicated that Americans and foreigners were using the facade of secret foreign bank accounts to purchase in our markets in violation of the margin requirements issued by the Federal Reserve Board, and to evade their income taxes. Under the Securities Exchange Act as now written, it is not illegal for a borrower to borrow under the margin requirements, but it is illegal for a lender to lend money in violation of the margin requirements. Through a simple device of making the margin requirements applicable to the borrower as well as to the lender, we will be equipping the Securities and Exchange Commission, which is responsible for enforcing the Securities Exchange Act and the margin requirements, with sufficient legal and investigative weapons to require adequate disclosure of foreign financing.

Title III makes it unlawful for any person to borrow or lend money for the purchase or carrying of securities in willful or knowing violation of any rule or regulation under section 7, as amended. Where the aggregate amount borrowed exceeds $1 million at any one time, the element of willfulness or knowledge need not be present. This is on the theory that persons borrowing over $1 million are certainly aware of the securities laws.

Finally, Mr. Chairman, several of the amendments adopted in committee were made as a result of the suggestions of the Treasury Department staff and should be supported.

I intend to oppose only one of the committee amendments. This appears in sec-

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tion 21(i) and exempts domestic financial transactions under $500 from the recordkeeping requirements provided in title I of the bill. Apparently, it was the intent of the sponsors of this amendment to exempt small transactions and small banks from the recordkeeping requirements. However, the amendment does more harm than good to the title. If the amendment passes, big banks need not microfilm checks under $500. The $499.95 check could well become the standard of exchange for criminals. Furthermore, the cost of microfilming these checks and maintaining the necessary records is almost negligible. I will speak in more detail on this amendment when it is presented to the Committee on the Whole for consideration.

CONCLUSION

This concludes my opening speech on H.R. 15073. Other members of the committee will address themselves to its specific provisions.

Mr. Chairman, I would be the first to admit that this legislation does not provide perfect crime prevention. However, it is felt that the legislation will substantially increase the risk of discovery of any criminal who undertakes to hide his activity behind foreign secrecy.

I am confident that after we have had some experience with this law we will be able to amend it in future years to make it more perfect and viable. H.R. 15073 represents the first legislative effort in this field and I am convinced that it is a good beginning.

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Mr. Chairman, typical of many articles commending our action here today is an article which appeared yesterday in the Evening Star. This article states as follows:

CONGRESS AIMS AT ORGANIZED CRIME'S MONEYBAGS

(By Miriam Ottenberg)

Two measures now moving through Congress could deal organized crime's overlords the body blow they fear most—right in their overstuffed moneybags.

Although the bills come from different committees, it's their combined effect that counts. One would force Americans to disclose how much money they've socked away in secret foreign bank accounts. The other would get the tainted money of the mobsters out of legitimate business.

The disclosure provisions of the foreign bank account measure could provide important leads to the racketeers now funnelling their millions out of illegal gambling, loan sharking and narcotics into Swiss bank accounts and from there into legitimate business.

Both measures are pioneering efforts to protect honest people from what organized crime can do to them. Most of organized crime's profit-making crimes are the kind with willing victims—dope addicts, gamblers, borrowers from loan sharks. But people don't willingly consent to what organized crime can do and is doing to them in the market place. They don't like shoddy, often counterfeit products or prices forced down to get rid of honest businessmen and then pushed up higher than ever. They like to be able to choose where they buy, not to have one product or one service forced on them.

And as taxpayers, if they knew about it, they would resent the people in and out of organized crime who manage to duck paying taxes on the greatest of their gains by banking them in a numbered Swiss account or in the Bahamas or any other country where bank accounts are shrouded in secrecy.

To lift that veil of secrecy for American taxpayers, the Senate Banking Committee will open hearings June 8 on legislation bringing secret foreign bank accounts under greater public scrutiny. Similar legislation has cleared the House Bank Committee and now awaits House action.

BUSINESS PARASITES

As for ridding legitimate business of its illegitimate parasites, the House Judiciary Committee opened hearings last week on the Senate-passed Organized Crime Control Act.

A key section of that 99-page anti-crime package has as its target "racketeer influenced and corrupt organizations." It would be against the law to use income from "racketeering activity" to buy an interest in or establish a business engaged in interstate commerce. It would likewise be unlawful to acquire or operate such an enterprise through a "pattern" of racketeering activity.

"Racketeering activity" is defined in terms of the laws characteristically violated by members of organized crime—murder, kidnapping, gambling, arson, robbery, bribery, extortion, narcotics trafficking, counterfeiting, embezzlement, fraud and white slave traffic.

By "pattern" the bill refers to two or more racketeering acts, one of which must have occurred after the measure becomes law. The other could have taken place many years earlier but there must be a close relationship between the two. As sponsors of the measure point out, the fact that a mobster hasn't been caught all these years shows his means of cloaking his crimes have been virtually inpenetrable and therefore more dangerous to the community.

Any racketeer who goes into legitimate business with his racketeering money and methods could be fined $25,000 or imprisoned up to 20 years. But more important to his crime "family" is the loss of his business, and the pending bill has two alternative ways of seeing to that.

One is by way of criminal forfeiture. The convicted racketeer would lose his business to the government.

The other route—brand new in dealing with organized crime—is civil forfeiture, similar to antitrust proceedings. The court could order the racketeer to divest himself of the business and not to return to the business under another name or in another part of the country. The racketeer wouldn't lose his money but the community would be freed of the racket-dominated business.

Sen. John L. McClellan, D-Ark., in his report on the measure he sponsored, noted that the Supreme Court had used the same anti-trust remedy to force DuPont to give up its General Motors ownership "almost without regard for the economic consequences."

If the court could do that to DuPont, McClellan commented, "then it must surely follow that removal of criminal elements from the organizations of our society by divestiture is justified."

The goal is to remove the leaders of organized crime from their sources of economic power, rather than just remove the leaders and leave the racket-dominated business to flourish under their successors.

As President Nixon commented in his organized crime message last year: "As long as the property of organized crime remains, new leaders will step forward to take the place of those we jail."

That property runs into billions, nobody knows just how many billions because most of the wheels of organized crime hide behind "fronts" or "nominees" while putting their profits into secret bank accounts.

Just counting reported business interests, a survey in one midwestern city shows racketeers in that city control or have large interests in 89 businesses with total assets of more than $800 million and annual receipts in excess of $900 million.

William A. Kolar, director of the Internal Revenue Service's Intelligence Division, reported a new study of 1500 leading racketeers shows 80 per cent of them admittedly were engaged in some form of legitimate business.

Of course, he added, nobody knows the extent of their hidden interests. Uncovering them would take a lot more manpower than the 1,800 men now assigned to IRS Intelligence.

Of the 1,800 special agents, only 25 percent devote their efforts to organized crime work because of the need to investigate a substantial number of tax frauds not involving racketeers.

Kolar, who is retiring this month after 26 years of federal investigative assignments beginning with the FBI, said one of the major problems he faced as director of IRS intelligence was trying to track down the hidden money of the racketeers who infiltrated legitimate business. He's leaving government to join William Hundley, former chief of the Justice Department's Organized Crime and Racketeering Section, and Robert Peloquin, who headed the government's first strike force against organized crime, in a new enterprise, International Intelligence Inc. Their mission will be to help businessmen protect themselves against racketeer take-overs.

THE METHODS

Kolar cited these methods used by organized crime to acquire control of legitimate businesses, methods the proposed legislation is designed to block:

1. Racketeers make outright buys of legitimate businesses, using the untaxed profits from gambling ($6 billion to $7 billion annually); narcotics ($350 million); loan sharking ($350 million); prostitution ($225 million) and untaxed liquor ($150 million).

2. They "accept" business interests in payment of the owner's gambling debts. The owner of a beer distributing firm with an uncontrollable urge to gamble at first pacified his gambling creditors by letting them use his company offices as the headquarters of their lottery operation. Eventually, the mobsters gained control of the company.

3. They gain control by foreclosing their usurious loans, which had been made with untaxed illegal income. IRS has evidence showing how the mob took over several brokerage houses through foreclosing loans. They used the brokerage firms to promote the sale of fraudulent stock in a swindle which cost the public more than $2 million.

4. They use extortion, threats, beatings, bombings or the sly mention of an underworld "enforcer" to terrorize businessmen into giving up their business or accepting the product or service they force upon him.

In a typical case, a large food chain suffered more than $10 million worth of arson damage and two store managers were murdered because organized crime wanted the chain to stock a brand of detergent distributed by a racketeer-operated agency.

The U.S. Chamber of Commerce cited that case in its recently compiled "Desk Book on Organized Crime," which was issued to help businessmen, their families and their communities protect themselves from the ever-present threat of organized crime.

The Desk Book cites these practices of racketeer-dominated companies:

Bribing inspectors to accept defective construction materials, threatening pharmacists as part of a "sales pitch" for mob-distributed and often counterfeit prescription drugs, setting fires to stores which balk at buying racketeer-promoted products, corrupting public officials to obtain local, state and federal contracts, counterfeiting state and federal tax stamps.

Typical of a hoodlum-bossed business in operation is the case of a New York trucking company controlled by John A. Masiello, a Cosa Nostra "soldier" and leading loan shark, indicted with his son, a racket associate, and four postal officials on charges of conspiracy and bribery.

The postal officials were accused of taking bribes from Masiello to overlook complaints about service under mail trucking contracts worth $2 million awarded to firms controlled by Masiello and others.

The criminal habits and attitudes which the McClellan bill strives to get out of the marketplace are reflected in the activities of some offspring of Mafia bosses. Salvatore "Bill" Bonanno, son of former Mafia boss Joseph "Joe Bananas" Bonanno, was convicted of mail fraud and conspiracy for using a Diner's Club credit card extorted from a New York travel agent. Soon after a store seized the card from Bonanno, the henchman with whom Bonanno had conspired to get the card was shot to death in Brooklyn.

Joseph J. Colombo Jr., son of the reputed Brooklyn Mafia boss, was arrested a few weeks ago and charged with two others of conspiring to melt down $500,000 in U.S. silver coins and sell the silver. The senior Colombo is awaiting trial on income tax evasion charges.

Although no one in law enforcement knows the extent of organized crime's invasion of legitimate business, there are occasional indications of multi-million-dollar holdings. For instance, various Mafia mobs are said to control one of the largest hotel chains in the country, dominate a bank with assets of from $70 to $90 million, operate a commercial laundry that grosses over $20 million yearly, own real estate interests valued at $300 million and, in some parts of the country, own nearly 90 percent of the private waste-disposal industry.

Often bankrolling both the legitimate and illegitimate activities of organized crime are numbered accounts in Swiss banks. It is known, for instance, that money stashed away in secret Swiss accounts financed drug counterfeiting operations which one drug company executive estimated could run to nearly $100 million annually. Preparations of underworld origin are said to have been found intermixed in almost every type of commonly prescribed medication.

The secret bank accounts are an integral part of the heroin trade. Money received for the sale of heroin in the United States is either carried to Europe by a courier or hand carried to a New York bank or money exchange where it is forwarded to an account in a Swiss bank. There, the money is transferred to the account of the heroin supplier.

Former U.S. Atty. Robert Morgenthau cited a recent heroin case where as part of the payoff for smuggling heroin, $950,000 was sent to the Swiss bank account of a Panamanian corporation with offices in Geneva.

For organized crime, the secret bank accounts are used to conceal the profits of crime and to facilitate carrying out such international crimes as narcotics trafficking, smuggling, black market currency operations in Southeast Asia and illegal trading in gold.

Eugene T. Rossides, Assistant Secretary of the Treasury for Enforcement and Operations, says there's strong evidence of a substantial flow of funds from U.S. racketeers, particularly those associated with gambling, to certain foreign banks.

"Some of these funds," he said recently, "appear to have been brought back into the U.S. under the guise of loans from foreign sources. This may be providing a substantial source of funds for investment by the criminal element in legitimate business in the United States."

"CLEAN MONEY"

The mobsters profit two ways. First, they've got "clean money" to use for their investment. If any investigator asks where they got the money to start this business, they can say it's a loan. Second, they can take an income tax deduction for the interest they're paying on the "loan." Of course, they don't report the interest their money is accumulating in its Swiss hideaway and since the account is secret, the government can't prove they have a cent there.

In addition to the diversion of illegally-acquired funds to foreign havens, secret accounts can be misused to duck paying income taxes on large capital gains in the stock market, to violate the securities laws that are designed to protect the stock-buying public, to push the stock market up and down and to mask the takeover of American businesses by persons unknown to American authorities.

In testimony before Chairman Wright Patman's House Banking Committee, Irving M. Pollack, director of the Securities and Exchange Commission's Division of Trading and Markets, warned that cases already known to the SEC are not at all atypical and they suggest that hundreds of millions of dollars are being furnished annually by foreign sources to assist in efforts to gain control of American companies.

One thing that's particularly concerning American authorities is the takeover of American companies with defense contracts by unknown individuals dealing through secret foreign bank accounts.

Usually this happens when controlling stock in a company's put up as collateral on a loan made by a foreign bank for one of its secret customers. When the borrower defaults on the loan, unknown interests take over the company.

Swiss bankers are the shadowy figures behind an increasing number of cases involving major frauds. In one recent case, two Swiss bankers supplied hundreds of false documents from a string of sham companies which helped an American group—including a Washington attorney—swindle the U.S. government and channel more than $4 million into secret Swiss bank accounts.

Equally shadowy are the activities of a long-time associate of Racketeer Meyer Lansky, a former bootlegger named John Pullman who is said to manage the flow of American organized crime's millions into and out of Swiss bank accounts.

A one-time courier for the mob, Pullman renounced his American citizenship to handle the mob's investments from his headquarters in Lausanne, Switzerland. He stays out of the United States, out of reach of the subpoenas that would greet him here from information-hungry investigators.

Money funneled to secret accounts in Switzerland often comes back in the form of stock purchases carried in the name not of individuals but of banks. Last year alone, foreign stock purchases amounted to $12.4 billion and sales reached $10.9 billion.

Pollack emphasized that during the past few years, legitimate foreign investments have been welcomed and as a result have increased substantially.

Aside from this massive legitimate foreign investment, nobody knows how many of the individuals for whom Swiss banks bought the stock are violating two of the key laws created to protect American investors—one forbidding "insider" trading, the other setting margin requirements.

Some executives of U.S. corporations, barred by law from trading in their company's stock on the basis of inside information, are known to be trading secretly through their secret Swiss accounts.

Some American investors, who would have to put in enough cash to cover 65 percent of the cost of the stock they buy under American law, are buying shares through numbered Swiss accounts with as little as 10 percent down in cash.

Sen. William Proxmire, D-Wis., recognized the questionable foreign stock transactions when he included in his secret foreign bank account bill two sections specifically dealing with securities.

One would prevent U.S. broker-dealers from trading in U.S. securities in behalf of a foreign bank or broker unless the foreign bank or broker discloses the individual for whom it is acting or certifies that it is not acting for a U.S. citizen or resident. That would remove the cloak of secrecy from the foreign stock transactions.

PLAY BY RULES

The other section would require U.S. citizens who place stock orders through foreign banks or brokers to give the foreigners permission to disclose the person's identity to the U.S. broker-dealer who ultimately handles the transaction. That permission would allow the foreign banks or broker to disclose the U.S. citizen's identity without violating the foreign country's secrecy laws.

The rest of the Proxmire bill follows the House measure which provides:

Domestic financial institutions would have to maintain records of checks and other financial transactions under Treasury regulations.

Unusual or sizable deposits or withdrawals of U.S. currency would have to be reported by financial institutions and individuals making the deposit or withdrawal.

Movements of U.S. currency into or out of the country would have to be reported when they exceed $5,000 on any one occasion or $10,000 in any one year.

Individuals who have transactions with foreign financial agencies would have to report those transactions.

The penalties for violating the margin requirements on securities loans would be extended to the borrower in order to prevent circumvention by a foreign lender.

An increasing number of Americans—some of them American hoodlums—now own and control banks in Switzerland and the Bahamas. The pending legislation would force them to play by some of the same rules as the people who never left home.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 15073. This measure has been much debated. We have, however, at all times had a consensus on the bill's objectives, and the dialog has been restricted to the best and correct approach to the problems of controlling use of foreign bank accounts for unlawful purposes and the other related areas of enforcement concern. It is my belief that this legislation is much needed. We have conducted extensive hearings on the measure and substantially amended the bill from that version first introduced.

Many amendments were offered by the administration, all of which were designed to strengthen the overall effect of this legislation. Many of those amendments were accepted by the committee and are incorporated into this bill as reported. These amendments, I might add, have provided substantial improvements.

Some additional amendments proposed by the administration were not accepted by the committee, as perhaps they should have been. Thus, while I stand in support of this legislation here today, it is not without some reservations.

The subject matter with which we deal is indeed complicated. It involves the operation not only of our domestic and foreign banking but also other financial institutions involved in the exchange of currency or its equivalent, the equivalent being in the form of securities, money orders and a host of other financial instruments.

A sense of urgency attends this legislation because, as was pointed out in the hearings, the use of foreign bank accounts has provided a vehicle to further the evasion of taxes, security frauds and a wide spectrum of other criminal violations accounting for the loss of millions of dollars of tax revenues to this country annually and eroding the moral fiber of our Nation. The high level of voluntary compliance with our tax laws that we enjoy—a feature virtually unique in the world—is seriously threatened by the general knowledge that certain criminally oriented individuals and seemingly respectable businessmen use foreign accounts to evade taxes.

Because of the urgency and complexity of the legislation, I do not feel it appropriate at this time and place to delve in the refinements of this matter, to challenge any portion of the bill or to offer amendments that I feel might be needed. It is more important that we secure the immediate passage of H.R. 15073, which I do hereby urge, in order to attain its objectives at the earliest possible time.

Because I have some reservations concerning its content, I would hope that the Banking and Currency Committee of the other body will seriously undertake to review this work product of our committee in light of the additional amendments that have been and will be offered by the administration, which I believe highly pertinent and worthy of the most serious consideration.

For example, among the things that concern me is the fact that the bill, ostensibly directed toward abuses of foreign banking, also concentrates heavily upon purely domestic matters without relevance to foreign transactions. Meanwhile, insufficient study has been made of what is required to deal with the purely domestic situation. The matter is deserving of greater study, and perhaps that portion of this legislation should be severed for independent review.

Additionally, inadequate consideration has been given to section 301 of the bill which would give the Federal Reserve Board clear authority to apply margin requirements not only to lenders but also to borrowers—an entirely new concept in the regulation of credit, as margin rules have been only applied in the past to lenders.

But these are only examples of my concerns over this legislation. I know that the administration will be testifying before the Banking and Currency Committee of the other body on H.R. 15073, and it will offer numerous amendments of both a technical and substantive nature, which I am hopeful will be given the most careful consideration at that time.

Mr. BURTON of Utah. Mr. Chairman, would the gentleman yield to me?

Mr. WIDNALL. I yield to the gentleman.

Mr. BURTON of Utah. I thank the gentleman for yielding.

I would like his explanation and his understanding of one section of the bill.

Under the terms of title II, the Secretary of the Treasury is granted broad authority to impose reporting requirements on persons and all other entities cognizable as legal personalties transferring money or monetary instruments to foreign countries.

However, section 206 as amended in committee gives the Secretary broad exemptive authority which I hope will be exercised to avoid the imposition of unnecessary requirements on organizations whose operations abroad are clearly within the law. As a case in point, the Mormon Church has for many years conducted a worldwide missionary program. Through its years of experience, it has developed orderly and efficient means of financial management for these operations which involve centralized disbursement of funds from headquarters within the United States. I certainly cannot support this legislation unless it is clear that the Secretary is expected to use his exemptive powers under section 206 to avoid the imposition of burdensome reporting and recordkeeping requirements on organizations such as this.

Would you give me your comment on that, sir?

Mr. WIDNALL. Mr. Chairman, I am pleased to say to the gentleman from Utah that he can be confident that our intention is not to have the authorities granted in this bill utilized to impose any restrictions, recordkeeping or reporting functions on honest operations.

The basic intent of this legislation is to give the Secretary authority which will facilitate investigation and prosecution of criminal activities. Testimony received by the committee made it clear that many legitimate transfers of money or monetary instruments take place on a continuing basis and that the unimpeded transfer of these funds was essential to international trade and other international activities.

If the gentleman will look at section 206, he will note that the committee expanded considerably on the Secretary's exemptive authority. This was done in recognition of the need to avoid unnecessary burdens on persons not involved in criminal activities. This exemptive authority can be exercised selectively, by classes of parties or combinations thereof, and I have no doubt that operations such as the gentleman describes would be exempted upon application to the Secretary.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I am glad to yield to the chairman of the committee.

Mr. PATMAN. As chairman of the Committee on Banking and Currency, I concur in the views which have been expressed by the distinguished gentleman from New Jersey (Mr. WIDNALL) and to the gentleman from Utah I will say that I am acquainted with the question involved and I concur in the views and the answer which has been given by the gentleman from New Jersey.

Mr. BURTON of Utah. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, before closing, I would like to compliment the distinguished chairman of our committee and the other members of the committee for the hard work they have done on this bill. This is much-needed legislation. The condition has prevailed for a long period of time. I know of the depth of interest and the analysis that has been made through the years by the chairman and the instructive work which he has done toward educating the Congress and the American people as to the seriousness of this problem. It is my opinion that because of the fact we have had such earnest investigation and support from Members that there should be something to influence the other Members of the House in working toward passage of this bill.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding.

I would like to ask a question about a statement which I do not find in the report nor the bill itself. But, referring to what the gentleman from Texas (Mr. PATMAN) said in his opening statement about the illegal purchase of gold or other rare metals, I presume that this bill (H.R. 15073) simply pertains to the purchase and/or deposit of that overseas by others without reporting of the same; and does not infringe upon the right of any individual to purchase gold or stocks in gold exploration companies or stock purchases thereof around the world, especially since it is illegal to purchase them domestically as a result of our own folderol back in 1932; is that correct?

Mr. WIDNALL. Since the gentleman from Missouri has referred to other members of the committee, I would like to yield at this time to the chairman of the committee, the gentleman from Texas (Mr. PATMAN) to respond to the gentleman's question.

Mr. PATMAN. The testimony of Mr. Morgantheau who was U.S. district attorney in the southern district of New York stated that the grand jury in New York spent considerable time one year investigating the very thing that the gentleman from Missouri has just brought up about the purchase or sale of gold and other matters of that kind, and as a result of that investigation indictments were actually returned and there were some convictions, I understand, against the people who it was testified had engaged in that particular activity. I do not know, but that was brought up last year in Barron's Weekly. There was a front page feature entitled "Assault on Privacy" prepared by S. J. Rundt and Associates, leading consultants on international business. While the article was critical of the House Banking and Currency Committee's activities on the problems of foreign bank secrecy, some rather interesting admissions were made. The Rundt organization points out that because of the growing mistrust in the U.S. dollar more and more Americans were sending their dollars to Switzerland. The volume of this traffic was so heavy that the courier fee today is five times what it was a few years ago—rising from less than 1 percent to almost 5 percent. As a matter of fact, the article goes on "during the recent gold bubbles," worried Americans

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were aware that their dollar was not "as good as gold" and "during those hectic days, the largest, oldest and universally most respected Swiss banks and many smaller ones received by check and in cash, by cable and in ordinary envelopes such huge quantities of dollars from American depositors—many of them pensioners or small savers—that even upon employment of hundreds of extra clerks they could not open the mail fast enough, book the new entries and return receipts—within less than 6 to 8 weeks."

If this leading international consultant is only half right in his observations, then the activities of many Americans in the secret foreign bank account field are a national disgrace. The clear implication of this article is that Americans were sending their dollars to Switzerland during a period of rising gold prices to do what they are forbidden to do by American law—buy gold.

I hope I have answered the question posed by the gentleman from Missouri (Mr. Hall).

Mr. HALL. Mr. Chairman, will the gentleman yield further?

Mr. WIDNALL. I yield further to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the excerpts from Barron's Weekly Trader, but it did not answer my question.

I have no fault to find with the intent of the bill, or even the penalties therein, as to bank records or foreign transactions, and in fact, under other circumstances I would be very complementary for bringing the bill out. My question is simple: Since we cannot buy gold any longer in the United States of America is there anything in this bill that would preclude any individual citizen from exercising his right of buying gold anywhere in the world that he can without regard to where he deposits it?

Mr. PATMAN. There is nothing in here, I will say to the gentleman, that will prohibit him from buying gold legally anywhere in the world.

Mr. HALL. Where is the reference in the bill or in the report to the question or penalty about purchase of gold to which the gentleman referred in his opening statement in the well of the House?

Mr. PATMAN. I am not sure that it is in there. But remember we do not always cover everything that is covered in the bill.

Mr. HALL. I have noticed that.

Mr. PATMAN. That is obviously impossible.

Mr. HALL. I thank the gentleman from New Jersey for yielding.

Mr. BROCK. Mr. Chairman, will the gentleman yield for the purpose of further answering the inquiry of the gentleman from Missouri (Mr. Hall)?

Mr. WIDNALL. I yield to the gentleman from Tennessee.

Mr. BROCK. Mr. Chairman, there is nothing in the bill that changes existing law which prohibits the purchase of gold on the part of a U.S. citizen. There is nothing in the bill that changes that, nor is there anything in the bill that affects the purchase of gold stock which is exactly the same thing as the purchase of gold, and which negates the impact of the bill that was passed in 1932, anyway.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, if I may address this to the gentleman from Texas. It is a well-known fact that the Federal Reserve Board vaults in New York often hold more gold than we have in this country to the credit of the U.S. Government. That is, it is held for those who have bought gold and shipped it to the Federal Reserve Board vaults in this country.

How does this bill affect disclosure with respect to gold held for the account of foreigners in the Federal Reserve Board vaults in New York City?

Mr. PATMAN. Mr. Chairman, will the gentleman from New Jersey yield to me so that I may answer the gentleman's question.

Mr. WIDNALL. I yield to the gentleman from Texas.

Mr. PATMAN. The Federal Reserve Bank in New York, of course, holds the gold for American citizens if they have it legally and also for foreign countries. Most of the gold there is for foreign countries and in separate vaults and most it, of course, is owned by the Government of the United States, that is if it is in an American's name. Fort Knox is the place where most of the gold is held.

Mr. GROSS. That is our gold, but not gold held for the account of foreigners and others?

Mr. PATMAN. Well, principally, I will say to the gentleman from Iowa, it is the central banks, like the Central Bank of England and France and Italy and other countries.

Mr. GROSS. Then are those records, under the terms of this bill, wide open to disclosure?

Mr. PATMAN. As to American citizens it would be. But, of course, I do not think it would be required as to a country like England having a special vault of its own there in the Federal Reserve Bank in New York. I do not think it would ever become evidence that would be sought that they have that. In fact, it is rather a public record.

Mr. GROSS. Mr. Chairman, will the gentleman yield so that I may ask one other question?

Mr. WIDNALL. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Texas in his opening remarks talked about the white collar mafia.

Mr. PATMAN. No, I did not say mafia. I said white collar crime—organized crime.

Mr. GROSS. Is there no blue collar crime or blue collar mafia?

Mr. PATMAN. Yes, there is—but this is the white collar crime.

Mr. GROSS. I see. But there is blue collar crime?

Mr. PATMAN. Certainly there is.

Mr. GROSS. And there is blue collar mafia, I suppose?

Mr. PATMAN. As to the mafia, the gentleman probably knows as much about that as I do. I just read what I see in the papers.

Mr. GROSS. I have heard of a Texas mafia but I have never heard of an Iowa mafia.

Mr. PATMAN. I assume that Texas would be a part of almost anything going on in the 50 States, but I am not sure it would be as to the mafia.

Mr. GROSS. But it would be bigger and better.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from Texas (Mr. Gonzalez) such time as he may consume.

Mr. GONZALEZ. Mr. Chairman, I rise in support of H.R. 15073 and wish to address myself to some objections to the domestic recordkeeping provisions of this bill. This provision requires domestic banks to photocopy checks drawn on them.

It is my understanding that there are three basic objections. They are: First, mountains of records would be created which would be of little or no value to anyone; second, the costs of this additional recordkeeping would be exorbitant and would ultimately be passed on to the customer; and, third, the last vestiges of financial privacy would be removed.

These objections are completely without foundation. The fact is that the vast majority of the banks currently photocopy checks. It is obvious, however, that this provision would require some additional records. If all banks were currently doing this, there would be no need for such a requirement. The sole reason that this section is necessary is because a few banks have discontinued this practice. Their reasons for this are no doubt honorable and based upon some cost-benefit formula. However, I am sure that in arriving at this cost-benefit formula, the banks considered only their own benefit.

I do not believe that anyone can logically deny that such records are valuable to our tax and law enforcement officials. This is true, not only for convicting wrongdoers, but also as a deterrent to potential tax evaders and criminals. There is little sense in picking forbidden fruit if one is likely to be caught before he can enjoy it.

Another equally important need for these records has been overlooked. That is the customer's need. Many people rely entirely upon their cancelled checks for determining and proving legitimate expenses for tax purposes and for proof that debts have been paid. If their monthly statement containing their cancelled checks becomes lost in the mail or the checks become misplaced after they are received, they are often at the mercy of the Internal Revenue Service or someone who claims that a debt has not been paid. In most cases when such a dispute arises, a person can go to his bank and, for a small service charge, obtain photocopies of the missing checks. The banks' customers have come to rely on these records being available to them and I believe that they should be.

The next objection, that the costs would be exorbitant, is again totally without merit. We must remember that most of the banks are already photo-

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copying their checks; therefore, there would be no additional cost to them. The few banks that are not have most of the necessary equipment. Expert testimony from the microfilm industry has put the cost of microfilming checks, including labor and equipment, at less than 50 cents per 1,000 checks. This amounts to about one-half a mill per check or 1 cent for every 20 checks. Surely, this cannot be considered exorbitant when some banks now levy a 10-cent-per check service charge on their customers.

The third objection has even less basis. There is nothing in this bill that gives any Government agency more freedom to scrutinize an individual's financial affairs. Legal process has always been and is still required for anyone to have access to these records. This bill merely assures that the records will be available if there is a proven need for them.

This provision is both necessary and desirable. I urge its passage.

Mr. PATMAN. Mr. Chairman, I yield such time as she may use to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, an important provision of this bill is the one that requires reports on the exports and imports of currency and coin or similar monetary instruments. For years, dishonest gamblers and other racketeers have been shipping cash and cash equivalents to secret foreign bank accounts with an almost absolute immunity from detection. For years, the Internal Revenue Service and the Justice Department have suspected that huge amounts of "skim" money has found its way from the gambling casino to secret Swiss banks. "Skim" money is exactly what the name infers. It is cash taken off the top of gambling proceeds before any accounting is made for tax purposes.

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The record is also replete with examples of Americans who are not normally considered criminals in the ugly sense, but who ship cash income to secret foreign banks to avoid taxes. In some cases, the American would be willing to pay taxes on this cash income were it not for the fact that the cash was illegally obtained through the operation of some racket, con game, or other manipulation.

Nothing in the law prohibits the carrying of cash abroad. It is perfectly permissible for Americans to take whatever amounts of cash they can in and out of the country without violating the law. It should be understood that this bill does not impose controls which would in any way prohibit the export or import of currency or coin.

It does, however, require that persons who import or export over $5,000 at any one time or $10,000 in any one year to file a report with the Secretary of the Treasury explaining the nature and purpose of the transaction. Failure to file such reports can result in forfeiture of the cash involved, in addition to the other penalties set forth in the title.

These dollar amounts are set high so as not to create a lot of redtape for tourists or other Americans who carry money abroad for legitimate purposes.

One case which was mentioned in the hearings is a good example of the kind of thing this section of the bill is aimed at. A man named Max Orovitz was convicted last year in a Federal district court of New York for selling almost a half-million dollars in bonds in violation of the securities laws. The bonds were held in a Swiss bank. This illegal transaction was uncovered as a result of a package which fell and broke open on the floor of the New York Post Office. The package contained some $50,000 in cash. The investigation brought on by this discovery led to the conviction of Mr. Orovitz, who was fined and given a suspended sentence. One of the ironies of the case is that before the indictment Mr. Orovitz or his agent demanded and received the $50,000 cash, even though this cash represented the subject of a suspected criminal action. The case illustrates that it is so easy to bring cash in and out of the United States that the regular mails are being used.

If this legislation had been in effect at the time of the above case and the proper report had not been filed, the $50,000 would have been subject to the forfeiture provisions. The principals also would have been subject to the additional criminal penalties of a fine of not more than $500,000 or imprisonment for not more than 5 years, or both, if the importation of the money was knowingly committed in the furtherance of the commission of any other violation of Federal law.

This is admittedly a very stiff penalty, but we are talking about crimes where very large sums of money are involved. We cannot expect to deter a criminal from sending a million dollars of stolen money out of the country if the only thing he has to fear, if caught, is a $10,000 fine and a suspended sentence.

This provision of the bill is essential to a good strong bill that will stop these unlawful practices.

I commend its authorship and urge its passage.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. MINISH) such time as he may use.

Mr. MINISH. Mr. Chairman, there has been considerable publicity recently in the press and from others, inside and outside the Government, regarding treaty negotiations for the exchange of information between the United States and Swiss Governments. Some have even gone so far as to state that such a treaty would solve the problems created by foreign bank secrecy.

These treaty negotiations began shortly after the Banking and Currency Committee conducted a 1-day hearing on December 9, 1968, in regard to the legal and economic impact of foreign banking procedures on the United States. This hearing, which heard testimony from the Justice Department and the Securities and Exchange Commission, for the first time pointed out to the committee and to the public the need for legislation to halt the abuses of Americans using foreign bank secrecy to hide illegal activities.

Since that time, representatives from the U.S. Departments of State, Treasury, and Justice, and the SEC have had meetings with representatives of the Swiss Government to develop procedures for some type of judicial assistance treaty. This treaty would be reciprocal in nature and would enable our State and Federal prosecutors to secure information and evidence from Switzerland for investigations and prosecutions within the United States.

Both governments should be commended for their efforts to obtain such a treaty. There are, I am sure, many areas in which agreement would be mutually beneficial to both countries.

However, we must not be naive and think that a treaty would be the solution to the problems created by foreign bank secrecy.

The Swiss have no equivalent to our securities and criminal tax laws. Therefore, evidence for any prosecution for these so-called fiscal offenses could not be made available by the Swiss under any treaty.

As recently as April 28, 1970, the Wall Street Journal reported one of the Swiss negotiators, Mr. Pierre Nussbaumer of the Swiss Foreign Ministry, as saying that he doubts Switzerland will ever agree to blanket U.S. access to Swiss secret bank accounts in investigations of tax fraud. The article continues to quote Mr. Nussbaumer as saying that things look better in the field of organized crime, which sometimes also involves tax fraud.

We would certainly welcome assistance in combating organized crime and hope that the negotiations in this area are productive. I understand that the Swiss have already been cooperative in furnishing information relating to the financing and smuggling of narcotics.

Mr. Eugene Rossides, U.S. Assistant Secretary of the Treasury for Enforcement and Operations, in testifying before the committee about the treaty negotiations said:

> The United States must also look to its own laws to determine whether we are doing all that we can do to stop tax evasion and other crime.

Mr. Rossides' statement is very sound. It is most important to be understood that we are dealing only with the question of enforcing compliance with American laws by Americans and those doing business in the United States.

Mr. Will Wilson, Assistant Attorney General, stated before the committee—

> We are aware that a viable treaty with the Swiss government is not a complete answer to the problem of foreign bank secrecy. Many other countries have adopted secrecy laws. We must make certain that we do not substitute the commercial secrecy system of one country for that of another.

These gentlemen, both of whom are extensively involved in the negotiations, have pointed out that a treaty alone would not solve the problems created by bank secrecy.

There are presently more than a dozen other countries which have adopted bank secrecy laws that can be used by Americans to violate our laws. A treaty with any one country or every country but one would still not provide a solution to the problem. And, to negotiate a meaningful treaty with every country would take years to accomplish. Therefore, while we welcome such treaties, Congress must recognize its responsibilities and act now.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. REUSS) such time as he may use.

Mr. REUSS. Mr. Chairman, by now, I think that most of the Members are familiar with the two majors things that this bill attempts to accomplish—improved bank recordkeeping procedures and limitations on the use of secret foreign financial facilities. The chairman has adequately explained the need for the legislation as well as the various provisions of the bill.

I would like to confine my remarks to the very basic disagreement between the committee bill and that which was proposed by the administration. It is important that the fundamental, if not rather sophisticated, distinction between the two versions of the legislation be understood by all because the differences go to the very heart of the nature of the constitutional relationship between the Congress and the executive branch.

There was a great deal of similarity in the two bills. As a matter of fact, much of H.R. 15073 as amended by the committee, incorporates strengthening language which was lifted directly from the administration bill or incorporated as a result of suggestions from the Treasury Department. I refer to the amendments expanding title I beyond banks to cover all institutions which perform enumerated financial functions. There was a similar expansion of the coverage of title II dealing with the foreign banking problem. Perhaps one little noticed difference appears in chapter 4 of title II. The Patman bill originally required that Americans and those subject to our jurisdiction maintain records of their transactions with financial facilities in secrecy jurisdictions. The final version of the bill, after an excellent suggestion from the Treasury Department, requires not only that records of transactions but also records of relationships maintained be kept. This is quite a significant improvement in that the dishonest few who have already salted away their ill-gotten gains in secret foreign accounts will have to maintain records of those accounts in this country.

So, no one can quarrel that the administration provisions which were incorporated into the commitee bill were definite improvements. However, the administration's principal approach to the legislation is somewhat disturbing. The basic difference can be seen by comparing the first four lines of the administration bill with the first four lines of the committee bill. The administration bill, H.R. 16444, states that the "Secretary may by regulation require any domestic financial institution to retain or maintain in the United States any types of records or evidence which he determines are likely to have a high degree of usefulness in criminal, tax or regulatory investigations or proceedings." The commitee bill states on page 2, beginning with line 14, "The Congress finds that adequate records maintained by insured banks have a high degree of usefulness in criminal, tax and regulatory investigations and proceedings." Note that in the administration version the Secretary may require records which he determines are useful. By this grant of discretion to the Secretary, the administration was asking the Congress to cede almost its entire legislative function to the Secretary of the Treasury. The committee bill, on the other hand, follows the traditional concept of laying down specific congressional criteria with adequate flexibility given to the administrator to meet practical problems. This is the basic difference.

All of us have some doubts as to whether this legislation will present an effective answer to the problems presented by Americans' use of secret foreign financial facilities. However, I am satisfied that the bill represents the best effort of our committee and that in the future years, if experience dictates, we can improve upon it and make it more effective.

Mr. PATMAN. Mr. Chairman, I yield as such time as he may use to the gentleman from California (Mr. REES).

Mr. REES. Mr. Chairman, title I of the bill requires the maintenance of designated records by banks and other financial institutions. It also requires the identification of account holders and those authorized to deal with accounts.

Title I does not touch directly on the subject of the use of secret foreign bank accounts. However, its enactment is no less important than those parts of the bill covering financial transactions with institutions located in secrecy jurisdictions.

When the committee first considered the problem of foreign bank secrecy, the members and the staff held innumerable discussions with various law enforcement agencies, particularly the Justice Department, the Treasury Department, and the Internal Revenue Service. The staff personnel of these agencies all made the suggestion that the committee could perform a useful service for law enforcement if it expanded its inquiry beyond foreign bank secrecy to include recordkeeping practices of domestic American banks and other financial institutions.

The law enforcement staffs of these agencies have been disturbed for some time because some of the larger banks were abandoning their traditional practices of microfilming all of their checks. They explained the banks were eliminating the records because they felt that the expenses entailed in microfilming checks simply were not worth the benefit gained by the bank. But, law enforcement agencies, especially the Internal Revenue Service, desperately need to examine microfilmed checks and other documents in connection with their investigations.

So, while the advantages to the banks of microfilming checks might be small, accessibility to such records by law enforcement agencies is crucial.

There are problems even with those banks who do microfilm checks. Many of these banks keep the microfilm copies on file for as little as 6 months. Others may keep them for a year and some may keep them for the period of the applicable statutes of limitations. There is a great need for some uniformity as to the periods for which these records are kept. Some cases active in the Internal Revenue Service today were commenced 5 or 10 years ago. You can imagine the frustration when the IRS subpenas the microfilm copies of checks for a particular account only to find that the copies were indeed made and shortly thereafter destroyed.

While photocopies or microfilms of checks are probably considered by law enforcement people as the most important kind of record maintained by a bank, they are by no means the only kind of record which serves a useful purpose in this area. For example, copies of notes, drafts, ledger cards, and so forth can be highly useful in a criminal investigation. Therefore, title I of the bill authorizes the Secretary to require the maintenance of these records. Second only in importance to photocopies of checks is the maintenance of records which clearly identify depositors and those who are authorized to deal with the account. Now, the account holder himself can usually be easily identified. However, the authorized agent or courier or messenger or whatever you want to call him, who can make deposits and withdrawals from that account is many times difficult to identify. Representatives of the Justice Department have summed up their innumerable difficulties in this area in a single hypothetical case. Suppose a notorious hoodlum now residing out of the country beyond the jurisdiction of the United States has a checking account with a large New York bank. On any number of occasions a complete stranger shows up at the tellers window and makes a $1,000 deposit or withdrawal. Under present law and methods of doing business, there is no way to tell who that complete stranger is. His identification might be vitally important to the making of a case against the hoodlum or in the uncovering of a conspiracy. Every day in the major banks of the country, couriers and messengers freely come in and out transacting business for the account of their principals. In only rare cases are these people identified.

Identifying those who do business with an account is consistent with the principles of due process and does not unduly interfere with the right of privacy. In recent years, every Member of this body has at one time or another been asked to identify himself when cashing his own or another's check at a bank or a store. Most of us have also had our pictures taken with the explanation that it was for our own protection. Title I of the bill does not go this far. It merely authorizes the Secretary of the Treasury to write regulations calling for the identification of account holders and those authorized to deal with respect to the account. It is contemplated that such identification will take the form of a signature card disclosing only the barest of details.

Mr. Chairman, the first drafts of this legislation limited the recordkeeping requirements of title I to domestic banks. At the suggestion of the Department of the Treasury staff it was subsequently revised to cover persons performing functions such as issuing or redeeming travelers checks, checks, money orders, trans-

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ferring or transmitting funds or credits domestically or internationally, operating a currency exchange or credit card system and performing similar functions.

This expansion of the title I recordkeeping requirements to institutions other than banks is designed to prevent use of these institutions by criminals once they find that the regulations of the Secretary have effectively closed banks to their wrongdoing. If the regulations of the Secretary are made applicable to all of these institutions, a significant contribution to law enforcement will have been made.

Finally, section 21(i) of title I exempts from the recordkeeping requirements domestic financial transactions of less than $500. When this committee amendment is considered I understand that the chairman will oppose it. I am in agreement with the chairman that this exemption makes no sense if we are to have a coherent statute. As I have already said, most banks already maintain these records.

The opponents of the recordkeeping provisions of this legislation attempt to make two major points. First, they create visions of mountains of unnecessary and useless paperwork as high as the Swiss Alps. They anticipate that some bureaucrat in Washington will make them save, categorize, or microfilm every scrap of paper handled by their tellers. Their second point involves the expenses of this tremendous paperwork burden, claiming that it is unfair to them and to their depositors who must ultimately pay the increased cost and suffer the consequences of such inefficiency.

Mr. Chairman, these doomsday predictions do not accord with experience. The overwhelming number of records which will be required to be kept under this legislation are already maintained by our financial institutions. As I stated before, the thrust of this legislation is simply to halt a developing trend away from the keeping of such records and to make sure that those records which have a high degree of usefulness in criminal, tax or regulatory proceedings will continue to be available to the law enforcement authorities of this country in a consistent and orderly fashion. At first the industry would have us believe that there were some 40 billion checks a year which had to be microfilmed. They subsequently cut this figure in half to the actual amount of 20 billion checks per year. The industry also argued that these checks would have to be microfilmed by each institution through which they pass. This allegation was also abandoned when it was pointed out that this legislation intended that only the drawee bank—"the bank on which it is drawn and presented for payment"—need maintain a photocopy. As I said before, most of these checks are microfilmed already.

The committee took testimony from the National Microfilm Association and the two largest manufacturers of bank microfilm equipment—Eastman Kodak and Bell & Howell. These witnesses testified that the cost of microfilming a check ranges from 0.5 mil for a large bank to 1.5 mils for smaller banks. These costs include labor, materials and equipment. This testimony and appropriate charts can be found beginning on page 340 of the hearing record. Now, when we talk about 0.5 mil to 1.5 mils per check and when we compare this to the normal service charge that bank customers pay on their checking accounts and when we consider that banks are already microfilming checks, the cost of this aspect of the bill is indeed miniscule.

During the executive sessions of the committee on this legislation. I, myself was quite concerned about the imposition of expensive and burdensome photocopying requirements on domestic banks. I called several large banks, both in California and Washington, and I confirmed the opinion that banks already microfilm checks.

Perhaps the most important safeguard that the financial community has against overly burdensome recordkeeping requirements is that the legislation quite wisely rests with the Secretary of the Treasury. The Secretary is given very broad discretion in drafting the regulations and is given an even broader flexibility in tailoring the regulations to the ability of the banks and financial institutions to maintain these records. I call your attention to section 21(f) which states, and I quote, "in addition to or in lieu of the records and evidence otherwise referred to in this section, each insured bank shall maintain such records and evidence as the Secretary may prescribe to carry out the purposes of this section."

Finally, Mr. Chairman, there is another point here that we all seem to be missing. Even if there is some additional cost to the financial institutions of this country, even if there will be some burden, even if these institutions do have to do a little more in terms of recordkeeping than they have done, should not they as well as the rest of us bear some of the costs of fighting crime. In these days when all levels and types of crime are mushrooming beyond manageable proportions, the taxpayer is being called upon to pay more and more money for law enforcement. Surely the banks and other corporations who will be required to keep some additional records or maintain the records they already keep cannot complain too loudly about taking on a small portion of this burden. Perhaps the virtue of title I of this legislation is that it is designed to create the climate for more efficient law enforcement. It could serve as a very helpful crime preventive so that the benefits to be gained are far out of proportion to the burden taken.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. STANTON).

Mr. STANTON. Mr. Chairman, the bank records and foreign transactions bill was first brought to the attention of the committee at a special meeting the chairman called on December 9, 1968. On that date a hearing was held on the legal and economic impact of foreign banking procedures in the United States. The principal witness at these hearings was Mr. Robert Morgenthau, the then U.S. attorney for the southern district of New York.

From Mr. Morgenthau's testimony it was concluded the committee should address itself to legislation in this matter. The main problem in devising legislation was to avoid undue burdening of the huge volume of international commerce and the creation of a complex and expensive Federal activity. The final draft of the bill attempts to resolve these problems.

Mr. Chairman, as has already been stated, the bill contains three substantial titles:

Title I requires the Secretary of the Treasury to prescribe regulations whereby insured banks, insured institutions and other financial institutions must maintain appropriate type of records which have or may have a high degree of usefulness in criminal tax or regulatory investigations.

Title II provides for records and reports of domestic currency transactions, export and import of monetary instruments and records of foreign transactions by residents or citizens of the United States or persons doing business therein.

Title III amends section 7-A of the Securities and Exchange Act of 1934 to make it unlawful for persons to obtain or retain credit in violation of rules or regulations issued pursuant to that section.

Mr. Chairman, during the markup of this legislation there was considerable discrepancy between the Treasury Department and the committee staff as to the proper approach to best accommodate the purpose of this legislation. It was suggested by Treasury that additional amendments were needed to assure adequate authority in the Treasury to carry out the purposes of the bill and to limit the scope of the bill to its intended purposes.

However, in the interim 2 months' period since the committee print was authorized, I have not heard from the Treasury Department personally concerning these desired suggestions.

For this reason, Mr. Chairman, I will support the legislation before us today in its present form and hope that no amendments will be adopted.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman from Minnesota.

Mr. ZWACH. I thank the gentleman for yielding.

I have before me the gentleman's additional views in which he makes the following statement:

> Nevertheless, the Committee has failed to adopt a number of desirable suggestions made by the Treasury which are needed to assure adequate authority in the Treasury to carry out the purposes of the bill and to limit the scope of the bill to its intended purpose—to assist criminal, tax, and regulatory investigations and proceedings. I believe that such amendments should be made before the bill is finally enacted.

Could you elaborate on that statement? I would appreciate it.

Mr. STANTON. I will be glad to do that for the gentleman from Minnesota. As I said a couple of minutes ago, the question before our committee was between the Treasury Department and certain staff members as to the proper approach to accomplish the objective. I believe it would be a fair statement to say that the Secretary of the Treasury wanted a little more flexibility than what is contained in the bill. However, as the ranking member, the gentleman from New Jersey (Mr. WIDNALL) said previously, if the Treasury Department has any questions about those provisions, they will have an opportunity to take them up with the other body. For the moment certainly, with regard to the particular views the gentleman spoke about here, I for one would like to say I am well pleased with the legislation in its present form.

Mr. ZWACH. The gentleman is then supporting the bill as is?

Mr. STANTON. Correct.

Mr. ZWACH. I thank the gentleman for yielding.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, the committee hearings into the uses of secret foreign bank accounts have clearly demonstrated a need for legislation to curb their use for various criminal purposes. Although I support legislation for this purpose as does the administration, I do not favor a number of the provisions of H.R. 15073. We shall support the enactment of H.R. 15073 as reported in the interest of giving some useable authority to our law enforcement agencies this year, but I think it essential that I comment on some of the bill's deficiencies.

First, let me point out that foreign financial institutions—many of which are subject to the secrecy doctrine and are therefore practically required to provide their services on a secret basis—are utilized primarily for absolutely honest and essential business purposes. It is not our intention to restrict these uses in any way. On the contrary, we should exercise great care in legislating to make sure we do not inadvertently impose requirements that do impede the orderly conduct of international business transactions. One of the major concerns we have about this bill is that it will do just this. I should point out that to the best of my knowledge, there is no difference of opinion on either side of the aisle about our intent. The differences which have divided us on this measure relate to the means of achieving the objective and probably the degree of caution being exercised.

The Department of the Treasury under the direction of Assistant Secretary Rossides has undertaken a study of the types of records which might best be kept to restrict the use of these foreign institutions for dishonest purposes without placing undue burdens on all domestic financial institutions and the many honest businesses to which I have referred. It should be noted that these dishonest uses of foreign banks run the gamut of crimes from tax evasion, to gambling, stock manipulation, arbitrage, dishonest purchase and sales contracts, just to name a few. The methodologies involved are as diverse as the crimes and the ingenuities of the criminals. To make this legislation really useful and yet not burdensome, the Treasury has strongly recommended against the mandatory recordkeeping approaches embodied in H.R. 15073 and requested a more flexible authority which could be utilized selectively as its continuing study defines the need. We in the minority would have preferred this approach.

Regretfully, I conclude that there has been some psychological reaction to continuing references to "secret foreign bank accounts." In some countries—Switzerland being the most notorious example—there is a very high degree of secrecy associated with bank accounts, but in all countries, including the United States, there is some secrecy. While "secrecy" and "privacy" may not be entirely synonomous, there is a relationship. Most of us in recent years have heard a great deal of complaint about unwarranted invasions of privacy by government agencies. None will disagree that the citizen is entitled to his privacy—and the secrecy of his financial transactions except pursuant to due process of law—is a right to which he is entitled. I want to urge that as we consider this measure we not fall prey to emotional reactions to sinister references to "secret foreign bank accounts," but remember that a degree of secrecy is present in all bank accounts. The only legitimate purpose of this bill is to provide a means of piercing the veil of secrecy when there are proper and legal reasons to do so. Without the so-called Stanton amendment to this bill, exempting domestic financial transactions of under $500 from the recordkeeping requirements, there would exist unlimited opportunities for flagrant invasions of privacy.

Members should recognize that despite numerous casual references to H.R. 15073 as the foreign secret bank account bill, it is much more than that. First, its recordkeeping provisions apply equally to all financial transactions, even all foreign financial transactions. Records and reports could be required on all foreign transactions regardless of whether the account was in Switzerland, Canada, the Bahamas, or Zulu land.

Mr. GRIFFIN. Mr. Chairman, the Committee on Banking and Currency held extensive hearings on H.R. 15073, which I joined 17 Members in introducing. We worked closely with the Treasury Department in drafting effective language which we hope will eliminate the use of secret foreign bank accounts for illegal purposes.

We took a great deal of testimony on how illegally acquired cash is taken from the United States and deposited in secret accounts abroad without authorities being able to trace or stop such practices.

Many of us were concerned over the recordkeeping provisions of the bill because we did not want to impose on financial institutions unnecessary burdensome paperwork. I do not feel the bill as reported will unduly hamper the institutions involved.

Certainly, Mr. Chairman, the objectives of H.R. 15073 are worthwhile and desirable. If enacted into law, I believe it would effectively aid the Treasury and Justice Departments to identify tax evaders, stock manipulators, and other criminals who now use secret bank accounts abroad to hide their nefarious crimes against society. The bill should be passed unanimously.

Mr. HANNA. Mr. Chairman, title I of the bill before us appears unimportant. It purports to do no more than, to quote the committee's report, to "impose certain recordkeeping requirements on a few sizable banks which have abolished or limited the practice of photocopying checks, drafts, and similar instruments drawn on them or presented for payment." To accomplish this, however, the measure amends Federal law to require all insured banks to comply with the photocopying requirements. While it is true that many banks are already photocopying checks, it is not insignificant that—in the future—these records will be mandated by Federal law. As such they may take on a slightly different status in the eyes of both the record custodian and the Federal agencies.

The law has not placed the bank-customer relationship on the same footing as the attorney-client or doctor-patient relationship. While there is much written about the sanctity of the relationship, there is a paucity of cases in which customers have been permitted to recover against banks who without prior approval made the customer's records available to some third party. No reported case has been discovered in which a bank customer has prevailed against a bank which—without either customer approval or court order—released bank records on the customer's dealings.

The important issue which lurks behind title I of this bill is: what safeguards exist to insure that the bank records mandated by Federal law are not, also, made fair game for every Federal agent who wishes to indulge his curiosity concerning the dealings of a citizen? To fail to spell out in clear legislative language the terms and conditions under which access to bank records may be obtained would be a grave oversight. It might well lead to uncertainty in the banking industry and inconsistent practices by law enforcement agencies. My concern over the prospect of inconsistent interpretations led me to propound the following question to the three principal Federal law enforcement officials: by what means would your agency, under the terms of H.R. 15073, obtain access to information retained by financial institutions? The answers I received did nothing to allay my fears.

The Attorney General said that his Department would continue its present practice of issuing grand jury subpenas for records required in development of a criminal case.

The Director of the Federal Bureau of Investigation wrote that access would be by consent of the party lawfully in control of the information or by subpena.

The Assistant Secretary of the Treasury for Enforcement and Operations advises that access to information will be obtained by the Internal Revnue Service under current law which gives "summons power under which a summons can be issued to obtain records in connection

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with a specific investigation." He would not, however, indicate how the Secretary intended to employ the broad power to impose additional reporting requirements. Recent reports of the abuse of Federal income tax records by high administration officials leaves little doubt about the possible consequences of permitting doubt to exist concerning the conditions under which access may be had to information assembled at Government's behest.

This very serious potential threat to the constitutionally ordained right of privacy embodied in this bill can be averted. I propose the addition of language to title I of the bill providing that on page 9, line 3, is added section 124. "The records required to be maintained pursuant to this title shall be made available for law enforcement purposes only." Renumber the subsequent sections accordingly.

Mr. ANNUNZIO. Mr. Chairman, I support this bill. As a member of the Committee on Banking and Currency, I am quite familiar with its provisions and can assure my colleagues that it will be of valuable assistance in securing much needed law enforcement in the banking field. The domestic bank recordkeeping requirements will provide useful tools in tax and criminal investigations.

Of course, the records which are required to be kept cannot be the subject of a "fishing expedition" by some overzealous law enforcement officer. The rights of the individual to whom these records might pertain are fully protected and the legislative history makes it clear that before gaining access to these records the government authorities must submit to due legal process. In other words, the records cannot be obtained without a subpena or a warrant or other court sanction of the demand for them.

In its more important aspect, the bill closes a flagrant and enormous loophole which has been illegally used by Americans without fear of detection for decades. I refer, of course, to the secret foreign bank account, the secret foreign trust and what I like to call the secret foreign business deal.

To me, it is an outrage against our honest and law-abiding American citizens for this Government to permit wealthy Americans, businessmen and otherwise, who can afford the $50,000 or $100,000 it takes to do business in these so-called secrecy jurisdictions, to so easily avoid payment of their just taxes and our American securities laws.

This bill goes after the big businessman, the big stock market manipulator, the embezzler, and other white collar criminals who deal in amounts of money which stagger the imagination.

In testifying before our committee, U.S. Attorney Robert Morgenthau pointed out that Swiss banks are used "by affluent members of society, including leaders of finance and industry, to cheat the Government of taxes and further conceal other criminal conduct." Some of the cases are so shocking that it is a wonder that they have not received more attention by the press. So-called legitimate businessmen have defrauded the U.S. Navy of millions of dollars through the use of Swiss banks and dummy Belgian corporations. A Swiss bank worked with an American brokerage firm to permit Americans to buy millions of dollars of securities in violation of our securities laws. A corporation executive unloaded $500,000 worth of bonds in his own company, again in violation of our securities laws. American businessmen hiding behind the shelter of Swiss banks and Liechtenstein trusts have seized control of American corporations not only in violation of the securities laws, but perhaps the antitrust laws. In March of 1969, a 66-count indictment was obtained against six persons including the principle officers of a firm whose stock is traded on the American Stock Exchange. They had illegally distributed the firm's stock out of Swiss and German banks as well as a Liechtenstein trust. A president of a member firm of the New York Stock Exchange was indicted for unlawful dealings in new issues which were purchased by a Panamanian company through Swiss banks. In one case, a number of bank employees attempted to steal almost $12 million from the Chase Manhattan Bank by sending false authorizations to a Swiss bank to transfer funds.

These are only some of the examples of the type of big money crime that this bill tries to do something about. It has been estimated that for every case we know about there are dozens of others which go uninvestigated and unprosecuted because of the foreign secrecy laws. It gets a little frustrating when an Internal Revenue agent or some other law enforcement officer can't even begin to find out about a crooked business deal because it is hidden behind an iron curtain of foreign secrecy laws.

This bill will not put a guaranteed stop to these so-called white-collar crimes. It will, however, pierce the secrecy laws to the extent that it requires Americans to keep records of their dealings and relationships with foreign secret financial institutions. It also requires our own banks to maintain records on transactions.

I have heard some complaints that this bill invades the right of privacy and that a man's business dealings are his own business and not the business of others. Mr. Chairman, I would be the first one on this floor to urge the defeat of any legislation which would be an unwarranted interference of an individual's right of privacy or would disturb the confidentiality of his business relationships. But, I also would be the first to demand that every American, rich and poor alike, pay their taxes and obey the law. If a man in his business relationships uses a secret foreign bank account to evade his taxes or to illegally manipulate securities, he, and not the government, has abused his right of privacy and his privilege of confidentiality. This bill offers safeguards to individuals and to businessmen. Any records or reports required under the bill are subject to the same legal procedures that exist under present law. Before the Internal Revenue Service, the Justice Department or others can obtain these records, they must make a sufficient showing of wrongdoing to justify the issuance of a warrant or a subpena. The persons affected have every right in the world to invoke the aid of the courts in defeating oppressive and prosecuting access by the Government.

A couple of months ago this Congress passed the most sweeping tax reform bill since 1964. The main reason we did so was because Americans were getting sick and tired of the tax privileges and loopholes enjoyed by those in the higher income brackets. In a sense, this bill is a continuation of tax reform legislation. It closes what may well be one of the largest loopholes in the law—using secret foreign banks as a tax haven.

There was a good deal of publicity surrounding our hearings. I was interested to note that the public reaction to our hearings was not so much geared at the crime detection aspects of this bill, but rather to a sense of outrage of the taxpayer. The law abiding American taxpayer gets pretty mad when he hears that high income people do not pay their taxes because they can afford a Swiss bank account.

It is about time the Congress cleared up this inequity. We can start by passing this bill.

Mr. ASHLEY. Mr. Chairman, chapter 4 of title II of this legislation represents the first attempt by the Congress to deal with the illegal use of secret foreign financial facilities by Americans. The chairman in his remarks has outlined the variety of ways that these secret foreign accounts can be used by Americans in derogation of our laws. Illegal use of these accounts is so frequent and so widespread that it would be impossible to list them all. One of the things that disturbs me is that everybody seems to know about it. Let me read to you a paragraph from an article entitled, "Eurodollars: Using the Multinational Currency," which appeared in the magazine Corporate Financing in the March/April 1970 issue. The article was written by the general editor, Chris Welles. It is an interesting discussion on the Eurodollar market—how it was created, how it is used and how it fluctuates. The following paragraph is part of the general discussion on the negotiable Eurobond:

> The identity of the ultimate buyers of Eurobonds has always been surrounded by a great deal of mystery, not the least of the reasons being that many, if not most of them, including Americans with foreign bank accounts, regard Eurobonds as an excellent way to illegally avoid taxes. Most are wealthy individuals (compared to the U.S., institutional investing in Europe is still in its infancy). "There is a small, very rich group of people—mostly Greeks, Italians and Arabs—whom we can rely on to take a couple of million of almost every issue," says a London merchant banker. Many of these buyers keep their money in Swiss banks, and it is estimated that eventually over half and perhaps as much as three-quarters or more of most issues ends up in Switzerland.

There is absolutely nothing in this bill or in this section which will prohibit Americans or anybody else from purchasing negotiable Eurobonds. But, if this section is adopted, Americans who purchase negotiable Eurobonds as an "excellent way to illegally avoid taxes" will be required to keep records of their purchases and their failure to do so will

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subject them to the penalties of the law. By requiring the maintenance of these records, the opportunity to avoid the payment of income taxes will no longer be quite so excellent.

In general, the Treasury Department has endorsed the idea behind this legislation. In addition, it was their proposal to add a question to our personal income tax forms, form 1040, asking whether the taxpayer maintains a foreign bank account. On May 11, the Internal Revenue Service announced its intention to include the question on next year's income tax forms.

This new Treasury regulation coupled with the recordkeeping requirements imposed by title IV, will give Treasury important new tools in enforcing our tax laws.

As far back as 1958, the Internal Revenue Service has been concerned about the ever-growing number of Americans who dodge their income taxes by using secret foreign bank accounts. Internal Revenue agents have been constantly frustrated in their attempts to discover not only whether the taxpayers have these accounts, but it has been virtually impossible to find out anything about the account once its existence has been known.

There is no way of telling just how many Americans participate or how much money is involved in this illicit activity.

Robert Morgenthau, the former U.S. attorney for the southern district of New York, has testified that the tax alone amounts to hundreds of millions of dollars. The dozens of cases which he discussed in his testimony and the amounts of money involved in those cases, some of which were mentioned earlier by the chairman, would tend to confirm Mr. Morgenthau's statement.

Last year in Barron's Weekly there was a front page feature entitled "Assault on Privacy" prepared by S. J. Rundt and Associates, consultants on international business. While the article was critical of the House Banking and Currency Committee's activities on the problems of foreign bank secrecy, some rather interesting admissions were made. The Rundt organization points out that because of the growing mistrust in the U.S. dollars more and more Americans were sending their dollars to Switzerland. The volume of this traffic was so heavy that the courier fee today is five times what it was a few years ago—rising from less than 1 percent to almost 5 percent. As a matter of fact, the article goes on to say that "during the recent gold bubbles," worried Americans were aware that their dollar was not as good as gold and during those hectic days, the largest, oldest and universally most respected Swiss banks and many smaller ones received by check and in cash, by cable and in ordinary envelopes such huge quantities of dollars from American depositors—many of them pensioners or small savers—that even upon employment of hundreds of extra clerks they could not open the mail fast enough, book the new entries and return receipts—within less than six to eight weeks."

If this leading international consultant is only half right in his observations, then the activities of many Americans in the secret foreign bank account field are a national disgrace. The clear implication of this article is that Americans were sending their dollars to Switzerland during a period of rising gold prices to do what they are forbidden to do by American law—buy gold.

Buying gold is not the only way these secret accounts are used. Financial manipulators and petty criminals have found secret accounts an easy and safe way to cover up wrong doing or avoid taxes.

It is high time the Congress acted. This bill may not be the perfect remedy. But it will be a giant first step in serving notice to lawbreakers that the secret account is no longer a shelter from law enforcement.

The bill deserves our support.

Mr. ST GERMAIN. Mr. Chairman, I support H.R. 15073. As one of the sponsors of the original bill, I can assure my colleagues that the final version of the bill, with one exception is an effective piece of legislation. The exception is the $500 exemption in title I which the chairman referred to in his remarks.

This is the first time the Congress has dealt with the problem of the illegal use of secret foreign banking facilities. It is also the first time in recent years where we have attempted to make some sense out of the inconsistent and sometimes incomplete recordkeeping practices of our financial institutions. I do not propose that this legislation will be a complete answer to such a serious law-enforcement problem but it will serve notice on those who would avoid their responsibilities under the law by using these secret foreign banks that the Congress intends to deal with this problem and will deal with it for many years to come.

I am not going to dwell at any length on the specific provisions of the legislation since the committee report and the Members who have already spoken have done so. I would like to discuss who uses foreign bank secrecy.

These foreign secret banks have been used by criminals, embezzlers, racketeers, stock market manipulators, and others to conceal their illegal activities. I am not talking just about the organized underworld. I am also talking about wealthy individuals and businessmen who for years have been playing the Swiss shell game with U.S. laws. The overwhelming majority of American businessmen are decent, law-abiding, and taxpaying citizens. However, during our committee hearings on this subject I sat and listened to men like former U.S. Attorney Robert Morgenthau and the Assistant Attorney General in charge of the Criminal Division testify to case after case where so-called white collar criminals have evaded taxes, violated our securities laws, engaged in illegal payoffs, and embezzled funds.

These cases have involved tremendous amounts of money. One of our witnesses indicated that the loss of tax revenues alone, to say nothing of the criminal aspect, amounts to hundreds of millions of dollars.

Last year the Congress passed the most sweeping tax reforms since 1954. Our whole purpose was to close or to limit the gaping loopholes in our tax laws where the more fortunate people in our country have been able to substantially reduce or virtually escape the payment of their just taxes. Yet we did not close perhaps the largest single loophole now existing—the use of secret foreign financial facilities as a shelter against the payment of lawful taxes. We must do so now.

I am satisfied that this legislation meets constitutional safeguards on the rights of individuals to conduct their own affairs. The legislation does not give law enforcement officials the right to go on "fishing expeditions" through a citizen's financial files. Our citizens should have a basic right of privacy in conducting their monetary affairs. We have made it clear that before law enforcement agencies can examine the records of any individual they must resort to due process of law. There must be a subpoena, warrant or similar legal procedure on good cause shown before these records can be made available to the Government.

It is for these reasons that I urge the Members of the House to support this legislation.

Mr. HANLEY. Mr. Chairman, chapter 2 of title II of the bill is entitled "Domestic currency transaction." It requires reports to the Secretary of the Treasury, or his designee, of transaction involving the payment, receipt or transfer of U.S. currency or other monetary instruments involving any domestic financial institution. The main purpose of this section is to provide a record of unusual cash transactions involving banks and other financial institutions. Experience has shown that large and unusual withdrawals and deposits in cash often have a taint of illegality. A record of such deposits and withdrawals will be quite helpful in facilitating the law enforcement activities, particularly in the income tax and organized crime area.

A question was raised during the hearings as to whether or not these reports will be required from the large number of persons who, as a matter of their legitimate business enterprises conduct a large cash business. The specific reference here, of course, is to the retail field. It was felt that if, for example Macy's department store was going to run a sale and the manager went to his local bank on the day of the sale and withdrew $100,000 that Macy's would be obligated to file the report. Another case would be the local manager of the supermarket who deposits and withdraws thousands of dollars every day. It was felt that extension of the requirements of this section to such legitimate business people would result in an unfair, needless, wasteful and harsh burden.

This is not what the section intends. The Secretary of the Treasury under the broad exemptive power contained in section 206 of the same title II is given more than adequate authority to exempt normal business transactions from the requirements of the chapter. I have every confidence that the Secretary will write his regulations so that such exemptions for normal business transactions will be routinely granted with a minimum amount of difficulty. I repeat that it is the main purpose of this section to require the reports of only unusual currency transactions. Thus, where a depositor for no apparent reason withdraws or deposits a lot of cash in his account, the transactions will be noted and duly reported to the Treasury.

The administration, particularly the Treasury Department, in general has supported this provision. There was one difference between the committee version and their view. As originally introduced, the bill required that a separate report be made both by the financial institution involved and the individual engaging in the transaction. The Treasury Department objected to the idea that the individual involved in the transaction should be required to file the report. The bill was then redrafted and now provides that the institution involved and the individual both sign the report but that the individual need not file a separate report. Requiring individuals involved in the transaction to sign the report is essential if a complete record of the transaction and the parties involved is to be gained. In 99 out of 100 cases where such cash transactions involve wrongdoing, the financial institution is usually blameless but it is the individual who is breaking the law. Therefore, it makes a great deal of sense to require the individual to sign the report and acknowledge the transaction. His signature will be quite helpful in any investigation that may result from the transaction.

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This section of the bill does not represent any radical departure from present law. At present there are a set of regulations issued by the Treasury Department requiring the reports of unusual cash transactions over specified amounts. However, for one reason or another the Treasury Department has never felt fully confident that these regulations had a sufficient statutory basis for full and complete enforcement. The Treasury Department was receiving some of these reports, but by no means all of them.

When the committee first started looking into this whole problem in December 1968, the then Assistant Attorney General, Mr. Vinson, and the then U.S. attorney for the southern district of New York, Mr. Morgenthau, testified as to the urgent need for strengthening the Treasury and reporting system. The bill as now drafted is an answer to that testimony.

In closing, let me read you a short example of just how valuable those reports can be. This is a news item from the Wall Street Journal of May 6, 1970. It is entitled, "A 'Friendly Favor' Raises IRS Suspicions of Squirreling Away Untaxed Cash."

> The IRS socked a Chicago woman with a $3,700 tax deficiency, based largely on a report from her bank that she had changed $10,000 in small bills. The bank's records also showed she had entered her safe deposit box the same day. The woman owned a restaurant, and the IRS concluded she was stashing away part of her profits.
>
> The woman was in a pickle, but the Tax Court accepted her explanation: She had encountered an acquaintance who wanted to change the money but lacked a bank account. She had helped him, but had never seen him again. Her financial records and living standard were consistent with this, the court said, and it was impressed with her accountant's testimony on her behalf.

This is exactly the kind of thing that this section of the bill drives at. As will be said so often during the discussion of this legislation, if we are to have meaningful tax reform in this country, then we must have meaningful enforcement of our tax laws, and good enforcement demands complete information.

Mr. Chairman, this section of the bill deserves our support.

Mr. PEPPER. Mr. Chairman, as chairman of the House Select Committee on Crime, I wish to commend the distinguished chairman of the Committee on Banking and Currency and the members of his committee for this important weapon which they have forged against the ugly octopus of organized crime.

The tentacles of this monster, which have so long reached deeply into our society, have an international grasp. They reach into secret bank accounts in Switzerland and the Bahamas, and into the secret heroin processing plants of France. They feed a criminal maw which devours tens of billions of dollars each year—a sum which contrasts sharply with the few tens of millions which we devote to combating organized crime's deadly embrace.

My committee is very much concerned with the impact of organized crime on American society. We are especially aware of its tragic effects upon lives and property through the rapidly expanding drug traffic which it engenders and directs. The large-scale addiction to heroin and other hard drugs which it promotes is a major cause of crime in the streets of America's cities today. Hopelessly-addicted persons are responsible for much of the increase in burglaries, muggings and other assaults which cause Americans to live in fear in their homes and to walk in fear on our streets.

This appalling situation, this ugly cycle of drug addiction and violent crime, is financed by organized criminal elements through secret financial transactions which can be reached through the legislation brought before us by the Banking and Currency Committee today. The heroin traffic is big business, organized business, involving sums in the hundreds of thousands of dollars in a single transaction and totaling many millions of dollars each year. The recordkeeping and reporting features of this legislation will make it possible for law enforcement officers to crack these organized drug operations in many more cases, with great savings in human misery and significant reductions in crimes against the persons and property of our citizens across the land.

I strongly support this legislation, and warmly commend my good friend, the chairman, and my former colleagues on the Banking and Currency Committee.

Mr. PATMAN. Mr. Chairman, since each Member has the privilege of extending his remarks on this bill and of including relevant extraneous matter, and I have no pressing demands for time, if the gentleman from New Jersey is in the same position we could wind up the general debate.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—BANK RECORDS

Chapter	Sec.
1. INSURED BANKS	101
2. UNINSURED BANKS	121

CHAPTER 1—INSURED BANKS

Sec.
101. Retention of records by insured banks.

Section 101. Retention of records by insured banks

The Federal Deposit Insurance Act is amended (1) by redesignating sections 21 and 22 as 22 and 23, respectively, and (2) by inserting the following new section immediately after section 20:

"SEC. 21. (a) The purposes of this section are (1) to facilitate the supervision of the business of banking, (2) to aid duly constituted authorities in lawful investigations, and (3) to prevent the premature destruction of certain types of evidence having a high degree of usefulness in the establishment of civil and criminal liabilities.

"(b) The Secretary of the Treasury (referred to in this section as the 'Secretary') shall prescribe such regulations as he may deem appropriate to carry out the purposes of this section.

"(c) Each insured bank shall maintain such records and other evidence as the Secretary may require of the identity of each person having an account with the bank and of each individual authorized to sign checks, make withdrawals, or otherwise act with respect to any such account.

"(d) Each insured bank shall make, in accordance with the regulations of the Secretary,

"(1) a photocopy or other copy of each check, draft, or similar instrument drawn on it and presented to it for payment.

"(2) a record of each check, draft, or similar instrument received by it for deposit or collection, together with an identification of the party for whose account it is to be deposited or collected.

"(e) Whenever any individual engages (whether as principal, agent, or bailee) in any transaction with an insured bank which is required to be reported under the Currency and Foreign Transactions Reporting Act, the bank shall require and retain such evidence of the identity of that individual as the Secretary may prescribe as appropriate under the circumstances.

"(f) In addition to or in lieu of the records and evidence otherwise referred to in this section, each insured bank shall maintain such additional records and evidence as the Secretary may prescribe to carry out the purposes of this section.

"(g) Any type of record or other evidence required under this section shall be retained for such period as the Secretary may prescribe for the type in question."

CHAPTER 2—UNINSURED BANKS

Sec.
121. Congressional findings.
122. Authority of Secretary.
123. Injunctions.
124. Civil penalties.
125. Criminal penalty.
126. Additional criminal penalty in certain cases.

Sec. 121. Congressional findings

The Congress makes the following findings:

(1) Banks not insured by the Federal Deposit Insurance Corporation (referred to in this chapter as "uninsured banks") constitute a legally significant component of the banking industry in the United States.

(2) Uninsured banks make use of the means and instrumentalities of interstate commerce and directly affect such commerce.

(3) The regulation by the Federal Government of the banking industry is necessary and proper in order to carry into execution the power of Congress to regulate the value of money.

(4) In order to effectively regulate the banking industry and to effectuate the purposes set forth in section 21 of the Federal Deposit Insurance Act, it is necessary and proper to confer upon the Secretary of the Treasury the authority to impose recordkeeping requirements on uninsured banks as provided in section 122 of this chapter.

Sec. 122. Authority of Secretary

The Secretary may by regulation require any type of uninsured commercial bank, trust company, or savings bank:

(1) To make such reports as the Secretary may require in respect of its ownership, control, and management and any changes therein.

(2) To require, retain, or maintain, any records or other evidence of any type which the Secretary is authorized under section 21 of the Federal deposit Insurance Act to require insured banks to require, retain, or maintain.

(3) To permit the Secretary to have access to and to obtain copies of any material referred to in paragraph (2) of this section.

(4) To maintain procedures to assure compliance with this chapter. For the purposes of any civil or criminal penalty, a separate violation of any requirement under this paragraph occurs with respect to each day and each separate office, branch, or place of business in which the violation occurs or continues.

Sec. 123. Injunctions

Whenever it appears to the Secretary that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this chapter, he may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Secretary, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Secretary under this chapter.

Sec. 124. Civil penalties

(a) For each willful violation of any regulation under this chapter, the Secretary may assess upon any institution to which the regulation applies, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Secretary, be brought in the name of the United States.

Sec. 125. Criminal penalty

Whoever willfully violates any regulation under this chapter shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Sec. 126. Additional criminal penalty in certain cases

Whoever willfully violates any regulation under this chapter, or section 21 of the Federal Deposit Insurance Act, where the violation is committed in furtherance of the commission of any violation of Federal law punishable by imprisonment for more than one year shall be fined not more than $10,000 or imprisoned not more than five years, or both.

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, strike line 3 and insert:

"TITLE I—FINANCIAL RECORDKEEPING"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, in the table of chapters after line 4:

After "INSURED BANKS" insert "AND INSURED INSTITUTIONS".

Strike "UNINSURED BANKS" and insert "OTHER FINANCIAL INSTITUTIONS".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 1, after "CHAPTER 1—INSURED BANKS" insert "AND INSURED INSTITUTIONS".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerks read as follows:

Committee amendment: Page 2, after line 2, at the end of the table of sections, insert "102. Retention of records by insured institutions."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike lines 8 through 13 and insert in lieu thereof the following:

"SEC. 21. (a) (1) The Congress finds that adequate records maintained by insured banks have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings. The Congress further finds that photocopies made by banks of checks, as well as records kept by banks of the identity of persons maintaining or authorized to act with respect to accounts therein, have been of particular value in this respect.

"(2) It is the purpose of this section to require the maintenance of appropriate types of records by insured banks where such records may have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, lines 4 and 5, strike "such" and "as he may deem appropriate".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 8, strike "may" and insert "shall".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 12, strike "in accordance with".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 13, immediately before "the regulations of the Secretary" insert: "to the extent that".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 13, immediately after "the regulations of the Secretary" insert "so require".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 20, immediately after "is to be deposited or collected" insert ", unless the bank has already made a record of the party's identity pursuant to subsection (c)"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 1, immediately after "required to be reported" insert "or recorded".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 8, strike "additional".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 10, strike "other".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 12, strike the closing quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, immediately after line 12, insert the following:

"(h) The Secretary shall make an annual report to the Congress of his implementation of the authority conferred by this section and any similar authority with respect to recordkeeping or reporting requirements conferred by other provisions of law."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, immediately after line 17, insert the following:

"(i) Notwithstanding any other provisions of this section the recordkeeping requirements referred to in this section shall not apply to domestic financial transactions involving less than $500."

Mr. PATMAN. Mr. Chairman, I rise in opposition to the committee amendment.

I am opposed to the amendment and it should be voted down. This amendment in simple terms means that checks and other instruments in amounts under $500 need not be microfilmed by commercial banks.

Mr. Chairman, I do not question the motives of the sponsors of the amendment in committee. It was their undoubted intent to relieve smaller banks from what they considered to be an onerous burden of microfilming or photocopying checks and similar instruments. Perhaps they feared that small banks would have to purchase, install and operate extremely expensive machinery in order to comply with a bureaucratic regulation. They may also have felt that small banks have not been involved in the kinds of crime that we are trying to prevent with this bill.

If these reasons were valid, I could well be one of the sponsors of the amendment. But, when examined in the light of the bill's whole plan, this amendment bores a disastrous loophole and virtually destroys the legislative scheme.

The amendment applies to big banks as well as small banks and to city banks as well as country banks. Thus, big city criminals, tax evaders, market manipulators and the like can write checks in amounts under $500, secure in the knowledge that no photocopy of that check will ever be made.

Experienced investigators tell us that many times photocopies of checks drawn in small amounts can uncover crimes of far greater proportions. In one case mentioned before our committee by former U.S. Attorney Robert Morgenthau, a photocopy of a check drawn for $5 or $10 resulted in a successful prosecution of a tax evasion case involving thousands of dollars.

Those of us who have served as prosecuting attorneys or have done work in the field of criminal law can easily imagine a number of ways in which photocopies of checks can be useful in investigations and prosecutions.

This amendment inhibits good and efficient law enforcement. There is a more important reason for defeating it. If adopted, the amendment will cause more confusion than relief. Note that the amendment exempts from the recordkeeping requirements domestic financial transactions involving less than $500. The bank or other financial institution must first determine whether the transaction of less than $500 is involved only in a domestic transaction. The bank must first examine the check to see whether it carries any foreign endorsements. If it does carry a foreign endorsement or is otherwise involved in a foreign financial transaction, the recordkeeping requirements of title I apply.

The time taken to examine each check under $500 to be sure that it is purely domestic is far more expensive than the one-half mil or 1½ mils it costs to microfilm the check.

We will shortly be taking up title II of the bill which deals primarily with secret foreign bank accounts. Curbing the illegal use of these secret foreign accounts is the most important point of this legislation. Chapter 4 of title II, which will be discussed in much more detail at the proper time, requires among other things that American banks and financial institutions conducting business with persons or organizations in secrecy countries must maintain records of their transactions in this country. This is so that they will be available to American law enforcement authorities. Thus, if a foreign endorsement it may well amount to a financial transaction by the drawee bank with an institution in a secret foreign jurisdiction. It was intended that the requirement of title I that all checks be microfilmed would give the drawee bank an automatic record of the transaction. But, if this amendment goes through and the check is under $500, the bank will have to examine each check under $500 to make sure that it does not involve a transaction with a bank secrecy country.

The amendment has the ironic effect of making title II as well as title I more, rather than less, burdensome.

Unrefuted expert testimony before the Banking and Currency Committee places the cost of microfilming a check from 1½ mil per check for a small bank to one-half mil per check for larger banks. No matter what size the bank, the cost is negligible when compared with the normal service charges per check charged by most banks.

This amendment should be defeated. Contrary to the purposes of the act, it will create a dangerous loophole for the benefit of criminals. I might say on this point that if the amendment is adopted, the check for $499.99 or less will become the standard medium of exchange in the criminal world. The amendment does damage to the legislative scheme and makes the secret foreign bank provisions much more difficult to comply with. Finally, any savings generated by this amendment will be illusive, or the additional cost will be so small as to have virtually no impact on current banking operations.

Mr. STANTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment that the committee passed in our Committee on Banking and Currency and which is under discussion at this time reads as follows:

Notwithstanding any other provisions of this section the record-keeping requirements referred to in this section shall not apply to domestic financial transactions involving less than $500.

This legislation has been sold to the press as a bill to end abuses arising from use of foreign secret bank accounts to mask illegal transactions. There is no disagreement with that objective.

Unfortunately as the proposal moved through more than a dozen revisions by an overzealous staff, it became a cumbersome, far broader measure shackling our domestic banking system with detailed recordkeeping requirements which clearly would prove self-defeating and counterproductive because of the sheer mass of nonrelevant information that would have to be compiled.

Fortunately the committee, in executive session, put an end to that nonsense by adopting an amendment which I proposed limiting the recordkeeping requirements for domestic financial transactions to those involving amounts of $500 or more.

Initially the bill would have required the photocopying or otherwise copying of each check, draft, or similar instrument drawn on a bank and presented to it for payment. This would involve photocopying of an estimated 20 billion items a year or an average of 66.7 million items per working day. There are 28,800 seconds in an 8-hour working day so the requirement meant the photocopying of 2,700 items per working second.

With modern equipment making such a record could be done. But that misses the point. The information is useful only if it could be processed to seek out possible illegal transactions. That is a time consuming process. I venture the opinion a huge battery of "G" men would bog down the first day in their efforts to process even the checks of only one of our large banks which processes 1½ million checks a day. That would work out to over 60 items per working second.

The introduced bill took the position that every check transaction is suspect and a record had to be made of it. That flies in the face of commonsense. The checks that a housewife writes every month to pay normal monthly bills such as utilities, insurance, house payments, gas, store accounts or even PTA dues, have nothing to do with masking illegal financial transactions either at home or abroad. Why force the keeping of records of them? All you do is accumulate such a volume on nonpertinent information as to make it practically impossible to get at information that might be useful on a selective basis.

My amendment exempting domestic transactions under $500 would exempt recordkeeping on billions of nonconsequentional financial transactions a year. If there is to be any change in it, the amount probably should be increased. Even a $1,000 exemption would still produce a huge volume of mandatory recordkeeping. Our objective should be to produce a practical, workable cut-off point in this massive recordkeeping re-

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quirement so that the bill can move toward the basic objective of curtailing illegal financial transactions masked by secret foreign bank accounts.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. The committee chairman, the gentleman from Texas (Mr. PATMAN), in his remarks suggested that it might be less costly and require less effort for banks to photocopy all checks rather than exercise the selectivity that is permitted under the language of the so-called Stanton amendment.

Would not the gentleman agree that if it would be less expensive for any bank to photocopy all checks, regardless of amount, rather than exercise the selectivity the bill permits, the bill does not prevent any such bank from photocopying all checks?

Mr. STANTON. The gentleman is absolutely correct, and in practicality your larger banks in America are going to photocopy every single check. In the gentleman's State, the State of Michigan, the Detroit banks, the banks in Grand Rapids, are already probably doing so, but when you get out into the smaller, the minute banks in States such as Kentucky, Tennessee, Alabama, and all the rest of them where the volume of business is small—and that is the majority of banks—to make them go into the purchase of photocopying equipment to record every single check I do not believe is the intent and purpose of this legislation.

Mr. BROWN of Michigan. Then if the gentleman will yield further, would the gentleman not agree that, to the extent the Chairman addressed his objections to this aspect of the amendment, that his remarks are totally invalid and irrelevant?

Mr. STANTON. I would say so.

Mr. REES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the committee amendment for several reasons. During the committee hearings I was initially opposed to this bill because I said it is ridiculous to make every bank copy every "on us" check. I started to call throughout the country, to try and find out what banks do photocopy every single check, and I found that practically all banks in the United States, large and small, medium and small sized banks photocopy checks. They said that it is good business to have complete records of the photocopies of the checks.

I asked the banks, Well, then, if you are required to photocopy all checks, would it hurt you? And they said No, because we do it already.

This $500 loophole might be called the black ba loophole, because it says that checks under $500 do not have to be photocopied. Therefore, if you are going to engage in some hanky-panky, all you would have to do is just issue $499 checks, and you have accomplished your objective. There is no way in which an investigator can find that you wrote that kind of check.

I discussed this with a member of the Attorney General's office informally, and I was told that several years ago that was the way one FHA employee did it. He would have a weekly poker game with some contractors who would be interested in financing of building projects and he always won $50, $60, or $70, and, it was through those small checks that it was found that he was being given money by the contractors in order to give favorable action on FHA contracts. That is what you can do when you have this loophole that says checks under $500 are exempt.

This amendment is also very difficult if you go into the technology involved in photocopying checks. Right now when a check comes into the bank it goes automatically right through their photocopying equipment. So if you put a $500 limitation on this all it means is that then you have to put in a human movement if you decide that you do not want to photocopy checks under $500, and that sort of system would prove to be more difficult.

But let us look at the bill itself, let us go to page 3, line 12. It says:

> Each insured bank shall make, to the extent that the regulations of the Secretary so require—

Now, remember that that means that the bank shall do what the Secretary says the bank will do.

If you will turn over to the next page, page 4, line 6, section (f), it says:

> In addition to or in lieu of the records and evidence otherwise referred to in this section—

And that means that the Secretary of the Treasury, if he feels that it is not necessary to photocopy every check can, after looking at the situation, say "in lieu of photocopying every check you can do this or that."

But what happens when you come down to line 18? What if the Secretary finds that the $500 loophole is a loophole, and that a lot of the checks of a certain type are run through under $499?

What it says on line 18 is "Notwithstanding any other provisions of this section"—and it wipes them right out. The recordkeeping requirement referred to in this section shall not apply to domestic financial transactions involving less than $500.

So, with this, you are tying the Secretary's hands, if a year from now he finds this is a major loophole and he cannot do anything about it. He cannot pass a rule or a regulation on record keeping provisions.

I think this is a very dangerous amendment in this very complicated area of foreign and domestic financial transactions.

This bill gives to the Secretary the power to make a determination.

The committee amendment takes away from the Secretary the power to deal with the transactions involving less than $500.

I think we should vote down the amendment.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman.

Mr. STANTON. Mr. Chairman, first of all I do not think, referring to this amendment, that it has anything to do with international transactions. They are all domestic.

Certainly, I think the point the gentleman is making that the Secretary of the Treasury does not need this amendment, if he should decide that checks of $1,000 or smaller amounts should not be photocopied or records kept, he can do that.

Mr. REES. It says, if he desired after looking at the law and after looking at the problem that in lieu of this photocopying of every check, you should only photocopy certain checks, then he could under the language of this bill come out with an administrative regulation.

But if he wanted to affect those checks under $500, he could not do anything.

Mr. STANTON. I think primarily the point, and I appreciate the point the gentleman is making, I am sure he will agree with me, we do not give carte blanche to the Secretary of the Treasury to change say $500 to $1,000 or some other amount.

We speld out pretty specifically the rules and regulations under which he should act.

Mr. REES. I checked the words "in lieu of" in Black's Legal Dictionary—instead of—in lieu of records that are asked to be kept—he can do something else. That is what the bill says in line 6—in lieu of—instead of.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman.

Mr. BROWN of Michigan. I have a couple of questions I would like to ask the gentleman as well as a statement I would like to make.

I think the gentleman's understanding of exporting may be better than his understanding of law.

Mr. REES. I was elected to be a lawmaker and you have to have a few of us around.

Mr. BROWN of Michigan. I am not in any way speaking disrespectfully about the gentleman's profession. But I just think going to Black's Law Dictionary for a definition of what "in lieu of" means is hardly adequate, when there is a specific mandate regarding the recordkeeping function within the bill.

Anything the Secretary might do under the discretion granted by that provision would have to be similar to and in effect accomplish the same purpose contemplated by the specific recordkeeping provision of the bill.

I do not care how he alternatively arranged to "copy" such records but he would be required to make a "copy" of records of all the transactions.

But I would be willing to make a little exchange here with you. If the gentleman in the well would be willing to rephrase the whole language of the bill to give the Secretary the flexibility that the gentleman says he thinks the Secretary of the Treasury should have, I would be glad to withdraw my support of this amendment.

Mr. REES. Fine, but I have this thing about correctly reading the English language—and it says "Notwithstanding any other provisions of this section"—and it refers directly to the copying of checks.

Mr. BROWN of Michigan. The gentleman appears to be concerned only with the so-called Stanton amendment as being too inflexible whereas he has been happy apparently, to tie the Secretary's hands as to what records need to be kept in order to carry out the objectives of this legislation.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. STANTON) there were—ayes 38, noes 15.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, after line 21, insert the following:

Sec. 102. Retention of records by insured institutions

Title IV of the National Housing Act is amended by adding at the end thereof the following new section:

"SEC. 411. The Secretary of the Treasury shall prescribe such regulations as may be appropriate to carry out, with respect to insured institutions, the purposes set forth in section 21 of the Federal Deposit Insurance Act with respect to insured banks."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, strike line 5 and insert:

"CHAPTER 2—OTHER FINANCIAL INSTITUTIONS"

The committee amendment was agreed to.

Mr. WIDNALL. Mr. Chairman, I move to strike out the requisite number of words.

I do so in order to inquire of the chairman if there are any other amendments that appear to be in controversy. If not, I suggest that the remainder of the committee amendments be considered en bloc.

Mr. PATMAN. That is satisfactory with me.

Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, reserving the right to object, I should like to ask a question. I refer to page 15, beginning on line 12 and extending through line 21. Why is the Secretary given this wide power to make exemptions?

Mr. PATMAN. Of course, there are some international companies that engage in perfectly legal and ethical business deals that should not come under the provisions, and after the Secretary is satisfied that they should not be included, he may exempt them. We have given the Secretary lots of power under this bill, and I think it is well that we should do so.

Mr. GROSS. I think you have given the Secretary of the Treasury tremendous power by way of exemption in this one provision. I am not prepared to challenge it, but I would hope that the committee would carefully scrutinize the use of the exemptions in the light of experience.

Mr. PATMAN. But we have to keep in mind that we do not wish it to interfere with legitimate exporting and importing, our balance of trade, and our balance of payments. We have tried to interfere with them as little as possible.

Mr. GROSS. It could affect currency and run the whole gamut under this title of the bill. Is that not so?

Mr. PATMAN. The Secretary is required to report. Then the gentleman from Iowa or any other Member may take the report, and if he wishes to inquire about any aspect of it, he can inquire of our committee. If it is necessary to have a strengthening amendment, of course, that will be considered.

Mr. GROSS. I have only this to say: I support the bill, but I think this is tremendous exemptive power given to the Secretary, and I would hope that the committee would carefully scrutinize what happens under this particular provision of the bill.

Mr. PATMAN. I compliment the gentleman for being alert in bringing this up. But remember this: This is not nearly as wide as the opponents of the bill would like to have it. We have strengthened it considerably compared to what was desired by its opponents.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The remainder of the bill is as follows:

TITLE II—REPORTS OF CURRENCY AND FOREIGN TRANSACTIONS

Chapter	Sec.
1. GENERAL PROVISIONS	201
2. DOMESTIC CURRENCY TRANSACTIONS	221
3. DISCLOSURE OF EXPORTS AND IMPORTS OF CURRENCY AND COIN	231
4. DISCLOSURE OF CERTAIN FOREIGN TRANSACTIONS	241

CHAPTER 1—GENERAL PROVISIONS

Sec.
201. Short title.
202. Purposes.
203. Definitions and rules of construction.
204. Regulations.
205. Compliance procedures.
206. Exemptions.
207. Civil penalty.
208. Injunctions.
209. Criminal penalty.
210. Additional criminal penalty in certain cases.
211. Immunity of witnesses.

Sec. 201. Short title

This title may be cited as the Currency and Foreign Transactions Reporting Act.

Sec. 202. Purposes

The purposes of this title are (1) to facilitate the supervision of financial institutions properly subject to Federal supervision, (2) to aid duly constituted authorities in lawful investigations, and (3) to provide for the collection of statistics necessary for the formulation of monetary and economic policy.

Sec. 203. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply for the purposes of this title.

(b) The term "Secretary" means the Secretary of the Treasury.

(c) The term "individual" means a natural person.

(d) The term "person" includes individuals, partnerships, trusts, estates, associations, corporations, and all other entities cognizable as legal personalities.

(e) The term "financial institution" means any person which does business in any one or more of the following capacities:

(1) an insured bank as defined in section 3 of the Federal Deposit Insurance Act.

(2) a commercial bank.

(3) a private banker.

(4) a trust company.

(5) an insured institution as defined in section 401 of the National Housing Act.

(6) a savings bank, building and loan association, or other thrift institution.

(7) a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934.

(8) a broker or dealer in securities or commodities.

(9) an investment banker.

(10) a currency exchange.

(11) an issuer or redeemer of checks, money orders, or similar instruments.

(f) The term "domestic financial institution" means any person which does business as a financial institution in any place subject to the jurisdiction of the United States.

(g) The term "financial agency" means any person which acts in the capacity of a financial institution or in the capacity of a bailee, depository, trustee, agent, or in any other similar capacity with respect to money, credit, securities, or gold, or transactions therein, on behalf of any person other than a government, a monetary or financial authority when acting as such, or an international financial institution of which the United States is a member.

(h) The term "foreign financial agency" means any financial agency which transacts any business as such at any place not subject to the jurisdiction of the United States.

(i) References to this title or any provision thereof include regulations issued under this title or the provision thereof in question.

(j) All reports required under this title and all records of any such reports are specifically exempted from disclosure under section 552 of title 5, United States Code.

(k) For the purposes of section 1001 of title 18, United States Code, the contents of reports required under any provision of this title are statements and representations in matters within the jurisdiction of an agency of the United States.

Sec. 204. Regulations

The Secretary shall prescribe such regulations as he may deem appropriate to carry out the purposes of this title.

Sec. 205. Compliance procedures

The Secretary may by regulation require any class of domestic financial institutions to maintain such procedures as he may deem appropriate to assure compliance with the provisions of this title. For the purposes of both civil and criminal penalties for violations of this section, a separate violation shall be deemed to occur with respect to each day and each separate office, branch, or place of business in which the violation occurs or continues.

Sec. 206. Exemptions

The Secretary may, under such conditions as he may deem appropriate, by regulation, order, licensing, or otherwise, exempt any person from compliance with any one or more of the requirements imposed under this title.

Sec. 207. Civil penalty

(a) For each willful violation of this title, the Secretary may assess upon any domestic financial institution, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this title, a civil action for the recovery thereof may, in the discretion of the Secretary, be brought in the name of the United States.

Sec. 208. Injunctions

Whenever it appears to the Secretary that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of the provisions of this title, or of any order thereunder, he may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Secretary, any such court may also issue mandatory injunctions commanding any person to comply with the provisions of this title or any order of the Secretary made in pursuance thereof.

Sec. 209. Criminal penalty

Whoever willfully violates any provision of this title or any regulation under this title shall be fined not more than $1,000, or imprisoned not more than one year, or both.

Sec. 210. Additional criminal penalty in certain cases

Whoever willfully violates any provision of this title where the violation is—

(1) committed in furtherance of the commission of any other violation of Federal law, or

(2) committed as part of a pattern of illegal activity involving transactions exceeding $100,000 in any twelve month period

shall be fined not more than $500,000 or imprisoned not more than five years, or both.

Sec. 211. Immunity of witnesses

Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness in any case or proceeding before any grand jury or court of the United States involving any violation of this title is necessary to the public interest, he, upon the approval of the Attorney General or his designated representative, may make application to the court that the witness be instructed to testify or produce evidence subject to the provisions of this section. Upon order of the court the witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor may testimony so compelled be used as evidence in any criminal proceeding against him in any court, except a prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section.

CHAPTER 2—DOMESTIC CURRENCY TRANSACTIONS

Sec.

221. Reports of currency transactions required.
222. Persons required to file reports.
223. Reporting procedure.

Sec. 221. Reports of currency transactions required

Every transaction involving any domestic financial institution shall be reported to the Secretary at such time, in such manner, and in such detail as the Secretary may require if the transaction involves the payment, receipt, or transfer of United States currency, in such amounts, denominations, or both, or under such circumstances, as the Secretary shall by regulation prescribe.

Sec. 222. Persons required to file reports

Any transaction required to be reported under this chapter shall be reported both by the domestic financial institution involved and by one or more of the other parties thereto or participants therein, as the Secretary may require. If any party to or participant in the transaction is not an individual acting only for himself, the report shall identify the person of persons on whose be half the transaction is entered into, and shall be made by the individuals acting as agents or bailees with respect thereto.

Sec. 223. Reporting procedure

(a) The Secretary may in his discretion designate domestic financial institutions, individually or by class, as agents of the United States to receive reports required under this chapter, except that an institution which is not insured, chartered, examined, or registered as such by any agency of the United States may not be so designated without its consent. The Secretary may suspend or revoke any such designation for any violation of this Act, or section 21 of the Federal Deposit Insurance Act.

(b) Any person (other than an institution designated under subsection (a)) required to file a report under this chapter with respect to a transaction with a domestic financial institution shall file the report with that institution, except that, if the institution is not designated under subsection (a), the report shall be filed as the Secretary shall prescribe. Domestic financial institutions designated under subsection (a) shall transmit reports filed with them, and shall file their own reports, as the Secretary shall prescribe.

CHAPTER 3—DISCLOSURE OF EXPORTS AND IMPORTS OF CURRENCY AND COIN

Sec.

231. Reports required.
232. Forfeiture.
233. Civil liability.
234. Remission by the Secretary.

Sec. 231. Reports required

(a) Except as provided in subsection (c) of this section, whoever, whether as principal, agent, or bailee, or by an agent or bailee, knowingly

(1) transports or causes to be transported currency or coin of the United States

(A) from any place subject to the jurisdiction of the United States to or through any place not subject to the jurisdiction of the United States, or

(B) to any place subject to the jurisdiction of the United States from or through any place not subject to the jurisdiction of the United States, or

(2) receives currency or coin of the United States at the termination of its transportation to any place subject to the jurisdiction of the United States from or through any place not subject to the jurisdiction of the United States

in an amount exceeding $5,000 on any one occasion or in an aggregate amount exceeding $10,000 in any one calendar year shall file a report or reports in accordance with subsection (b) of this section.

(b) Reports required under this section shall be filed at such times and places, and contain such of the following information, in such form and in such detail, as the Secretary may require:

(1) The legal capacity in which the person filing the report is acting with respect to the currency or coin transported.

(2) The origin, destination, and route of the transportation.

(3) Where the currency or coin is not legally and beneficially owned by the person transporting the same, or is transported for any purpose other than the use in his own behalf of the person transporting the same, the identities of the person from whom the currency or coin is received, or to whom it is to be delivered, or both.

(4) The amounts and types of currency and coin transported.

(c) Subsection (a) does not apply to any common carrier of passengers in respect of coin or currency in the possession of its passengers, nor to any common carrier of goods in respect of shipments of coin or currency not declared to be such by the shipper.

Sec. 232. Forfeiture

(a) Any coin or currency which is in the process of any transportation with respect to which any report required to be filed under section 231(1) either has not been filed or contains material omissions or misstatements is subject to seizure and forfeiture to the United States.

(b) For the purpose of this section, coin or currency transported by mail, by any common carrier, or by any messenger or bailee, is in process of transportation from the time it is delivered into the possession of the postal service, common carrier, messenger, or bailee until the time it is delivered into or retained in the possession of the addressee or intended recipient or any agent of the addressee or intended recipient for purposes other than further transportation within, or across any border of, the United States.

Sec. 233. Civil liability

The Secretary may assess a civil penalty upon any person who fails to file any report required under section 231, or who files such a report containing any material omission or misstatement. The amount of the penalty shall not exceed the amount of the coin and currency with respect to whose transportation the report was required to be filed. The liabilities imposed by this chapter are in addition to any other liabilities, civil or criminal, except that the liability under this section shall be reduced by any amount actually forfeited under section 232.

Sec. 234. Remission by the Secretary

The Secretary may in his discretion remit any forfeiture or penalty under this chapter in whole or in part upon such terms and conditions as he deems reasonable and just.

CHAPTER 4—DISCLOSURE OF CERTAIN FOREIGN TRANSACTIONS

Sec.

241. Reports required.
242. Classification and requirements.

Sec. 241. Reports required

Any resident or citizen of the United States or person doing business in the United States, who engages in any transaction, directly or indirectly, on behalf of himself or another, with a foreign financial agency which does not make its records available to duly constituted authorities of the United States as to transactions with United States residents or citizens or persons doing business in the United States, shall file reports setting forth such of the following information, in such form and in such detail, as the Secretary may require:

(1) The identities and addresses of the parties to the transaction.

(2) The legal capacities in which the parties to the transaction are acting, and the identities of the real parties in interest if one or more of the parties to the transaction are not acting solely as principals.

(3) A description of the transaction including the amounts of money, credit, or other property involved.

Sec. 242. Classification and requirements

The Secretary shall prescribe:

(1) The classification of foreign financial agencies which in his judgment do not make their records available as set forth in section 241, and transactions with which must therefore be reported by citizens and resi-

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dents of the United States and persons doing business in the United States under section 241.

(2) The foreign country or countries as to which the requirements of section 241 apply.

(3) The form, frequency, and manner of filing of the reports required by section 241.

(4) The magnitude of transactions subject to the requirements of section 241.

(5) Types of transactions exempt from the requirements of section 241.

(6) Such other matters as he may deem necessary to the application of this chapter.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the next committee amendment.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that the remaining committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will report the remaining committee amendments.

The Clerk read as follows:

Committee amendments:

Page 5, in the table of sections after line 6:

After "Congressional findings" insert "and purpose".

Strike "Authority of Secretary" and insert "Ownership and control".

Insert below "122. Ownership and control." the following: "123. Maintenance of records and evidence.", change "123" to "124", "124" to "125", "125" to "126", and "126" to "127".

Page 5, line 7, after "Congressional findings" insert "and purpose".

Page 5, strike line 8 and all that follows through page 6, line 4, and insert:

"(a) The Congress finds that adequate records maintained by businesses engaged in the functions described in section 123(b) of this Act have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings. The Congress further finds that the power to require reports of changes in the ownership, control, and management of types of financial institutions referred to in section 122 of this Act may be necessary for the same purpose.

"(b) It is the purpose of this chapter to require the maintenance of appropriate types of records and the making of appropriate reports by such businesses where such records or reports may have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings."

Page 6, line 18, strike "Authority of Secretary" and insert "Ownership and control".

Page 6, strike lines 20 through 23 and insert "uninsured bank or uninsured institution to make such reports as the Secretary may require in respect of its ownership, control, and management and any changes therein."

Page 7, beginning with line 1, insert the following:

"Sec. 123.

Maintenance of records and evidence

"(a) The Secretary may by regulation require any uninsured bank or uninsured institution or any person engaging in the business of carrying on any of the functions referred to in subsection (b) of this section".

Page 7, line 6, strike "(2) To" and insert "(1) to ".

Page 7, line 6, after "(1) to require, retain, or maintain," insert "with respect to its functions as an uninsured bank or uninsured institution or its functions referred to in subsection (b),"

Page 7, line 9, strike "other".

Page 7, strike lines 13 through 15.

Page 7, line 16, strike "(4) To" and insert "(2) to".

Page 7, after line 22, insert:

"(b) The authority of the Secretary under this section extends to any person engaging in the business of carrying on any of the following functions:

"(1) Issuing travelers' checks.

"(2) Issuing or redeeming checks, money orders, travelers' checks, or similar instruments otherwise than as an incident to the conduct of its own nonfinancial business.

"(3) Transferring or transmitting funds or credits domestically or internationally.

"(4) Operating a currency exchange or otherwise dealing in foreign currencies or credits.

"(5) Operating a credit card system.

"(6) Performing such similar related, or substitute functions for any of the foregoing or for banking as may be specified by the Secretary in regulations."

Page 8, line 14, redesignate section 123 as section 124.

Page 9, line 3, redesignate section 124 as section 125.

Page 9, line 5, immediately after "may assess upon any" insert "financial".

Page 9, line 14, redesignate section 125 as section 126.

Page 9, line 18, redesignate section 126 as section 127.

Page 9, line 20, insert a comma after "chapter", and strike "or".

Page 9, line 21, insert at the beginning of the line "or section 411 of the National Housing Act,".

Page 9, line 22, after "tion is" insert "knowingly".

Page 10, after line 2, in the table of chapters:

After "3." strike "DISCLOSURE" and insert "REPORTS".

Strike "CURRENCY AND COIN" and insert "MONETARY INSTRUMENTS".

After "4." strike "DISCLOSURE OF CERTAIN".

Page 11, strike lines 3 through 6 and insert:

"(c) The term 'person' includes natural persons, partnerships, trusts, estates, associations, corporations, and all entities cognizable as legal personalities. The term also includes any governmental department or agency specified by the Secretary either for the purpose of this title generally or any particular requirement thereunder."

Page 11, after line 12, insert:

"(d) The term 'United States', used in a geographical sense, includes the States and the District of Columbia, and to the extent the Secretary shall by regulation specify, either for the purposes of this title generally or any particular requirement thereunder, the Commonwealth of Puerto Rico, the possessions of the United States, United States military establishments, and United States diplomatic establishments."

Page 11, line 25, after "a commercial bank" insert "or trust company".

Page 12, line 2, strike "a trust company" and insert "a branch within the United States of any foreign bank."

Page 12, at the beginning of line 7, insert "credit union,".

Page 12, strike lines 14 and 15 and insert:

"(11) an issuer, redeemer, or casher of travelers' checks, checks, money orders, or similar instruments.

"(12) an operator of a credit card system.

"(13) an insurance company.

"(14) a dealer in precious metals, stones, or jewels.

"(15) a pawnbroker.

"(16) a finance or loan company.

"(17) any other type of business or institution performing similar, related, or substitute functions specified by the Secretary by regulation for the purposes of the provision of this title to which the regulation relates."

Page 13, strike lines 1 through 3.

Page 13, line 4, redesignate subsection (g) as subsection (f).

Page 13, strike lines 12 through 14 and insert:

"(g) The term 'domestic', used with reference to institutions or agencies, limits the applicability of the provision wherein it appears to such institutions or agencies to the extent that they perform any functions as such within the United States.

"(h) The term 'foreign', used with reference to institutions or agencies, limits the applicability of the provision wherein it appears to such institutions or agencies to the extent that they perform any functions as such outside the United States."

Page 14, after line 10, insert:

"(m) The term 'monetary instruments' means coin and currency of the United States, and in addition, such foreign coin and currencies, and such types of checks, bills, notes, bonds, stock transferable by delivery, or other obligations or instruments as the Secretary may by regulation specify for the purposes of the provision of this title to which the regulation relates."

Page 15, strike lines 6 through 9 and insert:

"The Secretary may make such exemptions from any requirement otherwise imposed under this title as he may deem appropriate. Any such exemption may be conditional or unconditional, by regulation, order, or licensing, or any combination thereof, and may relate to any particular transaction, to the type or amount (whether or not an amount is specified in this title) of the transaction, to the party or parties or the classification of parties, or to any combination thereof. The Secretary may in his discretion, in any manner giving actual or constructive notice to the parties affected, revoke any exemption made under this section. Any such revocation shall remain in effect pending any judicial review."

Page 17, line 2, after "where the violation is" insert "knowingly".

Page 18, line 11, strike "Every transaction" and insert "Transactions".

Page 18, line 14, strike "the transaction involves" and insert "they involve".

Page 18, line 15, after "United States currency," insert "or such other monetary instruments as the Secretary may specify".

Page 18, line 20, strike "Any" and insert "The report of any".

Page 18, line 21, strike "reported" and insert "signed or otherwise made".

Page 19, line 15, insert a comma after "Act" and strike "or".

Page 19, line 16, immediately after "Deposit Insurance Act" insert ", or section 411 of the National Housing Act".

Page 20, line 3, strike "DISCLOSURE" and insert "REPORTS".

Page 20, line 4, strike "CURRENCY AND COIN" and insert "MONETARY INSTRUMENTS".

Page 20, lines 10 and 11, strike "currency or coin of the United States" and insert "monetary instruments".

Page 20, lines 20 and 21, strike "currency or coin of the United States" and insert "monetary instruments".

Page 20, line 21, strike "its" and insert "their".

Page 21, lines 12 and 13, strike "currency or coin" and insert "monetary instruments."

Page 21, lines 16 and 17, strike "currency or coin is" and insert "monetary instruments are".

Page 21, lines 21 and 22, strike "currency or coin is" and insert "monetary instruments are".

Page 21, line 22, strike "it is" and insert "they are".

Page 21, lines 24 and 25, strike "currency and coin" and insert "monetary instruments".

Page 22, lines 2 and 3, strike "coin or currency" and insert "monetary instruments".

Page 22, lines 4 and 5, strike "coin or currency" and insert "monetary instruments."

Page 20, lines 12 and 13, strike "subject to the jurisdiction of" and insert "within".

Page 20, line 14, strike "not subject to the jurisdiction of" and insert "outside".

Page 20, lines 16 and 17, strike "subject to the jurisdiction of" and insert "within".

Page 20, line 18, strike "not subject to the jurisdiction of" and insert "outside".

Page 20, line 22, strike "any place subject to the jurisdiction of".

Page 21, lines 1 and 2, strike "not subject to the jurisdiction of" and insert "outside".

Page 22, line 8, strike "coin or currency" and insert "monetary instrument".

Page 22, line 9, strike "is" and insert "are".

Page 22, line 12, strike "is" and insert "are".

Page 22, lines 14 and 15, strike "coin or currency" and insert "monetary instruments".

Page 22, line 16, strike "is" and insert "are".

Page 22, line 17, strike "it is" and insert "they are".

Page 22, line 19, strike "it is" and insert "they are".

Page 23, line 4, strike "coin and currency" and insert "monetary instruments".

Page 23, strike line 14 and all that follows through page 25, line 4 and insert:

"CHAPTER 4.—FOREIGN TRANSACTIONS

"Sec.
241. Records and reports required.
242. Classification and requirements.

"Sec. 241. Records and reports required

"The Secretary of the Treasury shall by regulation require any resident or citizen of the United States, or person in the United States and doing business therein, who engages in any transaction or maintains any relationship, directly or indirectly, on behalf of himself or another, with a foreign financial agency to maintain records or to file reports, or both, setting forth such of the following information, in such form and in such detail, as the Secretary may require:

"(1) The identities and addresses of the parties to the transaction or relationship.

"(2) The legal capacities in which the parties to the transaction or relationship are acting, and the identities of the real parties in interest if one or more of the parties are not acting solely as principals.

"(3) A description of the transaction or relationship including the amounts of money, credit, or other property involved.

"Sec. 242. Classification and requirements

"With respect to any requirement imposed under this chapter, the Secretary may prescribe

"(1) any reasonable classification of persons subject thereto or exempt therefrom.

"(2) the foreign country or countries as to which any requirement applies or does not apply if, in the judgment of the Secretary, uniform applicability of any such requirement to all foreign countries is unnecessary or undesirable.

"(3) the form, frequency, and manner of filing of any required reports.

"(4) types of transactions or relationships subject to or exempt from any such requirement.

"(5) the magnitude of transactions or values involved in any relationship subject to any such requirement.

"(6) such other matters as he may deem necessary to the application of this chapter."

Page 26, after line 19, insert:

"TITLE III—MARGIN REQUIREMENTS

"Sec. 301. Amendment of section 7(a) of the Securities Exchange Act of 1934

"(a) Section 7(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(a)) is amended by striking the first sentence and inserting in lieu thereof the following: 'For the purpose of preventing the excessive use of credit for the purchase or carrying of securities, the Board of Governors of the Federal Reserve System shall from time to time prescribe rules and regulations in accordance with this section. The Board shall prescribe rules and regulations with respect to the amount of credit (regardless of who or where the lender may be) that any person may initially obtain and subsequently retain on any security (other than an exempted security). The Board shall prescribe rules and regulations with respect to the amount of credit (regardless of who or where the borrower may be) that any person may initially extend and subsequently maintain on any security (other than an exempted security). It shall be unlawful for any person to obtain or retain credit in willful and knowing violation of any rule or regulation under this section. It shall be unlawful for any person to obtain or retain credit in violation, whether or not willful or knowing, of any rule or regulation under this section either on the basis of a material misrepresentation made or participated in by him of the purpose for which the credit is to be used, or in an aggregate amount exceeding $1,000,000 at any one time.'

"(b) The amendment made by subsection (a) of this section does not affect the continuing validity of any rule or regulation under section 7 of the Securities Exchange Act of 1934 in effect prior to the effective date of the amendment."

Page 28, beginning on line 1, insert:

"TITLE IV—EFFECTIVE DATES

"Sec. 401. Effective dates

"(a) Except as otherwise provided in this section, this Act and the amendments made thereby take effect on the first day of the seventh calendar month which begins after the date of enactment.

"(b) The Secretary of the Treasury may by regulation provide that any provision of title I or II or any amendment made thereby shall be effective on any date not earlier than the publication of the regulation in the Federal Register and not later than the first day of the thirteenth calendar month which begins after the date of enactment.

"(c) The Board of Governors of the Federal Reserve System may by regulation provide that the amendment made by title III shall be effective on any date not earlier than the publication of the regulation in the Federal Register and not later than the first day of the thirteenth calendar month which begins after the date of enactment."

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PRICE of Illinois) having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15073) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes, pursuant to House Resolution 941, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PATMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 302, nays 0, answered "present" 1, not voting 127, as follows:

[Roll No. 140]

YEAS—302

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Aspinall
Ayres
Baring
Beall, Md.
Bennett
Berry
Betts
Bingham
Blackburn
Boggs
Boland
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clay
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Crane
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Duncan
Eckhardt
Edmondson
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Farbstein
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, William D.
Foreman
Fountain
Fraser
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Holifield
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keith
King
Kleppe
Kluczynski
Kuykendall
Landgrebe
Langen
Lloyd
Long, La.
Long, Md.
Lujan
McCulloch
McDade
McDonald, Mich.
McFall
McKneally
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Martin
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Mills
Minish
Minshal
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.

Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Rarick
Rees
Reid, Ill.
Reuss
Roberts
Robison
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Ruth
Ryan
Sandman
Satterfield
Saylor
Schadeberg
Schneebeli
Scott
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Weicker
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—0

ANSWERED "PRESENT"—1

Quillen

NOT VOTING—127

Anderson, Calif.
Anderson, Tenn.
Arends
Barrett
Belcher
Bell, Calif.
Bevill
Biaggi
Biester
Blanton
Blatnik
Bolling
Brasco
Brown, Calif.
Burlison, Mo.
Burton, Calif.
Carter
Celler
Chisholm
Clark
Clawson, Del
Cohelan
Conyers
Cowger
Cramer
Culver
Daniel, Va.
Dawson
de la Garza
Denney
Diggs
Dowdy
Downing
Dulski
Dwyer
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Evins, Tenn.
Fallon
Feighan
Foley
Ford, Gerald R.
Frelinghuysen
Gaydos
Gettys
Giaimo
Goldwater
Green, Oreg.
Hanna
Harsha
Hébert
Helstoski
Hogan
Horton
Hosmer
Howard
Hungate
Jones, Ala.
Jones, Tenn.
Kee
Kirwan
Koch
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McClure
McEwen
McMillan
MacGregor
Mann
Mathias
Matsunaga
May
Miller, Calif.
Mink
Morse
Nichols
Nix
O'Neal, Ga.
Ottinger
Pettis
Podell
Pollock
Powell
Preyer, N.C.
Railsback
Randall
Reid, N.Y.
Reifel
Rhodes
Riegle
Rivers
Rodino
Rogers, Colo.
Rooney, N.Y.
Roybal
Ruppe
St Germain
Scherle
Scheuer
Schwengel
Sebelius
Shipley
Snyder
Stephens
Stratton
Stubblefield
Stuckey
Teague, Tex.
Thompson, N.J.
Tunney
Watkins
Watson
Watts
Whalley
Whitten
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Celler with Mr. Gerald R. Ford.
Mr. Rooney of New York with Mr. Arends.
Mr. Dulski with Mr. Rhodes.
Mr. Rodino with Mr. Frelinghuysen.
Mrs Green of Oregon with Mrs. Dwyer.
Mr. Hanna with Mr. Goldwater.
Mr. McCarthy with Mr. Reid of New York.
Mr. Stratton with Mr. McEwen.
Mr. Rivers with Mr. Watson.
Mr. Cohelan with Mr. Hosmer.
Mr. Charles H. Wilson with Mr. Pettis.
Mr. Biaggi with Mr. Horton.
Mr. Brasco with Mr. Riegle.
Mr. Anderson of California with Mr. Del Clawson.
Mr. Clark with Mr. Biester.
Mr. Daniels of Virginia with Mr. Cowger.
Mr. Blatnik with Mr. Reifel.
Mr. Giaimo with Mr. Morse.
Mrs. Mink with Mr. Gray.
Mr. Culver with Mr. Kyl.
Mr. Feighan with Mr. Latta.
Mr. Fallon with Mr. Hogan.
Mr. Foley with Mr. Denney.
Mr. Randall with Mr. Schwengel.
Mr. Matsunaga with Mr. Harsha.
Mr. Kee with Mr. Ruppe.
Mr. Kyros with Mr. Pollock.
Mr. Helstoski with Mr. Railsback.
Mr. Watts with Mr. McClure
Mr. Miller of California with Mr. Mathias.
Mr. Hébert with Mr. Belcher.
Mr. Gettys with Mr. Cramer.
Mr. Gaydos with Mr. Carter.
Mr. Barrett with Mr. Watkins.
Mr. de la Garza with Mr. Scherle.
Mr. Mann with Mr. Whalen.
Mr. Podell with Mr. Bell of California.
Mr. Dowdy with Mr. Edwards of Alabama.
Mr. Shipley with Mr. McClory.
Mr. Stephens with Mr. Snyder.
Mr. Downing with Mr. Sebelius.
Mr. Edwards of Louisiana with Mr. Lukens.
Mr. Roybal with Mr. McCloskey.
Mr. Nichols with Mr. MacGregor.
Anderson of Tennessee with Mr. Burleson of Missouri.
Mr. Diggs with Mr. Brown of California.
Mr. Blanton with O'Neal of Georgia.
Mr. Edwards of California with Mrs. Chisholm.
Mr. Powell with Mr. Burton of California.
Mr. McMillan with Mr. Lennon.
Mr. Scheuer with Mr. Conyers.
Mr. Landrum with Mr. Jones of Alabama.
Mr. Leggett with Mr. Koch.
Mr. Jones of Tennessee with Mr. Mann.
Mr. Howard with Mr. Ottinger.
Mr. Preyer of North Carolina with Mr. Rogers of Colorado.
Mr. St Germain with Mr. Stubblefield.
Mr. Nix with Mr. Tunney.
Mr. Teague of Texas with Mr. Stuckey.
Mr. Evins of Tennessee with Mr. Lowenstein.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FUQUA. Mr. Speaker, on rollcall 136 and rollcall 137 I unavoidably had to return to my district. Had I been present, I would have voted "yea."

ESTABLISHING A JOINT COMMITTEE ON ENVIRONMENT AND TECHNOLOGY

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1021 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1021

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1117) to establish a Joint Committee on Environment and Technology. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1021 provides a straight open rule with 1 hour of general debate for consideration of House Joint Resolution 1117 to establish a Joint Committee on Environment and Technology. The committee would consist of 19 Members of the Senate to be designated by the President of the Senate and 21 Members of the House to be designated by the Speaker, as follows:

One Senator and one Member of the House from the majority party; two Senators and two Members of the House from each of the following committees: Agriculture, Banking and Currency, Interior and Insular Affairs, Public Works, Government Operations, Joint Committee on Atomic Energy; two Senators from the Committee on Commerce and two Members of the House from the Committee on Interstate and Foreign Commerce; two Senators from the Committee on Labor and Public Welfare and two Members of the House from the Committee on Education and Labor; two Members of the House from the Committee on Merchant Marine and Fisheries; two Senators from the Committee on Aeronautical and Space Sciences and two Members of the House from the Committee on Science and Astronautics.

Of the Members appointed from each committee, one shall from the majority party and one from the minority party.

The committee shall not have legislative authority but it shall conduct a comprehensive study and investigation of environment and technology and shall make a report to the Congress annually.

The committee will be authorized to employ such assistants and consultants as necessary.

Mr. Speaker, I urge the adoption of House Resolution 1021 in order that House Joint Resolution 1117 may be considered.

I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from California has explained, House Resolution 1021 provides for 1 hour of debate under an open rule on House Joint Resolution 1117, to establish a Joint Committee on Environment and Technology.

Mr. Speaker, I have a few brief remarks which I will make on this legislation when we go into the Committee of the Whole.

Mr. Speaker, I support the rule, and I yield back the balance of my time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SISK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1117) to establish a Joint Committee on Environment and Technology.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1117) with Mr. Fuqua in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. Sisk) will be recognized for 30 minutes, and the gentleman from Nebraska (Mr. Martin) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California.

Mr. SISK. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the reading of the resolution and the comments made in the discussion of the rule I believe are sufficient explanation of what is proposed here.

The interest and the concern of the American people are very evident today in connection with our environment, in connection with the many problems which confront us.

It is my understanding that the intent of the distinguished majority leader, Mr. Albert, and of those who joined with him in the introduction of this legislation was to make certain studies in connection with these problems.

I might make it clear that this resolution does not provide for any legislative authority, since no legislative measure shall be referred to the committee and there is no authority to report any such measure either to the Senate or to the House.

The prime duties will be to conduct continuing and comprehensive studies of the character and extent of environmental and technological changes which may occur in the future and their effect upon our population.

As I say, this is a subject of great concern to the American people, and certainly a subject of concern to us as Representatives of those people.

I believe the joint resolution is entitled to the support and the assistance of the Members of this body.

Mr. MARTIN. Mr. Chairman, I yield myself 5 minutes.

The purpose of the joint resolution is to establish a joint committee consisting of 19 Senators and 21 Representatives from the committees of the Congress as set forth on pages 2 and 3 of the resolution. The chairmanship shall alternate between the House and Senate with the chairman selected by his fellow Chamber members.

The joint committee is to have no legislative authority; nor is it to unnecessarily duplicate any investigative efforts of the legislative committees.

The joint committee shall: First conduct a study of environmental and technological changes which may occur and evaluate the effect on people and the environment; second study all means, including financing, which can foster or promote conditions under which man and nature can exist in harmony; third develop policies to encourage maximum private investment in improving the environment; and, fourth review any Presidential recommendations, including the Environmental Quality Report required by section 201 of the National Environmental Policy Act.

The joint committee is to report to the Congress each December 31 and make such interim reports as it deems necessary, together with its recommendations.

The usual authorities to hold hearings, expend funds, hire staff and consultants and call on executive branch information sources are provided. Expenditures will be paid for by funds disbursed by the Clerk of the House on vouchers signed by the chairman or vice chairman.

There are a great number of resolutions of identical or similar nature, sponsored by upwards of 100 Members, including leadership members on both sides of the aisle.

As the gentleman from California pointed out, Mr. Chairman, the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford) is a cosponsor of this resolution along with the distinguished majority leader, as well as many others on this side of the aisle.

Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. The gentleman from Nebraska has consumed 3 minutes.

Mr. MARTIN. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. Brotzman).

Mr. BROTZMAN. Mr. Chairman, I support House Joint Resolution 1117 because it is a step toward a principle I deem necessary to an orderly, efficient resolution of environmental problems—that is to bring the interrelated problems of the environment under one roof. I hope it is a step toward the ultimate creation of a standing committee, in each body, with full legislative powers.

On April 28, 1969, I proposed the establishment of a new standing committee in the House, to be known as the Committee on the Environment. This committee would have full legislative authority, and would have jurisdiction over bills dealing with air pollution, water pollution, solid waste disposal, acoustic problems, weather modification, pesticides, and herbicides. It would have the support of a full-time professional staff of experts in the problems of environmental quality.

Apparently I am not alone in believing that an approach such as this is necessary. To date, Mr. Chairman, 150 Members of the House have joined me in sponsoring resolutions to create a Committee on the Environment. This represents over one-third of the Members of this body. The sponsors represent 45 of our 50 States and every one of the existing standing committees now serving the House.

This morning I was reviewing the list of sponsors, and I was impressed by the fact that both of our major political parties are represented in large numbers. Sponsorship runs from one side of the philosophical spectrum to the other. Interestingly enough, several of the gentlemen whose names appear on House Joint Resolution 1117 have also joined in sponsoring a standing committee.

Mr. Chairman, in these troubled times, there is much work to be done. I pay tribute to those Members of Congress who, in addition to working on the many other jurisdictional areas of their committees, have given leadership in the quest for a better environment. The committee on which I serve, Interstate and Foreign Commerce, considers air pollution legislation. I believe we have sent good legislation to the floor, and I believe that a great deal of the credit goes to the distinguished gentleman from West Virginia (Mr. Staggers) and the distinguished gentleman from Illinois (Mr. Springer).

My proposal for a standing Committee on the Environment is in no way designed to be critical of the efforts already under way. What I do say is that a standing committee will expedite the important goal of leaving this earth in better condition than we found it. Our fragmented approach to environmental issues makes it increasingly difficult to obtain proper consideration for the proliferating number of substantive bills being introduced each day on matters of environmental quality.

The problems caused by the way environmental legislation is now handled are illustrated by the bills to implement the President's message on the environment. The seven bills recommended by the President were referred to three committees. Some of the bills have received final committee approval, while others of them have not as yet been accorded a hearing. Yet all of these bills interrelate to form a single environmental policy. They should be considered by the same committee, working with the assistance of a professional staff expert in environmental matters.

In conclusion, Mr. Chairman, House Joint Resolution 1117 represents a significant step forward in the modernization of our legislative machinery for the consideration of environmental legislation. I urge its passage.

Mr. MARTIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Fulton).

Mr. FULTON of Pennsylvania. Mr. Chairman, I strongly favor this resolution—House Joint Resolution 1117—setting up this joint congressional Committee on Environmental Matters. It is a pleasure to state I am an original cosponsor of this resolution, House Joint Resolution 1117, to establish a Joint Committee of Congress on Environment and Technology.

I strongly favor the U.S. Congress setting up this Joint Committee on Environ-

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mental Policy. This resolution will provide for the bringing together of problems relating to pollution of air, water, waste, and solid materials, land reclamation, and soil protections. Congress should institute serious studies in depth on man's destructive impact causing danger to our people, their health, and even our lives and very existence.

The need for U.S. environmental protection and action is immediate and severe. We must protect our goodly natural heritage of an unpolluted environment that is the birthright of every citizen of the United States. There is no basic right to pollute or destroy our natural healthy environment.

It is a pleasure to advise the House that this joint committee in my opinion is a giant step forward. I feel honored that I am one of the original co-sponsors of legislation to protect the American people against the polluters, as well as to set up this joint committee.

I congratulate our many civic minded and patriotic citizens, and especially our young people in the United States, who stand firmly against pollution of every kind that threatens dangerous environmental conditions. These threats and dangers to our environment can be escalated to the point of permanent and not reversible major damage to our required environment on which our health and very lives and existence depend.

Mr. MARTIN. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I rise to ask someone knowledgeable in this matter who it was that selected the standing committees from which the organization of this Committee on Environment and Technology was made?

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Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course, I am pleased to yield to the gentleman from California.

Mr. SISK. I would be glad to make a comment on it.

This legislation, of course, as the gentleman knows from looking at the resolution, was introduced by the distinguished majority leader and the distinguished minority leader, along with a group of other individual Members of the House. They came before the Committee on Rules and requested a rule for the consideration of the legislation and outlined their interest and concern in it.

We asked some questions about the size of the committee and the number of members. It, apparently, was determined that there was very broad interest in—at least that was the explanation given to us—this matter and the reason, apparently, for the size of the committee was this fact. But, it is a proposal pending before the House and one which will be considered by the other body. I understand there probably will be an amendment a little later designed to cut down the size of the committee and I think the subject will be open for consideration in a few minutes.

Mr. GROSS. Will this committee at its present or proposed size be the committee to end all environmental committees, or will there be other environmental committees?

Mr. SISK. Mr. Chairman, if the gentleman will yield further, this committee will have no legislative jurisdiction.

Mr. GROSS. Well, that is a good question. Why not? With a committee of this size, and with the big and high-priced staff it is going to have, why should it not produce legislation? It presumably is going to provide the experts on environment and technology? Why not legislation?

Mr. SISK. It is my understanding, again as it was explained to those of us of the Committee on Rules, that these various committees that will be represented—and as the gentleman knows they are spelled out in the resolution—after study and determination of certain policy questions, then those recommendations will go to those committees having jurisdiction.

As I am sure my colleague from Iowa knows, there is a broad section of jurisdiction involved here in which I suppose almost every committee of the House would be involved to some extent in jurisdictional questions governing pollution and environmental conditions, ecology and almost every aspect of the problem.

I think that at the present time there was just not the desire and, certainly, not the intent here to totally reorganize the House from the standpoint of taking away from these various committees that share of their jurisdiction and placing it into one committee at the present time.

Mr. GROSS. Well, what will this new outfit accomplish if there is going to be a proliferation of environmental problems among the several committees of the House? What is this committee going to accomplish? Will it be just something to be added to a letterhead?

Mr. SISK. Mr. Chairman, if the gentleman will yield further, I am sure the gentleman—because I know how devoted he is to keeping up with exactly what we are doing—has read on page 5 under section 2 the language which outlines the primary responsibilities, duties, purposes and intent of the committee. I think they spell out a pretty broad responsibility here in connection with making these studies. And, of course, according to my understanding of the matter, it is their intent, based upon their determinations, to then make recommendations to the various committees on those subjects over which that existing standing committee would have jurisdiction.

That is the basis of the proposal. It is generally in line, and I think my friend, the gentleman from Iowa, will agree with me, with a number of select committees from time to time, both House committees and joint committees that do make certain studies and recommendations, and it would be handled as I would understand it, in the same general way.

Mr. GROSS. Now, I want to get down to the $54 question:

Why is this resolution open-ended as to cost?

Mr. SISK. I would assume, if the gentleman from Iowa, my good friend, would permit me to make an assumption—and again we asked that question in the Committee on Rules, and we were unable to get any definite answer, so that there is really no way of determining——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SISK. Mr. Chairman, I will yield the gentleman from Iowa 5 additional minutes.

Mr. GROSS. I thank the gentleman for yielding me this additional time.

Mr. SISK. I think I have used up most of the gentleman's time, so I certainly am happy to yield him this additional time.

Let me say that the proposition is such that I do not know if there is any way of determining expense. Now I suppose we would have to draw lines, and say that they could have so many people, if you want to draw the lines that tightly, as to staff, and it is possible that maybe we should. The resolution is drawn wide open.

As I say, I know that question was raised, because I first asked the question of the distinguished majority leader at the time, but we did not receive any specific answers as to costs.

Mr. GROSS. My friend, the gentleman from California, knows that I would take a mighty dim view of an agency or department downtown coming up here and asking for a committee or commission on an open-ended basis as to cost.

It seems to me we ought to do something here this afternoon to close the door on this open-end business. This could run into four or five hundred thousand dollars for staff costs each year. I am surprised, frankly, that this unlimited resolution is here on the floor with the leadership on both sides of the aisle supporting it. They certainly ought to be interested in controlling expenditures. We hear them talk about it every now and then—and I am surprised that this resolution comes in wide open as to the number of employees and cost.

Mr. SISK. Mr. Chairman, will the gentleman from Iowa yield further?

Mr. GROSS. I yield further to the gentleman from California.

Mr. SISK. Let me make this brief comment, then: This is a congressional committee, of course, and the members of the committee from both the House and the Senate will draw no salaries other than that which they already draw.

Mr. GROSS. I am talking about the staff.

Mr. SISK. I recognize that the gentleman is referring to that, but in order to get a staff, and to get empowered to employ a staff, they must make their case before the House Committee on House Administration, or a similar committee in the Senate. There is, so far as I know, no precedent for the authorizing of a congressional committee and then setting a limitation of payments. I believe if my good friend, the gentleman from Iowa, would check on that I think this is an area where it is up to the Congress, that is, finally the House, as to whether or not to approve a resolution to finance them for whatever sum they may seek, from the Committee on

House Administration, as to whether we approve or disapprove such an amount. But I do not think there will be any precedent in the creation of such a committee for limiting the people that they might hire.

Mr. GROSS. Here we are today being asked to authorize an unlimited staff. No one seems to know how many would be employed or anything about them. This business of studying environment, as I have said before on the floor of the House, and I repeat, is a great big circus tent that will cover anything. I thought spending money had something to do with environment, yet no one on the Committee on Appropriations of either the House or the Senate is to be a member of this super joint committee. Frankly, I just do not understand what we are setting out to do with this newfangled committee.

Mr. SISK. If my colleague would yield further, I raised a question about that fact, and I would assume that the members on the Committee on Appropriations would certainly have an interest in pollution of our environment and all the other things because it does cost money when we get involved in it.

The judgment involved here, of course, was a matter of that of the authors of the bill.

Let me say though, getting back to the matter of the cost of the committee, and now we are talking here of the staff, there is no precedent so far as I know for a resolution creating such a committee to limit that. That is a requirement to go before the House Committee on Administration and then they bring that resolution to the floor to us to vote for it or against it. We can turn it down. They can come in with a request for half a million dollars or a million dollars and if we determine in our minds, as Members of this body, that that is too much, I am sure we are going to vote against it.

Mr. GROSS. Yes, but here is a resolution to create a new committee and the sky's the limit.

Mr. SISK. Does the gentleman recall any resolution creating a committee of this kind under any other rule?

Mr. GROSS. Certainly, when they want a commission or a committee downtown we demand to know how many warm bodies they want to employ and their pay and so on.

Mr. SISK. The gentleman is correct as to that. But that is not a congressional committee.

Mr. GROSS. I understand. But should we not follow the same rules in the conduct of our affairs here as we require from them downtown?

Mr. SISK. We still will require approval of the House before one dollar can be spent by this committee and that matter will have to go through the regular procedure.

Mr. GROSS. But we are asked to give our approval to the creation of this committee and a staff right here and now. I want to have at least some idea of what I am doing, and right now I am absolutely opposed to this legislation for I am convinced it is utterly unnecessary to further load the Federal payroll.

Mr. MARTIN. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming (Mr. WOLD).

Mr. WOLD. Mr. Chairman, I rise in support of House Joint Resolution 1117 but with some reservations as to the size of the proposed committee, which seems a bit unwieldly, and also to the use of the word "technology" as part of the proposed committee's title.

It seems to me that this committee would be as effective, yet more easily administered with a total of 20 to 30 members rather than the 40 as proposed in this legislation, and I suggest that we consider dropping the word "technology" from the title of this committee and that we consider reducing the number of members before passing on this legislation. I have a suggested amendment that would reduce the number of members and allow a bit more flexibility to the President of the Senate and the Speaker of the House in selecting members for this committee. I understand the gentleman from Connecticut (Mr. DADDARIO), is planning to offer an amendment to strike the word "technology" from the title and I support that amendment.

As a member of the Republican Task Force on Earth Resources and Population, I am very much aware of the urgency and attention with which we in the Congress must apply to the complexities of environmental problems. Technology is very much a part of this complexity, but not any more so than is population, the utilization of natural resources, or even economic considerations. To single out technology as separate from all other parts of the whole complexity would, I feel, create an erroneous impression that we do not comprehend the full meaning of the term "environment."

Man is fully dependent upon the natural world and part of the interactions of its constituent parts. Man takes from the natural world and puts back unnatural substance. Man has not learned to live in unity with nature. The numbers of man and the inherent difficulties of coexisting with nature are now in evidence. Yet, as obvious as this need for graceful coexistence seems, it is challenged in our American traditions. Even in our religious training we are taught that man is dominant over the land. Therefore, this is not an easy change in our values that we must undergo. It must be changed or we shall fail in our search for quality life—a safe and respectable environment.

I believe that this proposed committee will have a significant influence on the activities of Congress. I believe that the establishment of this committee with its inquiries and recommendations is a positive action that will assist in closing the communications gap of all sectors of our society because it will deal with the most urgent and most vital aspects of human life. No other problem is more paramount to all societies of the world today and tomorrow than the preservation of our environment. We must learn to understand the complexities of our environment and possess the wisdom to act in accordance with the dictates of nature while protecting a healthy free enterprise system within our democracy.

Mr. Chairman, I would like to take this opportunity to speak in behalf of House Joint Resolution 1117, to establish a Joint Committee on Environment and Technology.

I think everyone would agree we can no longer be casual about our natural environment. Our days of throwing caution and just about everything else to the wind are numbered. We are in the throes of what appears to be a major environmental crisis. I use the term "appears" because the environmental controversy is rapidly degenerating into a shouting match of emotionalism and sensationalism. There is so much rhetoric these days that it is becoming increasingly difficult to separate the wheat from the chaff as we try to come to grips with our environmental problems.

This Congress and just about every legislative body in the United States are involved in some form of environmental debate. So far there has been more rhetoric than action. Close on the heels of the flood of speeches, one witnesses the predictable onslaught of legislative remedies, which treat about every kind of pollution imaginable. A quick check indicates that there is hardly a committee in Congress which doesn't have one or more environmental or pollution abatement bills under consideration. This situation is becoming confused because many of the speeches and legislative proposals suffer a common deficiency—they speak to parochial interests and piecemeal solutions. When you add to this the emotionalism and other distortions which have become such a part of the environmental colloquy, a reasonable person is hard-pressed in understanding the nature and extent of our Nation's environmental problems. About all we have are individuals and groups running all over each other competing for attention. In view of these developments, few really understand the dimensions of the problems and issues, let alone the legislative and funding priorities we must consider.

Let me briefly describe some of my impressions of our environmental state of health.

I am generally convinced that air, water, land, and noise pollution exists in one form or another in just about every part of this country. This conclusion is based on the fact that population growth, increasing wealth, and technological progress all contribute to our environmental abuses. Since all America has participated in this growth, few areas are unaffected. Proof of this is borne out by responsible private and public scientific studies showing the nationwide problem of air pollution caused by automotive exhaust fumes and the smoke and soot from industrial plants. While the intensity of this problem varies from city to city and region to region, it is becoming increasingly difficult to escape the noxious city smog as we move into suburbia and the countryside. More and more, our senses tell us that smog is no longer a scourge confined to the city.

Scientific facts are being amassed showing water pollution as a nationwide problem. Portions of our coastal areas and a number of major lakes and rivers throughout the country have become re-

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ceptacles for most of our municipal, industrial, and agricultural sewerage. As a result of this our drinking waters are becoming contaminated and aquatic life in these waterways has been endangered or diminished.

We can recite many other examples of pollution found throughout the country: the deafening noise caused by the jets at our airports and the trucks on our highways, and the junk motor vehicles and debris littering our countryside are notable examples. The unpleasant details of these problems are common knowledge, so I shall not labor the matter further.

A recurrent and disturbing theme in much of today's environmental debate deals with fixing blame for the contamination of the air, water, and land. Industry and the Army Corps of Engineers have become the "fall guys." This reaction gains some of its popularity from the growing misunderstanding of technology and the military. But whatever the motivation, we must correct the popular fallacy that industry and the Corps of Engineers are the sole culprits. Moreover, we must disabuse ourselves of the equally erroneous idea that once absolute controls are placed on industry we can expect air and water pollution to go away. As the President said in his February environmental message to Congress:

> The fight against pollution, however, is not a search for villains. For the most part, the damage done to our environment has not been the work of evil men, nor has it been the inevitable byproduct either of advancing technology or of growing population. It results not so much from choices made, as from choices neglected; not from malign intention, but from failure to take into account the full consequences of our actions.

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Barry Commoner, the noted educator and ecologist who has been called "The Paul Revere of Ecology," is correct in observing:

> Most of the technological affronts to the environment were made not out of greed but ignorance.

We must realize that we have all contributed to the environmental degradation. In this affluent society of ours, we think little about what is required to sustain our way of life. Use of 40 percent of the world's natural resources and production of about 48 percent of the world's industrial pollution are the high prices we pay for our standard of living—mostly at the expense of the natural environmental systems. History shows us that once man exhausts the resources and food in one area, he has either moved on to new frontiers or perished. The trouble is now that we are running out of new and unspoiled frontiers.

This discussion demonstrates, I think, the fallacy of looking for scapegoats and villains. We are all responsible for today's environmental problems: we all suffer from them; and we will all have to pay the price to restore and protect the American environment.

While the task of cleaning up our environment will require the mobilization of government, industry, and the people, the task calls for new policies plus stricter regulations and enforcement practices on the use of water, air, and land. It is generally acknowledged that the task will require expanded government action. Some feel that Federal Government should carry the major burden, both in terms of money and in the administration of local cleanup activities. I take the opposite view. Since much of the cleanup effort will affect land, water, and air owned or controlled by State and local government, States agree they must assume responsibility for administering local environmental restoration and maintenance programs. Initially, at least, the States are going to need Federal funds and research assistance.

The prospects for the kinds of Federal action needed look good. President Nixon's environmental message to Congress laid out bold and comprehensive programs for correcting our environmental abuses. I am proud to be a congressional sponsor of the President's program.

The President's words are being followed with many reassuring actions. Putting the executive branch house in order was a first item on the agenda. Federal Government agencies have been directed to clean up all operations causing pollution.

The President recently requested legislation to launch a major cleanup campaign in the Great Lakes. In addition, he authorized a comprehensive examination on the effect of ocean pollution, with an objective of determining the nature and extent of new legislation required to protect marine life.

The President has established a National Industrial Pollution Control Council. This group, comprising 55 industrialists, will work closely with the President's Council on Environmental Quality in helping chart the route for cooperative industry and Government efforts to cope with pollution.

The administration is taking strong action against oil pollution violators. In addition, drastic restrictions have been imposed on uses of 2.4.5.-T, a weed killer and defoliant that represents a health hazard around the home and on food crops.

On the organizational front, there are reports that the President is considering a move to bring the more than 95 Federal antipollution programs spread throughout the Government into a more efficient working relationship. I would not be surprised to see a reorganization putting many of these programs into a single department with the responsibility for coordinating the war on pollution. I agree with Secretary Hickel's suggestion that the Department of Interior should be reorganized for this purpose and have expressed this view by cosponsoring H.R. 14308, a bill to redesignate the Department of Interior as the Department of Resources, Environment and Population.

In the meantime, the President is providing full support and backing to his Council on Environmental Quality. The appointment of such distinguished men in environmental affairs as Judge Russell Train, Mr. Robert Cahn, and Dr. Jordan MacDonald is very encouraging to me. The caliber of these men and the way they see their job is perhaps best reflected in a recent statement by Judge Train, chairman of the Council:

> We are embarked on nothing less than a new experiment in government—an experiment to determine whether we are wise enough to direct our affairs in a way which recognizes the essential interdependence of man and his environment.
>
> The problems with which we must deal have been years in the making. They will not be cured overnight. It is important that the public, as well as government agencies, understand that the road ahead will be long and hard. Even were we to eliminate all forms of environmental pollution, we would still not have guaranteed a high quality environment.
>
> Environmental Quality is a far more complex, more subtle objective. It involves the development of new attitudes and new values. Thus, while we must make the investments and achieve the technological breakthroughs necessary to clean up our environment, we must at the same time develop a new perception of man's relation to nature, learn to control our own numbers, develop effective land-use policies, and find new measures of public and private success with emphasis on quality rather than mere quantity.

We are indeed embarked on a new experiment in government and many of the actions in the executive branch and at the State and local levels of government reflect the determination to seek new approaches in challenging the complex issues and attitudes standing in the way of a quality life.

The question many of us have is whether Congress is going to stand up to its responsibilities and become a viable partner in this effort. In my judgment the resolution before us today will provide Congress with the machinery to first ask and then answer the Nation's environmental questions. We presently do not have this capability.

If we are to effectively discharge our legislative responsibilities, we must have the means to identify and examine the environmental problems that may result from our actions. Deliberations on such profound issues as population density and how to reshape this nation's technology and our traditional values so as to be more compatible with our environment are deserving of more than piecemeal treatment and solutions. To work on such problems requires a new policy forming institution in the Congress. We need a focal point for environmental policy development like the President's Council on Environmental Quality. We need an organization to help us overcome an insidious form of pollution facing the Congress—the spread of misinformation about our environmental problems. Creation of a joint, bipartisan committee, like that proposed in House Joint Resolution 1117, will go a long way in assisting the Congress in defining our environmental problems, clarifying the issues, and developing clearly specified goals. We must have the best possible advice and support if we are to participate with the executive branch and State and local government in the establishment and oversight of a national strategy for restoring and maintaining a quality environment.

(Mr. BUSH. (at the request of Mr. Wold) was granted permission to extend his remarks at this point in the RECORD.)

Mr. BUSH. Mr. Chairman, I want to attach myself to the remarks of the distinguished gentleman from Wyoming. He has been one of the more active members on our House Republican Task Force on Earth Resources and Population and his contributions have been significant and productive. I feel we should adopt the amendments that he has recommended on this legislation. As a member of the Ways and Means Committee, I would be rather disappointed not to have an opportunity to be selected for membership on this joint committee as I am sure others who have been at the forefront of environmental issues would be if they did not happen to be members of the committees designated in this legislation. As for the word technology being included in this legislation, I feel the gentleman from Wyoming has stated the case very well.

I do have a report entitled "Institutions for Effective Management of the Environment," by the National Academy of Science with the National Academy of Engineering issued in January that I feel would be an excellent guideline for this proposed committee to consider and develop as one of its initial activities.

I wish to include the chapter on "Monitoring the Environment" in the RECORD at this point for all the members benefit:

4. MONITORING THE ENVIRONMENT

We cannot effectively manage the environment without knowing what it is and how it behaves. We cannot detect changes, natural or man-made, desirable or undesirable, without repeated observations and established baselines. We neither know in a systematic way what the environment is like nor how and at what rate it is changing. We do make some baseline and serial observations at present through such environment-related agencies as the Environmental Science Services Administration, the U.S. Geological Survey, the Bureau of Commercial Fisheries, the Bureau of Sport Fisheries and Wildlife, the Forest Service, the National Air Pollution Control Administration, and the Federal Water Pollution Control Administration. In addition, many local and state agencies secure data on environmental parameters. Most of these data are obtained for special purposes, there is little cross-referencing of data, few comparative studies, and no overall evaluation of the quality of the environment. The existing environmental monitoring program has many critical gaps.

At the present time, no agency has responsibility for monitoring and reporting the quality of the whole environment. Since the present monitoring effort is so fragmented, various institutions use different sampling methods. Thus, for example, data secured by the Air Pollution Control Administration is not directly comparable to the data obtained by the Water Pollution Control Administration. Yet the quality of the air affects the quality of water. The fragmentation of responsibility results in a lack of coherence in research programs relating to environmental parameters.

Effective monitoring must be based on carefully planned, totally integrated programs of widespread and repeated observations. At present we do not have more than the base structure for such programs. The development of research programs in this area should have high priority. It is clear that monitoring activities should be concerned at least with the following:

1. Physical and chemical properties of land, air, and water;
2. Distribution of plants and animals in land, air, and water;
3. Land use, including diversity of purpose;
4. Construction;
5. Noise;
6. Epidemiology of man, animals, and plants;
7. Evidence of environmental stress such as tranquilizer consumption or asocial behavior; and
8. Aesthetic qualities.

Although this list is incomplete, it includes more than the elements now being monitored as parts of the environment. The necessity for very broad monitoring is suggested by consideration of a relatively simple environmental relationship. Many people have settled in Southern California to enjoy the sun at the broad, clean beaches. Houses have been built right at the edge of the beach, which in some places have then become littered with kelp and buzzing with flies. The houses have displaced tiny animals such as isopods, which previously ate the kelp. More houses have been built inland and in some areas have been subject to floods. Dams have been built and have stopped not only flood water but also the sand that replaced the beach sand being constantly lost to deep water. Thus the beaches are becoming less wide and less widespread. Finally, to get to the beaches, more and more people drive more and more automobiles, and the resulting smog obscures the sun.

This is a very simple outline of a most complex relationship. We cannot say what happened. We shall have no more success than we have had so far in dealing with these problems in the future without a comprehensive plan for monitoring the whole environment and its changes and knowing the possible consequences.

Once an effective monitoring program is in force it will become possible to set environmental-quality goals based on realistic evaluations of conditions and thereby permit enactment of legislation, policing, and the establishment of permanent national policies. Prompt action could lead to the establishment of a monitoring system by the beginning of 1972, and this could be taken as the base year.

ENVIRONMENTAL QUALITY INDEX

The management of the economic affairs of the nation has been aided by a variety of indices that provide some measure of the nation's economic health. Rates of employment are one such index, as are the measure and rates of growth of the gross national product. In developing the total federal program and determining how much the administration is willing to spend and the Congress is willing to appropriate, these indices could have a crucial effect on the judgments upon which federal policies and programs are based.

The environment and our relationship to it involve values that are either difficult or impossible to measure in economic terms. Alternate means of defining these values are required. One approach is to define certain environmental indices that can serve as quantitative measures of what is happening at regional and national levels. We strongly *recommend* the development of such indices. The following are examples:

1. Transparency of the air;
2. Purity of water;
3. The ratio of area of open ground to population;
4. Noise level;
5. Ratio of wild animals to human population;
6. Ratio of area of parks to area of parking lots; and
7. Fraction of utility wires above ground.

Measurement of these aspects of the environment would be useful for the purposes of government. A federal or state government might set a goal—for example, that the transparency of the air in a region could not fall below a certain level or over a period of time should be restored to a higher level. A program could then be planned to achieve this goal by appropriate organization, funding, incentives, policing, and publicizing.

The various individual indices could be combined and weighted into an overall Environmental Quality Index, which could become a powerful tool in developing priorities among programs affecting the environment. A familiar index would exist against which changes in the environment could be compared. The composition and weighting of this index or of the component measures will require careful analysis which we do not even attempt to outline. We do emphasize that the program of monitoring must be designed from the beginning to yield appropriate indices.

ENVIRONMENTAL MONITORING AGENCY

We recommend that development of federal programs for comprehensive and systematic monitoring of environmental quality be given highest priority. It could be carried out by a new independent agency or an existing agency. The Board of Environmental Affairs recommended in this report should turn its attention to developing comprehensive monitoring programs as soon as possible after it becomes operational.

The monitoring function would be based initially on the work currently under way in the various specialized environmental agencies and bureaus. Many of these, such as the Atomic Energy Commission, will have a need to continue their specialized monitoring activities. However, most of the environment-monitoring activities of the federal government should be centralized.

The stated objectives give some indication of why an agency with central responsibility of all monitoring is an essential mechanism. Measurements must be designed to yield Environmental Quality Indices and to indicate when changes in the environment require counteraction. It is doubtful that the environment will ever be understood if we measure, for example, weather only at airports and airborne pollution only in the centers of cities, or if observation stations are moved every time a new airport is built.

ENVIRONMENTAL RESEARCH IN GOVERNMENT LABORATORIES

Numerous government laboratories concerned with problems of the environment now exist in the departments of the Interior, Commerce, Agriculture, and Defense. An increased unification of federal environmental agencies should be accompanied by increased integration and redirection of many of these existing laboratories. There is a special need for a much broader view of the environment and man's effect upon it than we now have. Ecologists and other specialists who employ ecological methodologies should be more numerous in such laboratories, and narrow scientific disciplines should be de-emphasized. With some changes these laboratories could provide the direct support needed for the development of environmental monitoring systems. They also would have the basis for interaction with universities and contract research groups, and potentially with the proposed National Laboratory. They may conduct field experiments or carry out environmental expeditions in the manner discussed in connection with a national laboratory (following section). The principal difference between these laboratories and the national laboratories and university research institutes should be in the degree of operational intimacy with operating agencies. Government laboratories are, at present, more responsive to immediate needs of the operating agencies and should continue to be so. Nongovernment laboratories generally address themselves to longer-range problems, but in the environmental

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sciences long-term and short-term problems and applied and basic research overlap even more than in the more narrowly defined, traditional disciplines. Very close ties and joint investigations between laboratories of all sorts should be expected and encouraged.

Mr. SISK. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. Casey).

Mr. CASEY. Mr. Chairman and Members of the Committee, I rise in support of this legislation, which I was proud to cosponsor with the distinguished majority leader and my colleagues. I am strongly in support of this measure. The reason I am in support of it is that we must face and solve the problems of the pollution of our environment as well as improving our environment in all respects.

I call attention to the multiplicity of the House committees that deal with all segments of our environment. As you well know, they operate separately. Section 2. (a)(1), which appears on page 5 of the bill, states the duties of the proposed committee—to confiduct a comprehensive study and review of these particular things, such as public and private planning and investment in housing.

Think of the committees that handle these various programs as they are ticked off: water resources, pollution control, and under pollution control we have air pollution under the Department of Health, Education, and Welfare, and we have water pollution under the Interior Department, working separately; food supplies, education, automation affecting interstate commerce, fish and wildlife, forestry, mining and communication, transportation, power supplies, welfare, and other services and facilities.

So there must be in my opinion a great need for this type of committee to coordinate and to evaluate activities that are going on through the various legislative committees of this House and of the Senate.

So I urge each and every one of you to give this joint resolution which would create this committee the support it deserves.

Mr. SISK. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. Smith).

Mr. SMITH of Iowa. Mr. Chairman, I would like to ask one of the authors of the bill a question. At the bottom of page 5, under subparagraph (4), the authority of the committee will be: "to review any recommendations made by the President relating to environmental policy."

Since no members of the Appropriations Committee are included, I assume that surely does not mean to review budget recommendations of the President in view of trying to determine how much should be appropriated; is that correct?

Mr. DINGELL. Mr. Chairman, if the gentleman will yield to me, I was one of the authors of this piece of legislation, and I would respond to my good friend by saying that it would include reviewing the budget. I must tell the gentleman also in response to his question that at a time later, when it becomes appropriate, I intend to offer an amendment which will broaden the membership which the committee might include and also cut down its size.

Mr. SMITH of Iowa. Since that jurisdiction would be exactly or precisely the jurisdiction of the Appropriations Committee, does your amendment include drawing members from the Appropriations Committee?

Mr. DINGELL. I would be happy to make available a copy of the amendment to the gentleman from Iowa, but in response to that question the answer would be, generally, yes.

Mr. MARTIN. Mr. Chairman, I yield whatever time he may consume to the gentleman from Washington (Mr. Pelly).

Mr. PELLY. Mr. Chairman, I rise in support of House Joint Resolution 1117, to create a Joint Committee on the Environment. I was a cosponsor of this bill, and I consider it to be of vital importance.

To me, it is as important as the Council on Environmental Quality which I also cosponsored and has been signed into law by the President and is so ably now headed by former Under Secretary of Interior Russell Train. Just as eliminating duplication of jurisdiction on environmental matters was important in the executive branch, so it is important in the legislative branch.

Mr. Chairman, House Joint Resolution 1117 is a second step in our attempts to save our environment, and I strongly urge support for it.

Mr. SISK. Mr. Chairman, I yield whatever time he may consume to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Chairman, I rise in support of House Joint Resolution 1117.

Mr. Chairman, I am proud to be a cosponsor of this bill that represents a much needed step toward coordination of our efforts to fight pollution and control and improve our environment. There has been much rhetoric espoused on fighting pollution, but this is a real step toward gearing up the appropriate machinery for the battle. Earlier this session, I pointed out how our efforts toward controlling our environment seemed to be losing ground. We always double-up, but somehow never seem to catch-up. I pointed out that there were over 30 Government agencies fighting pollution independently of each other. Although this joint committee will have no legislative power of its own, it certainly will have the duty of being a watchdog over legislation to make sure that we are not wasting or duplicating our efforts against pollution.

This committee can serve as a focal point or clearinghouse for antipollution efforts in both the Senate and the House.

Specifically, this committee is empowered to:

One, conduct a study of environmental changes that may occur in the future and their effect on communities, industry, and population;

Two, study technical and financial means of bringing about environmental balance;

Three, develop policies that would bring about maximum private investment; and

Four, review Presidential recommendations on environmental control.

The design of the legislation itself is such that will lead to greater coordination of Congress' antipollution efforts. I say this for two reasons. First, this legislation requires at least an annual report to Congress and authorizes reports as often as the committee feels necessary. Second, the members of this joint committee are going to represent various committees and legislative interests. There would be representatives of several Senate legislative committees and House committees.

This cross-section of congressional legislative and political interests will help us unite our strategy and efforts and move forward to control our environment.

Mr. Speaker, I want to commend the chief author of this bill, Hon. Carl Albert. This bill is an example of his wisdom and foresight. He saw the lack of coordination in our efforts against pollution and he devised this legislation to cure the defect. It is indeed an honor to be a cosponsor of this bill.

Mr. SISK. Mr. Chairman, I yield to the gentleman from Florida (Mr. Bennett) whatever time he may consume.

Mr. BENNETT. Mr. Chairman, I wish to add my strong endorsement for the bill now being considered to create a Joint Committee on Environment and Technology. As a cosponsor of this measure I am aware of the fact that the quiet conservation crisis of the 1960's has grown into a large environmental emergency—our No. 1 domestic problem in the 1970's.

Over the last few years I have been proud to be a cosponsor of the landmark conservation bills passed by Congress and enacted into law—the Wilderness Act and the Land and Water Conservation Act. I was also the chief sponsor of the legislation establishing the National Key Deer Refuge in South Florida in 1953, to protect the tiny, white-tailed Key deer, which has grown in population from only 30 in 1949 to now over 300; and the Fort Caroline National Memorial established in 1951 at the site of the French 16th century colony, which began the settlement of what is now the United States and is located in the present city limits of Jacksonville, Fla., on the St. Johns River.

In 1969, the Congress founded the Council on Environmental Policy, which was similar to legislation I have pushed in the last several Congresses. I have been active in other environmental laws, for example, the plan to study the St. Augustin-Fort Caroline trail, America's oldest road, 1565–70, for possible inclusion in the national trails system.

Mr. Speaker, I have introduced in this Congress, four proposed bills which would help clean up pollution in the air, rivers, lakes, and waterways, and insure adequate outdoor recreation areas for the enjoyment of future generations.

These four bills I have introduced have been proposed by the administration H.R. 15872, to assist development of comprehensive programs for water pollution control and enforce antipollution standards in interstate and intrastate

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waters; H.R. 15873, the new program to provide financial assistance for the construction of waste treatment facilities; H.R. 15871, to beef up the Clean Air Act by strict national standards for air quality, and H.R. 15870, to expand the Land and Water Conservation Act, including a provision to allow the sale of surplus Federal property to augment park funds and another to provide for such sales to State and local governments for park and recreation purposes at public benefit discounts of up to 100 percent.

In his state of the Union speech, President Nixon said:

> Clean air, clean water, open spaces—these should once again be the birthright of every American. If we act now—they can be.

In Jacksonville, public officials and private groups are working for a cleaner city. I have assisted them and will continue to do so. In the last year, over $4 million in Federal funds have been approved for antipollution measures and outdoor recreation for the area of my representation.

I believe the antipollution and environmental bills I have will help us to protect our natural beauty and the quality of our everyday life. I am hopeful for early hearings and that the measures will be reported for full House action as soon as possible.

I firmly believe that a Joint Committee on Environment and Technology will allow the Congress to zero in on the problems of our environment by allowing one committee to apply laser-like intensity to the solution of these problems. I urge favorable consideration of this measure.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I am pleased to rise in support of House Joint Resolution 1117 to establish a Joint Committee on Environment and Technology. This bill is identical to my bill, House Joint Resolution 1143.

The problems we face in moving to enhance the quality of our environment are vast and complex. Discovering and implementing the proper solutions to these problems will require a great deal of congressional attention. Establishment of the joint committee will improve our ability to scrutinize legislative proposals to determine their impact on the environment.

In expressing my support for this legislation I would like to commend the distinguished majority leader for his leadership in this bipartisan effort.

I would also like to commend the American public. The increased attention in government on environmental problems is a direct result of the efforts of many thousands of concerned citizens who are interested in improving the quality of life in the United States and throughout the world.

I hope the fervor and commitment of interested individuals to this cause will not wane. We face a project which will take a substantial period of time to complete and to which a great deal of innovative effort must be applied. However, the growing public interest and concern makes me increasingly hopeful of our ultimate success. For too long the conservation's organizations, garden clubs, student assemblies and similar private societies have fought to reverse the ravages on our environment. Federal Government action is long overdue.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of House Joint Resolution 1117, a resolution to establish a Joint Committee on Environment and Technology. I am pleased to say that House Joint Resolution 1120, which I am cosponsoring with several other colleagues, is identical to the resolution now on the floor.

The time has come for Congress to conduct a comprehensive study and review of the character and extent of environmental and technological changes that may occur in the future, the potential effects and consequences of these changes upon our lives, and the need for public and private investment in programs which are directed toward environmental control.

We are now beginning to realize that as our country continues to advance in technology, it often proceeds with little concern about the detrimental environmental side-effects resulting from these technological advances. We now must direct our efforts toward improving the quality of our environment before it is too late—and we do not have much time. How long can we breathe clean air in a country which annually dumps 173 million tons of unhealthy man-made pollutants into the atmosphere? How can we maintain a beautiful and healthy environment in our country when we throw away about 3.6 billion tons of waste each year and then fail to take adequate measures for its disposal? How long will our water and fishery resources last when our lakes, rivers, and oceans are used as cesspools and dumping grounds?

I do not know how long we can live under these circumstances without more effective utilization of our technology to correct these problems. I shall continue my efforts on the Public Health and Welfare Subcommittee to develop effective legislation to cope with the problems of solid waste disposal and air pollution, and I am pleased to report that the Interstate and Foreign Commerce Committee has approved my solid waste and air pollution bills, which will shortly be before the floor of the House of Representatives. I know that the passage of these bills will go far to mitigate the effects of these environmental pollution problems.

I must also, however, emphasize the importance of long-range, comprehensive studies and reviews of our environment and technology by Congress in order to insure a high quality of environment for the future. Therefore, I urge my colleagues to join me in supporting this important resolution.

Mr. MINSHALL. Mr. Chairman, I rise to support House Joint Resolution 1117, to establish a Joint Committee on Environment and Technology. This is a step in the right direction toward consolidating the congressional effort toward cleaning up the environment.

Without any pride in authorship, I must state that I would have preferred that the House had under consideration today my bill, House Resolution 759, to create a permanent standing House Committee on the Environment. This was one of the first such proposals to be introduced and would have channeled all measures involving ecology to a single committee composed of Members who could devote their undivided attention to this vast, critical, and complex problem. I feel we cannot afford fragmentation of effort in our fight against pollution and I think the House will agree that this matter is of such magnitude that it merits the most intense concentration.

Despite this preference, I am encouraged that we are today at least taking the steps recommended in House Joint Resolution 1117. It is good to know that ecological problems will be accorded the intensive scrutiny of dedicated House and Senate Members from representative committees as well as the benefit of the indepth study only a professional staff of experts can give.

I urge that this resolution be given the unanimous support of the House so that we can speedily create this very essential joint committee.

Mr. ROTH. Mr. Chairman, this year the Federal Government began a unique experiment in the management of our total environment, stimulated by the enactment of the National Environmental Policy Act which President Nixon signed on January 1. This act declared a general policy encouraging the legislative, executive, and judiciary branches to use all means possible to bring about productive harmony between exploitation and the preservation of our surroundings as well as enriched understanding of ecological systems and natural resources important to the welfare of the Nation.

The act itself was inspired by congressional recognition of the profound influences of population growth, high density urbanization, industrial expansion, and new technological advances of our physical and biological environment. Both the Congress and the President have responded to an overwhelming demand of the people by giving expression in this act to the deep-seated desire for more effective approaches toward the problems of environmental deterioration.

The National Environmental Policy Act is not the end, but rather the beginning of a long road toward environmental enhancement. It is a commitment which provides opportunities for public and private agencies at all levels to take any measures necessary for a healthy and enjoyable environment.

Mr. Chairman, the fact that over 150 Members of Congress, including myself, have introduced similar resolutions calling for the establishment of a standing committee of the House of Representatives, to be known as the Committee on the Environment, gives testimony to the significance which is placed on this matter by so many of us. I strongly believe that the resolution before us today will provide the necessary means of coordinating all of our efforts. The establishment of a Joint Committee on Environment and Technology will mark the beginning of the fight against the ominous environmental problems before us. We must start finding the answers quickly

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and for this reason I heartily concur in the purposes of House Joint Resolution 1117 and urge the House to take favorable action on this resolution.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of the joint resolution to establish a Joint Committee on Environment and Technology. I believe that the creation of such a body is long overdue.

While the committee's jurisdiction is to include several aspects that I find commendable, I wish to limit my remarks to only a few sections of the bill. In particular to the section which notes that:

> It shall be the duty of the committee to conduct a continuing comprehensive study and review of the character and extent of environmental and technological changes that may occur in the future and their effect on population, communities, and industries . . . and to study methods of using all practicable means and measures, including financial and technical assistance, in a manner calculated to foster, promote, create, and maintain conditions under which man and nature can exist in harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans . . .

I know of no broader committee mandate. And I applaud the foresight of the majority leader, the minority leader, and the many other Members of the House of Representatives who helped draft this bill. What we are talking about in these sections of the bill is a nonlegislative committee which will have the authority and responsibility for examining the impact of future technological changes and scientific inventions on our society. We are all aware of the great number of inventions and discoveries which have occurred in the past generation—the computer, the laser, intercontinental ballistic missiles, manned space flights, and so forth. Yet, these changes may seem puny compared to ones which are predicted for the remainder of this century; large-scale desalination plants capable of economically producing useful water for agricultural purposes, automatic language translators capable of coping with idiomatic syntactical complexities, regular and reliable weather forecasts 14 days in advance, individual, portable, two-way communication devices, and economical, mass-dispensable contraceptive agents are some of the developments which many, if not most, scientists believe will occur in the next 30 years. This list neglects, of course, those discoveries which we cannot foresee, and yet it is this latter group of inventions which may be most important. Practically no one forecast the discovery of the computer, and yet we are only now beginning to understand the potential impact of this marvelous device.

I wish to dwell for a moment on just two possible changes which may occur—techniques through which parents can choose with near certainty the sex of their children ahead of time and the development of home-based computer information systems.

A recent book and article claim that parents can today choose the sex of their child rather than having to hope that they will have a boy or a girl. What will this new technique mean for our society? While I cannot know all the possible consequences, it would seem that a significant proportion of the population will use this, and that it is unlikely that the number of families wanting boys will exactly equal the number of families wanting girls. Assume for the moment that families want more girls than boys—though for the sake of the argument it makes no difference. What will this mean for our society?

If a fairly substantial imbalance between the number of boys and girls develops, our norms about homosexuality and polygamy might change. At a less extreme level, many boys—assuming they were in the majority—might go into fields that have been traditionally dominated by women: first-grade teaching, nursing, library, and secretarial work. We can only guess what consequences such shifts in our labor force would have on our Nation.

Another possible technological development in the next 30 years may be the installation in many homes of computers, based perhaps on a CATV system. In such an event, individuals would have the capability of interacting with massive data banks located throughout the Nation and/or the world. They could obtain their morning newspaper in visual or printed format through such computers. They could obtain background material on matters of interest to them—that is Vietnam; unemployment. Eventually people may no longer go downtown to work but rather stay at home and work by exchanging data through these computers.

While the former event is more likely to occur and to occur sooner than the latter, they both indicate the magnitude of the forthcoming technological revolution which this Nation will confront.

Why should we in Congress be concerned about these events? We are the elected representatives of the public. We must try to understand what events are going to occur in the future and their impact on society and then determine what we shall do. In this respect the fact that the joint committee is not a legislative committee is an advantage. It can serve as a sounding board for the Nation's most knowledgeable men about future advances in the various areas of the social, physical and biological sciences, I am not sure what, if anything, the Congress should do about, for example, possible imbalances between the sexes due to the new techniques mentioned above. But clearly this is something that the public and the public's representatives should study.

The problem was succinctly summarized in a recent report issued by the Institute for the Future:

> Scientific and technological developments have profoundly altered man's institutions, his life styles, and his aspirations in the last several generations. What is striking about this transformation is not that it has occurred, but rather that it has occurred without preparation. For the consequences have been pervasive, and many of them, favorable and unfavorable alike, have left today's policy-makers and policy advisors seriously behind the course of events, with the result that by the time their efforts have been translated into programs for action they have become infeasible or simply irrelevant.

Congress has long been criticized as an institution more attuned to dealing with a 19th-century environment than with a 20th-century one. I, for one, have felt that we often have not been very responsive to the problems confronting this Nation today. However, this joint resolution is a major step forward. It shows the Nation there are forward-thinking men in this body, men who are concerned about the problems and opportunities that will confront the United States in the 21st century. I urge the House to speedily pass the joint resolution.

Mr. ALBERT. Mr. Chairman, I rise today in support of House Joint Resolution, 1117 which would establish a Joint Committee on Environment and Technology. I have been joined in introducing this resolution and several similar resolutions by the distinguished minority leader, Mr. FORD, and over 130 Members of the House. This resolution has broad bipartisan support in the House, in the Congress and indeed in the country. The Joint Committee which it is proposed to create would be a nonlegislative committee, the purpose of which would be to provide a focal point for consideration of many of the difficult environmental decisions which must be made in the coming years. It would provide the legislative committees which have jurisdiction of environmental matters the necessary background to insure effective action on both short-term and long-term environmental problems and needs.

Section II of the resolution sets forth the duties of the committee in the following language:

> It shall be the duty of the Committee—
>
> (1) to conduct a continuing comprehensive study and review of the character and extent of environmental and technological changes that may occur in the future and their effect on population, communities, and industries, including but not limited to the effects of such changes on the need for public and private planning and investment in housing, water resources (including oceanography), pollution control, food supplies, education, automation affecting interstate commerce, fish and wildlife, forestry, mining, communications, transportation, power supplies, welfare, and other services and facilities;
>
> (2) to study methods of using all practicable means and measures, including financial and technical assistance, in a manner calculated to foster, promote, create, and maintain conditions under which man and nature can exist in harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans;
>
> (3) to develop policies that would encourage maximum private investment in means of improving environmental quality; and
>
> (4) to review any recommendations made by the President (including the environmental quality report required to be submitted pursuant to section 201 of the National Environmental Policy Act of 1969) relating to environmental policy.

The resolution also provides that the committee shall, as soon as practicable after it is referred to the committee, hold

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hearings on the Environmental Quality Report required by the National Environmental Policy Act of 1969. This feature of the resolution is similar in nature and import to the requirement that the Joint Economic Committee hold hearings on the economic report of the President.

On or before the last day of December of each year the committee shall submit to each house for reference to the appropriate standing committees an annual report of the studies, reviews, and other projects undertaken by it together with its recommendations. The resolution specifically provides that the committee may make such interim reports to the appropriate standing committees of the Congress prior to such annual report as it deems advisable.

Under the resolution as it has been introduced the Joint Committee on Environment and Technology would be composed of members from various legislative committees which have legislative jurisdiction in areas relating to environment and technology. The committees of the House and Senate which would be represented on the joint committee are as follows: House Committees on Agriculture, Banking and Currency, Interstate and Foreign Commerce, Interior and Insular Affairs, Education and Labor, Public Works, Government Operations, Science and Astronautics, Merchant Marine and Fisheries; Senate Committees on Agriculture, Banking and Currency, Commerce, Interior and Insular Affairs, Labor and Public Welfare, Public Works, Government Operations, Aeronautical and Space Sciences, and the Joint Committee on Atomic Energy.

Mr. Chairman, it should be pointed out that the chairman and ranking members of a number of the committees I have just mentioned have joined me in sponsoring this legislation.

Mr. Chairman, I firmly believe that such a committee as is proposed in House Joint Resolution 1117 is absolutely necessary if the Congress is to exercise its proper functions and to perform the duties required of it by the age in which we live.

Last year we enacted the National Environmental Policy Act of 1969. Through that act, this Congress has declared that it intends to give a high legislative priority to environmental issues in the 1970's. An examination of the legislative output for the past several years will reveal that Congress has been increasingly concerned about environmental problems and that legislation reflective of this concern has been increasingly enacted.

The National Environmental Policy Act recognizes the collective impact of population and economic development and declares a national policy which balances environmental quality and productivity in a harmonious relationship between man and nature. The act proclaims it to be the responsibility of the Federal Government to promote the restoration and maintenance of environmental quality by cooperating with and assisting State and local governments. Implementation of the act will be through the Council on Environmental Quality, whose duty it is to make recommendations to the President and to assist in the preparation of an annual report to be submitted to the Congress. As I have indicated, it would be the duty of the proposed joint committee to examine that report and hold hearings on it.

Having set out a national policy on the environment, as we have done in last year's act, it is incumbent upon us to see that the structure of the Congress is such that it can adequately play its part in the development and implementation of such a policy. Most persons with any knowledge at all of environmental activity recognize, I believe that the fragmentation in the Government—both in Congress and in the Federal departments—of the responsibility for the various activities and components which are involved in environment problems has long been recognized as one of the limiting factors in the solution of complex environmental issues.

A mere compilation of the committees of the 91st Congress and the areas of their jurisdiction which affect environment and technology requires several closely typed pages.

Mr. Chairman, let me again emphasize that I believe it is extremely important that such a committee as proposed in House Joint Resolution 1117 be formed. The Congress must be prepared to do its part in solving the almost overwhelming problems of our environment.

Mr. RYAN. Mr. Chairman, the proposal to create a Joint Committee on Environment and Technology represents a long overdue effort on the part of Congress to play a more active role in the restoration of our environment.

Last January I pointed out to my colleagues the need for a joint committee on the environment by introducing House Concurrent Resolution 496, to set up a Joint Committee on the Environment.

The need for this committee was very clear to me then, as it is now. Let me just point to a few statistics on air pollution levels to demonstrate one aspect of the daily hazards to our environment. While the carbon monoxide content in clean, dry air near sea level is .1 parts per million, the average daily content in midtown Manhattan often exceeds 15 parts per million during business hours. The oxidants component in clean, dry air near sea level is .02 parts per million; the average daily content at East 121st Street in Manhattan is .04 ppm's. As compared to .001 parts per million of nitrogen oxide in clean, dry air near sea level, the average daily content at East 121st Street is 109 ppm's. And the comparative figures for sulfur dioxide are .0002 ppm's in clean dry sea level air and 111 ppm's at East 121st Street. Finally, suspended particulates average 124 micrograms per cubic meter in Manhattan's air.

These statistics are not unique. Nor are they unusual. Anyone who has traveled through Gary, Ind., Chicago, Los Angeles, Cleveland, or a hundred other cities, has seen the layer of smog overhanging their skylines. Anyone who suffers from emphysema or asthma or bronchitis has experienced the agonies of polluted air. Anyone who has been caught in a tracffic jam, or who has driven the streets of any town or city, has been subjected to some of the over 90 million tons of contaminants spewed forth from automobile exhaust systems.

It is time for the Congress to insure the sanctity of our environment for all Americans—to those alive now, and those to be born in the future. A Joint Committee on the Environment is an important first step toward reaching that goal.

Mr. MINISH. Mr. Chairman, I rise in support of House Joint Resolution 1117 to establish a Joint Committee on the Environment and Technology. I am a sponsor of House Resolution 947 providing for a standing Committee on the Environment in the House of Representatives. Although I believe a standing committee on the subject of the environment would be preferable in view of its legislative power, I support the joint committee resolution as a worthwhile step toward developing the information and expertise so necessary to deal effectively with the environmental crisis.

The Joint Committee on Environment and Technology would consist of 19 Members of the Senate to be chosen by the President of the Senate and 21 Members of the House to be chosen by the Speaker. The chairmanship would alternate between the two Houses, with the vice chairman representing the other body of Congress. The joint committee would be charged with conducting a continuing study of the environment and making recommendations to the Congress.

Mr. Chairman, the Congress must make a full commitment to solve the problems of pollution and technology. This commitment is necessary now if our children are to joy a cleaner, safer, and more pleasant Nation in which to live, grow, and prosper. Developing an independent and reliable source of information is one essential ingredient of our attack on every type of pollution. For this reason, I urge overwhelming support for the Joint Committee on Environment and Technology.

Mr. HOGAN. Mr. Chairman, as a cosponsor of a resolution identical to the one before us, I would like to express to this body my wholehearted support for the creation of the Joint Committee on Environment and Technology.

I share with all Members of the House a deep concern over the impending threat to our society if present polluting practices are permitted to continue. While I firmly believe the pollution problems can best be solved at the local level—their source—the Federal Government can and should provide encouragement, guidelines, technical assistance and funds. To provide this assistance and insure a coordinated and meaningful effort to control pollution, the Congress finds itself in the position of writing legislation and guidelines. Due to the fact that at least a dozen committees handle environmental legislation, efforts are piecemeal and have resulted in duplication, omission, and contradiction.

A comprehensive overview of the pollution problem and comparative evaluation of the seriousness of component

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problems are not possible with oversight spread among several committees. Therefore, I believe one very important step that Congress must take is to reorganize itself in preparation for the task ahead.

Scientists today are providing us with estimates of from 35 to 100 years as the time remaining for life on earth. We are close to becoming the first nation in the history of the world to commit suicide by progress. Public officials bear the responsibility of preventing that suicide because it is the decisions we make that lead, step by step, toward or away from the precipice. Bearing this responsibility in mind, Congress must be provided the best information and be able to come up with the best solutions to the problem.

I, personally, would consider the product of the efforts of such a joint committee to be of inestimable value to me in my consideration of the overall problem and corrective legislation. For these reasons, I joined with my colleagues in sponsoring this bill and urge your favorable vote on this matter.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of House Joint Resolution 1117 to create a Joint Committee on Environment. Clearly such action can serve to indicate our interest in solving the crucial problems in this area, and also activate further efforts to deal in a specific and meaningful manner with these issues. The promptness with which the Committee on Rules, on which I have the honor to serve, scheduled hearings and granted a rule making it in order to consider this bill today indicates the high priority which we felt it should have.

I earnestly hope that the committee will live up to the high hopes which we all have of producing creative and constructive action in the area of the environment.

As chairman of the House Republican conference, I also wish today and in ensuing days to call the attention of the Members of the House to the sustained and continuous efforts of Republican Members to mobilize public support for critically needed environmental legislation.

One of those who has been in the forefront of this battle, even prior to his election to the Congress in 1949, is the distinguished ranking minority member of the Committee on Interior, the gentleman from Pennsylvania, JOHN P. SAYLOR. His support for the environmental cause has never lagged and today he is one of the strong proponents of the Nixon administration's environmental legislation.

I was particularly impressed with the gentleman's recent speech to the student body at Pennsylvania State University, in which he stated:

> There is one more charge which I want to deal with in short fashion: the indictment of the present Administration for its activities in the anti-pollution battle is, to use the kindest word possible, unintelligent.
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> The protection of America's natural and national environment has been the concern of a great many congressmen of both parties for a long time. Only since President Nixon's election has the environmental concern become a truly national issue.

Because the gentleman from Pennsylvania's speech to the student body at Pennsylvania State University warrants public attention, I include it in the body of the RECORD following my remarks, along with his speech to the Johnstown branch of the AAUW:

OUR NATION'S ENVIRONMENT: IT NEEDS YOUR HELP

(By Hon. JOHN P. SAYLOR)

Madam Chairman, Ladies and guests. Your request for this speech seemed relatively innocent when it was delivered sometime ago. You asked me to tell you, "What can we do to protect the nation's environment?"

Upon reflection, I realized that I had been asked to address a group that is universally known as expert in the field of getting things done, with or without the advice of a male. Although I hesitate advising you, I will try to challenge you in the next few minutes about the gravest set of problems that confront the nation.

I say "challenge" advisedly. I do not believe this country of ours is capable of solving the problems of the environment unless you, the women of America, take it upon yourselves to start a crusade for the protection of our natural and national heritage.

There is precedent for such a crusade. The most important crusade ever to overwhelm this country was that which gained women the right to vote. In fact, this year will mark the fiftieth anniversary of the nineteenth amendment to the Constitution. But when I mention a new crusade for the environment, we might coin a new phrase: The Women's Benevolent Crusade to Assure Our Children a Future. There is a profound difference between the atmosphere now and that of fifty years ago.

During the crusade for the vote, there was time. Time spelled with a big "T."

There is little time now.

Any crusade is already ten years late in starting.

Any crusade is in jeopardy before it begins.

I probably sound like one of those strange people who parade around with signs predicting the end of the world. Perhaps such individuals are pathetic in our sophisticated eyes, but rarely do we doubt their sincerity. I feel like one of those people now with regard to our environment. My sign reads:

Does anyone care?

Will anyone act?

Is there time?

The field is already full of the professional doomsayers when it comes to the environment. And why? Because there is indeed cause for concern.

Perhaps some of you watched the Johnny Carson show on January fifth. For one solid hour, a well known biologist horrified twelve million American television viewers with examples and prognostications about the plight of our environment. His performance was enough to curl the hair—or straighten the hair. Professor Ehrlich's message, in brief, was this: We will *not* solve the pressing problems of pollution in this or any decade. We are doomed.

Now, some of us in Congress have been making less dramatic predictions on that order for a number of years and I welcome the good professor to what we call the National Environmental Minuteman Club. If he can accomplish the nearly impossible—waking up the American people to theirs, ours, everyone's environmental problems—then, frankly, I do not care who gets the credit.

If . . . if . . . the American people can be aroused, then we can, I repeat, we can make a significant contribution toward cleaning up and protecting our environment. And it can be done during the decade of the 1970's!

Now that the Second Session of the 91st Congress has convened, be prepared to hear a new tone of urgency in Congressional pronouncements, predictions and promises concerning the environment. A decade's beginning is cause enough for such statements, but for the start of the Seventies, you can expect a virtual flood of comment that will depress you for their gloominess and—at the same time—excite you with their promise.

The "in" word is environment. You will hear it *ad infinitum*. According to the dictionary, environment is something that surrounds and Congressmen will be talking about *all* conditions that have a bearing on the quality of our lives. And what does not?

As one of those in the Congress responsible for the term—*the environmental decade*—I appreciate this opportunity to express some hard truths about the momentous job facing the nation.

Right away, I have to admit that I am one of those who is very uneasy over the potential for the protection of the quality of life for our children and our children's children. In fact, I will make a prediction:

If, in the next ten years, our nation does not begin a massive repair job on the environment to offset the damage done in the past fifty years, the following fifty years will not be worth worrying about!

Hard words? Not really. Think for a moment about your personal confrontations with pollution: concern about what is safe to feed your family, smarting eyes during your trips to any major city, the quality of the water you drink.

It boils down to this—and we have to make an admission: we are at war—with ourselves. The question is: Who will win the war? Who will lose the war? No graver mistake could be made than to think that man—because of his own wit and wisdom—is immune from taking the path toward extinction.

The path of history is littered with the bones of dead states and fallen empires most of which rotted out before they were overwhelmed. And they were not, in most cases, promptly replaced by something better. It no longer takes an expert or even a perceptive layman to see that much of the quality of our environment has been rotted out. Yet we find that the forces of decay are still at work.

We live in a society that has rarely worried about the environmental or ecological costs of—"progress."

We are paying now. Little by little and day by day, we are realizing that . . . *something* . . . has to be done to put a stop to the pollution of our national and natural heritage. The reason is obvious: man himself has become the endangered species. So the goal in the *Environmental Decade* is to do that something to reverse our lemming-like rush to oblivion.

We must win the war with ourselves.

It will take a national commitment.

It will involve individual citizen action.

And time is running out.

In summary form—here are the specific and largest problem areas we face.

First, water: Today every river system in America suffers in some degree from pollution. Industrial discharges, both treated and untreated, into our rivers and streams equal the raw sewage from almost 170 million people. The sources of usable water are running out.

The Department of the Interior reports that more than 15 million fish were killed last year by municipal and industrial wastes, which totaled over 18 billion gallons. By 1975, a growing population and increasing urbanization rate will require from $30 to $50 billion for municipal sewerage systems, industrial waste treatment facilities, separation of combined storm and sanitary sewers, and for research and development of pollution control methods.

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Rivers and lakes receive great quantities of industrial chemicals, debris, pollutants, and oil and these things kill fish and pose hazards to human, animal and microbiologic life. Some of our best fresh water fish have become almost extinct.

The sign which reads, "Polluted Water" has become all too familiar on the beaches and rivers of this Nation. One recent study indicated that about thirty percent of the Nation's public drinking water systems may fall below Federal standards.

Sometimes there is too much water—sometimes too little—sometimes it is too dirty to use. But the basic problem is that we do not properly manage the water resources we have.

Second, air: Air pollution thickens our skies, offends our senses, obscures our visibility, costs us money, destroys plants and property, sickens and kills people—and it is getting worse.

How much worse? A recent study by a scientist at Penn State has proved beyond a shadow of a doubt that air pollution is changing the weather! Consider what this means for all of life.

Industrial chimneys in the United States pour thirty-seven million tons of sulfur dioxide into the air every year. Over ninety million autos add sixty-six million tons of carbon monoxide. Electrical incinerators produced another five million tons to help foul the air. These gases kill or stunt plants, affect human nerves, causing irritation and decreasing normal brain function, damage buildings and personal property, and leave a depressing, sometimes even fatal, pall over the urban landscape.

Since 1860, the carbon dioxide content of the atmosphere has increased fourteen percent, thus reducing oxygen regeneration and adversely affecting the process of photosynthesis whereby all plants require oxygen and sunlight to grow.

Another recent analysis shows that by simply walking the streets of New York City for a day, a person would breathe in the toxic equivalent of close to two packs of cigarettes.

There is not a major metropolitan area in the United States without an air pollution problem; by 1980, this nation's urban population will increase by a third, the number of motor vehicles will increase by forty percent, and our demands for energy by fifty percent.

Third, solid wastes: We are surrounded by junk, and we do not know what to do with it.

We produce and discard each day millions of tons of garbage, rubbish, automobile hulks, abandoned refrigerators, slaughterhouse refuse. Each year this waste is enough to fill the Panama Canal four times over. It mars the landscape, breeds disease-carrying insects and rodents, and much of it finds its way into our air and water.

The American consumer actually consumes very little. He merely uses things and he never really disposes of them. They survive in some form. A good example is the nearly indestructible aluminum can, produced in the United States at an annual rate of forty-eight billion. The rate for bottles and jars is twenty-eight billion per year.

By the year 2000, 270 million Americans will live in urban environments; as it is, 70 percent of the population lives on 2 percent of the land. When coupled with the fact that the average American's annual output of 1,800 pounds of solid waste—five pounds a day—is rising at a rate of 4 percent a year, the outlook for waste disposal is indeed bleak.

And here is the big question: disposal already costs us four and a half billion dollars a year. What will it cost next year, or the year after, or in the year 2000?

A friend of mine has suggested that there might be a silver lining to the solid waste cloud: he says that at the present rate of growth of the junk piles, we should soon be able to live atop them, thus above the air pollution, and thereby providing us with the ability to feel clean water when it rains.

Fourth, population: When you boil the environmental problem down to the basic element, the problem is one of space. There are simply more and more people contending for less and less space and rapidly diminishing natural resources. I am not going to give you a warmed over version of the Malthusian doctrine, but I will give you just a few statistics to chew on which may add impetus to your concern with the environment.

It has been estimated that the human population of 6000 B.C. was about five million people, taking perhaps one million years to get there from two and a half million. The population did not reach 500 million until almost 8,000 years later—about 1650 A.D. This means it doubled roughly once every thousand years or so. It reached a billion people around 1850, doubling in some 200 years.

It took only 80 years or so for the next doubling, as the population reached two billion around 1930. We have not completed the next doubling to four billion yet, but we now have well over three billion people. *The doubling time at present seems to be about 37 years.*

Thirty-seven years! What kind of a future—one you personally can contemplate—will that make for your children?

Water pollution, air pollution, waste disposal, the population explosion—you have heard about these problems for years. So what is new?

Nothing is new about the problems, it is only that we are beginning to see—in our everyday lives—the effects. In the pursuit of progress, man has put strontium ninety in his bones, iodine 131 in his thyroid, D.D.T. in his fat, and asbestos in his lungs. Now there is a killing rate of progress.

Today, pollution adversely affects the quality of our individual lives. In the not too distant future—unless something is done—pollution may affect the very duration of our lives.

The role of Congress in cleaning-up America's environmental mess is critical. Recognizing this at long last, over 200 Congressmen have taken the following pledge regarding action for the next decade:

I pledge that I shall work to identify and overcome all that degrades our earth, our skies, our water, and the living things therein, so that the end of *the environmental decade* of the 1970's may see our environment immeasurably better than at the beginning.

Brave words! But you know as well as I do that to translate these congressional words into government action is going to cost—and cost plenty.

The Congress of the United States cannot wave a magic wand and create money to do the job required. Federal, State, and local government money is *your* money. Frankly, I estimate that it is going to take between 50 and 75 billion dollars of *your* money to do the job right. The only way—absolutely the only way—the amounts of money can be spent by Congress, the States, and at the local levels of government is if there is a solid and massive amount of public support.

Most of you have probably heard about the Gallup poll conducted for the National Wildlife Federation to learn whether or not there is a base upon which to build massive public support. In general, the polls (two were taken in 1969) indicate that the public is growing increasingly impatient with those whose actions degrade our environment, and that the public is prepared to assume a substantial burden of the costs of improving the situation.

However, buried among the glowing statistics that have led to false optimism on the part of a large number of the nation's leaders, is a group of numbers of which you should be aware. Given the public's concern over the environment, what, directly, are they willing to do about improving it?

People were asked if they personally would be willing to accept a $200 a year increase in their families' total living expenses in order to clean up the natural environment.

Sixty-five percent rejected the proposition. Sixty-five percent said "no!"

Very well. Maybe $200 per year, per family is too much. The results of the same question but with a reduced amount of $100 per year: Fifty-six percent said "No!"

Very well. Maybe $100 per year, per family is too much. The results of the same question but with a reduced amount of $50 per year: Forty-seven percent said "no!"

When the dollar amount per family, per year, was reduced to twenty dollars a year—*TWENTY DOLLARS A YEAR*—then and only then did the national sample show that fifty-five percent of the people were willing to do something about their environment.

I ask you now—how much do you think twenty dollars per year, per family, will buy in the campaign to make a significant dent in the nation's environmental mess?

Not much!

Not much at all!

Is it not obvious now? The public's attitude about the magnitude of the environmental mess has to change. This is where you come in. I might go so far as to say to that if you, the women of America, do not come into the picture at this point, then nothing—nothing of significance—is going to be done to protect our children's future.

The Johnstown Branch of the American Association of University Women has indicated its willingness to do something about the environment. Your study topic for the next two years is "conservation." I hope you will expand your two-year concern with conservation and environment-related issues to the length of the decade.

In my opinion, you will have to do more than study the problems. You will have to act. In fact, and I hesitate to say it, I hope this organization of lovely ladies will become a militant organization for the preservation and protection of the environment.

You will have to dramatize your concern. You will have to convince your neighbors. You will have to work long hours. You will, in short, have to dedicate yourselves to saving the environment.

I have cited examples and statistics that deal with the national picture. But consider this: the national picture is made up of thousands upon thousands of local pollution problems. Pollution is not somebody else's problem—no area is pollution-free—pollution is first and foremost a neighborhood, community, and county problem—then it is a state and federal problem.

The conservation you study must not be just the classic conservation of protection and development, but a creative conservation of restoration, improvement, and innovation. Your concern should not be with nature alone, but with the total relation between man and the world around him.

You must become discriminating critics, asking hard questions about local public works projects, including road and dam building, real estate development, and even fishing, hunting, and camping sites.

You will have to ask these questions of your local government:

What is desirable?

Does it bring serenity, beauty, and quiet?

Or does it bring noise, clutter, pollution and congestion?

You will be required to find alternatives. Before a swamp is filled, a stream dammed, a road built, an airport sited, or a power plant constructed, all the options must be weighed.

This total approach to the environment is marked by a realization that pollution control is necessary not for man's enjoyment

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alone, but also for his survival. It recognizes that in our interdependent system, plant life helps to renew the air, the air helps purify the water, and the water irrigates plant life. Damage to one facet of the system can throw the whole ecological system off balance.

Alternatives and solutions will be found through community-wide planning; good zoning ordinances; strongly enforced, effective conservation agencies; modern methods of solid waste disposal; adequate open space for playgrounds and recreational areas; protection of water courses and wildlife; trail systems for walking; conservative education in the public schools, and naturally, a proper individual code of conduct towards the environment.

Getting all this across to your neighbors and friends is going to be a tall order. I hope you will enlist the aid of the news media and bring the other women's organizations into the battle.

The goal of this personal, direct, involvement with the environment at the local level is to create a community feeling for the environment. With that accomplished we can put the lie to the statistics which show that people are not willing to pay to have an improved environment.

In the end, control and reduction of the pollution of our environment is going to be expensive. We in the Congress are counting on you to develop the grassroots campaign that will make it possible to attack the problems from yet another level. But keep this in mind; environmental improvement and preservation is not something that is going to filter down to you from the Federal or State governments; it is something that will be a joint effort.

I wish to conclude with the words of a currently popular song which expresses, simply and with great force, what is at stake in the battle to save man's environment:

This land is your land,
This land is my land,
From California to the New York Island,
From the Redwood Forests to the Gulf
Stream waters,
This land belongs to you and me.

Who else will take care of it?

Thank you

THE ENVIRONMENT: YOUR ATTITUDE IS CRITICAL

(By Hon. JOHN P. SAYLOR)

Thanks and acknowledgments.

I will admit to having approached this audience with some degree of hesitancy. I have been in the business of trying to do something about the protection of the Nation's natural and human environment for a long, long time and I was not exactly sure how a group of newcomers to the conservation battle would react to an "old grad" conservationist.

Fighting the establishment, or as some people have said, tilting with conservation windmills, is not, I repeat, is not a new phenomenon.

You see before you one who bears a number of political scars from battles fought on behalf of wildlife, clean rivers, proper solid waste disposal, acid mine drainage abatement, strip mine control and land restoration, in short, battles to improve the quality of life.

The current issue of *Playboy* magazine contains a cartoon which is appropos a part of my feelings on approaching the so-called "Now Generation."

In the cartoon, a potbellied father is shown standing out-of-doors next to his long-haired son, admiring the most beautiful sunset ever seen. The father says to the son, "what a glorious sunset! And you complain about the kind of world I've given you."

Granted, my generation cannot claim to give you a sunset. We cannot lay claim to being able to pass on to you any of nature's wonders. They were there for us to use—and misuse. You will also have the choice of how to use the gifts of nature.

Implied in the cartoon, and in far too much of the literature of the activist environmentalist of today, is the indictment that the current generation is passing-on something befouled, something dirty, something unfixable, something, that is, different than what was passed on to us.

I am not going to make any excuse for the spoilation of our planet. And I am not going to whimper that you do not deserve any better than I got. All I am trying to do is point out that in addition to receiving the polluted planet, you also inherit something else from your elders.

My very good friend, Dr. Eric Walker, the past president of the university, recently pointed out a few of the positive things your generation stands to inherit. Of our generations, Dr. Walker noted:

These are the people who within just five decades, increased life expectancy by about 50%—who while cutting the working day by a third, have more than doubled per capita output.

These are the people who have given you a healthier world than they found. And because of this you no longer have to fear epidemics of flu, typhus, diptheria, smallpox, scarlet fever, measles or mumps. And the dreaded polio is no longer a medical threat, while tuberculosis is almost unheard of.

These are the people who lived through history's worst depression, fought history's grisliest war, and when over, had the compassion to rebuild that which they had to destroy.

Because they were materialistic, you will work fewer hours, learn more, have more leisure time, and travel to more distant places. The generations represented by your parents and grandparents, so easily dismissed by today's revolutionary rhetoricians, have made a start in healing the scars of the earth and in fighting pollution and the destruction of our natural environment.

They set into motion new laws giving conservation new meaning. Why set aside lands, lakes, rivers and streams for you and your children to enjoy for years to come. Like it or not, these are the people you must work with to solve the problems facing your generation.

Enough reminiscing. The long and short of it is that the price of progress has not been all bad.

There is one more charge which I want to deal with in short fashion: the indictment of the present Administration for its activities in the anti-pollution battle is, to use the kindest word possible, unintelligent.

The protection of America's natural and national environment has been the concern of a great many congressmen of both parties for a long time. Only since President Nixon's election has the environmental concern become a truly national issue.

Irrespective of what the press and certain aspiring politicians are saying on the stump, this Administration has taken significant steps to improve the quality of life for all Americans.

It has started the bandwagon rolling.

The new Environmental Council for the coordination of the multitudinous activities of the agencies in the Federal Government that deal with pollution is a major, and long overdue step.

The Administration's order to Federal Government agencies to clean-up their own backyards—with a specific timetable for compliance—is another significant, long overdue, and far-reaching step in the direction of pollution abatement.

Just last week the President formed the National Industrial Pollution Control Council and ordered it to present workable plans in order for the Federal Government and industry to work together to clean-up the environment.

I know, you might say, just more establishment window dressing.

Say what you please, but finally, the Government is ahead of the critics in that something is being done to attack the root of the problem of pollution. The focus of the new Council will be to come-up with industry solutions to the problems industry has in part created.

On the legal front, the Administration has, and is, taking polluters to court. This activity will be stepped up in the months to come.

We are witnessing the opening of a whole new field of law—environmental law. In the action decade of the 1970's we will determine whether or not the people, through their government, have the capacity and courage to halt the degradation of the environment by using the system of laws.

From oil spill damage suits to protection of bird sanctuaries . . . from protection of the Alaskan wolves and the ecology of our forty-ninth state threatened by oil development . . . . from the building of new sewage treatment plants to a shift in policy on nuclear power plants to a shift in policy on nuclear power plant siting . . . the Federal Government is beginning to move in the right direction.

One might add—and it is about time!

Sure it is. After years in the legislative wilderness, after conservation was on the back burner, after years of neglect and lack of status, things are happening at the nature and environment stand today.

We have a beginning. We are started. We are moving. We need help.

And where will the citizens of the United States get that help?

Part of the answer to that question is found right here at Penn State. Research is critical to saving the environment from the ravages of our compulsive drive for expanding and improving the production-consumption cycle.

I want to add an aside to that statement immediately: Money from the Federal Government is not the single, most important, item on the agenda for saving the environment. I will return to this point later.

I will mention only a few of the earth-saving research projects underway at the University, all of which hold great promise for the future. It would be impossible to list them all.

In line with the new emphasis on the development of a recycling technology, researchers in the Department of Wood science & Technology are investigating the possibilities of putting wood bark to use rather than burning or dumping it. About 310,000 tons of bark are generated each year by major Pennsylvania lumber and paper mills. Consider the ecological savings if what has been considered a waste product becomes a use product.

In related activity, but at the other end of the production spectrum, the College is studying the reusability of paper products. Almost no paper is reclaimed from municipal refuse although half of such refuse consists of paper products. Doubling the amount of waste paper re-used could save 15 million cords of wood per year of the annual growth of 15 million acres of timber land.

Last month the College sent a piece of what seemed ordinary enough paper—except for one thing—30% of the content of that paper came from a city dump.

Late last year I received the results of a series of highly technical studies on water and hydrologic behavior for Northern Pennsylvania which, in time, will have an important bearing on our State's concept of water management in all its ramifications. Frankly, the studies were too technical for me, but one thing caught my attention which you will find of interest.

Listed in the back of the reports were the resumes of the persons undertaking the study

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—young graduate students with credentials that help to make this University an important national center for research.

The College of Agriculture is working on air pollution—using trees as a monitoring agent to determine the effects of air pollution. They are studying various phases of the pesticide problem . . . how pesticides are broken down by bacteria in soil and water . . . the effects of pesticide residue on agricultural commodities . . . and studies of how pesticides can be converted without being harmful to agricultural lands and products.

Research is also underway on the disposal and utilization of poultry and dairy manure—they even have an experiment going to determine the effects of sewage and sludge spread on crop and forest lands.

The Engineering School, the Biology Department, and the Land & Water Resources Institute, plus the Earth & Mineral Sciences School, and other parts of the University are engaged in numerous studies dealing with acid mine drainage.

The list could go on and on. Penn State is, in the vernacular, where the environmental research action is.

But research is only a small part of the picture one has to draw to preserve the environment. In fact, we might say that current research to abate, control, or harness pollution is simply stop-gap action.

If there are to be significant changes in the concepts underlying our understanding of nature and our relation to nature, a more fundamental job has to be done in the discipline of education.

I know there are faculty members who will write that comment down in a little black book, and remind me of it when the next appropriation bill for the Office of Education is being debated. Nevertheless, I want to point out that I am talking about something more fundamental than dollars for various experiments in social engineering.

There has been talk of late about an environmental "bill of rights"—I am one of those supporting a similar concept. But what earthly good will such legislation be if there is no understanding of it by those it is designed to benefit?

In the grade school years of a students life, we have defined certain fundamental and traditional tenets about what constitutes a basic education. We expect every child to acquire a knowledge of democracy and our form of government. In fact, government is taught early in every school across the land.

Similarly, we expect each child to acquire the rudiments of a cultural education, and whether it is Pennsylvania, Virginia, California, or Michigan history and culture, we agree that each child should know something about his heritage.

How can we have any hope for the future of our planet if children do not learn the rudiments of the natural sciences?

In a lecture last week, one of the leading figures in the current environmental movement, admitted that it was not until five or six years ago that educators even considered teaching basic biology to grade school children. Years ago, in a rural economy, there was little need of formalized instruction in the life sciences. One was a naturalist because one had to be.

With the shift to an urban-dominated society, we have a whole generation now, and one that is growing up, ignorant of the fundamentals of ecology.

Lest you castigate me for that last remark, I will add that it was toned down from the comments of the leading biologist I referred to earlier.

The point is that in order to effect a truly significant change in the habits of living that contribute to the pollution of the planet, we are going to have to impress an appreciation and awareness of the responsibilities of living on this earth upon each generation.

I am proposing that ecology, biology, or some simplified combination thereof be made a basic part of our children's education. In the years ahead, such knowledge will be no less important than learning government or national heritage.

This is a job for education and I do not think it needs a sputnik-type educational panic to get the program started.

I have mentioned what has preceded your generation, some of what your Federal Government is doing today, and some of what your University is doing in regards to environmental clean up. And I have suggested at least one fundamental change needed in our educational process to prepare future generations to be better environmentalists than we are today.

Now I come to the part of this speech which deals with the nitty gritty. What has all this to do with you?

I do not know what you expected of your Earth-Week kick-off speaker.

If you expected him to tell you to . . . man the barricades, burn down billboards, clog telephone lines, occupy buildings, beat-up policemen, carry signs and banners, stage sit-ins or sit-downs, wear gas-masks, and/or other childish nonsense, all in the time of conservation . . . . then you will be disappointed.

Very frankly, there is already too much of the revolutionary motif in the student environmental movement to suit my tastes.

You have two choices about the future and your individual impact on the nation's environment as I see it.

You can work to the limit of your ability and within the mental, physical, and time constraints of being students, to improve your capacity to affect the course of events in the next few years, which is, in my opinion, the constructive approach. . . .

or you can take the childish approach and join the revolutionary underground and accomplish nothing. I repeat, accomplish nothing.

The revolutionary underground is not dedicated to saving the environment!

The price of revolution is destruction, plain and simple—not preservation, conservation, or ecological balance.

The events of April 15th on this campus prove nothing. What I do not understand is that intelligent students . . . those who are trying to get an education . . . get themselves swept-up by the oratorical fervor of the new Hitlerites.

One critic of today's youth characterized your generation as being the first one in history to see itself from the outset as a herd, rather than as an aggregate of private persons who happen to be the same relative age.

Such a description is overdrawn—for the majority. I do not buy it. But it is immaterial whether or not I buy such a concept.

The important question is if Middle America is buying that concept. I am very much afraid that that is exactly what is happening with all the demonstrations, dramatizations and disruptions.

Consider this: you cannot preserve, protect, and improve the environment for the betterment of mankind without the active and willing support of those who presently make decisions, whether they be politicians, bureaucrats, or the voters.

You must work within the system to affect the changes desired. Anything that creates opposition to such a goal is essentially counterproductive and doomed to failure. And we cannot afford failure. You do not need me to relate the horrors of the pollution crisis. We see it, smell it, taste it, and hear it everyday.

This leads me to filling in the hole I created some time ago when I said that money was not the most important item of the environmental priority list.

For you, the most important single item on the priority list is your personal attitude toward the environment.

Just for a minute, forget your role in the organized student environmental movement and project yourself down the road, one, two, three, or five years hence. That is, to the time when you are scratching for a living, deciding on how to vote, paying taxes, raising a family, beginning your careers, and the like.

Consider what you, personally, desire, in the way of position, material accoutrements, and/or life style. Consider then what you, personally, will be willing to sacrifice in order to provide a better environment for everyone else.

Today, at this moment, you may not be able to see the difference between desire and realism.

I guarantee you that if you consider your future carefully, you will begin to see the paradoxes that beset most Americans today—especially as they concern the environment.

Finally, I ask you to be realistic. As environmentalists and conservationists, we are not fighting an overnight phenomenon in pollution.

We are fighting a whole tradition, a whole psychology, a whole fabric of life, grounded in the belief that man's major purpose is to subjugate nature to his whims.

As I see it, your job as students and beyond student life, is to bring Middle America around to the point where they too see the dangers facing their way of life if uncontrolled pollution of the environment is allowed to continue.

Such a task calls for reason more than rhetoric.

Such a task calls for criticism and correction, not confrontation and crisis.

Such a task calls for dedication for more than a day, a week, or even a college career. It calls for a commitment throughout life.

What I ask you to give to the battle to protect and preserve our natural environment is your intelligence and commitment.

That is all . . . but that is quite an order.

Thank you.

Mr. STRATTON. Mr. Chairman, I rise in support of House Joint Resolution 1117, to establish a Joint Committee on Environment and Technology. Some time ago I joined several of my colleagues in introducing an identical bill, House Joint Resolution 1120. I am pleased now that we in the House are taking steps to give the serious problem of environmental pollution the special attention that is desperately needed at this time. Our environmental situation has literally become a matter of life and death, especially for our children and grandchildren, who, as some experts tell us, may be among the last generation on earth if we do not act now to reverse the present trend of the depletion of our natural resources.

It is important that we here in Congress recognize that our ecological system is so complex it needs to be considered in its entirety, not piecemeal, as we have been doing up to now. The condition of one segment of the environment affects all other segments of the ecological system. There is a need for us to consider the problem as a whole here in this House, and to chart a long-range legislative battle against all pollution. Establishment of a Joint Committee on Environment and Technology, backed up by its own staff of experts, will enable members of both the Senate and the House to concentrate more thoroughly on the complex problems involved in the

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task of preserving the condition of a healthy life here on earth.

I might say I have also joined in sponsoring legislation to establish a standing Committee on the Environment here in the House, to which all environmental legislation would be referred. Perhaps enactment of House Joint Resolution 1117, if it is concurred in promptly by the Senate, will render this other legislation unnecessary. But we desperately need one committee or the other, preferably, I believe, a standing committee in each body, which would have far more legislative muscle. I do hope, however, that we can move swiftly to get one or the other of these measures into operation.

Mr. SISK. Mr. Chairman, I have no further requests for time.

Mr. MARTIN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a joint congressional committee which shall be known as the Joint Committee on Environment and Technology (hereinafter referred to as the "committee") consisting of nineteen Members of the Senate to be designated by the President of the Senate, and twenty-one Members of the House of Representatives to be designated by the Speaker of the House of Representatives as follows:

(1) one Senator from the majority party, and one Member of the House of Representatives from the majority party;

(2) two Senators who are members of the Committee on Agriculture; and two Members of the House of Representatives who are members of the Committee on Agriculture;

(3) two Senators who are members of the Committee on Banking and Currency; and two Members of the House of Representatives who are members of the Committee on Banking and Currency;

(4) two Senators who are members of the Committee on Commerce; and two Members of the House of Representatives who are members of the Committee on Interstate and Foreign Commerce;

(5) two Senators who are members of the Committee on Interior and Insular Affairs; and two Members of the House of Representatives who are members of the Committee on Interior and Insular Affairs;

(6) two Senators who are members of the Committee on Labor and Public Welfare; and two Members of the House of Representatives who are members of the Committee on Education and Labor;

(7) two Senators who are members of the Committee on Public Works; and two Members of the House of Representatives who are members of the Committee on Public Works;

(8) two Senators who are members of the Committee on Government Operations; and two Members of the House of Representatives who are members of the Committee on Government Operations;

(9) two Senators who are members of the Joint Committee on Atomic Energy; and two Members of the House of Representatives who are members of the Joint Committee on Atomic Energy;

(10) two Members of the House of Representatives who are members of the Committee on Merchant Marine and Fisheries; and

(11) two Senators who are members of the Committee on Aeronautical and Space Sciences; and two Members of the House of Representatives who are members of the Committee on Science and Astronautics.

Of the two Members appointed from each committee under clauses (2) through (11) of this subsection, one Member shall be from the majority party, and one shall be from the minority party.

(b) The committee shall select a chairman and a vice chairman from among its members, at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and House of Representatives with each Congress, and the chairman shall be selected by members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the Members of that House. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purposes of this joint resolution.

(c) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony.

(e) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct.

(f) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate or to the House of Representatives.

Sec. 2. (a) It shall be the duty of the committee—

(1) to conduct a continuing comprehensive study and review of the character and extent of environmental and technological changes that may occur in the future and their effect on population, communities, and industries, including but not limited to the effects of such changes on the need for public and private planning and investment in housing, water resources (including oceanography), pollution control, food supplies, education, automation affecting interstate commerce, fish and wildlife, forestry, mining, communications, transportation, power supplies, welfare, and other services and facilities;

(2) to study methods of using all practicable means and measures, including financial and technical assistance, in a manner calculated to foster, promote, create, and maintain conditions under which man and nature can exist in harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans;

(3) to develop policies that would encourage maximum private investment in means of improving environmental quality; and

(4) to review any recommendations made by the President (including the environmental quality report required to be submitted pursuant to section 201 of the National Environmental Policy Act of 1969) relating to environmental policy.

(b) The environmental quality report required to be submitted pursuant to section 201 of the National Environmental Policy Act of 1969 shall, when transmitted to Congress, be referred to the committee, which shall, as soon as practicable thereafter, hold hearings with respect to such report.

(c) On or before the last day of December of each year, the committee shall submit to the Senate and to the House of Representatives for reference to the appropriate standing committees an annual report on the studies, reviews, and other projects undertaken by it, together with its recommendations. The committee may make such interim reports to the appropriate standing committees of the Congress prior to such annual report as it deems advisable.

(d) In carrying out its functions and duties the committee shall avoid unnecessary duplication with any investigation undertaken by any other joint committee, or by any standing committee of the Senate or of the House of Representatives.

Sec. 3. (a) For the purposes of this joint resolution, the committee is authorized, as it deems advisable (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) With the prior consent of the department or agency concerned, the committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

Sec. 4. To enable the committee to exercise its powers, functions, and duties under this joint resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Clerk of the House of Representatives on vouchers signed by the chairman or vice chairman of the committee.

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that the joint resolution be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENTS OFFERED BY MR. DADDARIO

Mr. DADDARIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Daddario: Page 1, lines 4 and 5, strike out "on Environment and Technology" and insert in lieu thereof "on the Environment".

Mr. DADDARIO. Mr. Chairman, I have two amendments and I ask unanimous consent that they be considered en bloc.

Mr. DINGELL. Mr. Chairman, reserving the right to object, I would like to have the chance to hear the second amendment.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Amendment offered by Mr. Daddario: On page 5, line 4, strike out "and technological".

Mr. DINGELL. Mr. Chairman, reserving the right to object, I would like to ask the gentlemen from Connecticut a question about the amendment. The first amendment, the changing of the title, I really have no objection to, but as to the second one, where the gentleman curtails the powers of the committee by limiting it only to environmental changes and not technological changes, we might be limiting the committee, and before I would waive objection to the unanimous consent, I would like to hear the gentleman respond as to just what is the intent of the second amendment.

Mr. DADDARIO. Mr. Chairman. I ask unanimous consent to withdraw my unanimous consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN. The gentleman from Connecticut is now recognized for 5 minutes on the first amendment.

Mr. DADDARIO. Mr. Chairman, I recognize the very real and urgent issues confronting the people of this country and, indeed, the world, which arise from the deterioration of the environment. They are, in my judgment, problems of the first magnitude—perhaps overshadowing all others.

For this reason I shall support House Joint Resolution 1117.

I offer amendments to the resolution with regard to the inclusion of the area of technology along with that of the environment. I do not believe that these two are susceptible to isolation. "Technology" should be eliminated from the bill, at least so far as its specific language is concerned.

When House Joint Resolution 1117 was first formulated I indicated my views on this matter to the distinguished majority leader, Mr. Albert, who cosponsors the bill. I also appeared before the Rules Committee during hearings on the bill to reiterate the reservations I have concerning it.

Mr. Chairman, I do not contend that technology and its applications have no connection or association with environmental problems. Quite the contrary. Technological application has had a marked influence on the environment—and has enormous significance for the future of our environmental quality, both good and bad.

The point is that technology is only one element in the environmental equation and is no more influential or determinative than a number of other elements—such as economic, political, legal, sociological, and philosophical factors. Scarcely a single environmental blight, if any, exists which is not a product of a combination of these factors. In most cases they are all involved.

To single out technology, then, as the only, or chief contributor to environmental concerns is a distortion of reality.

It is not technology, for example, which is chiefly responsible for retaining our auto smog-and-jam syndrome. It is primarily economics. It is not technology which is responsible for our ocean oil spills, but a political weakness which has prevented the imposition of adequate safeguards. It is not technology which stands as the chief culprit in the pesticide dilemma; that is largely the result of sociological policies and demands. Nor will technological improvements, alone, solve such problems.

Mr. Chairman, there is another reason why technology should not be made an express responsibility of the proposed joint committee.

This reason arises from the reverse side of the coin we have been examining—namely: the results of technology are by no means limited to physical—that is, environmental—factors.

In other words, technology and its application results in more than physical change. It has very broad repercussions—also extending to the economic, sociological, politico-legal and philosophical realms. The repercussions are both wide-spread and potent. There is no doubt about that. In my opinion, they require a special and sophisticated treatment of their own.

This is why we on the Science and Astronautics Committee have devoted so much time and effort to the concept of technology assessment over the past 5 years—with the result that we are now seriously considering H.R. 17046, the so-called Technology Assessment Act of 1970, with hearings presently underway.

Let me summarize the extent of our investigation of this matter.

First, however, let me elaborate briefly on what is meant by technology assessment. In somewhat oversimplified terms it is this: Technology assessment is the evaluation of the impact of existing, new, and developing technologies upon society; it undertakes to assess both the desirable and undesirable consequences of such technologies and to establish cause and effect relationships where possible. In other words, technology assessment is designed to give us better mechanisms for anticipating the short- and long-range potentials of technology.

Our Science Subcommittee has discussed and debated the idea with all sorts of people in all parts of the country since 1965. We have held seminars with the social scientists and blue-sky thinkers. Three major contracted studies on technology assessment have been completed and a fourth is in progress.

One of these, done in the Library of Congress, reviewed the history of congressional handling of technological matters and showed conclusively the need for improved assessment mechanisms. A second, done by the National Academy of Sciences, investigated the concept itself and suggested means for getting the job underway. A third, done by the National Academy of Engineering, experimented with assessment methods on three different subjects.

The fourth, which will be ready in June, is being undertaken for us by the National Academy of Public Administration. It is attempting to identify specific administrative methods and organizational groups through which much more thorough and advanced assessments might be made in the executive branch of the Government.

Meanwhile, our subcommittee, last November and December, held the first set of full-dress hearings on technology assessment—with emphasis on the legislative function. They have led directly to the bill, H.R. 17046, on which additional hearings began on May 20.

The gentleman from Ohio (Mr. MOSHER), who cosponsored the bill with me, and I view this bill as being among the more important long range pieces of legislation to be introduced in modern times.

Mr. Chairman, I think it is clear from the foregoing that technology and its proper assessment is a very complex theater of operations, one demanding a multi-disciplinary, carefully trained handling.

In my view we will unnecessarily dilute our handling of both Environmental problems on the one hand, and Technological problems on the other, if we insist on attempting to isolate the two. I repeat, each is part of the other—but each must be treated as a discreet circumstance, or entity, if it is to be dealt with effectively.

Mr. DINGELL. Mr. Chairman, will the gentleman yield for a question?

Mr. DADDARIO. I yield to the gentleman from Michigan.

Mr. DINGELL. I should like to ask my good friend if he is attempting in this amendment to narrow the jurisdiction of the joint committee?

Mr. DADDARIO. I believe what I have said is not to narrow it, but to allow the environmental activities to work better, to have the joint committee not get itself involved in a way which will in fact narrow its opportunities.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

(By unanimous consent, Mr. DADDARIO was allowed to proceed for 2 additional minutes.)

Mr. DINGELL. I believe the gentleman is now making a very valuable point.

Mr. DADDARIO. The point I should like to make to the gentleman from Michigan is that the environment itself includes certain technological aspects which are particularly confined to the environment. By including technology here I believe we would be adding more than we should and that it would impede the work of the committee. I do believe we ought to narrow this down to the environmental problems, and that this is a big enough job in itself.

Mr. DINGELL. If the gentleman will yield further, the gentleman is saying he is not trying to take away from the joint committee the power to engage in the consideration of any environmental problem or environmentally related problem such as technology, economics, population growth, or any other circumstance which affects it, but merely to prevent there being an undue emphasis on technology. Is that correct?

Mr. DADDARIO. It goes beyond that. I do not believe there is any question, as I said in my remarks, that there are certain areas of technology which can apply. Those would automatically come within the jurisdiction of this committee under any set of circumstances. But to throw technology in there in this way would really make it much more difficult to accomplish your stated objectives.

Mr. DINGELL. I have just one more

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brief point. Then I understand the gentleman is not trying to eliminate the ability of the joint committee to go into questions of technology where they directly relate to the environment.

Mr. DADDARIO. That is correct.

Mr. DINGELL. Rather, he is simply trying to see to it that this be a Joint Committee on the Environment, with broad authority to go into related questions such as technology, economics, social matters and other circumstances.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

(By unanimous consent, Mr. DADDARIO was allowed to proceed for 1 additional minute.)

Mr. DINGELL. Am I correct in that understanding?

Mr. DADDARIO. Yes. The purpose of this legislation in the first instance was that it be aimed at those pervading problems of the environment. The question of technology came in as an ancillary relationship. I do believe it clouds up the situation and ought to be eliminated.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the majority leader.

Mr. ALBERT. The reason for including the words "and technology" was that a great part of the environmental problem does relate to matters which are related to and affected by, technology. With the history the gentleman has made, I believe he is undertaking to do exactly what we tried to do in the joint resolution.

There are nearly 150 Members who cosponsored this resolution and I am unable to speak for all of them, but as far as I am concerned, we will accept the amendment.

Mr. SISK. As far as this side is concerned, Mr. Chairman, we will accept the amendment.

Mr. DAVIS of Georgia. Mr. Chairman, I move to strike the last word.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I am happy to yield to the gentleman.

Mr. DADDARIO. I would also like to call attention, Mr. Chairman, to the fact that we have just had one amendment before us at this time. The other amendment I had offered and will ask unanimous consent that they be considered en bloc, was offered for the same purpose. After the gentleman from Georgia has had his time, I intend, unless I can have an understanding about that, to proceed with that amendment and ask time for that.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman.

Mr. DINGELL. I would be happy to inform the gentleman from Connecticut that I would not object to the two amendments being considered jointly if he asks unanimous consent for that.

Mr. DADDARIO. Mr. Chairman, I ask unanimous consent, then, that the two amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. DAVIS of Georgia. Mr. Chairman, I would like to ask the gentleman from Oklahoma (Mr. ALBERT), if he has any objection to the two amendments being considered en bloc.

Mr. ALBERT. Mr. Chairman, if the gentleman will yield, I do not have any objection to it.

Mr. DAVIS of Georgia. Mr. Chairman, I do not want to belabor the point, but I simply would like to rise in support of the amendment and in support of the subcommittee chairman of the committee on which I serve (Mr. DADDARIO), who has taken a keen interest in this joint resolution, and also in support of the position taken by the gentleman from Wyoming, who was in the well earlier.

I would also state that the word "technology" is a far broader term than the word "environment." I looked in the dictionary a few moments ago, and I noticed that the word "technology" means this: "The application of scientific knowledge to practical purposes. If I ever saw a broad definition, that is it. I would say it is perfectly obvious that technology concerns every single committee in Congress—certainly every single legislative committee, and I would say every single committee whether it is legislative or not.

I support the amendment offered by the gentleman from Connecticut most heartily and thank the gentleman from Michigan and also our majority leader for their remarks.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. Yes. I am glad to yield to the gentleman.

Mr. FULTON of Pennsylvania. Mr. Chairman, I would like to join the gentleman in the well in support of the amendments of the gentleman from Connecticut.

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I am glad to yield to the gentleman.

Mr. PRICE of Texas. Mr. Chairman, I rise in support of the House Resolution to establish a Joint Committee on Environment and Technology. This proposal is substantially similar to one I made earlier in this Congress. The chief difference between the two is that the measure being considered today contemplates the establishment of a Joint Senate-House Committee; whereas I suggested that the new committee be simply a House committee.

I chose my course of action based on the experience the House had in earlier Congresses, in attempting to establish a Joint Committee on Crime. While the House wholeheartedly and enthusiastically endorsed this proposal, the other body did not embrace the plan. As a result, the House rethought the matter and established its own Select Committee on Crime during the first session of this Congress.

In my judgment, there is a lesson to be learned from this experience. While the House should certainly try to work with the other body on a joint basis wherever appropriate, the House should not permit its studies, its evaluations, and its attempts to cope with major problems of the day to be shelved while the other body decides whether or not it wants to engage in a joint venture. For this reason, I submit that the House should move ahead with plans to establish a House Committee on Environment and Technology at the same time it explores with the other body the feasibility of establishing a Joint Committee.

Mr. Chairman, I make this suggestion because I believe congressional attention must be focused on our environmental problems at the earliest possible time. I use the word "focus" advisedly, because one of the reasons why Congress has not responded with adequate speed or diligence to mounting environmental problems is that legislative responsibility for congressional action is so dispersed. At present, House responsibility for environmental legislation is shared among the Committees on the Interior, Public Works, Merchant Marine and Fisheries, Government Operations, and Science and Astronautics.

I believe that this loose system should be tightened up and refined. In my opinion, the best way to accomplish this is to delegate the entire legislative responsibility to one committee. Further, since every committee is presently fully burdened with its share of congressional labor, I think the responsibility should be given to a new committee.

This new committee should also focus its attention on various aspects of technology as well, for the impact of technology on modern man is fantastic. Technology has the capacity to bring good or evil to mankind, and in this century we have seen both produced as a byproduct of man's unceasing drive to attain the peaks of economic self-sufficiency and well-being. Accordingly, we must examine our technological advances more closely and try to engage in rational decisionmaking as to what kind of progress we want as a society and what kind of progress we do not want. We are in a position to make these decisions because the American free enterprise system has provided us with such unparalleled abundance. We must take every opportunity to make these decisions because the future of this society and that of the world may well hang in the balance.

In conclusion, Mr. Chairman, I again voice my support for the proposal to establish a Joint Committee on Environment and Technology. I also emphasize my conviction that this body should proceed with plans to establish a corresponding House committee in the event the other body does not choose to make a joint effort on this issue.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Michigan.

Mr. DINGELL. In the light of the colloquy between my good friend from Connecticut and myself, I do not know whether there is anything that can be raised in the way of an objection to this amendment. I think it is a desirable one, and I urge that it be adopted.

Mr. DAVIS of Georgia. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before we get too far through this joint resolution, I want to ask a few more questions concerning it, particularly with reference to section 3 of the bill which reads as follows:

> SEC. 3. (a) For the purposes of this joint resolution, the committee is authorized, as it deems advisable (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

This proposal is completely open-ended.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Just one second and I will.

This provides that the committee could hire anyone they want to, for as long as they want to, have as many supergrades as they want and they could junket to Timbuktu or to Ouagadougou and hold a meeting on environment.

What are we getting into? Moreover, who is going to provide the office space for this super-duper committee?

Mr. ALBERT. Mr. Chairman, will the distinguished gentleman from Iowa yield?

Mr. GROSS. I would be glad to yield to the distinguished majority leader.

Mr. ALBERT. On that point, this language is taken from standard language used in most of the joint committees. Here is the language in one of the joint committees:

> The Joint Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable.

That is the Joint Committee on Atomic Energy.

Of course, there are limitations on what the committee can do in the way of hiring, and firing. We authorize the appropriations for the committee.

Mr. GROSS. We are doing the authorizing, I will say to the distinguished majority leader, right here and now today. I will say to the gentleman if that is standard language, then it is about time we changed the standard language.

Mr. ALBERT. It is standard language. There is no intention here, of course, for the Congress not to have control over the size of the committee, the staff, and the compensation of the staff or anything else.

Mr. GROSS. Well, there is none here except by virtue of the Appropriations Committee.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. Do I understand, since this joint resolution originates here, that for their funds the committee would have to come to the House Administration Committee the same as any other committee of the House? Will someone answer that?

Mr. ALBERT. Mr. Chairman, will the gentleman from Iowa yield further?

Mr. GROSS. I yield to the majority leader.

Mr. ALBERT. That is correct.

Mr. GROSS. What am I hearing now? That they would have to go to the House Administration Committee for an authorization?

Mr. HAYS. Mr. Chairman, if the gentleman will yield further, the question I asked was this: Do they have to come to the House Administration Committee? I was told informally that if the bill originated in the Senate, they would go to one of the Senate committees for the money, but if the bill originated here they would come to the Accounts Subcommittee of the House Administration Committee and ask for a specific sum of money with which to run the committee, the same as any committee of the House. The answer that the majority leader gave is that they would have to do that.

Mr. GROSS. Would they have to go to the Committee on Appropriations to actually get their money?

Mr. HAYS. Mr. Chairman, if the gentleman will yield further; no. As the gentleman knows, the Accounts Subcommittee, on behalf of the House Administration Committee, brings the bill directly to the floor of the House and it is either approved or disapproved on the floor of the House.

Mr. GROSS. Then it is just a question of how liberal the House Administration Committee might be?

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. On that point, the Appropriations Committee does indeed act upon it, but it acts upon it when it passes the legislative appropriations bill and the Committee on House Administration's funds come out of those moneys appropriated with which to operate the House of Representatives.

Mr. GROSS. I do not yet have an answer to my question as to where or who is going to provide the space for this super-duper committee with all its staff and members. Where is it proposed that this committee meet and hold forth? I do not believe there is any space left even in the parking garages.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the distinguished majority leader.

Mr. ALBERT. That, of course, would be the responsibility of the appropriate authorities of the Congress on both sides to supply the space.

Mr. GROSS. In view of the shortage of space, I wonder if there would be anyplace for this huge committee to meet with its super-duper staff? Moreover, I can think of nothing we need less than another high-cost committee in Congress.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Iowa has started an interesting question on the expenditure of funds of this committee, and the language as written is not identical to that of the Joint Committee on Atomic Energy. As I recall the language in the Joint Committee on Atomic Energy, it provides that the funds must be appropriated, and that comes to the Committee on Appropriations. There is language I think in that act that says it must be appropriated, and we do authorize and appropriate through the Committee on Appropriations for the Atomic Energy Commission.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. BOW. I will be delighted to yield.

Mr. ALBERT. Mr. Chairman, I am reading from section 2255, chapter 3, title 42 of the United States Code, the language pertinent to the Joint Committee on Atomic Energy:

> The Joint Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.

And so forth.

This is almost the same language.

Mr. BOW. Yes, but does it not further provide for appropriations rather than the manner in which this is being handled?

Mr. ALBERT. If the gentleman will yield, section 2254 of title 42 does provide in part that the expenses of the joint committee shall be paid from funds appropriated for the joint committee. The gentleman is correct that the law with respect to the Joint Committee on Atomic Energy does provide for appropriations. I think section 4 provides or carries the same intent and provisions as that carried with respect to the Joint Committee on Atomic Energy. Section 4 of the bill under consideration provides:

> SEC. 4. To enable the committee to exercise its powers, functions, and duties under this joint resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Clerk of the House of Representatives on vouchers signed by the chairman or vice chairman of the committee.

Also 15 United States Code, section 1024(e) relating to the Joint Economic Committee provides:

> to enable the joint committee to exercise its powers, functions and duties under this chapter, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman.

Mr. BOW. That is the identical language that we have in this bill. I thought we should have some legislative history so that later on we do not get into a serious situation on funding.

Mr. ALBERT. I can assure the distinguished gentleman from Ohio that there would be no difference in the manner in which it is handled. Certainly that is not the intent. This bill was drawn by the legislative counsel with the help of

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others, and the purpose was to follow the precedents of the House with respect to other joint committees. If there is anything different certainly we will work it out in conference.

Mr. BOW. May I ask the distinguished gentleman this one further question on the subject of travel and areas of travel: Does this still go to the Committee on House Administration and the Committee on Rules?

Mr. ALBERT. Just exactly like the others.

Mr. BOW. The determination would not be made within the committee, but it would have to have that approval?

Mr. ALBERT. It would have to go through the respective committees. The only reason the House is involved here is that in all of these bills creating a joint committee, when the House starts the legislation it does the bookkeeping work, and the paper work.

Mr. BOW. So in order to have the legislative history the House would have another opportunity to determine the question of expenditures for the travel, the amounts paid to employees——

Mr. ALBERT. Every year.

Mr. BOW. And all those categories?

Mr. ALBERT. Every year.

Mr. BOW. I thank the gentleman, and I am glad we have been able to make this legislative history.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Connecticut (Mr. DADDARIO).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On the first page, strike out line 3 and all that follows down through page 3, line 21, and insert in lieu thereof the following:

"That (a) there is established a joint congressional committee which shall be known as the Joint Committee on Environment (hereafter in this joint resolution referred to as the "committee") consisting of eleven Members of the Senate to be appointed by the President of the Senate, and eleven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Of the eleven Members of the Senate appointed under this subsection, six Members shall be from the majority party, and five Members shall be from the minority party. Of the eleven Members of the House of Representatives appointed under this subsection, six Members shall be from the majority party, and five Members shall be from the minority party. In the appointment of members of the committee under this subsection, the President of the Senate and the Speaker of the House of Representatives shall give due consideration to providing representation on the committee from the various committees of the Senate and the House of Representatives having jurisdiction over matters relating to the environment."

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of the amendment and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Chairman, the function of this amendment is very simple.

It has two purposes. One, to reduce the potential size of the committee as set out in House Joint Resolution 1117 from a total of 40 Members to a total of 22 Members.

I believe this would make a more efficient functioning committee. The representation on the committee would be 11 Members of the House and 11 Members of the Senate to be comprised of six Members of the majority party and five Members of the minority party from each end of the Capitol.

In addition to this, the amendment would change the potential membership of the committee by no longer listing the committees from which members of the committee would be appointed. In effect, it would be as the language of the amendment provides, that the appointments of members of the committee would be done by the President of the Senate and the Speaker of the House of Representatives, giving due consideration to providing representation on the committee from various committees of the Senate and of the House of Representatives having jurisdiction over matters which are related to environment.

This would extend the potential membership of the committee to other than those listed here, although it would shrink the actual size of the committee. It would be more efficient due to its size and I suspect act more quickly at least on matters affecting many of our resources.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. GROSS. To what part of the bill does the gentleman's amendment apply?

Mr. DINGELL. The amendment would strike out the language beginning on line 3 of page 1 of the joint resolution and all that follows down through page 3, line 21.

If the gentleman from Iowa will observe, that relates to the entire procedure by which the committee shall be chosen, and the number of members of the committee. It makes it smaller and I think a more efficient and easier functioning committee.

It has been my experience around here that many of our committees have grown so large that they have become unwieldy and that it is almost impossible for them to function properly which in fact might be because of their very large size.

This is an attempt to get away from a particular problem and to give the Speaker more discretion in selecting the membership and who shall constitute the Committee on the Environment.

SUBSTITUTE AMENDMENT OFFERED BY MR. VANIK FOR THE AMENDMENT OFFERED BY MR. DINGELL

Mr. VANIK. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The Clerk read as follows:

Amendment offered by Mr. VANIK as a substitute for the amendment offered by Mr. DINGELL: Including all language of the Dingell amendment but deleting the last sentence of the Dingell amendment.

Mr. VANIK. Mr. Chairman, the purpose of my amendment is to leave the discretion of appointment to this committee in the sole discretion of the Speaker. That has been the traditional method of appointment. I think that a limitation of this power of appointment to members of committees that have some relationship to environment may be unnecessarily narrowing the choice that the Speaker can make.

For example, several days ago the President recommended a tax on unleaded gasoline. That happens to come before the Ways and Means Committee. This committee may not be represented on this proposed committee. There are other discussions on the use of tax laws to restrain and reduce pollution. For example, there have been discussions of a tax on disposable bottles, cans, and the disposal of junked automobiles. I am sure that a case could be made for members of other committees. To curtail, limit, or restrict the right of the Speaker to select whomsoever he desires to serve on this committee would be not only an unwise precedent, but I think it would limit and rule off the committee a great many people who would have a substantial contribution to make on this issue, whether they serve on the Appropriations Committee or on any other committee of this Congress. I think the Speaker should have full latitude to do as he deems right and necessary in connection with this joint committee.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman and I are in agreement. For example, I can see no reason why members of the Appropriations Committee should not be selected under the amendment I have offered, and members of the Rules Committee, since they have very broad jurisdiction. Because of the important environmental responsibility, I can see no reason why Ways and Means should not be represented under the amendment I have offered. I am not sure the amendment is complete without defining, as my amendment would and as the gentleman's amendment would not, the manner in which the members shall be selected. I am satisfied that there is potential for mischief if we do not define the fashion in which the Speaker shall select the members.

What I am saying to my good friend from Ohio is that the amendment I have drawn, I think, expands rather strikingly the potential membership of the committee in terms of the committees from whence the members shall come, and gives much broader discretion to the Speaker with respect to selection.

I think the defect of the amendment offered by my good friend from Ohio is that it does not say who shall appoint, how they shall be appointed, or from what reservoir in the House of Representatives they shall come. I think to fail to give the appointive power to the Speaker might wind us up in a hassle as to precisely how the members shall be selected. My amendment provides they shall be selected by the President

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of the Senate and by the Speaker of the House of Representatives. The gentleman's amendment does not do so.

Mr. VANIK. The gentleman does not understand my substitute. My substitute includes all that language. The only exception is that it would remove from the amendment of the gentleman from Michigan the language which states that appointments must be made from committees dealing with environment. It leaves it solely and entirely within the discretion of the Speaker as to who shall be appointed.

Mr. DINGELL. I think the amendment I have offered does not contain that danger, and I hope the House will defeat the gentleman's amendment.

Mr. SISK. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized.

Mr. SISK. I hate to oppose my good friend from Ohio, but it seems to me that the authority here is basically concerned in the last sentence. I am not sure whether he had in mind striking the entire sentence. But if the entire sentence should be stricken, it seems to me that we would strike the authority of the Speaker and the President of the Senate to appoint.

I suggest that the substitute be voted down and that the amendment of the gentleman from Michigan be supported.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Ohio (Mr. VANIK) for the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GALIFIANAKIS

Mr. GALIFIANAKIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GALIFIANAKIS: On page 7, line 8, after "(b)" strike out all of line 8 through the word "the" on line 9, and insert "The"

Mr. GALIFIANAKIS. Mr. Chairman I rise to support House Joint Resolution 1117, sponsored by the gentleman from Oklahoma (Mr. ALBERT), to create a Joint Committee on Environment and Technology.

I do not propose today to catalog the problems which have jeopardized the environment in the United States, other than to say that they are growing and must be attacked now. I believe that every Member of Congress understands the need for a committee such as this resolution proposes.

Too often in the past, the spokesman for a cleaner environment have contented themselves with revealing statistics which were meant to frighten the government into action. It was in this spirit that we were told of the 7 million automobiles which are junked every year, of the 200 million tons of air pollution, and of the 30 million tons of waste paper thrown away each year by Americans.

But by themselves, these statistics accomplish little. And in many cases, when it came to the hard organizational work needed to correct the conditions they had documented, the spokesman for a cleaner environment fell short.

That is no longer so. It should be clear to everyone that the environmental movement has become a powerful force in our society. The resolution of the gentleman from Oklahoma would place the Congress at the front of that movement.

With the aid of the committee proposed in this resolution, the Congress could begin to direct the attack against refuse and pollution in this country, an attack which has suffered from discoordination.

Last January, I introduced a similar bill, H. R. 15466, which would establish a 20-member Joint Committee on Environmental Quality. Frankly, I had a proprietary interest in that bill. But it really does not matter to me which bill is passed—just so one of them is.

Unless we create such a committee, I do not believe the Congress can act coherently to prevent technology from overcrowding man. The environment is our responsibility; and if we do not restore it, then we surely will be held in account later on for our lack of concern. We should not be known as the Congress which did nothing while the quality of life in America went down the river in a tide of pollution.

Mr. Chairman, while I fully support this resolution, I do not have one reservation. Section 3(b) of the resolution states:

> (b) With the prior consent of the department or agency concerned, the committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the Executive branch of the Government.

I question whether this committee should have to ask the permission of the executive branch of government before it can do its job. As section 3(b) now is worded, this committee would be squarely under the thumb of the executive branch. And we have seen from a number of studies made during the past two years that the interest of the public and the interest of the executive agencies do not always coincide.

I would be cautious about enacting a resolution which contains the words, "with the prior consent of the department or agency concerned." The committees of the Congress should be free to act whenever they need to. We cannot afford, either practically or as a matter of policy, to let a committee be impeded by an agency.

I would hope that the resolution's sponsors will consider amending this section to leave no question that the Joint Committee on Environment and Technology can act swiftly when the Executive branch will not or cannot. Otherwise, whenever there is a conflict between the Committee and the Executive branch of Government, the Committee may be forced to yield.

Accordingly, I urge the adoption of my amendment.

Mr. Chairman, I urge adoption of my amendment.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. GALIFIANAKIS. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Chairman, I agree with the gentleman from North Carolina, and I support the amendment offered by the gentleman.

Mr. Chairman, I rise in support of House Joint Resolution 1117 which would establish a Joint Committee on Environment and Technology. I might point out that I am a co-sponsor of House Resolution 757 which would create a standing Committee on the Environment here in the House.

Everyone of us in this Chamber is aware of the critical situation our environment is in. Everyone of us, I am sure, is a sponsor or co-sponsor of one or more environmental bills or resolutions. The time has come for resolute action.

Many of us participated in Earth Day activities on April 22d. We know as a result of that experience that an awareness is growing on the part of many Americans, young and old alike, of the need for a redress of the world around us.

The time is now for the rhetoric to stop and the action to begin. Let the record show today that the Congress is in the forefront in the fight against pollution. Let us also insure that our future actions in the environmental field are meaningful and effective. We can make no less a commitment.

I have included, for my colleagues a booklet entitled "Guidelines for Citizen Action on Environmental Problems."

GUIDELINES FOR CITIZEN ACTION ON ENVIRONMENTAL PROBLEMS

RECIPES FOR ENVIRONMENTAL ACTION

The crisis now facing our environment demands immediate effective action by all of us. It is not enough simply to be aware and concerned . . . We all must act, even if the action is only in our own backyards. There are ways that YOU can help resolve environmental problems. The first thing is not to add to the problem through your own actions. The real enemy, as Pogo has said, is "US". We all must be willing to make personal commitments and sacrifices to protect the environment. The following is a beginning: a list of suggestions as to what you can do to reduce your own contributions to envvironmental degradation.

Air pollution

1. Do not burn leaves or trash. Why not start your own compost pile to return the nutrients in leaves and other wastes to the soil?

2. Do not let your automible idle unless this is necessary. The automobile is the single greatest source of air pollution; conscious efforts should be made to reduce its contribution to air pollution.

3. Walk, bicycle, or use rapid transit rather than your car, whenever possible. If you must drive, form driving pools.

4. When buying a new car, ask for detailed information about pollution control equipment. Compare the cars you are considering, and buy that one which has the best abatement device. In general, smaller engines cause less pollution than larger more powerful ones.

5. Check to see if your town has an air pollution control ordinance. If it does not, or if it is ineffective, copies of model ordi-

nances can be obtained from the National Air Pollution Control Administration.

6. Keep your car well tuned. Air pollution control devices need constant upkeep. A tuned car emits less pollutants.

7. Make an oral or written statement at hearings on air pollution and insist on enforcement of air pollution laws. Report offenders.

8. Stop smoking. The average New Yorker takes into his lungs the equivalent in toxic materials of 38 cigarettes a day. Don't add to the problem . . . for your own body and for your environment.

Water conservation

1. Place several bricks in the flush tank of every toilet you use. This will reduce the amount of water used without decreasing the efficiency of the toilet. Potential savings per day in Ann Arbor equals 3,000,000 gallons.

2. Do not use colored tissue, colored paper, or colored napkins. Dyes released in the manufacturer's effluent pollute streams visually and biologically.

3. Turn off or request that officials turn off all drinking fountains or bubblers which flow continually in hallways, public places, etc.

4. Let your lawn or yard go "natural". Instead of massive watering or irrigation efforts, plant vegetation which can flourish under normal rainfall conditions with a variety of species.

5. Switch light bulbs not used for reading to lower wattage bulbs. Be conscious that lower electrical power consumption reduces home or office operating costs and reduces thermal water pollution loads at the electrical generating plant.

6. If your bathtub has a shower, the next time you take a shower put the plug in position to measure how much water is used during your shower. After comparing the volume used for a shower versus a bath, use whichever procedure saves more water.

7. Make arrangements with the local sewage treatment plant and/or water purification plant to provide tours for organizations to which you belong, i.e. . . . church group, school classes, social group, business group, service club, a parent-teachers organization, or a neighborhood circle of friends.

8. Discover who the three worst water polluters in your region are, and call each one to ask what you personally can do to help reduce the problem.

9. Determine how much leakage takes place in your community's water supply system, and what steps need to be taken to reduce that loss.

10. Collect waste water or effluent from public or private water users and deliver them to the company or agency as a reminder that their activity is frowned upon and corrective action should be taken. Personally visit the plant manager.

11. Use detergents, toothpaste, shampoos, and other household commodities which have the least detrimental effect on the water environment where they will eventually end up. Demand information on effects of content by writing to Company Presidents and sending copies of letters to political representatives.

12. Discourage the practice of street washing, unless the advantages clearly outweigh the disadvantages in your city. Too often this practice is left over from the days of manure in the streets.

13. Take personal steps to see oil and other products do not leak out of your car onto the streets and driveways. Demand that only limited application of salt be permitted on your city streets. Consider the salt damage to lawns, trees, water conditions. It would be interesting to see what, if any, reduction in accidents salting has provided.

14. "Brighter Than Bright". A great deal of pollution comes from the phosphate chemicals in the detergents you use. The new bio-degradable detergents merely cut down the foam. . . . They still contain phosphates, which fertilize algae and vegetation making green grass scum that increasingly borders our lakes and rivers. You as a consumer can hasten the production of non-polluting detergents. The following is a list of the percentages of phosphates in major detergent brands. (The *less* phosphates the *less* the product harms our lakes and rivers.)

	Percent
Axion	43.7
Biz	40.4
Bio-Ad	35.3
Salvo	35.3
Oxydol	30.7
Tide	30.6
Bold	30.2
Ajax	28.2
Punch	25.8
Drive	25.3
Dreft	24.5
Gain	24.4
Duz	23.1
Bonus	22.3
Breeze	22.2
Cheer	22.0
Fab	21.6
Cold Power	19.9
Cold Water All	9.8
Wisk	7.6
Trend	1.4

Pesticides

1. Chemical poisons should not be used for pest control except when absolutely necessary for health or economic reasons. Chemical poisons should never be used for nuisance pests like midges or mosquitoes. Never dispose of pesticides by emptying into a water supply. Call local health offices for disposal methods.

2. Consider alternatives before using chemical poisons.

If you must use a chemical poison, follow these guidelines:

a. Use only recommended dosages.

b. Use at the proper time of year.

Farmers are often forced to use chemical sprays merely to save the appearance of produce.

* * * * *

5. Block the use of herbicides on roadside vegetation. Encourage the development of hedgerows with a pleasant visual effect. Varied road-side vegetation serves as a valuable source of insect predators.

Solid wastes

Solid wastes cause either land pollution or, if burned, air pollution. Every effort should be made to cut down on the volume of such wastes. The average American generates about five pounds of solid wastes per day. The general answer is to minimize wastes by curtailing excessive packaging, and to recycle wastes.

1. Use returnable bottles, not throwaways or cans.

2. Don't purchase liquids sold in milk-white plastic containers. This material is polyvinyl chloride. When burned, polyvinyl chloride produces a very strong hydrochloride acid mist which can destroy nearby vegetation as well as the inside of an incinerator.

3. Don't buy products with merely decorative unnecessary packaging. Tooth paste and shampoo containers, for example, don't need outside paper boxes.

4. Develop compost piles that cut down on the volume of organic matter you throw away.

5. Take your own basket shopping to cut down on the use of paper bags.

6. Reuse paper bags, boxes, plastic bags, envelopes, and other containers.

7. Carry a litter bag with you and collect the litter your fellow citizens cause. It costs the State of Michigan 32c for every piece of litter their crews have to pick up. That's your hard earned tax money.

8. Conduct a paper and metal can drive in your community to encourage re-cycling.

9. Use handkerchiefs, cloth napkins, and towels, instead of paper.

Noise

1. Support local noise pollution ordinances, and get them strengthened.

2. Be sure your own muffler, radios, air conditioners, TV's, etc., are not part of the noise problem.

3. Be sure that motorcycles, model airplanes, construction equipment, boats, etc., have adequate noise control devices.

4. Support efforts to ban sonic booms. Join the Citizens League against Sonic Booms.

5. Make a tape recording of your local environment and play it back at City Council Meetings to support demands for noise control.

6. Demand that airports be developed and zoned away from population centers.

7. Provide noise-free bubbles or cubicles in city parks for everyday use.

8. Encourage the Federal Aviation Agency to set noise abatement standards for airlines.

Visual blight

1. Check to see that your community has a strong sign ordinance.

2. Keep your own environment clean and attractive. Do Not Litter.

3. Seek landscaping ordinances that require shopping centers, housing projects, and schools to include landscaping and open space in their developments.

4. Encourage the use of easements and buffer strips along highways and roads.

5. Encourage groups to plant flowers and other vegetation in your community.

GUIDELINES FOR CITIZEN ACTION

A major part of the task of maintaining or restoring a quality environment must be assumed by local governments in cooperation with, and with the support of business interests, private organizations, and private citizens.

How, if at all, will your community meet the challenge of providing environmental quality? What programs are needed to attain and maintain a quality environment, and how will these programs be implemented? If *you* do not attempt to influence local policy on such issues, who will? Will anyone? Many environmental programs fail to materialize, not because they were strongly opposed, but simply because no one promoted them.

This pamphlet suggests several action steps and guidelines for effective citizen action. Although local conditions will often call for modifications, these guidelines are suggested as general measures for improving the chances for success.

Define the problem or issue

The first thing that must be done is to define the problem. A concise analysis of the problems facing the environment is necessary if you are to fully understand the problem, formulate specific action plans, and communicate your ideas to others.

Become informed

Once you have satisfactorily defined the problem, it is important to obtain the additional facts. You should seek to gather whatever information is relevant to the particular situation, . . . and keep up to date.

The mass media . . . radio, television, the newspapers, and magazine . . . are increasingly presenting their audiences with pertinent information on current issues. Although frequently limited to a brief examination of particular issues, their content quality is normally very good. Local radio, television, or newspapers may focus in depth on environmental problems facing the community. Encourage yours to do so.

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Attending public meetings, hearings, and conferences provides further opportunities to gather, as well as to disseminate facts and opinions. On such occasions, the alert observer could obtain substantive, economic, and political information, and estimate the extent of support for various positions while identifying the nature of that support. Informational exchanges with the opposition can be extremely valuable, giving rise to the possibility of devising an acceptable compromise. It should be recognized that more than one satisfactory solution to a problem may exist.

Whenever possible, gather information through first-hand observation. Individual or group field trips, for example, to a proposed park site or wildlife sanctuary, a polluted water resource, or a source of air pollution may prove extremely helpful.

Individuals and groups can acquire much information through their own efforts, researching the literature, attending public meetings and hearings, conducting or attending group discussions and conferences, and making personal observations.

In addition to governmental officials in your own community, agencies in State Government and State Universities are good sources of information. Several federal agencies also maintain offices on the local level. Representatives of the United States Soil Conservation Service and the Cooperative Extension Service, for example, are located in nearly every county in the nation. Check your telephone director under your State Government and Federal Government listings.

Develop a plan

Whether you form a new group or join an existing organization, the next step is to develop a plan of action. Your plan should include, to the extent that it is possible, a listing of the sequences of the events and activities to be accomplished, as well as individuals, both in and out of public office, to be contacted; the nature of petitions or information to be conveyed; tactics for gaining public support; meetings on the subject, conferences, and hearings to be organized or attended, and other necessary arrangements.

It may be desirable to develop a time schedule for implementation of various phases of your plan of action, making it possible to evaluate your actual progress against that expected at the outset. The proper timing of activities for maximum effect, and the early recognition that the fulfillment of certain conditions are prerequisite to later events, should be facilitated by a carefully conceived, time-budgeted plan of action. If various parts of the plan are to be accomplished by different committees, it is important to coordinate committee activities so that your position will be heard before policy is officially formulated; . . . before, in other words, it is too late.

Your goal is to turn your ideas into action. Local circumstances may require variations, but ordinarily the public officials of your community are a good place to start. If you have previously solicited their assistance for data for advice and have kept them informed of your progress in formulating a proposal to achieve your objectives, a major task may have already been accomplished. They may well already appreciate and even sympathize with our intentions, particularly if they helped to formulate your group's objective. If they are familiar with your preparatory efforts, attempt to inform them with a concisely stated history of your endeavor. They are probably aware of the research and thought that has gone into your proposal and the intensity of support behind it.

A variety of methods may be used to publicize your ideas and gain public support for your proposal: letters to the editor, editorials, or feature articles in the local newspaper; radio and television announcements, panel discussions, "talk" programs, documentaries, or other informative programs; handbills or fact sheets; and organized speaking tours.

The above examples of measures to gain support for your policy proposal are, obviously, illustrative and far from exhaustive. Knowledge of the local community and the nature of your proposal should suggest some measures as highly applicable and others as obviously inappropriate.

The final guideline properly belongs at the top of the list.

Whatever endeavor you undertake . . . THINK BIG! That is, develop and recommend a plan that will adequately serve the purpose; one that will achieve the proposed objectives. Consider the long-run effects of your proposal and the ramifications of its adoption on the environment and on your community. Do not recommend half-way measures because of inadequate preparation-research, identification of relevant alternatives, and evaluation of the alternatives.

Think big, and urge others to think likewise.

(Prepared by: Dr. William B. Stapp, Dr. James Swan, Dr. Spenser Havlick, Mr. Tony Abar, Mr. Chris Harg, Mr. Fred Kingwill.)

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina, Mr. Galifianakis.

The amendment was agreed to.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the legislation as amended.

Mr. Chairman, I was pleased to join with the distinguished majority leader and more than 100 of our colleagues in cosponsoring the proposal under consideration today to establish a joint committee on Environment and Technology.

The proposed joint committee will consist of 40 Members of the House and the Senate representing Committees of both bodies directly concerned with legislation affecting all aspects of our environment. No legislative measures will be referred to the joint committee.

The joint committee will, however, perform a vital function in congressional efforts to solve our environmental problems. It will conduct a continuing comprehensive study and review of the character and extent of environmental and technological changes that may occur in the future and their effect on population, communities, and industries, including the effects of such changes on the need for public and private planning and investment in housing, water resources, pollution control, food supplies, education, automation affecting interstate commerce, fish and wildlife, forestry, mining, communications, transportation, power supplies, welfare, and other services and facilities.

The joint committee will also review the President's annual report on environmental policy called for in the National Environmental Policy Act of 1969, legislation which I also cosponsored.

Mr. Chairman, in the name of progress we have wrought tragic wrongs on this planet we inhabit. Man's race toward self-destruction in his quest for the necessities of life must halt. Our advanced technology has moved forward helter-skelter with little thought of its total effect on the environment.

It is vitally important that the Congress continue its leading role in efforts to check our destructive course. I feel that the establishment of a Joint Committee on Environment and Technology would be a valuable contribution to our efforts and urge our colleagues to give the bill before us their full support.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. FUQUA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the Joint Resolution (H.J. Res. 1117) to establish a Joint Committee on Environment and Technology, he reported the Joint Resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 287, nays 7, not voting 135, as follows:

[Roll No. 141]

YEAS—287

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspinall
Ayres
Baring
Beall, Md.
Bennett
Berry
Betts
Bingham
Blackburn
Blatnik
Boggs
Boland
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins
Colmer
Conte
Corbett
Corman
Coughlin
Crane
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Duncan
Eckhardt
Edmondson
Eilberg
Erlenborn
Esch

XUM

Eshleman
Farbstein
Fascell
Findley
Fish
Fisher
Flood
Flowers
Ford, William D.
Foreman
Fountain
Fraser
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Holifield
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keith
King
Kleppe
Kluczynski
Kuykendall
Langen
Leggett
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCulloch
McDade
McDonald, Mich.
McFall
McKneally
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Martin
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Passman
Patman
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Rees
Reid, Ill.
Reuss
Roberts
Robison
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Ruth
Ryan
Sandman
Satterfield
Saylor
Schadeberg
Schneebeli
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Weicker
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—7

Andrews, Ala.
Ashbrook
Dorn
Gross
Hall
Landgrebe
Rarick

NOT VOTING—135

Anderson, Calif.
Anderson, Tenn.
Arends
Barrett
Belcher
Bell, Calif.
Bevill
Biaggi
Biester
Blanton
Bolling
Brasco
Broomfield
Brown, Calif.
Burlison, Mo.
Burton, Calif.
Carter
Celler
Chisholm
Clark
Clawson, Del
Clay
Cohelan
Conable
Conyers
Cowger
Cramer
Culver
Daniel, Va.
Dawson
de la Garza
Denney
Diggs
Dowdy
Downing
Dulski
Dwyer
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Evans, Colo.
Evins, Tenn.
Fallon
Feighan
Flynt
Foley
Ford, Gerald R.
Frelinghuysen
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Green, Oreg.
Hamilton
Hanna
Harsha
Harvey
Hawkins
Hébert
Helstoski
Hogan
Horton
Hosmer
Howard
Hungate
Jones, Ala.
Jones, Tenn.
Kee
Kirwan
Koch
Kyl
Kyros
Landrum
Latta
Lennon
Lowenstein
Lukens
McCarthy
McCloskey
McClure
McEwen
McMillan
MacGregor
Mann
Mathias
Matsunaga
May
Meskill
Miller, Calif.
Morse
Nichols
Nix
O'Neal, Ga.
Ottinger
Patten
Pettis
Podell
Pollock
Powell
Preyer, N.C.
Purcell
Railsback
Randall
Reid, N.Y.
Reifel
Rhodes
Riegle
Rivers
Rodino
Rogers, Colo.
Rooney, N.Y.
Roybal
Ruppe
St Germain
Scherle
Scheuer
Schwengel
Sebelius
Slack
Snyder
Stephens
Stratton
Stubblefield
Stuckey
Teague, Tex.
Thompson, N.J.
Tunney
Watkins
Watson
Watts
Whalley
Whitten
Wilson, Charles H.

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Celler with Mr. Gerald R. Ford.
Mr. Rooney of New York with Mr. Arends.
Mr. Dulski with Mr. Rhodes.
Mr. Rodino with Mr. Frelinghuysen.
Mrs. Green of Oregon with Mr. Dwyer
Mr. Hanna with Mr. Goldwater.
Mr. McCarthy with Mr. Reid of New York.
Mr. Stratton with Mr. McEwen.
Mr. Rivers with Mr. Watson.
Mr. Cohelan with Mr. Hosmer.
Mr. Charles H. Wilson with Mr. Pettis.
Mr. Biaggi with Mr. Horton.
Mr. Brasco with Mr. Riegle.
Mr. Anderson of California with Mr. Del Clawson.
Mr. Clark with Mr. Biester.
Mr. Daniel of Virginia with Mr. Cowger.
Mr. Evans of Colorado with Mr. Reifel.
Mr. Giaimo with Mr. Morse.
Mr. Bevill with Mrs. May.
Mr. Culver with Mr. Kyl.
Mr. Feighan with Mr. Latta.
Mr. Fallon with Mr. Hogan.
Mr. Foley with Mr. Denney.
Mr. Randall with Mr. Schwengel.
Mr. Matsunaga with Mr. Harsha.
Mr. Kee with Mr. Ruppe.
Mr. Kyros with Mr. Pollock.
Mr. Helstoski with Mr. Railsback.
Mr. Watts with Mr. McClure.
Mr. Miller of California with Mr. Mathias.
Mr. Hébert with Mr. Belcher.
Mr. Gettys with Mr. Cramer.
Mr. Gaydos with Mr. Carter.
Mr. Barrett with Mr. Watkins.
Mr. de la Garza with Mr. Scherle.
Mr. Mann with Mr. Whalley.
Mr. Podell with Mr. Bell of California.
Mr. Dowdy with Mr. Edwards of Alabama.
Mr. Flynt with Mr. Hamilton.
Mr. Stephens with Mr. Snyder.
Mr. Downing with Mr. Sebelius.
Mr. Edwards of Louisiana with Mr. Lukens.
Mr. Roybal with Mr. McCloskey.
Mr. Nichols with Mr. MacGregor.
Mr. Anderson of Tennessee with Mr. Burlison of Missouri.
Mr. Diggs with Mr. Brown of California.
Mr. Blanton with Mr. O'Neal of Georgia.
Mr. Edwards of California with Mrs. Chisholm.
Mr. Powell with Mr. Burton of California.
Mr. McMillan with Mr. Lennon.
Mr. Scheuer with Mr. Conyers.
Mr. Landrum with Mr. Jones of Alabama.
Mr. Patten with Mr. Koch.
Mr. Jones of Tennessee with Mr. Slack.
Mr. Howard with Mr. Ottinger.
Mr. Preyer of North Carolina with Mr. Rogers of Colorado.
Mr. St Germain with Mr. Stubblefield.
Mr. Nix with Mr. Tunney.
Mr. Teague of Texas with Mr. Stuckey.
Mr. Evins of Tennessee with Mr. Lowenstein.
Mr. Garmatz with Mr. Purcell.
Mr. Thompson of New Jersey with Mr. Hungate.
Mr. Gallagher with Mr. Hawkins.
Mr. Broomfield with Mr. Conable.
Mr. Meskill with Mr. McEwen.

The result of the vote was announced as above recorded.

The doors were opened.

TITLE AMENDMENT

Mr. DADDARIO. Mr. Speaker, I offer an amendment to the title of the joint resolution.

The Clerk read as follows:

Amendment offered by Mr. DADDARIO: Amend the title so as to read: "Joint resolution to establish a Joint Committee on the Environment."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DADDARIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed and to include extraneous matter.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

RENT CONTROL BILL FOR DISTRICT OF COLUMBIA INTRODUCED BY CONGRESSMAN ANNUNZIO

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, despite the self-serving and inaccurate statements of the Nixon administration, the United States is on the brink of a recession and the unfortunate part of the dilemma is that the Nixon administration is doing nothing to reverse the recessionary trend. In fact, it will not even admit that our economy is in trouble.

However, it does not require the skills of an economist to see the financial shape of this country. In April, unemployment soared to 4.8 percent of the labor force, or approximately 4 million workers. In the 4 months since the beginning of the year, 1.1 million workers have been added to the unemployment rolls. In addition to the rise in unemployment, the consumer price index has risen at a yearly rate of about 6 percent since December of 1969. High interest rates, the highest in 100 years, have virtually killed the homebuilding industry and the stock market continues to sink to some unknown depth.

To illustrate the confusion and the disregard for the economy that surrounds the Nixon administration, it should be recalled that earlier this week Federal Reserve Board Chairman Arthur Burns suggested that a voluntary program of wage and price controls was needed if our economy was to be saved. Almost before Dr. Burns' words were spoken, Secretary of the Treasury David Kennedy rushed into print with a statement disavowing Dr. Burns' suggestion and politely suggesting that Dr. Burns should mind his own business.

Since the administration quite clearly does not plan to save the country from a recession, it is up to the Congress to do the job.

To start the ball rolling, I am today

introducing a bill to provide for the regulating of rents in the District of Columbia. Actually, it is my feeling that a nationwide rent control bill is needed, as well as legislation establishing wage and price controls. However, since Congress is charged with supervising the affairs of the District of Columbia, we must put our own house in order before we attempt to solve the economic problems for the rest of the country.

Basically, my bill would freeze rents in the District of Columbia for both hotel and permanent accommodations to their June 1, 1969 level. The legislation would be in effect through May 31, 1974, and would provide for the appointment of an administrator of rent control. No rent increase or decrease would be allowed unless it were first approved by the administrator.

Mr. Speaker, the rent increase situation in the District of Columbia is typical of the runaway inflation that is gripping this country. Rent increases not only strike at the low- and moderate-income families, but in several recently publicized cases, rent increases have brought on rent strikes in higher rental complexes.

For instance, in the apartment development in which I live in the District of Columbia a rent increase was recently announced that will provide nearly $90,000 in additional rental fees to the owners of the property. Out of that fee, more than $60,000 will be returned to the property owners in the form of profits. Similar situations are occurring in other apartment areas in the District. For instance, the owners of an apartment development on Connecticut Avenue changed management firms because the firm did not increase rents enough. As soon as the new management firm took over, an increase of 18 percent was effected in the rentals.

Mr. Speaker, this is profiteering and rent gouging of the worst sort, and if cases such as this have come to light in upper income areas, I can only wonder how much higher the rent increases are among those who are not as fortunate and are forced to live in poverty areas.

Not only are the rent increases unjustified, but the manner in which the owners of the properties deal with the subject of rental income is obnoxious. For instance, the 1969 annual report of the Washington Real Estate Investment Trust, which owns a number of Washington properties, reports that "operating costs caused by inflation can be passed on to tenants" and the slogan on the front of that annual report states boldly, "All Writ Properties Have Shown Substantial Profit Every Year Since Acquisition."

In short, while the wage earners of this country are faced with higher costs at every turn, a selected group of coupon clippers is reaping the harvest of hard times. Mr. Speaker, these individuals and corporations can no longer be allowed to profiteer. No longer must they be allowed to raise rents every time Federal employees receive a pay raise. The pay raises that our wage earners receive are disappearing and evaporating because of steadily rising costs, and therefore, the wage earners are in worse shape now than they were before they received wage increases.

One of the provisions of Federal Housing Administration law is that a rental facility guaranteed by the Federal Housing Administration cannot increase rents without obtaining permission of the FHA. I have written the distinguished Chairwoman of the Consumer Affairs Subcommittee of the House Banking and Currency Committee, the gentlewoman from Missouri (Mrs. SULLIVAN) asking for hearings to determine whether or not approval for rent increases is being obtained from FHA and to generally explore the whole question of rent controls.

Mr. Speaker, Mrs. SULLIVAN has been a leader in and sponsor of every piece of consumer legislation that has passed the House of Representatives since I have been a Member. No one in this body works harder than Mrs. SULLIVAN to protect the rights of the consumer, and I hope she will call hearings to study the question of rent controls.

In closing, Mr. Speaker, let me reiterate that since the Nixon administration refuses to save the country from a recession, it is up to the Congress to do the job.

WASHBURN'S SILENT MAJORITY HEARD

(Mr. MIZE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIZE. Mr. Speaker, on Friday, May 15, the students of Washburn University, Topeka, Kans., joined others from across the State in an expression of gratitude and appreciation that is seldom heard these days. The Washburn rally, attended by nearly 4,000 persons, was in tribute to the taxpayers—that long-suffering class whose support of public education has been constant for decades in Kansas and most of the Nation.

I think the Washburn rally was particularly appropriate at this time. I wish to extend my congratulations to President John W. Henderson and the members of the Washburn faculty. To witness an outpouring of support for education generally, and Washburn University particularly, at a time when most colleges are trying to cope with wildcat strikes or worse is very heartwarming indeed.

I know the Washburn expression of appreciation reflects the broad consensus among college students everywhere.

Students deeply appreciate the opportunities for learning and reflection they enjoy in this country. They appreciate opportunities to express their opinions on great national issues without censorship. At Washburn, this appreciation was expressed on behalf of the great majority of students on every American campus.

WIBW–TV, Radio and FM, Topeka, on May 17, 1970, carried an excellent editorial on the Washburn rally and those responsible for it. Under leave to extend my remarks, I wish to place the editorial in the RECORD at this point:

WIBW EDITORIAL

Last week we introduced a Washburn senior, Bill Martin. In the wake of days of riots, protests and demonstrations on university campuses across the nation with some schools being forced to close, Bill Martin proposed a program at the Washburn football field—a College Appreciation Day—in which students from Washburn and other colleges and universities in Kansas would have an opportunity to say "thank you" to the taxpayers of Kansas for the chance to get an education.

In just five short days, Bill Martin succeeded in doing something really great. Almost 4,000 students and townspeople came to Moore Bowl to participate in "Appreciation Day," sponsored by Kansas and American Youth for Education. Skydivers dropped to the football field with an American flag. They sang the "Star Spangled Banner."

A student from Brazil caught the imagination of the crowd. Marcus Kerr Almeida said, "The American educational system is not perfect . . . but . . . it is the very best in the world. Minorities have a better chance for education in America than have middle class majorities anywhere else in the world. Today, I cry of happiness to be in America" said the Brazilian student . . . "but I also cry of sadness to see a minority of ugly Americans getting so much publicity trying to destroy the American education system . . . the basic, underlying foundation of American greatness."

We commend Washburn President John Henderson who fully supported the program. Henderson spoke as did a representative of Governor Docking. Topeka Mayor Martin attended. Another student, Brad Boyd of Meade said . . . "The radicals scream freedom . . . but they deprive the majority of their education."

Best of all, the idea started by Bill Martin didn't end with the program at Washburn Friday. In fact, we hope it's just a beginning. Newspapers all over America have printed stories of what happened at Topeka. All three national television networks had crews in Topeka Friday . . . and featured lengthy stories on Walter Cronkite, Huntley-Brinkley and the Smith-Reynolds News. We got a clipping quoting Bill Martin from the New York Times. Lawrence Welk called to add his support and telegrams came from Senators Dole and Pearson and Congressman Mize. Students all over America have called, written and telegraphed their support.

In the face of charges that the news media doesn't report good news, the tremendous national coverage given to Washburn . . . Topeka . . . and to "College Appreciation Day" is especially gratifying. We hope Washburn's "College Appreciation Day" will spread to other college and university campuses. And . . . to Bill Martin . . . speaking on behalf of the vast majority of our listeners and viewers . . . we say . . . Thanks for a job well done.

VETERANS' BENEFITS

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, all of us have seen news stories out of Vietnam expressing the discouragement our fighting men over there quite understandably feel when they read about antiwar demonstrations and antiwar speeches in the halls of Congress. Many of them must feel that public support for their courageous endeavors is

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falling away. Yet the fact is that they have not been forgotten by the administration which has programed a list of benefits for our veterans, their widows, and dependents. I am, therefore, submitting for the RECORD a story from the May 25 issue of the Republican Congressional Committee's Newsletter which details the list of new benefits either now available or proposed for action by Congress.

A PUSH FROM THE TOP ON VETERANS' BENEFITS

The Nation's veterans and their widows and dependents are receiving major improvements in benefits instituted since the Nixon Administration came to office. Part of the improvement, a *Newsletter* survey shows, is the direct result of a top-level study committee the President appointed in his first half-year in office which recommended major revisions in veterans' programs. With another Memorial Day at hand, the list of new benefits shows:

New medical techniques pioneered in VA hospitals are resulting in quicker discharges.

Improvements in prosthetics give veterans faster and better mobility.

GI Bill educational benefits have been greatly increased.

The VA appropriation for medical care for the current fiscal year is the highest in history, yet in reviewing the demands on needed care for veterans, the President approved an additional $15 million in March.

After further review, the President has asked for an additional appropriation of $50 million for VA hospital and medical care in fiscal year 1971.

The Administration approved an additional 1,500 employees, mostly for the VA medical program, for this fiscal year, and in the budget request for 1971 another 2,123 have been requested.

Through cooperative research, VA has been able to increase its discharge rate each month for VA mental patients from 15.4 percent in fiscal 1968 to 18.4 percent last year.

Anxious not to be stampeded into careless expenditures of public funds, President Nixon in June of 1969 appointed a Committee on the Vietnam Veteran, chaired by the Administrator of Veterans Affairs.

The committee report, approved and released by the President on March 29, 1970, contained a number of specific recommendations.

By Presidential executive order, one committee recommendation in the job field has already been put into effect. It authorizes Federal agencies to appoint qualified Vietnam era veterans to jobs up to GS–5 level starting at $6,176) without regard to Civil Service registers, providing the veteran undertakes a program of education and training.

Four other of the committee's 15 specific recommendation require legislation. Bills have already been proposed to Congress to:

Allow the VA to underwrite financing for mobile homes to assist veterans who cannot afford conventional homes.

Assist minority intrepreneurship through a combination of Small Business Administration loans and cooperative GI Bill education.

Allow VA to make advance payments under the GI Bill.

Allow men still in service to enroll under the GI Bill after serving six months (rather than two years as presently required).

President Nixon signed into law a provision benefiting educationally disadvantaged servicemen without charge to their future GI Bill entitlement. The law also eliminates the bar against duplication of educational and training benefits, now allowing veteran trainees about $200 a month (varies by State) in addition to the GI Bill allowance, bringing the total training income to almost $400 monthly under Manpower Development and Training Act programs.

The "Outreach Program," to inform disadvantaged veterans in Vietnam as well as this country on benefits due them, has been expanded. Last November, under this program, saw the one-millionth serviceman receive on-the-spot orientation.

More than 777,000 veterans, servicemen, wives, widows and children will receive about a 35 percent increase in educational allowances under the bill signed this year by the President.

Public Law 91–22, signed by President Nixon in June, 1969, increased the maximum amount of money which the VA may loan a veteran for purchase of a home. It also extended additional money for specially adapted housing benefits to certain disabled veterans.

Other recent improvements include a new concept in paying dependency and indemnity compensation, and enlargement of a program of community nursing-home care. All in all an impressive record of achievement for the nation's ex-GIs.

CAMBODIAN ACTION SUCCEEDING

(Mr. MAYNE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, 10 days ago I suggested our move against the enemy's sanctuaries in Cambodia should be decided by an objective appraisal of the results when more of the evidence was actually in. I said too many people in and out of Congress were exhibiting knee-jerk reactions based on emotion instead of facts.

Today, 3½ weeks after American troops first entered the sanctuaries, we do have more facts about this operation. I believe any reasonably objective observer would agree it has been highly successful from a military standpoint. Tremendous quantities of weapons and munitions which would have been used to kill American soldiers have fallen into our hands. Transport and supplies essential to the enemy's operations in South Vietnam have been taken from him and his communications and logistical systems disrupted on the eve of the rainy season.

I will not join those who say American casualties have been light, because the loss of even one American is too heavy, but it can accurately be said that casualties have been relatively light when results are measured against those achieved in previous months. Certainly they are vastly lighter than predicted by the President's instant critics who have been trying to undermine confidence in our troops and this operation from the moment it began. Their dire predictions that Russia and Red China would immediately enter the war and the North Vietnamese would launch a major offensive against the DMZ have not materialized. Now they are predicting American troops will not be withdrawn from the sanctuaries by July 1, hoping later to claim they forced the President to do something he clearly announced he would do from the beginning.

Final justification for the Cambodian operation will depend on whether it does indeed save American lives and insure the successful implementation of President Nixon's policy of withdrawal from Vietnam during the coming months. The evidence presently available indicates very strongly that it will.

"THEY'LL TEAR YOU APART"

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, when I was a young lad back in 1948, President Harry Truman whistle-stopped across the Nation in his now-famous campaign to keep his job.

At every stop he condemned the record of the Republican 80th Congress and compared it to the reforms of the New Deal. Shaking his finger at the crowds, he often asked them to ponder what would happen if the Republicans captured the White House. Usually he answered his own question and punctuated in the colorful Harry Truman grammar. One day he said, "They'll tear you apart!"

Well, Mr. Speaker, I can think of no other way to describe what the Nixon administration is doing to the livelihood of the American people. An inflationary recession is what they have given us. Last Wednesday the consumer price index had advanced another 0.6 percent while the stock market fell almost 15 points.

One or two dissenters within the administration can encourage us, however. I refer to the economic proposal made by George Romney, Secretary of Housing and Urban Development.

Alarmed by rising prices, falling output, and decreasing jobs, Romney recommended that President Nixon establish a special commission to issue guidelines for reasonable wage-price increases and to warn against unwarranted demands and actions in these areas. A similar but more cautious proposal was set forth by Dr. Arthur Burns, Chairman of the Federal Reserve Board.

It was a clean break with the administration's official policy of forsaking any attempts to influence wage and price behavior. Maybe that is why Attorney-General John Mitchell quickly shot down the Romney plan.

The Secretary's proposal is nearly identical to a bill I introduced in October of 1969 and to the unanimous recommendation made by the Congressional Joint Economic Committee in March.

The Englishman, Thomas Malthus, made economics known as "the dismal science," and nothing is more gloomy today than the state of the American economy. The administration's policy to combat inflation has not worked.

They have relied on high interest rates, tight money, and a budget surplus. When he took office in January of last year, the President made clear that the White House would refrain from interfering with wage and price activity.

Now look what has happened. Prices have shot up by more than 8 percent, personal income has fallen, the stock market has collapsed by 300 points, housing starts have been almost cut in half, and the jobless rate has gone to 5 percent nationally, and nearly 10 percent in Washington State.

As profits and income decline, the Government takes in less tax revenue. Higher interest rates add to the national debt. Both contribute to the budget deficit.

The war in Asia is costing $25 billion a year. Combined with tight money and high interest rates, it has depressed real output and growth by misallocating resources. What follows is fairly simple: to avoid further profit squeezes, business raises prices, and this of course increases per unit costs. But since wages have not kept pace, unions caught up in the inflationary psychology demand huge wage increments. If a strike follows, productivity is cut. Higher wages fuel higher prices, and the spiral continues.

In short, wages, income, capital investment, borrowing have outstripped real economic growth.

We are fighting a war in Asia and must deal with the economic consequences of what it encourages. Ending the fighting and reallocating our resources is the first priority. In the meantime, however, wage and price restraints are essential.

Similar restraints or "guidelines" were used between 1962 and early 1968. During that period, for example, basic steel prices rose only 5 percent. In the last 15 months, however, the same prices have risen by 7 percent. Increases in copper and aluminum are even more shocking.

For the sake of stability, growth, and jobs, I hope that the White House will heed the plea of Secretary Romney. His proposal or that sponsored by myself and recommended by the Joint Economic Committee should be adopted immediately and stronger measures taken if voluntary guidelines lack teeth.

DISTRICT OF COLUMBIA CORRECTIONAL INSTITUTIONS AT LORTON

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, most of the Members have heard of this week's activities at the District of Columbia correctional institutions at Lorton. Because Lorton is in my district, I visited both the prison complex and the youth center earlier today and talked with officials of the Department of Corrections.

On arrival at the gate, I met a dump truck coming from the other direction filled with waste material taken from some of the burned-out buildings and upon entering the prison complex, found a large number of persons engaged in a cleaning-up process.

The interiors of two buildings are completely destroyed, with the roofs gone and only the outer walls standing. In all probability, even these walls will have to be removed and the buildings completely reconstructed. In numerous other buildings windows are broken, bedding and other material burned and televisions smashed. There is also widespread damage in the prison printshop, but I am advised that most of the machinery is unharmed. Of course, there was considerable water over the area and in the period of an hour or so in which I visited, I could not see all of the damage.

Fortunately, two escapees have been captured in Stafford County, another in a guard's uniform was captured just outside the prison complex, and only two inmates remain at large. I am concerned, however, that some of the guards were injured during disturbances even though I do not know the extent of their injuries.

It is my understanding that there was rioting in the youth complex on both Friday and Sunday nights and in the prison complex on Saturday night although it is in the prison complex where the principal damage exists.

Members will recall that the general District of Columbia crime bill incorporates a bill I introduced to transfer the District of Columbia correctional institutions at Lorton to the U.S. Bureau of Prisons. This week's activities accent the need for this transfer. Apparently, there is a hard group of hard-core criminals or militants who precipitated the riots and burning over the weekend. In my opinion, these men should be sent to separate institutions and, in the event the Lorton institutions came under the control of the Bureau of Prisons, it will be possible to do this.

In any event, Mr. Speaker, I would hope that the conferees of both bodies who are now considering the transfer of Lorton to the U.S. Bureau of Prisons will take this week's activities into account. Should any conferee have any remaining doubt as to the merits of the House version of the crime bill a visit to Lorton should remove his doubt.

RESTRICTION ON SALE OF AMERICAN WINES IN TAIWAN

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I have an interesting letter I thought the House might like to hear:

> A mutual friend has suggested I write to you regarding a problem we, the exclusive worldwide distributor for The Christian Brothers Wines and Brandy, have with the Taiwan Tobacco and Wine Monopoly Bureau.
>
> The Monopoly apparently refuses to stock any American wines or brandy. I have enclosed the Monopoly's current price list—

which I hope to be able to make a part of the RECORD—

> which shows that, with the exception of some Paul Masson products that have since been delisted, most of the wines listed are of French origin. Interesting to note, Taiwan does not recognize France diplomatically!
>
> Official justification for the Monopoly to stock some American wines is the fact that they should cater to the American tourist, trade. The number of French tourists visiting Taiwan is negligible when compared to the number of American tourists traveling to Taiwan each year. It is obvious that the Americans have no choice but to drink the French products.
>
> I know of one New York State winery which is also interested in selling to the Monopoly but is encountering the same difficulty. We are anxious to sell and *could* sell our products in Taiwan; therefore, we feel that the U.S. wine industry should be allowed to compete on equal footing with other foreign suppliers.
>
> CHARLES J. CANDIANO,
> *International Marketing Manager.*

I was almost laughed out of the House when I suggested that we should stop buying some mushrooms from Taiwan. We put them in the business, and now they have taken 40 percent of Pennsylvania's mushroom business away from us.

I have been in this House and voted religiously to give everything the committees asked for for military aid, mutual security aid, and agricultural aid, as well as everything else for Taiwan, but I am just going to say to all of you now I do not know how the rest of you feel, but I am fed up clean to the top of my head and I will never vote for another cent—if it means voting against all of the appropriation bills from now on, I will never vote for any aid to any country that bars its doors to American products and uses our market as a dumping place.

LORTON REFORMATORY DISRUPTION

(Mr. BROYHILL of Virginia asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. BROYHILL of Virginia. Mr. Speaker, I should like to associate myself with the remarks made by my colleague from Virginia (Mr. SCOTT) regarding the riots, burning, and destruction that took place over the weekend out at the Lorton Reformatory in Virginia. I have asked for a complete report on those incidents. I am going to talk with the employees and employees' representatives, many of whom are constituents of mine.

As the gentleman from Virginia knows, we have included in the District of Columbia crime bill the authority to transfer the Lorton Reformatory from the District Government to the Federal Bureau of Prisons. That was done as a result of extensive hearings which pointed up that the present leadership out there was not capable of managing that institution properly. These incidents over the weekend are further proof that the institution is going downhill and that the leadership is not competent, and that we need new direction and management. I am hopeful that the conferees on the District of Columbia crime bill will take note of these facts and agree with the House to leave that transfer in the crime bill.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I am pleased to yield to the gentleman.

Mr. SCOTT. I appreciate the gentleman yielding and his comments regarding Lorton. In talking with the head of the Youth Center it was mentioned today that the rioting started on Friday because of a false rumor that one of the inmates had been killed, although, in fact, no one had been harmed in any manner. That was Friday. So, I asked, "What prompted it on Sunday?" He

XUM

said, "Mr. SCOTT, you must remember these are vigorous young men." Well, this type of answer and tolerance illustrates part of the problem at Lorton.

NEIGHBORHOOD YOUTH CORPS SHOULD NOT BE SHORTCHANGED

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the Subcommittee on Labor, Health, Education, and Welfare of the Committee on Appropriations will be holding hearings tomorrow and the next day on the budget for the Office of Economic Opportunity. A major component of that budget is devoted to the Neighborhood Youth Corps, which is a title I-B program under the Economic Opportunity Act. While the money for the program is pumped into the OEO budget, the program is actually operated by the Department of Labor.

I am speaking now to urge the subcommittee to recommend adequate funding of the Neighborhood Youth Corps summer program.

Rising unemployment is widespread throughout the Nation. In April the unemployment rate climbed to 4.8 percent, up from 4.4 percent in March and 3.5 percent at the start of the year. The situation is even more egregious in the urban poverty neighborhoods of the 100 largest metropolitan areas, in which the jobless rate stood at 6.6 percent in the first quarter of 1970. This compares with 5.6 percent during the same quarter of 1969.

XUM

This dire situation affects both blacks and whites. The white jobless rate rose from 4.6 to 5.7 percent in the poverty areas, while the black rate increased from 7.0 to 8.0 percent. And those particularly hard hit are black teenagers. Their unemployment rate increased by more than one-half—from 20.9 to 32.7 percent.

This unemployment picture is insupportable. And, once the schools let out for the summer, it will be even grimmer. Tens of thousands of young men and women, earnestly seeking employment—not just to fill up the hours, but because they need earnings to help assist their families and themselves—will be unable to find jobs.

And yet, the administration is not only failing to meet the needs that exist, but is actually helping to increase them by cutting back on the Neighborhood Youth Corps summer program, which provides needed employment opportunities for young men and women. In New York City alone, funding has dropped from $14.9 million for last summer to $11.7 million this summer.

The administration is providing 67,000 fewer summer job slots under the Neighborhood Youth Corps program this summer than it did last summer. There will be only 330,000 such slots available. And this action is taken despite the fact that even last year, less than one-third of the youths who could have benefited from the program were allowed to do so.

In fact, there is a need for approximately 560,000 slots in the Neighborhood Youth Corps summer program this year. The administration has allocated $146,412,000 to cover 330,000 of them. But, according to the survey conducted by the U.S. Conference of Mayors of the 50 largest cities, plus a sampling of smaller cities, 227,173 additional slots over this 330,000 are needed. New York City alone needs approximately 37,000 more slots.

To fund these 227,173 additional slots, $101 million more than that requested by the administration is needed, each slot being figured at a rate of $445. I most strongly urge the Subcommittee on Labor, Health, Education, and Welfare of the Committee on Appropriations to provide this funding.

The disadvantaged youth who are eligible for Neighborhood Youth Corps urgently need the opportunity to participate in it. They have been consistently rejected from the mainstream of our society and our economy, and to deny them even the bare minimum opportunity which this program offers is simply unjustifiable. These are not youths who are asking for something for nothing. These are not youths lacking in desire and initiative. These are young men and women who are just saying, "Give us a chance to help ourselves." Certainly, we should do far, far more. But, with equal certainty I am convinced we cannot do any less.

UNIVERSITY OF NOTRE DAME BESTOWS LAETARE MEDAL ON DR. WILLIAM B. WALSH

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, Dr. William B. Walsh, the founder, president, and medical director of Project Hope, has been chosen to receive the Laetare Medal, the University of Notre Dame's highest honor.

The Reverend Theodore M. Hesburgh, C.S.C., the distinguished president of Notre Dame, made the presentation today, Monday, May 25, during a reception at the Embassy of Tunisia. The award has been made annually since 1883 to an outstanding American Catholic.

Also participating in the ceremony were Ambassador Slaheddine El Goulli and Bishop John S. Spence, vicar general of the Archdiocese of Washington. The SS *Hope*, with its complement of 157 medical personnel, currently is on its eighth teaching-treatment mission at Port LaGoulette, Tunisia.

Mr. Speaker, Dr. Walsh is the ninth physician to receive the Laetare Medal which has been conferred through the years on 71 men and 18 women representing a broad and brilliant spectrum of American Catholic leadership. The late President John F. Kennedy was the 1961 medalist, and Supreme Court Justice William J. Brennan received the award last year.

"GLOBAL VISION"

Father Hesburgh cited Dr. Walsh as one who "has coupled medical expertise and Christian compassion with a rare combination of global vision, creative imagination, and quiet determination." During the past 10 years the 49-year-old physician has led the former Navy hospital ship on missions to Indochina, South Vietnam, Peru, Ecuador, Guinea, Nicaragua, Colombia, Ceylon, and Tunisia. Project Hope also has programs underway among the Mexican-American community at Laredo, Tex., and at the Navaho Indian Reservation at Ganado, Ariz.

"Your ship," the citation told Dr. Walsh, "is a symbol of that for which thoughtful and ignorant people alike have yearned for centuries—that swords may at last be transformed into ploughshares, that the battle cruiser may be no more and that the floating hospital can become the symbol of our strength in the future. We know about all the obstacles, all the threats of doom which lie heavy on our hearts. But you have set an example, you have given us the courage to hope, you have lighted a big candle."

BRIDGE TO PEACE

In his response Dr. Walsh noted that medicine has been called "one of the bridges to peace. But there will be no bridges worth crossing, no peace worth achieving," he cautioned, "if man cannot regain his human spirit and his faith in himself and his fellowman." Noting that the Laetare Medal is inscribed with the words, "Truth is mighty and will prevail," he said that "we can live in truth only if it rests upon a foundation of faith, trust and spiritual love."

Mr. Speaker, Dr. Walsh, who has been honored by more than 40 governments, universities and organizations, is a native of Brooklyn, N.Y. A graduate of St. John's University, he received his medical degree in 1943 from Georgetown University where he later served as an assistant professor of internal medicine. His World War II service as a medical officer aboard a destroyer in the Pacific prompted the idea of returning someday with a floating medical center.

SS "HOPE"

In 1960, with the encouragement of President Eisenhower and following a dedication speech by then Vice President Nixon, the SS *Hope* sailed on its maiden voyage to the Far East. Since that time it has helped raise health standards for millions of people on four continents. Through the years more than 1,500 volunteer American medical personnel have served aboard ship, some 11,000 major operations have been performed, more than 129,000 patients have been treated and 5,000 indigenous persons have been trained in medical and paramedical techniques.

Dr. Walsh has told the continuing story of Project Hope in three books: "A Ship Called Hope"; "Yanqui, Come Back"; and "Hope in the East": "The Mission to Ceylon". Dr. and Mrs. Walsh, who make their home in Washington, have three sons: William, Jr., John, and Thomas.

Mr. Speaker, the citation accompanying the Laetare Medal presented to Dr. Walsh recognizes his great accomplishments through Project Hope. I include it—and a statement which explains the significance of the Laetare Medal—in the RECORD at this point:

Text of the Citation Accompanying the Laetare Medal Presented to William B. Walsh, M.D., in Washington, D.C., on May 25, 1970

THE UNIVERSITY OF NOTRE DAME TO DR. WILLIAM B. WALSH: GREETINGS

SIR: The hands of physicians have brought healing since men first began to try to make this earth a home. And so nothing could be more appropriate than that Notre Dame now puts into your hands, its most prized smybol of recognition. It is named after Laetare Sunday because on that day the Church looks forward with rejoicing to the Easter triumph of Christ over the bitter sacrifice He made for the healing of mankind. Of the three traditional precepts for bringing about the moral and spiritual regeneration of humanity, the second, Hope, is surely the one we now need most.

In your fascinating account in *Hope in the East*, your ship's visit to Ceylon, you quote a poem written by one of your nurses. It is also a prayer:

I am a receiver who came to give
I have had my eyes opened wide
I realize how fortunate I am
Please, never-never let them be half-closed again!

Is not this the heart of what you have to say to us—to your people and our people? We are of all the nations in history the one best able to give. How can we come to see that we are therefore the nation which can also realize most deeply how much it may receive?

It was a fortunate day when, having listened to President Dwight Eisenhower's plea that groups of private citizens establish cordial relationships with similar groups of people elsewhere in the world, you decided you would request that a Navy hospital vessel retired from duty be converted into a hospital ship which would bring comfort and assistance to some of the needy persons you had seen during our war-time service in the South Pacific. The ship was made available, you kept it afloat by reason of ceaseless pleas for support, you recruited the men and women who have since done so much for the sick and poor in many lands including our own. Meanwhile space craft have traveled 240,000 miles to the moon, and your ship has traveled equally far to countries as distant from one another as Peru and Ceylon. You have not merely brought health to many. You have helped train them in what might be done.

Therewith was a mighty instrument of military service transformed into a floating house to which the suffering of those without hope could so frequently be overcome. Your ship is a symbol of that for which thoughtful and ignorant people alike have yearned for centuries—that swords may at last be transformed into plough-shares, that the battle cruiser may be no more and that the floating hospital can become the symbol of our strength in the future. We know about all the obstacles, all the threats of doom which lie heavy on our hearts. But you have set an example, you have given us the courage to hope, you have lighted a big candle.

You have been widely and significantly honored for your service to our country and to mankind. We add the best we can give to all the rest. Eight other doctors have been Laetare medalists, one of them bearing the name of Walsh. We welcome you to the clan and to the circle of those who over many years have responded to the University's invitation to accept a token of esteem for having been Christians in the truest sense and for having added during dark days and sunfilled ones to the number of men and women who have combined leadership and sacrifice in the blessed hope of bringing hope to their fellow-men.

The Laetare Medal

"The Laetare Medal has been worn only by men and women whose genius has ennobled the arts and sciences, illustrated the ideals of the Church, and enriched the heritage of humanity."

These are the exacting criteria employed by the University of Notre Dame in awarding its Laetare Medal each year. Established in 1883, the medal was restricted to lay persons until 1968, when it was announced that henceforth priests and religious would also be eligible. Over the years the Laetare Medal has been presented to 71 men and 18 women —soldiers and statesmen, artists and industrialists, diplomats and philanthropists, educators and scientists.

The Laetare Medal is the American counterpart of the "Golden Rose," a papal honor antedating the eleventh century. The name of the recipient is announced each year on Laetare Sunday, the fourth Sunday of Lent and an occasion of joy in the liturgy of the Church. The actual presentation of the medal is arranged for a time and place convenient to the recipient.

The idea of the Laetare Medal was conceived in 1883 by Professor James Edwards. His proposal met with the immediate approval of Rev. Edward F. Sorin, C.S.C., founder and first president of Notre Dame, and the Rev. Thomas E. Walsh, C.S.C., then president of the University. Through the years the recipients of the Laetare Medal have been selected by an award committee headed by the president of Notre Dame.

Generally regarded as the most significant annual award conferred upon Catholics in the United States, the Laetare Medal consists of a solid gold disc suspended from a gold bar bearing the inscription, "Laetare Medal." Inscribed in a border around the disc are the words, "Magna est veritas et prevalebit" (Truth is mighty and will prevail). The center design of the medal and the inscription on the reverse side are fashioned according to the profession of the recipient.

"CAL POLY"

(Mr. TALCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, not all campuses have permitted academic freedom to deteriorate into chaos. Not all students have abandoned their quest for knowledge. Most students have maintained their emotionalism, their pacifism, their idealism—all the while respecting themselves, their schools, their system, their heritage.

Most students have formed goals and serious objectives. Most students know the value of a college education, they realize that time speeds along, and they do not want to waste their educational opportunities.

Most students are not selfish and they demand the same freedoms and opportunities for their peers as well as for themselves.

For years the community of San Luis Obispo has been proud of California Polytechnic. For years "Cal Poly" has grown and excelled. Thousands of student applicants must be turned away each year.

Robert E. Kennedy, president of Cal Poly, has given the college competent, understanding leadership, and administration. The faculty, administration, student body, and community have demonstrated that solid education, good citizenship, and progress can go hand in hand.

Two recent, but completely unrelated, columnists have written about Cal Poly. Every student, faculty member and administrator could profit by studying the example of Cal Poly at San Luis Obispo.

I recommend the column of William R. Hearst, a well-known and respected observer and reporter of the current societal scene. The column of Dick Crow indicates that a casual observer reached similar conclusions.

I am proud of the administration of President Robert Kennedy, his faculty, and administrators. His students and the community have responded with idealism, but maturity; with a keen desire to obtain their education, but also a respect for others.

Mr. Speaker, I insert these columns in the RECORD at this point:

[From the San Francisco Examiner, May 10, 1970]

A Confrontation on One Campus

(By William Randolph Hearst Jr.)

SAN SIMEON.—In this week when student war protests were erupting at what hopefully will be the peak of such turmoil, my favorite weekly columnist (and I hope yours) had a highly instructive campus experience of his own. I think it definitely deserves retelling here.

It so happened that long before the news about Cambodia exploded an invitation was extended and accepted by me to address an audience on May 6 at California State Polytechnic College, in nearby San Luis Obispo. I showed up on schedule last Wednesday—with more than a little feeling of trepidation.

As a fairly well known supporter of President Nixon's war policies, I figured I was in for a tough time. At the very least I expected to catch some catcalls and heckling from some of the several hundred students and faculty members waiting to hear me.

By way of background it should be noted here that Cal Poly, as it is generally called, has a remarkable achievement record. Only five years ago it was a relatively small college with an enrollment of about 5000 whose big extra curricular interest was in the spectacular rodeos staged by the school.

Today it is a full-fledged state institution with an enrollment of nearly 12,000. Its faculty and staff number more than 1400. It has schools of agriculture, architecture, journalism, applied arts, applied science, engineering and business, among others.

Unlike so many other colleges and universities, the whole academic emphasis is on preparing students for specific practical careers upon graduation. The students begin majoring in the subject of their choice as freshmen, rather than as juniors, and have very few opportunities to take what are known elsewhere as elective snap courses in various theories.

This is important, as I hope to show here later. For the moment, try picturing me facing that sea of young faces and wondering what the reaction would be when I started defending a military decision which had caused so much student violence elsewhere.

My informal speech was on world affairs. It was impossible to avoid the controversial issue of recent events in Southeast Asia. So practically at the outset I waded right in with my fingers crossed.

There is no need to go into much detail on what was said. My views were pretty well outlined in this space last Sunday and most of what I said simply elaborated on that column.

One thing that was made fully clear was my sense of shock, and even amazement, at how many Americans and some of our friends abroad had reacted so critically to President Nixon's decision on Cambodia.

Instantly—from the doves in Congress to the editorial pages of our left of center press—the howl went up that the President was willfully and unilaterally expanding the war. That we were invading a sovereign nation. That a terrible and costly blunder had been made.

What seemed almost incredible to me was that so much of the criticism was a literal echo of the condemnations which came from Moscow, Peking and Hanoi. Even more discouraging was the spectacle of college presidents giving their blessing to student protest strikes.

To me it was—and continues to be—simply astonishing. Not one of the liberal voices sounding off in Congress and elsewhere made a peep of protest when it was revealed last month that 40,000 Communist troops had invaded Cambodia and were threatening to capture its capital city.

Not one of the voices that I can remember ever said a word about the long-standing Communist violations of Cambodia's neutrality and independence along the southern section of the Ho Chi Minh trail.

And very few gave the slightest serious consideration to President Nixon's explanation—that he acted to save Cambodia from imminent Red conquest and the need to safeguard his plan to withdraw American combat troops from South Vietnam.

The explanation was virtually ignored. It was as though the protestors were deaf to any explanation; as though they had just been waiting and biding their time for an excuse to renew their attacks on the Vietnam war.

XUM

The above were some of the thoughts I gave to my audience. When no boos or catcalls developed, my fingers came uncrossed and I gave them some more.

No matter how you look at it, I said, Vietnam is a bloody mess and there is no question that we miscalculated the tenacity of the enemy in waging a war our forces were never permitted to win. At the root of today's national unrest is frustration over not having the war over and done with by now.

All the same, it was pointed out, Cambodia had become nothing but a sideways DMZ zone. The Communists had dug in there and were using it as an advanced headquarters in which to store their supplies and launch what could easily be an encircling attack on our men in South Vietnam.

When the Reds began their attempted takeover of the whole country, President Nixon—in the interests of protecting our fighting men—had literally no other military alternative but to break up the enemy emplacements.

Not to have done so would have meant the loss of time needed to complete our Vietnamization of the war. Far worse, it would have left our withdrawing forces wide open to a looming disaster.

I asked by audience to compare the frustration it felt with the frustration of our military leaders, who have never been permitted to wage a decisive war. I asked a further comparison with the frustration undergone in Paris by our negotiators whose many concessions have not resulted in the slightest change of position by the enemy.

And I wound up by noting that some of the more virulent war critics had even mentioned the possibility of trying to impeach the President for his decision on Cambodia.

Suppose you had a brother or a father over there in Vietnam I asked, and he got a bullet in the back from encircling troops based in Cambodia at a time when every effort was being made to bring him home?

If that were to happen—and that's what the Communists were threatening for large numbers of our men—then you can bet your own sweet life there would be an impeachment for real.

So that was the speech. All through it the kids sat attentive and obviously interested. They laughed at my few attempts at humor, applauded in gratifying fashion when I finished, later gathered around to ask many specific questions.

I want to take this opportunity to personally thank the student body for its courtesy in hearing me out and for making academic freedom a living truth.

It was hard to believe that even at that time hundreds of other college campuses were either shut down or in utter disorder because of student anti-war demonstrations. Were these a special breed?

Robert E. Kennedy, the president of Cal Poly, and Dale W. Andrews, its academic vice president, offered some explanations which made me conclude that their students in fact are much different from the hell raisers.

They assured me there were many in my audience who also felt strongly against the war. Disorder and the shouting down of unwanted opinions, however, are not the rule of life at Cal Poly.

There, all points of view are examined and discussed in an atmosphere of true academic freedom.

The stress on practical education for future employment is so dominant that the first thing you see when entering the college is its job placement bureau.

There is more to it than that, of course. Obviously the spirit which prevails at Cal Poly is also the result of teaching by a staff dedicated to the job of providing such an education.

There is a real object lesson here.

Last Wednesday, just a few miles to the north and south of me, the campuses at Santa Barbara, Berkeley, San Francisco and San Jose were erupting in violence or threatening to erupt. The situation was, in fact, so serious that Governor Reagan wisely ordered a four-day closing of all public colleges and universities in the state.

Who has filled the heads of those students with the ideas which steam them up and cause them so violently to attack their own country, its institutions and leaders?

It's a good question—and part of the answer lies in the fact that too many of our institutions of higher learning are infested with radically minded professors and courses with no constructive purpose.

I am convinced that most college students have too little to do, too few academic challenges from courses that train them for specific careers—especially in their freshmen and sophomore years.

It is high time the system got a top to bottom overhauling.

With Cal Poly as the model.

[From the Western Livestock Journal, May 14, 1970]

COMMENTS

(By Dick Crow)

Starting out into the country looking at livestock can lead a reporter into some pretty interesting situations. Like when we drove to the entrance at Cal Poly's San Luis Obispo campus along central California's coast. We knew, of course, that all the college and university campuses were closed due to campus unrest, but we sort of figured the "off limits" order wouldn't apply to bull lookers. All we wanted to do was look at the test bulls, but the deputy acted at first as if we were strangers and he and four other deputies had been patrolling the 5000 acre campus the past 24 hours to see that no strangers were allowed to enter the campus.

We identified ourself to the guard and explained that about the most radical thing we'd ever done was maybe change the front page makeup on Western Livestock Journal. He turned out to be a subscriber and said to me and my friend as he swung open the gate, "Dick, don't you and your friend keep those bulls waiting."

What we found was that a lot of mighty interesting things besides bull gain testing has been going on at this friendly little country college by the Pacific. Cal Poly's President Bob Kennedy might not like us making such a casual reference to his institution, but as far as we're concerned it is a country college—and better for it. I don't happen to know Dr. Kennedy but I sure do admire him, and I'm going to tell you why.

When a couple of foreign students provoked a campus incident by decrying "U.S. Imperialism," President Kennedy didn't start mouthing platitudes about academic freedom. The two students were promptly arrested. Then President Kennedy spoke up decisively and clearly.

"Radical students at other campuses are threatening to create serious trouble at our campus," he said. He told his faculty and students, "You need to know what threats have been made . . . so that you can avoid being drawn into a situation which has been contrived by outside radicals as a basis for confrontation and possible violence and arson. I shall not be intimidated by threats, and certainly shall not be intimidated into setting aside a democratically developed 'due process' procedure because radicals prefer a state of anarchy for our campuses."

Dr. Kennedy figured that the two "guest" students who created the problem were really given a break when they were released without bail following their arrest.

When they came before the campus hearing board, some pretty capable Cal Poly lettermen turned up at the doors to keep things cool and strangers out of the meeting. If the outsiders came they didn't get in—due to Dr. Kennedy's old-fashioned backbone and common sense. We can all be very proud of Cal Poly's president, faculty and student body. Oh! and the bulls were doing just fine.

A VOICE IN CONGRESS FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore (Mr. DADDARIO). Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I think a move is long, long overdue to give 850,000 "forgotten Americans" in the Nation's Capital their just rights as citizens to vote and to have a voice in Congress.

I believe this issue is of national importance. I want especially to commend the League of Women Voters for taking up the neglected cause of the residents of the District of Columbia. We have talked too long, without acting, in their behalf. Now we must act.

Mr. Speaker, let us each remember that another voiceless people, those of the thirteen original American colonies, fought a revolution on the issue of "taxation without representation."

I am proud to have joined in the 90th Congress in a bill to give the people of the District the basic rights of citizenship. As a member of the Government Operations Committee, I also voted, both in committee and on the floor, for the transitional step—the reorganization plan of 1967—which gave Washington its appointed mayor and city council and the rudimentary elements of self-government. This transitional phase has been a success despite the crises which afflict all cities of this Nation.

I believe the District of Columbia has performed well in taking on the reins of self-government. Thus, I see no reason not to bring the process of self-government to its effective fruition. This includes the right to elect their own government officials and representatives in Congress.

I believe that the vital issue of the rights of District residents must be considered above partisanship or other excuses for inaction. We would surely never, for any reason, support the disenfranchisement of the citizens of New York, Seattle, Denver, Nashville, or Atlanta, or any part of the body politic. Since we believe in the Bill of Rights as embodied in the Constitution of the United States, then I think, as a mature nation, we must insure that these rights apply to every citizen.

The District's problems, the problems of population growth, race relations, inadequate transportation, an inflated economy, and so forth, are no different than elsewhere. Yet, the people have no Congressman to turn to to resolve their personal problems, while the city officials have no recourse except to turn for help to a busy Congress which is concerned with the problems of a nation and the world. It is hardly appropriate for Congress to be concerned with city management, with sewer lines and water main construction, or with the problem of potholes in Washington streets. It is a grave injustice that one city alone, in a nation of 200 million people, should be denied the right to direct its own affairs.

District citizens cannot even get passes to the House gallery to see this distinguished body in session because they have no Congressman. I suggest that this is also an injustice. Where do they turn for consultation and help regarding their personal problems which involve social security, veterans' benefits, and numerous other matters?

While I believe that the Congress cares about the needs of the people of the District of Columbia, it is understandable that each Member should give the most attention to his own district, and lesser attention to the District of Columbia where we have the lesser responsibility. Yet, this lack of real representation is patently unfair.

If the citizens of the District of Columbia deserve to be represented, Mr. Speaker, I personally believe that they deserve full representation in the Congress and the full rights and privileges of self-government to which all other American taxpayers are entitled.

I urge the Congress to act now to grant them these rights.

A TRIBUTE TO HATFIELD, MASS.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, I wish that my colleagues and I had the time to enjoy a leisurely trip up to the beautiful and historic Connecticut River Valley. Our journey would take us through Hampshire County, in my own congressional district, on to the town of Hatfield, Mass. Hatfield is a small town in population but its dynamic citizens have from the beginning portrayed that rugged character, fortitude, and sense of community responsibility that typified the pioneering and revolutionary spirit; moreover, its citizens have made extraordinary contributions in the fields of education, public health and national service for a community of this size. This month, Mr. Speaker, the people of Hatfield are celebrating the 300th anniversary of the incorporation of their town, and since all of my colleagues will not be able to attend the festivities, I would like to take time to review briefly the highlights of the town's long and most interesting history which gives it just cause for celebration.

Hatfield was one of several towns in central Massachusetts which was settled in the mid-17th century by pioneers from the eastern part of the State who looked west for the possibility of greater political and religious freedom. In her excellent history of Hatfield, Dorothy Breor described Hatfield as emerging from the settlement of Hadley on the land lying between Mill River and Great Pond. This area was first settled in 1659 and purchased from the Norwottuck Indians the following year for 300 fathoms of wampum. Chief Umpanchala, who signed the deed, reserved, however, the right for his tribesmen to hunt, fish, cut timber, and build wigwams on the land. The first meeting house was built in 1668, and in May of 1670 the general court granted the town the right to incorporate.

These early years were difficult ones for the pioneers. In 1675 the Indian tribes on the frontier banded together under the leadership of King Philip. On October 19, Hatfield was attacked. Troops under Captains Mosely and Poole repelled the attack, but there were losses. The people of Hatfield responded by building a stockade, which aided them in repelling other raids. The attacks remained, however, a serious menace, and in 1676 the local forces took the offensive under Captain Turner. They destroyed the Indian camp, but on their return were ambushed. Captain Turner and 38 of his men were killed, and the Indians, 300 strong, plundered Hatfield; the town was only saved by reinforcements from Hadley.

That year, however, King Philip was killed, and peace soon followed. The next year this peace was shattered by a surprise attack in which several people were killed, and seventeen women and children were taken captive. Among those captured were the families of Benjamin Waite and Stephen Jennings. These two courageous pioneers set out for Canada that October and marched all the way to Quebec where they were able to recover their families by paying a two hundred pound ransom. They returned to Hatfield the following spring. Benjamin Waite and Stephen Jennings will long stand out as the kind of men Hatfield can be proud of and as examples of the courage and heroism of the early pioneers.

I might add that among those captives who were taken to Canada and brought back to Hatfield by Benjamin Waite and Stephen Jennings was a little girl by the name of Sarah Coleman. She later married a man by the name of John Field, and among her descendents would be a justice of the Supreme Court, Stephen J. Field; the first man to establish telegraphic communications across an ocean, Cyrus W. Field; and one of the great businessmen of this country, Marshall W. Field. Moreover, Benjamin Waite's daughter was the mother of the Smith family, whose contributions to charity funds I will return to later.

The courage that the people of Hatfield demonstrated in the Indian wars and the sacrifices that they made have been repeated throughout our history. In June of 1776, the citizens of Hatfield voted in a town meeting to defend the colonies. During the revolution, 125 Hatfield men joined the Continental forces. They fought at Bunker Hill, and the people at home supplied beef, clothing and ammunition. After the Battle of Saratoga, the Hubbard Tavern, on the corner of Elm and Prospect Streets, was used to lodge officers.

In the Civil war 110 Hatfield men went to war, and 24 gave their lives. Others served in the First World War, and in the Second World War 338 young men and women served in the Armed Forces—13 of them lost their lives. The town has also suffered through and recovered from the great Connecticut River flood in 1927 and a terrible hurricane in 1938. In each of these trials the spirit of Benjamin Waite and Stephen Jennings, their courage, and fortitude, has been demonstrated again and again.

Mr. Speaker, I mentioned earlier that one of Benjamin Waite's daughters, who he rescued from the Indians, became the mother of the Smith family in Hatfield, which has made extraordinary contributions in the fields of education, public health and charity.

Sophia Smith provided the money in her will to found Smith College in Northampton. The college was chartered in 1871 and is presently the largest privately endowed private women's college in the world. She also provided the funds for Smith Academy, which was opened in 1872 and is now a high school. And it was Oliver Smith who left the money in his will that started Smith Agricultural and Vocational School and the Smith charity funds.

Another contribution in the field of education by a citizen of Hatfield was made by Col. Ephram Williams who died defending Fort Massachusetts in the last of the French and Indian Wars. In his will Colonel Williams provided for a men's college to be built to the west of Fort Masschusetts. In 1793 Williams College was founded in the town of Williamstown, Mass.

In addition, Elisha Williams, the third president of Yale, and Jonathan Dickinson, the first president of Princeton, were both born in Hatfield.

Today, Hatfield is a growing community that is slowly undergoing changes. The population, rising rapidly

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in recent years, is now up to about 2,800. Agriculture has been historically the main industry in Hatfield, and shade-grown tobacco was the major crop. Today, potato farming has also become a major occupation, and it provides the livelihood for many of Hatfield's citizens.

In recent years, however, the variety of occupations and jobs available in Hatfield has broadened. One reason for this is that Hatfield is beginning to attract more businesses. The Porter-McLeod Machine Power Tool Co. has been there for many years, but recently it has been joined by the Multicolor Corp. which manufactures wallpaper.

Another factor in Hatfield's growth is the recent upsurge in homebuilding that the town has experienced. Land has become more valuable for residential use because many people who work in nearby cities or teach in nearby colleges have found Hatfield to be a very attractive place to live in and bring up children.

The people of Hatfield are proud of their growth. At the same time, however, they are determined not to let the traditions of their town be forgotten or let the beauty of Hatfield be destroyed. Hatfield's future looks bright, and its proud New England heritage will serve it well in the years to come.

This is only a brief history of Hatfield, Mr. Speaker. But I think that you can begin to appreciate the richness of this town's heritage and the importance of its contributions and sacrifices. I certainly wish that we could be there this week to celebrate this occasion, but I am sure that I can pass on to the people of Hatfield the sincere congratulations and best wishes of the Members of this House.

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I have included the following schedule of events for those who may care to attend the festivities:

SCHEDULE OF EVENTS—1970

May 22—P.M. Tercentenary Ball, Selection of Tercentenary Queen, Memorial Town Hall.

June 14—P.M. Flag Day Exercises, Northampton Lodge of Elks.

June 21—A.M. Church Services.

P.M. Firemen's Muster, sponsored by Hatfield Firemen's Association.

June 22—P.M. Choral Concert, Hampshire Choral Society, Memorial Town Hall.

June 23—Open.

June 24—P.M. Barbershop Quartet Singing, Pioneer Valley Chorus (S.P.E.B.S.Q.S.A.).

June 25—P.M. Pageant, Rear of Junior High School.

June 26—P.M. Smith Academy Reunion.

June 27—A.M. Sports Day, Athletic Field.

3 P.M. Commemorative Exercises.

P.M. Block Dance, Campus of Elementary School, sponsored by Hatfield Firemen's Association.

June 28—1:30 P.M. Tercentenary Parade.

June 25–27—Arts and Crafts Exhibit.

June 21–28—Museum, Dickinson Memorial Hall, Exhibits of Hatfield Memorabilia, sponsored by Hatfield Book Club.

June 21–28—Former Shattuck Gun Shop (Old Mill) open to the Public, Antiques.

October 11–18—First Congregational Church, 300th Anniversary events.

October—Combined Smith and Williams Colleges Concert sponsored by Smith College.

QUESTIONS FOR THE COMMISSION ON CIVIL RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, it is the duty and the obligation of Government to inform itself of injustice, and to seek ways and means of redressing just grievances. Because it is a fact that large numbers of our citizens are denied full and free access to the liberties most citizens take for granted, simply because these luckless ones are poor or ignorant or members of some ethnic minority, this Congress established the U.S. Commission on Civil Rights to investigate these grievances and assist in resolving them.

But the high expectations that I had for the Commission on Civil Rights reached a sad decline when I observed the operation of the Commission at close range. I do not know if the performance of the Commission in its San Antonio hearings in December 1968 is typical of that body's operations. I hope not, because if that performance is typical, the value of the whole operation is very much open to question.

I remember that the Committee on Un-American Activities used to be pilloried because it paid witnesses. But the same can be said of the Commission on Civil Rights, and I do not believe that if there is guilt on the one hand the same facts would lead to a conclusion of innocence on the other.

It is a fact that the Commission on Civil Rights hired a number of experts and consultants to help it prepare for its San Antonio hearings. A number of those same people who helped set up the hearings later appeared as witnesses before that hearing, but the Commission never identified these people as employees or former employees of the Commission. The hearings also heard from paid expert witnesses, who were paid consulting fees for their work in testifying, but these were not identified as paid witnesses at the hearing.

Mr. Speaker, there is a difference between a person who testifies out of his own motivation and a person who is paid to prepare testimony. There is a difference between being an employee one week and a witness the next. That difference is the same difference between an honest deal and a stacked deck.

I do not believe that the Commission on Civil Rights has any more right to stack the deck at its hearings, by direction or by indirection, than does any other agency of this Government.

I will make available to the House full details of this matter at a later date. For the moment, however, I ask you to read the account of this odd Commission practice as it appeared in the San Antonio Express and News last Saturday.

I stated at the time of the hearings that the Commission on Civil Rights had stacked the hearings, and that its report could have been written without having gone to the trouble of conducting hearings. I did not know at the time how right I was.

[From the San Antonio (Tex.) Express and News, May 23, 1970]

WITNESSES WERE PAID

(By Kemper Diehl)

A group of key witnesses who appeared at the U.S. Commission on Civil Rights hearings in San Antonio on Dec. 9–14, 1968, performed extensive services for the commission prior to the hearings for which they were paid amounts ranging from $50 to $75 a day, U.S. Rep. Henry B. Gonzales disclosed Friday.

Among those who received substantial payments for services were Rev. Ralph H. Ruiz, who gained nationwide headlines with an attack on FBI agents in his testimony, and Rev. Ed Krueger, formerly in the Valley Ministry of the Texas Council of Churches, who charged Texas Rangers with brutal treatment of striking farm workers there.

Ruiz was paid $525 for seven days work, according to a commission report, and Krueger received $350 for a similar number of days.

Largest sum paid to a South Texas witness for services prior to the hearings went to Mike V. Gonzales, Del Rio attorney, who criticized the administration of justice in cases involving Mexican-Americans. He received $1,575 for 21 days work.

Others receiving fees as consultants or experts included Erasmo Andrade, recently defeated in a Democratic primary race against State Sen. Wayne Connally. He was paid $350 for seven days work.

Andrade was not a witness.

Raul Valdez, director of the Guadalupe Community Center, was paid $250 for five days work, but was not a witness. He was reported by the commission to have provided the commission with contacts with young people in San Antonio.

A more recent recipient of Civil Rights Commission funds was Edward L. Holmes, recently defeated in a Democratic primary race for the legislature. He was paid $625 for 12½ days work during the 1970 fiscal year.

Rep. Gonzales took note of the explanation by the U.S. Commission on Civil Rights that it is not permitted under the law to "utilize the resources of voluntary or uncompensated personnel . . ."

But he took issue with the failure of the commission to identify witnesses who had been employed prior to the hearing.

"This bears out what I said at the time," declared Gonzales, who had been critical of the selection of witnesses by commission staffers. "I knew it was a hand-picked and pre-directed affair."

Gonzales noted that the commission had engaged two witnesses in the role of paid, expert witnesses. These were Jack Forbes, Berkeley, Calif., who described Mexican-Americans as a "conquered" population, and Alex Mercure of Albuquerque, N.M. The congressman observed:

"There is, of course, nothing wrong with hiring consultants and expert witnesses. But it seems a startling oversight that these persons were not identified as paid experts at the hearings."

Gonzales released a report by the commission which described duties performed by various consultants in fiscal 1969.

Of Ruiz, it related:

"Assisted in the preparation of the San Antonio hearing. Through his work as a priest in the Mexican-American area of San Antonio, he provided commission staff members with many contacts with potential witnesses."

Krueger was described as having assisted in preparations for the hearings. The report related: "His intimate knowledge and widespread connections in the Lower Rio Grande Valley were helpful to commission attorneys in their investigations and interviews of appropriate witnesses."

Mike Gonzales was said to have helped in hearing preparations with "a great deal of information and a number of contacts knowledgeable in the areas of education and the administration of justice."

Of Andrade's services, the commission reported:

"Provided consultant services to the Office of General Counsel in connection with preparation for the San Antonio hearing. Through his familiarity with many community groups in San Antonio he introduced commission attorneys to persons knowledgeable with respect to hearing issues."

Edwin Gaida of San Antonio was listed as receiving $1,275 for 17 days of work as a photographer for the commission. Several other San Antonians were listed as working either in Fiscal 1969 or Fiscal 1970 as consultants, but their duties were not described. There included Peter F. Nabekov, four days for $240; Edwin J. Stanfield, 10 days for $500; Jose V. Uriegas, seven days for $350; and Richard J. Bela, 49 days in Fiscal 70, for $3,675.

IS OEP CAPABLE OF REACTING TO THREATS TO THE NATIONAL SECURITY?—MINIATURE BEARINGS ARE VITAL

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, the Ways and Means Committee opened hearings last week to consider all the pending trade bills, including H.R. 16920. This bill establishes a mechanism to limit the importation of textiles and leather footwear in the event the President is unable to reach a negotiated agreement with foreign-supplying countries. In addition, this bill amends the Trade Expansion Act of 1962 to liberalize the "escape clause" and adjustment assistance for firms and workers injured by increased imports.

I have cosponsored H.R. 16920 because of the apparent reluctance of foreign suppliers, particularly Japanese, to reach any agreement on textiles or leather footwear to establish a fair and orderly trade in these articles. In taking this position, I do not oppose an expansion of trade or the principles of free trade, but do insist that it be fair trade. Our marketplace must not serve as an unlimited dumping ground for foreign mills and factories in countries which do not have the enlightened labor legislation which we enjoy. I personally have long urged that by a system of differential tariffs we could, and should, encourage such countries to improve their working conditions and raise their standards of living.

The closing of shoe or textile plants in my district has already destroyed many job opportunities. Even worse, it has created unemployment among many people who are least able to recover—those whose ages or skills often prevent them from being otherwise employed or retrained.

While I am greatly concerned over the present lost job opportunities in textiles and leather footwear, I am also deeply troubled that the National security of all Americans is threatened by the inaction of the Office of Emergency Preparedness in adjusting the importation of miniature and instrument precision ball bearings.

AMENDMENTS TO TRADE ACT

I introduced last week an amendment to the Trade Expansion Act of 1962, which provides for the substitution of the Secretary of Defense for the Director of the Office of Emergency Preparedness in section 232 of the Trade Expansion Act of 1962, the "National Security Amendment." Incorporation of this amendment in 16920 will, in no way, add to or subtract from the initial scope of this bill; but instead will more clearly insure the preservation of our national security and mobilization readiness as they are affected by conditions of foreign trade. My remarks will illustrate this point.

Subsection (b) of section 232 states that:

> Upon the request af the head of any department or agency, upon application of an interested party, or upon his own motion, the Director of the Office of Emergency Planning shall immediately make an appropriate investigation in the course of which he shall seek information and advice from other appropriate departments and agencies, to determine the effects on the National security of imports of the article which is the subject of such request, application or motion.

My own observation of the conduct of the OEP, in the miniature and instrument bearing investigation which I followed closely, is that the Director of the OEP has not conducted an investigation—instead he has, at the very most, caused an investigation to occur; he has had no sense of the immediate; demonstrated no initiative; and, in fact, has paid nothing but lip service to the intent of section 232. A review of previous investigations by the OEP, together with the circumstances of the miniature and instrument bearing investigation will demonstrate the reasons for my concern and the resulting amendment.

RESIDUAL OIL STANDS ALONE

A total of 29 basic industries have filed applications with the OEP on the basis that competing imports represented a threat to national security. These have included such products as fluorospar, watches, residual oil, rifles, cobalt, tungsten, steam turbine generators, and antifriction bearings. It is interesting to note that the average time required for the OEP to arrive at a negative finding, insofar as the petitioner is concerned, is approximately 2 years. I do note that one case, involving textiles, has been under investigation since 1961. The fact that the Congress is now considering textile import legislation hardly speaks well for the role of the OEP in this matter. In many cases petitioners eventually become physically or financially exhausted and withdraw their request for investigation—that is, the bureaucracy has managed to outlast them.

On only one occasion has the Office of Emergency Preparedness managed to come through to prevent a threat to our national security. An application filed on January 22, 1959, requested an affirmative decision involving residual oil. Immediately prior to this, Lyndon Johnson and Robert Kerr in the Senate and Sam Rayburn in the House passed resolutions defining the limit of imports which would impair the national security. Strangely enough, the OEP made a positive finding for the oil producers within only 36 days. One might be forgiven for suspecting that factors other than our national security entered into this finding. Indeed, my own recent experience would indicate that national security matters are the last items to be considered in any investigation processed by the OEP.

OEP INVESTIGATION—MINIATURE AND INSTRUMENT BEARINGS

Two small companies in my district, New Hampshire Ball Bearings, Inc., of Peterborough, and MPB Corp. of Keene, currently produce 90 percent of the miniature ball bearings manufactured in this country. It is not my intent to get into a detailed description of the merits of their case—suffice it to say that the performance of every ship, missile, airplane, tank, and nuclear device in our defense arsenal and every vehicle in the space program is dependent upon the performance and availability of these bearings.

Additionally, the production of these bearings represents a highly specialized manufacturing capability not immediately available in other segments of the metalworking industry. Over the last few years these two manufacturers have found themselves in increasingly hopeless competition with lower priced imports from Japan. But, mind you—and I hope free traders will note this well—they cannot sell in the only important foreign market, that is Eastern Europe.

Fully believing the language of the Trade Expansion Act of 1962, these two companies through their trade association, the Anti-Friction Bearing Manufacturers Association, filed an application with the OEP on January 31, 1969. Since March of that year they have borne the entire personnel and financial burden of pursuing this application with, by, through and around the OEP. To say the very least, it has been an educational and discouraging experience for all concerned.

As best I can determine, the initial investigation by a minor bureaucrat in the OEP who sent copies of the industry's application to "interested Government agencies" that is, those agencies who could comment on the allegations and statements made in the application. The OEP's role in this procedure, from all evidence available to me, consisted of placing a copy of the application in a manila envelope, writing a cover letter and sending the package to, let us say, the Department of Commerce. You might say they punted on first down.

NATIONAL SECURITY VERSUS INTERNATIONAL COURTESY

At the same time, further copies of the application were circulated to the foreign producers cited as those whose imported product was impairing the national security. Replies were, in time, received from German, Swiss and Japanese firms. It is interesting to note that the Japanese were able to comfortably obtain a 30-day extension beyond the time normally allowed to prepare their "rebuttal" to the application of the domestic industry. In retrospect, this provided me with my first inkling that "emergency planning" was somewhat of a misnomer, and that national security could take second place to international courtesy.

On May 1, 1969, the domestic producers waived the right to file further comment upon the Japanese, German and Swiss submittals. These rights of rebuttal were waived at the suggestion of the Director of the Office of Emer-

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gency Preparedness. At the time we were under the impression that this would help insure speedy resolution of this investigation.

A notice in the Federal Register on May 17, 1969, by the Director of the OEP gave formal notice of this waiver and further stated:

> I hereby find that National security interests require that this investigation be concluded as promptly as feasible, and hereby give notice that any rebuttal or other material which any party proposes to submit in connection with this investigation should be submitted within 15 days after the date of publication of this notice in the Federal Register. The file in this investigation will be closed as of that date.

It is interesting to note that on May 30, 2 days before the file was "closed," the Japanese submitted further data.

During the June 1969–January 1970 period, members of industry continually contacted the OEP with a view toward determining the arrival time of the responses due to OEP from the Departments of Labor, Commerce, Defense, NASA, et cetera. Each time such a request for information was made, industry was told that the OEP had no real authority and could only "urge" prompt responses from other agencies. In short, it would appear that the ability of this particular agency to perform under "emergency" conditions would be primarily confined to a wringing of hands.

It is also interesting to note that at no time during the last 6 months of 1969 did a member of this agency publicly contact the applicants with a view toward further data clarification or with a thought of doing any of its own investigative work.

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OTHER AGENCIES CARRY THE BALL

Reports were finally received by the OEP from agencies such as DOD, Commerce and Labor only as the result of the interest and dedication of a few appointive officials—notably Deputy Secretary of Defense, David Packard; Assistant Secretary of Commerce for Domestic and International Business, Kenneth N. Davis; and Deputy Under Secretary of Labor for International Affairs, George H. Hildebrand. Without their abilities and enthusiasm and without the continued efforts of the applicants, it is doubtful that the OEP would yet have responses to this "emergency" situation.

The conduct of the OEP after the arrival of these various agency responses has been even more curious and discouraging. I am aware that the Departments of Labor and Commerce were asked in January and February, 1970, to reply to questions raised by a double-dealing, domestic producer-importer in July of 1969—these questions having been originally introduced 6 months prior to the submittal of agency responses. Why were these questions not brought to the attention of the agencies at the time of their original introduction?

I am also aware of additional information solicited by the Office of Emergency Preparedness from the Japanese in January 1970, concerning facts in issue in the investigation, without notice and opportunity for all parties to participate.

The description of facts contained in the submittal on behalf of the Japanese Bearing Industrial Association wholly related to labor skills required to produce miniature and instrument ball bearings in the high precision grades. Certainly factual examinations of the training time of workers to produce miniature and instrument bearings; additional training to upgrade labor skills; and the function in the manufacturing process which requires skilled labor should be a matter of public record in this section 232 investigation, subject to notice and opportunity for participation by all parties. This would appear to be a violation of the Administrative Procedures Act of 1965, or at the very least, of the administrative policies of the act. It also raises questions about the advice of the Director of the OEP to the domestic industry to waive its rights for a rebuttal in May of 1969 and the closing of the record. An expeditious and prompt finding in this investigation seems as far away now as it did a year ago.

In short, I have every reason to believe that the OEP, insofar as it relates to section 232 of the Trade Expansion Act of 1962, exists only as a placebo for American industry and was never intended to function in the role of an investigative or dicisionmaking agency. Its sole role after 15 months of investigating the effects of imports of miniature and instrument precision ball bearings has been to solicit and obtain information, but neither to interpret nor digest nor form an opinion.

GIVE RESPONSIBILITY TO DOD

Having found itself with favorable agency reports, finally, the OEP has gone to the foreign producers, and/or Government agencies, with questions obviously designed to postpone the day when a decision must be made. I submit that in circumstances where the national security of the country is at stake, that an office having such a poor track record should not be entrusted to play a vital role. I further submit that the Department of Defense, whose mission is clearly demonstrable, is better qualified to make such findings—that is, "Do the imports of a particular commodity threaten to impair the country's national security?" In the final analysis, the incentive to make such a finding promptly is considered more consistent with the role and ultimate responsibility of the DOD than with the Office of Emergency Preparedness. From the record I have seen, the OEP is best left with its floods and fires.

KANSAS COMMUNITY PRIDE PROGRAM

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, most Americans take pride in their work, their families, their communities, and their Nation. It is an American characteristic of first importance—prompted by our free enterprise system, our diverse opportunities for individual expression and accomplishment and our collective efforts, both public and private, to improve the quality of life for all citizens.

For Kansans concerned about the conditions of their communities, the term "pride" has taken on new meaning and significance. Communities throughout the State, with the initiative of local leaders, will soon undertake the challenging Kansas community PRIDE program.

PRIDE is an acronym for programing resources with initiative for development effectiveness. It is an effort, coordinated by the Kansas Department of Economic Development and the Kansas State University's cooperative extension service, to draw the entire State together through an overall resource development emphasis. The program should encourage all Kansas communities, regardless of size, to compare themselves with others, compete for statewide recognition, and earn cash achievement awards.

COMMUNITY AWARENESS PHASE

PRIDE begins with a far-reaching Community Awareness Phase. Through the initiative of civic-action clubs, chambers of commerce, or newly organized development groups, communities will undertake local self-study, evaluate their assets on the basis of established criteria, and consider alternative ways to achieve local improvements.

The K-State cooperative extension service will provide educational liaison as needed.

COMMUNITY ACTION PHASE

The Community Action Phase provides an opportunity for communities to take positive steps to correct shortcomings which come to light during the awareness phase.

Blue-ribbon recognition will be awarded to communities which meet high standards of excellence in particular categories. As accomplishments are evaluated by outside judges, and recognized, the communities will be awarded a blue ribbon to display on signs at the entrances of the towns.

Community Action will be evaluated in the following areas:

Community planning, including community-county cooperation and zoning.

Economic development, including agriculture, agribusiness, and industrial development.

Community services, including health, fire and police protection.

Utilities evaluation, particularly water, sewage, street-lighting, solid-waste disposal and pollution control.

Housing, including building codes and financing.

Transportation, especially facilities for accommodation of automobiles and air craft.

Education, including youth and adult education achievement.

Community enrichment, extending to parks and recreation, cultural and tourism attractions.

Mr. Speaker, the PRIDE steering committee will direct the overall program. Thirteen outstanding Kansans have been appointed to the committee—Kansans personally committed to the economic well-being of our State. I know their efforts will be complemented by local leaders everywhere, for Kansans have traditionally considered the development of attractive and prosperous communities as central to their duties as good citizens.

I congratulate those that have made PRIDE possible, for this imaginative initiative should mean more progress for our State.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The American worker can buy more for his worktime than any other worker in the world. The American cost of living is still the lowest of any economy. An example is the worktime cost of a pound of beef: 182 minutes for the Japanese worker; 150 for the Soviet; 110 minutes for the Frenchman; 70 minutes for the West German; 56 minutes for the Argentinian and 13 minutes for the American worker.

IN SEARCH OF PEACE

(Mr. McCORMACK (at the request of Mr. ALBERT) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, in my remarks I include a well-considered and soundly written editorial appearing in the Catholic Standard, official publication of the archdiocese of Washington, in its issue of May 21, 1970.

Among other observations well stated, the editorial says:

> We stand foursquare for world peace and bow to no man or movement in the intensity of our dedication to this desire. But we realize, too, that peace without honor is not peace at all.

Also:

> The time has come to throw away the Communist flags and banners and raise our own flag to the top of the pole. It also is time to resolve that whatever decision we follow must give the least possible aid and comfort to our enemies. Only through strength of our own national character can peace be guaranteed.

The editorial follows:

[From the Washington (D.C.) Catholic Standard, May 21, 1970]

IN SEARCH OF PEACE

The volatile nature of the demonstrations on many college campuses and at other places throughout the country makes it obvious that uncontrolled emotionalism is not the answer to the problems we face in Vietnam or anywhere else in the world. To label as "hawks" those who do not give immediate and hysterical support to the demand for immediate withdrawal from Vietnam and Cambodia is not a true expression of the real concerns of most people and only exacerbates the situation.

Most Americans want peace. Most Americans are deeply concerned about the extent of our involvement in Vietnam. But most Americans do not want peace at any price. They know we are engaged in battle with an enemy who is dedicated to the destruction of all the principles we hold essential for freedom. The real question in most minds is whether Vietnam today is the time and place for the confrontation.

The flaunting of Vietcong banners and flags is a direct affront to most loyal Americans regardless of their views on Vietnam. The extolling of the so-called merits of Communist leaders as part of the propaganda campaign against our continued participation in Vietnam is doing nothing less than giving aid and support to our enemies. The American people have exercised a higher degree of tolerance toward this type of activity than can be found in any other country in the world.

Despite the statements of many, including some of our leaders on Capitol Hill, the "establishment" has not reacted with excessive force. Most arrests have been made for criminal activity. In most instances the legal charges have been for misdemeanors. At the same time, property destruction is mounting into many millions of dollars for which no recompense has been demanded from the perpetrators.

More students are killed in traffic accidents each weekend than have been killed in all the violent confrontations. Police, National Guardsmen and others have shown remarkable restraint, on the whole, in the face of the most trying circumstances.

A small minority of Americans, many of whom should know better, have substituted polemic for reason. Their activities have attracted the attention of the action-oriented segment of the communications media. This has created a great deal of confusion and possibly has delayed the resolution of the situation in Vietnam. Some knowingly and others unknowingly have actually encouraged the enemy to refuse to make any compromise in the interest of peace.

Nobody really wants to be drafted to fight in Vietnam. In fact, nobody really wants to be drafted at all. But to destroy ROTC facilities from which a future volunteer army must, in large part, be recruited, runs directly contrary to a major demand of the dissenters.

We stand foursquare for world peace and bow to no man or movement in the intensity of our dedication to this desire. But we realize, too, that peace without honor is not peace at all. All too many will consider no formula for peace other than their own. We are open to any reasonable approach.

As we have said before, we sense that the will of the American people calls for a disengagement in Vietnam. If this is so, we accept it. But this disengagement must be intelligently planned and carried out. The President has committed himself to this proposition. But his plan will succeed only if there is unified support on the part of the people.

The time has come to throw away the Communist flags and banners and raise our own flag to the top of the pole. It also is time to resolve that whatever decision we follow must give the least possible aid and comfort to our enemies. Only through the strength of our own national character can peace be guaranteed.

"Free speech and lawful dissent, yes; disloyalty, no," is the only kind of a motto that makes sense.

PRESIDENT SHOULD CALL NATIONAL CONFERENCE ON INFLATION AND UNEMPLOYMENT

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, the state of our national economy has reached the crisis stage. The high level of prosperity inherited by this administration has been dissipated. The administration by its slavish pursuit of archaic economic policies has foisted on this Nation the first recession since 1961, accompanied by the worst inflation in 20 years. Unemployment is now officially recorded at 4.8 percent. Because of loss of overtime and a reduction in the workweek, loss of employment is actually much greater. In the last 6-month period the gross national product declined sharply from $731 to $724 billion, a sharper drop than in the last recession of 1960–61. This acute economic deterioration was experienced at a time when the cost of living was rising at a fantastic 6.5 percent annual rate.

Orthodox economic theory holds continued escalating unemployment and continued escalating price increases to be mutually exclusive, yet month after month we witness even greater inflation accompanied by rising joblessness. Economic policymakers of this administration have obviously discovered a truly revolutionary economic doctrine, a doctrine which not only permits but apparently promotes simultaneous inflation and recession.

The American workingman's credulity is taxed to the utmost when he is asked to sacrifice his job and livelihood in the name of the same old outdated economic philosophies of the 1950's. His plight is compounded when he is asked, in addition, to pay more for his groceries, his rent, and his clothes, with the wages which he is no longer receiving.

Under these circumstances it is easy to understand that the average worker no longer has confidence in the administration's economic policies. Those in high places in the executive branch, I fear, are prone to forget that unemployment is a matter of humanity, not of statistics. The American workingman is not some laboratory animal to be financially and emotionally dissected in the interest of validating an economic theory of doubtful wisdom. He is first and foremost a human being. When he loses his job and that loss is accompanied by ever mounting costs for those necessities of life which his family requires, he is a tragic figure.

Thanks to New Deal reforms, the unemployed today are not likely to experience the utter economic deprivation which was the lot of their predecessors 40 years ago under President Hoover. Those now unemployed, and those who will certainly join them shortly unless present policies are quickly reversed, are nevertheless going to suffer a sharp reduction in their standard of living.

Of even greater significance is the corrosive effect of unemployment on the human dignity of those experiencing it. Unemployment is morally debilitating. It undermines all of the traditional values, self reliance, pride, optimism, and an unbounded faith in the future which have made us great as a people and as a nation.

The immediate reversal of present economic policies I regard as of the highest national priority.

In order that this country may extricate itself from the economic morass which has befallen us, I urge President Nixon to summon without delay a National Conference on Inflation and Un-

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employment. Such a conference should, of course, include the leaders of finance, industry, agriculture, and labor, as well as professional economists. It should also, most certainly, include representatives of the unemployed.

I am convinced that the United States is faced with an economic crisis of major magnitude. I have unbounded faith in this Nation's capacity and the inherent strength of its economy. But I am most pessimistic as to what the continuation of present economic policies portends for our future. I feel that the proposed National Conference on Inflation and Unemployment is of vital necessity if we are to develop the national policies necessary to reverse the inflationary and recessionary trends of the past year. Only thus will we be able to honor this Government's solemn commitment to the American people in the Full Employment Act of 1946, pledging itself to the maintenance of a healthy and viable national economy.

If we honor that commitment this Nation will be able during the coming decade to raise its standards of education, raise its standards of health, raise its standards of housing, eliminate poverty, and accomplish all of those things which I believe all men of good will earnestly desire so as to produce a better life for our fellow men and for posterity. Should we renege on this commitment, however, this country will in the 1970's possess neither the means nor the will to attain that improvement in the quality of American life which we all wish to attain.

Mr President, the time for action is now. The decision is yours.

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A MOTHER'S LETTER TO THE PRESIDENT

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I have received a letter from one of my constituents which I would like to share with you. It is, as a matter of fact, a copy of a letter she wrote to President Nixon.

At a time when a hard core of dissenters occupies every headline, hers is a voice that cannot seem to break through the blockade thrown up by the dominated press against commonsense, reason, and caution. About the only way I can add emphasis to what she has said in this letter is to read it here in the well of the House and see that it is made a part of the CONGRESSIONAL RECORD. She and I have no access to the pages of the dominated press or the cameras of the dominated television news. But by adding our voices to those which appear occasionally here in the RECORD, we make it a permanent record of these times so that future generations, future historians will be able to see that there were some who were not deluded as to what is at stake in the war in Vietnam; that there were some who knew what the struggle there was all about; that all judgment did not fly to bruitish beasts and some maintained their reason.

I am proud that Mrs. Jones is my constituent. It is an honor to represent her. This is her letter:

SHREVEPORT, LA., *May 17, 1970.*

Hon. RICHARD M. NIXON,
President,
United States of America,
Washington, D.C.

DEAR MR. PRESIDENT: Mine is just one small voice in the wilderness of mis-informed, misguided, misanthropic American citizenry . . . who, in their bewilderment, are now blaming you, Mr. President, for this appalling situation into which our country has fallen.

All thinking people are aware that the events leading to our present crisis are not the fault of one man or two or three men but of we, the American public . . . many of us too apathetic to assume their responsibilities in the proper fashion.

When I mention the American crisis I am not referring to your recent actions in Cambodia but to the shocking demonstrations on college campuses and elsewhere throughout our country. We, in Louisiana, are solidly with you in your recent action which was long overdue. You have displayed great courage and self-sacrifice in making your decision. If you or someone of your caliber had been at the helm of our Government months or even years ago, I am sure that this action would have been taken at the proper time . . . instead, we have had leaders who were so afraid of jeopardizing their own political careers that they did not mind spending the lives of thousands of our most promising young men.

I have a son in Vietnam, serving in the U.S. Army for his third (voluntary) year . . . he is an interpreter and is now on assignment in Saigon. His previous two years were spent in rehabilitation, teaching, etc. among the Montegnards and other tribes who were bombed out of their homes. My son is in Vietnam because he is a conscientous American who feels there is work to be done there and that someone must do it to prevent our entire country, ultimately, from being surrounded and over-run with the Communists whose insidious progress here has already been so largely reflected by demonstrations and riots here at home.

When people ask me if I worry about my son, I answer "I worry about all six of my children but I realize that there are as many hazards in the United States of America as in Vietnam . . . and if he is going to be killed, would that he be doing what he wants to do and that I know he is dying for a reason . . . for it is a good reason to help those who are uninformed and need guidance . . . and, by helping these people, he is also helping his own people". There must certainly be more glory in being hit by a North Vietnamese bullet than by a sniper's bullet, fired from a campus domitory.

My son is only one of thousands who feel this way . . . they are all normal young men . . . some with a college education, some not . . . all have the same aspirations as any other normal young man . . . and they would dearly love to be back home, making a proper home for their wives and children . . . but only after they have finished what they set out to do.

Perhaps you are aware that a demonstration is planned on the campus of Louisiana Polytechnic Institute in Ruston, La. on May 23 . . . a demonstration in reverse this time because it is in support of your actions . . . and a protest to other students throughout this country for their recent actions. We pray that this type of demonstration may reach epidemic proportions too and who knows in this age of "monkey see, monkey do"?

Thank you for listening, Mr. President.

Sincerely,

MRS. BETTY D. JONES.

THE PEOPLE SUPPORT NIXON ALMOST 2 TO 1

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, an interesting headline caught my eye in the current, May 26, issue of National Review. It was, "Who Is Makng All This Fuss?" I was attracted by it, I suppose, because I have wondered the same thing. It has long been apparent to me that the majority of the people, silent or not, support the President of the United States in his effort to secure peace in Southeast Asia.

This has been apparent to me because I am not stampeded by Chet and David, John Lindsay, Abbie Hoffman, Doc Spock or any of the other revolutionaries whose primary aim in life is the destruction of this Nation.

Before others succumb to panic over the demands of the new Amerika Red Guard, I suggest they read this item to see who really is making all this fuss:

WHO IS MAKING ALL THIS FUSS?

Who is making all this fuss? Who, in terms not of this individual or that but of the larger sections of the population? Well, "youth," it would seem, to begin with. But no, not youth without further definition; rather, campus youth, college students. Less than half of the young people of college age actually go to college, and not many of the nonstudents have been sighted in the demonstrations, marches and riots. And what percentage of college students? The noisiest percentage, certainly, and altogether a good many, no doubt. By no means all. There are hundreds of college campuses where there have been no disturbances, and more hundreds where there is a non-disturber contingent and a good many politically uninterested students who have gone along for spring fun and games.

So, college students with the qualifications aforesaid. Add, then, a lot of teachers (especially from liberal-arts faculties), ministers and preachers, writers and artists, publicists, a big majority of the media-types in newspapers, magazines, radio and TV, a number of liberal suburban housewives and frightened or demagogic politicians . . .

In broad outline that's about it. No farmers. Very few workers, skilled or unskilled, as the New York construction workers have dramatically displayed along Wall Street and at John Lindsay's City Hall. The leaders of a few unions—mostly with left-wing backgrounds—but hardly any of the big and basic unions in manufacturing, construction, transport, etc. Few engineers or technicians—you don't see in the chorus many of the people who do things like bring Apollo 13 back.

In short and in sum, the apocalyptic yakking is being done by the yakkers: the college students or some of them (by economic definition, a parasitic class) plus the verbalists, the merchants of words. The people who raise the nation's food, build, warm, light and furnish its homes, clothe it, drive its trains, trucks, buses, ships and aircraft—the producers—have declined to join the verbalists' crusade. They don't like the war any more than anyone else does. But they like their country, on net, and they don't want to wreck it. They are ready to go along with policy decisions of the duly elected President and commander in chief, or at least give him the benefit of the doubt, and they believe him when he explains, for example, why temporary operations in Cambodia are a necessary part of his plan to bring the war to a tolerable close. It was after the Cambodian operation had begun and the President had discussed it that a Gallup poll showed the citizens supporting him by nearly two to one (57% to 31%).

Who, then, "speaks for America" right now? Confusion arises because it is the speakers—the professional speakers, the word merchants—who do most of the speaking and the loudest speaking, and have a near monopoly control over the speaking apparatus. They are the ones, therefore, that are mostly *heard,* both at home and abroad. They are huffing and puffing, all right, but by the evidence they are not yet in a position to blow the house down. It is just possible that they are being taken a little too seriously—by the rest of us as well as by themselves. His perhaps overly conciliatory reaction to the verbal storm suggests that the President, too, may have focused his concern too exclusively on the verbalists. Undoubtedly it should be his aim to calm passion and bring his countrymen together. But at the same time he might well have supplemented his appeasing gestures toward the frothing dissenters by a warm phrase or two for the producing majority that stands with him.

MSGR. THOMAS J. DRISCOLL

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, in my judgment, the fiber of our Nation and of its communities has remained strong throughout history due in great part to the efforts of men and women who dedicated their lives to the stability and improvement of our society. The people in this category represent numerous vocations and professions, such as religious, social service, health, legal, public service and so forth. Many of them through their lifetime evidence no regard for their own comfort or material gain, but instead devote all of their energy with the sole desire that these efforts will prove meaningful to their fellow human beings. As I see it, the only compensation enjoyed by this noble segment of our citizenry is the satisfaction which I would hope they enjoy within their hearts in recognition of the achievement of others resultant from their efforts.

One who falls into the category I have attempted to describe is a man whom through my lifetime I have held in great esteem, Rt. Rev. Msgr. Thomas J. Driscoll, retired pastor of my home city church, St. Patrick's in Syracuse, N.Y., who, on April 16, 1970, God called to his heavenly reward. News of his death was indeed distressing, but to me there was solace in the thought that I know of no man who was better prepared to meet his Maker than Monsignor Driscoll. About a month previous to his death, Mrs. Hanley and I were privileged to enjoy an evening with him. It was interesting to note that he had set aside his traditional concern for administrative detail. He was light hearted, relaxed and thoroughly enjoying his retirement status. It appeared to me that he was biding his time awaiting the call of God, whom he had served so well on earth. His funeral service was indeed appropriate to the greatness of this magnificent servant of God. I commend the eulogy provided by the Right Reverend Monsignor William J. Walsh, as well as the Homily at the vigil of his death, as presented by Fr. Edward J. Hayes:

VICTORY OVER THE WORLD—OUR FAITH

(Eulogy for Msgr. Thomas J. Driscoll, given by Rev. Msgr. William L. Walsh, Tuesday, April 21, 1970, at St. Patrick's Church, Syracuse, N.Y.)

From his island exile in Patmos, St. John could see with the eyes of faith the final triumph of the crucified saviour over the world. Surely, human wisdom could have predicted no such triumph. Arrayed against the infant Church were the might of the Roman empire, the intellectual supremacy of Greece, the very vastness of the world which St. John and his brother priests had been sent to conquer. Against the might of Rome, they could offer only meekness, against the intellect of Greece only humanility, against the vastness of the world and the limitations of time and space only the certitude of faith.

And that faith indeed conquered Rome and Greece. Indeed, it used the engineering genius of Rome to provide transportation and communication, even as it used the intellectual prowess of Greece to formu'ate a philosophy. It penetrated the vast reaches of the earth and, as new lands were discovered, the faith was brought to their peoples by the successors of St. John and the other apostles.

Faith gave the martyrs the courage to accept torture and death. It made of purity a priceless gem in a world of debauchery. It inspired the noblest achievement in arts and letters. And, most of all, it comforted untold millions with the certainty of infinite justice, infinite mercy, and endless happiness in the possession of God Himself.

What, then is this faith, that conquers the world, that is the ultimate victory. We learned long ago that it is God's free gift, the divine virtue whereby we believe in God and all that God has revealed to us through His Son, Our Lord and Saviour, Jesus Christ.

We are here today to honor the memory, to pray for the soul of a priest, a co-worker with St. John and all the hero priests of history, a sharer in the great priesthood of Jesus Christ, a man of many virtues but outstandingly a man of firm unshakable faith. And that faith was the driving force, the guiding light of his life. It inspired his vocation in the midst of a devout family, a vocation which was nourished by the selfless lives and single-minded devotion of the priests and sisters of St. Lucy's, and by the spiritual and intellectual guidance of the seminary faculties at St. Charles and St. Bernard's and which came to frution with his ordination some fifty-eight years ago.

And that same firm faith made zeal for its triumph the mark of his priesthood. As a very young priest he served the People of God in St. Francis de Sales parish in Utica under the guidance of his great and good friend Monsignor Doody. When he was named pastor of St. Patrick's Taberg, his faith impelled him, despite a complete lack of means to begin the mission that is now the parish of St. Joseph in Lee Center. His pastorate at St. Francis Xavier, Marcellus, and St. Cecilia, Solvay, were marked by that same magnificent faith that brought the people of God of those parishes ever closer to the Church and to the head of its Divine Founder. And then, some thirty years ago, he came to this great parish of St. Patrick. Again his firm, active, driving faith made him seek out the bets for his people. The triumph of the faith for which he strove would settle for nothing, short of the best. Particularly in the field of Catholic education did he insist upon the best and would accept no less.

But, if one phase of his ministry stands out above all else it was his zeal in fostering vocations to the priesthood and the religious life. There was, first of all, the example of his own life; there was guidance, there was material help when needed. There was always his own obvious love for the Church and its work. All these made easier for many the paths to the priesthood and to religious profession.

On the occasion of Monsignor Driscoll's twenty-fifth anniversary of ordination, the preacher quoted the inscription on the tomb of Sir Christopher Wren, the great architect had who designed St. Paul's Cathedral in London. The inscription reads, "If you seek his monument, look about you." Look not at the buildings or their adornment, beautiful as they may be. Rather, look at the people he has served and inspired. These are his monument, his eulogy. He would want no other.

The funeral of a priest brings the People of God together in a unique way. The bishops come to bless and bid a fond farewell to one who has lightened the awesome burden. His brother priests come to offer their grateful prayers for one whose fraternal love of them has made him their beloved companion. His parishioners come to thank God for the graces poured out on them through his hands. All come to beg God's mercy and welcome for one who strove so hard, to imitate His Son, whose faith has not its victory.

THE GOOD SHEPHERD

The movie, The Song of Bernadette, ends with the phrase, "For those who believe, no explanation is necessary. For those who do not believe, no explanation is possible."

I remember hearing an anecdote some years back about a parishioner of St. Patrick's who was assisting a recently arrived resident of Tipperary Hill in his desire to embrace the Catholic Faith. As the story goes, he spent half the time explaining the Catholic Faith to his friend, and the rest of the time explaining Msgr. Driscoll.

To paraphrase the words of the movie, "For those who knew and loved and respected Msgr. Driscoll, no explanation is necessary. For those who did not know him, perhaps no explanation is possible." We are gathered here tonight as those who knew and loved and respected him.

Tonight we shall not try to speak of Msgr.'s fifty-eight years of priesthood and his various assignments in the Diocese. We will leave that to tomorrow's homilist, Msgr. Walsh. We shall only speak as we knew him during his thirty years at St. Patrick's.

Msgr. Driscoll was a man of strength. He thought strongly. He spoke strongly. He acted strongly. One could not be indifferent to him. One necessarily reacts strongly to a man of such strength. Msgr. Driscoll's middle name was John. In so many ways, he was so like his namesake, John the Baptist, a man of unique strength. At times we might have wished he were more like the gentler, loveable, John the Evangelist. But like John the Baptist, he was what he was. He was strong in his love for the Church. Strong in his love of the priesthood. Strong in his love for St. Patrick's.

He was a man of definite leadership ability. He never left anyone in doubt as to what direction the parish and he were heading. One might question at times as one does with every leader, some or many of his individual decisions or his style of leadership. But there can be no questioning that for over 30 years, he provided good, solid, stable leadership for St. Patrick's.

One of Msgr.'s proudest boasts was the number of vocations from St. Patrick's during his pastorate. How often he would speak of this in a beaming fashion. Yet, he was realistic enough to recognize that whatever his human contribution to such a mysterious divine calling, it was of an indirect nature. Never, as far as I know, and he boasted about this, did he ever speak to anyone individually,

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or to a class, or to the school as a whole about vocations. But he did speak about vocations by what he himself was, a dedicated priest. He did speak about it through his emphasis on family life, for it is there, he insisted, that one learns that the faith is worth living for, the faith is worth giving one's life for. He spoke about it through his love for his fellow priests.

Priests were always welcome at St. Patrick's. They were welcome as guests, be they travelling missionaries or priests who came to Syracuse to establish a Retreat House and a Catholic College. They all enjoyed Msgr's hospitality. Priests were always welcome to visit. It was not an uncommon sight for us to see Msgr. in his room at his desk with his familiar green eyeshade, his suspenders and his undershirt, sitting at his desk piled high. Yet, he always had time for a visit. He enjoyed sitting back, lighting up his Perogi Italian cigar, and giving you all the time you wanted. He was a great host. And if you didn't drop by for a couple of months, he would inevitably greet you with the remark, "Hello stranger."

How he loved this parish church. He began renovations of it almost as soon as he came. For years he carried his vision of what he wanted the Church to be. But, insistent as he was on his "pay-as-you-go-plan" it was only after many years that his vision became a reality. When his dream went up in flames in the tragic fire of January, 1966, our hearts all went out to him. But that tragedy taught us what caliber of a man we had for a pastor. Though many felt that because of his age he wouldn't have the determination to see through the restoration he never had a moment's hesitation, as he put it, if God would give him the strength, he would restore it even more beautifully than it was before. And this he did.

He was a man of strength who expected and respected strength in others. He was a man of honesty and openness who could not tolerate anything else in others. He was not a respector of persons. He was the same with all, be they his Bishop or his assistant, be they his parishioner or civic leader. If his opinion were asked or if he felt it ought to be given, he said what he felt ought to be said.

As you know, for some years Msgr. Driscoll was a Diocesan Consultor. The Code of Canon Law states that "all persons whose . . . counsel is required must respectfully, truthfully and sincerely state their opinion on the matter." I feel certain that in the history of our Diocese, no priest has been more conscientious in this matter than Msgr. Driscoll.

He always looked for and expected the best from everyone. The effort he expected others to expend was not just their best, not even 100%, but as he so often put it, 100% plus.

We know, human beings being what they are, that to work with a man of such strength, of such expectations, of such decisiveness, requires exceptional tact and extraordinary flexibility. I suppose this is one of the reasons why over the years it has been Sisters of exceptional ability and extraordinary talent who have been stationed at St. Patrick's School. And what a boon this has been for the quality of education and especially for vocations to the convent.

In many of his plays, Shakespeare has developed the theme that the personality trait that is usually one's greatest asset, the source of one's greatness, is also usually one's greatest liability. Msgr. is no exception to this. But this is precisely what makes his shortcomings, if not from too little zeal, but too much zeal, not from too little love for the faith and the parish, but perhaps too intensive a love.

What a heritage he has left us at St. Patrick's. In many ways he was ahead of his time. For instance, in regard to the liturgy. Many years ago he initiated active participation and the Offertory Procession. He taught us what it means to pray together. How intolerant he was of slovenly, hurriedly said prayers. He had the courage to do away with the taking up of a collection during Mass because it was not conducive to prayerful recollection. Courage, perhaps better said, he had faith in his parishioners and their generosity that they did not have to be coaxed or shamed to fulfill their financial responsibilities.

What an emphasis he put on family life. Proud as he was of St. Patrick's School, he re-iterated Sunday after Sunday, that the school was not a substitute for and would not usurp the responsibilities of the parents. While there would be order in the school, the discipline of children was to be taught in the home. A good formal elucation would be given the children at school. But the education of children must begin and be furthered in the home. And that love of the faith, the love of the Mass, and the practice of the reception of the Sacraments, this was the primary responsibility of parents and that as the church has insisted, there would not be and was not any regimentation of these matters either during school hours or after school hours.

He had the magnificent ability to make the best of any situation. As we all know, he was not inclined to retire as our pastor. And yet, realizing the inevitability, he did. And he made the most of it. He continued to exercise his priestly work to the extent that he could.

There are many more things that could be said, many more that ought to be said. As individuals and as a parish, we all have so many personal memories of Msgr. For whether we sought it to be this way or it just happened, he was very much a part of the lives of all of us for these thirty-two years. And there were so many ordinary, un-eventful occurrences that he with his dramatic ability transformed into exciting all-important parish events. Who can ever forget the dramatic saga of the cutting down of the blue spruce tree. But all this has become part of the folk lore of the parish. And they will not be forgotten. But I am sure they will continue to be told and re-told many times and in many places here on Tipperary Hill.

We are here tonight, not just as friends of Msgr., but as those who shared with him a unique faith, faith in Jesus of Nazareth who died and rose again, faith in the Son of God who said, "I am the Resurrection and the Life; he who believes in me, even if he die shall live." We believe that Msgr. and all of us will rise together at the Resurrection on the last day. We pray that even now God will bestow upon him his hundredfold for having left all and followed him during this life, and that one of the many mansions of which Jesus spoke of in his Father's house, will now be Msgr.'s "House by the Side of the Road."

Editors Note: The above was given as a Homily at the Vigil of the death of Monsignor Driscoll on Monday, April 20th, 1970 by the Rev. Edward J. Hayes, a native son of St. Patrick's parish.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Burlison of Missouri (at the request of Mr. Boggs), for today on account of official business.

Mr. Stuckey (at the request of Mr. Boggs), for today through Wednesday, May 27, on account of official business.

Mr. Daniel of Virginia (at the request of Mr. Boggs), from 3:20 p.m. and the remainder of the day on account of official business.

Mr. Burton of California, for May 25 through May 27, 1970, on account of official business, participating as an official delegate in the parliamentary exchange program with the Chamber of Deputies of France.

Mr. Riegle (at the request of Mr. Anderson of Illinois), for today and the balance of the week, on account of official business.

Mr. Railsback (at the request of Mr. Anderson of Illinois), for today and the balance of the week, on account of official business.

Mr. Mathias (at the request of Mr. Anderson of Illinois), for today and the balance of the week, on account of official business.

Mr. Lukens (at the request of Mr. Anderson of Illinois), for today and the balance of the week, on account of official business.

Mr. Biester (at the request of Mr. Anderson of Illinois), for today and the balance of the week, on account of official business.

Mrs. Chisholm (at the request of Mr. Albert), for Monday, May 25 through Wednesday, May 27, on account of official business.

Mr. Rivers, for May 26, on account of official business.

Mr. Gaydos (at the request of Mr. Albert), for Monday, May 25, through Wednesday, May 27, on account of illness.

Mr. Jones of Tennessee (at the request of Mr. Albert), for today through Wednesday, May 27, on account of official business.

Mr. Patten (at the request of Mr. Albert), for today, on account of official business.

Mr. Kyros (at the request of Mr. Albert), for today, on account of official business.

Mr. Blanton (at the request of Mr. Jones of Tennessee), for today through May 27, on account of official business.

Mr. Ruppe (at the request of Mr. Anderson of Illinois), for today and the balance of the week, on account of official business.

Mr. Helstoski (at the request of Mr. Meeds), for today, on account of official business.

Mr. Foley (at the request of Mr. Boggs), for today through Wednesday, May 27, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Wold), to revise and extend their remarks and to include extraneous matter to:)

Mrs. Heckler of Massachusetts, today, for 10 minutes.

Mr. Conte, today, for 10 minutes.

Mr. Conte, on May 26, 1970, for 30 minutes.

(The following Members (at the request of Mr. Caffery), to revise and extend their remarks and to include extraneous matter to:)

Mr. Gonzalez, today, for 10 minutes.

Mr. McFall, on May 26, for 15 minutes.

Mr. Montgomery, on May 26, for 10 minutes.

Mr. Pryor of Arkansas, on June 1, for 60 minutes.

Mr. Pryor of Arkansas, on June 2, for 60 minutes.

Mr. Pryor of Arkansas, on June 3, for 60 minutes.

Mr. Mikva, on June 3, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Price of Illinois, and to include extraneous matter.

Mr. Poage, and to include extraneous matter.

Mr. Edmondson in two instances and to include extraneous matter.

Mr. Roth to extend his remarks following those of Mr. McCormack, today, on the late George Stewart.

Mr. Madden and to include extraneous matter.

Mr. Pepper, to extend his remarks on the bill H.R. 15073.

(The following Members (at the request of Mr. Wold) and to include extraneous matter:)

Mr. Price of Texas in two instances.
Mr. Nelsen.
Mr. Bray in two instances.
Mr. Snyder in two instances.
Mr. Bush.
Mr. Wyman in two instances.
Mr. Foreman in two instances.
Mr. Michel.
Mr. Springer.
Mr Quie in two instances.
Mr. McKneally in two instances.
Mr. Ashbrook in two instances.
Mr. Berry.
Mr. Whitehurst.
Mr. Brotzman.
Mr. Burton of Utah in five instances.
Mr. Blackburn in five instances.
Mr. Hutchinson.
Mr. Quillen in four instances.
Mr. McClory in two instances.
Mr. Ayres.
Mr. Langen.

(The following Members (at the request of Mr. Caffery) and to include extraneous matter:)

Mr. Eilberg in three instances.
Mr. Charles H. Wilson.
Mr. Ottinger in two instances.
Mr. Montgomery in two instances.
Mr. Karth.
Mr. Rogers of Colorado.
Mr. Bolling.
Mr. Thompson of New Jersey in two instances.
Mr. Rivers in two instances.
Mr. Nedzi.
Mr. Edwards of California.
Mr. Rarick in three instances.
Mr. Ryan in five instances.
Mr. Fraser.
Mr. Jacobs.
Mr. Gonzalez in two instances.
Mr. Henderson in two instances.
Mr. Patten in two instances.
Mr. Kluczynski.
Mr. Rogers of Florida in five instances.
Mr. Fountain in two instances.
Mr. Pickle in two instances.
Mr. Roybal in six instances.
Mr. Kastenmeier.
Mr. Van Deerlin.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 528. An act to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir; to the Committee on Public Works.

S. 3176. An act to authorize a program for the development of a tuna fishery in the Central and Western Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

S. 3594. An act to authorize the acquisition of certain property in square 724 in the District of Columbia for the purpose of extension of the site of the additional office building for the United States Senate for the purpose of addition to the United States Capitol Grounds; to the Committee on Public Works.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3920. An act for the relief of Beverly Medlock and Ruth Lee Medlock;

H.R. 5419. An act to provide relief for Comdr. Edwin J. Sabec, U.S. Navy;

H.R. 6402. An act for the relief of the Sanborn Lumber Co., Inc.;

H.R. 8694. An act for the relief of Capt. John T. Lawlor (retired); and

H.R. 9910. An act for the relief of Hannibal B. Taylor.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 952. An act to provide for the appointment of additional district judges, and for other purposes.

ADJOURNMENT

Mr. CAFFERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 26, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2077. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of a Presidential determination authorizing military grant assistance and military sales to a country in Asia, pursuant to the provisions of the Foreign Assistance Act, the Foreign Military Sales Act, and the Foreign Assistance and Related Programs Appropriation Act of 1970; to the Committee on Foreign Affairs.

2078. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a report on the adequacy of pay and allowances of the uniformed services, pursuant to the provisions of 37 U.S.C. 1008(a); to the Committee on Armed Services.

2079. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; to the Committee on Banking and Currency.

2080. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report of the Department of Health, Education, and Welfare for fiscal year 1969; to the Committee on Education and Labor.

2081. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to grant relief to payees and special indorsees of fraudulently negotiated checks drawn on designated depositaries of the United States by extending the availability of the check forgery insurance fund; to the Committee on the Judiciary.

2082. A letter from the Acting Administrator of General Services, transmitting copies of the prospectus for alterations at the Virginia Heating, Refrigeration, and Sewage Disposal Plant in Arlington, Va., pursuant to the provisions of the Public Buildings Act of 1959; to the Committee on Public Works.

Received from the Comptroller General

2083. A letter from the Comptroller General of the United States, transmitting a report on opportunities for savings through the elimination of nonessential stock items, General Services Administration; to the Committee on Government Operations.

2084. A letter from the Comptroller General of the United States, transmitting a report on unrecovered costs in providing address correction service to postal patrons, Post Office Department; to the Committee on Government Operations.

2085. A letter from the Comptroller General of the United States, transmitting a report on an inappropriate source of power used as a basis for allocating costs of water resources projects, Corps of Engineers (Civil Functions), Department of the Army, Department of the Interior, Water Resources Council; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to an order on the House May 21, 1970, the following report was filed May 22, 1970]

Mr. McMILLAN: Committee on the District of Columbia. H.R. 17711. A bill to amend the District of Columbia Cooperative Association Act (Rept. No. 91–1118). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 25, 1970]

Mr. DENT: Committee on House Appropriations. S. 3339. An act to authorize the Public Printer to fix the subscription price of the daily Congressional Record (Rept. No. 91–1119). Referred to the Committee of the Whole House on the State of the Union.

Mr. DENT: Committee on House Appropriations. H.R. 14452. A bill to provide for the designation of special policemen at the Government Printing Office, and for other purposes; with amendments (Rept. No. 91–1120). Referred to the Committee of the Whole House on the State of the Union.

Mr. DENT. Committee on House Administration. H.R. 14453. A bill to authorize the Public Printer to grant time off as compensation for overtime worked by certain employees of the Government Printing Office, and for other purposes; with an amendment (Report No. 91–1121). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 12758. A bill to authorize the Secretary of the Interior to establish a volunteers in the park program, and for other purposes; with an amendment (Report No. 91–1122). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 17767. A bill to regulate rents in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BERRY:

H.R. 17768. A bill to amend Public Law 90–468 relating to the Pine Ridge Indian Gunnery Range and the Badlands National Monument; to the Committee on Interior and Insular Affairs.

By Mr. BOGGS:

H.R. 17769. A bill to permit the duty free entry of containers designed for use in the packing, transporting, or marketing of fruits and vegetables; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 17770. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 17771. A bill to amend the Foreign Military Sales Act to prohibit assistance to Cambodia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ERLENBORN (for himself, Mr. Perkins, Mr. Ayres, Mrs. Green of Oregon, Mr. Quie, Mr. Dent, Mr. Bell of California, Mr. Pucinski, Mr. Reid of New York, Mr. Hathaway, Mr. Dellenback, Mr. Burton of California, Mr. Esch, Mr. Steiger of Wisconsin, Mr. Collins, Mr. Scherle, Mr. Ruth, and Mr. Don H. Clausen):

H.R. 17772. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. Fascell (for himself, Mr. Button, Mr. Friedel, Mr. Gibbons, Mr. Halpern, Mr. Hanna, Mr. Kyros, Mr. McKneally, Mr. Miller of California, Mr. Nix, Mr. Olsen, Mr. Pepper, Mr. Rosenthal, Mr. Sisk, Mr. Charles H. Wilson, and Mr. Wright):

H.R. 17773. A bill to define the authority of the President of the United States to intervene abroad or to make war without the express consent of the Congress; to the Committee on Foreign Affairs.

By Mr. HECHLER of West Virginia:

H.R. 17774. A bill to designate as wilderness the Cranberry, Otter Creek, and Dolly Sods areas in the Monongahela National Forest in West Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 17775. A bill to prohibit the furnishing of mailing lists and other lists of names or addresses by Government agencies to the public in connection with the use of the U.S. mails, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 17776. A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, to provide for the removal of names from mailing lists, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 17777. A bill to amend title 39, United States Code, to provide for the regulation of mailing list dealers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HOWARD:

H.R. 17778. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. OTTINGER:

H.R. 17779. A bill to amend the National Environmental Policy Act of 1969, to provide for a national environmental data bank; to the Committee on Merchant Marine and Fisheries.

By Mr. PODELL:

H.R. 17780. A bill to require the Secretary of Commerce to make daily determinations of the extent of environmental pollution, to establish an environmental quality index, to disseminate publicly information on pollution, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL:

H.R. 17781. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; to the Committee on Government Operations.

By Mr. SAYLOR:

H.R. 17782. A bill to preserve, stabilize, and reactivate the domestic gold mining industry on public, Indian, and other lands within the United States and to increase the domestic production of gold to provide the requirements of industry, national defense, and other nonmonetary uses of gold; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER:

H.R. 17783. A bill to amend the act authorizing Federal participation in the cost of protecting certain shore areas in order to authorize increased Federal participation in the cost of projects providing hurricane protection; to the Committee on Public Works.

By Mr. VANDER JAGT (by request):

H.R. 17784. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. CHARLES H. WILSON:

H.R. 17785. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of standards relating to automobile litter containers; to the Committee on Interstate and Foreign Commerce.

By Mr. ABBITT:

H.R. 17786. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself, Mr. Mailliard, Mr. Clark, Mr. Lennon, and Mr. Grover):

H.R. 17787. A bill to revise and improve the laws relating to the documentation of seamen; to the Committee on Merchant Marine and Fisheries.

By Mr. HAGAN:

H.R. 17788. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. HALEY:

H.R. 17789. A bill to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to increase the authorization of such aquisitions; to the Committee on Interior and Insular Affairs.

By Mr. HAYS:

H.R. 17790. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 17791. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. LANGEN:

H.R. 17792. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 17793. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

By Mr. MOORHEAD:

H.R. 17794. A bill to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (for himself, Mr. Barrett, and Mr. Stephens):

H.R. 17795. A bill to amend title VII of the Housing and Urban Development Act of 1965; to the Committee on Banking and Currency.

By Mr. WHITEHURST:

H.R. 17796. A bill to amend the Small Business Act to authorize loans to assist small business concerns in constructing, expanding, or altering facilities to comply with the requirements of newly enacted Federal laws; to the Committee on Banking and Currency.

By Mr. MORTON:

H.R. 17797. A bill to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Maryland, and for other purposes; to the Committee on Agriculture.

H.R. 17798. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.J. Res. 1241. A resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; to the Committee on the Judiciary.

By Mr. BUSH:

H.J. Res. 1242. A resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.J. Res. 1243. A resolution designating July 12, 1970, as "Salute to Armed Forces in Vietnam Day"; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.J. Res. 1244. A resolution proposing an amendment to the Constitution of the United States making citizens who have attained 18 years of age eligible to vote in Federal elections; to the Committee on the Judiciary.

By Mr. MINISH:

H. Con. Res. 644. A resolution expressing the sense of the Congress that the President

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should establish a commission to examine the recent events at Kent State and Jackson State; to the Committee on Education and Labor.

By Mr. QUIE (for himself, Mr. BIESTER, and Mr. MATSUNAGA):

H. Con. Res. 645. A resolution expressing the sense of the Congress with respect to the establishment of a United Nations international supervisory force for the purpose of establishing a cease-fire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. WHALEN:

H.R. 17799. A bill for the relief of Otto Schueller; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 17800. A bill for the relief of Mr. Jose Casian; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 17801. A bill for the relief of Louisa Ann Stevenson; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

391. By the SPEAKER: A memorial of the Senate of the Commonwealth of Massachusetts, relative to Cambodia; to the Committee on Foreign Affairs.

392. Also, a memorial of the Legislature of the State of Alaska, relative to the establishment of a National Institute of Environmental Science in Alaska; to the Committee on Science and Astronautics.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

493. By the SPEAKER: Petition of Nell Hardin et al., Fort Worth, Tex., relative to law and order; to the Committee on the Judiciary.

494. Also, petition of the City Council, Lawndale, Calif., relative to tax free local bonds; to the Committee on Ways and Means.

495. Also, petition of the Council of the City of New Orleans, La., relative to welfare; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES—*Tuesday, May 26, 1970*

The House met at 12 o'clock noon.

Dr. Adlai Albert Esteb, Seventh Day Adventist Church, Takoma Park, Md., offered the following prayer:

Heavenly Father, may Thy special blessings rest upon the Members of Congress as they face the current crises of these crucial times.

The world is literally littered with the wreckage of hate.

"O God above, we plead for love,
For on this earth, a direful dearth
Of love prevails and hate unveils
Its poisoned darts and broken hearts!
God, make us kind, and help us find
true peace of mind.

"God grant us grace: Our human race
Defiles the springs of faith and clings
To fear and doubt. Make us devout,
And, Lord, impart to ev'ry heart,
The faith to win our war with sin
without, within.

"God give us power, for in this hour
Of urgent needs for greater deeds,
Our only hope, if we're to cope
With tasks so great, when time's so late,
Is power benign and love divine,
the glory Thine!"

In the precious name of Jesus. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

AUTHORITY FOR THE SPEAKER TO DECLARE A RECESS ON JUNE 3, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, June 3, 1970, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the Republic of Venezuela.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADJOURNMENT FROM WEDNESDAY, MAY 27, TO MONDAY, JUNE 1, 1970

Mr. ALBERT. Mr. Speaker, I offer a concurrent resolution, House Concurrent Resolution 646, and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 646

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, May 27, 1970, it stand adjourned until 12 o'clock meridian, Monday, June 1, 1970.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, June 1, 1970, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

EXPENDITURE CONTROL

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, the administration is currently before the Ways and Means Committee of the House of Representatives requesting an increase of the public debt ceiling to $395 billion.

The Secretary of the Treasury has stated that an increase of the debt limit is critically needed by this administration to permit it to carry on the business of Government. During the testimony before our committee yesterday, Budget Director Robert P. Mayo stated that defense expenditures for fiscal year 1970 were $77 billion. He further stated that it was budgeted by the administration that defense expenditures for fiscal year 1971 would total $71.8 billion. These budget estimates disregard the carryover of billions of dollars of appropriated funds which are available for spending at any time.

In order to assure a reasonable reduction in Defense spending compatible with the administration's announced withdrawal of 150,000 troops from Southeast Asia, I am compelled to urge that the temporary debt ceiling be held to $389 billion, reflecting a $5.8 billion reduction in defense spending in fiscal year 1971.

In this way, Congress can exercise its constitutional authority to bring defense spending within the framework and guidelines of the Revenue and Expenditure Control Act of 1968.

Every agency of the Government should be subjected to the same kind of expenditure control—including the Department of Defense. The American taxpayer has every right to expect this kind of responsibility to be exercised by the Congress. If we can hack away at appropriations for education, for health, for veterans' services, for housing, and for pollution, we ought to make a reasonable effort to apply the same principles to defense spending.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE REPORT ON EMERGENCY HOUSING BILL UNTIL MIDNIGHT SATURDAY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency have until midnight Saturday night to file a report on the emergency housing bill, H.R. 17495.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES RELATING TO FINANCIAL DISCLOSURE

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, and on behalf of the gentleman from Missouri (Mr. BOLLING), I call up House Resolution

971 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 971

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 796) amending the Rules of the House of Representatives relating to financial disclosure. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Standards of Official Conduct, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. Quillen), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 971 provides an open rule with 1 hour of general debate for consideration of House Resolution 796 amending the rules of the House relating to financial disclosure.

The purpose of House Resolution 796 is to amend rule XLIV for the purpose of strengthening and clarifying existing provisions of the rule.

This would be accomplished by requiring Members, officers, and certain employees of the House to report for public purposes disclosure of, first, the sources of honorariums of $300 or more and, second, the identity of each creditor to whom $10,000 or more was owed for 90 consecutive days or more in the preceding calendar year without the pledge of specific security.

The additional requirements for disclosure would be effective with the filing of reports for calendar year 1971, which would be due by April 30, 1972.

Mr. Speaker, I urge the adoption of the rule.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 796 amends the rules of the House relating to financial disclosure.

As the able gentleman from Texas (Mr. Young) has stated, the purpose of the resolution is to amend House rule XLIV in two major respects.

First, the resolution will require Members, officers, principal assistants to Members, and professional staff members of committees to report publicly: First, the sources of all honorariums of $300 or more, and, second, the identity of creditors to whom $10,000 or more is owed for 90 days or longer without any specific security or collateral for the loan.

The new requirements will be effective for calendar year 1971, the report of which is required to be filed on or before April 30, 1972.

The resolution requires that the specific honorarium amounts as well as the specific unsecured debt amounts must be reported in part B of the required report, which part is sealed and held secret unless the committee votes to open a particular report.

The fact that honorariums have been received, as well as the names of creditors holding unsecured loans must be noted in part A of the report, which is open to public inspection.

The resolution also contains a technical amendment to rule XLIV to make clear that if a person required to file has nothing to enter in part A, the filing of part B is not required.

I have no further request for time, but I reserve the balance of my time, and urge the adoption of the resolution.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. MIZE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 142]

Anderson, Tenn.
Ashley
Baring
Biaggi
Biester
Blackburn
Blanton
Bolling
Broomfield
Brown, Calif.
Burton, Calif.
Button
Carter
Casey
Celler
Chisholm
Clark
Clawson, Del
Clay
Cohelan
Conyers
Cowger
Cramer
Culver
Daniel, Va.
Davis, Ga.
Dawson
de la Garza
Diggs
Donohue
Dowdy
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Evans, Colo.
Evins, Tenn.
Foley
Ford, William D.
Gallagher
Gaydos
Gilbert
Goldwater
Green, Oreg.
Hansen, Wash.
Hébert
Helstoski
Hogan
Hungate
Jones, Ala.
Jones, Tenn.
Kee
Kirwan
Kyl
Landrum
Latta
Lukens
McCarthy
McCloskey
McClure
McCulloch
McMillan
Macdonald, Mass.
MacGregor
Mathias
Matsunaga
May
Miller, Calif.
Moorhead
Moss
Murphy, Ill.
Nichols
O'Neal, Ga.
Ottinger
Patten
Pettis
Pike
Pollock
Powell
Purcell
Railsback
Randall
Reid, N.Y.
Reifel
Rhodes
Riegle
Rivers
Rodino
Rogers, Colo.
Rooney, N.Y.
Roybal
Ruppe
Scherle
Scheuer
Schwengel
Sebelius
Sikes
Smith, Iowa
Snyder
Stokes
Stratton
Stubblefield
Stuckey
Teague, Tex.
Tunney
Watson
Watts
Whitten
Wilson, Charles H.
Yates

The SPEAKER. On this rollcall 320 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL STATEMENT

Mr. McCLORY. Mr. Speaker, although I was present during much of the debate on the bank records and foreign transactions bill—H.R. 15073—I was unavoidably absent at the time of the roll call.

It had been my full intention to vote "aye" when my name was called, and I take this occasion to indicate my full support for this constructive legislation.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. YOUNG. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES RELATING TO FINANCIAL DISCLOSURE

Mr. PRICE of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 796, amending the Rules of the House of Representatives relating to financial disclosure.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 796, with Mr. Young in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. Price) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Betts) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Chairman, I yield myself such time as I may require.

I hope not to take much of your time; the recommendations we make speak for themselves.

A little more than 2 years ago I appeared before this body, together with other members of the Committee on Standards of Official Conduct, in support of the committee's original recommendations for a Code of Official Conduct and a system of financial disclosure. Those recommendations were adopted by a vote of 406 to 1, and have since been in force for Members, officers, and covered employees of the House.

At that time the committee, which I am honored to chair, emphasized that its product, as then presented, likely would require refinement and revision after being put to the test of experience. The time now has arrived, in the committee's view, for the changes we now propose. It is conceivable that further experience may point to a need for other changes.

The recommendations submitted to you today in House Resolution 796 are designed to strengthen the existing financial reporting requirements as provided in House rule XLIV.

One recommendation would require public disclosure of the sources of honoraria of $300 or more. The actual amounts received would be entered in the sealed portion of the report which could be opened only in event of a formal investigation authorized by a majority vote of the committee.

Reporting of the sources of such honoraria would supplement point 5 of the existing Code of Official Conduct which prohibits the receipt of honoraria "for a speech, writing for publication, or other similar activities, from any person, organization or corporation in excess of the usual and customary value for such services."

Nothing in the pending resolution would change that prohibition in any way.

The other principle recommendation before you calls for the public reporting of any loan or other indebtedness of $10,000 or more which were outstanding for 90 days or longer in the preceding calender year without the pledge of specific collateral. Here again the actual amounts would be entered only in the sealed portion of your financial reports. The public portion would show only the identity of such creditors.

As to the "pledge of assets . . . of appropriate value" as used in the resolution, the committee recognizes that it is a customary practice for some loans to be granted on the basis of a financial statement furnished by the borrower. Such loans, however, are effectively open-book credit and provide no specific security to the lender. Otherwise, the committee feels the pledge of any specific and bona fide collateral would fulfill the requirements of the resolution.

Further as to the 90-day period involved, a natural question is whether consecutively renewable loans for periods of less than 90 days would need to be reported. Clearly such loans are in effect the same loan, so the committee feels that any loan continuously renewed or renewable between the same parties would be considered to be a single loan for the 90 consecutive day test in the rule.

The proposed additions to the financial disclosure rule were agreed upon by the committee after long and careful deliberation. The committee feels that they definitely will provide needed reinforcement of the present provisions for management of potential conflicts of interest. These proposals were supported by all Members of the House who testified before the committee or who filed statements for inclusion in the record of our hearings. Additional support for the recommendations was expressed by public witnesses and in statements filed by other interested persons and organizations.

A third proposed amendment is purely technical. Its purpose is simply to eliminate the requirement for the filing of the sealed portion, or part B, of the financial reporting form by those who have nothing to declare in part A, the public portion. By administrative action, the committee already has put this exemption into effect. In the instructions for the filings for 1969, due by April 30, we state that part B need not be filed if nothing is reported in part A.

The other recommendations in the resolution would be effective with the filings due by April 30, 1972, which means they would apply to reports for the calendar year 1971.

Our resolution may seem brief, but in the committee's opinion it is to the points we want to cover and is designed to fit precisely into the rules of the House that spell out our jurisdiction.

In arriving at the pending recommendations, the committee has examined all available views and has given careful consideration to the language of what we propose. The committee feels strongly that its recommendations are fair to all and will add needed strength to the financial reporting rule of the House.

I emphasize that the recommendations have been carefully thought out and will mesh smoothly into the apparatus of the committees' existing functions, as provided in the rules of the House.

Accordingly, I express the hope that House Resolution 796 will be adopted in the form in which it is presented.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding and, indeed, I appreciate his report, to say nothing of his services on this House-created committee.

My question is merely technical, and may be in the form of a hypothetical question insofar as the financial disclosure of the amendments in House Resolution 796 is concerned:

Assuming a personal note had been given within a family for an amount over $10,000: First, would that personal note be considered sufficient collateral; and, second, would it be reported by a Member under this amendment?

Mr. PRICE of Illinois. I would say so, yes. I would say that it should be reported if there is no other substance backing up or guaranteeing the payment of the note.

Mr. HALL. A second question, if the genteman will yield further:

Assuming a family-type corporation wherein there was a note in return for real property, but only the note given in good faith and backed by the credit of the corporation to the original owner within the family corporation, would this be reportable if it was over 90 days and over $10,000?

Mr. PRICE of Illinois. The gentleman says it is backed by the credit of the corporation?

Mr. HALL. That is correct.

Mr. PRICE of Illinois. I would say that any note owned by a Member is an asset and therefore not reportable as a debt; also any note owned by a Member if there is no collateral pledged to support the note, would be reported also under this amendment as a debt.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, that is exactly what I am trying to determine, not that I am interested in either instance, but in just reading the report I suppose what we are trying to develop in the legislative record here, is what is adequate collateral? Is it a personal note within a family on the one hand, or is it something tangible and in escrow? Apparently the gentleman from Illinois says in the one instance it is not adequate collateral, and in the other instance that because of the good faith and credit of the corporation whether or not it is an asset and hence reportable or not—because it probably could be reclaimed by the original donor for which the note was given—am I to presume that that is adequate collateral?

Mr. PRICE of Illinois. A note made by a Member would have to be specifically secured by definite and bona fide collateral; where the creditor would be in a position to foreclose on such a note.

Mr. Chairman, I would yield at this time to one of our legal minds on the committee, the gentleman from Virginia (Mr. ABBITT).

Mr. HALL. I certainly am not a legally trained mind either, and I appreciate the gentleman yielding. What I really want to know is: What is adequate collateral? Must it be something that is placed in escrow, such as bonds, or what?

Mr. PRICE of Illinois. I yield to the gentleman from Virginia (Mr. ABBITT) to answer that.

Mr. ABBITT. As I understand the chairman's answer, it is entirely correct, as to the question you have put.

Of course, if a corporation made the note, it would not be incumbent upon the Member to report the note that the corporation owed. That is what I understood your question was—assuming that the corporation gave a note, the corporation would be the debtor and, of course, it would not be incumbent upon the Member just because he had stock in the corporation, to report that note.

If you have enough stock in a corporation and the statutory amount of the income was sufficient, then it would have to be reported in the income section of the report.

Mr. HALL. I understand that.

Mr. ABBITT. But you would not have to report on a note that a corporation owed, that is my understanding of it.

What the chairman is trying to say is: A note made by a Member has to be reported unless it has a sufficient collateral behind the note, like putting up a mortgage or collateral security, meeting the other tests in the rule.

Mr. HALL. I appreciate the gentleman's statement.

I wonder if he would care to define for us "adequate collateral," and further answering my question as to whether it must be in some tangible form that is placed in escrow, in order for it to be adequate collateral?

Mr. ABBITT. With reference to specific security to the lenders, we are concerned with the kind of obligation that could be interpreted under the law as other than a bona fide credit transaction.

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In other words, where there is a transaction, a bona fide transaction, with a banker, or some similar situation that is arms length, and in that transaction security is given, such as stock or a lien on an automobile or something like that, it is not contemplated that that would come within the rule and it would not have to be reported.

In other words, what we are trying to get at is the arms length transaction, as I understand it.

Mr. HALL. If the gentleman will yield for one final question, insofar as we have gotten into this thus far, am I to understand then that if a bona fide bank would lend, say in excess of $50,000, on a personal signature, regardless of whether or not the bank examiners and the State banking laws require adequate collateral, that this would then have to be reported if he held it over 90 days in any one year?

I think this area and definition is fuzzy, this question of the definition of collateral under this amendment, and I am simply trying to make a legislative record here so we will know how to implement this rule.

Mr. ABBITT. My understanding is that the security has to be something that the creditor can foreclose on, in other words, a specific and bona fide collateral and the pledge of specific and bona fide collateral would fulfill the requirements of the resolution.

But it should be noted that loans granted on the basis of a financial statement furnished by the borrower are in effect open-book credit and provide no specific security to the lender, therefore these loans would not fall within the definition of security demanded by the resolution.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman.

Mr. MIZE. Suppose I have $25,000 put in my account on a cattle feed loan and do not actually put the account up as collateral—but do it year after year and after the cattle are fed repay the note that I have with the bank. You would have to report that note under this resolution; is that not correct?

Mr. PRICE of Illinois. I would say so—yes.

Mr. MIZE. I thank the gentleman.

Mr. BETTS. Mr. Chairman, I yield myself such time as I may consume.

The **CHAIRMAN.** The gentleman from Ohio is recognized.

Mr. BETTS. Mr. Chairman, first of all, I want to pay my sincere respects to our chairman, the distinguished gentleman from Illinois, for the able manner in which he has presided over the sessions of this committee from its inception. I associate myself with his remarks.

And I want to compliment the committee membership generally for the interest they have shown and the contributions they have made to the extensive discussions we held on this matter.

Beyond that, may I express my appreciation to the Members of this body who have cooperated in the filing of reports required under rule XLIV.

As one who was privileged to take part in the effort which led to the drafting of the present Code of Official Conduct and the establishment of the standing committee, I can assure you that this is a most difficult area in which to legislate effectively.

We of the committee realize that the amendments we are proposing here today with respect to financial disclosure may yet not yield a perfect rule.

The committee has entertained many suggestions for more inclusive financial disclosure requirements, and has carefully considered them.

But it is one thing, for instance, to call for "full financial disclosure," and quite another to nail down just what that term means.

Not even a Federal tax return constitutes "full financial disclosure," and would not be as relevant to the fundamental purposes of the rule as the report now required under rule XLIV.

As for the dollar amounts on honorariums and debts as proposed in these amendments, we also realize that there may well be a wide difference of opinion as to whether they are too high or too low.

Arguments on that score—pro and con—could go on ad infinitum.

But I submit that this resolution was reported out of committee, after the most careful consideration, with unanimous approval.

It is also noteworthy, I think, that members who testified before the committee, or submitted statements, all endorsed House Resolution 796, although some, admittedly, called for more extensive disclosure than the committee could justify as realistically needed to control potential conflict of interest.

The whole area of financial disclosure will, of course, be a matter of continuing interest by the committee and should the need for further perfection of rule XLIV become evident, appropriate amendments will be forthcoming, I'm sure.

Meanwhile, I hope the House will accept House Resolution 796 as reported by the committee.

I believe the amendments are reasonable and justified, and their incorporation in House rule XLIV will be a positive step, and work no hardship on anyone.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I am pleased to express my support of the recommendations of the Committee on Standards of Official Conduct, of which I am privileged to be a member, and to add the hope that the House will accept the recommendations without change.

I shall deal briefly with only one aspect of the pending resolution—the 90-day provision in the recommendation relating to unsecured indebtedness.

Why did we apply the reporting requirement only to such indebtedness that existed for 90 consecutive days or longer in the year covered?

The answer is simple.

Some Members—and perhaps some employees of the House—own nonconflicting business interests that are subject to seasonal borrowing demands. Many such businesses obtain short-term or seasonal loans on the basis of established lines of credit or their financial statements. Since such loans offer no specific security to the lender, they are actually unsecured loans within the meaning of this resolution.

But they usually are needed for periods of 90 days or less, and hence the committee sees no purpose in requiring that such loans be reported.

Our proposal is concerned with the kind of obligations that could be interpreted to arise from other than bona fide credit transactions and thus arouse suspicion in the conflict-of-interest area.

The reporting requirement thus would place before the public sufficient information for making any necessary judgments relative to conflict of interest without undue invasion of privacy or disclosure of facts potentially useful to a competitior.

I urge my colleagues in the House to accept our recommendations as written.

Mr. BETTS. Mr. Chairman, I yield 5 minutes to the gentleman from Vermont (Mr. STAFFORD).

Mr. STAFFORD. Mr. Chairman, I join with my colleagues on the Committee on Standards of Official Conduct in urging this body to accept the committee's recommendations. They are the product of a long and careful study.

Some of you may wonder why, in dealing with honorariums, we chose the $300 figure. Or why we do not provide for public disclosure of the actual amounts received.

We settled on the $300 figure: First, because it seemed a reasonable minimum; and, second, because it goes along with what the Senate requires.

The question may arise whether the $300 figure applies only to a single payment of that amount or more. The language of the resolution covers that point when it says "honorariums from a single source aggregating $300 or more." In other words, if a Member received one fee of $200 and another of $100 from the same source, he would be subject to the reporting requirement.

Another probable question concerns fees received through a booking agency. To be fully responsive to the reporting requirement, a Member or employee should list the sponsoring group as the source, not the agency which arranged the engagement. The committee feels that this should impose no difficulty. To list an agency as the source, even though the actual payment came from the agency, would be evading the intent of the requirement.

Some may feel that the actual amounts should be included in the public part of the reports. The committee's answer to that is that the source is the important thing, that is what the public would be mostly concerned with. It also keeps this provision consistent with other parts of the rule.

As I am sure you know, there already exists a prohibition in the rules of the House against the acceptance of any honorarium "in excess of the usual and

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customary value of such services." This is contained in point 5 of the Code of Official Conduct, as adopted April 3, 1968. This remains intact.

Although the committee requested an open rule and the matter properly is before you under such conditions, I urge my colleagues to see this amendment as part of the whole interlocking system with which the committee is concerned and support it as presented.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Chairman, along the lines of the remarks made by the gentleman and the part of the resolution to which the gentleman refers, would it be considered reportable if a Member of the House were invited to speak, say, on the west coast, where the cost of the airplane transportation would exceed $300? If the speaker is to receive not $1 but is to receive airplane transportation to the west coast or Hawaii or Alaska, all of which would exceed the amount specified, if he is not receiving a single dollar other than the ticket, and in effect the expense of the transportation package were to be paid, would such an episode be reportable under the resolution presented?

Mr. STAFFORD. It would be the intent of the committee that if an honorarium is received, if that also must cover transportation to and from the point at which the honorarium is received, that the recipient is entitled to deduct the actual cost of his expenses before determining how much honorarium is received.

Then only should the honorarium in excess of expenses by $300 have to be reported by source.

Mr. DELLENBACK. In the situation which I hypothecated, where there was in effect no net return to the speaker, and in fact he did not get any money and did not buy any ticket himself, but the sponsoring organization purchased and supplied the ticket, it would be unnecessary to make a report on that particular episode at all?

Mr. STAFFORD. In the opinion of this member of the committee, that is correct.

Mr. BETTS. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Ohio.

Mr. BETTS. As an example we might point out, anything over and above expenses which the Member receives in excess of $300 would have to be reported. Is that another way of saying the same thing?

Mr. STAFFORD. That would be this Member's opinion.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield further?

Mr. STAFFORD. I yield further to the gentleman from Oregon.

Mr. DELLENBACK. In view of the statement just made by the gentleman from Ohio, instead of the situation being as I first propounded it to the gentleman in the well, if one were expected to make a trip, again to the west coast, and it were to be understood that the person making the speech would pay his own expenses, if a check then were to be given to the speaker in, let us say, the amount of $350, with the understanding that all or practically all of that would be used to pay for the transportation, would it then be necessary, since $350 actually was to be paid to the speaker, to report that?

Mr. STAFFORD. Not in the opinion of this Member, I would say to the gentleman.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, I rise in support of the resolution cosponsored by all the members of the Committee on Standards of Official Conduct, on which I am honored to serve.

In case there are any questions about the $10,000 figure contained in the committee's recommendation dealing with the reporting of unsecured debts, let me say that we settled on that figure after long and careful consideration of what minimum figure should be established.

The committee's thinking was that the $10,000 figure was adequate to meet the objectives of financial disclosure in relation to potential conflicts of interest while exempting routine borrowings so familiar to many of us.

A special committee of the bar association of the city of New York, in response to an invitation to testify at the hearings, came out with a recommendation for disclosure of such indebtedness in excess of $5,000, but the committee remained convinced that its $10,000 figure was totally realistic and adequate to meet the problem.

Our proposal is aimed primarily at long-term, unsecured loans—the type of loan that could give rise to genuine public concern.

It covers unsecured indebtedness to individuals, businesses, or any type of lender when it reaches the $10,000 figure either in single or multiple instruments if that total is exceeded for more than 90 days.

Should such indebtedness ever be written off by the creditor even though previously reported, such might well fall into the category of gifts and thereby become subject to point 4 of the existing Code of Official Conduct. This provision of the code prohibits acceptance of gifts "of substantial value from any person, organization or corporation having a direct interest in legislation before the Congress." Even if there were no such legislation pending, such a gift could raise the suspicion that an attempt is being made to improperly influence a Member or employee.

The committee feels that its proposed $10,000 figure is appropriate and hopes that this and the other provisions of House Resolution 796 will be written into the rules of the House without change.

Mr. BETTS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, we all know that the Congress has taken many licks over the years. Of the three branches of our Government, it has been the favorite whipping boy, no matter whether the criticism is real or fancied.

This probably is as it should be—because the Congress, and in particular a Member of the House of Representatives, is the closest link the citizen has with all our vast Federal structure.

Will Rogers, Oklahoma's beloved cowboy humorist, used to throw many barbs at Congress. He once said—and I quote:

> Now if Congress won't defend themselves, I will enter protest. I knock 'em but I like 'em, and I understand 'em.

After a time, the Congress saw the wisdom of arming itself with safeguards against questionable acts by individual Members for which Congress as a whole would have to pay the price. I refer to the Codes of Conduct adopted by both the Senate and the House, together with the annual financial disclosure reports now required of Members and certain employees of both Houses. These safeguards were adopted just a little more than 2 years ago.

With the benefit of this experience the House Committee on Standards of Official Conduct on which I have the honor of serving, now feels the need for reinforcement in two areas of the financial disclosure report in its continuing concern for real or seeming conflict of interest.

Our committee is of the unanimous opinion that this addition will provide both an active and a passive weapon against potential conflicts of interest which might arise from excessive honorariums of transparent debt arrangements.

The resolution before you, as I am sure you know by now, would require the annual reporting, for public purposes, of, first, sources of honorarium of $300 or more and, second, the identity of creditors to whom $10,000 or more was owed for 90 days or longer without the pledge of specific security.

Our committee, as I said before, is unanimous in its support of these proposals. My own feeling is that it is not only in the public interest, but in our own congressional self-interest that we approve this resolution and I urge my colleagues to vote aye on the measure as presented.

Mr. PRICE of Illinois. Mr. Chairman, I yield such time as he may desire to the gentleman from Virginia (Mr. ABBITT).

Mr. ABBITT. Mr. Chairman, it is a privelege to add my voice in support of House Resolution 796, which has the endorsement of all members of the Committee on Standards of Official Conduct, on which I am honored to serve.

Most of you will recall that when our committee brought its original recommendations before you a little more than 2 years ago, the financial disclosure proposal was received with mixed opinions. Some thought it too strong, others felt it too weak.

Our feeling was that its provisions represented a reasonable beginning in a sensitive area. We also felt that they fitted well into the whole fabric of our recommendations. The House went along with our thinking, accepting our package—including the Code of Official Conduct and the related financial reporting rule—by a vote of 406 to 1.

The time now has come, our committee

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feels, to tighten the financial disclosure requirements—as proposed in the pending resolution. We believe that it will provide additional safeguards against the creation, wittingly or unwittingly, of potential conflict-of-interest situations.

You know, and I know, that the overwhelming majority of Members and employees of the House are honest and ethical, and that it is a rare occurrence when one of them becomes involved, or arouses the suspicion of being involved, in an evident conflict of interest. You know, too, that when that does happen, an unfavorable reflection is cast upon all of us.

The proposal we put before you today for reinforcement of the present financial disclosure rule, it seems to me, not only would protect and restrain Members and employees from involvement in improper acts, but would deter outside interests—to some extent, at least—from creating any kind of temptation for favored treatment.

In short, I believe the pending resolution would beef up the present financial reporting rule in areas in which it should be stronger, and I join my colleagues on the Committee on Standards of Officials Conduct in urging you to accept the amendments in the form in which they are presented.

Mr. BETTS. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I should like to ask the gentleman in the well or the chairman of the committee a question about honorariums which go to charitable uses.

When a Member speaks and receives an honorarium for his speech and then immediately makes that honorarium available to a charitable institution, or donates it to some kind of nonprofit organization, is that honorarium reportable?

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Illinois in order to respond to the question propounded by the gentleman from Ohio.

Mr. PRICE of Illinois. If the Member did receive it himself and then donates it back, it would be reportable.

Mr. BROWN of Ohio. If the gentleman will yield further, in other words, if he receives for himself the income tax benefit from it as a charitable donation, that would be the case.

Now, if I may ask the second part of the question, assume that a Member speaks before an organization and the organization makes the donation in his name and he does not receive the income tax benefit and the donation was made by the organization before which he spoke to some charitable organization which the Member had designated——

Mr. PRICE of Illinois. Then, it would not be reportable if the Member did not receive it in his own name.

Mr. BROWN of Ohio. In other words, he has to have beneficial control of the honorarium for his own benefit and for his own income tax record.

Mr. PRICE of Illinois. That is correct.

Mr. WILLIAMS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS of Pennsylvania. I would like to say to the distinguished gentleman from Ohio that in the case to which the gentleman referred where the contributions are made to charitable organizations, normally those arrangements are made in advance and the fact that an honorarium is contributed to an organization is not reportable.

Mr. HUTCHINSON. Mr. Chairman, I join my colleagues on the Committee on Standards of Official Conduct in urging you to write the provisions of House Resolution 796 into the rules of the House.

The prevention of conflicts of interest has been a problem of responsible governments throughout recorded history. In our own country the very first Congress acted to prohibit the first Secretary of the Treasury from investing in Government securities. It was recognized that an officer of the Government ought not to turn to his own profit any advantage of inside information known to him because of the office he holds. Nor should an officer of the Government be qualified to contract with the Government for any of its supplies, because he might be unfairly advantaged over his competitors.

This time-honored standard against conflicts of interest—that an official ought not to profit from any advantages of inside information known to him because of his office, is as valid a test in the legislative and judicial branches of Government as in the executive and administrative.

But how shall adherence to such a standard be enforced? Until recently it was believed that evil would surface, and corruption would be found out because those victimized or defrauded would complain. Out of such complaint grand juries would indict and legislative bodies would impeach.

In recent years we have been engaged in raising up a new standard, one of affirmative disclosure by the officer, the legislator, and the judge. The disclosure required by such a standard should not deny a right of privacy as to those matters having no reasonable relationship to the performance of the duties of the office. On the contrary, the test should be whether a reasonable man would find any causal relationship between the official actions of the officeholder and his private interests.

A complete and total baring of all private assets and interests does not satisfy the test we are endeavoring to set up. It is not a disclosure of all assets and interests that is required. But only those which fairminded, disinterested, and reasonable men would judge of undue and wrongful influence upon the legislator in the performance of his office. That is the kind of causal connection required, in my opinion, between the legislator's official actions and his private interests to order to establish a conflict.

The problem of conflict of interest is frought with difficulties for legislative branches of Government. A Member of Congress, for example, has a definite community of interest with his constituents. Every Member brings with him to these Halls viewpoints on public issues which are molded by his experience. We each bring with us the total experience of our own lives. We do not come to this House out of a vacuum. We are all of us successful men and women. If we were not, we would not be here.

Nor could we be representative of the people if by some magic we were divested of our life's experiences, or its accumulations and its debts, at the moment we are seated here. The people we represent are daily concerned about their property and their financial obligations. We would not be their representatives if we were different than they.

But we have a responsibility in our individual dealings they do not have. Since we are each charged with a public trust, we must be scrupulous to avoid even the appearance of taking personal advantage of our position for private gain.

Your committee, in struggling with the conflict-of-interest problem realized that no simple and sure solution exists. But we think that what we have come up with offers a fair, practicable, and reasonable means of treating with the problem. I refer to the Code of Official Conduct and the related financial disclosure rule, both of which the House adopted early in 1968, and to the pending resolution to tighten the financial disclosure requirements.

Our committee is unanimous in its support of the pending resolution to strengthen the financial disclosure rule. I hope you will see fit to give it your support.

Mr. BETTS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Illinois (Mrs. REID).

Mrs. REID of Illinois. Mr. Chairman, at the beginning of this Congress, I was honored by my colleagues to be elected to the Committee on Standards of Official Conduct. At that time this committee had already recommended and the House had adopted the present financial disclosure rule.

In reviewing the committee hearings and other records after this assignment, I noted that many, I am sure well-motivated, people had demanded "full finanical disclosure" and, as my own inquiry progressed, I came to appreciate more fully the objectives of financial disclosure as a means of monitoring potential conflicts of interest.

However, I discovered that some so-called full disclosure measures do not go as far as the positions the committee recommends. The committee's approach was framed around a principle, subsequently expressed in the report of a special committee of the bar association of the city of New York.

That committee, after studying congressional ethics for more than 2 years, reported—and I quote:

> If (financial disclosure) means Members should bare to the public every economic detail about themselves, their families, and their associates, then it is unprecedented and

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unnecessary. Such requirements now exist nowhere in our law and are not essential to conflict-of-interest regulation.

On the other hand, the committee found need for a broader technique than that proposed recently by a Select Committee on Members Interest of the British House of Commons. In rejecting a so-called general register, in favor of stated declarations of interest at the time, the report said—and I quote:

> A general register is directed to the contingency that an interest might affect a Member's action. The House's practice is, or should be, aimed at revealing an interest when it does affect it.

Our committee believes its approach to the question of financial disclosure, including the resolution now before you—to require Members, officers, and certain employees to report the sources of honorariums of $300 or more and the identity of creditors to whom $10,000 or more was owed for 90 days or longer without specific security during the reporting period—offers an entirely reasonable, as well as a more effective, solution for the monitoring of potential conflicts of interest.

I join my colleagues on the committee in urging acceptance of House Resolution 796 in the form in which we offer it.

Mr. HÉBERT. Mr. Chairman, I was elected to the Committee on Standards of Official Conduct in January 1969, almost 2 years after its inception. Until that time I confess I had thought more of the effects suffered by other Members of Congress when so-called problems of ethics arose than I had on how to prevent them.

In truth, Mr. Chairman, I was impressed from the very beginning of my service on the committee with the commonsense approaches the committee had devised to deal with the sensitive assignment the House had placed on the committee.

Let me just summarize. The committee in its initial report to the House recommended an eight-point Code of Official Conduct. The points were aimed at matters essentially peculiar to a legislator's role. Ones that were for all practical effect not covered by the statutes or were too remote from the ballot box for these historical remedies to provide a proper answer. The measures recommended did not seek to overturn or supplant rules that for 180 years turned out a pretty respectable performance by the Congress. The Code rather complemented these rules by attention to some factors that changing times had shown needed attention.

One of the points in this code says in effect that you cannot have a conflict of interest. I have heard that term for 30 years around here but with the exception of a few flagrant cases, which I might add were all dealt with very effectively, I cannot honestly say that I know exactly when one exists. More than that I do not believe any man can accurately measure what the motivation of any other man in any given situation may be.

Given this sort of imprecision I appreciate now, why some measure of financial disclosure was indicated. The committee picked out those factors that might tend to consciously or unconsciously effect a Member's action and put it before the only people to whom he is accountable—his constituents. If they learned his interests were the same as theirs or vice versa, they then had the necessary information to make a judgment as to his stewardship of their voice in the Congress.

But, the committee did not go beyond that point and I believe they were right in the position on which they finally settled.

As all of you know, it is most difficult to design a perfect system when you are working entirely in the hypothetical. Experience points out where changes need to be made. I concur fully in the changes the committee unanimously proposes—now before you and I urge you to accept the collective judgment of my colleagues on the committee with whom I am honestly proud to serve.

Mr. MONAGAN. Mr. Chairman, I support House Resolution 796. This resolution provides for the filing of information on honoraria over $300 or more from a single source and also the listings of unsecured loans in any calendar year in excess of $10,000.

These provisions constitute a further step in the direction of tightening reporting requirements for Members of Congress in requiring disclosure in cases that might involve activities conflicting with the public interest.

This self-policing of the House was begun in April 1967 with the establishment of the Committee on Standards of Official Conduct. The committee recommended an eight-point code of official conduct aimed at subjects relating to the legislation role. The code was adopted and incorporated as rule 43 of the House of Representatives. This rule is amended by the provisions in the resolution which we are considering today.

The other provisions of the resolution are technical changes.

I believe that these requirements are salutary and I subscribe to the proposition that Members of Congress should take the initiative in regulating their own body and in establishing their own standards of performance. At a time when there is alienation of some of our society from our established institutions and a lack of confidence in their integrity, it is more important than ever to take steps which will counteract this trend toward disaffection. In my judgment this measure which we are now considering will move in that direction and I hope that it will receive the support of the House.

Mr. TAFT. Mr. Chairman, I was pleased to vote in favor of House Resolution 796 to amend the House rules relative to disclosure. It is my feeling, however, that even though this bill is a step in the right direction, the amendments contained in it do not go far enough.

First of all, the amendments relate only to disclosure by Members. It is my feeling that the provisions should apply also to officers of the House, principal assistants to Members and professional staff members of committees. These people, as well as Members, are in a position of public trust, and, therefore, should be subject to the disclosure provisions.

Second, I do not consider the additional disclosure requirements which are embodied in this resolution to be inclusive enough to give our constituents a reasonable idea of our financial position. The new provisions apply only to honorariums from a single source in excess of $300 and unsecured debts to any one individual in excess of $10,000. The new provisions do not, for example, require disclosure of an interest in any business entity, or the amount of income derived from same; the listing of any professional organization in which the person receives income in excess of a given amount; income for services rendered, other than from the U.S. Government; a capital gain from any single source, other than the sale of a residence occupied by the person reporting, in excess of a given amount. All of these provisions are included in legislation which I have introduced in this session of the Congress.

As elected officials, we are held in high esteem by the majority of those who elect us to office. We enjoy such a status for the simple reason that we are trusted. Since we are in a position of trust we must take those steps which we deem appropriate in justifying the trust which is placed in us. Therefore, I feel that it is incumbent upon us to impose certain restrictions upon ourselves, and to make the public aware of the basic aspects of our financial posture.

As I said at the outset, Mr. Chairman, I voted for these amendments to the House rules, but I am of the opinion that we should go even further and enact more meaningful financial disclosure provisions.

Mr. FASCELL. Mr. Chairman, I fully support the resolution under consideration today, and commend the Committee on Standards of Official Conduct for the initiative and leadership it has taken in ensuring a meaningful code of ethics and conduct for Members of the House.

Earlier this year I testified before the Standards Committee in support of House Resolution 796. I indicated at that time that I fully supported the provision to require of all honorariums of $300 or more—and indeed felt there should be a flat prohibition against receipt of any gifts or remuneration of any kind which might lead to a conflict of interest. In my judgment, all sources and amounts should be reported, at the very least.

Section (2) of the bill would require all those reporting to list each creditor to whom he had been "indebted for a period of ninety consecutive days or more during the preceding calendar year in an aggregate amount in excess of $10,000 excluding any indebtedness specifically secured by the pledge of assets of the person reporting of appropriate value." I also fully support this provision.

Mr. Chairman, these two additional requirements are important. They do strengthen the financial disclosure provisions. Nevertheless, I continue to support full public disclosure of all assets and liabilities. Such a requirement would be, in my judgment, a political assets rather than a liability.

I urge the annual filing of financial statements by Members of the House—and believe it would be useful for the Committee on Standards of Official Conduct or the Comptroller General to review such disclosures and advise the Member of any questionable item. If none are found, the reviewer should so certify to the Member.

Such a requirement—that there be an examination and certification— would substantially lessen any political damage which would be done to honorable public servants by unscrupulous charges not specifically brought to the committee's attention pursuant to its rules.

Mr. Chairman, enactment of House Resolution 796 would be an important step in providing more meaningful disclosure provisions and I urge all Members to give it their full support.

Mr. PRICE of Illinois. Mr. Chairman, I have no further requests for time.

Mr. BETTS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

Resolved, That (a) paragraph 3 of part A of rule XLIV of the Rules of the House of Representatives is amended by adding at the end thereof the following: "(d) Honorariums from a single source aggregating $300 or more.".

(b) Part A of such rule XLIV is further amended by inserting immediately after paragraph 3 the following new paragraph:

"4. List each creditor to whom the person reporting was indebted for a period of ninety consecutive days or more during the preceding calendar year in an aggregate amount in excess of $10,000, excluding any indebtedness specifically secured by the pledge of assets of the person reporting of appropriate value.".

SEC. 2. (a) Paragraph 2 of part B of such rule XLIV is amended by striking out the period at the end of such paragraph and inserting in lieu thereof a comma and the following: "and the amount of indebtedness owed to each creditor listed under paragraph 4 of part A.".

(b) The second paragraph following paragraph 2 of such part B is amended by striking out "shall file a report so stating" and inserting in lieu thereof "shall file a report, under part A only of this rule, so stating".

SEC. 3. The amendments made by the foregoing provisions of this resolution shall apply only with respect to calendar years beginning on and after January 1, 1971.

(Mr. BENNETT asked and was given permission to extend his remarks at this point.)

Mr. BENNETT. Mr. Chairman, I wish to take this opportunity to offer my support for House Resolution 796 which amends the rules of the House relating to financial disclosure. In its short life, the House Committee on Standards of Official Conduct has done an excellent job in a very difficult field. I know something of the problems and challenges the committee has faced, and I want to congratulate the chairman, the members, and the staff for the solid and distinguished work they have done to improve the ethical standards in the House of Representatives.

Three years ago, a Gallup poll showed that 60 percent of the public believed the "misuse of Government funds by Congressmen is fairly common." That was a shocking statistic, especially when only a minuscule number of Members of Congress have brought the Congress into disrepute and dishonor. As a matter of fact, of the over 10,000 men and women who have served in either the House or Senate since 1789, only 32 have been disciplined—and only nine since 1900.

In recent years the integrity of Members of Congress has been in better repute than formerly. Since May 1967, none of the major polling organizations, for example, Gallup or Harris, have even conducted polls on the ethics of the Congress. That last poll in the general field was by the Gallup company, which showed that 69 percent of the American public favored disclosure of financial assets of Members of the House and Senate.

This improvement in the public's eye—the image of the institution of Congress—can be attributed in large part to the efforts of the Members themselves to lift the level of official conduct. In both the Senate and House we have good ethics committees which have performed constructive roles.

The recent committee advisory opinion on guidelines from House Members in their dealings with departments and agencies of the executive branch of Government clarifies and reminds Members and employees of their responsibilities to constituents and the public trust.

While I approve of the advisory opinion, I believe the House rules of official conduct could be strengthened by a prohibition on all outside earned income by Members and employees, especially in light of the recent pay raise. I feel that this bill will lead us in that direction.

Proposed additions to the financial disclosure rules of the House contained in House Resolution 796 are improvements on the existing law, and I support the resolution.

My legislative ideas in this field are contained in H.R. 958, pending in the House Rules Committee, and which was first introduced by me on August 1, 1967. The bill is titled the "House Financial Disclosure Act."

It provides for public disclosure by Members of the House of Representatives and by candidates for the House.

Each member would file a complete financial disclosure report, including income, assets, and liabilities to this committee and the Clerk of the House. A candidate for the House would file with the Clerk.

The reports would be available to the public.

Included in this disclosure proposal is a provision requiring a statement on all contributions and expenditures for political campaigns and for any fund maintained for the purpose of defraying expenses as a Member or candidate for the House. A political committee working in behalf of a candidate would have to report its contributions and expenditures.

There is a criminal penalty attached to the bill for those who do not file a report or who file a false report. The House Committee on Standards of Official Conduct could also recommend disciplinary action for violators of the law.

Mr. Chairman, my bill is a strong disclosure proposal, but I believe it is fair and good. While the committee has recommended that sources of honoraria of $300 or more be disclosed under the present law, my bill provides that the sources and total money or substance for any honorarium or compensation for services, including fees, commissions, salaries, and similar items be reported. The bill also requires any debt by a member, candidate, his wife or dependent children over $5,000 be reported. The committee has recommended that only debts by Members without pledge or specific security totaling $10,000 for more than 90 days be reported.

I am for the committee's recommendations, but favor a broader disclosure law as contained in my bill, H.R. 958. It is a compulsory disclosure provision, not unlike the voluntary public reporting many Members, including myself, have given to the Clerk.

The disclosure idea, it has been said, comes as close as anything to being the all-purpose cleanser of American politics. It attaches no moral overtones to the financial situation of a particular member or candidate. Rather, it recognizes that the final arbiter in any controversy is the public, who must have the knowledge of all such facts in order to express their opinions on the behavior of their elected representatives. As public office is a public trust, so must public disclosure be the responsibility of any public official. I urge approval of House Resolution 796.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. YOUNG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration House Resolution 796, amending the Rules of the House of Representatives relating to financial disclosure, pursuant to House Resolution 971, he reported the resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PRICE of Illinois. Mr Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 336, nays 1, not voting 92, as follows:

[Roll No. 143]

YEAS—336

Abbitt
Abernethy
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Bingham
Blackburn
Boggs
Boland
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Casey
Cederberg
Celler
Chappell
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Crane
Cunningham
Daddario
Daniels, N.J.
Davis, Wis.
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Langen
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
McClory
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Rarick
Rees
Reid, Ill.
Reuss
Roberts
Robison
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Schneebeli
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Weicker
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NAYS—1

Camp

NOT VOTING—92

Adair
Anderson, Tenn.
Ashley
Biester
Blanton
Blatnik
Bolling
Bow
Brown, Calif.
Burton, Calif.
Carey
Carter
Chamberlain
Chisholm
Clawson, Del
Cohelan
Conyers
Cowger
Cramer
Culver
Daniel, Va.
Davis, Ga.
Dawson
de la Garza
Diggs
Dowdy
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Evins, Tenn.
Foley
Gaydos
Goldwater
Green, Oreg.
Hansen, Wash.
Hogan
Hungate
Jones, Ala.
Jones, Tenn.
Kee
Kirwan
Kyl
Landrum
Latta
Lukens
McCarthy
McCloskey
McClure
McCulloch
McMillan
MacGregor
Mathias
Matsunaga
May
Miller, Calif.
Murphy, Ill.
Nichols
O'Neal, Ga.
Ottinger
Pettis
Pollock
Powell
Railsback
Randall
Reid, N.Y.
Reifel
Rhodes
Riegle
Rivers
Rodino
Rogers, Colo.
Rooney, N.Y.
Roybal
Ruppe
Scherle
Scheuer
Schwengel
Sebelius
Smith, N.Y.
Snyder
Steiger, Ariz.
Stokes
Stratton
Stubblefield
Stuckey
Teague, Tex.
Tunney
Watson
Watts
Whitten
Wilson, Charles H.
Yates

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Adair.

Mr. Whitten with Mr. Bow.

Mr. Rooney of New York with Mr. Hogan.

Mr. Carey with Mr. Reid of New York.

Mr. Edwards of Lousiana with Mr. Reifel.

Mr. Rivers with Mr. Rhodes.

Mr. Miller of California with Mr. Goldwater.

Mr. Randall with Mr. Cowger.

Mr. McMillan with Mr. Watson.

Mr. Culver with Mr. Biester.

Mr. de la Garza with Mr. Cramer.

Mr. Blatnik with Mr. Riegle.

Mr. Roybal with Mr. Del Clawson.

Mrs. Hansen of Washington with Mrs. May.

Mr. Landrum with Mr. Kyl.

Mr. Kee with Mr. Pollock.

Mr. Cohelan with Mr. Mathias.

Mr. Foley with Mr. Ruppe.

Mr. Ashley with Mr. McCloskey.

Mr. Watts with Mr. Railsback.

Mr. O'Neal of Georgia with Mr. McClure.

Mr. Nichols with Mr. Schwengel.

Mr. Stuckey with Mr. McCulloch.

Mr. Murphy of Illinois with Mr. Smith of New York.

Mr. Hungate with Mr. Chamberlain.

Mr. Anderson of Tennessee with Mr. Snyder.

Mr. Jones of Alabama with Mr. Carter.

Mr. Davis of Georgia with Mr. Steiger of Arizona.

Mr. Matsunaga with Mr. Scherle.

Mr. Blanton with Mr. Sebelius.

Mr. Gaydos with Mr. MacGregor.

Mr. Rodino with Mr. Lukens.

Mr. Jones of Tennessee with Mr. Edwards of Alabama.

Mr. Brown of California with Mrs. Chisholm.

Mr. Conyers with Mr. Scheuer.

Mr. Tunney with Mr. Diggs.

Mr. Yates with Mr. Powell.

Mr. Evins of Tennessee with Mr. Dowdy.

Mr. Stokes with Mr. Edwards of California.

Mr. Burton of California with Mr. McCarthy.

Mr. Daniel of Virginia with Mr. Stubblefield.

Mr. Stratton with Mr. Rogers of Colorado.

Mrs. Green of Oregon with Mr. Ottinger.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinios. Mr. Speaker, I ask unanimous consent that the spelling of the word "assets" in line 1 on page 2 of the resolutions be corrected.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMENDING SPEAKER JOHN W. McCORMACK ON HIS LENGTH OF SERVICE AS SPEAKER

The SPEAKER. Will the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford) occupy the Chair as Speaker pro tempore?

Mr. GERALD R. FORD. Thank you, Mr. Speaker.

Mr. GERALD R. FORD assumed the Chair as Speaker pro tempore.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma, the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I offer a resoluton (H. Res. 1044) commending Speaker John W. McCormack on his length of service as Speaker, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1044

Resolved, That the House of Representatives hereby extends congratulations to the Honorable John W. McCormack who has served continuously as Speaker of the House longer than any previous occupant of that high office and whose cumulative service in that position now surpasses that of all but one of his predecessors; and be it further

Resolved, That the House of Representatives hereby acclaims the manner in which the Honorable John W. McCormack presides over its deliberations, expresses its appreciation for his impartiality, integrity and parliamentary skill, and commends him for his loyal devotion to his legislative duties in this House for over forty-one years.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was on objection.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. Albert) is recognized for 1 hour.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks at this point in the Record and that all Members may have 5 legislative days in which to extend their remarks on the subject of the resolution.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, it is a great privilege for me to offer today a resolution to extend the congratulations of the House to our distinguished and beloved Speaker John W. McCormack, who has served in that high office longer in continuous service than any previous occupant and whose cumulative service as Speaker now surpasses that of all but one of his predecessors.

John McCormack began his service as speaker on January 10, 1962, and at midnight on May 24, 1970, he surpassed the tenure of Speaker Henry Clay, thus setting a new record of service in this house, second only to that of Sam Rayburn.

Knowing that this milestone was approaching, the distinguished minority leader and I planned the offering of this resolution long before the Speaker had announced his intention to retire from the House. This is not a farewell proceeding—it is a proceeding steeped in the gratitude of the House of Representatives.

John McCormack's public service totals 51 years, more than 42 of which have been served in the House—as Member, whip, majority leader, and Speaker.

This, I think is an appropriate occasion to touch on the talents and achievements of our beloved Speaker who was and is the choice of his colleagues for the highest honor within the power of this body to bestow. The Speaker has consistently demonstrated throughout his long career those qualities which are essential to leadership. He has been eminently fair on all occasions. Every Member of this House knows that he has presided with utmost impartiality and with consideration for the rights not only of the majority party and the minority party but of every individual Member of this body.

He is a great advocate and a formidable opponent in debate as every Member well knows. When Vice President Alben Barkley died, Speaker Sam Rayburn told me that we had lost one of the two greatest debaters in the Democratic Party within his memory, the other being then majority leader, John W. McCormack. When major issues were at stake, John McCormack never shunned a battle and never lost one. During a single session he took part in the debate on more than 200 subjects ranging from matters of legislative substance to philosophies of government and politics.

The Speaker is today the preeminent legislator of the world. He has played a major role in building this country throughout 42 years which have changed the face of the globe and altered dramatically the circumstances of every human life.

Throughout his years of testing, John McCormack held steadfastly to his course—determined to do his job to the best of his great ability. His progressiveness, his patience, his coolness under fire, as well as the product of his hand, assure his status as one of the greatest Speakers of all time.

While in this instance I speak the sentiments of the House, I hope I may be forgiven for adding a personal note. John McCormack has been my friend and adviser ever since I came to the House. He has stood with me as he and Sam Rayburn stood with each other through the years. I owe him an eternal debt of gratitude. Thank you, thank you, John McCormack, for all you have done for me.

I cannot properly conclude my remarks without recognizing the contributions of Mrs. McCormack who has devotedly stood by the Speaker's side throughout his long and demanding career as a legislator and statesman.

This House has paid John McCormack its highest tribute in having elected and continuously reelected him as Speaker. We today reaffirm that tribute. We add to it our deep affection, and our congratulations upon having reached this milestone in his legislative leadership.

May I say, Mr. Speaker, that we are going to have a reception for you in the Ways and Means Committee room in the Longworth Building at 4:30 this afternoon. All Members of Congress, in both branches of the Congress, will be there to honor you.

I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I cannot resist the observation, at this time, that yours is a very, very comfortable chair. I find it hard to step down from it after only 10 minutes.

Seriously, I join with a full heart in the tribute of the distinguished majority leader and with all our colleagues in this fitting tribute to our beloved Speaker, the gentleman from Massachusetts, the Honorable John W. McCormack.

We use these words a lot—"distinguished," "honorable," "gentleman." But when we refer to our Speaker, we really mean them.

Though there is no greater gentleman, I can assure those who were not here in this House before he became the Speaker 8½ years ago, who never heard John McCormack in debate as majority leader or minority whip, that there were few who could stand up to him on this floor. He was a lion in battle when convinced of the righteousness of his cause, and he lay about his foes like a modern Joshua with the fierce and fiery rhetoric of his South Boston heritage. I was not always convinced, but I was always impressed.

What has impressed me even more, and I have served here over half of the Speaker's long and distinguished years as a Member, has been his unwavering love of the United States of America and his willingness to place the good of his country above everything else.

Never have I known John McCormack to exploit a foreign policy issue for political advantage to his party—dedicated partisan that he was and is. Every President of the United States since Herbert Hoover, be he Republican or Democrat, has known he could count on the support of the gentleman from Massachusetts when the chips were down in a time of international tension. President Nixon has said and will say again how much this means to him, just as Presidents Johnson, Kennedy, Eisenhower, Truman, and Roosevelt did before him.

The office of the Speaker is a unique one in the American Government. He is at once the leader of his party and the impartial Presiding Officer of the House. As his powers are great, so must his sense of fairness be extraordinary. As his position is exalted among his legislative equals, so must his tact and consideration—yes, his kindness and compassion—be constantly exercised.

Mr. Speaker, the office you have held so long and faithfully makes great demands upon a man, but you have met them all superbly. You have more than kept your pledge to maintain the great traditions of the House and protect the rights of every Member from the newest to the oldest.

When John McCormack came here, already seasoned in the Massachusetts Legislature, what a different world it was. Lindbergh had just soloed across the Atlantic. The first all-talking movie was released that year—1928. Stalin ordered his first 5-year plan, and the Kellogg-Briand Peace Pact, solemnly signed by 62 nations, outlawed war forever as an instrument of national policy.

Some will say our country never will be the same when John McCormack leaves this House. I say it is infinitely a better and safer place, with all our current problems, because John McCormack served here in this House. You can be proud, Mr. Speaker, that you have always done what you thought was best for the country. You can be proud too, Mr. Speaker, knowing that you have the love, respect and admiration of every man and woman here, or who has ever served with you in this House and in this Government.

As many may remember, I was elected floor leader of my party in January 1965. The distinguished Speaker could have made my new job far more difficult. Instead, Speaker McCormack was cooperative, and friendly. I will never forget his kindness. I am deeply grateful.

And I am proud, for my part, that John McCormack is the only man alive who ever beat me three times in a free election.

Mr. Speaker, all of us hope and pray that you and Mrs. McCormack, your devoted partner through so many history-making years, will have many more years of companionship and happiness when you lay down that gavel for the last time. If anyone could ever contemplate a career of service and success with just satisfaction, you can, Mr. Speaker.

Mr. ALBERT. We all thank the distinguished minority leader for his beautiful and sincere tribute.

I am now happy to yield to the distinguished dean of the House, the gentleman from New York (Mr. Celler).

Mr. CELLER. Mr. Speaker, after 42

years in the House and 8 years as Speaker, John McCormack announces his retirement from the Congress of the United States. His is a record not easily matched.

Through his own efforts, working with the vigor he was to display in the years of service to the people of this country, he went to work as a $4-a-week office boy for a law firm, and without attending law school passed the bar at the age of 21. Through his experience as a trial lawyer, as a legislator in the Massachusetts Legislature, through the years as a Representative in the Congress and as the Speaker, the quality of his humanity, of his concern for and with people, underscored everything he did.

The people of his district remember him as we do—a fighter for the rights of the less privileged, for legislation such as social security and other acts which helped to remove the indignities of poverty and dependence from the backs of people.

We oldtimers have much to be grateful for, that we for many years had the privilege to serve with this generous and able man. And we who will return to the 92d Congress will find the House a very different place without John McCormack. We shall indeed sorely miss him.

During the many years that I have served with John McCormack I have learned the pattern of his life, and I have viewed the diadem of his character. I find therein many precious jewels.

I discern in that diadem the precious jewel of perseverance. John has ever persevered despite difficulties. He knows that if you have a bar of steel and you rub long enough you can rub it into a needle.

And there is the jewel we call the "breastplate of good temper." John always has that even temper. He has a "heart for any fate." He does not despair. He does not despair of the darkness; rather, he lights a candle.

He has been beset with troubles and difficulties, but he knows that "this too shall pass."

He knows also that there is always a light at the end of the tunnel.

Finally, as we behold our Speaker—and we have seen him so often seated as Speaker below the glow of the American flag—well might we say that his hoary head is like a glowing crown. May contentment ever dwell with him.

As he leaves us, we now say, "hail and farewell."

Mr. ALBERT. Mr. Speaker, I certainly thank the distinguished dean for his beautiful tribute to the Speaker.

I now yield to the distinguished Republican whip, the gentleman from Illinois (Mr. Arends).

Mr. ARENDS. Mr. Speaker, I thank the gentleman from Oklahoma for yielding to me.

Mr. Speaker, this is a memorable day, and I am indeed happy I can be here to participate in this tribute to an outstanding American and an outstanding individual. I am glad this day has come, not that John McCormack has decided not to seek reelection and at the end of this session will be relinquishing his reign as Speaker of this House; but I am glad for this day because John McCormack is here today on the floor of the House and we can express to him personally, as well as publicly, the deep affection and high regard, admiration, and respect we have for him.

It is nice that you can be here, John, to receive in person the heartfelt expressions of those of us who have had the privilege of serving with you for these many, many years and who have had the privilege of counting you as our friend. Regardless of the differences we have had, our friendship has been an abiding one. Knowing John McCormack as I do, nothing means more to him than friendship. He exemplifies more than anyone I have ever known "being a friend to man."

John McCormack, I, and four others in the House today, have had the privilege of serving with you longer than any other Member of this body. I can remember my initial meeting with John McCormack. It was the first time that I ever met a Boston Irishman. I became a friend of his from that very moment. He immediately befriended me as a new Member of this great deliberative body. He immediately sought to help me.

As the floor leader on the other side of the aisle, John McCormack was a worthy antagonist of anyone who opposed him on a measure he was supporting, and he advocated his cause to the floor with unusual skill and sometimes with unusual vigor, and always persuasively. I respected him for his diligence and his determination in putting through the kind of program he believed in during the years he served here when Franklin Delano Roosevelt was President.

Considering the many years he served as his party whip and floor leader I could not help but be happy for him when he became Speaker, for he had earned the position. He attained the highest position in the House and it was well-deserved.

I have served with many, many Speakers, starting back in 1936, but I had experiences with John McCormack that I shall never forget. I recall them fondly.

May I say to you, my good friends—and you all know it—when John stepped into that chair he became the most nonpartisan and the fairest Speaker that we could possibly ask for. Speaker McCormack was our presiding officer who in all respects remembered that every Member was entitled to the courtesy of the chair of this great House. That is what we have received from him—patience, understanding, and fairness.

I shall remember that, Speaker McCormack. I shall always remember your fairness in presiding as the Speaker. It is because of men like you that this is a great deliberative body.

We are today not saying a farewell but taking this opportunity to say to you that you can sit down on your front porch sometime and rock whenever you get ready to and truly say, "I did my best." Somehow you should hear the whisper back to you, "Well done; well done, my friend. You were a great legislator."

So we rejoice with you today, John McCormack, that this friendship of ours can be expressed in this manner on the floor of this House, which means so much to you. You will occupy a high place in the history of the Congress and of our country. He occupies a large place in our hearts.

Mr. ALBERT. I thank the distinguished Republican whip.

I am pleased now to yield to the distinguished majority whip, the gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. Mr. Speaker, for more than 40 years John McCormack has been one of the great leaders of this Nation, in passing the monumental social and economic reforms that have charaterized that turbulent period in the history of our country.

I came here now almost 30 years ago. John McCormack then was at the very epitome of leadership in this great body. That time coincided with a period of great division in this country with respect to World War II. In a matter of a relatively few months he guided through this Congress measures like the monumental lend-lease program which made it possible for the United Kingdom, then standing alone under the leadership of one of the great men of all time, Winston Churchill, to stand and stand firm against Hitler conquering all of the free world.

I remember the night so well when by 1 vote—by 1 vote—just months before Pearl Harbor, John McCormack was able to marshal that hairline majority to keep the U.S. Army in being. So much of the work of the Speaker does not occur on the floor of the House. It does not occur in the Speaker's chair. It takes place in the quiet of his office. When in an effort to secure the adoption of a program, he quietly talks to his colleagues. I have sat in that office not once but hundreds of times, and watched him as we say, talk "head to head," on the telephone and, although he has used his fine logic on Members to obtain their help on a program to which he was dedicated, I have never seen him "twist a Member's arm" and ask him to cast a vote that that Member felt was not in his own best interest or in the best interest of his constituency.

He has been a leader who has led by using the things that are best in men. Some people use the forces that are bad—fear and force and fraud. But John McCormack has appealed to those things that are good in us, what is good for the Nation, what is good for the people, what is good for the downtrodden, what is good for the dispossessed, what is good for the Members of Congress.

Those have been the characteristics of this man who has been my leader for 30 years and who has had, I am proud to say, a very profound effect upon my own life, because I came here as a mere boy.

I know that his counsel has been sought by every President since Franklin D. Roosevelt, regardless of party. All have found his judgment to be wise, trustworthy, prudent, and in the national interest.

Those of us who serve in the leadership with John McCormack will continue in the months ahead to help achieve the broad legislative objectives

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now pending in the Congress so that his career can be concluded at the height of success.

Finally, Mr. Speaker, let me say that both Mrs. Boggs and I share your concern about the illness of your dear wife, whom I know has been a pillar of strength to you. But you have matched that by being the model of a devoted and loving husband.

For your friendship, for your counsel, and for your help, I thank you.

Mr. ALBERT. I thank the distinguished majority whip for his tribute, and I now yield to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Speaker, it is difficult indeed, for one who has been in the House of Representatives for only 10 years, to find appropriate words to honor Speaker John W. McCormack of Massachusetts who for 40 years has served his district, his State and his Nation so selflessly in this Chamber. His dedication to duty and to the best interests of his country over one of the most troubled spans in our history will never be forgotten by his colleagues and friends in the House of Representatives.

It is with the deepest respect and affection that we are saluting him now at the height and at the close of a truly distinguished career of public service.

He has many outstanding qualities, certainly not the least of which is the fact that he is a man of deep religious faith, a man who during his lifetime has been devoted to his church, and he has lived that faith in abundant measure, and his probity and good character have distinguished his long career.

His announced retirement is truly one of those times when partisan lines must be crossed if we are to do justice, pay tribute to an idea, a cause, and a man. The Speaker should know and the Nation should know that his dedication to duty and to the best interests of his country will be long remembered on both sides of the aisle in the Chamber of the House of Representatives, for few men are privileged to leave their imprint so forcibly on the body of our Nation's law, and few have borne the heavy responsibilities of such high office with the grace, the wisdom and the dignity of the man from Massachusetts.

The U.S. House of Representatives is a fiercely partisan place, and never more so than in an election year, but there are occasions when partisan lines must be crossed to do justice and to pay tribute to a man. The announced retirement of our beloved Speaker, after 4 decades of selfless service in the House, is surely one of those times.

As Republicans we salute with affection and with respect a great legislative leader and a great Democrat.

Although, as I said as I began, it has not been my privilege to be associated with the Speaker of the House as long as those who have preceded me in the well here today, during the years that I have known him he has always treated me with unfailing courtesy, and I am grateful to him for his many acts of consideration and friendship. We will all miss him. More importantly, we will remember you, Mr. Speaker, with admiration, with respect, and with genuine affection.

Mr. ALBERT. I thank the distinguished gentleman from Illinois for his beautiful tribute, and I yield to the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. Colmer).

Mr. COLMER. Mr. Speaker, I am grateful to my friend, Carl Albert, the majority leader, for this opportunity to vent some of the feelings and emotions that arise within me on this occasion. If this were a test of ability to express one's respect and admiration and friendship for him whom we are honoring here today, I would possibly rank at the bottom.

But when it comes to a question of sincerity of the heart, I can assure you that in my own evaluation none would precede me.

I shall, Mr. Speaker, recognize the propriety of the occasion and that there are many here who would like to address their remarks to you for posterity as well as for your own edification. So I shall be very brief.

With two exceptions there are none in this body who have had the high privilege of serving in this body to which you have dedicated your life, sir, than I.

I would be less than frank if I should say, Mr. Speaker, and you would not believe me if I said otherwise that although Mississippi and Massachusetts alphabetically are very close—philosophically, they do not always remain so.

So, we have had our differences of opinion and of philosophy. But it has always been a pleasure to work with you.

Mr. Speaker, on one occasion, having served so long with you, and having engaged in social activities as well as in legislative matters with you, I took the liberty one day of saying to you, sir, that nature was a great equalizer of persons; that she did not give any one person all of the virtues and talents but that she dispersed them so that the common man, in which class I put myself, would have something to offset the brilliant one. But I then got personal enough to say to you, sir, that you had more than your share of the virtues that are given to one person; and that in your devotion to your beloved wife, your dedication to your church; your love for country and lastly your dedication to your party—that I thought you would find yourself in one pretty hard position if you had to make a decision between them.

I have never known a man—and I say this with all the sincerity in my heart—I have never known a man who has been more devoted to his good and beloved wife than you, Mr. Speaker.

Mr. Speaker, I am one among those who dislike to see you leave this Chamber. I know you are going to be missed. I am going to be honest and frank enough to say that, being human, you had your detractors. But that day will come when you will be fully appreciated as you should be.

Now, Mr. Speaker, if I could for a moment be an Irishman, I would just like to read something to you that has made a great impression on me. When this assembly got together here a while ago, I sent over to my office to get this little plaque that hangs on the wall in my office. It is headed, "An Irish Blessing," and it reads:

> May the road rise to meet you. May the wind be always at your back. May the sun shine upon your face, the rains fall softly upon—

And here I paraphrase "your wholesome presence."

Until we meet again, Mr. Speaker, may God hold you in the palm of his hand.

Mr. Speaker, I would like to present this plaque for you for your own den.

Mr. ALBERT. We all thank the distinguished gentleman from Mississippi for his beautiful tribute.

I now yield to the gentleman from Texas, the distinguished chairman of the Committee on Appropriations.

Mr. MAHON. Mr. Speaker, Texans, by tradition, are supposed to be not altogether modest. We had thought that in the Speakership of Sam Rayburn, we had captured all the laurels and honors that could be captured here in the House of Representatives. But I find that while Mr. Rayburn served as Speaker longer than any man in history, far surpassing Henry Clay, Speaker McCormack has broken the record for continuous and uninterrupted service as Speaker.

Speaker McCormack has wrought well. He has wrought one of the great records in American legislative history. It is a record that will stand with time.

This man from South Boston has occupied the powerful position of Speaker during a period of enactment of some of the most far reaching and momentous legislation that has ever been adopted by the Congress.

Speaker McCormack is a man of action. He has been in the center of the action process.

He, like his predecessor, seems to have an almost passionate love, should I say, for the House of Representatives. Like Speaker Rayburn before him, Speaker McCormack has a fierce respect for the House of Representatives, and that has meant a great deal to the membership and to the House. It has made all of us more respectful and proud of the positions of honor which we hold—because John McCormack loved the House, he loved its traditions, and he loved its Membership.

So today, in honoring John McCormack, we are actually honoring ourselves. We are honoring the legislative process. And we are honoring the American two-party system when we honor John McCormack.

John McCormack is a partisan in the best American tradition. John McCormack is loyal to his party.

John McCormack has tended to knit together all portions of the Nation. He has undertaken to join the North with the South, to keep together the East and West. He has undertaken to unite us as a legislative body despite our many differences. That has meant a great deal in a world of disunity. I honor him for that, and I pay tribute to him for what he has meant.

History will record John McCormack as a champion of great causes.

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He will be remembered for his intense patriotism, along with his other virtues.

I also want to make public note of the fact that time after time in my chairmanship, in the handling of some 20 bills and resolutions a year out of the Committee on Appropriations, I have gone to the Speaker's office and counseled with him. I know of no man in the history of the Congress who has worked more closely with committee chairmen and sought to be more helpful to them in bringing legislation to the floor.

JOHN McCORMACK has done a great job here on the House floor. Perhaps his greatest job, however, has been done in his office in helping chart the course of legislative events.

Along with others in this Chamber, Mr. Speaker, I have seen him at many White House conferences, under several Presidents. It did not make any difference who was President. Whether the question was war or peace, or the general welfare was otherwise involved, JOHN McCORMACK took the position he thought was best for the country, supporting in every way he reasonably could the Chief Executive and the members of the Cabinet and the administration. I know that President Nixon and his distinguished predecessor, Lyndon B. Johnson, and others will share these sentiments.

Yes, Mr. Speaker, for years it was from South Boston to Bonham, the home of Sam Rayburn. Then it was from "Boston to Austin" with the very distinguished Lyndon B. Johnson. And now this Speaker works with the present administration in his untiring efforts to promote the welfare of our great nation.

Mr. Speaker, I have spoken longer than I intended. Despite the inadequacy of language we can, in our hearts, pay high tribute to this courageous and able man—the man who has also served longest continuously as Speaker of the House of Representatives.

May God bless JOHN McCORMACK in his future service during this session and bless him and Mrs. McCormack in the years that lie ahead.

Mr. ALBERT. Mr. Speaker, I certainly thank the distinguished gentleman from Texas (Mr. MAHON).

Mr. Speaker, I yield to the distinguished gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Speaker, I only wish I might have had an opportunity to carefully write and deliver all that is in my heart. What I say to JOHN McCORMACK today is but an expression of the deep affection that I have for him.

I think it was 24 years ago that I was counsel to a committee of this House of Representatives, the Harness Committee on Expenditures. The gentleman from Massachusetts was a member of the committee at that time. It was during the 80th Congress and we were having some real problems. The gentleman from Massachusetts asked me to come and see him as Republican counsel of that committee. I sensed that I was probably going to be taken into the woodshed and spanked. But I have never been received more kindly, nor has anyone ever been more gracious to me than that time when I was a young man. I remember it so very well.

Over the years we have always enjoyed a very close relationship. Perhaps at times our political philosophies have been across the horizon from one another, but this has never altered our affection for each other.

I have often said to people that I thought someone some day should write the story of the love of JOHN McCORMACK for his wife. I believe it to be one of the most romantic stories in the politics of contemporary America. More people should be aware of the contribution of this man, and of his love and affection for the lovely lady who shared his life these many years. This measure of love and affection might have a special meaning to many young people today.

There is so much to say about this great man—a real American. It does not make any difference whether one is a Republican or a Democrat. The things he stood for have been the things he believed in his heart are necessary to make America great. I only wish that some of the people who would like to disrupt the American system today would go back to read some of the remarks of this great Speaker—the things he has stood for and the things he has believed in. I am sure that many of them would reconsider their present approach.

His concern for this Nation goes back long before some of the other committees even talked about the infiltration of communism. I have read the gentleman's record. I just wish that we had more Americans like JOHN McCORMACK.

Again I say, we did not always agree on philosophies, but we always agreed on one thing—that this is the greatest country in the world, and that he and I would like to preserve it that way.

Mr. Speaker, I believe most of my colleagues know that I have suffered some illness in the past. One of the greatest assists to my period of recuperation was when JOHN McCORMACK came to the hospital to visit and helped to provide the necessary inspiration to return.

I will never forget that, Mr. Speaker. God bless you.

Mr. ALBERT. I thank the distinguished gentleman from Ohio.

I yield to the distinguished gentleman from California.

Mr. HOLIFIELD. Mr. Speaker, thank you for yielding. Our beloved Speaker, JOHN McCORMACK, was elected to the Massachusetts House and Senate and served there from 1920 to 1926.

He was elected to the 70th Congress, and that session started on December 5, 1927. He was elected majority leader of this House September 1940 and served until 1947. Then at the change of the House Administration he became the whip in the 80th Congress and served there from 1947 to 1949. Then he was elected the majority leader in 1949 and served until 1953. Again there was a change of House administration, and he became the whip in the 83d Congress and served from 1953 to 1955. Then, on the death of our beloved former Speaker, Sam Rayburn, he was elected Acting Speaker in September 1961 and elected Speaker in January 1962. He has been elected in each succeeding Congress. It has already been said today that he has served longer in continuous service than any other Speaker of the House, surpassing the service of the famous Kentuckian, Henry Clay.

It is with sadness that most of us who have been here a long time heard of his decision to retire. I wish today that I had the tongue of Demosthenes and the wisdom of Solomon so that I could say some of the things that are in my heart and which I know are in the hearts of many of our Members.

Mr. Speaker, 28 years ago I came to this House of Representatives, and from the very first JOHN McCORMACK was an adviser and a mentor of mine. In those 28 years we have never had an unkind word between us. We have had complete understanding, I believe, and on my part I have had complete respect. His assistance and advice to me has been invaluable.

There are many things that many of us can respect JOHN McCORMACK for. As was said today, he is a great believer in his religious faith and a devout practitioner of that faith. His love for his country has been surpassed by none. His devotion to his wonderful wife has been an example in this day of change, infidelity and uncertainty of marital arrangements. His life has been an example which millions should emulate. He has been a great American. He has always placed his country's welfare and security first.

I remember many times in the 28 years, in times of crisis and in times when authorization and appropriation bills which were vital to our Nation's security were on this floor, when JOHN McCORMACK took the well of this House and said:

> If I am going to make a mistake, it is going to be on the side of safety for our country. If I am going to make an error of judgment, it is going to be in favor of continuing this system of government and preserving its liberties and freedoms.

We have all heard him say that, and many is the time that we heeded his advice and example and have voted as he advised.

I, too, as my friend, Congressman Bow, has said, when I look at some of the contemporary scenes, when I see the lack of purpose, the drift and disregard for the famous institutions which our country has long protected—and may God bless us and keep it that way for a long , long time in the future—when I see that, I sometimes wonder why these people are so impatient and why they are not willing to work within the system to preserve the liberties that we have and to make those liberties and freedoms more secure and to make the condition of life for our people more humane and more benevolent.

The history of this House is a great history. The history of its servants—and the Speaker of the House is the greatest servant of all, because we repose our trust and confidence in him and look to him for guidance and look to him for fairness to every Member of the House. The history of this House has been a great history, and JOHN McCORMACK has given us the leadership and the fairness that we have looked for. What greater honor could be placed to any man's name

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than the simple epitaph, "He was a great American and he was fair." He has been fair to all of the Members of the House of Representatives and to all of the people that he contacted.

I will always have a warm place in my heart for this genial and wise Irish leader we have had for so many years.

He has chosen to retire after a long and illustrious service to his Nation and to the Members of the House of Representatives.

I could not conclude my words today without uttering a simple prayer, that Mrs. McCormack be given comfort in her illness, and that, if it be God's will, she may survive, and our Speaker may survive in good health, and they may continue to have each other for their allotted time on earth.

Mr. ALBERT. I thank my very distinguished friend from California for his beautiful tribute.

I now yield to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, our hearts are full today for we must contemplate with sadness the loss of the services of an outstanding Member of the Massachusetts delegation and a great Speaker of the House, and of the gracious presence of his beloved wife whom we all respect and admire.

When John McCormack leaves the House we shall lose one of the ablest and one of the most effective legislators who has served in the Congress, a man who always has stood for a strong America; and for an America that does the right thing for all its people. No Member of the House is more respected or more beloved or has been during my experience in the Congress. No Member of the House has achieved more widespread recognition for his outstanding services to Congress and to our Nation.

Those of us who have been privileged to serve with him, and now they number into the thousands, have been honored indeed, for it has been a rare privilege to work with, to serve with, a great leader like John McCormack.

These have been trying times, difficult times, but never has he shirked his responsibility or his duty or his obligation, nor has he quailed at the magnitude of the task before him and before the Congress.

I do not believe that any man in our time has contributed more to the preservation of representative government in America, and that is a most important consideration, a most important achievement.

Mr. Speaker, we on both sides of the aisle know that John McCormack has been fair, he has attempted to be right as he saw the right, he has been true to his responsibility.

We who are Members of the House have been privileged to serve with an able man, a courageous man, a great American, whose services always towered high, and whose contributions have been above politics. Our love and our good wishes go with him and with Mrs. McCormack in all the years ahead.

Mr. ALBERT. I thank the gentleman from Florida for his very beautiful tribute.

Mr. Speaker, I yield to the distinguished gentleman from Ohio (Mr. Hays).

Mr. HAYS. Mr. Speaker, as a relatively young Member of the House in point of service in comparison with those who have spoken before, having been here only a little over 20 years, I want to say that it has been one of the great privileges of serving in this body to have known, and to have been a pupil of John McCormack.

I came here trained for and having been a teacher of history, one who was interested in it, one who was interested in current events, and I was impressed and awed when I first met Sam Rayburn, John McCormack, and Joe Martin—whose names I had read many times in the public press. And I want to say to all of you that I have never been treated with more unfailing generosity and kindness in my lifetime by not only my friends and my relatives than I have been by our beloved Speaker, John McCormack.

I could not quite agree with something someone said a little earlier—that he had never known the Speaker to twist anybody's arm—because he has twisted mine on occasion, but painlessly, with unfailing good humor and courtesy, and by kindly and subtly letting me remember that Members have certain obligations that go beyond their own constituency.

I can recall on an occasion or two when he has given me the argument that "this bill is bigger than your district." He has had his detractors, but in the main the man stands so big and so tall in the history of this country that long after many of us have been forgotten, including his detractors, his name will stand as a shining example of what we mean when we speak of an American patriot.

His public life and his private life have been examples that all Americans can well follow.

I missed Sam Rayburn very much when he was taken from among us, and I am sorry, Mr. Speaker, that you are leaving. We are all going to miss you. We are all going to miss your guidance, your counsel, your wisdom and, not the least of all, we are going to miss that rare ability that you have of coming down in the well from the Speaker's Chair—and I remember when you did it as majority leader—when you thought that the fate of the country hung in the balance on some occasion, and used your impressive, impassioned and persuasive oratory to make a point.

It is a common saying around here that "no speech ever changed any vote" but, Mr. Speaker, you know and I know that that is not true, and I have seen you change them. I have never seen you change them except for the good of the country, the Congress and the world.

It has been a privilege serving with you, and we are all going to miss you.

Mr. ALBERT. I thank the distinguished gentleman from Ohio for his beautiful tribute, and I now yield to the gentleman from Pennsylvania (Mr. Fulton).

Mr. FULTON of Pennsylvania. Mr. Speaker, it has certainly been a proud occasion for all of us to serve under your leadership.

We in the United States Congress congratulate and honor Speaker John McCormack of Massachusetts for his high ability and fairness to each and every Member of the House of Representatives.

It has been a wonderful privilege to serve under his leadership and share the hard work we put in on so many vital policies and issues that have faced the American people. Good legislation takes good hard work and requires good dedicated leadership. Speaker John McCormack has fulfilled these requirements honorably and well. I respect his patriotism and his loyalty to our country and the American people.

John McCormack had the vision and the foresight to realize the coming importance of science and space clear back in 1957 and 1958. He realized that progress in science and space exploration are vital to the American people, and necessary to U.S. security, defense, and peaceful progress in science and technology. He served as chairman of the original science and space exploration select committee of the House which laid the groundwork for our present United States tremendous successes in these fields.

In my opinion, without John McCormack's leadership we would never have had a U.S. space program let alone the most successful one in the world. Our Apollo 11 and Apollo 12 moon landings would have been still far distant dreams. Our U.S. Space programs are the greatest U.S. foreign policy successes, due largely to the vision and dedication of John McCormack.

John McCormack saw the urgent need of a House standing legislative Committee on Science and Astronautics.

Because the legislation was actually written under his leadership in the House, with just a few changes in the Senate, it really could be called the McCormack bill, and probably the McCormack Space Agency.

He worked for unity and against partisanship in these fields cooperating with President Eisenhower so the United States is now the leading Nation of the world in science, space and technology.

During my recent illness, when in the Holy Cross Hospital intensive coronary care unit, there was held up for me to see a handwritten personal note from John McCormack—what an encouragement to live, get better, and return to serve in the House.

Mr. ALBERT. I thank my colleague.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. O'Hara).

Mr. O'HARA. When, Mr. Speaker, each of us has completed his term of service in this House, I would suppose that each of us would like to be able to look back upon that service to some legislative accomplishment, and to be able to say to himself: "That legislation might not have been enacted when it was, or in the form it was, if I had not been a Member of the House when I was."

Even more, Mr. Speaker, most of us would like to be able to look back upon

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such an achievement and say: "There are people who are today happier—or healthier—or more secure—or whose lives are somehow better—because of that bill of mine."

Each of us, Mr. Speaker, would like to be able to do that when his service in this House approaches an end. But no Member who has ever served in this body will be able to say that with an easier conscience than will the distinguished and beloved gentleman from Massachusetts, JOHN McCORMACK.

He will not be able easily to select one milestone to remember from among his many accomplishments. Rather he will be able to look back upon most of the great legislative undertakings of our generation and to look back upon them in the secure knowledge that without JOHN McCORMACK, few of them would have been possible and none of them would have been precisely the same.

I shall not try to recount our distinguished Speaker's legislative record—there is not enough time in a day to do so. But for a moment I do want to pay tribute to JOHN McCORMACK the man—the man I have had the deep privilege of coming to know over the last dozen years.

He and I have not always been on the same side of an issue. Once in a while we would see an issue from different perspectives, but even when our judgments might vary on a substantive matter, I believe and I hope we were almost always together on the goals to be served.

In all of JOHN McCORMACK's dealings with me, he has been eminently fair—sometimes, I believe, more fair than I deserved, and often more patient than I deserved. In my own ignorance or inexperience and in my relative youth, I have sometimes made rather rash judgments. The majority leader of the 1950's, and the Speaker of the 1960's, in his experience and judgment, would not infrequently correct my enthusiasms and give me wise and unfailingly courteous and patient counsel.

I have never known JOHN McCORMACK to do an unkind thing to another human being. I know of few other people of whom the same can be said—and I know of no higher praise which any person can earn.

As our leader, he has been all of the things you normally associate with leadership, but he has also, been loyal—loyal to each and every one of us who have been associated with him in this House. He has been loyal and faithful to the Democrats he led, he has been loyal and faithful to the Republicans he opposed. He has been, in short, loyal to the best traditions of this great and historic House.

In conclusion, Mr. Speaker, I might say that we will all miss JOHN McCORMACK, but I think that misstates the situation ahead of use. Some Members of the House come here, serve out their years and leave. We miss them, they were honorable men and constructive Members, but they do leave. But once in a while there comes among us a legislative giant who never can leave this House, whatever the Clerk's Official List of Members says. Henry Clay, Joseph Cannon, Thomas Reed, Sam Rayburn, and JOHN McCORMACK, will never be ex-Members of this House; they will be here, inextricably mingled with the soul of this House, as long as free men gather here to govern themselves.

Mr. ALBERT. I thank the gentleman for his beautiful tribute.

Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. JONAS. I thank the distinguished majority leader for yielding.

Mr. Speaker, I could not allow this occasion to pass without joining my colleagues in the Chamber today in paying tribute to our Speaker, who has voluntarily elected to terminate his official services with this body at the end of the present session.

I was never active in politics until I came to Congress for my first term, but for many years before coming here I had a very special interest in political affairs. I doubt if many Members of Congress read the CONGRESSIONAL RECORD down through the years with more avid interest than I did. I began doing so when my father was a Member of this body. He came to Congress right after Mr. McCORMACK was first elected to the House. With his service here I began to display a keen interest in the affairs of Congress, and kept up with Congressional procedures down through the years.

I well remember how impressed I was as I read the CONGRESSIONAL RECORD, with the forensic ability of the gentleman from Massachusetts. I said to myself on many occasions, "Well, this man is a real fighter. He knows his subject, and he is an able and persuasive debater." But the thing that impressed me more than his debating ability was his uniform courtesy. He was more than kind and courteous to his opponents who engaged him in day-to-day debate, and before I came here I looked forward with keen anticipation to the privilege of knowing this man and working with him, even though I knew I would be doing so from the other side of the aisle.

I would not pretend that Mr. McCORMACK and I have been intimate friends down through the years, but I do not know of any Member of this body who has extended me more courteous treatment than he has and who has been kinder in his personal relationships with me than our distinguished Speaker. And I just want to say publicly today how much I appreciate that friendship, that interest, and that courtesy and kindness.

I had the privilege of serving on a special committee of the Government Operations Committee chaired by the Gentleman from Massachusetts, who was not then the majority leader, and we worked together closely during a year of hearings. He and I collaborated in bringing to the floor a bill which has been of tremendous benefit to the schools and other public institutions of the States. I learned to admire his superior qualities of leadership as I served under him on that subcommittee. And I also came to appreciate his fairness, his understanding and his uniform courtesy. No one could have shown more consideration to a very junior member of this body that JOHN McCORMACK did to me and I am grateful to him for it.

All down through the years he has been a hard fighter. He has not given any quarter in debate, but I do not think any man can rise and say that he was ever taken advantage of or mistreated an opponent or that he failed to receive from JOHN McCORMACK the courtesy that one gentleman should expect from another.

I want to join my colleagues today in saying to Speaker McCORMACK, as he retires at the end of this session to a life of retirement and relaxation, when he can, I hope, write his memoirs and put down for history a record of some of the experiences he has had as a Member of this great legislative body, that I am sure all of our colleagues join me in wishing for him long life, good health, and peace of mind during the remaining years of his life.

Mr. ALBERT. Mr. Speaker, I thank the gentleman from North Carolina for his fine tribute.

I yield to the gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Speaker, I count it a great privilege and a distinct personal pleasure to join with the distinguished majority and minority leaders and others who have paid tribute to a great American, the gentleman from Massachusetts, the Speaker of the U.S. House of Representatives. My own life and my service in this body has been enriched by the opportunity to know, to serve with, and to serve under a great American, the presiding officer, the Speaker of the House.

I remember when I first met him. I had been elected in a special election. I came here and went by to pay my respects to him and make myself known to him. From then until this very moment he has been unfailing in his courtesy and his kindness to me. His hand of fellowship and friendship to me has often been and still is a source of strength to me. He is always accessible to Members of the House and always responds when Members call.

No man could be elected by his constituency for 42 years nor could any man be elected Speaker of the House of Representatives for five terms without possessing the qualities and attributes of a great leader, a great legislator, and a great American. JOHN McCORMACK has been chosen and honored by both his constituency and his colleagues. JOHN McCORMACK has been honored by his constituents for 42 years. He has been honored by his party in the House and by the House of Representatives by election and consecutive reelection so that he has served as Speaker longer than any other man has served as Speaker except his predecessor in that office, Speaker Sam Rayburn of Texas. He has served continuously as Speaker longer than any other Speaker in history.

JOHN McCORMACK, as a member of the Democratic Party in the House of Representatives, whether as Speaker, leader, whip, or Member has been as fierce a partisan as I have ever known. Yet, when in his judgment the security and the strength of this country was at stake, I have seen him take the well of this House and advocate a position in support of a

President of the other party as strongly as he ever did in defense of the position taken by a President of his own party.

As a presiding officer of this body, he has always been eminently fair. He has leaned over many times on the side of impartiality and of fairness, for which we all admire, respect, and love him.

It is my hope—indeed, it is my reverent prayer—that Almighty Providence will see fit to restore his beloved wife to good health so that together they may share many, many more happy years as they have shared a half century of devotion and happiness.

It is certainly my hope and prayer that together they will be granted many more years of both health and happiness in his retirement, which is of his own choice.

Mr. Speaker, I should like to say that when the gentleman from Massachusetts, the Speaker of the House, next year will go into his voluntary retirement as Speaker and as Member he will carry with him the respect, the admiration, and the deep affection of each of us who have been privileged to serve with and under this great American.

Mr. ALBERT. I thank the gentleman for his tribute.

I yield to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Speaker, I have had the privilege of serving in this body during the period of the leadership of our beloved colleague from Massachusetts. Others who have served longer and who have served in most responsible positions of leadership have made reference to the great contribution to the Nation and to the world of these dedicated years of JOHN MCCORMACK's service to his country.

I have had the privilege, as have so many, of knowing and admiring the gentle and considerate qualities of this man as he has upheld the dignity and the comradeship of this body.

I should like to share one personal memory which I believe symbolizes the greatness of this man. It has been my privilege for some years to welcome here to the Capitol a cavalcade of young people from the Utica Catholic Academy who charter a plane and come to the Nation's Capital for inspiration. Upon arrival on a Saturday morning, they would come into this Chamber. When it was possible, our great Speaker has seen fit to come into the Chamber to welcome these wonderful young people eager to catch a glimpse of the greatness of America as it might be expressed in this body.

I can recall the Speaker standing in the well telling them in affectionate and vivid language his feelings for this Chamber and this body. On occasion he referred to the center aisle and said, "To some this is the dividing aisle; on this side the Democratic Members of the House, on that side the Republican. But, young people, I wish to say to you that there is no dividing aisle in the service of the Nation."

That one thought which he so eloquently expressed has come back to me many times from these young people who have grown into responsible adult life. They caught the glimpse of the joint responsibility we have here in this body, the Speaker in a simple but effective way had planted the seed of understanding. These young people appreciated the greatness of the man and his simplicity.

I remember his reminding them that he better than most people understood the value of an education, it has been denied to him because of the early family responsibilities that had rested upon him. As he spoke of his limited formal education they glimpsed the true greatness of the man. I think they better sensed their privileges and became a little bit more appreciative of an education.

It has been mentioned how fair and impartial the Speaker has been. I recall a conversation with him shortly after he was elevated to Speaker in which he expressed in a very simple and direct manner his goal of fair and just presiding. I say that goal of impartiality has been achieved. He has earned the respect he so earnestly sought. He wished to do his job in keeping with the highest traditions of his office. He has been faithful to that purpose, and the example he has set as a man and husband has made a great impact on this Nation.

Millions join us in this expression of great affection and congratulations to a devoted couple in the hope that they can enjoy together their release from the heavy burdens that they have to gallantly carried together. I consider it a privilege to join in this well deserved tribute to this great man. I am proud to have him as my friend.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for his fine tribute.

Mr. Speaker, I now yield to the distinguished gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, your retirement announcement signals the end of an era in the House of Representatives.

For 8 years—the longest continuous record as Speaker in the Nation's history—you led this body with a sure and skilled hand.

It is no exaggeration to say you rank with Clay and Rayburn as one of the ablest Speakers of the House.

You chose reason, rather than force, as your chief legislative tool, avoiding the kind of bullying and browbeating lesser men might have used.

The legislation you have shepherded through the Congress during your 42 years as a Member, as majority leader, and Speaker, is monument enough, to the effectiveness of your approach.

Narrow partisan politics played no part in your actions when the country's future was at stake.

Your dogged allegiance to your country—under Democratic and Republican Presidents alike—yielded to nothing.

Your accomplishments as a man are even more impressive than those as a legislator.

The evenhanded fairness you have shown, to every Member of this body, is celebrated in Washington.

Few Members of Congress—indeed, few men anywhere who know you—cannot cite gestures of simple kindness and thoughtfulness you have extended to them.

Your constant concern for your own colleagues from Massachusetts has been a source of inspiration, joy, and benefit to all who have served the Bay State.

It is hard to measure the effect of a Christmas basket to a poor family in south Boston, a reassuring talk with a faltering colleague, a firm speech on the House floor in answer to expressions of bigotry.

Yet, as the test of a man, these things are probably the most significant of all.

You did them without smugness or sentimentality.

You did them because such things come instinctively to you.

I speak honestly when I say I am proud of my friendship with you and proud to have served with you in the Congress.

Let me also add that it will be many a moon, if ever, that our great State of Massachusetts will be better served in this House of Representatives.

Your retirement saddens me—just as it does everyone else who knows you well.

Yet, I know you now will have more time to devote to your beloved wife, Harriet, and to the deep faith you both share.

I offer my best wishes.

Mr. ALBERT. I thank the distinguished gentleman from Massachusets for that lovely tribute.

Mr. Speaker, I now yield to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. I thank the distinguished majority leader.

Mr. Speaker, it is no small thing to be born an American citizen. It is a very great privilege to be elected to the U.S. House of Representatives. The distinguished Speaker with whom it has been our privilege to serve has demonstrated himself to be a great American, one who took his American citizenship seriously and cherished it and who has made the most of it through his long years of service to his country.

This House in which the voice of the people is heard and their influence felt at the highest levels of our Government has been an institution cherished by the Speaker and enriched by his presence in it.

Mr. Speaker, as an American and as a great Member of this House, he has also demonstrated himself to be an able leader of his own party, making that party stand for more by the leadership which he has given. In the great matters, as has just been said on the floor of the House, the Speaker was not a partisan but was an American statesman, a man who has always come to the defense of his country, its welfare and the national interest.

This man has stood tall and has spoken for all of our on many occasions.

One of the great privileges of my personal life has been to serve as a Member of the House of Representatives while JOHN MCCORMACK was its Speaker. I am quite confident that every Member of this House feels, as millions of Americans across this land, deep gratitude for the life and service of this man. He has demonstrated himself to be a devout Christian and a devoted husband with a relationship to his lovely wife that has

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been beautiful to behold. His kindness, his Christian character, his moral strength, his devotion to those principles which made our Nation great through years of crisis and of challenge, have made him an inspiration to us all. He has been an able and effective leader of this House and a great American. I thank God for John McCormack.

Mr. ALBERT. I thank the distinguished gentleman from Alabama.

I now yield to the distinguished gentleman from Massachusetts (Mr. Philbin).

Mr. PHILBIN. Mr. Speaker, these exercises and the tributes that are being paid to our beloved Speaker today, coming from the hearts of our Members as they do with such fullness, strength and sincerity, constitute one of the most impressive occasions I have ever seen in this House.

Of course, it would be quite impossible for those of us who come from Massachusetts, particularly those of us who throughout the years have known, loved, respected and admired this truly great man, Speaker John McCormack, to be in a position where we could adequately describe our feelings or pay fitting tribute to the tremendous contributions that he has made to our country and to this House, and the many outstanding accomplishments and achievements directed toward human betterment that he has made throughout the years during which he has held the great office as Speaker of the House and also as majority leader of the House.

The feelings of gratification that I experience today to hear the fine heartfelt tributes that have been presented here to our Speaker, are mingled for me, and for all of us with a deep sense of sadness due to the fact that he has decided to retire at the end of this term.

Surely, there could never be another like him in terms of inspired leadership, long years of outstanding, effective service far beyond the call of duty and typified by such rare legislative skills, rare talents and magnificent results for the Nation and the American people. In the best sense the brilliant career and sterling services of friend and Speaker John McCormack are a great tribute and in the finest traditions of our representative democratic system of government as well as a personal triumph for the Speaker.

John McCormack has made here a record that is truly imperishable, that will endure in the annals of our Government for many, many years to come as reflecting the finest, the best, the noblest and the most effective kind of service that could possibly be rendered by the illustrious leader of this body to the American people, and to the many causes of broad, forward-looking, progressive government, from which our people and the Nation, yes and the world have so greatly benefited as a result of the invaluable services this great man has rendered here.

There could never be another Speaker, who could combine precisely the qualities of leadership and achievement that John McCormack symbolizes, because he is a man of great and incredible breadth of vision and capacity for wise decisions and effective action.

His friendships are and always were broad and deep. He has the wisdom, experience and innate skill to grasp the great issues before the House and sense the needs of the times and the movement with unerring ability and precision. He can walk to any section of this House, not only on the Democratic side, but on the Republican side, and talk with the leaders and the Members whom he always knows so well, and who have implicit trust and confidence in what he has to say to them, and in the judgments he may present, and that they might make or urge their consideration. In that sense, he has a rare quality of leadership that has seldom, if ever, been found in this or any other legislative body. This extraordinary quality he demonstrates so brilliantly on many occasions, when it is necessary for him, in the course of his able advocacy to mobilize necessary support for many vital issues that are pending here, upon which so much depend for our country and for our people, and for the progress and well-being of the Nation.

Something has been said here of the Speaker's invariable courtesy, his openmindedness, and his willingness to see leaders and all people, and give them counsel, consideration and assistance.

That has been true throughout his entire service in the House. His door has always been open to his colleagues and those who wanted to see him. His great mind and heart was always open to help those who needed his assistance, because he was imbued with a deep sense of humanity.

His devotion to the people of this country and deep compassion for their welfare is second to none. He is a great leader, who senses the needs of the people, and goes out of his way, indeed, makes many personal sacrifices to insure, insofar as he can, that he serves them devoutly, efficiently and to the best of his ability and effectiveness. And this, to be sure, he has done throughout all these years he has exemplified such high standards in the performance of his official and personal duty.

He presides over the House with dignity, impartiality and just consideration for all under the rules.

There are so many facets to the personality and the fine qualities and character of the Speaker that on this occasion, I do not have the time to recite them. But they are well known to all within the sound of my voice, and they are well known to his constituency, his great Bay State and to the American people.

I have known John McCormack through many years of my life. I have watched with great admiration the course of his brilliant career, not only in Massachusetts, in the halls of justice, in the State legislature, and in the Constitutional Convention, but here in Washington where for years he has rendered such wonderful, memorable service and has been in the vanguard of virtually all the great governmental events of his and our times.

It gives me a great sense of honor and privilege, although it is accompanied by a real tinge of sadness and regret, to join with my colleages as Members of the House of Representatives in paying these all too inadequate words of esteem, admiration, warm affection, and genuine pride in this great national and world leader, who stands out in our history, and who will long continue to stand out in our history, as one of the greatest American leaders, and one of the greatest Speakers, who has ever served in this body or, in any representative body of this Nation.

One of the most important facets, probably the most important facet of this great Speaker's life is that of his family relationship, which every Member of the House knows so intimately and so well. He is totally devoted to his lovely wife, and life partner, Harriet. His affection and love for her, and her affection and love for him know no bounds, and no limits.

I think that this relationship is one of the most wonderful that I have ever seen in my lifetime, and I know that everyone in the House shares that feeling with me, as to the devotion, the love, the thoughtfulness and the deep-seated, warm, affectionate bonds, marked by the extraordinary loyalty which the Speaker possesses, and his wife reciprocates and that has existed so meaningfully throughout the years.

It is a most impressive and moving story that could be told, the love of this great man for his lovely wife, and a woman for her husband, that has been exemplified so beautifully by the lifelong relationship between our great Speaker and his talented, gracious wife. God love and keep them for years and years to come.

So, today, while we are beset by mingled feelings concerning the retirement of our dear friend, our beloved friend and great Speaker, we have every reason also to be very proud of the record that he has made here and that he will leave here with us.

John McCormack is a man of great faith and loyalty. He is devoted to his Nation. He is devoted to his Maker. He is devoted to his loving wife and his family, and his friends.

He is devoted to the good causes of American government and our free way of life.

Throughout his career, he had the foresight and the vision to see the dangers; and he had the courage, the stamina, the strength and the resolution at all times to stand faithfully in response to the demands and the call to duty, the wisdom to see the light in these days of peril, and in all the days of peril that he has been through, and they were numerous, to stand by and for his country always with unanswering firmness, and to make sure that his country has the strength, not only in a military sense, but in an economic and social and spiritual sense as well, to face every contingency that may confront us, to stand firm and unyielding against peril and danger from every and any source.

So I am proud, I am very proud to join so many of my esteemed colleagues today in these very splendid, unprecedented, glorious tributes that have been made to our beloved Speaker.

I know that they come from the hearts of everyone here, and I know that they will comprise a record that will go down for many years in the life of America, and in the proud annals of this body, which assert the greatness of JOHN McCORMACK, and of our gratitude for his peerless services to God and country.

I want to congratulate our Speaker on the tremendous and powerful leadership he has furnished here in the House of Representatives, and for all his magnificent achievements covering most perilous times in American history and life as well as the most constructive periods, in which we have as a Nation achieved greater progress, greater prosperity and greater compassion and justice for those unable to help themselves than ever before in our history.

It has been a period of rich fulfillment that must go on to much greater heights.

There are problems before us and ahead of us marked by dangers and uncertainty.

But the work and loyalty of JOHN McCORMACK will be here in this House, to inspire its lofty goals, and bring them to reality.

So let us stand firm by our posts of duty, and our work for peace, progress, and prosperity for all.

I am very sad that you are leaving, Mr. Speaker, but from the bottom of my heart, I want to express my profound thanks to you for the many things you have done to help me and my colleagues, and to stand for those things that are fundamental and just in American life—for the people and for our Nation, and for the peoples and the nations of the world—and for peace and for justice everywhere.

I hail and salute you from the bottom of my heart and wish you and your lovely wife many happy years together.

Mr. ALBERT. Mr. Speaker, I thank my colleague very much.

Mr. Speaker, I yield to the gentleman from West Virginia (Mr. SLACK).

Mr. SLACK. Mr. Speaker, I join with those who view the retirement of Speaker McCORMACK as a mingled cause for sadness and regret. For all of us who are busy with our own direct concerns, he has set the tone and pace of the House. He has led us to an unsurpassed record of achievement during the difficult years when uncertainty often seemed to be dominant on the national scene.

The Speaker's chair requires a man of courage, skill, patience, and understanding. It is not enough to know the functions of government and the duties and responsibilities of Congress. The Speaker must have a keen awareness of "the art of the possible" in any situation, on any given day, in connection with any legislative proposal.

We are fortunate indeed to have enjoyed the leadership of Speaker JOHN McCORMACK in these trying times, because he combines all of these abilities with human traits of kindness and consideration for others, no matter how heated may be the controversy. I wish him well, as we all do, that he may enjoy for many years a time of repose and reflection so well earned by his great labors in behalf of the Nation and the Congress.

Service in the House under the leadership of Speaker McCORMACK has been a high point in my career. Like many others, I owe him much for his wise counsel. The most fitting tribute we can pay him would be to move ahead with solutions to the challenging problems which now confront us—moving ahead as he would with vigor and decisiveness. I am sure he will take the greatest satisfaction in retirement with the knowledge that his life's goals will be an activity pursued by those who share his philosophy and are determined to carry on.

Mr. ALBERT. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, no marble monument could adequately enshrine the huge contribution that Speaker JOHN McCORMACK has made to this Nation. His enormous service to America's social fabric is a living monument which, in my judgment, shall survive into eternity.

We need only look at America today. If over the last four decades JOHN McCORMACK had not provided the leadership for bank insurance, insurance for our savings and loan associations, and strengthening the Securities and Exchange Commission as well as the Federal Reserve bank, what is happening in the stock market today would have this Nation in a panic that would make 1929 look like child's play.

This great Speaker of ours, who came out of the depression, saw the shambles America was in during the depression of the thirties and carefully provided the bold and courageous leadership to shore up the financial institutions of our republic. So I say, Mr. Speaker, JOHN McCORMACK shall be known as America's most distinguished Speaker for humanity, wherever freedom's cause was at stake, he was in the front line in its defense.

As one example of his contribution to America, despite his enormous responsibilities as Speaker of the House, JOHN McCORMACK, was but a heartbeat away from the Presidency itself after the tragic death of President Kennedy. At this time this Republic knew it was secure in the knowledge that should the burden of the presidency fall on JOHN McCORMACK's shoulders, this Republic would have been in good hands.

So today, as we pay tribute to JOHN McCORMACK for his great leadership, we are grateful that Providence brought him to this Nation. For four decades, every piece of social legislation, every great struggle for human dignity, carried with it JOHN McCORMACK's imprint.

Mrs. Pucinski joins me in wishing the Speaker and his lovely wife many years of happiness. I have only one little request. I hope that in his retirement, the Speaker will consent to document his many, many experiences in the four most hectic decades of this country. Later this year we are going to observe a trillion dollar plateau in our economy and Speaker McCORMACK has played a key role in helping bring this country to this pinnacle.

I hope for the young people of America for all time to come he will record and document many of the steps that it took to bring this Nation of ours to the pinnacle of success that it enjoys today.

Mr. ALBERT. I thank the gentleman.

I yield to the gentleman from Alabama (Mr. ANDREWS).

Mr. ANDREWS of Alabama. Mr. Speaker, I want to thank my distinguished majority leader for yielding me this time. When the 91st Congress adjourns sine die, our friend, Speaker JOHN McCORMACK, can say as Paul did:

> I have fought a good fight, I have finished the course, and I have kept the faith.

Never could a man make that statement with more truthfulness than you could with the distinguished record that you have made here in this Congress. My whole congressional experience is wrapped around sweet memories of you, Mr. Speaker. I was sworn in here on the 21st day of March 1944, at 12:10, and at 1 o'clock my friends had a luncheon for me down in the Speaker's dining room. You were there.

One of the pictures that I prize most is the picture of that luncheon—you sitting by the side of my late sweet mother.

You have been a great Speaker, a great Congressman. I could speak all day about the many virtues that you have. I think I expressed my sentiment 2 months ago on the floor of this House when I said that come January 7, 1971, if the Democrats were in control of this House, I would vote for you as Speaker and use all the influence I had as dean of the Alabama delegation to see that you got every Democratic vote in that delegation.

You will be forgotten. I want to quote now my favorite poem, "The Heart of a Friend":

The heart of a friend never wonders or
    doubts,
No matter if years intervene.
The old faith is there
And nought can compare
With the comfort it gives though unseen.
Yes, the heart of a friend is one thing I prize
As life lengthens and twilight descends
It is the last boon I will ask
When I have finished my task;
That I live in the hearts of my friends.

I can assure you, Mr. Speaker, that as long as any of us are in this Chamber who served under you or who served with you, you will live in our hearts, because you have been a really true friend—and God bless you.

Mr. ALBERT. Mr. Speaker, I thank the gentleman from Alabama.

I yield now to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I come this afternoon not in any sense to take part in a formal proceeding but because I want to come and indicate my respect and my affection for you.

I am a relative newcomer to the House, as membership in the House goes, so my memory goes back to the time when I came and sought to take my place in this House and in my committee assignments. As the years went by, I had occasion to come repeatedly to you and ask your help and guidance and sometimes your support, and throughout you demonstrated the kind of fairness and open-

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ness and warmness that I am sure has won a place for you in the heart of every Member of this House.

Mr. Speaker, even during those times when perhaps I diverged in my views and votes from those that you might cast, there was never the slightest hint of any change in the sense of fairness and openness and fair dealing which has characterized you as Speaker of this House of Representatives.

You have been a great leader and you have presided over enormous achievements which have benefited this Nation. I am proud to join with so many who are your friends, who are deeply indebted to you for your service to this House and to the Nation.

Mr. ALBERT. Mr. Speaker, I thank the gentleman from Minnesota.

I yield to the gentleman from Florida (Mr. Pepper).

Mr. PEPPER. Mr. Speaker, I am grateful to the able majority leader for the privilege he gives me of joining my colleagues in tribute to one of the greatest men and assuredly the best man I have ever known, Speaker John W. McCormack.

The record of this country, as long as it shall survive, will be replete with his contributions to this great land, but it will be not only a cold record in the archives that shall call his name blessed, but also countless men and women and children who have been the beneficiaries of what he has done for America in this House. Innumerable men and women and children are healthier and better educated and live in more happy homes as a result of his contributions.

Many men and many women have better jobs and receive better pay and have more job security and live in a land where the air and streams of water are purer—but they also live in a land where the spirit, too, is purer because of what John McCormack has done for this America that he so much loves.

This House, Mr. Speaker, will not be the same nor will this Congress or this country be the same without John McCormack in his accustomed place in this House which he has so long and so nobly adorned.

Winston Churchill said he was the child of the House of Commons. He also became its noble leader.

John McCormack for over 40 years has been the child of this House. No man loved it more or served it better than he. But he also became its revered and beloved leader.

I can only say that when that day, remote, we all pray, comes when he shall move into membership in that higher house presided over by that God whom he has so long and so faithfully served, that all who knew John McCormack will say of him, as Antony said upon the field of Philippi over the body of Brutus:

> His life was gentle, and the elements
> So mix'd in him that Nature might stand up
> And say to all the world, "This was a man!"

Mr. ALBERT. I thank the gentleman for his beautiful tribute.

I yield to the gentleman from New York (Mr. Lowenstein).

Mr. LOWENSTEIN. Mr. Speaker, I want especially to join in this tribute to the Speaker today because it is no secret that on some questions we have disagreed, and it is important—if this occasion is to be what it should be—that those of us who have not always agreed with him make it clear that we are no less grateful for having known him than those who have agreed with him.

My wife's family is from Boston, and they have told me something of what John McCormack has meant to that community, how diligently he has worked without fanfare through the years for the good of so many kinds of people. But I would never have known what he has meant to this body had I not had the good fortune to be here with him. I will always be grateful that we overlapped here so I could have the opportunity to know this man, generous, considerate, and fair to everyone, never vindictive no matter how great his disagreement or disappointment.

The rules of this body continue to dismay many of us who find them neither democratic nor conducive to efficient procedures. But within these rules, the Speaker has done everything he could to protect the rights of every Member, and for that alone he deserves the respect of everyone here. Imagine what this place would be like if unfair rules were unfairly enforced.

So I am here today to join in this salute to a fine and good human being who has made great contributions to his countrymen over more decades than many of us have been alive. We are fortunate to have served under him as Speaker of the House, and grateful to know him as a friend. His graciousness and conscientiousness in the Speaker's chair have set standards that his successors will have to strive to reach, and his patience and concern during these first months will abide, however long I am in the House, as challenge and guide for my own behavior toward other Members. We will miss him sorely, and we wish him and Mrs. McCormack all that is good in the years ahead.

Mr. ALBERT. I appreciate the fine comments of the gentleman from New York.

I yield to the gentleman from New Jersey (Mr. Gallagher).

Mr. GALLAGHER. Mr. Speaker, I can think of no one at any time more deserving of this tribute. The great happiness in it is that he is here with us to listen to what we all think about him. It is really a day of celebration for a great American.

It is a day, too, when all of us reflect upon all the wonderful things he has done for so many of us.

It is a day, too, for our country to be thankful, to be thankful John McCormack was here to participate in so many of the great decisions of our times. No man participated more effectively in more decisions. No man was more a part of the great transition of history to a larger extent than John McCormack. No man ever extended compassion, and courage, and hope to all who knew him to a greater degree.

As all the speakers before me have pointed out, there are many personal moments with John I could talk about, as well as moments with Speaker McCormack we all delighted in.

I recall being at his side on the terrible night at Andrews Air Force Base when the body of John Kennedy was returned. The first man Lyndon Johnson walked over to was John McCormack. They looked at each other through moist eyes and shook hands. I knew that in those terrible days, in that terrible time, the transition of American Government was in capable hands.

I know that other Presidents in other troubled times have benefited from his great courage. There are so many, many things that can be recalled and said.

I am reminded of the story of the election on Olympus when all of the gods voted and determined who was the greatest of all the Romans. They selected Marcus Aurelius, because he had caused injury to no man.

John McCormack has caused injury to no man, but he has gone beyond that; he has given hope, and compassion, and courage to all who knew him. As the dome outside of this Capitol symbolizes the greatness of America, so the heart of John McCormack symbolizes the greatness of America, so the heart of John McCormack symbolizes the warmth, the love and compassion on the inside.

All of us who have served with him and known him as a friend well know that throughout the whole history of our country, as it is recorded from now on, the time of the gentleman from Massachusetts will never expire.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for those fine remarks.

Mr. ALBERT. Mr. Speaker, I now yield to the gentleman from Massachusetts (Mr. Keith).

Mr. KEITH. Mr. Speaker, I have somewhat mixed emotions standing up here today to offer a few words of tribute to our great colleague, the gentleman from Massachusetts (Mr. McCormack). On the one hand, it grieves me to think that his presence will no longer be physically felt in the daily operations of this body after the close of this Congress. But on the other hand, I can understand his concern over his wife's health and his desire to be closer to her than the daily demands of the Speaker's position permits.

Despite the fact that Speaker John McCormack will no longer occupy the exalted seat at the head of this Chamber, his presence and spirit will be felt for the many years to come. In all my years of public service, I have never known a man who was more devoted to his constituency and his country than he was.

Like Joe Martin, he had the common touch that made him a true representative of the rank and file American; yet his superior intellect, commanding personality, and strong character made him invaluable as a counsellor and friend to the leaders of all ranks in both national and international circles.

One of the most extraordinary pleasures of my public career has been serv-

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ing with this kind, good, and great man. I have never known him to refuse anyone the aid of his wise counsel and foresight. That spirit and that intellect and that kindness will be impossible to replace.

When the decade of the sixties are recorded in the chronicles of time, the tale will be one of change and turbulence, of war and great prosperity, of youth and a new way of life, and of conflict and the search for peace.

And when the chroniclers come to the name of Speaker JOHN McCORMACK they will record a tenure marked by calm in the face of national convulsion. A peacemaker in the face of war. A visionary midst a sense of national frustration. A youthful spirit in the garment of maturity. A statesman in the halls of politicians.

It is a pleasure to join my colleagues from both sides of the aisle in this fine tribute. And I, as many before me have said, express my personal thanks and the gratitude of my constituency for his dedication and devotion to the United States of America.

Mr. ALBERT. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to associate myself with the remarks made here today about our beloved Speaker, JOHN W. McCORMACK. I have known JOHN McCORMACK all my life. He will be enshrined in the hearts of the people of our Nation, the Commonwealth of Massachusetts forever.

JOHN W. McCORMACK's record, in my opinion, will go down in history and he will be recognized as one of the greatest Speakers in this beloved Nation of ours.

JOHN W. McCORMACK has stood the test of time. Some men are born great; some men have greatness thrust upon them; other men achieve greatness. JOHN W. McCORMACK has achieved greatness.

Mr. ALBERT. Mr. Speaker, I thank the distinguished gentleman for his remarks.

Mr. Speaker, I now yield to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I am happy to have this opportunity to join my colleagues in this tribute to the very distinguished and beloved Speaker.

It has been my pleasure and privilege to have served in this House during the entire time he has been Speaker of the House of Representatives and to know him and to respect him as a friend, one whose friendship I have cherished and will always cherish.

History will record the qualities of Speaker McCORMACK and particularly his able leadership during the days of the trials and crises during the administrations of Franklin D. Roosevelt, the person I still consider to be the greatest of modern American Presidents.

I would note briefly some of the highlights of a remarkable political career spanning 42 consecutive years in the House of Representatives, 9 years as Speaker. But it is not length of tenure alone which history will record. Rather the battles he has fought and the accomplishments he has achieved truly mark his merit.

During the 1930's, he was one of the leading champions of the New Deal legislation which helped to bring this country from the depths of the Depression, and which marked the beginning of a social revolution in this country. His support of such measures as the National Housing Act, the Tennessee Valley Authority, the Securities and Exchange Act, the Wages and Hours Act, the Wagner Labor Act was recognition of the fact that the needs of all the people must be served, and that Government exists to serve them.

In later years, serving as chairman of the Select Committee on Astronautics and Space Exploration in 1958, Speaker McCORMACK sponsored the bill to create the National Aeronautics and Space Administration.

In 1963, as Speaker, he used his well-deserved prestige to help influence enough votes to win a permanent enlargement of the Rules Committee, so that liberal bills would not continue to be bottled up there. The legislative breakthroughs of the Johnson administration followed.

Speaker McCORMACK has been in the forefront since he entered the Congress of those fighting for the progressive legislation which has become law over the last 40 years. The Nation is indeed indebted to him.

With affection and respect, I pay tribute to our Speaker JOHN McCORMACK. It will be strange indeed not to find Speaker McCORMACK in the chair when the new Congress convenes next January.

Mr. ALBERT. I thank the gentleman from New York.

I yield to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Speaker, it is with a sense of pride that I join with my colleagues in paying honor and tribute so richly deserved to a truly great man, one of God's noblemen, Speaker JOHN McCORMACK.

I feel certain that all my colleagues, as well as I, have been enriched in spirit and soul because of association with the Speaker. His life's work embodies the spirit of dedication, brilliant and confident leadership, and unselfish devotion to the highest American ideals. He has been an unyielding champion of peace with freedom and justice for all men and nations. The Speaker has been a tireless fighter for human rights, equal dignity and equal opportunity for all people. He has been an unyielding foe of poverty, disease, illiteracy, injustice, and all forms of tyranny. For decades past and decades to come, people have been, and will be, indebted to Speaker McCORMACK for his contributions to our way of life.

Speaker McCORMACK will leave an indelible print on the Halls of Congress.

Mr. ALBERT. I thank the gentleman from Ohio.

Mr. Speaker, I yield to the distinguished gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Speaker, what I have to say with reference to you would go on like Tennyson's brook, forever.

I think of the excerpt:

They shall not grow old, as we that are left
grow old;
Age shall not weary them, nor the years
condemn.
At the going down of the sun, and in the
morning,
We will remember them.

In the past there has been one place in the world where a man could stand in the marketplace and say, "I am a Roman citizen and no one dared to dispute it."

The gentleman from Massachusetts can say with his last breath, "I am an American citizen and no one could dispute it."

As the Irish say, there are only a few of us left, oh, but what a few.

During recent discussions about the Speaker and some of the controversy I felt called upon to send a telegram and in the telegram I said this:

I am for McCormack, McCormack and McCormack.

Mr. ALBERT. I thank the distinguished gentleman from Pennsylvania.

I now yield to the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS. I thank my distinguished friend from Oklahoma for yielding to me at this time.

It has been very difficult for me to find words that I can say to all of you and particularly to my good friend JOHN McCORMACK that express the deep feelings that I have and have had for him and toward him.

The Speaker was a Member of the House for 10 years when I first came here. His reputation was known even then in the great State of Arkansas. He was a member of the Ways and Means Committee. His membership on that committee and my admiration and respect for him had much to do with the great desire that I had to serve on that committee. He was a great source of strength and help to me when I first came here. He has forgotten, of course, the many little trivial problems that I had which I would discuss with him and some of the other Members who were senior to me. He remembers that I was confused sometimes in those days by some of the Members and even by the page boys, but not by him.

He always knew me. I was always "WILBUR." My problems were always most important to him. It is a great privilege to look back, Mr. Speaker, at having been a member of a delegation then of seven Members who supported your first election to the position of majority leader the first time you became majority leader.

I think I shall always remember—as I now do—the many, many pleasantries that have passed between us, but as I think of this I think my association with you, Mr. Speaker, has perhaps made—if I am a better man—a better man of me than I would have been, because my impression of you is that very few men, if any, have ever had the respect for religion that you have had, and put it into effect here in the Congress as you have.

As I think also about you I wonder how many of us have ever had that great respect for home life that you have demonstrated all the days that I have known you. Then, too, I think in terms of that great respect you have for honor. You may have forgotten, but you told me early in my career that one of the things a Member of Congress must always demonstrate in order to have the respect of his fellow Members was honesty. Be slow to say what you will do, but do it when you say it.

I could go on and on, Mr. Speaker, on the impressions that I have of you. After your retirement, this will not be the same place for me. The important fact is that there have been very few people who have ever had the honor of having served in the House of Representatives more than half their lifetime, and you have had that great honor. You have repaid the people of your district manyfold for what I have always said in my own district was their patience and understanding of my demerits as well as the merits I claimed I had. Your people have been kind to you, and in return you have been kind to them.

I know that the reason for your retirement is that desire you have to be with your loved one. If it were not for that, those of us privileged to do so could expect to come back, as Dan Flood said, and rather than expect to be voting for Carl Albert for Speaker at the next Congress, we could expect to be voting for our longtime Speaker, John McCormack.

I hope you will not forget us, as we will not forget you. I hope you will not find it impossible to get back to Washington from time to time, because very frankly I am going to be lost without your advice on occasions, as I have sought it so often—and so often you have given it to me freely, always the best advice I could get anywhere. I look forward to seeing you not only for the remainder of this Congress but in the days and beyond. Please come back to see us. Do not let us feel that your departure at the end of the year is an exit with no return—come back.

Thank you, Mr. Speaker.

Mr. ALBERT. Mr. Speaker, I thank the distinguished gentleman from Arkansas (Mr. Mills), for his moving tribute.

Mr. Speaker, several of our colleagues are out of the country and I have here a telegram from them extending their best wishes to Speaker McCormack, which I include in the Record at this point:

> 1. We deeply regret that we will not be able to be present today in Washington to join our colleagues in both parties in honoring our great Speaker, John McCormack.
>
> 2. We do join you in spirit and we ask you both to express to the Speaker our highest admiration and affection and our warmest best wishes for the future.
>
> Edward G. Biester, Jr., Phillip Burton, Thomas S. Foley, Donald E. Lukens, Robert B. Mathias, Thomas F. Railsback, Donald W. Riegle, Philip E. Ruppe, Williamson Stuckey.

Mr. Speaker, I have never seen such a demanding, persistent group of colleagues who would like to go on all night, in spite of the fact that we are all going to entertain you in just a very few minutes.

Mr. Speaker, this is proof, if proof is needed, that although we have a political aisle it melts under the sunshine of the devotion of everyone on both sides of the aisle for you, the greatest living legislator in the world.

Mr. PERKINS. Mr. Speaker, when I first came to the Congress in 1949 I felt challenged to find solutions and work vigorously for the many needs that confronted the eastern Kentucky congressional district which it was my privilege and is my privilege to represent in the Congress. At that time our distinguished Speaker, John W. McCormack, was majority leader for the U.S. House of Representatives.

Even though I was an attorney and acquainted with legal procedures and was versed with the parliamentary procedures that I had encountered in the general assembly in the Commonwealth of Kentucky, I found in John W. McCormack a great ally of the freshman Congressmen, a distinguished gentleman who believed in liberal and progressive legislation, a gentleman who, in spite of the demands of his position in the House, was always willing to provide his experience and counsel and help to a Member who earnestly sought to reflect the needs of his district in legislation before the Congress.

I treasure those moments with John McCormack the then majority leader of the House.

I treasure further the opportunities I have had for his counsel, for his wisdom, for his infinite legislative experience as he assumed the mantle of Speaker. In spite of the awesome responsibilities with which this title confers, John McCormack has continued to be responsive to the needs of Members of the House, be they newcomers or be they Members with years of experience.

Throughout his legislative career, I have been greatly impressed with Speaker McCormack's driving sense of responsibility to meet the urgent needs of the American people. Regardless of their geographical location, regardless of the origin or creed, Speaker McCormack has been sensitive to the fashioning of legislation to provide opportunities for Americans to develop their full potential unrestricted by unfair competition and unrestricted by economic disadvantage.

Representative McCormack, Majority Whip McCormack, Majority Leader McCormack, and Speaker McCormack has served his Nation loyally, his constituency dilligently and mankind with effectiveness that will be marked in the pages of history with greater emphasis than I or any other Member can convey at this time.

As a Member who has loved him and a Member who has treasured relationships with him I wish him well in what I know will be an effective retirement. A retirement that calls for his leadership abilities in many areas.

Mr. Speaker, it is with genuine pleasure and a deep sense of affection that I join my colleagues in paying tribute to one of the most distinguished men that America has ever sent to this House of Representatives, our beloved John McCormack, of Massachusetts.

Long before I ever came to Congress, John McCormack's name was synonymous with progress, leadership, and a development of programs that are now an integral part of American life.

As I have worked with John McCormack for 10 years, three things have come through sharp and clear: First, his understanding of the problems of Members and his reconciliation always of those problems; second, his integrity, gentlemanliness, and sense of decency; and, third, his fairness to every human being.

Women have not always been the most popular Members of the Congress, yet it was with no hesitation whatsoever that John McCormack, as a majority leader and Speaker, has seen that women were treated fairly and equally. I sometimes fear that in our haste to change our fashions, we often forget enduring contributions made by our leadership, so I do want to speak for American women in thanking John McCormack for his fairness and great sense of justice.

I salute our great and distinguished Speaker and wish him and Mrs. McCormack the happiest of years ahead.

Mr. SMITH of Iowa. Mr. Speaker, this is my 12th year in the House of Representatives but, of course, I had heard a great deal about the great Speaker of this House long before coming to this House, in fact ever since I was in high school, at which time although he was not the Speaker he was a national leader. I consider it a great privilege to have had an opportunity to serve under both the present Speaker and the late Sam Rayburn, both of whom will certainly go down in the annuls of legislative history. While there were differences in their approach they also have had many similarities. One trait being that they were known far and wide as men of their word and leaders who would always place the national security and national good above everything else. Seldom do two men with such great leadership and other characteristics serve in the same period of history.

Everything that I can say concerning personal relationships with the Speaker, personal observations and personal impressions will certainly have been said many times over by other Members speaking today and would, therefore, be trite. So let me merely join the many others here today who thank Speaker McCormack for all the help and guidance that he has given to his country for the many years that he has served his Nation; and my wife and I extend to the Speaker and Mrs. McCormack our very best wishes for the future.

Mr. McDADE. Mr. Speaker, I believe that all of us in the Congress were greatly moved when our distinguished Speaker announced last week that he would not seek reelection to the Congress and would, therefore, relinquish the office which he has held for the second longest time in American history.

I believe, also, that no one in the Congress is unaware of the immense responsibilities which lie upon the shoulders of the man who leads the House of Representatives in meeting its responsibilities to the American people in the writing of the laws of this Nation.

Finally, I believe everyone in this House recognizes that our present Speaker has carried that difficult burden with dignity and distinction.

I commend the Speaker for the work which he has done so unselfishly for so many years in leading this House as it works for the well-being of the people of America. Certainly history will note that in those years when he sat as the Speaker, some of the most important decisions in the history of this Nation were made here in the House of Representatives.

I wish him Godspeed and many, many years during which I know the leaders of this Nation will consult with him in retirement to give the American people the benefit of the wisdom he has accumulated through his long years of public service.

Mr. KLEPPE. Mr. Speaker, Speaker John W. McCormack has always made a big point of his friends, irrespective of which side of the aisle they come from. I enjoy the personal warmth of counting myself as one of his friends. Each time I have talked to him, I have received the courtesy and fairness from friend to friend.

I add my voice to these words in complimenting John McCormack for the kind of a leader and the kind of a man he is.

God's blessing to our Speaker, John McCormack, and his wonderful and devoted wife.

Mr. BRAY. Mr. Speaker, it is a simple fact of human existence that a man's life is shaped and influenced by those with whom he associates. This is especially true here in this Chamber of the House of Representatives, in Washington.

We the Members have perhaps one of the most interesting and unusual vantage points in the entire American Republic. For we are privileged to see what is, in essence, the face of this Republic pass before us, in the faces of our colleagues.

Of course this has to be the case. The phrase "If you cannot trust the voters, whom can you trust?" is often denounced as a cliche. It happens to be very true; each Member, to some degree, mirrors his constituency, or he would not be here.

Each Member also reflects something that is basic and integral to the very soul of our Nation. This is my 20th year of service in the House of Representatives. I wish to say at this time, as we now know the time of service remaining to the Speaker, the Honorable John McCormack, is rapidly drawing to a close, that in all those 20 years I have never seen, known, or had my own actions shaped by, any other man who could be called more noble, more forthright, more honest—or more of a truly great son of our Republic.

Men are enjoined, in the Apocrypha, in Ecclesiasticus XXXIII, 22, that they should "Leave not a stain in thine honor." When John McCormack leaves this Chamber for the last time as Speaker, he may leave with the quiet knowledge that the honor of the Chamber, and the honor of each Member who has been privileged to know and work with him, is brighter than before—because he served here, because we knew him.

Let him reflect, then, both now and after he goes into retirement, on the phrase from Shakespeare's Othello:

> I have done the state some service, and they know't.

Yes—and the American Republic will never forget it.

Mr. McClory. Mr. Speaker, in participating in this public tribute to our Speaker, the gentleman from Massachusetts (Mr. McCormack), I speak as a Member of the minority. In many respects, an expression from the minority has deeper meaning. I can say that, because as Speaker your display of fairness and consideration to the House membership on both sides of the aisle was essential in order to merit the respect and praise which minority Members are expressing for the Record today.

Mr. Speaker, in honoring you today, I cannot help but recall the kindness and humility which you have always displayed when such qualities were appropriate.

On other occasions, you demonstrated your great eloquence, firmness, and persuasive qualities.

On many issues, Mr. Speaker, you have subordinated partisan interests in support of positions of statesmanship.

Mr. Speaker, you have been the Speaker of this House during the entire 8 years of my experience here. These are among the most precious years of my life and among the most colorful and dramatic years in the history of our Republic.

Mr. Speaker, I have prized your friendship, your confidence, and your assistance. In attesting to your greatness and your contributions of leadership and service, I add this expression of gratitude for having served here in this House of Representatives with you.

Mr. Speaker. Mrs. McClory joins me in extending every good wish for health and happiness to you and to Mrs. McCormack in the years to come.

Mr. GOODLING. Mr. Chairman, I want to join with the rest of my colleagues in expressing my deep appreciation for having had the opportunity of serving in the House of Representatives while the Honorable John W. McCormack served as its Speaker.

There are many good things that can be said about Mr. McCormack. For one thing, he had a superb grasp of legislative proceedings, always acting to untangle procedural knots that developed and to keep the legislative events moving smoothly and swiftly. For another thing, he had an exceptional understanding of the ramifications of legislation, and he always had an accurate measure of the breadth and depth of a bill. He also had a facility for debate which everyone admired.

But as he was a skilled craftsman in his legislative workshop, so was he a total human being, having a great capacity for fairness and understanding. As he managed the affairs of the House, he always gave every Member a fair chance to be heard, for he believed that the best legislation was that kind which flowed from a dynamic interchange of views.

Mr. McCormack always contended that the greatest service anyone could perform was service for one's country. He excelled in this regard, setting up a standard for other public-conscious persons to follow in the future.

Undoubtedly history will record him as one of the foremost Speakers in the House of Representatives, both for his talent and his service. In this respect, he has become a legend in his own time.

The House of Representatives will not be quite the same legislative chamber when John W. McCormack leaves the Speaker's chair. It is a better Chamber, however, because of his occupancy of that chair.

Mr. BURKE of Florida. Mr. Speaker, I know that my words today will in no way match those of my distinguished colleagues, but after all their words, as true and as deserving as they might be, are not the words of respect for you, our Speaker John McCormack, that I find in my heart. Let me not be misunderstood, because I would like to adopt the words of those of my colleagues who preceded me as my own, and to add what follows now from my mouth as words truly from my heart.

You, Mr. McCormack, are a great man. I have been privileged to observe your conduct during the time that I have been in the Congress. You, Mr. Speaker, are a dedicated American, and an American that all Americans should appreciate.

You have said on occasion that when you leave the Speaker's chair to speak on the floor that you always acknowledged your dedication to your country and to your party, but you said you hoped that you would always sit in the Speaker's chair fairly and impartially. This you have done, Mr. Speaker; you are indeed a fair and honest man.

I am not a true veteran of the House as compared to many but since I was sworn in by you in January 1967, you have always treated me as an equal. You have encouraged me, like you have others, to work in a manner to earn the respect of, not only my constituents at home, but of my colleagues in the House as well.

Mr. McCormack, your record of big accomplishments, as a Member of the Congress and as Speaker of the House of Representatives, is well documented. Few, if any Americans, have a greater record of service to God and Country than you. Few, if any Americans, could have accepted the responsibility placed upon you in the outstanding manner that you have.

But it is not only the big things you did that made you a great person. No; it is because you are a kind man and never forget the little things, such as remembering a birthday or someone who is ill. I remember shortly after I came to the House that I went to the hospital with a serious throat infection. You did not have to, since I am a Republican and you are a Democrat, but you came to the hospital to see me. No, Mr. Speaker, you did not have to, but you did and I was grateful.

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I am indeed grateful that I had the honor and pleasure of serving with you. I am even more grateful that I had the chance to get to know you.

Mr. Speaker, may God bless you always.

Mr. GROVER. Mr. Speaker, we have had many proud moments in the House during my short 8 years here when our great Speaker has risen to great heights of statesmanship and parliamentary wisdom.

One great, proud moment for me and for my mother was the occasion of her meeting her fellow "down-easter" in the Speaker's chambers a year ago.

And it was a proud moment for me, also, some months ago, when, after hearing members of the Massachusetts delegation rally to the Speaker's defense over some newspaper comment over an extraneous and irrelevant matter. I took pen in hand to say to him that no one ever need rise to his defense, that his outstanding record would always speak for his greatness and nobility of character.

The bad that men do lives after them, and the good is interred with their bones.

It is so fitting and deserving that this great American public servant can hear from us with satisfaction the high esteem and fondness which we hold for him, that he can carry with him to his retirement a sense of fulfillment in a job so well done and that cheer and comfort which comes from the sincere professions of love and brotherhood of his colleagues.

When I have retired from the Congress, one of my satisfactions will be in being able to say "I served with him."

Mrs. GRIFFITHS. Mr. Speaker, no person in this Congress has been treated more kindly and more fairly than I have been by Speaker McCormack. I cannot begin to express my gratitude to him for giving me the breadth of opportunity to serve which he has given me.

All of us will miss you, Mr. Speaker. I join with all of the rest in thanking you for your service to our country and this body, and I wish you and Mrs. McCormack the happiest retirement.

Mr. NATCHER. Mr. Speaker, I want to take this opportunity to add my words of tribute to one of this country's outstanding public servants, the Honorable John W. McCormack of the Ninth Congressional District of Massachusetts, who came to Congress 42 years ago in the 70th Congress following a splendid career in the Massachusetts State Legislature.

When history records the story of John W. McCormack's tenure in the Congress which will end with his service as Speaker of the House of Representatives, the highest honor that can come to a Member of either House of the Congress as a whole, it will state that he served as chairman of the Select Committee on Astronautics and Space Exploration. After the Soviet Union succeeded in placing Sputnik I in orbit on October 4, 1957, a select committee composed of 13 Members of the House and 13 Members of the Senate was named and after conducting hearings for a period of 1 year prepared and passed through the House and the Senate the legislation creating the Space Agency and shortly thereafter the necessary resolution setting up the Committee on Science and Astronautics.

On the initial select committee we had seven members on the Democratic side composed of John W. McCormack, chairman, together with Representatives Overton Brooks, Brooks Hays, Leo W. O'Brien, Lee Metcalf, William H. Natcher, and B. F. Sisk. On the Republican side we had as the ranking minority member, the Honorable Joseph W. Martin, Jr., together with Representatives Leslie C. Arends, Gordon L. McDonough, James G. Fulton, Kenneth B. Keating, and Gerald R. Ford.

Mr. Speaker, again I want to say that, in addition to having served a long and honorable record in the Congress, history will indeed record the fact that one of the outstanding assignments performed by John W. McCormack during his entire tenure in political life was when he served in his important capacity on this particular select committee.

The chairman of the Select Committee on Astronautics and Space Exploration in the Senate was Lyndon B. Johnson who, at that time, was the majority leader.

Mr. Speaker, I do appreciate having this opportunity to pay my respects to one who has served so long both as a majority leader and Speaker during many of the most crucial and momentous years of our Nation's history.

Mr. MORGAN. Mr. Speaker, I cannot let this occasion pass without adding my deep-felt appreciation for the leadership and friendship provided by our beloved Speaker, John McCormack. In a quarter of century of service in this body, I have known many men with many viewpoints. My friendship in each case was not determined on the basis of whether they agreed or disagreed with me. I look for other qualities in them by which to judge their work.

Today, I feel it is a privilege, yet personally a sad occasion for me, to join with other Members in paying tribute to a man whose intellectual and personal qualities stamp him as one of the truly great men of this generation.

Anyone who can pass the constant scrutiny of his constituents and of his colleagues in this body as Speaker McCormack has consistently done must have a capacity for leadership. He has steadfastly put his country above his party; he has exercised the prerogatives of his high office in a manner that shows his devotion to the traditions of this great body.

His departure from this Chamber will leave a void that no other man can fill. I can only wish him the best of everything in his remaining years.

Mr. BURLESON of Texas. Mr. Speaker, Speaker John McCormack has always been close to Texas and Texans. It was my privilege to serve in this Congress with Sam Rayburn as Speaker and John McCormack as majority leader. They were a team. They were not only a team in their official capacity, but one could observe the personal friendship which existed between them. The House of Representatives operated under these two like a well oiled and highly tuned machine.

From a personal standpoint I have had years of warm and valued friendship with Speaker McCormack.

I trust that in your retirement, Mr. Speaker, you and Mrs. McCormack will find a quiet and peaceful happiness and that you may enjoy good health for years to come.

Mr. BENNETT. Mr. Speaker, I join with my colleagues today in grateful appreciation for the great leadership of Speaker McCormack through the many years of his dedicated service to our country. In doing so, I also pay tribute to his beloved wife, who has been a part of the team which our country loves and is deeply grateful for. Few people in history have had the responsibilities of our Speaker, and he has met these responsibilities with courage and optimism, in a way that has made our country, and in fact the world, a better place in which to live. All of us are grateful.

Mr. EDMONDSON. Mr. Speaker, one of the keenest judges of character that I know is my wife, June, who has been my partner in life for 26 years.

I have never known her to misplace her confidence in or to misjudge the character of, a man or woman whom she got to know well—although some might say her judgment slipped considerably when she agreed to become Mrs. Edmondson.

This is preliminary, Mr. Speaker, to saying that my wife has long contended that John McCormack, of Massachusetts, is one of the finest men she has ever met—and Mrs. McCormack is one of the loveliest and most gracious women she has ever known.

In this judgment I wholeheartedly concur.

Speaker McCormack, from the day in 1953 when I first met him, has been a strong friend, a wise counselor, and a constant inspiration. I am sure that many, many thousands of Americans who have known this great Boston patriot will agree with me in the judgment that John McCormack is one of the truly great Americans of the 20th century.

The House of Representatives, and the Nation, are stronger and better in many ways because of the leadership, vision, courage, and ability of John McCormack, of Massachusetts.

It has been a great privilege to be associated in the House of Representatives with John McCormack. It is an even greater privilege—one of the greatest of my life—to know and be warmed by the friendship of this good man.

To John McCormack, and to his lovely lady, I extend the heartfelt appreciation and best wishes of the Edmondson family.

May the years ahead be years of beauty and of peace.

Mr. HÉBERT. Mr. Speaker, my words today shall be simple and short, but boundless.

One of the treasures of my 30 years service in Congress is the reflection that I can call John McCormack my friend. What else can I say now or at any time but that John McCormack was a man of deep devotion and love for his wife and his country.

Who among us is not better for having been privileged to walk in his shadow? To all the elaborate phrases, to all the superlatives, to all the hyperboles, to all the tributes, to all the accolades, I can only say, truly deserved, truly earned, truly merited.

Mr. MONAGAN. Mr. Speaker, I am honored to support this resolution paying tribute to the life and service of Speaker JOHN McCORMACK. Since I first came to the House in 1959, I have felt that JOHN McCORMACK was a friend as well as the leader of our party in our Chamber.

His life has been one of devotion to his principles and he has lived in a restrained and ascetic way that has been the wonder of many people in this self-indulgent age. His personal pleasures have been few and simple and his virtues have been many. Perhaps his greatest virtue has been that of loyalty. This has been demonstrated in his loyalty and love for his wife and his family connections and in his fierce devotion to the Democratic Party and to the church of which he is a member.

His support has always been open and courageous and energetic and he can take credit for playing a prominent role in the social legislation of the New Deal days which have since become a landmark in the history of this country. He also played a prominent role in helping the country prepare for World War II, and his lifelong devotion to the cause of religious and racial tolerance and his work to protect minorities from persecution and discrimination have been noteworthy.

A man of honor, a man of courage, and a loyal friend. What more can one say of any individual?

I am happy to pay my tribute to JOHN McCORMACK and to support the corporate action of the House in this resolution which we consider today.

Mr. CÓRDOVA. Mr. Speaker, it is my honor and pleasure to participate in acknowledging and applauding the leadership of our Speaker, JOHN McCORMACK, who has become second in length of service in that distinguished capacity only to the great Sam Rayburn.

Although I am yet a beginner in legislative public service, I feel indebted to our Speaker for his understanding of the problems I have faced, for his counsel and for the generous and ready cooperation that he and his well-trained staff have extended whenever it was needed.

More than appreciate this assistance, so important to a freshman Member of Congress, I am deeply grateful for it. Moreover, I am confident that herein lie at least some of the qualities of JOHN McCORMACK which have made him a respected leader and a persuasive one.

I join, therefore, with enthusiasm and esteem in saluting him as a man and acclaiming his record in the service of our country.

Mr. O'NEILL of Massachusetts. Mr. Speaker, in 3 days you will have served longer continuously as Speaker of the House than any other man in American history.

That record is an indication of the high esteem in which you are held by the people who know you best, the men who serve with you here in the Congress.

During your service as minority whip, majority leader, and as Speaker of the House, this Nation has seen the greatest record of progressive legislation of any time in the Nation's history.

JOHN McCORMACK has led the fights that produced medicare, aid to education, civil rights legislation, antipoverty programs. Programs of foreign assistance, such as the Marshall plan, NATO, Food for Peace, and the Peace Corps, exist only because he believed in them and worked for them.

This Nation is greater because JOHN McCORMACK has served it so well. The good of the Nation was always his guide to action. JOHN McCORMACK came from a tradition that put public service in an honored position, for it meant just that. He who could help his fellow man was fortunate. For our beloved Speaker, the people were what mattered. He wanted to accomplish that which would help those people who did not share fully in the wealth of this great Nation.

JOHN McCORMACK's work was always directed toward that goal of allowing all the people of this Nation to share equally and fully in our society.

Our Speaker is a man of great love for humanity and for the liberties and rights of this Nation. He is a man of absolute integrity and honesty, and whose sense of duty is perhaps greater than any I have ever seen.

All the good of our Nation has accomplished in the last 30 years has been due to his dedication, his perseverance, and his love of his fellow man.

Because JOHN McCORMACK loves his fellow men he has made America a better place in which to live. He has enriched the quality of American life.

I have been privileged to call JOHN McCORMACK my friend. He is my leader and I am thankful for his tutelage and his help.

JOHN McCORMACK knows that this Nation is indebted to him for his great service. But I know, that he does not care for plaudits or honors, his satisfaction comes from seeing the good he has accomplished. Our beloved, Speaker, I think, is pleased not by praise, but by knowing that for millions of people, he has made life better and more worth living. In reality, there can be no greater reward.

Mr. GRAY. Mr. Speaker, I feel so inadequate and shallow when I try to think of proper words that would adequately describe your life and service here today.

As I have sat by your side all afternoon and listened to these beautiful and highly deserved tributes, I think one thing stands out above all else and that is, Mr. Speaker, that every person has pointed out in glowing terms your love and dedication to your country, your family, and your fellow man. I know of no loftier heights to which one could aspire than to reach that station in life. You not only have reached it, but have far surpassed it.

When I came to Congress in 1955 as the youngest Member, you and the late Speaker Rayburn, took me under your wing and gave me counsel and advice far beyond expectations. For whatever good I might have been to my district and my country, I owe much of it to you.

In behalf of my family and my staff, I want to dedicate the following poem to you, entitled "The Bridge Builder":

THE BRIDGE BUILDER

I saw an old man going down a lone highway, when he came to the evening cold and gray. To a Chasm, vast, deep, and wide—the old man crossed over to the other side. When safe on the other side the old man turned back to build a bridge to span the tide. Ol' man, said a fellow pilgrim near, you are wasting your strength with building here, your ending may come with the passing of the day, you may never again come this way—you've crossed the chasm vast and deep and wide, why build you this bridge on the other side. He lifted his old gray head—good friend down the path I have come, he said, there follows after me today a youth whose feet must pass this way—he too must cross in the twilight dim—good friend, I am building this bridge for him.

Mr. Speaker, you have built so many bridges in your 42-year career that it would be impossible for me to enumerate them here today. You have built bridges both in national emergencies and in peacetime progress. Every American lives freer and has a better way of life because of you.

Speaking personally and for the 487,000 I represent in southern Illinois, we love you and want to say "A job well done." We wish for you and Mrs. McCormack the best of health and happiness in the years to come.

Mr. MORTON. Mr. Speaker, today we have most appropriately set aside some time for this great body to honor you personally and your 42 years of service in the congress of the United States.

I speak first from the point of view of a four-term Member of the House who has served totally under your Speakership. For this privilege I am highly honored. Also, I am deeply appreciative of your courtesies, your fairness, and your assistance. Your leadership has been apparent, it has been dynamic and meaningful to all of us who have served with you either in the majority or in the minority.

Today, I also speak as the chairman of the National Committee of one of our great political parties. The rules of the House have been designed to enhance the effectiveness of the two-party system. The rights and interests of a minority, wherever it exists, are the basic trusteeship of this great institution, the House of Representatives. Your keen awareness of this trusteeship, the fairness with which you have administered the responsibilities of your office, and your deep understanding of the purpose of the legislative branch has mean a great deal to us Republicans who have worked with you in an effort to bring a better life for people throughout this land.

In a personal way may I extend heartfelt best wishes to you and Mrs. McCormack as you bring to a close a long and productive career in public life. I hope that the years of your retirement are many and that they are healthful and rewarding, for they are richly deserved.

Mr. UDALL. Mr. Speaker, I am pleased to join in support of the pending resolution and applaud the majority and minority floor leaders for giving the House the opportunity to note this important event. This fine man, JOHN McCORMACK, deserves the gratitude of his party, his State, and his country. Few men have had the privilege of serving this country through such a long sweep of history. And throughout that service he has been tenacious and resourceful in fighting for those goals in which he believed. While I have had a few differences of opinion with our distinguished Speaker, I have never had anything but praise for his exemplary fairness, his keen mind, his integrity, his kindness toward his colleagues, and his devotion to duty.

I know he will especially enjoy the remaining months of his speakership as he receives the praise and commendation of the Nation. I wish for him and Mrs. McCormack the best of everything in the years ahead.

Mr. BINGHAM. Mr. Speaker, I am pleased to have the opportunity to add my voice to the many of my colleagues paying tribute to one of the most progressive and effective Speakers ever to lead the House of Representatives in its 181-year history, the Honorable JOHN W. McCORMACK.

He has served this body more than 40 years, and has been one of its elected leaders for more than 30—as majority whip, majority leader and finally Speaker. His election in 1962 marked the beginning of a new era of effectiveness for the House of Representatives as a progressive governmental body. Under his courageous leadership some of the most difficult national problems were faced and great pieces of legislation were the product: The Civil Rights Act of 1964, the Voting Rights Act of 1965, The Consumer Credit Protection Act of 1967, and the list could go on and on. This most distinguished native son of Massachusetts, which has produced so many of America's greatest statesmen, has sensed the direction of this Nation and helped give life to its dreams of equality, justice, and self-fulfilment for each of its citizens. Five Presidents have sought him as a trusted adviser and junior Members of both the House and Senate have listened well to his learned counsel. He has often said:

> If I had a choice to be known either as a great man or a good man, I would choose to be known as a good man.

I am sure that schoolchildren generations from now will know Speaker JOHN W. McCORMACK as both good and great.

Mrs. SULLIVAN. Mr. Speaker, when the late Speaker Sam Rayburn, whom we all loved and respected, exceeded the record of service as Speaker previously set by Henry Clay, there was deep pride among all of the Members of the House in his great achievement. Few of us expected to see the Clay record broken a second time in our congressional lifetimes, because it had stood for so many decades until Mr. Sam reached and exceeded it.

Now we are privileged in having a Speaker who has duplicated the Rayburn feat of exceeding the Clay record, and it is particularly proper that the honor should fall to the successor to Sam Rayburn as Speaker of the House, the Honorable JOHN W. McCORMACK—a worthy successor, indeed, to Sam Rayburn in all respects.

Mr. Speaker, the Office of Speaker is the most important in our Republic next to the Presidency. The Speaker makes democracy function in the House of Representatives, which is the bastion of our democratic system. It is a position of great power, and also of great opportunity. Speaker JOHN W. McCORMACK has filled that mighty office with dignity, with courage, with effectiveness, and with grace. He has brought added honor to a most honorable position of public service.

Mr. Speaker, I extend to you and to your beloved wife my warmest personal congratulations on this historic milestone in a great congressional career—one which has not only spanned a great era in our history but which has contributed immeasurably, and monumentally, to the great achievements of that era. Congressman JOHN W. McCORMACK of Massachusetts has been, throughout his service in this body, an undaunted and courageous leader of liberal thought and action, and I stress the word action.

No Speaker has ever done as much for each individual Member of this body, on both sides of the aisle. And no man has ever been higher in our esteem. I am deeply grateful to our Speaker for helping me find a home in the House—making me feel a part of one of the greatest instruments of government ever devised.

Mr. DELANEY. Mr. Speaker, I believe that I speak for all of the House when I say that it genuinely saddens me to learn that Speaker JOHN W. McCORMACK will not be with us next year.

When I first came to Congress in 1944 Mr. McCORMACK was already an accomplished legislator and a proven congressional leader. Over the years since then he has become my close and personal friend, and he has always been generous in his help and counsel. I shall miss his presence.

During 40 and more years in the House of Representatives JOHN McCORMACK has consistently worked for what he likes to call "progressive" legislation—legislation with direction, purpose, and effectiveness, legislation which has benefited every member of this country.

There is no need to describe in detail the legislative accomplishments of Mr. McCORMACK, because the statutes are full of his achievements, and almost every piece of important legislation since Franklin D. Roosevelt and the New Deal bears the imprint of his efforts.

On Friday of this week Speaker McCORMACK will have served as Speaker continuously for almost 8½ years, longer than any other Speaker in the history of this body, and for a longer total time than any other man except for his friend, the late Sam Rayburn.

The true measure of his leadership as Speaker can be found in the respect accorded him on both sides of the aisle. He has always been unswervingly fair and impartial as Speaker, and for that he has rightfully earned our respect and admiration.

All his other achievements notwithstanding, however, I believe Mr. McCORMACK's greatest achievement is that he has lived the life he believes in. His utter devotion to his wife, to his faith, and to his duties as legislator and Speaker is known to all of us. Throughout his years of service in Congress he has set an example of integrity to belief that few will accomplish, and none will forget.

Because of his example, his fairness, integrity, and untiring efforts, he has been a man whose counsel and whose respect we have sought, and it is hard to say more or better about a man than that.

Mr. McCORMACK has often said:

> If I had a choice to be known either as a great man or a good man, I would choose to be known as a good man.

He is both, and we shall miss JOHN W. McCORMACK.

Mr. DINGELL. Mr. Speaker, it is with a warm and nostalgic feeling that I join in this tribute to Speaker JOHN McCORMACK.

As a man and as a boy, I have known Speaker McCORMACK to be a good friend and a wise counselor.

During the time of my late father's service in the House of Representatives, he worked closely with his colleague and friend Congressman McCORMACK in behalf of the many great legislative accomplishments of the 1930's, the 1940's, and the early 1950's.

Speaker McCORMACK has an unequaled record in support of progressive and compassionate legislative accomplishment. He has moved forward with the times and he has not waivered in his dedication to social and economic justice.

He came to the House of Representatives during the course of the 70th Congress and the people of Boston have wisely returned him to the House in each Congress since that time. He has repaid the trust of his constituents many times over and has won recognition throughout the United States as an outstanding legislative leader.

Despite his many obligations as Speaker of the House of Representatives, Speaker McCORMACK always found time to take a personal interest in each Member of the House and to extend to each of us kindness and courtesy.

I have great respect and affection for Speaker McCORMACK and he shall leave a great void in the House when he steps down from the Speaker's chair. We all shall miss JOHN McCORMACK when the 91st Congress draws to a close.

Mr. DONOHUE. Mr. Speaker, it is a particular personal privilege and pleasure to join with the Members here this afternoon in congratulating my Massachusetts colleague, the Honorable JOHN W. McCORMACK, on this special occasion marking his continuous occupation of the Speaker's chair longer than any other person in our history and in acclaiming him as one of the greatest Speakers and legislative leaders of our time.

Since 1928, which may be currently remembered as the eve of another great

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crisis in our country, the heart, the voice, and the hand of JOHN McCORMACK has been influentially associated with the advance and adoption of every substantial legislative measure for social progress that has occurred from that time to this day.

Through these years, and by virtue of his recognized character and integrity, diligence and dedication, competency, and compassion, he was consistently endorsed by his party colleagues for progressive positions of legislative responsibility and leadership up to the third most powerful and important office in the U.S. Government.

JOHN McCORMACK has spent the greatest part of his long and stalwart life in public service of his country and commonwealth. Few men or women will ever approach and none could ever surpass the tremendous contribution his personal devotion, talents, and leadership have made toward improving the quality of life for his fellow Americans and, indeed, for untold millions of people throughout this distressed world.

The great achievements of his legislative knowledge and leadership are indelibly written upon the brightest pages of our legislative history and they will shine there forever as a glorious tribute to the genius of Speaker JOHN W. McCORMACK.

However, to those of us who have been privileged to serve with him through these past several years, it is the human qualities of the man, JOHN McCORMACK, that have endeared him to us most. His personal kindness, tolerance, encouragement, ever-ready willingness to be of assistance in particular difficulties, his sympathy with and understanding of personal concerns of others, his approachableness, in a word, his demonstration of brotherhood to all his fellow Members irrespective of party affiliation, has earned him the lasting admiration and respect of every individual who has ever occupied a chair in this Chamber during the tenure of JOHN W. McCORMACK.

That is why, although we understand the reasons he has given, with characteristic courage and abstraction, for leaving the speakership and this House, we are, nevertheless, deeply saddened at the contemplation of the tremendous loss his going will mean to this Nation, to his State, to this House, and to those of us who have been privileged to serve here with him.

In announcing his intention to close his public career at the end of this session the Speaker said that—

> Mrs. McCormack and I have been looking forward to a period of rest and relaxation for some years.

No two persons in the world have ever been more deserving of "a period of rest and relaxation" and, as we salute this great man today, I know our prayers are joined in appeal to the good Lord to bestow every blessing, throughout a long and fruitful period of "rest and relaxation," upon Mr. and Mrs. John W. McCormack, when Speaker McCORMACK departs this House later this year.

Mr. CHAMBERLAIN. Mr. Speaker, I want to join my colleagues in saluting the long and distinguished service of the gentleman from Massachusetts, our respected Speaker of the House, JOHN W. McCORMACK.

It has been my privilege to serve in the Congress for nearly 14 years, and while this comprises only a brief span in the public life of JOHN McCORMACK it has been more than ample enough time to come to know him as an eminently fair and dedicated Member of this body. His service to his country has been more than long. It has been devoted. It has been effective and patriotic. A strong adversary for the causes he has supported and for the party which he has served so well, Speaker McCORMACK has demonstrated time and again his consideration for all Members in the Chamber regardless of which side of the aisle they are on. This is the true test of the speakership. In this he has attained one of the highest ideals of our representative form of government.

Speaker McCORMACK's accomplishments and the long list of honors that he has received are a matter of record. Today I wish to express publicly my own personal appreciation for the courtesies and kindnesses that the Speaker has extended to me and to assure him of the maximum high regard with which he is held.

Mr. CUNNINGHAM. Mr. Speaker, I have had the rare privilege of meeting and becoming acquainted with great men of history and I include in that category with great pride Speaker JOHN McCORMACK. Mrs. Cunningham and I also had the privilege of meeting Mr. and Mrs. McCormack at a White House reception during the Presidency of the late John Kennedy. Our prayers are with the Speaker and Mrs. McCormack and their host of friends in the hope that this beloved woman will regain her health.

The speaker before me (Mr. O'HARA) mentioned something which struck home to me, and that is when we leave the Congress can we look back upon legislation which we authored and which became law. One such case was the major breakthrough of a bill I had worked on for many years having to do with the stoppage of filth moving through the mails. This was a difficult piece of legislation because of the various constitutional and other obstacles involved. But I consulted with our beloved Speaker in order that this legislation might be passed by the House of Representatives. He was most kind and helpful to me and due to his efforts this bill did pass the House and finally the Senate and it became law and was recently upheld by the U.S. Supreme Court.

I cite this example as one way of saying to my fellow Members that the Speaker is helpful and when legislation is presented which will benefit the country, no partisanship is involved so far as he is concerned.

I have a poem which has always been before me and which I have taken comfort in, and I know it would apply to this great and good man. It is a poem I know you are all familiar with, and it reads:

> I shall pass through this world but once.
> If, therefore, there be any kindness I can show
> Or any good thing I can do, let me do it now.
> Let me not defer it or neglect it,
> For I shall not pass this way again.

This great and good man, our beloved Speaker McCORMACK, has done this great good as embodied in this famous poem. Mrs. Cunningham and I wish him and Mrs. McCormack many years of happiness and good health.

Mr. ZABLOCKI. Mr. Speaker, it has been said with much truth that the hours of a wise man are lengthened by his ideas. On this historic occasion, I am honored to join with our distinguished majority leader, Mr. CARL ALBERT, in paying tribute to such a wise man—a man whose hours have been lengthened by the force and strength of his ideas, our beloved Speaker, the Honorable JOHN McCORMACK.

With the convening of this legislative day, Mr. McCORMACK has continuously served longer as Speaker than any of his respected predecessors. We, his colleagues in the House, and this entire Nation are the happy benefactors. Expressing what I know is the sentiment of the entire Fourth District of Wisconsin, I am honored to join in this resolution and thereby express congratulations to Speaker McCORMACK.

Only last Wednesday, on the occasion of his announcement not to seek reelection in deference to his beloved wife, Mr. McCORMACK perhaps most accurately expressed the basic outlook which has guided him during his 42 years as a Member of the House and the last 8 as Speaker:

> I have tried to be kind and I have tried to be decent to people.

Certainly during the 22 years which it has been my privilege to work with Mr. McCORMACK, he has in all ways and at all times lived up to that self-imposed principle of life. The wisdom and ability which he has shared with us daily these many years will be sorely missed. Our sense of loss can be mellowed only by the hope that even in retirement he will periodically come back among those who love and respect him.

The record he sets today of serving as Speaker of the House for the longest continuous period of time in the history of the United States may some day be exceeded. Never to be excelled, however, is the love which he holds for this country and this House—both of whom he has served with selfless dedication.

The office Speaker McCORMACK holds is one of honor and its title has and always will be respected. However, titles of honor have not as such added to his worth since he is himself an honor to his title.

I join with all his colleagues and his many friends and admirers in wishing him and Mrs. McCormack continued happiness and good health for many years to come.

Mr. MAYNE. Mr. Speaker, I consider it a high privilege to be able to join in this salute to you today. As president of the Republican 90th Club, I speak for some 45 Members of the House who deeply ap-

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preciate your great fairness as presiding officer of this august body since our arrival here in January of 1967. There has been no occasion when any of us sought recognition from the Chair that you have not granted it with courtesy and respect.

Complete fairness and determination to protect the rights of the individual Member are the hallmarks by which you are known, and no matter how embroiled in debate the House might find itself, your unfailing capacity to maintain dignity and decorum through courteous and correct example has brought distinction to this body.

A mere handful of legislators have ever served in this Chamber as long as you have, and no American has served here with greater dedication or distinction.

These final two terms which the 90th Club has shared with you are not a very substantial part of your long tenure of more than 42 years. But we are all very fortunate to have arrived upon the legislative scene in time to be able to say proudly that we were among those who served under one of the greatest of Speakers, John W. McCormick of Massachusetts. Mr. Speaker, we wish you and Mrs. McCormack the best of everything as you approach the end of your distinguished legislative career.

Mr. ABERNETHY. Mr. Speaker, it is with great pleasure that I join my colleagues in the worthy tribute being paid this afternoon to our beloved and respected Speaker and colleague, the Honorable John W. McCormack.

For almost 28 years it has been my pleasure to serve here with Speaker McCormack during which time he has been my floor leader, my whip and my Speaker. In each capacity he has served energetically, with earnestness, distinction and fairness.

He has been the spearhead to passage of scores of pieces of lasting legislation benefiting peoples of all segments of this Nation. As Members sometimes find themselves, the gentleman from Massachusetts and I have not always been in full agreement; but when we were not in agreement, nothing personal came between us. It is this spirit in which he has worked with all of his colleagues in this great legislative body. I have always appreciated the privilege he accorded me of counseling with him regarding numerous matters of interest to my people, to my State and to me personally.

Speaker McCormack has not only been a powerful force in the activities of the House of Representatives, but he has been just as forceful in the activities of his political party. Throughout the years he has strongly supported and led the nominees of his party to the heights of political success.

As one possessed of a keen mind, a strong body, a powerful debater and a winning personality, historians will record the career of John McCormack in this body as that of a truly great leader of this Nation.

Mr. Speaker, it has been a pleasure to serve here with you. I have greatly appreciated your friendship, your courtesies, and your counsel. I look forward to serving out the remainder of this, your final, term in the House of Representatives. And when you and your beloved wife retire to your home in your great Commonwealth of Massachusetts, I trust that each of you will enjoy good health and the most comfortable and pleasant retirement possible.

Mr. WILLIAM D. FORD. Mr. Speaker, I am pleased to join today in paying tribute to our beloved Speaker, the Honorable John W. McCormack, who has announced that he will retire from Congress at the close of the present session.

My relationship with Speaker McCormack dates back to my earliest days as a Member of Congress, in January 1965. From the very beginning, I found him to be a warm and wonderful human being, always willing to take time out to counsel and advise me as a newcomer to Congress. During the years, I never found him wanting.

On several occasions, during my annual local officials conferences here in Washington, he has taken the time to come and speak to my officials, when others were too busy. At other times, when friends and supporters have honored me at various functions, he has come forward and lent prestige through his attendance, and through his praise of my efforts in Congress.

During his third of a century in Congress, and during his 8 years as Speaker of the House, Mr. McCormack has been in the forefront of every major battle for progressive legislation. He has held one of the most powerful offices in our Government, but he has remained a humble man, never too busy or too important to lend a helping hand.

I am proud to have served in the 89th, 90th, and 91st Congresses under his leadership, and I am grateful to him for his advice, his counsel and his friendship.

Mr. FUQUA. Mr. Speaker, your announcement that you would not seek reelection to the House of Representatives represents a personal loss to each of the Members of this great body.

Since you came here to complete an unexpired term in the 70th Congress you have observed history in the making, and you have made history. The service which you have rendered to our Nation in this body has made you a living legend in your own time.

On a more personal note, I remember when I first came to the Congress nearly 8 years ago and met with you in your office. No one could have been kinder nor more helpful than you were to me at that time.

In talking with my colleagues since that time, so many of them have made the same statement. You have presided firmly and fairly in all of our deliberations and every Member of the House, no matter what his philosophy or party, knew that John W. McCormack would attempt to be fair and would protect the basic rights of every Member of this great institution.

There have been so many measures passed over the 22 terms in which you have served that it would take a book to list all of them. You have made a lasting imprint on this Nation and for all time to come the people of this great Nation will benefit from what you have accomplished.

Might I add another personal note and tribute to Mrs. McCormack. Her health is of concern to all of us who admire and respect the two of you so much. I know full well that all you have accomplished has been made worthwhile because of the lovely lady who has shared this productive life with you.

The House of Representatives will never be the same to me without John W. McCormack as a Member. But, I know full well that your inspiration and guidance will stimulate me as long as I am permitted to serve our Nation as a Member of the Congress.

You are one of the giants of our period of history and I will always proudly proclaim that I had the privilege of serving with one of the truly great leaders in our Nation's history.

Mr. BERRY. Mr. Speaker, it is with regret that we of the House of Representatives bid adieu to one of America's great, the Honorable John McCormack.

John McCormack has given longer continuous service than any other Speaker, and, I might add, probably fairer continuous service. Although we differed widely in our political philosophy, there has never been a time in his years of service that I might even feel that he did not treat me with the same respect and the same consideration that he treated any of those of his own party.

John McCormack will be listed among America's great.

Mr. PRICE of Illinois. Mr. Speaker, how can a man summon the appropriate words to say what is in his heart when he thinks of a great man of whom he can say "he is my friend"? For 26 years John McCormack has been my friend. It is evident from what so many Members have said here this afternoon that the warmth of the Speaker's character leaves us all with this feeling of closeness to him.

I came to the Congress in January of 1945. John McCormack was already majority leader. Yet he was as approachable to me, a new Member, as though I had been a veteran Member with long association with him. Quick to lend a helping hand and give guidance to younger Members, he was always to retain his policy of making himself available when his advice and counsel were sought. Under John McCormack the door of the Speaker's office was always open.

Others have already reviewed the vigor of John McCormack's support of the legislative programs of the several administrations that came and went during his 42 years of service in the House of Representatives. During his tenure as majority leader and as Speaker more far-reaching and important legislation was enacted into law than during any other periods of our Nation's history. He was always to be found on the side of the people, because early in life he identified himself with causes he believed necessary to preserve his country's strength by guaranteeing the welfare of the people of the country.

The resolution before us is to give official recognition to Speaker McCormack's long tenure as presiding officer of this body—a record for continuous service in the Speaker's chair outdistancing Henry Clay and Sam Rayburn.

John McCormack's great strength lies

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in his personal life. His dedication to his country and to his religious beliefs. Every Member of this House knows of his great devotion and love for his wife, Harriet.

My wife, Garry, and I join in expressing congratulations to the Speaker and we join in offering our prayers for Mrs. McCormack's recovery.

Mr. VANIK. Mr. Speaker, I want to take this opportunity to join in the many tributes being offered today to a noble American, Speaker JOHN McCORMACK.

When I first came to Congress in January 1955, it was Majority Leader JOHN McCORMACK who helped me in my orientation and preparation for the legislative tasks ahead. With great patience and understanding he provided candid counsel and advice.

Fairness is the hallmark of Speaker JOHN McCORMACK's leadership. Whether he agrees with an action or whether he opposes it, he always protects the right of a Member. His loyalty to the House of Representatives is second only to his loyalty to America. No other American outranks him in this dedication.

My earnest hope is that Speaker and Mrs. McCormack may share many happy years in the knowledge that their constructive contribution to America have earned them the loyalty, gratitude, and affection of millions of their fellow Americans. There is no greater honor that can be paid to a citizen of our great country.

Mr. JOHNSON of California. Mr. Speaker, it is with a great sense of pride that I rise to give my enthusiastic support to the resolution commending one of the most conscientious and dedicated public servants with whom I have served during my more than 30 years in public office.

During his long tenure in the House of Representatives, Speaker JOHN W. McCORMACK has provided us with a shining example of fine representation not only to the people of the Ninth Congressional District of Massachusetts, but more important, to all the people of this great Nation of ours.

No one has been more faithful, more dedicated to his responsibilities in the House of Representatives than Speaker McCORMACK. His vision, his leadership, and his willingness to battle for that which he believed is responsible for some of the most progressive, humanitarian legislation this Nation has known.

Speaker McCORMACK's aggressive leadership during the long years he served as majority leader caused some to wonder when he became Speaker if he could shed his partisanship and be fair. Certainly no one could have been more fair, more just to all Members of the House of Representatives than the Speaker has been during the record period he has served us in that capacity.

This is a sign of his greatness.

Speaker McCORMACK is a man of the people, a man devoted to seeing that this world is a better place for his fellow man to live.

I am proud to have been able to share, as a Member of the Congress, in his efforts to achieve this goal.

I am proud to have served with Speaker JOHN W. McCORMACK and I want to express my deep appreciation and the appreciation of the people of the Second Congressional District of California for the assistance, counsel and guidance which he has given me during eleven and a half years I have been privileged to serve in the same legislative halls as he.

Congratulations, Mr. Speaker, upon achieving a fine record of achievement as Speaker of the House of Representatives.

Mr. ADAIR. Mr. Speaker, I certainly want to join with my colleagues who have spoken today about the Honorable JOHN W. McCORMACK. Previous Speakers have spoken about the length of service, the dedication to this country and her institutions, and the love and esteem which he has shown, especially for the House of Representatives.

While mindful of his responsibilities to his own party as one of the great leaders of it, he has never failed to put first the welfare of our country. All of these attributes, coupled always with a deep religious motivation, made him indeed one of the great leaders of our times.

I wish Mrs. McCormack and him many happy retirement years.

Mr. DORN. Mr. Speaker, since it was my honor and privilege to become a Member of Congress in 1947, I have known many great Americans and many world statesmen, but I have never known one more dedicated and devoted to our country than Speaker JOHN W. McCORMACK. Mr. McCORMACK is a great Democrat for which I respect and admire him, but above all, he is a great American.

I first remember Mr. McCORMACK as a boy and as a young man from the news media, one who stood stanchly by the program of Franklin D. Roosevelt which brought the United States out of the depression and into a new era. Then I remember Speaker McCORMACK as a prophet crying in the wilderness of propaganda and confusion against the raving Hitler, Mussolini, and the war lords of Japan. If we had listened to JOHN McCORMACK in the late 1930's, I believe through strength we might have avoided the carnage, the destruction, and disaster of World War II.

Mr. Speaker, when I first came to the Congress in January 1947, it was my great privilege to meet Mr. McCORMACK as one of the minority leaders, along with Sam Rayburn, of that Congress. Immediately I admired, loved and respected Mr. McCORMACK as a partisan leader, yes, but more than that, as a statesman who loved our Nation and who was dedicated to the preservation of those principles and ideals which made America great.

Mr. Speaker, it has been my privilege to know many leaders of this era of world history including Winston Churchill, Douglas MacArthur, Dwight D. Eisenhower, Franklin D. Roosevelt, Sam Rayburn, Jimmy Byrnes, and many others, but I believe when the final chapter of this era of world history is written, JOHN W. McCORMACK's name will be enshrined not only in the pages of history, but in the hearts, affection, and love of the American people. He will be exalted and revered along with these other leaders of the free world.

Mr. Speaker, I well remember appearing before the National Democratic Platform Committee and being warned that we might not be heard with respect and decorum, but that I was confident and optimistic because I knew that JOHN McCORMACK was chairman of the platform committee. I well remember those whom I introduced being received with the utmost courtesy and respect as long as JOHN McCORMACK was its chairman.

Mr. Speaker, much has been said of Mr. McCORMACK's fidelity and love for Mrs. McCormack, for their family and friends. Much has been said of the Speaker's love for the House of Representatives as a great institution, but JOHN McCORMACK has also loved the American people—north, east, south, and west. Many have spoken of Andrew Jackson as the typical American, or of Abraham Lincoln as the typical American, but Mr. Speaker, I believe more than any other, that JOHN McCORMACK, the Boston Irishman, best typifies the hopes and aspirations and true patriotism of the American people.

Mrs. Dorn, my family, and my constituents join me in wishing for Speaker McCORMACK and Mrs. McCormack much happiness and every success in the years ahead.

Mr. CORMAN. Mr. Speaker, it is a privilege for me to join with my colleagues in paying tribute to you for the 42 years you have spent in service to the House of Representatives and to these United States.

Throughout those years, you have continuously worked for the betterment of this Nation which you so dearly love. You have not only been a representative of all the people but have been a leader in fostering the progressive legislation on which this Nation has thrived.

In the 9 years you have served as Speaker, Democratically controlled Congresses have enacted legislation and initiated social programs which will be remembered as some of the finest in our history. The outstanding achievements of the House in this past decade are a result of your leadership and ability to unite the varying viewpoints of its Members in working toward a common goal.

Mr. Speaker, to say that your leadership will be missed is far from being an adequate expression of the loss your retirement brings to Congress and to the Democratic Party. You have brought both pride and honor to your party and to your country. We shall always be grateful for the unselfish contribution you made in our behalf.

Mr. ANNUNZIO. Mr. Speaker, I associate myself with the many Members of this body who rise today to pay tribute to you, not only as a great Speaker of the House of Representatives, but as a dear friend and an outstanding and distinguished American.

As one who has served in this body for the last 6 years and as one who regards himself as a younger Member, I must in all candor say that your leadership and your wise counsel have inspired me to do the best possible job in representing the people of my Seventh Illinois Congressional District and the people of America.

I have found that being a younger Member did not affect my status either in the House or in committee because I was willing to roll up my sleeves and to work hard. Mr. Speaker, your own example of hard work and dedication to your legislative responsibilities was the example that I followed.

I want to congratulate you on behalf of the thousands of people who reside in my district and to commend you for your selfless service to your country. You served our Nation at a time when we faced one of the greatest economic crises in our history. You served our Nation when we were challenged by totalitarian forces throughout the entire world. You were the leader of your party. You served your President and you served America, and because of your untiring efforts and devotion to duty, America today is the strongest, most powerful Nation in the world. We are strong economically and militarily. Our people are better fed, better housed, better educated—all because of the efforts of the leadership in the House of Representatives working in conjunction with the President to bring about the greatest social revolution that any country has ever experienced. Today, our people enjoy unemployment compensation, workmen's compensation, social security benefits, veterans benefits, and many, many other benefits brought about because of the legislative process.

So many people today are attacking our democratic form of government. I want to recall to these people Winston Churchill's words in support of democracy:

> Many forms of government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.

The Speaker has presided over the House during an extraordinary period when Congress has enacted landmark legislation in so many fields including civil rights, education, health care for the elderly, and welfare. His vision, energy, and courage have been basically responsible for the enactment of this progressive legislation during the span of 42 years that the Speaker has served in the House of Representatives.

When Sam Rayburn became Speaker 30 years ago, Mr. McCormack was elected majority leader and has held a top leadership post ever since. After Mr. Rayburn's death, Mr. McCormack was elected Speaker in January 1962. On May 29 of this week he will have served longer as Speaker than any man except the late Sam Rayburn. He has been an unwavering supporter of New Deal legislation, and as Speaker, he has always been fair, just, and impartial. His personal consideration for the Members of this body has earned the gratitude of all of us and has inspired our wholehearted affection and support. His ability, his integrity, his courage, his compassion for the little people, and his outstanding leadership will be sorely missed when he lays down the gavel at the end of the 91st Congress.

As long as I live, I shall always be grateful to the Speaker for his profound understanding of the needs and wants of the American people. I know that the Members of this body shall continue to rely on his democratic philosophy of government and his lofty ideals to guide us in the turbulent years ahead.

On the eve of the Speaker's retirement, Mrs. Annunzio joins me in extending to him and to Mrs. McCormack our sincerest best wishes for their good health, good fortune, and great happiness in the ensuing years.

Mr. QUIE. Mr. Speaker, I would like to join in the accolades that are being showered upon the distinguished Speaker of the House in recognition of his exceptional record of service to the Congress, to the State of Massachusetts, and to the country.

Of all the great and good men it has been my privilege to know during my time in this body, no one has made a greater impression upon me than has the distinguished presiding Speaker of the House, whose record of tenure in the chair is exceeded by only one previous Speaker of the House.

Coming from humble beginnings and largely self-taught, the Speaker's life story is a remarkable tale of success that could happen only in this land of individual opportunity and freedom.

The distinguished Speaker is respected and revered as a good man, an honest man, and a fair man. My best wishes go with him as he prepares for what I am sure will be a satisfying and rewarding retirement. I know that the immense knowledge and wisdom he has gained during his one-half century of service to this country will still be available whenever it is requested by our Nation's leaders.

Mr. MORSE. Mr. Speaker, for 42 years the U.S. House of Representatives has known the dedicated service of a man—a man to whom we now offer tribute. In those 42 years—almost half a century—his colleagues, his State, and the Nation have benefited from his wisdom, his experience, and his counsel. For 8 years, this body has looked to his leadership as Speaker of the House, and we are indebted to him for it.

We honor John McCormack not only as Speaker, but also as a just and fair man. I recall with warmth and with gratitude his kindness to me as a freshman Member of this august Chamber. And it has been a special source of pride that I have been able to serve with him as a member of the Massachusetts delegation.

Although he is retiring from the House, he will never really leave it, for his name and the devotion and loyalty with which he has served these many years will continue to be an inspiration.

There are few men who have served so ably and so long; there are few men who enjoy the sincere friendship and the deep respect that his colleagues have accorded John McCormack.

John McCormack is a friend, a devoted public servant, a true patriot. John McCormack is a great man, but more than that he is a good man.

Mr. DON H. CLAUSEN. Mr. Speaker, I wish to add my own personal remarks to those of my colleagues today who are paying tribute to a great legislator and an outstanding American who has served his country so well, so long, and so faithfully.

John W. McCormack personifies the title of "gentleman." In my judgment, he will be recorded in history as one of the kindest, most compassionate, and most considerate men to ever occupy the chair of the Speaker of the House of Representatives.

Throughout his long and distinguished service in the Congress, Mr. McCormack has consistently demonstrated a firmness in his resolve to preserve, defend, and protect democratic institutions on a par unparalleled in modern government. He has given unwavering loyalty to a host of Presidents of both political parties and his deep devotion to his country and to the people of the Ninth Congressional District of Massachusetts is unique in the annals of public service.

In remembering Speaker McCormack, I shall never forget when I came to the Congress in 1963 following a special election in California. As I stood there in the well and faced John W. McCormack to singularly receive the oath of office, I knew well that this was the proudest day of my life. Following the swearing-in ceremony, the gentleman from Massachusetts invited me to visit with him privately in his office and, as we chatted, I soon realized that, as a freshman Congressman, I had just met a great man and one of the outstanding legislators of our time.

Throughout the years, I became better acquainted with the distinguished Speaker. He has always found and taken the time to meet with us, our friends, and our constituents either in the Speaker's lobby or in the corridors of the Capitol. Certainly, he has extended himself and gone out of his way to accommodate Members of Congress and to share with us the many benefits of his experience, advice, and counsel, as well as his personal philosophy of life.

Speaker McCormack is a man of high principle and deep convictions. Many of us will remember him best for his kindness, compassion, and consideration to each of us and to all those who came in contact with him. He is truly a gentle man.

If I may add one personal note—when the House considered the Redwood National Park bill in 1968, it was my profound pleasure, on behalf of the people of my congressional district, to present the Speaker with a "redwood burl gavel". On the day this landmark legislation passed, Mr. McCormack once again demonstrated his consideration and thoughtfulness by presiding over the House of Representatives with the gavel we had presented him as a gift.

It is my hope that this memento from the people of the redwood empire district of California, will occupy a prominent place in the John W. McCormack Library, along with the great works, documents, and historical remembrances of the gentleman from Massachusetts.

John W. McCormack is a tall man in many ways, and he stands tallest with those of us in the Congress who have known him over the years and to his constituents whom he served so faithfully. A very appreciative Nation will remain eternally grateful for the outstanding manner in which this great American has served his country and its people.

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Of the many friends we make throughout our lifetime, I am proud, indeed, to list among them—JOHN W. MCCORMACK, of Massachusetts.

Mr. ALBERT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GERALD R. FORD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

(The SPEAKER resumed the chair.)

The SPEAKER. With the permission of the House, I would like to speak from the Chair and express my deep appreciation for the very kind remarks made about me, particularly the references to Mrs. McCormack, which touch me very deeply.

I am very much moved by the remarks made by my colleagues and it is difficult for me to find words to express adequately my feeling of deep appreciation.

But my heart has always been in the House of Representatives. Without boasting, I think I could have gone to the other body as far back as 1932. But my heart was in this body and it has been here throughout the years. I have an intense love for the House of Representatives and I have a proud feeling of respect and friendship for all Members present and past with whom I have served.

Since these proceedings have had to do with a resolution relative to the performance of my duties as Speaker, in which position I have the longest continuous service in the history of our country, I want to keep it on that level. I am going to be a working Speaker for the remainder of this session.

There is one thing that I would like to be remembered for by my colleagues and that is that JOHN MCCORMACK was always the Members' Speaker. I would rather be remembered by that characterization than by almost any other. It is because of the intense love I have in my heart for the House of Representatives and the deep respect I have for all Members. And also for the fact that whenever a Member takes the chair as Speaker he represents all of the Members without regard to political party; to protect their rights under the Rules of the House of Representatives; and, even more, protecting their rights on a broader scale where that is necessary. I have always tried to impartially carry out the Rules of the House of Representatives.

So for myself and Mrs. McCormack on this day of jubilation, when I have served continuously as Speaker for the longest time in the history of our country, I want to extend to all of you, my dear friends and colleagues, our deep and profound thanks.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 17802, INCREASING PUBLIC DEBT LIMIT, UNTIL MIDNIGHT THURSDAY

Mr. MILLS. Mr. Speaker, by direction of the Committee on Ways and Means, I ask unanimous consent that the committee may have until midnight Thursday next to file a report to accompany the bill (H.R. 17802) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PROTESTERS COULD HELP WAR PRISONERS

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, a constituent of mine, Mr. John Dortch Lewis, who served with the RAF during World War II, was shot down twice and was confined for many months as a prisoner of war.

Recently he wrote a letter to the editor of his local newspaper and it prompted an editorial entitled "Protesters Could Help War Prisoners." I am inserting this editorial in full at the end of my remarks.

Mr. Lewis is absolutely right in his suggestion that the American antiwar protestors obviously could be a significant influence on Hanoi if they pushed for more humane treatment of our prisoners there.

It is obvious that Hanoi has paid great attention to the antiwar demonstrations and is cognizant of the efforts now being made by our young people. For this reason, this group, perhaps more than any other in the Nation, could have a significant effect in inducing the Hanoi government to release our prisoners, arrange for a mutual exchange of prisoners such as we had during the Korean truce; or, at the very least, treat the American prisoners in accordance with the international standards established by the Geneva Convention.

Hanoi has never released a list of prisoners—many families do not even know whether their husbands and fathers are living or dead. From information we have obtained from prisoners who have been released, we know that our prisoners are being confined in solitary, tortured, improperly fed, given inadequate medical treatment, and not permitted to send or receive mail on any regular basis. Hanoi has not opened its prisoner-of-war camps to inspection by the International Red Cross.

It would seem to me that a group as concerned with humanity and the sacredness of human life and dignity as the antiwar protesters are would champion this cause and if they would do so, I am certain their voices would be heard.

The editorial from the Goldsboro (N.C.) News-Argus follows:

PROTESTERS COULD HELP WAR PRISONERS

In a letter to the editor appearing in yesterday's News-Argus, John Dortch Lewis noted: "The war protesters have made their point. If they will now direct their protest against the inhumane treatment of prisoners of war held by the North Vietnamese they will better identify as concerned Americans."

Mr. Lewis was not being flip. He was sincere. He recognizes that many of the students demonstrating against the war are sincere.

He also feels that this group could have more influence than any other on pressuring North Vietnam to either treat the prisoners humanely or, preferrably, to release them.

The North Vietnamese and the Viet Cong have a strong affinity for the anti war demonstrators in this country.

They regard them as a significant and possibly decisive second front against the United States effort in Southeast Asia.

Unfortunately, while the sincere doves, the radicals, the blatant communists, the professors and all the other protesters have decried every U.S. action, not a word has been raised by them in behalf of the prisoners held by the communists.

From the few who have been released—always for propaganda purposes—we know that the prisoners are being tortured and poorly fed. They are kept in solitary confinement. The vast majority have not been permitted to communicate with the families. Some of the men have been held this way for six years.

Mr. Lewis knows first hand of life in a prisoner of war camp. He was in infamous Stalag III, scene of "The Great Escape". Mr. Lewis, who twice was shot down while flying with the Royal Air Force, three times escaped only to be recaptured. On his fourth attempt, he made it to allied lines.

He is a member of a group of survivors or Stalag III who have concerned themselves with securing humane treatment or release of the downed airmen and other prisoners.

The question whether enough effort has been exerted and whether, indeed, if the effort that has been made has not been misdirected.

Mr. Lewis sees in the organization and the energy and enthusiasm of the students and other protesters the possibility of the first significant step toward decent treatment and possible release of the prisoners.

Surely if their cause is sincerely one of humanity, they cannot divorce themselves from this important aspect of it.

THE TRANSITION FROM WAR TO PEACE

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, I note that some of my colleagues on the other side of the aisle are holding press conferences to cry doom and gloom about our economy. I am as concerned as they are about maintaining a strong level of economic progress in our Nation. However, I must point out that they are engaged in a clumsy bit of political prestidigitation, hoping their imagination about today's 4.8 percent unemployment will erase the public's memory.

Let us look at the record. Under J.F.K. in 1961 there was 6.7 percent unemployment, but I did not see my colleagues across the aisle holding press conferences then. Then in 1962 it was 5.5 percent; in 1963, 5.7 percent and in 1964 under L.B.J. it was 5.2 percent. The difference between then and now is that during their administrations, the Vietnam war was revving up. President Nixon is winding down the war, which is bound to cause economic adjustments.

The Nixon administration has no intention of solving the unemployment problem by sending a half-million men

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off to war and turning the Nation's productive facilities to making bombs and bullets.

In order to meet the budget requirements for fiscal year 1971 the Defense Department must cut back a total of 682,000 military and civilian positions, and in addition the reductions in military procurement will result in 600,000 less jobs in industry. Of that total 1,282,000, one-third or approximately 400,000 must be accomplished by June 30.

It is ironic that many of those across the aisle who have been howling for the dismantling of our military-industrial establishment now are the first in line to yelp about unemployment. The transition from war to peace will require sacrifices on the part of all of us. We have long-neglected domestic problems that received scant attention in the past. Our job here in Congress is to help gear up our country's government and economy to move forward toward solving these problems. Our job is to help, not hinder this adjustment. We have a strong and adaptable economy that I am certain will take in its stride the change from war to peace.

ON THE UNEMPLOYMENT RATE

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I have heard some very peculiar statements in defense of the policy, but I did not know you were winding down a war by expanding it. I thought when you wound it down you contracted it. Apparently I am either reading the wrong papers or hearing the wrong messages, but it seems to me that the war lines have been extended further than they have been at any time since this sad situation took place over in Indochina.

Also, I am not quite sure that the gentleman is reading the same statistics that I have been reading on unemployment. What is not understood is that many hundreds and even thousands of persons who were counted as unemployed in the period mentioned by the previous speaker are now on what is known as trade adjustment relief. Last Friday, the Tariff Commission and the Secretary of Labor approved my displaced glass workers for so-called adjustment relief for a year. During this time they will not be considered unemployed. But if they were considered unemployed, the unemployment in that particular community would be 17 percent of the work force. However, since we have found a new gimmick by keeping them paid out of the public Treasury, they do not appear on the so-called unemployment rate.

Let me tell you all, if you have not had an opportunity to go into your districts and measure the unemployment, then you should not come up with figures that are handed to you by just anybody. I can assure all of you that the unemployment rate in my district is as great as it has been in the last 15 or 20 years counting persons who are no longer employed in the jobs that they had in the particular industries.

OUR WAR POLICY

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I would just like to say to my good friend from Illinois (Mr. MICHEL) that somebody had better advise the Republican publicity arranger who is putting out these releases that if they keep on calling the expansion of the war into Cambodia the Democrats' war, that some of the Democrats who are trying to support the President may well walk out on him and let it become his war and see how well he gets along without the majority of the Congress.

I have tried to be responsible as one person in this, but I am getting a little tired of the propaganda being cranked out in the Congressional Hotel. I can just pretty quickly decide that I might be a little bit more quick on the trigger than some of them are, and I would advise them to be a little careful about that, or the President may find himself holding the sack up here on the Hill and wondering how he got into that position.

LEHIGH UNIVERSITY STUDENTS PROVE DEMOCRATIC PROCESSES DO WORK

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, in all the campus turmoil, we should pay attention to what has been happening at Lehigh University in my district. Campus unrest has many causes. But I am convinced the chief concern of students, even at the great universities like Lehigh, is that the system does not respond to their legitimate needs, particularly in the areas of the quality and relevance of their own education.

At Lehigh, the faculty and administration responded by giving students their proper role in the system. To my knowledge, what Lehigh did is unprecedented. Lehigh students now have a significant part in the governance of that fine institution.

Most important, however, is that change at Lehigh came through the democratic process, through debate, discussion, and negotiation. Not a rule was violated. Not a stick of property damaged. All this is a credit to the intelligence of Lehigh's students, to the guidance of its distinguished faculty, to the leadership of its president, W. Deming Lewis, and to the responsiveness of its board of trustees.

Their new constitution should serve as a model for the Nation, and I am inserting that document in the RECORD at this point for that purpose:

CONSTITUTION OF THE LEHIGH UNIVERSITY FORUM

Article I. Name: This organization shall be named the Lehigh University Forum.

Article II. Purpose: The purpose of the Lehigh University Forum is to promote the welfare of Lehigh University and the attainment of a true sense of community by bringing into direct discourse students, faculty and administration to set policy, to review, and to review with policy recommendations in areas specified below.

Article III. Function:

A. The University Forum shall have legislative authority; that is:

1. To set policy with respect to the following matters:

a. Extracurricular activities, such as social life and regulations, and athletics.

b. Academic environment, such as admissions, registration, calendar, residence and dining, bookstore, buildings and grounds, library, and computer.

c. Academic program and planning involving special educational opportunities, such as HIR courses, Freshman Seminars, Creative Concepts courses, and pass-fail grading.

2. To review the following and where the position of the Forum differs from that of the President, both such positions shall be presented to the Board of Trustees:

a. Long-range planning, such as academic development, staff requirements, and facilities.

b. The overall budget.

c. Community relations.

d. All administrative appointments at the rank of Dean and above.

3. To review with policy recommendations to the appropriate body:

a. Curriculum.

b. Research policy.

c. Academic discipline.

B. All actions of the Lehigh University Forum shall be consistent with the principles of academic freedom which Lehigh University endorses as a member of the American Council on Education. The teacher is entitled to freedom in the classroom in discussing his subject, and is entitled to freedom in research and in the publication of the results. The student is entitled to freedom of speech and of the press, and to protection under the same principles of academic freedom applied to the faculty.

Article IV. Organization:

A. Two students and two members of the faculty shall be chosen by the Lehigh University Forum from its membership to serve as non-voting participants at all meetings of the Board of Trustees.

B. The faculty shall have the primary responsibility in the areas of: curriculum; course content; methods of instruction; conduct and method of research; faculty hiring, status, and tenure; and academic discipline. The faculty shall have the authority to recommend the awarding of degrees.

C. Wherever possible, decisions shall be made at the departmental or college levels. At each level, there shall be created joint committees and common councils which reflect the purpose and principles which guide the Lehigh University Forum. This system shall converge at the top in the Forum.

The Lehigh University community served by the Forum consists of: (a) all graduate and undergraduate students; (b) academic faculty-tenured and non-tenured; (c) administrative personnel; (d) non-academic employees; (e) trustees; (f) alumni. Although not formally part of this community, the public, in particular the residents of Bethlehem and other neighboring communities, shall be respected as having a direct interest in and a mutual concern for the University and, therefore, the actions of the Forum.

D. Membership:

1. The University Forum shall consist of 125 voting members, 60 of whom shall be elected academic faculty, and 60 of whom shall be elected students, plus the President, Provost, Vice-President for Student Affairs, and two members of the administration to be appointed by the President. At least one Trustee and one alumnus shall be invited to attend as non-voting participants.

2. The 60 elected faculty members shall be apportioned in accordance with the prin-

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ciple of one man, one vote in a manner to be determined by the Faculty at a meeting of the University Faculty.

There shall be reapportionment at the end of the first year and thereafter every three years in a manner to be determined by the University Faculty.

3. The 60 elected students shall be apportioned in accordance with the principle one man, one vote in a formal referendum in a manner to be determined at a meeting of the University student body, both undergraduate and graduate. Length of term, and nomination procedures shall be determined by the student body at this meeting.

There shall be reapportionment at the end of the first year and thereafter every three years in a manner to be determined by the University student body.

4. Elections shall be held each year during the two-week period prior to Spring Vacation. Vacancies in any position shall be filled for the unexpired term in a manner to be decided by the Forum.

E. Officers: The Chairman of the Forum shall be a member of the Forum elected by the members of the Forum to a one-year term to which he cannot succeed himself. The Forum shall select other officers as it deems necessary. The Forum shall provide for a Recorder who shall not be a member of the Forum. The Recorder shall record the minutes of all meetings, disseminate them to Forum members, and make them available to the University Community.

F. Meetings:

1. All meeting of the Forum shall be held on the Lehigh University campus at a time and place to be decided by the Forum.

2. The Forum shall determine the frequency of its regular meetings, which shall occur no less frequently than three times per semester. Notice of the time, date and place of regular meetings shall be announced publicly at least one week before the designated time.

3. Special meetings may be called by the chairman on his initiative or upon presentation of a petition to the chairman signed by ten members of the Forum requesting a special meeting and stating its purpose. Notice of the time, date and place of special meetings and the purpose for which the meeting is called shall immediately be sent to all members of the Forum and announced publicly.

4. All meetings of the University Forum shall be open unless closed by a ⅔ vote of the Forum. The privilege of the floor shall be afforded to all members of the Lehigh University community upon recognition by the Chairman of the Forum.

5. A quorum of the Forum shall be a majority of the Forum comprised of at least 30% of the student representatives, 30% of the academic faculty representatives, and two administration representatives.

Article V. Procedure:

A. The Forum shall determine its rules of procedure.

B. The Forum may delegate any of its responsibilities to an officer of the University to a committee, or to any other group in the Lehigh University community.

C. All actions of the Forum shall be subject to approval by the Board of Trustees. Actions of the Forum shall be sent to the Board of Trustees by the President of Lehigh University.

D. There shall be convened a meeting of the entire university community at least once a semester, the purpose of which shall be to receive from the University Forum a report on and evaluation of the operation, structure and actions of the Forum. The Spring Convocation shall be held within two weeks after Spring Vacation at which time newly elected representatives shall take office.

The Forum shall devise a method for evaluating and reporting on its operations and structure by May, 1972.

Article VI. Parliamentary Procedure: The rules contained in Robert's Rules of Order Newly Revised shall govern the Forum in all cases to which they are applicable, and in which they are not inconsistent with the bylaws or the special rules of order of the Forum.

Article VII. Amendment of the Constitution:

The Constitution of the Forum may be amended provided the members of the Forum are given written notice of the proposed amendment at least ten days prior to the meeting at which the amendment is to be considered. A vote of three-quarters of the members present is necessary to amend the Constitution.

Amendments of the Constitution must be ratified at an all-University Convocation. Ten days notice of time, date and place of the meeting and the amendment adopted by the Forum shall be made public. A simple majority of the faculty votes cast and a simple majority of the student votes cast are required to ratify the amendment.

Article VIII. Authority of Board of Trustees: The Board of Trustees is the ultimate legal authority of the University. This constitution and any amendments hereto shall be subject to approval by the Board of Trustees and shall become effective upon their approval.

(Adopted by the Faculty April 27, 1970. Approved by the Board of Trustees May 2, 1970, Bethlehem, Pennsylvania 18015.)

STATEMENT OF THE HONORABLE GEORGE W. BALL BEFORE COMMITTEE ON FOREIGN AFFAIRS

(Mr. FRASER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRASER. Mr. Speaker, the House Committee on Foreign Affairs has just heard a statement from the Honorable George W. Ball, who was Undersecretary of State in the last administration. The statement which he presented to the committee was filled with common sense. It was one of the most articulate and carefully stated positions with respect to American interests in the Middle East and southeastern Asia that I have heard for a long time.

Therefore, I ask unanimous consent that it be included at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

STATEMENT OF THE HONORABLE GEORGE W. BALL BEFORE THE HOUSE COMMITTEE ON FOREIGN AFFAIRS, WASHINGTON, D.C., MAY 26, 1970

I

Mr. Chairman, I thank the Committee for inviting me here this morning to express a few purely personal views with regard to the President's message entitled: "Foreign Policy for the 1970's."

Ever since the Second World War the foreign policy of the United States has been guided by the central objective of preserving the peace by maintaining a precarious balance of power with the Soviet Union and, more recently, also with mainland China. To achieve this, we have felt compelled, with the help of our allies, to resist the fracturing of those *de facto* lines established by the play of forces during the early postwar period.

That has been our purpose, but, unfortunately, we have not always expressed it in such a simple and straightforward manner. For, while practicing balance of power politics, we have felt compelled to disavow it. Perhaps some of the fault should be placed on the founding fathers of the American Republic who implanted the original delusion. To them the balance of power, alliances, and spheres of influence or interest were all part of the cynical European baggage they had left behind. Then, much later, Woodrow Wilson expansively proclaimed that the world could rid itself of all such outmoded concepts if it would only embrace the new universalism of the League of Nations—and an eventful quarter of a century later Secretary of State James Byrnes said exactly the same thing about the United Nations.

We compounded these extravagances in the postwar period when we promulgated what has since become known as the Truman Doctrine. The United States, President Truman stated, would help any nation, anywhere, defend itself against aggression from whatever source, and this premise was expressed with even more rhetorical exuberance by later Presidents. Thus, we find President Kennedy in his memorable inaugural address promising that we Americans will "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty." These were stirring words, as we all remember, but they gravely overstated what we could, or even intended, to do.

Thus, we have gone steadily forward, talking one game while playing another, until, in the end, it was almost inevitable that we should confuse ourselves by our own false formulation. This is the way we blundered, step by faltering step, into the dark morass of Vietnam.

We mistook Tonkinese aggression for Chinese imperialism and, failing to scrutinize the menace in terms of its marginal relevance to the power balance, we committed the power at our command to a terrain where, for both physical and political reasons, it was impossible to use it effectively.

It was this, presumably, that led President Nixon to announce in his message of February 18, what he refers to as the "Nixon Doctrine." Since the United States, the President asserts, cannot "conceive all the plans, design all the programs, execute all the decisions and undertake all the defense of the free nations of the world," it will hereafter help nations in distress only "when it makes a real difference and is considered in our interest." This is justified on the grounds that "others now have the ability and responsibility to deal with local disputes which once might have required our intervention." Thus, for the United States "to insist that other nations play a role is not a retreat from responsibility: it is a sharing of responsibility."

II

One can have only sympathy for the President's desire to limit the future engagement of American resources and responsibility; yet, the merit of doctrines, like New Year's resolutions, can be appraised only when tested by experience. Just as the abstractions of the American constitution gained substance through decades of interpretation, so the utility of the Nixon Doctrine will be measured by its application to the actions America takes in specific and practical situations.

The first test of the Doctrine has, of course, come with the decision to send our forces into Cambodia. The wisdom of that decision is now seriously at issue; yet, it is not a question to be approached in any partisan spirit—nor do I intend to approach it in that way. I had the experience for more than six years of watching, at first hand, while two administrations made what I regarded as serious errors in South Asia; and, if I regret the decisions that the Nixon Administration has so far taken with regard to Cambodia, it is because they repeat so faithfully earlier decisions taken by its predecessors.

Certainly, the problems posed by the overthrow of Prince Sihanouk were not easy for any American Government to deal with, and I am fully conversant with the military arguments for American intervention. To disrupt troublesome sanctuaries is a sound military objective and, while it was always clear that we did not have the manpower to invest those sanctuaries permanently, a military case can certainly be made for exploiting the chance to seize caches of food and military supplies.

Yet my intensive past experience leads me to doubt how long such seizures are likely to deter effective North Vietnamese actions, no matter how much is claimed for them. Again and again, to my knowledge, we refused to take proper account of the exiguous logistic requirements of the other side, thus discovering that our sweeps and air strikes, our tactics of preemption and interdiction, proved less profitable than had been hoped. Again and again we also learned that in jungle warfare sweeping an area yields only a transient benefit, since the bulk of the enemy gets out of the way, only to return once the sweep has passed through.

Nevertheless, the contention that the passage of force through the edges of Cambodia should keep the enemy off balance for a limited period is not one to be disregarded, provided such result could be achieved without serious political costs. It is here, however, that I would most seriously question the Cambodian decision, since its political consequences have already been far-reaching and grave.

III

I shall not speak this morning of the effect of that decision on the homefront, though I regard its contribution to the angry division of our country as a most lamentable development. What I do wish to underline is its probable impact on our plans for disengagement and on the future peace of South East Asia.

Whatever our official statements may say, the movement of American forces into Cambodia definitely extends the geographical area of our commitment, since it implies a pledge that the United States will defend the present Cambodian Government and people from North Vietnamese attack. Like South Vietnam, Cambodia is listed in the protocol to the South East Asian Treaty, and, to the extent that our SEATO obligations are cited to support our involvement in South Vietnam, that can be cited with equal force (or lack of it) to support our responsibility to defend Cambodia. But, regardless of legal niceties, acknowledgement of such a commitment was necessarily implicit in our decision to cross the border, for we can hardly be in the position of saying to the Government in Phnom Penh: "Thanks for letting us use your real estate without asking your permission, and for our own purposes, but understand that whatever happens to you from now on is your own problem."

Nor is it plausible to argue that the addition of Cambodia to the theatre of combat improves our military posture. Guerrilla warriors inevitably profit from the enlargement of space—the addition of a new vast area of jungle and paddy in which to hide and maneuver. What the Cambodia affair has contributed are six million more people to defend, with no real addition to fighting power, since the Cambodian Army is a pitiful military instrument that could scarcely be brought even to a minimal degree of fighting effectiveness only by months of intense training by American instructors.

Finally, I have the gravest misgivings about the announced intention of the South Vietnamese Government to keep its troops in Cambodia after our departure, and our failure to reject that announcement firmly and effectively.

I cannot make this last point too emphatically. Vice President Ky's rude dismissal of our own official statement that Vietnamese troops would be withdrawn from Cambodia along with American troops as "a silly argument of silly people" has ominous overtones. Today there are thousands of South Vietnamese combat troops in Cambodia. ARVN forces are already stretched thin at many vulnerable points in South Vietnam, and for those troops to remain after the American withdrawal would gravely weaken the South Vietnamese ability to take over the defense of their own country. Thus, it could hardly help but delay the withdrawal of American forces consistent with the commendable objectives President Nixon has announced.

More important even than that, however, are the implications of Ky's flamboyant statement in the light of the long history of suspicion and hostility between the Vietnamese and Cambodian peoples. How can one overlook the massacres of South Vietnamese at the hands of the Cambodians a few weeks ago, or the Saigon Government's feeling that it was necessary to send a marine rescue expedition to prevent the Vietnamese now in Phnom Penh from being killed, or at least mistreated.

For years South Vietnamese and Cambodians have been, for ethnic and nationalistic reasons, mortal enemies, and unquestionably, over the years, a succession of Vietnamese leaders have coveted Cambodian territory. History, thus, raises a cautionary finger when the leaders of the Saigon Government announce their intention to maintain their military forces in Cambodia, against the expressed intention of the American authorities. Quite evidently, this is one more instance where the ambitions of General Ky and his friends are not fully congruent with the interests of the United States; and, unless we are prepared to insist on the ARVN troops getting out while we still have some measure of influence over their actions—an influence that will progressively diminish as we proceed with our withdrawal from South Vietnam—we may well find ourselves a complaisant accessary to changing the map of South East Asia by coercion, to the manifest disadvantage of those Cambodian people we are purporting to help.

This, in fact, seems to me one of the fallacies in—or at least exceptions to—the assumption of the Nixon Doctrine that the combined action of regional powers can supplant United States effort. Certainly the eleven-nation conference of Asian and Pacific Missions which met last week in Djakarta showed no interest whatever in coming to the defense of Cambodia, contenting itself with the pious demand that all foreign forces should be withdrawn from that beleaguered nation without discriminating between the attackers and defenders.

Thus, I see very little promise in the notion that Cambodian independence can be secured by a combined force of South Vietnames and Thai troops. Thailand and Cambodia have been conducting an emotional border argument for years, and there is serious danger that any Thai force sent to Cambodia might be more interested in acquiring disputed territory than in driving out the North Vietnamese.

IV

I would not feel so strongly about our Cambodian adventure if it involved only the future of South East Asia; but I think it quite clear that by broadening the theatre of combat, implicitly extending the geographical scope of our commitments, and gravely widening the fissures in our national life, we are encouraging the Soviet build-up of strength and influence in the Middle East. That is a development which poses far more danger for American interests and for the peace of the world than anything that could possibly occur five thousand miles away in Asian jungles.

How can anyone doubt that Soviet leadership is consciously factoring into its calculations about the Middle East our increasing entanglement in the gluepot of South East Asia and the rising violence of a divided and angry America? Yet any objective look at the larger interests of the United States and the West must make emphatically clear the dangers piling up from Egypt to Lebanon.

For the first time since the Second World War, Soviet military personnel are flying military missions far from Soviet territory. NATO military circles report increasing concern that Soviet activities in Egypt have already so altered the military situation that Israel may not be able much longer to defend all of her frontiers, while certain of our own American military experts see the serious possibility that the Soviets may seek—and, indeed, be able—to neutralize the Israeli air force, which is the indispensable instrument by which two and a half million Israelis have so far defended themselves against ninety million Arabs.

For the United States, the implications of these possible developments are immensely serious; because, apart from the sentimental ties of the United States to Israel or the support and encouragement we have given the Israeli people—and these cannot be disregarded—the prospect of the possible destruction of Israel with Soviet assistance is not one that we could, in our national interest, accept. Such a disaster would turn the whole southern littoral of the Mediterranean into a Soviet sphere of influence; it would shift the balance of power catastrophically against the West.

Yet, I gravely fear that our continued obsessive concern with Indochina and particularly the recent enlargement of the war are rendering us indeed a "pitiful helpless giant," floundering in the mud of South East Asia, while our interests are being rapidly undermined in a far more strategically significant part of the world.

V

Our most real and imminent danger, as I see it, is that in our deep absorption with Indochina we have tended to lose sight of the fundamental objective of our policy, which I stated earlier in this paper, and that this has resulted in a dangerous distortion of our interest and effort. In finding a way out of this predicament, the Nixon Doctrine, as it is now formulated, seems to me to be more an expression of mood than of substance. It is a mood with which I am basically sympathetic; indeed, I have for many years contended that we should systematically constrict our commitments. But, rather than trying to depend on anything so elaborate as a formal doctrine, I would hope that we could develop some practical guidelines that would reflect simple common sense. Thus, in approaching any conflict or threat of conflict that might call for deployment of our military forces, we should make sure that we can adequately answer a series of quite simple but relevant questions:

(1) Is the geographical area at issue vital to the United States national interest?

(2) Does the struggle threaten to result in the extension of the power of one of the great Communist powers beyond the postwar lines and in a manner that could seriously affect the power balance on which world peace still unhappily depends?

(3) Is the physical terrain such that the military power of the United States could be effectively used?

(4) Does the political regime governing the area under attack have a sufficiently solid base to support the introduction of United States military power?

The attempt to seek serious answers to these questions—and to others, for there are many—should force us, over the years ahead, to distinguish situations reflecting primarily the forces of indigenous revolt from instances of external aggression. That is important, since I think it altogether likely that we may see more and more ambiguous situations—local wars dominated by nationalism, where the insurgent side depends for help on one or both of the great Communist powers, but where the success of the

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revolt would not result in a material extension of great Communist power domination.

Primarily, the discipline of such questions should enable us to distinguish the critical from the marginal, and thus avoid new chances of bogging down in endless local wars, which many of our citizens do not regard as vital to our interest. In this way, we might avoid a repetition of the critical danger we now face—that our preoccupation with the marginal may lead us to ignore the all-important, while, at the same time, encouraging our major antagonist, the Soviet Union, to undertake a brash extension of its military presence into a strategically critical area of the world, on the assumption that a distracted and internally divided United States will do nothing about it.

CATFISH FARMING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY), is recognized for 10 minutes.

Mr. MONTGOMERY. Mr. Speaker, there was an article in the September 30, 1968, issue of the Wall Street Journal which began by saying, "Advice for Agriculturists: Plant Catfish."

I could not agree more with this admonition. In the last decade the catfish industry has made tremendous gains in production for such a young and loosely knit organization.

As evidence of this growth, I would cite a total of over 39,000 acres for catfish farming in 1970 as compared to a total of only a little more than 2,000 in 1963. The wholesale value of the 1969 crop was more than 33 million dollars, a figure which approximately corresponds to a $75 million retail business.

Some may ask what relation this developing industry, sometimes called "aqua-agriculture," has to field crops. An answer may be found in the Lower Mississippi Valley, where fish farming is a basic part of the agricultural program of the area. In the past generation, fish is the only crop developed that will offer an opportunity for diversification of the basic agriculture of the area. The most rewarding factor, however, is that fish farming can be profitable, sometimes yielding gross income and net profits exceeding those of rice.

Catfish farming holds great potential in terms of the needs of a growing population. More than 70 percent of all fish products used in the United States are imported. Growing consumption of fish products and more consumers will increase the need for fish.

In terms of money, confidence in the fledgling industry by financial groups assures landowners that fish farming has considerable promise of success.

A most exciting aspect of growing fish is that it could prove beneficial in America's fight to save its environment. The water used by the industry would be in keeping with the philosophy of total conservation of natural resources, while at the same time allowing the harvest of a cash crop, producing large poundages per acre of needed animal protein, and beautifying the landscape.

Fish farming could increase recreational values of land for duck hunting, sport fishing, frog hunting, and trapping, and esthetic values for biologists, photographers, and nature lovers.

Another theory for environmental improvement involves taking the warm water effluents of nuclear reactor electrical generating plants and growing catfish in the warm water run-offs. It is thought that fish grown in these waters will grow six times as fast as normal fish and produce a rather remarkable return for the grower. This procedure cools the warm water and diminishes thermal pollution.

Growing fish in cages may allow this Nation to utilize better its flowing streams for additional production. Fish can be cultured in intensities as great as 250 pounds of fish per cubic yard when intensively cultured in cages, while at the same time increasing the fertility of lakes and streams.

Research is now being directed at solving the problems and limitations which the fish farmer is now facing and will face in the future.

Fields of research cover a wide variety of subjects, including nutrition, practical diets for fish, stocking and feeding rates, harvesting, spawning, behavior, cage culture, silo culture, hybridization, and disease.

There are also logistical problems in loading, handling, and transporting the fish to market before spoilage sets in. In the distant future there may be a lack of water. Abandoned lands now available may be impossible to convert to fish farms because of high accumulation of harmful pesticides.

The Catfish Farmers of America, composed of over 600 members in 30 States, was founded in July of 1968. Its purpose is to further the catfish industry and secure better working environments. The organization has made great progress in the processing of catfish, and has requested the Department of Interior to set standards and specifications and establish an inspection system for their products.

The future of fish farming will depend on the success and implementation of this research, as well as its acceptance by the industry. According to the Bureau of Sport Fisheries and Wildlife, There is little doubt that fish farmers will accept the new research results, thereby bringing us better quality fish at a lower cost and in an improved environment.

Despite its reputation as a delicacy in the South, the catfish is not as well known or as widely enjoyed by people from the North and West. It was my pleasure a few weeks back to introduce some of my colleagues to the succulent taste of the catfish at our annual House gym dinner. I can assure you they went away singing the praises of the catfish.

Mr. Speaker, in closing I would again like to point out the tremendous advances that have taken place in the catfish farming industry and the important role the catfish farmers of America have played in this progress.

Mr. REES. Mr. Speaker, in April, Capitol Hill's most propitious yearly event, the annual House gymnasium party, was held under the chairmanship of Congressman SONNY MONTGOMERY of Mississippi.

The gastronomical hit of the evening was the catfish, which our colleague from Mississippi provided. Those of us not familiar with this taste feel fortunate to have discovered one of the great gourmet finds of the century. The fish was plump, tender, and tasty. Veteran catfish connoisseurs, such as our colleague JOE WAGGONNER, of Louisiana, not only came back for seconds, but thirds and fourths.

I wish to express my appreciation to SONNY MONTGOMERY for this superb introduction to the catfish, a savory experience I hope will be repeated often.

Mr. GROVER. Mr. Speaker, I thank my colleague from Mississippi for yielding. I want to add my comments concerning catfish. I had learned prior to our annual dinner that farm-bred catfish are a gourmet's delight. I was not disappointed. The fish was as light, tender, and tasteful as any I've ever eaten. My congratulations to the fish industry for developing this delicious catfish.

Mr. WAGGONNER. Mr. Speaker, there is an old saying in the South that if there is anything better than catfish, the Good Lord kept it for himself. Our colleague, SONNY MONTGOMERY, proved the point during our annual gym party recently when they were made the high point of the evening's menu.

SONNY was chairman of the party and I think the House owes him three cheers for a job well done. Since cheering here in the well of the House might be indecorous even in such a worthy instance, I suggest we settle for a handshake or a pat on the back for both SONNY and the catfish farmers of America who made the menu possible.

GENERAL LEAVE TO EXTEND

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on Congressman MONTGOMERY'S Special Order today.

The SPEAKER pro tempore. (Mr. EDMONDSON). Is there objection to the request of the gentleman from Illinois?

There was no objection.

FEDERAL INSURANCE GUARANTY CORPORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, I would like to call attention to a constructive, needed piece of legislation, which I have cosponsored with my colleague, Representative MOOREHEAD, creating a Federal Insurance Guaranty Corporation—FIGC—in an effort to protect consumers against insurance company insolvencies.

The FIGC would be modeled after the Federal Deposit Insurance Corporation—FDIC—which insures deposits in Federal banks up to $15,000.

The need for the creation of the FIGC is readily apparent. In the past 10 years, the most affluent decade in our history, 125 property and casualty insurance companies have collapsed. The resulting loss to the consumer has been over $200 million.

The Federal Government cannot literally guarantee that a firm will not go

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bankrupt, but Federal backing reduces the risk while protecting the consumer.

Since the Federal Deposit Insurance Corporation was founded in 1934, only 475 banks out of some 15,000 insured by FDIC have gone under, costing the general public $12 million. By contrast, in a similar period over 750 of 500 property and casualty insurance companies were declared insolvent with losses to policyholders of $600 million.

Under the legislation I support every property and casualty company doing business in more than one state, and a few who operate in only one, would become members of the FIGC. Total membership in the beginning is estimated to be about 3,000 companies.

The FIGC would work in cooperation with the state insurance authorities in overseeing the operations of the insurance companies. In the event a company collapses, the FIGC would take over all the responsibilities of the company, including the adjustment or settlement of any claim pending against either the company or the policyholder. The FIGC also has the right to defend suits brought against the policyholder or insured party.

This corporation would create some security for the consumer who purchases insurance, and would cost him about 12½ cents for every $100 he pays each year in premiums.

STATEMENT RELATING TO THE WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, I have received many communications both opposing and supporting recent U.S. military moves against the Cambodian sanctuaries. I much appreciate the large citizen interest in this issue and thank those who have contacted me. It is infeasible to write individual responses. Therefore, I am making this general statement of my views.

When President Nixon took office last year he inherited a full scale war in Southeast Asia in which approximately 542,000 U.S. military personnel were engaged. Whether this was a "moral" or a "legal" war was irrelevant. It existed and he had to deal with it intelligently.

Already he has brought one out of four Americans home, a total of 112,000. He said he would do it and he did. To date the President has done precisely what he said he would do and has done it within the time tables announced. To reasonable people this should be ample assurance that he will continue to do so.

President Nixon states that by next spring another 150,000 will be out, force levels will fall below 280,000, making almost a 50 percent cut from the high mark. He states that by that time we shall, for all practical purposes, have withdrawn our combat troops and that the forces remaining will be primarily supply and logistics units.

That means we shall have disengaged and turned the fighting over to a well-trained, million-man South Vietnamese Army. Our non-combatants also can come home as this Army develops its capability to handle the supply and logistics tasks. There is no magic button here in Washington, unfortunately, which can be pushed and accomplish all these things instantly.

There is no question that all of us want out of this war as fast as possible, and surely, most of all, the President of the United States. If anyone thinks differently, he must be out of his mind. Whatever dispute there is, it is not about whether to get out of the war. It is about how to do so. And, it is about the minimum amount of time required to do it without inviting costly consequences disproportionate in value to any time saved.

Some people say "cut and run" this instant "to stop the killing." That is fine. But what about the 11 million South Vietnamese, at least half of whom the North Vietnamese regime would liquidate if they get their hands on them? To abandon them just a few months before the South's capability is developed to prevent it invites a bloodbath. It would not stop the killing. It would facilitate it. It would make the U.S. a passive accessory to an act of genocidal immorality.

Also, the fate to which it would relegate over 1,500 American POW's is a highly uncertain one. Moreover, the United States has maintained, ever since World War II, many mutual security treaties with countries in this area of the world. Running out on Vietnam could encourage the communists to move in on any and all of them. We could soon be forced to choose between a wholesale repudiation of solemn treaty obligations or facing half-a-dozen new major crises.

The President has chosen the alternative to this which is to withdraw in stages while building the South's independent ability to defend itself. This strategy was placed in harm's way when, immediately following his April 20 withdrawals announcement, Hanoi ordered its 40,000 troops in the sanctuaries to take over most of Cambodia. In particular, Hanoi wanted to re-open the Port of Sihanoukville through which 80 percent of its munitions used against two-thirds of South Vietnam had reached the sanctuaries while Prince Sihanouk was in power. Had it succeeded, an intolerable situation would have stretched for 600 miles along South Vietnam's western border.

The action against North Vietnam in the Cambodian sanctuaries is proving extremely crippling to its future ability to interfere with our orderly withdrawal and with the South's developing strength. Already, 8 million rounds of small arms ammunition have been seized and over 20,000 mortar rounds and 2,000 land mines. This and other captured communist war material won't be used to carry out Hanoi's orders to its troops in the sanctuaries to kill no less than 100 Americans per week to keep the political pressure on Washington. It won't be available to keep us pinned down in a far away place we desperately want out of.

Despite assertions to the contrary, this move against the North in the sanctuaries is legal both under article 51 of the U.N. covenant and under international law. Cambodia's inability to enforce its neutrality gives injured parties the right to take commensurate action. The U.S. and South Vietnam did so and notified the U.N. Their right of action does not depend on a declaration of war. War is a fact which may legally exist independently of a declaration. When war exists, declared or undeclared, the rules of war apply. Any illegality in this instance is on the part of North Vietnam which invaded this territory and took it from Cambodia for its own use.

Some people believe that passing the so-called amendment to end the war will make the war disappear. By withholding money, the amendment would restrict how, where and when action is taken to get us out of this mess. Frankly, I think the idea is dangerous and counterproductive. Hamstringing the President will not make it any easier or quicker to cool off the fighting and breathe life into the Paris talks. And, a lot of men in uniform could get killed waiting for Congress to repeal restrictions on things they may have to do to protect themselves. Can you imagine how long World War II might have dragged on if Congress had badgered General Eisenhower that way?

In expressing these views I do not feel at all omnipotent. I have a decent respect for those whose outlook differs from mine. I am prepared to change my mind if I am in error and trust that other people would do likewise. Pride is not important here—ending this war and keeping out of others is. I think it is also important in the dialogue on this subject to maintain a decent respect for our country and its President and a balanced perspective on the deep responsibilities of North Vietnam for perpetuating the war.

FARM SUBSIDY COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 30 minutes.

Mr. CONTE. Mr. Speaker, as one who has long been concerned about the runaway cost of our farm subsidy program, I am deeply concerned that the Department of Agriculture has committeed itself to maintain payments essentially at 1970 levels for at least 3 more years.

I made this clear earlier, in a recent floor speech—CONGRESSIONAL RECORD, April 16, 1970, page 12119—where I pointed out that large subsidies over $25,000 increased by 60 percent since 1966 and by 30 percent in the last year alone.

Mr. Speaker, I take the floor today to analyze the consequences of continuing this trend by focusing on what it will mean to one of our large cotton producers.

According to ASCS records, the Delta & Pine Land Co., a British-owned corporation, in Bolivar County, Miss., received farm program payments of $731,772 in 1969. Obviously, this is no way to improve our chronic balance-of-payments problem.

These payments were largely cotton production subsidies and indicate the corporation produced about 10,000 acres of cotton which sold for more than $1,000,000.

Cotton producers were given subsidies of $76 for each $100 of cotton sales last year, for planting within their cotton al-

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lotment and avoiding the heavy penalties that are imposed for overplanting their allotments.

I am told that, on a pro rata basis, this British corporation can expect to receive about $750,000 in 1971 under the new set-aside program which Secretary Hardin has proposed. This, of course, is based on the assumption that there will be no payment limitation. While I am confident that this body will enact a ceiling, there is great doubt that the House Agriculture Committee will include a limitation in the bill it reports to the floor.

I suggest, therefore, that it is well for all of us to consider the implications of a new farm program which does not include this reform. I know of no better way to illustrate the undesirable consequences of such a development than to consider the happy fate of this British corporation.

Since the cotton allotment on the average Mississippi delta farm is 40 percent of the cropland, on a pro rata basis, the Delta & Pine Land Corp. should have about 25,000 acres of cropland. In order to qualify for $750,000 in subsidy payments in 1971, this British corporation would be required to set aside one-third of its domestic cotton acreage allotment, which is 65 percent of the total allotment, or about 2167 acres. It could then plant as much cotton as it wished on the remaining cropland, 22,833 acres.

Cotton is the most profitable crop in the Mississippi delta and analysts in the Department of Agriculture expect many many delta farmers to increase cotton plantings by as much as one-half under the set-aside program. They could do this by reducing their production of the lower valued crops, soybeans, winter wheat and oats, even though they set aside the required acreage to qualify for maximum subsidies.

Mr. Speaker, it is estimated that under the set-aside program in 1971, the British Delta & Pine Land Co. will produce and sell over $1,500,000 of cotton in addition to receiving a subsidy of as much as $750,000.

At most, $65,000 of the $750,000 this corporation may receive in 1971 under the proposed set-aside program could be considered payment for resource adjustment for holding some 2,000 acres out of production of lower valued crops. This leaves $685,000 as an income supplement payment.

What is the justification for proposing a 3-year program that gives a foreign corporation with over $1.5 million in farm sales an annual income supplement or welfare payment of $685,000? What is the justification for giving 106 other cotton producers in Bolivar County annual income supplements or welfare payments in excess of $25,000 each for the next 3 years totaling over $5 million annually? Mr. Speaker, I submit there is no justification.

In spite of the decline in cotton exports and prices, land prices in the Mississippi delta have more than doubled in the past 10 years, largely because of increasing farm subsidies. Cotton subsidies have increased almost 20 percent in the past 5 years. Secretary Hardin has given this as one reason why existing subsidies should be continued. But surely this cannot justify continuing subsidies at 1970 levels plus freedom to grow as much cotton as desired. If they are continued at 1970 levels for another 3 years, with the current restrictions on cotton production eliminated, land values will skyrocket in the Mississippi delta and in other high-yield cotton areas. To continue in this direction will only compound the problem.

The most startling and, I submit, inexcusable evidence of the need to end this situation becomes clear when we contrast the wealth of these privileged few with their less fortunate neighbors.

Mr. Speaker, farm program payments of $5,000 or more were made in 1968 to 2,164 cotton producers in the 11 delta counties of Mississippi, totaling in excess of $49 million.

Yet 31,400 families, about 40 percent of the approximately 79,500 families in these 11 counties, were classified as poor, having incomes of less than $2,900 in 1966, according to official economic surveys. Expenditures for Office of Economic Opportunity Programs for these poor families averaged about $400 per family and totaled less than $13 million in fiscal year 1969. This is little more than one-fourth the subsidies paid to the 2,164 wealthiest corporations, landowners and farmers in these 11 delta counties. Can any of us here justify this appalling imbalance in our priorities?

Recent USDA publications report that the entire Mississippi delta area, consisting of 43 counties in Arkansas, Louisiana, Mississippi and Missouri, has been characterized as the largest single poverty area in the United States. The region is also characteristic of some of the most extreme types of poverty found anywhere in the country.

I would like to make clear, Mr. Speaker, that the contrast I have drawn is between only a handful of wealthy farmers and the great numbers of poor in the delta. It does not involve the overwhelming number of small and medium-sized farmers. The Legislative Reference Service of the Library of Congress has just prepared a table, which I will include at the close of these remarks, showing that only 1.3 percent of all farm producers will be affected by my proposed ceiling of $10,000 per crop. In Mississippi itself only 3.5 percent of all producers will be affected.

Mr. Speaker, I am not suggesting that a limitation on giant farm subsidies will, by itself, materially improve the condition of these desperate citizens at the bottom of the economic scale.

But the amendment I have proposed to limit these subsidies to $10,000 per crop will save up to $338 million—funds that clearly could be put to better use helping the rural poor.

We will not have these funds if we have no limitation. Under these circumstances—with acreage controls lifted and the set-aside adopted—our British friends at the Delta & Pine Land Co., and all of the giant cotton interests will reap further bonanzas.

I submit we can no longer justify the glaring inequity of a farm program that has rightly been described as socialism for the rich and capitalism for the poor.

Mr. Speaker, while I am confident we in the House will not go down this road, I hope these remarks have helped make clear where it would take us.

The table referred to follows:

PRODUCERS RECEIVING PAYMENTS OF $10,000 OR MORE FROM COTTON, FEED GRAINS AND WHEAT PROGRAMS AND ALL PRODUCERS RECEIVING PAYMENTS, BY STATES, 1969

States	Cotton	Feed grains	Wheat	Total, 3 programs	All producers receiving payments	Percent of all producers receiving payments
Alabama	777	32		809	82,683	1.0
Alaska					82	
Arizona	847	78	13	938	8,616	10.9
Arkansas	1,680		5	1,685	46,355	3.6
California	1,652	242	136	2,030	18,764	10.8
Colorado		200	457	657	26,824	2.4
Connecticut					1,757	
Delaware		5		5	1,874	.3
Florida	13	34		47	16,056	.3
Georgia	709	194	5	908	67,694	1.3
Hawaii					779	
Idaho		5	442	447	23,280	2.0
Illinois	2	822	10	834	135,962	.6
Indiana	1	485	4	490	105,392	.5
Iowa		1,016	2	1,018	152,325	.7
Kansas		343	773	1,116	135,443	.8
Kentucky	11	74	2	87	85,624	.1
Louisiana	786	4	1	791	30,246	2.6
Maine					4,635	
Maryland		25		25	9,366	.3
Massachusetts					1,877	
Michigan		52	1	53	84,657	.1
Minnesota		499	50	549	117,205	.5
Mississippi	2,459	12	3	2,474	70,939	3.5
Missouri	309	468	12	789	117,613	.7
Montana		6	1,117	1,123	27,271	4.1
Nebraska		806	99	05	98,108	.9
Nevada	13		4	17	741	2.3
New Hampshire					1,525	
New Jersey		6	1	7	5,045	.1
New Mexico	320	274	196	790	12,637	6.2
New York		11	8	19	35,269	.1
North Carolina	150	88	1	239	113,356	.2
North Dakota		46	490	536	72,674	.7
Ohio		166	7	173	110,367	.2
Oklahoma	170	50	371	591	70,408	.7
Oregon		6	326	332	15,613	2.1
Pennsylvania		16	2	18	44,316	.04
Rhode Island					300	
South Carolina	619	36		655	52,906	1.2
South Dakota		81	210	291	59,556	.5
Tennessee	413	24		437	92,673	.5
Texas	6,077	2,044	824	8,945	187,339	4.8
Utah		1	54	55	9,701	.6
Vermont					3,307	
Virginia		21		21	46,138	.04
Washington		11	1,143	1,154	18,445	6.2
West Virginia					15,682	
Wisconsin		94		94	71,025	.1
Wyoming		1	28	29	6,854	.4
Total United States	17,008	8,378	6,797	32,183	2,517,304	1.3

Source: U.S. Department of Agriculture.

CONGRESS AIMS AT ORGANIZED CRIME'S MONEYBAGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, the Sunday Star on May 24 carried an excellent article entitled "Congress Aims at Organized Crime's Moneybags," which deals with the adverse financial effects passage of certain pending crime bills would have on organized crime. The bills described in the article are H.R. 15073 and S. 3678 which deal with the disclosure of secret foreign bank accounts; and H.R. 10312, which I introduced on April 19, 1969, and title IX of S. 30 which deals with racketeer influenced and corrupt organizations.

Through the use of secret foreign bank accounts organized criminals can evade paying income tax and finance their numerous illicit activities such as narcotics trafficking, smuggling, black market currency operations, and illegal trading in gold. The profits from these criminal activities often go into secret foreign bank accounts only to wind up in the United States for investment in legitimate businesses. The disclosure provisions of the foreign bank account measures would furnish important leads on the organized criminals who are using secret foreign accounts to further their nefarious aims.

As the Star article points out, the aim of title IX of S. 30 and of H.R. 15073 is to remove the leaders of organized crime from their sources of economic power. These proposals would make it unlawful to use income from "racketeering activity" to buy an interest in or establish a business in interstate commerce. It would also be unlawful to acquire or operate such an enterprise through a "pattern" of racketeering activity. Any organized criminal who goes into legitimate business with racketeering money and methods could be fined up to $25,000 or imprisoned up to 20 years, or both. More importantly, however, a convicted racketeer could be made to give up his business by criminal or civil forfeiture. Under criminal forfeiture provisions such an individual would lose his business to the Government. Under civil forfeiture provisions, similar to antitrust provisions and novel as a method of combatting organized crime, a convicted racketeer would be ordered to divest himself of the business and not to return to it under another name or in a different part of the country.

S. 30, of which title IX is an integral part, was subjected to lengthy indepth hearings and passed in the Senate on January 23, 1970, by the near unanimous vote of 73 to 1. The House Judiciary Subcommittee No. 5 conducted hearings on S. 30 last week and is due to resume further hearings May 27 for 1 day, and have scheduled a 2-day session for June 10 and 11.

Mr. Speaker, these are vital and necessary pieces of legislation in our battle against organized crime. The President has asked for expeditious passage of organized crime legislation. It is my hope that we can this year give law enforcement these additional tools to combat the forces of organized crime.

Mr. Speaker, under unanimous consent I insert the newspaper article to which I referred earlier at the conclusion of my remarks.

The article follows:

[From the Washington (D.C.) Star, May 24, 1970]

CONGRESS AIMS AT ORGANIZED CRIME'S MONEYBAGS

(By Miriam Ottenberg)

Two measures now moving through Congress could deal organized crime's overlords the body blow they fear most—right in their overstuffed moneybags.

Although the bills come from different committees, it's their combined effect that counts. One would force Americans to disclose how much money they've socked away in secret foreign bank accounts. The other would get the tainted money of the mobsters out of legitimate business.

The disclosure provisions of the foreign bank account measure could provide important leads to the racketeers now funnelling their millions out of illegal gambling, loan sharking and narcotics into Swiss bank accounts and from there into legitimate business.

Both measures are pioneering efforts to protect honest people from what organized crime can do to them. Most of organized crime's profit-making crimes are the kind with willing victims—dope addicts, gamblers, borrowers from loan sharks. But people don't willingly consent to what organized crime can do and is doing to them in the market place. They don't like shoddy, often counterfeit products or prices forced down to get rid of honest businessmen and then pushed up higher than ever. They like to be able to choose where they buy, not to have one product or one service forced on them.

And as taxpayers, if they knew about it, they would resent the people in and out of organized crime who manage to duck paying taxes on the greatest of their gains by banking them in a numbered Swiss account or in the Bahamas or any other country where bank accounts are shrouded in secrecy.

To lift that veil of secrecy for American taxpayers, the Senate Banking Committee will open hearings June 8 on legislation bringing secret foreign bank accounts under greater public scrutiny. Similar legislation has cleared the House Banking Committee and now awaits House action.

BUSINESS PARASITES

As for ridding legitimate business of its illegitimate parasites, the House Judiciary Committee opened hearings last week on the Senate-passed Organized Crime Control Act.

A key section of that 99-page anti-crime package has as its target "racketeer influenced and corrupt organizations." It would be against the law to use income from "racketeering activity"to buy an interest in or establish a business engaged in interstate commerce. It would likewise be unlawful to acquire or operate such an enterprise through a "pattern" of racketeering activity.

"Racketeering activity" is defined in terms of the laws characteristically violated by members of organized crime—murder, kidnaping, gambling, arson, robbery, bribery, extortion, narcotics trafficking, counterfeiting, embezzlement, fraud and white slave traffic.

By "pattern" the bill refers to two or more racketeering acts, one of which must have occurred after the measure becomes law. The other could have taken place many years earlier but there must be a close relationship between the two. As sponsors of the measure point out, the fact that a mobster hasn't been caught all these years shows his means of cloaking his crimes have been virtually impenetrable and therefore more dangerous to the community.

Any racketeer who goes into legitimate business with his racketeering money and methods could be fined $25,000 or imprisoned up to 20 years. But more important to his crime "family" is the loss of his business, and the pending bill has two alternative ways of seeing to that.

One is by way of criminal forfeiture. The convicted racketeer would lose his business to the government.

The other route—brand new in dealing with organized crime—is civil forfeiture, similar to antitrust proceedings. The court could order the racketeer to divest himself of the business and not to return to the business under another name or in another part of the country. The racketeer wouldn't lose his money but the community would be freed of the racket-dominated business.

Sen. John L. McClellan, D-Ark., in his report on the measure he sponsored, noted that the Supreme Court had used the same anti-trust remedy to force DuPont to give up its General Motors ownership "almost without regard for the economic consequences."

If the court could do that to DuPont, McClellan commented, "then it must surely follow that removal of criminal elements from the organizations of our society by divestiture is justified."

The goal is to remove the leaders of organized crime from their sources of economic power, rather than just remove the leaders and leave the racket-dominated business to flourish under their successors.

As President Nixon commented in his organized crime message last year: "As long as the property of organized crime remains, new leaders will step forward to take the place of those we jail."

That property runs into billions, nobody knows just how many billions because most of the wheels of organized crime hide behind "fronts" or "nominees" while putting their profits into secret bank accounts.

Just counting reported business interests, a survey in one midwestern city shows racketeers in that city control or have large interests in 89 businesses with total assets of more than $800 million and annual receipts in excess of $900 million.

William A. Kolar, director of the Internal Revenue Service's Intelligence Division, reported a new study of 1500 leading racketeers shows 80 per cent of them admittedly were engaged in some form of legitimate business.

Of course, he added, nobody knows the extent of their hidden interests. Uncovering them would take a lot more manpower than the 1,800 men now assigned to IRS Intelligence.

Of the 1,800 special agents, only 25 percent devote their efforts to organized crime work because of the need to investigate a substantial number of tax frauds not involving racketeers.

Kolar, who is retiring this month after 26 years of federal investigative assignments beginning with the FBI, said one of the major problems he faced as director of IRS intelligence was trying to track down the hidden money of the racketeers who infiltrated legitimate business. He's leaving government to join William Hundley, former chief of the Justice Department's Organized Crime and Racketeering Section, and Robert Peloquin, who headed the government's first strike force against organized crime, in a new enterprise, International Intelligence Inc. Their mission will be to help businessmen protect themselves against racketeer take-overs.

THE METHODS

Kolar cited these methods used by organized crime to acquire control of legitimate business, methods the proposed legislation is designed to block:

1. Racketeers make outright buys of legitimate businesses, using the untaxed profits from gambling ($6 billion to $7 billion an-

nually); narcotics ($350 million); loan sharking ($350 million); prostitution ($225 million) and untaxed liquor ($150 million).

2. They "accept" business interests in payment of the owner's gambling debts. The owner of a beer distributing firm with an uncontrollable urge to gamble at first pacified his gambling creditors by letting them use his company offices as the headquarters of their lottery operation. Eventually, the mobsters gained control of the company.

3. They gain control by foreclosing their usurious loans, which had been made with untaxed illegal income. IRS has evidence showing how the mob took over several brokerage houses through foreclosing loans. They used the brokerage firms to promote the sale of fraudulent stock in a swindle which cost the public more than $2 million.

4. They use extortion, threats, beatings, bombings or the sly mention of an underworld "enforcer" to terrorize businessmen into giving up their business or accepting the product or service they force upon him.

In a typical case, a large food chain suffered more than $10 million worth of arson damage and two store managers were murdered because organized crime wanted the chain to stock a brand of detergent distributed by a racketeer-operated agency.

The U.S. Chamber of Commerce cited that case in its recently compiled "Desk Book on Organized Crime," which was issued to help businessmen, their families and their communities protect themselves from the ever-present threat of organized crime.

The Desk Book cites these practices of racketeer-dominated companies:

Bribing inspectors to accept defective construction materials, threatening pharmacists as part of a "sales pitch" for mob-distributed and often counterfeit prescription drugs, setting fires to stores which balk at buying racketeer-promoted products, corrupting public officials to obtain local, state and federal contracts, counterfeiting state and federal tax stamps.

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Typical of a hoodlum-bossed business in operation is the case of a New York trucking company controlled by John A. Masiello, a Cosa Nostra "soldier" and leading loan shark, indicted with his son, a racket associate, and four postal officials on charges of conspiracy and bribery.

The postal officials were accused of taking bribes from Masiello to overlook complaints about service under mail trucking contracts worth $2 million awarded to firms controlled by Masiello and others.

The criminal habits and attitudes which the McClellan bill strives to get out of the marketplace are reflected in the activities of some offspring of Mafia bosses. Salvatore "Bill" Bonanno, son of former Mafia boss Joseph "Joe Bananas" Bonanno, was convicted of mail fraud and conspiracy for using a Diner's Club credit card extorted from a New York travel agent. Soon after a store seized the card from Bonanno, the henchman with whom Bonanno had conspired to get the card was short to death in Brooklyn.

Joseph J. Colombo, Jr., son of the reputed Brooklyn Mafia boss, was arrested a few weeks ago and charged with two others of conspiring to melt down $500,000 in U.S. silver coins and sell the silver. The senior Colombo is awaiting trial on income tax evasion charges.

Athough no one in law enforcement knows the extent of organized crime's invasion of legitimate business, there are occasional indications of multi-million-dollar holdings. For instance, various Mafia mobs are said to control one of the largest hotel chains in the country, dominate a bank with assets of from $70 to $90 million, operate a commercial laundry that grosses over $20 million yearly, own real estate interests valued at $300 million and, in some parts of the country, own nearly 90 percent of the private waste-disposal industry.

Often bankrolling both the legitimate and illegitimate activities of organized crime are numbered accounts in Swiss banks. It is known, for instance, that money stashed away in secret Swiss accounts financed drug counterfeiting operations which one drug company executive estimated could run to nearly $100 million annually. Preparations of underworld origin are said to have been found intermixed in almost every type of commonly prescribed medication.

The secret bank accounts are an integral part of the heroin trade. Money received for the sale of heroin in the United States is either carried to Europe by a courier or hand carried to a New York bank or money exchange where it is forwarded to an account in a Swiss bank. There, the money is transferred to the account of the heroin supplier.

Former U.S. Atty. Robert Morgenthau cited a recent heroin case where as part of the payoff for smuggling heroin, $950,000 was sent to the Swiss bank account of a Panamanian corporation with offices in Geneva.

For organized crime, the secret bank accounts are used to conceal the profits of crime and to facilitate carrying out such international crimes as narcotics trafficking, smuggling, black market currency operations in Southeast Asia and illegal trading in gold.

Eugene T. Rossides, Assistant Secretary of the Treasury for Enforcement and Operation, says there's strong evidence of a substantial flow of funds from U.S. racketeers, particularly those associated with gambling, to certain foreign banks.

"Some of these funds," he said recently, "appear to have been brought back into the U.S. under the guise of loans from foreign sources. This may be providing a substantial source of funds for investment by the criminal element in legitimate business in the United States."

"CLEAN MONEY"

The mobsters profit two ways. First, they've got "clean money" to use for their investment. If any investigator asks where they got the money to start this business, they can say it's a loan. Second, they can take an income tax deduction for the interest they're paying on the "loan." Of course, they don't report the interest their money is accumulating in its Swiss hideaway and since the account is secret, the government can't prove they have a cent there.

In addition to the diversion of illegally-acquired funds to foreign havens, secret accounts can be misused to duck paying income taxes on large capital gains in the stock market, to violate the securities laws that are designed to protect the stock-buying public, to push the stock market up and down and to mask the takeover of American businesses by persons unknown to American authorities.

In testimony before Chairman Wright Patman's House Banking Committee, Irving M. Pollack, director of the Securities and Exchange Commission's Division of Trading and Markets, warned that cases already known to the SEC are not at all atypical and they suggest that hundreds of millions of dollars are being furnished annually by foreign sources to assist in efforts to gain control of American companies.

One thing that's of particular concern to American authorities is the takeover of American companies with defense contracts by unknown individuals dealing through secret foreign bank accounts.

Usually this happens when controlling stock in a company is put up as collateral on a loan made by a foreign bank for one of its secret customers. When the borrower defaults on the loan, unknown interests take over the company.

Swiss bankers are the shadowy figures behind an increasing number of cases involving major frauds. In one recent case, two Swiss bankers supplied hundreds of false documents from a string of sham companies which helped an American group—including a Washington attorney—swindle the U.S. government and channel more than $4 million into secret Swiss bank accounts.

Equally shadowy are the activities of a long-time associate of Racketeer Meyer Laskey, a former bootlegger named John Pullman who is said to manage the flow of American organized crime's millions into and out of Swiss bank accounts.

A one-time courier for the mob, Pullman renounced his American citizenship to handle the mob's investments from his headquarters in Lausanne, Switzerland. He stays out of the United States, out of reach of the subpoenas that would greet him here from information-hungry investigators.

Money funneled to secret accounts in Switzerland often comes back in the form of stock purchases carried in the name not of individuals but of banks. Last year alone, foreign stock purchases amounted to $12.4 billion and sales reached $10.9 billion.

Pollack emphasized that during the past few years, legitimate foreign investments have been welcomed and as a result have increased substantially.

Aside from this massive legitimate foreign investment, nobody knows how many of the individuals for whom Swiss banks bought the stock are violating two of the key laws created to protect American investors—one forbidding "insider" trading, the other setting margin requirements.

Some executives of U.S. corporations, barred by law from trading in their company's stock on the basis of inside information, are known to be trading secretly through their secret Swiss accounts.

Some American investors, who would have to put in enough cash to cover 65 percent of the cost of the stock they buy under American law, are buying shares through numbered Swiss accounts with as little as 10 percent down in cash.

Sen. William Proxmire, D-Wis., recognized the questionable foreign stock transactions when he included in his secret foreign bank account bill two sections specifically dealing with securities.

One would prevent U.S. broker-dealers from trading in U.S. securities in behalf of a foreign bank or broker unless the foreign bank or broker discloses the individual for whom it is acting or certifies that it is not acting for a U.S. citizen or resident. That would remove the cloak of secrecy from the foreign stock transactions.

PLAY BY RULES

The other section would require U.S. citizens who place stock orders through foreign banks or brokers to give the foreigners permission to disclose the person's identity to the U.S. broker-dealer who ultimately handles the transaction. That permission would allow the foreign banks or broker to disclose the U.S. citizen's identity without violating the foreign country's secrecy laws.

The rest of the Proxmire bill follows the House measure which provides:

Domestic financial institutions would have to maintain records of checks and other financial transactions under Treasury regulations.

Unusual or sizable deposits or withdrawals of U.S. currency would have to be reported by financial institutions and individuals making the deposit or withdrawal.

Movements of U.S. currency into or out of the country would have to be reported when they exceed $5,000 on any one occasion or $10,000 in any one year.

Individuals who have transactions with foreign financial agencies would have to report those transactions.

The penalties for violating the margin requirements on securities loans would be extended to the borrower in order to prevent circumvention by a foreign lender.

An increasing number of Americans—some of them American hoodlums—now own and control banks in Switzerland and the Bahamas. The pending legislation would force them to play by some of the same rules as the people who never left home.

TAKE PRIDE IN AMERICA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the world's largest producer of jet fuel. In 1966 the United States produced 27,267,000 metric tons of jet fuel compared to 2,190,000 metric tons produced by the United Kingdom, the second-ranked nation.

THE COMPETITIVE STATE OF OUR FOREIGN TRADE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, again I feel compelled to call to the attention of Congress the increasing peril to U.S. industry and its work force. With the help and cooperation of O. R. Strackbein, president of the nationwide committee on import-export policy, I am presenting some sobering facts on a decade of U.S. trade deficit.

The United States has suffered a spectacular defeat in its foreign trade during the past decade and particularly during the past few years.

With the exception of a very few lines of products we find ourselves in a growing deficit position in our trade with other countries of the world. So great is our general competitive disadvantage that it can no longer be ignored or hidden. Some dramatic developments have indeed surfaced within recent years to underscore the blindness of a policy that should have been modified before now.

A defeat such as we have suffered in the field of trade would have called for the scalps of directors and managers in any other line of endeavor. A conspiracy of concealment and silence has kept the unwelcome facts from the public.

This is a heavy indictment, all the more so because the concealment has been both unconscionable and stubborn, running over a period of years.

A few examples will illustrate the trade trends of the sixties:

Our exports to Japan from 1960–69 increased 141.1 percent; our imports 325.4 percent. Our exports to West Germany rose 66.4 percent, our imports 190.2 percent. Twenty percent of all our imports in 1969 came from these two countries. They took only 14.8 percent of our total exports.

We increased our exports to the Common Market countries by 75.7 percent while our imports rose 156.3 percent, or double our exports.

With respect to Italy our exports rose 76.4 percent while we imported 206.8 percent more.

The United Kingdom increased her sales to us by 113.5 percent while our sales to the U. K. increased only 57 percent.

Our exports to all of Asia increased 97.4 percent while our imports swelled by 204.1 percent.

Our imports from the countries of the European Free Trade Association—England, Norway, Denmark, Finland, Sweden, Switzerland and Portugal—increased twice as much as our exports to those countries: 127.2 percent compared with 63.4 percent. Our imports from Sweden rose more than twice as fast as our exports to her or 108.2 percent versus 43.4 percent.

The great exceptions were Canada and Latin America. In the case of Canada, largely because of the automotive agreement, both our exports and imports increased greatly. Exports rose 239.8 percent and imports 258.1 percent.

Latin America, with the exception of Argentina, Peru, and Mexico, showed a depressive result from the Latin American point of view. Our exports to Argentina rose only 5.3 percent while our imports increased 58 percent. Yet our exports still exceeded greatly our imports. In the case of Peru our exports grew only 13.6 percent while our imports went up by 71.6 percent. Our actual imports in this case were nearly twice as heavy as our exports. Mexican sales to this country rose by 132.3 percent while our exports to that country rose a more modest 74.1 percent. Yet we still had a favorable trade balance.

Our exports to Latin America as a whole, including the three countries mentioned, grew 36.1 percent while our imports rose only 19.4 percent. In a few instances our imports showed an actual decline during the decade, namely, from Chile and Venezuela.

In our total world trade our exports increased 84.6 percent while our imports went up 146.0 percent.

Our trade with all the world except Canada and Latin America showed a sharper disadvantage. Our exports grew 81.8 percent compared with an import increase of 160.8 percent. In other words, our imports from the rest of the world, outside of Canada and Latin America, grew twice as fast as our exports to that part of the world.

In the case of Latin America our imports consist principally of raw materials and crude foodstuffs. However, the great increase registered in our total imports in recent years from all the world has occurred in manufactured goods rather than in raw materials. Therefore imports from the industrialized countries accounted for much the greater part of the sharp rise in our imports during the past decade.

It may be asked why this great discrepancy between the growth of our imports of raw materials and manufactured goods should have occurred. The trend should really be no occasion for surprise. Imports of raw materials did indeed increase, but they rose from an index of 100 in 1956–60 to 130 in 1968, compared with a rise from 100 to 402 for finished manufactures. In other words, imports of the latter grew 13 times as fast as imports of raw materials.

The sharply divergent trend is traceable to the relative labor content in the two forms of products. Raw materials incorporate only the first step or two of production. The amount of cheap labor expended is, therefore, the minimum. In the case of finished goods the full complement of labor is incorporated. This might be four or five stages of production. The savings on imports is, therefore, all the greater. Not only is there one stage of production at low labor cost but several stages. Therefore, it is of a much greater advantage to import finished products compared with raw products, because the former have more of the low-cost labor in them.

Today about two-thirds of our imports consist of manufactured goods. Not many years ago less than a third of all imports were of this variety.

If imports have grown so briskly compared with our exports, why do we not have a foreign trade deficit?

The answer is we do have a trade deficit. It merely does not so appear from the official trade statistics issued by the Department of Commerce. That Department elects to count as dollar exports not only the goods that we give away or sell abroad at cut prices but also those that we can export only because of our governmental subsidies. This practice swells our exports unjustifiably. If that practice were stopped our merchandise balance would show a deficit. Also we total up our imports on their foreign value rather than what they cost us landed at our ports of entry. This practice undervalues our imports by several billions of dollars a year. The upshot is that our trade deficit is in the magnitude of $5 or $6 billion in terms of commercial competitive trade instead of having a surplus as reported by the Department of Commerce.

These facts have been concealed too long. Their concealment has abetted the perpetuation of a trade policy that is against the national interest and has prevented the adoption of prudent restraints on imports that will prevent their running wild.

The great surge in imports has been explained by the "extraordinary increase in domestic demand." Yet the experience of Japan, West Germany and Italy thoroughly contradicts that explanation. Those countries, too, have experienced a great expansion at home. In spite of that they nevertheless also made great strides in their exports. Some other factor must explain our trade debacle. Only those who will not see will fail to perceive the real reason. This is simply that other countries, with their new productive technology and their lagging wages, can and do outcompete us both here and in foreign markets.

Unless something is done soon, not indeed, to reverse the trend, but to keep the imports within reasonable bounds of growth—not a cutback, but a moderation—a bitter reaction will set in, not

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only among the manufacturers, growers and producers who are being injured, but by labor as well. The latter is already showing signs of unrest from this source. National unions that formerly supported the freer trade policy are shifting their position because they see in unregulated imports the evaporation not only of actual jobs but of potential jobs upon which the employment of their members depends in the future.

Such favorable trade balance as we do still enjoy in some sectors is confined to a very few products, most notably, and preponderantly, machinery, including automobiles, aircraft, and computers. In 1969 we exported $6.6 billion more in this category than we imported. Chemical exports on a much smaller scale were also in a surplus position.

Machinery exports, both electrical and nonelectrical, have indeed continued at a high pace, thanks largely to our heavy investments in branch plants abroad, but imports have been gaining impressively. In 1960 we exported 4.7 times as much machinery and transport equipment as we imported. In 1969 the ratio was considerably less than 2 to 1. This is by far the heaviest single item in our exports. In 1969 it was 43 percent of our total exports. The 1960–69 trend has continued. Exports of machinery exclusive of transport equipment grew 46.2 percent since 1965 through 1969, but imports rose 154 percent, or more than three times as rapidly, in this 5-year period.

In other manufactured goods our exports rose from $3.8 billion in 1960 to only $7.0 billion in 1969. During the same period imports of other manufactured goods rose from $4.5 billion in 1960 to $12.0 billion in 1969. In other words, exports of this class of wide variety of products rose 83 percent; imports rose 163 percent. Among the products included in this broad class of products are iron and steel mill products, shoes, paper and manufactures, textiles, clothing, glass, glassware and pottery, clocks and watches, nails, screws, nuts and bolts, toys and athletic goods, rubber and plastic manufactures, bicycles, bicycle parts, motor scooters, hand tools, plywood, cameras, musical instruments, radio and TV sets, phonographs and records, musical instruments, sound recorders, optical goods, et cetera. In this group as a whole we suffered a deficit of $5 billion in 1969, even when imports are tabulated on their foreign value rather than landed at our ports of entry.

In agricultural products we have import problems in strawberries, tomatoes, citrus fruits, canned olives and mushrooms, meat, lamb, potatoes, dairy products, honey, mink, fish, oysters, crabmeat, flowers, et cetera. In minerals we have a trade deficit in petroleum, copper, lead and zinc, bauxite and aluminum. Added to manufactured goods and agricultural products the total deficit far outstrips the surplus in machinery and chemicals.

Employment in the lines of products constituting these other manufactured goods exceeds employment in the limited lines in which our exports have been enjoying a surplus, by some 2 million workers.

Our national policy is therefore in the posture of helping one broad industry—machinery and transport equipment, in which our lead is narrowing ominously in any event—at the expense of a wide spectrum of industries wherein imports are overrunning our market almost at will.

In view of the rapid narrowing of the export surplus in machinery and transport equipment, as noted previously, the exceedingly unstable foundation of our fictitious overall surplus provides little ground for confidence.

Moreover, since duties will be cut still further under the Kennedy Round, the outlook for improvement of our trade position must be regarded as bleak.

The reduction of our tariff has gone so far, and since its resurrection is hardly probable, we must look elsewhere for relief.

Imports of optical goods, which are your immediate concern, have followed a rather common pattern. You have been losing out in terms of the share of domestic consumption supplied by your companies. In the case of lenses you have seen imports come from some 7 or 8 percent of domestic consumption as recently as 1965 to some 18 percent in 1969.

Imports of frames which had already taken 22 percent of your market in 1965 rose to about 33 percent in 1969.

In each instance the invasion of imports has been relentless; and there is nothing now on the scene to suggest that the penetration will not proceed toward greater deprivation of our market.

The tariff would not, in any case, be of much help, unless it were raised to seemingly exorbitant levels, because of the low unit cost of foreign producers, especially the Japanese.

We, therefore, seek a different means of holding imports at a reasonable level.

Recently, legislation has been introduced in the Congress that would accomplish a moderation of imports. This legislation which was introduced in the Senate by the Chairman of the Finance Committee, Senator RUSSELL LONG, has been introduced in the House by some 65 Members, among them, four committee chairmen. It is called the Fair International Trade bill.

This bill would establish ceilings on imports for the purpose of preventing imports from running wild. It would generally accept levels of imports but would hold future penetration to a growth on a par with the increase in domestic consumption of the same product. This might be 10 percent, 15 percent, 30 percent, 40 percent, or more of our market, depending on the penetration already achieved.

Import quotas would be imposed only if imports should break through the ceiling for a period of 6 months.

If the ceiling principle is adopted, domestic industries would be assured of holding a fair share of the domestic market, no matter how low the foreign production costs. The notion that imports should be given priority over domestic production to the extent of bulldozing the jobs of our workers out of the way and leaving it up to us to pick up the pieces and repair the wreckage by a system of adjustment assistance is wholly unjustifiable philosophy and represents an amazingly harsh attitude in point of public policy.

That foreign producers should be able to pay wages that would be illegal in this country and then build a destructive trade on that basis with the blessing of our Government, seems incredible. Yet, that is the basic philosophy of adjustment assistance. It proceeds on the wholly untenable assumption that if an American producer cannot compete with imports he is necessarily inefficient. He is guilty without trial, and must take the consequences. Yet on a relative efficiency basis, which is to say, output per man-hour or per man-year, American industry continues to lead the world. This lead is shrinking, however, and the low foreign wages combined with rising foreign technological productivity produces the foreign competitive advantage.

We cannot hope to hold our own industrially in this type of competitive climate. The fact of our competitive defeat from the persistence of lower foreign wages can no longer be concealed by sleight-of-hand trade statistics. The trend of rising imports will force a recasting of our obsolete trade policy.

Mr. Speaker, I also wish to read a letter from Mr. Strackbein to the President of the United States:

APRIL 9, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is my impression that the Presidency is inadequately informed and therefore misinformed on the competitive state of our foreign trade.

Accordingly I send you herewith a copy of a speech I am scheduled to make before the Optical Manufacturers Association in a few days. It is entitled "A Decade of U.S. Trade Defeat." The speech is self-explanatory; but in view of the heavy demands on your time I shall present here a very brief account of its principal points:

1. Contrary to official foreign trade statistics the United States has for several years run a deficit in our merchandise import-export account. This deficit, in terms of private commercial competitive trade, is in the annual magnitude of some $5 billion.

2. We do indeed enjoy a surplus in a limited category or two of goods. In 1969 this surplus was some $8 billion, concentrated overwhelmingly in machinery and transport equipment and, to a much lesser extent, in chemicals. Imports, however, have been rising several times as rapidly as exports in the machinery sector during the past decade. This handsome surplus may therefore be expected to disappear in a few years.

3. With respect to nearly all "Other Manufactured Goods" we incurred a deficit of some $5 billion in 1969. The products include steel, textiles, footwear, glass, pottery, radio and TV sets, plywood, bicycles, musical instruments, optical goods, toys and athletic goods, rubber and plastic manufactures, screws and bolts, hand tools, clocks and watches, etc.

4. If the deficit in certain agricultural products is included, such as tomatoes, strawberries, citrus fruit, muchrooms, fish, olives, meat, mink; as well as certain minerals, such as petroleum, lead and zinc, copper and bauxite, the surplus enjoyed in machinery exports is swamped.

5. Employment in the so-called "Other Manufactured Goods" mentioned above or "Miscellaneous Manufactured Articles," both as classified by the Census Bureau, exceeds employment in the narrow sector in which we enjoy the export surplus described above, by about 2 million workers. When the export surplus in machinery disappears we will be at bedrock of a foreign trade disaster.

6. Imports of manufactured goods now account for about 65% of our total imports, compared with only about 30% fifteen year ago.

7. Importation of manufactured goods offers our importers the most attractive bargain since these goods incorporate all the steps of the manufacturing process, which may be three to five. The cheap labor advantage is thus magnified compared with the importation of raw materials, which do not go beyond one or two of the steps of production. Little wonder that imports of finished goods have left the imports of raw materials far behind.

8. The incontestable competitive advantage enjoyed by foreign manufacturers in this market rests on nothing more mysterious than the lower level of wages they pay, coupled with the fast-rising productivity that has come from technological advancement and adoption of mass production methods abroad.

9. Looking to the tariff, which on the average is down 80% from its level of 35 years ago, as a defense is unrealistic. Also to rely on adjustment assistance is to vacate our productive facilities with their workers in favor of a form of competition that derives its advantage principally from the simple fact that foreign producers pay wages that would be illegal in this country. This fact should be weighed carefully in any assessment of inefficiency of our producers and manufacturers who in fact continue to lead the world in productivity. Fairness demands that the unequal burden be taken into account and that we do not penalize our industries and workers for complying with labor standards imposed by the Government in response to the wishes of the electorate.

10. As the tide of imports rises we need a ceiling over them in specific instances, designed to share our market on a reasonable basis, permitting imports to grow with our economy, but denying them the license to run wild while trampling over our established labor standards.

I shall be ready on request to substantiate more fully this outline of our trade position.

With assurances of my esteem,
Sincerely,
O. R. Strackbein,
President.

H. R. 17725—LEGISLATION TO PROVIDE THAT ALL FEDERALLY ASSISTED CHILD DAY-CARE PROGRAMS SHALL PROVIDE, AS A PART OF SUCH PROGRAM, NUTRITIONAL MEALS AND PREVENTIVE, DIAGNOSTIC, AND EMERGENCY MEDICAL CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Farbstein) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, last week I introduced legislation, H.R. 17725, that would provide children attending federally assisted day-care centers with three balanced meals a day, if needed, and free, regular medical checkups, and medical care.

The sympathy of the whole Nation has been aroused by the so-called hunger hearings. Studies showing that the lack of simple, wholesome food produces defects in children, the consequences of which influence their entire lives, have horrified many. I believe the time has come to do something about it.

The most precious single resource of our Nation is its youth. It is a resource that we dare not neglect or carelessly squander. I believe my bill will contribute substantially to the welfare of our Nation by helping to assure that children will not be prevented, by physical handicaps caused by hunger, from making their rightful contribution to our national life.

The text of H.R. 17725 follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no Federal funds shall be used, either directly or through grants or contracts, to meet or assist in meeting, the cost of a child day-care program, unless the program provides (1) a complete meal for each child present in the day-care center during mealtimes (unless provided such meal at his home), and (2) appropriate medical services for all children being cared for.

Sec. 2. The Secretary of Health, Education, and Welfare shall make such regulations as may be necessary for carrying out this Act which shall be observed by all Federal officers and agencies carrying on programs of assistance for child day-care programs. Such regulations shall (1) prescribe standards with respect to the type, quality, and amount of food which must be provided, and (2) the medical services which must be provided. The medical care so required shall be of a diagnostic, preventive, or emergency character only.

Sec. 3. If the Secretary of Health, Education, and Welfare determines that the funds available for any program of Federal assistance for day-care programs are insufficient to permit compliance with this Act, the Secretary shall, from funds appropriated to carry out this Act, make available to the Federal officer or agency concerned such sums as may be necessary to permit compliance with this Act.

ENVIRONMENT

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, one of the most able and constructive Members of Congress is the Honorable John Kyl, Congressman from the Fourth District of Iowa. Congressman Kyl is now serving in his fifth term. During that time, he has been a cooperative, active, and effective member of the House Committee on Interior and Insular Affairs of which I am chairman. He has also served most ably and effectively on the Public Land Law Review Commission of which I am chairman, which Commission will deliver its report to the President of the United States, to the President of the U.S. Senate, and to the Speaker of the House of Representatives during the last week of June this year.

Congressman Kyl is one of those outstanding Members who does his own thinking and, in my opinion, he is almost always to be found in a knowledgeable and logical position. He is particularly interested in people and the conditions under which people live, work, and play. His love for young people is exceptional. His desire to talk to them in an understanding manner is also exceptional.

Recently he made some addresses during Environmental Week of April 20 to 25 which have far more constructive thinking than most of the addresses given during that week. It has been my good fortune to read one of them and I wish to share it with my colleagues in Congress. Accordingly, I have obtained unanimous consent to have it placed in the body of the Record so that others who wish to share Mr. Kyl's contribution may do so.

The address follows:

Address of Representative John Kyl, Fourth Iowa District, Environmental Week, April 20–25, 1970

"To him who in the love of nature holds communion with her visible forms, she speaks a various language." Indeed. In our concern about our environment, there is a various language. Anyone can read anything into this great crusade. And it is, apparently, a various political issue, with benefit to and publicity for the practitioner varying directly with the magnitude of impending disaster prognosticated.

In our deliberations we will deal with the very elemental philosophic matters and we will deal with practical technology—from the poet to the computer. Some of the most elemental, seemingly simple matters, loom large in our considerations. We have to begin with appreciation that "the meanest flower that blows can give thoughts that do often lie too deep for tears," or that one can see "eternity in a grain of sand." We will view much that is bad, and much for which we can be thankful.

Our problems cannot be hidden. Hope will not cause them to go away. They will not be removed by protest or by blame-laying. This business will not be cheap, and it will not be quick. And in the end, our environment will be improved and sustained only when each of us does our own thing in our own place.

The job cannot be left to George. Our trouble started long before George.

Before man came to the world's stage, nature was a changing thing, and not all changes were environmentally perfect. There was a lack of hypocrisy. The frog ate a fly and a fish ate the frog. A bear devoured the fish and a fly, carrying disease, killed the bear. The fittest survived in an accepted, unchallenged pattern of natural selection. The earth was the Lord's, but it changed.

Time was when man was a part of nature and he was controlled by nature—sometimes overwhelmed by it. He was simply another species even though a special creation of the Almighty. He could think. In time, there came thoughts of altering nature.

When the white man came to this continent, some of our native brethren were engaged in changing nature—for instance, the Hohokams, with their amazing irrigation systems. But most were still nature's children. Their good gods were the helpful spirits of gentle breezes and spring rains and the buffalo maker; and the bad gods were elements they feared and hated. By and large, they lived with nature and their pattern of life was to use, but not to destroy.

The white man who came to this land was a step ahead. He soon sought to impose his will broadly. The tree was a barrier to agriculture and an enemy of westward movement. So woodlands were destroyed, sometimes in wanton fashion. In Jefferson's time, some in our government thought the three-cents an acre we paid for the Louisiana territory was exorbitant because that land was "nothing but a vast wasteland of trees."

We didn't know what other resources were there, and really didn't care. What we had wanted was a port of New Orleans. The rest was secondary.

Lewis and Clark, from their amazing Odyssey, recognized the vastness and the wonders of the new land. But they didn't understand the mysteries of oil and gas and countless other elements beyond their ken. Then as we learned what we had and how to use it, our resources seemed so inexhaustible that waste was not a problem. Tremendous rivers diluted and carried away the early wastes and there was no particular problem. There was a happy attitude which seemed to say that a fresh new world would be created with each rising sun. It was a familiar story, told over and over in the history books.

By the time of the homestead laws, we had turned around far enough to begin planting trees instead of burning them. Plant trees—get free land.

The industrial growth, and the technological revolution in turn, multiplied our problems, speeded our movement, our use, and our degradation of the environment. And finally comes the constructive concern.

This is important. What we did with our environment and our resources seemed to be the wisest thing at the given time. Today we are trying to make the adjustments and repairs which seem wisest at this time. We are probably as a nation more concerned with the future and policies for the future, mostly because we can see the end of the resources. But remember, please, that we are not the first with foresight. We are not the pioneers. All who have gone before us were not insensitive or stupid. Already much has been done to protect what is good, and to remedy what has been degraded by man through activity or neglect, and by nature itself.

As citizens of the U.S., you own 770 million acres of land, a third of the land in the fifty states. Most of this will be retained. You own 180 million acres of national forest, 23 million acres of parks and monuments in federal ownership, and a like area dedicated to fish and wildlife. You own ten million acres of Wilderness, large numbers of historic sites, seashore areas such as Cape Cod, Hatteras, Padre Island, and Pt. Reyes. We have started a system of trails, and of scenic and wild rivers. We are implementing standards for water and air, and controls on wastes and noise. We have a land and water conservation fund which has proved a useful tool for expanding open space. We have saved the redwoods and have moved to save and propagate endangered species of plant and animal life.

Without losing idealism, we must be practical. We cannot, like Leacock's hero, mount the steed and ride off madly in all directions. The emotionalism can spur concern, but the emotion must give way to logic and reason. There are practical illustrations of conflict.

Our Congressional mail from conservationists, preservationists, environmentalists and ecologists has become voluminous. Today we all fit those criteria. Many of these letters say flatly, "Don't let the Corps of Engineers build one more dam. Keep our rivers wild."

So far as I am concerned, this argument is about as bad as argument in favor of damming all rivers.

I lived on the Missouri River when it was really wild. It was destructive, muddy, and at its best was an unstable resource.

Now, it is controlled, and it is stable and it is useful. Many of the old meandering oxbows have been saved and improved to ecological purity. The river from St. Louis to its source is being developed as part of the Lewis and Clark Trail for conservation, recreation and historic memorialization. About 800 specific sites, ranging from half-acre picnic sites to a million, three hundred thousand-acre wilderness area, have been designated. The entire river is the ribbon of continuity. Large reservoirs provide tremendous sources of pleasure and a healthy promotion of desirable environment. All alterations of nature are not bad.

Our own Des Moines River is another case in point. The river downstream from the dam is no longer wild, but it is natural and it is more beautiful. It is cleaner. The old-time fisherman proclaims that his pleasure is more productive now than in the halcyon days. We had 475,000 ducks on the lake one day last fall. In six months 2-inch "fry" became 24-inch Northern Pike. Water quality is excellent. But I have a continuing battle with allegations that the lake is a polluted cesspool. Some of the detractors have seemed disappointed with the wholesome state of affairs. The environmental crusade tests one's sincerity. A dedicated naturalist, who was testing water voluntarily in his area's streams, was asked how his work was coming. "Not so good," he responded, "so far all I have found is clean water."

But I don't want to stop this river-damming story there. If we had started spending this 100 million dollar reservoir outlay a hundred years ago on small watershed and soil conservation practices, we would have improved the upland where floodwaters originally fall, and would have saved bottomlands for agriculture—and perhaps, repeat, perhaps, would have obviated the need for the big dam. We didn't. Now we have to proceed with the watershed work anyhow if the reservoir is to be of permanent value.

Don't underestimate the unglamorous soil conservation effort. Silt is still the biggest water polluter. Further, the only way to keep natural nitrogen, phosphate and other chemicals from the water is to keep it on the land—through soil conservation practices.

We also get letters telling us that we must not cut one more tree in our national forests.

The motivation is fine. But the fact is that forests are not saved simply by leaving them natural and untouched. Forests get old. They die. They become diseased. They burn. I have debated with naturalists who say that forest fires are sometimes a good thing. The same persons argue against cutting any timber.

We can harvest trees, and plant, and fertilize, and otherwise manage them so that we have an improved, living resource for the multitude of values we ascribe to woodlands. The important thing is that we must not just cut and forget. We must manage.

The business of pesticides, fertilizers, and commercial fertilizers offers a different kind of situation. We must worry about the potential, long-range effects of persistent chemicals.

As of this time, we don't know the answers to these worries. They are real worries. But the argument doesn't all run in one direction.

Insecticides save millions of lives. That is a fact. Maybe we can find substitute controls with no possible hazards. We do not have them at this time. We search.

So far as I know, we have established human tolerance levels for only one pesticide of the entire broad spectrum. The Mrak Commission, an eminent group, reported that there is no evidence of increased morbidity or mortality resulting from the use of pesticides. But it acknowledged concerns. We just don't know the answers yet. We are now starting to establish a monitoring system. We don't know if it will work, and if it does work, we cannot anticipate benefits. Other factors seem more clear.

It seems clear to me that a housewife does not want to buy wormy, blemished produce. It seems clear that we will need increased production of food and fiber.

We know that any element can be used indiscriminately with harsh, even tragic results. But it is not simply an indulgence in rhetoric to plead for reason and for research when we cannot identify cause and effect.

In spite of all the pressures and hazards of modern life, we live longer. Nature flourishes in most places either in spite of, or because of, our efforts. Iowa uses immense quantities and infinite variety of agricultural chemicals. Yet, wildlife abounds. So far as we can presently determine, our greatest unnatural enemy of the large pheasant, deer, possum, raccoon and rabbit population is the automobile.

This does not belittle concern. I share the concern. I have seen the real problems and have tried to study the worries. But I plead for reason. We must learn from the past, but we gain no improvement by blaming the past. We need a compulsion, a zeal, a crusading spirit. But this is the necessary prelude to the hard work of improvement.

This is important business to which I give complete dedication. Because I have been involved for so long in environmental matters at the same time I have been involved in other national considerations day after day, I see many potential benefits beyond the obvious. For instance, I believe that in-depth study of our relationship to the universe will help us redirect our national priorities. I believe it can help us turn our attention from searching for what we do not believe, to thoughts and principles in which we do believe. I believe it can help gain a harmony for the individual life and for the national life.

History will also grade us on our effort in our time. History will judge us, not on our words, but on our deeds—not on our criticism, but on our work. Let us proceed with that work.

NEWSWEEK DETAILS FAILURES OF ECONOMY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, in recent months, Newsweek magazine has done a series of excellent pieces on the economy and they have been among the first to call attention to the signs of a major recession.

The latest in this series of economic analyses appears in the May 25 issue of Newsweek entitled "Hard Times 1970: Facts, Figures, and the Impact on People."

Mr. Speaker, I place in the Record a copy of this excellent article:

HARD TIMES, 1970: FACTS, FIGURES, AND THE IMPACT ON PEOPLE

Already the seven-month-old economic slowdown had lifted unemployment back to the levels of five years ago, chewed into corporate profits and battered the securities markets into their worst slide since World War II. It was not yet officially baptized, but most consumers—and a sour consensus of businessmen, too—had no trouble finding a name. The name was recession.

This week's statistics made it plain enough that things were bad—and getting worse. Reversing an encouraging uptick, industrial production in April slid back, a pattern followed by housing starts. Yet inflation, which the slowdown is intended to halt, roared inexorably on. Eying the evidence, Wisconsin Sen. William Proxmire uneasily demanded: "Aren't we in the worst of all possible worlds?" The AFL–CIO Executive Council was quick to fix the blame. It put out a statement charging that "the Administra-

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tion's campaign against inflation has been a complete failure."

Federal Reserve Board Chairman Arthur Burns, a major architect of the campaign, repeated the litany of the Nixon Administration: "We are traveling a narrow path between inflation and recession, and we do not intend to diverted." But many economists and a large part of the rest of the country concluded that Burns had already strayed off the path and in fact was whistling past the graveyard. For recession is also a frame of mind—and in dozens of interviews around the country last week, NEWSWEEK reporters found a troubled, uneasy sense of the deepening slump.

SPECTER

Indeed, the slump has already hit vast numbers of Americans one way or another—in the form of layoffs, short work weeks, high interest rates, forced salary cuts, sagging stock prices or slow busines—and countless more have seen the signs of trouble. Proxmire's question was rising to a good many lips last week, and people were almost casually invoking an even more dire specter. As a Michigan retailer put the issue, "We may be going into a really deep recession or even a depression, with awful unemployment but with a steep inflation at the same time . . . I just don't know what to think."

The tone of the stock market last week was in perfect accord with the eerie calm that had prevailed through the preceding three weeks of almost continuous slippage. Like Winnie-the-pooh dragged downstairs by Christopher Robin, share prices bumped limply for four straight days, falling to a new seven-year low of 685 on the Dow Jones industrial average before bouncing back in a sharp technical rally in the last days' trading. That left the Dow barely above 700, fully 29 per cent below the peak of 985 that was posted on Dec. 3, 1968.

Given the glum drop, drop, drop of Wall Street in recent weeks, few analysts even ventured to guess when or at what levels the market would hit bottom. There was increasing talk that a one- or two-day "selling climax"—a steep dive and abrupt turnaround on massive share volume—would be needed to shake the gloomy torpor and raise hopes for an eventual end to the slump. Not unnaturally, the extent of the slide was causing a few comparisons to be drawn with the events that followed 1929. But hardly anybody seriously believed that anything like the Great Depression of the 1930s could afflict the massive U.S. economy of the '70s. Even so, prices were so obviously unhinged from conventional reasoning that one respected analyst found it worth while to go through an elaborate calculation to prove, to his satisfaction at least, that a plunge of the Dow all the way to 500 "does not seem practical."

With the professionals that edgy, it was little wonder that less knowledgeable citizens were reassuring each other that even depressions can't be all bad. "Hard as things were back then, people helped each other; they loved each other," said a bus driver in Atlanta. "You don't have that any more today."

For the most part, the nation retained its characteristic buoyancy. "I do fear a depression," said a Detroit policeman, "but mostly for the other guy." And truth to tell, the recession so far has been for most a matter of options foregone rather than genuine hardships. A Boston executive has decided not to buy a summer home this year; a San Francisco housewife say, "You use the business about hem lengths as an excuse, but you're obviously not going to get a new wardrobe." Even for those more seriously affected, it isn't really time to worry. A truck driver laid off in Akron because of a wave of wildcat strikes used his unexpected leisure time to put his 27-foot cabin cruiser in shape for the summer.

GALLUP POLL

For all these gentle ironies, however, the troubled mood was becoming pervasive. In its telephone poll for NEWSWEEK last week (page 30), The Gallup Organization found only 21 per cent of the sampling who felt they were better off economically than they had been in January 1969. Fully 28 per cent said their fortunes had worsened since then; nearly half of the sampling said there had been no change.

And this fretful mood plainly involved issued beyond the purely economic. In probing interviews that lasted as long as two hours, NEWSWEEK correspondents' subjects almost invariably linked their financial worries to a wider scene. "I'm not sure that it's the economy itself that is at fault," said a Los Angeles schoolteacher. "It gets back to a human kind of thing." Sure enough, the worriers cited such disparate crises as the war in Indochina, student rebellion and the declining quality of life. Many had the uneasy sense that the Administration had somehow lost control of events. A Dallas auto worker idled by the permanent closing of his plant made the point bluntly: "This idea that higher taxes and unemployment are gonna make things better just doesn't make sense."

What does make sense? In a special discussion, Newsweek's three economic columnists debate the alternatives. Victims of the slump tell in their own words what recession means.

Ajay McKinstry and his wife, Gertrude ("But I'd rather be called Trudy"), saw the storm clouds gathering long before the rest of the country. But then, McKinstry had a special vantage point: he was an engineer at the environmental lab in North American Rockwell's Los Angeles Division, and Defense Secretary Melvin Laird was announcing massive cutbacks in the Defense budget as early as last summer. "With all those layoffs coming on—because we knew something was going to happen—we started cutting down. Oh, I'd say about eight, nine-months now," said Trudy, a tall, 36-year-old brunette, at her one-story bungalow in Inglewood last week.

"We were hoping for the F–15 (a fighter plane contract which North American lost to McDonnell Douglas). When that didn't go, then Mack figured, well, something's going to happen, so let's start counting our pennies. We paid off our bills, like clothing bills for the children and shoes, and we cleaned out all our charge accounts. While we had it, you know, pay off your bills. And I started sewing things rather than buying.

"On the food, now we're down to $40 to $45 a week. You just don't buy three kinds of cookies, you buy one kind. You don't have the onion dip with the treats. By luck, we both quit smoking, too, in September, just because we wanted to quit. And I stopped going to the beauty shop. I enjoy going. But I figured, well, if he can cut back, like not going to all his sports events—like he likes the Rams—I can cut something out on me.

"There's thousands of us doing it. I have friends in worse shape than I am. We help each other out. Now my girl friend, one month she'll call, the next month I'll call and we kind of split phone message units that way. And, we share rides. It's like, you know, somebody else in the same boat with you, you don't feel so bad."

When the storm broke, the McKinstry family was comparatively lucky. "Thousands of aerospace employees were being fired," said Trudy. "But when Mack got the word, they asked him to take a 10 per cent cut in his $17,000 salary. That hurt too, you know. We sweated out the F–15, and now we're sweating out the B–1 [a contract competition for a new supersonic bomber]. After the B–1, where do we go? There's no severance pay. They gonna close the plant?

"Mack doesn't talk much, he's not a babbler like I am. But he said something: 'It hurts,' he says. You work. You struggle,' he says, 'you break your back,' he says, 'and they cut you down.' "

Others weren't as ready. "It was sort of like standing in a crowd and getting shot," said Joseph Rogatnick, 53, lately the head of mergers and acquisitions for Hayden, Stone, Inc., in New York. Of the thousands of salesmen and executives laid off on Wall Street in recent months, few held a job that was more sensitive to the stock price landslide and the credit squeeze than Rogatnick's. His business was smashed from all sides. "Two clients would be holding talks based on a swap of stocks, but then one or both of the securities would nosedive, and the deal was off. Other clients were trying to sell themselves on the basis of past earnings growth, but suddenly they'd report an earnings drop because of the squeeze, and *those* talks were off. The potential sellers in other deals wanted cash—but there was no cash. Everything just fell apart." As the business evaporated, so did Rogatnick's job. "It was simply circumstances, beyond all our control," he said.

"Am I suffering personally? Hell, no," said Fortney Stark. "I have an embarrassment of riches." Stark, the 38-year-old president of Security National Bank in northern California's Contra Costa County, plopped a 2-inch sirloin on the grill outside his lavish ranch house in the hills, drew the cork from a vintage red wine and told NEWSWEEK's Gerald C. Lubenow: "We have been hurt in terms of growth. We're a huge bedroom community, and housing is down 30 to 40 per cent. So large numbers of tradespeople are out of work. Little contractors who used to be looking for street jobs are looking for driveway jobs. Other contractors are selling their equipment. All their equity is wiped out. We're also having a lot of collection problems. We now own an airplane, a Caterpillar tractor, and a growing inventory of cars. Everyone is paying off loans more slowly, and more people are copping out. They declare bankruptcy or just take off. We have a doctor who just got into his Volkswagen bus and went to Mexico. People used to take things like divorce and bankruptcy very seriously. Now everybody does it.

"We've run out of money to lend; there's nothing we can do about it. Every day we have to turn down good loans with good customers because we just don't have the money. It's getting like a butchershop. People have to take a number and wait. We tell them that when we get some money we'll call them—and they very patiently stand in line."

Inflation, of course, is one problem everyone has felt. In five years, the salary of Thomas Moss, a college-educated patrolman with the Oak Park, Mich., police department, has risen from $6,237 to more than $13,000. Yet Moss hasn't felt that much difference. "I select and buy all the clothes for myself, my kids and even my wife," says Moss. "The previous year it cost $350 to get the kids set for school. This year it took $425.

"I can remember paying $48 for a suit and leaving the store satisfied that it would last two or three years. Last week I paid $110 and I don't look beyond six months. It used to be $5 to see the doctor and now it's $25. With the reduced buying power, all the raises we get seem hopeless."

And classically, inflation hits hardest at people with fixed incomes. "I knew when I married Phil he wasn't a rich man," said Sadye Eisenberg. That was 12 years ago, when Phil was 58 and Sadye 54 and both of them were starting to think about what some people call the golden years. But now it is $243.40 a month in social security, $38.40 a week for a part-time job at Goodwill Industries, about $40 a month in profit from a small apartment building, and that's all. Phil has had a heart attack, and the

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couple sit in their small home in Montgomery, Ala., and talk about it with the stark clarity of the old.

"Phil is 70 years old," Sadye told Newsweek's Stephan Lesher. "None of us lives much beyond 70. You're granted a reprieve for every year you live over 70. But what am I going to do if there's a long, long illness? Or if I have to go into a nursing home, or Phil has to go into a nursing home? Because it's outrageous what these nursing homes cost."

"The doctors don't say, 'I'll come to your home,' and they don't say, 'Come see me in the office'," said Phil. "They say, 'I'll meet you at the hospital.' It's money in their pockets."

"The doctors have gone out of their minds because of medicare," said Sadye. "They figure we don't have to pay all of it, so why shouldn't they take advantage. But medicare won't pay for medicines. It won't pay for doctor bills unless they're over a certain amount. When Phil went in the hospital, the room was supposed to be $23 a day, and medicare would pay $18. All right. By the time he got out of there they had gone up from $23 to $27. In just three weeks' time. The doctor, who absolutely did not have to come every day, came twice a day—$10 in the morning and $10 at night."

"And do you know what he did?" said Phil. "He'd come in and if he'd see something on my plate, he'd eat it. Then he say "Good-by, see you tomorrow.' They take the bacon off your plate and charge you $10. You think I'm joking?"

"Now, I have got a certain standard of living," said Sadye, "And all of a sudden because of what happened to Phil, I can't afford that. We've got to watch every penny. I'm left out of a lot of things because we can't belong to the country club any more. You never get resigned to these things. I got irritated with my fate. We went to Columbus, Ga., for Mother's Day, and I was out with all my children and everybody ran over to me—and I mean people of the highest quality—and made a big fuss over me. You think that happens here?"

To the hard-core unemployed, the threat of hard times has little meaning. Out of work for the past three years, 24-year-old Curtis Singleton of Oakland, Calif., figures he's down as far as he can go. "I shoot pool, gamble, hustle or somehow I might sell some dope. If I had a job I would have the type of financing I want. Like now, its a day-to-day survival thing. I can't be hurt any worse than I'm hurt now."

But to the million workers who have joined the ranks of the idle as the jobless rate climbed from 3.5 per cent in December to 4.8 per cent in April, the financial loss can be rending. Burly R. T. Milner had been a union committeeman for fourteen years in the big Ford Motor plant at Dallas, Texas, and he recalled last week that "We all felt pretty secure." Milner himself was making $10,000 to $12,000 a year, and just last December he bought a new $20,000 house in Mesquite. But then, said Milner, "I took sick in February, and then Ford closed down the plant." Milner isn't eligible for layoff benefits, and he won't be able to work until mid-July. "I'm getting $90 a month from the insurance," he said softly. "But we're in a recession now and it won't be long before it's a real depression and it won't get over until Nixon gets out. I'm gonna try to hold onto the house as long as I can. You know, selling a place you live in can cost you about 14 per cent, and that would take nearly all you had in it. A job? I'll need $7,000 a year. It's been a long time since I made that little, but I think I could make it on that."

Lucy Mae Dawson lives in an area of special depression all her own—the heart of the black section of Augusta, Ga., that was ravaged last week by rioting, firebombing and looting. The 43-year-old woman supports her five children on $4,464 yearly, which she earns as a community organizer for the local anti-poverty program. "About $60 does the groceries over two weeks—ten years ago that would have done a month," said Mrs. Dawson. "I have to buy soul food to make it. Cabbage, turnips, collards, pig's feet, pig's ears, leg bones—stuff like that. Used to buy fatback, but that's too expensive, so I buy chicken. Then I got to pay $5.55 a week for the school lunches. They ain't nothing left. I don't know what I'm going to do, by the way—my grocery store burned down during the riots, and I reckon it's going to cost me cab fare to shop for food from now on.

"If they would only think of the poor people. Think of the people with the low incomes. There's people in my neighborhood who can't even afford a twelve-cent box of grits, ain't got no bed to sleep in, six and seven children. They want to stop the shooting and the rioting and the looting—then they have to do something about all this."

Small-business men see recession in frightening close-up. "I would say definitely, we're in difficult times," said Patch Donaldson, idling in his small television sales and service shop in the Los Angeles suburb of El Segundo. Donaldson, a chunky man of 45, opened the shop a year ago and has lost $18,000 on sales of $112,000. The day before he talked to Newsweek's John Dotson he had taken in just $31, about one-third of what he needed to break even. "We are definitely in a recession or a depression," Donaldson concluded. "Whatever you want to call it, it's here."

What that means to a small businessman is that money simply evaporates. "Don't get me wrong," said Donaldson, "there's a lot of people that have money. But they don't want to let go of it. Maybe they expect, with the stock market being down and all, maybe they just expect things to get worse instead of better.

"I go into homes every day now and they say, 'Well, we don't have the money today; we'll pay you Friday.' I got a drawer full of them there that are gonna pay me Friday. These are not strangers, man; these are customers that have paid you just like that. You're having to send out two or three, sometimes four duns before you start getting money back from these people."

Since he is forced to play banker to his customers, Donaldson tries to repeat the process with his own creditors. "I'm taking some of the bills that are due and payable, and that I know will wait a month or two months or three months, and I'm just not paying them," he said. "Some of them have been there four months. I'm talking about things like advertising and some of the other areas where people are not pressing for the money—notes owed to private individuals, who have more or less agreed to wait."

But the creditors, in turn, have problems of their own. "Even the big corporations like RCA are not letting anyone get over 30 days behind," Donaldson said. "Used to be they would send you a thing stating you owed them so much money. Now they get on this telephone and call you. You better believe it. My other supplier, you have to pay him every week. He comes by every week to pick up his check."

The ruthless result of economic pinches is that the big fish, who have readier access to life-giving credit, swallow up the small. Tom Gentry, a San Francisco-based home developer with sales running well over $10 million, is hardly tiny. But last week, caught by the credit squeeze in the middle of several projects, Gentry conceded that he would "probably be acquired. We'll have to be . . . there doesn't seem to be any other way out. Several large firms are already baiting us with capital. Everybody," added Gentry with vehemence, "is so busy controlling interest rates and everything else that they forget the little guy has problems too."

To most consumers, the economists' current worries over this growing lack of liquidity in the financial structure are pure abstraction. But to Frederick R. Kaimer, a labor-relations executive with General Electric Co. in Chicago, liquidity problems are as near as next fall, when his daughter is slated to begin college.

"Take the stock market," he said. "Many of us have taken such a beating that we can't get out. The market is so low, we'd be foolish to get out. And this means you don't have those dollars available to help send a child to college. You don't have the sort of freedom you've waited for, to do all the things you've wanted to do all your life."

"I received a $10,000 check from Reader's Digest and after the government and state took its share, and after I bought a case of Scotch for a friend to show my largesse, I had about $5,000 left," reports Buffalo author Paul Martin. The check was for a condensed version of his best-selling novel, "Heartsblood." "I was inundated with calls from my broker friends who said that then (last June) was the time to buy. They were only too happy to help me make my money grow. Now, I would say that I have almost enough left for a year's subscription to the Reader's Digest."

"The broker calls me and says he's buying a huge block of this for his mother and why didn't I come in on it," said a Boston public-relations executive too embarrassed to permit the use of his name. "So I did—100 shares of Four Seasons (Nursing Centers of America) at $80.38. It's now under $10 a share, and the Securities and Exchange Commission has stopped the trading. The broker himself is bleeding at both ears and won't call me. I call him to ask how it's doing, and he's so embarrassed to talk to me that he stutters. He was a brash, fast-talker before this happened. I'm through with tips. No more tips."

"No, I don't think Four Seasons is grounded," said Jack L. Clark, chairman of the company in Oklahoma City. "We've experienced some adversity due to tremendous changes in economic conditions—dramatic increases in labor cost and a very tight money market. But we're very stable . . . we're still growing. Our growth rate will depend on the availability of long-term financing."

"The stock market is just a superficial thing," said Birny Mason Jr., the soft-spoken chairman of giant Union Carbide Corp. "I don't think its behavior justifies all this gloom and doom. Why be pessimistic about stocks? This is the healthiest thing I've seen yet. I don't like to see the equities of strong companies go down, but if that's the price we have to pay to flush all this [speculative] stuff down the drain, then OK.

"Frankly, I would rather be thoughtful about the current scene than just yak about it . . . everybody seems to feel we have to engage in rhetoric."

"I guess I don't want a depression," said frizzy-haired college senior Ralph Dishowitz in New York, "because I wouldn't have time to be active against the war if I had to worry about eating."

Why do people's economic worries seem to involve so many peripheral issues these days—the discontent of the young, the war in Indochina, the threat of pollution? Sidney Rolfe, a consulting economist, author, teacher and investor, thinks the answer lies in a subtle shifting of economic thought. "Economists have calibrated their victories in terms of such things as per-capita growth in gross national product," he said. "Now we are changing what we are going to measure. Our resources are limited. We are discovering that we have to decide what we want most, and this is the guts of the argu-

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ment in the United States. We can no longer say, 'What's good for the GNP is good for the United States.'

"What we're really arguing about is the quality of life. The cities are degenerating before our eyes. Our lakes and rivers are polluted; we can't breathe the air. We've never had a situation like this, where we have superimposed the quality of life onto economic concerns. There is a lot of soul-searching going on."

What can people do about hard times? For most, affluence is so well-founded that austerity is more novelty than hardship. "When I look at a dress that costs $40 and I can make it for $2.50, I sew," said Mrs. Kay Johnson, 35, of Marlboro, Mass., whose husband earns about $15,000 a year. "I used to go into a supermarket with the feeling I was in control. Now the sales and specials dictate what I purchase." The Johnsons have cut back on entertaining and dine out far less frequently, and Mrs. Johnson says she is "not friends with my meat man any more. One thing I don't buy there is veal cutlets. I started to recently and they were $2.49 a pound. I said to my meat man, 'This is ridiculous. What are you doing, marking them up 10 cents a week?' And sure enough, next week they were $2.59 a pound. I've noticed he smiles a lot."

"The other day, when I was getting new tires for the station wagon," said Milton Horowitz, a 43-year-old New York psychiatrist, "I must have gone around to ten places to try to find the cheapest ones. It's ridiculous with our high income that we should be forced to little dodges like this. One really funny thing, I have found that suits made by my English tailor in London now cost less than suits hanging on the rack at Barney's. That incredible. So my wife bought her winter wardrobe in Florence last year and we're going to buy the kids' school clothes in London."

"I get so mad when I read about a man who makes $15,000 a year and his wife has 22 pairs of shoes and they can't make ends meet," said Nancy Jacobs, an attractive housewife who lives in the most expensive section of Santa Monica, Calif., with her two small children and a husband who makes somewhat more than $15,000 a year. But the Jacobses have made do-it-yourself a way of life. "If I can fix my plumbing, that's better than calling somebody," she said. "I believe they should get this pay, but on the other hand when it comes down to paying $15 for that half hour of work, you think twice.

"The color TV really needs a readjustment, and I keep saying I'm going to take the back off some day. We've done pretty well with it. We put in our own earplugs. And I wanted an extra telephone outlet so I wired my own. It took me all day."

"Around here people will tend to cut back on household help a bit, and in their own personal expenses, before they get too obvious," said Mrs. Janet Baxter, a 42-year-old Marin County, Calif., housewife whose banker-husband obviously brings home a superior side of bacon. "People are shopping at the Co-op, having fewer big parties, not going to the city as often. Our church, the First Presbyterian in San Anselmo, is in awful straits. They shut off the heat the first day of spring and it was like going to a cathedral in Europe." The Baxters, influenced by the depredations of the stock market, are drinking $4-a-gallon California wine instead of their accustomed French wines, and have decided to forgo their planned purchase of a vacation home on the sea. "People are reminiscing," Mrs. Baxter added, "about what their fathers did in the Depression, discussing whether they think they could hold on."

"There's no way any of us can hold on more than a few years," said Bill Damisch, 40, who farms 314 acres of corn and soybeans 10 miles outside Elgin, Ill. In fact, Damisch is so pessimistic about farming that he is working on fifteen more hours of education credits so that he can teach history full-time when he is forced from the land. "Sure, every year the value of my land goes up on paper. The speculators want it," he said. "But the ——— interest rate from the Production Credit Association is 9½ per cent—just last year it was 8. Fertilizer, taxes, equipment—everything is up. Now look at the other side. Last year I averaged 97 cents a bushel on shelled corn, $1.11 the year before and $1.43 a bushel when I started out with my dad in 1952. Soybeans. Same thing." Damisch's net income from the farm in 1969 was just $2,089, compared with $6,347 five years earlier. "Christ, my kids can't be farmers, there's no way. I don't know if we're headed for a depression. But we've got just what Alexander Hamilton wanted—a government of the rich, by the rich and for the rich."

If Damisch loses his farm, he will walk away with training for a new profession and a sizable lump of cash in his jeans. Not so for Willie Walls, a strapping black man who quit his job and left his wife and four kids in Detroit last November to look for work in Chicago. Despite his Teamsters card, Walls has held only one job since then—but he is sure enough of his ultimate worth that he left it because of its long hours and low pay. "I'll take any temporary job now to keep from begging, but I'm not going to take a $2- or $2.50-an-hour job permanent any more," Walls said. "A truck driver—I love that kind of work. Four-fifty an hour—union scale—I could get by with a little less. But I want to live comfortable, that's what I want. I want to be respected as a man and treated as a man. I'm 41 years old now. I don't want to lay down and dream or can't sleep half the night thinking about how I'm going to get my next dollar. I want to be able to know I have a secure job, and lay down where I can get up in the morning and go out and fulfill my duties. A decent living, that's what I'm looking for. I hope things get better but I can't plan on things now."

Nobody can plan securely: indeed, sweeping and unwelcome change is the order of the day. "We're going to have chaos," said Albert McCoy, 44, a former University of Montana fullback who has been the $16,000-a-year mayor of Aurora, Ill., since 1965. "We have 400 city employees—half of them police and firemen and the policemen have gone up from a $5,200-a-year start when I took office, to $9,000, and $11,000 after five years. You keep increasing salaries and property taxes start going up.

"I can see the day coming when we'll have a real taxpayers' revolt. I can see the signs here in Aurora—and everywhere. The voters just turned us down flat on a $12 million 'Decade of Progress' referendum—even though in the long run it would have saved us money. It used to be that this town always—and I mean always—supported school-bond or tax-rate referendums 100 percent. But in the last three years, they have been defeated time and time again.

"Our police and firemen . . . there is organizing being done by some of the biggest unions in the country. I personally don't feel that a city employee who takes an oath of office when he is hired should be able to strike, but I do believe they should have collective bargaining."

"I'm convinced that after the amount of college work that I've done, I should be worth as much to the community as a plumber is," said Los Angeles schoolteacher Tash Ruman Sogg, a 47-year-old divorcee who played an active role in a month-long strike by about half of the Los Angeles teaching force—a strike that ended with no new pay increase last week. "The main thing that personally worries me is a son who is turning 18 in June, and he does have long hair and bare feet. I was concerned that he would not be a contributing member of society but rather a parasite. I've been rather lucky there—he's been willing to work."

"Ten years ago strikes up here were unheard of," said George Anderson, a village merchant in Northport in northern Michigan. But the construction trades here have shut down the school addition and construction in the marina. The worst, though, is the hospital. They couldn't find mortgage anywhere and finally located a broker in Florida. They paid his transportation, somehow gave him a finder's fee of $60,000, and he skipped clear to South America. You read it happening in the cities, but not up here in the country where people have faith in each other."

"Who's to blame? The war," said California banker Fortney Stark, an antiwar activist who has taken strong positions on a number of social issues and raised hackles at the U.S. Treasury by advising customers that U.S. Savings Bonds were poor investments. "There are just so many dollars," he said, "and as long as the war is on we'll never be able to get at any of our real problems . . . There's a revolution brewing, and it's a revolution Agnew doesn't recognize. We've only got two choices: stop the war, or have more inflation, tremendous unemployment and some kind of crisis."

"Nixon has almost declared himself out," said William B. Johnson, chief executive of the huge conglomerate, Illinois Central Industries. "He said the economy would have to respond to his measures in its own way. Since then we've been in an Alice-in-Wonderland world, where it's patriotic to have point where some political leader will come along and say, "Let's get this country moving again'."

"Personally," said George Scharffenberger, president of City Investing Co. in New York, rendering one of the kinder views of Administration policy, "I feel that the steps taken by Mr. Nixon, while well-intended, are basically not working."

"To a considerable extent," said a high official in Washington, "the behavior of both the stock and bond markets reflect a tremendous uncertainty—the very uncertainty which [Federal Reserve Board chairman] Arthur Burns said last year we had to create if we were going to control inflation . . . We are passing through the toughest period right now, the cost-push, the 'winter of our discontent,' and it will take a couple more months until the cost pressures relent.

"Politically, we won't be seeing the results of this discontent until the period between July and the November election . . . What hurts the Republicans is not people out of jobs, but the related things—the stock-market decline and the squeeze on small business."

Perhaps the government's medicine was working; perhaps too it would exact no political toll next November. For the moment, people were perceiving that hard times are here, as a reality for some and a threat for all. Characteristically, however, the dominant note of apprehension was softened by optimism. "I voted for the Nixon Administration," conceded Anthony De Losa, an Italian immigrant and partner in his family-owned grocery store in the Boston suburb of Waltham. "I had faith in them, and I still have some. I think there'll be some improvements somewhere—somehow. I have hopes. I don't think this country's going to the dogs, even though it's already gone a lot farther than I thought it would go."

"I've about hit the bottom of the barrel, man; can't go any deeper," said TV store owner Patch Donaldson. But, for reasons curiously blending cynicism and plain faith, he looks for improvement. "Around election time, you know," he said. "I don't know if this is the thing to say, but I guess in all

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Administrations it's the truth. It seems like when we get nearer to election time, things seem to improve for some reason or other.

"Me personally, I can survive indefinitely, one way or another. I can make a million as a TV technician . . . Man, where are you without faith? There's no way of keeping a country like this down, no way in the world. I say things are lousy right now, but they'll get better."

HOW THE SLUMP LOOKS TO THREE EXPERTS

Churning into the second half of 1970, the U.S. economy presents a confusing outlook of recession blended with inflation—plus assorted ominous signs of crash and panic. What's going wrong, how serious is the ailment and how can it be fixed? Newsweek put the questions to its three economic columnists—Milton Friedman, leader of the increasingly influential monetarist school of economics; Paul A. Samuelson, one of the foremost neo-Keynesians, and Henry Wallich, senior consultant to the U.S. Treasury. Their varying views:

1. How closely is the economy following the Administration's "game plan"?

Samuelson: The Nixon team under-estimated both the rise in unemployment and the extent of price inflation so far in 1970. What else is new? However, as everyone had expected, the Federal Reserve Board has been easing money and credit since January, and the budget has become more expansionary. So the last half of 1970 should show a resumption of real growth—as both Washington and everyone else has expected.

Wallich: The economy is on track, but a little behind schedule; the slowdown has been mild, and growth seems about to resume. But getting control of inflation is taking longer than expected, and unemployment may go above the range of 4.5 per cent to 5 per cent. This is serious—much more needs to be done to extend and broaden unemployment benefits. The temporary loss of output resulting from unemployment is far less important.

Friedman: So far, the predictions have been largely borne out. But I believe that the "standard forecast" is somewhat too optimistic for the rest of this year. I doubt that an upturn will come before the third or fourth quarter at the earliest. Meanwhile, the best bet is that the recession will continue to be rather mild.

2. But John Kenneth Galbraith has said that we are reliving the dismal history of 1929. Do you think the stock market will keep falling? If it does, will there be another Great Depression?

Wallich: Professor Galbraith's statements always make good reading, but this one doesn't make good sense. After 1929, the Dow Jones industrial average dropped by about 90 per cent. I see nothing of the sort ahead. And even if the stock market suffered further reverses, the economy still would not be decisively affected.

Friedman: The stock crash in 1929 was a momentous event, but it did not produce the Great Depression and it was not a major factor in the Depression's severity. A sharp but not unprecedented contraction was converted into a catastrophe by bad monetary policy—one that permitted the quantity of money to decline by one-third from 1929 to 1933.

Whatever happens to the stock market, it cannot lead to a great depression unless it produces or is accompanied by a monetary collapse. And with present institutions and present understanding, that is well-nigh impossible.

Samuelson: Dr. Galbraith has been predicting a stock-market crash for fifteen years. I suppose, like Roger Babson in the 1920s, he's got to be right some day. But remember: in our economy, the market is the tail—and the tail does not wag the dog, which is gross national product. The decline has cut a quarter of a trillion dollars from people's net worth and that will be a depressant, but not a major one, on consumption and investment spending.

3. Many economists are worried about the liquidity of the economy. What are the chances of a money panic?

Friedman: Next to none—in the strict historical meaning of the term. Past panics involved widespread bank failures, runs on banks and serious disturbances with the payments process. Under current circumstances, some securities firms and other companies could fail, but there is no way they could trigger widespread financial difficulties.

There is some danger that the Fed might react to this wave of apprehension by rapidly expanding the money supply, thus touching off a new wave of inflation many months later. But the Fed made precisely this mistake in 1967, and I do not believe it will be repeated.

Wallich: Aside from some unforeseeable wave of bankruptcies that could conceivably be triggered by past over speculation, there is no excuse for hysteria. A liquidity crisis is a scarier prospect for the market than for the Fed, since the Fed has its hand on the spigot. It is true, however, that any added liquidity gushing into the economy would be hard to mop up again.

Samuelson: The war in Indochina is creating a mental sickness in the whole American society, and this spreads into economic dreads—both on Wall Street and Main Street. Whatever they tell the Gallup poll, people fear viscerally that the President is not cutting our losses in Asia fast enough.

So don't laugh off panic as mere hysteria. To help ward off further disaster, the Fed should prudently let the money supply grow. To crusade against inflation at the risk of a general liquidity crisis is a notion that would only occur to an overage New York banker.

4. Is there any danger of a deep recession this year?

Samuelson: Not on present evidence. But economists are fallible, and Washington should not play with fire.

Friedman: It is not at all unlikely that the recession could become more severe, approaching the 1957-58 pattern. But it should be recalled that even that downturn was extremely mild compared with many of the earlier recessions, especially before World War II. Our standards and tolerances have become more exacting.

Wallich: One could imagine scenarios that could lead to a deep recession, but it seems very improbable. Inflation seems much the more likely threat.

5. If the economy turns up in the second half, does it make any sense to predict that the rate of inflation will fall back to 4 per cent or less?

Friedman: Yes, it does. Even after the upturn, there will still be a gap between the economy's potential output and its actual output, and this gap will put downward pressure on prices and wage increases. Then too, price movements have a great deal of inertia thanks to inflationary expectations. Just as it took a long time for the economic slowdown to begin to affect price increases, so the tapering off will continue after the economy starts to pick up.

Wallich: I agree. I might add that inflation last year was boosted by rising food prices, which now look like they are leveling off. And when the recovery comes, we are entitled to expect high productivity gains—something that was almost wholly lacking last year.

Samuelson: I don't think so. To conquer inflation without creating more than a mini-recession—as the Nixon economists claim they are doing—would involve more than the "hat trick." It would be a "rope trick" that only the inexperienced and gullible will believe in.

6. Can the United States live with a long-term inflation rate of 4 per cent or more? If Brazil can adjust to permanent inflation, why can't we?

Friedman: I can live with one arm, but I would rather have two. The U.S. can live with any amount of inflation, provided it is permitted to be open and aboveboard and is not repressed by widespread wage and price controls. But the economy—and the social and political structure as well—will be far healthier if inflation is avoided. Brazil is hardly an impressive endorsement of inflation in these respects.

Wallich: Brazil hasn't adjusted; it has careened wildly from low inflation to high inflation and back again. Adjustment to inflation is always imperfect. As soon as you adjust the wage increases of 4 per cent, unions will ask for 7 per cent. Meanwhile, the uncertainty and the widespread fear of not keeping up with inflation will act as a continuing drag.

Samuelson: Willy-nilly, I think we will have to live with 4 per cent inflation for some time. We can do so without irreparable distortions and precipitous accelerations, provided (a) that the other mixed economies experience about the same rate of creeping prices, and (b) that we follow tax-and-money policies that will convince people that uncontrolled inflation is not in the cards.

7. What economic policies would you favor now?

Wallich: Present policies are about right, and will work if pursued long enough. We should give them the time they need. This may make the political people nervous, but it is already too late for any policy switches to have much effect before the elections.

Friedman: I would favor continuation of a moderately expansive monetary policy and restraint in government spending. I would eliminate legal ceilings on interest rates, the interest equalization tax and all restrictions on foreign lending and foreign investments. I would abandon quotas on imports and also attempts to get other countries to impose "voluntary" restrictions on their exports. In short, I recommend patience with present monetary and fiscal policies and greater freedom of trade.

Samuelson: Five years of war-induced inflation cannot be cured in one year, or even a few years. Congress should act to ensure that unemployment doesn't rise above the 5 per cent level. The Fed should let money grow enough to keep interest rates from rising several notches above the recent record levels. But the Fed should also be prepared to vary that growth rate in pursuit of economic stability.

8. Would you favor wage-price guideposts, or outright wage-price controls?

Friedman: I am strongly opposed to both guidelines and controls. They have been tried many times and have never yet worked. In failing, they have just distorted the economy and spread misinformation about the causes of inflation. Inflation is made in Washington, and nowhere else. But now the Johnson "new economists" are telling the Nixon Administration: "We failed with guidelines—why shouldn't you?"

Samuelson: A new Presidential price-wage program of guideposts, aiming at reducing the rate of inflation from, say, 4 to 3 per cent, could help reinforce fiscal and monetary policy. It's no substitute for those policies, however.

I'd save outright wage-price controls for a greater emergency—as, for example, if President Nixon's policies lead to a further escalation of the Asian debacle and to crisis in the domestic economy.

Wallich: I do not favor a return to the old guideposts, though I thought they had some merit in their day. At present rates of inflation, it is almost impossible for government to determine fair guideposts, and it is quite impossible to administer them.

I do not favor outright controls under the conditions I expect. But in the unlikely event that present policies should fail over the next twelve months, or if they should be abandoned prematurely, the case would have to be reopened.

CYRUS EATON CALLS FOR IMMEDIATE ACTION TO CORRECT OUR ECONOMIC PROBLEMS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, there is growing concern over the economy and the failure of the Nixon administration to act in the face of this crisis.

Many business leaders around the country share this deep concern over our deteriorating economy. Foremost among these is a well-known industrialist from Cleveland, Ohio—Cyrus Eaton. Mr. Eaton's long and highly-respected business career gives him an unusual and deep insight into the economy. Mr. Eaton sent me a telegram last week, following my letter to President Nixon concerning the economy.

Mr. Eaton has a number of important suggestions to make concerning our economy and I hope the Members of the House will look at them closely.

Mr. Speaker, I place in the Record a copy of the telegram from Mr. Eaton and a copy of my letter to President Nixon:

Cleveland, Ohio,
May 22, 1970.

Hon. Wright Patman,
House Office Building,
Washington, D.C.:

You have done a great service in urging the President to meet with your committee on the economic crises facing the Nation. May I suggest the following steps be taken to avoid economic catastrophe: Reduce money rates, reduce margin requirements to 50 percent, end war in Vietnam forthwith, create immediately an organization the equivalent of the Reconstruction Finance Corporation to have funds to loan to banks and corporations.

Cyrus Eaton.

House of Representatives,
Committee on Banking and Currency,
Washington, D.C., May 20, 1970.

The President,
The White House,
Washington, D.C.

My Dear Mr. President: Many Members of the Banking and Currency Committee are deeply concerned by the apparent inaction on the part of the Federal Government in the face of a mounting economic crisis.

The continued lack of vigorous action is leading to a severe crisis of confidence in the ability of the Federal Government to deal with the dual problems of inflation and recession. This lack of confidence undoubtedly accounts for the downward plunge of the stock market. All of the economic indicators make it obvious that we cannot long endure a passive attitude by the Federal Government.

Last December, the Banking and Currency Committee originated legislation to provide you with standby authority to control all aspects of credit, including the level of interest rates, down payments, and the allocation of available loan funds. This eventually became Public Law 91–151, which was signed by you on December 23, 1969. The credit control authority was given to you on a "standby" basis with the anticipation that you would trigger the authority immediately when economic conditions deteriorated.

We are deeply concerned that this authority has not been used despite rising unemployment, continued high interest rates, a falling stock market, and a totally-depressed housing industry. The Banking and Currency Committee, and the Congress, are in a position of having passed a law which the Executive Branch fails to carry out despite obvious need. Such a situation creates a serious crisis between the Executive and the Legislative branches, and raises basic questions on the scope and nature of future Congressional action to alleviate the current chaotic economic conditions.

In addition to Public Law 91–151, there have been other expressions of Congressional intent for the Administration to take vigorous action to lower interest rates and provide general economic stability. All appear to have fallen on deaf ears.

Mr. President, I think I speak for the overwhelming majortiy of the Banking and Currency Committee when I say that we are willing to give you any legislative tools which you feel are needed to bring the current economic situation under control. In light of your failure to carry out our earlier actions, however, many of us are puzzled as to your intentions and desires in this area. Many of us in the Congress feel an urgent need for action which will restore economic stability and renew confidence in our entire economic system.

But such action on the part of the Congress is difficult if the Executive Branch is determined not to carry forward the programs and not to use the weapons which are provided through legislation. It is important that areas of doubt about the Administration's intentions be cleared up before further legislative steps are attempted.

Therefore, I hereby urge and respectfully request that you permit the Banking and Currency Committee of the House of Representatives to meet with you concerning the economic crisis facing the nation. Such a meeting, I am convinced, would do much to clear the air and provide a solid background on which the Committee could take action in the remaining days of the 91st Congress. Such a meeting also, I am convinced, would aid in restoring confidence and making it plain that the legislative and executive branches are willing to act and not allow the U.S. economy to go down the drain.

Mr. President, I hope that you will act favorably on this request at your earliest possible convenience.

Sincerely,

Wright Patman,
Chairman.

CARLETON J. KING

(Mr. McKNEALLY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. McKNEALLY. Mr. Speaker, once in a while it becomes possible for a Member of this body to spread upon the Congressional Record his high regard for a colleague. I rise, Mr. Speaker, to remark the extraordinary devotion to this Nation and to its ideals of our colleague, the gentleman from New York, Carleton J. King. I have known him for many years during a distinguished career as a lawyer and district attorney. I am aware of the splendid reputation he enjoyed in the District Attorney's Association of the State of New York. His career in this House has been devoted to the enhancement of American prestige abroad and its patriotic and spiritual sustenance at home. I, as past national commander of the American Legion, have always noted his keen interest and solicitude for veterans of our wars. His record displays a complete solidarity with veterans' programs and veteran legislation. I am aware that no tag belongs to any Congressman, least of all to the gentleman from New York, Carleton J. King. The problems of his district and the problems of this country are his problems whether they stem from America's leadership role in the world or from matters touching the laboring man or matters touching the veteran. However, if it were possible, I suppose the title that would be most fitting to Carleton King is that he is a soldier's Congressman and the veteran's friend.

I was more than delighted to read an editorial comment from the Greenville Sentinel, edited by McArthur Manchester, on our friend, which is laudatory of him but which deals deeply with subjects involving the Nation. The writer does so eloquently and intelligently. It must be made a matter of record so that all Members of the House can enjoy it, be educated by it and derive benefit for their constituents from it.

The editorial follows:

Is This Conservatism?

It was but a matter of hours after Carleton J. King of Saratoga had been designated to succeed himself as a Member of Congress representing the 30th Congressional District before the opposition began whooping it up with all sorts of comment aimed at downgrading his political value to the nation and his constituents. High on the list of his critics is the "conservatism" which his opponents point out as not in tune with the times. For those who know the Congressman and his record this type of attack far outstrips the laughs ignited by Jackie Gleason's "Honeymooners." Yet, any candidate is fair game in an election year so we must expect to see and hear many wild tales and statements.

Now let's turn to Congressman King's so-called conservatism. Though he gives full support to American troops in Vietnam he wants them out of that country as soon as possible with honor. He has so informed Richard Nixon. He believes there is a limit to which this country can afford to kill off American youth in support of antiquated agreements and treaties. He believes Congress should take a new hard look at some of the foreign nations we supply, protect and practically bathe with dollars provided by the taxpayers of the United States. Is this being conservative?

The Congressman from Saratoga believes measures should be invoked restricting Federal interference with private enterprise. Over the years the tentacles of the national government have clawed the small and large businessman to the point where most agree life would be much more comfortable and satisfying as an employee of the government and not risking hard earned capital investment only to be badgered by the "men from Uncle." Is this conservatism?

Carleton King is recognized by veterans of military service as a real friend. He has consistently fought for their rights in the halls of Congress. On occasions it has been his pleasure and privilege to tip the Congressional scales in favor of the men and women who gambled their life on far off battlefields and today the resultant legislation and benefits are a tribute to him as the Congressman who cares. Is this conservatism?

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His opponents say he should spend more time in his Congressional District. Mr. King believes he's being paid to represent his people in Washington and, unlike a lot of others in the Capitol, he has an enviable attendance record. He's not out playing golf on taxpayer time; he's not lapping up cocktails with the social set when the House roll call is sounded. He's always available and just a phone call or letter away. Best of all, people of his District get action on any reasonable request. Is this conservatism?

This newspaper just happens to know what Carleton King has done for many people who have no connections or personal influence to draw upon in time of need or desperation. Alerted to their situation he has acted with a rare dignity of understanding and utilized the power of his office to cut red tape, government and boondoggling despite the time and effort involved on his part. It just happens a number of these people are readers of this newspaper and you can bet your bottom dollar they favor his return to Washington! They know the man for what he is! Again we ask, is this conservatism?

As for us, if we thought Carleton King unworthy to represent his people in the Congress we'd gladly drive the political dagger in his back. As it stands we'll be number one in the voting booth to pull that lever to return him to Washington realizing his heart, ambitions and actions are tuned in to the welfare of America, its people and particularly his constituents of the 30th Congressional District. Is this conservatism? If so we'll sleep well realizing we're just damn conservative!

RESULTS OF ATTACKS ON ENEMY SANCTUARIES

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, 3 weeks ago Allied forces launched attacks to clean out major enemy sanctuaries on the Cambodia-Vietnam border. Our purpose was not to occupy the sanctuary areas, but to drive out enemy forces and destroy their bases and supplies.

Now, after 3 weeks, it is clear that the enemy has been struck a devastating blow.

We have captured nearly 8 million rounds of ammunition for machineguns, rifles, and small arms that will not now be fired at our servicemen and our allies.

We have captured nearly 45,000 mortar and rocket rounds that cannot now go ripping into Saigon and into American and South Vietnamese bases.

We have captured more than 130,000 antiaircraft rounds that cannot now be fired at our planes.

We have captured more than 9 million pounds of rice—enough to feed for 5 months the North Vietnamese forces estimated to be in Cambodia at the start of the operation.

We have destroyed more than 6,600 bunkers and military installations.

We have seized 11,000 individual weapons and more than 1,800 big, crew-served weapons—enough to equip 20 North Vietnamese infantry battalions.

In addition, the enemy has taken a disastrous loss in manpower. As of the latest report, 8,044 of the enemy had been killed and 1,773 captured, about one-fourth of the forces the enemy was estimated to have in the area.

We have disrupted the enemy's logistics network and lines of communication. We have struck a heavy blow at his offensive capability.

There can be no doubt now that the results of this operation will reinsure the President's announced withdrawal and Vietnamization programs and will hasten the day when all American forces can return home.

A PROPOSAL FOR EFFECTIVE ENVIRONMENTAL MONITORING

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, in the past several months there has been a proliferation of Federal programs designed to combat the pollution of our environment. The list of all Federal programs dealing with some aspect of environmental pollution now consumes 75 pages and includes activities of over 100 Federal agencies. It thus comes as no surprise that it has been difficult to evaluate the overall success of antipollution efforts.

The public has heard a constant stream of claims of merit for various antipollution projects, but like the Congress, the public finds it difficult to evaluate the effectiveness of those projects.

Because of the need for more effective tools to assist in evaluating the effectiveness of antipollution efforts, I have introduced a bill which expands the role of the Environmental Science Services Administration—ESSA—in this area.

My bill would require ESSA to make a daily determination at each Weather Bureau office as to the extent of air and water pollution in the area covered by that office. ESSA would be required to release this data to the public through the newspapers and radio and television stations in the area covered by each Weather Bureau office.

ESSA is also directed to establish an Environmental Quality Index. This Index will combine various indices used in monitoring the environment into one overall index which could become a powerful implement in developing priorities among the several programs affecting the environment.

The potential value of the Environmental Quality Index is great. Just as the management of our Nation's economic affairs are aided by a variety of indices which provide a picture of the Nation's economic health, the management of antipollution efforts will be enhanced by the use of the Environmental Quality Index.

My bill provides for the regular dissemination of the Environmental Quality Index to the public so that all citizens can judge for themselves the effectiveness of antipollution efforts going on in their areas.

Because of the vast number of agencies dealing with the environment, we must have one central depository to which anyone who is in need of environmental data can go. To meet this need, I have proposed that ESSA serve as a depository for all environmental data compiled anywhere within the Federal Government. In addition, when feasible, ESSA will gather environmental data from the State and local governments. In order to aid both scholars and the average citizen interested in environmental data, ESSA will be required to make this information available on request and at no cost to the person desiring the information.

The programs contained in my bill will provide the mechanism needed by Congress, citizens and scholars, to make accurate assessments of the effectiveness of the various approaches available to combat pollution. The small expense created by the programs contained in this bill will be more than offset by savings which will come from optimum employment of antipollution resources.

ADMINISTRATIVE DECEPTION ON MIRV DEPLOYMENT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the Nixon Administration's already serious credibility gap has been greatly aggravated by yesterday's discovery by CBS News that the administration has already begun to deploy MIRV warheads. That credibility gap is certain to extend to Vienna, where we are currently conducting crucial negotiations with the Soviet Union in an effort to reach a mutual agreement to limit strategic arms.

Since the SALT talks with the Russians became a serious possibility in 1968, the Congress has been concerned about the schedule for development, testing and deployment of the MIRV system given the serious implications of the system for the progress of the talks. The Congress has received consistent reports and assurances that MIRV weapons would not be deployed until testing was complete, and that the tests were scheduled to be completed in about July, 1970. Last March, Secretary of the Air Force Seamans announced in testimony before the Senate Armed Services Committee that deployment would begin at the end of June. His exact words, according to press reports:

"After a number of delays and stretch-outs we will start fielding the Minuteman III in June."

Now, in May, we learn that the military has not only already "started to field" the MIRVs, but that MIRV warheads are in place and ready to fire in at least one major missile site.

To justify this development, Pentagon officials, and even some of our own colleagues on the Armed Services Committees, are engaging in semantic games. They are claiming that references to June deployment, in Pentagonese, mean the time at which a full squadron of 50 or so Minuteman III's would be ready to fire in combat.

To me, and I daresay to the bulk of the American public, "start fielding" means exactly that—"start putting multiple warheads into place." It does not mean "have a full squadron ready to fire." If that is what the Pentagon meant, that is what it should have said. But it did not, and I regard that as a severe breach by the military and by this ad-

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ministration of its pledge to communicate truthfully and openly with the Congress and the public, especially on matters of such momentous importance.

How can this administration hope or expect to obtain and hold the confidence of our young people, who are already distrustful of our entire system of government, when it continues to deceive the public so blatently?

Senator EDWARD BROOKE, a member of the administration's party and an outspoken critic of MIRV deployment, is quoted as regarding this development as "not the end of the game, but an inching up to the threshold" with regard to the SALT talks.

> The opportunity still exists—

an aide is quoted as saying on the Senator's behalf—

> for SALT to prevent a dangerous MIRV deployment.

I certainly hope that assessment is correct. But I regard this breach of faith as much more serious than that, not only for the future of the SALT negotiations, but also for its effect on national public opinion which is already so severely polarized on issues of war and peace. At best, it seems to me, this development is a clear indication of this administration's unwillingness or inability to clamp a lid on the military's burgeoning nuclear technology and blind determination to retain an unrealistically large margin of strategic superiority.

LAW OF THE LAND AND THE WAR POWER

(Mr. FASCELL asked for and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, in today's Washington Post, Mr. Merlo J. Pusey has written a column which clearly articulates the complex differences between the various proposals to limit the war in Indochina which are presently pending in the Senate.

In addition, Mr. Pusey addresses himself to the broader question of the power to make war under the Constitution in his comments on a resolution introduced by Senator PERCY of Illinois. The resolution expresses "the sense of the Senate that the President should not utilize the Armed Forces of the United States in intervention abroad for any combat activity without the express consent of the Congress except where the use of such force is necessary pending congressional approval, to respond to a clear and direct attack upon the United States, its territories or possessions, or upon forces of the United States that are lawfully deployed pursuant to a treaty or other specific congressional authorization."

Mr. Pusey goes on to ask why the Senator chose "to offer only a sense of the Senate resolution which the President could ignore? The policy he has stated is the law of the land, and Congress will have to find ways of getting it respected at the White House if our democracy is to be saved."

Mr. Speaker, yesterday, along with 15 colleagues, I introduced a bill which would make such a policy the law of the land. Because of widespread interest in the subject, I include Mr. Pusey's article and Senator PERCY's resolution and my bill at this point in the RECORD:

LAW OF THE LAND AND THE WAR POWER

(By Merlo J. Pusey)

Much of the confusion over limiting funds for the war in Southeast Asia results from the fact that no consensus has yet emerged as to what Congress should do. There is strong sentiment behind the Cooper-Church amendment forbidding further incursions into Cambodia which comes to a vote today, but it does not fully satisfy the growing antiwar sentiment in Congress. Behind it are the McGovern-Hatfield amendment fixing a date for withdrawal of American troops from Vietnam, the Mathias resolution repealing congressional approval of the war, the Percy resolution designed to forbid future use of troops abroad without the consent of Congress and a number of others.

It seems highly probable that the Cooper-Church amendment will be adopted in some form. With the modification in language so as to indicate that the policy it would write into the law is "in concert" with the President's announced aim of getting the troops out of Cambodia by July 1, no solid ground is left for White House opposition.

It is beside the point to say that passage of the amendment would indicate a lack of faith in the President's pledge. It would indicate only the determination of Congress to participate in the making of policies involving the lives of citizens. Equally far-fetched is the argument that the amendment might prevent the President from taking action necessary to protect American troops. The President has ample authority as Commander in Chief to repel any attack upon our armed forces, without waiting for Congress to act. The Cooper-Church amendment would say to him only that in acting to protect the troops he could not again invade Cambodia, without congressional approval.

If the White House is alert to the gathering storm signals, it may yet embrace this mild restraint in the hope that it might become a pattern for deading with the more difficult problems ahead in regard to the war power. The Cooper-Church formula means that the Senate is not out to knife the President or take over direction of the war. It merely indicates that there should be no more upsetting escalations without the knowledge and consent of Congress.

The next challenge that the President will have to face in this area is more formidable. The amendment sponsored by Senators McGovern, Hatfield, Goodell, Hughes and Cranston would cut off funds for combat in Vietnam at the end of 1970, although funds could still be used for termination of U.S. military operations, withdrawal of U.S. troops, exchange of prisoners, aid to South Vietnam and so forth, with a proviso that all American military personnel be out by June 30, 1971. By this action Congress would impose on the administration a fixed withdrawal policy which could be altered only by a declaration of war or other congressional action.

Undoubtedly Congress has authority to take this drastic action, if it wishes, and if the war should continue indefinitely, against mounting internal protests, some last resort remedy of this sort might prove to be necessary. At present, however, it is difficult to imagine Congress taking upon itself the whole burden of liquidating the war.

Suppose that Congress should enact the December cut-off date for military combat in Vietnam and that Hanoi should launch a December offensive to strike a final crippling blow at the American forces preparing to leave. Congress would be loath to declare war or order a resumption of limited hostilities. Suppose that the enforced withdrawal in accord with an inflexible timetable should lead to a Communist sweep throughout Indochina.

The country needs to be prepared for unpleasant consequences of its retreat from Southeast Asia. Under even the best of circumstances now foreseeable, the outcome of our ill-advised venture may prove to be a bitter pill, and the bitterness would be greatly intensified if a hasty retreat were forced on a Republican President by a Democratic Congress. Incidentally, the effect might be to strengthen the hold of the President or the power to make war if a congressional venture in overriding the President should lead to disaster.

The risks of the McGovern approach may drive the Senate back to the Mathias-Mansfield proposal which would, in its original form, withdraw the blank check that Congress issued in the Tonkin Gulf resolution and endorse the announced Nixon policy of withdrawing from Vietnam. Coupled with the Cooper-Church amendment, this would put Congress on record against reheating the war in either Vietnam or Cambodia. Ways may be found to stiffen the Mathias-Mansfield mandate for withdrawal without trying to force a rigid congressional time table upon a complex international denouncement.

The Percy resolution looks to the future and is not directly related to getting American forces out of Cambodia and Vietnam. It would express the sense of the Senate that the President should not utilize the Armed Forces of the United States in interventions abroad for any combat activity without the express consent of the Congress except where the use of such force is necessary pending congressional approval, to respond to a clear and direct attack upon the United States, its territories or possessions, or upon forces of the United States that are lawfully deployed pursuant to a treaty or other specific congressional authorization.

This is a fair restatement of the constitutional provisions which place the war power in Congress. Why, then, did Senator Percy choose to offer only a sense-of-the-Senate resolution which the President could ignore? The policy he has stated is the law of the land, and Congress will have to find ways of getting it respected at the White House if our democracy is to be saved.

H.R. 17773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall not deploy Armed Forces of the United States outside the United States or any territory subject to its jurisdiction, for other than peaceful purposes, without the advice and consent of the Senate in connection with a treaty, or unless the Congress by law, specifically authorizes the deployment of such Armed Forces by the President; except that the President is authorized to deploy such Armed Forces at his sole discretion—

(1) when he finds that the territory of the United States is under attack or imminent threat of attack; or

(2) when he finds that deployment of such Armed Forces fulfills a specific treaty obligation of the United States; or

(3) pursuant to a declaration of war by the Congress except that such Armed Forces may be deployed only in countries specifically authorized by such declaration of war unless the President finds that the safety of American or allied Armed Forces requires deployment of American Armed Forces in other countries.

The President shall notify the Congress within twenty-four hours after any such

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finding of all action he has taken at his sole discretion pursuant to such finding. In the event the Congress is not in session, the President shall convene the Congress in an extraordinary session within twenty-four hours after such finding.

S. Res. 409

Whereas the Senate has resolved that certain national commitments of the United States require affirmative action by both the Executive and Legislative branches of the United States Government; and

Whereas the use of the armed forces in combat in foreign countries necessarily has an important effect on international relations; Now, therefore, be it

Resolved, That in order that the Congress may properly exercise its constitutional powers regarding the use of the armed forces of the United States whenever the use thereof directly involves the foreign relations of the United States and the foreign policy of the United States generally, it is declared to be the sense of the Senate that the President should not utilize the armed forces of the United States in interventions abroad for any combat activity without the express consent of the Congress except where the use of such forces is necessary, pending Congressional approval, to respond to a clear and direct attack upon the United States, its territories or possessions, or upon forces of the United States that are lawfully deployed pursuant to a treaty or other specific Congressional authorization.

ADDRESS BEFORE WATERTOWN MARINE CORPS LEAGUE HONOR ROLL DEDICATION CEREMONY

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, on April 19, 1970, it was my privilege and honor to speak at the honor roll dedication ceremony conducted by the outstanding Pvt. Charles J. Shutt Detachment of the Marine Corps League in Watertown, Mass.

Under unanimous consent, I include a summary of my remarks before the distinguished gathering and also the program for that occasion:

Remarks, in Part, of Congressman Philip J. Philbin at Honor Roll Dedication Ceremony of the Marine Corps League, Watertown, Mass., April 19, 1970

Commander, Officers, and members of this great Marine Corps League, distinguished guests, the sorrowing parents, relatives, and friends of the illustrious heroes we honor today, Ladies and Gentlemen—

I am highly honored to join in these very moving ceremonies when this great American organization, whose members have always so nobly served our country, adds to its impressive Honor Roll the names of these gallant, young men who have made the supreme sacrifice for the cause of freedom and country and pay fitting tribute to your own departed comrades.

Our hearts go out in deepest sympathy and compassion to the mothers, fathers, sisters, brothers, relatives and friends of the brave boys who have offered their lives on the altar of American patriotism in one of the bloodiest and most frustrating wars of our history.

We prayerfully share with their dear ones the loss of intrepid heroes, like Corporal Daniel Duffy, Corporal Paul Gorman, Sergeant John Mareno, Corporal Richard Nashawaty, and Private First Class John Sullivan, and also the departed members of the Post, John Carey, Edward Farraher, Harold McKenny and John Sullivan.

It seems as though only yesterday they were with us. Yet now they have joined the great company of immortals, who shall forever be enshrined in the hearts of this and many American generations as long as this great Nation shall endure.

They have given their all to insure that the lamps of freedom shall be kept lighted, and that tyranny shall not prevail over the free and the brave, and those intent upon building a better nation and a better world.

While this day is sad for all of us, it is also glorious beyond measure. For it shows to the whole world, including those who, if they could work their will, would enslave all of us and free peoples everywhere in communist tyranny, that this Nation will never surrender its precious birth-right of liberty.

Each and every one of these boys, and the brothers of the Marine Corps League, who have gone to their eternal reward, have given their all for every one of us, and it must never be said that they shall have died in vain.

One day very soon, let us pray, their cause shall be redeemed, their sacrifices for peace, security and human rights will prove once again, that "whether in chains or in laurels, liberty knows nothing but victory."

Our task is clear, our duty is plain. Our mandate is before us. It is for us to continue the struggle for peace and liberty which they have so greatly enriched with their invincible spirit of love, loyalty and patriotism which moved them so courageously to give up everything, even life itself, that liberty, justice, and equality before the law shall continue to reign in this Nation and in the world.

These boys will go down in the history of our Nation, and in our hearts, as American heroes whose memory will never dim, and whose luster will never fade, because they are among the immortals whom the American people and free men and women will cherish and honor to the end of time.

For in their own way, joining with all the others who have unselfishly given of themselves for the country and human freedom, they too will live forever in the hearts of a Nation that is eternally grateful to its hero sons and daughters who have left us a legacy more precious than life itself.

We live in a world of contrived tumult and danger, and we must never underestimate the intent and efforts of potential and actual enemies, at home and abroad, to destroy our liberties and our free society.

Until peace comes. Let us keep strong and prepared to meet every contingency and peril from any and every source.

It is only through strength of will, firmness, and strength of resources and power that we can hope to hold off and discourage those, both at home and abroad, who threaten our security and freedom.

As we work tirelessly for peace and brotherhood, until these ends are gained, we must guard our birthright, and protect our homes and our shores against all those, whoever they may be, who seek to weaken and destroy this great nation of ours, which in these troubled days is the best hope for freedom and peace in this country and the world.

Let us make sure that the bitter sacrifices of these boys, their loving families, and the many like them, shall not have been in vain.

So let Semper Fidelis be our fervent prayer and inspiration on this occasion which is at once so tearful, yet so glorious. Let us resolve to honor the precious memory of our honored dear ones, and move forward with resolution and determination toward the great goals these beloved, fallen heroes so courageously exemplified—for peace at the earliest possible time in this country and in the world, and for freedom and justice forever in this great land of liberty that we love, and propose to preserve.

Program

Call to order, 1430 hours, Chairman Harold F. Welsh.

1. Invited Guests to Rostrum, Sgt. at Arms Arthur L. Sheppard.
2. Sgt. at Arms Escorts Commandant to Rostrum, Commandant Peter C. Dwyer.
3. Opening Prayer, Chaplain John P. McDevitt.
4. Pledge of Allegiance, Salute to the Colors, National Anthem, Commandant Peter C. Dwyer.
5. Remarks from the Commandant.
6. Reading of Memorial Roster and Presentation of Certificates, Chairman Harold F. Welsh.
7. Firing Squad Detail, Officer in Charge, Richard J. O'Neil.
8. Taps, Field Music, L/Cpl. John Snow, U.S.M.C.
9. Prayer for the Honored Dead (all rise), Chaplain John P. McDevitt.
10. Introduction of Honored Guests: Robert Maher, Official Representative, City of Somerville; Harold A. Osgood, Sr., Division Commandant, National Trustee, Marine Corps League; Daniel Beffa, Commandant, Department of Missouri, Marine Corps League; Lt. Col. E. F. Fitzgerald, Inspector-Instructor Staff, U.S.M.C.; Col Ralph R. Bagley, Commanding Officer, 1st Bn., 25th Marines, U.S.M.C.; The Honorable Philip J. Philbin, Congressman, 3rd District, Massachusetts, Vice Chairman, House Armed Services Committee.

Closing ceremony—please stand.
Marine Corps Hymn.
Harold F. Welsh, Chairman.
Peter C. Dwyer, Commandant.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Patten of New Jersey (at the request of Mr. Albert), for today, on official business.

Mr. Daniel of Virginia (at the request of Mr. Albert), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Kleppe), to revise and extend their remarks and to include extraneous matter to:)

Mr. Halpern, today, for 10 minutes.

Mr. Poff, today, for 10 minutes.

Mr. Hosmer, today, for 10 minutes.

Mr. Miller of Ohio, today, for 5 minutes.

(The following Members (at the request of Mr. Gray), to revise and extend their remarks and to include extraneous matter to:)

Mr. Gonzalez, today, for 10 minutes.

Mr. Dent, today, for 30 minutes.

Mr. Farbstein, today, for 20 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Philbin in five instances.

(The following Members (at the request of Mr. Kleppe) and to include extraneous matter:)

Mr. Bush in two instances.

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Mr. FOREMAN in two instances.
Mr. MIZE.
Mr. ANDERSON of Illinois.
Mr. GROSS.
Mr. MINSHALL in two instances.
Mr. KLEPPE in two instances.
Mr. HALL.
Mr. ROUDEBUSH.
Mr. SCOTT.
Mr. WYMAN in two instances.
Mr. GUBSER.
Mr. HOSMER in two instances.
Mr. ESCH in two instances.
Mr. HANSEN of Idaho.
Mr. HUNT.
Mr. DUNCAN in two instances.
Mr. HARVEY.
Mr. SCHERLE.
Mr. DERWINSKI in three instances.
Mr. KEITH.
Mr. BROYHILL of Virginia.
Mr. HORTON in three instances.
Mr. GOLDWATER in two instances.
Mr. BRAY in three instances.

The following Members (at the request of Mr. GRAY) and to include extraneous matter:

Mr. CAREY.
Mr. MOLLOHAN in five instances.
Mr. PURCELL in two instances.
Mr. ROSENTHAL in five instances.
Mr. PODELL in three instances.
Mr. RARICK in two instances.
Mr. ALBERT.
Mr. EDWARDS of California.
Mr. FULTON of Tennessee in two instances.
Mr. MIKVA.
Mr. DOWNING in two instances.
Mr. GONZALEZ in two instances.
Mr. MARSH in three instances.
Mr. HARRINGTON.
Mr. BINGHAM in two instances.
Mr. CABELL.
Mr. MOORHEAD in two instances.
Mr. DANIELS of New Jersey.
Mr. FOUNTAIN.
Mr. KLUCZYNSKI.
Mr. ANDERSON of California in two instances.
Mr. DORN in three instances.
Mr. GILBERT in two instances.
Mr. HELSTOSKI in two instances.
Mr. MURPHY of New York in two instances.
Mr. PEPPER in two instances.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 3920. For the relief of Beverly Medlock and Ruth Lee Medlock; H. R. 5419. To provide relief for Comdr. Edwin J. Sabec, U.S. Navy; H.R. 6402. For the relief of the Sanborn Lumber Co., Inc.; H.R. 8694. For the relief of Capt. John T. Lawlor (retired); and H.R. 9910. For the relief of Hanibal B. Taylor.

ADJOURNMENT

Mr. GRAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 27, 1970, at 12 o'clock.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2086. A letter from the Secretary of the Army; transmitting a letter from the Chief of Engineers, Department of the Army, dated May 2, 1969, submitting a report, together with accompanying papers and an illustration, on Ludington Harbor, Mich., requested by a resolution of the Committee on Public Works, House of Representatives, adopted April 14, 1965 (H. Doc. No. 91–342); to the Committee on Public Works and ordered to be printed with illustrations.

2087. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice; transmitting the annual report of the Immigration and Naturalization Service for fiscal year 1969; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 15608. A bill to amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park, with an amendment (Rept No. 91–1123). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: House Resolution 1045. Committee on Rules. A resolution providing for the consideration of H.R. 15712. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971 (Rept. No. 91–1124). Referred to the House Calendar.

Mr. COLMER: House Resolution 1046. Committee on Rules. A resolution providing for the consideration of H.R. 16542. A bill to amend title 39, United States Code, to regulate the mailing of unsolicited credit cards, and for other purposes (Rept. No. 91–1125). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 1033. Resolution on the International Labor Organization Conference in Geneva, Switzerland with amendments (Rept. No. 91–1126). Referred to the House Calendar.

Mr. KASTENMEIER: Committee on Judiciary. H.R. 13971. A bill granting the consent of Congress to the Falls of the Ohio Interstate Park Compact with an amendment (Rept. No. 91–1127). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 1002. A bill to amend section 5701(a)(2) of the Internal Revenue Code of 1954 so as to adjust the rates of tax on cigars with amendments (Rept. No. 91–1128). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. H.R. 12807. A bill to amend the act of February 11, 1903, commonly known as the Expediting Act, and for other purposes; with amendments (Rept. No. 91–1129). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolution were introduced and severally referred as follows:

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 17802. A bill to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act; to the Committee on Ways and Means.

By Mr FALLON:

H.R. 17803. A bill to amend the Tariff Schedules of the United States with respect to the duties on stainless steel sheets and on articles made from such sheets; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 17804. A bill to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions; to the Committee on Interior and Insular Affairs.

By Mr. GILBERT:

H.R. 17805. A bill to amend the Solid Waste Disposal Act to prohibit the use in interstate commerce of certain nonreturnable containers; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRIFFITHS (for herself, Mr. BINGHAM, Mr. BOLLING, Mr. BROWN of California, Mr. BURTON of California, Mr. CORMAN, Mr. DENT, Mr. DIGGS, Mr. DULSKI, Mr. FRIEDEL, Mrs. GREEN of Oregon, Mr. HECHLER of West Virginia, Mr. KARTH, Mr. MIKVA, Mr. MILLER of California, Mr. MOSS, Mr. O'HARA, Mr. SCHEUER, Mrs. SULLIVAN, Mr. TUNNEY, and Mr. CONYERS):

H.R. 17806. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 17807. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. HÉBERT:

H.R. 17808. A bill to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes; to the Committee on Armed Services.

By Mr. HENDERSON (for himself, Mr. NIX, Mr. WHITE, Mr. HAMILTON, and Mr. BRASCO):

H.R. 17809. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LANGEN:

H.R. 17810. A bill to provide that compensation be paid to persons providing information which results in convictions being obtained for certain violations of the Military Selective Service Act of 1967; to the Committee on Armed Services.

By Mr. MIKVA:

H.R. 17811. A bill to prohibit the use of funds appropriated by Congress to support the use in Southeast Asia of persons inducted under the Military Selective Service Act of 1967; to the Committee on Armed Services.

By Mr. MOLLOHAN:

H.R. 17812. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 17813. A bill for the relief of certain farmers who sold CCC mortgaged grain to Lafayette Farm Services, Inc., Lafayette, Minn.; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 17814. A bill to amend the tariff Schedules of the United States with respect to determining what articles wall within the additional import restrictions on dairy products set forth in part 3 of the appendix to such schedules; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 17815. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. STANTON (for himself, Mr. McCLORY, and Mr. MORSE):

H. Con. Res. 647. A resolution expressing the sense of the Congress that the President should establish a commission to examine the recent events at Kent State and other college campuses; to the Committee on Education and Labor.

By Mr. REES:

H.J. Res. 1245. A resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 17816. A bill for the relief of Mrs. Silvia Bautista Tendero; to the Committee on the Judiciary.

H.R. 17817. A bill for the relief of Miguel Angel Ortiz; to the Committee on the Judiciary.

By Mr. KING:

H.R. 17818. A bill for the relief of John W. Shafer, Jr.; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 17819. A bill for the relief of Francesco Lombardo; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

393. By the SPEAKER: A memorial of the House of Representatives of the State of Missouri, relative to relocating the battleship U.S.S. *Missouri* in the State of Missouri; to the Committee on Armed Services.

394. By the SPEAKER: A memorial of the Senate of the Commonwealth of Massachusetts, relative to the setting of national war policy; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

496. By the SPEAKER: Petition of the Medical Association of Georgia, Atlanta, Ga., relative to decisionmaking in patient care; to the Committee on Ways and Means.

497. By the SPEAKER: Petition of the City Council, Youngstown, Ohio, relative to the sharing of Federal revenues with State and local governments; to the Committee on Ways and Means.

SENATE—*Tuesday, May 26, 1970*

The Senate met at 10 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord of Life and God of the Nation's destiny, in times of crisis when we are weak and unsure in our own strength, keep our faith strong in the efficacy of prayer. Spare us from mistaking our will for Thy will. Use our minds as the channels of Thy light and truth. Give us the will to obey the highest insight. Bless the dedication which rises above faction and party to serve the common good.

O Lord, in whom we trust, may the faith stamped on our coins be imprinted in our hearts and expressed in our lives. In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 26, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. James B. Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 25, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The ACTING PRESIDENT pro tempore. The Chair now lays before the Senate the unfinished business which the clerk will state.

The LEGISLATIVE CLERK. H.R. 15628, to amend the Foreign Military Sales Act.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The Chair would inform the Senate that the time between now and 2 p.m. will be equally divided between the majority leader and the minority leader. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of both sides equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as may be required.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

AMERICA'S FREEDOM

Mr. CHURCH. Mr. President, as we commit more blood and treasure in Southeast Asia for what advocates of our extended military efforts over the past decade have called "freedom," we are frequently reminded that here at home our freedom may very well be in jeopardy.

An editorial in the New York Times of May 24 calls the problem, "freedom under fire." The writers of this timely commentary realize that America faces several crucial battles in the months ahead which may determine how much longer we can continue to enjoy "freedom," as we now know it in this country. There are the pressing needs to halt the increasing trends of Government repression, to reorder our national priorities in order to begin to cure the economic and social ills presently afflicting us, to resist anarchy on our university campuses by those who would immobilize these fountainheads of free inquiry and knowledge, and to end "the contagion of corruption and coercion" in all areas of our national life.

The internationally renowned columnist, James Reston, shows how one freedom—freedom of the press—is under fire. In a poignant article in the May 24 New York Times, he replies to the Vice President's annoyance with dissenters and critics of this administration's war policy. Mr. Reston asks:

> What will have been achieved when all this senseless killing is over? How are the South Vietnamese going to keep the enemy out of the Cambodian sanctuaries when they can't keep them out of Saigon? A year from now, after 52 more weekly casualty lists, how will Indochina be more secure with 150,000 fewer American soldiers?

"These are the questions," Mr. Reston continues, that "Mr. Agnew does not answer" in his criticism of writing and talking journalists, "and they will not go away by blaming the press for asking them."

As many of us clearly remember, President Johnson was asked similar hard questions about the conduct of the war in Southeast Asia. "When he had no answer," Mr. Reston correctly points out, he was driven "out of office."

Mr. Reston goes on:

There is still an honest and fundamental conflict here about how best to serve the Nation. That is what it is all about. Mr. Agnew is right that personal attacks only make things worse, though he doesn't follow the principle himself, but watchful criticism of Presidential power to make and expand wars at will has never been more essential than it is now.

Because of the President's decision to send American forces into Cambodia, public criticism of this administration has increased manifold. In a manner befitting the highest tradition of freedom of the press in this country, Mr. Reston continues:

It is true, as the Vice President said in Texas, that the press was strident after the sudden Cambodian lunge. The thought that the President of the United States could invade a sovereign country without even consulting the Congress or key members of his own Cabinet sent a shudder through every inky wretch who ever read the Constitution or thought about the consequences of the bomb and the missile.

VIVE LA DIFFÈRENCE

So there is a difference with the Vice President, and vive la diffèrence! We are not going to agree with him about Indochina, and he is wrong in thinking we want him to shut up and go away. He helps us dramatize the sad misunderstandings of our time. Without him and Martha Mitchell, would be the dozing capital of the world. But we ought to be able to agree about how to disagree and this the Vice President won't allow.

He doesn't want to see or understand his critics. He knows we are unpopular and wants to use us as a political devil, and in election terms he may be right. But in the larger terms of the Nation, he may be wrong. For the problem of the press in America today is not that it is too strong, as he pretends, but that it is too weak, given the power of the President to make war as he likes.

I ask unanimous consent that these two pieces from the New York Times be inserted at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WASHINGTON: WHITHER ART THOU, SPIRO?

(By James Reston)

WASHINGTON, May 23.—Among the few certainties in this uncertain age is Vice President Spiro Agnew. Somehow he vanishes during the week, but almost always he shows up at the weekend somewhere in Iowa, South Carolina or Texas, shaking his fist at the press and trying to divert everybody's attention from the war and the economy to the hairy scoundrels in the universities and the press.

He is by all odds the best public speaker and most colorful character in this Administration. He knows how to pick friendly audiences and unpopular targets and he is a sensation on the Republican chicken-dinner circuit, but he is beginning to sound like a stuck whistle, and busy as he is, he cannot quite keep up with the torrent of facts from the battlefield.

The other day when he spoke in Texas, the military command in Saigon announced the latest weekly casualty toll—217 more Americans killed, 1,281 wounded. This brings the total American dead in this war to 42,118, and no amount of political pollution will cover up these ghastly facts.

What will have been achieved when all this senseless killing is over? How are the South Vietnamese going to keep the enemy out of the Cambodian sanctuaries when they can't keep them out of Saigon? A year from now, after 52 more weekly casualty lists, how will Indochina be more secure with 150,000 fewer American soldiers? These are the questions Mr. Agnew doesn't answer and they will not go away by blaming the press for asking them.

The Vice President is worried about the rise of isolationist sentiment in the United States, and well he mght be, but again he cannot blame this on the Administration's critics in the Senate or the press. The cause of the new isolationism is the war, and the longer it goes on, cutting and dividing this nation to the heart, the harder it will be to get public support for American intervention even in areas more vital to American security and world order than Southeast Asia.

THE NEW WEAPONS

These are not frivolous issues raised by irresponsible newspapers to embarrass the President or cadge circulation. They were raised with President Johnson, and when he had no answer, drove him out of office. There is still an honest and fundamental conflict here about how best to serve the nation. That is what it is all about. Mr. Agnew is right that personal attacks only make things worse, though he doesn't follow the principle himself, but watchful criticism of Presidential power to make and expand wars at will has never been more essential than it is now.

It is easy to understand the Vice President's efforts to defend his chief and rally the party in a time of trouble, but it is harder to understand why conservatives, of all people, should be hostile to critics of the abuse of centralized Presidential power. This has been the conservative's major theme for over a quarter of a century, and with the invention of the atom bomb and the intercontinental ballistic missile, vigilant criticism of Presidential power became more essential than at any other time in the history of the Republic.

It would be hard to over-estimate the influence of these two inventions on the American press. The bomb and the missile gave the President a power unprecedented in the history of nations, and tipped the balance in the American Federal system away from the Congress, for the nation could be destroyed before the Congress could even meet to debate a declaration of war. All the more important however, that the President's power and even his personality and character be observed with relentless attention.

This is what has been going on in the press of this country ever since Harry Truman dropped the atom bomb on Hiroshima and Nagasaki. In many ways the press has been fighting a losing battle against the television which put another vast source of power in the hands of the President, but at least the press is operating on a principle, sometimes clumsily and unfairly and inaccurately, but conscious of the new dangers of the bomb, the missile and the television at the command of a single fallible human being.

It is true, as the Vice President said in Texas, that the press was strident after the sudden Cambodian lunge. The thought that the President of the United States could invade a sovereign country without even consulting the Congress or key members of his own Cabinet sent a shudder through every inky wretch who ever read the Constitution or thought about the consequences of the bomb and the missile.

VIVE LA DIFFÈRENCE

So there is a difference with the Vice President, and *vive la diffèrence!* We are not going to agree with him about Indochina, and he is wrong in thinking we want him to shut up and go away. He helps us dramatize the sad misunderstandings of our time. Without him and Martha Mitchell, this would be the dozing capital of the world. But we ought to be able to agree about how to disagree and this the Vice President won't allow.

He doesn't want to see or understand his critics. He knows we are unpopular and wants to use us as a political devil, and in election terms he may be right. But in the larger terms of the nation, he may be wrong. For the problem of the press in America today is not that it is too strong, as he pretends, but that it is too weak, given the power of the President to make war as he likes.

FREEDOM UNDER FIRE

The nation is in disarray. The Federal Government is divided over policies and principles. The loyal opposition is fragmented, more concerned with winning than with leading. Even more alarming, the academic community as a whole is lacking in the courage and conviction necessary to mount a successful battle against unreason and coercion within its own domain.

The divisions within the Nixon Administration are evident. In matters of the economy, race, social justice, civil liberties and, first and foremost, the war in Asia, the differences within the Government appear as fundamental as those in the nation at large.

The opposition voices in Washington have so far lacked the weight adequately to respond to the constitutional crisis, the economic drift and the overriding issue of war and peace.

Over this dismal scene hangs the pall of violence and the fear of a steady erosion of liberty.

But freedom is not threatened merely by intemperate words and insensitive acts on the part of Government officials and repressive police measures; the nation's liberties are in jeopardy when university campuses allow the rights and freedoms of any of their members to be curtailed.

This is happening now. Books and buildings have burned. "Trashing" of windows on some campuses has become a routine expression of protest by dissidents. Students and professors have been denied access to their offices, classrooms and libraries. Speakers have been silenced.

Professors and their families have been threatened in efforts to force their personal and academic views into line with the demands of the movement.

Nothing could be less legitimate than the coercion of scholars by their students or their peers. When political credentials and ideological conformity become academic prerequisites, the moral and intellectual power of the university is destroyed.

Freedom can be murdered by deliberate government repression; but it will die just as surely of slow suffocation if intellectuals fail to resist the tyranny in their midst.

To halt governmental repression and to reorder national priorities is everybody's business; but only the intellectual leadership itself can save academic freedom and integrity from the contagion of corruption and coercion. This may, in the end, be the crucial battle for America's future.

Mr. CHURCH. Mr. President, I suggest the absent of a quorum. I ask unanimous consent that the time for the quorum call be taken from both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate

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stand in recess subject to the call of the Chair, with the proviso that the time be taken out of both sides equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

At 10:35 o'clock a.m. the Senate took a recess subject to the call of the Chair.

At the conclusion of the recess, the Senate reconvened at 12:02 p.m., when called to order by the Presiding Officer (Mr. HOLLINGS).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be equally taken out of both sides.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes as long as the manager of the bill on this side is absent for the moment. I do so only in the hope of encouraging those who want to speak to speak and make their views known. This is a most important amendment. It is an amendment sponsored on a bipartisan basis.

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It is an amendment which seeks to justify in concern with the President what he has declared to be his purpose. It represents a type of cooperation and accommodation and mutual confidence which I hope would mark the deliberations of the Senate in its relationship with the Executive.

I think this will strengthen the President's hands, will allow him to do what he has stated publicly that he intends to do. And what he stated, he stated voluntarily.

It will, in my opinion, protect him against pressures from South Vietnam, from Cambodia, from other countries and other elements in that area which might try to force him to do things which would be in contradiction to his announced desires and his announced objectives.

I have every confidence that the President of the United States will withdraw all U.S. forces not by July 1, but before that time.

I have every confidence that he meant what he said when he made that declaration on a calendar basis and when he made his declaration on a territorial basis limiting the penetration of U.S. forces to 21.5 miles.

However, I do not have that kind of confidence in the Saigon government. I do not have that kind of confidence in that government, based on the statements which its leaders have made as to their intent to stay in Cambodia as long as they want to. I would point out that if that is the case, if South Vietnamese forces remain in Cambodia after the deadline set by the President, this country will still be indirectly involved because it is the United States which furnishes the logistical support for the forces of South Vietnam, it is the United States which furnishes the advisers, and it is the United States which furnishes the airpower and the air cover.

In conclusion let me say I am sure that the President will do what he has stated. I am sure that at long last it may be getting through to the administration that what the proponents of this amendment are endeavoring to do is support his hand, to support his stand, to give strength to his muscle, and to bring about a spirit of accommodation and cooperation which, I repeat, in my opinion will serve well both the Senate and the President.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, as we move toward the vote at 2 o'clock this afternoon it is important to realize and keep in mind what the vote will be about.

Driving into the office this morning and listening to the radio, I heard a newscaster say, in effect, that the Senate will vote at 2 o'clock today "on the Church-Cooper amendment." Of course, the vote today is not on "the" Church-Cooper amendment; it is a vote on a proposed minor modification of the Church-Cooper amendment, to which most of the debate has been addressed.

I would say that the proposed modification, on which we are going to vote this afternoon, is a cosmetic perfecting amendment, which makes the basic amendment look a little better. However, it would not change the substance of the so-called Church-Cooper amendment. The modification would write in a date and it would insert some nicer sounding language in the preamble; in that regard it would be a small step in the right direction.

I shall vote at 2 o'clock for the proposal modification, and I urge Senators on this side of the aisle to support the amendment. Although it would be a small step in the right direction, unfortunately, it still will not make the Church-Cooper amendment acceptable. Accordingly, even though the modification is adopted—and I am sure it will be—I will still have to oppose the Church-Cooper amendment which will then be the pending business before the Senate.

The effect of the Church-Cooper amendment, even though it is not the purpose of Senators, is to take a slap at the President of the Untied States; the effect of the amendment will be to undercut and determine him at a very difficult time in our history. It would be unfortunate in my view if the Senate were to adopt the Church-Cooper amendment, even with this minor modification.

Mr. President, I hope we will go on, then, to consider the basic amendment, and that in due course it will be turned down by the Senate.

I yield to the Senator from Kansas.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. GRIFFIN. Mr. President, I yield 2 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, let me say I share the views expressed by the Senator from Michigan. I also commend the Senator from Kentucky, and the Senator from Idaho. I believe the perfecting amendment is an improvement, but not a major improvement. As the sponsors have said many times, there is no change in the substance of the amendment. I believe, however, the perfecting amendment should have the unanimous support of this body. I would repeat, as the Senator from Michigan has pointed out, the substantive provisions of the amendment remain the same.

There are some matters of concern. I recognize the constitutional responsibilities of Congress and the constitutional rights, responsibilities, and powers of the President. I trust there is an opportunity and some hope for additional compromise. I trust we can reach some agreement on other sections of the amendment or other amendments to the amendment.

It is in this spirit that many of us will discuss further amendments and further possibilities for compromise.

It does seem that despite the many statements made—and I do not question the motives or patriotism of any sponsor—I do question the timing and the judgment because, as I have said many times before, President Nixon is extricating us from Southeast Asia. He has kept his faith with the American people. He has reduced the troop level by 115,500. He has kept withdrawals on schedule, and, in fact, ahead of schedule.

It is my hope this amendment will in no way be interpreted as questioning the President's credibility or ultimate purpose in Southeast Asia, that being extrication at the earliest possible time.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. GRIFFIN. Mr. President, I am going to yield to the Senator from Kentucky for as long as he wishes to speak, but before that I yield to the Senator from Florida for 3 minutes .

Mr. GURNEY. Mr. President, I think the point made by the distinguished assistant Republican floor leader, the Senator from Michigan, as well as the point just expressed by the Senator from Kansas, that this is some slight improvement in the Church-Cooper amendment is true; but I must say that here is one Senator, the Senator from Florida, who cannot support even this slight improvement to this amendment, because I feel so strongly the Senate is in error in passing this amendment in any form.

It seems to me that what we are doing here is actually acting as a committee of 100 Senators to discuss how tactics should be determined in a major war in which we are engaged in Southeast Asia. The President decided to go into the neighboring country of Cambodia for a few miles in order to hit Communist sanctuaries which have existed there for many years, in an effort to destroy these bases, these receptacles of supplies, weapons, ammunition, food, and medicines, for 4 years, and perhaps longer, a common tactic anyone would engage in in fighting a war; and the President is Commander in Chief.

It seems to me that one might well draw an analogy between what the President of the United States did in Cambodia and what happened in World War II. I expect if the Senate during World War II decided to pass a Church-Cooper amendment, what they would have done would have been to say to President Roosevelt, "Mr. Commander in Chief, you cannot make the landings on Normandy Beach because you are invading a friendly country, France. To be sure, it is occupied by Germany, and German armed forces.

"But we do not want you to land there because that would further widen the war and invade a friendly country." Precisely the same situation exists in Cambodia.

The same argument might have been made by the Senate, sitting as a committee of 100, on the invasion of North Africa, and Sicily, or Italy. I do not think the determination of tactics by the Senate has any part in the conduct of war. That determination belongs in the hands of the Commander in Chief, the President, advised by his military advisers who are trained in the art of warfare; but that is what the Senate is doing in the pending amendment. Dressing up the measure, including the preamble modification we have before us, does not make it any more palatable.

Mr. President, one other thing it does and no dressing up of the language will lessen this impact. It advertises to the enemy, in bold, clear terms, that "After July 1 we will not be making any more excursions anywhere other than in the country of South Vietnam itself." To me, it is not only highly undesirable to advertise that to the enemy, but highly dangerous, because it tells him at least what we are not going to do in the future, and that, I think, in the conduct of warfare, is a folly that no Commander in Chief should indulge in.

So here is one Senator who, while he is pleased that the modification of the preamble at least recognizes the integrity of the President of the United States in his statement that he is going to withdraw troops through the end of June, it does not, in my opinion, change the basic thrust of the amendment in any way whatsoever. So I also intend to vote against the language of the preamble.

I thank my distinguished colleague from Montana for yielding.

Mr. GRIFFIN. Mr. President, I yield such time as he may desire to consume to the distinguished Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I had intended to speak upon the full amendment itself, but I shall first address myself to the statements that have been made by my colleagues from Michigan and Florida.

The Senator from Michigan is correct in saying that the amendment upon which we will vote, which was offered on last Friday as a modification of our original amendment and as a substitute for it, does not change in any way the substantive portions of our amendment—subsection (1), subsection (2), subsection (3), and subsection (4). He has termed it a "cosmetic," as if the sponsors had added these lines to give it a better color, to give it a better look; in a way, to deceive.

I will explain the genesis of these words for the benefit of my friend from Michigan and other Senators. Beginning a week ago last Saturday, the sponsors of this amendment attempted to find a ground between the President of the United States and the Senate, some ground which would bring the Senate and the administration in concert.

Our powers—the powers of the Congress and the President—do overlap, and sometimes it is not possible to identify them precisely. In such a case, I think history indicates that both branches try to accommodate each other and to see if they can come into agreement. We tried. We tried for 5 days, and finally there was no response; but in the course of those consultations, we offered the language which we placed in the pending amendment—although it is not all of the language embraced in an amendment which at one point we thought we were in agreement upon—to show that we were acting in good faith, to show that we were desiring, as members of the Senate, to reach an agreement. Many members from the Republican side and the Democratic side have come to us and said, "Please, can't you get an agreement?" We offered the modified language in good faith and to show we are still open for agreement. I am not talking of language in terms of compromise, but in terms of accommodation.

The Senator from Michigan has said we are undermining the President. This statement follows other language that the distinguished Senators, and others, have used—that we are undermining the President, that we are saying he cannot be trusted, that we are giving comfort to the enemy.

If the Senator means that we are doing this, with such an intent, I must challenge the statement from the very bottom of my soul.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. COOPER. In just a moment. If the Senator is saying this objectively as it may be considered by others then it is his viewpoint. The Senator and others are making these statements to go throughout the country, and throughout the world, and it is their responsibility. Our language does not undermine the President's. Our language asserts that the Congress has a parallel responsibility with the President, in determining whether a new war in Cambodia shall be undertaken.

Upon this point, the Senator cannot challenge me, and I do not think the amendment can be challenged from a constitutional viewpoint: We cannot be brought into a war in Cambodia without the consent of Congress. We can be brought into a war in Cambodia, we can be brought into a war anywhere in that area, if we take steps which gradually lead us into war, as we were led into war in Vietnam.

Mr. GRIFFIN. Mr. President, will the Senator yield for a brief comment?

Mr. COOPER. In just a moment. I want to respond to the statements which have been made.

I wish to quote a statement from a work entitled, "Our Chief Magistrate," about the President's powers, written by William Howard Taft, former Chief Justice of the United States and President of the United States. He points out the possibility that:

> The President is the Commander-in-Chief of the army and navy, and the militia when called into the service of the United States. Under this, he can order the army and navy anywhere he will, if the appropriations furnish the means of transportation. Of course the instrumentality which this power furnishes, gives the President an opportunity to do things which involve consequences that it would be quite beyond his power under the Constitution directly to effect. Under the Constitution, only Congress has the power to declare war, but with the army and the navy, the President can take action such as to involve the country in war and to leave Congress no option but to declare it or to recognize its existence.

Our amendment says nothing about Vietnam. We say nothing about the military operation in which we are now engaged. We do not circumscribe it. We do not limit it in any way. All we say is that before this operation is extended or leads us into war in Cambodia, as prescribed by the Constitution, the President must come to the Congress and ask for its consent.

I do not doubt—and I have said it from the very moment we introduced the amendment—the President. I believe he is going to withdraw our forces by June 30. But that does not have anything to do with our responsibility and our duty. There are facts and there are circumstances which no man can foresee, which the President of the United States, even with his great means of information, cannot foresee, and which, despite his intentions and best wishes, might lead us into war in Cambodia, as former Chief Justice Taft said that the power of the President to command the Armed Forces may without intent or purpose lead to war. I know the President does not so intend, but we have our duty, but it is being challenged today by Members of this body, who ought to join us in asserting this responsibility.

First it has been said, "You are trying to undermine him"; second, "You distrust him"; third, "You are limiting his power to protect the troops."

I want to bear on this argument for a moment, and say that those who use such arguments are not only incorrect, but they are doing a disservice to the people of this country. They have been saying to the people that we are limiting the President's ability and power to protect the troops. He has that authority and power, wherever our forces are, to protect them. We cannot take his power away from him, and do not desire to do so. Our amendment does not limit his power. What we say is, "Do not go in Cambodia, where there will be danger of an expansion of this war, and, instead of getting out of Cambodia and Vietnam we may be bogged down, as the history of Vietnam proves, with greater and greater losses of the lives of thousands of our men."

This is no new initiative. Last year, the Senate approved the National Commitments resolution on June 20, 1969, by a vote of 70 to 16, with 14 not present. It has no constitutional effect, but nevertheless, the Senators who voted for it knew what they were voting for, or should have known.

It would apply in this case. It states that the use of the Armed Forces of the United States, or the promise of their use, to another country, is not a national commitment unless it is approved by Congress, by a statute, a treaty, or a concurrent resolution.

Later on, on September 17, 1969, I offered an amendment similiar to the one now in debate to the defense authorization bill, to prohibit the combat use of our forces in Laos or Thailand in support of their forces. The chairman of the Armed Services Committee said it would not have any effect, but he could not balk about its purpose. Its purpose was for the Senate to speak out that we did not intend that combat forces should be introduced in Laos and Thailand. It was adopted by a vote of 86 to 0, with 13 not voting. It was not accepted in conference.

But on December 15, 1969, when the Senator from Montana (Mr. MANSFIELD) and I had offered a similar amendment to the defense appropriation bill, the amendment was agreed to by the Senate. The amendment was modified by the Senator from Idaho (Mr. CHURCH), and he was joined I believe, by the Senator from Colorado (Mr. ALLOTT), the Senator from Iowa (Mr. MILLER), and the Senator from New York (Mr. JAVITS).

The amendment denied funds for the use of ground forces of the United States in Laos or Thailand. The amendment first was agreed to by the Senate by a vote of 73 to 17, with 10 not voting and later by a larger vote. It was approved by the administration. The administration thus accepted a limit upon its freedom of action for the use of ground forces in Laos or Thailand, even though there were sanctuaries in Laos. The measure went to the House of Representatives and was approved, and the bill was signed by the President.

I cite these precedents to show that those who claim this is a pending amendment surprise, a new initiative to undermine the President, cannot maintain that position, because last year some of us voted for all three of these propositions, and I believe most of those who now oppose us voted for at least one of them.

There is precedent in the action of the Senate and Congress in 1969. There is precedent in the Constitution. The history of the interpretation of the powers of the President and the powers of Congress, show that until this century, with the exception of President Polk's action in 1848, the power of the Congress has not been seriously challenged.

Upon these grounds—I believe that Congress would properly assert its duty and its responsibility by insisting that whatever happens, we will not allow the Vietnamese war to be expanded, and we will confine it to Vietnam, so that our force can be extricated and as soon as possible, brought home.

Brought home—because I cannot be convinced that this is a war which is necessary for the security of the United States. I know they cannot be brought back instantly. I know that steps must be taken to protect them as they are brought back and I want them to be protected. But I know that the closing out of the war should be our object, rather than expanding into a larger and greater war.

I do not wish to resort to analogies which I do not think are correct; but I will cite a fact which, is not absolutely analogous, but nevertheless has some importance.

We will stay in Vietnam to "Vietnamize" the military forces of Vietnam, and I favor the program. But how long do we have to stay to train them and to inspire them to defend their own country? Our servicemen selected through the draft, and through their patriotism and love of country, enlist in the forces—and many of them do enlist, and many ask to serve two terms in Vietnam—are trained 5 or 6 months, and they are sent to Vietnam. They are on the battle line in 5 or 6 months, and some live and some die. I know some from my own State who, 5 or 6 months after their acceptance into the armed services, were dead on the field of battle.

How many months or how many years do we have to train the Vietnamese to defend their country? I know this is not quite analogous, because the United States has great resources, equipment, leadership, and all factors, which they do not have. But ultimately the motivating influence must be the desire to defend one's country.

Mr. President, I say that the amendment upon which we are voting is not just a frill. By it we have intended from our minds and our hearts to speak to the administration, "We take the step we are taking because we want to find a way in which the powers of Congress and those of the President can be accommodated."

Our amendment could be more correctly and properly called an amendment to support the President of the United States, to assist him in his effort to end the war in Vietnam.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MANSFIELD. Mr. President, I aline myself completely and wholeheartedly with what the distinguished Senator from Kentucky has just said. I know something about the negotiations which he referred to, which he carried on with certain personnel at the White House. I was not in on the negotiations, but I do know that for 4 or 5 days, he did go down there, representing the four of us—the dean of the Republicans in this body, the senior Senator from Vermont (Mr. AIKEN), the senior Senator from Idaho (Mr. CHURCH), the senior Senator from Montana, and the Senator from Kentucky himself.

I think we went a long way—at least, the Senator from Kentucky did—without in any way changing the substance, to arrive at an accommodation in cooperation, in concert, with the administration. Finally, after a great deal of dilly-dallying, it was to no avail, because no accommodation could be reached. Evidently, no one there could speak with authority.

May I say, also, that so far as the Senator from Kentucky's negotiations with the White House personnel were concerned, so far as the four subsections go, there was no difference last week between the White House and the Senator from Kentucky. I want that made a part of the record.

I do not see any one of those who support this amendment casting aspersions or innuendoes or implying anything against those who are against the amendment. But there is a general air of malaise in this Chamber which carries with it innuendoes and implications which to me are not a very healthy sign. They recall most unpleasant memories.

The distinguished Senator from Florida said that the President wanted to go into Cambodia only a few miles to take care of the sanctuaries. I believe the Secretary of Defense, Mr. Laird, stated some 10 days ago that before we invaded Cambodia—and I use the word "invaded" advisedly the—Vietcong and the North Vietnamese had retreated 15 miles westward—15 miles westward toward Phnom Penh, 15 miles away from the Vietnamese-Cambodian border. Then the distinguished Senator from Florida made a comparison, on the one hand, between Vietnam and Southeast Asia, of all places, with what this country did during the Second World War.

The Second World War was a declared war. There was no Committee of 100 then trying to tell the President what to do, because Congress had put its imprint of approval upon that war. The Nation knew what we were doing then.

Mr. GURNEY. Mr. President, will the Senator yield at that point?

Mr. MANSFIELD. I yield.

Mr. GURNEY. It was my understanding—and I was a Member of the other body at the time this action was taken—that we put our stamp of approval upon the affairs in Vietnam in the Gulf of Tonkin resolution.

Mr. MANSFIELD. Would the Senator call that a declaration or war?

Mr. GURNEY. I did not say "a declaration of war." I said we put our stamp of approval on it and gave the Commander in Chief the right to use the Armed Forces of the United States in actions against the enemy in that area.

I must say that in these days of nuclear exchange, I think the fact that one is engaged in hostilities without a declaration of war, but with authority such as the Gulf of Tonkin resolution, really is not much of a difference.

I would also remind the distinguished majority leader that this Nation has been

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involved in armed conflict over the years, going back almost to the beginnings of the Nation, in which we have not declared war, either.

The point I am making is that I really do not think that the formal declaration of war cuts much ice here.

Mr. MANSFIELD. Mr. President, if I may respond to the distinguished Senator, to me, the Constitution still holds and the constitutional responsibility of Congress still holds. I think that the representatives of the people in the Senate and House do have a vital part to play even in a nuclear age.

While there have been many undeclared wars, including the present, despite the Gulf of Tonkin resolution, in which this administration says it places no credence, we have not had one like the present. You can talk about the undeclared wars against the Barbary pirates. You can talk about the undeclared wars in Santo Domingo, in Haiti, in Nicaragua, and elsewhere—even Mexico. But there was, and there is, no comparison between what happened then and what is happening now—none whatsoever—because in all those undeclared wars we did not lose a minute fraction of the total casualties which we have lost in this one, up to last Thursday: 278,006 Americans wounded; 42,118 Americans dead in combat; 7,949 Americans dead who were casualties, but not as a result of action by hostile forces.

All this has occurred since January 1, 1961—a total of 328,073 Americans lost in Southeast Asia. And for what? Not because of a committee of 100, which happens to be the membership of the Senate, but because of a series of errors for which all of us must share the blame and carry the burden for the rest of our lives.

The distinguished Senator from Florida said that by this amendment we are taking away the rights of the President and advertising to the enemy the limitations we place on him. These limitations were not placed on the President by the Senate. The 21½-mile limitation—who declared it? The President, himself. The date July 1—who declared it? The President, himself. So we are not advertising what everybody does not know, because everybody knows what we are advertising. And then, if this Congress wants to go into Cambodia again—and, unfortunately, there are Members of this body who have as much as said so——

Mr. DOLE. Mr. President, will the Senator yield ?

Mr. MANSFIELD. I should like to finish my point.

It should be our responsibility to give the President that go-ahead explicitly. But what about the 1-million-man South Vietnamese Army which we have trained, have equipped, have logistically supported, have advisers stationed with, and to which we furnish air cover and air support?

Why should this Nation's forces go in again, when we should not have gone in the first place? What are we going to do—pick up the pieces and make sure that the Lon Nol government survives, so that these people can pull us this way and that and we will do their bidding? Or are we going to look after our own people and our own interests for a change?

I yield.

Mr. DOLE. Let me say to the distinguished majority leader that I share his concern about going back into Cambodia to shore up the Lon Nol Government. I have rejected such an operation publicly. But there is another question, and that is whether it might be necessary to go back into Cambodia to protect American forces. The argument has been made on the floor that the President may have this right, in any event. But we at least raise the question of limiting or appearing to limit that right in section 1, expressing the prohibition of retention of American forces in Cambodia.

Would the distinguished Senator agree that if there were troops in danger, the President would have the right, without consulting Congress, to protect American forces?

Mr. MANSFIELD. Of course. And the authors of this amendment have said that time and time and time again.

Mr. DOLE. And would the distinguished majority leader agree that—if there is any precedent—the Korean war may have been precedent for the conflict in which we are involved now? There was no declaration of war at that time. Congress did appropriate money every year, just as we have done for this war, which seems at least some recognition of the conflict, some tacit approval of the conflict, by Congress. I have supported appropriations and voted for the Gulf of Tonkin resolution in the other body. I share the views expressed by the majority leader. We must share some of the blame in Congress, but there has been precedent if not in Tripoli or in Mexico, certainly in Korea, where we also lost valuable human resources and where we still have 50,000 American troops.

Mr. MANSFIELD. Exactly. The Senator reached the point that I was going to raise. How many years has it been since conflict ceased in Korea? For all these years, about 17 or 18, we have had the equivalent of two divisions there. It has taken a great deal to equip them logistically and otherwise, as well as the South Korean Army of 500,000; but there has been no peace in Korea. All we have there is an uneasy truce and, evidently, a permanent stationing of large American forces there.

Will there be peace in Southeast Asia, or will there be another uneasy truce, with hundreds of thousands of Americans, perhaps, stationed there?

And, may I ask, what for?

What for?

Mr. DOLE. We all share the same concern expressed daily by the majority leader. I certainly recognize it as a sincere statement and effort to extricate Americans from Southeast Asia. I do not rise daily to defend President Nixon, but would say, as stated many times, and the majority leader perhaps would agree, that we have made some progress in Southeast Asia, as shown in one aspect by President Nixon's reduction of the troop level by 115,500.

Judgment on Cambodia may not be known for 6 weeks or 6 months. But if, at that time, it is clearly demonstrated that, because of the Cambodian incursion, we have had a total reduction in U.S. casualties and we have been able to speed up the Vietnamization program, then I would hope the majority leader might agree that perhaps it was a wise course to follow.

Mr. MANSFIELD. May I say to my distinguished friend from Kansas that I hope devoutly that I am wrong in my judgment of the situation. I honor the President for what he has done in the way of withdrawal of American troops.

I stated that publicly throughout the Nation and in this Chamber, because while he was not moving them out fast enough to suit me, he was moving them in the right direction. But I think, and this is my judgment, that when he moved into Cambodia, he may have reversed that flow. That is why I hope that I am wrong. I hope that he is right in what he is anticipating. I do not doubt his honesty in the least. He has his responsibilities and, by the same token, we have ours here. We have to call them as we see them and be prepared to take the consequences.

Mr. DOLE. I share that view and, with all respect to the distinguished majority leader, would hope that in the event the Senator may be wrong——

Mr. MANSFIELD. So do I.

Mr. DOLE. And I say that with all respect, I hope that the Cambodian operation will be successful, not just from the standpoint of protecting American forces but from the standpoint of keeping the Vietnamization program on schedule, or better yet, ahead of schedule.

Mr. MANSFIELD. I hope so, too. I devoutly hope so. I would hope it would be recognized that those of us who are proposing the amendment are doing so as a means of strengthening the hand of the President and not undermining it, or questioning his authority.

Mr. President, if I may now yield to the distinguished Senator from Florida, who has been on his feet for some time, would the Senator give us 5 minutes of his time?

Mr. GURNEY. I yield.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. GURNEY. Mr. President, I would ask the distinguished majority leader this question with reference to the colloquy I should like to enter into with him: It is not the position of the majority leader, as I understand it, that President Nixon withdrew all U.S. troops right now; am I correct?

Mr. MANSFIELD. The Senator is correct. It would be an impossibility.

Mr. GURNEY. Yes. In that case if that is the belief of the majority leader, as well as myself, it also is obvious there will be some further fighting in South Vietnam that involves American troops; is that not correct?

Mr. MANSFIELD. That is true, but only because we are there in such great numbers, and only because we are taking an undue share of the burden, and only

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because, in my opinion, we have no other choice at the moment.

Mr. GURNEY. But at least there will be fighting until we are able to withdraw all of our troops.

Mr. MANSFIELD. Unfortunately, that is true.

Mr. GURNEY. In spite of the differences of opinion or the time element over when they should be withdrawn. The point I make, and others make who share my view, is that as long as this is the case, as long as we are going to have fighting in South Vietnam, until we can completely withdraw and turn over the fighting to the South Vietnamese, the President should have freedom of action as Comander in Chief to be able to engage the enemy in those situations where the enemy can be hurt, which seem tactically sound, and which furthers the war toward its end, so that we can turn the fighting over to the South Vietnamese and disengage ourselves.

That is the earnest belief and opinion of those who share the views of the Senator from Florida, and why the President went into Cambodia to hit the sanctuaries and destroy the supply areas in order to further that very goal; namely, to extricate ourselves from Southeast Asia.

Then I go back—I did not make my point earlier in any way as trying to be facetious. I was serious about it when I said that I do not think, since we are engaged in war and since we will be there for awhile—even those who want to get out the fastest agree—that we should substitute our judgment for that of the President in making tactical decisions in fighting the war in Southeast Asia.

There was another point which arose in the statement by the distinguished majority leader, as to how well Vietnamization is working.

Take the casualty figures that the Senator from Montana mentioned. It is an interesting and compelling argument as to the direction in which the President is heading to point out that between the first quarter of 1969 and the first quarter of 1970, there was a decrease of casualties in American troops of 63 percent killed, and a decrease in those wounded of 54 percent.

Thus, it is working. The President is headed in the right direction. We here, who are backing him up, feel that his incursion into Cambodia will lessen the casualties and speed up Vietnamization.

Mr. MANSFIELD. Well, the Senator has expressed his feelings with vigor. He may be right.

But, a casualty is a casualty is a casualty, whether there is an overall increase or a decrease.

A dead man is dead. A wounded man is wounded. One casualty is one too many.

There have been 328,000 casualties to date.

I hope that the President is right, that what he is trying to achieve will bring about a shortening of the war, a further reduction in our casualties, and a quicker withdrawal of our troops.

I believe that the time has come when the Vietnamese should take over the greater share of the burden, and that we should tell them in no uncertain words that they should not tell us, as I think they have been for all too long.

I want to commend the distinguished Senator from Florida who at least had the honesty to say that he did not approve of the amendment and was going to vote against it.

Others have referred to its coloration, as the distinguished Senator from Kentucky has said, to point out its weakness, but they will vote for it, anyway.

If it is weak, vote against it.

If Senators believe in it, vote for it.

Mr. COOK. Mr. President, I recently mailed a questionnaire to approximately 190,000 of my constituents in Kentucky. I did this because I felt it important to gage public opinion in my State on the major issues confronting us in the Congress this year.

We received over 20,000 replies, an unusually high return for a mailing of this type. This is an indication, I believe, of an increasing interest on the part of all American citizens in participating, as much as possible, in the decisionmaking process.

As a Republican, I was pleased to see the overwhelming support for President Nixon's Vietnamization and pacification policies which I have supported since coming to the Senate and also the volunteer army proposal which the President and I have both favored since early 1968.

In addition, it was significant that the respondents favored direct election of the President and Vice President of the United States by a margin of approximately 3 to 1. This sustains another position taken by the administration and the junior Senator from Kentucky.

I am gratified by the interest Kentuckians have expressed, and I want Senators to be aware of what they are thinking about the directions our country has been taking.

I ask unanimous consent that my questionnaire and the responses to the questions be printed in the RECORD.

There being no objection, the questionnaire was ordered to be printed in the RECORD, as follows:

QUESTIONNAIRE OF SENATOR COOK

1. Many so-called experts have testified before various committees of the Congress that marihuana should be legalized. Do you agree?

Total responding	20,711
Yes	868
No	18,996
Not sure	847

2. Do you favor President Nixon's plan to gradually phase out the draft and establish an all-volunteer army as we disengage from Vietnam?

Total responding	21,272
Yes	13,966
No	4,865
Not sure	2,441

3. Do you favor allowing the people of the United States to directly elect the President and Vice President, thus abolishing the electoral college?

Total responding	21,360
Yes	15,313
No	4,772
Not sure	1,275

4. Do you support President Nixon's Vietnamization and pacification policies as the best method for terminating our involvement in Vietnam?

Total responding	20,672
Yes	13,681
No	3,289
Not sure	3,702

5. Do you think the United States should avoid introduction of ground combat troops into Cambodia and/or Laos?

Total responding	20,892
Yes	7,371
No	9,739
Not sure	3,782

And finally, Mr. President, I asked Kentuckians to select the three most pressing domestic issues from a list of nine, in terms of the priority they should receive. The results were as follows in descending order:

First—crime.
Second—drugs.
Third—campus unrest.
Fourth—inflation.
Fifth—environment.
Sixth—pollution control.
Seventh—education.
Eighth—poverty.
Ninth—civil rights.

Mr. CHURCH. Mr. President, how much time remains to the opponents of the amendment?

The PRESIDING OFFICER. The Chair would advise the Senator from Idaho that the opponents have 33 minutes remaining.

Mr. CHURCH. I thank the Chair.

SENATOR NIXON AND CONGRESSIONAL AUTHORITY

Mr. CHURCH. Mr. President, an objection frequently heard regarding the Cooper-Church amendment is that it would restrict the President's power in exercising his responsibilities as Commander in Chief. The President's supporters have said that they do not wish the President to be tied in any way by Congress. There is, of course, no validity to these arguments. The sponsors of this amendment are agreed that this legislative action not only is in concert with the declared objective of the President to withdraw American forces from Cambodia by the end of June, but also it upholds the Constitutional authority of the Congress to share with the executive branch in formulating foreign policy.

Indeed, in 1951, then Senator Nixon believed similarly. When the Senate passed a resolution concerning the handling of NATO troops in Europe, then Senator Nixon voted in favor of an amendemant to this resolution which put a ceiling on the exact number of troops the President could employ without "further congressional approval."

The resolution also stated that the President should consult the Secretary of Defense, the Joint Chiefs of Staff, the Committee on Foreign Relations, the Committee on Foreign Affairs of the House of Representatives, plus the Armed Services Committees of both bodies in such matters.

Believing firmly that Congress had an important coequal role to play, then Senator Nixon also voted against an amendment urging "collaboration between the Congress and the President,"

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and instead, voted in favor of an amendment expressly urging the President to act only after having full consultation with the Congress.

Mr. Nixon, as a Member of this very body, believed that the Congress should assert its authority in helping to make foreign policy decisions. And it is in that same spirit that the supporters of the Cooper-Church amendment urge the passage of our amendment.

I ask unanimous consent that page 496 of Dean Acheson's Pulitzer Prize winning book, "Present at the Creation," and a related footnote, as well as pages 3063, 3082, and 3096 of volume 97, part 3 of the CONGRESSIONAL RECORD, 82d Congress, first session be inserted into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> In the end the Republicans dropped all thought of legislation in favor of a Senate resolution merely expressing the sense of the Senate without force of law. The resolution had in it a present for everybody, which gave it the comforting majority of 69 to 21, though one provision unpalatable to the Administration was adopted by the close vote of 49 to 43.[1] The main provisions of the resolution voiced Senate (not legislative) approval of General Eisenhower's appointment, of sending abroad such armed forces as might be needed to contribute to European defense, but not more than four divisions "without further Congressional approval," desire that the President should consult with the Joint Chiefs of Staff and that they should certify that the other allies were making a "full and realistic" effort toward collective defense before our troops were sent, and a request for semiannual progress reports and consideration of using the military resources of West Germany and Spain.

> 6. in the interests of sound constitutional processes, and of national unity and understanding, congressional approval shall be obtained of any policy requiring the assignment of American troops abroad when such assignment is in implementation of article 3 of the North Atlantic Treaty; and the Senate hereby approves the present plans of the President and the Joint Chiefs of Staff to send four additional divisions of ground forces to Western Europe;
>
> 7. the President shall submit to the Congress at intervals of not more than 6 months reports on the implementation of the North Atlantic Treaty, including such information as may be made available for this purpose by the Supreme Allied Commander, Europe.

> * But it is the sense of the Senate that no ground troops in addition to such four divisions should be sent to Western Europe in implementation of Article 3 of the North Atlantic Treaty without further congressional approval.
>
> * Nixon voted "Yea" when first proposed and defeated and "Yea" again for both reconsideration and passage.

> * 6. The Senate hereby approves the policy of assigning American forces, including ground troops, to Western Europe when such assignment is in implementation of article 3 of the North Atlantic Treaty and hereby approves the present plans of the President and the Joint Chiefs of Staff to send four additional divisions of ground troops to Western Europe; to promote and advance this policy it is the sense of the Senate that there should be, in the interests of national unity and understanding, the fullest collaboration between the Congress and the President.
>
> * Nixon voted "Nay" to this "watered-down" version of the amendment.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be taken from either side.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. How much time does the Senator yield himself?

Mr. DOLE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. DOLE. Mr. President, I have indicated before that the perfecting amendment is an improvement. I believe it will be supported almost unanimously at 2 o'clock, but believe there are other substantive provisions where improvement can be made.

There has been some discussion as to whether this amounts to a declaration of war and whether we are in fact at war in Southeast Asia. The question has been the subject of debate throughout our history. When do we have a formally declared war and when do we have an armed conflict that is not war.

A requirement that congressional approval of Presidential action in this field can come only through a declaration of war is not only contrary to historic constitutional usage, but as a practical matter would curtail effective congressional participation in the exercise of the shared war power. If Congress may sanction armed engagement of U.S. forces only by declaring war, the possibility of its retaining a larger degree of control through a more limited approval is foreclosed. While in terms of men and materiel the Vietnam conflict is one of large scale, the objectives for which the conflict is carried on are by no means as extensive or all-inclusive as would have resulted from a declaration of war by Congress. Conversely, however, there cannot be the slightest doubt from an examination of the language of the Gulf of Tonkin Resolution that Congress expressly authorized extensive military involvement by the United States. To reason that if the caption "declaration of war" had appeared at the top of the resolution, this involvement would be permissible, but that the identical language without such a caption does not give effective congressional sanction, would be to treat this most nebulous and ill-defined of all areas of the law as if it were a problem in common law pleading. Mr. Justice Grier, more than a century ago, in the prize cases said:

> This greatest of civil wars was not gradually developed by popular commotion, tumultuous assemblies, or local unorganized insurrections. However long may have been its previous conception, it nevertheless sprung forth suddenly from the parent brain, a minerva in the full panoply of *war*. The president was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name; and no name given to it by him or them could change the fact.

If substance prevailed over form in establishing the right of the Federal Government to fight the Civil War in 1861, substance should equally prevail over form in recognizing congressional sanction for the Vietnam conflict by the Gulf of Tonkin resolution—or by the many appropriation bills passed by Congress since that time—even though it was not in name or by its terms a formal declaration of war.

Viewed in this context, the President's determination to authorize incursion into the Cambodian border area by U.S. forces to destroy sanctuaries utilized by the enemy is a tactical decision traditionally confided to the Commander in Chief. From the time of the drafting of the Constitution, it has been clear that the Commander in Chief has authority to take prompt action to protect American lives in situations involving hostilities. Faced with a substantial troop commitment to such hostilities made by the previous Chief Executive, and approved by successive Congresses, President Nixon has an obligation as Commander in Chief of the country's Armed Forces to take steps he deems necessary to assure their safety in the field. A decision to cross the Cambodian border to destroy sanctuaries being utilized by North Vietnamese in violation of Cambodia's neutrality, is wholly consistent with that obligation. It is a decision made during the course of an armed conflict as to how that conflict shall be conducted, rather than a determination that some new and previously unauthorized military venture shall be undertaken.

By crossing the Cambodian border to attack sanctuaries used by the enemy, the United States has in no sense gone to "war" with Cambodia. United States forces are fighting with or in support of Cambodian troops, and not against them. The Cambodian incursion has not resulted in a previously uncommitted Nation joining the ranks of our enemies, but instead has enabled us to more effectively defer enemy aggression heretofore conducted from the Cambodian sanctuaries for almost five years.

Only if the constitutional designation of the President as Commander in Chief conferred no substantive authority whatever could it be said that prior congressional authorization for such a tactical decision was required. Since even those authorities least inclined to a broad construction of Presidential power concede that the Commander-in-Chief provision does confer substantive authority over the manner in which hositlities are conducted, the President's decision to invade and destroy the border sanctuaries in Cambodia was authorized under even a narrow reading of his power as Commander in Chief.

Let me say, as I have said before, that whether or not there is any precedent for

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[1] The provision was that "no ground troops in addition to . . . four divisions should be sent to Western Europe in implementation of article 3 of the North Atlantic Treaty without further congressional approval" [97 Congressional Record, 82nd Congress, 1st Session, p. 3095].

Vietnam, the question now is not how we got into Vietnam or Southeast Asia, but how we get out, honorably.

I have said many times, and recently to the distinguished majority leader, in my opinion it may be weeks or months before we can judge the success of the Cambodian operation, not militarily—we know now that this war is a success—but as to whether it was a wise course for the President to choose if he had two principal things in mind, as he said he did—first to protect American forces and, second, to keep the Vietnamization program on schedule, and hopefully ahead of schedule.

I have said publicly, and repeat, that if for a moment I felt we were in Cambodia to shore up some other government, whether the Lon Nol government or any other in Cambodia, I would reject such incursion out of hand.

Mr. President, I have said frequently, "Let us look at the record of Richard Nixon, now President of the United States." When Richard Nixon was sworn into office on January 20, 1969, the authorized troop level in South Vietnam was about 550,000 Americans. What has happened since January 20, 1969? The President has said repeatedly to the American people that he will extricate us from South Vietnam. Has he done it? He has announced troop withdrawals and kept the announced troop withdrawals on schedule. We have reduced the overall troop level by 115,500 men. The President announced again on April 30 of this year that another 150,000 men would be home by next spring. That means a total of 265,500 trops will have been withdrawn in a little more than two years since President Nixon assumed the burden of the Vietnam war, which he inherited.

So I say to my friends: Why should we question President Nixon; why should we question his judgment, his faith and credibility by efforts now to shackle him.

Mr. President, I have the highest respect for the sponsors of this amendment. I question the motives of no one; or the patriotism of anyone. I question the timing of the Church-Cooper resolution as it will be interpreted by the American people differently than it is interpreted by the Senator from Kentucky or the Senator from Idaho. If it were interpreted by everyone in America as by these two distinguished colleagues it would present little problem. But to most Americans, to the man on the street, the man in uniform, and the man who has been in uniform, it will be interpreted almost universally as an attack, first, on the President's credibility and as an effort to hamstring the Commander in Chief in his efforts to protect American forces after June 30, 1970, in Cambodia.

Mr. President, this is the issue that concerns many of us. I recognize some are opposed to any resolution. But it appears even at this point that there still may be an opportunity for compromise, that there is still opportunity for accommodation. We can recognize the rights, powers, duties, and obligations of Members of this body and also recognize the rights, powers, duties, and responsibilities of the President of the United States if we truly make the effort.

I would hope in the days ahead, after adoption of the perfecting amendment, there still may be some accommodation and some recognition of the fact the President had a right to make a tactical move into Cambodia, and that the move was made to protect American troops and to keep the Vietnamization program on schedule. I trust we can resolve the remaining issues in the Church-Cooper amendment in a very short time.

The issue is important enough, as it was in 1951—during the so-called great debate which lasted from January to April over the President's right and power in connection with the Korean conflict. The issue is serious enough and grave enough that, if necessary, we should spend days, and perhaps weeks, debating the rights, powers, and responsibilities of Congress vis-a-vis the rights, powers, and responsibilities of the President.

Mr. MONDALE. Mr. President, I think that the current Senate debate on the Church-Cooper amendment is one of the most vital matters we have had before us this Congress.

It is a crucial step in the reassertion of our Constitutional responsibility over the waging of war and peace.

It is a vital measure in the current effort to bring the tragic Indochina war to a close and to substitute a firm policy of political settlement and American disengagement for the current policy of military victory and perpetual warfare.

Most of all, this amendment is a means by which we can respond to the despair of a nation—a nation which needs to know that there is a Congress both willing and able to reflect their will that the war be ended.

Never in my 6 years in the U.S. Senate have I seen such an outpouring of bewilderment, frustration, fear, and disappointment from my constituents as over the recent decision to carry the Vietnam war into Cambodia.

I must admit that I share and deeply sympathize with these same reactions. I very much want to support the President in his professed goal of withdrawing American troops from Southeast Asia and bringing an end to the longest war in our Nation's history—a war in which, in a decade, has claimed nearly 50,000 American lives, another quarter of a million wounded, untold millions of Vietnamese deaths, and over $100 billion worth of American resources.

But I am absolutely convinced that we cannot end a war by escalating it; that we cannot further negotiations by increasing the tempo of warfare; that we cannot achieve a just political settlement by pursuing a quick military victory in a land where that goal has eluded us for 10 tragic years.

The Church-Cooper amendment now before us, and the Hatfield-McGovern amendment which will follow when the military authorization is considered, are vital and responsible pieces of legislation, designed only to further the objectives of peace which all profess to hold.

They will not tie the hand of the President in his constitutional obligation as Commander in Chief of our Armed Forces. As Commander in Chief, he must direct the military effort, protect our troops, and further the objectives which lie behind our massive involvement in Indochina.

But Congress has the authority and the obligation to direct the nature of these objectives and to set limits upon military activities which run counter to them.

The recent invasion of Cambodia was in clear contradiction to the objectives of peace, disengagement, and a political solution which the President has told us we are pursuing.

I firmly believe, as I have stated, that Congress must set limits which will strengthen our pursuit of these objectives.

The Church-Cooper amendment does just that. It simply reinforces what the President has already insisted to be our inviolable timetable for the withdrawal of troops from Cambodia. But it will make clear that such an adventure does not, in fact, correspond to the objectives of our Indochinese involvement, and that it must not be attempted a second time.

Our troops will be protected. The President's Cambodian mission will be completed according to his own timetable and will be successful by whatever criterion the administration and the Pentagon are now setting for the evaluation of that mission.

All the Church-Cooper amendment will do, then, is make it clear that whatever we call our objective—"withdrawal," "Vietnamization," "peace," "peace with honor," or "political solution"—will not be served by another massive invasion of Cambodia.

Similar reasoning, I think, applies to our involvement in all of Vietnam. In effect, Cambodia is only a peripheral issue—symbolic of the confusion over the goals we seek in Indochina. The real tragedy of Cambodia was and is not the fact that our troops are there, and not even the likelihood of a wider and prolonged war throughout Indochina—although these are profoundly disturbing issues. The real tragedy of Cambodia is that it was an utter violation of the objective of a negotiated, political settlement of the Vietnamese war.

We cannot have it both ways. We cannot profess to a political solution while seeking the military victory which has eluded us for 10 years and already cost us 50,000 American lives.

I was hopeful that the "Vietnamization" program was a means of seeking the political solution. I hoped that it would bring an end to the hostilities and encourage the Saigon government and the South Vietnamese Army to put their house in order and see if they can secure the stability and allegiance of the people of South Vietnam.

But recent events have suggested that there must be congressional limits in order to pursue and secure such a policy. Again, I have no desire to thwart the responsibility of the President as Commander in Chief. But I do feel that the Congress has the responsibility and the constitutional obligation to determine why we are in this part of the world, to

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support the President in his decisions and activities which further these objectives, and to prohibit activities which run counter to peace, disengagement, and political settlement.

I firmly believe that the Hatfield-McGovern amendment to the military authorization bill will serve these ends. It will give ample time for the President and our military and political delegation in Saigon to accomplish the total Vietnamization of this war. It will surely encourage the South Vietnamese to further this goal. And it will hold us to a disengagement from a war in which we have now won all we can ever win.

Mr. President, I commend the authors of these amendments, and I very much hope that they will receive the overwhelming endorsement of the Senate which they deserve.

We can, at this time, take no more important steps for the causes of peace, honor, unity, and national pride.

Mr. KENNEDY. Mr. President, one of the tragic consequences of the agonizing war in Vietnam has been the tremendous toll paid by the Vietnamese people. This aspect of the war is often overlooked in this country. But the fact remains that over the last 5 years the conflict has destroyed the countryside, generated millions of refugees, and inflicted at least a million civilian war casualties, including some 300,000 deaths.

As chairman of the Judiciary Subcommittee on refugees I have long been concerned over this human cost of the war, and we have tried to make the case—over and over again—that the problem of refugees and civilian casualties must be a matter of vital concern to the United States.

It is with considerable interest, therefore, to note what has apparently become a primary justification by the administration for bogging down the withdrawal of American troops. Repeatedly, officials in the administration—including the President—have suggested that the mere withdrawal of these troops—at any point, it seems—would result in a "bloodbath" for millions of South Vietnamese citizens.

Frankly, Mr. President, I am skeptical of these speculations—these fears. As they are phrased by the administration, I find they are also misleading. And I strongly feel the polemical repetition of the "bloodbath" argument has become an irresponsible evasion of the real issues involved in reaching a political settlement—A negotiated settlement—in South Vietnam, and finally bringing peace to that battered land.

First of all, the "bloodbath" argument is, at best, based upon dubious historical evidence. Several recent articles which I shall introduce into the Record at the close of my remarks, point this out rather convincingly.

It is misleading, for example, to compare the situation in South Vietnam today with that of North Vietnam in the 1950's when an alleged "bloodbath" occurred. The two situations are simply not analogous, especially because the non-Communist groups in South Vietnam today—including the Thieu government—are well organized and strong, and, I should emphasize, well armed.

Within the context of the Vietnamization program, this should suggest to the administration that the North Vietnamese and the Vietcong, even if they were intent upon a "bloodbath," will have to seek political accommodation—not political annihilation. In this connection, one of the analysts most widely quoted by those who actively fear a "bloodbath"—Douglas Pike—admits in his recent study on Vietcong terror, that only a decisive Communist victory would carry the threat of reprisals involving mass slaughter. No one seriously argues that such a "decisive victory" is about to occur.

In the case of political accommodation, the negotiated settlement should obviously include provisions to protect and provide sanctuaries for those who fear for their lives. But the mere fear of a "bloodbath" must not become a slogan to evade those negotiations. The safety and right of asylum for South Vietnamese citizens opposed to the political solution achieved in their country can only be provided by the negotiations.

And there is ample precedent for such provisions—within the historical context of Indochina and elsewhere. We all know, for example, that the right of refuge and population regroupment was agreed to in the Geneva accords of 1954, which ended the first Indochina war. And in similar wars, no less bloody and impassioned than Vietnam—such as Algeria, or even Nigeria—the issue of protecting former opposition groups and the civilian population was guaranteed in the arrangements which followed the war, and, in the main, were satisfactorily carried out.

Finally, Mr. President, we must not allow the specter of a highly dubious "bloodbath" of the future to blind us from the "bloodbath" that is going on today, every day, in South Vietnam and all of Indochina. This "bloodbath" started long ago—and we are part of it—and it will continue daily so long as the war continues, so long as negotiations to end that war are avoided and delayed.

Already a million soldiers and civilians have been killed in Vietnam, and, by very conservative official estimates, approximately 4,000 Vietnamese civilians are wounded each month. This "bloodbath"—which is here and now—must be stopped. Concern for the future safety and rights of the people of South Vietnam is proper and right. But it must not be used to derail us from the hard task of negotiating a settlement that will end the military "bloodbath" that is going on today.

In all candor, I must concur with the view that administration spokesmen seem to be rather cynically using the "bloodbath" argument to win support for short-range policies of military success. But, it seems to me, that if we are to avoid the long-term "bloodbath" of continued war, we must expose the administration's argument for what it is: Cynical political rhetoric designed to disguise the hard choices we face in negotiating a peace that will end the war.

Mr. President, I ask unanimous consent that a number of relevant articles on the "bloodbath" issue be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, May 24, 1970]

EXCERPT FROM "ONLY A TIMETABLE CAN EXTRICATE NIXON"

(By Lee Gelb and Morton H. Halperin)

. . . Another argument frequently used by the Nixon administration against a fixed withdrawal schedule is that a blood bath would ensue in South Vietnam. This is a serious matter to take into account. The administration, however, is using it as a scare tactic. Speculations—and they can be only speculations—about a blood bath have to be weighed against the certainty that South Vietnamese are now being killed by the thousands and will continue to be killed by the thousands each year that the war goes on.

The North Vietnamese record of dealing with their enemies after the 1954 Geneva Conference is certainly no worse than the record of our South Vietnamese allies. The performance of both on the matter of human life over the last six years has been equally appalling. For the South Vietnamese who would not wish to take their chances with a "peace," we should, of course, stand ready to provide sanctuary and assistance.

But the interesting thing about the blood bath argument is that it must hide either the belief that the South Vietnamese army is hopeless or the conviction that U.S. forces can never be fully withdrawn—or both. The Nixon administration keeps insisting that our South Vietnamese allies have made great progress in the military field, and even the heretofore knowledgeable pessimists agree. The South Vietnamese armed forces number one million, and if police and civil defense forces are counted, this adds another quarter million. They have the most modern U.S. equipment, and after an American withdrawal would continue to receive U.S. military assistance.

The 1¼ million-man force would be left to contend with a combined North Vietnamese and Vietcong force of about 220,000 backed up by a North Vietnamese army of approximately 400,000. If these numerical odds are not considered significant by the President, is he really concerned about something else? Does it have something to do with the quality of the South Vietnamese forces? Will they ever be able to hold their own against North Vietnam?

All these questions come down to the overwhelming question: Does the President really intend to get out of Vietnam fully or will his policy inevitably lead to a leveling off of U.S. forces at 100,000 or even 250,000 men? If the latter is his policy, the President really has no objection to the fixed timetable alternative. His objection rather would seem to be to the very principle of full withdrawal in the absence of a negotiated settlement. . . .

[From Life Magazine, May 22, 1970]

EXCERPTS FROM CLARK CLIFFORD'S, "SET A DATE IN VIETNAM, STICK TO IT, GET OUT,"

On a number of occasions, President Nixon, in arguing that it would be improper for us to leave Vietnam now, has used the so-called "bloodbath" arguments. He has suggested that the massacre of many South Vietnamese, including a million and a half Catholics who fled from the North, would occur when our forces withdrew.

I find this position difficult to understand. In the first place, the figure of one million and a half Catholics who fled to the South, referred to by President Nixon in his speech of Nov. 3, 1969, is incorrect. A study of this subject, published in 1956, by the South Vietnam Department of Education and the National Commission for UNESCO, discloses that the number is not 1.5 million but 754,710. This is significant because the President overlooked the fact that there are still living in *North* Vietnam today approximately 800,000 Catholics. There are also Catholics among the leadership of the National Liberation Front in South Vietnam.

The President based his claim of "bloodbath" on his charge that when the Communists took over North Vietnam in 1954, they slaughtered thousands upon thousands of North Vietnamese. In fact, the records of the International Commission disclose that, in the two years following the armistice of 1954, only 19 complaints were filed covering political reprisals in all of North Vietnam. Later, in 1955 and 1956, a peasant revolt was harshly repressed, and the best estimate are that 10,000 to 15,000 may have died.

It is my firm belief that, when it becomes apparent that the Americans are in fact leaving, all parties seeking power in South Vietnam will have a strong incentive to negotiate a compromise settlement. All will recognize that compromise is their one assurance of a share in political power. The contending factions must now be aware that, in the absence of compromise, they can look forward only to continued conflict and disruption. The need for peace must now be apparent to all but the very few whose power and profit depend on war.

[From the Washington Post, Nov. 3, 1969]

SPECIALISTS DOUBT U.S. PULLOUT WOULD LEAD TO A SLAUGHTER

(By Stanley Karnow)

HONG KONG.—In contrast to the apocalyptic view of the future currently being voiced in some quarters in the United States, specialists in this part of the world strongly doubt that an American withdrawal will give the Communists an automatic victory in South Vietnam.

Even if the Communists do acquire a share of power in Saigon, these specialists submit, it is equally doubtful that they could or would slaughter everyone who resists their authority.

This is not to depict the Communists as Boy Scouts dedicated to good deeds. Nor does it mean that their ultimate goal is anything less than the complete control of Vietnam.

Yet they, like their opponents, cannot realistically ignore the fact that Vietnam is a highly fragmented, pluralistic society that can only be governed by balancing rather than crushing its vast and often baffling assortment of factions.

These factions include religious sects like the Cao Dai, the Hoa Hao and various Catholic and Buddhist persuasions, as well as a crazy quilt of splintered political parties, clan associations, ethnic movements, secret societies and other groups.

Moreover, many of these factions have deep roots in different areas of the country, where they have survived and even flourished by coming to terms with the Vietcong in their own localities.

Indeed, the Vietcong itself is not a monolith but, as its formal title proclaims, a "front" comprising representatives of Vietnam's diverse factions—stiffened and directed, of course, by the Communists.

Accordingly, the American expert Douglas Pike suggests that postwar Vietnam could conceivably resemble a federation like Switzerland, with the country's variegated groups maintaining their regional strongholds while participating in a central coalition government.

Less optimistic experts, skeptical that such an orderly arrangement can evolve, forecast instead that Vietnam is condemned to years of inconclusive strife. Exponents of this thesis point to the numbers of arms caches already being hidden for the eventuality.

In any case, there is no plausible evidence to support the facile prediction that U.S. disengagement will inevitably open the way for a Communist takeover in the South.

That the Communists know this is reflected in their reluctance to compromise. Speaking to a Western diplomat in a neutral Asian capital not long ago, a senior Communist official candidly expressed his fear that "premature" settlement would endanger Vietcong solidarity.

In a recent conversation with a left-wing European visitor, another Communist spokesman privately made plain his feelings that "ruling South Vietnam is going to be one series of headaches."

Despite their claims to 1000 years of nationhood, the Vietnamese have traditionally had a loose political structure. As the old Vietnamese adage described it: "The laws of the emperor yield to the customs of the village."

During its organizational period in the late 1940s, the Communist-led Vietminh mobilized by incorporating assorted groups into a "front" that managed to retain its cohesion largely because, its members were united in their opposition to French colonial domination.

A decade later, the Vietcong similarly built itself up by creating youth, women's, peasant, labor and other associations whose common appeal was their resistance to the late President Ngo Dinh Diem's Saigon government.

Diem's major mistake, on the other hand, was his stubborn attempt to repress rather than appease South Vietnam's divergent groups. He met his end when, in an effort to smash the Buddhists, he ignited a revolt that quickly consumed his oligarchy.

Ideally, then, the Vietnamese should be encouraged to seek accommodations with each other. Here the United States can play a significant role.

First, by reiterating that the Vietcong represents a legitimate political force in the country, Washington can contribute to increasing Vietnam's diversity and, in the process, indirectly prompt the Communists to dilute their ambitions.

Secondly, by accelerating the U.S. troop withdrawal and perhaps announcing a timetable for disengagement, the White House would serve notice to the non-Communist elements in Vietnam that they must strengthen themselves to deal with their Vietcong adversaries.

One of the consistent American failures in Vietnam has been to underestimate the Vietnamese whose resilience and adaptability may prove to be a far better defense than a continued U.S. presence.

[From the New York Times, May 12, 1970]

IN THE NATION: MR. NIXON'S SCARY DREAMS

(By Tom Wicker)

WASHINGTON, May 11—In his televised address on the war last Nov. 3, President Nixon declared that a "precipitate" American withdrawal from South Vietnam" would inevitably allow the Communists to repeat the massacres which followed their takeover in the north fifteen years before. They then murdered more than 50,000 people and hundreds of thousands more died in slave labor camps."

In his speech of April 30, when he announced the invasion of Cambodia, Mr. Nixon again adduced the bloodbath story to support his action. Part of what he called "the easy political path," he said would be "to desert 18 million South Vietnamese people, who have put their trust in us, and to expose them to the slaughter and savagery which the leaders of North Vietnam inflicted on hundreds of thousands of North Vietnamese who chose freedom when the Communists took over North Vietnam in 1954."

Then, under fire at his news conference on May 8, Mr. Nixon escalated. It was a "moot question" whether the war had been worthwhile, he said, but "now that America is there, if . . . we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by the millions, as they would, if we do that, let me say that America is finished insofar as the peacekeeper in the Asian world is concerned."

Let us pass mercifully over the highly revealing remark about "the peacekeeper in the Asian world" to the question of the bloodbath. On each of Mr. Nixon's two earlier assertions of this historical hobgoblin, I wrote that the record disclosed no evidence that such an atrocity had occurred. Prof. George McT. Kahin, Director of Cornell University's Southeast Asia program, used this space on Dec. 6, 1969, to refute the President's Nov. 3 statement. Several magazine articles have gone into the matter in detail, as have numerous books each concluding there was no bloodbath in North Vietnam in 1954.

THE I.C.C. RECORDS

In fact, quite the opposite; the records of the International Control Commission disclose only nineteen complaints of political reprisals and only one involving murder in North Vietnam in the two years following the armistice; nor did the I.C.C. allege that its inquiries were in any way hampered by the Communist Government. But in South Vietnam, 214 complaints were lodged in the same period against the Diem Government, and when Ngo Dinh Diem in 1957 summarily barred the I.C.C. from any further investigations, 1,047 complaints were still pending against him. Moreover, the Diem Government itself reported 48,200 arrests of Communists from 1954 to 1960.

So the only events resembling mass political reprisal after the 1954 armistice occurred in the South, not the North. What did happen in North Vietnam was a harshly repressed peasant revolt in 1955 and 1956 against a severe land reform program. It had nothing to do with Ho Chi Minh's takeover. Mr. Kahin thinks perhaps 10,000 to 15,000 may have died.

As evidence for the likelihood of a bloodbath, Mr. Nixon also mentioned on Nov. 3 that the troops who captured the city of Hué during the 1968 Tet offensive may have "eliminated" as many as 3,000 South Vietnamese. But D. G. Porter and L. E. Ackland, writing in *The Christian Century* of Nov. 5, 1969, have reported their findings, after careful research, that most of these wicked executions took place in the heat of battle and as "the revenge of an army in retreat" and were not the deliberate policy of Hanoi.

So there are at least three things to be said about the bloodbath Mr. Nixon insists will take place if the Communists take over South Vietnam. To the extent Americans are led to believe in this specter, the President makes it harder to justify any end to the war that would appear to give North Vietnam opportunity for such a massacre; that is, almost any compromise settlement.

DUBIOUS JUSTIFICATION

The second is that, since there is no historical evidence to justify the bloodbath prediction, this is an emotional argument to match or exceed any of the "emotionalism" or "sentimentality" or "lack of realism" so often charged to war critics.

Finally, since Mr. Nixon's staff is perfectly capable of pointing out an untruth no President should wish to assert, his insistence on the blodbath seems to stem from something stronger than evidence. It is as though he wills it to be true, even though it isn't, both to justify the war and his policy, and to confirm the anti-Communism on which rests so much of his public life. Believing, perhaps, has made it so.

[From the New York Times, Dec. 6, 1969]

TOPICS: HISTORY AND THE BLOODBATH THEORY IN VIETNAM

(By George McT. Kahin)

The Administration's most persistent argument against a rapid or complete withdrawal of American troops from Vietnam has been that a bloodbath would take place if American forces were no longer available to protect President Thieu's regime from the National Liberation Front. Others hold that even if the President's forecast were correct, the number of victims involved would not approach the number of civilians who are certain to be killed during even a few more months of fighting in South Vietnam.

But however one estimates these possibilities, it is essential that a clear distinction be made between battlefield conditions and the situation existing after an armistice. In heat-of-battle conditions both sides in the past—and probably in the future—have carried out reprisals against those identified as working for the enemy—particularly when they occupy positions in intelligence, the police, or are believed to be informers.

This was apparently an important factor in the execution of civilians at Hué, and Army spokesmen have alleged that it influenced American conduct in the massacre at Songmy. So long as a particular battle is simply one episode in a continuing series, both sides will be tempted to take punitive measures against "enemy" civilians.

Such actions will probably continue until there is a ceasefire but they should not be taken as an augury of what will happen after a settlement. This is, however, just what President Nixon suggested in his speech Nov. 3 when he equated a post-armistice situation with that of Hué in early 1968, where many civilians are reported to have been executed during three weeks of terribly intensive fighting.

In asserting that Hué was "a prelude of what would happen" in a South Vietnam suddenly left unprotected by American troops, Mr. Nixon has not only argued against withdrawal but has made it much more difficult for Americans to trust in a negotiated peace settlement.

MR. NIXON'S WRONG FACTS

Even more damaging to this prospect is the President's appalling misunderstanding of what actually happened after the 1954 Geneva armistice. He charges that with the departure of the French army from northern Vietnam, the Vietminh "murdered more than 50,000 people and hundreds of thousands more died in slave labor camps," and that on the basis of this history we must expect a similar bloodbath in the South if American forces are withdrawn before Thieu's Government can stand on its own.

The President's account is contrary to the historical record. If his advisers have studied the reports of the International Control Commission, responsible under the 1954 Geneva armistice for investigating allegations of reprisal, they must know that in the first two years following that armistice a total of nineteen complaints alleging political reprisal in the North were lodged with the Commission, only one of which involved murder. During the same period at least 214 were lodged against Diem's Government in the South, including several reports of massacres.

Although the I.C.C. did not complain that its inquiries into these allegations were hampered in the North, it soon encountered major obstructions in the South, with Saigon finally forbidding it in early 1957 from continuing such investigations there. At that time, the Commission had yet to investigate thirty-five alleged incidents of political reprisal in the North as against 1,047 in the South. Many allegations could have been substantiated. We know that Diem's regime reported publicly that between 1954 and 1960 there were 48,200 alleged Communists arrested in South Vietnam.

SUPPORT—OR SOLUTION?

It was in the fall of 1956, more than two years after the Geneva Armistice, that violence occurred on a significant scale in the North. This was unconnected with the anti-French struggle and was not in reprisal against Vietnamese who had supported France against the Vietminh.

Those concerned with political reprisals might well insist that in any future Vietnam settlement the I.C.C. or its equivalent be made much stronger to insure that it is capable of investigating alleged reprisals effectively.

And any President worried about a future bloodbath in Vietnam who looks to historical precedent for instruction should be as much concerned with the actions of an American-supported regime as with those of a regime we oppose.

[From the Christian Century, Nov. 5, 1969]

VIETNAM: THE BLOODBATH ARGUMENT

(By D. Gareth Porter and Len E. Ackland)

As pressure builds on the Nixon administration to withdraw American troops rapidly from Vietnam, proponents of the war are beginning to emphasize the argument that if the communists were allowed to gain control, there would be a massive bloodbath of noncommunist Vietnamese.

This argument is not new. Joseph Alsop invoked the bloodbath specter last May when he wrote that "at least a million South Vietnamese . . . would be doomed to prompt execution, in the event of a nationwide Communist takeover." About the same time an aide to Nixon's adviser Henry Kissinger told a group of visitors to the White House that there would certainly be a "bloodbath" if American forces pulled out of Vietnam too soon. Six weeks later Alsop raised his estimate to 1.5 million, a figure he claimed was officially accepted. And in September he warned that "too many troop withdrawals" would expose Vietnamese to massacres that would make Hué look like a "Sunday school picnic."

Like all political propaganda, these predictions are intended to inspire support for official policy rather than to increase understanding. Those of us Americans who are genuinely concerned about the Vietnamese people want sober information on the facts, not appeals to emotion. Let us therefore look at the relevant historical evidence.

Political murder is no new thing in Vietnam. The French used it consistently to destroy nationalist political movements. The Viet Minh and their successors employed it whenever they thought it would be useful in their struggles against the French, the Americans and their internal foes. In 1945 and 1946 they systematically assassinated many potential rivals for power, and since 1956 they have killed thousands of local officials and other pro-government figures in South Vietnam.

Similarly, the Vietnam Nationalist party (V.N.Q.D.D.) had a reputation in earlier years for kidnaping and assassinating Viet Minh agents, while members of the Hoa Hao religious sect tied groups of Viet Minh together and threw them alive into canals. More recently assassination squads hired by the U.S. have sought out members of the National Liberation Front's political and administrative organization. As we said, political murder is no new thing in Vietnam.

But to predict the mass murder of former foes once the conflict has ended is quite another matter. Alsop asserts—apparently with official encouragement—that both the history of North Vietnam after the Geneva Conference of 1954 and the communist occupation of Hue during the 1968 Tet offensive portend a policy of mass liquidation if the communists come to power in the South. The historical record, however, does not support any such conclusion.

The 1954 Geneva agreement called for what was intended to be twofold protection from reprisals by either the Viet Minh or the French administration. First, it provided for free movement of the population between the two "temporary zones" north and south of the 17th parallel, to be effective for a year following the cease-fire. Second, it prohibited reprisals against those who collaborated with either army during the war. While there is evidence that the Hanoi government, stunned by the massive movement of population out of the northern zone, violated the accords in attempting to impede that flow, it also seems clear that there was no campaign of reprisals against pro-French elements.

I

International Control Commission reports, while not definitive, give us a reasonable account of the situation in North Vietnam after the 1954 accords. During the period from 1955 to 1961, a total of 43 complaints alleging reprisals in the North were submitted to the I.C.C. by the French and the Diem regime. Of the first 12 complaints lodged by the French High Command, the I.C.C. investigated three and dismissed all of them as unfounded. Of 41 personal petitions alleging such D.R.V. reprisals that were presented to the commission, half of them were dismissed as not falling under the reprisal provision of the accords. Although most of the I.C.C. reports do not specify the nature of the uninvestigated complaints, it appears that very few of them involved charges of murder. For example, of the 18 incidents of reprisal alleged by the French to have taken place between December 1955 and July 1956, only one involved murder.

Thus the sum total of the allegations lodged against the D.R.V. hardly supports the "bloodbath" predictions made by Alsop *et al.* True, the movement of 750,000 to 1 million anticommunists, Catholics and other collaborators with the French to South Vietnam before July 1955 undoubtedly reduced the number who might have been punished. Nevertheless, despite the alarms often sounded about the fate of Vietnamese Catholics at the hands of the communists, 600,000 Catholics remained in the North, and there is no evidence that they were punished for their lack of pro-Viet Minh sentiment. In fact, Catholics in North Vietnam continue to exercise their religion freely, although there are limitations on their seminaries and high taxes on church lands.

Moreover, the small number of complaints against the D.R.V. must be compared with the wholesale reprisals by the Diem regime in South Vietnam against former collaborators with the Viet Minh. In 1955—violating the Geneva agreements, which were binding on his government—Diem launched an "anticommunist denunciation campaign" which soon acquired a frenzied momentum of its own and spiraled out of his control. No one knows how many "Viet Minh" were killed during the campaign, which lasted until 1958. It is known, however, that tens of thousands, many of them innocent of any connection with the communists, were rounded up in concentration camps. The High Command of the North Vietnamese army submitted to the I.C.C. 869 complaints, many of which alleged that Viet Minh sympathizers had been murdered.

When proponents of the bloodbath argument mention massacres in the North, they are referring not to political reprisals against former enemies of the Viet Minh but to the harshly implemented land reform program of 1955–56. The purpose of that program was to mobilize political support among the poor peasants, who were encouraged to denounce "rich landlords." As in the South, denunciations went out of control, as zealous cadres and local grudge-bearers combined to bring about massive executions and imprisonments which went far beyond what the regime had intended. Historian Joseph Buttinger, whose sympathies lay with Diem, has estimated that perhaps 10,000 or 15,000 were killed during the period, but here again no reliable estimate is available.

By mid-1956 Ho Chi Minh, aware that the program had been a disaster, admitted "errors" and promised to correct them. In October he dismissed Truong Chinh, the primary advocate of an extreme left-wing "Chinese" policy in agriculture, from both his positions as director of land reform and party secretary. In a display of public repentance the government launched a "campaign for rectification of errors" and did what it could to repair the damage. But the sharp reversal of policy did not come in time to stave off an open rebellion in Nghe An province, where hundreds of peasants were reportedly killed in the fighting. It seems doubtful that, having experienced the disaster of 1955–56, Hanoi's leadership would make the mistake of applying the same extremist policy in the South.

II

Both Alsop and the administration have exploited American horror at the executions in Hué during the 1968 communist Tet offensive to stir fears of a nationwide massacre in Vietnam following American withdrawal. But closer examination of the circumstances surrounding the executions in Hué is necessary before conclusions can be reached concerning the probability of such a grim outcome.

One of the authors of this paper lived and worked in Hué during 1967 and returned after the Tet offensive of 1968 to interview Vietnamese and reconstruct the events surrounding the N.L.F. occupation there. The focus of this research was Gia Hoi, a precinct with 25,000 residents, one-fourth of Hué's population. Gia Hoi was under uncontested N.L.F. control for 26 days—longer than any other area of the city. There the Front established a revolutionary government, provided administrative services, held public meetings and distributed weapons. The story of Gia Hoi's occupation reveals that the mass executions perpetrated there were not the result of a policy on the part of a victorious government but rather the revenge of an army in retreat.

When, on the first day of the attack, about 20 Vietcong entered Gia Hoi in order to secure the area, they carried with them a list of those who were to be killed immediately as "enemies of the people." According to Le Ngan, director of Hué's special police, the list consisted of five names, all those of officers of the special force. Four were captured and summarily killed; the fifth, Le Ngan himself, spent 21 days dodging the communists before escaping to safety.

After establishing control the Vietcong drew up a second list naming all soldiers, policemen and government functionaries and all employees of the Americans. A third list, compiled in Gia Hoi by the N.L.F. guerrillas, included high school and university students, workers and servants who would probably serve the revolution once they were contacted.

III

The administration of Gia Hoi was in the hands of local N.L.F. cadres, most of them poor peasants from the countryside surrounding Hué, who obviously found the city an alien environment. The North Vietnamese troops who had a command post in Gia Hoi kept out of political matters and were, by all accounts, well mannered and highly disciplined throughout their stay. Meanwhile, physicians in Gia Hoi began staffing public dispensaries and a social service committee distributed rice from a government storehouse to needy families. But the primary business of the local administration was to create political support for the new regime. Small meetings were held continuously during the following three weeks, with separate study sessions for teachers, workers and students to enable the cadres to use the most persuasive arguments on each group.

During the first week and a half of the occupation few people were killed in Gia Hoi. Some did not report to the committees and were punished as examples; others, such as special police agent Le Van Rut, were executed because they had been particularly unpopular with Hué's population. After February 9, as the fighting across the canal became more vicious and the U.S. counterattack against the Citadel began, the attitude of the N.L.F. toward those on the "reeducation" list began to change. For it became increasingly apparent that the Front would not be able to stay in Hué indefinitely. Every night for the next two weeks their cadres knocked on doors and ordered certain people to attend sessions, and almost every night new sessions were carried out in the yard of the Gia Hoi high school.

On February 22 all remaining soldiers, police, functionaries and employees of the Americans were ordered to report a second time, and those who reported or were located never returned. By then the Front knew that it would have to evacuate shortly, and it was in the final three days of the occupation that most of the killing in Gia Hoi took place. On the last day those who collaborated with the Front during its 26 days were asked if they wanted to return to the mountains with the N.L.F. troops. According to an A.R.V.N. intelligence officer, over 100 did go with the troops, but many persons who chose to remain behind were shot.

According to Ranger Captain Phan Van Phuoc, the government chief of the precinct, 60 per cent of the 350 bodies found in Gia Hoi were those of policemen and soldiers. The remainder were civil servants, employees of the Americans, members of the old right-wing Nationalist party (which had long provided cadres for the government's pacification and counterterror programs in central Vietnam), and some innocent civilians.

The Catholics were not singled out for retribution even after February 22. The Catholic priest in Gia Hoi told one of us that none of his clergy or parishioners were harmed by the N.L.F. In other parts of the city as well, priests reported that the Vietcong who approached them were "correct" though not friendly. One Benedictine priest was killed, apparently because he was chaplain to the Americans. But the murder of two French priests on February 25 was probably not carried out on orders from local leaders, since both had been known to be friendly to the N.L.F.

Some of the killing in the final three days was apparently the result of individual acts by the Front's cadres, long suspicious of and resentful toward the city people whom they had associated with the enemy and now further embittered by defeat and by the loss of many of their comrades in the battle. A later defector from the Front, who was with the retreating Front forces in the mountains west of Hué when they held a self-criticism session, reported that they were severely criticized by their superiors for excesses which had "hurt the revolution."

Elsewhere in Hué a similar pattern was followed: the vast majority of policemen, civil servants and soldiers were initially on "re-education" rather than on "liquidation" lists, but the number of killings mounted as the military pressure on the N.L.F. and North Vietnamese increased.

The notion that the communists will mount massive killings after taking power in the South is further weakened by the testimony of Tran Van Dac, one of the highest-ranking defectors from the N.L.F. In an interview published last year by the Joint U.S. Public Affairs Office in Saigon, he explained that if they took over, the communists would send military officers and former civil servants to "concentration camps to be reeducated" and in some caess to do hard labor, until they became "submissive." And of course, all those whose social class or former position makes them objects of suspicion would be "carefully watched" by the authorities.

Neither the earlier consolidation of power in North Vietnam, nor the occupation of Hué in 1968, nor the testimony of a high-ranking defector, supports the conclusion that Hanoi intends to bring about a "bloodbath" after achieving control in the South. Whatever the utility of eliminating government personnel during the war, the communist leadership has no interest in liquidating Saigon's military officers or civil servants. If there are political executions, the victims are most likely to be those who are highly unpopular with the citizens, such as the secret police officers on the highly selective list of "enemies of the people" in Gia Hoi.

The past offers ample evidence that long-standing hatreds can result in individual vendettas, and the highly political central Vietnamese are especially prone to such settling of old scores. If the U.S. really wishes to fulfill its moral obligation to those who fear for their safety in the absence of the American presence, it can do so easily by pledging to provide transportation to new homes for all who desire it.

The Nixon administration and its supporters appear more interested, however, in the exploitation of the bloodbath theme than in taking the practical steps to provide safety. And while they appeal to the American abhorrence of an imagined massacre, the real killing of thousands of Vietnamese and Americans goes on month after month.

HANOI'S VIEW

(By Richard J. Barnet)

(NOTE.—The following comments regarding Hanoi's view of the question of political reprisals after a settlement is reached in South Vietnam were written by Richard J. Barnet, a former legal officer in the U.S. Army and Department of State official. He is now co-director of the Institute for Policy Studies in Washington, D.C. He was invited to Hanoi in December, 1969 by the North Vietnamese Jurist Association.)

North Vietnamese officials told me again and again that they need to establish a broad coalition government because, as the premier put it, "after 25 years of war the situation in the south makes it absolutely essential."

When we discussed the charge frequently made in the United States that a coalition government would be merely a temporary device for a swift Communist take-over, a cabinet minister said that such predictions showed a lack of understanding of Vietnamese politics. He said that the NLF itself was a coalition; for example, leaders of the NLF mission in Hanoi whom I met included former soldiers in the Saigon army and middle class professionals with no Communist associations before joining the front. Most important, the officials argued, any political force in South Vietnam that wants to reconstruct the shattered Vietnamese society must work with all other significant religious and political groups to avoid continued civil war. The front is building up its political base because Catholics, Buddhists, Cao Dai, and middle class professionals are becoming increasingly anti-war and anti-American. The destruction and uncontrolled inflation in Saigon are building a nationalist coalition for peace.

The NLF leadership understands, it ap-

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peared to me, that these nationalist forces are for the most part anti-communist as well, and that once the Americans leave, the front's only hope of building its power is to promote a political program that will appeal to many diverse interests. That is the reason, Hanoi and NLF officials said, that the political program of the front is not a communist blueprint. Although it proposes far-reaching land reform it does not call for collectivization or for the abolition of private property.

I had the distinct impression from meetings with NLF leaders that the front was prepared to make specific concessions to non-communist Vietnamese politicians concerning the evolution of South Vietnamese politics. Beyond the crucial issue of national independence the NLF's own ideas are realistically tentative. They obviously want to control South Vietnamese politics and to arrange for the eventual reunification with the North. They expect that all this will some day happen but almost certainly not sooner than 10 years. Meanwhile they must convince the non-communist political forces in South Vietnam that the front will respect their interests.

For this reason some NLF officials indicated that they may well be prepared to accept specific safeguards such as international inspection of elections and an international force to guard against and to report on possible political reprisals. But the very pledges they are prepared to give to other Vietnamese they will resist giving to us. For one thing, they told me, they do not see that the United States is entitled to assurance about the future character of the South Vietnamese government. More important, they totally distrust U.S. motives in seeking to influence the direction of Vietnamese society. They said they view with considerable scepticism expressions of humanitarian concern for the South Vietnamese from a country that has dropped more than a million tons of bombs on South Vietnam.

I had many discussions on the question of reprisals raised by President Nixon in his Nov. 3 speech. Premier Pham Van Dong told me flatly, "there will be no reprisals." He and others then went on to explain that national reconciliation was necessary to avoid the disintegration of South Vietnamese society. North Vietnamese officials insisted that there were virtually no reprisals in North Vietnam after the Geneva accords of 1954. The "massacres" to which President Nixon referred to in his speech grew out of the land reform campaign which ended in 1956. This brutal campaign was not aimed at those who collaborated with the French but at peasants who resisted forced collectivization. How many were killed or imprisoned is impossible to say with certainty. The North Vietnamese government, which called an abrupt halt to the campaign in 1956, will admit only that "too many" died and that the forced collectivization was a "serious error" not to be repeated.

I talked with a former Minister of Justice who had been in office after the Geneva settlement. He showed me a decree signed by Ho Chi Minh ordering the release of all political prisoners and collaborators including those who had committed ordinary crimes. He described an education campaign carried out by the Minister of Justice to promote national reconcilation and to discourage reprisals. While conceding that considerable hatred for collaborators developed in the war against the French, the Minister pointed out that it disappeared quickly as a result of the party's massive education program. Pointing to a colleague at the table who now holds a high position in the Hanoi government, the Minister noted, "he collaborated with the French. Now he is a trusted member of the government with a responsible position." The entire civil service that served the French during the war were retained in office after the Geneva settlement. "We needed them to build the country."

"It is imperative," Premier Pham Van Dong told me, "That all Vietnamese in the south be admitted into the National Community—with the same status." Otherwise, the bloodshed would continue and reconstruction would be delayed. Other officials noted that Thieu and Ky "have their bags packed." Anyone would be free to leave after the war if they feared for their personal safety. "Perhaps you would like to welcome them in Hawaii?" One North Vietnamese minister suggested.

Probably the greatest single inhibition on reprisals is the Vietnamese family structure. Many families have sons and daughters fighting on both sides. A common scene in the south, a high NLF official told me, is the secret family reunion when Saigon government soldiers and Vietcong fighters meet at their mother's side. They argue about the war but family feelings transcend politics. Often the soldier son gives his mother part of his paycheck and she in turn hands it over to her less well paid son in the Vietcong. "In South Vietnam," the NLF official remarked, "Almost every family is itself a coalition government."

[From the New Republic, Dec. 6, 1969]

The Fate of "Our" Vietnamese After Withdrawal: Fear of a Bloodbath

(By Tran Van Dinh)

The possibility of a "bloodbath" in South Vietnam if US troops were to swiftly withdraw has been worrying both "hawks" and "doves." But the Vietnamese likely to be the most affected by a change of regime in Saigon, or by a Communist take-over—the wealthy and powerful—do not talk much about it: they have been getting ready ever since the Tet offensive of 1968, which brought the war into their cities and their air-conditioned living rooms. A quiet exodus began, mostly to France. The price of exodus is not cheap. An exit visa costs as much as $5000; a "certificate of French citizenship" costs about $2000; illegal border crossings into Cambodia cost anywhere from $800 to $4000.

Money has been deposited in European banks. According to Allesandro Cassella of *Die Weltwoche* of Zurich a total of between $1.5 and $2 billion has left Vietnam in this way. According to the same journalist, President Nguyen Van Thieu has found a home for his children in Rome (where his brother is ambassador), and his wife has just purchased a house in Europe. He estimates that of 1600 Vietnamese who are legally leaving this country each month, half do not return, which means that approximately 10,000 have emigrated since the negotiations started in Paris. My own estimates are a bit higher. Those who cannot afford or who do not wish to leave, have gone through a well-planned process of accommodation with the "other side," an accommodation that reaches the highest echelons of the government. Huynh Van Trong, special assistant to President Thieu, was arrested in July this year with 42 others on charges of having contacts with the Vietcong. They were scheduled for trial November 28. On the provincial level, as Henry A. Kissinger has noted, "tacit accommodations are not unusual in many areas such as the Mekong Delta" (*Foreign Affairs*, January 1969). One wonders who will be left among the prospective victims.

The here-and-now bloodbath *is* real, however. For the majority of Vietnamese, poor peasants in the defoliated countryside and destitute workers in the city slums, it is what they have been witnessing a long time: the search and destroy missions; the "free zone" strikes; the B52 saturation bombings; the *Phoenix* operation (which from December 1967 to December 1968 killed 18,393 civilian Vietcong cadres); the Song My ("Pinkville") type of breakfast massacre in which an American infantry unit allegedly shot down some hundreds of men, women and children in a captured village in the early morning of March 16, 1968; the atrocities regularly described in national magazines (*Esquire, Look, The New Yorker*). To talk about a future massacre against this present background is ironic, to say the least.

For me, a Vietnamese, to discuss this problem is to admit the US has a role to play in the internal affairs of Vietnam after the war. I ask myself if earlier Americans would have been impressed by the reprisal argument, if it had been raised by the British before they left American shores after the War of Independence? Would it have carried much weight if, during the Civil War, a European country had intervened on behalf of either the North or the South, and then refused to leave on the grounds that withdrawal would leave the people of the North (or the South) at the mercy of aggressors?

Nonetheless, the question needs to be discussed, if only because it is raised by many Americans whose compassion for the Vietnamese people and whose opposition to the war I do not doubt. But in doing so, we must examine two underlying myths: the first is that the "Orientals put little value on life and take killing very lightly"; the second is that reprisals are the monopoly of the Communists, whereas anti-Communists are less vengeful. The first is easily dispelled by a reading of Western history: the religious wars, the Inquisition, the lynchings, the World Wars, the American Indian and Civil Wars, Hitler's "final settlement." Anyone who has spent time in Vietnam realizes that the peasant esteems life very highly. The Oriental is no more brutal, no more casual about death than is the Occidental, irrespective of politics. Since 1945, Vietnam has gone through a revolution and revolutions are always bloody, but the blood is on all hands. Mr. Kissinger recognized this when he wrote: "It is beyond imagination that parties that have been murdering and betraying each other for 25 years could work together as a team giving joint instructions to the entire country." The French, whom the US helped to fight against the Viet Minh during the first Indochinese War, murdered a large number of Vietnamese nationalists and Communists alike, in both the North and the South. In November, 1945, French artillery fire and air bombardment killed 6000 fleeing Vietnamese civilians at Haipong. The brief Japanese occupation of Vietnam was also bloody.

Many Americans believe that the Vietnamese Catholics will be the sure victims of future reprisals. Thus, President Nixon in his address on November 3 mentioned the "million-and-a-half Catholic refugees who fled to South Vietnam when the Communists took over the North." The President's statistics were inflated. According to *Vietnam Past and Present* published in Saigon in 1956 under the patronage of the South Vietnam Department of Education and the National Commission for UNESCO (p. 374) and written by Mr. Thai Van Kiem, a Vietnamese diplomat and scholar, the total number of refugees was: 887,895 of whom 85 percent or 754,710 were Catholics. Also, some 100,000 Vietnamese left the South for the North in 1954, several thousands of whom were Catholic. There are now about 800,000 Catholics in North Vietnam. There are Catholics in the leadership of the National Liberation Front. Those who predict the wholesale murder of Catholics by Communists sound more Catholic (and more anti-Communist) than the most anti-Communist Catholic leader in South Vietnam, Father Hoang Quynh. During the First Indochinese War, Father Hoang Quynh led a guerrilla army against the Viet Minh, and in 1954 he moved south with his faithful. Recently, he said: "If Communists

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come, we will try and live and adapt here." (*Newsweek* November 24, 1969) In the last three years, he has worked out a close relationship with Venerable Thich Tri Quang, the militant Buddhist leader whom some in the US consider pro-Communist. Father Hoang Quynh knows very well that security lies in close association with your own people, not with a foreign army. In a communique on January 8, 1968, the Conference of Bishops in Vietnam appealed to "the goodwill of the government of both South and North Vietnam to build peace together: in the name of the Lord, we cry Stop." In early November this year, 93 prominent Vietnamese Catholics from France, West Germany, Canada and in Vietnam called for the immediate withdrawal of US troops. Among the signers of this appeal was Colonel Nguyen Van Chau, for several years (1957–1962) Director of Psychological Warfare of the ARVN (Army of the Republic of South Vietnam). (The colonel recently sent a letter supporting the October and November Moratoriums in the US.)

In recent months Saigon has given wide publicity to "mass executions and mass graves" in Hue, digging up bodies for the press and photographers. Yet, Colonel Ton That Khien, chief of Quang Ngai province ("Pinkville"), where the March 16, 1968 massacre of Vietnamese women and children took place, refused to dig up the bodies of the victims, saying that "they are old bodies" (*Evening Star*, November 17, 1969). Why are the Hue bodies new and the Quang Ngai old, when they were buried at the same time? President Nixon said: "We saw the prelude of what would happen in South Vietnam when the Communists entered the city of Hue last year. During their brief rule there, there was a bloody reign of terror in which 3000 civilians were clubbed, shot to death and buried in mass graves." I was touched by the President's mention of Hue, my home town. The 1968 Tet offensive took two victims in my own family: my younger brother, a noncommissioned officer in the ARVN and a published poet, and my nephew. They were both killed not by the Vietcong but by American bombings. They were buried in a temporary grave for the reason that Hue was under siege; nobody could get out of the area to buy a coffin for decent burial. The first news I received from an official Saigon source was that my relatives were killed by the Vietcong. Only much later, when I got word from my own family, did I learn that they had been killed by the bombings. What happened in Hue is told in an account that appeared in *The Christian Century* of November 5, 1969. The author, Len E. Ackland, now a graduate student at the Johns Hopkins School of Advanced International Studies, worked and lived in Hue in 1967. He returned there after the Tet offensive of 1968 to interview the people (he speaks Vietnamese). He wrote: "When on the first day of the attack, about 20 Vietcong entered Gia Hoi (a precinct of 25,000 residents in Hue) in order to secure the area, they carried with them a list of those who were to be killed immediately as 'enemies of the people.' According to Le Ngan, director of Hue's special police, the list consisted of five names, all those of police officers of special police." The Catholic priest in Gia Hoi told him that "none of his clergy or parishioners were harmed by the NLF."

When the 1968 Tet offensive started, I suggested to an acquaintance of mine whom I thought was close to the Saigon policy makers, that Hue should be declared an open city as was Rome during the Second World War, and for the same reasons. Had that been done, the loss in lives, the damage to historical sites and treasures would have been minimized. Instead of which, the ARVN (which disappeared at the first Vietcong shot) returned in force with the US Marines and planes to "destroy the city in order to save it." Hue authorities never explained why they failed to protect the people. Nor did they reveal the number of people killed by American bombings and artillery.

Few know the Vietcong better than Tran Van Dac, a Vietcong colonel who defected last year. In an interview published by the Joint US Public Affairs Office in Saigon, Tran Van Dac said: "If the Vietcong took over, they would send military officers and former civil servants to concentration camps to be reeducated, in some cases to hard labor until they become submissive. And of course, all those whose social class or former position makes them objects of suspicion would be carefully watched by the authorities. To me, the people of Vietnam and especially the peasants who have been militarily and politically trained in the last two decades by the revolutionaries would not be easily terrorized. They are tougher and much more sophisticated than their apparent apathy seems to indicate. In 1956, two years after the prestigious victory at Dien Bien Phu and the immense popularity of the last President Ho Chi Minh, the peasants in Nghe An, Ho Chi Minh's home province, revolted against the excesses of land reforms. President Ho Chi Minh admitted the mistakes publicly and took over the Secretary Generalship of the party to correct them."

If the reason for continuing the US military presence in South Vietnam is to prevent a bloodbath, then the logical thing to aim for, *right now*, is a broad-based Saigon regime that includes Buddhists, whose nonviolent position has been always clear and consistent, the peace-minded general such as Duong Van Minh (Big Minh) or Tran Van Don. That would be a *negotiating* government. The Thieu-Ky-Khiem regime is not only an obstacle to negotiations, but polarizes the situation among non-Communist elements as well. "Vietnamization," which attempts to consolidate Thieu's regime, simply increases the likelihood of reprisals.

Those who fear a Vietcong bloodbath ought to consider other possibilities too. What will happen, for example, to thousands of political prisoners (among them Truong Dinh Dzu, the runner-up in the 1967 elections and now condemned to five years at hard labor), if there is no negotiated settlement? Judging from many threats directed against the neutralists and the peace-minded by the Saigon regime, they would be liquidated by Thieu and his friends the day those leaders decided to quit the country. Thieu has already launched a campaign against his political opponents, accusing them of being Communists.

Or consider this: Senator Cranston (D, California), *Newsweek* and *Time* have referred to a Pentagon "contingency plan" to fight the South Vietnamese Army, should negotiations fail. This is not as absurd as it may seem. Anti-American feelings in the South have risen since the Paris talks. The "Vietnamization" program has brought into positions of command young ARVN officers, who, unlike the generals, have never been associated with the French army. They are products of the South Vietnamese military schools since 1954. They are now part of an anti-Communist army, but they are not anti-nationalist; they know what is going on among their leaders, the corruption and the ineffectiveness. I know of several cases where officers of the ARVN have been demoted because of their close connection with their American advisers. General Ky himself has tried to exploit this anti-American sentiment among young officers. More than once, he has said that if he had to choose again, he "would be on the side of Ho Chi Minh." The young majors and captains do not have money in foreign banks, they are not going to leave en masse after the Americans go home. But to stay with their people, they either have to find the way to accommodate with the "other side," or prove by their actions that they are as patriotic as the Vietcong. The best proof might be to fight the US "residual force." In June of this year, two US military police who had rushed to a bar in response to complaints that a drunken US soldier was making trouble were shot to death by Colonel Nguyen Viet Can, commander of the Vietnamese airborne battalion that guards the Independence Palace. No charge was filed against the colonel. As Mr. Kissinger again rightly notes: "The Vietnamese people have lived under foreign rule for approximately half of their history. They have maintained a remarkable cultural and social cohesion by being finely attuned to the realities of power." To many Vietnamese the realities of power since the Paris talks are shifting. An attack by the ARVN against the US troops would be the final blow.

Finally, President Thieu and the US Embassy in Saigon have claimed that the pacification program has been going extremely well, that the South Vietnamese government controls more than 80 percent of the population. If this were true, then over a million ARVN troops and US residual forces *could* stage a real bloodbath—against the Vietcong—after the war.

I do not sit in the inner councils of the NLF. I do not know the number of Vietnamese who may be victimized once US forces are withdrawn. But I am not persuaded that a bloodbath would take place if there were no US troops in Vietnam, or if the Vietcong took over. I agree, however, that if only dozens of Vietnamese might be killed in the post-withdrawal period, it is the moral duty of the American people and government to find the way to protect them. In the past, the Chinese invaders always took along with them those Vietnamese who cooperated with them, and provided them with good jobs in China. The French have also been hospitable to their Vietnamese friends. If fears of reprisals are the main concern of the Administration, as President Nixon has indicated, then several steps can be taken.

Adopt Senator Charles E. Goodell's "Vietnam Disengagement Act." This would not only put a limit on the US commitment in Vietnam, but would create "a powerful incentive for that government [of South Vietnam] to mobilize its forces more effectively and to seek the political strength of a broadened popular base," thus reducing the chance of wholesale reprisals.

Support Senator George McGovern's suggestion and provide funds and means to resettle, either in continental America or in Hawaii, those Vietnamese who wish to leave the country at the departure of the US troops. A bipartisan congressional committee could be formed promptly to prepare evacuation plans. Journalists, politicians and others who have expressed concern about a possible bloodbath could be invited to contribute money and effort. The US can argue at the Paris talks (or better, at a reconvened Geneva Conference) for a period of regroupment exceeding the 300 days stipulated in the 1954 Geneva Agreements. As a resident, I would suggest that the US should ask its allies to share the burden. Perhaps some Vietnamese would like to settle in Thailand, in the Philippines, in South Korea, in New Zealand, Australia needs manpower, and if Canberra can send troops to fight for the "freedom" of the Vietnamese, the Australian Parliament can change its immigration laws to admit the colored Vietnamese.

Give to the International Control Commission (ICC) temporary command of the last batch of US troops being withdrawn, thus guarding against their being assaulted by ARVN, NLF or Hanoi forces.

Let the US insist on strengthening machinery to implement Article 14C of the 1954 Geneva Accords. 14C said that the parties to

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the agreement undertook "to refrain from any reprisals or discrimination against persons or organizations on account of their activities during the hostilities, and to guarantee their democratic liberties." These pledges are accepted in paragraph C of point 5 of the NLF 10-point program for the settlement of the war.

The ACTING PRESIDENT pro tempore. (Mr. METCALF) who yields time?

Mr. CHURCH. Mr. President, I yield myself as much time as may be required.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, during the course of the debate on the pending amendment, a number of Senators suggested that the proposal might possibly embarrass the President or raise doubts about his credibility, as the distinguished Senator from Kansas has again mentioned. Many strawmen have been erected and knocked down. But I recognize that a number of my colleagues have genuine doubts about how passage of the amendment may be interpreted both at home and abroad. I find it difficult to understand how any member could believe that an amendment sponsored by two of the most respected Members of the minority side, the distinguished Senator from Kentucky (Mr. COOPER) and the Dean of the Republicans, the Senator from Vermont (Mr. AIKEN) was, in any way, designed, or could be construed, as a slap at the President. Nevertheless, I realize that on a matter of such impact doubts do exist, that motives are suspect, and that every effort must be made to allay those doubts and suspicions without retreating from the basic principle at stake, if the amendment is to command broad support from our colleagues.

After much consideration, the sponsors decided to revise the preamble, but not the substance, of the amendment. The preamble, as we propose to revise it, states that the Congress wishes to work in concert with the President to help achieve his declared objective of terminating U. S. involvement in Cambodia by July 1. The new language should remove any shadow of a doubt that the amendment is intended to rebuke the President or to question his pledge to the American people. Rather, the new language makes clear that the basic intent of the amendment is to bolster the President's hand by joining Congress as a full partner in his policy to get U. S. forces out of Cambodia by July 1, 1970.

Indeed, it was at the suggestion of the distinguished Senator from South Carolina (Mr. HOLLINGS) and others, that the date of July 1 was made the operative date for this amendment. Although it was highly unlikely that the bill could have made its way through the remainder of the congressional maze and been signed into law before the June 30 troop withdrawal deadline set by the President, adopting his deadline will insure against any premature cutoff prior to completion of his timetable.

Mr. President, with these revisions I hope that the amendment will command the support of a majority of the Members of this body. I say this for two reasons. First, because I would like to see the Senate go on record again—as it did in the 70 to 16 vote on the national commitments resolution and the 73 to 17 vote on the amendment prohibiting use of American ground forces in Laos or Thailand—in overwhelming support of restoring the Senate's constitutional role in the formulation of foreign policy. Second, and of more immediate urgency, a strong expression by the Senate will assist the President in overcoming evasion and footdragging by our own bureaucrats, as well as foreign allies, who do not share his desire to withdraw but who would like to see the United States take Cambodia under the eagle's wing as was done with South Vietnam. And, in a like manner, it will strengthen his hand in dealing with the Saigon generals who, for reasons of their own, want to share Vietnamization with Cambodia. The pressures on the President to delay and equivocate will be great. The Senate should help him in resisting those pressures. And it can do so if it cuts off the funds for further U.S. involvement in Cambodia after June 30.

In a press conference on May 8, when asked when South Vietnamese troops would come out of Cambodia, the President said:

> I would expect that the South Vietnamese would come out approximately at the same time that we do, because when we come out our logistical support and air support will also come out with them.

Yet, only 2 days later, on "Meet the Press," Ambassador Bunker said he did not think "we would withdraw logistical support from South Vietnamese forces."

But a week later, on May 18, Secretary of Defense Laird assured the Committee on Foreign Relations that he would recommend to the President that "we not give close air support in the sanctuary areas to the South Vietnamese forces." And in Saigon, on the same day President Nixon told Americans that American support for the South Vietnamese forces would end with our withdrawal, President Thieu told a group of reporters:

> We have no deadline, no limits. We will move on intelligence. When there is a target we will strike it.

To emphasize that they were there to stay he said that he and Premier Lon Nol of Cambodia had worked out "agreements in principle for South Vietnamese troops to conduct continuing military operations in eastern Cambodia." On Thursday, Vice President Ky ridiculed the idea that South Vietnamese troops would withdraw from Cambodia when U.S. troops do as "a silly argument of silly people." "We will," he said, "not let anybody tie our hands." Presumably both comments were directed at the President of the United States.

The South Vietnamese are telling us, in effect, that they are in Cambodia to save the regime of Lon Nol, "a task that could last for years," Joseph Kraft wrote recently. "They are pushing the United States," he wrote, "to extend to Phnom Penh the commitment it has already made to Saigon. Many high American officials are going along. So even now, the President is having the greatest difficulty holding American engagement within prescribed limits." This morning's Washington Post reports that planning is underway within the bureaucracy for "a continuing anti-Communist military campaign in Cambodia—with direct support of U.S. airpower and other assistance, once U.S. troops withdraw. The operation would be conducted as an essentially Asian operation with American backing under the 'Nixon Doctrine'." The situation is shaping up as another classic example of the Saigon tail wagging the Washington dog. And if this comes about, as is likely unless strong measures are taken, the best intentions of the President to get out of Cambodia will be frustrated.

The Saigon government, supported by its followers in the American bureaucracy, are in effect saying to the United States, "You are in this with us," knowing full well that its armed forces, in both Cambodia and South Vietnam, exist only at the sufferance of U.S. taxpayers. No Senator should doubt for a moment that if South Vietnamese forces stay in Cambodia, ultimately American advisers will be there also, unless prohibited by law.

Passage of the pending amendment will strengthen the President's hand in dealing both with our own bureaucracy of war managers, many of whom would like to see the United States stay in Cambodia to insure the survival of the Lon Nol government and with the generals of South Vietnam who have designs of their own in Cambodia. This amendment will help the President get us out of Cambodia and insure that we stay out.

Its passage will serve the President's interests by requiring, by law, that his announced objective not be thwarted in Washington or in Saigon.

Its passage will have the Congress share with the President responsibility for implementation of the announced policy.

And its passage will put new life and meaning into our governmental system of checks and balances.

I hope that, with the new revisions, it will be adopted by a commanding margin.

I ask unanimous consent that a number of pertinent articles be printed in the RECORD at this point, outlining the pressures that are developing to keep the United States in Cambodia, and to involve us inexorably in widening the Indochina war.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 9, 1970]

THIEU ASSERTS LON NOL AGREES ON TROOPS

(By Terence Smith)

SAIGON, SOUTH VIETNAM, May 8—President Nguyen Van Thieu said tonight that he and Premier Lon Nol of Cambodia had worked out "agreements in principle" for South Vietnamese troops to conduct continuing military operations in eastern Cambodia.

In addition, Mr. Thieu said the two Governments had discussed the feasibility of a South Vietnamese naval blockade of the Cambodian coast line and principal port—Kompong Son, formerly called Sihanoukville—to prevent the North Vietnamese from bringing in military supplies by sea.

"Our navy is capable of guarding the whole coast," Mr. Thieu said. "We have the ships and we think it would be a good idea."

Mr. Thieu made it clear that South Vietnamese troops would not be bound by the restrictions President Nixon has placed on the United States forces operating in Cambodia.

Mr. Nixon promised Congressional leaders last Tuesday that American troops would withdraw from Cambodia by the end of June and would penetrate no deeper than about 20 miles without Congressional approval.

Mr. Thieu said: "We have no deadline, no limits. We will move on intelligence. When there is a target, we will strike it."

Mr. Thieu discussed the Cambodian situation and other topics at a small dinner at the Presidential Palace. Eight foreign correspondents—seven Americans and one European—sat with him at a table under the elm trees on the palace grounds while the President talked for four hours about the situation in Indochina.

Relaxed and expansive in an open-necked blue sportshirt, Mr. Thieu said he was in daily contact with the new Cambodian Premier through the South Vietnamese delegation established last week in Pnompenh. The two countries have had no formal diplomatic relations since 1963.

"I have a friend," he said laughing, when he was asked about his earlier contacts with the Cambodian regime. "We keep in touch."

The President said he and General Lon Nol had come to their "agreement in principle" about South Vietnamese operations in eastern Cambodia two or three days before President Nixon announced on April 30 that United States troops would cross the Cambodian border to clear out North Vietnamese and Vietcong sanctuaries.

He said Premier Lon Nol had requested support from South Vietnamese forces for the general defense of Cambodia east of the Mekong River.

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In the short term, Mr. Thieu said, the agreement would involve direct South Vietnamese military assistance and probably the naval blockade. He said he had already supplied some 4,000 American-trained ethnic Cambodian troops from the South Vietnamese forces, but he expected that more would have to be sent to Pnompenh to bolster the position of the Lon Nol Government.

In the long term, he said, the South Vietnamese would take on the job of training the Cambodian Army, which Mr. Thieu described as weak and poorly equipped. "But they have the manpower," he said, "and we can provide the advice."

Mr. Thieu said he believed that the next six months would be critical for the war as well as for political leaders.

"If Lon Nol and Cambodia stand for the next six months," he said, "then I think Mr. Nixon will win the Congressional elections this year and be re-elected in 1972, because then the operations will have proven a success."

"Also," he said, "if we keep up the pressure on the Communists for the next six months, then I think they will have no choice but to negotiate a settlement or fade away."

[From the New York Times, May 6, 1970]

Pride, Prejudice, and Persuasion

(By Anthony Lewis)

London, May 15—In one of the great Supreme Court opinions on freedom of speech, Mr. Justice Brandeis wrote that those who won America's independence thought "the deliberative forces should prevail over the arbitrary" in society. They wrote into the Constitution what they thought would be "the path of safety" for the Republic: "The opportunity to discuss freely supposed grievances and proposed remedies." They believed in "the power of reason as applied through public discussion.

But the democratic theory of free speech as a corrective for official error and a safety valve for public resentment cannot work when people get the idea that no one is listening. And that feeling, if one can judge from a distance, is a dangerous element now in American opinion.

LETTERS FROM HOME

A law student at the University of Pennsylvania writes to a friend abroad that he should be able to think rationally about Government policy and express reasoned criticism. But "I have lost this ability—I can only scream at the excesses and moan at the hypocrisy. If you can offer me any reason not to give up this Government for lost, I implore you to tell me what it is."

Or from a woman in Flushing, N.Y.: "What should people do who sincerely believe in the American heritage of reform and checks on arbitrary power? Most such Americans detest violence, but also detest silence and inaction. All protests against arbitrary power have proved ineffectual."

And from a man in Allentown, Pa.: "I am sitting around watching my wonderful country be torn apart and feeling powerless to do anything about it."

THE DESPAIRING NOTE

Powerlessness. That must be a widespread feeling. Certainly it is a consistent despairing note among Americans who come to Europe these days and try to explain to their English or French or German friends what has gone wrong.

For on the face of things, Americans might well believe that nothing they say can affect the course of policy in the most ill-conceived, disastrous foreign adventure in our history. No election, no protest, no reasoned argument, no lesson from experience seems to alter the central fact of American policy in the Indochinese war. That is our commitment to the Thieu-Ky Government in Saigon.

President Nixon may go down to the Lincoln Memorial in the early morning and soliloquize to a group of students about college life. He may redefine the limits of his Cambodian invasion to make it seem more acceptable to American opinion.

But a week later the South Vietnamese generals are talking about indefinite operations in Cambodia. The same men who have drawn us into an endless war on their behalf—men whose power rests entirely on American money and American blood—now confidently assume that we will support them in a new theater. It is in that light that the issue now before the Senate, the proposed mild restriction on American war-making in Cambodia, has to be seen.

The significance of the Senate proposal does not lie so much in the constitutional question of the President's power, which it cannot resolve. It lies, rather, in offering critics of the war some hope of change through the political process. For there would at least be hope; the President could not altogether ignore the feelings reflected in a Senate vote.

What the Senate can do, then, is to show that the system is still open to persuasion. It can prove wrong those who say that violence and revolution are the only answers. It can renew confidence in the power of reason. Or, to put it more modestly and more accurately, it can begin to do those things.

The picture of the United States as a country where minds are almost closed to persuasion is not one held only by frustrated American critics of the war. A sense that the political process is not working underlies the deep fear for America now felt, for example, by many leading British politicians.

"We depend so much on the United States," one man said the other day. "Not only in economics and defense but so much more broadly, in politics. We need your leadership. And now the basis of that leadership, the whole relationship between your Government and your people, seems to be falling apart. There is a dialogue of the desperate and the deaf."

TO RENEW CONFIDENCE

The comment came not from the trendy left but from one of the most solid figures in British political life. That is most surprising, for he and others like him care about the United States, indeed love it. They are afraid when they see its politics reduced to mutual invective, hate and violence.

The democratic process is not dead in the United States—far from it, as the reaction to the Cambodian invasion showed. But frustration has put it under terrible strain. By insisting now on a voice in policy, the Senate can begin to ease the frustration and renew confidence inside and outside the country.

[From the Washington Post, May 22, 1970]

U.S. Plans Shift on Cambodia

(By Murrey Marder)

The United States is planning to shift the combat burden of allied ground warfare in Cambodia to South Vietnamese troops with assistance from Thailand and possibly other Asian nations, after June 30.

A continuing anti-Communist military campaign in Cambodia is contemplated, with direct support of U.S. airpower and other assistance, once American troops withdraw, it was learned. The operation would be conducted as an essentially Asian operation, with American backing, under the "Nixon Doctrine."

The Nixon administration has sought to keep its strategy publicly murky, to avoid compounding the tense debate in the Senate over limiting presidential powers in the Indochina war.

New details about the administration's strategic concept were forced to the surface yesterday, however, by South Vietnamese Vice President Nguyen Cao Ky's firm assertion that Saigon's forces will remain in Cambodia long after June 30. Ky's statements suggest that Saigon's leaders are balking at even a tactical, temporary pullout of South Vietnam's troops from Cambodia, which the Nixon administration has sought to sustain its explanations for the operations in Cambodia.

Current U.S. planning, it was learned, contemplates considerable South Vietnamese forces to reinforce Cambodia's own troops at a later point; military equipment, advisers and instructors from Thailand, including the use of U.S. air bases in Thailand and elsewhere in Southeast Asia, plus a possible military advisory presence from Indonesia and perhaps other Asian nations.

Thailand, according to sources in Bangkok, already has agreed to provide military equipment and advisers for Cambodia's forces. One U.S. air base in Thailand, Takhli, reportedly may be a center for allied support operations in Cambodia.

There is a double U.S.-Thai interest in what happens in Cambodia. Any replacement of the anti-Communist government of Premier Lon Nol by ousted Prince Norodom Sihanouk, who now has open support from North Vietnam and the Vietcong, could be interpreted as a threat to Thailand. The Thais hold the tightest U.S. defense commitment in the area: a bilateral, as well as a multilateral, U.S. pledge to come to the defense of Thailand.

Thailand already is involved in the warfare in South Vietnam and in Laos.

Indonesia, which played host last weekend to the Asian conference on Cambodia, so far has concentrated on trying to find diplomatic solutions to the Cambodian crisis. But there are expectations in official Washington that Indonesia may join in providing at least token military aid for Cambodia, in a framework that could be hailed as the first functioning of the Asian element of the "Nixon doctrine." That is, Asians cooperating regionally for Asian defense.

The Indonesian attitude will be explored here next week with President Suharto, who is due in Washington Tuesday for his first state visit to the United States.

POTENTIAL OBSTACLES

There are many potential roadblocks, however, for any long-term Asian operation in Cambodia. The historic bitterness between Cambodians and Vietnamese, which brought massacres of Vietnamese civilians in Cambodia a few weeks ago, again surfaced in Phnom Penh yesterday. Government spokesman's warning about the continued presence of all Vietnamese—North or South—raised major questions about Phnom Penh's readiness to accept the long-term presence of South Vietnamese forces.

Cambodia and Thailand also have their own set of ancient enmities.

Most important for U.S. strategists, President Nixon is now trying to fight off extraordinary Senate pressure to foreclose either direct or indirect U.S. actions in Cambodia after June 30.

On May 8 the President said that although the June 30 deadline on U.S. troop withdrawals from Cambodia does not apply to Saigon's troops, "I would expect that the South Vietnamese would come out approximately at the same time that we do, because when we come out our logistical support and air support will come out with them." As recently as last weekend, White House sources said the same thing—but then the hedging increased. South Vietnam's leaders always have said they are bound by no deadline, and Ky said so again yesterday more forcefully than ever.

THREAT TO WITHDRAWALS

What the President, and all administration officials, have held open from the outset of the Cambodian operation, however, was that South Vietnamese troops could return to Cambodia if necessary, to deal with the "sanctuary" problem. In addition, Defense Secretary Melvin R. Laird and other U.S. officials explicitly have reserved the right to conduct continued American air action against Vietnamese Communist forces in Cambodia when their activity "threatens" U.S. troop withdrawals from South Vietnam.

To assuage domestic opposition to the Cambodian venture, the President, Secretary of State William P. Rogers, Laird and other officials have tried to draw a sharp public line between U.S. military strikes against the Communist sanctuaries in Cambodia, and military support of the Lon Nol regime.

Many administration sources acknowledge, however, that this is essentially a domestic political distinction.

On April 28, two days before President Nixon announced the Cambodian operation, according to a disclosure yesterday from retired Vice Adm. W. R. Smedberg II, the President privately told a group at the White House:

"I am not going to let Cambodia go down the drain as some of my advisers want me to do."

SPEAKS TO VETERANS

The President was speaking at the White House to representatives of 11 veterans and patriotic organizations, said Smedberg, who is president of the Retired Officers Association.

Smedberg said the President stated that unless the North Vietnamese "sanctuaries" in Cambodia were destroyed, "our position in South Vietnam would soon be untenable, the Vietnamization program destroyed, and a humiliating defeat in Vietnam almost assured . . ."

Both Smedberg and a White House spokesman said yesterday that the President did not tell the group his actual plan or decisions.

The current sequence suggests that the Nixon administration wanted South Vietnamese and U.S. forces to withdraw from Cambodia at about the same time, to mark a public dividing line between U.S. action and subsequent "all-Asian" operations in Cambodia.

VIETNAMESE PRESENCE WORRIES CAMBODIANS

(By Laurence Stern)

PHNOM PENH, MAY 21—Growing Cambodian concern over the South Vietnamese military presence here was expressed in surprisingly candid terms this morning at a briefing for the foreign press by a principal government spokesman.

The official, who has been conducting the daily government briefing for the past month, said the Cambodians "prefer death to being dominated by the Vietnamese."

Asked if he included the South Vietnamese armed forces as well as the North Vietnamese and Vietcong in Cambodia, the spokesman replied: "This applies to all Vietnamese."

Until today the government has carefully refrained from expressing any misgivings about the presence of Saigon's troops in Cambodia. However, resentment of the South Vietnamese, especially the prospect of the prolonged presence after the Americans leave Cambodia, can be heard both in the Cambodian army and from civilians on the street.

As a pedicab driver put it in an unsolicited observation in Phnom Penh today: "The South Vietnamese—they are number 10. You Americans, number 1."

Behind these emotions are centuries of encroachments upon and domination over Cambodian territory by the Vietnamese. Now Cambodians are perplexed by the ambiguous spectacle of Vietnamese fighting other Vietnamese on Cambodian soil while trying to rescue still other Vietnamese from harassment by Cambodia.

[Four vividly colored posters in red ink were pasted at the entrance of the press briefing room, UPI reported. One poster said: "America—withdraw the South Vietnamese army quickly from Cambodian territory—these Vietnamese soldiers have committed cruel acts on the Cambodian population . . ." The other expressed similar sentiments.

[South Vietnamese Vice President Nguyen Cao Ky, in a speech in Saigon, scornfully described as "a silly argument" the suggestion that South Vietnamese forces would follow the June 30 deadline for the withdrawal of American forces from Cambodia set by President Nixon. Ky said, "We will not let anyone tie our hands."]

[From the Washington Star, May 21, 1970]

KY ASKS ALLIANCE IN INDOCHINA FIGHT

(By Donald Kirk)

SAIGON.—Vice President Nguyen Cao Ky today called for an alliance among the anti-Communist governments of Indochina against the Vietnamese Communists.

Ky also made clear that South Vietnamese troops in Cambodia would not be bound by the June 30 deadline set by President Nixon for withdrawing American units there.

"Our forces are strong enough to conduct separate operations in Vietnamese territory as well as in Cambodia," said Ky. "You will see the presence of our troops as long as the Communists fight there. As long as it is necessary, we will continue to maintain the presence of our troops in Cambodia."

Ky indicated the possibility of an alliance with the governments of Indochina by saying "We hope the situation in Cambodia will permit us to establish an anti-Communist front line that will include Vietnam, Cambodia, Laos and Thailand."

POINTS UP CONFLICT

Ky's talk, reflecting the views of President Nguyen Van Thieu and the Saigon government, was viewed here as marking another step in the gradual escalation toward full-scale war across the heart of the Indochinese peninsula.

Ky, wearing a gray Mao-style suit, issued his call for an Indochina alliance at a ceremony at the National Defense College the day after Chinese Chairman Mao Tse-tung and the deposed Cambodian chief of state, Prince Norodom Sihanouk, broadcast statements in Peking demanding the expulsion of American and South Vietnamese troops from Cambodia.

The statements from Peking and Ky's remarks dramatized the sharpening confrontation between Communist and anti-Communist forces for control of the Indochina peninsula, including North and South Vietnam, Laos and Cambodia.

SUBSTITUTES FOR THIEU

Thailand, not regarded as part of Indochina, occupies the western flank of the peninsula, bordered by the Gulfs of Tonkin and Siam on the northeast and southwest.

"When the enemy is so isolated," Ky predicted, "the enemy will have to return to guerrilla warfare and the war will gradually fade out."

The only alternative, Ky suggested, would be for the Communists to accept "just and correct terms at the Paris peace talks."

The Vietnamese Communists—North Vietnam and the Viet Cong—have not indicated any change in their position since South Vietnamese troops began operating in Cambodia.

Ky substituted for President Thieu at the ceremony. Some observers speculated that Thieu suggested Ky speak in his place so he could present the government's outlook in hard-line terms. Ky frequently has adopted an outspoke attitude while Thieu has carefully toned down his own comments.

CAMBODIA LINK POSSIBLE

While Ky was speaking, South Vietnamese troops drove into the Cambodian highlands on their 13th separate operation across the frontier. South Vietnamese also pursued Communist units along roads southeast of Phnom Penh in hopes of relieving pressure on the Cambodian capital.

It was not clear what kind of response Ky's remarks would elicit, but observers expected Cambodian officials would attempt to reach a formal, if unpublicized, arrangement for collaborating with Saigon forces. The Cambodian foreign minister, Yem Sambaur, was reported in Saigon today to discuss terms of the arrangement.

Cambodian officials have been extremely reluctant to violate their country's "neutrality," especially since Cambodians in general have traditionally viewed Vietnamese as their enemies. The pressure applied by the Vietnamese Communists, however, appears to have provided sufficient rationale for forming an alliance.

"The advance of our troops in Cambodia is a decisive turning point in the war in Vietnam," said Ky. "This has been criticized by some as prolonging the war, but we see it as something that will shorten the war."

At the same time, Ky argued it would not be militarily advisable for South Vietnamese troops to withdraw from Cambodia.

"The Communists will resume their activities there," he warned. "Every six months or so we will have a crisis. In the past we have had to fight with our hands tied. We had to bear the enemy when the enemy attacked, and we could not launch a counteroffensive."

Ky said the overthrow of the "neutralist" Sihanouk, who permitted the Communists to base in Cambodia on the understanding they would not attack Cambodians, had "pro-

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vided us with the opportunity to destroy the enemy."

'NEVER AGAIN'

"Never again," said Ky, "should we allow anyone to tie our hands."

Ky's remarks were also viewed here as providing a rationale for South Vietnamese military operations in Southern Laos, where the North Vietnamese have stockpiled vast quantities of war material for attacks on South Vietnam's northern provinces.

South Vietnamese Foreign Minister Tran Van Lam, meeting in Jakarta last weekend with the foreign ministers of 10 other Asian countries, including Cambodia, said Saigon troops would not be constrained from operating in southern Laos if necessary to protect installations in South Vietnam.

THAI POSITION UNCLEAR

Although Cambodia appears willing to join an alliance with Saigon, it was doubtful if the government of the "neutral" Laotian premier, Prince Souvanna Phouma, would want to change its policies.

Souvanna, although he has accepted American aid and air support to fight the Communists, has struggled to maintain the image of neutrality theoretically guaranteed by the 1962 Geneva Accords.

The position of Thailand, the fourth country mentioned by Ky, also was difficult to determine. Thailand, which has provided bases for American airplanes and is a member of the Southeast Asian Treaty Organization, might not want to commit its own troops against Vietnamese Communists unless directly threatened.

One sign of Thai collaboration, however, was that Cambodia and Thailand have resumed diplomatic relations. Sihanouk broke off relations with Thailand and South Vietnam while recognizing North Vietnam and the Viet Cong.

[From the Washington Post, May 21, 1970]

KY RIDICULES JOINT PULLOUT TALK AS SILLY

(By Robert G. Kaiser)

SAIGON, MAY 21 (Thursday)—Vice President Nguyen Cao Ky this morning ridiculed the notion that South Vietnamese troops would withdraw from Cambodia when American forces do as "a silly argument of silly people."

Ky declared that "we will not let anybody tie our hands" to prevent continued prosecution by South Vietnam of the war in Cambodia. He said the South Vietnamese forces had the capabilities to fight on the Cambodian front and in Vietnam simultaneously.

Ky's remarks, delivered at graduation ceremonies of the Vietnamese War College in Saigon, were the toughest yet heard from a senior Vietnamese official on the increasingly sensitive subject of South Vietnamese operations in Cambodia after June 30.

It appears that the South Vietnamese government is determined to continue those operations after President Nixon's deadline for the withdrawal of American troops from the Cambodian front.

NIXON'S STATEMENT

[When President Nixon announced May 9 that "all Americans of all kinds, including advisers, will be out of Cambodia by the end of June," he was asked whether the South Vietnamese would abide by the same deadline. He answered: "No, they do not. I would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out, our logistical support and air support will also come out with them."

[Last Saturday, White House officials in Key Biscayne said they had every reason to believe the South Vietnamese forces would withdraw from Cambodia on approximately the same timetable as U.S. forces.]

Such determination to flout the wishes of the United States has been seen here before, but this time it appears to be more serious than previously.

DECISIVE OFFENSIVE

Ky said this morning that the offensive against Vietcong sanctuaries in Cambodia would be decisive in the war. With the sanctuaries destroyed, he said, the Communists will have just two choices: They can return to underground guerrilla tactics, which will mean that the war will fade away, or they can engage in serious negotiations.

Ky saw other benefits from the new offensive: "The Cambodian operation offers us an opportunity to form an anti-Communist front consisting of Cambodia, Thailand, Laos and South Vietnam. Its formation would guarantee the security of all of Southeast Asia," he said.

Whether President Thieu would use such harsh language as Ky's "silly people" remark in this context is doubtful. But the Thieu-Ky relationship sometimes resembles the Nixon-Agnew relationship: the vice president here, as in the United States often does the President's tough talking, though Thieu's language on the issue has been more restrained, he has also said there is "no deadline" for his forces in Cambodia.

[Wednesday, Lt. Gen. Do Cao Tri, commander of South Vietnamese troops operating east of the Mekong River in Cambodia was asked about reports from Washington that a South Vietnamese withdrawal would be linked with the U.S. pullout, according to news dispatches.

["I have not heard that from the Vietnamese side," he said, adding that the Saigon troops "are not under any restrictions, like U.S. forces, unless President Thieu orders us back to our territory."

[Asked how long South Vietnamese troops might remain in Cambodia, Tri replied: "That depends on the enemy. Our objectives are purely tactical. We have gone only where the enemy had bases, unless he tried to evade us. Then we pursued him."]

[From the Washington Post, May 18, 1970]

THIEU'S PLANS FOR CAMBODIA MAY DRAG AMERICA IN AGAIN

Violent as is the storm stirred up by the President's incursion—this is the polite word now adopted—into Cambodia, those who study the political weather charts see the threat of even heavier going ahead. The reason is the evident determination of South Vietnam's President Nguyen Van Thieu to exploit the new joint American-South Vietnamese operation.

For Thieu it is an opportunity to commit further American forces and delay the withdrawal of troops under the Vietnamization program which he has accepted with foot-dragging reluctance. The recent interviews he has given, notably to Osborne Elliott of Newsweek, are euphoric to a degree extraordinary even for this master of cheerful self-deception.

South Vietnamese troops will remain in Cambodia after the Nixon deadline of June 30 for the departure of American forces.

The Cambodian government of Lon Nol and South Vietnam are reported to be forming an alliance to prosecute the war. Given the ethnic hostilities and the slaughter of Vietnamese in Cambodia, together with the fragile grip of Lon Nol, that is a paper compact resting on one premise only—an American rescue operation if the exercise fails.

This is the scenario. Let's say the Americans are withdrawn by the Nixon deadline. Communist attackers put the combined Cambodian-South Vietnamese force in grave jeopardy. Phnom Penh is about to fall. Lon Nol, abetted by Thieu, makes a public appeal to Washington.

This is the nightmare haunting the already troubled sleep of those trying to quiet the current storm. Another invasion, another action with the return of the Americans, would increase the divisiveness to a level uncontainable in a framework of law and order battered and cracked by what has already happened. It would mean something close to the end of the social order.

Yet it cannot be excluded. President Nixon has put Thieu in a position to call the turns and, as Thieu hardens his resistance to any political compromise, Mr. Nixon is in a sense the prisoner of a faltering and uncertain government 10,000 miles away, sustained almost entirely by massive American help in money and arms. Nothing remotely like this has ever occurred in America's history.

The Vice-President, the Secretary of State and the Secretary of Defense have all said the administration accepts no responsibility for the Lon Nol government. Nevertheless, a public appeal to keep Cambodia from going down the Communist drain would present Mr. Nixon with an agonizing decision. And one can be sure that Thieu will be standing in the wings reinforcing the cry for help and the danger to his own forces, in turn endangering the Vietnamization program.

It may have been merely coincidence that Ambassador Elsworth Bunker was in Washington as the storm raged. During his three years in Saigon he has developed a benign paternalism toward Thieu. Someone, whether it was Bunker or not is unknown, convinced Mr. Nixon that Thieu was one of the three or four ablest political figures in the world today.

Did Bunker's flow of optimistic dispatches convince two Presidents, first Lyndon Johnson and then Richard Nixon, that the inevitable choice was to back the Thieu government right through to the end? Or was Bunker in Saigon simply carrying out the directives of policy determined in the White House? This is the kind of chicken-and-egg dispute that will be resolved only by historians in some distant future. From Bunker's bland responses there is no clue.

An astonishing phenomenon is in how short a time the Johnson and the Nixon styles have become nearly identical. As the Vietnamization program seemed to be progressing, with the announcement only 10 days before the Cambodian decision that 150,000 more American troops would be withdrawn in 12 months, the President was tidying up the Vietnam mess. In little more than two weeks the turnaround has been complete.

In the Johnson style he gives medals of honor to American heroes from Vietnam. Getting off his plane for a weekend in Key Biscayne he is greeted by a small but favorable demonstration. The Associated Press reports that it is comprised largely of Homestead Air Force Base personnel and their dependents waving obviously professionally lettered signs. This, too, was the Johnson style, seeking solace at military bases.

The game of footsie with Thieu cannot continue indefinitely without a new disaster. That is as clear as anything in this whole tragic business. Privately in the Johnson administration Under Secretary of State George Ball opposed the escalation of the war. He called Vietnam a glue pot. Once you get your hand in, you are stuck. Indochina is a larger glue pot.

[From the Washington Post, May 19, 1970]

DRASTIC SENATE CURBS SEEN NEEDED TO SAVE PRESIDENCY

(By Joseph Kraft)

WASHINGTON.—No responsible person can be altogether easy about the proposals generated in the Senate to arrest the Cambodian venture and the Vietnamese war. The suggested amendments diminish a Presidential prerogative that has stood the world in good stead for most of the postwar era. They smack of the isolationist impulse.

But the fault does not lie in the Senate.

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It lies with the officials of the White House, the Pentagon and the State Department who pretend to manage American foreign policy. For they have set in motion an engine of expanding commitment that can only be switched off by drastic action in the Congress.

A striking example of the engine in action is even now apparent in the Cambodian affair. The President has been at great pains to emphasize the limited nature of the American involvement. That is why he pledged American troops would be out by June 30, and would only penetrate 20 kilometers inside Cambodia.

Mr. Nixon also tried to hold South Vietnamese forces on the same leash. He told his press conference of May 8: "I would expect that the South Vietnamese would come out at approximately the same time that we do because our logistical and air support also come out."

But on "Meet the Press" two days later, Ambassador Ellsworth Bunker said: "I wouldn't think we would withdraw logistical support" from the South Vietnamese troops in Cambodia. A couple of days after that, Secretary of State William Rogers asserted American pilots would continue to fly support missions for the South Vietnamese force in Cambodia.

By that time the South Vietnamese were speaking—not to say bragging—for themselves in a press conference held in Cambodia by Vice President Nguyen Cao Ky. "We can stay here and take care of ourselves," Marshall Ky said. And he indicated the stay would last until "the day the Cambodians feel they are strong enough to fight the North Vietnamese communists."

In plain English that means the South Vietnamese are protecting the present Cambodian regime of General Lon Nol—a task that could last for years. They are pushing the United States to extend to Phnom Penh the commitment it has already made to Saigon. Many high American officials are going along. So even now, the President is having the greatest difficulty holding American engagement within prescribed limits.

Not because American officials are imperialists. Few, if any, American political leaders, diplomats and generals itch to plant the flag on foreign soil for the greater glory of Coca-Cola and the Chase Manhattan Bank. No, the animating spirit—the engine of expanding commitment—is the postwar American foreign policy fashioned by Dean Acheson and John Foster Dulles.

That policy features the use of American power to help friendly countries resist the communists. It provides that Congress and public opinion be taken into the act through bipartisan resolutions giving advance authority to the President for discretionary use of American power. And as long as it was applied to regimes that would and could help themselves, the policy worked well.

But this basic postwar approach has no switch off mechanism. It cannot be applied to governments that seek only more and more and more American help. On the contrary, as experience with the Saigon regime shows, such governments have the capacity, by their very weakness, to move the United States step by step into engagements far deeper than ever contemplated in Washington.

It is in these desperate circumstances that there has been developed in the Senate, the device of denying funds for use of American troops in specific situations. One amendment, offered by John Sherman Cooper of Kentucky and Frank Church of Idaho, would require the President to come specially to Congress for money to undertake any new military operations in Cambodia after June 30. Another, sponsored by George McGovern of South Dakota and Mark Hatfield of Oregon, would cut off funds for combat operations in Vietnam after 1971.

These measures are undoubtedly drastic. Still, it is hard to see how else the engine of expanding commitments can be turned off. It is not a question of pitting legislative power against executive authority. It is a question of saving Mr. Nixon—and the Pentagon and the State Department—from themselves.

Mr. DOLE. Mr. President, how much time is remaining on each side?

The ACTING PRESIDENT pro tempore. Eighteen minutes remain to the proponents, and 6 minutes to the opponents.

Mr. DOLE. Mr. President, I yield myself 2 minutes.

Mr. President, I would like the RECORD to show that in a speech at the White House on November 3, 1969, the President enunciated his American policy toward Asia, the so-called Nixon doctrine: First, that the United States will keep all of its treaty commitments; second, that we shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survival we consider vital to our security; third, in cases involving other types of aggression, we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

The President went on to say that after he announced this policy he found that the leaders of the Philippines, Thailand, Vietnam, South Korea, and other nations which might be threatened by Communist aggression welcomed this new direction in American foreign policy announced by President Nixon.

I believe the policy enunciated by the President, and repeated by the President, and praised by many Members in this Chamber, was and is a sound policy.

I would ask the Senator from Idaho if he feels that any of the provisions in the Church-Cooper resolution, particularly sections 3 and 4, are in any way in conflict with the announced Asian policy of President Nixon?

Mr. CHURCH. Mr. President, may I inquire on whose time we are now engaging in this colloquy?

Mr. DOLE. Briefly, on mine.

The ACTING PRESIDENT pro tempore. The time of the Senator from Kansas has expired. He has 4 minutes remaining.

Mr. DOLE. I yield myself 2 additional minutes. Then I shall have to withhold.

Mr. CHURCH. I will respond to the Senator by saying the Cooper-Church amendment corresponds in every way with what we understand, based on public announcements, to be our present policy regarding Cambodia.

Mr. DOLE. So the Senator from Idaho sees no conflict in the three principles enunciated by the President on November 3, 1969, and any provision in sections 1, 2, or 3, or 4 of the Church-Cooper amendment?

Mr. CHURCH. I see no conflict. The statement which the Senator read was addressed to our policy in Asia as a whole, while the Cooper-Church amendment is drafted to conform with the principles of the President's own declared policy pertaining to Cambodia.

Mr. DOLE. The Senator from Delaware raised the question yesterday if we are not singling out Cambodia for special treatment. In other words, would they still be able to purchase military supplies under the Foreign Military Sales Act?

Mr. CHURCH. Nothing in this language precludes our furnishing Cambodia with arms and equipment. Nothing precludes our selling the Cambodian Government military supplies, although if that occurs, it will probably be grant aid, rather than on a sales basis.

Nothing in the amendment prevents the transfer of weapons to the Cambodian Government if the President should see fit to do so.

Mr. DOLE. Finally, as to the South Vietnamese forces remaining in Cambodia after July 1, does the Senator feel it might affect them? The Senator may have responded to this question yesterday. Does he think it might eventually dry up some resources in money and material which the South Vietnamese Government now has?

Mr. CHURCH. The amendment prohibits U.S. forces in Cambodia from furnishing military personnel or instruction to Cambodian forces, or extending military assistance to Cambodian forces. That is the reach of the amendment, and it goes no further.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Kansas has 2 minutes remaining, and the Senator from Idaho has 24 minutes.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. On the Senator's time?

Mr. CHURCH. Yes. It will be a brief quorum call.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I yield myself 3 minutes.

The distinguished Senator from Kentucky (Mr. COOPER) and I, acting on our own behalf and in behalf of the distinguished majority leader and the distinguished Senator from Vermont (Mr. AIKEN), have sent to each Member of the Senate a letter of explanation concerning the revision in the preamble that will be voted on at two o'clock today. I should like to read that letter into the RECORD at this time. The text of the letter is as follows:

Enclosed is a copy of our revised amendment on Cambodia which we are offering to H.R. 15628, the Foreign Military Sales Act, now pending before the Senate.

In modifying the preamble of the amendment, we have made two changes. First, the date of July 1, 1970, is made a part of the amendment. This is the time American forces will leave Cambodia, and conforms with the President's own time limit.

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The second change makes it clear that we are neither questioning the President, nor are we challenging his prerogatives as Commander-in-Chief. Indeed, we expressly acknowledge that the amendment is "in concert with the declared objectives of the President of the United States."

As presently drafted, our amendment conforms in all particulars to the declared policy of the President. We set the limits which the President himself fixed, in his April 30th address and his May 8th press conference, as well as borne out by Secretary Rogers and Secretary Laird.

If enacted into law, this amendment would establish the properly shared responsibility between the Congress and the President by declaring the determination of the coequal branches of government to bring American troops out of Cambodia by the end of June. We hope you will find it possible to support this amendment.

I ask unanimous consent that the text of the proposed revised preamble also be printed in the Record at this point.

There being no objection, the preamble was ordered to be printed in the Record, as follows:

Sec. 47. Limitations on United States Involvement in Cambodia.—In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970 for the purposes of—

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I yield 5 minutes to the distinguished senior Senator from Vermont (Mr. Aiken).

Mr. AIKEN. Mr. President, I shall not take much time, because I have no prepared statement.

I do think we should make one or two things clear. The first is that the members of the Committee on Foreign Relations made it perfectly clear to Secretary of State Rogers that we were not opposing the fighting along the border, but were opposing bringing a whole new country into the arena of war.

We were definitely given to understand that no major operation would be undertaken without further consultation with us. Apparently the invasion of Cambodia was not considered a major operation, because we were never told.

I believe that President Nixon intends to withdraw all the Americans from Cambodia before the 30th of June, and probably by the middle of June. I feel sure that he intends now to withdraw 150,000 troops from Indochina before next April.

I am equally sure that there are those who are opposed to his carrying out his plans in this respect. Some of them do not think he will be able to carry them out; others do not want him to carry them out, because they believe that war and more war is probably the way to settle this situation.

The Cooper-Church amendment will help him resist the pressure which he is bound to be under. Cambodia has simply revived the old issue of hawks—extreme rightists who believe that the use of military strength is the way to settle all international problems—and doves—those who believe that we should beat our weapons into pruning hooks and plowshares, and not even defend our country.

Neither of these extremist groups ought to have much influence in our country. I am afraid perhaps some of them do. The great majority of Americans, I am happy to say, are not extremists but are concerned over what is best for our country.

We should, of course, keep America adequately armed to protect our own security; but we should not arm ourselves with the intent of dominating every part of this world. That is going just too far.

There are countries in Asia that would like to handle this situation if they were given a chance to do so and if we would keep our hands off. I believe that these countries—Malaysia, Japan, Thailand, Indonesia—could handle the situation in Southeast Asia.

I notice that President Suharto visited President Nixon this morning, and President Nixon commended him for his efforts for peace. I say let it go a little further and let President Suharto's country and the other Asian countries, particularly Thailand, Japan, and Malaysia, work out this problem in accordance with the Guam policy which was laid down approximately a year ago.

We are getting mail that says, "Support the President." They say, "Support the President" when he is doing what they want him to do.

I notice that this morning the President asked for $500 million to aid in carrying out the desegregation program. When the President talks about improving the lot of the workingman or the relief of the poor, or of ending discrimination a great many of those who now say, "Support the President and expand the war," say, "Don't do what the President wants you to do. Be against him if he is helping the poor people in this country. Good Heavens, what right have those people to expect help at taxpayers expense? We have to use that money for the war going in Asia. Use the money for that."

Well, I say that if you want to help the President, help him resist the pressure that he is bound to be under to carry on this war further—support the Cooper-Church amendment.

I think I have made myself plain. I have more that I could say.

Mr. CHURCH. Does the Senator desire more time?

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. PASTORE. I want to say that in all the time that has been consumed on this amendment, I have just heard the most effective and the most eloquent speech on the subject. It is not only plain; it is simple and understandable.

Mr. AIKEN. When the President wants to help the poor people of this country in any way, the same hawks say, "Fight him. Don't let him do it. They don't deserve help."

Mr. PASTORE. I say to the Senator, "Amen."

Mr. AIKEN. It is time now for me to stop talking.

Mr. CHURCH. Mr. President, we rest our case with the summation that has just been made by the brilliant Senator from Vermont.

I am prepared to yield back the remainder of my time, if the Senator from Kansas is prepared to do likewise.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the call for the quorum be suspended at 2 p.m., which is the time set for the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. Under the previous order, the order for the quorum call is rescinded.

Under the previous order, the Senate will now proceed to vote on amendment No. 653. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd) and the Senator from Missouri (Mr. Eagleton) are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri (Mr. Eagleton) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) is absent on official business.

The Senator from Wyoming (Mr. Hansen) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from California (Mr. Murphy) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 82, nays 11, not voting 7, as follows:

[No. 149 Leg.]

YEAS—82

Aiken
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Fannin
Fong
Fulbright
Goodell
Gore
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood

XUM

Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—11

Allen
Allott
Cotton
Eastland
Ellender
Ervin
Gurney
Holland
Long
Russell
Smith, Maine

NOT VOTING—7

Dodd
Eagleton
Goldwater
Hansen
Mundt
Murphy
Tower

So the amendment (No. 653) was agreed to, as follows:

> Beginning on page 4, line 24, strike all to and including line 6, page 5, and insert in lieu thereof the following:
>
> "SEC. 47. LIMITATIONS ON UNITED STATES INVOLVEMENT IN CAMBODIA.—In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970 for the purposes of—".

Mr. CHURCH. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, with regard to the amendment that has just been voted on, I wish to state that I was on my way to the floor to make a very brief statement. However, when I got here, the vote was already in progress.

That statement would have been that I proposed to vote for the amendment. I considered the words, so far as the real issue and the substance and the principle involved, as not adding any meaning whatsoever to the major amendment.

These words, to me, were not objectionable at all. I think that the vital matter here concerns the question of restraining at this time the power of the Commander in Chief, the President of the United States.

Mr. HOLLAND subsequently said: Mr. President, I think a little review of the situation we are in might be appropriate at this time.

In the first place, our situation in Southeast Asia began with the passage by Congress of the Gulf of Tonkin resolution. Everyone knows that. No one questions it. It has been admitted numerous times during this debate.

I call attention to two facts: First, that every Senator voted for the passage of that resolution except two; and those two Senators have already been removed from the Senate by the votes of the people whom they most directly represented, the people of their States.

I call attention also to the fact that numerous times we have heard talk about repealing the Gulf of Tonkin resolution. Resolutions are now pending in the Senate for that very purpose. No one has been able to make any progress on them. Why? Because no one has been willing to jerk the rug out from under the feet of a President who was proceeding to act under general authority given him by the Congress of the United States by the passage of that resolution.

The third point I make is that it would be particularly inappropriate to make such an effort as limiting the powers of the President or pulling the rug out from under his feet in the case of the President, who does not happen to be the President for whom I voted. He was not the President when the Gulf of Tonkin resolution was requested or when it was passed. He inherited a situation under which, when he came into office, there were approximately 550,000 American soldiers, marines, and airmen fighting in South Vietnam, besides others committed in Thailand, Laos, and other nearby territories, and besides Navy men.

So, Mr. President, the reason that I voted against this so-called "softening resolution"—and that is what it was, a softening amendment—was because even it proposes to limit the power of the President of the United States, as the Commander in Chief of troops fighting in the field, to take action which he thinks will best protect them, and best assure their speedy removal from Southeast Asia and their speedy return to the United States.

Mr. President, this softening amendment which we have just adopted is softening in the respect that it adopts the word "limitation" instead of the word "prohibition." In other words, we would seek to limit the President instead of prohibiting him from acting.

That is a difference in degree, but it still claims for Congress the power to limit the President—not in the manner of the making of war, as so clearly stated yesterday afternoon by my friend, the Senator from Idaho, but in the method of the carrying on of the operations of the war.

Mr. President, I am not willing, for a moment, to vote even for a softening or a modification amendment, which still claims for Congress the right to limit the power of the Commander in Chief to do what he deems necessary—and he has in his possession many more facts than any of us—to best protect American fighting men, to best assure their quick and safe return to the United States. That is one of the things in this so-called softening amendment which I opposed, because it puts on record every man who voted for it—and I regret that as many voted for it as did—as being in favor of the power of Congress to limit the Commander in Chief to do those tactical things which are necessary in his opinion to be done in the operation of armed forces in the field confronting enemy armed forces.

The second thing I object to in this so-called modifying prolog is not a modification but an addition. It says that after July 1, 1970, no funds of the United States may be expended legally for any of the purposes in the original resolution—and all four purposes are retained—in these words: "unless specifically authorized by law hereinafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970" to carry out the four objectives that were stated in the original amendment and that are still stated in the amendment, or modified or softened or weakened amendment.

The fact is that it is not weakened in that particular because, as originally stated, it would not have prevented the expenditure of funds after July 1, 1970, but would instead have prevented the expenditure of funds as stated in the four objectives without having stated any specified date on which expenditures would be cut off.

Mr. President, to me, it is simply unthinkable that Congress can, after mature consideration, go on record as holding that Congress retains not just the power to declare war—of course, we have that—but the power to limit the Commander in Chief in the tactical pursuit of war and in his decisions which he deems necessary to carry on that war while the war is going on.

Who would have stood here for a moment and upheld the power of Congress to vote a limitation that our Armed Forces in Europe in World War II should not cross the Rhine River, and when the Remagen bridgehead happened to be open to them, that they could not speedily and at once take possession of the bridge, cross over, and make possible the capture of the Ruhr and the ultimate victory which followed soon after?

Who would for a moment claim that Congress has the power to make any specific limitation of use of tactics by the Commander in Chief and the commanders in the field of the Armed Forces of the United States who are pursuing a war, either declared by Congress or, as in this instance, carried on by authority given by Congress very clearly under the passage of the Gulf of Tonkin resolution?

That is just what we would be asked to do if we were asked to adopt this amendment, even in the amended or softened or weakened form, though it is not softened and it is not weakened in all respects, as I have just indicated.

I should like to make one more point, and I think it is a very clear one. The fourth of the objectives we are trying to declare against their being followed up by the commanding officer, by the Commander in Chief, in the event this amendment be adopted, is this. I am trying to find the last version. They have so many versions of this so-called amendment that it is difficult to find a particular one. But the last one does provide that limitation shall prevent the use of the Air Force above Cambodia except in pursuance of certain objectives which we have been pursuing all along but which have not brought on any useful results.

I read from the last form of that amendment. That is after the words that say that no money expended as appropriated by this act or any other shall be used for the following purposes, and this is purpose No. 4:

> Supporting any combat activity in the air above Cambodia by United States air forces, except for the interdiction of any supplies or personnel using Cambodian territory for attack against or access into South Vietnam.

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The fact is that for 5 years, while these hiding places have been built up and dug into the ground by the North Vietnamese and the Vietcong—and whatever else one may say about them, one cannot claim that they are not good diggers—they have dug literally hundreds of miles of caverns and tunnels into which to put these supplies. Those supplies have been brought down, in the main, along the Ho Chi Minh Trail. In the main, the interdiction of those supplies, the effort to prevent their being brought down, has been pursued very actively by the use of our Air Force, and everybody knows it; but we have not been able to prevent the continuation of that flow and the vast accumulation in the sanctuaries. Yes, we have had some supplies more recently coming by water to the lower part of Cambodia, and thence across by land. But most of them have come to those sanctuaries along the Ho Chi Minh Trail. For 5 years we have been trying to interdict or prevent, by the use of our Air Force in great numbers, their coming down.

Under this resolution, it would say that it is quite all right to use money after July 1 for the interdiction of enemy supplies or personnel using Cambodian territory for attack against or access into South Vietnam—conceivably for bringing down troops, materiel, or personnel to the sanctuaries; but it is not all right to use the other means of ground attack which the President has successfully used by these raids in attacking and upsetting their plans and capturing great amounts of materiel, in capturing enormous amounts of food, and in capturing tremendous amounts of ammunition.

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Mr. President, it does not make sense to me that Congress should be asked, after having given direction which we have not called off—nobody has had any success at all in an effort to repeal the Gulf of Tonkin resolution—to call off the most successful kind of attack which the President has made in the exercise of his command as Commander in Chief toward meeting this problem of bringing in supplies from Russia and from China—and that is where the substantial part of it comes from. I do not think that anyone in the possession of his senses will want to go on record as saying, in the event there should be a resumption of the construction of sanctuaries and the supplying of those sanctuaries, notwithstanding the effort to prevent them by the use of our Air Force, that the President should be cut off in the future from doing just what he has done in destroying them so greatly and capturing vast amounts of guns, ammunition, and food, and that he should be cut off in the future from doing that if it became necessary in his judgment to support his Armed Forces and to help not only save their lives but also get them out of South Vietnam and back to this country.

Furthermore, Mr. President, it is my feeling that we are being asked here to do something which, in the first place, is unconstitutional. I do not believe that we have any such authority to limit the discretion of the Commander in Chief in the effort he makes, based upon far better information than any of us can have, to protect his troops and, in this instance, to get them back out of South Vietnam. I do not believe that we can do it constitutionally. I believe that we would hold ourselves up to scorn and ridicule by the Nation generally if we passed something here which, in effect, would say that, recognizing the fact that the President has struck a serious blow here against the enemy and has set back their plans for many months—no one yet knows for how many months—and has captured vast amounts of materiel, ammunition, and food, that we will preclude him in the future from doing the same thing.

How?

By requiring that before he can move, the enemy shall be signaled by the long pendency of legislation here in Congress to pass appropriation bills enabling him to do just that same thing again.

It was the surprise of that effort which had so much to do with its success. Every Senator knows perfectly well that there were no mines which had been laid and we found it possible to move quickly over their own roads in order to get to their sanctuaries.

Who can expect to have that condition prevail again if we signal the enemy by taking so many weeks or months for Congress to pass any legislation under special appropriation bills, and so forth, for the purpose of allowing the President to go in again and do the job over, if it must be done over—and all of us hope that it need never be done again; but it may need to be done again.

My last point, Mr. President, is that if we have the power to limit the President's authority to act in this instance, then we are claiming to be able to do it in any instance where he, as Commander in Chief, is the one who handles tactically the operations of our Armed Forces in the field.

I do not believe that any Senator, when he thinks about it fully, and thinks it through, will ever come to the conclusion that we in Congress should lay down a precedent or claim that we have done right in the case of a war going on, whether declared or undeclared as in this case, approved already by Congress in advance, that we have the right to limit the Commander in Chief in doing what he regards as necessary successfully to carry on that war and to preserve the lives of his men and extricate them from difficulties, as well as to save the fortunes of this country later by a diminution of the expenditures which we are having to make in that war.

Mr. President, I am one Senator who will never vote—will never vote—that Congress has the power, as to a war going on, as to a war in operation, to limit the power of the Commander in Chief through his officers in the field as to what they can or cannot do.

To do so, I think, would not only be unconstitutional but would also be the most foolish sort of philosophy for any of us ever to place among the laws of the United States.

We cannot properly or wisely limit the power of the Commander in Chief to do what is required at the time, and do it promptly, without giving all the signals and all the time necessary to the enemy, as would be the case if we passed this precedent in this case.

Mr. President, I strongly oppose project 47 even with the so-called softening limitation. I hope that the Senate will defeat it.

I congratulate those who are opposing it now. I am glad to say, for the record, that I am sure there are many, in addition to the 11 who voted to reject the so-called softening provision, who are just as strongly opposed to the main provision in project 47 as are the 11 who voted as they did.

I thank the Senator for yielding and, Mr. President, I yield the floor.

NIXON DIRECTOR OF YOUTH AND STUDENTS RESIGNS

Mr. YARBOROUGH. Mr. President, because of the turmoil on the campuses of the United States during the past days I believe that I should invite the attention of the Senate to the statement made by Mr. Anthony J. Moffett in resigning as Director of the Office of Students and Youth in the Department of Health, Education, and Welfare.

Mr. President, I ask unanimous consent that Mr. Moffett's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY ANTHONY J. MOFFETT

In September, 1969, Commissioner of Education, James E. Allen, Jr., established an Office of Students and Youth. I was named director of that office which the Commissioner called "an advocate for youth within the Office of Education." Events since then, and particularly within the past ten days, have convinced me that this advocacy function is untenable within the Nixon Administration. I am today resigning from my position.

When the Office of Students and Youth was created, it appeared to offer young people a unique opportunity to influence both Federal education policy and the educational system as a whole. Since September a large number of young people—students, dropouts, and others—have worked within the office, within the system to be sure. Most of our attention has been focused on giving support to young people seeking to constructively change education. We have met with youth throughout the country, given technical assistance to youth-run education programs, placed young people on Office of Education committees, worked to increase student involvement in other education agencies, public school systems, and universities. Most important of all, we have sought to give young people and their ideas access to and impact on federal education policy. But the increasingly repressive character of this administration has undercut our efforts.

The recent remarks by the President concerning student protestors were most instrumental in my decision. For they confirmed what thousands of students have believed or suspected for some time: namely, that the President and his most trusted advisors do not view themselves as leaders of *all* of the American people; that they do not have the best interests of youth in mind; and, most tragically, that they will sanction even the most vicious tactics against young people and other legitimate political dissenters.

In the midst of this disastrous Administration posture, the most natural ally for youth within the Federal government, the Department of Health, Education, and Welfare, has failed to play enough of a leadership role. High-ranking Department officials have often been more concerned with protecting what they perceived to be the political interests of the President, the Secretary, and the Commissioner of Education, than with effectively serving the Department's constituents—the young people of America. But our staff has been generally satisfied with the Secretary and Commissioner.

As recently as March 31, 1970, the President, in a memorandum for heads of executive departments and agencies stated:

"How well we communicate with youth and seek the advantage of their abilities will influence our effectiveness in meeting our responsibilities."

Through his irresponsible statements of the past week—the labeling of student protestors as "bums," the attempt to blame the Kent St. tragedy on violent dissent—the President has exposed the above statement as mere rhetoric. He has demonstrated that he does not understand young people, and that he does not wish to communicate with them. And students across the country are saying "enough, enough" to his short-sighted policies. I support their non-violent protest and can no longer continue to serve in an Administration which seeks to discredit it.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. GRIFFIN. Mr. President, I submit for the information of the Senate a summary of the results of the Cambodian sanctuary operations as of 8 a.m. May 25, 1970, and ask unanimous consent that it be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Total operations		
Individual weapons	10,942	+48
Crew served weapons	1,618	+22
Bunkers/structures destroyed	6,630	+215
Machinegun rounds	2,592,504	+88,570
Rifle rounds	5,094,288	+293,710
Total small arms ammunition (machinegun and rifle rounds)	7,686,792	+382,280
Grenades	12,308	+1,036
Mines	2,826	+15
Satchel charge	500	(1)
Miscellaneous explosives (pounds)	72,000	(1)
Anti-aircraft rounds	127,353	+381
Mortar rounds	26,749	+2,142
Large rocket rounds	1,090	(1)
Smaller rocket rounds	14,799	+97
Recoilless rifle rounds	18,552	+441
Rice (pounds)	9,034,000	+578,000
Man months	198,748	+12,716
Vehicles	264	+8
Boats	40	(1)
Generators	36	(1)
Radios	179	(1)
Medical supplies (pounds)	36,000	(1)
Enemy KIA	7,857	+139
POWs (includes detainees)	1,770	[2] −87

[1] Unchanged.
[2] Field adjustments.

THE FRAMINGHAM STUDY OF HEART DISEASE

Mr. YARBOROUGH. Mr. President, each of us is well aware of the fact that heart disease and related diseases of the circulatory system exact an enormous toll of death and disability in our country.

Research into the causes of heart disease, as well as into ways of predicting and hopefully avoiding the crippling effects of myocardial infarction, has been under way for many years. Much has been learned. Much more needs to be known.

Perhaps the best known effort to uncover the mysteries of heart disease is the now 20-year-old Framingham Study, which is funded by the Federal Government at the National Institutes of Health. Since the program's inception in 1948 more than 5,000 randomly selected individuals from Framingham, Mass., have been closely studied. Even those who have moved away are evaluated in biennial examinations.

The results of this study are impressive. For example—

First, it has been possible to develop a profile of coronary proneness.

Second, it has been shown that blood pressure and blood lipids are the most potent factors in coronary heart disease; and that blood pressure is central in the prediction of strokes.

Third, it has been demonstrated that cigarette smoking is related to heart disease.

Mr. President, while much still needs to be accomplished in terms of the generation of new knowledge and the translation of that knowledge into improved patient care for the victim of a heart attack, the Framingham Study is being phased out. It is clear to me that this is the kind of false economy that the Nation can ill afford. The details of the accomplishments of this fine program and of its current dilemma are excellently described in an article published in Medical World News of March 27, 1970. I commend it to all Senators.

I ask unanimous consent that the article entitled "Packing Up 20-Year Study of Heart Ills," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Packing Up 20-Year Study of Heart Ills

(Framingham project enters final stage with clinicians still hoping for extension.)

The tall, slim blonde was shopping with her daughter at DeMarini's food store on Union Avenue in Framingham, Mass., a gray factory town surrounded by pleasant suburbs some 21 miles from Boston. "Yes, I know a woman in the heart program," she said. "Her brother and his wife are in it, too. The brother and his wife have moved to California, but they come back every two years to take the exam. They won't be happy to learn the program is winding up."

Grizzled, beak-nosed Louis DeMarini scoffs as he makes change behind the newspaper counter. "I haven't been to a doctor in 38 years. It's like a car; when something's wrong, you take it to get fixed."

"But this program is supposed to help prevent trouble," says the blonde woman. "I wish they could have discovered enough to have saved my father. He died of a heart condition."

"I don't worry about that," quips DeMarini. "My wife says I'm heartless."

At the lunch counter in a Woolworth's store on Concord Street, the waitress has stronger feelings. "People ought to protest against stopping the program," she says. A woman customer—a nurse at Leonard Morse Hospital in the nearby town of Natick—nods approval. So would a lot of scientists around the country.

Not everybody in Framingham knows that a study of coronary heart disease has been conducted in the town for the past 20 years. The population, then 28,000, has more than doubled, and there are many newcomers. But the older residents and their children, who do know the study, are distressed that the National Heart and Lung Institute, which has financed the project to the tune of $330,000 a year, has decided to virtually discontinue it at the end of June, providing only limited funds for phase-out operations over another year or so.

The Framingham project has become a classic of medicine whose findings and methods are now part of the curriculums of nearly all U.S. medical schools. Sitting in his cluttered office at the study's headquarters in an old three-story frame building, the 46-year-old director, Dr. William B. Kannel, who joined the staff shortly after the project started, points to some of the achievements of the past 20 years.

"This study elucidated the precursors of coronary heart disease. A portrait of the highly vulnerable person has emerged, and a profile of coronary proneness has been developed. Using only a limited number of personal traits, which are easily determined with ordinary office procedures and a few simple lab tests, it's been possible to estimate the probability of a heart attack to as much as a 30-fold range of risk. This doesn't mean that you can tell which individual will suffer an attack and at what date, but group probability can be determined."

Dr. Kannel notes that the predictive value of the Framingham study has been confirmed in the pooling project of the American Heart Association, which involves six all-male population studies in different cities. And similar results have been obtained in investigations in Puerto Rico, Hawaii, Yugoslavia, and Israel.

The Heart Disease Epidemiology Study, as the Framingham program is officially titled, traces its origin to 1948, a time when there was considerable controversy and uncertainty about the relation to heart disease of cholesterol, hypertension, obesity, physical activity, and other factors. The Public Health Service that year assembled a committee of cardiologists and other experts to develop a series of working hypotheses—educated cardiologic guesses—based on observations of persons who already had developed disease. These observations had never been scientifically tested or expressed in quantitative terms.

Why Framingham? Because it had a stable population small enough to make observation of the study group convenient, yet socioeconomically and ethnically representative enough—or thought to be so at the time—to make the findings widely applicable. (Apparently no one paid much attention to the fact that Framingham had a very small Negro population—eventually there were only six blacks in the study.) Two other advantages were a single general hospital, making surveillance easy, and proximity to a large medical center in Boston.

"Another reason," recalls Raymond J. Callahan, the silver-haired editor in chief of the Framingham *News*, the town's daily paper, "was that Framingham had been conditioned to health studies. We had here from 1916 to 1923 a study called the Community Health and Tuberculosis Demonstration. That study established yardsticks for the prevention and treatment of TB and helped reduce the incidence of the disease and mortality."

By the time the first examinations began in October 1949, the newly created National Heart Institute had become the study sponsor. The following March, Dr. Thomas R. Dawber, then chief of medicine at the Boston PHS hospital, became the project's first

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director. He remained for 16 years, leaving to become associate professor of medicine at Boston University, while continuing as a consultant to the study.

Out of about 10,000 residents between the ages of 30 and 60, a group of 5,127 was randomly selected, about evenly divided between men and women. Some 900 have since died; only 2% of survivors have been lost to follow-up. "Those who have moved away come back for the biennial exam from Florida, the Midwest—from all over the map," says Lorna P. Lyell, a program assistant who has been with the study from the outset.

The study staff includes four full-time and two part-time physicians and two nurses, plus some administrative personnel. Each patient receives an unusually thorough examination at the program's heart clinic located on the ground floor of the 227-bed Framingham Union Hospital, which is affiliated with Boston University School of Medicine. The clinic sees about 60 patients a week.

What has more than 20 years of exams and checkups shown? Well, for one thing, this is one of the few heart studies that includes women, and a major finding is a distinct difference in vulnerability between the sexes. In the first ten years, one in every ten men developed clinical symptoms, but only one in every 20 women. Years of follow-up have revealed that men and women get angina at about the same rate, but that women lag behind men considerably in myocardial infarctions and death from heart disease. An incidence of infarction comparable to that in men occurred in women only about 20 years later.

Blood pressure and blood lipids have proved to be the most potent factors in coronary heart disease, according to director Kannel, and blood pressure is even more crucial in stroke. The risk has been found to be directly proportionate to the blood pressure level; contrary to prevailing medical belief, the systolic pressure is no less a determinant than the diastolic. The risk is also directly proportional, with certain exceptions, to the level of the various lipids. The average cholesterol level of those who got a heart attack in the first 16 years was 242 mg% when they entered the study, while the average of those who didn't was 220 mg%. Besides cholesterol, the lipids studied at Framingham were tryglyceride, phospholipid, cholesterol rich beta-lipoprotein, pre-beta-lipoprotein, which is rich in triglyceride, and alpha-lipoprotein, rich in phospholipids. Lipid levels and heart disease are highly correlated and none of the substances have proved superior to the others in predictive value, according to Dr. Kannel. However, former director Dawber says that "in practice, you learn as much from the cholesterol level as from all the rest of them put together."

Women are a bit of an exception in regard to cholesterol, too. The study has found that in women over 50, a rising cholesterol level is not associated with increased risk. And among that array of generally menacing lipids, alpha-lipoprotein seems to be something of a maverick. It has been found that while the beta- and pre-beta-lipoproteins go up in heart-attack cases, the alpha-lipoprotein appears to be lower, according to Dr. William P. Castelli, chief of the study's laboratory. This suggests that alpha-lipoprotein may have a protective effect, but that proposition requires more study.

A high lipid level by itself means only a modest increase in risk, notes Dr. Kannel. But add hypertension, and the risk shoots up. "The so-called normal levels of blood pressure and cholesterol are in fact arbitrary and it has not proved possible to define critical values," he points out. "What our study has found is that any increase in blood pressure or cholesterol levels increases risk. The abnormalities predisposing to coronary heart disease are more a matter of degree than of kind, and it isn't possible to determine where normality ends and the abnormal begins."

As for the clinical implications says former director Dawber, "I would deduce from our data that physicians should treat levels of blood pressure that aren't considered hypertension in order to help prevent heart disease. One problem is that many doctors feel the hazards of therapy outweigh those of not treating borderline cases, but they ought to consider this question more carefully."

Other factors contribute in varying degrees to the natural history of heart disease. Obesity—related to higher blood-pressure and cholesterol levels—increases the cardiac work load and thus makes death from coronary heart disease more likely. Diabetes increases the danger of coronary events, particularly fatal ones. Physical inactivity was found to boost the risk of fatal but not of nonfatal attacks.

Unsurprisingly, the study has demonstrated that cigarette smoking—but not cigar or pipe smoking—is substantially related to coronary heart disease. Cigarettes are particularly linked to fatal attacks and, especially in men, to sudden and unexpected death. The effect is directly related to the number of cigarettes smoked each day, but not to the number of years a person has smoked. And contrary to what one might expect, the danger seems to be completely reversible—kicking the habit reduces the risk to the level of those who never smoked.

Dr. Kannel observes that in the Framingham study population, only about 60% of those who suffered coronary attacks reached the hospital. "The reason for this is that in this town where even suspicion of an attack is cause for hospitalization, one in five myocardial infarctions went unrecognized. And in one of five cases, death was the first clinical symptom. This has pointed up the need for a preventive approach. Our study indicates that improved management of symptomatic cases by itself can't substantially reduce coronary mortality. But I believe the day is approaching when a myocardial infarction in a patient under periodic medical surveillance will be regarded as a medical failure."

Part of the program's fallout has been new information on stroke. Sixteen years of followup have provided 153 documented cases of stroke. In contrast to heart disease, women appear to be as vulnerable as men; 75 of the victims have been women and 78 men. Athero-thrombotic brain infarction (ABI) accounted for 65% of the episodes, intracranial hemorrhages for 20%, and cerebral embolism for 15%.

"We don't think stroke is an inevitable consequence of aging," says Dr. Kannel. "The most potent contributor to stroke in general and to ABI in particular is hypertension, including the asymptomatic kind. The key to the prevention of cerebrovascular accidents would appear to be early detection and control of hypertension."

The findings and implications of Framingham's human "test tube" have added a new dimension to the practice of medicine in the town, and none regret more than the local doctors that the study's heartbeat is being reduced to a flutter. Internist and cardiologist Donald E. Love, who has about 200 current patients in the program, puts it this way: "The intensive evaluation given the people in the study affords not only early detection of disease, but provides their physicians with a background of information that wouldn't ordinarily be available till the patient developed symptoms."

Dr. Love cites a recent experience with a man who came to him complaining of pain in his left chest. After examining and talking to him, the doctor's general impression was that the pain was due to the pressures and tensions in the man's life—he was a fireman. But on doing a chest x-ray, Dr. Love found that the patient's pulmonary artery appeared unusually prominent. "I asked myself: Is this truly the pulmonary artery or is it an embolism, or hypertension and dilation, or a lymph node that might be malignant, or even tuberculosis?" Dr. Love consulted the films taken of the patient's chest by the heart program. These showed that the prominence of the artery was present over the years when the patient was asymptomatic. The cardiologist concluded that his original impression was the correct diagnosis.

The thorough biennial examinations have also uncovered conditions unrelated to heart disease. Peter W. Ablondi, a retired executive of the Dennison Manufacturing Co. and chairman of the town's Board of Selectmen, recalls that when he and his wife took their second exam, the staff doctor found that his wife needed an emergency appendectomy, a diagnosis confirmed by other physicians. She was immediately operated on. "All of us are grateful to the people who had the initiative to start this program," says Ablondi, a trim, vigorous 69-year-old whose civic post is roughly equivalent to mayor. "I hope the program continues, not only for the benefit of the people of Framingham but of humanity."

Why then is the study being folded? A lot of people want to know. In the past few months, the National Heart and Lung Institute has received many queries and protests, among them letters from Sens. Edward M. Kennedy and Edward W. Brooke of Massachusetts, Rep. Harold D. Donohue, who represents the district that includes Framingham, and eminent medical men.

The institute's director, Theodore Cooper, concedes that under the original plan, the study was to last until 1972, but explains that after reviewing the project, his institute and the NIH decided that "an additional round of examinations would *not* provide appreciable new information about heart disease." Dr. Cooper adds that questions of finance were not the deciding factor. "We've been discussing the phase-out for the past three years. It was not forced by budgetary constraints. If we had all the money we needed, I'd still make the same decision. We must now get on to other epidemiologic studies in other populations, applying what we've learned in Framingham."

But Dr. Jeremiah Stamler, executive director of the Chicago Health Research Foundation, comments: "The Framingham study was a feather in the government's cap for 20 years. It has made highly significant contributions to our understanding of coronary artery disease and has the potential to make many more. It is a mistake to close the study, rationally inexplicable. There is a great deal that we can still learn from the Framingham study, particularly about strokes and peripheral vascular disease. And other problems such as bronchopulmonary disease and cancer could be profitably studied in this population."

Under the phase-out, which starts in July, the present staff of 21 will be pared to five. Besides tying together loose statistical ends for computer analysis in Washington, the skeleton staff, including director Kannel and one other physician, will maintain a mortality surveillance and confirm diagnoses in new cases of heart disease. But there will be no further examinations of the study population.

Dr. Kannel is unhappy about this early closing, although he warns that he may not be objective because he has a vested interest—"but so has the other side." Both he and former director Dawber believe that ideally the study should continue until there are no more survivors. Dr. Dawber plans to seek private funds if Boston University's efforts to obtain an NIH grant fail.

"The data already collected constitute a gold mine of information that could be exploited for the next ten years," comments Dr. Kannel. "We get requests for reprints and lectures from all over, most of them from doctors in private practice. They want the knowledge to help prevent disease and early death.

"If the program could be continued the approach could be expanded into other areas—stroke, for example—about which we already have considerable but still insufficient data. We here could study the various diseases of aging—senile dementia, osteporosis, arthritic disorders, cataracts, impaired hearing. To start such studies from scratch would be prohibitively expensive, and it would take years to get results."

A STALE SURVEY

Mr. DOLE. Mr. President, the Washington Post ran a "Harris Survey" this morning that purports to show that the President is in trouble with the people on the issue of Cambodia.

It is not until we get down to the very last paragraph that we learn that the poll was taken between May 8 and May 10—15 to 17 days ago.

Nor are we ever told that a substantial part of the polling must have been done before the President's press conference of Friday night, May 8.

It is evident that even the Post must have had some doubts about the worth of the poll, or else they would not have waited this long to release it.

Mr. President, I question in this case whether the Post seeks to inform the people or mislead them.

Later polls, including one by the Post's sister publication, Newsweek, show the President having substantially more general support and with less opposition.

A survey taken May 18–19 for the Republican National Committee showed 53 percent of Americans approve the President's decision on Cambodia, while 32 percent disapprove. The same poll showed that 59 percent like the way the President is doing his job, while only 26 percent do not.

The Atlanta Journal-Constitution in Atlanta, Ga., showed an overwhelming 83 percent, out of 4,552 persons who responded to a poll, approving the President's action.

Mr. President, I find it strange, indeed, that the Post would release a poll that is more than 2 weeks old at a time when the action in Cambodia is being acknowledged as a striking military success.

And when almost no doubts are being expressed about the President's declaration that American soldiers will be brought out of Cambodia by July 1.

Could it be the Post is attempting to rally new support to the Cooper-Church amendment at a time when support for it is flagging?

I suppose we will never know the answer, but it is obvious that the Post has taken another giant step in widening its credibility gap with its readers.

I ask unanimous consent that the survey be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

SURVEY OF MAY 18-19, 1970.—FOLLOWING ARE THE RESULTS OF 1,053 INTERVIEWS TAKEN BY TELEPHONE ON MAY 18-19, 503 RESPONDENTS WERE MALE, AND 550 WERE FEMALE

	Total	Male	Female
1. "Do you approve or disapprove of the way Richard Nixon is handling his job as President?"—			
Approve	59	64	55
Disapprove	26	24	27
Don't know	15	12	18
2. "Do you think persons 18-21 years of age should be permitted to vote in national elections?"—			
Should be permitted	54	56	51
Should not be permitted	40	37	43
Don't know	6	7	6
3. "Colleges and Universities have been active in protests against the President's Cambodia decision. Have you seen, heard, or read about these student protests?"—			
Have seen, heard, or read	94	93	95
Have not seen, heard, or read	6	7	5
4. Asked of respondents who have seen, heard, or read about protestors. "Do you approve or disapprove of these student protestors?"—			
Approve	19	21	18
Disapprove	72	73	70
Don't know	9	6	12
5. "President Nixon has decided to assist South Vietnam with American support in actions against North Vietnamese Communist forces in Cambodia. Do you approve or disapprove of this decision?"—			
Approve	53	63	43
Disapprove	32	27	36
Don't know	15	10	21
6. "Some colleges and universities have closed down as a result of student protests over the war in Vietnam. Do you approve or disapprove of closing down colleges and universities for this reason?"			
Approve	23	23	22
Disapprove	70	72	69
Don't know	7	5	9
7. Several thousand students conducted a demonstration in Washington on May 9 against the President's Vietnam policies. Do you approve or disapprove with this Washington demonstration?			
Approve	32	31	33
Disapprove	59	64	55
Don't know	9	5	12
8. Do you approve or disapprove with calling in the National Guard in situations where student protestors cannot be handled by college authorities?			
Approve	81	81	81
Disapprove	14	15	12
Don't know	5	4	7
9. Some people have proposed that colleges and universities should close down for 2 weeks next fall so that students can campaign for peace candidates in the election. Do you approve or disapprove with this proposal?			
Approve	31	32	30
Disapprove	58	59	57
Don't know	11	9	13
10. Some people have proposed that colleges and universities close down for 2 weeks next fall to encourage students to go out and campaign for candidates of their own choice in the elections. Do you agree or disagree with this proposal?			
Approve	30	33	28
Disapprove	58	57	59
Don't know	12	10	13

THE BIG THICKET'S COLORFUL BEAUTY AND HISTORY

Mr. YARBOROUGH. Mr. President, the Big Thicket of southeast Texas is a remarkable and wonderful area which inspires writers and photographers.

The Big Thicket is thick with tall trees and legends, colorful beauty, and history. Many books, articles, and photographic essays have been inspired by the Big Thicket.

The scheduling of hearings on my bill (S. 4) to establish a 100,000 acre Big Thicket National Park, is a great step toward the ultimate realization of preserving the Big Thicket.

The distinguished senior Senator from Nevada (Mr. BIBLE) chairman of the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, will conduct field hearings on my bill on Friday and Saturday, June 12 and 13, 1970. This will be a great opportunity for those who know the Big Thicket to explain the necessity for its preservation.

An example of the articles inspired by the Big Thicket appeared in the Sunday, May 17, 1970, issue of Tempo magazine. The article, written by Prof. Francis Abernethy, of Stephen F. Austin University, is on page 24. It is accompanied by many beautiful pictures which cannot be reproduced. However, the words paint a beautiful picture of the Big Thicket.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LAND IS AS TOUGH AS ITS PEOPLE, BUT PROGRESS AND POPULATION EXPLOSION ARE THREATENING TO DESTROY THE PEACE AND PURITY OF THE BIG THICKET

(By Francis Edward Abernethy)

It is not hard in Southeast Texas, where everybody is an "expert" on the Big Thicket, to get an argument about where it is. Some historians look back to the early explorers' descriptions of East Texas and cite the original Thicket as that area of climax forest that lay between the Camino Real on the north, the Sabine River on the east, the coastal prairies on the south, and the Brazos River on the west. No one doubts that this was a great forest, but the early Texas settlers that took over this area soon tamed it to the cow and the plow and never called all of it the Big Thicket.

An East Texas biologist decided that tree and soil types were the means of defining the boundaries of the Big Thicket, and he ended up stretching it as far northeast as Jasper

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and as far west as Conroe. His speculations disregarded the fact that all female collies aren't called Lassie and that things that look alike don't always have the same name. Various chambers of commerce and dollar-eyed promoters of the tourist trade have stretched the boundaries of the Thicket so that it has thinly covered about every county in East Texas.

Just as a man names his own children, so does a group of people decide on the name for their town, county, and area. Those people who settled in and around the Thicket decided what and where it was and named it more than 100 years ago. Their offspring still define it the same way, even though they can see that the landscape has changed, and I'll take their word for it.

The big thicket is about 40 miles long and 20 miles across at its widest. It is flat land, gray clay and sand, that is a part of the Pine Island Bayou drainage system. It begins in the southern parts of Polk and Tyler Counties where the creeks flow out of the red dirt hills. It ends in the south below Sour Lake where the dense woods thin out in stands of pine and in the rice farms of the coastal prairie. The eastern and western boundaries were easier to define in the old days before the loggers got hold of it; but east of Cypress Creek the elevation is higher, the land is sandy, and there used to be great climax stands of yellow pine, five and six feet in diameter. The western boundary of the Thicket was marked by big open pine stands along the spoil banks of the Trinity River and by Batson Prairie on the southwest.

The Big Thicket has been pretty well cut over at one time or another, but the land is as tough as its people, and you can't knock it down so that it won't get up again. The Thicket in its best places is still thick. The pin oaks and water oaks and sweet gum trees grow tall and rank, straining to get up out of the underbrush and into the light and the air above. Laurel bushes and yaupon bunch together in the forest's middle world. The magnolia's dark green squats among its taller neighbors. A mayhaw patch, two or three acres around, blooms dainty white in early March and drops its fruit in the water of the late April creek rises. Chinquapin trees so big that you can't reach around them sit on islands that swell above the surrounding flats, and sweet bays spotted with their rich white blossoms stand hip-deep in flooded ponds and baygalls. Cypress trees edge the creek banks and poke their knees up through the old slough beds. Palmetto higher than your head rattles in the wind. And tying everything together are the vines: Rattan, smilax, ty-vine, poison ivy, saw briars, muscadine, and grape vines at every level.

When you drive the pavement through the Thicket, all you can see is this forbidding wall of trees and vines. The beauty of the Big Thicket is for the walker, not for the motorist. He must walk to the sphagnum bogs or the small meadows where the pitcher plants and the sundews grow. The dainty orchids and violets are for those who are willing to stop and kneel for a long and philosophical look. And the beauty of the fern is reserved for the contemplation of the naturalist who accepts briars, mud, and mosquitoes as a natural and even desirable part of the forest's world.

You can get a pretty good picture of the Thicket in Hardin County. Northeast of Sour Lake, there is a dirt road that goes by Cecil Overstreet's place. The road itself is not much higher than the surrounding land, and if there has been much rain it will be under water in several places. The road bed itself is good, though, and you probably won't get stuck if your car doesn't drown out.

The road bed is sand and after a light night rain carries the signs of the animals that live in the thick world beyond the road's shoulders. Raccoons, bobcats, and 'possums stroll nightly along the road and fish the crawfish and tadpoles out of the shallow ditches at the road's edge. Armadillos and razorbacks root along the shoulders, and cat squirrels as nervous as a Democrat on election day hop across the road in two jumps just to get to the other side. The cotton-mouthed moccasin makes a broad track in the sand as he slowly weaves across the road to a new hunting ground; the blue racer glides straightly and narrowly over, almost on the tips of his ribs. If you are in luck, you might see the long cross-toed track of the black bear, who used to be the king of these woods, or the round pads of the panther, who occasionally shows up to give the Thicket people a worthy topic of conversation for a few months. And the does and the fawns and the big splay-footed bucks parade up and down this road, like all the rest of the animals, as if it were Main Street on a Saturday afternoon.

Sapp's graveyard is about 30 feet off the road on the right. There are no markers to designate the exact spot, but this is where Mr. Sapp buried two men whom he had hired to kill his wife. He didn't bury one of them deep enough, however, and the hogs rooted him up, an unhappy circumstance which eventually led to the imprisonment of Mr. Sapp. Further to the east in Cecil Overstreet's part of the Thicket is Magness Baygall, the site of another picturesque piece of Thicket history. The Magnesses earned a bad reputation by entertaining guests who left their house penniless and sometimes not at all. The trails that led off the road to the stills that were an important part of the Thicket's economy during Prohibition and the '30s are now grown over, and the only souvenirs of this part of the Thicket's cultural history are a few old copper kettles stuck away in barns.

This road goes on for three or four more miles, crosses Boggy Creek, grows bigger and gets paved, and before you know it you are out of the Thicket and in sandy, well-drained land that is covered with pine.

The history of the Big Thicket goes back to the time when it was covered with water. In the last 60 million years, "recent times" according to geologists, the Gulf shoreline of Southeast Texas submerged and emerged time after time, affected during the Pleistocene a million years ago by periodic glaciations to the north. The shoreline that contained the Thicket rose above the waters of the Gulf during the Ice Age, and was built up by silt washed down and deposited by some ancestral Trinity River. The woods of the Thicket grew and 10 thousand years ago the Thicket dwellers included mastodons, elephants, the American horse, Taylor's bison, camels, tapirs, giant sloths, beavers, and armadillos. Preying on these animals were the saber-toothed tiger and the dire wolf. Their day ended around 8,000 years ago, and some early man might have helped them scatter their bones through the Thicket area.

There is not much left in the Thicket to tell us who the first men were who hunted these woods. There were hunters in East Texas at least 10,000 years ago who left their spearheads in the remains of sloths and mastodons and other now-extinct animals, but so far nothing has been found to show that these early Americans roamed or settled in the Thicket.

Three groups of Indians are historically associated with the early history of the Thicket. They are the Atakapans, the Caddos, and the Alabama-Coushatta. In the historical beginning, only the Caddo and the Atakapan moved through the Thicket with any regularity. Other tribes from as far away as Oklahoma, Colorado, and Kansas made periodic hunting trips into the Thicket for bear meat, skins, and tallow; and Tonkawas, Lipans and Wichitas met in peace at the medicinal spring around present-day Sour Lake. But primarily the Thicket was the meathouse of the mound-building Caddos, who occupied the fertile rolling hills to the north, and the cannibalistic Atakapans, who bounded the Thicket on the Gulf Coast and on the Trinity bottoms. Then at the end of the 18th century, the Alabama and Coushatta began to settle on the northern and western fringe of the Thicket, and the woods became theirs.

The Indians didn't own the land. They just used it, and they used it as naturally as they used the air that they breathed. They were as much a part of the environment as it was of them, and legal individual ownership was alien to their culture.

The first man to lay a personal claim to the Thicket was Lorenzo de Zavalia, whose 1829 Spanish land grant included the Big Thicket. No Spaniards came, however, and the first settlers to move into the Thicket area were white Anglo-Saxon Protestants who began moving into Southeast Texas in the 1830s.

The first settlers stopped on the eastern edge of the Thicket, but soon the Thicket itself was spotted here and there with log cabins and with people who lived off the land as naturally as their Indian neighbors. These are the people who are still there, in blood and genes if not in the flesh.

The Big Thicket was settled by people of such strength and independence of spirit that only the wilderness and the Adventures of those woods suited their dispositions. These were the warriors and hunters that could always be found on the frontiers, unwilling to slow down or to wait for the socializing influence of the masses or to be hemmed in by another group's rules and conventions. So they settled in the heart of the Thicket and hunted the buck and the bear, raised some corn and sweet potatoes and ribbon cane, and were set apart from the nervous expansion that the outside gloried in. The generations that followed were as rugged and independent as the Big Thicket itself.

Take Warren Collins, for instance, who brought his family to the Thicket from Mississippi in 1852 and became one of its legendary characters. Collins was a short, square-set, hammer-fisted sort of man who fought anything that had the gall to cross him. He had come to the Thicket because it promised independence, and he wanted no part of the political foolishness of the Civil War. Many of his clan agreed with him, and they followed him to his hideout in the canebrakes of Bad Luck Creek. All attempts to conscript the Thicket Jayhawkers failed, so in the spring of 1865 Captain James Kaiser of Galveston ringed their woods with soldiers and set fire to it. Before the flames died out, 3,000 acres had been burned and two Jayhawkers killed. The rest escaped and the maneuver was so abortive that the Jayhawkers were allowed to spend the rest of the war undisturbed. Warren Collins had made his point.

And then there was Gus Hooks, who was the fastest man in the Big Thicket. He outran contenders who came from all over the country to challenge him, and he usually finished the race running backwards. He outran horses and ran down deer. He raised bees, capturing them in the wild and running behind them and herding them like you would herd cattle. He was also famous for his moonshine and for his two houses and two wives, just around the bend in the road from each other.

Gus was of the Hardin County political faction that wanted to move the courthouse from Old Hardin to Kountze, near the railroad tracks. So when the citizens saw the Old Hardin courthouse going up in flames and a man leaving it with more than common speed, they naturally assumed that Gus was the culprit. A six-mile horse race later, the Hardin posse found Gus asleep

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in his own bed and wondering about people who would come visiting at that hour. Gus has been memorialized with a frieze in the Kountze library.

The history of the Big Thicket was made and written by characters of legendary proportions, by the Hookses and Overstreets and Brackens and Lloyds, Thicket hunters and fighters whose exploits still are discussed around campfires. The seed those old settlers planted was rich, and the stock they established is still strong. The Big Thicket is as much the spirit of these people as it is a matter of geography.

The Thicket is having its problems. People are spreading out of Houston and the coastal industrial population centers like seed ticks, and every one of them is looking for a little fresh air to breathe and a piece of ground that hasn't been paved over. Several wet years would cool their desire to live in the heart of the Thicket, but the cities' overflow will have to move out and build wherever they can get land, and the land development companies are a present threat to the Thicket.

The last time I drove up to Saratoga to see Lance Rosier—who until his death last March was the Thicket's official guide—I passed through several hundred acres of rice land that had been cleared out of the Thicket. If allotment controls were ever eased and there were a big market for rice, I am afraid that we would lose a lot more of the Thicket, because its flatness and its soils are ideal for rice farming.

I am not as worried about the lumber companies as some conservationists are. The Thicket has pretty well recovered from the indiscriminate cutting that was practiced between the 1880s and the 1930s, and lumber companies gained some wisdom when they looked back on their 50-year rape of the land. They are still guilty of destroying woods areas that never can return to their former state, but the Thicket can stand some controlled cutting and stay stick. For the past 30 years, lumber companies, timber growers, and hunting clubs have been the allies of conservationists, holding the land for its game and timber. But the lumber companies still are a threat to the purity of the Thicket, and some areas should be put beyond their reach.

How to save what we have is the present problem. The Texas state parks system has vastly improved over the past 10 years, but I haven't seen any great interest on their part in preserving the Thicket. And I'm not sure that I would like to see them get hold of it. The Thicket also seems to be 'way down on the list in its possibilities as a national park, in spite of the great work Ralph Yarborough has done. The real Big Thicket is not an ideal place for family camping and Sunday picnics, and I imagine that the parks people have noticed this.

The Big Thicket most certainly is the ideal place for the naturalist of all degrees, from Sunday afternoon bird-watcher to professional biologist, and my hope is that a very large expanse of the Thicket can be set aside as a wilderness area to be what it is naturally. I wouldn't mind seeing some trails cut, about the width of a land line, so that the less hardy naturalists could walk through it. And I wouldn't begrudge two or three camping areas being established on its outer perimeter. But I want to keep it unimproved and untouristed, as it is on the back side of Cecil's pasture, where the hand of man is but vaguely seen. Sometimes the Thicket is so still and quiet that you can hear the world breathe a sigh of relief.

THE WAR IN SOUTHEAST ASIA—A LEGAL POSITION PAPER

Mr. PACKWOOD. Mr. President, as debate continues over American involvement in Southeast Asia, it is comforting to know that we live in a free Nation, where rational men differ. A fine group of young Americans, comprising the Root-Tilden scholarship program at New York University, has developed a position paper on the war in Southeast Asia. The paper focuses on legal questions and is a first-rate, scholarly effort. I do not share all of the points expressed in the position paper. Nevertheless, I thought it would be of interest to many Senators and to other persons. Therefore, I ask unanimous consent to have printed in the Record "The War In Southeast Asia: A Legal Position Paper."

There being no objection, the position paper was ordered to be printed in the Record, as follows:

The War in Southeast Asia: A Legal Position Paper

INTRODUCTION

> We do not need less criticism in time of war, but more. It is to be hoped that the criticism will be constructive, but better unfair criticism than autocratic suppression.—Woodrow Wilson.

This document is submitted in the spirit expressed above by President Wilson. It was prepared in the hope that its presentation might help effect a change in the foreign policy of the United States in Southeast Asia. It is in a way a dissenting opinion, a rebuttal to the official justifications which have been offered for President Nixon's recent action in Cambodia and for the larger United States involvement in Vietnam. At a time when irrationality and heightened emotionalism characterize the foreign policy debate on both sides, it is imperative that reasonable men make their voices heard.

As lawyers, our primary concern in the sections which follow shall be focused on the legal questions arising out of the United States actions in Southeast Asia. Though recognizing that many non-legal factors must be involved in the determination of foreign policy, we believe that the threshold of questions must be legal in nature. This is particularly true in any society predicated on the rule of law where official actions, however wise, can be acceptable only if legally justifiable.

We recognize that any criticism of the Administration's foreign policy is always susceptible to the retort that those who criticize lack access to the numerous sources of information which the President has at his command. This argument, however, if pressed beyond its reasonable limits would totally isolate the President's policies from public debate. When accepted by members of Congress, it becomes particularly dangerous, as it inhibits the legislative branch from the unfettered exercise of its Constitutional responsibilities. As Congressman Abraham Lincoln observed about another president in another war:

> "Allow the President to invade a neighboring nation, whenever *he* shall deem it necessary to repel an invasion and you allow him to do so, *whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose." [1]

Part One: Questions Under Domestic Law

I. CHARACTERIZATION OF THE CONFLICT

The central argument of the subsections which follow is the assertion that the President may not act unilaterally to initiate or conduct a war. Indeed, Article I, Section 8 of the Constitution specifically provides that the power "to declare war" shall rest with Congress. The threshold question in this discussion must thus be whether the present Southeast Asian conflict amounts to a "war" in the constitutional sense, for if it does not its conduct may be well within the executive prerogative.

American courts have traditionally given a broad interpretation to the term "war." The Supreme Court, in the *Prize Cases,*[2] held that a state of war exists whenever a nation prosecutes its rights by force. While it is doubtful that any modern court would restrict itself to so simple a definition, it is clear that when a given conflict reaches a certain level of intensity the constitutional requirement is satisfied. In 1953, in *United States v. Bancroft,*[3] the Court of Military Appeals, in construing the term "war" as used in the Uniform Code of Military Justice, stated:

> "We believe a finding that this is a time of war . . . is compelled by the very nature of the conflict; the manner in which it is carried on; the movement to, and the presence of large numbers of American men and women on, the battlefields . . .; the casualties involved; the sacrifices required; the drafting of recruits to maintain the large number of persons in the military service . . .; and the tremendous sums being expended. . . ." [4]

Application of these criteria to the Southeast Asian conflict reveals that it qualifies as a war. Since 1965, over 2,500,000 Americans have served in Southeast Asia. Present troop strength is reported at 427,000, however such strength has in the past been as great as 543,400. Of these, 41,753 have been killed, and 275,724 wounded—more casualties than the United States suffered in World War I. The cost of the war in terms of dollars while not as saddening is indeed telling. At the beginning of 1969, the Defense Department put the cost of the war at about $28 billion per year. To this date the war has cost Americans $104.5 billion.[5] In 1968, over 50% of the nation's entire airpower was committed to military activities in Vietnam.[6] In addition, more bomb tonnage has been dropped in Southeast Asia than was dropped on America's European enemies during World War II. These facts have led at least one member of the nation's highest military tribunal to conclude that the Southeast Asian conflict is in fact a "war." [7]

II. LIMITS ON THE PRESIDENT'S POWER AS COMMANDER-IN-CHIEF

Having determined that the Southeast Asian conflict is a "war" in the constitutional sense, it follows that the President's power to initiate or conduct military activities is narrowly circumscribed. In *Youngstown Sheet & Tube Co. v. Sawyer,*[8] the Supreme Court in 1952 ruled that there are only two sources of presidential power—an express grant from the Constitution itself or a constitutionally valid act of Congress. The following paragraphs will demonstrate that the President lacks authority to conduct present military operations in Southeast Asia since the power "to declare war" is expressly entrusted to Congress and thereby removed from the presidential prerogative. Further, it will be shown that Congress has not exercised this power through a delegation to the President or otherwise.

A. President's military power under the Constitution

1. Legislative History. Article II, Section 2 of the Constitution provides that "The President shall be Commander in Chief of the Army and Navy of the United States," but the legislative history of the Commander-in-Chief clause indicates that the power so delegated to the President was quite limited in scope. The Constitution was written with the desire to avoid many of the evils of the monarchies of Europe. The framers were aware that while kings and princes made wars, it was the people who paid the price in money and their lives. Thus, by voice vote,

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Footnotes at end of article.

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the Constitutional Convention refused a proposal to give the President the power to declare war, limiting his powers instead to those of Commander-in-Chief.[9] These presidential powers were intended to be substantially less than those traditionally exercised by the English monarch. Though the king could declare war and raise and regulate armed forces, the Constitution reserved these powers in the new republic to Congress alone. The President's power as Commander-in-Chief was to amount to nothing more than the supreme command and direction of the military and naval forces as "first general and admiral of the confederacy." [10] The President was not to be vested with vast war powers which could be exercised arbitrarily and without check.

The "check" upon the President's authority was embodied in Article I, Section 8, which grants to Congress the power "to declare war." The original draft of the Constitution conferred upon Congress the power to "make" war, but several delegates objected that this terminology might lead to an interpretation that the President might himself commence a war. To render such an interpretation impossible, the draft was amended substituting the word "declare." [11]

2. Early Cases. The Supreme Court has upheld the limitations intended by the framers in the few cases that have dealt with the President's power as Commander-in-Chief. In *Little v. Barrem*,[12] the Court held that the President had exceeded his powers in ordering the Navy to seize ships coming from French ports, since Congress' consent to hostilities was limited to ships going to French ports. In *Fleming v. Page*,[13] the Court, while not expressly deciding the point, nevertheless addressed itself to the scope of the President's war-making power. "His duty," wrote the Court, "and his power are purely military. As commander-in-chief, he is authorized to direct the movements of the naval and military forces placed by law at his command. . . ." [14] In *Ex Parte Milligan*,[15] the Court held that the President's military power to establish military courts of general jurisdiction could not be exercised in areas where constitutionally established courts were in operation. In a concurring opinion, Mr. Chief Justice Chase made the following observation pertaining to the division of military powers between the executive and legislative branches:

"Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and conduct of campaigns. That power and duty belong to the President as commander-in-chief." [16]

From the statement of the Chief Justice, one can clearly infer that neither branch may interfere with powers expressly granted to the other. Thus, the President, as Commander-in-Chief, may not interfere with the powers of Congress to raise, support and govern the armed forces or to declare war.

3. History of Executive Actions. The legislative history and cases discussed above appear to support the conclusion that the President may not unilaterally initiate and conduct a war. Indeed, were it not for numerous instances of the President's unilaterally taking military action, there would be little question of his inability to do so. In 1966, however, the Department of State sought, in part, to justify American involvement in Southeast Asia by citing 125 "similar" actions in which the President had ordered troops into action or position without obtaining prior congressional authorization.[17] A closer examination of these instances, however, reveals the dangerously misleading nature of the Department's assertion.

The early history of congressional involvement in military affairs demonstrates that Congress in no sense abdicated its constitutional responsibilities. In the so-called "undeclared war" with France (1798–1800), President Adams felt the need for congressional authorization to wage what amounted to only a limited war.[18] A unanimous Supreme Court affirmed the congressional role in *Bas* v. *Tingey*,[19] where Justice Chase stated, "Congress is empowered to declare a general war, or Congress may wage a limited war; limited in place, in object, in time." [20]

When President Jefferson took action against the Tripolitan pirates in December, 1801, he instructed the Navy to protect Americans but nevertheless restrained the U.S. forces from any but defensive actions without congressional approval.[21] In December, 1801, Jefferson went to Congress requesting authority to take offensive measures, which was ultimately granted.[22]

In December, 1805, Jefferson, fearing Spain might violate the Louisiana border, asked Congress for authority to use appropriate protective force. The Congress thought it unwise, however, and demurred.[23]

Even the Monroe Administration, which in 1823 boldly announced a forceful United States foreign policy, showed deference to the constitutional authority of the Congress. Secretary of State John Quincy Adams informed the Colombian ambassador that in reference to the use of military force under the Monroe Doctrine, "by the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of the Government." [24]

While there are several instances of the President's sending U.S. forces abroad, at no time during these early years did the President wage a war, limited or otherwise, without the full consent of Congress. In the nineteenth century there were some apparent deviations from the policy of congressional participation in military affairs but in each case Congress vigorously asserted its prerogative. In May, 1846, President Polk unilaterally undertook military operations against Mexico in response to what was arguably an invasion of United States territory. On January 3, 1848, the House of Representatives declared that the war was "unnecessarily and unconstitutionally begun by the President of the United States." [25] The Congress was similarly outspoken eight years later when President Pierce authorized United States shelling of Greytown, Nicaragua.[26] At the beginning of the twentieth century the President again acknowledged congressional authority by seeking legislative authorization for military actions against Spain. [27] The pattern of the formative years of the nation's history is clear—all three branches of government recognized Congress' sole authority to initiate and conduct war.

In recent years the President has acted more independently than before in commencing military actions, but the constitutional import of these unilateral uses of force remains unclear. In the first place, of the numerous instances cited by the Department of State, it is uncertain how many qualify as "wars" in the constitutional sense. Secondly, assuming *arguendo* that a sufficient number so qualify, it is by no means clear that such exercises of executive prerogative can operate to expand the presidential powers granted by the Constitution.

The *only* conflict of this century, arguably instituted by unilateral presidential action, which rivals the present Southeast Asia situation in terms of duration, costs, and troop commitment is the Korean Conflict. The Korean "police action," which lasted for some three years, ultimately proved to be the fourth largest war in the nation's history, costing some 30,000 lives and scores of billions of dollars. [27] Moreover, some members of Congress, regarding the conflict as a "war," had grave doubts as to its constitutional propriety. Senator Robert S. Taft of Ohio, for example, stated that by sending American forces to Korea at his own discretion and without legislative authorization, the President had "usurped power and violated the Constitution and laws of the United States.[28]

Some constitutional theorists have argued that a history of unchallenged executive practices can put a "gloss" on the Constitution—i.e., that a history of congressional acquiescence in the exercise of a power by the President may create the authority for that exercise where it does not otherwise exist under the Constitution. The Supreme Court adopted this position in *United States* v. *Midwest Oil Co.*[29] The Court ruled that the long-continued practice of the President, with the tacit acquiescence of Congress, of withdrawing certain public lands that would otherwise have been open to private aquisition, operated as a grant of implied power to the President to continue such withdrawals.

As the *Midwest* Court made clear, the finding of such implied power depended on the existence of a long-continued executive practice coupled with congressional acquiescence. As previously observed, the proposition that the President acting unilaterally can take this country to "war" in the constitutional sense can be justified if at all, only on the basis of the Korean precedent, an argument which scarcely demonstrates a long-continued executive practice.

Further, the Supreme Court itself in *Youngstown Sheet & Tube Co.* v. *Sawyer* [30] has virtually abandoned the *Midwest* holding. Ruling that President Truman's seizure of a steel mill without congressional authority could not be justified by virtue of the fact that previous presidents had acted similarly, the Court observed:

"It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution 'in the Government of the United States, or any Department or Officer thereof.' " [31]

The Court's holding seems eminently reasonable, for otherwise we are left in the absurd position of affirming the proposition that the President can increase his power by means themselves unconstitutional.

Assuming that any life remains in the *Midwest* holding, neither that case nor any other Supreme Court case has ever held that an implied grant of power to the President may be found as a result of congressional acquiescence in the exercise of a presidential power expressly granted to Congress by the Constitution. Thus, it is doubtful that even the rationale of the *Midwest* case could be applied to executive exercise of Congress' war power.

4. President's Power to Repel Attack. The Government has argued, quite correctly, that the power of the President as Commander-in-Chief includes the power to engage in hostilities, without congressional authorization, in order to repel armed attack against the country. At the Constitutional Convention, the wording of the provision granting Congress the power to "make" war was changed allowing Congress to "declare" war instead. The reason for the change was, *inter alia*, to permit the President to defend against attacks on his own initiative, as Congress might be slow to meet such an emergency.[32] This exception to the exclusivity of Congress' power to declare war is, however, narrowly circumscribed.

As previously observed, in granting the power to initiate war solely to Congress, it was the framer's intention that a decision of such gravity should be made only by the

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representatives of the people. The emergency power of the President to repel attack must be construed in light of this primary intent. While it is perfectly natural that the President was granted sufficient powers to protect the nation from irreparable harm in situations where the Congress could not be convened, that power must be viewed as temporary only. This was clearly the understanding of James Madison who asserted that Congress retained most of the war power allowing the President only to repel attacks but not to commence war.[33]

Early presidential actions support Madison's interpretation. In 1801, President Jefferson, though directing the Navy to take defensive measures against Tripolitan pirates, sought and received a congressional grant of authority before authorizing offensive actions.[34] In 1805, Jefferson, fearing an attack by Spain across the Louisiana border, asked Congress for authority to use appropriate protective force. Although his request was denied the fact that Jefferson felt constrained to seek congressional authorization indicates the narrowness with which he construed his "defensive" powers.[35]

B. President's Military Powers under Congressional Authority

From the above discussion it is apparent that the President derives no authority from the Constitution unilaterally to initiate a war. Such power is vested only in Congress. The question remains, however, whether Congress may to any extent or under any circumstances delegate its exclusive military power to the Chief Executive.

In *Panama Refining Co.* v. *Ryan*,[36] the Supreme Court ruled that Congress may delegate certain of its powers to selected agents. In *Schechter Poultry Corp.* v. *United States*,[37] however, the Court ruled that any such delegation must be sufficiently specific as to the nature and scope of the powers authorized and as to the circumstances in which they may be exercised.

In the previous two sections we have discussed the general legal principles governing the relationships of the President and the Congress with respect to exercise of the war powers. Applying these principles, we now turn to an examination of the Cambodian incursion and the Vietnam war.

III. THE CAMBODIAN INCURSION

In all good faith, we can discern no possible legal justification for the President's actions in Cambodia. Many arguments have been advanced in favor of the legality of American operations in Vietnam. While we find none of these persuasive (as shall be demonstrated below), they are at least arguable. One searches the record in vain, however, for any evidence which supports the constitutionality of the President's actions in Cambodia.

The President, in his speech of April 30, 1970, offered at most one justification for unilaterally ordering the incursion into Cambodia—his power as Commander-in-Chief.[38] As discussed in previous sections, the President has no power as Commander-in-Chief to initiate or conduct a war save in the case of an armed attack. The question thus arises whether the President's actions in Cambodia were in response to an armed attack. This question and its international ramifications will be discussed more fully later in this document.[39] Suffice it to say for present purposes that since no military forces were deployed from Cambodian sanctuaries against troops of either the United States or South Vietnam in a manner to make executive action imperative without congressional consultation, the narrow constitutional requirements for unilateral presidential action were not satisfied.[40]

Since the President had no power to initiate the Cambodian operation unilaterally, his actions can be justified constitutionally only if undertaken pursuant to congressional authorization. We are unable to find such a legislative grant, nor has the Government to date suggested one. None of the legal arguments, however weak, advanced to show congressional authorization for United States presence in Vietnam can be made with regard to our involvement in Cambodia. For example, the Gulf of Tonkin Resolution[41] in its broadest interpretation cannot be stretched to authorize the present incursion. Even assuming *arguendo* that the resolution authorizes the American presence in Vietnam, section 2 seems to limit our assistance to members or protocol states of the Southeast Asia Collective Defense Treaty, a category that does not include Cambodia. Likewise, Congress has neither appropriated funds for military activities in Cambodia nor specifically authorized troop commitments there. Indeed, the evidence suggests that the only congressional consideration of possible Cambodian activities resulted in opposition to such a commitment by the Senate Foreign Relations Committee.[42]

In view of these conclusions, it is most disturbing that the President, being the officer of government expressly entrusted with the responsibility to see that the laws of the land are faithfully enforced, should so blatantly ignore his constitutional responsibilities. Such action can only serve to undermine confidence in the President and to exacerbate the growing disrespect for law throughout the country.

IV. THE VIETNAM WAR

We need not here repeat the arguments made earlier in this document establishing that the present conflict in Vietnam qualifies as a "war" in the constitutional sense.[43] Nor need we remake the arguments relative to the consequences resulting from such a characterization—viz., that the President lacks constitutional power to initiate or conduct a war without congressional authorization except in an emergency situation in response to an armed attack.[44]

Even conceding that the President's initial exercise of military power in Vietnam might have qualified as an emergency action, we have seen that the authority created under such exception expires when it is first possible to place the matter before Congress.[45] The President himself tacitly acknowledged this limitation in seeking the Gulf of Tonkin Resolution from Congress in August, 1964. It thus being impossible to justify our military actions in Vietnam under the "armed attack exception," the sole remaining question is whether Congress itself has authorized such actions in any constitutionally permissible manner.

A. Gulf of Tonkin resolution

The Executive Branch has repeatedly claimed that the Gulf of Tonkin Resolution[46] constituted congressional authorization for the extensive military operations in Vietnam. Indeed, Under Secretary of State Katzenbach went so far as to call the resolution the "functional equivalent" of a congressional declaration of war.[47] An examination of the legislative history of the resolution, however, does not support this conclusion.

Statements made on the floor of Congress and in hearings before congressional committees indicate the limited nature of legislative intent with respect to the resolution. Senator Fulbright, one of the sponsors, indicated that the purpose of the resolution was "to prevent the spread of war, rather than to spread it."[48] Further, the message from President Johnson in support of the congressional authorization stated in part, "As I have repeatedly made clear, the United States intends no rashness and seeks no wider war."[49] The Executive Branch also promised that Congress would not be ignored after enactment of the resolution. Secretary of State Rusk declared, "Therefore if the Southeast Asia situation develops . . . there will continue to be close and continuous consultation between the President and Congress."[50]

In light of all the circumstances, it is evident that members of neither house intended the resolution to allow the President to engage in an Asian land war. Senator Brewster observing, during the Senate debates, that he "would look with dismay on the landing of large armies on the continent of Asia," asked Senator Fulbright if the resolution would approve "the landing of large American armies in Vietnam or China."[51] Senator Fulbright replied. "There is nothing in the Resolution, as I read it, that contemplates it. I agree with the Senator that that is the last thing we would want to do."[52] On the House side, Representative Thomas Morgan, Chairman of the House Committee on Foreign Affairs, stated unequivocally, "The Resolution is definitely not an advance declaration of war. The committee has been assured by the Secretary of State that the constitutional power of Congress in this respect will continue to be scrupulously observed."[53]

The legislative history thus demonstrates beyond doubt that in passing the Gulf of Tonkin Resolution, Congress did not intend to declare war or to authorize the sustained large-scale hostilities which have resulted.

B. Ratification by Appropriation of Funds or by Congressional Inaction

Proponents of the Administration's position have argued that by appropriating funds to support the military in Vietnam, Congress has thereby authorized our participation in the war. This argument, however, cannot stand under close scrutiny.

Whether a Congressman agrees or disagrees with the policy of the President in Southeast Asia, he can neither morally nor politically deny weapons, shelter, and food to American soldiers facing daily attack. Congress is forced to appropriate money to keep American soldiers alive, even if their lives are endangered solely as a result of executive usurpation of Congress' power to declare war. This fact has been recognized both by those who have supported the President's policy and by those who have opposed it. Senators Richard Russell,[54] Sam Ervin,[55] Joseph Clark,[56] Peter Dominick,[57] Bourke Hickenlooper,[58] and Representative Paul Findley[59] have all recognized that Congress had no choice but to protect the lives of soldiers already in the field. In addition, before passing a Vietnam appropriations bill in March, 1966, numerous Congressmen and Senators indicated that their votes were not to be interpreted as authorizing large-scale military escalation.[60]

Ratification by appropriation is also constitutionally impermissible for another reason. In *Greene v. McElroy*,[61] the Supreme Court, in 1959, stated that where executive action is of dubious constitutionality, it is not sufficient to argue that Congress has impliedly ratified the action by appropriating money. Explicit ratification is necessary to insure: "careful and purposeful consideration by those responsible for enacting and implementing our laws. Without explicit action by lawmakers, decisions of great constitutional import and effect would be relegated by default to administrators who, under our system of government, are not endowed with authority to decide them."[62]

Thus, appropriation of funds to keep American soldiers alive constitutes neither congressional approval of the President's policy nor, even if such approval were intended, the necessary explicit ratification of the President's action required by the Constitution.[63]

The above principles apply with even greater force to the argument that ratifi-

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cation of presidential actions in Vietnam may be implied from congressional acquiescence. Since the Supreme Court has held that ratification cannot be implied from the affirmative act of appropriation, *a fortiori*, congressional inaction cannot be construed as constituting the necessary ratification. The decision of the Supreme Court in *Youngstown Sheet & Tube Co. v. Sawyer*[64] supports this conclusion. Holding that presidential seizure of a steel mill could not be justified on grounds that previous Chief Executives had taken similar actions without congressional approval, the Court concluded that the failure of Congress to disapprove the former exercises of presidential power in no way reduced Congress' "exclusive constitutional authority" in the field.

PART TWO: QUESTIONS UNDER INTERNATIONAL LAW

I. CAMBODIA

A. Collective self-defense under the United Nations Charter

1. Definition of "Armed Attack." Under international law, the legal justification for the incursion of United States forces into Cambodia was presented in a letter of May 5, 1970, from the Permanent Representative of the United States to the United Nations, Ambassador Charles Yost, to the President of the Security Council.[65] The letter states that the United States action in Cambodia was taken as a measure of "collective self-defense."[66] In essence, this same justification has been employed to explain all United States military actions in Vietnam. It forms the foundation of the March, 1966, Department of State Memorandum on the legality of United States participation in the defense of Vietnam.[67]

It is important, then, to consider the meaning of the concept of "collective self-defense" as embodied in Article 51 of the United Nations Charter.[68] Article 51 constitutes an exception to the basic Article 2(4) obligation of members of the United Nations to "refrain in their international relations from the threat or use of force." It states in part: "nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations until the Security Council has taken the measures necessary to maintain international peace and security."

Military action taken in "self-defense" which does not satisfy the Article 51 exception results in a prima facie violation of the obligations assumed under the Charter. The invocation of self-defense as the justification for the use of force depends on the satisfaction of two preconditions.[69] The threshold question is whether an "armed attack" occurred. The following argument demonstrates that no credible claim of actual, physical armed attack on allied forces in Vietnam was asserted; and that, assuming *arguendo* that the threat of an armed attack would qualify as an "armed attack" under Article 51, the military movements of North Vietnamese troops in Cambodia merely raised the possibility of an attack, a possibility so remote in time and so contingent on fortune as to fall outside the meaning of a "threat of armed attack."

President Nixon described that attack in his televised address to the Nation on April 30, 1970, as follows:

"North Vietnam in the last two weeks has stripped away all pretense of respecting the sovereignty or neutrality of Cambodia. Thousands of their soldiers are invading the country from *the sanctuaries*. They are encircling the capital of Phnom Penh. Coming from these sanctuaries as you see here, they had moved into Cambodia and are encircling the capital.

". . . [I]f the enemy effort succeeds, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier: a refuge where enemy troops could return from combat without fear of retaliation."[71]

Apparently, the attack to which the President referred was the increasingly intensive strife between Cambodian and North Vietnamese forces. The joint United States-South Vietnamese response involved an attempt to prevent a defeat of the Government in Phnom Penh. The President confirmed this view in a later portion of his speech:

"But the aid we will provide will be limited *for the purpose of enabling Cambodia to defend its neutrality* and not for the purpose of making it an active belligerent on one side or the other."[72]

Ambassador Yost's letter to the President of the Security Council refers to base areas maintained for five years by the North Vietnamese in Cambodia for purposes of conducting military operations against South Vietnam.[73] The letter identifies the developments which triggered United States action as the expansion by the North Vietnamese of the perimeters of the base areas, the expulsion of any remaining Cambodian presence in those areas, the linking of the base areas into a continuous chain along the South Vietnamese border, and the extension of the bases deeper into Cambodian territory.[74] The letter asserts that North Vietnamese forces were massing in those areas in preparation for attacks against South Vietnam.[75]

When the United Nations Charter was originally drafted an "armed attack" was generally understood as action(s) through which a state sought the initiative by the violet exercise of physical power.[76] Since then, some have argued for an expanded concept to include a military process rather than a single, hostile, offensive event.[77] The Department of State's 1966 Memorandum espoused this broadened concept. Specifically, the Memorandum argues that the concept of an "armed attack" included the processes of externally supported subversion, clandestine provision of arms, infiltration of armed personnel, and introduction of regular units of the North Vietnamese Army into South Vietnam.[78] Assuming *arguendo* that the Memorandum's much criticized[79] position is valid, Ambassador Yost's letter to the Security Council is justification of the Cambodian incursion further broadens the concept of "armed attack."

In effect, the Yost letter[80] defines an "armed attack" in two extremely expansive senses. First, it views the enlargement and extension of military staging areas as falling within the concept of an "armed attack." In light of reports from Southeast Asia and the President's address indicating that the movement of the North Vietnamese forces in Cambodia had the apparent objective of isolating or overthrowing the Government in Phnom Penh,[81] the current American military response appears designed to minimize the threat to the existence of the Cambodian Government. Certainly the use of all of Cambodia as a base of operations against Vietnam would increase the strength and flexibility of North Vietnamese operations. However, it strains both language and credulity to oonsider the enlargement of a base of operations an "armed attack." More plausibly, North Vietnamese activity in Cambodia constituted an effort to facilitate the threat of an "armed attack." This is the second sense in which the Yost letter expands the concept. For the threat foreseen is sufficiently distant in time as to render meaningless any attempt to equate the "threat of armed attack" with an "armed attack" as defined under Article 51. The following answer by President Nixon to a reporter's question at the President's press conference indicates the time at which the Administration considered the threat would materialize:

Q. On April 20, you said Vietnamization was going so well that you could pull 150,000 American troops out of Vietnam. Then you turned around only 10 days later and said that Vietnamization was so badly threatened you were sending troops into Cambodia. Would you explain this apparent contradiction to us?

A. Well, I explained it in my speech of April 20, as you will recall, because then I said that Vietnamization was going so well that we could bring 150,000 out by the spring of the next year, regardless of the progress in the Paris talks and the other criteria that I had mentioned.

But I also had warned at that time that increased enemy action in Laos, in Cambodia, as well as in Vietnam was something that we had noted and that *if I had indicated and if I found that that increased enemy action would jeopardize the remaining forces who would be in Vietnam after we had withdrawn 150,000, I would take strong action to deal with it.*

I found that the action that the enemy had taken in Cambodia would leave the 240,000 Americans who would be there a year from now without many combat troops to help defend them would leave them in an untenable position. That's why I had to act.[82]

Apparently, the United States crossed an international boundary and employed armed force in response to a threat which, by its own admission, would not materialize for at least one year. Attempting to justify preemptive actions exclusively in terms of an incipient threat does violence to the clear meaning of Article 51. Furthermore, such an overly broad definition of what constitutes an armed attack eliminates the distinction between the concepts of armed attack and self-defense. A defensive measure taken in anticipation of an attack can be interpreted by the country or force under attack as an armed attack necessitating self-defense measures.[83] To define self-defense in such a way as to legally entitle the aggressor to in turn respond in self-defense is to destroy the legal justification for self-defense embodied in the United Nations Charter.[84]

Quite clearly, the concept of "armed attack" cannot be woodenly or mechanically applied. An armed attack is properly differentiated from other forms of hostile behavior. Safeguards designed to deal with both types of unauthorized intervention have been incorporated in various treaty instruments. For example, the distinction exists in the Charter of the Organization of American States,[85] which, in Article 25, differentiates unequivocably between an armed attack and other forms of aggression. The distinction is also found in Articles 3 and 6 of the Inter-American Treaty of Reciprocal Assistance of 1947,[86] in the North-Atlantic Treaty of 1949,[87] in the Warsaw Treaty of 1955[88] and in the United States-Japanese Treaty of Mutual Cooperation and Security of 1960.[89] All these treaties refer only to "armed attack" while specifically noting Article 51 of the United Nations Charter. Interestingly, Article 2 of the Southeast Asia Collective Defense Treaty[90] (SEATO) also carefully distinguishes between armed attack and subversive activity directed from without; Article 4(1) of the SEATO Treaty covers "aggression by means of armed attack"; while Article 4(2) covers threats "in any way *other* than by armed attack" or "by any *other* fact or situation which might endanger the peace of the area." This distinction has been propounded consistently in treaty instruments drafted after the United Nations Charter, to many of which the United States is a party. Consequently, it would appear that Article 51 has

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always been understood to embody a narrow construction of "armed attack."[91] The position taken by the President, as justified in the Yost letter, conflicts with that construction.

The latent threat of hostile action launched from a neighboring state has not traditionally justified resort to armed force in preemptive self-defense.[92] Two examples sufficiently illustrate the point.

The "Caroline," an American vessel used for supplies and communication in a Canadian insurrection, was boarded in an American port at midnight by an armed group acting under the orders of a British officer. The boarding party set the vessel afire and let it drift over Niagara Falls. The U.S. protest resulted ultimately in an apology by Lord Ashburton, the British Special Commissioner to the United States. In a note of reply of August 6, 1842, Secretary of State Webster stated:

"[R]espect for the inviolable character of the territory of independent states is the most essential foundation of civilization. . . . Undoubtedly it is just, that, while it is admitted that exceptions growing out of the great law of self-defense do exist, those exceptions should be confined to cases in which the 'necessity of that self-defense is instant, overwhelming, and leaving no choice of means and no moment for deliberation'."[93]

More recently, in the Nurnberg trial of War Criminals, the court dealt with the defense, "that Germany was compelled to attack Norway to forestall an allied invasion, and her action was therefore preventive." The Tribunal said:

"It must be remembered that preventive action in foreign territory is justified only in case of 'an instant and overwhelming necessity for self-defense, leaving no choice of means and no moment of deliberation.' . . . From all this [evidence as to German belief regarding an allied attack on Norway] it is clear that when the plans for an attack on Norway were being made they were not made for the purpose of forestalling an imminent allied landing, but, at the most, that they might prevent an allied occupation at some future date. . . . In the light of all the available evidence it is impossible to accept the contention that the invasions of Denmark and Norway were defensive and in the opinion of the Tribunal they were acts of aggressive war."[94]

Furthermore, the assertion of a claim of collective self-defense is primarily the right of the victim state, and not of the would-be protector.[95] Collective self-defense involves the right of a nation to request assistance in its defense. It differs fundamentally from any contention that third party nations have a discretionary right to intervene by force in conflicts between other countries.[96] Assuming *arguendo* that the North Vietnamese launched some sort of "armed attack," either in the traditional sense or in the loose, expansive sense articulated in the Yost letter, the question of determining the victim of such an attack remains. The North Vietnamese activity which, according to the United States argument, constituted an "armed attack" involved the enlarging of staging and supply areas within Cambodia, troop movement in the direction of Phnom Penh but within Cambodia, and the possibility of an eventual threat by North Vietnamese forces within Cambodia to remaining United States units in South Vietnam.[97] On these facts, it is clear that the asserted depredations of North Vietnamese main force units were directed against Cambodia. If a victim need be found, (and for purposes of properly invoking the justification of self-defense under the United Nations Charter a victim must exist),[98] it is the Cambodian Government of Premier Lon Nol.

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On these facts, the only state which could have claimed to be acting in self-defense was Cambodia. There is no indication however, that Cambodia asserted a claim of self-defense. Even if Cambodia had asserted a claim of self-defense, the United States, under the concept of self-defense embodied in the United Nations Charter, could not legally have joined in an action of collective self-defense. For, under the Charter, the right of self-defense does not extend to a state which seeks to associate itself in the defense of a state acting in self-defense.[99] However, the United States did not invoke the doctrine of collective self-defense in conjunction with South Vietnam,[100] which was not in this instance a victim of any "armed attack," the tenuous justifications in the Yost letter notwithstanding.

2. Proportionality. The second precondition necessary for the justification of the use of armed force in self-defense under Article 51 is that the response must be proportionate to the attack.[101] A disproportionate response to a situation which validly requires self-defense will transform an otherwise justifiable exercise of the right of self-defense into an act of aggression.[102] The application of this standard to the allied thrusts into Cambodia reflects the basic flaw in labelling North Vietnamese activities in Cambodia an armed attack on Vietnam or allied forces therein. The only military operations against which the proportionality of the allied incursion can be measured are the expansion of the Cambodian sanctuaries and the concurrent attacks on Cambodian forces by North Vietnamese troops. Such measurements would be difficult to make as they turn on factual determinations not readily available. But the standard of proportionality cannot be applied in this case as the nations using armed force under the right of collective self-defense were not the objects of an armed attack.

Ambassador Yost's letter states that "North Vietnam has stepped up guerrilla actions into South Vietnam and is concentrating its main forces in these base areas in preparation for further massive attacks into South Vietnam."[103] This factual assertion is not reflected in President Nixon's address of April 30 or subsequent press conference of May 9. The President indicated that he was responding to the threat which would exist to United States forces following another withdrawal of 150,000 men should North Vietnamese forces succeed in consolidating their position in Cambodia through the overthrow of the Government of Premier Lon Nol or by a severe limitation of its power.[104] Without dwelling on this rather crucial discrepancy, one cannot seriously say that the incursion into Cambodia of at least 50,000 allied troops on six fronts with accompanying air support,[105] a flotilla of 140 gunboats[106] and a one-hundred mile allied blockade of the Cambodian coastline,[107] was a proportionate response of self-defense to "stepped up guerrilla actions,"[108] the only alleged new military action emanating from Cambodia against South Vietnam.

B. The neutrality of Cambodia

As President Nixon affirmed in his address of April 30, the United States acknowledged Cambodian neutrality.[109] Respect for that neutrality was assured by a diplomatic note during the Johnson administration[110] and was reiterated on numerous occasions by repeated demands that North Vietnam respect the neutrality and territorial integrity of Cambodia.[111]

Generally, a neutral state must remain impartial while the belligerent state must respect the neutral's impartiality.[112] The belligerent must also respect the territorial integrity of the neutral state. On the other hand, the neutral state is obligated to prevent the use of its territory for the launching of attacks by one belligerent upon another.[113] While a state may disregard violations of its territorial integrity, a neutral state has the duty to protest such violations, because failure to do so would offend its duty to maintain impartiality.[114] However, the breach of neutrality by either a belligerent state or a neutral state does not terminate neutral status.[115] Only a declaration of war or hostilities amounting to acts of war by one of the parties will have that effect.[116]

The Administration argues that North Vietnamese forces have violated the territorial integrity of Cambodia and that they have utilized Cambodia as a base for military operations against South Vietnam.[117] Certainly, these actions constitute a breach by North Vietnam of Cambodian neutrality. But they do not terminate Cambodia's neutral status. Indeed, it has been the announced policy of the Cambodian government, albeit unsuccessful, to keep its territory free of armed Viet Cong troops.[118] Hence under traditional principles of international law, the movement of American forces into Cambodia is itself a violation of that state's neutrality unless some further justification can be shown.

The argument that Cambodia ratified the American action after it had taken place is not persuasive. In fact, two members of the Cambodian government made an initial protest.[119] Clearly, the joint U.S.-South Vietnamese incursion constituted a fundamental breach of Cambodian neutrality which could not later be rectified by acquiescence, particularly since the Cambodian government had little choice but to acquiesce. Nor does the argument that the areas subjected to invasion were no longer under the effective political control of Cambodia justify the incursion. The political and military realities do not diminish in law the rights of the Government of Cambodia with respect to the maintenance of its territorial integrity and neutrality. Otherwise, one might argue that South Vietnam could claim no rights over Viet Cong-held portions of its own territory. The argument that, under general principles of international law and particularly neutrality, Cambodia's failure to repel the North Vietnamese presence justified the allied incursions into a neutral country must fail in view of the treaty obligation, under Article 33(1) of the United Nations Charter, to *first of all* seek a solution of disputes, other than an armed attack, by peaceful means.

C. Rights and obligations under SEATO

The Administration did not attempt to justify its policy under the Southeast Asia Collective Defense Treaty (SEATO). The reluctance to invoke the SEATO commitment is understandable since a colorable case for the Cambodian incursion under the SEATO Treaty cannot be made.

At the outset, the SEATO Treaty obligates the signatories to uphold the United Nations Charter.[120] As demonstrated above, United States actions in Cambodia are violative of that document, and therefore violative of the SEATO Treaty as well. I pursued further, the inquiry discloses other damaging discrepancies. First, the treaty speaks of meeting "the common danger in accordance with its [each country's] constitutional processes."[121] Thus, any action taken in violation of such constitutional processes, as argued in the discussion of the constitutional issues above, is *per se* invalid under the treaty. Secondly, the SEATO Treaty creates certain obligations in the event a party is the victim of an "armed attack." In Articles 4(1) and 4(2), the treaty carefully establishes a distinction between an "armed attack" and "subversive activities directed from outside." As pointed out above, the thesis that an "armed attack," to which the United States could legally respond, occurred, cannot be sustained. The late Secretary of State John Foster Dulles himself cau-

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tioned that the treaty language would not support the contention that "any country which feels it is being threatened by subversive activities in another country is free to use armed force against that country."[122] The SEATO Treaty expressly requires, moreover, that the parties consult before taking any action to meet the common danger posed by such outside subversion.[123] The United States made no effort to consult with the SEATO allies prior to taking action in Cambodia. More important, the failure to obtain Cambodian consent or act in response to a Cambodian invitation resulted in a direct, unequivocal violation of Article 4(3), Cambodia having been designated a state within the scope of Article 4 by the September 1954 Protocol to the SEATO Treaty.[124] The Cambodian incursion, demonstratably violative of the SEATO Treaty, could hardly have been justified under it.

D. The position taken by the United States in analogous situations

The action taken by the United States in Cambodia is inconsistent with the position propounded by the United States in the past. When confronted with similar types of action initiated by other states, United States spokesmen in the United Nations have consistently condemned unilateral attacks directed across national borders in pursuit of foreign troops using foreign soil as sanctuaries.

1. Tunisia, 1957. For example, in 1957, French forces operating in Algeria attacked Sakiet-Sidi-Youssef in Tunisia, then being used as a sanctuary and staging area by Algerian revolutionary forces. The United States publicly expressed concern about the incident and the Department of State summoned the French Ambassador to explain the French action.[125] The official French explanation markedly parallels the stated U.S. objective in Cambodia, to destroy enemy sanctuaries, staging and supply bases used by guerrilla forces for raids into Algeria.

2. Yemen, 1964. In 1964 Ambassador Stevenson, speaking in the Security Council, condemned a British bombing attack on Habir in Yemen which was undertaken in response to Yemeni attacks against the British Protectorate of Aden.[126]

3. Middle East. During the course of the ongoing conflict in the Middle East, the United States has repeatedly expressed, in the United Nations and in other forums, negative reactions ranging from concern to condemnation of Israeli attacks upon Arab guerrilla sanctuaries in other Arab countries.[127] The Israeli raids were designed to accomplish the dual objectives of reprisal and destruction of guerrilla sanctuaries and staging bases.

The American incursion into Cambodia hardly lends credence to the aforementioned expressions of dismay, much less to any future United States attempts to limit the use of armed force as an instrument of national policy throughout the world. The Cambodian affair invites cynicism toward subsequent United States efforts to encourage respect for law in the conduct of international affairs.

While patently illegal in themselves, the allied incursions into Cambodia also compound to the prolonged violation of international law by the massive military presence of the United States in Vietnam.

II. VIETNAM

A. Collective self-defense under the United Nations Charter

The Department of State Memorandum[128] justified United States action in Vietnam as collective self-defense in response to an "armed attack;" as noted above, the concept of "armed attack" should be construed narrowly to restrict the right of self-defense to instances "when the necessity for action" is "instant, overwhelming and leaves no choice of means, and no moment for deliberations."[129]

But the Memorandum's description of the "armed attack" fails to meet the standard embodied in Article 51 of the United Nations Charter. Long-smoldering conditions of unrest, subversion and infiltration described in the Memorandum, continued over a period of ten years in South Vietnam. Under Article 33(1) of the Charter, the United States was required to "*first of all*, seek a solution by negotiation, inquiry . . . or other peaceful means of their own choice." Equally telling is the Mansfield Report which indicates that prior to 1965, infiltration from North Vietnam "was confined primarily to political leaders and military leadership," though, by 1962, "United States Military Advisors and service forces in South Vietnam totaled approximately 10,000 men."[130] Apparently, Department of Defense figures indicate that there were only 400 North Vietnamese troops in South Vietnam in March, 1965.[131] Large numbers of North Vienamese troops infiltrated into South Vietnam only after the United States intervened in 1965 to prevent the collapse of the Saigon government:

"U.S. combat troops in strength arrive at that point in response to the appeal of the Saigon authorities. The Vietcong counterresponse was to increase their military activity with forces strengthened by intensified local recruitment and infiltration of regular North Vietnamese troops. With the change in the composition of opposing forces, the character of the war also changed sharply."[132]

Because the sequence of events in South Vietnam cannot be construed to be an "armed attack" under the criteria outlined above, the United States could not rely on collective self-defense to justify its position.

B. The Geneva Accords of 1954

1. Election Provisions. In justifying South Vietnam's refusal to implement the election provision of the 1954 Geneva Accords, the Department of State's Memorandum states that:

"The South Vietnamese Government's failure to engage in consultations in 1955, with a view to holding elections in 1956, involved no breach of obligation. The conditions in North Vietnam during that period were such as to make impossible any free and meaningful expression of popular will."[133]

But the alleged repression of the popular will in either North or South Vietnam could not, under the Accords, entitle either regime to refuse to plan and consult about the elections for unification. Between July 1955 and July 1956, the two regimes were obligated to consult in order to determine the framework for the elections; South Vietnam would have been free to demand whatever safeguards it considered necessary for proper elections.[134]

To the extent that the United States encouraged the Saigon government to avoid consultation, it breached its duty under Article 27 of the Cease-fire Agreement, as a "successor" to France, to ensure the observance of its provisions. The United States status as a "successor" to France under the Agreement derived from the Department of State Memorandum's claim that Articles 16 and 17 justified the introduction of United States military personnel, arms and equipment into South Vietnam. The United States could claim the protection of Articles 16 and 17 only as a "successor" to the rights and obligations of the French.

2. Articles 16 and 17. The Memorandum also contends that intensified communist aggression in late 1961 justified a substantial increase in the number of military personnel and types of equipment introduced into South Vietnam. But the International Control Commission (ICC), in a Special Report prepared by the Indian-Canadian majority, specifically rejected the claim that increased aid was permissible for South Vietnamese self-defense. The Report referred to the "Geneva Agreement . . . and the obligations resulting therefrom," and added that:

"The Commission concludes that the Republic of Vietnam has violated Articles 16 and 17 of the Geneva Agreement in receiving the increased military aid . . . [and that] the establishment of a U.S. Military Assistance Advisory Command in South Vietnam, as well as the introduction of a large number of U.S. military personnel . . . amounts to a factual military alliance, which is prohibited under Art. 19 of the Geneva Agreement."[135]

C. Reprisals of 1965

The guerrilla attacks on Pleiku on February 7, 1965, marked the beginning of active United States war actions in South Vietnam and the extension of these actions to North Vietnam. However, no attempt was made to describe such war actions as collective self-defense. They were officially explained as reprisals. Terming the attacks near Pleiku, in which 7 Americans were killed and 109 wounded, provocations, President Johnson announced that ". . . retaliatory [air] attacks against barracks and staging areas . . . in North Vietnam [were] today [launched] in response to [these] provocations ordered and directed by the Hanoi regime."[136]

Reprisals involving the use of armed force violate the United Nations Charter. The Security Council condemnation of British raids against Yemen in April 1964, in reprisal for Yemeni attacks against the British Protectorate of Aden, generally illustrates the U.N. position. Moreover, Ambassador Adlai Stevenson emphasized at the time United States disapproval of "retaliatory raids, wherever they occur and by whoever they are committed."[137]

Under the Charter, the U.S. reprisals were also illegal in two other respects. First, they were not directed against insurgent forces in South Vietnam which staged the attack on Pleiku, but against North Vietnam. Second, massive bombing raids were totally disproportionate to the original attacks which they were supposedly responded. The air raids vastly exceeded the force or destruction of the attacks near Pleiku and resulted in the escalation of the previous conflict into a war against North Vietnam.

Finally the ICC rejected the arguments promulgated in justification of the American reprisals. On February 13, 1965, an ICC Special Report written by the Indian-Polish majority advised the Co-Chairmen of the Geneva Conference that U.S. military actions against the North on February 7 and February 8, 1965, "indicated violations of the Geneva Agreement."[138]

D. Duties and Rights under SEATO

SEATO provisions do not allow, much less obligate, the United States to commit thousands of troops to South Vietnam. First, under Articles 1 and 6 of SEATO, any action in violation of the United Nations Charter cannot be justified under SEATO since those articles pledge the signatories' respect and support for the Charter.

Although the Department of State's Memorandum speaks of the "obligation . . . to meet the common danger in the event of armed aggression" under Article 4(1), the precise wording of the treaty language in Article 4(1) is "aggression by means of armed attack." As already discussed, North Vietnamese activities in South Vietnam cannot be construed as an "armed attack" under Article 51 of the United Nations Charter. That the activities did not constitute an "armed attack" under SEATO is apparent from Article 2:

"In order more effectively to achieve the objectives of this Treaty, the Parties separately and jointly by means of continuous

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Footnotes at end of article.

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and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist *armed attack* and to prevent any *counter subversive activities directed from without against their territorial integrity and political stability.*" [Emphasis added.]

Thus, under Article 4(2), unless an armed attack has occurred, the Parties must "consult immediately in order to agree on the measures which should be taken for the common defense." The Communique of the SEATO meeting, dated April 15, 1964, did not indicate a finding of an "armed attack" against South Vietnam, and merely reaffirmed that members of SEATO should remain prepared to take further steps in fulfillment of their obligations under the treaty.[139] The United States never obtained collective consent from SEATO members for its combat actions in Vietnam: thus, the United States acted and continues to act in violation of SEATO's prohibition of unilateral military action except in case of an "armed attack." Obviously, this violation affects the legal position of the United States. It also undermines the argument that the United States must act in Vietnam to maintain its credibility as a nation which fulfills its treaty obligations since the continued United States presence in Vietnam results in the violation of its treaty obligations under SEATO and the United Nations Charter.

Assuming, *arguendo,* that SEATO had approved United States military operations in Vietnam, such action would still have to be authorized by the Security Council under Article 53 of the U.N. Charter as an enforcement action by a regional arrangement.

E. Article 33(1) of the United Nations Charter

Article 33(1) imposes a duty on "parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security," first of all to seek a solution by peaceful means of their own choice. Yet the United States did not seek a solution to the growing conflict in Indochina through the world body prior to using armed force. At least by 1954, the United States had given aid to South Vietnam and had operated a Military Assistance Command there since February, 1962. The United States has alleged that infiltration of troops from the North to the South has continued since at least 1959.[140] Nevertheless, the United States did not submit the question of the Vietnam dispute to the Security Council until January 31, 1966,[141] approximately one year after the commencement of the bombing of the North. And the first American report to the Council was submitted only in 1964.[142]

Potential means for a peaceful settlement included General de Gaulle's proposal in 1963 of a neutral Vietnam,[143] a subsequent French call in 1964 to reconvene the Geneva Conference on Laos,[144] and a suggestion by Secretary-General U Thant in 1964 that a secret meeting between representatives of North Vietnam and the United States be arranged in Burma.[145] The United States rejected each of these alternatives over the three year intervening period between General Maxwell Taylor's Report of November, 1961 (which dealt with the possible contingency of taking defensive measures directly against the North),[146] and the initiation of the bombing raids in 1965. During that period, the United States must have anticipated or contemplated the increased use of armed force against North Vietnam. The failure to resort to the United Nations is therefore inexplicable.

III. THE PROSPECT OF CONTINUING ARMED CONFLICT

A fundamental violation of the United Nations Charter is particularly grievous when committed by such an immensely powerful and influential supporter of the United Nations as the United States. But, should the United States succeed in legitimizing its position by claiming that measures of self-defense were justified in response to questionably documented "armed attacks," the damage to the United Nations would be irreparable. The acceptance of a broad definition of "armed attack" would render virtually meaningless those provisions of the United Nations Charter which provide machinery for anticipatory conflict resolution. Conditions favorable to justice and respect for the obligations arising from treaties and other sources of international law could not be maintained. The determination stated in the Preamble, "to save succeeding generations from the scourge of war" would become an empty hope.

CONCLUSION

The United States today faces a grave crisis. Never before in our history has the nation been so fundamentally divided over issues of foreign policy. More important, growing numbers of our citizens believe themselves frustrated in all efforts to change the course of policies they regard as unwise or immoral. The situation, if allowed to worsen, could have grave consequences for the future viability of our democracy.

The debate over the nation's course in Southeast Asia reflects more than a mere disagreement with foreign policy. It indicates a dangerous shift in the balance of power within our constitutional system. It is thus imperative, as never before, that the Congress vigorously reassert its responsibilities as the only branch of government constitutionally empowered to decide issues of war and peace. It is incumbent upon each member of Congress, whether he opposes or defends the present policy in Southeast Asia, to consider seriously the consequences of congressional inaction.

We have witnessed in the atomic age a continual exacerbation of the tensions which tend to divide the world community. When coupled with the exponential increase in the magnitude of man's destructive capabilities, this process invites disaster. Therefore, actions by the world's most powerful nation which either violate or ignore the basic tenets of international law, as embodied in the United Nations Charter, constitute culpable irresponsibility. We are painfully aware that in this regard the United States does not stand alone. But historically, the United States has represented itself as a moral force in the world and has repeatedly affirmed its faith in the rule of law. Quite simply, United States actions should conform to that rhetoric. Respect for the United Nations Charter and use of machinery for conflict resolution which exists under it must comprise the keystone of American foreign policy. Ultimately, our security in the world depends as much upon the foregoing considerations as upon the wise exercise of armed power.

FOOTNOTES

[1] E. Corwin, The President: Office and Powers 451 (1964).

[2] 67 U.S. (2 Black) 635 (1863).

[3] 3 U.S.C.M.A. 3, 11 C.M.R. 3 (1953).

[4] Id. at 5.

[5] These figures were supplied by the Department of Defense in a telephone conversation of May 11, 1970.

[6] 114 Cong. Rec. 6490 (daily ed.) (remarks of Senator Young).

[7] United States v. Anderson, 17 U.S.C.M.A. 588, 594 38 C.M.R. 386 (1968) (Ferguson, J., concurring).

[8] 343 U.S. 579 (1952).

[9] J. Madison, Debates in the Federal Convention of 1787, 418–19 (G. Hunt & J. Scott eds. 1920).

[10] The Federalist No. 69 (A. Hamilton).

[11] 2 J. Madison, Journal of the Federal Convention 548 (Scott ed. 1893); 2 M. Farrand, The Records of the Federal Convention, 313, 318–19 (1911).

[12] 6 U.S. (2 Cranch) 170 (1804).

[13] 50 U.S. (9 How.) 602 (1850).

[14] Id. at 614.

[15] 71 U.S. (4 Wall.) 2 (1866).

[16] Id. at 139.

[17] Department of State, Office of the Legal Adviser, Legality of the United States Participation in the Defense of Vietnam, 75 Yale L.J. 1085, 1101 (1966).

[18] M. Pusey, The Way We Go to War 92 (1969).

[19] 4 U.S. (4 Dall.) 36 (1800).

[20] Id. at 43.

[21] 1 T. Jefferson, A compilation of the Messages and Papers of the Presidents 327 (J. Richardson ed. 1896).

[22] Id.

[23] Id. at 389–90.

[24] The Record of American Diplomacy 185 (R. Bartlett ed. 156).

[25] E. McCormac, James K. Polk—A Political Biography 530 (1922).

[26] W. Wormuth, The Vietnam War: The President Versus the Constitution 24 (1968).

[27] A. Kelly & W. Harbison, The American Constitution 858 (3d ed. 1963).

[28] Id.

[29] 236 U.S. 459 (1915).

[30] 343 U.S. 579 (1952).

[31] Id. at 588–89.

[32] See note 11 supra.

[33] J. Madison, supra note 9, at 418–19.

[34] See note 21 supra.

[35] See note 23 supra.

[36] 293 U.S. 388 (1935).

[37] 295 U.S. 495 (1935).

[38] Address by President Nixon, April 30, 1970, reprinted in N.Y. Times, May 1 1970, at 2, col. 1.

[39] See Part II infra.

[40] See text accompanying notes 32–35 supra.

[41] 78 Stat. 384 (1964).

[42] See N.Y. Times, April 28, 1970, at 1, col. 8. It is also appropriate to note that on June 25, 1969, the Senate by a vote of 70–16 passed the so-called "National Commitments Resolution." S. Res. 85, 91st Cong., 1st Sess. (1969). The Resolution was generally hailed as a congressional attempt to reassert its voice in decisions commiting United States forces for use in foreign territories. It provided: Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it *Resolved,* That it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.

[43] See Section I of this Part supra.

[44] See Section II of this Part supra.

[45] See Section II(A)(4) of this Part supra.

[46] 78 Stat. 384 (1964).

[47] Statement of Nicholas D. Katzenbach, Senate Comm. on Foreign Relations, U.S. Commitments to Foreign Powers, S. Rep. No. 797, 90th Cong., 1st Sess. 82 (1967) [hereafter Nat'l Commitments Hearing].

[48] 110 Cong. Rec. 18,462 (remarks of Senator Fulbright).

[49] 110 Cong. Rec. 18,132 (1964) (Message from the President of the United States).

[50] Statement of Secretary of State Dean Rusk, Joint Comm. on Foreign Relations and the Senate Comm. on Armed Services, 88th Cong., 2d Sess. 4 (1964).

[51] 110 Cong. Rec. 18,403 (1964) (remarks of Senator Brewster).

[52] Id. (remarks of Senator Fulbright).

[53] 100 Cong. Rec. 18,539 (1964) (remarks of Representative Morgan).

[54] 112 Cong. Rec. 4370, 4372 (1966).

[55] Nat'l Commitments Hearing, supra note 47, at 219–20.

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[56] 112 Cong. Rec. 4382 (1966).

[57] Nat'l Commitments Hearing, supra note 47, at 246.

[58] Id. at 219, 248.

[59] Id. at 235

[60] N.Y. Times, Mar. 1, 1966, at 1, col. 7.

[61] 360 U.S. 474 (1959).

[62] Id. at 507.

[63] See notes 36 and 37 supra and accompanying text.

[64] 343 U.S. 579 (1952). See text accompanying note 30 and 31 supra.

[65] U.N. Doc. S/9781 (1970) [hereafter Yost Letter].

[66] Id. at 1.

[67] Dep't State (Legal Adviser), The Legality of the United States Participation in the Defense of Viet-Nam, Mr. 4, 1966, 54 Dep't State Bull. 474 (1966), 112 Cong. Rec. (1966), 60 Am. J. Int'l L. 565 (1966) [hereafter Memorandum].

[68] U.N. Charter art. 51.

[69] Falk, International Law and the United States Role in the Viet Nam War, 75 Yale L.J. 1122, 1135–36, 1143 (1966).

[70] Id. at 1135–36.

[71] N.Y. Times, May 1, 1970, at 2 col. 2 (city ed.) (emphasis added).

[72] Id. at col. 3 (emphasis added).

[73] Yost Letter, supra not 65, at 1.

[74] Id.

[75] Id.

[76] Alford, The Legality of American Military Involvement in Viet Nam: A Broader Perspective, 75 Yale L.J. 1109, 114 (1966).

[77] Id. at 1113.

[78] Memorandum, supra note 67.

[79] See Falk, supra note 69, at 1123, n. 6, Wright, Legal aspects of the Viet Nam Situation, 60 Am. J. Int'l L. 750, 765–67 (1966).

[80] Yost Letter, supra note 65.

[81] N.Y. Times, supra note 71.

[82] N.Y. Times, May 9, 1970, at 8, col. 1 (city ed.) (emphasis added).

[83] Falk, supra note 69, at 1136.

[84] For the legal justification of the right of self-defense in the U.N. Charter see L. Goodrich, E. Hambro and A. Simons, Charter of the United Nations 344–48 (1969).

[85] Apr. 30, 1948, [1951] 2 U.S.T. 2394, T.I.A.S. No. 2361, 119 U.N.T.S. 3 (effective Dec. 3, 1951).

[86] Sept. 2, 1947, 62 Stat. 1681 (1948), T.I.A.S. No. 1838, 21 U.N.T.S. 77 (effective Dec. 3, 1948).

[87] Apr. 4, 1949, 63 Stat. 2241 (1949), T.I.A.S. No. 1964, 34 U.N.T.S. 243 (effective Aug. 24, 1949).

[88] 219 U.N.T.S. 3 (effective Oct. 10, 1955).

[89] Jan. 19, 1960, [1960] 11 U.S.T. 1632, T.I.A.S. No. 4509, 372 U.N.T.S. 267 (effective Aug. 12, 1960).

[90] Sept. 8, 1954, [1955] 6 U.S.T. 81, T.I.A.S. No. 3170, 209 U.N.T.S. 28 (effective Feb. 19, 1955).

[91] Lawyers Comm. on American Policy Towards Viet Nam, Vietnam and International Law 27 (1967) [hereafter Lawyers Comm.]

[92] Id.

[93] 2 Moore, International Law § 217 (1906).

[94] Quoted in Bishop, International Law 778–79 (1962).

[95] D. Bowett, Self Defense in International Law 216–18 (1958).

[96] Lawyers Comm., supra note 91, at 33.

[97] Yost Letter, supra note 65, and N.Y. Times, supra note 71.

[98] U.N. Charter art 51.

[99] Lawyers Comm., supra note 65, at 33.

[100] Yost Letter, supra note 65, at 1.

[101] Falk, supra note 69, at 1143.

[102] Because Art. 51 is an exception to the general rule that the use of armed force without prior consultation with the United Nations is illegitimate, any use of armed force which does not fall within this exception is aggressive.

[103] Yost Letter, supra note 65, at 1.

[104] N.Y. Times, supra note 71, at 2, col. 3.

[105] N.Y. Times, May 10, 1970, § 4, at 3, col. 1 (city ed.).

[106] N.Y. Times, May 12, 1970, at 1, col. 2 (city ed.).

[107] N.Y. Times, May 13, 1970, at 1, col. 4 (city ed.).

[108] Yost Letter, supra note 65, at 1.

[109] N.Y. Times, supra note 71, at 2, col. 1.

[110] United States Note to the Kingdom of Cambodia, Dec. 4, 1967, 58 Dep't State Bull. 124 (1968).

[111] The most recent United States affirmation of Cambodian neutrality was made in an address entitled "Two Aspects of the Search for Peace" by Secretary of State William P. Rogers before the Cornell Alumni Ass'n on Apr. 18, 1970, in New York City. Dep't State Publication 8525, Gen'l Foreign Policy Ser. 243, May, 1970.

[112] 2 L. Oppenheim, International Law 673–74 (7th ed. H. Lauterpacht 1948).

[113] Id. at 704.

[114] Id. at 675.

[115] Id. at 752.

[116] Id. at 753.

[117] Yost Letter, supra note 65, at 1.

[118] N.Y. Times, Dec. 28, 1967, at 17, col. 4.

[119] Cf. statement of Foreign Minister, Yem Sambour Time, May 11, 1970, at 13 col. 3, statement of Information Minister, Trinh Hoanh, N.Y. Times, May 2, 1970, at 4, col. 4.

[120] Southeast Asia Collective Defense Treaty, supra note 90, art. 1.

[121] Id. at Art. 4(1).

[122] Statement of Secretary of State John Foster Dulles, Hearings Before the Senate Comm. of Foreign Relations on the President's Proposal on the Middle East. 81st Cong., 1st Sess., pt. I, at 28 (1957).

[123] Southeast Asia Collective Defense Treaty, supra note 90, Art. 4(2).

[124] Protocol to the Southeast Asia Collective Defense Treaty, Sept. 8, 1954, 1955 6 U.S.T. 87, T.I.S. 36 (effective Feb. 19, 1955).

[125] 38 Dep't State Bull. 333 (1958).

[126] 19 U.N. SCOR 1108th meeting 67 (1964).

[127] 58 Dep't State Bull. 509 (1968), U.N. Doc. S/RES/248 (1968), 60 Dep't State Bull, 340 (1969), 62 Dep't State Bull. 226 (1970).

[128] Memorandum, supra note 67, at 5274–79.

[129] 2 Moore, supra note 93.

[130] The Vietnam Conflict: The Substance and the Shadow, Report Submitted to the Senate Comm. on Foreign Relations, Jan. 6, 1966, 2.

[131] Schlesinger, Vietnam and the 1968 Elections, at 113 Cong. Rec. S 14454 (daily ed. Oct. 9, 1967).

[132] The Vietnam Conflict: The Substance and the Shadow, Report Submitted to the Senate Comm. on Foreign Relations, Jan. 6, 1966, 1.

[133] Memorandum, supra note 67.

[134] Final Declaration of the Geneva Conference, July 21, 1954, para. 7, Senate Comm. on Foreign Relations, Background Information Relating to Southeast Asia and Vietnam, 89th Cong., 1st Sess., at 58 (1965).

[135] Special Report, June 2, 1962, para. 20, Hearings on Supplemental Foreign Assistance, Fiscal Year 1966—Vietnam Before the Senate Comm. on Foreign Relations, 89th Cong., 2d Sess., at 740 (1966) [hereafter 1966 Hearings].

[136] Cmd. 2756, Viet Nam No. 3, at 10 (R. Falk ed. 1965).

[137] 19 U.N. SCOR 1108th meeting 67 (1964).

[138] 1966 Hearings, supra note 134, at 742.

[139] 50 Dep't State Bull. 692 (1964).

[140] Memorandum, supra note 67.

[141] Senate Comm. on Foreign Relations, Background Information Relating to Southeast Asia and Vietnam, 89th Cong., 2d Sess., at 271–73 (1965).

[142] Id. at 132–35.

[143] Id. at 14.

[144] Id. at 16.

[145] Staff of Senate Republican Policy Committee, The War in Vietnam, in 113 Cong. Rec. 5242, 5250 (daily ed. May 9, 1967).

[146] The Vietnam Hearings, 171–72 (Vintage ed. 1966).

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The Presiding Officer: Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow morning, immediately upon the disposition of the reading of the Journal, the able Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

The Presiding Officer. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, upon the completion of the remarks of the Senator from Ohio, there be a period for the transaction of routine morning business, with statements of Senators therein limited to 3 minutes.

The Presiding Officer. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate go into executive session to consider a nomination at the desk which was reported earlier today, and two treaties on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

FARM CREDIT ADMINISTRATION

The legislative clerk read the nomination of Ernest G. Spivey, of Mississippi, to be a member of the Federal Farm Credit Board.

The PRESIDING OFFICER. Without objection, the nomination in confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGREEMENT BETWEEN THE UNITED STATES AND CANADA REGARDING RADIOTELEPHONE STATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive A, 91st Congress, second session.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in committee of the whole, proceeded to consider Executive A, 91st Congress,

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second session, the agreement between the United States and Canada regarding radiotelephone stations, which was read the second time as follows:

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA RELATING TO THE OPERATION OF RADIO TELEPHONE STATIONS

The Government of the United States of America and the Government of Canada, being desirous of establishing rules to permit certain radio station licensees of either country, upon compliance with certain conditions, to operate radio telephone stations in the other country have agreed as follows:

ARTICLE I

A person holding a valid license issued by the appropriate authority of the Government of the United States of America for a Class D station in the Citizens Radio Service may be authorized to operate that station in Canada, and a person holding a valid license issued by the appropriate authority of the government of Canada for a station in the General Radio Service may be authorized to operate that station in the United States of America, under the following conditions:

(*a*) Each visiting licensee will be required to apply for and receive a permit from the appropriate administrative agency of the host Government before operating the station.

(*b*) The appropriate administrative agency of the host Government may deny or issue the permit prescribed in paragraph (*a*) at its discretion under such conditions, restrictions, and terms as it may prescribe, including the right of cancellation at any time at its discretion.

(*c*) The host Government, at its discretion, may require the visiting licensee to give evidence of his knowledge of its applicable rules and regulations.

ARTICLE II

Upon receipt of the permit prescribed in Article I, Class D stations in the Citizens Radio Service and stations in the General Radio Service licensed by one country may be operated in the territory of the other country subject to the following conditions:

(*a*) The visiting licensee shall identify his station by the call sign issued by the licensing country followed by the station's geographical location in the host country, as nearly as possible by city and state or province.

(*b*) In all other respects, the station shall be operated in accordance with the then existing laws and regulations of the host country which are applicable to the corresponding radio service of that country.

(*c*) In the event of rule violations by the visiting licensee it shall be the responsibility of the host country to take appropriate actions.

ARTICLE III

The present convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible. The present convention shall enter into force on the day of the exchange of instruments of ratification and shall continue in force thereafter subject to the termination by either Government giving six months notice in writing of its intention to terminate.

In witness whereof the respective Plenipotentiaries have signed the present convention.

Done in duplicate, in the French and English languages, each version being equally authentic, at Ottawa this nineteenth day of November, 1969.

[SEAL]

ADOLPH W. SCHMIDT,
For the Government of the United States of America.
MITCHELL SHARP,
For the Government of Canada.

Mr. CHURCH. Mr. President, this agreement will make it possible to extend to Canadian citizens traveling in the United States a privilege which American citizens visiting Canada have enjoyed for many years; that is, the privilege of operating radiotelephones while they are in the United States. Such operations will be subject to certain conditions, restrictions, and terms as each party may prescribe, including the right of cancellation at any time.

The radiotelephones involved are mobile stations with low power and short range—the type used in automobiles and emergency equipment. It is considered a useful service in case of emergencies as well as a convenience. During a recent 1-year period, Canada issued approximately 8,500 licenses to American citizens traveling in Canada.

Equity requires that the United States extend to Canadian citizens the same privileges they have extended to Americans traveling in Canada. We have not been able to do so because the Federal Communications Act of 1934, as amended, prohibits aliens from obtaining the type of license involved. While it would have been possible to amend the Communications Act, questions would then have arisen about extending the same privileges to all aliens. Under these circumstances, it was more appropriate to deal with this subject on a bilateral treaty basis.

Mr. President, there is no controversy about this matter, which is supported by both the Department of State and the Federal Communications Commission. On behalf of the Committee on Foreign Relations, I ask that the Senate give its advice and consent to ratification of Executive A, 91st Congress, second session.

The PRESIDING OFFICER. If there be no objection, Executive A, 91st Congress, second session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The bill clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of an Agreement between the Government of the United States of America and the Government of Canada relating to the operation of Radiotelephone Stations, signed at Ottawa on November 19, 1969. (Executive A, 91st Congress, second session.)

EXTRADITION TREATY WITH NEW ZEALAND

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 5 on the Executive Calendar.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive C, 91st Congress, second session, the treaty on extradition between the United States of America and New Zealand, which was read the second time, as follows:

TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND NEW ZEALAND

The United States of America and New Zealand, desiring to make more effective the cooperation of the two countries for the reciprocal extradition of offenders, agree as follows:

ARTICLE I

Each Contracting Party agrees to extradite to the other, in the circumstances and subject to the conditions described in this Treaty, persons found in its territory who have been charged with or convicted of any of the offenses mentioned in Article II of this Treaty committed within the territory of the other.

ARTICLE II

Extradition shall be granted, in accordance with the provisions of this Agreement, in respect of the following offenses:

1. Murder: attempted murder, comprehending the crime designated under law in the United States as assault with intent to commit murder.
2. Manslaughter.
3. Aggravated wounding, injuring or assault; wounding or injuring with intent to cause grievous bodily harm.
4. Unlawful throwing or application of any corrosive or injurious substances.
5. Rape; indecent assault; sodomy.
6. Abortion.
7. Unlawful sexual acts with or upon children under the age specified by the laws of both the requesting and requested parties.
8. Procuring sexual intercourse.
9. Willful abandonment of a minor under the age of six years when the life of that minor is or is likely to be injured or endangered.
10. Bigamy.
11. Kidnapping; child stealing; abduction.
12. Robbery; assault with intent to rob.
13. Burglary; housebreaking or shopbreaking.
14. Larceny.
15. Embezzlement.
16. Obtaining property, money or valuable securities by false pretenses or by conspiracy to defraud the public or any person by deceit or falsehood or other fraudulent means, whether such deceit or falsehood or any fraudulent means would or would not amount to a false pretense.
17. Bribery, including soliciting, offering and accepting.
18. Extortion.
19. Receiving and transporting any money, valuable securities or other property knowing the same to have been unlawfully obtained.
20. Fraud by promoter, director, manager or officer of any company, existing or not.
21. Forgery, comprehending the crimes designated under law in the United States as the forgery or false making of private or public obligations and official documents or public records of the government or public authority or the uttering or fraudulent use of the same; uttering what is forged.
22. The making or the utterance, circulation or fraudulent use of counterfeit money or counterfeit seals and stamps of the government or public authority.
23. Knowingly and without lawful authority, making or having in possession any instrument, tool, or machine adopted and intended for the counterfeiting of money, whether coin or paper.
24. Perjury; subornation of perjury.
25. False swearing.
26. Arson and damage to property, utilities, or means of transportation or communication by fire or explosive.
27. Any malicious act done with intent to cause danger to property or endanger the safety of any person in connection with any means of transportation.
28. Piracy, by statute or by law of nations; mutiny or revolt on board an aircraft or

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vessel against the authority of the captain or commander of such aircraft or vessel; any seizure or exercise of control, by force or violence or threat of force or violence, of an aircraft or vessel.

29. Malicious injury to property, comprehending willful damage to property under New Zealand law.

30. Offenses against the bankruptcy laws which are punishable by more than three months' imprisonment.

31. Offenses against the laws relating to the importation, exportation, supply, or possession of narcotics including dangerous drugs; abetting offense against corresponding law in another country.

32. Unlawful obstruction of justice through bribery of judicial officers; corruption and bribery of heads of government departments or members of the Congress in the United States, or Ministers of the Crown or members of Parliament in New Zealand; corruption and bribery of law enforcement officers or government officials; fabrication of evidence; conspiracy to bring false accusation; corrupting juries and witnesses by threats, bribes, or other corrupt means.

Extradition shall also be granted for attempts to commit, conspiring to commit, or participation in, or inciting, counseling, or attempting to procure any person to commit, or being an accessory after the fact to, any of the offenses mentioned in this Article.

Extradition shall also be granted for any offense of which one of the above listed offenses is the substantial element, when, for purposes of granting jurisdiction to the United States Government, transporting or transportation is also an element of the specific offense.

ARTICLE III

A reference in this Treaty to the territory of a Contracting Party is a reference to all the territory falling under the jurisdiction of that Contracting Party, including territorial waters, and the airspace thereover belonging to or under the control of one of the Contracting Parties, and vessels and aircraft belonging to one of the Contracting Parties or to a citizen or corporation thereof when such vessel is on the high seas or such aircraft is over the high seas. In relation to New Zealand, the term "territory" shall include the Cook Islands and Niue.

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ARTICLE IV

Extradition shall be granted only if the evidence be found sufficient, according to the laws of the place where the person sought shall be found, either to justify his committal for trial if the offense of which he is accused had been committed in that place or to prove that he is the person convicted by the courts of the requesting Party.

ARTICLE V

Neither of the Contracting Parties shall be bound to deliver up its own citizens under this Treaty, but the executive authority of each shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

ARTICLE VI

Extradition shall not be granted in any of the following circumstances:

1. When the person whose surrender is sought is being proceeded against or has been tried and discharged or punished or is otherwise lawfully detained in consequence of such acquittal or conviction in the territory of the requested Party for the offense for which has extradition is requested.

2. When the person whose surrender is sought has been tried and acquitted or has undergone his punishment in a third State for the offense for which his extradition is requested.

3. When the prosecution or the enforcement of the penalty for the offense has become barred by lapse of time according to the laws of the requesting Party or would be barred by lapse of time according to the laws of the requested Party had the offense been committed in its territory.

4. If the offense for which his extradition is requested is of a political character, or if he proves that the requisition for his surrender has in fact been made with a view to try or punish him for an offense of a political character. If any question arises as to whether a case comes within the provisions of this paragraph, it shall be determined according to the laws of the requested Party.

ARTICLE VII

When the offense for which the extradition is requested is punishable by death under the laws of the requesting Party and the laws of the requested Party do not permit such punishment for that offense, extradition may be refused unless the requesting Party provides such assurances as the requested Party considers sufficient that the death penalty shall not be imposed, or, if imposed, shall not be executed.

ARTICLE VIII

When the person whose extradition is requested is being proceeded against or is serving a sentence or is otherwise lawfully detained in the territory of the requested Party for an offense other than that for which extradition has been requested, his surrender may be deferred until the conclusion of the proceedings and the full execution of any punishment he may be or may have been awarded.

When the person whose extradition is requested was previously surrendered by a third State for prosecution or execution of sentence no action shall be taken pursuant to such request until such time has elapsed as is required by any treaty with that third State or until he has had an opportunity of leaving the territory of the requested Party.

ARTICLE IX

The determination that extradition based upon the request therefor should or should not be granted shall be made in accordance with the laws of the requested Party and the person whose extradition is sought shall have the right to use such remedies and resources as are provided by such law.

ARTICLE X

The request for extradition shall be made through the diplomatic channel.

The request shall be accompanied by a description of the person sought, a statement of the facts of the case, the text of the applicable laws of the requesting Party including the law defining the offense, the law prescribing the punishment for the offense, and the law relating to the limitation of the legal proceedings.

When the request relates to a person who has not yet been convicted, it must also be accompanied by a warrant of arrest issued by a judge or other judicial officer of the requesting Party and by such evidence as, according to the laws of the requested Party, would justify his arrest and commital for trial if the offense had been committed there, including evidence proving the person requested is the person to whom the warrant of arrest refers.

When the request relates to a person already convicted, it must be accompanied by the judgment of conviction and sentence passed against him in the territory of the requesting Party, by a statement showing how much of the sentence has not been served, and by evidence proving that the person requested is the person to whom the sentence refers.

The warrant of arrest and deposition or other evidence, given under oath, and the judicial documents establishing the existence of the conviction, or certified copies of these documents, shall be admitted in evidence in the examination of the request for extradition when, in the case of a request emanating from New Zealand they bear the signature or are accompanied by the attestation of a judge, magistrate or other official or are authenticated by the certificate of the Attorney General or Solicitor General and, in any case, are certified by the principal diplomatic or consular officer of the United States in New Zealand, or when, in the case of a request emanating from the United States, in the case of a warrant it is signed and in the case of other documents they are certified by a judge, magistrate or official of the United States, and, in every case, they are sealed by the official seal of the Department of State.

ARTICLE XI

In case of urgency a Contracting Party may apply for the provisional arrest of the person sought pending the presentation of the request for extradition through the diplomatic channel. The application shall contain a description of the person sought, an indication of intention to request the extradition of the person sought and a statement of the existence of a warrant of arrest or a judgment of conviction against that person, and such further information, if any, as would be necessary to justify the issue of a warrant of arrest had the offense been committed, or the person sought been convicted, in the territory of the requested Party.

On receipt of such an application the requested Party shall take the necessary steps to secure the arrest of the person claimed.

A person arrested upon such an application shall be set at liberty upon the expiration of 45 days from the date of his arrest if a request for his extradition accompanied by the documents specified in Article X shall not have been received. However, this stipulation shall not prevent the institution of proceedings with a view to extraditing the person sought if the request is subsequently received.

ARTICLE XII

If the requested Party requires additional evidence or information to enable it to decide on the request for extradition, such evidence or information shall be submitted to it within such time as that Party shall require.

If the person sought is under arrest and the additional evidence or information submitted as aforesaid is not sufficient or if such evidence or information is not received within the period specified by the requested Party, he shall be discharged from custody. However, such discharge shall not bar the requesting Party from submitting another request in respect of the same offense.

ARTICE XIII

A person extradited under the present Treaty shall not be detained, tried or punished in the territory of the requesting Party for any offense other than an extraditable offense disclosed by the facts on which his surrender was granted nor be extradited or surrendered under an analogous procedure by that Party to a third State unless:

1. He has left the territory of the requesting Party after his extradition and has voluntarily returned to it; or

2. He has not left the territory of the requesting Party within 60 days after being free to do so.

These stipulations shall not apply to offenses committed after the extradition.

ARTICLE XIV

A requested Party upon receiving two or more requests for the extradition of the same person either for the same offense, or for different offenses, shall determine to which of the requesting States it will extradite the person sought, taking into consideration the circumstances and particularly the possibility of a later extradition between the requesting States, the seriousness of each offense, the place where the offense was committed, the nationality of the person sought, the dates upon which the requests were received and the provisions of any extradition agreements between the requested Party and the other requesting State or States.

ARTICLE XV

The requested Party shall promptly communicate to the requesting Party through the diplomatic channel the decision on the request for extradition.

If a warrant or order for the extradition of a person sought has been issued by the competent authority and he is not removed from the territory of the requested Party within such time as may be prescribed by the laws of that Party, he may be set at liberty and the requested Party may subsequently refuse to extradite that person for the same offense.

ARTICLE XVI

To the extent permitted under the law of the requested Party and subject to the rights of third parties, which shall be duly respected, all articles acquired as a result of the offense or which may be required as evidence shall, if found, be surrendered if extradition is granted.

ARTICLE XVII

Expenses related to the transportation of the person sought shall be paid by the requesting Party. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means within their power, assist the officers of the requesting Party before the respective judges and magistrates. No pecuniary claim, arising out of the arrest, detention, examination and surrender of persons sought under the terms of this Treaty shall be made by the requested Party against the requesting Party other than as specified in the second and third paragraphs of this Article.

The requested Party shall be reimbursed for the lodging, maintenance and board of the person sought.

The legal officers, other officers of the requested Party, and court stenographers, if any, of the requested Party who shall, in the usual course of their duty, give assistance and who receives no salary or compensation other than specific fees for services performed, shall be entitled to receive from the requesting Party the usual payment for such acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XVIII

This Treaty shall apply to offenses specified in Article II committed before as well as after the date this Treaty enters into force, provided that no extradition shall be granted for any offense committed before the date this Treaty enters into force which was not any offense under the laws of both countries at the time of its commission.

ARTICLE XIX

This Treaty shall be ratified and the ratifications shall be exchanged in Wellington as soon as possible.

This Treaty shall supersede any existing extradition treaty and provisions on extradition in any other treaty in force between the United States and New Zealand and shall enter into force upon the exchange of ratifications. It may be terminated by either Contracting Party giving notice of termination to the other Contracting Party at any time and the termination shall be effective six months after the date of receipt of such notice.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

DONE in duplicate at Washington this twelfth day of January, one thousand nine hundred seventy.

For the United States of America:
WILLIAM P. ROGERS.
For New Zealand:
FRANK CORNER.

Mr. CHURCH. Mr. President, the extradition treaty between the United States and New Zealand was signed at Washington on January 12, 1970, and transmitted to the Senate on March 5. According to the State Department's letter of submittal, the treaty "follows generally the form and content" of such treaties recently concluded by this Government.

PROVISION OF TREATY

The treaty with New Zealand lists 32 extraditable offenses—Article II—including, for the first time, aircraft hijacking and offenses relating to narcotics and other dangerous drugs. Any person who has been charged or convicted of any of the offenses mentioned may be extradited if the evidence of the country where he is found is sufficient to justify his trial for the offense of which he is accused—article IV. Moreover, the treaty applies to offenses committed before as well as after the date it becomes effective, provided they were crimes under the laws of both countries before the treaty entered into force—article XVIII.

All articles acquired as a result of the offense or which may be required as evidence shall, if found, be surrendered if extradition is granted—article XVI. Expenses related to the transportation of the person sought shall be paid by the country requesting extradition and the other country shall be reimbursed for the lodging, maintenance, and board of such person—article XVII.

Pursuant to the provisions of article X, requests for extradition are to be made through diplomatic channels. In case of urgency, however, either country may apply for the provisional arrest of the person sought pending the presentation of the request for extradition through diplomatic channels—article XI.

It should be noted that neither country "shall be bound to deliver up its own citizens." This is left to the discretion of the executive authority of each country—article V.

There are several circumstances when extradition shall not be granted, including any case where the offense for which extradition is requested is of a political nature—article VI. In addition, as required by New Zealand law, extradition may be refused unless assurances are received that the death penalty will not be imposed—or if imposed shall not be executed—for an offense not punishable by death in the country from which extradition is requested—article VII.

ENTRY INTO FORCE

The treaty with New Zealand will enter into force when ratifications are exchanged. It may be terminated by either country by giving 6 months' notice.

This treaty has the approval of the Department of Justice, and as far as the Committee on Foreign Relations is aware, there is no opposition to it.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentry stages up to and including the presentation of the resolution of ratification, which the clerk will now read.

The legislative clerk read the resolution of ratification, as follows:

Resolved, two-thirds of the Senators present concurring therein, That the Senate advise and consent to the ratification of A Treaty on Extradition Between the United States and New Zealand, signed at Washington on January 12, 1970. (Executive C, 91st Congress, second session.)

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to vote on the treaties, Executive A (91st Congress, second session) and Executive C (91st Congress, second session) en bloc tomorrow morning at 11:30, and that such action be considered as two votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous agreement subsequently reduced to writing is as follows:

Ordered, That the Senate proceed to vote en bloc on the resolutions of ratification to the agreement with Canada regarding radiotelephone stations (Ex. A, 91–2) and an extradition treaty with New Zealand (Ex. C, 91–2) at 11:30 a.m. on Wednesday, May 27, 1970, and that such action be considered as two votes.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate return to the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. DOLE. Mr. President, I ask that the amendment I offered earlier today be withdrawn, to be offered at some later time.

The PRESIDING OFFICER. Without objection, the amendment will be withdrawn.

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. (Mr. BELLMON). The committee amendment, beginning on line 21, page 4, as amended.

Mr. BYRD of West Virginia. Mr. President, what is the number of that amend-

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ment? Is it to the so-called Church-Cooper amendment, as modified?

The PRESIDING OFFICER. It is to the committee amendment which incorporates the Church-Cooper amendment. It has no number.

Mr. GRIFFIN. Mr. President, may I inquire of the distinguished Senator from Kansas whether he has temporarily withdrawn his amendment? Does he intend to resubmit it?

Mr. DOLE. Yes, I do intend to resubmit it, with perhaps, one minor change; but there are some Senators who indicated they will not be present tomorrow and they would like to have it discussed in more detail and I have, therefore, withdrawn it on a temporary basis.

Mr. GRIFFIN. I thank the Senator very much.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, I am authorized by the majority leader to state that there will be a rollcall vote on the two treaties which are to be acted upon en bloc at 11:30 a.m. tomorrow.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 13816) to improve and clarify certain laws affecting the Coast Guard.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 646) providing for an adjournment of the House of Representatives from Wednesday, May 27, 1970, until 12 o'clock meridian, Monday, June 1, 1970, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 952) to provide for the appointment of additional district judges, and for other purposes.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The Chair recognizes the Senator from Kansas.

Mr. DOLE. Mr. President, I send an amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The Bill Clerk. The Senator from Kansas (Mr. Dole) proposes an amendment as follows:

> On page 4, line 21, insert "(a)" after "Sec. 7.".
>
> On page 5, between lines 18 and 19, insert the following new subsection:
>
> "(b) The provisions of subsection (a) of this section shall be inoperative during any period that the President determines that citizens or nationals of the United States are held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front."

Mr. MANSFIELD. Mr. President, may I respectfully request that the floor be cleared of all attachés except those who have business in the Chamber and that Senators be required to take their seats.

The ACTING PRESIDENT pro tempore. The Senate will be in order. The Senate is not in order.

All attachés who do not have business in the Chamber are asked to leave the floor immediately. The Senate will be in order.

Mr. DOLE. Mr. President, I have offered an amendment that I believe will add real meaning to the Cooper-Church amendment and go a step toward reassuring Americans now in combat that their Nation and their President and their elected representatives will not desert them.

I am certain no Senator wishes for a second to be misunderstood on this score. Every Senator has the interests and the life and the welfare of every American serviceman at heart, with special feeling for those in combat or for those who have been captured in combat.

My amendment will put the Senate on record in support of those men in a way the entire world can understand and in a way that free men everywhere will applaud.

Mr. President, it is known that American soldiers and at least two American journalists have been held captive in Cambodia by the Vietcong and the North Vietnamese prior to the American strike into the Cambodian sanctuaries. As far as we know, they still are there.

The two journalists were captured in early April. American servicemen have been captured from time to time in South Vietnam and transported across the border into Cambodia where, our government has been reliably informed, they have been held in prisoner of war camps.

Mr. President, let me restate the amendment at this time:

> On page 4, line 21, insert "(a)" after "Sec. 7.".
>
> On page 5, between lines 18 and 19, insert the following new subsection:
>
> "(b) The provisions of subsection (a) of this section shall be inoperative during any period that the President determines that citizens or nationals of the United States are held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front."

It is obvious that the enemy has indeed regarded the Cambodian sanctuaries as North Vietnamese territory, to hold, probably, in perpetuity.

Any irrevocable decision on our part to quit Cambodia, never to return, could well mean that American men will spend the rest of their lives in North Vietnamese prison camps in Cambodia. I cannot conceive of any Senator acquiescing to this kind of fate for men who have fought in the service of their country. I cannot conceive of any American being willing to do nothing while American soldiers spend their lives in a foreign prison, literally abandoned by their country.

For that reason, Mr. President, I have offered an amendment to the Cooper-Church amendment—that says the Cooper-Church amendment will be inoperative so long as, and at any time that, American prisoners of war are being held in Cambodia by the North Vietnamese or the Vietcong.

Mr. President, I do not believe we can do less. I do not believe Americans can abandon their fellow Americans to a cruel and ruthless enemy. How can we ever explain that to their parents, wives, and their children, or to our children?

Mr. President, the debate on the amendment of the distinguished Senators from Kentucky and Idaho has focused attention on several crucial points of our policy and objectives in Southeast Asia. I would take this opportunity to commend once again my colleagues for the sincere concern and high purposes which motivate their efforts.

One aspect of the limitations which the Cooper-Church amendment on the President's authority to protect Americans in Southeast Asia concerns me very deeply. This point was raised briefly by the Senator from Texas (Mr. Tower) in a colloquy with the Senator from Kentucky on May 21.

The following exchange ensued:

> Mr. Tower. Let me pose a question to the Senator from Kentucky. Suppose the President determined that a number of Americans were being held captive across the border in Cambodia. Would this amendment restrict him or tie his hands as he sought to liberate those prisoners?
>
> Mr. Cooper. I think it would, by language, I will be honest, but the decision of authority, would be the President's.
>
> Mr. Tower. It would prevent liberation of American captives over there.
>
> Mr. Cooper. Unfortunately, many of our men are held captive in North Vietnam. We have had no success in freeing them. North Vietnam has refused to obey the Geneva Conventions with respect to the treatment of prisoners. But do we continue to rely, if we can, upon international rules as a settlement to try to secure the release of those prisoners, or is the Senator asking whether we should engage in a larger war in an attempt to free them?

As the distinguished Senator from Kentucky stated, his amendment would restrict the President in a situation such as the Senator from Texas posed. If American prisoners were known to be held in Cambodia—even within a few miles of the border—the Cooper-Church amendment, by its language, would not permit a rescue operation to be launched into Cambodia to save them.

Whether we are talking about one or two prisoners or a whole detention center, the Vietcong and North Vietnamese would enjoy the use of Cambodian territory as a sanctuary for the detention of prisoners taken in any and every part of Indochina. We might see develop a new sort of Ho Chi Minh trail, this time for American servicemen taken prisoner in South Vietnam. Once in Cambodia, the enemy would have a secure and unassailable base to detain, harass, and propagandize the men in their hands.

Imagine the men who would be the victims of this practice and how they would feel to know that there was no hope, however slim, that friendly troops might come to their rescue—because of limitations placed on the Commander in Chief's powers.

TREATMENT OF AMERICAN PRISONERS

If there is one issue today in our country that truly transcends all differences, it is that of the treatment accorded captured U.S. military personnel. The United States has always maintained a strict national policy of fair and civilized treatment for prisoners of war, and Americans of all political and philosophical persuasions have expressed their outrage and indignation over the unconscionable attitude and actions of the Vietcong and North Vietnamese toward American prisoners of war held by them.

We have had testimony which fully documents the humiliation and abuse to which captives have been subjected as well as the unpardonable manipulation of information on the status of prisoners and missing men.

These tactics strike a universal chord in all men of decency and honor, and we have seen the response in Congress. In the Senate and House, Members from both parties have exerted determined efforts to obtain information about prisoners, exert congressional authority and prestige in their behalf, and secure aid for their families.

Mr. President, I would say that every Member of this body and probably every Member of the other body has had some contact with the families, the mothers, wives, or children, of men who are missing in action or prisoners of war in Southeast Asia. On May 1, in an effort to pay tribute to these brave and gallant men a meeting was held in historic Constitution Hall. At that time nearly 1,000 mothers, children, and wives of Americans missing in action and American prisoners of war and thousand of others joined to pay tribute to these 1,529 gallant men, missing and being held captive by the enemy somewhere in Southeast Asia, very likely some in Cambodia.

Constitution Hall was filled to give ringing support to these men and draw the attention of all men of conscience and compassion to the plight of these gallant Americans. This was a bipartisan effort in its truest sense. It was a nonideological effort in the truest sense. This was an effort to alert American people to the dangers some Americans have feared, for not 1 month, 2 months, or 6 months, but in many cases for 2 years, 5 years, and 6 years.

I have received hundreds of letters from wives, mothers, and children of these gallant Americans praising the efforts on May 1, praising Members of Congress who were there, and praising those who participated in other ways for taking the time to indicate concern for their fathers, husbands, and sons.

I might note that a resolution was passed by Congress designating May 3 as a national day of prayer for these men. We chose to declare our support for these missing and captive Americans within the context of Law Day because May 1 is Law Day. We felt Law Day was particularly appropriate, because one of the provisions of the Law Day resolution passed by Congress some years ago dealt with the ideals of international justice. We felt in some small way on that evening the American people would know, and primarily the wives, mothers, and children would know, that this Congress and Members of this body and other Americans from every walk of life had not forgotten those 1,529 Americans.

Mr. President, North Vietnam is a signatory to the Geneva Accords. These conventions are the definitive statements in international law concerning treatment of prisoners of war, and both North Vietnam and the NLF have persistently and callously violated them, notwithstanding ratification by North Vietnam on June 28, 1957. Despite ratification and the clear language of the conventions, Hanoi and the Vietcong have committed the following calculated violations: First, they have refused to identify all American prisoners of war.

Second, they have denied to American prisoners of war the right to communicate regularly by mail with their families. Third, they have refused to provide proper nourishment and humane treatment for all American prisoners of war, information on their detention camps, and access by neutral observers; and, fourth, they have continued to detain, rather than repatriate, the seriously ill and the seriously wounded.

Mr. President, I believe in the amendment offered—and I trust that it will be accepted, if not then adopted by an overwhelming vote. It simply states that if the President determines that American nationals or American citizens are being held in the country of Cambodia as prisoners of war, then the provisions of subsection (a) are inoperative. It is necessary that they be inoperative because, as I interpret the Church-Cooper amendment, and as it has been interpreted by the principal sponsor of the amendment, the Senator from Kentucky, in response to the Senator from Texas, the amendment would create the impression that the President would be denied the right to cross the international border of Cambodia to rescue Americans who might be prisoners of war of the North Vietnamese or the forces of the National Liberation Front, without first consulting Congress.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Colorado.

Mr. DOMINICK. I appreciate very much the Senator's yielding. Having served with him since we both came to Congress in the 87th Congress, and having joined him in the May 1 rally on behalf of the prisoners of war, and having had many meetings in my own State with members of the families of prisoners of war, I was pleased that he would let me be a cosponsor of this amendment.

It strikes me that we ought to make this clear, as I understand the meaning of the amendment of the Senator from Kansas: We are not talking about any major type of reinvasion of Cambodia or of the North Vietnamese-occupied areas of Cambodia. What the Senator is talking about is the ability to move quickly and perhaps rescue some of our men if the situation develops that way.

I remember so well talking with members of families of men missing in action, or men who are thought to be prisoners of war, who were captured within South Vietnam—not North Vietnam, but South Vietnam. We do not have the faintest idea where they have those prisoners of war. We do not know what has happened to those men. It is entirely possible that they could be held in some of the sanctuary areas of Cambodia occupied by the North Vietnamese.

It would seem to me that we would be wrong if we went ahead and said we could not do anything in this field even though we knew that, a quarter of a mile away, some Americans, whether they be AID personnel or American military personnel, were held prisoners under that type of condition.

I am happy that the Senator from Kansas has taken this step. I am happy to cosponsor the amendment. I would sincerely hope that we could make progress in alerting some of the North Vietnamese and the Vietcong that this is what we are talking about; that the United States means business about getting some decent treatment, fair treatment, and humane treatment, for the people of the United States in respect to its prisoners of war.

The efforts of the Senator from Kansas in this field are outstanding. I heartily endorse the amendment.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. DOLE Let me respond first to the Senator from Colorado, who was a moving force in reference to American prisoners of war and those missing in action long before I came to this body.

I have analyzed the Cooper-Church amendment, and I have attempted to do so very objectively in hopes some compromise might be reached; but this analysis only points up the folly of trying to tie the President's hands and saying, in effect, to prisoners, whether they be newsmen or American soldiers, if they are held captive by the enemy in Cambodia, that we turn our backs on them.

That, in effect, is what the Church-Cooper amendment would require, because after July 1, the effective date of the amendment, if it is passed, the President will have no such power without first consulting with Congress.

I daresay that if President Nixon were faced with the question of coming to Congress or saving American lives, he would save the American lives and be prepared to suffer the consequences, whatever they might be for so acting. I have great faith in President Nixon. I have great faith in his integrity, and in his efforts to extricate us from Vietnam. But my amendment points up a substantial and very basic weakness in any effort to hamstring the President of the United States. Does or does he not have the right, unhampered, to protect American Forces? Does or does he not have the right, unhampered, to move to protect American prisoners? If there is any doubt, if there is one prisoner in Cambodia, I could not vote for the Cooper-Church amendment which would take away that power, or at least cloud the power the President may have to act quickly.

That view is shared by the Senator

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from Colorado, because his concern for the protection of American forces.

This may be the first of a series of amendments to emphasize that, notwithstanding the intentions, notwithstanding the improvement in the preamble, additional changes should be made in the substantive language to make it crystal clear—yes, to all Americans, but more importantly to the enemy—that we have not tied the hands of our President, that we are not saying goodbye to American prisoners of war, wherever they may be. We should not pass a resolution which says the President cannot act unless he consults with Congress or has the consent of Congress.

I do not believe that is the intention of those who sponsor the Church-Cooper amendment.

I would hope language can be agreed upon to make clear that that is not the intent of the Cooper-Church amendment.

Mr. DOMINICK. Mr. President, will the Senator yield further?

Mr. DOLE. I yield to the Senator from Colorado.

Mr. DOMINICK. It should be made clear that we have had some men downed, who have been captured in Laos. We do not know where they are. We have no vague recognition of whether or not there are even prison camps up there. But if we come to a congressional resolution which says American forces are never going to be put in the North Vietnamese-occupied areas of Cambodia, it would seem to me it would be reasonable for the other side to say, "These are natural places where we will hold them. We will use them as some kind of bounty so we can reach something that is favorable to us in other areas. We will not make any deals at all until we get some agreement that is acceptable to us."

Withholding the right of rescue operations in these types of circumstances, it seems to me, would be wrong.

For that reason I strongly endorse the amendment.

Mr. DOLE. I thank the Senator from Colorado.

I yield now to the Senator from Florida.

Mr. GURNEY. I thank the Senator for yielding to me.

Mr. President, I, too, want to express my hearty assent and also my commendation of the Senator from Kansas for the fine leadership he has shown in this prisoner of war matter. In fact, he has gained nationwide recognition, as he should, for taking the leadership and exposing the inhumane actions of the North Vietnamese so far as our American prisoners of war are concerned.

I also want to say, in support of his amendment, that those of us who have opposed the Church-Cooper amendment and support the President in his actions in Cambodia have, again and again warned that the President's action in Cambodia has essentially been a tactical move. It has not been a broadening of the war. Our opposition to the amendment stems chiefly from the fact that we think the President's hands are going to be tied by the Church-Cooper amendment, particularly as far as future actions and operations in South Vietnam are concerned, and I think the significance of the amendment offered by the Senator from Kansas is that it points out that in this one area is a situation that we have seen will exist if we pass the Church-Cooper amendment, and it will tie the President's hands and limit his actions so far as prisoners of war are concerned, certainly, in Cambodia.

So I think the Senator's amendment is well advised. I certainly hope it will pass, and I would ask him if I may join him in his amendment as a cosponsor.

Mr. DOLE. Yes. I yield first to the Senator from Vermont, and then I shall yield to the Senator from Florida.

Mr. AIKEN. Mr. President, I would like to get this clear in my mind: As I understand, the amendment of the Senator from Kansas would authorize President Nixon to send troops into Cambodia for the purpose of rescuing prisoners of war?

Mr. DOLE. Yes.

Mr. AIKEN. And also into Laos?

Mr. DOLE. I would hope he would have that right, to rescue prisoners. But I might say my amendment is limited to Cambodia only, because the Church-Cooper resolution addresses itself to Cambodia.

Mr. AIKEN. I am just asking what the Senator's objective is. Would the Senator from Kansas expect the President to send troops into North Vietnam, where most of the prisoners of war are held?

Mr. DOLE. Well, I would not reject that idea.

Mr. AIKEN. Well, the Senator would recommend it, would he not?

Mr. DOLE. I doubt whether my recommendation would mean much. I think he has that authority now.

Mr. AIKEN. Suppose prisoners of war were moved out of North Vietnam into China. Would the Senator authorize sending troops into China to rescue prisoners of war? It seems to me a prisoner of war is just as unhappy as he can be, regardless of where he is located; and if the President has authority to rescue a prisoner of war one place, he certainly should have the authority to rescue prisoners of war wherever they might be.

Mr. DOLE. I think he should have that authority. I want to make it clear that I do not recommend that he do any of these things, but I think he should not be restricted from doing them. The enemy should not know in advance that he might not do it, or cannot do it.

Mr. AIKEN. We have some prisoners of war, I believe, in Cambodia already. I heard we had some newspaper people who had been taken prisoner.

Mr. DOLE. I think we have at least two, maybe more.

Mr. AIKEN. I was just wondering how far the Senator's objective went.

It seems to me if you can send troops into one country to rescue prisoners of war, you ought to be able to send them into any country where prisoners of war were kept.

I sympathize very much with the Senator's purpose, because we have people in my State who do not know whether their boys are prisoners of war, or whether they were killed, or what happened, and you cannot get any information from the enemy. I paid my respects to them in the CONGRESSIONAL RECORD last Friday.

Mr. DOLE. That is correct. I read the Senator's statement.

Mr. AIKEN. The Senator has a worthy purpose, but the question is, where would it stop?

Mr. DOLE. Let me say, before I yield to the Senator from Florida, that I have tried to limit the amendment to the country of Cambodia, because that is the resolution offered by the distinguished Senators from Idaho, Vermont, Kentucky, and Montana.

Mr. AIKEN. Yes. But I point out, it would be unfair to the prisoners to say, "You cannot hold our prisoners in Cambodia, you have got to get them up the line in Laos somewhere, or in North Vietnam." A prisoner of war is unhappy wherever he is, and just as deserving of rescue from one place as from another.

Mr. DOLE. I share the view of the Senator from Vermont, and, if necessary, could broaden the scope of the amendment; but I believe it is drawn in accordance with the scope of the Church-Cooper resolution. It is restricted to one country, the country of Cambodia, because that is the country covered by the Church-Cooper resolution.

Mr. AIKEN. Yes.

Mr. DOLE. I would hope that the President has that right, and would have that right in any event; but to make it certain, because questions have been raised, I offered the amendment.

Mr. AIKEN. I believe the President is on reasonably sound ground when he claims constitutional authority, or at least on much sounder grounds than President Johnson was when he based his actions for expanding the war on legislative authority, which I do not think was very sound, because he certainly did not interpret the legislation the way most Members of Congress did.

But President Nixon, as I have held from the beginning, was on much sounder ground in basing his acts on constitutional authority rather than legislative authority. I do not know, for sure, but I doubt if this amendment would add anything to his constitutional authority.

Mr. DOLE. Mr. President, I share, for the most part, and associate myself with the words of the Senator from Florida. I was privileged to be in the Chamber yesterday when he discussed in great depth the powers of the President vis-a-vis the powers of Congress and his interpretation of those powers. Perhaps, as he has indicated, many of us who supported the change in the preamble—and my judgment is not equal to that of the senior Senator from Florida—look upon the change as an improvement.

Now that we have adopted the preamble, which is the "eyewash" portion of the amendment, we are now dealing with its substantive provisions. The issue is, as the Senator from Florida has just stated very well, whether we will shackle the Commander in Chief, whoever he may be, President Nixon, or his successor, and how far Congress should go in exercising our authority.

Yes, we have the power under the Constitution to declare war. We have that power. Yes, we have the right under the Constitution to appropriate money. There is no doubt about that. We have grave responsibilities when it comes to declaring war and appropriating funds for any conflict or any declared war. On the other hand, the President, as the Senator from Florida stated, is the Commander in Chief. He does have the right and he does have the power to make tactical decisions, whether in Cambodia or some other country around the world.

I have said from time to time that there are those who fault President Nixon for not heating up the conflict in the Middle East, for not authorizing sales of jets to Israel—which I support. Yet those same critics criticize the President for not extricating us from Southeast Asia.

I happen to believe on both counts that the President is pursuing the proper course, one of caution but primarily one that is concerned with the best interests of America. He is making every effort to extricate us from South Vietnam. He is making every effort to prevent this country's getting involved in a larger conflict in the Middle East, at the same time recognizing the responsibilities we have in that part of the world.

I would hope that we would be consistent in our views, in our policies, and in our statements. It seems that that one right and one power that the President must have, in any event, is to protect American forces. I could subscribe, to the provisions of the Church-Cooper resolution if that were clearly spelled out. It has been said in this Chamber by the distinguished Senator from Kentucky, the distinguished Senator from Idaho, and the distinguished majority leader, that certainly the President has the right to protect American forces. But I might suggest that there would be some, yes, in this Chamber who, if the President—on July 4, for example, 4 days after the effective date of this resolution if adopted—were to find it necessary to go back into Cambodia to protect the American forces, on the following day would rise in this Chamber and charge that the President had violated the Church-Cooper resolution, that he had exceeded his authority under the Church-Cooper resolution.

We can be practical. We are practical. We understand how the people will interpret the Cooper-Church resolution. If it were passed in its present form and if the President were to find it necessary to take action, whatever action it might be, to protect American forces he may as well brace himself for an onslaught in this Chamber.

The President understands that. He is aware of his authority and responsibility as Commander in Chief. The President must act under the Constitution to protect American lives.

Mr. President, does it do any great harm to the Cooper-Church resolution to write in as a specific part of that resolution that, notwithstanding anything therein contained, the President's right to protect the American forces shall not be impaired.

If that were done, of course, the extreme argument might be made that he could go into China, into Russia, or into Egypt, but let us be realistic. The President understands the role of Congress, he understands the role of the Senate.

Let me conclude by stating again the amendment, which says:

> The provisions of subsection (a) of this section shall be inoperative during any period that the President determines that citizens or nationals of the United States are held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front.

Mr. President, I ask unanimous consent to have printed in the Record a statement made by the President on December 12, 1969, concerning the American prisoners of war, a statement made on May 19, 1969, by Secretary of Defense Laird with reference to prisoners of war, a statement made at a news conference on June 5, 1969, by Secretary of State Rogers concerning American prisoners of war, a statement made on May 22, 1969, by the former Ambassador and Chief Negotiator at Paris, Henry Cabot Lodge, a statement of December 30, 1969, by Ambassador Habib on prisoners of war, and a State Department bulletin entitled, "American Prisoners of War in Vietnam: An Appeal to the U.N."

There being no objection, the statements were ordered to be printed in the Record, as follows:

THE WHITE HOUSE,
December 12, 1969.

REMARKS OF THE PRESIDENT FOLLOWING A MEETING WITH WIVES AND MOTHERS OF PRISONERS OF WAR AND OF SERVICEMEN MISSING IN ACTION, THE ROOSEVELT ROOM

Ladies and gentlemen: I have the very great honor to present in this room today five of the most courageous women I have had the privilege to meet in my life.

Mrs. Nixon and I have met with 26 women, of which these are a part, representing approximately 1,500 women, mothers and wives of American servicemen who are missing in Vietnam and who are or may be prisoners of war. Some of these men have been prisoners or missing for as long as five years, most of them two to three years.

Insofar as the treatment of prisoners is concerned, it would probably not be inaccurate to say that the record in this war is one of the most unconscionable in the history of warfare. And there have been, of course, some very bad examples in past wars, as we know.

What I have assured these very courageous women is that, first, in reaching a settlement of the war that an integral part of any settlement that is agreed to must be a settlement that is satisfactory on the prisoner issue and, second, that clearly apart from reaching an overall settlement of the war that this Government will do everything that it possibly can to separate out the prisoner issue and have it handled as it should be, as a separate issue on a humane basis.

Finally, I would simply add that while we all know that there is disagreement in this country about the war in Vietnam and while there is dissent about it on several points, that on this issue, the treatment of prisoners of war, that there can be and there should be no disagreement.

The American people, I am sure, are unanimous in expressing their sympathy to these women, to their children, and also in supporting their Government's attempt to get the Government of North Vietnam and the VC to respond to the many initiatives which we have undertaken to get this issue separated out and prior to the time we can do something to end the war.

I understand they will be here to answer questions.

STATEMENT BY SECRETARY OF DEFENSE MELVIN R. LAIRD

On numerous occasions I have expressed my deep concern for the welfare of our American servicemen who are prisoners of war or missing in action. In this regard, I have directed Assistant Secretary of Defense (ISA) G. Warren Nutter, who has been named Chairman of the Department of Defense Prisoner of War Policy Committee, to insure that the families of these servicemen are receiving all assistance to which they are entitled.

The North Vietnamese have claimed that they are treating our men humanely. I am distressed by the fact that there is clear evidence that this is not the case.

The United States Government has urged that the enemy respect the requirements of the Geneva Convention. This they have refused to do.

The North Vietnamese and the Viet Cong have never identified the names of all the U.S. prisoners whom they hold. For the most part, information on some of these Americans has come in the form of scattered, and often distorted, propaganda films and photographs which the North Vietnamese have chosen to sell or release.

We know that at least several U.S. prisoners were injured at the time of their capture and we are concerned about the medical care they are receiving.

The Geneva Convention requires a free exchange of mail between the prisoners and their families and yet very little mail has been received from only a few prisoners in the past five years.

As of next month, more than 200 American servicemen will have been listed either as prisoners of war or as missing in action for more than three and one-half years. This period of time is longer than any U.S. serviceman was held prisoner during World War II.

The Department of Defense continues to hope for meaningful progress on the matter of prisoner release in the Paris discussions. In the meantime, we appeal to North Vietnam and the Viet Cong to respect the humane rights of those whom they hold prisoners of war.

Specifically, we call for adherence to the Geneva Convention which requires:

1. Release of names of prisoners held.
2. Immediate release of sick and wounded prisoners.
3. Impartial inspections of prisoner of war facilities.
4. Proper treatment of all prisoners.
5. Regular flow of mail.

Most importantly, we seek the prompt release of all American prisoners.

SECRETARY ROGERS' NEWS CONFERENCE OF JUNE 5, 1969

(The following is the State Department's release of Secretary of State William P. Rogers' news conference, which is authorized for direct quotation.)

Secretary Rogers. Ladies and gentlemen, I am glad to see the room is not as crowded as it was the last time. I have a short statement here I would like to read:

I want to express my serious concern about the Americans who are prisoners of war in Southeast Asia. Many of these prisoners have been held for three years or more. There is a long tradition among nations that personnel captured in wartime be treated humanely. This principle has been expressed in the Geneva Convention of 1949 and is recognized by more than 120 nations.

A basic requirement of the Convention is that names of prisoners be provided to their families and to an appropriate agency in a

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neutral country. Communist leaders have failed to observe this simple civilized requirement which would mean so much to the wives and families of the men who are missing in combat.

North Vietnamese officials have frequently declared that the prisoners are treated humanely. Many seriously question these statements. Assurance could readily be provided if North Viet-Nam would permit visits by impartial observers to the prison camps. For the sake of the prisoners and for their families, we continue to hope for a positive response from North Viet-Nam. We are prepared to discuss this subject and to move quickly toward arrangements for the release of prisoners on both sides, and I believe that any sign of good faith by the other side in this matter would provide encouragement for our negotiations in Paris.

Thank you. I will take some questions.

Ambassador Lodge's Statements on PW's During May 22 Paris Talks

Opening statement: I cannot leave this subject (PW's) without protesting the attitude which you have expressed most recently last Tuesday, May 20, with respect to the prisoners held in North Vietnam. You have refused to provide a list of these prisoners so that their families might know whether they are living or dead. You have refused to discuss the repatriation of the sick and wounded which is a long-established international practice. You should know that the attitude you have expressed with regard to these basic humanitarian requirements cannot have a favorable effect on our negotiations here.

Additional remarks: Let me add one observation about prisoners. It is difficult to understand how you can claim to be treating our prisoners humanely when you refuse to identify the prisoners you hold so that their families can know the fate of their relatives. You refuse to permit regular mail exchanges. You reject impartial international observation of conditions under which prisoners are held: You refuse to discuss release of sick and wounded prisoners. Yet these are basic elements of humanitarian treatment under established international standards. We do not see how you can be hurt by merely publishing the names of those who are alive so that the uncertainty which their families feel may be ended. To express myself for a moment in human terms instead of the language of diplomacy, what is involved here is the prisoner's wife who does not know whether her husband is alive or whether he is dead. It is really hard to believe that the security of North Vietnam would be threatened if this wife were told the truth about her husband's fate. We hope you will reconsider your attitude on these questions so that it will truly reflect the humane policy which you claim to follow.

Ambassador Habib's Opening Statement

(Following is the text of the opening statement delivered by Ambassador Philip C. Habib at the 48th Plenary Session of the New Paris Meetings on Viet-Nam, December 30, 1969.)

Ladies and Gentlemen: The issue which I wish to address today is the question of prisoners of war. In the midst of this traditional holiday season, a season for family reunions and celebrations, thousands of families are troubled over the fate of a relative missing or captured in Viet-Nam. This is a tragic situation, not just because family members are missing at this holiday period, but also because the families' uncertainty and anguish is so unnecessary and uncalled for.

I do not express only my government's view on this unfortunate matter, nor only the view of the American people. I express a view that is almost universally shared. It has been expressed in representative bodies throughout the world—in the United States Congress, in the United Nations, at the International Red Cross Conference in Istanbul last September, by many National Red Cross societies and by many governments. In fact, on this issue, North Viet-Nam is virtually isolated in the eyes of world public opinion.

Ladies and gentlemen, there are two questions before us, first, the critical question of humanitarian treatment for the prisoners your side holds. Secondly, the repatriation of all prisoners.

On the first question, your side's position does not conform to normal standards. On the second question, your position is unreasonable.

Some Americans have been held by your side since early in 1964. Others have been missing since that time. And yet you still refuse to inform all families of the fate of these men.

On December 22, a spokesman for your side is reported to have said, "We refuse to give the list of names to the Nixon Administration, but the prisoners' families will know their names by and by." A gradual, piecemeal process of providing a few names at a time to anxious families is no substitute for making known without delay the names of all prisoners of war.

Because of your side's continuing refusal to identify all prisoners of war, my government is today releasing to the press the names of U.S. military personnel who are missing in Southeast Asia and may possibly be your prisoners. I will give your side a copy of the list here as well. My government is taking this action in the hope that your side, even at this late date, will indicate which men are prisoners and those whom you know to be dead, as a matter of humanitarian concern for their families.

Your side claims that you provide humane treatment to the prisoners you hold. But you permit no independent and objective authority to verify this claim. Indeed, much of the evidence available to the outside world regarding the treatment of prisoners held by your side contradicts your claims. The prisoners have not been permitted to correspond regularly with their families, and to receive mail and packages on a regular basis. There is no assurance that the prisoners actually receive the mail sent them. Little mail is received by families from the prisoners.

Regarding the issue of mail, two American women who recently traveled to North Viet-Nam reported that families of prisoners could send a letter a month and a package of less than six pounds every other month to the POWs by addressing them with the prisoner's name and serial number, care of "Camp of Detention for U.S. Pilots Captured in the Democratic Republic of Viet-Nam, Hanoi, DRVN" and writing "Via Mosco" on the envelope. We would like your confirmation of the accuracy of this report. We would also like to know whether this means that the American prisoners will be permitted to write to their families on a regular basis.

As for the physical treatment of prisoners, there is evidence that prisoners held by your side have been subjected to solitary confinement, as well as to other forms of physical and mental duress. Your side has made no systematic effort to repatriate sick and wounded prisoners.

As President Nixon has said, this is an unconscionable position. There is no way it can be justified to the families of the prisoners or to the world at large.

This is not simply a narrow question of legal obligations. This is a question of humane treatment which civilized nations accord to those who are helpless, who pose no threat and who no longer have the means to defend themselves. It is also a question of decency toward the families of those who are missing.

On our side, the United States Government and the Government of the Republic of Viet-Nam have undertaken to respect the Geneva Convention in their treatment of prisoners of war and have arranged for the ICRC to visit prisoner of war camps in South Viet-Nam. The camps are regularly visited by ICRC delegates and doctors, who are able to meet individual prisoners privately. The names of the prisoners of war have been made available to the ICRC. Prisoners of war are able to send and receive mail and packages. The Government of the Republic of Viet-Nam in the past released sick and wounded POWs. Regular international inspection has shown that the prisoners of war held by the Government of the Republic of Viet-Nam are treated in accordance with the requirements of the Geneva Convention.

Let me turn to the question of the release and repatriation of prisoners of war. Your side says that the prisoner question cannot be settled except as part of an overall settlement of the war in Viet-Nam. For our part, see no reason why there cannot be a negotiated release of prisoners of war on both sides prior to an overall settlement. You still refuse to discuss the release of the prisoners you hold. Although you have released a few prisoners on occasion, you refuse to negotiate a repatriation of all prisoners.

Instead of treating the prisoner question as a humanitarian issue, your side apparently wishes to use the prisoners as pawns in bargaining for an overall settlement of the war. But you refuse to negotiate seriously in Paris, thereby delaying an overall settlement of the war. Thus, you keep hundreds of families in agonizing doubt about the lives and welfare of their sons or husbands or parents while you seek to settle the war on your own terms.

If your side hopes to apply political pressure upon the United States through its harsh attitude regarding prisoners of war, you reveal a thorough misunderstanding of American public opinion. No American can condone your side's handling of the prisoner question. Your denial of the most fundamental precepts governing such matters has only resulted in unanimous public condemnation.

Ladies and gentlemen, I call on your side to live up to the international standards for the treatment of those who are missing or held prisoner in Viet-Nam. This humanitarian issue should be dealt with separately from the political and military questions we face in the Paris meetings. We propose that our two sides enter promptly into discussions on all questions affecting prisoners of war held on both sides, including the question of their early release. The United States Delegation stands ready to enter into such negotiations without delay.

American Prisoners of War in Vietnam: An Appeal to the U.N.

This pamphlet consists of a statement made by Rita F. Hauser, U.S. Alternate Representative to the General Assembly, in Committee III (Social, Humanitarian, and Cultural) of the U.N. General Assembly on November 11, 1969.

(The text of the statement has been reprinted from the Department of State Bulletin of December 11, 1967. The Bulletin, the official record of U.S. foreign policy, is published weekly and is available for subscription from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at $16.00 a year.)

We now commence general debate in this committee on three subjects of moment: elimination of all forms of racial discrimination, measures to be taken against nazism and racial intolerance, and violation of human rights and fundamental freedoms. Of

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the three, the violation of human rights and fundamental freedoms appears to my delegation to be singularly important. Indeed, its importance to all delegations is demonstrated by its recurrence each year as a major subject of discussion.

This agenda item makes particular reference to colonial and other dependent countries and territories. My delegation continues to deplore the inhumane practice of *apartheid* in South Africa and in Namibia and associates itself with the efforts of the international community seeking peaceful and practicable means for its elimination as soon as possible. We also remain very concerned about the serious violations of human rights in other parts of Africa. These questions are rightfully treated in many bodies of the United Nations, including the Security Council, for they are of the utmost urgency and gravity.

Accordingly, Madam Chairman, while we recognize fully the persistent and serious human rights violations in southern Africa, we are of the view that the Third Committee should not utilize all of its time on this aspect of the subject, so widely treated elsewhere in the United Nations, lest by so doing we neglect the many instances of grave violations of human rights elsewhere in the world. I wish to recall that our agenda item itself refers to "the violation of human rights and fundamental freedoms . . . in all countries."

On reading the hundreds of petitions alleging violations of human rights which come to the Commission on Human Rights from sources in many countries, my delegation has noted the large number referring to violations of articles 9–12 and article 19 of the Universal Declaration of Human Rights. The latter provides that "Everyone has the right to freedom of opinion and expression," including freedom to "seek, receive and impart information and ideas through any media and regardless of frontiers." Article 9 states that "No one shall be subjected to arbitrary arrest, detention or exile." Articles 10, 11, and 12 afford full protection and due process of law as to those charged with a penal offense.

In reviewing the 1969 annual report of that singular institution, Amnesty International, now consisting of 20 national sections and over 15,000 individual members, the work of which is to strengthen all international movements supporting human rights, my delegation was very much struck by the fact that Amnesty International has taken up investigation of cases of political prisoners during the year 1968–69 in 72 countries. Included was my own country, where the status of conscientious objectors who have been imprisoned for violations of the conscription laws has been looked into with the full cooperation of my Government.

Newspaper reports and other media sources make perfectly clear to us that the right of political dissent is still a very precarious one for millions of people. Prisons bulge with those who have dared to criticize or oppose peacefully the policies of their governments; and, alas, many such prisoners are brutally ill-treated, in violation of all standards of human decency. We note particularly the evidence compiled in the report of the *ad hoc* working group of experts as to African territories under colonial domination, which documents the degree to which political prisoners have been brutalized in these areas.

Rather than promote and encourage open dissent, many governments have maintained power with a reign of fear which serves to terrorize the minds and, eventually, the bodies of those who disagree.

In the time available to me, Madam Chairman, I cannot review all of these situations occurring the world over. But in the course of this debate, my delegation wishes strongly to affirm the inherent faculty of all men—if they are indeed, as article 1 of the Universal Declaration of Human Rights states, "born free and equal in dignity and rights . . . endowed with reason and conscience"—to exercise their basic right of freedom of spirit, mind, and belief, wherever they may be located and whatever may be the political and social system under which they live.

These rights are no greater or smaller in Africa than in the Americas, in Asia than in Europe. They belong to all mankind and derive from man's basic humanity. The right to disagree, to dissent, is perhaps the most cherished of all the political rights of man. History teaches that yesterday's dissenters often become today's majority, for through reasoned dissent, man progresses. If I may so note, my delegation was proud to witness the free exercise of free minds across our country on October 15, a day on which many Americans were able to express their dissent with the Government's policy as others were equally able to disagree publicly with the dissenters. We are grateful for orderly and reasonable disagreement; for we know that no country's policies are so sound or so correct that none will be found who disagree.

GENEVA CONVENTION ON PRISONERS OF WAR

Madam Chairman, my delegation is also deeply disturbed at a most fundamental violation of human decency as to another category of prisoners: those who are prisoners of war protected by international law.

I would like to discuss a specific situation involving prisoners which, I am sure you will understand, is of particular concern to my country. United States forces are engaged in combat in Vietnam. It is our earnest hope that this conflict will soon be terminated and the task of rebuilding begun. But many hundreds of American soldiers, airmen, marines, and naval personnel are at present missing or captured in Vietnam. How many of these men, and which ones, are in captivity is a secret closely guarded by the North Vietnamese authorities. For each of these men there is a wife, a child, a parent, who is concerned with his fate. They are subjected to uncertainty and despair which grow as each day passes.

Our concern in this matter, expressed here before the assemblage of nations, is humanitarian, not political. This concern was succinctly but urgently expressed in the agonizing question put by the many wives who have gone to Paris to ask the North Vietnamese delegation to the Paris talks: Please tell me if I am a wife or a widow.

There exists an international convention, legally binding upon all parties concerned: the Convention on Protection of Prisoners of War, concluded at Geneva in 1949.[1] This convention applies to "all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them." It thus binds the United States, which ratified it in 1955, the Republic of Viet-Nam, which acceded to it in 1953, and North Viet-Nam, which acceded in 1957.

This convention, to which, I may add, there are 125 parties, including more than 100 members of the United Nations, contains provisions which, if implemented, would let children know if their fathers are alive, parents if their sons are well treated. It requires that, and I quote: "Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write direct to his family. . . ."

The convention assures a prisoner the right to remain in communication with his loved ones and with an international or state organization which has assumed the obligation of safeguarding the rights of the prisoner.

In addition to the right to receive mail and packages, and to send a minimum of two letters and four cards each month, the Geneva convention specifies minimum humane standards of detention, of hygiene, diet, recreation, and employment. It requires that seriously wounded or ill prisoners be repatriated as soon as they are able to travel. It specifies that the detaining power shall accept a neutral party to the conflict or a respected international organization such as the International Committee of the Red Cross as a protecting power for the prisoners. It requires that the detaining power provide the names of the prisoners it holds to their families, as well as to the protecting power, or to the International Committee of the Red Cross, to pass on to their country of origin. It requires that the detaining party permit on-the-scene inspection of its detention facilities.

Madam Chairman, my fellow delegates, this convention is not meant to create a life of privilege for captured military personnel. It is meant to ensure minimum standards of human decency to helpless men who are in the power of their military enemy and can no longer pose a threat to that enemy and to provide minimum solace to families who are far from the front lines. In wartime, when passions are inflamed, this convention seeks to preserve those frail links of compassion and decency which are so urgently needed. Nurtured, these links may in turn help move enemies toward a realization of their common stake in finding the path to peace.

My country places the highest priority upon implementation of this convention. There are now some 30,000 North Vietnamese and Viet Cong prisoners of war in South Viet-Nam who have been accorded the status and the rights of prisoners of war under the Geneva convention, even though many of them may not technically be entitled to such prisoner-of-war status as defined in the convention.

The United States has tried again and again to persuade Hanoi to apply the basic minimum standards guaranteed by the convention: identification of prisoners, the right to send and receive mail, and a protecting power to inspect detention conditions. We remain immensely grateful to the governments which have cooperated in these regrettably unsuccessful efforts.

In contrast, the Government of the Republic of Viet-Nam, with the cooperation of its allies, opened all detention camps to inspection by the International Committee of the Red Cross. The names of POW's have been made available to the ICRC. Prisoners of war detained by the Republic of Viet-Nam have the right to send and receive mail and packages. They are interned in six camps which are administered by the Republic of Viet-Nam and which, as regular international inspection has shown, conform to the requirements of the Geneva convention.

Let me be clear that we are not claiming a perfect record on this subject. War is ugly and brutal by nature, and violations by individuals have occurred. The point is, however, that the Allied command has made every effort to ensure that the convention is applied. This includes the issuance of clear and explicit orders and, even more important, thorough investigation of alleged violations and punishment of those found guilty. This policy is confirmed and supported by the continuous review, both official and unofficial, which results from free access to POW's by delegates and doctors of the ICRC.

The United States neither seeks nor deserves praise for its efforts to implement the convention. This is our duty—our legal duty and our moral duty. The tragic fact, how-

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[1] Treaties and Other International Acts Series 3364.

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ever, is that North Viet-Nam and the National Liberation Front refuse to acknowledge their legal and moral duty to apply similar standards of treatment to the helpless prisoners in their power, Vietnamese as well as American.

NORTH VIETNAM'S TREATMENT OF PRISONERS

The record is indeed sad. The North Vietnamese authorities have refused to identify the prisoners they hold. Only a limited minority of those men known by the United States Government to have been captured have been allowed to communicate with the outside world. Mail even from this small minority has been infrequent and irregular. The sick and the wounded have not been repatriated, nor have they been identified. Even the minimum protection that would be afforded by inspection of POW facilities by an impartial international body has been denied. The ICRC's repeated requests to be allowed to visit the prisoners at their places of detention have been repeatedly denied, nor has any other accepted intermediary been given access to the prisoners.

From the reports of the few men actually released by North Viet-Nam and from other sources has come disturbing evidence that prisoners are being deprived of adequate medical care and diets and that, in many instances, they have been subjected to physical and mental torture. For example, Lieutenant Robert Frishman, one of the recently released American prisoners, in a public statement on September 2, 1969, shortly after his release, said American prisoners are subject to "solitary confinement, forced statements, living in a cage for 3 years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg. . . ." Recounting the treatment of Lieutenant Commander Stratton, Lieutenant Frishman said:

"The North Vietnamese tried to get Lieutenant Commander Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He'd been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his fingernails removed, and was put in solitary, but the North Vietnamese insisted that he make the false 'humane treatment statements' and threw him into a dark cell alone for 38 days to think about it."

This record is indeed chilling. It has been noted and deplored by a great many international observers. For example, Jacques Freymond of the International Committee of the Red Cross, reporting on the work of the Committee on Prisoners of War, highlighted the contrasts between North and South Viet-Nam as follows:

"In Viet-Nam, it (the ICRC) has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Viet-Nam to the installation of a delegation in Hanoi nor even to the visiting of prisoners of war. . . .

"On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also regularly receive nominal rolls of these prisoners."

In the face of such international criticism there have been few breaks in the silence of Hanoi. We have, however, been told—though in the shrill phrases of propaganda, rather than in the measured tones of statesmanship or humanitarianism—that the Geneva convention does not apply because there has not been a formal declaration of war and that the American prisoners are "war criminals" and therefore not entitled to the rights conferred upon prisoners of war by the Geneva convention. Despite this, Hanoi says, it treats the prisoners "humanely."

Madam Chairman, my Government cannot accept these assertions. The Geneva convention provides a detailed international standard of humane treatment against which the treatment of prisoners of war can be measured. Hanoi's mere assertion of "humane" treatment, which has never been verified by impartial inspection, is no substitute. Further, North Viet-Nam's denial that the convention is applicable and its assertion that it therefore cannot be the standard to measure its conduct have no basis in international law. Hanoi says that the convention applies only where there has been a declaration of war. But it is clear from the language of the convention, which I quoted earlier, that the absence of such a declaration has no relationship to the convention's applicability and does not justify a refusal to apply it.

Hanoi has also asserted that our men held as prisoners are war criminals, apparently on the theory that any attacks against North Viet-Nam or Viet Cong forces or facilities are criminal acts and that all military personnel involved in such attacks are criminals. Such assertions are patently absurd. Our men are not war criminals. Moreover, the Geneva conventions and modern international humanitarian law reject any suggestion that the protection of individual war victims, whether soldiers or civilians, is dependent upon moral or legal judgments about the cause for which their government is fighting. The law is there to protect all the victims of war on both sides. All countries have an interest in seeing that it is respected.

The United States understands that every country believes that it is right and its enemy wrong. But, Madam Chairman, the Geneva convention was designed specifically to meet this problem. It imposes upon all combatant powers the obligation to treat military personnel made helpless by their captivity in accordance with a single objective and verifiable standard.

ICRC RESOLUTION

The 21st International Conference of the Red Cross, held at Istanbul in September, cut through any possible quibbles that could be made by a party to the Viet-Nam conflict. It adopted without dissent a resolution which obtained the support of 114 governments and national Red Cross organizations.[3] That resolution called upon all parties:

". . . to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention. . . ."

It also recognized—and again I repeat the exact words of this resolution:

". . . that, even apart from the Convention, the international community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals."

We hope this committee will take note at this session of the resolution passed without dissent by the International Red Cross Conference in Istanbul and that it will in a similar fashion reaffirm the obligations of all parties to the Geneva convention. We especially hope that North Viet-Nam, which has frequently expressed its abiding regard for humane principles, will heed this unequivocal and specific call reflecting the conscience of the international community.

Madam Chairman, 2 weeks ago, on October 30, the Secretary General made the following statement:

"It is the view of the Secretary General that the Government of North Vietnam ought to give an international humanitarian organization such as the League of Red Cross Societies access to the Americans detained in North Vietnam."

We join in this view, and we urge all the governments represented here today to use their utmost influence so that at least this single step forward can be accomplished. We would indeed welcome the intervention of any organization or group of concerned people who may be able to reduce the anguish of the prisoners and their families. But the Secretary General has made a concrete, limited proposal; its immediate implementation would bring closer the day when the observance of the humanitarian principles of the Geneva convention by all parties is complete.

I have spoken at length on this matter, Madam Chairman, for it is of vital importance to the United States. It is also of paramount interest to all nations of the world. The failure to treat any prisoner of war, wherever he may be, in accordance with common standards of decency, is an affront to all who claim the mantle of civilization.

Mr. DOLE. Mr. President, I would hope that the sponsors of the Cooper-Church amendment would view the amendment I have offered in the spirit in which it was offered, in the spirit of making it clear that the Senate is on record that nothing contained in the Church-Cooper resolution shall in any way prevent the President, directly or indirectly, from taking any action he deems necessary to protect American prisoners of war.

The amendment is limited to Cambodia because the Cooper-Church resolution is limited to Cambodia.

There is significant reason to believe that Americans are being held as prisoners of war in Cambodia and, in addition to the American servicemen, at least two journalists, and perhaps more, are being held there.

The amendment does no harm to the Cooper-Church resolution. It does signal to the world that we care about one American, two Americans, or 100 Americans, or however many there may be, who may be missing in action or pirsoners of war in Cambodia.

This is an obligation we have. And this is an obligation that we can underscore by the adoption of the amendment.

BRUTAL TREATMENT OF AMERICAN PRISONERS OF WAR

Mr. GURNEY. Mr. President, there has been much said in the past several years about the American prisoner of war situation, the 1,400 to 1,500 men being held by the North Vietnamese. I do not think enough detailed attention has been drawn to the actual living conditions—if we can call it living—that these men suffer.

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[3] For a U.S. statement and text of the resolution, see BULLETIN of Oct. 13, 1969, p. 323.

There is a notion abroad, possibly put forth by the Communists and echoed in this country by their apologists, that these men are well treated. Let me state here flatly that every evidence indicates they are not.

The evidence we have comes largely from the few Americans who have been released and from a limited number of outside sources. And all of it points to one thing; namely, that the North Vietnamese are treating American prisoners with calculated brutality.

Americans are held in solitary confinement as a matter of routine.

Occasionally they are placed in cages and held up for public display.

Wounded Americans go for days and weeks with their wounds untreated.

One American prisoner with a broken arm was dragged through the streets for the crowds to watch.

Other prisoners have been beaten.

Still others have been strapped up and hung from the ceiling of their cells as punishment for minor infractions.

One American prisoner, a Navy lieutenant commander, was told by the North Vietnamese he had to appear at a press conference and tell foreign reporters he had been treated well and humanely. He refused because, according to fellow prisoners, his treatment had been far from decent.

He had been tied so tightly with ropes that there are still burn scars on his arms.

He had been beaten.

He had been forced to go for days at a time without food or sleep.

He had been held in solitary confinement.

His wounds were allowed to fester and become infected.

His fingernails had been torn out by the roots.

All of this had been done to him, but the North Vietnamese still demanded that he appear before the reporters and issue a statement they had written saying he had been treated well and leniently.

When he refused to issue the statement the North Vietnamese threw him in a cell without light for 38 days to think it over.

Mr. President, this is a commonplace story. It is not unique, but has been repeated time and again.

So it is that when we are talking about Americans being held prisoner we are not talking about people being held in a genteel detention center.

We are talking about men who are forced to live under conditions which the Society for the Prevention of Cruelty to Animals would not allow for animals in this country.

As a nation we must continue to do everything in our power to force the Communists to the negotiating table to discuss this problem seriously and in good faith. They have refused to do so until now, but the pressure of world opinion is mounting on them. We must continue to fan that world opinion until it brings the Communists to reason.

On this subject we will not give up, nor will we be denied.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. GURNEY. Mr. President, I submit for the information of the Senate the results of the Cambodian sanctuary operations as of 8 a.m., May 26, 1970 and ask unanimous consent that the summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

TOTAL OPERATIONS

	Number	24-hour change
Individual weapons	11,064	+122
Crew-served weapons	1,846	+228
Bunkers/structures destroyed	6,643	+13
Machinegun rounds	2,689,724	+97,220
Rifle rounds	5,126,838	+32,550
Total small arms ammunition (machinegun and rifle rounds)	7,816,562	+129,770
Grenades	12,574	+265
Mines	2,966	+140
Satchel charge	500	(1)
Miscellaneous explosives (pounds)	72,000	(1)
Antiaircraft rounds	130,567	+3,214
Mortar rounds	29,311	+2,562
Large rocket rounds	1,090	(1)
Smaller rocket rounds	15,061	+262
Recoilless rifle rounds	19,565	+1,013
Rice (pounds)	9,120,000	+86,000
Man-months	200,640	+1,892
Vehicles	305	+41
Boats	40	(1)
Generators	36	(1)
Radios	179	(1)
Medical supplies (pounds)	36,000	(1)
Enemy KIA	8,044	+187
POW's (includes detainees)	1,773	+3

[1] Unchanged.

KENNETH GALBRAITH AND AL CAPP

Mr. GURNEY. Mr. President, the Washington Post for May 26, 1970 carries an interesting letter to the editor from the distinguished humorist Al Capp, dealing with the subject of Mr. Kenneth Galbraith's thesis on American presence in Asia.

Since Mr. Capp expresses himself in such a unique fashion, and hits so directly to the core of the subject, I ask unanimous consent his letter entitled, "Al Capp on Galbraith" be printed into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, May 26, 1970]

AL CAPP ON GALBRAITH

It was cozy, being away from home, to see a letter from someone we're mighty proud of in Cambridge, Mass., in print. Back home we think Ken is the smartest economist since Edna St. Vincent Millay. Smarter. His "Lower the Gross National Product and Raise Foreign Aid" solution is the same as her solution: "Let's Burn Our Candle at Both Ends" but Ken was smart enough not to make it rhyme, and his got taken seriously.

We are proud to see from your paper that Ken is branching out as a military analyst, and that he is, again, adapting his solutions from classic sources.

Ken's theory that the people who "want" the war is an unnamed cabal of high-ranking military officers, is a "new" version of Goebbels' theory that the Germans who "wanted" her humilitation was a cabal of highly-placed Jews, and Joe McCarthy's theory that there was a cabal of hundreds of "pinkos and Commies" in our State Department.

Goebbels didn't name them, any more than McCarthy did, and Ken, a classicist to the bone, doesn't name anyone in his cabal, either.

Like Goebbels and McCarthy, Ken knows you don't have to, to get the hate started and the mobs howling.

And it's no good to ask Ken (anymore than it was to ask Goebbels or McCarthy) WHO?

It's no good to ask if he means the GI's who are sweating it out there. Or the general officers in Asia who are being killed at an unprecedented rate. Or, the top commanders, who, from Harkins to Westmoreland, have ended their careers in bleakness for doing their duty there.

It's no good to remind Ken that it was only because of the stylish naivete of an administration he was a powerful influence in, that the military was called in, in the first place.

Ken's got a sure-fire thing going there and it's going to upset a lot of readers who don't get along further to a story buried among the "Jumbo Shrimp" and "Ground Chuck" ads, headlined "Cambodia Invasion Reported Upsetting Hanoi's Timetable."

AL CAPP.

WASHINGTON.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with statements limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION TO GRANT RELIEF OF PAYEES AND SPECIAL INDORSEES OF FRADULENTLY NEGOTIATED CHECKS DRAWN ON DESIGNATED DEPOSITARIES OF THE UNITED STATES

A letter from the Secretary of the Treasury transmitting a draft of proposed legislation to grant relief to payees and special indorsees of fradulently negotiated checks drawn on designated depositaries of the United States by extending the availability of the check forgery insurance fund (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF THE IMMITRATION AND NATURALIZATION SERVICE

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, the annual report of the Immigration and Naturalization Service, for the year ended June 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF ENGINEERING

A letter from the President, National Academy of Sciences, transmitting, pursuant to law, the annual report of the National Academy of Sciences for the fiscal year ended June 30, 1968, together with the report of the National Academy of Engineering for the fiscal year ended June 30, 1968 (with accompanying reports); to the Committee on Labor and Public Welfare, ordered to be printed pursuant to law with an illustration.

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PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Foreign Relations:

"S. CON. RES. 39

"Concurrent resolution petitioning the President and the Congress of the United States to fully inform the American people about U.S. operations in Laos and to end all combat support of Laotian forces by U.S. personnel

"Whereas, secret agreements between the United States and foreign countries subvert government by the people by denying the public vital information necessary to the democratic process; and

"Whereas, combat operations in Laos and Thailand by American personnel, whether in or out of uniform, are specifically prohibited by an amendment to the Defense Appropriations Act of December, 1969; and

"Whereas, scorched-earth bombing raids by B–52's on the Plain of Jars, hundreds of miles northwest of the "Ho Chi Minh Trail," represent a further alarming escalation of our secret and undeclared war in Laos; and

"Whereas, such combat operations and escalation are in violation of the Nixon Doctrine of no wider land war in Asia, and can undermine our withdrawal efforts in Vietnam and *further involve us in another Vietnam-like entanglement in Laos;* now, therefore

"Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the House of Representatives concurring, that the President and the Congress of the United States be, and they are, respectively petitioned to inform the American people fully about U.S. operations in Laos and the extent and cost of our involvement; and

"Be it further resolved that the President and the Congress of the United States be, and they are, respectively urged to end all ground combat support of Laotian forces by United States personnel immediately and to cease all military activity on Laotian territory; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Defense, the Senate Foreign Relations Committee, Senator Hiram L. Fong, Senator Daniel K. Inouye, Representative Spark M. Matsunaga, and Representative Patsy T. Mink."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on the Judiciary:

"S. CON. RES. 20

"CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE U.S. CONSTITUTION TO PRESERVE THE RECIPROCAL IMMUNITIES OF TAX EXEMPTION

"Whereas, taxes of the United States Government on the interest on evidences of indebtedness of States, their political subdivisions, and the agencies and instrumentalities thereof, impose a burden on the sovereign power of the States, and their political subdivisions, agencies and instrumentalities to borrow money for essential State and local purposes; and

"Whereas, the constantly recurring attempts of Congress and the Treasury Department of the United States to tax the interest on such evidences of indebtedness has severely damaged the ability of the States and their political subdivisions, agencies and instrumentalities to borrow money, and has substantially increased the cost of such borrowings to the detriment of the taxpayers of the States and their political subdivisions, agencies and instrumentalities; and

"Whereas, such recurring attempts to tax the interest on such evidences of indebtedness flaunt the constitutional principle of reciprocal inter-governmental tax immunity first enunciated by the Supreme Court of the United States in *McCulloch* v. *Maryland* (4 Wheat 316) in the year 1819 and more specifically applied by that Court in *Pollack* v. *Farmers' Loan & Trust Co.* (157 U.S. 429) and later cases; and

"Whereas, it is advisable and in the best interest of the States to prevent future attempts to tax the interest on such evidences of indebtedness by amending the Constitution of the United States to unequivocally state the principle of reciprocal inter-governmental tax immunity in respect of taxes on the interest on such evidences of indebtedness and thereby restore investor confidence to the market for such evidences of indebtedness and consequently, reduce the cost of borrowing by the States and their political subdivisions, agencies and instrumentalities; now, therefore

"Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the House of Representatives concurring, that application is hereby made to the Congress of the United States to submit to the legislatures of the States an amendment to the Constitution of the United States in the following form, which amendment is hereby ratified as an amendment to the Constitution of the United States on behalf of the State of Hawaii by this Concurrent Resolution, to wit:

"Without the consent of a State, Congress shall have no power to lay and collect any tax, direct or indirect, upon the income derived from interest paid on evidences of indebtedness of such State, or of any political subdivision, agency or instrumentality thereof, nor shall any State have power, without the consent of Congress, to lay and collect any tax, direct or indirect, upon the income derived from interest paid on obligations of the United States or of any agency or instrumentality thereof"; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be immediately transmitted to both the President and Secretary of the Senate of the United States and to the Speaker and Clerk of the House of Representatives of the United States; the Honorable Daniel K. Inouye, United States Senator; the Honorable Hiram L. Fong, United States Senator; the Honorable Spark M. Matsunaga, United States Representative; and the Honorable Patsy T. Mink, United States Representative; and

"Be it further resolved that this Concurrent Resolution shall continue in full force and effect until December 31, 1975."

A resolution adopted by the Board of Governors of the Puerto Rico Bar Association, asking for the rejection of the so-called alternative plan, proposed by the U.S. Navy; to the Committee on Armed Services.

A resolution adopted by the Long Island Federation of Women's Clubs, Inc., of Brightwaters, N.Y., praying for the establishment of standards limiting jet noise by the Surgeon General; to the Committee on Commerce.

A resolution adopted by the Medical Association of Georgia, praying for the return of the responsibility for patient care to physicians; to the Committee on Finance.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

H.R. 15166. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes (Rept. No. 91–895).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. McCLELLAN, from the Committee on Government Operations:

Martin G. Castillo, of California, to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People.

Mrs. SMITH of Maine. Mr. President, as in executive session, from the Committee on Armed Services I report favorably on the nominations of 221 flag and general officers in the Army, Navy, and Air Force. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar are as follows:

Maj. Gen. James T. Stewart, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general;

Vice Adm. Edwin B. Hooper, U.S. Navy, for appointment to the grade of vice admiral, when retired;

Vice Adm. John L. Chew, U.S. Navy, for appointment to the grade of vice admiral, when retired;

Rear Adm. Eli T. Reich, U.S. Navy, having been designated for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Gen. Frank Schaffer Besson, Jr., Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Lt. Gen. Oren Eugene Hurlbut, Army of the United States (major general, U.S. Army), to be placed on the retired list, in the grade of lieutenant general;

Maj. Gen. Richard Thomas Knowles, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, to be lieutenant general;

Col. Frederick Charles Krause, Army of the United States (lieutenant colonel, U.S. Army), and sundry other officers, for temporary appointment in the Army of the United States;

Brig. Gen. Spurgeon Hart Neel, Jr., Army of the United States (colonel, U.S. Army), and sundry other officers, for temporary appointment in the Army of the United States;

Maj. Gen. James Arista Wier, Army of the United States (colonel, Medical Corps, U.S. Army); Brig. Gen. Colin Francis Vorder Bruegge, Army of the United States (colonel, Medical Corps, U.S. Army); and Brig. Gen. Thomas Joseph Whelan, Jr., Army of the United States (colonel, Medical Corps, U.S. Army), to be brigadier generals, Medical Corps;

Brig. Gen. Daniel Arthur Raymond, Army of the United States (colonel, U.S. Army), and sundry other officers, for temporary appointment in the Army of the United States;

Capt .Carl O. Holmquist, U.S. Navy, to be Chief of Naval Research in the Department of the Navy;

Maurice H. Rindskopf, and sundry other officers of the Navy, for permanent promotion to the grade of rear admiral;

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Lt. Col. Wendell A. Childs, to be professor of physics, U.S. Military Academy; and

Lt. Col. Lee D. Olvey, to be professor of social sciences, U.S. Military Academy.

Mrs. SMITH of Maine. Mr. President, in addition, I report favorably 1,198 promotions and appointments in the Army in grade of colonel and below; 1,190 appointments and promotions in the Navy in grade of lieutenant commander and below; and 1,748 appointments in the Air Force in grade of colonel and below. Since these names have already been printed in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Col. Robert R. Lochry, for appointment as permanent professor, U.S. Air Force Academy;

Robert J. Borre, and sundry other officers, for appointment in the Regular Air Force;

Lucian M. Acuff, and sundry other midshipmen (Naval Academy), for permanent assigned in the Navy;

Mershan G. Shaddy, and sundry other officers, for promotion in the Regular Army of the United States; and

James A. Akridge, and sundry other officers, for appointment in the Regular Air Force.

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

Ernest G. Spivey, of Mississippi, to be a member of the Federal Farm Credit Board, Farm Credit Administration.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ANDERSON:

S. 3877. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Brantley project, Pecos River Basin, N. Mex., and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Anderson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PROUTY:

S. 3878. A bill relating to manpower requirements, resources, development, utilization and evaluation, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Prouty when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. INOUYE:

S. 3879. A bill for the relief of Naoyo Campbell; to the Committee on the Judiciary.

My Mr. BROOKE:

S. 3880. A bill to amend the National Defense Education Act of 1958 to provide loan forgiveness for service in Headstart programs, the Peace Corps, and for certain other service; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Brooke when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BENNETT:

S. 3881. A bill for the relief of Gunmaj-Britt Lomberg; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself and Mr. Nelson):

S. 3882. A bill to amend the Tariff Schedules of the United States with respect to the method of determining what articles fall within the additional import restrictions set forth in part 3 of the appendix of such schedules; to the Committee on Finance.

(The remarks of Mr. Proxmire when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. JAVITS (for himself and Mr. Pell):

S. 3883. A bill to provide financial assistance to improve education in racially impacted areas and to assist school districts to meet special problems incident to desegregation in elementary and secondary schools, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3877—INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONSTRUCT, OPERATE AND MAINTAIN THE BRANTLEY PROJECT, PECOS RIVER BASIN, N. MEX.

Mr. ANDERSON. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Interior to construct, operate and maintain the Brantley project, Pecos River Basin, N. Mex., and for other purposes.

The principal purposes of this project are to provide flood protection for the city of Carlsbad, N. Mex., and to eliminate the existing threat of a failure of McMillan Dam by replacing that structure. The project also would provide replacement storage for the Carlsbad Irrigation District, making it possible to proceed with the cleaning of McMillan Delta to salvage water. Construction of this project would yield significant fish, wildlife and recreation benefits in addition to providing replacement storage and giving flood protection to the city of Carlsbad. The Carlsbad project irrigation facilities presently consist of three dams and storage reservoirs used to regulate irrigation water and a distribution system to serve approximately 25,000 acres of waterright land. The dams are Alamogordo, McMillan, and Avalon. The irrigated areas increased from 6,500 acres in 1907 to 25,278 acres in 1926. Since completion of the irrigation system, the irrigated area has averaged about 20,000 acres per year.

The Carlsbad project has been quite successful over the years, though subject to numerous problems, such as poor water quality, dwindling water supplies, a leaky reservoir and reservoir capacities being gradually depleted by sediment.

I have introduced legislation and helped enact into law two projects to improve water quality and eliminate water shortages in the Pecos River Basin. Public Law 85-333, approved February 20, 1958, authorized the construction of Malaga Bend and McMillan Delta channelization divisions of McMillan Delta project. However, the law provided that no work could be commenced on the McMillan Delta flood relief unless provisions were made to replace any terminal shortage of Carlsbad Irrigation District which might be lost by clearing the floodway. Public Law 88-594, approved December 12, 1964, authorized creation of the Pecos River water salvage project. This is a continuing program to reduce the nonbeneficial consumptive use of water in the Pecos River Valley. This law also provides that no work shall be commenced on clearing the phreatophytes from the floodway area unless provision is made to replace the District's terminal storage. Even though some work has been done upstream and considerable water has been salvaged, this work cannot be completed until Brantley Dam is constructed.

In addition to the need for salvaging of water, the United States has an obligation for personal and property safety in the area below McMillan Dam. History has shown us that, without the regulation of stream flow by existing dams, there would have been considerable flood damage over the years to Carlsbad and the surrounding area. With the McMillan and Avalon Dams being filled with silt, a new flood hazard exists and there is a possibility of failure of McMillan and/or Avalon Dams during the flood stage of the Pecos River. This poses a disastrous threat to the city of Carlsbad.

Since this dam will protect lives and property and will provide additional water which will enhance the economy of the district, I feel that we should not delay in its construction.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The bill will be received and appropriately referred.

The bill (S. 3877) to authorize the Secretary of the Interior to construct, operate, and maintain the Brantley project, Pecos River Basin, N. Mex., and for other purposes, introduced by Mr. Anderson, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3878—INTRODUCTION OF MANPOWER DEVELOPMENT AND TRAINING ACT OF 1970

Mr. PROUTY. I introduce a bill and ask that it be appropriately referred. I also ask unanimous consent that its text be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record, as requested by the Senator from Vermont.

Mr. PROUTY. Mr. President, my bill entitled "The Manpower Development and Training Act of 1970" is designed to effect a flexible and coordinated national manpower program and represents an effective compromise between the pending manpower bills and the Manpower Development and Training Act of 1962.

I was one of the primary sponsors and principal supporters of the Manpower Development and Training Act of 1962. From the outset, this legislation has had truly bipartisan support, and in response

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to changing economic requirements, both sides of the aisle have acted to strengthen and improve that legislation by amendments from time to time.

My esteemed friend, the senior Senator from New York, recently introduced an amendment to create a National Manpower Advisory Committee. My bill also includes this concept, and I anticipate no problem in our resolving the differences which exist between these two versions.

The concept of a National Manpower Advisory Committee was strongly endorsed in testimony earlier this year before the House Select Subcommittee on Labor. There is bipartisan recognition of the need to draw on the manpower expertise and resources of a variety of Federal, State, and local institutions and governmental agencies, as well as the resources of the private sector including industry and private educational institutions.

The Nation's manpower programs must be responsive to both the economic and employment picture of the Nation, and to the people whom they are serving and are designed to serve.

Since the employment and economic picture of the country is continually changing, manpower legislation must retain a degree of flexibility in order to be immediately responsive to these changes. Programs currently operating under the provisions of the Manpower Development and Training Act of 1962, as amended, exemplify this desired flexibility. Skills Centers developed under that legislation were not envisioned by the congressional framers of the original act and yet they are in existence today because they fulfill a very real need in the Nation's manpower programs. Further, the Manpower Development and Training Act of 1962 has demonstrated the desirability for building into manpower legislation the capacity for changing the Nation's manpower programs. Programs under that act, originally developed when there was a recession, have been able to adapt during times of economic upswing to serve those who are least likely to gain and maintain employment—those who without the benefit of participation in such a program still would be unemployed. It was to combat some of the remaining problems of unemployment and underemployment and to provide better coordination of all manpower programs that major manpower bills were introduced in 1969. Yet, even these reflect the economic conditions at the time of their drafting. The bills are predicated on continued expansion of the economy and increases in the labor force. During the course of hearings on the proposed legislation, it has been suggested that just as the economic situation had already changed by the time the MDTA was enacted, so it is changing to present a new economic situation not envisioned by drafters of the other bills. While some economists say that we are actually in a recession, the effects of this economic adjustment are unnoticed by many of us—except, of course, those most affected, the unemployed. Once again there is an increase in the numbers of technical and skilled workers among the unemployed making competition for available jobs much keener. National manpower policy and programs must permit effective response to these situations. There is a need for legislation that can adapt to situations of both cyclical and structural unemployment.

It is for these and other reasons that I advocate the changes reflected in my proposal—The Manpower Development and Training Act of 1970. This legislation represents a compromise between the Manpower Development and Training Act of 1962, as amended, and the several bills that are currently pending. Briefly, some of the major provisions of the substitute are:

Manpower requirements, development, and evaluation: Title I sets forth the basic purposes of the act—to provide occupational training to unemployed and underemployed individuals, to assist in the relief of skills shortages both in critical occupations and in emerging ones. In addition there are provisions for experimental, demonstration, and pilot programs, training and technical assistance, labor market information and job matching programs.

Training and skill development programs: Title II describes the various manpower training, services, and activities that may be conducted with assistance under this act, including the Job Corps now under the Economic Opportunity Act of 1964. It further set forth the requirements for State participation under the act, including the establishment of State manpower advisory councils; provides for a comprehensive manpower planning system at the State level; describes participant eligibility and allowance payments; and, sets forth the responsibilities of the Secretary of Health, Education, and Welfare and the Secretary of Labor.

Miscellaneous: Title III contains provisions relating to the authority of the Secretary of Labor and the Secretary of Health, Education, and Welfare to enter into contracts, arrangements, or agreements to carry out the purposes of the Act; maintenance of State effort for vocational education; appropriations, advance funding, limitation on the use of appropriated funds; acceptance of voluntary services; and, the effective and termination dates of the act.

Manpower policy need not be the prerogative of any one Federal agency. As a partial step to broadening the role among the Federal agencies for manpower policy and programs, the Manpower Development and Training Act of 1970 contains two unique provisions.

First, is the creation of a National Manpower Advisory Council as proposed by Senator JAVITS' amendment and as contained in this bill. I propose that the Council be appointed by the President after consultation with appropriate officials, and consist of 15 members. The purpose of the Council would be to establish national manpower goals; to advise the manpower agencies of the Federal Establishment, such as the Departments of Housing and Urban Development, Labor, and Health, Education, and Welfare, on manpower programs and services; to review the administration and operation of manpower training programs, including their evaluation; and, to report to the President and the Congress concerning their findings including recommendations for legislative change in this act and other relevant Federal statutes. The Council would have its own staff and the capability to make judgments independent of the bureaucracy.

The second provision related to broadening the Federal agency manpower role is the establishment of the authority of the President to appoint to his staff a special assistant for manpower. This assistant would coordinate the manpower activities of the various Federal departments, offices, and commissions; act as liaison between the President and his National Manpower Advisory Council and Congress; and, report to the President on the manpower implications of the Federal budget on manpower programs generally.

With the creation of the Council and establishment of the Office of Special Assistant to the President for Manpower, there is created a forum for discussion for all Federal agencies concerned with or having expertise in manpower programs and problems. Were we to wipe out the most visible manpower programs on the books—the Manpower Development and Training Act of 1962 and the Economic Opportunity Act programs, there would still be numerous other pieces of legislation relating to manpower. At present there is no way to consider these programs in a coordinated manner and to seek solutions to manpower problems through interagency interaction. The special assistant to the President and the National Manpower Advisory Council could and would do this job.

Preparation for work is a part of the educational process, yet most Americans pass through the Nation's school systems and then spend their adult lives working at jobs for which their education and training may or may not have prepared them. Education and training are, or should be, an integral part of the Nation's manpower program. There is an urgent necessity for training and retraining in the national manpower program.

Strong ties must be developed between the educational community and manpower and other agencies, bringing the resources and expertise of those agencies to bear on national manpower problems, as well as catalyzing the need for change in our public educational institutions.

Several new responsibilities have been mandated. It shall be the responsibility of the Secretary of Health, Education, and Welfare, in consultations with the Secretary of Labor, to provide for a system of continuing evaluation of all training programs conducted with assistance under the proposed legislation. Evaluation of our manpower programs as well as research are sorely needed. Has the program been responsive to the needs of the persons they are designed to serve? What are the effects of participation on an individual, his family, the commu-

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nity? What methods and materials are effective? What lasting, residual benefits have accrued to the constitutional units of Government in the area? The list of such questions could go on and on.

The Secretary of Labor will continue to provide labor market information and to conduct job-matching programs. With our highly mobile population, we must have a more effective job information system than at present. Provisions in my bill encourage the development of a labor market information system using the most up-to-date telecommunications and data processing systems. Further authorized are funds for the purchase of this new equipment as well as for a special program for labor mobility demonstration to determine the impediments and feasibility of such a program on a nationwide basis.

Provisions are made for the development of special programs by the Secretary of Health, Education, and Welfare or the Secretary of Labor or both for career development and for identifying new occupational areas in their constituent agencies. It is not enough to get people on the first rung of a career ladder if there is no place to go or if the individual lacks the fundamental education for mobility necessary to all workers in our economy. Work in this area is especially to be encouraged with public agencies. There is still much work to be done in securing the adoption of employment practices and changes in attitudes of labor and management that do not create barriers to mobility.

Training and technical assistance provisions have been expanded. Testimony strongly suggests it is imperative that we provide not only training and technical assistance but also that we make it possible to distribute teacher manuals and classroom guides that will spread new knowledge in the field.

Moreover, funds set aside for this purpose shall be used by both the Secretary of Health, Education, and Welfare and the Secretary of Labor. The responsibilities of both in dealing with their constitutent agencies at State and local government levels are of such importance and yet cover such differing areas that a legislative division of funds will guarantee that the needs of both are met. If experience warrants, additional funds may be made available to the Secretary of Health, Education, and Welfare in future legislation.

The scope of programs and services that can be provided to program participants has been expanded, yet the basic functions of the Manpower Defense Training Act that have stood the test of time have remained. Much of the testimony that has been heard and the response from former Manpower Defense Training Act trainees have pointed to the need for the addition of such specific options in training for high school equivalency—trainees want that high school diploma, which has become the ticket to mobility to the middle class; furnishing of supportive services such as health and child care—these can be vital to the success of a program and each program ought to be able to make whatever arrangements are necessary in order to provide such services. Vocational rehabilitation services in many cities have been excellent; however, their resources are not always adequate to take care of the needs of all trainees. Provisions are included in section 201 to allow the Secretary of Labor to designate certain occupations in which trainees may receive a basic set of tools necessary for employment. There are many occupations for which tool ownership is a requirement for employment and though there have been several ad hoc arrangements made by training programs, there is a need for a nationwide system since this, too, is a part of preparing trainees for employment. Part-time employment, training, or work experience for students or youth of equivalent age in the ninth through 12th grade would be another program authorized under this bill. Such programs would be developed in cooperation with the public schools and industry to assist students in remaining in or returning to school. There is a need to broaden educational options that are provided to students who do not fit conventional patterns and to make their job experience in the world of work and education compatible.

I have not mentioned a number of other programs—outreach, testing, counseling, referral to work on training, basic education, institutional training, cooperative occupational training, on-the-job training, special programs for inmates of correctional institutions and residents of redevelopment areas—all of which are part of our current manpower programs and all of which will be continued. These programs, for the most part administered by the State Employment Service agencies, have proven their worth during the past 7 years and to comment upon them is unnecessary.

Criteria for the selection of individuals for participation in the program will continue to be a responsibility of the Secretary of Labor. Most participants should come from the ranks of the unemployed and the underemployed, with special emphasis to those who are from poor families, and with priority to those eligible individuals who also qualify as the head of a household.

Provisions for training allowances are adjusted to reflect the implications of the minimum wage. This has been done in an effort to equalize allowance payments throughout the country and to focus training opportunities on employment that will provide jobs at better rates than training allowances. We cannot neglect this valuable manpower resource made up of individuals who with education and training—called upgrading—can increase their and the Nation's productivity.

Provision is made for the payment of a bonus upon completion of training equal to 2 weeks of allowance payments. Such a provision is not charity but serves as a practical economic measure. Individuals are not always able to enter employment on the day that they complete training and yet there are still rent payments to make and food to buy. The payment of such a bonus will provide income and incentive to trainees while they are taking that next step of looking for employment or waiting to report to work. Many of our manpower programs provide incentives to employers. Here I am trying also to give the poor an incentive to take more initiative in job betterment.

Training also may be provided under the aegis of a State comprehensive manpower plan developed by the State Manpower Advisory Council. Once a plan is approved the State will have the authority to approve all programs, services, and activities that are included within the plan. The State Manpower Advisory Council must be responsive to the Governor or such other State agency as may have an agreement with the Secretary of Labor and the Secretary of Health, Education, and Welfare. The option must vest in the State. State manpower advisory councils must consist of representatives of State government, the public who are concerned with manpower problems and training, and should include at least the State education agency and the State employment service. Some States have already developed manpower councils in order to better coordinate the planning, delivery, and distribution of manpower services provided under current legislation. Other States have invoked the provisions of the Intergovernmental Cooperation Act of 1968—Public Law 90-577. Each agreement will require planning on an annual and long-range basis, the use of public and private profit or nonprofit agencies and organizations, and of all State and local agencies and organizations that are capable of contributing to the State's manpower program. Each Council would have at least four regularly scheduled meetings each year and at least one of these must give the public an opportunity to express its views concerning manpower training, programs, and services. Programs simply will not work unless they make the people to be served a partner in the planning process. State Councils will be strongly encouraged where appropriate, to replicate their composition and procedures at the area and local levels.

With minor modification, the Secretary of Labor and the Secretary of Health, Education, and Welfare will retain their basic responsibilities as currently set forth in the Manpower Development and Training Act of 1962, as amended.

A special provision is included for advance funding of programs authorized under the committee substitute. Meaningful planning becomes a practical impossibility under the current method of doing business and yet planning of manpower programs is urgently needed. Advance funding should provide for increased flexibility and improved planning with the resulting benefit being to the participating individual.

The Manpower Development and Training Act of 1970 represents another step in the development of a national manpower policy, and provides for responsible coordination between the Federal Government and the States as well as interagency coordination on all levels of government. Because manpower policy will have an increasingly felt ef-

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fect on our national well-being, there will need to be continual review by the Congress of this legislation. It is important that manpower legislation affect State and local agencies and that it be responsible to national efforts whether such efforts be in the areas of population, poverty, or environment. The Manpower Development and Training Act of 1970 provides an impetus for creating institutional change in an effective and orderly manner, which will result in a creative, viable relationship between Federal, State, and local governments and agencies.

The bill (S. 3878) relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes, introduced by Mr. PROUTY, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Manpower Development and Training Act of 1970."

Statement of Findings and Purpose

SEC. 2. The Congress finds that there is critical need for more and better trained personnel in many vital occupational categories, including professional, scientific, technical, and apprenticeable categories; that even in periods of high unemployment, many employment opportunities remain unfilled because of the shortages of qualified personnel; and, that it is in the national interest that current and prospective manpower shortages be identified and that persons who can be qualified for these positions through education and training be sought out and trained as quickly as possible. In addition, improved training and employment opportunities are vital to developing capacity for self-support by public assistance recipients, and the manpower system must assume special responsibility and accountability for training, placing, and upgrading these persons.

The Congress further finds that the skills of many persons have been rendered obsolete by dislocations in the economy arising from technological developments, foreign competition, relocation of industry, shifts in market demands, and other changes in the structure of the economy. With additional education and training, many of these persons could make a greater contribution to the national economy and share more fully in its benefits.

The Congress further finds that the problem of assuring sufficient employment opportunities will be compounded by the extraordinarily rapid growth of the labor force in the next decade, particularly by the entrance of young people into the labor force, that improved planning and expanded efforts will be required to assure that men, women, and young people will be trained and available to meet shifting employment needs; that in order to become qualified for reemployment or full employment many persons now unemployed or underemployed must be assisted in providing themselves with skills that are or will be in demand in the labor market; that the skills of many persons now employed are inadequate to enable them to make their maximum contribution to the Nation's economy; and, that it is in the national interest that the opportunity to acquire new skills be afforded to these people with the least delay in order to alleviate the hardships of unemployment, reduce the costs of unemployment compensation and public assistance, and to increase the Nation's productivity.

The Congress further finds that many professional employees who have become unemployed because of the specialized nature of their previous employment are in need of brief refresher or reorientation educational courses in order to become qualified for other employment in their professions.

The Congress further finds that there are great unfilled public needs in such fields as health, recreation, housing, neighborhood improvement and public safety, maintenance of streets, parks, and other governmental facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement and that to meet these urgent public needs it is necessary to devote greater resources to public service and to expand public service employment at various levels.

The Congress further finds that it is essential to link together and coordinate the efforts of Federal, State, and local public and private agencies involved in performing manpower services; to develop new approaches for improved services and changes in traditional organizational patterns used to assist economically disadvantaged and insufficiently trained individuals; and, to coordinate the Nation's manpower needs and services as closely as possible with economic development, transportation planning, new residential housing, and other factors related to the development of new job opportunities.

It is therefore the purpose of this Act to require the Federal Government to appraise the manpower requirements and resources of the Nation, and to develop and to apply the information and methods needed to deal with the problems of unemployment and underemployment; to develop new approaches for improved manpower services, and, to establish a comprehensive and coordinated national manpower program, designed to provide greater opportunities for education, training, and related services necessary to assist individuals in developing their full economic and occupational potential, involving the efforts of all sectors of the economy and appropriate agencies at all levels of government.

TITLE I

Manpower Requirements, Development and Evaluation

National manpower advisory council

SEC. 101. (a) The President, after consultation with the Secretary of Labor, the Secretary of Health, Education and Welfare and the Director of the Office of Economic Opportunity, shall appoint a National Manpower Advisory Council.

(b) The National Manpower Advisory Council shall consist of fifteen members and shall be appointed, witout regard to the civil service laws, for terms of three years, except that (i) in the case of initial members, five shall be appointed for terms of one year each and five shall be appointed for terms of two years each, and (ii) appointments to fill vacancies shall be only for such terms as remain unexpired. The Council shall include persons reprsentative of labor, management, agriculture, public and private education, vocational education and rehabilitation and manpower programs. The Council shall meet at the call of the chairman, who shall be selected by the President, but not less than three times a year.

(c) The Council shall:

(1) establish national manpower goals and develop appropriate standards for programs and services designed to meet such goals;

(2) advise the Secretary of Labor and the Secretary of Health, Education, and Welfare concerning the administration of, preparation of general regulations for, and operation of manpower programs and services supported with assistance under this Act;

(3) review the administration and operation of manpower training, service, and other activities provided under this Act, including the effectiveness of such programs and services in meeting the purposes for which they are established and operated, make recommendations with respect thereto (including recommendations for changes in the provisions of this Act and related manpower Acts), and make an annual report of its findings and recommendations as provided in section 103 of this Act; and,

(4) conduct independent evaluations of programs carried out under this and related manpower Acts and publish and distribute the results thereof.

(d) Members of the Council who are not regular full-time employees of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates fixed by the President, but not in excess of $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(e) The Council is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary, and to this end not to exceed one per centum of the sums appropriated in any fiscal year to carry out Title I of this Act shall be available only for the activities authorized by this section.

(f) The President shall appoint a special assistant for Manpower to serve on his staff; to coordinate the manpower activities of the various Federal departments, agencies, and commissions; to act as liaison with the National Manpower Advisory Council; to act as the President's principal advisor on manpower; and, to report and to make recommendations to the President and to the Congress on the Manpower implications of the Federal budget and manpower programs generally.

Manpower report

SEC. 102. The National Manpower Advisory Council shall transmit to the President and to the Congress within sixty days after the beginning of each regular session (commencing with the year 1971) a report pertaining to manpower requirements, resources, research, utilization, training and evaluation. Such report shall include a complete and full report of the activities, findings, and recommendations of the Secretary of Labor and the Secretary of Health, Education, and Welfare in respect to their responsibilities under this Act; and, the findings and recommendations of the Council (including recommendations for changes in the provisions of this and related manpower Acts).

Evaluation, information, and research

SEC. 103. To assist the Nation in furthering technological progress while avoiding or minimizing individual hardship and widespread unemployment and to assist in expanding work opportunities and assuring access to those opportunities for all who desire them, (a) the Secretary of Labor shall:

(1) evaluate the impact of, and benefits and problems created by technological progress, and other changes in the structure of production and demand on the use of the Nation's human resources; establish techniques and methods for detecting in advance the potential impact of such developments; develop solutions to these problems, and publish findings pertaining thereto;

(2) establish a program of factual studies of practices of employers and unions which tend to facilitate the mobility of workers or

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which impedes mobility, including but not limited to early retirement and vesting provisions and practices under private compensation plans; the extension of health, welfare, and insurance benefits to laid-off workers; the operation of severance pay plans; and, the use of both extended and short-term leave plans for education and training purposes. A report of these studies shall be included as part of the National Manpower Advisory Council's report required under section 103;

(3) appraise the adequacy of the Nation's manpower development efforts to meet foreseeable manpower needs and recommended needed adjustment to the National Manpower Advisory Council, including methods for promoting the most effective occupational use of and providing useful work experience and training opportunities for untrained and inexperienced youth; and,

(4) promote, encourage, or directly engage in programs of information and communication concerning manpower requirements, development, and utilization, including prevention and amelioration of undesirable manpower effects from automation and other technological developments and improvement of the mobility of workers.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations or agencies or through contracts with other private organizations for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and education and training problems of worker groups such as the long-term unemployed, disadvantaged youth, displaced older workers, the handicapped, members of minority groups, veterans returning to civilian employment, and other similar groups. In carrying out this subsection the Secretaries shall, where appropriate, consult with the Secretaries of Commerce and Housing and Urban Development and the Director of the Office of Economic Opportunity and other agencies. Where programs under this paragraph require institutional training, including but not limited to basic education, employability and communications skills, prevocational training, vocational and technical programs, and supplementary or related instruction for on-the-job training whether conducted at the job site or elsewhere, appropriate arrangements for such training shall be made by the Secretary of Health, Education, and Welfare in consultation with the Secretary of Labor. They shall also seek the advice of consultants with respect to the standards governing the adequacy and design of proposals, the ability of applicants, and the priority of projects in meeting the objectives of this Act.

(c) To further assess the effectiveness of various methods and approaches used in carrying out the purposes of the Act, the Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, shall:

(1) arrange, through grants or contracts for the conduct of such research and investigations as give promise of furthering the education and training objectives of this Act; and

(2) provide, either directly or through grants or contracts for a system of continuing evaluation of all training programs conducted by public and private schools and training agencies and organizations, with assistance under this Act, including their impact on communities and participants, their implication and related programs, the effectiveness of various methods and materials and the adequacy of their mechanism for the delivery of services and report the findings, including recommendations for corrective actions and their implications, of such evaluations to the National Manpower Advisory Council.

Labor Market Information and Job Matching Program

Sec. 104. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a National, State, local or other appropriate basis, including but not limited to information regarding:

(1) The nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and,

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends. Information collected under this subsection shall be developed and made available in a timely fashion in order to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act of 1964 as amended, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Payser Act, the Vocational Education Act of 1963 as amended, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

(b) The Secretary of Labor shall: plan, establish, and operate, directly or through contract, an information service, to make available to agencies, organizations, and other groups and persons concerned with manpower programs and services, information on resources, techniques, and concepts useful in the conduct of training programs under this Act. Such information shall include that derived from research, experimental and demonstration programs, and the evaluated experience of Federal, State, and local operations. The information shall be so designed as to be helpful in the establishment and improvement of training programs and related activities covered under titles I, II, and III of this Act.

(c) The Secretary of Labor shall develop and publish on a regular, timely basis information on available job opportunities throughout the United States on a National, State, local, or other appropriate basis for use in public and private job placement and related activities and in connection with job matching programs conducted pursuant to this subsection. The Secretary is directed to develop and establish a program for matching the qualifications of unemployed, underemployed, and low-income persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis. Such programs shall be designed to provide a quick and direct means of communication among local recruitment job training and placement agencies and organizations, and between such agencies and organizations on a National, State, local or other appropriate basis, with a view to the referral and placement of such persons in jobs. In the development of such a program, the Secretary shall make maximum possible use of electronic data processing and telecommunication systems for the storage, retrieval, and communication of job and worker information. The Secretary is authorized, for the purposes of carrying out programs authorized under this subsection to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment.

(d) In carrying out the program described in subsection (c), during the period ending June 30, 1974, the Secretary of Labor shall develop and carry out, in a limited number of geographical areas, pilot projects designed to assess or demonstrate the effectiveness of reducing unemployment of individuals and to increase the mobility of unemployed workers by providing assistance to meet their relocation expenses. In carrying out such projects the Secretary may provide such assistance, in the form of grants or loans, or both, only to involuntarily unemployed individuals who cannot reasonably be expected to secure full-time employment in the community in which they reside, have bona fide offers of employment (other than temporary or seasonal employment), and are deemed qualified to perform the work for which they are being employed.

Loans or grants provided under this subsection shall be subject to such terms and conditions as the Secretary shall prescribe, with loans subject to the following limitations:

(1) there is reasonable assurance of repayment of the loan;

(2) the credit is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs;

(3) the amount of the loan, together with other funds available, is adequate to assure achievement of the purposes for which the loan is made;

(4) the loan bears interest at a rate not less that (i) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (ii) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purposes;

(5) the loan is repayable within not more than ten years; and

(6) of the funds appropriated for a fiscal year to carry out this Act, not more than $10,000,000 may be used for the purposes of this subsection.

(e) A report on the activities and achievements under this section shall be included in the report required under section 103.

(f) Not less than 2 per centum of the sums appropriated in any fiscal year to carry out titles I, II, and III of this Act shall be available only for carrying out the provisions of subsection (c) of this section.

Career and employment development programs

Sec. 105. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall stimulate and assist and, where necessary, develop, in cooperation with interested agencies both public and private, job development programs that will serve to expand employment by the filling of those service and related needs which are not now being met because of lack of trained workers or other reasons affecting employment or opportunities for employment. Such programs shall include activities designed to promote job restructuring and redesign for the purpose of providing more effective use of manpower, including the adoption of employment practices that will remove unreasonable barriers to employment, without reducing productivity and expand the opportunities for upward mobility.

Training and technical assistance

Sec. 106. (a) In carrying out the provisions of this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall provide, directly or through grants, contracts, or other arrangements, training for specialized or other personnel and technical assistance, which are needed in connection with the programs established under this Act or which otherwise pertain to the purposes of this Act. The Secretaries shall:

(1) plan for, establish, and maintain a program of training and technical assistance to public and private agencies, institutions, and employers in order to assist such organizations in operating programs more effectively and providing services under this Act, in the most effective and efficient manner possible;

(2) provide for the development and distribution of technical manuals and guides in order to assure the early dissemination of information concerning advances or improved techniques, developed both as a result of this Act and through other sources, related to manpower training, services, and activities and their delivery; and,

(3) make, upon appropriate request, the special assignment of personnel to public or private agencies and employers to provide technical guidance with regard to programs funded under this Act, but no such assignments shall be for a period of more than two years.

(b) Two per centum of the sums appropriated in any fiscal year to carry out titles I, II, and III of this Act shall be available only for training and technical assistance authorized by this section. In carrying out the purposes of this section, eighty per centum of the sums available shall be for the use of the Secretary of Labor and the remaining twenty per centum shall be for the use of the Secretary of Health, Education, and Welfare.

TITLE II TRAINING AND SKILL DEVELOPMENT PROGRAMS

Part A. Manpower training programs and services

Programs, services and activities

Sec. 201. The programs, services, and activities for which funds under this title may be expended shall include, but are not limited to the following:

(1) basic education, literacy training, communications and computation skills, and high school equivalency programs, which will assist individuals to become more employable or facilitate their participation in occupational training;

(2) outreach, counseling, testing, recruitment, referral to work or to training, placement, and followup services necessary to assist individual to achieve success in employment;

(3) prevocational orientation to introduce those of limited experience to alternative occupational choices;

(4) institutional training, including cooperative occupational training programs, and on-the-job training for unemployed individual and underemployed individuals, including training of employed workers for the purpose of upgrading their skills and improving the use of available manpower;

(5) supportive services, including health, minor medical and dental services, physical examinations, the furnishing of prosthetic devices, child care, tools required for entry level employment in occupations designated by the Secretary of Labor, bonding, and other special services, including residential support, deemed necessary to assist individuals to become more employable or facilitate their participation in programs assisted under this title;

(6) work experience for unemployed and disadvantaged individuals, including the performance of socially useful work in public and private agencies or organizations in the fields of health, public safety, education, recreation, streets, parks, and municipal maintenance, housing and neighborhood improvement, conservation and rural development, beautification, and other fields of human betterment and community improvement, including the establishment, operation, or strengthening of any such program;

(7) part-time employment, on-the-job training, or useful work experience for students in ninth through twelfth grades (and youths of equivalent ages) to assist them in remaining in or returning to school; and, with such employment opportunities developed in consultation with education authorities to enhance, to the extent feasible, the educational growth of such students;

(8) appropriate education, training, and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release;

(9) appropriate education, training, and related manpower services for persons who have recently been or will shortly be separated from military service; and,

(10) appropriate education, training, and related manpower services for unemployed and underemployed persons residing in areas designated as redevelopment areas by the Secretary of Commerce under the Area Redevelopment Act or any subsequent Act authorizing such designation.

Eligible Individuals

Sec. 202. (a) Priority for selection shall be given to those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without education and training.

(b) Special emphasis shall be given to the employment and training needs of persons who are from poor families using as an index of poverty the minimum income per household of a given size, composition, and farm or non-farm status, as set forth by the Social Security Administration.

(c) Priority in providing training and employment opportunities among eligible persons shall be given to individuals who are heads of households. For purposes of this Act, the term "head of household" shall include any person who contributes more than one-half the support of one or more other persons.

(d) Out of school individuals sixteen years of age or older shall be eligible for participation in programs authorized by the Act: Except, that individuals less than sixteen years of age shall be eligible for participation only in programs authorized in section 201(7).

Selection of Trainees

Sec. 203. (a) The Secretary of Labor shall establish standards and criteria for individuals eligible for participation in programs, services, and activities authorized by the Act. The Secretary shall provide a program for testing, couseling, and selection for the determination of eligibility for participation: *Except:* That individuals meeting the established standards and criteria may be referred to training by appropriate public and private agencies and organizations. Upon certification from the responsible training agency the Secretary of Labor shall make provisions for training and subsistence allowances and transportation allowances as may be appropriate.

(b) The selection of persons for training and services under this Act and for placement of such persons shall not be contingent upon such person's membership or nonmembership in a labor organization.

(c) Persons shall not be referred for training in an occupation which requires less than two weeks training, unless there are immediate employment opportunities in such occupation.

Training Allowances

Sec. 204. (a) The Secretary of Labor, may, on behalf of the United States, enter into agreements with States under which the Secretary of Labor shall make payments to such States either in advance or by way of reimbursement for the purpose of enabling such States, as agents for the United States, to make payment of weekly allowances to persons selected for training pursuant to the provisions of section 203 and undergoing such training in a program operated pursuant to the provisions of the Act.

(b) For the purpose of this section, a basic allowance shall be equal to 40 times the minimum hourly wage provided in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended: *Provided,* That such basic allowance through June 30, 1972, in any State shall not be less than the amount of the average weekly gross unemployment compensation payment (including allowances for dependents) during the calendar year 1969 for a week of total unemployment in such State.

(c) For the purposes of this section, a dependent's allowance shall equal $5 per week for each dependent, to a limit of six dependents.

(d) Persons, except those specified in subsection (e), who are participating on a full-time basis in the following programs, (1) institutional training or, (2) other manpower development activities which are not compensated by an employer or subject to subsection (h) or (i); shall receive a basic allowance plus a dependent's allowance for his dependents as specified in subsection (c) for each week of full-time participation: *Except,* That no individual shall receive allowances under this subsection that are less than the unemployment compensation (including allowances for dependents) to which such persons would be entitled under any Federal or State employment compensation law if he were not participating in such activity.

(e) The following participants in full-time institutional training or other manpower development activities described in subsection (d) shall not be entitled to allowances provided in subsection (d):

(1) A public assistance recipient under programs assisted under titles I, IV, X, XIV, and XVI of the Social Security Act, who shall be paid, in addition to any public assistance payments to which he may be entitled, incentive payments of not more than $10 per week under regulations prescribed by the Secretary of Labor.

(2) A participant who is under eighteen years of age, or who is not the head of a household as defined by the Secretary of the Treasury. Such participant shall receive a suitable weekly allowance, determined in accordance with rules prescribed by the Secretary of Labor, but not to exceed the basic allowance prescribed in subsection (b): *Provided,* That any allowance under this paragraph shall not be less than the unemployment compensation (including allowances for dependents) to which such person would be entitled under any Federal or State unemployment compensation law if he were not participating in such activity. An individual who is not subject to this paragraph at the commencement of the period shall not become subject thereto until the completion of such period.

(3) A participant receiving unemployment compensation under any Federal or State unemployment compensation law. Such participant shall receive for each week of training, allowances equal to the difference between (1) any allowance to which he would otherwise be entitled under subsections (d) and (e) of this section and (2) the unemployment compensation (including allowances for dependents) which he received for such week.

(4) A participant engaged in employer-compensated on-the-job training or work experience assisted under this title. The allowances of such participants shall be computed in accordance with subsections (d) or (e), as appropriate, and shall be reduced in accordance with rules and regula-

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tions prescribed by the Secretary of Labor, which shall take into account the hours of such work experience or on-the-job training and the amount of compensation therefor.

(5) A participant who is an inmate of a correctional institution. The allowances of such participants shall be computed in accordance with regulations prescribed by the Secretary of Labor.

(f) A participant engaged in the activities described in subsection (d) on less than a full-time basis shall receive a reduced basic allowance computed in accordance with regulations prescribed by the Secretary, and a dependent's allowance if participation is in excess of twenty hours each week. Public assistance recipients shall receive an incentive payment as provided in subsection (e). Such reduced basic allowance shall be computed taking into account: (1) the hours of participation in such activity; (2) the allowance to which he would be entitled under subsections (d) and (e) if he were engaged in training on a full-time basis; (3) compensated work experience or on-the-job training assisted under this title in which the participant is engaged; and, (4) unemployment compensation that the participant is receiving.

(g) No allowance under subsections (d), (e), or (f) of this section may be paid for any portion of a training period that extends beyond one hundred and four weeks.

(h) Workers in programs providing work experiences under this Act shall be compensated at a rate not less than the applicable minimum wage rate, but in no case less than the rate prescribed by section 6(b) of the Fair Labor Standards Act.

(i) Workers engaged in employer-compensated on-the-job training under this Act shall be compensated at a rate not less than the higher of (1) the applicable minimum wage rate, or (2) the prevailing wage paid to workers of like experience performing similar work in the locality.

(j) A participant undertaking training or work-experience or other manpower development activity described in subsection (d) on either a full-time or part-time basis, shall receive allowances for transportation and maintenance, in addition to the applicable training allowance or wage. The amount of allowances provided under this subsection shall be determined in accordance with regulations prescribed by the Secretary of Labor.

(k) A participant who has successfully completed a program of full-time participation of not less than fifteen weeks duration in institutional training or other manpower development activities described in subsection (c) shall receive, upon completion of his period of participation, a completion bonus which shall be equal to twice the allowance to which he is entitled under (d) or (e) for his last week of full-time participation during such period.

(l) Upon certification by the responsible training agency that a person who has been referred for training does not have a satisfactory attendance record or is not making satisfactory progress in such training, the Secretary of Labor shall forthwith terminate his training and subsistence allowances, and his transportation allowances except such as may be necessary to enable him to return to his regular place of residence after termination of training, and withdraw his referral.

Comprehensive manpower plans

SEC. 205. (a) The Secretaries of Labor and Health, Education and Welfare shall jointly enter into an agreement with the Governor of each State under which a State Manpower Advisory Council will develop and administer a comprehensive manpower plan for the State. Such Council shall be appointed by the Governor and shall consist of representatives of the appropriate State agencies concerned with manpower programs and services, including the State education agency and the State employment service, and representatives of labor, management, rehabilitation, public and private agencies active in the manpower field and the public. Each such agreement shall:

(1) require each comprehensive manpower plan to set forth a long-range plan for programs and services to be carried on with assistance provided by this Act, extending over three years beginning with the fiscal year for which the comprehensive manpower plan is submitted, describing the present and projected needs for programs and services provided for in this Act, and setting forth the long-range program objectives;

(2) require each comprehensive manpower plan to set forth an annual program plan, which describes the content of, and allocation of Federal and State funds to programs, services, and activities to be carried out under the plan during the year for which Federal funds are sought, and indicated how and to what extent such programs, services, and activities will carry out the program objectives set forth in the long-range program plan.

(3) require the use to the maximum extent feasible of public and private profit and non-profit agencies and organizations, and of all the State and local agencies and organizations, which are capable of contributing to the program, with priority given to skills centers and other education and training programs operated or arranged through State and local education agencies;

(4) require the establishment and operation of a data system that will provide, in readily accessible form, statistical information sufficient to enable evaluation of the effectiveness of programs carried out under the plan and to determine means of improving their effectiveness;

(5) provide for the conduct of manpower programs, activities, and services in accordance with procedures, standards, and regulations established under the provisions of this Act;

(6) provide for the evaluation of programs, activities, and services assisted under this Act, and the publication and distribution of such reports including recommendations as to their effectiveness;

(7) provide for regularly scheduled meetings of the Council including the assurance that not less than one public meeting of the Council is held each year at which the public is given the opportunity to express views concerning manpower training, programs, and services.

(b) State Manpower Advisory Councils are authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

(c) From the sums appropriated pursuant to section 206(a) for any fiscal year, the Secretary of Labor and the Secretary of Health, Education and Welfare are authorized to pay to each State Manpower Advisory Council an amount equal to the reasonable amounts expended by it in carrying out its functions under the Act in such fiscal year, except that the amount available for such purpose shall be equal to 1 per centum of the State's apportionment under section 206(a), but such amount shall not exceed $300,000 and shall not be less than $150,000; *Except*, That for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, such amount shall not exceed $50,000 each.

(d) Where a State fails to submit a comprehensive manpower plan to the Secretaries within a reasonable time, or the Secretaries disapprove such a plan under the authority of subsection (e) of this section, the Secretaries of Labor and of Health, Education and Welfare shall jointly formulate and carry out a comprehensive manpower plan in such State. Such program shall meet the requirements of the Act applicable to plans submitted by States: *Except*, That where the Secretaries have discontinued payments with respect to a portion of a plan under subsection (e) of this section, the program that they carry out directly shall provide the same types of programs, services, and activities as provided in the portion of the plan with respect to which payments were discontinued. In carrying out this section where a State has failed to submit a plan or the Secretaries have disapproved it, the State's apportionment may be used by the Secretaries to carry out a program in that State. In carrying out this section where the Secretaries have discontinued payments, the sums withheld may be used by the Secretaries.

(e) When the Secretary of Labor, after reasonable notice and opportunity for a hearing to the Governor of the State that submitted a plan, finds: (1) that the plan had been so changed that it no longer complies with the requirements of the Act, or to the standards and guidelines prescribed pursuant to the Act; or, (2) that in the administration of the plan there is a failure to comply substantially with any such requirement; the Secretaries of Labor and of Health, Education and Welfare shall notify the Governor that no further payments will be made with respect to such plan (or in their discretion, further payments with respect thereto will be limited to portions thereof not affected by such failure), until they are satisfied that there will no longer be any failure to comply. Until they are so satisfied, the Secretaries shall make no further payments with respect to such plan (or shall limit payments to portions thereof not affected by such failure).

(f) The Secretaries of Labor and of Health, Education and Welfare shall, in consultation with and with the concurrence of the National Manpower Advisory Council, prescribe such standards, rules and regulations as they may deem necessary and appropriate to carry out the provisions of this part.

Apportionment of benefits

SEC. 206. (a) For the purpose of effecting an equitable apportionment of Federal expenditures among the States in carrying out the programs authorized under part A of Title II of this Act, the Secretary of Labor and the Secretary of Health, Education and Welfare shall apportion 80 per centum of the funds available for such purposes in accordance with uniform standards and in arriving at such standards shall consider only the following factors: (1) the proportion which the labor force of a State bears to the total labor force of the United States; (2) the proportion which the unemployed in a State during the preceding calendar year bears to the total number of unemployed in the United States in the preceding calendar year; (3) the proportion which poor individuals residing in the State bear to the total number of poor individuals of the United States; (4) the proportion which the insured unemployed within a State bears to the total number of insured employed within such State; but in no event shall any State be apportioned less than $1,000,000; *Except*, That for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, such amount shall be $100,000 each.

(b) Fifteen per centum of the funds appropriated to carry out the purposes of part A of Title II may be expended by the Secretary of Labor as he finds necessary or appropriate to carry out the purposes of title II.

(c) Five per centum of the funds appropriated to carry out the purposes of part A of Title II may be expended by the Secretary of Health, Education and Welfare as he finds necessary or appropriate to carry out the purposes of Title II; *Provided;* That prior

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to the development of pre-employment training the Secretary of Labor shall concur that there is reasonable expectation of employment for such persons entering training.

(d) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to make reapportionments from time to time where the total amounts apportioned under this section have not been fully obligated in a particular State, or where the State or appropriate agencies in the State have not entered into the necessary agreements, and the Secretaries find that any other State is in need of additional funds to carry out the programs authorized by this Act: *Provided*, That no funds apportioned with respect to a State in any fiscal year shall be reapportioned before the expiration of the ninth month of such fiscal year and only upon 15 days prior notice to such State of the proposed reapportionment.

(e) Where the Secretaries of Labor and Health, Education, and Welfare have approved a comprehensive manpower plan developed and submitted in accordance with the provisions of section 205 of this part, the State shall have authority to approve all applications for programs and services that conform to such State plan.

Part B. Duties of the Secretary of Labor

General responsibilities

SEC. 211. In carrying out the purposes of this Act, the Secretary of Labor shall determine the skill requirements of the economy, develop policies for the adequate occupational development and maximum use of the skills of the Nation's workers, promote and encourage the development of broad and diversified training programs, including on-the-job training, designed to qualify for employment the many persons who cannot reasonably be expected to secure full-time employment without such training, and to equip the Nation's workers with the new and improved skills that are or will be required. Whenever appropriate, the Secretary of Labor shall coordinate and provide for combinations of programs, to be pursued concurrently or sequentially, under this Act with programs under other Federal Acts, where the purposes of this Act would be accomplished thereby.

State agreements

SEC. 212. (a) The Secretary of Labor is authorized to enter into an agreement with each State, or with the appropriate agency of each State, pursuant to which the Secretary of Labor may, for the purpose of carrying out his functions and duties under this title, use the services of the appropriate State agency, and, notwithstanding any other provision of law, may make payments to such State or appropriate agency for expenses incurred for such purposes.

(b) Any agreement under this section may contain such provisions as will promote effective administration, protect the United States against loss and insure that the functions and duties to be carried out by the appropriate State agency are performed in a manner satisfactory to the Secretary.

Rules and regulations

SEC. 213. The Secretary of Labor shall prescribe such rules and regulations as he may deem necessary and appropriate to carry out his responsibilities under this Act.

Part C—Duties of the Secretary of Health, Education, and Welfare

General responsibilities

SEC. 221. The Secretary of Health, Education, and Welfare shall, pursuant to the provisions of this title enter into agreements with States under which the appropriate State education agencies will undertake to provide training to equip persons referred to the Secretary of Health, Education, and Welfare pursuant to section 203. Such State agencies shall provide for such training through public educational agencies or institutions or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical and subprofessional occupations, for training the disadvantaged, or where such institutions can, at comparable cost, (1) provide substantially equivalent training, or (2) make possible an expanded use of the individual referral method, or (3) aid in reducing more quickly unemployment or current and prospective manpower shortages. Such agreements shall contain such other provisions as will promote effective adminstration (including provisions (1) for reports on the attendance and performance of trainees, (2) for immediate certification to the Secretary of Labor by the responsible training agency with respect to each person referred for training who does not have a satisfactory attendance record or is not making satisfactory progress in such training absent good cause, and (3) for continuous supervision of the training programs conducted under the agreement to insure the quality and adequacy of the training provided), protect the United States against loss, and assure that the functions and duties to be carried out by such State agency are performed in such fashion as will carry out the purposes of this title. The Secretary of Health, Education, and Welfare shall give preference to training and education provided through State vocational education agencies and other State education agencies. However, in any case in which he determines that it would permit persons to begin their training or education within a shorter period of time, or permit the needed training or education to be provided more economically, or more effectively, he may provide the needed training or education by agreement or contract made directly with public or private training or educational facilities or through such other arrangements as he deems necessary to give full effect to this Act.

Rules and regulations

SEC. 222. The Secretary of Health, Education, and Welfare may prescribe such rules and regulations as he may deem necessary and appropriate to carry out his responsibilities under this Act.

Part D. Amendments and repeals affecting existing laws

SEC. 231. (a) The Economic Opportunity Act of 1964, as amended, is further amended as follows:

(1) Subsection (e) of section 106 is repealed.

(2) Subsection (b) of section 115 is amended to read as follows:

"(b) The Director may enter into agreements with States or local prime sponsors to administer, assure, or assist in the administration of the programs provided in this part. The Director may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs."

(b) Section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" immediately preceding paragraph (3) thereof, by substituting a semicolon for the period at the end of the subsection, and by adding the following:

"and (4) with the approval of the Secretary of Labor, in Job Corps Centers operated under title II of the Manpower Training Act of 1969."

(c) Section 833(b) of the Economic Opportunity Act of 1964 is amended to read as follows:

"(b) Individuals who receive either a living allowance or a stipend under this title shall, with respect to such services or training:

"(1) for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, be deemed persons employed in the executive branch of the Federal Government;

"(2) for purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), be deemed employees of the United States, and any service performed by an individual as a volunteer shall be deemed to be performed in the employ of the United States;

"(3) for purposes of the Federal tort claims provisions in title 28, United States Code, be deemed employees of the Government; and

"(4) for purposes of the subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), be deemed civil employees of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

"(A) In computing compensation benefits for disability or death, the monthly pay of a volunteer shall be deemed that received under the entrance salary for a grade GS-7 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to volunteers; and

"(B) Compensation for disability shall not begin to accrue until the day following the date on which the injured volunteer is terminated."

SEC. 232. (a) Title I, part A, of the Economic Opportunity Act of 1964, as amended (sections 101–118), is transferred to the Manpower Development and Training Act of 1970 and inserted as sections 233 through 250, respectively, as amended by subsection (e) of this section.

(b) All references to part A of title I of the Economic Opportunity Act of 1964 or any provision thereof are hereby deleted from the Economic Opportunity Act of 1964. Any reference to part A of title I of the Economic Opportunity Act or any provision thereof in any other law of the United States shall be deemed to be a reference to title II of this Act or the corresponding provision thereof.

(c) So much of the personnel property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with the functions transferred by subsection (a) of this section as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of Labor.

(d) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem necessary in order to effectuate the transfer provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(e) Sections 232–250 of this Act as transferred by subsection (a) are amended as follows:

(1) The word "title" shall be substituted for the word "part" wherever it appears.

(2) The word "Secretary" shall be substituted for the word "Director" wherever it appears.

(3) The words "Department of Labor" shall be substituted for "Office of Economic Opportunity" wherever they appear.

(4) Section 235(1) is amended by deleting all the words in paragraph (1) following "United States" and substituting the following: "or a native and citizen of Cuba who arrived in the United States from Cuba subsequent to January 1, 1959, under the provisions of sections 244(a) or 242(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7) of the Immigration and Nationality Act."

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(5) Paragraphs (2) through (5) of section 235 are redesignated as (3) through (6), respectively, and the following new paragraph (2) is inserted:

"(2) has attained age fourteen but not attained age twenty-two at the time of enrollment;".

(6) The reference in sections 235(5) to sections 104 and 105 are changed to "236" and "237", respectively.

(7) The reference in section 208(c) to section 609 (3) is changed to "235(1)."

(8) The reference in section 239(b) to "part B of this title" is deleted and the following is substituted therefor: "title II of this Act and title I of the Economic Opportunity Act of 1964".

(9) Section 240 is amended by adding a new subsection (e) to read as follows: "(e) In conducting programs under this title, the Secretary shall consult with the Secretary of Health, Education, and Welfare with regard to institutional training provided for enrollees of the Job Corps.".

(10) Section 241 is amended by adding a new subsection (e) as follows: "(e) Under such circumstances as the Secretary may determine, he may prescribe by regulation changes in the amount and method of payment of allowances and provision of expenses to correspond more closely to the methods and amounts prescribed in title I of this Act. Such changes may include provision of higher allowances to cover appropriate enrollee expenses and offsetting charges to enrollees for living expenses.".

(11) Section 244(d), as amended, is further amended by deleting "the Department of Labor and".

(12) Section 244(e) is amended by inserting a comma after the word "feasible", by deleting the words "in accordance with section 637(b) of this Act", and by changing the reference to 109(c) to 241(c).

(13) Section 244(e) is further amended by striking out the comma and inserting a period in lieu thereof after "employment service offices" and deleting the words "and shall furnish copies of such records to the Secretary of Labor."

(14) Section 245(a) is amended by striking out the reference to section 608 and substituting in lieu thereof "section 605."

(15) Section 245(b) is amended by striking out both references to "part B of this title" and substituting in lieu thereof "Title I of this Act" and by striking out the reference to section 608 and substituting in lieu thereof "section 605."

(16) Section 246 is amended by striking out the last sentence.

(17) Section 247(c) is amended by striking out the word "Act" and substituting in lieu thereof "title".

(18) Section 249 is amended by striking out subsection (a) and the first sentence of subsection (b), and redesignating subsections (b) through (d), as subsections (a) through (c), respectively.

(19) A new section 251 is added to read as follows:

"ADDITIONAL AUTHORITIES

"Sec. 251. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this title, to—

"(1) utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement;

"(2) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this title as he deems necessary to carry out the provisions hereof, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditure for construction, repairs, and capital improvements; and

"(3) expend funds made available for purposes of this title, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this subsection—

"(A) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this title, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

"(B) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

Sec. 361. (a) The Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571 et seq.), is hereby repealed.

(b) Title I, part B of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.), is hereby repealed.

(c) Title V part A of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.), is hereby repealed.

TITLE III MISCELLANEOUS

Maintenance of state effort

Sec. 301. No training program [which is financed in whole or in part by the Federal Government under this Act] shall be approved unless the Secretary of Health, Education, and Welfare satisfies himself that neither the State nor the locality in which the training is carried out has reduced or is reducing its own level of expenditures for vocational education and training, including program operation under provisions of the Smith-Hughes Vocational Education Act, titles I, II, and III of the Vocational Education Act of 1964, and the Vocational Education Act of 1963, as amended, except for reductions unrelated to the provisions or purposes of this Act.

Other agencies and departments

Sec. 302. (a) In the performance of their function under this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare, in order to avoid unnecessary expense and duplication of functions among Government agencies, shall use the available services or facilities of other agencies and instrumentalities of the Federal Government, under conditions specified in section 305(a). Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary of Labor and the Secretary of Health, Education, and Welfare and, to the extent permitted by law, to provide such services and facilities as either may request for his assistance in the performance of his functions under this Act.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall carry out their responsibilities under this Act through the maximum use of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal and local agencies, and other appropriate public and private organizations and facilities.

Appropriations authorized

Sec. 303. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter such amounts as may be necessary to carry out the provisions of Title I.

(b) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter such amounts as may be necessary to carry out the purposes of Part A of Title II.

(c) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each year thereafter such amounts as may be necessary to carry out the purposes of Parts B and C of Title II.

(d) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each year thereafter such amounts as may be necessary to carry out the purposes of Part D of Title II.

(e) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each year thereafter such amounts as may be necessary to carry out the purposes of Title III.

Advance funding

Sec. 304. (a) For the purpose of affording responsible Federal, state and local officials concerned, adequate notice of available Federal financial assistance for programs, services, and activities provided for under this Act, appropriations for carrying out this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing the appropriation action, the provision of subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

Limitations on use of appropriated funds

Sec. 305. (a) Funds appropriated under the authorization of this Act may be transferred, with the approval of the Director of the Bureau of the Budget, between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to accept and use in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are used for the purposes for which they are specifically authorized and appropriated. To the extent that the provisions of this Act are inconsistent with the provisions of such other Federal statutes, the provisions of the latter shall govern, except as provided under the Intergovernmental Cooperation Act of 1968.

(c) Any equipment and teaching aids purchased by a State or local education agency with funds appropriated to carry out the provisions of part A of title II shall become the property of the State upon certification of the Secretary of Health, Education, and Welfare that such equipment or teaching aids are no longer needed for the instructional programs authorized by this Act.

(d) No portion of the funds to be used under part A, title II of this Act shall be appropriated directly or indirectly to the purchase, erection or repair of any building except for minor remodeling of a public building necessary to make it suitable for use in training under part A.

(e) Funds appropriated under this Act shall remain available for one fiscal year beyond that in which appropriated.

XUM

Authority to contract

SEC. 306. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as they may proscribe), and make such payments, in installments and in advance or by way or reimbursement, or otherwise allocate or expend funds made available under this Act, as they may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. The Secretaries may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or an approved State plan. Any funds so withheld shall be available for reapportionment by the Secretary of Labor and the Secretary of Health, Education, and Welfare in accordance with section 206: *Except*, That funds withheld during a fiscal year to cover amounts expended in a prior fiscal year shall be available for immediate reapportionment.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall not use any authority conferred by this Act to assist in relocating establishments from one area to another. Such limitation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

Acceptance of gifts and voluntary services

SEC. 307. The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized in carrying out their functions and responsibilities under this Act, to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665 (b)).

Definition

SEC. 308. For the purposes of this Act, the term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

Effective date: transition provisions

SEC. 309. (a) This act shall take effect July 1, 1970.

(b) Notwithstanding the repeals made by section 309, in order to permit an orderly transition from programs carried out under the provisions of law repealed, to programs carried on under this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare may continue to use the authority provided in such repealed provisions of law for such period to time as may be necessary, but not in excess of two years beyond the effective date of this Act.

Termination of authority

SEC. 310. (a) All authority conferred under title II of this Act shall terminate at the close of June 30, 1975.

(b) Notwithstanding the foregoing, the termination of title II shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment or other obligation entered into prior to the date of such termination: *Provided*, That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, 1975.

XUM

S. 3880—INTRODUCTION OF A BILL RELATING TO EXTENDING "FORGIVENESS CLAUSE" OF NDEA

Mr. BROOKE. Mr. President, in 1958, the Congress wisely recognized the need to expand educational opportunities for young people who could not themselves afford the rising costs of higher education. The declaration of purpose preceding this act stated, as a national goal, that "no student of ability will be denied an opportunity for higher education because of financial need."

At the same time, it was recognized that students who benefited from this student loan program might, in many instances, use their education to serve the needs of their community. In order to encourage such service, and in order to provide some reward for those who chose this path, it was decided that a percentage of the Federal loan would be forgiven for each full year of service in certain crucial categories. These categories included full-time teaching in elementary or secondary schools, teaching in title I programs, and U.S. military schools overseas, full-time teaching of handicapped children, or service in the Armed Forces.

In 1970, however, we have a number of programs which were not in existence in 1958. For example, preschool training has assumed a new importance in our society. Special programs have been developed to aid the educationally handicapped and to provide technical training to those presently unsuited to the demands of the job market. We have expanded our horizons overseas, and realized that education is the key to economic development and to world peace.

At the present time, an estimated 17,000 full-time teachers are participating in the Headstart program. Between 900 and 1,000 teachers of reading, math, and vocational education are working in the Job Corps. 326 teachers are participating through VISTA. And over 6,000 volunteers are teaching or preparing to teach full-time in the Peace Corps overseas.

These young people are making just as vital a contribution to our defense and national well-being as are those who teach in regular elementary or secondary schools. They are frequently teaching at far lower wages than are paid to regular laws have not been updated, they are not able to receive the advantages of the forgiveness clause.

I realize that this provision of the 1958 act was made more inclusive by the amendments recently passed by the Senate as a part of the Elementary and Secondary Education Act. But I believe the coverage can and should be extended even further, and I ask that this matter be given careful consideration.

I introduce a bill to amend the National Defense Education Act of 1958 as amended, and ask that it be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received and appropriately referred; and without objection, the bill will be printed in the RECORD.

The bill (S. 3880) to amend the National Defense Education Act of 1958 to provide loan forgiveness for service in Headstart programs, the Peace Corps, and for certain other service, introduced by Mr. BROOKE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 205(b)(3) of the National Defense Education Act of 1958 is amended—

(1) by striking out "and (B)" and inserting in lieu thereof "(B)"; and

(2) by inserting before the semicolon at the end thereof a comma and the following: "and (C) shall be cancelled for service after January 1, 1971, as a teacher in any Headstart program assisted under section 222(a)(1) of the Economic Opportunity Act of 1964, as a teacher in the Job Corps program under Part A of title I of the Economic Opportunity Act of 1964, as a volunteer in the Peace Corps under the Peace Corps Act, or as a teacher in any program assisted under the Manpower Development and Training Act of 1962, at the rate of 10 per centum of the total amount of such loan plus interest thereon for each complete year of service (as determined under regulations of the Commissioner)".

(b) Section 501(a) of the Act of April 13, 1970 (Public Law 91-230) is amended by striking out "Section 208(a(3))" in the matter preceding clause (1) and inserting in lieu thereof "Section 208(b)(3)".

(c) The amendments made by subsection (a) of this section shall apply to loans made after the date of enactment of this Act.

S. 3882—INTRODUCTION OF A BILL TO GIVE DEPARTMENT OF AGRICULTURE DAIRY IMPORT AUTHORITY

Mr. PROXMIRE. Mr. President, the history of dairy import activities over the last 10 years has been one of continued evasion of both the letter and spirit of the law. The Bureau of Customs, which classifies dairy imports for duty and quota purposes, apparently has neither the will nor the technical expertise to prevent these costly evasions.

That is why I am introducing legislation today that would shift to the Department of Agriculture—the Department charged with administering these quotas—the classification authority that is so essential to the effective administration of the dairy import control program.

The Department of Agriculture presently determines whether imports imperil our domestic dairy price support program. If such a finding is made the Department reports to the President, who may or may not call for Tariff Commission hearings on the need for new quotas. The Tariff Commission makes recommendations to the President after these lengthy hearings. Finally, the President, if he feels that all the evidence shows a substantial threat, issues a proclamation setting new quotas.

This procedure takes months and months. Yet the Bureau of Customs can and does destroy with a single stroke of the pen, so to speak, the results of these months of labor, by refusing to include dairy imports under a quota category despite overwhelming evidence that they should be included within that category. Thus the whole long, costly procedure has to begin again, and in the meantime cheap foreign dairy imports flood the country through the new loophole.

Here are some examples of how this can happen. There is an import quota on Cheddar cheese from New Zealand. A product labeled "Monterey" comes into the United States outside that quota despite the fact that cheese experts have said that the "Monterey" is in fact a Cheddar cheese—a judgment confirmed by a blind test conducted at the Department of Agriculture.

A high butterfat import was classified by Customs as "ice cream," thus avoiding a quota established on butterfat-sugar mixtures. The Department of Agriculture in a letter to me dated August 22, 1969, stated—

> The Department believes that the classification decision by Customs was made in error, perhaps on the basis of insufficient information. We have taken up the matter with the Treasury Department and recommended that the product be reclassified.

The mixture still is classified as ice cream, and is still escaping quota limitations.

There is a quota on milk substitutes that formerly applied to dry milk/fat mixes. Imports of this product were relabeled "animal feed" although they contain as much as 90 percent of nonfat dry milk solids. They are now admitted into the country as "animal feed," outside the quota, paying a duty of 9 percent, thanks to a Customs Bureau determination.

Of course these import evasions cost the taxpayer dearly. They displace domestic production which must then be bought up under our price support program. This is the whole reason for imposing the quotas in the first place. My proposal would stop these costly evasions by giving the Department, which currently runs the price support program and administers the quotas, the right to determine what imports fall into a quota category. This is only logical. The present divided authority has given the Department the responsibility for protecting a healthy domestic dairy economy without giving it the tools to carry out that responsibility."

My colleague from Wisconsin (Mr. Nelson) joins me as a cosponsor of the bill.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The bill will be received and appropriately referred.

The bill (S. 3882) to amend the Tariff Schedules of the United States with respect to the method of determining what articles fall within the additional import restrictions set forth in part 3 of the Appendix of such schedules introduced by Mr. Proxmire (for himself and Mr. Nelson), was received, read twice by its title, and referred to the Committee on Finance.

S. 3883—INTRODUCTION OF THE EMERGENCY SCHOOL AID ACT OF 1970

Mr. JAVITS. Mr. President, I am pleased to introduce for myself and the distinguished chairman of the Senate Subcommittee on Education, the Senator from Rhode Island (Mr. Pell), the Emergency School Aid Act of 1970, which carries out the President's recent commitment for massive and affirmative action to facilitate public school desegregation.

This bill, a vital step in meeting an urgent national problem, will authorize $1.5 billion in project grants to school districts over a 2-year period. It will serve as a much-needed and principal complement to other efforts being undertaken throughout the Nation by local and State agencies as well as the Federal Government in meeting an urgent national problem.

The bill is the same as the text on which Members of the Congress were briefed late last week and does not include several shortcomings of the final draft submitted to the Congress to which I referred in my Senate statement of Friday last.

This measure would assist: First, school districts desegregating under court order or a plan under title VI of the Civil Rights Act filed with the Secretary of Health, Education, and Welfare; second, districts voluntarily desegregating or trying to prevent their schools from becoming racially segregated in fact as neighborhoods change; and third, so-called "racially impacted" school districts having over 50 percent minority students. Funds could be used for such purposes as teacher training, curriculum revision, purchase of materials, school district reorganization, repair or remodeling, planning, and other special needs incident to the cost of eliminating, reducing, and preventing or overcoming the educational disadvantage of racial isolation.

This bill addresses itself first to the special needs of over 1,400 school districts, primarily in the Southern States, which are desegregating or have recently desegregated. It would help these districts, having some 10.7 million pupils, of whom 3.4 million are from minority groups, to defray some of the additional costs of personnel, equipment, and special services which may be necessary to the implementation and continued success of their plans.

In addition, the bill addresses the special needs of racially impacted schools where de facto segregation persists and where immediate infusions of funds can make a real difference in terms of educational effectiveness. Potential beneficiaries are some 1,840 school districts having 20.1 million students of whom some 7.5 million are from minority groups.

Finally, the bill recognizes the special needs of large districts which have heavy concentrations of minority children. These neglected central-city schools, which include 79 of the Nation's 100 largest school districts, in too many instances have the farthest to go to catch up educationally with the rest of the Nation. Funds would be made available for them to provide educationally sound intergroup experiences, and to upgrade the educational program of their schools.

I believe the President's expressed desire for early enactment of meaningful legislation is shared by a majority of the Members of the Congress from both parties, and I am, therefore, hopeful that legislation along the lines of the President's objectives will receive the bipartisan support needed to assure timely consideration and enactment of the measures proposed.

Of course, as with any bill submitted by the executive department, the Congress will have an opportunity to work its will and make such improvements and changes as it deems advisable. For example, I see as meriting revision the provisions with respect to incentives for large school districts to develop desegregation plans and the formula for distribution of funds to the States. These and any other differences which my colleagues and I might have with the details of the bill will not, I am sure, serve as barriers to its fair consideration and timely enactment, but rather as points of deliberation to guide the legislation more directly to its goal. For with this bill we have the opportunity to make a substantial commitment of Federal funds to the realization of our goal of equal educational opportunity for the Nation's minority school children.

I ask unanimous consent that there be included as part of these remarks descriptive material supplied me by the Department of Health, Education, and Welfare, and an editorial in this morning's New York Times approving the President's action.

The PRESIDING OFFICER. (Mr. Bellmon). The bill will be received and appropriately referred; and, without objection, the descriptive material, and the editorial will be printed in the Record.

The bill (S. 3883) to provide financial assistance to improve education in racially impacted areas and to assist school districts to meet special problems incident to desegregation in elementary and secondary schools, and for other purposes introduced by Mr. Javits (for himself and Mr. Pell), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The descriptive material presented by Mr. Javits is as follows:

I. Summary of Emergency School Aid Act of 1970

The proposed "Emergency School Aid Act of 1970" is designed to meet the four categories of need outlined in the President's March 24 statement on elementary and secondary school desegregation."

The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

The special needs of racially-impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

The financing of innovative techniques for providing educationally sound interracial experiences for children in racially isolated schools.

A. GENERAL PURPOSES—SECTION 2

Financial assistance is to be provided to aid:

(1) *De jure* districts now desegregating pursuant to court order or HEW plan, or

having done so within two years prior to application, for special needs incident to the implementation of these plans.

(2) *De facto* districts that wish to undertake voluntary efforts to eliminate, reduce or prevent racial isolation in elementary and secondary schools for purposes of improving the quality of education available to students in such schools; and

(3) Racially impacted (de facto) districts that wish to undertake special inter-racial programs, or where such programs are not practicable, programs designed to overcome the educational disadvantages of racial isolation.

B. STATE ALLOTMENTS—SECTION 4

Assistance would be provided by means of discretionary project grants to local educational agencies, and under certain conditions other public and private non-profit organizations with administration at the Federal level. Two thirds of the total funds are allotted among the States on a formula basis. The remaining one third is to be distributed among the States on a totally discretionary basis.

Under the State distribution scheme, each State receives $100,000 plus an amount based upon the number of minority students in the State vis a vis the total number of minority students in the Nation, with each minority student in a district required to desegregate and implementing a desegregation plan being double counted. Where local educational agencies in a State do not exhaust the State's share of funds, those funds will be reallotted for local educational agency projects within other States in proportion to the original allotments to such States.

C. ELIGIBILITY FACTORS—SECTION 5

Category (1) (*de jure*) districts are eligible upon submission of a desegregation plan which has been approved by the Secretary of HEW under Title VI of the Civil Rights Act or which has been undertaken pursuant to court order. To be eligible the district must be implementing the plan or must have completed implementation of the plan within two years of its application for assistance.

Eligible districts in category (2) (*de facto* desegregating) are those having either (1) one or more schools in which minority pupils exceed 50% of the enrollment or (2) one or more schools with substantial, but less than 50%, minority enrollment, which are in clear danger of becoming racially isolated. The term "minority" includes all persons of Negro, American Indian, Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry. This term also includes pupils from environments where the dominant language is other than English, and who, as a result of limited English speaking ability, are educationally deprived.

Eligible districts in category (3) (*de facto* impacted) are those in which minority children constitute 50% of the public school enrollment, or which have 10,000 or more minority students.

A district may qualify for assistance under more than one category. For instance, a large city might be aided both to desegregate one or more racially isolated schools under category (2) and to carry on inter-racial educational programs for pupils in other such schools under category (3).

D. PURPOSES FOR WHICH FUNDS MAY BE USED—SECTIONS 5 AND 6

Districts eligible under categories (1) (*de jure*) and (2) (*de facto* desegragating) may receive funds to pay the "additional costs" of implementing a plan to desegragate or to prevent or reduce racial isolation, or to carry out special programs designed to enhance succesaful desegragation or reduction or prevention of racial isolation. Racial isolation is defined as a condition in which more than 50% of students in a school are minority students. Additional costs are those producing an actual net increase in operating expenditures.

Districts eligible under category (3) (*de facto* impacted) may receive funds for inter-racial educational programs for racially isolated children and for demonstration projects designed to overcome the educational disadvantages of racial isolation where inter-racial programs are not practicable.

Illustrative of the activities which qualify for funding under these program categories are special administrative activities incident to implementing a plan of desegregation or reduction of racial isolation, renovation of facilities, teacher training, special remedial programs, guidance and counseling programs, curriculum materials, and community activities in support of any plan or project under the act. Funding for transportation services also can be provided as long as Federal funds are not utilized to require transportation to overcome racial imbalance. In addition, funds are available for planning and evaluation. Included among programs funded will be those for special services for gifted and talented children, as well as for regular special service programs.

E. SPONSORSHIP—SECTION 5

Financial assistance is to be provided principally to local educational agencies, which can then subcontract if desired. When it is found that the act would be more effectively implemented with respect to category (1) (*de jure*) and (2) (*de facto* desegregating) districts, financial assistance may be provided directly to any public or private non-profit agencies to aid in the development or implementation of a desegregation plan or a voluntary plan to reduce or prevent racial isolation. However, such agencies are to be funded only for supportive services. Public or private nonprofit organizations may be funded directly under category (3) (*de facto* impacted) to undertake any of the aforementioned activities for the benefit of students in eligible category (3) districts.

F. GRANT CONDITIONS—SECTION 7

(1) In the case of grants made to school districts in category (1) (*de jure* desegregating) and category (2) (*de facto* desegragating), the programs to be funded must be part of a comprehensive plan for achieving desegregation. However, a plan to eliminate, reduce or prevent racial isolation in only one of a number of racially isolated schools in a *de facto* district could be funded under category (2). In the case of grants for use in category (3) (*de facto* impacted districts), there must be a showing that the funds will be sufficiently concentrated to achieve demonstrable results.

(2) The State in which the funds would be expended must be given an opportunity to review and comment on the grant application.

(3) The application must include a satisfactory evaluation plan.

(4) A local educational agency must, in its application, provide assurances that the agency has made provisions for participation in special programs by racially isolated private school children consistent with the number of such children in racially isolated private schools.

G. PRIORITIES—SECTION 8

In the administration of the program, priority is to be given to districts which lag behind other districts in the measurable quality of public education. Priority is also to be given to those projects which seem most likely to effect a significant decrease in racial isolation.

H. EVALUATION—SECTION 10

1% of any appropriation in any one year is available to the Secretary for evaluation of the program.

I. NATIONAL ADVISORY COUNCIL—SECTION 12

The President will appoint a twelve member National Advisory Council on the Education of Racially Isolated Children to review the program and make recommendations.

J. APPROPRIATIONS—SECTION 3

Not in excess of $500 million is authorized for fiscal year 1971 and not in excess of $1 billion is authorized for fiscal year 1972.

K. ADMINISTRATION

The legislation places the grant making authority in the Secretary of the Department of Health, Education, and Welfare.

In his March 24, 1970, statement on desegregation, President Nixon said:

"In order to give substance to these commitments, I shall ask Congress to divert $500 million from my previous budget requests for other domestic programs for Fiscal Year 1971, to be put instead into programs for improving education in racially impacted areas, North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation. For Fiscal 1972, I have ordered that $1 billion be budgeted for the same purposes."

"I have specified that these criteria should give special weight to four categories of need:

"The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started;

"The special needs of racially-impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness;

"The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation;

"The financing of innovative techniques for providing educationally sound inter-racial experiences for children in racially isolated schools."

The needs to which the President ordered efforts to be directed are great:

Of the 43.3 million elementary and secondary public school children in the U.S.A., 8.7 million are members of minority races;

Of these 8.7 million children, almost 50% (4.2 million) are in schools whose student populations are 95% or more minority students;

As of May 18, 1970:

220 school districts are estimated to be under court order calling for complete desegregation by September 1970:

496 school districts have submitted, are negotiating, or are likely to be negotiating voluntary plans under HEW auspices for total desegregation by September 1970;

278 school districts are operating under plans begun in 1968 or 1969;

505 Northern districts are under review or likely to be under review for potential violations of Title VI.

How will these needs be met?

Through dollars being added to a combination of existing programs and through a new legislative proposal:

Existing Programs: Fiscal 1971, $150 million.

New Legislation: Fiscal 1971, $350 million; fiscal 1972, $1,000 million.

Funds are being added to the current FY 1971 appropriations for several existing programs in order to meet the immediate needs of schools undergoing desegregation.

Requested augmentation of fiscal year 1971 appropriations for existing programs

[In millions]

Community development (EOA: Title IIB)	$100
Technical assistance (Civil Rights Act: Title IV)	15
Major demonstrations (Cooperative Research Act)	15
Personnel development (EPDA: Part D)	9
Dropout prevention (ESEA: Sec. 807)	5
Planning and evaluation (ESEA: Sec. 402, 1967)	5
Salaries and expenses (OE)	1
Total	150

PROPOSED LEGISLATION: CATEGORY I

Purpose.—To aid local education agencies throughout the Nation to meet the special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools;

Eligibility.—A local education agency (LEA) which has an approved desegregation plan, or, has completed desegregation within 2 years prior to date of application;

Activities.—To meet the additional costs of implementing a plan of desegregation or of carrying out special projects designed to enhance the possibilities of successful desegregation; this would include training, curriculum revision, purchase of materials, repair or minor remodeling, transportation, administrative costs, planning and evaluation costs, etc.

PROPOSED LEGISLATION: CATEGORY II

Purpose.—To encourage the voluntary elimination, reduction, or prevention of racial isolation in *schools* with substantial proportions of minority group students;

Eligibility.—An LEA with one or more schools 50% or more minority, or, with one or more schools in clear danger of becoming racially isolated;

Activities.—To meet the additional costs of carrying out a plan to eliminate, reduce, or prevent racial isolation; this would include the same specific activities as Category I.

PROPOSED LEGISLATION: CATEGORY III

Purpose.—To aid children in elementary and secondary schools to overcome the educational disadvantages of racial isolation by assisting school districts with high proportions of minority group students to carry out inter-racial educational programs and other programs to improve the quality of their educational services.

Eligibility.—An LEA or other public or private sponsor to carry out inter-racial educational programs or projects in a school district in which minority children constitute 50% of the public school enrollment, or, there are 10,000 or more minority students.

Activities.—Inter-racial educational programs; pilot or demonstration projects to overcome the adverse educational effects of racial isolation where inter-racial programs are shown to be impractical; same specific activities as Category I.

PROPOSED LEGISLATION: ALLOTMENT OF FUNDS

Of the *total dollars* appropriated for this program—

Two thirds shall be allotted among the States according to a distribution based upon the number of minority group children in each State, counting as double those children in desegregating districts;

One third shall be allotted as necessary to carry out the purposes of the legislation without regard to distribution among States;

No State shall receive less than $100,000.

ALLOCATION UNDER ALTERNATIVE FUNDING LEVELS, BY STATE

[Dollar amounts in millions]

State	Percent of total minority minority students[1] double-counting minority in desegregating districts	$500,000,000 program		$1,000,000,000 program	
		Formula only	With discretionary funds allocated according to formula	Formula only	With discretionary funds allocated according to formula
Alabama	4.58	$15.14	$22.79	$30.43	$45.71
Alaska	.07	.35	.48	.61	.86
Arizona	.86	2.95	2.40	5.85	8.74
Arkansas	1.83	6.11	9.16	12.22	18.32
California	9.03	29.74	44.80	59.85	89.95
Colorado	1.26	4.24	6.34	8.44	12.64
Connecticut	.58	2.03	3.01	3.99	5.95
Delaware	.22	.82	1.19	1.56	2.30
District of Columbia	1.18	3.98	5.96	7.93	11.88
Florida	6.23	20.57	30.97	41.37	62.15
Georgia	5.35	17.69	26.62	35.56	53.42
Hawaii	.03	.21	.26	.32	.43
Idaho	.04	.24	.31	.38	.52
Illinois	4.06	13.44	20.21	26.99	40.53
Indiana	1.02	3.45	5.15	6.86	10.26
Iowa	.11	.46	.64	.83	1.20
Kansas	.34	1.24	1.82	2.40	3.57
Kentucky	.74	2.53	3.76	5.00	7.47
Louisiana	5.45	18.00	27.09	36.18	54.35
Maine	.02	.18	.22	.27	.35
Maryland	2.25	7.51	11.27	15.04	22.56
Massachusetts	.47	1.66	2.46	3.25	4.84
Michigan	2.67	8.88	13.34	17.80	26.74
Minnesota	1.6	.63	.90	1.17	1.71
Mississippi	3.83	12.68	19.07	25.46	38.24
Missouri	1.21	4.09	6.12	8.15	12.21
Montana	.05	.26	.35	.43	.60
Nebraska	.14	.57	.81	1.05	1.54
Nevada	.12	.52	.73	.94	1.37
New Hampshire	.00	.13	.14	.15	.18
New Jersey	2.17	7.23	10.85	14.47	21.72
New Mexico	1.09	3.68	5.50	7.31	10.95
New York	6.32	20.85	31.39	41.93	63.00
North Carolina	6.25	20.63	31.05	41.48	62.32
North Dakota	.01	.15	.18	.21	.26
Ohio	2.59	8.60	12.92	17.23	25.87
Oklahoma	.97	3.28	4.90	6.52	9.76
Oregon	.13	.54	.77	.99	1.45
Pennsylvania	2.39	7.96	11.95	15.94	23.92
Rhode Island	.07	.35	.48	.61	.86
South Carolina	4.07	13.47	20.26	27.05	40.62
South Dakota	.14	.57	.81	1.05	1.54
Tennessee	3.16	10.47	15.74	21.01	31.55
Texas	11.13	36.65	55.22	73.78	110.90
Utah	.12	.52	.73	.94	1.37
Vermont	0	.10	.10	.10	.10
Virginia	4.24	14.03	21.10	28.17	42.31
Washington	.34	1.24	1.82	2.40	3.57
West Virginia	.21	.79	1.15	1.50	2.21
Wisconsin	.42	1.49	2.20	2.91	4.33
Wyoming	.06	.29	.39	.49	.69
Total	100.00	333.00	500.00	667.00	1,000.00

[1] Minority includes Negroes, Spanish-surnamed Americans, and Indians.

The editorial presented by Mr. JAVITS is as follows:

SPUR TO DESEGREGATION

President Nixon's request to Congress to appropriate $500 million for the coming school year and $1 billion for the year after that to speed integration is a commendably forward-looking step. Properly implemented, it could do much to offset the Administration's lack of action up to now in the cause of school desegregation.

The program's sound aim is to help Southern districts put an end to the unlawful maintenance of dual school systems, while at the same time underwriting steps taken in Northern *de facto* segregated schools to bring about better-integrated quality education.

The President's plan in no way reduces the need for continued pressure through the courts and more vigorous enforcement by Federal administrative agencies to make sure that segregationists will not block or circumvent desegregation.

But it adds the constructive lever of reward for positive action and recognizes the inevitable costs involved in bringing about great and controversial social change. That lever would gain in power if the Administration now also reconsidered its earlier doctrinaire opposition to the use of even short-distance busing for purposes of desegregation. Such reconsideration is particularly needed in districts which have been using buses to prevent integration.

Nevertheless, the President's decision to ask the Congress for "new money," instead of merely shifting funds from other underfinanced domestic programs, marks the proposal as a special and concrete effort. Particularly crucial is the role of the Federal Government itself in assuring that only speedy and honest integration efforts are rewarded; there is always the danger that delaying actions may surreptitiously subvert the stated goals—as has happened so often in the past.

Mr. PELL. Mr. President, Senator JAVITS, of New York, today introduced an administration measure which seeks to treat certain financial hardships which are being experienced by educational districts integrating their school facilities, and I was pleased to be a cosponsor of this legislation.

In the past I have assiduously kept to the rule that I will not cosponsor bills which will eventually come before the Education Subcommittee, of which I am the chairman. However, Mr. President,

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I believe the bill proposed by Senator JAVITS is of such great import that, while not endorsing each and every facet of its provisions, I do support the thrust intended and for that reason have cosponsored it with Senator JAVITS.

I expect that the Education Subcommittee will have hearings upon this measure as soon as it is possible to do so. Indeed, when the bill was first transmitted, I offered to hold initial hearings today and tomorrow, but unfortunately the administration was not prepared to testify so quickly. I have also invited the Select Committee on Equal Educational Opportunity to sit with our Education Subcommittee when these hearings are held.

ADDITIONAL COSPONSORS OF BILLS

S. 226

Mr. BURDICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 226, to promote the advancement of science and education of scientists through a national program of institutional grants to colleges and universities of the United States.

The **PRESIDING OFFICER.** (Mr. BELLMON). Without objection, it is so ordered.

S. 3842

Mr. DOLE. Mr. President, on behalf of the Senator from Wyoming (Mr. McGEE), I ask unanimous consent that at the next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of S. 3842, to improve and modernize the postal service and to establish the United States Postal Service.

The **PRESIDING OFFICER** (Mr. BELLMON). Without objection, it is so ordered.

S. 3852

Mr. MILLER. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. SMITH) be added as a cosponsor of S. 3852, a bill to amend the Labor-Management Relations Act of 1947, to provide for the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nation.

The **PRESIDING OFFICER** (Mr. GRAVEL). Without objection, it is so ordered.

ENROLLED BILLS SIGNED

The **PRESIDENT** pro tempore (Mr. RUSSELL) announced that on today, May 26, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 3920. An act for the relief of Beverly Medlock and Ruth Lee Medlock;

H.R. 5419. An act to provide relief for Comdr. Edwin J. Sabec, U.S. Navy;

H.R. 6402. An act for the relief of the Sanborn Lumber Co., Inc;

H.R. 8694. An act for the relief of Capt. John T. Lawlor (retired); and

H.R. 9910. An act for the relief of Hannibal B. Taylor.

OFFICE OF EDUCATION APPROPRIATION BILL, 1971—AMENDMENTS

AMENDMENT NO. 657

Mr. BAYH. Mr. President, I am submitting on behalf of Mr. CRANSTON, Mr. EAGLETON, and myself an amendment which we intend to propose, jointly, to the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year 1971, and for other purposes. The amendment adds $10 million to the $140,393,000 appropriation recommended by the Appropriations Committee for supplementary centers and services and for guidance, counseling, and testing.

Mr. President, we have been concerned for some time about these two programs and we shall fully develop our reasons for introducing this amendment at the appropriate time when the bill is considered.

Mr. President, I ask unanimous consent to have the amendment printed and to lie at the table.

The **ACTING PRESIDENT** pro tempore (Mr. METCALF.) The amendment will be received and printed, and will lie on the table.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970—AMENDMENT

AMENDMENT NO. 658

MIDDLE-AGED AND OLDER WORKERS FULL EMPLOYMENT AMENDMENT

Mr. RANDOLPH. Mr. President, on behalf of myself, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Massachusetts (Mr. KENNEDY), I submit the middle-aged and older workers full employment amendment to S. 3867, the Employment and Training Opportunities Act of 1970.

During the past few months, the Subcommittee on Employment, Manpower, and Poverty, chaired by the Senator from Wisconsin (Mr. NELSON), has conducted extensive hearings on manpower and training legislation.

The amendment I introduce today would provide a comprehensive midcareer development service program to be administered by the Department of Labor to provide training, counseling, and other supportive services for middle-aged and older workers—individuals 45 and older according to Department of Labor classifications.

Today, mature workers constitute about 40 percent of our total labor force. Although their percentage of the total long-term unemployed is disproportionately high, only a small faction of present training resources is directed at their needs.

Last December, as chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Committee on Aging, I conducted hearings on the employment aspects of the economics of aging. During these hearings, several witnesses emphasized the need for specific legislation to provide training and necessary supportive services urgently needed by older persons.

A working paper was also prepared to provide background information for these hearings. One of the major recommendations proposed in that paper was:

A Middle-Aged and Older Workers Full Employment Act, similar to S. 4180 which was introduced near the end of the 90th Congress, be passed and adequately implemented to provide a comprehensive program of employment services and opportunities for middle-aged and older Americans.

This amendment is patterned after S. 4180, which I introduced with bipartisan support in 1968.

Mr. President, I ask unanimous consent that the text of this amendment, my testimony before the Subcommittee on Employment, Manpower, and Poverty, and the statements by the Senators from New Jersey (Mr. WILLIAMS) and Massachusetts (Mr. KENNEDY) be printed in the RECORD.

The **ACTING PRESIDENT** pro tempore (Mr. METCALF). The amendment will be received and printed; will be appropriately referred; and, without objection, the amendment, testimony, and statements will be printed in the RECORD.

The amendment (No. 658) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT No. 658

S. 3867 is amended by adding at the end thereof the following:

TITLE VII—THE MIDDLE-AGED AND OLDER WORKERS FULL EMPLOYMENT ACT

FINDINGS

SEC. 701. The Congress hereby finds and declares that—

(1) in the face of rising productivity and affluence, middle-aged and older workers find themselves disadvantaged in their efforts to retain employment, and especially to regain employment when displaced from jobs;

(2) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(3) the Age Discrimination in Employment Act of 1967 cannot reasonably be expected, without supplementary legislation, to end completely age discrimination in employment and to provide employment opportunities for middle-aged and older workers;

(4) the incidence of unemployment, especially long term unemployment with resultant deterioration of skill, morale and employer acceptability is, relative to the younger ages, high among workers of age forty-five and over; their numbers are great and growing; and their employment problems grave, yielding to no single, simple solution;

(5) as a consequence largely of unemployment or of underemployment in low-skilled jobs, or of retirement with severely reduced incomes, millions of persons age forty-five and over live in poverty;

(6) more than a million men between the ages of fifty-five and sixty-four have given up the active search for work, most through loss of hope of employement; of thousands of men and women between the ages of sixty-two to sixty-four, their only choice is to retire on low and inadequate benefits;

(7) for those who are employed, there is almost no opportunity for continued training and education to meet the changes of a dynamic economy and changing techology;

(8) the loss to the economy of the potential production of goods and services and the costs of unemployment compensation and public assistance, can be reckoned in billions of dollars;

(9) the loss to the individual in terms of

frustration, impaired morale, loss of the sense of worth and dignity, and of status within the family and society, are incalculable;

(10) providing these age groups with opportunities for useful work, part-time and full-time, will bring them needed income; or supplement their income; will benefit their physical and mental health; and will be a means of providing services needed by all age groups, which are not now being provided;

(11) although the needs for training and retraining are great among mature workers, they are under-represented in existing manpower and training programs; and

(12) there is no upper age limit on an individual's ability, and his year of birth should be irrelevant for training and employment purposes.

PURPOSE

SEC. 702. It is therefore the purpose of this Act to establish and to stimulate programs which will—

(1) afford the middle-aged and older worker a range of real and reasonable alternatives which will allow him to make a free choice depending on his individual needs and capacities;

(2) help clear the obstacles which confront the middle-aged and older jobseeker and eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age;

(3) increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work;

(4) improve and extend existing programs intended to facilitate training, the matching of skills and jobs, and to cushion the impact of unemployment;

(5) pave the way for middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices;

(6) make maximum use of existing programs and agencies and provide the special efforts required to improve significantly the employment prospects of middle-aged and older workers; and

(7) stimulate innovative approaches to provide increased employment opportunities for middle-aged and older persons.

TITLE VIII—MIDCAREER DEVELOPMENT SERVICE PROGRAM IN THE DEPARTMENT OF LABOR FOR MIDDLE-AGED AND OLDER PERSONS

SEC. 801. (a) There is hereby established a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers in becoming employed by providing training, counseling, and special supportive services.

(b) In addition to the authority conferred upon him by other sections of this Act, the Secretary of Labor (hereinafter in this title referred to as the Secretary) is authorized, in carrying out the functions under this Act, to appoint and fix the compensation of such personnel as may be necessary to enable the Manpower Administration to carry out its specific functions under this Act.

TRAINING PROGRAMS

SEC. 802. (a) The Secretary, through the Manpower Administration, is authorized to make loans and grants to public and private nonprofit organizations and to individuals for training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons who are at least forty-five years of age.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program provided for in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

(f) The Secretary is authorized to enter into agreements to provide loan guarantees to lending institutions on such terms and conditions as the Secretary shall prescribe in order to permit such institutions to make loans to persons who are at least forty-five years of age for training which qualifies under this section.

TRAINING PERSONS TO TRAIN AND RETRAIN OLDER WORKERS

SEC. 803. The Secretary is authorized to develop and operate a program under which an adequate number of persons are trained to understand the learning processes of middle-aged and older persons and to become qualified to train and retain middle-aged and older workers in skills needed in the economy. Such programs shall emphasize developing innovative techniques for training middle-aged and older Americans.

SPECIAL SERVICES FOR MASS LAYOFFS

SEC. 804. The Secretary is authorized to recruit and train personnel within the Department of Labor to be made available to a locality in which a substantial number of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in force, to provide such persons with recruitment, placement, and counselling services.

SPECIALIZED SERVICES

SEC. 805. (a) The Secretary shall establish, strengthen, and operate a broad range of specialized services for older workers who are interested in enhancing their employability for more attractive positions, in receiving training to improve their capabilities at their present employment, or in seeking counsel in planning to maximize earning opportunities for the rest of their work lives.

(b) The Secretary is authorized to recruit and train manpower specialists, including older and retired employment counselors and personnel directors who serve in programs authorized under this section.

MANPOWER STUDY

SEC. 806. (a) The Secretary is authorized and directed to finance a thorough study of manpower programs authorized by the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, and similar federally assisted training programs to determine whether such programs are responsive to the needs of persons who are at least forty-five years of age. The Secretary shall report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than July 1, 1972.

(b) In financing this study the Secretary shall not employ or contract with any individual, institution, organization, or agency providing advice or technical assistance for these programs.

(c) There are hereby authorized to be appropriated $250,000 for the fiscal year ending June 30, 1971; and $250,000 for the fiscal year ending June 30, 1972, for the purpose of carrying out this study.

PAYMENTS

SEC. 807. Payments under this title to any person, public agency, or private nonprofit institution or organization, pursuant to a grant or loan, may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

TITLE IX—WORK OPPORTUNITIES FOR MIDDLE-AGED AND OLDER WORKERS

PURPOSE

SEC. 901. The purpose of this title is to increase the availability of work for middle-aged and older workers; to anticipate new job opportunities created by federally supported programs and provide advance training; and to provide part-time paid work.

INCREASED JOB OPPORTUNITIES FOR MIDDLE-AGED AND OLDER AMERICANS WITH FEDERAL GRANTEES

SEC. 902. (a) The Secretary shall review Federal grant programs to help maximize employment opportunities for middle-aged and older persons and to identify grant programs which may be expected to require significant numbers of workers. In grant programs so identified by the Secretary, the granting agency shall notify all grantees or potential grantees as to the provisions of this section. Upon application for or renewal of such grant program, the applicant shall submit a report to the granting agency listing the number and percentage of his employees who are 45 years of age and older, and shall certify that there is no mandatory maximum employment age for job applicants, except where age would be a bona fide occupational qualification reasonably necessary to the normal operation of such employment.

(b) In cases where there is not a reasonable balance of employees aged 45 and older and employees under 45 years of age, the Secretary shall, upon request by the grantee, assist the grantee in obtaining a reasonable balance of qualified employees 45 years of age and older. If the Secretary determines that there is not an available supply of qualified middle-aged and older persons for the grantee, he may waive the requirements of this section.

(c) Where the grantee fails to take appropriate steps to achieve a reasonable balance, the granting agency shall notify the grantee that he is in violation of this section. If the grantee continues in violation of this section after such notice, the granting agency shall not renew the grant.

(d) The provisions of this section shall not be construed to require the discharge of any employee to obtain a reasonable balance of middle-aged and older workers with younger workers.

(e) Federal grantees and Federal departments and agencies may fill a single job position with one or more persons: *Provided*, That this will not exceed the funds or hours allocated to that position.

(f) The Secretary shall prescribe appropriate rules and regulations for the uniform administration of this section.

(g) The provisions of this section shall become effective one year after the effective date of enactment of this Act.

CONSULTATION

SEC. 903. The Secretary shall consult with and advise the Director of the Office of Economic Opportunity and the heads of other departments and agencies responsible for the administration of programs under the Economic Opportunity Act of 1964, for the purpose of maximizing employment opportunities for middle-aged and older persons under programs supported by that Act. The Secretary shall make recommendations to the responsible agencies with respect to programs and policies which will assure that services to the middle-aged and older poor will be available to a degree reasonably consistent with their responsibility among all the poor, so that they will be offered employment, or will be prepared for employment, or will receive other services to ameliorate their condition.

EMPLOYMENT SERVICES FOR PART-TIME EMPLOYMENT

SEC. 904. The Secretary may, where appropriate, make special provisions through the Federal-State employment service, or with the advice and assistance of the employment service, by means of grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional numbers of middle-aged and older persons who wish such work until full-time opportunities are available, or to supplement their income from retirement benefits or other sources.

TITLE X—EXPANDING OPPORTUNITIES FOR EMPLOYMENT AND EDUCATION—PURPOSE

SEC. 1001. The purpose of this title is to stimulate study, planning, and action to achieve the objectives of the Act; to encourage and point the way to adjustments by employers, labor, and educational institutions; to encourage better preparation by older workers for anticipated changes; to explore further steps to be taken by the Federal Government; and, in general, to open the way to constructive and satisfying roles for middle-aged and older workers in our society.

RESEARCH, EXPERIMENTATION, AND DEMONSTRATION

SEC. 1002. (a) The Secretary is authorized to conduct research for the purpose of this Act through services and facilities within his authority and through grants to any public or nonprofit private agency, institution, or organization, including membership organizations of older persons, and contracts with any such nonprofit agency or with labor and management organizations or with any individuals—

(1) to study, and to find, test, and promote solutions to institutional arrangements which may work to the disadvantage of older workers in such matters as pensions and other private annuity coverage, workmen's compensation and disability income, and seniority in collective bargaining;

(2) to explore and evaluate proposals related to flexible or phased retirement; planning, preparation for and adjustment to retirement, including the causes of successful and unsuccessful adjustment;

(3) to explore proposals for systems of continuing educational and training opportunity to prepare workers, while still employed, for job changes, to enhance their employability, to reduce their vulnerability to displacement to open the way to satisfying activity in retirement and to benefit them in other ways; and to consider methods of financing such educational programs and interweaving them into the individual's working life, including such proposals as sabbaticals and contributory educational insurance;

(4) to develop principles and guides for job redesign and effective methods for training middle-aged and older persons;

(5) to explore, forecast, and define goals in the relationship between work, leisure, and income with reference to a changing economy and social expectations, and to a balance of the interests of all groups in the population;

(6) to develop techniques, guidelines, and models for advance planning of manpower requirements, for encouraging the employment of older workers, and for programs of public service employment by which the Government may provide work for older persons otherwise deprived of opportunity in useful community enterprises;

(7) to conduct research designed to strengthen programs for meeting the employment needs of workers who are at least forty-five years of age, including part-time or temporary employment of persons who wish such work until full-time work opportunities are available or who wish to supplement their income from retirement benefits or other sources;

(8) to conduct such demonstration projects relating to meeting the employment needs of such persons as he deems will contribute to carrying out the purposes of this Act;

(9) to conduct research and demonstration projects for recruiting, placement, and counseling services in localities in which a substantial number of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the labor force; and

(10) to develop demonstration in the application of precise and functional measurements of work capabilities, employability, and trainability of adult persons.

(b) The Secretary shall report not later than two years after enactment of this Act his findings and recommendations based on such research and demonstration projects.

EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 1003. The Secretary shall study the feasibility and advisability of establishing a program of extended unemployment compensation benefits for unemployed workers aged fifty-five and older who have exhausted their unemployment compensation. On or before February 1, 1972, the Secretary shall report to the Congress and the President his findings and recommendations with respect to such a program of allowances.

COMPENSATION AND DISABILITY INSURANCE

SEC. 1004. The Secretary shall submit a report to the Congress by February 1, 1972, on means of eliminating the gaps and inadequacies in workmen's compensation and disability insurance systems, health insurance, and pension plans particularly as they affect adversely the employment of middle-aged and older workers.

EXPERTS AND CONSULTANTS

SEC. 1005. The employment of experts and consultants pursuant to section 5703 of title 5 of the United States Code is authorized for the preparation of reports required by sections 1003 and 1004 of this title.

TITLE XI—GENERAL

PROGRAM LEADERSHIP, DEVELOPMENT, AND COORDINATION

SEC. 1101. (a) The Secretary in carrying out his responsibilities under this Act may assign functions as he deems desirable, and may improve and expand existing services and facilities within his authority to carry out these functions, utilize the services of other agencies when desirable, and initiate new related services insofar as feasible to facilitate the continued employment of middle-aged and older workers and their adjustments when out of work or retired.

(b) In addition to any other provisions for the administration of this Act, the Secretary shall designate high-level staff whose primary responsibility shall be to provide overall program leadership, development, and coordination and to provide a central point for information on and special attention to the problem of middle-aged and older workers and the programs concerned.

(c) The Secretary is authorized to—

(1) employ or engage experts and consultants or organizations thereof. The employment of experts and consultants shall be subject of section 5703 of title 5 of the United States Code and the engagement of such experts and consultants shall be subject to section 3109 of that title; and

(2) appoint without regard to the civil service laws, one or more advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to the functions under this Act; and members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees, or otherwise serving at the request of the Secretary, shall be entitled to receive compensation and travel expenses as provided in subsection (b) with respect to experts and consultants.

(d) No individual, institution, organization, or agency shall evaluate any programs if that individual, or any member of his institution, organization, or agency is presently associated with the program as a consultant, technical advisor, or in any other capacity.

ADMINISTRATION

SEC. 1102. (a) In carrying out the purposes of this Act, the Secretary is authorized to provide consultative services and technical assistance to public and private agencies, organizations, and institutions; to conduct research and demonstrations; to publish and disseminate materials and conduct special informational and educational programs.

(b) The Secretary shall cooperate with and utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit private agency or institution in accordance with agreements with the head of the agency, and may pay therefore, in advance or by way of reimbursement, as may be provided in the agreement.

RULES AND REGULATIONS

SEC. 1103. The Secretary shall prescribe such rules and regulations as he may deem necessary and appropriate to carry out the provisions of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1104. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1971, and $200,000,000 for the fiscal year ending June 30, 1972; for carrying out this Act.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 1105. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this Act among the States and between urban and rural areas.

TITLE XII—FEDERAL EMPLOYMENT OPPORTUNITIES FOR MIDDLE-AGED AND OLDER WORKERS

SEC. 1201. (a) The Civil Service Commission is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of its findings, together with any recommendations it considers appropriate or desirable, to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the executive branch which may be filled by older individuals.

(b) The Commission is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness or efficiency of operations of any department, agency, or independent estab-

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lishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Commission shall make a report of its findings, together with any recommendations it considers appropriate or desirable, to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which positions have been redesigned, resulting in an increase of the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such positions.

PREPARING MIDDLE-AGED PERSONS FOR NEW CAREERS IN GOVERNMENT

Sec. 1202. The Commission is authorized and directed to undertake special work and training programs to provide middle-aged persons (those at least forty-five years of age) who are unemployed or whose income is within a low-income classification, as specified by the Director of the Office of Economic Opportunity, with job opportunities in the executive branch of the Government of the United States, including, without limitation, opportunities for new types of careers in the fields of health, education, welfare, neighborhood redevelopment, and public safety, which provide maximum prospects for advancement and continued employment, either within or without the executive branch, and which give promise of contributing to the adoption of new methods of structuring jobs and of providing job-ladder opportunities, and to provide such persons with opportunities for further occupational training to facilitate career advancement.

REVISION OF MAXIMUM AGE REQUIREMENT

Sec. 1203. (a) Section 8335 (a) of title 5, United States Code, is amended by striking out the number "15" whenever it appears and inserting in lieu thereof the number "5".

(b) The amendments made by subsection (a) of this section shall apply only to an individual who is appointed or reappointed after the date of enactment of this Act.

INVESTIGATION OF AGE DISCRIMINATION COMPLAINTS AND PENALTIES

Sec. 1204. (a) Section 3307 of title 5, United States Code, is amended to read as follows:

"Sec. 3307. Competitive serve; age discrimination; penalty; investigation

"(a) Appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service, or who fails or refuses to hire any individual because of such individual's age.

"(b) Subsection (a) shall not be construed to prohibit paying an employee who establishes a maximum age requirement or who fails or refuses to hire an individual because of such individual's age, if age is a bona fide occupational qualification reasonably necessary for the effective performance of the duties of the position concerned.

"(c) The Comptroller General of the United States shall investigate all complaints that subsection (a) of this section has been violated. If he determines that there has been such a violation, he will immediately inform the head of the agency employing the individual who has committed the violation (1) to cease paying compensation to the employee until notified by him that such employee is no longer in violation and (2) to seek repayment, within the limitations of subsection (d) of this section, of compensation received by the employee from the day such violation is determined to have occurred.

"(d) An employee violating subsection (a) of this section shall not be entitled to compensation from the day such violation occurred through the day, as determined by the Comptroller General, on which the employee ceased violating such subsection, except that no employee shall be required to repay to the United States an amount in excess of four times the compensation which such employee was entitled to receive for the pay period during which the Comptroller General determined that a violation existed.

"(e) In accordance with regulations prescribed by the Civil Service Commission, all job notifications, except where age would be a bona fide occupational qualification reasonably necessary for the effective performance of the duties of the position concerned, for the competitive service shall notify the applicant that "There is no maximum age requirement for entrance into this position. Such notification shall be prominently posted in conspicuous places."

(b) Item 3307 contained in the analysis of subchapter I of chapter 33 of title 5, United States Code, preceding section 3301 of such title is amended to read as follows: "3307. Competitive service; age discrimination; penalty; investigation."

The testimony, presented by Mr. Randolph, is as follows:

MIDDLE-AGED AND OLDER WORKERS FULL EMPLOYMENT AMENDMENT

Mr. Chairman, in our work-oriented society, our manpower and training resources are directed primarily at the youth. However, various indices suggest that the critical period in the work lives of adult men occurs sometime during their late forties or early fifties. For example, with rare exceptions, the unemployment rate among men begins to rise after leaving the 35 to 44 age category. Once unemployed, these older workers run the greatest risk of long-term unemployment.

During the last few days of the 90th Congress, I introduced S. 4180—the Middle-Aged and Older Workers Full Employment Act—to meet the special needs of the mature worker. That proposal evolved from three days of hearings in July 1968 on the "Adequacy of Services for Older Workers", conducted by two subcommittees of the Senate Committee on Aging.

Last December the Subcommittee on Employment and Retirement Incomes held hearings on the "Employment Aspects of the Economics of Aging." These hearings provided valuable information for making certain improvements in our original proposal. Moreover, the hearings made abundantly clear the need for legislation directed at the special employment problems encountered by the middle-aged and older worker.

I propose an amendment to the "Employment and Training Oportunities Act of 1970" in order to help provide the necessary training, counseling, and supportive services needed by older workers. This amendment is patterned after the provisions contained in my Middle-Aged and Older Workers Full Employment Act.

The provisions in this amendment have been reviewed and enthusiastically endorsed by several senior citizen organizations, including the National Council of Senior Citizens, the National Council on the Aging, the American Association of Retired Persons-National Retired Teachers Association, and the National Farmers Union.

At the present time there are approximately 23 million individuals in the 45 to 54 age category; another 18 million are 55 to 64 years old—for a total of more than 40 million persons. Mature workers constitute about 40 percent of our total work force.

While unemployment is higher among younger persons, it is substantially longer for middle-aged and older workers. Despite an improved employment situation during the 1960's, the proportion of the long-term unemployed among men 45 and older increased from 31.5 percent in 1961 to 40.9 percent in 1969.

It is increasingly apparent that many older persons are without employment because of circumstances beyond their control. Automation, plant closedowns, wage discrimination, and the lack of training opportunities have placed many mature workers in a critical situation. Since the skills of many older persons have been outdistanced by technological changes, the need for comprehensive and expanded training and retraining efforts is obvious if these persons, who are willing to work, are to have the right to earn a living. In the past we have paid lip service to this laudable goal, but our actions have been inadequate.

The underutilization of the middle-aged and older worker is a needless and serious economic loss for our Nation. However, a more serious loss, which cannot be measured in economic terms, is the frustration and unhappiness caused by unemployment or the lack of opportunity to move into more meaningful and productive employment.

During the hearings in 1968 and 1969, distinguished witnesses emphasized that middle-aged and older persons would be competent and desirable employees, if given the opportunity for employment. Professor Oscar J. Kaplan of San Diego State College stated:

"Many studies have shown that the middle-aged worker has character and personality traits which make him a highly desirable employee. He tends to be more reliable, more highly motivated, less mobile, less accident-prone, and less likely to be absent for trivial reasons.

* * * * *

"Mature workers, persons in the age range of 40 to 65, generally speaking, are able physically and mentally, to competently discharge most of the tasks that we encounter in the work force. I draw attention to a number of very favorable factors that have not existed in the past.

"For example, technological innovations now make it possible to relieve workers of heavy demands upon physical strength and this makes it possible for many persons who in the past might have been ruled out of the labor force to fill jobs which are quite stressful.

* * * * *

"Middle-aged people today are healthier than their counterparts in other generations, and I think we can look forward to even greater gains along that line."

Moreover, the flexibility of these individuals to adapt to new training has been amply demonstrated in many industries. During the hearings last December, we were informed that many middleaged pilots had to be retrained when the airline industry converted to jet aircraft. This required a substantial amount of retraining and the unlearning of old skills. Yet this major conversion was accomplished by these individuals.

During the 90th Congress a significant step was taken to provide greater employment opportunities for middle-aged and older Americans with the enactment of the Age Discrimination in Employment Act. In recommending such legislation in his "Aid for the Aged" message, President Johnson also stressed that additional measures were needed if the older worker was to have full and meaningful employment.

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"Employment opportunities for older workers cannot be increased solely by measures eliminating discrimination. Today's high standards of education, training, and mobility often favor the younger worker. Many older men and women are unemployed because they are not fitted for the jobs of modern technology; because they live where there are no longer any jobs, or because they are seeking the jobs of a bygone era."

While the Age Discrimination in Employment Act can help to reduce much of the discriminatory practices which prevent older persons from securing employment, it will not provide the training and retraining which they desperately need to replace obsolete skills. It will not provide counseling and other specialized services necessary to make them gainfully employed.

The amendment that I am advocating will help to close these gaps by providing a comprehensive national program which is responsive to the multifarious employment problems of middle-aged and older persons.

In meeting these needs, it would:

Establish a comprehensive Midcareer Development Service program to be administered by the Department of Labor;

Provide training specifically directed at the needs of persons at least 45 years of age to upgrade their work skills and capabilities;

Train personnel to become qualified to train and retrain middle-aged and older workers when their skills are outdistanced by technological changes;

Provide specialized recruitment, placement and counseling services in communities where a substantial number of middle-aged and older workers are unemployed because of a plant closedown or mass layoff;

Strengthen and establish comprehensive employability and job development services for persons who are at least 45, unemployed and seeking work;

Train manpower specialists, including retired personnel directors, to increase employment opportunities for the older worker;

Assist nonprofit volunteer agencies in increasing temporary employment opportunities for individuals who wish such employment until full-time work can be secured;

Provide new employment opportunities for middle-aged and older persons in Federal grant programs;

Authorize a wide range of research and demonstration projects to provide new employment opportunities for these individuals and to seek solutions to problems hindering their employment.

The provisions in this amendment received widespread support from the witnesses appearing at our December hearings. Dr. Sidney Cobb of the Harvard School of Public Health said:

"Finally it is clear that employment termination is a social emergency which is costly not just to the individual but also to the society which must support him if he is allowed to develop the belief that he is unemployable. The Midcareer Development Service proposed in S. 4180 should go a long way toward meeting this kind of emergency if suitably trained people can be found to staff this Service."

Our middle-aged and older workers should not be left behind by the progress which they have helped to create. Enactment of this legislation can help them to live productive, satisfying lives through gainful employment. The benefits of such an undertaking are many:

For the individual, a job can provide self-respect and independence;

For his family, a regular paycheck can bring a higher standard of living; and

For the Nation, better equipped personnel to meet our manpower demands.

The Committee on Aging has devoted considerable attention to the Economics of Aging. Becaues of these hearings and the working papers prepared in conjunction with these hearings, important new, hard-hitting information has been obtained concerning economic and other pressures that affect older Americans. Moreover, the recommendations which have evolved from these proceedings offer new hope for our elderly to share in the abundance which they have helped to create.

Therefore, I strongly urge prompt and favorable consideration of this amendment by the Subcommittee.

The remarks of Mr. WILLIAMS of New Jersey are as follows:

MIDDLE-AGED AND OLDER WORKERS FULL EMPLOYMENT AMENDMENT

Mr. Chairman, it is also with a sense of urgency that I join the Senator from West Virginia (Mr. RANDOLPH) in introducing this amendment to provide full employment opportunities for middle-aged and older workers.

A working paper—prepared by a distinguished task force for the Senate Special Committee on Aging—emphasized that the United States still does not have a national policy for maximum utilization of middle-aged and older persons. One of the two major recommendations made by the authors of the working paper was that:

"A Middle-Aged and Older Workers Full Employment Act, similar to that introduced in the Senate last year (S. 4180), be passed and adequately implemented in order to provide a comprehensive program of employment services and opportunities for middle-aged and older Americans."

Later the authors added:

"The thrust of the document that follows here is that employment for older workers must clearly counter the unevaluated trend toward involuntary and earlier retirement. Much of the retirement taking place in our economy and society is counterproductive, arbitrary, inflationary, and possibly dysfunctional to the individual."

During the December hearings conducted by the Subcommittee on Employment and Retirement Incomes, witnesses pointed out forcefully that many older workers choose earlier retirement only as an alternative to long term unemployment or sporadic underemployment at low wages. During the past 20 years, an alarmingly large number of persons in this age group have dropped out of the work force. In 1966 there were 499,000 men 45 to 54 years old who were not in the labor force, compared with 369,000 in 1947. This represents a 35 percent increase. For men in the 55 to 64 age category, the withdrawal rate was substantially greater. The number in this age group not in the labor force increased from 658,000 in 1947 to 1,253,000 in 1966—nearly 600,000 more or a 90 percent increase. Unless significant action is taken immediately to reverse this trend, both the number and percentage of labor force drop-outs will continue to increase during the 1970's.

In most instances this withdrawal from the work force is not a voluntary decision to enjoy leisure earned from long years of work, but is the result of despair and frustration in failing to secure gainful employment. This failure to utilize the older worker is not only a loss of valuable manpower for the Nation, but is also a tragic loss for the unemployed individual in terms of his dignity and self-respect. Many of these unemployed individuals could become as productive as their younger counterparts with proper training and education.

However, education in the U.S. is directed essentially at younger persons, whether it is traditional, remedial, or supplementary. Yet, the need for supplementary adult education or retraining is great for older persons in order to keep abreast with the rapidly changing developments in our complex society.

At the present time, few, if any, of the existing programs are providing a truly effective, comprehensive approach for the problems and needs of the middle-aged and older person for training, job development, information about employment, and job placement. While piecemeal legislation has been enacted, most candid authorities would readily admit that far too little has been achieved.

We know that most middle-aged and older persons want to continue to be employed in order to meet their family responsibilities and their personal aspirations. We also know that many may find themselves without jobs or in need of retraining as technological advances require new talents and render old skills obsolete.

This amendment, I believe, provides a sensible and coordinated approach to meet these problems through a clear-cut national commitment, which previously has been lacking. In addition, it can have a significant impact in providing the skilled and technical personnel needed to meet our manpower demands.

Mr. Chairman, I also wish to commend the Senator from West Virginia (Mr. RANDOLPH) for his excellent work in the advancing of this urgently needed legislation and holding hearings on the "Employment Aspects of the Economics of Aging". As Chairman of the Subcommittee on Employment and Retirement Incomes, he has been untiring in his service to the Committee.

With the enactment of this legislation, we can take a significant step forward in fulfilling the goal of a better and more meaningful life for many deprived older persons.

The remarks of Mr. KENNEDY are as follows:

MIDDLE-AGED AND OLDER WORKERS FULL EMPLOYMENT AMENDMENT

(Remarks by EDWARD M. KENNEDY)

Mr. Chairman, there has long been a need to establish a comprehensive national effort to meet the employment, training, counseling, and other service requirements of the middle-aged and older worker.

However, several obstacles have prevented the implementation of such an undertaking—the lack of a national commitment, limited funding, and several myths about the desirability and feasibility of such efforts.

A major argument advanced against this comprehensive effort is that employment for the older worker might threaten job opportunities for younger persons, particularly the needy. But this point has been rebutted by several witnesses during hearings on the "Adequacy of Services for Older Americans" before subcommittees of the Senate Special Committee on Aging.

For example, Miss Eleanor Fait, State Supervisor for the Older Worker Program in California, said this about the Nation's need for employing the older worker:

"Finally, I would like to comment about work and jobs, generally. Any discussion about older workers inevitably brings up the argument that older people must leave the labor market to 'make room'. There is a fallacious view taken by individuals, organizations and some branches of government that there should be restraint on the reemployment of older workers thereby reducing the number seeking reemployment.

"There is no hard evidence that the economic system cannot accommodate the workers who wish to work in it. It is time for a thorough evaluation of the current interpretations of population and labor force statistics which creates the impression that it cannot. The birthrate has been dropping for ten years. The World War II boom babies have become the young marrieds and workers in their mid-twenties. . . . The Bureau of Labor Statistics projections for 1975 tell us that the number of clerical workers will grow by one-third; craftsmen and fore-

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men by 25 percent; service workers are expected to increase by 40 percent."

Despite relatively high levels of employment and the need for increased skills, we can expect more than 600,000 persons 45 and over to be unemployed during any given month. The critical nature of this employment period has been demonstrated in many studies. For example, since 1947 the unemployment rate has increased, with very rare exceptions, when adult men moved into the 45 to 54 age category. Furthermore, the employment situation for this group worsens as they become older. In eight out of eleven years beginning in 1947, the unemployment rates of men after they were ten years older—55 to 64—have risen.

I ask unanimous consent to insert in the Record at this point a statistical table illustrating how unemployment increases as men become older.

Moreover, once an older worker is unemployed, he tends to remain so substantially longer than other age groups. In 1969 approximately 20 percent of unemployed persons in the 45 to 54 age category were out of work for 15 weeks or longer. For persons 55 to 64 the figure was about 25 percent.

While the unemployment rate is higher for the Nation's youth, persons 45 and older constitute a disproportionately high percentage of the very long term unemployed (27 weeks or longer). In 1969, they were approximately 42 percent of the total. In contrast, in that same year unemployed persons 20 to 34 comprised only 26 percent of the total unemployed for 27 weeks or longer.

Unemployment rate of men aged 45 to 54 compared to unemployment rate of same men 10 years later at age 55 to 64:

Percent of men aged 45 to 54 unemployed in given year: 1947, 2.6; 1948, 2.5; 1949, 4.3; 1950, 4.0; 1951, 2.4; 1952, 2.2; 1953, 2.3; 1954, 4.3; 1955, 3.2; 1956, 3.0; 1957, 3.3.

Percent unemployed 10 years later (same men): 3.5, 1957; 5.5, 1958; 4.5, 1959; 4.6, 1960; 5.7, 1961; 4.6, 1962; 4.3, 1963; 3.9, 1964; 3.3, 1965; 2.6, 1966; 2.4, 1967.

The manner in which a society deals with the employment problems of middle-aged and older persons is just as much an indication of its compassion and effectiveness as the measures it takes to meet the needs of its youth. There is no reason to favor one group at the expense of the other, because we can respond to the needs of both. Older persons should be provided with a wide range of reasonable employment alternatives to consider, depending upon their needs, desires, and capabilities. Enactment of this legislation can provide significant progress in making this goal a reality.

AUTHORIZATION OF APPROPRIATIONS FOR PROCUREMENT OF AIRCRAFT, MISSILES, NAVAL VESSELS, AND TRACKED COMBAT VEHICLES—AMENDMENT

AMENDMENT NO. 659

Mr. GOODELL submitted an amendment, intended to be proposed by him, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was referred to the Committee on Armed Services and ordered to be printed.

BROADENING OF THE DEFINITION OF BANK HOLDING COMPANIES—AMENDMENTS

AMENDMENT NO. 660

Mr. WILLIAMS of New Jersey submitted amendments, intended to be proposed by him, to the bill (S. 1664) to broaden the definition of bank holding companies, and for other purposes, which were referred to the Committee on Banking and Currency and ordered to be printed.

NOTICE OF HEARINGS ON S. 3155—A BILL TO AMEND THE ORGANIC ACT OF GUAM

Mr. BURDICK. Mr. President, I wish to announce that the Subcommittee on Territories and Insular Affairs of the Committee on Interior and Insular Affairs has scheduled an open hearing for Tuesday, June 23, on S. 3155, a bill to amend the Organic Act of Guam to clarify the application of tax on transfer of funds to a U.S. corporation from a Guam subsidiary.

The hearing will be held in room 3110, New Senate Office Building, beginning at 10 a.m. Anyone wishing to testify on this proposed legislation is requested to contact Mr. James Gamble, of the committee staff, in order that a witness list may be prepared.

ADDITIONAL STATEMENTS OF SENATORS

CONGRESS, THE PRESIDENT AND THE WAR IN VIETNAM

Mr. ALLEN. Mr. President, the foreign policy decisions of the United States that involved our participation in the Vietnam conflict constitute one of the greatest tragedies in the history of our country. In going into Vietnam we violated a military and political axiom of centuries standing—that no country should engage in a land war on the Asian continent. President Eisenhower warned against this, as did General MacArthur after Korea. The French learned this, as have other nations throughout history. We saw our participation escalate from having a few advisers in Vietnam to the point where American boys had taken over the bulk of the fighting and were doing what President Johnson assured the country they would not be called on to do, and that was to do the fighting that Asian boys were supposed to do. We saw our force of fighting men increase to around 550,000 in number. We have lost 50,000 men killed—some of the finest men of their generation—and 1,000 of these were Alabama boys who laid down their lives for their country. Wounded Americans number some 300,000, many of them permanently injured. Some $100 billion have been spent in support of the war effort. Our country has been torn asunder, our people divided, faith in our Government and democratic principles and institutions has been shaken. Many of our colleges and universities have been ruined. Weakness of character of many in responsible positions has been exposed. Our framework of government has been undermined. Our economy has been wrecked. Inflation runs rampant. Prices and unemployment shoot up. We are in the midst of a recession inside of an inflationary period.

All of this—and for what? No conceivable outcome of this tragic conflict could possibly justify our having participated in it to the extent that we have.

Surely there are few in the country who are glad we became involved in Vietnam. Surely there are few who do not want to see an end to the fighting and the killing. Surely there are few who do not want peace. Surely there are few who do not want to see our boys returned to their homes and their loved ones.

Americans want peace—peace with honor—but not peace at any price—not peace through abject surrender.

History has no record of a military conflict other than this one in which one side, with overwhelming power, with power to wipe its adversary off the face of the earth, has sought peace so assiduously and so magnanimously as has our country. Peace terms are not "unconditional surrender," for we have forsworn a military victory and ask only that the South Vietnamese be allowed the right of self-determination as to its destiny and as to its government.

We have sought peace, publicly and privately, through usual and unusual methods, in direct and indirect negotiations, in open and in secret sessions.

We have brought the South Vietnamese and the Vietcong into the negotiations.

We have limited bombing; we have stopped bombing altogether.

We have withdrawn 115,000 troops from Vietnam, and the President has promised the withdrawal of 150,000 more in the next 12 months.

We have done all these things, but only one bilateral agreement has been made. That is the agreement on the shape of the negotiating table and the seating arrangement of the so-called peace negotiators.

Is there any wonder that a new approach must be tried?

It must be remembered that the Vietnam War is not of the making of President Nixon. When he became President, the War and our participation in it, except for the bombing halt, had been escalated to an all-time high. A record number of American troops were in Vietnam at that time.

President Nixon's policy at all times has been to de-escalate our participation in Vietnam and turn the fighting over to the South Vietnamese, but at the same time seeing that the American troops are protected and supported during the process of Vietnamization.

During this Vietnamization of the War, the President has been active in his efforts to get the North Vietnamese to enter into meaningful negotiations that would bring a lasting and honorable peace.

No person in the entire country wants peace more than President Nixon. The future of our country depends on it, and no one realizes this better than the President himself. He wants peace, and his efforts are expended toward protecting American lives, shortening the War and achieving peace.

For years now the North Vietnamese have used sanctuaries on the Cambodian side of the South Vietnam border for the purpose of attacking American and South Vietnamese forces in South Vietnam and then retreating back into Cambodia where they would be safe from pursuit by our forces. Tremendous stores of arms and supplies were maintained in these sanctuaries in Cambodia by the North Vietnamese.

In order to protect American troops in South Vietnam from further attacks by North Vietnamese from Cambodian sanctuaries while Vietnamization is proceeding, the President ordered an attack on these sanctuaries by American troops in concert with South Vietnamese.

These attacks have been extremely successful. Large stores of arms, munitions, and food supplies were captured. The enemy's ability to strike against American and South Vietnam troops has been curtailed. Further withdrawals of American troops from Vietnam can proceed on schedule. Vietnamization can continue. And the President promises that all American troops and advisers will be withdrawn from Cambodia by July 1.

The President has kept his promises about troop withdrawals from Vietnam, about Vietnamization, about his efforts to obtain peace. I have no reason to doubt that he will keep this promise to withdraw American forces from Cambodia by July 1, 1970.

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Yes; as I have stated, the war is not of the President's making. He is not responsible for starting it; but now it is his responsibility. He says that he will end the war, that we will have a just and honorable peace. He accepts it as his responsibility to achieve these goals. He does not seek to shift the responsibility. He knows the risks involved. I respect him for his courage and his determination.

The Constitution is clear and specific on three points:

First. The President is Commander in Chief of the Armed Forces of the United States. As such he can direct the conduct of a war.

Second. Only Congress can declare war.

Third. Congress with its power over the purse strings of the Nation can finance a war or withhold funds with which to prosecute the war.

What then of undeclared wars or limited wars or military actions to protect American lives and property—who initiates these and who directs them?

The history of our country is replete with instances where limited wars or military actions have been initiated by a President. These actions have been taken by the President under his powers as Commander in Chief of the Armed Forces. Once the conflict has been initiated there seems little doubt of the President's power to direct the prosecution of the conflict.

But in the conflict in Southeast Asia, President Johnson used the Tonkin Gulf Joint Resolution of Congress as his authority to take whatever steps were necessary to protect American lives, property and interests.

So when President Nixon took office he found a full scale war on his hands, limited only by our own self-imposed limitations, among which were the bombing halt and the observance of the sanctity of the North Vietnamese sanctuaries in Cambodia.

It was his duty, then, and his responsibility to direct the prosecution of the war and to take steps to protect American troops as the deescalation, troop withdrawal and Vietnamization of the war proceeded.

The President, after considering intelligence reports from his military commanders in the field and from his military advisers, became convinced that enemy troop and supply concentrations on the Cambodian side of the border with South Vietnam were direct and immediate threats to the safety and security of the reduced American forces. As Commander in Chief he ordered these dangerous pockets cleaned out. At the same time he publicly declared his intention of having American troops out of Cambodia by the end of June. We have no reason to doubt that the President plans to keep this pledge. The progress to date of the campaign against the sanctuaries indicates that the President will be able to have all American troops and advisers out of Cambodia by July 1.

Congress has no power to limit or restrict the powers conferred on the President by the Constitution. Any such attempted action on the part of Congress would be a nullity. Congress cannot take from the President his powers as Commander in Chief of our Armed Forces. Those who back the Cooper-Church amendment apparently recognize this because the thrust of their amendment is not specifically to repudiate the President's actions by directing the withdrawal of American troops. Nowhere in the amendment is the right of the President to order the attack on the sanctuaries questioned. Nowhere is it averred that the President exceeded his powers as Commander in Chief.

The point in this controversy is not whether our troops should be in Vietnam, in Cambodia, in Southeast Asia. The point is that they are there, and we must not forsake them. It is unthinkable to suggest that we do anything other than support our American troops to the full extent.

The Constitution establishes the President's authority as Commander in Chief of the Armed Forces, the one man who must make final decisions affecting the use of our military forces. This is not a power that the President has seized without regard to the role and the prerogatives of Congress. It is a power that the Constitution has placed on the President. He would not be discharging his duty unless he acted to protect the members of the Armed Forces in Southeast Asia.

At the same time, and wisely so, the Constitution gives to Congress the sole authority to provide for or to withhold appropriations for our Armed Forces.

My attention has not been directed to any instance in the past history of our Nation where Congress even seriously considered exerting its control over the Government's purse strings so as to withhold support from American troops in the very heat of battle, putting their very lives in jeopardy while the debate is going on in the Halls of Congress.

The original Cooper-Church amendment set no date in the future when support for American troops in Cambodia should cease. Thus, the ban would be effective on the passage of the bill by Congress and its approval by the President; or, in the event of a presidential veto, on its passage over the President's veto.

The Cooper-Church amendment was accepted by the Foreign Relations Committee and has been reported back as part of the committee amendment.

Let us assume that the bill to amend the Foreign Military Sales Act passes with the original Cooper-Church amendment as a part of the bill; and that when the bill is sent to the President, the July 1 deadline set by the President has not been reached and American troops are still engaged in battle in Cambodia.

Doubtless, the President would veto such a bill with the overwhelming backing of the American people; and any such veto would doubtless be sustained.

But suppose the July 1 cut-off date is adopted. What would be the situation if the bill is not passed until August 1? What would be the status of support given our troops in that intervening period? Would that be illegal, and would those who gave such support before the enactment of the law be law violators?

Suppose again that the July 1 cut-off date is adopted. Does that mean that even though American boys are in the thick of the battle, risking their lives for our Country, but have not completed their mission by July 1 no more support will be given them because of the action which it is proposed the Senate take on cutting off funds?

I think it is significant that neither the original Cooper-Church amendment nor their amendment setting a July 1 cut-off date make any charge that the President acted without constitutional authority in Cambodia. Indeed the July 1 cutoff amendment would seem to ratify and sanction continuation of the mission until July 1, whereas, the original Cooper-Church amendment gives no such indirect sanction.

If, then, the President acted within his constitutional authority, why should the Senate be called on to repudiate his actions by withholding support from his efforts and the efforts of American troops in Cambodia?

The President has said that the destruction of the sanctuaries will protect American troops in Vietnam; that it will shorten the war and hasten peace; and that we will be out of Cambodia by July 1.

I respect the President's judgment, and I believe and honor his pledge that our troops will be out of Cambodia by July 1.

Proponents of the amendment agree that setting a cutoff date for support of troops is merely in line with the President's promise and is merely taking him at his word.

I don't see it that way. If we believe in and trust the President or if we respect him as Commander in Chief of the Armed Forces we would take him at his word on his promise to withdraw our forces by July 1, 1970.

We need only one Commander in Chief, and the Constitution wisely provides for only one, and that is the President of the United States.

Our country does not need a war council of 535, composed of 100 Senators and 435 House Members to determine strategy, to plan and employ tactics, to decide where, how, and when to fight. Nothing could be more ridiculous or disastrous for our country.

Deciding such questions in the Halls of Congress in full view of the world would advertise our plans and our strategy and tactics to friend and foe alike.

A foreign power hardly needs an espionage system. Let them subscribe to the CONGRESSIONAL RECORD, Time magazine, the Washington Post, the New York Times, and the Wall Street Journal and obtain copies of the hearings of our Senate Foreign Relations and Armed Services Committees and they could gain a pretty good idea of our military preparedness and of our overall strategy of foreign relations, as well as the divisions among the American people in these areas.

This is just one of the prices we pay for having a democracy where the people have the right to know.

Adoption of the Cooper-Church amendment can in my judgment serve no useful purpose. Adoption of the amendment, on the contrary, would be detrimental for many reasons:

First. It would raise questions and create doubt as to the credibility of the President of the United States.

Second. It would question the powers of the President of the United States as Commander in Chief of the Armed Forces.

Third. Incredibly, it would cut off support from American soldiers fighting for their country, while they are on a military mission to which they were dispatched by the President of the United States.

Fourth. It abandons Cambodia and the Cambodian sanctuaries to the North Vietnamese and tells them that they can come back and take over Cambodia, thereby putting our American troops in South Vietnam in greater jeopardy.

Fifth. It seriously weakens the power of the President as spokesman for this country in the quest for peace. This repudiation of the President and his actions will be known in national capitals throughout the world within minutes of our action on this amendment.

Sixth. It emphasizes our national divisions and lack of unity in the matter of a national foreign policy.

Seventh. It could discourage firm and timely action by the President in future crises in use of Armed Forces of the Nation.

Eighth. It could encourage our real adversaries, Russia and China, in believing that we lack the national resolve and determination to see the Vietnam war to an honorable conclusion.

Ninth. It advises our enemies as to what our plans are in Southeast Asia, telling them just what limitations our Armed Forces are under, just how far we will go and no further. It removes all flexibility from future military plans and operations.

Tenth. It prevents the President from ordering attacks in the future on Cambodian sanctuaries without approval of Congress, thus tying the President's hands.

The President of the United States, acting as Commander in Chief of our Armed Forces, has had and will continue to have my support in his conduct of the war in Southeast Asia.

Certainly, I oppose any moves in the Senate to tie his hands, to snipe at him, or to criticize his actions before the world.

I oppose any action that will deprive American boys in Southeast Asia of support, or that will cut the ground from under them, or will indicate in any way that they have less than my enthusiastic support.

The President has acted. This is now the official policy of our country in the conduct of the war. As a loyal, patriotic American, as well as a U.S. Senator from Alabama, I shall support it.

Therefore, Mr. President, believing as I do that the Cooper-Church amendment is unwise, unnecessary, and not in the best interest of the country, I must oppose it.

EDUCATION FOR HATRED—MIDDLE EAST TRAGEDY

Mr. SCOTT. Mr. President, one of the fundamental causes of the trouble which has kept the Middle East in turmoil for more than a generation is the teaching of hatred that has been inflicted upon young children in the schools of many Arab countries.

Unfortunately, some of this miseducation has also infected schools in UNRWA—United Nations Relief and Works Agency for Palestine Refugees in the Near East—camps, where teaching materials have tended to implant hatred of Israel into the minds of the students. The United States bears a heavy responsibility in this connection, because we supply the major part of the money which supports UNRWA.

This whole subject is discussed in detail in an article entitled "Education for Hatred—Middle East Tragedy," written by Dr. James H. Sheldon and published in the current issue of Prevent World War III, a magazine published by the Society for Prevention of World War III, 50 West 57th Street, New York, N.Y. The article is based on a study made by Dr. Sheldon during a trip to the Middle East, completed just a few weeks ago.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EDUCATION FOR HATRED—MIDDLE EAST TRAGEDY

(By James H. Sheldon)

The question of future peace or war in the Middle East is apt to be determined in the schools of the Arab states. A survey indicates that unless something is done promptly, the choice is likely to be war.

For many years UNESCO (the United Nations Economic and Social Council) has been trying to persuade member nations to remove from school texts material which teaches warfare against other peoples or inculcates group tensions. The attitude of one Arab state, Syria, was summed up in a letter to the Director-General of UNESCO written by Suleyman Al-Khash, the Syrian Minister of Education. As reported in "A-Thaura, the Ba'ath party organ (Damascus), on May 3, 1968, the Minister wrote: "The hatred which we indoctrinate into the minds of our children from birth is sacred."

Here is a passage from a first-year reading primer used in Syrian elementary schools:

"The Jews are the enemies of the Arabs. Soon we shall rescue Palestine from their hands."

In a secondary school in Jordan, students of the rules of Arabic grammar are asked to analyze this sentence: "It is arms that will free our stolen homeland." A more difficult exercise is based on this: "The Arab soldiers will lead our enemies to the slaughter."

TRAINING FOR TERRORISM

In Egypt, sixth grade reading students study the story of a young boy who was sent to the baker's shop by his mother, to buy a basket of bread. On the way, he meets some Arab soldiers. He volunteers to conceal one of their dynamite bombs under the bread, and to take it into the nearby Jewish headquarters. "Will you let me blow it up? Give me the dynamite and I promise to do whatever you tell me," the youth says. "The soldiers gave me some explosives, which I carefully hid in my basket, placed the fuse on top, and after they showed me how to explode it, I went to the bakery where I bought bread and hid the explosives under it," the story continues.

Then we read: "I went to the enemy post, looked warily around and then placed the basket in a corner after lighting the fuse with a match, then ran away to save myself, but I had run hardly a few steps when the dynamite blew up, destroying the post and killing the enemy Jews. A pillar fell on my leg and broke it. . . ."

After reading this, the class is supposed to discuss the story and answer questions such as: "Who occupies Jerusalem today? What was the device suggested by the lad? How did he blow up the enemy? What did his bravery cost him? Do you know another story about Palestine?"*

Hatred is bred into the child not only in history and social science courses, but it is imbedded in ordinary arithmetic and spelling problems. On the reverse side of the standard exercise book used by teachers in Syrian elementary classes appears a map of Israel with a bomb directed toward Tel-Aviv. Around the margin are pictures of Arab soldiers directing guns toward Israel. The whole thing is captioned "We Return."

The infection becomes even more alarming when it spreads into the UNRWA refugee camps.

The use of the camps—and their schools—for such indoctrination is now not only admitted, but has become the subject of open boasts by the Arab states.

We read in The Arab World for May, 1969: "In the refugee camps Palestinian youth aged 8 to 14 receive military, political and athletic training after school as members of the Al Ashbal (Lion Cub), the scout movement of the Palestine Liberation Movement."

The Arab World, from which this is

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*U.A.R., Ministry of Culture and Education, "Reading and Entertainment," for the 6th elementary grade, by Khalid Qutrash, Abd A. Hamur and Affat W. Hamzah. (Cairo, 1960).

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quoted, is the official organ of the Arab Information Center, in New York—which is the formally designated agency of the Arab League states in the United States.

By providing facilities for "youth activities" such as these Lion Cub scout organizations, refugee camp schools thus make available a direct recruiting channel into the guerrilla groups.

UNRWA'S RESPONSIBILITY

Education in the camps is under the general control of local or "host" governments. Although UNRWA is theoretically responsible for "technical standards," the Commissioner General's 1968 Report pointed out that "the curricula and textbooks employed in the UNRWA/UNESCO schools have in the past been those prescribed by the host governments for their own national systems of education." For example, the Egyptian text, with its story of the boy who concealed the bomb, as quoted above, was used in the UNRWA schools of the Gaza Strip, until the Israeli occupation.

In 1968 UNESCO established a group of experts to review the text of books in use in the UNRWA schools. So bad were these teaching materials that this international commission of educators recommended that 65 of the 127 books it examined be "modified" and that 14 others be completely withdrawn from use.

The Arab governments concerned have vigorously opposed the right of either UNESCO or UNRWA to control the choice of textbooks, contending that such action would "constitute an infringement of their sovereignty." [1]

In the Gaza Strip, the Israeli authorities became responsible for the military administration, a survey of books in use in UNRWA schools resulted in 70 out of a total of 79 being excluded because of hate-breeding subject matter.

As a result, a kind of stalemate has developed, and the 1969 Report of UNRWA's Director General remarks that, in the absence of anything else, "school texts declared to be obsolete" following examination by the committee of experts continue to be used in Syria and East Jordan, while in the Israeli administered areas of Gaza and the West Bank temporary "teaching notes" have been made the basis for most classwork pending some over-all solution.

In all the areas, teachers are local people. In the entire Middle East, as of June 30, 1969, the UNRWA payroll included only 110 persons on the international staff (direct employees of UNRWA and personnel loaned from other UN agencies), as against an enormous 12,901 employees on the "locally recruited staff," among whom were the 6000 teachers who man the classrooms.

The host governments, as a rule, have insisted that these teachers and other employees are subject to their local regulation, and the guerrilla groups have constantly exerted additional pressures, to the extent of using many camps as recruitment and training centers, and (in the recent case of Lebanon) actually usurping the policing of the camps. The resulting situation has constantly pushed educational methods into more and more bellicose formats.

The problem is particularly acute at the secondary school level, for UNRWA does not directly operate classes for these grades, but instead subsidizes the attendance of some 20,000 older refugee children at regular government schools in various Arab countries. These young people are, of course, the "opinion makers" of the new generation.

TEACHING HATREDS

Let us consider what a first-year secondary student studies in the Egyptian schools (including the Gaza Strip before 1967). A course in religion uses a text provided by the Egyptian Ministry of Education and Instruction, in which we learn that "the Jews, more than others, incline to rebellion and disobedience." A parallel text on Arabic Islamic history adds that: "The Jews will not live save in darkness; they contrive their evils clandestinely." And in Jordan, a 3rd year high school text printed by the Ministry of Education itself quotes at length from the infamous *Protocols of the Elders of Zion* (a notorious forgery, widely used by Hitler in his anti-Jewish propaganda), describing "force and deceit" and "the spreading of corruption" as approved "Jewish" ways of gaining power. "The Jewish Elders" are supposed to have declared, according to page 41 of this preposterous text, "We must unhesitatingly carry out the theft of the property of others."

Even art classes are used for the same hate-breeding purposes. When Gaza was occupied, a girls' school was found to be decorated with colored drawings, made by the students, in which Arab women were depicted being defiled by Jewish soldiers. Art work on an adult education text in Syria ("Salem in the Army") shows Arabs pushing struggling Jews back into the sea, as they try to escape from drowning. And another drawing by a girl student in Gaza, exhibited on a classroom wall, pictured young Arabs murdering Jews in a whole series of unpleasant ways.

It is obvious that the reconstruction of the Middle East requires us to start by cleansing the educational processes.

UNESCO has been conspiculously without success in bringing about reforms in the teaching methods of the governments themselves. In the Arab states, UNRWA likewise has been unable to effect basic changes in texts, and unable to exercise real control over the attitudes of teachers. In the Israeli occupied territories, a temporary and uneasy compromise has resulted in the use of locally reproduced "teaching notes," pending a general solution of the textbook question.

The governments providing major financial support for UNRWA can, however, exert pressure upon that considerable segment of education which is supported from international budgets. The United States—and other contributing governments—should, at the very least, insist that the money they supply be not used to teach hatred, or to finance "youth activities" such as the junior guerrilla organizations. This is an obligation owed both to the taxpayers of this generation, and to the peace and security of the future.

THE SPEAKER STEPS DOWN

Mr. KENNEDY. Mr. President, last Wednesday Speaker JOHN W. MCCORMACK announced that he will not be a candidate for reelection to the House of Representatives this fall. It was my honor to be present at his news conference when he made this announcement and to express my great respect and affection for him. I will have more later to say relative to his distinguished service to his State and his country, but I now ask unanimous consent that editorials from the Boston Evening Globe and the Boston Herald Traveler, which pay tribute to the Speaker, be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Boston (Mass.) Evening Globe, May 21, 1970]

THE SPEAKER STEPS DOWN

When a man is 78, and has served the public well for more than half a century, and has been Speaker of the House of Representatives longer than any man except the late Sam Rayburn, he is surely entitled to indulge himself in some sentimentality when he announces he will not run for reelection.

But there was none of that at all in what John W. McCormack of the Ninth Congressional District had to say in Washington on Wednesday. He was remarkably composed, and in great humor, and it can be said that nothing more becomes the quality of his long service to the nation than the manner in which he is leaving it.

It may not matter much, except to local pride, that John McCormack, the seventh Speaker from Massachusetts, has put the Bay State far in the lead as the mother of Speakers, much as Ohio became known as the mother of Presidents. There are other, more important things now.

Nor does the recent criticism of the Speaker matter much, either. The record of achievement will be far more enduring. It starts with service as a delegate to the state constitutional convention in 1917; as a state representative in 1920–22; in the State Senate from 1923 to 1926, and as a congressman from 1928 til now.

Mr. McCormack has occupied the most powerful office in Congress, and the third highest elective office in the land, since 1962. An earlier Speaker, Thomas Brackett Reed of Maine, once cynically defined a statesman as "a dead politician," but both Speaker McCormack and his mentor-predecessor, "Mr. Sam," ably proved he was wrong.

Because it was so long ago, most people tend to forget today that there was a time when the story of Horatio Alger had some meaning. It had some for John McCormack. Left fatherless at 13, he had to go to work to support his mother and two younger brothers. He never attended high school or college.

Most people also tend to forget, because most of them weren't born yet, the atmosphere in the nation and in Congress shortly after John McCormack, much like Mr. Deeds, first went to Washington. Yet there is a comparison, for the nation was in much the same sort of crisis then as it is today, except that now it is over a foreign war, and then it was the Depression.

The situation then seemed hopeless to many. There were record millions of unemployed. People wondered not just how, but even whether, the nation could be saved.

We remember John McCormack then, leading the fight for the poor (now the word is "underprivileged," as if it made a difference!). He was an able, tough debater, and not without reason could he describe himself after becoming floor leader as "Franklin Roosevelt's good right arm."

And his sense of humor has never left him. So good a poker player is he that an oil-rich senator once told a reporter he would rather pour his money down a manhole than get into a poker game with John.

"Don't you believe a word of it," said Mr. McCormack with a perfectly straight face, "I'm just learning the game."

It is a matter of great pride to Speaker McCormack that no matter where he has traveled nor how great the pressure of official business, he has never missed having dinner with his wife since they were married in 1920. There are not many men on this earth who can say that, and it is not an unimportant matter.

Now there will be a great scramble to see who will be elected from the Ninth District to succeed him. Taking the long view, it seems doubtful whether any of the Bay State's young hopefuls can ever equal his record and then top it off by quitting when they are ahead.

There has been criticism of John McCormack because of his age. He gave one answer to that on Wednesday when he said, merely, "I know how old I am and I don't apologise for it." It was well said.

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[1] 1968 Annual Report of the Commissioner-General of UNRWA, p. 9.

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But there was another answer, too, an even better one. He was asked what bill he would most like to see passed in the current session, and he said it was the Voting Bill, particularly with its section giving 18-year-olds the vote.

There was an accent on youth there that a lot of us might well envy. Speaker McCormack surely knows the nation is in a crisis, perhaps one of the gravest in its history.

It is a mark of his own greatness for him to recognize as he has done the vital role that our youth must play in helping us out of that crisis.

We wish the Speaker and his wife many more years of the "peace and relaxation" that they have earned so well.

[From the Boston (Mass.) Herald Traveler, May 21, 1970]

McCormack: The Last Hurrah

"Only in America" was a phrase popularized by Harry Golden. But Rep. John W. McCormack was fond of reciting it to describe his own career. Where else but in America, he would ask, could a poor Irish lad who quit school at the age of 13 rise to one of the most important and powerful positions in the country?

Young John McCormack supported his widowed mother and two younger brothers by running errands in a law firm. By reading law at night he managed to pass the bar exam and to begin a career as an attorney. It wasn't long, however, before he turned to politics, an art he had practiced with great skill and dedication for more than half a century.

After serving as a member of the Massachusetts Constitutional Convention of 1917–18, McCormack was elected to the state House of Representatives and then to the state Senate. In 1928, his constituents in South Boston sent him to Washington, where he has represented their views and interests with diligence and distinction ever since.

Several politicians had announced that they would oppose his reelection this year, but that apparently was not the reason for his decision yesterday to retire from Congress at the end of his present term. Few political experts doubt that the voters of the 9th District would have given McCormack another term had he asked for it.

Though many younger and more liberal Democrats in the House have been unhappy with McCormack lately, when his leadership was challenged only three months ago the Speaker trounced them and won a new vote of confidence by the overwhelming margin of 192 to 23.

Apparently the principal reason for McCormack's decision to retire from the House is the illness of his wife, Harriet. His devotion to her is legendary; during the 50 years of their marriage he has never allowed the many demands upon his time to prevent him from having dinner at home with his wife every single night. Her poor health has been a source of mounting concern to the Speaker, and he has certainly earned the right to spend more time with her in retirement after more than half a century of public service.

Rep. McCormack's impending departure from the House will leave a large void in Washington. It may be some time before the Congress will seem quite the same without him.

The Herald Traveler hasn't always agreed with Speaker McCormack's views and votes on the issues. In fact, we often disagreed rather strongly with them. But we have never had cause to question his motives, his integrity or his devotion to high principles.

Raised in the rough and tumble politics of South Boston, McCormack could be tough and stubborn. But even his political foes and critics have conceded that he was always a gentleman who treated them with fairness and courtesy.

And while he has also been a staunch and partisan Democrat, he has never been afraid to break party ranks when his convictions told him that was the right thing to do. This rather old fashioned concept of "the loyal opposition" has led McCormack to support the Vietnam policies of a Republican President as well as Democratic presidents because all of them, in his view, have been seeking "peace with justice, not peace at any price."

If this is what is meant by the term "the old politics," maybe we need more of it—not less—today.

SOCIAL SECURITY IMPROVEMENTS

Mr. BYRD of West Virginia. Mr. President, overwhelming approval of the Social Security Amendments of 1970 by the House of Representatives last week is a positive indication to the millions of Americans who have labored to make this country great that they have not been forgotten. I urge the Senate Finance Committee to take expeditious action in considering this meritorious legislation.

Today, 26.2 million Americans depend on social security. We cannot allow these fine Americans, who have dedicated themselves to the betterment of our country, to become second-class citizens. For many of our senior citizens, increased social security benefits would allow them to retire with the feeling of security and dignity that they deserve.

No one feels the ravages of the rising cost of living faster than those who are dependent on a fixed income. Many Americans have seen their savings—for which they have sacrificed in the past—dwindle in purchasing power due to inflation.

Mr. President, my constituents in West Virginia have written to me often expressing their concern that present social security benefits are not adequate to meet the realistic needs of recipients. I share their concern. During my years of service in the Congress, I have spoken out frequently urging that this program be strengthened.

During the 91st Congress, I have introduced a number of bills which I believe to be a first step in improving the current social security program. Among these are S. 3094, which was introduced last year by me, and which provides that monthly insurance benefits based upon attainment of retirement age would be payable in full at age 62 instead of age 65, and on an actuarially reduced basis at age 60 instead of age 62.

Another bill which I introduced, S. 1448, permits the payment of actuarially reduced widow's insurance benefits at age 50. I have a special sympathy for widows. I am concerned by the disadvantages which they often face in attempts to obtain adequate employment when, after years of being a good wife and mother, it becomes necessary for them to enter the labor force without the needed skills.

I have also introduced S. 2174, a bill which would provide a more equitable standard in determining disability in the cases of individuals who have attained the age of 55. This legislation would also shorten the waiting periods connected with disability insurance benefits.

Mr. President, the legislation amending the Social Security Act recently passed by the other body would raise from $1,680 to $2,000 the annual amount individuals are permitted to earn without suffering the loss of part of their social security benefits. My bill, S. 3046, would raise this ceiling to $2,400. Over 1 million Americans would benefit by this increase.

The House bill goes far in correcting the inequities which now exist in the social security program. The cost-of-living provision added to the bill is a meaningful step in assuring our elderly citizens that social security benefits will be adjusted on a regular basis to reflect increases in the cost-of-living. This provision will assure that the fixed income of social security recipients will keep pace with the times. Legislation to improve the social security program is long overdue. It merits careful and prompt consideration by the Senate.

PARTNERS OF THE ALLIANCE

Mr. BENNETT. Mr. President, on June 30 of this year, the Partners of the Alliance office in the Agency for International Development is scheduled to be phased out of existence.

Established in March of 1964 within the Bureau of Latin American Affairs at AID, the Partners office, with a staff of eight people headed by James H. Boren, director, was charged with the responsibility of developing direct involvement of U.S. and Latin American institutions, organizations, businesses, civic groups and individuals into partnerships or private sector participation in the Alliance for Progress. Volunteers throughout the hemisphere worked in socially oriented self-help projects, educational and cultural exchanges, volunteer technical assistance and investment in commercial ventures.

As of this date, the Partners office in AID has served as an effective catalyst in the formation of 40 partnerships in the hemisphere. Forty U.S. States are joined in partnership arrangements with 41 states or areas in 17 Latin American and Caribbean countries.

Utah was the first of the States to be linked with a Latin American Partner when it teamed in 1964 with the Altiplano area of Bolivia. Since then, numerous citizens in Utah and Bolivia have participated in meaningful and productive Partners projects, in the main as a response to self help on the part of people trying to help themselves. Projects in the fields of education, public health, agriculture and cultural exchange have been in the forefront of the Utah/Bolivia program.

Last year at this time, Utah was host to the Fourth Inter-American Conference of the Partners of the Alliance when nearly 350 representatives of volunteer Partners programs from throughout the hemisphere assembled in Salt Lake City.

The transfer of the servicing functions of the AID Partners of the Alliance office to the National Association of the Partners of the Alliance has been in process for the last several months. Mr. Boren recently stated:

> The Partners Program is a private sector activity and it is in keeping with the basic Partners philosophy that the total servicing of the program pass into the hands of the

private organization. I am confident that the Partners will continue to expand into new program areas and to new levels of accomplishment under the private leadership of the program at the state and national level.

I want to commend the function of the small, energtic, dedicated and resourceful staff under Mr. Boren's leadership for developing in the short span of 6 years an ongoing effective people-to-people undertaking that has meaningfully supplemented the work of the Alliance for Progress.

Thousands of personal ties throughout the hemisphere have been established and the cost benefit ratio of Partners activities has been astounding. For every Government dollar spent in the transportation of a volunteer technician, there has been a return manyfold from the private sector in terms of goods and services. Last year more than $2½ million came from private groups and organizations within the hemisphere in support of private projects in rural and slum areas of Latin America, bringing the total to more than $16 million in 6 years.

This impressive cost benefit ratio is highly commendable and reflects, in part, the zeal with which the private sector is willing to respond to commonsense projects with strong self-help orientation. It is a credit to a small staff whose enthusiasm and dedication has gained the involvement of thousands of people in the hemisphere as volunteers in true partnership arrangements.

Mr. President, I ask unanimous consent that an article from the Sunday Star of May 24 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington, (D.C.) Star, May 24, 1970]

PARTNERS OF THE ALLIANCE GETTING PRIVATE CONTROL

The federal government is handing over control of the Partners of the Alliance program for Latin America to private citizens effective June 30.

The phase-out of the government's steering role started April 1. Partners has been a function of the Alliance for Progress under the State Department's Agency for International Development.

Dr. James Boren, director of Partners since its inception in 1964, said he is transferring all functions of his office to the National Association for the Partners of the Alliance at 1518 K St. NW. NAPA is headed by Alan Rubin of Maine.

Boren is the father of the idea for the Partners program and has run it since it was approved by the then-coordinator of the Alliance for Progress, Teodoro Moscoso. Boren is a foreign service officer. He and his staff of eight will receive other government assignments.

Partners now has more than 40 North American states in partnerships with states and cities in 17 nations in the hemisphere. The arrangement has been one of the more individualistic aspects of the Alliance for Progress, because it has made possible direct cooperation between U.S. cities and states with people in partner cities and states in Latin America.

The only major areas in Latin America where there are no existing partnerships are Chile, Argentina, Cuba, Haiti, the Dominican Republic and the three Guianas.

AID will continue to participate financing NAPA work, even though government officials will no longer act in directing roles.

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CONTROL AND ELIMINATION OF POLLUTION

Mr. LONG. Mr. President, on May 5, 1970, Kaiser Corp. and Time-Life joined in sponsoring a luncheon for the purpose of directing attention to the growing needs for control and elimination of pollution.

Mr. John Steele, senior correspondent of Time-Life News Service, presented a speech which I commend to all Senators. It serves as a good overall look at our problem and some avenues that provide possible answers.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

KAISER-TIME LUNCHEON, MAY 5, 1970 ECOLOGY SPEECH BY JOHN L. STEELE, SENIOR CORRESPONDENT, TIME-LIFE NEWS SERVICE

There are some periods in history which shake the world. Most often in the past they have been created by war, epidemic, economic decay or political revolution. There is no doubt in my mind that the early 1970's again represent such a period. And in some somber ways the crisis which I see is even more condign; the reason: it appears likely that the stakes are even higher than in past crisis eras. The stakes would appear to be the welfare, perhaps even survival of man as we now know him in the thin and fragile envelope we call our environment. That that environment is threatened today seems beyond debate despite an occasional bleat of false rationalization such as that espoused by the Mayor of a small-sized midwestern city who recently exploded that "if you want this town to grow, its gotta stink." And despite the pathetic delusions of a national patriotic society which meeting here a few days ago, found in convention assembled that the problem of environmental pollution is—and I reluctantly quote—being distorted and exaggerated by emotional declarations and by intensive propaganda.

The question many of us are asked today is whether this nation's occupation with environmental concerns is for real, or whether perhaps it is like the measles, uncomfortable while it lasts but of pretty short duration. The question is posed, for a variety of reasons by editors, some men of governmental affairs, and by many, many members of the business community. It seems to me that the answer is self-evident—that it is for real and that it should be. And the reason is that the vast and interlocking drama of our environment is all about us, ever heightening in intensity. It impinges on our eyes, our ears, our health, our food, water, earth and air, our aesthetic sensibilities, our business and professional lives and perhaps even on our very existence itself. Yes, it seems that not only the quality of life, but in a significant way, its very elxstence as we now know it is open to question.

There is an overflowing cornucopia of literature on the environmental threats, spilling over us each day and portraying a wide diversity of problems, many of them so interlocked that to solve one is merely to create another. It is not my purpose today to present you with a full index to the dangers in terms of life, health, lungs, cardiac condition, food consumption and supply, pest control, plant and animal life. Some of the indices of the threats we face may be spurious, over-dramatized, even hysterical. But the vast body of evidence leads, I am sure, most of us in this room to understand that environmental pollution is a very real challenge to us all, and one which won't pass with Earth Day, angry demonstrations before stockhoders' meetings, the introduction of a clutch of bills in Congress, or even corporate public relations campaigns of the type inviting us to drive up to our local gasoline station—to have our automobile ash tray emptied. It simply is true, for instance, that last summer the Cuyahoga River in Cleveland burst into flames, its waters were so polluted. And Lake Erie approaches the state of a dead sea. It simply is true, for instance, that the milk in a mother's breast exceeds in DDT content by several times, the permissible level in bottled milk. It is true, for instance, that each year we junk seven million cars and that it costs New York City alone three million dollars just to pick its share of abandoned automobiles off the parkways. It is true that fourteen hundred communities including some good sized cities such as Memphis dump their untreated wastes directly into our waterways. It is true that our fossil-fuels are being converted to gas and ash—as well as generating power—at a rate doubling in tonnage every twenty years and that byproducts of our combustion gluttony make up about 85 percent of the total tonnage burden of air pollution even today. There is no need to go on. The imperatives of the dangers are all too apparent. Hysteria is no substitute for action, and self flagellation is not a recipe for good health.

But one must pause on any ecological tour, no matter how brief, to pose the question of "how did all this happen?" Unlike many other natural and man-made crises, it is beyond question that this one stemmed alone from our rush for uninhibited, too often thoughtless, progress. I mean scientific, technological, and industrial progress. That progress has been so commendable in so many ways that I would skip its defense entirely if today it was not under violent attack from many quarters, and not merely from so-called anti-establishment student militants and social critics of the left. So let us not forget that in the just completed decade of the sixties, the total product of our goods and services—our GNP—grew by nearly one half, and this figure IS corrected for the marring impact of inflation which set it in 1966. The output of our economy now is about equal in one year to what it was in 1960, PLUS the output of the entire Soviet Union. By far the wealthiest nation in the world, we add to our economic base every five years the equivalent of the total economy of West Germany. Over the past decade we added one-third to the spendable income of the average American—even allowing for price increases and taxation. And in very human terms, we created ten million new jobs, cut unemployment in its total impact by 40 percent, and reduced the number of persons living below the poverty level from 40 million to 26 million. As a consequence, we have produced and marketed goods—and distributed them throughout our population—in a quantity never before seen or even dreamed of on earth. But our Promethian efforts have been mindlessly costly as well. Our economy, one estimate runs, uses two and a half billion tons of material each year (about 13,000 tons per person). Although our country contains onily 5.7 percent of the world's population, it consumes 40 percent of the world's production. And the average American in 70-years of life uses 26 million gallons of water, 21 thousand gallons of gas, ten thousand pounds of meat and $8,000 worth of school buildings. And this year each American on an average will use and dispose of about one hundred beverage cans and a dozen soft drink bottles alone. The price of massive extraction and use of our resources, massive combustion of our energy sources, massive production of goods has, unfortunately been at the price of massive filth. It costs us $2.8 billions a year to collect our garbage alone. It has cost us massive pollution—about half of the entire world's industrial pollution. This year and every year our plants puff 172 million tons of smoke and fumes into the air and discards 165 million tons of solid waste.

One simplistic, so-called cure is advocated by a surprising number of people these days who should know better. It reads simply, "stop." In fancier terms it is called a "no growth" or "zero growth", or even a "negative growth" policy. It is an absurdity and envisages a romanticist's retreat to a sort of second-hand version of Thoreau's Walden Pond. It espouses a halt to the very technology we so badly need to clean ourselves up. It may be a philosophically and emotionally satisfying argument to a few affluent middle Americans—even some academicians, college students and a few businessmen. But I doubt that when explained, it would find much support among the 26 million Americans who exist below the poverty level today and the millions more just above that minimal level of life. Try, for instance, to explain it to the poor people—black or white. They want jobs, they want the material goods now mostly deprived them, they want education for their children and a decent living environment for themselves. And I doubt that a stand pat, no growth economic policy is at all acceptable to most of the 76 million plus people who constitute our employed civilian labor force. To be effective insofar as environmental protection is concerned, such a technological-industrial retreat would have to be extended over a very broad front and go back a long, long way. Max Ways, a distinguished editor of Fortune magazine, writes that even a century ago, our then comparatively simple technology had already slaughtered the bison, felled the eastern forests and degraded our colonial cities. He writes that retreat to the 1870 level of technology, while not giving long-range protection to the environment, would place the median American standard of living far below our present 1970 poverty line. Among the consequences of such a retreat would be the closing of 75 percent of our present colleges and most of our high schools. We'd give up not only the automobile and airplane, but mass education and our social services as well. Nor can we even stand still at today's level—that would mean total surrender of our normal goal of a better life, more services, more health, more education for more people, and indeed a much better environment. Though the "no growth" or even "negative growth" idea is appealing to some these days, it is one which won't stand the test of reality. What we do need is more technology—and better, broader technology; more production and production based on broader cost, pricing and profit lines; more and better distribution and more thoughtful consumption. In short, more and better technology and growth.

President Nixon said in his State of the Union address in January that "the great question of the Seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done in our air, our land, and our water." A significant sector of the business community answers in the affirmative. A recent survey taken for Fortune from its listing of the 500 largest U.S. corporations, registered 57 percent in favor of stepping up federal regulatory activities in the environmental field, and this from a group not particularly noted for favoring federal regulations and control. Fifty-three percent favored establishment of single national standards by the federal government re air and water pollution, and land use, while only 35 percent favored local standards. And, perhaps surprisingly, between 85 and 88 percent answered affirmatively such questions as: should environmental protection be taken into consideration even if it means inhibiting the introduction of new products, foregoing an increase in production, or reducing profits. Yet 51 percent of the companies questioned were spending less than three percent of their capital budgets on pollution control, a pretty discouraging figure. But a point that can be made is that a beginning has been made. Our co-host this noon, Kaiser industries, has spent on steel operations alone some $30 million on air pollution control and $15 million on water pollution control since 1942. And Kaiser's aluminum and chemical corporation will spend about one-third of its new or expanded facilities budget on environmental protection. (I might add that by personal observation, I am impressed by the environmental and social considerations accompanying its development of bauxite resources in Jamaica.)

Armco Steel put $74 millions over a three-year period into air and water treatment facilities. Bethlehem Steel's new plant at Burns harbor on the Indiana dunes sets a high mark for cleanliness and the company estimates that over the next five years its expenditures for pollution control work will rise from its present six percent to 11 percent of its capital investment. Republic Steel is completing an $18 million waste-water treatment facility in the Cuyahoga Valley. By no means are such expenditures limited to a steel industry not particularly noted through its history for ecological considerations, nor to these companies. But, sadly, it's just scratching the surface. Many experts agree that merely to save the United States from becoming a malodorus wasteland will cost nearly $100 billions over the next five years. About $30 billion of this total will be needed merely to halt further pollution of our waterways, while the probable cost over five years of really cleaning up the air is an astronomical $60 billions. A major share of the cleanup cost will have to be borne by government. President Nixon proposes spending $10 billion over the next four years for providing secondary water treatment plants, the federal government to provide 40 percent of the total, plus support in the marketing of municipal bonds. This should be enough, he thinks, to provide secondary treatment plants for every community needing one. But the program is mostly a holding action because secondary treatment plants, while cutting gross sewerage deposited in waterways, produces in the process such inorganic products as nitrates and phosphates which are in turn reconverted to organic materials by green plants of the aquatic-biological system, thus thwarting the initial aim of the treatment process and accounting for much of the mass of rotting algae which fouls our waters and beaches. We'll need the introduction of tertiary treatment to protect our surface water and ultimately a system for returning organic wastes to the soil.

The needs of water pollution abatement alone are huge, and not confined to merely spending more. Congress must abandon rigid allocation formulas for dispersing sewerage treatment funds, thus permitting allocation of such funds where they are most needed. Uniform standards and stricter ones, are needed, set by the federal government over interstate waterways and not subject to state and municipal economic-political pressures. It is axiomatic that a "clean" standard on one bank of a river is totally offset by a "dirty" standard on the other. We must develop and enforce effective standards on the other. We must develop and enforce effective standards for intra-state streams and lakes—or "dirty" plants simply will escape to their shores. There are a host of other pressing needs in the water field alone. Municipalities must impose users fees on industries to meet costs of treating industrial wastes—or stiff penalty taxes for the lax. We've simply got to have effective "at the pipe" control . . . and not rely solely on the down-stream facility. Industry itself could stop its pollution inputs by installing waste treatment facilities of its own, as some forward looking companies are doing. For this, the cost is relatively small, an estimated $3 billion. For $2 billion more, cooling towers could be provided to avoid thermal pollution, while $6 billion could bring sediment and acid mine drainage under control.

In air pollution the problems are somewhat similar in range and depth, but I judge the technology is perhaps even more difficult and the costs are considerably steeper. Our 83 million cars cause 60 percent of urban air pollution. We must meet stricter automobile emission standards now being promulgated, at the very least. I totally disagree with a spokesman for the lead industry who cautioned a California legislative committee recently against a crackdown on lead in gasoline on grounds that it would discourage development of effective emission control devices for cars. We need, I do believe, far less lead in our gas, far more effective emission devices on our cars as well. And let's not be so frozen in our technological thinking as to believe that certainly, there is no substitute for our present gasoline fueled internal combustion engines. Some competitor may think otherwise—and prove it. The most nagging problem in this area springs from electric power. Our power needs double every ten years, our power situation is critical and the President's science adviser predicts power blackouts this summer in various parts of the country. Fossil fueled power generating plants are said to be accountable for fifty percent of the sulphur oxides and a quarter of the particulates floating in the air. Yet we need more plants. We have yet to really meet the challenges presented by the discharge of hot waste waters into our streams from the just aborning nuclear power generating industry and there remain concerns regarding radioactive emissions and waste disposal practices here. In air pollution, too, we need tighter standards and a new technology to make their enforcement possible. Higher smoke stacks, better electrostatic precipitators and filters, lower sulphur-content fuels, better cooling methods—all are needed. And perhaps we can use our electric power more sensibly—without its rationing.

Of all our environmental problems, that of our solid waste management is the most esthetically annoying but likely the easiest to control. A favorite Interior Department statistic these days is that in New York City one half of the solid waste is paper, and one third of all the paper waste is The New York Times. It costs New York an estimated three-cents a copy to dispose of the Times which sells for ten-cents on weekdays. Why not charge 13-cents and let the Times pay for its own disposal, it is asked. (I haven't requested similar projections for Time and Life, but perhaps I will.) Recycling of our materials, once popular in war time, has been downgraded in the luxury of today's economy. It must be upgraded. One aluminum company finds it feasible to recycle its beer cans. But the simple, twist-off aluminum cap apparently makes recycling impossible when you like your beer out of a quart bottle. The cap, it seems, leaves a thin aluminum ring around the bottle's neck and its removal makes too high the cost of grinding such bottles into cullet for new glass making. The tin coating and lead solder on the otherwise steel "tin can" largely excludes it from the salvage market. These, I suggest, are not insoluble technological problems. Maybe there should be a consumer tax payable by the consumer who prefers a non-returnable soft drink bottle to the returnable type. It could be large enough to help put the material back into recycling and it might even finance a lottery to encourage the return of containers to retailers—the beer drinker who returns every five hundredth or thousandth bottle or can could reap a five or ten dollar reward. And surely a $50 disposal tax would not be too much to pay on

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a $3,000 automobile. We pay more for a set of snow tires and if we want "in" on the beginning of a product's life cycle, we should be willing to assume part of the cost of its death.

It seems clear that our private cost accounting needs some updating. It is becoming more certain by the day and week that business costs and consumer costs must include a substantial new factor called environment cost—be it cleansing the water, freeing the air, or gathering and then recycling our solid wastes. Likewise, and finally, a new government operations approach seems called for. At its simplest, it just doesn't make governmental sense for the New York Sanitation Department to solve its problem by filling a barge with garbage and dumping it at sea. All too soon the debris is washed inshore and it becomes but another problem—this time that of the water department. The same kind of fragmentation is found at every level of government. A recent Library of Congress study showed 75 federal offices, agencies, boards, committees, and commissions with some governmental responsibilities in the environmental field. Piecemeal and fragmented attacks on interlocking problems involving water and air pollution, waste disposal, land utilization, power needs and the population-food ratio simply won't do. Creation by President Nixon of a Council on Environmental Quality is a modest step, confined to target definition, policy formulation, and inter-governmental coordination and support. Fortunately, there is a new government mechanism which can deal on a very broad operational basis to harness the endeavor of man, the resources of diverse industries and government offices, the brains of scientists and technicians of our laboratories and universities in a common effort to reach a very broad goal, such as improving our environment. It is a new management concept which though dedicated to a specific goal can cope with secondary and tertiary problems and objectives. I refer to the new concept of management and governmental administration presented us through the program of the National Aeronautics and Space Administration. NASA drew, with ninety percent of its budgeted funds, on the diversities of our society—industry, research institutions, university laboratories—to achieve a desired goal, the capability of man to live and work in the space environment. It drew together for a specific goal, far reaching research and development in power, communications, computerization, miniaturization, acquisition of environmental data on new planets, the moon, the sun and on the environment enveloping the earth. It is likely that its imaginative management of the full sweep of its endeavors may in the future outweigh in value its present accomplishment of putting men on the moon. It is likely that that kind of approach which now permits man to live outside his environment will be vital in permitting man to live in his environment.

James E. Webb, NASA's administrator for seven years, has written a most challenging little book called Space Age Management. And I commend it to you. In it, he expresses and explains his deep conviction that our accomplishment in space, as he puts it, "can usher in a new era of great advances for us and for mankind. I believe this first," Webb writes, "because our accomplishments indicate a fundamental improvement in man's ability to find and use new knowledge. These include new ways in which large-scale organized efforts are managed; the encouragement of multi-disciplinary efforts not only among the scientific disciplines, but involving science, engineering, and management; new techniques and tools for the conduct of research in the social, as well as the physical sciences; and the creative manner in which these are applied to the solution of age old problems. I believe it secondly," says Webb, "because with these accomplishments we have shown that we can perform the most difficult and challenging tasks without departing from or damaging our fundamental values or our democratic institutions. Indeed, we have shown that we can order our work so as to add constantly to the strength and vitality of both."

I would suggest that our approach to our environmental problem must be of this broad scope, deep commitment and in this general direction. Only thus can we meet what the poet, Archibald MacLeish, finds to be "the contradiction between the triumphs of human achievement on the one hand and the profound uneasiness of humanity on the other."

NEW WORLD COMING

Mr. HRUSKA. Mr. President, we are experiencing a good deal of valuable discussion about our various pollution problems and we are all gratified to see that this discussion is leading us to some concrete actions which are beginning to make inroads into this critical national problem.

One of the most encouraging aspects of our growing national assault on this problem is that fact that the Nation's youth are in the forefront leading the way. They have been groping for a way to serve and to be involved and I believe they are increasingly discovering in the antipollution effort a role in which they can make an immediate and satisfying contribution.

They also wisely perceive that this is their land to inherit in a very few years and they want to be sure the resources are in the best possible shape when they do take over. In this respect, they are much more farsighted than their predecessor generations.

While the midwest does not consider its pollution problems as critical as those in the high density population areas, we are nonetheless aware that we must join the battle vigorously. And I am pleased and proud to report that school youngsters are eagerly assuming a leadership role in Omaha.

In cooperation with the Northern Natural Gas Company of Omaha, selected youths from Omaha high schools made extensive photographic studies of their impressions of Omaha's changing environment. Their work was combined into a graphic presentation entitled "New World Coming." While I have not yet had the opportunity to see it, I am told that it is an excellent production.

I wish to commend the fine work of these young Omahans: Tom Aust, of Westside High; Terry Brunt, of Technical High; John F. Clark, of North High; Lou Gillotti, of Benson High; Mark Kauffman, of Burke High; Jerry Klug, of Rummel High; Mike Koba, of South High; Betsy Rezek, of Marian High, Phil Tworek, of Ryan High; and Perry Williams, of Creighton Prep.

I ask unanimous consent to have printed in the RECORD a story from the Omaha World-Herald which provides more detailed impressions of the views of youth on our environmental changes.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Omaha (Nebr.) World-Herald]

YOUTH IN THE MIDLANDS: CAMERA VIEW SHOWS FACETS OF CITY

(By Joe Rotolo)

Omaha is alive and well, but suffering the growing pains common to a rapidly expanding city, according to seven Omaha teenagers. They have been doing a lot of looking at the city through the viewfinder of a camera.

Among 11 teen-agers selected by their schools for a program conceived by Northern Natural Gas Co., they have been taking pictures since Feb. 7 of their impressions of Omaha's changing environment.

All seven said they associated the growth and potential of Omaha with the westward expansion of the city, while associating the problem inherent in a growing city with the Near North Side.

FEW YOUTH ACTIVITIES

They all said that they found little provision for youth activities in their look at Omaha, but they also said they found the city to be cleaner and in better shape than some cities they had read about.

Michael Koba, a senior at South High School, said he found problems in the side streets of the city that the average man seldom sees.

"Everybody notices North Twenty-fourth, but how many people ever go one or two blocks either side of that street to see the run-down conditions of the neighborhoods?" he asked.

Koba also said, "I got involved in this because I thought the project would help build Omaha for the young. The city of 10 or 15 years from now will belong to today's teenager, and maybe this project will help show the changes we feel are needed."

GOOD, BAD SIDE

John Clark, a junior at North High School, found a good and bad side to the city. "The pollution along the river and the dying packing industry are two big problems facing the city," he said.

Clark said he also found peaceful, quiet surroundings in western Omaha, where it is possible to be in the country, but never go outside the city limits.

Jerry Klug, a junior at Rummel High School, said he learned that pictures taken at different locations can express different moods.

Louis Gillotti, a junior at Benson High School, said he discovered much of the same thing.

"It's easy to find a place like the Woodmen Tower to impress you, but it's also easy to find a house in the older section of South Omaha to depress you," he said.

Phillip Tworek, a sophomore at Ryan High School, said he tried to show the growth of Omaha through pictures of the First National Bank Center, housing construction in west Omaha, and recently completed factories.

SLIDE SHOW

Perry Williams, a senior at Creighton Prep, said he saw Omaha in terms of its people.

"The city is people, what they do, and how they change," he said.

Williams said he took the pictures at Creighton University, the University of Nebraska at Omaha, and in downtown Omaha.

The versatility of Omaha was what Thomas Aust, 18, a senior at Westside High School, said he tried to capture with his camera.

He said his picture subjects ranged from the growth in west Omaha, to the new businesses, the Old Market area, to the waste evident along the river.

Others in the project are Mark Kauffman and Richard Hart from Burke High School, Betsy Rezek from Marian High School, and Terry Brunt, a former Technical High School student.

The results of their work will be presented in a slide show at the Mayor's conference on Omaha's changing environment April 13.

FEDERAL ROLE IN HIGHER EDUCATION

Mr. MUSKIE. Mr. President, on Sunday, May 10, 1970, an excellent article appeared in the Washington Post by Dr. Alice M. Rivlin, former Assistant Secretary of Health, Education, and Welfare and Dr. Robert W. Hartman, also formerly of HEW.

As Drs. Rivlin and Hartman point out, the administration's higher education proposals place admirable emphasis on aid to students rather than aid to colleges and universities. However, the proposals also give rise to serious questions which must be answered as Congress considers the Federal role in support of higher education.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, May 10, 1970]

A CHECKBOOK FOR THE STUDENT

(By Robert W. Hartman and Alice M. Rivlin)

(Miss Rivlin is a former Assistant Secretary of Health, Education and Welfare and Hartman is a former HEW employe.)

The administration is proposing a drastic overhaul of Federal aid to higher education. The new plan—announced in the President's Higher Education Message and spelled out in subsequent legislative proposals—is complicated and sure to be controversial.

Like the administration's welfare proposals, the higher education plan is bold reform on an inadequate budget. Moreover, gaps between the President's message, his legislation and recent statements by the Vice President have opened some grounds for doubting whether the intent of the program can be realized.

The big emphasis in the President's plan is on aid to students—not on aid to colleges and universities. For the first time, the government would guarantee assistance to all financially needy full-time undergraduate students in accredited colleges and universities. The amount and form or assistance would be based on the income of the student and his family—not on his grades, his geographic residence or the whim of the college.

The plan has aroused cautious enthusiasm among those who seek to improve the access of poor students to higher education. It is acutely disappointing to those—including many college presidents—who believe that colleges and universities can be rescued from their deep financial trouble only by direct federal support. In their view, the Nixon plan adds to the problem—by enabling more students to go to college—without contributing to the solution.

FOUR PROGRAMS NOW

The government now has four major programs for aiding students: educational opportunity grants, work study, national defense student loans (government funds) and guaranteed loans (private funds). The first three are administered by colleges and universities.

A student must first gain admission to an accredited institution and then apply to it for aid. The institution's federal aid budget depends on state distribution formulas and the approval of review panels. The college decides how much aid to offer the student and in what mix of grant, loan or work obligations. It can concentrate its aid funds on a few exceptionally needy students or spread them more over a larger number.

The guaranteed loan program is administered primarily by banks. The government guarantees bank loans to students at a maximum interest rate of 7 per cent, pays the interest while the student is in college and makes a special payment to the bank when money is tight. Most borrowers under this program are from families with middle to high incomes.

There are three big problems with present student aid programs. The first is inadequate funds. Colleges and universities have had to turn away many applicants because funds were exhausted or because they were in a state that fared poorly under the distribution and panel system. Banks have been reluctant to lend to students under the guaranteed loan program when more profitable investments were available.

The second problem is student uncertainty: a student who wants to go to college cannot tell in advance where he can get aid or how much. The third problem is that federal funds have not been concentrated on those who need them most. The administration plan attempts to deal with these three problems.

TWO KINDS OF AID

The administration program proposes two tiers of support: (1) subsidized basic aid for full-time undergraduates with low family income, and (2) unsubsidized supplementary aid for everyone. Under the basic aid program, the Secretary of Health, Education and Welfare would establish rules about who is eligible for aid and what kind. He would set up a schedule showing how much a family of a particular size and income should contribute to its child's education, and how much the student could get in grant or work-study money and subsidized loans.

For example, a two-child family earning $4,500 might be expected to contribute $100; the student would be eligible for a grant or work-study payment of $600 and a subsidized loan of $700. A two-child family with $7,000 would be expected to contribute about $900; its child would not be eligible for grants but would get $300 in subsidized loans. A family with $10,000 or more income would not be eligible for subsidized aid but could borrow under the supplementary loan program. (These figures have been used by the administration to illustrate the program; they are not spelled out in the legislation.)

The basic aid program differs from existing programs mainly in shifting the decision about the student's eligibility for different types of aid from the college to the HEW Secretary. The effect would be to spread somewhat increased government funds over many more people. More students would receive some aid, but some students would receive less than under existing programs. (Students now receiving aid would be protected against loss.)

Student aid officers at high-cost private colleges would no longer be allowed to concentrate relatively large sums on a few students. Unless the university could make up the difference with its own funds, the poor student at Harvard or Stanford would have to borrow under the supplementary programs or go to a cheaper place. But the student who now found no school willing to give him funds would be assured of enough to pay his way at a low-cost public institution.

INTEREST MERELY DEFERRED

The supplementary aid program is designed to make unsubsidized loans available to students of all income levels who want more expensive education and want to spread the cost over their earning years. The administration's proposals amend the guaranteed loan program in several ways:

The interest ceiling is eliminated. Banks would lend at the market rate—about 9–10 per cent at present.

Special allowances to banks and the interest subsidy to students are eliminated. Students could defer interest accruing while they were in college but would have to pay eventually.

Students would be allowed to borrow up to $2,500 a year for seven years and repay over 20 years.

A new institution, the National Student Loan Association, is created to increase the flow of funds into student loan markets.

This NSLA would be a quasi-governmental corporation similar to the Federal National Mortgage Association. It would raise funds in private capital markets by issuing its own obligations, which would be guaranteed by the government. With the proceeds, NSLA would buy, sell or warehouse ("buy" under the condition that the seller will "repurchase"; i.e., NSLA "stores" the loans) student loan paper from colleges, banks and other eligible lenders. The volume of NSLA operations is not specified in the legislation, but the President's message on higher education specified that NSLA would buy up to $2 billion in student loans in fiscal 1972.

The hope for NSLA is that it would attract funds from new sources (including insurance companies, pension funds and even college endowments) to student lending. It would also encourage such lending by banks, which could warehouse up to 80 per cent of their low cash-flow student loans with NSLA and plow back some of the proceeds into more student loans.

The administration's intentions appear to be laudable. Unfortunately, the bill is so vaguely drafted that it is hard to be sure that these intentions will be carried out.

First, the bill does not specify who will be covered under the basic aid program or how much aid will be available. While it would be a mistake to enact an inflexible dollar schedule, some guidance should be given on the proportion of students to be aided. For example, the legislation could authorize appropriations sufficient to give basic aid to students whose family income falls below the median of all families with college-age children.

The bill also leaves the HEW Secretary too much discretion in determining the mix of grants and loans in basic aid. If he chose he could offer the low-income student only a subsidized loan without any grant at all. Being forced to borrow the full cost of their higher education would close the door to many low-income students.

Similarly, the bill fails to distinguish between pure grants and "grants" in payment for work; apparently, the colleges are to decide. The danger exists that the poorest students, who can least afford time away from their studies or from more lucrative jobs off-campus, will be forced to sing for their supper in low-paid work-study jobs.

If the administration is serious about guaranteeing higher education to low-income students, it should make clear that a substantial portion of the basic aid package (say half) is a pure grant. Students could then choose, in consultation with their college financial aid officers, whether to take the remainder of their aid eligibility in the form of subsidized loans or payments for work.

THE TRACK SYSTEM

Another problem with the administration's bill is that it may reinforce the track system in higher education under which low-income students attend public institutions, especially two-year colleges, and higher-income students attend more expensive private institutions. It certainly seems more sensible to use scarce public resources to enable three students to attend a community college than to send one student to Princeton, but this might make the Princeton student

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body more uniformly upper crust and less aware of how the other 99 per cent lives.

Moreover, in a major speech on higher education April 13, Vice President Agnew questioned the wisdom of expanding enrollments in four-year colleges or making special efforts to admit minority students. He said that the "cluttering of our universities . . . is a major cause of campus . . . unrest" and that "we must have more community colleges . . . (for) the late-blooming, the underprepared and the underachieving student." His words have aroused fear that the forward strides made by our best institutions to diversify their student bodies will be nullified.

The segregation of low-income and minority students could be affected by increasing the size of the grant program in the administration's proposal by $300 to ensure all students at least $3800 in grants, work, loans and family contributions.

Finally, the administration program places heavy reliance on loans to finance higher education, presuming that students will be able to repay them in later years. Some students won't make it; although most college-trained people earn high incomes, each census reports some highly trained but financially disabled households.

A number of proposals have been made to provide such persons with "income insurance." A modest step in this direction, originally suggested in an HEW report during the Johnson administration, would be the cancellation (forgiveness) of repayments for borrowers whose income falls well below the average for other families with equivalent education. Such a provision might encourage overborrowing, but by limiting the program to severe hardship cases, this could be kept under control.

The big unanswered question in the administration's program is whether it foresees general federal support for higher education. For the present, the emphasis is entirely on enrollment equalization and support for special projects through a National Foundation on Higher Education as well as a small program of "start-up" aid for post-secondary vocational programs.

General support to lower costs and enhance quality for all students is at present almost entirely a state responsibility. And most states have chosen to supply it by subsidizing state-operated institutions of higher learning. In some parts of the country, this practice has put a severe squeeze on private colleges and universities.

One scenario for the future would leave to the states the obligation of supplying partial support for higher education with the federal government participating through revenue-sharing. But this would require that the states begin to spread their support to private institutions or else the private schools will wither away.

An alternative approach to general support would be direct federal institutional aid to all colleges by formula. One gathers that the administration strongly prefers the former more decentralized route, and this probably accounts for the absence of any general aid in the proposal.

No proposal in any domestic area is an unmixed blessing. The administration's higher education plan has the virtue of restructuring student aid in an efficient way, but the level and mix of aid can certainly be improved upon.

ADDRESS BY MRS. ANNA CHENNAULT

Mr. THURMOND. Mr. President, on May 14, 1970, Mrs. Anna Chennault, vice president in charge of international affairs of the Flying Tiger Line, Inc., gave a talk to the Union League Club of Chicago, Ill., entitled "The Spirit of the 70's—U.S. and Free Asia."

Mrs. Chennault is a great patriot and an advocate of freedom; an author and writer, as well as a capable Vice President of a large airline. Her profound remarks are based upon personal experience and years of study of U.S. and Asian relationships. She points out that in the 1970's the Asian Nations are entering a new era and that there is a great transition now taking place in the Eastern World. The Asian people have had long experience in dealing with communistic power, which has been trying to take them over since the Russian Revolution in the 1920's. The people in Asia understand just what is at stake. To them, according to Mrs. Chennault, "Communism tastes the same—hot or cold—raw or cooked." Further, they realize that certain things are not negotiable, in particular, individual liberty and political freedom.

Mrs. Chennault wonders why Americans have so much self-doubt. She points out that thousands of people from all over the world each day seek entry into the United States. This is a living testimony for Americans that our democratic form of government is certainly better than that enforced behind the Bamboo and Iron Curtains.

Mrs. Chennault's speech in Chicago was a great testimonial to American accomplishments and to American potential. She showed why it is so important for the United States to emphasize peace through strength and to continue our work for peace in Asia.

Mr. President, I invite the attention of Senators to this illuminating speech by Mrs. Chennault and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE SPIRIT OF THE 70's—U.S. AND FREE ASIA

(Remarks by Mrs. Anna Chennault, vice president, International Affairs, The Flying Tiger Line, Inc., before the Union League Club of Chicago, Ill., May 14, 1970)

Both the Free Asians and the U.S. have many important decisions to make in the morning of the 70's. Is the U.S. determined to continue to be a strong nation, or is she willing to retreat into isolation? And the Asians, are they working toward a free Asia?

The West and the East are entering the new era of the 70's together. We must recognize the tremendous transitions of the Eastern world with understanding and sympathy, and at the same time prepare for its consequences.

America, as a free nation, cannot stand strong and free alone. A powerful nation remains powerful only as long as it maintains a strong foreign policy.

England and France, after they retreated from a once strong position, suffered these consequences.

We recognize the fact that Asians make up almost ⅔ of the human race. In the 70's the Asians are entering a new era, for they have come into their own—a new spirit—an Asian reality. That is to say, they want to plan and organize their own destiny. In the 70's the key decisions concerning the Asians should not be made in London, Paris, Moscow or Washington, D.C., without the participation of the Asian countries concerned. It is regrettable, and perhaps to a certain extent a misfortune, that in the Western World we have too many so-called Asian experts. In the areas of Asian affairs we are famous for our quantity rather than quality. Too many voices have outshouted the Asian voice, which is just the one which should be heard right now. We Americans must learn how to listen—to find new ways to express our trust—to promote the combined interests of the free people in the West and in the East in order to secure a better future for America and for Asia.

War and peace in the 70's has created confusion and conflict around the world and there is no easy solution. For the past three decades outstanding leaders around the world have been faced with these same problems, only in different forms. Their problem has been to do what is best for their people.

War has never been popular, but the formula to peace has never been easy. All leaders of the free people want a just and lasting peace.

President Nixon's decision on Cambodia is to bring a just peace to Southeast Asia. It may not be a popular decision, but it is the right one. Sometimes, as a leader of a nation, he has to do what is best for national security instead of finding the easy way out, which a minority prefers.

In this nuclear age, collective security has become a necessity. America must stop apologizing for her actions to bring justice and peace around the world. Americans should not be defensive about helping other people fight for their freedom.

Without question—power is a lonely business. It is difficult to be popular and powerful. But, for our own survival, this country cannot afford to be isolated. Hitler of Germany, Tojo of Japan, and Stalin of Russia have taught us this lesson of history. Only until other powers, who are now feeling their muscles, want peace more than power of expansion, will this world be secure from conflicts and threats. The United States' position is to keep the "balance of power" in order to avoid conflict. All our spiritual aspirations will come to nothing if we weaken the physical assurance of our national security. For a strong national security in this nuclear age is the most effective foundation for freedom and peace.

At this late hour, it is important for people of good will and good intentions to maintain some practical common sense and to be realistic about international problems. We simply must realize that the aggressors with whom we deal only understand one kind of language—that is, active force and consistent determination.

President Nixon's decision to intervene with American forces in Cambodia is a courageous one. He has, with open eyes, taken an enormous domestic political risk in what he believes to be the greater national interest.

And he has had to consider more than the national interest of the United States. He has had to take into account what the effect would have been on Russian policy and strategy in the Middle East if America had refused to try to stop the Communist drive in Cambodia. There can be no doubt that such a refusal would have still further strengthened the Russian belief that no American intervention in the Middle East was to be feared and that it would therefore be quite safe for Soviet forces to become more directly involved in the Arab-Israeli conflict.

Refusal to intervene in Cambodia would also have strengthened the powerful influences in West Germany which believe that America is an unreliable ally and that an accommodation with the Soviet Union must therefore be sought while there is time.

If the Cambodian operation is carried out with success, hopefully, this operation will be completed before the monsoon season arrives in June. Once the monsoon season comes, it will be difficult for the enemy to move. It will give the South Vietnam troops time to build up their strength and for the United States to carry out our plans for withdrawal.

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Now that the North Vietnamese are losing, they are using the weapon of assassination even more often. About 1,500 Americans are missing from flights over North Vietnam. Are they dead or alive? The presumption is that most of them are prisoners. Yet, the Hanoi regime refuses to deliver or forward mail. Hanoi has not listed the prisoners and has refused to check off the names on American lists. Several years ago, the Moscow propaganda masters decided that their main hope for winning in South Vietnam consisted in undermining the American will to fight. They launched an attack on American morale, playing on the theme that their Vietnam invasion was not an invasion but a civil war, that the issue was of no consequence to the American people.

I had an opportunity to visit and talk with some of the North Vietnamese prisoners. Some were young boys of 13 and 14 and they told me their government publicized the news of our demonstrations and protests against the Vietnam War. It was their impression that no one in the United States supports the President's policy on Vietnam. Our fighting men deserve our support.

It is ironical that the Communist propaganda offensive should be gaining effectiveness just when the Communists are in serious trouble. Today in Asia, the appeal of Communism is at its lowest point since World War II. The economic failures in China and North Vietnam are well known in Asia in contrast to the economic successes in free nations like Japan, Taiwan, Korea, Thailand and Singapore. Communism can now only be spread by force, infiltration, terror, murder and subversion.

Castro cries for "20 Vietnams in America". They are using a slogan, "War of National Liberation" in Asia, Latin America, Black Africa and the Middle East.

Russia wants the United States to suffer a crushing military and moral defeat in Vietnam and she is spending billions of rubles to make sure that happens.

For the past two years this country has had its share of disturbances and violence. The test of our time is to prove if man can manage the growth of wealth and power with the growth of spirit and character. We must not allow ourselves to be destroyed by the problems we have created. We must distinguish the difference between peaceful change through democratic process and destructive violence which brings disaster. We must distinguish the difference between protests and revolt—between demonstrations and destruction—between violence and non-violence. We shall not condemn those who disagree with us but we must put an end to violence in all forms. We must decide whether we intend to have our decisions, our future, our lives ruled by a violent minortiy. I am sure people in the East and the West realize the existence of such dangers. It is time for us to put a stop to all violence.

Every generation makes mistakes. We must have the patience to listen, but more important, the strength to explain. I don't agree the generations belong to the Second World War, the Korean War, and that those who have given their lives in Vietnam and those who have fought in Vietnam need to apologize to the demonstrators and the protestors. We can be proud of some of our achievements.

One of the most sensational achievements of the century has been our mission to the Moon. In the medical field, the heart transplant operation has shown we have come a long, long way.

We have succeeded in almost abolishing Polio, and we have spent billions of dollars to improve health and welfare. We have publically announced our war against poverty, racial discrimination. We have sent aid to over fifty nations around the world to improve their living conditions, we have helped other people to overcome poverty and above all, we can take pride in the fact that America has been one of the most generous nations in the world in helping the other less fortunate peoples.

In America a psychology of defeat has brought a new growth of isolationism to our people. This new kind of attitude deeply disturbs me. This is exactly what the Communists want. For their assumption is this—if the American public talks itself out of supporting freedom in Vietnam, it most certainly will not support freedom anywhere in the Pacific, and therefore, not in Berlin or in the Middle East. They see Asia as a turning point in all our past policy toward supporting freedom.

The Communists in Asia fully realize they cannot compete with us in military strength, but they know how to work on so-called "public opinion" in an attempt to outlast our patience. Hanoi and Haiphong realize they cannot capture Saigon by force. They have tried many times and failed. They know the only way to enter Saigon is to "talk their way in". Unfortunately, for many years the Vietnam War effort has been frustrated by technical decisions based more on the political invention of limited war rather than military facts and reasoning. In Asia people still believe in decorating their heroes and shooting their enemies, while we, in a more comforting position are having difficulty finding the definition of "hero" in our dictionaries. We are people in a hurry—we are so used to instant coffee, instant tea, we are inclined to look for "instant solutions" to the extent we sometimes make the mistake of trying to force our kind of system on others.

What did we do wrong in Vietnam? We can simplify it in one sentence—"We have fought a limited war for a limited objective". We have not only limited our weapons, we have even informed our enemies and to such an extent to assure them that certain areas would not be bombed, that we would not attack unless we were attacked.

We have accepted our enemy's denials that North Vietnam had an army in Laos. Facts have proven that the Communists' army in Laos has attacked U.S. forces as well as the South Vietnam forces. For political reasons, in an effort to bring about negotiations, we have deprived our own troops of air protection. We do not like to talk about our casualties, but American casualties have been appalling since the negotiations started. What have we accomplished in the negotiations except the shape of the table?

We are fighting a peculiar war. Our military leaders are frequently being called to testify before the Congress to reveal publicly, our military tactics and strategy. On the other hand, our enemy has accomplished its objective—they are fighting the war according to their own plan and they don't have to answer to any public criticism.

Since we have taken the weaker position, the world crisis has increased—not eased.

Let's take a look at what is happening. The pressure on Laos has reached a critical point. The crisis in the Middle East has risen to the point of explosion. Small powers order us to get out of Vietnam—our allies forsake us.

We have the greatest military forces in the world's history. Its effectiveness is magnificent—its morale is high—but we are doing everything possible to destroy what we have accomplished.

Our enemies in Vietnam have an objective, but our armed forces, from the beginning of their fight in Vietnam, have not even been allowed their military objective.

In the past, our men were bitter over orders from Washington against pursuing North Vietnamese troops into the so-called "privileged sanctuaries" and destroying their bases. However, the diplomatic situation outweighs the military advantages of untying the hands of allied troops. Now the situation has changed. Anyone who wishes to see us get out of South Vietnam should understand the Vietnamization will move more quickly with the Cambodian sanctuaries destroyed than if they were permitted to remain "privileged" under Sihanouk.

I am not an expert on military tactics, but I do think we all possess some common sense. The final military objective is to break the will of the enemy to fight. To accomplish this, they must be defeated in battle—they must be cut off from their bases and the bases destroyed. But the U.S. armed forces in Vietnam have never been permitted by Washington to invade, or to destroy, or even to bomb the major bases of the enemy. We are not allowed to negotiate to obtain information from our prisoners of war. Today, American public opinion is confused. The most popular issues at this time in America are law and order, pollution control, racial disturbances, the high cost of living—and they seem to blame everything on Vietnam.

The current controversy on how fast America can pull out of Vietnam has become a political scuffle—not a great debate—because the people are not given all the facts and the consequences by the news media. However, there would be a great debate if the subject was Back to America—or—On to Hanoi—or—Save the Middle East From Turning Red. This, actually, is the basic issue and only the American people can help the President make that decision.

We are so deeply involved in the debate over Southeast Asia, it might be helpful if we begin to recognize some of the hard facts on the Middle East.

If the Vietnam outcome proves unfavorable, we can be certain Soviet Russia will put more pressure on the Middle East conflict, then, the American people would have an even tougher decision to make.

What about our friends in Asia? How do they react on the issue of Southeast Asia, on the Middle East, or on fighting for their own freedom, their own future?

For the past few years, I have observed the new spirit of a new Asia. They have come a long way. The land reform project in Taiwan has been a shining example to underprivileged people who fight for their freedom. The Koreans, after long years of hard work have brought their country back to normal after the Korean War. If we can encourage the Asians to fight for their own freedom, we will not have to take on the responsibility to act as policemen and relief agencies around the world.

One of the most outstanding achievements in Asia has been in economics. Two years ago the Asian Banking Corporation was formed, with headquarters in Tokyo, Japan. Certainly, the progress in Japan has not only challenged the Western World, but also encouraged the other free nations in Asia to make improvements in their own economic conditions. Singapore, under the leadership of Prime Minister Lee, has become the showcase of Southeast Asia, and the economic boom in Thailand has attracted businessmen from not only the United States, but Europe as well.

All this demonstrates that when people are free, they are the best producers. The sharp contrasts of the standard of living between people in the free nations and those living under Communist control is the best example of how free enterprise can help improve world conditions and how the totalitarian system hurts the economy of a nation. Surely, the people of Asia have learned their lesson the hard way and no people in Asia want to live under Communism.

Exactly how much does the West and the East know about each other?

Let us make a comparison between the differences of American and Asian psychology. America is a young nation, enjoying glory, strength, and power in an unravaged land. The Asians are much older and homogeneous, with much longer traditions and they have known life much longer. They have a more fatalistic acceptance of its tragedy, which we have so far escaped. They know less about applied science, although they invented much of our basic research. They talk less about individual liberty and political freedom, but they are much more practical and thoughtful about the nature of man and they pay off in long-term family and group objectives. They still believe in the accumulation of the benefits of work and effort from generation to generation, while we, in the United States, believe in quick fortunes and early retirement.

They don't have a New York Times, a Chicago Tribune, or a Wall Street, a Hollywood, a Pentagon, or a military industrial complex—although I'm sure they wish they had. They are a hard working people. Unfortunately, their enterprises often have been interrupted by wars and conflicts such as we cannot visualize. In substance, the Continent of Asia has been in a continuous war since the British, for opium profit, turned against the Chinese people, by using the Chinese's own invention of gun powder. As a result of such tragic experiences, the Oriental people are patient, they are used to long wars and rebuilding after destruction. I saw that happen in China during the Second World War when I was a little girl, and later in Korea. More recently, I saw the rebuilding of Saigon's destruction after the Tet offensive. Their sense of history runs in deeper currents than ours. They have never substituted short-term solutions for long-term objectives. For that reason, as our enemies, they are always willing to wait us out, and as our friends, always despairing of our restless itch to cut and run with gains as well as losses.

After talking with leaders of Korea, Taiwan, Japan, the Philippines and Vietnam, I realize it is difficult for all Asians to understand the confusion and the agony we are going through in the constant reappraisal of our central objective in terms of our mutual interest—namely, freedom and peace—in Asia, Europe and in the Middle East.

Like all intelligent people, the free people of Asia, in particular, worn by tragedies unbelievable to us, are anxious for peace, but they are not willing to settle in terms of "peace at any price," for they know that is not peace. They look at Hungary, Czechoslovakia, Korea, with a deeper sense of history that instinctively warns them. Specifically, they know the ultimate difference between a "good settlement" and a "bad settlement" of the Vietnam War. They understand better than we, that the expansionist Communist objective is to talk, negotiate a breathing spell with us now, and then take over Vietnam and Southeast Asia later, when it will be more difficult for us to go back. A "good settlement" in Vietnam would discourage further Communist aggression to stabilize a situation in Southeast Asia, the Middle East, the Pacific, or in Europe. A "bad settlement" will not only invite Communist takeover in Southeast Asia in the next couple of years, but might tempt the North Koreans to reopen the Korean War.

People in Asia, as well as the United States, are now deeply concerned about the situation in Laos, Cambodia and Thailand. People in the East, who have had long experience in dealing with the Communistic power which has been trying to take over since the Russian Revolution in the 1920's, understand the "Name of The Game". To them, "Communism tastes the same—hot or cold—raw or cooked". They point out that peace and security are established by demonstrating to the aggressors that "aggressions do not pay". There are certainly things which are not negotiable—individual liberty, political freedom.

While we in the United States are concerned and worried about world problems, our friends in Asia are deeply troubled by our self-doubt and lack of confidence. They simply cannot understand why Americans have become so defensive and apologetic for their actions and demonstrations to preserve peace, security and justice around the world.

A friend pointed out that "each day, the thousands of people from all over the world, who seek entry into the United States, should be an outstanding testimony for Americans, that we who believe in free enterprise surely have something better to offer, that our Democratic system is certainly better than that enforced behind the bamboo and iron curtains." And yet, Asians cannot comprehend why the United States, with her wealth and power is so full of self-doubt. Another friend jokingly remarked, "Every time the Communists sneeze—the Americans catch cold".

I am fully convinced, from my own realistic experience, that the forces of freedom are stronger than the forces of tyranny. The free people of Asia are making steady progress toward their own destiny. Rising young leaders from Singapore to Korea sincerely believe in promoting political stability and economic advancement. There is new confidence among these young leaders. They are better educated and so more aware of the forces of the future. As the era of colonialism and imperialism comes to an end in East Asia, they know there is a vacuum—that vacuum cannot be replaced by the most dangerous aggressors, it must be filled by the free and independent people of Asia with the assistance of those whose help is welcome because they have no ambitions of territorial expansion. Our consistent, not self-doubting willingness to help is the message people of America must try to convey to our friends in Asia for our own security.

The leaders of a free people, whether in the West or the East, have to accept the burden that successful involvement is not through protest to satisfy that minority few, but by creative and progressive actions which benefit the majority many. Free Asians recognize their need for energetic maturity and the West must recognize that without strong friends in Asia there will be no peace anywhere.

As I can see it, the U.S. foreign policy has one basic analogy. That is, we try to prevent any single power to mobilize the people and resources of any continent, whether it is in Europe or in Asia. Because that single power would have to be totalitarian, therefore, against our freedom in America. Foster their hope—help to protect their independence, for the free loving people is our way to encourage other peoples not to make their land or their resources available to a single totalitarian master.

American politics is more or less run by Poll readings and computers—with a flavor of Madison Avenue here and there.

Because of the complicated daily events, Americans really depend on TV and radio and newspapers for their information, and to a certain extent, to form their so-called public opinion. For that reason, it is extremely important to present the public with the facts—not opinion.

In the 70's "Decentralization" and "Power To The People" are the cries of the hour, and all leaders in the various nations are hearing these cries at every level. However, we must remember a Government is an organization comprised of human beings who provide administrative, military and diplomatic services. The conflicts between governments and its peoples are healthy only so long as the competitions and cooperations continue, is healthy only so long as both sides expand the checks and balances. Each country, and its people, must find its own way of checks and balances. The days of Colonialism and Imperialism are over. The needs of those abroad must be accomplished by the natives of the nations concerned. Americans can help, can serve as a secure base area for those who fight for their freedom. Americans have eventually begun to learn that we must never undertake to export the American system to other foreign countries. The Philippines, China, Vietnam, Korea, Japan, Singapore, Malaysia—all the free nations in Asia must find the appropriate level of freedom for themselves.

As the world enters a new era, the United States' position is to emphasize peace through strength. We must try to prevent any single power to mobolize the peace of any continent, whether it is in Europe, Africa, Latin America or in Asia, because that single power will have to be totalitarian, therefore against our idea of freedom.

I am an optimist, I realize there is no easy way to peace, but I also realize peace will never be achieved by surrender to blackmail, or by compromise with the enemies of freedom and justice.

For the last two decades, many leaders of the Free World have wasted their efforts and abilities trying to reconcile the unreconcilable, to compromise with the uncompromising, and to placate the implacable.

It is useless to seek peace through disarmament. Disarmament will one day come from peace—but never peace from disarmament.

Nor is peace an end in itself. It is an attitude of spirit, and the challenge of all free men.

THE FARLEY WAY IN POLITICS

Mr. MUSKIE. Mr. President, Edward H. Dickson, staff writer for the Sacramento, Calif., Bee, the Fresno Bee, and the Modesto Bee, recently wrote a column describing the present state of the Democratic Party and recalling some of the contributions of a man whose name has been synonymous with Democratic politics for more than four decades.

I ask unanimous consent that the article, entitled "The Farley Way in Politics," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Farley Way in Politics

(By Edward H. Dickson, staff writer)

Debt—Much ado is being made these days about the $9 million debt inherited by the present Democratic National Committee from the close-but-still-losing 1968 presidential campaign.

Some are going so far as to predict the party's death like that of the Whigs.

But there are dissenters who say that while the Democratic donkey might have a severe bad financial glanders or heaves, there is a potent kick in the old boy yet.

Veteran—One of those who is not ready to roll over and play dead for the benefit of the Republicans is Rep. John J. Rooney of Brooklyn, NY, a congressional pepper pot if there ever was one.

"The pundits around the country," Rooney told his colleagues, "are trying to bury the Demorcatic party without even a decent wake.

"They say the party is leaderless, out of touch with the people and broke—that it cannot win in 1970 or 1972 and in fact may not even be in existence by then.

"This, like most punditing, is just pure bunk. The party owes money but it can win in 1970 and 1972 and once again prove it is the party of the people."

Witness—As a supporting witness for his viewpoint, Rooney cited James A. Farley, still

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sharp and active in the business world and one of the political geniuses of United States history.

It was Farley who packed a suitcase in the 1930s and traveled throughout the nation gathering delegates for Gov. Franklin D. Roosevelt, a fellow New Yorker, for the Democratic presidential nomination in 1932.

Farley has an almost uncanny memory for names and faces, boundless energy and a high regard for political loyalty.

FDR appointed Farley postmaster general at the same time he was serving as chairman of both the Democratic National Committee and the New State Committee.

He performed all his tasks well but the hostile Republican press referred to him as "three-job Farley" which disturbed the amiable Farley not in the least as he enjoyed wearing all three hats.

There was a story around Washington during early New Deal days that while Farley was not vindictive about punishing any of the administration's enemies, he thoroughly enjoyed rewarding his friends.

Keen interest—All things being equal as to qualifications for a job, Farley showed keen interest in knowing whether the favor seeker was "BC"—meaning not the calendar but a supporter of FDR "Before Chicago" where he was nominated.

Anybody who might have doubted Farley's political ability had to be thoroughly convinced by his management of the Roosevelt's 1936 reelection campaign which he won by carrying every state except the then traditionally Republican states of Maine and Vermont.

Rooney pointed out Farley remembers 1928 when Democrat Alfred E. Smith was defeated badly by Herbert Hoover in an election which saw several of the then "Solid South" states go into the Republican instead of Democrat column. The political wiseacres expressed the belief the Democrats would be out of power for 25 years.

Recalled—But Farley also recalled the Democrats bounced back in 1932 and it was they, not the Republicans, who held the White House for 20 years.

As to the leadership. Farley had kind words for both Hubert Humphrey and U.S. Sen. Edmund S. Muskie of Maine.

He observed the election was close, that the McCarthy and Kennedy camps delayed too late in aiming the ticket and that Humphrey would have won if the campaign had gone another week.

He said Muskie made an "extremely good impression, is knowledgeable and a good public speaker who never makes extravagant statements."

DISENGAGEMENT FROM SOUTHEAST ASIA

Mr. TYDINGS. Mr. President, the first order of business facing our Nation is the task of fully disengaging American troops from their military involvement in Southeast Asia. For over 5 years, at the cost of over 50,000 American lives, 350,000 casualties, over $100 billion in desperately needed resources, and a badly deteriorating social and economic fabric at home, our Nation has provided a powerful military shield to protect the South Vietnamese while they developed their own military and political capacities. Regardless of whether one agrees with this policy, there can be no doubt that our Nation has given more than its share.

Congress has a constitutional responsibility to help to end this war which too long has been draining our blood and our treasure. This is a responsibility which it can no longer neglect.

The Church-Cooper and McGovern-Hatfield amendments represent the legislation which will enable Congress to live up to its paramount responsibilities over the great issue of war and peace. As a cosponsor of both of these measures, I urge Senators to move forward with their adoption.

However, our efforts to disengage from Southeast Asia now must not obscure our vision of the role our Nation is to play in the world of tomorrow. In brief, we must begin to design the kind of foreign policy which will avoid the costly mistakes of the past and which is based upon the firm realities of the 1970's.

Last month I discussed in detail the principles which I believe should make up U.S. foreign policy for the 1970's before an assembly of administrators, faculty, and students at the Baltimore campus of the University of Maryland.

I ask unanimous consent to have the speech printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A NEW CONSERVATIVE FOREIGN POLICY FOR THE "70'S"

(Address by Senator JOSEPH D. TYDINGS at University of Maryland, Baltimore Campus, April 27, 1970)

The overriding objective of U.S. foreign and military policies today is American security; a world in which we can conduct our affairs free from the fear of foreign invasion or interference. Indeed, this has been the purpose of our international policies since the American Declaration of Independence from England 194 years ago.

However, while the objective remains the same, the policies for preserving our security must continually change to meet the constantly shifting realities of international politics. Policies that succeeded yesterday are not necessarily suited to the exigencies of today.

An effective foreign policy requires constant reexamination and revision. Like life forms, nations must adapt to a changing environment or perish.

I raise this point with you tonight because our present foreign and military policies are falling dangerously out of date.

Our view of the world and the military establishment we have built on that view are post-world War II vintage. The international threats and opportunities that currently confront us are dramatically different from those that emerged from the ashes of the Second World War.

Gone is the global power vacuum created by the destruction of Europe and the disintegration of the colonial empires of Asia and Africa which the Soviets threatened to fill in 1946. Gone is the monolithic Communist movement directed by Stalin from Moscow which served as a cover for Soviet expansionist ambitions after the war.

In their place today we find a renascent Europe, with the wealth and manpower to provide for its own non-nuclear defense needs; a restored Japan with the economic strength to become the paramount power in Asia; newly emerged nations in Africa and Asia determined to manage their internal affairs free from the domination of the great powers; and a divided Communist movement, with each nation and party striving to pursue its own interests based on its own nationalistic desires.

No longer are the costly interventionist foreign and military policies formulated in the late forties necessary to preserve U.S. security in the seventies. On the contrary, the continuation of these policies represents a growing menace to America's security in a nuclear age.

Past is the time when we need to play both Santa Claus and policeman for the rest of the world. Increasingly, our allies around the globe boast the economic capacity and military manpower to shoulder the burden of their own defense.

Given our growing inventory of pressing domestic problems—a deteriorating environment, decaying cities, a rising crime rate, the lingering of poverty amid affluence—we can no longer afford the staggering cost of our present foreign and military programs. Estimates put the price tag on current U.S. overseas commitments at between $43 and $50 billion a year—more than the entire federal budget for 1950.

Today, the American taxpayer supports 1.2 million U.S. military personnel stationed abroad on 2,270 overseas bases in 33 foreign countries. In addition, we are footing the bill for 26,000 U.S. civilians and 350,000 U.S. dependents stationed abroad.

What is worse, we are currently underwriting with U.S. tax dollars more than a quarter-of-a-million foreign nationals in defense jobs overseas while unemployment grows in this country and military bases are being closed in Maryland.

Such a policy is scandalous.

Nor is this the whole cost story. Since 1945, U.S. economic and military foreign aid has totaled more than $135 billion.

Our economic assistance, with the exception of the Marshall Plan to help rebuild Europe after the war and our Food for Peace programs, has been a dismal failure.

Most of the $95 billion in economic aid we have paid out over the past 25 years has gone for everything except that for which it was intended: real economic development for the peoples of the developing nations.

Much of our economic assistance has disappeared into the pockets of corrupt ruling elites in Asia and Latin America. Other billions have been quietly syphoned off for non-economic purposes. The entire military budget of Laos throughout the 1950's was financed out of funds earmarked for economic development.

More tragic still is the story of the $39 billion in military foreign assistance we have dispensed. Rather than deterring armed conflicts, this assistance has tended to create them. In the wars between India and Pakistan and Honduras and El Salvador, for example, the U.S. trained and armed both sides.

The time has come for change.

Today's realities dictate a return to a more traditional and conservative U.S. foreign and military policy. Neither isolationist nor interventionist, this new conservative emphasis must combine a major retrenchment of U.S. foreign commitments with a massive reduction in the number of U.S. military personnel stationed abroad.

Reshaping our foreign and military policies along more prudent, conservative lines will not be easy. Abandoning old slogans for new realities never is.

But I believe we must begin now. The following six points represent a suggested starting point.

First, Congress must initiate a comprehensive reassessment of all U.S. commitments and treaty obligations to determine which remain essential to the preservation of American security. To the best of my knowledge, a review of this scope has never been attempted.

Second, we should begin withdrawing all U.S. military personnel and their dependents stationed abroad who are not needed for immediate defense or deterrence purposes. There is broad agreement among defense experts that many of our troops in Asia and Europe could be pulled out this year without significantly diminishing our security or that of our allies.

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Third, we must begin negotiating firm timetables with our treaty partners for the replacement of U.S. troops abroad with indigenous forces. Our ultimate objective must be the return to U.S. soil of all American ground forces currently scattered around the globe.

This does not mean that we are abandoning our allies and returning to a Fortress America posture. Our Navy and Air Force must be kept strong and prepared. We must continue to provide nations threatened by external aggression with a nuclear shield and with military and economic assistance when necessary. But the day is past when American boys can be called on to die in foreign conflicts that do not directly threaten the security of the United States. This point must be made absolutely clear.

Fourth, we must insist that the Administration develop a plan for liquidating our most costly foreign involvement today—the war in Vietnam.

Vietnamization is a program for de-escalating U.S. participation in that spreading Southeastern Asian conflict. But it is not a policy for total U.S. military extrication from Vietnam.

Secretary of Defense Laird has made it clear in testimony before the Congress that the Administration contemplates keeping 100,000 to 200,000 American military personnel in Vietnam indefinitely in advisory and support capacities. For all we know, 1980 will find 200,000 U.S. troops at a cost of $15 billion a year and continuing American casualties still stationed in and around Saigon. This is a costly and unacceptable foreign policy.

In 1968, the American people voted to end U.S. involvement in the war in Vietnam. It is long past due for this Administration to tell us how they intend to do it.

Fifth, Congress must take a hard look at our economic and military foreign assistance programs. Billions are currently being wasted in foreign aid which serve neither our interests nor the welfare of the peoples in the recipient nations.

Sixth, and finally, the United Nations must be given the resources and power to settle international conflicts. If a global policeman is needed, the U.N. should fill the role, not the U.S.

The creation of a strong U.S. peacekeeping force would be a prudent investment of American pennies to prevent the wasting of American dollars.

A great statesman once wrote that, "The man or nation that makes the greatest mistake is one that hesitates to attempt changes for fear of making a mistake."

The hard facts of the world of the "70's" all point to the need for change. Establishing a new conservative foreign policy in this country for the coming decade is imperative.

U.S. national security and world peace depend upon such a policy.

Our pressing domestic needs demand such a policy.

And the hardpressed American taxpayer deserves such a policy.

PRESIDENT'S DECISION TO ATTACK ENEMY SANCTUARIES

Mr. McGEE. Mr. President, the important thing to remember about President Nixon's decision to attack the enemy sanctuaries in Cambodia is that the risk entered into there may well pay off in terms of shortening the war in Vietnam itself and permitting a speedup of American withdrawals. That aspect of the Cambodian decision is, of course, played down, overlooked even, by those critics who can find no good whatsoever in any of the President's decisions.

A gamble it was, and a gamble it remains. But the odds are good, Mr. President, that the move to thwart the North Vietnamese army's ability to resupply soldiers in Vietnam out of Cambodian sanctuaries will lead to a shortening of American involvement in Southeast Asia. In a column which appeared last week, Joseph Alsop detailed some facts which make this apparent, listing the massive supplies of arms captured or destroyed. Unless Hanoi can perform miracles of resupply, he observed, the war in the lower half of Vietnam should now begin to wither away by stages. Mr. President, I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, May 4, 1970]

NIXON'S GAMBLE IN CAMBODIA SHOWS TREMENDOUS PROMISE

(By Joseph Alsop)

First, some facts:

Item: The South Vietnamese and U.S. troops in Cambodia have taken above 10,000 individual and crew-served weapons—or about two years of resupply for all the 101 enemy battalions in the southern half of South Vietnam.

Item: They have also taken above 11.5 million rounds of rifle and machine-gun ammunition—or about a year and a half's supply for all these enemy battalions in III and IV Corps.

Item: Of rocket, mortar and recoilless rifle rounds, they have taken well above 50,000—or enough for about 6,000 of the little attacks by fire which are customarily reported as great enemy "offensives" when they are bunched together in a "high point." By the standards of the high points of the last six months, the North Vietnamese have therefore lost the essential ingredients for over eight years of these pseudo-offensives.

Item: Some 7,000 enemy troops have also been killed, and 1,731 have been taken prisoner, against negligible U.S. losses and quite small South Vietnamese losses. In numbers, the enemy losses are nearly equivalent to the whole of one of the three North Vietnamese divisions Hanoi had stationed in the Cambodian sanctuaries.

To these remarkable totals, far more could be added. But there is enough here, first of all, to prove that President Nixon's courageous gamble in Cambodia is currently being as grossly misrepresented as the enemy's desperate offensive at Tet, in 1968. One case is in fact the reverse of the other.

Tet was initially portrayed as gigantic disaster for the United States and its allies. In the outcome, it proved to be a gigantic disaster for Hanoi. As to the Cambodian gamble, although the final outcome must be awaited, it is currently being portrayed as a sad failure. Yet on the basis of the results to date, it promises to be the most brilliant feat of U.S. arms since the Inchon landing in Korea.

The same disaster-mongers who misrepresented Tet and are now misrepresenting Cambodia, used to have an easy way of spending a dull day. On such days, they would describe the cowardice and incompetence of the South Vietnamese 25th Division.

In the present offensive, this was the point division, and its officers and men have fought with conspicious courage and efficiency. But so far as one knows, none of the disaster-mongers has made a public apology to the ARVN 25th, or indeed to any of the other South Vietnamese troops who have been doing equally well. Yet the general excellence of ARVN's performance in Cambodia again ought to be news by any standard, especially in view of the President's Vietnamization program.

There are some pretty ugly things one is tempted to say about all this. But it is perhaps better to examine the reasons the Cambodian gamble now has such tremendous promise.

It will no doubt come as news to many senators, but the fact is that even the enemy's troops really cannot go on fighting without guns and ammunition. In Cambodia, we have now scooped up all the guns and ammunition and many other things that were destined to nourish the enemy's war in III and IV Corps for much more than a year.

Unless Hanoi can perform miracles of resupply, therefore, the war in the lower half of South Vietnam should now begin to wither away by stages. Genuine miracles will be needed to avert this result, moreover, because there is no doubt, any longer, that virtually all the supply for III and IV Corps has been coming by sea, through the Cambodian ports, for a very long time.

This is proved by the labels in the caches in the sanctuaries; and this lends enormous significance to another crucial fact. The President's gamble has decisively closed the Cambodian ports to the enemy, and it can be flatly predicted they will be kept closed, no matter what happens.

No increase of effort on the Laos trails can possibly compensate the enemy for the loss of Sihanoukville. This loss, in fact, should be even more upsetting to the Hanoi war-planners than their loss of far more than a year's supply for their units in III and IV Corps.

The North Vietnamese troops in Cambodia, finally, have been giving every sign of desperate disorganization, to the point of repeated disobedience of the anguished orders of the high command. Despite further misrepresentation on this head, moreover, there is no shadow of a present threat to Phnom Penh.

But the future of the Lon Nol government at Phnom Penh remains the uncertain factor. This is what makes it needful to wait and see whether the Cambodian gamble will finally fulfill all of its present promise.

TESTING CHILDREN IN AN ALIEN LANGUAGE: A CASE FOR BILINGUAL EDUCATION

Mr. YARBOROUGH. The New Republic for May 30, 1970, contains an article by Mary Ellen Leary entitled "Mentally Retarded?" which describes how Mexican-American children have been assigned to classes for the mentally retarded when their only problem is that the I.Q. tests given by the schools are in English instead of Spanish. The article points out that of California's 65,000 mentally retarded schoolchildren, 28.34 percent are children with Spanish surnames and 25.50 percent are black children. This situation is not confined solely to California. As the author states, minority children have been subjected to similar injustices in Texas, Colorado, and New York.

The genesis of the problem is that for many years school officials and educators assumed that if a child had difficulty with English, the child was a slow learner. What they failed to take into consideration was that such children rarely hear the English language spoken at home and therefore have no exposure to it until they enter public school. A similar problem exists with many black

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children. Because of the patterns of segregation that have existed in our major cities for years, the blacks have developed a language of their own. These children, like the Mexican-Americans, also encounter difficulty in understanding regular English when they enter public school.

The time has come for all citizens who are concerned about our children's education to face the fact that difficulty with English is not evidence of mental retardation and that we must stop condemning these children to lives devoid of opportunity. To correct these injustices it is imperative that we expand and improve our program of bilingual education training.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHILDREN WHO ARE TESTED IN AN ALIEN LANGUAGE MENTALLY RETARDED?

(By Mary Ellen Leary)

When eight-year-old Diana was brought by her mother last fall in Soledad, California, to take a school test, she may not have noticed that the date was odd, a Saturday, and the environment, a lawyer's office, unlike the customary blackboard and desk setting. What she did notice with joy was that the man who administered the test, unlike any teacher she had previously encountered, spoke to her in the language she knew from home, the only language that she knew, Spanish.

Consequently, when Victor Ramirez, a school psychologist, asked questions of Diana and eight other youngsters from her class that weekend, they answered with a precision and alacrity far different from their usual classroom response. Diana had scored only 30 in the Stanford-Binet Intelligence Test at school, given in English. In the Spanish translated IQ test she scored 49 points higher. Of the nine children retested in Spanish, all but one rose above the cut-off score used by California School districts to cull children out of mainstream education into the special category "educable mentally retarded." All had been classified "mentally retarded" in school-administered tests.

Many psychiatrists, psychologists and educators agree with Dr. Allen Cavin of Behavior Research Laboratory, Palto Alto, that "we have made our classes for the mentally retarded dumping grounds for problem children." Thanks to a sequence of recent events in California, of which the lawsuit *Diana—et al. vs. State Board of Education* was one, this shocking misplacement has been exposed.

The first racial analysis of California's 65,000 mentally retarded school children disclosed in January that 2.14 percent of all the Spanish-surnamed children, and an even higher proportion, 3.26 percent, of all the Negro children have been funnelled into classes for the educable mentaly retarded, while only .71 percent of all the white children are so classified. To put the findings another way, pupils with Spanish surnames constitute 15.22 percent of the general school population in California but represent 28.34 percent of the enrollment in classes for educable mental retardation. Black children are 8.85 percent of total public school enrollment in California but 25.5 percent of the enrollment in classes for the educable mentally retarded.

To grasp the injustice of these figures as an index of innate mental incapacity, note that the state's own study points out that the overall incidence of menal retardation in the US for *any* segment of the population never exceeds two percent, and any claim in excess "is spurious." At the lower level of mental retardation, among those children deemed only "trainable" not "educable," all races have very nearly the same proportion—about a fifth or a quarter of one percent. How, then, could there be such difference by race in the "educable mentaly retarded" category? The answer, of course, lies not in the children but in the system.

California school authorities did not initiate this study; they were pressured into it by clamorous Spanish-speaking parents. Their anger, given effective force by the Mexican-American Political Association, finally stirred the State Board of Education last February to order every one of the state's 1300 school districts to undertake a reexamination of all children in the "mental retardation" categories. Individual intelligence tests are to be given both in English "and in the primary language used in his home." "Any assessment of the child's intellectual functioning should be on the basis of the spoken language most familiar to the child."

A complete report on the results is due by August 31. Children discovered to be improperly classified will, by the start of next fall's school year, be moved into regular classes for general education. A series of bills is before the legislature intended to support this transition with supplementary teaching, extra guidance and special classes as needed, permitting the $550 a year extra "mental retardation" state support to accompany this child two years, until he is capable of everyday classwork. If approved by the legislature, this should make the shift tolerable in most school districts. No one pretends children illiterate in the classroom language are not a problem. The horror lies in how that problem has been met in the past.

The retesting and reevaluation now also has the extra force of a judicial decree. An agreement was reached on Feb. 5 to settle the lawsuit on behalf of Diana and "some 22,000 Mexican-American students trapped in classes for the mentally retarded because they were given allegedly culturally unfair IQ tests in English instead of Spanish." Signed by US District Judge Robert F. Peckham, the order mandates a study of home environment, conferences with parents, use of nonverbal as well as verbal tests and placement decision by a broad school committee, not a single test-administrator. It orders annual retesting of all children termed mentally retarded and it opens the way for continuing consultation between psychologists and teachers concerning any child with special learning problems.

It was pathetic to learn, through court affidavits, that many of Diana's associates were habitually taunted in the playground by children whose IQ (in the subsequent retesting) was on a par with their own. (One of them bore the nickname "Mentally Ill Manuel.") They were shunned by children whose parents admonished against association with "dumb" or "crazy" kids. One child in this plaintiff group, Arthur, had been plodding over a second-grade arithmetic textbook when the case was initiated. One month later he was successfully studying fifth grade arithmetic. The Soledad school district, once haled into court over the problem, took a constructive approach and brought the youngsters back to "normal" classrooms, hiring Spanish-speaking teachers as supplementary aides.

Texans know minority children are overrepresented in their mental retardation classes, and in San Antonio the Mexican-American Legal Defense Fund has been at work correcting it. Shocking disproportions of Spanish-speaking have also been found in Colorado. In Massachusetts an effort has been made to get fairer testing of minorities. In New York Puerto Rican families forced the issue nearly four years ago; there, one usable IQ test has been translated into Spanish, the WISC, Wechsler Intelligence Scale for Children. School districts in California are turning to it now, although a crash program is on "norming" it for Mexican-American children, rather than Puerto Rican. Translating and determining normative standards of existing tests is underway in Los Angeles through the Mexican-American Educational Project, funded by the federal government within the State Department of Education. An additional $100,000 is being sought from the state this year to develop fresh tests and to make cultural adaptations and translations for the Chinese-speaking, the Indians, Filipinos and others. It's a staggering job.

But if bilingual tests are in short supply, bilingual psychologists are even scarcer. California has more psychologists in its schools than any other state. But most speak only English. The new regulations permit use of an interpreter.

It is interesting that in this one facet of school discrimination, Mexican-American anger erupted earlier and made itself felt more effectively than the indignation of blacks. Statistics show more black children are being "dumped" into mental retard classification than Spanish-speaking, yet few black mothers joined the Chicano protests. The Negro need for rescue has, however, lately captured the interest of a group of black psychologists.

School psychologists in California are elated over the turn of events. But there is no escaping a sense that they, not the dismayed, illiterate Chicano parents, should have been the ones to ring the alarm over the enormous damage being done these children. "We weren't that free," is the defense raised by Hal Simpson, chairman of the professional standards committee of the California Association of School Psychologists and Psychometrists. School regulations limited options for helping non-English speaking children, he says. Testers may have been quite aware the child's impediment was language, not innate incapacity, but if the child fell below a given range on IQ tests and did not advance in the classroom he was automatically eligible for "special education." In most cases this meant only the program for the mentally retarded.

It is a wry twist that California schools had the capacity to expand these classes because a few years ago some sensitive legislators concerned themselves about the need for those genuinely retarded. Funds they made available—$550 a year per child beyond normal state support—became an incentive to school districts to turn in that direction with problem children. "We felt minority children who couldn't follow classwork at least had a chance for individual attention in classes of limited size," explains Mr. Simpson. However, attorneys for *Diana et al.* found it "difficult to understand how 'professionals' could tolerate this misuse of IQ testing or how an association of psychologists could justify continuing to permit its members to test unfairly in a language a child is unable to speak, especially knowing the school will rely on the result to imprison that child in classes that do only what eleven-year-old Maria called 'baby stuff.' "

STANDING UP FOR PEACE

Mr. MUSKIE. Mr. President, a column by Michael Kernan in the May 14, 1970, issue of the Washington Post, describes one man's courage and conviction, and reminds us of how important it is to demonstrate these human qualities.

I refer to John M. White, a Commerce

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Department employee who has chosen to stand up for peace, because in his words:

> You have to start somewhere.

I ask unanimous consent that Mr. Kernan's article, which describes Mr. White's reasons for his stand, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STANDING UP FOR PEACE

(By Michael Kernan)

"PEOPLE COME BY AND TELL ME THIS ISN'T THE BIGGEST ISSUE, AND I TELL THEM THEY ARE RIGHT. BUT IT'S THE ISSUE FOR NOW. YOU HAVE TO START SOMEWHERE"

A 44-year-old GS-14 stood in front of the 14th Street entrance of the Commerce Department yesterday, wearing a lightweight gray business suit, his attache case at his feet. He came at 8:30 a.m. and would go home at 5 p.m., just as he had done Monday. He went inside only when it rained. He ate no lunch. He planned to be there, just standing, today and tomorrow and the next day and maybe some more days after that.

The large placard on his front said, "Another Fed for Peace Now." On his back a smaller card identified him as a Commerce Department employee.

John M. White is a career government official. He is former deputy director of the Peace Corps in Thailand. He lives comfortably in the Chevy Chase section of Washington. He has a master's degree and a salary of $21,081. He and his wife are Catholics, with a son in college and a son and daughter at home.

Last Saturday, he went to the rally at the Ellipse carrying a flag (green and white, with a peace symbol instead of stars) that he had sewed himself. Before that, he had marched in the November moratorium and had observed the peace fast. But it took Cambodia, Kent State, and the weekend rally to bring him out of his office and onto the sidewalk.

At first, White was unable to get three weeks of annual leave to protest, but after a talk Monday with Robert A. Podesta, assistant secretary for economic development, he got his paid leave—and with a certain amount of admiration for a man who does his thing.

One stipulation was that he leave "Commerce Department" off the sign.

When he spoke, his soft voice barely could be heard over the roar of traffic.

"I was frustrated in the other efforts. I felt this really was a call for action to support the students. Suddenly it seemed as if token things were no good. The President appears to be listening but not understanding. He doesn't seem to understand that he has been given a mandate for a new kind of leadership toward international brotherhood."

In the early 1960s, White had written Robert Kennedy, urging that he recognize that American military involvement in Southeast Asia was a mistake, but there was no answer. At the time he was with the Agency for International Development in Bangkok, having just finished a two-year tour of duty in Laos. It had been a tough stint, for Laos exploded in a coup six months after his arrival. Mortar shells landed on his house, which was next door to the commander of the administration forces. The family was evacuated, but White served out the term.

In 1962, he joined the Peace Corps and spent five more years in Thailand, three of them as deputy director. In 1967 he returned to Washington, where he now is a program officer on the American Indian desk of the Economic Development Administration.

"My years in Asia convinced me there need not be a bloodbath if the war is terminated in an urgent manner. The United States should protect the integrity and aspirations of these peoples, but we seem to have a short-run policy. I've seen it in Laos, fragmenting groups, setting one faction against another for our narrow ends of security, for our immediate goals."

A native of New England, White was raised in a pleasant, genteel upper-middle milieu, the son of a teacher at Portsmouth Priory, a Catholic boys' boarding school, which he attended. His mother was from a well-to-do New York family.

At the age of 16, John White calmly announced that he was quitting the Priory.

He liked farming better. So he became a farmer. It was an act of preference, not of rebellion.

Until he was 27, he worked on farms in Vermont, Rhode Island and Massachusetts for wages of $20 a month and up. When he finally entered the University of Massachusetts, his parents were dead and the income gone, so he worked his way through to a master's in agriculture. But long before then, after his war service (he never saw combat), he married a girl he met while at the Portsmouth Priory.

Eleanor White, 40, works at Lord & Taylor in women's sportswear. "I think it's a great thing," she said. "He has a lot of guts. I told him he might lose his job, but he just said, 'So what.' I called our son in college (John, Jr., 21, a University of Wisconsin junior) and told him about it and he approved. He's against the war, too."

The younger son, Robert, 18, left Wilson High School last fall, has been doing some carpentry since and has taken an interest in cooking, especially baking bread, but now he has his eye on a circus school in Sarasota, Fla.

"I wish more people were doing what my father is," he said. "I was going to apply for conscientious objector but I never filled out the forms. I'll probably wait it out, now. My brother and I both feel the same way, but my father feels it the most strongly."

There is also a daughter, Michelle, 8.

"The students understand. Some of the Cabinet members, too. I just hope the President will realize that we have to take great risks to avoid violence rather than risks to increase it. You can't use violence to seek peace."

All day long, John White stands at his post while his colleagues rush past in their navy blue suits. A few are antagonistc. Many smile, but most don't respond. Now and then someone flashes a shy "V" sign. From a passing car comes a shout: Right on!"

During Tuesday's downpour, he took shelter because he felt it would be needlessly melodramatic for him to stand there dripping. Somehow that didn't seem to the point, he said diffidently. He also carries salt and water, and his deeply bronzed face gleams with suntan lotion.

"I hope it will encourage feds to do positive acts for peace. Also, I'm concerned with Brian McDonnell up there in the park, dying peacefully (on a fast) to protest the violent deaths caused by the war. People come by and tell me this isn't the biggest issue, and I tell them they are right. But it's the issue for now. You have to start somewhere."

RETREAT INTO ISOLATIONISM

Mr. McGEE. Mr. President, along with many others I fear that the United States is again slipping into its old role of world isolation. The pending business before the Senate would, in effect, reinforce this view. As Senators all have reason to know, I view this development with great alarm, believing that U.S. involvement is absolutely essential to the balance of forces in this world. An isolationist America could have enormous significance, and unpredictable significance, on the entire world, as Crosby Noyes recently pointed out in a column which appeared in the Washington Evening Star. His views are views that I share.

I ask unanimous consent that his column of Thursday last, entitled "Retreat into Isolationism Holds Perils for World," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, May 21, 1970]

RETREAT INTO ISOLATIONISM HOLDS PERILS FOR WORLD

(By Crosby S. Noyes)

I have written that we are witnessing what could turn out to be the greatest revival of classical American isolationism within the last half-century.

It is, however, a gross understatement of what is happening in the United States today.

Classical American isolationism existed in a world that could afford it. Our insularity during the early years of this Republic and in the period following World War I had a relatively marginal effect on the then-existing power balances of the world.

Until World War II, the major centers of power were in Europe. The European powers controlled vast areas of Africa and Asia. The growing power of the Soviet Union and Japan was a factor in the global equation. But the imperative need for any American contribution to the world order was not readily evident to the leaders in this country and abroad.

True enough, American isolationism contributed to two disastrous world wars. There are few historians who would dispute the fact that if American power had been committed before the outbreak of either conflict, vast destruction and millions of lives would have been saved. The fact is, however, that it was not committed. And most people in the world, including most Americans' took this to be one of the accepted facts of international life.

The situation today, needless to say, is drastically different.

Today, the European powers for all practical purposes have withdrawn from Asia and Africa. As factors in the world balance of power, they have virtually ceased to exist except within their own boundaries. The only power centers that count in the global equation at this point are in Moscow, Peking and Washington.

Power on a global scale, however, is not acquired automatically as a result of size or wealth. It is a combination of resources and political will. Japan, by many standards, is a far stronger nation than China. But Japan does not have the wherewithal to defend itself today, while China, in the absence of American power, would dominate all Asia.

Nor is effective power simply a matter of weaponry. The fact that the United States has the power to destroy the Soviet Union from extending its domination into any area where the gain seems to justify the effort and the risk.

This then is the situation in which the revival of American isolationism is taking place. One of the three global powers on which the stability of the world depends now is proposing to throw in the towel. And the proposal is made, heaven help us, by men who profess to be acting in the interests of their own people and humanity as a whole.

It is perhaps the supreme irony of the war in Vietnam. Whatever else it has been, the war in Vietnam has been recognized in Peking as well as in Moscow as a test of

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the American will in the world arena. The results cannot fail to have immense consequences far beyond the borders of Vietnam itself.

As things stand at this point, we are well on our way toward winning the war and flunking the test. There is at least a fair possibility that South Vietnam will survive as a free nation after an American withdrawal. But this will make precious little difference if, in the meantime, the United States loses the will to play its part as the leader of the free world.

We must be quite clear about what is happening in this country. We are moving toward isolationism, not only in public sentiment but as a matter of legislation. We are in the process of passing laws expressly forbidding ourselves to help Cambodia in any way to defend itself against Communist aggression. Others in preparation would insure the complete and final withdrawal of American power from the Asian continent.

We could with just as much reason pass other laws forbidding the use of American power to defend Israel, Japan and West Berlin. Those who profess to see no interrelation between different parts of the world and who argue that we have no interests in Asia worth defending completely miss the point.

It is what happens in this country that is important. A retreat by the United States into isolationism would have the most enormous significance for every country in the world, and a destabilizing effect on the global power structure whose consequences are impossible to predict.

McGEE CREEK LEVEE

Mr. PERCY. Mr. President, on May 7, 1970, Mr. Brice Irving, attorney for the commissioners of the McGee Creek Levee and Drainage District, appeared before the Subcommittee for Public Works of the Appropriations Committee on behalf of an important flood control project.

He stressed the necessity of obtaining an appropriation of $200,000 for initial construction of the project. This project would offer significant new protection to lands along the Illinois River.

So that Senators can read Mr. Irving's testimony in its entirety, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY BY MR. IRVING

My appearance before you is for the purpose of obtaining an appropriation of $200,000 for initial construction of the McGee Creek Levee and Drainage District Flood Control Project which was first authorized June 22, 1936 (House Document No. 182, 72nd Congress, First Session). The project was again authorized in the 1962 Flood Control Act (House Document No. 472, 87th Congress, 2nd Session). Apparently because of national emergencies, World War II, Korean War, now the Vietnam War, initiation of this project has been continuously delayed.

Plans for the project have been virtually completed and the District has gained Court authority necessary for the completion of the project, and is currently spreading the District's cost of $610,000 over the lands of the District. The letting of contracts for initial construction are planned for January of 1971, however, once against the requested funds are not included in the Budget.

The word "desperate" best describes the condition of the District resulting from the continuous delay of this project. The project anticipates the set back of the Illinois River Levee at the location of the District's existing pump station. As the realization of the project would result in the abandonment of the existing pump station with construction of a new station the Commissioners during the past many years have advisably postponed renovation or replacement of the pumps and works of this station whereby the pump station has become antiquated. The approximate cost of renovating same is estimated to be $200,000.

We feel that the owners of some 12,080 acres of agricultural land who are advised by the Corps of Engineers that their lands are afforded the least protection from our levees of any organized drainage district along the Illinois River should not suffer further delay. In 1943 the lands of the District, dwellings and improvements were completely flooded and the threat of devastation by flood is ever present. The District in an effort to provide drainage with its antiquated system is currently in debt $150,000 despite doubling our annual assessment in 1965.

During the past 40 years thousands of exhausting hours have been dedicated toward the realization of this Federal Flood Control Project by Commissioners of the District, Congressmen, Senators, and personnel of the Corps of Army Engineers. Many of these dedicated persons have long since passed away.

We fully realize the financial demands placed upon our Federal government, but feel that the urgency of our situation dictates and demands appropriation of requested funds *at this time*, without further delay.

I cannot over emphasize the desparity and urgency of this matter and humbly urge the requested appropriation.

LONE STAR CHAPTER OF SIERRA CLUB BOOSTS BIG THICKET

Mr. YARBOROUGH. Mr. President, the people of Texas and the Nation who are concerned with conservation are delighted that they will have an opportunity to state their views on S. 4, my bill to establish a 100,000-acre Big Thicket National Park.

Hearings on my bill will be held on June 12, 1970, in Beaumont, Tex. The strong position of the Lone Star Chapter of the Sierra Club for this Big Thicket National Park is presented in the May issue of their newsletter, The Lone Star Sierran, vol. 5, No. 5, May 1970, on page 1.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Lone Star (Tex.) Sierran, May 1970]

BIG THICKET—NOW

This is it! Our first big breakthrough on our campaign for public acquisition and preservation of the Big Thicket.

U.S. Senate hearings have been set in Beaumont for June 12 and 13 on Senator Ralph Yarborough's bill, S. 4. The hearings will be in charge of Senator Alan Bible's Senate Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs.

Every member of the Sierra Club should do several things:

1) Attend and speak at the hearings if he possibly can do so.

2) Write out a personal request and recommendation for the acquisition—delivering it when you speak or mailing it in to the subcommittee in Washington.

3) Talk to each of your friends about it, and get them to participate. Spread the word.

4) Talk to all the newspaper editors you can; write letters to the editor, and collect clippings.

5) Think up your own public relations program to push the campaign—and personally put it into effect.

6) Emphasize that 100,000 acres—or more—should be acquired.

Every member of the Lone Star Chapter received a copy of the Big Thicket map and brochure last June. This will give you much of the necessary background information. Study it.

If you need one or more copies of this brochure, you can obtain them (no charge; donations helpful) by writing to: Mrs. Nonie Flake, 7544 Elm, Houston, Texas 77023.

What the Lone Star Chapter and the conservationists in Texas have recommended (as outlined in the brochure) is:

1) *The Unique Specimen Areas*, the "pearls," preserved in their natural and untouched state, and under the jurisdiction of the National Park Service. Acquired in fee.

2) *Wildlife areas* for restoration, habitat, and protection. These include the floodplains of the Neches River and the Saratoga-Kountze-Sour Lake triangle.

3) *Environment Conservation Zone*, an overall area in the locality to encourage maximum environmental conservation. Timber harvest, grazing, hunting, compatible with the site, will continue within zoning and conservation concepts.

4) *Rivers and streams*, with a wide corridor on each side preserved in their natural beauty, accessible to canoeists with primitive camping. The Neches River corridor should encompass the entire floodplain.

5) *Highways* bordered with a deep corridor of natural forest, preferably one-half mile each side, providing access and sightseeing to Texas' greatest tourist attractions, so long unnoticed.

6) We want *recreational facilities*, but these and other man-made developments *should be outside the environmental zone and unique areas*, and should be located mainly on the existing reservoirs such as Dam B, Sam Rayburn, Toledo Bend, and Lake Livingston, north and west of the environmental area.

This is it! We've simply got to flood the Subcommittee with expressions of our desires for a Big Thicket National Park.

Members of the Parks and Recreation Subcommittee (Washington, D.C. 20510) are:

(Democrats) *Alan Bible, Nevada, Chairman;* Henry M. Jackson, Washington; Clinton P. Anderson, New Mexico; Frank Church, Idaho; Frank E. Moss, Utah; Gaylord Nelson, Wisconsin.

(Republicans) Clifford P. Hansen, Wyoming; Paul J. Fannin, Arizona; Mark O. Hatfield, Oregon; Henry Bellmon, Oklahoma.

In any instance, if you feel your influence will be effective with individual members of the subcommittee, please contact them.

—ORRIN H. BONNEY.

FUNNY, ISN'T IT?

If the Army Corps of Engineers should plan to put in one or more dams in the Big Thicket area flooding 100,000 acres, the landowners would docilely accept the inevitable, sell their land, and move out.

These 100,000 acres would be lost forever to land use. The trees and shrubs would no longer be there to help maintain our dwindling oxygen supply.

But let some conservationists and ecologists suggest removing 100,000 acres from commercial timbering for a park and just listen to the cry. They are depriving the lumber companies of their earning power. The labor force will suffer a catastrophe. Yet, the net result to both the lumber companies and the labor force is the same in the two cases.

The big plus for the park idea is this: the environment is not being changed; photo-

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synthesis will continue; and an irreplaceable part of our heritage remains available for us and our descendants to enjoy, observe, and study.

Furthermore, the tourism created by a national park or monument will be an increasing boon to the economy for the several nearby towns. This has always been the case, even for the small monuments out in the desert areas.

(P.S.: And don't think the idea of dams in the remaining Big Thicket is fanciful. There is continuing agitation to put a dam on—of all places—that delightful Village Creek. Destroy tens of thousands of acres of Village Creek environment to bring in a few more fishermen!)

It isn't funny, is it?

J. G. ROOF.

JACKSON STATE, AND BEYOND

Mr. BROOKE. Mr. President, a week ago today I had the awful duty of traveling to Jackson State College in Jackson, Miss., at the urgent request of Mayor Charles Evers, of Fayette. Mayor Evers had asked me to come in the belief that, at a time of extraordinary tension over the tragic and needless deaths which had occurred on that campus, I could help to reassure the community of the entire country's deep concern over the events at Jackson State.

I spent several hours touring the campus, talking with students and college officials, with family and friends of the deceased. I shall always remember with horror the things that I saw and heard there.

Jackson State is a predominantly black college located in the heart of the city. A major thoroughfare, Lynch Street, bisects the campus, with dormitories on one side and a dining hall and other facilities across the street. A sidewalk, a chain link fence, and a lawn separate the campus buildings from the street.

Demonstrations had occurred on two evenings prior to the tragic night in question, but the cause is still unclear. It is known that there was some campus opposition to the Cambodian venture, and threats had been made against the college's ROTC facilities. Many members of the student body were understandably exercised about the deaths of six blacks in Augusta, Ga., the week before. On a previous evening a garbage truck had been burned some distance up the street, though it is not known whether this was done by the students or was totally unrelated to the campus disturbances.

On the night in question, Friday, May 15, local police and highway patrolmen were out in force to protect property and prevent disorder. They were stationed in military formation along Lynch Street and, until shortly after midnight, had held their position outside the men's dormitory, Stewart Hall.

A crowd had apparently begun to gather at the women's dormitory, Alexander Hall, some 2½ blocks down the street. This group of approximately 100 students was the kind of gathering that could occur outside any college dormitory on a warm spring evening when there is something happening in the area. Some students were simply there to view, from a safe distance, the show of force which was occurring up the street. Other students were returning from the library or from dates. Many young women were gathered in the windows to watch the proceedings.

I did not talk with any of the law enforcement officers, so I do not know what prompted them to move down the street from Stewart Hall. Perhaps they saw a crowd gathering and suspected trouble. Whatever the motivation, an armored vehicle known as a Thompson's tank proceeded toward the wormen's dormitory, followed by members of the Mississippi Highway Patrol, backed up by contingents of the local police.

There is some question as to whether a warning was given. A few of the witnesses recall an officer raising a bullhorn as if to order the crowd to disperse. A few witnesses said a bottle could have been thrown, though all of the windows in the front of the building were permanently sealed, and only a few narrow windows on the top floor which opened directly downward. Any missile hurled from there would have landed on the lawn in front of the dormitory, not in the street where the police were stationed. No witness recalled any threat being directed toward the police from the crowd of young men and women outside the dormitory. All the witnesses I met were equally emphatic that there had been no sniper fire.

Whatever the provocation, real or alleged, the members of the Mississippi Highway Patrol apparently dropped to their knees and opened fire directly into the crowd of students. No verbal orders were given to disperse. No warning shots were fired. No teargas was used. There was just direct rifle and shotgun fire, at close range, into a crowd of unarmed students.

At the end of the barrage, which lasted some 30 seconds, two students lay dead. Eleven others were wounded, some of them critically. Every window in the front of the building had been broken, though miraculously none of the hundreds of girls gathered there had been hit by gunfire. With the crowd dispersed, the highway patrol meticulously picked up its empty cartridges, and moved on.

When I visited the site 4 days later, the dormitory resembled a fortress that had been stormed. Hundreds of bullet holes riddled the facade. Broken window glass and chipped cement littered the grounds. Huge blood stains covered the first floor of the building.

But that was not all. Across the street, there were bullet holes in the wall of the dining hall, and bloodstains on the walk where an innocent teenage grocery clerk had been killed while taking a shortcut home. Farther up the street there were bloodstains at a bus stop where a student had been critically wounded while waiting for his transportation home.

Mr. President, I am a lawyer by profession and served 4 years as my State's attorney general. I know the frequently intolerable pressures which are placed on men charged with the responsibility for enforcing the law.

But I also know that law enforcement officials are under the strictest obligation to use only such force as is necessary to cope with any situation. I know that the first obligation of those responsible for public order is to safeguard the lives of innocent bystanders.

Both of these obligations were callously ignored in the events which occurred at Jackson State. Utterly excessive force was used on campus. Far from protecting the lives of innocent, those lives were grievously endangered by the law enforcement officials themselves.

I believe that we as a people must face directly the racial dimension of the heartbreaking developments at Jackson State. Many members of the black community feel—and have long felt—that white Americans are less aroused about the death of black men than about the death of white men. Events like those at Jackson State and Augusta only serve to strengthen already bitter memories. Such events cannot be allowed to recur.

The challenge which Jackson State lays before this Nation is critical, and immediate. We must, of course, determine promptly and effectively the course of events which led to the two tragic deaths. And we must be prepared to bring suitable action against any and all offenders.

But the need far exceeds the events at Jackson State. Our country is being torn in two, and we must save it. We must create a climate in which justice is equally dispensed. We must guarantee that calls for law and order mean protection of black lives as well as white ones. We must bring the full moral and political authority of the Federal Government to bear on the question of racial injustice and racial intolerance. For only with firm leadership at the highest levels will old prejudices be exposed in all their sham and weakness, and public faith and confidence be revived in America's ideals and institutions.

The tragedies of our past cannot be undone; but they must not be allowed to recur. The present challenge is to leave no doubt that black lives are as precious as white lives, and that indiscriminate force, whether by demonstrators or officials, will engage the full and equal power of American justice.

NATIONAL ASSOCIATION OF COUNTIES ENVIRONMENTAL QUALITY WHITE PAPER

Mr. MUSKIE. Mr. President, recently I had the privilege of addressing the National Association of Counties Environmental Quality Steering Committee. I was impressed with the concern shown and the efforts made by this committee with regard to the improvement of our environment.

For this reason, I ask unanimous consent that the National Association of Counties 1970 Platform on Environmental Quality be printed in the RECORD.

There being no objection, the platform was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF COUNTIES ENVIRONMENTAL QUALITY WHITE PAPER

Issue: How can counties, cities, states and the federal government take advantage of the current political concern to obtain support for greater funding of action anti-pollution programs?

Background: In the 1960's, Congress passed

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a steady flow of legislation in the fields of air and water pollution abatement, soil and forest conservation, oceanography, highway beautification and protection of public lands, minerals, wildlife and fish. From 1961 through 1968, more than 214 million acres were added to the national park system, compared with 30,000 acres in the previous decade. Among the significant bills introduced were the Water Resources Recovery Act of 1964, the Water Resources Planning Act of 1965, the Highway Beautification Act of 1965, the Clean Air Act of 1965, the Solid Wastes Act of 1965, the Clean Water Restoration Act of 1966 and the Air Quality Act of 1967. These bills were enthusiastically deliberated and passed, but suffered because of the failure of Congress to appropriate full authorizations, to insist upon standards and enforcement and because of the inability of states and localities to raise the matching share of federal pollution control grant programs. Congress also passed PL 90–401 to provide additional revenue, up to an annual total of at least $200 million for the Land and Water Conservation Fund, which is intended to finance the acquisition of parks and recreation areas.

The responsibility for environmental protection within the federal government is scattered through six different departments and agencies which administer 90 separate programs, resulting in a lack of clearly defined goals and over-all planning. In addition, the funding of new programs has been an early victim to the exigencies of the war in Vietnam, and later to the war against inflation.

As his first act of the new decade, President Nixon signed PL 91–190, the National Environmental Policy Act of 1969, introduced by Senator Henry Jackson (D-Wash.), which stated that: "The Congress recognizes that each person has a responsibility to contribute to the preservation and enhancement of the environment." The bill made environmental protection a matter of national policy and created a three-man Council on Environmental Quality, with members appointed by the President. Executive order 11472 created a cabinet-level Environmental Quality Council composed of six Cabinet officers with the President serving as Chairman. However, the House Appropriations Committee negated a proposal which would have made funds available for the Cabinet-level council, terming the council a "patchwork approach" to solving environmental problems.

Legislative proposals and status: Perhaps the hottest environmental issue this session of Congress has been the public works appropriations for construction of sewage treatment plants. Originally, the Administration proposed only $214 million for sewage treatment, which was the same amount President Johnson had recommended during his Administration. The $214 million was in sharp contrast to the $1 billion authorized for Fiscal Year 1970 in the Clean Water Restoration Act of 1966. The House-Senate Conference Committee compromised the dispute between the Administration (requesting $214 million), the House (requesting $600 million) and the Senate (requesting $1 billion), by appropriating $800 million for Fiscal Year 1970. (Efforts are currently underway to secure $1.25 billion for Fiscal Year 1971.)

One of the first major water bills before the 91st Congress was *S. 7 and H.R. 4148,* known as the *Water Quality Improvement Act of 1969*. It is an omnibus clean water bill which intends to clear waterways and upgrade federal water quality standards. Its major provisions are:

(1) To change the name of the Federal Water Pollution Control Administration at the Department of the Interior to the National Water Quality Administration;

(2) To provide for the development and demonstration of new and improved methods for the prevention and control of lake pollution; and

(3) To control oil and sewage pollution from vessels and on- and off-shore installations and mine water pollution.

H.R. 4148 was reported out of a House-Senate Conference Committee on March 12, 1970, and was signed as PL 91–224 by Nixon.

A recent Administration proposal introduced by Senator Hugh Scott (R.-Penn.), *S. 3470,* would *replace the current authority of the Federal Water Pollution Control Act by:*

(1) Providing $10 billion in grants-in-aid over the next four fiscal years for the construction of modern municipal water treatment plants;

(2) Having the federal government contribute $4 billion, and state and local governments $6 billion of the total $10 billion;

(3) Encouraging that research be conducted to determine waste water reuse technology and efforts be made to restore the ecological balance to bodies of water; and

(4) Replace current Fiscal Year 1971 authorization of $1.25 billion with a new contract authority amounting to $1 billion. To liquidate current obligations, only $40 million would be needed Fiscal Year 1971.

Hearings on this legislation have been scheduled in both houses.

To assist localities, particularly those which are unable to sell bonds for water treatment construction at reasonable rates, in raising the money for construction of waste treatment facilities, *S. 3468* would establish the Environmental Financing Authority. Also submitted by Senator Scott, the EFA would:

(1) Buy water treatment bonds which localities were not able to sell;

(2) Guarantee timely payments of principal and interest on bonds which it purchased;

(3) Obtain funds to make these purchases by issuing its (EFA's) own taxable obligations in the capital market in large enough blocks to provide favorable reception by prospective buyers;

(4) Allow the Secretary of the Treasury to set a fair interest rate on the local obligations which it purchased and make up the difference between the interest received on the tax-exempt local bonds purchased and the interest paid on the taxable bonds issued in the capital market; and

(5) Provide an initial $100 million to get the EFA underway. Hearings are in progress in the Senate.

Senator Edmund Muskie (D-Maine) introduced the *Resources Recovery Act of 1969, S. 2005,* last year in an effort to recognize and manage the least publicized form of pollution—solid waste. This legislation, which has accumulated the comments of many interested groups, includes four basic parts:

(1) Grants for research and demonstration of methods to efficiently reuse and recycle solid waste;

(2) Grants for construction of treatment facilities including an incentive for multi-county and multi-jurisdictional programs;

(3) Recommended federal standards which would be in conjunction with federal air, water and environmental health standards;

(4) The establishment of a National Materials Policy Commission (an amendment by Senator Caleb Boggs (R-Del.)); and

(5) Appropriations of $17.5 million for Fiscal Year 1971. (Nixon requested $14.3 million.)

Hearings have been conducted by the Air and Water Pollution Subcommittee in the Senate over the last six months. The House proposes to take up its version of the bill next month.

H.R. 15848 and S. 3466 are known as the *Clean Air Act Amendments of 1970,* and they will provide for new, stringent pollution controls on automobiles and on stationary sources. Among their provisions are:

(1) Authority for the federal government to set national air quality standards for specific pollutants from factories, power plants, incinerators, etc.;

(2) Requirements that states include emission standards in their implementation plans, subject to federal approval;

(3) Strengthening and expediting the federal enforcement process;

(4) Requiring federal testing of emission control devices on motor vehicles and regulation of fuels and fuel additives; and

(5) Recommendation of $106 million for Fiscal Year 1971 for air pollution control (authorization is $200 million).

Senate and House hearings are in progress.

The $200 million minimum which is now deposited in the *Land and Water Conservation Fund* each fiscal year would be increased to $300 million under authority of *S. 3505,* introduced by Senator Henry Jackson (D–Wash.) and Congressman Wayne Aspinall (D–Col.).

(1) The extra $100 million income to the fund would be derived from admission and user fees from certain designated federal recreation areas, income from the sale of surplus federal real property, taxes paid on special motor fuels and gasoline used in motor boats; and

(2) Surplus federal property may be requested for use by state and local governments for purposes of parks and recreational areas.

Future prospects: S. 3466, the Clean Air Act Amendments of 1970, will be tied up in Committee for the remainder of the 91st Congress so as to allow any citizen or group to present testimony.

H.R. 4148 and S. 7, the Water Quality Improvement Act of 1969, was signed by the President on April 3, 1970 (P.L. 91–224).

S. 2005, the Resources Recovery Act of 1969, has a very bright future and will be reported out of both Houses this session. Requested funds of $17.5 million for Fiscal Year 1971 will probably be reduced to $15 million when considered by the Appropriations Committee.

S. 3468, the Environmental Financing Authority, will receive hearings this session but will stay in Committee due to its complex nature.

The brunt of the new effective environmental programs will be felt in the 92nd Congress—1971–1972.

Committee recommendations: (1) The Environmental Financing Authority should be extended to assist financing of all pollution control facilities, not just waste treatment;

(2) Bonds to finance pollution control facilities must be sold at a lower-than-market interest rate, whether the purchaser is private or public (EFA). Three percent is suggested as an appropriate rate;

(3) Multi-jurisdictional planning and/or implementation of any federal pollution abatement programs should be rewarded by a higher input of federal funds (75%).

(4) A cabinet-level agency should be established to coordinate and conduct all federal pollution prevention and abatement programs;

(5) States and localities which have spent funds for sewage treatment plants under the auspices of federal reimbursement should be fully repaid;

(6) The Administration proposal of providing $4 billion over the next four years for waste treatment facilities is not adequate, as it would only provide $1 billion of federal funds per year. Support should be given to full appropriations for the Clean Water Restoration Act of 1966, which will provide authorizations of $1.25 billion in FY 1971;

(7) A packaging tax should be imposed upon all difficult-to-dispose-of items such as automobiles, tires, plastics, glass, synthetics, and appliances. This assessment should be

returned to the locality in which the material is disposed of to help defray the cost of such disposal;

(8) Grants for construction of facilities for the treatment of solid waste should include monies for the acquisition of land for sanitary land-fill purposes. (Many localities must seek immediate short-term solutions to solid waste disposal problems.);

(9) Localities should encourage the early involvement of private enterprise in the research and development phase of solid waste management as outlined in the Resources Recovery Act of 1969;

(10) Legislation should be passed to encourage federal funding and enforcement of all federal waterways (oceans, rivers, lakes);

(11) The Clean Air Act Amendments of 1970 should include total ambient water pollution standards;

(12) Land and Water Conservation Fund should remain at a level of at least $200 million in contributions each fiscal year. Excess revenue may be collected by charging a user fee;

(13) Congress should consider the environmental effect (noise, health, safety, pollution, transportation) before military airports are released for civil airport use;

(14) Federal assistance should be given to schools, colleges, technical and vocational institutions for the purpose of developing curriculum, furnishing laboratories, training staff and teaching students in the environmental fields. Shorter term public awareness programs in anti-pollution techniques conducted by local information and social service agencies should also receive federal assistance;

(15) Minority views of Warren G. Reynolds:

"Warren G. Reynolds respectfully disagrees with the Committee's opposition to tax incentives to industry to correct pollution problems. He believes that tax incentives can encourage earlier, more equitable solutions to environmental problems. Pollution control equipment is incredibly expensive, and its exhorbitant cost can result in the closing down of facilities which otherwise serve society well. Tax incentives can correct the problem and keep needed plants open.

"Further, pollution elimination will benefit the whole of society . . . why shouldn't all of society appropriately share in the cost of eliminating pollution through tax incentives? If technology exists to eliminate pollution, the only remaining roadblock is the funding of these installations. Let us remove this roadblock by permitting companies to credit the cost of pollution control installations and operations against their federal taxes, and move ahead to a better environment now."

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POPULATION STABILIZATION

Mr. NELSON. Mr. President, on May 4 of this year, the distinguished Senator from Maryland (Mr. Tydings) delivered a speech to the American Medical Association in Washington, D.C., in which he gave an excellent analysis of the population problems facing this country. His remarks indicate a profound awareness of the political, scientific, medical, and moral issues involved, and showed a deep commitment to starting a national program designed to stabilize our population.

As sponsor of the family planning bill, S. 2108, which would authorize family planning services for those now denied them and appropriate desperately needed funds for increased contraceptive research, Senator Tydings pointed out that the problems in our cities and with our environment cannot be solved unless our population is stabilized at a zero growth rate. As he put it:

> A growing population makes the solution of nearly all our problems more difficult and more expensive.

The Senator emphasized that population experts generally agree on three points; namely, "the inevitability of zero population growth, the prudence of initiating a stabilization policy now, and the philosophical and political advantages of pursuing voluntary rather than compulsory methods of population control in the foreseeable future." To meet these three points, Senator Tydings expounded a Government program which includes passage of his family planning bill, extensive educational campaigns on the dimensions of the population problem, and intensive research into noncompulsory methods of reducing the birth rate.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Stabilizing U.S. Population Growth: A Political Strategy

(Address by Sen. Joseph D. Tydings, May 4, 1970)

Mathew Arnold once wrote that nothing is more difficult than bringing thought to bear on politics. This has certainly been the case with respect to the issue of population growth in this country.

After nearly a decade of actively discussing the population problem, we still lack an accepted political strategy for dealing with that problem; no practical plan exists for translating concern into remedial action.

Instead, we have fallen into what appears to be an endless academic debate. One which, unfortunately, is becoming more polarized and polemical.

One side in this debate warns Americans that, unless U.S. population growth is halted immediately with whatever means necessary, the survival of the nation is in grave jeopardy. The other side retorts with reassurances that population growth presents no real problem for the U.S. in the forseeable future; that improved family planning programs are all that is required.

Now virtually none of the parties to this debate would actually subscribe to these simplified, extreme versions of their positions. Yet, it is these simplified versions fashioned for propaganda purposes that currently are shaping public debate over the population issue across the country and, increasingly, in the Congress.

It is imperative that we break out of this polemical trap, and break out soon. Otherwise, the public is either going to lose all interest in population growth as a national concern, or people will be so frightened by some of the alarmist proposals for population control currently being offered largely for dramatic effect—such as compulsory vasectomies after two children or sterilants in the drinking water—that population will become a politically impossible issue.

In short, unless we can change the character of this debate, the opportunity to intelligently deal with the issue of population growth will be lost in this country no matter which side wins.

None of this is meant to imply that real differences do not exist among experts over the nature of the population problem, its consequences, and the means and urgency of a solution. An enormous amount of biomedical and behavioral research remains to be done in the field of population.

Yet, as a layman who hardly qualifies as a population expert, it nevertheless seems to me that a broad enough consensus exists about certain aspects of U.S. population growth that it is now possible to move beyond this counterproductive academic debate and begin defining a political strategy for dealing with the population problem.

In the remainder of my remarks this morning, I shall attempt to describe this consensus and the political strategy which I believe follows from it.

A logical starting point is a fact we can all accept; the fact that eventually we will have to stabilize population growth. Zero population growth is simply mathematically inevitable in a finite world.

Likewise, zero population growth is inevitable in a finite nation. As the National Academy of Sciences 1965 study, *The Growth of U.S. Population*, put it, ". . . if present fertility and mortality trends persist, (U.S.) population will surpass the present world population in a century and a half. And in about 650 years, there would be one person per square foot throughout the United States. In the very long run, continued growth of the United States population would first became intolerable and then physically impossible."

Therefore, differences aside concerning the nation's carrying capacity and the time it will take to reach that capacity, there is no real debate over the necessity to eventually stabilize U.S. population growth. The issue is rather when and how.

As for the question of when to actively establish a national policy to stabilize U.S. population growth, those who counsel delay do so on the grounds that overpopulation will not be a serious problem in this country for some time to come. Be devoting scarce public resources and attention to a matter which is not really urgent, this argument goes, we run the risk of using the population problem as an excuse for avoiding more pressing problems and spending limited tax dollars where they will not yield the greatest marginal return.

I sympathize with the concern that population not be exploited as a surrogate for other national problems that are either more complex or costlier to solve.

Stopping population growth in the United States today would not eliminate any of our serious problems.

Our central cities would still be deteriorating, slum-ridden jungles breeding crime and despair.

Our environmental crisis would remain critical. For it is high levels of consumption combined with a sophisticated and powerful technology that accounts for the major facets of environmental pollution in the U.S. today. And as recent Census Bureau statistics reveal, if we could maintain our present population level of 203 million over the next 15 years, consumption in the U.S. supported by current technology still would increase 90% by 1985 owing to the rapid growth of personal income in the country.

However, having conceded the danger of advocating zero population growth as an answer to all our problems, it is equally true that a growing population makes the solution of nearly all our problems more difficult and more expensive.

While total U.S. consumption could be expected to increase 90% by 1985 without population growth, with the continuation of the present U.S. birth rate, consumption will increase by 120% in the next 15 years. Clearly, cleaning up our air and water will be far more costly with 250 million Americans than with 203 million.

Similarly, rebuilding our cities over the next 30 years will be rendered considerably more difficult and expensive by the appearance of between 78 and 120 million additional Americans in our urban areas by the year 2000.

And more importantly, for our purposes, there is strong reason to believe that it may be less expensive on a per capita basis to slow down population growth than to shoulder the costs of a larger population. In other words, a national policy to stabilize population growth could well be a sound investment of U.S. tax dollars at the margin.

The case for delay is further weakened when placed in a global context. There is no denying that the U.S. could survive an additional 100 million Americans in the next 30 years, though there would be heavy costs involved; the doomsday arguments sometimes used to support zero population growth for the U.S. are both irresponsible and counterproductive.

But the planet as a whole, particularly the underdeveloped world, is being dangerously threatened by unchecked population growth. Most of Asia and Latin America cannot survive a population doubling time of 25 years or less without experiencing famines, massive unemployment, and unceasing cycles of revolution and repression.

If we intend to convince the developing nations as co-habitants of our Spaceship Earth that their progress and survival as viable states demands a dramatic drop in the birth rate, it will have to be by example. Proposals for coercing these nations into such a course of action ignore the lessons of past U.S. attempts to elicit specific national behavior by threatening to withhold economic and other forms of assistance. No nation will move to cut its birth rate until it is convinced that such a policy promotes its own interests.

If the U.S. is to supply any leadership in this area, we must begin by practicing what we preach.

Finally, perhaps the most compelling reason for initiating a national population policy now is the fact that even if our net reproduction rate were reduced to unity tomorrow, it would probably take 65 to 70 years for total U.S. population to fully stabilize. One cannot suddenly decide that the time for zero population growth has arrived and expect the population to stabilize overnight. Anyone who believes that halting population growth by the year 2035 represents a sensible goal for the U.S. is condemned by the demographer's calculus to begin today.

In summary, providing care is taken to avoid claiming zero population as a national panacea, there are few costs associated with initiating a national population stabilization policy now. At the same time, there are a number of possible benefits from proceeding immediately.

Therefore, without being forced to debate questions of the precise consequences of unchecked population growth in the U.S. and the relative urgency of halting that growth, I think we can all at least agree that beginning a policy to stabilize U.S. population growth at this time represents a prudent course with a minimum of risks.

This brings us to the third dimension of the population problem: the question of how to stabilize U.S. population growth.

In many respects, this is more an issue of political philosophy than of biology. For much of the debate regarding the best means to slow population growth has centered on the question of whether population programs should be voluntary or compulsory.

When faced with such decisions, I rely on the libertarian principle that the community should only deprive the individual of freedoms when the exercise of those freedoms constitutes a clear danger to the survival or well-being of the community; and only after all reasonable alternatives short of compulsion have been tried and found wanting.

The United States has had no previous experience with attempts to slow the birth rate. We have no way of knowing whether voluntary incentives and public education will be sufficient to stem the population growth that is beginning to threaten us. Until we exhaust the possibilities of developing effective voluntary means, recourse to compulsion is inconsistent with our traditional commitment to maximize individual freedom.

Furthermore, even if a compulsory program of population control were deemed necessary at this time, such a program would not be politically feasible. Strong resistance still exists in Congress to programs promoting voluntary family planning, much less compulsory population control.

Thus, for both philosophic and political reasons, proceeding along voluntary lines to achieve population stability is the only practical course in the coming decade.

These, then, are the three facts or assumptions about America's population problem which I believe most population experts could accept whatever their other differences: the inevitability of zero population growth, the prudence of initiating a stabilization policy now, and the philosophical and political advantages of pursuing voluntary rather than compulsory methods of population control in the forseeable future.

If a crude consensus of the demographers, ecologists and citizen organizations interested in the population issue can be built around these assumptions, then I believe we can move beyond debate to meaningful action.

The political strategy for stabilizing U.S. population growth suggested by these assumptions is a multi-stage process.

As you well know, most issues—regardless of their import and urgency—require a political gestation period before the public and the Congress are prepared to deal with them. Therefore, it makes sense to start a legislative program in any area with those proposals and ideas that have been in the public eye sufficiently long to secure a degree of acceptance.

In the context of a campaign to stabilize U.S. population growth, this means beginning with the establishment of a national family planning policy; that is, a policy to eliminate all unwanted births in this country.

Thanks to the pioneering efforts of people like Margaret Sanger and organizations such as Planned Parenthood, voluntary family planning is practiced or tolerated by a vast majority of Americans today. It has survived the political gestation period; and for the first time in American history, open debate over the question of public family planning programs is not considered political taboo by most members of Congress.

In addition to being the most politically advanced population measure, an effective family planning policy also promises a significant reduction in our birth rate. According to a recently published study by Professor Charles F. Westoff of Princeton, more than 20% of the births of this country are the result of unwanted fertility.

Giving low-income women the same access to family planning information and services that middle class women enjoy, and providing all families with safer and more foolproof contraceptives—for non-poor families have more unwanted children in the aggregate than poor families—offers a relatively inexpensive and politically acceptable first step towards stabilizing our population growth.

Last May, I introduced a bill in the Congress with 28 cosponsors in the Senate and more than 60 in the House which would provide the legislative foundation for a comprehensive national family planning policy. This bill, S. 2108—which has the formal endorsement of the AMA—would deliver family planning services to those now denied them and authorize desperately needed funds for increased contraceptive research. I am still hopeful we can move S. 2108 through the Congress before this Session ends.

The second important stage in an effective political strategy to stabilize U.S. population growth must be the reform of our abortion laws. If contraception fails, families must have the opportunity within a reasonable period of time to terminate unwanted pregnancies. It should not be within the purview of the State to either compel or constrain a woman from having an abortion. Such decisions are best left to individual conscience.

Finally, since contraception and abortion are only methods for preventing unwanted births, it is necessary to go beyond family planning to insure that the number of wanted births is consistent with stable population. In other words, the crucial third stage in our political strategy must be the creation of a national population policy; that is, a policy to develop non-compulsory means to reduce the average American family to a size consistent with a stable population.

Creating such a policy constitutes a much more difficult task than setting up a national family planning policy.

To begin with, science has not yet discovered the determinants of family size. We know very little about why one family wants two children while another wants six.

As a result, we simply do not know what kinds of voluntary incentives, rewards and education programs would reduce the birth rate to a stable growth level. The proposals such as income tax deductions currently being offered to voluntarily lower the birth rate are only guesses in the dark lacking a hard, factual basis—a point too frequently overlooked.

Furthermore, even if we knew how to reduce the birth rate, the public has not been adequately prepared for the creation of a national population policy. Population stabilization as a public policy still frightens most people. In many respects it is a premature issue whose political gestation period is not yet completed.

Therefore, in my opinion, implementing this final stage in a political strategy to stabilize our population growth will require the following steps:

First, it is important that Congress and other national institutions and organizations go on record in support of stabilizing population growth. This would have the effect of making voluntary population control a legitimate issue.

I intend to introduce a resolution shortly putting the Congress officially on record in support of population stabilization.

Second, the federal government must undertake a national campaign to educate the American public on the dimensions and consequences of the U.S. and global population problem.

The scare tactics that have been employed in the past to draw public attention to the population issue must be dropped. As I stated earlier, doomsday scenarios merely frighten people and seldom create the proper climate for constructive action. Instead, the public should be informed about the advantages of small families, the link between poverty and fertility, the cost in convenience and public resources such as increased taxes, crime rates and pollution bills of unchecked population growth, and the obstacle to development and political stability posed by high birth rates in the developing countries.

I intend to introduce legislation shortly to provide funds for such an education effort.

Third, we desperately need research and new data with which to develop non-compulsory methods for reducing the birth rate. Without reliable information on the determinants of family size and parental motivation, efforts to stabilize U.S. population growth by voluntary means will surely fail.

Therefore, I shall introduce a resolution in the Senate this month calling on the National Academy of Sciences to begin contracting immediately for the necessary social science research.

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Gentlemen, the time to move from debate to action has arrived. Fate has placed us at that point in history where a responsible, rational, moral solution to the population problem must be found.

All of us—you and I—together have the ability to find and apply that solution.

The only necessary ingredient is the will to do it.

DEATHS AT JACKSON STATE COLLEGE

Mr. HARRIS. Mr. President, the Nation was deeply shocked and saddened by the recent deaths at Jackson State College in Jackson, Miss. It is imperative that there be swift investigation and justice for these unnecessary and tragic deaths. I have so urged the Attorney General and have asked him to use the full influence of his office to see that nothing like this happens again there or elsewhere.

There is every evidence that recent deaths in Augusta, Ga., where some people were shot in the back, were also the result of grossly excessive force used by enforcement officials.

Violence and rioting have no place in our society. Those who engage in such activities must be promptly stopped and punished. But, as the Kerner Commission clearly stated, there are effective and humane methods which should be followed in that regard by any professional enforcement officer.

Mr. President, I ask unanimous consent that my letter to the Attorney General, as well as my telegrams to the mother and wife of the slain Jackson State College students, Dr. John A. Peoples, president of Jackson State College, and Mr. Aaron Henry, president of the Mississippi NAACP, be printed at this point in the RECORD.

There being no objection, the letter and telegram were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., May 21, 1970.

Hon. JOHN MITCHELL,
Attorney General of the United States, Justice Department of the United States, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: As were so many other Americans, I was deeply shocked and saddened by the recent deaths at Jackson State College in Jackson, Mississippi. I can see no justification whatsoever for the appalling massive firing by enforcement officials into the girls' dormitory there.

I join with others in urging swift investigation and justice for those unnecessary and tragic deaths, and I hope that the full power and influence of your office will be used to see that nothing like this happens again there or elsewhere.

There is every evidence that recent deaths in Augusta, Georgia, where some people were shot in the back, were also the result of grossly excessive force used by enforcement officials.

Violence and rioting have no place in our society. Those who engage in such activities must be promptly stopped and punished. But, as the Kerner Commission clearly stated, there are effective and humane methods which should be followed in that regard by any professional enforcement officer, and I hope you will do all you can to see that they are promulgated.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

MAY 21, 1970.

Mrs. PHILLIP L. GIBBS,
Ripley, Miss.:

I regret very much the loss of your husband, Phillip, during the recent tragedy at Jackson State College. I extend to you my deepest sympathy and join with others in Congress and across the Nation in requesting swift justice for this unnecessary and tragic act which resulted in the loss of your husband.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

MAY 21, 1970.

Dr. JOHN A. PEOPLES,
President, Jackson State College,
Jackson, Miss.

DEAR DR. PEOPLES: I am shocked and deeply saddened by the tragedy which occurred at Jackson State last week. There is absolutely no justification for the manner in which law enforcement personnel directed gunfire at the dormitory of the school. I join with others across the Nation in extending my deepest sympathy to the families of the slain students, and in requesting swift justice for this unnecessary and tragic act. I sincerely hope that we can hasten the day when this type of senseless violence will no longer exist in American society.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

MAY 21, 1970.

Mr. AARON HENRY,
National Association for the Advancement of Colored People, 2072 West Lynch Street, Jackson, Miss. 39203:

Regret very much that I could not attend the public hearing on the tragedy which occurred at Jackson State College last week. There was absolutely no justification for the discharge of firearms by law enforcement personnel into the women's dormitory of the school. I am appalled and deeply saddened by the death of the two students, and join with others in requesting swift justice for this unnecessary and tragic act.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

MAY 21, 1970.

Mrs. EMMA GREEN,
1164 "C" Dalton Circle,
Jackson, Miss. 39203:

I deeply regret the sad loss of your son, James, during the recent tragedy at Jackson State College. I extend to you my deepest sympathy and join with others in Congress and across the nation in seeking swift justice for this unnecessary and tragic death.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

PRAISE FOR THE EMERGENCY SCHOOL AID ACT

Mr. BROOKE. Mr. President:

> Successfully desegregating the nation's schools requires more than the enforcement of laws. It also requires an investment of money.

With those words, the President of the United States last week made clear the unequivocal commitment of this administration to the promotion of quality education for all our children.

For too long, the quality of public education in America has been critically uneven. "Catch up" funds are required, particularly in those areas of the country where segregated education—either de facto or de jure—has held back the commitment of funds and human resources so essential to effective and creating learning.

The President has clearly recognized these needs. In the Emergency School Act of 1970, three categories of special concern have been defined: Districts now eliminating de jure segregation in accordance with Federal directives or in cooperation with Federal guidelines; districts undertaking voluntary efforts to reduce or prevent de facto isolation; and districts where de facto isolation is a result of factors which cannot immediately be overcome, to enable them to promote interracial educational programs.

The proposed initial input of $150 million in emergency startup money will help some of the most disadvantaged districts to provide better educational opportunities in time for the opening of school in September. The total appropriation of $1.5 billion in new funds over the next 2 years means help for many districts when and where they need it most.

I commend the President for this clear commitment to a worthy goal and urge swift adoption of his legislative proposals.

THE CONDITION OF THE NATIONAL ECONOMY

Mr. PROXMIRE. Mr. President, the condition of the national economy becomes of more concern every day. Many economic authorities say recession is near. Others believe it has already started. Many agree with the May 2 AFL–CIO News editorial that, whether you call the current economic distress a "recession, slump, or slowdown, danger signals are flashing almost everywhere" that it will worsen. The editorial, entitled "Economic Storm Warnings," makes a strong case for immediate change of present economic policies. So that all Senators can consider the many points it makes, I ask unanimous consent that the editorial from the May 2, 1970, issue of AFL–CIO News be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ECONOMIC STORM WARNINGS

The danger signals are flashing almost everywhere that the nation's current economic recession, slump, slowdown, or whatever term you like, may grow worse.

The most dramatic sign is the plunging stock market. The Dow-Jones index, a respected market indicator, has dropped to a six-year low. But there is more solid evidence of the dangers of a deepening and broadening recession.

Earnings reports of top-drawer U.S. corporations and businesses still reflect solid profits, but at a lower rate and level than the record-shattering pace of the past few years. Prices as measured by the Consumers Price Index are still running over 6 percent higher than a year ago. And unemployment is a full percentage point up on the rate over a year ago—from 3.4 to 4.4 of the labor force, and it's rising.

The AFL–CIO had specifically warned more than six months ago that what is presently coming to pass was built into the Administration's blunderbuss economic policies and its highly publicized campaign against inflation.

In its report to the October 1969 AFL–CIO convention the Executive Council said:

"The blunderbuss, general form of restrictive economic policies, tight money and sky-high interest rates can finally affect the big corporations by pulling down the whole house—by so depressing the incomes and demand of workers, farmers and smaller businesses that the sales and profits of the big blue chip corporations are finally affected.

"These policies of general restraint are dangerously wrong in the setting of 1969. They are ineffective in combatting profit inflation and the capital investment boom of the larger companies. But they hit home-building, consumers, smaller businesses and workers' jobs. And they can become effective in curbing the activities of the big corporations only by depressing the entire national economy."

As of May 1970 these policies have succeeded in depressing the entire national economy. No matter which indicators are used or measurements applied, everything is pointing or moving down—with the possible exception of the profits reaped by banks and other money lenders from 100-year-high interest rates.

The stock market plunge that has dominated the mass media over the past few days—much more so than the jump in the unemployment rate and the 3.7 million jobless workers could produce a new look at current policies.

The capital goods expansion plans of major corporations—plans for new plants and equipment—could be cut back, easing some of the demand for credit and helping bring down interest rates. This would bring a measure of relief to the housing industry which has been in a deep and severe recession for many months.

But if the capital goods cutback is coupled with a reduction of inventories and no change in Administration policies, then unemployment will rise and, as the AFL–CIO said a half-year ago, "the whole house" will be pulled down.

The focus on recession could finally bring home to the Administration the need for selective restraints in some areas and stimulants to economic growth in others.

For nearly 10 years the nation has been relatively free of the fear engendered by an economic recession. A change in current national economic policies can help restore a recession-free era.

LAND AND WATER CONSERVATION FUND

Mr. MOSS. Mr. President, President Nixon has asked the Senate Appropriations Committee to consider amendments to the budget for fiscal year 1971 which would give the Department of the Interior additional moneys for several different bureaus and offices. Of the additional $194,100,000 requested by the President, $188,900,000 is slated for the land and water conservation fund.

I highly commend Mr. Nixon for his recognition that the fund must have more money if efforts to improve the quality of the environment are to bear fruit. If the amendment is adopted $357,400,000—or more than double the request now pending—would be available to Federal, State, and local authorities for acquisition of park and recreation land and for the establishment of recreation projects. I earnestly hope the Appropriations Committee will act with dispatch in considering the request for supplemental moneys and that the full amount asked for by the President will be appropriated.

Utah has reaped many benefits from the Land and Water Conservation Fund Act. In the approximately 5 years in which the Fund has been in existence, my State has received $4,700,000. This money financed 63 different activities—two statewide planning projects, 21 land acquisition projects, and 40 land development projects—which have helped Utah enormously in developing its natural resources for the enjoyment and betterment of its people. Nonetheless, there were many other park and recreation projects which the State had to abandon because no funds were available.

This gap between the demand for, and supply of, Federal money continues to widen because the Act has always been badly underfunded. A minimum of appropriations has been made available, despite widespread recognition that more recreation projects are vital. As President Nixon said in his State of the Union message:

> As our cities and suburbs relentlessly expand, those priceless open spaces needed for recreation areas accessible to their people are swallowed up—often forever. Unless we preserve these spaces while they are still available, we will have none to preserve.

To give some idea of the funding deficiency for Utah, the State for the years 1967 through 1970 needed an average of $1,877,831 to undertake a variety of park projects. The average funding for those years, on the other hand, was only $800,725—less than half of what was needed. Each year, then, Utah has needed almost a million dollars more than it has received.

The gap between demand and supply which has plagued Utah in recent years is, I am sure, typical of many other States. Thus the Senate should not only support the President's request for supplemental appropriations for fiscal 1971, but should also press for speedy action on S. 3505. The bill would amend the Water and Conservation Fund Act by providing a minimum annual appropriation authorization of $300 million. Since the present authorization is for only $200 million, the bill would provide a full 50-percent greater funding authorization. This additional money would encourage States to pay more attention to the needs of their urban dwellers, who all too often are neglected when park and recreation areas are planned.

Hearings were held this month on the bill in the Senate, and a companion bill to S. 3505 has already been reported by the House Committee on Interior and Insular Affairs. The fact that all members of the Senate Interior Committee have asked to cosponsor S. 3505 reflects, I believe, their awareness that we must act with dispatch if we are to insure that all Americans have access to recreation lands of quality and beauty.

THE NEW YORK STATE BAR ASSOCIATION COMMITTEE ON INTERNATIONAL LAW: "NO SOUND LEGAL OBJECTIONS" TO RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, I invite the attention of Senators to a comprehensive and informative report on the Genocide Convention prepared by the Committee on International Law of the New York State Bar Association.

This fine bar association was one of the first legal organizations in our country to support Senate ratification of the convention, as they endorsed the treaty in January of 1950.

This report, which was issued in February 1970, thoroughly covers the legal aspects of the Genocide Convention. In addition, it analyzes from a legal viewpoint the objections to ratification, and finds them without merit. I would like to particularly emphasize the section of this report dealing with the claim that the definition of genocide is too "vague" to be effective. In this respect, the committee definitively states:

> We should be careful to distinguish between, on the one hand, factual allegations which raise serious question whether genocide as legally defined has been committed and, on the other hand, the frequent loose employment of the term "genocide" for rhetorical purposes without regard to facts which come within the specific definition of the term.

Mr. President, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NEW YORK STATE BAR ASSOCIATION COMMITTEE ON INTERNATIONAL LAW REPORT ON THE GENOCIDE CONVENTION

Twenty years have passed since the Senate of the United States declined to give its advice and consent to ratification of the Genocide Convention.[1] The Convention has not been reconsidered by the Committee on Foreign Relations since its formal vote to table the matter in 1950.

Many local and state bar associations analyzed the Convention at the time of its first presentation and reported favorably with respect to the legal issues raised by ratification.[2] The American Bar Association, through a resolution of its House of Delegates, recommended that the proposed Convention not be approved since it "raises important fundamental questions but does not resolve them in a manner consistent with our form of Government," [3] although within the American Bar Association its Section of International and Comparative Law recommended ratification with certain understandings or reservations.[4] Recently the President's Commission for the Observance of Human Rights Year 1968 recommended ratification of the Convention following study of the legal questions involved by a Special Committee of Lawyers.[5]

Most currently we are advised that the American Bar Association is in process of reconsidering its former position on the Convention,[6] and in view of the position taken by the Chairman of the Senate Committee on Foreign Relations that "the Committee's disposition may be influenced if the American Bar Association were to recommend ratification," [7] the matter appears most appropriate for review by this Committee.

DESCRIPTION OF THE CONVENTION

The basic purpose of the Convention is prevention of the destruction of a human group as such. The convention defines genocide to mean certain acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such. The acts include killing, causing serious bodily or mental harm, inflicting conditions of life calculated to bring about physical destruction, imposing birth preven-

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Footnotes at end of article.

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tion measures, and forcible transfer of children. The parties undertake to punish guilty persons and to enact the necessary implementing legislation. There is a provision for trial by a court of the state where the act was committed or by such international penal tribunal as may have jurisdiction.

Article I reads as follows:

"The contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish."

Apparently the word "confirm" was used since in 1946 the General Assembly of the U.N. adopted a resolution affirming that genocide is a crime under international law, which the civilized world condemns. The basic concept changed the preexisting principle generally recognized that the matter in which a state treats its own citizens is not a matter with which international law was concerned.

Article II of the Convention provides as follows:

"In the present convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

"(d) Imposing measures intended to prevent births within the group;

"(e) Forcibly transferring children of the group to another group."

In 1949 the then Acting Secretary of State who transmitted the Convention to the President of the United States observed that this article requires that there should be a specific intent to destroy a racial, religious, national or ethnical group as such, in whole or in part.[8]

The report further pointed out that "the destruction of a group may be caused not only by killing. Bodily mutilation or disintegration of the mind caused by the imposition of stupefying drugs may destroy a group. So may sterilization of a group, as may the dispersal of its children."

Cultural groups and political groups are not included in the definition.

Article III of the Convention reads:

"The following acts shall be punishable:

"(a) Genocide;

"(b) Conspiracy to commit genocide;

"(c) Direct and public incitement to commit genocide;

"(d) Attempt to commit genocide;

"(e) Complicity in genocide."

Pursuant to Article IV, the parties agree to punish guilty persons irrespective of their status.

By Article V the parties undertake to enact "in accordance with their respective constitutions" the necessary legislation to give effect to the Convention and in particular to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article III.

The Convention does not purport to require any party to enact such legislation otherwise than in accordance with the country's constitutional provisions.

Article VI provides that persons charged with genocide or any of the acts enumerated in Article III shall be tried by a competent tribunal of the state in the territory in which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction.

The State Department report makes the following observations in this connection:

". . . Thus, the commission in American territory of genocidal acts would be tried only in American courts. No international tribunal is authorized to try anyone for the crime of genocide. Should such a tribunal be established, Senate advice and consent to United States ratification of any agreement establishing it would be necessary before such an agreement would be binding on the United States."

In the intervening twenty years no such international tribunal has come into existence. Were it put forward, Senate advice and consent would still be required for the United States to accept its jurisdiction.

The Convention provides for extradition in accordance with the internal laws of the parties and treaties in force, genocide not to be considered a political crime for purposes of extradition.

ARGUMENTS AGAINST RATIFICATION

The arguments against ratification expressed over twenty years ago do not differ markedly from those recently made in opposition to the human rights conventions on abolition of slavery, on forced labor, and on protecting the political rights of women.[9] They have not improved with age.

The subject matter is alleged not to be of international concern, but domestic in nature, and thus beyond the constitutional treaty-making power. Little need be said to indicate that the subject of genocide is, if anything, primarily of international concern. In 1948 the United States participated in the drafting of the Convention, signed it in 1948, and has reason for being party to the Convention for reasons of its relations with other countries. The concept of annihilation of a group had no prior existence as a subject for domestic treatment and introduced a new concept even to international law. Being a problem of international scope and concern, it is the proper subject of a treaty.[10] There is little doubt that adherence to the Genocide Convention is authorized by the United States Constitution.[11]

It was claimed that since Article III of the Convention makes "direct and public incitement to commit genocide" a crime, the First Amendment right to free speech is violated. This view entirely overlooked the fact that the treaty requires Congress or the states to enact enabling legislation before such acts could be prosecuted. Clearly it is constitutionally permissible to enact legislation that makes incitement, and not advocacy, a crime [12] and we cannot lightly speculate that Congress would pass unconstitutional enabling legislation. Similarly the claim that "genocide" as a crime is defined too vaguely has no merit unless we assume that the Congress is unable to define it for United States standards of intent and specificity when it passes enabling legislation. As lawyers, we should be careful to distinguish between, on the one hand, factual allegations which raise serious question whether genocide as legally defined has been committed and, on the other hand, the frequent loose employment of the term "genocide" for rhetorical purposes without regard to facts which come within the specific definition of the term.

The emotional objection that Article VI of the proposed Convention dooms the American citizen to trial, conviction and sentence in foreign courts without benefit of our traditional criminal law safeguards has no valid basis. The Article does not confer jurisdiction on foreign courts to try Americans for acts committed in the United States and, unless an international tribunal is established, they can be tried only in American courts. As noted above, no such international tribunal has been established and if it should be proposed we would then have to decide whether the United States should adhere to any compulsory jurisdiction given to the court. The argument has no merit.

RESERVATIONS

The resolutions adopted January 27 and 28, 1950 by the New York State Bar Association stated as follows:

"Be it resolved, that the New York State Bar Association, approved the Convention on the Prevention and Punishment of the Crime of Genocide and recommend that the United States ratify the Convention with the understanding or reservation that Article IX shall be understood in the traditional sense of responsibility to another state for injuries sustained by nationals of the complaining state in violation of principles of international law, and shall not be understood as meaning that a state can be held liable in damages for injuries inflicted by it on its own nationals, and

"Be it further resolved, that the convention be approved with the further understanding or reservation that the United States assumes no obligation to enact Federal Legislation against genocide where acts which constitute genocide are already punishable by existing penal law."

It would appear that neither of the reservations or understandings suggested at that time is still appropriate. The question of United States understanding as to nonliability for money damages was dealt with by the United States delegation when it voted in favor of the Convention in 1948 and the State Department recommended Senate advice and consent to ratification with the *understanding* that Article IX be understood in its traditional sense of no state liability for money damages for injuries inflicted on its own nationals. However, the Secretary of State made no mention of any such understanding in his letter of February 5, 1970 urging ratification.[13]

The second suggestion appears totally unnecessary since the Convention requires adoption of legislation to make it effective and neither the U.S. nor the several states could be under obligation to prohibit acts already made criminal under either federal or state law.

CONCLUSION

It is plain that the legal arguments previously advanced against ratification of the Convention have not been sustained by the passage of time. As a matter of policy this Committee is of the view that determination of the usefulness of ratification of the Convention to United States foreign policy interests and relations with other nations of the world at the United Nations be left to the appropriate organs of the Executive Department and the Administration. Both President Truman in 1950 and President Nixon in 1970 [14] have asked that the Genocide Convention be ratified. We find no sound legal objection to such ratification and accordingly urge prompt ratification by the Senate of the United States.

Dated: New York, N.Y., February 24, 1970.

FOOTNOTES

[1] U.N. 1948; S. Ex. O (81st Cong., 1st Sess.) 1949; 78 U.N.T.S. 277.

[2] See *e.g.* Report of the California State Bar Committee on the Genocide Convention, Vol. 27, Journal of the State Bar of California, p. 405 (Nov.–Dec. 1952); resolution adopted by N.Y.S. Bar Association, Jan. 27, 28, 1950; resolution adopted by Association of the Bar of the City of New York, March 8, 1949.

[3] Bitker, Genocide Revisited, 56 A.B.A.J. 71 (Jan. 1970); 74 A.B.A. Rep. 146 (1949).

[4] 74 A.B.A. Rep. 146 (1949).

[5] See *A Report in Support of the Treaty-making Power of the United States in Human Rights Matters* (Oct. 1969).

[6] A.B.A. News, Dec. 1969.

[7] Bitker, *supra,* at p. 72.

[8] 5 Exec. O., June 16, 1949.

[9] See Proceedings Am. Soc. Intl. Law, April 1968, pp. 103, 105–108; 2 Intl. Lawyer 600–629, 660–666 (July 1967).

[10] Writing in 1945, James N. Hyde, the noted American authority on international law, stated: "Genocide is at present a pressing problem of international concern and therefore a proper subject of a treaty." 2 Hyde, International Law 1398 (1945 ed.).

[11] See *Report* cited at note 5, *supra*, and cases collected therein.

[12] *Terminiello* v. *Chicago*, 337 U.S. 1 (1949); *New Masses Pub. Co.* v. *Paton*, 244 F. 535 (S.D.N.Y., 1917).

[13] Press Release, U.S. UN–18(70) Feb. 19, 1970.

[14] N.Y. Times, Friday, Feb. 20, 1970, p. 1.

JETS FOR ISRAEL

Mr. HARRIS. Mr. President, recently several Senators wrote to President Nixon urging, among other things, that he agree to the U.S. sale of requested jets to Israel.

Because Israel is a democratic country whose right to exist in the Middle East as an independent and free nation is under continued and increased question, I believe that we should stand by this friend and give our help, as I have said repeatedly throughout the recent past.

The matter is urgent, and, accordingly, I have written the President respectfully requesting his serious attention to this vital matter.

I ask unanimous consent that my letter to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

U.S. SENATE,
May 26, 1970.

HON. RICHARD M. NIXON,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: Recently several members of the Senate wrote to you urging that you agree for the United States to sell requested jets to Israel. I very strongly and respectfully join in that request.

Israel has a right to live as a nation. No real peace can come to that area of the world unless the real parties to the dispute themselves agree. In the meantime, all of us must be alarmed by the continued buildup of arms on the Arab side with Soviet help and the disturbing changes which may be taking place in the balance of power in that part of the world.

Israel is a democracy and is our friend. In the defense of her freedom she needs our help, not in the form of troops but in the form of sales of military equipment and the jet aircraft long under consideration, and credits.

Your attention to this matter is respectfully urged.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

THE CRIME PROBLEM

Mr. SCOTT. Mr. President, the Philadelphia Inquirer earlier this year carried an illuminating series of articles on crime problems in the city of Philadelphia. This series, written by reporter John F. Clancy, provides a good introduction to problems in the institutions of criminal justice, not only in Philadelphia but also in many urban areas throughout the country.

I believe these articles make valuable reading for Senators, who will soon vote on crime legislation for the District of Columbia.

One problem highlighted in the articles is especially significant to us here. According to Philadelphia Police Commissioner Frank L. Rizzo, 34 percent of the defendants arrested in Philadelphia for such major crimes as homicide, rape, robbery, aggravated assault, and burglary were arrested while they were free on bail.

To quote the April 20 article:

> Last year, Rizzo said, 37 percent of the persons arrested on burglary charges were on bail at the time. Thirty-four percent of the suspects in robbery cases had been free on bail. Twenty-nine percent of the homicide suspects were free on bail at the time of the crime.

These figures include release on bail both before trial and after conviction.

Continuing his efforts to keep incorrigible criminals behind bars, District Attorney Arlen Specter has urged the State legislature to tighten the laws on bail after conviction. However, the Pennsylvania State constitution prevents him from calling for pretrial detention.

In Pennsylvania, the State constitution provides in article I, section 14, that "all prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great." This section effectively bars the enactment in the State of legislation authorizing the pretrial detention of dangerous defendants.

Rep. Daniel E. Beren, a Republican from Montgomery, has introduced an amendment to the State constitution to permit a limited form of pretrial detention. But until the constitution is changed, law enforcement officials in Philadelphia and elsewhere will have to devise other means of meeting the problem of pretrial recidivism.

The dilemma presented by the Pennsylvania constitution does not exist in the District of Columbia. The applicable provision of the United States Constitution—the Eighth amendment—represents a wholly different approach to the question of bail. The framers of the eighth amendment, which reads "excessive bail shall not be required," rejected the "right to bail" concept embodied in the Pennsylvania constitution of 1776. They adopted instead the concept embodied in the English Bill of Rights.

Under the English concept, the legislature is empowered to determine which offenses shall be bailable as a matter of right and which offenses shall be bailable as a matter of sound judicial discretion. The "excessive bail" provision forbids judges from requiring an excessive bond in those cases where lawmakers have determined that bail shall be available as a matter of right.

Federal District Judge Edward Weinfeld of New York reinforced this point last year when he held:

> Congress could, without running afoul of the Eighth Amendment, provide * * * that persons accused of kidnaping, bank robbery with force and violence, or other serious noncapital crimes are not entitled to bail as a matter of right.

The importance of the Clancy articles is that they demonstrate that serious problems of crime on bail are not confined to the District of Columbia. They exist in Philadelphia, and they undoubtedly exist in other cities as well.

The time has come for Congress to act on bail reform in the District of Columbia. Pretrial detention deserves our closest attention.

I ask unanimous consent that the three articles from the Philadelphia Inquirer be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Philadelphia (Pa.) Inquirer, Apr. 19, 1970]

CRIMINALS ON THE LOOSE: HARD-CORE REPEATERS GO FREE AT PUBLIC EXPENSE

(By John F. Clancy)

Henry Ward Bowman, 32, is a convicted murderer. He's also a fugitive from justice. He disappeared while out on bail waiting to be sentenced.

Ronald Frank Woods, 33, was a fugitive for a year and a half, but he was finally jailed Friday after another successful effort to delay his trial on three felony charges dating back to 1967.

Bowman and Woods are extreme examples of people arrested here, but it's because they're extreme that their records give stunning evidence to charges by Police Commissioner Frank L. Rizzo and District Attorney Arlen Specter that hard-core criminals are being allowed long freedom on bail at the expense of the public's safety. It's the extreme cases they're worried about.

The release of hard-core criminals on bail both before and after trial is not the only complaint about criminal justice in Philadelphia. Others include lenient and suspended sentences, the release of criminals on probation without serving a day in jail, and especially, the clogged courts that delay trials and let dangerous people stay free for long periods.

The almost steady drop in the population of the state's prisons during the past 10 years was cited by Rizzo as proof of his complaints. He said the number of state prisoners dropped from 8000 in 1960 to about 5000 in 1968 according to the latest report of the Pennsylvania Bureau of Corrections. The number climbed slightly in 1969 but still was below 6000, he said.

Contrast that report on the state prisons, where long term convicts are confined to the overcrowded conditions in Philadelphia county jails, where two-thirds of the inmates are awaiting trial.

Police cited Bowman and Woods as examples of people the messed-up criminal justice system lets run loose.

Bowman, the fugitive, was indicted more than two years ago on charges of shooting a man to death in a tavern dispute. He was convicted eight months later, but after 1½ years of freedom he has not been sentenced and now he can't be found. He has been convicted of two other violent crimes.

He was arrested for the murder in 1967 while he was free on 10 years' probation imposed by Judge Benjamin W. Schwartz for armed robbery the previous year.

In January 1968 he was indicted on charges of killing William Boerner, 25, of 4251 Frankford Ave. in an argument over who should pay for a drink of whiskey in the Longhorn Bar at Frankford Ave. and Unity St. on Dec. 6, 1967.

Bowman went on trial on Sept. 18, 1968. He was found guilty by a jury of second degree murder nine days later. His attorneys filed a motion for a new trial and Judge William I. Troutman, a visiting judge still hearing criminal cases in Philadelphia, released him on $30,000 bail.

Before his conviction for the tavern murder, he had been free on $25,000 bail. It was raised only $5,000 after conviction and Bowman hasn't been in custody since.

The new trial motion filed by defense attorney Emmett Fitzpatrick immediately after the conviction was not listed for argument until April 15, 1969. When it finally rolled around it was continued on request of the defense.

The appeal was finally argued on Aug. 21, 1969, and Judge Troutman denied it on Sept. 23, four days short of one year following Bowman's conviction. Sentencing was set for the following Oct. 15 but Judge Troutman continued it. On Nov. 17, the case came up again but the judge again postponed sentencing.

Last Feb. 24, Judge Troutman was to have passed sentence. But Bowman didn't show up. The case was relisted for April 7, but again the defendant failed to appear. A fugitive warrant was issued for Bowman but the $30,000 bail has not yet been forfeited. Investigators said Bowman last was seen in New York.

Wood's case is different. He has not been tried, so he must be presumed innocent until he is. That he has not been tried is the complaint here. He has seven previous convictions.

He has been free on bond for more than three years on a robbery charge, and has been indicted for two other felonies committed while he was awaiting trial on the first.

Woods has a long criminal record. He was first sent to the Youth Study Center in 1953 when he was 15 years old. He was sentenced to 9-to-23 months in 1957 for a burglary in Ardmore, Pa., got a 3-month term in 1959 for larceny, 60 days in 1961 on a numbers charge, 11-to-23 months in 1964 for a strong-arm robbery, 5 years probation in 1965 for burglary and narcotics use, and 3-to-23 months in 1967 for larceny, robbery and impersonating an officer.

DEFENDER NOT READY

Last month, Woods was called for trial on one of the three indictments against him. He failed to appear and a warrant was issued for his arrest.

Last Friday, his trial was scheduled on the other two indictments. Woods showed up this time but the warrant for his arrest could not be found and the trial was postponed four hours. At 2 P.M., Wood's attorney, Dennis Eisman, told Judge James R. Cavanaugh that he had not been paid and asked to be relieved as defense attorney.

The judge agreed but the voluntary defender was not ready to defend Woods. Judge Cavanaugh postponed the trial until May 6. But this time, Woods didn't go free. Cavanaugh revoked bail and committed him to the Detention Center pending trial.

What's to be done in cases like this? Rizzo says there are enough laws on the books to keep men like these out of circulation. But in an effort to repair the system, experiments are being tried, and the people trying them say it's too early yet to find out whether they work.

State Commissioner of Corrections Arthur T. Prasse said there were a number of reasons for the decline in the state prison population.

"We're trying a lot of new things," he said. "They're trying parole and probation and putting many more on probation and parole. We have pre-release centers and halfway houses and there's a lot of work-release or out-mate programs."

Prasse said many prisoners are being "given a break" by judges. "We aren't getting long-term prisoners to replace the long term convicts whose 5- to 10-year sentence or 15- to 30-year terms have expired."

"We're trying a lot of new things in our prisons, trying our best with counseling, education and trade training, trying to get them out faster than we used to.

"But this will have to prove out," he went on. "Maybe some won't respond. It will take a while to make an evaluation of the new programs. Everyone is watching them to see what will happen."

Prasse said it most likely will take a "couple of years to see what the effect will be."

"The courts are experimenting," Prasse said. "No one wants to see men spend most of their lives in jail, although sometimes it is necessary.

"Some (prisoners) don't realize it when they do get a break. Whenever you start something new there are some who will take advantage of it. They'll have to be weeded out and sent away for a longer period of time."

PROGRAM DOCUMENTED

FBI statistics show the predatory crime offenders—the type most dangerous to the community—have high rates of repeating their crimes. The latest FBI uniform crime reports showed that 77 percent of the burglars released from custody in 1963 were re-arrested within five years. They also showed 74 percent of assault offenders were rearrested and 60 percent of the robbers were back in custody within the five-year period.

The FBI has been documenting "Careers in Crime" program since 1963 to determine the extent to which criminal repeating over a period of time contributes to the annual crime counts. The report showed that 39 percent of the offenders arrested in 1967–68 had previously been arrested for a major crime.

Repeating the same type crime ranged from 6 percent for murder to 51 percent for burglary.

Rizzo said the career criminals are the type who must be confined to prison whenever possible. "Any efforts to reform or rehabilitate them must be made while they are in custody," he said. "They're too dangerous to be loose."

"People are not aware of the pronounced trend in Pennsylvania, especially in Philadelphia, away from sentencing criminals to terms with a maximum of two years or more," Rizzo said.

LIFE SENTENCING

The Police Commissioner said that only one out of five persons arrested for major crimes goes to jail and "The chances are 80 percent that they will be in jail less than six months."

"Do you call that a deterrent to crime?" he asked.

Rizzo said that among existing laws that could be used to keep dangerous criminals "out of circulation" is the fourth-offender law, which enables a judge to commit a person to prison for life if convicted of a fourth offense.

ADEQUATE PENALTIES

"How long has it been since you heard of a chronic criminal being put away safely under the fourth offender law?" he demanded. "The judges just aren't using it."

"Swift justice and adequate penalties are what is needed," he continued. We won't need any more surveys or any more laws. Let's just use the laws that we have available."

A look at the situation in the suburban counties, where the same Pennsylvania laws apply, would tend to support the commissioner's contentions. Suburban Philadelphia traditionally has been known as stern and none of the counties adjoining Philadelphia have long criminal court backlogs.

"Our judges are fair but firm," one suburban prosecutor said. "They work on the premise that if a criminal knows he is going to jail quickly and for a long time, he'll commit his crimes somewhere else.

SWIFT JUSTICE

"A burglar convicted for the second time in our county knows he is going to the State Penitentiary. That means his maximum sentence will be five years or more. An armed robber will do time for his first conviction with a good chance that it will be in the State Pen. Any case involving serious physical harm will get a penitentiary sentence. We had a man with no prior record being sent away for a 15- to 30-year-term because he beat up and seriously injured an elderly woman."

In the Philadelphia area, justice is swiftest in Bucks and Delaware counties. Criminals there usually are tried in the first court term after that in which they are indicted. Some unusually difficult cases may be carried over for another court term (there are five terms a year) but rarely does it go longer.

[From the Philadelphia (Pa.) Inquirer, Apr. 20, 1970]

Criminals on the Loose: Bail System Disregards Suspect's Previous Convictions

(By John F. Clancy)

A criminal free on probation commits another crime. His probation is revoked automatically and he immediately goes back to jail, right?

Wrong. In Philadelphia, a criminal can remain on probation even after he is convicted of a second and third crime if the subsequent convictions do not result in prison sentences. Revocation of probation is not automatic. It requires involved legal proceedings, a lot of time and cooperation among authorities.

A person charged with a major crime and out on bail fails to show up for his trial. Isn't the bail forfeited? Not necessarily. The trial judge must sue for the bail and the full amount is rarely forfeited because of many loopholes in the law.

There are many other misconceptions of the law that would lead Philadelphians to a mistaken belief that the judicial process in the city works to protect the populace from bandits, burglars, rapists and even murderers.

The truth is that the system bogs down from start to finish, from arrest through trial to release, as far as the protection of the public is concerned. The laws, the rules and the court systems and practices are heavily in favor of the criminal at the expense of his victims.

"Unfortunately, we've nearly reached the point where crime pays and pays well." Police Commissioner Frank L. Rizzo has said. "We've got one of the best records of any police department in the country when it comes to solving crimes and arresting suspects. But the court system acts like a revolving door.

"Hardened criminals are out on bail almost immediately, their trials are delayed for years and even when they are convicted, they get probation or tap-on-the-wrist sentences."

Let us look first at the bail system—a suspect's first avenue to freedom following arrest.

The laws say that anyone arrested in Pennsylvania—except those charged with a capital offense involving first degree murder—is entitled to bail. Legally, the judge who sets bail must consider only one thing, whether the amount of bail will assure the defendant's appearance again in court.

The judge can not legally consider the defendant's previous record or his possible threat to the community. He could wink at the exact letter of the law and hold a hardened criminal in bail so high that the accused could not raise it. But the higher courts have ruled repeatedly that this constitutes a denial of bail.

Furthermore, a Municipal Court judge must make a decision on what bail to set at an arraignment that takes place within hours of the arrest. The judge has no time to examine thoroughly the defendant's background or even to determine whether the defendant is sane.

Bail bondsmens are barred from police courts but they loiter outside. They charge 10 percent of the required bail to post the bond for release, a lucrative return when one considers that their bond rarely is forfeited in full.

The hardened criminal usually manages to raise bail easily. There's no law on the books requiring the bail bondsman to collect his

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10 percent before posting the bond. The defendant could promise to pay the 10 percent fee later, obtain his release and then steal the money he needs to pay the bondsman.

There have been frequent calls for the elimination entirely of the monetary bail system because it fails to contain the criminal and is discriminatory toward the poor. Attorney Stephen A. Sheller told a YMCA forum last week that 15 percent of the defendants in Philadelphia held in bail under $500 were unable to raise it.

Sheller pointed out there are about 2000 persons in county prison awaiting trial; they wait an average of three months each. They comprise two-thirds of the total prison population. Between one-quarter and one-half of the total will be discharged of all criminal liability.

Compare the overcrowded Philadelphia prisons with the State Penitentiary at Graterford, which is operating at little more than 50 percent of its capacity.

RULES CHANGED

A few years ago, bail rules were changed in an attempt to make them less discriminatory against the poor. The amounts of bail were lowered but the poorest defendants still remained in jail. Rizzo said the only real effect was that the hardened criminals used the new bail rules to their advantage.

The police commissioner cited figures to illustrate a sharp rise in the yearly number of rearrests of defendants on bail for such crimes as homicide, rape, robbery, aggravated assault and burglary.

In 1967, 19 percent of the adults arrested for such serious crimes were free on bail at the time of the arrest. The following year, the number climbed to 30 percent and in 1969, it reached 34 percent.

Last year, Rizzo said, 37 percent of the persons arrested on burglary charges were on bail at the time. Thirty-four percent of the suspects in robbery cases had been free on bail. Twenty-nine percent of the homicide suspects were free on bail at the time of the crime.

TRIALS DELAYED

The Constitution guarantees a defendant a speedy trial, but the long backlog in Philadelphia courts prevents it. Those free on bail, however, often are not particularly interested in a quick trial. The longer their trial is put off, the better are their chances of acquittal.

Conditions in the city's court administration office and the court clerk's office do not facilitate speedy trials. Although both offices are headed by competent men, defense and prosecuting attorneys alike are highly critical of operations. They complain of cases being lost, failures in notifying attorneys, defendants and witnesses of trial dates, foul-ups in assignment of cases and keeping of records.

Attorneys themselves are not blameless. Some defense lawyers, assigned whom they consider an unfavorable judge, insist on a jury trial, which automatically defers the case until a jury can be empanelled. Other delaying tactics include feigning of illness, changes of defense attorneys, and filing of unnecessary pre-trial motions. Some cases have waited two years or more without being brought to trial.

D. A. RAPPED

Defense attorneys contend they are not the only ones to blame for continuances. They charge inefficiency in the court system and the district attorney's office. Some said the prosecution was not ready at times.

District Attorney Arlen Specter emphatically denies such charges. He admits his office is understaffed. His men work long hours, he said, and have cut down the backlog of criminal cases with the cooperation of President Judge Vincent A. Carroll, Specter said Carroll has made more courtrooms available for criminal trials at the expense of civil cases.

Specter pointed out that when he took office many cases were tried in waivers or resulted in guilty pleas. But the district attorney pressed for longer sentences and, as a result, there was a 300 percent increase in the number of criminal jury trials.

NEEDS PROSECUTORS

Specter badly needs experienced prosecutors. He has many intelligent, young attorneys on his staff but he can't assign them to major criminal cases because they lack experience. He has made open appeals to experienced members of the bar to volunteer to serve with him but has had few applicants.

One reason is the modest pay for assistant district attorneys. Another is the long hours—most work from 8:30 A.M. until well past 6 P.M. each day. And Arlen Specter is not an easy man to work for. He is highly energetic and demands equal energy of his associates. He is a taskmaster and a perfectionist.

Specter's biggest gripe is the rule of criminal procedure that entitles defendants to bail between the time of their conviction and their sentence. "Last August we identified more than 1000 cases of men on bail after conviction," Specter said.

SLOW SENTENCES

"I can't say how many are dangerous felons. I've been trying to get these guys sentenced, even to the extent of assigning an individual assistant district attorney to each judge to expedite the sentences. I think sentencing should be done at 4 P.M. when the other court work is done. A lot could be accomplished in late afternoon. Prosecutors and defense attorneys would be available then."

Specter said a convicted man who is free on bail knows that when he is sentenced he may go to jail. He tries to put it off as long as possible. The defense tries every delaying maneuver possible. The prosecution seeks ways to prevent the delays.

"Why should we have to be the ones seeking to speed the sentencing process?" Specter asked. "When a man is convicted, he loses the presumption of innocence in my book. If he is kept in jail he will want a quick sentence and there will be no delays."

APPEALS TAKE TIME

New trial appeals cause the greatest delays between conviction and sentence. Specter contended that the trouble with the appeals is that the opposing attorneys must first obtain transcripts of the trial before the appeals can be argued.

But getting the transcripts of Philadelphia trials within a few weeks is totally impossible, Specter said. "We have cases where we haven't been able to get the transcripts as long as nine months after the trial ends in convictions," he said. "Meanwhile the criminal—frequently a dangerous one—is at liberty."

When sentencing time finally is reached, the judge frequently is lenient—too lenient according to Spector. The defense has the right to appeal a sentence, the district attorney does not.

STUDY UNDERWAY

Ephraim Gombeg, executive director of the Philadelphia Crime Commission, called for fresh thinking on the entire systems of handling criminals.

"Until we take a fresh new look at the entire system, with particular emphasis on the housekeeping end of the court system," he said, "we're going to have the same shocking conditions we have now."

Gomberg revealed he has undertaken an in-depth study of alleged judicial leniency.

"We're making a careful analysis of the deferred-sentence cases free on bail," he went on. "I'm not prepared to discuss the findings at this time but they will prove of considerable pertinence to the charges that most or all deferred-sentence cases free on bail represent serious threats to the community."

NEED SUPERVISION

Gomberg agreed that probation is not now working in Philadelphia. "Probation is working when you have close supervision," he said. "Probation is prevented from working when close supervision is impossible as it is in Philadelphia.

"Ten years ago (each member of) the probation staff here was supervising as many as 200 convicted criminals and, of course, accomplishing nothing. About six years ago, judges and civic agencies prevailed on City Council to add a very substantial number of probation officers to the probation department of Common Pleas Court.

"For three years, probation supervision was close when case loads were reduced to as many as 75 or 80. But now, with the growing backlog of criminal cases and volume of crime, probation loads are up to 150 again, which is utterly meaningless as far as supervision is concerned. With excessive case loads on the probation staff, it would not be surprising to find probationers going on frequent criminal excursions simply because of lack of supervision."

[From the Philadelphia (Pa.) Inquirer, Apr. 21, 1970]

CRIMINALS ON THE LOOSE: BILLS ASKS DETENTION OF CONVICTED

(By John F. Clancy)

District Attorney Arlen Specter on Monday sent to the State Legislature a proposed bill to permit judges at their discretion to commit criminals to prison immediately after their conviction.

The bill was designed to eliminate a present court rule which requires a jurist to release all criminals except first degree murderers on bail after they have been found guilty and until they are finally sentenced. Both Specter and Police Commissioner Frank L. Rizzo blamed the rule for the release of those whom they termed as hardened criminals a threat to the community.

Rizzo said that last year 34 percent of the suspects arrested for major crimes were out on bail at the time of the crime, awaiting trial or sentencing.

Specter's bill contained two proposals to permit the sentencing judge, at his discretion, to prevent criminals from going free after they are found guilty.

The first would enable the court to impose sentence immediately upon the determination of guilt, instead of requiring a delay until after new trial appeals are decided.

The imposition of sentence would not alter the defendant's right to file post-conviction motions. The time permitted for filing an appeal would be computed from the date the court rules on the final post-conviction motion.

The second proposal would permit the court, at its discretion, to commit the defendant to prison without bail, pending imposition of sentence following conviction for specific major crimes. The crimes would include second degree murder, voluntary and involuntary manslaughter, robbery, rape, burglary, kidnapping, mayhem, aggravated assault and battery, assault with intent to kill, breaking and entering with intent to commit a felony, sale of narcotics or dangerous drugs and larceny.

Spector's move represented a second approach to ending the mandatory bail rule following conviction. He has previously sought to effect it through amendments to the State Supreme Court Criminal Rules Committee.

It also marked the second piece of legislation sought by Specter in his efforts to keep incorrigible criminals behind bars. He asked the legislature last year to pass a bill to give

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the prosecution the right to appeal sentences it believes are too lenient. At present, only the defense may appeal sentences to a higher court.

The sentence appeal bill was introduced, but is now bogged down in committee as Senator Bill No. 77. Specter said "its chances of passage aren't too good at this moment."

Specter said there is "a lot of public support for the bill but it's just sitting in committee. I've been after the senate to hold hearings. But unless I get a lot of public clamor behind me, the bill doesn't seem to have much chance. Something has to give on the sentencing line."

The District Attorney said that he has made an unprecedented move to solve the problem through another avenue. He has taken appeals from three sentences, despite the State Supreme Court rule preventing it. "This is an unprecedented move to persuade the appellate courts to review slaps on the wrist without a statute," he said.

ELIMINATE OBSTACLES

The cases involve a sentence for homicide appealed to the Supreme Court itself, and sentences for narcotics violations and an automobile death, both appealed to the State Superior Court.

Specter's office has made a number of other moves in an attempt to eliminate obstacles to the prosecution. Assistant District Attorney Paul Michel has been assigned the job of unsnarling court administration knots and expediting the most serious cases. "The job takes up almost all my time now," Michel said. "I hardly ever get away from my desk."

A priority program involving nearly 500 cases was put into effect by Specter about a year ago. The list is down to fewer than 300, Specter said, but he indicated it's still far too many.

HEAVY CASELOADS

Specter is also wrestling with the problem of certain defense attorneys whose heavy caseloads frequently prevent their appearance in court and necessitate postponements of trials.

Three attorneys have been ordered by President Judge Vincent A. Carroll not to take any new cases until their caseload is below 15. Specter said Cecil Moore, one of the three defense lawyers, had 312 cases when the order was issued three months ago. "He has gotten rid of 71 of them since then, but there is still a long way to go," Specter said.

The district attorney has ordered his assistants to be on the lookout for any possible violating of Judge Carroll's order.

ONE DAILY MEETING

Each working day at 5 P.M., Specter holds a meeting of his staff in Courtroom 676 to discuss the pretrial listings, consider problems and plan strategy. Frequently there is a lecture by other prosecutors at the meeting.

Individual assistant district attorneys have been assigned to certain judges Specter feels are procrastinating in the sentencing of convicted criminals. He has called on the courts to remove sentencing from the regular court calendar and to hold special sentencing sessions at 4 P.M. each day when defense and prosecution attorneys would be free.

The district attorney has repeatedly asked for more assistants and additional clerical help. He has joined the bar association in demands for additional judges and courtrooms to clear up backlogs.

CALLS FOR LAW

Specter also has tried to revive the Fourth Offender Law which has not been used by judges for a number of years. The law permits a criminal convicted of a fourth major offense to be sentenced to life prison terms.

Specter wants a reorganization of the Court Clerks and Court Administration Offices. "It takes up to six, eight or 10 months now to get the notes of testimony of court cases transcribed," he said. "We should get them within a few weeks. Without the transcriptions, we can't get sentences.

"Another thing, both the prosecution and the defense should be supplied with a copy of the pre-sentence investigations given to the judges. This should be routine. We get them now, but only on request, and then only on the day of the sentencing. Sometimes the report is 15 or 16 pages long. We should have the reports in advance. So should the defense," Specter said.

DETENTION MOVE

Rep. Daniel E. Beren (R., Montgomery) introduced a bill in the State House of Representatives on March 17, 1969 to amend the State Constitution to permit preventive detention of criminals charged with a third offence while free on bail awaiting trial for a second offense.

But the measure, House Bill 666, like Specter's sentence appeal bill, is bogged down in committee. Even if House Bill 666 is reported out of the House Judiciary Committee, it would have to be passed by the House and Senate at this term, passed again next term and then approved by a voter referendum.

Beren testified last October before a subcommittee of the House Judiciary Committee on a proposed amendment to the Federal Code which would permit preventative detention for recidivist criminals in the nation's capital.

RIZZO'S RECOMMENDATION

Washington Police Chief Jerry Wilson called for the amendment after an experiment in holding repeat criminals on high bail was ruled invalid. Wilson credited the experiment for a 60 percent reduction in the robbery rate during the time it was in practice.

Under the proposed amendment, a repeat criminal could be held in preventative detention without bail, but he would have to be tried within six months. A defense petition for a delay of the trial would automatically waive the six month deadline, however.

Police Chief Frank L. Rizzo said such a preventative detention system in Philadelphia would greatly reduce the number of crimes for profit in the city. He maintained that criminals so detained could be guaranteed a trial within 90 days.

LAWYERS AS JUDGES

A possible method of reducing the criminal case backlog in Philadelphia might be found in Arlington County, Va., whose environs stretch into the "inner city" of Washington. A system of appointing attorneys as judges for a temporary period managed to clean up a 40,000 backlog of cases there.

The problem of the repeat criminal is prevalent in nearly every large city of the nation. In most of them, there is also the problem of crimes committed by suspects free on bail while awaiting trials delayed by court backlogs. One of the worst backlogs in the nation is in San Francisco, yet directly across the bay, at Oakland, there is no backlog. Oakland officials said it was because judges there traditionally have frowned on postponements of trials and "attorneys just don't think in terms of continuances."

MILITARY AID TO CAMBODIA

Mr. FULBRIGHT. Mr. President, the Committee on Foreign Relations was notified last Friday that on May 21 President Nixon had made certain findings and determinations, retroactive to April 22, in alleged satisfaction of legal requirements for giving arms to Cambodia.

The shipment of arms to the Cambodian Government was begun on April 22. The President's decision to send those arms was announced 8 days later in his speech of April 30. But the formal determinations required by law were not made until May 21, nearly a month after the arms were shipped.

In short, the President's decision to ship arms to Cambodia was made without his having made the formal determinations required by law. As a result, it was necessary to make those determinations retroactive—a most unusual procedure and one for which I have not been able on short notice to find a precedent. Surely the Congress, in originally enacting this waiver provision in the old Mutual Security Act, did not intend to provide the President with a legal justification for an action—after he had already acted.

The document containing the findings and determinations is as unprecedented in a legal and constitutional sense as was the invasion of Cambodia itself. It ignores the spirit of the applicable provisions of law, which is in keeping with the administration's disdain for true consultation with the Congress on foreign policy matters.

A month before the document was signed a decision was made to give captured enemy weapons to Cambodia. The April 23 New York Times reported:

> The Nixon Administration has agreed to supply several thousand rifles to the beleagured Government of Cambodia, Administration officials disclosed today.

The press was told but, until Friday, May 22, there was no formal notification in accordance with the law, to the Congress.

On April 30, in announcing the decision to go into Cambodia, the President stated:

> With other nations, we shall do our best to provide the small arms and other equipment which the Cambodian army of 40,000 needs and can use for its defense. But the aid we will provide will be limited for the purpose of enabling Cambodia to defend its neutrality and not for the purpose of making it an active belligerent on one side or the other.

At a Foreign Relations Committee hearing on May 11, there was much discussion with the State and Defense Department officials responsible for the military aid and sales program concerning the question of the executive branch's authority to provide aid to Cambodia. When I asked Lt. Gen. Robert H. Warren, Deputy Assistant Secretary of Defense for Military Assistance and Sales, if there had been a determination by the executive branch to give Cambodia excess property, which captured AK-47 rifles are considered to be for military aid purposes, he replied:

> Sir, at this time there are no approved transfers of any U.S. weapons to Cambodia.

General Warren also said that—

> Our services do not have the authority to transfer U.S. weapons to another country without either a law or a Presidential determination.

And at the hearing the following exchange took place with Benjamin Forman, Assistant General Counsel of the Department of Defense:

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> The Chairman. Such findings (to give military aid) are usually rather formal and in the nature of an executive document; are they not?
>
> Mr. Forman. They normally are, sir, and the statute requires that the Congress be promptly notified of such a finding and the reasons therefor.
>
> The Chairman. But you would not regard a sentence in a speech as having complied with the statute, would you?
>
> Mr. Forman. I do not regard it as such, and I am unaware with whom (sic) I have discussed the matter who regards it as such.

Thus, the President has apparently kept in the dark his own officials who administer the military aid program.

To illustrate the degree of disregard for the spirit of the law, I wish to point out some of the more unusual aspects of the Presidents' formal determination to give arms to Cambodia.

For one thing, the President's determination of May 21 was made retroactive to cover arms shipments made 30 days earlier, on April 22, 1970. Then after the shipments took place, a search was made for a legal basis for those shipments. When the executive branch lawyers got through with their research, they found it necessary to prepare an ex post facto Presidential determination in order to provide a scintilla of legality for the shipment.

The 1970 Foreign Assistance Appropriations Act provides:

> That the military assistance program for any country shall not be increased beyond twenty per centum of the amount justified to the Congress, unless the President determines that an increase in such program is essential to the national interest of the United States and reports each such determination to the House of Representatives and the Senate within thirty days after each such determination.

No funds at all were justified or requested for Cambodia last year, so clearly a provision for an increase of 20 percent of nothing cannot be applicable.

The basis asserted for the Presidential authorization to give arms is section 614(a) of the Foreign Assistance Act. This provision has been used in the past and authorizes the President to waive other requirements of the act if he "determines" that such waiver "is important to the security of the United States." This has meant that in addition to the procedure of making a Presidential determination retroactive, it was necessary to have that determination waive a number of significant provisions of law. For example, the Foreign Assistance Act would, in the absence of the waiver, require a formal United States-Cambodia agreement concerning any aid we give them, observation by U.S. personnel of the use of the arms we provide, agreement regarding the return of equipment to the United States, and assurance, prior to delivery, that the recipient had the capability to use the weapons effectively. Other requirements were also waived by the determination.

Any Member of the Senate may examine this determination in the Offices of the Committee on Foreign Relations to make his own decision on what is an unusual and dubious legal basis for supplying arms to Cambodia. To make a retroactive determination, waiving the many requirements of the Foreign Assistance Act, subverts the legislative process and the foreign aid program.

I might add, in conclusion, that I see no reason why this Presidential determination and the accompanying legal justification should be classified "Secret" and I have requested the Secretary of State to declassify it for the information of the American people. I have also asked that the committee be supplied with a detailed listing of the arms we have given Cambodia to date, a regular monthly report of subsequent shipments, and information concerning any agreement we make that allows South Vietnam or Thailand to give to Cambodia arms of U.S. origin.

I ask unanimous consent to have printed in the Record the letter to the Secretary of State, certain excerpts from the May 11 hearing on the Military Sales bill, and a legal memorandum prepared by the Senate Legislative Counsel.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Foreign Relations,
Washington, D.C., May 25, 1970.

Hon. William P. Rogers,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: I refer to Mr. Abshire's letter to me of May 21, 1970, transmitting copies of Presidential Determination 70-9 signed on May 21. The Determination was accompanied by a Memorandum.

Aside from the dollar figure in the Determination, I see no reason for classifying it SECRET. Will you please take steps to declassify the Determination or explain fully why these papers are classified.

Would you also provide the Committee with a detailed breakdown of the military aid furnished to Cambodia to date, and a monthly report of additional articles or services we give that country in the future.

On another aspect of this matter, I refer to Mr. Torbert's letter to me of February 4 in which he stated that the Congress would be informed immediately, as this Committee requested, when the United States consents to transfers of defense articles of U.S. origin by an aid recipient to a third country, whenever the transfer was of unusual significance.

I consider that any proposed transfers to Cambodia are of such significance, and I ask that the Committee be advised promptly of any decision made by the Executive Branch to approve such transfers by any aid recipient. Specifically, the Committee would like to know as soon as possible if the United States has approved any transfer to Cambodia of defense articles of U.S. origin by South Vietnam, Thailand, Laos, or South Korea. If so, please provide details.

Sincerely yours,
J. W. Fulbright,
Chairman.

Excerpts From a Hearing by the Committee on Foreign Relations on H.R. 15628, May 11, 1970

MILITARY EQUIPMENT GIVEN TO CAMBODIA

Senator Symington. Under the present law, as you interpret it, are you free today to give excess military equipment to Cambodia without specific congressional authority?

Mr. Pickering. We would require a Presidential determination, Senator, before excess military equipment——

Senator Symington. You represent the executive branch. I am asking if you think you can do it without congressional authority.

Mr. Pickering (continuing). Assuming the President made the necessary Presidential determination under the present law, I am informed that we can do this, Senator.

Senator Symington. How about the AK-47's given Cambodia. That has already been done without any congressional authority, has it not?

Mr. Pickering. That was the property of the Government of South Vietnam, I am informed.

Senator Symington. We gave it to South Vietnam and they gave it to Cambodia?

Mr. Pickering. The arms were Communist Chinese origin. I am not informed as to how they came into the hands of the Government of South Vietnam.

Senator Symington. Thank you.

The Chairman. In your pursuance of that, I have been informed these rifles had been reconditioned by our own people. Did we do that for the South Vietnamese and they gave them to the Cambodians? Were they not reconditioned in a plant in Okinawa? General, do you know about it?

Mr. Pickering. I am sorry. We will have to provide an answer for the record, I am not aware——

The Chairman. General Warren knows, do you not?

General Warren. No, sir, so far as I know, those were captured Communist arms that the Vietnamese gave to Cambodia.

The Chairman. They were not reconditioned by the U.S. Army?

General Warren. I cannot answer that, sir. May I put it in the record? I do not know.

The Chairman. Do we have a plant capable of reconditioning AK-47s in Okinawa?

General Warren. I believe we do.

The Chairman. You really know, do you not, General? Our own staff knows that. You sure ought to know that. I do not think you ought to assume our staff does not know anything about your operations. We know quite a bit, but I want to make the record.

General Warren. Sir, those arms were never part of our military assistance or excess or sales program, so we were never directly involved; and I do not know the history.

The Chairman. We delivered them to the Cambodians, did we not?

General Warren. I read in the paper that we did. I do not know exactly what was done, Mr. Chairman.

* * * * *

EXECUTIVE ACTION ON U.S. WEAPONS TO CAMBODIA

The Chairman. I was preparing to ask whether or not the President has made an executive determination yet to give Cambodia excess property. Mr. Pickering stated they had the authority.

Has the President made such a determination to give Cambodia excess property?

General Warren. Sir, at this time there are no approved transfers of any U.S. weapons to Cambodia.

The Chairman. Are they considering it? Is it under consideration?

General Warren. I would imagine someone might. Mr. Pickering.

Mr. Pickering. If I could, Mr. Chairman, I just wanted to note that in the President's statement of April 30 to the country, he said that with other nations we shall do our best to provide the small arms and other equipment which the Cambodian Army of 40,000 needs, and can use for its defense.

The executive is studying this in line with what the President has had to say about it in his statement of April 30.

* * * * *

The Chairman. General, I want to refer to a question a little earlier, or to both of you.

Did I understand you to say that the United States did not furnish the AK-47's to Cambodia?

General Warren. My understanding, sir, is that they came from stocks in South Viet-

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nam. Whether the United States delivered them, I do not know.

The Chairman. I thought you said positively that they did not come from U.S. stocks. We had not captured them; is that correct?

General Warren. I said that they did not come from U.S. stocks of U.S. equipment. I think those were owned by the South Vietnamese, Mr. Chairman. I do not have enough detail to——

The Chairman. Mr. Knaur, do you know anything about this? It has been stated they were sent by the South Vietnamese. Can you state the facts?

Mr. Knaur. No, I cannot. It it not really within our competence to respond. We can supply an answer.

The Chairman. Do you know, Mr. Pickering?

Mr. Pickering. I do not. I would be happy to supply something.

The Chairman. Hasn't it been publicly stated that they were delivered by the South Vietnamese Government?

Mr. Pickering. Not to my knowledge, Senator.

The Chairman. What has been stated about it, to your knowledge?

General Warren. Sir, so far as my office is concerned, we have not been involved in that transaction; and I just do not have the background to give any detail.

The Chairman. You are not aware of what has been published about its origin?

General Warren. I read the papers; yes, sir.

The Chairman. What did they say?

General Warren. From what I saw, it said they were Communist arms delivered to the Cambodians by the South Vietnamese.

The Chairman. By whom?

General Warren. By the South Vietnamese.

The Chairman. By the South Vietnamese. Were they delivered by the South Vietnamese?

General Warren. I do not know, sir.

The Chairman. I notice you have a Colonel behind you. Can he give us any information about this?

General Warren. No, sir.

The Chairman. Does anyone from the Defense Department know anything about this?

General Warren. I cannot answer that.

The Chairman. It is my impression that the official statements, I forget whether it was the President or Secretary Laird, but it has been in the paper. At first, I think it was one shipment of 2,500, was it not? Earlier in the testimony I thought you said that we had not reconditioned them, that they were not our arms, that they were South Vietnamese arms. Didn't you state that earlier in your testimony?

General Warren. I do not remember saying we did not recondition them, Mr. Chairman. But I just do not know anything about them. My office has not been involved in that particular transaction. When I left this morning, I checked to see if we had any instructions to deliver anything to Cambodia at all; and there are none.

The Chairman. It is related to the problem of the legislation, that is, the supplying of arms to a foreign country, whether you give them to them or sell them. Is it not? It is a part of this. If it did happen, it would be under the authority of either this Act or the Foreign Assistance Act, would it not?

General Warren. Yes, sir. If the United States transferred them, it very definitely would require approval.

The Chairman. If it were done, you should have known about it, shouldn't you? Somebody in your office should have or Mr. Pickering, or both.

General Warren. Well, we do not deal with Cambodia yet. All I know is what I read in the papers, Mr. Chairman.

OWNERSHIP OF ARMS SUPPLIED TO CAMBODIA

Mr. Pickering. I should point out, too. Mr. Chairman, that the act, as I understand it, applies to U.S. arms, and I gather from the press reports that I have seen that these were not U.S. arms.

The Chairman. If they were captured by the U.S. Forces, would they be U.S. arms or would they be someone else's?

Mr. Pickering. I certainly am not qualified to answer that.

The Chairman. You are not?

Mr. Pickering. I cannot answer that.

The Chairman. If we captured them, whose do you think they would be, Mr. Knaur?

Mr. Knaur. If we retained them, they would be ours. If we gave them to South Vietnamese they would be the South Vietnamese.

The Chairman. Is it customary that we turn over captured equipment to the South Vietnamese officials? Is that the practice of the military?

Mr. Knaur. I would not be able to answer that.

The Chairman. Do you know, General?

General Warren. No; I do not.

The Chairman. Mr. Forman from the General Counsel's Office seems well-informed. Do you know anything about this, Mr. Forman?

Mr. Forman. Sir, I am as completely uninformed as the other witnesses. All I know is what I have seen in the papers. One can only speculate that these arms might have initially been captured by the South Vietnamese, might have been captured by us and turned over to the South Vietnamese. It was a long time ago. I just do not know.

The Chairman. The point of this is that we are talking about a program of the U.S. Government in supplying arms to other countries, and the authority. I would think, must derive from either the bill under consideration or possibly under what is called the foreign aid bill.

Is there any other legislation authorizing you to give arms to a foreign country? General Warren or Mr. Forman, do you know?

General Warren. The Foreign Assistance Act and the foreign military sales are the only authorities to transfer, Mr. Chairman. Our services do not have the authority to transfer U.S. weapons to another country without either a law or a Presidential determination.

AUTHORITY FOR GIVING CAPTURED WEAPONS TO SOUTH VIETNAMESE

The Chairman. Perhaps I ought to address this to you, counsel. Under what authority would the weapons captured by the U.S. Army be turned over to the military forces of South Vietnam? What authority would authorize that, Mr. Forman, or General?

General Warren. In the case of——

Mr. Forman. Sir, I think there are two possible authorities. One, of course, would be the authority contained in the DOD Appropriation Act to provide logistics support to Vietnam with service funds.

Another authority, assuming we had captured the weapons would be the President's authority as Commander in Chief.

Now, I recall, for example, that a number of years ago there were some instances, shortly after World War II, in which some equipment was given to foreign governments before the enactment of the foreign aid legislation. I think that was true in the case of Japan right after the war, and also true in Italy right after the war.

These instances were noted by the Congress in their committee reports back in 1949 when the initial legislation was passed.

So if we are speculating, this is possibly the case. But, as I say, I just do not know what the facts are.

The Chairman. I was not speculating. The New York Times on April 23, in an article by Mr. William Beecher, had this to say:

"The Nixon Administration has agreed to supply several thousand rifles to the beleaguered Government of Cambodia, Administration officials disclosed today. The weapons would be automatic rifles of Soviet design captured from Communist forces in South Vietnam. The Cambodian Government, when informed of this decision, was also cautioned about inflated expectations of further American Military assistance, the official said. The decision was transmitted last Friday in a cablegram from Washington to the U.S. Charge d'affaires in Phnom Penh."

PRESIDENTIAL DETERMINATION CONCERNING ARMS TO CAMBODIA

Had the President made a Presidential determination in accordance with the law for the supply of arms to Cambodia? I asked you this a moment ago, and you said they were considering it. He had not made a determination as required in the law for the supply of arms; is that correct?

Mr. Forman. That, as far as I know at the time I came up here, he had not made determinations as required by the Foreign Assistance Act.

The Chairman. This article is dated April 23. So as far as you know he had not made a determination at that time under the Foreign Assistance Act.

Mr. Forman. That is correct.

The Chairman. You would know if he made it; would you not?

Mr. Forman. If he made it under the Foreign Assistance Act, I think I would know, sir.

The Chairman. Any other act?

Mr. Forman. And the Congress would know it, too, because the statue requires that the Congress be informed.

EROSION OF GOOD FAITH BETWEEN EXECUTIVE AND LEGISLATIVE

The Chairman. Mr. Forman, you referred again a moment ago, and I thought it was a very pertinent observation, to the fact that the provisions of the law which have been referred to this morning were all passed upon an assumption of a minimum of good faith between the branches of the Government. In the light of developments, some of them look as if they were very improvident on the part of the Congress. At the time they were passed and enacted, I think there existed a minimum of good faith as between the various branches of the Government and, specifically, the executive branch and the legislative.

It seems to me a great deal of this whole matter is because of the erosion of that good faith which has taken place during these very difficult times.

I myself would date the beginning of that erosion long before this administration came in, at least back to the summer of 1964, and during the many succeeding years.

I certainly do not mean this to be interpreted as anything new, but this is fundamentally what is the trouble. These stories come out, and then we find there is no basis for them, and after a while there is the cumulative effect of having been deceived so many times by representations to the Senate in either these presentation books or in stories such as this about the handling of these arms.

REPORT ON AK–47'S SUPPLIED TO CAMBODIA REQUESTED

I wonder if you could ascertain for this committee, and give us a written and precise statement about what happened to these arms, because it is important whether or not they are living up to the law. It is also important as to whether or not we have already begun a process of delivering arms to Cambodia, in spite of the fact that we are now told the President is only considering it, to get our lines straight, to reestablish some minimum of good faith. It strikes me that we ought to have a precise, positive statement about how the AK-47's were handled, and we ought to have it by this afternoon. We are having a meeting this afternoon, and it ought not to be difficult.

These stories occurred on the 23d, and that is a good while ago.

Do you think you could do something like that and tell us what happened on those arms by this afternoon?

General Warren. I will find out everything we know, Mr. Chairman.

The Chairman. With the cooperation of Mr. Forman—if you all don't have it, who would have it?

General Warren. Well, first of all, there is no Presidential determination that I know of. If there were one on delivering arms to Cambodia, my office and State would immediately be responsible for carrying it out.

The Chairman. What if it should turn out that the South Vietnamese knew nothing about the AK-47's and that this was entirely originated and implemented by our own forces? Wouldn't this strike you as rather odd in view of the published stories?

General Warren. Yes.

The Chairman. It does me, too.

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PRESIDENTIAL DETERMINATION REQUIRED BY LAW

The Chairman. I thought the law contemplated, if we were going into this kind of operation, that there would be a formal finding by the President—not simply an informal declaration in a speech—that he is now sending arms.

Is that what the law contemplated, Mr. Forman?

Mr. Forman. That is correct, sir.

I do not regard the quotation from the press statement that was referred to a little while ago as being the equivalent of the finding.

The Chairman. What is the finding? Would you describe for us what you consider a finding to be that would comply with the law?

Mr. Forman. Section 503 of the Foreign Assistance Act requires the President to determine that the assisting of a friendly country will strengthen the security of the United States and promote world peace. That is the finding he has to make and in addition the country must be otherwise eligible under the other provisions of the act, which might require in a particular case various other findings, determinations or waivers.

The Chairman. Such findings are usually rather formal and in the nature of an executive document; are they not?

Mr. Forman. They normally are, sir, and the statute requires that the Congress be promptly notified of such a finding and the reasons therefor.

The Chairman. But you would not regard a sentence in a speech as having complied with the statute, would you?

Mr. Forman. I do not regard it as such, and I am unaware with whom I have discussed the matter who regards it as such.

The Chairman. We have had no such notice other than that contained in this public statement.

Senator Cooper. May I say I do not regard this statement as complying with the Statute. The statute requires, as I understand it, that he shall notify the Committees on Appropriations, the Foreign Relations Committee and the Armed Services Committee of both Houses, and his words are "prompt notice of action taken under this subsection shall be given to the Committees on Foreign Relations, Appropriations, Armed Services of the Senate and the Speaker of the House of Representatives."

AUTHORITY TO FUND MILITARY AID TO CAMBODIA

The Chairman. Do you consider that you can fund the aid to Cambodia out of the Department of Defense funds?

General Warren. No, sir. There is no authorization, sir, to fund anything for Cambodia at the moment. The President has the drawdown authority I mentioned; but that is up to $300 million and it relates only to Defense stocks. I think that authority has only been used once.

The Chairman. Do you think that would cover Cambodia?

General Warren. Yes, sir; it could.

The Chairman. Then, you think that you only can draw down up to $300 million for Cambodia from the Defense stocks. Is that the position of the Pentagon?

General Warren. Sir, there is no position that I know of. As I mentioned, before I left, no decision had been made to provide any U.S. arms to Cambodia at this moment.

The Chairman. I know, but you are considering it. Do you believe you have authority to do it? That is what I am asking now. I mean, can you do it tomorrow?

General Warren. The authority rests with the President; and, sir, the answer is, yes.

The Chairman. He can give Cambodia arms if he likes?

General Warren. Yes, sir.

The Chairman. Funded by DOD funds?

General Warren. No, sir, not DOD, not out of the service budget as such.

The Chairman. Where would they come from? How would they pay for it? He is not going to pay for them himself.

General Warren. I understand. We could not take it out of any grant aid moneys that are available; but most of it, if a program were launched, would be equipments that already exist.

The Chairman. Then, in that case, he is not authorized to fund aid to Cambodia out of DOD funds; is that correct?

General Warren. Yes.

The Chairman. Can we agree on that. All of you agree on that?

General Warren. That is correct.

The Chairman. He is authorized to give them assistance out of the funds authorized and available under the Military Sales Act?

General Warren. Yes, sir.

The Chairman. And/or the military aid—I mean the foreign aid bill?

General Warren. Foreign Assistance Act.

The Chairman. Either one of them, if the money is available.

General Warren. Yes, sir.

The Chairman. But he should make a determination for doing it and not do it informally without any declaration in accordance with the provisions of the law; is that your understanding?

General Warren. Yes, sir. He does, of course, have to notify the Congress promptly of any finding or determination on it.

The Chairman. Go ahead.

General Warren. Sir, with regard to the credit sales bill, which your committee is discussing, I would doubt very much, if a decision were made to provide assistance to Cambodia that Cambodia could afford to buy anything, so it probably would be grant aid.

The Chairman. Yes, I would have guessed that.

Do you think it possible for a military assistance program for Cambodia to be developed without you and the Deputy Assistant Secretary of Defense for Military Assistance having knowledge of it?

General Warren. A plan could be developed without our having knowledge of it, possibly, if the unified commander, Pacific Command, or someone drafted a plan. But if there were one that was going to involve the Defense Department, I am sure I would know about it.

The Chairman. You did not know much about the AD-47's, did you? Whatever was done was done without your knowledge, was it not?

General Warren. That is correct (pp. 128-129.)

Memorandum for Senator Fulbright

This memorandum is written in reply to your request of May 25, 1970, for (1) an explanation of sections 503, 505 (b), 610, and 614 (a) of the Foreign Assistance Act of 1961, section 3 (a) of the Foreign Military Sales Act, and the third proviso under the heading "Military Assistance" under the 1968 Foreign Aid Appropriation Act relating to special authority conferred on the President by those provisions, (2) the legislative history pertinent to those provisions of law, (3) the authority of the President to exercise his waiver authority under section 614 (a) retroactively, and (4) whether the President has previously exercised his waiver authority under section 614 (a) of the Foreign Assistance Act of 1961. Each provision of law referred to above will hereafter be discussed separately. By reason of the limited time available for preparing this memorandum, research into the legislative history of the provisions of law in question has been limited to available Senate, House, and conference reports.

I. Section 503, Foreign Assistance Act of 1961.

"Sec. 503. General Authority.—The President is authorized to furnish military assistance on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, by—

"(a) acquiring from any source and providing (by loan or grant) any defense article or defense service;

"(b) making financial contributions to multilateral programs for the acquisition or construction of facilities for collective defense;

"(c) providing financial assistance for expenses incident to participation by the United States Government in regional or collective defense organizations;

"(d) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to perform duties of a noncombatant nature, including those related to training or advice."

Section 503 of the Foreign Assistance Act of 1961 gives the President broad authority to furnish military assistance to any friendly foreign country or international organization which is otherwise eligible for assistance under the Act where he finds that such assistance will strengthen the security of the United States and promote world peace. The President is authorized to furnish that military assistance in the several different ways prescribed in clauses (a) through (d).

The scope of that section is indicated by an explanation of the section contained in the House Report (No. 851, 87th Congress):

"Section 503. General authority

"This section places in the President general authority to provide military assistance under the International Peace and Security Act. The main elements of the authority, which are taken from sections 102, 103, and 104 of existing law, are:

"1. Assistance may be furnished on such terms and conditions as the President may determine.

"2. Assistance may be furnished to any country, subject to the conditions of eligibility established by section 506 of the International Peace and Security Act, or to international organizations, the assistance of which the President finds will strengthen the security of the United States and promote world peace.

"3. Assistance may be provided by acquiring defense articles or defense services from any source and providing them by loan, lease, sale, exchange, grant, or any other means to any country or international organization described in paragraph 2 above.

"4. Financial contributions to infrastructure programs may be made.

"5. Financial assistance may be furnished for expenses incident to U.S. participation in regional or collective defense organizations, such as the North Atlantic Treaty Organization and the Southeast Asia Treaty Organization, including contributions to bilateral or multilateral projects for research and development or production.

"6. The general authority to furnish services of Department of Defense personnel, including members of the Armed Forces of the United States, is limited to the performance of duties of a noncombatant nature, including military training or advice." (Page 53)

II. Section 505, Foreign Assistance Act of 1961.

"Sec. 505. Conditions of Eligibility.—(a)

* * * * *

"(b) No defense articles shall be furnished on a grant basis to any country at a cost in excess of $3,000,000 in any fiscal year unless the President determines—

"(1) that such country conforms to the purposes and principles of the Charter of the United Nations;

"(2) that such defense articles will be utilized by such country for the maintenance of its own defensive strength, and the defensive strength of the free world;

"(3) that such country is taking all reasonable measures, consistent with its political and economic stability, which may be needed to develop its defense capacities; and

"(4) that the increased ability of such country to defend itself is important to the security of the United States."

Section 505(b) of the Foreign Assistance Act of 1961 prohibits the furnishing on a grant basis any defense article to any country in excess of $3,000,000 in any fiscal year unless the President makes certain determinations with respect to the country concerned. The determinations are set out in clauses (1) through (4) of such section 505(b), and the President must determine that all four conditions are met in order to exceed the $3,000,000 limitation.

The Senate Report (No. 612, 87th Congress) on S. 1983, subsequently enacted as the Foreign Assistance Act of 1961, had no discussion of subsection (b) of section 506 (subsequently redesignated as section 505) and the House Report (No. 851, 87th Cong.) had very little. It stated, on page 58—

"Subsection (b) is identical in intent to section 105(b)(5) of the former Mutual Security Act. It recognizes that a critical need of less developed countries is in the realm of public works and economic development, and authorizes military assistance to be administered in a manner which encourages this objective to the extent feasible and consistent with the other purposes of the International Peace and Securiy Act."

The provision has not been amended since enacted as part of the 1961 Act.

III. Section 610, Foreign Assistance Act of 1961.

"Sec. 610. Transfer Between Accounts.—(a) Whenever the President determines it to be necessary for the purposes of this Act, not to exceed 10 per centum of the funds made available for any provision of this Act (except funds made available pursuant to title IV of chapter 2 of part I) may be transferred to, and consolidated with, the funds made available for any other provision of this Act, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 20 per centum of the amount of funds made available for such provision.

"(b) The authority contained in this section and in sections 451, 506, and 614 shall not be used to augment appropriations made available pursuant to section 636(g)(1) and 637 or used otherwise to finance activities which normally would be financed from appropriations for administrative expenses. Not to exceed $9,000,000 of the funds appropriated under section 402 of this Act for any fiscal year may be transferred to and consolidated with appropriations made under section 637(a) of this Act for the same fiscal year, subject to the further limitation that funds so transferred shall be available solely for additional administrative expenses incurred in connection with programs in Vietnam."

Subsection (a) of section 610 of the Foreign Assistance Act of 1961 provides the President with authority to transfer funds from one account to another when he determines such action necessary for the purposes of the Act. Not more than 10 per centum of the funds made available for any provision of the Act may be transferred to and consolidated with funds made available for any other provision of the Act, nor may the total for any one provision to which the transfer is made be increased by more than 20 per centum. In the 1969 amendments to the Act the parenthetical phrase was inserted to prohibit funds from being transferred from funds made available to the Overseas Private Investment Corporation.

Subsection (b) of section 610 prohibits the use of the transfer authority provided in subsection (a) from being used to augment appropriations made available for section 636(g)(1) or section 637, which relate, respectively, to (1) the use of funds for administrative, extraordinary, and operating expenses incurred in furnishing defense articles and defense services by the agency primarily responsible for administering part II of the Act (military assistance), and (2) funds for administrative expenses of the agency primarily responsible for administering part of the Act (technical and economic assistance). The subsection also prohibits the authority contained in sections 451, 506, and 614 from being used to augment appropriations made available for sections 636(g)(1) and 637 referred to in the preceding sentence. Section 451 authorizes appropriations to the President for contingency purposes for use under part I of the Act. Section 506 confers special authority on the President to order defense articles from the stocks of the Department of Defense and defense services when, for purposes of part II of the Act, he determines it to be vital to the security of the United States and to pay for such articles and services out of subsequent appropriations. Section 614 confers additional special authority on the President to use funds not to exceed prescribed amounts without regard to certain limitations when he deems it vital to the security of the United States to do so.

The second sentence of subsection (b) of section 610 provides that not to exceed $9,000,000 of funds appropriated under section 402 of the Act for any fiscal year may be transferred and consolidated with funds appropriated for section 637(a), but any funds so transferred are available solely for additional administrative expenses incurred in connection with Vietnam. As indicated above, section 637(a) relates to use of funds for administrative expenses under part I.

Section 610 when enacted in 1961 contained only the substance of what is now subsection (a). The Senate Report on the Foreign Assistance Act of 1961 explained that provision as follows:

"J. TRANSFER BETWEEN ACCOUNTS (SEC. 610)

"This is the standard transferability section which has been part of foreign aid legislation for many years. It provides that, whenever the President determines it to be necessary for the purposes of the act, up to 10 percent of the funds made available for any provision of the act may be transferred to any other provision except that the latter provision may not be increased by more than 20 percent.

"This provision in the past has proved to be valuable in meeting changing circumstances and changing program needs. It is to be noted that, although this authority can be used to augment funds for development loans, it cannot be used to decrease them. (See Sec. 201(b) above.) Further, under section 634(d) (see below), the President is required to notify promptly the Senate Appropriations and Foreign Relations Committees and the Speaker of the House of any transfers." (Page 31.)

Subsection (b) was added in 1962 and was discussed in Senate Report No. 1535 of the 87th Congress as follows:

"The committee is less sympathetic to the use of the contingency fund for administrative purposes. The transfer and special discretional authorities (secs. 610 and 614) of the act were used in the past year to transfer $5 million from the contingency fund to the administrative expense accounts. Between 1948 and 1955 there were no transfers of foreign aid program funds to administrative accounts. Starting in 1955, a tendency to make such transfers developed, and in 1959, the committee recommended and Congress adopted a prohibition on such transfers. This prohibition was omitted from the 1961 legislation (at executive branch request), owing to the extensive reorganization of the aid agency that was in process.

"For fiscal year 1962, $50.5 million was appropriated for foreign aid administrative expenses, compared with $47.8 million for this purpose in 1961. Despite the increase, transfers were made which amounted to a further 10-percent increase in the accounts. The chairman proposed and the committee adopted an amendment which restores the prohibition on diversions of program funds to administrative expense accounts. The language of the committee would be contained in a new section 610(b) of the act." Page 31)

IV. Section 614(a), Foreign Assistanct Act of 1961:

"Sec. 614. Special Authorities.—(a) The President may authorize in each fiscal year the use of funds made available for use under this Act and the furnishing of assistance under section 506 in a total amount not of exceed $250,000,000 and the use of not to exceed $100,000,000 of foreign currencies accruing under this Act or any other law, without regard to the requirements of this Act, any law relating to receipts and credits accruing to the United States, any Act appropriating funds under this Act, or the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.), in furtherance of any of the purposes of such Acts, when the President determines that such authorization is important to the security of the United States. Not more than $50,000,000 of the funds under this subsection may be allocated to any one country in any fiscal year. The limitation contained in the preceding sentence shall not apply to any country which is a victim of active Communist or Communist-supported aggression."

Section 614(a) of the Foreign Assistance Act of 1961 gives the President power to authorize in any fiscal year the use of not to exceed $250,000,000 of the funds made available under the Foreign Assistance Act of 1961, including funds for furnishing of assistance under section 506 (special authority funds), and the use of not to exceed $100,000,000 of foreign currencies accruing under the Foreign Assistance Act of 1961 or any other Act without having to meet the requirements of that Act, any law relating to receipts and credits accruing to the United States, any Act appropriating funds for use under the Foreign Assistance Act of 1961, or the Mutual Defense Assistance Control Act of 1951, if such funds are used in furtherance of any of the purposes of those Acts and if the President determines that such authorization is important to the security of the United States.

The Senate Report on the Foreign Assistance Act of 1961 (Rept. No. 612, 87th Cong.) contained the following statement regarding the first sentence of section 614(a):

"This section contains three kinds of special authorities for the President, all of them analogous to authorities now found in sections 403 and 451 of the Mutual Security Act.

"Subsection (a) provides that the President may authorize the furnishing of assistance of $250 million a year without regard to the requirements of this bill, the Battle Act, or any act appropriating funds for use under this bill or amendments thereto. Within the specified limit of $250 million, this authority applies to funds made available for use under this bill as well as to Department of Defense funds which may be used under authority of section 510 (see above). The President has had similar authority, in regard to similar amounts in the past." (Page 33).

The second sentence of section 614(a) limits to $50,000,000 the amount that can be made available by the President to any one country in any fiscal year under the authority of such section. The third sentence of such section was added by the Foreign Assistance Act of 1966 and provided that the $50,000,000 contained in the second sentence would not apply to any country which is the victim of active Communist or Communist supported aggression.

Personnel within the Department of State estimate that the President has exercised his waiver authority under the provisions of section 614(a) of the Foreign Assistance Act of 1961 to furnish assistance to foreign countries approximately 60 times. In most cases the waivers have been made to provide military assistance; and in most cases the waivers were of a minor technical nature and did not, according to State Department personnel, involve major policy considerations.

The legislative history of this section contains no discussion on whether the President may exercise his waiver authority retroactively.

V. Section 3(a)(1), Foreign Military Sales Act

"Sec. 3. Eligibility.—(a) No defense article or defense service shall be sold by the United States Government under this Act to any country or international organization unless—

"(1) the President finds that the furnishing of defense articles and defense services to such country or international organization will strengthen the security of the United States and promote world peace;"

Clause (1) of Section 3(a) of the Foreign Military Sales Act prohibits the United States Government from selling any defense article or defense service under the Act to any country or international organization unless the President finds that selling the articles or services will strengthen United States security and promote world peace. There is no requirement that the President submit a report to the Congress or any finding he has made under such clause. The Senate report on this Act gives no explanation of the intent or purpose of the clause.

VI. "Military Assistance," Title I, Foreign Assistance and Related Programs Appropriation Act, 1970

"*Provided further,* That the military assistance program for any country shall not be increased beyond twenty per centum of the amount justified to the Congress, unless the President determines that an increase in such program is essential to the national interest of the United States and reports each such determination to the House of Representatives and the Senate within thirty days after each such determination."

The third proviso under the paragraph entitled "Military Assistance" of title I of the Foreign Assistance and Related Programs Appropriation Act, 1970, prohibits the President from increasing the military assistance program for any country by more than 20 percentum of the amount justified to the Congress unless the President determines a greater increase is "essential to the national interest of the United States" and reports that determination to both Houses of Congress within 30 days after making the determination. The Senate and House reports on this Act, and the reports on the Foreign Assistance and Related Agencies Appropriation Act, 1968, which was the Act which first included substantially the same language as the 1970 Act, do not explain the intent or purpose of the proviso.

Respectfully submitted,

LAWRENCE A. MONACO, Jr.
Assistant Counsel.

LOCAL TRAINING INITIATIVE TEACHES SKILLS—SAVES TAX DOLLARS

Mr. PROXMIRE. Mr. President, I have long held that there is no better investment than dollars spent on the training of young Americans. It is an investment that repays itself one hundredfold in the form of higher future earnings with resultant higher tax returns to the Federal Government.

A letter came into my office recently, demonstrating how a community can provide substantial educational benefits at very little cost. James Kestol, coordinator of the business education department of the Janesville, Wis., Vocational Technical School, told of his experience in starting an evening keypunch class. His paper makes interesting reading. It tells how community-business cooperation can not only lower the cost of education to the community but also provide substantial benefits to local business.

So that Senators may read about the Janesville experience, and, it is hoped, profit from it I ask unanimous consent that Mr. Kestol's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW TO START A KEYPUNCH CLASS

(By James Kestol)

Keypunch operators are in demand in all parts of the country. One need only observe the Help Wanted columns in almost any newspaper to realize that here is a field of opportunity that, with a little training, can result in a good paying job.

It was a memorable day in 1963 when our school received its first keypunch machine. Six months later, another machine was added in our business education department.

Our school offered keypunch training in conjunction with office machines courses which are given in both day and evening classes. Our evening classes continued to grow until we were offering three classes per week. Because of the popularity and success of our program, this report is intended for anyone who wishes to explore the possibilities of organizing an evening class for adults. One of the problems that confronted us was that most of the students in evening school wanted only keypunch training, and with only two machines, there was not much time for actual student operation. A three-hour class with 25 students would allow about fifteen minutes actual operating time per student per evening. The remainder of the time had to be spent on calculators, bookkeeping machines, or comptometers, whichever happened to be available. It was somewhat frustrating at times for both teacher and students.

This procedure continued for several years until we worked out a plan with a nearby data center to utilize their equipment in a keypunch class to train some operators. This particular data center serves a wide area including the states of Illinois, Iowa, New York, and Wisconsin, and it has a good supply of keypunch machines along with a desire to recruit new employees. What could be better than training a class of students and then hiring the best ones?

Before proceeding too far, it is necessary to get the approval of your school administrator or other school officials. Generally, they are happy to see an opportunity opening for the benefit of local people. Be sure to get details of approximate size of class, costs, and books to be used, along with other pertinent information relative to the organization of a class. There are a number of good textbooks and manuals on the market that can be used for the course.

Our school employed the supervisor at the data center as the instructor for two evenings a week during the five-week training period. We made a strong effort to keep the size of the class to about 10 or 12 members (never were there more than 13 registered in any one class). Some of the prerequisites for taking the course were: Experience with a keypunch machine, card-punch aptitude, or good type writing ability (40 wpm). We tried to select students who had previous training or some knowledge of keypunch operation as they are easier to teach and are familiar with procedures. One of the requirements of our evening school administration is that each instructor must provide a complete outline of material to be covered in each class during the term.

The class objectives were to complete a required number of lessons in ten sessions; to familiarize the students with the keypunch machine, drum cards, and formats; and to perform exercises on the machine, make their own drum cards, and verify their work. At every session, there was a production test, and records were kept to carefully watch student progress.

Very favorable results were obtained, and rapid progress was made by members of the class. Actual problems were worked out by the students which gave the program significant impetus. The data center had the prerogative to employ any of the students that met their requirements, as that was part of the original agreement.

This training procedure is continuing to operate successfully, and our school, the data center, and the students are all happy with the results. Any school could put a similar plan into effect, adapt it to their local needs and save the taxpayers many dollars in so doing.

HOW SHALL WE WORK FOR MIDDLE EAST PEACE?

Mr. SCOTT. Mr. President, the problem of peace in the Middle East is becoming more and more critical. Terrorist groups have made the ceasefire agreement engineered by the United Nations meaningless. Fighting continues on a daily basis along the Suez Canal.

The precarious balance of power between Israel and the Arab States is gravely endangered by vastly increased

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Soviet support now being given Egypt and other Arab States. This balance can only be maintained—until some more permanent solution is found—if the United States provides Israel with enough planes and other assistance to make her defense viable, and to deter the Arab States from embarking upon a new adventure of aggression.

These problems are discussed in an editorial, "How Shall We Work for Middle East Peace?" appearing in the current issue of Prevent World War III, a magazine published by the Society for the Prevention of World War III, 50 West 57th Street, New York, N.Y. The Society is a nonprofit organization which for the past 25 years has engaged in research studies concerning the cause and prevention of wars.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

How Shall We Work for Middle East Peace?

More than two-and-a-half years have elapsed since the end of the June 1967, war in the Middle East, and the parties are no nearer to a settlement than they were before the outbreak of the war. Indeed, there has been a constant escalation of border fighting, and particularly of "commando" or terrorist activity on the part of Arab guerrillas. If the present trend continues, we must begin preparing our minds for a "fourth round"—an event which may affect a much larger part of the world, considering the involvement of outside powers.

What are the facts?

In the hundred days beginning September 1, 1969, the New York press reported border fighting by regular military units on 44 days. Most of these incidents occurred in the Suez Canal region. Still more alarming was the record of commando or terrorist attacks. These averaged well over one every day.

Obviously, the UN Ceasefire Resolution is not being observed. A ceasefire which operates only about half the time—or less than half, counting the guerrilla attacks—can hardly be called a ceasefire at all.

The terrorists and guerrillas do not even pretend to accept the UN truce, or the basic Resolution of November 22, 1967, which was supposed to provide a formula for progress toward peace. In fact, these illegal forces have repeatedly stated that they reject any effort toward a political solution, from no matter what source it may originate.

The openly bellicose attitude of Arab states involved in the 1967 fighting, when their representatives attended the Arab Summit Conference at Rabat, strongly underlines this appraisal. The fact that the head of the guerrilla forces, Yasir Arafat, was seated at this conference with the virtual status of an additional head of state, makes the picture even more ominous.

ARAB GOVERNMENTS OPENLY SUPPORT CONTINUED WAR

President Gamal Abdel Nasser, addressing the opening of Egypt's General Assembly on November 6, after paying the merest lip service to the Security Council resolutions, made his war-like intentions very clear in these words:

"There is no alternative to the battle. . . . There no longer is any way out except to use force to open our own road toward what we want—over a sea of blood and under a horizon of fire."

To heavy applause, the Egyptian President continued his inflammatory talk. Egypt, he boasted, is "this year devoting to the battle 500 million pounds and placing half a million soldiers under arms."

Always in the background, we must recall the dictum of the Khartoum Conference, where the Arab states declared that they would countenance *"no peace with Israel, no recognition of Israel, no negotiations with Israel."*

All this sounds dishearteningly like the official Radio Cairo broadcast of May 30, 1967 (five days before the outbreak of war), when Egypt declared:

"With the closing of the Gulf of Aqaba, Israel is faced with two alternatives, either of which will destroy it: it will either be strangled to death by the Arab military and economic blockade; or it will perish by the fire of the Arab forces encompassing it from the south, from the north and from the east;

To this President Nasser himself added: "The armies of Egypt, Jordan, Syria and Lebanon are massed on the borders of Israel. . . . *Today the world shall know that the Arabs are girded for battle, as the fateful hour approaches."*

At the end of December 1969, this position had scarcely changed. In his Assembly address, Nasser referred to the Six-Day War only as "a setback" in the longer confrontation. As to the Suez he reported that after the so-called ceasefire, *"the people's special forces and their army forces in the field began crossing the canal to make life impossible for the enemy on the other side."* In short, as he had earlier announced to a Pan-Arab Trade Union Conference in Cairo, *"the Six-Day War was, in actual fact, the prelude to a war which has not yet ended."*

Meanwhile, the problem has been multiplied by the action of the USSR in resupplying Egypt and other Arab states with armament in almost unlimited quantity, not only replacing what was lost before, but creating an imbalance against Israel.

The position of Israel remains clear. She has declared, over and over again, her readiness to negotiate with any or all of the Arab states, at any time. This is the way in which wars have been ended, and peace restored, as long as history has any record.

Israel's position was restated by Foreign Minister Abba Eban in a formal address to the Overseas Press Club in New York, Dec. 11. "We shall continue to be prepared to negotiate without prior discussion; everything is open for discussion," he said. But he added that peace must be the purpose, and until negotiations based on mutual recognition could become possible, there could be no withdrawal from territories occupied at the ceasefire date. "There is no international policy that suggests we should withdraw without peace; national suicide is not an international obligation," Mr. Eban pointed out.

It seems to us that the next step must be for all parties to proceed to the conference table—but the way is clouded by the intransigent refusal of one side to sit down and talk. It is the clear responsibility of all peace loving nations to do whatever they can to persuade the Arab states that the time for talking is long since past, and that the patience of the world community has its limits.

Indeed, it is not only the patience of the world community that is involved; it is also a matter of safety. If a ceasefire is more frequently broken than observed, its viability as a temporary arrangement is reduced to near zero, and a situation is created which may at any moment—whether by intent or by accident—blaze up into full-scale warfare.

PEACE IMPOSSIBLE WHILE GUERRILLAS ARE UNRESTRAINED

The "ceasefire" in the Middle East has been given an Alice-in-Wonderland aspect by the attitude of the contending states toward the guerrilla groups—El Fatah, the Palestine Liberation Organization, and others.

Although the Arab governments—except Syria—have accepted the various UN resolutions, the guerrillas have not. Their leader, Yassir Arafat, has made this explicitly clear. "We see a peace achieved through the muzzles of guns," declared the Voice of Fatah, broadcast on Radio Cairo. "The Palestinian resistance has come to stay," said President Nasser in his Assembly address. Earlier, he had pointed out that although Egypt has accepted the ceasefire, this did not bind the guerrillas.

Recent events in Lebanon show how shortsighted it is to attempt any Mid-East settlement which does not also include the guerrillas. They managed to take over the policing and administration of the UNRWA camps in Jordan, and even worked out a "treaty" with the government of that unfortunate state, allowing the terrorists a free hand to fight Israel in the sector nearest the Syrian border.

In the case of the guerrillas, the challenge to peace is twofold: First, the challenge to established governments in the area; second, the challenge to the international agencies of the UN, especially UNRWA.

If a country is unable to protect the integrity of its boundaries, both as to attacks from outside and as to the conduct of attacks against neighbors when mounted from within, it has not discharged the most elementary obligation of sovereignty.

Lebanon was not permitted to exercise its sovereignty in this regard. Syria and Jordan have not chosen to do so. In these cases, full support is given to the commandos for nearly any enterprise in which they engage—and financial support is given from Egypt and other Arab states.

Indeed, the original budget of the Palestine Liberation Organization was provided, more than five years ago, by a formal action of the Arab League states, through their representatives at a Summit Conference. To argue in one breath that these are "spontaneous" movements, and in the next, that they must be given "full support," is a travesty on common sense, and leads to a situation that makes peace impossible.

The status of UNRWA is even more indefensible, because by the terms of its creation UNRWA is clearly limited to relief and rehabilitation programs. Yet, official publications of the Arab Information Office have reported that UNRWA camps are used by the guerrillas for recruiting purposes, and even as sites for "Young Lion" groups—the so-called "boy scouts" of El Fatah and the other commando outfits. In this regard, every nation supporting the UNRWA budget has a direct responsibility.

A ROLE FOR THE UNITED NATIONS?

If the present insecure and nearly nonexistent ceasefire is to be maintained at all, the United Nations must adopt a much more straight-forward approach than anything thus far seen.

A ceasefire which applies only to official armies, and ignores the more dangerous guerrillas, is utterly without meaning. Yet, every effort to get the Security Council to consider this question has met with failure. Israel has been "censured" for retaliating against commando bases—but the governments that harbor the commandos have been allowed to follow their irresponsible courses without noticeable criticism.

Likewise, attempts to make support of UNRWA conditional upon its enforcing an "off base" rule against the guerrillas have not succeeded.

More than the matter of doing even-handed justice is involved here. The credibility of the United Nations itself is at stake. If, as appears now to be the case, members of the Security Council (and other UN organs as well) persist in voting their political allegiances, in clear disregard of duties imposed by the Charter, all pretext that the

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UN functions as a judicial body must be abandoned.

Friends of the United Nations—including members of the United Nations Association—would do well to recognize this danger before it is too late. The viability of the UN as a peace-keeping agency is rooted in its reputation as an impartial organization whose actions are based on law and justice. If it comes to be regarded as the agency of a succession of temporary self-seeking power blocs, its utility will have been dangerously harmed, and the peace of the whole world will inevitably suffer.

THE ROLE OF THIRD PARTIES IN THE CONFLICT

Recent expressions of policy by President Nixon's Administration, as spelled out in Secretary Wm P. Rogers' Dec. 9 address and elsewhere, are hopeful to the extent that they again recognize the necessity of direct negotiations between the contending parties, and reaffirm for all countries "the obligation to prevent hostile acts originating from the respective territories" of the states concerned.

They leave much to be desired, however, in seeming to suggest that a "third party" settlement may be sufficient, rather than actual face-to-face peace negotiations. The "friendly broker" system resulting in a series of armistice agreements during the past 21 years, in the end paved the way to a succession of hot wars. It seems a bit late to talk again of a solution which has three times failed.

It is also impractical to think in terms of an "imposed peace" worked out either by the Big Four or the Big Two. The obvious objection to this is that the interests of the Communist World and the Free World are already in collision in the Middle East, and it is therefore impractical to expect the powers to agree upon a solution such as might evolve from direct talks between the peoples of the region. To imagine agreement on a solution that the Big Two might jointly police requires us to think in terms of utopian fiction.

More important, however, is the consideration of justice: the Middle East conflict is primary the affair of the peoples of that part of the world. No solution in which they are not the primary movers can be permanent—and the only such solution is one worked out in a peace treaty which is founded on mutual recognition of each other's existence and self-respect.

The question of Jerusalem, quite obviously, cannot be solved in Mr. Rogers' terms of reference. For 19 years the United States made no objection when this supposedly "internationalized" city was taken over by Jordan, contrary to decisions by the United Nations. For 19 years, the United Nations made no meaningful effort to establish any kind of multi-national regime. For 19 years American citizens, wishing to enter Jordan or Jordanian controlled Jerusalem, were compelled to submit to a demeaning religious test, the obvious purpose of which was to prevent the entry of Jews, whether American citizens or not. Meanwhile, three wars had been fought, and settled by temporary armistice agreements—it being clearly understood that all permanent agreements were postponed until the future.

It is now far too late for Mr. Rogers to return to a plan which the nations of the world disregarded for more than a generation, and which to all intents and purposes had been forgotten. Jerusalem is a city which has deep meaning to Christians, Jews and Moslems alike, but it is also a city which should not be divided. As to the much discussed holy shrines, there is simply no way to draw lines that would make a workable three-way—or even two-way—division of the city.

The fighting during the last two decades has not been initiated by the Israelis—but by the Arabs. It is now time to give Israel a chance to see if she can provide a fair administration of Jerusalem, and she has already embarked upon a policy of open access to all peoples, which is the first time in a long while that any such program has been offered. For the Department of State to attempt to impose its view on this matter today is an act of subrogation.

NEW THREATS TO PEACE AT RABAT CONFERENCE

Until the day before Christmas, it had been hoped that the meeting of Arab leaders at Rabat might show some tendency toward accepting reasonable political solutions in the Middle East.

It is now apparent, however, that the more belligerent Arab states will be satisfied—as of this moment—with nothing less than fighting. The Conference was unable even to issue a final communique, in spite of valiant efforts by King Hassan of Morocco. Indeed, the delegations of Iraq, Syria and Yemen outdid themselves in calling for a "holy" (or at least a leftist) war against Israel, and when they did not get their way, their ambassadors refused to participate in the closing sessions of the meeting. Egypt's President Nasser likewise walked out, when Kuwait and Saudi-Arabia refused to increase their financial support for Arab military adventurism.

The status accorded Yasir Arafat, as head of the so-called Palestine Liberation Organization (PLO), was particularly ominous. As already noted, this guerrilla group was created and voted its first budget at an Arab Summit meeting. It is subsidized from official funds. Its operations are in diametric contradiction to the injunctions of the UN Ceasefire Resolution. The fact that this violent and illegal body was so prominently "recognized" at Rabat can only be a source of grave worry for all advocates of peace.

The gravity of the PLO situation is underlined by an advertisement inserted in New York papers on December 24—the day after Rabat—by the Arab Information Center. It featured a long quotation by Dr. Izzat Tannous, head of the New York office of PLO, in which he sought sympathy on the ground that he, a "Christian Arab," would be excluded from Jerusalem by the Israelis. Apart from the fact that there is no evidence that Israel has excluded Tannous or intends to exclude him, it is certainly misleading to allow this representative of a hostile guerrilla group to allege religious discrimination. No government would willingly allow an officer or a group of hostile commandos—or of the political entity under whose aegis they fight—to enter its boundaries. The policy of the United States, the Soviet Union, and every other leading nation of the world, is firmly established in this regard. Appeals such as that sponsored by the Arab Information Center in its post-Rabat advertisement can only lead to further trouble, of a particularly undesirable kind.

AN URGENT AMERICAN RESPONSIBILITY

In the months immediately ahead, the urgent task is to see to it that—lacking a peace conference—a reasonable balance of military power is maintained.

The population and land areas of the Arab states many times outbalances that of Israel—and the official Arab view continues to be that "Israel does not exist." (Israel still does not appear as a nation on Arab maps.)

In the interim, the best that can be done is to preserve sufficient strength in Israeli hands to deter the more numerous Arabs from carrying out threats of the sort made by President Nasser and cited at the beginning of this article.

The Egyptian President has told his people, in repeated public addresses, that Moscow has "supplied without charge" arms enough to more than replace those lost in 1967. Similar aid has been extended to Syria, Jordan, Iraq and to the guerrillas. Thus the danger of war entered into upon an "easy victory" premise is constantly escalated.

The only deterrent lies in the preservation of a viable balance of power. The first step for the United States should be an immediate affirmative response to Israel's request for additional Phantom jet planes and other sophisticated equipment sufficient to ensure preservation of her existence.

Someday, the powers may be enlightened enough to enter into arms limitations agreements covering the Middle East. That day, however, is lamentably far away—and the forces of war will not wait for slow moving diplomacy to catch up. The problem of the hour, therefore, is the preservation of Israel's defense ability in the face of burgeoning might concentrated in the hands of bellicose neighbors.

SENATE ACTION NEEDED TO IMPROVE SOCIAL SECURITY

Mr. WILLIAMS of New Jersey. Mr. President, the passage of the 1970 social security amendments by the House last week is most welcome, but other major reforms are still urgently needed to improve this vital, but still imperfect program.

The 5-percent across-the-board increase in benefits will provide an additional $1.7 billion in badly needed income for 26.2 million social security recipients in 1971.

This rise, along with the 15-percent increase authorized last December, will help to bring social security benefits up to a more realistic level.

For an average retired single worker, the combined effect of both increases will raise benefits from about $100 a month to $121.80. For an elderly couple, benefits will be increased from $170 to $205.80.

In addition, the House made several improvements in the social security and medicare programs, including a cost-of-living adjustment mechanism to keep benefits current, a liberalization of the earnings test, and 100-percent benefits for widows 65 and older.

These changes are urgently needed, and I enthusiastically support such improvements.

It is also gratifying because many measures in the House-passed bill are identical or similar to provisions contained in my omnibus social security bill, S. 3100.

Mr. President, I ask unanimous consent that a table illustrating these comparisons be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS of New Jersey. However, essential finishing touches must still be made by the Senate to help perfect the House-passed bill.

BENEFIT INCREASES

For example, my omnibus bill called for a 20-percent increase in benefits beginning January 1970.

The 5-percent increase, together with the 15-percent raise, will be roughly equivalent to an overall 20-percent boost in benefits. However, the 5-percent increase will not be effective until January 1971.

In the meantime, our cost of living is rising at an annual rate of approximately

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6 to 7 percent—the most rapid increase in nearly 20 years.

At this rate the 5-percent raise would be wiped out even before the social security beneficiary received his first check in February 1971.

Therefore, I believe the Senate should urge a 10-percent increase in the bill it will soon consider.

MINIMUM BENEFITS

One glaring omission in the House bill is the failure to come to grips with the problem of minimum benefits. Because of the present inadequate base, a 5-percent raise will only increase the minimum monthly benefit for a single person from $64 to $67.20.

This is only a token measure and will be totally inadequate for a person living in poverty.

For this reason, I urge that the minimum monthly benefit be raised to $90 immediately and to $120 by 1972. It is estimated that this approach, together with the overall 20-percent increase in benefits, would move approximately 2.1 million people out of poverty—nearly 1.4 million persons 65 and older and another 700,000 under 65.

COST-OF-LIVING ADJUSTMENT

The cost-of-living adjustment mechanism, which will take effect in 1972, is urgently needed and welcomed. But, I believe that benefits must still be raised to a more realistic level than provided in the House bill before this automatic escalator is employed.

My bill would also provide for automatic adjustments, but would provide for a second 20-percent across-the-board increase in 1972 before benefits would be automatically adjusted for increases in the cost of living.

With this second increase, social security recipients will not find themselves locked in at inadequate benefit levels.

LIBERALIZED DISABILITY BENEFITS

Mr. President, the Senate must also consider a number of other vitally needed improvements to the social security and medicare programs which were not included in the House bill.

Disability assistance under social security is still too limited for persons in great need.

Under existing law disability benefits are payable only after a 6-month waiting period, provided the disability is expected to last for at least 12 months or to result in death. Moreover, the worker must be unable to engage in any substantial activity.

S. 3100, I believe, provides a more rational and effective approach to this crucial problem. It would:

Reduce the waiting period from 6 to 3 months;

Eliminate the requirement that the disability be expected to last 12 months or result in death; and

Permit workers aged 55 to 64 to qualify if they are unable to engage in substantial gainful activity in their regular work.

GENERAL REVENUE FINANCING

Another significant reform especially needed is provision for well timed and well conceived use of general revenues to help finance a portion of the social security program. Our present method of relying on payroll taxes places a regressive tax on the Nation's workers.

Since the present contribution rate is uniformly applied to all covered individuals, workers with low earnings pay a larger percentage of their total income than do higher paid persons.

In a working paper, "The Stake of Today's Workers in Retirement Security," prepared for the Senate Committee on Aging, it was emphasized that use of general revenues would provide a more equitable basis for financing part of the costs of the social security program.

> Workers of all ages, therefore, have a vital stake in making sure that the financial burden is spread in the most equitable manner.
>
> A far fairer method would be to finance this share from general revenue sources to which all taxpayers contribute and through a more progressive tax structure.

MEDICARE FOR DISABLED SOCIAL SECURITY BENEFICIARIES

While the House bill made some improvements in medicare, a number of crucial reforms were omitted.

For instance, extension of medicare to disabled social security beneficiaries under age 65 is essential. These individuals need medicare as much, if not more, as individuals 65 and older.

We know this need exists, because that need has been documented for some time. Accordingly, I urge immediate action in this crucial area, as proposed in S. 3100.

OUT-OF-HOSPITAL PRESCRIPTION DRUGS

Prescription drug expenditures constitute a major expense for elderly persons. Like other medical needs, both the quantity used and the cost per acquisition are likely to be above the averages for younger persons.

For older persons with severe chronic conditions—about 15 percent of all elderly individuals—prescription expenses are more than six times as great as for younger people.

Therefore, I believe that it is essential that the Senate bill include provision for coverage of out-of-hospital prescription drugs under medicare.

ELIMINATE PART B PREMIUMS

In addition, I urge that the supplementary medical insurance premium—now $4 per month but scheduled to rise to $5.30 this July—be eliminated. Under S. 3100, financing for part B of medicare—like the part A hospital insurance—would be replaced by payroll taxes and a matching contribution by the Federal Government.

This change alone would be equivalent to about a 5-percent increase for the average recipient.

THE STAKE FOR TODAY'S WORKERS

During the past 15 months, as chairman of the Senate Committee on Aging, I have conducted hearings on the "Economics of Aging."

During these hearings we have heard from experts, the elderly, and other knowledgeable persons.

What has emerged from this comprehensive study is a compelling call for immediate and long-range action.

Major reform in the social security system is indispensable in order that older Americans today and in the future may share in the economic abundance they have created.

Today, a majority of our 20 million elderly feel the effects of a deepening retirement income crisis. Unless substantial policy changes are made now, the number will increase markedly.

Today's workers—men and women who will be the elderly of tomorrow—thus have a major stake in an improved social security program.

Several reasons for this concern were forcefully pointed out in "The Stake of Today's Workers in Retirement Security":

> The vast bulk of the working population does not have the margin between income and outgo that would permit the significant savings needed to provide for their own old age, or to even contribute significantly to raising the income from other sources.
>
> Even with the long overdue and inadequate 15-percent increase, benefits will average only $116 for the retired aged worker, $196 for an aged couple, and $101 for the aged widow.
>
> Projections to 1980 indicate that about half the couples and more than three-fourths of the unmarried retirees will receive $3,000 or less in pension income. And these projections use relatively liberal assumptions with respect to increases in private and public benefit levels.
>
> Even under earlier projections, now known to be too optimistic, only a third to two-fifths of all aged persons were expected to have income from private group pensions.
>
> It is for reasons like these that present inadequacies in retirement income—and the policies and trends that perpetuate them—are of urgent and direct concern to all workers and not just to our aged population.

For these reasons, I am calling upon the elderly of today, and tomorrow's retirees, to join me in urging these major changes by the Senate when the House bill is considered.

EXHIBIT 1

COMPARISON OF S. 3100 AND H.R. 17550

H.R. 17550	S. 3100
1. Benefit increase	*1. Benefit increase*
The Social Security Amendments of 1969 (Public Law 91-172) provided for a 15 percent across-the-board increase in benefits, effective January 1970. H.R. 17550 would raise benefits by another 5 percent, effective January 1971. Minimum monthly benefits for a single person would be raised under Public Law 91-172 and H.R. 17550 from $55 to $67.20.	S. 3100 provides for a 20 percent across-the-board increase in benefits, effective January 1970; and a second 20 percent raise, effective January 1972. Minimum benefits for a single person would be raised to $90 by 1970 and $120 by 1972.

EXHIBIT 1—Continued

COMPARISON OF S. 3100 AND H.R. 17550

H.R. 17550	S. 3100
2. Cost-of-living adjustment An automatic cost-of-living adjustment mechanism, beginning in 1972, will help keep benefits current with rises in the cost-of-living. For each 3 percent increase in the Consumer Price Index, benefits would be raised accordingly.	*2. Cost-of-living adjustment* A similar adjustment is provided in the Williams bill. However, this automatic escalator would be employed after benefits had been raised by 44 percent and the minimum benefit had been increased to $120 per month.
3. 100 percent benefits for widows Widows 65 and older would receive 100 percent of their deceased spouse's retirement benefit, instead of the present 82½ percent. This will provide about $700 million in additional benefits for 3.3 million persons, and the average widow's benefit will increase from $102 a month to $123.	*3. 100 percent benefits for widows* Identical provision in the Williams bill.
4. Liberalization of the earnings test Beneficiaries under 72 years of age will be permitted to have $2,000 annual earnings, instead of the present $1,680, before their Social Security benefits would be reduced. For earnings in excess of $2,000 but not greater than $3,200, $1 in benefits would be withheld for each $2 of earnings. Thereafter, $1 in benefits would be reduced for each $1 of earnings. Approximately 900,000 individuals will receive an additional $475 million in extra benefits from this change.	*4. Liberalization of the earnings test* The annual earnings limitation for persons under 72 would be raised from $1,680 to $1,800. For earnings greater than $1,800 but not in excess of $3,000, $1 would be withheld for each $2 of earnings. For additional earnings, $3 would be withheld for each $4 of earnings.
5. Age 62 computation point for men The method of computing benefits for men would be based on working years up to age 62 (the same as for women), instead of the current 65 year requirement. About 10.2 million individuals—male workers and their dependents and survivors—will receive an estimated $925 million in increased benefits.	*5. Age 62 computation point for men* Identical provision in S. 3100.
6. Wage credits for armed service members Noncontributory credits of $100 a month would be provided for computation of Social Security benefits for servicemen for the period from 1957—when military service was covered under Social Security—through 1967. Approximately 130,000 beneficiaries would be immediately eligible for higher benefits, and $35 million in additional benefits would be paid out in 1971.	*6. Wage credits for armed service members* Identical provisions in S. 3100.
7. Disabled child's benefits Childhood disability benefits would be payable to a disabled adult son or daughter whose disability began after age 18 and before age 22. Under present law, a person must have become disabled before age 18 to qualify for childhood disability benefits on his parent's Social Security account. About 13,000 persons would be eligible for an additional $10 million in benefits.	*7. Disabled child's benefits* Benefits would be provided for the disabled child of a worker provided that the disability begins before age 22, rather than age 18.
8. Special age 72 payments Public Law 91–172 raised this benefit for a single person from $40 to $46 a month. H.R. 17550 would further increase this benefit to $48.30.	*8. Special age 72 payments* S. 3100 provides for a comparable increase, effective January 1970 rather than January 1971. However, S. 3100 provides for a second 20 percent increase, effective January 1972.

TROUBLE IN THE FEDERAL HEALTH ESTABLISHMENT

Mr. YARBOROUGH. Mr. President, writing in yesterday's Washington Post, Mr. Victor Cohn described in some detail the worsening crisis of confidence within those agencies of the Government which administer vital health programs. He describes how a series of unfortunate events has combined to create a climate which may well result in the resignation or purging of a number of dedicated and competent officials at HEW.

Mr. Cohn makes clear that the effects of a contracting Federal budget for health programs, coupled with the evident policy of the Nixon administration to politicize heretofore nonpolitical agencies, are both unwise and counter-productive in terms of dealing with the very real crisis this country faces in health care.

In a statement last year, President Nixon acknowledged that the country's health care system was in crisis. In view of this statement, it is ironic that we have witnessed indiscriminate and disproportionate budget cutting of health programs by the administration, vascillation and confusion on the administration's part concerning several key legislative programs which are due to expire this June, the absence of a Presidential health message this year, and now the injection of partisan politics into agency personnel selection.

The President has asked each of us to watch what the administration does, not what it says. Mr. President, I am increasingly concerned about what this administration is doing in the health area. It is not inconceivable that we here may have to more aggressively monitor these policies as a prelude to appropriate congressional action.

Mr. President, I ask unanimous consent that Mr. Cohn's article entitled, "Politics, Fund Cuts Spark Unrest in Health Agencies," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 25, 1970]

POLITICS, FUND CUTS SPARK UNREST IN HEALTH AGENCIES

(By Victor Cohn)

There is trouble in the federal health establishment.

The effect on the nation's health resources, in the opinion of many officials, could be severe.

Among the troubles, as described by high and mid-level government doctors and health scientists are:

The Nixon administration's increasing injection of politics into hirings and firings in medical science and health fields—areas where political clearance never before was a factor.

An acute lack of funds. Health—especially mental health projects and training—have been among the hardest hit fields in anti-inflation Johnson and Nixon budgets.

Even worse, say the complaints, is "lack of interest." "I don't think the voice of health is being heard very clearly in the present administration," Dr. John Knowles, director of Massachusetts General Hospital, writes in the current issue of Look. "I don't think the President gives it a very high order of priority."

The ill effects, it is stated, are starting to show up in an exodus of dedicated health workers from key jobs.

Worse, it is added, the country is certain to suffer a growing shortage of doctors. "The full force" of recent research and training cutbacks "will hit us in the teeth" by 1971, Knowles charges. Many medical school deans think a whole generation of potential health scientists, teachers and medical specialists—all of whom are commonly trained in research programs—could be lost.

The health troubles began with the failure of Secretary of Health, Education and Welfare Robert Finch to win backing for appointment of Knowles as his assistant secretary for health.

Dr. Roger Egeberg, who wound up with the job, has said privately that the long delay caused by the fight over Knowles "cost health agencies millions" because there was no top official to argue for health.

But both Egeberg and Finch have found themselves repeatedly overruled or bypassed on health matters by White House aides. Some officials give Egeberg good marks for intentions but bad ones for performance. Others say, "He's doing everything he can, but he's caught in larger problems."

HEW RESIGNATION

New among these is the aftermath of the resignation May 8 of Dr. Joseph T. English, a fast-rising psychiatrist who headed HEW's Health Services and Mental Health Administration. English quit while Egeberg was in Europe; Egeberg returned, canceling a Russian trip.

Asked about reports that he was asked to resign, English said last week: "Number one, no comment. Number two, I don't deny (it)."

Immediately on his resignation, his job was removed from civil service and made

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appointive. A high-level official in the same agency said:

"The politics is getting more naked. I can assure you there has never before been the political check there is now—down to the GS-14 level." (GS-14s start at $19,643 or more.)

The appointment of a new director of mental health services, Dr. Claude Thomas; the nomination of Dr. Morris Chafetz of Boston as director of alcoholism programs; the search for a new director of mental health training—all have received political checks.

I'VE VOTED ON BOTH SIDES

So, of course, did the appointment last week of English's successor, Dr. Vernon Wilson, director of health affairs at the University of Missouri. Wilson says: "I don't consider myself either a Democrat or a Republican. I've voted on both sides. From my point of view, this is not a political appointment."

But Wilson was clearly found "acceptable," said a Missouri Democratic congressional aide. "He's a good man. He has no discoverable politics. But he's not going to rock any boats."

The administration screening of health and scientific appointments is really no secret, according to Dr. Stanley Yolles, director of the National Institute of Mental Health. "It is the stated policy of this administration to appoint as many Republicans as possible. There is screening of scientific appointments throughout the department," he said.

According to repeated rumors, and many predictions by knowledgeable persons, both Yolles and Dr. Robert Marston, director of the National Institutes of Health, are currently being screened. Both are said to be "slated to go, inside months."

REPORT DENIED

Marston is out of the country. An aide called the rumors about him "untrue."

"No one has said a single, solitary thing to me," Yolles said. "But I've heard the rumors. There's one that my successor has already been picked."

Yolles is on the bad books of HEW higher-ups for two reasons. He opposes much of an on-going decentralization of NIMH activities to regional offices. Opponents call this "the start of NIMH's dismemberment."

Yolles or his aides last year helped inspire both House and Senate to insert in NIMH legislation a veto power for the National Advisory Mental Health Council—a citizen and expert board—over regional decisions affecting one of NIMH's proudest programs.

This is the program to establish and partly support community mental health centers, which are local clinics to give emergency and day care to help keep mental health centers, which are local clinics to give emergency and day care to help keep mental patients out of hospitals. By July, 490 such centers will have been funded.

Early in his administration, President Nixon ordered that as many federal programs as possible be returned to "grass roots" control. An HEW task force under Deputy Under Secretary Fred V. Malek is trying to do so.

POWER PLAY

It sees putting the mental health centers under HEWs 10 regional offices as "better administration, closer to the people." The program's directors at NIMH see it as a "power play" to put what has been an $80-million-a-year program under the real control of HEW's nonmedical regional directors—appointees close to state and local pressures.

In any case, mental health center construction decisions were regionalized March 31; staff matters are slated to be regionalized July 1.

The national advisory council—highly disturbed—is to meet with Under Secretary Malek in June. It also believes he intends to regionalize NIMH training grants, which support 65 percent of the training of all mental health professionals.

In a letter to Dr, Robert Stubblefield of the University of Texas, council secretary, Finch recently denied this intention. But a council member says: "That doesn't fit his directives."

FUNDED LAST

NIMH is an agency with a degree of independence and strength that mental health forces fought hard to create. Mental health, they claim, is commonly submerged under general medical or administrative direction, "funded last and least."

Take away the mental health centers and the $116-million training program, notes Yolles, and "about all you'd have left" is about $87 million currently financing research and a few other small programs, hardly a strong NIMH.

NIMH as a whole is to be funded at just $346.6 million in fiscal 1971 by the Nixon budget, well below 1970's $360.3 million. There are to be no new community mental health center grants.

Narcotic and alcohol addiction programs are to rise a bit from $29.4 million to $35.5 million. But "for community treatment of narcotics in 1970, I have just $4 million left," Yolles said, "and $18 million in valid community requests." As it happens Secretary Finch—in a memo to editors last week—said, "President Nixon has designated May 24 through 30 as Drug Abuse Prevention Week."

Staff appointments are not the only place there has been HEW political pressure. A year ago Dr. Jack Weinberg, director of the Illinois Neuropsychiatric Institute, was asked to accept renomination for an advisory committee on aging. Then he was asked about his politics.

"I said, 'I worked for Sen. McCarthy,'" he reports. "I was not reappointed."

This happened "in some cases" but is no longer going on, said a department source.

Higher-ups forced the transfer of long-time civil servant Clifford Johnson as NIH public information director, presumably to make way for a political appointee. But last week Marston announced appointment of Storm Whaley, University of Arkansas vice president for health sciences—and a Democrat—as a new "director of communications," public and scientific.

"Since the news got out about Joe English," another source said, "people have been getting phone calls and tender care. We've seen appointments going through in the last few days after hanging fire since November."

The screening system, however, remains—this Republican administration's response, it seems, to the fact that a majority of mental health workers and academic research and health types happen to be Democrats.

Health Democrats and health doves are giving the administration still more problems. For months, there has been an NIH–NIMH clerk-and-professional Moratorium Committee opposing the Vietnam war—a bold move in a part of the government where there was rarely political expression before for fear of political retaliation.

Last week the movement spread to the NIMH-National Institution of Neurological Disease-National Eye Institute Assembly of Scientists—MDs and PhDs. They voted 164 to 23 to oppose U.S. involvement in Cambodia, the first time this group has ever taken a nonmedical political position.

"In every way," reported an Assembly doctor, "people here are getting more disturbed. I'd predict you haven't seen anything yet in the way of rebellion."

PARTNERS OF THE ALLIANCE

Mr. MILLER. Mr. President, I salute and commend the accomplishments of the Partners of the Alliance and the citizens participating in the Iowa Partners program in particular.

In 1964 the Partners of the Alliance program was conceived to translate the goals of the Alliance for Progress into terms of citizen participation. The purpose of these programs was to develop direct involvement of the United States and Latin American institutions, organizations, firms, civic groups, and individuals into partnerships for private sector participation in the Alliance for Progress in first, socially oriented self-help projects; second, educational and cultural exchanges; third, volunteer technical assistance; and fourth, investment in commercial ventures.

The Partners of the Alliance program, as of May 1970, is operating in 39 of our own States plus the District of Columbia, and in 41 States or areas in 17 Latin American and Caribbean countries. These "partners" are basically people—literally thousands of people, representing business and professional organizations, associations, labor, civic, and service groups, as well as students who are giving time and talent to help make the hemisphere a better place to live.

Mr. President, the Iowa Partners of the Alliance was organized in the fall of 1965. I am very proud of the Iowa Partners and wish to commend and congratulate them for their many fine accomplishments. Since 1965 many Iowans have participated in the people-to-people programs with its partner—the Mexican State of Yucatan. One Iowan, Mrs. Jeanette Westfall, of Boone, is the secretary of the Inter-American Confederation of the Partners of the Alliance—the organization designed to coordinate the activities of the Partners program.

I am pleased to point out that for the period March 15, 1969, to March 15, 1970, Iowa ranked second among the 39 States participating in the Partners program in total contributions, Iowa having contributed a total of almost $200,000. Mr. President, I ask unanimous consent to have included in the Record at the conclusion of my remarks a list of projects carried out by the Iowa Partners during this period and their approximate value. I also ask unanimous consent to include in the Record at the conclusion of my remarks an article appearing in the Boone, Iowa, News-Republican on May 6, 1970, concerning the visit of Iowa's Gov. Robert Ray to Iowa's partner, the State of Yucatan in Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MILLER. Mr. President, President Nixon on October 31 of last year proposed a new partnership in the Americas and recognized that the private sector, people-to-people approach has an important role in this new partnership. This is the underlying concept of the Partners of the Alliance program. These kinds of programs were also given major emphasis as a function of the U.S. International Development Institute proposed by the Peterson task force on international development in its recent report to President Nixon.

I believe President Nixon summed it up best in his letter to the Fourth Inter-American Conference of the Partners of the Alliance held last year in Salt Lake City, Utah, when he said:

> The creative potential of our societies can be fully realized only if individual citizens exercise initiative and are willing to reinforce the work of their governments. It is imperative that we realize this full potential if we are to deal effectively with our immense problems and achieve the kind of progress we seek.
>
> As civic-minded individuals and groups, the Partners of the Alliance are in the vanguard of voluntarism in the Americas. You are using your talents and your time constructively for our benefit, and for that of all our Sister Republics."

I hope all of the people involved in the Partners program will continue their efforts and that many others will join them to help promote the friendship, understanding and cooperation that is so necessary to make the new Partnership in the Americas envisioned by President Nixon really work.

EXHIBIT 1

Report of projects, Iowa-Yucatan Partners of the Alliance, March 15, 1969 to March 15, 1970

Education:	
130 students from Central College, Pella, Iowa, to Yucatan, to study at Colegio Peninsular, Central's "annex" college in Yucatan, in year-round work-study program	$91,000
13 college professors and wives, to assist in teaching program at Colegio Peninsular (from Central College)	2,800
5 teaching assistants from Yucatan on Central College campus to assist in Spanish department, full year	14,700
Summer, 1969, student exchange program. Iowa young people to Yucatan in work-study program; Yucatecan young people to Iowa to serve as camp counselors, study at University, and live in private homes	8,000
Cash and equipment for educational-social center in Barrera Mercedes, Merida, staffed by University of Yucatan students, and assisted by Central College students and Junior Partners group in Yucatan	1,250
12 boys from Yucatan to Iowa Y.M.C.A. camp for summer program	2,400
2 college-age boys from Yucatan to study and work with Iowa veterinarians during summer, 1969	800
U.S. history books and Iowa history books to Chetumal, Quintana Roo, (requested by governor's office)	125
Student tour of Yucatan (college age) conducted by member of Central College staff	2,000
2 committee members to Yucatan to work out program for 1970 summer exchange program	1,000
Sewing machines, record players (with teaching records) and funds for purchasing bolts of material, etc., for educational-social center in village of Maxcanu	850
Total	124,925
Medicine and health:	
Dental equipment and supplies delivered to University of Yucatan Dental School (used on charity patients at the university, and by student dentists working weekends in outlying villages)	$9,950
Medicines and medical equipment delivered during past year for use in charity hospitals, mental hospital, and village clinics	31,500
Team of 7 doctors to Xocenpich Mission in April, 1969, to work in Bethesda Clinic, in nearby villages, and by plane to outlying villages	7,000
Team of 4 doctors to Quintana Roo Territory, at request of governor of territory, to set up field clinics in outlying villages there (Jan. 1970)	4,000
Team of 2 doctors to Xocenpich Mission in March, 1970, to work in Bethesda Clinic and outlying villages	2,000
Committee member to Yucatan and Quintana Roo to set up arrangements for medical team visits (2 trips)	800
Toys, games, and other recreational items to mental hospital	50
2 visits by Iowa doctor to deliver medicines and equipment to Yucatan, and to assist in distribution of shipment sent by truck and boat	800
Medical supplies and medicines shipped in small parcels during year to nurses working in outpost areas	500
200 books on baby care and postnatal care in Spanish sent to Yucatan	100
Total	56,700
Agriculture:	
Poultry production expert to Yucatan on two visits (Nov. 1969 and Feb. 1970) to set up program through our agriculture committee in Yucatan	800
150 dozen fertile eggs to Yucatan, to be hatched in government hatcheries, and distributed by our Yucatan Partners committee to selected "campesinos" for breeding and egg production (and transportation and hatching)	200
Garden seeds provided by Iowa Federation of Garden Clubs and several Iowa seed firms	1,500
Cash assistance from Iowa Federation of Garden Clubs for slum area beautification programs and extension of garden seed program in Yucatan	500
Iowa agricultural committee chairman to Yucatan (Feb. 1970) to follow through on CSM food supplement program (corn-soya-milk product), introduced into diets in selected villages. Also to meet with leaders in experimental farm projects, and to take samples of new hi-protein lysene corn for experimentation	800
Total	3,800
Cultural exchange:	
University of Iowa Old Gold Singers to Yucatan (40 voices) in spring, 1970, to present a series of concerts in and around the Merida area	12,000
Film programs, photography by Iowans, for publicity through magazine and news media, program presentations, etc	$500
Professional photographer to Mexico to get first-hand material for publicity for Mexican Folklorico performance scheduled for Iowa (sponsored by Iowa Partners) in October 1970	500
Tourism promotion, by two personally conducted tours to Yucatan archeological sites and Partners project areas, to increase interest in Iowa-Yucatan Partners of the Alliance program (one in Nov. 1969 by Dr. Harriett Heusinkveld of Central College, and one in March 1970, by Jeanette Westfall, secretary of Iowa Partners)	1,000
Total	14,000
Total of all projects	199,425

[From the Boone (Iowa) News-Republican, May 6, 1970]

GOVERNOR RAY VISITS "PARTNER OF ALLIANCE"

Bonds of friendship between Iowa and Yucatan, Partner States under the Partners of the Alliance program, were strengthened last week with the official visit to Yucatan of Iowa's Governor Robert D. Ray. Accompanying the Governor were his wife and family, Central College President Kenneth Weller and wife and family, and William Thompson of the Governor's staff and wife and family. Also in the group were two Partners of the Alliance members, Jerry Perpich of Des Moines and Dr. R. William Westfall of Boone.

Highlight of the visit was an official ceremony on Central College's Merida campus, Colegio Peninsular, awarding honorary doctor of law degrees to Governor Ray and Yucatan's Governor Carlos Loret de Mola. Dr. Weller officiated at the ceremony, and Dr. Lawrence Mills of Central's faculty presented Governor Ray for this degree. The convention marked the completion of the second year of a cooperative program between Central College of Pella, Iowa, and the Colegio Peninsular of Merida.

In addition, it celebrated the participation of Central College in the broad educational program of the Partners of the Alliance.

Governor Ray visited the Instituto Neuro Psiquiatrico, where he presented medicines provided by central Iowa physicians, and he also observed some of the medical equipment previously supplied to this and other hospitals of Merida. He inspected rabbit and chicken production projects located in barrios of the city, and visited an educational and social center where Iowans have provided much of the equipment.

He was greeted at Barrero Mercedes by a group of Yucatecan children singing "Welcome Governor Ray" in English, and presented film projection equipment, medicines, garden seeds, and other items. The Mercedes project is staffed by volunteer students from the University of Yucatan, headed by Jorge Aguilar. The small medical and dental center here has been named in memory of Dr. H. C. Barr of Fontanelle, Iowa, whose death occurred enroute home from Yucatan last January following a medical mission to remote areas of the Peninsula.

Since time did not permit Governor Ray to visit project areas outside the city, he was briefed on a number of other Partners projects: the irrigation program at Tahdzibichen sponsored by the people of Tipton; garden and irrigation projects sponsored by the Iowa Federation of Garden Clubs; youth camps at Chuburno Puerto and Porvenir assisted by

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Presbyterians of Iowa; medical team projects at Xocenpich and in the Territory of Quintana Roo; road building and educational projects at Solferino and Sotuta; corn production projects at Yokat and other experimental farms; poultry production at Xocenpich; student exchange programs; and visits of Iowa musical groups to Yucatan.

Governor Ray visited the ancient Maya city of Uxmal and other archeological zones dating back to 700 A.D., and enjoyed other tourist attractions of the Yucatan Peninsula. He attended a small village bull fight in Muna, and was hosted by Cordemex Company, largest hennequin processor in Yucatan, during the last two days of his visit to Iowa's Partner State.

WALTER REUTHER'S LAST ADDRESS

Mr. KENNEDY. Mr. President, one of the many rich gifts that Walter Reuther has left to the people of our Nation is his broad social vision of a better America. His sudden and tragic death earlier this month robbed us of one of our greatest leaders when we could least afford to lose him.

At the time of his death, one of his most significant social programs was nearing fruition—his program for a system of comprehensive national health insurance, capable of bringing the same high quality of health care to every man, woman, and child in the Nation. As chairman of the Committee for National Health Insurance, he had labored for 2 years to develop a program to achieve this goal. Two weeks ago in a major address at the annual Albert Lasker Medical Foundation Awards ceremony in New York City, he was to have described some of the basic features of his program.

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The title of the address he planned to give is "Bridging the Gap Between Health Care Promise and Performance." In it, he described the many defects of our current system of health care in the United States and outlined a number of the proposals he intended to make.

Because of the tragedy that intervened, Walter Reuther never gave that address, but the text remains as a tribute to his perception of the critical needs of health care in America. I believe that the address will be of interest to all of us who are concerned with the quality of our health care system. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BRIDGING THE GAP BETWEEN HEALTH CARE PROMISE AND PERFORMANCE

(By Walter P. Reuther)

I came this afternoon to talk about the health care crisis in America and how we will deal with this problem. But first, I want to discuss some broader problems, because we cannot solve the health care crisis in a vacuum. Our capability to deal with this problem effectively and realistically will depend upon what we do in many other areas where we face comparable crises and challenges.

We live at a time of testing—a time of revolutionary change and challenge. The overriding question before the human family is: to what purpose shall we commit the twentieth century technological revolution? Shall we commit its power and its almost undreamed potential to man's negative and destructive purposes of war and self-destruction? Or is it possible for us to find our way out of the insanity of war and to join in extending the frontiers of social justice and human betterment?

This is really the first time in human history that man is capable of mastering his physical environment. This is the first time that the potential tools of economic abundance are adequate to satisfy man's basic material needs. We now have the opportunity to divert greater resources, as well as time and effort, toward man's growth as a social and cultural and spiritual being.

But a basic dilemma remains in the human community: science and technology have expanded man's wealth but they have not expanded man's wisdom. Science and technology have multiplied many times man's power—but they have not increased his understanding, or his compassion, or his sense of brotherhood, or his sense of human solidarity at the very time in human history when these virtues may be the very essentials of man's capability to survive.

No American who thinks about tomorrow can escape a deep concern about the fact that we live in a world deep in crisis, and that our nation is deep in crisis and that our cities are deep in crisis. In America, more than in any other nation in the world, we continue to make fantastic progress in the physical sciences, in the art of working with *things;* but we fail to make comparable advances in the human and social sciences, in the art of working and living with *man*. We have not yet fully comprehended that the quality of our society will be judged neither by the measure of our material wealth nor by our productive potential, nor by the level of our technological progress, nor by the quality of our gadgets, nor by the brightness of the chrome on the new Cadillacs and Continentals we turn out in Detroit. The real quality of our society will be measured by how we order our priorities, how we allocate our resources, and how we demonstrate both the sense of social and moral responsibility needed to translate technical progress into human progress and in finding answers to basic human and social needs.

I believe in no area of our national life is there a greater gap between promise and performance, between capability and competence and translation of that competence into practical performance than in the field of health care services.

Today's luncheon again highlights the fact that this nation has demonstrated capacity for exciting achievement in the biological sciences. As the awards demonstrate, we also have great talent in communicating and interpreting to the lay public the findings of science and their implications for improving the well-being of mankind.

Mr. Bylinsky's *Fortune* article "Biochemical Clues to Mental Illness" points up to me as a lay reader the exciting new frontiers of knowledge in this field. It shows too that we know a great deal more about how to deal with the serious problem of mental illness than is being applied in our treatment programs in this country.

Mr. Kleinerman's television program "The First 10 Months of Life", has particular interest for us in the UAW. Thirty-five percent of the members of the UAW are under the age of 30. They have an understandable interest in the kind of care which makes possible healthy babies. Mr. Kleinerman's script, which points to the possibility of reducing the likelihood of mental retardation, of blue babies, of babies born with other birth defects, is of real interest to us. It highlights that central problem in the health care field, the gap between the promise of health care knowledge and the limited performance of health care delivery of new knowledge.

THE GREAT DEBATE BEGINS

A great debate has begun over the issue of national health insurance. But the positions have not been clarified. Some holding important places in the government urge restraint on grounds that national health insurance would disgorge billions into already overburdened systems of health care delivery. But they themselves are even more restrained about improving the delivery system and closing the resources gap.

Others noted for their protection of the status quo have donned the robes of medical statesmen—or so it would appear—and suggested a national health insurance program to help pay for soaring medical bills. It would be more than convenient for them to distract attention by focusing only on the costs of care. They could demonstrate the "positive attitude" that their Madison Avenue hucksters have been urging upon them for years. In reality, what they are proposing is a raid on the federal treasury to assure two Cadillacs in every doctor's garage, a millionaire in his house, and an insurance company holding the mortgage with Uncle Sam making the payments.

But neither the go-slow group nor the generous engenderers of non-change would create the reforms the American people need in order to get the kind of health care they have a right to expect. Both groups are confusing the issues, not helping to clarify them. Their participation in the debate is sterile and impotent in terms of gainful results. They remind me of the big, over-ballyhooed prizefighter described by Ring Lardner: "His left isn't very good, but on the other hand, neither is his right."

If we are to create real systems of health care delivery, we need action and enterprise, not admonitions and warnings of imaginery evils iminent.

THE TIME IS NOW

Union members and millions of other consumers of health care are asked to pump ever increasing billions of dollars into subsidies for the waste and obsolescence of the health care non-system. The costs of hospital and medical care rise more than twice as rapidly as the inflationery increases in the overall cost of living. And when we compare improved benefits with higher costs, it is clear that most of the additional money supports waste in the name of individualism.

PRIVATE INSURANCE HAS FAILED

The private health insurance industry which organized labor helped create and support has failed.

It provides sickness insurance, not health insurance.

It fails to provide comprehensive benefits.

It fails to control costs.

It fails to control quality.

It provides practically no preventive health services.

It failed completely to make available health services to the poor and the medically indigent.

By 1968, of 178 million Americans under age 65:

13.5% (24 million) had no hospital insurance.

20% (35 million) had no surgical insurance.

34.5% (61 million) had no in-hospital medical expense insurance.

50% (89 million) had no out-of-hospital X-ray and lab insurance.

57.5% (102 million) had no insurance for doctors' office or home visits.

97.5% (173 million) had no routine dental care insurance.

In 1969, despite $12 billion in private health insurance premiums, the largest single factor in paying for health care was direct payments by patients.

LOW U.S. HEALTH STATUS

The fact that we have relied on a non-system of health care delivery has contributed to the shocking health status of our people, as shown by these appalling statistics:

—We rank no higher than 18th in life expectancy for males, among industrial nations; our death rate is higher among middle-aged males than anywhere in Western Europe and in many other countries.

—We are 11th among industrial nations in life expectancy for females; 12th in the percentage of mothers who die in childbirth; 13th in infant mortality.

—Within the U.S., infant mortality of non-white babies is almost double the rate for white babies: 35.9 non-white, 19.7 white; maternal mortality of non-white mothers is more than three times the rate for white mothers.

And yet we spend far more money for health purposes than any other nation. We spend a greater part of our gross national product. We will spend over $71 billion this year, according to recent estimates. We spent $63 billion last year. We are pouring billions and billions of additional dollars every year into a wasteful non-system.

The choice for the American people is clear. Our nation can perpetuate the present sad botch of medical insurance programs which maintain a non-system of health care filled with injustices and devoid of innovation. We can go on subsidizing the built-in waste and inefficiency of a non-system that fails to meet our essential health care needs. Or we can act in the knowledge that we must develop new ideas and new concepts, and through new social inventions create an appropriate system of national health insurance. Such a system will provide an adequate and workable financial mechanism to make high quality comprehensive health care available to every American.

THE COMMITTEE FOR NATIONAL HEALTH INSURANCE

In recognition of the clear and present danger of breakdown in our health care system and the possibility that we have a unique opportunity effectively to restructure it, a group of 100 distinguished Americans from all walks of life have come together to provide a constructive alternative to the present gaps in health care programs today.

I am proud to have associated with me as Vice-Chairman of this Committee the gracious hostess of this afternoon, Mrs. Mary Lasker. Her fellow Vice-Chairmen, Dr. Michael DeBakey and Mr. Whitney M. Young, Jr., share with me and other members of our Committee a conviction that it is possible to structure an American health care system in which no person need be deprived of necessary health services of good quality, provided in a dignified manner without economic barriers to service.

There are many anomalies in this, the richest nation in the world, including the sorry one that only in America can a family be wiped out by the costs of a serious single illness striking, even in the presence of private health insurance. Working together, we Americans can and will replace our outmoded health insurance system which permits such tragedies.

MANY PROPOSALS AND CRITERIA TO EVALUATE THEM

In response to the pressing needs a number of proposals have been advanced to provide national financing or national health insurance as a means of dealing with the health care crisis. As one who has been close to the situation, may I suggest that you evaluate these proposals against five key criteria:

1. Will the proposal alleviate the health manpower shortage?
2. Will it restrain the steeply rising costs?
3. Will it serve to organize the presently disorganized non-system?
4. Will it provide sufficient controls for the assurance of quality of care?
5. Will it provide for meaningful consumer participation?

The proposal the Committee for National Health Insurance is formulating will, we believe, deal effectively with each of the five key questions.

SEVEN KEY FEATURES OF OUR PROPOSAL

For more than a year a group of highly qualified experts have been working to develop a proposal for comprehensive coverage of health services through a nationally financed health insurance program which will use the leverage of dollars and the opportunities for improvement of programs through the health team approach to bring full service to all Americans. It will take major, new steps in bridging the gap between health care promise and performance.

The full formulation of the program will be announced by our Committee in the near future. At this time, however, I am able to share with you a number of important features of the program which will help end the health care crisis.

I. Manpower

Our nation has a critical need for health manpower. We need adequate numbers of able people possessing many skills and using them in the right places. We need to experiment with new teaching techniques and new curricula in the preparation of more professionals. We need broadened recruitment efforts and better distribution of health manpower. And perhaps most importantly, we need to make better use of the scarce manpower we now have.

Our program, through a special development funds, will seed the development of new group practices and arrangements to conserve our manpower resources. In group practice, a physician can serve 1,200–1,500 patients annually, by using other people to get things done. This compares with one physician serving only 600–750 patients, on the average, in solo practice.

Our program will provide support and incentives for developing new teaching techniques and curricula. We will make health careers an opportunity for all. And we will provide financial support for services, on an equal basis, in the ghettos and rural areas of America. But financial support alone will not serve to overcome the maldistribution problem. We need to work also for the establishment of a National Health Service Corps to make the most meaningful contribution to the re-distribution of health manpower.

II. Costs

Unless we reform the health care delivery system, it will cost us twice as much for health insurance by 1975 as we spent last year, according to an actuarial study prepared for the U.S. Civil Service Commission. The overall costs of health care will exceed $100 billion.

Our program will reduce and weed out the waste in the present non-system. Last year, of the $63 billion spent for health purposes, our experts estimate that at least $14 billion was wasted.

We can reduce waste by improving the system and creating more choices for people, and without impairing the quality of care. If we can develop 2,000 new group practice arrangements, with an average of 20 physicians in each and involving other members of the team, we can provide comprehensive health services to 60 million Americans who would otherwise require the services of twice that number of physicians and who would otherwise use twice as many hospital days.

A basic element in our plan to reduce costs is to budget for each item of service—physicians' costs, hospital costs, dentists' costs, other health professionals', etc.—and to stay within that budget. We will not invite physicians to charge whatever they want, or hospitals to run up costs and be assured of reimbursement. And we expect to provide financial incentives to those providers of service who offer comprehensive health care instead of episodic sickness treatment, and to those who demonstrate newer and more efficient ways of offering health services.

III. Constructive alternatives to disorganization

Our program not only will provide "seed" and development funds for more group practice, it will also favor group practice and teamwork among personnel in the way services will be paid for. There will be positive financial incentives to establish formal linkages among primary or personal physicians, or primary health care teams in a community, with local long-term facilities, back-up hospitals and with the medical specialists. The costs of setting up the linkages, and of communications and transportation involving patients, would be covered. So even in the absence of group practice prepayment plans, it will be financially rewarding to the doctor to provide for the full needs of his patients in an organized way.

Our program will also promote group practice, in new forms, and teamwork, in many forms, in two important ways:

1. Through the use of the special development fund, which I will describe shortly, we will provide substantial seed money for the development of new group practice programs all across America. The grants program will cover costs of bricks-and-mortar, equipment, supplies—the wherewithal for good medical practice and patient-centered health services. Physicians and other health workers will be supported where they have the desire to work together in the interests of better and more productive care for families and individuals who would voluntarily choose to join a group plan.

2. We will recognize the patient-effectiveness and the cost-effectiveness of group practice. There will be special incentives to utilize other manpower—clinical psychologists, social workers, physical therapists, occupational therapists, physicians' assistants, aides, etc. Manpower training support also will be available so that physicians' assistants can be developed and trained in the group practice setting.

In promoting group practice and teamwork, we are painfully conscious that this approach has not yet worked perfectly. But we ask, what other system will provide the individual and the family with modern health care, preserving the professional and technical excellence of the provider and the dignity of the consumer? Solo practice and self-sufficient medical practitioners were hallmarks of an earlier society and of an age of less sophisticated techniques. But they were not divinely conceived and therefore not destined to be eternal ways of doing things. The family that wants the best health care that America is capable of providing will have to look to clusters of specialists whose highly technical skills are managed for them by a family physician. With the national shortage of health manpower—particularly the physician shortage, and even assuming we do all we can we will still have a shortage of certain types of physicians ten years from now—group practice provides the best answer for extending scarce professional services to all of the American people, in an organized fashion, at reasonable costs and with assurances of quality of service unavailable in the office of the solo practitioner.

IV. Quality

We have provided for many types of activities aimed at assuring quality of service. In the first place, the unevenness of quality is

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shown by the excessive amount of surgery and hospitalization in this country. Our focus will be on maintenance of health and prevention of disease. Major surgery would not be paid for unless performed by a qualified surgeon. Continuing education by physicians would be rewarded. Quality standards would be upgraded: for example, we do not believe the government program should accept hospital standards administered by any outside accreditation body. But we recognize that so-called peer review has little if any meaning within the confines of the solo practitioner's office. We would hope to move toward real professional review—superior review—and that can be anticipated to the extent that health care is provided in an institutional setting, in a group practice program or in a hospital.

V. Consumer participation

We favor public control of the basic policies governing a health insurance program, and full public accountability for its financial and operational activities. There needs to be meaningful consumer participation at the federal, regional and local levels of the health insurance program in order to assure high public concern in both its development and administration.

We also favor providing community organizations with the incentive and support to undertake the development of local health programs, recruiting the manpower, and giving a high priority in their overall activities to the achievement of first-rate health services for people in the local communities.

This would make for radical difference from present methods by which consumers participate in a token way, if at all. In Michigan where 60% of the group members of the Blue Shield organization are UAW members, that Blue Shield has a total of 35 directors. 22 of the 35—63% are physicians. Of the 13 non-physicians, 10 are presidents, vice-presidents, chairmen, or directors of corporations. One is a university representative. One is a Hospital administrator and there is one lone labor representative.

One reason that costs continue to skyrocket is because we have here a conflict of interest situation in which physicians bargain with themselves as to how much they shall pay themselves of our money for services they render.

We have heard and have been scandalized by the fact that physicians' fees have increased twice as rapidly as the increase in the cost of living. But let me give you one clue to the possibility that this is understating the situation. At the end of 1966 when the UAW instituted its psychiatric care program, the psychiatrists in our State agreed to accept a fixed fee of $25.25 in one full therapeutic session. Two years later the Michigan Blue Shield physician-dominated board of directors switched from the fixed fee to a so-called reasonable and customary fee where the physician bills his so-called reasonable charges, which are evaluated by his organization, the Blue Shield. In 1969 the cost per service delivered by a psychiatrist increased 100%—from $25.25 to approximately $50.

VI. Special development fund

We believe that any national health proposal, now and for the future, must give assurances of availability and accessibility of services of good quality, and not merely undertake to finance services.

We will propose, as an essential part of our program, the establishment of a substantial special development fund—on the order of $500 million to $1 billion in the first year and rising to about $2.5 billion after four years—to begin to get a grip on the critical problems of resources and manpower gaps. These dollars, administered through a trust fund and supplementing other government health research and resource development efforts, would pay for establishing new group practices and for manpower training and education, and for the creation and development of new categories and skills.

The important thing to recognize is that through this fund the national mechanism which undertakes to underwrite comprehensive health benefits also assumes responsibility, and provides funds to bring about changes in the manpower and delivery system.

VII. Financing national health insurance

There are already circulating numbers of fanciful stories about how much a national health insurance system would cost. Our financial experts estimate that a properly structured national health insurance would in 1968 have been able to provide reasonably comprehensive benefits to all Americans at approximately the same figure as the outlay for personal health services in that year. The financing would essentially have three major elements: 1. It would be a part of the Social Security system. 2. There would be payroll taxes from employer, employee and general revenues. 3. Workers would be relieved from that part of their payroll contribution for which employers are already obligated under collective bargaining commitments for the purchase of health care.

CHANGE NOW—PAY LATER WILL NOT WORK

A number of well meaning officials in the Federal Government are admitting to the existence of a health care crisis but proposing that first we must solve the health manpower shortage, then we must change the delivery system, and then we will be able to face up to the need for national health insurance.

This is a counsel of delay and despair. It follows the course this country has pursued for 25 years and the problems of shortages and inadequate delivery are worse than at any point since the end of World War II. The CNHI has the conviction that only through using the leverage of national funds available for the purchase of care will it be possible in any significant way to deal with the manpower problems and the organization problems which are the center of concern.

This nation can bridge the gap between health care promise and performance and can do it while most of us are still around to profit from it. If it does not take hold steps to do the job and do it now, many more of us and our children will continue to be the losers.

A CALL TO REASON

Mr. HUGHES. Mr. President, the Senator from Indiana (Mr. HARTKE), a longstanding critic of the Vietnam war, has been returning to the campuses of Indiana to preach a doctrine of peace and hope. He is counseling students that, despite their frustration about the Indochina war and their grief over Kent State and Jackson State, they must not resort to violence.

He states:

> Violence will prolong the war, not end it. It will sacrifice lives, not save them. And it will place a loaded gun at the temple of our American democracy.

Instead of violence, Senator HARTKE urges political activity, which, he points out, is still the best process of change known. As Senator HARTKE states:

> If you want democracy to work you must work for democracy.

I believe that this is a message of general interest. For that reason, I ask unanimous consent that Senator HARTKE's recent speech to the students of Indiana University, Bloomington, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A CALL TO REASON

Let me assure you at the outset that your voice is being heard in Washington and throughout the Nation. Be assured that I and others in the United States Senate are doing everything within our power to end the conflict in Indochina.

I want this war to end, and I want it to end now.

You have my support, as you have had it for over five years, in your efforts through peaceful means to end the conflict in Vietnam, Laos, and Cambodia.

The Vietnam war, the longest war in United States history, has now engulfed Laos and Cambodia.

The slaughter of American youths now extends from the bloody jungle paths of Indochina to the green and pleasant hills of an Ohio campus, to the heartland of the South—Jackson, Mississippi.

Our cities decay and our economy buckles, and a vastly increased number of Americans of all ages have grown suspicious of our leaders and skeptical of our institutions.

No matter what President Nixon and his advisers may think, the deepest problem we face today is not military but political—and I mean political in that profound aristotelian sense that involves the very life of society. For American society is threatened today in a way that has only one parallel in my lifetime, and that is pre-Hitler Germany, the Germany of 1930 to 1933.

Then as now parents were set against their children. Then as now violence erupted in the streets and on campuses. Then as now men in government called into question the basic premises of the constitutional system. Then as now growing numbers of frightened citizens came to believe that the Nation's problems were too massive to be dealt with through normal political channels and procedures.

I could go on reciting parallels and analyzing differences—some of which, I grant you, make our own situation seem less perilous, but some of which—most notably racial violence at home and a disastrously unpopular war abroad—are even more menacing than anything that existed in the German scene forty years ago.

But historical parallels, no matter how suggestive, are never probative, and we have to try to understand and deal with our own situation as best we can. The basic fact is surely this: We are living in a time of desperate peril for the American political system. What we are experiencing, in fact, is what social scientists have come to call a crisis of legitimacy. By that I mean important segments of our population no longer seem to regard our institutions as being morally entitled to issue commands binding upon all. To this growing number of bitterly disaffected Americans, government now appears to exercise not moral authority but naked force. And tragically enough, the majority of Americans who find that view repugnant seem to have no better response than to call for more force to silence the dissidents.

That is the deepest meaning of the enthusiastic public response to Vice President Agnew's repeated calls for "polarization" of our people. And that is the deepest meaning of the assault by construction workers on demonstrating students in New York last week—an assault carried out under the approving eyes of the police.

That is polarization, with a vengeance—the kind of polarization that portends an era of repression unlike anything we have ever seen in America. And the kind of repression it portends—let me tell you this with as

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much conviction as I can—will not stop with silencing students and making hippies get haircuts. It will be a repression that will sound the death knell of the American experiment, in freedom and self-government.

Some years ago I heard a saying that has stuck in my mind ever since. It is that when people in democracy begin to wonder whether there will be another election, that is the surest sign that there will not be another election.

I tell you now that I have begun to hear people—responsible, thoughtful people—ask whether there will be an election in 1972—whether the turmoil in America might not be so great that a truly free election will no longer be possible.

In all probability, that question implies an unduly alarmist view of our present situation. But what is most significant about it is that it *is* being asked and that it cannot be brushed aside almost automatically, as it would have been at any time since 1864. Those two facts alone are a measure of how badly divided we are and how desperately we need reconciliation.

But it should be obvious by now—even to the Attorney General, even to the global strategists in the National Security Council—it should be obvious that there can be no hope whatever of reconciliation so long as the administration pursues its present "get tough" policy in Indochina. That policy is not going to work in Indochina and it can only spell disaster in the United States.

What the President and his advisers seem to have forgotten—or else have never learned—is that Westerners have been "getting tough" in Indochina for a quarter of a century, and all they have succeeded in doing is to soak the earth with blood. Richard Nixon himself advocated getting tough back in 1954—but President Eisenhower, to his eternal credit, overruled Mr. Nixon and the Secretary of State and most of the Joint Chiefs of Staff, and decided instead that no conceivable American interest in Indochina could warrant the use of American troops there.

What a tragedy it has been for all of us that three subsequent Presidents decided otherwise—decided that if only we got tough enough, the Vietnamese would agree to let us arrange their destiny for them.

So, first Vietnam and now Laos and Cambodia have been turned into a gigantic slaughterhouse, and the blood of tens of thousands of courageous young Americans mingles with the blood of hundreds of thousands of Asian men, women and children, who only wanted to be left alone.

Surely, in God's name, the killing has gone on long enough! Surely by now we have learned that those whom we have made our enemies in Indochina will not cave in to the kind of toughness we are prepared to hand out to them.

And while we stumble from one bloody orgy to another in Indochina, here at home this latest "get tough" policy has succeeded only in bringing death to a peaceful Ohio campus, a Jackson, Mississippi campus, and radicalizing countless thousands of college students who, before Cambodia, Kent State, and Jackson State, had been model members of Mr. Nixon's "silent majority."

And there have been other, less visible but no less dangerous consequences as well. Escalating war costs will produce a further deterioration in our economy. A sharp increase in frustration and anger and despair among all segments of the population—not just among college students—has already showed up in the polls and portends that greater polarization of which I have already spoken and the gulf of distrust between the President and the Senate has widened to the point where it now takes on the dimensions of a real constitutional crisis.

A policy so fraught with dangerous consequences can only be described as a disaster. It must not be allowed to continue.

Each of us must work for its reversal with every peaceful means available to us. And I must stress *peaceful* because the use of violence will only increase the tension and hasten the advent of massive armed repression. I am told that some leftist revolutionaries regard that as a desirable outcome—on the inutterably stupid theory that such repression would, in their words, "reveal the fascist character of America's ruling class."

Well, I can only tell you that the analogy to pre-Hitler Germany never comes across as clearly as it does when people talk about wanting to goad the government into armed repression. For that is just what the German Communists of the early 1930's talked about and plotted for. A refugee friend of mine has described how Communist leaders actually hailed the coming of Hitler to power in March 1933, because they were convinced that a leftwing revolution would follow shortly, I do not need to remind you how mistaken they were—and with what frightful consequences for mankind.

By the same token, today, violence on our campuses and in our streets is the surest possible way to bring about the kind of armed repression that will sweep all the militants into jail or into their graves. At the very least, it will provide the advocates of a wider war with the kind of despairing public support which they do not now enjoy. In short, it can only be brutally counterproductive. It will prolong the war, not end it. It will sacrifice lives, not save them, and it will place a loaded gun at the temple of our American democracy.

So I say to you again that each of us must work to reverse so disastrous a policy with all the peaceful means at our command. And we must keep working no matter what setbacks we may receive and no matter how ineffective any particular effort may appear. Let me remind you that I have been at this for five long years now—since February 6, 1965, to be exact—two days before the bombing of North Vietnam was started and at a time when only 267 young Americans had fallen. So I know something of the disappointment and frustration and even helplessness that many of you must feel. I have lived long enough to be battered by the realities of this war; but not long enough to be downed by them.

But I say to you as strongly as I can that our efforts for peace must continue! We dare not relapse into silence or plunge blindly into violence!

Had those of us in the Senate and those of you on the campus not taken up the challenge five years ago, Vietnam would long since have become a wider and far more terrible war. We have prevented that. And now we can press ahead to stop the killing and bring our men home and let the people of Indochina work out their own destiny as they see fit.

Let me tell you what we are doing in the Senate to bring that about.

A number of resolutions and amendments are being readied for action right now. Among them is one to repeal the grossly abused Gulf of Tonkin resolution. Thereby depriving the president of whatever shade of legitimacy he has claimed for his and his predecessor's escalation. I am a sponsor of this motion to repeal, and I am confident it will succeed in the next few days.

Of more direct and immediate effect is an amendment to the Foreign Military Sales Act which will be voted on this week. This amendment, which I have co-sponsored with Senators Church and Cooper, would bar the use of any U.S. funds to support military efforts in, or aid to, Cambodia. I can tell you that its chances of passage are excellent.

And, most importantly, almost 20 of us have joined in sponsoring an amendment to the Military Procurement Authorization Act which has become known as the "end the war amendment." Quite simply, it would cut off all military expenditures for Cambodia within 30 days of enactment, all military expenditures for Laos by December 31, of this year, and all military expenditures for Vietnam by June 30, 1971.

It would end the war. And I shall do all in my power to see that it is passed when it comes to a vote next month.

That is what we in the Senate are doing to work for peace. Now let me suggest what you and your families and your friends can do.

You can continue your protests against the war through all peaceful means.

Do not underestimate the effectiveness of letters and petitions to members of Congress. That is one of the few ways we have of getting any idea of what our constituents are thinking on major issues.

Above all, let me emphasize to you young people that the common meeting ground between you and us is politics, and political activity is the best process of change yet invented. You demonstrated its potential, even if you did not achieve its finest fruits, in 1968 when you rallied around the candidacies of Senators Kennedy and McCarthy to create one of the most vibrant political forces in your nation's history. In so doing you forced one President from office and brought in another pledged, at least, to peace.

I beg you to cling to your conviction that the killing of young men in uniform and the slaughter of innocent Asian villagers are intolerable violations of the sacred spirit that God implanted in you. These violations must not be allowed to continue, and you must join in the effort to stop them.

I beg you, too, to join in that larger effort to bring about a reconciliation between the generations—to bring parents and children together in mutual understanding and respect, so that at the very least they might be able to learn why they have drifted so far apart and how they might speak a common language again.

We can achieve neither peace abroad nor reconciliation at home by themselves. The two are inseparable and must be won together.

The time is short, the hour is grave, but I am confident that if you will give me your hand and your help—together we can achieve that newer world that we all seek.

TRANSPORTATION AND THE ELDERLY: PROGRESS TOWARD ACTION

Mr. WILLIAMS of New Jersey. Mr. President, very often—and with good reason—the complaint is made that Federal departments and agencies are incapable of effective joint action.

A refreshing rebuttal to this complaint is being provided this week at a workshop in this city on "Transportation and the Aging." It is sponsored by the U.S. Administration on Aging in the Department of Health, Education, and Welfare; by the U.S. Department of Transportation and by the U.S. Department of Housing and Urban Development.

Not only are the Federal representatives exchanging information and ideas; they have gathered—from many parts of the Nation—specialists who in one way or another are concerned either about gerontology or transportation. Participants at the 2-day workshop will undoubtedly advance many ideas which

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should lead to action meant to make transportation more readily available to the elderly at fares they can afford.

As chairman of the Special Committee on Aging, I welcome this joint action by the Federal units. The importance of transportation to the elderly may be judged by the fact that older Americans—when asked about the major problems they face—almost always list transportation inadequacies near the top, and sometimes at the very top of their lists.

The problem is discussed at some length in chapter VI of the new report just issued by the Committee on Aging, "Developments in Aging: 1969." I believe that this chapter will be useful to workshop participants and others concerned about urban development and the elderly.

Mr. President, I believe that the purposes and nature of the workshop should receive widespread public attention. For that reason, I ask unanimous consent to have printed in the RECORD the remarks made by Louis J. Pignataro, director of the Division of Transportation Planning at the Polytechnic Institute of Brooklyn, which received an AOA grant to direct the workshop and related activities.

I also ask unanimous consent to have printed in the RECORD remarks which I submitted to the workshop for inclusion in its proceedings.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

INTRODUCTORY REMARKS AND CONFERENCE BACKGROUND

(Remarks by Louis J. Pignataro)

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I would like to welcome all of you to our interdisciplinary workshop on Transportation and the Aging, and thank you all for attending. This workshop is the first of its kind in bringing together social scientists and gerontologists with transportation planners and specialists to study the mobility problems of the aging, and to develop design and operating guidelines to more adequately meet their needs.

The impetus for this conference came initially from Miss June Shmelzer, Specialist on Aging for the Department of Health, Education, and Welfare's Administration on Aging. It is particularly through her efforts and groundwork, and the support of John Gibson of the Department of Housing and Urban Development, and Dick Lam, until recently with the Department of Transportation, that this workshop has come about. I would also like to express my appreciation to the Administration on Aging of the Department of Health, Education, and Welfare, the Urban Mass Transportation Administration of the Department of Transportation, and the Department of Housing and Urban Development for their cooperation and for funding this project and for their guidance and advice.

The elderly Americans now number over 20 million, or about one-tenth of the population, and their numbers have increased throughout the nation by approximately 14 percent over the last decade. The prime objective of this workshop is to explore the possibilities of increasing the mobility of the aging population for the purposes of seeking employment, shopping, traveling for health services, entertainment, and participating in social activities.

As specialists, you have all been invited here to discuss the transportation problems of the aging from all viewpoints. It is essential to the success of future endeavors to acquaint the social scientists in the field of aging with an overview of the state-of-the-art of comprehensive urban and transportation planning procedures, principles of design, impact, and inherent operational and economic restrictions which guide our present policies. Concurrently, the transportation community must be made aware of the mobility constraints of the aged, with the dimensions and scope of their particular transportation needs. What is required is a comprehensive review and evaluation of previous and current programs and studies central to the problems of transportation and the elderly.

Particular attention should be given to current mass transportation policies, programs and demonstration projects in light of their relevance and feasibility in meeting the needs for various subgroups of the elderly, including the low-income aged. Of prime importance are the findings and accomplishments of the Administration on Aging's Research and Demonstration projects. It is essential that the social scientist and the transportation analyst be acquainted with the informational, research, organizational and other services available to them as aids in the conduct of their respective work in this field. The gaps in knowledge must be identified and appropriate research and demonstration programs should be outlined. Finally, joint recommendations must be developed to alleviate the problems and relieve the plight of our older citizens.

A question that must be answered is: how do mobility and transportation fit into the life of the older American? In an analysis made by the Bureau of Labor Statistics transportation ranked as the third largest expenditure in the average retired couple's budget. It accounted for 8.9 cents out of every dollar, and the only categories with larger expenditures were for food and housing. The true importance of the transportation role is not, however, its relative cost, but the dependence of many other activities on transportation services.

Transportation, then, is an essential condition for the accomplishment of worthy social objectives. Much more than adequate transportation is needed to provide a full life for the aged, but it is a highly desirable first step. A project conducted by the Y.M.C.A. of Metropolitan Chicago, sponsored by a grant from the Administration on Aging, provided free transportation enabling almost 2,000 senior citizens to enjoy the benefits of local health centers, welfare agencies, shopping tours, social outings and other activities to increase mobility. The usage of these centers and services was significantly higher when the transportation was provided, and this was characteristic of the situation all over the nation where the transportation system had been improved.

Without adequate transportation a tremendous obstacle is imposed on the elderly, making it difficult for them to do the simple tasks of living which they previously had taken for granted. Because of the serious lack of adequate intracity transportation, the elderly frequently abandon the idea of visiting relatives, senior citizen centers, or other social activities. Most shopping centers (excluding the CBD's) are some distance from the center of town, and elderly citizens are unable to take advantage of bargains in supermarkets and discount stores, because there are no transportation facilities serving these centers.

Costs can also be a deterrent for the elderly user. On most transportation systems currently in operation, a relatively short trip from suburb to city center can mean more than one dollar in bus and/or railway fares each way, plus two hours of travel time.

Another pertinent factor, and possibly the most important, is the fact that many older Americans just cannot manage to utilize many transportation facilities because of physical constraints. Each of the travel modes have particular inherent barriers that seriously impede their use by the elderly. The barriers involve not only fixed structural designs but also such factors as acceleration, deceleration, crowds, time constraints, scheduling and routes. The ABT Associates' report, "Travel Barriers," gives an excellent example of travel impedances. In taking a single bus ride the elderly traveler, quite, "must locate the bus stop and wait, usually standing, until the vehicle arrives. Then he must be able to climb the bus steps, deposit his fare, and locate a seat while maintaining his balance as the bus pulls away from the stop. If a seat is available he has to negotiate the aisle and be able to sit down and get up rapidly. When all the seats are filled, he must be able to ride, standing, in a crowded vehicle, holding on to a vertical stanchion or overhead grip. As the passenger approaches his destination, he has to be able to locate his stop, pull the cord and exit down the steps." If he cannot perform any one of these functions, or does not have the endurance to perform them all, he is not likely to make the trip. All the other modes of transport have similar or more severe barriers to the elderly traveler.

Unfortunately, where transportation planners and specialists have provided access to a facility, there are many additional mobility problems for the aged. Impressive staircases may enhance the appearance of a building, but they can be a very serious obstacle to the elderly visitor. How many of our essential or social resources such as hospitals, police and fire stations, libraries, post offices, and museums are inaccessible to the older American who cannot negotiate the barrier of a flight of steps? Revolving doorways are another architectural barrier presented to the elderly, and it is surprising how many buildings have these as the sole means of entrance. Escalators can also be a problem for the aged to utilize, but in many cases they are the only means of interfloor travel.

It is obvious that the scope of the mobility problem of the aged is extremely broad and complex. There are many facets to the problem and several possible solutions. The purpose of this workshop is to formulate recommendations for resolution of these issues, and possibly to yield the most efficient and effective means of solution.

The first point that must be resolved is: are there sufficient economic, social, physical and psychological justifications to warrant special considerations for the mobility of the aging? It is the firm conviction of many individuals that these considerations are justified, and that the aged are being discriminated against as a population segment under the present system.

The special consideration must take into account specific aspects of the transportation system as a whole, starting first with the accessibility of the facility and adequacy of its service. The physical restrictions of the elderly must also be evaluated, including such characteristics as walking speed, maximum walking distance, field of vision, hearing acuity, acceleration-deceleration tolerances, and others.

A program to improve the convenience of transportation for the elderly incorporating these characteristics would require policy decisions by public agencies with respect to vehicle design, station design, and other transportation components. Vehicle manufacturers are remiss in that they exhibit little initiative in attempting to overcome the physical barriers, but they are often restricted by specifications and price ceilings established by public agencies. Manufacturers and legislative bodies, however, lack the information necessary to undertake the thorough design analysis required to remove these barriers.

Along with physical criteria, economic considerations must be evaluated. Older people have less than half the income of their younger counterparts, with 40% of them at, or below, the border of poverty. Uncounted numbers of older Americans are being forced to give up lunch or dinner if they choose to make a trip to see a friend, or visit the physician, go to a movie, or go to church, or even visit a senior center. Six major cities have set up reduced fares on buses and subways for the elderly, and this may be the solution, but this is just a beginning, and the economic barriers should be removed completely.

Transportation is just one aspect of the mobility problem, however. Mobility is the capacity, capability and opportunity to move while transportation is the physical means of the movement. City plans must take into consideration the total mobility problem, and deal with it effectively through the judicious usage of street layouts, and distribution of land use. Public buildings and housing for the aged must permit comfortable entrance and egress, pleasant environment, adequate lighting, and be located in areas easily accessible to the elderly.

The improvements in the overall system should be comprehensive and an evaluation must be made between *altering* the existing system or the creation and installation of a *totally new* one, specifically for the elderly. New urban and transportation systems which are now in the planning stages should be made accessible to the nation's elderly population.

Even if the transportation and other physical mobility barriers are removed it is essential that we must direct our efforts to the psychological barriers. It is the gerontologists and other social scientists who will have to direct their attention to the basic problem of how to motivate the aged to leave their cells and participate in normal social functions.

All of these barriers must be overcome if we are to adequately serve the aged American. This population segment is entitled to enjoy the same simple pleasures in life as the rest of us without annoying inconveniences and physical and economic hardships. The goal here is to permit the elderly to feel that they are leading normal, fruitful lives in a well-balanced community, not just existing in God's waiting room.

Transportation and the Elderly

(Address by Senator Harrison A. Williams)

You may remember the story of the man who sat in the presence of a great author, listened carefully to a story told by that author, and then said:

"I wish I had said that."

And the reply, of course, was: "You will."

Somehow I feel that I am in the position of that probable plagiarist today.

During these two days you are trading much information of direct, and vital, interest to the U.S. Senate Special Committee on Aging.

You are also exchanging ideas, and ideas are certainly needed when it comes to transportation problems of the elderly.

And so, to make full use of the opportunities offered by this workshop, the Committee and the Administration on Aging—as well as the other sponsors of this conference—may be able to work together in producing two kinds of documents.

One, as I understand it, may be full-fledged proceedings of the entire two days. If all goes as planned it should be an invaluable source-book for gerontologists, urban planners, scholars, government administrators, and specialists of all kinds.

The other publication—if time and work pressures permit—would be issued by the Committee on Aging. It would draw heavily from the information to be presented here, and it would also draw from other sources. Our goal would be to issue a succinct report—almost a bulletin—describing the urgency of the problem and giving our recommendations for action.

When I say "our recommendations" I mean those that would be drafted by the Senate Committee on Aging. As you may know, the Committee is not a legislative committee; it does not report bills to the floor. Instead, it has been mandated by the Senate to keep tabs on what is happening to aged and aged Americans. We issue reports; we make recommendations; and we follow-up on those recommendations.

I might add that we have a built-in lobby group for those ideas we really favor. Every fifth Senator is a member of our Committee. Yes, that's right. Twenty Senators are on the Committee—Eleven are Democrats. Nine are Republican. And we take a nonpartisan approach to our subjects.

In fact, I refer you to our annual report—a copy has been provided to each of you—for two purposes.

For one thing, I hope you will notice the similarity between the majority and minority views. There are far more concurrences than differences.

The other reason—and the one which brings me back to the point of this speech—is that I wish to refer you to Chapter Six of that report. It deals with transportation problems of the elderly, and it begins with these words:

"Aged Americans—whether they live in crowded city neighborhoods or deep in remote rural areas—are encountering transportation problems which apparently are worsening, despite growing Federal concern about public transit needs."

You have already heard much during this workshop about those problems and about transit needs, and I will not dwell on them here except to say that time and again at Committee hearings, witnesses have told us that the elderly of this nation have two overriding problems.

The first is inadequate income, intensified by rising medical costs.

And the second is that the elderly can't find transportation at prices they can afford.

The problem is so severe that millions of elderly Americans, urban or rural, are trapped within walking distance of their homes or their apartments.

One witness, at a hearing on my urban transit bill, used a phrase that haunts me. He said that those isolated elderly actually live under house arrest.

And Commissioner Martin, one of your hosts here today, has said on more than one occasion that too many older Americans live in what amounts to be "solitary confinement".

And he is right. It is bitter, but it is true. He is right, and we in this country should be ashamed that this is so.

What happens to those who live in solitary confinement, in house arrest?

They have no way to reach destinations that mean so much to them:

Their physicians and clinics.

Their friends and family.

Their Social Security offices.

Their churches and senior centers.

And parks and public buildings meant to serve them, as well as young people.

In our report, we call it "forced immobility."

And this immobility an especially tragic consequence of our national failure to develop and sustain adequate public transportation systems.

You've heard mass transit systems described again and again as the only rational answer automobile traffic jams at rush hours. Once we regarded these jams simply nuisances and time wasters. Now we see more clearly that they threaten our very environment, too.

Who can argue with the fact that we need good public transportation systems, not only to reduce traffic and pollution during rush hours, but also for a multitude of other purposes during the day?

And yet, we are told that many mass transit systems—those that are barely solvent, and even those that are making profits—find it increasingly costly to provide service during non-rush hours.

And in rural regions, the elderly may find that automobile travel is too expensive or too risky for them. They sell their car or let it stand idle. And whatever bus or other public transportation existed in earlier days may have deteriorated or disappeared.

As a result, we have been told entirely too often at our hearings that men and women have been found dead in apartments or in old farm buildings simply because they had no way to get out for the help they needed, or to reach their friends, or simply to hear another voice.

It is all too clear that—when a person is old and perhaps weakened by pain and illness—transportation will not be used unless it is convenient and unless it is reasonably priced. And, all too often, that is not the case today.

As I said earlier, the participants at this workshop will perhaps amplify and document many of the statements I have just made.

And so, perhaps most of my remaining time can best be spent by taking a few moments to discuss something I described before as a "growing federal concern about public transit needs."

You know, when I began my first term in the Senate back in January 1959, I was told that there was no "federal interest" in urban commuter transportation.

In Potomac language, that simply means that the federal government had never been involved in mass transit, and so it should stay out. Let the states handle the problem. Let the cities do it. But Washington should stay out.

Nowadays such arguments have historical interest, but I think it's safe to say they were shot out of the water long ago. Strictly in terms of interstate commerce, for example, does the commuter from Connecticut to Manhattan not have a claim on some federal interest? In terms of the health of our national economy, shouldn't people be able to get to their jobs? And, in terms of making our urban areas more livable, shouldn't people of all ages have the means of reaching universities, libraries, museums, theaters, or a quiet place in a park or on a promontory?

My questions are rhetorical because Congress has certaintly recognized that the federal interest does indeed exist.

My first bill on urban transit languished for two years before I agreed to make it part of the Omnibus Housing Act of 1961.

As passed in June 1961, my mass transit program was not what you would call earth-shaking. It allowed only $50 million for loans to be used to save those transit systems in need of immediate, but limited, help. It also provided modest amounts for demonstration programs.

Then, with the full support of President Kennedy, I sponsored a bill which became the Urban Mass Transportation Act of 1964.

This legislation was to provide Federal grants and loans for urban mass transit. Unfortunately, during the past 5 years only $795 million has been appropriated for this purpose. The inadequacy in funding is obvious. Perhaps it is due to the fact that many people considered mass transportation to be a big city program.

Nothing could be further from the truth. It is the small town transit systems that are in the greatest danger of complete collapse. Of the 258 transit systems abandoned since 1954, 206 served communities of less than 50,000 in population. Currently, systems in communities of this size carry 181 million

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passengers annually. Without adequate Federal aid, citizens in those areas could be left without public transportation.

However, the principal shortcoming of the '64 Act was the year-to-year financing provisions of authorizations and appropriations. A long-term guaranteed Federal commitment of continuing financial assistance was found to be absolutely essential if state and local governments were to participate in the program.

The question has been asked, why is this long-term commitment of Federal funds so essential? The answer is local governments have no regular user tax available to raise matching funds for a Federally-financed transit program. Fare box revenue cannot be used; it is needed to operate already financially strained transit systems. Therefore, local matching funds must be borrowed. But bond money and other means of long-term financing cannot be raised for a project that may falter for lack of continuing Federal support.

Anyone from Atlanta or Seattle can tell you the importance of a long-term Federal commitment. Just last year, bond issues which would have provided comprehensive mass transportation systems for both of these cities were turned down by the voters.

The major reason for these disheartening defeats was the lack of a long-term Federal financing commitment. Without such a commitment, total costs could not be met. The result was a loss of public confidence. And so I called last year for establishment of a trust fund for future expansion. President Nixon and one of his Task Forces discussed several approaches; we argued; we reasoned together. And finally I introduced compromise legislation, S. 3154.

Briefly, this legislation provides for actual long-term financing for mass transportation. It gives the Secretary of Transportation contractual authority to obligate $3.1 billion over the next five years. And it was overwhelmingly approved by the Senate this February. Hearings have been conducted in the House; we are now awaiting final decisions there.

I've given this history of mass transit legislation to emphasize that there has been a change in purpose over the years, and that change should have direct meaning for older Americans and you here at this conference.

Originally, we provided emergency funds simply to keep rush-hour traffic moving. We were firemen with leaky hoses and not enough water pressure.

But, now it seems to me, we should be builders rather than rescuers.

We must look ahead. We must use mass transit legislation as a force for shaping the urban environment into more rational and livable arrangements.

There is a section in my urban mass transportation bill—the bill now awaiting House action—which provides that state or local agencies applying for Federal grants or loans must certify that the project is consistent with economic social, environmental, and urban planning of the affected areas.

Under that requirement, certainly it would be mandatory that the needs of the elderly should receive special attention. It is no secret that the central urban areas of this nation have exceptionally high concentrations of aged and aging Americans.

If a transportation system does not serve them, it is not serving a large population with desperate need of special attention.

The urban transportation bill, it seems to me, can be useful in many other ways. Commissioner Martin, in testimony before the House Committee considering my bill, made several excellent recommendations for earmarking of funds for demonstration and research. It seems to me that Congressional concurrence with the Commissioner's recommendations should be clearly stated in one way or another. I will do all I can to make this happen.

Well, as will happen when a legislator talks about one of his bills, he finds it difficult to find limits to its merits. But I will stop talking about my legislation because it is only one of the resources that should be put to work—assuming it is enacted—to deal with the problems you are talking about at this workshop.

We need far more than one bill. We need the interest of far more than one federal agency.

For that reason I want to give my heartfelt, enthusiastic praise to the sponsors of this conference. You have provided a basis for perspective. And I think this workshop can also help to provide a foundation for action.

As I indicated earlier, it is my hope that the Committee on Aging will, perhaps later this year, offer recommendations on behalf of its 20 members.

But, since we here are explorers today, I'll offer a few interim observations which may result in at least individual action on my part, or joint action by the Committee.

First, I would like to see prompt and widespread evaluation of the effectiveness of off-hour, reduced-fare programs that now serve the elderly in about 35 communities of widely varying sizes.

There is reason to believe that ridership has increased in New York City since a reduced fare plan went into effect there, and there is reason to believe that bus companies could actually increase revenues with such plans elsewhere.

I am well aware that the Administration on Aging has such evaluations under way, and I am looking forward to their findings. If ridership and revenues increase, there will be all the more reason for having federal support for viable transportation systems.

Second, I am calling upon the Urban Mass Transit Administration to devote a reasonable and proper share of research and development fund to projects that could be significant for the elderly, the disabled, and many others.

I am, for example, very much interested in the potential usefulness of the "Dial-a-Bus" concept to the elderly. I refer you to page 97 of our annual report for additional discussion of the importance of well-advanced developmental achievement in this area. I also submit for the record of this workshop a technical paper discussing the possibilities of Dial-a-Bus in more detail.

It seems to me, too, that the YMCA of Metropolitan Chicago—in its Senior Citizens Mobile Service project—has provided important evidence of the usefulness of this kind of service in a central urban area. Couldn't these lessons be applied on a broader scale in Chicago or elsewhere? Couldn't UMTA funds be useful here?

At present, there is $30 million available in the UMTA R and D fund. I understand that only $10 million is actually in use.

I ask, why? Why, in the face of so much need for new ideas, isn't every dollar now at work?

Certainly, I do not believe that all of the unused $20 million should be earmarked for the elderly. There are many other concepts that need testing and evaluation, including those that will help low-income Americans of all ages reach their jobs.

But shouldn't we insist that this money be put to use and that unique needs of the elderly receive a fair share of attention?

Third, I intend to offer an amendment to the Older Americans Act, even at this late date in a very busy year, in order to provide authorization for a special emphasis AOA program on transportation.

Fourth, For my final point I will offer the recommendations made in the annual report to which I have already referred twice.

Technical assistance should be provided by appropriate Federal agencies to acquaint municipal governing bodies and private transportation managers with facts about transit barriers, special needs of the elderly and the handicapped, and new transportation concepts which would benefit, not only the elderly, but all persons who use public transportation.

The Urban Mass Transit Administration should submit to the Congress its recommendations for removing travel barriers and using existing and potential mass transit legislation to promote worthwhile social purposes, including those discussed in the chapter on the committee report.

Provision should be made in planning the 1971 White House Conference on Aging for a preliminary report on transportation, to be prepared by a panel capable of giving adequate attention to sociological, technical, and psychological aspects of the subject. Every attempt should be made to show the relationship of transportation to service programs, existing or contemplated, for older Americans.

As you can judge by the tone and the actual content of the Committee report language, we regard transportation as a vital issue; and we certainly intend to follow up—not only on what I have said here today—but on what you will say and decide during these two days.

We have communication here; I have been honored and pleased to participate. And I look forward to additional communication in the future.

Once again, thank you for inviting me to be with you today.

VICE PRESIDENT DEDICATES STONE MOUNTAIN MEMORIAL

Mr. TALMADGE. Mr. President, on May 9, the State of Georgia officially dedicated the Stone Mountain Memorial Carving to honor Robert E. Lee, Stonewall Jackson, and Jefferson Davis, whose huge mounted figures have been carved into the face of this magnificent mountain east of the capital city of Atlanta.

We were honored to have many distinguished guests to commemorate this historic event, among them the Vice President of the United States, the Honorable SPIRO T. AGNEW, who made the principal dedication remarks. Among the others who participated in the dedication program were the Honorable Lester G. Maddox, Governor of Georgia, the Honorable BEN BLACKBURN, U.S. Representative, Fourth District of Georgia, the Honorable Ben Fortson, Georgia Secretary of State, the Honorable Thomas T. Irvin, Georgia Commissioner of Agriculture and chairman of the Stone Mountain Memorial Association, the Reverend William Holmes Borders, pastor, Wheat Street Baptist Church, Atlanta, and the Reverend George O. Green, pastor, Stone Mountain Methodist Church and Coordinator of Religious Activities for Stone Mountain Park.

It was my privilege, as chairman of the Stone Mountain Memorial Dedication Advisory Committee, to preside over the dedication.

Mr. President, I ask unanimous consent that my remarks, the official welcoming address of Governor Maddox, and the dedication address by the Vice President be placed in the RECORD, along with the names of the members of the Stone

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Mountain Memorial Association and the members of the Stone Mountain Memorial Association Dedication Advisory Committee, and a booklet on the story of historic Stone Mountain.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR HERMAN E. TALMADGE

This is a great day for Georgia and the nation.

It is, first of all, a day of deep sentiment for all of us who take pride in being Southerners. The monument we dedicate today represents a South that is now and always will be a proud part of our history and heritage.

It is also a monument of even deeper significance for all of us as Americans. For this great monument is in a true sense a symbol of the continuing role the South has played in forging of our common country.

We meet here today to pay homage to a dream that was conceived a half century ago—a dream which itself sought to honor an era of still another half century before that.

Today we witness the fulfillment of this dream. It is inscribed in the heroic figures of Lee, Jackson, and Davis, who will ride forever across the face of this impregnable mountain of gray Georgia granite.

Today, as we stand in respect beneath this majestic carving, we pay tribute to a South that is neither gone nor forgotten.

We honor a South that is a living, breathing, prospering part of America.

We commemorate a South that has contributed in full measure to the mind, muscle, and spirit of the great American nation.

We love our state and region. We love our country.

No one today is wedded to the past. But neither can we fail to learn from it. There is such a lesson in the monument we dedicate today.

The figures depicted in the Stone Mountain Memorial—astride their spirited horses, battle sabers strapped to their waists—recall a time of grave national division . . . of a war that cast state against state, brother against brother . . . that threatened to destroy the nation of the Founding Fathers.

It was the most tragic chapter in American history.

Yet, from the crucible of conflict emerged a united people and a strong nation. From it grew modern America.

Today, the American people again are tortured by division and disunity.

Though we lounge in unparalleled prosperity and economic expansion, probably at no time since the War Between the States have our citizens been so divided by a bitterness that eats away at the mind and heart of America.

Let us then make this monument a symbol not of Southern heritage alone. Let us dedicate it to the American heritage, past and present.

Let us resolve at this time and place to look at this symbol and renew the American faith. We are one people. We are one nation.

Let us stand together today united by the strength that can come from conflicts in the past . . . and determine through the oneness of national purpose to build an even greater America for the future.

Ladies and gentlemen, we are honored today by the presence of many outstanding citizens of Georgia and the nation.

Secretary of State Ben Fortson has introduced many of them to you already.

It is now my honor to present to you the Chief Executive of the State of Georgia, a Southerner of great conviction and an American of unswerving patriotism.

I give you now the host Governor of the Stone Mountain Dedication, the Honorable Lester G. Maddox and his charming wife, Virginia.

Mr. Vice President, in the interest of time, most of our distinguished guests have already been recognized prior to your arrival.

Countless people have had a special part in bringing the Stone Mountain Memorial Carving to reality.

Perhaps the first who added action to hope were the ladies of the United Daughters of the Confederacy. They desired a lasting memorial to the valor and the courage of our heritage. They set out, not just to hope but to do something about it—securing the cooperation of the Mountain's owners, raising funds, searching for a sculptor, and an artistic plan.

We honor them today through two very special ladies:

Mrs. Alice Whitley Jones, National President General of the UDC.

And Mrs. Levi C. Renfroe, Georgia's UDC President.

We join you ladies in today's proud achievement and honor you for your support through the years.

The Sons of Confederate Veterans gave momentum to the Stone Mountain project. This organization was instrumental in financing and continuing the effort.

Dr. B. H. Webster, National Commander of the Sons of Confederate Veterans, is our guest. We are proud to have you with us.

I want to take this opportunity to recognize a dedicated man who has ascended the sheer north face of the mountain for more than 1900 days in the past six years.

Charged with the physical responsibility of applying the thermo-jet torch to the granite, of transferring the dimensions from the models to the mountain, chief carver, Roy Faulkner.

As you have heard, the Stone Mountain Memorial is the culmination of the dreams and the efforts of three renowned sculptors. The first was Gutzon Borglum. The second was Augustus Lukeman. The third, Walker Hancock, accepted the responsibility for the completion of the entire Memorial area from the carving on the mountain to Memorial Hall.

For this we pay special tribute and express our appreciation for your contribution and your talent. We look forward to the completion of the entire plan that will create an area to complement the carving with added beauty and inspiration for generations to come.

We cannot salute those who have had a hand in bringing this Mountain project to completion without giving our heartfelt thanks to other leaders:

To the United States Undersecretary of Agriculture, Georgia's own, Phil Campbell, who served as chairman of the Stone Mountain Memorial Association when he was Georgia Commissioner of Agriculture. We regret that Secretary Campbell cannot be with us today because of his leading participation in the official naming of the Richard B. Russell Agricultural Research Center in Athens, Georgia, in honor of Georgia's beloved senior United States Senator.

To the Honorable Ben Fortson, Georgia's Secretary of State, who is chairman of the State Stone Mountain Authority.

To Mr. Thomas T. Irvin, present Commissioner of Agriculture and Chairman of the Stone Mountain Memorial Association.

Commissioner IRVIN. On any project of this immensity it is understandable that we could not include everyone on our honor roll who contributed to this majestic accomplishment.

However, one man in particular stands out for his foresight and judgment and leadership.

This is the man who took decisive action as Governor of Georgia to make Stone Mountain the property of the people of Georgia.

This is the man who began the movement toward development of the Park and actual completion of the Memorial Carving.

This is the man without whom none of us would be here today.

Former Governor . . . S. Marvin Griffin . . . in whose administration the purchase of the Mountain and the Park was authorized. Governor, we are especially grateful to you.

Unfortunately, Governor Griffin was unable to be with us today, but I know I speak for everyone here in extending a vote of deep thanks and appreciation to Governor Griffin for his part in making today's event possible.

* * * * *

We are honored today by the presence of a member of the Cabinet of the United States. This man's position alone gives him a distinction of major rank. But he has another distinction which makes it especially appropriate for him to be here today for the dedication of the Stone Mountain Memorial—as an American of Southern origin from Montgomery, Alabama.

Ladies and gentlemen, it is my high honor to present the Postmaster General of the United States, the Honorable Winton M. Blount.

Mr. Postmaster General, we deeply appreciate your honoring us with your presence today, and we are especially glad to be able to thank you in person for making possible the Stone Mountain commemorative stamp which I understand is to be issued in the fall. We hope you will be able to return to Stone Mountain at that time for the first day of issue. Thank you for being here today.

Our beloved senior Senator and my revered colleague Senator Richard B. Russell had hoped to be with us today but was unable to do so because of his participation in a program in his honor which will begin in Athens a few minutes from now. Senator Russell asked me to extend his greeting and best wishes to all who are here today and to extend a personal word of welcome to our guest of honor.

Senator Russell also asked me to read this statement:

"This is a glorious day for our State and nation. We commemorate today a dream that was begun more than a half century ago. It is my hope that this mighty monument will stand as a symbol—as solid and enduring as the Georgia granite in which it is carved—to the contribution the South has made and will forever make to our union of states—the United States of America."

Our State is singularly honored today. One of the guests whom it is now my privilege to present has in a relatively brief passage of time become a household word throughout the land.

I hasten to add that I do not say this in an altogether light vein. His boldness and candor in speaking out forthrightly on the issues that trouble many—if not most—Americans have made an indelible imprint on our national life in the 1970s.

His views may not be shared by all, but you may be assured that they have been heard by all. He has demonstrated a remarkable capacity for courage and fortitude in expressing his views. He has refused to be intimidated in the exercise of what he sees as his responsibilities.

During the past 15 months I have had a unique opportunity to observe and work with him in the Senate of the United States.

Unlike many of his predecessors, he has not abdicated the responsibility accorded him by the Constitution of presiding over the Senate. He has discharged his duties in that often critical post with ability and credit.

His activities have not been confined to his duties with the United States Senate, important though they are. He enjoys the confidence of the President, and has been as-

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signed vital responsibilities ranging over many areas of our national and international life.

In presenting our guest of honor, I would like to read a quotation from the central figure in the Memorial we dedicate: Robert E. Lee:

"There is a true glory and a true honor: the glory of duty done—the honor of the integrity of principle."

Ladies and gentlemen, the Vice President of the United States.

Message From the Governor

On behalf of the people of Georgia, it is my once-in-a-lifetime privilege today to present to the nation and to the world the completed Stone Mountain Memorial Carving.

It is no small gift.

This carving embodies the dreams of legions of dedicated people. It is an enduring expression of our pride in our Southern heritage and our region's contribution to the national way of life.

More than half a century has passed since the idea of this memorial was conceived. And, yet, the ideals for which it stands have remained untarnished in the hearts of the great majority of our people.

We are still a proud and passionate people—quick to fight when our homeland is threatened, and quick to forgive when battle is done and the last bugler has sounded taps over the valiant dead.

The Civil War is over, but the lessons learned from it will remain with the world as long as we have a written history.

There is little doubt in my mind that the one book which has served better than any other to give the world a fair understanding of the people who lived and died with the Confederate States of America is that written by a native Georgian, Margaret Mitchell.

I am speaking, of course, of the world-famous novel, "Gone With the Wind."

In recognition of this monumental work which, perhaps, in its own way, equals the work which we are here to view today, I am proud to take this occasion to announce that Margaret Mitchell has been elected as the first woman in Georgia's Hall of Fame.

A bust of this distinguished Georgia lady will soon be placed in the rotunda of the Georgia State Capitol with other famous Georgians where it so well deserves to be.

Many who visit here in years, even centuries, to come will realize the significance of this carving because of Margaret Mitchell's great book.

May that which has been carved in stone and penned in the pages of sympathetic history forever be engraved in the breasts of all free men—to endure long after this granite has been covered with moss and the pages of history have become yellowed with time.

Address by the Vice President

My fellow Westerners, my fellow Easterners, my fellow Northerners, my fellow Southerners:

We stand here together today because we are all fellow Americans.

At a moment like this, we are reminded that whatever our place of birth, whatever our accent, whatever our party or political bent—we stand united as a people, proud to be countrymen and grateful for our common heritage.

Half a century ago, an American President was called upon to dedicate a monument to Confederate soldiers at the National Cemetery in Arlington.

This is what Woodrow Wilson said as he declared a chapter in American history ended: ". . . I bid you turn with me your faces to the future, quickened by the memories of the past, but with nothing to do with the contests of the past, knowing, as we have shed our blood upon opposite sides, we now face and admire one another."

With Wilson, all Americans of today can stand "shoulder to shoulder to lift the burdens of mankind in the future and show the paths of freedom to all the world.

I do not come here today solely to dedicate this magnificent monument to three great Americans.

I come here representing the President to reaffirm our faith in the fact that we are one nation—drawing strength from our diversity and drawing even greater strength from our unity.

It is significant that this monument is so close to Atlanta. No American city has ever suffered more in war, and no American city has made more progress toward a spirit of genuine brotherhood.

The men we honor here today—Lee, Davis and Jackson—were bonded together in war, and now are bonded together for the ages on a great mountain of granite.

It is well that we consider some of the principles they stood for, principles which know no limit in time or region.

In the life of General Jackson, the principle that permeated his brilliant military career was, above all, *loyalty*. When surgeons amputated Jackson's left arm to try to save his life, General Robert E. Lee sent this message: "While you have only lost your left, I have lost my right arm." It is fitting that he is enshrined in granite alongside his Commander.

In the life of Jefferson Davis, the principle that will be remembered most is *dignity* in defeat. In the 24 years of his life after the Civil War, the quiet dignity of this American triumphed over all those who would abuse him. It would be well to remember, too, that when religious intolerance caused some to attack Judah Benjamin, Davis elevated him to his Secretary of State.

In the life of Robert E. Lee, we see an example of the highest principle of all—*honor*.

Lee was a man for all seasons and a man for all sections. His military genius and his personal integrity caused him to be offered the command of two great opposing armies. This man, who opposed slavery and who opposed secession, chose to accept the leadership of Confederate forces because he could not honorably, as he put it, ". . . raise my hand against my relatives, my children, my home."

During the war, he earned the devotion of the troops he led, and the deep respect of the men on the Union side. He was an American gentleman, a man of honor, and a man of nobility.

But it was the Lee *after* Appomattox that our own generation would do well to remember. He asked that every Southerner unite in "the allayment of passions, the dissipation of prejudice and the restoration of reason."

It was Lee who followed the great tradition of Jefferson and devoted the remainder of his life to education. It was Lee who urged, in words with such meaning for us today, "the thorough education of all classes of the people."

The college he led now bears his name, and it is appropriate that two citizen-soldiers who were both Virginians are linked forever in our minds at Washington and Lee.

Of all his words, this statement of Robert E. Lee should be graven in granite and impressed upon the minds of everyone in every region of this land today: "Abandon all these local animosities and make your sons Americans."

That, to my mind, is the theme of this gathering today. How do we, as a people, "make our sons Americans"?

First, we must recall those principles of loyalty, dignity and honor that shine through the lives of the men we commemorate today. These are not just old virtues—they are the bedrock of idealism that underlies our hopes for future generations.

Next, we must overcome the new slavery—the willingness of some to become slaves to their passions, devoid of reason and individuality.

Third, we must set aside the evils of sectionalism once and for all. Just as the South cannot afford to discriminate against any of its own people, the rest of the nation cannot afford to discriminate against the South. But we must not forget that each locality and region may call upon its own traditions and its own special charatcer in making its sons Americans.

Most of all, we shall make our sons Americans by behaving as Americans ourselves—compassionate and generous to our fellow man, protective of our individual liberties, determined to bring peace and freedom and order to our homeland and to the world.

I do not believe that what is past must always be prologue; if we turn aside from our past divisiveness, we can truly say as one nation: what is past is past.

The South that will make its greatest contribution to the American dream is the New South.

This New South rejects the old grievances and the old political appeals to the worst in us.

The New South embraces the future, and presses forward with a robust economy fueled by industrial development.

The New South interprets the doctrine of States rights in new ways—ways to make State and local government closely responsive to the needs of people close to home.

That is the new and enlightened spirit of the South envisioned by Robert E. Lee a century ago when he urged his countrymen to make their sons Americans.

Today, young men of the South and young men of the North are fighting side by side in Vietnam. These young men, from South Carolina to South Dakota to South Chicago, are upholding the standards of honor that make it possible for a great nation to bring some order to a threatened world.

The President has determined that there must be no close sanctuary from which these young men can be attacked.

The Oval Office in the White House has never been, and can never become, a sanctuary for anyone who wants to flee from his responsibility.

Let no one here or abroad mistake disagreement with disunity: We are reminded here today that we have paid too great a price for being one nation to let ourselves now come apart at the seams.

The Story of Georgia's Historic Stone Mountain

HISTORY AND GEOLOGY

Stone Mountain, the largest granite monolith in the world, has for centuries been a source of wonder and amazement—a great, round, smooth mountain of rock standing on the Piedmont plain.

Over 200 million years old, the mountain is said by geologists to be older than the British Isles, the Alps, the Rockies, the Pyrenees and the Himalayas. It existed before the atmosphere had enough oxygen for plant life to survive on earth.

Because Stone Mountain is unique among mountains, there have been various theories about its formation. The most plausible theory, itself based on speculation, dates back to the formation of the earth. Immense heat, pressure and molten material erupted beneath the earth's crust; the constant upward thrust lasted hundreds of years but never broke through the earth's crust which was several miles thick.

Slowly the molten mass began to cool, forming granite crystals. The cooling process took several million years, and at that time, erosion of the upper crust had already begun. As the upper crust was washed away, the great gray mountain of stone was left exposed.

XUM

The exposed granite of the mountain rises 1,683 feet above sea level. A surveyor has estimated that the mass is 7,532,750,950 cubic feet. The mountain measures more than five miles in circumference at its base. If the exposed granite were loaded in freight cars carrying 50 tons each, it would extend two and a half times around the earth.

Stone Mountain extends beneath the earth for an area of at least 100 square miles. Some geologists estimate that half of Georgia and part of North Carolina rest in the mountain's lap. The complete size of the mountain may never be accurately measured, but the exposed part, shaped like a gray whale, measures some 583 acres of nearly flawless granite.

Granite, the earth's most common plutonic rock, possibly comprises the "shell" that underlies our world. Stone Mountain granite denotes a specific classification of granite, a close-grained rock, uniformly gray in color and dense in texture and quality.

Today, the surface of the mountain is relatively smooth. The visible rock is beautifully textured and subtly colored. On it grow numerous mosses, lichen and tiny rock plants. The top of the mountain, for centuries pitted by lightning and smoothed by rains, presents fascinating contrasts.

Two varieties of tiny transparent fresh water shrimp have been found in the rainwater pools on the mountain top. Naturalists believe the shrimp have a very short life cycle, and survive from season to season because they hide their microscopic eggs in the mountain sand until more shrimp hatch.

STONE MOUNTAIN MEMORIAL ASSOCIATION MEMBERS

Thomas T. Irvin, Commissioner of Agriculture, Chairman.

Ben W. Fortson, Jr., Secretary of State, Vice-Chairman.

Arthur K. Bolton, Attorney General.

William H. Kimbrough, Chairman, Public Service Commission.

Earl R. Harwick, Atlanta, Ga.

John Hunt, Tifton, Ga.

Dr. Lane Mitchell, Atlanta, Ga.

W. L. Kinney, Secretary-Treasurer.

Thomas A. Elliott, General Manager of Stone Mountain Park.

ADVISORY COMMITTEE: STONE MOUNTAIN MEMORIAL DEDICATION

COMMITTEE MEMBERS

Herman E. Talmadge, Chairman, U.S. Senator.

Ivan Allen, Jr., Former Mayor of Atlanta.

Eugene Black, Former President of the World Bank.

Benjamin B. Blackburn, Congressman, Fourth District of Georgia.

Beverly M. DuBose, Jr., President, Atlanta Historical Society.

Howard H. (Bo) Callaway, Former Congressman, and President, Ida Cason Calloway Foundation.

Phil Campbell, Under Secretary of Agriculture.

Lucius D. Clay, General, U.S. Army (retired).

Dr. E. Merton Coulter, Author and Professor Emeritus of History, University of Georgia.

Louis Harris, Editor, Augusta Chronicle.

Clark Harrison, Chairman, DeKalb County Board of Commissioners.

Miss Alice Whitley Jones, National President General, United Daughters of the Confederacy.

G. Paul Jones, Businessman and former State Chairman of the Georgia Republican Party.

Phil Landrum, Congressman, Ninth District of Georgia anod Dean of the House Delegation.

Alexander Lawrence, Judge, U.S. District Court, Savannah.

Lester Maddox, Governor, State of Georgia.

Sam Massell, Jr., Mayor of Atlanta.

Randolph Medlock, Mayor of Stone Mountain.

J. Leonard Reinsch, President, Cox Broadcasting Corp.

Mrs. Levy C. Renfroe, President, Georgia Division, United Daughters of the Confederacy.

Dean Rusk, Former Secretary of State.

Richard B. Russell, U.S. Senator.

C. A. Scott, General Manager and Editor, Atlanta Daily World.

Randolph Thrower, U.S. Commissioner of Internal Revenue.

Dr. Bell I. Wiley, Author and Professor of History, Emory University.

Robert W. Woodruff.

Botanists have shown great interest in the wide variety of unusual vegetation of the mountain. One small shrub found at Stone Mountain, the *Hypericum Splendens* or St. Johns Wort, is found only on the west slope, and no other place in the world. Environment is the main reason for the rare plant growth. Native plants have adapted to stringent conditions; most lie dormant during the summer, germinate in the fall, grow through the wet months of winter and bloom in the spring.

Artifacts of the earliest history of Stone Mountain were discovered at the bottom of the lake at the western side of the mountain. Here anthropologists collected shards of soapstone bowls and dishes carved and used by Stone Age people possibly 5,000 years ago.

The first white man to see Stone Mountain was Captain Juan Pardo. Pardo was sent by the Spaniards in 1567 to encircle Georgia with forts. He considered his most important discovery the great stone mountain which he named "Crystal Mountain."

In the late 1700's, the mountain was used as a meeting place for the warring Cree Nation and the emissaries of President George Washington because this area was well known among settlers and Indians.

Within 50 years, two stage coach lines were running by the mountain. A small village, New Gibraltar, clustered around two inns which catered to travelers. The mountain became a favorite tourist stop, and a wooden pyramid tower crowned the summit.

Railroads followed the stages and the town of Stone Mountain was born. Tourist trade disappeared when the Civil War began. Most of the town went up in smoke when a flank of Sherman's cavalry swept through.

In the early part of the twentieth century, it was proposed that Stone Mountain be made a memorial to the Confederacy. Through many different organizations and groups, attempts were made to make the natural wonder a double wonder with a mammoth memorial carving (see memorial carving section which follows). In 1958, the Stone Mountain Memorial Association was formed by an act of the Georgia Legislature, and funds were set aside to purchase the mountain and a number of acres surrounding it for a state park. In the following decade, numerous historical, educational and entertainment facilities have been added to the park to fulfill its two-part purpose: (1.) Commemorate the contributions of the South to our American life and character. (2.) Provide a wholesome family recreational area.

The Memorial Carving. The memorial carving on Stone Mountain is considered one of the wonders of the world. It will be the largest single piece of sculptural art in the world when it is completed.

The original idea for a memorial carving was conceived by the United Daughters of the Confederacy. In 1915, the U.D.C. commissioned Gutzon Borglum, an outstanding sculptor of the period, to design and carry out the project. Borglum designed a tremendous work featuring an entire army on horseback and a cannon brigade led by the great Confederate leaders.

World War I put a stop to the carving project, but immediately after the Armistice in 1918, Borglum began his work in earnest. The project was immense and funds were limited, and by 1925 Borglum had become dissatisfied. After leaving the Stone Mountain project, Borglum directed the work on the beautiful Mount Rushmore carvings.

Augustus Lukeman was chosen to replace Borglum, but Lukeman visualized a completely different project for the mountain. In 1925 Lukeman blasted most of Borglum's work from the mountainside and began his own design, which is basically what the carving is today. Unfortunately for Lukeman, and the people of the South who were eagerly watching for the completion of the project, funds for the carving again ran low and work was halted.

It was not until 1964 that work began again on the project, and now the carving is nearing completion. Mr. Walker Kirtland Hancock of Gloucester, Massachusetts is the sculptor in charge of the project.

It is hard to comprehend the actual size of this gigantic work. Placed 36 stories above the ground, the carved-out area on the mountain's face is approximately the size of a football field. Probably the only work of sculptural art which might be compared to the Stone Mountain work is the huge figure of Buddha carved by the Chinese in 700 A.D.

When the project was first begun in the twenties, work was a slow and tedious process. Workmen used hammers and chisels and later introduced the pneumatic hammer. Today, carvers use modern industrial jet torches to cut into the face of the mountain. The torches, which actually are miniature jet engines, utilize a 3,500-degree Fahrenheit flame which escapes with a muzzle velocity of about 2,800 feet per second. They burn a mixture of kerosene and oxygen and roar with the sound of jet-powered airplanes.

The men who plan, direct and complete the world's most amazing sculpture spare no effort in their painstaking attention to detail. They know that their project is unique, and they realize that this work of art will be seen and admired by countless millions in centuries to come.

Educational facilities—one of the main purposes of Stone Mountain Park is to preserve the history and culture of the South and its people, and to portray their effect on the American way of life. To achieve this goal, many exhibition areas, museums and attractions have been established.

On the west slope of the mountain, at the beginning of the walk-up to the top, the United Daughters of the Confederacy (who originally conceived the idea of the memorial carving) constructed a flag terrace. Here four flags of the Confederate forces are displayed with a description of the use and design of each.

In Confederate Hall there is a three-dimensional map of the State of Georgia with miniature towns and soldiers. In a light and sound demonstration the visitor can see the re-enactment of the War in Georgia which includes Sherman's March to the Sea.

Memorial Hall, the main viewing station for the memorial carving, also houses one of the finest collections of Civil War relics in the South. Uniforms, flags and munitions of the North and South are on display.

The Grist Mill area of the park was set up to preserve some of the old industries of the South. The Grist Mill itself is over 100 years old and daily grinds corn into cornmeal. There is also a sorghum mill, cider press, peanut boiling pot, and moonshine still in this area. Close by is a century-old covered bridge moved to the park from Athens, Georgia.

The Ante-Bellum Plantation is a complex of 19 century-old buildings brought from throughout the state and completely restored for the park. The area is set up just as a plantation of over 100 years ago would have been, complete with carriage house, slave cabins, manor house and garden areas. The 1790 home of North Georgia pioneer Thomas Redman Thornton, given to the park by the Atlanta Art Alliance, occupies a nearby knoll.

Replicas of the *General* and the *Texas*, stars of "The Great Locomotive Chase" of the Civil War, take visitors around the base of the mountain. On the trip there is also an excellent narration about the history of the area and the Indians who lived here thousands of years ago.

Many artifacts, and a pictorial history of the Indians and pre-historic men who were the first inhabitants of the Stone Mountain area, are on display at the top of the mountain. Visitors can get to the top of the mountain by walking the 1.3 mile trail or by riding by skylift. These Swiss cablecars also offer the closest view of the memorial carving. The skylift, installed and operated by Swiss engineers, offers a smooth, scenic ride with a breath-taking view of the mountain and the park.

On the main lake of the park, the Robert E. Lee Riverboat, modeled after the boats of Mark Twain's day, takes tours of the lake area. On the riverboat tour the grist mill, covered bridge, campground and *Carillon Americana* are seen.

The *Carillon Americana* is the largest carillon in the world with 732 distinct bell tones. It was given to the park by The Coca-Cola Company after it was on exhibition at the New York World's Fair in 1964–65. Besides the lake there is a specially constructed building of stone and glass which contains the carillon console. There the visitor may sit in a beautifully landscaped stone amphitheatre to watch the carillonneur and listen to the bells.

A bit of turn-of-the-century history is preserved in the Antique Auto and Music Museum. Here 28 autos (dating from 1902) and hundreds of pieces of automotive brass and musical instruments from the early 20th century are on display.

The Wildlife Game Ranch is a 10-acre preserve. Children and adults alike can pet and feed the roaming animals. All of the animals in this area are native to Georgia. The Game Ranch has the only buffaloes on public display in the state.

Throughout the park, nature trails and gardens have been set up for the hiker and the nature lover. Greenhouses, glowing with color and new growth, are open year-round to visitors. Bridle trails have been developed in the stable area.

All of these features of the park and many more are provided for the educational and recreational pleasure of the visitor. The Stone Mountain Inn provides excellent overnight accommodations. For campers, there are modern facilities, including a swimming beach, in a rustic lake setting at the 300-site family campground. A championship golf course will be opened in June of 1969.

Historic Stone Mountain is a place of beauty and history.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER**. Is there further morning business? If not, morning business is concluded.

RELEASE OF CERTAIN CADMIUM FROM NATIONAL STOCKPILE

Mr. **CANNON**. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12941.

The **PRESIDING OFFICER** (Mr. GRAVEL) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 12941) to authorize the release of 4,080,000 pounds of cadmium from the national stockpile and the supplemental stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. **CANNON**. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

RELEASE OF CERTAIN COBALT FROM NATIONAL STOCKPILE

Mr. **CANNON**. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15021.

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15021) to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. **CANNON**. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

RELEASE OF CERTAIN BISMUTH FROM NATIONAL STOCKPILE

Mr. **CANNON**. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15831.

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15831) to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. **CANNON**. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF CASTOR OIL FROM NATIONAL STOCKPILE

Mr. **CANNON**. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15832.

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15832) to authorize the disposal of castor oil from the national stockpile and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. **CANNON**. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF CERTAIN FLUORSPAR FROM NATIONAL STOCKPILE

Mr. **CANNON**. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15833.

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15833) to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. **CANNON**. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF CERTAIN MAGNESIUM FROM NATIONAL STOCKPILE

Mr. **CANNON**. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15835.

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. **CANNON**. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed

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Mr. Cannon, Mr. Young of Ohio, and Mr. Schweiker, conferees on the part of the Senate.

DISPOSAL OF TYPE A, CHEMICAL GRADE MANGANESE ORE FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15836.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15836) to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Gravel) appointed Mr. Cannon, Mr. Young of Ohio, and Mr. Schweiker conferees on the part of the Senate.

DISPOSAL OF TYPE B, CHEMICAL GRADE MANGANESE ORE FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15837.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15837) to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Gravel) appointed Mr. Cannon, Mr. Young of Ohio, and Mr. Schweiker conferees on the part of the Senate.

DISPOSAL OF CERTAIN SHELLAC FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15838.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15838) to authorize the disposal of shellac from the national stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Gravel) appointed Mr. Cannon, Mr. Young of Ohio, and Mr. Schweiker conferees on the part of the Senate.

DISPOSAL OF CERTAIN TUNGSTEN FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15839.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15839) to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Gravel) appointed Mr. Cannon, Mr. Young of Ohio, and Mr. Schweiker conferees on the part of the Senate.

DISPOSAL OF SURINAM-TYPE METALLURGICAL GRADE BAUXITE FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15998.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15998) to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Gravel) appointed Mr. Cannon, Mr. Young of Ohio, and Mr. Schweiker conferees on the part of the Senate.

DISPOSAL OF NATURAL CEYLON AMORPHOUS LUMP GRAPHITE FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16289.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 16289) to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Gravel) appointed Mr. Cannon, Mr. Young of Ohio, and Mr. Schweiker conferees on the part of the Senate.

DISPOSAL OF REFRACTORY GRADE CHROMITE FROM THE NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16290.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 16290) to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Gravel) appointed Mr. Cannon, Mr. Young of Ohio, and Mr. Schweiker conferees on the part of the Senate.

DISPOSAL OF CHRYSOTILE ASBESTOS FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16291.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 16291) to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the

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Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF CORUNDUM FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16292.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 16292) to authorize the disposal of corundum from the national stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF NATURAL BATTERY GRADE MANGANESE ORE FROM NATIONAL STOCKPILE

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Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16295.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 16295) to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF MOLYBDENUM FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16297.

The PRESIDING OFFICER laid before the Senate a mesage from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 16297) to authorize the disposal of molybdenum from the national stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER. conferees on the part of the Senate.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. GURNEY. Mr. President, we are engaged in debate here in the Senate on the so-called Church-Cooper amendment to the Foreign Military Sales Act. I do not doubt that historians in years to come will look upon this debate, and the vote here in the Senate upon this matter, as one of the most important debates and one of the most significant decisions to come before this body in the long history of this Republic.

Why is this matter of such grave importance to this Nation? Because it involves the fundamental constitutional war responsibilities of the Presidency as well as what role should be played by the Congress in general and the Senate in particular during wartime. The words here said and the vote here taken are also of tremendous significance because it will have a direct effect upon the war effort, favorably or unfavorably. It has become the longest war in the history of the country. It has become one of the most controversial. It has become one of the most unpopular. It has become one of the most expensive. Not only has it aroused great controversy at home, but it has precipitated similar division of opinion abroad.

The President of the United States, under the Constitution, is the Commander in Chief of the Armed Forces of this Nation. The soldiers and sailors and airmen, their officers and men, do the actual fighting. The leaders both here in the Pentagon and in the field make the overall strategic and tactical decisions as to how the fighting will be conducted. The Congress of the United States, including each one of us here in the Senate, has a part in the warmaking of the Nation also, in the voting yea and nay for the funds necessary to conduct the war, as well as the legislation determining what kind of weapons our Armed Forces will use. Now while this is a joint process, waging war, between the Executive and the legislative and for that matter, all the people in the Nation, the ultimate responsibility for the conduct of the war lies with only one man, the President of the United States, as Commander in Chief.

In World War II, it was President Roosevelt who ultimately had to make the decision to land troops in North Africa and then in Sicily and Italy, and then on the beaches in Normandy. It was he who made the decision to begin the war in the South Pacific on the Island of Guadalcanal, to make the attack on Iwo Jima, Saipan, and Okinawa.

It was President Truman who made the decision to drop the bomb on Japan.

Under the Constitution, and according to the way that government was devised in this Nation by the Founding Fathers, one man and only one is the boss during wartime and that is the President of the United States.

As Mr. Truman so aptly put it, speaking of his desk in the White House, the buck stops here. The President can pass it to no one.

The buck was passed on the war in Southeast Asia to President Nixon a year ago last January upon his inauguration as the 37th President of the United States. To again put it in the vernacular the buck stopped on top of his desk at 1600 Pennsylvania Avenue. The heavy commitment in Vietnam which was begun by President Kennedy and broadened by President Johnson into one of the Nation's largest wars, became the biggest problem of the Nixon administration. I do not put it this way in any attempt to shift the responsibility for Southeast Asia now on Mr. Nixon's predecessors. Mr. Nixon ran for the Presidency well knowing that from the moment of his inauguration he would have a tiger by the tail which would be solely his to tame and cage.

Nor did he duck his responsibility. He set about doing something about it.

There were several alternatives open to the President. I am sure that he considered all the alternatives, listening to his advisers, both military and civilian, weighing all the factors, finally making his own judgment after long thought and careful analysis. This has always been his way of solving a problem, his conception of the presidency.

What were the alternatives? He might have continued the war in the same manner as the preceding administration, fighting the enemy pretty much on his own terms, in an effort to outfight and outlast him and convince the enemy that the war was too costly for him to win and hoping that he would decide to call it quits. This obviously was no course to follow. It had been tried for years and it had failed. The Communist enemy is tough and determined and resolute, a first-rate fighting man, backed up by unlimited supplies from Communist Russia and China, and entirely intent to continue the fighting without regard to his very heavy losses in the field. This method of warfare in Southeast Asia had not worked and it would not work. The President rejected this alternative.

There was the so-called enclave theory proposed by General Gavin and some others. Here the proposal was that the United States forces would withdraw to strong points where they would be secure and incapable of dislodgment. The rest of the country would be defended by the South Vietnamese. For the life of me I have never been able to see any sound reasoning behind this theory. When it was first proposed and certainly when the President took office, it simply would have meant that all of South Vietnam, except for the enclave strong points, would have been run over by the Communists in point of time and probably in fairly short time. We would then be in a position of hanging on permanently by our toenails in tiny clearings in a Communist jungle.

It would have meant complete abandonment of our purpose of being in Vietnam in the first place, and that was and is to protect a free government, and would have pinned us down permanently at least for as long as we elected to be pinned down. The enclave would have served as a permanent irritant to the Communist enemy, and have been a continual source of certain involvement for the United States in armed conflict in Southeast Asia in the future. This solution was rejected by the President and rightly so.

There was the solution of trying to win the war which would have involved resumption of bombing of the North and hitting targets which had been off limits before. Targets such as Haiphong Harbor, the capital of Hanoi, all airfields, the irrigation dikes and so on. The President rejected this, probably because he felt the domestic situation at home would not support it. The furor over Cambodia would tend to support this motion.

There was the alternative of withdrawing from Vietnam completely. Many people wanted this done, especially here in the U.S. Senate, and many of this opinion are backing the present pending amendment. The President surely must have weighed this alternative very seriously, for it seems to me that he had but two choices, either to get out of Vietnam completely and as quickly as possible, or to pursue the course of action that he finally decided upon.

The alternative of pulling out of Vietnam completely must have been a very tempting one. By the time President Nixon took office, the war was surely unpopular. Americans everywhere, hawks and doves, were fed up with it and wanted out. Above all, it would have stopped the loss of American lives. It would have saved enormous amounts of American dollars going down this Asian rathole drain. It would have been a popular thing to do. At least for a sizable segment of our population and certainly for a short period of time surrounding such a decision it would have been hailed worldwide, first of all by all the Communist and Socialist nations and those sympathetic to this way of life. This is what they have wanted all along. It would have been hailed by large numbers in nations friendly to the United States, our so-called allies, for it would have freed the U.S. commitment of troops and money in Southeast Asia to make them more readily available in Western Europe.

But this solution, while it had many attractive features, also had some very serious drawbacks. In the eyes of the world, and in Asia particularly, pulling up stakes in Vietnam would certainly have meant defeat for the United States. We would have been run out of Indochina, just as the French had been run out by the same foe 16 years ago. If the defeat of the French was humiliating, and it certainly was, I think it would have been catastrophic for the United States. If a tiny, new nation, North Vietnam, in size a little larger than my home State of Florida and in population a little less than New York, could prevail over the United States of America, the leaders of the world, and the most powerful Nation in the history of the world, what would be the significance of this in geopolitics?

Of course, it would give courage and strength and sustenance to every Communist troublemaker everywhere. By following the same Communist guerrilla tactics of Ho Chi Minh, backed up by Russian supplies, similar Vietnams could be staged on any continent at any time. Bit by bit, the whole uncommitted world could be picked up in this fashion. And if the United States lacked the will, because it does not lack the strength, to carry out this test of the free world against communism, then the reasoning of the Communist leaders would most certainly be that the United States would lack the will to stand firm elsewhere, in closer areas of much more strategic importance to the United States.

Precipitate and complete withdrawal from Vietnam posed many other problems also. It would be the first time in the history of this country that we had been defeated in warfare. The people who want to withdraw from Vietnam right now brush aside this argument as though is were inconsequential. They say that it takes a big man or a big nation, a wise man or a wise nation, to admit that it has made a mistake, and correct such an error. They say that to admit defeat in Vietnam would make us a bigger, better nation and raise our prestige in the eyes of the world.

I regard this argument as wishful thinking of the most dangerous variety. I cannot see how defeat by Communist North Vietnam can raise the prestige of America, or even preserve it, in the eyes of the world. As a matter of fact, I think we have paid too much attention in this whole Vietnam thing to world opinion. I think we should have gone about the job of fighting the war in Vietnam without regard at all for world opinion.

But let us turn from that argument to another thought. To me, the consequences of defeat of the United States at the hands of tiny North Vietnam would be catastrophic here at home. It is domestic opinion that I am concerned about, not what the other nations of the world think about us. To be sure, such a decision might have pleased a segment of our population, but a very sizable percentage of the people in the United States would have deplored any such course of action. As a matter of fact, even today in the midst of the almost hysterical atmosphere generated by the news media over Cambodia and the college campus uproar, those who want to withdraw now and completely are still in the minority.

It appears to me that immediate and complete withdrawal might well have split our Nation as badly, or perhaps even worse than it is now split. It surely would have done something else, far more damaging. It would have completely shaken the confidence of the citizens of the United States, in themselves as a nation and themselves individually. I seriously doubt if in the forum of the world arena, in the field of foreign policy, and in our role as a leader of the free world, that we could have retained the confidence in ourselves to satisfactorily perform this role. I might point out that this leadership position is not one we sought out or seek to retain for prestige purposes. We are the free-nation leader by necessity. There is no other nation available for this role. It has been thrust upon us—the stakes are high, no less than the survival of the free world, but of much greater importance, survival of ourselves as a free nation.

We would have welched on a commitment. We made a commitment to the Government of South Vietnam to help it survive as a free nation. Withdrawal from Vietnam would have been to renege on that commitment. The repercussions of that action around the world would have been catastrophic. Obviously no nation could afford to cast their lot with the United States because we would have proved by the Southeast Asian example, that we neither had the will to do what needed to be done nor the staying power to see a nasty business through to the end. The Communists would have made a tremendous gain in the eyes of the world and we would have suffered a correspondingly severe loss.

Then, too, there would have been wholesale slaughter in South Vietnam. There has been wholesale slaughter in South Vietnam of government leaders all during the years that the struggle has prevailed, even with the U.S. commitment. I shudder to think what would have happened if we had pulled out, or if we do now.

Some of our theorists who suggested that course of action, also suggested that we take care of the slaughter problem by opening our arms to unlimited immigration from Vietnam. This course of action is about as realistic as some of the adventures of Alice in Wonderland. It is so ridiculous that one would not even waste time in talking about it as a practical solution.

Thus, with these arguments against precipitate withdrawal from Vietnam, the President rejected this course of action, also.

He chose the fourth alternative—to Vietnamize the war. That was to advise the Government of South Vietnam that this was their war of independence and freedom; that although the United States had a commitment, it was not a blank check and that we could not go on fighting in Southeast Asia indefinitely; that it was high time and long past time that the South Vietnamese begin to take over the majority of the fighting now and, as soon as humanly possible, all of the fighting. It should be pointed out here, this course of action should have been taken long before, but at least President Nixon was inaugurating it as soon as he took charge. Now, along with turning over the war to the South Vietnamese, the President at the same time adopted a course of withdrawing Amer-

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ican troops as rapidly as possible. At this date, he has already withdrawn 110,000 troops, most of these combat troops. He has scheduled withdrawal over the next fiscal year of 150,000 more troops. The American casualties in the war have dropped off considerably. President Nixon has adopted an entirely new course of action in Southeast Asia. He is embarked on an entirely different course of disengaging the United States from that war just as rapidly as possible. The best part of the Nixon policy, is that it is succeeding. The hard factual evidence is there, in the United States troops withdrawn, in South Vietnamese troops taking over more and more of the fighting, in the greatly reduced casualty rates of U.S. soldiers, in the general success of the Vietnamization process. Let me speak for a few moments on the progress we have made in turning this war over to the Vietnamese, because we would never realize it from what we read in the news media or what we hear in the television newscasts.

It is fundamental that we establish a sufficient measure of security for the population of South Vietnam in order to allow the political, economic and social growth of the nation. In view of the nature and magnitude of the continuing enemy threat, military operations are still necessary to provide that security. Our Vietnamization program parallels our combined military operations as well as the negotiation talks in Paris. In recent months the progress of that program has been very substantial. Vietnamization is basically the process by which the major military, paramilitary, and civil responsibilities that the United States has assumed in South Vietnam are transferred to the South Vietnamese in an orderly manner and within a reasonable time frame.

I would particularly like to direct interest to two areas of progress resulting from purely military operations. The first is the increased presence throughout the Vietnamese countryside of stabilizing agencies of the Government of Vietnam which promote increased basic security for the people; second, the social and economic improvements throughout the countryside which are visible to, and directly assist, the Vietnamese people at the lowest level.

We are making visible progress in Vietnamizing the military portion of the war. The results of our efforts to turn over the fighting to the RVNAF are encouraging. Foremost among the results, of course, is the 21 percent reduction in our total U.S. commitment from just a year ago. By April 15, we had reduced our troop strength below the 434,000 directed by the President. The recently announced reduction of an additional 150,000 will, of course, be paced by the progress of Vietnamization, as well as the level of enemy activity.

As part of our overall U.S. troop reduction in Vietnam, the number of maneuver battalions has been reduced by approximately 16 percent from 1 year ago. The forthcoming redeployments will, of course, include more maneuver battalions as well as support forces.

We have also turned over to the South Vietnamese, or withdrawn some of our ground forces, from about 26 precent of the tactical areas for which we once had complete responsibility.

As a direct result of our efforts at Vietnamizing the war, we have seen a 63 percent decrease in U.S. personnel killed in action from the first quarter of 1969 to the same period in 1970. Similarly, the number of U.S. military wounded in action has been reduced by 54 percent during the same period.

We have provided more effective equipment to the RVNAF to allow them to prosecute the war. Their use of this equipment to assume a greater portion of the combat role is encouraging. For example, attack sorties flown by the VNAF between first quarter 1969 and 1970 have increased more than 40 percent, while the U.S. Air Force has decreased its sorties by over 47 percent. That is almost half.

To provide the RVNAF with adequate facilities not only to conduct military operations, but also to assist in the economic development of the country, the United States has turned over several key installations no longer required. The Ninth Infantry Division base at Dong Tam is now the home of the ARVN Seventh Infantry Division. The U.S. Navy base at My Tho is now a Vietnamese navy facility. The 3d Marine Division base at Dong Hoi is now used by the ARVN First Infantry Division. The Vietnamese Air Force now operates the air base at Nha Trang with remaining U.S. units as only tenants. Recently, the base camp of the Fourth U.S. Infantry Division at Camp Enari, near Pleiku, was turned over to the Republic of Vietnam. Additional facilities at Danang, Vung Tau, Bien Hoa, Lai Khe, Can Tho, and Binh Thuy are also programed for turnover in the near future.

The task of training the RVN serviceman not only in the basic skills of his branch but also in the technical skills required to operate and maintain the new equipment has been formidable. We have assisted the GVN in establishing more and better training facilities to acties currently have a student training centers and service schools. These facilities currently have a studnet training load of over 600,000—up 27 percent from 1969 and up over 50 percent from 1968.

In addition, a substantial number of RVNAF personnel are brought to the United States each year to receive technical training not yet available in Vietnam. This year, over 7,000 Vietnamese military personnel will be trained in a wide variety of advanced skills in the United States, compared with approximately 2,600 last year and 1,900 in 1968. Over half of the 1970 student load in the United States consists of helicopter and fixed-wing pilot trainees and mechanics.

As Senators know, the regular forces of the RVNAF have been allowed to devote more and more attention to purely tactical operations due to the formation of paramilitary security forces, ranging from the popular forces to national police to people's self-defense forces.

These security forces provide visible evidence of GVN presence to the villagers. The national police have expanded from a force level of approximately 17,000 in 1964 to nearly 90,000 today. The national police have two distinct roles: support of pacification measures and national development. In both roles, attention is focused on creation of a stable government with an effective civil police force throughout urban and rural areas. In the paramilitary role in pacification, trained police field forces companies are employed in the villages, hamlets, and urban areas to identify and neutralize the VC infrastructure.

As a civil police body, the national police protection services have been expanded downward from province and district locations into the villages. Currently, more than 6,000 uniformed police are assigned to approximately 1,700 villages. During the next several months, the bulk of police increases will be at the village level. To be effective in both roles, police training—with U.S. assistance—is provided in three basic training centers which have a combined training capacity of over 4,500 trainees for the 12-week cycle. Additional training facilities for medium and higher level police command training are in operation. To date, approximately 140,000 Vietnamese police have been trained in Vietnam while about 300 have received specialized training in the United States. An additional 1,900 have been trained in selected third countries.

Approximately 50 percent of all police now operate outside urban areas, with increasing numbers being assigned to district and village level. Their presence complements the paramilitary functions of the popular forces, who also operate under the direction of the village chiefs.

The popular forces have been increased in size by over 20 percent in the past year and are the military arm of the village chief. They are organized and trained as platoons and assigned as local area security for villages and hamlets. They live with the population they serve and are tangible examples of the government's efforts to provide security to all the population. The PF have been equipped with M–16 rifles and newer radios for better effectiveness.

The farmer requires land on which to grow his crop, seed to start the growth, and a means of getting his crop to market. To provide more land to the farmer, the Vietnamese Government has redistributed over 267,500 acres of land to the people during the past 2 years. Of this total, approximately 75 percent was turned over in the past 12 months, during this present Nixon administration.

There has been a great deal of criticism of the present Government of Vietnam, saying that the Government is not for the people, but only for the few that are in the Government. Here is compelling evidence to the contrary—this land distribution program of the present Government of Vietnam.

The recently enacted land-to-the-tiller law—commonly referred to as the land reform law—will provide approximately 2¼ million acres of landownership to farmers who actually cultivate

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the land. Under this law, the Government will direct the transfer of land from approximately 50,000 absentee landowners to approximately 500,000 tenant farmers with appropriate compensations. The new program will be administered at the local village level.

Improved strains of rice—IR-8—which increase the yield up to 150 percent, have been introduced under the accelerated rice production program. By the end of 1970, Vietnamese rice farmers should be producing sufficient quantities of rice for Vietnamese consumption, so that imports of rice will no longer be required and the nation will be self-supporting.

How does the farmer then get his product to market? Roads and waterways are the primary means of moving farm-to-market products. The highway system in South Vietnam includes 12,500 miles of roads comprised of national highways—2,400 miles—interprovincial highways—1,600 miles—and 8,500 miles of provincial roads. U.S. efforts have been directed toward upgrading about two-thirds of the 4,000-mile national and interprovincial system, not only to facilitate military operations, but also to assist in the economic development of the nation.

Of these, approximately 2,570 miles of highway, upgrading construction is underway or completed on nearly 1,800 miles, or about two-thirds of the total.

Some 25,000 meters of bridges are included in the line of communication upgrading program, of which over 40 percent has been completed. The construction effort required to pave these roads has been provided primarily by U.S. military engineer construction units—80 percent.

About 65 percent of the total road network in Vietnam is now classified as secure—"open during daylight"—with the bulk of these roads being in areas necessary for economic development.

United States and Vietnamese river and canal operations have provided security for over 70 percent of the commercial waterways in Vietnam.

A major effort during the last half of 1969 has opened railways which have been closed for many years. Fifty-five percent of the 1,240 kilometers of main line and branch lines are now open to traffic. Approximately 64 percent of the railroads are now considered secure, as compared with approximately 21 percent at the beginning of 1967.

Medical care and health facilities in the villages has been a pressing need. While the number of doctors available in the country is far below the requirement, ambitious efforts are underway to provide health care programs to every citizen. A coordinated military-civilian health plan is in effect in which joint utilization of health facilities and exchange of personnel is being carried out, first at province hospitals and then at district and military subsector dispensaries.

In a nation of 17 million people, 20 million smallpox, cholera, and plague immunizations were administered in 1969, compared with 16 million the previous year.

To provide an education to as many Vietnamese children as possible, massive strides have been made in educational facilities. The elementary education system is now capable of enrolling approximately 85 percent of the school age population. The most recent statistics show that over 2,340,000, or 80 percent, of the school age children are enrolled in public and private schools.

Enrollment in secondary education schools increased from 472,000 in 1968 to 543,000 in 1969. Total teachers in the secondary—high school—education system increased from 11,500 to 13,400 during the same period.

Enrollment in the 21 vocational schools—which include junior technical, trade technical, and polytechnic schools—has increased by over 3,000 to 11,360 from 1968 to 1969.

In the five universities and five normal schools, over 41,000 students are enrolled.

I have dwelt in some detail on the measures of progress which have been made in Vietnamization. The continuation of this progress, with the ultimate objective of a self-reliant government in South Vietnam, is dependent on a climate of security throughout the country. Threats to, or actual disruption of, this security is of grave concern to us.

It will be recalled that the President has often restated that the rate of American troop withdrawals from Vietnam would be keyed to three criteria:

Progress in training the South Vietnamese.

Progress in the Paris negotiations.

The level of enemy activity.

It is the third factor, the level of enemy activity and its direct threat to our redeployment plans which has prompted the latest military developments against the Communist bases in Cambodia.

It has been said before that Vietnamization is more than merely modernizing the South Vietnamese armed forces. It encompasses the progressive transfer to the South Vietnamese of the total management of their affairs; a stronger government, a stronger economy, and stronger internal security.

The military moves made by the Communists in recent days in consolidating their positions inside Cambodia, connecting their base areas, and expanding their influence deeper into Cambodian territory, have created an ominous danger to the momentum of our Vietnamization program and our American objectives in Vietnam.

We are dedicated to insuring that Vietnamization will succeed and that this success will allow the continued withdrawal of U.S. forces from South Vietnam.

I think that at this point we should remind ourselves that the President had not only turned the war around but also had cooled it off as a national issue.

Even the television commentators gave up their valiant efforts to shoot down the Nixon administration on Vietnam because the war had taken a back seat as an issue, before Cambodia.

The people in the Nation were behind the President in his decision about Vietnamization. They were satisfied that he had set his sails and compass on a responsible course to disengage us from Southeast Asia. For a long period of time, the war was almost forgotten.

I do not say that with any sense of pride. As long as Americans are dying on battlefields anywhere, this fact should never be forgotten. But in the course of the debate, it is necesary to emphasize the fact that the war in Southeast Asia, prior to Cambodia, was no longer a major issue before the Nation. Even the students on the campus, those subject to being called upon to fight in this war, had pretty much forgotten the war as an issue.

The Nation had gone on to other matters which were of concern such as inflation and the high cost of living, conservation and pollution, population control, and other domestic matters. There was a certain amount of grumbling that more money was not available to devote to some of the Nation's pressing needs on the domestic scene, but even here the attitude that has generally prevailed up until Cambodia is that the money will be available when the war in Vietnam is over and that that will not be too far in the future.

Now we come to the events of April 28. President Nixon, as Commander in Chief, ordered U.S. troops, accompanied by South Vietnamese troops, into Cambodia in an attack upon the Communist sanctuaries.

What prompted the President to pursue this course of action?

Was it necessary? And what positive results will flow from this action?

First of all, there can be no doubt in the minds of the Communist enemy, either Hanoi or Russia or Red China, all partners in the cruel business of invading South Vietnam, that the United States wants peace. President Nixon has not only stated this objective on countless occasions but every action he has taken since he has been in office has backed up this goal. Just about every conceivable offer and proposition has been made to the Communists, that mind of man can think of, to indicate that the United States wants out of Vietnam and wants peace. We have done everything to convince the enemy of our peaceful intentions, including mass troop withdrawal, except the one act to cut and run and abandon the South Vietnamese.

Now what has been the answer of Hanoi? The Communist answer to our peaceful intentions has been to step up activity on the Ho Chi Minh Trail on the north and through the port of Sihanoukville on the south, pouring soldiers and supplies into the enemy sanctuaries located in the Cambodian border, hard up against the boundary lines of South Vietnam. From these sanctuaries the enemy feeds his soldiers, and caches his weapons and his ammunition and his supplies of all kinds, to feed his war machine within South Vietnam itself. He also rests his troops in this area where they are entirely free from harassment by United States and South Vietnamese troops. Swift and destructive and killing sorties are made out of these sanctuaries into South Vietnam, and after our troops have been sorely hurt, there is no time for retaliation, because the enemy has

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faded back across the border into these off-limit sanctuaries. In recent months there has been evidence of further build-up of these sanctuaries, undoubtedly in preparation for further attacks before the monsoons, and, of course, to build up supplies to last through the rainy monsoon season when it is difficult to get supplies down over the Ho Chi Minh Trail.

These sanctuaries have been a source of deep and lasting trouble for United States and South Vietnamese forces for years and all during the war in Southeast Asia. Anybody who knows anything about the war in Southeast Asia, who really wanted to wage it as it should have been waged, has been advocating that these sanctuaries be wiped out. I, myself, have repeatedly urged attacks upon them for as long as the last 4 years.

I cannot think of a single incident in history where this Nation has been engaged in a serious war that we permitted this state of affairs to exist.

Let us go back to World War II, when we were engaged in fighting Germany. To draw a parallel, this Senate would have said in the 1940's to President Franklin Roosevelt, "you can not invade Europe using the Normany beaches because our fight is with Germany and not with France." I suppose the supporters of this Church-Cooper amendment would reply, "but that was a different situation. France was occupied and was as much a part of Germany as Germany itself," I say, there is no difference. Cambodia was occupied by the Communists and has been for years. At least, so far as the border sanctuary areas are concerned, they were as much a part of enemy country or enemy held territory as France was to Germany.

For the life of me, I cannot understand the reasoning behind some of the supporters of the Church-Cooper amendment who generally agree with the President in his conduct of the war in South Vietnam, but disagree with this business of Cambodia. They would confine all of the fighting to South Vietnam. It is true that our main objective is to preserve the government of South Vietnam from Communist invasion. But it is equally true, and everybody knows it, that the war is indeed a Southeast Asian war and operations for years have gone on not only in South Vietnam but also in Laos and Thailand.

For the life of me I can not understand what the uproar is all about in hitting these Communist sanctuaries in Cambodia. This is no broadening of the war. It is the same war, against the same enemy, involving precisely the same areas—that is, the base areas that have been used for years and years by the Communists to sustain their war machine in Vietnam.

How in the world the President can be accused of broadening the war by stepping across an imaginary line in the jungle for a few miles, for the few weeks time that it takes to wipe out these sanctuaries, is more than my mind can understand at all. And I must say, that millions of Americans, in fact a majority of Americans, can neither understand the fine legal reasoning behind the authors and cosponsors of the Church-Cooper amendment.

At any rate, the President, advised of the build-up of the Cambodian sanctuaries, and the concrete evidence of increased Communist aggression against South Vietnam from these areas, decided that he must move against them and wipe them out.

The decision to move against the sanctuaries was in complete support of his plan of disengagement in South Vietnam. The President has never said during the time of disengagement of American troops, and the replacement in the line of South Vietnamese troops, that all fighting was going to stop. The President has never promised that U.S. troops during this interval of time would not be permitted to fire their weapons at the enemy, to bomb the enemy with our aircraft, to attack the enemy where needed, and to set him back and gain a tactical advantage. I have never heard anybody express the thought that our troops should stop the fighting, as long as it was U.S. policy to have troops in Vietnam and the Communists were shooting at them and making war upon them. To shackle our troops in the field, to set guidelines of what they cannot do and advertise these guidelines by Senate debate, is like sending a boxer into the ring with instructions to keep his hands at his side.

Thus, as I see it, and I am sure as the President saw it, the move into Cambodia against the Communist sanctuaries was purely and simply a tactical move needed to be made to gain advantage over the enemy. That is all it was, and it should have been done years ago.

Had it been done long ago, there would not have been the furor and hue and cry that has now been raised. The problem with Vietnam is that there has been so much criticism of the war by Americans in high places that a substantial portion of our population has been drugged into a state of antiwar hypnosis. They have been hypnotized to view as a folly, a blunder, a reckless act, even a crime, tactical steps necessary to be taken by soldiers in the field in order to save their own lives. A few years ago, no single American would have ever imagined that the state of mind of Americans could be so warped by the propaganda of the boob tube artists and other hysterical and misguided news media people. But that is what has happened. Sometimes, I wonder if the Nation can survive with so much propaganda launched against the Nation and the Nation's leaders by its very own news media.

But to get back to the Cambodia operation, President Nixon viewed it as not only highly desirable, but absolutely necessary in order for him to destroy the enemy's warmaking capability and gain the President the necessary time to complete his Vietnamization of the war in Southeast Asia and withdraw our own troops.

What has been the result so far of the Cambodian operation? It has succeeded beyond the wildest expectations of the President and his advisers, and, I think, probably beyond the expectations of anyone in the Senate, either for or against the Church-Cooper amendment.

The following are the latest totals as of May 21 of captured enemy supplies in Cambodia:

TOTAL OPERATIONS

	Number	24-hour change
Individual weapons	11,064	+122
Crew-served weapons	1,846	+228
Bunkers/structures destroyed	6,643	+13
Machinegun rounds	2,689,724	+97,220
Rifle rounds	5,126,838	+32,550
Total small arms ammunition (machinegun and rifle rounds)	7,816,562	+129,770
Grenades	12,574	+265
Mines	2,966	+140
Satchel charge	500	[1]
Miscellaneous explosives (pounds)	72,000	[1]
Antiaircraft rounds	130,567	+3,214
Mortar rounds	29,311	+2,562
Large rocket rounds	1,090	[1]
Smaller rocket rounds	15,061	+262
Recoilless rifle rounds	19,565	+1,013
Rice (pounds)	9,120,000	+86,000
Man-months	200,640	+1,892
Vehicles	305	+41
Boats	40	[1]
Generators	36	[1]
Radios	179	[1]
Medical supplies (pounds)	36,000	[1]
Enemy KIA	8,044	+187
POW's (includes detainees)	1,773	+3

[1] Unchanged.

Now all this operation has been carried out at a minimum loss of American life. So far American casualties have amounted to 166 servicemen killed in action in Cambodia.

The enemy has been grievously hurt in this Cambodian operation. There is no telling how much he has been set back. In time the shortest estimates are 6 months, but some experts familiar with the supply apparatus of the enemy and the demands of his war machine in South Vietnam estimate that it may be nearer to a year. The monsoon season is near at hand and during this period it is virtually impossible for the enemy to get in more than a trickle of supplies, not even enough to sustain his troops in the field with food and medicine, to say nothing about weapons and ammunitions he needs for fighting. This means that after the monsoon season is over it will take many more months for the supplies to be brought down the Ho Chi Minh Trail to rebuild other bases in other areas.

During this valuable time that the Cambodia operation has gained, many more South Vietnamese can be trained and placed in the fighting lines to substitute permanently for United States troops.

There is no question that this Cambodian operation has saved American lives over the months ahead and that it will insure and speed up the withdrawal of American forces in Vietnam.

The President's action was bold, courageous, and wise. It is the kind of action expected from a President of the United States in the most perilous times of all that face the Nation during wartime. In my view, President Nixon has displayed the quality of a truly great leader in the Cambodian affair.

This is a time that Members of this great body, the U.S. Senate, should be standing up in this Chamber and singing the praises of the President, rather than concocting Church-Cooper amendments that shoot him down. Now do not misunderstand me. I do not doubt the good intentions of the authors of this amendment, nor do I question or doubt their patriotism, their love of country, their respect for the Office of Presidency, or their deep sincerity and concern for the ending of the war in Vietnam.

Nonetheless the practical effect of this Church-Cooper amendment is a rebuke to the President for his courageous and highly successful action in Cambodia. It is an advertisement to the whole world, and especially to the Communist enemy in Hanoi and Moscow and Peking, as well as their clients and friends the world around, that at the very least there is deep division in the U.S. Senate concerning the President's conduct of the war in Southeast Asia, and at the most there is distrust and suspicion of his actions.

I am completely opposed to the adoption of this amendment or anything like it. In fact, I must state my feeling about this amendment just as strongly as I know how. I am embarrassed and almost ashamed that a parliamentary body as distinguished as the U.S. Senate would even consider rebuking the Commander in Chief, the President of the Republic, at a time like this, when he makes a tactical decision which, in my opinion, has been the wisest and most effective action in his conduct of the war up to date, an action that has dealt the enemy the most serious blow in the war, and one which furthers in every respect the disengagement and withdrawal of American troops. It staggers the imagination that a sizable number of this body, somewhere around half, give or take a few, can lend its support to such an amendment at this time.

There are a number of other things that are utterly unwise about this amendment. In the first place, everybody here admits that it really has no effect on this present situation in Cambodia, because by the time it passes the Senate and is considered and undoubtedly killed in the less dove-like atmosphere of the House, the President will have completed his action in Cambodia. Thus, what we do here will have no effect on what we are doing in Cambodia now.

But what may be said here in support of this amendment, will if it should pass in the Senate, have profound effect, in my judgment, on the future of the war. For we will advertise to the enemy in loud, clear, ringing terms, and in bold black headline letters, that we are going to hogtie the President of the United States, the Commander in Chief, in any future tactical decisions of this sort. We will say to the enemy, "do not worry we would not let President Nixon make any more moves that will hurt you and shorten the war."

There is another thing that it does that makes this amendment unsound. Here we are engaged in a big war. Everybody admits that because everybody wants to get it over with, although we disagree on how we are going to do it. But the fact of the matter is that we are in a big war. Now if we pass this amendment, what we are doing is running this war by a committee of 100. Instead of having one Commander in Chief, one overall general, we are going to have 100 generals, two from Kentucky, two from Idaho, two from Florida, and two from all of the other States in the Union. Well, gentlemen, I do not know how others here fancy themselves as generals. But speaking for this Senator, I do not consider myself to either have the ability, and certainly not the inclination, to serve on a committee of 100 generals to decide in this Chamber the tactical moves we are going to make in Southeast Asia.

Now let me say, that I agree with the authors of the Church-Cooper amendment and their supporters when they state that we need to clarify the warmaking powers of the President of the United States in the year 1970, and beyond, and when they also say that we should debate and explore the role of the Congress of the United States in warmaking decisions of this Nation in the year 1970 and beyond. It is a fact that times have changed drastically since the Founding Fathers wrote the language in the Constitution designating the President as Commander in Chief and giving the Congress the power to declare war. It is quite obvious that the Founding Fathers never had in mind a world of the 1970's where a nuclear war could be over indeed in a few hours, and where the swift changing pace of foreign affairs makes it necessary for the Commander in Chief to make daily reassessments of what the enemy is up to, where his troops and planes and ships are and where ours should be in order to meet any possible threat. They were not thinking of the time when there was constant danger of armed eruption on every continent at any time, involving American lives and property. So I agree with the authors of the Church-Cooper amendment that we should discuss these things and we should clarify the role of the President and of ourselves in this most drastic of the Nation's affairs, warmaking, involving the risks and the loss of lives of our young men.

But I earnestly make the point that the Church-Cooper amendment is not the way to go about this. The Church-Cooper amendment speaks directly to the actual and technical conduct of a war, the movement of troops, at a time when we have been engaged in war for many years. This is not the business of the U.S. Senate. This is purely and solely the business of the President, the Commander in Chief, under the Constitution.

We should discuss the respective roles played by the President and the Congress in warmaking. As a matter of fact, the time to have discussed this was at the time of the Gulf of Tonkin resolution. We did not discuss it at that time at any great length.

As a matter of fact, I suppose if we had been latter day oracles of Delphi and been able to look into the future and see the Nation and its involvement in Southeast Asia in 1970, we would have never authorized the President to go ahead in Vietnam as he did in the Gulf of Tonkin resolution. But the fact of the matter is that we did not have the vision of prophets. We thought we were going to take care of this little upstart Communist country of North Vietnam with the greatest of ease. It did not turn out that way. They proved a much tougher nut to crack than we thought and certain people around the country had second thoughts, and decided that this was a bad deal and now the thing to do was to pick up the cards, put them back in their packet and maybe wait for a fresh deal somewhere else at some other time. Well, picking up the cards and walking away with them and waiting for another day is not quite that easy as all of us know.

The President is engaged on a responsible course of action to turn this war over to the South Vietnamese, he is succeeding, and we ought to back him up. Most of us here in this body, as well as throughout the Nation, were backing the President until Cambodia came around. Now let us not lose our courage and be scared off by the strident cries of the anti-war people around the country. They are a minority, they always have been and if we stick by the President and support him, they always will be.

Let us touch a bit on the subject of support for the President in this decision to attack these Communist sanctuaries in Cambodia. From all indications a majority of the Nation is behind the President. That was the result of the poll in Newsweek last week.

There was the huge 100,000 people demonstration last week in New York City, of all places, because here is the hotbed center of anti-war sentiment.

There has been massive support for the President from my home state of Florida. From the very start my mail has backed the President. Moreover it is significant to analyze the quality of the mail. The people for the President are writing individual letters. On the other hand, most of the mail against is form letter kind and comes from university areas. This is obviously not spontaneous, but well organized and assembled.

One newspaper in central Florida, the Orlando Sentinel, has been running a statement for many days backing up the President to date.

So far the individual people who have clipped this petition supporting the President out of the paper have numbered over 110,000 in this area of central Florida. That is actually a larger number than the population of the city of Orlando itself. The newspaper goes beyond the limits of the city.

Believe me, the President does not lack for support in Florida. The people there are backing his Cambodian action by an overwhelming majority.

I must say that news pundit reaction on Cambodia deserves some comment.

Every so often, when a week passes in which there is no momentous Presidential action, some editorial writers come to the conclusion there is a "crisis of leadership."

Presently, when the President took strong and decisive action to protect the lives of our fighting men in Vietnam, the same writers were out again with the same cliche—a crisis of leadership.

To them, it seems the President is damned if he does and damned if he doesn't.

I suggest that the writers of instant

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history are themselves suffering a "crisis of readership"—becoming more and more estranged from the sober judgments of their readers, who are beginning to see through these hackneyed attacks on the President and broken record type criticisms of the war.

Both leadership and readership demand more; they demand serious and thoughtful understanding of developments in the world.

Furious activity is no substitute for action. Careful restraint is not evidence of inaction. A genuine leader does not manage the news—he manages the country, and in his management tries to shape events in the light of the Nation's goals.

That is why it is important to go to the heart of the matter on the President's Cambodia decision. Not whether it stirred a storm of protest, not whether it will have a short- or long-range political effect, and not which adviser said what to whom—but basically, did the President do the right thing? Did he act in the national interest of the people of the United States?

In the final analysis, that is all that counts. In the final analysis, the critics can revise their criticism, all the advisers—as President Kennedy once so aptly said—can go on to new advice, but the President is responsible for doing what is right for the country and ultimately responsible for the results of his decision. That is what he was elected for.

The President's warnings to the North Vietnamese about escalating the conflict and endangering the American troop withdrawal program went unheeded. His expression of grave concern to the Soviets about escalating the conflict in the Middle East went unheeded. A moment of truth was at hand.

He did not act out of anger or impatience or pique. He consulted his advisers, and listened to a range of opinion as to the choices open to him. He consulted the National Security Council, which he had set up for the orderly presentation of views in situations such as these. There were no "votes" taken—the American people do not elect a committee to be President—but every alternative was explored, and the likely consequences, both at home and abroad, were taken into consideration.

Then we saw why the Presidency is called "the loneliest job in the world." The President determined what he felt was right for America, and right for the cause of peace and freedom in the world. Aided by the best advice of the men he trusted most, he faced the responsibility that was his alone—and he made his decision. He exercised the leadership he was elected to exercise.

As had been expected, the storm of criticism broke. The sins of omission and commission of the past were all visited on him. But not all the voices raised were critical. Even some of those voices which we do not hear in America, spoke out for his courage and his wisdom.

Under the headline, "No White House Weakling," A columnist in the London Sunday Telegraph put it this way:

> Even if his character did not incline him to be tough, the situation forces him to be so. For a second President to allow his foreign policy to be shaped by campus pressure would turn America into a kindergarten state . . . can the Anglo-American liberal establishment not realize that the man now in the White House is a formidable figure, who has to be taken seriously—A President who believes in his cause just as passionately as they believe in theirs?

The President's strong stand is being carefully observed abroad—and not just by newspaper columnists.

The President's stand is being watched by those who have sent Russian combat pilots into action in Egypt.

The President's stand is being watched by those in Hanoi and in Peking who have been saying that the United States is a paper tiger, too worried about protest at home to take the course necessary for peace and freedom around the world.

The President has done what is right for this Nation. He has done what is right for the cause of peace. He has taken the hard decisions the American people elected him and him alone, to take—and that is what leadership is all about.

Now we have before us the Church-Cooper amendment.

As I said before, I do not dispute the sincerity of my colleagues who have offered it or who intend to support it. But, I suggest most strenously that it is the wrong action to take at this time and I intend to oppose it.

The question is not whether Congress has the power of the purse; of course it does. The question is whether Congress should use that power and how it should use it.

Congress does have a role in the conduct of the Nation's foreign affairs. No one can rationally dispute that as a matter of principle. The question is how Congress shall use its undoubted power and discharge its vital role at this time.

As Members of the Senate, we are being counseled now, in the press and in the media, to undercut the President in this time of crisis, to repudiate him, to isolate him. We cannot and we must not do this.

In recent weeks, Mr. Joseph Alsop has returned three or four times in his very ably written column to the theme of the Oxford Peace Pledge of the thirties. The Oxford undergraduates asserted categorically and emphatically that they would not fight "for king and country." The question was not so much whether they meant it—they did not. Most of the signers fought—and many of the signers died I regret to say, for their country, England, when it was imperiled by Hitler in the forties. The real significance of the Oxford pledge was how it was viewed by England's enemies and potential enemies. Hitler took it to be a sure sign of the decadence and sickness of England. Again and again, in the thirties, as his homocidal war machine took form, Hitler referred to the Oxford pledge and his scorn for England because of it. He miscalculated and his interpretation of it was wrong, but at least part of Hitler's strategy was based on that pledge—and one of the reasons he was so aggressive and so ruthless was because he thought England lacked the will to defend itself and its interests.

Perhaps the Cooper-Church amendment is the Oxford pledge of our generation. It is really too early to say. But if it is or if it can be, I would suggest that we remember that we are not undergraduates. What is forgivable of unseasoned youth is inexcusable in experienced men of affairs. This is not the time to be sophomoric—the stakes are too high and the potential for disaster is too great.

I suggest, Mr. President (Mr. GRIFFIN), that the debate we are now engaged in is one of the most significant since World War II, possibly as significant as any we have had this century. I suggest that it is being monitored very carefully by our enemies. I am sufficiently old fashioned to think of the Soviet Union as an enemy, to think of Communist China as an enemy, and to think of Hanoi as the enemy. Our enemies, as I say, are watching and listening.

As Tom Wicker pointed out in the New York Times last week, the real thrust of the Cooper-Church amendment is psychological, not legislative. Presuming for a moment that it or something like it should pass in the Senate, it could very easily be killed in the House; if it passed the House, the President could veto it.

So what we are now being asked to do really is not to simply vote on an amendment. We are being asked to repudiate the President; to abandon him—to tell the world that we have no confidence in his word, no trust in promises, no faith in honor or ability. I say we cannot do this and he should not do this.

And I am not thinking of President Nixon's pride or self-esteem, or his personal feelings. I am thinking of the country and the effect such a slap in the face to the President by the Senate would have at this point, from the point of view of our foreign relations.

I suggest that if such a resolution or amendment were to pass now, he would see an immediate increase in tensions in the Middle East. The Soviet Union, playing on the passions of its Arab allies—confident that the division within the United States was real and deep, to such an extent that the President could not or would not assist Israel—will feel free to move against Israel with impunity. We have already seen a significant change in Russian policy there in recent weeks. The hard and fast rule of the Kremlin since 1945 has been aid and material to all allies, but no troops outside the Soviet Empire. The significant thing is, the rule has been broken now—and Russian troops—pilots, are now on duty in Egypt flying MIG's.

Israel has demonstrated its ability to withstand superior Arab numbers—on three occasions since 1948. It can match Russian weapons and still come out on top. But can Israel in the future match Arab numbers, Russian weaponry and Russian field personnel? The pressure of Russian military men in number in the Middle East adds a new dimension to the war of nerves. I suggest that our actions here in this Chamber in the next few days will be a major factor in the Middle East within the next few months.

I also suggest that Communist China will be making more outrageous and aggressive demands of its neighbors. I think the war in Vietnam is more than a simple land grab or a simple territorial war in Asia. I think we recognized that truth at the beginning, but very many Americans are willing to overlook that truth now in their frantic efforts to get us out of it.

I want to get out of it, too. Every Member of this body wants to get out of it. The question is "How to get out"—not "If we should get out." I suggest that in how we get out, the circumstances and timing of our withdrawal is infinitely important. We are being urged to cut and run—you can dress up that phrase, and call it a phased withdrawal, or what you will but the meaning is clear, whatever the phrase—if we cut and run, it will haunt us. Instead of winning the peace we all want, it could very likely put us in greater danger of a quicker and more deadly confrontation with Communist aggression everywhere.

Take Red China for an example. When we talk about Red China we are talking about another Asian power. When we talk of Red China's leaders, we are not dealing with an ordinary set of individuals. We are dealing with people who know what power is and how to use it. We are dealing with tough, seasoned men, most of whom have been fighting for their cause for their entire adult lives, men who are ruthless and able and dedicated; men who have used murder and violence to achieve their station—who have exterminated untold thousands of their countrymen in recent years in consolidating their power. We are dealing with the most populous nation on earth, one that has developed a nuclear capability and is on the way to perfecting a ballistic missile capability of its own. Our debate and our disposition of this amendment and others like it is bound to influence Peking's thinking about our Nation.

Like the Oxford undergraduates of the thirties, some of our people are indulging now in a lot of emotional talk, a lot of florid prose. Every day, editorial writers are verging on hysterics. That is true of the Washington Post.

I suggest that the Washington Post's hopes are going to be dashed again. I think the Cambodian episode will be a major American victory. If it is—and it shows signs of being just that and more—I wonder whether those editorial writers, especially those of the Washington Post, will acknowledge their error or apologize for their intemperate language. I would not hold my breath waiting for such a development. No, I would say that the Washington Post, whatever the outcome, they will go on excoriating President Nixon and proclaiming their own infallability.

Let me resume with the Oxford pledge analogy. I have suggested certain historical parallels. I have suggested that some of the rhetoric we are hearing now is akin to peace talks at Oxford in the thirties in this sense. It may be the basis for precipitate action by our Chinese and Russian adversaries. If our enemies think us weak and indecisive, they very well may test that hypothesis by future probes and offensives. If we appear divided and irresolute now, they may risk greater and more aggressive thrusts against us. In the end, we will have to stand up against them; we all know that. Could it be that in the interest of peace now in this area, we are risking greater and more ominous confrontations elsewhere? It is not beyond the realm of possibility.

It has been suggested that President Kennedy's lack of decision at the time of the Bay of Pigs made Khrushchev bold enough to try to place his missiles in Cuba. Students of world politics said that Khrushchev could not understand President Kennedy's behavior at that time. They say that Khrushchev was prepared to accept a full-pledged, openly supported invasion of Cuba. He could understand why such a decision would have been in America's best interest. He could also have accepted a complete hands-off policy by the United States, an invasion force manned entirely of exiles who would sink or swim on their own. But Khrushchev reportedly could not understand why the United States initially supported, planned, and encouraged the Cuban invasion and then at the last moment withdrew the air cover which was necessary to its success. He saw that as weakness and vacillation on the part of President Kennedy and sought to exploit that weakness by putting offensive missiles into Cuba in 1962.

President Kennedy faced him down later in the Cuban missile crisis and in what we all, I think, recognize as his finest hour, forced Khrushchev to pull out the missiles. I mention these episodes at this time not to denigrate President Kennedy—or to sing his praises for that matter—but to emphasize that our adversaries constantly look for our weaknesses, real or imagined, to exploit them to their advantage and to our detriment. They look for and respect our actions of strength.

I do not think we should precipitate a constitutional crisis or reject the leadership of the President—this President or any other President—when our actions over the long haul would inevitably operate to our national disadvantage.

I urge the rejection of this amendment. I think it is ill-timed and by its language and intent, if passed, would tend to weaken the confidence of the people in our Presidency. The Presidency, it seems to me, is something more important than the President or the person who occupies the White House at any particular time. I suggest also the passage of this amendment at this time would hurt us internationally—how much, I confess I do not know; how seriously, only time will tell. But in my view, it will hurt us, and very conceivably hurt us quickly and severely.

Mr. President, we are at war. How we got there and who made what mistake does not concern us today. We all want to end that war—we all agree on that. This amendment, in my view, however well-intentioned, will not help.

President Nixon's action against the Communist sanctuaries will help, in my view, to end American involvement in that war.

The Senate should support the President in this action, as indeed a majority of the Nation is supporting him, and reject the pending Cooper-Church amendment.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, the Cooper-Church amendment would, in effect, prohibit the President from using U.S. troops in Cambodia after June 30—even should the need arise to protect our military forces in South Vietnam. I favor some of the provisions in the amendment because I am against the use of American troops in Cambodia to fight for Cambodia or to support any Cambodian Government. But we are already in South Vietnam, regardless of how we got there or who put us there. And as long as the Cooper-Church amendment contains language which, in essence, prevents the President, as Commander in Chief, from taking whatever action he may deem necessary to protect American fighting men still stationed in South Vietnam, I will vote against it.

Mr. GRIFFIN. Mr. President, today, Secretary of State Rogers presented to the NATO meeting in Rome a letter to the Secretary General from the President of the United States. The letter deals with the position of the United States with respect to the incursion in Cambodia.

I ask unanimous consent that the text of the letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dear Mr. Secretary General: On the occasion of this NATO Council meeting, I should like to describe to you the United States position on Cambodia, the operations undertaken in Cambodia to date, and the way in which these operations are related to United States policy in Asia and the Pacific.

Our policy toward Cambodia was and is based on recognition of and respect for Cambodia's sovereignty, independence, neutrality and territorial integrity within its present frontier. We have been deeply concerned over communist use of Cambodian territory bordering Vietnam to support Viet Cong and North Vietnamese aggression against South Vietnam. The Government of Cambodia both before and after the removal of Prince Sihanouk was equally concerned.

A series of efforts have been made to resolve the question of North Vietnamese and Viet Cong presence in Cambodia through negotiation or through various forms of international action. The latter have included appeals to the United Nations, calls for reactivation of the International Control Commission, and proposals by the Secretary General of the United Nations and others for a broad international conference. All of these efforts have been opposed and frustrated by Hanoi.

Because of Communist action in late April, we faced at the end of that month the prospect that Cambodia would become one large base area for attacks along the 60 miles of the Cambodian-South Vietnamese frontier. This would have permitted complete freedom of action to an enemy who could move his forces and supplies rapidly across the entire length of South Vietnam's flank in Cambodia. The enemy could have attacked our forces in South Vietnam from these sanctuaries with impunity. The situation thus had changed drastically for the worse from

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that which existed when I spoke to the Nation on April 20.

In this situation, after considering the alternative, I decided upon limited but decisive measures. These are directly related to our efforts in Vietnam, although they also provide collateral benefits for Cambodia which is under serious Communist threat. Our operations concern only territories long occupied and controlled by foreign Communist forces. Our principal target is not personnel but the enemy's logistic infrastructure. The enemy can still replace manpower but the destruction of their supply depots and communications will set back their military efforts against our own forces and those of our allies in South Vietnam for many months. Replenishment of supplies will be particularly difficult because the port of Sihanoukville is no longer available to the enemy.

In the operations to date, the quantities of weapons and materials captured exceed expectations and are far larger than those seized in comparable operations in South Vietnam in past years. As examples, I can report capture, as of May 25, of over 1800 crew served weapons, nearly 11,000 individual weapons, nearly 7,700,000 rounds of small arms ammunition, over 26,000 mortar rounds, over 15,800 large and small rocket rounds, 4,517 tons of rice and over 2,800 mines. Nearly 7,900 of the enemy have been killed at a cost of 201 U.S. and 451 South Vietnamese killed.

The weapons we have already captured would equip more than thirty battalions at a strength of 400 to 500 men. Our operations in the sanctuary area will be terminated by the end of June.

We still prefer to end this war by negotiation. However, I am convinced we will not have serious discussions so long as the enemy believes that he can ignore our warning and reject our flexible proposals for a settlement. We are not increasing our demands. All of our negotiating proposals remain on the table. If negotiations continued to be blocked, we will pursue Vietnamization and withdrawal according to the schedule announced on April 20. As I have pointed out, our operations in Cambodia are necessary in order that both Vietnamization and withdrawal of United States forces may proceed.

In conclusion, Mr. Secretary General, I should like to express my appreciation for the understanding and support which the NATO countries have displayed in regard to our actions.

RICHARD NIXON.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

There being no objection, the motion was agreed to; and (at 5 o'clock and 3 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, May 27, 1970, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 26, 1970:

FEDERAL FARM CREDIT BOARD

The following-named person to be a member of the Federal Farm Credit Board, Farm Credit Administration, for the term indicated:

For the remainder of the term of 6 years expiring March 31, 1971:

Ernest G. Spivey, of Mississippi.

SENATE—*Wednesday, May 27, 1970*

The Senate met at 10 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, grant us this day clarity of mind, purity of purpose, gentleness of spirit, and firmness in the right. Help us to be a good example to those who are younger, to be respectful to those who are older, and at all times to be courteous to our peers. Help us to be sympathetic to those in distress, to be helpful to those in trouble, and to be kind to those in need. May we patiently hear the voices of our fellow citizens, but in our actions hear and obey Thy commands. So make us all this day to go about doing good as our Master did.

We pray in His name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 27, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 26, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the the conclusion of the speech by the distinguished Senator from Ohio (Mr. YOUNG), there be a time limitation of 3 minutes on statements in relation to routine morning business, and that morning business not extend beyond the hour of 11:30 o'clock.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, pursuant to the previous order, the distinguished Senator from Ohio (Mr. YOUNG) is recognized for not to exceed 20 minutes.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from Ohio yield to me without losing his right to the floor?

Mr. YOUNG of Ohio. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES FROM WEDNESDAY, MAY 27, TO MONDAY, JUNE 1, 1970

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 646.

The ACTING PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 646, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, May 27, 1970, it stand adjourned until 12 o'clock meridian, Monday, June 1, 1970.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 646) was considered and agreed to.

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the further information of the Senate,

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if there is a possibility of votes today and tomorrow, those votes will be taken.

I just want to put the Senate on notice.

I thank the Senator from Ohio very much for yielding to me.

MURDER AT KENT STATE

Mr. YOUNG of Ohio. Mr. President, recently, I received a most important and most informative letter from a student at Kent State University. This student was a witness to the murders perpetrated on the campus of Kent State University, shortly after the noon hour on Monday, May 4, 1970.

Mr. President, this letter is so informative and so convincing that I ask unanimous consent to have it printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 11, 1970.

DEAR SENATOR YOUNG: I am a Kent State University student and I saw the killings last Monday. Since then, I have become even more confused. The National Guard has tried everything to defend themselves. I fear that the truth of Kent may never come out because of these attempts. An investigation run like the Warren investigation of J. F. Kennedy's death is desperately needed now. These questions must be answered:

1. There was an anti-ROTC demonstration last spring at Kent. People spoke of trouble that would come this spring fatalistically. Why wasn't anything done during the year?

2. I spoke to John McElroy, Governor Rhodes' chief aide this last week. He admitted that the National Guard antagonized demonstrators, but he said it made other people feel secure. If he knew that the Guard antagonized demonstrators and he wanted to quell them, then why was the Guard brought in? Since Rhodes was running for re-election the Tuesday after the killings, was the Guard brought in to get the law and order vote? Was the Guard used as a political weapon? How can this be prevented?

3. President White, Kent State's President did not say a single thing until four students were killed. He was not on campus, but wasn't there anyone who could speak in his place and calm frustrated students? Why wait until four students are killed to begin talks?

4. The National Guard was moved into Kent after being at the Trucker's strike. Reports are that they got no sleep Saturday night and only three hours Sunday night. If this is true, why were they used to face the crowd Monday? No matter how much sleep they got, why were they used to do a job that they were untrained for? Why send a confused and frustrated Guard in to face a confused and frustrated crowd?

5. General Del Corso was given power by Governor Rhodes to do anything he felt necessary. Why was a military man given this power during peace time? Del Corso runs everything like a war. He said students were moving in on all sides on the Guard. He acts like we have leaders training us in military ways. And he fights us like this. I don't believe he should ever face civilians again like he was allowed to at Kent. He should be replaced.

6. General Del Corso says that the demonstrators were non-students. A Columbus Citizen-Journal News reporter told me he asked Del Corso what evidence he had of this. He refused to give it. Why? What are the facts here? Why won't Del Corso tell us if he does know?

7. John Doe warrants are out. They are keeping confused and frightened students from telling their stories because they fear arrest. How will the students' stories be known when many are afraid to give it?

8. A Kent State junior said he watched the shootings from his dormitory window. He gave an incredible story, it did not even sound like the same event. He said students were throwing stones, bricks, concrete and railroad spikes at the Guard. I saw stones thrown. I saw only a small number do this, and I didn't see anything else thrown. Every person I spoke to who was there, some much closer to the Guard than I was, said only stones were thrown. That Kent junior also said two thousand students were going to surround the Guard and kill them. From his dorm, probably Johnson, he had to look up a hill, through people and trees, to see the crowd. How did this story, which supports the Guard entirely, get on UPI when other student stories did not? It was an incredible story, and anyone in the area Monday could tell you why. Was it because the story supported the Guard that it got on UPI?

9. A student who was closer to the Guard than I was said he saw one of Kent State's security police taking pictures of demonstrators to put on file. He was wearing plain clothes. When a few students tried to take his film, he pulled out a gun and reportedly fired. It was on the radio a few hours after the killings that he was arrested. I haven't heard a thing about him since that Monday. Was his shot the one that triggered the Guard?

10. President Nixon said that Kent students "turned to violence." Of all the White House remarks, this is the one that bothered us the most. Students are killed, and his eulogy to them is calling them violent. We did not turn to violence. We were unorganized and a few students threw rocks; a few did. It was a beautiful day at Kent and people were just naturally out on the commons. Little did we know that killings would soon occur. At the Friday rally, the meeting ended when students left to go to their 1:10 class. How often I have thought of how Monday's rally could have ended this way if the Guard had not moved in. I had books to go to my 1:10 class and so did many other students. Why did our President say we "turned to violence" before he knew the facts?

11. The Cleveland Plain Dealer told of a study done last year by a Kent political science professor. He predicted that Kent would be the focus of national attention this spring due to demonstrations. Why wasn't something done early?

There are more questions that must be answered. I believe that a Warren type investigation must come about at Kent. The news has been filled with National Guard reports; very little has been said about students' stories. This is almost brainwashing. I started this year at Kent being very naive. I believed that when the President said he wanted to end the war, he meant it. I believed that students were to go to schools to talk about problems and find answers. I believed that the National Guard was to defend all people, not just a few in power. I believed that the Guard would never kill us; they would never fire into a crowd. Much has changed during the year. I know now that the Guard does have bullets and does kill. I saw people fall and die around me; I want to find out why. I've seen the blood of innocent people who were killed by a scared Guard. I don't ever want to see it again. Finding out what really happened at Kent will make sure that it doesn't happen again. Please, in the name of justice, demand that an investigation like the Warren one be made of Kent. When I tell older people of my frustrations concerning the Kent tragedy, they laugh at my innocence. They seem to have accepted the fact that the truth is often suppressed. Am I being naive when I want to know the truth about Kent? Please help the students of Kent. I realize that you are working on it, and you have much courage to do so. As I look back upon this letter, I realize that it wasn't necessary to tell you who John McElroy was! Please continue to make the system find the truth.

Sincerely,

——— ———.

There is one other question that I believe should be answered. Was the closing of Kent a factor that will help students express their stories, or will it hinder them? Should it open before June?

Please excuse the unorthodox style of this letter.

Mr. YOUNG of Ohio. May I add, Mr. President, that I am at the present time deleting only the name and address of the student. This for obvious reasons. Very definitely, when there is a high-level commission appointed by the President or if a Federal grand jury is convened in Cleveland to investigate this tragedy, I shall of course then submit her statement and her name and address along with many other statements of eyewitnesses.

S. 3886—INTRODUCTION OF A BILL RELATING TO APPOINTMENT OF CONGRESSIONAL MESSENGERS FROM AMONG YOUNG COLLEGE MEN AND WOMEN

Mr. YOUNG of Ohio. Mr. President, it is seldom that the other body does something ahead of us and manifests greater wisdom than is manifested in this Chamber.

I am happy to report that recently the Rules Committee of the House of Representatives adopted the rule that, as of the opening of the coming session of Congress next January, it will have abolished altogether the obsolete and archaic page system. In lieu thereof, the committee provides that, commencing early next year, pages or messengers to serve in the House Chamber will be selected from young ladies and young men who are college students.

Mr. President, in 1967, I was the author of S. 1182 of the 90th Congress, to provide for the appointment of congressional pages or messengers from among young men and women between the ages of 17 and 22, who are attending college.

At that time, I made some progress with the proposal to do away altogether with pages whose average age is about 15, as are our pages here. I did that because I knew that it would be a better system to have pages and messengers of college age.

The colleges in the District of Columbia area at that time informed me, as they do now, that they will make the class hours of any young men or women who are selected to be pages and messengers for the Senate conform with their duties here.

I was making great progress at that time and held hearings on the bill.

The Washington Sunday Star of August 13, 1967, published an article that Capitol Hill pages may never grow up, even though Senator STEPHEN YOUNG, Democrat of Ohio, wants the little boys in white shirts who skither about through the halls of the Capitol to become college men and women. The article

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went on to state that coeds who dream of running errands for Senators have a dim future.

That was due to the fact that the President pro tempore of the Senate, Carl Hayden, whom we all revere, took the position that the custom that had existed so many years in the Senate should be carried on.

Mr. President, today I again introduce my proposal. The time is long past due for the Senate to establish a more equitable system of hiring pages and messengers. The present method of selection is outmoded and archaic.

The House of Representatives in its wisdom has adopted rules abolishing the antique page system in that body at the opening of the next Congress. This is precisely what I proposed in 1965 when I introduced the first bill on this subject, and again in 1967.

Mr. President, I point out that these young pages have done and are doing fine service for us. I made no objection then and I make no objection now. But under the present system pages from the ages of 14 to 17 may be employed. Some remain in this employment until they are too large to serve inconspicuously—a nebulous standard for terminating employment.

The boys who presently serve as pages and messengers in the Senate and the House of Representatives are fine boys. However, they are a part of a system which developed historically, but has no validity today.

Historically, the custom of hiring pages goes back to the very first Congress of the United States. In those days, Members of Congress who knew of young orphan boys in destitute circumstances had their sympathies aroused. They were successful in having officers of the House of Representatives and of the Senate employ these boys as runners.

Originally, in 1789, a few runners were employed—three, I believe. The early records show that in the 20th Congress, which sat from 1827 to 1829, three boys were also employed as runners.

In succeeding Congresses, the numbers have increased. But the custom has continued of bringing youngsters from 14 to 17 years of age to Washington to serve as pages or runners—taking them from their dates, and from their homes, and from their fathers and mothers.

In the 27th Congress, which sat from 1841 to 1843, a select committee was appointed to look into the number of persons employed by the House of Representatives to ascertain whether there were "more than the public good required," and also to determine whether their pay should be adjusted.

One result of the inquiry was that the number of pages at that time was reduced from 12 to 8 and their compensation was increased from $1.50 to $2 a day, a far cry, Mr. President, from the salaries now paid the pages of the U.S. Senate.

This practice has been modified through the years so that today a large number of boys between the ages of 14 and 17 are employed to answer telephones, and deliver messages and documents.

When the youngsters come to Washington, they are left on their own to secure adequate housing and meals, and they are without the benefit of parental guidance that is so necessary for young boys of this age.

It is true that they attend the Capitol Page School for three hours daily and at some times they work for as much as 40 hours a week—perhaps longer on occasion. I do not know whether the Capitol Page School is of the stature and standing that it should be. But it seems to me that attending the Capitol Page School for only 3 hours daily in addition to sometimes working as pages for more than 40 hours a week is a pretty tough schedule for these youngsters.

We all know that the pages are very willing and that they are always on the job as long as the Senate is in session. This sort of a schedule would not be tolerated in any job covered by the Federal Child Labor regulations. Yet, that practice is in effect in the Senate and in the House of Representatives at the present time. And there has even been talk that the Government should buy valuable land close to Capitol Hill and erect a dormitory for pages, together with personnel—I suppose including house mothers and other help—at huge expense. I did my best to combat that and spoke out against it in the Public Works Committee and in the Senate Chamber.

There were, of course, quite a number of proponents of that measure who had influence on Capitol Hill and no doubt favored some orders of extremely valuable property nearby.

Mr. President, I take pride in the fact that I had something to do with defeating that proposal. And we have not heard anything this year, as far as I know, about buying expensive land and erecting a dormitory for the pages.

Mr. President, in my judgment consideration should be given at this time to the advisability of employing college students, both young men and young women, from the ages of 17 to 22 to serve as pages and messengers in the Senate commencing next January.

This would give young men and young women who are college students the invaluable opportunity to view the work of Congress firsthand. It would help them and their parents to pay their way through college. It would relieve the Senate—I do not need to say the House of Representatives, because the other body has already taken care of this situation as of next January—of the responsibility of looking after the welfare of young boys, many of whom are on their own for the first time in their young lives, far away from their parents and from their homes in the various States.

Today most Capitol policemen, elevator operators, Senate Post Office employees, and other patronage jobs, as we call them on Capitol Hill, are filled by young men and some young women attending colleges and universities in the Washington area. This has provided a wonderful opportunity for them. I have personal knowledge of the fact that this employment of youngsters as Capitol policemen, elevator operators, and Senate Post Office employees has enabled some of these young men to attend college who otherwise would not have had that opportunity. I am certain that every Senator has helped many young men to graduate who otherwise might not have been financially able to make their way through college.

However, at the present time page positions in the Senate are filled with youngsters barely out of grade school, with an average age of 15 and with a salary close to $7,000. That is enough, it seems to me, for them to send home quite a tidy sum of money to mama and dad.

The fact is, Mr. President, that working in Congress would be far more meaningful for college students who have greater experience and maturity than young boys just out of grade school. Certainly, having young college students as pages or messengers, with a uniform or other dress, would add dignity to the Senate.

If the Committee on Rules and Administration were to adopt such a rule, as the other body has done, commencing next January, it would be an excellent thing for the Senate. It would also be a wonderful thing for a great many worthy young men and women attending the many colleges and universities in the District of Columbia area who really need additional compensation to help them make the grade.

Mr. President, I realize that whenever a long-established tradition or custom is set aside, very careful consideration should be given to the reasons for doing so. I am convinced that in this fast-moving space age of change and challenge, the present method of selecting very young teenage boys as pages for Congress is outmoded and really serves no useful purpose.

Mr. President, change is not necessarily reform. However, the change that I am suggesting today would be real reform and would be highly beneficial not only to worthy young ladies and men attending the many universities in this area, but also to the Senators and the operation of the Senate. To continue the present page program would be to perpetuate an unnecessary, unjustified, and archaic system.

Mr. President, I send the bill to the desk for appropriate reference and ask that it be printed in the RECORD as part of my remarks. It is my hope, however, that the Committee on Rules and Administration of the Senate will adopt a rule so that it will not be necessary for any committee of the Senate to give consideration to my bill. It would be a simple matter for the Committee on Rules and Administration to do away with this obsolete, ancient system and to modernize the Senate and give this opportunity and this employment to worthy young men and women who are attending colleges and universities in this area.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3886) to provide for the appointment of congressional pages or messengers from among young men and women between the ages of 17 and 22

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who are attending college, introduced by Mr. Young of Ohio, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the Record, as follows:

S. 3886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall serve as a page or messenger of the Senate

(1) before he or she has attained the age of seventeen years, or during any session of the Congress which begins after he or she has attained the age of twenty-three years; or

(2) during any period when he or she is not regularly pursuing a full-time course of study in a recognized college or university, if such period exceeds (i) thirty days, or (ii) four months if the period is between school years and such person has a bona fide intention to pursue a full-time course of study in a recognized college or university during the semester (or other period into which the school year is divided) immediately following such period.

Sec. 2. Section 243 of the Legislative Reorganization Act of 1946 (2 U.S.C. 88a), and the proviso in the paragraph under the heading "Education of Senate and House Pages" in title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b), are hereby repealed.

Sec. 3. This Act shall become effective at the beginning of the first session of the Ninety-second Congress.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of routine morning business.

The Chair recognizes the Senator from Ohio.

STALEMATED SALT TALKS

Mr. YOUNG of Ohio. Mr. President, last April the Senate voted 72 to 6 in favor of a recommendation urging President Nixon to achieve a lasting agreement and a mutual freeze on strategic nuclear weapons. Not much progress has been made on that recommendation, I am sorry to say. No progress whatever has been made since the time the President ordered our grand forces to invade Cambodia. Those talks to try to secure lasting agreement have come to naught since that time.

Recently, Mr. President, Secretary of Defense Laird issued a memorandum of instruction to all Pentagon aides. This was stamped "Secret—Sensitive." He stated in this memorandum—

> I want to be sure you understand there must be no speculation which would indicate or even imply that a MIRV or ABM deployment moratorium is desirable.

Now, Mr. President, in North Dakota and elsewhere, Pentagon employees and officials are working almost around the clock to deploy missiles, many of which have MIRV nuclear warheads.

In recent weeks no progress whatever has been made in those SALT talks in Vienna, about which we were so hopeful a few months back. This lack of progress in Vienna and the failure to achieve any continuity in conferences in Paris are due in large part, Mr. President, to the invasion by our ground forces of Cambodia, a neutral country whose neutrality we had guaranteed, and to round-the-clock bombing in Laos which has extended and expanded our war in Southeast Asia. Even the Pentagon now terms this the Indochinese war and no longer terms it the Vietnam conflict.

Regretfully, I report that the talks in Vienna to have a moratorium have become stalemated. We have suffered a great setback in this Nation due to the extension and expansion of this war which Mr. Nixon, when he was campaigning for the Presidency, said he had a secret plan to end. If he had a secret plan, Mr. President, we Americans have reason to regret that that plan is still his secret and that we are making no progress whatever in the SALT talks in Vienna.

MIDEAST POLICY SHOWS SYMPTOMS OF INDECISION

Mr. SYMINGTON. Mr. President, the policy of this administration with respect to approval of the sale of modern weaponry to Israel, so as to enable that little country to stand up to the various Arab countries, and now also to the planes and pilots of the Soviet Union, is beyond my understanding.

The continued delay in providing equipment Israel now needs so desperately can only arouse further apprehension as to just what are the forces abroad in this country that are and have been successful in this postponement.

In a thought-provoking column yesterday, Crosby Noyes in the Washington Evening Star makes the following pertinent observation:

> The Israelis are reacting to our continued passiveness with a kind of controlled panic. For them the implication now is that we may wait until the situation becomes really desperate before deciding to act. And planes or no planes, this is a luxury which they cannot afford themselves.

In that the only other countries which make this type and character of sophisticated weaponry are giving—giving, not selling—such weapons to the Arab States and the Soviet pilots; and in that Israel is fighting alone, as are we in effect are in the Far East, against Communist satellites, without asking any of our troops, what reasons can there be for this further delay

I ask unanimous consent that Mr. Noyes' column, "Mideast Policy Shows Symptoms of Indecision" be inserted at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Evening Star, May 26, 1970]

Mideast Policy Shows Symptoms of Indecision

(By Crosby S. Noyes)

No one is paying much attention, but American policy in the Middle East is developing symptoms of potentially dangerous indecision.

It was last March when the Nixon administration turned down Israeli requests for 125 Phantom and Skyhawk fighter planes "for the time being."

The reasons given privately at the time were that Israel already had air superiority over its Arab neighbors, clearly demonstrated by deep-penetration Israeli air raids into Egyptian territory.

A second reason was that the United States hoped, by a demonstration of restraint, to dissuade the Soviet Union from any further commitment in the Arab-Israeli conflict. American officials said at the time, however, that they would keep a sharp eye on the situation and take firm action if it changed in a significant way.

Since then, the situation has indeed changed significantly. The Russians have installed a network of high-performance SAM-3 anti-aircraft missiles in Egypt, manned by Soviet technicians. They have also sent a number of squadrons of late-model Mig-21 fighters into Egypt, flown by Soviet pilots.

The Russians, in short, have taken over primary responsibility for Egypt's air defenses. Israel's deep-penetration raids have stopped.

Not unnaturally, the Israelis have drawn the administration's attention to this changed state of affairs as forcefully as they could. Israeli Foreign Minister Abba Eban has most recently renewed the plea for fighter planes, pointing out the drastic changes in the balance of air power that have occurred. The answer that he received was that the United States remains unconvinced that the over-all military balance has shifted sharply enough to justify the sale of the planes.

Now granted that there are good reasons for a difference of perspective between Washington and Jerusalem. Israel is fighting for survival in the most literal sense. Defeat at the hands of the Arab nations would mean the destruction of the state and the extermination of a large number of its citizens.

To prevent this, the Israeli government must and would do anything, including, if necessary, drawing the United States and the Soviet Union into a direct confrontation with each other.

The United States, on the other hand, is motivated by a determination to avoid such a confrontation at almost any cost. It cannot allow itself to be led into nuclear war by any country. It believes that the Soviet leaders are in the same boat. And it assumes that if it acts as a restraining influence on Israel, the Russians will do the same in Egypt.

This line of reasoning, which may provide theoretical justification for still refusing to sell the planes, contains some serious flaws.

In a real sense, the Russian-American confrontation in the Middle East already exists. The new Soviet presence in the area is not only a challenge to Israel. It is also a challenge to the United States in a part of the world where we have proclaimed ourselves to have vital national interests.

The Nixon administration has solemnly warned the Soviet leaders against trying to achieve a position of dominance in the Middle East. And yet successive Russian moves designed to achieve exactly that have elicited no American response whatever, despite the anguished pleas of the Israelis.

A response, really, is what Israel is asking for. For a variety of reasons—including strong anti-war sentiment and a growing mood of isolationism in the United States—the Russians might well be under-estimating American resolve in the Middle East. Our continued passiveness in the face of increasingly bold Russian moves in the area could lead to disaster.

There is the added risk of provoking, through excessive restraint, a premature and unnecessary explosion in the Middle East. Frightened people, especially if they are also brave and determined people, are dangerous.

The Israelis are reacting to our continued

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passiveness with a kind of controlled panic. For them the implication now is that we may wait until the situation becomes really desperate before deciding to act. And planes or no planes, this is a luxury which they cannot afford themselves.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BURDICK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4813) to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 14685) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. MOSS, Mr. MURPHY of New York, Mr. SPRINGER, and Mr. CUNNINGHAM were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance systems, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, was read twice by title and referred to the Committee on Finance.

WAGE DISPUTE AT U.S. GOVERNMENT PRINTING OFFICE

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate a letter from the Public Printer, Government Printing Office, transmitting for the information of the Senate a summary of the continuing dispute over the proposed wage increase at the Government Printing Office, together with alternative means necessary to meet congressional printing needs, which was referred to the Committee on Rules and Administration.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

Resolution of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO UPHOLD ITS CONSTITUTIONAL ROLE IN THE SETTING OF NATIONAL WAR POLICY

"Whereas, The President of the United States by ordering United States troops into Cambodia has significantly expanded the involvement of the armed forces of the United States in Southwest Asia; and

"Whereas, The President did not request and obtain authorization for such further involvement from the people of the United States through their elected Congressional representatives; now, therefore, be it

"*Resolved*, That the Massachusetts Senate deplores this unilateral action on the part of the President to commit the United States to extended hostilities in Southeast Asia without the proper Constitutional Congressional judgment and sanction as required by Article 1, Section 8, of the Constitution of the United States to uphold its constitutional role in the setting of national war policy; and be it further.

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, May 6, 1970.

"NORMAN L. PIDGEON, *Clerk*.

"Attest:

"JOHN F. X. DAVOREN,
"*Secretary of the Commonwealth*."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO MEET IN JOINT SESSION FORTHWITH TO BE ADDRESSED BY THE PRESIDENT OF THE UNITED STATES AS TO THE OFFICIAL POLICY OF THE UNITED STATES GOVERNMENT IN CAMBODIA.

"Whereas, Armed Forces of the United States of America are now actively engaged in military operations on and over the territory of Cambodia; and

"Whereas, These military operations have been initiated by the President of the United States not in pursuance of any treaty arrangements nor with any concurrence by the Congress of the United States; and

"Whereas, These operations have been determined by the President of the United States to be in essential support of United States military forces engaged on and over the territory of the Republic of South Vietnam in combat with North Vietnamese and Viet Cong forces; and

"Whereas, Grave disagreement exists at the highest levels of this nation's government, and throughout the nation both as to the constitutionality and propriety of these actions initiated by the President of the United States and as to their necessity and advisability; and

"Whereas, These disagreements both threaten the national unity of this Republic at home and imperil its interests abroad; now, therefore, be it

"*Resolved*, That the Massachusetts Senate memorializes the Congress of the United States to meet in joint session forthwith to be addressed by the President of the United States as to the official policy of the government of the United States in Cambodia and the current status of United States involvement in pursuance of such official policy; and be it further

"*Resolved*, That the Massachusetts Senate further memorializes the Congress of the United States to frame and consider the adoption of appropriate resolutions regarding such policy, as thus set forth by the President of the United States, and to approve or disapprove such resolutions by formal vote of both Houses of the Congress as soon as possible thereafter; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officers of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, May 6, 1970.

"NORMAN L. PIDGEON, *Clerk*.

"Attest:

"JOHN F. X. DAVOREN,
"*Secretary of the Commonwealth*."

A resolution adopted by the City of Youngstown, Ohio, praying for the enactment of legislation to effectuate revenue sharing between the Federal Government and the State and local governments; to the Committee on Finance.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H.R. 11628. An act to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress (Rept. No. 91-896);

H.R. 12619. An act to amend section 11 of an Act approved August 4, 1950 entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress (Rept. No. 91-897);

H.J. Res. 1069. Joint resolution extending for four years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune (Rept. No. 91-898);

S. Con. Res. 61. Concurrent resolution authorizing the printing of the compilation entitled "Federal and States Student Aid Programs" as a Senate document (Rept. No. 91-899);

S. Con. Res. 66. Concurrent resolution authorizing the printing of additional copies of Senate hearings on space program benefits (Rept. No. 91-900);

S. Res. 402. Resolution to print the annual report of National Forest Reservation Commission as a Senate document (Rept. No. 91-901);

S. Res. 408. Resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs (Rept. 91-902);

H. Con. Res. 520. Concurrent resolution authorizing the printing of an additional one thousand copies of House Report 91-610, Ninety-first Congress, first session, entitled "Report of Special Study Mission to South Africa" for the use of the Committee on Foreign Affairs of the House of Representatives (Rept. No. 91-908);

H. Con. Res. 537. Concurrent resolution providing for the printing of a House document the tributes of the Members of Congress to the service of Chief Justice Earl Warren (Rept. No. 91-904);

H. Con. Res. 578. Concurrent resolution authorizing the reprinting of a "Compilation of Works of Art and Other Objects in the United States Capitol," as a House document, and for other purposes (Rept. No. 91-905);

H. Con. Res. 584. Concurrent resolution relative to printing of a House document a history of the Committee on Agriculture (Rept. No. 91-906); and

H. Con. Res. 585. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs (Rept. No. 91-907).

By Mr. JORDAN of North Carolina, with an amendment:

S. Res. 406. Resolution to print as a Senate Document materials relating to S. Con. Res. 49 (Rept. No. 91-903); and

H. Con. Res. 580. Concurrent Resolution, authorizing certain printing for the Select Committee on Crime (91-909).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Preston Martin, of California, to be a member of the Federal Home Loan Bank Board.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FANNIN:

S. 3884. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim in certain lands situated in the County of Mohave, State of Arizona; to the Committee on Interior and Insular Affairs.

S. 3885. A bill for the relief of Maurice Marchbanks; to the Committee on the Judiciary.

(The remarks of Mr. FANNIN when he introduced S. 3885 appear later in the RECORD under the appropriate heading.)

By Mr. YOUNG of Ohio:

S. 3886. A bill to provide for the appointment of congressional pages or messengers from among young men and women between the ages of 17 and 22 who are attending college; to the Committee on Rules and Administration.

(The remarks of Mr. YOUNG of Ohio when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. YARBOROUGH:

S. 3887. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Labor and Public Welfare.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CRANSTON:

S. 3888. A bill to implement the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354); amend Public Law 89-669 (Oct. 15, 1966); and for other purposes; to the Committee on Commerce.

(The remarks of Mr. CRANSTON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SPARKMAN (for himself and Mr. BENNETT):

S. 3889. A bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. RANDOLPH:

S. 3890. A bill for the relief of Chien Danh Florio; to the Committee on the Judiciary.

By Mr. SMITH of Illinois:

S. 3891. A bill to amend the act of August 31, 1964 ("The Food Stamp Act of 1964, Public Law 88-525); to the Committee on Agriculture and Forestry.

By Mr. TYDINGS:

S. 3892. A bill for the relief of Dr. Carlos A. Dujovne; to the Committee on the Judiciary.

By Mr. BYRD of Virginia:

S.J. Res. 205. Joint resolution establishing a commission on seeking means of modernizing and reorganizing the federal welfare programs; to the Committee on Government Operations.

(The remarks of Mr. BYRD of Virginia when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3885—INTRODUCTION OF A BILL FOR THE RELIEF OF MAURICE MARCHBANKS

Mr. FANNIN. Mr. President, knowing the legislative workload that exists in the Congress, I have always aimed at keeping the introduction of private or personal relief bills at a minimum. Nevertheless, I feel compelled in especially meritorious cases to propose legislation. The bill which I offer today is aimed at providing relief in such a case.

Mr. Marchbanks accepted employment based upon the assurances of Forest Service officers that certain moving expenses would be paid by the Government. He received such assurance in written form, properly signed. Mr. Marchbanks understandably acted on this seemingly valid authorization and incurred $667.20 in expenses moving to his initial duty station. He learned, "ex post facto," that such assurances should not have been given, his authorization was renounced, and he was asked to pay the total expense. He sought administrative relief and, considering the merit of his position, was surprised that no such solution was available.

Mr. Marchbanks has asked Congress for legislative redress.

I believe his case warrants our action and propose that we rectify this injustice which was inadvertently committed.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 3885) for the relief of Maurice Marchbanks, introduced by Mr. FANNIN, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3887—INTRODUCTION OF MOBILE TEACHERS' RETIREMENT ASSISTANCE ACT OF 1970

Mr. YARBOROUGH. Mr. President, it is my pleasure to introduce the Mobile Teachers' Retirement Assistance Act of 1970.

The interest and responsibility of the Federal Government in improving education is demonstrated by the many Federal programs now in operation. No less important to the national welfare and the solution of pressing education problems in the encouragement of a strong teaching profession.

The purpose of this bill is to strengthen the profession by providing adequate retirement benefits for those teachers who wish to move from one State to another. The movement of teachers across State lines to meet manpower needs at all levels of the school system is severely hampered at present because it usually entails a loss of retirement benefits. The loss of credit for retirement comes about for two reasons: the outgoing State may now allow for early vesting of retirement rights, and the incoming State may not grant retirement credit for years of teaching service performed outside its jurisdiction.

The bill I am introducing today corrects this problem in a way that recognizes State prerogatives in education, and the importance of State retirement systems as the primary vehicle for teachers' benefits.

The bill would establish a Federal-State program to assist in the funding of these benefits for teachers in public school service. The two facets of the program would enable teachers who have taught school in two or more States to retire at the end of their careers with benefits substantially the same as they would have received if they had taught in a single States throughout their careers.

The bill would extend Federal funds to aid in the financing of recognized out-of-State service credit, and to supplement deferred vested benefits. To qualify for Federal funds, the participating States must by law: First, provide for the granting to teachers at least 10 years of credit—if earned—for out-of-State public school teaching service not vested elsewhere, under an arrangement whereby the teacher and the employer share in the cost, and second, provide for the vesting of retirement rights to teachers after no more than 5 years of service in the retirement system.

The difficult task of recruiting experienced and needed teachers, particularly in higher education, will be alleviated by the sharing of cost in purchasing out-of-State credit, and the security factor in early vesting for deferred benefits. Currently, out-of-State credit and vesting act as a deterrent to teachers wishing to enter Texas, for example. On the other hand, teachers have entered Texas and have served the people of the State for many dedicated years; yet most will lose retirement benefits because they cannot financially participate in the program for out-of-State credit and have not been covered by vesting in another State.

The fine retirement system in Texas has made great strides toward solving the mobility problem, but the State-based system of American education and the limited funds available will not permit Texas or other States to solve this long standing education problem. Texas

XUM

and other States have recognized the provisions of this bill as the most feasible approach in solving the mobility problem and some offer basic programs employing these concepts.

It should also be said that the teacher retirement systems of this country have for the last quarter of a century supported the provisions of this bill in attempting to solve the problem, but each State realizes its primary commitment is to utilize its financial resources for education within its own boundaries, and rightly so.

Therefore, it is only proper that the Federal Government assist the States in solving this interstate problem and provide mobile teachers with substantial benefits in their sunset years.

The cost to the Federal Government to accomplish the important objectives of this bill is extremely modest. Based on estimates from an actuarial firm of national reputation, the cost of the Federal share for the two-part program in its first year of operation would be $9.1 million; in the second year, $12.9 million; and in the third year, $17.4 million.

I think my colleagues will agree that the provision of this modest amount would do much to enhance educational opportunities in the Nation and give teachers, upon retirement, tangible recognition of the value of their services.

Mr. President, I ask unanimous consent to have printed at this point in the CONGRESSIONAL RECORD the bill which I have just introduced, certain tables showing the terms of present State teacher retirement systems, and a summary of the system now in effect in Texas.

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The PRESIDING OFFICER (Mr. BURDICK). The bill will be received and appropriately referred; and, without objection, the bill, tables, and summary will be printed in the RECORD.

The bill (S. 3887) to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mobile Teachers' Retirement Assistance Act".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) The term "State retirement system" means a State retirement system established system recognized or established by State under State law, or a local public retirement law, in which teachers participate.

(2) The term "teacher" means an individual who is employed in a professional educational capacity by a board of education.

(3) The term "covered teacher" means a teacher who is a member of a State retirement system.

(4) The term "vesting" means a right of a teacher who separates from covered employment after having at least the minimum years of credited service required under the State retirement system and has left his contributions in the retirement fund of such system, to a retirement benefit upon reaching an age specified in the law governing the terms and conditions of the system, which benefit is based at least in part on public contributions.

(5) The term "board of education" means any board, committee, commission, or agency authorized by State law to direct a public educational system or institution, or a school or institution of higher education, which is tax-supported.

(6) The term "out-of-State service" means public teaching service performed in another State and recognized by the system in which the teacher is a member for the purpose of service credit under the terms and conditions of the law governing the operation of such system.

(7) The term "State" includes the District of Columbia and Puerto Rico, and any other territory of the United States which has a public retirement system which includes teachers.

(8) The term "Commissioner" means the Commissioner of Education.

SEC. 3. (a) In order to participate in the program provided for in this Act, a State retirement system must—

(1) provide for payment of retirement benefits on account of out-of-State service by a covered teacher as required in section 4(d) and of supplemental benefits as required in section 5 (c),

(2) allow covered teachers at least 10 years of credit for public teaching service not covered by the system which is not vested under another State retirement system, upon payment by the covered teacher of a portion of the cost involved and payment from public funds of the remainder,

(3) allow a reasonable period after the State retirement system becomes eligible to participate in the program provided for in this Act within which a covered teacher may make the payment referred to in paragraph (2), in order to become entitled to such credit,

(4) provide for vesting after not more than five years of credited service in the State retirement system, and

(5) provides for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Commission may find necessary to assure the correctness and verification of such report.

(b) If the Commissioner determines a State retirement system meets the requirements of subsection (a), he shall approve it for participation in the benefits of this Act.

OUT-OF-STATE CREDIT PROVISIONS

SEC. 4. (a) The Commissioner shall, as soon as practical after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher who is a member of the system who retired during the fiscal year (or other twelve-month period designated by the system) which ended in such calendar year with credited out-of-State service as a teacher. The Federal contribution on account of each year of each such teacher's credited out-of-State service as a teacher shall be an amount equal to 40 per centum of the product obtained by multiplying the level of teachers' salaries (determined under subsection (b) by the benefit cost factor (determined under subsection (c).

(b) The level of teachers' salaries shall be deemed to be the salary which is the seventy-fifth percentile of a distribution of the salaries paid to teachers who are classroom teachers in public elementary and secondary schools in all the States, as determined by the Commissioner on the basis of the most reliable data available to him for the preceding school year.

(c) The benefit-cost factor shall be an amount equal to 2 per centum of the present value of payments of one annually for life, determined on the basis of the life expectancy of teachers in the States at age sixty-five and an assumed rate of interest (determined by the Commissioner).

(d) The Federal contribution under this section to a State retirement system shall be used for the same purposes, and subject to the same terms and conditions, as are funds of the system derived from other sources. Retirement benefits under such system attributable to service credited under this section shall not be paid on a basis less favorable to the retired teacher than the payments made under such system which are attributable to service other than that so credited.

DEFERRED BENEFIT PROVISIONS

SEC. 5. (a) The Commissioner shall, as soon as practicable after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher in the membership of the system who, during the fiscal year (or other twelve-month period designated by the system) which ended during such calendar year, became entitled to payment of a vested deferred benefit. The Federal contribution on account of each year for which each such teacher is receiving a vested deferred benefit shall be an amount equal to the product obtained by multiplying the difference between the average teacher's salary in the preceding fiscal year and the average teacher's salary in the tenth preceding fiscal year (determined under subsection (b)) by the benefit cost factor (determined under subsection (c) of section 4).

(b) The average teachers' salaries, for purposes of subsection (a), shall be the average salary for the year in question of teachers in all the States, determined by the Commissioner on the basis most reliable data available to him for such year.

(c) Each participating State retirement system shall supplement the retirement benefits which such system pays a covered teacher who is receiving a deferred vested benefit and who meets the requirements of subsection (d) by an annual amount equal to the product obtained by multiplying the following factors:

(1) The annual retirement benefit to which the covered teacher is entitled before the supplement required by this section.

(2) The number of years between the covered teacher's separation from teaching service which is credited under the State retirement system in question and his retirement, but in no event shall such number of years be more than ten.

(3) The average annual increase in the average teachers' salaries, for the State or all the States, whichever is the lesser (determined as provided in (b)), during the ten-year period referred to in subsection (a).

(d) To be entitled to the supplemental benefit, the covered teacher must have performed public teaching service for a total of twenty years or for a total of five years during the ten-year period immediately preceding the date payment of the deferred vested benefit began.

COST OF ADMINISTRATION

SEC. 6. The Commissioner shall each fiscal year make a grant to each State retirement system which is approved to participate in this Act. Each such grant shall be an amount equal to 5 per centum of the Federal contribution made under sections 4 and 5.

EFFECTIVE DATE

SEC. 7. This Act shall become effective July 1, 1970, with respect to teachers who retire after such date.

The tables and summary, presented by Mr. YARBOROUGH, are as follows:

TABLE 1.—SUMMARY OF VESTING PROVISIONS

Vesting	State wide retirement systems				Local retirement systems			
	Total	Teachers system	School employees system	Public employees system	Total	Teachers system	School employees system	Public employees system
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1 Years of service:								
Immediate	1	1			1	1		
4 years	1			1	0			
5 years	11	6	1	4	4	3	1	
7 years					1	1		
8 years	1			1				
10 years	[1] 15	[1] 8	3	4	4	1	2	1
12 years	1			1				
15 years	6	3	1	2	2	1		1
20 years	9	5	2	2	1	1		
25 years	1	1						
2. Age and years of service:								
Age 40 and 5 years of service					1		1	
Age 45 and 20 years of service					1	1		
Age 50 and 10 years of service	1		1					
Age 50 and 15 years of service	1	1			1		1	
3. No vesting provision	3	1		2	2	1		1

[1] Includes Puerto Rico

TABLE 2.—PROVISION FOR OUT-OF-STATE SERVICE CREDIT IN STATE AND LOCAL RETIREMENT SYSTEMS TO WHICH TEACHERS BELONG

Type of system	Total	With provision for out-of-State service credit	Without provision for out-of-State service credit	Type of system	Total	With provision for out-of-State service credit	Without provision for out-of-State service credit
(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
State-wide retirement systems:				Local retirement systems:			
Teachers systems	25	14	11	Teachers systems	10	4	6
School employees systems	8	7	1	School employees systems	5	2	3
Public employees systems	17	3	14	Public employees systems	3	0	3
Total	50	24	[1] 26	Total	18	6	12

[1] In addition, the Puerto Rico teachers retirement system does not provide for out-of-state service credit.

TABLE 3.—NUMBER OF RETIREMENT SYSTEMS BY YEARS OF OUT-OF-STATE SERVICE CREDIT ALLOWED

Maximum years of out-of-State service allowed	State-wide retirement systems				Local retirement systems			
	Total	Teachers	School employees	Public employees	Total	Teachers	School employees	Public employees
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
None	26	11	1	14	12	7	3	2
5 years	3	1	2		2	1	1	
8 years	2	2						
10 years	14	10	2	2	3	3		
12 years	1		1					
15 years	1		1		1	1		
Unlimited	2	1		1				
Other	1		1					
Total	50	25	8	q7	18	12	4	2

TABLE 4.—VESTING PROVISIONS AND MAXIMUM OUT-OF-STATE SERVICE IN STATE AND LOCAL RETIREMENT SYSTEMS TO WHICH TEACHERS BELONG, DECEMBER 1969

Retirement system	Type of membership [1]	Years of service and/or age requirements for vesting [2]	Maximum years of out-of-State service creditable
(1)	(2)	(3)	(4)
1. STATE-WIDE RETIREMENT SYSTEM			
Alabama	T	(a) 15 years at any age (b) 10 years if in service at age 55.	None.
Alaska [3]	T	10 years	10 years.
Arizona	P	5 years	None.
Arkansas	T	20 years	10 years.
California [3]	T	5 years	None.
Colorado [3]	P	do	Do.
Connecticut	T	10 years	10 years.
Delaware	P	None	None (4 years may be counted toward 30 years' service requirement for retirement).
Florida [3 4]	T	10 years	10 years.
Georgia	T	do	Do.
Hawaii	P	5 years	None.
Idaho	P	10 years	Do.
Illinois [3]	T	5 years	10 years.
Indiana	T	15 years of service and age 50.	8 years (limit may be exceeded under certain circumstances).
Iowa	P	(a) 8 years (b) Age 55 regardless of years of service.	None.
Kansas	S	10 years	None (10 years may be counted to meet 25-year benefit schedule).
Kentucky [3]	T	5 years	8 years.
Louisiana [3]	T	(a) 20 years (b) 10 years if teacher withdraws to enter public-school teaching in another State.	None.
Maine [3]	P	10 years	10 years.
Maryland	T	20 years	None.
Massachusetts [3]	T	(a) 20 years (b) 6 years if position is abolished or teacher is not reemployed.	10 years.
Michigan	S	(a) 25 years (b) 10 years and age 50.	15 years.
Minnesota	T	10 years	None.

Retirement system (1)	Type of membership (2)	Years of service and/or age requirements for vesting [2] (3)	Maximum years of out-of-State service creditable (4)
Mississippi	P	(a) 20 years for full vesting (b) 16 years for partial vesting.	
Missouri [3]	T	20 years	10 years.
Montana	T	5 years	5 years.
Nebraska	S	do	10 years.
Nevada [3]	P	(a) 20 years for full benefit (b) 15 years with partial benefit.	None.
New Hampshire	P	15 years	Do.
New Jersey	T	do	10 years.
New Mexico	S	do	5 years.
New York	T	10 years	10 years.
North Carolina	P	12 years	None.
North Dakota	T	No vesting	Unlimited.
Ohio [3]	T	5 years	None (unlimited credit allowed to meet eligibility requirements for retirement in Ohio).
Oklahoma	S	20 years	5 years.
Oregon	P	5 years	None.
Pennsylvania	S	10 years	12 years.
Rhode Island [3]	P	do	10 years.
South Carolina	P	15 years	Unlimited.
South Dakota	T	25 years	None.
Tennessee	T	(a) 10 years (b) 4 years for college and university faculty members.	Do.
Texas	S	10 years	10 years.
Utah	P	No vesting	None.
Vermont	T	15 years	Do.
Virginia	P	10 years	Do.
Washington	T	5 years	Do.
West Virginia	S	20 years	Varies; on same terms as other States provide credit for West Virginia public school service.
Wisconsin	T	Immediate	None for members of combined group (with social security); out-of-State credit available to some separate group members under certain circumstances.
Wyoming	P	4 years	None.
Puerto Rico [3]	T	10 years	Do.
2. LOCAL RETIREMENT SYSTEM			
California:			
Los Angeles [3]	T	5 years	Do.
San Francisco	P	(a) 10 years (b) if accumulated contributions exceed $1,000.	Do.
Colorado: Denver [3]	S	10 years	Do.
District of Columbia: Washington [3]	T	5 years	10 years.
Illinois: Chicago [3]	T	(a) 20 years (b) 10 years and age 55.	Do.
Iowa: Des Moines	T	20 years and age 45	None.
Maryland: Baltimore	P	No vesting	Do.
Michigan: Detroit	S	(a) 15 years continuous service and age 50 (b) 25 years, with last 10 years continuous (c) 15 years continuous service and subsequent retirement from another public agency.	10 years, 15 years if service is in Michigan.
Minnesota:			
Duluth	T	No vesting	None.
Minneapolis [3]	T	7 years	Do.
St. Paul [3]	T	10 years	5 years.
Missouri:			
Kansas City	S	5 years and age 40	None.
St. Louis	S	5 years	Do.
Nebraska: Omaha	S	20 years	5 years.
New York: New York City	T	15 years	15 years.
Oregon: Portland	T	5 years	None.
Tennessee: Knoxville	P	15 years	Do.
Wisconsin: Milwaukee	T	Immediate	Do.

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[1] In this column T—teachers and professional school employees only; S—all school employees; P—teachers and other public employees.

[2] The requirements listed are other than those needed for early retirement.

[3] No social security coverage.

[4] In 1969, Florida teachers were given the option to join the state public employees retirement system which has social security coverage.

Sources: NEA Research Division survey of state and local systems to which teachers belong February 1969. NEA Research Division, School Law Summaries, Retirement, December 1969.

TABLE 5.—PROVISIONS FOR OUT-OF-STATE SERVICE CREDIT, STATE AND LOCAL RETIREMENT SYSTEMS TO WHICH TEACHERS BELONG, DECEMBER 1969

Maximum number of years of out-of-State service credit allowable (1)	Type of system (2)	Cost of out-of-State service credit paid by: (3)	Comments (4)
None	1. State-wide teachers system:		
	Alabama		
	California		Out-of-State credit was allowed up to June 30, 1944.
	Louisiana		
	Maryland		
	Minnesota		Out-of-State credit allowed before 1957.
	Ohio		Out-of-State service credit may be purchased only to meet eligibility requirement for retirement in Ohio, at rate of $100 for each year of out-of-State service.
	South Dakota		
	Tennessee		
	Vermont		10 years of out-of-State credit may be purchased to meet the 15-years' service required for eligibility for disability retirement
	Washington		Out-of-State service credit was available until June 30, 1964
	Wisconsin		No out-of-State service credit is available to members of combined group (those under social security); subject to certain limitations, some separate group members may receive out-of-State service credit
	Puerto Rico		

Teacher Retirement System of Texas

The retirement system was established in 1937. A major revision occurred in 1956, when contribution rates and retirement benefits were increased. The last amendatory legislation was enacted in 1969. Statutory citation: *Texas State Constitution*, Art. III, secs. 48a, 48b; *Texas Civil Statutes*, Art. 2922–1, 1a—1f.

MEMBERSHIP

Membership comprises teachers and all other employees of the public schools, employees of the state-supported colleges and universities, employees of the state board of education and county school boards, and employees of the retirement system. Membership is *compulsory* with these exceptions: (a) teachers who signed waivers in 1937 and auxiliary employees who signed waivers in 1949; (b) persons over age 60 when they first enter covered employment; and (c) teachers in institutions of higher education who choose an optional insurance annuity program. Persons who signed waivers and persons over age 60, as described in a and b, may become members.

As of August 31, 1969, the system had 257,203 active members.

CREDITABLE SERVICE

For teachers and clerical and administrative personnel, *prior-service* credit is provided without cost to the member for all service rendered before September 1, 1937; for auxiliary employees (cafeteria and maintenance employees, bus drivers, etc.) prior-service credit is granted for all service before

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1949. Five consecutive years of membership service are required to establish prior-service credit for those not in service at these dates.

Military service credit may be purchased if the member was called to active duty from covered employment for duty in World War II, the Korean War, or is called to active duty in subsequent periods of national emergency. A member may purchase up to five years of World War II military service if his first employment in a covered position was not until after the military service. Prior-service credit is given for World War I service.

Teaching in *overseas dependents schools* may be purchased as out-of-state credit.

Credit for eligible *out-of-state* service in public schools or colleges may be obtained at an annual cost of 12 percent of annual salary for the member's first year of teaching in Texas after the out-of-state service and after September 1, 1956. The maximum cost for one year of out-of-state service is $1,008 if the first year of Texas service after the out-of-state service is before the 1969–70 school year. No out-of-state service may be used to compute benefits unless the member has 10 years of creditable Texas service. One year of out-of-state service may be purchased for each two years of Texas service, to a maximum of 10 years of out-of-state service.

Transfer of service and funds of teacher members and auxiliary members is permitted between the Teachers Retirement System and the State Employees Retirement System.

WITHDRAWALS AND REFUNDS

Upon termination of his employment in the public schools of the state, a member may withdraw his accumulated contributions with interest. There is no *service charge* for withdrawal but a $5 membership fee is paid annually by each member.

Absence from covered service for more than five consecutive years terminates membership unless the member has a vested interest. Reemployment in a covered position for five consecutive subsequent years and repayment of amount withdrawn plus 2½ percent per year reinstatement fee gives the member credit for service before withdrawal of his account or absence of more than five years.

PROVISIONS FOR MEMBER'S BORROWING

The retirement law expressly prohibits a member from borrowing or assigning his account as collateral.

VESTING AND DEFERRED ALLOWANCES

Retirement benefits vest after 10 years of creditable service. A member who leaves covered service within five years of reaching normal retirement age, with at least 10 years of creditable service, is also covered by death and survivor benefits.

The benefit formula for the deferred allowance is the same as for normal retirement.

RETIREMENT REQUIREMENTS AND BENEFIT FORMULAS

Normal retirement is at age 60 with 20 years of creditable service or at age 65 with 10 or more years of creditable service. Members contribute as long as they remain in service.

The benefit formula is 1.65 percent of average annual salary for the best 10 years times each year of creditable service. ($8,400 is the maximum annual salary that can be used for any year before September 1, 1969, and $25,000 is the maximum salary that can be used after September 1, 1969.) This amount is payable to the retired member as a single life annuity. By choosing an option 30 days before retirement, the member can elect an actuarially equivalent joint and survivor annuity with 100 percent or 50 percent to the survivor, or a guarantee of payments for a minimum of five years or 10 years. In addition to any retirement plan which might be chosen, all retired members are covered under the survivor benefit provisions.

The minimum retirement allowance for teachers retiring at age 60 or older is as follows: 25 or more years of service, $50 per month for each year of credit not to exceed $150 per month; 20 through 24 years of service, $100 per month. The minimum retirement allowance for teachers retiring at age 65 with credit for 10 through 19 years of service is $75 per month. The minimum allowance for auxiliary employees is as follows: 60 years of age and older with 20 or more years of service, $85 per month; 65 years of age and older with 10 through 19 years of service, $55 per month.

Early retirement is at age 55 with 15 years of service. The retirement allowance is figured as for normal retirement except that it is actuarially reduced from age 65 for those retiring with less than 20 years of service, and from age 60 for those with 20 years or more of service. Early retirement is also available at any age with 30 years of service under the normal retirement formula, but the allowance is actuarially reduced from age 60.

Disability retirement is available only for total and permanent disability regardless of age or years of service rendered. The disability allowance is calculated as for normal retirement, with no actuarial reduction. The minimum allowance is $50 per month. If the disabled member has less than 10 years of service, the allowance runs for the number of months he was employed. The disability allowance is payable for life to a member with 10 or more years of service.

Compulsory retirement is not required by the retirement law. Retirement age is determined by each local school board.

WORK RESTRICTIONS AFTER RETIREMENT

Retirants may substitute to a maximum of 80 days or teach one-third time in public educational institutions without suspension of the retirement benefit. Other regular employment in an agency included in the retirement system forfeits benefits for any month in which the employment occurs. No deposits may be made or credit given for service after retirement.

Retirants are eligible for employment in other states without affecting the retirement benefit.

DEATH AND SURVIVOR BENEFITS

Upon death of a member in active service, his beneficiary is entitled to choose one of the following benefits: (a) a lump-sum payment of the member's annual salary for the current or preceding school year to a maximum of $25,000; (b) 60 monthly payments equal to the retirement benefit the member would have received had he retired at normal retirement age with the same number of years of service for which he had credit at the time of his death; (c) a life annuity equal to allowance that would have been due had the member retired with a joint-survivorship option; or (d) a refund of the members accumulated contributions with interest.

In lieu of the death benefits described above, the following survivor benefits are available to an eligible beneficiary of a teacher-member or an auxiliary member whose annual salary at the time of death was at least $3,800 per year. Monthly payments are one-third less for a beneficiary of an auxiliary member who was earning less that $3,800 a year at the time of his death. Survivor benefits include a $500 lump-sum payment plus one of these monthly payment plans: (Plan A) $75 per month for life beginning at age 65 to the widow, dependent widower (considered to be one whose wife contributed to the household expenses), or dependent parent, provided there is no remarriage; (Plan B) $150 per month for the widow or dependent widower with dependent children under age 18, ceasing when the youngest child reaches 18, then $75 per month beginning at age 65 for the widow or dependent widower if there has been no remarriage; or (Plan C) $150 per month if there are two or more dependent children under age 18, decreasing to $75 per month when there is but one child under 18, and ceasing when the youngest child reaches age 18.

If death occurs after the member has retired, any designated beneficiary is eligible for a $500 lump-sum payment plus any benefits the member may have provided at the time of his retirement by the selection of one of the optional retirement plans. In addition, if the beneficiary is the widow, dependent widower, dependent parent, or dependent child under age 18, one of the three above-mentioned survivor benefit plans is available.

FINANCING

Benefits are financed *jointly* by members' contributions and public revenue. *Members* contribute at the rate of 6 percent of annual salary to a maximum of $25,000. There is no provision for voluntary contributions for supplemental benefits.

The *state* matches the member's contributions. The employer's contributions are not credited to the individual member's account. The state appropriation for 1969–70 is estimated to be $88.6 million.

Interest at the rate of 2½ percent per year is credited to members' accounts. The rate is fixed by the retirement law.

TAX-SHELTERED ANNUITIES

Not available to members from the system.

INVESTMENTS

The retirement funds may be invested in U.S. Government or Agency securities and guaranteed loans, state and municipal bonds, corporate debt obligations, and common stocks.

The fund is managed by the Board of Trustees through an investment department of the Teacher Retirement System. Professional investment counsel is retained and an investment advisory committee from the Texas financial community advises the Board on policy.

As of August 31, 1969, total investments, exclusive of cash, were $1,306,243,347; cash on hand included $38,600,000 in short-term notes and $2,408,685 in cash.

ADMINISTRATION

The Board of Trustees consists of seven members. Three are appointed by the governor, with the advice and consent of the senate, for six-year terms with one term expiring every two years. One member is appointed for a six-year term by the state board of education subject to confirmation of two-thirds of the senate. Three members are appointed by the governor from a slate of three teacher-members nominated by the membership of the system by written ballot.

SOCIAL SECURITY COVERAGE

Social security coverage was adopted in 1956. All employees of senior colleges and universities are covered. The state pays the employer's share. Local school districts operating elementary or secondary schools or junior colleges may cover employees with social security on a local option basis. The local school district pays the employer's portion of the social security tax. Social security benefits are fully supplemental to the retirement allowances.

NUMBER OF RETIRANTS AND BENEFITS PAID

As of August 31, 1969, a total of 28,818 retirants and survivor beneficiaries were receiving benefits. The median annual retirement allowance is estimated at $2,048. During the year ending August 31, 1969, a total of 2,970 members retired. The median annual retirement allowance for this group is estimated at $2,571.

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EXAMPLES OF BENEFITS PAID

Monthly salary (annual +12)	Monthly retirement allowance for teacher-members retiring March 1969 [1]					
	Age 55, 30 years' credit		Age 60, 20 years' credit [2]	Age 62, 37 years' credit [2]	Age 65, 40 years' credit [2]	Age 70, 45 years, credit
	Men	Women				
$700	$248.61	$258.90	$231.00	$427.35	$462.00	$519.75
$600	213.10	221.92	198.00	366.30	396.00	445.50
$500	177.58	184.93	165.00	305.25	330.00	371.25
$400	142.07	290.01	132.00	244.20	264.00	297.00
$300	106.55	110.96	100.00	183.15	198.00	222.75
$200	71.03	73.97	100.00	150.00	150.00	150.00

[1] The figures do not include social security benefits.

[2] Same benefits for men and women members.

S. 3888—INTRODUCTION OF THE "NATURE PROTECTION ACT"

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, the Nature Protection Act. When enacted, this legislation will prohibit the hunting, capturing, killing, taking, transporting, selling or purchasing of any species of fish or wildlife which is in danger of becoming extinct in the United States of America. Further, the act will prohibit States or their political subdivisions from paying bounties on species whose survival is in jeopardy.

Mr. President, the sallow air of our cities, the blackened sands of our seashores, our lakes and harbors are reeking of sewage and depleted of oxygen are but a part of the sad legacy of the idea that nature can be treated as a servant, blindly obedient to every want, whim or pleasure of man.

In his quest to conquer nature, man has been the only animal to remove himself from his natural ecosystem, and to try to survive in an environment changed and shaped to suit his own convenience. The whole earth has been altered in the process.

For generations, our civilization thought the battle was won. Our sole vision was of a shining road ever ascending in the infinite progress and perfectability of man and his society. Only in the past few years have we begun to realize that our vision has been inverted—that in fact we have been descending into a sewer where air, earth, and water threaten to smother us in our own excrements.

Only recently have we begun to understand that we are and have been transmuting the world ecosystem—upon which all life depends—without even the most elemental ecological knowledge to direct our actions.

Only now we are beginning to perceive that we are involved in a grim struggle to maintain the way of life our people demand, without at the same time making our natural environment hostile to all forms of life, including our own.

Indeed, other life forms find their struggle for existence increasingly difficult because of man's environmental irresponsibility.

The coral reefs of the Pacific are threatened by man's tampering with the marine ecosystem. Almost 50 percent of the Ponderosa and Jeffrey pine trees in the San Bernardino National Forest are damaged because our air pollution interferes with nature's process of photosynthesis. Our sewage nurtures excessive plant growth in our lakes which depletes the oxygen supply and changes the ecosystem so that the only organisms which can survive are those which do not need air to live.

Among the higher life forms, the toll has been even greater. Some species are already extinct. Others are rare or endangered.

Direct human alteration of the environment is the leading reason species are threatened. Farmers cultivated and irrigated land and destroyed the habitat of many species like the San Joaquin Kit Fox and the Northern Greater Prairie Chicken. Agriculture, pollution, logging, and dozens of other forms of direct human encroachment into natural habitats have threatened the survival of many species.

Exsessive hunting and fishing are the second largest threat to animals. Species have been killed for food, skins, sport or as pests. Animals threatened with extinction because of excessive hunting and fishing range from the American Ivory-billed Woodpecker to the American Alligator to the Florida Panther.

A number of species—especially birds—have declined because of disease made possible by man. In Hawaii, for example, man introduced mosquitoes, and avian malaria ravaged the islands' bird population.

Man's use of pesticides and other poisons is another reason for decline. In some cases, one species will be killed by eating poison left for another. However, more serious is the indirect destruction of animals by pesticides. The predator, for instance, accumulated pesticide poisons from the tissue of its prey and is either killed outright or prevented from reproducing. The eggs of the Peregrine Falcon, for example, have become soft shelled and so easily destroyed that the species is seriously threatened. In addition, nonpredators are taking large doses of pesticides and the effect on them—like the effect on man—is not completely known.

And finally, species have declined because of excessive killing by, or competition from, other animals—often animals introduced by man. Feral rabbits introduced by man in the Hawaiian Islands destroyed vegetation; the Laysan Duck was unable to compete and was nearly wiped out. Also in Hawaii, the Hawaiian Dark-rumped Petrel was decimated by rats, cats and mongooses. Even fish are threatened by man's introduction of other species. The Gila Topminnow, to name one, has been badly damaged by exotics.

But, so what? There are far more serious problems confronting the Nation and the world. What difference will it make if the Black-footed Ferret or the California Condor are no longer with us? There are several answers to this question—some simple and some complicated.

The various species and subspecies are a part of the diversity of nature which we should preserve for the education and enjoyment of future generations of man. Animals are fun to see and to experience. Our kids ought to have the same opportunity that our parents had to know and love wildlife and nature. In addition, taxonomists and other specialists within the biological sciences will obviously benefit if we preserve as many life forms as possible.

These reasons, I believe, would most probably be cited by the average person who would like to prevent the extinction of any more species. However, there are more compelling issues at stake here which make the preservation of various life forms a more serious problem than the need to educate our children or to satisfy our scientific or idle curiosity.

Ecology is still a young and growing science. Much remains unknown. In the next decades ecologists will learn more and more about the interrelationships of life forms in our earth's ecosystem. This new knowledge in turn will teach us how man himself must interrelate with his environment in order to survive. It will also teach us how to attain and maintain an environment where survival is both possible and worthwhile.

While we are only on the threshold of ecological understanding, there is at least one major ecological finding which can guide our present policies.

Ecologists have learned that complex and diversified ecosystems are generally stabler and have more compensatory resources to resist invasion from outside plants and animals. Conversely, simple systems or systems with only a few dominant species are more subject to destructive population variations and more vulnerable to invasion by foreign life forms.

When we destroy a complex ecosystem and in its place create a simple one, we have made a life system where survival is less secure and extinction a greater threat. Yet that is what we did when we leveled and fenced the prairies and planted our crops. When we tear down a forest to plant an orchard, we change from a complex to a simple system. Thus, mixed forests are generally less prone to outbreaks of pests than are orchards or even pure stands of trees which may occur naturally.

Another example of man's substitution of a simple system for a complex one is the elimination of a diversity of primary consumers such as elk, deer, and other graze and browse animals—and along with them the secondary consumers such as predators and scavengers.

In its place we substitute a single primary consumer, the cow, who is eaten solely by man, the secondary consumer.

Once these vulnerable simple systems are threatened by invasions, we do not attempt to restore the stronger diverse systems. Just the opposite, we spray the

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fields with pesticides to kill all the insects, including the predators who might eat the invaders. Thus the system becomes even simpler, and even more vulnerable.

We cannot know where this process will end. Speculation on the question quickly leads into the fancies of science fiction.

But one thing should be obvious: diversity of life forms may be among our most precious natural resources. It follows that we should act now to preserve this diversity for that future day when we have mastered the science of ecology well enough to do sound environmental planning.

If we fail to do this, if we let our native fish and wildlife become extinct, then we will close the door on restoring the natural and complex ecosystems which future knowledge may dictate as essential for the survival of the biosphere, and man himself.

If we kill all the predators, we will be unable to reestablish a natural system. The extinction of the large herbivores will have the same consequence. Yet it is the predators and the large herbivores who are and have been in the greatest trouble because they are least able to survice the onslaught of man's environmental destructiveness.

In the face of our uncertainty about our future environmental needs, it is quintessence of folly to allow any species to disappear.

The Wilderness Act is one excellent method to conserve diversity in nature. I believe the bill I introduce today is another essential step.

Not only will my proposal make it illegal to kill an animal threatened by extinction, but it will encourage State game management officials to take steps to provide habitats where rare and endangered species can survive, as I shall explain later.

Time is growing short for many forms of life. Here on just the threshold of understanding the need for diversity in nature, we can see species after species slipping away. This list of American animals which have become extinct within the last years is alarmingly long. Yet with each new compilation the Department of the Interior's list of rare and endangered species grows longer and longer.

A second area where I believe the extinction of species has serious implications has nothing directly to do with the science or the economics of survival, but rather concerns the ethics of man's relationship with other life forms and with nature.

Does man's moral responsibility extend to other life forms?

Animals kill other animals as part of the natural system—and they did so long before man appeared on earth. The foxes, owls, bobcats, snakes, and other predators are an indispensable part of the ecosystem. When they are eliminated, as man has often unwisely done, the populations of their prey, such as rabbits or deer, often explode, with disastrous consequences to the plant life they feed on. Under these circumstances, the human hunter becomes a substitute predator, fulfilling a role in the ecosystem. In turn, we have game laws to make sure he does not overplay the part.

Furthermore, animals became extinct, species vanished for a variety of reasons, and new species appeared, long before man, another new species, walked the planet.

But none of this, it seems to me, in any way justifies or gives us any moral right to ignore the consequences of our tampering with the environment, particularly when such tampering dooms a distinct life form to extinction. We seem to have the attitude that because it is not convenient or economically profitable for us to make the effort to save endangered animals, we are justified in letting them die out.

One of the most profound thinkers of our age, Dr. Albert Schweitzer, said of this question:

> At the same time the man who has become a thinking being feels a compulsion to give to every will-to-live the same reverence for life that he gives to his own. He experiences that other life in his own. He accepts as being good: to preserve life, to promote life, to raise to its highest value life which is capable of development; and as being evil: to destroy life, to injure life, to repress life which is capable of development. This is the absolute, fundamental principle of the moral, and it is a necessity of thought.
>
> The great fault of all ethics hitherto has been that they believed themselves to have to deal only with the relations of man to man. In reality, however, the question is what is his attitude to the world and all life that comes within his reach. A man is ethical only when life, as such, is sacred to him, that of plants and animals as that of his fellowman, and when he develops himself helpfully to all life that is in need of help. Only the universal ethic of the feeling of responsibility in an ever-widening sphere for all that lives—only that ethic can be founded in thought. The ethic of the relation of man to man is not something apart by itself: it is only a particular relation which results from the universal one.

I can think of no ethic which is more appropriate to the ills of our age than Dr. Sweitzer's ethic of reverence for life, be it human life or the animal and plant life about us.

But, you may say, the wolf kills and so indeed must man if he is to survive. What then of this ethic?

And I must agree, thinking back to last evening's prime rib or rack of lamb, that while I might wish no killing were necessary, our society's institutions will continue to include the slaughterhouse. However, when the wolf kills, he is but an agent in the continuing cycle of life and death. His act, if performed in nature, is part of the ecosystem which enables both the wolf and the deer to survive. Nature undergoes no basic change when an individual animal dies.

But the death of a species is profound, for it means nature has lost one of its components, which played a role in the interrelationship of life on earth.

Here the cycle of birth and death ends. Here there is no life, no chance to begin again—simply a void.

To cause the extinction of a species, whether by commission or omission, is unqualifiedly evil. The prevention of this extinction, thus, must be a tenet among man's moral responsibilities.

Furthermore, in obeisance to the pragmatism of our age, I suspect that the acceptance of the ethic of reverence for life may be crucial in terms of our own survival.

Lynn White, Jr., in an article entitled, "The Historical Roots of our Ecologic Crisis," suggested that Western man needs to revise the Judeo-Christian credo of man's domination over nature and nature's subservience to man's purposes.

> What we do about ecology depends on our ideas of the man-nature relationship. More science and more technology are not going to get us out of the present ecologic crisis until we find a new religion, or rethink our old one.

As a model for this new ethnic, White suggests that we review the teachings of Saint Francis of Assisi:

> The greatest spiritual revolutionary in Western history, Saint Francis, proposed what he thought was an alternative Christian view of nature and man's relation to it: he tried to substitute the idea of man's limitless rule of creation . . . Since the roots of our trouble are so largely religious, the remedy must also be essentially religious, whether we call it that or not. We must rethink and refeel our nature and density. The profoundly religious, but heretical, sense of the primitive Franciscans for the spiritual autonomy of all parts of nature may point a direction. I propose Francis as a patron saint for ecologists.

Thus, I suggest that Dr. Schweitzer's ethic of reverence for life may be the ethic for mankind's survival.

My final contention about the preservation of rare and endangered species deals with neither science nor ethics—but is ultimately practical. Simply put, man's own survival is at stake; the actions he must take to assure the animals survival will also be his own salvation.

As the environment deteriorates, man must find more and more ways to protect himself from it. We in the Senate are able to work in our offices, travel to the Capitol, speak in this Chamber, and even visit the other body without ever inhaling the unfiltered air outside our walls. Unless we choose to go out, we can remain in an encased environment for most of the time. If air pollution is not reversed, life in our cities will require even more stringent controls which will enable us to avoid completely any contact with the great outdoors.

So it is with other forms of environmental pollution. We can keep the poisons away from us by building structures to encase all our activities from bubbles over our baseball diamonds to underground shopping malls.

But improved techniques to protect us from pollution are dangerous for two reasons. First, they lull us into the belief that man is capable of surviving in a totally artificial environment. Biologists who study genetic evolution have begun to question this assumption. Second, they fail to alert us to what lies at the end of this process—that our habitats will become mechanized tombs where life won't be worth living.

We cannot preserve wildlife and fish by protecting them from their environment. Instead, we must preserve their environment in a liveable form and we must keep our contaminants from degrading

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their ecosystems. And in the process, we will preserve at least some of our environment in a condition where we know that we and our children can survive.

These are my reason for believing that the preservation of our rare and endangered species should be given high priority in our national system of values.

Unfortunately, a prohibition on killing or capturing will not guarantee that any species will survive. As I pointed out earlier, man's act of excessive hunting or intentional poisoning in wildlife control programs is only one of a number of threats to the survival of fish and wildlife. Some of the greatest dangers to develop from human actions where the adverse effects on wildlife are entirely unintended.

Other steps need to be taken. We made good progress in 1966 with the passage of the Endangered Species Preservation Act and last year with the passage of the Endangered Species Conservation Act.

However, a prohibition on killing, or capturing of rare and endangered species will have three positive consequences which will mean substantial progress in wildlife preservation.

First, the bill will protect individual members of a species when the species is near its minimal survival population. The death of the last passenger pigeon in 1914 marked the end of the species, but its extinction had become inevitable years before when the population dropped below the point where its breeding and other survival abilities were capable of reversing the decline in its number. This minimal population point varies from species to species, and is probably not subject to any precise mathematical determination. In addition, man's intervention can sometimes work miracles, as we hope is the case with the whooping crane.

Nevertheless, we should not be as concerned about the death of the final grizzly bear as we are about the next one which may die at the hand of man.

Even if the animal is being challenged by one of the unintentional human acts such as the introduction into its ecosystem of a foreign species, the fact that the animal is rare or endangered means that it has reached the point where every individual member of the species may be crucial to the species survival. Thus I believe members of rare and endangered species should be protected.

In addition, some States have laws which provide bounties for animals listed as rare or endangered. While I doubt that these bounty laws provide substantial economic incentive in many areas of our Nation, they do encourage the attitude that wild animals, particularly predators, are varmints to be shot on sight as a matter of commonsense.

We should be penalizing anyone who kills a rare animal, not rewarding him. Therefore, I propose that States be prohibited from paying such bounties.

Second, for those animals threatened by man's encroachment on their range, the illegalizing of their slaughter will make it mandatory for local, State, and Federal agencies to find and provide new range land as well as to protect existing range at least until herd size grows to the point where the species is removed from the rare list.

The California Tule elk, which has been listed as both rare and endangered, is a good example of a species which would benefit. Once this little elk roamed the hills and valleys of Central California in the tens of thousands. Today the only remaining wild herd is in the Owens Valley, east of the Sierra Nevadas, an area where they are not indigenous.

The Tule elk is protected under California law. However, the California Fish and Game Commission has determined that the available range will support a herd of only 250 elk—the area also supports 15,000 to 40,000 cattle at various times during the year. Thus, hunters are given special permission to come in and shoot the surplus. Last year the State of California permitted private sportsmen to kill about 80 Tule elk, an animal the Department of the Interior lists as rare.

I think it is obvious that if we are seriously concerned with saving such species, we must expand their herds and extend their range. I have introduced separate legislation (S. 3028) to authorize a study of new range sites for the Tule elk in the Southwestern United States, and I am hopeful that we can establish new wild and unfenced range areas for the Tule elk in California, particularly at Point Reyes.

But the Tule elk situation serves to emphasize the point that we cannot depend on the States to make available the land necessary to preserve our rare species so long as they can maintain that hunting is a sound wildlife management technique for such rare and endangered species.

To authorize hunting of rare or endangered animals is bad for another reason. The sportsman seeking a trophy will naturally go for the biggest and best of the herd, not the weakest runts who can contribute the least to the species survival. If it is necessary to limit an endangered species population, it should be done by scientists who will cull out the weak and the aged, not by private hunters who will do just the opposite.

The States should be setting aside more lands in wildlife refuges. The States should also be preventing further encroachments of human society into existing wildlife habitats. By outlawing the killing of rare and endangered species, we will encourage State and local actions in both areas.

Finally, the enunciation of a national policy which makes illegal such killing would require a rethinking of our traditional attitudes toward wild animals, particularly predators. If we say to the rancher who has lost a sheep to a timber wolf that it is illegal for him to kill the wolf because it is endangered, then we will need to develop a procedure for reimbursing the rancher for his loss, and of convincing him that the benefits man derives from predators are worth the inconvenience of an occasional dead sheep. This would also benefit other predators, such as the coyote, who is not rare or endangered and is more apt to be the villain in the case of the lost sheep. Animals not yet rare or endangered might also be helped to avoid those unhappy categories, if this legislation makes us reconsider the indiscriminant broadcasting of poisons to kill "pests" especially in the Western States.

All considered, I believe this bill is essential to saving our rare and endangered species.

Moreover, the United States is under treaty obligation to protect rare and endangered species.

At the eighth International Conference of American States various resolutions were adopted. Pursuant to the 13th resolution of December 23, 1938, the Pan American Union established the Inter-American Committee of Experts on Nature Protection and Wildlife Preservation. This Committee consisted of one member-representative from each American republic. The U.S. representative was Dr. Alexander Wetmore who was then Assistant Secretary of the Smithsonian Institution. The draft of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere was unanimously approved on May 16, 1940, by the Committee. On October 12, 1940, the treaty was signed in Washington by the respective plenipotentiaries of the United States, Bolivia, Cuba, the Dominican Republic, Ecuador, El Salvador, Nicaragua, Peru and Venezuela. Subsequently it was signed on behalf of Costa Rica on October 24, 1940, Mexico on November 20, 1940, Uruguay on December 9, 1940, and Brazil on December 27, 1940.

Secretary of State Cordell Hull officially conveyed the treaty to President Franklin D. Roosevelt on February 13, 1941. In the letter which accompanied the treaty, Secretary Hull informed the President that the animals listed in the annex to the Convention "shall be protected as completely as possible." The list was described by Secretary Hull as flexible and subject to modification as changes in conditions might warrant.

The Convention was transmitted by President Roosevelt to the Senate on February 14, 1941, for advice and consent to ratification. The treaty was ratified by the Senate on April 7, 1941, ratified by the President on April 14, 1941, deposited with the Pan American Union at Washington on April 28, 1940, and proclaimed by the President on April 30, 1942.

The first list of species included by the United States in the annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere consisted of:

Woodlands caribou, sea otter, manatee, trumpeter swan, California condor, whooping crane, Eskimo curleu, Hudsonian godwit, Puerto Rican parrot, ivory-billed woodpecker.

The annex list was revised on September 1, 1967. This list is much more extensive than the original annex of the 1940's. As ecological conditions change and scientific knowledge advances, further revisions of the annex can be made.

It is article VIII of the treaty which requires the protection of the animals list in the annex.

Protection of the species mentioned in the

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> annex to the present Convention, is declared to be of special urgency and importance. Species included therein shall be protected as completely as possible, and their hunting, killing, capturing, or taking, shall be allowed only with the permission of the appropriate government authorities in the country. Such permission shall be granted only under special circumstances, in order to further scientific purposes, or when essential for the administration of the area in which the animal or plant is found.

The article requires that these animals be protected as completely as possible. The hunting, killing, capturing or taking of these animals is strictly forbidden. However, the governments are permitted to grant exemptions to this prohibition, but only for scientific purposes or when such an exemption is essential to the proper administration of the area in which the animal is found.

These prohibition requirements became law in the 1940's and under international law they have been fully binding on the United States ever since. However, our domestic law distinguishes between "self-executing" and "non-self-executing" treaties. This treaty is of the "non-self-executing" type. That means that before the prohibitions and requirements of article VIII can be enforced in our domestic courts, Congress must enact enabling legislation.

During the 1940's, when this country was fighting World War II, Congress neglected to enact the necessary legislation. Nor has any attempt been made since the 1940's to fulfill our international legal responsibilities under article VIII of the treaty. It is my intention that this bill shall fulfill that obligation.

The present annex to the treaty, submitted in 1967, includes the following species.

(See exhibit 1.)

In addition, the "Rare and Endangered Fish and Wildlife of the United States," contains the following species which should be added to the annex at its next revision.

(See exhibit 2.)

These then are the species which my proposal would attempt to save. In this context, I would like to direct the Senate's attention to those animals we cannot save. Following is a list of those species which have already become extinct in the United States:

(See exhibit 3.)

The bill I have proposed contains the following provisions.

Section 2 of the bill is a brief statement of the need to protect endangered and rare animals and of our international obligation to enact a bill to provide this form of protection.

Section 3 defines various terms which are used in the bill.

Section 4 specifies what acts will be prohibited. Subsection, (a) forbids the hunting, capturing, killing, taking, transporting, selling, or purchasing of any protected animals. Subsection (b) prohibits the payment of any bounty for the killing of a protected animal. The species and subspecies of animals protected by this bill are those species or subspecies which are listed in the annex to the convention.

Section 5 provides for a few limited exceptions to section 4(a). There are no exemptions from the bounty prohibition of section 4(b). Under section 5, the Secretary of the Interior may grant an exemption for scientific purposes, for the display of animals in zoos, for the administration of the area in which an animal is found, for the propagation of protected animals or the relocation of animals in new natural habitats. A general exemption from the prohibition of section 4(a) is provided for in various situations. The most important there being the exemptions for animals already in captivity on the effective date of this act, individual diseased animals, animals which have been raised and released as game animals, and animals used by the Indians for religious purposes.

Section 6 provides for the updating of the list of animals enumerated in the annex to the Convention. The treaty's annex is subject to revision as circumstances warrant. When the annex is updated, all those animals which have been found to be either rare or endangered under the Endangered Species Act will be included in the annex.

Section 7 provides that both Federal and State officers may enforce the provisions of this bill.

Section 8 is the penalty clause. It prescribes that violations of section 4(a) constitute a misdemeanor.

Section 9 has two subsections. The first affirms the power and right of the States to provide for the protection and scientific management of animals. The second subsection authorizes the Secretary of the Interior to consult with the Governors of the several States concerning the policy and provisions of the bill. It is my intention to make it perfectly clear by this section that the Secretary of the Interior will not be empowered by this legislation to regulate hunting and fishing; nor will he be authorized to control, in any manner, the issuance of State hunting or fishing licenses. I do not have any intention to interfere in any way with the hunting or fishing of the many sportsmen of our Nation, except in the case of animals facing extinction.

Section 10 is a separability clause.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. HOLLINGS). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD:

The bill (S. 3888) to implement the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354); amend Public Law 89-669 (Oct. 15, 1966); and for other purposes; introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nature Protection Act".

SEC. 2. Congress finds that—

(1) the animals of our nation represent an invaluable natural resource; that in the past inadequate protection and changing conditions have resulted in the extinction of many species with ecological, historical, educational, scientific and recreational values; and that we cannot afford to allow the disappearance of these assets;

(2) there is an overriding need to preserve representatives of all animal species in their natural habitat in sufficient numbers and over extensive enough areas to protect animals from extinction; and

(3) pursuant to our treaty obligations under Article VIII and other provisions of the Convention on Nature Protection and Wildlife Preservation, it is the responsibility of Congress to protect animal species and subspecies threatened with extinction.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) the term "fish" means any finfish or any part, products, egg, or offspring thereof, or the dead body or parts thereof whether or not included in a manufactured product;

(b) the term "wildlife" means any wild mammal, wild bird, amphibian, reptile, mollusk, or crustacean, or any part, products, egg, or offspring thereof, or the dead body or parts thereof whether or not included in a manufactured product;

(c) the term "Convention" means the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354);

(d) the term "annex" refers to that portion of the Annex to the Convention which contains the list of species submitted by the United States of America; and

(e) the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

PROHIBITED ACTS

SEC. 4. (a) Except as provided in section 5 of this Act, no person within any State, or within any place subject to the jurisdiction of the United States, shall hunt, capture, kill, take, transport, sell or purchase any fish or wildlife the species of subspecies of which is listed in the Annex to the Convention.

(b) No person or State (or political subdivision thereof) shall pay or offer to pay any form of bounty for any fish or wildlife the species or subspecies of which is listed in the Annex to the Convention.

EXEMPTIONS

SEC. 5. (a) If the Secretary of the Interior determines that it will not endanger the preservation or health of the species or subspecies protected by this Act, he may grant an exemption to any person from the prohibitions of section 4(a) of this Act. Such exemptions shall only be granted in order to further scientific purposes; provide for the display of fish or wildlife in public zoos; administer the area in which the fish or wildlife are found; provide for the propagation in captivity of a species or subspecies with the intention of later release or the fish or wildlife in their natural habitat; or transplant the fish or wildlife to new natural habitat.

(b) Section 4(a) of this Act shall not apply to the following fish or wildlife:

(1) the Tule White-fronted Goose (*anser albifrons gambelli*);

(2) American alligators (*alligators mississippiensis*) found on private property and transported without harm to the animal, to its natural habitat for release in the wild;

(3) fish or wildlife in captivity on the effective date of this Act;

(4) fish or wildlife raised and kept entirely in captivity;

(5) fish or wildlife released as game animals after having been raised in captivity specifically for that purpose;

(6) fish or wildlife taken for the religious purposes of Indian tribes; and

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(7) individual fish or wildlife which are infected with plague, rabies, tularemia or other dangerous disease.

LISTING OF ANIMALS IN THE INDEX

SEC. 6. When appropriate the Secretary of State shall transmit to the Pan American Union the list of species of fish and wildlife to be included as part of the Annex. This list shall include, but not be limited to, all species of fish and wildlife found by the Secretary of the Interior, pursuant to the provisions and standards of Public Law 89-669 (Oct. 15, 1966), to be rare or endangered.

ARREST, ENFORCEMENT, SEARCHES AND SEIZURES

SEC. 7. Any employee of the Department of the Interior authorized by the Secretary of the Interior; any Coast Guard officer; any United States marshal or deputy marshal; any customs officer; and civil officer having authority to apprehend offenders under the laws of a State; and any other person authorized to enforce this Act shall have the power to: (1) arrest without warrant or other process any person committing in his view or presence a violation of this Act; (2) take any person arrested for violation of this Act for examination or trial before any officer or court of competent jurisdiction; and (3) with a search warrant search any place where he may have reason to believe that a violation of this Act has been committed.

PENALTY

SEC. 8. Any person that violates any provision of section 4(a) of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall pay all costs of the proceedings and be fined not more than $5,000 or imprisoned not more than six months, or both.

STATE LAWS AND REGULATIONS

SEC. 9. (a) Except to the extent otherwise specifically provided in the Convention or this Act, nothing in this Act shall be construed so as to (1) abridge the presently existing responsibility of any State for the protection, preservation, and scientific management of fish and wildlife; or (2) abridge or deprive any such State of its power and right to make and enforce laws and regulations for the protection, preservation, and scientific management of fish and wildlife.

(b) The Secretary of the Interior, in carrying out his duties under this Act, is authorized from time to time, to consult with the Governors of the several States and the Commissioner of the District of Columbia.

SEPARABILITY

SEC. 10. If any provisions of this Act or the application of such provisions to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provisions to other circumstances or persons shall not be affected thereby.

The exhibits, presented by Mr. CRANSTON, are as follows:

EXHIBIT 1

SPECIES AND WHERE FOUND

FISH

Endangered

Atlantic Sturgeon: Atlantic.
Lake Sturgeon: Great Lakes, Alabama, Missouri, Nebraska, Kansas.
Shortnose Sturgeon: New York.
Longjaw Cisco: Michigan.
Arctic Grayling: Montana, Utah, Wyoming, Washington, Colorado.
Atlantic Salmon: Maine.
Apache Trout: Arizona.
Gila Trout: New Mexico.
Greenback Cutthroat Trout: Colorado.
Lahontan Cutthroat Trout: Nevada, California.
Montana Westslope Cutthroat Trout: Montana.
Piute Cutthroat Trout: California.
Rio Grande Cutthroat Trout: New Mexico.
Colorado River Squawfish: Arizona.
Desert Dace: Nevada.
Humpback Chub: Arizona, Utah, Wyoming.
Little Colorado Spinedace: Arizona.
Cui-ui: Nevada.
Comanche Springs Pupfish: Texas.
Devil's Hole Pupfish: Nevada.
Owens Valley Pupfish: California.
Pahrump Killfish: Nevada.
Clear Creek Gambusia: Texas.
Gila Topminnow: Arizona.
Blue Pike: Lake Erie and Ontario.

Rare

Blackfin Cisco: Lake Michigan and Huron.
Deepwater Cisco: Unknown.
Blueback Trout: Maine:
Sunapee Trout: New Hampshire.
Olympic Mudminnow: Washington.
Moapa Dace: Nevada.
Big Bend Gambusia: Texas.
Ozark Cavefish: Missouri.
Suwannee Bass: Florida.
Maryland Darter: Maryland.
Niangua Darter: Missouri.
Sharphead Darter: Tennessee.
Spring Darter: Unknown.
Trispot Darter: Alabama.

Peripheral

Mexican Stoneroller: Texas, Arizona.
Sonora Chub: Arizona.
Chihuahua Shiner: Texas.
Rio Grande Darter: Texas.

AMPHIBIANS

Endangered

Texas Blind Salamander: Texas.
Black Toad: California.

Rare

Pine Barrens Tree Frog: New Jersey, North Carolina, Georgia.

REPTILES

Endangered

American Alligator: North Carolina, Texas, Mississippi, Arkansas, Oklahoma.

Rare

Bog Turtle: North Carolina.

Peripheral

American Crocodile: Florida.
Green Turtle: U.S. coasts.

BIRDS

Endangered

Florida Great White Heron: Florida.
Aleutian Canada Goose: Alaska.
Laysan Hawaiian Duck: Hawaii.
Main Islands Hawaiian Duck: Hawaii.
Mexican Duck: Arizona, New Mexico, Texas.
Nene (Hawaiian Goose): Hawaii.
California Condor: California.
Florida Everglade Kite: Florida.
Hawaiian Hawk: Hawaii.
Attwater's Greater Prairie: Texas.
Masked Bobwhite: Mexico.
Whooping Crane: Texas.
Hawaiian Common Gallinule: Hawaii.
Yuma Clapper Rail: Arizona.
Eskimo Curlew: Alaska.
Puerto Rican Parrot: Puerto Rico.
American Ivory-Billed Woodpecker: Texas, Louisiana, Florida, Georgia, South Carolina.
Hawaiian Crow (Alala): Hawaii.
Puaiohi (Small Kauai Thrush): Hawaii.
Nihoa Millerbird: Hawaii.
Kauai OO (OOAA): Hawaii.
Akaiapolanu: Hawaii.
Crested Honey-Creeper (Akohekohe): Hawaii.
Kauai Akialoa: Hawaii.
Laysan Finch-Bill: Hawaii.
Maui Parrotbill: Hawaii.
Nihoa Finch-Bill: Hawaii.
OU: Hawaii.
Palila: Hawaii.
Bachman's Warbler: Virginia, South Carolina.
Kirtland's Warbler: Michigan.
Cape Sable Sparrow: Florida.
Dusky Seaside Sparrow: Florida.

Rare

Hawaiian Dark-Rumped Petrel: Hawaii.
Newell's Manx Shearwater: Hawaii.
Hawaiian Harcour's Petrel: Hawaii.
Trumpeter Swan: Alaska.
Tule White-Fronted Goose: Alaska.
Northern Short-Tailed Hawk: Florida.
Southern Bald Eagle: Atlantic and gulf coasts.
American Peregrine Falcon: Alaska, Washington, Oregon, California, Arizona, Texas, Colorado.
Lesser Prairie Chicken: Kansas, Colorado, New Mexico, Texas, Oklahoma.
Northern Greater Prairie Chicken: central U.S.
Florida Sandhill Crane: Florida.
Hawaiian Stilt: Hawaii.
Puerto Rican Whip-Poor-Will. Puerto Rico.
Black-Capped Vireo: Mexico.
Golden-Cheeked Warbler: Texas.
Ipswich Sparrow: Atlantic coast.

Peripheral

Green-Throated Arctic Loon: Alaska.
Least Grebe: Texas.
Red-Faced Cormorant: Alaska.
Roseate Spoonbill: Texas, Louisiana, Florida.
Northern Black-Bellied Tree Duck: Arizona, Texas.
Masked Duck: Texas, Puerto Rico.
Zone-Tailed Hawk: Arizona, New Mexico, Texas.
Gray Hawk: Arizona, New Mexico, Texas.
Northern Black Hawk: Arizona, New Mexico, Texas.
Northern Aplomado Falcon: Arizona, New Mexico, Texas.
Northern Chachalaca: Texas.
Richardson's Blue Grouse: Idaho, Montana.
Mearn's Harlequin Quail: Mexico.
Northern Jacana: Texas.
Rufous-Necked Sandpiper: Alaska.
Atlantic Sooty Tern: Texas, Louisiana, Florida.
Atlantic Noddy Tern: Florida.
Xantus' Murrelet: California.
Whiskered Auklet: Alaska.
Northern Red-Billed Pigeon: Texas.
Northern White-Fronted Dove: Texas.
Florida Mangrove Cuckoo: Florida.
Northern Groove-Billed Ani: Texas.
Northern Whiskered Owl: Mexico.
Northern Ferruginous Owl: Arizona, Texas.
Merrill's Pauraque, Mexico.
West Indian Nighthawk, Florida, Puerto Rico.
Blue-Throated Hummingbird: Arizona, Texas.
Northern Rivolis Hummingbird: Mexico.
Buff-Bellied Hummingbird: Texas.
Northern Violet-Crowned Hummingbird: Arizona.
Broad-Billed Hummingbird: Mexico.
Coppery-Tailed Elegant Trogon: Arizona, New Mexico.
Northeastern Elegant Trogon: Texas.
Northeastern Green Kingfisher: Texas.
Northwestern Green Kingfisher: Texas.
Northern Arizona Woodpecker: Arizona.
Northwestern Rose-Throated Becard: Arizona.
Northeastern Rose-Throated Becard: Texas.
Northeastern Tropical Kingbird: Texas.
Northwestern Tropical Kingbird: Arizona.
Northern Thick-Billed Kingbird: Arizona.
Northern Kiskadee Flycatcher: Mexico.
Northern Sulphur-Bellied Flycatcher: Mexico.

Northern Olivaceous Flycatcher: Mexico.
Northern Buff-Bellied Flycatcher: Arizona.
Northern Beardless Flycatcher: Texas.
Northwestern Cave Swallow: New Mexico, Texas.
Couch's Mexican Jay: Texas.
Northern Green Jay: Texas.
Cascade Boreal Chickadee: Washington.
Sennett's Long-Billed Thrasher: Mexico.
Azure Eastern Bluebird: Arizona.

Peripheral

Red-Spotted Bluethroat: Alaska.
Cuban Black-Whiskered Vireo: Florida.
Cuban Yellow Warbler: Florida.
Northern Olive-Backed Warbler: Texas.
Arizona Olive Warbler: Arizona.
Alta Mira Lichtenstein's Oriole: Texas.
Audubon's Black-Headed Oriole: Texas.
Southeastern Pine Grosbeak: New England.
Dickey's Varied Bunting: Arizona.
Northern White-Collared Seedeater: Texas.
Northern Olive Sparrow: Texas.
Northern Rufous-Winged Sparrow: Arizona.
Northwestern Botteri's Sparrow: Arizona.
Northeastern Botteri's Sparrow: Texas.

MAMMALS

Endangered

Delmarva Peninsula Fox Squirrel: Maryland.
Atlantic Right Whale: Atlantic.
Bowhead Whale: Atlantic.
Pacific Right Whale: Pacific.
Nevada Kit Fox: Nevada.
Red Wolf: Texas.
Timber Wolf: Michigan, Minnesota, New York.
Grizzly Bear: Wyoming, Montana, Idaho.
Black-Footed Ferret: North and South Dakota, Montana, Texas, New Mexico.
Florida Panther: Florida.
Guadalupe Fur Seal: California.
Caribbean Monk Seal: Florida.
Florida Manatee or Sea Cow: Florida.
Columbia White-Tailed Deer or Oregon White-Tailed Deer: Oregon.
Key Deer: Florida.
Sonoran Pronghorn Antelope: Arizona.

Rare

Spotted at: Montana, Idaho.
Kaibab Squirrel: Arizona.
Utah Prairie Dog: Utah.
Beach Meadow Vole: Massachusetts.
Block Island Meadow Vole: Rhode Island.
Gray Whale: Pacific.
Blue Whale: Atlantic and Pacific.
Glacier Bear: Alaska.
Southern Sea Otter: Pacific coast.
Hawaiian Monk Seal: Hawaii.
Ribbon Seal: Alaska.
Tule or Dwarf Elk: California.

Peripheral

Coati: Arizona, New Mexico, Texas.
Jaguar: Texas.
Jaguarundi: Texas.
Ocelot: Texas.
Margay: Texas.
Woodland Caribou: Northern Great Lakes states.
Mountain Caribou: Pacific Northwest U.S.
Musk Ox: Alaska.
Steller's Sea Cow: Mexico.

EXHIBIT 2

SPECIES LISTED IN "RARE AND ENDANGERED FISH AND WILDLIFE OF THE UNITED STATES" BUT NOT LISTED IN THE ANNEX TO THE CONVENTION ON NATURE PROTECTION AND WILDLIFE PRESERVATION IN THE WESTERN HEMISPHERE

AMPHIBIANS AND REPTILES

Endangered

Blunt-Nosed Leopard Lizard: California.
San Francisco Garter Snake: California.
Puerto Rican Boa: Puerto Rico.
Santa Cruz Long-Toed Salamander: California.
Limestone Salamander: California.

Peripheral

Houston Toad: Texas.
Vegas Valley Leopard Frog: Nevada.
St. Croix Ground Lizard: Minnesota.

BIRDS

Endangered

California Least Tern: California.
Light-Footed Clapper Rail: California.
Hawaiian Coot: Hawaii.
Puerto Rican Plain Pigeon: Puerto Rico.
Northern Red-Cockaded Woodpecker: Missouri, Kentucky, Virginia, Florida
Southern Red-Cockaded Woodpecker: Florida.
Large Kauau Thrush (Kuaui Omao): Hawaii.
Molokai Creeper (Kakawahie): Hawaii.
Maui Nukupuu: Hawaii.

Rare

California Black Rail: California.
Short-Tailed Hawk: Florida.
Prarie Falcon: California, Texas.
Greater Sandhill Crane: California, Nevada, Utah, Wyoming, Minnesota, Wisconsin, Michigan.

Peripheral

Eastern Reddish Egret: Texas, Florida.
Wood Ibis: Texas, Florida.
Sennetts White-Tailed Ptarmigan: Montana.
Gould's Turkey: New Mexico.
Eastern Blue-Throated Hummingbird: Texas.
Western Blue-Throated Hummingbird: Arizona, New Mexico.
Colima Warbler: Texas.
Arizona Grasshopper Sparrow: Arizona.

MAMMALS

Endangered

Indiana Bat: Mid-West and Eastern U.S.
Humpback Whale: Pacific and Atlantic.
San Joaquin Kit Fox: California.
Columbian White-Tailed Deer: Washington, Oregon.

Rare

California Bighorn: Oregon, Nevada, California.
Peninsular Bighorn: California.

EXHIBIT 3

EXTINCT WILDLIFE—SPECIES, WHERE FOUND, AND DATE EXTINCT

MAMMALS

Gull Island Vole: New York, 1898.
Amargosa Meadow Vole: California, 1917.
Plains Wolf: Great Plains, 1926.
Sea Mink: New England coast, 1890.
Eastern Cougar: Eastern U.S., 1899.
Steller's Sea Cow: North Pacific, 1768.
Eastern Elk: U.S. east of Great Plains, 1880.
Merriam Elk: Arizona, 1900.
Badlands Bighorn: North and South Dakota, 1910.

BIRDS

Labrador Duck: Northeastern U.S., 1875.
Heath Hen: Eastern U.S., 1932.
Laysan Rail: Hawaii, 1926.
Sandwich Rail (Moho): Hawaii, 1893.
Great Auk: North Atlantic, 1844.
Passenger Pigeon: U.S., 1914.
Culebra Puerto Rican Parrot: Puerto Rico, 1899.
Mauge's Parakeet: Puerto Rico, 1892.
Carolina Parakeet: Southeastern U.S., 1920.
Louisiana Parakeet: South central U.S., 1912.
Oahu Thrush: Hawaii, 1825.
Lanai Thrush: Hawaii, 1931.
Molokai Thrush: Hawaii, 1936.
Laysan Millerbird: Hawaii, 1904–1923.
Kioea: Hawaii, 1859.
Oahu Oo: Hawaii, 1937.
Molokai Oo: Hawaii, 1915.
Hawaii Oo: Hawaii, 1934.
Laysan Apapane: Hawaii, 1923.
Hawaii Mamo: Hawaii, 1898.
Perkin's Mamo or Black Mamo: Hawaii, 1907.
Oahu Akialoa: Hawaii, 1837.
Lanai Akialoa: Hawaii, 1894.
Hawaii Akialoa: Hawaii, 1895.
Oahu Nukupuu: Hawaii, 1860.
Oahu Akepa: Hawaii, 1895.
Greater Amakihi: Hawaii, 1900.
Ula-ai-hawane: Hawaii, 1892.
Greater Koafinch: Hawaii, 1896.
Lesser of Yellow-Headed Koafinch: Hawaii, 1891.
Grosbeakfinch or Konafinch: Hawaii, 1894.

FISH

San Gorgonio Trout: California, 1935.
Pahranagat Spinedace: Nevada, 1938–1959.
Big Spring Spinedace: Nevada, 1938–1959.
Harelip Sucker: Mississippi, Ohio, Georgia, Arkansas, 1900.
Leon Springs Pupfish: Texas, 1938.
Ash Meadows Killifish: Nevada, 1942.

S. 3889—INTRODUCTION OF A BILL TO AMEND SECTION 14(b) OF THE FEDERAL RESERVE ACT, AS AMENDED

Mr. SPARKMAN. Mr. President, at the request of the Secretary of the Treasury I introduce for myself and for the senior Senator from Utah (Mr. BENNETT) a bill to extend for two years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

This bill would extend for an additional 2 years, from June 30, 1970, to June 30, 1972, the temporary authority under which Federal Reserve banks may purchase public debt obligations directly from the Treasury in an amount not to exceed $5 billion outstanding at any one time. The present direct purchase authority was enacted during World War II and has since been extended from time to time on a temporary basis. The last extension was in 1968 and the authority will expire on June 30 of this year.

This authority has been used in recent years only in periods just prior to tax payment dates. Its existence permits the Department to operate with considerably lower cash balances than would otherwise be required. The authority was utilized for short periods in September and December 1968 and in April and September and December 1968 and in April and September 1969. Moreover, the availability of the direct purchase authority is important as a standby means of providing a ready source of funds in the event of a disruption in the private financial markets due to a serious national emergency or a nuclear attack on the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a table showing how sparingly the authority proposed in this bill has been used in the past.

Mr. President, I also ask unanimous consent that the bill be printed in full in the RECORD.

The PRESIDING OFFICER (Mr. HOLLINGS). The bill will be received and appropriately referred; and, without objection, the bill and table will be printed in the RECORD.

The bill (S. 3889) to amend section 14 (b) of the Federal Reserve Act, as amended, to extend for 2 years the au-

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thority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury, introduced by Mr. SPARKMAN (for himself and Mr. BENNETT), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1972" and by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1972".

The table, presented by Mr. SPARKMAN, is as follows:

DIRECT BORROWING FROM FEDERAL RESERVE BANKS 1942 TO DATE

Calendar year	Days used	Maximum amount at any time (millions)	Number of separate times used	Maximum number of days used at any one time
1942	19	$422	4	6
1943	48	1,320	4	28
1944	([1])			
1945	9	484	2	7
1946	([1])			
1947	([1])			
1948	([1])			
1949	2	220	1	2
1950	2	180	2	1
1951	4	320	2	2
1952	30	811	4	9
1953	29	1,172	2	20
1954	15	424	2	13
1955	([1])			
1956	([1])			
1957	([1])			
1958	2	207	1	2
1959	([1])			
1960	([1])			
1961	([1])			
1962	([1])			
1963	([1])			
1964	([1])			
1965	([1])			
1966	3	169	1	3
1967	7	153	3	3
1968	8	596	3	6
1969	21	1,102	2	12
1970 to date	([1])			

[1] None.

Source: Department of Treasury.

ADDITIONAL COSPONSOR OF A BILL

S. 3722

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Massachusetts [Mr. KENNEDY] be added as a cosponsor of S. 3722, a bill to amend the Foreign Assistance Act of 1961 to require prior approval for delivery of excess defense articles to a foreign country.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 70—CONCURRENT RESOLUTION REPORTED—REPORT OF A COMMITTEE (S. REPT. NO. 91–910)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original concurrent resolution (S. Con. Res. 70), and submitted a report thereon; which report was ordered to be printed, and the concurrent resolution was placed on the calendar, as follows:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring), That there shall be compiled and printed, with illustrations, as a Senate document, in such style and form as may be directed by the Joint Committee on Printing, a revised edition of the Biographical Directory of the American Congress up to and including the Ninety-first Congress (1774–1970); and that six thousand four hundred and thirty-five additional copies shall be printed, of which one thousand five hundred and forty-five copies shall be for the use of the Senate, four thousand three hundred and ninety copies for the use of the House of Representatives, and five hundred copies for the use of the Joint Committee on Printing.

SENATE RESOLUTION 414—RESOLUTION REPORTED TO PAY A GRATUITY TO HELEN K. CHRONSTROM—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina reported an original resolution (S. Res. 414), which was placed on the calendar, as follows:

S. RES. 414

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Helen K. Chronstrom, widow of Clifford C. Chronstrom, an employee of the Senate at the time of his death, a sum equal to seven and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

THE MANPOWER TRAINING ACT OF 1969—AMENDMENTS

AMENDMENT NO. 661

Mr. JAVITS. Mr. President, I submit an amendment to the Manpower Training Act of 1969 (S. 2838), of which I am the sponsor on the part of the administration, which is designed to insure that the Nation responds adequately to the needs of disadvantaged youths for meaningful summer employment as the States and the cities assume a greater responsibility for the administration of manpower programs.

Since 1965 the neighborhood youth corps summer program, authorized under the Economic Opportunity Act, has provided more than 971,000 opportunities during the summer for disadvantaged youths 14 to 21 years of age in public and private nonprofit organizations. In addition to work experience over a 10-week period, participants have been provided with remedial education, counseling, and training.

These efforts have been supplemented substantially in the private sector through the voluntary programs of the National Alliance of Businessmen which, since the inception of the summer programs in 1968 has provided more than 300,000 summer opportunites, as well as year-round opportunities for hundreds of thousands more.

Under the proposed act, of which I am the principal sponsor in the Senate, the specific statutory authority for the neighborhood youth corps summer program as for most other "categorized" programs would be substituted for a general listing of eligible activities that may be conducted with funds allocated and apportioned to the States and to the cities under the act.

The Manpower Training Act generally covers such summer programs by providing in section 101(7) that funds shall be available for "part-time work for students in ninth through 12th grades—and youth of equivalent ages—to assist them in remaining in or returning to school."

I expect that the cities and the States, as they assume more responsibility for manpower programs, will allocate substantial resources to such essential summer programs as a part of their comprehensive manpower plan which would be submitted to the Secretary in advance of each fiscal year.

However, I consider it essential that this act provide some basis for additional allocations of sums to the cities and to the States to take into account the many tangible factors which intervene between the date that an annual State plan is formulated during the previous fiscal year—and the actual summer months in question.

First, the need for such programs is sympathetically related to the overall extent of unemployment among the groups to be served. For example, unemployment for teenage blacks living in poverty levels was 32.7 percent in the first quarter of this year compared with 20.9 percent for the first quarter last year. Correspondingly, the number of neighborhood youth corps summer slots projected by the U.S. Conference of Mayors for this summer based upon individual applications, is almost 100,000 in excess of last year's total projections.

Second, we must recognize in all candor that since these programs provide a meaningful experience for many youths who would otherwise spend their time on the street, the extent of their need may well depend upon the climate in a community as the summer approaches.

Mr. President, I propose that the Secretary of Labor be directed to report to the Congress at the earliest appropriate date in each calendar year as to the number of work experience opportunities in public or private agencies or organizations that will be provided in each of the various States and other areas designated for administration of programs beginning in June of that year, and as to the total number of such persons who could benefit from such programs, together with any recommendations for additional funding for such programs.

Mr. President, for every year since the neighborhood youth corps summer program has been in existence it has been necessary to seek additional sums for that vital program in the context of the supplemental appropriation process. Usually, requests for additional funds have been made in the context of the second supplemental appropriation bill, which normally is first taken up by the House of Representatives in February or March of each year and usually is considered by the Senate in the early summer months.

I think that it is essential that we provide in this legislation for a clear statement of what those needs are so that the executive branch and the Congress can respond in time to insure that any additional funds are channeled to the cities and the States to expand their efforts if circumstances as the summer approaches dictate the desirability of an additional allocation of resources.

I ask unanimous consent that the text of my amendment be printed in the RECORD.

The PRESIDING OFFICER (Mr. BURDICK). The amendment will be received and printed, and will be appropriately referred and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 661) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT No. 661

On page 53, line 2, insert "(a)" after "Sec. 650."

On page 53, between lines 9 and 10, insert the following new subsection:

"(b) The Secretary shall transmit to the Congress at the earliest appropriate date in each calendar year a report setting forth a description of summer work experience programs to begin in June of such year including the number of opportunities in public and private agencies or organizations that will be provided to disadvantaged students in ninth through twelfth grades (and to youth of equivalent ages,) in each of the several States and other areas designated for administration of programs under this Act, and a statement as to the total number of such persons who could benefit from such programs, together with his recommendations, if any, for supplemental appropriations for such programs."

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 662

Mr. DOLE (for himself, Mr. DOMINICK, Mr. GURNEY, and Mr. THURMOND) proposed an amendment to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to be printed.

(The remarks of Mr. DOLE when he proposed the amendment appear later in the RECORD under the appropriate heading.)

NOTICE OF HEARINGS ON FEDERAL SHARE INSURANCE FOR CREDIT UNIONS

Mr. PROXMIRE. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings on S. 3822, a bill to provide insurance for member accounts in State and federally chartered credit unions, and for other purposes.

The hearings will be held on Thursday and Friday, June 18 and 19, 1970, and will begin at 10 a.m. in room 5302 New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, Senate Committee on Banking and Currency, room 5300 New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, with the proviso that the recess not extend, under any circumstances, beyond the hour of 11:30 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senate stands in recess subject to the call of the Chair, but, in any event, not later than 11:30 a.m.

At 10 o'clock and 37 minutes a.m. the Senate took a recess subject to the call of the Chair.

The Senate reconvened at 11:19 a.m., when called to order by the ACTING PRESIDENT pro tempore.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous unanimous-consent agreement, the Senate will proceed with the consideration of routine morning business.

The Chair recognizes the Senator from Kansas.

THE GREAT VALUE OF VETERANS' ORGANIZATIONS TO OUR SOCIETY

Mr. DOLE. Mr. President, recently on the floor of this body the names of some great veterans' organizations were brought into our discussions and two leaders were charged with playing politics with veterans' organization. It is important that the record clearly show the great value of veterans' organizations to our society. The veterans' organizations represent people who have actually defended our values and our standard of life. They represent people who want to perpetuate our system of government and our ideals. They respect our flag. They salute the flag; they believe in patriotism; they represent courage, devotion, and patriotic concern for their fellow men.

If there is any group that knows the value of peace, and if there is any group which genuinely desires a genuine peace, I would say it is the Veterans of Foreign Wars. Who desires peace and tranquillity more than men who have experienced the ravages of war, men who have scaled the enemy cliffs against overwhelming odds, men who have parachuted into enemy held territories, men who have crawled through the jungles and marshes dreading death less than surrender. As a general rule, I would say that combat veterans detest war and want peace more than any single group of people in this world. They have lost their best buddies, they have written letters to the next of kin. They know the price of freedom.

One of the organizations discussed last week was the Veterans of Foreign Wars whose commander in chief is Ray Gallagher of South Dakota. Ray Gallagher is striving, as are many, many concerned leaders throughout the Nation, to bring peace without enslavement, to bring peace which is genuine and not a mere camouflage for additional Communist conquests.

Mr. President, the challenge before our society is the Marxist-Leninist system of aggression. This is the central issue of our times. The struggle goes on in Southeast Asia, in the Middle East, and within all the free countries including the United States.

The Veterans of Foreign Wars has numerous mandates and guiding philosophy to meet this challenge both at home and abroad. I ask unanimous consent to have printed in the RECORD two of the resolutions from that organization which testify to the aims and objectives of the Veterans of Foreign Wars and their leadership.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 13—THE V.F.W. STAND IN VIETNAM

Whereas, the freedom of South Vietnam is vital to the security of the United States; and

Whereas, by treaty ratified by the Senate of the United States, the United States is obligated to assist the Government of South Vietnam to repel Communist aggression; and

Whereas, serious consequences to the United States and the free world would result from the loss of South Vietnam to the Communists; and

Whereas, the cost in blood and treasure will be far less by defending against the enemy in Vietnam now rather than after the aggression has spread actively to other areas of Southeast Asia; and

Whereas, the credibility of all American commitments is on trial before the world in South Vietnam; and

Whereas, the cost of betrayal to those Americans who have fought for freedom in South Vietnam is unpardonable and unthinkable; and

Whereas, the North Vietnamese and Viet Cong demonstrably have no intention of joining in a search for any political or other solution to the war in Vietnam; and

Whereas, the casualties to the United States and allied forces have mounted steadily since the beginning of the unproductive Paris discussions; and

Whereas, the ending of bombing in North Vietnam confines the devastation of war exclusively to the territory of South Vietnam and its people, and in reality only aids and comforts the enemy; and

Whereas, it is common knowledge to the free world that the avowed purpose of Communism is to dominate all free people by terror and fear and to wipe out all remnants of freedom as known to the free world; and

Whereas, it is known that the people of South Vietnam have fought valiantly and are still so fighting, in opposition to the terror, kidnapping, assassination and destruction by the enemy; and

Whereas, one of the goals of Communism in Vietnam is to lessen the will of the people of the United States to fight by holding out as long as possible and to destroy freedom in South Vietnam; now, therefore

Be it resolved, by the 70th National Con-

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vention of the Veterans of Foreign Wars of the United States, that we unqualifiedly support the following principles, aims and proposed action concerning the war in Vietnam:

1. That the United States and its allies consider victory in Vietnam of paramount importance and that all necessary steps be taken to insure victory and to discourage all stalemates, and that if it becomes necessary to step up the tempo of war to insure victory that it be done so without further delay.

2. That the United States and its allies are irrevocably committed to support the principles and objectives of freedom in Vietnam, and unqualifiedly support all action, be it military or political, which will insure the accomplishment of these objectives.

3. That additional Southeast Asian countries again be invited to join allied efforts to insure freedom in this part of the world and that the United States increase the programs to train allied forces for combat operations, if it becomes necessary to increase military activities against the territory of North Vietnam.

4. That the people of the United States demonstrate their gratitude to all United States forces fighting in Vietnam by helping and aiding them in every way possible in their efforts to preserve freedom.

5. That the United States support the establishment of a democratic government in South Vietnam, one which is based on majority rule and one which guarantees the continuing rights of the individual, including the continuing right to dissent and the continuing right of minority parties to criticize the party in power.

6. That the United States is unalterably opposed to any concession or agreement through negotiation that would lead to any form of coalition government in South Vietnam unless brought about by carefully supervised free elections in that country.

7. That the United States is further unalterably opposed to any concessions or agreements through negotiation which will aid communism in eventually assuming control of the government of South Vietnam.

Adopted at the 70th National Convention of the Veterans of Foreign Wars of the United States held at Philadelphia, Pennsylvania, August 15 through 22, 1969, Resolution No. 13.

RESOLUTION NO. 21—TO PROTECT THE SECURITY AND SOVEREIGNTY OF THE UNITED STATES

Whereas, according to its Congressionally bestowed charter, one of the major reasons for the formation of the Veterans of Foreign Wars was "To preserve and defend the United States from all her enemies, whomsoever"; and

Whereas, the leaders of the world Communist movement have openly threatened the United States and proclaimed the desire and intent of world Communism to conquer the free nations of the world by all possible means, including violent overthrow of our government; and

Whereas, certain subversive groups and movements and their adherents have not ceased their efforts to advance ideologies that would destroy the sovereignty of these United States; now, therefore

Be it resolved, by the 70th National Convention of the Veterans of Foreign Wars of the United States, that:

1. We reaffirm our complete, unwavering opposition to Communism in all its forms, both foreign and domestic, and will resist all Communist policies affecting the United States and all persons who support, defend, aid and abet them.

2. We reaffirm our opposition to world government, such as Atlantic Union or any similar scheme which would ultimately surrender the sovereignty of the United States of America.

3. We strongly support a United States foreign policy designed to aid the liberation of the enslaved peoples of the world.

4. We oppose any United States aid, military or financial, to Communist nations.

5. We oppose any weakening of the basic security laws of this nation, including the Internal Security Act, Communist Control Act and the Smith Act.

6. We endorse and recommend the continuation of the work of the Federal Bureau of Investigation and other federal and state agencies charged with protecting the internal security of the United States.

7. We endorse and recommend the continuation of the work of the Senate Internal Security Subcommittee, the House Committee on Internal Security, and any other Congressional committee formed for the purpose of protecting our country from Communist and other subversive activities.

Adopted at the 70th National Convention of the Veterans of Foreign Wars of the United States held at Philadelphia, August 15 through 22, 1969, Resolution No. 21.

Mr. FANNIN. Mr. President, I wish to join Senators in endorsing the participation of veterans in our national affairs. They do have a voice and they should use it. Veterans believe in our government and continuously they show their patriotism, standing ready to defend our freedom against all threats, foreign and domestic.

I am especially proud of the Veterans of Foreign Wars, the American Legion, and other veterans groups who make a special effort to support government in a search for a durable and a just peace. These are times for intense concern of war veterans and for all patriotic Americans. I commend the Veterans of Foreign Wars and their leaders who speak out for national unity and in support of our constituted leaders.

No thinking American wants American men to die on foreign soil needlessly. Our Government has sent forces and equipment overseas in an effort to stabilize conditions in Europe, in the Middle East, and Asia. If we undermine our own leadership we do, in fact, undermine the soldiers who are on the firing line.

Mr. President, I am one of those who give careful consideration to the sentiment and opinion of veterans. As Senators have stated, the veterans have seen, the veterans have experienced the tragedies of war and they know it is the least desirable way of resolving problems.

Unfortunately, the unilateral desire for peace will not bring peace. Unless aggression is stayed, the weak will be trampled. Survival requires will and determination in the face of adversity. To me the Veterans of Foreign Wars symbolizes courage in adversity. This is what brings the comrades together and it is that the Veterans of Foreign Wars and the heart of the organization. I recall the American Legion played a strong role in the freedom rally supporting our President and our system of government last fall. I was especially impressed with the Veterans of Foreign Wars "Operation Speak Out" which encouraged the silent majority to have their say.

I will always be impressed by the voice of the veteran, and I believe it is the sentiment within this body to listen when the veterans speak and to encourage their kind of devotion to the United States.

(At this point, Mr. DOLE assumed the chair.)

Mr. ALLEN. Mr. President, I would like to join the distinguished Senator from Kansas (Mr. DOLE) who now occupies the chair as Presiding Officer, but who spoke just a few moments ago, and I also join the distinguished Senator from Arizona (Mr. FANNIN) in support of what they have said for the veterans of the United States. The Veterans of Foreign Wars have had the experience of battle and many of them have known suffering beyond human understanding. Many of them are in our hospitals throughout the land and many have been rehabilitated wearing the scars of combat.

People who have fought to defend their values and have done so with conviction become outraged by the actions of those who appear to be guided by something less than patriotic desire, devotion, loyalty, and laws. I have been impressed by the contributions made by the Veterans of Foreign Wars and of the American Legion and other veterans' organizations throughout the years. They have maintained a sustaining interest in national security and foreign affairs. They have contributed to stability and have encouraged good community life. They strive to perpetuate the ideals brought here by our forebearers and the high national purpose which each succeeding generation has endeavored to emulate.

Mr. President, I think it is commendatory that our veterans organizations do, in fact, look beyond strictly veterans' programs. They provide a valuable input on national and international affairs.

Let me provide an example of the type of contribution made which I am sure no member of this body will question. It is a letter of concern obviously written in the national interest.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Mr. Ray Gallagher, commander in chief of the Veterans of Foreign Wars, to the President of the United States dated April 13, 1970.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, D.C., April 13, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On November 3, 1969, in your speech to the nation regarding your plans for peace in Vietnam you stated that "If the level of infiltration (by North Vietnamese troops) or our casualties increase while we are trying to scale down the fighting, it will be the result of a conscious decision by the enemy . . . If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with the situation."

For the week ending April 4, 1970, the United States suffered more casualties, both killed and wounded, than during any previous week since mid-September, 1969. Al-

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though the enemy's list of casualties also increased during the foregoing period, it appears the enemy is now making a maximum effort to disrupt U.S. efforts to pacify and to Vietnamize the war.

Mr. President, it is our understanding that the increased enemy attacks of last week have not jeopardized the position of our remaining forces in Vietnam. Nevertheless, we recommend your strategists take a renewed and hard look at the self-imposed restrictions which have been placed on our military forces and tactical options in that war. More importantly, we urge a new look at the military restrictions which have been placed on the armed services of South Vietnam. Specifically, I can see no justification for the territories of an aggressor nation, such as North Vietnam, to remain a privileged sanctuary while North Vietnamese troops terrorize South Vietnam, Laos and Cambodia. Borders should make no difference where the security of our troops and the troops of our allies are concerned.

North Vietnam does not merit "sanctuary status". It makes no sense for North Vietnam to remain free of violence, terrorist raids, and disruptive measures while the troops of that aggressor nation conduct all manner of terrorist and combat activities inside South Vietnam. On the face of it, this is a grossly unfair situation. This war should be conducted from a military point of view rather than from a political one. There would appear to be considerable room for innovative thinking and the introduction of a few elements of surprise actions, customary in war, actions which are calculated to increase the pressures, uncertainties, and difficulties against the government and homeland of North Vietnam. We are thinking of measures and actions which go beyond a renewal of the bombing.

Writing in behalf of the more than 1,500,000 members of the Veterans of Foreign Wars of the United States, I urge you to reconsider all the options available to you, the full spectrum, in an effort to find new measures and methods to persuade the Communist forces of that area that international crime does not pay.

Respectfully,

RAY GALLAGHER,
Commander in Chief.

Mr. ALLEN. Mr. President, those who are veterans of Korea and Vietnam are especially mindful of the difficulties we have encountered in our wars against Communist-led forces. Communist forces make their rules as they go along. They distort and deceive when it will serve their purpose. I am strongly in favor of the veterans' organizations maintaining a vibrant voice in national policies which extend beyond strictly veterans' legislation.

ADDITIONAL STATEMENTS OF SENATORS

CAMBODIA

Mr. ALLEN. Mr. President, I have been requested by the senior Senator from Connecticut (Mr. DODD), who is at present in the hospital, to place in the RECORD a statement which he released to the press of Connecticut today answering the thousands of constituents who have written in to him, protesting or supporting the President's action in Cambodia. I ask unanimous consent that that may be done.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DODD

Over the past weeks my office has received thousands of letters and many more thousands of signatures on petitions protesting President Nixon's action in Cambodia. There have also been many letters supporting the President's action.

Since it would be out of the question to answer all these letters individually, I have decided to try to answer the thousands who have written to me by giving this statement to the Connecticut press.

The first point I want to make to those who have written in to me is that I share their desire to see our forces withdrawn and the killing stopped as soon as reasonably possible. Even before the President announced that he was embarking on a systematic withdrawal of American forces, I called for reducing the size of the American military establishment in South Vietnam. On the day that President Johnson announced that we were suspending our bombing operations in North Vietnam, and many times since that date, I called for a negotiated cease-fire because, as I saw it, meaningful negotiations would be impossible so long as the killing continued. I still stand by this position.

When President Nixon announced on April 28 that American and Vietnamese forces were crossing the border into Cambodia in order to clean out the enemy's privileged sanctuaries in that country, I supported the President's action on the grounds that it would save American and allied lives, hasten the withdrawal of American forces, and improve the chances of peace.

I believe that this estimate is fully borne out by the tremendous success of the operation to date. In roughly three weeks' time, we have captured more weapons, ammunition, and supplies than we did in the previous 14 months in all of Vietnam.

We have captured almost 8 million rounds of ammunition, over 27,000 mortar shells, over 16,000 rockets, enough rifles, machine guns and mortars to equip 30 enemy battalions, and enough rice to feed 40 battalions for six months' time.

These mountains of weapons and ammunition were intended for use against our side in the very near future. And I say that President Nixon, as Commander-in-chief, was dead right in deciding to go in and clean out these Communist base camps and supply depots.

If American forces are to be withdrawn in an orderly manner, obviously we have to do everything in our power to make it difficult for the enemy to launch major attacks on us while we are in the process of withdrawing and turning the war over to the Vietnamese allies.

To the critics of the action, I want to point out that we have *not* invaded Cambodia . . . We have no territorial or political designs on Cambodia . . . Our presence there has been approved by the government, which has, in fact, asked us to stay longer than we intended.

We have not enlarged the war. We are fighting precisely the same war against precisely the same enemy. The Cambodian action was a purely tactical decision within the framework of this war, and the President was acting within his powers when he ordered it. And I challenge anyone to explain to me how we prolong the war by capturing mountains of weapons and ammunition and supplies of various kinds from the enemy.

We have not merely acted in a manner which respects Cambodia's territorial integrity but, by putting pressure on the Communist rear, we are in effect helping Cambodia to defend its territorial integrity against a massive Communist invasion.

Anyone who is truly concerned about territorial integrity and the right of small nations to remain independent should at least have some words of indignation for this flagrant violation of the UN Charter by Hanoi. But from the protesters there has thus far been not a single word of indignation over Hanoi's aggression against Cambodia.

I am certain that our forces will be out of Cambodia by June 30, as President Nixon promised.

The President has already withdrawn 115,000 combat forces in South Vietnam and he has promised that another 150,000 will be withdrawn over the coming twelve months. I am also certain that this schedule will be honored.

The President is moving rapidly to wind down the American participation in the Southeast Asian conflict. But because he believes in peace with honor rather than peace with humiliation, he is seeking to withdraw our forces in an orderly manner which gives the South Vietnamese and the Southeast Asians more time to take over the burden of defense.

I support the President's timetable of withdrawal because I believe that it serves the cause of freedom and the continued peace of the world.

DIRECTING YOUTH TOWARD CONSTRUCTIVE ACTION

Mr. TYDINGS. Mr. President, over the last decade American young people have become an important political force in our society. Although their programs and beliefs are not always in accord with ours, we have found that much of what they have to say about our country is valid and that it is important for us to listen to them.

Recently a young constituent of mine, Russell Haines of Cumberland, Md., won the Bedford Road Optimist Club's oratorical contest. The speech, which received a standing ovation, poignantly expresses the thoughts of many of our young people concerning their role in society and the role of adults in communicating with youth.

I also wish to commend the Bedford Road Optimist Club for providing this platform for young people.

I ask unanimous consent that the speech and the article be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

YOUTH—FULL PARTNERS IN A BETTER TOMORROW

(By Russell E. Haines Jr.)

Youth is the ultimate time of a person's life. At this stage you not only change physically but mentally.

Today, youth are summed up as long hair, beads and violence. Facts show that these are only a small minority of today's youth. Of course these are the ones which make today's newscast. You very seldom hear news about today's appealing youth.

Should people be determined by the way they wear their hair or the cut of their clothes? Beethoven was a very poor dresser. He also had the most different hair style I've ever seen.

Today youth have so much more burden on their shoulders. We have to get an education so we will get a well paying job which will keep up with today's rising cost of living. But before a job we have to plan for a better tomorrow. We are the ones who will soon be voters and citizens of this blessed country of ours. This fact is putting extensive amounts of pressure on today's youth.

This pressure of school, future and jobs are turning today's youth to something which will relieve these problems. These relievers are drugs. You don't want a bunch

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of addicts running this country. You want people who can face problems and pressures, people who do not look for escape.

Quoting the first part of Sir Isaac Newton's First Law of Motion, "Any body at rest tends to remain at rest unless acted upon by some outside force." This also pertains to today's youth. They will remain at rest unless the adults get them moving. If not there is a chance they will do nothing. Adults have to take on this responsibility. It is just like a job, or a skill—you have to keep working at it until you accomplish your goals. What if adults do not care? Will they accomplish the goals to get us started?

Now quoting Newton's second part of the First Law of Motion—"Anybody in motion tends to remain in motion, in a straight line unless acted upon by some outside force." If we can get into this motion or groove we can keep moving, but in a straight line? Is this what is bothering adults? It should, because they should care and love their children enough to care about their future. Should this problem be yours and mine?

Thank you.

Haines Wins Optimist's Speech Event

The winner of this year's oratorical contest sponsored by the Bedford Road Optimist Club is Russell E. (Rusty) Haines Jr., son of Mr. and Mrs. R. E. Haines, 563 Rose Hill Avenue, Cumberland.

The Haines youth, an eighth grade student at Braddock Junior High School, won club honors when the annual event was staged last night at Geatz's Restaurant, according to an announcement by Richard Cioni, president of the Bedford Road club.

The winner, who will have a chance to qualify for the Optimist International oratorical contest finals, was picked as a member of the Sunday School League all-star basketball team while playing for St. Matthew's United Church of Christ. He has also earned the American Red Cross Junior Lifesaving Badge and delivers a daily newspaper route.

Mr. Cioni said "The purpose of the oratorical contest is to provide a valuable self-improvement activity for boys under 16 years of age. While not all boys will become polished public speakers, they will have learned certain fundamental principles of expressing themselves that will be of value to them for the rest of their lives."

The winner of the Optimist International finals, to be held June 28 to July 2 in Los Angeles, Calif., will receive a $2,000 college scholarship, with a $1,000 scholarship going to the four runners-up.

FINANCING AND DELIVERY OF HEALTH SERVICES

Mr. YARBOROUGH. Mr. President, as each of us knows, the health care industry of this country is in crisis. The cost of health services continues to escalate at a rate almost double that of prices generally. In stark contrast to these soaring costs is the deteriorating quality of the services rendered, as well as the reduced capacity of the providers of health care to efficiently organize and deliver those services.

At the occasion of his acceptance of the Howland Award, Dr. Allan Butler delivered a thought-provoking address on the subject of the vast changes which have occurred in our health care system, its problems, and its opportunities. With more than 30 years of distinguished experience, Dr. Butler is in an excellent position to discuss these complex issues with the advantage of considerable historical perspective. I commend his remarks to every Senator.

I ask unanimous consent that the pertinent aspects of Dr. Butler's speech be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpt From Acceptance of the Howland Award

(By Allan M. Butler)

THE FINANCING AND DELIVERY OF HEALTH SERVICES

And now to a field of medicine in which I've been laboring since retirement from Harvard and the Massachusetts General Hospital in 1960 [4, 9–17, 32] and in which I've been interested since the Report of the Committee on the cost of Medical Care in 1932 and the two-volume documentation of American Medicine, Expert Testimony out of Court, 1937 [5]. Here, I owe so much to John P. Peters of the Committee of Physicians For The Improvement of Medical Care 1937 [30]; to Hugh Cabot, Robert De Normandy, Channing Frothingham and Edward Young, as partners in Medical and Surgical Associates in the Establishment in 1939 of the White Cross Health Service, Inc. prepayment plan [3, 30], which, with the collaboration of 148 practicing physicians [42], provided comprehensive medical care to 20,000 people of Greater Boston; and last, but not least, to Ernest Boas of the Physicians Forum, 1941. How informative was participation from 1960–61 in the development of the salaried staff of the Metropolitan Hospital of Detroit to provide prepaid comprehensive health care to the 75,000 members of the Community Health Association.

It should be noted that this interest has two components: 1) the financing of medical care by insurance or prepayment; and 2) the quality and efficient delivery of medical services. Health insurance has the potentiality of improving the financing of health services by removing the uncertainties and burdens that pertain to individuals financing professional or hospital services as they occur by item fees or charges. Unfortunately, what I said thirty years ago (before Medicaid), in discussing the quality of care under a national health act, needs to be said again:

'The Wagner Bill places relatively too much emphasis on making federal money available to states and too little emphasis on safeguarding high standards and economical service. Available experience shows that current individual practice and tax supported medicine are incompatible. It is one thing to have a patient pay a doctor for each visit or service rendered and a far different thing to have a third party make the payment. When the patient pays, there is an automatic check on unnecessary and extravagant medicine. When a third party pays, there is the opportunity of malingering on the part of patients and of prolonging or exaggerating treatment on the part of physicians. The incompatibility of individualistic fee-for-service practice and tax supported medicine has long been recognized by the American Medical Association. Its desire to defend the former explains its past opposition to the latter. [15]

The differentiation and interrelations of financing and delivering services were appreciated over thirty years ago by both the Committee on the Cost of Medical Care and the Committee of Physicians for the Improvement of Medical Care [29]. The former, in recommending prepayment, advocated provision of services by hospital centered group practices developed according to regional planning. The latter presented four principles and nine proposals to the Medical profession for consideration. The principles state: 1. that the health of the people is a direct concern of the government; 2. that a national public health policy directed toward all groups of the population should be formulated; 3. that the problem of economic need and the problem of providing adequate medical care are not identical and may require different approaches for solution; and 4. that in the provision of adequate medical care for the population, four agencies are concerned—voluntary agencies and local, state and federal governments. The proposals advocated: minimizing the risk of illness by prevention; providing adequate medical care for the medically indigent, meeting the cost from public funds local and/or State and/or federal; support of medical education, research and procedures for raising the standards of medical practice from public funds; the allocation of public funds to existing private institutions to the largest possible extent so long as their service is in consonance with the above principles; and a functional consolidation of all federal health and medical activities under a separate department. The subscribers to the above principles and proposals held the view that health insurance alone does not offer a satisfactory solution to the problems of improving medical care.

An editorial in the New England Journal of Medicine [29] gives the statement of the Committee's Principles and Proposals in full, together with the names of the original committee members, a partial list of the signers and the reaction of the American Medical Association. It states in part:

"This issue of the Journal presents to its readers certain principles and proposals which some four hundred physicians believe should guide efforts to improve medical care. The impressive cross section of the profession represented in the list of signers (ultimately over 1000) indicates that these principles and proposals deserve earnest consideration . . .

"Regardless of what the final solution to the problem raised may be, there seems little in the proposals or attitudes of the signers (of which I am one) to provoke such caustic comment as was made in the Journal of the American Medical Association . . . The frequency with which pertinent discussion of these problems by physicians has been diverted by befogging the immediate issue with emotions stirred by some irrelevant traditional loyalty has verged on insult to the intelligence of the medical profession . . .

'The Journal of the American Medical Association could render a much needed service by an enlightened discussion of the ways and means of meeting the problems that face the medical profession because of present social trends. Many members of the American Medical Association are rightfully interested in an impartial presentation of these complicated questions, questions so complicated that their constructive consideration may all too easily be jeopardized by emotions arising from irrational prejudice . . .

'The New York Times comments editorially:

"Physicians of the highest standing have circulated a letter in which they call upon their profession to assent to certain general propositions, one of which is the propriety of supplementing inadequate private endowments by grants from public funds—local, state, and possibly federal—to medical schools, hospitals and research laboratories.

"Outraged at this seeming violation of organized medicine's economic interest in the treatment of disease and in research, the Journal of the American Medical Association regards the general proposition as a step in the direction of socialized medicine." '

The New England Journal of Medicine editorial continues:

'The editorial writer of the Journal of the American Medical Association apparently favors no such participation by any government, and this difference of opinion provokes disrespect. He states:

"The tender of governmental funds to such institutions for the care of an ill-defined group called the medically indigent appeals to the unthinking physicians who have endorsed these principles . . . Yet such an ar-

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rangement would put the hospitals promptly into the practice of medicine . . .

"Obviously some of these physicians must have signed merely after seeing the names of those who signed previously and because it looked like a good list . . . Most conspicuous on the list are the names of those deans and heads of departments in medical schools who may have signed because they saw a possibility of getting government money for clinics and dispensaries. Such careless participation in propaganda as has occurred is lamentable, to say the least. Certainly the unthinking endorsers of the . . . principles and proposals owe to the medical profession some prompt disclaimers." '

This New England Journal of Medicine editorial, quoted in part here, which I confess writing, was published November 11, Armistice Day 1937 [29].

In the February 3, 1969 issue of the AMA News, we learn that the American Medical Association recognizes 'that there are not only those in the population who can't contribute any part of the cost (that is, of health insurance), but there is another large segment of the population that is probably going to need help in purchasing insurance and, therefore, we have enunciated this new policy, which says that a fair degree of comprehensive coverage should be provided every American; that the federal government properly should assist to the degree needed in helping the individual to purchase this; that this should be a strictly federal responsibility rather than a matching federal-state responsibility; and that the best measure of ability to pay is through the income tax system, because it allows for more than just gross income. It allows for the deductions for dependents and for all the other things that go into reducing gross income and converting this to disposable income.'

We've come a long way, Baby.

With the American Medical Association, the National Medical Association, the Physicians Forum, the American Public Health Association, the Medical Committee for Human Rights, the Student Health Organization, the C.I.O.-A.F.L., the Committee for National Health Insurance, the National Health Forum, and others advocating universal National health insurance, National Health Insurance is on its way. *But* with its coming, it is essential that we give thoughtful consideration and take constructive action to improve the delivery of health services. We must improve their availability, economy, and quality by a more efficient application of our knowledge and resources [4, 10, 15, 17].

I think we all know the major defects of our disorganized health care that have lead to what is generally recognized as the present critical state of U.S. Medicine, namely, lack of planning and coordination of health facilities, disorganized delivery of services, fragmented financing with high overhead of our multiplicity of private insurance and government programs and agencies; built-in dual standards of private and welfare medicine; costly Medicaid and welfare means tests; fee-for-service remuneration of physicians and hospitals; solo-practice; and limitation of most health insurance to in-hospital care with resulting costly overhospitalization.

The Blue Shield in its publication Sources and the Committee for National Health Insurance in its pamphlet have documented the inadequacy of private health insurance. Approximately 16% of people under 65 have no hospital insurance; 22% have no surgical insurance; 49% have no insurance to cover x-ray and laboratory examinations when not in a hospital; 60% have no insurance for visits to doctors' offices or doctors' visits to their homes; 64% have no insurance against the cost of prescribed drugs; and 97% have no insurance against dental expenses.

Our private health insurance is not only grossly inadequate but, as stated by Dr. Lorin Kerr [34], it has reinforced the status quo and thereby obstructed resolution of the problems concerned with quality controls, use of manpower, and the organization and distribution of medical care services.

A major cause of the failure of voluntary private health insurance is the fixed premium for a given policy. This has to be low enough to have a reasonable proportion of the people subscribe, and yet is too high for many millions to afford. It results in too little money to finance a single high quality of service for all and hence results in "welfare" medicine with degrading and administratively expensive means tests at the time care is needed.

Dr. Kerr and the Committee for National Health Insurance state that the United States is the only industrialized nation in the world without comprehensive health insurance. I think the latest figures indicate that 17 of such nations have lower infant mortality rates than we have; at least 17 have longer life expectancy for males, and 10 have longer expectancy for females. More males are dying at middle age in the U.S. than in 15 of these nations.

The lack of economy in our disorganized system of delivering health services is indicated by our per capita expenditure of approximately $250 for personal health care in 1968, probably more than any country in the world. This amounts to 53 billion dollars, or 6.5% of our 1968 gross national product. Yet the health care of the majority of our population is mediocre.

Experience with Medicaid shows clearly that universal health insurance could be disastrous in terms of economy and quality of medical care and return on the dollars spent, unless certain provisions are made to improve the financing and delivery of health services.

To accomplish an adequate and economical financing of medical care we at least should:

1. Finance Universal National Health Insurance by our tradition of charging for medical services according to ability to pay. The needed sums from general revenue could be economically provided by a surtax on the income tax, as we have done to finance the Vietnam war. At hand without added expense are the personnel and computers that levy a progressive tax based on fairly reliable data on ability to pay, in spite of the exemptions that can be managed by the very rich. And if Social Security is to finance some of the cost, why shouldn't prepayment of Social Security from wages be progressive like our income tax and not be based on taxing wages up to only a specific limit, such as the present $7800 per year. Local school taxes are based on all property, not just property up to a certain value. Moreover, it should be noted that those who do not have children or whose children do not attend public schools are taxed.

2. Delegate to the Health Administration of HEW and the government Regional Planning and Hospital Review Councils the responsibility for setting such standards of medical and hospital services and for such regional planning and coordination of health facilities as are essential for a satisfactory return on the dollars spent on health care. Like it or not, such planning and accountability are basic to an economical and efficient delivery of health services. Without this, a desirable availability, effectiveness and economy have not been and will not be feasible.

However, such *socialistic* financing of medical care should be clearly differentiated from the *pluralistic* competitive delivery of health services.

As an advocate of universal national health insurance for 30 years, I wish again [4, 10, 15, 32] to emphasize the importance of maintaining the voluntary initiative and pluralistic competitive character of U.S. 'free enterprise' in the delivery of health services by private and government providers of services. We should and can avoid a monolithic government program of delivering services.

To avoid carrying into Universal National Health Insurance the defects of our current delivery of health services, physicians should take the initiative in:

1. Adapting licensing of physicians to ever increasing specialization. (In a recent oral examination for license to practice in California, the examiner asked me to discuss tumors of the uterus. I replied, 'It would be presumptuous of me to answer this question as I've been practicing pediatrics for 33 years.' Whereupon the examiner said, 'Doctor you are applying for a license to practice medicine.' And the license was granted.)

2. Developing and improving group practice, including group-practice primary family health care.

3. Having specialists hospital based where, with essential allied health personnel and facilities, they are readily available to their hospitalized patients and as consultants in the care of ambulatory patients of primary physicians practicing in neighborhood primary health centers or elsewhere.

4. Minimizing fee-for-service solo office practice, as there develops group practice of physicians and allied health personnel with pooled income from which salaries are paid, as determined by one's group-practice peers.

5. Devising, as recommended by the National Advisory Commission on Health Manpower, means of reimbursing hospitals other than on the current basis of underwriting open-ended, noncompetitive costs with little or no incentive for efficiency or competitive control of costs.

Interestingly, the original plan of Blue Cross proposed prepaying for hospital care on a capitation basis. Each person or family in a community was to choose, with the help of the family physician, the hospital that would provide needed hospital services. Dr. Russell Lee has advocated this for years [35]. Prepayment would be made for such care. To apply this today, payment might be based on the per person estimated average cost of all hospital services. Thus, if the community hospital elected by a person wasn't equipped to provide certain highly specialized types of service, the patient would be referred to a hospital equipped and staffed to give such service; the first hospital would pay the second from its capitation income. Such payment for hospital service would both lessen the over hospitalization that occurs with most current Blue Cross and other commercial health insurance and should eliminate provision of highly specialized services by hospitals that, in terms of staff, facilities, and frequency of providing service, are not qualified to provide such services.

As mentioned elsewhere [4, 10, 15, 17], the changes in delivery of our health services outlined above introduce nothing new. They are changes now taking place that should be further implemented. With their implementation, the control and return on the universal health insurance dollar spent should be such as to permit this affluent society to make available a single high standard of health care to all, young or old.

THE ROAD AHEAD

We've come a long way. But the road ahead may be rough. The way is impeded by obstacles of the past and objections of vested interests. The American Medical Association is advocating National Health Insurance, *but* it isn't advocating needed changes in our way of delivering medical services. Indeed, it is reported that Dr. Annis of the A.M.A. is blocking the appointment of Dr. John Knowles, Internist and Director of the Massachusetts General Hospital, as assistant secretary of H.E.W.

Thank heaven the young people are coming. Hopefully, they have broader and more socially oriented professional interests than their AMA professional elders. Hopefully, they are showing the way to a medical education and delivery of health services that will more efficiently minimize suffering and promote health.

Thirty years ago I wrote, "Faced with the reality that tax supported medicine is at hand, shall we insist that it be provided economically and efficiently? If we do, health and solvency may be had. One thing is certain—the one cannot be had without the other" [15]. Again we must ask: "Will we solve the problems that will permit realizing the potentialities of today?"

Oh Baby, tomorrow the eastern sky could be aflame with the dawning of a new day. Or could it be the burning of a city or the fire storm of an atomic bomb?

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43. Requests for reprints should be addressed to: Allan M. Butler, M.D., Tashmoo Farm, Vineyard Haven, Mass. 02568 (USA).

THE GOLDEN CALF

Mr. CURTIS. Mr. President, former Senator Albert W. Hawkes, of New Jersey, served in the U.S. Senate with distinction, and during that time he established many fine friendships. I am indebted to Senator Hawkes for an article entitled "The Golden Calf" written by Walter R. Youngquist. It carries some thoughts that merit the attention of all Senators.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Freeman, November 1969]

THE GOLDEN CALF

(By Walter R. Youngquist)

The American people right now are in the Valley of Decision. We must decide *now* whether we shall continue to live under liberty as free citizens, or kick it all out of the window and, for the *promise* and *hope* of perpetual physical security, exchange it for a system of regimented living as the serfs and property of a socialist dictator state. The choice is ours to make and no man or woman in this country can escape the making of it. Indifference to this paramount issue is just as deadly to our freedom as the outright embracing of socialism itself!

Two human attributes are, probably, responsible for more misery, death, hopelessness, war, and starvation than everything else in the world put together. One of these is the lust for personal power; the other is the constant desire for easy physical security without personal responsibility. Call it greed if you will. The two mesh together perfectly. History records that those who would destroy the liberties of the people first give them largess, grants, doles, and the promise of security in the money bags of government. History also records that those who lose their liberty barter it away for the promise of security at the hands of the state.

THE STRUGGLE FOR FREEDOM

The struggle for human freedom is as old as humanity itself. The first pages of unfolding history reveal to us a picture of oppressed humanity hopelessly struggling, driven hither and yon over the earth under the lash of ruthless masters. These hapless humans have lived and died as cattle. They were, and are in fact, the beasts of burden, the physical property of the King, the Pharaoh, the Emperor, the Nabob, the Union of Soviet-Socialist Republics, or whatever you call that creature known as the authoritarian or totalitarian state.

Always the ceaseless struggle of the peoples of nations has been to throw off the shackles forged by their own rulers, or fight to the death in fending off a foreign despot attempting to extend his personal power.

THE RISE—AND FALL—OF NATIONS

The history of nations is not that they rise but that they rise—and fall. The Romans, under the Republic, achieved, perhaps, a greater measure of freedom than any other ancient people. They also achieved considerable security for themselves and imposed an era of comparative peace over the then civilized world. It was called the Pax Romana. Centuries later the British Empire maintained an era of Pax Britannica. Certain it is that the Roman Republic did produce great prosperity for the Romans. All their conqured territories paid tribute to them. Life was easy, and then licentious. Then moral decay set in, and while Rome gave every outward appearance of strength and security, it

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was rotting at the core. Then the smart politicians came on the scene. The way to achieve power over the Romans was to promise them security. Give them doles from the state; open up the corn-cribs, put lots of people on the public payrolls; tell them that they shall never worry again, the state will take care of them. Finally came the Gracchi Brothers, each trying to outpromise the other—the forerunners of the American Democrats and Republicans! The Romans took the bait, they put their trust in the state—and were conquered by a less civilized but more virile people who trusted in themselves! "A nation that wants anything more than freedom will lose its freedom," said Somerset Maugham, "and the irony of it is, if it is comfort and security it wants, it will lose them too."

As the centuries came and went, as the Christian religion spread with its teachings of the infinite worth of the individual, with its emphasis on the value and sacredness of human life, men everywhere began to stir with the urge for freedom. The centuries-old struggle took a long step forward when the English barons, in the beginning of the thirteenth century, wrested Magna Carta away from the unwilling King.

THE SECURITY OF FREEDOM

There is a security which is real. It is the security of responsible freedom. If that freedom can be maintained, then physical security follows as a natural consequence. But if a free man seeks physical security outside of himself, with no urge or obligation to provide it for himself, then he will achieve that security at the expense of his liberty.

This nation has been extremely fortunate in its ancestral heritage. The pilgrims came to our unknown land because they wanted to be free. Particularly, they wanted freedom of religion. They had been whipped around in Europe, persecuted, and with no hope for betterment. Then they looked over the wide ocean. They knew not what was on the other side, except one thing: freedom to worship as they wished. History has told the story. We have freedom, but it was earned at a terrible price. Then, in the great migrations that took place from northern Europe in the latter half of the nineteenth century, we received the workmen who turned this country into the land of opportunity, who built and worked in our factories, who took homesteads in the West and turned the prairies into productive farms. It was the surge of economic freedom, the fundamental building stone of this nation.

The Declaration of Independence proclaims:

"We hold these truths to be self-evident: That all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

The Constitution of the United States is a document to limit the power of government. The people who wrote that instrument had the experience of living under the rule of a foreign king. They had firsthand experience with the archaic, selfish, individualistic actions of a foreign monarch. They would set up a government "of the people, by the people, for the people," and every citizen would be entitled to the protection of the law. Always, however, there is the desire on the part of many people to circumvent the law. Always there are schemers who want to get rid of the law so far as they are concerned. They are the bureaucrats, those who are in position to wrest away from others their rights, while entrenching themselves in bureaucratic protection. This tendency has gone so far that it is doubtful if it can ever again be controlled, and it may very well be the road down which this country will finally go into a socialistic dictatorship.

TWO PHILOSOPHIES OF GOVERNMENT

Now, there persist in this world two philosophies of government, each struggling for supremacy.

One of these says that the state is supreme, and the source of all authority, well-being, and security. It conceives that the citizen is the subject and property of the state, and that all of the privileges, all of the freedom which the citizen enjoys, is a dispensation of the state. It denies that any man has certain unalienable rights which no government may invade, curtail, deny, or destroy. It is the concept of the state as the all-wise master which not only owns the citizen but is obligated to care for him. It owes every man a job without any responsibility on the part of the individual to create one for himself. Everyone is entitled to an equal share of everything that is produced regardless of his abilities, his industry, his thrift, or his frugality. Everyone is entitled to medical attention when sick and a proper burial when he dies. His only duty is not to die until he has collected his full benefits.

This philosophy manifests itself in a thousand ways but principally in progressive regimentation of labor, of agriculture, of business and the professions. Another symptom is the every-growing bureaucracy and the tendency for governmental agencies and bureaus to multiply themselves, to seek more and more power over the citizens; to covet increasing power over public funds and to levy heavier and heavier taxes; to ceaselessly promulgate rules which have the force of law; to seek and expand authority to accuse, prosecute, and fine or imprison the citizens who refuse to obey their edicts; to constantly seek to throw off all restraints of constitutional government; to circumvent the courts; and if that doesn't succeed, to pollute and degrade the courts by the appointment of men beholden to the supreme authority. It becomes further apparent in the gradual abdication by the Congress of its powers and position as defender of the people's liberties; by a progressive weakening of the legislative branch of government through a system of favors handed out by the chief executive; and by a corresponding increase in the power of the executive. Thus, slowly but surely, the transformation takes place from a "government by law" to a "government by men."

THE MEANING OF LIBERTY

The other philosophy conceives that the individual citizen is the true source of authority; that the state is the creation of the sovereign people; that its function is to govern within the limits set by the sovereign people, and not to engage in business in competition with the citizens. It recognizes that liberty is of the spirit as well as of the body and that the individual must be free to develop his own personality and resources, accepting the responsibilities of that freedom. Recognizing that discipline is essential in every ordered society, it conceives that discipline of a free people must be self-imposed and voluntary. This philosophy teaches that the state is the subject and property of the people; that it is without authority except that granted by the consent of the governed; that its function is to foster the well-being of the individual, to create for him a climate where the human personality may develop into its full flowering, and in which his liberties shall be protected under just laws. This philosophy teaches that the only liberal government is one which is duly limited to keeping the peace. A government which squanders itself into bankruptcy cannot be liberal. A people which leans more and more heavily upon the gratuities of a paternal state, a people which believes the doctrine that "the state owes me a living" must be prepared soon to surrender its liberty.

Patrick Henry said: "No free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue and by a frequent recurrence to fundamental principles."

True liberalism holds that liberty is an endowment by the Creator upon which no power may encroach, and no government may deny. It holds that the individual must be free to choose his own calling, to develop his talents, to own and keep a home sacred from intrusion, to rear children in ordered security. It holds that he must be free to work for whom he wishes, or not to work, without tribute to anyone, to earn, to save, to spend, and to accumulate property. It holds that the first duty of the state is to protect the citizen under the law.

PROMISES OF THE WELFARE STATE

We are now asked to turn away from the qualities and principles that made us a great nation. False leaders have come among us—seeking more power over our lives and occupations. They have dangled before us a picture of the lush pastures of economic security; we have listened—and followed.

These leaders would have us believe—

That security is surely to be found in the money bags of government, if we will but permit them to run our business, our farms, our professions, our jobs, and our lives.

That the source of all security and welfare is the state and that it may not be had except from the state.

That higher taxes upon our labor and thrift will provide us more welfare.

That the state will give us more security by spending more than its income and by depreciating the value of money.

That we may hove more abundance if the state limits the harvest of our fields and the yield of our flocks; that prosperity is increased by paying farmers to over-produce, destroying the surplus, and taxing everybody to pay for it.

That we may have more liberty through more laws and regulations giving more power to the state and to officials, agents, investigators, and bureaucrats in general to supervise and regulate every detail of our lives.

That American citizens will rise to nobler heights of morality and individual achievement if they trust the state to provide all that is needful.

That we may enjoy freedom from want, freedom from everything except the greatest of all freedoms—freedom from the tryanny of the state itself.

They call this "public welfare," "security," "social and economic equality," "elimination of the profit motive," "production for use," and similar names to cover up its true nature. *It is Socialism.*

This headlong plunge into a socialist dictatorship is going to end up with the dictator telling us where we may work, what we shall do, how long we may work, and for what wages.

They will tell us how many square feet of living space we may have, who shall provide it, and on what terms we may live in it.

They will tell us what we may buy, what we shall pay for it, what we shall get for what we sell, what we may plant, where we may plant it, and how much; and how we shall dispose of the harvest.

This is the security of the Negro slave before the emancipation, the security of the American Indian, the security of the Englishman under socialism, the security of a "guaranteed" job—as in Russia. It won't be long in coming unless we reject false promises and exercise self-responsibility.

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Government aid to the individual is followed by government control *of* the individual, which means government force *against* the individual. *No people can remain free except by exercise of thrift and frugality.*

THE GOLDEN CALF

The modern version of the story of the Golden Calf would read like this:

"And the people of America murmured because life was so hard, and they pined for security. And the bureaucrats, hearing of their sad plight contrived to make the people secure. So they said to the people: "Put your trust in us and we shall open unto you the bottomless money bags of government. They shall be your Golden God who will care for you and your children from the cradle to the grave. Your beds shall be soft; your bellies shall be filled with good things to eat; your labor shall be easy and your wages shall be great. There shall be long seasons of time-and-a-half and double-time. You shall generously share the fruits of labor of others and much time for ease shall be your lot." And the people said: "Hurrah, verily shall the money bags of government be our Golden God and upon these leaders shall we trust our security." Thus did the people of America "deliver themselves into bondage."

STRETCH JETS AT NATIONAL AIRPORT

Mr. SPONG. Mr. President, contrary to every assurance given to the public and Congress, and against the strongest recommendations of its own experts, the Federal Aviation Administration is now permitting large stretch jets to operate at Washington National Airport.

On May 19, at a hearing of the Committee on the District of Columbia, I made public a draft study by the senior officials of the FAA's National Capital Airports Bureau which concluded that introduction of the stretch jets would provide a financial bonanza for the airlines, represent a substantial loss to the Government and taxpayers and inflict immeasurable damage on the growth prospects of Dulles and Friendship airports. Incredibly, the decision was made nevertheless.

I have written to Secretary of Transportation John Volpe, asking that this decision be reversed, at least until such time as it can be shown that the larger jets will not hinder the objective of orderly airport development in this region. Until and unless such action is taken, I intend to pursue the matter and to inform Congress and the taxpayers of all the circumstances surrounding this decision.

I ask unanimous consent to have printed in the Record an editorial entitled " 'Devastating' Indeed," which was published in the Alexandria Gazette of May 22, 1970.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

"Devastating" Indeed

In all the furore that has risen over the action of the Federal Aviation Administration in authorizing the use of stretch jet planes at National Airport, nothing has been as revealing as one day of testimony before a Senatorial committee of inquiry. The one most evident result would seem to be an indication that the Administrator acts quite independently from the qualified members of the staff assigned to guide him in his decisions.

We have in mind, of course, the study made by the professionally qualified FAA staff on allowing the permanent use of Boeing 727-200, known as stretch jets, at National. The report noted that it would increase passenger traffic by almost 10 percent—900,000—above the present 10 million a year. It concedes that the 200 passenger "stretch jets" would provide a bonanza for the airlines, though doing irreparable damage to other Washington area airports for which, of course FAA is equally responsible. Although the staff study recommended against larger jets, there are evidences that those who made it were well aware of the realities of life in FAA. For they recommend that, if it is decided that bigger jets are allowed, the FAA "bring all possible political influence to bear" on Congress to have the decision accepted. What lobby, we might ask, would provide that influence? The revelation, as one Senator put it, was "devastating."

The FAA study was made Jan. 12 last. Stretch jets were admitted to the use of National Airport later during the air controllers' "sick in" as an emergency measure. Yet FAA Administrator John H. Shaffer said at the Senate hearing that he had not been aware of the Jan. 12 staff report. He plans to have another study made now on the impact of the larger jets. Meanwhile, acting on his own authority, they continue the practice of using National and will continue to do so.

The opening of the hearings by Sen. Spong (D-Va.) seems to have struck pay dirt. We trust it will be pursued to the logical conclusion which should reveal whether FAA regulates and guides the airline development or the airlines control FAA and the administrator's decision.

The public, whether traveling or those whose life on the ground is affected by the skyriders over head, has every right to know.

ADDITIONAL DEATHS OF CALIFORNIANS IN VIETNAM

Mr. CRANSTON. Mr. President, between Thursday, May 7, 1970, and Friday, May 22, 1970, the Pentagon has notified 36 more California families of the death of a loved one in Vietnam and Southeast Asia.

Those killed:

Sgt. Paul A. Baptista, husband of Mrs. Carol J. Baptista, of San Leandro.

Sp. Larry M. Beaudette, son of Mrs. Maxine P. Gerardi, of Ventura.

Sp. Joseph W. Cunningham, Jr., son of Mr. and Mrs. William W. Warren, of Oceanside.

Pfc. Harlan E. Daniels, son of Mr. and Mrs. Bob E. Stewart, of Shasta.

Pfc. Douglas W. Day, son of Mr. and Mrs. Harold W. Day, of Hacienda Heights.

Bmc. Oscar A. Day, husband of Mrs. Lesbia E. Day, of Sedgefield Hanahan.

Sgt. Francisco P. Delgado, husband of Mrs. Ingnacia D. Delgado, of Coachella.

Mg. John A. B. Dillard, Jr., husband of Mrs. Bette L. Dillard, of Corte Madera.

Sp. Thomas J. Fox, Jr., son of Mr. and Mrs. Thomas A. Fox, of Sacramento.

Pfc. Jose A. Gonzalez, son of Mr. and Mrs. Jose M. Gonzalez, of Norwalk.

Pfc. Thomas E. Haslet, son of Mr. and Mrs. Clyde C. Haslet, of Redondo Beach.

Pfc. Robert E. Herndon, son of Mr. Lloyd W. Herndon, of Cudhay.

Pt2. Douglas E. Hobbs, son of Mr. and Mrs. Alva N. Hobbs, of Bakersfield.

Pfc. Dennis W. Hunter, son of Mr. and Mrs. Lyle E. Hunter of Santa Ana.

Sp. Daniel C. Johnson, son of Mrs. June F. Lewis, of Garden Grove.

Csm. Griffith A. Jones, husband of Mrs. Francis Jones, of Marysville.

Sp. Jesse G. Juarez, son of Mr. and Mrs. Adolfo Juarez, of Wesco.

Sp. Kevin R. Keleher, son of Mr. Reynolds R. Keleher, of San Francisco.

Sp. Steven LeBars, son of Mr. and Mrs. Marcell M. LeBars, of Hayward.

Sp. Robert E. Masseth, son of Mr. Eugene B. Masseth, of Norwalk.

S. Sgt. Neil A. Lord, Jr., husband of Mrs. Margaret Lord, of Whittier.

Capt. Robert E. Mincey, husband of Mrs. Margaret A. Mincey, of Sacramento.

Sp. David Munoz, son of Mr. Paul S. Munoz, of Santa Clara.

Sgt. Robert L. O'Conner, son of Mrs. Lilian M. O'Conner, of Los Angeles.

Sgt. David E. Ogden, son of Mr. and Mrs. Richard E. Ogden, of Paramount.

Sp. Michael J. Orwig, son of Mr. and Mrs. Kenneth T. Orwig, of Whittier.

Pfc. David L. Palmer, son of Mr. and Mrs. Robert A. Palmer, of North Highlands.

Sgt. Silvestre M. Rivera, son of Mr. Francisco E. Rivera, of Kerman.

Pfc. Raymond J. Souza, son of Mr. and Mrs. Lawrence A. Souza, of San Leandro.

Sp. Emilio C. Supnet, Jr., husband of Mrs. Estrella M. Supnet, of Oakland.

Sp. Kenneth B. Thomas, son of Mr. and Mrs. Ben. B. Thomas, of Hesperia.

Pvt. Michael S. Tuff, son of Mr. and Mrs. William F. Tuff, of Anaheim.

Sp. Daniel Vaughan, son of Mr. and Mrs. Oscar G. Vaughan, of APO San Francisco.

Sgt. John J. Willey, son of Mr. and Mrs. Thomas M. Willey, of West Covina.

BU3 Carl D. Wootten, son of Mrs. Ivona M. Wootten, of Bon View, Ontario.

Sp. Larry C. Young, son of Mr. and Mrs. Jerrald F. Young, of Sunnyvale.

They bring to 4,092 the total number of Californians killed in the war.

WORKERS' RALLY BACKS PRESIDENT

Mr. FONG. Mr. President, last Wednesday, some 100,000 union workers—construction workers, longshoremen, officeworkers, and teamsters—demonstrated in New York City to show their support for President Nixon's policies on Cambodia and Vietnam.

I understand from news accounts that these workers gave up a day's pay to participate in the rally. This was not then, a holiday or a lark, but a serious effort to show the rest of America that many of its citizens support the President in his efforts to withdraw U.S. forces from Vietnam and bring the war to a just settlement.

I wish to extend my congratulations and commendation to these thousands of workers who dedicated themselves a peaceful expression of support for the President and who sacrificed their pay and their time for this purpose. I know the President must have been heartened to learn of their support.

I ask unanimous consent that two news accounts of this event, one from the Washington Star and one from the Washington Post, both dated May 21, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

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100,000 HARD HATS BACK PRESIDENT

(By Duncan Spencer)

NEW YORK.—An exultant 100,000 union workers turned Lower Manhattan into a blizzard of tickertape and American flags yesterday in a peaceful expression of support for the American Dream.

"We want to be the real Americans," march leader Peter J. Brennan, president of the Building and Construction Trades Union, shouted from a bunting-draped truck as the rank and file of more than 200 trade union locals waved flags above their heads.

The flag waving was the closest thing to violence in the demonstration, which voiced support for President Nixon and scorn for New York Mayor John V. Lindsay.

The marchers, most of them still dusty and sweatstained from the labors they perform daily at construction sites nearby, were scrupulous in their conduct.

"LET'S DO IT ORDERLY"

The refrain "let's do it orderly" had at least as much currency, if not the volume of "USA—Alla Way", the hard hats marched completely unopposed and sang patriotic songs for four hours at midday, then disbanded.

"It's terrific," said James J. Ross, 45, the boss of a crew of 140 steamfitters who are working at the World Trade Center towers, the world's largest building-to-be. "They better hear us now," he said.

Ross stayed close to his men during the four hours of the rally and march down Broadway. He found time to explain much of the feeling that has suddenly welled up among the usually silent construction workers.

ISSUES SEEM SIMPLE

On the surface, the issues are almost too simple: the workers want respect for the flag; they oppose Lindsay's liberal regime; they dislike the war but back the men who are fighting it; they support the President, not because he is Nixon, but because he is the President.

When it comes to specifics, however, the workers voice a complaint often heard from demonstrating students. As one worker put it last Friday at an earlier rally: "It seems that the whole government is controlled by people who are not the people."

The youths and the working . . . "people" to be quite different groups from those the students have in mind.

Ross, for example, considers himself a typical construction worker. His father and uncles were all trade union men. He came home from service in World War II with part of a college education, a girl he wanted to marry, and no job—so he decided to join the steamfitters union, and his life story takes on its permanent direction from that decision.

Now, he makes top money in a trade where journeymen are paid $6.57 an hour with no "high" money—extra pay for heights.

DIGNITY ACQUIRED

Yesterday's demonstration cost the group from Ross's union, Local 638, thousands of dollars. "It took those students to make the construction worker have a little dignity—the hard hat is a status symbol now," he said.

Ross, who lives in an apartment in Queens, is sending two of his three children to college—his daughter is to be a freshman at Smith under a union scholarship—on the strength of his pay as a steamfitter.

He said he has never voted for Nixon, and never will, unless his personal feeling that "I just don't like the guy" changes. But, he said, a man should be supported once he is elected President.

"Most construction workers are a quiet group, unless they have wrinkles in their belly," he explained. "Maybe we're brainwashed by the construction business—always putting things together, kind of gives a sense of order. So why should we listen to some rookie kid? How the hell is he so smart?"

BREAKING POINT COMES

The breaking point for the workers was May 8, when City Hall, which is in plain view of some of the downtown construction sites, flew its American flag at half staff to honor the four students killed at Kent State University. The workers were outraged that the mayor allowed the flag to be lowered. They pointed out that it had never been lowered for police killed in the line of duty. A minor riot ensued, and some workers beat up students protesting the war.

But the tone yesterday was conciliatory to students; Brennan asked that the march not be aimed at opposing the young and the activists.

"Students are our children and our neighbors' children," he said in a widely circulated letter to all building tradesmen. "Prevent violence as if your life depends upon it. Our system of orderly and peaceful demonstration for change is very definitely on trial."

BLACKS ARE ABSENT

Blacks were noticeably absent from yesterday's march, a fact that caused bitterness among some workers and wonder among others. "The blacks are staying away so people will think there's none of them in the union," said Pat Cummings, 46, a member of the steamfitters local.

The black unionists set up their own protest today—against the war and against the apprenticeship policies of some of the construction unions, which many of the blacks say are plainly racist.

The plans of the white workers are unclear, as is the course their leaders plan to take with their newly discovered voice. Spokesmen for Brennan denied that the workers are planning to march on Washington in the near future.

N.Y. RALLY OF 100,000 BACKS WAR

(By Karl E. Meyer)

NEW YORK.—More than 100,000 workers massed around City Hall today in a giant rally in support of the Vietnam war. The demonstration was spirited but orderly, and there were no arrests.

Hard-hatted construction workers, longshoremen, office workers and teamsters made up the crowd, which stretched for blocks down Broadway and into every nearby sidestreet. Some 2,700 extra policemen were deployed in the downtown area.

Demonstrators by the thousands waved American flags, sang patriotic songs and flourished placards with messages like "Spiro is my hero," "Stop leftwing TV" and "Impeach the Red mayor."

Mayor John V. Lindsay, an opponent of the war, was burned in effigy. But the crowd failed to notice Lindsay's arrival in an unmarked car while the rally was underway.

Lindsay has consistently turned the other cheek in comments on workers' demonstrations, dismissing even their demands for his impeachment with the comment, "If that's useful in order to vent their feelings, that's all right with me, as long as it is peaceful." His one angry outburst came after a May 8 rally in which workers rampaged around City Hall, injuring at least 70.

The crowd heard speeches by Peter J. Brennan, president of the Construction Trades Council, and Thomas (Teddy) Gleason, president of the International Longshoremen's Association. Both appealed for an orderly protest and sought to strike a conciliatory note.

"We are all against the war," said Brennan. "America does not want to see the war in Vietnam. What it wants to see is democracy. We are there as Americans. We are here although we may not agree with many things that are said by others."

Gleason also avoided fiery language, saying, "We believe everybody has the right to an opinion. Most of the people who expect trouble will be disappointed. Our men are 99.9 per cent with you. We want peace as much as the others want it, but we want an honorable peace."

MOVING FORCE IN RALLY

Though other workers participated, it was obvious that the moving force in today's demonstration, as in protest parades during the past week, was the hard-hatted construction worker.

Helmeted workmen were everywhere on floats and cement mixers, vigorously waving flags and exhorting the crowds to join in chanting over and over again, "U.S.A. all the way."

Close observers of the labor movement offered several explanations why the construction workers have become so militantly anti-radicalized. The main theme that emerged is that the hard-hats have the closest thing to a military esprit de corps of any organized civilian workers.

According to the Bureau of Labor Statistics, 98,000 people were employed in the construction industry in New York City as of last February. The average weekly paycheck at that time was $229.45, as against $176.42 in the previous year.

UNEMPLOYMENT IS HIGH

Though the figure may seem high, analysts point out that the work is also seasonal and that unemployment in construction trades is now about 7 per cent, or about double the average of the whole city work force.

What sets construction workers apart from other blue-collar employees is the degree of danger in their job and the almost military teamwork that develops on the building site. Hard-hats are not pinned down in factories, they work outdoors and have easily-recognizable helmets, making them ready recruits for street demonstrations.

A shrewd labor official called attention to a passage in a 1964 book, "The Bridge," by Gay Talese, which described the life of the hard-hats:

"Building a bridge is like combat. The language is of the barracks, and the men are organized along the lines of the noncommissioned officers' caste. At the very bottom comparable to the Army recruit, are the apprentices—called 'punks' . . . within two or three years, most punks have become full-fledged bridgemen—but it is the last job, connecting the steel, that most captures the fancy . . .

"DANGEROUS WORK

"Connecting steel is the closest thing to aerial art, except the men must build a new sky stage for each show, and that is what makes it so dangerous."

The men who work in these relatively high-risk jobs cannot be tagged with any easy ethnic labels. It cannot even be said that the trade is lily white.

Several thousand Mohawk Indians are the city's outstanding workers in high steel—their current minimum wage is $7.63 an hour. Another sizable group of construction workers comes from Newfoundland, while others are of Irish, Italian and Eastern European descent. Though there are few blacks in the trade, the local unions are regarded as less hostile to Negroes than in other major cities.

In conversation with hard-hats, three themes recur repeatedly—dislike for long-haired students, an intense patriotism, and a solidarity bred on the job.

Like many construction workers, Bill

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Wynn, a sheet metal worker, has relatives in the service. But his 22-year-old brother was killed last year in Vietnam, and Wynn wears a Gold Star. "Whenever I see those kids insulting the flag," he says, "I think to myself, 'so this is the payment my brother got'."

Another sheet metal worker, Oscar Andresen of Yonkers, has a son of 26. How does his son feel about the war? "I never question him about it," said Andresen, who quickly switched to another topic.

Three Mohawk Indians offered their views—Thomas Diabo, Roger Ouimet and Gene Cross, all born on the same reservation at Caughnawaga, N.Y.

A SPONTANEOUS THING

Why was Diabo demonstrating? The 25-year-old Indian replied with a shrug, "All of us on the job came together; it was a spontaneous thing."

According to Ouimet, a 23-year-old who served in the U.S. Army in Germany, "We're here because it's our country, even though it hasn't treated us so well."

Cross, a husky 27-year-old, interjected, "We've got a President for better or worse, so we ought to stick with him. No, no one has organized this, it's just the way the men feel—we got tired of the punks running the country down."

There are varying degrees of passion among the hardhats, but it is obvious to anyone who talks with them that the demonstrations are as much directed against students as they are in behalf of the war. It is also obvious that the long lunchtime break has caught on, and that the hard-hats will be taking their politics into the streets for some time to come.

BIG THICKET ARTICLE, BY CALEB PIRTLE III, IN SOUTHERN LIVING MAGAZINE

Mr. YARBOROUGH. Mr. President, there is great interest throughout the Nation in the preservation of the Big Thicket of southeast Texas. This is a beautiful and unique natural treasure that should be saved.

Hearings have been scheduled on S. 4, my bill to establish a 100,000-acre Big Thicket National Park. The distinguished senior Senator from Nevada (Mr. Bible) will conduct these hearings in Beaumont, Tex., on Friday, June 12, 1970, before his Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs.

An article on the Big Thicket, published recently, makes an excellent presentation of the long struggle to save the Big Thicket. The article, written by Mr. Caleb Pirtle III, is entitled "The Fight To Save Our Land and Our Heritage" and appears in the May 1970, issue of volume 5, Southern Living magazine. I ask unanimous consent that the pertinent portions of the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Fight To Save Our Land and Our Heritage

(By Caleb Pirtle, III)

(Note.—Throughout the nation, our forests, lakes, wildlife refuges, and historic homes are being threatened by the swift advance of progress. Three Southern associations decided the time had come to fight.)

Way down deep in the pine and magnolia shadows of East Texas, in a land called "the biological crossroads of North America," the Big Thicket Association is battling to save the last remaining botanical wilderness in Texas from the deadly hum of a chain saw. Time is quickly running out. The association hopes for the protection and security of a national park. But it's finding out that bureaucracy moves in slow and mysterious ways.

And out in the lazy, tropical Gulf of Mexico, where the silken trade winds blow, the Sanibel-Captiva Conservation Foundation is fighting to protect a chain of primitive islands and the wildlife from the bricks and glass of commercial development. It has won the first skirmish with the establishment of the J. N. "Ding" Darling National Wildlife Refuge. But the war isn't over.

And up in the gentle Blue Grass country of Kentucky, along three historic blocks of Old Lexington, the South Hill Neighborhood Association has carried its fight from the streets to the Supreme Court in a desperate attempt to halt the grinding advance of bulldozers as they stalk the homes of a city's grand past. Once, only a year ago, there were 14 historic houses standing proudly along the sidewalks of West High Street. Now there are seven.

The battle for conservation and preservation is a crucial one. It has no ending. But as former Texas Governor Price Daniel once said: "Success is not necessarily a destination, but a journey."

And success is never achieved unless someone is willing to take that journey. Three Southern organizations were. And as a result, the Big Thicket Association, the Sanibel-Captiva Conservation Foundation, and the South Hill Neighborhood Association have been nominated to receive 3 of the 12 awards being given this May by the American Heritage Society.

"A big thicket is vanishing . . ."

The Big Thicket of Texas, where men have wandered lost only a few yards from the highway, has long been a land of folklore and mystery, flavored just a bit by the winking of ghost lights and the far-off cry of the ivory bill woodpecker.

It was a land roamed by the bobcat, puma, Mexican tiger, ocelot, and black bear, where the whippoorwill and chuck-will's-widow would softly sing the sun down. Its trees are among the world's largest and its plant life among the smallest. Hidden in the wooded tunnels of the thicket are at least 21 varieties of exotic wild orchids, as well as 25 varieties of ferns.

It boasts the world champion eastern red cedar, black hickory, holly, plane tree, red bay, Yaupon, sparkleberry, common sweetleaf, and silver bell.

And a national park study revealed: "The forest contains elements common to the Florida Everglades, the Okefenokee Swamp, the Appalachian region, the piedmont forests, and the large open woodland of the coastal plains. Some large areas resemble tropical jungles in the Mexican states of Tamaulipas and Vera Cruz."

Once it was, as it is named, a big thicket, blanketing 3,350,000 acres with a strange, almost legendary botanical wilderness. But the chain saws came. And the timber began to vanish, at an alarming rate, beneath the teeth of the saw and blade of the ax. Now, only 300,000 acres remain.

And it is presently estimated that those last acres of the grandiose Big Thicket are rapidly disappearing at the rate of approximately 50 acres a day. The time for apathy and waiting had to end.

In 1964 the Big Thicket Association was formed in a last-minute attempt to save the forest. Dempsie Henley, mayor of Liberty and chairman of the Texas Commission for Indian Affairs, was named the association's president.

As Henley recalls, "We were already 10 years late. But we began one of the most important battles of the hour. It was a race for inner space, a race to save the remaining 10% of the earth that man had not molested, spoiled, or destroyed."

The association had first hoped to create a state park. The Texas Parks and Wildlife Commission expressed interest but never acted to acquire the lands.

Next the association, quickly growing in number and gaining the support of such national figures as Rev. Billy Graham, appealed to the National Parks System to blueprint a "chain of pearls" park, or monument, under the guidance of Federal Government protection.

It was joined in the struggle by Texas Senator Ralph Yarborough, a tough, determined conservationist who, in time, became the East Texas group's staunchest ally.

The U.S. Park Service made a comprehensive study of the thicket and strongly recommended that a series of national parks be created throughout the ruggedly sylvan forest. Senator Yarborough introduced a bill in Congress to initiate a 100,000-acre park. A resolution supporting him and his bill passed the Texas House of Representatives by unanimous vote—something that's rare and unique in Texas politics. Even, perhaps for the first time in history, the National Audubon Society and the National Rifle Association forgot their differences and joined forces in support of the bill.

And the waiting, those long days that dragged into fleeting months, began.

Henley recalls, "The Big Thicket was under heavy siege of bulldozers and power saws. It is very perishable. The botany and ecology can be destroyed easily by merely altering the natural botanical setting. The time element is a relentless source of anxiety."

Senator Yarborough said: "One of our country's most valuable regions of biological and ecological development is being lost forever. Until recently, this portion of the Texas Gulf plains has remained an unspoiled refuge for rare species of plant life and animal life. However, increasing development and exploitation of the area now threaten the existence of the Big Thicket as an identifiable ecological unity."

But even as they fought, airplane spraying, cutting of hardwood, and stream pollution crept through the forest like a deadly plague. Five hundred acres of timber were destroyed by an open flow of salt water from an oil field activity. One airplane spraying not only killed several hundred acres of hardwood, but also wiped out a large rookery of the famous white heron.

Timber has always been a lucrative lure in the East Texas piney woods. Lumber companies have turned the Big Thicket into Big Business.

And, as Henley said, it takes only five minutes for a chain saw to fell a magnolia tree that took 1,000 years to grow.

There is still hope that a national park will prevent the total destruction of the Big Thicket, the strange forest where meat-eating plants still grow. But the Big Thicket Association knows that every time the sun dawns, the forest is, at least, 50 acres smaller than it was the day before.

FUNDING OF BALTIMORE SUMMER PROGRAM

Mr. TYDINGS. Mr. President, we are in for another long, hot summer. For the past 3 years, the Federal Government has funded special impact programs

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through several Government agencies to afford millions of youngsters in our large cities the opportunity for employment and recreation during their summer vacations.

This year, however, the administration has both underfunded these youth programs and drafted new and ill-conceived guidelines for these programs which threaten to turn these disadvantaged youngsters out onto the steaming crowded streets of our cities without jobs, without supervision, and without hope.

These are the same youngsters who, for the past 3 years, have been productive employees or participants in the federally assisted summer programs.

Last year, for example, in the city of Baltimore, more than 11,250 youngsters from the innercity worked in productive jobs in these programs. Nearly 300,000 additional hard core, poor, innercity youngsters participated in federally assisted special recreation programs.

This year, however, Baltimore faces the intolerable prospect of having to turn those youngsters away because of sharp Federal cutbacks in funds for both employment and recreation programs.

Furthermore, the new administration guidelines prohibit the use of more than 10 percent of available Federal youth development program money for recreation programs. And none can be used for recreation programs for poor youngsters under 14 years old.

According to the new guidelines, all special impact money must go for full year programs for youngsters between 14 and 21.

I fully support the idea of full-year programs for youngsters 14 to 21 and for persons over 21, too. I believe the Government should prepare its citizens to get better jobs, earn larger salaries, and develop businesses of their own so they can become taxpaying members of our society rather than recipients of the public dole.

Unfortunately, however, I hear considerable rhetoric and see little action from the administration in the area of economic development for youngsters or anybody else. The much-touted black capitalism program has produced many press releases but few results. In fact, this administration's black capitalism program has been little more than a continuation of the already-existing program started and expanded by the last administration.

Similarly, while the administration purports to support economic enhancement opportunities for young Americans from the inner city, its record is a laundry list of broken promises. Take its handling of the Job Corps and the Neighborhood Youth Corps, for example—the two major job training programs for young people in the war against poverty.

Last July, the administration shut down 59 Job Corps centers that provided employment in much-needed job training for nearly 17,000 poor youngsters. That administration cutback came amidst its own bold promises of new programs to train these youngsters at a much-publicized urban-centered job training program. No youngster will be turned out on the streets, the administration promised.

We are still waiting for that urban job training program promised last summer. More than 10 months after the Job Corps centers were closed, the administration has produced only five urban job centers, serving a grand total of only 1,057 youngsters, compared to the 17,000 sent home from the Job Corps last summer. And just one of those urban centers is located in a major northern urban area like Baltimore, where the despair of the young people is deepest and the need greatest.

This summer the administration's planned overhauling of the Neighborhood Youth Corps program threatens the very existence of the successful Out-of-School NYC program. Currently, high school dropouts participating in the Out-of-School NYC program receive $1.45 an hour for working 32 hours a week in NYC jobs. Under the administration's new scheme, these same youngsters will find their wages reduced to less than $0.90 an hour for a 40-hour NYC week.

The reason for this wage cutback is the Department of Labor's promises to increase the supportive services—such as skill-training and medical services—for the NYC participants. While NYC directors from urban areas agree that it is desirable to improve supportive services, they are fearful that the administration's decision to cut NYC wages will discourage many of the most needy youngsters from joining the program. In addition, the Labor Department has instructed NYC directors in major urban areas to begin admitting only 16- and 17-year-olds to their programs, instead of the 16- to 21-year-olds they are currently admitting.

My concern is that given the administration's track record on the Job Corps program, a year from now we may find the NYC program gutted, while the administration is still promising to improve the supportive services.

Even in light of the administration's already discouraging performance in the area of economic development, the new guidelines for special impact programs represent a particularly cruel blow. These guidelines are yet another indication that this administration is dangerously out of touch with what is happening on the streets of our great cities.

The new guidelines indicate that the administration has lost sight of the special problems the big cities face every summer. While there is no contesting the need for year-round programs, the harsh fact is that our major cities face particular problems each summer when millions of youngsters are out of school.

These school-age youngsters need special programs during the summer to channel their energies into constructive activities. Though this administration seems to ignore it, poor youngsters need recreation programs as much as rich youngsters do. And not only do summer recreation programs provide much-needed recreation for poor youngsters, but they also provide recreation job opportunities for innercity teenagers and college students.

Nowhere is the impact of the administration's new guidelines more devastating than in Baltimore. For the past three summers, Baltimore has operated model summer programs. A year ago, a special report by the Office of Economic Opportunity singled out Baltimore for running an outstanding special impact program.

Baltimore, too, represents a model for the Nation in its year-round program. Its concentrated employment program, which placed more than 3,000 persons in constructive jobs last year, has the highest job retention rate of any such program in the country. Its community action agency cooperates closely with the city administration, a result highly desired by President Nixon. Yet Baltimore, for all of its outstanding efforts, stands to have its summer programs chopped to bits by the administration's new policies.

Last summer, two-thirds of the 300,000 youngsters who participated in recreation programs were under 14 years of age. This summer, these youngsters according to the administration guidelines, will be turned away. Most disconcerting, this very group which the administration proposes to turn out on the streets is responsible for nearly half the cases before the juvenile court in Baltimore City.

The principal victims of the new guidelines will be the campership programs, which afford disadvantaged youngsters the same opportunity to go to camp as their more advantaged friends. One of the programs that has been tied up in bureaucratic redtape, for example, is Baltimore's outstanding camp concern program. Last summer, the camp concern program afforded 5,400 underprivileged youngsters, many of them under 14, the chance to spend a week at Maryland's Bainbridge Naval Training Center. There they received recreational opportunities, health examinations, and job counseling. So outstanding was this program that it has received the unqualified endorsement of the Secretary of the Navy and Vice President AGNEW.

Yet because of some arbitrary guidelines drawn up by bureaucrats apparently out of touch with the reality of the street, the future of this critical program has been in doubt for several months. While city officials are optimistic that camp concern will be spared, it is imperative, as the summer draws near, that this outstanding program be given final approval.

The future of camp concern is critical not only for the more than 5,000 Baltimore youngsters who will attend, but also for the 100 disadvantaged youths who are productively employed in the program.

Only a small fraction of Baltimore's entire summer recreation program is financed by Federal special impact funds. In fact, the city picks up better than 90 percent of its own recreation costs. But it makes special use of the Federal recreation funds it does receive to employ poor innercity youths in summer jobs.

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And the private sector in Baltimore fulfills its responsibility during the summer vacation months. Last year, for example, the Baltimore Orioles donated nearly $200,000 worth of free tickets so that poor youngsters could watch major league baseball. Such local initiative also results in substantial employment for additional poor youths since it is essential that the recipients of the free tickets be supervised at the games.

The impact of the cutback in recreation programs would be softened considerably if it were accompanied by an expansion of other federally assisted summer job programs. Unfortunately, that is not the case.

Last year, more than 11,250 poor youngsters worked in summer program jobs. Of those, 5,300 worked in the summer Neighborhood Youth Corps program. Another 2,000 were employed in the youth effort program of the Maryland State Employment Service and the same number got jobs through the JOBS programs of the National Alliance of Businessmen.

As a direct result of this year's funding cutback and administration attitudes, Baltimore will also suffer a substantial cutback in its summer Neighborhood Youth Corps program this year. And the employment efforts of both the Maryland State Employment Service and the National Alliance of Businessmen are almost certain to be hindered by the cloud of economic recession that lingers over the economy. In actual numbers, Baltimore city officials fear, the NYC cutback coupled with economic slowdown will mean that between 3,500 and 4,000 youngsters who had jobs in summer programs last year will be turned away from employment this June.

I, for one, shudder to think of the effect of having 4,000 youngsters—with their frustrations increased by their inability to find work—turned out into the streets of any American city without jobs, recreation opportunity, or supervision.

Baltimore is not the only city that will face that prospect this summer. Department of Labor statistics reveal that the 10 largest cities in the Nation will suffer an average loss of 3,000 summer Neighborhood Youth Corps slots per city this summer. Seven of those 10 cities will have fewer NYC jobs this summer than they did a year ago.

Cities all across the country face the bleak prospect of trying to match that summer youth employment record in the face of recession and short-sighted Federal fund cutbacks. Recently, the Bureau of Labor Statistics estimated that 700,000 will go unemployed this summer across the Nation. That is 50,000 more than could not find jobs last summer. Most affected will be youths in the industrial cities—like Baltimore—where the economic recession has already caused significant layoffs of full-time personnel.

In the wake of an economic slowdown which already has tightened the job market for the summer, the Federal Government must face up to its responsibility to help local communities involve innercity youths in meaningful job and recreation programs.

This summer the administration should step up rather than cut back its summer impact programs in the major cities. It is past time for the administration to increase its commitment to our urban areas.

I urge the President to act immediately to reverse the policies which today threaten that our cities will have to cut back their vitally important employment and recreation programs this summer. We have no time to lose.

RANK AND FILE OPPOSE VIETNAM WAR

Mr. CRANSTON. Mr. President, on May 18 a full-page advertisement, entitled "We've Had It," appeared in the San Francisco Chronicle on behalf of hundreds of Bay area trade union officers, executive board members, and shop stewards.

The advertisement is a vivid example of how American working people and the rank and file of labor feel about President Nixon's invasion of Cambodia.

These are the people who feel the effects of the expanded American war effort through inflation, high interest rates, and unemployment. However, their outrage is not motivated by financial considerations.

The working people of the Nation are sincerely committed to ending the war in Cambodia and Vietnam and preventing more names from being added to casualty lists already too long and too filled with the names of their sons.

I ask unanimous consent that the advertisement of the Bay area trade unionists be printed in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

WE'VE HAD IT

We the undersigned Bay Area trade union officers, executive board members and shop stewards have sent the following message to President Richard M. Nixon with a copy to Senate Foreign Relations Committee Chairman J. William Fulbright;

Dear Mr. President: American working people and their families are deeply disturbed at your expansion of the war into Cambodia. Those men being killed are our sons—new casualty lists to add to the 40,000 already dead and 300,000 wounded in Vietnam.

On April 20 you announced that 150,000 men would be removed within the course of a year. Although we felt that even that pace was too slow, we hoped this was a turn toward peace, an end to the killing.

Now you have further divided this country by a number of blatant reversals in the course of a few days. First there were arms to Cambodia. Then there were American "advisors." Now an invasion in force!

This took place without even the pretext of a request from Cambodia, which international law considers a neutral nation.

This is a direct break with the U.S. Constitution. Only Congress can declare war. Furthermore, you did not even consult with the Senate Foreign Relations Committee—the committee mainly responsible to advise and consent. Your own Secretary of State William P. Rogers testified he told Congress that the United States would not escalate the war into Cambodia. Little wonder there are members of your own party who have said you have "broken faith with Congress."

You have created a credibility gap of incredible proportions.

You have pledged to the American people that we will be out of Cambodia by June 30.

In the light of this record, all we can say is—we don't believe you!

The economy of our country is steadily being eroded; your promises to stabilize the economy and control inflation have become meaningless. Our paychecks buy less for our families; our standard of living has been assaulted. We are suffering increased inflation and unemployment.

Now Cambodia! What next?

There must be an end of these military adventures.

We want a cease-fire—Now!
We want out of Cambodia—Now!
We want out of Vietnam—Now!
We've had it!

Most important, this nation of ours must turn from war to peace. Any other course leads to disaster.

A

Don Abrams, Glenn Ackerman, Ex-Bd, Longshore 10.
Rex Adkins, Treas, SF–O Newspr. Guild.
James G. Alexander, Steward, Warehouse 6.
Joe R. Alvarez, Int. Rep. Auto Wkrs. Reg. 6.
Ron Amaro, United Electrical 1412.
Norman Amundson, IBEW 1245.
Kelso Anderson, Ex Bd, Warehouse 6.
Vas Arnautoff, Ex Bd, Longshore 10.
David Aroner, Field Rep. Soc Work 535.
Joe Asselin, Carpenters 848.
Ruby Jean Ayers, Rec. Sec, Teamsters 9.
Matt L. Ayon, VP, Teamsters Local 9.

B

Bill Bacher, Jr., ILWU Shipclerks 34.
William J. Bailey, Ex Bd, Longshore 10.
Alpha Baker, Ex Bd, Warehouse 6.
James Ballard, Pres, AFT 61.
Joseph W. Ballew, West. Conf Teamsters.
Peggy Banks, BA, ILWU Off Wrkrs 67.
Ed Baptista, Ex Bd, Longshore 10.
Edward Barlow, Sec-Tr, Teamsters 9.
J. W. Barnes, Bus Rep, Machinists 68.
Rosa Lee Barrera, Steward, Office Empl. 29.
Jeff Bauer, Pres, San Ramon AFT 2052.
Prentiss J. Bercovich, Sgt.-Arms Shipclerks 34.
Wes Berk, Ex Cm, ILWU Shipclks 34.
Louis Berman, Print Specialists 362.
Harry Bigarani, Sec, Dist Council Painters.
Warren K. Billings, Ex Bd, Watchmakers 101.
Gus R. Billy, Pres, NC CAP Auto Wkrs.
Peter Bissell, Steward, Longshore 10.
A. John Blaiotta, BA, Retail Clerks, 428.
Loren Blasingame, Pres, Com Wkrs 9415.
Hollis Bledsoe, Richmond Teachers 866.
Jeff Boehm, SF–O Newspaper Guild.
James Booe, Asst VP, Com Wkrs 9415.
Rene Bourdet, San Ramon AFT 2052.
Dick Boyer, Ex Bd, Warehouse 6.
Tony Brackett, Carpenters 1408.
Patricia F. Brady, Field Rep, Ret. Clerks 428.
Obie Brandon, Rec. Secy, ILWU 17.
Harry Bridges, President, ILWU.
Ted Brock, Diablo Val AFT 1902.
Al Broussard, Steward, Longshore 10.
Albert Brown, Sec-Tr, Milk Drivers 302.
Archie Brown, Ex Bd, Longshore 10.
Charles Brown, Ex Bd, Iron Wkrs 790.
Cleophas Brown, Laborers 329.
Frank Brown, Steward, Longshore 10.
Vernon Brown, Ex Bd, Warehouse Loc. 6
Wade P. Brummal, Am. Fed. Teachers 957.
Joseph Buchwald, Lithographers 17L.
Bruce O. Bunte, Bd, NC Auto Wkrs Coun.
Beverly P. Burke, Office Employees 3.
Bill Burke, BA, ILWU Warehouse 6.
Bob Burke, Labor Rel, Shipclerks 34.
Fred C. Bushnell, Steward, UE 1412.

C

J. J. Cabezud, Fin Sec, Painters 44.
Jim Calvarese, Sec Treas, Bartenders 595.

Humberto Camacho, Int Rep, UE 1412.
Robert Camara, Ex Bd, Warehouse 6.
G. P. Campbell, Asst Bus Mgr, Boilmkrs 6.
Tony Cannata, Pres, Contra Costa Labor Coun.
Swede Carlson, BA, ILWU Warehouse 6.
Art Carter, Sec, Contra Costa County Lab Council.
Avery Carter, BA, Hospital Wkrs 250.
Dan Casimere, Ex Bd, ILWU Shipscalers 2.
Revels Cayton, Warehouse Local 6.
Deano Cerri, BA, Carpenters 2046.
Ruben Chavez, Ex Bd, Warehouse Loc. 6.
William H. Chester, Vice President, ILWU.
Jack Childs, Legis Com, Shipclerks 34.
L. H. Chilton, Sec-Treas, Boilmakers 6.
Paul Chown, Int Rep, UE 1412.
Dorothy Christiansen, Dep Ex Sec, Svc Emp 390.
Samuel C. Churchwell, Bus Rep, Plasterers 224.
A. W. Clement, Carpenters 1408.
Denise Cobb, Steward, Off Empl 29.
Edward Collins, Asst Sec, Alameda Co. Lab Council.
Roland Corley, BA, ILWU Warehouse 6.
Dean Couris, Field Rep, Soc Wrkrs 535.
Russell Crowell, Pres, Clean, Dye Wkrs.
Mr. & Mrs. R. Cummings, San Ramon AFT 2052.
Doug Cuthbertson, VP, SF-O Newspaper Gld.

D

Sylvester Daniels, Ex Bd, ILWU Local 6.
Barbara Davis, Ex Bd, Office Empl 29.
Ben Davis, Pres, ILWU Warehouse 17.
Denver Davis, Pres, ILWU Local 75.
Duncan K. Dearborn, Steward, UE 1412.
Les De La Briandais, Bus Rep, Hosp. Wrks 250.
Thomas De Lamere, Steward, UE 1412.
Dick Delaney, BA, Office Empl 29.
Daniel Del Carlo.
Emilio Della Rosa, Pres, Clothing Wkrs 107.
Erben Dennis, Steward, Warehouse 6.
Emil J. Devincenzi, BA, Bakery Drivers 484.
Charles Di Lelio, Steward, Longshore Lo. 10.
Peter Ditullo, Pres, Clothing Wrkrs 108.
Joseph Diviny, 1st VP Int Brotherhood Teamsters.
Bert Donlin, Ex Bd, Longshore Loc. 10.
Robert J. Donovan, BA, ILWU Shipclerks 34.
Clyde Dorsey, Labor Rel, Shipclerks 34.
Anne Draper, Dir Union Label, ACWA.
Wenonah Drasnin, Oak ILWU Ladies Aux.
Andrew Dulaney, Jr., Ex Bd, Longshore Loc. 10.
George Duncan, Int Rep, Tyographical Un.
Merton Dushkes, Bus Rep, City Emp 400.

E

Mark Earls, Bus Rep. Hosp Wrkrs 250.
R. D. Bob Edwards, Pres, ILWU Shipscalers 2.
Keith Eickman, Bus Agt. Warehouse Lo. 6.
James Eilers, Rec-Secy, AFT 1928.
Larry Elizarde, Bus Rep. Hosp Wrkrs 250.
Durnese Ellis, Ex Bd, Warehouse Loc. 6.
Morris Evenson, Rec.-Sec, Painters 4.

F

Ole Fagerhaugh, Int Rep, ILWU.
David Faktor, Ex Comm, Shipclerks 34.
Ed Falkowski, Int Bro Elec Wrkrs 595.
Thelma Faltus, Office Employees 3.
Norm Farley, Richmond AFT 866.
Dave Farris, 2nd VP, Com Wkrs 9415.
Frank M. Farro, Sec-Treas, Teamsters 853.
Fred L. Feci, VP, S. Clara Labor Council.
Leon Feingold, Lithographers Local 17L.
Joseph Felix, Steward, Elec Wrkrs 1412.
Karen K. Fergoda, Steward, Office Emp 29.
William Ferguson, Fin Secy, Machinists 68.
Richard Fernandez, Pres, NABET Local 51.
A. A. Figone, Ex Sec, Dist Coun Carptrs.
Joe Figueiredo, Ex Bd, Warehouse Loc 6.
Ken Finis, Pres, City Employees 400.
Francis G. Fink, Sec-Tr, ILWU Whse 11.
Maurice Fitzgerald, Sec-T, Cemetery Wrk 265.
Jim Fleming, Inv Comm, Shipclerks 34.
Fred D. Fletcher, Ex Sec SF-O Newspaper Guild.
Victoria C. Flores, Steward, Warehouse 11.
Babe Flowers, Steward, Warehouse 6.
Thomas Formosa, Ex Bd, Warehouse 11.
William H. Forrester, ILWU Coast Committee.
Rene Fox, Richmond Fed Teach 866.
F. Odell Franklin, Sec-Treas, Longshore 10.
Walter Freeman, Pres, Teachers 1474.
William Freitas, Int Rep Elec Wrkrs 1412.
Roger Fuller, Rec Sec, Elec Wrkrs 1412.

G

Sam Garcia, BA, Carpenters 1408.
James Gallagher.
Joseph Garon, Steward, Warehouse 6.
Richard Geagan, Dispatcher, Shipclerks 34.
Tony Gellepis, Bus Agt, Teamsters 287.
Walter A. Gernns, Sec-Treas, Teamsters 484.
Bernie Gershater, Carpenters 42.
Robert Gibbs, Ed Com, Carpenters 1622.
Phyllis Girande, Office Employees Local 3.
S. M. Girande, Steward, Machinists 68.
Keith Glick, Steward, Longshore 10.
Henry Gliksohn, Pensioner, Warehouse 6.
Louis Goldblatt, Sec-Treas, ILWU.
Morris Goldman, 2nd VP, Typographical 21.
Tony Gomes, Ex Bd, Longshore 10.
Lou Gonick, Chrm, E Bay 6 Pensioners.
Peter Grabicki, BA, Hosp Workers 250.
Bob Gradek, Inv Comm, Shipclerks 34.
Robert L. Graham, Asst Dir West Conf Teamsters.
Carl Granich, Steward, Longshore 10.
Louis M. Gray, Pres, Social Workers 535.
Florence Green, Fin-Sec, Bottle Blowers 141.
Jim Greene, VP, NABET, Local 51.
Herman Griffin, BA, Retail Clerks 1100.
Mike G. Grijalva, Ex Bd, Warehouse 11.
Ben Gross, Int Rep, Auto Wkrs Reg 6.
Richard Groulx, Ex Sec, Alameda Co. Labor Coun.
Manuel Guel, Ex Bd, Warehouse 6.
Julian Gutierrez, Sec-Treas, Serv Emp 77.

H

Jack W. Hall, Vice Pres, ILWU.
Conn Hallinan, Pres, AFT 1570.
Rosaline Hansen, Office Empl Loc, 3.
Rebecca A. Harmon, 3rd VP, SF–O News Guild.
A. C. Harrell, Trustee, UE 1412.
Larry Harris, Sgt.-Arms, Shipclerks 34.
Gary Hawkins, VP, AFT 1352.
Patrick Heide, Steward, Warehouse 6.
Paul Heide, BA, Warehouse 6.
August Hemenez, BA, Warehouse 6.
Gerald Hemenez, Warehouse 6.
Errol Hendra, Lithographers 17L.
Mike Henry, Steward, Shipclerks 34.
James R. Herman, Pres, ILWU Shipclerks 34.
Sam Herrod, BA, Carpenters 642.
Larry Hickman, Ex Bd, Office Empl 29.
Oliver C. Hilson, Steward, Longshore 10.
Thomas Himinez, Steward, Warehouse 6.
Gerry Hipps, Bus Rep, Hosp Wkrs 250.
Anthony Hoffman, Machinists 68.
Jack Hogan, Ex Bd, Longshore 10.
Sylvester Houston, Steward, Warehouse 6.
Gary Howard. Lithographers 17L.
Walter R. Howes, Butchers Union 506.
E. Dennis Hughes, BA, Retail Clerks 428.

I

Harry Ibsen, VP, Commun Wrkrs 9415.

J

Dorothy Jackson, Ex Bd, Warehouse 6.
Joe Jackson, Vice Pres, AFT 1928.
John Jackson, Sec, SF ILWU Pensioners.
Mattie Joyce Jackson, BA, Garment Workers.
Jake Jacobs, BA, Oil Wrks 1–5.
John Jeffery, Ex-Sec, City Empl 400.
Dave Jenkins, ILWU Legislative Comm.
Stanley Jensen, Dir BA, Machinists 68.
Claude H. Jinkerson, Sec-Treas, Retail Clks 648.
Evelyn Johnson, BA, Warehouse 6.
Herbert T. Johnson, Lonnie Johnson, BA, Hospital Wkrs 250.
Walter Johnson, Sec-Tr, Retail Clks 1100.
Oscar Jordon, Organizer, Warehouse 17.
Gunther F. C. Just, B. Rep., Carpenters 1280.

K

George Kaye, BA, Longshore 10.
James S. Kearney, Pres, Longshore 10.
Erwin Kelly, Pres, AFT 1352.
William Kilpatrick, Sec, Cooks Local 44.
Al Kirkpatrick, Pres, Teamsters 9.
Clive Knowles, Timothy Kelly, BA, Painters.
Luis Kemnitzer, Steward, AFT 1352.
Ernie King, Sec-Tr, Boilermakers 513.
LeRoy King, Reg Dir, ILWU.
Reginald R. Kittell, Jr., Ex Bd, UE 1412.
Richard Krause, Pres, Service Empl 390.
Sam Krips, Mgr, Amal Clothing Wkrs.

L

Robert M. Lathen, BA, Retail Clerks 428.
Bill Lawler, Fin Sec, Richmond AFT 866.
Robert A. Lenihan, Reg Dir, NABET.
F. Robert Lewis, BA, Retail Clerks 428.
Vince Licari, Sec Tres, Culinary 822.
Richard Liebas, Res Dir, Service Empl.
David Littleton, Chief Disp, Longshore 10.
Howard Livingston, Jr., Ex Bd, Longshore 10.
Bruce Lockey, BA, Office Empl 29.
Vivian Logan, Ex Bd, Warehouse 6.
Pierce Lonergan, Ex Com, Shipclerks 34.
Ray Lorenzato, Pres, Teachers 1493.
Jack Loose, Dispatcher, Warehouse 17.
George Lucero, Pres, Warehouse 11.
Billy Lufrano, Dispatcher, Warehouse 6.
Tom Lupher, Ex Bd, Longshore 10.
James Lynch, Sec-Treas, S SF Teachers.
Joseph Lynch, BA, Warehouse 6.
Celinda A. Lyon, Rec Sec, SF–O News Guild.

M

Hugh MacColl, Staff Rep, Teachers 61.
Claude Macdonald, Ex Bd, Warehouse 6.
Don MacIntosh, Diablo Valley AFT 1902.
George Machado, BA, Carpenters 2046.
Don MacLeod, Committeeman, Whse 6.
Stuart MacLeod, Committeeman, Whse 6.
Bob Mackler, Richmond AFT 866.
Jean Maddox, Pres, Office Empl 29.
David T. Mage, Pres, Teachers 1362.
Manuel Marques, Jr., Ex Bd, Warehouse 6.
Morel Marshall, Steward, Longshore 10.
Jack Martinez, Ex Bd, Longshore 10.
Lupe Martinez, VP, ILWU 17.
H. M. Martinson, Pres Elec Workers 1412.
Joyce Maupin, Steward, Office Empl 29.
William McCabe.
Curtis McClain, Pres, ILWU Warehouse 6.
Walter McConalogue, Trustee, Shipclerks 34.
Jack McCormick, Sec Treas, West Graph Arts.
James A. McDaniel, Steward, UE 1412.
Pat McDonough, BA, Hosp Workers 250.
Thomas McGuire, Sub-Reg Dir, Steelwkrs.
Dean McKinley, Field Rep, Svc Empl 390.
Henry McKnight, Ex Bd, Warehouse 6.
Joe McLaughlin, Sec Guards, ILWU 75.
James P. McLoughlin, Sec-Tr, S Clara Lab Coun.
Arthur McMillon, Ex Bd, Wharehouse 6.
Jack McNickles, Richmond AFT 886.
Norma F. Medaglia, Office Empl Local 3.
Louis Mendoza, Ex Bd, Longshore 10.
Bernard Miles, BA, Machinists 68.
W. A. Miller, Carpenters 2164.
Herb Mills, Steward, Longshore 10.
Verne Milton, Int Brotherhood Tmstrs.

XUM

Phyllis Mitchell, Sec, Office Empl 3.
Susan Modelle, VP, AFT 1352.
Einar O. Mohn, Int Dir, Western Conf Teamsters.
V. I. Montonye, Office Empl 29.
Richard Moore, Ex Bd, Warehouse 6.
Treve Moore, Steward, Warehouse 11.
Thomas G. Moore, Jr., Director, CCHPA.
Henry Moreno, Trustee, Teamsters 12.
Bob Morgan, BA, Civil Svc Empl 66A.
Edd Morris, Trustee, Teamsters 9.
Kaz Mori, Pres, Diablo Valley AFT 1902.
Levon Mosofian, Lithographers 17.
Frank Mullany, BA, Office Empl 29.
May Myers, Sec, Barbers 917.
Michael Myers, BA, Hosp Workers 250.

N

Allan Neddick, Pres, AFT 1671.
Joe Nedham, Sr BA, Office Empl 29.
Prof J. B. Neilands, Ex Council, AFT 1474.
James Neismith, Steward, UE 1412.
Chester Nelson, Pres, ILWU Foremen 91.
Leah Newberry, Sec, Office Empl 29.
Mary Nichols, Cor Sec, AFT 1928.
Carl Nolte, Pres, SF–O News Guild.
Tom Norton, Committeeman, W'hse 6.

O

Venustiano Olquin, Organizer, Farmworkers.
Leon Olson.
Louis Ottoboni, Machinists, 68.

P

Marge Pagan, Pres, Bottle Blowers 141.
Charley Parham, Steward, Warehouse 6.
C. D. Parker, Sec. Iron Wkrs 1088.
Clarence Paton, Steward, Longshore 10.
Earl Payne, BA, Cooks Local 44.
George P. Pedrin, Sec-Tr, Teamsters 12.
Mike Peavey, Am Fed Teachers 1474.
Joseph Perez, BA, Longshore 10.
Mitch Peters, Ex Bd, Warehouse 6.
Russell Petty, Trustee, Warehouse 17.
Wendell J. Phillips, Sec, Bakery Wgn Drv 484.
George Pickering, VP, ILWU Pensioners.
Wayne Pierce, Carpenters 925.
Everett F. Pimentel, Fin Sec-Tr, City Emp 400.
Anthony Poderis, Carpenters 1408.
Morgan Pinney, Am Fed Teachers 1928.
John Piro, Pres, Aml Cloth Wkrs 108.
Jerry Podell, Am Fed Teachers 135.
Russ Pool, Rec Sec, Carpenters 483.
Gene Poschman, Am Fed Teachers 1671.
Henry D. Powell, Carpenters 1408.
Bruce Poyer, Am Fed Teachers 1474.

Q

Barbara Quibell, San Ramon AFT 2052.
Al Quittenton, Sec, Pensioners Whse 6.

R

Peter Radcliffe, Am Fed Teachers 1352.
Dave I. Rader, Pensioners Loc 6.
Ed Rainbow, Bus Mgr Boilermakers 6.
Anthony L. Ramos.
Benjamin Ramos, Steward, Warehouse 6.
Ralph Rappaport, San Ramon AFT 2052.
Genevieve Reade, BA, Retail Clerks 1100.
David M. Reiser, BA, Retail Clerks 428.
R. L. Revenaugh, 2nd VP, SF-O News Gld.
Michael Reyer, Steward, Machinists 2228.
Carl Riggle, Machinists 68.
Felix Rivera, Int Rep, ILWU.
Gary Robinson, BA, Hosp. Workers 250.
Rochelle, Fin Sec, Carpenters 102.
Joe Rodriguez, Steward, Shipclerks 34.
Sidney Roger, Editor, ILWU Dispatcher.
Robert Rohatch, VP, ILWU Longshore 10.
Anthony Rondone, Trustee, Warehouse 11.
Paul Rosen.
Arthur Rosenbrack, Sec. Shipclerks 34.
Hyman Rosenstein, Rec. Sec. Teamsters 12.
Thomas A. Rotell.
Bill Rupley, Richmond AFT 866.
Don Ruth, Steward, Warehouse 6.
William Rutter, Pres., Bay Area Pensioners.
Arnulfo Salazar, Ex Bd, Warehouse 11.

S

David W. Salmon, Res Dir, Western Conf Teamsters.
Lowell Samaro, Steward, Warehouse 11.
Maria Sandoval, Pres, Clothing Wkrs 792.
Miriam San Jule, State, Cty, Muni Empl 377.
Jim Santana, Shipclerks 34.
Bert Scherzer, Lithographers 17L.
Paul Schrade, Reg Dir, UAW, Region 6.
Henry Schmidt, Ex Bd, SF ILWU Pensioners.
Betty Schneider, UC Inst Ind Rel.
Helene Schultz, Trustee, Warehouse 17.
Leah Schuman, Pres, AFT 1928.
Monroe Schwartz, Steward, Lithog 17L.
Angelo Sciascia, Carpenters 1408.
Ray Seeterlin, Ex Com, Shipclerks 34.
David F. Selvin.
Judy Shattuck, Pres, City, Muni Emp 1695.
Paul Shelton, BA, Carpenters 1622.
Herb Sherr, Ex Sec, Cn Costa Emp 302.
Jim Shoffa, BA, Carpenters 42.
George M. Sicular, Am Fed Teachers.
Barry Silverman, ILWU Research Director.
William Silverstein, Sec-Tr, Retail Clerks 410.
Betty Smith, Richmond AFT 866.
Joel D. Smith, Int Rep, Auto Wrkrs Reg 6.
Shirley Smith, Richmond AFT 866.
St. John Smith, Pres, Richmond AFT 866.
Stanley Smith, Field Rep, Glaziers 718.
R. B. Snelson, Trustee, Warehouse 17.
Ruth A. Snider, Office Empl Local 3.
George Soares, BA, Retail Clerks 428.
Eric Solomon, Ex Bd, AFT 1352.
Herman Solomon, Pres. Boilermakers, PCML.
Millie Solomon, Dispatch, Office Wkrs 29.
Reynaldo M. Sotelo, Ex Bd, Warehouse 11.
George J. Sousa, Sec, ILWU 14.
William Souza, Ex Bd, Warehouse 6.
Walter J. Stack, Ex Bd, Hodcarriers 36.
Miren Azumendi Stashuk, Office Employees 3.
Julius Stern, Welfare Ofc Longshore 10.
George Stokes, Ex Sec, AFT 771.
John Sroka, Pres, Barbers 917.
George Strauss, UC Inst Ind Rel.
Emerson Street, BA, Santa Clara Lab Coun.
Neil J. Sullivan, BA, Bakery Wgn Dr. 484.
Harold Supriano, Org, City Empl 400.
Lawrence Swain, 2nd VP, Postal Clerks 2.
David A. Sweeney, Rep, West Conf Teamsters.
Conrad T. Swift, Ex Bd, UE 11412.
Jim Syfers, Sec, AFT 1352.

T

Sal Tavares, 1st VP, NC CAP UAW.
Andrew Taylor, Ex Bd, Longshore 10.
Raoul Tailhet, Pres, Calif Fed Teachers.
Dominic J. Testa, Sec, ILWU Foremen 91.
A. Thomas, BA, Carpenters 36.
Claude Thompson, Sgt-Arms, Warehouse 17.
Frank E. Thompson, Sec-Tr, ILWU Whse 17.
Loren Thompson, Sec Treas, Teamsters 315.
Angelo Tomasello, Ex Bd, Warehouse 6.
Hiroshi Tsuyamine, Steward, Longshore 10.
Mary Ann Tuma, Ex Bd, Office Empl 29.
William H. Tupper, BA, Retail Clerks 428.
Shellie Turpie, Ex Bd, Longshore 10.
Timothy J. Twomey, Ex Sec-Tr, Hosp Workers.

U

Lloyd Ulman, UC Inst Ind Rel.

V

Charles Vail, Steelworkers 1440.
Larry Vail, Sec, State Retail Clerks.
Michael Valenti, Butchers Union 506.
George Valter, Sec-Tr, ILWU Whse 6.
Lloyd K. Vandever, Fin Sec. UE 1412.
Don Vial, Am Fed Teachers 189.
Elias (Joe) Villegas, Dispatcher, Warehouse 6.
Paul Varacalli, Ex Sec, Service Empl 390.

W

Cornelius C. Wall, Int Ladies Garment Wkrs.
J. L. Watts, Carpenters 162.
William T. Ward, ILWU Coast Committee.
Charles Weir, Sec. Marin Labor Council.
Floyd P. Weseman, 2nd VP, Retail Clerks 428.
Floyd Weseman, Jr., Sec, Mailhandlers 121.
James West, Ex Bd, Warehouse 11.
Art Whiteley, Carpenters 1408.
Nollege Wilburn, BA, ILWU Local 6.
Spencer Wiley, Legis Rep. UAW Region 6.
Dave Williams, VP, Piledrivers 34.
Herbert Williams, AFT 1352.
John Williams, Grievance Com, ILWU 34.
Richard M. Williams, Pres, Retail Clerks 1100.
Larry Wing, BA, Longshore 10.
Edith Withington, Office Empl 29.
Ernest Woods, Welfare Ofc, ILWU Pens.
Ira Wyse, Ex Bd, Longshore 10.

Y

Celia Yanish, Office Employees 3.
Elaine Yoneda, SF ILWU Ladies Aux.
Charles Young, BA, Carpenters 848.

Z

Willie Zenn, Ex Bd, Longshore 10.

This ad was sponsored by a group of Bay Area trade unionists and paid for by the contributions of the signers. Because of the time element some of the signers have not had the opportunity to take up the text with their respective trade union bodies.

POSTAL SERVICE THREATENED BY SOME PROPOSED CHANGES

Mr. YARBOROUGH. Mr. President, yesterday hearings commenced on the Post Office appropriations. As the hearings began, I determined it my duty to sound an alarm about the efforts being made to undermine or destroy one of the oldest institutions of public service, the U.S. Post Office. Because I do not feel that the public and the Senate have been fully informed about the threat posed to the Post Office by the same provisions of the so-called postal reform measures, I wish to bring to their attention the remarks I made on this subject. I made the statement as chairman of the Subcommittee on Treasury, Post Office, and Executive Offices Appropriations of the Committee on Appropriations, when Postmaster General Blount appeared before my subcommittee for the submission of his proposed budget.

I ask unanimous consent that my remarks at the hearing yesterday be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR RALPH W. YARBOROUGH

General Blount, before the hearing begins, I have a few remarks on the great institution in your charge—the United States Post Office Department. I frankly fear for the future of this first and oldest Cabinet Department. Increasingly it appears that the basic character and purpose of our Post Office Department might undergo dramatic changes—changes which I fear will, in the long run, be most assuredly for the worst for the American public. They are the users of the Postal System to which governmental service is due.

Some have suggested "politics" and "political patronage" as motives of my criticism of the postal reorganization proposal. Nothing could be further from the truth. I have

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no personal or political axe to grind in this matter. Certainly, the result of a recent election in Texas should disabuse anyone of any suspicion of any political motive on my part. I speak only for good government and service to the people.

Rather I am deeply concerned at what I deem to be a grave threat to this outstanding service Department—the people's Department in our Federal system.

Upon reading your statement I can only say I am pleased to note that a number of modernizations have been effected under the present postal structure. It's good to know that these improvements could be obtained *without* removing the Post Office Department from the government. On the other hand, I am disappointed by the "balance sheet" nature of this report on the Department's activities and I am disturbed to note the general decline in service to the public such a "balance sheet" approach inevitably produces. The purpose of the Post Office Department is to serve the people, not try to be a dividend type corporation. The following impairments and lessening of the Postal Service has been done by you:

Special Delivery service has been cut. Then the rate was increased and the service reduced again.

Saturday window service is being phased out.

First-class mail is no longer to be handled by available air carriers within a 750-mile radius.

The number of city business deliveries has been reduced. Hundreds of small post offices in existence when we last met are no longer servicing their former patrons.

All morning collection service is to be eliminated, except that done by the letter carrier serving a route.

Late-evening collections are to be abolished or confined to selected boxes in business districts or shopping centers.

Saturday collection service in business districts is to be limited to collection by only the carrier in the performance of his regular duties.

Processing of first-class mail is deferred from Saturday night to Sunday.

And finally, I understand the sorting of "non-preferential" mail will be eliminated or deferred from Friday afternoon to Monday morning—it's quite possible that Monday may come to be known in the Department as "Horror Day".

Given the power you seek in the "Independent Government Agency" postal plan I see this trend increasing ten-fold in the next five years.

General Blount, if we keep *improving* the Department at this rate—we may improve it out of business. As an efficiency expert and a corporate manager concerned with cutting costs you have few peers but as a Government official concerned with the maintenance of the public service policy of our postal system, I must regard your reign in this office as a disaster of the first magnitude.

With this administration's service reduction policies as an example, and with the banner of so-called "reform" held high, the Members of Congress are now being asked to place this agency entirely in the hands of nine, remote, visiting firemen—called Governors—who in another step of remoteness, appoint the new "independent" Postmaster General and Assistant Postmaster General.

Rate-making is to be set by an independent Commission but under a tricky appeal procedure, if the Board of Governors just holds out long enough, they themselves can, in effect, set the rates.

When and if this measure passes, the public will have forever lost whatever semblance of control they once had over the largest civilian public agency in our land—only to discover, when it's too late, that they exchanged this right of oversight for nothing, for they will get in exchange enormous increases in postage rates and continued cuts in services. We can foresee a ten cent letter rate and less service in a very short time, and the projected loss of 100,000 jobs by postal employees.

I am very sincere when I say I hope this Post Office Department brand of budget-balanced service is not extended to any other government service, such as Interior, Commerce, Transportation, or Agriculture. Just as we have problems in our postal service, so New York City has problems with her public transportation service. But, I would hope Mayor Lindsey would never try to remedy his problem by making the subway system break even. The auto clot that would result would make today's New York traffic jam look like a holiday drive down Seventh Avenue.

No other agency of the government is required to "break even". The Park Service does not charge high enough fees and cut hours of operation enough to make their needed service "break even". If they did, we might well have to close some of the most outstanding recreation centers in our land.

The postal service is and should be a government service, and should be supported at least in part from general taxation if that is necessary to assure postal workers a fair share of the national produce, and, above all to render to the public real postal service. That's what the department is for, service to the people.

Not too long ago, according to a Civil Service columnist who writes in the Washington, D.C. press, you stated that future wage increases in the postal service will be limited to productivity gains because the public will not stand for ever-rising postal rates. If such an approach prevails, there will ultimately be explosions among postal employees. Postal employees deserve to share the nation's increase in wealth in the same way as other Federal employees. This vital mail service adds to that national and individual wealth daily. If subsidy is required to achieve this end, it will be nothing new in this nation's history. The use of general taxation for vital public services is a tradition dating back in fact to the establishment of the present Department itself under the Constitution of 1789.

I hope my note of concern will help to alert and to alarm the public. I am alarmed. Another shovel of coal was poured on my alarm fire when I found out just yesterday that the Post Office Department had suggested, just this past week-end, that section 102 of Chapter 1 of S. 3842 now under consideration by the Post Office and Civil Service Committee be deleted. Removed. Scratched. Done away with. Forgotten! Fortunately, the Committee did not accede to the Department's request—but I fear it was merely a case of the people's watch-dog temporarily chasing away a would-be destroyer.

That section of this proposed bill reads as follows:

"To provide a *maximum degree* of effective and regular postal service to rural areas, communities, and small towns where post offices are not self-sustaining, and to prevent either reductions in services or unreasonable increases in postal rates, there shall be appropriated to the Postal Service each year an amount of money which shall represent the public service cost of operating the Postal Service."

This section guarantees continued service to rural America. This is the section you tried to have the Committee eliminate yesterday, General Blount. This was a dagger aimed at the heart of the rural, small town and Main Street America.

And so, General Blount, we find ourselves here today in roles which could almost be reversed. You in the position of the pleader of service to the people, plead instead for the Bureau of the Budget; and I in the traditional role of Congressional budget-watcher find myself in the role of pleader for the people.

Make your economies. Improve efficiency where you can—but give us again the service our people want and deserve.

CRIME CRISIS IN NATIONAL CAPITAL REGION

Mr. TYDINGS. Mr. President, for the past year and one-half, Committee on the District of Columbia has waged an unrelenting war against the crime crisis in the National Capital region.

The innocent victims of this uncontrolled criminal activity are the law-abiding citizens of the National Capital, Prince Georges County, Montgomery County, and the other suburban counties.

Our investigation has revealed, for example, that 63 percent of all robbery suspects arrested in Prince Georges County during a recent 8-month period resided in the National Capital.

It is clear to me that the citizens of Prince Georges and Montgomery Counties do have an important stake in our war against crime in Washington.

At the heart of the crime crisis in this region is the insidious narcotics traffic that has infested the Washington-Maryland-Virginia area. Half or more of the serious crimes in the National Capital region are committed by addicts in search of money to buy drugs.

Our hearings have revealed that local communities can cope with the drug-crime problem if they establish effective locally run programs. Prince Georges County is among the leaders in the establishment of such programs.

Recently I had the pleasure of addressing the Prince Georges Council of the Ladies of the Knights of Columbus about the narcotics problem and how Maryland communities can cope with it.

I ask that my remarks on that occasion be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

REMARKS OF SENATOR JOSEPH D. TYDINGS

I want to talk with you tonight about the narcotics-crime crisis ripping the social and economic fabric of our cities.

As you may know, I have been working intensively with Prince Georges County officials and Maryland law enforcement authorities for more than a year on steps to meet the narcotics crime crisis we face. In hearings and anti-narcotics law enforcement conferences, I have been urging broad-based community action and adequate Federal support to fight the drug plague which threatens us.

The American public has only recently become aware of this enormous narcotics crime plague and its cost in lives and dollars to individuals, businesses, and the government.

So far, anti-narcotics law enforcement efforts have been inadequate. Treatment facilities to prevent addict-criminals from returning to crime are nearly non-existent. Few communities in America have realistic drug abuse prevention and education programs.

Meanwhile, the use of marijuana and the

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so-called hard narcotics, like heroin and cocaine, has spread like wildfire from coast to coast in both city and suburb, not only among adults, but even among children.

The failure of federal and local leadership to provide the law enforcement resources and treatment facilities necessary to meet the narcotics problem poses a clear challenge to you as leaders in your communities and to every American citizen to support realistic narcotics detention, law enforcement, treatment, and prevention programs all across the country.

Until recently, many citizens have tended to sweep the narcotics problem under the rug—shrugging it off as a problem that affects only the ghetto or central city. But the narcotics traffic has invaded the suburbs with a vengeance, carrying in its wake a wave of addiction and crime and destroying lives, businesses, and families.

We can take no solace that much of the suburban drug abuse seems still to involve marijuana. Whatever the outcome of the present research on the actual effects of marijuana, I am unaware of any scientific evidence which suggests that marijuana's benefits outweigh its dangers—particularly the danger of psychological dependence which seems to be associated with its frequent use.

Dr. Stanley Yolles, the Director of the National Institute of Mental Health, estimates between 12 million and 20 million Americans now use marijuana. Highly regarded suburban high schools have become flourishing centers of marijuana traffic.

Make no mistake, however, that the suburban drug problem is restricted to marijuana. We are also experiencing an astounding increase in heroin use and addiction. Responsible law enforcement officers now estimate that the Washington area alone contains between 5 and 30 thousand heroin addicts and, despite better law enforcement, the number is growing.

As the heroin epidemic spreads, its victims become younger and younger. Not long ago, Life Magazine reported that 1,500 to 20,000 high school students in one Southwestern city are addicted to heroin. Testimony before my Senate Committee has revealed shocking amounts of heroin in the schools of the National Capital. Last year, New York City recorded 224 deaths from drug overdoses among teenage and younger children. One victim was only 12 years old.

This rapidly-ecsalating use of hard drugs has prompted New York's Dr. Donald Louria, a pioneer expert in controlling drug addiction, to predict that within a few years, "every high school and college in the country will be inundated by heroin."

The prospering illegal narcotics traffic is directly related to our soaring crime rates. There is simply no way a heroin addict can support his habit without selling drugs himself—and thereby induce more persons to use drugs—or committing other crimes. In the words of the National Crime Commission: "The price of the drug . . . is never low enough to permit the typical addict to obtain it by lawful means. So he turns to crime."

A National Capital study last fall revealed that nearly half the defendants booked into jail during a one-month period were active narcotics users. And, partly due to the high cost of drugs, addicts today turn iincreasingly to armed robbery and other crimes of violence to obtain money to buy drugs.

In cities the size of Baltimore and Washington millions of dollars are spent each week by narcotics addicts on the streets for heroin. These dollars are stolen from the homes, stores, and pockets of law-abiding citizens.

The magnitude of criminal activity by narcotics addicts astounds even those closest to the problem. A study at Johns Hopkins Hospital in Baltimore revealed that the average habit of 60 addicts undergoing treatment was $47 a day, with one as high as $250 a day. To support their habits, 41 of those addicts shoplifted, 30 sold drugs, 19 burglarized, 8 robbed and mugged, 15 conned and gambled, and 5 engaged in prostitution.

But those statistics alone don't tell the whole story. One addict with an $80 to $100 a day habit and a six-year history of drug abuse, for example, acknowledged that he stole $400 worth of merchandise—including 30 watches—from a Baltimore drug store the day before he entered treatment. He resold his take for $110. During a single year, he estimated he stole merchandise valued at a few hundred thousand dollars.

Another addict with a habit ranging from $75 to $250 a day supported his habit by mugging three nights a week, netting $150 a night. In addition, he sold drugs, bringing in about $500 a day, though most of that went to his drug supplier.

Translated into sheer economic loss, this heroin epidemic means that while organized crime grows fat through his pernicious traffic, the American citizen and businessman are paying the price in literally billions in economic losses every year.

My Senate Committee estimates that narcotics crime costs the Washington area alone as much as 400 million dollars a year.

The human loss is far more devastating. Once hooked on heroin, chances are slim of an addict's being detected or treated before he is arrested for some serious crime. Once apprehended for a serious crime the chances are equally bleak that the offender will experience any meaningful treatment before he serves his full prison term. He then returns to the streets as likely as ever to commit crime to support his habit.

We can combat the drug crisis with coordinated, adequately supported drug abuse programs.

These community programs should be directed by a single individual who has complete authority over all the local drug programs, including the allocation of resources, program facilities and personnel.

The program must include testing to discover drug users, treatment to rehabilitate drug addicts, and education programs to prevent drug abuse.

Simple tests involving urine samples are now available at low cost which can positively identify drug users. Narcotics testing should be mandatory for known criminals who have been released from prison on probation or parole, for suspects arrested in serious criminal cases before they are released on bond, for juveniles in the Juvenile Court system, and even for junior and senior high school students where appropriate.

Local treatment programs should include both the traditional approaches such as counseling and psychotherapy, and the promising new methadone maintenance approach.

In methadone maintenance, an addict who cannot stay drug-free is administered a carefully calculated daily dose of methadone, a synthetic narcotic. Although methadone itself is an addictive drug, it can be taken by an addict much as a diabetic takes insulin.

Properly administered, methadone will eliminate the addict's craving for other drugs, prevent him from achieving a drug euphoria even if he slips back to heroin, and permit him to lead a normal life in his community. The amount of methadone required to maintain an addict with even a substantial heroin habit costs less than 10 cents a day.

In New York, where Dr. Vincent Dole has pioneered the methadone approach, 2,200 addicts are currently enrolled in the methadone maintenance program. Nearly all of the addicts in that program had long criminal records before starting on methadone. In the six years Dr. Dole's program has operated, less than 15 percent of addicts entering it have dropped out and 99 percent of the addicts in the program have remained arrest-free while taking methadone. Seventy percent are productively employed.

Treatment programs involving all the methods at hand, including methadone maintenance, should be undertaken on an outpatient basis in the community and in jails and prisons—wherever addiction is discovered.

Finally, our efforts against narcotics will fall hopelessly short unless they contain aggressive and comprehensive education and prevention programs in the community. These programs should explore the reasons young persons turn to drugs and involve teachers who can "tell it like it is"—including, where appropriate, ex-addicts who have fought their way back. The education programs should also include counseling of parents, school programs, and an anti-drug addiction public education campaign through the media.

This struggle against narcotics-crime can only be won at the local level. Each community must develop its own narcotics treatment program. But to initiate these vital programs, the cities will need real—and not just token—financial assistance from the federal government.

The federal government must be willing to assume the cost of large scale programs of federal assistance to local communities for narcotics treatment. Actually, the cost of such a program will be insignificant compared to the cost of continuing to ignore drug treatment. The cost of treating an addict is less than half what it costs to keep him in jail. And it's thirty times less than the amount an untreated addict will steal during the same period.

Unfortunately, there is no such federal effort to assist local communities in either treatment or prevention programs. Recently, Dr. Stanley Yolles, Director of the National Institute of Mental Health, testified before my Senate Committee that the federal government was assisting just 16 community narcotics program—serving about 6,000 addicts—across the nation. That means it would take that entire federal effort to deal effectively with the narcotics-crime crisis in either Baltimore or the Washington area, let alone across the nation.

Most distressing, despite Dr. Yolles' testimony that NIMH will have to turn down several hundred requests for funds for local narcotics treatment programs, the President, in his 1971 budget, has asked the Congress for funds to launch just seven new community treatment efforts. That means communities like Prince Georges County—which has already launched drug treatment efforts on its own—may be denied the federal assistance they need to develop comprehensive anti-narcotics programs.

The total of 9.9 million dollars the President has requested for the 23 community treatment programs represents less than one-third of the 30 million dollars the Congress has authorized for federal assistance to local communities for treatment programs for addicts and alcoholics in fiscal 1971. The President has, in fact, requested only half of that thirty million in this year's budget. With untreated narcotics addicts responsible for half or more of the serious crime in this National Capital Region and other major metropolitan areas, I call that false economizing.

The President's attempt to forego 15 million dollars in appropriations for narcotics treatment may cost the law-abiding citizens of this nation several hundred times that much.

Similarly, the President's recently announced 3.5 million dollar program of assistance to the states for training teachers to teach drug education classes is really totally inadequate. While I welcome any federal effort in the critical area of drug education and prevention, I am concerned the Administration's program has neither the funds nor the quality control necessary to make much of an impact on drug abuse among our young people.

Under the Administration's new program, Maryland will receive just $59,000. In other words, the Administration program will contribute less than seven cents per school child toward preventing each of Maryland's nearly 900,000 school children from using drugs. The federal contribution to teacher training in drug education in Maryland will be less than $1.50 per teacher.

Just two weeks ago at my Committee's drug prevention hearings in Baltimore, Dr. Fred Brown, the Associate Superintendent of Education in Maryland, estimated it would cost this state 5.5 million dollars to train teachers adequately to teach drug education. That means that the federal contribution under the President's new program would meet just one percent of that need.

I think this aid to Maryland is pitifully inadequate. It should be greatly increased.

We desperately need a major national program of federal assistance to local communities to help establish local drug treatment and prevention programs. This effort must be comprehensive enough so that every community in the nation with a significant narcotics-crime problem can get the help it needs.

I have tried to outline to you this evening some of the costs we are paying for this failure to take the steps necessary to remedy the narcotics crisis.

In the weeks and months ahead I will continue the fight for an expanded federal effort to assist local communities in their antinarcotics effort. You, alone, at the local community level, however, can provide the energy and the emphasis that an effective antinarcotics effort must have.

I urge you to insist that your local governments realistically address the narcotics problem and take the steps I have outlined to meet it forcefully and completely.

GENOCIDE CONVENTION STILL UNDER ADVISEMENT

Mr. PROXMIRE. Mr. President, the outpouring of concern of responsible citizens and organizations for concepts of human rights continues to come into Congress. In particular, we continue to receive pleas for early action by the Senate to consent to the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide. One recent piece of correspondence received by the Committee on Foreign Relations comes from the Anti-Defamation League of B'nai B'rith. I ask unanimous consent that the letter and attachment be printed in the RECORD at the end of my statement.

This correspondence, dated May 1, 1970, attaches an October 25, 1952, resolution of the Anti-Defamation League which urged the U.S. Senate to consent to the ratification of the convention against genocide. In 1952, a sufficient number of nations—over 20—had already ratified the convention so that it became effective. As of September 1969, a total of 74 nations had acceded to the convention. Yet, in that long listing of nations, the United States is recorded as only having signed the convention. It was signed by the U.S. Representative on December 11, 1948—a short 2 days after it was adopted unanimously by the General Assembly of the United Nations. President Truman transmitted the convention to the Senate on June 16, 1949, and for these many days, the Senate has had the convention under advisement. Action on the convention is long overdue, and I hope that the convention will come to the Senate floor for a vote before Congress adjourns for this session.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MAY 1, 1970.

Hon. J. W. FULBRIGHT,
Senate Foreign Relations Committee, Washington, D.C.

DEAR SENATOR FULBRIGHT: In behalf of the Anti-Defamation League of B'nai B'rith, I submit to this Committee the following statement of my organization calling for an early ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, now before this Committee.

The Anti-Defamation League of B'nai B'rith, an organization devoted to the protection of human dignity and opposed to all aspects of racial, religious and ethnic intolerance, strongly supports the statement of the President of the United States of February 19, 1970 urging the Senate to grant its advice and consent to the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

This convention was an outgrowth of World War II, which witnessed the wholesale extermination of European Jewry by the Nazis. It was designed to make the planned mass destruction of racial, ethnic and religious groups an international crime and to provide machinery for the prosecution of these guilty of participation in that crime. The United States played a leading part in the preparation of the Convention, which was adopted unanimously by the General Assembly of the United Nations on December 9, 1948 and signed by President Truman two days later. On June 16, 1949 President Truman submitted the Convention to the United States recommending its ratification.

So far, 75 nations have ratified the Convention. It is ironic that the United States, which has a firmly-established policy against persecution based on race, creed or ethnic origin, is not one of those nations.

The Anti-Defamation League of B'nai B'rith trusts that the long-overdue Senate action ratifying the Genocide Convention on behalf of the United States will be taken forthwith. Only by speedy ratification of the Convention will this country be able to maintain its position of leadership in the worldwide effort to eradicate the heinous crime of genocide and to guarantee every racial, religious and ethnic group the God-given right to exist and develop in freedom.

Enclosed is a copy of a resolution adopted as long ago as October 19, 1952 by the National Commission of the Anti-Defamation League of B'nai B'rith urging the United States to ratify the Genocide Convention without delay.

Respectfully,

ARNOLD FORSTER,
General Counsel.

RESOLUTION ON RATIFICATION OF THE GENOCIDE CONVENTION

(Adopted by the National Commission of the Anti-Defamation League of B'nai B'rith October 25, 1952.)

Whereas: In December, 1948, our country, as a member of the General Assembly of the United Nationas joined in unanimously adopting the Convention Against Genocide which outlaws as an international crime the mass extermination of national, ethnic, racial or religious groupes; and

Whereas: On January 12, 1951, said Convention became effective upon ratification by the 21st member nation of the United Nations; and

Whereas: 25 member nations of the United Nations have by now ratified said Convention and 15 more nations have acceded to it; and

Whereas: On June 16, 1949, President Truman submitted said Convention to the Senate recommending its ratifications; and

Whereas: In April, 1950, a special Senate subcommittee submitted said Convention for approval to the Senate Foreign Committee which however, up to date has taken no action on said Convention; and

Whereas: Said Convention declares that practices aimed at the destruction of national, ethnic, racial and religious groups and actually employed by totalitarian regimes to destroy many millions of innocent people within the last decade are an international crime; and

Whereas: Our country has always been in the forefront of the fight to bring international law and practices abreast of the conscience of mankind, and

Whereas: The Convention Against Genocide contains safeguards against infringement of any of the basic freedoms and structures protected by our Constitution; now therefore be it

Resolved: That the United States Senate be urged to ratify the Convention Against Genocide without delay.

GENOCIDE CONVENTION

Mr. ERVIN. Mr. President, on May 25, 1970, I made a speech in the Senate on the subject "The Genocide Convention—Why the Senate Should Refuse To Ratify It." I attached to my speech an article "The Genocide Convention: Its Impact on Our Legal System," written by Orie L. Phillips, chief judge of the U.S. Court of Appeals for the 10th Circuit. The article originally appeared in the American Bar Association Journal for August 1949. For some inexplicable reason, the CONGRESSIONAL RECORD for May 25, 1970, omitted a portion of the article. To correct this defect, I ask unanimous consent that the complete article be printed at this point in the RECORD as a part of my present remarks.

There being no objections, the article was ordered to be printed in the RECORD, as follows:

THE GENOCIDE CONVENTION: ITS EFFECT ON OUR LEGAL SYSTEM

(By Orie L. Phillips)

(In this article, Judge Phillips makes a concise, precise, analysis of the terms of the proposed Convention on the Prevention and Punishment of Genocide, and then discusses the effect of the Convention should it be consented to by the Senate. He points out that under the Constitution, a treaty is the supreme law of the land, superior to any state constitution or statute, and any existing federal statute, and that once a treaty has been approved by the Senate no further action is necessary to make it part of the municipal law of every state, binding upon individuals. While recognizing our international responsibilities, Judge Phillips questions the wisdom of this Convention and offers a suggestion that will carry out our international obligations without subjecting individual Americans to trial and conviction by a court that may not operate under the safeguards to an accused accorded by our legal system.)

On June 16, 1949, the President transmitted to the Senate the Convention on Genocide with the request that the Senate give its advice and consent to its ratification.

By this Treaty the contracting parties confirm that genocide is, "A crime under international law which they undertake to prevent and punish."

Articles II and III of the Convention read:

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ARTICLE II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

Article V obligates the contracting parties to enact the necessary legislation to give effect to the provisions of the Convention and to provide effective penalties "for persons guilty of genocide or any of the other acts enumerated in Article III."

Article VI provides that "persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the state" in which the act was committed, or by "such international penal tribunal as may have jurisdiction with respect to such contracting parties which shall have accepted its jurisdiction."

Article IX provides that disputes between the contracting parties relating to the "interpretation, application or fulfillment of the present convention," shall be submitted to the International Court of Justice at the request of any party to the dispute.

Thus, it will be seen that it is proposed by the action of the President, consented to by two-thirds of the Senators present [1] when Senate action is taken, to define certain acts, which have traditionally been regarded as domestic crimes, as international crimes and to obligate the United States to provide for their punishment and for the trial of persons accused thereof either in our domestic courts or in an international tribunal.

Treaty-making power is reviewed

It would seem appropriate, therefore, to review the treaty-making power.

Section 2 of Article II of the United States Constitution authorizes the President by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur.

The power is not one granted by the states. Neither did the powers of external sovereignty depend on the affirmative grants of the Constitution. If they had not been mentioned in the Constitution, they would have vested in the Federal Government as necessary concomitants of nationality. They embrace all the powers of government necessary to maintain an effective control of international relations.[2]

". . . the external powers of the United States are to be exercised without regard to state laws or policies." [3]

". . . the field which affects international relations is 'the one aspect of our government that from the first has been most generally conceded imperatively to demand broad national authority.' " [4]

The treaty-making power is not limited by any express provision in the Constitution. But it does not authorize what the Constitution forbids and its exercise must not be inconsistent with the nature of our Government and the relation between the states and the United States.[5]

The treaty-making power is not subject to the limitations imposed by the Constitution on the power of Congress to enact legislation, and treaties may be made which affect rights under the control of the states.[6]

Treaty is equivalent to statute

A treaty, entered into in accordance with constitutional requirements, to the extent that it is self-executing, has the force and effect of a legislative enactment and to all intents and purposes is the equivalent of an Act of Congress. In addition to being an international contract, it becomes municipal law of the United States and of each of the states, and the judges of every state are bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.[7]

In the event of a conflict between a treaty made in accordance with constitutional requirements and the provisions of a state constitution or a state statute, whether enacted prior or subsequently to the making of the treaty, the treaty will control.[8]

But, a treaty may be abrogated by the enactment of a subsequent federal statute which is clearly inconsistent therewith.[9]

Thus, it will be seen that it is proposed that we set out on a course, under a power without express limitation and of broad scope, to enact domestic criminal law, without any concurrence by the House of Representatives, the body traditionally regarded as closest to the people.

Moreover, if the offenses involved should be regarded as international in character by Section 8 of Article I of the United States Constitution, Congress has the power "to define and punish . . . offenses against the law of nations."

Convention would become supreme law of land

Since the Convention in most respects is self-executing, in those respects, on ratification, it would become the supreme law of the land. That would not be true as to any other contracting party except France and a few other states. Even if non-self-executing, the obligation to implement the Treaty by legislation is as binding as the Treaty itself.

It is one of our fundamental concepts that a legislative body, in the exercise of its power to declare what constitutes a crime, must define it so as to inform persons subject thereto, with reasonable precision, what it intends to prohibit so they may have a certain and understandable rule of conduct and know what it is their duty to avoid. "A statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law." [10]

Do the definitions in Articles II and III of the Convention meet that test?

What is a part of a national, ethnical, racial or religious group—one member, two members, how many?

If an act was done with intent to destroy two members of a group, although actuated by no malice toward the group as such, would that be genocide?

Would it not be more accurate and desirable if the prerequisite intent was defined as an act committed with intent to injure one of the enumerated groups as such, so as to make it clear the act must be directed toward the group as such and not merely at an individual member or members thereof?

What is meant by mental harm?

Does not complicity mean the act of an accessory, or to aid, abet, assist, or incite genocide?

A person accused of an offense defined by the Convention, if tried by an international penal tribunal, would not be surrounded by the safeguards we accord persons charged with domestic crimes.

Should we ratify Convention with reservations?

In the event we ratify the Convention, should we, by reservation, expressly provide that citizens of the United States and persons within the territorial jurisdiction of the United States, charged with an offense defined in the Convention will be subject to trial and sentence only by a competent judicial tribunal of, and sitting within, the United States, vested with jurisdiction over such offense by federal legislation; that a citizen or other person so charged shall be presumed to be innocent until his guilt has been established by lawful evidence beyond a reasonable doubt; that a citizen or other person so charged shall be protected by all the safeguards embraced within the Constitution of the United States, including the rights guaranteed by the Fourth, Fifth, Sixth, and Eighth Amendments to the Constitution of the United States, to an accused charged with a domestic crime; and that such citizen or other person shall not be subject to be charged, tried, or sentenced by any international penal tribunal? Of course, no international penal tribunal has yet been created, and the advice and consent of the Senate would be necessary to subject our citizens to the jurisdiction of such a tribunal should it be created. But should we not endeavor to close the door to the giving of that advice and consent in the future?

Although the United Nations Charter provides that nothing therein contained shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state, since our representatives have participated in the drafting and approving of the Genocide Convention, if it should thereafter be ratified by the United States, would the matters embraced in such Convention be thereby withdrawn from our domestic jurisdiction?

Should we agree to submit to the International Court of Justice a dispute as to the interpretation, application, or fulfillment of the Convention by us? Suppose a citizen of the United States was charged with one of the offenses defined in the Convention—the group involved being an alien racial group—and tried in a competent tribunal in the United States, and our domestic courts, including the Supreme Court of the United States, should hold the act did not constitute an offense under the Convention. Could the state, of which the alien group were subjects, seek a review as to the interpretation of the treaty in the International Court of Justice? If it could not seek a direct review, could it seek an interpretation by the International Court which would be binding on our domestic courts in the future?

Should we obligate the United States to undertake to prevent and punish genocide in other states? Such seems to be the import of Article I of the Convention.

I assume that no one will deny that the acts defined in the Convention as offenses are abhorrent and the purpose to prevent them wholly commendable. The question is as to the method and means to attain that end.

If genocide and kindred offenses defined in the treaty are in fact international crimes, would not the wise course be to enact domestic legislation under Section 8, Clause 10, Article I of the Constitution of the United States, defining such offenses, and providing for the trial and punishment of persons committing such offenses, in our own domestic courts, where the accused will be guaranteed his constitutional rights and accorded due process under our concept of that phrase? We would thus set our own house in order, would offer the same protection to the accused as one charged with any domestic crime, and would reserve to our own courts the final determination of questions as to the interpretation of the penal statute. To agree, by international convention, to so de-

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Footnotes at end of article.

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fine, try, and punish persons who commit the offenses which the treaty undertakes to define, would seem to me to wholly fulfill our international obligation, and would avoid many serious questions with respect to the incipient effects of ratification of the Convention on our constitutional and legal system and questions of policy which will arise on a consideration of concurrence by the Senate in the proposed Convention.

FOOTNOTES

[1] See Art. II, § 2, United States Constitution.

[2] *United States* v. *Curtiss-Wright Corp.*, 299 U. S. 304, 315–318.

[3] *United States* v. *Belmont*, 301 U. S. 324, 331.

[4] *United States* v. *Pink*, 315 U. S. 203, 232.

[5] *Asakura* v. *Seattle*, 265 U. S. 332, 341; *Holden* v. *Joy*, 84 U. S. 211, 243; *Geofroy* v. *Riggs*, 133 U. S. 258, 267.

[6] *Missouri* v. *Holland*, 252 U. S. 416, 432.

[7] See *Valentine* v. *Neidecker*, 299 U. S. 5, 10; *Whitney* v. *Robertson*, 124 U. S. 190, 194.

[8] *Santovincenzo* v. *Egan*, 284 U. S. 30, 40; *Nielsen* v. *Johnson*, 279 U. S. 47, 52.

[9] *Whitney* v. *Robertson*, 124 U. S. 190, 195; *Botiller* v. *Dominguez*, 130 U. S. 238, 247; 52 *Am. Jur. Treaties*, 818, § 21; Note, 134 *A.L.R.* 885.

[10] *Connally* v. *General Const. Co.*, 269 U. S. 385, 391.

GUN CRIME PREVENTION

Mr. TYDINGS. Mr. President, from time to time, Members of Congress and the public make inquiries about the antigun crime proposal which is one of 45 anticrime measures I have introduced in the 91st Congress. To answer the questions most frequently asked about my gun crime prevention proposal, S. 977, I have prepared a brief document entitled "Questions and Answers on the Anticrime Gun Control Proposals of Senator Tydings." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS ON THE ANTIGUN CRIME PROPOSALS OF SENATOR TYDINGS

1. *What is Senator Tydings' antigun crime proposal?*

Senator Tydings' antigun crime bill, S. 977, is a moderate and rational proposal to curb the escalating rate of crimes committed by firearms in the United States. It provides law enforcement officials with the tools they need to help detect and deter gun crime.

Senator Tydings' antigun crime proposal would disarm the criminal element by preventing convicted felons, drug addicts, alcoholics, mental incompetents, and juveniles under 18 from purchasing or possessing guns. It would protect the right of sportsmen and all law-abiding citizens to purchase and possess firearms. It would provide law enforcement officials with an effective means of tracing stolen weapons and firearms used in crime.

Senator Tydings' proposal provides for registration of all firearms and licensing of all firearms owners and ammunition users. It encourages state action by providing for state preemption of the federal law. Where a state enacts its own licensing and registration law, the federal law would not apply. Where a state fails to act to protect its own citizens, the bill would provide a minimum floor of federal protection in that state.

Registration of firearms will give the police the means to trace quickly to their owners guns used in crime.

Licensing gun users will weed out persons who, by reason of criminal record, drug addiction, alcoholism, mental incompetence, or age, should not be entrusted with a gun in the first place.

2. *Congress passed a new gun law in 1968. Why is the Tydings' antigun-crime bill still needed?*

The new law passed by Congress in 1968 was a watered-down compromise which, while worthwhile, for practical purposes can do little to curb the escalating gun-crime rate in the nation without additional state or federal action. The 1968 law was designed to make state-passed gun laws unfavorable by requiring that gun purchases be made in the purchaser's home state. Prior to 1968, the state gun-crime laws which did exist were easily avoided by people who either simply went to another state to buy guns or just ordered them from another state through the mail.

The Gun Control Act of 1968 does *not* provide any way to trace a gun lost, stolen, or used in crime. It forbids mail order and interstate gun shipments to individuals, the importation of cheap foreign guns, and gun ownership by the criminally convicted. But it provides no effective means to actually keep guns out of the hands of felons, addicts, mental patients, or persons otherwise disqualified from gun ownership.

The 1968 law does make it illegal to transport or possess a gun if you are under indictment, a fugitive, a felon, an adjudged mental incompetent, an illegally-entered alien, have renounced U.S. citizenship, or have been dishonorably discharged from the armed forces, but provides no means to actually prevent such persons from making firearms purchases.

The 1968 law does *not* provide any way to trace a gun lost, stolen, or used in crime. It provides no way for gun dealers to determine whether the man they are selling to is who he says he is, does not intend to use the gun in crime, is not a felon, addict, or mental patient, or otherwise disqualified from gun ownership. These dangerous people can still get guns by simply lying.

To make the laws passed in 1968 enforceable, we need firearms registration and licensing. Firearms user licensing would prevent criminals, addicts, lunatics, and juveniles from purchasing firearms. Registration would help find them if they used a gun in a crime.

3. *Why not just enforce existing state gun laws?*

Most states' gun laws are totally inadequate to protect their citizens. Many states have practically no gun laws at all. Eight states have no law against felons buying firearms. In 35 states, lunatics can legally own guns. Only three states require a license to own or possess a gun.

Most state gun laws are either obsolete or meaningless, such as a Texas law forbidding carrying guns in a saddlebag except when one is travelling; Vermont's law forbidding schoolchildren to have guns in the classroom; or Arkansas' law forbidding using a machine gun for offensive purposes. Clearly, existing state firearms laws are totally inadequate to protect the public.

4. *Are registration and licensing proposals merely steps toward confiscation of all firearms?*

Certainly not. Firearms ownership and use by law-abiding citizens is a healthful recreation and does not contribute to the gun-crime problem.

But we urgently need adequate records of gun ownership to help trace guns used in crime to their criminal users. Registration of all firearms is the only way to gather these records.

And we urgently need to deny access to firearms by criminals, addicts, and mental incompetents. A licensing system, in which all law-abiding citizens automatically are entitled to licenses and all criminals, addicts, and mental incompetents are automatically denied licenses, and which punishes purchase, possession, or use of a firearm without a license, will severely inhibit criminal access to guns.

Those who oppose reasonable firearms control because they fear "confiscation" should be much more concerned that the rapidly-rising gun-crime rate may well lead to public demand for confiscation if reasonable measures to stem the gun-crime rate are not taken now.

The threat of confiscation arises not from reasonable action to stem the gun-crime rate, but rather from no action at all.

5. *Aren't registration and licensing bills actually just taxation measures?*

No. The Tydings proposal contains no fee at all for either licensing or registration. It would be paid for out of the general revenues. Since the Tydings bill is a law enforcement measure, direct controls against criminal access to guns and good records for tracing guns used in crime—not taxes—are the best way to control the gun-crime rate.

6. *Are registration and licensing constitutional?*

Yes, without question. Here's what the Library of Congress says about the Tydings proposal and the Second Amendment's "right to bear arms": "From what we know of the history and construction of the Second Amendment, it would seem that the major current proposals for gun control are not subject to any serious Second Amendment challenges." (Library of Congress Study UC460B, 450/77 A–251: "The Second Amendment as a Limitation on Federal Firearms Legislation," July 8, 1968)

In July, 1968, the U.S. Attorney General stated: "A federal system requiring the registration and licensing of firearms is a necessary and proper means to two legitimate goals, the regulation and protection of interstate commerce and the preservation of the peace of the United States . . . it is within the power of Congress to enact."

The Tydings bill also contains a special provision, to conform to recent Supreme Court decisions (Haynes v. U.S.) dealing with the constitutionality of firearms registration laws.

7. *What would the Tydings bill cost the gun owner?*

Nothing. The bill imposes no fees. The operation of the licensing and registration system proposed by the Tydings bill would be paid for out of the general tax receipts of the country. As a law enforcement and public safety measure, the cost of the Act should be borne by all citizens.

8. *How does registration work?*

A gun owner simply sends a law enforcement agency the makes, models, and serial numbers of his guns and his own name and address. It can be done completely by mail. Then, when a lost or stolen gun is found, its true owner can be discovered and his gun returned to him. If a gun is found at the scene of a crime, its last known owner can be quickly traced. When a suspicious character is arrested with a gun in his possession, its ownership can be quickly determined. If the gun has been stolen or is unregistered, the suspect can be booked for possession of stolen goods or possession of an unregistered weapon.

Under the Tydings bill, if a state enacts its own registration law, guns would be registered with whatever state agency the law designated. If the state failed to act, guns would be registered with the federal government.

9. *Must every firearm be registered?*

Yes, otherwise many guns lost, stolen, or used in crime could not be traced.

10. *Would private firearms sales be registered, too?*

Yes. All firearms transfers, by dealers and private persons, would be registered so that up-to-date records of actual gun ownership could be maintained.

11. *Doesn't registration impose a burden on the law-abiding citizen?*

No. Everything can be done by mail on a form like this:

Firearms registration form

Name --
Address ------------------------------------
Firearm ------------------------------------
Make ---------------------------------------
Model --------------------------------------
Serial No.-----------------------------------

The registration would be free and permanent. No fees. No renewals.

12. *But won't criminals refuse to register their guns?*

Some criminals may refuse to register their guns and risk being jailed for having an unregistered gun. But any suspected criminal found with an unregistered weapon can be jailed on that charge alone, *even if no other crime can be proved*. So it will become very risky for a criminal to have an unregistered weapon.

13. *Must an owner of several guns register each of them?*

He must supply the make, model, and serial number of each, but could do so for all his guns on a single form.

14. *What about weapons which have no serial number?*

The bill provides that firearms dealers can imprint serial numbers on such weapons for identification purposes.

15. *What about antiques?*

No firearm manufactured prior to 1898 is covered by the bill.

16. *How does licensing work?*

Licensing is simply a way of denying fugitives, criminals, addicts, and mental defectives access to firearms and ammunition by refusing to give them firearms' licenses. Every purchaser, possessor, or user of firearms or ammunition would have to have a license, except for juveniles with their parents' consent and hunters or sportsmen who have borrowed a weapon for temporary use.

Issuance of licenses would be automatic to all law-abiding citizens, without any discretion on the part of the issuing officer. Denial of a license would be automatic in the case of felons, fugitives, adjudged alcoholics, addicts, and mental incompetents, and those under 18.

To get a license, you would simply submit a statement affirming that you are over 18, have never been convicted of a felony or committed to an institution by a court on the grounds of alcoholism, narcotics addiction, or mental incompetence, that you are not under indictment or a fugitive, and are not otherwise prohibited by law from obtaining a weapon. In addition, you would supply a physical description like that required for a driver's license and proof of identity (in the form of a draft card, driver's license, social security card, etc.).

If a state enacted a licensing law, the statement and identification would be supplied to whatever agency the state prescribed, but if the state does not act, then to any federal firearms dealer. The entire transaction could be conducted by mail.

17. *How about my son under 18 years old? Could he still hunt and shoot?*

Yes, definitely. Although he could not own a gun in his own name, the bill expressly provides that he will be able to hunt and shoot with his parents' consent.

18. *What is the difference between registration and licensing? Do we need both?*

Registration is a means of tracing guns used in crime. *Licensing* is a means of reducing the gun crime rate itself by denying access to guns by known criminals, addicts, and mental defectives. *Registration* is a means to *solve* gun crime once it has been committed. *Licensing* is a means to *prevent* gun crime from being committed in the first place.

19. *Must every gun be separately licensed?*

No. Firearms purchasers, owners, and users are licensed, not the guns themselves. The purpose is to deny licenses to criminals, addicts, and mental defectives.

20. *Would there be any discretion to deny a license?*

Not where the federal law applies. If the applicant is not under indictment, or a fugitive, a felon, an adjudged addict, alcoholic, or mental incompetent, or under 18, the license must be issued. The state could establish a different system, if it wishes, just as any state can today.

21. *But won't criminals get guns anyway?*

If a licensing law were in effect, a criminal, addict, or mental defective could not legally purchase, own, or use a gun, because he would not be entitled to a license. Thus, lawful channels of purchase would be cut off to him. Today they are not.

Today, in most states, criminals, addicts, and idiots have access to guns on the same basis as the law-abiding. Even if, after enactment of the Tydings Bill hard-core criminals may be able to get some guns, the small-time but frequently deadly crook who holds up liquor stores, bus drivers, and filling stations or housebreaks will find it much harder and much riskier to possess a gun.

No one claims gun laws are airtight or foolproof. The question is whether we should do what we can to detect and prevent gun crime or continue to do nothing, as we do today.

22. *Why not just punish gun crimes more severely?*

Heavier penalties for gun crimes already exist but haven't answered the gun crime problem. Armed robbery is a more serious offense than simple robbery; aggravated assault is more heavily punished than simple assault. Murder is the most heavily punished crime of all. Yet the commission rates of all these crimes are climbing intolerably. Armed robbery with guns increased from 42,600 crimes a year in 1964 to 99,000 in 1968; aggravated assaults by gun increased from 27,700 cases in 1964 to 65,000 in 1968; murder by gun increased from 5,000 in 1964 to 9,000 in 1968.

Gun crimes should be more heavily punished. But clearly, heavier penalties do not answer the gun crime epidemic. They do not help solve gun crimes, as registration would. They do not prevent criminal access to guns, as licensing would. They do not bring gun crime victims back to life, repair their wounds, or return their property. Only disarming the criminal can do that.

23. *What about the argument that "guns don't commit crimes; people do"?*

Of course, guns don't commit crimes, but *people using guns certainly do*. People using guns in 1968 alone robbed 99,000 Americans, assaulted 65,000 Americans, and murdered 9,000 Americans. People using guns murdered John Kennedy, Martin Luther King, and Robert Kennedy, along with more than 34,000 other Americans between 1963 and 1968.

24 *What about the argument that "No dictatorship has ever been imposed on a nation of free men who have not just been required to register their privately owned firearms"?*

That argument is baloney. It is unsupported by fact and refuted by history. For example, regarding the German occupations of Europe, the Library of Congress has concluded:

"We can make no positive correlation between gun laws and dictatorships, as the following examples will show.

"First, four countries were examined which are democracies now, but in recent history came under Nazi dictatorships (Germany, Italy, France, and Austria). One may reasonably assume that if gun registration laws constituted a primary factor in the rise of dictatorships, these countries would have since revised their laws to prevent future dictatorships. This has not been the case. The four countries today have substantially the same gun laws as those in force prior to the advent of dictatorships. In fact, in Italy, where gun laws were relaxed by Mussolini, they have recently been restrengthened approximately to their pre-Mussolini level.

"Secondly, two democracies were examined which have not suffered dictatorships in their recent history (England and Switzerland). Switzerland has had gun registration laws since 1874, England since 1831.

"It would be inaccurate, of course, to suggest that a dictatorship would be unconcerned about the possession of firearms by its populace. Nevertheless, these few examples would seem to indicate fairly conclusively that there is no significant relationship between gun laws and the rise of dictatorships, at least in these countries."

In his book, *The Right to Bear Arms*, author Carl Bakal thoroughly demolishes this hysterical argument most frequently made by National Rifle Association propagandists, that firearms laws threaten democracy. He writes:

"In resorting to such sophistry, the NRA is as casual with history as it is with statistics. It makes much of the alleged Nazi use of firearms registration lists to disarm and conquer Europe. However, if such a tactic were employed, it must be accounted one of the best-kept secrets of the war, for I could find no reference to it whatever in the histories of that era. I have spoken to correspondents with an intimate knowledge of German affairs, and they too disabused me of the notion that this was an element in the Nazi invasion tactics or, as is also said, in Hitler's rise to power, said Sigrid Schultz, a journalist in Germany since 1919: 'Hitler used lists to take over Germany? Why, that's perfectly silly, absolutely ridiculous. He didn't need the guns of the people. He had virtually all the people. He had the Storm Troopers and he had the Army. His forces were literally armed to the teeth. If Hitler had any list of guns, he didn't need them.'

"Another veteran correspondent, Norbert Muhlen, with a half dozen books on Germany to his credit, told me of a German friend of his: 'He was a vehement anti-Nazi, but they never took away his gun. In fact, he even became a hunting inspector.'

"I also wrote to the American Embassy in each of the countries who so supposedly succumbed to the Nazis. From Denmark came this typical reply: 'The Germans did not disarm Danish civilians and so facilitate the German invasion and occupation of Denmark.' From Finland: 'The Library of War Sciences has not heard of any such activity.'

"Even if any lists of firearms owners would be useful to any enemy of the United States, undoubtedly the single largest and most useful such master list would be that of the more than one million names and addresses conveniently maintained on Remington Rand tabulating cards in the membership division of NRA headquarters. (New York City's list of 17,000 registered handgun owners is minuscule compared to this.) Vastly larger collectively are the lists of about 19 million hunting licenses on file with the conservation (or fish and game) departments in the capital cities of our fifty states."

25. *How do law enforcement officials feel about gun licensing and registration?*

They want both. At the 1968 hearings on the Tydings Bill, New Jersey Attorney General Arthur Sills testified regarding the National Gun Crime Prevention Act:

"Again, I repeat my plea and the plea of all New Jerseyans. Congress must enact a law to register all firearms, create licensing safeguards to prohibit the distribution of

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firearms to undesirable persons, ban all mail order sales of firearms, and prohibit the purchases of firearms by non-residents of a state. Few, if any efforts are more important to the future safety and security of the American people."

California Attorney General Thomas C. Lynch testified:

"I wish to endorse national firearms registration and licensing procedures. . . . Registration and licensing of firearms would be a tremendous tool for law enforcement—a major protection for the honest citizen."

Mr. Quinn Tamm, Executive Director of the International Association of Chiefs of Police, testified:

"I support Federal legislation that will assist state and Federal enforcement agencies in preventing and solving gun crimes through Federal registration and licensing activities. The additional administrative workload that will be placed on local law enforcement agencies through the implementation of such legislation will be considerable, but it is my sincere belief that the cost will be inconsiderable compared to the lives that will be saved. Finally, enactment of legislation that will expedite a nationwide system of reporting firearms data will materially aid local law enforcement agencies in bringing to justice those who use such weapons in the commission of crimes."

Mayor Richard Daley of Chicago testified:

"I believe this to be one of the most important pieces of legislation to be considered by the United States Senate. It is long overdue. The need for such legislation has long been apparent."

Mayor John Lindsay of New York testified:

"Congress should pass legislation requiring the registration of firearms—with the specific recognition—as provided in Senate 3634 (The National Gun Crime Prevention Act) that the primary responsibility for registration rests with the individual states. Registration of ownership, serial number, and type of weapon can give enormous assistance to crime prevention and detection.

"The Congress should enact legislation providing that in the absence of state and local regulations limiting access to firearms, the federal government should assume responsibility for enforcing reasonable licensing regulations for the possession of firearms."

U.S. Attorney General Ramsey Clark testified:

"After all we have suffered, it would be terribly disillusioning if we failed to act to control guns. Interstate control, registration and licensing are all essential.

"The people want strict gun control. Their safety demands it. The Congress is fully empowered to act. The time is now."

OREGON EIGHTH GRADERS CONCERN ABOUT ENVIRONMENT

Mr. PACKWOOD. Mr. President, some incisive writings by eighth grade Oregon students are indicative of our young peoples' concern about our environment. Because I believe we can all benefit from hearing—and heeding—the words of these students, I ask unanimous consent that their writings be printed in the RECORD.

There being no objection, the writings were ordered to be printed in the RECORD, as follows:

What Do I See?

(By Nan Young and Peggy Spitznogle)

I look through my window, and what do I see?
Masses of people looking at me.
I walk down the alley, and what do I find?
A pile of trash and a lemon rind.
As I look to the sky, I wonder why
People can destroy without a cry.
The time flies by on the swiftest of wings,
And we think of the ancient, clear, clean springs.

(This may be sung to the tune of "The Star-Spangled Banner")

(By Angela France and Pam McKinnon)

Oh, say can you see the dirt in the air,
The trash in our gutters, and the poor's hungry stare?

Whose broad hills and flat plains, all the
Beasts that remain, will die because we
Were too busy to see?

The water's mud glare and dirt that we share
Gives proof to us now
That the people should care.
Oh, say will that star-spangled banner
Yet wave on
After man is dead
And our world is gone?

America the Beautiful

(By Kathie Stamp, Dawn Sturtevant, and Gina Craven)

Smog, Smoke, Scunge
Garbage, Ghettos, Grime
Pesticides, Population, Poverty, Pollution
Crime, Crud, Crowds
Disease, DDT, Death

(This may be sung to the tune of "Oregon, My Oregon")

(By Jan Phillips and Peggy Johnson)

Land of the garbage builders,
Land of the stinking west.
Conquered and wrecked by freemen,
Blind as all the rest.
Onward and upward ever,
Forward and on and on.
On 'till we ruin our land.
My Oregon?

They moved across the mountains
And cut down all the trees.
That is the beginning of
The polluted land you see.
Something should be done
To stop our awful fate.
Help our environment.
Save our state.

Why?

(By Kathy McLain)

River running to the sea,
Children used to play by thee.
Children come to play no more.
Look what's on your murky floor.

Pipes pump into you human wastes.
If we're to save you, we'd better make haste.
Hear the river's sad, sad cry.
Hear it asking why, why, why?

(By Jeanne Bucy and Terri Gates)

In the beginning when our world was new,
Can't you tell there were very few?
Now our world is in despair;
Doesn't anybody care?

There is pollution everywhere,
In our land, water, and air.
Your eyes are open' can't you see
The problems facing *you* and me?

God meant for man to live for long;
Now it looks as though we're almost gone!
It seems we'll never be the same.

Clean Up This Mess

(By Dan Wieland)

I trod in ol' New York,
I trod in San Francisco,
I trod in Philadelphia,
And I never saw some sky.

I rode from town to town,
I rode from farm to farm,
I rode from state to state,
And all I saw was bottles and cans.

I walked down State Street,
I ran down Parker Avenue,
I tripped over hundreds of feet,
Because of over-population.

I rode into a city,
I drove right down State Street,
I fell over hundreds of feet
To tell the governor.

(By Heidi Grossnicklaus)

Wandering about for
Nearly an hour,
I found near a brook
A beautiful flower.
I'd never seen a
Blossom as such;
I found that I
Wanted it very much.

I remembered a sign
I'd seen near the road
And frowned as I then
Recalled what it told.

"Soon here will stand
A department store.
Flowers and trees
Shall be here no more."

Animals would be
Banished also.
I thought of it then,
And the day lost its glow.

The flower, of course,
Was left where it stood.
I wished it to bloom
As long as it could.

(By Chris Ward and Jim Krawczyk)

Once upon a time,
There was a little crime.
Once there was pollution
Without a solution.
Once there was some air
That smelled like a nightmare.
Once there was some water to boil,
But it was full of oil.
Once there was some land
That had to be banned.
Once there was some DDT
That killed birds like TNT.
Once there was an explosion
That caused much erosion.
Once there was some nerve gas
That was carried by a train.
The train went off the track.
That's why it is all
"Once upon a time."

More Than Just a Dream

(By Debbie Fortner)

I walked and walked and finally found
Something that was not in any town.
It was like a dream,
But I had really seen—
The tall green trees
And buzzing bees.

As I sit and think of this beautiful place,
I know that someday it will go to waste.
No one ever seems to care
That this piece of land was once everywhere.
God gave us this land not to destroy,
But man took it, just as a toy.

(By Pam McIlroy)

We are the conquerors.
We win all the battles. Nothing can withstand us.
No river, no forest, no meadow, no sea.
And nothing can escape us.

We win because we stand united.
Our common goal to bind us.
"Progress!" we cry.

And the eroded soil of a once
Majestic forest has heard our cry
And felt destruction at our hands.

And a sea that once shimmered in
Moonlight is dark and murky for it too
Has suffered the blight of the conquerors.

And a river clogged in trash lays in
Defeated misery at our feet.

And then there is the meadow.
The battleground. It is strewn with the
Remains of many a battle, the
Battles we won.

But Nature will reclaim her river,
Her forest, her meadow, her sea.

Nature will win the war, waged
For our own destruction.

(By Susie Wilson)

Can you see the purple mountains,
  Rising majestically from the sky?
Do they have purple sunsets,
  Or is it pollution's dye?

Where there are tall, green trees,
  Billowing with joy and life.
Beside them also is yesterday's dream.
  Oh, what a wound this memory knives.

There are bubbling, little brooks
  Amid the forest's flutter,
Overflowing with spirit high and sparkling
  And the people's clutter.

"Let there Be Light," said He
  To shine upon the splendor,
But when it is all bleak and ruined
  Will this light surrender?

(The idea for the following came from a bulletin board on the Oregon State University campus; however, the words are the student's.)

(By Barbara Wegner)

In the beginning . . . there was man, and he saw the beauty of the earth and thought about what could be done to destroy it.

And on the first day, man saw the streams. And he found that he could throw his paper, and cans, and other garbage into them, and pollute them.

And he saw that this was good.

And on the second day, man saw the air. And he found that he could pour poisonous fumes and smoke into the air, to pollute it.

And he saw that this was good.

And on the third day, man saw his brothers. And he found that he could make guns and ammunition, to shoot and kill his brothers with.

And he saw that this was good.

And on the fourth day, man saw the animals. And he found that with his guns, he could shoot and kill all the animals on the earth.

And he saw that this was good.

And on the fifth day, man saw the trees. And he found that he could cut them down and burn them until there were no more left to shade the land.

And he saw that this was good.

And on the sixth day, man rested. He sat back and looked at what he had done.

And he saw that all that had been done was good.

And on the seventh day, the earth was quiet. It became a still planet in the sky, for man was gone now.

And this was good.

(This may be sung to the tune of "This Land is Your Land")

(By John Parker, Peter Sekermestrovich, and Bob Horn)

1.
This land was your trash.
This land was my trash.
This land has our trash
From here around the world.
With the cluttered corners
And the smelly, old rivers,
This land was made by you and me.

2.
With our over-population,
We have our problems;
And we are losing
Our land we live on.
With our pollution
And also our people,
This land was wrecked by you and me.

3.
With our Gulf Stream nerve gas,
We have our problems;
And if the tank breaks,
We'll have made a mistake.
When we are all dead,
We will have said:
This land was made by you and me.

THE POLLUTION REVOLUTION

(By Bonnie Ward)

If we look at our earth from space,
We'd see a very good living place;
But down on the ground,
We'd look around
And see the destructing pollution.

Here is pollution.
It's the beginning of a revolution.
It's the time of our lives
Where we all try to strive
To stop the destructing pollution.

This earth I love
From the ground to above,
From the sky to the seas.
But I'll always see
The destructing pollution.

I predict in the future
When we're old and mature;
The earth will change,
All un-arranged,
If we don't stop the destructing pollution.

(By Jodi Ives)

Before mankind came to earth,
It was clean and fresh from birth.
There were no slums upon its face,
And every man had a place.

When running rivers were good to drink,
And on cloudy days no air would stink.
When you could see both far and wide,
And beaches were filled with just the tide.

But now there's dirt upon earth's face,
And not every man has a place.
Rivers are no longer clear.
We hope the sky will soon appear.

You can see a mile or less;
Beaches are one filthy mess.
I wish we'd come to a smashing halt,
Remembering filth was mankind's fault.

(This may be sung to the tune of "America, the Beautiful")

(By Scott Brown and Kurt Souvey)

1.
Oh, beautiful for smoggy skies,
For amber waves of drugs.
For polluted mountain majesties
Above the DDT.

2.
Oh, beautiful for sickening streets,
For riots everywhere.
Where scummy rivers flow with trash,
And smog is in the air.

3.
Oh, beautiful for factories
Which reek their ugly smells.
For racist pride, and clogged up streets,
And loving hate for man.

4.
Oh, beautiful for poison gas
Which might send us to our graves.
For automation, technology,
And rebellious young men.

Chorus:

America, America
Man shed his trash on me
And kill the good with nuclear bombs
From here to infinity.

POPULATION CRISIS—VI

Mr. TYDINGS. Mr. President, the crux of the ecological "Spaceship Earth" concept is the balance that must be maintained between the capability of a vehicle to support life and the demands upon the craft made by its inhabitants. In an outstanding review of Paul and Ann Ehrlich's "Population, Resources, Environment," published in the New York Review of Books on April 23, 1970, Robert Heilbroner discusses the huge strain on the carrying capacity of our vessel earth.

Perhaps the greatest threat to the earth's capacity to support life is unchecked population growth. There is much talk of a Green Revolution; however, increasing evidence reveals that population growth will outpace any improvements in fertility and productivity of the land. Currently India adds 1 million new mouths to feed per month; one-half billion of the world's people are already chronically hungry, and another 1½ billion are malnourished; and the estimated world population for the year 2010—just 40 years from now—is 8 billion. It seems, then, that scientific improvements cannot really offset the population bomb—that these improvements "only stave off the day of reckoning."

It is imperative that decisions shaping the environment be made in the framework of a total ecological equilibrium.

What threatens the Spaceship Earth is a profound imbalance between the totality of systems by which human life is maintained, and the totality of demands, industrial as well as agricultural, technological as well as demographic, to which that capacity to support life is subjected.

With voluntary and humane population stabilization policies, Mr. Heilbroner argues, we need not face a future consisting of continuous battles against food shortages; we need not face permanent impairment of intelligence due to protein deficiencies in childhood; we need not witness searches for lebensraum and revolutions of desperation.

I ask unanimous consent that this excellent book review be printed in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

ECOLOGICAL ARMAGEDDON

"Population, Resources, Environment" by Paul and Anne Ehrlich. W. H. Freeman, 400 pp., $8.95

(Reviewed by Robert L. Heilbroner)

Ecology has become the Thing. There are ecological politics, ecological jokes, ecological bookstores, advertisements, seminars, teach-ins, buttons. The automobile, symbol of ecological abuse, has been tried, sentenced to death, and formally executed in at least two universities (replete with burial of one victim). Publishing companies are fattening on books on the sonic boom, poisons in the things we eat, perils lose in the garden, the dangers of breathing. The *Saturday Review* has appended a regular monthly Ecological Supplement. In short, the ecological issue has assumed the dimensions of a vast popular fad, for which one can predict with reasonable assurance the trajectory of all such fads—a period of intense general involvement, followed by growing boredom and gradual extinction, save for a die-hard remnant of the faithful.

This would be a tragedy, for I have slowly become convinced during the last twelve

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months that the ecological issue is not only of primary and lasting importance, but that it may indeed constitute the most dangerous and difficult challenge that humanity has ever faced. Since these are very large statements, let me attempt to substantiate them by drawing freely on the best single descriptive and analytic treatment of the subject that I have yet seen, *Population, Resources, Environment* by Paul and Anne Ehrlich of Stanford University. Rather than resort to the bothersome procedure of endlessly citing their arguments in quotation marks, I shall take the liberty of reproducing their case in a rather free paraphrase, as if it were my own, until we reach the end of the basic argument, after which I shall make clear some conclusions that I believe lie implicit in their work.

Ultimately, the ecological crisis represents our belated awakening to the fact that we live on what Kenneth Boulding has called, in the perfect phrase, our Spaceship Earth. As in all spaceships, sustained life requires that a meticulous balance be maintained between the capability of the vehicle to support life and the demands made by the inhabitants of the craft. Until recently, those demands have been well within the capability of the ship, in its ability both to supply the physical and chemical requirements for continued existence and to absorb the waste products of the voyagers. This is not to say that the earth has been generous—short rations have been the lot of mankind for most of its history—nor is it to deny the recurrent advent of local ecological crises—witness the destruction of whole areas like the erstwhile granaries of North Africa. But famines have passed and there have always been new areas to move to. The idea that the earth as a whole was overtaxed is one that is new to our time.

For it is only in our time that we are reaching the limit of earthly carrying capacity, not on a local but on a global basis. Indeed, as will soon become clear, we are well past that capacity, provided that the level of resource intake and waste output represented by the average American or European is taken as a standard to be achieved by all humanity. To put it bluntly, if we take as the price of a first-class ticket the resource requirements of those passengers who travel in the Northern Hemisphere of the Spaceship, we have now reached a point at which the steerage is condemned to live forever—or at least within the horizon of the technology presently visible—at a second-class level; or a point at which a considerable change in living habits must be imposed on first class if the ship is ever to be converted to a one-class cruise.

This strain on the carrying capacity of the vessel results from the contemporary confluence of three distinct developments, each of which places tremendous or even unmanageable strains on the life-carrying capability of the planet and all of which together simply overload it. The first of these is the enormous strain imposed by the sheer burgeoning of population. The statistics of population growth are by now very well known: the earth's passenger list is growing at a rate that will give us some four billion humans by 1975, and that threatens to give us eight billion by 2010. I say "threatens," since it is likely that the inability of the earth to carry so large a group will result in an actual population somewhat smaller than this, especially in the steerage, where the growth is most rapid and the available resources least plentiful.

We shall return to the population problem later. But meanwhile a second strain is placed on the earth by the simple cumulative effect of *existing* technology (combustion engines, the main industrial processes, present-day agricultural techniques, etc.). This strain is localized mainly in the first-class portions of the vessel where each new arrival on board is rapidly given a standard complement of capital equipment and where the rate of physical and chemical resource transformation per capita steadily mounts. The strain consists of the limited ability of the soil, the water, the atmosphere of these favored regions to absorb the outpourings of these fast-growing industrial processes.

The most dramatic instance of this limited absorptive power is the rise in the carbon dioxide content of the air due to the steady growth of (largely industrial) combustion. By the year 2000, it seems beyond dispute that the CO_2 content of the air will have doubled, raising the heat-trapping properties of the atmosphere. This so-called "greenhouse" effect has been predicted to raise mean global temperatures sufficiently to bring catastrophic potential consequences. One possibility is a sequence of climatic changes resulting from a melting of the Arctic ice floes that would result in the advent of a new Ice Age; another is the slumping of the Antarctic ice cap into the sea with a consequent tidal wave that could wipe out a substantial portion of mankind and raise the sea level by 60 to 100 feet.

These are all "iffy" scenarios whose present significance may be limited to alerting us to the immensity of the ecological problem; happily they are of sufficient uncertainty not to cause us immediate worry (it is lucky they are, because it is extremely unlikely that all the massed technological and human energy on earth could arrest such changes once they began). Much closer to home is the burden placed on the earth's carrying capacity by the sheer requirements of a spreading industrial activity for the fuel and mineral resources needed to maintain the going rate of output per person in the first-class cabins. To raise the existing (not the anticipated) population of the earth to American standards would require the annual extraction of 75 times as much iron, 100 times as much copper, 200 times as much lead, and 250 times as much tin as we now take from the earth.

Only the known reserves of iron allow us to entertain such fantastic rates of mineral exploitation (and the capital investment needed to bring about such mining operations is in itself staggering to contemplate). All the other requirements exceed by far all known or reasonably anticipated ore reserves. And, to repeat, we have taken into account only today's level of population: to equip the prospective passengers of the year 2010 with this amount of basic raw material would require a doubling of all the above figures.

I will revert later to the consequences of this prospect. First, however, let us pay attention to the third source of overload, this one traceable to the special environment-destroying potential of newly developed technologies. Of these the most important—and if it should ever come to full-scale war, of course the most lethal—is the threat posed by nuclear radiation. I shall not elaborate on this well-known (although not well-believed) danger, pausing to point out only that a nuclear holocaust would in all likelihood exert its principal effect in the Northern Hemisphere. The survivors in the South would be severely hampered in their efforts at reconstruction not only because most of the easily available resources of the world have already been used up, but because most of the technological know-how would have perished along with the populations up North.

But the threats of new technology are by no means limited to the specter of nuclear devastation. There is, immediately at hand, the known devastation of the new chemical pesticides that have now entered more or less irreversibly into the living tissue of the world's population. Most mothers' milk in the United States today—I now quote the Ehrlichs verbatim—"contains so much DDT that it would be declared illegal in interstate commerce if it were sold as cow's milk"; and the DDT intake of infants around the world is twice the daily allowable maximum set by the World Health Organization. We are already, in other words, being exposed to heavy dosages of chemicals whose effects we know to be dangerous, with what ultimate results we shall have to wait nervously to discover. (There is something to think about in the archaeological evidence that one factor in the decline of Rome was the systematic poisoning of upper-class Romans from the lead with which they lined their wine containers.)

But the threat is not limited to pesticides. Barry Commoner predicts an agricultural crisis in the United States within fifty years from the action of our fertilizers, which will either ultimately destroy soil fertility or lead to pollution of the national water supply. At another corner of the new technology, the SST threatens not only to shake us with its boom, but to affect the amount of cloud cover (and climate) by its contrails. And I have not even mentioned the standard pollution problems of smoke, industrial effluents into lakes and rivers, or solid wastes. Suffice it to report that a 1968 UNESCO Conference concluded that man has only about twenty years to go before the planet starts to become uninhabitable because of air pollution alone. Of course "starts to" is imprecise; I am reminded of a cartoon of an industrialist looking at his billowing smokestacks, in front of which a forlorn figure is holding up a placard that says: "We have only 35 years to go." The caption reads, "Boy, that shook me up for a minute. I thought it said 3 to 5 years."

I have left until last the grimmest and gravest threat of all. Speaking now on behalf of the steerage. This is the looming inability of the great green earth to bring forth sufficient food to maintain life, even at the miserable threshold of subsistence at which it is now endured by perhaps a third of the world's population. The problem here is the very strong likelihood that population growth will inexorably outpace whatever improvements in fertility and productivity we will be able to apply to the earth's mantle (including the watery fringes of the ocean where sea "farming" is at least technically imaginable).

Here the race is basically between two forces: on the one hand, those that give promise that the rate of population increase can be curbed (if not totally halted); and on the other, those that give promise of increasing the amount of sustenance we can wring from the soil.

Both these forces are subtly blended of technological and social factors. Take population growth. The great hope of every ecologist is that an effective birth control technique—cheap, requiring little or no medical supervision, devoid of taboos or religious hinderances—will rapidly and effectively lower the present fertility rates which are doubling world population every thirty-five years (every twenty-eight years in Africa; every twenty-four in Latin America). No such device is currently available, although the Pill, the IUD, vasectomies, abortions, condoms, coitus interruptus, and other known techniques could, of course, do the job, if the requisite equipment, persuasion (or coercion), instruction, etc. could be brought to the 80 to 90 percent of the world's people who know next to nothing about birth control.

It seems a fair conclusion that no such world-wide campaign is apt to be successful for at least a decade and maybe a generation, although there is always the hope that a "spontaneous" change in attitudes, similar to that in Hungary or Japan, will bring about a rapid halt to population growth. But even in this unlikely event, the sheer "momentum" of population growth still poses terrible problems. Malcom Potts, Secretary General of International Planned Parenthood, has presented a shocking statistical calculation in this regard: he has pointed out that popula-

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tion growth in India is today adding one million mouths per month to the Indian subcontinent. If, by some miracle, fertility rates were to decline tomorrow by 50 percent in India, at the end of twenty years, owing to the already existing huge numbers of children who would be moving up into childbearing ages, population growth in India would still be taking place at the rate of one million mouths per month.

The other element in the race is our ability to match population growth with food supplies, at least for a generation or so, while birth control techniques and campaigns are being perfected. Here the problem is also partly technological, partly social. The technological part involves the so-called "Green Revolution"—the development of seeds that are capable, at their best, of improving yields per acre by a factor of 300 percent, sometimes even more. The problem, however, is that these new seeds generally require irrigation and fertilizer to bring their benefits. If India alone were to apply fertilizer at the per capita level of the Netherlands, she would consume half the world's total output of fertilizer. This would require a hundredfold expansion of India's present level of fertilizer use.

Irrigation, the other necessary input for most improved seeds, poses equally formidable requirements. E. A. Mason of the Oak Ridge National Laboratories has prepared preliminary estimates of the costs of nuclear-powered "agro-industrial complexes" in which desalted water and fertilizer would be produced for use on adjacent farms. It would require twenty-three such plants per year, each taking care of some three million people, just to keep pace with present world population growth. Since it would take at least five years to get these plants into operation, we should begin work today on at least 125 such units. If we assume that no hitches were encountered and that the technology on paper could be easily translated into a technology *in situ*, the cost would amount to $315 billion.

There are as well other technical problems of an ecological nature associated with the Green Revolution—mainly the risk of introducing locally untried strains of plants that may be subject to epidemic disease. But putting those difficulties to the side, we must recognize as well the social obstacles that a successful Green Revolution must overcome. The new seeds can only be afforded by the upper level of peasantry—not merely because of their cost (and the cost of the required fertilizer), but because only a rich peasant can take the risk of having the crop turn out badly without himself suffering starvation. Hence the Green Revolution is likely to increase the strains of social stratification within the underdeveloped areas. Then, too, even a successful local crop does not always shed its benefits evenly across a nation, but results all too often in local gluts that cannot be transported to starving areas because of transportation bottlenecks.

None of these discouraging remarks is intended in the slightest to disparage the Green Revolution, which represents the inspired work of dedicated men. But the difficulties must be kept in mind as a corrective to the lulling belief that "science" can easily offset the population boom with larger supplies of food. There is no doubt that supplies of food can be substantially increased—rats alone devour some 10–12 percent of India's crop, and insects can ravage up to half of the stored crops of some underdeveloped areas, so that even very "simple" methods of improved storage hold out important prospects of improving basic life-support, quite aside from the longer term hopes of agronomy.

Yet at best these improvements will only stave off the day of reckoning. Ultimately the problem posed by Malthus must be faced—that population tends to increase geometrically by doubling; and that agriculture does not; so that eventually population *must* face the limit of a food barrier. It is worth repeating the words of Malthus himself in this regard:

"Famine seems to be the last, the most dreadful resource of nature. The power of population is so much superior to the power in the earth to produce subsistence for man, that premature death must in some shape or other visit the human race. The vices of mankind are active and able ministers of depopulation . . . [S]hould they fail in this war of extermination, sickly seasons, epidemics, pestilence, and plague, advance in terrific array, and sweep off their thousands and ten thousands. Should success still be incomplete, gigantic inevitable famine stalks in the rear, and with one mighty blow, levels the population with the food of the world."

This Malthusian prophecy has been so often "refuted," as economists have pointed to the astonishing rates of growth of food output in the advanced nations, that there is a danger of dismissing the warnings of the Ehrlichs as merely another premature alarm. To do so would be a fearful mistake. For unlike Malthus, who assumed that technology would remain constant, the Ehrlichs have made ample allowance for the growth of technological capability, and their approach to the impending catastrophe is not shrill. They merely point out that a mild version of the Malthusian solution is already upon us, for at least half a billion people are chronically hungry or outright starving, and another 1½ billion under or malnourished. Thus we do not have to wait for "gigantic inevitable famine"; it has already come.

What is more important is that the Ehrlichs see the matter in a fundamentally different perspective from Malthus, not as a problem involving supply and demand, but as one involving a total ecological equilibrium. The crisis, as the Ehrlichs see it, is thus both deeper and more complex than merely a shortage of food, although the latter is one of its more horrendous evidences. What threatens the Spaceship Earth is a profound imbalance between the totality of systems by which human life is maintained, and the totality of demands, industrial as well as agricultural, technological as well as demographic, to which that capacity to support life is subjected.

I have no doubt that one can fault bits and pieces of the Ehrlichs' analysis, and there is a note of determined pessimism in their work that leads me to suspect (or at least hope) that there is somewhat more time for adaptation that they suggest. Yet I do not see how their basic conclusion can be denied. Beginning within our lifetimes and rising rapidly to crisis proportions in our children's, a challenge faces humankind comparable to none in its history, with the possible exception of the forced migrations of the Ice Age. It is with the responses to this crisis that I wish to end this essay, for telling and courageous as the Ehrlichs' analysis is, I do not believe that even they have fully faced up to the implications that their own findings present.

The first of these I have already stated: it is the clear conclusion that the underdeveloped countries can *never* hope to achieve parity with the developed countries. Given our present and prospective technology, there are simply not enough resources to permit a "Western" rate of industrial exploitation to be expanded to a population of four billion—much less eight billion—persons. It may well be that most of the population in the underdeveloped world has no ambition to reach Western standards—indeed, does not even know that such a thing as "development" is on the agenda. But the elites of these nations, for all their rhetorical rejection of Western (and especially American) styles of life, do tend to picture a Western standard as the ultimate end of their activities. As it becomes clear that such an objective is impossible, a profound reorientation of views must take place within the underdeveloped nations.

What such a reorientation will be it is impossible to say. For the near future, the outlook for the most population-oppressed areas will be a continuous battle against food shortages, coupled with the possible permanent impairment of the intelligence of much of the surviving population due to protein deficiencies in childhood. This pressure of population may lead to aggressive searches for *Lebensraum;* or as I have frequently written, may culminate in revolutions of desperation.

In the long run, of course, there is the possibility of considerable growth (although nothing resembling the attainment of a Western standard consumption). But no quick substantial improvement in their condition seems feasible within the next generation at least. The visions of Sir Charles Snow or the Soviet academician Sakharov for a gigantic transfer of wealth from the rich nations to the poor (20 percent of GNP is proposed) are simply fantasies. Since much of GNP is spatially nontransferable or inappropriate, such a huge levy against GNP would imply shipments of up to 50 percent of much movable output. How this enormous flood of goods would be transported, allocated, absorbed, or maintained—not to mention relinquished by the donor countries—is nowhere analyzed by the proponents of such vast aid.

The implications of the ecological crisis for the advanced nations are not any less severe, although they are of a different kind. For it is clear that free industrial growth is just as disastrous for the Western nations as free population growth for those of the East and South. The worship in the West of a growing Gross National Product must be recognized as not only a deceptive but a very dangerous avatar; Kenneth Boulding has begun a campaign, in which I shall join him, to label this statistical monster Gross National Cost. The necessity to bring our economic activities into a sustainable relationship with the resource capabilities and waste absorption properties of the world will pose two problems for the West. On the simpler level, a whole series of technological problems must be met. Fume-free transportation must be developed on land and air. The cult of disposability must be replaced by that of reusability. Population stability must be attained through tax and other inducements, both to conserve resources and to preserve reasonable population densities. Many of these problems will tax our ingenuity, technical and socio-political, but the main problem they pose is not whether, but *how soon* they can be solved.

But there is another, deeper question that the developed nations face—at least those that have capitalist economies. This problem can be stated as a crucial test as to who was right—John Stuart Mill or Karl Marx. Mill maintained, in his famous *Principles,* that the terminus of capitalist evolution would be a stationary state, in which the return to capital had fallen to insignificance, and a redistributive tax system would be able to capture any flows of income to the holders of scarce resources such as land. In effect, he prophesied the transformation of capitalism, in an environment of abundance, into a balanced economy, in which the capitalist both as the generator of change and as the main claimant on the surplus generated by change, would in effect undergo a painless euthanasia.

The Marxian view is of course quite the opposite. The very essence of capitalism, according to Marx, is expansion—which is to say, the capitalist, as a historical "type," finds his *raison d'étere* in the insatiable search for additional money-wealth gained through the constant growth of the economic

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system. The idea of a "stationary" capitalism is, in Marxian eyes, a contradiction in terms, on a logical par with a democratic aristocracy or an industrial feudalism.

Is the Millian or the Marxian view correct? I do not think that we can yet say. Some economic growth is certainly compatible with a stabilized rate of resource use and disposal, for growth could take the form of the expenditure of additional labor on the improvement (aesthetic or technical) of the national environment. Indeed, insofar as education or cultural activity are forms of national output that require little use of resources and result in little waste product, national output could be indefinitely expanded through these and similar activities. But there is no doubt that the main avenue of traditional capitalist accumulation would have to be considerably constrained; that net investment in mining and manufacturing would effectively cease; that the rate and kind of technological change would need to be supervised and probably greatly reduced; and that as a consequence, the flow of profits would almost certainly fall.

Is this imaginable within a capitalist setting—that is, in a nation in which the business ideology permeates the views of nearly all groups and classes and establishes the bounds of what is possible and natural, and what is not? Ordinarily I do not see how such a question could be answered in any way but negatively, for it is tantamount to asking a dominant class acquiesce in the elimination of the very activities that sustain it. But this is an extraordinary challenge that may evoke an extraordinary response. Like the challenge posed by war, the ecological crisis affects all classes, and therefore may be sufficient to induce sociological changes that would be unthinkable in ordinary circumstances.

The capitalist and managerial classes may see—perhaps even more clearly than the consuming masses—the nature and nearness of the ecological crisis, and may recognize that their only salvation (as human beings, let alone privileged human beings) is an occupational migration into governmental or other posts of power, or they may come to accept a smaller share of the national surplus supply simply because they recognize that there is no alternative. When the enemy is nature, in other words, rather than another social class, it is at least imaginable that adjustments could be made that would be impossible in ordinary circumstances.[1]

There is, however, another possibility to which I must also call attention. It is the possibility that the ecological crisis will simply result in the decline or even destruction of Western civilization, and of the hegemony of the scientific-technological view that has achieved so much and cost us so dearly. Great challenges do not always bring great responses, especially when those responses must be sustained over long periods of time and require dramatic changes in life styles and attitudes. Even educated men today are able to deny the reality of the crisis they face: there is wild talk of farming the seas, of transporting men to the planets, of unspecified "miracles" of technology that will avert disaster. Glib as they are, however, at least these suggestions have a certain responsibility when compared to another and much more worrisome response: *Je m'en fiche*.

Can we really persuade the citizens of the Western world, who are just now entering the heady atmosphere of a high consumption way of life, that conservation, stability, frugality, and a deep concern for the distant future must now take priority over the personal indulgence for which they have been culturally prepared and which they are about to experience for the first time? Not the least danger of the ecological crisis, as I see it, is that tens and hundreds of millions will shrug their shoulders at the prospects ahead ("What has posterity ever done for us?"), and that the increasingly visible approach of ecological Armageddon will bring not repentance but Saturnalia.

Yet I cannot end this essay on such a note. For it seems to me that the ecological enthusiasts may be right when they speak of the deteriorating environment as providing the *possibility* for a new political rallying ground. If a new New Deal, capable of engaging both the efforts and the beliefs of this nation, is the last great hope to which we cling in the face of what seems otherwise to be an inevitable gradual worsening and coarsening of our style of life, it is possible that a determined effort to arrest the ecological decay might prove to be its underlying theme. Such an issue, immediate in the experience of all, carries an appeal that might allow vast improvements to be worked in the American environment, both urban and industrial. I cannot estimate the likelihood of such a political awakening, dependent as these matters are on the dice of personality and the outcome of events at home and abroad. But however slim the possibility of bringing such a change, it does at least make the ecological crisis, unquestionably the gravest long-run threat of our times, potentially the source of its greatest short-term promise.

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[1] Let me add a warning that it is not only capitalists who must make an unprecedented ideological adjustment. Socialists must also come to terms with the abandonment of the goal of industrial superabundance on which their vision of a transformed society rests. The stationary equilibrium imposed by the constraints of ecology requires at the very least a reformulation of the kind of economic society toward which * * *.

A NATIONAL SYSTEM OF FIREARMS REGISTRATION

Mr. SCOTT. Mr. President, two major firearms registration bills are at present pending before the Subcommittee on Juvenile Delinquency. S. 977 would establish a national system of firearms registration under the Treasury Department with stringent minimum Federal licensing requirements. S. 2433 would require every sportsman and gunowner to procure a certificate from the Secretary of the Treasury.

I am firmly opposed to the enactment of these measures. Evidence presented to this subcommittee has amply stressed the cost and impracticability of any nationwide system of registration or certification. Proponents of registration have presented no evidence that national registration would reduce the level of violent crimes. In effect, national registration would burden sportsmen without benefitting our law enforcement efforts. I have urged in the past—and will continue to do so—that the subcommittee and Congress reject these national firearms registration schemes.

Mr. Alan S. Krug, director of research of the National Shooting Sports Foundation, Inc., has prepared an excellent study entitled "Firearms Registration Costs Versus Benefits." Mr. Krug discussed his survey of State law enforcement agencies' experience with firearms registration legislation available to them. This study shows that the burden that firearms registration would place on sportsmen and its excessive cost would not be matched by benefits to law enforcement. I ask unanimous consent that this study be printed in the RECORD and I highly commend it to my colleagues.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

FIREARMS REGISTRATION COSTS VERSUS BENEFITS—A SURVEY OF STATE LAW ENFORCEMENT AGENCIES ON FIREARMS REGISTRATION

(By Alan S. Krug)

INTRODUCTION

Firearms registration

This survey is concerned with measuring some of the benefits attributed to firearms registration programs.

Firearms registration in its simplest form may be defined as the recording of firearm serial numbers for the purpose of providing a means of tracing a firearm to the owner. But in practice, firearms registration hardly ever takes this pure form. Usually, it is combined with some type of firearm-owner licensing system (30) or is couched in terms which enable the police to deny registration, and in effect ownership, to certain persons. For example, the Sullivan law is used in New York City as a means of denying legal handgun ownership to virtually all of the citizenry (5, 24). While the general public nearly always thinks of registration as the theoretically simple procedure of recording firearm serial numbers, gun owners invariably view it in this more restrictive sense.

National firearms registration continues to be offered by some as a partial solution for the nation's crime problems. After registration bills in Congress were defeated in 1967–68, nearly identical bills were introduced in the Ninety-First Congress. Similar proposals were introduced at state and local levels. The subject continues to be surrounded by controversy.

Those advocating firearms registration claim it would provide these benefits:

1. It would enable law enforcement agencies to solve crimes by determining the ownership of firearms through a tracing of firearm serial numbers.
2. It would enable police to arrest persons carrying unregistered firearms.
3. It would make it more difficult for undesirables to obtain weapons.
4. It would reduce the number of firearms owned by individuals and this would result in fewer crimes being committed.
5. It would help prevent suicide.
6. It would help prevent firearm accidents.
7. It would substantially increase the rate of return of stolen firearms to the rightful owners.

Those opposed to firearms registration maintain that these benefits do not in fact accrue from a firearms registration program They say that:

1. Criminals do not register their firearms.
2. Many firearms used by criminals are stolen and tracing them by serial number would only lead to an innocent person, perhaps causing that person to be falsely accused.
3. If a criminal were to be apprehended while committing a crime, possession of an unregistered firearm would only constitute a minor, additional charge which could be placed against him. Where there is no evidence of a crime being committed, police do not have authority to search persons or homes for unregistered firearms without a search warrant.
4. Virtually all of the states already have laws which either require a permit for the carrying of concealable firearms or prohibit it altogether.
5. The presence or absence of registration is not a determining factor in either suicides or accidents.
6. It should be up to the individual to keep a record of the serial numbers of his own firearms in case of theft. There is no need for the government to assume this function for the firearms owner.
7. The high costs of instituting and maintaining a firearms registration program would

not be justified in terms of the extremely limited benefits which it could be expected to provide.

8. Registration would be used as a subterfuge to eventually deny firearms ownership to legitimate citizens as is now the case with handguns in New York City.[1]

Costs versus benefits

The answer to whether or not legislation providing for a national registration program should be enacted should not depend upon the philosophical, ethical or emotional issues of whether firearms ownership is moral or immoral or whether guns are good or bad. Rather, it should depend upon a factual examination of the above arguments. The crux of the matter would seem to be whether or not the benefits of a registration program, whatever they may be, are worth the costs of administering. A corrollary to this is whether or not monies proposed to be devoted to the administration of a registration program could not be spent in another area of crime prevention with better results. This would have to be determined by a cost-benefit analysis. So far, proponents of firearms registration have not made any thorough examination of cost factors.

Although few people realize it, there is already a considerable amount of de facto firearms registration at the federal, state and local levels of government. At cost-benefit analysis could logically begin with an examination of these existing programs.

Little is known about the dollar costs of these programs, except that they are substantial. But without the availability of more precise cost figures, it is impossible to measure the value of these programs in terms of a cost-benefit ratio.

Some data are available relative to the probable costs of a national firearms registration program. According to H. Richard Cossaboon, President of Management Concepts, Inc., national compulsory gun registration would require "one of the most gigantic computer operations ever undertaken (9)."[2] Cossaboon studied the problem simply as an "academic exercise," since the question of gun registration had often been in the news. Disclaiming any personal interest in firearms registration, he studied it because no one had explained how the government would go about the task if a complete registration bill was enacted by the Congress.

Cossaboon stated that the problem "would require the solving of at least five completely unique systems problems: data collection, data conversion, data storage and retrieval, data dissemination, and data communications, as well as providing a real challenge in overall data systems management." Registration of each gun would require more than 130 characters. He estimated that "it would take at least two years to complete the project and would involve a staff of several hundred people." It would require "a team of qualified experts at least six months just to devise a workable system."

About 5 million new firearms were sold in 1969 in the United States. Several millions pre-owned firearms also changed hands. Each time a gun was bought, sold, traded, or an owner moved, the information would have to be changed and updated.

Other cost estimates have appeared from time to time. In testimony before the senate subcommittee to investigate juvenile delinquency in 1968, Internal Revenue Service director Sheldon Cohen stated that the costs of establishing a centralized computer system capable of registering 75 million firearms would amount to more than $25 million, with an annual continuing cost of more than $22 million (8).

These IRS cost figures were not based upon any detailed cost analysis, but were estimates presented in support of the Johnson administration's proposed firearms legislation. They should be considered conservative. Furthermore, they relate only to the central registration of firearms, and do not include any costs associated with the collection of registration data or the prosecution of violations. They also do not include any costs connected with the licensing of firearm owners which might be included in any firearms registration program enacted by the Congress. If licensing is included, initial costs could elevate to $1 billion or more.[3] According to a study done by Research Associates Inc.[4] for the National Commission on the Causes and Prevention of Violence, "Most registration proposals are either combined with a licensing proposal or vary from the pure form (of registration —ed.) by also requiring an investigation (30)."

None of these cost estimates take into consideration any of the indirect costs to gun owners and the general public which would derive from a national firearms registration program.

Indirect monetary costs to gun owners resulting from firearms registration or licensing programs are indirect only in the sense that they are not part of the direct cost of these programs borne by the government (30). Examples of such possible costs are licensing fees, notary fees, costs of photographs, costs of finger-printing, costs of any required safety tests or training courses, transportation expenses, lost time at work, and court costs resulting from gun owners' appeals of decisions made by government officials administering the programs.

Indirect monetary costs to the general public are those resulting from firearms registration programs that the public would have to pay, probably through taxes, but are not directly incurred in the implementation and administration of the program itself. In "A Preliminary Cost Analysis of Firearms Control Programs," Research Associates list as examples the reduction in conservation funds that could result from firearms registration programs, reduction in excise taxes accruing to general revenue, increases in the costs of military marksmanship training, and an increase in the cost of small arms and ammunition production for national defense (30).

There would also be indirect non-monetary costs resulting from a national firearms registration program. Both the gun owner and the general public would be affected. Research Associates put gross inconvenience to or harassment of lawful owners of firearms in this category (30).[5]

A rational approach to public policy decisions demands costs analysis and the establishment of cost-benefit ratios for all proposed programs. Legislators must appraise priorities and determine which of the various proposed anti-crime programs are most effective in obtaining desired objectives. If legislators are to do this, and make effective decisions on resource allocation, they must have information on program analysis and evaluation.

Cost-benefit analysis provides for the quantitative evaluation of the economic and social benefits and the economic and social costs of program alternatives, both present and future. Any decision maker, whether he is a legislator, businessman or head of a family, must be guided by the probable gains and costs of his decisions if he is to be successful in achieving his objectives. To ignore the careful consideration of gains and losses is equivalent to saying that he has no true objectives at all—no goal which he is attempting to achieve.

About 5 billion dollars a year is now being spent in the United States on law enforcement and correctional activities. If additional funds were to be made available in this area, for what would they be spent? Would they be used to increase the salaries of law enforcement personnel? To increase the number of law enforcement personnel? To improve relationships between law enforcement and the public? To upgrade law enforcement equipment and facilities? To provide additional training for law enforcement personnel? To increase the efficiency of the courts? To upgrade penal institutions? To increase efforts being made to rehabilitate persons convicted of crimes? Or to establish firearms registration programs?

The evaluation of alternatives via cost-benefit analysis is likely to aid in the determination of just what are the real objectives. Concommitantly, the risk that decisions will be made on primarily a political or emotional basis is considerably reduced.

A national firearms registration program would affect more than 40 million Americans. It would require the commitment of a significant portion of those federal funds which might be made available for law enforcement and correctional activities in any given fiscal year. On this basis alone, a good case could be made for subjecting any proposed registration program to a thorough-going cost-benefit analysis.

Federal programs

There are currently three firearms registration programs at the federal level.

A national registration list of stolen and missing firearms is maintained by the Federal Bureau of Investigation. Data on stolen and missing guns are furnished to the FBI's National Crime Information Center on a voluntary basis by state and local law enforcement agencies. As of March 1, 1969, data on 186,667 firearms were stored in the Center's computers. This program has added to the capabilities of law enforcement agencies.[6] While cost figures for the system are not available (11), this stolen/missing firearms registration program has received the backing of law enforcement personnel and sportsmen. Since many state and local law enforcement agencies have kept records on stolen guns in the past, the NCIC affords individual agencies access to data acquired by other agencies and eliminates the need for each agency to maintain separate records.

Machine guns, sawed-off rifles, sawed-off shotguns, firearm silencers and other gangster-type weapons, mortars, bazookas, anti-tank guns, and other so-called "destructive devices" are required to be registered under a program administered by the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service, U.S. Department of the Treasury. This compulsory registration program was first established by the National Firearms Act of 1934 and later expanded under the Gun Control Act of 1968. There are now some 125,000 firearms and other weapons registered under this program, which has always been supported by law enforcement, the firearms industry and sportsmen alike. This registration program covers only gangster-type weapons and destructive devices. It does not affect sporting rifles and shotguns or handguns used by hunters and target shooters.

It is not generally known that there has existed, for many years, a compulsory system of registration of firearms which go through firearm dealers. All firearm dealers are licensed by the federal government. Since 1938, they have had to keep complete records of all firearm transactions as required by the Secretary of the Treasury under the provisions of the Federal Firearms Act of 1938 (U.S. Code, Title 15, Chapter 18) and the Gun Control Act of 1968 (Public Law 90–618, which superseded the Federal Firearms Act on December 16, 1968). These records must include the make, model, type, caliber or gauge, and serial number of each and every firearm (rifle, shotgun or pistol, new or used)

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bought or sold, the date such firearm was bought or sold, and the name and the address of the person or business from whom the firearm was purchased, or to whom the firearm was sold, as the case may be. Gunsmiths must maintain similar records on all firearms which they take in for repair or alteration. These records must be maintained by the dealer or gunsmith permanently and made available to law enforcement officers upon request.

In addition to those records, each sale of a firearm by a licensed dealer requires the completion of a "Form 4473," listing the purchaser's name, address, height, weight, race, date of birth, place of birth and signature. The dealer must record on this form the method by which he identified the purchaser, e.g. driver's license number, selective service registration number, etc.

Dealers are also required to keep records on .22 caliber rimfire ammunition, handgun ammunition, and components used for reloading handgun ammunition. These records include the date of the sale, the manufacturer of the ammunition or component, the caliber, gauge or type of ammunition or component, the quantity purchased, the purchaser's name, address, date of birth and the method by which the purchaser was identified.

Records must be kept by firearm manufacturers and wholesalers as well as by dealers and gunsmiths. Thus, it has been possible for some time to trace a firearm by its serial number from the manufacturer down through the normal channels of trade to the consumer who purchased it.

While these firearm transaction records are kept on the premises of firearm dealers, any information they contain must be made available upon request to the Assistant Regional Commissioner of the Internal Revenue Service, U.S. Department of the Treasury. The Treasury Department cooperates with local law enforcement agencies by making this information available to them as needed.

The records required to be kept by federal law constitute, in effect, a limited compulsory national firearms registration system. At present, the data contained in these records are maintained at the manufacturer, wholesaler and dealer level.[7]

The rigid record keeping by the U. S. Armed Forces on firearms issued to military personnel constitutes another limited firearms registration which is national in scope. While these records remain in the hands of the military authorities, they are made available to law enforcement personnel whenever necessary to assist them in criminal investigations.

This maintenance of records by the armed forces is somewhat analogous to the maintenance of records by an individual firearm owner. Although these records are maintained primarily for purposes of accounting and inventory, they also serve as a safeguard in case of theft. Theft of firearms from military installations has been substantial in the past. Basic data from the U.S. Department of Defense show that during the period 1954 through 1964, an estimated 16,000 firearms were stolen from U.S. Military active and reserve installations (31).

While not a federal program, still another type of registration which is more or less national in scope is that involving firearms issued to or owned by law enforcement personnel. Many police departments, sheriff's offices, etc. keep records on the firearms held by their employees. Even though only a portion of all law enforcement agencies maintain such records, the number of firearms so registered is considerable. According to the U.S. Department of Justice, there were 468,000 full time and part time individuals employed by government for police protection as of July 1963 (33). While not all of these employees have firearms, many have more than one. In addition, many firearms of a specialized nature, e.g. riot guns, are kept by law enforcement agencies and issued to their personnel as needed.

Hayes versus United States

In 1968, the United States Supreme Court ruled that a person possessing a firearm illegally could not be prosecuted for failing to register that firearm under the registration provision of the National Firearms Act of 1934.[8] In Haynes v. United States,[9] the court said that such a person, in registering, would be subject to possible self-incrimination. The court determined that the Fifth Amendment protects an individual from having to run such a risk. Thus the court cast a shadow over all firearms registration laws at the federal, state and local levels of government.

When the Gun Control Act of 1968 was enacted,[10] the provision requiring the registration of gangster-type weapons and destructive devices was constructed so as to be compatible with the Haynes decision. Section 5848 of the Act, entitled "Restrictive Use of Information," states that:

"No information or evidence obtained from an application, registration, or records required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued thereunder, shall, . . . be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application or registration, or the compiling of the records containing the information or evidence."

Chicago enacted a firearms registration ordinance the day after the Haynes decision.[11] In order to avoid conflict with the Court's ruling, the Chicago City Council amended the new law to provide that any person who is not legally entitled to possess a firearm is not eligible to register it. Chapter 11.1–15 of the law reads:

"Any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this State or any other jurisdiction within 5 years from release from penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last 5 years, or is mentally retarded, and any person who possesses any firearm, the possession of which is prohibited by any State or Federal law relating to weapons or firearms, shall be ineligible to register pursuant to this Chapter. Any purported registration by any of the above-described persons shall be null and void."

This decision of the Supreme Court would seem to have a direct bearing on the anticipated results of any new firearms registration law that was intended to provide a means of solving crimes through the tracing of firearms by serial numbers. Either (1) criminals will not have to register any firearms they possess or (2) it will not be possible to use any information obtained through registration against them in the prosecution of any crime which occurred prior to or concurrent with the acquisition and compiling of the registration data.[12]

The full meaning of the Court's decision in Hayes v. United States will become evident only after further litigation. But it is something that legislators will have to cope with in any new registration proposals.

State programs

None of the fifty states have total registration of all firearms. Prior to 1958, Hawaii had such a program, but in that year the portion of the law requiring the registration of rifles and shotguns was repealed. Hawaii still requires the registration of all handguns, as does New York, Mississippi and Michigan. Michigan leads in the number of guns registered with more than 1,200,000. Mississippi and West Virginia have limited registration of certain long arms.

Firearms registration in New York was the subject of a previous study, "Does Firearms Registration Work?" In this statistical analysis of New York crime data, firearms registration was evaluated in terms of its effectiveness in reducing crime rates, solving crimes, causing the recovery of stolen firearms, and its effect on the legitimate ownership of handguns for use in the shooting sports and for personal protection.

A considerable number of states have some handgun registration data which have become available through programs providing for the processing of applications to purchase firearms or the issuance of either permits to purchase firearms or permits to carry firearms. Connecticut, for example, has on file data covering some 150,000 firearms.

Eleven states have voluntary firearms registration programs where an individual can register his firearms with the state law enforcement agency rather than maintain his own records. However, citizen participation in these voluntary registration programs has been extremely limited.

Local programs

Local firearms registration programs are extant in a number of cities. These are described in "Published Ordinances Firearms," which contains state laws and local ordinances relevant to federal firearms laws. This publication is furnished annually to all federally licensed firearm dealers by the Internal Revenue Service.

Three major cities which require the registration of all firearms are Chicago, New York and Miami.

Synopsis

It is apparent that a significant quantity of registration data have been compiled at national, state and local levels. These data are not centralized. They are by no means complete. Nevertheless, considerable opportunity is provided for law enforcement agencies to attempt to trace firearms misused in criminal acts. If the tracing of a firearm by serial number is an effective means of solving crimes, a survey of state law enforcement agencies on their experiences with firearms registration data should provide some evidence of this effectiveness.

Table 1 summarizes the various sources of firearms registration data now extant in the United States.

THE SURVEY

This survey was meant to contribute to the existing sphere of knowledge regarding costs and benefits associated with firearm registration programs. It does this by gauging the experience of state law enforcement agencies with the registration tools now available to them. It was not intended that this survey serve as a means of evaluating firearms registration programs which might come into existence at some future time.

METHODOLOGY

To elicit information on how state law enforcement agencies have been able to utilize the tools of registration which have been available to them, a questionnaire was developed and sent to all fifty states. This questionnaire included an explanation of the survey and requested each agency to report on any cases of criminal homicide, aggravated assault or robbery which it knew to have been solved through the tracing of

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a firearm by serial number during the ten-year period 1959–1968. A remarks section was provided so that each agency could report any additional data which it deemed pertinent to the purposes of the survey. For example, an agency might wish to voice a personal opinion, based upon past experience, as to the effectiveness of firearms registration.

TABLE 1.—FIREARMS REGISTRATION IN THE UNITED STATES, BY STATE: 1968

State	Registration of all guns purchased from firearm dealers [1]	Registration of all firearms held within the State by the military [2]	Registration of all handguns	Registration of handguns for which permits are issued [3]	Registration of certain long guns [4]	Voluntary registration
Alabama	X	X		X		
Alaska	X	X				
Arizona	X	X				
Arkansas	X	X				
California	X	X		X		
Colorado	X	X				
Connecticut	X	X		X		X
Delaware	X	X		X		X
Florida	X	X		X		
Georgia	X	X		X		
Hawaii	X	X	X	X		
Idaho	X	X				
Illinois	X	X		X		
Indiana	X	X		X		
Iowa	X	X		X		X
Kansas	X	X				
Kentucky	X	X				
Louisiana	X	X				X
Maine	X	X		X		
Maryland	X	X		X		X
Massachusetts	X	X		X		
Michigan	X	X	X			X
Minnesota	X	X				
Mississippi	X	X	X		X	X
Missouri	X	X				
Montana	X	X				
Nebraska	X	X				
Nevada	X	X				
New Hampshire	X	X		X		
New Jersey	X	X		X		X
New Mexico	X	X				X
New York	X	X	X			
North Carolina	X	X		X		
North Dakota	X	X		X		
Ohio	X	X				
Oklahoma	X	X				
Oregon	X	X		X		
Pennsylvania	X	X		X		
Rhode Island	X	X		X		
South Carolina	X	X				
South Dakota	X	X		X		
Tennessee	X	X		X		
Texas	X	X				
Utah	X	X				
Vermont	X	X				
Virginia	X	X		X		
Washington	X	X		X		
West Virginia	X	X		X	X	X
Wisconsin	X	X				
Wyoming	X	X		X		X

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[1] Since 1938, all firearm dealers, regardless of their State of residence, have been required to keep complete records of all firearm transactions as required by the Secretary of the Treasury under the provisions of the Federal Firearms Act of 1938 (U.S. Code, title 15, ch. 18) and the Gun Control Act of 1968 (Public Law 90-618, which superseded the Federal Firearms Act on Dec. 16, 1968). These records include the make, model, type, caliber or gage, and serial number of each and every firearm (rifle, shotgun or pistol, new or used) received or sold, the date such firearm was received or sold, the name and address of the person or business from whom the firearm was received, or to whom the firearm was sold, as the case may be. These records must be maintained by the dealer permanently and made available to law enforcement officers upon request. The information contained in these records must be made available upon request to the assistant regional commissioner of the Internal Revenue Service, U.S. Department of the Treasury. The Secretary of the Treasury may make such information available upon request to any State or political subdivision thereof.

[2] These records are held by the military authorities.

[3] Applications to purchase, permits to purchase, or permits to carry. This registration is therefore limited and varies among the States cited.

[4] High powered rifles.

The questionnaire was mailed in September of 1968. After a two-month interval, a follow-up letter was directed to those states which had not yet replied. A final plea for completion of the questionnaire was directed to those still delinquent in March of 1969. The three mailings resulted in replies from all but three of the fifty states. States which did not reply were Alabama, Massachusetts and Rhode Island.

Where cases were reported as solved through the tracing of a firearm by serial number, additional correspondence was undertaken in an attempt to obtain detailed information as to the role played by registration.

RESULTS

Serious crimes

Forty-four states reported on the number of murders, aggravated assaults and robberies which they knew to have been solved through the tracing of a firearm by serial number during the period 1959–1968. Three states did not reply to the survey, one failed to complete the questionnaire and one declined to participate.

Table 2 contains data on the number of criminal homicides, aggravated assaults and robberies which the various state law enforcement agencies reported as having been solved. The forty-four states completing the questionnaire reported six homicides and six robberies. No aggravated assaults were listed as having been solved through the tracing of a firearm by serial number.

In only two instances was it possible to obtain case details. Hawaii submitted the following data in regard to the two cases of criminal homicide which is reported (12).

"In the cases cited, two police officers were shot and killed on December 16, 1963, in Honolulu. Investigation revealed that the suspects had burglarized the National Guard Armory and had stolen a number of guns. The suspects had later disassembled three carbines and four pistols and discarded the component parts in a stream.

"Many of the parts were later recovered by a search team. Serial numbers of fragmented parts of several guns indicated that the guns had been stolen from the Armory and that the suspects had been involved.

"These pieces of evidence were later used in the trial of the perpetrators. Although the identifying markings on the parts were not instrumental in the arrest of the suspects, they played an important role in the successful culmination of the case."

New Jersey reported case details on the solution of a homicide (17):

"One murder investigation in particular was successfully concluded by tracing the serial number of a weapon found near the scene of a crime where the victim was discovered in his automobile, dead from a bullet wound in the head. A dissassembled pistol frame was found approximately a month later near the scene. The serial number was traced to an importer in the Washington, D.C. area and led to a dealer in the State of Maryland. The records of the dealer indicated the firearm was sold to a person who used a fictitious name and address. A suspect was apprehended. The dealer who sold the weapon identified the suspect as being the one who purchased the weapon. The suspect had previously used the same fictitious name and when confronted with the information on the purchase, readily admitted the crime."

Virginia recalled a 1959 kidnap-murder where a tracing of a firearm by serial number, while not the mode of solution, was material to the prosecution of the case (20).

Michigan stated: "There is no question that some cases are solved through the identification of a firearm left at the scene of a crime, or perhaps lost in the vicinity. However, I could not provide you with a percentage figure that would be of value (10)."

Oregon reported ". . . a number of cases involving serious crimes wherein tracing of a firearm by serial number resulted in identification of the criminal responsible for the offense," but apparently did not feel that the cases were significant enough to warrant manual checking of the files to determine numbers and details (15).

Although a vigorous effort was made to obtain complete information on the other cases reported as solved, details were apparently unavailable.

The vast majority of states reported no instances where cases of murder, aggravated assault or robbery had been solved by the tracing of a firearm by serial number. Some were specific in their comments: Alaska (7)

"Unscientifically, of course, none of our involved personnel can recall any case that was solved through the tracing of a firearm. This recall is limited to our span of experience, which varies from the present back for about 25 years."

Georgia (27) "This Department has no record of any criminal cases that were solved by means of tracing a firearm by the serial number."

Idaho (6) "This office has no records whereby the identity of the criminal was made by the tracing of a firearm."

Iowa (3) "We were unable to recall any instances within the past ten years where cases have been solved by means of tracing a firearm by serial number relative to the categories you have stated."

Kansas (29) "We have no records of a major crime being solved by tracing of a firearm serial number."

Maryland (22) "Unfortunately, we do not have such statistical data available; but in our opinion, the number for the last ten years would be negligible, insofar as the Maryland State Police is concerned."

Minnesota (13) "To my knowledge, no criminal cases have been solved by means of tracing a firearm by serial number in murder and non-negligent manslaughter, aggravated assault or robbery cases in Minnesota."

TABLE 2.—MAJOR CRIMES REPORTED BY STATE LAW ENFORCEMENT AGENCIES AS BEING SOLVED THROUGH THE TRACING OF A FIREARM BY SERIAL NUMBER, 1958-67.

State	Number of cases reported solved		
	Murder and nonnegligent manslaughter	Aggravated assault	Robbery
Alabama [1]	0	0	0
Alaska	0	0	0
Arizona	0	0	0
Arkansas [2]	0	0	0
California	0	0	0
Colorado	0	0	0
Connecticut	0	0	0
Delaware	0	0	0
Florida	0	0	0
Georgia	0	0	0
Hawaii	2	0	0
Idaho	0	0	0
Illinois	0	0	0
Indiana	0	0	0
Iowa	0	0	0
Kansas	0	0	0
Kentucky	0	0	0
Louisiana	0	0	0
Maine	1	0	0
Maryland	0	0	0
Massachusetts [1]	0	0	0
Michigan	0	0	0
Minnesota	0	0	0
Mississippi	0	0	0
Missouri	0	0	0
Montana	0	0	0
Nebraska	0	0	0
Nevada	0	0	0
New Hampshire	0	0	0
New Jersey	1	0	0
New Mexico	0	0	0
New York	0	0	0
North Carolina	0	0	0
North Dakota	0	0	0
Ohio	0	0	0
Oklahoma	0	0	0
Oregon	(4)	(4)	(4)
Pennsylvania	0	0	0
Rhode Island [1]	0	0	0
South Carolina	0	0	0
South Dakota	0	0	0
Tennessee [3]	0	0	0
Texas	2	0	2
Utah	0	0	0
Vermont	0	0	0
Virginia	0	0	0
Washington	0	0	0
West Virginia	0	0	0
Wisconsin	0	0	0
Wyoming	0	0	0

[1] Did not respond to the survey.

[2] Responded but declined to take part in the survey.

[3] Tennessee replied to the survey but was unable to complete the questionnaire because it would require "a large number of man hours reviewing thousands of cases . . . (14)."

[4] The Oregon Department of State Police reported "We have had a number of cases involving serious crimes wherein tracing of a firearm by serial number resulted in identification of the criminal responsible for the offense. Statistical breakdown is such that in order to arrive at specific numbers manual checking of the files would be required. We do not feel that this end justifies the effort (15)."

Missouri (2) "During the past ten years, no cases have been solved through the tracing of firearms ownership. Normally tracing of ownership proves unsuccessful for one reason or another, but does occasionally corroborate or add to known information."

New Mexico (1) "We recall no cases solved by tracing a firearm by serial number."

North Carolina (21) ". . . no one connected with the State Bureau of Investigation at this time can recall any case ever having been solved through the tracing of a serial number of the firearm used in the commission of a crime."

Wyoming (26) "This bureau was established in 1963, and to our knowledge no criminal cases have been solved by tracing the serial number of a firearm."

Stolen guns

Several states had been able to utilize firearm serial number records in cases involving stolen firearms. This utilization involved either (1) the return of stolen firearms to their owners or (2) the arrest of persons carrying stolen firearms.[13]

Iowa, Mississippi, New Jersey and South Dakota thought this aspect of registration important enough to offer specific comments on it:

Iowa (3) "We have had some instances where thefts of weapons have been solved by serial number."

Mississippi (16) "The most success this department has had with serial numbers on weapons has been when a suspect is picked up with firearms on his person. The gun is traced through the manufacturer all the way down the line to the purchaser and in many instances, these guns would be stolen from residences or places of business."

New Jersey (17) "The National Crime Information Center at the State Bureau of Identification makes daily 'hits' on positive information regarding stolen firearms and possession of weapons by wanted subjects."

South Dakota (34) "First, the murders, aggravated assaults, and robberies constitute a very small portion of police business related to firearms. True they get the greater share of publicity, but we and other officers spend much more time on the theft of firearms and the malicious use of them in the destruction of both public and private property."

"The recovery of stolen firearms is a gain to law enforcement as well as to the owner. The owner gets his gun back and we have the opportunity of removing the gun from the hands of a person who may commit one of the crimes you mention. Plus, it can be a great assist in the prosecution of persons who steal and peddle guns in competition to the legitimate dealer.

"Rare is the case when a murdrer or a robber merely drops his gun at the scene of the crime. Usually, when it is recovered, it is in his possession or under his control, and it always seems to be a gun that he just bought from 'some guy I met in a bar, day before yesterday.' Then starts many hours of attempting to prove or disprove, the person's statement. This usually starts with the firm who manufactured the gun, if said gun has a serial number and is not an import nor a military weapon. Registration would, in my opinion, shorten the route of search. In some cases it has resulted in our being able to trace a theft from an individual and then to the subject."

In New York state, 751,062 handguns were registered with the state police in 1967. The number of firearms reported lost, stolen or illegally possessed was 18,965. The number reported as recovered was 155.

In 1968, 866,623 handguns were registered. The number reported lost, stolen or illegally possessed was 18,672; the number recovered was 384 (4).

However, the numbers of guns actually recovered may exceed the number of guns reported as being recovered. This is because the New York stolen gun file includes some firearms stolen in other states as well as New York. When firearms stolen in other states are recovered in those states, it may or may not be reported to the New York State Police.

No data are available on the dollar value of these handguns which were recovered through the operation of the New York registration program. With the exception of the FBI's National Crime Information Center, the New York state stolen gun file is the largest maintained by any police agency in the United States.

Texas reported on the stolen gun aspect from a different angle. Their comment that ". . . upon some occasions we have exonerated some owners who had legitimately sold pistols and had advised us to change ownership in our files (27)" points out another possible benefit of firearms registration. But it also seems to substantiate the existence of an inherent danger—that when a registered gun is lost or stolen and used in a crime, the owner may unjustly be accused. This danger might be expected to increase with the length of time between the loss or theft and its discovery by the owner. It is possible for a firearm to be stolen and the owner not realize it for quite some time.[14]

Other crimes

Other comments received indicate that firearms registration may occasionally be of assistance in the solution or prosecution of crimes other than murder, aggravated assault and robbery.

Three states mentioned this aspect of registration as being important:

Kansas (29) "We have used pawn shop sales records to verify that a person bought a gun previous to committing a crime."

New Jersey (17) "There have been numerous cases in the State of New Jersey that have been solved as a direct result of tracing a firearm. . . .

Presently, daily inquiries as to the ownership of firearms are made to the Firearms Investigation Unit by various police departments. Many times information previously unknown to the inquiring agency is developed through the files and assists them in their investigations."

South Dakota (34) ". . . the numerous occasions when other crimes are solved directly or indirectly through the tracing of firearms."

The survey questionnaires and follow-up correspondence did not elicit any detailed information on these other crimes or the role played by firearms registration. Presumably they consist of such offenses as burglary, auto theft, illegal possession of weapons, possession of stolen property, etc.

CONCLUSIONS

This survey was intended to appraise the results of state law enforcement agencies' experience with the firearms registration tools which have been available to them. Specifically, the survey sought to determine the number of criminal homicide, robbery and aggravated assault cases which, to the knowledge of state law enforcement agencies, have been solved in the past ten years through the tracing of a firearm by serial number. This survey was not intended to evaluate proposed legislation which would establish national or state firearms registration. It was intended to provide additional information which can be applied to a more thorough study of the costs and benefits likely to be associated with an extensive firearms registration program.

It was established that during the ten-year period 1959–1968, the tracing of a firearm by serial number contributed to the solution of at least six homicides and six robberies in 44 states. There were some additional cases reported but these could not be quantified. Firearms registration data were also reported to have been of use in the solution or prosecution of a number of lesser crimes.

This survey was limited to state law enforcement agencies in the fifty states. In all probability, if local law enforcement agencies had also been surveyed, some additional cases would have been reported. This would especially hold true in those states where the state law enforcement agency was not primarily concerned with criminal cases. However, the results of the author's study on registration in New York indicate that, here again, the numbers would not be large.[15]

Firearms registration data were also reported to be of some use in effecting the return of stolen firearms to their rightful owners.

Little is known about the dollar costs of the various firearms registration programs now extant. These costs are substantial. But without the availability of more precise cost figures, it is impossible to measure the value of these programs in terms of a cost-benefit ratio.

A national firearms registration program would affect more than 40 million American citizens. It would require the commitment of a significant portion of the nation's annual law enforcement budget. The results of this

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Footnotes at end of article.

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survey provide additional evidence that, before the establishment of a registration program is seriously considered at either the federal or state level, a cost-benefit analysis is an absolute necessity.

(Bibliography omitted.)

FOOTNOTES

[1] See the numerous statements to this effect made by the New York City Police Department (24).

[2] Management Concepts, Inc. is a management information consulting firm with offices at Bala-Cynwyd, Pennsylvania.

[3] The highest cost of firearms licensing which has yet been documented is in New York City, where the average cost of processing an application for a pistol permit in 1968 was $72.87 (30). Thus, a theoretical initial cost of licensing and registering the guns of 40 million firearm owners could be placed at $2,914,800,000.

In 1967, New York City enacted a law providing for the licensing of rifle and shotgun owners and the registration of their firearms. The city administration reported that the ultimate cost of this program could be as high as $25 per gun (23). Using this figure to project the cost of a nationwide program registering 125 million firearms results in an estimate of $3,125,000,000. This cost figure is roughly comparable to the one noted above.

All of these cost figures are in terms of 1968 dollars. They do not include either the cost of enforcing the laws or the indirect costs associated with them. In a cost-benefits analysis, these would be taken into consideration.

Estimates of the number of firearm owners in the United States range from 40–50 million individuals. Estimates of the number of privately owned firearms vary from 100–200 million, depending upon the source. The writer estimates that there are currently "about 125 million" privately owned cartridge firearms in the United States.

[4] Research Associates Incorporated (D.C.) is an independent research organization with headquarters in Silver Spring, Maryland.

[5] In "A Preliminary Cost Analysis of Firearms Control Programs," Research Associates cite as an example of indirect non-monetary costs resulting from a firearms law, the inconvenience and harassment of gun owners in New Haven, Connecticut, where applicants for pistol permits are required to fill out a 21-page form stating detailed information about themselves (30). New Haven continues to require the completion of this form despite an opinion from the Attorney General that such forms are not allowed under existing Connecticut law. The applicant must provide information about his citizenship, medical history, military service, education background, employment record and residential history. He must also provide details on when and where he intends to use his firearms, including the type of firearm, frequency of use, days of the week, and hours of the day.

[6] Consider the case where a suspect in possession of a firearm is picked up by the police in connection with a criminal investigation. The police may be able to ascertain, through the facilities of NCIC's stolen/missing gun list, whether the suspect's firearm has been stolen. If the gun is stolen, further investigation may lead to the solution of some crime other than that for which the suspect was originally arrested.

[7] Section 923, paragraph (g) of the Gun Control Act of 1968 states that importers, manufacturers and dealers "shall make such records available for inspection at all reasonable times, and shall submit to the Secretary (of the Treasury —ed.) such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe," and that "Upon the request of any State or any political subdivision thereof, the Secretary may make available to such State or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition."

[8] U.S. Code, Title 26, Chapter 53.

[9] Haynes v. United States, 390 U.S. 85 (1968).

[10] U.S. Public Law 90–618.

[11] Chapter 11.1 of the Municipal Code of the City of Chicago.

[12] In the case of crimes which occur subsequent to registration, it is a prime contention of those opposed to registration that the criminal does not register his firearm prior to committing a crime with it. An editorial in Gun Week, a weekly newspaper in the shooting sports field, concluded a discussion of Haynes v. United States by stating "The Supreme Court has simply pointed out the obvious—that only law-abiding citizens obey gun registration and licensing laws. The major effect of the decision is that now the law cannot ask a criminal to do what he has never done anyway!" (18).

[13] In most cases this charge was a supplementary one, the primary charge being either for a more serious crime or carrying a concealed firearm without a permit.

[14] Guns may be stored in the home, often under lock and key, and not be used for long periods of time. If a gun is stolen, perhaps when the owner is away, he may not become aware of the theft until such time as he prepares for his next hunting trip or target shooting match.

[15] An examination of New York City Police Department annual reports for the years 1911–1968 failed to disclose a single case of criminal homicide, assault or robbery that had been solved through the tracing of a firearm by serial number. In addition, an extensive search of New York City newspapers for the fifteen-year period 1953–1968 failed to reveal any instance where the tracing of a firearm by serial number had been material to the prosecution of any criminal case.

THE VIEWS OF YOUTH AT HILLCREST HIGH SCHOOL IN SIMPSONVILLE, S.C.

Mr. THURMOND. Mr. President, if one were to read only the Washington Post, one would get the idea that the youth of the Nation as a whole were bitterly opposed to President Nixon's courageous action in Cambodia.

Those of us who keep in close touch with our constituents know that this picture is false.

Today I received striking confirmation of the support of loyal citizens for the President in the form of a series of petitions organized and signed by the students at Hillcrest High School in Simpsonville, S.C. The students have asked me to transmit these petitions to the President and I am very pleased to be able to do that today.

The petitions were sent to me by two Hillcrest students, Jimmy Minkler and Rick Morris, and their thoughts are particularly noteworthy. These students say:

> We all feel we are the true Americans, but the President and news media never hear us.

These young citizens are to be commended for their initiative and loyalty to the United States and to the President, and I want to thank them for the patriotic job they have done. I also want to commend Mr. W. H. Chastain, the principal of Hillcrest High School, for the splendid leadership he is providing the students and such an outstanding student body with the courage to stand up and be counted.

Mr. President, I ask unanimous consent that the petitions from Hillcrest High School be printed in the RECORD.

There being no objection, the petitions were ordered to be printed in the RECORD, as follows:

306 MAPLE DRIVE,
MAULDIN, S.C.,
May 21, 1970.

DEAR MR. PRESIDENT: In this box, you will find petitions signed by students and faculty of Hillcrest High School, in S.C. These petitions support you and oppose violence on any campus in America.

The first page, second paragraph concerns a speech Mr. Chastain made to the students at our last class meeting.

We would like for your reaction to these petitions as soon as possible. We all feel we are the true Americans, but the press and news media never hear us. Send your reaction to my address or Mr. H. Chastain, Principal of Hillcrest High School in Simpsonville, South Carolina.

Thank you,
JIMMY MINKLER and RICK MORRIS.

MAY 13, 1970.

To Whom It May Concern:

Now is the time for all Americans to show more faith in our President.

As you may recall Mr. Chastain said only a few weeks ago, that Hillcrest should be number one. We can be number one. Also the only one in the State to take such action, as we are about to take.

So come on and show those bums that they are the minority, not the majority.

Please do your patriotic deed for America and sign these petitions in support of President Nixon.

These petitions will be sent to Senator Strom Thurmond, who will present them to the President.

Yours truly,
CONCERNED STUDENTS.

We, the undersigned, as students and faculty of Hillcrest High School support the efforts of President Nixon to destroy the Viet Cong and their sanctuaries in Cambodia. We all agree that with this action, peace will come much sooner.

Elizabeth Bolt, M. O. Alexander, Sarah A. Weathers, Sybit G. Bobb, Mike Morris, Bobby Kellams, Randy Young, Gwen Fowler, Mary Alice Adams, Debbie Steele, Judy Meredith, Vickie Ford.

Carolyn Hill, Jerry Rector, James E. Fowler, Ricky Smith, Steve Leverette, Scott Bouchillon, Phil Ahlborn, Edwin Smith, Jimmy Minklen, Jimmy Redden, Miller Riddle, Russell Lewis, Virginia G. Barnwell.

Susan Garrett, Celeste Knight, Judy Greene, Nancy Baker, Sherry Ford, Gloria Gilreath, Tricia Brooks, Debbie Baghill, Thomas Hewins, Dolly Davis, Carey Davenport.

Buddy Hazel, Becky Jones, Dixie Herndon, Frances Cox, Denece Brashier, Elaine Johnson, Bea Gault, Stewart Fowler, Linda Edwards, Brenda Davis, Rhonda Babb, W. H. Chastain.

Mike Anderson, Lynn Smith, Windy Ward, David Tibble, Kathy Weld, Alta McGeachie, Becky Williams, Francelle Kellott, Roxan Culbertson, Lane Ferguson, Edward Cox.

Philip Roberson, Gary Walker, Billy Page, Reudy Smith, Janet English, Brenda Jennings, Dickie Smith, John Martin, Dennis Beason, David Barberry, Joe McKeaver.

Marcy Verdin, Ginger Johnson, David C. Pedwin, Linda Bushá Thomas Jess LaVase, Henry Poole, James Hand, Sheron Thompson, Larry Hedrix, Phillip Yarborough.

Ricky Brooks, Wayne Wilson, Eddie Reames, Kerry Scott, Kathy Gate, Debbie Finch, Mitchell Knight, John Goolsby.

Steve Fowler, Dennis Kinard, Steve Kuhn, Roger Launins, Jane Watson, Hilda Wood, Gail Tucker, Edgar Gillespie, Marilyn Tucker, James Suits.

Jerry West, Natalie Forrest, Ann Gumbler, Barry McElreoth, Betty Roberston, William H. English, Deborah Dutton, Michael Smith, Fred Kelly, Miss Brenda Hollowell.

Mary Nelson, Kathie Webber, Lee Smith, Lonnie Bruce, Terry Ayers, Terry Richards, David Riel, Joe Hinkle, Jr., Fadine Chasteen, Gertrude Wham.

Debbie Baldwin, Maud Thompson, Oscar Sullivan, Johnny K. Markins, Lucy Balih, Thomas Brown, Larry Johnson, Mrs. J. W. Wright.

Alan Goodwin, Dale Goodwin, Bobby Watking, Warren Boyer, Mary Jane McKinney, Anne Mabry, Shirley Cannady, Debbie Taylor, Ken Casper, Anna Bailey.

Melanie Mazie, Connie Lanier, Rebecca Hambuy, Venice Sloan, Fay Sanders, Sheila Lollis, Kim King, Sandra Hudson, Elizabeth S. McCamecon.

Mary Akers, Pam Barbru, Bennie Mahaffey, Marsha Weathers, Vickie Hart, Judy Grisham, Joyce Davis, Pam Hipps, Jack W. Best, Stanley Cassell.

Butch Bell, Jimmy Best, Jim Kennedy, Jerry Henderson, Danny Sloan, Randy Seco, James Harper, Ronnie Brown, Kenneth Moore, Katie Jones, Rich Morris.

Martha Baldwin, Cynthia Bendetti, Susan Childress, Marjorie Smith, Mildred Hart, Sandra King.

James McGraw, Curtis Steading, Tammy Pittman, Ginn Huff, Ann Goodnouger, Randall Bentley, Lyle Watson, Mike Hinton, Nikki Moore, Mary Myers.

Terry Reid, Barry Drake, Charles Moses, Jean Lovinggood, Louis Massingelle, Janet Hendrix, Anne Henderson, Marie Huff, Sherry Smith, Joyce Dixon.

Susie Henderson, Beverly Cinnamon, Mary Ann Burnham, Benny Black, Vickie Babb, Martha J. Garrett.

Wilma R. Gault, Linda Ricker, Joan Scales, Herricks Walbup, Pat Whitt, Barry Griffith, Linda Putnam, Fran Dunn, J. B. Manous, Joey Stolfi.

David Sillars, Tim Snow, Scott Harrell, Ricky Woodale, Spence McGowan, Rachel Wood, Debbie Burry, Karin Shove, Sherry Rutledge, Karla Shaver.

Stan Hook, Kris Preston, Ozzie Givens, Benny Garrett, Sally Garrett, Barrie Laughter, Wayne Alucrombie, Bill Young, Randy Jones, Susan Greer.

Dianna Cain, Roxie G. Hawkins, Gerald Reed, Neal Hamilton, Terry Mourer, Phillip Mitchell, Debbie Peal, Roddy Sawyer.

George Brooks, Robbie Jo Hance, Jimmy Smallwood, Louis B. Abbath, Martha Hendrix, Anne Brown, Chris Hart, Jefferson Jones.

Rickey Faulk, Myron Fosker, Ross Stewart, John Robert Davis, Bert Taylor, Wendell Blaine King, Elosie L. Rudy, Ronnie McKinney,, Michael P. Chapman, Neil Patton.

Marjorie Smith, Mildred Hart, Sandra King, Connie Johnson, Max Daniel Bailey Jr., Johnny A. Bearden, Kay Axson, David Rosendale, Vonnie Bzerly.

Miachelle Brooks, Danny T. Brashier, William R. Padgett, III, Susie Thackston, Nancy Thackston, Paul Cox, Wayne Morris, Jerry Hudson, Pat Wrenn, Mrs. Georgia Worthington.

Susie Collins, Deborah Long, Jackie Lumblin, Judy Overstreet, Roberta Montgomery, Shirley Gilliland, Caroline Garrison, Libby Dixon, Pat Conyers, Marilyn Cooper.

Sheila Harris, Spandy Chandler, Roland Holt, Blair Patton, Robert Ricker, Mike Tucker, Smiley Trammell, Dede Homes, Jan Waldrop, Cathy Bennington, Thelma Thomason.

Roberta Wood, Eddie Case, George Knickerbacker Jr., Sandra Doss, Kathy Smith, Toni Mattison, Ray Leslie.

Lester Dennis Browning the 3rd, Rusty Holland, Becky Pearson, Susan Weathers, Nancy Hughes, Joyce Rice, Flo Templeton, Ronda Ross, Barbara Pepple, Ruth Derdin.

Grace Craig Taylor, Debbie Davenport, Donna Raines, Diane Freddie, Sandra Hellams, Sammy Bagwell, Sue Mathis, Teresa Barbare, Sandy Griffin, Stephanis Casey.

Doris Coleman, Dell Phillips, Debbie Bryant, Jo Ferguson, Anne McGraw, Jan Nelms, Deborah Knight, Rosemary Fletcher, Peggy Duncan, Pam Savage.

Judi Summey, Patti Hamilton, Terry Britten, Anne Julian, Charlene Hipps, Elaine Hendrix, Janet Bridges, LeNelle Holland, Tommy Abbott, Max Henderson, Randy Hill.

Mike Sloan, Robbin Brown, Donald Hurley, Terry Mattison, Jimmy Ferguson, Nora Barnhill, Fulton Hampton, Janet Sexton, Peggy Reide.

Rickey Moore, Marty Gaddis, Kay Jones, Felix Taylor, Johnny Kootz, Pam Wilson, Debbie Short, Sandy Gambrell, Robin Haynes, Beth Franklin, Jean Patton, Mike Morrison, Susan Jenkins.

Eddie Phillips, Donald Hipps, Betty Griffith, Tommy Riddle, Andy Gault, Betty Jean Hart, Margaret Scales, Mike Jewell, Clifton Carroll, Dub Trotter.

Kathy Jones, Cathy Whane, Carolyn Martan, Wanda Trotter, Mrs. Ralph Hughes, Jine Leney, Cathy Hudson, Cathy Holden.

Brenda Jones, Cathy Bishop, Diane Bledsoe, Connie Kellett, Sanda Slatton, Libby Balcombe, Elaine Nelson, Susan Locke, Miriam Wrenn.

We, the undersigned, as students and faculty of Hillcrest High School, oppose the violence that has struck our large universities in the past few weeks. We firmly believe that *all* students who destroy, take over, or march illegally on any campus should be expelled permanently.

Elizabeth Bolt, M. O. Alexander, Sarah A. Weathers, Sybert G. Bobb, Bobby Hellman, Randy Young, Mike Morris, Gwen Fowler, Mary Alice Adams, Debbie Steele.

Judy Meredith, Vickie Ford, Carolyn Hill, Jerry Rector, James E. Fowler, Edwin Smith, Jimmy Kimble, Jimmy Redden, Milker Riddle, Russell Lewis, Virginia G. Barnwell.

Susan Garrett, Celeste Knight, Judy Greene, Janice Eddleman, Nancy Baker, Sherry Ford, Gloria Gilreath, Tricia Brooks, Debbie Bagwell, Dolly Devin.

Caruy Davenport, Buddy Hazel, Becky Jones, Dixie Herndon, Frances Cox, Denece Brashier, Elaine Johnson, Bea Gault, Stewart Fowler, Linda Edwards, G. A. Reid, Rhonda Babb.

David Tribble, Mike Anderson, Gary Mote, Julie Yarbaraugh, Windy Ward, Lynn Smith, Kathy Weld, Wanda Steading, John Cox, Jimmy Thomason, Alta McGeachie.

Charline Vaughn, Ginger Johnson, Debbie Finch, David C. Pedersen, Thomas Jess Ledfor, Janet Englesby, Roxann Culbeth, Billy Page, Dennis Beason, Joe McKewen.

Leny Green, Terry Fowler, Robert Hellums, Henry Poe, James Hand, Eddie Owens, Ernest Leopard, Linda C. Barnes, Wayne Wilson.

John Goolsly, David Barbery, Lane Ferguson, Linda Bushé, Edward Cox, Philys Roberson, Garry Owens, Gary Wacker, Randy Smith, Brenda Jennings.

Dickie Smitt, Larry Canbaugh, John Martin, Larry Hendrix, Phillip Yarborough, Ricky Brooks, Kathy Tatum, Steve Fowler, Dennis Kinard, Steve Kil.

Roger Lonnis, Jane Watson, Hilda Wood, Edgar Gillespie, Marilyn Tucker, Ramons Sittles, Terry West, Natalie Forrest, Ann Tumblin.

Barry McElreath, Betty Robertson, William H. Englisbe, Deborah Dutton, Michael Smith, Ted Kelly, Miss Brenda Hollowell.

Mary Nelson, Kathie Webber, Lee Smith, Lonnie Bruce, Terry Ayers, Terry Richards, Daniel Rice, Danny Greene, Joe Hinkle.

Nadina Chasteen, Gertrude Wham, Debbie Baldwin, Lucy Babb, Maxel Thomason, Oscar Sullivan, Gwen Fletcher, Patricia A. Rodgers, Shirley Annette Jackson, Harold Dial.

Brenda Rice, Lois Logan, Charlotte Reeder, Jimmy Wright, Richard Hill, Piccola Hill, Peggy Moon, Henrietta Sullivan, Polly Champman, Francenia Sweeney.

Parsonas Brown, Mamie Kilgore, Debra Patton, Larry Johnson, Mrs. T. W. Wright, Constance Bennett, Lillie Harris, Carolyn Booker, Doris Booker.

Alan Goodwin, Pam Green, Kathy Grogan, Bobby Watkins, Warren Boyer, Mike Reynolds, Mary Jane McKinney, Anne Mabry, Debbie Taylor, Ann Sloan, Don Turner, Dale Goodwin, Sheila Cannady.

Ann Bailey, Sharon Goodenough, Kathy Jo Bledsoe, Barbara Hambry, Rebecca Hambry, Bobbie Henley, Debbie Taylor, Sharon Hipps, Donna Nash, Marcy Derdin.

Jean Dixon, Toni Taylor, Vivian Fowler, Connie Lanier, Debbie Thompson, Sandra Hudson, Joyce Miles, Kay Sanders.

Kim King, Debbie Richardson, Beth Reed, Sheila Tollis, Venice Sloan, Juanita Davis, Elizabeth S. McCameron.

Marjorie Smith, Miennea Hart, Sandra King, James McGraw, Curtis Steading, Eddie Reames, Tommy Pittman, Gene Helf, Ann Goodnough, Randall Bentley, Lyle Watson.

Mike Hinton, Nikki Moore, Mary Myers, Jerry Reid, Barry Drake, Charles Moses, Jean Lovinggood, Carol McKinney, Louis Massengalle, Janet Hendrix.

Anne Henderson, Marie Huff, Sherry Smith, Susie Henderson, Beverly Cinnamon, Mary Ann Burnham, Buddy Bowen, Benny Black, Vickie Babb, Martha J. Garrett.

Marna W. Snow, Deborah L. Thurston, Karen Hudson, Lynne McGee, Janice Lockey, Karen Knox, Esther McGaha, Steve Brian Willis, Howard Griffith, Clayton Bigham, Terry Ross.

Anne Sherron, Becky Greer, Terry Iholdresl, Kenneth Abercombie, Tommy Gullers, Ernest Boyer, Mollie Craft, Mike Cooper, Karen Callicott, Donald Campbell Jr.

Paul Campbell, Elizabeth Canfield, Kay Brissey, Nancy Burns, Jane Burns, Melanie Barnett, Mark A. Brown, Bill Blackwell, Andy Arledge.

Scott Bailey, Bill Barrett, Dona Barker, Diane Arledge, Debbie Alberson, Wanda Adams, Jerry Corn, Donald Beaman.

Don Gilliland, Jerry Sullivan, Duane Malphrus, Gail Hendrix, Caire Cromer, Jack West, Linda Phillips, Robert Chiles II, Rita Drake, Randy Massengale.

Ronald S. Carbaugh I, Dennis Cunningham III, Curtis N. Boger, Norman J. Lindsey, Benny Weathes, Wanda Burgess, Doris Meredith, Sybil Martin, Johnny Barbry, Naomi Phastien, Jefferson Jones.

Wilma R. Gault, Linda Ricker, Jean Scales, Teresa Redding, Horricks Walkup, Pat Whitt, Barry Griffith, Linda Putnan, Fran Sims, J. B. Manons.

Joey Stolf, David Sellars, Tim Snow, Scott Harrel, Ricky Woodall, Karen Shover, Debbie Burry, Sherry Rutledge, Karlo Shaver.

Steve Hooks, Kriss Preston, Ozzie Givens, Sally Garrett, Barrie Laughter, Wayne Abercrombie, Bill Young, Randy Jones, Susan Green, Dianna Cain.

Ellen Peacock, Roxie T. Hawkins, Berry Garrett, Gerald Reed, Kathy R. Roberts, Neal Hamilton, Terry Mourer, Debbie Peal, Phillip Mitchell, Roddy Saye.

George Brooks, Robbie S. Nance, Susan Campbell, Jimmy Smallwood, Steve Richardson, Lois B. Abbott, Martha Hendrix, Viki Tripes, Anne Brown, Chris Hart.

Terry Kible, Russell Rhodes, Ross Stewart, Ricky Faulk, Myron Fisher, Mike Fleming, Skip Grigsby, John Robert Davis, Nancy Chastain, Sue Bayne.

Elaine L. Rudy, Ronnie McKinney, Michael

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P. Chapman, Neil Potter, Marjorie Smith, Mildred Hart, Sandra King, Connie Johnson.

Max Daniel Bailey, Jr., Johnny A. Beaaden, Kay Afson, David Rosendale, Vonnie Byerly, Mischelle Brooks, Lonnie M. Reeves, Danny F. Braskin, William R. Padgett, III, Susie Thackston.

Nancy Thackston, Paul Cox, Mike Henderson, Wayne Morris, Jerry Hudson, Pat Wrenn, Mrs. Georgia Worthington, Susie Collins, Deborah Long, Jackie Tumblin.

Judy Overstreet, Roberta Montgomery, Shirley Gilliland, Caroline Garrison, Libby Dixon, Pat Conyers, Marilyn Cooper, Sheila Harris, Spenby Chandler, Roland Holt, Jr.

David Gantt, Steve Duke, Blaie Patta, Robert Ricker, Mike Tucker, Smiley Trammell, Stanley Baldwin, Dede Hines, Jan Waldrop, Pat Roberts, Cathy Bennington, Gregg Fortune, Thelma Thomason.

Jeanne Wasson, Kathy Smith, Rhonda Wamack, Jimmy Fulmer, Wendell Blaine King, Rusty Holland, Bert Taylor, Wayne S. Hammond, Ray Leslie, Lester Dennis Browning, the 3rd, Sandra Doss.

Roberta Wood, Eddie Case, George E. Knickerbocker, Jr., Toni Nattison, Becky Pearson, Susan Weathers, Nancy Hughes, Joyce Rice, Flo Templeton, Ronda Ross, Barbara Pepple, Ruth Verd.

Debbie Davenport, Donna Raines, Diane Friddle, Sue Mathis, Sandy Griffin, Emily Hall, Teresa Barbara.

Sandra Hellams, Sammy Bagwell, Dell Phillips, Debbie Bryant, Jo Ferguson, Anne McGraw, Jan Nelmo, Deborah Knight, Rosemary Fletcher, Peggy Duncan.

Mr. Bruce Skelton, Mr. Steve Green, Mr. Tom Milosek, Mr. Jerry Springfield, Mr. Berry Woods, Mr. Jimmy Hunsinger, Mr. Bud Duncan, Mr. Edward Gaul, Mr. Carl Dickerson, Mr. Leland J. Mayfeld.

Mr. David Friddle, Miss Tere Griswold, Miss Cathy Stewart, Miss Pam Lollis, Miss Gail Powell, Mr. Kennith Cooper, Mr. Ronnie Boyce, Mr. Wendell Lancaster, Pam Savage, Pam Boyce, Mr. Gerald Ballard.

Judi Summey, Terry Britten, Anne Julian, Charlene Hipps, Martha Phillips, Elaine Smith, Elaine Hendrix, Janet Bridges, Rusty Faulk, LeNelle Holland, Jackie Best, Anne Ewing.

Max Henderson, Cheryl Woodall, Cathy Raines, Randy Hill, Mike Sloan, Robbi Brown, Donald Hurley, Terry Mattison, Jimmy Ferquenson, Terry Horne, Mike Masters, Randy Taylor, Nara Barnhill.

Fulton Hampton, Janet Sexton, Peggy Rudy, Rickey Moore, Marty Gaddis, Kay Jones, Felix Taylor, Tina Iannarelli, Johnny Koontz, Pam Wilson, Debbie Short, Sandy Gambrell, Robin Haynes, Beth Franklin, Jane Norris, Jean Patton.

Eddie Phillips, Donald Hipps, Betty Griffith, Tommy Riddle, Andy Gault, Betty Jean Hart, Margaret Scales, Mike Jewell, Eddie Hunt, Clifton Carroll.

Dub Trotter, Weldon Cook, Carolyn Martin, Cathy Wham, Kathy Jones, Wanda Trotter, Mrs. Ralph Hughes, Jane Long, Billie Jo Lancaster, Cathy Hudson.

Carol Fair, Lois Smith, Brenda Smith, Cathy Holden, Brenda Jones, Cathy Bishop, Rachel Cox, Cindy Gooch, Diane Bledsoe, Sandra Slatton.

Connie Kellett, Annette Rivers, Jane Mann, Marilyn Poole, Elaine Nelson, Libby Balcombe, Susan Jones, Dale Pollard, Kay Finley, Susan Locke, Miriam Wrenn.

WORLD REFUGEE REPORT, 1970

Mr. KENNEDY. Mr. President, the U.S. Committee for Refugees—USCR—recently issued its annual report on world refugee problems. As in past years, the report contains a census of the homeless throughout the world, which dramatically underscores a simple fact—that the troubles of our time are taking a growing toll in the flight of people from conflict and oppression. All over the world people are on the move.

The report goes on to describe these problems of humanity, the many governmental and private efforts being made to solve them, and the continuing need for even greater efforts in behalf of our suffering fellowman. Most of the articles in the report are based on papers read to the National Conference on World Refugee problems held in Washington last November, which was sponsored by the USCR in association with the American Council of Voluntary Agencies and the American Immigration and Citizenship Conference.

In issuing its annual report, the USCR performs an important public service. I want to commend the organization—and its executive vice president, Dr. R. Norris Wilson—for their continuing efforts in a significant area of international concern.

I think the current report of the USCR will be of interest to Senators. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

A WORLD IN CONFLICT: 25 YEARS, 75 WARS, 17,318,320 REFUGEES

Since 1945, the year when the United Nations was organized, there have been seventy-five wars. To most of us, violence and enmity have become so large a part of our daily life that we are almost unaware of it. Most of us have now forgotten most of the wars in this awful catalogue but their victims have not forgotten.

Not counting the dead and wounded, not counting the uncountable casualties of the fighting itself, we know that there remain today 17,318,320 refugees who are, in very large part, the casualties of a world in conflict. Of course, many millions of refugees have been resettled and are no longer refugees, but, from the wars' awful toll others have been forced to take their places in this grim roster of human suffering. In the last six years since 1964, the total refugee population of the world has grown from 7,910,309 to 17,318,320.

If, because violence has become a part of our daily environment, we have forgotten most of the wars of the last twenty-five years, we now recall, even more painfully, that most of us have forgotten their victims. We believe that there is a relationship between our warring and the number of refugees in the world. In any event, the shocking number of refugees on every continent is tragic evidence of man's inability to manage himself, his religion, his politics and his hungers with due concern for his fellow man.

During these twenty-five years which have seen this terrible hemorrhage of violence, the American people, through their churches and synagogues, through their voluntary agencies, through their government and, indirectly, through intergovernmental bodies have tried to help the helpless victims of our wars.

These agencies met together in Washington in November of 1969 to take the measure of their common work, to assess the continuing and increasing problems of refugees around the world and to try to plan for a future in which peace among men often seems a remote and inconstant hope.

We hope that if the deliberations of the Conference are shared widely in this way, then the problems of the world's refugees may become, in small part at least, the problem of all of us. As a people, we are engaged in rethinking our national priorities and our role within the family of nations. Our pleading is, simply, that the refugee, wherever he is and whatever the cause of his distress, shall become a part of the reckoning.

REFUGEES: THE HELPLESS EVIDENCE OF MAN'S INABILITY TO LIVE IN PEACE

No one of us could suspect for a moment that there will be a quick end or easy solution to the problems of the world's refugees. We are engaged together in a continuing task which arises out of the ferment of the world's life. Every tremor in the political cultural and religious life of nations produces men and women and children who become the helpless evidence of man's inability to live in peace either with himself or his neighbor.

There was a time when, I am afraid, many of us thought of refugees largely in terms of those who were the result of the second World War. It is even quite possible that many people unfamiliar with today's world refugee problem still think in that vein. There have been 75 other wars since the end of World War II. Then, too, we became accustomed to thinking that our work with refugees was somewhat limited to the emergency relief phase. We thought if we solved the emergency problem our work would be finished. Now, increasingly, . . . our work has taken on a new dimension and utility. We are not only engaged in the essential first step of emergency relief and in broad programs of resettlement, but in unique and special ways in what is called "development" or "nation building."

We are discovering anew that the refugee, in the main, is a special kind of person and that his spirit of independence and enterprise is a contribution to his country of asylum that is simply immeasurable.

We are seeing with new clarity what we have always known to be true that the refugee is resourceful, energetic and ambitious. He is a person whom his fatherland can least afford to lose and who brings to the country of asylum the strength of body, mind and spirit which is required to build a new life and so contribute to the larger life economically and socially of his new homeland.

Looking back over the ten years since World Refugee Year, a decade marked by emergencies and convulsions of all kinds in the world, I marvel that in the face of public indifference, we have been able to continue, and, indeed, to increase our effort in behalf of the world's homeless. Because I marvel at this and am deeply grateful to the men, women and children all over the country who support us in our work, I believe that you, too, are deeply thankful and aware of the quiet and persistent support that you have had from the millions of private citizens who believe in you and what you do for the peace of mankind.

REFUGEES ARE AN INTERNATIONAL PROBLEM

We must all depend on the prowess of the Intergovernmental agencies working with refugees. Officers of these agencies addressed the National Conference. Following are excerpts from their statements:

UNITED STATES DELEGATE TO THE 24TH GENERAL ASSEMBLY OF THE UNITED NATIONS

(Mrs. Shirley Temple Black)

Since becoming a United States delegate to the United Nations General Assembly, I have found myself daily up against such realities, nose-to-nose, toe-to-toe. Among these are the realities attending certain refugee problems.

You all know that in the last five years alone, the number of refugees has more than doubled.

Small wonder when I look at the enormity of the task and the zooming costs. I also look with profound respect into this particular audience, and beyond to the thousands of men and women who support our effort.

Your undiminished efforts to marshal and correlate the diverse resources of what we call the "private sector," and to blend them effectively with governmental and United Nations resources, this is the key.

Nor should we be dismayed by the obvious current shift of American attention toward the wrenching problems of our own poor and our own thwarted populations. Our own nation right now seeks to replace a welfare system that does not work well with one that can.

But I do not regard this shift of emphasis as simply competition at home for the resources you seek. I look at it as an extension of the opportunity for Americans to rise still further towards their ideals of humanity, and on a broader front.

It is not a question of doing more at home, and less abroad. It is a question of more skillful use of our available resources in the name of humanity.

I would urge my fellow Americans to give thoughtful attention to the Pearson Commission Report, which says, ". . . concern with the improvement of the human condition is no longer divisible . . . we live in a village-world . . . we belong to a world community." I know.

Occasionally, in history, one finds oneself in the right place at the right time. Fifteen months ago, almost to the day, I learned something about the cause and nature of the refugee problems, first hand.

I was in Prague, engaged alone in arranging for the Czechoslovak Republic to officially join a 19-Nation International Health Federation which I had helped form and direct. When the Russian and Polish tanks rushed into Prague, I was caught with many others, and we lived, unbelieving, through the initial days of bloodshed, stillness, and finally, occupation.

I learned with intimate and heart-rending clarity how a man and woman becomes a refugee. Around me there were decisions being made, some overt, some silent, but decisions which could redirect lives. Today, many of those who chose to flee have been given support and direction by private and public agencies represented here at the Conference.

In closing, may I underscore the obvious. Although our motivations are based on humanitarian instincts, the results of our interests and actions have profound political implications.

Our response to the refugee problem will bear heavily on matters affecting world peace, and the orderly structure of society.

The situation we face is not only of empty stomachs or vengeful hearts; it is a witches' broth of degradation, destruction, and death. And time is against us.

Your own statistics bear me out. We must all tighten our belts a bit, take a deep breath, and run back on the field. Let's not think in terms of *money*, but in cooperation. Let's think of the *effectiveness* of our effort, not the size.

It is a point of many-turnings for us all. It will mean redoubled work. I will help. Thank you.

THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

(Prince Sadruddin Aga Khan)

I feel that it is particularly timely that we should be gathered here for two days of studies in depth, which have been admirably mapped out in the documents that we received beforehand, at a time when we are celebrating the anniversary of World Refugee Year. A tremendous initiative—which brought together, not only so many governments, but the people in so many countries to clear the camps in Europe and to help refugees find permanent solutions.

I am also very grateful to all the voluntary agencies gathered here, sixty or more, for everything they have done to make the work of the non-operational organizations such as UNHCR possible. Had it not been for the truly remarkable effort of the agencies, both the national agencies and their international counterparts, solutions to refugee problems would have been practically impossible. It was through your sponsorship for immigration, through your interest in counselling in individual cases in Europe everywhere, and now elsewhere in the world, that we have been able, together with a great many other partners—all of which are here today I think, to find solutions to the plight of refugees.

I would say here that, in Europe, we hoped very much that we would no longer be faced with a refugee problem in the camps where so many people represented such a large accumulation of misery in the postwar days. But in Europe again we face a problem. As a result of the comparatively recent events in Eastern Europe, we do have today in the transient centers in Europe a number of refugees who are waiting permanent solutions—either in the form of integration or in the form of resettlement overseas. And here I would like to stress the need for continuous generosity on the part of the countries of immigration and, of course, the collaboration of the voluntary agencies.

Indeed, if it had not been for the remarkable generosity of governments like those of the United States or Australia or Canada; had it not been for the truly remarkable action taken by ICEM and its Director, John Thomas, we would be facing the danger of a new accumulation of refugees in the camps with all the stagnation, the instability and the unrest which this would bring to the European scene. I would like to express particular gratitude to the Government of the United States for the special measures which have been taken in this connection to avoid this accumulation, and, in this connection, my colleagues and I in Geneva are following with great attention and interest the bill which is being introduced by Senator Kennedy and Congressman Feighan.

Turning to this developing world, if you take Africa alone, we have there today one million refugees. They are from countries struggling to achieve independence, from countries who have already gained independence but have, as a result, suffered tribal strife and racial confrontations. We have refugees in individual groups—students who accumulate in the urban centers of Africa and who look towards the international community and towards UNHCR to furnish them with individual opportunities; with vocational training, education and opportunities to lead a useful life.

In Africa, the office has been concentrating in seeking permanent solutions in the field of rural integration. One cannot resettle hundreds of thousands of African refugees. One has to provide them with a solution on-the-spot until the time, hopefully, that they may return home. But in the meantime, we must not avoid the possibility of getting them work. We must not prevent them from being useful. We must not prevent them from working, cultivating land, producing what they need to ensure their becoming self-supporting. We must avoid the problem of stagnation in Africa. We must avoid the opening of camps. We must avoid getting refugees used to relief. This is why our work today is development work, and we are intermeshing our activities very much with the specialized agencies of the United Nations that deal with the economic and social development in the third world. We have found that by settling these refugees quickly, by giving them land, by giving them a chance to lead a normal life away from the borders of the countries from which they come, that we contribute not only to alleviate human suffering but also to peace and stability in the area. I think the figures speak for themselves. Out of this case load of approximately one million uprooted people, less than one hundred thousand are still on relief, and most of the others are self-supporting.

What I would like to say, ladies and gentlemen, is that all this has been made possible because of the humanitarian and non-political character of our action; because there has been an understanding on the part of the international community that what we were doing was in the general interest. This consensus finally expressed itself in a very dramatic way at the last General Assembly of the United Nations, where for the first time since 1951, when my office was established, the General Assembly passed the Resolution on the Report of the High Commissioner by acclamation. And so, I sincerely believe that we have come to a time when the voluntary agencies and UNHCR can reexamine their partnership, strengthen it, develop it in new areas, analyze the solutions which are possible to new refugee situations in Africa and Asia through our partnership where you all have such a key role to play, and at the same time, make sure that these solutions are not only useful for today but valid for tomorrow.

THE UNITED NATIONS RELIEF AND WORKS AGENCY

(Laurence Michelmore)

Yesterday the United Nations General Assembly began its annual consideration of the problem of the Palestine refugees. Twenty-one years have passed since the first United Nations debate on this question in 1948 when the Palestine refugee problem arose out of the war in the Middle East. In the meantime, the original group of refugees—estimated by the United Nations at the time to number some 700,000—has experienced its own population explosion and has doubled in size, to the present figure of 1,400,000. In the meantime, also, the fighting which had been cooled for a time by armistice agreements, erupted on a large scale in 1956, and with even greater violence again in the 1967 war when a further dimension was added to the refugee problem. Peace has not yet come to the Middle East, nor has a solution been found to the problems of the Palestine refugees.

Even while the war was still raging, in 1948, the United Nations Mediator, Count Bernadotte, called the world's attention to the humanitarian needs of the refugees—for shelter, food, and the other necessities of life. International assistance was quickly organized, through the United Nations and through other international and non-governmental bodies. Twenty years ago, the United Nations decided to channel its assistance through a non-political agency created for this purpose, the United Nations Relief and Works Agency for Palestine Refugees in the Near East or UNRWA. It was expected then that UNRWA would exist for only a short time, but its mandate has been extended repeatedly, and now runs to 30 June 1972.

Since it was established, UNRWA has received, and spent to provide assistance to the refugees, nearly $700 million. All of this money has come as voluntary contributions, mostly from governments, but some also from non-governmental organizations and private individuals. Of governmental contributions, the United States for many years provided 70 per cent of the total, but this ratio has dropped in the last few years, and this year will be about 56 per cent.

Twenty-one years have gone by, nearly

$700 million has been spent, the number of refugees has doubled, and the refugee problem has not been solved. What *has* been accomplished? What results *have* been achieved?

First of all, I think we should remind ourselves that although $700 million is an impressive total, it has been spent day by day over two decades, for an average of a million persons, so that however large the total, it represents less than 10 cents for each person per day.

For this amount, the refugee population has been helped to stay alive, and maintain reasonably decent health. Shelter has been provided to two-fifths of the refugees in UNRWA camps, at first in tents and later in huts.

After the hostilities of 1967, additional camps were established, giving shelter to about 100,000 of the Palestine refugees and others who were then displaced, and who had no other place to go. In these camps also, huts are now replacing tents. Food rations of flour, some other dry foods and cooking oil, providing 1500 calories a day, have been distributed to two-thirds of the refugees. Milk for school children, and supplementary meals for certain groups have also helped, but UNRWA's food assistance has always been less than the refugees required, and they have had to secure some of the food themselves.

With the assistance of the World Health Organization, UNRWA has maintained a health program of preventive medicine, sanitation and curative services. In the last year, there were over 6 million visits to UNRWA clinics. There has never been an epidemic, and the mortality rate and morbidity rates have been low.

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In addition, and still within the average cost of 10 cents a day, a whole generation of young refugees has been provided with education. In this school year, 230,000 refugee children are studying in schools run by UNRWA with the professional guidance of UNESCO. This is an increase of 10 per cent above last year, and reflects the intense interest of the refugees, children and parents alike, in education. Another 60,000 children are studying at government or private schools, many with some financial assistance from UNRWA. UNRWA also provides teacher and vocational training at 10 centers, graduating 1700 young men and women each year, and it awards several hundred university scholarships each year to the most competent and deserving refugee students.

Perhaps the most outstanding feature of the UNRWA program has been the steady and rapid increase in education. The number of food rations issued has been limited by a ceiling, and has not increased over the years. Expenditures for all of the relief services—food, shelter, clothing, blankets, and hardship assistance—has remained fairly constant. Health expenditures have increased moderately because of the increase in the population served, and rising prices. But the number of children demanding education, and the cost to UNRWA of trying to meet the demand have increased much faster than the growth in the school age population. Increased costs of education add about $1 million a year to UNRWA's budget—even more this year. In 1970 education and training will take more of UNRWA's budget than the whole range of relief services (food, shelter, and so on).

The increased demand for education, plus rising costs of supplies and services, unaccompanied by sufficient additional contributions, have created a serious financial crisis for UNRWA, which faces a deficit of $4 million this year, and the likelihood of an even greater shortage next year. We have emphasized to the General Assembly the urgent need of adequate resources if UNRWA is to maintain its essential services for the refugees.

From everything I have been able to see and learn over the last six years, the suggestion that is sometimes made that the Palestine refugees are living in idleness on international charity is far from the truth. They are not indolent. They are eager for education and training, and they take advantage of any opportunity to work and to help support themselves and their families. Many thousands more have gone to work in Kuwait, Qatar, Abu Dhabi, Saudi Arabia and Libya. Many thousands of the refugee families have made slow but significant progress over the years towards their economic rehabilitation, although for many this progress was interrupted and set back by the 1967 hostilities.

UNRWA is concerned with the humanitarian problem of assisting the refugee. It is not a political agency, and it has not been given the task of solving the refugee problem, although UNRWA's aid, especially in education and training, should help the refugees to benefit from a solution when it is found. Other United Nations bodies, such as the Palestine Conciliation Commission, have tried to find a solution, and the United Nations General Assembly, and other United Nations organs have devoted much attention to the "Palestine question" and the problems of the Middle East. Many resolutions have been adopted, some calling for repatriation or compensation, or resettlement, or the return of those who fled after the 1967 hostilities. For the last two years, hopes have been focussed on Security Council resolution 242 of 22 November 1967, outlining the basis for a "just and lasting peace," and including as one of its elements "a just settlement of the refugee problem."

Unfortunately, those hopes have not been realized, and the situation in the Middle East has become more critical, with mounting tensions and stresses throughout the area.

In these circumstances, and until progress is made toward a "just and lasting peace," I believe that it is essential that UNRWA carry on, and be provided with sufficient funds to continue its assistance to the refugees. Failure to do so would have most regrettable consequences, imposing further hardships on the refugees, and creating additional difficulties for the search for peace.

THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

(John F. Thomas)

The Intergovernmental Committee for European Migration is a non-UN body governed by 31 member countries with headquarters in Geneva, Switzerland. It came into being following a meeting of concerned countries in Brussels in December 1951. Camps in many European countries were overcrowded with displaced persons from World War II activities and most of these countries were suffering from depressed economic conditions and, what was then called "surplus population." In the course of its seventeen year existence, ICEM succeeded in moving 1,680,700 migrants of which 804,897 were refugees to new lives mainly in overseas countries.

When I assumed the Directorship of ICEM in late February 1969, I had just completed giving guidance and leadership to two difficult refugee programmes—Cuban refugees in the United States and the refugees in South Vietnam. I found myself in the midst of another serious refugee problem, the numbers streaming into Austria, Italy and Germany from the East. Now, after ten months has elapsed, I am happy to report that the major part of this crisis has been met. The operations were difficult. ICEM staff, and the voluntary agency staff, worked long, long hours in meeting the needs of the people. Governments responded with remarkable demonstrations of understanding and compassion in stepping up the rate of intake of refugees. It is interesting to note that ICEM moved in 1968 50,987 refugees and in 1969 will move 58,000. In analyzing the figures for 1969, we find that only 18% of those moved are of Czechoslovakian origin. Taking the total refugee movement accomplished by ICEM, one will find that over 30 countries (by former nationality or place of birth) are represented. No, the refugee problem is far from being over in Europe.

It is the international community which sustains ICEM as a common migration machine. I am pleased to report that the machinery is functioning effectively. As I speak today, movements effected under ICEM auspices this year have passed the 75,000 mark and somewhat more than 50,000 of these have been refugees or displaced persons. By the end of the year, the total will have reached some 85,000 and it will include more than 58,000 refugees. What is required for a movement of this scope? It will have been necessary to make bookings from 66 different embarkation points on some 275 sailings and 1,700 scheduled air services, and to charter 210 aircraft. I can assure you, ladies and gentlemen, this also means that ICEM field missions are fully engaged in this task and ably supported at both the sending and receiving ends by the activities of many voluntary agencies.

The National Conference on World Refugee Problems

FINAL REPORT AND COMMENT

(R. Norris Wilson, Director)

First meeting on refugees in United States in 10 years

What to do about the world's homeless and largely forgotten people—the more than 17 million refugees in Africa, the Middle East, Asia and Europe—was the reason for the meeting. The place was Washington, D.C., the time Tuesday and Wednesday, November 18 and 19, 1969.

It was small, as conferences go. But, for the 325 people who attended the National Conference on World Refugee Problems involved a large part of their lives.

The two-day session marked the 10th anniversary of 1959's World Refugee Year and the first meeting devoted exclusively to world refugee problems to be held in the U.S. since that year.

It was not a time for self-congratulation, but rather for introspection, a time to review common problems, and a time to renew the attention of the American public to the continuing plight of refugees, to the immediate needs of the refugees, and to the efforts that must be made now and sustained for years.

It had been a long decade since that Conference in 1959. And just as there had been drastic changes in those ten years in every corner of the world and in almost every segment of society, in technology, in space exploration, and in the environment, etc.—so had there also been drastic changes in the world refugee problem.

Ten years ago when 80 countries—members of the United Nations—participated in World Refugee Year and raised more than $80 million in special funds for the resettlement of some 15 million refugees, mainly in Europe, many of those who specialized in refugee affairs thought that with this magnificent effort the problem of the world's homeless would be solved.

That particular refugee problem had been solved—or was on the way toward being solved. But by 1969, there was in Asia, in Africa and in the Middle East, practically an entirely new body of refugees—and a new effort was needed to solve the problem of the "new" homeless. The world's refugee population grew from seven million to seventeen million in the period 1964–1969.

What could the seventy private American voluntary organizations with refugee service programs do to help this new body of refugees? Equally important, what could they do to reawaken a diminished American interest in the problems of the refugees abroad?

To find the answer to these questions, the leaders of our organizations decided to convene the Nation Conference on World Refugee Problems—and planning for the Conference began in February 1969.

Planning the conference

What do we hope to accomplish? This was the basic question facing the Planning Committee, as it struggled with definitions and objectives. It decided that the Conference would have several major goals.

The Conference would provide for agency representatives to consult with one another and with their colleagues in government and intergovernmental organizations on matters of mutual concern. (Thirty-seven consultants, representing United States Government agencies and intergovernmental organizations concerned with refugee service, joined in the Conference, as did observers from a number of private American organizations—foundations, business corporations, and others interested in international affairs.)

It was the hope of the Planning Committee that the new problems, which had arisen during the decade and which the agencies had been trying to solve, could be given a forthright airing and that, on the basis of this discussion, certain guidelines for present and future programs suggested.

The Conference hopefully would reawaken the interest of the American public in the increasingly large and complex problem of refugees around the world, both in its humanitarian aspects and from a point of view of our national interest. The agencies were convinced that the problems that they are trying to face in the seventy-one asylum countries are "hidden" from the eyes and, therefore, the hearts and minds of the general public in the United States.

It was felt that at a time, when public attention was being drawn to the need for a reappraisal of American national priorities and goals, the problems of the world's homeless should also be spotlighted with new vigor and clarity. The tragic decline of support by the United States Government for foreign aid programs, and the growing indifference of the Congress and of the public in the increasingly serious economic gap between the developed and the developing world were not, the Planning Committee felt, unrelated to the "hidden" aspects of the refugee problem. It was hoped by the Planning Committee that the Conference would attract the attention and support of Governmental authorities and the media, and that ways would be found to reassert the urgent need for a new and realistic look at human needs around the world.

The Conference also would hopefully produce a more lively interest in the problems of refugees among the members of the Congress. With this in mind, the Planning Committee urged sponsoring agencies to invite their Senators and Representatives to be their guests and participate in the Conference.

And certainly it was hoped that the Conference would be a useful demonstration of citizen interest in the world wide problem of homeless peoples.

Planning the conference program

It was decided that the agenda and program of the Conference would be built around panel discussions by distinguished representatives of the agencies—private, government and intergovernmental—as well as the general public. The panelists' view, it was felt, could provide a stimulating basis for general discussions on such subjects as:

The Problem of Definition. What is a refugee? Can we arrive at a common definition? What are the criteria for determining need and service? What is "new" in the refugee problem in its world setting?

Refugee Assistance Programs. Patterns of inter-agency cooperation. Who is responsible for maintaining care and assistance programs through the various stages from emergency relief to development and independence? If, as is commonly said, the refugee problem is a "hidden" problem in the United States, why is this so and what can be done to remedy it?

Citizen Participation. How can a citizen participate more fully in overseas assistance programs? How can we preserve a "humanitarian" motivation when it conflicts with local (overseas and domestic U.S.A.) political consideration and/or the "National Interest"? How can the private agencies play their most effective role in cooperation with governmental and intergovernmental agencies? What are the advantages/disadvantages of multilateral and/or unilateral approaches to refugee problems? What new steps should be taken to improve the mutual efforts of intergovernmental, governmental and private agencies?

The Role of the Congress in Refugee Problems. The interest of the House and Senate has been primarily concentrated upon the immigration of refugees into the United States. Since this is not a solution for most of the refugee problems in the world, and, since the national interest is so deeply involved with refugee problems in Asia, Africa and Latin America, how can Congressmen and Senators help to bring into focus, and aid in solving, the problems of the great majority of refugees around the world?

At the conference

Participation in the general discussions following panel presentations was lively and fruitful. Because of the pressure of time, a number of important problems alluded to in discussions, both by panelists and members of the Conference, were not fully aired and no consensus was registered in respect to them.

The Drafting Committee, which was in session throughout the Conference, took note not only of the panel presentations but also of the group discussions which followed. The Committee was somewhat handicapped because it had to make its findings solely on the basis of the deliberations of the Conference while it was in session, and the Conference, because of its brevity, was unable to deliberate with concentration on many important problems.

The 1970 issue of the *World Refugee Report* includes excerpts from the Background Papers, which had been prepared and circulated to the members of the Conference in advance, and also excerpts from statements of many of the participants. Copies of many of the Conference documents are available from the office of the United States Committee for Refugees.

The conference findings

The report of the Drafting Committee, which was unanimously approved by the Conference at its closing session, contained a general analysis of the current refugee problem and made specific recommendations as follows:

Issuance of State Department "White Paper" on Refugees. The Conference emphasized that a major problem for the agencies on all levels was the fact that the American public, in general, is almost totally unaware of the size, complexity and seriousness of the world's refugee problem. As a partial answer to this problem, it was urged that the Department of State prepare a "White Paper" which would delineate the involvement of the United States in various refugee problems and the rationale for these involvements. It was urged that the paper be written with public distribution in mind.

Comment—Almost immediately upon the adjournment of the Conference, Secretary of State William P. Rogers agreed that a "White Paper" produced by the State Department in line with the Conference proposal, would be generally useful and that the Department would be glad to prepare it. The State Department staff from the Office of Refugee and Migration Affairs are now at work assembling the data for the report. It will include information about the deployment of United States funds for the support of internationalized programs through the United Nations and the Intergovernmental Committee for European Migration and also programs of unilateral direct assistance through Government and private agency facilities. It will provide information on the historical and policy background of all such undertakings. It will also provide a description of the involvement of various offices in the Department of State. In the view of many of the voluntary agencies, new and more succinctly coordinated facilities must be provided for these widely scattered activities. American people, generally, and even the private agencies concerned, are in large part unaware of the scope of the United States Government involvements. The "White Paper" should provide a fresh basis for improvement and, if it need be, expansion of these activities. Since it is true that in almost all cases Government and private agencies work in partnership in their services to refugees overseas, the publication of a "White Paper" will help the private agencies to plan their programs and to deploy their resources with more assurance and agility.

Involving Youth in the Refugee Problems of American Organizations. Recognizing the need to involve the youth of the nation in the refugee service problems of the agencies, it was proposed that agencies, represented in the Conference, working with one another, send teams of young people, under twenty-five years of age, to visit major refugee areas during the summer of 1970. It was understood that the young people who make such visits would, on their return, report their impressions to the agencies and, in whatever ways possible, to the American public at large.

Comment—One of the persistent notes that was sounded in the Conference, both in its formal sessions and in corridor talk, was the absence of youth in the Conference itself, and its lack of involvement in the problems of refugees. Almost plaintively, the Conferees admitted to their "seniority" and the problem of involving new and younger leadership, both on the side of program planning and administration in the United States and in staff services overseas. With admirable candor, it was generally admitted that no way had been found, except in rare cases, to train a new generation for leadership, either stateside or overseas.

Of course, the role of the younger generation is a matter of searching concern in every facet of our common life. The Secretary-General of the United Nations, U Thant, has noted that "the majority of the people in the world have been born in the United Nations age and when the United Nations celebrates its next birthday in October, 1970, two billion people, out of an estimated 3.6 billion, will not as yet have reached the age of twenty-five." The Secretary-General further notes that these are the inheritors of the United Nations which was organized in 1945 "to bring about these very things about which the young people are struggling today."

Notice was given at the Conference that the Planning Committee of the United Nations Twenty-Fifth Anniversary Celebration was projecting a "Youth Assembly" of some 600–700 representatives to be convened in July of 1970. Our feeling is that the proposal of the Conference to send deputations of young people to visit major refugee areas during the summer of 1970 should be proposed to this assembly, and that the visits should be undertaken under the joint auspices of the private sector organizations working with the United Nations refugee facilities. The delegates should be international delegates and not simply Americans. They should make their visits as representatives of the Youth Assembly, a delegated body of the world's youth, which had reached a consensus that the problem of the world's homeless are a

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worldwide problem and that their generation had a decisive role to play in its solution. This proposal is, in important ways, an amplification of the Conference's suggestion. It would require that agencies' representatives meet with the United Nations Planning Committee and work out inter-agency plans for, among other things, itineraries, funding, selection of candidates and briefings by governmental and intergovernmental bodies.

Press U.S. Government for Increased Funds for Refugee Needs. Recognizing the crucial importance of Government funding for refugee service programs, and the tragic decrease of Government funds available for these purposes in spite of the crying need, the Conference urged member agencies and private citizens to press upon our Government the need for increased funds. The Conference noted a special and critical need for funds to meet emergency relief needs of refugees upon their arrival in countries of first asylum.

Comment—The Conference repeatedly stated that the decline in Government funding available for refugee service programs and emergency relief for refugees over the last few years was keyed to the general decline in United States commitments for foreign assistance. The reasons for this run deep to several elemental facts of American life. Most obvious, our involvement in Vietnam is a root cause. Our consequent inability or unwillingness to cope with major crucial problems on the domestic scene is also a root cause of this decline.

On the other hand, we all know, and have known for the past twenty years, that we cannot turn our backs on the world's need and that, as Harland Cleveland has said, "If there was ever a time when we Americans could expect to live in manorial splendor in the midst of a global slum, that time is certainly long past." We know this, and yet the leadership of our Government and our private agencies has been powerless to stop the desperately serious drift in precisely this direction.

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The Conference Findings proposes that, as far as refugee service programs are concerned, increased new funding which would more adequately represent American citizen interest and participation in these programs, should be found. The Conferees know, however, that *all* of the ships in the harbor rise and fall with the movement of the tides and that it is quixotic to hope that *only* refugee programs will receive new funding. There will be more ample funding for refugee programs—when there is more ample funding for all of the programs that represent our country's determination to play our role as a leader in the family of nations in a more mature and responsible way. In other words, we cannot blame the Congress, when the State Department, through its fiscal offices, makes a decision to down-grade refugee programs and, we can hardly blame the State Department for these decisions if the American people, speaking through their private sector agencies, give acceptance by their indifference.

It was good to hear Congressman Celler of New York agree that there should be a special Committee in the House of Representatives which would be a counterpart to the Senate Sub-Committee on Refugees and Escapees. We think that this would be a most helpful and constructive new device. The Committee would bring members of the Congress into more intimate and persistent contact with refugee problems which reach far beyond the consideration of immigration into the United States.

Beyond this, if there arose new and lively interest in the problems of the world's homeless, and it was recognized in the Congress that these problems were related to the national interest, then the problem of funding for intergovernmental and State Department programs might be partially solved.

Initiate Public Information Campaign in the United States about "The Refugee Story." Recognizing the tragic need for public information about, and sympathy for, the world's refugees, the United States Committee for Refugees in cooperation with the American Council of Voluntary Agencies for Foreign Service was asked to undertake a new and continuing effort to "tell the refugee story" through the mass media and to help our citizens understand the decisive role American private voluntary agencies are playing in their services to refugees around the world.

Comment—We think that this "point 4" from the point of view of the Conference objectives is, in many ways, the most important. The last decade has seen a sad decline in the interest and understanding of the American people for the problems of refugees. Their numbers around the world have increased from seven million to seventeen million in the last five years. Precisely while this shocking increase was taking place, our interest in the human problems involved has all but disappeared. We all agree that every refugee problem is a political problem but this is not the main fact in regard to it. The main fact is that it is a human problem involving men, women and children who need help of the most elemental kind and who should get it because another human being has sympathy for his plight. Basically, this means that the programs of the private agencies, depending as they do on the private contributions of money from individual Americans, and governmental and intergovernmental programs, depending as they do on tax money awarded on the basis of representative consent by Congress, are at root based on the understanding and generosity of individual Americans.

"Telling the refugee story" is nothing more nor less than reaching the imagination of our fellow citizens and persuading them to share, because there is need and because their sharing is the only real source of help there is.

Undertaking the "new and continuing effort to tell the refugee story" is the main business of the United States Committee for Refugees and all of the sponsoring organizations of the Conference but in order to bring new energy and impact to this task we must find a cooperative rationale for it among the agencies themselves. Just disseminating information about refugee problems is not enough. "Telling the refugee story" means the dissemination of reliable information but it also means answering the public's question, "What can I do to help?" In other words, appealing for funds. We have frequently said that the problem of the world's refugees is a "hidden" problem. It is not really a "hidden" problem, it is just an incomprehensible problem—and our efforts to make it comprehensible are too diffuse, partial and unspecific. All of us, representing the agencies in the private sector, are aware of this because we compete with one another for support from the general public and, therefore, work anxiously to tell our own stories. So, our competition, good in many ways, has had the effect of preventing any strong, united and sustained national effort. We believe that it would be most helpful, both in increasing public awareness and in making resources available for agency programs, if there was an annual public concentration of attention on the problems of the world's homeless. We wish that we might all unite in an effort like the Protestant "One Great Hour of Sharing"—using mass media as fully as possible—perhaps at Thanksgiving time. Such a united effort would not replace, it would fortify and support the promotional and public information efforts of each of us. An appeal for help, made in such a concerted effort, would rest on the needs of the refugees and on the needs of the American private agencies which are seeking to help them. We agree that intergovernmental agencies should get their basic support, if not all of it, from governments. The major point is that there are seventeen million refugees and that the American private agencies are seeking to help them with wholly inadequate funds. New and more adequate funds must come from the private citizen who believes in the traditional right and duty of the American citizen to be helpful to those in need.

We think, moreover, that a concentrated effort of this kind would not be unnoticed by our Government and that it would have a positive effect on government funding.

A comment: the unfinished business of the conference

There were a number of important problems which, for lack of time, simply did not come into focus in the Conference. These problems were not ignored in the discussion groups or by the panelists but there was no consensus formed in respect to them. They are included as part of this report because they are an important part of the daily life of many, if not all, the agencies.

Refugee students

African students in very large numbers have come to the United States for both general and special college and university education. They are, in many cases, refugees who have been granted exit permits by the countries in which they had found asylum. Many of these students, having completed their training, now find that they cannot return to these countries nor, of course, to the countries of their exile. They are, thus, in a kind of international limbo and their daily problems and future problems have become the problems of the private agencies. In addition, there are large numbers of Nigerian students sponsored by their own Government which, because of war, has been unable to fulfill its commitments to them. Recently and especially, the needs of students from the so-called "Biafran enclave" have left the agencies with a sense of baffling inadequacy.

Many felt the Conference should have made a serious study of these problems and devised means for interagency cooperative efforts towards their solution.

Community development and leadership training

Some agencies specialize in training leadership cadres for various kinds of social welfare services. Other larger agencies carry on programs of this kind as a part of their general activities. There was a strong but inarticulated feeling in the Conference that these activities, which bear so heavily on the future of refugee resettlement programs, should have had full discussion. We believe that the training of key leadership, whether for medical, educational, agricultural or other programs, is one of the unheralded triumphs of the private voluntary agencies. Probably no single contribution of the agencies means more than the development of indigenous leadership of this kind. It is one of the tragedies related to the "hiddenness" of the refugee problem in the United States that these crucially important and encouraging programs of the private agencies seldom come to the public's attention.

Contingency planning for South Vietnam

A major interest shared by many of the agencies are the foreseeable problems which will face them with the cessation of hostilities in Vietnam. The objectives of the war effort, debatable as they have been, will surely never materialize if, in the period after the fighting ends, there are no plans and programs directed to the major problems of the civil population in Vietnam. More than thirty American organizations are at work there now. Surely, their work is thought to be a part of the war effort by the Vietnamese people. What effort is being made to devolve social welfare, medical and other programs upon leadership in the private sector in Vietnam? Each agency is at work in its own way but there is little evidence that there is inter-agency planning for the day when the fighting has stopped and when the Vietnamese people have begun to build themselves into nationhood. American and other private agencies are making a valiant effort to assist the Vietnamese with the care of orphaned children, the rehabilitation of the physically handicapped, the right and provident use of land, etc., etc., but it is not clear what these agencies are planning for the day when the fighting shall have ceased and the South Vietnamese are, at long last, free and able to shape their own destiny. Plans for the "Vietnamization" of medical, social welfare, educational activities for the period of reconstruction should be laid *now* on a unified and coordinated basis. The leadership of the Vietnamese people has made great progress in the development of social welfare services during the war, but every effort should be made to protect and nourish these beginnings through the normal disorder of the post-military period.

Patterns of cooperation

Intergovernmental programs, such as that of the United Nations High Commissioner for Refugees, have a certain life of their own. They rest on mandates from the United Nations General Assembly or some other intergovernmental body, but their effectiveness depends on the cooperation and support of private citizens through their organizations. The Conference paid far too little attention to the problems which this "partnership involves." Some delegates in the Conference expressed the hope that the private sector organizations in the United States might find a way to have more direct representation and liaison with the planning and administrative bodies responsible for the programs of the intergovernmental agencies. It was suggested that the Secretary of State might appoint a "public member" to become a part of the United States delegations to these controlling bodies.

A summing up

The Conference was, in many ways, a milestone in the life of the sponsoring agencies. It provided a "unique mix" of the leadership from private, governmental and intergovernmental bodies and the interchange of opinion between these partners in a common enterprise was extremely valuable. The Conference made no provision for further formal deliberations but it laid the groundwork for new associations and it opened the possibility of new forms of cooperation.

It is evident that further discussion should be had on much of the unfinished business of the Conference. The Officers and Conveners are left with a heavy burden of responsibility to insure that the effort, so well begun, should not be lost. We believe the decade of the seventies should see the solution of some of the refugee problems which should now trouble the peace of the world. We think the American Community, through the agencies its citizens have created for these purposes, will assume this responsibility. The agencies must lead the way.

The United States Committee for Refugees, Convener of the Conference, expresses again its deep appreciation to all the participants for their contributions, to the Co-Conveners. The American Council of Voluntary Agencies for Foreign Service, Inc. and the American Immigration and Citizenship Conference, for their assistance along the way, to the State Department for its cooperation and encouragement and, especially, to the Secretary of State for his generous hospitality in honoring the Conference membership at a Department reception.

1969 WORLD REFUGEE POPULATION—17,318,320 HOMELESS—VICTIMS OF WAR, INTOLERANCE AND SOCIAL UNREST

Country of asylum	From	1968	1969	Source
East Asia:				
Australia		37,000	44,000	UNHCR.[1]
Do	Czechoslovakia		992	ICVA.
China	Russia	1,000	10,000	UNHCR.[1]
Hong Kong	China	2,020,000	2,035,000	USCR.
Macau	do	86,000	73,000	ORM.
New Zealand	Eastern Europe	500	3,000	UNHCR.[1]
East New Guinea	West New Guinea	6,000	6,000	Freedom Comm. West Papua.
Southeast Asia:				
Bhutan	Tibet	6,000	6,000	ORM.
Cambodia	South Vietnam	20,000	20,000	UNHCR.[1]
India (Calcutta)	East Pakistan	2,000,000	2,000,000	CWS; USCR.
India	East/West Pakistan	1,000,000	1,000,000	ORM.
Do	Tibet	50,000	55,000	UNHCR.[1]
Indonesia (W. Borneo)	China	60,000	60,000	WCC; ORM.
Do	National[2]	80,000	40,000	ORM.
Laos	do	245,000	260,000	ORM.
Nepal	Tibet	8,000	8,000	UNHCR[1]; ORM.
East/West Pakistan	India	500,000	260,000	ORM.
Sikkim	Tibet	5,000	5,000	ORM; Office of Tibet, USA.
South Vietnam	National[2]	1,092,500	1,197,143	ORM.
Thailand	Burma	30,000	30,000	New York Times.
Do	China	7,300	7,300	ORM.
Do	North Vietnam	40,000	40,000	ORM.
Various countries in Asia	Europe	2,000	2,000	UNHCR.[1]
Total, Asia		7,296,300	7,162,435	
Middle East:				
Dubai	Zanzibar	200	200	ORM; UNHCR; USCR.
Gaza Strip	Palestine	265,000	307,714	UNRWA.
Israel	Various countries	52,000	52,000	USCR.
Do	Poland	3,200	2,000	Jewish News.
Jordan (West Bank)	Palestine	475,000	271,796	UNRWA.
Jordan (East Bank)	do	494,000	489,762	UNRWA.
Lebanon	do	166,264	171,517	UNRWA.
Do	Armenians		253	ICEM.
Syrian Arab Republic	Palestine	249,537	154,285	UNRWA.
Do	Circassians (USSR)		8,000	USCR.
Turkey	Bulgaria; Rumania; USSR; Yugoslavia; Albania	2,000	2,000	UNHCR.[1]
Various Middle East Countries	Various Middle East countries		350,000	USCR.
Various Middle East Countries	Europe	10,000	10,000	UNHCR.[1]
Total, Middle East		1,717,201	1,819,527	
North Africa:				
Morocco		2,686	3,000	UNHCR.[1]
United Arab Republic	Europe	500	500	USCR.
Do	Sinai; Gaza Strip	45,000	45,000	UNRWA.
Do	S. Africa; S. W. Africa, Rhodesia; Mozambique	500	500	USCR.[3]
Northeast Africa:				
Ethiopia	Mozambique	11	11	USCR.[3]
Do	Somali Republic	70,000	70,000	Ethiopian Government.
Ethiopia	S. Africa; S. W. Africa; Rhodesia	30	30	USCR.[3]
Do	Sudan	22,000	20,000	UNHCR.[1]
Somali Republic	French Somaliland	12,000	12,000	Conference Document, Addis Ababa, 1967 (unconfirmed).
Do	Ethiopia	189,000	189,000	
Do	Kenya	218,000	218,000	
Sudan	Congo	9,000	7,500	ORM.
Do	Ethiopia (Eritrea)	31,000	38,000	UNHCR.[1]
Central and East Africa:				
Angola	Congo	2,000	2,000	ORM.
Do	Zambia	4,500	4,500	ORM.
Burundi	Congo	25,000	20,000	ORM; UNHCR.[1]
Do	Rwanda	54,000	72,000	UNHCR.[1]
Central African Republic	Congo	12,300	5,000	ORM; UNHCR.[1]
Do	Sudan	28,600	19,500	ORM; UNHCR.[1]
Congo, Dem. Republic of	Angola	400,000	475,000	UNHCR.[1]
Congo	Haiti[4]	1,500	1,500	USCR.
Do	Rwanda	24,000	24,000	ORM.
Do	Sudan	40,000	66,000	ORM.
Do	Zambia	20,000	15,000	ORM; UNHCR.[1]

Footnotes at end of tables.

1969 WORLD REFUGEE POPULATION—17,318,320 HOMELESS—VICTIMS OF WAR, INTOLERANCE AND SOCIAL UNREST—Continued

Country of asylum	From	1968	1969	Source
Central and East Africa—Continued				
Kenya	Rwanda	50	50	USCR.
Do	South Africa	450	450	USCR.
Do	Sudan	200	200	USCR.
Malawi	Mozambique	20,000	15,000	ORM.
Do	South Africa	30	30	USCR.
Rwanda	Burundi	12,600	12,600	CRS.
Tanzania	Congo	6,000	6,000	ORM; UNHCR.[1]
Do	Kenya	2,500	2,500	LWF.
Do	Malawi	600	600	CRS.
Do	Mozambique	27,000	33,000	UNHCR.[1]
Do	Rhodesia	20	20	USCR.
Do	Rwanda	13,500	14,000	ORM.
Do	Sudan	600	600	ORM.
Uganda	Congo	34,300	34,000	ORM.
Do	Rwanda	68,800	70,500	ORM.
Do	Sudan	64,500	71,500	ORM.
Zambia	Angola	11,500	8,000	ORM.
Do	Congo	1,200	300	ORM.
Do	Mozambique	2,600	3,600	ORM; USCR.
Do	Other S. African countries	350	350	USCR.
Southern Africa:				
Botswana	Angola	1,000	4,000	UNHCR.[1]
Do	S. Africa; S.W. Africa; Rhodesia	200	200	ORM; EPEAA.
Lesotho	South Africa	200	200	USCR.
Swaziland	S. Africa; Mozambique	90	90	USCR.
South Africa	Czechoslovakia		612	ICVA.
West Africa:				
Cameroon	Nigeria	500	500	USCR.
Dahomey	Ivory Coast; Senegal; Mali	12,000	12,000	EPEAA; ICMC.
Do	Nigeria	700	700	UNHCR.[1]
Equatorial Guinea	do		40,000	UNHCR.[1]
Gabon	do	1,000	1,000	UNHCR.[1]
Ghana	Cameroon	50	50	UNHCR.[1]
Nigeria/Biafra	National[2]	3,500,000	3,500,000	WCC.
Senegal	Portuguese Guinea	61,300	63,000	ORM.
Togo	Nigeria	20	20	UNHCR.[1]
Various African countries	South Africa	6,000	2,500	ORM.
Total, Africa		5,061,487	5,026,213	
Europe and United Kingdom:				
Austria		24,000	24,000	UNHCR.[1]
Do	Czechoslovakia; Poland	19,213	11,834	ICEM.
Belgium	Eastern Europe	47,000	47,000	UNHCR.[1]
France	E. Europe; N. Africa	192,000	187,000	UNHCR.[1]
Do	Tunsiia	23,000	23,000	JDC.
Do	Spain	100,000	100,000	SRA.
Germany	Czechoslovakia	1,728	4,652	ICEM.
Do	Eastern Europe	180,000	110,000	UNHCR.[1]
Greece	do	12,000	8,000	UNHCR.[1]
Italy	Czechoslovakia	325	1,793	USRP.
Do	Eastern Europe	13,558	13,000	UNHCR.[1]
Do	North Africa	2,500	2,500	ORM.
Netherlands	Eastern Europe	9,500	8,000	UNHCR.[1]
Spain	Cuba	21,000	23,740	UNHCR: ICEM.
Sweden	Eastern Europe	20,000	17,000	UNHCR.[1]
Switzerland	Tibet	495	600	Swiss Government.
Do	Eastern Europe	20,500	20,500	ICVA; Swiss Government.
Do	Czechoslovakia		10,000	Swiss Government.
USSR	China	70,000	70,000	U.S. Senate Hearing Rept.
United Kingdom	Various Countries	167,000	16,1000	UNHCR.[1]
Yugoslavia	Albania	26,000	26,000	UNHCR.[1]
Total, Europe and United Kingdom		949,819	869,619	
Western Hemisphere:				
Argentina	Chile; Bolivia; Paraguay	1,000,000	1,000,000	N.Y. Times.
Bahamas	Haiti	15,000	15,000	N.Y. Times.
Canada	Czechoslovakia	10,000	10,000	CSM.
Dominican Republic	Haiti	5,000	5,000	IRC.
Puerto Rico	Cuba	14,938	14,938	DHEW; ORM.
Do	Haiti	5,000	5,000	IRC.
United States	Czechoslovakia		1,800	CSM.
Do	Cuba	430,700	493,300	ORM.
Do	Hong Kong		918	ICEM.
Do	Tibet	70	70	Office of Tibet, USA.
Do	Haiti	6,000	6,000	IRC.
Do	Various countries	550,000	550,000	UNHCR.
Various Latin American Countries	Cuba	45,500	48,500	ORM.
Do	Europe	125,000	110,000	UNHCR.
Total, Western Hemisphere		2,207,208	2,260,526	

Note: See summary below:

TOTAL WORLD REFUGEE POPULATION

Area	1968	1969
Asia	7,296,300	7,162,435
Middle East	1,717,201	1,819,527
Africa	5,061,487	5,206,213
Europe and United Kingdom	949,819	869,619
Western Hemisphere	2,207,208	2,260,526
Total	17,232,015	[5] 17,318,320

Key to abbreviations:

CRS–USCC—Catholic Relief Services-United States Catholic Conference.
CSM—Christian Science Monitor.
CWS—Church World Service.
DHEW—Department of Health, Education, and Welfare, U.S. Government.
EPEAA—Ecumenical Programme for Emergency Action in Africa (All Africa Conference of Churches).
ICEM—Intergovernmental Committee for European Migration.
ICMC—International Catholic Migration Commission.
ICVA—International Council of Voluntary Agencies.
IRC—International Rescue Committee.
JDC—Joint Distribution Committee.
LWF—Lutheran World Federation.
ORM—Office of Refugee and Migration Affairs, Department of State, U.S. Government.
SRA—Spanish Refugee Aid.
UNHCR—United Nations High Commissioner for Refugees.
UNRWA—United Nations Relief and Works Agency for Palestine Refugees.
USCR—United States Committee for Refugees.
USRP—United States Refugee Program.
WCC—World Council of Churches.

[1] These figures, as of October 1, 1969, represent the estimated number of refugees in each country (whether resettled or not) subject to the protection and/or assistance of the Office of the United Nations High Commissioner for Refugees. In nearly all cases, other agencies confirm these figures.

[2] Refugees in their homelands who, because they have not crossed an international border, retain citizenship.

[3] These figures represent a small but significant number of refugees from southern African states seeking employment or educational opportunities.

[4] In April, 1967 there were reported to be 1,500 Haitian refugee teachers working in the Democratic Republic of the Congo. No change has been reported.

[5] At any moment, there are many thousands of refugees in transit whose movement to asylum countries is now accomplished quickly enough to obviate the need for temporary "refugee camps". For example, 4,000 persons per month are moved from Cuba into Miami and out to new homes in a matter of days. Similary, refugees from behind the Iron Curtain are being processed so rapidly and so efficiently that their numbers do not enter our calculations. Only refugees that are VISIBLE can be accounted for.

MIGRANTS

It is important that the above statistics be studied with the following points in mind:

The total of 17,318,320 refugees in temporary asylum in all parts of the world does not include a very large number of people who are migrants. For example, we know of the presence of one million persons who have moved from Chile, Bolivia and Paraguay to the outskirts of Buenos Aires in Argentina. They are refugees in the sense that they have no proper travel documents and also because they are, for the most part, jobless and homeless—in other words, in need of most of the services normally thought appropriate and necessary for refugees.

Many tribal people in Africa are migratory. Their traditional and customary movement in search of fresh pasture land is accepted as normal. It is true, however, that due to the almost universal ferment of Africa's new life, the normal migration of these people creates problems similar to the problems of the refugee.

RETURNEES

There is a radically increasing number of persons who are being deported to the countries of their ethnic origin. Indians who have lived in Burma—some for generations—Indians who have lived in Ceylon or East Africa, are being returned to India. Often their properties are confiscated before their deportation and they arrive in great need. They are not refugees in the strict sense because they have Indian citizenship.

Great numbers of Chinese in Indonesia are being similarly treated although their return to Mainland China is often impossible. Perhaps the more familiar instance is the departure of Jews from Egypt and other North African countries.

While "returnees" do not figure in the calculation of refugee population around the world, refugee services—that is, homes, jobs, etc.—must be provided for them.

Major Refugee Problems Crawl Toward Solutions

Analyses of key refugee problems were prepared by experts in each field and circulated to Conference delegates in advance. These extracts provide valuable background information:

THE MIDDLE EAST REFUGEE PROBLEM

(Dr. Harry N. Howard, Adjunct Professor of Middle East Studies, The School of International Service, American University, Washington, D.C.)

The Arab-Israel conflict of June, 1967, once more, threw Middle East tensions into sharp relief, highlighted the problem of the Arab refugees, brought it again into the focus of international attention, and added some 400,000 people to the relief rolls in that troubled area, about one half of whom had previously been refugees.

There has been rather little indication, during the period of 1948–1969, that either Israel or the Arab States are ready for any formal peace settlement of the more general Palestine problems or that the Arab refugees since the minimum requirements on either side are greater than the other has been willing to concede.

By the end of May, 1967, prior to the tragic events of May-June, there were 1,344,576 Arab refugees on the United Nations Relief and Works Agency for Palestine Refugees in the Near East registration rolls, of whom 860,951 were full ration recipients, as compared with 957,000 when UNRWA assumed its responsibilities on May 1, 1950. By 1969 there were some 1,375,915 refugees on the UNRWA registration lists, of whom some 844,000 received full ration. Geographically, they were distributed as follows: *East Jordan,* 478,369; *West Jordan Bank,* 269,065; *Gaza Strip,* 307,824; *Lebanon,* 168,927; and *Syria,* 151,730.

About two-thirds of the refugees are in the age group of 1–25 years, 24 percent in that of 25–50, and 12 percent 50 years or above. Some 40,000 reach maturity annually. While precise date are difficult to obtain, as in many large-scale operations, UNRWA has estimated that some 40 to 50 percent of the refugees are destitute or nearly so, 30 to 40 percent are partially self-supporting, but still in need of UNRWA aid, and some 10 to 20 percent appear to have been reestablished. While the percentages have varied since 1967, it may still be observed that about 40 percent of the refugees live in UNRWA centers or camps, although the average varies, and in Syria, for example, less than 16 percent do, as compared with about 65 percent in the Gaza Strip, 44 percent in Lebanon and 32 percent in Jordan.

Granted the underdeveloped state of their economies and the paucity of their basic resources, it is altogether probable that the Arab host countries absorbed as many employable refugees as was possible during the period since 1948.

It is doubtful that the problem in the Gaza Strip, with refugees constituting about 70 percent of the total population of some 400,000 people and a density of some 3,600 per square mile, can be solved outside some general political settlement.

UNRWA was not established to "solve" the refugee problem, much less the more general Palestine problem.

Today UNRWA is the largest of the United Nations subsidiary agencies, with a staff of some 12,434,198 percent of whom are Palestinian refugees. There are 108 international staff members. About 6,822 members of the staff are engaged in education and training, 2,988 in the health services.

There can be no doubt that UNRWA has contributed much to such stability as existed in the Middle East, as did UNTSO and UNEF, which operated in the security field, and helped to maintain a climate in which social, economic and political forces which might solve the problem in its various aspects might work more effectively.

Following the conflict of June 1967, as noted above, UNRWA was faced with a very serious new emergency, involving some 400,000 people, about one-half of whom had been refugees before.

By 1969 a critical situation once more had developed. There was little indication of general settlement or adjustment in the broader aspects of the Middle East conflict. While the needs of the refugees continued, UNRWA faced a continuing financial crisis, with the prospect of being forced to cut its services, especially in the field of education and training.

THE HONG KONG REFUGEE PROBLEM

(Wells C. Klein, General Director, International Social Service, American Branch Inc.)

There is no refugee problem in Hong Kong today, although a conservative estimate suggests that more than 30 percent of the Colony's four million people are refugees in the political sense of the term. This seemingly contradictory statement is explained by the fact that the difficulties faced by refugees are essentially no different from those confronting the rest of the population. Their problems derive from poverty, a general and relative condition affecting others as well, and not from their geographical origin or political persuasion.

Statistics on the number of refugees in Hong Kong vary considerably depending on the definition one wishes to use. For today's purposes, however, differentiating between refugees, those who left their homes for reasons of feared or actual political persecution, and other immigrants to Hong Kong over the past two decades has little practical utility. Over the years, some have sought, for lack of understanding or political reasons, to label anyone who arrived in Hong Kong after World War II as a refugee. Others, including the Government of Hong Kong, have never recognized the term refugee and have referred to all new arrivals as immigrants, either legal or illegal. From the Government's point of view, this latter approach has had a certain pragmatic value in terms of dealing with the serious problems resulting from explosive population growth.

If Hong Kong presented a haven for hundreds of thousands of refugees, as it clearly did, it can also be said that the refugees were, in many respects, the making of Hong Kong. Refugees were one of the fundamental elements which permitted the transformation of this commercial entrepot on the rim of China into a highly organized and still expanding industrial society within the short span of fifteen years. The refugees not only constituted a reservoir of cheap labor but also brought with them the managerial talent, skilled labor and entrepeneurial instinct which represented the basic human resources necessary for rapid industrialization. The catalyst needed to transform potential into reality was provided by the Korean War and the subsequent U.S. embargo on mainland Chinese goods. Hong Kong's laissez-faire economy, with its low cost factor based on refugee labor, was able to respond rapidly and compete successfully on the world market even against such formidable low-cost goods producers as Japan.

Although the industrialization which was taking place during the 1950's and 1960's provided the economic base from which Hong Kong was eventually able to alleviate many of its most immediate social problems, there was a substantial time lag before the benefits begun to filter down. The rich got richer far more rapidly than the poor saw any change. Four years of Japanese occupation during World War II had left Hong Kong's housing, medical facilities, educational system, municipal and social services in a dilapidated state from which the Colony had no time to recover before the first massive waves of refugees began to arrive.

The quadrupling of population in less than twenty years created requirements the Colony could not possibly meet, and the refugees, though treated equally, were the latest arrivals and stood furthest to the rear in line. The simple provision of food, clothing and shelter taxed the Colony's resources and the population's ingenuity to the utmost.

Voluntary agencies and local charitable organizations were exemplary in their efforts to provide food, clothing and medical assistance to the city's poor. They also approached the housing situation with highly innovative development schemes, but the magnitude of the problem dwarfed their efforts.

Today Hong Kong is finally emerging from the emergency situation of having to provide food, clothing and shelter for some 2 million "immigrants." The burden has been heavy but in some respects it also provided the impetus which has brought Hong Kong a level of prosperity it never previously enjoyed. Much remains to be done in the areas of education, medical and social services, and it is apparent that the Government will have to step into all these areas, as it did in housing, if real social progress is to be made.

THE VIETNAM REFUGEE PROBLEM

(Ambassador Ellsworth Bunker)

Some 3,500,000 people—roughly 20 percent of the total population of South Vietnam—have sought refuge from the war raging around them or from the harassments of the Communists during the past five years. Almost all of them have taken refuge in the South. Virtually no one has gone North. Many have been helped in reestablishing a new life in a new location. Many have returned home as soon as security conditions have permitted. One million still are refugees.

This is not the first time in history that refugee problems have plagued the Vietnamese people. Refugee migrations have occurred with more than accidental frequency throughout the course of Vietnamese history. In fact, the entire Vietnamese nation has been on the move for the past two thousand years.

Refugees in Vietnam today frequently have been caught in the crossfire of fighting around them and fled from it rather than from systematic oppression. These displaced persons, although called Refugees from Communism by the Government of the Republic of Vietnam (GVN), ironically are more apolitical than were refugees during the 1950's. Today's so-called refugee in Vietnam is more aptly described as a "war evacuee" inasmuch as he has in effect, fled from a combat zone in search of security. He has not crossed an international boundary.

Essentially, the current refugee problem dates from the fall of 1964, although some small refugee movement started earlier. (In fact, all those who became refugees after January 1, 1964 are officially recognized. But the scope of the challenge did not emerge until the latter part of the year.) Ironically the problem was initiated not by an act of war but by the most devastating flood in modern Vietnamese history, which inundated vast areas of the countryside in the northern coastal provinces and left about one hundred thousand people homeless in the fall of 1964. The South Vietnamese Government at that time, weakened by *coups d'etat* and politico-military disintegration, was unable to keep the ravaged areas from being occupied by the Viet Cong. Consequently these flood victims formed the nucleus of a hard-core refugee population which by early 1969 had peaked to a level of some 1.5 million people.

The war in Vietnam, by virtue of its permeative, "frontless" nature, has created a refugee problem that exists in virtually every province of the country. Wherever the war is intense, so is the refugee situation, and implicit in this fact is the solution to the refugee problem itself. Wherever the level of combat has subsided and GVN or Allied Forces have restored territorial security, refugees are returning home. Territorial security is the inescapable *sine qua non* for refugees. This basically affects the ultimate solution of the problems and this is why it cannot be fully accomplished until the shooting stops.

The United States finances the major portion of the refugee program, and maintains a 95-man advisory group to assist and advise the Ministry of Health, Social Welfare and Relief (MHSWR). The U.S. provides Vietnamese piasters as a direct subsidy to the MHSWR program budget and U.S. dollars and piasters for purchases of refugee commodities which are consigned to the MHSWR. Financial and logistical support is also given to voluntary agencies participating in refugee and relief programs. U.S. financial support from all sources in 1968 approached the equivalent of 60 million dollars.

There are 31 voluntary agencies from 26 countries currently operating in Vietnam.

Twenty-one of the 31 registered agencies are devoting their full time to refugee-assistance programs. Five more agencies have part-time refugee programs. Voluntary agency contributions and expenditures in Vietnam total over 20 million dollars annually. Approximately 12 million dollars of this total is channeled into refugee assistance. The U.S. and GVN provide additional support by contracting with voluntary agencies which are directly engaged in refugee relief and related social services. The dollar value of this assistance for FY 1969 is $3,825,000.

At the present time, these registered agencies have over 500 U.S. and other foreign employees working with a full-time Vietnamese staff of approximately 2,000.

Editor's note: In a cablegram to the State Department, for transmission to the National Conference, Ambassador Bunker said that "progress in refugee program has been so substanetial that we believe updated information on salient statictics might be useful to those officers who will attend the meeting." He went on to state: "Whereas paper reported the million refugee caseload then existent, figure by end of October had been reduced to 537,827. This includes 126,602 in temporary sites, 147,631 in resettlement process and 172,534 outside centers. October was record month in which 67,178 were resettled in place and 201,358 out of campers were processed and removed from rolls."

THE TIBETAN REFUGEE PROBLEM

(Ernest Gross, Chairman of the Board, The Tibetan Foundation)

Compared with the millions of refugees in South-East Asia, the problem of Tibetan refugees may be a small one with regard to numbers. However, the problems of the Tibetans are uniquely difficult. While other groups of refugees often find themselves in a country whose language they understand and whose technology and way of life are familiar, the Tibetans arrived in countries having different languages and altogether different ways of life.

The Government of India, together with several American and international voluntary agencies, has given generous assistance of land for resettlement, food, clothing and medical supplies. Thanks to their continued help over the past ten years, today the problem of resettlement is halfway toward solution.

In India, about 14,000 have been resettled in agriculture, 3,400 have been absorbed in small industries and about 900 have found employment in various Tibetan handicraft centers.

In Nepal, about 2,400 people have been resettled in agricultural and handicraft centers.

In Bhutan about 1,800 people have been settled on land.

In Sikkim about 750 people have been resettled in agricultural and handicraft centers.

About 700 Tibetan refugees have been successfully resettled in Switzerland as factory workers. Approximately 200 Tibetans are scattered in other parts of Europe, America and Japan where they are mostly receiving educational and vocational training. This leaves a total of about 30,000 Tibetan refugees in India, Nepal, Bhutan and Sikkim who are yet to be resettled. In addition to this, 100–200 new refugees cross into India every month.

The majority of unsettled refugees work on road construction. There are about 95 road construction camps of which 75% are in the Northwestern part of India, and 25% in the Northeastern part of India, Bhutan and Sikkim. There, both men and women working as construction laborers, digging and carrying stones on their backs, earn about 30 cents per day. They live a constantly shifting life, in remote mountainous areas, in tents which give little protection against the cold winter weather. Because of the arduous conditions, only a few small children, numbering about 3,000, live with their parents. A larger group of over 5,000 children of road-workers are accommodated in residential schools and nurseries far away from their parents.

Most of the road-workers have been leading this kind of life ever since they fled from Tibet. Now they long to resettle themselves permanently as farmers or craftsmen so that their children can live with them and have a place to call their home.

66% of the unsettled refugees were farmers in Tibet, the rest being nomads, small traders and monks. Experience has shown that the best solution to the problem of Tibetans still lies in agriculture. This is a quick and simple solution. There is no training involved, apart from guidance needed for improved methods of production. Marketing poses no problem and with the availability of credit facilities to tide over the past harvest season, the farmer is assured of a regular income.

Plans are, therefore, underway to establish more such land resettlements in India, Nepal and Bhutan.

Aside from general rehabilitation problems, there are old and handicapped people who are unable to work. For those who have families, the solution is simple—they are looked after by the working members of the family. But for those who have no relatives, the solution is extremely difficult.

On the education front, the Tibetan School Society, an autonomous body under the Indian Ministry of Education, is presently running 7 boarding schools for a total of 4,170 children and 6 day schools for 1,736 students. However, there are still some 1,200 children between the ages of 6–13 who are not receiving any education at the moment.

THE AFRICAN REFUGEE PROBLEM

(Jan S. F. Hoogstraten, Director, Church World Service, Africa Department, National Council of Churches of Christ, U.S.A.)

Apart from the need to seek a quick solution to this human tragedy—it is also imperative for the sake of peace and tranquility in a large developing area of the world that the rest of the world participate in seeking such solutions and measures to prevent the spreading of this potentially dangerous cancer. True enough: this is first and foremost an African problem created largely by political tensions in Africa. Therefore, the solution to most of the refugee problems in Africa can only be found by solving the political problems which caused refugees to become flotsam on the waves of the political storms of African life in the late sixties. Charity alone is not enough; understanding of the "root" issues and a sense of purpose and direction are also needed.

The churches have traditionally been active in alleviating the plight of those who fled their countries of origin in order to avoid oppression, suppression, arbitrary imprisonment and tribal persecution. Refugees are unpopular as they face isolation, rejection and possible loss of their identity as individuals. This is especially true among these individual refugees who do not fit into rural settlements in Burundi, Tanzania and Central African Republic, or who have failed to fend for themselves. Among those who encounter greatest difficulty are the young men and women who have had some education before they become refugees. They are young men and women with imagination and enterprise—potential leaders, who are simply unable to settle into agricultural village life. Many have become vagrants—moving from South African countries to and thru the great cities in East Africa, looking for work and opportunities for further education and training.

While for most refugees African asylum countries must continue to bear the major burden of resettlement, it is obvious that concentrated assistance from outside will remain necessary for a long time to come.

The solution, however, lies in Africa itself. The great question is will tolerance, the growing influence of the Organization of African Unity and a better acceptance of the potential value of the refugee for the country of asylum, will these constructive forces come into play soon enough? If so, then the development of Africa, the use of its vast potential in resources and manpower for the benefit of all its people will become a reality in an atmosphere of peace and tolerance transcending the tribal and present national borders.

THE CUBAN REFUGEE PROBLEM

(Charles Sternberg, Executive Director, International Rescue Committee, Inc.)

There are about 600,000 Cuban refugees, nearly 10 percent of Cuba's population. Refugee sources estimate that about the same number have been actively considering leaving Cuba. No voluntary refugee movement of such proportions has ever been recorded before.

There are sizable Cuban colonies in most Latin American countries and in Spain. But the mass of the refugees have sought, and found, a haven in the United States, about 500,000 of them. For ten years now, with variations according to the availability of permits and transportation facilities they have been coming here at a rate of 50,000 a year. This, too, is unprecedented.

They are a cross-section of Cuba's population, although there was a higher than random representation of professionals, managers and business people in the first phase of the program and there are more blue-collar workers now. Omitting housewives and children, the refugees who arrived in Miami after the resumption of the Airlift show the following occupational distribution: professionals, semi-professionals and managerial personnel: 19 percent; clerical and sales employees: 33 percent; skilled, semi-skilled and service workers: 42 percent; agricultural workers and fishermen: 6 percent. Contrary to the widespread belief that Cuba's refugees are the former rich or the erstwhile supporters of Batista, this data proves conclusively that they come from all strata of Cuba's society and that as of now they are largely of working-class background.

By the end of September 1969, the four voluntary agencies responsible for the resettlement of Cuban refugees reported that two-thirds of all those processed in Miami had found new homes outside of Dade County. And of the 166,000 Airlift arrivals since December 1, 1965, 119,000 had been helped to leave Miami for one of the fifty states, Puerto Rico or the District of Columbia. That's 70 percent.

This emphasis in presenting the story, though certainly factual and correct in its details, has nevertheless obscured the less attractive side of the Cuban experience, such as the frequent downgrading of newly arriving refugees. Too many Cubans have been working at jobs beneath their real qualifications, either because of their limited English or lack of American training, or sometimes because of restrictive policies of some professional societies. And the statistics about the occupational background of the newly admitted Cubans do not reveal that there are now more people over 60 among the newcomers, more people with health problems, fewer people who speak English and more one-parent families.

In evaluating the fact that 10 to 15 percent of the Cuban refugees in the U.S. receive one type or another of public welfare support, one has to keep in mind that they are mainly the old, women with dependent children, and the disabled, who account for about 70 percent of those on welfare at any given time.

It has remained one of the positive factors of the total Cuban refugee picture, perhaps as meaningful as the drive and self-sufficiency shown by those who can stand on their own feet, that employable Cubans have gone off welfare quickly and that they have, as a rule, not developed the syndrome of dependence.

As Cuban refugees continue to come to our shores, the United States, for the first time in contemporary history, has become a country of first asylum. In all other post-war programs a selective principle was at work which applied qualitative criteria to the admission procedures and thus did not have the broad sweep which characterized the Cuban influx.

Next to Dade County in Florida, the New York/New Jersey metropolitan area, California (Los Angeles), Puerto Rico, Illinois (Chicago), Massachusetts (the Greater Boston area), and Louisiana (New Orleans) have become the major regions of resettlement.

THE EUROPEAN REFUGEE PROBLEM

(John E. McCarthy, Executive Director, Migration and Refugee Services, United States Catholic Conference)

The year 1968, as does 1969, convincingly demonstrates that the refugee problem in Europe is, unfortunately, far from being solved. Although the major event relating to refugees is, no doubt, the considerable increase in arrivals of Czechoslovaks in the several asylum countries, it must be stressed that there is a striking overall increase in the number of refugees seeking opportunity to start a new life in the immigration country of their choice. This statement is borne out by the fact that the total refugee movement was more than 40 percent higher in 1968 than that which occurred in 1967, 67 percent higher than that in 1966, and projections for 1969 indicate no immediate relief.

The Intergovernmental Committee for European Migration moved 50,987 refugees during the year 1968 and an analysis of the areas from which they originated shows that about 57 percent came from Eastern European countries and some 29 percent from the Middle East. The remaining 14 percent were Cuban refugees departing from Spain, where they found temporary asylum after leaving Cuba.

In the first 8 months of 1969, 35,000 refugees have been moved by ICEM. Taking account of the number of potential refugees in the asylum areas of Western Europe, one can conservatively estimate the number at 40,000. Add to the current rate of influx of new refugees at 4,000 per month—the answer is more and more and more people need help. It is very clear that all of us will be called upon to move as many, if not more refugees in 1969, as in 1968—greater numbers than at any time since 1956–57.

The events in Czechoslovakia in August 1968 led to an unusually high influx of Czechoslovakia into Western Europe. Together with those Czechoslovaks already outside their country at the time of the crisis (estimated at some 80,000), the additional arrivals presented difficult problems to countries of Western Europe, especially Austria, which received the major part of Czechoslovaks crossing the borders of their homeland.

A Far More Costly War Than Vietnam: The Unknown War in the Sudan

(By Lawrence Fellows)

A CASE STUDY—HOW A REFUGEE PROBLEM BEGINS

Most of our readers know how the Cuban refugee problem was created and what caused the current flow of Czechoslovak refugees into West Europe, but the origin of many refugee problems listed in our Statistical Review is either lost to sight or fallen from memory.

We are reprinting here Mr. Lawrence Fellows' account of the Sudanese war published in September 1968. His account was distributed as a background paper for the National Conference on World Refugee Problems. We believe the situation as described by Mr. Fellows has not changed, unless for the worse.

What Mr. Fellows did not say was that the awful warfare which he describes has produced a refugee problem involving 177,800 people at January 1, 1970. They have fled from the three southern states in the Sudan to Ethiopia (20,000), the Central African Republic (19,500), the Congo (Kinshasa) (66,000), Kenya (200), Tanzania (600) and Uganda (71,500).

Also, what Mr. Fellows did not say was that this war is not only fought in the villages and the bush in the Sudan, but it is fought also by clever and persistent diplomacy and intimidation and this diplomatic phase of the war is adversely affecting the welfare of refugees whom the world is trying to help resettle in the countries of their asylum.—*The Editor*.

Khartoum, The Sudan.—A Sudanese Army captain lay sprawling out of a wicker chair on the covered deck of the steamer El Mirrech. He was half-asleep and rolled uncomfortably as the steamer and its half a dozen barges made their way down the upper reaches of the White Nile, bumping from one bank of matted vegetation to the other in a fetid, mauve-green sea of reeds. The captain's long, white robe clung to his skin where the perspiration had soaked through. He had been reading, but the oppressive heat and the heavy progress of the steamer were overpowering and his book lay open on its crumpled pages on the deck by his chair.

When the barges started to heave up onto the bank at one sharp bend in the river, the sun crept up to his eyes and he half-consciously sheltered them against the hard light. The cables groaned and snapped like great, cracking whips and the waves pushed out by the sidling barges rushed hissing into the reeds. We knew we would hit the bank hard. Yet the captain seemed startled by the bump when it came. He sat bolt upright and, still not really awake, tried to concentrate on a plume of smoke rising from a distant point on the horizon. It might have been nothing more than a camp of Dinka tribesmen burning off the coarse grass so that fresh grass for their cattle could come up later. It might also have been a village burning after an army raid, or perhaps after a raid by the Anya'nya rebels. A frown deepened on the captain's face, and he looked away.

"Oh," he said, "I had already forgotten about the war."

It is easy enough to forget about the savage, awful war that has raged through the three southern provinces of the Sudan for the last six years. It is a war that involves neither foreign ideologies nor foreign powers, fought over distant and isolated territory of no special economic value, and by Africans with medicines. They do not even have salt. African priests and merchants who still move around a bit in the south reckon there can hardly be a family left that has not lost someone.

"Half a million dead," reflected Hamid Ali Shash, the soft-spoken, intense looking commissioner of Equatoria Province, flush against Uganda and the center of the rebellion. He was shaking his head.

"Half a million," he said. "That's one in six, or one in eight. No, it cannot be. It must be less."

"How many?" I asked.

"I don't know," he said. "How can anyone know?"

Certain knowledge about anything in the Sudan is hard to come by. It is extremely difficult to gauge the progress of the rebellion, both because the Khartoum Government does not normally allow outsiders, including journalists, free access to and around the south, and because this war—like Vietnam's, without definable fronts—is largely a matter of ambush, political murder, occupation and pacification, where the allegiance of the countryside is always uncertain. But indications are that the Government in recent months has managed to make considerable progress in isolating the Anya'nya bands, opening thin corridors of authority along the major roads and, through soldiers and police, keeping the peace in many newly established villages.

How long the rebellion can stay under control is anybody's guess, and the Government is hoping fervently for a continuance of the disunity and tribal antagonisms that have plagued both the political and military sides of the Anya'nya. But it is clear that the guerrilla force has won overt allegiance from many southerners and tacit support from many more because it expresses their very real and long-standing religious, racial, tribal, economic and historical grievances against the northerners. As long as these grievances remain unsatisfied, the brutal business of guerrilla war will continue for years to come.

In the barges, northern and southerner did not talk to each other, but neither did they argue. When they ate, Arab and African leaned together over the sides, stripping sugar can with their teeth, spitting the chewed-out pulp into the water. Sometimes the soldiers would watch the southern women nursing their children, listen to their plaintive songs, study the carefully patterned scars that decorated their backs and chests. When a woman stood and loosened her robes to rub ghee over her body, the Arab soldiers turned discreetly away, looking out into the river.

Only the Nile and a long, unhappy history tie together north and south. As a British colony, the Sudan had value only as a buffer for the strategic Nile, and hence Egypt itself; in fact, the British made the south part of their colony only to keep the French away from the headwaters of the Nile.

British rule extended only slowly over the south, but the British decided the area had to be closed off to Arab influence from the north. Christian missions were made responsible for education. Northern merchants were excluded from the south, Greek and Syrian traders encouraged. Northern clerks and officials were transferred back to the north. Arabic patios and Arabic names were discouraged. One zealous district commissioner even forbade the sale of Arabic clothing.

After World War II, in the rush to independence, this policy gave way. The southerners were suspicious of the northerners, and hesitant about throwing in their lot with them, but in the end they had no choice. The British began to withdraw. Northern merchants and civil servants flocked into the south. Few southerners got jobs; probably few were eligible, but the south grew morose and a demand welled up for some form of federation to protect southern rights.

At Nazara, on July 26, 1955, half a year before independence, a mob of southerners demonstrated against some mass dismissals from a cotton-growing and processing scheme. The soldiers sent to quell them lost their nerve and fired into the mob; northern merchants stood beside the soldiers, firing with them.

Three weeks later more trouble came. In the garrison of the Equatoria Corps an Arab officer drew his revolver and shot an unruly African soldier. The African soldiers went on a rampage and swept through the province killing every northerner they could find. Men, women and children were butchered or whipped and skinned and hung from trees. Northern troops were flown to the south to restore order, but not until hundreds had been killed. The whole south was locked under emergency regulations which are still in effect.

The rebellion failed. The mutiny had been unorganized and leaderless and not even the southern politicians in Khartoum had supported it. But it left hundreds of African soldiers armed, vengeful and scattered in the bush.

The military regime that took over power from the inept politicians in Khartoum in 1958 tried to bear down on the south, but only made things worse. Talk about federation was banned, and the southerners began thinking of secession. Fighting finally broke out again in 1962, villagers dug ditches in the roads or felled trees across them to immobilize the army. The next year, the Anya'nya was formed and the rebellion enveloped the whole of the south.

In 1964 the army regime fell. The caretaker government that took over was more acceptable to the southerners, but there seemed to be no turning back. A cease-fire was proclaimed, but it did not work. When Mohammed Ahmed Mahgoub took over as Prime Minister in 1965, he pursued a hard line with the rebels. There were fierce massacres of civilians in Wau and Juba. Refugees were pursued in the bush, and sometimes across the borders. Every village school in the south was destroyed, and there were more than 500 of them. The mission stations were shot up and sometimes bombed.

This spring southerner Ottiafano Amauro returned home to his village of Liria, to his father and his family. After six weary years with the Anya'nya he had had enough. Not that he liked the Arabs of the north any better than any other southerner. He knew from his childhood all the old stories about the 19th-century Arab raids for slaves and ivory. He had been cheated by Arab merchants and had suffered the brutal excesses of Arab soldiers and policemen. He had no wish to become a Moslem or wear the loose-wrapped turban and long, white robe that might help ease him into the fringes of the establishment. He just wanted to be let alone.

Ottiafano had been a corporal in the Sudanese Army at the time of the army mutiny in 1955 which had first set north against south. He and all the 140 other southerners in his company stole 12 army trucks, headed for the Uganda border and walked across as refugees. He wandered back to the Sudan in 1959, heading for Liria, and was thrown into a Sudanese jail. After a month he was let out, then stayed at home until the Anya'nya rebellion started.

In 1963 he was captured by the Anya'nya in a field outside his village. Of the 75 men in the gang that captured him, two had rifles. The rest were armed with spears, clubs, bows and arrows. Because of Ottiafano's military training, they pressed him into service as a lieutenant, and gave him one of the rifles—a Chinese .375 that was built to hold five cartridges, but jammed if more than four were put into it.

Eventually his group was reduced to seven men—five lieutenants and two privates. All had rifles. They roamed usually through the dense forest around Yei, near the Uganda border, living on the game they could shoot, possibly on the food they were given by villagers or stole from them. Ottiafano refuses to talk about that, or about the battles he had with the soldiers. But when he finally gave himself up this year, he would not surrender to a soldier. He waited in the forest at the edge of Liria until a policeman walked by. Then he surrendered.

The Anya'nya followed him to the village a few months ago, and shot his father and 10 other villagers in revenge before the army chased them away.

Most of the southerners are Nilotic, with scars drawn on their deep-black faces to distinguish them by tribes—the Dinka, the Nuer, the Shilluk, the Annuak. They live in the marshes with their beloved long-horned cattle, and care for little else. Some live by nothing more than hunting crocodiles, or burning the marsh grass to catch and eat the rats when the come skittering out.

Usually they wear nothing, and smear their bodies with mud when they are in the marshes, to discourage the mosquitoes that choke the hot, evening air. But when the Dinkas clamber into the barges on the river, they wear their best: half-shaven heads daubed with earthy hues of orange or red, ears powdered white, necklaces of blue-dyed beads, perhaps a shawl to cover the shoulders. One Dinka wore a wrist watch and nothing else.

Along the southern borders are the smaller tribes, Sudanic, Nilo-Hamitic or Nilotic: the Bari, the Moru, the Azande, the Madi, the Acholi, the Latuka and dozens of others. Some of the tribes have cattle, but most of them in the forest areas are cultivators of the most primitive sort—planting cassava or durra, occasionally raising chickens. Many were never reached by the missionaries. Some never saw a white man before, and when one came they touched his skin and looked under his shirt to see if he was white all over. Almost all of these tribes are represented in the Anya'nya.

The President of the Southern Sudan Provisional Government, Aggrey Jaden, is a mission-educated Bari tribesman. His Vice President, Camillo Dhol Kwach, who once served as a member of the Sudan's Parliament, is a Dinka. The Minister of Finance, Tadeo Bidai, is a Zande. The Minister of Education, Othwonh Dak, is the son of the Shilluk king.

All the tribes are represented, too, in the military side of the Anya'nya, but it doesn't take much imagination to picture the generally primitive state of their weapons and organization. The guerrillas began by raiding police posts and army garrisons for their guns and then in 1964 bought and bartered from the Congo rebels the very same weapons the Sudanese had shipped through in a vain effort to support that rebellion before it collapsed. Today, however, the army has tightened its control, the Congo is quiet and the rebels do not come by weapons so easily; ammunition is especially scarce.

There are always weapons floating around Africa as items of barter, but they usually have to be paid for. The Anya'nya collect taxes in most places in the south, even where the Sudanese Army feels it has really good control, but the rebels lose when they exchange the Sudanese money; in Nairobi, for example, they get 10 shillings for a pound. Some church groups collect money for them abroad, but very often it arrives in the form of food and medicine, and these things are useless to an army that needs sometimes five or six months to get things from one remote point to another.

Other troubles are plaguing the rebels' organization these days. Though the Anya'nya claim now to have an army of 5,000 men, to think of it in terms of an organized force of that size would be wildly wrong. The Sudanese Army probably with more than 12,000 troops in the south, has broken the Anya'nya into isolated bands, sometimes of only three or four men. Without effective central command, the guerrillas live like brigands, sniping at army convoys when they have the chance, raiding villages that refuse to give them food or recruits to go with their rebel army as soldiers or bearers or wives. There are incidents almost every day; any place in the south can be unsafe if a rebel or two happen to be in the area. But only rarely now can the Anya'nya muster the resources to make a sustained attack on a police post or an army garrison, or lay a really deadly ambush for northern troops or for southerners they feel have gone over to the other side.

Col. Tafeng Lodongi, the commander of the rebel army, is a Latuka tribesman, a former corporal in the Sudanese Army who never went to school, a very bitter man. Not long ago two nieces of his, Veronica and Angelica, were taking part in a funeral dance, after an

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army raid on their village. A second army patrol drove into the village during the dance, and asked the village headman if there were any of Colonel Tafeng's relatives there. When the headman presented the two girls, the officer in charge of the patrol drew his pistol and shot them dead.

The northerners live in a world apart. They look to Cairo, not Juba; their interests lie more in the Arab world than in black Africa. It is as if the vast swampy region between them and the south were a stone wall.

They are Nubians and Jaalin, who live on the watered banks of the Nile where it courses through the northern desert to Egypt. They are Hadendoa and Amarar from the rugged hills on the Red Sea coast, who trace their ancestry through lines of fierce warriors to the Fuzzy-Wuzzies who fought the British and to the Blannyes who fought the Romans. They are the Baggara, who hunt on horseback for lions and elephants on the western plains; and the Kabbabish, who wander into the southern reaches of the Libyan desert, living for months on nothing but the milk and meat of their camels.

Some are very dark, for over the centuries the Arabs have moved, in conquering armies or as hunters of ivory and men, into all but the most remote and inaccessible regions of the south. They have taken their wives from around them, and the differences in color and facial characteristics now are very often blurred. Because of this, the racial issues are too obscured to be an explanation of the savagery of the war.

Yet the northerner lives in an Islamic culture and is proud of his Arab connections. He can scorn the southerner today as his ancestors did only a few generations ago, his ancestors who captured pagan tribesmen and shipped them in chains to the slave blocks of the Middle East, leaving a bitter residue that survives today.

"We are not slave traders," said Hamid Ali Shash, the Commissioner of Equatoria. "Perhaps our grandfathers were. But they were not the only ones. It doesn't matter. We want to impress on the people that they have nothing more to fear. How else can we get them into the villages? How else can we begin the task of reconstruction?"

He sounded worried. He was an intense man who worried about the task as he worried about a lot of things, the unending rain, the time it took the coffee to arrive for the guest in his office.

In Juba, I met a nervous, well-dressed man, a Kresh tribesman far from home, headed for Khartoum; he hated the Arab's world, but he was venturing into it to seek his fortune. Together we watched women running to a dance starting in an open field, looking gay in their printed cotton dresses and bare feet. We could hear the drums beating and the sad, shrill voice of a woman. These people were not of his tribe, and their songs must have been different. Yet he was reminded of one, and sang along quietly in halting English:

> I don't like you,
> But you keep calling me.
> What for?

A love song, he said. Rather, sometimes it was a love song; that is what they always told the Arabs who asked. Really, it was a song about the slave trade. He knew nothing more about the slave trade than what his grandmother had told him by the cooking fires at night. Now it was wrapped up in the traditions of bitterness in his tribe, in the secretive instincts, the lingering suspicions. There were other words, he started to say, but he was listening again to the music, and started singing again:

> The man is still calling me
> And I do not like him.
> My mother, I am the only dead one
> Here in this town.

Some signs of normality are now evident in the troubled south. Southerners can be seen walking along the roads these days, at least near the villages in the army's narrow corridors of newly established, still tenuous authority. At the Juba ferry, southerners cross to the west bank of the Nile with bundles of thatch, reed mats and baskets of grain to sell in the Juba market. On the east bank a squat old woman ladles *marisa* out of five-gallon cans and sells the thick, vinegary brew to the people crossing back from the market with their hard-won pisters. Not so long ago there would have been nobody in sight.

The northerners in the Government in Khartoum seem to be making an effort to return to normal, too. White missionaries are still kept out of the south, but two Tanzanian priests—Father Barnabas Temu and Father Mark Riwa—have just been permitted to take up teaching posts in the Theological College at Malakal and help minister to the untended flocks of Roman Catholics in Upper Nile Province.

In Equatoria Province, schools have been reopened in Juba and half a dozen big villages. Schools are an indication of the Government's good intentions. They also indicate, more accurately than the army reports, the areas that can be considered fairly secure.

In Bahr el Ghazal the thin lines of apparent security stretch outward from the provincial capital of Wau for several hundred miles eastward, some 50 or 60 miles north and west. In Upper Nile, the quietest of the three provinces, the rebels appear to be blocked into a narrow margin of territory behind the swamps close to the Ethiopian border.

I traveled 50 miles eastward from Juba to the village of Liria, where the authorities are hoping to open another school. I could travel only in a military convoy. At one time, this stretch of road was broken in a dozen places by deep trenches and vehicle traps, but the army engineers have it open now. We stopped when we saw a trail of vines and branches scattered across the road, but it was nothing. Perhaps a rhinoceros had crashed across the road toward some real or imagined enemy. Farther along, a tree lay across the road, but there was no ambush; probably the work of an elephant.

The Anya'nya were on this road last November, at the end of the rainy season, burning off the elephant grass by the road before the grass was completely dry. By burning early they made it impossible for the army to set the grass afire when it was completely dry and thus clear the whole roadside of hiding places. Little clumps of grass were still standing, possible cover for the Anya'nya, which the army had not got around to clearing out. But no one fired at the convoy that day.

At Ngangala, on the way, a new village was being built under the watchful eye of the army. It was the only village on a stretch that used to be full of them.

At Liria itself, there were 6,000 people in a village that looked like almost any other. There were no fortifications, no barbed-wire barriers thrown around. There were 10 policemen and 25 soldiers living in their own camp on one side of town. Eventually, the soldiers were to be withdrawn and the police force enlarged. It would have to be quiet around Liria for a long time before the police, too, could be withdrawn.

There had been a stampede to get aboard the El Mirrech steamer at Juba; there had been at every landing. Old women and children were thrown from the narrow gangplank in the clamor; everywhere people seemed to be grasping at outstretched hands, grabbing eggs or chickens or canes of sugar, arguing about money. Some merely wanted to get aboard as passengers, and they tumbled against the side of the barge or fell into the river. Police whacked them with sticks, canes and lengths of knotted rope in a hopeless effort to maintain order.

"We treat them like animals," the army captain on the deck said, long after the steamer had moved out of the vast expanse of melancholy swamp, and the sea of reeds had turned to desert. Only a few palms and acacias grew by the river, where the water soaks into the banks. The clouds had disappeared from the sky and it was steel blue, but it ought to have been another color—orange or red—for it burned mercilessly on the barren landscape. The fine sand was driven by the wind into a wild, tireless whirlwind that skidded erratically over the hot surface.

"The devil is dancing," the captain said, watching the desert. "He will make me forget."

REFUGEE SERVICE AND RELIEF OGRANIZATIONS

Seventy-seven agencies are joined in a cooperative effort extending a helping hand around the world.

Agencies working with refugees all have distinctive forms of service. The Voluntary Agencies are at work in 119 countries and on every continent, often in active partnership with Governmental and Intergovernmental bodies. All agencies invite the reader's further inquiry.

I. INTERGOVERNMENTAL AGENCIES

Office of the United Nations High Commissioner for Refugees: United Nations Plaza, New York, New York 10017.

United Nations Relief and Works Agency for Palestine Refugees: United Nations Plaza, New York, New York 10017.

Intergovernmental Committee for European Migration: 370 Lexington Avenue, New York, New York 10017.

II. U.S. GOVERNMENT

Department of Health, Education and Welfare: Welfare Administration, Washington, D.C. 20201.

Department of State: Office of Refugee and Migration Affairs, Washington, D.C. 20520.

Department of State: Agency for International Development, Voluntary Foreign Aid Service, Washington, D.C. 20503.

III. VOLUNTARY AGENCIES

American Baptist Convention: Valley Forge, Pennsylvania 19481, Rev. Edwin H. Tuller, General Secretary.

American Council for Emigres in the Professions, Inc.: 345 East 46th Street, New York, New York 10017, Mrs. Lenore Parker, Executive Director.

American Council for Judaism Philanthropic Fund: 201 East 57th Street, New York, New York 10022. Mrs. Anna Walling Matson, Executive Director.

American Council for Nationalities Service: 20 West 40th Street, New York, New York 10018. J. Frank Dearness, Executive Director.

American Council of Voluntary Agencies for Foreign Service, Inc.: 200 Park Avenue South, New York, New York 10003. Eugene Shenefield, Executive Director.

American Federation of Labor and Congress of Industrial Organizations: 815 16th Street, N.W., Washington, D.C. 20006. George Meany, President.

American Foundation for Overseas Blind, Inc.: 22 West 17th Street, New York, New York 10011. Robert M. Barnett, Executive Director.

American Friends of the Middle East, Inc.: 1605 New Hampshire Avenue, N.W., Washington, D.C. 20009. Orin D. Parker, Executive Vice President.

American Friends Service Committee, 160 North 15th Street, Philadelphia, Pennsylvania 19102. Roger G. Fredrickson, Director—Overseas Refugee Program.

XUM

American Fund for Czechoslovak Refugees, Inc.: 1790 Broadway, New York, New York 10019. Dr. Jan Papenek, President.

American Immigration & Citizenship Conference: 509 Madison Avenue, New York, New York 10022. Mrs. Ruth Murphy, Executive Vice President.

American Jewish Joint Distribution Committee: 60 East 42nd Street, New York, New York 10017. Samuel L. Haber, Executive Vice-Chairman.

American Korean Foundation, Inc.: 345 East 46th Street, New York, New York 10017. Miss Dorothy L. Irvine, Executive Director.

AMA Volunteer Physicians for Vietnam—American Medical Association: 535 North Dearborn Street, Chicago, Illinois 60610. Dr. Charles Moseley, Director.

American Middle East Rehabilitation, Inc.: 777 United Nations Plaza, New York, New York 10017. Dr. Daniel Bliss, President.

American National Red Cross: 17th and D Streets, N.W., Washington, D.C. 20006. Meyer Mathis, Director.

American Near East Refugee Aid, Inc.: 500 Woodward Building, 733 15th Street, N.W., Washington, D.C. 20005. John P. Richardson, Executive Director.

American ORT Federation: 222 Park Avenue South, New York, New York 10003. Paul Bernick, Executive Director.

Baptist World Alliance: 1628 16th Street, N.W., Washington, D.C. 20009. Dr. Robert S. Denny, Acting General Secretary.

Christian Children's Fund: Richmond, Virginia 23204. Verbon E. Kemp, Executive Director.

Church World Service: 475 Riverside Drive, New York, New York 10027. James MacCracken, Executive Director.

Community Development Foundation: Boston Post Road, Norwalk, Connecticut 06852. Glenn Leet, Executive Director.

Cooperative for American Relief Everywhere, Inc. (CARE): 660 First Avenue, New York, New York 10016. Frank Goffio, Executive Director.

Direct Relief Foundation: 27 East Canon Perdido Street, Santa Barbara, California 93101. David L. Crawford, Representative.

The Thomas A. Dooley Foundation: 422 Post Street, San Francisco, California 94102. Verne Chaney, MD, President.

Foreign Service Committee, General Council, Assemblies of God: 1445 Boonville Avenue, Springfield, Missouri 65802. J. Philip Hogan, Executive Director.

Foster Parents' Plan, Inc.: 352 Park Avenue South, New York, New York 10010. Gloria C. Matthews, Executive Director.

Hadassah: 65 East 52nd Street, New York, New York 10022. Julliet N. Benjamin, Chairman, Speakers' Bureau.

Heifer Project, Inc.: 45 Ashby Road, P.O. Box 278, Upper Darby, Pennsylvania 19084. Dale Barnard, Director of Operations.

Industrial Union Dept. AFL–CIO: 815 16th Street, N.W., Washington, D.C 20006. Jacob Clayman, Administrative Director.

International Rescue Committee: 386 Park Avenue South, New York, New York 10016. Charles Sternberg, Executive Director.

International Social Service American Branch, Inc.: 345 East 46th Street, New York, New York 10017. Wells Klein, General Director.

International Voluntary Services, Inc.: 1555 Connecticut Avenue, N.W., Washington, D.C. 20036. Arthur Z. Gardiner, Executive Director.

Iuliu Maniu American Romanian Relief Foundation, Inc.: 55 West 42nd Street, New York, New York 10036. Mrs. Veturia Manuila, Executive Secretary.

Lutheran Immigration & Refugee Services: 315 Park Avenue South, New York, New York 10010. Donald E. Anderson, Secretary.

Lutheran World Relief, Inc.: 315 Park Avenue South, New York, New York 10010. Bernard A. Confer, Executive Secretary.

Meals for Millions Foundation: 1800 Olympic Boulevard, P.O. Box 1666, Santa Monica, California 90406. I. F. Saunders, Executive Director.

Medical Mission Sisters: 8400 Pine Road, Philadelphia, Pennsylvania 19111, Sister Mary Louise Lynch, Sector Superior.

Mennonite Central Committee: 21 South 12th Street, Akron, Pennsylvania 17501. William T. Snyder, Executive Secretary.

National Council of Catholic Women: 1312 Massachusetts Avenue, N.W., Washington, D.C. 20005. Margaret Mealey, Executive Director.

National Council of Jewish Women: 1 West 47th Street, New York, New York 10019. Mrs. Leonard H. Weiner, National President.

Nationalities Service Center of Philadelphia: 1300 Spruce Street, Philadelphia, Pennsylvania 19107. Mrs. Melba Hyde, Executive Director.

New York Association for New Americans, Inc.: 15 Park Row, New York, New York 10038. Philip Saskis, Executive Director.

Polish American Immigration & Relief Committee, Inc.: 156 5th Avenue, New York, New York 10010. Rt. Rev. Msgr. John J. Karpinski, President.

Project Concern, Inc.: 440 West "B" Street, San Diego, Calif 92112. James A. Skidmore, President.

Project Hope: 2233 Wisconsin Avenue, N.W., Washington, D.C. 20007. William B. Walsh, MD., President & Medical Director.

Salvation Army: 120 West 14th Street, New York, New York 10011. Commissioner Samuel Hepburn, National Commander.

Save the Children Federation, Inc.: Boston Post Road, Norwalk, Connecticut 06852. Melvin Frarey, Program Director.

Seventh-Day Adventists: 6840 Eastern Avenue, N.W., Takoma Park, Washington, D.C. 20012. William Phillips, Assistant Treasurer.

Southern Baptist Convention: 1350 Spring Street, N.W., Atlanta, Georgia 30309. Dr. W. Bertram King, Consultant, Immigration & Refugee Service.

Spanish Refugee Aid, Inc.: 80 East 11th Street, New York, New York 10003. Mrs. Nancy Macdonald, Executive Secretary.

The Tibetan Foundation, Inc.: 801 Second Avenue, Suite 703, New York, New York 10017. Ernest A. Gross, Chairman of the Board of Directors.

The Tibet Society, Inc.: Goodbody Hall 101, Indiana University, Bloomington, Indiana 47401, Thubten Jigme Norbu, Executive Director.

Tolstoy Foundation, Inc., 250 West 57th Street, New York, New York 10019. Miss Alexandra Tolstoy, President.

Unitarian Universalist Service Committee, Inc.: 78 Beacon Street, Boston, Massachusett 02108. Harold J. Bejcek, Executive Director.

United Church Board for World Ministries—United Church of Christ: 475 Riverside Drive, New York, New York 10027. Dr. R. H. Helfferich, General Secretary, Division of World Services.

United Hias Service, Inc.: 200 Park Avenue South, New York, New York 10003. Gaynor I. Jacobson, Executive Vice President.

United Lithuanian Relief Fund of America, Inc.: 105 Grand Street, Brooklyn, New York 11211. Rev. Francis Geisciunas, Executive Director.

United Methodist Committee for Overseas Relief: 475 Riverside Drive, New York, New York 10027. Dr. James Thomas, Secretary for Specialized Ministries.

United Presbyterian Church: 475 Riverside Drive, New York, New York 10027. Mrs. Margaret Shackford, Refugee Resettlement Officer.

United States Catholic Conference—Catholic Relief Services: 350 Fifth Avenue, New York, New York 10001. Most Rev. Edward E. Swanstrom, Executive Director.

United States Catholic Conference—Migration and Refugee Services: 1312 Massachusetts Avenue, N.W., Washington, D.C. 20005. John McCarthy, Director, Department of Immigration.

United Ukrainian American Relief Committee, Inc.: 5020 Old York Road, Philadelphia, Pennsylvania 19141. Dr. Walter Gallan, President.

Volunteers for International Technical Assistance, Inc. (VITA): College Campus, Schenectady, New York 12308. Dr. Beno Sternlicht, President.

World Ministries Commission Church of the Brethren: 1451 Dundee Avenue, Elgin, Illinois 60120. J. K. Thompson, Executive Director.

The World Rehabilitation Fund, Inc.: 400 East 34th Street, New York, New York 10016. Howard A. Rusk, M.D., President.

World Relief Commission, Inc.—N.A.E.: 33–10 36th Avenue, Long Island City, New York 11106. Everett S. Graffam, Executive Vice President.

World University Service: 20 West 40th Street, New York, New York 10018. Leon O. Marion, Executive Secretary.

World Vision International: 919 West Huntington, Monrovia, California 91016. Dr. W. Stanley Mooneyham, President.

Young Men's Christian Association's International Committee of the United States and Canada: 291 Broadway, New York, New York 10007. James F. Bunting, Executive Director.

Young Women's Christian Association: 600 Lexington Avenue, New York, New York 10022. Edith M. Lerrigo, Executive Director.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BURDICK). Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate go into executive session to consider the two treaties on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGREEMENT BETWEEN THE UNITED STATES AND CANADA REGARDING RADIO TELEPHONE STATIONS—EXTRADITION TREATY WITH NEW ZEALAND

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement of yesterday, and the hour of 11:30 a.m.

having arrived, the Senate will now proceed to vote en bloc, on the resolutions of ratification of Executive A, 91st Congress, second session, the agreement between the United States and Canada regarding radio telephone stations and on Executive C, 91st Congress, second session, the Treaty on Extradition Between the United States and New Zealand.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the treaties, en bloc.

The yeas and nays were ordered.

The PRESIDING OFFICER. Yesterday, Executive A and Executive C, 91st Congress, second session, were considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification.

The resolutions of ratification will now be read for the information of the Senate.

The resolutions of ratification were read as follows:

> *Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of a Treaty on Extradition Between the United States and New Zealand, signed at Washington on January 12, 1970. (Executive C, 91st Congress, second session.)
>
> *Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of an Agreement Between the Government of the United States of America and the Government of Canada relating to the operation of Radiotelephone Stations, signed at Ottawa on November 19, 1969. (Executive A, 91st Congress, second session.)

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. McCARTHY), the Senator from Wyoming (Mr. McGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. McCARTHY), the Senator from Wyoming (Mr. McGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), and the Senator from New Jersey (Mr. WILLIAMS), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) and the Senator from Arizona (Mr. GOLDWATER) are absent on official business.

The Senator from New York (Mr. GOODELL), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Florida (Mr. GURNEY) is absent because of death in his family.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), the Senator from South Dakota (Mr. MUNDT), and the Senator from California (Mr. MURPHY) would each vote "yea."

The yeas and nays resulted—yeas 79, nays 0, as follows:

[No. 150 Ex. and 151 Ex.]

YEAS—79

Aiken
Allen
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Gravel
Griffin
Harris
Hart
Hatfield
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—21

Allott
Dodd
Eagleton
Eastland
Goldwater
Goodell
Gurney
Hansen
Hartke
Hruska
Kennedy
Long
McCarthy
McGee
Mondale
Montoya
Moss
Mundt
Murphy
Russell
Williams, N.J.

The PRESIDING OFFICER (Mr. BURDICK). Two-thirds of the Senators present and voting having voted in the affirmative, the resolutions of ratification are agreed to. Pursuant to the previous agreement, the vote will be considered a separate vote on the agreement and on the treaty.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The Senate resumed the consideration of the bill.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COOPER. Mr. President, many Senators are in the Chamber at this time, and I am sure they will be interested in learning what the schedule will be, particularly if there is a possibility of an agreement to vote on the pending amendment in the early part of next week. I should like to ask the majority leader's opinion of this—whether we could determine, through some discussion today, if there is a possibility of coming to a vote.

Mr. MANSFIELD. Mr. President, there have been indications that that is a possibility, but the tremors have been slight—very slight. The Democratic leadership is open to any suggestion made by the Republican leadership as to what might or might not be done. The present intention is, hopefully, to arrive at votes today and tomorrow.

LEAVE OF ABSENCE

While I am on the subject, Mr. President, I ask unanimous consent that I may be excused from attendance in the Senate on Monday and Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I do so because there happens to be a primary election in the State of Montana. I wish to inform the Senate that even though I will be absent on those 2 days, I do not want any votes postponed or held up. So far as I am concerned, the Senate should be prepared to vote.

That is the best I can say at the moment; because it is my belief—and I may be wrong—that what we are witnessing is, in effect, a stalling operation. We have spent well over 2 weeks on this bill. We have had three rollcall votes, two of them on some reductions, and the other one on the Church-Cooper preamble yesterday. I thought yesterday's vote was highly significant because it spelled out both what the President and the Senate intend. It made it clear that the Senate was acting in concert with the President. I would hope that that action would not be weakened. I must say at the same time, however, that the changed language offered by the sponsors of the amendment did not in any way, shape, or form weaken the substance or effect of the amendment to any degree.

In any event, that is the best I can say for the status of the matter at the moment.

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield?

XUM

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. Let me say, first, that I think everyone agrees this is the most important issue before the Senate and the Nation. Everyone expects and, indeed, demands that matters of such controversy be fully and adequately debated. I know that the distinguished majority leader would agree with that.

Mr. MANSFIELD. Of course.

Mr. GRIFFIN. I recall that the nomination of Judge Carswell was an important issue and the Senate devoted three and one-half weeks to that. That was not inappropriate and, certainly, at this stage of debate on this important bill, the reference to stalling, it seems to me, is not quite called for; but that is the judgment of the majority leader, and he is certainly entitled to it.

Mr. MANSFIELD. If the Senator from Michigan will yield right there, I think the same charge and the same allegation could be made so far as the Carswell case was concerned but that issue reached a final vote on its merits while so far as the earlier Fortas nomination was concerned no vote was ever reached on its merits. Thus, we both have to take our share of the guilt. We are all practical enough politicians, I hope, to understand what goes on, not only on the surface but also underneath. We can detect currents and subcurrents. None of us is a first grader. All of us have had some experience. All of us can recognize the signs when we see them, despite the pious protestations that we make—and we make them on both sides.

XUM

Mr. GRIFFIN. Be that as it may, it is still a fact that the rules of the Senate, and appropriately so, make it possible for full and adequate debate to take place when necessary. Thus, it is necessarily called for here. Debate, certainly, has not gone on too long.

I invite attention to the fact that the distinguished Senator from Kansas has an amendment which he is interested in having considered on its merits. He withdrew the amendment last night because it was indicated clearly that a motion to table his amendment would be made today, so that there would not be a vote on its merits and we would not even have time to notify Members that there would be a vote.

I think that I can speak for the Senator from Kansas—perhaps he will have something to say—but if we can get some agreement on when we would vote on his amendment on its merits, if we could vote tomorrow or Monday, for example, I think that this side of the aisle would be perfectly agreeable and I would hope that it would be agreeable to the majority leader. I wonder whether that would be possible.

Mr. MANSFIELD. Yes. How about a vote at 11:30 tomorrow morning on the amendment? This amendment had been offered by the Senator from Kansas but had been withdrawn. I am sure that we will then have a quorum. We are coming in at 10 o'clock tomorrow morning anyway, so that if the Senator would like to vote on that amendment at 11 o'clock, we would be glad to consider it.

Mr. DOLE. Does the Senator mean a vote on the amendment, or on a motion to table the amendment?

Mr. MANSFIELD. Either way. Any Senator has the right to move to table——

Mr. DOLE. I understand.

Mr. MANSFIELD. I would be the last one to gainsay any Senator that right, even though, ordinarily, I do not approve of tabling motions.

Mr. GRIFFIN. That seems clear. As long as we are debating the amendment for reasonable periods of time, it is within the power and the privilege of a Senator to move to table, but it does not seem to me it is called for. Certainly, where an amendment is relevant and has merit in the eyes of many Senators, we should have an opportunity to vote for it on its merits.

Mr. MANSFIELD. The amendment is very simple. It does not take much in the way of an explanation. Two or 3 hours were spent on its yesterday. Frankly, I cannot understand why Senators on the Republican side—some of them at least—are engaged in an extended discussion, because the bill basically itself is an administration measure. What we are trying to push through is, by and large, an administration program—particularly when it comes to funding measures for the various agencies within the executive department. All the time in the world is available because this session can continue on until noon on January 3, 1971. In an orderly manner, the Senate will stay with this proposal until it is decided, one way or the other.

If the idea is, for example, to stall a resolution of this issue until June 30, at which time I have no doubt all U.S. troops will have been removed from Cambodia—if not before—may I say that the intent or effect of the Cooper-Church amendment would not be changed. It operates prospectively. It merely supports the President in his stated objective of not again ordering troops into Cambodia, at least not without some consultation with Congress.

Furthermore, to indicate the situation in which we find ourselves, there are eight or nine other amendments. The bill will have to go to conference. I am quite certain that the House would look at its many aspects differently. Thus, a great deal of time will be spent, no matter how we choose to operate.

Mr. DOLE. I would be willing to vote on my amendment tomorrow at 2 o'clock, or at any time we can agree upon. As the majority leader has pointed out, it is easily understood. I have attempted to explain it.

Mr. MANSFIELD. The Senator has explained it well.

Mr. DOLE. I can explain it further.

I would also say that I might be one of those to whom the majority leader makes an oblique reference in regard to extended debate.

Mr. MANSFIELD. Oh, yes, the Senator is. [Laughter.]

Mr. DOLE. The Senate spent 57 days on the ABM discussion, which was a length of time appropriate to the importance of the issues involved in that debate. I have learned much about Southeast Asia in the past 2 weeks. I may learn a lot more in the next 2 or 3 weeks. But I am willing to vote on this amendment at 2 o'clock tomorrow afternoon or 11 o'clock in the morning.

Mr. MANSFIELD. Why not split the difference and vote on it at 3 o'clock this afternoon?

Mr. DOLE. And then we would adjourn for the week?

Mr. GRIFFIN. I would say that I am under some obligation to other Senators, so I cannot agree to that at this moment. I might be able to, if I had a time fixed.

Mr. CHURCH. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. CHURCH. Just for purposes of making it entirely clear that there was never any thought of prematurely cutting off debate on the amendment offered by the distinguished Senator from Kansas, he will remember that in our conversation in the Chamber yesterday afternoon he asked me if there was any possibility of a tabling motion. I said it was being considered but that it would not be made in a manner that would foreclose adequate discussion of the amendment and that it would not be made without notice to the Senator from Kansas.

Mr. DOLE. I affirm the statement of the distinguished Senator from Idaho.

Mr. CHURCH. I do not want any impression left that may hint of any intention to foreclose debate or to take any unfair advantage that might be associated with a tabling motion.

Mr. MANSFIELD. On the basis of the conversation which we have had so far, why does not the Senator from Kansas now offer his amendment, and why does not the acting minority leader see what, if anything, could be done to arrive at some agreement?

Mr. WILLIAMS of Delaware. Mr. President, it is my understanding that the Senator from Kansas is willing to accept the 11 o'clock a.m. suggestion of the majority leader. Why not accept it?

Mr. MANSFIELD. Well, because the Senator from Montana has had second thoughts, and with good reason. The motion that a vote on the Dole amendment this afternoon has much greater appeal. I hope it can be worked out.

Mr. HOLLAND. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

LEAVE OF ABSENCE

Mr. HOLLAND. Mr. President, I ask unanimous consent that I be excused from attending the Senate on next Monday, for important reasons with which the majority leader is familiar, and to say that, in the event there are any votes set for Monday, I shall be very glad to pair with the majority leader so that he and I will both be shown as having taken positions.

Mr. MANSFIELD. I appreciate what the distinguished Senator from Florida has just said and proposed, but I should like to beg off because we are not always in disagreement. I should like to retain my independence and flexibility, if I may.

The PRESIDING OFFICER (Mr. BURDICK). Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, has my request been granted?

The PRESIDING OFFICER. It has.

Mr. DOLE. Mr. President, I ask unanimous consent that we vote on the amendment at 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. The Senator from Montana finds himself in a position where he, personally, would be very happy to do so, but as majority leader is unable to comply with the generous suggestion of the Senator from Kansas. So I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRIFFIN. Mr. President, let me say—as I have already indicated to the majority leader—that I will explore further the possibility of some agreement.

Mr. DOLE. Mr. President, I want the majority leader to understand that we are not stalling. We are ready to agree at this time. But I can understand that there may be something that I do not fully understand.

Mr. MANSFIELD. Mr. President, I think the Senator has a pretty good idea of what the situation is. But that is the way the ball rolls. So let us hope that we can arrive at some agreement later this afternoon for a vote today or at another time soon on his amendment.

I thank the Senator for his generous offer.

AMENDMENT NO. 662

Mr. DOLE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 4, line 21, insert "(a)" after "Sec. 7.".

On page 5, between lines 18 and 19, insert the following new subsection:

"(b) The provisions of subsection (a) of this section shall be inoperative during any period that the President determines that citizens or nationals of the United States are held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front."

The PRESIDING OFFICER (Mr. YOUNG of Ohio). The Senate will be in order. The question is on agreeing to the amendment.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, there is no disposition on my part to delay a vote on the amendment offered by the junior Senator from Kansas (Mr. DOLE) or to delay a vote on the committee amendment. I am ready and willing to vote at any time on any question regarding these amendments. But until such time as an agreement is reached as to a vote, I would like to discuss my views with respect to the committee amendment and to the pending amendment as well.

Mr. President, the foreign policy decisions of the United States that involved our participation in the Vietnam conflict constitute one of the greatest tragedies in the history of our country. In going into Vietnam we violated a military and political axiom of centuries standing—that no non-asiatic country should engage in a land war on the Asian continent. President Eisenhower warned against this, as did General MacArthur after Korea. The French learned this, as have other nations throughout history. We saw our participation escalate from having a few advisers in Vietnam to the point where American boys had taken over the bulk of the fighting and were doing what President Johnson assured the country they would not be called upon to do, and that was to do the fighting that Asian boys were supposed to do. And how much better it would be for this country and for the world if President Johnson had continued in that resolve that he announced in 1964.

We saw our force of fighting men increase to around 550,000 in number. We have lost 50,000 men killed or dead in Southeast Asia—some of the finest men of their generation—and 1,000 of these were Alabama boys who laid down their lives for their country. Wounded Americans number some 300,000, many of them permanently injured. Some $100 billion have been spent in support of the war effort. Our country has been torn asunder, our people divided, faith in our Government and democratic principles and institutions has been shaken. Many of our colleges and universities have been ruined. Weakness of character of many in responsible positions has been exposed. Our framework of government has been undermined. Our economy has been wrecked. Inflation runs rampant. Prices and unemployment shoot up. The stock market is in a nose dive. We have lost approximately one-third of the values of all listed stocks on the New York Stock Exchange in the last year and a half. We are in the midst of a recession inside of an inflationary period.

All of this—and for what? No conceivable outcome of this tragic conflict could possibly justify our having participated in it to the extent that we have.

Surely there are few in the country who are glad we became involved in Vietnam. Surely there are few who do not want to see an end to the fighting and the killing. Surely there are few who do not want peace. Surely there are few who do not want to see our boys returned to their homes and their loved ones.

Americans want peace—peace with honor—but not peace at any price—not peace through abject surrender.

History has no record of a military conflict other than this one in which one side, with overwhelming power, with power to wipe its adversary off the face of the earth, has sought peace so assiduously and so magnanimously as has our country. Peace terms are not "unconditional surrender," for we have forsworn a military victory and ask only that the South Vietnamese be allowed the right of self-determination as to their destiny and as to the type government they have.

We have sought peace—publicly and privately—through usual and unusual methods, in direct and indirect negotiations, in open and in secret sessions.

We have brought the South Vietnamese and the Vietcong into the negotiations.

We have limited bombing; we have stopped bombing altogether.

We have withdrawn 115,000 troops from Vietnam, and the President has promised the withdrawal of 150,000 more in the next 12 months.

We have done all these things but only one bilateral agreement has been made of which I have knowledge. That is the agreement on the shape of the negotiating table and the seating arrangement of the so-called peace negotiators.

Is there any wonder that a new approach must be tried?

It must be remembered that the Vietnam war is not of the making of President Nixon. When he became President the war and our participation in it, except for the bombing halt, had been escalated to an all-time high. A record number of American troops were in Vietnam at that time.

President Nixon's policy at all times has been to deescalate our participation in Vietnam and turn the fighting over to the South Vietnamese, but at the same time seeing that the American troops are protected and supported during the process of Vietnamization.

During this Vietnamization of the war the President has been active in his efforts to get the North Vietnamese to enter into meaningful negotiations that would bring a lasting and honorable peace.

I am convinced no person in the entire country want peace more than President Nixon. The future of our country depends on it and no one realizes this better than the President himself. He wants peace and his efforts are expended toward protecting American lives, shortening the war, and achieving peace.

For years now the North Vietnamese have used sanctuaries on the Cambodian side of the South Vietnam border for the purpose of attacking American and South Vietnam forces in South Vietnam and then retreating back into Cambodia where they would be safe from pursuit by our forces. Tremendous stores of arms and supplies were maintained in these sanctuaries in Cambodia by the North Vietnamese.

In order to protect American troops in South Vietnam from further attacks by North Vietnamese from Cambodian sanctuaries while Vietnamization is proceeding, the President ordered an attack on these sanctuaries by American troops in concert with South Vietnamese.

These attacks have been extremely successful. Large stores of arms, munitions and food supplies have been captured. The enemy's ability to strike against American and South Vietnam troops has been curtailed. Further withdrawals of American troops from Vietnam can proceed on schedule and it is certainly to be hoped they will. Vietnamization can continue. And the President promises that all American troops and advisers will be withdrawn from Cambodia by July 1.

The President has kept his promises about troop withdrawals from Vietnam—about Vietnamization—about his efforts to obtain peace. I have no reason to doubt that he will keep this promise to withdraw American forces from Cambodia by July 1, 1970.

Yes; as I have stated, the war is not of the President's making. He is not responsible for starting it; but now it is his responsibility. He says that he will end the war, that we will have a just and honorable peace. He accepts it as his responsibility to achieve these goals. He does not seek to shift the responsibility. He knows the risks involved. I respect him for his courage and his determination.

As I see it, the Constitution is clear and specific on three points:

First. The President is Commander in Chief of the Armed Forces of the United States. As such he can direct the conduct of a war.

Second. Only Congress can declare war.

Third. Congress with its power over the purse strings of the Nation can finance a war or withhold funds with which to prosecute the war.

What then of undeclared wars or limited actions to protect American lives and property—who initiates these and who directs them?

The history of our country is replete with instances where limited wars or military actions have been initiated by a President. These actions have been taken by the President under his powers as Commander in Chief of the Armed Forces. Once the conflict has been initiated there seems little doubt of the President's power to direct the prosecution of the conflict.

I might say at this point that the proponents of the Cooper-Church amendment—which, by the way, has lost its identity as an amendment because the original amendment was accepted by the Committee on Foreign Relations and was reported to the Senate as part of the committee amendment—did not question and does not question the authority of the President to have initiated this attack on the sanctuaries.

It seems to me that the effect of the Cooper-Church amendment, or the committee amendment adopting the Cooper-Church amendment, which now has been amended setting the July 1 date, in effect trades or swaps tacit approval of the President's action for an agreement on two things: That there will be no support given our Armed Forces in Cambodia after July 1, and that if the President wishes to send American troops back into Cambodia at any time after July 1 he must come to Congress for approval of his actions.

So it seems to me that the amendment does restrict the President's possible or potential future activities, because the law does not now require the President to get the approval of Congress for supporting his actions in sending a force into Cambodia. But if the committee amendment, or the Cooper-Church amendment, as we might loosely call the committee amendment, were adopted, it would require the President after July 1 to get the approval of Congress before he could direct future military action against the sanctuaries in Cambodia. So much more than merely the guarantee that the American soldiers will be out of Cambodia by July 1 is involved.

Also, it is said that the amendment to the Cooper-Church amendment, which was adopted on yesterday, provides that Congress is working in concert with the President. Concert with respect to what? Not concert with respect to having gone into Cambodia. Concert with respect to getting out of Cambodia and staying out.

So it seems to the junior Senator from Alabama that there is a definite restriction provided by the Cooper-Church amendment upon the powers of the President that is not the case under the law as it exists at the present time.

Much is said about the amendment that was adopted on yesterday by an overwhelming vote. Some Senators who opposed the basic Cooper-Church amendment said that it did not mean anything; for that reason they voted for it.

The junior Senator from Alabama voted against the amendment on the theory that the action of the Senate was moving in the direction of a restriction against the powers of the President. It was moving toward the goal of the passage of a restriction on the powers of the President.

Reference was made to the fact that it was a softening of the real provisions of the amendment. Whether or not it was a softening—and the distinguished majority leader just a few moments ago said there was no softening of the real provisions of the amendment—it did make it easier to get the Senate to pass the restrictive provisions of the Cooper-Church amendment; and for that reason the junior Senator from Alabama felt that it was not in the best interests of the Senate, not in the best interests of the Congress, and not in the best interests of the Nation to take that action.

The history of our country, as I said, is replete with instances where limited wars or military actions had been initiated by a President, and once the conflict had been initiated there seemed little doubt of the President's power to direct the prosecution of the conflict.

If the Cooper amendment, which is now the committee amendment, were adopted, certainly there would be much doubt about the President's power to continue the action in Cambodia, because the amendment after July 1 would require the cutting off or the deprivation of any funds from the Foreign Military Sales Act, or from any other local law on the statute books, for the support of our fighting men in Cambodia.

The President has given, as his promise and his estimate, that the American soldiers will be withdrawn from Cambodia by the first of July. Well, suppose he would miss by a few days on that estimate. Suppose it were not possible to get the soldiers out on that date. Suppose they were in the thick of a battle on the last day of June. Suppose they were in pitched battle against the enemy. Under the Cooper-Church amendment, no further arms, no further ammunition, no further food could be sent to our soldiers in Cambodia. There could be no allowances for the men or their families. It would cut those off. A man in the Armed Forces of the United States who was in Cambodia on a mission for his country and who was required to stay in Cambodia beyond the first day of July would have his compensation and his whole support of his family cut off, since the amendment would cut off the allowances of a serviceman.

I do not think it is stretching one's imagination a great deal to feel that provision would apply also to allowances or allotments he may have made to his family.

The Senator from Alabama recognizes the power of Congress to close up the Federal purse, by tying the purse strings of this Nation and cutting off aid to our own men in Cambodia, but are we going to exert any such power? That is what the Cooper-Church amendment seeks to do.

The proponents say, "Well, if we set that date, we know the President is going to get the soldiers out." How do we know he will be able to? We hope he will. We fully expect him to. But it is wise, it is advisable for this body to say, if, because of some unforeseen contingency, some unforeseen attack, some unforeseen happening in Cambodia, it is necessary to keep our men there for a longer time, that we are going to deprive them of further support?

Well, it is said, "Then come back to Congress. Congress can then pass a law. It has to be a law passed subsequent to the passage of this act." And we see how rapidly this bill is going through legislative channels.

I would not want to be debating a law providing for ammunition, supplies, or food for our soldiers after July 1, if they are still there. I do not believe we want to be in the attitude of depriving our soldiers of support, no matter on what date they may find themselves still in Cambodia. If they are there in December, acting under orders from their superiors, and they are American soldiers, they are entitled to the generous, full, and complete support of a nation that should be grateful for the sacrifices that they are making.

In the conflict in Southeast Asia, President Johnson used the Tonkin Gulf resolution of Congress as his authority to take whatever steps were necessary to protect American lives, property, and interests.

So, when President Nixon took office he found a full scale war on his hands, limited only by our own self-imposed limitations among which were the bombing halt and the observance of the sanctity of the North Vietnamese sanctuaries in Cambodia.

It was the President's duty, then, and his responsibility, to direct the prosecution of the war and to take steps to protect American troops as the deescalation—which he ordered—the troop withdrawal—which he ordered—and the Vietnamization of the war—which he directed—proceeded.

It was the President's responsibility. And I wish to say that, in the speech that the President made to the Nation at the time the military action was taken against the Cambodian sanctuaries of the North Vietnamese, I admired the President for accepting full responsibility. The Constitution places that authority on him, but all too often we see persons in high places charged with responsibility, who are inclined to place the blame somewhere else. I recall when the matter of halting the bombings was discussed on a recent television interview of a former President of the United States, much was said about "Such and such a person advised me to stop the bombing, somebody else advised me not to; this one advised this, and that one advised that."

But the ultimate decision must be with the President, and President Nixon had the courage and the fortitude to say, "Yes, it is my responsibility. If it works out right, fine; if it works out wrong, it is my fault."

I remember reading of something that Abraham Lincoln said, when he was being severely criticized during the time of his administration as President. He said that if he had to stop and answer all of the criticism that was leveled at him, he would have to close up the shop of the Presidency, because it would take all of his time to answer criticism; that he had been doing and was going to continue to do the best job that he could, and if it worked out all right, all of the things that had been said in criticism of him would not make any difference; and if it did not work out all right, 10 angels swearing that he had been right all along would not make any difference.

That situation is not too different from the current discussion with respect to Cambodia and Vietnam. If the President's plan works out all right, all of the criticism that is being leveled at him for this action is not going to make any difference; and if it works out wrong, it does not matter who says that he was right, he is going to get the blame for it.

The President recognized that, and had the courage to say, "It is my responsibility; it is going to work out all right, but if it does not, I am the man to blame."

The President, then, after considering intelligence reports from his military commanders in the field and from his military advisers, became convinced that enemy troop and supply concentrations on the Cambodian side of the border with South Vietnam were direct and immediate threats to the safety and security of the reduced American forces. As Commander in Chief, he ordered these dangerous pockets cleaned out. At the same time he publicly declared his intention of having American troops out of Cambodia by the end of June. We have no reason to doubt that the President plans to keep this pledge. The progress to date of the campaign against the sanctuaries indicates that the President will be able to have all American troops and advisers out of Cambodia by July 1.

Congress has no power to limit or restrict the powers conferred on the President by the Constitution, except to the extent that the exercise of the powers which Congress has under the Constitution might restrict the exercise of the President's powers. The amendment we are presently discussing would be a method and a manner by which Congress could constitutionally act and restrict the President's powers as Commander in Chief. I do not believe it would be constitutional for Congress to pass a law saying that the President of the United States shall under no circumstances have authority to send military forces into Cambodia, because I think it is generally agreed if a condition there is a direct threat to American lives, the President would have the power to act. So it would not be constitutional for Congress to provide that the President under no circumstances could send a military force into Cambodia.

But it is seeking to exercise the power given to Congress by the Constitution to provide that no money may be spent for that purpose.

Yes, the President can act. But who is going to pay the bill? Who is going to furnish the supplies, the munitions, the arms? Congress can cut off supplies. Congress can cut off pay for the servicemen. Congress can cut off arms and ammunition. But is it wise to do that? Is it acting in the best interests of our country to provide that no support beyond a certain date will be given to our Armed Forces in Cambodia? They did not choose to go there. They were sent there by the President of the United States, and not a single word in the Cooper-Church amendment questions the power of the President to have taken this action. Not a single suggestion is made by the Cooper-Church amendment that the President acted without constitutional authority in taking this action. If the President acted with constitutional authority, why not support him? If he acted with constitutional authority, why not support American troops? It is as simple as that.

Congress has no power to limit or restrict the powers conferred upon the President by the Constitution except, as I have stated, through the proper exercise of powers also given to Congress by the Constitution, one being control over the purse strings of the Nation. Any such attempted action—other than I have suggested—on the part of Congress would be a nullity. Congress cannot take from the President his powers as Commander in Chief of our Armed Forces. Those who back the Cooper-Church amendment apparently recognize this, because the thrust of their amendment is not specifically to repudiate the President's actions by directing the withdrawal of American troops. As I have stated, I do not believe they insist that they can do that.

Nowhere in the amendment is the right of the President to order the attack on the sanctuaries questioned. Nowhere is it averred that the President exceeded his powers as Commander in Chief. So, why all this hullabaloo? If the President acted in the proper exercise of his powers as Commander in Chief, why all these contentions? They say, "We are going to hold you rigidly to this July 1 deadline. You have to get those men out of Cambodia, or we are going to cut off the food, we are going to cut off the arms, and we are going to cut off the ammunition."

They say they are acting in concert with the President in filling and meeting his plan of withdrawal from Cambodia. That is not working in very good concert with the President, according to the thinking of the junior Senator from Alabama, to say, "All right, Mr. President; you say you are working to have the men out by the 1st of July. We do not know whether you will do it or not. But you had better do it, if you want them to eat breakfast on the morning of July 2. They had better be out of there. They can not eat breakfast over there in Cambodia."

Mr. President, the point in this controversy is not whether our troops should be in Vietnam, in Cambodia, in Southeast Asia. The point is that they are there and we must not forsake them. It is unthinkable to suggest that we do anything other than support our American troops to the full extent.

The Constitution establishes the President's authority as Commander in Chief of the Armed Forces, the one man who must make final decisions affecting the use of our military forces. This is not a power that the President has seized without regard to the role and the prerogatives of Congress. It is a power that the Constitution has placed on the President. He would not be discharging his duty unless he acted to protect the members of the Armed Forces in Southeast Asia.

At the same time, and wisely so, the Constitution gives to Congress the sole authority to provide for or withhold appropriations for our Armed Forces.

My attention has not been directed to any instance in the past history of our Nation in which Congress even seriously considered exerting its control over the Government's purse strings so as to withhold support from American troops in the very heat of battle while they are putting their very lives in jeopardy while the debate is going on in the Halls of Congress.

The original Cooper-Church amendment set no date in the future when support for American troops in Cambodia should cease. As I stated earlier, the Cooper-Church amendment has, in effect, lost its identity, because it has been merged into and become a part of the committee amendment. The Cooper-Church amendment of yesterday, setting July 1 as the deadline on getting the troops out of Cambodia if they want to continue receiving support, also was then merged into the committee amendment. So what we really have is the committee amendment as amended on the floor.

XUM

But, for the sake of clarity, I will continue to allude to the amendment as the Cooper-Church amendment.

The original Cooper-Church amendment set no date in the future when support for American troops in Cambodia should cease. Thus, the ban would have become effective on the passage of the bill by Congress and its approval by the President; or, in the event of a Presidential veto, on its passage over the President's veto.

The original Cooper-Church amendment was accepted by the Foreign Relations Committee and has been reported back as part of the committee amendment.

Let us assume that the bill to amend the Foreign Military Sales Act had passed with the original Cooper-Church amendment as a part of the bill; that is the one not having a deadline, just becoming effective immediately on passage and approval, and that when the bill was sent to the President, the July 1 deadline set by the President had not been reached and American troops were still engaged in battle in Cambodia.

Doubtless, the President would have vetoed such a bill with the overwhelming backing of the American people, and the veto would have been sustained.

But suppose the July 1 cutoff date becomes law. That is the bill as amended that we are now working on. What would be the situation if the bill is not passed until August 1, to say that no support be given after July 1, and that is only about a month off? It has to go from here to the House to be approved, then it goes to conference, and approved by both Houses and then it is approved by the President or be passed over his veto to become law. It is not unreasonable to anticipate that the bill would be going fairly rapidly to become law by the 1st of August. Yet we have written into the bill this amendment saying that no support is to be given after the 1st of July. And assume the bill does not pass until the 1st of August. Senators will recall when we repealed the investment tax credit, even though the bill was passed in December, that we went back to some time in April for its effective date. Thus, what would be the situation if such a bill, passed by the 1st of August, had a cutoff date of July 1? What would be the status of support given our troops in that intervening period—which raises considerable question, it would seem to me? Would that be illegal and would those who gave such support before the enactment of the law be law violators?

Suppose again that the July 1 cutoff date is used as proposed by the amendment of yesterday. Does that mean that even though American boys are in the thick of the battle, risking their lives for our country, but have not completed their mission by July 1, that no more support will be given them because of the action which it is proposed the Senate take on cutting off funds?

I think it is significant that neither the original Cooper-Church amendment nor their amendment setting a July 1 cutoff date makes any charge that the President acted without constitutional authority in Cambodia. Indeed, the July 1 cutoff amendment would seem to ratify and sanction continuation of the mission until July 1, whereas, the original Cooper-Church amendment gives no such indirect sanction.

Thus, by the original Cooper-Church amendment, Congress is in the rather lofty position of saying, "While this matter has just come to our attention, we will act as expeditiously as we can; the troops must be removed from Cambodia. We are going to make this law effective immediately because the President has no authority to take that action." By the adoption of the amendment on yesterday continuing support to July 1, it would seem to me that this cutoff amendment of July 1 would, indeed, seem to ratify and sanction continuation of the mission until July 1. But the original amendment would cut it off immediately.

If, then, the President acted within his constitutional authority, and that seems to be the sense of the amendment, no question is made of his right to have taken this action. It is a matter of whether Congress decides it wants to cut off the support. Thus, no question is made and no question is raised by the original amendment, or the amendment to the amendment, as to the President's power and authority, and as to his prerogatives as to the action that he took. Why should the Senate be called on to repudiate his actions by withholding support from his efforts and the efforts of American troops in Cambodia?

So that the effect of the amendment is to say, Mr. President, "We do not question your authority, your power, the prerogatives which you have under the Constitution to have taken this action but, Mr. President, from and after July 1, we are not going to support our troops in Cambodia."

Well, if the President had authority to take this action, it does not seem that we are acting very much in concert with him if we say, "Get those men out by the first of July or we are going to fail to feed them any further, we are going to fail to furnish them guns, rifles and ammunition. Thus, it is up to you to get them out or we will not support them any further."

Mr. ERVIN. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I am delighted to yield to the Senator from North Carolina.

Mr. ERVIN. If our enemy should reoccupy the sanctuaries in Cambodia and use them as a base for operations against the military forces of the United States and our allies in South Vietnam, and if the President found as a fact that this action imperiled the safety of U.S. forces in South Vietnam, and if the President thereupon sent American troops into the sanctuaries after the first of July to save American military forces in South Vietnam from destruction, this resolution would prohibit the payment of compensation to members of the military forces that went into Cambodia under orders of the President, and would deny them the right to the use of any money with which to buy food or to defray the cost of paying for medical services for those who happened to be wounded in the operation and would prevent the giving of any assistance of an essential nature or any goods that were purchased for them.

Mr. ALLEN. Mr. President, that is essentially correct, as I understand the amendment.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that when the Congress of the United States authorizes the President of the United States, as Commander in Chief of the Armed Forces of the Nation to put those Armed Forces into combat, the President has the implied power under the Constitution as Commander in Chief to take such steps as are necessary to defeat the enemy or to protect the Armed Forces from destruction at the hands of the enemy?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, would not the amendment, if valid and if agreed to by Congress, have the effect of denying to the President of the United States the authority to exercise the powers which the Constitution of the United States gives him as Commander in Chief of the Armed Forces of the Nation?

Mr. ALLEN. Mr. President, it would seem that it would. It is somewhat like the rejoinder of President Andrew Jackson concerning John Marshall and one of his decisions as Chief Justice of the United States. President Andrew Jackson said, "Well, Mr. Marshall has rendered his decision. Now let him enforce it."

So it is pretty much along the same line. The President might have the authority, but let him use it.

Mr. ERVIN. Congress would at least attempt to use its power of the purse to prevent the President of the United States from exercising his power to direct the operation of the forces committed to his charge by Congress itself in the Gulf of Tonkin joint resolution.

Mr. ALLEN. The Senator is correct. I appreciate the thought advanced by the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, does not the Senator from Alabama join in the fear of the Senator from North Carolina that the passage of resolutions or amendments of this nature might lead to other nations of the world thinking that the United States is unwilling to keep its commitments to them?

Mr. ALLEN. It would show something less than unanimity of opinion here in the Senate, I would suggest. I thank the distinguished Senator from North Carolina.

The President has said that the destruction of the sanctuaries will protect American troops in Vietnam; that it will shorten the war and hasten peace; and that we will be out of Cambodia by July 1.

I respect the President's judgment, and I believe and honor his pledge that our troops will be out of Cambodia by July 1.

Mr. President, I hazard the opinion or judgment that the proponents of the Cooper-Church amendment, based on statements made on the floor, believe that the President will keep his pledge of getting the troops out of Cambodia by July 1.

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What they are interested in, in my judgment, is the second phase of the amendment—that before going back into Cambodia, the President must come to Congress for permission to do so.

So, it is a whole lot more than guaranteeing the withdrawal of American troops from Cambodia by July 1. Everyone feels that will happen. It is the second feature of the amendment that is really at stake. That feature of the amendment would put Cambodia off limits to further American action against the sanctuaries in Cambodia or for any other purpose. So, Cambodia would be off limits without congressional approval.

Mr. President, what chance, I ask, would there be of getting a bill through Congress to give the President the authority to send American troops back to Cambodia?

So, that is the real thrust of the amendment—the prevention of further military action by American troops in Cambodia without congressional approval.

Proponents of the amendment argue that setting a cutoff date for support of troops is merely in line with the President's promise and is merely taking him at his word.

I do not see it that way. If we believe in and trust the President or if we respect him as Commander in Chief of the Armed Forces, we would take him at his word on his promise to withdraw our forces by July 1, 1970.

We do not hear much about the prohibition against going back into Cambodia. Some 95 percent of the talk—almost 100 percent of the talk—by the proponents of the measure is to the effect that all the amendment does is to act in concert with the President in getting him to fulfill his declared objective of getting out of Cambodia by July 1.

Mr. President, the President does not need Congress to help him on that. He has already declared that he is going to do it. How would congressional action expedite the matter? It would be holding a gun at the President's head and saying, "If you do not get them out by July 1, we will cut off supplies and arms and ammunitions."

So, it is well known that the President is going to make every possible effort to get the American troops out of Cambodia by July 1.

If we did not have the second aspect of the amendment, it would not be too bad. It would be unnecessary, but it certainly would not be too bad. However, if the amendment is agreed to, it will make Cambodia completely off limits as far as military action is concerned without the express approval of Congress.

With our liberal debate rule—and I am all for the liberality of debate—we could not get any bill, resolution, or amendment passed to authorize the President to go back into Cambodia.

I see one or two Senators in the Chamber now who would make quite a stand against such an effort. So it is the second aspect of this amendment which is causing so much concern, not the first aspect where the proponents of the measure say, "Oh, the President is going to get us out, and all we are doing is working in concert with him."

As I suggested, that is concert to get out, not concert to get in, except through the lack of any condemnation of the President's actions, or any questioning of the President's actions.

We need only one Commander in Chief, and the Constitution wisely provides for only one, and that is the President of the United States.

Our country does not need a war council of 535, composed of 100 Senators and 435 House Members to determine strategy, to plan and employ tactics, to decide where, how and when to fight. Nothing could be more ridiculous or disastrous for our country.

Deciding such questions in the Halls of Congress in full view of the world would advertise our plans and our strategy and tactics to friend and foe alike.

Mr. President, I do not say this critically but just as a mater of fact. I feel most Senators would agree with this statement to some extent. A foreign power hardly needs an espionage system in a democracy. Let them subscribe to the CONGRESSIONAL RECORD, Time magazine, the Washington Post, the New York Times, and the Wall Street Journal. I say this in a complimentary fashion. It has nothing to do with political ideology. I am talking about the magnitude of the operation and the amount of news they have in these publications.

If they would subscribe to these publications and obtain copies of the hearings of our Committee on Foreign Relations and the Committee on Armed Services, they could gain a pretty good idea of our military preparedness and of our overall strategy of foreign relations, as well as the divisions among the American people in these areas.

They do not need any espionage system. Just get all of these publications, sit down and read them, and see where our men are deployed. The map I saw in one of the magazines showed exactly where our men were, what the units were. All they would have to do would be to subscribe to some of our domestic publications. I do not say that in a critical fashion. It is a tribute to their newsgathering ability, but it is also a commentary on the laxness with which a democracy operates.

This is just one of the prices we pay for having a democracy where the people have a right to know.

Adoption of the Cooper-Church amendment can, in my judgment, serve no useful purpose. Adoption of the amendment, on the contrary, would be detrimental for many reasons. I list several here that occur to me:

First. It would raise questions and create doubt as to the credibility of the President of the United States as to his promise to withdraw the troops by the first of July.

Second. It would question the powers of the President of the United States as Commander in Chief of the armed services. I am not making reference to the amendment questioning the power of the President to take this action because it does not question that, but it would question his power to act again in the event of a similar emergency there in Cambodia because Cambodia would be off limits to American military men.

In a military camp, if a certain retail outlet, restaurant, or place where beverages can be obtained runs a type operation that is not in the best interests of the soldiers, the military commander will put that place off limits. Soldiers cannot go there. So, in effect, with the passage of the Cooper-Church amendment, Cambodia would be off limits to American soldiers. They could not go there on order of the President any more without Congress saying it is all right for them to do so. I feel that would be interfering with the powers of the President.

Third. Incredibly, it would cut off support from American soldiers fighting for their country, while they are on a military mission to which they were dispatched by the President of the United States. I do not believe we want to take that action in the Senate.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. ALLEN. I am delighted to yield to my good friend, the distinguished Senator from Iowa.

Mr. HUGHES. Mr. President, I would like to ask a question of the distinguished junior Senator from Alabama, but I would like to preface it with a statement so it is very clear and understandable what my motives are.

Mr. ALLEN. I would be very happy to answer the Senator's question.

Mr. HUGHES. The Senator from Alabama and I have served together in the Senate for a year and a half, and I know the junior Senator from Alabama speaks from the dictates of his conscience and the breadth of his intelligence with relationship to this amendment and the laws affecting our country. I have listened over the last hour with a great deal of interest to his interpretation of the Cooper-Church amendment and the various effects and limitations it would have on the President now and in the future, and perhaps in the distant future on other Presidents, if I do understand him correctly, he does not question the constitutional power of Congress to fund armies of the United States and to limit their function, and that it is appropriate to take what action Congress deems necessary in these respects.

Mr. ALLEN. The Senator is correct. I stated in colloquy with the Senator from North Carolina that to the extent that it does infringe on the constitutional power of the President himself to protect American lives, to that extent it would be subject to some question. That was the point raised by the Senator from North Carolina.

Mr. HUGHES. Again, not questioning the personal convictions of the distinguished junior Senator from Alabama, I listened with interest as he listed various publications. As I recall now they were Time magazine, the Washington Post, the New York Times, and so on. I believe the Senator said all that the enemies of the United States had to do was to read those publications to get the factual truth about the preparations and plans of the United States and that the publi-

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cations would be accurate in reflecting them.

Mr. ALLEN. I do not believe I used the word "truth." I believe the Senator is misquoting me. I did not use the word "truth" with respect to some of those publications.

Mr. HUGHES. I am sorry. Would the Senator restate his position for me, please?

Mr. ALLEN. I would be glad to give it to the Senator exactly as I gave it.

Mr. HUGHES. I thank the Senator. I would be glad to hear it again.

Mr. ALLEN. I stated:

> A foreign power hardly needs an espionage system. Let them subscribe to the CONGRESSIONAL RECORD, Time Magazine, the Washington Post, the New York Times, and Wall Street Journal and obtain copies of the hearings of our Senate Foreign Relations and Armed Services Committees and they could gain a pretty good idea of our military preparedness and of our overall strategy of foreign relations, as well as the divisions among the American people in these areas.
>
> This is just one of the prices we pay for having a democracy where the people have the right to know.

I stated further that this had nothing to do with political ideology, and it was something of a tribute to those publications for the fullness of their reporting. I did not make any assertion as to the speaking of the truth, as the Senator seemed to think.

Mr. HUGHES. I apologize to the Senator from Alabama, because it is clearly stated. He said one would get some idea, which might be altogether different from the truth that may or may not be obtained by reading them.

I think the Senator would agree that if we wanted to get copies of the Hong Kong newspapers, which are not available here, that news in them is available to the people of the Communist nations.

Mr. ALLEN. I am not familiar with that.

Mr. HUGHES. I read them when I was in Hong Kong, and I read them on the floor of the Senate. I do not subscribe to them, as I know the Senator from Alabama does not, either.

The Senator from Alabama is a distinguished lawyer, and he has been in colloquy with the Senator from North Carolina, who is recognized as a distinguished constitutional lawyer. I feel somewhat at a disadvantage as a layman in questioning the law involved in what we are discussing. But in the system of world law, is it the prerogative of any nation to cross the boundaries of any other nation in warfare without a request from that government or without treaty agreements providing for the crossing of those borders? Could the junior Senator from Alabama enlighten me on that subject?

Mr. ALLEN. The junior Senator from Alabama does not claim to be an authority on world law. The junior Senator from Alabama would express the opinion that there is considerable difference between crossing the borders of a nation for the purpose of attacking the citizens of that nation and crossing the borders for the purpose of clearing out or capturing or destroying bases set up by citizens of other nations who are enemies of the United States who are allowed to be on the soil of that foreign nation.

Mr. HUGHES. Then I would assume the junior Senator from Alabama would agree with a policy of invading North Vietnam under similar circumstances?

Mr. ALLEN. If that becomes the military policy of this country. I hope that it will not be necessary. I do not feel that is necessary to protect the lives of the American soldiers.

Mr. HUGHES. Well, we ceased the bombing of North Vietnam. Yet obviously, there is a gathering of supplies, equipment, and men just across the border in North Vietnam. That complex in North Vietnam has been assumed by the leadership of our Nation to be a legal sanctuary, and one we have attempted to respect, unless our reconnaissance planes were fired upon. Yet we look at the nation of Cambodia and devise another policy for crossing that border to wipe out similar sanctuaries, where we are not requested, when there was no discussion with the representative committees of the United States Senate or, to my knowledge, of the other body, even after it had been promised.

I view this as a matter of open policy. I am sure the Senator is aware that there are a number of international bodies to which questions like this can be taken.

Mr. ALLEN. Such as?

Mr. HUGHES. Such as the World Court or the United Nations.

Mr. ALLEN. Does the Senator think this matter could be solved by the United Nations?

Mr. HUGHES. I am not sure, but I do think we should try. I do think it has a rather drastic effect on our country when, on the eve of Law Day USA—with an administration policy that has advocated law and order widely, and that we all believe in—we cross international borders without consultation with the Foreign Relations Committee, as promised by the Secretary of State, without consultation with the leadership of the President's own party in the U.S. Senate and, as a result of that, leaving great questions in the minds of the people of America, as well as many Members of the U.S. Senate, our esteemed colleagues. It has obviously divided us again and divided our country again.

No one questions the dictates of conscience, the motives, or the patriotism of our colleagues or of our people, but we are divided on the question of the rightness or wrongness of what we are doing.

The Senator has spoken very eloquently with respect to this problem and the decision the President has made. The problem raised, as the Senator views it, is that of accepting the President's own limitation and writing it into law. I assume the Senator feels that by writing it into law we would be impugning the President's word. Is that the point of the Senator's objections to it?

Mr. ALLEN. I feel that would show a disbelief in what the President has promised. I think it would be not taking him at his word. I think it would not allow for the possibility of unforeseen happenings or contingencies taking place that would make that date impossible of accomplishment.

Just because the President has suggested he is going to be out of there by July 1st, I do not see that it profits the country to write into law that we are going to withdraw support from American troops if he does not follow that statement to the letter and have every American soldier out of Cambodia by that time.

Mr. HUGHES. Does the junior Senator from Alabama feel that had the President in 1968 said to the American people, "I have a plan to end the war in Southeast Asia and it involves the invasion of Cambodia to clean out the sanctuaries and widening of the bombing in Laos and Cambodia," the people of the United States would have elected him?

Mr. ALLEN. I do not know what the people might have done. I might state I did not vote for the President, nor did I vote for the candidate that the distinguished Senator from Iowa voted for. I voted for still another candidate.

Mr. HUGHES. The distinguished Senator from Alabama obviously believes very strongly in the issue of "law and order." We are not naming candidates here today, but there were only three men running, and I am certain that the main issue of one of those was "law and order." It was also mentioned by the candidates of both major political parties. I think respect for international law is as important to the people of America as respect for internal law, and certainly one of the principles that we both believe in is peace internally and externally.

The Senator from Iowa does not question the desire of the Senator from Alabama for peace. We are in agreement on the desire to end the war with the fewest casualties, with respect for the dignity of the people involved in it, and, I might add, with honor for all those involved in it. At the same time, the point of difference is on the methods of doing that.

Though the amendment is small in context, as appropriately described by the junior Senator from Alabama, it brings into focus the larger issues we are talking about in the country today with respect to bringing the war to an end—questions that are in the minds of many Americans today and that have since the invasion of Cambodia distinctly polarized this Nation beyond anything I have observed in my lifetime.

We share a total desire for peace that all Americans seek—and I might add, that all Americans seek with honor, with patriotism, and with love of their country, just as do the Senator and I. But we choose different paths to achieve it.

I think this extended debate—though we are carrying it on on a relatively minor issue, as the Senator himself describes the issue upon which we will eventually be getting to a vote—is of great significance. America needs this discussion to better understand not only what our policies are for the present, but may be for the future, not only in Cambodia and Vietnam, but in other nations of the world where our involvement may be deep and heavy at some point in the future and where the precedents we may be setting by these actions today would af-

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fect the overall security of the United States.

So I do believe the distinguished Senator from Alabama is serving a very useful purpose in an extended discussion today, and though I differ with the Senator on almost every point he has made today with reference to the amendment before us, I am willing to accept the President at his word. As the Senator knows, I oppose reinvading the sanctuaries in Cambodia. I believe a cessation of the hostilities in that country is of preeminent importance. I think it is vital for the people of America to have a clear understanding as to who trained the forces in Cambodia that overthrew the Sihanouk government, and whether our Nation was involved in that, or whether in fact the invasion of Cambodia by our troops may be a part of some greater overall plan or design that has not yet completely unfolded. These are questions we can logically ask, because we were not notified of the scope of our involvement in Cambodia, and at least to my mind we have no knowledge of that. If the Senator has knowledge, he can enlighten me.

I think there are questions of international law involved, and what of the international respect, which, at the end of World War II, we brought into focus? Consider also the condemnation by the leadership of other nations; we have used tactics they have condemned, and I fear rightfully so. Therefore, I think it is very important that we carefully analyze each and every step we take in what we are doing today.

I do believe, and wish to express to the junior Senator from Alabama, that our Founding Fathers, in drawing together so magnificently the Constitution, which we both so deeply respect, had a purpose in mind when they said the Congress of the United States shall appropriate no moneys beyond a period of 2 years to support the Army. Realizing that the full House of Representatives is elected every 2 years and that a third of the Senate is elected every 2 years, our Founding Fathers ordained that the people of this Nation would have the right to end the policy of the President of the Nation if they disagree with it, through the political process of the elections in our country. Those are the channels they should be working through today, if they disagree with our policies.

As the Senator from Alabama knows full well, I believe that those who bomb and burn and destroy in our country are against all of us. They help none; they destroy, they do not build. They are not constructive, they are destructive. And they are with none of us.

But in contrast to that, the elective processes of this country, I believe, were provided by the Constitution to end conflicts such as we are engaged in, if the people truly believe our policies are wrong. I think ultimately and finally, in all probability, that will be the final decisionmaking process. The result may be against my beliefs, or it may be in agreement with them, but nonetheless, it is the proper way to make the decision.

I thank the distinguished junior Senator from Alabama for yielding to me and permitting me to differ with his positions here today.

Mr. ALLEN. Mr. President, I thank the distinguished junior Senator from Iowa for his remarks. He is certainly one of the most eloquent and dedicated Members of this body, and I respect no Senator more than I respect the distinguished Senator from Iowa. I know that he is dedicated to the cause of obtaining peace—a just peace, an honorable peace, and a lasting peace. I know that he is a great patriot, that he is a great humanitarian, and that he does want to see this war end and the killing *stop;* and he is certainly correct when he says that we both have the same hope, the same purpose, the same ideal of trying to disengage from the Vietnam conflict, and that the only difference we have is with respect to the method.

I appreciate the Senator's contribution to the discussion, and his saying what he has had to say about the amendment. Certainly it is an important amendment, since it does have to do with matters of war and peace and the constitutional prerogatives of Congress and of the President, and the discussion will doubtless bring into proper focus and perspective the respective powers of the President and the Congress. I appreciate very much what the Senator has said.

To continue with the statement of my objections to this amendment, I shall reiterate the first two which I pointed out before I go on to the third.

First. It would raise questions and create doubt as to the credibility of the President of the United States.

Second. It would question the powers of the President of the United States as Commander in Chief of the Armed Forces.

I believe this is the point that I was making when the distinguished junior Senator from Iowa asked if I would yield.

Third. Incredibly, it would cut off support from American soldiers fighting for their country, while they are on a military mission to which they were dispatched by the President of the United States.

Fourth. It abandons Cambodia and the Cambodian sanctuaries to the North Vietnamese and tells them in effect that they can come back and take over Cambodia, thereby putting our American troops in South Vietnam in greater jeopardy.

Fifth. It seriously weakens power of the President as spokesman for this country in the quest for peace. This repudiation of the President and his actions will be known in national capitals throughout the world within minutes of our action on this amendment.

Sixth. It emphasizes our national divisions and lack of unity in the matter of a national foreign policy.

Seventh. It could discourage firm and timely action by the President in future crises in use of Armed Forces of the Nation.

In other words, if the Cooper-Church amendment is adopted, it would say, "we raise no point as to your power to have taken this action, but, Mr. President, you have got to withdraw all American soldiers from Cambodia by July 1, or we are going to see that they receive no further support from this country."

What sort of encouragement does that give the President of the United States in acting in an emergency situation regarding another nation not covered by the the Cooper-Church amendment? As to Cambodia it is all provided for in Cooper-Church. The President will have to come to Congress and ask for permission to go back into Cambodia. Suppose it is necessary for him to take some type of military action with respect to another country? I believe Congress has already provided that he cannot go into Laos or Thailand, or cannot use any of the money appropriated last year for that purpose.

We know Cambodia is off limits. What encouragement is there to the President to take firm, decisive action to protect American interests and American lives if he is going to be called into question by Congress and if Congress will say, "All right, Mr. President; you acted within your constitutional rights. You get those men out of that area within the next 30 days or we are going to cut off support from them."

This would discourage the President from taking effective, affirmative, decisive military action in the future with regard to military action in another if he deems such action is in the best interests of the people of the United States.

Eighth, it could encourage our real adversaries, Russia and China, in believing that we lack the national resolve and determination to see the Vietnam war to an honorable conclusion.

Ninth, it advises our enemies as to what our plans are in Southeast Asia, telling them just what limitations our Armed Forces are under, just how far we will go and no further. It removes all flexibility from future military plans and operations.

Tenth, it prevents the President from ordering attacks in the future on Cambodian sanctuaries without approval of Congress, thus tying the President's hands.

The President of the United States, acting as Commander in Chief of our Armed Forces, has had and will continue to have my support in his conduct of the war in Southeast Asia.

Certainly, I will oppose any moves in the Senate to tie his hands, to snipe at him, or to criticize his actions before the world.

I oppose any action that will deprive American boys in Southeast Asia of support, or that will cut the ground from under them, or indicate in any way that they have less than my enthusiastic support.

The President has acted. This is now the official policy of our country in the conduct of the war. As a loyal, patriotic American, as well as a U.S. Senator from Alabama, I shall support it.

Therefore, Mr. President, believing as I do that the Cooper-Church amendment is unwise, unnecessary, and not in the best interest of the country, I must oppose it.

Mr. President, I have a number of letters here that I would like to insert in the

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RECORD. I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MOBILE, ALA., *May 13, 1970.*

Hon. JAMES B. ALLEN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: I have been much concerned about the volume of criticism and the apparent determination of some of our representatives in Congress to undermine President Nixon's efforts to bring the war in Vietnam to a close as far as the United States participation therein is concerned.

Surely President Nixon is sincere in his efforts to do this having already removed more servicemen from Vietnam than any preceding President. It would seem to me that, when the safety of the Armed Forces of the United States is involved, it should be our concern to give cooperative support to any efforts which would appear to further the safe removal of United States troops.

It seems apparent to me that Mr. Nixon's actions are not politically motivated and I hope that the Senate will join with him in a united effort to bring our troops home without undue loss of life and self respect.

The small band of Senators who are seeking to cut off funds for operation in Cambodia are extremely shortsighted and do not appear to me to have the interest of the United States at heart.

Yours truly,

WILLIAM W. WINTER.

SYLACAUGA, *Ala., May 12, 1970.*

Hon. JAMES B. ALLEN,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR ALLEN: Along with millions of other individuals in the United States I am concerned about the world situation and the violence and unrest in our country.

It is my strong feeling that President Nixon is making every effort to solve the problems which confront the leaders of the country today. I have been impressed with his forthrightness and his courage in making decisions which must be made by responsible individuals in an organized society. It is disturbing to read, hear, and see on television much of the criticism that has been directed toward the President when he has endeavored to carry out the responsibilities of his office. It particularly concerns me that many selfish politicians are attempting to take advantage of many situations for what they think would be to their own political benefit.

In addition, I have always been concerned by the political process whereby members of Congress attempt to achieve their ends through riders to various bills and in particular where these riders are not germane to the bill itself. Recent news reports indicate efforts to undermine the President's decisions by attaching riders to various important bills.

The fact that our system of government provides for free speech does not, to me, appear to be applicable in the permitting of convicted conspirators to visit, speak, and cause disturbances on our college campuses. I feel that the courts, primarily, and the Congress could take action that would prevent these disturbances.

The purpose of this letter is to request that my representatives in Congress display leadership in assuring that the President of the United States is fully supported in all actions which he takes, based upon his thorough study of information available only to him. I hope that you share this view and will at appropriate times make your voice heard when the voices of dissent appear to be undermining the actions of our President.

Sincerely yours,

FRANK G. PERRYMAN.

BIRMINGHAM, ALA., *May 15, 1970.*

Hon. JIM ALLEN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: Prior to reading your May report to the people, I had read an item in the newspaper as well as seeing you on television stating your support of our President's recent decision regarding Cambodia and I want you to know that my wife and I both appreciate your taking this position because while we are opposed to expanding the war, we do feel that our President has made a move in the right direction to ending it more quickly and bringing our men home as soon as possible.

I hope that someone sends you the front page of last nights Birmingham News because it certainly made me feel good to see that the students of Sanford University in Birmingham are supporting the President in his decision and this coming from young people at this time is something to be proud of.

I certainly hope that Congress and the Senate will not go along with some of the liberals in their latest movement to take power from the President and perhaps drag out the war instead of shortening it.

Yours truly,

J. C. BERRY.

ASSOCIATION OF THE
UNITED STATES ARMY,
Fort Rucker, Ala., May 12, 1970.

Hon. JAMES ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: Upon approval of the Executive Committee of the Bogardus S. Cairns Chapter of the Association of the United States Army, the following telegram was transmitted on May 1, 1970 to President Nixon:

"President RICHARD M. NIXON,
The White House,
Washington, D.C.

"MR. PRESIDENT: The Bogardus S. Cairns Chapter of the Association of the United States Army, whose 2200 members, composed of civilian business leaders in cities throughout South Alabama and distinguished fighting men at the dynamic military complex at Fort Rucker, Alabama, have of this date prepared and passed a resolution proudly extending to you our sincere support of your strategic military movement into the enemy sanctuaries in Cambodia.

"We, who have joined hands to express our support of a strong mobile Army in the defense of our National Heritage, believe that honorable but firm principles as you have demonstrated in this action must prevail if we are to succeed in our universal struggle for world peace in Vietnam.

"Sincerely,

"ROBERT ELLIS, *President*."

HUNTSVILLE, *Ala., May 18, 1970.*

Senator JAMES ALLEN,
U.S. Senate, Washington, D.C.

DEAR SENATOR ALLEN: I am writing as a voter and taxpayer in the State of Alabama to urge you to support President Nixon on his decision to commit U.S. troops to Cambodia. I ask you to work to defeat the effort in the Senate of other senators to cut off funds for the Cambodian operation. The enemies of our country in Indo China should not be allowed a sanctuary from which to launch offensives against our servicemen. If the need and opportunity occurs for our troops to chase the enemy up through Laos I ask you to support that too.

Indo China is a modern day Munich and the war protesters if not communists are modern day Neville Chamberlains. We would be very foolish to let the communists take over South Viet Nam, Laos, or Cambodia. I ask that you put partisan politics aside in this matter in which the existence of our country is at stake.

Very truly yours,

EDWARD S. GOODE.

HUNTSVILLE, ALA., *May 19, 1970.*

Hon. JAMES ALLEN,
U.S. Senate, Washington, D.C.

DEAR SENATOR ALLEN: Please add my name to the list of those people who support The President in this current controversy about the U.S. military action in Cambodia.

Admittedly, I am concerned about the continuance and possible escalation of the war in Indo China and it seems on the surface that this move into Cambodia is in the wrong direction, toward enlarging the war. However, I am willing to accept and support the President's decision as being in the long term best interests of the majority of Americans and that for reasons of strategy it was necessary for him to act as he did.

As my representative in Washington, D.C., I hope that you will give your support to the President in this matter.

Sincerely yours,

CALVIN L. SWINDELL.

MOBILE, ALA., *May 19, 1970.*

Senator JAMES E. ALLEN,
Senate Office Building, Washington, D.C.

MY DEAR SENATOR: While being very much aware of the fact that there is not available to me the same information having an important bearing on such matters, and that perhaps there is not even available to you some information which is available to President Nixon on these vital subjects, I feel obliged to say, on the basis of all that I do know about our current affairs, and all the experience which I have had in my lifetime, that the decision of President Nixon to move into Cambodia as he has described in his televised talk to the Nation was necessary and very much in the best interest of the people of our country.

I plead with you to support it, to support the President in his conduct of the Vietnam War and to seek every means of containing the opposition available to you, through the period necessary for fulfillment of the campaign. It is obvious that a large segment of our population, particularly among the young people, lack faith in his leadership. Believing so strongly that he is right, it is my hope that the means will be found to engender greater confidence in and support for his decisions. In critical matters of war and foreign policy, I see absolutely no substitute for decisions by our leaders who bear the responsibilities, however desirable it might seem for a more democratic process to control.

Respectfully your,

R. P. DENNISTON.

TUSCALOOSA, ALA., *May 10, 1970.*

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: Our family wants you to know that we are wholeheartedly behind the President of the United States in his efforts to end the war in Viet Nam. Please support the President in the manner in which the war is being conducted. Do not let the United States Senate curtail his powers, or stop him in his honest efforts to bring the war to an honorable conclusion. The United States must not be defeated for the first time in its great history. Do not listen to the small minority of dissenters and defeatists, who would have peace at any price. The vast majority of the people in this great country want a successful conclusion to the Viet Nam war, but only by means of a military victory, and an honorable peace on our terms. Why not win a military victory in Viet Nam to prevent the Communist domination of all Southeast Asia?

Our American principles represent the greatest charter of human justice, freedom,

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and democracy on the face of the earth. We have here in America a priceless heritage. If we are to maintain this heritage, we must rid ourselves of all the alien ideologies and vicious destructive groups that are determined to undermine and destroy the principles upon which this great country was founded.

In addition to the parents, our family consists of a twenty-one year old daughter, and a seventeen year old son. In matters of respect for our flag, patriotism, and honor of the office of the President of the United States, there is no generation gap in this family.

Respectfully,

JAMES S. BROWNING.
LORENE M. BROWNING.
CYNTHIA BROWNING.
TIM BROWNING.

HUNTSVILLE, ALA., *May 14, 1970.*

SENATOR JAMES ALLEN,
Washington, D.C.

DEAR SIR: I have tried to look at all sides of this incident of our troops being sent into Cambodia. I know I do not have all the facts but I believe that we should not tie the hands of government in restricting the operation in Cambodia or Vietnam. I hope and pray that you will do the right thing for the majority of the people.

Yours truly,

ROY LETARE.

HUNTSVILLE, ALA., *May 17, 1970.*

SENATOR ALLEN: We are a part of the silent majority of the people of this country that has never written to our Senators. However we are all sick and tired of hearing the voices of the demonstrators and the way-out liberals of this country.

Sir, there have been many petitions passed around and signed by nearly everyone that has a chance to support *Our President*. We hope that you will support him in his stand. We are uneducated people of this country with the dream of sending our children to college but at the rate our colleges are going, I am now of the opinion that they would be better uneducated and to have just plain common sense and a little loyalty to God and Country.

Yours truly,

RITA S. GWATHNEY.

GREENVILLE, ALA., *May 19, 1970.*

Senator JAMES ALLEN,
Washington, D.C.

DEAR MR. ALLEN: This may be too late in coming, but I want to express my opposition to the plan presently being pushed by Mr. McGovern, and others of his way of thinking, to thwart the leadership of President Nixon—who is our Commander in Chief—by cutting off the money to support our soldiers if he happens to direct them into an area that Congress does not O.K. I think (particularly at this stage of the "war") any such effort to counteract his leadership is certainly giving aid and comfort to the enemy, as well as stabbing our own armed forces in the back. What can they be thinking of to even suggest such a thing??? I hope that you will not go along with any such plan.

I hope you will use your efforts to uphold the President and our troops in bringing this war to an honorable end . . . and I don't mean for us to just turn tail and run. Personally I think we should have gone into Cambodia months and months ago, and that the bombing of North Vietnam should have been resumed long ago, when it was evident that the "Peace Conference" in Paris is such a farce. I hate war as much as anyone, and I'll admit I don't know the answers, but I don't think we find peace by continually giving in to an enemy (such as the Communists). And I don't think we hasten peace by *telling the enemy* all our plans, i.e. that we will withdraw from Cambodia by a certain date, and that we will go just so far and no farther.

I don't believe in censorship of the news—but I don't think "plans" should be considered "news" to be broadcast far and wide. I always thought a big part of military strategy was to take the enemy by surprise. And because too many of our people can't keep their mouths shut and seem to want to help the enemy by telling everything, I think our Commander in Chief should continue to direct our forces as he and his military advisers think best—and he should not be handcuffed by all the "doves" in Congress who, to my way of thinking, aren't interested in real peace. I don't think anyone can win against the Communists by appearing weak.

Sincerely yours,

MRS. J. D. SELLERS.

HUNTSVILLE, ALA.,
May 17, 1970.

Hon. JAMES B. ALLEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: I have been reading about the efforts by some Senators to deprive President Nixon of funds to continue this countries' military activities in Vietnam and Cambodia to a satisfactory conclusion.

I therefore would like to remove myself from the silent majority and at least take a position through this letter that I am fully in favor of the President's approach in Vietnam and Cambodia and would like to see this effort continued as long as he feels it necessary.

Consideration of this position in your actions in the Congress would be appreciated.

Yours truly,

JOSEPH B. JONES, JR.

JACKSONVILLE STATE UNIVERSITY,
Jacksonville, Ala., May 15, 1970.

Hon. JAMES ALLEN,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: I am writing to advise you of my feelings about President Nixon's Cambodian decision. The President has my full confidence and I support his actions completely. What does disturb me is the failure of the United States Senate in giving its support to President Nixon at a time when this nation needs unity the most.

In discussions with other faculty members at Jacksonville State and with members of the working community, I have found a tremendous majority who support the President. In a poll conducted in my classes of history majors and minors I can report that 111 supported the following statement while only 14 did not:

"Do you support President Nixon's invasion of Communist sanctuaries in Cambodia with the understanding that *the President* will withdraw the forces within ten weeks".

This is a sizable majority; much more than one would expect on a relatively conservative campus in the south. It makes one wonder what percentage of students in other colleges would support the President if they could be heard and could express their opinions.

I know that you are interested in advice from your constituents and that you will give this letter your full consideration.

Sincerely,

PHILIP E. KOERPER,
Associate Professor of History.

TRACTOR & EQUIPMENT CO.,
Birmingham, Ala., May 13, 1970.

Hon. JAMES B. ALLEN,
U.S. Senate, New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: The "Amendment to End the War" is not in keeping with the heritage, honor and history of this great Nation.

Perhaps a short quote from one of our soldiers in Vietnam, my son, could have some influence on your decision.

Pleiku, Vietnam, May 7, 1970: "Everybody here is happy as hell with the President's decision to let us head West".

Sincerely,

JIM W. WAITZMAN.

SPECIALTY PRODUCTS INC.,
Birmingham, Ala., May 13, 1970.

Hon. JAMES B. ALLEN,
U.S. Senator, Alabama,
Senate Office Building, Washington, D.C.

DEAR SENATOR: I know that sending of our troops into Cambodia has created quite a bit of controversy over the country. I believe that the action the President took was both warranted and necessary. As he has stated, he did not do this to expand the war, but to get it over with more quickly, to the best advantage of this country.

Myself, and most of my friends in Alabama support the President at a most difficult time in our history.

Sincerely,

JOHN L. MORGAN.

MONTGOMERY, ALA., *May 13, 1970.*

Senator JAMES ALLEN,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: Last night I listened to a TV program put on by five Senators on the amendment to end the war by cutting off funds.

I am for ending the war in VietNam but not by surrender. I am for winning it. Peace at any price is a pretty high price to pay. I hope that you vote against the amendment.

Sincerely,

CLYDE A. HARRIS.

HAMILTON, ALA., *May 7, 1970.*

Hon. JAMES ALLEN,
U. S. Senator,
Washington, D.C.

SIR: As a freshman at the University of Alabama, I whole-heartedly *support President Nixon's actions regarding Cambodia.*

At this University there is an organized move to flood your office and that of several other key Senators with mail unfriendly to his actions. This is a movement of campus radicals, mostly yippies, and certainly does not represent the prevailing feelings at this University.

I hope you will support the President in this matter. You can be assured that I will appreciate your positive stand.

Very sincerely,

DAVID MOORE.

DOTHAN, ALA., *May 15, 1970.*

Senator JAMES B. ALLEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: Enclosed is a copy of a letter my wife and I have written to President Nixon regarding the current tense situation in our country over the Cambodian crisis.

As disturbing as the actions of students and so called revolutionists are at this time, the appalling and most frightening aspect of the situation is the ugly vocal support that U.S. Senators and Representatives are giving these movements. Where are the true patriots in our Congress? Why aren't they sounding off against these who would weaken our nation and allow communism to run rampart and dominate the world?

In my opinion, the majority of our constituents in Alabama would like to see you stand up in the Senate and defend our President against these unwarranted attacks on his honor and integrity. Yes, you as a Democrat should take sides with a Repub-

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lican President, because in my book party lines are of no significance in a time of national crisis.

May we hear your voice sounding off in defense of our country?

Sincerely,

Roger W. Storey.

Dothan, Ala., *May 14, 1970.*

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: This is the first letter we have ever written to the President of the United States; but we, like many other Americans, are greatly disturbed over the fact that there are citizens in our country who are evidently trying to weaken our nation to the status of a second rate power—the most frightening aspect of the situation being the vehement tirades of important Senators and Representatives in the Congress from both parties against your recent decision in Cambodia.

Please be assured that you have our full support and prayers in the tedious decisions you must make in Viet Nam, Cambodia and anywhere else in the world to defend our freedom from tyranny.

Copies of this letter are going to both Senators and every Representative from the state of Alabama, asking that they stand up on the floors of Congress and defend your foreign policy against those who would sabotage it.

May God bless you and guide you as you lead our country during these perilous days.

Sincerely,

Roger. W. Storey.
Mrs. Roger W. Storey.

Bay Menette,
May 14, 1970

Hon. James B. Allen,
Senate Office Building,
Washington, D.C.

Dear Sir: As a voter and a member of the 'under 25 set', it is my opinion that the Amendment to cut off funds to support the Viet Nam Conflict should be defeated. Defeatism is not an honorable emotion that should be displayed by so august a body as the United States Senate. A minority in the Senate should not be allowed to shake the confidence of the people in their legislative body. A one hundred percent endorsement should be given the President.

When the time comes to vote on this Amendment to cut off the funds for the war, I hope that your vote will be a resounding 'no'.

Sincerely,

William Hodge.

Uniontown, Ala.

Dear Senator: I had a son to die in Vietnam for our country and I am proud of him. He thought enough for people to go and fight and die for them and I would like to express my opinion about this college trouble that we are having.

If these boys and girls had to go and fight in a place like Vietnam they probably would appreciate a good education and a good home. I had two sons there and one came back. And we are proud to have sons that believe in the right things.

I'm not for war and I guess nobody is but most of the boys that do go to war like to think it is for our country.

And do let the National Guard use loaded guns because the good people need protection from the bad. It is like fighting in a war to have a better place to live.

Thank you for letting me express my opinion to you.

Sincerely,

Mrs. Max McHaney.

Mr. ALLEN. Mr. President, I yield the floor.

(At this point Mr. Pell took the chair as Presiding Officer.)

THE "SANSINENA"

Mr. TYDINGS. Mr. President, the strange story of the *Sansinena* continues. The *Sansinena* is the 66,000-ton Liberian-flag tanker owned by the Barracuda Tanker Corp., of Hamilton, Bermuda, which on March 2 received an unprecedented waiver from the Treasury Department, permitting the ship to compete in the lucrative, U.S. domestic trade. The waiver was issued without either justification or explanation. It culminated a 4-year, intensive lobbying effort by the Union Oil Co. of California to whom the ship is time chartered.

Under the law only U.S.-built and U.S.-registered vessels can serve between American ports. This requirement is consistent with traditional cabotage laws of maritime nations and reflects the necessity to preserve a healthy domestic shipbuilding industry. Should foreign vessels be allowed U.S. coastwise trading privileges, what remains of our shipbuilding industry could be crippled. Ships for the coastal trade would then be built overseas, since American yards cannot compete with the lower costs of foreign yards. Our cabotage laws, in this instance the Jones Act, help maintain American yards by requiring American ships in the American coastal trade.

The integrity of the Jones Act is particularly important to me, for shipbuilding is a key industry in Maryland and I am entrusted with the well-being of thousands of workers at Sparrows Point Shipyard and steelworks in Baltimore.

Exception to the requirements of the Jones Act is permitted by waiver if it is found to be "in the interest of national defense"—act of December 27, 1950; see historical note to 46 U.S.C. 1. It is under this provision that the Treasury acted.

The Department's action, however, created a financial bonanza for either Barracuda or Union Oil or both. By transferring this tanker from the foreign trade market where it is, relatively speaking, a small ship, to the domestic trade, where it would be the sixth largest tanker in the U.S.-flag fleet, the value of the ship is increased by a minimum of $5 million. Having flown a foreign-flag the *Sansinena* should not enjoy the benefits of our coastal trade.

They have never employed one American seaman. They have never paid one cent in American income taxes. That is why they fly the Liberian flag.

With the waiver however, the tanker can ply our coastal waters and participate in the lucrative domestic market. And of course, the waiver removes the need to build a new vessel in an American yard or charter a tanker already privy to coastwise privileges.

Thus by the stroke of a pen a multimillion-dollar windfall was created.

That the Department of Defense had refused to grant a waiver to the *Sansinena* made no difference to the Treasury Department. That the waiver was open ended and carte blanche while all previous waivers were limited to single projects did not bother them. That its effect on shipbuilding could be disastrous did not concern them. That the waiver runs counter to the administration's effort to rebuild our merchant marine did not matter to them.

The Treasury Department issued the waiver and did so without even stopping to explain why. And I would add that nothing I have heard or read since can in any way justify the remarkable signing of this waiver by the Secretary of the Treasury.

On March 9 I spoke to the Senate and pointed out the facts and implications of the *Sansinena* affair. I raised questions and demanded answers. I noted, with both dismay and disapproval, that no explanation was offered by the Treasury Department. Mere notification of the waiver was all the Department offered. I stated that fair play and courtesy required a fuller explanation and that the known facts could not justify the Department's action.

I believe this is still the case.

In my March 9 speech I noted that, "apparently considerations other than merit enter the picture." Without making accusations, I pointed out that Peter M. Flanigan, now an assistant to the President, prior to his service in the White House, was the president and managing director of Barracuda Tanker Corp., and that Fred L. Hartley, who I am told is a financial stalwart of the Republican Party, is the president of Union Oil Co. of California.

Shortly after my March 9 speech, the Treasury Department suspended the waiver granted to the *Sansinena*. Attached to the Treasury statement announcing the suspension was a memorandum for Secretary Kennedy dated March 9, 1970, and signed by Peter M. Flanigan.

I ask unanimous consent that a copy of the memorandum be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Pell). Without objection, it is so ordered.

(See exhibit 1.)

Mr. TYDINGS. The 2-page memorandum outlined "the facts relating to my—Flanigan's—past association with Barracuda Tanker Corp., the owner of the S.S. *Sansinena*." The last paragraph of this memorandum reads:

> I did not discuss the application to the Treasury Department for waiver of the coastwise trading restrictions on the Sansinena with any Government official or employee.

That is what it says right here. Mr. President, this statement conveys the impression that Mr. Flanigan had no contact with anyone in Government about the *Sansinena* waiver.

He says, "I did not discuss the application for waiver with any Government official or employee." I would think that that statement means what it says. It was sent attached to an explanation signed by the Secretary of the Treasury for the granting of the waiver. But that is not correct.

In the course of preparing for a hear-

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ing to determine whether or not new legislation was needed in connection with the Jones Act because of the granting of this waiver, even if for only a week, I have acquired documents proving that Mr. Flanigan did make a direct inquiry from the White House to the primary agency within the Government on the merchant marine about the *Sansinena*. The fact is that prior to the Treasury Department's granting the waiver, Mr. Peter Flanigan from the White House, in his capacity as assistant to the President—not as former president and stockholder of Barracuda Tanker Corp.—made a personal inquiry to the Maritime Administration with respect to securing coastwise privileges for the *Sansinena*.

In an October 9, 1969, memorandum to Peter M. Flanigan entitled "Subject S.S. *Sansinena*," the Administrator of the Maritime Administration, Mr. A. E. Gibson, stated:

> In response to your inquiry last week regarding the use of subject vessel in domestic trades, you should be aware that such use is specifically prohibited by Section 27, Shipping Act, 1920 . . .

Mr. Gibson goes on to note that a prior request by Union Oil for Commerce Department support for a waiver to the *Sansinena* was denied by the Secretary of the Commerce Department, of which the Maritime Administration is a part, in a letter dated December 3, 1968.

I ask unanimous consent that the memorandum from A. E. Gibson, the Maritime Administrator, to Peter M. Flanigan, assistant to the President, subject "S.S. *Sansinena*," dated October 9, 1969, be printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

OCTOBER 9, 1969.

Memorandum for: Peter M. Flanigan, Assistant to the President.

Subject: S.S. *Sansinena*.

In response to your inquiry last week regarding the use of subject vessel in domestic trades, you should be aware that such use is specifically prohibited by Section 27, Shipping Act, 1920, which provides in pertinent part, as follows:

"Sec. 27. That no merchandise shall be transported by water, or by land and water, on penalty of forfeiture thereof, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by sections 18 or 22 of this Act: *Provided*, That no vessel having at any time acquired the lawful right to engage in the coastwise trade, either by virtue of having been built in, or documented under the laws of the United States, and later sold in whole or in part, or placed under foreign registry, shall hereafter acquire the right to engage in the coastwise trade: . . ."

Union Oil has previously requested the Department of Commerce to support its request for a waiver of the coastwise restrictions on the *Sansinena*. By letter of December 3, 1968 (copy attached) that request was denied. Earlier this year I had a similar request which had to be answered in the same vein (copy also attached). I am informed that there is no way these restrictions can be removed short of a change in the existing law.

As I indicated, excluding domestic trades not only foreign flag ships but foreign built ships can be placed under American flag to operate in our foreign trade with only minimum restrictions. However, this obviously does not help Union Oil.

A. E. GIBSON.

Mr. TYDINGS. Mr. President, this memorandum raises new questions, possibly disquieting ones. With whom in the Maritime Administration did Mr. Flanigan speak? What exactly did he say, what was his inquiry? When did this communication take place? How did he contact the Martime Administration? For what purpose?

And perhaps most importantly, why did Mr. Flanigan in his memorandum to Secretary Kennedy fail to mention his inquiry to the Maritime Administration about the *Sansinena?* And why did he say, "I have never discussed the application to the Treasury Department with any Government official or employee"?

These questions demand answers.

Another question, requiring an answer, that is raised by a close reading of the memorandums is whether someone has sought to mislead Congress. For the fact is that there are two versions of the Flanigan memorandum of March 9. The first is the one transmitted to the Secretary of the Treasury, signed by Peter M. Flanigan, under cover of a letter of the same date also signed by Mr. Flanigan. The second is a memorandum issued by the Treasury Department, attached to a Treasury Department March 10 press release announcing suspension of the waiver and initiated by Peter M. Flanigan.

There are various differences between the two memorandums. The most important is a change in the last paragraph. In light of the facts already known this change is perhaps significant.

The first memorandum ends with the emphatic statement:

> I have never discussed the application to the Treasury Department for waiver of the coastwise trading restrictions on the *Sansinena* with any government official or employee.

The second memorandum, the one attached to the Treasury announcement and initialed by Mr. Flanigan reads:

> I did not discuss the application to the Treasury Department for waiver of the coastwise trading restrictions on the *Sansinena* with any government official or employee.

The difference is one of tone. The former, presumably the first memorandum, is more definite. The tone is absolute. "I have never discussed"; while the second memorandum is not as firm: "I did not discuss."

What accounts for this change? Who drafted it, and why? Had he never discussed, or did he not discuss? Which did he do, or did he do neither? The Treasury Department announcement of March 10 contains a statement by Secretary Kennedy that the memorandum attached to the announcement and "detailing" Mr. Flanigan's relationship with Barracuda was sent to him by Mr. Flanigan. Yet, the memorandum released was not the memorandum Mr. Flanigan sent, or evidently not the only memorandum sent.

At question is the absolute right of Congress to rely on the complete correctness of communications emanating from the executive branch. Query: Why are there two Flanigan memorandums? What is the meaning of the change in emphasis? Is it a matter of style or of substance? Why is there any change at all? Who felt a change necessary and why? Why were we not told that two memorandums existed?

These questions also demand answers.

It would be interesting to learn the reasons for the other changes. Why was the statement about the price of the Barracuda shares held in trust added to the second memorandum? By whom was it added? And with whom was the statement of financial interests filed? To the Chairman of the U.S. Civil Service Commission as the first memorandum states or to the Counsel to the President as stated by the second memorandum? Why were these changes made? These questions must also be answered.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD Secretary Kennedy's statement of March 10, 1970; Mr. Flanigan's memorandum of March 9, 1970, and Mr. Gibson's memorandum of October 9, 1969, together with the attached covering letters.

There being no objection, the material was ordered to be printed in the RECORD as follows:

TREASURY SUSPENDS SANSINENA WAIVER PENDING REVIEW OF NATIONAL DEFENSE ASPECTS

Treasury Secretary David M. Kennedy today issued the following statement:

I am suspending the waiver granted by Treasury to Union Oil Company to permit the SS *Sansinena* to engage in coastwise trade.

The waiver is being suspended because of questions which have arisen over the merits of the case since the waiver was granted. Because it has been alleged that the Sansinena waiver involves new implications for national maritime policy as well as broad national defense considerations, I intend to initiate an administrative review of the application for waiver under procedures assuring all interested parties a full opportunity to present their views.

Treasury received the application to grant a waiver for the *Sansinena* in August of 1969. The *Sansinena* is a 70,700 ton oil tanker built at Newport News, Va., in 1958. In its application, Union Oil stated that it wished to use the tanker to carry oil from developing Alaskan fields to the West Coast of the United States. In originally granting the waiver, Treasury took into consideration the following factors:

The *Sansinena* was built in an American shipyard.

She was to be sold to an American company.

Currently, she is owned by a Liberian Corporation headquartered in Bermuda, Barracuda Tanker Corporation, but an American company is being formed to purchase the vessel.

The vessel is operated and would continue to be operated under charter by an American company, Union Oil.

She would be registered in the United States.

She would employ American crews.

The new company of ownership would pay United States taxes.

The intent of Congress in writing the 1950

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Jones Act which regulates vessels engaged in coastwise trade was to prevent foreign ships from demoralizing existing services or delaying construction of new ships in American yards. There is no established Alaskan service, and the ship, as pointed out, was built in an American shipyard.

A recent federal district court decision said that the law was not intended to exclude from coastwise trade ships built in this country and then acquired by American companies from the foreign owner when the ship had never before acquired the right to engage in coastal trade in this country. In the absence of reversal on appeal, this decision would enable the *Sansinena* to engage in coastwise trade without a waiver of the Jones Act restrictions.

A broad interpretation of the national defense implications of the development of Alaskan oil indicated to Treasury, under its discretionary power to grant waivers, that the employment of the *Sansinena* in coastwise trade was in the interest of national defense.

Another question which has arisen in this case is the previous ownership of a small quantity of stock in Barracuda Tanker Corporation by Peter Flanigan, an assistant to the President.

In its routine investigation following the application by Union Oil for the waiver, Treasury discovered that Mr. Flanigan had been an organizer of Barracuda, that he was the beneficial owner of less than 4 percent of the capital stock (308 shares). This stock had been placed in trust for Mr. Flanigan in 1969. He would not be a stockholder of the new company being formed to purchase the Sansinena.

Treasury officials determined that the application of Union Oil should be, and it was, considered solely on its merits without reference to the small ownership interest of Mr. Flanigan in Barracuda.

At no time prior to the granting of the waiver did anyone on the Treasury staff consult or discuss the waiver application with Mr. Flanigan or with anyone else in the White House.

After the granting of the waiver, on March 2, became public knowledge, Mr. Flanigan sent me a memorandum detailing his relationship with Barracuda. A copy of that memo is attached.

THE WHITE HOUSE,
Washington, D.C. March 9,1970.

Hon. DAVID M. KENNEDY,
Department of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: On Friday, March 6, I learned that the Treasury Department had granted, subject to certain conditions, a waiver of the coastwise trading restrictions on the tanker S/S Sansinena. The S/S Sansinena is owned by Barracuda Tanker Corporation in which I was previously a stockholder. I was further informed by Bryce Harlow that you had been requested to testify before the Merchant Marine and Fisheries Committee on this waiver and that there was a possibility that the matter of my stockholdings would be raised.

In order that you might have the information concerning my relationship with Barracuda, I have prepared the attached memorandum.

Sincerely yours,

PETER M. FLANIGAN,
Assistant to the President.

MEMORANDUM TO SECRETARY KENNEDY

MARCH 9, 1970.

The following are the facts relating to my past association with Barracuda Tanker Corportation, the owner of the S/S Sansinena.

Prior to coming with the government I was an officer of Dillon, Read & Co. Inc., New York, New York. Dillon, Read has for many years been investment bankers for Union Oil Company of California. From time to time over the years, officers of Dillon, Read have organized corporations for the purpose of acquiring and leasing ships and other assets to Union.

Barracuda Tanker Corporation was organized in 1956. Since its inception its sole activity has been the ownership of tankers and their charter to Union on long term charter contracts under which Barracuda receives a fixed charter rental plus certain expenses. The charter of the Sansinena extends until 1985 with a renewal option in Union until 1990.

I resigned as an officer and director of Barracuda before becoming an Assistant to the President on April 16, 1969.

In connection with my employment with the government I gave to the Chairman, U.S. Civil Service Commission a statement of my financial interests, disclosing securities that I owned, including my ownership of 308 shares of Barracuda (less than 4% of the outstanding shares). In 1969 I assigned the Barracuda shares, together with other securities, to my father as trustee of a revocable trust for my benefit, so as to give my father complete discretion in the management of the securities.

I am informed that on February 25, 1970, the President of Barracuda telephoned my father and said that to avoid my being placed in a position where there was any possibility of an appearance of conflict, he would buy the trust's shares for $20,020, and my father as trustee agreed to the sale at this price. He was informed that this price was determined solely with reference to Barracuda's liquid assets, the rentals under the existing charters, and estimated salvage values, following a method employed in determining price when certain shares were bought by Barracuda in 1966.

Neither I nor the trust has obtained or can obtain any benefit from the Treasury's action on Union's application.

I have never discussed the application to the Treasury Department for waiver of the coastwise trading restrictions on the Sansinena with any government official or employee.

Very truly yours,

PETER M. FLANIGAN,
Assistant to the President.

DECEMBER 3, 1968.

Mr. JOHN ALLEN,
Union Oil Co. of California,
Washington, D.C.

DEAR MR. ALLEN: This will refer to your letter of November 4, 1968, acknowledged by the Acting Maritime Administrator on November 12, 1968, requesting our support for a waiver of the coastwise trading restrictions currently imposed on the SS SANSINENA, so as to enable her to transport Alaskan crude oil to West Coast refineries.

The SS SANSINENA is a 17.5 knot tanker of 70,700 deadweight tons. She was built by Newport News Shipbuilding & Drydock Company in 1958 for Barracuda Tanker Corporation, a corporation not a citizen of the United States, for registry under Liberian flag. This vessel is precluded from operating in the coastwise trade by virtue of Section 27 of the Merchant Marine Act, 1920, which provides that no vessel that is built in the United States and is placed under foreign registry shall thereafter acquire the right to engage in the coastwise trade.

Your request is based on Public Law 891—81st Congress, approved December 27, 1950, which authorizes a waiver of compliance with the navigation and vessel-inspection laws (a) by the Commissioner of Customs upon request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense, and (b) by the Commissioner of Customs to the extent and in such manner and upon such terms as he may prescribe, either upon his own initiative or upon the written recommendation of the head of another Government agency, whenever he deems that such action is necessary in the interest of national defense.

In support of your request you state that the placing of the tanker in the coastwise service will (1) reduce the lead time required to make it available in case of a national emergency, (2) release equivalent tonnage for MSTS and other U.S. requirements currenty being filled by foreign ships, and (3) stimulate Alaskan crude oil production by reducing the cost of transportation, thus strengthening domestic production capabilities for national defense purposes. The other points advanced in support of your request deal primarily with economic as opposed to national defense considerations.

We have carefully considered the matters raised in your letter. However, we find that there are overriding considerations which militate against our supporting your request.

We have an agreement with Barracuda Tanker Corporation and Union Oil Company of California that the SS SANSINENA will be made available to the United States in the event of an emergency. That agreement was made as a condition of our consent under Section 37 of the Shipping Act, 1916, to the building of the vessel for foreign flag documentation. Consequently, this tanker is already under "effective control". Also, since we have national emergency requirements for tankers both away from our shores and in our costal waters, the tanker's position on the oil trade lanes of the world is not of major significance.

MSTS had 17 foreign flag tankers under charter as of November 1st. However, their requirements for these tankers are diminishing and 9 will be redelivered by the end of the year. Hence there is no indicated need for tankers such as the SS SANSINENA as replacements.

The SS SANSINENA is one of 66 tankers aggregating approximately 2,250,000 deadweight tons which have been built in the United States since 1950 for foreign flag operation. Thirty-eight of these tankers, aggregating approximately 1,400,000 deadweight tons, were built for citizens of the United States or for corporations owned by citizens of the United States. The waiver of the navigation laws to permit one of these tankers to engage in the domestic trade would set a precedent which could well induce many others to seek similar action.

As of August 31, 1968, there were 275 U.S. flag tankers aggregating about 6,870,000 deadweight tons. Of these 159, aggregating 3,704,000 deadweight tons, were operating in the domestic trade. A substantial number of U.S. flag tankers were built at about the same time as the SS SANSINENA with financial assistance granted by the Maritime Administration under its Title XI mortgage and loan insurance program. Their economic soundness as tankers lies in their ability to operate in the domestic oil trade and to carry MSTS cargoes. In the past, because of the lack of tanker demand in these trades, it was necessary for the owners to look to the Cargo Preference program for business, and in a number of cases it was necessary for the Government to advance payments to the owners or to agree to deferrals of payments by the owners of principal indebtedness in order to avoid mortgage defaults. The waiver of the navigation laws in respect of the SS SANSINENA and other tankers similarly situated would, therefore, pose a serious threat to enlisting investments in U.S. flag tankers.

At present there are 21 tankers being constructed or under order for construction in domestic shipyards. Two other new tankers were delivered earlier this year. One of the primary reasons the owners decided to build these new tankers and the Government decided to aid in financing their construction was the growing need and future potential for tankers in the Alaskan trade. The waiver

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of the navigation laws to permit foreign flag tonnage to engage in this trade would destroy the reliability of the economic soundness determinations underlying the decisions to build these new tankers. It would also create a serious deterrent to economic justification of any further new U.S. flag tanker construction.

Finally, we believe that a program for building new tankers as opposed to the admission of older foreign flag tankers into the domestic trade will better serve to upgrade the U.S. tanker fleet, and thereby better accomplish many of the objectives to which your request is directed.

For those reasons we find that we are unable to support the waiver which you are seeking.

In order that you may better understand the reasons for our present action, and its consistency with our prior position on a similar proposal, I am enclosing a copy of the testimony of former Maritime Administrator Stakem before the Merchant Marine and Fisheries Subcommittee of the Committee on Commerce, United States Senate, Eighty-Seventh Congress, First Session, in which he recommended against enactment of S. 1627, a bill which if enacted would have enabled tankers in the class of the SS SANSINENA to be documented under the laws of the United States with coastwise trading privileges.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce.

STATEMENT OF THOMAS E. STAKEM, ADMINISTRATOR, FEDERAL MARITIME ADMINISTRATION, GAO BUILDING, WASHINGTON, D.C.

Mr. STAKEM. Mr. Chairman, section 27 of the Merchant Marine Act, 1920, provides that no vessel that is built in the United States and is placed under foreign registry shall thereafter acquire the right to engage in the coastwise trade.

The bill, S. 1627, provides that notwithstanding the provisions of any other law, any vessel which (1) is of not less than 12,500 gross tons, (2) was built in the United States and completed after January 1, 1950, (3) was built for a citizen of the United States and (4) was placed under foreign registry, may be documented under the laws of the United States, with coastwise privileges by such citizen, within 2 years after enactment of the bill.

Thirty-nine vessels, all tankers, would be made eligible by the bill for admission to the coastwise trade. Because admission of these tankers would (1) cause the layup of tankers now operating in the trade, (2) further depress charter rates, (3) diminish prospects for shipbuilding, and (4) cause additional unemployment for seamen, we recommend against enactment of the bill.

We have agreements with the owners of the 39 tankers that would be made eligible by the bill, that these ships will be made available to the United States in the event of emergency. With regard to 33 of the ships, that agreement was made as a condition of our consent under section 37 of the Shipping Act, 1916, to the building of the ships for foreign-flag documentation. The other six ships built before the Presidential proclamation of December 16, 1950, brought section 37 of the 1916 act into effect. The commitment to make these vessels available to the United States in an emergency was made as a condition of our granting war risk insurance binders with respect to the vessels.

The 39 tankers that would be made eligible for coastwise privileges under the bill have a gross tonnage ranging from 16,553 gross tons, for the smallest, to 37,203 gross tons for the largest. Their deadweight tonnage—that is, total lifting capacity—ranges from 28,260 for the smallest to 60,000 for the largest. The total deadweight tonnage of these tankers is approximately 1,500,000 tons. This is roughly one-third of the tanker deadweight tonnage now engaged in the coastwise trade. The average deadweight tonnage of the tankers that would be eligible is approximately 38,000 tons.

As of April 1 of this year there were 246 tankers, aggregating about 5 million deadweight tons, engaged in the coastwise trade. The average deadweight tonnage of these ships is approximately 20,000 tons. Of the 246 ships, 162 were T–2 size—approximately 16,000 deadweight tons. In addition there were, as of that date, 34 tankers with coastwise privileges—aggregating about 540,000 deadweight tons—in permanent layup. All of the laid-up tankers were T–2 or other war-built tankers, and the average deadweight tonnage of these ships is approximately 16,000 tons.

In 1959, approximately 165 million tons of cargo were carried in domestic trade in tankers. We have calculated for that year the tanker rate which a T–2 tanker—approximately 16,000 dead-weight tons—and a 32,000 deadweight-ton tanker must obtain to break even. Using fully distributed costs, but no element for profit, we calculated that a T–2 tanker must obtain $2.747 per cargo ton, equivalent to ATRS minus 3.6 percent. The average rate actually obtained by T–2 tankers for that year—I am speaking of 1959—was $2.40 per cargo ton—equivalent to ATRS minus 15.8 percent.

A 36,600 deadweight-ton tanker would need to obtain a rate of $2.59 per cargo ton, equivalent to ATRS minus 9.1 percent, to break even. The average rate such vessels actually obtained during that year was $2.31 per ton, equivalent to ATRS minus 18.9 percent.

A large tanker does not need to obtain as high a charter rate as a T–2 does in order to break even. Though some of the 1,500,000 deadweight tons of shipping that would be eligible for documentation under the bill may not be able to operate fully loaded in the coastwise trade, because they would have too much draft, it is clear, nevertheless, that the documentation of this much tonnage with coastwise privileges would cause the layup of substantial tonnage now operating in the coastwise trade.

Since the T–2 tankers need higher rates than the larger tankers, they would probably be the vessels that would be laid up. The manning on a T–2 is 40, and on a 32,600 deadweight-ton tanker the manning is 46. The carrying capacity of the 32,600-ton tanker is substantially double that of the T–2, and it is manned with only 6 more men. The layup of T–2 tankers would substantially reduce employment.

The effect of admitting so much additional tonnage to the coastwise trade would be to further depress charter rates. Since these tankers are relatively new, their admission would also have an unfavorable effect on prospects for shipbuilding.

We have insured under title XI of the 1936 act mortgages on 25 tankers, aggregating $58,850 deadweight tons, in the original principal amount of $229,294,355. The unpaid balances on these mortgages is now $215,182,747. We have commitments, in addition, to insure the mortgages on four as yet undelivered tankers, aggregating 326,000 deadweight tons, in the principal amount of $78,884,227.

With the exception of a few that have long-term charters, these tankers have been working at noncompensatory rates as much as 70 percent below ATRS. With respect to five of these tankers we have made advances to the owners in the total amount of $1,046,223.56 to enable them to cure defaults in payment of principal so that we would not be required to pay the entire amount of the insured mortgages. With respect to these five we have also consented to 2-year deferrals in payment of principal installments. We have consented to deferrals also with regard to two other tankers.

It would be much better to have the tankers that would be eligible under the bill for redocumentation, with coastwise privileges, actually documented under the American flag than to have our present arrangement for making these vessels available to the United States in an emergency. Because of the depressing effect this would have upon charter rates and upon prospects for shipbuilding, and because it would cause the layup of tankers now operating in the coastwise trade, however, we recommend against favorable consideration of the bill.

The Bureau of the Budget advises that there is no objection to the submission of this statement from the standpoint of the administration's program.

Mr. Chairman, you have here for the use of the committee, if it so desires, a list of the 30 tankers that would be eligible for redocumentation if S. 1627 were enacted; if it would be useful.

Senator ENGLE. Mr. Stakem, what you are saying is that if this arrangement were permitted it would break the people now in the business, is that it?

Mr. STAKEM. Yes. We think it will cause the layup of ships that are now operating in the domestic trade, and we certainly see that it will detract from early replacement of these war-built ships that are now operating.

Senator ENGLE. I observe in your statement that you say that it would be better to have the tankers that would be eligible under the bill for redocumentation with coastwise privileges documented under the American flag than to have our present arrangements for making these vessels available to the United States in an emergency.

Mr. STAKEM. I am drawing the distinction there, Mr. Chairman, between a ship that is actually under the American flag and therefore available, as against a ship that is under a foreign flag and available by way of agreement.

Senator ENGLE. In other words you prefer to have it the other way because of the depressing effect, as you say, upon charter rates and upon the prospects of shipbuilding. Because it would cause the layup of tankers now operating in the coastwise trade you recommend against the bill?

Mr. STAKEM. Yes. I think in essence I am saying that if we bring the ships back under the American flag for use in the offshore trades, this would be the highly desirable result.

Senator ENGLE. Why is that better?

Mr. STAKEM. Only on the question of availability in the event of a national emergency.

Mr. GRINSTEIN. Do you believe that these vessels would have a greater defense value under the American flag than under a foreign flag?

Mr. STAKEM. I think they would be more readily available, Mr. Grinstein.

Mr. GRINSTEIN. Does that reflect adversely on the concept of effective control that the Department of Defense said they have over foreign-flag vessels?

Mr. STAKEM. I think it is a matter of degree. We are hoping that all of the vessels that are available to us by agreement are actually available. I think you will agree that if the ship is actually flying the American flag it is just one little bit more available than if only by agreement.

Mr. GRINSTEIN. So that a vessel under an American flag is more available than one under a foreign flag for defense purposes.

Mr. STAKEM. I would think so.

Mr. GRINSTEIN. I noticed in this list that there are three tankers from the Texas Co. listed. Is it correct that the Texas Co. has entered a contract to build five tankers in an American yard?

Mr. STAKEM. I understand that the Texas Co. has a building arrangement with Bethlehem Steel.

Mr. Grinstein. Would it be your opinion that the fact that they can get three tankers might have an adverse effect on whether they would go ahead with the building commitment?

Mr. Stakem. I would have to examine the Texas situation specifically before I could give you a real good answer to that.

Mr. Grinstein. Prior to a title XI commitment by the Maritime Administration, I believe they conduct an economic feasibility study, do they not?

Mr. Stakem. Yes, they do.

Mr. Grinstein. If a bill such as the one before the committee today were to pass, would this require some rethinking or revisions in the economic feasibility of the title XI tankers?

Mr. Stakem. I think that you could not do anything with the economic findings that had been made, that is, the basis for the present Government commitment insurance. I rather like to put this in this vein: That each project would have to be checked out on the basis of its own merits and economic feasibility.

Mr. Grinstein. Let's put it this way: It would seem possible, would it not, that any oil or tanker company would not have full security in its economic feasibility study in whatever determination it makes prior to going ahead with the building commitment if the precedent in this bill were adopted.

Mr. Stakem. I should think that the more overtonnaging that you have in the domestic market would make just that much less employment that would be available to title XI ships; and could affect, I should think, the economic feasibility study.

Mr. Grinstein. But if a bill like this were adopted it would seem to establish a precedent that there would be exceptions to the Jones Act. If you were to have a precedent like that wouldn't it reflect on the quality or the extent that you could rely on an economic feasibility study or any other determination?

In other words at any time you might have an exception to the Jones Act, more ships come in and consequently less carriage is available to your own ships.

Mr. Stakem. I should think it would, yes.

Senator Engle. Thank you very much Mr. Chairman. We appreciate your appearance.

Mr. Stakem. Thank you, Mr. Chairman.

(List of ships follows:)

SHIPS OF 12,500 GROSS TONS AND OVER CONSTRUCTED IN U.S. SHIPYARDS, 1950–60, FOR COMPANIES CONTROLLED BY U.S. CITIZENS, AND REGISTERED UNDER FOREIGN FLAGS [1]

Name and type of ship [2]	Gross tons	Deadweight tons	Year built	Owner	U.S. parent company or individuals
A. N. Kemp	16,533	28,264	1950	California Transport Corp	Standard Oil Co. of California.
Andros Hills	18,735	29,371	1953	Rio Venturndo Ola. Nav., S.A	Orion group (Goulandris family).
Andros Island	18,735	29,371	1953	do	Do.
Andros Sea	18,713	29,371	1953	Santander Ola. Nav., S.A	Do.
Atholl McBean	16,533	23,074	1950	California Transport Corp	Standard Oil Co. of California.
Brighton	26,544	46,000	1959	Texaco (Panama) Inc	Texas Co., Inc.
Bulktrader	16,389	30,001	1960	Universe Tankships, Inc	Ludwig, D. K.
Capilusa	28,434	46,000	1960	Hercules Tankers Corp	Barber Oil Corp.
Capisteria	28,435	46,000	1960	do	Do.
Capnionix	28,433	47,000	1959	do	Do.
Chevron Transporter	16,533	28,264	1950	California Transport Corp	Standard Oil Co. of California.
Chrysal	18,732	29,371	1953	Santander Oia. Nav., S.A	Orion group (Goulandris family).
Cities Service Valley Forge	22,595	38,911	1954	Grand Basa Tankers, Inc	Cities Service Oil Co.
Cradle of Liberty	22,610	38,037	1954	do	Do.
Esso Santos	17,328	26,765	1950	Panama Transport Co	Standard Oil Co. of New Jersey.
Fallaika	17,861	28,336	1952	Afran Transport Co	Gulf Oil Corp.
Gage Lund	16,533	28,264	1952	California Transport Corp	Standard Oil Co. of California.
John P. G.	18,717	29,371	1951	Bilboa Cla. Nav., S.A	Orion group (Cloulandris family).
La Cruz	17,861	28,336	1952	Afran Transport Co	Gulf Oil Corp.
Lake Palourde	37,203	60,615	1959	Barracuda Tanker Corp	20 U.S. citizen stockholders (individuals).
Las Piedras	18,611	29,307	1953	Afran Transport Co	Gulf Oil Corp.
Liberty Bell	22,610	38,937	1954	Grand Basa Tankers, Inc	Cities Service Oil Co.
Lovelia	28,426	46,000	1959	Tanker Owners, S.A	Barber Oil Corp.
Margarita	18,762	29,292	1954	Afran Transport Co	Gulf Oil Corp.
Master Peter	18,763	29,371	1954	Bilboa Cla. Nav., S.A	Orion group (Cloulandris family).
Patro	28,410	46,194	1959	Hercules Tankers Corp	Barber Oil Corp.
Paul Pigott	15,533	28,264	1951	California Transport Corp	Standard Oil Co. of California.
Philhfora	29,742	15,599	1959	Somerset Shipping Co	Kurz, Chas. Co., Inc.
Philine	29,742	45,500	1959	do	Do.
Philippia	29,742	45,500	1959	do	Do.
Robert Watt Miller	16,533	28,074	1951	California Transport Corp	Standard Oil Co. of California.
San Toine	17,902	28,336	1950	Afran Transport Co	Gulf Oil Corp.
Sansinena	37,263	60,600	1958	Barracuda Tanker Corp	20 U.S. citizen stockholders (individuals).
Statue of Liberty	22,610	33,911	1954	Grand Basa Tankers, Inc	Cities Service Oil Co.
Texaco Maine	26,514	45,912	1959	Texaco (Panama) Inc	Texas Co., Inc.
Torrey Canyon	37,203	60,615	1959	Barracuda Tanker Corp	20 U.S. citizen stockholders (individuals).
Trinidad	26,530	45,142	1953	Texaco (Panama) Inc	Texas Co., Inc.
Waneta	18,767	29,186	1952	Mobil Tankers Co., S.A	Socony-Mobil Oil Co., Inc.
Wapello	18,722	30,147	1953	do	Do.

[1] Foregoing ships were for registry under Liberian and Panamanian flags.

[2] All ships are tankers.

Mr. E. B. LaRue, Jr.,
Dallas, Tex.

Dear Mr. LaRue: This will refer to your letter, dated March 17, 1949 addressed to the Secretary of the Interior. Your letter relates to the development of Alaska's natural resources and you indicate therein that "the economics for the large investment could be affected seriously and detrimentally by the Jones Act (which prohibits the use of foreign-built or operated ships between United States ports)." Your letter indicates that you have reference to the possibility of allowing foreign-built and foreign-owned tankers to operate in the Alaskan domestic coastwise trade of the United States.

Foreign-built and foreign-owned tankers are precluded from operating in the coastwise trade of the United States by virtue of Section 27 of the Merchant Marine Act, 1920, as amended, (Title 46, United States Code, Section 883), which provides "that no merchandise shall be transported by water . . . on penalty of forfeiture thereof, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws . . . in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States . . . ."

As of January 31, 1969 there were 275 U.S. flag tankers aggregating 6,870,000 deadweight tons. Of these 186, aggregating 4,457,000 deadweight tons, were operating in the domestic trade. A substantial number of U.S. flag tankers were built with financial assistance granted by the Maritime Administration under its Title II mortgage and loan insurance program. Their economic soundness as tankers lies in their ability to operate in the domestic oil trade and to carry MSTS cargoes. In the past, because of the lack of tanker demand in these trades, it was necessary for the owners to look to the Cargo Preference program for business, and in a number of cases it was necessary for the Government to advance payments to the owners or to agree to deferrals of payments by the owners of principal indebtedness in order to avoid mortgage defaults. The waiver of the navigation laws of the United States so as to permit foreign-built and foreign-owned tankers to operate in the coastwise trade of the United States would pose a serious threat to existing investments in United States tankers.

At present there are 19 tankers being constructed or under order for construction, in domestic shipyards. One of the primary reasons the owners decided to build these new tankers and the Government decided to aid in financing their construction was the growing need and future potential for tankers in the Alaskan trade. The waiver of the navigation laws to permit foreign flag tonnage to engage in this trade would destroy the reliability of the economic determinations underlying the decisions to build these new tankers. It would also create a serious deterrent to economic justification of any further new United States flag tanker construction.

Finally, we believe that a program for building new tankers as opposed to the admission of older foreign flag tankers into the domestic trade will better serve to upgrade the United States tanker fleet and thereby better accomplish many of the objectives of the Merchant Marine Acts.

For these reasons we find that we are unable to support your suggestion that consideration be given to allowing foreign built and foreign-owned vessels to engage in the Alaskan coastwise trade.

In your letter of March 17, 1969, you ask that you be furnished with a copy of the "Jones Act" (Section 27 of the Merchant Marine Act, 1920, as amended). The text of Section 27 is set forth on pages 10 and 11 of the enclosed Senate Report No. 2145, 85th Congress on H.R. 9833. This Senate Report No. 2145, as well as the enclosed Senate Report No. 1790, 87th Congress on S. 3115, contain the historical background on Sec-

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tion 27, which we believe may be of interest to you. Your particular attention is directed to the minority views expressed on pages 13–15 of the enclosed Senate Report No. 1790.

Sincerely,

A. E. Gibson,
Maritime Administrator.

Exhibit 1

Memorandum for Secretary Kennedy

March 9, 1970.

The following are the facts relating to my past association with Barracuda Tanker Corporation, the owner of the S/S *Sansinena.*

Prior to coming with the government I was an officer of Dillon, Read & Co. Inc., New York, New York. Dillon, Read has for many years been investment bankers for Union Oil Company of California. From time to time over the years, officers of Dillon, Read have organized corporations for the purpose of acquiring and leasing ships and other assets to Union.

Barracuda Tanker Corporation was organized in 1956. Since its inception its sole activity has been the ownership of tankers and their charter to Union on long term charter contracts under which Barracuda receives a fixed charter rental plus certain expenses. The charter of the *Sansinena* extends until 1985 with a renewal option in Union until 1990.

I resigned as an officer and director of Barracuda before becoming an Assistant to the President on April 16, 1969.

In connection with my employment with the Government, a statement of my financial interests, disclosing securities that I owned, including my ownership of 308 shares of Barracuda (less than 4% of the outstanding shares) was filed with the Counsel to the President. In 1969, I assigned the Barracuda shares, together with other securities, to my father as Trustee of a revocable trust for my benefit, so as to give my father complete discretion in the management of the securities.

I am informed that on February 25, 1970, the President of Barracuda telephoned my father and said that to avoid my being placed in a position where there was any possibility of an appearance of conflict, he would buy the trust's shares for $20,020, and my father as Trustee agreed to the sale at this price without any consultation with me. He was informed that this price was determined solely with reference to Barracuda's liquid assets, the rentals under the existing charters, and estimated salvage values, following a method employed in determining price when certain shares were bought by Barracuda in 1966.

Most important, the price paid for the shares did not in any way reflect any possibility that the ship might at some time be used in coastwise trade.

Neither I nor the trust has obtained or can obtain any benefit from the Treasury's action on Union's application.

I did not discuss the application to the Treasury Department for waiver of the coastwise trading restrictions on the Sansinena with any government official or employee.

Peter M. Flanigan.

Mr. COTTON. I am not going to take the time of the Senate to discuss in detail the question of either the *Sansinena,* which would run into some length, nor am I going to take the time of the Senate at this point to attempt to answer for Mr. Flanigan or the White House staff. I have, however, a copy of a statement from Mr. Flanigan submitted and sent to the Honorable Warren G. Magnuson, chairman of the Committee on Commerce, and the Honorable Russell B. Long, chairman of the subcommittee on Merchant Marine, a copy of which was furnished to me as ranking minority member of the Committee on Commerce, and a copy to the Honorable Robert P. Griffin, the ranking minority member of the Subcommittee on Merchant Marine.

I ask unanimous consent to have printed in the Record the letter submitted to the gentlemen I have named, a copy of the statement of Mr. Flanigan, and a copy of his memorandum sent to the Honorable James F. Fanseen, Acting Chairman of the Maritime Commission, and Mr. Andrew Gibson, Department of Commerce.

If the distinguished Senator from Maryland does not have a copy of the statement, I would be very glad to have him look at it while I proceed with what I have to say.

Mr. TYDINGS. All right. I will.

There being no objection, the material was ordered to be printed in the Record, as follows:

The White House,
Washington, D.C., May 22, 1970.

Hon. Warren G. Magnuson,
Hon. Russell B. Long,
Senate Office Building,
Washington, D.C.

My Dear Senators: Last night I was furnished by the newspapers a copy of a speech prepared by Senator Tydings for delivery to the Senate. In that speech he raises questions which, entirely incorrectly, imply that I had some connection with the granting by the Treasury Department of a waiver to the tanker Sansinena from the prohibitions of the Jones Act against its engaging in coastwise trade. I enclose a statement of facts which answers the questions that he raises.

Sincerely yours,

Peter M. Flanigan,
Assistant to the President.

The White House,
Washington, D.C., May 22, 1970.

Statement by Peter M. Flanigan

I took no part in any way, directly or indirectly, in anything relating to the Treasury's granting of a waiver from the prohibition of the Jones Act to permit the tanker Sansinena to engage in the U.S. coastal trade. Nothing in the memorandum of October 9, 1969, from Maritime Administrator Andrew Gibson to me, to which Senator Tydings refers, or in the circumstances leading up to it, in any way contradicts that.

What happened was this: Prior to October 2, there had been discussion in the Cabinet Committee on Oil Import Policy of the means available to transport Alaskan crude oil from the North Slope to the continental United States. It was suggested that one company, having a refinery in the Virgin Islands (to which the Jones Act does not apply) was considering shipping crude oil in foreign flag ships to be refined there into products which foreign flag ships would then carry to the continential U.S. This possible threat to U.S. interests by inducing the construction outside the U.S., in either the Virgin Islands or Canada, of the refinery capacity required for Alaskan crude oil was of concern to me in my Presidential assignment with the Cabinet Committee mentioned above; and on October 2, I addressed a memorandum to Mr. Fanseen, Acting Chairman of the Maritime Commission, and to Mr. Gibson asking about this (copy attached).

On the following day I had a conference with Mr. Gibson on the Administration's maritime program. At the end of it, I mentioned to him my October 2 memorandum regarding this aspect of the Jones Act, which was then on its way to him, and asked the related question: what were the provisions of the Jones Act (with which I was not then as familiar as I am now) which prevented vessels like the Sansinena, built in American yards and registered under foreign flags, from returning to U.S. registry and engaging in the coastal trade. Mr. Gibson's memorandum of October 9, which quoted the relevant provisions of the law prohibiting this, was his reply to this oral inquiry.

At the time, I was aware of the failure of prior efforts to secure a waiver permitting the Sansinena to engage in coastal trade. I was not aware that another application for a waiver had been filed with the Treasury two months before, and did not become so until about the time the waiver was granted in March, 1970. My inquiry to Mr. Gibson was for information only, in the context I have described, which related to my official assignment for the President. It was not intended to produce, and did not in fact produce, any action by the Maritime Administration or the Commerce Department. Mr. Gibson confirms that his recollection and understanding of my inquiry are the same as mine.

Senator Tydings attempts also to find a significance that does not exist in minor changes that were made between the first and the final draft of the memorandum that I sent to Secretary Kennedy which was released by him on March 10, 1970. Apart from correcting an inaccuracy in the first draft (my financial statement, as is customary with members of the White House Staff was filed on the regular Civil Service form, but was filed with the Counsel to the President rather than with the Commission itself) the primary effect of the changes was to strengthen the points that I was making: that I had had nothing to do with the Sansinena waiver application, and in any event could not have profited in any way by the granting of it.

Peter M. Flanigan.

October 2, 1969.

Hon. James F. Fanseen,
Memorandum for:
Acting Chairman,
Federal Maritime Commission.
Mr. Andrew Gibson,
Department of Commerce.

A major oil company told me of a problem regarding American flag shipping that may well be caused by the Alaska oil development. Hess Oil, as you know, has a refinery in the Virgin Islands which was built with an import quota. He has stated that it is his plan to take Alaskan oil by foreign tanker to this refinery, process it and then ship it to the United States, again in foreign bottoms. Apparently this does not violate the law as no quota would be needed for the importation of this American-produced oil. If Hess is allowed to do this, it is clear to see that other major companies with substantial oil production in Alaska will build refineries in Canada in order to allow them to use foreign flag ships for transporting this oil. This, of course, has major implications for our national security insofar as it is affected by refinery location. It also has major implications for the use of American flag tankers to transport Alaskan oil.

May I please have your comments with regard to the accuracy of this question and, if accurate, how you would recommend proceeding with regard to it.

Peter M. Flanigan,
Assistant to the President.

Mr. COTTON. Mr. President, as I just said, I am not going to enter into a discussion either of the *Sansinena* matter or the part alleged to have been played in it by Mr. Peter Flanigan, but I am going to comment on what has led up to the

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discussion on the floor this afternoon. While I do not want to distract the attention of the distinguished Senator from Maryland from his perusal of the statement, I think he will want to listen to what I have to say, because it does concern him.

I am extremely reluctant to indulge in any criticism of the procedure employed by the distinguished Senator from Maryland, for whom I have warm regard and great respect. However, Mr. President, there is a fair way and there is what might be an unfair way to deal with these matters that concern the integrity and the reputation of a member of the White House staff and that certainly have an impact—probably an intended impact—upon the President of the United States. Therefore, I wish to recite to the Senate the events which have led up to this accusation, to this charge, on the floor of the Senate this afternoon by the distinguished Senator from Maryland.

The Senator from Maryland has delivered a speech in the Senate containing some of the inferences which now have become, on his part, definite charges against Mr. Flanigan. He followed that by——

Mr. TYDINGS. I made no charges. I have asked questions. I have stated facts, put memoranda into the RECORD, and asked questions. I have made no charges. That is why I specifically prepared this statement and read it. I merely put into the RECORD memoranda, statements of Mr. Flanigan, memoranda of Mr. Gibson, the Maritime Administrator, and asked questions. I made no charges.

Mr. COTTON. I am glad that the distinguished Senator has referred to his questions; because the point I intend to make is—and I want to emphasize it by a recital of what has occurred—that these questions, which in themselves constitute charges—I do not care what semantics are used by the Senator from Maryland or anybody else; these questions are charges.

When questions of this nature are to be asked by a member, and a very, very prominent and active member—and, may I say, a valued member—on the Subcommittee of the Merchant Marine of the Committee on Commerce, the first step, I submit, would be to give Mr. Flanigan an opportunity to answer those questions before that subcommittee.

In the meeting of the full Committee on Commerce not long ago, and not long after the Senator from Maryland made his first speech on this subject, the Senator from Maryland, very properly, raised the point that he wished to inquire into and examine the conduct of a member of the President's staff in relation to the *Sansinena* incident.

It was in executive session, and I think the Senator will recall, the Senator from New Hampshire responded voluntarily that, at that time, the Senator from New Hampshire knew absolutely nothing about the questions or the charges raised by the Senator from Maryland. He also responded that after the Senator from Maryland made his speech, the Senator from New Hampshire had conferred with members of the White House staff—not with the President, but with members of the staff—and that they had indicated whatever records the Senator from Maryland desired to have submitted to the subcommittee, either from the White House or from the Department of the Treasury, would be freely submitted. They also felt they were in a position to assure me the President would not interpose any executive privilege to prevent submission of the records. I think the Senator from Maryland would have recalled that conversation.

I do not know that the Senator from Maryland made any particular comment in reply to the suggestion of the Senator from New Hampshire, but the meeting of the committee broke up. The Senator from New Hampshire left the room and later found from a member of the staff that, as soon as the door had closed behind the Senator from New Hampshire, the Senator from Maryland approached the chairman of the committee and asked that there be assigned to him an investigator, to be paid for out of the funds of the Committee on Commerce, and the chairman of the committee stated to the Senator from Maryland that if he desired such an investigator, he should have the chairman of his subcommittee, the Subcommittee on the Merchant Marine, the Senator from Louisiana (Mr. LONG) write a letter to the Senator from Washington (Mr. MAGNUSON) chairman of the full committee, requesting that an investigator be employed and assigned to the Subcommittee on the Merchant Marine.

It is my understanding that application was made by the distinguished Senator from Louisiana, that he signed the letter of request to the Senator from Washington and that, subsequently, an investigator was assigned.

I have no personal knowledge of this, other than the information I obtained later from the staff.

Now, that investigator proceeded, I assume, with his investigations, despite the assurances given to the Senator from Maryland and to the full Committee on Commerce by the Senator from New Hampshire. It is my understanding, and I am sure that the Senator from Maryland will correct me if this is not correct, and I will certainly take his word for it, that the investigator did not work out of the committee rooms or committee quarters of the Committee on Commerce but, rather, worked from a room assigned to the Senator from Maryland by the Committee on the Judiciary in his capacity as chairman of a subcommittee of that committee. In other words, it would appear that he was working as the private investigator of the Senator from Maryland.

Mr. TYDINGS. Mr. President, will the Senator from New Hampshire yield at that point?

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Does the Senator from New Hampshire yield to the Senator from Maryland?

Mr. COTTON. I yield.

Mr. TYDINGS. I do not know what room he uses in the office. I do know, at the time he was hired by the Commerce Committee, that they complained they did not have a desk and that they were overcrowded. Since his work was as an investigator and he was going to be looking into records and files, I said it was quite all right if he could work in one of my offices, or any other offices under my control. Insofar as using a desk was concerned, his work was primarily in the field of investigation, right out in the field, and not sitting at a desk in the Senate.

Mr. COTTON. But under the Senator's direction, is that correct?

Mr. TYDINGS. Under my direction, and under the control of the chairman of the Subcommittee on the Merchant Marine. As the Senator realizes, I was charged by the Commerce Committee and the subcommittee, as a member of the Subcommittee on the Merchant Marine, with the direction and preparation of the inquiry for the committee hearings to take place in June. I was given that responsibility and I have tried to push it along.

Mr. COTTON. Well, I of course accept the statement of the Senator from Maryland. It is not an important point in this matter. I regret that neither the Senator from Washington nor the Senator from Louisiana is present today. But, Mr. President, mind you, all this time, not one word had been sent either to the Senator from Michigan (Mr. GRIFFIN), the ranking minority member of the Subcommittee on the Merchant Marine or to the Senator from New Hampshire, the ranking minority member of the full committee, as to the hiring or the activities of this investigator, or under whose direction he was making his investigation.

However, when word came to the ears of the Senator from New Hampshire and the Senator from Michigan (Mr. GRIFFIN), we approached the Senator from Louisiana (Mr. LONG)—we are both members of the subcommittee—and requested an executive session of the Subcommittee on the Merchant Marine in order that we might ascertain in executive session who this investigator was, and under whose direction he was working. If he was working for the entire subcommittee under the direction of the chairman (Mr. LONG), we wanted to know it. If he was working just for the majority members of the committee, we wanted to know it, and if so, we wanted to request an extra clerk for the minority, in view of the fact that the matter was being blown up into such proportions.

In response to that request, the Senator from Louisiana (Mr. LONG) called an executive meeting of the Subcommittee on the Merchant Marine. Unfortunately, however, because of the death of a former staff aide and later serious and critical illness in the family of the Senator from Louisiana, he was obliged to cancel or postpone the meeting. Immediately after it was canceled, or postponed, the Senator from Maryland prepared to take the floor with the speech to which we have listened today but which was released to the newspapers on the day he desired to make it because, I understand,

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he could not obtain the floor due to matters going on in the Senate.

Now, Mr. President, these questions raised are, indeed, perfectly pertinent questions.

They are a series of questions that are being propounded on the floor of the Senate to a member of the staff of the President of the United States.

So far as I know—and I have sought information on the subject—not one document, not one iota of evidence has been withheld from the Senator from Maryland or his investigators, but they have been freely furnished to them.

Mr. President, I hesitate to say what I am about to say. But there are certain coincidences that arise in history that are rather striking. And, this one this afternoon brings back some very poignant memories to the Senator from New Hampshire.

The Senator from New Hampshire took his oath as a Senator of the United States on November 8, 1954, at the beginning of a special session called to consider the censure of the late Senator Joseph McCarthy. His first service in the Senate was to sit through 2 weeks of that session.

The first vote the Senator from New Hampshire had to cast was on the McCarthy censure. It was the hardest vote that the Senator from New Hampshire thinks he has been called upon to cast. He was elected for only a 2-year unexpired term and was up for immediate reelection.

The leaders of my party on the floor of the Senate were opposed to the McCarthy censure. And, I can assure the Senator that in the following couple of years the Senator from New Hampshire was keenly conscious of the fact that he was somewhat in disrepute with his party leadership. After the censure of former Senator McCarthy, the Senator from New Hampshire lost the support of the most powerful newspaper in his State and had to fight for his life for reelection.

The Senator from New Hampshire is not telling this to comment on the nobility of the Senator from New Hampshire. However, he is recounting this incident because he felt compelled to vote for that censure for just one reason. The late Senator McCarthy had rendered distinguished service to the people of this country. But, the reason that the Senator from New Hampshire was compelled reluctantly to cast that vote was the habit of the late Senator McCarthy of making his charges against individuals from the floor of the Senate after investigation by his own private investigators and snoopers and of proceeding to hold them up without a chance on their part to answer or to respond to those charges and of subjecting them to public suspicion and, in many instances, no facts were ever shown to justify it.

Mr. President, the Senator from New Hampshire served as a clerk of a committee of the Senate many years ago. He greatly respected and admired the former Senator from Maryland, the father of the present Senator from Maryland. He was aware of the fact that the former Senator Tydings was, to a certain degree, one of the victims of the McCarthy actions or, more specifically, the actions of his investigators.

Actually, it comes to me with some degree of surprise that any Senator bearing the honored name that the Senator from Maryland bears would resort to tactics that singularly resemble those tactics that were characterized in some quarters in an ugly manner as "McCarthyism" by not proceeding when he had the power—and if he did not have it, it would have been granted to him—to invite Mr. Flanigan to appear before the Merchant Marine Subcommittee and answer this series of questions that the Senator from Maryland has spelled out on the Senate floor this afternoon.

It is my information that Mr. Flanigan would have been perfectly willing and would have had the permission of his superiors to appear before the subcommittee.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. TYDINGS. Mr. President, will Mr. Flanigan appear before our subcommittee and will he answer the committee questions?

Mr. COTTON. I am informed by Mr. Flanigan that he is certainly willing to do so.

Mr. TYDINGS. Mr. President, I am delighted to know that. If my speech has accomplished no other purpose than to assure his appearance before our subcommittee to answer questions, it will have served a useful purpose.

I thank the Senator from New Hampshire in that regard.

Mr. COTTON. Mr. President, I say to the Senator from Maryland that the speech has not accomplished that purpose, because the Senator from New Hampshire is positive that he would have appeared without this speech being made on the floor of the Senate.

The point that the Senator from New Hampshire is raising is that he should have been given that opportunity. Since the speech was prepared and furnished to the press some days ago by the Senator from Maryland, I have read the speech and I took occasion to confer with Mr. Flanigan and inform myself of his explanation, part of which in brief form I have submitted for the RECORD.

The Senator from New Hampshire does not allege or take the position that there may have been some questions in relation to Mr. Flanigan.

I am not going to assert that there was or was not, because the Senator from New Hampshire does not know. And he does not intend to make statements in the Senate exonerating the conduct of any public official unless he knows precisely what he is talking about and knows all the facts.

The Senator from New Hampshire would like to be present and looks forward to being present in a meeting of either the subcommittee or, for that matter, the full Committee on Commerce and having the facts brought to light.

Mr. President, I will put this in the form of a question. It is all right to ask questions, but it is wrong to make charges. Therefore, I will put it in the form of a question.

I would like to ask the distinguished Senator from Maryland if at any time he invited Mr. Flanigan to come up and appear before the subcommittee; if at any time he requested the Senator from Louisiana (Mr. LONG), the chairman of that subcommittee, to invite Mr. Flanigan to appear; if at any time he asked the Senator from Washington (Mr. MAGNUSON), the chairman of the full committee, to ask Mr. Flanigan to appear; if at any time he or his investigator offered Mr. Flanigan a chance to appear and answer these questions that were being prepared and have been aired this afternoon in the Senate?

Mr. TYDINGS. Mr. President, as the Senator knows, we have not yet even gotten the dates agreed to on the hearings, let alone prepared the final list of witnesses. The purpose of the executive committee meeting which was not held was to go over dates for hearings and the names of witnesses who could be invited.

I am delighted to know that the Senator from New Hampshire will insure that the assistant of the President will appear because it is important that he appear.

Mr. COTTON. The Senator from New Hampshire is informed that he will appear. That is the statement I made.

The purpose of the executive session, at least the reason it was requested, had nothing to do with fixing the date of a hearing or arranging for a hearing. I have not the shadow of a doubt that if the Senator from Maryland had expressed a desire to the Senator from Louisiana, the chairman of the subcommittee, for a hearing, for the purpose of inviting Mr. Flanigan to appear and answer these questions before the subcommittee, that the Senator from Louisiana would have granted that request.

The reason we asked for an executive session was that after we had gone more than half way, after we had gone the whole way in executive session of the Committee on Commerce in indicating that all information would be furnished, that the executive privilege would not be invoked, after that conversation or that colloquy in the meeting of the committee had terminated, and as soon as we had walked out the door, the Senator from Maryland, without having indicated anything of the kind, asked his private investigator to start snooping on the White House. It boils down to that. That was the reason, and it was not to fix dates. Anybody in the Senate knows that the majority Members in the Senate have the numbers and the power on any committee or subcommittee to bring about a hearing if they want a hearing.

Mr. President, I shall not go into this matter further. I want to say at this point I shall not attempt to argue the facts in the case—I have heard the explanations and the details to some extent, but not sufficiently to discuss them in the Senate—with no more preparation than that. There is an answer in

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the opinion of the Senator from New Hampshire, but the Senator from New Hampshire regrets that, when it was entirely unnecessary after the colloquy in the Committee on Commerce, this method of procedure was adopted by the Senator from Maryland. I am sure such was done with very fine motives, but nevertheless it was an opportunity publicly to cast doubt on the conduct of a member of the President's official staff and this is indirectly on the President of the United States.

As far as the Senator from New Hampshire is concerned, never in the years he has been in the Senate, has he used the privilege of the floor of the Senate to ask publicly before the person under discussion has been given a full and fair opportunity to answer for himself before the proper committee of the Senate.

I must say that I think that would have been the fair and above-board way of approaching this matter. I am also sure, having served in this body for 16 years, and having seen various administrations come and go, that the opportunity of indirectly taking a stab in the back of the President of the United States was apparently too attractive to let pass.

Mr. TYDINGS. Mr. President, I regret that my colleague from New Hampshire has seen fit to take offense at the questions I have raised of an assistant to the White House.

Mr. COTTON. Mr. President, will the Senator yield briefly?

Mr. TYDINGS. I yield.

Mr. COTTON. The Senator from New Hampshire did not suggest that. These are very pertinent and very proper questions. He only objected to the manner in which they were used without giving Mr. Flanigan an opportunity to answer them first.

Mr. TYDINGS. I am delighted to know that Mr. Flanigan will answer the questions in person at our hearings.

As the Senator knows, the purpose of this committee investigation was twofold: To determine the circumstances and the facts surrounding the signature on a waiver by the Secretary of the Treasury under most unusual circumstances; and, second, to determine whether or not new amendments are necessary to amend the Jones Act to make certain that such occurrences do not happen in the future.

The questions which are propounded on the floor of the Senate I shall propound again in the hearings. They were rather obvious because of the language of the memoranda signed by Peter Flanigan which was submitted to the public, Treasury, and Congress as explanation for his conduct, for his association with the tanker *Sansinena*, and the rather startling development of finding within the records of the Maritime Administration a document which runs completely contrary to the testimony of the assistant to the President.

I hope the assistant to the President does have a proper explanation.

Certainly, that is a matter for the subcommittee, the Senate, and the Committee on Commerce to consider.

I am looking forward to the hearings, and I regret any discomfort that I may have caused the distinguished Senator from New Hampshire by propounding the questions here. I will propound the identical questions again when we agree on a date and place for the hearing.

Mr. COTTON. I do not want any misunderstanding. The Senator from New Hampshire is completely sure in his own mind and from his contact with Mr. Flanigan that he, Mr. Flanigan, will stand ready to appear and to answer any questions the Senator from Maryland wishes to ask. I want it to be crystal clear, however, that the Senator from New Hampshire has not conferred with the President of the United States on this matter. The Senator from New Hampshire does not have the authority to indicate when Executive privilege will be invoked and when it will not be invoked. But, in view of the fact that all of these documents have come up, it is not likely. I want to serve notice on the Senator from Maryland that the Senator from New Hampshire tries to work in harmony and that I think he is one of the last Senators, as his record will show, to indulge in petty politics with anyone.

But, the Senator from New Hampshire—and I want to serve notice so there will be no misunderstanding—will advise Mr. Flanigan at the first opportunity not to come up until we, the minority, have been granted our request for an executive session of the subcommittee.

I think we have a right to know the name of this investigator, who he is, what he has been, who employed him, under whose direction he was working, and whether he was working for the subcommittee. We want to know whether he worked for but one side of the subcommittee. As one member of that subcommittee, I want to know.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. TYDINGS. I am happy to fill the Senator in right now.

MR. COTTON. No; I do not want to be filled in. I want the subcommittee filled in.

Mr. TYDINGS. The Senator asked a question. We will put the answer in the RECORD.

Mr. COTTON. I did not ask a question. I served notice that I want the subcommittee meeting. I want it, the subcommittee, filled in. I do not believe in washing dirty linen, if there be any, in advance on the floor of the Senate, so I have not asked any such question now.

Mr. TYDINGS. We will have as many subcommittee meetings as the Senator from New Hampshire wants, but the Senator has made some characterizations or references to the staff investigator who was permitted to work for several months, putting together the records we now have, all of which have been submitted to minority counsel.

When I asked for the designation of a staff investigator, I suggested the former, retired chief postal inspector for the district of Maryland, Alton J. Murray, a distinguished public servant cited by the President for excellence in office. He had retired, and he had done work for me, when I was U.S. attorney for the district of Maryland, for 3 years.

Inspector Murray agreed to come out of retirement and work for the Commerce Committee for some 2 or 3 months, whatever it was he was hired for. As I understand, he has completed the documents in the RECORD, the basis for which the hearing was to be held. I submitted them to counsel for the Subcommittee on the Merchant Marine. He has conferred with me on at least three different occasions. I have been charged with the responsibility for preparation of the hearings and the holding of the hearings by the chairman of the subcommittee (Mr. LONG). I think it was the understanding of the Senator from New Hampshire that I was to be the shepherd in this case, assigned by the Commerce Committee.

Mr. Murray has always done a competent job. I have not reviewed all these records, but I have reviewed enough of them that I brought out the dramatic inconsistency which I have brought to the attention of the Senate and which we will ask Mr. Flanigan about when the hearings are held. But there is no great mystery as to where the investigator comes from, for whom he was working, or for what.

I think when the distinguished Senator from New Hampshire goes over the documents collected, which are now with the minority counsel, as well as with the counsel, he will see that Mr. Murray has done a good job, as he always has done, at least in my experience with him.

Mr. COTTON. First, the Senator from New Hampshire had no understanding that either the full committee or the subcommittee had made the Senator from Maryland a "shepherd" for the purpose of handling this entire investigation, without any particular knowledge of the other members of the subcommittee.

The Senator from New Hampshire will state, however, that the minority counsel for the subcommittee had to request from the majority counsel assigned to the Subcommittee on the Merchant Marine information about what the gentleman, whatever his name is, was doing, and had asked to be kept informed of what information he had produced.

This has been a star chamber proceeding from start to finish, and I am all done varnishing it with gentle phrases. It has been a star chamber proceeding from start to finish.

Mr. TYDINGS. Mr. President——

Mr. COTTON. Let me finish. As far as the Senator from New Hampshire is concerned, it is not going to continue to be a star chamber proceeding. The members of the subcommittee, each one of whom is a U.S. Senator representing his State, appointed by the Senate to that subcommittee, is entitled—whether he be a Democrat or a Republican—to know what is going on in the subcommittee. All its members are entitled to know the results of those investigations, and not be compelled to wait around the Senate here for 2 or 3 days for an opportunity to raise the matter with the distinguished Senator from Maryland.

There are certain rights and privileges

of a U.S. Senator, even though he may be in the minority, as a Member of the Senate, as a member of a committee, and as a member of a subcommittee, to have access to official information if that information was being obtained by the subcommittee. I wish the chairman of the subcommittee were here, because I am sure he would verify that he told the Senator from New Hampshire, in reply to a question in this Chamber—not in public debate but in private conversation in this Chamber—that he did not know what was going on; that it was being handled by the Senator from Maryland exclusively, and he would be glad to call a meeting of the subcommittee in order that the cards might be put on the table.

I thank the Senator for yielding.

Mr. TYDINGS. Mr. President, I assure the Senator from New Hampshire that copies of each and every document and memorandum which have been secured by the Subcommittee on the Merchant Marine have been given and are available for reading. They were given to the counsel for the subcommittee, as a matter of fact, some days ago, I think, and they are available for his study just as they are for the Members of the majority. I hope we will all study them before we set the dates for final hearing.

Mr. COTTON. They may have been furnished to the majority counsel for the subcommittee, but they were not furnished to us by this investigator. As a matter of fact, the minority counsel secured these records by initiating his own request. That I make as a flat statement of fact.

Mr. TYDINGS. It is contrary to my knowledge, and it will certainly be immediately corrected, because I agree with the Senator from New Hampshire that all documents secured by any committee staff investigator, whether majority or minority, should be available simultaneously to all members of the committee. If that is not the case, I will see to it that it is immediately rectified, because it is my information that the documents were made available last week. If I am wrong, I will see that it is immediately rectified.

Mr. COTTON. That is a very comforting assurance.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. FANNIN. Mr. President, I am opposed to the Cooper-Church amendment for a number of fundamental reasons.

I do wish to emphasize at the start that while I do seriously question the wisdom of the Cooper-Church amendment, I do so without questioning the motives and sincerity of the sponsors. We all desire an end to the Southeast Asian hostilities and to get our men home as soon as possible.

Basically, I oppose the amendment because we must put ourselves in the place of our soldiers there. They are in Southeast Asia on the order of the Commander in Chief, our President, and with the consent of this Congress.

This is not a game they are playing. It concerns their lives.

I do not know of a game of any kind, played in any land, in which one of the adversaries reveals to the other his strategy. Not even a high school football team, much less a pro team, tells the opposition its signals.

That is what we are asking our Commander in Chief to do in a maneuver that can mean the life—not the game—involving our American soldiers.

We are telling the enemy:

Stockpile your arms and materiel in sanctuaries in Cambodia and in North Vietnam. We will not touch them. Our soldiers will not fight—only duck.

Under such operational straitjacket, our soldiers are nothing more than living targets.

To date, more than 10 million rounds of small arms ammunition have been captured in the Cambodian sanctuaries. Mr. President, how many of those bullets had the names of our American soldiers written on them?

In case there is any doubt that those enemy weapons and arms were intended for use in South Vietnam, during the Tet offensive early in February 1968, our loss of American soldiers soared to 948 killed and more than 4,000 wounded in that offensive.

Enough rice has been captured to feed nearly 200,000 Vietcong soldiers for at least 1 month.

And how did the war materiel get to the sanctuaries? It was not put there by the Cambodians.

In fact, Mr. President, it is so disheartening to hear supposedly sophisticated, well-educated critics yield to their emotions in charging the United States with "invasion" of Cambodia, and suggest that it is therefore unconstitutional.

Not only are they far removed from the fact, but they are doing this Nation a great injustice by inflamming sentiment to pressure the President and this Congress into acts without regard to the outcome of the lives of our soldiers in Southeast Asia.

The permanent mission of Cambodia to the United Nations, an office long recognized by us, has sent Members of Congress a copy of a May 1, 1970 letter addressed to the Security Council. Let me read it:

> On instructions from my Government and further to my letter No. 1919 of 27 April 1970 (S/9769), I have the honour to state the following for the information of the members of the Security Council:
>
> On 24 April 1970, at about 8 a.m., the Khmer National Defence Forces attacked from the rear a force of approximately sixty Viet-Cong and North Viet-Namese who were setting an ambush in the area of Kaun Seth, some ten kilometres south-east of Kampot. The Viet-Cong and North Viet-Namese withdrew, leaving behind nine dead, four Chinese rifles and six grenades and taking with them some twenty dead and wounded.
>
> The same day, at about 9 a.m., the administrative post at Sre Cheng, twenty kilometres of Chhouk, in Kampot, came under violent attack by the Viet-Cong and North Viet-Namese. Overrun by the numerically superior enemy, the defenders evacuated the post. There were casualties on both sides.
>
> The same day, at about 4 p.m., the Viet-Cong and North Viet-Namese pillaged the railway station at Banley Chas, district of Samrong, twelve kilometres south-west of Chambak, in Takéo. The stationmaster was taken prisoner and was released on 25 April 1970.
>
> During the same day, operations continued for the purpose of clearing the town of Angtassom, which had been under attack by the Viet-Cong and North Viet-Namese since 23 April 1970. At about 6 p.m., paratroops of the Khmer National Defence Forces attacked the Viet-Cong and North Viet-Namese, who were trying to maintain their hold on the town. Hand-to-hand fighting ensued. The enemy left behind fifteen dead and took a number of dead and wounded with them. Cambodian casualties were light.
>
> The same day, at about 7 p.m., the Viet-Cong and North Viet-Namese once again attacked the town of Kompong Trabèk, in Prey Veng. The Khmer National Defense Forces struck back vigorously, compelling the enemy to withdraw after suffering casualties.
>
> During the night of 24–25 April 1970, the town of Mimot, in Phkar Rumchek, was subjected to two harassing attacks by the Viet-Cong and North Viet-Namese. Vigorous counter-action by the Khmer National Defense Forces compelled the enemy to withdraw, leaving behind one dead, one Chinese rifle and one grenade.
>
> During the same night, the post at Sre Chea, some ten kilometres north of the town of Kompong Trach, in Kampot, which had been attacked by the Viet-Cong and North Viet-Namese at about noon on 24 April 1970, was subjected to another harassing attack by those forces, who were estimated at battalion strength, at about 2 a.m. Overrun by the numerically superior enemy, the Cambodian defenders evacuated the post. There were casualties on both sides.
>
> On 26 April 1970, at about 9:30 a.m., the Khmer National Defence Forces fought a two-hour engagement with some sixty Viet-Cong and North Viet-Namese at the village of Tuol Trabèk, two kilometres south of Prasaut, in Svay Rieng. The enemy left behind five dead, including two Viet-Namese nationals from Chiphou, as well as one rifle and two rocket-launcher projectiles and took a number of dead and wounded away with them. Cambodian casualties were light.
>
> During the night of 26–27 April 1970, the town of Chhlong, in Kratié was once again attacked by the Viet-Cong and North Viet-Namese and the police station was set on fire. The fighting is continuing.
>
> On 27 April 1970, at about 7 a.m., the village of Tuol Kandal, some ten kilometres south-west. of Suong, in Kompong Cham, was attacked by about 100 Viet-Cong and North Viet-Namese, the Cambodian defenders struck back vigorously and suffered light casualties.
>
> The Khmer Government and people are profoundly indignant at this escalating series of overt acts of criminal aggression committed inside Cambodian territory by the Viet-Cong and North Viet-Namese forces, who are thus violating the sovereignty, independence and territorial integrity of neutral, peaceful Cambodia and are trampling underfoot the 1954 Geneva Agreements and international law.
>
> The Khmer Government and people call upon all countries devoted to peace and justice to bear witness to these facts and hold the Government of the Democratic Republic of Viet-Nam and the National Liberation Front of South Viet-Nam (Viet-Cong) fully responsible for any grave consequences which ensue from the present policy of aggression and expansionism.
>
> They are entitled to take all necessary

> measures to ensure the defense and survival of their country, which can under no circumstances bow to the jungle law being imposed on it by the imperialist Viet-Cong and North Viet-Namese invaders.
>
> I should be grateful if you would have this communication circulated as a Security Council document.

Mr. President, carefully note that this letter is a report of the action of the Khmer National Defense Forces of Cambodia seeking to repel invading forces of the Vietcong and North Vietnamese.

I wish to repeat one paragraph of the report:

> The Khmer Government and people are profoundly indignant at this escalating series of overt acts of criminal aggression committed inside Cambodian territory by the Viet Cong and North Vietnamese forces, who are thus violating the sovereignty, independence and territorial integrity of neutral, peaceful Cambodia and are trampling underfoot the 1954 Geneva Agreements and international law.

We are not fighting Cambodians in Cambodia—so how could we "invade" Cambodia?

We are in Cambodia with the support of the Cambodian Government in ridding Cambodia of the sanctuaries to maintain Cambodia's neutrality.

In fact, with the exception of Sihanouk, the Cambodian Government leaders are the same persons who have led the nation in maintaining its neutrality through the past several years of Indochina conflict. We have honored that desire for neutrality. The Communists have not.

And further, the very reason for Sihanouk's departure from Cambodia was to seek in Peking and Hanoi support to have the Vietcong and their sanctuaries removed from Cambodia—because the Cambodian Government was far too weak to do anything about forcing the removal of the North Vietnamese sanctuaries. The pleas of Sihanouk for neutrality had gone unheeded by the Communists.

The Cooper-Church amendment, Mr. President, is an invitation to North Vietnam and the Vietcong to step up their invasion of Cambodia, once our troops are removed.

Mr. President, let us take a look to see what the Cambodian venture has meant to both sides.

For the United States and South Vietnamese, it has meant an impressive tactical, military success.

Regretfully, because of the loud outcry in the United States instead of solid support, it has meant for the Vietcong and North Vietnamese a continued psychological gain.

Unfortunately, this has been the story of the Southeast Asia conflict—the Vietcong and North Vietnamese cannot win. But the American dissenters will not let them lose.

Our American troops in South Vietnam very strongly support the move into Cambodia to clean out the Vietcong sanctuaries, which are illegal and have existed and been strengthened for years, untouchable.

We have heard account after account of Americans in the past being hit by the sneak enemy mortar barrages and the enemy have only to run back across the border into their safe Cambodian bases. An American officer recently wrote back to those in the States that when he was searching the Cambodian countryside with his binoculars after such an attack, he saw a Vietcong officer with binoculars looking back at the Americans from his safe and secure retreat.

It is obvious that Hanoi and Peking believed that their Cambodian sanctuaries were forever safe, that they could indefinitely violate the Cambodian neutrality and get away with it.

The restraints that the Senate now is considering placing on American forces only adds to the heavy, political dissent to encourage the Vietcong to hang on by their fingernails. We must look at realities. Despite the fact that the enemy has lost supplies enough to support their activities in South Vietnam for 6 months to a year, the defense in Cambodia of those supplies was limited. The enemy would not run and pay that heavy a price if the enemy held a position of strength.

And yet, from this position of desperation Hanoi and Peking are being encouraged by, I think, misguided—no matter how well-intentioned—dissenters who are promising compromises. They want to force Saigon to reorganize their government and take in Communists.

Their memory of history is short. We persuaded the Nationalist Chinese to take in the agrarian reformers, and now as a result we have Red China.

Some students who have visited in my office—and I have welcomed their visits—were not at all disturbed about socialism or communism. "What is wrong with that?" they asked me.

I do not intend to get off into a tangent, Mr. President, but I do have two simple answers to that.

First, is the Berlin Wall. Never in our history has such a monument been built to the failure of a system, and that system is communism. Death was dealt to those who would escape—escape from what?

The second answer is the private garden plots allowed to those in the Soviet Union. It was the first taste of free enterprise, or capitalism if you will, for the Soviet people. And the result—the best production by far came from the private plots. The people liked a piece of the action.

How can our great institutions of learning gloss over such significant and contemporary examples such as the Berlin Wall and the private garden plots?

The youth of today face challenges ahead and there is a lot of work for them to do. It was evident during Earth Day—a happy and constructive demonstration. This is an issue they can sink their teeth into and chart their own future.

Mr. President, the most powerful force the American people today can muster is solid support in international affairs for the Chief Executive of the United States. It would have greater and longer lasting effect than all our atomic bombs. How can the White House speak with effect in the world when there are those at home who are pulling the rug out from under the President? Why make him Commander in Chief responsible for safety of the lives of American soldiers under his command when the Senate decides his military tactics, if any?

If nothing had been done about Cambodia, Mr. President, and if the North Vietnamese would have been left free there to build, to supply their forces through the port harbor of Sihanoukville, a dangerous situation really would have developed.

When the present planned withdrawal of 150,000 American troops had been completed, the remaining American force of less than 300,000 would have had a gun at their head, held by the enemy forces, safe at bay in Cambodia.

The result would have been that the troop withdrawal program might have had to be abandoned, or invite disaster for those left behind.

We cannot count easily our lost dead and our wounded in South Vietnam. We cannot easily scuttle their sacrifice to heed the cries for peace—peace that we all so earnestly desire—at the expense of unnecessary lives.

The U.S. News and World Report in its issue of June 1, 1970 carried an interview with Sir Robert Thompson, a British authority on guerrilla fighting. He termed the Cambodian venture a very low-risk operation. And he foresaw a result that would leave the Vietcong little as a threat a year from now in South Vietnam.

Mr. President, the Arizona Republic in its issue of May 23, 1970, has reproduced a very discerning letter to a father from a son now serving in Tay Ninh, Vietnam, just 15 miles from one of the Cambodian sanctuaries.

This letter tells so very pointedly why President Nixon was right in his decision on Cambodia, because it comes from an American soldier whose life was at stake.

This soldier, 1st Lt. Robert Golden, of Phoenix, has been and still is in disagreement with American involvement in South Vietnam—but he also is in complete accord with the President's decision to move troops into the Cambodian sanctuaries.

He wrote:

> If Nixon had decided to stay out of Cambodia completely, I'd be scared. I sincerely believe that this decision will save American lives (Vietnamese too) and will speed up the withdrawal.

The letter further stated:

> Everyone over here—hawks, doves—doesn't matter—is applauding the speech and the decision. Because we all know that this is going to preclude any major offensive around here and will probably preclude almost all of the rocket and mortar attacks in this area—which is the thing that we worry most about in Tay Ninh base camp!

Mr. President, I commend this letter to the attention of Senators and ask unanimous consent that it be printed in the RECORD as it appeared in the Arizona Republic.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CAMBODIA AND NIXON—A SOLDIER WRITES HOME

(NOTE.—First Lieut. Robert Golden is the public information officer for the U.S. Army unit at Tay Ninh, the gateway through which newspaper correspondents enter Cambodia. He attended Central High School in Phoenix, where he edited the school paper. He graduated in journalism from Arizona State University.

(He has spent nine months in South Vietnam. On May 1 he wrote the following letter to his father, Irvin Golden, who lives at 521 W. Mariette.)

DEAR DAD, I received your letter today and also listened to President Nixon's speech. I'm typing this 'cause I want to write on the speech.

I know this may surprise you quite a bit, but I do support Nixon's decision regarding our thrusts into Cambodia. I'll explain why. Before that, let me say that my views and opinions on this war have not changed at all. I would be in favor of us pulling out lock, stock and barrel—all at once—now! But we aren't going to do that, so that's just wishful dreaming.

I am completely, totally and wholly against this war, especially insofar as American participation in it goes. It was, is and always will be a disastrous involvement and a very, very grave mistake on the part of our country to ever have gotten involved here. We shouldn't have ever sent advisors or troops here and we should never have bombed anyone or anything over here. My position is clear. I'm against it completely and I'm for getting out now.

Now, with that in mind, let me try to explain to you why I agree with Nixon. We have to face the situation as it is today. As it exists now. Not as it should exist, or could exist, or might exist. But as it actually does exist. The fact is, we are here. The fact that we shouldn't be here is purely an academic point at this time. Saying we shouldn't be here doesn't change a thing. We are here and we have to deal with the situation at hand.

That's number one. Now, number two. Dreaming, hoping and wishing aside—you know as well as I know that we are not—ever—going to just say "nuts to you, Vietnam" and withdraw all of our forces at once. It would be great, but it ain't gonna happen, so we may as well dismiss that theory if we're going to analyze this thing rationally and realistically.

Okay. We're here and we're not going to pull out all at once. The thing I liked most about his speech, was Nixon's intention of withdrawing 150,000 troops within a year. He could have justifiably changed his mind on that with the current situation being what it is. But I think he made it very clear that he intends to pull out the 150,000 in a year and then to continue the paced withdrawal of U.S. troops. This pleases me very much.

It isn't easy for most Americans to understand the military/tactical situation over here. I'm here and I understand it. The North Vietnamese (NVA) have been using the Cambodian border sanctuaries for years to train, store and stockpile. They have launched all of their offensives and attacks in and around Saigon and Tay Ninh from the Cambodian sanctuaries.

These enemy base areas are huge. They contain very sophisticated hospitals. Large conference rooms. Thousands of tons of rice. Thousands of rockets and mortars and weapons and ammunition. (These are the rockets and mortars that regularly hit Tay Ninh Base Camp and that have been responsible for many, many deaths and injuries around here through the years.)

They (NVA) have at least 3 (that's right—3!) full divisions of hard-core soldiers holed up in these sanctuaries along the border. None of these areas are more than two days' march to Tay Ninh!! They were getting ready for another spring-summer offensive against Tay Ninh and probably Saigon. We've known that for weeks now.

The NVA have been resupplying their units and training for a big offensive. They have been stockpiling huge amounts of food and ammunition. If the offensive were to come off, Nixon would never have been able to withdraw any more troops. That would have definitely prolonged the war for many months (at least for the Americans here).

I believe Nixon was being quite honest in his speech. We really aren't invading Cambodia, per se. We aren't going to stay there. Our aim is to destroy their vast quantities of supplies and to destroy their huge base camps and headquarters. This Vietnamese-American blitz into Cambodia will slow down the NVA for many, many months and is most definitely a significant turning point in this war, insofar as American involvement is concerned.

The large NVA forces are now being forced to scatter and run—back to North Vietnam or deeper into Cambodia. They have no more safe sanctuaries—no more huge stockpiles of supplies—and no more new supplies coming in. They are hurting and it will be a long, long time before they will be able to mount any kind of an offensive against anyone in South Vietnam.

That is what we want. And that is what we need. It will certainly give the U.S. plenty of time to continue withdrawing troops from here and will also, at the same time, give the Vietnamese Army more time to train and take over.

Everyone over here—hawks, doves—doesn't matter—is applauding the speech and the decision. Because we all know that this is going to preclude any major offensive around here and will probably preclude almost all of the rocket and mortar attacks in this area—which is the thing that we worry most about in Tay Ninh Base Camp!

Most people here are against the war—very few people want to be here—and all of us want to get out of here as fast as possible and in one piece. And that's exactly why everyone here breathed a sigh of relief today. Because we are here, and we know that this is going to speed up the withdrawal process and also that this will blunt any offensive the enemy had in mind.

If Nixon had decided to stay out of there and let them continue to have their sanctuaries—it would have jeopardized MY life and the lives of thousands of other GIs in this area. I sincerely believe that this decision will save American lives (Vietnamese too) and will speed up the withdrawal.

I am anxiously awaiting your reaction and comments to this. By the way, I can't help but admire Nixon for stepping into a political hornet's nest. There's no doubt that he will be subjected to a great deal of bipartisan abuse during these next few days and it certainly could jeopardize his political future, but I truthfully believe that by 1972, he will probably be reaping lots of political benefits from this decision, because we'll probably be pretty well out of here by then. Also, I appreciate his relative honesty, candor and openess in informing the public of what he was doing and why.

Well, that's the end of my composition on Cambodia. You can show this to whomever you want to—nothing classified in it.

BOB.

Mr. FANNIN. Mr. President, the Cooper-Church amendment is asking our Nation to pledge in blood that we will no longer bomb North Vietnam, to pledge that we will never, never set foot again in Cambodia to upset sanctuaries there.

We would be saying to the Communists, "We will, in fact, instruct our soldiers, who remain, to do nothing more than duck live bullets. Those soldiers left behind when our next contingent leaves will be nothing more than living targets."

The Cooper-Church amendment is asking the American soldier to accept a risk beyond the call of duty, that no one else in his right mind, would be willing to accept if personally exposed to the risk.

We are substituting the arena of the world's greatest—and longest—debating society, for the decisions of our Commander in Chief on operational strategy.

Mr. President, the supporters of the Cooper-Church amendment have confused necessary operational latitude of the President in military operations, with the constitutional power of Congress to declare war.

As I say, if it is the will of the Senate that this Nation repudiate all that we have done in Southeast Asia, then let us take every American soldier off that continent tomorrow. Let us not ask the impossible for those who are on orders to remain.

Mr. President, the Cooper-Church amendment is making our soldiers a unilateral sewing circle, locked into a lion's den.

I see an anomaly in the fact that in the 25 years we have maintained troops in Europe, after World War II, I hear of no similar pressure on our President or Congress to remove them.

If Europe today is not strong enough to go it alone, when will it be? If we are in need of more funds for our environmental and people needs, why then our armies in Europe long after peace was established?

Why are our troops still in Korea after nearly 20 years?

Are we such a selfish people that we cannot see the necessity of our help to free people wherever they be—even though they may not have the family ties that have become a part of our great American melting pot?

Should we not also order—in keeping with the intent of the Cooper-Church amendment—that the President shall not sell any war planes to Israel, or to any nation?

Or is the intent of the Cooper-Church amendment merely to turn our backs only on our friends in Southeast Asia?

Let us be consistent. If we are going to cut off funds for defense in one area, let us cut off funds for all areas. Let us either cut and run from the harsh world of reality, or let us stand up to our responsibilities whenever they may be.

LACK OF INFORMATION ON CAMBODIA APPARENT

Mr. President, it is an established fact that most Americans get the bulk of their news from television and radio. Here in Washington I believe most people who work for the Government—and that includes all three branches—get the bulk of their news from one or more of the so-called national newspapers, the New York Times and the Washington Post.

The result is that very few people in the Nation—and even fewer here in Washington—actually know what is going on in the world around them. They get a spoon-fed diet of what purports to be news, but what turns out to be mostly

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what somebody thinks the news is, or what he wants other people to think the news is.

Most Senators are more fortunate in that they get their hometown or State newspapers, which tend to give a more balanced picture of what is happening. I only wish such a news presentation were more widely available to the country as a whole.

There is a graphic example of what I am talking about in the Chicago Tribune this morning. It is a story by Arthur Veysey written from Saigon. Mr. Veysey is a reporter who apparently digs a little more deeply than some for his news.

He points out that there is a flood of mail and other communications from the United States to men in Vietnam which is based on three very basic and important misconceptions. These misconceptions can have been acquired only because the people involved do not know what is going on in Vietnam.

First, he says, people are under the impression that even though we have already captured the bulk of the Russian and Chinese arms cached in Cambodia by the Vietcong and North Vietnamese, these weapons can be quickly replaced by supplies shipped down via the Ho Chi Minh Trail.

This, he notes, is far from the truth. First of all, most of these weapons did not come from North Vietnam at all. They were shipped into Cambodia by sea and then trucked to the border areas using Cambodian highways. This route has been cut off now. Secondly, the Ho Chi Minh Trail does not extend to the border sanctuaries the Communists have been using in Cambodia. The trail peters out in an impassable swamp some miles to the north and if the North Vietnamese want to ship arms in from the North they have to detour around the swamp and use the Mekong River highways.

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Another misconception is the notion that American commanders are getting Americans bogged down in an interminable war in Cambodia.

The fact is, as Mr. Veysey notes, "by cleaning out the border strip of supplies, the command hopes to lessen the need for American troops who for months have been bogged down just inside the border—of South Vietnam."

The third basic misconception that most Americans seem to have about Vietnam is that no victory is possible because the Vietcong and North Vietnamese continue to be the symbols of nationalism in South Vietnam.

The facts, as Mr. Veysey points out, are that "in most of Vietnam the war has already been won." He notes that over 90 percent of the inhabited area of South Vietnam is free of Communist control and open to at most only sporadic terrorist attacks. Popular support for the Vietcong has virtually disappeared as evidenced by the fact the VC has been unable to get recruits, food and protection in South Vietnam.

In fact, it might be noted, the importance of the Cambodian sanctuaries has grown because the Cong cannot use bases it once held openly in South Vietnam.

Mr. President, I bring this matter to the attention of my colleagues who may not have had a chance to read it in the Tribune. I think it brings the whole situation in Vietnam into a little better perspective.

The problems we have been discussing here are very real problems and are complex. It is essential that we all know the facts and are able to discuss these problems based on facts. Unfortunately the American people are not getting all these facts if they confine their news sources to the television networks and to one or two big eastern daily newspapers.

I ask unanimous consent to have printed in the RECORD the article entitled "Critics 'Facts' Err, Say U.S. Chiefs in Viet," written by Arthur Veysey and published in the Chicago Tribune of Wednesday, May 27, 1970.

There being no objection, the article was order to be printed in the RECORD, as follows:

CRITICS "FACTS" ERR, SAY U.S. CHIEFS IN VIET—MILITARY ASSAILS LACK OF INFORMATION

(By Arthur Veysey)

SAIGON, VIETNAM, May 26.—As the Cambodian sweeping operation goes into the fourth week, American military commanders here face a puzzling block in communication with the American public.

Protests pouring in from home concentrate on three allegations:

1. Even tho the sweep succeeds in confiscating most of the Russian and Chinese weapons stored along the border, the Viet Cong and North Vietnamese army can quickly bring new supplies down the Ho Chi Minh trail, making any gain temporary.

2. By widening the battlefield to the narrow border strip of Cambodia, the American military command here is in danger of bogging down troops in Cambodia and slowing their return home.

3. No military victory is possible in South Viet Nam. The Viet Cong and North Vietnamese continue to be the symbol of Vietnamese nationalism.

CLAIM PREMISES WRONG

Commanders declare all these premises are based on information that is either out of date or inaccurate. They claim the facts are:

First, the supplies now being found in the main sweeping areas were not brought down the Ho Chi Minh trail. They were carried by sea to Cambodia's ports and then transported in trucks along the highways of southeast Cambodia.

The Cambodian government closed the ports last year. The Ho Chi Minh trail peters out in a great swamp north of the Fishhook area.

To extend it, North Viet Nam must make a wide detour into Cambodia to the Mekong river, and must gain control of all roads east of the Mekong. Early resupply seems unlikely.

Second, by cleaning the border strip of supplies, the command hopes to lessen the need for American troops who for months have been bogged down just inside the border, trying to keep the enemy from infiltrating troops and supplies into Viet Nam. If successful, the strategy will speed the return home of American troops.

NO VIET CONG SUPPORT

Third, in most of South Viet Nam, the war has already been won. Ninety per cent of the settled areas today live in peace, apart from terror attacks by small guerrilla squads. Popular support for the Viet Cong has virtually disappeared, as evidenced by the Viet Cong's inability to get recruits, food, and protection from villages.

The military command does agree with the protestors that the time has come for the United States to withdraw. The command insists, indeed, that it has already gone a long way along that road. The command also accepts, roughly, the timetable for disengagement as proposed by such protestors as Clark Clifford, former defense secretary.

PLANS FOR PULLOUT

Clifford wants all combat troops out of Viet Nam by the end of this year and all others out by the end of 1971. Gen. Creighton Abrams, the commander, hopes to have all combat troops out before June, 1971, and the thousands of supporting troops, out by June, 1972, apart from men needed to help operate workshops and depots during the final training period.

The communications channel between Viet Nam and the United States seems to be solidly blocked, despite the masses of words and pictures flowing across the Pacific. Here in Saigon, relations between the military and the press, radio, and television representatives verge on open enmity. To the military, the reporting seems weighted heavily against the war and aimed at deriding the war effort.

Mr. FANNIN. I repeat, Mr. President, it is strange to me that the Cooper-Church amendment then is so necessary to its supporters, when it will do no more than our President has said he intends to do.

Mr. President, I ask who wants the job as Commander in Chief if all his options are removed, and all his strategy is rigidly spelled out or ruled out? And for the benefit of whom? Can anyone conceivably benefit from this ploy except the enemy? Certainly not our troops still on their job in Southeast Asia.

What does this amendment really say? Does it not say, Mr. Nixon, your intentions and purpose are suspect. Can anyone seriously doubt that any President we ever have had in a time of combat has ever acted, except in the best interests of the people of the United States, based on his best judgment and after assembling the most complete information available for his decisionmaking?

Why add harassment to a sleepless President in a time when he needs a demonstration of support? Why make these very difficult decisions all the more difficult?

We have seen a sleepless President arise from his bed in the middle of the night, and in the darkness go to the Lincoln Memorial to talk with students who had come to oppose him.

Does this sound like a President, heartless and without a care for the interest of his people? Instead he remembers another great peace effort which he had applauded at the time by Neville Chamberlain, and the short-lived triumph from Munich.

The scene at the Lincoln Memorial was the experience of a deeply concerned and troubled President, compassionate but with the courage to remain unshaken in the great responsibility imposed upon him by the Constitution.

No one questions the President's constitutional duty to defend the lives and safety of American troops. If the Cooper-Church amendment should become law and the President should again be faced with a military emergency that he felt required that he do in Cambodia what he has done, what then? Does he answer the mandate of Congress at the cost of American lives, or does he follow the constitutional duty to protect them?

Therefore, will the Cooper-Church amendment accomplish anything more than provide an invitation for a new emotional and divisive outburst in an already muddled situation? It certainly does not clarify anything.

Under the requirements of the Cooper-Church amendment, the Commander in Chief could spend no funds for those purposes specified in the amendment, even when American Armed Forces are under immediate danger, unless Congress acted.

How many sergeants in the field want to call command headquarters on Capitol Hill and wait for a decision?

If we should again make another foray into Cambodian sanctuaries in the future the greatest enemy weapon we would find would be the CONGRESSIONAL RECORD, with its list of "do's" and mostly "don'ts" for American troops.

Mr. President, we have not here discussed the ripple effect that the Cooper-Church amendment will have on other non-Communist nations.

Mr. President, when the Communists temporarily took over the city of Hue in South Vietnam, an estimated 5,800 persons were slain systematically by the Communists. Let me read a report by Robert G. Kaiser in the Washington Post of May 15, 1970:

[From the Washington Post, May 15, 1970]

VC Would Liquidate 3 Million If It Won, U.S. Expert Contends

(By Robert G. Kaiser)

SAIGON, May 14.—One of the U.S. government's leading experts on the Vietcong has written a paper predicting that "if the Communists win decisively in South Vietnam, all political opposition, actual or potential, would be systematically eliminated."

The author of the paper is Douglas Pike, who has written two books on the Vietnamese Communists and is now a United States Information Service officer in Tokyo. He wrote "The Viet Cong Strategy of Terror," a 125-page monograph earlier this year. The U.S. mission here plans to release it soon.

Pike's work seems to be a rejoinder to those who have mocked suggestions that the Communists would wipe out thousands of their opponents if they took over South Vietnam. Pike says that if the Communists win the war here decisively ("and the key word is decisively," he writes), the result will be "a night of the long knives" to wipe out all conceivable dissidents—perhaps 3 million persons.

Pike contends the massacre would go on in secret, after all foreigners had been expelled from Vietnam. "The world would call it peace," Pike writes.

He cites a list of 15 categories of citizens who would be murdered, saying such a list of categories is often found in captured documents. Pike notes a statement by Col. Tran Van Dac, one of the highest-ranking Communists ever to defect to the Saigon regime, that "there are 3 million South Vietnamese on the blood debt list."

Pike's predictions are the most dramatic aspect of his paper. Most of it is devoted to an analysis of the Vietcong's present and past uses of terror. A major section analyzes the 1968 massacres at Hue.

"It would not be worthwhile nor is it the purpose of this monograph to produce a word picture of Vietnamese Communists as fiendish fanatics with blood dripping from their hands," Pike writes. Rather, he says, he wants to describe how the Vietcong use and justify terror as a crucial part of their war strategy.

Current Vietcong doctrine, Pike contends, calls for terror for three purposes: to diminish the allies' forces, to maintain or boost Communist morale, and to scare and disorient the populace. He says the enemy seems to be moving more and more toward a terrorist strategy as part of a new kind of protracted war. (Official government terrorist statistics show a sharp increase in kidnapings, assassinations and other terrorism in recent months.)

In central Vietnam, Pike writes, Vietcong units are given terrorist quotas to fulfill. As an example, he cites intelligence information that special Vietcong squads in parts of two provinces were told to "annihilate" 277 persons during the first half of 1969.

In the most detailed analysis of the killings at Hue yet published, Pike writes that "despite contrary appearances, virtually no Communist killing was due to rage, frustration or panic during the Communist withdrawal" from Hue, which the Vietcong held for 24 days in February 1968.

"Such explanations are often heard," Pike continues, "but they fail to hold up under scrutiny. Quite the contrary, to trace back any single killing is to discover that almost without exception it was the result of a decision rational and justifiable in the Communist mind."

According to Pike's analysis of the Hue massacres, the Communists changed their minds twice after seizing the city on Jan. 31. At first, Pike writes—he claims, captured documents show this—the Vietcong expected to hold Hue for just seven days.

During that first phase, Pike says, the Vietcong purposefully executed "key individuals whose elimination would greatly weaken the government's administrative apparatus . . ."

After they held on more than seven days, Pike's theory continues, the Communists decided they would be able to stay in Hue indefinitely. Prisoners, ralliers and intercepted messages at the time confirm this, according to Pike.

In this euphoric mood, he writes, the Communists set out to reconstruct Hue society, eliminating not just specific individuals, but whole categories of citizens whose existence would hinder creation of a new revolutionary society. Perhaps 2,000 of the estimated 5,800 persons killed at Hue were slain during the second phase, Pike suggests.

Eventually, Pike continues, the battle turned against the Communists in Hue and they realized they would have to abandon the city. This realization led to phase three, Pike writes: "elimination of witnesses." The entire underground Vietcong structure in Hue had probably revealed itself by this time, and now had to protect itself by eliminating many who could later turn them in to government authorities, Pike theorizes.

For this reason, citizens taken from their homes merely for political indoctrination had to be killed when the Communists decided to flee Hue, Pike suggests.

Do we simply turn our backs on those who have had faith in us as world leaders in freedom? Do we turn our heads when they succumb in a bloodbath? Do we walk away and leave our prisoners of war to their own devices?

Mr. President, this same lack of concern for the safety of our own troops under our military orders in Cambodia is embedded in the amendment.

This lack for concern very ably was emphasized last Friday by the distinguished senior senator from Delaware, and I endorse and associate myself with his remarks.

He has reminded us that this amendment would cut off immediately the pay and allowances to any soldier, or to his family, if the soldier for any reason were still in Cambodia when the amendment became law—even if the reason for not being out of Cambodia were beyond his control—for example, he might be wounded severely while withdrawing.

He has suggested that we are misdirected in making hostage the salaries and allowance of our soldiers doing their duty under order in Cambodia, whether or not they personally had no desire to be there. He suggests instead that Members of Congress put their own salaries in escrow until we see our soldiers safely home from Cambodia and Vietnam.

Then, we will truly see the hardest working Congress in history in the cause of peace. I agree with the distinguished senior Senator from Delaware. Let me quote from his remarks, beginning on page 15724 of the RECORD:

> As the pending amendment has been interpreted, and I think it has been an interpretation which has been accepted by the sponsors of the amendment, it would accelerate that objective by stopping the compensation of American personnel who were in Cambodia upon the date of enactment of the amendment and would also stop any other allowances for those men until they were brought out of Cambodia, back into South Vietnam, or to American soil.
>
> I believe, therefore, that the effect of the amendment would be that the moment it was enacted—and we are voting on it in good faith, figuring it to be passed by the House and signed by the President—we would be saying that American troops and personnel who were drafted into the Army, who did not ask to be assigned to Vietnam, who did not ask to have to march into Cambodia, who went there under orders—they certainly would be subject to court-martial if they would not go—but we say here the moment this amendment is passed, "You draw no further military pay. Your family allowances are likewise stopped until you are withdrawn and completely out of Cambodia."
>
> Mr. President, I believe that is rather harsh treatment. I think we have the cart before the horse when we figure to hold as hostages, these men who are defending the principles of the American Government abroad. I do not believe that by any line of reasoning we can justify such action.
>
> Yet I say that as one who wants to bring this war to an end as quickly as possible and as much as anyone else does.
>
> I believe that as long as one American boy is assigned anywhere in the world and wears the American uniform the full resources of his country should be back of him until he is brought safely home.
>
> I do not believe that 5,000 miles away, in the security of the Capitol, drawing our pay daily, we can say to these men, "You are not going to get paid until you get out of Cambodia."
>
> I raise another question. This stops the "allowances" as well as making them ineligible for any pay during the time they are on Cambodian soil.
>
> Assume that the President accepts this amendment and he calls for an immediate withdrawal. Some say that could be done in a week. Maybe in 3 days, put suppose it were in one day. That would be stretching the imagination, of course. But suppose one of the men gets killed on the way out of Cambodia or is maimed for life; the pending amendment if approved would say that he

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would not be eligible for any allowances or any compensation even if he were disabled on the way out after this becomes law. In other words, such a man would be eligible to receive nothing under this law or any other law; he will not receive any allowances or compensation until he gets back onto Vietnamese soil.

That is not beyond the line of reason, should this be passed in its present form.

In my opinion if there are those in the Senate who feel that the good faith of this country could best be demonstrated to our own citizens as well as to nations abroad that we are going to withdraw our troops from Cambodia as the President has promised, by a monetary factor, then instead of placing the salaries and family allowances of our servicemen as hostage why not place our own salaries in escrow? Why do we not, as Members of Congress, simply say that we will lay our salaries on the line and draw no pay until we get our American troops out of Cambodia?

That would certainly show the good faith of Congress and show it in a much better way than making monetary hostages of our soldiers and their families. Surely the Senate will not stop furnishing them with military supplies that may be necessary to get them back out of the Cambodian area. They did not ask to go in that war zone.

Certainly we are not going to stop sending them supplies. Yet under this amendment there will be no supplies until they get out, whether food, military equipment, or other supplies. There will be no pay for either the men or their families.

We will be telling them that if they get killed or maimed getting out their benefits are repealed by the Congress should this amendment be adopted. I repeat, if Congress really wants to enact a monetary penalty, it shoud put its salary on the line. If we want to go further we can do it until we get them safely home from both Cambodia and Vietnam.

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I venture to say if that procedure were followed we would find one of the hardest working Congresses in history in the interest of peace.

Mr. President, the astute columnist Stewart Alsop, writing in the May 25, 1970, issue of Newsweek, has said that the denial of all combat funds in Vietnam after June 30 next year "is, of course, a recipe for turning the retreat into a rout."

The weapons and supplies captured by the Ameriacns and South Vietnamse in the Cambodian operation cannot now be turned against our troops in Vietnam. He notes, with a parenthetical bit of wisdom:

> And after all, kids in uniform have no more desire to be shot at than kids on campuses.

Mr. President, I might suggest that while our troops have been paid for being shot at, now the Senate, by this amendment, would take this pay away.

I commend Mr. Alsop's article to Senators. Let me read it:

> In a queer sort of way, President Nixon and his bitterest critics are in collusion. Neither the President nor his enemies wants to talk about what the President is really doing in Vietnam. This exercise in mutual self-deception has wholly distorted the reality, and lent a strange never-never-land quality to the whole bitter Vietnam debate.
>
> What the President is really doing is to conduct a great military retreat—the greatest in American history. But for quite natural reasons he doesn't want to admit it—probably even to himself. So he wraps his retreat in thick layers of defiant, neo-Churchillian oratory.
>
> The President's critics don't want to admit that the President is engaged in a great retreat either, because if they did they would have much less left to criticize. So they use the Nixonian rhetoric to prove that Mr. Nixon is not really retreating at all, but is instead expanding and prolonging an "outrageous" war.
>
> This mutual self-deception accounts for the fog of unreality that has overhung so much of what has been said and written about the Cambodian operation. If you listen to the President, the Cambodian operation is the product of a great, historic Presidential decision, comparable to the great decisions of Wilson, Roosevelt, Eisenhower and Kennedy. If you listen to the President's critics, the Cambodian operation is an outragious "invasion" of a small, neutral country (the 60,000 North Vietnamese already in Cambodia were presumably just having a big picnic) which will "sink the United States ever deeper in the Southeast Asian quagmire."
>
> DANGEROUS
>
> Of course, the Cambodian operation is neither of these things. It is a limited spoiling attack, designed to protect the rear guard of the American retreat. Retreat, as Napoleon or Marshal Rommel could attest, is a most difficult and dangerous military maneuver. All retreats present a common problem. How do you protect your rear guard, and thus prevent your retreat from turning into a rout?
>
> In terms of this question, the Cambodian operation makes obvious military sense. In fact, the President had little real choice—he had to end the inviolability of the Communists' Cambodian sanctuaries one way or another, unless he was willing to halt his retreat or accept the risk of military disaster to his rear guard.
>
> That Mr. Nixon is conducting the greatest retreat in American history is obvious on the face of it. When he became President, he inherited an American force in Vietnam of 525,000 men. Within a year, he will have withdrawn at least 265,000 men, and his rear guard will consist of two divisions, maybe only one. A year later, on the current schedule, there will be about 30,000 U.S. support troops left in Vietnam.
>
> If withdrawing half a million men is not a retreat, what in heaven's name is it? Mr. Nixon's answer is "Vietnamization," but that is a euphemism.
>
> MEANINGLESS
>
> It is not surprising that the President does not like to talk about his great retreat. Like all Presidents, he feels history breathing down his neck, and retreat is not a good way for a politician to get himself transmogrified into a great man. Retreating in the face of Communist power is in any case not the sort of thing a man who built his political career on a reputation as a hard-line anti-Communist likes to do.
>
> So it is natural that Mr. Nixon—perhaps quite sincerely—should keep repeating like a metronome his promise not to be the first American President to preside over "defeat and humiliation." But the promise is meaningless. For it is silly to suppose that a division or two—much less 30,000 support troops—can provide a guarantee against defeat for our side in the war. All retreats, in the nature of things, involve the risk of defeat.
>
> The Cambodian operation is designed to reduce the risk, and it will undoubtedly do so. As of this writing, at least, the operation is a very considerable military success. Much greater stores of weapons and supplies have been captured than in any previous operation. Those weapons and supplies cannot now be turned against our dwindling manpower in Vietnam—and after all, kids in uniform have no more desire to be shot at than kids on campuses.
>
> But more important than the booty captured in Cambodia is the simple fact that henceforth the Communists, even if they make the great effort to rebuild their bases, will know that the bases are no longer secure. Secure bases are absolutely essential to a successful guerrilla operation. To cite an example from personal experience, the French *Marquis*, in which this writer served for a couple of months in World War II, would have quickly faded into nothingness without the weapons and supplies parachuted into France by the Allied secret services.
>
> Because of the Cambodian operation, the President may yet end up with the better of the argument with his natural enemies, the liberal Democrats. The Senate liberals are now lining up behind the amendment to deny all funds for combat in Vietnam after June 30 of next year, which is, of course, a recipe for turning the retreat into a rout. There is no doubt that most Americans ache in their bones to get out of Vietnam. But there are dangers to the Democrats in making Vietnam the central issue this year.
>
> SIMPLE PLAN
>
> One danger is that the Cambodian operation will go well enough so that the President can rapidly accelerate his great retreat—an idea that has certainly occurred to the President. When you strip away all the rhetoric, the President's famous "plan" for Vietnam is very simple. It is to retreat as quickly as possible, provided that the retreat does not become a rout; and provided that the people who have been fighting on our side have at least a chance to avoid defeat at the hands of the Communists when our retreat is completed.
>
> This is not very heroic, but it is perfectly sensible, and moreover there is a chance, and maybe a pretty good one, that retreat will not mean defeat. But the President has got to risk defeat—he has no choice. The spasm of national hysteria induced by the relatively minor Cambodian operation shows how little time the President has left. He must substantially complete his retreat from Vietnam within a matter of not too many months. Otherwise, this fat and flabby country, which was not fitted by history or temperament for the great-power role thrust upon it by the second world war, seems likely to go mad. Maybe it has gone mad already.

This article by Mr. Alsop, entitled "Mr. Nixon's Great Retreat," was published in the May 25, 1970, issue of Newsweek. Whether we agree with it or not, it does contain some very illustrative figures and an explanation of just what is involved. It indicates the great decision that the President made and how important it is for us to continue our operations in Cambodia until his goal is accomplished. Certainly, we do not want to see the 30,000 support troops mentioned in the Alsop article left in Vietnam to be slaughtered.

At the risk of sounding patriotic, Mr. President, I would like to say to doubting students: "Count your many blessings—most of all your freedom of dissent. Remember, it bears with it some responsibilities to your country."

In what nation can you meet in the backyard of the White House and hear speakers call for the impeachment of the President, and hear some others so obscene that television had to cut them off?

The young people today, and by far the majority, recognize this and accept it, and are facing challenges ahead. There is much work to do, and soon the problems will be entirely in their laps.

I am happy to see the response to Earth Day. This is an issue they can sink their teeth into and begin charting their future.

Mr. President, I wish to read the experience of William Randolph Hearst, Jr., as reported in the May 10, 1970, issue of the Hearst newspapers. His report demonstrates there is responsibility on the campus.

> In this week when student war protests were erupting at what hopefully will be the peak of such turmoil, my favorite weekly columnist (and I hope yours) had a highly instructive campus experience of his own. It definitely deserves retelling here.
>
> It so happened that long before the news about Cambodia exploded, an invitation was extended and accepted by me to address an audience on May 6 at California State Polytechnic College in nearby San Luis Obispo. I showed up on schedule last Wednesday—with more than a little feeling of trepidation.
>
> As a fairly well known supporter of President Nixon's war policies, I figured I was in for a tough time. At the very least I expected to catch some catcalls and heckling from some of the several hundred students and faculty members waiting to hear me.
>
> By way of background, it should be noted here that Cal Poly, as it is generally called has a remarkable achievement record. Only five years ago it was a relatively small college with an enrollment of about 5,000, whose big extra-curricular interest was in the spectacular rodeos staged by the school.
>
> Today it is a full-fledged state institution with an enrollment of nearly 12,000. Its faculty and staff number more than 1,400. It has schools of agriculture, journalism, applied arts, applied science, engineering and business, among others.
>
> Unlike so many other colleges and universities, the whole academic emphasis is on preparing students for specific practical careers upon graduation. The students begin majoring in the subject of their choice as freshmen, rather than as juniors and have very few opportunities to take what are known elsewhere as elective snap courses in various theories.
>
> This is important, as I hope to show here later. For the moment, try picturing me facing that sea of young faces and wondering what the reaction would be when I started defending a military decision which had caused so much student violence elsewhere.
>
> My informal speech was on world affairs. It was impossible to avoid the controversial issue of recent events in Southeast Asia. So when it came time I waded right in with my fingers crossed.
>
> There is no need to go into much detail on what was said. My views were pretty well outlined in this space last Sunday and most of what I said simply elaborated on that column.
>
> One thing that was made fully clear was my sense of shock, and even amazement, at how many Americans and some of our friends abroad had reacted so critically to President Nixon's decision on Cambodia.
>
> Instantly—from the doves in Congress to the editorial pages of our left of center press—the howl went up that the President was willfully and unilaterally expanding the war. That we were invading a sovereign nation. That a terrible and costly blunder had been made.
>
> What seemed almost incredible to me was that so much of the criticism was a literal echo of the condemnations which came from Moscow, Peking and Hanoi. Even more discouraging was the spectacle of college presidents giving their blessing to student protest strikes.
>
> To me it was—and continues to be—simply astonishing. Not one of the liberal voices sounding off in Congress and elsewhere made a peep of protest when it was revealed last month that 40,000 Communist troops had invaded Cambodia and were threatening to capture its capital city.
>
> Not one of the voices that I can remember ever said a word about the long-standing Communist violations of Cambodia's neutrality and independence along the southern section of the Ho Chi Minh Trail.
>
> And very few gave the slightest serious consideration to President Nixon's explanation—that he acted to save Cambodia from imminent Red conquest and the need to safeguard his plan to withdraw American combat troops from South Vietnam.
>
> The explanation was virtually ignored. It was as though the protesters were deaf to any explanation; as though they had just been waiting and biding their time for an excuse to renew their attacks on the Vietnam war.
>
> The above were some of the thoughts I gave to my audience. When no boos or catcalls developed, my fingers came uncrossed and I gave them some more.
>
> No matter how you look at it, I said, Vietnam is a bloddy mess and there is no question that we miscalculated the tenacity of the enemy in waging a war our forces were never permitted to win. At the root of today's national unrest is frustration over not having the war over and done with by now.
>
> All the same, it was pointed out, Cambodia had become nothing but a sideways DMZ zone. The Communists had dug in there and were using it as an advance headquarters in which to store their supplies and launch what could easily be an encircling attack on our men in South Vietnam.
>
> When the Reds began their attempted takeover of the whole country, President Nixon—in the interests of protecting our fighting men—had literally no other military alternative but to break up the enemy emplacements.
>
> Not to have done so would have meant the loss of time needed to complete our Vietnamization of the war. Far worse, it would have left our withdrawing forces wide open to a looming disaster.
>
> I asked my audience to compare the frustration it felt with the frustration of our military leaders, who have never been permitted to wage a decisive war. I asked a further comparison with the frustration undergone in Paris by our negotiators whose many concessions have led to nothing from the enemy.
>
> And I wound up by noting that some of the more virulent war critics had even mentioned the possibility of trying to impeach the President for his decision on Cambodia.
>
> Suppose you had a brother or a father over there in Vietnam, I asked, and he got a bullet in the back from encircling troops based in Cambodia at a time when every effort was being made to bring him home?
>
> If that were to happen—and that's what the Communists were threatening for large numbers of our men—then you can bet your own sweet life there would be an impeachment for real.
>
> So that was the speech.
>
> I want to take this opportunity to personally thank the student body for its courtesy in hearing me out and making academic freedom a living truth. All through it the kids sat attentive and obviously interested. They laughed at my few attempts at humor, applauded in gratifying fashion when I finished, later gathered around to ask many specific questions.
>
> It was hard to believe that even at that time hundreds of other college campuses were either shut down or in utter disorder because of student antiwar demonstrations. Were these a special breed?
>
> Robert E. Kennedy, the president of Cal Poly, and Dale E. Andrews, its academic vice president, offered some explanations which made me conclude that their students in fact are much different from the hell raisers.
>
> They assured me there were many in my audience who also felt strongly against the war. Disorder and the shouting down of unwanted opnions, however, are not the rule of life at Cal Poly.
>
> The stress on practical education for future employment is so dominant that the first thing you see when entering the college is its job placement bureau.
>
> There, all points of view are examined and discussed in an atmosphere of true academic freedom. Their officials said this was not surprising since the whole operation of the college was geared to instruct students who came there solely to learn and prepare themselves for useful careers.
>
> There is a real object lesson here.
>
> Last Wednesday, just a few miles to the north and south of me, the campuses at Santa Barbara, Berkeley, San Francisco and San Jose were erupting in violence or threatening to erupt. The situation was, in fact, so serious that Gov. Reagan wisely ordered a four-day closing of all public colleges and universities in the state.
>
> Who has filled the heads of these students with the ideas which steam them up and cause them so violently to attack their own country, its institutions and leaders?
>
> It's a good question—and part of the answer lies in the fact that too many of our institutions of higher learning are infested with radically minded professors and courses with no constructive purpose.
>
> I am convinced that most college students have too little to do, too few academic challenges from courses that train them for specific careers—especially in their freshmen and sophomore years.
>
> It is high time the system got a top-to-bottom overhauling with Cal Poly as the model.

Mr. President, I think it is most encouraging to see that we do have some schools in this country—in fact, most of them—which are abiding by the rules and regulations that they have set.

I share the pride of Mr. Hearst in his experience on the campus of California State Polytechnic College. I regret that this is not the pattern also of many of our other great institutions of higher learning.

I cite to you, Mr. President, the editorial in the Arizona Republic of May 17, 1970. Allow me to quote it:

> Almost immediately after President Nixon announced his decision to send U.S. troops into Cambodia, activist students poured into the streets to express disapproval.
>
> It is understandable, given the direction and intensity of student protest over the past several years, that students should demand to be consulted on the conduct of the war. What is less understandable is the eagerness with which many universities have explicitly sided with the students, thereby injecting themselves directly into the American political process.
>
> Many universities have been only technically neutral in political matters. Overwhelmingly liberal faculties . . . administrations that refused to discipline radical students . . . a climate of opinion on campus hostile to other than left-liberal viewpoints—in these ways, the universities already tacitly aligned themselves with political liberalism.
>
> But after the Cambodian commitment, even the pretense of neutrality was dropped at many institutions as college presidents and administrators led marches, canceled classes, encouraged student activism, and announced they were seeking ways to allow students to drop out of courses or stay away

or stay away altogether to protest the war, without forfeiting grades or credits.

There is more than just a certain smugness to this elitist notion that the universities alone know what is good for America. As Prof. Irving Kristol recently wrote in the New York Times Magazine, "university education today is an utter shambles." Perhaps the only thing more in shambles is the dogma of liberalism, to which the universities are increasingly committing themselves.

Worse than intellectual arrogance, however, is the risk that the universities will become politicized completely. As one Columbia University political scientist told Newsweek (it is sad commentary on the spirit of the times on college campuses that he sought anonymity), "A university politicized by the extreme left can easily be controlled at another time by the extreme right."

We wonder, do those who favor politicization care about the preservation of academic integrity? Don't they fear that if they transform their institutions to lobbies they might lose their tax exemptions?

In our opinion, the belief that the universities alone have the wisdom to save this country, when they are helpless even to save themselves from disruption, destruction, and anarchy, is too preposterous for words. Nevertheless, it saddens us to see higher education taking this fateful, possibly fatal, step.

Mr. President, the Newsweek poll has been well publicized, but it bears repeating.

Fifty percent of those polled in a scientifically selected national sampling of 517 persons reported they approve President Nixon's decision to send American troops to Cambodia. Those disapproving were 39 percent, with 11 percent undecided.

This bears some evidence that there is a silent majority. We have heard from the vocal dissenters. Let me read two sampling letters to the editor, published in the May 15, 1970 issue of the Phoenix Gazette. The first letter reads:

Troop Withdrawal Fine But What About POWs In North Vietnam?

To the Editor of The Gazette:

I want to add my sentiments to those of E. T. W. Coulter of Avondale and Harry L. Stanley, whose letters, defending the President on Cambodia, appeared in the May 8 issue.

Also, what about the prisoners of war in North Vietnam? I have just heard the news conference of the President of the United States on his policy in Cambodia and his intentions of withdrawing 150,000 troops from Vietnam. I am sure his critics and the news media will do everything in their power to try to prove him wrong and discredit him. However, I did not hear one question from any newsman or newswoman about the plight of the prisoners of war.

I can't understand how our congressmen who voted for the Tonkin Resolution and helped to send our troops into Vietnam can justify the withdrawal of troops without any consideration of those who are in prisoner of war camps in North Vietnam. Are they willing to sacrifice these men for their own political ambitions? God help us if we as citizens of the United States can callously forget these men. During all this controversy over military involvement in Vietnam, *I have not heard one voice raised* by our congressmen, *demonstrators* or our present administration asking the question: *What about our prisoners of war?*

Our news media have shown a few wives trying to gather information about their husbands who they believe are prisoners. But I have yet to hear any newsmen, who have continuously shown demonstrations against the Vietnam war and have shown those congressmen who have changed their minds about the Tonkin Resolution, pose this question.

As a veteran of one declared war and a "peace action," I can't understand how our leaders and news media can live with themselves if they forget those who are in prison camps where their captors have refused International Red Cross inspection of prisoner treatment. After seeing prisoners of war and concentration camps, I can't condone the utter disregard of these men by our leaders and even the silent majority, in letting this happen.

Harold O. Baillie.

Mr. President, fortunately there have been Members of Congress speaking out vigorously against leaving the Southeast Asian area without our prisoners of war. I commend them for their devotion to their responsibilities in this regard.

Mr. Presdent, here is the other letter to the editor of the same paper. It is entitled, "Give Up Luxuries To Aid War Effort."

It reads:

Give Up Luxuries To Aid War Effort

I have always considered myself an average American, and as for the views that I am expressing now, I hope they are the views of the majority of Americans who are the backbone of this country. I am proud to be an American, and I, too, am grateful for a President who refuses to accept American defeat. Pride and belief in one's country is what makes a country great. I am not proud of my fellow citizens and leaders in government who preach dissent, appeasement, withdrawal and even treason.

Whether we like it or not, we are engaged in a war. A long war, a costly war and a real war. Men are dying every day. They deserve our support, not dissent.

What can we do about ending the war? The American people can make it their patriotic duty to support the war. If what it takes to arouse the general public is rationing, then let's ration. If it's sacrifice, then let's sacrifice. Let's give up some of the luxuries we have grown accustomed to by putting the nation on a general war economy. Let's put winning the war, both at home and abroad, ahead of profits, new cars, vacations, etc. Let's get behind our servicemen, behind our President, behind our country and show the leaders of the enemy camps that we are still in command and are still, in fact, indivisible.

Robert W. Jeffords.

Mr. President, that indicates the feeling of this gentleman. And I am sure it is a feeling that is shared by many, many Americans.

Mr. President, I would like to read one other editorial because I feel it is important. It is a guest editorial that appeared in one of the Arizona newspapers. But it is a reprint from the Wall Street Journal.

The editorial reads:

[From the Arizona Republic, May 16, 1970]

President's Might Is Liberal Growth

(Reprinted from The Wall Street Journal)

An ironic by-product of the Cambodian intervention is the renewed concern, notably among liberals, about the enormous power of the presidency. The irony, of course, lies in the fact that many of those souls had a good deal to do with the expansion of that power.

True, Cambodia is a striking example of a President's freedom to make major unilateral moves; so was President Johnson's escalation of the war in Vietnam, and Congress is only belatedly waking up to the fact that maybe too much such freedom resides at 1600 Pennsylvania Ave.

Now there is talk of cutting off war funds for everything but withdrawal from Indochina and other schemes to reverse the Cambodian exercise. How effective any endeavors would be is another matter, though.

For while recent decades have seen an expansion of presidential power, its roots are deep in the Constitution.

That may sound somewhat paradoxical since in this respect the Constitution is a vastly skillful arrangement for dividing up power among the three branches of government and thus, it was hoped, preventing the emergence of a tyrant in the White House.

But the framers of the Constitution did not bind down the chief executive as tightly as they presumably thought, a point made by George E. Reedy, at one time Mr. Johnson's press secretary, in his new book "The Twilight of the Presidency" (World).

Some presidential powers were not delimited, or only vaguely so (making it possible to refer to "inherent" powers). Perhaps more important, as Reedy puts it, the framers invested the office with awe and reverence, a symbol of national unity.

Indeed, he contends they set the stage for the presidency becoming a monarchy in all but name. In such circumstances, they had not reckoned with "the ability of the 'manager' to make commitments which could not easily be revoked."

Reedy sums up:

"The trend is clear. Over the passage of the years, what was little more than managerial authority has become power over the life of the nation itself. The right to check this power still rests in Congress and the courts. But the ability to check assumes the capacity to offer alternatives, to explain them to the public, and to manage a structure that carries them out. In the modern age, when action with little time for reflection becomes increasingly urgent, these capabilities are lessened with each passing day for every arm of the government except the presidency."

While the authority of the office probably would have grown greatly in any case, it was given a big shove in that direction by the liberal philosophy that has mostly prevailed in this country for a generation or more.

Central to that philosophy is the notion that governmental remedies can cure practically any economic, social or even personal problem.

Part of the federal growth in the '30s was admittedly an attempt to grapple with the Depression, but only part, and manifestly the growth did not end with the end of the Depression.

On the contrary, World War II not only ended that period but, by virtue of its mobilization of the nation's resources, fueled the further growth of government in the succeeding years.

And when one speaks of government growth, it is largely the growth of the executive branch—the president's domain.

An unbelievable proliferation of programs and activities, military and civilian, domestic and foreign, has taken place; being his responsibility, those undertakings augment his authority. In no small measure it is a liberal-created edifice.

An additional irony is that many of the liberals who once had such faith in big government have grown disillusioned, not only with the president's power to engage in war, but with the whole competence of a huge array of bureaucracies to deal effectively with the nation's troubles.

Along with those of us who have always been skeptical of big government, they would now prefer other approaches.

Without at the moment commenting on the merits (or otherwise) of the Cambodian

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intervention, we think it understandable that the liberals are stressing its presidential-power aspect. It's just too bad they didn't realize what they were building years ago.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. FANNIN. Mr. President, I am pleased to yield to the Senator from Michigan.

Mr. GRIFFIN. Perhaps what I have to add to the Senator's remarks should appear more appropriately elsewhere in the Record. We have heard and we still are hearing a torrent of criticism of President Nixon for his courageous decision to clean out the Communist sanctuaries in Cambodia.

To a large extent this criticism has ignored the basic reason given by the President for the operation—to protect the lives of American soldiers in Vietnam.

There is another side of the coin: that is, what do our soldiers in Vietnam think of the operation.

I am indebted to Mrs. Norman M. Pagels of Mt. Pleasant, Mich., for sending me a copy of a letter which sets forth the soldier's point of view. She quotes from a letter received from her son, Staff Sgt. Alan G. Pagels, who is recovering from wounds received in action on April 30, at Firebase Granite, in Vietnam, and I would like to share with the Senate some of this young soldier's thoughts.

I am quoting now from his letter to his mother:

> I keep reading and hearing about all the trouble Pres. Nixon is having on college campuses because he went into Cambodia. I hope you realize that this was one of the best moves that he has ever made. The move has saved more American lives than we will ever know.
>
> The enemy moves into Cambodia and stockpiles weapons, food and men which some day they will decide to pick up and use against the men which this country has sent over here. These are the same weapons that will some day take a leg, arm or life from some American. Then a man stands up and says let's take these weapons away from the enemy, and save our boys' lives, and the country has the nerve to belittle this man.
>
> No, this man is not to be ridiculed, he is to be thanked. Thank him for the next six months, because it is because of him, that hundreds of Americans will be able to get on that freedom bird and come home to their families. You can already thank the "stop the bombers" for 43 people in my company that will never step foot on American shores again. Thank them for me too, because I know what it is like to be shot at, mortared, R.P.G'd and satchel charged. Thank all of those that know so much about what is right that they can decide that this or that American should not come home, ever again.

These are excerpts from a letter written by Staff Sergeant Pagels, included in a letter to the President written by his mother, Mrs. Pagels. In her letter, Mrs. Pagels said:

> These are our sentiments as well as Alan's. I felt it was necessary to let others know just how our son and his buddies feel about the war and the unrest and turmoil in this country. May God give you the strength and wise judgement to soon bring this war and unrest to an end.

Mr. President, I ask unanimous consent to have printed in the Record the full text of Mrs. Pagels' letter with the quotations from her son.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Mt. Pleasant, Mich.
May 19, 1970.

Mr. Richard M. Nixon,
The President of The United States,
The White House,
Washington, D.C.

Dear Mr. President: Today, I have just finished mailing quotations from a letter received yesterday from my son, S/Sg Alan G. Pagels, to several area newspapers and Congressman Elford Cederberg. Thought perhaps you might be interested in what he has to say. Alan is recovering from wounds received while serving with the 501st Infantry of the 101st Airborne, at Firebase Granite in Viet Nam, on April 30, 1970. He is presently recuperating at the Army Convalescent Center in Cam Ranh Bay.

"I keep reading and hearing about all the trouble Pres. Nixon is having on College campuses because he went into Cambodia. I hope you realize that this was one of the best moves that he has ever made. That move has saved more American lives than we will ever know. The American student has never been over here and is not able to understand what it is like to have one AK rifle fired in his direction or rip through one of his buddies that he has grown to know and like. They don't know the fear that runs through your body when they hear a mortar round leave the tube and they have to wait for it to come down and pray that it won't land in their area. They have never heard their buddy cry out "My God I'm dying."

The American public does not know what it is like to have to assault a bunker complex day after day and continually get men shot and killed. Everyone knows that the only way to take an occupied bunker complex is to call in an air strike. But air strikes don't come anymore because this would be an acceleration of the war. You ask, you beg, but they don't come because they are unauthorized. So you try and take it with human life. Yes, you take it but with what a waste. All because they couldn't get the proper equipment, because someone back there is yelling 'stop the bombing.'

The enemy moves into Cambodia and stockpiles weapons, food, and men which some day they will decide to pick up and use against the men which our country has sent over here. These are the same weapons that will some day take a leg, arm, or life from some American. Then a man stands up and says let's take these weapons away from the enemy, and save our boys' lives, and the country has the nerve to belittle this man.

I have one wish. I wish that every student that took part in these demonstrations has his opportunity to experience what the man in the field experiences over here. Then I would like to hear him say, let's wait until they come to us and start firing at us before we do anything about getting their weapons.

No this man is not to be ridiculed, he is to be thanked. Thank him for the next six months, because it is because of him, that hundreds of Americans will be able to get on that freedom bird and come home to their families. You can already thank the "stop the bombers" for 43 people in my company that will never step foot on our safe American shores again. Thank them for me too, because I know what it is like to be shot at, mortared, R.P.G.'d and satchel charged. Thank all of those that know so much about what is right that they can decide that this or that American should not come home, ever again.

Perhaps I am bitter and I suppose I am but I am sick of seeing people die needlessly, and while the NVA are killing us, people back there are yelling "don't hurt them and they won't hurt you". It's true that after you're dead you don't feel it anymore, it seems that someone back there ought to feel something. Maybe I'm wrong. Oh well, I can only do my job right now. Perhaps some day I can do more. God bless America. I hope it is still there when I return.

Sorry about dragging that out. Pray for Richard Nixon. He is a man that needs all the help he can get. Life can't be very pleasant for him right now. Personally I thank God for him.

These are our sentiments as well as Alan's. I felt it was necessary to let others know just how our son and his buddies feel about the war and the unrest and turmoil in this country. May God give you the strength and wise judgment to soon bring this war and unrest to an end.

Sincerely yours,
Mrs. Norman M. Pagels.

Mr. GRIFFIN. Mr. President, similar views were expressed by another soldier in a letter to his parents reported in the Akron Beacon Journal of May 19, 1970. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"They Could Have Killed Us All"

(By Robert Page)

Sgt. Herbert Dale Sharp of Stow, a veteran of three missions into Cambodia, now insists that the American invasion of that country will mark "the beginning of the end" of the war in Vietnam.

In a letter to his parents, Mr. and Mrs. Herbert H. Sharp, 2269 Ross Dr., the 23-year-old GI wrote that President Nixon's decision to invade Cambodia "is the best thing that could have happened. I was so happy that I cried. Ninety-nine pct. of the Americans over here feel the same way.

"It is the first time since this war started that we don't have to sit and wait until the North Vietnamese Army is ready to fight us on their own terms."

As an adviser to the South Vietnamese, Sgt. Sharp went into Cambodia to determine the location and strength of the North Vietnamese units in Cambodia.

He recounted his experience in his letter:

"I have never seen so many North Vietnamese and Viet Cong in my life. We saw thousands of them at a time in bunker complexes that covered miles. These people were just sitting there, an entire Army in a country that was supposed to be neutral but they had the capability, the men, food, trucks and weapons to walk into Tay Ninh in force and completely level it.

"They could have killed everyone here and pushed all the way to Saigon if they wanted to. You have to understand this.

"These North Vietnamese were just sitting there where they could resupply and prepare to fight and there wasn't a thing we could do. We have got about 40,000 U.S. troops in Tay Niah Province but they could have killed us all. All they were waiting for was the rainy season which starts in the end of May."

Sgt. Sharp wrote if President Nixon had gone ahead and withdrawn more U. S. troops without doing anything about the Viet Cong buildup in Cambodia, "there would have been no stopping them."

"All that America has put into this war and all of the men that have died would be completely in vain. All of my friends that have died would have died for nothing. South Vietnam would have fallen and everything would have been for nothing."

Sgt. Sharp accompanied the South Vietnamese on their first assault into Cambodia

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two weeks before President Nixon's historic April 30 speech.

"We stayed eight days this time and caught the North Vietnamese Army so unaware that there really wasn't too much. A hell of a lot of them just surrendered.

In his letter, he noted the main reason he wrote so much detail of the Cambodian operation was from reading of the riots and killings at Kent State.

"All of those kids think they are right in what they are doing by protesting but they just don't know. God, if they only knew," he wrote, "I don't hold it against the college students but they do more to help the Communists by their protests than they could by sending them guns. Their protesting gives the North Vietnamese Army the will to fight on."

"I want this thing ended now, before my brothers and more of my friends have to come over here," he declared. "It can be done now if we keep going. All we need is the support of the people at home."

The brothers Sgt. Sharp is fighting for are 17-year-old Robert, a Stow High junior, and 12-year-old Richard, a pupil at Echo Hills Elementary.

In his three tours of duty to Vietnam, Sgt. Sharp has been wounded twice and injured a third time. He suffered shrapnel wounds of the right foot and leg the first time and was shot through the leg the second. He also suffered a concussion last October when the tank he was riding in exploded after it hit a landmine.

Sgt. Sharp attended Kent State a quarter after graduating from Stow High in 1965. He then volunteered for the Army and has enlisted once since then. He is due home from Vietnam in September.

He is married to the former Brenda Aultman of Georgia, whom he met while stationed at Ft. Benning, Ga. She and their four-month-old son Todd Allen also live with the Sharp family.

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Mr. GRIFFIN. Mr. President, I thank the Senator for allowing me to include that material as well as some remarks along that line.

Mr. FANNIN. Mr. President, I thank the distinguished Senator from Michigan for placing in the Record material that so vividly illustrates the feelings of many of our young men.

Mr. President, at this time I wish to read a letter that was written by a Mr. C. R. Presnell, Jr., to two of his four sons. His sons are Capt. Charles R. Presnell III and Sgt. Douglas C. Presnell. The father writes:

An Open Letter to Two of My Four Sons—Capt. Charles R. Presnell III; Sgt. Douglas C. Presnell

Dear Charlie and Doug—not having a college education perhaps I should not write this letter, but due to current events I will. I trust and hope this letter might reach others of the silent majority and maybe influence some of the radicals that they are wrong. Doug, while you are in Vietnam or Cambodia some of your former classmates are burning down college buildings. You of course realize these are built with yours and your brothers tax money, along with mine.

Charlie—It is a shame that after having received the Silver Star, the Bronze Star, 2 Distinguished Flying Crosses, and 29 Air Medals that you have to be ashamed of some of the people in your country. Regardless of their behavior, I am proud of both of you now serving your country and know your brothers feel the same—

As always,
(The Old Man) C. R. Presnell, Jr.

Mr. President, I think this is an excellent illustration of how a father feels about two of his sons who are serving nobly and courageously in Vietnam, and perhaps in Cambodia. He does not know whether they are or not.

I also thank the distinguished Senator from Michigan for what he has had to say and the feelings that have been expressed in letters that have been written. I know all of us in Congress have received hundreds of letters illustrating tremendous support for what the President is doing.

He has taken a step only because he felt it would help us get out of this conflict in Southeast Asia and that it would assist in bringing our boys home, and at the same time it would greatly reduce the loss of life both so far as our courageous men are concerned and those who are serving with us, the South Vietnamese, and others.

I feel it is very appropriate that these letters be printed in the Record so that other Members of Congress may have the benefit of these remarks that have been made.

Mr. GRIFFIN. Mr. President, will the Senator yield for one further comment?

Mr. FANNIN. I yield.

Mr. GRIFFIN. Mr. President, other Senators have spent much time in the last 2 weeks talking and listening to various groups, mostly from campuses and from other organizations, who have come to Washington and who are unhappy with the President's decision.

Many times I have asked these people in these groups, "Do you think there is a possibility that the President could be right?" Quite often I am astounded and very disappointed to get the response that, no, they do not think there is even a possibility the President could be right. They do not acknowledge there is the slightest, remote possibility that he could be right. Then, I am forced to say, "It is very difficult under such circumstances and with the closed mind you have to carry on much of a dialogue when you do not even want to consider the remotest possibility that the President may be right."

But, thankfully, the response of many others is not that, and they will acknowledge that while they think the President is wrong, there is a possibility he might be right.

I have quite often said, "Well, if there is a possibility that the President is right, would it not serve a good purpose to wait a little while before you make up your mind? After all, as Commander in Chief, he has made a military decision, which is in the process of being carried out. He has indicated that all American troops will be out of Cambodia by the end of June. Certainly you and the country will be in a better position at that point to make a decision passing judgment on whether the President was right or not."

Certainly at this point it would seem that those who do not feel they can support the President—and I think he should be supported—at least should reserve judgment and at least should not make it more difficult. Unfortunately, I am not very successful in convincing those groups that that should be their approach, but it is the approach that I think people who agree could take in a constructive way.

I can understand that the President could be wrong, I concede that possibly he could be wrong. I think he is right. But, at the very least, we could reserve judgment until the end of June. I think it would be very helpful.

Mr. FANNIN. I certainly think, with the distinguished Senator from Michigan, that we should give the President a chance. I have had similar experience with the youngsters who have come into my office. A number of youngsters from Arizona who have been attending schools in the East have seen fit to come in and visit with me. I have been very pleased to have them visit the office, and to have the opportunity to discuss this problem with them. In many instances, they have closed minds. Fortunately, some of the young men understand that the President is entitled to be given a chance to carry out what he promised to do, but most of the youngsters, as the Senator from Michigan found out, responded adversely to the President's decision.

I believe that feeling is gradually changing. From my mail, I know it has changed, as far as our people are concerned. I do not like to classify college students as not being adults, because they are adult in their thinking, but some have closed minds regarding this subject. I am hopeful that they will read the statements made by some of our young men serving in Vietnam and their reaction and their support of the President of the United States. I think it is important that we pay attention not only to them but to the courageous men who are fighting the battle in Cambodia and other parts of Southeast Asia.

Mr. GRIFFIN. I think it is just as important that we listen to our young men in uniform in Southeast Asia as it is that we listen to young people here at home who want us to listen to them. I think we should listen to both groups.

Mr. FANNIN. I agree. We ourselves do not want to have closed minds to their beliefs, because most of them are very sincere. When we talk about our youth today, I personally feel that 95 percent of our young people are responsible. They are desirous of doing what is best for our country. They think that if they can force the President to withdraw from Vietnam, they will be doing something good for the country. They do not understand the complications of war. They do not have the information the President has. I have tried to convince many of the youngsters who have visited me that they do not have all the information. I had to admit that I did not have the facts available to the President. I tried to convince them by saying, "Why do you not give the President a chance? He has the information available which resulted in his decision. I have great confidence in the President. Whether you believe in him or not, certainly he is your President as he is my President. I hope you will think about this and see if you cannot convince yourselves and others that this is the patriotic position to take." Not only that, but it is going to mean so much to our men who are serving in Vietnam, to the saving of lives there, and in helping to bring an end to the conflict over there. I hope they realize now what is happening and the importance of the success of the campaign in Cambodia. I think it should assist greatly in changing the minds of many of our young people.

Mr. GRIFFIN. I think the Senator from Arizona is making a very excellent contribution to the debate.

Mr. FANNIN. I thank the distinguished Senator from Michigan.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

SENATE JOINT RESOLUTION 205—INTRODUCTION OF A JOINT RESOLUTION ESTABLISHING A COMMISSION ON SEEKING MEANS OF MODERNIZING AND REORGANIZING THE FEDERAL WELFARE PROGRAMS

Mr. BYRD of Virginia. Mr. President, one of the most important matters facing the Congress is the need to reform the Nation's welfare system. The present system is costly and full of inequities.

The Secretary of the Department of Health, Education, and Welfare, Mr. Robert Finch, has proposed a new family assistance plan, which he claims will solve our welfare problems.

This proposal was approved by the House of Representatives and was then submitted to the Senate Finance Committee, of which I am a member. During the committee's hearings, the following facts were established:

First. The proposal, for the first time, would establish the principle of a guaranteed annual wage. Mr. Finch suggests $1,600; the National Welfare Rights Organization demands $5,500.

Second. Mr. Finch admitted the cost of his program would be nearly double the cost of the present system—and evidence indicates that his estimates for the new proposal are low, being based on 1968 figures.

Third. The selling point in the Finch program is the so-called work incentive feature. But there is doubt that this incentive will work.

For example, a worker earning $9,000 with a family of four has a take-home pay of $7,615. But in New York, he could quit work and receive the same amount from welfare programs, in cash and other public benefits.

Fourth. Under questioning by me, Secretary Finch admitted his proposal would increase the welfare rolls from 10 million to 24 million. I then asked him this question, to which I received no satisfactory reply: "How can we reverse the trend toward the welfare state by increasing the welfare rolls from 10 million persons to 24 million persons?"

Fifth. Governor Reagan of California wrote to me that 8 percent of his State's population now on welfare would go to 14 percent under the Finch proposal.

I concluded that I could not support the Finch proposal in its present form. I worked with Finance Committee colleagues to have it sent back to the Department of Health, Education, and Welfare to be completely reworked.

I am not sure that it will be possible for Secretary Finch and his associates to come up with a satisfactory bill this year. Therefore, I am placing an alternative before the Senate.

I am today introducing a joint resolution which would create a Presidential commission, on the order of the Hoover Commission, to study the Federal welfare system and make recommendations for reorganizing it and modernizing it in an equitable way.

If the new version of the administration welfare bill is satisfactory, I shall not press my resolution. But if it is not—and I have grave doubts on this score—then my resolution will insure that the welfare system does not just remain on dead center. Constructive action can be undertaken at once.

I feel that we have a deep obligation to those who are physically or mentally unable to earn a living. I do not feel, however, that Congress has any right to turn over tax funds of hard-working citizens to able-bodied persons who refuse to work.

It is important that the present welfare program be reformed, but we must be sure we get something better.

Mr. President, I send to the desk a joint resolution, which would create a presidential commission for the purpose of seeking means of modernizing and reorganizing our present Federal welfare system. I ask that the joint resolution be appropriately referred.

The PRESIDING OFFICER (Mr. SCHWEIKER). The joint resolution will be received and appropriately referred.

The joint resolution (S. Res. 205) establishing a commission on seeking means of modernizing and reorganizing the Federal welfare programs, introduced by Mr. BYRD of Virginia, was received, read twice by its title, and referred to the Committee on Government Operations.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ALLEN. Mr. President, if there be no further business to come before the Senate, I move that the Senate now adjourn, in accordance with the previous order, until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 41 minutes p.m.) the Senate adjourned until tomorrow, Thursday, May 28, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 27, 1970:

Diplomatic and Foreign Service

Roswell D. McClelland, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

In the Army

The Army National Guard of the United States officer named herein for promotion as a Reserve commissioned officer of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Timothy J. Regan, Jr., 030-05-5277, Adjutant General's Corps.

In the Army

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

Army Promotion List

To be first lieutenant

Aanenson, James H., 535381068.
Adami, Frederick W., 019345553.
Adams, Bruce W., 001349588.
Adams, Herbert P., 038289659.
Adams, Jerome, 218428790.
Adams, Richard B., 466744295.
Adams, Robert H., Jr., 417585092.
Adams, Tommy D., 458785501.
Adamson, John E., 075380242.
Adkins, Richard C., 075380235.
Aiello, Michael J., 110347960.
Albers, Donald P., 331384608.
Alexander, Urey W. J., 186341481.
Alford, Lodwick K., 037286547.
Alich, James A., 559628594.
Allen, James B., 227608832.
Allen, Jefferson F., 052381466.
Allen, John G., Jr., 447364696.
Allen, Roderic D., 512464633.
Alley, James W., Jr., 278381715.
Altieri, Richard T., 063363860.
Altshuler, Herbert, 059368024.
Ament, Robert J., 383424418.
Ammon, Richard W., 091360525.
Amstutz, Richard E., 277405874.
Anastasi, Richard W., 155343877.
Anderson, John C., 226569509.
Anderson, Leonard G., 430821826.
Anderson, Parker T., 471504735.
Anderson, Robert R., 330380663.
Anderson, Roger E., 504505270.
Anderson, Thomas W., 257742406.
Andrews, Michael A., 237707033.
Andriano, Frank D., 064384540.
Angeli, Robert R., 110349267.
Ansel, Raymond B., 216429552.
Antoniuc, Robert P., 025347896.
Applehans, Robert B., 353401252.
Arrango, Roger J., Jr., 266629862.
Archibald, David J., 553600537.
Armstrong, Frank W., 284408562.
Armstrong, Jack A., 259627291.
Arnold, Henry H., III, 448387663.
Arnold, Lee H., 037321769.
Aronow, William F., 517488205.
Ashcraft, Jack G., 450688480.
Askman, Jan P., 032322560.
Atkins, Gary W., 067360739.
Atkinson, Terry O., 253722531.
August, Joseph A., II, 037283736.
Avard, John J., 012322673.
Avery, James T., III, 226587361.
Ayers, William M., Jr., 439621528.
Aylor, Robert L., 537429638.
Baccei, Bruce C., 547625593.
Badger, James L., Jr., 125327673.
Baggett, David L., 444420965.
Bagnell, Jerome, 147346207.
Bagnulo, Michael A., 175348216.
Bahr, James J., 378420532.
Bailey, Max P., III, 499724351.
Baker, Charles L., 418600399.
Baker, James L. K., 574147853.
Baker, James R., 536401332.
Balkcom, James R., Jr., 263646577.
Ball, Douglas A., 516466497.
Ball, John W. I., 225602488.
Bannon, Michael J., 154342044.
Barbee, Steve G., 457688863.
Barcellona, Anthony, 147323926.
Barczak, Robert A., 394448612.
Barkley, Alben W., 405587027.
Barnaby, Richard J., 338360406.
Barnes, Fred W., 574146360.
Barney, Michael L., 221284035.
Barofsky, Frederick, 344369399.
Barr, Brian, 555662710.

Barr, Robert R., Jr., 507568133.
Barthle, Robert C. J., 565621757.
Bartholomew, William, 539402820.
Bartlett, Robin B., 532441689.
Barton, George T., II, 004509048.
Bates, Robert L., 585031976.
Bates, Robert O., 142362899.
Battles, James E., 310408264.
Baxter, Larry J., 518529150.
Beaulieu, Lynn P., 027367548.
Beaumont, Edward H., 426883968.
Beaver, William C. I., 52105532.
Beck, Dwight A., 124346472.
Beck, Edward J., 134340813.
Beck, James L., 409701294.
Becker, Donald T., 070367594.
Beckroge, John H., Jr., 248741022.
Bedensbender, Willia, 513484838.
Beechinor, Robert L., 560523546.
Begin, Robert J., Jr., 007442602.
Behrens, Jon S., 504527168.
Behrens, Randy C., 535403972.
Bell, Carl H., III, 246707206.
Bell, David H., Jr., 218404264.
Bell, Samuel D., 409685243.
Bement, Danny B., 378424239.
Bennett, Kelley E., 407608886.
Bennett, Larry G., 45564479.
Benoit, James A., 211340248.
Berger, Joseph B., Jr., 175365625.
Bergquist, Kenneth, 032348105.
Bergson, Henry Paul, 014305845.
Bernier, Robert G., 005428376.
Berry, Gerald J., 226543651.
Berthelot, Henry J., 437602554.
Beshore, David F., 338369571.
Beumler, Timothy C., 52664327.
Beverley, William W., 448403113.
Bevill, Edward E., 414747710.
Bickerton, James B., 190365654.
Bigelman, Paul A., 114344702.
Billups, Reginald D., 419608376.
Bird, David O., 010343425.
Bird, Robert D., 414728897.
Bishop, Burke E., 46168988.
Bishop, Charles R., 258664950.
Bishop, David M., 075380237.
Black, Richard A., 531420175.
Black, Ronald D., 255707055.
Blackshire, Benny W., 235665136.
Blake, David G., 529525441.
Blanc, George J., 465680032.
Blanchard, David G., 537385204.
Blaney, Thomas D., 075380316.
Blanton, Dennis R., 465700576.
Bludau, Owen W., 454708106.
Boaldin, Bobbie R., 515406281.
Bohn, Bartholomew B., 566587959.
Boland, Hayden E., 458662173.
Boland, Thomas L., 273405474.
Boles, Edward A., 202329371.
Bondanella, John R., 192348020.
Bondurant, Jimmy N., 409741040.
Bonnell, Kenneth L., 273407590.
Boone, Michael F., 351362891.
Boretti, John J., 018340027.
Borgatti, Edward M., 081361616.
Bornmann, John A., Jr., 262745450.
Bortner, Jerry L., 186343800.
Bowen, Alfred T., Jr., 545608192.
Bowen, Carl A., 075380233.
Boyd, Morris J., 572600031.
Boyden, Norman J., 000324467.
Boyer, Robert F., 036260236.
Boyt, John T. III, 214440854.
Braddock, Richard R., 267565398.
Bradley, William, 100322324.
Branch, Larry R. 429845155.
Branch, William E., 257705753.
Brand, William F., 168366303.
Brantner, Jim N., 535424165.
Braudaway, Jessie A., 449746526.
Brauer, John W., 241685352.
Braught, Dudley C., 435725779.
Braun, Thomas H., 296382481.
Brawn, Richard E. K., 534421740.
Brees, Dwayne R., 500448831.
Bridges, Terrell D., 423521841.
Bridgewater, Irvin, 232686231.
Brigadier, William, 446442517.
Briggs, Chester E. I., 153341613.
Briggs, Earl D., 133346587.
Bronson, James R., 443428092.
Brooks, Billie J., 486563175.
Brown, Clark C., 110347578.
Brown, Gorden M. II, 497487841.
Brown, Gordon P., Jr., 050388382.
Brown, James I., 120329824.
Brown, John A., 472461141.
Brown, Joseph P., 002381198.
Brown, Kent C., 521546042.
Brown, Richard F., 024348653.
Brown, William D., 510424989.
Brownsted, Joseph R., 451706547.
Bruggeman, Peter M., 497466434.
Brumley, Leland J., 447406901.
Brusitus, James M., 189344248.
Bryant, William R., 406588436.
Brydon, Charles F., 141302379.
Bryla, Edward A., 154346383.
Bucchieri, David J., 075380311.
Buchanan, Craig M., 534425007.
Bullock, Howard R., 217400669.
Burbank, David M., 015344362.
Burer, Alfred E., 224585856.
Burghart, Frank G., 262665801.
Burkett, Philip A., 437646383.
Burnett, Ira S., 575461052.
Burney, Linwood E., 237722831.
Burns, Jonathan K., 275406627.
Burns, Kennith R., 452721117.
Burns, Terry L., 276403860.
Bush, Kenneth R., 345362346.
Butcher, David E., Jr., 529567972.
Butler, Craig D., 253661879.
Butler, Daniel E., 412685536.
Butler, Douglas J., 010363568.
Buzzell, Calvin A., 548583548.
Byard, Frederick B., 248723308.
Byrne, William G., Jr., 140348868.
Cacciato, Richard, 059367543.
Cahill, John M., 551645944.
Cain, Michael M., 266726192.
Cain, Paul F., 054369284.
Caldwell, John S., Jr., 419588372.
Calhoun, Ernest L., 450663207.
Call, James F., Jr., 154344414.
Callahan, Robert F., 216508540.
Callen, Robert R., 499485276.
Calmes, James G., 280400355.
Calmes, Joseph C., 442441132.
Campbell, John F., II, 531462570.
Campbell, Samuel E., 249700023.
Camusco, Guy J., Jr., 014324088.
Canevet, John P., 230609543.
Cantor, Barry J., 338346717.
Canup, Claude R., Jr., 249647125.
Caporiccio, Richard, 159347841.
Carkhuff, Michael G., 547644981.
Carlson, John M., 150326111.
Carney, John F., 059367403.
Carpenter, Robert J., 226609652.
Carper, Douglas H., 227602187.
Carr, David S., 189343870.
Carrigo, Edward A., 505589763.
Carver, William G., 163347354.
Carvill, Richard A., 537422305.
Casey, Elmer M., Jr., 340366004.
Casey, Francis W., 058362737.
Casey, Joseph C., 141361476.
Casey, Richard B., 212448641.
Cassity, Martin Mc., 447428435.
Castilla, Raul R., 454683808.
Castro, Albert C., 452842362.
Cates, William E., 585038672.
Caughran, Jimmy L., 312428396.
Cenci, Robert A., 045366048.
Chambers, Gary M., 307423065.
Chandler, Edward D., 531422627.
Chao, Charles D., 264681326.
Charles, Joe M., 163380397.
Charters, John P., 372444703.
Chase, Charles C., Jr., 237726976.
Chellis, Allen R., 251686883.
Cherry, Atwood C., 460688732.
Chinn, Byron N., 231560843.
Chipps, James D., 098382953.
Christiano, Michael, 121348457.
Chunn, Warren A., 199344943.
Ciolek, Robert J., 136383812.
Clapper, Richard T., 472488070.
Clark, Asa A., IV, 075380899.
Clark, Don K., 465700558.
Clark, Edward W., II, 421560003.
Clark, Thomas E., 458704138.
Clarke, Townsend S., 009283161.
Claxton, Daniel B., 268401746.
Cless, Ralph S., 550660424.
Cline, Paul M., Jr., 263726238.
Cmil, Paul J., 290407548.
Coates, Dennis E., 511442081.
Cochran, Franklin H., 430762604.
Coe, Aaron E., 479509697.
Cohen, Irving M., 162365321.
Cohen, Leonard, 081363164.
Coker, Thomas C., 451728199.
Cole, Douglas E., 075380250.
Cole, John M., Jr., 476465708.
Colella, Louis J., 127346651.
Coleman, Bruce S., Jr., 523600046.
Collie, Dale L., 404608153.
Collins, Carl L., Jr., 441422197.
Colson, Robert M., 075380251.
Combs, John L., 478542762.
Comer, Edward L., 108342061.
Comi, Richard A., 009304749.
Commons, Christophe, 566628947.
Condon, George W., Jr., 014344023.
Condon, Thomas P., 151341902.
Condos, William R. J., 240729619.
Conine, William H., 230544081.
Conner, Thomas J., 188343409.
Connor, Vincent P., 122343699.
Conrad, Carlton J. J., 287401483.
Conroy, Bruce, 001304964.
Conroy, Richard A., 555582268.
Cook, Sherman L., Jr., 537407578.
Corey, Paul M., 017345983.
Cormier, Paul E., 050387758.
Cornell, James P., 536440779.
Corning, Bruce L., 504549579.
Cornwell, Michael C., 419562845.
Corsentino, Thomas, 339345362.
Cortese, Anthony H., 364466832.
Corthell, Jeffrey L., 290380583.
Costanza, Charles, 018345218.
Costello, Francis J., 420584168.
Coughlin, John F., 028309556.
Courney, Donald R., 010404860.
Covington, James E., 243649658.
Cowart, James B., 522588925.
Cox, Danny C., 263708873.
Cox, Michael J., 333368816.
Craigholm, Lemuel C., 562622056.
Craig, John E., 241723845.
Cranford, William M., 230563216.
Crawford, David P., 067341572.
Crawford, Gregory L., 465702570.
Creighton, James R., 226585367.
Crider, Don R., 294383947.
Crocker, Larry D., 453729637.
Crowley, James C., 018343506.
Cruickshank, Edward, 576469635.
Crunkleton, Jon R., 229582075.
Crutcher, Michael H., 550691575.
Cuffe, Thomas R., Jr., 017347530.
Cullen, Thomas J., Jr., 075380252.
Cunningham, Donald, 400606306.
Cunningham, John E., 457727036.
Cunningham, Mickey, 226564726.
Cupples, Robert D., 284404455.
Curl, Terry W., 552587319.
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Curtis, Robert I., 256665047.
Curtis, Thomas M., 075380209.
Curtsinger, Jerry J., 466720100.
Cusack, William F. J., 275424914.
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Daily, John T., Jr., 2204288146.
Dallaire, Paul E., 002321278.
Dalton, Peter J., 023328965.
Daniel, Jack L., Jr., 224586106.
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Darwin, David, 057360686.
Davidoff, Alexander, 223609347.
Davis, Floyd J., 420586518.
Davis, Glenn R., 441442740.
Davis, Hayward B., 091362412.
Davis, William S., 543508626.
Day, Overton, 052347943.
DeFrain, Dennis A., 506562565.
DePhillips, Terry, 207323296.
DeSantis, James P., 075380222.

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DeVaughan, William, 242780715.
Deal, Clifford L., Jr., 257620845.
Dean, Richard I., 142362670.
Dean, Ward F., 566602485.
Deines, John Mc D., 539403185.
Delaplain, Calvin B., 184366655.
Delisanti, Neal J., 128362466.
Delleo, Michael F. J., 040364757.
Dellomo, John L., Jr., 059346966.
Delo, Lew E., 535426896.
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Denney, Michael E., 455706030.
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Deters, Robert H., Jr., 297384859.
Devlin, Edward T., Jr., 143365799.
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Dewey, Edward J., 557641760.
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Donnell, Alton P., Jr., 364466254.
Donohue, William J., 064363806.
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Doty, Steven E., 233703674.
Douglas, John H., 249782618.
Dow, John P., 019342050.
Downs, Gary T., 551666603.
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Dretzke, Douglas C., 394441653.
Driver, Russell W., 255641759.
Drummond, William T., 539425356.
Du Bois, Joseph E., 560623597.
Ducharme, Jean M., II, 049325549.
Duckworth, Clarence, 429763316.
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Dulin, Stanley L., 401584751.
Dunbar, James D., Jr., 191369544.
Dungey, Robert C., 378405072.
Dunn, Michael E., 523600030.
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Durkin, Robert L., 133389732.
Durso, Anthony C., 138387547.
Dwyer, Leo X., Jr., 013340297.
Dyer, Thomas B., III, 385444799.
Eakin, John T., 204368728.
East, Charles M., III, 239708219.
Eastman, Robert J., 380447428.
Eaton, Chester B., Jr., 008264951.
Eckelman, Arnold J., 131344701.
Economos, Peter, 503468801.
Edgerton, Thomas J., 391387364.
Eggering, William H., 132322563.
Ehrenreich, Richard, 130341597.
Elliott, John T., III, 177384646.
Elliott, Michael C., 261807510.
Ellis, Charles F., 226547272.
Ellis, David R., 294401271.
Ellis, Jeffrey L., 436745466.
Eme, Elwood M., 310463210.
Engberg, Harry A., 504508852.
Engelsman, John D., 437660600.
Eno, Russell A., 001324266.
Epperson, Roger L., 576468662.
Ervin, William J., II, 253684055.
Eschrig, Peter A., 260626463.
Eslick, Jesse A., 446405048.
Estes, Richard D., 521566984.
Evans, Richard N., Jr., 408764383.
Evans, Robert H., 033320148.
Everson, John C., 177383345.
Fabish, Frank J., 170364227.
Fagerstein, James R., 536363335.
Fanning, Steven E., 257684502.
Farley, John B., 227620933.
Farr, Richard S., II, 563647861.
Farrell, Michael V., 372448216.
Farris, Karl, 511441541.
Farris, Robert J., 402604233.
Feige, Edmund F., 071364654.
Felter, George S., 435646573.
Ferguson, Richard T., 264686917.
Fickessen, Jack R., 460762515.
Fielden, Larry E., 492483843.
Finch, Francis N., II, 457707458.
Fincke, Dale E., 450726752.
Findley, James J., 227601920.
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Finn, John P., 173349755.
Finney, Earl H., 548749624.
Fischer, George R., 507520496.
Fischer, Mark R., 372468971.
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Fischer, Todd E., 078347921.
Fishbein, Gary L., 417627542.
Fitzgerald, Arnold, 445440362.
Fitzgerald, Brian J., 153344407.
Fleener, Larry D., 407609071.
Fleig, Franz W., 516466739.
Fletcher, Douglas M., 494483117.
Flora, Russell L., 565622676.
Flores, Thomas V., Jr., 545607892.
Flowers, James H., 452664453.
Foelsch, Richard E., 212449940.
Foley, William J., 143362245.
Fonda, Garrett R., 521603427.
Foster, Terry L., 049347168.
Fouch, Roy E., Jr., 378440446.
Fowler, Garth L., 173343496.
Fowler, James D., Jr., 577606922.
Fox, Gerry L., 410706005.
Fracker, Phillip M., 368462737.
Francis, Claude E., 258645901.
Francisco, Thomas R., 349366478.
Frank, Robert A., 267702111.
Franke, Stephen H., 451688181.
Frazer, Schley J., 401567847.
Frazier, Gary L., 347343165.
Freccia, William F., 148362592.
Frederick, James L., 422580454.
Freeman, Elrie A., 457686286.
Freeman, Frederick, 521602388.
Frey, Jeffrey B., 222269249.
Fried, Bruce J., 477507807.
Friedel, Richard B., 213448704.
Frink, John A., 509447954.
Fronzaglia, Stanley, 200345715.
Fulmer, John A., 201349643.
Funk, Donald J., 164346599.
Gale, John C., 189343372.
Gallagher, Charles, 145342754.
Galligan, Francis B., 244687608.
Gallo, Edward A., 040348700.
Gamm, Jonathan B., 369440233.
Garay, John S., 113345527.
Gardner, Roy, 133349294.
Garland, Bruce F., 149367771.
Garner, Jesse D., 524527405.
Garrett, George T., 564604718.
Garrett, Sol M., III, 429808252.
Garrison, James L. J., 109348937.
Garrison, William F., 466649939.
George, Wayne D., 451703305.
Geraghty, John J., 331361149.
Getchell, James R., 023326768.
Gibson, William A., 574162353.
Gifford, William K., 234709916.
Gilbert, Timothy P., 228564108.
Gilbertson, Michael, 504486941.
Gillrup, Theodore V., 264703105.
Gioia, Philip J., 226621947.
Gipe, George W., 565602616.
Gizzi, Peter J., 153346607.
Gladstone, Richard, 524566796.
Glass, John D., 266661270.
Gleason, Patrick T., 026322075.
Glieco, Michael, 089369024.
Glisson, Henry T., 257642048.
Glock, James H., 183360318.
Goad, James W., 432786695.
Goggans, Milton E., 154341389.
Gokey, Thomas H., 082365976.
Golden, Christopher, 189341219.
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Gonser, William C., 126365224.
Gonzales, Kenneth A., 580924085.
Gooch, Lawrence R., 046363051.
Goodell, Ronald R., 364426521.
Gooding, Richard H., 018343117.
Goodnow, John E., 075380211.
Gordon, Danny M., 456664061.
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Gorgas, Frederick K., 153380740.
Gorka, Paul A., 301363615.
Gorman, Robert L., Jr., 059362766.
Gould, William S., 104368391.
Graham, Curtis C., Jr., 243745128.
Graham, John M. W., 409689870.
Gramlow, Douglas G., 501522984.
Gramze, Robert G., 527624470.
Grappone, Frank R., 009288381.
Grau, Lester W., 461742624.
Graumann, Richard W., 071400772.
Gray, Douglas T., III, 231544877.
Gray, Joseph W., 320360413.
Gray, Phillip W., 215381977.
Green, Dennis W., 523564432.
Greene, Ellis D., 521582361.
Griffin, Edwin N., 407623194.
Griffin, James C., Jr., 068368672.
Griffin, Robert F., 430823760.
Griffith, John S., 464720027.
Griffith, Robert K., 019340716.
Grimsley, Lee E., 422564518.
Grisham, Austin E., 449465395.
Groman, William C., 075380216.
Groover, Dana M., 257665304.
Grosch, David L., 411602114.
Gross, Waymon G., 408704689.
Grove, Stephen K., 368465496.
Grube, Richard A., 153349811.
Grundvig, Peter A., 555589114.
Grunewald, Robert E., 266701937.
Guidry, Herbert, 437628801.
Guignon, Thomas R., 496466359.
Guinn, Stephen R., 467689208.
Gunther, Robert E., 248800275.
Guthrie, Carroll B., 225602138.
Haas, Allen J., 328380192.
Haas, James O., 156349096.
Haas, Michael A., 184361887.
Habig, Leonard P., Jr., 203341645.
Hackman, Emory E., Jr., 228627040.
Hadly, David M., 565624089.
Hadorn, John R., 503503512.
Haeffner, Robert A., 366428623.
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Hagen, Robert P., Jr., 510463521.
Haines, William L., 449760949.
Haisch, William T., 504544608.
Hale, David R. E., 214429443.
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Hall, Gary L., 075380344.
Hall, John R., II, 226586591.
Hall, Michael E., 556687641.
Hall, William R., Jr., 333368205.
Hamilton, Frank H. J., 247768631.
Hamilton, Mark R., 267708989.
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Hamner, Richard M., 421567855.
Hampl, Joseph J., Jr., 469480399.
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Hamrick, Glynne R., 228628076.
Hancock, Thomas E., 432841271.
Hand, Terry D., 171367995.
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Hannah, William N., 258662959.
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Hardee, John T., 262724439.
Hardies, Theo F., 144343939.
Hardin, David, 539387312.
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Hardman, John A., 265703625.
Hardy, John W., 018362790.
Hardy, Michael R., 530284080.
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Harkins, Howard F. J., 401640410.
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Harmon, Larry G., 488487065.
Harr, Gerry A., 543484360.
Harrington, Raymond, 517565690.
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Harris, Bruce A., 093384742.
Harris, John F., Jr., 244587688.
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Harrod, Roger B., 431803584.
Hart, J. D., 457668555.
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Hart, Walter D., Jr., 440468196.
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Hartman, Frederick, 495463661.
Harvey, Robert B., 579542156.
Haseman, Paul B., 228588857.
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Haugen, Robert M., Jr., 534408109.
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Hayes, Brian E., 395428836.
Heath, Raymond A., Jr., 230549368.
Heaton, William P., 537402227.
Hedgepeth, Dale L., 552624392.
Hedrick, Bruce B., Jr., 419601636.
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Hegglin, Terry L., 345367510.
Heimann, Roger T., 075380230.
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Held, William G., 516485600.
Heller, Ulf R., 188325195.
Hellweg, Paul A., 330387677.
Helmstadter, Donald, 160368615.
Helmuth, Donald W., 215442238.
Hemsley, James M., 212467808.
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Henry, Sam S., Jr., 460706698.
Henry, William J., 313367452.
Hensley, Allan L., 570560898.
Henyan, Kenneth A., 054368304.
Herb, Robert D., 127345559.
Herion, George C., 534401182.
Herman, Claude P., 075380247.
Hernandez, Charles, 212448355.
Hersh, Jerome G., 428929603.
Hess, Robert W., 224581420.
Hewett, David K., 226622062.
Heyne, Michael A., 270401856.
Hiatt, Ralph J. W. K., 575482137.
Hickman, Bennie D., 435647485.
Higgins, Warren W., 526624107.
Higgs, James A., IV. 252709549.
Hightower, Thomas C., 426884065.
Hikes, Dale J., 192328810.
Hill, Richard M., 486485914.
Hill, Theodore P., 113348476.
Hill, Thomas R., 224585747.
Hillman, Arthur B. I., 331384506.
Hilton, Whitney J., 453641460.
Hines, Jerry L., 458748305.
Hixson, Robert A., 266709873.
Hoagland, William, 145366937.
Hoch, Joseph F., 315427496.
Hoffman, Lloyd H., Jr., 434661763.
Hogue, Philip A., Jr., 224609150.
Hohman, Loren H., II, 514440801.
Holcomb, Larry D., 230544943.
Holcombe, Abram P. I., 150388375.
Holder, Neville E. M., 401547714.
Hollingsworth, John, 230505303.
Hollis, Robert F., 214447334.
Holmes, William A., 320348871.
Holp, John D., 474445665.
Honzo, Steven G., 167367921.
Hood, Michael A., 465703943.
Hoodenpyle, James C., 538381547.
Hookness, Robert S., 004449014.
Hoover, Timothy A., 372421674.
Hopp, Carl F., 129329990.
Hopp, John, 283845437.
Hopson, Hal R., 434549504.
Horan, Thomas J., 585201556.
Horlacher, Donald R., 492488345.
Horn, John E., II, 276407709.
Horton, David D., 458703957.
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Hoskins, Harry D., II, 269402320.
House, Jonathan W., 291407310.
Housley, George D. 436648140.
Howard, Carrol J., 155327191.
Howells, Robert W. J., 161365790.
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Hubert, George P., 085340502.
Hubshman, Edward R., 156344710.
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Hulshouser, Robert, 191346697.
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Humo, John T., 492461768.
Humphrey, Elbert A., 440428776.
Humphrey, Richard S., 051360617.
Hunt, Robert D., 215443196.
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Hunter, Jack M., II, 522584516.
Hunter, Milton, 459665274.
Hurt, Robert D., III, 439586078.
Hutchinson, Milford, 214443092.
Huyck, Dennis W., 483509117.
Hyde, Gary L., 389463555.
Imes, James D., 258661490.
Izzo, Lawrence L., 103362861.
Jackson, James F., 081364282.
Jackson, Joseph P., 250624763.
Jackson, Louis M., 425900377.
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Jacobus, Karl H., 228602420.
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James, Francis E., 219482149.
James, John R., 562587833.
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Janis, Stanley R., 258686049.
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Jedrykowski, Joseph, 504409099.
Jenkins, James G., 223629018.
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Jester, James L., 585120949.
Jiede, Gregory E., 332366389.
Jimenez, Gilbert C., 274407910.
Jinks, Daniel W., 452767725.
Joe, Ronald M., 263640011.
Johnson, Dean A., 317441547.
Johnson Eliot R., 480526595.
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Johnson, William R., 036281258.
Johnston, Donald P., 421587820.
Jones, Bruce C., II, 224623326.
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Jones, George, Jr., 266728631.
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Jones, Richard A., 185368711.
Jones, Robert E., 535403162.
Jones, Shelton J., Jr., 497465430.
Jones, Wilbur S., Jr., 233687634.
Jones, William E., 272349343.
Jordan, Edwin N., Jr., 422569345.
Joseph, John K., 325368488.
Kasper, Lewis P., 524563097.
Kathmann, Ronald J., 276441792.
Kaufmann, Richard B., 016326682.
Kaul, Michael A., 520424819.
Kearney, Timothy L., 299387376.
Keck, Chad W., 204363449.
Keck, Robert C., 149366771.
Keenan, Robert E., Jr., 519505770.
Kellenbenz, George, 186346330.
Kelley, David H., 502426635.
Kelley, Michael D., 075380309.
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Kellner, Wayne A., 509465547.
Kellogg, Joseph K., 571647304.
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Kelly, Needham N., Jr., 230563936.
Kelly, Raymond A., Jr., 089347455.
Kemble, Raymond E., 081361564.
Kempf, Michael C., 312428121.
Kenney, Michael J., 041368420.
Kent, Stanley C., 313480678.
Kern, Paul J., 154345577.
Kerr, Donald A., 146323936.
Ketter, Terry L., 563642763.
Kettrick, James F., 164368472.
Key, Thomas D., 459649981.
Kiekhaefer, James S., 299382175.
Kieronski, Joseph A., 323402094.
Killberg, Eugene L., 072340827.
Kimura, Ty H., 576422907.
King, David H., 011345273.
King, Kasey K., 451744407.
King, Laird R., 518489304.
Kinman, Leroy E., 404448488.
Kinnard, Randall L., 408725451.
Kinney, Lloyd P., 529622254.
Kiper, Richard L., Jr., 434688746.
Kirk, James W., 116344584.
Kirk, Larry B., 461649224.
Kirkpatrick, Lyman, 226564018.
Kishiyama, Michael, 564628019.
Kjonnerod, Leif E., 141386385.
Klaver, Robert P., 369444708.
Klimas, Ronald E., 320389884.
Klinger, Michael E., 494486332.
Knapp, George R., 145369585.
Knapp, Robert E., Jr., 069347967.
Knight, Frank H., 532441445.
Knight, Jerry L., 560521898.
Knight, Richard S., 199346436.
Knowlton, David L., 539662052.
Koch, William P., 569628998.
Koelle, Richard C., 479528055.
Kohls, Kenneth E., 283401247.
Kolesar, George F., 274401049.
Komar, Robert T., 399381217.
Komblevitz, Andrew, 380449025.
Konopka, Michael A., 171348471.
Koons, Richard C., 501503335.
Korkalo, Roy E., 516483564.
Koup, Howard D., 203342246.
Kraft, Carlan J., 501469870.
Kraus, Kent E., 059349107.
Krause, Albert A., 223567772.
Krause, Peter B., 045327681.
Krebs, Charles A., Jr., 228584848.
Kreger, Frank H., III, 295362577.
Kromer, Robert A., 287386967.
Krout, Homer L., III, 226543988.
Krsnak, Jimmy, 504525093.
Krug, Samuel R., 172401695.
Krupansky, Joseph A., 226605701.
Kucera, Peter G., 224608373.
Kuehn, Robert J., 361362594.
Kuhlman, Jimmy F., 448463017.
Kuhns, Michael F., 342366558.
Kujawski, Steven W., 075380244.
Kujawski, Walter R., 166365039.
Kullman, Stanley G., 089363566.
Kunihiro, Dean M., 532409275.
Kurtyka, Steven T., 032329718.
Kush, Michael F., 351365118.
Kuspa, John P., 075380241.
Kuykendall, Joseph, 234689678.
Kyttle, Frank J., 063366365.
La Belle, Gary L., 366440618.
La Bouliere, Richar, 015345180.
La France, Robert H., 036285131.
La Frentz, James W., 334343158.

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La Raia, Robert F., 091369054.
Lacey, Michael J., 521547907.
Lach, Herbert F., Jr., 146368555.
Lambert, Eugene, 212421441.
Lambert, Michael O., 215422902.
Lampton, Michael R., 533400556.
Lancaster, Henry W., 412705622.
Lancaster, John W. I., 404603777.
Lancaster, Michael, 318383563.
Landers, Paul W., 408726672.
Landgraf, John B., 285380867.
Landis, George A., 272341932.
Landis, Richard G., 344366200.
Lane, Roderick L. II, 259685100.
Lange, William A., Jr., 162389257.
Langlois, William M., 395429230.
Lanyi, Thomas, 075380900.
Larson, Lee W., 557640147.
Larson, Richard G., 517465496.
Lascher, Michael F., 075380260.
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Laubecher, Ralph G., 311408549.
Lauderdale, Charles, 460661498.
Lauer, Ronald A., 046364358.
Lawrence, John T. II, 257640380.
Laws, Jerry L., 461682040.
Legg, George F., 412709625.
Lennon, Leo A., 036289123.
Lenz, Robert J., 47048742.
Leonard, Winston S., 246664607.
Leonardi, Kenneth J., 084367748.
Lestori, Anthony, 188342877.
Levine, Alan B., 009309372.
Levitz, Jack M., 052342756.
Lewis, Dennis R., 212463440.
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Lima, Paul E., 016345295.
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Linik, Frank J., 014361616.
Lininger, Kenneth G., 161388021.
Linke, Howard T., 566587181.
Linn, Michael W., 224644980.
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Littlefield, Neil P., 054362570.
Locke, Edward J., 003425687.
Lockhart, Harold D., 253609767.
Loftin, Davis H., 431807999.
Loftin, William D., 429821320.
Loosbrock, Gene F., 476486508.
Lo Pinto, Robert A., 097369782.
Love, Robert J., II, 415727944.
Lovelace, George B., 446425850.
Lowrey, Robert W., 272363752.
Lowrey, Willis Free, 240729508.
Lowry, Gerald D., Jr., 411726184.
Loyola, Mario A., 581981539.
Lucas, Everett D., Jr., 075380225.
Lucas, Steven W., 222283624.
Luedeke, James G., 076381731.
Lunde, Eric D., 226609849.
Lupton, George P., 239726012.
Lutes, Stephen R., 219400672.
Lydon, Thomas P., 062384181.
Lynn, William R., 265701438.
Mac Donald, William, 140387514.
Mac Donough, Bryan, 535402121.
Mac Farlane, Fredri, 381421332.
Mac Lachlan, James, 511444904.
MacPherson, Donald, 270385500.
Mabie, Gordon W., 250624406.
Mackerer, John C., Jr., 381461014.
Maddan, Jack H., Jr., 555604964.
Madsen, Jeffrey R., 501484945.
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Mahle, Clarence E., 247725565.
Mahoney, Brian E., 026367205.
Major, John L., Jr., 231549374.
Malloy, Michael, 292406788.
Malphurs, Rowan D., 005441242.
Malvesti, Richard J., 021365443.
Manguso, John M., 262822142.
Marek, Paul M., 344348842.
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Maron, Andrew W., 555644386.
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Marshall, Wayne, 021349946.
Martin, Russell M., 559627544.
Martin, Timothy R., 161387050.
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Mason, Danny L., 417569587.
Mather, Walter E., Jr., 415720234.
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Mattes, David J., 195341858.
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Mayfield, Truman M., 252628103.
Maynard, Jeff E., 016366350.
Maytubby, Lymon J., 447426902.
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McArdle, John C., Jr., 369400178.
McBride, Michael B., 235683856.
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McCloskey, Robert, 220346273.
McClure, James M., 305485938.
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McGarrahan, John R., 361346546.
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Meline, Arlen C., 468561271.
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Menzel, William M., 389443106.
Mercer, Donald L., 585209281.
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Mikula, John E., 275400320.
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Minnich, Tim I., 162368143.
Minnick, Cole W., Jr., 419582779.
Misurek, Gerald S., 389428169.
Mitchell, Robert W., 573560130.
Moffa, Francis J., II, 203349476.
Mohler, Ralph G., 294388014.
Moler, Charles F., 236648607.
Moller, Elmer R., III, 519421387.
Molnar, Gerald J., 299369799.
Monette, Theodore A., 026345007.
Monroe, Richard L., 224543674.
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Montague, Charles D., 253667212.
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Montgomery, Waldo W., 223588022.
Moody, James L., 431768062.
Moody, William S., Jr., 432748440.
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Mooney, Joseph J., Jr., 237682861.
Moore, Edward G., Jr., 229545314.
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Moren, Jan W., 024324676.
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Muhl, Sebastian, 340347036.
Mulhern, Michael L., 482525536.
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Munhall, Robert G., 204326576.
Munson, Edward F., 190386195.
Murfee, Walter L., II, 421602315.
Murphy, Charles B., 416585523.
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Murrell, John H., 437689275.
Murrill, Robert D. J., 215462247.
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Mydland, Mervin J., 520449158.
Naftel, William H. J., 424584121.
Nahas, Albert J., 226609118.
Naples, Ronald J., 154342013.
Nase, Daniel R., III, 231560559.
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Newman, George E., II, 401620366.
Newton, John E., 417607012.

Nickerson, Barry E., 267703831.
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Noriega, Ismael, 124325112.
North, John C., 073384236.
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Nowak, Norbert, 532429958.
Nowels, Jerry L., 273407113.
Nowlin, James M., 197347194.
Nuzzi, Norman S., 122349769.
Obeirne, James H., 131349759.
Obert, Jack E., 516520117.
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Obyrne, Michael D., 256702992.
O'Connor, Joseph E., 098341654.
Officer, Alvin D., 511448929.
O'Hara, Kerry L., 123366442.
Ohl, William C., II, 146363975.
Ohlson, James D., 399362373.
O'Keefe, James G. M., 056340257.
O'Keefe, Michael F., 178344970.
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Oliva, Stephen A., 039287030.
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Olson, Alan D., 022344301.
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Oram, James W., Jr., 171385021.
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Orr, Raymond J., 225583928.
Ortiz, Miguel A., 581829048.
Orvold, Theodore S., 147348675.
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Ouellette, John R., 018348794.
Oughterson, Clark S., 056369316.
Overbaugh, Harold L., 090362199.
Overcash, Clyde S., 238721303.
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Owens, Jerry C., 238547609.
Pagan, Maximino, Jr., 062341023.
Pais, Randall M., 232705633.
Palmer, Frederick E., 224585028.
Palmer, Nielsen R., 354364157.
Palumbo, Michael, 295381874.
Pangle, Victor C., II, 075380315.
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Park, David J., 548607797.
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Parker, Burton G., 036322986.
Parker, Charles W., 242821527.
Parker, Douglas C., 528523033.
Parks, Mayo B., Jr., 143344760.
Parr, Thomas J., 455703386.
Parratto, Stephen L., 191367871.
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Partridge, David M., 552626851.
Passen, Lewis M., 431829413.
Pate, Charles W., 421608871.
Patella, David F., 163363648.
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Pearce, David K., 220407321.
Pearson, Roy M., 506462427.
Peckinpaugh, Dennis, 585073388.
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Penland, Robert T., 238665158.
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Perez, Charles E., Jr., 147327158.
Perinetti, Leonard, 113344403.
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Perry, Frank M., 420582023.
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Petrie, Thomas A., 024348403.
Petruzel, William F., 226609750.
Pettit, Thomas C., 103363711.
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Philips, Malcolm H., 574164999.
Phillip, Joseph Pet, 079346219.
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Pierce, David W., 029360076.
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Pigman, Dean A., 522583330.
Pilcher, Michael P., 343340463.
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Pittenger, William, 288404532.
Plaschkes, John D., 098367711.
Platt, Richard W., Jr., 155343684.
Platt, William T., 303449608.
Poe, Charles E., Jr., 436649446.
Poley, Robert L., 522584455.
Pollitt, William A., 219404966.
Pollok, James L., 244700031.
Ponikvar, Ronald M., 295382042.
Porter, Edward N., 273384056.
Porter, Ray E., III, 246707599.
Portney, Robert L., 255689299.
Posey, Charles R., 488466408.
Potts, Gary H., 456727220.
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Probsdorfer, James, 197386880.
Proctor, James E., 250767113.
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Ramseth, Robert J., 532422160.
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Rankin, Charles M., 258669261.
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Rauter, Thomas C., 291387577.
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Redman, Michael C., 531387278.
Rees, William C., 219424627.
Refsland, Earl R., 087342470.
Reinecke, Kris C., 476465860.
Releford, Richard D., 521602901.
Renner, George R., 527647611.
Reppert, John C., 328346191.
Respess, Gordon H., 252741981.
Rettig, Robert W., 272403051.
Reymann, Louis H., 288401066.
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Ricciardulli, Rober, 143362824.
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Ritchhart, Peter J., 52660308.
Ritter, Gary G., 502542388.
Rivers, David P., 404605212.
Roberts, James E., 413704470.
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Robinson, Gus B., 467664128.
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Rodriguez, Benjamin, 557565230.
Rodriguez, George A., 585147624.
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Roedel, Frederick C., 363383414.
Rogers, Charles R., 137344131.
Rogers, William P., 152341937.
Rohaly, Andrew S., 211340034.
Rollow, John A., IV, 430803941.
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Rominsky, Stephen A., 256644949.
Root, Joseph E. III., 075380259.
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Russell, Paul T., Jr., 256662320.
Russell, Robert C., 530340638.
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Russell, Tyrone, 249765418.
Russell, Wilson A. J., 247766311.
Ruth, Lorry R., Jr., 415708949.
Ruthven, Arlin C., 428868629.
Saikowski, John J. J., 189343932.
Saine, James H., 250729217.
Sakach, Paul A., 178365007.
Sakas, Karl D., 154343664.
Salverson, John J., 574144702.
Samuels, Gregory E., 307489805.
Sanders, Edward B., 110323966.
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Sargeant, James R., 289381729.
Sarlin, Raymond W., 527601505.
Sasso, Claude R., 331361167.
Saucier, Walter J. J., 441761171.
Savory, Carlton G., 527728958.
Saxman, Gene A., 161361894.
Sayes, Thomas H., III, 214442585.
Schaefer, George A., 268407043.
Schaible, Raymond A., 175361338.
Scherer, Robert J., 126348644.
Schick, Melvin E., Jr., 356363708.
Schimpf, Roger L., 328325645.
Schjeldahl, Roger A., 533364647,
Schlatter, Joseph A., 410728122.
Schoenborn, Robert, 491465723.
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Schreiner, Steven C., 522603851.
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Schweikert, Carl W., 352383342.
Scott, Leonard P., Jr., 264749595.
Scott, Peter F., Jr., 220420935.
Segal, Robert L., 153364196.
Segesman, Ben R., 567628229.
Segraves, Michael T., 314445786.
Seifers, Charles B., 530245346.
Selecky, John R., 383466401.
Sellars, Robert L., 262720964.
Sestric, Michael J., 266582009.
Severson, John E., 501509450.
Seward, Douglas J., 289388835.
Seyfer, Alan E., 432784695.
Shanks, William H., 497489253.
Sharkness, William, 172344037.
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Shea, Peter J., 039287416.
Sheldon, Donald J., 535384196.
Sherman, Stephen A., 461707372.

Shirilla, George, 298385029.
Shotwell, Rand K., 459747722.
Shumate, Rufus H., Jr., 224589063.
Sides, Richard G., 203347265.
Siegel, Jay H., 096346146.
Siewert, James A., 471508877.
Siket, James Ronal, 287403774.
Silvey, Donald K., 577609306.
Simek, Joseph R., 526608768.
Sims, Benjamin A., 527444540.
Sirutis, Alfred J., 085321247.
Sither, Charles R., 404581543.
Skidmore, Jack M., 278382518.
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Slough, Russell E., 467660896.
Smith, Charles H., Jr., 077368791.
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Solomon, James L., 256644779.
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Sparks, Gene D., 467669770.
Spear, Robert K., 044345332.
Spears, Ralph C., 569689575.
Spence, William B., 492483072.
Spencer, Robert E., 298408976.
Spielbauer, Joseph, 555587479.
Spincic, Wesley J., 173363140.
Spinello, Michael T., 047348720.
Sporleder, Emil J., 324380521.
Spring, Sherwood C., 038282575.
Sprinkles, Leonard, 572661735.
Sprouse, Timothy D., 423623255.
St. George, John H., 133347549.
Stacy, Aubrey B., 429862551.
Stallard, Larry H., 230620509.
Stancil, Charles M., 257681779.
Starbird, Courtney, 574146740.
Sark, Dale William, 561641431.
Sark, Jeffrey A., 112329850.
Starr, Douglas H., 401587437.
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Stave, Clark A., 472509205.
Stearns, Lester C., 416605329.
Stearns, Sherman C., 453742671.
Steele, James J., 270420795.
Steele, William M., 252700433.
Steere, Myron S., III, 512462519.
Steers, Howard J., 134382607.
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Stein, Alfred G., 059367772.
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Stephens, Bennie M., 253744694.
Stephens, L. Dale, 532384547.
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Stillwell, Joseph W., 101344914.
Stock, Joseph P., Jr., 526663013.
Stock, Michael L., 361440612.
Stolz, Anthony L., Jr., 393443631.
Stone, Riley M., Jr., 569544354
Stone, Virgil W., 444449083.
Strange, John J., 228564487.
Strange, Robert G., 422681348.
Stratton, Robert A., 431788617.
Straub, Christopher, 059345084.
Streit, Charles W., 510463165.
Striegler, Thomas L., 455706019.
Stroebele, Jerald A., 230543984.
Stromberg, Robert N., 536360444.
Strong, Kenneth D., 075380224.
Stulce, Terry F., 415787318.
Suit, Danny Gordon, 247723484.
Sullivan, Calvin F., 463680295.
Sullivan, Edward A., 219447331.
Sullivan, Lee J., 066368306.
Sumera, Ronald R., 110365698.
Summers, Peter P., 355322529.
Sutten, Charles G. J., 535428285.
Sutton, James C., 410725359.
Swanson, Charles H., 565643785.
Swett, Thomas N., 004446311.
Swier, Richard M., 492488121.
Szymanski, James G., 130348568.
Takahashi, Daniel T., 576423067.
Tanaka, Rodney S., 575446245.
Tankersley, Milton, 265687171.
Tankovich, James A., 300388267.
Tanner, John S., 259645179.
Tarbutton, Thomas R., 222282098.
Tasillo, Thomas J., 044368209.
Tatum, Howard R., 405608358.
Taylor, David G., 562605624.
Taylor, David W., 432789294.
Taylor, George L., Jr., 453703535.
Taylor, Harry O., 165324094.
Taylor, Larry L., 410649141.
Taylor, Robert H., 258666150.
Taylor, William J., 123346443.
Teel, Eric R., 240662977.
Temple, Ronnie L., 228586849.
Tepe, Kurt L., 570489177.
Terrell, Happel D., 585075061.
Terrell, Richard D., 449609328.
Terrell, Robert L., 432829294.
Terry, Joseph G., Jr., 329383699.
Tetreault, Gerry E., 535421167.
Thacher, Stephen L., 389445888.
Thacker, Wallace P., 408700072.
Thaller, Patrick W., 05364792.
Thatcher, Leslie D., 371443755.
Theis, Joseph C., 030346083.
Thibedeau, Robert J., 469505075.
Thiltgen, John W., 479545162.
Thomas, Bernard P., 193360129.
Thomas, Charles S., 557609127.
Thomas, Daniel W., 244649675.
Thomas, Everettss, III, 231526612.
Thomas, Frederick H., 212447431.
Thompson, Edwin R., 496485705.
Thompson, John A., 039285334.
Thompson, John L., Jr., 230803778.
Thomson, John E., 082341090.
Thornton, Thomas N., 057369058.
Threadgill, Gerald, 176361533.
Tieman, Marvin L., 491501747.
Timm, Henry P., Jr., 457765182.
Tindall, John R., Jr., 411701967.
Tipton, Edward N., 523587835.
Toch, Maximilian, 071244758.
Todd, James M., 231562472.
Toelle, Steven A., 520507732.
Tolbert, Larry D., 459684189.
Toledo, Richard B. V., 575463428.
Toneatto, Giuliano, 053363810.
Trainor, Charles W., 198345981.
Traub, Timothy J., 14343658.
Traxler, James H., 519569100.
Traynham, John C., 458688621.
Treneman, Bayard A., 535425985.
Trepeta, Michael A., 099360773.
Trevathan, Louis B., 249767251.
Trigg, Thomas K., IV, 139362947.
Trotter, Donald W. J., 214448693.
Trotter, Jesse, J., Jr., 270387277.
Truesdale, Albert J., 248727181.
Trusko, Peter A., 553682113.
Trzupek, Eugene W., 331362980.
Tucker, Carlos L., 418544685.
Tucker, Harry A., Jr., 523561116.
Tucker, John P., 273405962.
Tuerke, Theodore R., 181305284.
Turrell, Robert C., 207348743.
Tye, David L., 252646486.
Tyson, Tony, 226546649.
Uberecken, Henry M., 475527319.
Umeda, David I., 575443530.
Umrichin, Alex N., 094365786.
Unterbrink, Robert, 234662464.
Unwin, Douglas A., 337365040.
Uetcht, Kenneth J. J., 469504253.
Valentine, Michael, 303486114.
Van Allan, Richard, 055362838.
Van Denburgh, Roy W., 538402310
Vance, James O., 410680483.
Vander Tuin, Ronald, 547645964.
Vannah, William D., 022347741.
Vasilion, Pete G., 377441660.
Vasvary, Miki P., 259669209.
Vaughan, Lawrence W., 496527129.
Veliz, Leonard B., 457685828.
Verbonich, Mark J., 148362676.
Vest, Herbie D., 467662349.
Viney, George S., 228627048.
Visconti, Joseph, Jr., 267741451.
Visel, Fred, 270400514.
Vissers, Christian, 142343791.
Vlasics, Robert F., 178345809.
Voightritter, Ronald F., 369466069
Voisine, Victor K., 370364893.
Von Pawel, P., 065361534.
Von Trott, John T., 207361310.
Vowell, William O., 420583616.
Waddle, Harry I., Jr., 420567285.
Wadsworth, John L., 229564154.
Waggener, Harold S., 409741742.
Waghelstein, Michael, 217448717.
Walden, James L., 255685686.
Walker, Harold S., II, 077368252.
Walker, Jerry D., 506502627.
Walker, Robin A., 575444445.
Walker, Wallace E., 357346033.
Wall, Henry G., Jr., 166741588.
Walsh, Leo E., 321381900.
Walter, Thomas M., 302346586.
Walters, Daniel L., 288401285.
Waltner, John C., 491481506.
Waltz, Roger W., 309489194.
Walz, Robert D., 503483296.
Walzel, Ronnie W., 462663146.
Waraksa, Thomas J., 192322735.
Ward, Clifford R., 561681984.
Warga, Russell M., 125369954.
Warner, James M., 097346196.
Warren, Michael H., 075380243.
Warshawsky, Arnold, 085365993.
Washabaugh, Daniel, 570509294.
Waterbury, Irving B., 278387033.
Waterman, Richard E., 002322449.
Watkins, Richard D., 269648144.
Watkins, Stuart H., 266801510.
Watson, David H., Jr., 536420686.
Watson, Don R., 464725501.
Watson, Ronald L., 462729563.
Watts, George W., III, 266726882.
Way, Richard E., 352362610.
Weakley, Benjamin L., 217446404.
Weaver, James G., 508501262.
Weaver, John L., 407623118.
Webb, Charles H., 417489029.
Webb, Myrt W., Jr., 563567486.
Webber, Stephen B., 420625381.
Webster, Daniel B., 402549395.
Weidinger, Thomas H., 220404905.
Weintritt, Wallace, 453664220.
Weitz, Ronald L., 075380904.
Welch, Dennis E., 518448376.
Weller, James M., 075380231.
Wells, Daniel F., 231606519.
Wells, Daniel R., 156342577.
Wells, Peter D., 212468517.
Wentzel, Sealon R. J., 187349370.
West, Ross D., 075341814.
Wetterstroem, Robert, 375429307.
Whaley, Bobby G., 232648837.
Whitaker, McKenzie, 229540799.
Whitaker, William E., 016348775.
White, Emett R., IV, 213446149.
White, Frank L., Jr., 103302829.
White, Leslie M., 440441678.
White, Robert G., 175367598.
White, Thomas E., Jr., 370444712.
Whiteacre, Kenneth, 010324738.
Whitley, Kenny W., 464668202.
Whitney, John L., 556585951.
Whittle, Claude N., 266566798.
Wicke, John M., 243681794.

Wideman, John C., Jr., 246669798.
Wikert, Gary A., 482566255.
Wilby, William L., 460746607.
Wilcomb, Bruce E., 145364819.
Wilcox, Reginald B., 008342984.
Wilgus, William D., 134343293.
Wilhelm, Thomas D., 269405781.
Wilkins, Daniel B., 223581631.
Wilkins, Kemper M., 482521000.
Wilkinson, William, 299381615.
Williams, Forrest D., 530286456.
Williams, George F., 224508447.
Williams, Kenneth E., 406585195.
Williams, Michael J., 255702301.
Williams, Robert K., 068368735.
Willis, William W. J., 406640149.
Willoughby, Lonny R., 540463999.
Willoughby, Michael, 574165480.
Wilson, Gerald P., 174347802.
Wilson, James L., 317482860.
Wimert, Michael C., 215441684.
Windeler, Jack A., 574160898.
Winkel, Raymond J. J., 219429304.
Winton, George B., 075380232.
Winton, Michael C., 539424203.
Wisdom, Jerry L., 450644915.
Witherspoon, Larry, 432682924.
Witt, James B., 518502403.
Witt, Kay B., 536427461.
Wojciechowski, Henry, 200343254.
Wojcik, James A., 064385570.
Wolfe, Donis R., 415743992.
Wolke, Nelson L., 295440257.
Wood, Jack B., 185340365.
Wood, James H., 461729790.
Woodruff, Robert F., 288365817.
Worff, Herbert H., Jr., 458621474.
Wright, Nelson B., Jr., 175364423.
Wright, Thomas E., 181369275.
Wrisley, David B., Jr., 351381022.
Wynkoop, Ricky V., 286363855.
Wyro, Peter L., 448669116.
Wysocki, Robert A., 106342748.
Yambor, Steven P., 380422364.
Yankus, John A., 102368667.
Yap, Michael W. L., 575486783.
Yates, Clyde P., 205347743.
Yim, Gordon T. K. K. S., 575448868.
Young, John R., Jr., 545488807.
Young, Robert M., 195366164.
Young, Rodney W., 580054143.
Young, Stephen H., 519505055.
Young, Stephen T., 194360153.
Youngs, Larry A., 161386843.
Yuguchi, Tadashi G., 556602899.
Zapletal, Robert C., 089345389.
Ziemke, Jack A., 102380035.
Zimmer, Thomas E., 276365938.

WOMEN'S ARMY CORPS

To be first lieutenant

Kent, Elizabeth N., 254607253.
King, Karen K., 445483906.

MEDICAL SERVICE CORPS

To be first lieutenant

Andrews, Kevin R., 465689711.
Bakios, Stephen N., 568660911.
Barrett, John A., 178343567.
Bobb, Dale C., 535421207.
Bolyard, Marshall K., 075380215.
Bosworth, Anthony B., 444469343.
Bosworth, Weldon S., 020321078.
Braendel, Douglas A., 169321571.
Branyon, James S., 226581515.
Brown, Frederick B., 037285914.
Brown, Samuel A., Jr., 248827994.
Cage, Lee E., Jr., 036288234.
Caraway, William C., 257661189.
Casull, Brian H., 288404738.
Champion, Charles H., 258689479.
Cheek, Jack W., 250723885.
Childs, Ronald P., 126365867.
Clark, Jeffrey R., 503505990.
Clemons, Donald E., 430802823.
Coppin, David F., 528549532.
Cornett, Jesse R., 406560770.
Costanzo, Joseph J., 156342312.
Crow, James L., Jr., 260703115.
Dicey, Bruce B., 378420657.
Edgette, Peter J., 110300623.
Evans, Otis D., 463689508.
Fields, Richard S., 585121326.
Fleming, David C., 337345163.
Fox, John W., 008288109.
Fulbright, Larry R., 454622275.
Garden, David E., 371423612.
Gaston, Gary Wolfgang, 428887933.
Griffin, Bruce N., 224643967.
Gunderson, Ronald B., 220427544.
Hanelt, Peter G., 557581405.
Hardman, James R., 210365069.
Herndon, Michael E., 237684427.
Holland, Frank B., 230568196.
Johnson, Thomas F., 427927042.
Jones, John K., 225600261.
King, Robert D., 441443631.
Kokubun, Raymond Y., 576442465.
Lavigne, Jeffrey E., 156323909.
Lavoie, Dennis M., 003349545.
Levenberg, Stephen, 231581403.
Lewis, George E., Jr., 267665992.
Longley, Jack W., 483426756.
Lonon, James C., 414761366.
Manning, George S., 528509210.
Martin, Ronald S., 227465049.
McConnaughhay, Douglas, 404563144.
Meier, Ernest L., 502481745.
Meyer, Dennis E., 516489014.
Miles, Ronald D., 458662734.
Miller, Allan J., 558623709.
Miller, Allan R., 061328981.
Nikolich, Francis M., 187322201.
Nowakowski, Robert, 064389091.
O'Byrne, Stuart A., 360345906.
Payne, Glen C., 453727425.
Peacock, Clayton W., 259640697.
Potter, Laurence A., 451704856.
Rawlings, James S., 226565619.
Scheer, Eddie F., 457668023.
Schmuck, Dale A., 503443379.
Serrani, William P., 137341197.
Spears, Emerson L., 429467068.
Stockand, David B., 532444781.
Stripling, Verlon, 451702246.
Strobel, Fred H., 048323203.
Sullivan, Michael F., 166344835.
Taylor, Harvey G., Jr., 459687088.
Thompson, Jerry F., 510363058.
Tousignant, David P., 047344464.
Tyler, James M., 517480965.
Varnado, Jimmie W., 436741760.
Vinson, William W., 259660133.
Walters, Michael J., 575502074.
Weber, Stuart K., 539428342.
Weed, Roger I., 541480437.
Williams, James N., 330363642.
Wolcott, Barry W., 049343424.
Woodward, Ronald L., 408565941.
Zyski, Richard A., 226585592.

ARMY MEDICAL SPECIALIST CORPS

To be first lieutenant

Bell, Clyde H., Jr., 263667601.
Guy, David P., 102366140.

ARMY NURSE CORPS

To be first lieutenant

Brown, Dorothy N., 426887135.
Burnett, Corrine, 094349686.
Dollander, Lowell T., 477507893.
Kosik, Janet A., 172342610.
Maloney, Joseph P., 168320435.
McManus, John G., 051341032.
O'Connor, Stephen J., 514424309.
Poduszczak, Edward, 148308995.

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be major

Jones, William D., 520–38–0660.

To be captain

Butler, Eulous S., Jr., 252–54–7757.
Howard, Jimmie B., 009–24–8279.

To be first lieutenant

Bernier, Barre S., 213–42–7015.
Casey, Elmer M., Jr., 340–36–6004.
Herman, Claude P., 075–38–0247.
Kinane, Thomas J., 131–32–7423.
Piskun, Walter S., Jr., 058–34–0910.
Redmond, John, III, 551–64–6731.
Salander, James M., 009–30–0537.
Seyfer, Alan E., 432–78–4695.

To be second lieutenant

Schweitzer, George W., 137–38–1344.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code sections 3283 through 3294 and 3311:

To be major

Dehrkoop, Clinton B., 525–60–1961.
Hall, Everett R., 539–22–3964.
Keilman, Richard A., 308–28–4665.
Miller, Joe H., Jr., 579–42–9776.
Wiegand, Lynn W., 460–64–1855.

To be captain

Anderson, Warren T., 188–32–5825.
Avery, Wesley B., 237–62–2687.
Bellizzi, Ralph, 104–30–5781.
Bird, Victor R., 523–46–2054.
Black, Joel W., 250–62–9615.
Boglarski, Stephen P., 047–30–6521.
Booker, John P., Jr., 427–66–0062.
Boznak, Rudolph G., Jr., 368–38–6959.
Brock, Donald E., 003–20–4355.
Bronshvag, Michael M., 127–30–1543.
Brown, Bud R., 509–28–1730.
Codd, David R., 100–22–1565.
Denniston, Joseph C., Jr., 215–38–7435.
Donahue, John J., 016–26–2174.
Ferguson, William W., 249–44–6293.
Gauze, James E., 503–30–2178.
Goodbold, Gerard A., 289–32–8574.
Grantham, Melvin M., Jr., 425–74–2503.
Halvorson, Gerald W., 501–38–5093.
Hart, James A., 375–40–0089.
Hill, Dennis L., 562–56–1461.
Hill, George F., 505–46–7775.
Jamison, Richard C., 361–28–6357.
Jernigan, Cecil L., 486–38–4363.
Jordan, Clifton D., 417–32–5266.
Kinard, Walter D., 258–48–0241.
Lentino, Jorge A., 214–58–3863.
Lewis, Marlin R., 392–30–2797.
Mack, Margaret M., 011–24–8146.
McMahan, William J., 433–66–3281.
Pottle, Lloyd ES., 004–38–1913.
Privette, William G., III, 036–26–1339.
Reardon, Michael J., 285–36–7858.
Schiermeier, John J., 492–36–3401.
Sims, Donald J., 310–34–5016.
Stewart, Thomas C., Jr., 248–64–2654.
Toomey, Francis X., 158–24–6310.
Ward, Stewart R., 516–36–6124.
Webb, Arthur M., 410–66–6260.
Whitehurst, Edward R., Jr., 413–50–5911.
Woodyard, Stephen G., 541–40–6928.

To be first lieutenant

Adams, Ben P., 413–72–4602.
Ball, Roy, 451–64–2471.
Bosetti, Larry G., 208–32–2771.
Brooke, Paul P., Jr., 104–32–9861.
Brown, Nolan H., 450–68–1383.
Bumanglag, Carlos J. C., 575–42–3143.
Cabot, O. H. Perry, 028–32–0957.
Campbell, John D., 414–66–1196.
Carr, Stewart D., 533–38–3093.
Carter, Cleo, Jr., 255–60–6642.
Churchwell, Thomas E., 249–62–9740.
Clark, Michael R., 504–46–0813.
Clegg, Douglas W., 256–68–7953.
Coates, Edward J., 493–38–9576.
Cote, William D., 379–40–3400.
Daino, Gerald A., 573–50–8050.
Daprato, Norman P., 029–30–6081.
Davidson, Jay P., 522–52–2298.
Defazio, Vincent G., 111–28–3196.
Devoe, Smith A., 265–56–9292.
Drolet, Robert A., 032–30–1642.
Elley, George D., 503–40–5484.
Filson, James W., 444–42–0544.
Fite, Donald R., 467–64–6178.
Kortner, Robert W., 531–36–7871.
Gebott, Bradley W., 377–40–9150.
Green, Louis C., 434–62–8539.
Herbaugh, Marvin O., 230–56–7147.
Hoff, Randy E., 480–52–0162.
Holborn, Alden J., 573–64–2570.

XUM

Hollowell, Paul C., II, 254-60-1538.
Hutto, Robert W., 417-58,7849.
Jacques, Stanley H., 041-34-1694.
Kealy, James T., 127-28-0411.
Keldsen, Donald L., 567-62-2610.
Keller, Larry J., 437-66-3810.
Kelley, Richard T., 029-30-7306.
Kittredge, Albert A., 001-28-7613.
Kraut, Richard A., 071-34-6013.
Konkle, Thomas E., 384-34-2735.
Kunz, Lawrence L., 533-42-8333.
Landers, Curtis H., 426-84-0162.
Leinen, Robert D., Sr., 115-28-8635.
Lloyd, Herbert J., 432-64-0724.
Marcotte, Jerome J., 354-34-2933.
Marquitz, Robert E., 346-32-4454.
McDowell, Earl C., 467-64-6770.
Metcalf, Eugene E., 299-38-8325.
Moster, Stephen A., 307-46-9275.
Nelson, Carl C., 389-42-9815.
Nicholas, Thomas J., 358-34-0152.
Oatway, David M., 570-62-9520.
Pescatore, Edward A., 157-32-3280.
Pickens, William E., Jr., 446-42-5832.
Place, Tyrus W., Jr., 380-40-2572.
Potter, Luther L., Jr., 243-60-3683.
Rudolph, Jack M., 197-32-8140.
Sagar, Marvin E., 280-42-1139.
Saul Joseph H., 374-44-3183.
Schemm, Christopher M., 516-40-7013.
Schneider, Richard L., 479-48-5290.
Sellers, Maurice E., 302-28-5740.
Silvas, George, Jr., 239-70-3703.
Smith, Grady A., 497-38-5874.
Smith, Riley J., 261-66-9221.
Smith, Tommy R., 463-54-8456.
Stanford, Thomas W., Jr., 434-58-8322.
Stegura, Frank H., 207-32-7772.
Steib, Mary E., 435-60-1634.
Stepaniak, Frederick, 399-40-2172.
Stephen, Edward L., 228-58-9314.
Stephens, John C., Jr., 266-58-3143.
Stout, Carl F., 326-34-3818.
Stringer, John L., 439-62-0602.
Suminski, Leonard T., Jr., 377-38-8025.
Susko, Gerald D., 286-36-5176.
Taylor, James A., 573-46-2313.
Thomas, James H., Jr., 482-50-9483.
Tonn, George W., 101-32-7953.
Ward, Samuel R., Jr., 266-52-2768.
White, Byron W., 242-64-2596.
Wilkins, David G., 138-36-0105.
Willis, Roy R., 436-56-2182.
Wilson, Robert M., 523-50-3426.
Yates, Walter H., Jr., 425-78-5054.
Young, Keith L., 231-54-9419.
Zamory, David A., 054-30-3669.

To be second lieutenant

Apland, James P., 503-48-2075.
Ayala, Isaac, 457-56-1674.
Byers, Norman T., 170-36-1041.
Dickey, Ronald, 449-72-9492.
Dolan, Raymond J., 049-34-9716.
Edwards, James W., Jr., 250-68-4020.
Ellis, Randolph W., 240-72-8900.
Gale, Bruce R., 511-46-4782.
Garrett, Terry L., 490-48-3578.
Gilpin, Harry D., Jr., 585-01-0914.
Griffith, Stanley E., 453-78-6932.
Hewitt, Eleanor V., 267-70-9904.
Hinkle, Lawrence C., 364-42-6042.
Kaiser, Fredrick G., 542-48-0841.
Kiessling, Helmut R., 397-44-5620.
Kudless, Laroline M., 064-38-3240.
McCarthy, Arthur, 089-36-3924.
Prescott, Alan K., 016-36-7817.
Price, Richard R., 159-36-5581.
Simms, James B., 334-38-3540.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Adams, Barry, 309-48-3555.
Bates, Michael R., 504-54-9445.
Bell, Tyrone V., 303-50-3349.
Borum, Benton H., 372-54-4475.
Brown, Douglas K., 463-82-5527.
Chappell, James H., 437-64-0291.
Cross, William, 428-96-5003.
Digby, Charles, 431-82-3971.
Driver, Donald L., 421-68-0847.
Edmond, Michael T., 454-80-2097.
Ellett, Henry G., II, 585-16-1712.
Faer, Michael J., 163-38-7238.
Faulkner, David C., 241-78-7050.
Flowers, Addison J., Jr., 453-80-2870.
French, Leo H., III, 291-40-5516.
George, Anthony, J., 578-66-2524.
Gibson, Grover, L., 430-92-1217.
Hannigan, Thomas F., III, 181-38-1156.
Kay, Robert G., 571-72-2303.
McCord, Charles M., 072-40-4819.
McCune, Garen L., 560-74-4992.
McGee, William D., 574-20-3282.
Medkeff, Robert T., 299-44-3746.
Milinovich, Thomas G., 176-36-5379.
Patterson, James W., 381-50-5139.
Richardson, Merrell B., 454-78-9004.
Roetter, Robert J., 178-40-2779.
Sanders, Charles W., Jr., 434-66-4793.
Scott, James P., 453-88-3245.
Shumpert, Edwin E., 432-90-1809.
Smith, Robert A., 515-44-1394.
Sneed, Joel M., 027-34-7102.
Taylor, Jerry A., 429-88-5498.
Van Schoorl, Robert A., 539-42-2526.
West, Thomas I., 512-48-8534.
White, Johnny L., 431-86-9731.
Young, Richard C., 409-76-1991.

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Boles, John K. III, 231-68-7053.
De Jesus, Rafael, 259-74-9367.
Emory, Derald E., 407-66-4997.
Freeman, Stephen R., 522-60-1989.
Fricker, Jon D., 388-50-2180.
Hashimoto, James M., 534-50-8426.
O'Donnell, Vincent M., 149-38-4178.
Shumaker, Stephen C., 485-62-5834.
Walker, Douglas L., 225-66-4568.
Webster, Anthony W., Jr., 540-56-7717.
Zimmerman, John A. III, 253-80-7829.

IN THE MARINE CORPS

The following-named U.S. Military Academy graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Esmann, William J.
Swanda, Donald F. Jr.

The following-named platoon leaders class graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Armstrong, Charles L.
Eve, Jot.
Webster, David M.

The following-named Army Reserve Officer Training Corps graduate for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to qualifications therefor as provided by law:

Sandrick, Edward J.

The following-named warrant officer for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Thomas, Paul W.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

Thomas H. Allen, Jr.
Andrew E. Andersen, Jr.
Ernest J. Andersen
Thomas J. Ayers
Clarence M. Baker
John B. Bany, Jr.
Glen T. Beauchamp
Roy L. Belli
John H. Blair
Allan H. Bloom
Frank M. Boyd
Daniel Z. Boyd
Guy L. Brown
Richard E. Brown
Charles D. Bujan
Thomas K. Burk, Jr.
John W. Campbell
William G. Carson, Jr.
Curtis E. Caudill
Louis J. Cavallo
Don R. Christensen
Robert A. Christy
Bernard E. Clark
John Clatworthy
John M. Cockey
William F. Coffey
Clayton L. Comfort
John C. Conlin
Richard M. Cooke
Thomas J. Coyle
Winchell M. Craig, Jr.
John J. Daley, Jr.
Robert R. Darron
Darrell U. Davidson
Richard G. Deem
Godfrey S. Delcuze
Charles F. Dininger, Jr.
Charles E. Dorffeld
John W. Dresely
John A. Durham, Jr.
Arthur J. Eagan
Raymond W. Edwards
Robert J. Eitel
William R. Eleazer
Wilbur D. Everett
Patrick J. Fennell, Jr.
Thomas P. Ganey
John J. Giubilato
John W. Greene
Roger W. Greer
Francis W. Haskins
Charles F. Hammel
Thomas M. Hearn
Duwayne W. Hoffert
Stanley S. Houston
John Hubner
Walter P. Hutchins
John K. Hyatt, Jr.
Mannon A. Johnson, Jr.
Robert W. Jones
John Kovach, Jr.
John P. Kraynak
Rodney O. Lawrence
Richard J. Lee, Jr.
William G. Leftwich, Jr.
Bertram A. Maas
Byron E. Madden
Albert H. Manhard, Jr.
Robert W. Martin, Jr.
Donald J. McAdams
Jack D. McCreight
James J. McMonagle
William S. Miller, Jr.
Frank H. Mitchell, Jr.
Donald C. Morgan
John R. Muhlig, Jr.
Michael P. Murray
Ronald E. Nelson
Thomas F. Nugent
Gerald S. Pate
George L. Patrick, Jr.
Bob K. Peterson
Richard C. Pfeifle
Bert R. Picher, Jr.
Charles F. Pitchford
John E. Poindexter
George A. Porter
Robert G. Prebihalo
Ronald I. Rivard
John M. Roe, Jr.
Cledwyn P. Rowlands
Frederick P. Salzman, Jr.
Ernest R. Savoy
Donald E. Schenider
Robert R. Sheahan
Donald R. Simpson
Thomas H. Simpson
William A. Simpson
John E. Sinclair
Craig S. Smith
John H. Smith
Joseph N. Smith
Kenneth E. Smith
David A. Spurlock
Ray A. Stephens
Richard A. Sulik
William J. Sullivan
James T. Swinney
John L. Thatcher
Robert H. Thompson
Herbert R. Tiede
Charles Treble
Bruce A. Truesdale
David S. Twining
William A. Tyksinski
David H. Wagner
James H. Walker
Robert P. Walling
Leroy E. Watson
Robert P. Whalen
Robert G. Williams
Russell E. Wiltsie
Frank Zimolzak

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant:

John L. Almeida
James W. Anderson
Thomas L. Barrows
George B. Brown III
Richard F. Brown
James J. Burns
Michael A. Cardinale
Warren J. Cicerrella
Barry L. Denes
Dennis M. Dowd
Matthew W. Durney
Stephen F. Eyman
Ronald E. Fenn
Pete Florea
Zachery T. Forester III
Thomas E. Hampton
Michael J. Hart
Clinton V. Hester
Zachary T. Johnson
Sherman C. Jones III
Terrell T. Kelley
John P. Kline, Jr.
Richard B. Lieb
Roger C. Liesegang
Douglas E. Lindeman
William N. Lindsay III
Ricky L. Malone
Roger C. McElraft
James J. Moffett II
James P. Morgan
William T. Mundt
John K. Murphy
Charles S. Myers
James P. Newcomb
Frederick W. Nickel
Calvin K. Oram
Donald W. Pardue
John F. Reiner III
Gary W. Reynolds
Robert W. Rivers
Walter W. Sevon
Harry S. Steever
Anthony R. Stewart
Philip L. Tedder
Richard A. Walker
David G. Weiland
Stephen J. Williams

HOUSE OF REPRESENTATIVES—*Wednesday, May 27, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

With the Lord is strength and wisdom.—Job 12: 16.

Dear Lord and Father of us all, as the quiet splendor of a new day dawns upon us we look up to Thee seeking the guidance of Thy spirit, the goodness of Thy presence and the greatness of Thy power. In the heat and burden of this day let not our spirits fail, our steps falter nor our strength fade. Help us to stand visibly and vitally for what is right and just and good.

Bless our beloved Speaker and his wife, Harriet. We thank Thee for his long and faithful service in this body and for his wise and sound leadership as the Speaker of the House of Representatives. Grant unto this wonderful couple health and strength for years to come.

Keep in our hearts the loving remembrance of those who across the years have given their lives for our country and for those who even now are giving their lives or have become prisoners of war that we may be one nation under Thee with liberty and justice for all.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the House, as follows:

H. CON. RES. 646

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, May 27, 1970, it stand adjourned until 12 o'clock meridian, Monday, June 1, 1970.

The message also announced that the Senate insists on its amendments to bills of the House of the following titles:

H.R. 12941. An act to authorize the release of four million one hundred eighty thousand pounds of cadmium from the national stockpile and the supplemental stockpile;

H.R. 15021. An act to authorize the release of forty million two hundred thousand pounds of cobalt from the national stockpile and the supplemental stockpile;

H.R. 15831. An act to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832. An act to authorize the disposal of castor oil from the national stockpile;

H.R. 15833. An act to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835. An act to authorize the disposal of magnesium from the national stockpile;

H.R. 15836. An act to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15837. An act to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838. An act to authorize the disposal of shellac from the national stockpile;

H.R. 15839. An act to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile;

H.R. 15998. An act to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile;

H.R. 16289. An act to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile;

H.R. 16290. An act to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile;

H.R. 16291. An act to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

H.R. 16292. An act to authorize the disposal of corundum from the national stockpile;

H.R. 16295. An act to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; and

H.R. 16297. An act to authorize the disposal of molybdenum from the national stockpile.

Agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER to be conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 14685, AMENDING INTERNATIONAL TRAVEL ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14685) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MOSS, MURPHY of New York, SPRINGER, and CUNNINGHAM.

EXTENDING PROVISIONS OF U.S. FISHING FLEET IMPROVEMENT ACT

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4813) to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 6, line 24, strike out "1970 and 1971" and insert "1970, 1971, and 1972".

Page 7, line 6, strike out "'1971'." and insert "'1972'."

Page 7, strike out all after line 6 over to and including line 6 on page 8.

Page 8, line 7, strike out "10." and insert "9".

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DIVISION OF DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, if I had a hot anvil handy, I most certainly would strike it. The time has come for action.

My reference is to the Department of Health, Education, and Welfare, which in the truest sense is surely a "can of worms."

At a time when the budget of HEW is about to surpass that of the Department of Defense, according to my information, they have apparently "thrown the wrong baby out of the window," by accepting the resignation of actuary "Bob" Myers, a "sound dollar" man, and retaining an "expansionist," Bob Ball in the driver's seat of Commissioner of Social Security.

Mr. Speaker, the platform of my party, formed during the convention of 1968, called for a division of HEW into three manageable departments. In fact, my colleague, CLARENCE BROWN, JR., has already submitted proposed legislation to remove the Department of Health and make it a separate entity.

Mr. Speaker, my question is this, would it not be more manageable to have three smaller "cans of worms," instead of the one "huge can," that seems to have turned into a situation that would make Zeus, creator of "Pandora" look like a sure bet to become a future appointee to that department?

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 144]

Alexander
Anderson, Tenn.
Baring
Berry
Biester
Blackburn
Blanton
Blatnik
Bolling
Brown, Mich.
Burton, Calif.
Cabell
Carter
Celler
Chisholm
Clark
Clawson, Del

XUM

Clay
Cohelan
Conyers
Cowger
Cramer
Culver
Cunningham
Daddario
Dawson
de la Garza
Dowdy
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Edwards, La.
Evans, Colo.
Evins, Tenn.
Feighan
Foley
Ford, William D.
Gallagher
Gaydos
Gilbert
Goldwater
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hansen, Idaho
Hébert
Hogan
Hungate
Jarman
Jones, Ala.
Jones, Tenn.
Kirwan
Kyl
Landrum
McCarthy
McCulloch
McMillan
MacGregor
Mathias
Matsunaga
May
Mikva
Miller, Calif.
Nichols
O'Neal, Ga.
Ottinger
Patten
Pepper
Pettis
Pollock
Powell
Railsback
Randall
Rees
Reifel
Riegle
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Roybal
Ruppe
Sandman
Saylor
Scherle
Scheuer
Schwengel
Sebelius
Smith, Iowa
Snyder
Stubblefield
Stuckey
Teague, Tex.
Tunney
Watson
Watts
Whitten
Wilson, Charles H.
Winn

The SPEAKER pro tempore. On this rollcall 326 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, I shall always cherish my friendship with the Speaker of the House of Representatives, the Honorable JOHN W. MCCORMACK, for he has been both a true friend and a dedicated leader of this Chamber. The announcement this past week of his plans to retire from the Congress at the end of this session brought to all of us the sudden realization that this career of public service has been unlike few others in history. This was fully acknowledged at last evening's farewell reception to Speaker MCCORMACK, attended by President Nixon, President and Mrs. Johnson, and Members of the House and Senate.

This gentleman has given his life to the people of his country for no other reason that his desire to serve and improve his land. He has given of himself because he sincerely desired to help those of us who serve in the House today. We owe him a debt of gratitude which can never be repaid.

The career of the Honorable JOHN W. MCCORMACK will receive special attention as historians look back on his achievements and decisions. The Speaker is a man of honor whose wisdom and dedication to our service is without parallel. I wish he and his charming wife years of happiness and I hope that he will remain in close touch with his friends and admirers in the Congress.

RALPH GINZBURG

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr Speaker, I read in this morning's paper that Ralph Ginzburg, the now infamous New York publisher of Eros and other pornographic materials, has had his sentence for conviction of mailing such matter reduced from 5 years imprisonment to 3 years.

It is interesting to note that Ginzburg is still free on bail because of endless appeals of the sentence which was imposed 7 years ago. His attorney was arguing for a suspended sentence on the grounds that people have changed in the last 7 years, considering Woodstock, parading nudes, and sexually integrated college dorms.

The U.S. District Judge, E. MacTroutman, should be real proud that he thinks he is performing a public service by listening to such an absurd argument. At a time when people around the nation are pleading for more stringent curbs on the dissemination of obscene literature and when Congress is in fact actively working on such legislation, it is absolutely indefensible that Judge MacTroutman should take it upon himself to lessen the penalty of a crime for which Ginzburg was duly tried, convicted, and sentenced. The passage of time, if anything, has made the activities of Ginzburg even more deplorable and Judge MacTroutman's action is a mockery of justice which is a prime example of the permissiveness with which many of our learned judges seem to be possessed regardless of society's sanctions.

Perhaps if Ginzburg can perpetuate his appeals and if we have a few more Woodstocks along with a further degradation of this country's moral fiber on which Ginzburg and his attorney are eminently qualified to speak, maybe he will wind up with a sack of lollipops and a firm handshake for contributing to the literary genius of our people.

GENERAL LEAVE TO EXTEND

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, and to include pertinent material.

The SPEAKER. Is their objection to the request of the gentleman from Massachusetts?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1971

Mr. BOLAND. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Massachusetts (Mr. CONTE) and myself.

The SPEAKER pro tempore (Mr. FLYNT). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17755, with Mr. EDMONDSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 1 hour, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 1 hour.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the fourth annual Department of Transportation appropriation bill to be brought before the committee. I believe, having watched the Department mature over the past 3 years, that it is doing a good job. It is a difficult task to bring a group of formerly independent agencies together and have them work cohesively toward common objectives. I believe that this is now being accomplished and that the result will be an improved transportation system throughout the country.

As chairman of the Subcommittee on Appropriations for the Department of Transportation and related agencies, I want to express my appreciation to the members of the committee for their cooperation and industry during the detailed hearings on this bill—the gentleman from California (Mr. MCFALL); the gentleman from Illinois (Mr. YATES); the gentleman from Oklahoma (Mr. STEED); the ranking minority member, the gentleman from Massachusetts (Mr. CONTE); the gentleman from Ohio (Mr. MINSHALL); and the gentleman from Alabama (Mr. EDWARDS).

Although a few items in the bill have received considerably more publicity than others, the committee gave an appropriate amount of attention to all items, as is shown by the 3,000 pages of printed testimony received on the bill. In two instances—the Coast Guard Reserve and ICC—after considering all pertinent factors, the committee is recommending appropriations above those provided for in the budget. For the most part, however, reductions are recommended.

We recommend the appropriation of $7,052,157,000 for the transportation programs financed in the bill now before us. Of this amount approximately $4.5 billion is liquidating cash and about $2.6 billion is new obligational authority. The reduction recommended below the budget is $112,806,000.

We are, however, faced with increasing transportation requirements. As our population and our economy grow, so do our transportation needs. There is a need for more transportation. There is a need for safer transportation. And there is a need for faster transportation. So, this bill would provide $379,808,000 more than has been appropriated for fiscal year 1970 for similar activities.

The bill provides funds for over 114,000 positions, including approximately 75,000 civilian personnel and 39,000 military personnel for the U.S. Coast Guard. This is an increase of about 5,000 civilian and 700 military personnel over the current fiscal year. These increases are almost exclusively related to the need for increased safety in all modes of transportation. The committee has denied increases for military and civilian personnel totaling about 1,100 positions. This was partially offset by the addition of personnel in certain areas, but a net reduction of about 600 positions is recommended.

I would call the attention of the members of the committee to the summary of major recommendations beginning on page 4 of the report. These actions are as follows:

First. The appropriation of the $289,965,000 for the continued development of a civil supersonic transport aircraft;

Second. The appropriation of the full budget request for the operations of the FAA, including 2,265 new air traffic control personnel;

Third. The addition of $7.5 million above the budget to provide for the continuation of the Coast Guard selected reserve at a level of 10,000 personnel;

Fourth. A reduction of $7.5 million in the transportation planning, research, and development program in the Office of the Secretary;

Fifth. Approval of the $59 million requested under acquisition, construction, and improvements for the Coast Guard's icebreaker replacement program;

Sixth. A reduction of $7 million in construction, national capital airports based on the deferral of funds for expansion of Dulles terminal building;

Seventh. A reduction of $12,640,000 in the traffic and highway safety appropriation of the National Highway Safety Bureau;

Eighth. The addition of $1,400,000 and 140 positions over the budget for the Interstate Commerce Commission;

Ninth. Provision of the full $180,028,000 fiscal year 1971 request and $150 million of the $188,011,000 requested for fiscal year 1972 for the Federal share of the subway system in Washington, D.C.;

Tenth. A general provision limiting commitments for urban mass transportation grants to $214 million;

Eleventh. A general provision limiting commitments for grants-in-aid for airport development to $220 million.

OFFICE OF THE SECRETARY

Mr. Chairman, the request for salaries and expenses for the Office of the Secretary was $19.5 million and we recommend $17.2 million, a reduction of about $2.3 million. The amount recommended is sufficient to provide for 232 additional positions under this appropriation. Of this increase, 172 are counterpart transfers from the operating administrations in the Department. The committee thoroughly examined the rationale for the proposed consolidations of the internal audit, public information, and congressional relations functions, and virtually all of these transfers have been approved. I believe, as do a majority of the committee, that these consolidations should create a more cohesive Department in which all organizational components are working toward common objectives rather than competing against one another.

The bill provides $14.5 million for transportation planning, research and development in the Office of the Secretary. This is a reduction of $7.5 million below the budget, but provides for a $3.5 million increase for the air traffic capacity research program. This program is longer term in nature than the research being conducted by the FAA on the implementation of the so-called NAS and ARTS systems. The committee believes that it is entirely proper to strive for a higher order of automation in the air traffic control system.

TRANSPORTATION SYSTEMS CENTER (TSC)

I am pleased to report that the Department's new Transportation Systems Center in Cambridge, Mass., will commence operations on July 1, 1970. This center, which has been taken over from NASA, will provide the necessary technical base for much needed improvement in our Nation's transportation system. I am confident that the skill and expertise which will be developed within this center will be of great long-term benefit to the Nation.

With the rapid increases in demand for transportation service, we are faced with mounting congestion in our airways, highways, and urban systems. The application of advanced technology can provide answers to these serious problems. The Department of Transportation, since its formation, has been hindered by the lack of a central technical staff to address total, intermodal transportation research and development. The new Transportation Systems Center will provide the Department with this capability and do so with no increase in the amount of funding requested for fiscal year 1971. The Department will be able to strengthen its in-house R. & D. activities with a highly capable technical team made up of many of the NASA personnel formerly at the Electronics Research Center, plus additional transportation systems experts.

The location of the center on a highly desirable site in Cambridge, at one end of the most densely populated urban corridor in the country, brings an additional benefit to us all. Through its close association with local university and industrial organizations and this urban setting, the center will provide the unique capability to function as an urban transportation systems laboratory which can be used to specifically address our urban congestion problem.

I look forward to the development of this new DOT facility and the major part it will play in strengthening our total transportation research effort.

No funds are recommended for a proposed new program which would provide grants to State agencies to carry out a State natural gas pipeline safety program.

The bill does include the full budget request of $4,845,000 for the consolidation of the departmental headquarters into the Nassif Building in southwest Washington. This is primarily for the first full-year rental cost of the new building, and includes $595,000 for Department of Transportation employee parking.

Mr. Chairman, the bill includes the budget request of $289,965,000 for the SST. This is a very controversial program. It is also one which receives considerable scrutiny, both in the executive branch and in the Congress. This has been true every year since 1963. And every year since 1963, every President and every Congress have voted to continue the program.

To halt the program at this time would mean not only the loss of all $708 million appropriated to date plus approximately $60 million in termination costs, but it would also signify a stopping of aviation progress in this country. There are those who would have us stop aviation progress both in this country and in the rest of the free world by banning supersonic transportation. Mr. Chairman, I don't think the world's greatest technological country should attempt to stop such progress. We should not voluntarily relinquish our world leadership in one of the few remaining industries in which we enjoy a favorable world trade balance. Supersonic transports will be built—three countries are already flying prototypes. Time is now moving in their favor. It has been reported that the British and French may be planning for a second generation Concorde with a 200-passenger capacity to be operational in 1975, and Germany may join them in this endeavor by providing the extra financial assistance needed for this model. Mr. Chairman, if American-owned airlines cannot buy American SST's, they will buy foreign-built SST's.

Concern has been expressed about the possible adverse effects the SST might have on the environment. These are not new issues. The Federal Aviation Administration and other Government agencies have been studying the environmental aspects of this program for more than 6 years, and the results of these studies have significantly influenced the design of the SST. Smokeless engines, improved noise suppression devices, and incorporation of a fixed horizontal stabilizer to provide high lift performance for community noise reduction are only some examples of this design influence.

It has been claimed that the SST sideline noise will be equal to 50 jumbo jets taking off simultaneously. This startling comparison results from use of a nonaccepted noise-measuring standard. The SST has a different distribution of noise than our present subsonic aircraft. Although it may produce relatively higher noise levels at the airport during its takeoff roll, it will produce considerably less noise over the community during takeoff and landing.

Mr. Chairman, the Department has issued a rule that will insure that no SST's—ours or foreign—will fly supersonically across the United States and boom our populace. Despite such continued assurances, there are still those who raise this issue. Mr. Chairman, I believe it is inconceivable to imply that

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the independent, articulate voting population of this great Nation is so powerless that such an intrusion would ever be permitted.

It has been alleged that the SST might cause a modification in the world's climate. Such allegations simply are not supported by fact. Even those who make such claims, indicate that they are merely speculative. On the other hand, the Environmental Science Services Administration, an organization which has access to the entire meteorological scientific community, sees no reason to believe that the SST will adversely affect the atmosphere. Mr. Chairman, ESSA is an organization which I believe can best "sift wheat from chaff" and render qualified and unbiased opinions.

There are also those who imply that the SST program specifications have been relaxed and the SST will not be a viable aircraft. This is not so. The production SST must have good economics, meet the FAA certification requirements, and operate on major international airports when introduced. Department of Transportation studies, to date, indicate that the production SST will be viable, will be certificated, and will meet airport requirements.

Mr. Chairman, the committee has reviewed this program in considerable detail. Over 200 pages of our hearings are concerned solely with the SST program. It is the view of the majority of the committee that any technological problems can be overcome and that the program will be successful.

COAST GUARD

The Coast Guard is one of the oldest and finest organizations in our Government, having served this country in peace and war for 180 years. It traditionally has a lean, tight budget and the committee's $3,240,000 reduction for operating expenses is less than one percent below the budget.

Although we have approved the consolidation of most public information and congressional relations functions into the Office of the Secretary, we have not approved the transfer of these functions from the Coast Guard. Because of the high volume of inquiries concerning the whereabouts, status, and well-being of the thousands of young men in uniform, we felt it essential for the Members to have as direct and rapid an access to the top level of management in the Coast Guard as we do with each of the other Armed Services.

The acquisition, construction, and improvements request of the Coast Guard was for $100 million. We recommend the appropriation of $90 million, which, along with the unobligated funds under this program, should be sufficient to cover all obligations estimated for fiscal year 1971. More than half of this request is for a new polar icebreaker, which will initiate the Coast Guard's plan to replace its six World War II "wind-class" ships with four new icebreakers. This has been approved.

As most of you know, the budget proposed to phase out the Coast Guard Selected Reserve training program by the end of fiscal year 1971. The committee has examined this program in considerable detail over the past 2 years. While it cannot be denied that there are arguments for the elimination of the Selected Reserve component of the Coast Guard, we do not feel it has been demonstrated that the port security requirements of the Reserve are either unessential or can be fulfilled by other means. There is presently no other armed service prepared to meet the port security defense requirement in the early days of a mobilization.

Accordingly, we are recommending an appropriation of $17.5 million for the Coast Guard Reserve. This is an increase of $7.5 million over the budget request and a decrease of $8.4 million from fiscal year 1970 appropriations. The amount recommended will provide for a 10,000-man Reserve, a reduction of 5,000 below fiscal year 1970. With this reduced level it should be possible for the Coast Guard to upgrade its Reserve training program and improve the quality of personnel retained. A 10,000-man Reserve should enable the Coast Guard to meet its most urgent needs in protecting the major port areas of the country in the early days of a mobilization, as well as providing a nucleus for peacetime utilization along with the regular Coast Guard in times of natural disasters or national emergencies.

The bill includes $19.5 million for the research, development, test, and evaluation program of the Coast Guard. The largest portion of this amount is for the continuation of the National Data Buoy Development project. This project involves the development and deployment of unmanned ocean data buoys in the Gulf of Mexico.

FEDERAL AVIATION ADMINISTRATION

The committee recommends the full amount of the budget estimate for operations of the Federal Aviation Administration, $923,885,000. This will provide for 4,361 new positions, of which 2,265 are air traffic control personnel. With this increase, the Congress will have provided 9,496 new air traffic control personnel since the Department was established. This represents a virtual doubling of the controller work force. It is the judgment of this committee—and I am sure this view is shared by other Members of the Congress—that FAA should be provided with the personnel and funds needed to maintain the highest possible degree of safety in the air.

The committee spent a considerable amount of time on the recent problems which FAA has had with some of its air controllers. We heard testimony from the Administrator, the Secretary, and a number of air traffic controllers, some of whom had participated in the latest strike. I feel the Administrator has done an excellent job in handling this very difficult situation.

The committee has been concerned for a number of years about problems of safely controlling air traffic during the prime travel hours in the morning and evening. At some airports large numbers of departures and arrivals are scheduled at the same time. We believe that this adds significantly to the problems in air traffic control and is a major cause of stress on the controllers who work in these congested areas. We have, therefore, requested that the Department, in close collaboration with the Civil Aeronautics Board, undertake a thorough study of this problem.

In the area of facilities and equipment, the committee recommends the full budget request of $190 million. With the recent enactment of the airport and airways user charge legislation, additional funds should become available for this program. A total of $90 million had been withheld by the Bureau of the Budget pending enactment of this legislation.

For research and development we recommend $45 million. This is about a 10-percent increase over the amount provided in fiscal year 1970.

With respect to the National Capital Airports, the committee recommends $10.5 million for operation and maintenance and $4 million for construction. Under our recommendation, the $7 million requested to begin the expansion of the Dulles terminal building would be deferred. We provided $500,000 for the design contract in fiscal year 1970. This contract has not yet been awarded. However, if the contract is awarded and if the design work is completed during fiscal 1971, the necessary excavating and grading could be started with existing unobligated funds.

FEDERAL HIGHWAY ADMINISTRATION

For the Office of the Administrator of the Federal Highway Administration, we recommend a total of $15,221,000, a reduction of $260,000 below the budget. The budget had proposed to merge this appropriation into the funds requested for the two operating bureaus. We established this separate appropriation last year to facilitate congressional scrutiny over this office and do not concur with the proposal to eliminate it at this time.

A total reduction of $9,425,000 is recommended for the Bureau of Public Roads, of which $5 million is in the new comprehensive corridor transportation program. This program is just getting started and we feel that the funds allowed will enable this program to proceed at a reasonable rate. We also disallowed all funds requested for the continuation of the research for the electronic route guidance system. This is a costly program for which very few meaningful benefits were cited during the hearings.

Mr. Chairman, the largest single item in the bill is a $4,350,340,000 liquidating cash appropriation for the highway trust fund. No reduction is being recommended in the construction program. Highways provide by far the largest portion of the transportion services used in this country. Nearly 98 percent of all urban travel and 88 percent of intercity travel is by highway vehicles.

The committee recommends the budget estimate of $35 million for the right-of-way revolving fund. These funds will permit the acquisition of rights-of-way several years in advance of actual construction, thereby reducing potential inflationary pressures on property costs.

Under highway beautification, we recommend a $16.5 million liquidating cash appropriation. This is a reduction of $3.5 million from the budget request. The bill also includes $500,000 for administration of this program.

For the Bureau of Motor Carrier Safety, we would provide $3,443,000, a decrease of $675,000 from the budget, but a $1.1 million increase over fiscal year 1970. Of this increase, $400,000 is to initiate a contract research and development program. Although the committee generally does not favor initiating new research programs in times of fiscal stringency, we feel that the commercial vehicle and driver regulation areas, to which this effort will be directed, should be given a higher priority than they have been accorded heretofore.

The committee recommends appropriations of $15 million for forest highways and $13 million for public lands highways. As in past years, we have recommended limitations on obligations for these programs. The limitations recommended are $22.5 million for forest highways and $10 million for public lands highways.

NATIONAL HIGHWAY SAFETY BUREAU

The National Highway Safety Bureau has recently been elevated to an independent operating status within the Department. The bill includes an appropriation of $40,435,000 plus the transfer of $2,611,000 for the operating expenses of this Bureau. This is a reduction of $12,640,000 below the budget.

Of the sum recommended, $29 million is for the Bureau's contract program. This is a significant increase over fiscal year 1970 and should allow certain major research efforts such as the air bag and the experimental safety vehicle to proceed at the rate proposed in the budget.

The other activity under this Bureau is State and community highway safety. We recommend a $51 million appropriation for this matching grant program. We are concerned about the lack of State participation in this program, which was designed to encourage and assist the States to create new highway safety projects.

This is not being accomplished. The Director testified that certain Governors indicated that there are no funds available in the States to create new programs. We do not feel, however, that the fiscal situation is any more critical at the State level than at the Federal level and believe that the present accident rate on our Nation's highways is sufficiently urgent to warrant support of new efforts at all levels of government.

FEDERAL RAILROAD ADMINISTRATION

For the Federal Railroad Administration, Office of the Administrator, we recommend a $345,000 increase over fiscal year 1970. This will provide for 12 new positions plus the transfer of six positions from the Federal Highway Administration. The bill also includes appropriations of $4.5 million for the Bureau of Railroad Safety and $900,000 for railroad research.

URBAN MASS TRANSPORTATION ADMINISTRATION

The bill provides $3.2 million for the administration of the urban mass transportation program, an increase of more than 100 percent over fiscal year 1970.

No appropriation is included for urban mass transportation grants. In our fiscal year 1970 bill we provided an advance appropriation of $214 million for this program for fiscal year 1971. The pending legislative authorization to extend the program beyond 1971 has not been enacted. That legislation as passed by the other body includes multiyear contractual authority which would allow the commitment of up to $3.1 billion with no prior presentation to the Appropriations Committees of the Congress. This type of provision drastically reduces the congressional control over the program through the appropriations process. Because of this, the committee recommends a provision which would limit the obligations incurred for urban mass transportation grants to $214 million in fiscal year 1971. Such a limitation will enable the Congress through the appropriations process to consider the relative priority of urban transportation along with other programs included in the budget.

RELATED AGENCIES

For the related agencies, $6 million is provided for the National Transportation Safety Board. The committee is impressed by the fine work this Board does in investigating catastrophic or major accidents and has approved six additional positions. We have not approved any increase for the Board's "before the fact" aviation accident prevention program, since virtually all the activities of the FAA are oriented toward aviation safety and accident prevention.

The bill includes the full amounts requested by the Civil Aeronautics Board for operating expenses and payments to air carriers.

For the Interstate Commerce Commission, the committee recommends an increase of $1.4 million over the budget to cover the restoration of 140 positions. It is difficult to see how the Bureau of the Budget and the President could have recommended a lower employment level for the seventh consecutive year in the face of the continuous growth pattern of the surface transportation industry which the ICC regulates. During the past 7 years when the Commission's employment has been declining every year, the regulated industry's revenues received and ton-miles of freight transported have grown by 50 percent.

I feel it would be impossible for the commission to adequately carry out its responsibilities assigned by law if it was not provided with adequate funds and personnel. It is the public who will suffer if the Commission is unable to police household goods shipments, assure adequate transportation service for small businesses and individual shippers, and assure just and reasonable freight rates to the shipping public.

We recommend $330 million for the Federal share of the subway system to serve the National Capital area. This should provide adequate Federal financing to carry the program through fiscal year 1972.

Mr. Chairman, it is a privilege to serve on a subcommittee with such hard-working and knowledgeable colleagues. I wish to commend all of them for the fine work they did. I believe we have performed our duties well and brought a good bill to the committee. It is one which I think all Members can support. Mr. Chairman, I urge the adoption of the bill as recommended by the Committee on Appropriations.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I commend the chairman of the subcommittee, Mr. Boland, for his fine statement.

During the past few months there have been a number of reports of renewed interest on the part of the Port of New York Authority and the Department of Transportation in constructing or extending runways at Kennedy Airport into Jamaica Bay. As the Representative of the Seventh Congressional District of New York in which Kennedy Airport is located, I have vigorously opposed any such extension of runways on several grounds, including the further destruction of the unique recreational resources of Jamaica Bay, air and water pollution, the increase in community noise levels and the increase in air traffic congestion.

In connection with my efforts to block this kind of proposal, I have tried to direct the attention of the appropriate public officials to the urgent need for locating a suitable site for construction of a fourth jetport. The talk of extending Kennedy's runways will play right into the hands of those who want to further delay this urgent task.

I have communicated with Transportation Secretary Volpe and New York City Mayor John V. Lindsay and received assurances of their concern for the protection of the ecological wealth of Jamaica Bay, but my concern continues. The National Academy of Sciences is not conducting a study and public hearings on the proposed expansion of Kennedy Airport. I cannot predict what the outcome of that study will be but I do want to make certain that no action is taken with respect to the expenditure of Federal funds for runway extensions into the Bay until the study is complete and until Congress has had the opportunity to review the study.

With these facts in mind, I would like to ask the gentleman from Massachusetts (Mr. Boland) whether there are funds available under this bill for use to construct or extend runways at Kennedy Airport into Jamaica Bay?

Mr. BOLAND. I will say in response to the inquiry of the gentleman from New York (Mr. Addabbo), that I share the gentleman's concern about the noise situation at Kennedy Airport, and I am conscious of the interest the gentleman has shown in this matter over the years, but insofar as this bill is concerned, there is no money provided for the lengthening of any runways at Kennedy Airport.

Mr. ADDABBO. Mr. Chairman, I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

XUM

Mr. BOLAND. I yield to the gentleman from Iowa.

Mr. GROSS. Do I understand that the appropriation in this bill is $16,500,000 for highway beautification?

Mr. BOLAND. The gentleman is correct. The amount in this bill for highway beautification is $16.5 million.

Mr. GROSS. While the gentleman is looking for that figure, what have we gotten for the money that has been expended up to this point?

Mr. BOLAND. It is a program, as the gentleman from Iowa knows, that is highly controversial. It is a program that provides for the control of outdoor advertising and junk yards, and for the enhancement of the scenic beauty of the Interstate System.

There is $16.5 million of liquidating cash in this bill to pay for obligations that have already been incurred. This is a reduction of $3.5 million from the budget request. The bill also includes $500,000 for the administration of this program.

The existing authorization for the highway beautification program is approximately $8.5 million. This bill would limit the amount the department can obligate for highway beautification in the fiscal year 1971, to $5 million. So this is actually within the authorization under the basic legislation which establishes the highway beautification program.

Mr. GROSS. I am glad the committee made some reduction. I am surprised that the Bureau of the Budget would ask for the amount that it did. I believe it was in the Department of the Interior appropriation hearings that I read something about flowerbeds along the highways growing up to weeds. Where is the money provided to take care of the weeds in the flowerbeds that have been constructed along the highways? And whose responsibility is it to take care of them?

Mr. BOLAND. Is the gentleman referring to the Interstate System?

Mr. GROSS. Yes; I am talking about the highway beautification program under whatever jurisdiction it is.

Mr. BOLAND. As the gentleman knows, some of the highway money is used for enhancing the scenic beauty of the highways.

All of us in this body know the highway beautification program has been of considerable concern to a number of us. It has been described as a program that could cost millions of dollars more if the Congress continues to authorize it.

There has been an effort on the part of the Federal Highway Administration to get additional authorization, but the authorizing committee has not seen fit to report a bill.

Mr. GROSS. If I am going to take a ride to the poor house, I would like to see the roses that have been planted along the roads as a result of the expensive beautification program. If we are going to have a highway beautification program in times like these, when we ought to conserve every dime, then I think we ought to be able to see the roses, the petunias, and whatever else there is, as we take our trip to the poorhouse.

Mr. BOLAND. I would agree with the gentleman. How fine it would be to have on our highways the beauty of the rose that is in the lapel of the gentleman from Iowa.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I had a most difficult decision to make this year. As you know, I had to decide whether to remain as the ranking minority member of the Treasury-Post Office Subcommittee, on which I have sat for 12 years, or to take up that spot on your distinguished subcommittee.

I chose the latter after long and hard consideration. I have certainly enjoyed working with the distinguished gentleman from Massachusetts (Mr. Boland) and my other distinguished colleagues on the subcommittee.

The transportation problems of this Nation are great. I think the subcommittee recognizes the job it has to do and that it has been working hard at it.

Improvements are essential if we are to maintain an effective system balanced among air, rail, motor vehicle, and mass transit components. These improvements cost money. This distinguished committee has the responsibility of deciding where that money is best spent and, therefore, where the necessary improvements will be made.

I think the bill before us reflects both the great effort that went into it and the balance that must be struck between improving transportation systems and holding back inflationary spending.

TOTAL BILL

The committee has cut $112.8 million from the total 1971 request and recommended a level of $7.052 billion. This represents an increase of $379.8 million over the appropriation for fiscal 1970.

In title I of the bill, H.R. 17755, the committee cut $45.9 million from the request and recommended $2.169 billion. This is $140.8 million over the appropriation for fiscal 1970. Title I covers the Department of Transportation.

OFFICE OF THE SECRETARY

The committee cut $10.7 million from the request for the Office of the Secretary under title I and recommended $326.5 million. This is $214.4 million over the fiscal 1970 appropriation. The bulk of the increase is attributable to the civil supersonic aircraft development budget which was transferred from the Federal Aviation Administration.

The committee cut $2.2 million from the request for "Salaries and expenses" in the Office of the Secretary and recommended $17.2 million. In so doing, it allowed 232 of 397 new positions divided into two categories. Under the first, counterpart transfers, 172 of 187 have been approved. Under the second, program increases, only 60 of 210 have been approved. As indicated on page 6 of the report, House Report 91-1115, the committee disallowed 165 of the requested positions because it feels, as it did last year, that the number of personnel in OST is becoming excessive.

Under "Transportation planning, research, and development," the committee cut $7.5 million and recommended $14.5 million. This represents a $3.5 million over 1970, all of which is for air traffic capacity research.

In June 1968, the committee directed the Department of Transportation to report on aspects of its scattered and sometimes overlapping research activities. To date this report has not been received. However, the committee still emphasizes the need for the Department to better coordinate and improve the programs in almost all areas of research and technology and it has stated so on page 7 of the report.

The request for $1,000,000 under grants-in-aid for natural gas pipeline safety was denied because the committee felt that these costs are more properly borne by the States. The money would have been used for grants to State agencies.

To consolidate departmental headquarters, the committee approved a request for $4.8 million.

SUPERSONIC TRANSPORT PROGRAM

During the current fiscal year, the SST program was transferred from the Federal Aviation Administration as I have already mentioned. This transfer will remove the direct responsibility for prototype development away from the administration which is directly responsible for the aircraft's certification, thus eliminating possible concern about FAA conflict of interest.

The SST is, of course, the most controversial part of H.R. 17755 just as it was the most controversial part of H.R. 14794 last year. The question of whether to continue with this program and approve the request for $289.9 million for fiscal 1971 is a very complicated one

I have, as I did last year, studied everything I could get my hands on. I read over that which I had studied in preparation for the fiscal 1970 bill and what seemed like all that has been published since that time.

I think good arguments can be made on both sides of the issue. My distinguished colleague from Illinois, Mr. Yates, has done an excellent job pointing out reasons for not going ahead with the SST. On the other hand, the committee report, on pages 8 and 9, explains why we should go ahead.

I know this is going to be an extremely difficult decision because there are so many pros and cons. Therefore, I cannot and will not ask my colleagues to vote either for or against the SST. I have agonized over this for many months, through the hearings and right up to today. I think everyone has to make up his own mind and reach his own decision.

I would, however, point out, as I did during the hearings, some of these pros and cons.

During hearings before the subcommittee, we went into the question of how the SST would affect the environment. The fact of the matter is, at least from everything I have read and heard, that the only serious problem—and it is a problem—is sideline noise. This is the noise that the plane will make while it is on the ground.

I would refer my colleagues to page 590 of the hearings wherein I had the following dialog with Mr. Vierling:

XUM

> Mr. CONTE. Last year on page 83 Mr. Shaffer said, "SST noise is very serious in this lateral dimension." Then Mr. Shaffer noted it would be very costly to suppress this noise.
>
> Mr. VIERLING. On the airplane?
>
> Mr. CONTE. That is right. Has the FAA done a study of the number of people that will be affected by this sideline noise? Would you not agree that the sideline noise problem is serious enough to merit some real efforts in noise suppression, regardless of their cost? What have you done since you last appeared before this committee to attack the sideline noise problem, if anything?
>
> Mr. VIERLING. Mr. Conte, we have continued our efforts to reduce the total noise level of the engine. * * * We have done a great deal, but we cannot tell you that we have made a great breakthrough on noise.

Sideline noise is a serious problem. However, we have been assured that it will be solved and that by the time the SST is ready to fly it will meet the new FAA noise standards.

I might add that the noise on takeoff and landing will be less than it is on current aircraft because the SST will get up and down faster with its more powerful engines.

There will be no sonic boom over land because the SST will not fly at supersonic speeds over land areas.

This brings me to the question of economics and whether, in these days of very tight money and an unbalanced budget, such an expenditure should be made.

I might point out, at the outset, that a $76 million cost overrun was brought out at page 517 of the hearings as a result of my questioning. I say that because I want the record clear about my concern over the cost of the program. The Government will bear the burden of $57 million of that $76 million overrun. Therefore, at the end of fiscal 1971 and assuming approval of the pending request, the Government will have obligated approximately $998 million of the now total $1.342 billion estimated through phase III.

If the SST program were terminated, I think my colleagues should know the economic consequences.

The Federal Government would lose the $2.3 billion anticipated in royalties upon sale of the 500th plane, of which $1 billion would be profit.

The Government would also lose $790.4 million consisting of $708 million already appropriated, $60 million in closing cost requirements, and $22.4 million of airline advanced royalty payments.

The airlines would lose their $58.5 million in risk capital.

The contractors would have to lay off 4,500 people directly. This would affect another 2,500 indirectly, and the subsequent tiered effect on subcontractors throughout the country could hit from 7,000 to 10,000 skilled aerospace workers.

The United States would suffer an adverse effect on our balance of payments during the 1980–90 period of approximately $16 billion.

The United States would also lose its No. 1 position in the aviation field. Dropping the SST now would deny the country the opportunity to commercially exploit the 20 years of supersonic design and advanced technological development financed by the Government. Foreign nations could, through proper marketing, force the U.S.-made medium long-range subsonic jets out of the future market. We would lose a focal point for advanced aeronautics in this country. The effect of all this on the aviation industry and the overall economy should be carefully considered.

Based on the pros and cons that I have just outlined, I believe each member will have to search his own conscience and determine whether to go ahead with the SST or to discontinue the program.

U.S. COAST GUARD

Turning now to the U.S. Coast Guard, the committee cut $10.2 million from the total request and recommended $614.9 million.

The committee cut $3.2 million from the request for Coast Guard operating expenses and recommended $423.5 million. The cut is based primarily on the Vietnamization program, including savings of 100 man-years from turning over two cutters to Vietnamese Navy personnel. The total cost of operations in Southeast Asia in fiscal 1970 is estimated at $16.5 million.

The committee has also cut $10 million from acquisition, construction, and improvements. This cut will not affect the icebreaker replacement program for which $59 million has been approved to construct a new polar icebreaker.

No cut was made from the request of $64.5 million for retired pay.

RESERVE TRAINING

The budget proposes to phase out the Coast Guard Selected Reserve training program by June 30, 1971. The proposal contemplates that the emergency wartime functions of the Selected Reserve can reasonably be handled by the growing number of regular Coast Guardsmen on the retired rolls and enlistees who are required to serve in a standby status for 2 years after completing 4 years active service.

The committee does not concur with this proposal. It has therefore recommended $17.5 million, which is $7.5 million more than the budget request, and called for a force of 10,000 in the Selected Reserve by October 1, 1970. In its fiscal 1970 report, the committee called for a level of 15,000 by June 30, 1970.

At this point, it might be good to explain the difference between the Ready Reserve and Selected Reserve. The commandant, Adm. Willard J. Smith, testified:

> The Ready Reserve is the total number of people that we have available for call-up within a reasonable period of time. For example, our Ready Reserve is set at about 24,000. Of that 24,000, about 17,000 are Selected Reservists. The Selected Reserve is part of your total Ready Reserve.
>
> * * * * *
>
> The Selected Reserve are in a drill pay status and they attend drills every week, 48 drills a year, and they are also required to have 2 weeks active duty for training each year.

During hearings before the subcommittee, we took a very hard look at the Selected Reserve program. We concluded, after lengthy study, that there remained a need for this program particularly in the field of port security.

I would direct my colleagues' attention to page 10 of the report where the committee stated:

> While there are arguments for the elimination of the Selected Reserve component of the Coast Guard, the committee feels that it has not been demonstrated that this Reserve's basic mobilization requirements, particularly in the field of port security, can satisfactorily be fulfilled as proposed in the budget. There is presently no other Armed Service prepared to meet the port security defense requirement in the early days of a mobilization.

I think a force level of 10,000 should enable the Selected Reserve to adequately handle the job of port security. The smaller force level should improve the quality of the Selected Reserve. It will be far easier to manage and train than a larger force and at the same time it will fit the bill called for in the area of port security.

I disagree with the proposal to phase out of the Selected Reserve. I do, however, strongly support the committee's action to reduce this force in size and thereby increase its efficiency and its ability to meet the jobs it has to do.

FEDERAL AVIATION ADMINISTRATION

The committee cut $9.6 million from the total FAA request and recommended $1.17 billion.

No cut was made from the request of $923.8 million for operating expenses. This represents a $98.2 million increase over the proposed 1970 funding level. The increase provides for 4,361 new positions, of which 2,265 are air traffic control personnel. Including this increase, the committee will have provided 9,496 air traffic control operations personnel since the Department of Transportation was established. This represents a virtual doubling of the controller work force.

No cut was made from the request of $190 million for "Facilities and equipment." However, this is $34 million below the 1970 level. On May 21, 1970, President Nixon signed the airport/airways bill into law. It is expected that the Bureau of the Budget will release $90 million in fiscal 1970 funds appropriated by this committee but frozen, pending passage of that legislation, for facilities and equipment. It is also expected that there will be a $60 million supplemental report following recent enactment of the airport bill.

The committee denied 135 new positions requested for facilities and equipment and the funds for these positions can be applied to the purchase of needed equipment. There are presently 1,243 funded under this appropriation to install new equipment. Installation can be provided for in the procurement contract and thereby eliminate the need for additional personnel.

The committee cut $2.5 million from the request for research and development and recommended $45 million.

The committee cut $100,000 from operations and maintenance of the National Capital airports and recommended $10.5 million. It is estimated that National Airport will show a net income of $2.7 million in 1971 and that Dulles will show a net loss of $5.2 million. Interest and depreciation total $7.3 million and are detailed as a result of my questioning on page 463.

XUM

The committee cut $7 million from construction for the National Capital airports and recommended $4 million. The expansion of the Dulles terminal building would be deferred for 1 year.

During the hearings, we looked very closely into the problems of the air traffic control system. I specifically asked about the Corson Committee Report, and the FAA Administrator, Mr. Shaffer, replied that he has established nine different action groups and has already begun implementation of some of the report's recommendations.

The need for more controllers and better equipment has been recognized by the committee. The problem of peak-hour scheduling has also been recognized, and the committee has requested the Department to study the matter in close collaboration with the CAB and report its findings no later than February 1, 1971.

The growth in aviation has been great, even over the past year. Revenue passenger miles will jump from 130.2 billion in 1970 to 141.3 billion in 1971. Landings and takeoffs at airports with FAA towers will jump from 55.7 million to 58.7 million during the same 2 years. Instrument operations at airports with FAA traffic-control service will jump from 18 million to 19.2 million.

The challenges in this field are equally great. The new Cambridge NASA Center, which is now under the Department of Transportation, will, according to the Administrator, "provide an invaluable resource which can and will be employed by the FAA in a variety of its R. & D. efforts, particularly on advanced systems development."

FEDERAL HIGHWAY ADMINISTRATION

The committee cut $1 million from the total request for the Federal Highway Administration and recommended $4.4 million in funds from the General Treasury. As my colleagues know, the bulk of this appropriation is out of trust funds, in liquidation of contract authorization, or as a limitation on obligations.

Under salaries and expenses for the Office of the Administrator, the committee cut $25,000 from appropriations and $235,000 from trust funds. The recommendation is $500,000 and $14.7 million, respectively.

The committee cut $9.4 million from the limitation on general expenses for the Bureau of Public Roads and recommended $68.4 million. Among other things, the comprehensive corridor project was cut from $10 million to $5 million and funds to continue electronic route guidance system research have been denied.

The committee cut $9.6 million from the trust fund for Federal-aid highways and recommended $4.35 billion. The cut is due to a reduction in administrative expenses.

No cut was made from the $35 million request out of the trust fund for liquidation of contract authorization by the right-of-way revolving fund. This money is for the advance acquisition of rights-of-way and payments for relocation expenses by the States.

The committee cut $3.5 million from highway beautification for liquidation of contract authorization and recommended $16.5 million.

The committee cut $675,000 from motor carrier safety and recommended $3.4 million. In so doing, it approved 12 of 32 new position requested.

Cuts of $5 million and $2 million were made in forest highways and public lands highways, respectively.

As many of my colleagues know, I also sit on the Migratory Bird Commission. I have been quite disturbed about the construction of highways through wildlife preserves set aside for future generations by the Commission. I made this clear to the Administrator, Mr. Turner, during the hearings, in reference to the Tinicum Wildlife Preserve near Philadelphia. I do not want to see these last bits of wilderness destroyed by highways and I hope my colleagues feel the same way.

NATIONAL HIGHWAY SAFETY BUREAU

The committee cut $12.6 million and recommended $40.4 million for traffic and highway safety under the National Highway Safety Bureau. The emphasis in the research program will be on alcohol countermeasures, an experimental safety vehicle, and air bags. Of 254 new positions requested, 100 were approved.

The committee also cut $10 million from liquidation of contract authorization under the NHSB and recommended $51 million. This is a 50–50 matching program with the States.

The problem of highway safety is an ever-present one. Traffic fatalities reached an all-time high of 56,400 in 1969, an increase of 800 over 1968.

FEDERAL RAILROAD ADMINISTRATION

Under the Federal Railroad Administration, the committee cut $855,000 and recommended a total of $6.7 million.

Included in the overall cut was a cut of $205,000 from salaries and expenses for the Office of the Administrator. The recommendation was $1.3 million and included 12 of 26 new positions requested.

The committee cut $50,000 from the Bureau of Railroad Safety and recommended $4.5 million.

The $21.6 million request for high-speed ground transportation R. & D. was deferred.

The recommendation of $900,000 for railroad research reflects a $600,000 cut.

No appropriation was requested or recommended for the Alaska Railroad.

As I did last year, I talked about declining rail passenger service. The Administrator, Mr. Whitman, acknowledged that "the problem is that some companies, especially in the East where most passenger business is concentrated, are running some pretty terrible passenger service."

I also looked into rail safety questions and how they related to my bill, H.R. 14417, which would give the Secretary more authority in this area.

I might note that passenger volume on through trips between Washington and New York on the Metroliner increased 44 percent in 1969 over 1968. Daily patronage averages 3,750. On-time performance is 86 percent. Since the start of service through February 11, 1970, it has carried 780,000.

URBAN MASS TRANSIT ADMINISTRATION

The committee cut $800,000 from the request for salaries and expenses under the Urban Mass Transit Administration and recommended $3.2 million. Of 118 new positions requested, 48 were allowed. This along with the 70 new positions provided in 1970 will give UMTA three times the number of positions they had 2 years ago.

No appropriation was requested for mass transit fund because of new legislation in this area. The committee does not favor granting long-term contractual authority by substantive legislation and has included a $214 million limit for 1971 for this reason.

I let the UMTA people known how I feel about the need to take a close look at its position on "Buy America." Their position has been not to permit "Buy America" provisions in third-party contracts unless they are mandatory under State law. I think this should be watched closely because our domestic industry is being hurt by imports—imports which come from countries with two-price markets, one for domestic consumption and a lower one for export to the United States.

ST. LAWRENCE SEAWAY

No cut was made from the $700,000 request for the St. Lawrence Seaway. No new positions had been requested.

NATIONAL TRANSPORTATION SAFETY BOARD

Turning briefly to title II of H.R. 17755, the committee cut $36.7 million and recommended a total of $401.4 million as follows:

It cut $120,000 from the request for the National Transportation Safety Board and recommended $6 million. Of 10 new positions requested, six were allowed. Four are aviation accident investigators and two are surface accident investigators.

CIVIL AERONAUTICS BOARD

No cut was made from the $11.1 million request for salaries and expenses under the Civil Aeronautics Board. In 1970, the CAB will have 685 positions, only 19 more than it had in 1962. During the same period, revenue ton-miles increased from 6.7 billion to 19.5 billion or about 200 percent.

No cut was made from the $27.3 million request for payments to air carriers. This represents a $6.1 million decrease from 1970.

INTERSTATE COMMERCE COMMISSION

The committee recommended $1.4 million more than the Interstate Commerce Commission had requested. The committee believes the ICC's effectiveness would have been impaired had it adopted the proposed budget cuts and therefore recommended $27 million.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The committee cut $38 million from the WMTA and recommended $330 million including an advance for 1972. The system has been delayed over a minority hiring problem.

The total system will cost $2.5 billion, two-thirds Federal to one-third local.

CONCLUSION

Thank you, Mr. Chairman, for the opportunity to detail the committee bill. It has been a real pleasure serving as the ranking minority member on the transportation subcommittee, and working with my distinguished and able colleagues on it.

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Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, what is the rationale and what is the evidence or what are the statistics, if any, to show the statement being put out by the FAA is true: that the side noises at ground level are going to be very excessive, but the noises on takeoff and landing are going to be less than the present jet subsonic planes?

We know the input of the afterburner noise on the subsonic plane now, and we know there will be substantially more on the SST, so I wonder if my colleague can tell the House where is there any evidence that the statement being made is true, that the noise will be less on takeoff and landing for the SST than for the present subsonic jet? I have heard the statement and it is being broadcast in a telephone message, but I have not seen any evidence to back that statement up.

Mr. CONTE. I would direct the gentleman to our hearings where we had expert testimony from the Department of Transportation and others based on the evidence they have and the engine they have at the present time.

Mr. PUCINSKI. But at best those statements are nothing more than educated guesses. They have absolutely no hard proof.

They have nothing to work with. The best they can give us is a slide rule guess.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my colleague from Massachusetts.

Mr. BOLAND. Of course, that is the purpose of producing the prototype airplane. The contract of this Government is to assist in financing two prototypes to determine its feasibility.

The evidence presented to our committee clearly indicates that the airport noise occasioned by the SST may be somewhat louder than present subsonic jets.

There was an indication—and it is all supposition on the part of those who say we will not be able to control the noise—that there is no answer to it. The response given by those in the Office of the Supersonic Transport, however, indicates that one can make the land compatible with the aircraft itself. This is a real possibility.

There is testimony in the hearings which indicates that some of the scientists—and the gentleman from Illinois (Mr. YATES) will refer to one of the most distinguished ones, Dr. Bisplinghoff from MIT—feel that the sideline noise connected with the takeoff is insurmountable. There are others who think it is not.

But the community noise is a lot less than that of the 707. The reason why it is a lot less is because this plane climbs much more rapidly. My understanding is, if I remember the figures correctly, that 3½ miles away from the airport, it is actually much less noisy than the present 707. All of those who are connected with the program say this. All the engineering data to date clearly shows that this aircraft is less noisy after it leaves the airport.

The great concern of most people is community noise. This is the noise that is developed after the plane has left the airport and is gaining altitude.

I am willing to trust the judgment of the Office of the Supersonic Transport and the evaluations of those who have studied the noise program.

There is no evidence which indicates that the SST is more noisy than the present generation of aircraft over the community.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. To further concur with the gentleman from Massachusetts (Mr. BOLAND), the ratio of noise roughly is cut in half every 1,000 feet of altitude. In other words, the width of the cone of noise hitting the ground doubles every 1,000 feet of altitude. The height of the SST climb-up is almost twice as great, about 80 percent greater than the other aircraft, at 1 mile, and it is about the same ratio at 3 miles, according to the slide rules. If we start vetoing things that cannot be proven by slide rules in this House we will have a hard time.

Mr. CONTE. I thank the gentleman.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my friend from Illinois.

Mr. YATES. I thank the gentleman for yielding.

I believe the testimony before the committee sustains what the gentleman from Tennessee said, except that until it reaches that point of climb-out we will have the most infernal racket any airplane has ever made in this country, a racket which is so bad that the airport authorities are not going to permit any of the supersonic planes to land—whether it is the Russian Tupolev, the SST, or the Concorde—they will not be permitted to land at any of the existing American airports. That is why in a recent press release put out by the Department of Transportation we find the statement made that they are going to build new airports, are going to build airports remote from the urban centers, so that the noise will not be a factor.

All that means is that whatever speed is gained in the air will be lost on the ground, in traveling back and forth from the urban centers.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. PUCINSKI. I appreciate the gentleman yielding to me.

I am sure before this afternoon is over this will be a most important debate.

Mr. CONTE. I am sure it will take a great deal of time.

Mr. PUCINSKI. It was my privilege to attend the first international conference on jet noise in London in 1965. It was at that time, at that conference, that the legislation we passed here setting certain noise standards was developed. I can tell you then and there there were scientists from all over the world attending this conference. I do not think you can treat the problem of noise as lightly as some Members would like to. I do not think that the FAA can stand behind the statements it is making on the limitation of noise.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. BOLAND. Of course, let me say to the gentleman from Illinois, no one is treating the subject of noise or sonic boom lightly, and the gentleman from Illinois ought to understand that those of us who support this program are concerned about the sonic boom and its effect on the ecology. All of these factors are being considered by those who are developing the plane, and by those who are monitoring this development.

Practically all of the organizations involved in the environment, such as the National Academy of Sciences and the Environmental Science Services Administration, are concerned with noise. There is a real possibility that the noise problem can be conquered by the time this plane is flying. So there is a concern. No one treats it lightly at all, and I do not want any other member of the Committee to get that idea. The record shows that it is not being treated lightly.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Washington.

Mr. ADAMS. I want to echo what the gentleman from Massachusetts said about the noise problem.

All of us who support this program are concerned about it. What is happening in the United States is a matter of the question that originally all of us will remember—and I would point this out to my colleagues certainly from Chicago, New York, and Los Angeles—that the airports were built a way out because airplanes have always been noisy. However, the people have moved out around them and now are very unhappy about the increased noise. So, we will have to go into a new program of building more airports farther out.

Under the present plans, even the traffic we have now, is going to cause continuing complaints and there is not a Member from an urban district here that is not going to be faced with those complaints.

In our Committee on Interstate and Foreign Commerce we have just passed out a bill providing for $2.5 billion for a new airport program for this very reason. We know we are going to have to go out farther.

I do not know how many Members of the House have actually heard or seen the Concorde fly. I have. I talked to the designer of the Concorde, both the British and the French, and I spent all afternoon with the Tupolev and its designer. But, these airplanes are flying airplanes and they are going to fly.

Each one of your communities is going to have to solve its noise problem on the basis of the transportation you have into your area, because there is going to be a supersonic airplane. Whether your community is either going to have them fly in and out depends on the politics of your area and whether the people want to move faster or whether they want to hold that noise down.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman from Washington is entirely wrong on that point. The communities will not be compelled to let the Tupulov and the Concorde——

Mr. ADAMS. I say they will decide whether they will.

Mr. YATES. Of course, they will decide. But let me tell the gentleman that there is now in existence a standard put out by the FAA that restricts prospective noise of supersonic jets to 108 decibels.

Mr. ADAMS. I am well aware of that fact.

Mr. YATES. I am glad that the gentleman is aware of that fact. However, no standard has been issued by FAA yet with respect to supersonic noise.

The question that FAA is going to have to answer is whether or not it is going to permit a greater noise standard for SST's than it does for the 108 level.

What do you think is going to happen when a community which becomes used to a standard is compelled to submit to a noise level of up to 124 decibels, when that community is suddenly confronted with this enormous racket? Of course, they will fight that noise and try to ban the supersonic planes.

Mr. ADAMS. Mr. Chairman, will the gentleman yield further?

Mr. CONTE. I yield further to the gentleman from Washington.

Mr. ADAMS. This is precisely what the communities will have to decide. For example, they will have to decide whether the flights going from London to Paris and across the Atlantic are going to land at Boston, New York or Philadelphia. That decision is going to have to be made in each individual case. The only way you are going to know the noise factor of an American supersonic transport is to have the prototype as the British, the French and the Russians now have.

At the present time I am well acquainted with the Bridge report and others, and they are sheer speculation as to what the total noise factor will be.

Mr. YATES. Why are you willing to accept their findings on approach and takeoff noise, and not on sideways noise?

Mr. ADAMS. I am taking their approach in the same fashion of the noise factor at this point until we see a flyaway airplane, and we can continue to speculate on what it will be. The British and French plane, and that is the Concorde, will fly from Paris, and it will fly from London, and it will land at those communities in the United States that will allow it.

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield, what about the total cost so far? The gentleman made the statement that if we were to abandon this program now and fail to spend this money that we would already suffer some losses that will not be recoverable. Is there a total on that?

Mr. CONTE. Yes; there are $708 million that has already been appropriated. There is also $60 million that I mentioned in closing costs. And finally, there is $22.4 million of airline advanced royalty payments that would have to be returned.

Mr. PUCINSKI. We have talked about the prototype, and I wonder if the gentleman will tell me if we spend this additional $290 million, and whatever other billions it will take to build the two prototypes, and then in 1978 we discover that we have not solved the problem concerning the noise, what are you going to say to the taxpayers then? Are you going to say the same thing we say now, that we have all this money invested, and we have to go forward with the program, and to those people who complain we say, "Just listen, and learn to live with the noise"?

Will not the argument in 1978 be the same argument, that we have got to go ahead, because we have already put in so much money and we cannot turn back?

Mr. CONTE. I am merely trying to give you both the pros and the cons of the SST.

This is a very tough problem. How to vote is going to be a tough decision for everyone here today.

Mr. YATES. Not for me.

Mr. CONTE. The Concorde is going to fly, and it is going to fly into the United States whether or not we have an SST.

So let me ask the gentleman from Illinois this question: Some of us who live either in the Maryland or Virginia area are very upset over the noise from jets flying into National Airport, also the heavy congestion. Either the CAB or the FAA has recommended that no jets from over 400 miles distant should fly into National Airport. They would land at Dulles. You know who has been fighting that? Your delegation, because that would affect the planes flying from Chicago. How does the gentleman stand on that?

Mr. PUCINSKI. Do we not have jet airplanes landing at National that fly there from New York, and does that make more or less noise than an airplane flying in there from Chicago? The noise level is the same, and the argument as to the 400-mile distance is totally a indefensible argument.

Mr. CONTE. Of course not. They have a traffic problem down there.

Mr. PUCINSKI. But not the noise.

Mr. CONTE. I do not yield further to the gentleman at this point.

There is a traffic problem, and a very serious one, at National. We do not have a traffic problem at Dulles, and you could divert all that Chicago traffic. If we diverted those planes to Dulles, it would decrease the noise factor because there would be fewer jets.

Mr. PUCINSKI. I fly into Dulles, if the gentleman wants to know. I fly into Dulles. You are arguing with the wrong guy.

Mr. CONTE. I hope we can get your support and get the support of the Chicago delegation.

Mr. GROSS. If the gentleman will yield, why do you not fly your commercial planes from Boston and New York into Dulles? Especially those New York commuter planes.

Mr. CONTE. They do have some.

Mr. GROSS. If you want to come into National, then let us come into National.

Mr. CONTE. My home is about 150 miles from Boston.

We only have small planes going out of Pittsfield, Mass., which is my hometown.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. PUCINSKI. We know for a fact that in 1980 we are going to have more than 78 percent of the American population that is going to be centered in the 12 major urban areas of this country. The gentleman's constituency is one and mine is another.

We have had testimony here now from the sponsors of this bill that there will be a very serious noise problem for the first 6½ miles. They say after 6½ the rate of climb is so fast that the noise will be reduced.

I want the gentleman to tell this House what are you going to do? I am telling you when you have 79 percent of the American population living in these urban areas by 1980, what are you going to do with this noise problem?

Mr. CONTE. I yield to the gentleman from Massachusetts (Mr. BOLAND) to answer that question.

Mr. BOLAND. All of the problems that are being raised here today, and properly so, with respect to noise and pollution, have been raised many times before.

This Congress has considered these matters before.

As the gentleman from Massachusetts has said, this is a more difficult year because ecology and environment have become of age.

We are now getting to the point in this particular program where we are developing prototypes to prove what most scientists and physicists both in the program and out of the program believe to be true.

All of the objections that have been raised by some of the experts and scientists who are not in the program have been raised before.

The Office of the Secretary of Transportation now has the direct responsibility for monitoring the prototype development of the SST. This part of the program commits the Government to the production of two prototypes and 100 hours of test flying. All of those in the program believe that we can solve the noise problem.

So you have to decide whom to believe.

I choose to believe those who over the years have been close to and part of this program.

I also happen to believe that this is a program that is essential to the economic health of the United States.

Despite what some may say on this floor, the fact of the matter is we are going to control the noise on the ground. We will be developing airports that will be able to control the sideline noises.

When the plane is 3.5 miles beyond the airport and is rising, the noise from the SST is less than the noise from the 707. This is absolutely correct. The noise on the ground may be greater from the SST than it is from the present generation aircraft. But I would like to say that

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my judgment has been the conclusion reached by the committee that has reviewed this program.

We are concerned about the economic health of the Nation itself. The commercial airlines industry in the United States produces 80 percent of all the commercial aircraft in the world. No matter where you go, to any airport in this world, you will find American-built jets landing, taking off, or resting there.

The supersonic age is upon us. We have three countries that have flown planes supersonically; that is, England, France, and the Soviet Union. I don't care what anyone else says, American carriers are going to buy the Concorde when it is completed. They have already taken a number of positions, and when the Concorde is produced, American airlines will buy them. And they will be produced and available in a couple of years.

So it will be flying supersonically, and the American carriers will purchase it. The question is whether or not we are going to lose the great lead we have had in the production and sale of commercial aircraft around the world. I think this is a very important matter for members of this Committee of the Whole to consider. If we lose this lead, then the balance of payments, as the gentleman from Massachusetts has indicated, is going to suffer appreciably. I do not think anybody can discount this fact.

We are on our way to solving the problems that are connected with the SST with respect to noise, with respect to polluting the atmosphere, and no one—no one that I know of—has come up with any sound conclusion that the SST actually pollutes the stratosphere or builds up, as they say, great reservoirs of water.

There have been some indications that this might be so, but it is merely one of those "if" propositions. That is exactly what it is. Every single argument that has been raised about the SST in relation to polluting the atmosphere and also with respect to the noise problem, has been answered by distinguished scientists, physicists, mathematicians, and by those associated with the program. The hearings bear this out completely.

As the gentleman from Massachusetts has indicated, the Members will have to make up their own minds on this question. I happen to believe it is feasible, it can meet the problems of ecology and noise, and we ought to go ahead with the program.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I will yield briefly to the gentleman from New York.

Mr. LOWENSTEIN. I do not want to intrude too much on the gentleman's time. I appreciate his generosity in again yielding.

I should like to ask the distinguished gentleman from Massachusetts (Mr. BOLAND) a question. I notice the gentleman has remarked again that the SST will not be noisier than the 707 in the air. But that is small consolation, since the 707 is now the noisiest plane in the air. Would it not be wiser to try to curb some of the noise already in the air before we add more planes whose contribution to the general din will not be greater, we are assured, than that made by the noisiest planes now flying? I am not reopening now the question of noise produced by the SST on the ground, which I have discussed before.

Mr. BOLAND. Let me respond to the gentleman. The noise of the 707 may be unbearable to you, but the 707's are flying into the major airports of the United States now and, as I indicated, the community noise is the noise of 707's flying around those airports. There is more noise from those planes than there will be from the SST.

Since that is so, I think perhaps the noise of the SST would be bearable. Would the gentleman suggest that we stop all flights of 707's into all major airports of the United States?

Mr. LOWENSTEIN. If the gentleman will yield further, I am suggesting that the FAA set standards for noise levels around airports and require the airlines to meet these levels as required by law. It is now almost 2 years since the law was adopted, and the FAA has not even held hearings. Yet FAA spokesmen acknowledged to a group of us from both parties who met with them this winter that the prospect is for increased noise at most major metropolitan airports for the next few years at least. Millions of people who live around airports are being driven to distraction and apparently nobody is willing to do anything about it. Instead we are told it is in the public interest to ignore the sufferings of whole communities in favor of a theoretical saving of time for a small number of intercontinental travelers—from whom, incidentally, there has been no audible clamor for this peculiar favoritism. If the presnot act, should we not demand their reent members of the FAA cannot or will moval, or remove the functions they refuse or are unable to perform to some other agency? Why cannot some of this energy and money be invested in an effort to protect the health and peace of mind of people who live around airports?

Mr. BOLAND. I think we are moving in that direction. The FAA and the Office of the Secretary of Transportation, insofar as the SST is concerned, have indicated that the plane will not fly supersonically over populated areas. As the gentleman knows, they are now in the process of developing a rule which would forbid a plane from flying supersonically over populated areas. There are also some standards that are being established by the FAA and the Office of the Secretary with respect to noise around airports.

The Department of Transportation hopes to meet the problem of noise around the airports by reconfiguring or making better use of the airport property itself.

Mr. LOWENSTEIN. One last brief point: If I understand the gentleman's point, it is that we should proceed to subsidize the building of new planes even though they cannot now meet acceptable standards so far as noise is concerned, and even though the FAA has not even held hearings to discover what acceptable standards would be.

I think it would be much better to go about it the other way: First, to adopt standards and then to let aircraft become operational that can meet these standards. We are inviting disaster by continuing to develop and use aircraft that do not meet reasonable noise standards. In fact, the FAA is now exempting both the 707's and more than 90 percent of the 747's in production from a standard that is already much too lax.

Furthermore, Pan Am for one is boasting that it will spend $300,000 per 707 to redesign and rebuild their wings to keep them in service another 15 or 20 years. But it is impossible to find $500,000 to reduce the noise level of these same planes by half. That tells a great deal about what the airlines regard as important.

If the FAA will not impose curbs on noise—as the statute expected and mandated it to do—be assured that noise will not be curbed. Noise is not self-receding, as it is not self-created. How can anyone justify spending millions, really hundreds of millions, of dollars to subsidize further inroads on the lives of millions of people while we do nothing to require the corporations we subsidize to respect the rights of these people, rights spelled out by common law and by commonsense and now made specific by statute? Is that not subsidizing corporate arrogance? Does it not contribute to the breakdown of respect for law and order when we give money to those who act as if they are, in fact, above the law? Even if we are to spend the public's money to ease the plight of air travelers, does anyone think this is the best place to begin? Anyone who thinks that has not tried to fly very much lately.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. I thank the gentleman for yielding. Mr. Chairman, we have heard a great deal about this noise problem and the change in airport locations, but paramount in my concern about the continuing spending on the SST is the fact that America today is facing a crisis in confidence in our Government, and whether we like it or not, it is there. To put a nearly $300 million boondoggle on top of all the other problems facing the average American is poor judgment at any time, but totally unacceptable today. It could well be the straw that broke the proverbial camel's back in public trust and confidence.

Like my colleagues, particularly I am sure on this side of the aisle, I have been lobbied vigorously by the administration to provide the $290 million requested for the SST program in fiscal 1971. I have great respect for the President and confidence in his judgment, but nobody is right all the time, and this time he is wrong.

I do not know how you can sustain a veto in educational funds for economy's sake and then turn around and fund the $300 million cut from education in a boondoggle for the international jet set.

This is an excellent time to consider what the taxpayers have gotten for the $708 million our Government has already invested in the project. From 1962 to

1966, we saw studies made on the various research and design aspects of a supersonic aircraft and we saw the selection of Boeing Co.'s swing-wing concept. Between 1967 and the present, we have seen the swing-wing design abandoned as impractical. Between February 28 and March 31 of this year, we saw a cost overrun of $76 million develop, $57 million of which must be assumed by the taxpayers.

In short, the SST has taken on many of the characteristics of a first-class boondoggle, and it is not even off the drawing boards, yet. The problem of the ear-splitting sonic boom has not been resolved, it would generate unprecedented noise at takeoff and serious drawbacks with regard to air pollution and ground contamination have been predicted. It has been determined that the SST would deposit large amounts of water vapor in the stratosphere which could actually induce significant changes in the world climate.

Considered on its own merits, or lack of them, the SST does not appear to be a reasonable investment of tax dollars. We must, however, consider this appropriation measure in relation to all of the other, far more crucial demands on the Federal Treasury.

As a member of the Appropriations Committee, I am keenly aware of the importance of prudence as we struggle to return some semblance of sanity to the fiscal affairs of our Government. Our committee has been agonizingly cautious in approving what must be regarded as minuscule increases for such priority programs as education, conservation, and management of our natural resources. Until the urgent requirements in these and other domestic crisis areas are met, I submit America's world travelers can forgo the convenience of saving a few hours on a trip to Paris or Rio.

The CHAIRMAN. The Chair might say all Members have been given permission to revise and extend their remarks and to include extraneous matter with their remarks in the debate on this bill today.

Mr. McFALL. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as Members of the House know, I have been opposed to this program for a number of years. Today my opposition will be centered on three points.

First, I will make a point of order against the appropriation on the grounds that it is unauthorized; second, in the event that point of order is overruled, I will offer an amendment to strike the funds for the SST, as I did in the Appropriations Committee; and third, in the event that the motion to recommit does not contain an instruction to strike the funds for the SST, I would hope to get a rollcall vote on the question of the previous question in order that we may be able to amend the motion to recommit.

I do this, Mr. Chairman, because I believe the SST is a colossal waste of the taxpayers' money. Even if the plane flies successfully—and there is a very serious question as to whether it will—it is doubtful that it will be able to fly into any airport in the United States or to fly out of such airports because of the infernal racket that is created by the noise on takeoff. It will have the most powerful engines of any plane that has ever been created, and when we have power, we have noise, incredible, unacceptable noise, a terrible din.

It has so much power that it has this incredible amount of noise that accompanies it, and for a time before it attains a certain altitude the noise will be unbearable. That is why the Department of Transportation is talking about new airports in remote areas for the SST airplanes, so they will have airports that are away from the populated areas.

Apart from the question of having to appropriate the millions of dollars that will be necessary to provide the runways for the SST's, I do not know how the proponents answer the question about the time that is going to be lost on the ground as a result of the airports being built in remote areas. Does this not offset any gain that may come in the speed of the plane aloft?

Mr. Chairman, I am impressed by the uselessness of the SST program. In a day when enormous problems weigh in upon us from all sides, when deficits in the Federal budget are overwhelming again, as the President himself pointed out earlier this week, when the President is asking for, I think it is, an $18 billion increase in the debt ceiling, what possible use has the appropriation for the SST for the people of this country?

It is said that the Russians will be flying their Tupolev, and it is said that the British and the French will be flying their Concorde, but if they are as noisy as they are at the present time, they will not be flying them in this country, and they will not be flying them over land across the United States.

The answer to the threat of the Concorde and the Tupolev is: So what? Who benefits by it? The people? Certainly not. This kind of program gives them no benefit or advantage. This program is for a select few.

I asked that question of Secor Browne, the Chairman of the Civil Aeronautics Board, when he appeared before our subcommittee. I asked, "Mr. Browne, why should we have this appropriation?" He said that the plane will make money. I asked, "Why will it make money?" He said, "It will have 'snob appeal.' " This plane will have "snob appeal."

I ask, Mr. Chairman, whether or not this House should authorize the appropriation of $290 million this year, $225 million more next year, and hundreds of millions of dollars to complete the program in the years following in order to perfect a plane that has snob appeal? Is this what the taxpayers of this country want?

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. I appreciate the gentleman's yielding, and I compliment the gentleman on the excellent research job he has done.

I believe we should bring out here today the fact that not only are there hundreds of millions of dollars in this research program, but also a question of additional expenditures for airports. Has the gentleman come to any figure as to how many billions of dollars it would cost for airport relocation, for lengthening runways, for moving airports out of town to accommodate this plaything?

Mr. YATES. There has been no estimate of that. I believe it depends in a measure on whether the program is authorized. If it is authorized and the plane comes into being, that will be a factor.

Mr. ANDREWS of North Dakota. Even if the plane finally did fly and was acceptable, we would have to spend billions of dollars of the taxpayers' money to move the airports, to relocate them, to accommodate the plane.

Mr. YATES. That is right, but that expenditure of billions of dollars would follow the possible expenditure of additional billions of dollars on this program.

Let me point out what I mean by that. Presumably at the end of phase 3 the Government will have spent $1.3 or $1.4 billion to develop the prototype plane.

The contract itself, in contrast to what the gentleman from Massachusetts said, looks to the development of the commercial plane, and is not intended to stop at the end of phase 3. In order to get the financing for phases 4 and 5, which are the phases that will remain after the development of the prototype, the FAA has been looking into private financing.

I asked the question of the witnesses before our committee as to what would happen if they could not get private financing and they said they would have to come back to the Government for that financing.

What does that mean? That means there would be an expenditure of an additional $3 billion to $4 billion on this program for the development of this plane.

Is that what the taxpayers of this country want? How do the Members think President John F. Kennedy would have resolved this problem if he had known that this program were going to cost five times more than he said would be the maximum amount that the program would cost the taxpayers? In 1962 he established a maximum limit on expenditures for the taxpayers on this program of $750 million. That sum has already climbed to $1.4 billion, and if the Government has to proceed with phases 3 and 4 it will cost the taxpayers $4 billion to $5 billion.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Iowa.

Mr. GROSS. I commend and support the gentleman in opposing development of the SST. The gentleman has said he doubts very much if the American airlines will purchase the Concorde and attempt to fly it over the land area of this country. I agree with him.

Does the gentleman happen to know

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how much the Air Force has expended in the settlement of damage claims as the result of sonic booms generated by the limited operation of supersonic military aircraft in this country?

Mr. YATES. I do not know the answer to that. I am trying to get that information now.

I believe the damage claims are still pending for that test period the Air Force had.

Of course, the administration says that they will not fly the supersonic planes across the land. I am glad the gentleman raised that point. Let me suggest what was said by General Jewell E. Maxwell, who used to be the head of the SST program. When the question of the sonic boom was raised he said:

> We believe the people in time will come to accept the sonic boom as they have the rather unpleasant side effects which have accomplished other advances in transportation.

That is why I believe if and when the SST comes into being it will be accompanied by the biggest kind of propaganda campaign to woo the American people into accepting the "wonderful world of the SST" or a slogan like "the sonic boom is the sound of progress."

That is what many Members who support this program say, "We are for progress." Is the SST's airport wise progress? Is the sonic boom progress?

But what happens to Earth Day when the people all over this country protested the deflement of this atmosphere, the fouling of the atmosphere, the fouling of our lakes and streams, and the incessant clamor and noise in our ears? Will the American people accept an SST that has excessive noise characteristics and accept a sonic boom? There can be no profit to a supersonic flight if it must fly subsonically overland.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. PUCINSKI. The gentleman will agree that the supersonic testing by the Air Force and the creating of sonic booms over cities has been a part of a plan to condition the American people to these sonic booms. I can find no other justification for sonic booms being created over large urban areas.

More importantly, a statement was made here that there would be no SST flights over large populated areas. The gentleman has done a great job of research on this subject. Can he conceive of any corridors across the United States from coast to coast that would not at some point cover an urban area or large populated area?

Mr. YATES. There is none, and I will say to the gentleman that witnesses before our committee testified that if there were no supersonic booms permitted over the United States, they would probably find a narrow strip of land like Mexico or the Panama Canal area over which the planes will fly. But I agree with the gentleman that there is no place in this country where the planes can fly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McFALL. Mr. Chairman, I yield the gentleman from Illinois 5 additional minutes.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. ANDREWS of Alabama. I want to congratulate the gentleman on an excellent research job that he has done in connection with the SST. I am concerned about sonic booms and other things but not so much as I am concerned about the economic sonic boom that has hit this country. I have heard and read that the administration is asking for an increase in the national public debt ceiling of $18 billion. Look at the ticker outside in connection with the stockmarket and see what the economic conditions in this country are today. I read yesterday where many of the operating airlines are now canceling out their orders or thinking of canceling their orders for the jumbo jet for many reasons. First of all, because of economic conditions and, secondly, because of a lack of business.

Will the gentleman from Illinois tell us what the difference is or would be between the 747, I believe it is, the jumbo jet, and the SST from the standpoint of their cost?

Mr. YATES. The 747, as I remember the figures placed before our committee, will cost about $20 million. The cost of the SST, when it is ready for the market—and that is predicted to be about 1982—will be in the neighborhood of $60 million. How many planes can the aircraft industry buy with that kind of pricing?

Mr. ANDREWS of Alabama. If they are thinking of canceling out orders for the jumbo jets at a cost of $20 million, then how on earth could they buy many SST's for $60 million?

How many present airfields, I will ask the gentleman, if he will yield further, in the United States today could accommodate an SST?

Mr. YATES. You mean as far as the length of the runway is concerned?

Mr. ANDREWS of Alabama. That is right.

Mr. YATES. I am not sure. I do not believe so because the SST may need a runway over 12,000 feet. I think the testimony before our committee was that the Concorde would be permitted to land only on one runway in Los Angeles.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I will yield to the gentleman in 1 minute if I am wrong. I am telling him that before our committee Mr. Beggs, the Under Secretary of Transportation, pointed out that there was one airport in Los Angeles that he thought would be willing to accept the Concorde on a remote runway.

I do not know about any other airport in the country that has said it would permit the Concorde to fly in. Does the gentleman know of any?

Mr. ANDREWS of Alabama. Mr. Chairman, if the gentleman will yield further, as one who has supported this program up until this year, I am going to vote for the gentleman's amendment. I am worried about the economic conditions of this country.

Mr. YATES. I thank the gentleman very much and I am very glad to have his support.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. ZWACH. Mr. Chairman, I want to thank the gentleman from Illinois for yielding and compliment the gentleman upon his very knowledgeable presentation and rise in support of his amendment.

Mr. YATES. I thank the gentleman very much.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I want to associate myself with the gentleman in the well and wish to thank the gentleman for yielding.

I would like to ask the gentleman whether or not we have reached a period that we ought to to try to subside the noise on this planet on which we live—the American Continent—by taking about $1.4 billion and putting it into the housing category and thereby keep people in safe, decent, and sanitary homes? I think this is important. Yet, we cannot get money for housing but we can get it for the SST—spend $1.4 billion on it.

I am certainly glad to associate myself with the remarks of the gentleman and I shall vote for the gentleman's amendment.

Mr. YATES. I thank the gentleman and I agree with what he has said completely. I wish Boeing would find some way of converting its operations into housing or antipollution work. I do not think we would have any objection to that subsidy that the SST gives to Boeing.

Mr. BARRETT. Mr. Chairman, if the gentleman will yield further, has there been anyone in the committee during the hearings who has suggested that we go over to France or to England and negotiate with them to fly one of their planes over here and see what the sound effect and the destruction it has on America? I think this would be a means of adopting a rather sagacious position and in addition saving a lot of money for housing about which we are constantly clamoring.

Mr. YATES. In Business Week of February 21—and as the gentleman knows, Business Week is no leftwing publication—this is what it says:

> Last spring above the din of the Concorde's engines at the Paris air show a New York airport official could be heard shouting that the plane would never be allowed near New York unless the production model was substantially quieter.

I will tell the gentleman that it cannot be substantially quieter because the production model is heavier than the prototype. A heavier airplane creates more noise. So we know what the situation is going to be.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. I thank the gentleman for yielding.

All this talk of sonic boom not being permitted in urban areas leaves those of us in rural areas concerned because it is just as important to those who live in rural areas even if there are only two people per square mile if an airplane creates this type of sonic boom and noise. We do not want that boom out on the prairie any more than you want it in Chicago or New York.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. McCLORY. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. YATES. I thank the gentleman. I want to tell the gentleman that the rural areas are going to get the airports because they will build them away from the populated centers.

I remember that I was asking about a third airport for Chicago of a witness who appeared before our committee and he told me and talked about a location that was 60 miles from the city itself.

Mr. ANDREWS of North Dakota. I appreciate the gentleman's generosity in offering it to the rural areas, but this we will have to turn back.

Mr. YATES. That is what they are thinking about at the present time—remote areas in the less populated regions, so that the people who live in the cities will not be discomforted by the noise.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Indiana.

Mr. JACOBS. Is it possible this committee might develop a new concept of "more boom for the buck" in this project?

Mr. YATES. It is a question of boom or bust.

My friend from Washington talks about the Concorde flight and the Tupolev flight. I saw the Concorde too and I walked through its fuselage. Najeeb Halaby, president of Pan American World Airways called it a return to the tube. That is what it is. There is still a doubt as to whether or not they can get 100 passengers into the Concorde and if they cannot, they are never going to have an economic kind of flight.

When I asked about the differences between the Concorde and the Tupolev they said they were very similar. So I suspect the Russians are having the same kind of difficulties that the French and the British are with the Concorde. So that until we see a production model of those planes we had better not say that the supersonic age is upon us.

Mr. McFALL. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, I have taken this time in general debate to discuss the SST because I think in view of a number of the remarks from those of us who support poverty programs and those of us who are concerned about the budget, and so on, and who have joined with the efforts to try to make our country a better place, environmentalwise, and so on, that we should indicate why it is we support this program.

If we do not support our industries that hire people, that produce jobs, that pay taxes and do the day-by-day things in America, we are not going to have any industrial and tax base to do a number of other things that we want to do.

I want to describe the present situation of the aerospace industry. Several remarks were made about having the aerospace industries convert to do other things. Many of us have urged the industry to convert to other things and they have tried, but even worse they are losing the customers they have. Two years ago it was the largest industry in the non-agricultural area in the country. It employed over 1.3 million as compared with 880,000 in the automobile industry, and 523,000 in the steel industry. This dropped to 850,000 in 1968, and dropped to 768,000 in 1969. The SST will not stop the drop but only slow it.

I have supported programs which have tried to convert our industry from war to peace, and remember this is a peace-oriented airplane program. I have supported the mass transportation industry, with a number of the rest of the Members. I have supported the program with 100 cosponsors to try to build high-speed trains, and maintain a railroad program. I sit on the Committee on Interstate and Foreign Commerce, and I believe in a balanced transportation system. But what is happening in this country is that we no longer have any airplane development moving forward as we used to have in the military area. There is no airplane that can be converted as the 707 was, to bring in a commercial model that would compete with foreign jets.

Many people may have forgotten that the British produced the Comet, and the British had the jet field to themselves, and the only thing that helped the United States was that we happened to have a flyaway prototype 707 that eventually developed into the 727, the 737 and the 747, and then Douglas built the DC–8 and the DC–9, and so on.

I want to tell you that I have seen the British-French Concorde and discussed the Russian plane with those who have seen it and I can guarantee that they will fly. You can say in the cities with the problem of noise you are going to have to build airports out of the cities, whether the United States builds an SST or not, and you are going to have to connect these airports with the cities through the mass transportation facilities, such as rapid rail lines that can move people in and out to them. There is no other way you are going to be able to make the airplane and in fact the whole transportation system of America work.

And you talk about the jet set. Who rides the jet airplanes today? It is not a bunch of party boys. If you were to get on those airplanes as often as I do, and as most of the other Members of this House do, you would find that those flying on our present jets are the men of this country who are busy, men who are trying to build our Nation—its schools, its business, its professions and they have to be able to get back and forth quickly, these men are probably using their lives faster than they should by working hard and flying all the time but they make our Nation grow and prosper.

And when you talk to the people from the cities that say that we will never let one fly in here you will find a competition developing between Boston, for example, and New York City, and between Philadelphia and Washington, as to who will have the overseas transportation business. The British-French Concorde will fly in here, and the Russians will want to fly in the Tupolev–144. These are flyaway airplanes. They are very good airplanes. And when you talk about when they start flying them over the cities they are going to say all right, who is going to be able to put up with them and I say our Nation will go ahead. We are talking about a program that is a program to produce jobs, and one way of producing jobs is by trying to keep the aerospace industry alive. I do not know what will happen to this industry, but I am very worried about it. I am concerned from a very personal point of view over what has happened in my district in recent months. The gentleman from Alabama mentioned the fact that the 747's were not being picked up. The reason they are not being picked up is because right now we are in a very tight money situation, and the airlines cannot afford to buy anything. They want them, and they would like to have them, but they are being squeezed at this time, but the moment that stops we are going to have people wanting the airplanes.

But what has happened in terms of the aerospace industry because of the cutbacks in defense and because of the cutbacks in space? I can tell you what has happened in the Seattle-Renton area in Washington. In December 1967 there were 101,000 people working in aerospace. On December 30, 1968, there were 95,000 people. On December 30, 1969, there were 80,000. And since the first of this year it has dropped over 20,000 people, and we now have only 60,700 employed.

Now there are 20,000 people who are not working and who are not paying taxes and are not able to support themselves.

Somehow the community has to do something about that. I believe in programs to help the communities. I believe in the housing program. I believe in the poverty program. I have supported liberal programs in the House and I know that many others have too. I support business programs also that make these things possible and keep people working so they do not need unemployment compensation or need welfare. I hope the other Members will support this program.

Mr. McFALL. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I rise in support of the amendment to eliminate the funds in this bill for development of the SST. I would like to associate myself with the remarks of the gentleman from Illinois (Mr. YATES).

Mr. Chairman, it would be easy to resort to ridicule of the SST—to note, for example, that as an unprecedented government venture in civil aviation it could become known as history's first supersonic trial balloon.

Unfortunately, the SST's threat to good judgment is too big to belittle. That threat is neatly stated in these final sen-

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tences from a Department of Transportation position paper dated May 21:

> Transportation has progressed to the age of supersonic travel. To ask American industry to produce yesterday's products for today's markets would not be realistic.

The first assertion begs the question. It is not transportation which has arrived in the supersonic era. It is technology. This is a classic case of technology shopping for a customer—not at all the proper sequence of technology stepping in to satisfy a need. No need whatsoever has been established for the SST. For that matter, not all technological problems have been mastered.

The second sentence of the report is almost a joke. American industry is not being asked to produce an SST—it is being subsidized and all but commanded to do so. And there is no such thing as "today's markets" for the SST. There are mathematics of speed and passenger capacity that imply productivity, but mathematics are not markets.

Mr. Chairman, the DOT position paper speaks of the Soviet SST, the TU-144, with awe, as if it were the sputnik of world aviation. That may be good melodrama, but it is poor economics.

DOT alleges that the Federal Government would recover its high-risk investment in the SST with "royalties from the sale from the first 300 planes." Even if recoverability of investment was the most important question, who will buy these aircraft? The Chase Manhattan Bank forecast predicted last fall that between then and 1980, U.S. airlines will spend $53 billion for new flight equipment. Does recoverability depend on the airlines getting that kind of money?

Most serious, from my own point of view is the fact that the SST is environmental nonsense as well. Its "sideline noise" will be four or five times louder than the 747—a fury of sound—far exceeding FAA noise standards.

On E-Day, many Members of this House gave speeches declaring that individuals must begin to make conscious personal decisions to protect our environment from further pollution degradation. How credible will this body be if we ignore our own advice and allow compulsive consumption to blind us to the environmental degradation now designed into the SST.

Gentlemen, there is a crisis of confidence in this country. It is related not just to the war or to the state of the economy. It is broader than that. It is rooted in the public's reluctance to believe in the ability of their leaders to make the right choices, to support the right set of values. We will not contribute to their confidence in our leadership ability by plowing an additional $290 million into SST development.

At a time when we have proven domestic markets for clean air and water, for more health facilities, and better schools, we will not be applauded for astute judgment if we take a flier on the SST.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman.

Mr. PELLY. The gentleman referred to the fact that there was no market for the SST. Does the gentleman know that there are 122 reservations for the American-built SST plane right now?

Mr. OBEY. I think reservations are a good deal different from finally placing the orders for those same planes especially in light of the fact that we are seeing an inability right now of some of the airlines even to purchase the 747.

Mr. PELLY. Does the gentleman know the American airlines put in their own money on these reservations and they are prepared to buy them?

I have in my hand a little item which the gentleman may have seen, in the Washington Post of this morning, which says:

> SOVIET SST
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> MOSCOW.—The Soviet Union's entry in the supersonic transport race, the TU-144, hit 1,336.5 miles an hour, or about twice the speed of sound, in a test flight Monday.

That was on Monday. I have in my hand an advertisement of the plane which Concorde built. As the gentleman knows, the plane is built by the France and British Aircraft Corporation, and they are advertising it right now. They say it is "better than predicted." So the gentleman had better look this over in the interest of the economy of this country and the American workman, and let them build the supersonic plane, rather than relegating it to foreign nations.

We have had 80 percent of all the overseas business for our civilian air transport planes. That is the one item on which we have not priced ourselves out of the world market. If you really want to wreck this economy, vote against this research work to build a prototype so we can retain our supremacy.

Mr. OBEY. It would seem to me that if the airlines were interested in actually purchasing this plane, they would be willing to provide some money to develop the prototype in the first place.

Second, I think there is a larger question involved than merely the economic question. I think there is the basic question whether or not we are going to take into consideration, in accepting new advances in technology, the effect of that technology on the erosion of our environment. I hope we begin to do that, and I hope we start with this program.

Mr. PELLY. The gentleman from Washington is on the Subcommittee on Advanced Research and Technology of the Science and Astronautics Committee. We have had plenty of testimony indicating that our research is paying off. We have quieter engines, we have smokeless engines, and if you give this one item a chance, we will produce a superior civilian air transport plane that will not be offensive to the environment, because we have the technology to do it.

Mr. OBEY. I hope you are right, but in the absence of proof that that is indeed forthcoming, I would prefer to rely on the advice of the Chairman of the Council on Environmental Quality, Mr. Train.

Mr. RYAN. Mr. Chairman, the bill before us once again illustrates the House's unwillingness firmly to commit itself to a balanced transportation policy.

The Senate has passed a bill providing for 5-year contractual authority mass transit. If enacted, according to the committee report, the Urban Mass Transportation Administration would propose to obligate $850 million for fiscal year 1971. The committee opposes this and has written a limitation in the bill prohibiting administrative expenses for mass transportation grants exceeding $214 million in fiscal year 1971. The reason for the limitation—the committee feels it must consider the priority of urban mass transit grants against other programs in the transportation budget.

I agree with the committee about the need to consider priorities. But I disagree strongly with the committee that the place to impost such a limitation is in the urban mass transportation program.

The committee has not seen fit to impost limitations upon the Federal-aid highway program. The committee recommends an appropriation of $4,350,000 for Federal aid to highways through the highway trust fund.

Here is where our priorities have gone awry.

This country is presently facing a serious transportation crisis. Today, it is virtually impossible to get from one area to another without experiencing delays resulting from either traffic jams or poor transportation systems.

The emphasis upon highways as an answer to national transportation problems has resulted, not in efficient rapid transportation, but in miles of roads which virtually form interstate parking lots. And it has contributed heavily to air pollution.

The best way to get motor vehicles off the road, permit those without automobiles to get around, and help clean the air is by providing mass transportation. Adequate transportation is important to every aspect of our life—economic, social, and recreational.

Because of our refusal to acknowledge the need for adequate mass transportation, existing transit lines have gradually and steadily deteriorated. In the past 20 years, the number of transit lines has decreased by 300, the number of transit vehicles has decreased by 27,000, the number of passengers has decreased by 7.2 billion, and revenues have gone from a profit of $66 million annually to a deficit of $160 million. Services have been cut back; rates have been increased.

One would think that the House would be struck by the need to save and rejuvenate the Nation. But this bill imposes a limitation on mass transit grants and continues support for the building of more highways. While the Federal Government has spent huge sums of money on the building of more highways, it has spent a mere pittance on mass transit.

The following table shows the obligation of funds for the urban mass transportation fund as compared with the highway trust fund:

Year	Highway trust fund	Urban mass transit fund
1967	$3,734,448,000	$156,925,000
1968	4,171,094,000	131,873,000
1969	4,599,283,000	134,871,000
1970 estimate	3,942,630,000	180,000,000
1971 estimate	4,810,420,000	214,000,000

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In testimony before the House Banking and Currency Committee, I urged the provision of obligational authority of at least $10 billion over the next 5 years.

Many cities will need money within the next 10 years to modernize existing systems or finish work on already systems. These cities include: Boston, Chicago, Cleveland, New York, Philadelphia, and San Francisco.

Other cities will need funds to develop newly proposed transportation systems in such places as Atlanta, Baltimore, Los Angeles, Miami, Minneapolis, St. Paul, Pittsburgh, and Washington.

An example of the magnitude of the problem is in the State of New York. The New York State Metropolitan Transportation Authority has estimated that it will require $2.1 billion in the next 7 years. If the State receives the same part of mass transit appropriations as in the past, Federal assistance would be 20 to 25 percent of the cost, leaving a balance beyond the ability of local government to pay.

In order to solve this transportation crisis, we must not only provide Federal assistance for the acquisition of capital equipment, but also for subsidization of operating costs.

I have introduced legislation, since 1966, which would allow the Federal Government to underwrite a large part of the operating expenses of any transportation facility which provides commuter service to an area.

This bill, H.R. 47 in the 91st Congress, would amend the Urban Mass Transportation Act of 1964, by providing grants on a two-thirds to one-third matching basis to local public transportation authorities having broad responsibilities for maintenance of commuter transportation.

We must acknowledge that the cost of transit systems is not limited only to construction and other capital improvements. Operating expenses play a very important role in the costs of a commuter system.

My legislation would make both of these costs eligible for Federal assistance, erasing the artificial line which has existed in the past.

Under the 1964 Mass Transit Act, no State can receive capital grants exceeding the 12½ percent of the funds authorized, except that under a 1966 amendment to the 1964 act, the Secretary has a discretionary fund of $12.5 million to use in States which have received grants in excess of two-thirds of the maximum grants under the 12½-percent ceiling.

I have continually opposed these arbitrary ceilings, and I have introduced H.R. 627 to repeal the limitation, which ignores the hard fact that certain States with high urban populations need transit funds a great deal more than States which are predominantly rural.

I have also continually pointed out the disparity between Federal funds for highways and mass transit. Money in the Federal highway trust fund should be available for other urban transportation. I have introduced legislation in the past three Congresses to accomplish this. My bill, H.R. 48, would permit a State to elect to use funds from the highway trust fund for urban mass transit purposes.

Under present law the Federal share of the net project cost is two-thirds. I feel this should be increased to 90 percent as under the Federal highway program. Local governments should not be tempted to select highways over mass transit because the Federal Government will finance highways to a greater extent.

If we do not commit ourselves to decent and adequate transportation for all Americans, the present transportation crisis will reach emergency proportions. It is so serious now that the discrepancy in the bill between aid for highways and for mass transit is totally unwarranted.

Mr. MINISH. Mr. Chairman, I rise in support of the amendment to strike the $290 million for the SST from the fiscal 1971 transportation appropriation bill. The value of the supersonic transport to our society has yet to be demonstrated, but numerous authorities have testified as to its tremendous potential for harm.

Meteorologists and other experts have warned that the large amount of air pollution to be caused by SST's will result in greater cloud cover, less heat from the sun, and an eventual reduction in the earth's temperature. No less of an authority than Russell Train, the chairman of the President's Council on Environmental Quality, recently stated:

> Clearly the effects of supersonics on the atmosphere are of importance to the whole world. Any attempt to predict those effects is necessarily highly speculative at this time. The effects should be thoroughly understood before any country proceeds with a massive introduction of supersonic transports.

Moreover, the SST promises to make a large contribution to the world's noise pollution level. Most critics, quite naturally, have singled out the sonic boom as particularly harmful, but engine noise may be even more destructive to a peaceful environment. The SST's engine will be three to four times as loud as the present legal limits for aircraft engine noise.

Economically the SST is very questionable. Overall its cost has been estimated at approximately $1.3 billion. But, in the nature of such estimates, the SST already has experienced a $76 million cost overrun even before the aircraft has entered the costly prototype phase.

Mr. Speaker, proponents of the SST often argue that they are for "progress," and that we who oppose the plane oppose "progress." If there is one lesson we should have learned by now from the environmental crisis, it is that "progress" must not be measured solely by technological advances. It must include a concern for the development of a cleaner, safer, and more pleasant environment for us and for our children. By this criteria the SST does not represent "progress." Rather, it represents an alarming potential for the accelerated destruction of our environment.

The amendment to eliminate SST funds offers this House an opportunity to begin to reorder our Nation's priorities away from costly and unnecessary spending and toward a commitment to deal with our Nation's pressing social needs. I urge approval of the amendment.

Mr. HELSTOSKI. Mr. Chairman, I am in full agreement with the amendment offered by the gentleman from Illinois (Mr. YATES) and hope that it has the support of the majority of this House.

Today we have the opportunity to take the initial steps to prevent a tragic mistake. Let's stop the SST. If we do not stop it then our action will become an irreversible commitment, necessitating a multibillion-dollar public subsidy of a project whose claimed advantages are mere illusions and whose actual advantages are trivial.

All along, the arguments for supersonic transports have been of the mystical kind—the urge to the ultimate, the irrepressible human desire for bigger and faster machines, the challenge of design.

What does it matter if this supersonic transport permits a passenger in having lunch or dinner in London or Paris instead of on a conventional superjet?

We are faced with a critical decision. With the design now complete we are asked to fund the SST through appropriations which would permit the building of a prototype of the highly questionable plane, which will serve the needs of a small minority of our people.

Before we fund any money for this untried experiment, we should reevaluate our national priorities and divert these funds to combat problems on our homefront. Many crucial programs urgently needing money have been cut back in the name of curbing inflation, while the unnecessary SST takes a $290 million bite out of the Federal budget. There has been cut $204 million from mass transportation funds, $106 million from air pollution control, $85 million from consumer protection projects. We can obtain greater value for our money if we spent the $290 million to clean pollution which we already have than to add to it through the construction of the SST.

We have been told that if the United States stays in the race to build and fly the supersonic transport, we will preserve a part of our world prestige. Mr. Chairman, our national prestige depends more on our ability to insure the well-being of all our citizens and to make the United States the first industrial Nation to come to terms with its environment—not on spending billions to build an unnecessary, unwanted airplane.

The SST has become a symbol of technology out of control, of priorities misplaced. For these reasons I support the pending amendment to delete funds for the SST.

While President Nixon recommends the go-ahead on the SST, his own advisors are at odds with him on this project.

Dr. Lee A. DuBridge, Director, White House Office on Science and Technology stated:

> On the whole I come out negative on the desirability for further government subsidy for the development of this plane. . . . The government should not be subsidizing a device which has neither commercial attractiveness nor public acceptance.

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The Chairman of the Special Panel of the President's Science Advisory Committee, Dr. Richard L. Garwin, said the following:

> I recommend the immediate termination of the U.S. government's direct or indirect support of the SST program. When conditions are right for a commercial program which can be accommodated without severe environmental penalties, U.S. industry and finance will rise to the occasion.

Mr. Chairman, I urge my colleagues to accept this amendment.

Mr. MELCHER. Mr. Chairman, I am voting against this appropriations bill, which contains numerous very essential agencies and programs, as a protest against the manner in which it allocates funds. It reduces items which would serve the mass of our people and then uses tax funds of $290 million on a supersonic transport which will serve few to the discomfort of masses of people.

We need high speed ground transportation; there are threats of discontinuing our most essential passenger trains and leaving areas like my district in eastern Montana without adequate transportation service. So we have $900,000 for development of high speed ground transportation in this bill—less than one-third of 1 percent of the SST cost.

We need more timber to keep lumber and housing costs down. To get it, we need to develop forest roads into inaccessible commercial timber areas ready for harvest, but this bill has cut $5 million or 20 percent out of that fund.

The bill saves money on highway safety, on railroad research, on payments to air carriers serving smaller communities—on virtually every item that the mass of citizens really need, and then blows all of it, and more, on an experimental plane that will save an hour each for Paris travelers but will be paid for by all the rest of us.

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Mr. SCHADEBERG. Mr. Chairman, I rise in support of the amendment. I can understand the determined effort on the part of those whose districts will be adversely affected by the acceptance of this amendment but I am diametrically opposed to providing tax funds for this research project at this time because I believe it is not the kind of program that deserves priority over other necessities in these critical times.

It is my conviction that our most critical problem is that of inflation caused by spending beyond our income. I have consistently stated that we have a responsibility to our people not only to refuse to fund unnecessary programs but to refuse to fund good programs which can be delayed.

I am not opposed to the development of the SST. I do not buy the fears expressed by the gloom peddlers who concoct all manner of scare criticisms in order to defeat the development. Certainly the technological ability of this Nation is such that whatever bugs develop can be ironed out.

On the other hand this is one program that can be delayed without serious consequences.

I base my opposition to the funding of the SST on need to take bold, and imaginative steps to balance the budget. Very shortly this House will be asked to increase significantly the debt limitation. I will oppose this increase as I have opposed the requested increases in debt limitations—some nine or 10—since I have been a Member of this House because I believe that unless to put a halt to the amount of money the bureaucrats can borrow they will continue to spend over our income. The place to do the job is here. The time is now. If we do not cut items we can get along without where are we to cut?

Mr. O'NEILL of Massachusetts. Mr. Chairman, during the past years I have received many letters, wires and phone calls, concerning the SST. Because of this, I have had my staff make a complete study of the subject. After viewing the arguments pro and con, I am convinced that is in the best interest of the priorities that beset this Nation to vote to discontinue the SST. The reasons are many that made me determine my position. That study follows:

SST

DO WE NEED THE SST?

The proponents of the SST believe that the way to continue improvement in air travel, particularly international travel, is through increased productivity—that is getting the most work possible per unit plane. Productivity is defined as the number of passenger seats available multiplied by the speed in miles per hour.

We can increase productivity by increasing the size of an airplane or by increasing its speed or both size and speed. It is felt by the proponents of the SST that if we go much beyond the jumbo jet (747) in size, we must then consider larger airports, longer runways, and increased demands on the air traffic control systems. This reasoning is important to note: Because it is contradictory. Reasons below.

PROBLEMS

a. The SST, because of its very size, needs some 10,900 ft. (over two miles) to get off the ground. It must reach a speed of 227 mph (almost twice that of many existing planes) to get off the ground. *Therefore,* the SST demands larger airports, longer runways, and increases demands on the air traffic control systems.

b. Speed. Proponents of the SST feel that a 1,800 mph SST would reduce flight time across the North Atlantic from 5½ hours (by jumbo jet) to 2½ hours. But what really counts is door-to-door travel time. Traveling by SST instead of jumbo jet, a businessman going from a hotel in New York to a hotel in London would reduce his over-all travel time from 9 hours to 6 hours. (NOTE: the jumbo jet can make the trip non-stop, hence can fly a great-circle route. The SST must stop to refuel.) The saving in door-to-door travel time would be only about 30%. This saving would be made at the price of eliminating time for rest and sleep, and complication with the biological clock problem.

c. Comfort. The SST will have one aisle, general roominess will be inferior to that of jumbo jet. Seat belts will have to be fastened longer and probably throughout most of the flight. The SST will be so expensive that few standby planes will be available. If mechanical of electrical trouble develops (which is likely to occur because of the enormous number of highly complex instruments and controls) delays will be long because of the serious dangers that could result from malfunction of equipment.

The Department of Transportation feels that the SST program will provide the thrust needed to maintain our leadership in the commercial aviation field, particularly in the international market. The department feels that this Nation must either compete vigorously for this market or lose its historical preeminence. The logic which leads to this argument is spurious.

a. Our aviation industry is second to none. Our power does not depend upon the building of one questionable airplane.

b. There is little global prestige in performing a technical stunt simply because we have the knowhow. The French-British Concorde & Soviet TU–144 show no signs of dominating the aircraft market, as a matter of fact, the British are seriously considering dropping the Concorde because of the cost (in price inflation, cost over-runs.

c. The U.S. SST is being financed by public funds (90% Fed. and 10% industry) unlike the two other models.

d. If the British and the French wish to build an uneconomical plane, let them. Let them be the ones to find that SST's are expensive, dangerous, and unnecessary. Let them be the ones to reap the harvest of protests over take-off noise and sonic boom. We do not have to apologize for declining to pour billions of dollars into a very questionable project.

THE SST WILL PROVIDE JOBS

The SST will provide jobs, but what kind of jobs? Experts on the SST ad hoc Review Committee dispose of this claim. If Boeing SSTs are built, the fewer subsonic planes would be built; in creating jobs building SSTs, we would be destroying jobs building jumbo jets and air buses. Also, the jobs created would be "concentrated in professional, managerial, skilled, and semi-skilled occupations which in a period of full employment, when these skills are in short supply, may prove inflationary. Very few unskilled workers will be required.

BALANCE OF PAYMENTS

It is believed by the proponents of the SST that this plane will help solve our "balance of payment" problems. The report by the Panel on Balance of payments and International Relations noted that since the SST would increase tourist travel (mostly Americans go abroad), the positive effect on the balance of payments is questionable. The President's SST ad hoc Review Committee gave a resounding "NO" to this prospect. The large sum of money paid by those foreign airlines for the purchase of the Boeing SSTs would be more than offset by the ever larger sums paid to those airlines by U.S. tourists (for airplane tickets to Europe, say) and by the additional billions of dollars those tourists would spend abroad for hotel rooms, food, and luxury purchases. Even the advocates of SSTs agree that sales of Boeing SSTs would be disappointingly small unless the speed of the SST stimulates millions more people to travel. Who will these people be, that travel in extra-fare planes? U.S. citizens, mainly. Thus the more SSTs are sold to foreign airlines, the more our balance of payments will be hurt—by U.S. citizens' buying flight tickets from the foreign airlines and making purchases abroad.

SONIC BOOM

The sonic boom is a sudden pressure disturbance, or shockwave, in air. The sonic boom, like gravity, is a fact of nature. Aerodynamics experts who have spent years doing research on the sonic boom admit that there is simply no way to eliminate the boom.

a. The SST is to be the heaviest supersonic plane in existence and its boom is expected to be more intense that that from any other plane in existence flying at similar altitude and speed.

b. The typical overpressure to be produced at the ground by an SST flying overhead at cruising altitude (65,000 ft at 1,800 mph) is about 2.0 to 3.0 pounds per square foot (psf).

c. Each SST will produce a noise trail

(sonic boom) 50 miles wide throughout its trip.

d. Sonic boom damage: demonstrations and tests. In the last ten years much has been learned as to the damage sonic booms do to buildings. Accidental damages caused by military planes flying too low: Ottawa, Canada in 1959, $500,000 damage; Oklahoma City, mid 1950's $500,000 damage; etc. . . .

e. As soon as it was realized that extra-severe sonic booms could do serious damage to buildings, the U.S. Government, hoping to go forward with its SST program, planned several series of sonic boom tests over cities. No SST existed, so smaller and lighter military planes were used at lower altitudes. The result—In the long and elaborate sonic boom tests conducted by the FAA over Oklahoma City in 1964, the average boom overpressure (according to official Government report) was only 1.3 psf. Yet, more than 4,000 claims for damage to window glass, plaster, etc., were filed by Oklahoma residents. By mid-1969 the total damage awards to Oklahoma City homeowners amounted to over $123,000, and $128,000 in additional claims was still in litigation.

f. All available information indicates that the effects of sonic boom are such as to be considered intolerable by a very high percentage of the people affected. Supersonic flight over U.S. continental land areas is not contemplated at this time and that SST design and development is proceeding on this assumption. However there is concern about the economic pressures that will be exerted if it is subsequently found that the economic success of the aircraft depends on overland flights at supersonic speeds.

AIRPORT NOISE

The high temperature, high-velocity jets required for supersonic flight are noisier than subsonic fan engines. On landing and takeoff the SST is expected to produce noise levels exceeding 100 PNdB. The noise from 50 whisper jets taking off at the same time would be equivalent to one SST noise on take-off.

Prolonged exposure to intense noise will be intolerable to a very high percent of the exposed population, and may result in: Permanent hearing loss; cardiovascular, glandular, respiratory, and neurologic changes; possibly chronic physiologic disturbances.

HAZARDS TO PASSENGERS AND CREWS

The SST is not a military plane, it is being developed for commercial passenger use. 298 people will be at stake every time an SST goes up. There are a number of operational and environmental hazards that will be encountered while accelerating from zero to mach 3 and cruising at supersonic speeds in a hostile environment.

a. Rapid acceleration: man loses consciousness at an acceleration load of 5g. Turbulent flight may cause brief linear acceleration of 10 to 12g. The only advantage of the SST is speed all else has been sacrificed. For example, the maneuverability of the SST is poor. For the SST to make a sharp turn it would take 100 miles, loss of time, great loss of fuel. The SST will be traveling so fast, 1 mile in 2 seconds, that a pilot looking at a point 10 miles in front of him has 20 seconds to make a decision. Remembering it takes 100 miles to make a sharp turn.

b. Cabin temperature: crusing, the SST's exterior temperature will be 260° C.; therefore, unlike subsonic flights, the cabin must be refrigerated.

Toxic factor: at cruise altitudes for the SST, ozone is present in concentrations which would be highly toxic to passengers if allowed to enter the plane.

d. Cabin pressure: due to the great reduction in air pressure at the SST's 65,000 foot cruising altitude, should cabin pressure fail, all aboard would lose consciousness within 15 seconds.

e. Radiation hazard: SST crews may have to be placed in the category of radiation workers and kept under close surveillance since a flight crew exposed for 600 hours annually will accumulate 0.85 rem (roentgen-equivalent-man) and 0.5 rem is the maximum permissible dose for the general public. Pregnant women may not be allowed to fly in SST's.

ECONOMICS

A. Demand for SST. Uncertainties cloud future demand for the SST, causing plane sales forecasts to vary from 500 to 250. All of the statements made above come into play here. Each plane, by the time they are ready to be mass produced, will cost in the area of 50 to 60 million dollars each. The airline industry just cannot afford this without substantial subsidies from the government. Tax payers will have to support this dream and never be able to fly in it because the fares will be so high.

B. Financing. At present, the government is paying 90% of the cost for production of the SST. Private industry is supposed to pay 10% of the cost. Any decision on the SST program must consider that the government may be required to act as guarantor of funds needed by Boeing. By 1975 a cumulative financing of $1,064 million will exist—well in excess of twice Boeing's net worth as of Dec. 31, 1965. The U.S. airlines industry—supposed to provide 80% of total cash requirements for heavy SST start-up costs during 1975–77—is already overcapitalized. It just doesn't make any sense.

CONCLUSION

1. *A reordering of National Priorities.*—You have opposed the war in Viet Nam and done all you could to cut funds from the appropriations budget. Until we stop wasting money we will never be able to handle our domestic problems. The SST is bad economic fenture, we do not need it for our national prestige. The prestige of this country has suffered much because of internal strife. Our nation doesn't need an SST, but it does need more money for health, education, and welfare (vetoed by the President). At this time it would be in line with a reordering of national priorities to drop the SST, maybe to pick it up at a later date when we have more scientific studies and more money.

2. *Ecology.*—You have taken a very definite stand on the quality of our environment. You called for a moratorium on road construction and airport construction in and around Boston. The primary reason for this moratorium is to protect PEOPLE, against noise, air pollution, congestion. The time has come when we must stop and consider the effects, both short and long range, of our construction decisions. The SST will only add to these problems. If the SST is passed what are some of the effects on Logan.

a. The SST will require longer runways. Thus Logan will have to construct runways of at least 10,900 feet (over two miles). At present I believe the runways at Logan are between 8 and 9000 feet. To vote for the SST means that the runways at Logan will have to be extended. Three weeks ago we sent a letter to Secretary Volpe asking for a stop to all construction at Logan. This would be inconsistent.

b. The SST will further complicate air traffic control. Since the SST consumes fuel at the enormous rate of ½ ton/minute, it cannot remain in a holding pattern like other jets. It must be given special treatment.

c. The study of Bolt, Beranek and Newman, Inc. done for the Department of Transportation and the Housing and Urban Development showed that jet noise at Logan is already unbearable. Hence, it recommended that four-engine jets be banned from Logan. The SST is considerably noisier than the four-engine 707. Hence, the SST at Logan, producing 125 decibels (50 jets taking off at once), would make a bad problem unbearable.

d. The air pollution during take-offs will be gigantic since during take-offs the SST will burn 1 ton of fuel/minute. This, too, is a step in the wrong direction toward abating air pollution at jet ports.

e. Jet ports are being opposed all over the country because of their excessive noise and pollution. The SST will make second airports even more difficult to build.

f. Studies at Logan have shown that current jets startle children, annoy residents . . . the SST is a step backwards.

Mr. CLANCY. Mr. Chairman, I rise in support of H.R. 17755 and especially the SST program. The bill under consideration provides over $2 billion of which approximately $290 million is for the furtherance of the SST program.

The prospects of supersonic transport in commercial operation are both exciting and unique. Without the SST program the United States would lose its position of leadership in the field of aviation as an aircraft supplier. As air transportation moves into the supersonic age, our aircraft industry would be subject to disintegration. U.S. industry presently supplies 80 percent of all commercial planes and parts used throughout the world. It is estimated that due to the loss of sales of U.S. supersonics combined with the purchase of foreign-built SST's by U.S. airlines, the result would be an unfavorable swing of billions of dollars in the balance of payments over the period of the SST program.

It is very important to note that under this program the Government will recover its full investment plus a royalty from the sale of the first 300 planes. Sales above this number will provide additional profits to the Federal Government.

Although there is very little substance to the critics' claims that substantial harm will naturally result from the development of the SST, there are very real threats to the national interest if the plane is not put into production as scheduled.

The SST is a product of the progress of mankind. We advocate the supersonic transport not merely for reasons of prestige, but for the economic benefits its sale and use will bring to the United States. America's aviation leadership is the prime issue here.

Our domestic economy will be greatly benefited by the SST program. Although benefits will be spread throughout all 50 States, a very heavy impact will be placed upon Ohio, and especially upon the Cincinnati area. Thousands of jobs will be created by the adoption of this program and the effect of a halt or slowdown in the SST project would, therefore, be very serious.

The SST has been criticized for a variety of reasons: pollution, noise and sonic boom. Yet scientific evidence clearly indicates to the contrary. The SST program does, in fact, comply with the Environmental Quality Control Act. It is interesting to note that engines used in land transportation vehicles convert 30 to 50 percent of the fuel consumed into air pollutants where turbine engines convert less than 1 percent of the fuel into pollutants.

In an attempt to understand the impact of noise generation on airport environment and surrounding communities,

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aggressive studies of engine influences, basic research, airplane operational procedures and scale model/full-scale testing are being made. Improved operational techniques and additional suppression devices are a solution to this challenge. With regard to possible sonic booms, flights at boom-producing speeds will not be permitted over populated areas. I firmly believe that the doubts raised by opponents of the SST program have been satisfactorily resolved and can safely be dispelled.

I urge that the Members of the House support the decision of the President to enable the United States to maintain this leadership.

Mr. McCARTHY. Mr. Chairman, this is no time to appropriate funds for unneeded and unwanted items. Our economy is now feeling the adverse effects of frivolous spending in the past. We must now practice fiscal integrity and allocate funds only for those programs which improve the health, welfare and security of the American people.

The proposed SST investment of $290 million in Federal funds does nothing of the kind. Less than 3 percent of the American public could be expected to use this expensive "luxury" which would probably cause more problems than it would solve.

A host of expert panels have concluded that the SST is not a good investment at this time. Study after study has shown that there are too many problems with the SST to warrant spending tax dollars on it at this time.

For example, the experts from the University of California who cheered the study of the SST during President Johnson's administration subsequently published an article in a professional journal saying why the SST should not be built now. Former FAA Administrator Quesada has also strongly opposed going forward with production of this aircraft now.

He has recently been joined by Richard L. Garwin of IBM who, after heading a panel of the President's Science Advisory Committee, concluded that the risks of sonic boom and airport noise would encourage most airports to reject the SST.

My detailed studies of the environmental impact of the proposed jet set toy indicate that it would raise noise levels at airports where it would land and take off even at subsonic speeds. The FAA has also failed to make clear whether or not the supersonic transport would be allowed to fly over the United States. Their ambiguous statements on this question make it clear that once the SST is built they would generate enough pressure to force this aircraft onto domestic routes. The supersonic boom of the SST would be nothing less than a national alarm clock.

I therefore vote "nay" on the motion to recommit, and support the amendment being offered by the gentleman from Illinois.

Mr. REUSS. Mr. Chairman, no one who has ever spent an evening at an outdoor band concert at Watergate, or an afternoon at Hains Point, has to be told that airplane noise can be incredibly annoying. Neither does anyone with an airport in his district who has had to try to explain to his constituents why nobody is doing anything about the jets that come screaming over their homes every day.

Yet here we are today being asked to spend $290 million of the public's money, and perhaps $4 or $5 billion before we are through, to build a plane that will make as much noise around airports as 50 of today's jumbo jets taking off simultaneously.

The Department of Transportation has told us that they do not like us making this comparison. It is "specious" and a "half-truth", they say. But they do acknowledge that the noise around the airport from the SST will be "three to four times as annoying" as that from subsonic jets. That may or may not be 50 jets going off simultaneously, but it sounds pretty bad.

But have no fear, the Transportation Department says, all that noise will be confined to the airport. That sounds plausible, but then they go on to say that they aren't talking about existing airports. As Transportation Secretary Volpe admitted in the appropriations hearings this year "most of the present-day airports are not usable by SST's" because the plane is too noisy. What they are talking about is new airports, and these new airports are going to be way out in the hinterlands, and it is going to take quite a long while to get out to them, probably about the same amount of time as you could save by flying the SST, and so we would be right back to square one in terms of time saved.

The Department also says that a "massive technological effort" might reduce the noise—they do not say who will pay for this massive effort. But the Department's own technical expert, Dr. Raymond Bisplinghof of MIT, said last year that:

> There is very little prospect of bringing the sideline noise down to subsonic transport levels by any practical methods known at the present time.

What this all means is that there is serious doubt that any SST—American, British-French, or Russian—will or should be allowed to land at U.S. airports. They are just too noisy, and the American people should not be asked to put up with them just to get a few people to Paris in time for lunch at Maxim's.

Chairman Russell Train of the Council on Environmental Quality admitted as much in congressional testimony a couple of weeks ago. After testifying that the administration has accepted the principle that the forthcoming FAA noise rules for supersonics "should assure that the noise environment in the vicinity of airports at the time of the introduction of supersonics will not be degraded in any way," Mr. Train went on to say:

> I believe that if we set our standard for the supersonic aircraft in a way which insured that the noise environment in and around our airports will not be degraded, that it will be exceedingly difficult if not impossible for the SST as presently designed and the Concorde as we know it to operate from U.S. airports.

If that is true, Mr. Chairman, neither the American SST nor the British-French Concorde has a chance in the world of being an economic success, and we ought to write an end to at least our part of this foolishness today.

Mr. BARRETT. Mr. Chairman, many of the Members of the House are aware that one of the most pressing problems in America today is that of providing for new and better urban mass transportation systems. Since the enactment in 1964 of the basic urban mass transportation program, Congress has slowly begun to realize the importance that the assistance means to our cities, both large and small. The Subcommittee on Housing, of which I am chairman, conducted extensive hearings earlier this year on the many new proposals to provide additional long term Federal financing for urban mass transportation. Not one witness objected to long term and greatly increased financing for urban transportation systems. Members of the subcommittee unanimously endorsed a proposal to provide $5 billion over the next 5 years for urban mass transportation. Many of us would have liked to see an urban mass transportation trust fund similar to the highway trust fund, but we were unable to reach agreement on the way of financing this trust fund. What we all had in mind was some kind of a firm long term commitment on the part of the Federal Government to provide greatly increased financial support.

I was dismayed by the limitation that the committee has placed which limits the commitments in fiscal year 1971 to $214 million. I was sorry to see in the committee report, language which stated that the Appropriations Committee "does not favor the granting of long term contractual authority by substantive legislation."

This so-called contract authority, which is contained in S. 3154 as approved by the Housing Subcommittee, is perhaps not the most adequate way of providing long-term financial assistance, but it is the one technique which was accepted by all sides. It was the opinion of the members of the subcommittee that before the Secretary of Transportation did enter into any contract with a local transit authority to provide long-term financial assistance, that he would, of course, clear such an action with the Appropriations Subcommittee on Transportation, chaired by the distinguished gentleman from Massachusetts (Mr. BOLAND). We, of course, did not expect the Secretary of Transportation to disregard justifications under this contract authority with the Appropriations Committee. I would hopefully assume that the distinguished chairman of the Appropriations Subcommittee on Transportation (Mr. BOLAND), would consider additional funds above and beyond the $214 million appropriated in this bill if the Congress passes S. 3154 as amended. And I would also assume that the Secretary of Transportation would come back to the Appropriations Committee to present to the committee the plans that he has to enter into long-term contracts to provide mass transit funds. We want any new spending program such as this new urban mass transportation program to be carefully studied and approved by the Appropriations Committee and we certainly

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hope that the Secretary of Transportation will cooperate in this endeavor.

Mr. SHRIVER. Mr. Chairman, I rise in support of the Committee on Appropriation's recommendation to appropriate nearly $290 million in fiscal 1971 to continue development of a supersonic passenger transport aircraft in the United States.

My interest and support of this program may be viewed by some as parochial because the Boeing Co., the airframe developer, maintains a division in Wichita, Kans. I would be the first to acknowledge that I am deeply interested in projects that might help stimulate employment opportunities and the economy of my congressional district.

But my support of the SST program is not purely parochial. I believe we must move forward in this research and development and prototype program because the aviation leadership of the United States is at stake; the SST is the next logical step forward in commercial aviation; and, a successful U.S. supersonic transport program will have considerable impact upon employment, the economy, and our balance-of-payments situation.

We have heard strong arguments advanced this year against funding the program. They range from concern over environmental issues, such as noise and air pollution, to the cost of the program.

I, too, am concerned about the quality of our environment and the need for action to eliminate air and water pollution. On April 13, 1970, I wrote to the Secretary of Transportation concerning questions that have been raised about the impact of the SST on our environment.

In his reply to me on May 7, 1970, Secretary John Volpe said in part:

> You may assure your constituents that the importance of the SST to our aviation leadership, and to the economy of our country, does not in any way obviate our concern for preserving the quality of the environment. For more than six years now, the FAA and other Government agencies have studied the potential environmental effects of SST operations. These studies have significantly influenced the design of the aircraft. For example, the smokeless engines, work on improved noise suppression devices, and emphasis on performance capabilities that will enable the SST to climb out steeply after takeoff and thereby significantly reduce the noise levels over the community are all results of design specifications influenced by environmental concerns.
>
> The contracts for the supersonic transport were also the first to be awarded by the government to include aircraft noise limit requirements. Results of sonic boom studies provided the basis for my recommending to the President that we adopt a policy of prohibiting flights over populated areas at speed that would cause sonic booms to be heard or felt on the ground. A proposed Federal Air Regulation to that effect has been written.
>
> Charges that the SST will pose serious radiation hazards, threaten passengers with injury, or pollute the atmosphere have been examined by competent scientific authorities and reported to be unfounded. Counsel and guidance on these matters have been provided by the Environmental Science Services Administration, the National Academy of Sciences, the National Aeronautics and Space Administration, and by other experts in both the Government and industry. . . .
>
> We have recently re-examined the environmental aspects of the program and find no new data beyond that previously considered. We will continue to rely on the technical judgment of competent disinterested authorities outside the Department for guidance as to any other protective measures we should take to assure a fully acceptable program from the environmental point of view.

We should remember that this is a research and development program, and the Government is participating only in the prototype phase of the program. Many of the objections to supersonic passenger flight and the SST can only be resolved by moving ahead with this phase of the program.

The Government's investment in this program is relatively modest compared to our expenditures for space exploration and the approximately $8 billion being expended on research and development for defense this year alone. Yet the spin-off will be substantial.

I share the concern of many in the Congress and in the administration that research and development in aeronautics has been lagging in the United States for some time. The SST program today represents our only advanced aeronautical research and development effort.

The House Subcommittee on Advanced Research and Technology has emphasized this point, stating that:

> With overall U.S. research and development effort in aeronautics and aviation declining, there is reason for concern about maintaining our long-term world leadership U.S. progress in aeronautical R. & D. has lagged in recent years, and while the manufacturing capability of the Nation is still powerful, the threat of obsolescence and a secondary position exists in a number of areas.

The Administrator of the Federal Aviation Administration, John Shaffer, discussed the state of the Nation's aircraft industry during his testimony before the Transportation Appropriations Subcommittee. He pointed out that the backlog in the aircraft industry is $1 billion less than it was a year ago. He suggested the value of continuity and stated:

> The Boeing Company and the rest of the companies likewise, but the Boeing Company specifically, has a very talented engineering and production organization. If we permit that resource or those resources to be dissipated by not affording them an opportunity to participate in and produce what is the next normal step in the evolution of air transportation, then I suggest that that center of excellence can be dissipated or spread to the wind and it will be very difficult indeed to ever reassembled that kind of talent, that sort of organization, and the spirit of that kind of organization.

Therefore, what we are deciding here today is not the prestige of the United States, but whether or not the United States will continue its leadership in aviation by supplying between 80 and 90 percent of the aircraft of the highest quality flying for the airlines of the Western nations.

Earlier, I pointed to the impact of the SST program upon employment, the economy, and our balance-of-payments situation.

Many Members of Congress, including myself, are greatly concerned over unemployment in the aerospace industry. The effect of a halt or a slow-down in the SST program would be a serious blow to the domestic economy.

The prototype development program will provide direct employment for about 20,000 people at peak activity in early 1971, and about half of these people will work for subcontractors and suppliers in States throughout the Nation.

The production program for commercial SST's will employ about 50,000 people at peak production, and another 200,000 will be involved in allied services.

The loss of sales of a U.S. SST, combined with the increased purchase by U.S. airlines of foreign-built supersonics, is estimated to result in an unfavorable swing of about $16 billion in balance of payments through 1990.

Finally, there is the argument of the cost to the Government for this program.

The money being provided by the Government is not a subsidy. It is an investment which will be returned gradually with the sale of the SST.

By the end of this fiscal year, we already will have invested $604 million in this program. With this appropriation for fiscal 1971 amounting to $290 million, the Government will have invested 74 percent of its share.

If we stop now, then our investment will be lost. The taxpayers probably will never recover their share of this investment. The United States will concede its leadership to either the British-French Concorde or the Russian TU-144.

This is the age of the supersonic transport. It is here regardless of the outcome of the American SST program. There always have been those who questioned new developments in all fields of endeavor.

It is interesting to recall that early day railroads also faced opposition.

The Governor of New York wrote the President in 1829 protesting that the trains roared through the countryside, scared the livestock and frightened women and children. He said:

> The Almighty never intended that people should travel at such speed.

The speed was 15 miles per hour.

Mr. COHELAN. Mr. Chairman, I fully support the amendment as offered by my colleague, Congressman YATES of Illinois that will delete $290 million for the SST supersonic transport from the Department of Transportation appropriations bill for fiscal year 1971.

In the debate during the last session of Congress on the DOT appropriations bill for fiscal year 1970 I expressed my opposition to the Federal funding of this same project. Last year the Congress appropriated $85 million for the SST and now we are asked to appropriate $290 million for a project that, when completed, may cost the taxpayers in excess of $3 billion.

Based on the evidence available, I cannot support the Federal funding of the SST. This project poses a serious threat to our environment. The SST is likely to create a serious noise pollution to which there is no solution as of the present time. Have we not damaged the quality of our environment enough without adding another pollutant? Should we not be appropriating funds for a better environment?

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Mr. Chairman, the administration constantly speaks to the Congress of the need for restraint in Federal spending. At this crucial time I cannot support the allocation of $290 million for the SST when the arguments for this transport plane are outweighed by those arguments against: cost overruns, noise pollution, and high flying risks. Wasteful Government spending, as is the case with the SST, must not be allowed to continue, and therefore I support this amendment to delete all appropriations for the SST for fiscal year 1971.

Mr. FRASER. Mr. Chairman, I think it is ridiculous to consider spending $290 million of taxpayers' money for a supersonic transport jet by turning this money over to private industry in the hope that they can produce a better airplane.

This kind of airplane would produce bigger sonic booms, more noise, air pollution, and possible harmful weather changes. We have other needs in the United States that ought to come first. Millions of Americans spend more time delayed in rush hour traffic tieups than we can ever save by building a faster jet for the jet set.

Mr. UDALL Mr. Chairman, I understand that backers of the supersonic transport plane have had a "truth squad" circulating in the House Office Buildings this week, attempting to dispute the evidence that the SST is a hazard to the environment. This squad, according to report, includes just who we would expect—members of the Department of Transportation and representatives of the companies that would build the SST.

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I am pleased that, this year, we have been able to get a more authoritative and independent view on environmental factors from our national environmental "truth squad"—the President's Council on Environmental Quality. The Council was authorized by the National Environmental Policy Act, signed into law only on January 1 of this year. The CEQ was conceived of as a watchdog agency, capable of digging for the scientific facts that tend to be overlooked or ignored by agencies intent on advocating specific projects like the SST.

Two of the three members of the CEQ appeared before the Joint Economic Committee earlier this month. Chairman Russell E. Train and member Gordon J. F. MacDonald testified that the SST poses two major problems—excessive airport noise, and potential climatic change.

In addition, all the major environmental organizations in the United States have considered the SST and found it wanting. I include at this point a list of some of the national organizations who oppose the SST because of the project's environmental impact:

Citizens Committee on Natural Resources.
Consumer Federation of America.
Environmental Action.
Friends of the Earth.
International Longshoremen's and Warehousemen's Union.
Izaak Walton League of America.
National Audubon Society.
National Parks Association.
National Wildlife Federation.
Sierra Club.
The Wilderness Society.
United Auto Workers.
Zero Population Growth.

I emphatically support the Yates amendment and urge its adoption.

Mr. VANIK. Mr. Chairman, last November I voiced my opposition to the expenditure of $96 million for the supersonic transport, mainly on the grounds that it was an open-ended commitment which did not guarantee a return of the American taxpayers' investment and which posed numerous environmental threats.

Now, 7 months later, despite the President's seeming insistence on noninflationary spending, we are being asked to appropriate three times last fall's expenditure, or $290 million for the SST—even though the concerns of last fall remain unresolved.

On April 22, "Earth Day" was observed throughout this country. The day's lectures and discussions, which focused on ways in which to improve the environment received the overwhelming support of the American people. Yet this Congress is being asked to appropriate funds for a plane which would unquestionably be detrimental to the environment. The SST engines will pollute—and there is strong speculation that its exhaust can effect the balance of heat in the atmosphere and destroy the ozone protecting the earth from highly dangerous radiation. This speculation has received the support of the chairman of the President's Council on Environmental Quality, Russell E. Train.

Furthermore, the noise created by the SST would far exceed the present standards established by the FAA. Dr. Richard Garwin of the President's Science Advisory Board equates the noise produced by a SST taking off to the noise of 50 747 "jumbo jets" taking off simultaneously—and there are presently no proven technological methods of substantially cutting this noise without greatly reducing engine performance.

And then there is the question of the sonic boom produced by the SST. The impact of these shock waves on people and property would be disastrous. Even if the promised regulation confining the supersonic flight of the SST to overwater international routes were enforced, seabirds and water fowl on Arctic and oceanic nesting grounds would receive immeasurable damage, while the economic value of the plane would be severely restricted.

In early May it was revealed that the cost overrun for development of the SST was $76 million last year, $56 million of which must be borne by the Federal Government. Furthermore the Under Secretary of Transportation told the House Appropriations Subcommittee that there is no guarantee that future cost overruns will not occur. The Federal Government is supposedly paying for only the development of the SST prototypes. However there is presently great doubt that private investors will have confidence enough to finance the production of this questionable aircraft.

Yesterday, Washington newspapers carried an article on a probable cutback in airline orders for jumbo jets. Economic conditions simply do not warrant the development of another massive, expensive model of aircraft like the SST. In that case, the Government will be expected to supply guarantee loans, thereby increasing its commitment from $1.283 billion to over $4 billion.

Assuming that the funds necessary for production could be raised through private sources, it would take a sale of 500 SST's for the Government to get its money back with 4-percent interest. The Institute for Defense Analysis, a private economic study group, concluded in a study for the FAA that only 350 SST's could be sold by 1990 if domestic supersonic flight is banned. It is generally acknowledged that domestic flights by the SST at subsonic speeds would not be economical.

In the final analysis the SST's worth fails to justify its huge expense to the taxpayer. The supersonic transport offers the American people only two advantages: speed and prestige. Of what advantage is the expenditure of huge sums for a faster jet when it presently takes me longer to get from my home to the plane—driving on overcrowded roads and waiting in an overcrowded airport—than to fly from Washington to Cleveland? And what prestige can Americans feel over a jet which will pollute and sonically bombard our already defiled environment?

Mr. Speaker, I will vote today to cut this expensive, unsound, and needless subsidy for the SST. The decision to move forward on a supersonic jet can be deferred and held in abeyance until these issues have been cleared. It is more important for our aircraft development to be best rather than first.

Mr. BUTTON. Mr. Chairman, the amendment offered by the gentleman from Oklahoma deserves the support of the House. It seeks to increase funds and make possible needed manpower for the Coast Guard Reserve.

The recommended funds provided by the Appropriations Committee are clearly inadequate for the Selected Reserve, especially in view of the fact that the House has approved a level of strength for the Reserve which could not be achieved under the recommendation.

The Selected Reserve is an integral arm of the Coast Guard, and a most valued and necessary one. It provides needed strength for emergency situations, as experience and testimony document. The proposed 10,000 strength in this appropriation would not make it possible for the Coast Guard to assure the fulfillment of its assignment under any and all circumstances. The strength which can be achieved under the terms of this amendment would, on the other hand, virtually attain the manpower figure which the Coast Guard commandant has stated is the minimal need to fulfill the mission assigned without impairment to the national security.

The amendment deserves our support.

Mr. FLOOD. Mr. Chairman, I strongly support the amendment of our distinguished colleague from Oklahoma (Mr. STEED).

As a member of the Appropriations Subcommittee for the Department of Defense I, of course, am vitally interested in the operations and proper training and equipping of all of our Reserve Forces, not the least of which is the Coast Guard.

In recent years I obtained the necessary Federal funding to construct a new Naval Reserve training center in my congressional district and, in fact, we dedicated the building not too long ago.

One of the provisions made in the building's interior arrangement was the allotment of the required amount of space for training facilities of our local Coast Guard Reserve unit. This was a wise decision and it has been operating very well.

Though we do not hear quite as much about the Coast Guard and its Reserves, I am sure it is agreed, Mr. Chairman, that it is just as important and vital to our overall national defense posture as any of the other branches of our armed services.

The Coast Guard plays a most important role in the defense picture and we should never forget that fact. Its responsibilities are many and varied—all of them immensely vital to our security.

So, anything we can do for the betterment of the U.S. Coast Guard and its Reserves we should, by all means, do.

These are the reasons, Mr. Chairman, I am most happy to support the amendment of the gentleman from Oklahoma.

Mr. HUNT. Mr. Chairman, I am in full support of the amendment to the fiscal 1971 Department of Transportation Appropriation, H.R. 17755, to increase the funding for the Coast Guard Selected Reserve so that it can continue to operate at its present level.

Of course, the increase of $8.4 million for a total appropriation of $25.9 million would be consistent with the earlier action of this body when it authorized a Coast Guard Reserve strength of 16,590 with the passage of H.R. 17123. This action, in essence, endorsed the Selected Reserve of the Coast Guard as a vital element in our total defense structure with the unique mission, performed by no other defense component, of port safety and port security, whether in time of war or peace.

Although the Coast Guard Selected Reserve is by law under the jurisdiction of the Department of Transportation in times of peace, however irrational the justification for such organizational arrangement, it is indefensible that an executive agency other than the Department of Defense should be making the critical decisions that concern the continuance or phaseout of this essential defense component.

As has already been aptly pointed out by my distinguished colleague, the Honorable Charles W. Sandman, Jr., New Jersey is proud to have within its boundaries the largest Coast Guard training facility. I gladly associate myself with his remarks when he says that if the training program is deficient, let the training program be improved. There are certainly programs in the Federal bureaucracy that could be improved by eliminating them from the budget, but emphatically, the Coast Guard Selected Reserve is not one of them. I trust that the large majority in this body will vote to affirm their confidence in the selected reserve program by providing the funds necessary to enable this component to improve and sustain its training efficiency so that it can perform its mission as intended.

Mr. MINSHALL. Mr. Chairman, we have no further requests for time.

Mr. McFALL. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 145]

Abbitt
Adair
Albert
Anderson, Ill.
Anderson, Tenn.
Arends
Ashbrook
Ashley
Aspinall
Ayres
Belcher
Berry
Betts
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brock
Brown, Mich.
Burke, Mass.
Burton, Calif.
Burton, Utah
Byrnes, Wis.
Cabell
Carter
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cohelan
Colmer
Conable
Conyers
Corbett
Corman
Cowger
Cramer
Culver
Cunningham
Daddario
Dawson
de la Garza
Denney
Devine
Diggs
Donohue
Dowdy
Dwyer
Edwards, Calif.
Edwards, La.
Esch
Evins, Tenn.
Fallon
Foley
Ford, Gerald R.
Friedel
Fulton, Pa.
Garmatz
Gaydos
Gilbert
Goldwater
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hansen, Idaho
Harrington
Heckler, Mass.
Hogan
Holifield
Horton
Hosmer
Hungate
Ichord
Jarman
Jones, Ala.
Jones, Tenn.
Karth
Keith
Kirwan
Kyl
Landrum
Lukens
McCulloch
McMillan
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Mathias
Matsunaga
May
Mikva
Miller, Calif.
Mills
Moorhead
Morgan
Morse
Murphy, N.Y.
Nelsen
Nichols
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Poage
Podell
Poff
Pollock
Powell
Price, Ill.
Pucinski
Railsback
Randall
Rees
Reid, N.Y.
Reifel
Rhodes
Riegle
Rivers
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Ruppe
Saylor
Scherle
Schwengel
Sebelius
Sisk
Smith, Calif.
Smith, Iowa
Snyder
Springer
Stafford
Staggers
Stubblefield
Stuckey
Taft
Teague, Calif.
Teague, Tex.
Tunney
Watson
Watts
Weicker
Whitten
Widnall
Wilson, Charles H.
Wold

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Flynt) having assumed the chair, Mr. Edmondson, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17755, and finding itself without a quorum, he had directed the roll to be called, when 266 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed $27,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine; $17,230,000.

WATER AND SEWER FACILITIES PROGRAM

(By unanimous consent, Mr. Barrett was allowed to speak out of order.)

Mr. BARRETT. Mr. Chairman, on Monday, I cosponsored a bill, H.R. 17795, along with the distinguished chairman of the Banking and Currency Committee, the gentleman from Texas (Mr. Patman), and my distinguished colleague, the gentleman from Georgia (Mr. Stephens), to increase the authorizations to $1 billion for the basic water and sewer facilities program. When the Department of Housing and Urban Development appropriations bill was on the floor last week, I joined at that time in supporting the amendment offered by the gentleman from Georgia (Mr. Stephens) and the gentleman from New Jersey (Mr. Widnall) to raise from $150 million to $500 million the funds for grants under this water and sewer facilities program. There is no question that the funds for this vital program are needed all over the country. The Stephens-Widnall amendment that was adopted by the House appropriating $500 million for this program barely covers the backlog of applications that are presently pending in the Department of Housing and Urban Development.

This program which was enacted in the 1965 Housing and Urban Development Act has turned out to be one of the most popular and effective programs in the Department of Housing and Urban Development. Grants are made under this program to help communities, both large and small, construct new water and sewer facilities. All of us are well aware that if we are to make our environment more livable, additional Federal funds are needed to provide the means of financing such programs as new water and sewer facilities. This program is one of the basic government attempts being used to aid in cleaning up the environment. This bill, which, as I have stated, provides for an authorization of $1 billion for the next fiscal year, will give the Congress a chance to really act and not talk about providing assistance to our local communities in their attempts to tackle the pollution problem.

When the Subcommittee on Housing meets in executive session to mark up the Housing bill, I shall work to see that this bill will be acted on favorably.

Mr. ANNUNZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to express my support for the 1971 Department of Transportation appropriation bill. My distinguished colleague from Illinois, Hon. Edward J. Derwinski, and I have been greatly concerned for many months about the serious deficiency of funds confronting the Chicago South Suburban Mass Transit District. The funds in question are necessary for the purchase of seven commuter cars to be used by the Illinois Central Railroad.

The Chicago South Suburban District was originally awarded a grant by the Department of Transportation for the purchase of 130 urgently-needed commuter cars based on estimated cost of

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such equipment at the time the proposal was submitted. However, by the time the grant was actually made costs for building the commuter cars had jumped, and the money was sufficient for the purchase of only 123 commuter cars. Thus, the Chicago South Suburban District is left with a shortage of seven commuter cars.

With the daily ridership of commuters reaching as high as 82,000 per day, the need for the seven additional cars is critical. I want to emphasize that these seven commuter cars were part of the original grant and the original bid.

While I realize that the Department of Transportation faces funding limitations at this time, nonetheless, I do feel that the utmost priority should be extended toward allocating the necessary funds to make purchase of these seven commuter cars possible. Further delay will only result in steadily spiraling costs, thus necessitating a far larger allocation of funds later than would be necessary now to complete the purchase of the seven cars.

Consequently, both Mr. Derwinski and I are carefully reviewing page 21 of the committee report which outlines the current status as well as future plans for the urban mass transportation fund.

The Illinois Central Railroad has efficiently and effectively served the commuters in the Chicagoland area for many years, and since the need for the seven cars was acknowledged by the Department of Transportation when the original grant was made, it follows that the allocation of the deficiency funds should be made the first order of business under the urban mass transportation fund.

(Mr. DERWINSKI (at the request of Mr. ANNUNZIO) was granted permission to extend his remarks at this point in the RECORD.)

Mr. DERWINSKI. Mr. Chairman, in supporting the Department of Transportation's appropriation bill this afternoon, I and my colleague from Illinois, the Honorable FRANK ANNUNZIO, are necessarily concerned with funds that might be forthcoming to the Chicago South Suburban Mass Transit District which are necessary to cover a deficiency involved in the purchase of seven cars to be used by the Illinois Central Railroad's suburban line.

Frankly, I recognize the funding limitations that the Department faces at this time and my colleague Mr. ANNUNZIO and I are carefully reviewing page 21 of the committee report outlining the urban mass transportation fund status. I believe that practical priority ought to be allocated by the Department for the particular project which serves our constituents.

May I note, Mr. Speaker, that the Chicago metropolitan area is effectively served by commuter service. The Illinois Central Railroad renders very valuable service to the dozens of communities on the South Side area of the city of Chicago.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from California is recognized.

Mr. GUBSER. Mr. Chairman, I take this time for the purpose of urging my colleagues in the minority who will control the motion to recommit to offer it with a specific deletion of funds for the SST. My reason for asking this is that I am personally opposed to the SST at this time because I think there are much higher priority requirements for our national resources, and I would like a chance to express myself on the record accordingly.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield at that point?

Mr. GUBSER. I am glad to yield to the gentleman from Ohio.

Mr. MINSHALL. As a member of the minority, I would like to say to my good friend from California if that possibility does present itself and the parliamentary situation enables me to present a motion to recommit with instructions to delete the SST money. I will make that motion.

There is always the possibility that I will not be recognized, because of House precedents, in defense to a more senior minority member of the appropriations committee but shall have such a motion at the Clerk's desk.

However, there are certainly parliamentary procedures and customs that might prevent me from doing that. I would merely like to say I think this program should be delayed for at least a year under present conditions.

Mr. GUBSER. I thank the gentleman from Ohio. I certainly hope he does have the opportunity he seeks.

I understand that if the motion to recommit does not specifically include this deletion, the gentleman from Illinois (Mr. YATES) will ask for a vote against the previous question so that he would then have the opportunity of offering an amendment to the motion to recommit which would delete funds for the SST.

This would be a very difficult situation, because it will be nationally interpreted—and I might add wrongfully interpreted—as a vote on the issue of the SST when, in fact, it is nothing more than a vote on a strictly procedural matter.

Here is where a question of legislative philosophy enters into the problem. We hear a great deal of talk about minorities these days, but let us not forget that there are other minorities than racial. There are political and philosophical minorities as well.

The majority has the numbers, it has the chairmanship of every committee, it has a majority of every committee, and it has a decisive power to which it is entitled because the electorate has bestowed it. One of the powers and one of the checks and balances in our system which is given to the minority so that it can exert a reasonable influence on public policy is the motion to recommit. On at least two occasions within the last week we have seen another, where because of outside interpretation the motion to recommit becomes a vote on an issue instead of a procedural matter. We are about to see another such situation. The sum total of effect is that it takes away from the minority the protection and a right provided under House rules.

It transfers the minorities rightful authority and power to the majority. This is an erosion of fair parliamentary procedure and a dangerous precedent.

I cannot vote against the previous question for these reasons, but I do want to vote against the SST. I cannot adopt the dangerous practice of consistently transferring the rights of the minority over to the majority which already has the overwhelming power to legislate as it sees fit.

I sincerely hope that the minority will give us the chance to record our votes on the specific issue of the SST.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Massachusetts.

Mr. CONTE. Certainly I am sure, even though I am the ranking Republican on this subcommittee, that if I offer a motion to recommit to delete the SST, the motion would be taken away from me.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think we might appeal to the sporting blood in the House and let the Members vote on my amendment and then let them vote on a rollcall on the motion to recommit.

Mr. JACOBS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I, too, am concerned about the procedure on the motion to recommit. And I commend the gentleman from California for quite rightly pointing out that the majority and the minority are not always identifiable by always obvious outward signs. For example, the minority in this House, year in and year out, on various kinds of amendments to the military procurement bill when it comes before the House, is not a minority consisting of Republicans, and it is not a minority consisting of Democrats, but it is a minority consisting of both Democrats and Republicans who are not given the opportunity to control the motion to recommit.

Mr. Chairman, the story is told of a New England town meeting a few years ago in which a debate took place, the whole town participating, as to whether the community should put limited resources into the building of a new high school or a new bridge across their river. And the controversy raged on into the evening until an elderly gentleman arose and said:

> It seems to me that the issue boils down to this: whether 10 or 15 years from today we want educated citizens going back and forth over an old bridge or ignoramuses going back and forth over a new one.

I hear it said that the development of the supersonic jet transport can take the jet set across the Atlantic in 3½ hours rather than 6½ hours. I also know for a fact that in my city of Indianapolis the 40 special reading teachers in our school system have been cut to 20 special reading teachers, as a consequence of the policy of this Government in limiting Federal aid to education to my community.

Therefore, I believe it is important for this House, for this committee, to deter-

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mine whether 10 or 15 years from now it would be better to have a fully educated nation going back and forth over the Atlantic in 6½ hours rather than a nation, which is educationally handicapped, having some of its jet set going back and forth across the Atlantic in 3½ hours.

It is on that basis that I will cast my vote in favor of the amendment of the gentleman from Illinois (Mr. YATES) today.

In my judgement, this entire project is a sonic, not to say "boom," dogie.

Oh well, I suppose we cannot do too much for the jet set.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise to support the amendment of the gentleman from Illinois. I believe the SST ultimately will be a good thing for this country and for the world community. I believe our scientists and technicians can and ultimately will lick the problem of the sonic boom. Until they do so supersonic craft will not be permitted to be flown at supersonic speeds over U.S. airspace in any event.

I believe we can beat the engine noise problem that will be occasioned by the transoceanic flights that take off westward from the west coast or eastward from the east coast, flights which occasion virtually no passage over land areas, and what there is, at subsonic speeds.

I believe ultimately it will be a good thing for people to be able to travel across the oceans in 3½ hours as against 6½ hours.

We could as readily debunk and ridicule practically every increase in speed in communications and in transportation that has been made since the Stone Age. But the fact is that we have evolved into a modern, technological, sophisticated one world society instantaneous communications around the world, with extraordinarily rapid transportation. Progress in the speed of communication and transportation has always redounded to the benefit of the many; it has never been restricted for the exclusive enjoyment of any small elite. And with all the problems, this progress in the speed of transportation has been a good thing for mankind.

I suspect that one day we will have the SST.

We will have licked the engine noise problem and hopefully we will have licked the sonic boom problem.

It will be a boom for mankind to travel across the oceans at almost twice today's speed.

And I daresay it will affect far more than the jet set when we can travel across the oceans in 3½ hours rather then 6½ hours.

So, in principle, I am totally for the development of supersonic transportation. I know the American people through their Representatives in this House will never, I say never, permit the Congress to go ahead until the program and its operations have been cleansed of any negative environmental or ecological fallouts. This, of course must be an absolute sine qua non; at such time in the future when we proceed with SST development, as ultimately we must and will.

I must say, at this point in time, however, considering not only the education needs of our country, which our colleague from Indiana referred to, but also the vast scope of the unfilled and unmet urban and rural needs of all kinds; the problem of poverty in the midst of affluence; of an education system in many of our Nation's cities that is turning out a generation of functional illiterates; of a national health services delivery system in our country, which place us 17th in the world in infant mortality; the problem of a country with over a million people living in semistarvation, a country that has urban population that is sinking in the mire of cities that are themselves becoming disfunctional, indeed virtually uninhabitable; of a law enforcement system that is so antiquated and to which we have so failed to apply the very science and technology we are seeking to apply here to the supersonic transport, that we seem to be inundated by violent street crime and by an escalation of drug addiction not only among the poor but the middle classes, to which we seem to have no clear answer at all. We certainly have not produced the dollars for residential drug treatment centers which seems to be the one agreed-on facility which makes sense, and for which we have not even begun to find the necessary funds.

So, Mr. Chairman, until we find a way of serving the tens of millions of people in our cities with public services in terms of educational and health services, a welfare program that provides a life that is not demeaning or degrading to the human personality, and provide law enforcement and neighborhood security services that are sensitive, and relevant to the needs, the tensions, and the anxieties, of all elements of our strife ridden cities; until we apply our vast technological and human behavior know-how to the business of keeping our streets and homes safe—until that time comes, Mr. Chairman, I must say with reluctance and sorrow that I for one will vote to let that 6½-hour trip stay 6½ hours for just a little bit longer.

I think we can survive that wait.

I hope the day comes soon when we will get to that 3½-hour transoceanic hop.

I do not deride, or debunk, or mock it.

We ought to pierce that speed barrier someday.

But it has to be at a point in time when we are doing a job for the 200 million plus Americans living and working here on earth—the overwhelming proportion of whom will not be traveling very often across the ocean in 3½ hours' time.

Mr. YATES. Mr. Chairman, I rise to suggest that we debate the SST when we come to that provision, and I also suggest that the speeches so far have been related to it and we have not come to it.

May the Clerk read?

The CHAIRMAN. Is the gentleman moving to strike the last word?

Mr. YATES. The gentleman does move to strike the last word, and the gentleman has concluded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT

For an additional amount for expenses, not otherwise provided for, necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, and advances of funds without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), $289,965,000, to remain available until expended.

Mr. YATES. Mr. Chairman, I make a point of order against the appropriation for the SST development.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Mr. Chairman, this is an appropriation for the development of a supersonic aircraft under the terms of a contract between the Government and the Boeing Co. The authorization for the appropriation is admittedly section 312(b) of the Federal Aviation Act, which provides as follows:

> The Administrator is empowered to undertake or supervise such development work and service testing as tends to the creation of improved aircraft, aircraft engines, propellers, and appliances.
>
> For such purpose, the Administrator is empowered to make purchases—including exchange—by negotiation, or otherwise, of experimental aircraft, aircraft engines, propellers, and appliances, which seem to offer special advantages to aeronautics.

There is nothing in either provision which authorizes the spending of public funds for private purposes or private gains. There is nothing in either provision which gives the benefits of whatever development or testing is undertaken to the person or the company doing the work. My point here is if the Government pays for the work, as it is in this case, then the Government is entitled to the product. The Government owns the product because it has paid for it. There is no provision in the law which permits gifts or for making grants. That is not the case in this contract because the plane when built will belong to Boeing. Under the contract, whatever results from the development belongs to Boeing, which has the burden of producing the SST. Under the contract the Government is to be repaid for its money through royalties from the sale of planes, but the planes when completed will belong to the Boeing Co. Yet, as I said, there is no authority on the statute books for loans or grants to the contractor.

The second provision of section 312(b) authorizes the purchase of experimental aircraft and various aircraft parts. That provision is not pertinent here as an authorization for this appropriation, because the Administrator is not making a purchase of an aircraft. Pursuant to the terms of the contract, even though the Government is putting up almost all of the funds for the SST, the plane nevertheless will belong to Boeing and not to the U.S. Government. The Administrator is buying no aircraft, no engine, no propeller nor appliances.

There is nothing in the law which permits the Government to give or loan

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money to a private contractor to build an aircraft for that contractor. When the Government orders development of a plane like the C–5A or the F–111 or some other aircraft of this type, those planes are developed for the Government. They become Government planes. It is true they are military aircraft but, the fact remains that the same rule should apply to certain planes where the Government puts up the money.

This is the first time that the Federal Government's funds have been used for the development, construction, and production of a commercial aircraft. It is shocking and unfortunate that it is done for the benefit of a private company.

Mr. Chairman, I cite another point which may be used by the proponents of this program in support of the appropriation.

There is a provision in the Organic Department of Transportation Act which gives the Administrator the power to develop and construct a civil supersonic aircraft, but that does not alter my point of order because the authority that is given by that delegation under the Organic Act is limited to developing an SST for the Federal Government. It does not give the Administrator the right to develop an aircraft for a private contractor.

There is no authority in the law for any Government official, there is no authority in the law for the FAA Administrator or for the Department of Transportation to give away the Government's property or to give away the taxpayers' money which is what this contract does. The taxpayers' property is being given for the benefit of the Boeing Co. There is no authority in law for that and there must be such authority before there can be an appropriation in support of that kind of a program.

The CHAIRMAN. Does the gentleman from Massachusetts (Mr. BOLAND) desire to be heard on the point of order?

Mr. BOLAND. I do desire to be heard on the point of order, Mr. Chairman.

Mr. Chairman, the authority for the Government's undertaking this program is crystal clear.

Section 312(b) of the FAA of 1958 (49 U.S.C. 1353(b)) states that:

> The Administrator is empowered to undertake or supervise such developmental work and service testing as tends to the creation of improved aircraft, aircraft engines, propellers and appliances.

Nothing in this act in any way excludes the use of cost-sharing contracts to achieve this purpose.

Mr. Chairman, that is point No. 1.

The present DOT authority for this program—section 6(c)(1) of the DOT act, 49 U.S.C. 1655(c)(1)—specifically states:

> There are hereby transferred to and vested in the Secretary all functions, powers and duties of the Federal Aviation Agency, and of the Administrator and other officers and offices thereof, including the development and construction of a civil supersonic aircraft.

Likewise, this present statutory authority for the SST does not exclude or preclude the use of cost-sharing contracts to accomplish a successful SST program.

The contract with the Boeing Co. provides that the Government will have the title to all work paid for by the Government, with the contractor only having a right to that part for which it paid from its own corporate funds. This arrangement guarantees that the Government's rights are fully protected and that the contractor does not obtain title to anything for which the Government has paid.

Therefore, the funds sought in this appropriation bill will go only toward the Government's share in the SST prototypes. The contractors, of course, will pay for their share in the aircraft out of their own funds. Upon completion of the SST program, the Boeing contract provides for a division of all property produced under the contract, based on the proportionate shares of the Government and the contractor.

For these reasons I believe the point of order raised by my friend, the gentleman from Illinois, is not well taken, and ought to be overruled.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard further on this point of order?

Mr. YATES. Mr. Chairman, if I may be heard further, my distinguished friend, the gentleman from Massachusetts, has made a very eloquent argument, but he has not met the challenge I made in my earlier statement when I said that there must be a specific authorization, there must be a particular, specific provision which gives to the Administrator the power to give away the Government's property. In this case the contract provides for the planes when constructed, if and when constructed, to be owned by the Boeing Co., and for the payment of royalties to the Government for the sale of airframes, for the sale of engines, for the sale of parts, and for the sale of planes. These planes will belong to Boeing. There is a cost-sharing contract up to the time of completion, but at the time of completion those planes will belong to Boeing, and I suggest that there is no authority in law for giving the taxpayers' funds for private benefit.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Illinois (Mr. YATES) raised the point of order against the appropriation appearing on page 2 of the bill, entitled "Civil Supersonic Aircraft Development," on the ground that there is no authorization in law for the development of such an aircraft, and for the expenditure provided herein.

The gentleman from Massachusetts (Mr. BOLAND) in responding to the point of order has cited certain provisions of law which have been recognized by the gentleman from Illinois as pertaining directly to the authorization of the civil supersonic aircraft development program.

The Chair has examined the laws to which attention has been directed. Chapter 20 of title 49, United States Code, relates to the Federal aviation program of the Federal Government, and sets forth the powers and duties of the Federal Aviation Agency and, as has been pointed out, empowers the Administrator to "undertake or supervise such developmental work and service testing as tends to the creation of improved aircraft. For such purpose, the Administrator is empowered to make purchases—of experimental aircraft."

Even broader, I think, is the delegation of authority that appears in Public Law 89–670, establishing the Department of Transportation. Section 6(c)(1) of that act states as follows:

> There are hereby transferred to and vested in the Secretary (of Transportation) all functions; powers, and duties of the Federal Aviation Agency, and of the Administrator and other officers and offices thereof, including the development and construction of a civil supersonic aircraft.

The Chair has heard the argument of the gentleman from Illinois with reference to his contention that this must be construed narrowly, but does not find in the law or in the precedents any requirement for as narrow a construction as the gentleman has contended for. It is a broad delegation of authority, and must not be construed as narrowly as the gentleman has sought.

In view of these citations, which give the Secretary a broad experimental and development authority and bestow upon him in explicit terms the authority to develop and construct a Civil Supersonic Aircraft, the Chair is constrained to overrule the point of order.

Therefore the point of order is overruled.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. YATES: Strike out lines 20 through 25 on page 2 and lines 1 and 2 on page 3.

Mr. YATES. Mr. Chairman, my amendment will strike out the funds for the SST. The reason I offer it is that I am impressed by the utter uselessness of the SST program at this time.

In a day when enormous problems weigh in upon us from all sides, and when deficits in the Federal budget by the President are announced rather than a surplus—of what possible use to the American people does this kind of expenditure have?

We are told that the Russians are flying their Tupelev and the British and the French are flying their Concorde. I say, so what? Who benefits by the flights of the British and the French and the Russians of their supersonic aircraft?

It is said that this gives them an advantage. That it will allow people, their passengers, to get from New York to Paris in 3 hours instead of 6 hours. Big deal.

Let me cite an article written recently by James J. Kilpatrick in the Washington Star entitled "Who Needs the SST—Not the Airlines or the Public."

Mr. Kilpatrick cited a statement by Secretary of Transportation John Volpe in which he said:

> The appeal contained at least a demisemi-quaver of desperation. "The aviation industry is essential to our Nation," Volpe

said. If the SST should be dropped, "then in 6 or 7 years you would have tens of thousands of employees laid off and an aviation industry that would go to pot."

Volpe also renewed a number of other arguments in support of the SST: Its sale would help our balance of payments. A successful SST would boost American prestige. And as for the problem of the plane's sonic boom, there would be no problem: The plane would never be permitted to fly at supersonic speeds over land.

This is what Mr. Kilpatrick says:

> A more specious line of reasoning seldom has been assembled. For the taxpayers to invest another $290 million in this venture—and that is the sum to be asked this week—would be a throwing of good money after bad boondoggles. Do we learn nothing from such wretched experiences as the military F-111? Do we ever examine all the implications of "progress?"

May I interject, Mr. Chairman, to point out that for the first time, we have an overrun in this program now. There was a $76 million overrun for the first time. That is the first time and there will be many more to come.

The limitation that President Kennedy had placed on the SST program when he launched it in 1963 saying that there would be no more spent of the taxpayers money than $750 million. Has now gone to twice that amount.

The figures now project to $1,400,000,000 for certain. And if you read the testimony before our committee, you will see that if private contractors cannot obtain the financing for this plane, the taxpayers may be called upon to spend another $4 billion to $5 billion before you get a commercial transport supersonic plane.

Do you think President Kennedy would have approved the SST in the first instance if he had known that the SST program would cost five times more than the limit he established for the SST program? Of course, he would not.

It is stated that insofar as the infernal racket that this thing makes—and everybody concedes it is an infernal racket from the sideways noise of this plane.

The FAA says:

> We are going to avoid this by building airports in remote areas.

Well, apart from the billions of dollars that go into the construction of the new SST airports, what does it gain a passenger on an SST plane to have a few less hours in the air when he has to travel an additional hour on the ground or an hour and one-half on the ground to get to an urban center from some remote airport?

The arguments in favor of this program are truly specious.

It will be stated that we have all gone through this argument before, that we have faced this year after year, that it has been 7 years that we have had the program. Mr. Chairman, that may be true, but for the first time the facts about this program are becoming known. Read the testimony in our hearings by Dr. Garwin, and you will see the strict requirements of the initial contract, the initial SST contract, are being downgraded. No longer will we have the same kind of plane that had been planned at first.

Mr. Chairman, I urge the support of my amendment and defeat of this appropriation.

Mr. PELLY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Illinois.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. PELLY. Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Illinois (Mr. YATES).

In the last analysis, what the gentleman's amendment to strike out funds for the SST would do, is relegate the United States to a second-class position in the air transportation field.

Technologically, we have enjoyed supremacy in the civilian air transport field, but it has been hard earned. Eighty percent of the air fleets of foreign nations are American planes, designed by American engineers, built by skilled American workmen.

As a member of the House Subcommittee on Advanced Research and Technology, I have heard the testimony of our scientists. I have heard of our successes of the past in engine noise abatement and air pollution control.

With subsonic planes, each new generation of engines has shown the results of our research and development. For example, the 747 is quieter than the 707.

So it will be with the SST.

Those Members of this House who oppose the SST have a good political thing going for them. They exploit the objections and fears of environmentalists.

Mr. Chairman, I will hold my record in environmental control legislation against any of them. I have fought for less noise. I have fought for cleaner air. I have and I will continue to fight for rigid environmental standards.

But, this amendment would kill the SST program. It would bring to a halt one of the last items built in America which, because of our scientific superiority, has never been priced out of the world market.

Members of this body who represent industrial areas—steel and automobile manufacturing—know what I mean. Japan and Germany are underselling us.

Now, however, if the Congress defeats this amendment, as was done last year by a 2-to-1 majority, research can continue to assure that the SST will not only be built, but that research will assure a reduction in its air and noise pollutants.

What is needed is proper standards; not to revert to the horse-and-buggy days.

On the one hand, Mr. Chairman, we can ignore the 850,000 workers employed in the aircraft industry. We can forget the 115,000 new jobs for Americans in the consumer and service industries related to the SST. We can deplete our economy of the American dollars to be gained, the $130 billion of export business to be gained from 1975 to 1990.

We can, on the other hand, spend $5.6 billion to buy foreign SST aircraft, and thereby we can lose the $2 to $3 billion a year benefit to our balance of payments.

Finally, it should be remembered that this is not a bonanza for any one congressional district or any one State or any one company.

There is an assembly line in my State, but the contract for the engines has gone to a different company, and subcontracts and the jobs they will require are in 32 other States.

Despite the emotional moves now taking place to kill the SST, and the things that are being said in the heat of this debate, the Federal Aviation Administration considers the SST to be of a very good design.

At present it has a lower takeoff and landing noise profile than present subsonic jets and requires about as much runway length as the conventional DC-8 and 707 jets.

Mr. Chairman, I sum up by quoting the words of former FAA Administrator and now president of Pan American World Airways, who said:

> The supersonics are coming, as surely as tomorrow. You will be flying one version or another by 1980 and be trying to remember what the great debate was all about.

Mr. Chairman, the SST must be engineered and built in America.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Illinois.

Mr. YATES. Does the gentleman know what else Mr. Halaby said?

Mr. Halaby called the Concorde's cabin "restricted." He said its passengers, after the comfort of wide-bodied jets such as the Boeing 747, would feel they were going "back to the tube from the living room." With only 122 seats in the cabin, he feared that Concorde fares would have to be so high that the plane would be limited to expense-account travelers. Beyond that, he raised a number of technical points about accessibility of components for maintenance, noise beyond the problems of sonic boom, and smoke emission.

Mr. Halaby was the first one to criticize these programs, so I think the gentleman must accept his earlier statements in the light of his later ones.

Mr. PELLY. If the gentleman wants to find someone to quote on either side of this issue, there is plenty of documentation, but the fact is that we will either have American workmen building a plane designed by American engineers, or we will have foreigners building this plane. I am all for American industry.

Mr. ADDABBO. Mr. Chairman, I move to strike the last word. Mr. Chairman, I rise in support of the amendment by the gentleman from Illinois (Mr. YATES) to delete the appropriation of $290 million for continued development of the civil supersonic aircraft. I have already joined with others who serve on the House Appropriations Committee to set forth our separate views in opposition to this proposed expenditure. The basic reasons for our opposition are both economic and environmental.

This proposed expenditure cannot be justified by any public need because a very small percentage of the Nation's population will ever have the financial

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means or the opportunity to use the supersonic transport. If the noise control and sonic boom control regulations issued by the Department of Transportation are applied as written and enforced, the SST will not be able to operate from airports in the United States. Even if the regulations are modified, few airports in this country could accommodate the SST and the noise problem at airport communities would be intolerable.

These facts certainly go to the heart of the economic feasibility of making this program a success and cause grave concern about the wisdom of approving this kind of Federal expenditure. In order to justify economically the continuation of a supersonic aircraft development program, prior to completion of further research activity, the Department of Transportation would have to compromise its position on environmental control and subject residents of airport communities to a noise barrage beyond our ability to predict or control and these must be our first consideration. I submit that those who support this appropriation have not justified the program or the size of the appropriation and I urge my colleagues to vote to strike this item from the bill.

Mr. KUYKENDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Illinois, who was quoting the chairman of the board of Pan American World Airways, failed to add the one last sentence to the story: He bought the airplane.

I think it is interesting to notice how the debates of the last few years on the SST have developed. About 3 years ago everybody was talking about the sonic boom; now it has been absolutely stated by FAA to all the supporters and opponents of the SST that the SST simply will not be allowed to fly over populated areas at supersonic speeds.

Then we come up to the approach and takeoff noise of the SST. The engine developers and the airframe manufacturers have given their expert opinion that 1 mile out from the runway or 3½ miles out from the runway, which is the primary populated area—very few people live within 1 mile of the runway of the major airports except in areas like Washington National, where certainly the SST will not be allowed.

We find that not only is the SST acceptable on the climb out and approach distances, but the projected noise is less at the 1 mile and less than the 3 miles with the Boeing 707.

Now to clarify the matter of the runways and the airports, we just got through reporting from our committee and reporting from this House and from this Congress—and signed by the President—the Airport and Airways Construction Act. I did not notice anything in that Airport and Airways Construction Act that was tailored just to the SST.

The great problem of the congestion that is caused by the aircraft is caused primarily by the jumbo jets such as the 707 and the 1011 and the DC–10's that will all be flying soon, as the 707 is today. So we are going to have to get our major airports away from the population centers whether there is or there is not an SST, and I am sure all on both sides agree to that.

Now I want to correct some inaccurate statements concerning the necessity of changing the whole runway and rearranging of runways and what have you.

The Boeing 707 requires a runway of 11,100 feet to take off.

The Douglas DC–8, requires a runway length of 12,600 feet to take off.

The SST—and that includes the Concorde or the Boeing; and I have seen the Concorde take off at the small Le Bourget Airport in Paris—requires only 10,540 feet.

As to the thickness of a runway required as an absolute minimum, all American major airport runways are at least 50 percent thicker than required today.

The DC–8 requires a minimum thickness of 13.2 inches. The Boeing 707 requires a minimum thickness of 12 inches even. The SST requires a minimum thickness of 12.9 inches, which is between the other two.

These are some of the questions which have been brought up about some of the statements which have been made.

To close, we have, fortunately, as a result of some misfortune, been able to have quite a bit of extra time in developing the engine itself. The SST engine over at Cincinnati has been complete for well over a year, for about 15 months. This time has been taken and taken well for noise suppression.

There is a question as to the noise in the immediate vicinity of the airport. A person who comes out to the airport to leave on a plane, as those of us who have been around the major airports know full well, does not go out there to take a nap, and does not go out there to spend the night. The way the new airports are being built today, a person walks through a tunnel or a port, not exposed to the outside air, into almost all of the airplanes.

In the one year or more since the GE engine has been complete they have been able to bring the noise level down from over 130 decibels to 123 at the present time, and they have every reason to believe that this will be lowered to 112 by the time the airplane is off the production line.

I close with this one point: I saw the first time the 747 took off from a European airport. This huge, lumbering giant——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. REUSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Yates amendment.

The SST could not have come up on a worse day in our history.

The taxpayers' revolt is still in full cry. We are having a 7.2-percent annual inflation. A million men and women are unemployed as a result of current economic policies who would not otherwise have been. We have the highest interest rates in 100 years. The Wall Street stock market is a shambles.

Yet the taxpayers are mocked by this flying dodo of a bird that would impose $290 million of additional taxes on them this year.

I cannot think of a better day, Mr. Chairman, to kill a mockingbird.

Whom is the SST going to benefit? Certainly not the average American taxpayer. He is never even going to ride in the SST. Two or three percent, at most, of the people of this country are ever going to ride in the SST, if it flies. And they are going to be the jet setters who will have the dubious advantage of being able to fly from New York to Paris in a few hours less, and of being able to eat dinner at the Ritz in Paris before they have stopped chewing the breakfast at the Waldorf in New York.

The effects on their internal economy are going to be second only to the effects on the internal economy of this country.

What about the airlines?

The former head of the FAA, Mr. Quesada, now a director of American Airlines, testifies that the airlines wish the SST would just go away.

I sympathize with the position of Boeing, and of the Northwest area. But how much better it would be for the people of this country if the talents of the men who work at Boeing were put to work making air pollution equipment, water pollution equipment, or mass transit vehicles, subsidized by the Government, if you will, than for them to achieve the supersonic socialism embodied in the SST.

Let there be an end today to the SST. Let the FAA tell the French, the British, and the Russians that they cannot fly their monstrosities in this country. That will end the prestige argument once and for all.

And then let us get on with solving the great economic and social problems of this country.

Mr. FARBSTEIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. YATES) to delete all funding for the supersonic transport—SST—and want to associate myself with the remarks made by the gentleman from Wisconsin. I do not think this is a period when our economy can afford large expenditures on items like the SST, not only because there are so many items which have a higher priority, but because of the destructive environmental impact of this plane.

The House of Representatives in considering the SST appropriation today is facing the first real test of its commitment to the principles of Earth Day, held barely a month ago. It is easy enough to make a speech at home or on the floor of the House extolling the need to do something about the environment, but rhetoric is going to accomplish little; only action is going to secure action.

Earth Day was dedicated to taking stock of the defilement of our environment through the pollution of our lakes and streams, the fouling of the atmosphere and the increasing bedlam of noise dinning our ears. It was dedicated as well

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to securing a reversal of our distorted priorities by which we encourage with Government funding technology which pollutes the environment and do little to encourage the kind of technology which does not.

The SST represents all that runs counter to the principles of Earth Day. It will contribute significantly to the pollution of our environment; and it will divert badly needed resources from uses which could clear up pollution and wipe out other domestic problems of this country.

I oppose the SST because it would be a major source of airport noise. According to Russell Train, the Chairman of the President's Council on Environmental Quality, the SST will produce a "high level of noise in the vicinity of airports." The current design of the SST will lead to a noise field radiated perpendicular to the runway, called sideline noise. In terms of measures used by the Federal Aviation Administration—FAA—to assess annoyance, the SST would be three to four times louder than current FAA sideline standards, and four to five times louder than the 747. In terms of noise pressure, the sideline noise level would also be substantially higher than that of subsonic jets meeting FAA requirements.

Dr. Raymond Bisplinghoff, dean of MIT School of Engineering and chairman of the SST Technological Evaluation Committee, formed last year by FAA to review the plane, said much the same thing in testimony before the House Appropriations Committee last year. He said:

> The SST will produce as much noise as the simultaneous takeoff of 50 jumbo jets satisfying the subsonic requirement.

I oppose the SST because implausible as it may appear, the SST may modify weather conditions. Russell Train points out that the transport flying at 60,000 to 70,000 feet may affect the water vapor and destroy the shielding capacity of the atmosphere at that level against penetrating and potentially highly dangerous ultraviolet radiation. This would also have the effect in a few years of leading to a sun shielding cloud cover with serious consequences to climate.

Clearly the effects on the atmosphere are of importance to the entire world and should be thoroughly understood before any country proceeds with a massive introduction of supersonic transports. It makes no sense to me to go ahead with the SST until we have some way of knowing what its long-range environmental impact will be.

Finally, I oppose the SST because it is a waste of our monetary resources. We recently approved a housing appropriation bill that allocated significantly less for housing this year than has been allocated in years past. Earlier this year, the President vetoed an educational appropriation bill because he said our economy could not afford the burden of the added expenditure. The appropriations under the poverty program have also been significantly reduced. It is a distorted sense of national priorities which can permit this to occur and yet approve continued expenditures on a plane what may well end up costing the Government $5 billion, represents a significant source of noise pollution and may adversely alter the weather and our climate.

Mr. Chairman, for these reasons, I urge the adoption of the amendment to delete all funding for the SST.

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment.

I want particularly first, Mr. Chairman, to answer the argument of the gentleman from Wisconsin with regard to the economics of this matter. This is not an inflationary package in that it is one of the very few things we appropriate money for where it will eventually produce the production facilities and goods in the United States which do not have an inflationary impact.

I might also state that this leads to the employment of individuals, and at the present time we have one of the highest rates of unemployment in the United States that we have suffered in a number of years.

This is a different type of expenditure than one where goods go out of the United States and are never used. These goods turn over as part of our economy. Unless we do this, in the 1970's and 1980's those employed in the aerospace industry, in commercial aviation will be reduced to less than 150,000. Remember we cut the space program and cut the military program and other programs in which these people work so the whole industry is staggering. The employment will drop from 200,000 people employed now to 150,000 people in the mid 1970's even if you have an SST program and will go down to less than 80,000 people if you do not have it. We will be moved out of the commercial jet market.

We will also have no fallout from the development of new products in the aerospace industry. The development of the Concorde, which has taken place in England, is also helping with their A-300 skybus which competes with the Lockheed and Douglas skybus-type planes.

I mention this because there are solid economics involved and this is one program from which the Government will be repaid. This is one of the few programs where we have an investment of our money where the money will come back in to us. This is the sort of thing that the U.S. Government should be doing. I am here today as a matter of conscience and economics. The depression that is now occurring in my area, for example, which is all commercial and not military at all, shows that in the last 2 years we have gone from 100,000 people employed to 60,000, and that will drop down to 50,000 in the near future unless we have a change. You have to have jobs and you have to have people paying taxes in order to run the programs that I want to support in this House. When my people in my area and in yours go out of work, somebody will have to take care of them with programs for welfare, unemployment, compensation, and poverty programs. We should try to build these peacetime industrial programs, because it will give our people a chance to work for a living and then we can have these other programs that we are all for.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. Yes; I am glad to yield to the gentleman.

Mr. DON H. CLAUSEN. I, like many other Members, have had a number of letters in opposition to the SST proposal. I am wondering if the gentleman can respond to some of these questions. They fall into general categories, some of which you have already responded to. They say that the funds should be used for more pressing domestic problems, including that of our environment. How would you respond to that?

Mr. ADAMS. I think we should be improving our environment and funds should be appropriated for that purpose, also.

But the environmental problem caused by the SST is minimal compared to the total problem we are trying to solve, for example, with the air pollution from the automobile. This plane will not cause a great environmental problem in spite of some of the scare things that have been said about the upper atmosphere. This plane will fly at an altitude of 60,000 feet and in the opinion of most experts will not have an undue adverse effect on the upper atmosphere.

Mr. DON H. CLAUSEN. Mr. Chairman, if the gentleman will yield further, the next question is this: There is concern over the sonic boom problem and its effect on fish and wildlife as well as its effect on flying the aircraft over land.

How does the gentleman respond to that kind of question?

Mr. ADAMS. The routes that have been established for the SST—and it has been stated repeatedly by those who have advocated this program, including all the governmental agencies involved—that there will not be any overland routes over the United States. There will be routes over the Arctic icecap and over the oceans and there have not been shown to be harmful effects there. The British, the French, and the Russians are flying these routes now and will be flying their planes over parts of the United States whether we authorize this program or not.

Mr. DON H. CLAUSEN. Mr. Chairman, if the gentleman will yield further, I have one final question:

Why should the Government be involved in financing the SST? Why should not the private companies finance the program?

Mr. ADAMS. The problem is that the design and development cost of this kind of program will run over $1 billion which outstrips the ability of any and all of the aircraft industry to pay. They simply do not have the equity capital and could not borrow the capital to do this.

This has been true in the United States for many years, but in the past the Government was engaged in the development of military aircraft. That has been greatly slowed in the United States, however, and particularly in the heavy high speed transport planes. Many of us think this is unfortunate. So, if there is no SST development assistance on the part of the Government, then the other countries which are subsidizing airplane development such as the Russians, the

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French, the German complex, and the Japanese complex will develop the next generation of jets both supersonic and subsonic and will take that market and we will be out of business.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent (at the request of Mr. DON H. CLAUSEN) Mr. ADAMS was allowed to proceed for 1 additional minute.)

Mr. DON H. CLAUSEN. Mr. Chairman, I have this one final question that relates to the engines that will be used by the aircraft itself. There is a concern over the amount of pollution that would come from the engine that is used in the SST. Is the gentleman concerned, personally, and could the gentleman advise me and the other Members of his views on this matter?

Mr. ADAMS. The FAA started in 1969 and they now have a staff of over 12 people here alone putting out standards and checking these engines as well as checking the present engines of jet aircraft for both noise and to reduce the pollutant factor. They have worked down the decibel factor very significantly and they also are working on the intakes and on the outages to try to reduce to a minimum the amount of pollution that is produced by these engines. In an industrial society we have this pollution problem across the board with reference to most of our industries and particularly with reference to the automobile. The airplane industry and especially the supersonic jet, is a tiny tail on that particular very big dog of air pollution.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and for the passage of this bill. I say this because I believe we are in the supersonic age, whether or not we wish to recognize it. As a Congress, we should recognize the fact that we will have to keep up with what is going on in the world. If we do not, other nations will take the leadership from us and the first thing we know we will be a second-rate nation. I do not want this to happen.

Mr. Chairman, we have just passed an airport bill authorizing more than $5 billion over the next 5 years which will help to make space available for these planes to land and to take care of the noise problem.

I think we are building up a lot of fears that should not be brought up at this time until we know something about the facts. If we do not, other nations will take advantage of this and we will have to buy their products.

Mr. Chairman, we have already put a lot of money into the supersonic program. Are we going to let those funds and the knowledge go down the drain and depend upon someone else or are we going to proceed with the genius and brains we have to produce this SST and make it a paying proposition?

I do not believe there is a Member of this Congress who does not want to see America continue on as it always has done, to press on to greater things, and to do the very best that we can. I think that America can produce this plane, and can regain and maintain the leadership in this field. I think, in the future, if we do not carry on, we will find it necessary to yield to the other countries and we will be just second best. I believe we should always remember that motto of America, that we should continue to press on, not to go backward, but to move forward, try to do better, and try to do the very best with what we have.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I thank the gentleman from West Virginia (Mr. STAGGERS) for yielding. I want to commend my colleague from Illinois (Mr. YATES), for his leadership in offering this amendment to eliminate funds for further development of the Supersonic Transport—SST, and to indicate my strong support for his amendment.

I have opposed further involvement by the Federal Government in the development of this aircraft at every opportunity for some time. Experts disagree on the exact cost to the Government of this project, but it is clear that the cost is excessive in view of the competing needs of the Nation. President Nixon has indicated he does not intend to spend more than $750 million for the SST, but if the contractors cannot obtain outside financing for production of the aircraft once it is developed, the Government would have little choice but to make further investments which could escalate to as much as $5 billion. In the development stage alone, severe cost overruns have begun to appear. $76 million in cost overruns have occurred in the last 6 months, $57 million of which have had to be assumed by the Government.

The indirect costs of this project are likely to be even more serious than the direct ones. Typically, Government and private industry planners and developers have chosen simply to ignore or even deny the indirect costs that the American public is likely to have to pay for a Supersonic Transport plane. One major indirect cost will surely be imposed upon our already overburdened natural environment. Authoritative testimony has been received which indicates that the noise level of the SST at takeoff would be equal to the simultaneous takeoff of 50 jumbo jets. The operation of the projected fleet of 500 SSTs and Concordes—the French version of the Supersonic Transport—could very well, over a period of years, change the water and gas content of the atmosphere to such an extent that the world's climate would be noticeably modified.

As the gentleman from Illinois has rightfully pointed out in his separate views to the Appropriations Committee report on this legislation, the Environmental Policy Act of 1969, which I cosponsored and strongly supported, requires that all agencies of the Federal Government include in every recommendation or report on proposals for legislation a precise statement on the projected impact of the legislation on the environment. The Department of Transportation has indicated that it intends to submit such an environmental report sometime before the end of calendar year 1970. However, by that time, nearly $300 million more will have been spent on the development of this aircraft. Such a situation is outrageous. Certainly no more funds should be appropriated or expended until this report has been received and evaluated.

I feel strongly that the needs of our cities, the needs of the environment, the needs for improved urban mass transit and social services greatly outweigh the need for the SST, and that the benefits from the investment in these social projects will greatly outweigh any benefits in prestige or wealth we might obtain from development of this gigantic metal albatross. I, therefore, urge the Members of this House to join me in support of the amendment offered by the gentleman from Illinois striking all funds for the SST from the fiscal year 1971 transportation appropriation bill.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to strike out funds for the SST. I know there are many Members of the House who do not represent constituencies which have large airports in their districts, and thus do not have the problem of jet noise, or the problem of jet noise may not be as immediate as it is to some of us who do represent areas that do have large airports. When you get off an airplane at O'Hare Field you are practically in my district so my constituency is particularly sensitive to the problem of jet noise throughout the day and at night.

We have heard a lot of statements being made here today about how in 7 years they will lick this noise problem, and they will lick the sonic boom problem, but there has been a great deal of contradiction. On the one hand they say, well, these airplanes will not fly at supersonic speeds overland, and then we hear another statement being made that they will not fly over largely populated areas. Then we heard another statement made here that the noise will be at its maximum 3.5 miles from the runway threshold, and that it will be tolerable beyond that, that jet noise from the SST will be actually less than the 707, the 727, and the 747.

Well, for those of you who do not live with this problem every day, I want to tell you something about jet noise from airplanes. You can take an area 15 miles away from the runway threshold and on takeoff you still have a very serious jet noise problem.

I hope that this committee will realize that at some point in time when sonic booms start criss-crossing America and when the lives of millions of Americans are adversely affected, somebody is going to say how did we ever get into this? You will have to reply, we got into it because Congress kept adding a couple of hundred million dollars every year for SST development until you reached a point of no turning back. And, of course, that is exactly how we got to spend $790

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million already. We heard the statement made earlier by the gentleman from Massachusetts who said, well, you have already got $790 million invested in this SST, so you cannot turn back.

This SST will run into the billions of dollars. As my friend and colleague, the gentleman from Illinois, said earlier, this is going to be one of the biggest boondoggles we have ever seen for the taxpayers' money. There are going to be overruns, because the overruns are here already.

And so at some point in time citizens are going to say "How in the world did we get to this point?" Well, I can tell you right now there are many who will not be able to answer that question. As you continue to pour more and more dollars into this project you get further and further away from the day when you can still kill it.

I am not at all persuaded by the arguments that somehow or other speed is necessary. We are just now getting the 747's out of the assembly line. The 747's are going to be good planes for many years to come as a result of the investment by the airline industry. I do not agree with all these statistics here, about how the United States is going to look poorly in international commerce, because the fact remains that if the Concorde and the Soviet planes do not meet the minimum noise standards which I hope the FAA is going to set, they are not going to be permitted to fly in this country.

We hear a great deal about the Soviet plane, but has anybody actually seen the Soviet plane break the sonic barrier? The Russians tell us that it has. We have been hearing the Russians tell us a lot of things they claim they have been doing. The fact of the matter is I do not think the situation is at all as critical as the supporters have tried to make it out. I would much rather this Congress said here, today, "Stop, we are not going to go any further until you people give us some assurances that you can contain the sonic boom, that you can design an airfoil that will be able to fly at supersonic speeds without creating sonic booms."

The gentleman asked a little while ago what effect this will have on wildlife and animals. Do not kid yourselves. All you have to do is to read the reports of the Air Force of the effect of the sonic boom in Oklahoma City and other places on wildlife, cattle, and on people themselves.

I hope no one believes we can eliminate the sonic boom by 1978 or that we are going to avoid this in the United States, they say to you—well, listen, vote for this because they are not going to fly over land masses. If they had to divert all the way down beyond Mexico, they will have eliminated all the advantages of the speed of supersonic flight.

So I am telling you right now, I think we ought to adopt this amendment and serve notice on the industry that we will move forward only when we have the assurance that they can contain the problem of noise and sonic booms in the SST.

Mr. RYAN. Mr. Chairman, I move to strike out the last word.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I am happy to yield to my colleague.

Mr. BIAGGI. Mr. Chairman, the civil supersonic aircraft development appropriation of $289,965,000, proposed in the Department of Transportation appropriation bill before us today, causes me to wonder whether the true transportation needs of our Nation are being served by the total SST program.

Considering the serious transportation crisis facing our metropolitan areas, the threatening air and noise pollution problems and the galloping inflationary course of our economy, I question the relevancy of a Government expenditure of this magnitude for a program that poses so many environmental, technical, and financial hurdles.

Close to three-quarters of a billion dollars in Federal subsidy money has already been spent on SST development—a project that started in 1960 and is still nowhere near completion. Now we are asked to approve another whopping $290 million addition to this already enormous public expenditure.

It seems, Mr. Chairman, the American taxpayer will continue to be tapped again and again for a project that promises less and less every year.

The ultimate cost to our citizens may well reach three or four times the originally estimated figure before the SST becomes operational. This is a financial burden we cannot impose on the American public. Our people are already suffering from the destructive effects of an overextended economy in which our national priorities have been terribly distorted.

Can we, in good conscience, spend only $106 million on air pollution control and $204 million on mass urban transportation while at the same time appropriate almost twice this combined amount on a project that detracts from both these programs?

Mr. Chairman, this is clear evidence that our priorities are twisted and it is time for us to reassess our national goals and objectives.

The SST, it is claimed, will eventually enable travelers to cross the Atlantic in less than 3 hours. Those people interested in cutting 4 hours off a flight to Paris must decide whether the gain is worth the per capita costs. They must also determine whether the induced diseconomies of the SST—such as air and noise pollution, sonic boom, jammed air traffic patterns, crowded airport facilities, and an extended Federal budget—are worth the few hours saved per trip to Paris.

Even if individual decisions are affirmative, we as a nation must measure the per capita benefits to be derived from the SST venture. It occurs to me that only a small part of our total population will see a need for SST flying within the next decade. Yet, almost all our citizens are now in need of better surface and subway mass transportation conveyances.

The people of my congressional district in the north Bronx and south Yonkers are seriously concerned with the lack of adequate—and in some cases the total absence of—everyday travel facilities. For many of these people, it now takes 2 to 3 hours to get to work every day. Yet we are talking today about a 3-hour trip between New York and Paris. The inconsistency is astounding and I will not perpetuate it by supporting the SST appropriation in this bill.

Mr. Chairman, when we are able to solve our local transportation problems, when we can breathe fresh air again, when aircraft noise abatement especially near our airports is a reality, when our ground airport facilities are adequate, when our economy returns to a stable level, then will I support SST development. Until then, I am compelled to urge my colleagues to reject the appropriation for the SST development program.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I am happy to yield to my colleague, the gentleman from New York.

Mr. LOWENSTEIN. Mr. Chairman, the gentleman from Illinois (Mr. YATES) is doing a brilliant job in this discussion. For one thing, people keep saying things that are beside the point, and he keeps trying to focus on the point, or rather on the points. For instance, the point is not whether the SST will be noisier in the air, but how we can afford to subsidize an airplane, of all things, considering all the things we are told we cannot afford to subsidize that are needed so urgently. And the point is, why should a plane that will add substantially to the volume of ground noise in communities that are already suffering terribly from noise—even if it were not a subsidized plane—why should that kind of plane be permitted to fly over or land near such communities at all?

Is it really very sensible to make all the people pay a great deal of money so small numbers of people can fly somewhere faster at the price of even greater inconvenience to large numbers of people on the ground? And is it really rational to do this knowing that even those who would be able to fly somewhere faster will not get where they are going any quicker, since ground transportation will take longer in the worse traffic jams that will pave the way to the new airports we are told will be located further from metropolitan centers?

In short, Mr. Chairman, will someone explain who needs the SST and why? It is clear who does not need it, and that is an awful lot of people to ignore when it is their money you are spending.

Mr. RYAN. Mr. Chairman, I rise in support of the Yates amendment.

For the SST is really a benchmark in the struggle to redirect our national priorities.

The fiscal year 1971 appropriation bill for the Department of Transportation and related agencies—H.R. 17755—provides $289,965,000 for the SST. This is the full amount requested by the administration.

While I want to address the specific

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ills of the SST program, I first want to stress the larger issues which this program very much raises. These issues, which have been sloughed over in prior years with insufficient consideration by the majority of the Members of this House, cannot continue to be ignored.

The concern for redirecting our national priorities has grown greater as our economy has increasingly been wracked by the expense of conducting the war in Indochina, and as the needs of our domestic society consistently have been neglected. In light of this concern, and the neglected needs of our society which urgently compel this concern, I can think of no more misguided use of funds than for the SST program.

The committee is recommending an appropriation of approximately $290 million. This exceeds by $110 million the amount requested for Job Corps. At Job Corps' per man-year cost goal of $5,200, this $290 million would pay for 55,750 young men and women to be trained in Job Corps. Or it could be used to pay for 644,444 youths in the Neighborhood Youth Corps summer program, in which costs are figured at approximately $450 per youth.

This $290 million could be used to fill 10 percent of the monumental $3 billion backlog in applications for urban renewal project funds which are currently pending in the Department of Housing and Urban Renewal. Or it could be used to increase by more than one-third the administration's inadequate $800 million 1971 request for funds to combat water pollution. Or it could be used to almost quadruple the total amount requested by the administration for air pollution control—a request which now amounts to only $106 million.

I think it eminently evident that there are potential uses for these funds which can quickly and directly address the real needs of our Nation. In no way does an expenditure on the SST work for the alleviation of the enormous problems which we face.

But, actually, this $290 million is only a drop in the bucket. The total Government commitment has risen to $1.366 billion, of which $708 million has thus far been obligated. Thus, we are really talking about spending another $658 million by mid-1973.

Even this commitment, however, appears now to be only a part of the ultimate burden to be borne by the taxpayer, which has been footing 85 percent of the bill for the development of this commercial aircraft by Boeing and General Electric. It now appears that private financing for commercial production may well not be available, and thus the Federal Government—in other words, the taxpayer—will have to step in and foot the financing bill.

Mr. Chairman, this is a clear illustration of the observation that far too often our economy is a mixture of socialism for the rich and free enterprise for the poor.

In addition, the relaxation of performance requirements for the SST, which has occurred, will have the result of requiring costly major expansions of airport runways because of the longer takeoff and landing field requirements. This same downgrading of requirements means that the final SST will be much noisier than was originally contemplated, leading to the possibility that many airports will totally bar the aircraft. And because the takeoff and landing speeds will be greater than originally stipulated, the danger factor will increase, and the dissuading of passengers from flying on the SST will thereby increase.

In sum, the financial outlay is enormous. If Congress has not in the past had the wisdom to rectify this error, at least now it has another chance. I do not think we can, with any credibility whatsoever, claim to be attending to the needs of this Nation, and at the same time appropriate funds for this plane. Our only rational option is support of the Yates amendment, and it is an option we simply cannot spurn.

For it is hard to conceive of such an enormous expenditure of moneys in the absence of the most compelling justifications. And the striking fact about the SST appropriation is that, rather than being buttressed by compelling justifications, it is subject to the most trenchant and significant criticisms.

In addition to cost, there is the effect of the SST upon our environment. While the Federal Aviation Administration has proposed a regulation that would ban supersonic flight over the continental United States, in an effort to avoid sonic booms, the SST will still produce unprecedented airport noise. Dr. Richard L. Garwin, a physicist who headed a panel of President Nixon's Science Advisory Committee, has said that the takeoff of the SST will sound like "50 subsonic jets taking off simultaneously." As the chief sponsor of the most comprehensive legislation in either body of the Congress directed at abating and eliminating noise pollution—H.R. 15473, companion bills H.R. 16520 and H.R. 16708—I am particularly perturbed by this degradation of our environment which appears inevitable if the SST project proceeds at this time.

Noise is not the only contaminant to be produced by the SST. Engine discharges will add pollutants to the atmosphere. What is more, the Panel on Environmental and Sociological Impact—part of President Nixon's SST Ad Hoc Review Committee—reported that the widespread use of supersonic transports will introduce large quantities of water vapor into the stratosphere. The Panel suspects that the heavy water vapor thereby produced could affect the balance and circulation of atmospheric components, with the possibility of unpredictable climatic changes.

The SST is very clearly an environmental menace. Yet, the Department of Transportation has failed to comply with the Environmental Policy Act of 1969, which requires that all agencies include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement by the responsible official on the environmental considerations involved. Are not the dying Lake Erie, the fouled Hudson River, the smog overlay of Gary and Los Angeles ample lessons to us that progress is more than simply a matter of advanced technology.

National priorities compel termination of the SST program. The environmental hazards the SST poses do the same.

Other facets of this program lead to the same conclusion. For one thing, there is serious question about the safety of the SST. Greater takeoff and landing distances and speeds will be required than were originally anticipated. Thereby, the risk of a crash is increased. The purported benefit to our balance-of-trade ledger has been disputed by the report of the SST Ad Hoc Review Committee, submitted to the Secretary of Transportation and made public last October 31. The issue of prestige has been raised—unless the United States builds the SST, it will lose its leadership role in the aircraft field. It seems to me that whatever prestige might—and I stress "might"—accrue is totally incommensurate with the enormous expense and hazards which will assuredly follow from pursuing this program.

I urge that the amendment to strike the appropriation for the SST be approved.

Mr. FISH. Mr. Chairman, I move to strike the last word.

On several grounds it seems to me that appropriating more funds at this time for the SST prototype is extremely unwise. First, to do so does violence to my sense of priorities. Second, the economic advantages from the development of the SST are, at best, questionable. Third, the supersonic jet presents serious problems to populated areas, as well as an environmental hazard.

Mr. Chairman, today is a day we in the Congress can respond to the challenge to reorder our priorities. Enormous transportation problems face us as a Nation. We experience difficulties in getting our people in and out of cities, to go to and from work. We all know of countless examples where it takes longer to travel 50 to 70 miles than it does to fly several hundred miles.

A higher priority, in my opinion, should be given to safe, fast, clean commuter rail service for hundreds of thousands of American wage-earners than to an experimental airliner which will benefit only a few. Let us first spend our money on building a mass transportation system for our people.

We are proud of the free enterprise system. If the SST is really worthwhile, then it is incumbent upon aircraft companies and airlines to finance its construction. If not, then the taxpayer should not be called upon to do so.

There are serious questions concerning the utility of the SST. The sonic boom problem is well known. It will not permit the SST to operate over populated areas. A sonic boom arrives with a sudden, loud, unnerving bang, and a pressure is created, capable of shattering windows, cracking plaster, vibrating shelves, and triggering rock slides.

Our airports are presently overtaxed. Without additional airports, we will doubtless experience pressures to permit the SST to use present facilities neighboring metropolitan communities.

Serious questions are asked as to the

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effect of this jet aircraft on the ecology of our planet. Fears of noise pollution, air pollution, and the possible effect on our climate are shared by scientists of known reputation, as well as Government officials.

Mr. Richard L. Garwin of the Watson Laboratories of the International Business Machines Corp., has said that the chief problem aside from the sonic boom is the "airport noise problem."

Mr. Garwin said:

> It will be like 50 subsonic jets taking off simultaneously. There is a risk whether localities will allow them to operate.

It is interesting to note that, as Mr. Garwin put it:

> The Federal Aviation has authority to set noise standards; it has not yet done so for the SST.

An SST Ad Hoc Review Committee reports that the SST, on landing or taking off, will produce 100 decibels over an area 4 miles by 2 miles surrounding the runway.

The exposure to intense noise will be intolerable to a very high percent of the exposed population and may result in permanent hearing loss, cardiovascular, glandular, respiratory, and neurologic changes and possibly chronic psychologic disturbances.

The Review Committee also found that the SST will release water vapor at a weight 40 percent greater than the weight of fuel consumed, and that the introduction of additional water vapor could alter the radiation balance, possibly affecting the general circulation of atmospheric components.

With regard to air pollution, the then Under Secretary of the Interior, Russell Train, cited atmospheric pollution and ground contamination as another environmental hazard.

Furthermore, the operation of the SST at subsonic speeds, including speeds necessary for takeoff and landing results in inefficient fuel combustion with a heavy discharge of air pollutants.

Mr. Chairman, at a time when funds are needed for pollution control, education, housing, job training, and rural revitalization, I urge we delay further prototype development.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BROWN of Ohio. Mr. Chairman, I have listened to some of the arguments in opposition to the SST; and it strikes me that, in view of the economic benefit to be derived, the SST should have a high priority in our society.

Some of those who have opposed investment in the supersonic transport have done so on the theory that it will not have an economic benefit. It seems to me that some of those people will be the same ones who would come to this Congress to ask that the Federal Government be an employer of last resort should we have a sharp increase in unemployment in our society.

We now have increasing unemployment in the aircraft industry in this country, and further danger lies ahead, it seem to me, if we do not maintain our needed aircraft industry. In that event it seems to me wise to invest in the SST not only as a means of maintaining employment in that industry but also as a means of returning to the Federal Government the investment we have already made. It is anticipated that return will be double the investment that the taxpayers are being asked to put into this project, if one merely takes the direct benefit from royalties. If one takes the benefit from taxes, however, it is estimated that the return will be some 5½ times.

The economic advantages to be derived from the balance-of-payments benefits coming out of the eventual sale of American-made SST's around the world is estimated to be something in the nature of $11½ billion based upon the assumption of 500 planes being sold. But more than that, we would have the benefit which would be derived to this country's economy from additional trade. I do not mean trade with Europe, where we might reduce the flight time from 6 hours to 2 hours. I mean the trade to distant cities of the world, places half way around the world, such as India, to which we could make the trip, for economic and trade purposes, in less than a day. This transport will bring those places in the world closer to us, closer to American factories and markets, and increase the economic gain of the United States.

There are some problems, such as the question of sonic boom, noise, and air pollution, which yet have to be solved. But we have been advised in the hearings we have had in the Joint Economic Committee that these are disadvantages which will yield to scientific solution.

Finally, we can save the investment we have made thus far by continuing, in a steady and orderly phase on this investment by developing the SST through its next step.

I am concerned as a Representative in this Congress who comes from the area which gave the country flight—the area around Dayton, Ohio. I believe in making continued progress in flight. If some of my colleagues who are in opposition to the SST had been advising Isabella, we would be having this debate somewhere on the Mediterranean shores at this time. This is a rapidly changing world. We ought to be a part of that change in this country, and we can be part of it to our economic advantage. I oppose the amendment.

Mr. KOCH. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. KOCH. Mr. Chairman, I do not intend to restate the arguments that have been so well stated by so many of my colleagues who have taken the floor to voice their objections to the SST. I am going to vote against the SST, and I just want to take this moment to salute the leader of that fight, the distinguished gentleman from Chicago (Mr. YATES), and I want to associate myself with every one of the statements he has made in opposition to the SST.

Mr. MEEDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. MEEDS. Mr. Chairman, since 1903 the United States has been a leader in the exciting field of aviation. We are the Nation that gave to the world such pioneers of the air as Orville and Wilbur Wright, Glenn Curtis, Richard E. Byrd, Glenn Martin, Donald Douglas, William Boeing, Charles Lindbergh, Wiley Post, and so many, many others. In recent years we have been the commercial leader in sale of transports to the free world. Indeed, we were responsible for providing over 80 percent of the free world's commercial fleet. Now we are asked to abandon the field and the economic advantages to the Russians, the British and the French. I think this would be utter madness.

Over the last few weeks I have heard much and I have read even more on why we should abandon Government-sponsored research on the supersonic transport. The opponents of the supersonic transport would have us believe that we are operating on a vacuum. This is ridiculous. The Russians and the Anglo-French consortium have already flown prototype versions at supersonic speeds. These prototypes have logged hundreds of hours in the air.

The world will have supersonic transports. The question is, Do we want to abandon the field to the Russians, French and British—to lose, by default, a market with a potential value in excess of $20 billion? I for one am not prepared to do so. And let me point out that just because we fail to develop our own supersonic transports is no indication that they will not be flown to and from the United States.

A number of American carriers have already placed orders for the Anglo-French Concorde. The only reason more have not done so is that they are waiting to see what we are going to do about having our own supersonic transport. Many foreign carriers are also waiting to see what we will do. We are simply planning a better aircraft.

Every comparative analysis I have seen on the three transports indicates that the Boeing transport would be superior to the Concorde or the Russian TU-144. The range, passenger capacity, cruising speed and overall efficiency of our transport would be greatly superior to that of our foreign competitors. This is the reason so many carriers are willing to wait. They want a superior product even if they must wait longer for it.

But if we abandon the race you can be sure that the orders for Concordes and TU-144's will rise significantly.

Despite claims to the contrary, I am convinced that an American supersonic transport will greatly improve our balance-of-payment position. The argument that this is not so is based on the specious reasoning that most of the passengers using the supersonic transport would be Americans, but so long as the Americans are free to travel abroad they will do so. The supersonic transport will not change that.

But if Americans must use dollars to buy foreign transports for competitive reasons, our balance of payment may suffer by a net loss of about $16 billion. On the other hand, every American transport sold abroad would help our balance of payment. And by 1990 this figure could run as high as $10 billion.

But let us go back to the question that most international ticket purchasers would be Americans. With the dramatic increase in the standard of living of the average Japanese and Western European, why should we not encourage them to a much greater extent than we have in the past to visit our country. We have much to offer to tourists from abroad.

Most opponents of the supersonic transport do not appear to have given too much attention to the domestic economic impact of not developing our own transport. The airspace industry is ailing. Our failure to develop our own supersonic transport would add immensely to their problems. In fact, we are talking about 50,000 direct jobs and at least 100,000 jobs indirectly in production. Can we afford this particularly in view of our worsening unemployment situation? I think not.

Some feel that if the Nation wants a supersonic transport, private industry should bear the entire burden of developing it. The Federal Government they reason, should not have to subsidize it. But in fact the Federal Government does subsidize other forms of transportation. We have provided substantial assistance to our own highway program, to urban rapid transportation and to our merchant fleet. But what we put into the supersonic transport may well be completely recouped many times over through royalties and tax revenues.

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In summary, Mr. Speaker, the question is not so much whether we can afford to provide assistance to the development of our own supersonic transport, but rather whether we can afford, from an economic or a technological viewpoint, to abandon the field to the Russians, the British, and the French.

Mr. TAFT. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. TAFT. Mr. Chairman, I rise in opposition to the amendment. A few minutes ago the gentleman from New York made mention of the fact that we might spend the money that we would put into the SST program in creating additional jobs in the Job Corps or other training programs.

I would like to inform the gentleman that companies which are involved in producing the SST already have extensive programs and, of course, to cut out this program at this time, which would particularly have the overall long-range effect of cutting back jobs in this country, I think would do far greater damage to the job opportunities than we could counteract by other programs—good programs though they might be—simply to train people additionally in this country. The training is useless without the jobs.

I think the continuation of the supersonic transport program is good for the Nation because it means that we will remain in competition with the Russians and with the British-French Concorde aircraft, both of which are already flying. They have problems, however, and I am certain that the American supersonic aircraft will be superior when it comes into the market.

If we abandon the SST at this time, we would be writing off a large part of the international aircraft market that has been a very important one to the United States in the past.

The supersonic transport program is important for U.S. balance of payments and jobs. The problems of pollution and noise have been exaggerated or misunderstood. However, I do feel that studies should continue and am convinced that the United States can and will build a better airplane and solve the problems that are involved.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in opposition to the amendment offered to the bill by my friend, the gentleman from Illinois (Mr. YATES).

I listened to one of the speakers a few moments ago who suggested that we could not be considering this matter in a worse possible context than we are today. He suggested we are in the throes of an economic crisis. I just came from the Speaker's lobby where I noted a story on the ticker to the effect that the stock market was up 32 points at about 3 o'clock, and I think it would be very sad, indeed, if we were to formulate hasty and ill-considered legislation today while we were wrongly thinking our country was foundering and we did not have the resources necessary to construct this jet airplane.

Mr. Chairman, fact and fancy are flying furiously around the debate over the SST. It seems to me that the least we can do is to set the record straight on a few of the facts.

First, the Secretary of Transportation, Mr. Volpe, has assured us in writing that the administration is asking only for funds to build prototype aircraft, not production aircraft. This project is still in the nature of an experiment, and I think we owe it to our economy and to the country as a whole to wait until the initial results are in and we can evaluate the performance of the SST, the potential pitfalls in its production, and the possible effects it may have on the economy and the environment.

Second, Mr. Volpe has assured us that every effort is being made to minimize the adverse effects of the SST on the environment. The prototype models of the SST are not being produced in a vacuum. They are being produced in a climate of growing concern by all Americans over the deterioration of our environment, and a substantial portion of these prototype funds are going to be used to study ways of reducing possible adverse effects on our environment. A continuing review of those effects will, I am sure, be a consideration in future funding of this project.

Finally, I am impressed by the case made by the gentleman from Washington (Mr. ADAMS) that this is not going to be a continuing Federal subsidy to an ailing industry. Mr. James Beggs, Under Secretary of Transportation, has said in a letter to the New York Times that if and when production is begun, the entire Government subsidy will be recovered from royalties on the first 300 aircraft produced, out of a projected demand for 420 to 800 aircraft. The Government is going to get its money back on this project. We are not calling on the taxpayers of this country to spend billions and billions of dollars that are never going to come back into the Treasury.

I wonder where some of my friends who support this amendment are going to be a couple of years from now if this amendment prevails, and if we then have the gold flow leaving this country, and if we have an adverse balance of payments because we have been shut out of the international export market, and if we have thousands and thousands of people unemployed in the great aerospace industry because of our lack of faith in the American economy. I wonder what they are going to be saying then.

I hope the House will have the good sense to reject the amendment offered by the gentleman from Illinois (Mr. YATES).

Mr. GUDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. YATES) to delete funding for the SST. I opposed proceeding with this project last year, when only a third as much money was involved. Nothing has happened since then to persuade me that the benefits of this giant gadget will outweigh the burdens on the taxpayer and the hazards to the environment.

I want only to add that even if the SST were likelier than it is to fulfill the fondest dreams of its fans, I would object to going ahead at this time. Given the need for budgetary belt tightening, it seems unwise to embark on the first Federal program to subsidize the construction of commercial aircraft. With funding for basic scientific research, especially medical research, at a spartan level, I cannot reconcile an expenditure of almost $300 million for the SST with a sound scale of priorities.

Mr. OTTINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the $290 million for funding of the supersonic transport in this appropriation bill.

We have just been informed that the administration's earlier forecast of a budget surplus for 1971 has now been turned into a frightening deficit, we have seen retail prices rise at an annual rate of 7.2 percent last month, and we have watched the stock market decline to a low of more than 250 points since the early months of this administration. It is simply incredible, with the economy teetering on the verge of recession and no effective executive action being taken to reverse the trend, that we are being asked today to give our assent to taxpayer financing of a development program whose costs should be borne by private business.

Mr. Speaker, the SST program is already 4 months behind schedule, and it comes as no surprise to learn that the cost overruns to the Government have now reached $76 million. Now the Department of Transportation puts out the word that Boeing may not be able to finance production of the plane, and we can see the opening wedge for a request to the Government to bail out the company and guarantee some or all of the $3 billion estimated production costs for a plane that will benefit very few people indeed.

It is immaterial that the proponents of Government financing of the SST testify that Federal funds will eventually be repaid to the Treasury. What is material is the alarming condition of the economy of this country and the loss of faith evidenced in the plummeting stock market. When the President sends to Congress a tightly controlled anti-inflationary budget that calls for only $200 million for cancer research in fiscal 1971 and $60 million for narcotics programs, it is ludicrous to propose this $290 million SST boondoggle. It should be defeated and put on the back burner where it belongs. Once again there is a regrettable confusion of priorities which we in the Congress need to set straight.

Mr. Chairman, it was formerly a question of whether the airlines or the taxpayers should pay the bills for development of the SST, but now we are confronted with some crucial decisions as to whether this plane ought to be allowed to ever get off the ground. In regard to the unacceptable sonic booms that will be caused by the SST, which we are told will prevent its being flown over land at supersonic speeds, we now learn that the noise level of the SST at subsonic speeds will be intolerable. Added to these considerations, the recent testimony of Russell Train, Chairman of the Environmental Quality Council, on the effects that supersonic flights will have on the atmosphere are shocking. I quote from the pertinent part of Mr. Train's statement, which I regard as alarming enough to justify an immediate moratorium on development of the SST:

> I now turn to a potential problem which has not received the attention it deserves. The supersonic transport will fly at an altitude between 60,000 and 70,000 feet. It will place into this part of the atmosphere large quantities of water, carbon dioxide, nitrogen oxides and particulate matter. This part of the atmosphere is to a substantial extent isolated from the rest of the atmosphere. For example, on the average, 18 months are required for a water molecule introduced into the atmosphere at 65,000 feet to find its way to the lower atmosphere. A fleet of 500 American SST's and Concordes flying in this region of the atmosphere could, over a period of years, increase the water content by as much as 50 to 100 per cent. This could be very significant because observations indicate that the water vapor content of the stratosphere has already increased about 50 per cent over the last five years due presumably to natural processes, although there is a possibility which should be researched that subsonic jets have been contributing to this increase.
>
> Water in this part of the atmosphere can have two effects of practical significance. First, it would affect the balance of heat in the entire atmosphere leading to a warmer average surface temperature. Calculations on the magnitude of this increased temperature are most uncertain but probably it would be on the order of .2 to .3° F. Secondly, water vapor would react so as to destroy some fraction of the ozone that is resident in this part of the atmosphere. The practical consequences of such a destruction could be that the shielding capacity of the atmosphere to penetrating and potentially highly dangerous ultraviolet radiation is decreased. As in the case of surface temperature, we do not have adequate knowledge on which to make secure judgments as to the practical significance of the effect of water on the ozone. Finally, the increased water content coupled with the natural increase could lead in a few years to a sun shielding cloud cover with serious consequences on climate.
>
> Clearly the effects of supersonics on the atmosphere are of importance to the whole world. Any attempt to predict those effects is necessarily highly speculative at this time. The effects should be thoroughly understood before *any country* proceeds with a massive introduction of supersonic transports.
>
> There are other potential adverse environmental consequences of supersonics for example, the effect of sonic booms over water on ship crews and passengers and on nesting birds on isolated islands. However, I will not discuss these as I have tried to confine my remarks to what I consider the two most important issues—namely noise in and around airports and atmospheric effects.

It is clear from this statement, Mr. Chairman, that the present state of our science indicates our inability to control the potential hazards to us all if the supersonic transport is allowed to fly. These uncertainties must be dealt with before we invest another dollar of the taxpayers' money. The economic and environmental factors clearly call for a resounding "Nay" vote on the SST.

Mr. TALCOTT. Mr. Chairman, I intend to vote to delete the appropriations for the supersonic transport from this appropriation bill. I do so solely upon the basis of allocating Federal resources at this time. I believe we will fly supersonically someday—and I hope we do soon. I believe we will fly faster than supersonically. We cannot stop man in his quest for speed and progress.

I believe all of the pollutant and ecological threats can be corrected by our technology and our dedication to eliminating offenses to sight and sound. The exaggerated criticisms and unsubstantiated complaints do not impress me.

I believe the concept is sound, technically feasible, and that laws can and should control any assaults upon our environment or ecology.

In fact, I believe the concept is good enough that it can attract adequate private investment at this time.

But most importantly now, the Nation and our economy cannot afford deficit spending. We must reduce Federal spending. We must devote Federal resources to programs more within the Federal responsibility. This does not mean that deletion of this relatively small item will permit Federal solution of all the other programs mentioned by the proponents of this amendment to delete funds for the SST. Other cuts in Federal spending must be made this year in other popular and necessary programs. With these dismal prospects we must seriously reconsider our priorities. I am willing to start with the SST.

One more point, Mr. Chairman, the point made just previously by the gentleman from California (Mr. Gubser) regarding the minority's parliamentary right of a motion to recommit. The majority has overwhelming power by way of numbers, committee chairmanships, and the leadership resources. It should not be permitted to usurp the prerogative of the minority as provided under the rule and the custom and precedents of this House.

It appears that the debate has been adequate and that the vote in the committee will be determinative. I believe it is unfair and misleading to construe any vote on a motion on the previous question as a vote on the merits of any substantive issue.

The gentleman from Ohio (Mr. Minshall) has indicated that his motion to recommit will include some instruction to delete, at least in part, appropriations for the SST.

Mr. BOLAND. Mr. Chairman, I rise only to inform the committee that I oppose the amendment offered by my distinguished and lovable friend, the gentleman from Illinois (Mr. Yates).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Yates).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Yates and Mr. Boland.

The committee divided, and the tellers reported that there were—ayes 86, noes 102.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Reserve Training

For all necessary expenses for the Coast Guard Reserve, as authorized by law, including repayment to other Coast Guard appropriations for indirect expenses, for regular personnel, or reserve personnel while on active duty, engaged primarily in administration and operation of the reserve program; maintenance and operation of facilities; and supplies, equipment, and services; $17,500,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further*, That none of the funds appropriated herein shall be available for a Selected Reserve programed to be in excess of 10,000 personnel on October 31, 1970.

AMENDMENT OFFERED BY MR. STEED

Mr. STEED. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Steed: On page 5, line 21, strike out "$17,500,000" and insert in lieu thereof "$25,900,000".

Mr. STEED. Mr. Chairman, at the outset let me say that in the matter of the Coast Guard I have no personal or district interest since there is no Coast Guard installation of any sort whatsoever in the area that I represent. I might say that the distance my district is situated from the coast is such that the safety of the ports of this Nation is not a major item to my district. My interest in supporting this amendment stems from the fact that several years ago when the first steps were taken to upgrade and modernize the Coast Guard I happened to be a member and later chairman of the subcommittee of the Committee on Appropriations that had charge of the Coast Guard at that time and I participated in the funding of a number of things designed to bring the Coast Guard into a more modern posture. Included in this program was the Reserve training. I think the reasons given then are still valid now as to why we need these Coast Guard Reserves and the kind of a training program that will enable the Coast Guard in times of national emergency to meet the very unusual and peculiar mission that we have outlined for it. The Select Reserve, which is involved here, is, in my opinion, probably the cheapest and best insurance that this country has for port security in times of national emergency. The need will be one that cannot be met if we do not have some device of this kind to meet it should the need arise. We have a great need for the Coast Guard today, and that need is growing and expanding. You are all familiar with the problems of pollution, oil slicks, and that sort of thing that have developed. We know oceanography and the development of the resources of the seas will become more and more a part of the future. So the need for the Coast Guard to accomplish its missions will increase and not decrease. We spend enormous sums of money for all sorts of national defense facilities to make our country secure. Yet one of the most vulnerable spots we have in a time of national emergency will be the very ports that serve our country.

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There has been criticism, Mr. Chairman, that the Coast Guard Select Reserve has not had an adequate training program. Perhaps that is true, but to me the answer is not to wipe it out, as has been proposed in the budget, but to improve it so that this organization can and will be able to meet its mission as the need arises.

In the budget proposal the entire reserve program was wiped out. The subcommittee of which I am a member saw fit to restore 10,000 of the 15,000 Select Reservists. I call your attention to the fact that earlier this year this House and this Congress passed legislation which authorized the Select Reserve to have 16,500 men. All my amendment does is restore the amount of money we are spending in the Reserve program right now. It does not add any money but keeps the program at its present level.

I know that arguments will be made that some of the leaders of the Coast Guard themselves did not make a strong case for this. They were under a mandate not to. I talked to a great many Coast Guard authorities privately, and I know that they still feel this program is vitally needed and that it can be and will be improved. I think it is just pennywise and pound foolish for us to begin at this time to do what the bill as it now stands will do to the Coast Guard Reserve. I feel very strongly about this or I would not be here offering an amendment in opposition to the gentlemen I serve with on this subcommittee. I know it is a very difficult thing to go over the budget and ask for increases, but I think if the proper attention had been given to this by the budgetmakers, this item would already have been in the budget and we would not be here today in this posture.

So, Mr. Chairman, again I want to emphasize what we are trying to do here is to keep the program at the level it now is and give the Coast Guard a chance to improve its training and get this organization in shape, capable of filling the needs, what might be legitimate needs, of meeting life-and-death demands in times of national emergency if our country is ever attacked.

We all know that the Coast Guard will become an active part of the Navy in times of national emergency and we are going to need the resources that the Reserve gives them if they can continue.

Mr. Chairman, it is very likely that as the years go by a lot more peacetime use of the Coast Guard Reserve will be needed. We have had many natural disasters in which the resources of the Coast Guard have been strained to meet the needs of the country.

So, Mr. Chairman, I think this is a program that gives a very good return on our dollar. It does not make sense to me that we will cut one-third of the Coast Guard Reserve at a time when we ought to be increasing it and improving it.

Mr. Chairman, I hope the Members will have the same faith in the program now that they had earlier this year when we passed the authorizing legislation.

Mr. DOWNING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in wholehearted support of the amendment offered by the gentleman from Oklahoma.

I was quite shocked to learn that the Bureau of the Budget had decided to discontinue the Coast Guard Selected Reserve training program by the end of 1971.

According to the Bureau, this action would produce a savings of $25 million in 1972. Perhaps it would. If we discontinue the Army, Navy, Marines, and Air Force, it would also produce a savings; but I doubt that this would be considered a wise move.

First of all, I have serious doubt that the President has this authority. According to my interpretation, the Reserve Bill of Rights and Vitalization Act of 1967 places this responsibility squarely on the Congress. The act states that the strength of the Selected Reserve of each of the Reserve components, including the Coast Guard, will be set by the Congress annually. It is unbelievable that the Bureau of the Budget would attempt to preempt the authority of the Congress and unlawfully regulate the strength of the Selected Reserve.

But even if we assume that Budget had this authority, this would still be an unprecedented and unwanted proposal.

To completely eliminate an essential element of our defense team not only undermines the Nation's total military strength, but it is also a serious challenge to the concept of citizenship involvement and duty regarding national defense. In addition such action would have a brutal effect upon the morale of all reservists in our Armed Forces. If the Coast Guard Reserve is eliminated, what will be the next Reserve unit to follow.

The Coast Guard Reserve stands ready to perform vital functions in emergency situations. The security of our ports is a case in point. Their protection must be complete and effective. The Selected Reserve can back up the captains of the ports throughout the country. This component can be mobilized and on the job within a matter of hours in the major ports. The Selected Reserve has kept abreast of the constant changes that take place in port areas by periodic training at individual ports. Neither the Retired Reserves nor the Standby Reserves would have the organization to accomplish this in a brief period of time. The point I am trying to make is that the Ready Reserve has effectively trained the teams ready to be mobilized, teams familiar with specific areas, able to move in and become operational in the shortest period of time. It is inconceivable to me how the Coast Guard can possibly be prepared for national emergencies by depending on retired personnel and those serving their 2-year obligation after initial enlistment. This is specious argument, for they cannot be recalled to meet contingency. Further, even if it were possible to recall them, you would have an elderly force made up of all chiefs and no Indians.

We have heard much in recent days about our hopes to someday have a volunteer military force rather than depend on our present draft system. The Secretary of Defense has repeatedly said the success of such a volunteer force depends directly upon an increase of all Reserve forces and not their elimination. The Coast Guard certainly did not know that this action would be taken nor did they want it. During hearings before the House Committee on Armed Services, the commandant of the Coast Guard stated that the Coast Guard had recommended a Selected Reserve in the amount of 16,590. In answer to questions he stated that his opinion was not sought by anyone on the availability to meet the wartime mission of the Selected Reserve; that he first learned of the decision to phase out the Reserve when it was presented to him "as a decision"; that the number of 16,590 was a minimal need to fulfill the mission assigned without impairment to the national security.

If you look carefully, the Bureau of the Budget not only proposes to eliminate the Selected Reserve but it has other far-reaching effects. It covers up the fact that it is destroying the entire Coast Guard Reserve program which has laboriously developed and maintained a trained mobilization force with suitable training facilities and equipment over a period of 20 years. This investment of over $250 million would be almost totally lost. For these and many other reasons, I urge that you not eliminate this necessary Reserve.

The House Appropriations Committee has recommended $17.5 million which provides only a Selected Reserve strength of 10,000. In view of the strong recommendation of the Armed Services Committee, the affirmative action of the House on May 6 authorizing a Coast Guard Selected Reserve strength of 16,590 and Admiral Trimble's testimony concerning the Reserve, I urge my colleagues to vote for this amendment to reinstate the $12 million necessary to keep this Selected Reserve at its proper strength.

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the "College of Cardinals" in the Committee on Appropriations—that is the name given to the subcommittee chairmen—I now fly in the face of the gods in support of the amendment offered by the gentleman from Oklahoma, who was also a chairman at one time.

Several years ago, Mr. Chairman, you will recall the gentleman from Florida (Mr. SIKES), and myself, and the gentleman from Louisiana (Mr. HÉBERT), who now sits in front of me, came on this floor, and we manned the barricades in behalf of the Reserves, all of the Reserve components—Army, Navy, Air, and the Coast Guard—even though the Coast Guard by law is under the Treasury Department. I could never figure that out. The historic reason, I know, but I cannot figure it out today. I still think it should be under the Department of Defense. But anyhow I speak, Mr. Chairman, in support of the philosophy, the intent, and the purpose of Organized Reserves, including the Select Reserve of the Coast Guard.

It has been suggested that they have not been called, nobody called them. What do you want them for? Well, what in the world do you want with an insurance policy? You pay high premiums on an insurance policy that in case you need it, in case there is a fire, you have protection and insurance. That is the reason for the existence of any Reserve component.

The suggestion was made, "We are not against the Reserves, we have given them *x* numbers of dollars." I am aware of that. But that argument I have resisted on this floor since World War II. I know of a dozen efforts to destroy the Reserves, by executive fiat, by departmental action, and now by some glorified clerk in the Bureau of the Budget.

Well, now there is authority for you—there is authority for you. For national defense, for protection of the coasts.

So, Mr. Chairman, this does not need 5 minutes, this just needs what I have said, even if no one else says anything.

Mr. Chairman, I yield back the balance of my time.

Mr. PIRNIE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the statement just made by the gentleman from Pennsylvania (Mr. FLOOD) has brought forcibly before the Committee that we are not passing upon the merits of a judgment as to defense needs, but whether or not it is appropriate for budgetary action to remove protection.

Protection that is on a standby basis is protection that we hope we will not need. But if the eventuality of all-out war occurred, we will have no time then to train and organize in order to protect our ports.

This mission has been assigned to the Coast Guard. As it has been pointed out, during the time of peace, the Coast Guard Reserve is under the Department of Transportation. It is not under the Department of Defense.

But immediately upon the creation of this need, it must function as one of the most important security elements in our defense system.

It is very clear that the budgetary action which was taken was without the consideration of the mission because when the committee asked the Navy how it was to be handled, the response was very clear, that the present system was the best that could be provided and that there was no alternative.

The distinguished Committee on Appropriations has partially remedied this error, but it has not done so completely.

I would like to point out that the figure which is presently in the bill would only permit a partial job. Does that mean that we should have some ports not protected at all? Should we have ports inadequately secure? Should we omit some of the various other assignments that go to the Selected Reserve in augmenting the fleet in time of crisis?

I think none of these alternatives would prove acceptable.

Therefore, I trust that we will respond with a favorable vote on this amendment so that we can at least continue the very important service of these fine trained units which can go into action immediately as required.

Several weeks ago when we were considering H.R. 17123, I outlined to the House the position of the Armed Services Committee on the Selected Reserve of the Coast Guard and, therefore, I will not repeat that discussion. I would like to stress that after extensive hearings on the mission requirements for the wartime role of the Selected Reserve of the Coast Guard, as assigned by the Joint Chiefs of Staff, the House Armed Services Committee found it required an absolute minimum strength of 16,590. This manning was recommended and the House authorized it without one voice being raised in objection.

Today we are considering the Department of Transportation appropriation bill. It proposes to reduce to 10,000 the number of men in the Selected Reserve of the Coast Guard. In so doing, the committee properly differed with the budgetary move to phase out the Coast Guard during fiscal year 1971. This is because the members of the Appropriations Committee recognized that there is no other available manpower trained to perform the work assigned to the Coast Guard Reserve, particularly, the one important wartime mission; namely, that of port security. Now, the testimony is clear that approximately 70 percent of the total strength of the Selected Reserve of the Coast Guard would be devoted to performing port security. In other words, to perform that wartime mission in this vital security area would require slightly over 11,500 persons. How then can the committee justify a reduction of strength to 10,000?

You would have a shortage of over 1,500 individuals. We should ask ourselves which ports are to be left unguarded? Or, if they all are to be protected, will the coverage be adequate to perform the assigned task? This deficiency in the number of personnel assigned to cover the vital area of port security, while in itself is cause for serious concern, is further magnified by the fact that there will be still further dilution of strength if the other military missions assigned to Coast Guard Reserve are to be undertaken.

These other wartime missions assigned to the Coast Guard Reserve are:

First, wartime augmentation of existing vessels, and manning of additional Coast Guard and Navy vessels for duties as assigned, including ocean station operations.

Second, expansion of search and rescue operations to support military requirements.

Third, expansion of aids to navigation and icebreaking in support of wartime military requirements.

Fourth, augmentation of merchant marine safety activities in support of a greatly expanded wartime merchant marine fleet.

The early response personnel required to fulfill these miscellaneous wartime missions amount to 30 percent of the Coast Guard's Selected Reserve or approximately 5,000 officers and enlisted men which are not available for early response from non-Selected Reserve sources.

Would anyone argue that these missions in time of war are not essential? The Joint Chiefs of Staff who made the assignment felt that they were. These missions have been reviewed on two recent occasions and were found to be completely valid.

Either we must omit these additional missions or further dilute the mission of port security if we allow the 10,000 figure to stand. In my opinion, either alternative presents unnecessary security risks.

We are not talking about a big amount of money here. The entire cost to restore the Coast Guard to the strength figure authorized for them would be approximately $12,000,000. Gentlemen, it seems incredible that we would let this sum create a catastrophic risk in our national security.

I urge your support of the amendment.

Mr. GROVER. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I am glad to yield to the gentleman.

Mr. GROVER. Mr. Chairman, I want to compliment the gentleman, and the gentleman from Virginia (Mr. DOWNING) and the gentleman from Pennsylvania (Mr. FLOOD) and others who have taken up the cudgels here for the Coast Guard.

I am on the Coast Guard Subcommittee of the Committee on Merchant Marine and Fisheries. Many of us were deeply concerned when we saw the recommendation of the Bureau of the Budget to cut this back. We are very pleased to see that we are using this vehicle today, and this a very good amendment, to restore the desired quota of the Coast Guard Select Reserve.

Mr. PIRNIE. I thank the gentleman.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman.

Mr. WILLIAMS. Mr. Chairman, I would like to express my support of this amendment and to associate myself with the remarks of the gentleman in the well.

Mr. PIRNIE. I thank the gentleman.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, I want to associate myself with the remarks of the gentleman. I feel this is a good amendment.

Mr. Chairman, I have introduced legislation to protect the Coast Guard from the budgetary attack being made upon its reserves. The Armed Services Committee, of which I am a member, has voted to maintain the Coast Guard Reserve. The funding sought by the amendment now before us is needed to give substance to the recommendation made by our committee. I sincerely hope that the House will approve this amendment which is in the interest of the national defense of our country and of aid to our maritime position.

Mr. PIRNIE. I thank the gentleman.

Mr. SIKES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have been impressed by the strength of the arguments advanced for the Steed amendment which I support. I believe the Coast Guard Reserve should be fully funded and continued in full operation. The Coast Guard and its Reserve are essential elements of our defense team and as every Member of the House realizes both are highly important in peace and in war.

Attention has been called to the fact that the Armed Services Committee has explored this matter and that important committee supports the continuation of a full-fledged Coast Guard Reserve. This, in itself, is very significant.

I note also that the officials of the Coast Guard, and these are the men who are responsible for its successful operation, strongly endorse a continuation of a full-scale Reserve program. The Steed amendment would accomplish this. Other witnesses of high rank have given testimony which indicates that the decision to eliminate or to drastically cut back the Coast Guard Reserve was not carefully thought through. For instance, the Assistant Chief of Naval Operations has testified that the Navy is not able to take on additional missions of the Coast Guard which might be anticipated from the reduction of the Coast Guard Reserve. I believe there is ample evidence that the proposed action is justifiable and that the Steed amendment should be approved.

Remember, we are talking not only about the Coast Guard's place in national defense, but we are talking about the security of our merchant vessels, our ports, and our harbors. The shipping industry is essential to defense transportation, but it is equally essential to the peacetime economy of the Nation.

Undoubtedly considerations of economy have entered very strongly into the decision to eliminate the Coast Guard Selected Reserve. But the fact is it was done without consideration for the recommendations of the Office of Naval Operations and the Commandant of the Coast Guard. I strongly suggest that the action was unwarranted. The Coast Guard has its area of responsibility and fills it in a most commendable way. There are no provisions by which these areas of responsibility can be assumed by another service. The Coast Guard must have its reserve forces if it is to realistically perform the important work with which it is entrusted. Consequently, I believe that the Congress should support the Coast Guard Reserve program and provide the necessary funds for the retention and training of its forces to the highest degree of readiness.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment. I do so reluctantly because it was while I was on the Post Office and Treasury Committee where I served with the gentleman from Virginia, Mr. Vaughan Gary, that we urged the purchase of Yorktown as an installation. We worked hard to get Yorktown as a Reserve center.

Also, while it is very difficult to say what transpired in executive session, there were some of us in there, along with the gentleman from California (Mr. McFall) that felt we could go along with 10,000 reservists. As you recall the administration had asked for none. We thought we had done a yeoman service for the Coast Guard, a yeoman service for the country. We thought that port security would be well taken care of by having 10,000 reservists. Unfortunately, something has happened on the way to the forum, and now there are those who come here today and say that we should have 15,000 rather than 10,000.

We have heard a great deal of debate here today about the economic condition of this country, the unbalanced budget we have, our tight money policy, and many other things. We tried to save a pittance in this bill of about $8.15 million, and having done so, we find that everybody jumps down our backs.

This program started in 1950. It grew from $1 million to $27 million. That is a lot of money.

Nobody is going to tell me about the Coast Guard. I think it is one of the greatest services in the country. Of all the services put together, it is the best. I worked on the budget for the Coast Guard for 12 years. I moved as senior member of the Post Office and Treasury Committee mainly to get back to handle the Coast Guard budget. I think that 10,000 reservists will take care of the port security problems.

I feel badly that we are put in this embarrassing position. Let me read from the record. When the administration came up here and asked for no Standby Reserves, I became very upset. When Admiral Smith came up to the committee I asked him many questions. I asked him how he was going to get by in time of emergency. Remember this: Many Members are confused about the Coast Guard Standby Reserve. They have never been called up. They were not called up during the Korean conflict; they have not been called up in Vietnam right now.

I said, "What is going to happen in time of emergency?"

As you know, in time of emergency, when there is a declared war, the Coast Guard becomes part of the Navy. I said, "What are you going to do with none of these Standby Reservists?"

Admiral Smith said this:

> Personnel will be reassigned from those peacetime missions, such as recreational boating safety, which would be curtailed in the event of a wartime emergency. Early graduation of Academy first class men, recruits, and basic petty officer trainees, would also be accomplished to provide a rapid increase of available manpower. In addition to these resources, action would be instituted to call up Reserves—Ready and Standby—and physically qualified retired personnel. The output of recruit centers would be increased by accepting more volunteers and by using selective service inductees if necessary. The recruiting of veteran volunteers from civilian areas would also add to the available manpower.

For those Members who would like to read further, this is from Part 1, page 210 and page 211, where I had a colloquy with the Commandant, Admiral Smith, who felt they could get by without any. So what do we do? We arrived at what I thought was a good compromise. We added 10,000 instead of none, and now we are faced with an amendment on the floor of this House to bring it up to full strength.

Mr. HÉBERT. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I shall not take the full 5 minutes, but I think the remarks of the gentleman who just preceded me deserve some further comment. The gentleman suggested that he quoted at length from testimony of Admiral Smith, the Commandant of the Coast Guard, and he referred Members to the hearings at *x* pages, and, of course, we all know the Members will not have the time now to read that at this moment, but I suggest the Members read the entire hearings of the testimony before the Committee on Armed Services and particularly the committee which is in charge of the Coast Guard, and there they will find that Admiral Smith testified—and I paraphrase it—that if he was not testifying under the restraints imposed upon him as Commandant of the Coast Guard and supporting the budget, he would be asking for 16,000 Reserves. There is absolutely nowhere in the testimony which is open and frank before the committee to indicate he was satisfied with no Reserve force at all.

Furthermore, it is interesting, I think, for those who wish to know and for the House to realize that this extinction of the Coast Guard was a decision made without the consultation of the Com-

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mandant of the Coast Guard. He knew absolutely nothing about it until the decision had been reached, and he was told about it.

I also suggest the Members look to the law on the Revitalization Act, the Bill of Rights Act, and there they will note that the authority to place the floor of the Reserve forces is vested in the Armed Services Committee, or in the House of Representatives which through its Armed Services Committee discharges that responsibility.

It has heard the testimony from all the forces, and the testimony is emphatically there for any who care to read it, that 16,000 is a minimum.

The suggestion that something good was done by throwing in 10,000 is misleading. Ten thousand were not added. Sixteen thousand were taken away, or else I do not know my arithmetic.

So I suggest to the members of the committee that this amendment be supported. The gentlemen who have spoken, I ask Members to note, have been many of them from the Appropriations Committee itself, and they have risen in support of this amendment. I suggest we go about our business and give the Coast Guard what the Coast Guard wants, and give the Commandant what he wants, and what the Reserve wants, and what they have justified.

Allow me in conclusion to summarize what I have pointed out this far.

The Commandant of the Coast Guard, Admiral Smith, in testifying before the House Armed Services Committee said:

> We have a number of missions under the mobilization concept. These are assigned to us by the Navy, since we become a part of the Navy in time of war. Generally, these are in support of Navy responsibilities in wartime situations. The largest task in respect to resources is port security and port safety, which accounts for 70 percent of our early response reserve forces. In addition to that, we have tasks to participate in which are generally extensions of our peacetime missions in a wartime environment such as merchant marine safety, aids to navigation, vessel patroling, and antisubmarine operations.

A 2-year force analysis study completed by the Coast Guard determined that a Selected Reserve of 16,590 is required to carry out the Coast Guard's wartime missions. The Commandant of the Coast Guard has testified to this requirements and the Committee on Armed Services, after extensive hearings and careful study of the classified force analysis prepared by the Coast Guard, has strongly recommended it. This Selected Reserve strength of 16,590 was authorized by the House in H.R. 17123 passed on May 6.

The bill reported out by the Committee on Appropriations not only contains insufficient funds to support the Selected Reserve determined to be necessary in the force analysis study, it goes further and proposes the nullification of the previous House action authorizing a strength of 16,590 by providing that the appropriation shall not be used to support a Selected Reserve in excess of 10,000.

On the basis of extensive testimony and the facts contained in the report of the Armed Services Committee, there is no logic to either the arbitrary strength limitation or the insufficient funds proposed for the Coast Guard Reserve in the pending bill. Both the proposed limitation of 10,000 on strength and the proposed appropriation of $17.5 million would be insufficient to enable the Coast Guard to maintain a Selected Reserve large enough to perform even its port security mission in the crucial early days of mobilization. But the Commandant has testified that the port security mission represents only 70 percent of the Coast Guard's wartime mission requirements.

The pending bill completely ignores the requirement established by the force analysis study and by the Armed Services Committee for personnel to perform other wartime missions of the Coast Guard.

The Commandant has testified, and the force analysis study confirms, that the other wartime missions which must be met from the Selected Reserve include antisubmarine operations, vessel patroling and similar urgent tasks. An expansion of search and rescue operations to support military requirements is also necessary.

The Coast Guard's "force analysis" study, is one in which the Commandant states:

> A reduced FY 70 input would have caused unacceptably low Selected Reserve strengths in future years. . . . The low Selected Reserve strength is unacceptable because of the high risk involved.

We believe that a Selected Reserve strength of 16,590 is the absolute minimum for the performance of the Coast Guard's wartime missions. This has been repeated over and over again in testimony by the Commandant and other Coast Guard officials.

Furthermore, the Assistant Commandant, Vice Admiral Trimble, testified before the Senate Armed Services Committee on May 5, that the Coast Guard would require $29.8 million to support the strength of 16,590 authorized by the House, and that this was, in fact, the amount which had been requested by the Coast Guard.

All of the facts point to the requirement for a Coast Guard Selected Reserve strength of 16,590 and the need for $29.8 million to support it. I urge you to support the amendment which would provide for these requirements, instead of the proposals in the bill which would not even meet the requirement for the port security mission and would ignore requirements for all of the other wartime missions.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, knowing the services performed by the Coast Guard of this country in time of war and the services which it renders in peace, I wish very strongly to associate myself with the remarks of the able gentleman from Louisiana and others who have spoken in support of the amendment offered by the able gentleman from Oklahoma (Mr. STEED.)

Mr. HÉBERT. I thank the gentleman from Florida.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I heard my friend and colleague on the committee, the gentleman from Florida, indicate that he was impressed by the strength of the arguments, but I am more impressed by the size and caliber of those supporting the amendment.

I believe the members of the Committee of the Whole ought to keep in mind that what the subcommittee did was to say to the Bureau of the Budget and to the administration, "You are not going to phase out the Selected Reserve."

When this budget came to our subcommittee, the Selected Reserve was being totally phased out by the end of fiscal year 1971. The committee sat down, argued, looked it over, and said, "We think there is a place for them."

As the distinguished gentleman from Louisiana says, there is a place for the Coast Guard in the national security of this Nation. There is no question about the fact that in time of war they do offer the best security for our ports, better than that of any of the other armed services. There is only one service, really, which offers that type of security.

The members ought to know that the training in the Selected Reserve program leaves a lot to be desired. I suppose one can say this about all the Reserve organizations. The fact of the matter is, we have found this to be true about the Coast Guard Selected Reserves training program.

A little more than a year ago we had an Appropriations Committee staff study made, not by members of our own committee but by men from the various departments, to investigate the worth of the Coast Guard Selected Reserve training program. The report is lying on the desk of my colleague from Massachusetts (Mr. CONTE). I must say that the report indicated the training program was seriously deficient in most areas.

The request from the Coast Guard to the Bureau of the Budget for the Selected Reserve for the fiscal year 1971 was around $29 million. The Bureau of the Budget cut them back to $10 million.

This item increases every year. If one stays in the Coast Guard long enough, he earns retirement benefits, which after he retires we have to fund. The result is that this item will continue to increase. If we fund it at the level required by the amendment, we see we will have to spend in excess of a quarter of a billion dollars over the next 10 years.

Who recommended this phaseout of the Selected Reserve—certainly it was not recommended by any clerk in the lower echelons of the Department or the Bureau of the Budget. This was the recommendation of the Department of Transportation, of the Bureau of the Budget, and I assume of the President. It has also been agreed to by the Secretary of Defense.

All I ask of the members of this committee is to look at the action of our committee in a fair light. We have said to them, "You are not going to phase out the Coast Guard Selected Reserve, be-

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cause we believe there may be good potential here."

But we are not going to get a good Coast Guard Selected Reserve program unless we keep their feet to the fire. How do we do that? By cutting out funds thereby reducing the excessive number of personnel in the Reserve.

My friend the gentleman from Louisiana (Mr. HÉBERT) says the reserve strength indicated in the research and development and reserve strength bill which we passed a couple of weeks ago would call for a reserve strength in the Coast Guard of 16,590. The Bureau of the Budget recommends none after 1971. We say they can keep it at 10,000. This will be sufficient for the most important mission of the Coast Guard, that is, port security.

The fact of the matter is that 10,000 is the figure the Coast Guard indicated would be sufficient to take care of the operational port security requirements, if there is a national emergency.

The committee sincerely believes that this is a program which should be continued, but at a reduced level. I am sure that at a 10,000-man level the training in the program will be significantly improved.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from California.

Mr. McFALL. I just want the Members to know I join the chairman of my committee in opposing the amendment. I believe we have presented a reasonable program to the House, and we have explained to the House the reasonable basis on which we acted.

Mr. SANDMAN. Mr. Chairman, I rise in support of the amendment.

If we would just hesitate for a moment and look at what has happened in the past few minutes, we would see we sort of tread on what is a little bit ridiculous. We just passed through the aisle to vote upon a measure which would spend $289 million on something which is only an experiment. Now, for the sake of being conservative or trying to save some money we are listening to an argument that is going to eliminate a paltry $7.5 million, not for an experiment but for something that would be chopping down a reserve force which is one of the finest forces we have in the country.

Now, some people have said maybe there is something to be desired in this program. I do not know where they get their information, because the largest training base happens to be in my district, in Cape May, N.J., and I rate it second to none I have seen anywhere. I would like this House to know that of the people who serve there a good many of them are reservists. One of the largest classes of the Coast Guard ships that we have is the *Unimac* class. I would like the House to know that the skipper of the *Unimac* itself, which is the vessel that the class itself is named after, a four-stripe captain, happens to be a reservist and half of that crew are also reservists.

If we talk about spreading 10,000 men among the ports, let us not talk about sending them anywhere to the Middle West or anywhere like that, because it is just ridiculous. There happen to be thousands of ports on the Atlantic seaboard alone. The tiny State of New Jersey, for example, happens to have more than 200 miles of coastline, and it is just loaded with ports of all kinds. During the Second World War every inch of it had to be protected. You could use 10,000 men just on that kind of a coastline in an emergency if you had to.

I think we have come to a point which is almost ridiculous if we are talking about saving a paltry $7.5 million with any idea in mind that you are going to phase this program out. Happily the committee did put back some part of the reserve program, but I believe it is one that should be expanded as time goes on. If there is something wrong with the training program, let us improve the training program. The history of the Coast Guard itself is great and the history of this reserve can be just as great if not greater as time goes on.

Mr. Chairman, I urge the passage of the amendment.

Mr. MINSHALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is with some reluctance that I rise in opposition to this amendment, but I would like to point out to my friends on the committee that the House Committee on Appropriations had prepared a staff report on the Coast Guard Reserve. I have it right here. It is 96 pages of the most condemning testimony I have ever read in any kind of a staff report. It points out that since 1951 up to and through 1969 we have spent over a quarter of a billion dollars on the Coast Guard Reserve. Yet in terms of actual performance the report says, and I will quote from it, "In its entire history it has never been mobilized. None of the national emergencies which have occurred between 1951 and 1969 caused an involuntary callup of these reservists."

Mr. Chairman, I could go on and on, but this report is one of the most critical and condemning reports I have ever read. I did not agree in appropriation committee to the 10,000 Coast Guard reservists. To add this additional 7,000 would be a mockery. The facts and record of the Coast Guard Reserve, yes with some exception, is not a good one—it is not in tune with the outstanding and excellent performance of the Regular Coast Guard.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. STEED).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STEED

Mr. STEED. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEED: On page 6, line 4, change colon to a period and strike out all of line 4 beginning with "provided further" and through and including lines 5, 6 and 7.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Massachusetts.

Mr. BOLAND. For my part, Mr. Chairman, I will accept the amendment which has been offered by the gentleman from Oklahoma.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. STEED).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. BOLAND. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The bill reads in part as follows:

URBAN MASS TRANSPORTATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Urban Mass Transportation Administration, including services as authorized by 5 U.S.C. 3109; $3,200,000.

AMENDMENT OFFERED BY MR. KOCH

Mr. KOCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOCH: On page 15 after line 6 insert:

"URBAN MASS TRANSPORTATION FUND

"For an additional amount for grants and loans as authorized by the Urban Mass Transportation Act of 1964, as amended (49 USC 1601 et seq.) to remain available until expended, $82,000,000."

Mr. KOCH. Mr. Chairman, I want to call something to your attention that I think has been overlooked.

We have a bill before us which is entitled an appropriation bill for the Department of Transportation, and I must tell you that there is not a single dollar of new funds for the mass transit fund in this bill, not one single dollar.

I want to tell you how that comes about and I want to urge upon the distinguished chairman of the subcommittee, the gentleman from Massachusetts (Mr. BOLAND) and others here to support the amendment I am offering.

The amendment would restore the money requested by the President for his new transportation program. These funds were cut from the budget by the Appropriations Committee because the President's program has not yet been approved by the Congress. But, I would remind our colleagues that we have an authorization for $300 million for fiscal year 1971 and so far only $214 million has been appropriated. Therefore, the additional $82 million could be added on the basis of an existing authorization, and I would urge that we do so in view of the urgent need our cities have for mass transit funds.

Is it unreasonable that we spend $300 million on mass transit in this day and age, when everybody—and I believe that the distinguished chairman from Massachusetts will agree—is concerned that there are not adequate mass transit facilities available in any of the cities of this country.

At this point, Mr. Chairman, I should like to expand upon my statement, reciting in more detail how today's transportation appropriations bill clearly in-

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dicates that mass transit is still very much a stepchild in our country's transportation program.

While hundreds of our urban centers are now faced with a transportation crisis—while every city has rush hour traffic congestion—and while auto pollution is taking a great toll on the health of our country's people, today we are considering an appropriation bill that contains no money at all for the urban mass transportation fund. Consequently, the Urban Mass Transportation Administration will have available only $214 million. This is an outrageous state of affairs.

This means, Mr. Chairman, that during the next fiscal year, we will be spending $290 million on the development of the SST while committing only $214 million to mass transit. It is both irrational and irresponsible for a society such as ours to spend more money on the development of a new aircraft, whose merits and success are in such question, so that the jet set can fly across the Atlantic in a couple of hours, while we ignore the very basic transportation that millions of working Americans use each day to get to work and back home again. In the concern over cutting flying time down by 4 hours to Europe, we are plainly neglecting the thousands of hours lost each week by people who are daily caught in traffic congestion, whether it be on the road, in a commuter railroad, or a subway. I am sure that if someone were to calculate the time that will be saved in a transoceanic flight in the SST—if indeed it ever gets off the ground—as compared to the man-hours that will continue to be lost in boggling transit facilities and snarled highways, the absurdity of this bill's priorities would be crystal clear.

Billions of dollars are needed to update the country's public transportation operations, and yet the administration and the Congress continue to commit to mass transit just 5 percent of what we put into highways. While $214 million will be available for mass transit, this bill approves an expenditure of $4.35 billion on highway construction.

In addition to inadequate funds, the mass transit program is being set back further by the Appropriations Committee's action in limiting the amount of funds the Department of Transportation will be able to obligate during fiscal year 1971.

The House Banking and Currency Committee now has before it a new contract authority program for mass transit submitted by the President and passed by the Senate. As approved by the committee's Housing Subcommittee this bill would provide $5 billion in contract authority in the next 5 years with $3 billion of this being liquidated by appropriations during the same period. With this new financing mechanism of contract authority, the Department of Transportation would be able to enter into long-term contractual obligations, so essential for mass transit planning and construction.

Today, however, this body is going to approve a bill which in effect wipes away contract authority. The Appropriations Committee has limited expenditures to $214 million, the amount appropriated for fiscal year 1971 last year. In the hearings UMTA indicated that it would obligate approximately $850 million, under the new contract authority mechanism, during fiscal year 1971. The $850 million is a mere pittance in the scale of our transportation demands—but today's legislation will make even this level of commitment impossible. A dramatic illustration of today's transportation requirements can be found in a study made last year by the Institute of Rapid Transit. The institute computed the capital requirements for the construction of just 19 systems during this decade and came out with a grand total of $17.708 billion. This, of course, does not begin to account for the many middle-size cities also needing help, or the inevitable 10-percent annual rise in construction costs.

So, today we are really taking a step backward in the face of the transportation challenge. Even before the Congress has enacted the President's mass transit program, we will be undermining its basic foundation.

It should be noted that warnings of the vulnerability of contract authority had been sounded by those of us who opposed the President's transportation package when he first submitted it to the Congress last August. I am a sponsor of legislation providing for the establishment of a mass transportation trust fund. History has certainly proven the success of the trust fund as a reliable mechanism for long term financing. But, even while the mass transportation trust fund has over 110 House sponsors, support from the mayors and Governors and even from Secretary of Transportation John Volpe, the President rejected it and chose to send to Congress a 5-year contract authority program.

Mr. Chairman, I shall continue to vote against the funding of the SST's development on the basis of its own inadequacies. As its noise levels and cost estimates escalate, and while concern mounts over the threat it poses to the very stability of our atmosphere, it seems absurd to commit our limited resources to a project which may never have a market and which some airlines do not even seem to want.

It is time that we face the transportation crisis now before us and put our funds where they are urgently needed—into mass transit.

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from New York.

Mr. BRASCO. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the gentleman's amendment, and wish to associate myself with the remarks made by the gentleman, and indicate that I believe them to be most accurate.

Mr. McFALL. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I oppose the amendment because I believe that the Urban Mass Transportation Administration will have plenty of funds to spend in the coming year.

The $80 million that the gentleman from New York has talked about has not been requested by the administration, it is a part of a program that may be requested when the urban mass transportation bill is passed by the Congress.

As of now, they will have the $214 million that we funded in advance last year plus $100 million that they had available from prior years, that they had not spent as of April first of this year. In other words, this coming fiscal year they will have available $314 million to spend on mass transportation.

Last year they spent considerably less, and we believe that they are adequately funded, and it will not be necessary to provide an additional $82 million in this appropriation bill. I ask for a "no" vote on the amendment.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I would ask the gentleman if it is not a fact that in the testimony taken by his committee, the Department of Transportation indicated that they would be able to obligate in the next fiscal year $850 million?

Mr. McFALL. Mr. Chairman, in response to the gentleman from New York I would say that I can well understand the gentleman's interest in mass transportation. I think the country needs a mass transportation program. But the administration is not ready at this time to provide that kind of money to develop our mass transportation system until we get the pending authorization enacted. The kind of money that we have available is much more money than they have been spending in the past years, and I think it will fund a very adequate program for mass transportation.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I would ask the gentleman if it is not so that the testimony brought out that there was $100 million in 1970 that had not been committed, and there was $214 million for 1971 that had not been committed, so that there is $314 million altogether that had not been committed?

Mr. McFALL. That is right. They will have $314 million to spend in the 1971 fiscal year.

Mr. KOCH. Mr. Chairman, if the gentleman will yield further, when we are talking about the mass transit needs of this country, and over 80 percent of the people live in the cities, is there not some inconsistency in saying that, using the gentleman's figures of $314 million, that that is adequate for the cities of this country when in the same bill we are appropriating something like $16 million just to put trees along the highways and $4.3 billion for highways in that same fiscal year?

Is there not something wrong about our priorities?

Mr. McFALL. I would say to the gentleman that with the $314 million they will have an adequate beginning program. And if we are going to fill all of these mass transportation needs of our country we are going to need the legislation which is presently pending in the Congress.

The **CHAIRMAN.** The question is on the amendment offered by the gentleman from New York (Mr. Koch).

The amendment was rejected.

Mr. **GROSS.** Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the gentleman, the chairman of the subcommittee, why there is $330 million in this bill for the Washington Metropolitan Area Transit Authority, when as late as yesterday the promoters were deadlocked on the location of a station on this subway system in the District of Columbia.

According to a newspaper, if they do not resolve this dispute over the location of a key subway station, and thus the route through the District of Columbia, construction may be delayed for 13 months.

Why is there $330 million in this bill if these people cannot get together and decide where they want to run the subway?

Mr. **BOLAND.** As the gentleman knows, this is the Federal share of the subway system, and hopefully these problems will be resolved.

The committee at the time we considered this bill, did not have that particular location to which the gentleman refers in dispute. It is in dispute now but we hope it will be resolved and that they can go move ahead with this important program. That is what they want to do.

It is unfortunate that WMATA is being held up at various points because of some differences.

Mr. **GROSS.** What would happen to the $330 million that is here being made available, if they do not resolve these differences? Will that money be frittered away in some fashion or other?

Mr. **BOLAND.** I would hope it will not and I am sure it will not.

As the gentleman knows, we have reduced the forward funding for the fiscal year 1972 by $38 million. The request was $188,000,000 for fiscal year 1972 and the committee reduced it by $38 million principally because of these delays. Knowing that they are not going to move ahead as rapidly as they hoped they would, and because of the delays that the gentleman referred to and other delays, we do think that the total figure, $330 million, over the next 2 years will give WMATA a sufficient amount to move the system ahead. We hope it will.

Mr. **GROSS.** If they cannot speedily resolve a dispute of this kind, it would be my hope that the committee next year would cut them right down to the hip pockets so far as additional Federal money is concerned.

Mr. **BOLAND.** Mr. Chairman, let me assure the gentleman that that suggestion will be considered by the committee if WMATA is not able to resolve some of these problems.

I think not only the Congress but the people of the District of Columbia are getting tired of the impasse that has been reached.

Mr. **YATES.** Mr. Chairman, will the gentleman yield?

Mr. **GROSS.** I yield to the gentleman.

Mr. **YATES** I have asked the gentleman to yield to advise the House that I am told the motion to recommit will be a straight motion to recommit by the minority. In view of that fact, I propose to try to get a rollcall vote on the previous question in the hope that the previous question will be voted down.

I thank the gentleman from Iowa for yielding.

Mr. **GROSS.** I hope the gentleman's rollcall vote is successful and the previous question is defeated so that a motion to recommit may be offered to strike from this bill the funds for the supersonic transport. It is incomprehensible that the Nixon administration would today support the spending of $300,000,000 for this boondoggle and then next week call upon Congress to increase the debt ceiling by $18,000,000,000. This is the worst kind of fiscal insanity and the Members of the House ought to stand up and be counted on a direct vote of this infamous SST.

Let me add, Mr. Chairman, that unless the $300 million for the SST is stricken, I will demand a rollcall vote on the bill on final passage for I want to be recorded against this kind of unconscionable spending.

Mr. **GROSS.** Mr. Chairman, I ask unanimous consent to insert my remarks on the subject of the Yates amendment before the vote on the Yates amendment.

The **CHAIRMAN.** Without objection, it is so ordered.

There was no objection.

Mr. **BOLAND.** Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Albert), having assumed the chair, Mr. Edmondson, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. **BOLAND.** Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The **SPEAKER** pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The **SPEAKER** pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RHODES

Mr. **RHODES.** Mr. Speaker, I offer a motion to recommit.

The **SPEAKER** pro tempore. Is the gentleman opposed to the bill?

Mr. **RHODES.** I am, Mr. Speaker.

The **SPEAKER** pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Rhodes moves to recommit the bill H.R. 17755 to the Committee on Appropriations.

Mr. **BOLAND.** Mr. Speaker, I move the previous question on the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. **MINSHALL.** Mr. Speaker, a parliamentary inquiry.

The **SPEAKER** pro tempore. The gentleman will state it.

Mr. **MINSHALL.** I have had a motion to recommit at the desk with instructions to take out the funds for the SST, but I understand that under the precedents and the customs of the House, being only the No. 5 man on the Appropriations Committee, I was outranked by my good friend from Arizona.

The **SPEAKER** pro tempore. The gentleman really is not stating a parliamentary inquiry.

The question is on the motion of the gentleman from Massachusetts.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. **YATES.** Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 176, nays 162, not voting 91, as follows:

[Roll No. 146]

YEAS—176

Abernethy
Adair
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Bevill
Boggs
Boland
Bray
Brinkley
Brock
Brooks
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burton, Utah
Bush
Byrnes, Wis.
Caffery
Camp
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Collins
Colmer
Corbett
Corman
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Denney
Dent
Devine
Dickinson
Dorn
Downing
Edmondson
Edwards, Ala.
Erlenborn
Findley
Fisher
Flood
Flowers
Ford, Gerald R.
Foreman
Fountain
Frey
Fulton, Tenn.
Fuqua
Garmatz
Gettys
Giaimo
Gonzalez
Gray
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hicks
Holifield
Hull
Johnson, Calif.
Johnson, Pa.
Jonas
Kazen

Kee
Keith
King
Kluczynski
Kuykendall
Lloyd
Long, La.
McClory
McClure
McEwen
McFall
Mahon
Mailliard
Mann
Marsh
Martin
Meeds
Meskill
Mills
Mize
Mizell
Mollohan
Montgomery
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Passman
Patman
Pelly
Pepper
Perkins
Pickle
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Purcell
Quillen
Rarick
Rhodes
Rivers
Rooney, N.Y.
Rostenkowski
Roudebush
Sandman
Satterfield
Scott
Shipley
Shriver
Sikes
Skubitz
Slack
Steed
Staggers
Steiger, Ariz.
Steiger, Wis.
Stephens
Taft
Talcott
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Ullman
Van Deerlin
Vigorito
Waggonner
Watkins
Whalen
White
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wyatt
Wyman
Young
Zablocki
Zion

NAYS—162

Addabbo
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Ashley
Barrett
Bennett
Biaggi
Bingham
Blatnik
Brademas
Brasco
Brotzman
Brown, Calif.
Burke, Mass.
Burlison, Mo.
Button
Byrne, Pa.
Carey
Celler
Clay
Cleveland
Collier
Conable
Conte
Coughlin
Crane
Davis, Wis.
Dellenback
Dennis
Derwinski
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Eckhardt
Esch
Eshleman
Evans, Colo.
Fallon
Farbstein
Fish
Flynt
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Galifianakis
Gallagher
Gibbons
Goodling
Griffin
Gross
Gude
Halpern
Hamilton
Harrington
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Horton
Howard
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Jones, N.C.
Kastenmeier
Kleppe
Koch
Kyros
Landgrebe
Latta
Leggett
Lennon
Long, Md.
Lowenstein
Lujan
McCarthy
McDade
McDonald, Mich.
McKneally
Macdonald, Mass.
Madden
Mayne
Melcher
Michel
Mikva
Miller, Ohio
Minish
Mink
Minshall
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Nedzi
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Philbin
Pike
Podell
Preyer, N.C.
Pryor, Ark.
Pucinski
Quie
Reid, Ill.
Reuss
Robison
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Ruth
Ryan
St Germain
Saylor
Schadeberg
Scheuer
Schneebeli
Sisk
Smith, Calif.
Smith, N.Y.
Stafford
Stanton
Stokes
Stratton
Sullivan
Symington
Taylor
Teague, Calif.
Thompson, N.J.
Tiernan
Udall
Vander Jagt
Vanik
Waldie
Wampler
Weicker
Whalley
Whitehurst
Widnall
Wolff
Wright
Wydler
Wylie
Yates
Yatron

NOT VOTING—91

Abbitt
Anderson, Tenn.
Berry
Betts
Biester
Blackburn
Blanton
Bolling
Bow
Brown, Mich.
Burke, Fla.
Burton, Calif.
Cabell
Carter
Chisholm
Clawson, Del
Cohelan
Conyers
Cowger
Cramer
Culver
Cunningham
Daddario
Dawson
de la Garza
Delaney
Dowdy
Edwards, Calif.
Edwards, La.
Eilberg
Evins, Tenn.
Fascell
Feighan
Foley
Gaydos
Gilbert
Goldwater
Green, Oreg.
Green, Pa.
Griffiths
Hansen, Idaho
Hogan
Hosmer
Hungate
Jones, Ala.
Jones, Tenn.
Karth
Kirwan
Kyl
Landrum
Langen
Lukens
McCloskey
McCulloch
McMillan
MacGregor
Mathias
Matsunaga
May
Miller, Calif.
Nichols
O'Neal, Ga.
Patten
Pettis
Pollock
Powell
Railsback
Randall
Rees
Reid, N.Y.
Reifel
Riegle
Roberts
Rodino
Rogers, Colo.
Roybal
Ruppe
Scherle
Schwengel
Sebelius
Smith, Iowa
Snyder
Springer
Stubblefield
Stuckey
Tunney
Watson
Watts
Whitten
Wilson, Charles H.
Zwach

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Randall for, with Mr. Eilberg against.

Mr. Edwards of Louisiana for, with Mr. Gilbert against.

Mr. Roberts for, with Mrs. Green of Oregon against.

Mr. Dawson for, with Mr. Langen against.

Mr. Kirwan for, with Mr. Matsunaga against.

Mr. Dowdy for, with Mr. McCloskey against.

Mr. Foley for, with Mr. Biester against.

Mrs. May for, with Mr. Rogers of Florida against.

Mr. McMillan for, with Mr. Rees against.

Mr. Stuckey for, with Mr. Kyl against.

Mr. Blackburn for, with Mr. Karth against.

Mr. McCulloch for, with Mr. Roybal against.

Mr. Hosmer for, with Mr. Reid of New York against.

Mr. Whitten for, with Mr. Culver against.

On this vote:

Mr. Abbitt with Mr. Berry.
Mr. Cabell with Mr. Pollock.
Mr. Delaney with Mr. Del Clawson.
Mr. Anderson of Tennessee with Mr. Carter.
Mr. Edwards of California with Mr. Powell.
Mr. Daddario with Mr. Brown of Michigan.
Mr. Blanton with Mr. Betts.
Mr. Evins of Tennessee with Mr. Bow.
Mr. Burton of California with Mr. Conyers.
Mr. Fascell with Mr. Cramer.
Mr. Cohelan with Mr. Goldwater.
Mr. de la Garza with Mr. Burke of Florida.
Mr. Tunney with Mrs. Chisholm.
Mr. Feighan with Mr. Railsback.
Mr. Gaydos with Mr. Ruppe.
Mrs. Griffiths with Mr. Riegle.
Mr. Jones of Alabama with Mr. Cunningham.
Mr. Green of Pennsylvania with Mr. Springer.
Mr. Charles H. Wilson with Mr. Pettis.
Mr. Smith of Iowa with Mr. Schwengel.
Mr. Miller of California with Mr. Mathias.
Mr. Nichols with Mr. Lukens.
Mr. Landrum with Mr. Watson.
Mr. Patten of New Jersey with Mr. Hogan.
Mr. O'Neal of Georgia with Mr. Snyder.
Mr. Rodino with Mr. Cowger.
Mr. Jones of Tennessee with Mr. Zwach.
Mr. Watts with Mr. Scherle.
Mr. Stubblefield with Mr. Sebelius.
Mr. Hansen of Idaho with Mr. Reifel.

Mr. FULTON of Tennessee changed his vote from "nay" to "yea."

Mr. O'HARA changed his vote from "yea" to "nay."

Mr. ASHBROOK changed his vote from "yea" to "nay."

Mr. GOODLING changed his vote from "yea" to "nay."

Mr. CLARK changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore (Mr. HOLIFIELD). The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The bill was passed.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip the program for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, Monday is Consent Calendar day. There are no suspensions scheduled. The Consent Calendar will be followed by H.R. 15712, to amend the Public Works and Economic Development Act, under an open rule, with 1 hour of debate; and

House Resolution 1033, attendance at International Labor Organization Conference at Geneva, 1 hour of debate.

Tuesday we have scheduled the Private Calendar and House Joint Resolution 746, the Pan American Institute of Geography and History, under an open rule, with 1 hour of debate.

For Wednesday and the balance of the week:

On Wednesday, we have a joint meeting to receive the President of the Republic of Venezuela;

Then we have H.R. 17802, to increase the public debt limit, subject to a rule being granted; and

Following that, we will have the District of Columbia appropriation bill for fiscal year 1971, and the foreign operations appropriation bill for fiscal year 1971, and, finally H.R. 16065, to amend the National Foundation on the Arts and the Humanities Act, subject to a rule being granted.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and any further program will be announced later.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I was absent on rollcalls Nos. 137, 139, 140, and 141. Had I been present and voting, I would have voted "yea" on rollcalls Nos. 137, 140, and 141. On rollcall No. 139, I would have voted "nay."

PERSONAL EXPLANATION

Mr. FULTON of Pennsylvania. Mr. Speaker, I missed the second quorum call today, because a group of us were at the White House at a luncheon in honor of our fine Speaker, Congressman JOHN McCORMACK. I believe that is the best excuse any Member can have.

PERSONAL EXPLANATION

Mr. DON H. CLAUSEN. Mr. Speaker, I missed a quorum call today. I was in my office with constituents on District business. I simply want to record this statement for the RECORD permanently.

WELFARE REFORM

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BEVILL. Mr. Speaker, the U.S. House of Representatives recently passed the administration's welfare reform bill.

This bill has now gone to the Senate Finance Committee, which has postponed public hearings until administration officials can rework the proposal.

I strongly opposed this measure and voted against it.

I received a large number of letters from throughout my congressional district relating to this welfare proposal. Among this correspondence was a letter from Mr. J. Gurley of Grant, Ala. Mr. Gurley expresses what I believe to be the feeling of a great many people in my congressional district and in Alabama.

At this point, Mr. Speaker, I would like to insert Mr. Gurley's letter in the RECORD and urge all my colleagues to read it.

CATHEDRAL CAVERNS, INC.,
Grant, Ala., April 30, 1970.

Congressman TOM BEVILL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BEVILL: First, I want to thank you for your efforts on the behalf of us Alabamians and other Americans. Also, I appreciate your keeping us informed via the newsletter and copies of the *Congressional Record* on what is happening or about to happen to us, the subjects of an all powerful government.

Your most recent news item covering the *Family Assistance Act* with the guaranteed income provision, is cause for concern, great concern, among those of us who have grown accustomed to working for our bread.

I am 47 years of age and have been practically on my own since the age of 8, when Dad began to go broke during the depression. I remember, all too well, picking cotton and being paid at the rate of 15c to 25c per hundred pounds picked. A hundred pounds was a full days work for most of us. I also remember well, of maybe, having an orange to celebrate the spirit of Christmas. Looking back upon this, maybe I was underprivileged.

There was little time for schooling. During the summer months, I mowed lawns, gathered up scrap iron, (to be sold to Japan), picked up cigarette butts, and even stole a little. In the Fall, I picked cotton and corn, gathered Pecans, Walnuts, and Hickory nuts. Also there were odd jobs around the cotton gin, sawmill and the hamburger joints where we got a handout. I drove a log truck at the age of 12–13, for $4.00–$5.00 a week. I was free to go to school for a little while in the Spring. I suppose I would be called a dropout, today. In my spare time, I had a newspaper route. All this means that I have been working for about 39 years, paying "Social Security" and most other taxes since their conception.

After World War II, I got a little schooling under the GI Bill and with a lot of sacrifice and effort have become president of my own corporation. Now, because of inflation and depression, high wages and high taxes, plus high interest rates—all of this is about to go down the drain.

The day that this "guaranteed income" bill goes into effect, is the day that I plan to "retire" and live off the efforts and sacrifices of captive idiots who continue to work! My wife and I are tired of 24 hours a day effort and responsibilities. We are tired of our employees making more for a 40 hour week than we make for a 168 hour week.

We are tired of all the other responsibilities and obligations that go along with this farce of "owning your own business." We are tired of having nothing left over, and of robbing Peter to pay Paul, just to keep the business in operation.

So, please hurry and pass this bill. Let those of us who are just plain sick and tired of our "no guts" government, quit work, get out of the way, and stop being a bad influence on these animals and savages of today who have only the desire to burn, loot and destroy all that they would inherit.

We brought forth upon this land, four children. We have been unable to send them to college. Two were ineligible for scholarships because they were the children of "rich parents." Our son, after 4 years service in the Air Force and five years of marriage, with the aid of his fine wife, is still working his way through college. We have little hope for the fourth, a daughter, of going to college. She will complete High School in 1971, but, she too will be subjected to all the frustrations of being handicapped by parents who have been foolish enough to try to accomplish something under our present form of government—"take it from those who work, give it to those who will not work."

I could write a book, but I know you have other things to do, so a letter will have to suffice for the time being!

From what I hear, you will certainly be reelected. Keep up the good work for a better America!

I remain, your friend, and a damned tired American.

J. GURLEY,
President.

P.S. Can you arrange for our government to take my business and pay *me* taxes? Try this arrangement for a while and I guarantee you, changes would be made!

THE TIME IS NOW FOR CONGRESS TO ENCOURAGE BUSINESS

(Mr. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS. Mr. Speaker, a major domestic concern to all of us is the recent stock market slump. We in Congress, who believe in a free open market, know that we have seen this recession headed this way because of liberal, antibusiness laws. The fact is that a major cause of the slump is adverse congressional legislation.

Prosperous business builds a progressive, prosperous country. It means full employment, good pay checks, and a balanced national budget.

Many seem to forget that the money we spend in Congress is generated by profits in business. Business pays corporate income tax. It pays social security tax on wages. It pays employees who pay still more income tax. Yet for a business to pay taxes, it must run its affairs at a profit. The more profits business generates, the more taxes are produced for America.

Who can help business make more profits? Labor can play a big part. Labor leadership the other day suggested wage and price ceilings. This was an excellent, unselfish concept. Wage levels in different industries have so many differentials that this may not be practical.

Congress should develop an encouraging business incentive program. Tax incentives would be effective in exports. Tax incentives for reinvested earnings are healthy. Tax incentives to stimulate top executives are great motivators. But we passed a tax bill just a few months ago that was a monster. This tax bill that smashed business has reacted sharply.

Back on November 12, 1969, on the floor of Congress, I discussed the dangers of excess taxation on business. Let me quote from my statement that was anticipating our present dilemma:

> What this Country needs is lower taxes. We need to realize that business is the foundation of our prosperous economy. Business means jobs—and jobs are essential, as they keep people busy and in turn provide more taxable income.
>
> Let me refer to you for study the tax analysis from this middle-sized factory in Pennsylvania. The 260 employees on their payroll are the base of town economy. Wages from this factory provide jobs for grocery stores, gasoline stations, clothing stores, appliances, homebuilders, and general merchants.

I took the sales in 1968 which totaled $5,548,000. Net profit after taxes was only $106,685. But this company generated in taxes to all governments the staggering sum of $715,949 by 19 kinds of taxes.

Now let me continue with an interesting reference to stock as an investment.

> During the year, old stockholders died and passed on their stock worth $550,000. The estate consisted of land and stocks. The estate had to sell the stock to pay the $206,000 estate tax on the stock. How can the person who bought the stock repay the loan or even maintain his bank loan with 8 percent interest? Dividends were much lower than bank interest payable on the investment.
>
> Let us encourage business to make money. When business is profitable, our country is prosperous.

And now we are working on a guaranteed income bill to put more people permanently on relief. It is stated that no one should do menial work. There will be no one to mop floors in hospitals, no clerks for grocery stores, no one at service stations to run gasoline pumps, no one to work on roads. Already the national welfare group has taken over Secretary Finch's office to demand $5,500 as the minimum salary for relief. All the incentive we legislate is to not work.

Let us start discussing ways to help business. Instead of holding congressional hearings to condemn business leaders, it would add more to the economy to put out front-page recognition for new engineering development, higher sales achievements, and accounting cost savers.

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Stock prices anticipate the future. America today needs optimism sparked by a friendly Congress that wants to see American business grow and develop.

One step forward would be lower interest rates. Business wants to borrow money for active working capital and expects to pay a reasonable interest rate. They ask, "Why is Congress spending in excess of $200 billion a year?"

If Congress spent less, taxed less, and had fewer giveaway programs, there would be more money available in banks to be directed toward the private sector for growth.

MARJORIE WHITEMAN

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, It has come to my attention that a distinguished international lawyer and a truly remarkable woman, Marjorie Whiteman, has just retired from the Department of State after 41 years of outstanding service.

Her contributions not only to the field of international law but to the conduct of foreign policy are of such a special nature that they deserve recognition by the Members of the Congress.

In 1929, when the U.S. Government was confronted with a difficult claims settlement involving substantial sums of money, the Solicitor of the Department of State, Green H. Hackworth, learned of a highly specialized legal study of international claims and State responsibility undertaken by Marjorie Whiteman, then a young graduate of the Yale Law School. She was hired the next day—an event which spearheaded a widening train of development in international law with significant effects on U.S. foreign policy for the next 41 years.

Not only has the U.S. Government been saved vast sums of money in claims settlements as a result of Marjorie Whiteman's pioneering and scholarly research in the original archives of this Government, but her study, a three-volume work entitled "Damages in International Law" is still regarded as the most definitive treatment of this subject, never having been superseded.

Marjorie Whiteman's capabilities were early recognized, as successive Secretaries of State from Cordell Hull to Dean Rusk repeatedly requested her inclusion among the U.S. delegation at international conferences where she proved of indispensable worth.

At the Inter-American Conference for Maintenance of Peace, Buenos Aires in 1936, Miss Whiteman originated and formulated the unique concept of consultation for the inter-American system. This legal concept has since developed into the vital machinery which has consistently been invoked by the American states in efforts to check the Communist subversion and aggression unleashed in Latin America throughout the 1950's and 1960's.

A recorded tribute to her value at these conferences occurred in 1948. After having been evacuated from Bogotá in the heat of the 1948 revolution, she was summoned to return immediately by Secretary of State Marshall who, along with a part of the U.S. delegation remaining behind, had been separated from the U.S. position papers for the drafting of the OAS charter. Through her skill as a lawyer, enhanced by her characteristically consistent and careful preparation of U.S. positions, she was able to render the assistance necessary for the completion of the OAS charter.

Assigned in 1958 to the Law of the Sea Conference at Geneva, Miss Whiteman was commended by Arthur Dean, Chairman of the U.S. delegation, not only for her ability as a lawyer but for her skill as a negotiator in successfully securing the signatures of other states to the Continental Shelf Convention.

These are but a few of the highlights of a dedicated career in the pursuit of law in which her excellence and brilliance contributed to still other major events of our history such as the drafting of the United Nations Charter, the Declaration of Human Rights, and the numerous Inter-American Conferences and Meetings of Consultation of Foreign Ministers of American States.

As Assistant Legal Adviser for American Republic Affairs from 1950–65, Miss Whiteman achieved one of the most successful and valued lawyer-client relationships on record. Her clients, the Bureau of American Republics Affairs, in 1958 took the initiative in nominating her for the National Civil Service League Award, which she won. At that time, she was commended for her valuable service to both the Department of State and that Bureau. Her particular value and effectiveness as a consultant was attributed by the Bureau not only to "her thorough knowledge of the law" but also to "her keen insight into political aspects of any given problem."

In addition to Miss Whiteman's three volume work, "Damages in International Law," she has authored numerous studies, some published as articles in leading law journals, but many which remain unpublished because classified or of particular application only to the U.S. Government. Miss Whiteman was a major contributor to the eight-volume Hackworth "Digest of International Law."

Miss Whiteman's career, thus combining the ideal attributes of an experienced practitioner and distinguished scholar and publicist of international law, culminated in her assignment to compile, edit, and direct the publication of a new digest of international law, carrying on a tradition of the Department of State dating from 1877. Miss Whiteman formally began work on the digest in 1957 and carried this work simultaneously with her duties as legal adviser for the Bureau of American Republic Affairs until 1965 when she devoted full time to the digest in the capacity of assistant legal adviser and counselor on international law.

Working alone for 2 years, Miss Whiteman's research reflected from the outset her vision of the unprecedented broad scope which characterizes the content of this 15 volume "Digest of International Law"—a record of the practice of international law and the application of its principles throughout the past 25 years by the nations of the world. This distinguishing feature has been uniformly acclaimed by the eminent scholars and jurists of international law who have reviewed the Whiteman digest. In the words of one British jurist, this inclusion of the practice of other governments—

> Makes it of even greater value to those in other countries whose daily work requires them to apply the principles and rules of international law to existing facts.

Secretary of State Rusk, upon receiving the first volume of the Whiteman Digest of International Law in July 1963, stated:

> This volume and the ones to come, will fill an important gap in the legal materials available to the United States Government, to the Bar and to the public in this country, and to Governments and scholars throughout the world. We are grateful to you, Miss Whiteman, for undertaking the preparation of the Digest of International Law, and for the intensive work you have done and have directed over several years, to see the task through to completion. . . .

The American Society of International Law, bestowing its 1965 Annual Award upon Miss Whiteman, commented:

> In it [the first three volumes of the Whiteman *Digest*] Miss Whiteman, Assistant Legal Adviser of the Department of State, has brought together published sources and manuscript archives showing the practice of the United States, judicial decisions on international law (from American, foreign, and international courts), pertinent documentation of international organizations, and relevant extracts from American and foreign books and articles. She has diligently ferreted out material, selected and compressed it with skill, and synthesized the whole in a manner which tells the story of contemporary international law as viewed by an active participant who is at the same time an erudite and objective scholar. The reader will note an emphasis less peculiarly American, and more truly international in approach and scope, than in the earlier *Digests* issued by our Government. . . .
>
> All of us concerned with, or interested in, international law—whether as student, teacher, scholar, lawyer, social scientist, practitioner of foreign relations, or citizen seeking to become informed about the world in which we live—will find these volumes invaluable.

In commending the Whiteman Digest of International Law as a "most valuable service to the international community" and "as without parallel and unrivaled in its utility to international lawyer," reviewers, both domestic and foreign, have without exception lauded the author variously, in terms of her "breadth of experience," "judicious selection of right quotations," "appreciation of the significant trends in international law today," "prodigious labour," "intelligence," "unexcelled scholarship" and "admirable dedication."

In 1966, Miss Whiteman was awarded the Department of State's distinguished Honor Award which cited her—

> For signal achievement in the compilation and edition of her masterful "Digest of International Law", the first five volumes

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of which are already widely acclaimed and used throughout the world; for many other outstanding achievements in nearly four decades of dedicated service, such as the drafting of the Charter of the Organization of American States and the Rio Pact; and for her vision, intellectual integrity, and achievement for world-wide recognition as an authority on international law.

At her retirement reception on March 30, 1970, the present legal adviser, John R. Stevenson, read the following excerpt from a letter written by Herman Phleger, the legal adviser who launched Miss Whiteman in the writing of the Digest of International Law:

> Marjorie is unique. She has great intellectual endowments, is untiring in her work of scholarship, is unmatched in her dedication to public service, and with it all is modest and unassuming, and bears her honors lightly. She has made a major contribution to the progress of international law in her Digest of International Law.

Through a lifetime of dedicated service distinguished by sustained excellence, Miss Whiteman has reached the acme of an individual's contribution to the American commitment of Government under law in presenting to the world the Whiteman Digest of International Law. As a result, the United States has been credited with having taken the lead in advancing the development of international law.

THE NATION'S ECONOMY

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

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Mr. PRICE of Illinois. Mr. Speaker, we have been devoting our efforts to arresting inflation in this country anticipating that the admitted problems of inflation would cause us serious troubles. Those troubles are already with us and as we read the papers and as we hear what happened on the New York Stock Exchange and the other stock exchanges around the country, we find that the indications are telling us that inflation is our sole problem. These indications tell us that we can anticipate a decline in business, a further tightening of credit, a failure of sources of funds necessary for continued capital improvement and development, loss of jobs, unemployment, and all of the problems that many of us remembered were visited upon us in overwhelming measure after 1929.

In 1929 when a serious decline in stock prices led to margin calls and the throwing of stock on the market to be sold at any price, it was followed by a collapse of bank credit, a collapse of mortgage credit, and a collapse of personal credit—people were out of business and could not pay their business obligations. About a year and a half after the stock market crash of 1929, we found real estate values diminishing to the vanishing point, a complete lack of availability of any mortgage money, unemployment, and a business recession euphemistically termed a depression which for those without jobs was really a collapse of their personal world.

The stock market is no longer the play field of a monied few. The number of stockholders runs into many millions and the market affects the lives of those who save by investment; those who save by purchase of mutual funds and those who save in banks. As the banks have made loans secured by stocks and as these loans become precarious, the entire credit structure of this country is affected. As an indicator, this affects the opinions of our investors, our savers, and businessmen alike and this forecast of what will happen as the country's economy continues in the way it is heading must not be ignored.

If businessmen are to continue high employment and plans for development building new and more efficient plants, they must know that credit is available and they must know that they may profit from this development or they will not enter into these commitments. Retrenchment affects not only the company which retrenches; it affects others and this is not unlike the chain reaction which we know culminates in the explosion of the atomic bomb.

This is not the time for us to be concerned only about inflation. This is the time for us to take courageous steps to recognize the message we are being given. If we are to avoid failures of brokerage firms, failures of banks and industrial firm bankruptcies with their spreading effects on individual savings, individual incomes and purchasing power, and employment, we must recognize that it is time for this Government to restore the confidence of the investor, the businessman, and the members of the public.

In 1929 Congress and the administration were unable to work together. The Federal Reserve bank was unable or unwillingly to expand the credit available in the economy and stood by passively while the stock market crash was followed by the credit collapse which is foretold. The Federal Reserve banks have the power to make credit available to the banks and through the banks to the public. For them to act at this time would be helpful in substantial measure, but even more substantial would be the restoration of confidence in the economy, the restoration of confidence in businessmen and a turnaround in the all too prevalent feeling that the country is about to collapse. These emotional factors cannot be disregarded. Let us not forget that businessmen are people; they act in accordance with what they think is going to happen and they must know that there is a reasonable possibility that their plans and programs will be successful or they will not take the first step.

We have been addressing ourselves to urban development, providing housing and to recognizing and remedying our environmental problems. I say to you that we cannot solve these problems with a collapsed economy. Both the Federal Reserve bank and the administration should recognize the importance of this and the importance of a healthy economy in solving these problems and should take immediate steps to create and provide the credit that will be needed to get these programs underway, to get them out of the talking stage and into the acting stage and to assure the people of this country that this Congress recognizes that an emergency does exist and that immediate action is necessary if we are going to avoid a repetition of the problems we lived through so unhappily some 40 years ago.

FREEDOM'S CHALLENGE

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITE. Mr. Speaker, one of the urgent needs of our time is that of instilling in our young people a love of their country which will be reflected in higher ideals and devoted service in the years to come. An important step in this direction was taken in my district when the United American Veterans' Organization sponsored an essay contest among the high schools of El Paso County, Tex., on the subject "Freedom's Challenge."

The veterans named as director and senior judge of the contest Dr. Bruno J. Rolak, lieutenant colonel, U.S. Army, retired, now a professor of history at the University of Texas at El Paso. Dr. Rolak was elected by the student body of U–T El Paso this year as "The Most Honored Professor of 1969–70." His work in promoting and directing the contest was outstanding.

Through a member of my staff, Mr. Jess Daffron, Jr., a graduate of Notre Dame University, I was able to arrange an award of a 1-year scholarship to Notre Dame to the winner of this essay contest. The second prize winner received a 1-year scholarship to the University of Texas at El Paso.

The judges named as the first place winner the essay by Wesley Vargas, a 16-year-old junior at Bel Air High School in El Paso. I commend this essay to my colleagues and the Nation as an excellent presentation of the challenges that face our Nation and the part which today's youth must take in meeting them.

The prize-winning essay follows:

FREEDOM'S CHALLENGE

(By Wesley Vargas)

The United States has been compared to the Roman Empire because of the freedom, rights and privileges given to its people through the unique form of government called democracy. Today, America can boast many achievements as in the moon walks, laser rays, heart transplants, computers, etc. It seems that we are scientifically and technically secure from a Roman Fall. This supreme confidence in our own abilities is evidenced all around us. But unfortunately these are only a modern form of idolatry, and salvation from growing world troubles by the vehicle of science will only prove as empty a dream as Roman prayers to Jupiter, Venus, or the Emperor.

Dr. Robert Strauss-Hupe, noted historian and international relations expert, asks, "Why did this Roman civilization decline at all? And why did it decline so rapidly that, within another 100 years, the Roman Empire was plunged irreversibly into anarchy and penury, ravaged by foreign aggressors and doomed to extinction?" (5). The question today is "Will the same catastrophe happen to America?"

There are five major causes for the decline and fall of the Roman Empire which Edward Gibbon and other noted historians of the Roman world have written about. They are:

1. The breakdown of the family and the rapid increase of divorce.
2. The spiraling rise of taxes and extravagant spending.
3. The mounting production of armaments to fight ever-increasing threats of enemy attacks—when the real enemy was the decay of the society from within.
4. The craze for pleasure and brutalization of sports.
5. The decay of religion into myriad and confusing forms, leaving the people without a uniform guide. (1:43).

Every one of these factors is present in America today. You read it in your daily newspapers—growing incidence of divorce, broken homes and juvenile delinquency, inflation and rising taxation, the pleasure binge, military-industrial complex, the startling growth of occultism and weird religions.

They are all part of our world and of our American society. There are ways of combating this decay of American civilization today. I will try to describe what I think and feel we can and should do to halt this decay.

FAMILY AND DIVORCE

Before the time of Cicero, divorces in Rome were rare, almost unknown. But then, divorces came so frequently that many Romans thought it had become a normal way of life. Jerome Carcopino quotes from Seneca, "They divorce in order to remarry. They marry in order to divorce." (2:54).

Thus, Roman marriage was only a form of legalized adultery and today we see this happening.

Early Romans possessed a principle about the family which was that the family was the base of Roman society and that the most important feature of this family group was the authority of the father. This parent taught his family how to command as well as how to obey. Today, many parents have let their children govern themselves as well as raising them as the spoiled child of society. Family life has been degraded in our modern societies simply because many families have ceased being families and are becoming public gatherings of casual acquaintances. "A family is a beautiful garden. It needs lots of careful attention—needs watering, cultivating, pruning, weeding out of wrong practices and habits. It needs *diligent work*—not just casual, accidental, thoughtless appearance" (7:4).

Fathers should take more notice of what their sons and daughters do all day; be understanding and talk with them about their daily activities. Fathers should become masters in their household once more and teach their family how to become once more what our forefathers were made of. Mothers should stay home to raise their children instead of seeking emancipation from home life. Being a mother is a tremendous job because she teaches her child right or wrong, hate or love, and that knowledge that he will use in his future life. In all, there must be communication and love. This is what I feel that our American parents should do to make their home a beautiful garden.

EXTRAVAGANT SPENDING

"Prosperity, it seems, can be a very deceptive thing—a continuous chasing after the mythical bucket of gold at the end of the rainbow." (1: 41). Money may be tight but with the use of credit cards, it is becoming easier to obtain more items and comforts that one would normally need to go through life. With this kind of affluence, the spoiled child puts the family in debt and on the brink of ruin. The situation causes a crisis when everybody wants to have fun and to enjoy the father's hard earned money, and this is now possible through the easy use of the credit cards. With this mania for spending, workers ask for a higher salary demanding more for their work and wanting more security. While these workers obtain a higher salary, taxes go up and consume more of the U.S. dollar. Latest statistics show that all U.S. taxes combined consume 37 cents out of every dollar of national income (1:43). Much of this money goes to maintain the best armed military services of the world, to build beautiful cities but mostly, to support the vast bureaucracy of government on all levels. Nearly one in every five jobs are governmental supported jobs (1:43).

The best thing to do is to stop asking for higher wages and this will stop the crazy cycle of inflation. This will need the cooperation of the unions which seem only to care about its members instead of the community which will come out on the short end of the stick.

Welfarism is making more people lazier. Phillip Van Ness Myer writes, "The evils that resulted from this misdirected state charity can hardly be overstated. Idleness and all its accompanying vices were fostered to such a degree that we probably shall not be wrong in enumerating the practice as one of the chief causes of the demoralization of society at Rome under the emperors." (6: 523).

Just imagine how many able-persons here in the United States just sit around the house and wait for the welfare check to arrive. I think there are persons that don't want to look for jobs because they know that society will see that they are given aid. There are many cases in which people can't go to work because they are ill, or unskilled or handicapped, but there should be a strict application for those who seek welfare. There should also be more institutions to teach the unskilled person to obtain a job where skill should be needed. With some strict restrictions on welfarism more people will be seeking more jobs to make the family support itself.

PLEASURES

The demand for pleasure is increasing because people want to get away from their daily problems. This is an attempt to "Escape" from reality and world problems. William Davis writes, "The Roman Empire and the Roman order of things were considered indestructible, eternal. . . . And so in this dream of the absolute fixity of the Roman system, men went on getting, studying, enjoying, dissipating—doing everything except to prepare for fighting." (4:314, 317).

Today, many Americans don't care what's happening around them. They are content just as long as they are happy and living the way they want to. Life became too complex for the average Romans, who turned to games and spectacles because that was what they knew and what they liked most. This is the way Americans today look toward the complications of life. There is also more hunger for violence and sex in television and in movies. Some people want to kid themselves and others want to enjoy themselves.

There is today more time for people to seek pleasure. The strength and vitality of our nation's productive machinery is declining. For years, the exports were greater than imports but now this tide has changed to more imports than exports. Lipscomb Davis says about this situation, "It is my conviction that the fundamental reason is that we in America have lost the essential ingredient of competition; namely, the willingness to work." (3:1).

Instead of going to games, watching television or doing other things of no importance, the families should be together unified to build a sound character of the type that was once the basis for the greatness of Rome. No one will ever escape from reality, nor will they find protection, by refusing to face the facts of this day in which we live.

DECAY OF SOCIETY

"The empire was made up of hundreds of cities; but the citizens of these towns, with very few exceptions, took neither pride nor interest in imperial affairs . . . Men were no longer willing to die or to live either for their city or the empire" (6:449,451). This lack of willingness of men to fight for their country brought the destruction in Rome. This is seen in our time: some of our men are deserting the army, fleeing from the draft because they lack spirit to fight for their country.

In the early stages of America, all the people were devoted to maintain and build up his country. Now, the majority of all Americans have an attitude of "Do your own thing." Many of the young Americans turn to radicalism, to communism, drugism and anything contrary to the standards of our society.

America leads the world in broken homes, crime, juvenile lawlessness and many other things that should never be seen in a great nation like the United States. America, once a peaceful land, has become a leader in civil disorders. We largely ignore the cause and the effect. America, paradoxically, has become its own enemy. America also leads in pornography, in sex and everything that concerns sex. It seems to me that we don't care anymore for a national goal or even have a direction or purpose in life.

We need to develop a strong, vibrant character that was once seen in the Roman Republic. They had a national character of quality and moral excellence and worked to see their nation grow and prosper. "Good character is based on self-sacrifice, on construction and building, on dedication to high national goals and purposes (1:6)."

In former President Eisenhower's State of the Union message in 1960, he said, "A rich nation can for a time without noticeable damage to itself pursue a course of self-indulgence, making its single goal the material ease and comfort of its own citizens. But the enmities it will incur, the isolation into which it will descend, and internal, moral, and physical softness that will be engendered will in the term bring it to disaster." (1:7).

The only way to change the fabric of our society is to render service to our nation, to seek strength rather than security and seek character ahead of profit. Character is a very important step, but there is also a God in Heaven that blesses obedience and punishes disobedience.

DECAY OF RELIGION

The decay of religion, I think and feel, is the most important problem to solve and one that God is taking into account. Many people are making new, weird religions to escape their problems but they are just getting further away from God. Chastity and virtues are no longer considered essential for a happy life. There are many people that still go to church but how many of them have the simple faith of Jesus and his preaching "Love thy neighbor."

To solve our problems, and to renew our moral and ethical principles is to wake up our personal faith in Jesus. People will see that with God they will have a changed personality, character, and all the vital characteristic to make a better person as well as a better American.

World problems are an extension of our individual problems. The world cannot change as long as we remain the way we are. The need is for a quiet revolution—that need is for a drastic change—and only

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God, through Christ, can remake us into the people we ought to be.

With this kind of character we will be once more the kind of persons that made this country what it was ten years ago. And we wouldn't have to worry about falling like Rome.

CONCLUSION

I have tried to show that our American society is deteriorating but also that we can once more regain our traditional national character to make America what it was destined to be. I hate to be in a place where many Romans found themselves when they fell from power. The only way to avoid this is to have a strong, unified family with strong authority from both parents. Teach the child pride in his nation and help him make it the best. We should spend less money on comforts, a main reason why our society is being spoiled. And the main thing, which is the most important step to secure our freedom and be once more a nation of tremendous character, is to return to God. Let God lead us, let God do his will and mainly listen to him. We should return to God as our basis of life.

These things that I have mentioned are not projects that can be carried out through money; they are individual projects. The main challenge to freedom is at home.

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TESTIMONY BY FORMER ASSISTANT SECRETARY OF DEFENSE PAUL C. WARNKE

(Mr. FRASER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRASER. Mr. Speaker, the House Foreign Affairs Committee has just heard testimony from former Assistant Secretary of Defense Paul C. Warnke, who was Assistant Secretary for International Security Affairs. In an excellent statement he outlined his views as to where American security interests lie. Because it is such a good statement I ask unanimous consent that it be printed in the RECORD at this point.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The statement is as follows:

STATEMENT OF PAUL C. WARNKE

President Nixon's Foreign Policy Message bears the subtitle: "A New Strategy for Peace." Now, just three months after its issuance, the nation is divided and disrupted by the strategy of wider war in Indochina. Many of our citizens question whether our national security requires that American troops continue to fight and die in Southeast Asia. Some ask in how many other instances our foreign policy may be deemed to require the commitment of American troops. They challenge the apparent readiness to rely, in today's world, on military force to achieve policy objectives.

The underlying issue is whether we yet have a foreign policy which fits the 1970's, both in its relevance to our international interests and in its ability to attract wide-based popular support, without which no foreign policy for the 70's can be successful.

There was a time, even in the very recent past, when foreign policy was regarded as an occult field that must be entrusted to the President of the United States and his expert advisers, buttressed perhaps by the obscure writings of a few academicians. Indeed, there was a growing assumption that even the Congress of the United States had little place in the development and execution of the foreign affairs of the United States. It might perhaps advise, but there was a developing tradition of an almost Constitutional duty to consent.

Vietnam has changed dramatically this attitude of passive acceptance. The almost plenary authority of the President in the field of foreign relations is receiving serious review, in particular as it involves the power to commit our armed forces. Vietnam, of course, remains a special case and so much has been said and written about it that little new or constructive can be contributed to the debate. What I would like to do, however, is to discuss briefly with you the question of our developing perception of our real national security interests and how this perception relates to the general principles set forth in the President's foreign policy statement. We can also consider how these principles are given meaning by the current conduct of foreign affairs.

Basically, there is today a demand for broader participation in the formulation of American foreign policy. This demand, as I see it, stems from two sources. The first is the major dissatisfaction with our involvement in Vietnam and a feeling that there must be something wrong with a foreign policy that got us in but can't get us out. The second is that now, for the first time in the history of the Republic, there is genuine competition for resources between national defense expenditures and domestic demands.

At one time, the unchallenged assumption was that we could afford for defense any amount that might be necessary to ensure that we had the best and the most in the way of military hardware. We were, moreover, ready and even eager to use our resources to prepare against quite remote external threats. We lacked the same feeling of urgency when it came to internal social needs. We lacked, in many instances, even a program to meet a problem in the domestic sector. Under these circumstances, a billion dollars spent on defense did not mean a billion dollars or even half-a-billion dollars diverted from some domestic demand. The choice was not one among competing national priorities but basically between a higher defense budget or lower taxes.

Moreover, in the 50's and through most of the 60's we viewed the Soviet Union and international Communism as the overriding threat to our national security. Conditioned by the Cold War, the thinking majority of the American public believed that unless we took every step to contain Communism we would find ourselves an isolated bastion of freedom in a hostile world. In such a world, we knew we could not survive as the kind of free society we have been and want to remain.

The President's Foreign Policy Message notes the great change in the pattern of international politics and the disintegration of the Communist monolith. But its defense of the current Vietnam policy and program seems based on the old Cold War view of the threat to the United States. President Nixon has suggested that our disengagement in Vietnam would be regarded as an indication of weakness that would lead to renewed Soviet pressure in the Middle East and Western Europe and even to violence in the Western Hemisphere. If indeed international Communism is our major security threat today, then we would indeed have to remain involved militarily in Indochina whatever the cost and whatever the duration.

But there are some who would question that this view of the world in the 1970's is a correct one. Dr. Jeremy Stone has suggested that today only one country finds itself surrounded by hostile Communist states. That's the Soviet Union. The President's Message notes the real and serious differences between the two Communist giants and the fact that the Red Army has been used since World War II only against Soviet allies in Eastern Europe. In today's world, there are some who believe deeply that the major threats to our national security derive from internal inequities—not external aggression. The growing prevalence of this view is largely responsible for the current demand for participation in the development and execution of American foreign policy.

With the mounting dissent about U.S. foreign policy has come the charge that this division encourages our enemies and threatens our objectives. No doubt it does. But more important is the question whether the policy and the objectives are sound when they are at odds with the views of a sizeable segment of a free society.

I cannot pose as an expert in the assignment of national priorities. My experience has led me to believe, further, that no one can safely pose as an expert in the field of foreign policy. All opinions on that subject should be regarded as highly suspect. There are, however, a few facts that I believe can be accepted.

The first of these is that only one nation possesses the power to threaten us militarily. Only the Soviet Union has a nuclear capability which could absorb an American attempt at a preemptive strike and still destroy us utterly as a civilized society. Only the Soviet Union possesses the conventional military forces to threaten the vital strategic interests of the United States. China may someday have that amount of nuclear armament and that kind of conventional capability. But any such power is for China far in the future and we need not prepare to cope with it today with technology that would be obsolete long before it conceivably could be needed.

The ultimate aim of our foreign policy of the 1970's, therefore, must be to avoid the confrontation with the Soviet Union that could lead to the ultimate crisis for us and for the world. It is, for me, at least, impossible to determine from its generalities whether the President's Foreign Policy Message contains the principles best adapted to prevent that confrontation and avoid that crisis.

The report dwells at some length on the "Guam" or "Nixon" doctrine. But I am still unclear what this doctrine means. It asserts that we keep our treaty commitments, but does not explain what we consider these commitments to be. Are they absolute and self-executing? Or can they be construed in terms of our current self-interest? As a second point, the doctrine states that we will "provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole." But it does not clarify when and what we will consider as the threats to the freedom of others or whether we may respond with nuclear weapons to conventional aggression by a nuclear power.

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The third element in the doctrine is that in the case of other types of aggression, which I assume to be by non-nuclear powers, we shall furnish military and economic assistance but the country threatened will have the primary responsibility of providing manpower for its defense. Does this envision American intervention in local disputes where neither Russia nor China is involved? It may be that the Nixon doctrine in fact signals a lower profile and a predisposition against American military involvement. But, by its terms, it is fully consistent with an American role as peacekeeper for the entire world. Indeed it is more consistent with a cut-rate Cold War strategy than with a new strategy for peace in the world of the 1970's.

What we must determine, I believe, is whether vital American security interests depend upon the nature of the political and economic institutions in most or even many of the countries of the world. Experience has led us to believe, and I think correctly, that our own national security would be jeopardized if the people and the potential of Western Europe were to fall under the domination of a hostile power. I think the Soviet Union knows this is our view. We must be sure it continues to recognize this fact. But Southeast Asia isn't Western Europe. And certainly China today is not synonymous with the Soviet Union. I doubt that we need to worry any more about the close-in containment of China or extension of Chinese influence. Whatever finally happens in Vietnam won't help China solve its massive problems or threaten a thriving Japan. In these circumstances, we can adopt a program of American military disengagement and view with equanimity the political compromise that such a program would make inevitable. The threat to our security comes from continuation of the conflict.

In the world of the 1970's, we have to find an American role which is consistent with world realities and domestic needs. This role should not, in my opinion, be that of a roving unilateral peacekeeper either in Asia or anywhere else. The peacekeeping role—to be accepted by those whom we would pacify, and to be supported by the American people—must be shared with others in a genuine international effort.

As a unilateral effort, however, our security demands that we maintain the capacity to deter the Soviet Union from use of its military force against our interests. Any Soviet use of its great military power must for us be a source of major concern This is true even when, as in Czechoslovakia, Soviet forces are used to maintain the Soviet dominion in Eastern Europe which has existed for more than two decades. We are quite rightfully concerned about Soviet pilots in Egypt and Russian willingness to play a direct role, however minor, in the violence of the Middle East. But perhaps we might reflect on the possibility that the Soviet Union is similarly concerned at American willingness to go to war in East Asia to advance Western influence.

The President's report refers to this as the era of negotiation. If there is to be genuine movement from confrontation to negotiation, we might also consider the importance of an atmosphere of calm and confidence. In the past few weeks, some have insisted that Presidential power to deploy American military forces must remain untrammeled to preserve the principle of unpredictability By this thinking, what will keep the Communists in line is their inability to guess when and where we may resort to military violence. I find this concept not only unpersuasive but frightening. In a bipolar world where we and the Russians have offsetting military strength, the prime characteristics of a sane foreign policy would seem to be consistency and caution. As the Message states: "Peace requires confidence."

The foreign policy message also states that "our commitment to peace is most convincingly demonstrated in our willingness to negotiate our points of difference in a fair and businesslike manner with the Communist countries." I think we would all agree, but I think we should also recognize that it is neither fair, nor businesslike, nor even intelligent for either side to try and scare the other into concessions. Effective agreements only can be reached if subsequent behavior can be predicted with reasonable reliability. And efforts to bargain by threats will yield no bargain, but only more threats.

Productive negotiation could yield today a degree of security unattainable by military means. Major areas are the limitation of strategic arms, the damping down of the fire in the Middle East and the lessening of tension through mutual reduction of the opposing military forces in Europe. In none of these areas will "scare tactics" on either side do anything but destroy the chances of reaching agreement.

The so-called SALT talks on limiting nuclear armaments are unquestionably the most important current development on the international scene. If we are able to reach an effective agreement, we can avoid the enormous costs of continuing the nuclear arms race and the enormous risks involved in more, and even more awesome, technological developments. Neither side will negotiate from weakness. Only the fact of rough nuclear equality makes negotiations even possible. But if each side tries to better its position in order to negotiate from greater strength, the talks on arms limitation will become a vehicle for arms escalation. Our response to Soviet threats is more weapons, not more concessions. We might expect their response to be the same.

Similarly, I do not think we advance the hopes for peace in the Middle East by widening the scope of the conflict in Indochina. Where neither we nor the Soviets can bend the other to its will, force must be expected to beget force and impetuosity to breed impetuosity. The confidence of our allies, particularly the Western Europeans, depends upon their faith in our consistency of purpose and the predictability of our response. When they see us resorting precipitately to military escalation, I doubt that they are heartened by the thought that we are keeping the Russians off-balance. They may perhaps be led instead to question the dependability of our NATO guarantees.

And, in the absence of a modern and moderate foreign policy, such fears might well be justified. The American public will not, in my opinion, continue to support the use of American force in causes of dubious importance to our national security. They may be hard to persuade that American survival or the avoidance of World War III somehow depends on the fate of any weak and unresponsive government that happens to be non-Communist. A policy that finds threats everywhere lessens the credibility of genuine threats anywhere. And improvident use of our military power can weaken our will to respond in the future even to overt aggression against our vital interests.

The need for the 1970's and beyond is a foreign policy that the thinking public can understand and respect, based on a perception of our security interests which the Soviet Union will understand and respect. Such a policy, and only such a policy, can command broad-based support. With that support, and only with that support, will come a restoration and a strengthening of effective American influence in international affairs.

UNITED STATES WINS MORE THAN MILITARY VICTORY IN CAMBODIA

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, Mr. Russell Kirk in the Baltimore Sun on Monday morning, May 25, in an article entitled "United States Wins More Than Military Victory in Cambodia," points out it not only has been a very significant military victory but lists various additional advantages gained by the President's Cambodian actions. He concludes that in the long run, President Nixon's decision to act in Cambodia will be understood as a bold measure that improved our prospects for peace.

Mr. Kirk's article follows:

UNITED STATES WINS MORE THAN MILITARY VICTORY IN CAMBODIA

(By Russell Kirk)

What militant doves fail to understand, just now, is this: by taking the Communist bases along the frontier of Cambodia, President Nixon has won the greatest victory of our decade-long involvement in Southeastern Asia. But perhaps some of those doves don't desire American victories; perhaps they smile upon the ideologies of Hanoi and the terrorists of the Viet Cong.

At the end of the third week of the Cambodian campaign, American and South Vietnamese forces had beaten the enemy dramatically, at small cost. More than 7,000 Communist troops had been killed, and an unknown number wounded or captured: this is the equivalent of destroying two divisions of North Vietnamese and Viet Cong. American and South Vietnamese losses were slight.

But this military achievement is only incidental to several larger successes achieved by taking the offensive along the frontier. Those other gains exceed anything accomplished by the Americans and their allies in all the long Vietnamese struggle.

First, the Nixon offensive against the Communist bases in Cambodia has made it far easier to withdraw 150,000 more American troops by the end of this year—without exposing South Vietnam to Communist conquest. Hard hit and bewildered, Hanoi's troops will be unable to undertake a counterattack along the Cambodian front for many months to come—during which time American disengagement can proceed as Mr. Nixon has scheduled it.

Second, the government and the army of South Vietnam have been mightily heartened by this victory, and can act with more confidence and better prospect of continuing success than ever they enjoyed before. They soon should be able to assume most of their own defense.

Third, the Cambodian government at Phnom Penh, headed by Gen. Lon Nol, has been saved from the Communist onslaught. That government has been given precious time in which to organize effective resistance to Viet Cong and North Vietnamese forces. Time was mostly what the Cambodia needed; for the Kymers, detestation of Vietnamese should suffice to squelch a guerrilla war like that in Vietnam, provided that Lon Nol is able to repulse in this hour of crisis the 40,000 Communist troops that have invaded his country.

Fourth, the Communists' stocks of munitions and food have been captured, in vast quantity, and their bases in eastern Cambodia have been overrun. Withdrawn to the interior of Cambodia, the enemy soon will be desperately short of ammunition and rice. And our forces have cut, at least temporarily, the routes by which supplies come down through Laos.

Fifth, the Nixon offensive has made it virtually impossible for the Communists to mount any assault upon the neighborhood of Saigon until the monsoons are over. And the Viet Cong in the Mekong Delta are cut off from reinforcements and supplies.

Sixth, Hanoi and the Viet Cong have suffered a vast loss of face throughout

Southeastern Asia. Not only Cambodia, but Thailand and other states are heartened to resist the Communists—who now clearly are vincible, when one carriers the war to them.

Finally, Soviet Russia has been informed, through this Cambodia action, that the United States is not a feeble giant: that America can strike promptly and with great power, when necessary. This will diminish the Russian proclivity to aid the Arab states against Israel; and it should incline Moscow toward more serious negotiations in the SALT talks and elsewhere. In the long run, President Nixon's decision to act in Cambodia will be understood as a bold measure that improved the prospects for peace.

PROPOSED NATIONAL CONFERENCE ON INFLATION AND UNEMPLOYMENT

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, 2 days ago, the Speaker and the majority leaders of the Senate and the House called on the President to convene a national conference on inflation and unemployment.

In line with the President's recently expressed feelings, they sought to keep the rhetoric cool. In an expression of concern over continued inflation and rising unemployment, they sought to encourage the White House to take the step of calling such a conference for two basic purposes:

First. To demonstrate this Government's concern, and to act to restore confidence in the Government and the economy. This Nation's economy remains basically strong, and the capacity is sufficient to meet today's demands if we only retain confidence in our abilities and face up to our responsibilities.

Second. To sincerely seek, from all interested segments of the economy—not just the business interests—ideas, proposals, expressions and agreement on how best to face the very serious problems of persistent inflation, rising unemployment, and business deterioration. Business and labor, investors and managers, economists and farmers, and certainly the unemployed should be made participants.

The distinguished chairman of the other party, who serves in this body and knows the problems we face, has said he has no objections to such a conference. Let us hope he can convince the President.

In calling for the conference, our leaders asked for action from the administration, not more words. Unfortunately, up to this point, that suggestion has been met by the same tired rhetoric we have been hearing for over a year.

The latest economic statistic, that of another sharp increase in the wholesale price index, only adds to our concern. How much more evidence needs to be piled atop the already overwhelming indicators that we are in a recession, that inflation has not slowed down despite rising unemployment?

The White House dinner tonight with business leaders is a small step, I suppose. It is at least more recognition by this administration than has been shown previously that there is great general concern over the economy.

I hope, however, that this highly publicized gathering is not offered as a substitute for what is sorely needed: A national conference on inflation and unemployment that embraces all segments of our economy and our Government.

Once again, we call on the President to act. Certainly a conference to seek answers and directions is little enough to ask.

XUM

PRISONERS OF WAR NEED OUR HELP

(Mr. BURTON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURTON of Utah. Mr. Speaker, we have heard in recent weeks a great deal of concern expressed by many Americans about our Nation's policies in Southeast Asia. It goes without saying that we all want a just and responsible peace and that we all want American troops brought home as soon as this can be reasonably accomplished.

However, I have long been concerned that in our quest for peace we might lose sight of another vital effort—that of bringing back home Americans who are prisoners of war in North Vietnam.

This concern is shared by many other Americans, who are attempting individually and through organized efforts to obtain freedom for these people, many of whom have suffered from cruel and inhumane treatment during their captivity.

Back in September of last year, I introduced a resolution in this House urging North Vietnam and the Vietcong to comply with the tenets of the Geneva Convention and provide more humane treatment of American prisoners of war in Communist prison camps.

To date, we have not even been able to accurately ascertain how many American men are actually held in these camps. The Department of Defense has estimated there are at least 15 of these men who are from my home State of Utah. And stories in the press, quoting what are thought to be reliable sources, indicate there may be as many as 1,500 Americans for whom the conflict in Vietnam has resulted in capture and imprisonment under barbaric and uncivilized conditions.

All over this Nation, there are active groups of concerned individuals, including the wives and families of prisoners of war, who are trying to awaken us to action on behalf of these fellow Americans. We in the Congress can do no less than act with these people.

My resolution calls for specific compliance with provisions of the Geneva Convention pact, which North Vietnam signed in 1957, including identification of prisoners, free exchange of mail between POW's and their families, impartial inspection of prison camps and release of seriously ill or injured prisoners.

At this point, I would like to insert in the RECORD two articles appearing recently in newspapers in my home city of Ogden, San Diego, and in Washington, D.C.:

[From the San Diego Union, May 16, 1970]

ARMED FORCES DAY, 1970—PARADES DO NOT TELL FULL STORY

The men, the women and the weapons making up the military strength of the United States of America will be highly visible throughout the nation on this Armed Forces Day. We will see them in parades, on their bases and aboard their ships.

It is a timely opportunity for a renewal of our understanding of what the armed services consist, and more important, what they mean to our nation.

With the wealth of communication flowing through our society, it is ironic that clear channels are lacking to provide an understanding of the level of sacrifice our servicemen are making and the reasons they are called upon to make it.

We have seen demonstrations, in the name of peace, against symbols of our military power, as if there were any question that this power was not deployed throughout the world in the cause of peace, justice and freedom. We have heard peace demanded impatiently in our streets, as if our men striving for peace on the other side of the world were not even more impatient to conclude their task and return home.

What we will witness with pride in Armed Forces Day parades today is less significant than what we will not see. Spit and polish give our Armed Forces an inspiring luster here at home that is, in a way, deceptive.

Their real environment is the peril of combat in the jungle of Vietnam, the monotony of a snowswept Arctic air base, the throbbing, acrid world of a destroyer engineroom in the torrid zone.

Most poignant of all must be our realization that our Armed Forces include more than 1,300 men for whom this day will grind most slowly—from another sunrise to another bleak sunset in a prison compound in North Vietnam. For them no brass will glitter, no bands will play.

The hope we keep alive for their safety and ultimate return to freedom, the hope which we pray has not withered in their hearts, lies with their comrades-in-arms who remain free to carry on the struggle for a just peace.

Appeals to decency, efforts to marshal international opinion on behalf of the prisoners, even personal journeys abroad by friends and wives, have left their North Vietnamese captors unmoved. We see again that the Communists will respond only to resolution and leverage exercised by those with both the courage and the power to challenge them.

It is the strength of our Armed Forces that is deciding the contest between freedom and oppression in Southeast Asia, a contest visibly moving toward the peace we all seek. This is the same power that stands in the way of inhumane aggression elsewhere on the front lines of the free world.

The Armed Forces of the United States, a compound of skill and dedication, courage and selfless loyalty, stand between us and a force that would destroy all we hold dear. We can look to them today with gratitude and confidence.

O'er the ramparts they watch.

PUBLIC SUPPORT SOUGHT TO AID AMERICAN POW'S

ATLANTA, GA.—A tall, grey-eyed young Atlanta dentist wishes the American people would care. About "I Care."

"There are 1,500 brave men over there, in

North Vietnamese prisons, kept in cages and underground caves fit only for pigs," says Dr. John Linder with an indignant shake of his head.

The 26-year-old dentist is trying to stir up indignation in others—millions of others—to bring them "out of apathy into commitment" by getting them to write letters to Hanoi, or sign "I Care" petitions.

HAVE SUPPORT

The petition reads simply: "I care about the inhumane treatment our men are receiving as prisoners in Southeast Asia. You have my support in your efforts to bring relief to them."

Eventually, these petitions will be sent to Texas multimillionaire Ross Perot, who is organizing a nationwide truck pickup to send millions of them to Hanoi.

Thus far, Linder has 10,000 petitions which he admits is below expectations, but 500-600 are coming in every few days. And the "I Care" movement, started three months ago, already has spread to Minneapolis, St. Louis and Dayton, Ohio.

"I Care" seeks the release of the names of all prisoners, more humane treatment for them and inspection of prisons by the International Red Cross.

"Public support is the only voice to which Hanoi will listen," Linder said in an interview in his small, modern paneled office.

Every concession granted thus far concerning American prisoners has been in response to massive public opinion, said Linder.

"In the six and a half years of the war, prior to last Thanksgiving only 100 American prisoners' names—out of more than 1,400 missing—were known.

PUBLIC AROUSED

"Since public concern has been aroused by wives of those men and by Ross Perot who tried unsuccessfully to deliver Christmas gifts to the prisoners, that number of known prisoners has been nearly doubled.

"At least 100 other names have been released. But of more than 1,400 men, that's not enough."

Linder says he has been haunted by "these forgotten men" since his wife's uncle, Lt. Col. Don Paxton, was shot down over Laos in February, 1969.

"We've never heard from him since," he said. "He was a close friend of mine. I set around for a year, wondering what could be done to find out if he was alive or not.

"Then one night we were sitting home with friends, thinking about what we could do. We got to talking. And the idea came.

"We got some money from a foundation to finance 'I Care' and someone donated office space downtown. A national packaging firm donated 250 boxes for us to collect petitions in. And persons volunteered."

LOUSY RESPONSE

Up until now, the 15-man volunteer "I Care" staff has mainly sought petitions from collection boxes placed in stores around Atlanta. But that response, Linder says, "Has been lousy."

"I thought we would be deluged with them. We could get 100,000 names if we merely wanted people to sign long petitions. We don't want to do it that way. We want people to know the situation and do care."

But in the past few days, 40 churches have asked Linder for petitions for their parishioners to sign.

LETTER TO THE EDITOR—POW WIVES REPLY TO VON HOFFMAN

Nicholas von Hoffman with his vitrolic venom splattered the prisoner-of-war issue all over the pages of this newspaper last week. The League of Families of American Prisoners in Southeast Asia was stunned. They had long been seeking Washington Post publicity, hoping to arouse public opinion to the plight of their men. But not this way.

"How cruel!" one wife cried. "How could he use this issue to get across his personal point of view on the war? It's not fair."

Mr. von Hoffman's treatment of this issue was not fair. What's worse, it was not even accurate.

The League does not consider the prisoner-of-war issue political. It is a humanitarian issue that transcends whatever an individual feels personally about the war. The League is a loose-knit organization of all kinds of different people from different parts of the country with but one agonizing common bond—a relative missing in action or held prisoner in Southeast Asia. The League members themselves do not agree on the war. But there can be no disagreement on the POW issue.

Contrary to Mr. von Hoffman's insinuation that our government says North Vietnam has "kidnapped thousands of our servicemen" and holds them as "hostages," we have made no such accusations. We do not even ask for the release of these men, although we continue to pray it will be possible soon. All the League asks is: 1) a complete list of those held prisoner; 2) adequate food and medical care for prisoners; 3) release of the sick and wounded; 4) impartial inspection of prison camps; and 5) free exchange of mail between the prisoners and their families.

Nobody has ever said that "there are thousands upon thousands of our men incarcerated in North Vietnamese camps." The facts are public knowledge. There are 1,500 men missing in action in Southeast Asia—about 800 in the North, 500 in the South, and about 200 in Laos. The 800 downed in North Vietnam are all fliers, none of them draftees as von Hoffman implied.

About 400 of the 1,500 are known to be prisoners, but these names were *not* provided by the Committee of Liaison With Families of Servicemen Detained in North Vietnam, as von Hoffman states. This simply is not true.

The Committee of Liaison was formed at the request of the government in Hanoi, and its members are among the most militant of the peace groups. Although 75 per cent more mail has been sent from prison camps in the past year than in all the previous five years, only 16 new names have come out since last Thanksgiving. The Liaison Committee has said that every prisoner may write. But fewer than 200 have been heard from. The North Vietnamese say some men do not wish to write their families. It is impossible to believe that any American man imprisoned for years would deny his family the opportunity of knowing he is alive.

Mr. von Hoffman's comments about mail were misleading. POW next-of-kin have always been permitted to write letters. A six-line letter restricted to remarks about health and family members is permitted each month, although wives and parents have no way of knowing if they are received. Many have written letters for years but have never received a reply.

Packages for prisoners, however, were not accepted until Christmas of 1968. The following July, families were permitted to send a second package. It wasn't until February 1970 that families were told they could send a package every other month.

There have been American men imprisoned in Southeast Asia since March of 1964. Can you imagine the despair of a young mother who for six years has not been able to get a simple answer to her heartbreaking question: "Am I a wife or a widow?"

Perhaps Mr. von Hoffman should meet some of these families. It would give him much needed insight into a problem that cries out for editorial comment, demanding humane treatment for all prisoners-of-war, in accordance with the Geneva convention.

Let Mr. von Hoffman talk with these young wives who are living in a hellish limbo where they cannot buy or sell property; cannot borrow money for a son's college education. Let him talk to the children—the four-year-old boy who has never seen his father; or the seven-year-old girl who can't remember hers.

He should talk to one of the prisoners—one of nine released from North Vietnam in six years. Let him hear about the solitary confinement—of sitting on a bare board bunk with nothing to read, nothing to do, for hours, days, months on end. Let him hear about losing 50 pounds on the twice-a-day diet of pig fat and pumpkin soup; of never being allowed to communicate with another human being, much less his family or the outside world.

And he really should talk to H. Ross Perot, the Texas billionaire he accused of publicity seeking. Here is a man who did meet the families, was appalled by their problems, and tried to do something about it. Because he has money, he has accomplished more than the rest of us, but his motives are mistrusted. Mr. Perot has given the prisoners' families reason to hope. Von Hoffman's acid-dipped pen tried to tear that slim hope down.

The League of Families is not asking for any special privileges. All they ask is that the minimum standards of human decency be extended to those who are imprisoned, at the mercy of their captors. All they ask for themselves is the barest solace of knowing whether their husband, father, son, brothers, is alive or dead.

Why do the North Vietnamese refuse even this small concession to human decency? Even the peace groups are embarrassed by North Vietnam's continuing refusal to release the names of the prisoners they hold. No one knows why they persist in inflicting this unnecessary anguish on innocent families.

Why should wives have to travel around the world seeking the answer to that question that haunts them day and night: "Am I a wife or a widow?" Wives have appeared before the North Vietnamese delegation to the Paris peace talks, who looked them right in the eye and promised they would hear. They have not heard.

Why should wives have to deal through a Liaison Committee established by the enemy? Most of them are so desperate they would accept information from any source, but why should they be reduced to this? In no other armed conflict in history have the wives and families of military men been exploited in this cruel manner.

For years these families suffered silently. The world knew nothing of their plight. By their silence, they hoped to protect their men from harsh treatment, torture, perhaps even death at the hands of their captors. But after five years, they wearied of the lack of progress on the prisoner-of-war question. They worried about the state of their loved ones—mentally and physically. They began to speak out.

Families and friends of the 1,500 men missing in action in Southeast Asia have written thousands of letters—to newspapers, congressmen and senators, to the presidents of the United States and North Vietnam, to the United Nations and the Red Cross, to foreign governments, to everybody they could think of who might add a voice to theirs in their search for information and their demands for humane treatment for prisoners.

They have spent a year of dedicated—and courageous—effort to make this issue known to the public and to urge support for their simple humanitarian aims. Articles like von Hoffman's completely undermine their efforts. It is articles like von Hoffman's that the North Vietnamese take delight in reading to their prisoners.

Only world opinion will persuade Hanoi to change its policy on prisoners. It is known that the North Vietnamese cannot believe that the American public really cares about "just 1500 men." The words von Hoffman used are the words Hanoi uses—"just 1500 men." To the League of Families these are not "just 1500 men." The plight of these men is a personal daily hell that each family member endures as best he or she can.

The only thing the families would like to ask Mr. von Hoffman is: "What would you be writing if it were your son, your brother, who was among the missing? What would you do after years of not knowing if he were alive or dead? Just what would you do?"

BARBARA P. ONDRASIK.
Member, League of Families of American Prisoners in Southeast Asia.

ROCKVILLE.

Just last week, in Omaha, the Forgotten Americans Committee, formed in February of this year staged a mass rally to promote a massive civilian display of public concern for our men who are either prisoners of war or missing in action in Southeast Asia. Among the speakers there were two men who have firsthand knowledge of which they speak—Cmdr. Lloyd Bucher, skipper of the *Pueblo*, and Col. Norris Overly, one of nine former prisoners so far released by Hanoi.

I think that it is time for all Americans, from Members of Congress to individual citizens, to voice their concern—not only about the present actions in Southeast Asia, but about the American servicemen who are remembered by so few of our citizens because they had the misfortune to be captured and imprisoned by the Communists.

XUM

MR. JOE GRZENDA

The SPEAKER pro tempore (Mr. HOLIFIELD). Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDADE) is recognized for 5 minutes.

Mr. McDADE. Mr. Speaker, we live in a nation whose people have come to regard courage and excellence as two of the highest virtues that a human being can pursue.

Last evening in Fenway Park, one of my distinguished constituents, Mr. Joseph Grzenda, displayed in an outstanding fashion both courage and excellence. Joe is a 15-year veteran of professional baseball, specializing in relief pitching.

Mr. Chic Feldman, sports columnist for the Scrantonian-Tribune, recently pointed out the countless years of toil that Joe Grzenda has expended in the minor leagues to become a journeyman relief pitcher. Chic also brought to everyone's attention the fact that Joe Grzenda found Ted Williams's managing abilities fully to his liking.

Mr. Feldman pointed out that Joe Grzenda considers Ted Williams "a most intelligent gentleman who always has the progress of the game in his grasp." As long ago as April 12, Chic Feldman predicted that Joe's talents could make the Washington Senators strong contenders.

Last night in Boston, Ted Williams must have heard that prophecy. After 105 starts as a relief pitcher, Manager Williams called on Joe Grzenda to make his first major league start. As the Washington Post said, "he pitched the best game in his 33 years."

Going into the ninth inning, he had a one-hitter and five of those innings were pitched in perfect fashion. Joe, of course, was credited with winning his first major league start.

So, I am proud today to salute Joe Grzenda of the 10th Congressional District of Pennsylvania for an evening in which he displayed both the highest traits of courage and excellence.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER), is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States is the world's largest producer of silver ore. In 1966 the United States produced 1,358 metric tons of silver ore compared to 1,037 produced by Canada, the second ranked nation.

CAMPUS CONFRONTATION: POLITICAL ACTIVITY VERSUS CRIMINAL CONDUCT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio, (Mr. ASHBROOK) is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, it is a cherished tradition that in a free society citizens not only may protest but should protest to influence opinions and express opposition to governmental policies with which they do not agree. The war critics have every right to express their views. But when armed and organized to seize, destroy, and topple the elected authority, they are not exercising any "right" under the first amendment or any other amendment. They are engaging in guerilla warfare, which leads to disorder, chaos and ultimately, anarchy.

Consider the following line of thought: If burning and sacking a college building is a "political activity," then robbing a gas station is a "financial transaction" and rape is a "social contact." This is cartoonist Al Capp's view of the so-called politics of violence, and it makes sense, does it not? But, unfortunately, somewhere along the line, illegal activity by students or minority groups stopped being considered criminal conduct. We have the so-called liberal thinkers to thank for this.

Many people—who should know better—would excuse illegal and violent conduct by student mobs as an honest expression of political views or even as misdirected pranks. These are the same people who also believe we can travel the road to socialism, yet never get there; that we can spend out of all proportion to our income, yet maintain economic stability; and that we can tolerate a degree of campus disruption without violence and tragedy ensuing.

The tragic deaths at Kent State were indeed unfortunate, but they were not by any means surprising. It was entirely foreseeable that if hordes of students attacked a vastly outnumbered group of National Guardsmen with rocks, pipes, and bottles, at some point such violence risked a stronger response.

Militant radicals have, by their own admission, sought by every conceivable means precisely the type of violent confrontation that took place at Kent State, Ohio State, and so many other colleges around the Nation. They have made nonnegotiable demands, aroused passions, and goaded law enforcement officials, hoping for a violent confrontation. To our sorrow, they got it.

PRELUDE TO TRAGEDY

It would be amusing, if it were not so serious, to read references in the press to the serene pastoral atmosphere at Kent State prior to the recent tragedy on that campus. Actually, during the 1968–69 academic year, Kent State was the scene of four disturbances, two of which were violent, instigated by the Students for a Democratic Society—SDS.

The New York Times, for example, reported that "nothing much" had happened at Kent State since a 1958 panty raid. How inaccurate this article was is best indicated by a brief synopsis of the efforts made to radicalize the campus.

In 1968 and 1969, radicals continued an incessant barrage of violence-oriented hate propaganda on campus. Top SDS types like Mark Rudd, Carl Oglesby, and Bernardine Dohrn bombarded campus audiences. SDS rhetoric, to give specific examples, included an instance of an SDS leader urging followers to kill the cops.

The Kent State disruptions were the subject of investigation by the House Internal Security Committee on which I serve. During our hearings on SDS activities there, we were shown a copy of a document entitled "Organizers' Manual for the Spring Offensive" listing such non-negotiable demands as open admissions for what they called third world, black and white working-class people. Demands were to be pursued through a series of escalating actions described in the manual in this way:

> Beginning with guerrilla theater actions in dorms we can escalate to disrupting classes, street marches, quick assaults on buildings, etc., before moving to the major confrontation of the struggle.

Also during these Kent State hearings, testimony by school officials revealed that no more than 15 to 25 hard-core members of SDS out of an enrollment of more than 21,000 were responsible for the disruptions. This small number was supplied with films, pamphlets, newsletters, and directives by the Ohio regional SDS office in Cleveland, some 30 miles away.

In a column headed "There's Proof the SDS Planned to Destroy KSU," writer Victor Riesel blasts the myth that Kent was a bucolic school that suddenly and spontaneously went haywire. He recalls:

> There are those of us who would hop off at Akron, drive the 10 miles and observe the SDS Weatherman faction—Mark Rudd, Bernardine Dohrn and comrades—scream, literally, for blood, for murder, for revolt, for the leveling of its buildings to wind-blown ashes, and for armed rebellion. For some time now Kent State U. has been the target for the SDS Ohio region and the Akron communes.

In July of 1969, in one of my weekly Washington reports to the residents of Ohio's 17th District, I warned:

> The true face of the campus enemy is revealed in just two quotations from the radicals at Kent State. Both are from reports published by the student newspaper, *The Daily Kent Stater*.
>
> First: An SDS spokeswoman [Joyce Cecora] called for armed rebellion on the Kent State campus, saying "Sitting on the grass in front of the administration building is not fighting—They used guns at Cornell, and they got what they wanted. It will come to that here!"
>
> Second: Another speaker declared, "We'll start blowing up buildings, we'll start buying guns, we'll do anything to bring this (obscenity) school down."

As I have said before, the handwriting was on the wall for all of us to see who would look. When you have people of this type promoting violence, the violence and its tragic aftermath at Kent State are entirely predictable.

Columnist Riesel put it this way:

> Blood, now rotting the earth of Kent's lovely campus, did not spill accidentally. That soil was tilled—furrowed by the clanging iron words of the toughest band of nihilists this land has known. Virtually all of them are outsiders. Virtually all of them chose Kent State because it is what it is, a source of strength for American forces, a source of learning for the children of working people, a spot in middle America.

Those who were surprised by the Kent State violence must be unaware of the inflammatory statements made by Jerry Rubin, currently on bail after having been convicted of crossing State lines to incite riots, in a speech to 1,500 students there shortly before the "spontaneous and unpredictable" uprising. Rubin said:

> The first part of the Yippie program is kill your parents. I mean that quite seriously, because until you're prepared to kill your parents you're not really prepared to change the country, because our parents are our first oppressors.

In the last several years there has been a policy on campuses across the country to give students the opportunity to hear first hand a cross section of opinions and attitudes from visiting speakers, including Communists. The emphasis now on these same campuses is to feature members of the Chicago Seven, Black Panthers, and the like. The moderate, the responsible liberal or the conservative have difficulty finding a forum—or, if invited on campus, being given a chance to be heard. Colleges in Ohio, for example, have paid fees as high as $1,500 to hear the "establishment" blasted and profaned by black militants while offering patriotic speakers $50 and $100.

Unfortunately, the bitter seeds of discord sown by these barbaric agitators as they vent their spleens are costing the universities who invite them—or, uninvited, put up with them—much more than the speaking fee.

INNOCENT VICTIMS?

A great amount of my mail refers to the "innocent victims" at Kent State. While anyone can sympathize with the tragedy which resulted in the deaths of the four students, it just is not accurate to refer to "innocent" victims.

In the first place, all of those students confronting the National Guardsmen on that tragic day were there in violation of proper, legal orders against their congregation. On top of that, they were specifically and repeatedly ordered to disperse. Instead, under mob instincts they attacked the National Guardsmen with rocks and bottles.

Even if the four killed were not throwing bottles or hurling obscenities, they were associated in the mob that was acting in an illegal manner. They were acting in violation of law themselves. You might say they were foolish, unfortunate, or ill advised but you could not honestly say they were innocent. The innocent people were respecting the laws, remaining in their dormitories and not conducting an illegal and violent confrontation.

A good example of the "innocent" crowd was Miss Mary Ann Veccio, the so-called photo girl whose picture, crying out over one of the fallen students, appeared everywhere in the Nation. Without knowing the facts, most news service reports even referred to her as a coed. Some coed. She was a runaway who, by her own admission, was a part of a hippy group which went to Kent State because she heard "there was going to be an antiwar protest." The nonstudent radicals who gravitate to the storm centers throughout the United States are a major part of the campus problem. The "action" was at Kent State so that is where she went.

No, it is impossible to refer to any single one of those students and youths who congregated there that tragic day as innocent. Duped, stupid, foolish, unfortunate, cynical, dedicated revolutionary—one of these descriptive adjectives or a score of other ones might fit them individually but certainly not the word "innocent."

In our proper concern over the deaths at Kent State, we must not let emotionalism obscure the facts in the matter. Planned violence usually results in violence, but tragically sometimes also in unplanned violence and unexpected tragedy.

We would not, of course, equate the loss of lives with property damage and other costs of mindless violence, but at the same time we must remember that merchants and taxpayers pay dearly for the destruction wreaked by the "protesting" young barbarians.

The Cleveland Plain Dealer reported that the recent havoc at Kent State will run up a bill in excess of $1.25 million, a figure which does not include the "harsh economic blow to the city of Kent" or the heavy overtime bill for some 100 State highway patrolmen and costs for additional police in the communities surrounding Kent.

The cost of keeping more than 900 guardsmen for most of 7 days at Kent is estimated at $350,000. Another $150,000 is estimated as the cost of the window breaking and looting of stores in the city and the fires which destroyed the Army ROTC building and a storage barn on the campus. Room and board refunds to students, caused by ending the spring quarter at the halfway mark, are expected to amount to $750,000.

How much better that $1.25 million and the $2.2 million in damages due to campus disorders during the 1968–69 academic year could have been spent. And those whose barbaric illegal behavior results in these costs are the very ones who protest the loudest about our Government's spending priorities.

LIBERAL PERMISSIVENESS PAVED THE WAY

Unfortunately, over a long period of time, liberals have advocated the idea that the end justifies the means and have cultivated a permissiveness that allows each individual to decide for himself rather than yield to the law of the land. A more practical and hard-nosed approach is needed to enforce the law and protect innocent victims and mindless destruction of property.

Illegal conduct on campus must be met with the same response as illegal conduct elsewhere would bring. We should not have different classes of law enforcement for different classes of law violators. Society as a whole has a right to demand that laws are uniformly enforced. Activities which would be a felony if committed in the community at large are often overlooked or called "disorderly conduct" when committed on a college campus.

A large part of the problem lies in the type of administration we have in our universities. Many college administrations have allowed the radicals to achieve victory by permitting them to "call the shots." I do not know where administrations ever got the idea that they have to give an audience to shouting, cursing, unruly students. This idea of letting them have their way has been carried to an extreme where it is done on the terms of the militants rather than on the terms of the university.

What the militants fail to understand is that while the Constitution grants them freedom of speech—and even this right has been circumscribed to some extent through judicial construction—the Constitution does not require that anybody listen. The militants are confusing the right to advocate with what they view as also a right to get their own way. When they are heard but not heeded, they feel justified in resorting to violence.

Arson, bomb-throwing, assault and battery, the deliberate destruction of university equipment, and furniture, the looting of files and research notes, the forcible occupation of buildings, and the intimidation of students cannot be classified as exercise of the right of free speech.

Militancy no longer resorts to the soapbox—but increasingly to the tinderbox. The byword seems to be: mob action first, programs later.

It is naive indeed to think we are dealing merely with alienated students rather than purposeful radicals who are nihilistically oriented.

Having failed to persuade through four-letter rhetoric, the minority claims the right to impose its will by violence on the majority. And this is done in the name of reform, yet the radical militants are hard pressed to answer when they are asked what they would substitute for the status quo.

Rather than resulting in a mutual accommodation of interests, violence results instead in further provocation and escalation of violence and counterviolence. A free society has the moral right to protect itself through the legitimate use of force to preserve the rules. In the face of violent defiance, the law has no recourse but to pit force against force. Inevitably, there will be instances of overreaction.

Leveling the charge of "overreaction" has become the handmaiden, however, of almost every attempt by law enforcement officials to quell riots and other disorders. Had the National Guardsmen at Kent State failed to defend themselves, it is entirely conceivable that one or more of them might have been killed. But under the double standard espoused by the militant radicals, no one should shed any tears for dead guardsmen or, for that matter, for the many policemen who have been killed in the line of duty while protecting communities against rampaging mobs.

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The Guardsmen were there because of the destruction and violence the student minority caused. It is standard tactics of the left to blame the police and the National Guardsmen. They are not to blame and should not bear the brunt of the fault which belongs elsewhere.

TACTICS OF MILITANT ORGANIZERS

Dr. Alex C. Sherriffs, professor of psychology at the University of California, Berkeley, recently presented a very incisive analysis of the similarities between the militant groups which have spearheaded the many episodes of violence on college campuses. As he correctly points out:

> They are alike in that they intend to seize power, or to destroy. They advance causes not to achieve them, but to produce conflict. They are, by and large, well organized and disciplined, and apparently have means of communication and travel superior to that of those they attack. Their pattern has been first to analyze friction points on individual campuses, then to seek out support in strategic places on the campuses and in the surrounding community. Certain faculty members, clergymen, sympathetic media people, and indigenous radicals or reflex liberals fill the bill. They push constantly, and they push for more than is possible. They wait for a mistake. As soon as it's even slightly credible, they invoke some greater "cause." The issue may have been visitation rights in girls rooms; it soon becomes an issue of freedom of assembly, or speech, or academic freedom. They simplistically paint the administrators and those of society who would support lawful processes as rigid, authoritarian, and out of step with the times. Usually, they set up the battle plan so they win either way: for example, if there is capitulation in relation to a sit-in, they control the building and move forward with new demands; if the administration holds firm and eventually calls for outside help, the militants contrive and then point to police brutality. They are willing to nibble, one issue at a time, because each success ensures a greater likelihood for the next success. This is a strategy of takeover. It is, in their own words, revolution.

Another excellent point Dr. Sherriffs makes in comparing the similarities of the coercive groups responsible for so much of the violence is that "they would never have held the stage if the majority were functioning, if the faculty were united and responsible, and if the administrators had wisdom and courage."

WHAT IS AHEAD

"The struggle has just begun" proclaims a handout distributed at American University in Washington, D.C., recently. The following two paragraphs give a brief idea of some of the plans being laid:

> We have taken over our campuses; we have the power to keep them. We must plan to occupy them and use them for our own purposes for the summer. At Princeton and other colleges, the administration has been forced to grant credit for the year without final exams; solidarity on your campus may win this too. If not, continue to occupy the school and allow exams and degrees to be given by permission of the students, under their administration, in rooms and at times designated by them.
>
> We must use the campus as a base for continuing the struggle through the summer: for closing down draft boards; educating the community; guarding beleaguered Panther headquarters; supporting workers' strikes; spreading the strike. Invite the community onto the university for which they have paid and make student housing available to young workers and blacks.

And at Purdue University in Lafayette, Ind., an instruction sheet was provided to student demonstrators telling them how to make the most effective use of Molotov cocktails, how to shut down the electric power, and how to disrupt the telephone system and radio communications. Instructions are also given on eluding police dogs, wrecking railroad trains, and introducing chemicals into university residence hall water supplies.

The story is the same at hundreds of colleges in all regions of our country. These are but samples of what the liberals would have us believe is legitimate political protest: blowing up trains and banks; closing down draft boards; making university policy; poisoning water supplies.

It is madness to label such activities "political protest." Can anyone doubt that is the work of deliberate anarchists? A tiny minority of dangerous criminals seek to overthrow the U.S. Government and all of its institutions.

What is desperately needed now is for the many well-meaning young people who have become the pawns of the criminal anarchists to be convinced that peaceful, responsible protest is effective. If the moderate students will disavow those who call for violent confrontation and work instead for peaceful persuasion within legal channels, then the radical elements would lose a potent force in their destructive efforts and be singled out as the criminal, unrepresentative minority they are.

CONCLUSIONS

Student dissent must be redirected to constructive channels so that it can remain true dissent rather than raucous, illegal and self-defeating conduct which results in arson, destruction of property, trampling the rights of others, and physical violence. Otherwise, the devastating sight of buildings blazing on campuses clouded by tear gas, of students taunting battle-ready troops and militia, and universities under seige or completely closed down will serve as a commonplace reminder of the consequences of "political activity" as defined and practiced by the campus radicals.

Those who excuse violence or illegal conduct as "pranks" are more guilty than any National Guardsman. Professors who sense the rebellion on campus but do not endeavor to direct it into proper channels are more culpable than the guardsmen, College presidents who capitulate to violence and nonnegotiable demands are far more to blame than the police or the guardsmen who must come to their campuses to fill the void created by their leadership vacuum. Political leaders who pander to minority groups and then turn their eyes away from riots and looting helped pull more triggers than any law enforcement official. Those who proclaim the right to violate the law as a "constitutional right" and call law and order "repression" or fascism fan the fires which lead to tragedy.

Do not blame the police or the National Guard for tragedies that occur. The root of the problem goes much deeper.

DISCRIMINATORY STATE UNIVERSITY ADMISSIONS POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN), is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today called upon Attorney General John Mitchell to investigate Purdue University's admissions policies toward minority groups for possible discrimination and legal action under the Civil Rights Act of 1964. At the same time, I have introduced H.R. 17828, legislation to establish a Federal grant program to State universities which accept out-of-State students on a nondiscriminatory basis and H.R. 17840, legislation to extend the prohibition against Federal aid to public institutions which discriminate on the basis of religion or ancestry. Purdue University is a State university.

Many State universities are adopting restrictions on out-of-State students to cut down on the number of Jewish and other minorities at their schools. They decided that these out-of-State minorities were the cause of campus unrest and had to go.

Less than one-third of current State university restrictions on out-of-State enrollment existed prior to 1966. The rest, subsequently imposed, include quotas on the number of out-of-State students, higher levels of tuition and fees, and higher academic requirements.

The most blatantly discriminatory policies of any public university in the United States to my knowledge are those of Purdue. Purdue, which has an overall percentage limit on out-of-State students, places an additional limit on admissions from New York and New Jersey. These two States have the vast preponderance of potential Jewish, Black, Puerto Rican, and other minority students. In addition, Purdue sends letters discouraging applicants from those States. Purdue's intent is clear.

In the fall of 1969, Purdue attempted to cut back drastically on its student enrollment from the New York metropolitan area by specifically limiting admissions from that area to qualified children of Purdue alumni. While that policy was quickly abandoned, the current policy which replaced it, will nevertheless bring about a significant decrease in students attending Purdue from the region.

Before World War II many schools of higher education excluded Jewish students from universities by limiting enrollment from New York City.

More typical of the subtle form of discrimination imposed by the general quota is the practice of the University of Wisconsin. This school imposes an overall quota on out-of-State enrollment.

Giving in to pressure from State legislators and the chamber of commerce, the University of Wisconsin attempted to discourage enrollment from the 10 States, which together provided the University with a majority of its minority students, by giving priority to applicants from other States. While this policy was quickly rescinded as blatantly discriminatory, the adoption of a percentage quota on out-of-State enrollment has had the same impact. With respect to Jewish students, for example, enrollment as of the fall of 1969 was only one-third of what it has been at the same time in 1966.

While current Federal law prohibits discrimination by public institutions, a loophole in the Civil Rights Act of 1964 does not cut off Federal funding for such discrimination. I have introduced H.R. 17840 to close the loophole. And I have introduced H.R. 17828 to provide a positive incentive to State colleges and universities to adopt nondiscriminatory admission policies with respect to out-of-State students. The adoption of nativist admissions policies not only restricts educational opportunities of minority students, but insulates students attending State schools from outside forces.

I insert at this point in the RECORD my letter to Attorney General Mitchell, the texts of H.R. 17828 and H.R. 18240 and a study of admissions policies of State colleges and universities prepared by Harold Braverman of the Anti-Defamation League of B'nai B'rith:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 26, 1970.

Hon. JOHN MITCHELL,
Attorney General of the United States,
Justice Department,
Washington, D.C.

DEAR GENERAL MITCHELL: The Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, or national origin, and empowers your Department to seek legal redress where such discrimination is uncovered.

A situation of apparent gross religious discrimination on the part of a public institution has come to my attention, which I would like to call your attention and request your Department to investigate for possible action.

Purdue University of West Lafayette, Indiana is a state supported school which imposes a quota on out-of-state admissions. This quota has been applied in a special manner to metropolitan areas of New York and New Jersey, areas with a large concentration of racial and religious minorities: Jewish, Blacks and Puerto Ricans. Applicants from the metropolitan area are required to be children of Purdue Alumni. This same standard is not in effect elsewhere. The result is a de facto limitation on enrollment of minority students.

Purdue recently modified its practice by eliminating the alumni requirement, but imposed in its place—for the residents of New York and New Jersey—a specific numerical limitation based on a ratio of those states' population to the population of the country as a whole, which was, like the previous restriction, not imposed upon any other states. The result is to continue in a more subtle manner to limit minority students, by placing a limit on the number of students from areas with the highest potential number of minority applicants.

I enclose for your information, some clippings and letters on this subject, and would be most pleased to cooperate with you further in contacting individuals and groups involved in this situation.

With relation to the above, I am introducing legislation tomorrow to amend Title 6 of the Civil Rights Act of 1964. I would be interested in your Department's views on this legislation, a copy of which is also enclosed.

With kind regards, I am
Sincerely yours,
LEONARD FARBSTEIN,
Member of Congress.

H.R. 17828

A bill to amend Higher Education Facilities Act of 1963 to provide Federal assistance for the expansion of facilities for public colleges and universities which admit students from out of State on a nondiscriminatory basis

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Higher Education Facilities Act is redesignated as title V, and sections 401 through 408 of such Act (and cross references thereto) are redesignated as sections 501 through 508, respectively.

SEC. 2. The Higher Education Facilities Act of 1963 is amended by inserting after title III thereof the following new title:

"TITLE IV—CONSTRUCTION ASSISTANCE FOR STATE COLLEGES AND UNIVERSITIES ADMITTING OUT-OF-STATE STUDENTS

"FINDINGS AND DECLARATION OF POLICY

"SEC. 401. The Congress hereby finds that (1) in order to afford every student the opportunity to secure a higher education it is necessary to secure additional facilities for our colleges and universities, (2) the demand for increased higher education facilities is not evenly distributed throughout the country since certain States have adopted a restrictive enrollment policy, (3) such a policy tends to restrict the growth of available facilities, provincialize the educational institutions of that State, and require even greater expansion of facilities by the other States, (4) such restrictions on out-of-State enrollment are producing a de facto discrimination against certain religious and racial groups. It is, therefore, the policy of the Congress to encourage the elimination of State residency requirements, or other practices which have the same effect, and establish a program of grants to public colleges and universities which practice open enrollment to assist them in expanding their facilities in order that everyone will have an opportunity to secure a higher education.

"APPROPRIATIONS AUTHORIZED

"SEC. 402. (a) The Commissioner shall carry out a program of grants to public colleges and universities for the expansion of academic facilities to accommodate more students in accordance with this title.

"(b) For the purpose of making grants under this title, there is authorized to be appropriated the sum of $200,000 for the fiscal year ending June 30, 1971, $250,000,000 for the fiscal year ending June 30, 1972, and $300,000,000 for the fiscal year ending June 30, 1973.

"(c) Sums appropriated under subsection (b) shall remain for obligation until the close of the fiscal year next succeeding the fiscal year for which they were appropriated.

"ALLOTMENTS TO INSTITUTIONS

"SEC. 403. (a) From the sums appropriated under section 402 for a fiscal year, the Commissioner shall allot to each public college and university an amount which bears the same ratio to the amount being allotted as the number of out-of-State students admitted to the institution for full-time study at the undergraduate level during the preceding fiscal year bears to the number of such students so admitted to all public colleges and universities in the United States during such fiscal year.

"(b) If the Commissioner determines that any amount allotted to a college or university under subsection (a) for a fiscal year is not needed by that institution it shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable among the other public colleges and universities which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for the purposes of this title. Amounts reallotted under this subsection shall remain available until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

"GRANTS

"SEC. 404. The Commissioner, on the basis of applications received by him, shall make grants to public colleges and universities upon receipt of assurances satisfactory to him that the grant will be used for the expansion of academic facilities to accommodate additional students, and that the college or university will comply with such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the college or university, and that it will make such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this title.

"DEFINITIONS

"SEC. 405. For purposes of this title—

"(1) The term 'public college and university' means an institution of higher education which (A) grants a baccalaureate degree or its equivalent, (B) is under public supervision and control, (C) admits out-of-State students without discrimination in requirements for admission or in the amounts of tuition and fees charged, and without limitations on the number of such students to be admitted.

"(2) The term 'out-of-State student' means a student whose principal place of residence is outside the State in which the public college or university is located."

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H.R. 17840

A bill to amend title VI of the Civil Rights Act of 1964 to bar discrimination based on religion or ancestry in programs administered by institutions of higher education which are under public supervision and control and which receive Federal assistance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d) is amended by inserting "(a)" after "Sec. 601." and by inserting at the end thereof the following new subsection:

"(b) No person in the United States shall on the ground of religion or ancestry be excluded from participation in, be denied benefits of, or be subjected to discrimination under, any program or activity administered by an institution of higher education which is under public supervision and control and which receives Federal financal assistance."

Admissions Policies of State Universities

(By Harold Braverman)

In 1969, two state universities took steps to curtail the admission of out-of-state residents. In preceding years, other state universities and state legislatures had mandated cuts in the enrollment of students from out-of-state, but none of these provoked the same concern in the Jewish community as did the two cases last year.

UNIVERSITY OF WISCONSIN

The first case involved the University of Wisconsin, an institution which had traditionally accepted large numbers of non-resident students, many of them Jewish young people from the eastern part of the United States. In 1966, apparently yielding to pressures from within the Wisconsin state legislature, the university administration adopted a policy that applications for admission from students living in 10 particular states would be "held" until all other applications from Wisconsin and the other 39 states had been processed. Whatever the purpose of the "hold" policy, the fact was that some of the 10 states singled out for this unfavorable treatment were states which would, in the absence of such a restrictive policy, furnish the University of Wisconsin with virtually all its Jewish and Black out-of-state students.

As a result of a protest by the university's faculty, this policy was dropped. However, legislative pressure continued. It has been reported both in the press of Wisconsin and by a leader of the Wisconsin legislature that much of this pressure was generated by lawmakers who were seeking ways to reduce the number of Jewish students on the university campus.

In March, 1969 the Board of Regents of the university adopted a policy which appeared to respond to legislative pressure. This policy stated that no more than 25% of the university's freshman class entering in September, 1969 could be composed of non-residents of Wisconsin; no more than 20% of the freshman class entering in 1970; and no more than 15% entering in 1971.

The Anti-Defamation League's investigation reveals that the new restriction has already had a drastic impact upon Jewish students. The number of Jewish freshmen who enrolled at the University of Wisconsin in September, 1969 was less than one-fourth the number who enrolled in the academic year 1966–67.

PURDUE UNIVERSITY

The second 1969 case which concerned the Jewish community was that of Purdue University, a state institution in Indiana. Purdue University, responding ostensibly to demands that Indiana residents be favored over out-of-state students, decided to cut the admission of non-Indianans. However, Purdue went a step further than did the University of Wisconsin. Purdue decided to limit particularly the admission of students from the metropolitan New York area, requiring that such students be especially well qualified, and that they also be children of Purdue alumni. Obviously, such a policy, aimed at a major Jewish population center, imposed special disabilities upon Jewish students interested in studying at Purdue. Subsequently, Purdue modified this policy somewhat. The university decided that, beginning in 1970, it would admit students from New York and New Jersey on a quota basis rooted in the proportion of the populations of New York and New Jersey to the total population of the United States. But the change continued, in substance, to favor non-Indianans from 47 states over residents of New York and New Jersey.

ANTI-DEFAMATION LEAGUE STUDY

In the light of these developments, the Anti-Defamation League undertook a study in late 1969 to determine the extent to which state universities limit the admission of out-of-state students and how such limitations might affect opportunities for Jewish youth.

ADL's survey sought to determine whether the universities had percentage restrictions on out-of-state students; whether there were any restrictions directed against specific geographical area; and whether any proposals were under consideration for further restrictions. The institutions surveyed were the 136 degree-granting universities under state control listed in the 1968 edition of *American Universities and Colleges,* published by the American Council on Education.

FINDINGS OF THE STUDY

(1) Of the 136 state universities, 88—or 65%—do not at this time impose a percentage or a geographical restriction against students from out-of-state.

(2) However, of these 88, there are 15 which are expected to institute restrictions.

(3) Of the 136 state universities, only one uses geographical differentiation in selecting students from out-of-state. That institution is Purdue Univeristy in Indiana which has assigned a quota to students from New York and New Jersey rooted in the proportion of the populations of these two states to the national population. Such a policy obviously disfavors students from New York and New Jersey as against students residing in the other 47 states. And, because New York and New Jersey constitute a major Jewish population center of the United States, this policy is a serious obstacle to the admission of Jewish students to Purdue.

(4) Of the 136 state universities, 48—or 35%—have percentage restrictions against out-of-state students. These percentages range from a low of 5% for the University of Massachusetts to a high of 40% for the University of Vermont. The mean group consists of 22 state universities which restrict out-of-state students to 20% of the freshman class.

(5) Without fixing formal percentage restrictions, a number of state universities use devices which have a restrictive effect:

A. One such device is to charge out-of-state students substantially more than resident students for tuition.

B. More significant is the requirement that out-of-state students have much better entrance credentials than residents. Thus, the University of California requires that Californians have a secondary school average of 3.1 to qualify for admission. However, nonresidents must present an average of 3.5. Consequently, although the University of California fixes no percentage quota for nonresidents, the reality is that the percentage of out-of-state students admitted there is usually about 10%. *Of the 136 institutions, at least 25 specifically demand higher qualifications of out-of-state students without the imposition of a percentage quota.*

If these 25 are added to the 48 universities which use a percentage restriction, we arrive at a total of 73—or more than one-half of the total group—that restrict the admission of non-residents to their campuses.

(6) If we limit our attention to the 48 campuses in our survey group that now have *percentage* restrictions against out-of-state students, we note that 30 of them have instituted these restrictions since 1966.

It is apparent, then, that a trend has begun among state universities to limit the admission of non-resident students. Considering today's uncertain economy, and the reluctance of state legislatures to impose additional taxes, it would appear that this trend will continue in the years to come.

(7) The following are actions taken since 1966 by state universities and/or state legislatures designed to restrict the admission of students from out-of-state, and actions that are anticipated in the near future:

(a) *Florida.*—At present, one of the 5 Florida state universities—Florida State—has a percentage restriction against out-of-state students. This quota is between 12% and 15%. However, it is expected that the other 4 institutions, including the University of Florida which now has an enrollment of 2,500 Jewish students, will soon impose restrictions.

(b) *Indiana.*—In 1969, Purdue University instituted a 25% restriction on out-of-state students and qualified this further for the states of New York and New Jersey with a quota for students from these states based upon the proportion of the populations of New York and New Jersey to the total national population.

(c) *Kansas.*—Although Kansas State, the University of Kansas and Wichita State have no formal percentage quotas for out-of-state students, they have adopted a policy that if applications from non-residents are "too heavy," they will not be admitted.

(d) *Kentucky.*—In 1968, the state legislature passed a law which was approved by the governor, setting a limit of 20% of nonresidents admitted to the 5 state university campuses.

(e) *Michigan.*—In 1968, the Michigan state legislature mandated a restriction of 20% for out-of-state students admitted to all 9 state university campuses. These campuses include the University of Michigan which has traditionally attracted large numbers of Jewish students from out-of-state.

(f) *Ohio.*—In 1966, the State Board of Regents of the state university system recommended that each campus restrict out-of-state students to 20%. In 1969, the Ohio state legislature mandated significantly higher state aid for resident students than for non-resident students. Of the 10 state university campuses, 5 have already instituted a 20% restriction. Although the other 5 have "no restrictions," the fact is that they admit far less than 20% from out-of-state. For example, Cleveland State University has no out-of-state students on its campus.

(g) *Pennsylvania.*—Pennsylvania State, which has traditionally attracted many Jewish students from out-of-state, has a 10% quota for non-residents. In addition, political experts predict that the Pennsylvania state legislature will soon ask all 4 state universities to favor Pennsylvania residents over non-residents.

(h) *Tennessee.*—Of the 7 state university campuses in Tennessee, 5 instituted a 15% quota on students from out-of-state beginning in 1969.

(i) *Wisconsin.*—1. The Board of Regents of the University of Wisconsin, responding to legislative pressure, instituted a 25% quota for out-of-state students in 1969, with this quota to be reduced to 20% in 1970 and 15% in 1971.

2. One year earlier, in 1968, the other 2 state university campuses—Stout State and

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Wisconsin State—instituted a 25% quota for out-of-state students and also demanded higher fees and academic credentials from such students.

IMPLICATIONS FOR JEWISH STUDENTS

It is estimated that there are 380,000 Jewish undergraduates studying on American campuses. It is further estimated that of this number, 243,000—or 70% of the total Jewish undergraduate population—are clustered in 83 of the more than 500 campuses each of which has a Jewish student population of at least 25.

Of these 83 institutions, 31 are state universities and, therefore, the subject of particular concern in this study.

The estimated number of Jewish students at these 31 state universities is 91,000—or 24% of all Jewish college and university undergraduate students. Thus, the admissions policies of these 31 state universities are especially relevant to this study. If they restrict, or contemplate restriction of, students from outside their own states, this can have a limiting effect upon the educational opportunities of Jewish youth.

Of these 31 state universities, 13 already have percentage quotas on the number of students that they will admit from out-of-state. Among these 13 are two New England state univerities—the University of Connecticut and the University of Massachusetts—which are the most restrictive of the 31 institutions. The University of Massachusetts has a maximum of 5% for non-resident students (the lowest in the nation), while the University of Connecticut has a quota of from 8% to 10%.

In short, 13—or 40%—of the 31 state universities that have large Jewish student populations, use percentage restrictions against out-of-state students. If we add to this 8 state universities which require especially high qualifications of non-residents, there are then 21 of the 31 state universities—campuses which over the years have attracted large numbers of Jewish students—whose policies are restrictive against students from without their states. And if we then add 6 state universities which, we are advised, are contemplating restrictions against out-of-state students, we reach a total of 27 out of the 31—or 85% of the 31 state universities that have traditionally attracted meaningful number of Jewish students—which restrict or will soon restrict.

THE FISCAL PICTURE

The burgeoning interest among American youth in getting a college education has created serious financial problems for colleges and universities. Privately controlled institutions of higher learning have tried to meet this problem in some measure by increasing tuition fees; today, tuition fees of $3,000 a year or more are not uncommon in the private university sector. Withal, it is said that even such high tuition fees do not approach the cost to the institution of teaching the students. Therefore, deficits must be made up by using capital and by aggressive fund raising.

The problem for the state university—dependent as it is on public money allocated by the state government—is even more critical. The state university cannot engage in public fund raising and has no capital assets at its disposal. Thus, confronted with the same problem as the private university—i.e., the fact that tuition fees cannot cover costs—it has but one recourse. It must turn to the state legislature for money.

State legislatures are reluctant to accept the political onus of imposing more taxes to pay for state functions. Therefore, they look for other devices with which to meet the problem. In addition to raising tuition fees for students of their own state, a number of legislatures and Boards of Regents of state university systems have instituted special tuition fees for students from out-of-state, in a number of cases twice as high as the fees paid by the residents.

Despite such measures, the cost of educating a student still cannot be approached by tuition fees alone. Increasingly, large state subsidies are required to continue the operation of the state universities. Consequently, there has arisen pressure from the public, and in the legislatures, to reduce the number of students from out-of-state who are admitted to the universities so that the public money allocated to these institutions will be used primarily or exclusively for students who are bona fide residents of the state.

A RETROGRESSIVE TREND

All the foregoing suggests that there is an increasing trend on the part of state universities to make it more difficult for non-residents to study on their campuses, and that this may cause increasing limitations on the opportunities of Jewish students. Underlying the pressures of the state universities to restrict the admission of non-residents is undoubtedly a kind of xenophobia or nativism which has been exacerbated by recent student unrest on some campuses. A clamor is heard that campus disruption is usually led by student activists from other states. The easy solution is then found—reduce the number of non-residents admitted to the state university. Never is it acknowledged by legislatures or by Boards of Regents that the intent of the restriction is to cut down the enrollment of Jewish students. But the effect can be exactly that, as in the case of the University of Wisconsin.

Without a proven intent to discriminate on racial or religious grounds, we are confronted with an almost immutable fact of the American system—namely, that each state controls its own university system and that, absent evidence that a state university discriminates on grounds of race or religion, such a university may be invulnerable to legal attacks if it chooses even to bar non-residents completely from its campus.

Invulnerable in terms of legal attacks, but certainly vulnerable to the charge that it is retrogressing in terms of its educational purpose. If state universities continue the restrictive trend that has begun, provincialism and insularism will be the rule, not the exception. Diffusion of students will be arrested. The Wisconsin student will encounter almost only Wisconsinians on his campus, and the California youth will see fewer and fewer Mid-Westerners, Southerners and Easterners at the University of California.

Such a trend may invite retaliation. For example, as students from New York encounter more difficulty in gaining admission to, let us say, the University of Wisconsin, the University of Michigan and Pennsylvania State, they will apply in increasing numbers to the State University of New York. How long will it be then, before the State University of New York abandons its present liberal policy of no restrictions against out-of-state students, and fixes a quota for non-residents?

The finger of blame for this trend may be pointed also at some state universities in the Northeast, the area of greatest Jewish population concentration, for helping, perhaps unwittingly, the rationale of the movement toward restriction. When the University of Massachusetts and the University of Connecticut have for many years applied five percent and eight percent quotas, respectively, to non-residents, it may appear to come with ill grace to raise questions about other state universities in the Midwest and the South that are today fixing quotas of fifteen percent to twenty five percent, declaredly in the name of increasing educational opportunities for their own residents.

Perhaps then what is called for is an appraisal by the state universities of their obligations not only to their own residents but to the rest of the American people, and to their educational goals—an appraisal which should take into serious account the damage done to students and to universities by increasing provincialism—an appraisal in which the federal government ought to participate since the state universities exist in large measure by virtue of federal grants.

MISTER SPEAKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, always there is regret and sadness at the announcement of a great friend and American that he or she is retiring. This is natural, for there is an inexplicable reluctance to accept what one knows will happen sooner or later. In the case of our great friend and leader, Speaker MCCORMACK, this is especially so. How reluctant one is to give up the tried and the true.

There is one compensating factor, however, and that is the secure knowledge that the Speaker has written by action the precepts and examples we can follow. Speaking as a Member, a relative newcomer, I take this opportunity to join others who have rendered tribute to this great American and humanitarian.

And, further, I take pride in introducing into the RECORD at this point an editorial appearing in my hometown of San Antonio's daily, the San Antonio Light:

[From the San Antonio, Tex., Light, May 23, 1970]

MISTER SPEAKER

The long record of accomplishment of John J. McCormack needs no defense. It is, in fact, much too long to be reiterated here.

He had great influence in all the innovative social legislation of the New Deal, the Fair Deal, the New Frontier and the Great Society.

His allegiance to the office of the presidency is legendary; but this never kept him from asserting personal leadership contrary to a particular president's views when he felt he was right.

Mr. McCormack, to be sure, will continue pushing for progressive legislation until his term expires at the end of the year.

We wish him a restful but not inactive retirement. The wisdom of four decades of legislative commitment and leadership will be of invaluable help to the new generation of legislators who may seek his counsel.

RIGHT TO WORK A DEFINITE ISSUE IN POSTAL REFORM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HENDERSON) is recognized for 15 minutes.

Mr. HENDERSON. Mr. Speaker, I was most interested in reading in the CONGRESSIONAL RECORD of Friday, May 22, 1970, beginning at page 16814 the remarks of my good friend and colleague, the gentleman from Arizona (Mr. UDALL) regarding "Right to Work" as an issue in the currently pending postal reform bill.

The gentleman from Arizona and I have served together on the House Post

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Office and Civil Service Committee ever since his election to the House and as he knows, I have a very high personal regard for him and a great deal of respect for his opinions.

In this instance, however, in saying, as he does, "Let me say here and now that 'right to work' is not an issue in postal reform. The bill reported by the Committee on Post Office and Civil Service neither advances nor retards the 'right to work' movement; it leaves it precisely where it is now. It retains the status quo." My colleague is completely in error.

We are not dealing in the postal reform bill with employment in the private sector. I agree that the postal reform bill does not alter the Taft-Hartley Act. But what it does is to extend the provisions of the National Labor Relations Act for the very first time to Federal employment.

The status quo of Federal employment is that there is absolutely no way, under existing law, for union officials and Federal management executives to negotiate or otherwise bring into existence a union shop in the Federal service.

To spell it out even more plainly under the presently existing law, there can be no union shop or agency shop where Federal employees are concerned.

Under the provisions of H.R. 17070 as reported by the House Post Office and Civil Service Committee, for the first time, the issue of a union shop or agency shop would be subject to negotiation. Likewise it would be an issue subject to binding arbitration.

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While it is true that section 14(b) of the Taft-Hartley Act which prohibits the negotiation of union shops in States having right-to-work laws, is incorporated into H.R. 17070 with the other provisions of the National Labor Relations Act, there are at least some States whose right-to-work laws are so worded that they would be inapplicable to this situation.

Then, of course, there are the Federal employees outside the 17 right-to-work States who now have the protection of Executive Order 11491. Section 1(a) of that order states:

> Each employee has the right, freely and without fear of penalty or reprisal, to form, join and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

It is not my purpose to defend the National Right-To-Work Committee or its executive vice president, Mr. Reed Larson.

Neither do I have any opinion or any basis for an opinion as to whether his vote on the right-to-work amendment was a factor in the defeat of our good friend and colleague, the gentleman from Nebraska in a primary.

I am confident that Mr. Larson, the Right-To-Work Committee and our colleague, the gentleman from Nebraska are quite capable of defending themselves.

But I must take issue with my colleague when he suggests that H.R. 17070 does not change the status quo with regard to the right-to-work issue.

I am completely confident that he will agree with me when I say that for the first time in the history of the Federal service, if H.R. 17070 in its present form becomes law, a union shop can be negotiated—or put into effect through binding arbitration—with the result that a man working for the postal service can be required to pay union dues or lose his job.

This certainly is not the status quo.

THE BMT VERSUS THE SST

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record.)

Mr. PODELL. Mr. Speaker, in the shadow of last week's fatal crash on New York City's IND subway, this Congress is today considering the Department of Transportation appropriations bill for the coming fiscal year. Contained in this bill is a $290 million appropriation for the next phase of the civil supersonic transport plane—the SST. In the same bill an upper limit for funds for the urban mass transit system is under discussion. This ceiling totals only $214 million. There is a good chance that the actual appropriation will fall far below the established ceiling. We cannot let such misplaced priorities go unchallenged.

To those who have never ridden the New York City subway during rush hour—to them I say you are missing something you would never forget. To those who have—I offer my condolences.

Each day millions of citizens in New York and in other major cities board this Nation's inadequate mass transit systems. These people must ride the subway to get to their place of work. At the same time, they have to fight the crowds, endure the delays, breakdowns, heat, and dirt—not to mention the increased cost—which have become facts of life on mass transit systems.

Thus today we have two provisions up for discussion within the same appropriations bill—money for the SST and money for mass transit.

My opposition to a supersonic transport plane is of a longstanding nature. On the floor of the House in February 1969, I expressed my strong disapproval. Today, I will again add my voice and my vote to those of my colleagues in this House opposing the building of this aircraft.

At this time there has yet to be a successful attempt to solve the sonic boom and the noise problem that comes with the SST. We have been told that the sideline noise of this aircraft would be "like 50 regular jets taking off simultaneously."

As a sponsor, and an active supporter of legislation that would substantially decrease the amount of noise pollution, I cannot support the development of a new aircraft that would pose actual danger—in terms of noise level—to the health of our community.

While viewing the Concorde, the French equivalent of the American SST, I had occasion to observe that the noise from that aircraft actually destroyed the roof of a barn that was in its flight path.

Some say that the SST will not fly over populated areas. If this is in fact the case, then I hold that the airplane is not a sound Government investment. The percentage of people who would actually make use of the SST to fly transoceanic flights is small as compared to the millions who use the mass transit systems daily. If Government money is to be expended let it be spent to benefit the millions and not the few. It is high time that our country's priorities be oriented to benefit the masses.

Others argue that we must develop the SST because other nations are likely to develop their own in the near future. I find this argument very unconvincing.

Finally, let us take a long and searching look at the cost of the supersonic transport plane. A total of $708 million has already been expended. In the last 6 months alone, there has been a cost overrun of $76 million above what was originally projected. Individuals have said that the plane will cost in the billions before it is completed.

I say that we have already spent too much time, effort, and money. To the cost overrun, the costs in environmental damage, add the social costs—the costs to citizens in such areas as mass urban transit where this money is urgently needed and we see the SST has been too expensive for us to continue on our present course.

KENT STATE INCIDENT

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, since there appears to be so much twisted, unbalanced and biased reporting on the tragedy at Kent State University early this month, I think it is well to publish the views of Garry W. Jackson, a journalism and political science major at Weber State College, Ogden, Utah, which are set forth below:

THE KENT STATE VILLAINS: A VIEW NEGLECTED BY THE NEWS MEDIA

(By Garry W. Jackson)

(A journalism and political science student at Weber State College, Ogden, Utah, tells who was wrong in the Kent State killings. He believes his view is the majority sentiment of the nation's young people.)

The tragic events of Monday, May 4th, 1970, at Kent State University near Akron, Ohio, involving the deaths of four young students have caused a great deal of anguish and much soul-searching among the violence-ridden American people.

I don't think the blame can be singled out to any one individual such as President Nixon, Ohio Governor James A. Rhodes, or the commander of the Ohio National Guard, Adjutant General S. D. DelCorso. I do not think the men who fired the shots can be held truly accountable, nor do I think the students should shoulder all the blame. It is extremely difficult to stand up and say that any one person or element is to blame, and yet my very soul balks at the prospect of just chalking this up as another one of those unfortunate incidents. I have the most profound sympathy for the unfortunate families who must bear this tragedy. Nevertheless, I sense an obligation to set down in words what this tragedy has shown me and—I feel certain—thousands of other students who must surely be just as bewildered as I am.

In the first place. I am appalled at the media's incredibly shoddy coverage of this event. For example, was it necessary for CBS News to subject this already tormented nation to the pathetic figure of the father of one of the deceased students—a man totally shattered by grief—and to allow or perhaps even encourage this poor man, in what was perhaps the saddest moment of his life, to make a statement that clearly revealed animosity toward President Nixon? We can sympathize with this man considering his frame of mind. One can only surmise the depths of the President's sorrow and dismay as a result of the deplorable actions of this once-respected network.

I cannot forgive CBS News for capitalizing on the grief and misfortune of others to make some political "harpoon" to attack a President who has had the courage to take an action he felt was necessary to save American lives in Vietnam, regardless of political considerations.

The President is obviously suffering from all of this. He has said that he regrets the use of the word "bums" in referring to some campus demonstrators. I wish I could say the same of my fellow students, but I can't. The fact of the matter is that there are "bums" on our campuses, there are "effete snobs" on our campuses, and there is an "unelected elite" in our news media. Two years ago I wouldn't have believed it. The sad truth is that we, as students, know exactly who the "bums" and "effete snobs" are and we haven't taken a stand against them. Every time that an elected official singles out a militant minority bent on destruction for his most "colorful" epithets, which in all probability they deserve, we launch into some massive tantrum as if we had been personally assaulted. For months after the Vice President's famous speech, kids who had nothing whatever in common with a truly "effete snob" were running around campuses with quaint little "I'm an effete snob" badges. It must really be a hollow experience for a policeman or a National Guardsman to read in a newspaper that the Vice President or other officials will be prohibited from using "abrasive" language in referring to dissenting students. I hereby submit a proposal that use of the word "pig" in referring to policemen, presidents, or National Guardsmen be prohibited by student proclamation.

The fact is my generation is just not qualified to conduct any kind of "revolution." I have struggled for the last two years in vain attempts to find out just what the "revolution" is all about. The truth is there is no revolution. There is only a chaotic force of individuals and groups advocating abstract ideals, i.e.—peace, freedom, love—all without the slightest comprehension of what these things actually mean. Advocating peace with firebombs, Molotov cocktails, and bricks; advocating freedom while enjoying the maximum freedom they can possibly be allowed without anarchy; advocating love while hurling vulgar obscenities of hatred at anyone who opposes peace on their terms is only alienating them from the masses they propose to lead.

Students are going to have to realize that yes, America is receptive to change, more so than any other nation. But it must be the will of the people. It is a most base form of hypocrisy that the militants say "power to the people!" when the sum total of their support numbers some 2% of a total of 202 million people. Trying to force a revolution with these figures is madness. Those who are of the opinion that there must be a violent, convulsive revolution along Bolshevik lines in America are advocating sheer lunacy and shouldn't pretend to be shocked and amazed at the first sign of bloodshed. The point is that in our own supercilious hypocrisy we have imagined that we are a special or chosen generation, a force destined to "liberate" the world from war, poverty, racism, etc. We have paid "lip service" to the word revolution, and have conjured up many romantic "myths" about the moral necessity for it. But, is what happened at Kent University what we want? I don't think so.

Perhaps a special investigation will be launched and the net findings will be that the "system" is such that it provoked the extreme reactions which resulted in the four deaths at Kent University. If this should be the case, then the real villain will once again have escaped unscathed.

Who are the real villains behind this tragedy?

They are those who have taught us how to "rationalize" violence; those who have fired us with the infamous precept that violence is justified in order to bring about desired reform; those who have presented the entirely false imagery of a "police-state" America bent on repression; those who have vilified and ridiculed our national leaders from the immunity of the nation's colleges and universities, from the privileged sanctuaries of TV newsrooms, and even from the hallowed halls of the U.S. Senate; those who propose to substitute anarchy for government by law; and finally, we, the students, must share in the villainy of this tragedy, for we have failed to take a strong stand against those who wish to effect change through violence.

Anyone who thinks these are the vitriolic musings of a radical right-winger or Neo-Nazi should take particular note. These villains, these "bums," these "effete snobs" do exist, and four students are dead as a result of their vile exhortations. Will we continue to "cover" for them? Where, my fellow students, in the name of reason do we go from here?**

ORDERLY CONTROLS OF TEXTILE, APPAREL AND FOOTWEAR IMPORTS

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROYHILL of North Carolina. Mr. Speaker, I am pleased today to join with my three Republican colleagues from the State of North Carolina to reintroduce a bill providing for orderly controls of textile, apparel, and footwear imports. Mr. Jonas, Mr. Mizell, Mr. Ruth, and I have previously sponsored this legislation, first introduced in April by Congressman Mills, and we are pleased to offer it today along with 35 cosponsors. This brings to 245 the total of House Members who have sponsored this legislation—well over the number required for a majority.

We have become increasingly concerned about the damage caused by foreign imports to these three major industries and feel it is urgent to provide reasonable and orderly controls to restore fair competition in the domestic market. More than a year of determined efforts by the White House and top administration officials to achieve voluntary agreements with countries such as Japan have not met with success. This bill offers the incentives for negotiations which are now lacking and in fact emphasizes negotiated voluntary agreements for controlling imports.

Experience has shown that we must now have a legislative means to assure that controls will be imposed if negotiations fail. This bill provides that import limitations would apply only to countries which failed to negotiate voluntary agreements with us.

It is not the intention of this bill to build high tariff walls around the American market. We are not proposing fixed and inflexible quotas on imports. However, we must have some reasonable means to assure that nations which have low-wage policies will not be able to take unfair advantage of our domestic producers. These three great industries offer community support as well as employment for hundreds of thousands of Americans. The growing challenge of imports for our own State shows we must not sit idly by and watch these sources of employment be destroyed.

We are gratified by the wave of bipartisan support for this bill coming from every section of the country, and we are particularly pleased that if this legislation were brought to a vote in the House of Representatives today, it would be passed on the basis of its joint sponsors alone.

The Ways and Means Committee is now considering trade policy legislation. It is our hope that the provisions of H.R. 16920, the Mills bill, will be included in the measure reported out so that the Members of the House can indicate their support of this plan to solve the urgent problems that have arisen for these industries.

IT IS TIME FOR ACTION ON THE ECONOMY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, we are witnessing a most unusual period of economic unrest. The American economy is sound by any standards. Nevertheless, there is uncertainty which has produced all the appearance of a recession. Unless confidence is restored, it is entirely possible that the country soon will find itself in a depression.

The President has attempted to provide a businesslike administration, but the country is worried. The constant agitation about the war, the unrest on the campuses, the continued price and wage inflation, and the increase in unemployment all have added to the uncertainty. Before the gloom deepens and we actually find ourselves in a depression, it is very important that the President exercise strong leadership to restore confidence. The time is now. Conferences with business and labor leaders and economists should be held forthwith to discuss ways and means of coping with continued inflation and unemployment. I am glad to note that one such meeting with business leaders has been called, but the matter cannot stop there.

These meetings alone will not solve the problem, but they are needed to clear the air and to focus public attention on the facts underlying present economic trends. They can help to indicate the proper direction of a course of action to restore stability. Perhaps the administration has been too complacent in dealing with the problem areas. Statements by administration spokesmen that the

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economy is all right and that an upturn is soon to be anticipated are too reminiscent of the psychology of the Hoover administration, which many people remember. The President needs to take the country more into his confidence by explaining the Nation's problems, clarifying his policies and outlining his proposals for correcting the difficulties. In other words, it is a time for stronger leadership than we have witnessed. The economy has been drifting and if this is allowed to continue, we can soon find ourselves in dangerous waters.

THE LORTON HOLOCAUST

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, extensive public hearings earlier this year pointed up the mismanagement of the District of Columbia Department of Corrections, but the payoff came last weekend at the Lorton complex, which looks now like Berlin after a fire-bombing.

But fire and destruction is only half the story. The riot began about 9:30, but the Fairfax County volunteer fire departments were not even called for two and a half hours. When they arrived at midnight fully equipped to stop the holocaust, they had to wait for the civil defense units from Washington who contrary to standing orders governing riot calls at Lorton, had not even been called.

Another $1 million went up in smoke. But the point is not even the amount of damage at Lorton, but that in searching for a scapegoat, Mr. John O. Boone, who is supposed to run Lorton, does not blame the prisoners, does not question the politics of the Department of Corrections; does not even question his own actions or motives in delaying calls for help. He blames the Fairfax County firemen for the whole thing.

Going into Lorton in daylight is dangerous; going in darkness in the middle of a riot is suicidal; but the volunteer firemen were willing to go—if only they could be guaranteed their safety from rampaging inmates while fighting the fires. I salute these brave men, unpaid, unheralded, and unafraid, and I rise to defend them.

They did not cause the Lorton riot—or linger outside enjoying the blaze. We must ask Mr. John Boone if he knows where the blame really lies—what he was doing for 3 hours after the fun and games started, trying to reason with rampaging inmates, or just hoping to hide another Lorton disaster from the public.

The Fairfax County firemen were not surprised to be called to Lorton. They have been there several times before. But they were surprised and deeply hurt at being blamed for letting Lorton burn, when Mr. Boone surely knows their contingency plan for riot situations requires police protection for firemen. I wonder, Mr. Speaker, how anxious these good men will be next time they are routed from their beds in the middle of the night with a call to Lorton?

Mr. Speaker, in behalf of every member of the Fairfax County firefighting system, I demand an apology from Mr. Boone. They deserve no less.

COLUMBIA LAW SCHOOL ALUMNI ASSOCIATION'S MEDAL FOR EXCELLENCE AWARDED TO DISTRICT ATTORNEY FRANK S. HOGAN

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on April 23, 1970, Frank S. Hogan, district attorney of New York County, was awarded the Columbia Law School Alumni Association's Medal of Excellence. As alumni and friends of Columbia Law School will attest, this honor was a well deserved tribute to an alumnus who has made monumental contributions to law enforcement and to his alma mater.

For three decades Frank S. Hogan has served as district attorney of New York County. He is recognized everywhere as "Mr. District Attorney," and his office is the model which conscientious prosecutors have strived to emulate.

The qualities of integrity, public spiritedness, modesty, and charm possessed by Frank Hogan are legendary. A rare public servant to whom New Yorkers are deeply indebted, he has imbued his office with his own sense of justice, making it the most respected district attorney's office in the Nation.

I am pleased to add my own congratulations to District Attorney Hogan on the occasion of this honor and include in the CONGRESSIONAL RECORD the text of the citation which accompanied the Medal of Excellence presented to him:

CITATION TO FRANK S. HOGAN

Resolute personal and public integrity, steadfast devotion to the highest standards of the bar, and great compassion for his fellow man characterize Frank Smithwick Hogan. To our loyal alumnus we award the Medal for Excellence to reflect the abundant affection and respect for him which we share with the City he has served so faithfully and well.

The son of a grocer in Waterbury, Connecticut, the young Frank Hogan held a variety of jobs, some quite colorful in retrospect, eventually putting himself through Columbia College and Law School. After graduation, he struggled for a time as a private practitioner until the day in 1935 when he made the move which was to determine his professional life and give New Yorkers a public servant of such extraordinary value and such exceptional quality that he and his office were to become a national model. He signed on with a promising young man then newly appointed to head a special rackets investigation and became one of his small band of lawyers. That man, another Columbian and previous recipient of the Medal for Excellence, was Thomas E. Dewey, to whom with characteristic modesty Frank Hogan still accords full credit for creating the Office of District Attorney in New York as a non-political, full-time professional office, committed aggressively and exclusively to the public interest. In 1941, Frank Hogan took the reins from his admired predecessor and his uninterrupted captaincy of the office began.

As "Mr. District Attorney" for almost three decades, Frank Hogan has scrupulously preserved the original design of the office adding his own unique contribution, and has trained generations of assistants in the stern responsibilities of public trust, the perseverance of commitment, and the unwavering pursuit of justice. All, including many who have since achieved exalted station in practice, government, and judicial and academic life, regard Frank Hogan as a crucial shaping influence on their lives and careers. For he has imbued his associates with some of his own enthusiastic devotion to the task, his uncompromising efforts toward professional excellence, and guiding all, his acute awareness of the role of mercy in justice.

But Frank Hogan is not only a man of towering public stature, he is a warm, witty and wise person. While the unblemished reputation of the office eloquently attests the qualities of its chief, only Frank Hogan's close associates know his remarkable talents and personality. For although deeply involved in the daily work of the nation's busiest prosecutor's office, tirelessly attending to the details of the humblest as well as the most notorious cases, he shuns all personal publicity and modestly reassigns the plaudits enjoyed by the office; his is a genuine humility. Thus, only a relatively few know the countless instances demonstrating the high courage and great wisdom with which Frank Hogan has borne and exercised the enormous discretion inherent in the prosecutor's responsibility. Always restrained and deliberate in his decisions with an attentive and fine sensitivity to the rights of defendants, Frank Hogan is nonetheless energetic and persistent in the pursuit and prosecution of those who prey upon society. Privately, as well as publicly, he has always been entirely impervious to the pressures of the powerful. He fears no reprisal; he seeks no favor, his dedication to justice is complete.

His sound and practical judgment is complemented by the meticulous and finely honed skills of the legal craftsman. Add to this his uncanny ability to assess his fellow man, to recognize the strength and weakness of character, to separate true merit from false pretense, and the rarely seen picture of Frank Hogan begins to emerge. For such virtues as his office may boast are, in large measure, the attributes of its remarkable chief.

Outside the office bearing Frank Hogan's indelible imprint, the recipient of our Medal has long been active in community and University affairs. His loyalty to his Alma Mater has been demonstrated in many ways. In addition to serving as president of the Columbia College Alumni Association and of the University Alumni Federation, he has been a director of the Federation and chairman of the Columbia College Council. Presently he is a life trustee of the University and National Alumni Chairman for Columbia's capital campaign. He is a past president of the District Attorney's Association, trustee of the Knickerbocker Hospital, and a member of the City, State and American Bar Associations.

Frank Hogan has received the honorary degree of Doctor of Laws from Columbia University and Suffolk Law School. His Alma Mater has also awarded him the Columbia University Medal for Excellence for Public Service, the Alumni Federation's Medal for Conspicuous Alumni Service, and the Alexander Hamilton Medal. He has also received the Medal for Merit from the New York Grand Jury Association, the Gold Medal from the American Irish Historical Society, the Medal of Merit of the St. Nicholas Society, and the Furtherance of Justice Award from the National District Attorneys Association. These are, all of them, tributes not to the office but to the man.

It is with pride in his distinguished service

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in the law and with deepest respect for his matchless integrity that the Columbia Law Alumni bestow their Medal of Excellence on Frank S. Hogan.

A LOOK AT THE REAL GREECE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Speaker, on April 10 the Premier of Greece, George Papadopoulos, held a press conference in Athens. The subject of the press conference was certain relaxations of the country's laws and regulations in the light of the improved overall situation there. During the press conference Mr. Papadopoulos raised the question of the obligations of the individual to the society in which he lives. He made reference to the cult of absolute personal freedom, and wondered whether such a tendency might transform society into a jungle, a jungle that could be avoided only if the individual is willing to sacrifice part of his freedom for the well-being of those around him.

I think Mr. Papadopoulos has raised some good questions. I think that these same questions could well be raised with respect to some of the things that we are experiencing in our own country. I am not suggesting that the answer to our problems is to be found in the same fashion as has been deemed necessary in Greece. I do say however that we in this country should exercise restraint in criticizing the Greeks for the way they are running their country. We do not have Communist neighbors, we are not a target for Communist penetration, at least from across our borders. We have two wide oceans and two friendly countries with ideals and aspirations essentially the same as our own to our north and south. We can afford, so to speak, a relatively complacent and tolerant attitude that is not permitted the Greeks.

At this time our national policy toward Greece seems to be a quite unrealistic one, involving as it does something called selective suspension of the delivery of certain armaments under our military aid program. When we consider the importance of the strategic position that Greece occupies on the southern front of the Allied Command Europe this selective suspension in the shipment of essential equipment simply makes no sense.

Greece is not a rich country, its financial resources and its industrial capability is limited. Because of this, and because of its membership in NATO, Greece has had to depend on the United States for assistance in equipping its armed forces. The Communist threat is a constant one, and to be effective vigilance and military capability must match this threat. My conversations with responsible American military leaders give complete confirmation to my belief that if we do not regularize our relationship to Greece in the matter of furnishing military aid and assistance we may well find ourselves in very serious trouble in the Middle East.

As I understand it, we are supplying at this time some items required for the repair and maintenance of military equipment now in the hands of the Greeks. But other shipments, the need for which is becoming more and more critical, are now being held up for no apparent reason other than an attempt to mollify portions of the liberal element in the United States that does not seem to have much perception of what is really best for our country. The Greeks need aircraft, and tanks, and ships and if we do not furnish them in the fashion that we previously agreed we will be disregarding the realities of international life.

Every member nation of NATO has its assigned missions. We have ours and the Greeks have theirs. We have undertaken to assist the Greeks equipment-wise in performing the missions that are their job as part of NATO, but we are not living up to our commitments.

We should ask ourselves whether good sense dictates that we allow petulance, if that is the word, to take the place of clear thinking. I would ask myself just exactly what is best for us. And the answer is very clear: provide the Greeks what is necessary to carry out their missions in the Middle East. I want what is best for the furtherance of peace for our own country, for the Middle East, and for the world. As I see it these hopes can be substantially furthered by providing the Greek forces the means to do their part of the NATO job. It is that simple to me.

Some feel that the vision of Bulgaria, with the urging and help of the Soviet Union, striking across the middle of Greece to establish a Mediterranean port for the Communist world is unrealistic. I would rather not take that chance. Some say that it is an exaggeration to think that the Turkish Straits might be threatened or that the southern flank of NATO might be destroyed. Maybe they are right, but it is a gamble that I personally do not want to take.

Recently an American Air Force colonel said that when aircraft of our Air Force land in Greece, our people are treated just like the Greek Air Force and significantly that we are welcomed there. I think that we should reciprocate some of this feeling. I think we should view the Greeks for what they really are: a stalwart ally and a very necessary friend in one of the most dangerous and explosive parts of the world today. And we should implement this feeling and attitude in a tangible way by providing the Greeks the means to perform the mission that we—and NATO—has assigned to them.

TOWARD WAGE AND PRICE STABILITY

(Mr. WIDNALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, today, I have cosponsored with Mr. BROCK, Mr. CONABLE, and Mr. BROWN of Ohio a House joint resolution on wage and price stability.

I doubt if there is anyone who is not disturbed by the recent economic turn of events. Consumer prices continue to climb at an annual rate of 6 percent, yet real gross national product has been declining for two quarters. Collective bargaining settlements have averaged in excess of 8 percent during the first quarter of this year, yet unemployment continues to rise. The futility of trying to keep up with a rising inflation is indicated by the fact that despite unusually large wage increases, the average worker is no better off in terms of real spendable earnings than he was a year ago. Some categories of wage earners have even lost ground over the past 12 months.

Generally accepted economic theory tells us that the rate of price and wage escalation must decline when the economy slows down and unemployment rises. Unfortunately, theory cannot tell us when this will happen. Economists also tell us that prices and wages can continue to rise during a downturn, but again, they cannot assure us that such objectionable conditions will be of short duration. To my mind, rising inflation in a declining economy has already continued long enough to indicate that something more must be done than merely wait for desirable results.

Last March, the minority members of the Joint Economic Committee issued their unanimous report on the state of the economy and prospects for the subsequent year. In this report, we discussed why we felt that direct wage and price controls, wage-price guideposts, and "jawboning" were all inappropriate in the current economic situation. However, we did recommend that the administration, through the President's Council of Economic Advisers, provide the public with data on major price and wage decisions that would promote public discussion and scrutiny of price and wage behavior.

Specifically, we stated:

> We recommend that the administration immediately announce the inflationary implications of unusually significant wage and price decisions. The Council of Economic Advisers should calculate and make public how much each price increase adds to the wholesale or consumer price index, and indicate other prices which would be adversely affected by such an increase. It should publish specific arguments why a particular industry feels it necessary to raise its prices, and suggest Government studies of situations where particular bottlenecks or unusual supply and demand conditions exist.
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> Similarly, on the wage front, the Council should publish the price implications of unusual collective bargaining agreements, including the timing of the wage increases under different assumptions, the productivity experience of workers in the industry, the industry's profit situation and whether industry officials feel the increases will necessitate price increases.

It is important to note that we did not view this proposal as the first step on the road to direct wage and price controls. These are most inappropriate in any economic situation we can now foresee developing, and would do a great deal of harm at a great deal of Government expense. Specifically, we said:

> These activities should not be considered the foundation for more detailed intervention by the Government in individual wage and price decisions. However, we see no harm in opening up price and wage decisions which significantly affect the economy to the eyes of the public. Public scrutiny could well have inflationary consequences.

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Mr. Speaker, today I introduce, on behalf of the House minority members of the Joint Economic Committee—Mr. Widnall, Mr. Brock, Mr. Conable, and Mr. Brown of Ohio—a joint resolution requesting the Council of Economic Advisers publish periodically, whenever conditions require but no less than once each month, the implications of unusually significant price and wage decisions proposed or announced in major industries. This resolution specifically requests the Administration to implement our March recommendation to promote wage and price stability. It is nearly identical with Senate Joint Resolution 203, introduced by Senator Jacob Javits on behalf of the Senate minority committee members.

We introduce this fully recognizing that many of the major economic policy officials in the administration have placed themselves on record against this or any other similar approach to the current economic situation. We hope, however, that the administration will realize that the country cannot wait until the economic slowdown produces the desired results. Just biding our time at this point will be much too costly in terms of labor unemployed and output lost.

Excessive demand is no longer the cause of our inflation, but rather scrambling by business and labor to catch up with each other. The current situation is most amenable to the pressures of public opinion that our proposal can bring to bear. It is important to note that Housing and Urban Development Secretary George Romney and Federal Reserve Chairman Arthur Burns have recently made similar proposals, after having opposed such measures in the past.

The administration has achieved its first objective of slowing the economy from its overheated expansion. We are convinced that in time this would provide for us our second objective of price and wage stability. However, the process must be hastened. The American economy cannot wait indefinitely for clear-cut results on the price and wage front. An administration indicating its awareness of major price and wage decisions, and setting out the implications for all to see would go a long way toward making economic stability a reality.

Mr. Speaker, I include the joint resolution in the Record at this point:

Joint Resolution

Whereas the goals of maximum employment, production, and purchasing power set forth in the Employment Act of 1946 affirm the need for price stability,

Whereas the level of inflation presently affecting the national economy is causing severe hardship and a loss of purchasing power for many citizens, and

Whereas an informed public debate, in the fight against inflation, would mark a significant advance towards our economic policy goals: Now therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until December 31, 1971, the Council of Economic Advisers is hereby requested to publish, periodically, but at least once a month, with whatever assistance may be required from other executive branch departments and agencies:

(1) the implications of unusually significant price decisions made or proposed in major industries during the preceding month,

(2) the implications of unusually significant collective bargaining agreements entered into in major industries during the preceding month, and

(3) such other data on price and wage developments as the Council deems beneficial to the public interest.

Sec. 2(a) With respect to the data referred to in paragraph (1) of the first section, each analysis should indicate how the price decisions set forth therein can be expected to influence overall consumer and wholesale price levels, how they might affect other prices in related industries, and the arguments made by particular companies or industries why such price increases are deemed necessary.

(b) With respect to the data referred to in paragraph (2) of the first section, each analysis should indicate the magnitude of wage and benefit increases, under different timing assumptions, represented by the proposals set forth therein; the productivity experience and wage experience in the industry; and whether industry officials believe such increases would bring about price increases.

BROWARD JUNIOR COLLEGE, COMMENCEMENT ADDRESS BY PRESIDENT CHARLES E. PERRY, FLORIDA INTERNATIONAL UNIVERSITY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, in this age, when our Nation's young people are actively engaged in expressing their opinions on the myriad of problems which affect us today, there are wise voices which encourage this involvement to be directed towards constructive channels.

One of these voices is that of Charles E. Perry, president of Florida International University. In his address to the 1970 graduating class of Broward Junior College, President Perry challenged the young men and women to accept the responsibility of citizenship by becoming involved in public and governmental affairs. I would like President Perry's fine speech included in the Record at this point:

Tell It Like It Is

(By President Charles E. Perry)

President Adams, members of the faculty, distinguished guest, ladies and gentlemen of the Broward Junior College Class of 1970.

I am not going to deliver the typical commencement speech tonight; the kind of speech which applauds you, the members of the graduating class, for the splendid job you have done in getting this far in your academic career; or the kind which discusses how you have overcome hardships and made sacrifices; or how you are going to go on to bigger and greater accomplishments—even though all of these things are true.

I am also not going to give you the traditional commencement address which points out how you will be the leaders of tomorrow, and that overnight you will become a highly paid corporation executive, a successful professional, a top government official, or even a college president.

And I am not going to tell you that life is pleasant and bright, and that once you have the A.A. or A.S. degree in your hand, the world and a high paying job are yours for the asking.

In addition, I am not going to use this special occasion in your life for an oratorical workout to show you how "cool" I am with words. Motherhood, apple pie, George Washington, Abraham Lincoln, and even Babe Ruth will be pushed aside this evening, although they all had their place in traditional commencement speeches.

No, I am not going to talk about these things tonight, because I am going to *tell it like it is.*

Tell it like it is. This has become a notable phrase in our modern-day language, signifying honesty and candor, but often used to the point of being meaningless. Yet, I wonder, if we had been willing to *tell it like it is* a long time ago, and had come to grips with the real priorities in our national life, would we not now be so deeply enmeshed in the problems confronting us today?

In fact, if we dare be so bold to *tell it like it is,* it could result in some unprecedented soul-searching among Americans of all ages, and particularly among young Americans who find themselves inheriting a world they did not make, but in which they must live.

Telling it like it is may be very frightening to many older Americans. They see not only questioning and dissent, they see rejection, they see rebellion and, ultimately, they see the possibility of revolution. And it frightens them.

But it also frightens many young Americans because they don't understand why the "over 30" generation is not more concerned about the problems facing this nation of ours. And in a nation that is united by allegiance and by a shared heritage, it is not a hopeful symptom for the future when the old fear the young, when the suburbs fear the cities, when Americans of one color distrust Americans of another color and when votes are cast not thoughtfully, but in fear or in anger

Accelerating change in this nation is producing a great many new problems and aggravating old ones, leaving nothing untouched, aside from your own personal concerns about just plain living, the changes related to the precarious balance of nations between war and peace, particularly in Southeast Asia, inflation and the high cost of living, the need for more and better jobs, the pollution of our environment, the increasing alienation of our people (young and old alike), the problems of racial injustice, and the darkening shadows of national poverty—face all of us today.

You can say that you did not cause these things—and you will be right. Most of you are not old enough to have to take that kind of blame, but, young as you are, you are now allowed to be full participants in this society of ours. This didn't used to be so. I guess I myself, am a good example of the new era.

At the age of 32, I was selected to be the first president of the new state university to serve Dade and Broward counties. It is a great honor—and an even greater responsibility. But my point is that it would have been unthinkable to have given someone of my youth this responsibility and authority a few short years ago.

Like all the things we deal with, this change in attitude has two sides to it. It means greater opportunity and a far more significant status in society for people of your age and my age. But it also means the imposition of much greater responsibility at a very early state of adult life.

I don't mean just income or job responsibility. I mean the responsibilities of citizenship. The responsibility for making the kind of choices every adult constantly faces in a free society. When leaders were in their 40's and 50's and 60's, young people in their 20's were considered to be babes in arms. They were not expected to be very responsible in terms of citizenship—and they weren't usually given much of an opportunity to show they could be responsible citizens.

But now that has changed—and I think it has changed for the better. There is no reason

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whatever—and really there never was—why people of your age and my age could not take and handle this kind of responsibility. We have shown we could in one continuing situation throughout history—and that is in war. Now we have both the opportunity and the obligation to show we can do as much in peace . . . if that condition ever comes to this "war-weary" nation of ours.

What does what I've said so far really mean? How does it affect you and the things you do?

First of all, it means you have to understand the kind of world you are living in. It is no good just being "against" the world or the conditions in it. It has never been very different. It has never been kind or friendly or very peaceful. And this world has only made the bits and pieces of progress we call freedom at the expense of enormous human effort.

That human effort was made not by chance—but by choice. It was exerted by people just like you and me who lived with the belief and the conviction that things could be made better and that they could, in some small way, help achieve that condition. You have the same opportunity; that is, if you choose to take it.

I don't mean being concerned or being dedicated on a short-term basis. That's easy. The tough thing is to be concerned and dedicated all the time, even when your own personal and family demands are increasing or when there is a great desire to say, "the hell with it, let someone else worry about it for awhile."

My friends, there is no someone else. There is only you. No one will pick up the torch you put down. It will just go out and there will be that much less light and that much less fire and that much less effort to make of this world. A slightly better and somewhat more liveable place than it is today.

There are so very many ways of turning your back on the problems of your world. You can become involved in study. You can be concerned only about your own job. You can get immersed in the details of living. You can do all this and still complain, but who will "take up the battle?" Who will be concerned enough to do something about prejudice, about quality education, about justice and equal opportunity, about drug abuse, about inflation, about pollution, about the ghetto, about war and about crime in our streets? *You can*, or you can just give up.

You can take the position that nothing any of us can do will make the slightest bit of difference. And so you will no longer try. You will say you are a good and a fine person—but since the bad and the evil ones outnumber you, you are resigning from the team.

There is really no end to the excuses and, in time, you will see them all used. But I hope you will not yield. I hope you will not use them. I want you to stay just as concerned and just as dedicated as most of you are now. I want you to keep on questioning, to keep on being dissatisfied.

There are solutions to all the problems we face, but it's going to take an enormous and a sustained effort to find them. It's going to take some pretty blind faith and lot of brainpower. And it's going to take a "deep down gut belief" that things in America don't have to be the way they are.

We need to examine our nation's institutions—the government, the educational system, the business establishment, and so on—but we need much, much more to examine our personal priorities. Institutions are impersonal. They do nothing on their own, much as we may like to think they cause the evils that beset us. It is people who activate institutions. And it is people—people like you and me—who can change them, who can make them responsive.

All of us are aware of what has happened on American campuses since 1960. In the past decade, students have achieved greater personal freedom than in the prior half century. The doctrine of *in loco parentis*, for example, is almost gone. Parental rules governing campus activities are fast disappearing. And this is a result of the fact that students no longer want to be treated like children. They want to be treated like adults, and with that they must be willing to take on certain responsibilities. And in most cases, students have been very capable in assuming this new burden.

The 1960's also included much needed reforms in American higher education and I hope more will come, one of the changes that will greatly assist the learning experience is centered around the concept of giving students a major role in all university programs—from curriculum planning, to governance, to evaluation of programs and professors.

In addition, students are now turning their attention to problems off the campus, their concern about the "real world" will have a tremendous positive effect on the future programs of the nation's colleges and universities. The days when the institutions of higher education can divorce themselves from the problems of our society are over.

For example, last Wednesday, Earth Day, I spoke to an audience in Miami on the role of the urban university in the fight to improve our urban environment. Many activities were held to draw attention to how we are mistreating our environment, and Earth Day turned out to be fairly successful in that regard. But more needs to be done and one day's effort is certainly not going to be enough. Every day is really Earth Day, and I urge you to continue to be concerned about "Planet Earth."

But I hope that your concern for the environment is not based upon the fact that it's "in vogue" to talk about ecology these days. In fact, there are people making speeches now on this subject that did not even know the definition of ecology six months ago.

And I hope that you will not take the easy way out by blaming business and industry for all the problems of pollution and our environment. They have been the "scapegoat" for many attacks, but we must all share the responsibility for these vast problems and we must all work together—education, business, government and private citizens—to solve these complex problems facing our nation.

In addition, I hope that you will not forget that it was the black man that first started to "talk about" the problems of the environment. He was the first to complain about the stench of the ghetto, the lack of clean air and water, and the almost unbearable sanitary conditions that he lived in. But the black man's voice was not heard . . . or if heard, it was not listened to with much sincerity or desire to do something about it.

So, let's not "cop-out" by using the now fashionable jargon of ecology and forget some of the basic problems still facing Americans of all colors . . . whether those are problems related to education, to housing, to transportation, to better and more jobs, and so on.

There are lots of ways to help solve these problems—lots of ways to become involved in the many problems of society and most all of them will show results. Ladies and gentlemen of the class of 1970, working to change our nation is a tough job, but by being involved together—businessman, teacher, government worker and citizen—it can be done!

One of the major ways to get involved is to be concerned about government and politics. A lot of people in this nation act as if politics is something "dirty." But in a free society, the political process *is* government, and the way to affect government or to make government responsive to the needs of society is to become involved in politics.

There will probably be on the ballot in November a constitutional amendment to give 18-year olds the right to vote in Florida. *I'm all for it.* But where 18-year olds have been given the right to vote, not too many of them use it. In fact, I'm disappointed to tell you that the percentage of voters under 30 who have used their right to vote is far below those voters over 30. That is not just non-involvement, that is a total refusal to use the most precious right that you and I have in this free nation of ours.

The day you have the privilege of voting, register to vote. Pick a party, *or,* if you don't like parties, pick a candidate. And then go to work for him. Every candidate needs all the help he or she can get, and none can get elected without it. If you want to be involved and see change, get out and work for it!

And when the election is over, don't forget about the people you elected. Keep a check on what they do, and what they don't do. And let them hear from you. No one in America—absolutely no one—has a more sensitive feedback mechanism than an elected officeholder. The problem is that they seldom hear from anyone except paid lobbyists, extremists on the far right or the far left, or from other officeholders. If they hear from you, they'll react. It's all part of the input every officeholder is constantly using, and it affects their votes in city councils, state legislatures, or the congress, and their vote in those governmental bodies affect your lives in many, many ways.

And your involvement will affect the future of Florida. You know, Florida is a wonderful place to live, to work, and to raise a family. It's a state that's among the big 10 of the 50. And it's the fastest growing of the big 10. How Florida grows and how it develops will decide how you and your children and their children will live. It will mean the difference between swimming in clean water or staying out of polluted water. It will means good schools and good roads and good law enforcement, or bad schools, bad roads, and bad law enforcement. It will mean good jobs, or bad jobs, and possibly no jobs.

These are the kinds of choices you will be making—and, remember, if you do nothing, that is a choice too. *Negative, but still a choice.*

Tonight is a significant landmark in your lives. You will often look back to it as marking a dividing line in the time of your life. I hope you will also look back on it as marking a dividing line in the *tone* of your life. I want the tone of your life to reflect your involvement and dedication. Will you be a lifter or a leaner? A creator or a conformist? A driver or a drifter? These choices are yours, but, remember, the old biblical phrase: "As a man thinks . . . so he is."

In closing, let me say that it is not nearly as difficult for me to *tell it like it is,* as it will be for you to get involved and to stay involved tomorrow, the next day, and all the days that follow. Whether you agree or disagree, are for or against, is not half as important as being involved and taking a stand. This state and this nation are not finished. They are still being shaped and moulded. Don't let anyone—and don't let yourself through noninvolvement—deprive you of the right . . . not just the chance, *but the right* to place your imprint on the America that you will leave to a new generation.

NUTRITION PROGRAM FOR THE ELDERLY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, May marks Senior Citizens Month. We, in Congress, can pause and reflect with pride on the

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extensive legislation and the many programs that have been enacted to meet the needs of this constantly growing group. But we must, at the same time, reflect on those needs that remain neglected.

We are aware of many of the unique problems of income, health, and housing which beset the elderly, and despite the great strides made by Congress in meeting these problems, much remains to be done in other areas.

There is an acute need—the need for nourishing, well-balanced meals in a social setting—and I have introduced legislation that would, for the first time, institute a program to meet those needs on a nationwide basis.

The elderly person who finds himself robbed of friends, close relatives, and neighbors by death, time, and change, has been the subject of intensive research in this area. Mrs. Sandra Howell, project director for the Gerontological Society, described the results of inadequate diet in testimony before the Select Committee on Nutrition and Human Needs last fall.

> When poor nutrition exists and persists in the older adults, it serves to intensify the severity of other conditions which accompany the processes of aging. By not specifically dealing with the problems of adequate diet in the elderly (we encourage) the spiral of chronic disease, physical and psychic disability, and ultimate institutionalization.

The hearings of this committee resulted in a strong recommendation for legislation that would provide a comprehensive nutrition program in a social setting. Among the programs discussed in the hearings were the demonstration projects conducted by the Administration on Aging under title IV—research and development grants, which evidenced not only their desirability, but their feasibility. Twenty-seven projects were carried out during a 3-year period in 17 States and were concluded in the fall of 1969.

The bill I introduced last week will implement this recommendation and will meet the acute need for a national policy aimed at providing the elderly with low-cost, nutritionally sound meals served in strategically located centers such as community centers, senior citizen centers, schools, and other public or private nonprofit institutions suited to such use. Besides promoting better health among the older segment of our population through improved nutrition, such a program, implemented through the use of a variety of community resources, would be a means of promoting greater opportunity for social contact, ending the isolation of old age, increasing participants' knowledge of nutrition and health in general, and promoting positive mental health and independence through the encouragement of greater physical and mental activities.

This bill provides for Federal, State, and local funding on a matching basis, including the utilization of surplus commodity programs for the preparation of at least one hot meal per day at a reasonable low cost to the participant.

I urge earnest consideration of my bill and welcome all who wish to join with me as cosponsors. Today's senior citizens, after a lifetime of hard work, a career interrupted by the great depression and war, faces a future of existing on a sum which is only 20 to 40 percent of his former earnings. Even with the medicare legislation, the older American sees medical costs looming large in their budget. For many persons living on a fixed income, the only flexible portion of their budget is food. Rent and taxes must be paid; medical costs are given high priority and consequently money must come from the already skimpy food budget. Not all are aware the medicine does little good to a body consistently deprived of the proper nourishment, and those who do know this often are in no position to do anything about it. My bill, which I now submit for the RECORD, offers Congress an opportunity to do something about it:

H.R. 17763

A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively redesignated as sections 801 through 805.

SEC. 2. Section 102(1) of the Older Americans Act of 1965 is amended by deleting the semicolon and inserting a comma and inserting immediately thereafter the words "except for the purposes of title VII where the term 'Secretary' shall mean the Secretary of Agriculture."

SEC. 3. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that the research and development grants, title IV, Older Americans Act, nutrition program has demonstrated the effectiveness of and the need for permanent nationwide programs to provide the nutritional and social needs of millions of persons aged sixty-five or older who are unable to overcome the complex and intertwining problems of inadequate diets. Many of these elderly persons do not eat adequately because they cannot afford to do so, while others, who are economically better off, do not eat well because they lack the skills to select and prepare nourishing and well-balanced meals, have limited mobility which may impair their capacity to shop and cook for themselves, and have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp program, commodity distribution systems and old-age income benefits, there is an acute need for a national policy aimed at providing the elderly with low cost, nutritionally sound meals served in strategically located centers such as community centers, senior citizen centers, schools, and other public or private non-profit institutions suited to such use and through other means toward this purpose. Besides promoting better health among the older segment of our population through improved nutrition, such a program, implemented through the use of a variety of community resources, would be a means of promoting greater opportunity for social contact ending the isolation of old age, increasing participants' knowledge of nutrition and health in general, and promoting positive mental health and independence through the encouragement of greater physical and mental activities.

"ADMINISTRATION

"SEC. 702. (a) In order to effectively carry out the purposes of this title, the Secretary shall—

"(1) create a new division within the Food and Nutrition Service of the Department of Agriculture, under the Assistant Secretary for Marketing and Consumer Services, for the administration of the program;

"(2) make full utilization of the existing services within the Department including but not limited to the Federal Extension Service under the Director of Science and Education; and

"(3) consult with the Administration on Aging, Department of Health, Education, and Welfare.

"(b) In carrying out the provisions of this title, the Secretary is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

"(d) In carrying out the purposes of this title, the Secretary is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

"ALLOTMENT OF FUNDS

"SEC. 703. (a)(1) From the sum appropriated for a fiscal year under section 708(A) the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted an amount equal to one-fourth of 1 per centum of such sum and (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum.

"(2) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all of the States, as determined by the Secretary on the basis of the most recent satisfactory data available to him.

"(3) A State's allotment for a fiscal year under this title shall be equal to the sum of the amount allotted to it under paragraphs (1) and (2).

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be available for reallotment, from time to time and on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proporionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such

State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty-five or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 705 and approved by such State in accordance with its State plan approved under section 705. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds within the State.

"(d) If, in any State, the State agency is not permitted by law to disburse the funds paid to it under this title in the State, or is not permitted by law to match Federal funds made available for use by such public or private nonprofit institutions or organization, agency, or political subdivision of a State, the Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State in accordance with the provisions of this title, including the requirements that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds from sources within the State.

"PAYMENTS TO STATES

"Sec. 704. (a) Funds allotted to any State pursuant to section 703 during a fiscal year shall be available for payment to such State for disbursement by the State agency in accordance with such agreements not inconsistent with the provisions of this title as may be entered into by the Secretary and such State agency, for the purposes of carrying out the provisions of this title, during such fiscal year in supplying—

"(1) agriculture commodities and other foods for consumption by persons aged sixty-five or over, and

"(2) nonfood assistance in furtherance of the programs authorized under this title.

"(b) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

"STATE PLANS

"Sec. 705. (a) Any State which desires to receive allotments under this title shall submit to the Secretary for approval a State plan for purposes of this title which—

"(1) establishes or designated a single State agency as the sole agency for administering or supervising the administration of the plan, which agency shall be the agency primarily responsible for coordination of State programs and activities related to the purposes of this title;

"(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

"(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (hereinafter referred to 'recipient of a grant or contract')—

"(i) to carry out the program as described in section 706.

"(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty-five or over. Recipients of grants of contracts may charge participating individuals for meals furnished but such charge shall not exceed a per meal limit to be established by each State agency, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

"(iii) to provide up to 90 per centum of the costs of such supporting services as may be absolutely necessary such as the costs of social services and local public transportation to and from the residences of participating individuals to the extent such costs are not provided by grants for these services from the Administration on Aging, Department of Transportation, Office of Economic Opportunity, or other Federal agency.

"(B) to provide for the proper and efficient administration of the State plan: *Provided*, That the amount expended for such administration and planning shall not exceed a sum which shall be agreed upon between the Secretary and the State agency—

"(i) in making report, in such form and containing such information, as the Secretary may require to carry out his functions under this title, including reports of the objective measurements required by section 706, and keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

"(ii) in providing satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

"(3) provides such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

"(b) The Secretary shall approve any State plan which he determines meets the requirements and purposes of this section.

"(c) Whenever the Secretary, after reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

"(d)(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretry or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"Sec. 706. Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"(1) to establish a program (hereinafter referred to as a 'nutrition program') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

"(2) to provide such nutrition program for individuals aged sixty-five or over (hereinafter referred to as 'eligible individuals');

"(3) to furnish a site for such nutrition program in as close proximity to the majority of eligible individuals' residences as feasible, and, preferably within walking distance;

"(4) to utilize methods of administration including outreach which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition program;

"(5) to provide a setting conducive to expanding the nutritional program to include recreational activities, informational, health and welfare counseling and referral services;

"(6) to include such training as may be necessary to enable the personnel to carry out the provisions of this title;

"(7) to establish and administer the nutritional program with the advice of persons competent in the field of service in which the nutrition program is being provided, and of persons who are knowledgeable with regard to the needs of elderly persons;

"(8) to provide an opportunity to evaluate the effectiveness, feasibility and cost of each particular type of such program; and

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"(9) to give preference to persons aged sixty-five or over for any staff positions, full- or part-time, for which such persons qualify.

"SURPLUS COMMODITIES

"SEC. 707. Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the local area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

"APPROPRIATIONS AUTHORIZED

"SEC. 708. (a) The Secretary may utilize the programs authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774, 7 U.S.C. 614c).

"(b) In addition to any other funds which may be available, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

"PROGRAM EXPENDITURES

"SEC. 709. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 708 of this title, not to exceed $50,000,000 shall be made available for the fiscal year ending June 30, 1972, not to exceed $100,000,000 for the fiscal year ending June 30, 1973, not to exceed $150,000,000 for the fiscal year ending June 30, 1974, for grants-in-aid pursuant to the provisions of this title, less—

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this title;

"(2) direct expenditures by the Secretary for agricultural commodities and other foods to be distributed among the States and such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State, participating in the nutrition program under this tile.

"RELATIONSHIP TO OTHER LAWS

"SEC. 710. No part of the cost of any program under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS

"SEC. 711. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement with a profitmaking organization to carry out the provisions and purposes of this title."

MIDEAST COLORED BY RED PILOTS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, we are all deeply concerned today about the critical condition in the Middle East which has been aggravated by the planes of Russian military personnel engaged in operational activities with at least the Egyptian Air Force. It seems to me this situation has created a greater danger of general war in the Middle East than apparently now exists anywhere in the world.

One of our able circuit judges in Dade County and one of my warm friends, Judge Milton A. Friedman, has written a letter about this vital matter and enclosed a statement about the activity of the Russian pilots in the Middle East, both of which are very pertinent to the present critical situation and they appear following my remarks in the RECORD:

MILTON A. FRIEDMAN,
Miami, Fla., May 18, 1970.

Congressman CLAUDE PEPPER,
U.S. Congress, House of Representatives, Washington, D.C.

DEAR CLAUDE: The United States is so horribly involved with Viet Nam and Cambodia that what is happening in the Middle East tends to get lost in the shuffle. Yet the interest of the United States is unalterably bound up with the democracy of Israel and its status as a nation. The Russian influence in the world would be much stronger should the Arab nations prevail with the help of Russia than if the United States would prevail in Asia.

Because this is so true, I should like to call to your attention the enclosed article with its positive proof that the Russians are now actively participating in the Arab-Israel conflict. I have marked off exactly what the Russians are doing.

The least the United States could do is supply Israel with planes, replacement of material, etc. I am by no means advocating the use of United States force. It is ridiculous to state that Israel has airplane supremacy over all the Arab nations particularly with France giving 110 planes to Libya which doesn't have a pilot and which everyone knows means transfer of said planes to Egypt.

Please use your good offices to guaranty the continuance of support to Israel of planes and materiel. It is for the best interest of the United States. Appreciating your cooperation,

Sincerely yours,

Judge MILTON A. FRIEDMAN.

MIDEAST COLORED BY RED PILOTS

(By Winston Churchill)

TEL AVIV.—Direct Soviet military intervention in the Middle East has brought about the most critical situation since the six-day war of 1967.

There can be no doubt whatever that Russian pilots are today flying operationally in Egypt, providing the air defense of Cairo and Alexandria. It is not the civilian population of the cities that the Russians are defending—the Israelis have never threatened them.

They are there to defend Egyptian military installations and army units and above all give protection to the S.A.M. missile sites being built by Soviet technicians.

It was on April 18, when two Israel aircraft engaged in a deep penetration of Egyptian air space were intercepted and pursued by a formation of MIG21 fighters flown by Russians, that the Israelis first had confirmation of the Soviet involvement of which they had become aware a few days before.

The Israel government's belief has been confirmed by Robert McCloskey, the U.S. State Department spokesman, from what he described as "independent sources." The principal independent source was clearly the Russians themselves who have given private assurances to the Americans that their pilots would be operating only within Egyptian territory.

Further confirmation, if such were necessary, can be inferred from the fact that Alexsei N. Kosygin, the Soviet prime minister, in his news conference in Moscow recently did not choose explicitly to deny the charges under questioning by western correspondents.

It is now clear, in spite of recent press speculation to the contrary, that the fact that Russian pilots are today providing the air defense of Cairo and Alexandria is not attributable to Israel's deep penetration of Egyptian air space.

Israel's deep penetration raids against military targets in the vicinity of Cairo did not begin until last January. Before that date the Russians had already taken the decision to supply Egypt with an integrated air defense system which was clearly dependent on Soviet air protection for its construction and deployment.

The Russian decision was taken in response to requests by the Egyptian government which since last July had found its 1,500 pieces of artillery and armor along the Suez Canal subjected to the full fury of Israel air attacks in retaliation for Egypt's flagrant and self-confessed violation of the cease-fire with massive artillery barrages.

In spite of persistent attempts to rebuild S.A.M. missile sites on the canal zone, the sites were no sooner completed than they were knocked out by Israel air attacks.

President Nasser's proclaimed "war of attrition" against Israel was proving overwhelmingly more costly to Egypt in men and equipment than to Israel. It had reached such a point that Nasser was faced with the prospect of either having to abandon the shelling and reestablish a cease-fire or of calling on the Russians. He chose the latter course of action, and went to Moscow.

What Russia is today supplying to Egypt is not just a handful of S.A.M. 3 surface-to-air missiles but a complete integrated air defense system comprising: radar stations, control centers, S.A.M. 2 and S.A.M. 3 missiles and new 28 mm. radar-controlled antiaircraft guns in quadruple mountings on tank chassis. In addition she is supplying the men to build and operate the installations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUNNINGHAM (at the request of Mr. GERALD R. FORD), for May 27, 1970, on account of illness.

Mr. DEL CLAWSON (at the request of Mr. GERALD R. FORD), indefinitely, on account of serious illness in family.

Mr. MATSUNAGA (at the request of Mr. ALBERT), for today, on account of official business.

Mr. PATTEN (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FOREMAN) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. McDADE, for 5 minutes, on May 27.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. ASHBROOK, for 15 minutes, today.

(The following Members (at the request of Mr. PREYER of North Carolina) and to revise and extend their remarks and include extraneous material:)

Mr. FARBSTEIN, for 20 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. LOWENSTEIN, for 30 minutes today.

Mr. HENDERSON, for 15 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FLYNT and to include extraneous matter.

Mr. TALCOTT to revise and extend his remarks on the Yates amendment.

(The following Members (at the request of Mr. FOREMAN) and to include extraneous matter:)

Mr. MCEWEN.

Mr. MESKILL.

Mr. BURKE of Florida in two instances.

Mr. GUDE.

Mr. DON H. CLAUSEN.

Mr. SPRINGER.

Mr. MIZE.

Mr. WHITEHURST.

Mr. ASHBROOK in two instances.

Mr. FOREMAN in two instances.

Mr. ZWACH.

Mr. REID of New York in three instances.

Mr. HORTON in six instances.

Mr. WYLIE.

Mr. WYDLER in two instances.

Mr. NELSEN.

Mr. SCHERLE.

Mr. DELLENBACK.

Mr. BEALL of Maryland.

Mr. GOODLING in two instances.

Mr. ESHLEMAN.

Mr. GROSS.

Mr. WATSON.

Mr. FISH.

Mr. FINDLEY.

Mr. QUIE.

Mr. DUNCAN.

(The following Members (at the request of Mr. PREYER of North Carolina) and to include extraneous matter:)

Mr. LONG of Maryland in six instances.

Mr. KYROS in two instances.

Mr. RIVERS in two instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. WILLIAM D. FORD.

Mr. FALLON.

Mr. GONZALEZ in two instances.

Mr. FASCELL.

Mr. PUCINSKI in 10 instances.

Mr. CHAPPELL in two instances.

Mr. ANDERSON of California in three instances.

Mr. PIKE.

Mr. ECKHARDT in two instances.

Mr. MARSH in five instances.

Mr. GETTYS in two instances.

Mr. EDWARDS of California in two instances.

Mr. BRASCO.

Mr. COHELAN.

Mr. HARRINGTON in two instances.

Mr. FOUNTAIN.

Mr. KLUCZYNSKI.

Mr. CAREY in two instances.

Mr. LONG of Louisiana in two instances.

Mr. ADDABBO.

Mr. KOCH.

Mr. LEGGETT in five instances.

Mr. RYAN in three instances.

Mr. PREYER of North Carolina in two instances.

Mr. KARTH in two instances.

ADJOURNMENT TO MONDAY, JUNE 1, 1970

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 646, 91st Congress, the Chair declares the House adjourned until 12 o'clock noon on Monday, June 1, 1970.

Thereupon (at 5 o'clock and 57 minutes p.m.) pursuant to House Concurrent Resolution 646, the House adjourned until Monday, June 1, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2088. A letter from the Chairman, Federal Power Commission, transmitting a copy of a map entitled "Major Natural Gas Pipelines, as of December 31, 1969"; to the Committee on Interstate and Foreign Commerce.

2089. A letter from the Chairman, the Renegotiation Board, transmitting a draft of proposed legislation to amend the Renegotiation Act of 1951, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS: Committee on Ways and Means. H.R. 17802. A bill to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act (Rept. No. 91-1130). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 17495. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; with amendments (Rept. No. 91—1131). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of North Carolina (for himself, Mr. JONAS, Mr. MIZELL, Mr. RUTH, Mr. GROVER, Mr. WINN, Mr. WAGGONNER, Mr. RARICK, Mr. LONG of Louisiana, Mr. SNYDER, Mr. FOREMAN, Mr. LANDGREBE, Mr. TALCOTT, Mr. WIDNALL, Mr. DAVIS of Wisconsin, and Mr. MARTIN):

H.R. 17820. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. JONAS (for himself, Mr. MIZELL, Mr. RUTH, Mr. BROYHILL of North Carolina, Mr. ASHBROOK, Mr. TALCOTT, Mr. WATKINS, and Mr. CEDERBERG):

H.R. 17821. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. RUTH (for himself, Mr. BROYHILL of North Carolina, Mr. JONAS, Mr. MIZELL, Mr. WHITEHURST, Mr. FREY, Mr. HASTINGS, Mr. SCOTT, Mr. MATHIAS, Mr. MCDONALD of Michigan, Mr. COUGHLIN, Mr. HANSEN of Idaho, Mr. COWGER, and Mr. CAMP):

H.R. 17822. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MIZELL (for himself, Mr. RUTH, Mr. BROYHILL of North Carolina, Mr. JONAS, Mr. BLACKBURN, Mr. MYERS, Mr. PELLY, Mr. GOODLING, Mr. FOREMAN, Mr. BELCHER, Mr. MILLER of Ohio, and Mr. GROSS):

H.R. 17823. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BUSH:

H.R. 17824. A bill to amend existing Federal disaster assistance legislation, and for other purposes; to the Committee on Public Works.

By Mr. CELLER (for himself, Mr. MCCULLOCH, Mr. FEIGHAN, Mr. RODINO, Mr. ROGERS of Colorado, Mr. DONOHUE, Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. HUNGATE, Mr. CONYERS, Mr. JACOBS, Mr. EILBERG, Mr. RYAN, Mr. WALDIE, Mr. FLOWERS, Mr. MANN, Mr. MIKVA, Mr. POFF, Mr. MACGREGOR, Mr. HUTCHINSON, Mr. MCCLORY, Mr. SMITH of New York, Mr. MESKILL, Mr. SANDMAN, and Mr. RAILSBACK):

H.R. 17825. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mr. CELLER (for himself, Mr. MCCULLOCH, Mr. WIGGINS, Mr. DENNIS, Mr. FISH, Mr. COUGHLIN, and Mr. MAYNE):

H.R. 17826. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 17827. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 17828. A bill to amend the Higher Education Facilities Act of 1963 to provide Federal assistance for the expansion of facilities for public colleges and universities which admit students from out of State on a nondiscriminatory basis; to the Committee on Education and Labor.

By Mr. WILLIAM D. FORD (for himself, Mr. ADAMS, Mr. HARRINGTON, Mr. MEEDS, Mr. OTTINGER, Mr. PATTEN, Mr. REES, Mr. RODINO, Mr. RYAN, Mr. SCHEUER, and Mr. TIERNAN):

H.R. 17829. A bill to amend title 39, United States Code, to provide rates of pay for postal field service employees in certain areas and locations in accordance with private enterprise pay rates in these areas to assist in recruitment and retention of postal field service employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GARMATZ (for himself, Mr. Mailliard, Mr. Clark, Mr. Pelly, Mr. Lennon, and Mr. Keith):

H.R. 17830. A bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. GONZALEZ:

H.R. 17831. A bill to reestablish the 1-cent postage rate for postal cards and post cards; to the Committee on Post Office and Civil Service.

By Mr. LANGEN:

H.R. 17832. A bill to amend the National Security Act of 1947 to add two Members of Congress to the National Security Council; to the Committee on Armed Services.

By Mr. MINISH (for himself, Mr. Kyros, Mr. Green of Pennsylvania, Mr. Cohelan, Mr. Burton of California, Mr. Hechler of West Virginia, Mr. Podell, Mrs. Chisholm, Mr. Brasco, Mr. Wolff, Mr. Addabbo, Mr. Annunzio, Mr. Koch, Mr. Biaggi, Mr. Montgomery, Mr. Dent, Mr. Giaimo, Mr. Daddario, Mr. Powell, Mr. Lowenstein, Mr. Barrett, Mr. Nix, Mr. Gonzalez, Mr. Tiernan, and Mr. Eilberg):

H.R. 17833. A bill to amend section 401 (e) of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall have authority to regulate the type of service performed by an air carrier under the terms of any certificate issued under that act; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH (for himself, Mr. Daniels of New Jersey, Mr. Howard, Mr. Frelinghuysen, Mrs. Dwyer, Mr. Hunt, Mr. Thompson of New Jersey, Mr. Helstoski, Mr. Gallagher, Mr. Sandman, Mr. Roe, Mr. Patten, and Mr. Widnall):

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H.R. 17834. A bill to amend section 401(e) of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall have authority to regulate the type of service performed by an air carrier under the terms of any certificate issued under that act; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH (for himself, Mr. St Germain, Mr. Olsen, Mr. Van Deerlin, Mr. Rees, Mr. Farbstein, Mr. Mikva, Mr. Murphy of New York, Mr. Moss, Mr. Shipley, Mrs. Mink, Mr. Harrington, Mr. Hanley, and Mr. Ashley):

H.R. 17835. A bill to amend section 401(e) of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall have authority to regulate the type of service performed by an air carrier under the terms of any certificate issued under that act; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 17836. A bill to amend the Railroad Retirement Act of 1937 to provide a 5-percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. REID of New York:

H.R. 17837. A bill to amend the Immigration and Nationality Act with respect to naturalization fees; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 17838. A bill to amend the Employment Act of 1946 to bring to bear an informed public opinion upon price and wage behavior which threatens national economic stability; to the Committee on Government Operations.

By Mr. EDMONDSON:

H.R. 17839. A bill to extend the life of the Indian Claims Commission; to the Committee on Interior and Insular Affairs.

By Mr. FARBSTEIN:

H.R. 17840. A bill to amend title VI of the Civil Rights Act of 1964 to bar discrimination based on religion or ancestry in programs administered by institutions of higher education which are under public supervision and control and which receive Federal assistance; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 17841. A bill relating to the tax treatment of transfers of rights to copyrights and literary, musical, and artistic compositions; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.R. 17842. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself, Mr. Moss, Mr. Thompson of Georgia, Mr. Udall, Mr. Halpern, Mr. Bingham, Mr. Hathaway, Mr. Podell, Mr. Powell, Mr. Harrington, Mr. Mikva, Mr. Roe, Mr. Moorhead, Mr. Edwards of California, Mr. Matsunaga, Mr. Helstoski, Mr. Thompson of New Jersey, Mr. Daddario, Mr. Mann, Mr. Tiernan, Mr. Baring, Mr. Leggett, Mr. Ottinger, Mr. Delaney, and Mr. Anderson of California):

H.R. 17843. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by requiring the designation of certain water and submerged lands areas where the depositing of certain waste materials will be permitted, to authorize the establishment of standards with respect to such deposits, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. OLSEN:

H.R. 17844. A bill to amend section 17 of the Internal Revenue Code of 1954 to exclude from gross income up to $300 per month of scholarships and fellowship grants for which the performance of services is required; to the Committee on Ways and Means.

By Mr. PATMAN (for himself, Mr. Barrett, Mr. Reuss, Mr. Ashley, Mr. Moorhead, Mr. Stephens, and Mr. St Germain):

H.R. 17845. A bill to amend and extend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

By Mr. QUIE (for himself, Mr. Gerald R. Ford, Mr. Monagan, Mr. Reid of New York, Mr. Dellenback, Mr. Esch, and Mr. Steiger of Wisconsin):

H.R. 17846. A bill to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes; to the Committee on Education and Labor.

By Mr. ROONEY of Pennsylvania:

H.R. 17847. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. ROTH (for himself, Mr. Kyros, Mr. Powell, Mr. Fulton of Pennsylvania, Mr. Dent, and Mr. Murphy of New York):

H.R. 17848. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H.R. 17849. A bill to provide financial assistance for and establishment of improved rail passenger service in the United States, to provide for the upgrading of rail roadbed and the modernization of rail passenger equipment, to encourage the development of new modes of high-speed ground transportation, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT:

H.R. 17850. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. WIDNALL (for himself, Mr. Brock, Mr. Conable, and Mr. Brown of Ohio):

H.J. Res. 1246. Joint resolution on wage and price stability; to the Committee on Government Operations.

By Mr. QUIE:

H. Con. Res. 648. Concurrent resolution providing that the Chief Justice of the United States be invited to address a joint session of Congress on the state of the judiciary; to the Committee on Rules.

By Mrs. REID of Illinois:

H. Con. Res. 649. Concurrent resolution reaffirming the constitutional responsibility of the Congress of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

H. Con. Res. 650. Concurrent resolution expressing the sense of the Congress that the question of the maintenance of the neutrality and territorial integrity of Cambodia and the human rights of the Cambodian people be referred to the Security Council of the United Nations; to the Committee on Foreign Affairs.

By Mr. WHALLEY:

H. Con. Res. 651. Concurrent resolution expressing the sense of Congress that a portion of U.S. Route 220 should be designated as part of the Interstate System; to the Committee on Public Works.

By Mr. MILLER of Ohio:

H. Res. 1047. Resolution creating a select committee to conduct an investigation and study of the care of the aged in the United States and the effects of Federal laws and programs on the availability and quality of care; to the Committee on Rules.

By Mr. SMITH of California:

H. Res. 1048. Resolution relative to consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL:

H.R. 17851. A bill for the relief of Ludwig Kurz; to the Committee on the Judiciary.

By Mr. McKNEALLY:

H.R. 17852. A bill for the relief of Mirella Surian (nee Toffolutti) and Paolo Surian, her son; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 17853. A bill for the relief of Carlo Bianchi and Co., Inc.; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 17854. A bill for the relief of Jose Luis Dunn-Marin; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois:

H. Res. 1049. Resolution commemorating the 100th anniversary of Loyola University of Chicago; to the Committee on the Judiciary.

SENATE—*Thursday, May 28, 1970*

The Senate met at 10 o'clock a.m. and was called to order by Hon. Harold E. Hughes, a Senator from the State of Iowa.

Rabbi Saul Israel Wisemon, Temple Beth Israel, Waltham, Mass., offered the following prayer:

Heavenly Father, bless these men and all in rightful authority, who minister to the needs of this great Nation.

God of the living and of the living dead, we call to mind our valiant sons and daughters who gave their last full measure of devotion. Ever mindful of their supreme sacrifice, help us finish our mutual task—bind up the Nation's wounds, do all which may achieve a just and lasting peace among ourselves and all mankind.

Merciful Father, hasten the day when nations shall finally beat their swords into plowshares, their spears into pruning hooks. Let not nations continue to lift up sword against nations, nor let them learn war any more.

Bless us, as Thou alone canst bless with Thy most precious gift "shalom"—peace.

May He who ordains the harmony of the universe bring peace to us and all mankind. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. Russell).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 28, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Harold E. Hughes, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. **HUGHES** thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 27, 1970, be dispensed with.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

NOTICE OF JOINT MEETING OF THE TWO HOUSES ON JUNE 3, 1970, TO RECEIVE THE PRESIDENT OF THE REPUBLIC OF VENEZUELA

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that on Wednesday next, June 3, 1970, at a time to be announced later, and upon motion, that the Senate stand in recess, subject to the call of the Chair, for the purpose of attending a joint meeting with the House of Representatives to receive the President of the Republic of Venezuela.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. **MANSFIELD**. I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The **ACTING PRESIDENT** pro tempore. The nominations on the Executive Calendar will be stated.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

The bill clerk read the nomination of Martin G. Castillo, of California, to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

U.S. AIR FORCE

The bill clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The **ACTING PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The bill clerk proceeded to read sundry nominations in the U.S. Army.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The **ACTING PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The bill clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The **ACTING PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

FEDERAL HOME LOAN BANK BOARD

The bill clerk read the nomination of Preston Martin, of California, to be a member of the Federal Home Loan Bank Board for the term expiring June 30, 1974.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE AIR FORCE, IN THE ARMY, AND IN THE NAVY

The bill clerk proceeded to read sundry nominations in the Air Force, in the Army, and in the Navy, which had been placed on the Secretary's desk.

The **ACTING PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. **MANSFIELD**. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR RECOGNITION OF SENATOR SPONG OF VIRGINIA

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent—and this is a request I should have made on yesterday, but I forgot—that the distinguished Senator from Virginia (Mr. Spong) be recognized now for not to exceed 25 minutes.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that, at the conclusion of the speech by the distinguished Senator from Virginia (Mr. Spong), there be a time limitation of 3 minutes on statements in relation to routine morning business.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

STRETCH JETS AT NATIONAL AIRPORT

Mr. **SPONG**. Mr. President, contrary to every assurance it has given the public and Members of the Congress, the Federal Aviation Administration is now permitting larger jets to operate at Washington National Airport.

XUM

That abrupt decision came only 2 weeks after I was informed by FAA Administrator John Shaffer that there were no immediate plans to change the longstanding policy and that the odds were 99 to 1 against it ever being changed.

Only a few months before that, FAA representatives testified at hearings of the Senate District of Columbia Committee that the large stretch jets and air buses would continue to be excluded from the airport.

When I first brought this matter to the attention of the Senate on April 27, my chief concern was over the way in which the Congress and the public had been misled. And I have found little to dissuade me from that view in the Administrator's explanation that "no decision is immutable."

Since making that speech, however, I have had the opportunity to look further into this decision and learn that not only was it contrary to assurances given the Congress but it was also against the strongest recommendations of the FAA's own staff of experts.

Those recommendations are contained in a study prepared by senior budget officials of the National Capital Airports Bureau which is charged with operating National and Dulles Airports for the FAA. I obtained a draft copy of the study from the General Accounting Office, but have since received a copy of the revised study which was approved by the Bureau chief and transmitted to the FAA Administrator on January 21, 1970.

XUM

At the close of my remarks, I will ask that the revised study be printed in its entirety, but at this time, I would like to read certain excerpts which will give the Members of the Senate some idea of the nature and strength of the objections posed by those whose sole job is to operate these Federal airports in the public interest.

After estimating the value of the decision to the airlines at between $40 and $120 million with a potential for pure profit of 50 percent, the study observes:

> If the decision to admit the stretch 727 to DCA (National) has already been made and is irrevocable, the price we extract from the benefitting air carriers in return for this decision must be based, in our judgment, not only on the substantial financial gain they can realize from that decision but also on the substantial loss the Government and its stockholders, the taxpayers, stand to suffer as a result of the decision.

The study continues:

> As we see it, that loss is immeasurable because the decision will change the entire pattern of growth of aeronautical activity in the Washington metropolitan area, seriously compromising the Bureau's and FAA's ability to carry out responsibility for fostering the growth of Dulles International Airport and damaging the future of Friendship International Airport to an extent which will certainly jeopardize, if not foreclose, prospects for a regional airport system.

Mr. President, Dulles International Airport was built in 1962 at a cost to the taxpayers of $110 million. Since that time, the airport has operated at a deficit totaling about $50 million, principally because the FAA has not established meaningful limits on the use of National Airport. So long as the air carriers can continue to crowd more and more passengers into that facility and so long as the FAA continues to bend every restriction to make it possible, Dulles will continue to be underutilized and the taxpayer of this country will continue to pay the bill.

The Bureau study made this clear to the Administrator:

> The hard, cold facts are that the stretch 727 cannot be employed profitably at DCA (National) without substantially altering the prospects for growth of Dulles and Friendship. The Bureau and the FAA have a responsibility to foster the operation of Dulles as a successful airport serving the public interest. The taxpayers have a right to expect that it will fulfill that role. Economic self-sufficiency for Dulles, even if it could be totally achieved as a price for increased use of DCA (National) will not serve that right or fulfill that duty. Moreover there is every reason to believe that financial self-sufficiency for Dulles cannot be attained as the price for this decision.

Mr. President, it is incredible that in the face of this clear statement of the cost to the taxpayer and the harm to the public interest this decision would ever have been made. It would be even more incredible now that the facts are known if the decision were allowed to stand.

As this study makes clear, the large stretch jet is only the camel's nose under the tent for the even larger air buses which will be coming into operation in late 1971 or 1972. These three-engine aircraft are capable of carrying anywhere from 250 to 400 passengers and of using National Airport runways.

The same rationale which has been offered for the introduction of the stretch jet; namely, that the airlines must be allowed to make flexible use of the equipment they have in service, can be used to justify the introduction of the air bus when that time comes. But the result will be unlimited expansion of National Airport from the present 10 million passengers a year to as many as 30 or 35 million, and the continued waste of the enormous public investment in Dulles Airport.

Mr. President, I want to make it clear that I believe National Airport has an important role to play in meeting the air transportation needs of this region, but I do not believe it serves the interests of the taxpayers of this country or of the residents of this area to allow it to grow without limit and without concern for the impact on the other airports in the region. Certainly, it is not in the public interest to take an action which is clearly going to jeopardize the future growth of the publicly supported Dulles Airport.

I have no objection if the FAA wishes to give further study to the feasibility of allowing stretch jets to operate at National. But, given the weight of evidence and expert opinion now available, it is unconscionable to allow those jets to operate pending such further study. In fact, what would have to be proved under those circumstances is a negative proposition of sorts. It would have to be shown that had the decision not been made Dulles and Friendship might have grown at a more rapid rate. This, I submit, is all but impossible.

The only resolution of this question is to remove the stretch jets first. Then studies can continue for as long as the FAA likes. But, if the jets are ultimately allowed back, the FAA should establish firm conditions which would assure that their operation will not injure the growth of Dulles and Friendship or lead to a substantial enlargement of National.

Mr. President, on the same day that I was informing the Senate of the FAA decision to keep stretch jets at National, the Civil Aeronautics Board issued an order discontinuing its long-delayed investigation of congestion at National Airport. Principal among the reasons cited for that action was the contention of the Department of Transportation and the FAA that the problem had been resolved.

The study to which I have been referring makes it clear, however, that the introduction of stretch jets changes all of that and is inconsistent with the position being taken by the Department for dismissal of CAB's Washington/Baltimore airport investigation.

Mr. President, I recognize that the Administrator is free to disregard the views of his subordinates no matter how expert they may be when making a policy decision of this kind. But he cannot disregard his responsibility to the public and the Congress to justify the action which he takes.

The Bureau study I have mentioned is only one of three studies that I know of on this subject.

A second FAA study sent to me by the Administrator warns that the introduction of the 727–200 could reverse passenger trends at National and return that facility to the chaotic conditions which existed in the summer of 1966.

The third study which was carried out by the National Capital Planning Commission also strongly urges that stretch jets and other larger aircraft continue to be prohibited at National.

Mr. President, again, I find it incredible that the FAA would make the decision it has in the face of this overwhelming opposition to it by the FAA's own top staff and by other experts in the field. This is a matter which I believe should concern every Senator.

I ask unanimous consent to insert in the RECORD a study which was prepared by the Bureau of National Capital Airports and transmitted to the Administrator of the FAA on January 21, 1970.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

ADMISSION OF THE STRETCH 727 TO WASHINGTON NATIONAL AIRPORT

Admission of the stretch 727 to Washington National Airport can and probably will change the entire pattern of growth of aeronautical activity in the Washington metropolitan area.

The aircraft is 20 feet longer than any aircraft now used at the airport and on the average weighs 11,000 more pounds and has

31 more seats. Nine of the 12 carriers now using DCA already have the aircraft in their fleets or on order. Exhibit A shows that full use of the aircraft by seven of the trunk carriers serving the airport could increase daily seating capacity by almost 16,000 or 30% and annual seating capacity from 18.3 million to almost 24.2 million or by more than 5.8 million. Assuming continuance of the current load factor at DCA of 56%, the passenger volume would increase from 10.2 million to 13.6 million annually. Under present restrictions, this is roughly the equivalent of adding 192 operations daily, an increase of 31% over current levels.

(A) POTENTIAL PROFIT FOR AFFECTED AIRLINES

Although this is a theoretical and ultimate potential which may never be fully realized and will not materialize overnight, it represents a rich market opportunity for some of the air carriers. They can be counted on to push hard for full exploitation of this chance to use Washington National Airport to offset losses that are occurring elsewhere in their systems. It is estimated (very roughly) that this decision offers a potential increase of around $120 million in annual gross revenues to the airlines involved. It appears that at least 50% of this potential or $60 million would be pure profit since the marginal revenues to be realized from use of the stretch 727 far exceed the marginal costs of using the aircraft to replace existing equipment. It is important to note, however, that this potential gain to individual carriers is not all new business for the Washington/Baltimore area. Much of it, perhaps the bulk, will be generated by diversion of passengers from the service of other carriers at DCA or from service at Dulles and Friendship. Because of the lack of data and time for study, this estimate of the potential financial impact of the 727–200 is at best rough and loose. The order of magnitude, however, clearly spells bonanza to some of the airlines and presents a fertile avenue for cutting down system-wide losses.

(B) PROBABLE PROFIT FOR AFFECTED AIRLINES

Proceeding from this theoretical picture of potential and ultimate gain to a hard-nosed, practical assessment of probable impact, Exhibit B shows a probable capacity increase for the seven major airlines involved of almost 5,000 seats daily or 1.8 million seats annually. On the basis of the current 56% load factor this means 1 million additional passengers at DCA annually. At an average ticket value of $40, this 10% increase in production for affected carriers would increase their annual gross revenues by some $40 million with the profit increase estimated conservatively at $20 million. (It is impossible to estimate the extent to which this profit potential would be offset for the benefitting carriers by losses on competing service they themselves may maintain at Dulles and Friendship. This effect is therefore discounted in the discussion that follows but should not be overlooked.)

Based on the best estimates it is possible to produce under the circumstances, it therefore appears that admitting the stretch 727 to DCA is probably worth $40 million to the air carriers involved with a potential worth of up to $120 million. The potential for profit would seem to range from a probable minimum of $20 million to a potential of about $60 million. Rough as these estimates are they establish that the benefitting carriers should be willing to make substantial concessions to the Government in return for permission to use the stretch 727 in their operations at DCA.

(C) AFFECT ON OTHER AIRPORTS AND OTHER AIRLINES

Once this bonanza has been uncovered and its allure disclosed in all its glitter, it is extremely important to recognize that all that glitters is by no means gold to all of the airlines serving the Washington metropolitan area. By the same token, the Bureau and FAA should take a long, hard, practical look at the dross that is necessary to produce the glitter before responding to its allure. If the decision to admit the stretch 727 to DCA has already been made and is irrevocable, the price we extract from the benefitting air carriers in return for this decision must be based, in our judgment, not only on the substantial financial gain they can realize from that decision but also on the substantial loss the Government and its stockholders, the taxpayers, stand to suffer as a result of the decision.

Affect on area growth pattern

As we see it, that loss is immeasurable because the decision will change the entire pattern of growth of aeronautical activity in the Washington metropolitan area, seriously compromising the Bureau's and FAA's ability to carry out responsibility for fostering the growth of Dulles International Airport and damaging the future of Friendship International Airport to an extent which will certainly jeopardize, if not foreclose, prospects for a regional airport system. This is a big price to pay for additional revenues even if the benefitting air carriers could be persuaded to accept fee and rate adjustments that would put the Bureau's airports totally in the black.

The hard, cold facts are that the stretch 727 cannot be employed profitably at DCA without substantially altering the prospects for growth of Dulles and Friendship. Under present circumstances, the critical point in the growth of Dulles will occur when restrictions at DCA force transfer of significant service, particularly Chicago service, from DCA to IAD. In our judgement, that day is not far off now. (On our busiest day of last year, the Sunday following Thanksgiving, only 7,160 of 57,183 seats going through the airport were not used by local passengers. During the peak hour only 299 of 4,589 seats were not used by local passengers. The airline load factor for the day (including through passengers) was almost certainly close to 100%.) But the decision to admit the stretch 727 to DCA (possibly setting the precedent for the even larger air bus) will postpone that day indefinitely. The Bureau and FAA have a responsibility to foster the operation of Dulles as a successful airport serving the public interest. The taxpayers have a right to expect that it will fulfill that role. Economic self-sufficiency for Dulles, even if it could be totally achieved as a price for increased use of DCA, will not serve that right or fulfill that duty. Moreover there is every reason to believe that financial self-sufficiency for Dulles cannot be attained as the price for this decision.

Conflict with motion to dismiss CAB investigation

The decision is also inconsistent with the position being taken by the Department for dismissal of CAB's Washington/Baltimore Airport Investigation. The draft motion to dismiss this investigation rests largely on the argument that congestion at Washington National Airport has been contained and that increases in passenger levels can be accommodated under existing controls by increases in passenger facilities constructed by the air carriers. Specifically the motion states that public areas have been increased by 44% since the investigation began while passenger levels have increased only 10%. This argument will be difficult to sustain in the face of a decision that is almost certain to increase passenger levels by an additional 31% and produces a potential for an increase of almost 60%.

The motion also states that there has been substantial improvement in parking facilities but admits that there is still a problem in parking capacity. This problem will be dramatically compounded as a result of the stretch 727 decision at least until such time as additional capacity can be constructed. Unmentioned in the motion but equally important (perhaps even more important) is the capacity of the interior roadways to keep airport ground traffic moving to and from the terminal building without interference with Mount Vernon Parkway. This problem will also be dramatically compounded by the decision at least until planned improvements to the roadway system are in place.

The motion further states that the long-range answer to congestion at Washington National Airport is ownership of the areas three airports by a single enterprise. As indicated earlier, Departmental efforts to organize such an enterprise may be jeopardized by the stretch 727 decision and its depressing effect on the growth of Friendship International Airport.

Probable opposition of other airlines

The decision to admit the stretch 727 will not be popular with all of the air carriers serving the Washington metropolitan area. It will in fact be bitterly opposed by some of them and any attempt to negotiate adjustments of rates, fees and contractual commitments on an overall basis will inevitably be complicated if not totally frustrated by this fact. Although a majority of the 12 air carriers serving DCA stand to benefit substantially from using the stretch 727 at that airport, the majority of the carriers at Dulles do not. In fact some of them stand to suffer substantial losses as a result of this decision.

Nine of the 14 carriers serving Dulles either do not own the stretch 727 or do not operate out of DCA. In fact it is clear that nine of the 18 carriers serving our two airports are not interested in using the stretch 727 at DCA and some of these will vigorously oppose its use there because it presents the prospect of indomitable competition to service they are furnishing from Dulles and Friendship. All nine of these carriers can be counted on to resist any changes in the IAD contract and fee structure that we might propose as a price for admission of the stretch 727 to DCA. Since the fee structures of the two airports are inextricably interwoven, this will make it extremely difficult, if not impossible, to achieve adjustments which would permit us to share, in any real measure, the financial bonanza that this decision offers to about one-half of our airline customers. It would also put us generally on the side of those who have ignored our exhortations to use Dulles against those who have genuinely tried to promote growth of that airport.

(D) AFFECT ON FAA BARGAINING POSITION

Aside from this pessimistic assessment of our ability to negotiate a realistic "payment" for the decision itself because of opposition from our Dulles customers, it also appears that the decision gives away the substantial bargaining leverage that it could have represented in ensuring that the airline investment in modernizing DCA serves the public interest and follows an orderly pattern established by the Bureau. This leaves admission of other larger aircraft, such as the air bus, as our only trump card from a bargaining point of view—and a weak one at that since the decision on the stretch 727 will inevitably be regarded as having already established the precedent not only by the air carriers but also by those—from congressmen to civic associations—whom we have assured repeatedly that we will not remove our finger from the dike.

EXHIBIT A.—DCA B 727-200 REPLACEMENTS, POTENTIAL CAPACITY INCREASE

	Daily seats				
	B-727	B-737	DC-9	BAC-111 or CVL	Total
AA-seats scheduled December 1969	5,428			1,430	6,858
Seats available w/727-200	7,198			2,684	9,882
Increase	1,770			1,254	3,024
EA-seats scheduled	2,156		(A/S 4,708) 10,704		12,860
Seats available w/727-200	2,904		(A/S 5,808) 15,312		18,216
Increase	748		4,608 (A/S 1,100)		5,356
NA-seats scheduled December 1969	5,670				5,670
Seats available w/727-200	7,290				7,290
Increase	1,620				1,620
NE-seats scheduled December 1969	420		1,260		1,680
Seats available w/727-200	544		1,904		2,448
Increase	124		644		768
NW-seats scheduled December 1969	3,906				3,906
Seats available w/727-200	5,124				5,124
Increase	1,218				1,218
TW-seats scheduled December 1969	930		900		1,830
Seats available w/727-200	1,250		1,500		2,750
Increase	320		600		920
UA-seats scheduled December 1969	3,840	4,732		256	8,828
Seats available w/727-200	5,000	6,396		492	11,888
Increase	1,160	1,664		236	3,060
Total increase, daily	6,960	1,664	5,852	1,490	15,966
Equivalent flts./day	74	18	78	22	192
Annual increase (×365)	2,540,400	607,360	2,135,980	543,850	5,827,590

EXHIBIT B—DCA B 727-200 REPLACEMENTS PROBABLE CAPACITY INCREASE

	BAC-111	DC-9	B-100	B-737	−200
AA	−22		−18		+40
NW			−12		+12
TW		−1	−9		+10
NE			−2		+2
NA			−18		+18
UA			−22	−2	+24
EA		−22	−6		+28
	−22	−23	−87	−2	+134
Seats	×65	×88	×98	×91	×128
Total	−1,430	−2,024	−8,526	−182	+17,152
	−12,162				

Note: Net change in seats per day +4,900

Highlight summary

Admission of the stretch 727 to Washington National Airport can and probably will change the entire pattern of growth of aeronautical activity in the Washington metropolitan area.

The hard, cold facts are that the stretch 727 cannot be employed profitably at DCA without substantially altering the prospects for growth of Dulles and Friendship.

For the seven major airlines now having stretch 727's, large profit potentials are available, but nine of the 18 carriers serving our two airports are not interested in using the stretch 727 at National and some of these will vigorously oppose its use there. The addition of the stretch 727 is inconsistent with the DOT motion for dismissal for CAB's Washington/Baltimore airport investigation.

Since Friendship Airport would be severely affected, the Department's efforts to achieve a three airport organization would be seriously jeopardized.

Mr. KENNEDY. Mr. President, would the Senator yield at that point for a question?

Mr. SPONG. I yield.

Mr. KENNEDY. Mr. President, I was wondering, since I know that the Senator has given a good deal of attention to the whole problem, whether he noticed that change in the regulations affecting National Airport in terms of night flights of the jets coming into National Airport.

One of the things that I thought made a great deal of sense was the restriction on jets into National Airport between 10 o'clock at night and 7 o'clock in the morning. They permit turbine jets to land there, but because of the noise factor in a heavily populated area, there had been restrictions, as I understand it, on jets landing at National Airport.

The result was that Dulles was utilized for night flights from the West and from the Northeast. I know that jets coming from the Northeast would land at Dulles at night.

I notice that in the course of the last few weeks, since the time of the FAA strike, there was some relaxation of those rules and regulations and that now there has been a noticeable increase in the number of jets that have been arriving at National Airport in the night. And there is a considerable noise factor involved along these patterns.

I was wondering if this was of some concern to the Senator's constituents in northern Virginia. I know that it is a frequent source of complaint on the part of many of the people up in the Northeast, and in the Boston area, particularly in the summer when many people who live in the surrounding areas of these airports open their doors and windows because of the heat. The increasing noise factor is a serious inconvenience.

I notice that there has been this apparent alteration or change. And I was wondering if this had been brought to the attention of the Senator and if this is a matter of interest to him.

Mr. SPONG. It is a matter of interest. It has been brought to my attention.

Two things took place insofar as the operation of National is concerned. They sought to limit the number of flights coming into National. And they imposed, as the Senator has said, a curfew. Since the slowdown took place, they have brought the stretch jets in, and used the slowdown as an excuse for doing this. But they also relaxed the curfew.

I received a letter from Mr. Shaffer on April 22, 1970, on this subject. In the last paragraph of that letter—and I believe that has been introduced into the record of the hearings—he said that the airlines would be advised immediately to reimpose the curfew. At the hearings last week, I made public the regulation presently in existence which allows jets to come into National an hour or so later than they had been previously allowed to do. This regulation was posted after I received this letter saying that the curfew would be reimposed.

I think it is a matter of concern. I do not know the situation as of yesterday, but as of last week, contrary to the letter saying that the curfew would be reimposed, the regulations at National were such that the jets could come in later than they had been allowed to come in previously.

I am pleased that the Senator from Massachusetts has mentioned this. I do not believe this should be allowed to continue, and particularly at this time of the year, in view of the noise and other factors that are troublesome not only for the citizens of northern Virginia but also for the residents of the District and those of Maryland.

Mr. KENNEDY. Mr. President, it is my understanding that there has been a relaxation of the previous restrictions. I am particularly interested as the chairman of the Subcommittee on Administrative Practice and Procedure, because we have within our jurisdiction the reviewing of the various administrative agencies and their rulemaking powers.

And it is always a matter of concern to the citizens of northern Virginia, as well as the citizens of any of the other areas, when regulatory agencies promulgate regulations without any serious effort to try to obtain the input of the public reaction to the rules and changes. This does cause concern among people and a further alienation from Government agencies and Government generally.

I am very much interested in determining whether there have been such changes, as I understand there have been. I am very interested as the chairman of the Subcommittee on Administrative Practices and Porcedures in seeing what steps the FAA has taken to try to elicit whether there is any public reaction among the citizens or whether this is an arbitrary change made at the instance of the airlines without determining any kind of public reaction.

Mr. SPONG. Mr. President, I would say to the distinguished Senator from Massachusetts that this was a decision made without consultation with any public groups or public body and against—and this is the point of my remarks today—the recommendations of three different study groups with regard to the airport.

This situation is further compounded because Dulles Airport and National Airport are the only two airports in the United States which have no connection with a local public body.

The Federal Government, it seems to me, has a much stronger obligation because of this fact.

Mr. KENNEDY. The Senator is correct.

Mr. SPONG. We operate these airports, and it would seem to me that in the absence of any regional groups such as there would be, for example, in the Boston area and in many other areas where there would be an opportunity for the people to make their views known about changes in the operations of these airports, the Federal Government should especially listen to the public.

We do not have anything like that. And it seems to me that not having it, the FAA or any other Federal regulatory agency charged with an operation such as this has a greater responsibility than normally.

I will see that the Senator from Massachusetts receives all of the hearings in connection with this matter. This has been going on for 18 months, and everything that we have been told was not going to happen has happened. And there has not been any opportunity for the citizens to come in and discuss the matter.

Mr. KENNEDY. Mr. President, I am particularly appreciative that the Senator from Virginia has brought this matter to the attention of the Senate.

I assure the Senator that our subcommittee will go into this matter in detail and will come to grips with the problem.

I think that the point I have heard the Senator make on a number of occasions—and I think it is important for us to be reminded of it today—is that northern Virginia and a great deal of the Washington area, unlike Boston, has additional airport facilities besides its primary airport.

One of the principal points the Senator is making on the floor of the Senate is that Dulles Airport is obviously underutilized and can be utilized more.

In a situation like that in Boston, we have considered time and again whether to get the imposition of a curfew at night because of the extraordinary noise factor in a heavily populated area. It has always been stated by the FAA representatives that if the airlines cannot land in Boston at night, there is no alternative port for them to land in.

Certainly here in the greater Washington metropolitan area that should not be a reason for the additional stress from noise pollution which is placed on the residents of northern Viraginia. I commend the Senator from Virginia for bringing our attention to this matter. I think it is a matter of importance and significance. What happens here in terms of the people of northern Virginia reflects on the people of this country and it is important to all of us concerned about air traffic and noise pollution that we be reminded of this problem in the greater Washington area.

I thank the Senator and I look forward to working with him on this problem.

Mr. SPONG. Mr. President, I thank the Senator from Massachusetts. It seems to me that where we have two airports under Federal authority completely, and we also have Friendship Airport, if we cannot give an example of orderly regional planning for air transportation and instead just keep on developing one airport to the exclusion of considering the effect of its growth on others, we can hardly expect other regions in the United States to do otherwise.

I thank the Senator.

ROSE McCONNELL LONG

Mr. ELLENDER. Mr. President, it is with regret that I announce the death of Rose McConnell Long who served in this body for about a year following the death of her husband, the late Huey P. Long.

Mrs. Long was born in Greensburg, Ind., on April 8, 1892. She moved with her parents to Shreveport, La., in 1901. She attended the public schools of Shreveport and became a schoolteacher. While she was a schoolteacher she met the late Huey P. Long and they were married. From that union three children were born. One of those children was Mrs. Rose McConnell McFarland, the wife of a prominent doctor, who now lives in Colorado Springs, Dr. O. W. McFarland. Mrs. Long died at the Boulder Memorial Hospital in Boulder, Colo., where the home of the McFarlands is located.

Mrs. Long is survived by Mrs. McFarland, and, of course, her illustrious son, RUSSELL B. LONG, who is a Member of the Senate at this time, and also another son, Palmer Long, a prominent businessman in Shreveport, La. At the time of her death, three of her grandchildren, Senator and Mrs. RUSSELL LONG, and Dr. and Mrs. McFarland, were with her.

It is a matter of record that Huey Long, Rose Long, and RUSSELL LONG form the only father-mother-son combination inthe history of the U.S. Senate.

Mrs. Long was appointed to serve in this body by former Gov. James A. Noe on January 31, 1936, and served until January 2, 1937, at which time I succeeded her.

Mrs. Long was a fine mother, and she raised three splendid children. She did much to enhance the fortunes of her late husband, Huey P. Long. She was known to all in the State as a very beautiful and gracious lady. She served in the State Capitol, Baton Rouge, as wife of the Governor, Huey P. Long, for 4 years and was of great assistance to him in his many successful campaigns for office and in his work. For the past 35 years, Mrs. Long maintained the family home in Shreveport as a perennial meeting place for her family.

During her service in the Senate, she was the originator of the original legislation to establish the Chalinette Battlefield below New Orleans as a national monument. While the project did not become a reality until several years later, the legislation for it was ultimately enacted on the basis of testimony which she gathered. The monument was given international recognition in 1965, during the sesquicentennial of New Orleans.

Mr. President, at some future date I hope to have more to say about this great lady, who was my friend for so many years.

ORDER OF BUSINESS

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. YOUNG of Ohio. I yield.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

ORDER FOR ADJOURNMENT TO MONDAY, JUNE 1, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in adjournment until 12 o'clock noon on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for an adjournment to 11:30 a.m. on Monday.)

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday there be a period for the transaction of routine morning business, with a time limitation of 3 minutes on statements made therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

XUM

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On May 26, 1970:

S. 2999. An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes; and

S. 3778. An act to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.

On May 27, 1970:

S. 856. An act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. HUGHES) laid before the Senate a message from the President of the United States submitting the nomination of Maurice J. Williams, of West Virginia, to be Deputy Administrator, Agency for International Development, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, in which it requested the concurrence of the Senate.

XUM

HOUSE BILL REFERRED

The bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, INC.

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION (S. Doc. 91-84)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1970 in the amount of $157,816,600 for the U.S. Civil Service Commission, to provide for mandatory payments to the civil service retirement and disability fund to finance the unfunded liability created in fiscal year 1970 by two new statutes, which, with an accompanying paper was referred to the Committee on Appropriations, and ordered to be printed.

REPORT REQUIRED BY THE WATER RESOURCES RESEARCH ACT OF 1964

A letter from the Under Secretary of the Interior, reporting, pursuant to law, on projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations or other institutions, with private firms, as authorized by section 200(a) of the Water Resources Research Act of 1964 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Foreign Relations:

"RESOLUTION OF THE ALASKA STATE LEGISLATURE

"Joint resolution urging a strong U.S. protest to prevent the imminent invasion of North Pacific salmon fisheries by South Korea

"Be it resolved by the Legislature of the State of Alaska:

"Whereas reliable evidence through observation, foreign fleet preparation, and foreign sales commitments indicates that U.S. North Pacific salmon resources are in grave danger from major South Korean salmon fishing operations in the Bering Sea; and

"Whereas verbal statements from the Korean government that salmon will not be the intended catch serve as little assurance that our salmon resources will be protected, since similar guarantees in 1969 were summarily broken, resulting in the catch of some 500–700 tons of Bristol Bay red salmon; and

"Whereas the Korean government has not indicated that they are planning to take steps to enforce licensing provisions on their fishermen or to invoke significant penalties; and

"Whereas an invasion of these red salmon grounds could seriously endanger the success of the international North Pacific fisheries treaty signed by Japan, Canada and the U.S., thereby opening up U.S. salmon resources within 12 miles of our coast to Japan, Korea, Russia and any other foreign country desiring to participate in their harvest; and

"Whereas it is believed that the ability of Korea to mount an expedition of the magnitude being planned is made directly or indirectly possible through U.S. foreign aid to Korea;

"Be it resolved that the Sixth Alaska State Legislature respectfully requests that the strongest protests possible be made by the government of the United States, including reconsideration of aid and trade policies, to prevent the imminent Korean fishing invasion of U.S. salmon, and be it

"Further resolved that an attempt be made to obtain an irrevocable commitment from Korea that it will abstain from fishing U.S. salmon in the future.

"Copies of the Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable John W. McCormack, Speaker of the House; the Honorable Richard B. Russell, President Pro Tempore of the Senate; the Honorable William P. Rogers, Secretary, Department of State; the Honorable Walter J. Hickel, Secretary, Department of the Interior; the Honorable Warren G. Magnuson, Chairman, Senate Commerce Committee; the Honorable Harley O. Staggers, Chairman, House Interstate and Foreign Commerce Committee; the Honorable John R. Gilbert, President, Association of Pacific Fisheries; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

"The following officers of the Legislature certify that the attached enrolled resolution, Senate CS for House Joint Resolution No. 111 am S, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

"Passed by the House, May 6, 1970.

"JALMAR M. KERTTULA,
"Speaker of the House.

"Attest:

"CONSTANCE H. PADDOCK,
"Chief Clerk of the House.

"Passed by the Senate, May 4, 1970.

"BRAD PHILLIPS,
"President of the Senate.

"Attest:

"BETTY HANIFAN,
"Secretary of the Senate.

"KEITH H. MILLER,
"Governor of Alaska."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Interior and Insular Affairs:

"RESOLUTION OF THE ALASKA STATE LEGISLATURE

"Joint resolution relating to the establishment of a National Institute of Environmental Science in Alaska

"Be it resolved by the Legislature of the State of Alaska:

"Whereas it is the imperative goal of the new science of the environment to determine how man can utilize, without damaging, the earth's natural resources; and

"Whereas the task before this new science is of an urgency which no longer advocates but compels the establishment of a National Institute of Environmental Science to provide the coordination of the effort and dissemination of information essential to the restoration and maintenance of a wholesome and productive environment; and

"Whereas Alaska offers this institute a laboratory unavailable elsewhere in the world; a laboratory vast in size and rich in the resources of nature; a laboratory of broad climatic, geographic, geologic, botanic and zoological expanse; a laboratory embracing the full range of environmental conditions to which man must adapt as he addresses himself to the development of the virtually untapped wealth of the North;

"Be it resolved that the Legislature of the State of Alaska requests the President and Congress of the United States to establish in Alaska a National Institute of Environmental Science to initiate a continuing program of research to insure that man uses his natural resources in a manner consistent with a quality environment; and be it

"Further resolved that the Governor is requested to appoint a panel of concerned Alaskans to compile information that will enable the President and the Congress to assess the need for, and the benefits to be derived from, a National Institute of Environmental Science in Alaska.

"Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Richard B. Russell, President Pro Tempore of the Senate; the Honorable Walter J. Hickel, Secretary, Department of the Interior; the Honorable Clifford M. Hardin, Secretary, Department of

Agriculture; the Honorable Maurice H. Stans, Secretary, Department of Commerce; the Honorable Robert H. Finch, Secretary, Department of Health, Education and Welfare; to all members of the Senate and House Committees on Interior and Insular Affairs of the Congress; and to the Honorable Ted Stevens and the Honorable Mike Gravel, United States Senators, and to the Honorable Howard W. Pollock, United States Representative, members of the Alaska delegation in Congress.

"The following officers of the Legislature certify that the attached enrolled resolution, Senate CS for House Joint Resolution No. 106, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

"Passed by the House, May 8, 1970.

"Jalmar M. Kerttula,
"*Speaker of the House.*

Attest:

"Constance H. Paddock,
"*Chief Clerk of the House.*

"Passed by the Senate, May 5, 1970.

"Brad Phillips,
"*President of the Senate.*

"Attest:

"Betty Hanifan,
"*Secretary of the Senate.*

"Attest:

"Keith H. Miller,
"*Governor of Alaska.*"

REPORT OF THE SELECT COMMITTEE ON STANDARDS AND CONDUCT ON THE INVESTIGATION OF THE INTRODUCTION OF PRIVATE IMMIGRATION BILLS IN THE SENATE FOR CHINESE CREWMEN, 90TH AND 91ST CONGRESSES—REPORT OF SELECT COMMITTEE (S. REPT. NO. 91-911)

Mr. STENNIS, from the Select Committee on Standards and Conduct, under the authority of Senate Resolution 338, 88th Congress, second session, submitted a report on the Investigation of the Introduction of Private Immigration Bills in the Senate for Chinese Crewmen, 90th and 91st Congresses, which was ordered to be printed.

(The remarks of Mr. Stennis when he submitted the report appear earlier in the Record under the appropriate heading.)

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. EAGLETON:

S. 3893. A bill for the relief of Dr. Walter Ling (Wisalaya Luknakul);

S. 3894. A bill for the relief of Cho-Man Chan; and

S. 3895. A bill for the relief of Rizalina Animas; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 3896. A bill for the relief of the Glover Packing Co.; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3897. A bill for the relief of Shui Lun Young (Wah Yuk Lau); to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 3898. A bill to amend the Employment Act of 1946 to bring to bear an informed public opinion upon price and income behavior which threatens national economic stability; to the Committee on Banking and Currency.

(The remarks of Mr. Proxmire when he introduced the bill appear later in the Record under the appropriate heading.)

ADDITIONAL COSPONSORS OF BILLS

S. 746

Mr. METCALF. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Minnesota (Mr. McCarthy) be added as a cosponsor of S. 746, which is my bill to amend title XVIII of the Social Security Act so as to include chiropractors' services among the benefits provided by the insurance program established by part B of such title.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

S. 3878

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Vermont (Mr. Prouty), I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. Jordan) be added as a cosponsor of S. 3878, relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 71—SUBMISSION OF A CONCURRENT RESOLUTION TO PROVIDE FOR JOINT MEETING OF CONGRESS TO HEAR STUDENTS ON THE WAR AND PEACE

Mr. MUSKIE. Mr. President, on behalf of myself and Senators Hart, Moss, Inouye, Gravel, and Cranston, I am submitting a concurrent resolution calling for a joint session of Congress, for the purpose of hearing five students on the related subjects of the war in Indochina and the growing turmoil on our college and university campuses today. I ask unanimous consent that the text of this concurrent resolution be printed in the Record at the end of my remarks.

The PRESIDING OFFICER (Mr. Gravel). The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the Record.

Mr. MUSKIE. Mr. President, the essence of democracy rests in the principle of a free exchange of ideas between the people of a nation and those who represent them.

It is becoming increasingly apparent that many Americans have lost faith in the openness of this exchange. Especially among our young people, there is a growing feeling that they cannot be heard.

In recent weeks most of us have met with students. They have been responsible, intelligent, and concerned. They have conveyed a sincere conviction that our democratic system can and must be made to work.

I believe that the time for us to uphold that conviction, the time to listen and to act, is now. We must be willing not only to hear what our young people are saying, but to act in a substantive way.

Two weeks ago, Democrats in Maine participated in a significant step toward a new dialog with the young people of our State. For the first time in our State, students had a voice in shaping political policy. Young and old say that unity and harmony could result from giving students a meaningful voice. Students learned that they can indeed be heard, and age discovered that by listening, it too, can learn.

I believe that this cooperative effort need not, and must not, reflect only a fleeting moment of unity. I feel that it must carry beyond the State of Maine and beyond the Democratic Party.

A positive step has been taken, as both students and Congressmen have become more aware of the problems each faces. I am certain that innovative ideas will come from the meetings and discussions of recent weeks. The resolution I am introducing today, brought to me by a group of concerned students trying to find constructive ways to air their views, can carry us one step further in our efforts to cement this feeling of cooperation.

This resolution would provide for a joint session of Congress to hear five students, representing not only their own institutions but the larger gathering of colleges and universities in their regions as well. I am hopeful that such action can provide the meaningful forum needed to focus attention on the crisis on our campuses today.

For I believe that the vast majority of our young people are simply asking that we have the decency to listen to them, and the understanding to respond in an intelligent manner. We cannot let this manifestation of their campaign go unattended.

The concurrent resolution (S. Con. Res. 71), which reads as follows, was referred to the Committee on Foreign Relations:

S. Con. Res. 71

Whereas there is widespread national concern over continuing American involvement in the war in Southeast Asia; in specific the recent events in Cambodia; and

Whereas the most intense concern has been expressed by the young men and women of America, particularly those in our colleges and universities; and

Whereas many of these university students have sent delegations to Washington to express their grave concern in a peaceful and constructive fashion to members of Congress and the Administration; and

Whereas there is widespread skepticism among all young people of this nation as to whether their representatives will accord their expression of concern an effective hearing: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it may be in order at any time before June 15, 1970, for the speaker to declare a recess subject to the call of the chair for the purpose of receiving in joint meeting five students, one each from a parochial university and universities from the West coast, Midwest, East coast and South. These students, who shall represent not only their own schools but also the larger groupings of universities in their area, shall present their views about the Indochina War and the Cause of Peace.

XUM

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 663

Mr. STEVENS submitted an amendment, intended to be proposed by him, to the modified amendment No. 653 to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

(The remarks of Mr. STEVENS when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 664

Mr. BYRD of West Virginia submitted amendments, intended to be proposed by him, to House bill 15628, supra, which were ordered to lie on the table and to be printed.

(The remarks of Mr. BYRD of West Virginia when he submitted the amendments appear later in the RECORD under the appropriate heading.)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 665

Mr. PROXMIRE submitted an amendment, intended to be proposed by him, to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, which was referred to the Committee on Appropriations, by unanimous consent, and ordered to be printed.

(The remarks of Mr. PROXMIRE when he submitted the amendment appear later in the RECORD under the appropriate heading.)

THE MANHOOD GAME

Mr. YOUNG of Ohio. Mr. President, in the Saturday Review of May 30, 1970, there appeared an impressive editorial written by the editor, Norman Cousins.

I regard this as an extremely important statement on the Cambodian decision, or adventure, of President Nixon.

I ask unanimous consent that this editorial be published in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MANHOOD GAME

"It is not our power but our will and character that are being tested," President Nixon declared in explaining his decision to commit American fighting forces to Cambodia.

A White House aide, talking to a reporter, underlined this thesis when he said that the President had to show the world that "America hasn't lost its manhood."

What, then, is manhood?

Whatever manhood is, there are some things manhood certainly is not.

Manhood is not armed soldiers firing into a crowd of students, whatever the provocation.

Manhood is not a powerful nation raining bombs down on the villagers of a small nation, without any risk of counterattack or retaliation.

Manhood is not ordering soldiers to use flame-throwers in tunnels, often incinerating noncombatant civilians who are too terrified to heed the order to come out.

Manhood is not the manufacture and stockpiling of weapons beyond any reasonable definition of national defense—weapons that already far exceed any possible requirement for the use of destructive force.

Manhood is not dealing with error by concealing it or compounding it, or by making false pride more important than intelligence and compassion in America's relationship with the rest of the world.

One curious feature of the manhood game as played by large nations is that it is filled with deadly contradictions. The same nation that feels it can make an impression on others only by the show of force is curiously unimpressed by the same strategy when it is employed by others. This is true not just of U.S.-Soviet relations, but also of the increasingly ominous Israeli-Arab confrontation. Retaliation, not reconciliation, is the first impulse. A nation that believes others understand only the language of force has difficulty itself in speaking the language of peace.

The underlying theory of the manhood game is that a nation demonstrates its will and character in direct ratio to its readiness to use force in what it conceives to be its national interest. Thus, the Soviet Union finds it necessary at this time to carry out massive naval maneuvers in the Atlantic Ocean. Submarines, anti-submarine vessels, and auxiliary ships are involved in the exercises. They have been docking in Cuba to refuel and resupply. The obvious aim is to serve notice on Washington that Moscow does not lack the will and character to extend its overseas military commitments.

International observers, assessing the reasons for the Soviet military presence so close to U.S. shores, contend it is a reaction to President Nixon's decision to move into Cambodia. The Cambodian decision, however, has been described by some U.S. officials as a reaction to the increasing military commitment of the Soviet Union in the Middle East. It is obvious that each side is convinced its will and character are being tested by the other, and that the only way to pass the test is to display a readiness to use force in ever larger amounts and in increasingly risky situations.

The trouble with the manhood game is that it is played at the expense of man. The inevitable result of a competitive display of national manhood is to create the stage and the occasion for an ultimate assault on human life.

There is a wider, positive definition of manhood that takes in more than just raw force and the will to use it. Manhood has something to do with maturity, the comprehension born of experience, and the capacity for making moral judgments.

It may be said that this kind of national maturity is not possible in a world that lacks the specific institution and the machinery to render force unnecessary. The answer to this objection is that a nation such as the United States has the obligation to press forward with ideas for developing alternatives to force, brutality, and ill-temper. Nothing would be more dramatic and hopeful than for the United States to declare to the world that the central and overriding purpose of its foreign policy is to enable the United Nations to put the human interest above the national interest.

SOME THANKS

Mr. YOUNG of Ohio. Mr. President, since 1957 the United States has been the main supplier of military and economic assistance to Jordan. Since 1952 more than $600 million of American taxpayers' money has been given to King Hussein's little kingdom. Very definitely, Mr. President, I am opposed to giving away our taxpayers' money in this manner and in particular to Jordan. In 1966 the United States agreed to sell Jordan a large number of F-104 Star-fighter jets. A few were delivered before the June 1967 Arab-Israel war erupted, but fortunately, for the Jordanians, these war planes were flown to safety in Turkey a few hours before the Israelis destroyed the Jordan Air Force.

Since then between 50 and 100 M-47 and M-48 Patton tanks and additional Starfighter jet warplanes have been delivered by our military-industrial complex to the Kingdom of Jordan. Jordanian pilots are now being trained for free at Williams Air Force Base, Ariz.

Last month mobs burned and ransacked our Embassy and USIA library in the capital of Jordan, Amman, and assaulted some Americans. Jordanian police stood by apparently enjoying the spectacle.

Mr. President, I denounce any continuance of the ill-advised policy of giveaways to King Hussein and his little kingdom. We Americans should not tolerate giving military or economic aid to King Hussein and his kingdom whose people and officials have manifested dislike and hostility toward us.

The PRESIDING OFFICER (Mr. HOLLAND). Is there further morning business?

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business?

Mr. BYRD of West Virginia. Yes, Mr. President, there is further morning business.

REPORT OF INVESTIGATION OF CHINESE CREWMEN BILLS

Mr. STENNIS. Mr. President, I ask unanimous consent that my time in the morning hour be extended to 7 minutes, for the purpose of briefly discussing a report.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STENNIS. This concerns a report on the investigation by the Standards and Conduct Committee on the Chinese crewmen bills.

Mr. President, on September 26, 1969, the Senate was informed of allegations that had been published by some newspapers of improprieties surrounding the introduction of private immigration bills in the Senate during the 90th and 91st Congresses for the relief of Chinese crewmen. As chairman of the Select Committee on Standards and Conduct, I responded at that time that the committee had been looking at these allegations and would continue its investigation.

Mr. President, at this point I read briefly from the report that I am filing, to show what was done about this matter within a matter of days. Our report contains this paragraph:

> Little more need be said about the physical introduction of bills in the Senate either, as the Committee's earlier recommendation that prudent practice requires the signature and the presence of a sponsoring Senator for the introduction of a bill has been implemented by the Senate. The Committee considers that Rule VII of the Standing Rules of the Senate remains adequate as authority for the better practice.

When we reported back and called attention to the introduction of bills without the participation of a Senator, the leadership responded immediately by invoking the practice that for future bills to be introduced, they had to have the actual signature and the presence of a sponsoring Senator. That was our committee's recommendation. It was the recommendation of the leadership of the Senate, and it was adopted, and that has been the practice. I mention that now only by way of review.

The committee completed its investigation recently, and I now take this time to file on behalf of the committee our report of that investigation. Without intending to substitute my words for those of the report, which speaks for itself, I believe that I can safely summarize the highlights by saying that we found no evidence of any misconduct by any Senator or any Senate employee, nor did we believe from the information we obtained that there was any reason for further proceedings.

The investigation encompassed a great many bills introduced by a relatively large number of Senators. This involved checking into, to some extent, more than 600 bills. Should any Senator feel the need for a statement specifically relating to him from the committee, the chairman has been authorized by the committee to provide such a statement.

That was a matter that was expressly passed on by the committee, and it was decided that, with so many of these bills involving so many authorships, it would not be practicable to try to go into a discussion of all these matters, but that at the same time, if any Senator wanted a statement from the committee concerning himself, the chairman was authorized to provide such a statement.

The report was approved by five of the members of our committee, the Senator from Kentucky (Mr. COOPER) not having completed his consideration of the record and the report at this time. He has authorized me to state that he has not found any reason to disagree with the record and the report of the investigation so far but simply has not had sufficient time because of the pressure of Senate debate on another matter.

Of course, it is very obvious what that other matter is; it is the Cooper-Church amendment which has occupied the time and devoted attention of the Senator from Kentucky. He is going over this matter very carefully, as he always does; and, as I say, I am authorized to make that statement for him.

So, Mr. President, we now file with the Senate this report, which I believe is the usual procedure. The report is signed by the chairman and also by the Senator from Minnesota (Mr. MCCARTHY); the Senator from Georgia (Mr. TALMADGE); the vice chairman, the Senator from Utah (Mr. BENNETT); and the Senator from Idaho (Mr. JORDAN).

I file the report with the Senate and ask that it be printed, the number to be taken care of by those at the desk.

Mr. President, that completes the report.

FREEDOM FOR WAR PRISONERS MUST HAVE TOP PRIORITY

Mr. HATFIELD. Mr. President, several efforts are being made in the Senate to link the fate of American prisoners of war to amendments being offered to the Foreign Military Sales Act. I commend these efforts to the very careful consideration of all Senators.

We should not accept any proposal limiting American action in Southeast Asia that does not at the same time include guarantees for those Americans who are being held by the North Vietnamese. To do otherwise would be, in my estimation, a signal that the American people, speaking through the Senate, are willing to abandon these men to the savage hostility of the North Vietnamese Communist regime.

And I do not believe the American people are willing to say to the world that they are no longer interested in the fate of these men, whether they be five or 500 or 1,500. It is not the practice of Americans to shrug their shoulders and turn their backs on fellow citizens.

No settlement of the problems of Southeast Asia can be acceptable unless that settlement includes freedom for these men. No negotiations by the Communists can be considered as being in good faith unless those negotiations include the fate of these prisoners.

It is the responsibility of the U.S. Government to press for a satisfactory solution to the problem. To date the administration has undertaken this effort with diligence and has moved firmly and directly toward a resolution of this unfortunate situation.

We know that the issue has been raised repeatedly at the Paris negotiations. We also know that the North Vietnamese diplomats there have repeatedly refused even to discuss the issue, acting almost as though it did not exist.

We know that American diplomats elsewhere in the world, wherever they have had contact with the Communists, have raised the issue and tried to enlist the good offices of other Communist powers to alleviate the situation. We know that these efforts have failed.

The failure is not due to lack of trying on the part of the United States and its diplomatic representatives. Far from it. The failure is due solely to the fact the North Vietnamese and the Vietcong have steadfastly taken this adamant position.

The administration is making a very strong and very persistent effort to bring about fruitful negotiations with the Communists.

It is therefore of great urgency that the U.S. Senate not in any way give the appearance that we are abandoning these Americans to the continued mistreatment and degradation they have suffered at the hands of their captors.

I urge most strongly that the Senate carefully examine this problem and that every Senator place this matter uppermost in his thoughts when considering action on the present amendments to the bill.

We must bring to the Communists the full realization of the importance of this matter and emphasize to them how deeply the American people are committed to the safe return of this small, brave band of Americans.

It is the responsibility of the executive branch to continue by whatever means possible to win their release. It is our responsibility as Members of the Senate to support this effort and to back it to the fullest possible extent.

These responsibilities are not to the 1,500 men and their families alone. We owe this to the entire Nation and we must recognize that this responsibility has been placed upon us by history.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 895 and the succeeding measures in sequence, with the exception of Calendar No. 899.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

XUM

PURCHASE OF ADDITIONAL SYSTEMS AND EQUIPMENT FOR PASSENGER MOTOR VEHICLES OVER AND ABOVE THE STATUTORY PRICE LIMITATIONS

The bill (S. 2763) to allow the purchase of additional systems and equipment over and above the statutory price limitation was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of subsection (c) of section 5 of the Act of July 16, 1914, as amended (31 U.S.C. 638a), is hereby amended to read as follows:

"(1) to purchase any passenger motor vehicle (exclusive of buses and ambulances), at a cost, completely equipped for operation, and including the value of any vehicle exchanged, in excess of the maximum price therefor, if any, established pursuant to law by a Government agency and in no event more than such amount as may be specified in an appropriation or other Act, which shall be in addition to the amount required for transportation. A passenger motor vehicle shall be deemed completely equipped for operation if it includes the systems and equipment which the Administrator of General Services finds are customarily incorporated into a standard passenger motor vehicle completely equipped for ordinary operation. Notwithstanding any other provisions of law, additional systems or equipment may be purchased whenever the Administrator finds it appropriate. The price of such additional systems or equipment shall not be considered in determining whether the cost of a passenger motor vehicle is within any maximum price otherwise established by law;".

The title was amended, so as to read: "A bill to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation."

ADDITIONAL APPROPRIATIONS FOR PROSECUTION OF PROJECTS IN CERTAIN COMPREHENSIVE RIVER BASIN PLANS FOR FLOOD CONTROL, NAVIGATION, AND SO FORTH

The Senate proceeded to consider the bill (H.R. 15166) authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes which had been reported from the Committee on Public Works with amendments on page 2, in the material after line 2, strike out:

Central and Southern Florida . . . June 30, 1948, $20,000,000.

In line 4, after the word "exceed", strike out "$830,000,000" and insert "$810,000,000"; after line 4, insert a new section, as follows:

Sec. 2. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $25,000,000 for the prosecution of the central and southern Florida comprehensive plan for flood control and other purposes approved in the Flood Control Act of 1948, and subsequent Acts of Congress: *Provided*, That not to exceed $5,000,000 of this authorization shall be available solely for the accelerated construction of borrow canal L–70, canal C–308, canal C–119W, and pumping station S. 326, together with such other works in the plan of improvement as the Director of the National Park Service and the Chief of Engineers agree are necessary to meet the water requirements of the Everglades National Park: *Provided further*, That as soon as practicable and in any event upon completion of the works specified in the preceding proviso, delivery of water from the central and southern Florida project to the Everglades National Park shall be not less than 315,000 acre-feet annually, prorated according to the monthly schedule set forth in the National Park Service letter of October 20, 1967, to the Office of the Chief of Engineers, or 16.5 per centum of total deliveries from the project for all purposes including the park, whichever is less.

On page 3, at the beginning of line 7, change the section number from "2" to "3"; at the beginning of line 12, change the section number from "3" to "4"; at the beginning of line 22, change the section number from "4" to "5"; on page 5, line 18; after the word "subsection", strike out "not taken from the licensee by such Commission for pumping of water, for pumping, collecting, and treating sewage, and for purposes associated with the Delaware Water Gap National Recreation Area on an equitable basis among such other preference customers" and insert "on an equitable basis among such preference customers"; on page 7, after line 2, strike out:

Sec. 5. This Act may be cited as the "River Basin Monetary Authorization Act of 1969".

After line 4, insert a new section, as follows:

Sec. 6. That the Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas", approved July 24, 1956 (70 Stat. 632), is amended by inserting immediately after "Fort Worth" the following: ", and with the Benbrook Water and Sewer Authority,".

After line 9, insert a new section, as follows:

Sec. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that funds available for such project, in an amount not to exceed $750,000, may be used in participation with the State of Montana in the construction, operation, and maintenance of fish hatchery facilities, and the performance of related services, by the State for mitigation of fish losses occasioned by the project, in a manner deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers.

After line 18, insert a new section, as follows:

Sec. 8. That subsection (c) of the first section of the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa," approved March 18, 1938 (52 Stat. 110), as amended, is amended by striking out "1970" and inserting in lieu thereof "1972".

On page 8, after line 2, insert a new section, as follows:

Sec. 9. That section 15 of the Act entitled "An Act creating the Muscatine Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Illinois", approved July 26, 1956 (70 Stat. 669; Public Law 811. Eighty-fourth Congress), as amended, is amended (1) by striking out "three years" and inserting in lieu thereof "six years", and (2) by striking out "five years" and inserting in lieu thereof "eight years".

After line 13, insert a new section, as follows:

Sec. 10. (a) That the project for Denison Dam (Lake Texoma), Red River, Texas and Oklahoma, authorized by the Flood Control Act of 1938 (52 Stat. 1215), as amended, is hereby modified to provide that the city of Sherman, Texas, is authorized to construct a barrier dam across the Big Mineral Arm of Lake Texoma so as to create a subimpoundment of not to exceed ninety-five thousand acre-feet, for the purpose of providing a municipal and industrial water supply in an amount not to exceed fifty-two thousand acre-feet annually. The city of Sherman shall reimburse the United States the costs, as determined by the Secretary of the Army, acting through the Chief of Engineers, allocable to an amount of storage in Lake Texoma equal to that in the subimpoundment, in accordance with the provisions of the Water Supply Act of 1958, as amended (43 U.S.C. 390 (b)–(f)), including the loss in power revenues attributable to the subimpoundment.

(b) The location and plans for the barrier dam shall be submitted to the Chief of Engineers and the Secretary of the Army for approval prior to construction in accordance with section 9 of the Act of March 3, 1899 (33 U.S.C. 401).

(c) Prior to construction of the barrier dam, the city of Sherman shall agree in writing to (1) provide satisfactory means for the transferral of small pleasure craft to and from the subimpoundment and Lake Texoma; (2) obtain any necessary State water rights required for use of the stored waters; (3) hold and save the United States free from all damages due to construction, operation, and maintenance of the barrier dam and subimpoundment; (4) operate and maintain the barrier dam and subimpoundment in accordance with regulations issued by the Secretary of the Army; and (5) pay the costs of any alterations or relocations of Federal facilities necessitated by the subimpoundment.

And, at the top of page 10, insert a new section, as follows:

Sec. 11. This Act may be cited as the "River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The resolution (S. Res. 408) authorizing additional expenditures by the Committee on Interior and Insular Affairs was considered and agreed to, as follows:

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend, from the contingent fund of the Senate, $20,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 309, Ninety-first Congress, agreed to February 16, 1970.

LIBRARY OF CONGRESS

The bill (H.R. 11628) to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress was considered, ordered to a third reading, read the third time, and passed.

MARY McLEOD BETHUNE MEMORIAL

The joint resolution (H.J. Res. 1069) extending for 4 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune was considered, ordered to a third reading, read the third time, and passed.

FEDERAL AND STATE STUDENT AID PROGRAMS

The concurrent resolution (S. Con. Res. 61) authorizing the printing of the compilation entitled "Federal and State Student Aid Programs" as a Senate document was considered and agreed to, as follows:

XUM

Resolved by the Senate (the House of Representatives concurring), That the compilation entitled "Federal and State Student Aid Programs", prepared by the Library of Congress for the Senate Committee on Labor and Public Welfare be printed as a Senate document; and that there be printed sixty-two thousand two hundred additional copies of such document, of which forty-three thousand nine hundred copies shall be for the use of the House of Representatives, ten thousand three hundred copies shall be for the use of the Senate, four thousand copies shall be for the use of the Senate Committee on Labor and Public Welfare, and four thousand copies shall be for the use of the House Committee on Education and Labor.

SEC. 2. Copies of such document shall be prorated to Members of the Senate and the House of Representatives for a period of sixty days, after which the unused balances shall revert to the respective Senate and House document rooms.

NATIONAL FOREST RESERVATION COMMISSION ANNUAL REPORT

The resolution (S. Res. 402) to print the annual report of National Forest Reservation Commission as a Senate document was considered and agreed to, as follows:

S. RES. 402

Resolved, That the annual report of National Forest Reservation Commission for the fiscal year ended June 30, 1969, be printed with an illustration as a Senate document.

SENATE HEARINGS ON SPACE PROGRAM BENEFITS

The concurrent resolution (S. Con. Res. 66) authorizing the printing of additional copies of Senate hearings on space program benefits was considered and agreed to, as follows:

S. CON. RES. 66

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Aeronautical and Space Sciences Committee six thousand additional copies of its hearings held during the Ninety-first Congress, second session, on space program benefits.

TRIBUTES TO CHIEF JUSTICE EARL WARREN

The concurrent resolution (H. Con. Res. 537) providing for the printing as a House document the tributes of the Members of Congress to the service of Chief Justice Earl Warren was considered and agreed to.

REPORT OF SPECIAL STUDY MISSION TO SOUTHERN AFRICA

The concurrent resolution (H. Con. Res. 520) authorizing the printing of an additional one thousand copies of House Report 91–610, 91st Congress, first session, entitled "Report of Special Study Mission to Southern Africa" for the use of the Committee on Foreign Affairs of the House of Representatives was considered and agreed to.

COMPILATION OF WORKS OF ART AND OTHER OBJECTS IN THE U.S. CAPITOL

The concurrent resolution (H. Con. Res. 578) authorizing the reprinting of a "Compilation of Works of Art and Other Objects in the United States Capitol," as a House document, and for other purposes was considered and agreed to.

A HISTORY OF THE COMMITTEE ON AGRICULTURE

The concurrent resolution (H. Con. Res. 584) relative to printing as a House document a history of the Committee on Agriculture was considered and agreed to.

COMMITTEE ON VETERANS' AFFAIRS

The concurrent resolution (H. Con. Res. 585) authorizing certain printing for the Committee on Veterans' Affairs was considered and agreed to.

BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS—1774–1970

The concurrent resolution (S. Con. Res. 70) authorizing the printing of a revised edition of the Biographical Directory of the American Congress—1774–1970—was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be compiled and printed, with illustrations, as a Senate document, in such style and form as may be directed by the Joint Committee on Printing, a revised edition of the Biographical Directory of the American Congress up to and including the Ninety-first Congress (1774–1970); and that six thousand four hundred and thirty-five additional copies shall be printed, of which one thousand five hundred and forty-five copies shall be for the use of the Senate, four thousand three hundred and ninety copies for the use of the House of Representatives, and five hundred copies for the use of the Joint Committee on Printing.

HELEN K. CHRONSTROM

The resolution (S. Res. 414) to pay a gratuity to Helen K. Chronstrom was considered and agreed to, as follows:

S. RES. 414

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Helen K. Chronstrom, widow of Clifford C. Chronstrom, an employee of the Senate at the time of his death, a sum equal to seven and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

The PRESIDING OFFICER. The Chair is advised that Calendar Nos. 911 and 912 cannot be considered because the amendments are not at the desk. This concludes the consideration of measures on the calendar.

THE ESCALATION OF RHETORIC

Mr. TOWER. Mr. President, last Friday, the Vice President delivered a speech in Houston, Tex., relating to the escalation of rhetoric. It was a very interesting speech, in which he indicated that he is willing to "cool it" any time certain members of the mass media are willing to do the same. He quoted many statements made by the members of the press that themselves were somewhat brash.

I invite the attention of Members of the Senate to this speech, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT AT TEXAS REPUBLICAN FUND RAISER

Lately, you have been exposed to a great deal of public comment about Vice Presidential rhetoric and how I should "cool it." The President is getting this advice daily from many quarters . . . some of them inside the government. But mostly it has come from persons who have been in the target area of some of my speeches. Nowhere is the complaint louder than in the columns and editorials of the liberal news media of this country, those really illiberal, self-appointed guardians of our destiny who would like to run the country without ever submitting to the elective process as we in public office must do.

The President has refused to curb my statements on behalf of this administration's policies, or to tell me what words to use or what tone to take in my speeches. And on my part, I have refused to "cool it"—to use the vernacular—until those self-righteous lower their voices a few decibels. This, I am sure, they are unwilling to do, and there is too much at stake in the nation for us to leave the entire field of public commentary to them.

I can assure you that some of these pundits make my rhetoric seem tame. Here are a few recent, random samples I have collected to share with you tonight. These are the people who never tire of telling a President how he should run the nation's affairs. I hope you will overlook the slightly hysterical tone of some of their comments. They are overwrought because their advice is not heeded by the President with any degree of regularity.

The *Washington Post*, which constantly urges us to lower our voices, said after the President's detailed address to the nation on his decision to clean out the enemy sanctuaries in Cambodia:

"There is something so *erratic* and *irrational*, not to say *incomprehensible*, about all this that you have to assume there is more to it than he is telling us."

The *Post* may as well have come right out and said that it thought the President had lost his sanity. Words like "erratic, irrational, incomprehensible" are not ordinarily used to describe a carefully studied military decision by the nation's Commander-in-Chief.

And when the President referred to some college-based criminals as bums—these were people who had burned up a professor's life work—the *Post* was beside itself. It fulminated as follows:

"A gratuitous clop . . . a page from Vice President Agnew's copybook . . . campus unrest is simply being fanned and exploited by the administration . . . Hate the dissidents, excoriate the 'bums,' see if you can match Mr. Agnew in hurling names at them."

That was the hysterical view from the *Post*'s Ivory Tower where that master of sick invective, Herblock also works. He reached a new low with a cartoon showing a National Guardsman in the aftermath of the Kent State tragedy with a box of live ammunition—each bullet bearing a phrase from my speeches. Except one. That bullet was labeled "college bums" in honor of the President.

And they ask *us* to cool the rhetoric and lower our voices.

Meanwhile, at the other end of the Washington-New York axis, the *New York Times* was thoughtfully contemplating events.

A "military hallucination," it called the President's decision and it sternly warned one and all: "If the President does not promptly pull back from this dangerous adventure, Congress will have to assert its constitutional powers of restraint."

The *Times* columnists were less restrained. Anthony Lewis, writing from London, said:

"The President of the United States, in a maudlin personalization and simplification of complex political issues, makes war a test of his own and the nation's manhood . . . By this action President Nixon has calculatedly chosen to widen the division among the American people, to inflame instead of heal."

And Tom Wicker, the soft-spoken boy wonder of the opinion molders, said with disdain:

"Whatever his motives and his policy, Mr. Nixon relied heavily, in his appearances before the nation, on *deception, demagoguery* and *chauvinism."*

James Reston, the *Times'* premier columnist, writing from Washington on May 10, after the weekend of student demonstrations, saw fit to equate me with Jerry Rubin as an extremist. Mr. Reston did not bother to amplify on this comparison.

But so that the *Times* and its editors and columnists can be kept in proper perspective, I would like to quote to you a few comments that the incendiary Mr. Rubin made on the Kent State campus one month prior to the confrontation that brought the student deaths there. The *Akron Beacon Journal* reported that he told an audience of 1,500:

"Until you people are prepared to kill your parents you aren't ready for the revolution . . .

"The American school system will be ended in two years. We are going to bring it down. Quit being students. Become criminals. We have to disrupt every institution and break every law . . .

"Do you people want a diploma or to take this school over and use it for your own purposes? . . . It's quiet here now but things are going to start again."

To suggest that I am guilty of this type of incendiarism is in keeping with the irresponsibility that the *Times* manages to achieve on its editorial page. And it is appropriate that the slur be cast by Mr. Reston, who delights in calling other people demagogues.

Earlier, the *Times* had deplored what it called *"the Administration's open exploitation of fear and discord"* and had said *"there is a disturbing appeal to the nation's lowest instincts in the present Administration's descent to gutter fighting."*

And they ask *us* to cool the rhetoric and lower our voices!

While the President's move on behalf of our troops in Vietnam caused shivers at the *Washington Post* and *New York Times,* it brought apoplexy in some of the other misnamed bastions of liberalism in this country.

The *New Republic,* in a rare front-page editorial, said this week:

"Richard Nixon is going down in history, all right, but not soon enough . . ."

It used such terms as "transparently phony . . . fraud . . . mean contempt . . . driven . . . disorderly . . . secretive . . . dangerous" to describe the President's actions.

"How is this country to get through the next 2½ years without flying apart"? the magazine asked.

I. F. Stone's Bi-Weekly, another strident voice of illiberalism commented:

"The race is on between protest and disaster . . . The only hope is that the students can create such a Plague for Peace, swarming like locusts into the halls of Congress, that they stop all other business and make an end to the war the No. 1 concern it ought to be. The slogan of the striking students ought to be: Suspend Classes and Educate the Country."

During the frenzy following the Cambodian action, which news media invective helped fan instead of cool, it was not even safe to visit the South.

Some of you may recall that I substituted for the President in dedicating the massive new Stone Mountain Memorial to Generals Lee and Jackson and Jefferson Davis near Atlanta on May 9th.

The *Atlanta Constitution,* which doesn't care much for me anyway, decided I was unfit for the honor. They put it in stronger terms, saying it was "a shame and a disgrace" that I was making that address.

The editorial continued:

"Honorable men ride that rocky ledge . . . Spiro Agnew has none of those redeeming qualities. He has the grace of a drill sergeant and the understanding of a 19th century prison camp warden."

Not even the *Arkansas Gazette,* which views me with varying degrees of horror from its position on the extreme left, has matched the rhetoric of that tribute. Or at least, I haven't seen it if it has. I only see those clippings from the *Gazette* that are forwarded to me by Senator Fulbright . . . And sometimes Martha Mitchell.

Life's expert on the Presidency—or I should say it's leading expert, Hugh Sidey—pictured the President as acting from "a kind of splendid and angry isolation in the Oval Office, a deliberate defiance of a large and growing number of Americans and their institutions."

Mr. Sidey was even less charitable about the Vice President.

"For weeks now," he said, "Agnew, more than Abbie Hoffman or William Kunstler, has dominated the headlines with a torrent of abuse that served mainly to call attention to all that is bad in our society—or what he takes to be bad . . . laying about with that big careless brush of his against the Administration's lengthening list of enemies."

Now I leave it to your judgment. Who is the real critic of America today? Who rails against our system and our institutions—suggesting we are a racist, imperialistic society? Is it *Life* magazine or the Vice President?

But for pure unbridled invective, you will have to look far to beat that of the excitable columnist, television commentator and former Ambassador to Finland, Carl T. Rowan. Mr. Rowan might once have used diplomatic language, but he long ago lost the art and his rhetoric is anything but cool.

In one recent column about me, he employed these phrases: "rose above his own laziness and ineptitude," "a dumb joke—a sort of aberration of history," "he has come to personify all the class conflict, the racial hostility, the cultural and generation gaps that have transformed this society into a tinderbox," "calculated maliciousness," "prefers to pander to the prejudices of the most ignorant and selfish elements in society."

And Mr. Rowan could not resist joining Herblock and others in suggesting that I had something to do with the deaths of the Kent State students.

Quote: "Incredibly, even as four Kent students lay in the morgue and others lay critically wounded in hospitals, the Vice President's trigger-happy tongue was still firing buckshot."

But the most vicious attempt to transfer the blame for the Kent State student deaths that I have read was in the illiberal New York Post, by columnist Pete Hamill. Listen to his irrational raving:

"When you call campus dissenters 'bums', as Nixon did the other day, you should not be surprised when they are shot through the head and the chest by National Guardsmen. Nixon is as responsible for the Kent State slaughter as he and the rest of his bloodless gang of corporation men were for the anti-integration violence in Lamar, and for the pillage and murder that is taking place in the name of democracy in Cambodia . . . At Kent State, two boys and two girls were shot to death by men unleashed by a President's slovenly rhetoric. If that's the brave new America, to hell with it."

Or if you care for a distaff view from that same organ, here's Harriet Van Horne:

"The President's . . . TV presentation of this decision was, moreover, maudlin, crafty and stained by fulsome sentiments."

Ladies and gentlemen, you have heard a lot of wild, hot rhetoric tonight—none of it mine. This goes on daily in the editorial pages of some very large, very reputable newspapers in this country—not all of them in the East by a long shot. And it pours out of the television set and the radio in a daily torrent, assailing our ears so incessantly we no longer register shock at the irresponsibility and thoughtlessness behind the statements.

"But you are the Vice President," they say to me. "You should choose your language more carefully."

Nonsense. I have sworn I will uphold the Constitution against all enemies, foreign and domestic. Those who would tear our country apart or try to bring down its government are enemies, whether here or abroad, whether destroying libraries and classrooms on a college campus, or firing at American troops from a rice paddy in Southeast Asia.

I have an obligation to all of the people of the United States to call things as I see them, and I have an obligation to the President to support his actions in the best manner that I can. I choose my own words, and I set the tone of my speeches. As he said at his recent press conference, I am responsible for what I say. And I intend to be heard above the dim even if it means raising my voice.

Nothing would be more pleasing to some of the editors and columnists I have quoted tonight than to have me simply shut up and disappear.

Nothing would be more pleasing to those on the campus whose motives I have challenged. They are, for the most part, *not* the great body of students who are trying honestly to get an education. They are rather a small hard core of hell-raisers who want to overturn the system for the sake of chaos alone. They burn, pillage and destroy because they rebel against their lack of creativity. Although they are few in number, they have had a shattering impact. Unfortunately, they are encouraged by an equally small number of faculty members who apparently cannot compete legitimately within the system or do not choose to do so.

It is my honest opinion that this *hard* core of faculty and students should be identified and dismissed from the otherwise healthy body of the college community lest they, like a cancer, destroy it.

Peaceful dissent, yes. Violence, no!

Reasonable debate, yes! Street rioting, no!

Orderly change, yes! Throw out the system, no!

Some others who would be just as pleased if I lapsed into a more traditional Vice Presidential silence are in the Congress—the isolationists in the Senate, who seek at every turn to thwart the President's efforts to conclude this country's involvement in Vietnam, in a manner which will prevent that part of the world from falling to Communist aggression. These Senators are well intentioned, and most of them have been on the Washington scene far longer than I, but I'm afraid this has narrowed their viewpoint. They should get out in the country. It would improve their vision and their sense of reality. Most Americans, I believe, fully realize that this country can never again withdraw to its shorelines and survive. That is the lesson of history that some have failed to learn or have too soon forgotten. The President desperately needs a Republican Congress to replace these neo-isolationist views and remove the willful obstruction of his programs.

Finally a word about a third group that has received some attention in my speeches—the electronic news media. I have tried tonight to be *specific* in my criticism. I realize I have left out many who are in the business of second-guessing the President, and who should have been included. I hope we can get around to them later. But I also recognize there are many others in the news profession—a group upon whom the country has to depend for an *honest* report of what is going on in this world—and that they are attempting to live up to this responsibility, most of them successfully. I exclude them totally from the crticism I make here. And I compliment them for doing their jobs well under strong counter pressures, often within their own offices and among less responsible colleagues.

It does bother me, however, that the press—as a group—regards the First Amendment as its own private preserve. Every time I criticize what I consider to be excesses or faults in the news business, I am accused of repression, and the leaders of the various media professional groups wave the First Amendment as they denounce me. That happens to be *my* amendment too. It guarantees *my* free speech as much as it does their freedom of the press. So I hope that will be remembered the next time a "muzzle Agnew" campaign is launched. There is room for all of us—and for our divergent views—under the First Amendment.

VICE PRESIDENT AGNEW ADDRESSES INTERNATIONAL CANCER CONGRESS

Mr. TOWER. Mr. President, I would like to bring to the attention of the Senate an address delivered by Vice President Agnew on May 24 at the International Cancer Congress recently held in Houston. I request that these remarks be printed in the Record.

The remarks of the Vice President emphasize the need for international cooperation in the crusade to find a cure for cancer. The International Union Against Cancer, representing some 70 nations, is an example of such cooperation. It is imperative that all the nations of the world make known the findings of their research in this and other areas which affect all the people of the world.

In the United States, we must continue to increase our efforts to find a cure for cancer, heart disease, and other chronic diseases which afflict the people of the United States and the world. As the Vice President indicates, this is an area in which the Government has an important part to contribute, but in which the private sector must also participate to the greatest degree possible. President Nixon has said that the role of the Federal Government should be supportive, never dominating. The Nixon administration is acting in this direction to encourage private efforts to improve the system for health care delivery, which has an important effect upon our ability to apply practically what we have learned in the research laboratories. The 1971 budget for biomedical research will be higher than it has ever been before despite the fact that in this period of our economy unlimited sums of money are simply not available.

I want to commend the Vice President for his remarks on this subject. He makes a valuable contribution toward a broader understanding of the problem of finding a cure for cancer, and solving some of the other problems which affect all the nations of the world.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by the Vice President, International Cancer Congress

Mr. Chairman, Distinguished Members, and Guests:

On behalf of the President, I bid our eminent visitors welcome to the United States of America and extend sincere wishes for a productive and successful congress. We recognize and deeply value the honor you do us by holding this meeting in our country.

You gather here from all parts of the world, joined in a common cause to free man of one of the grim threats to his existence. You represent diverse social and political ways of life and yet you have succeeded in working together, in reasoning together, in exchanging information freely, and in recognizing and enunciating common goals. Your success is vital to all of us, not only because of the improvement in the human condition that the eradication of cancer would achieve, but also because of the example you set.

If we can succeed in working together for the elimination of cancer, why can we not succeed in other areas of human endeavor—in our striving for world peace, in our desire to reverse the insidious course which befounds our environment in our desire to free men to develop to their ultimate capacities with dignity?

Today, we are told that the promising results of research indicate that viruses play an important role in the development of cancer. However, we also are discovering that other factors act as stimuli to activate the conditions induced by viruses. Moreover, it is quite likely that these stimuli are to be found in our environment. Thus, the causal factors of cancer may reside to a significant degree in the surroundings in which we live. The problem of identifying the damaging elements in our environment and of mitigating their effects is one of the critical challenges of our era. We are threatened with the destruction of much that we have created, if we remain ignorant of, or oblivious to, environmental hazards, which appear to be growing with extraordinary rapidity. As in all human endeavors, we need balance.

In this case, we need to reconcile the indirect dangers of a rapidly developing technology with the requirements of modern society. We need to perfect the mechanisms by which national and international policies are formulated. To achieve that difficult end, this country is now strongly committed to advancing the quality of life at home and to cooperating with other countries to solve environmental problems of an international nature. Each of our nations is confronted by enormous problems, and our mutual efforts to solve them cooperatively are in their infancy. The difficulty cannot be over-estimated, since we are only beginning to learn how to deal with these challenges at the national level. But we recognize the need and the moral obligation of all countries to share their experience and knowledge so that people everywhere can benefit.

As one country learns to cope more successfully with a particular problem, and another country achieves the same progress in relation to a different problem, these capacities must be made known for the benefit of all. In essence, this is a problem of the transfer of technology from one society to another. It involves the transfer of technology from countries with highly developed skills in certain areas to countries with less developed skills. These exchanges have begun, but must be accelerated by a sense of urgency, a sense of commitment, and greater imagination in creating new mechanisms and new institutions to deal with our new problems. One important example of such a new common effort to deal with environmental degradation is the President's initiative within NATO. This initiative, like his renunciation of biological warfare as an offensive weapon, is a clear example of his sincere desire to cope with the practicalities of inherent environmental dangers.

At the occasion of the twentieth anniversary of NATO last April he said: "The industrial nations share no challenge more urgent than that of bringing 20th century man and his environment to terms with one another—of making the world fit for man, and helping man learn how to remain in harmony with his rapidly changing world."

At that time he proposed the establishment of the Committee on the Challenges of Modern Society, CCMS, to focus experience in technological transfer and high-level political consultation, which has characterized NATO over the last decade, on the common and widespread problems of pollution and social blight.

The preservation of our environment and the maintenance of the quality of life has become one of the vital issues of this generation. The health benefits of clean air and clean water and of a society free of the danger inchoate in a rapidly developing technology are goals which all free nations share in common. These problems, like cancer, respect no boundary and require the highest attention on the part of the leaders of all governments.

The CCMS has embarked upon an innovative approach to assist international technological transfer in the environmental field. It has utilized the concept of "pilot projects," headed by countries which are most advanced in specific fields. These "pilot projects" place the responsibility upon such countries to devise methods by which their advances can be transferred and made useful in other countries. Right now the CCMS is working on the problems of air and water pollution, road safety, regional planning, sea pollution, human motivation, and disaster relief. The goal in each of these fields is concrete action to upgrade the capability of all countries to deal with these threats to our common environment.

I believe that it is imperative that we seek more diligently for new methods to improve the transfer of knowledge and technology. The organization under whose auspices this congress is being held, the International Union Against Cancer, represents some seventy nations of the world, and is a successful example of such efforts. The International Agency for Cancer, which includes countries from east and west, and which has initiated world-wide studies of the factors in our environment which relate to human cancer, is another example. Such efforts deserve continuing and expanded support from every direction.

There is also a need to share advances in the organization and management of health services. Quite obviously, the world's population is served best when the results of basic research can be applied most quickly to patient care or programs of preventive medicine.

I am told that in my country, under conditions as they exist today, we cure approximately one out of every three cancer patients. I am told too that if our current approaches to the delivery of medical care were improved, it might be possible to increase the cure rate to one out of every two patients with cancer. To achieve this, individuals must have greater access to physicians, physicians must be better trained to recognize cancer in its early stages, and highly sophisticated care centers must be available to patients once the disease is recognized. There is much that we need to do to achieve this goal; but even if we did achieve it, it would still be only a partial solution.

Observers of existing techniques in medical care find that it is expensive, poorly distributed, and in need of resourceful innovation and systematic improvement. There is no doubt in my mind that a country with the organizational and developmental capacity to send a man to the moon can also apply managerial and design technology to improve its systems for the delivery of medical care. I find, however, a tendency in my country to look mainly to the government to solve this problem. In some of the countries represented here today, the central government has assumed complete responsibility for the provision of medical care, and I am sure that as we Americans turn to improvement of our own system we will benefit by an examination of their experience. However, I feel that a totally governmental response is not in our national character. The improvement of medical care is a problem in which the private and public sectors must join together, with the Federal government acting primarily as a catalyst, to accelerate significant change. The President and his Secretary of Health, Education and Welfare are meeting this challenge. They have proposed new legislation to modify Federal support for health care in such a way as to encourage private efforts to improve systems for the delivery of care. We have created a National Center for Research and Development in the Delivery of Health Care to explore the path before us. There are those who believe that the simple solution of allocating additional funds will alleviate many of the difficulties. I doubt this. We are spending $12.3 billion a year in Medicare and Medicaid programs alone. Ironically, some economists now claim that this investment is aggravating the medical care problem by increasing the disparity between supply and demand. Money alone is not an answer and unfortunately, in this period of our nation's economy, unlimited sums of money are not available for all the social causes crying out for support. I believe, however, that we could make significantly better use of the Federal funds now allocated for the delivery of medical care. For solutions to this problem, I am hopeful that the medical profession, our institutions of learning, and government will follow the example set by the organization meeting here today. We must and can join in common cause to see to it that our knowledge and skills reach all patients unimpeded by deficiencies in medical care delivery systems.

As I have noted, even if we improved our system for the delivery of medical care, in the field of cancer it would only bring us halfway toward our goal. It will be primarily from biomedical research that we can glean the information needed to take us the full distance. President Nixon has indicated his full understanding of the value of basic research to our national life. He believes that research is "an investment in the future." He has pointed out that today's basic research leads to tomorrow's treatment and prevention of disease, and that such treatment or prevention not only relieves human misery but also saves billions of dollars which can then be reinvested in improvements in the delivery system. Despite the economic stringency of our time, we will nevertheless make every effort to continue the important work which men like you are doing. Our proposed Federal investment in health research in 1971 will be higher than it ever has been. We recognize that even more money could be utilized for increased support, not just for the study of cancer, but for the broad spectrum of research as well, since no one can really predict the particular field of study that will give rise to tomorrow's treatment of a specific disease. As soon as our economy permits it, we hope to provide even greater support.

I have been talking about tangible contributions made to the nation and to the world by research. I would like to add an intangible one. I call it "the contagiousness of excellence." As a former student of chemistry, I believe I can claim some insight into the standards and philosophy of scientific research. It allows for no false values, no hypocrisy, no cant. An observation is valid or not valid; supported by evidence, or unsupported. A theory either stands the test of further research or falls. The hallmark of research is a quality of thought, a quality of effort which, if spread to other areas of our daily lives, would have a most salutary effect. In times of political and economic difficulty, long-term values are often displaced by short-term ones. We cannot afford to lose the excitement of excellence which permeates the best examples of biomedical research.

I find another virtue in the pursuit of science, namely, as a channel into which the youth of a nation can pour its impressive drive to create a better world. Although I in no way challenge their right and indeed their obligation to make their voices heard responsibly in the corridors of political power, I would draw their attention to the challenges of the laboratories of science as well. I urge more young men and women to join in the difficult but challenging course of action, exemplified by the activities of every individual at this meeting. The solution to the problem of cancer will take diligent research, long-term investment of time and energy, an optimistic faith that the problem can be solved, and a dedication to the improvement of human life. Is this not what our youth are demanding, and is this not a proper battle for them to join? Like most adults and young people, I am a fervent supporter of your goals, your values, and your methods. It is my wish that working together we can all contribute to the alleviation of man's suffering.

I propose that the nations of this world, plagued by many ills—some of our own making, some born of nature—that these nations, which occupy only a very small portion of the universe, declare the next ten years to be the Decade Against Disease. Let us join in any manner open to us—by increasing the exchanging of information, by joining in cooperative research projects, by avoiding unnecessary duplication of unusual and expensive facilities, by examining the health hazards in our environment, by commiting funds when we can, and most important, by rising above narrow self-interest—let us join together in a determined venture to make life and health one birthright of all children born from this day on regardless of nationality, race or religious beliefs.

Thank you for allowing me one opportunity to share the spirit of this congress with you.

AMERICANISM ESSAY CONTEST

Mr. TOWER. Mr. President, again this year the Rotary Club in my hometown of Wichita Falls, Tex., conducted its annual Americanism Essay Contest among the graduating seniors at the four Wichita Falls high schools.

It gives me great pleasure to ask unanimous consent that the four winning essays be printed in the Record.

There being no objection, the essays were ordered to be printed in the Record, as follows:

What America Means to Me

(By Glenn Beck, Hirschi High School)

The headlines read "Americans Charged for My Lai Massacre", "U.S. Troops Called To Halt Riots", "Students March on White House", "Cost of Living Rises Again". In this country, there is much dissent and disorderly conduct. People are revolting against age-old traditions and old-age politicians. If an individual is not a right-winged conservative, he is a "left-winged, radical, communistic, long-haired hippie." If he is not a left-winged liberal, he is a "right-winged, hypocritical, narrow-minded John Bircher." And if the person is neither right nor left-winged, he is undoubtedly a member of the "silent majority" of Birchers, or Wallacites, or Marxists. Everyone whole-heartedly backs the Presidential nominee . . . until he is elected.

Some say that this is bad for America and its appearance in the eyes of the world. In this aspect these people are correct; this kind of publication is bad for America's image. But one must consider another page of the newspaper and another item on the 6:00 o'clock newscast. A different side of America must be studied, the side of tradition and democracy—the true America. In these obscure and often unnoticed articles, one reads of a Vietnamese war orphan being adopted by a family or sponsored through a group effort. Also found are reports of charities, medical research foundations, philanthropists, kid baseball, public parks, schools, and libraries, relief for the poor, aid to foreign countries, and the Peace Corps.

Yes, it is true that many go hungry as billions of dollars are spent on arms and moon flights. And yes, it is true that there is much graft and dishonesty in our government. But even with her many faults and shortcomings, the United States is the only country who admits their wrongs and attempts to correct them. These two faces of America, the unorthodox but unviolent few and the peace loving, charitable many, illustrate the fundamental ideology that created the United States. This idea was set forth in the Bill of Rights in 1787, that all men are equal, yet individuals, and America has a place for everyone's idea of right and wrong. It is this principle that makes America the hope for world democracy and the inspiration for free men everywhere.

What America Means To Me

(By Mary Lou Dawson, Notre Dame High School)

"We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men. . . ."

The above quotation taken from the Declaration of Independence establishes the reason that the United States of America was formed and the purpose for which it continues to exist. This principle, guaranteeing basic human rights, is constantly being challenged in today's world. For it to continues to exist, it must be defended. This is what America means.

The United States is not Utopia. Its citizens are not freely and equally granted all rights and privileges which they could desire. The United States does fight wars and harbour racial injustices, but there exist people both inside the organized government and outside it who are working to correct this. The United States contains poverty and hunger alongside pollution and waste. Yet diverse organizations and individuals are trying to eliminate such curses. The United States has crime in the streets and injustices in the courts. Still there are streets, and there are courts and there are citizens laboring to establish safety and justice for everyone.

America is not a finished product. Its people must not sit back and say that the work is done, now it can be enjoyed. Instead it is a growing land where each citizen either

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contributes to or detracts from the general well-being each time he exercises or ignores a freedom now possessed.

The United States is the sum of freedoms and responsibilities which balance and insure each other. It is the success of every attempt made to meet such responsibilities and the failure of every refusal to try. This is America.

What America Means to Me

(By Nancy Nelson, S. H. Rider High School)

Because of the sense of individualism, pride, and security which America has to offer, it has become very meaningful and of great importance to me. One of the reasons America has come to mean so much to me is the sense of individualism which is felt by each and every American. This individualism stems mainly from the fact that there are no laws in America which say a person must have certain ideas or goals, but instead each person may work to achieve his own particular goals and may have the right to voice his own opinion. Americans are given the freedom to act and think on their own in order to benefit themselves or someone else. These personal liberties may be carried on just as long as they do not interfere with the freedom of others. The individualism felt by each person is a very important part of America and the American heritage. Therefore it is strongly protected and shielded from those who might abuse it in any way.

In addition to individualism, a strong sense of pride has made America so meaningful to me. When I consider the strength and determination of our forefathers who first settled America, the ability and strong will of the men who framed the Constitution and the Declaration of Independence, and the courage and devotion of the men who fought to make America what it is, I realize how proud I am to be an American. No one who has ever recited the Pledge of Allegiance or sung the National Anthem can say they have not experienced a sense of patriotism and a strong feeling of pride in their country. Pride in a country is a thing of great value and is especially important in a nation which advocates freedom and democracy such as America. The pride which each American feels in his country is a thing to be cherished and something which will last for ages to come.

Although individualism and pride are of tremendous importance, the sense of security that comes with being an American is probably the most meaningful to me. Unlike communist nations, America offers to all of its citizens the right to live within their own means. The system of capitalism is used and allows for every American to live and work as he pleases. This provides a feeling of security for most people in that the distribution of wealth is not carried out solely by the government. Also Americans are secure in the fact that they are not governed by a dictator who has absolute power as in the Soviet Union. In our democracy people are free to give their personal views on the government and have a part in selecting the person they feel is best qualified to handle the affairs of the nation. Americans are not subject to propaganda concerning other nations and are constantly informed as to national and international problems. These are a few of the reasons for the sense of security felt by myself and millions of other people throughout America. The sense of individualism, pride, and security which America has offered has made me strongly aware of its great meaning and importance.

What America Means to Me

(By Lee Grace, Wichita Falls High School)

Opportunity, that is what America means to me. A chance to be whatever or whomever one wants to be, no matter what one's race or color or creed. In America, whether born in a millionaire's mansion or pauper's slum, one can, through hard work, achieve success.

Our forefathers, when they sailed for the new world, were searching for this dream, a land of opportunity. Not afraid of hard work, men like Andrew Carnegie, George Washington Carver, Henry Ford, Edward Rickenbacker, and in our time H. Ross Perot became successes through the vast opportunities offered by America.

Courage, that is what America means to me. The courage of Americans past and present to stand up for what they believed whether they are in the majority or in the minority. The courage to speak out on wrong doings and injustices; the courage to allow others to speak even though they may disagree with the accepted view.

The courage to go for broke when the chips are down, to give it one more try, to overcome adversity, to come back from defeat, to go where no one else has dared, to seek what no man has ever sought; this kind of courage, this adventurous quality has made America, from the time of Washington to our present day astronaut, the new acknowledged world leader.

Home, that is what America means to me. My home, the land that I have grown to love over the past eighteen years. The land that has given me so much, yet I have returned so little. A land that I want to protect and at the same time strengthen so that it can always remain free. A land that leaves the heritage of great leaders who struggled and sacrificed that one day people could live in peace and harmony in this free land.

America, my home, has grown strong and free because of the courage that Americans have shown over the past two hundred years, and has become the land of opportunity where no man will be denied the chance to succeed in life.

HINDRANCE OF SCIENTIFIC PROGRESS

Mr. TOWER. Mr. President, in a recent address to the U.S. Chamber of Commerce, Presidential aide Daniel Moynihan commented upon the radicalization of American youth in the following terms:

> They represent a fundamental threat not only to business but to science. They regard science as an instrument of repression.

A very sobering column by Joseph Alsop, published on May 27 in the Washington Post, seems designed almost to be a footnote to Mr. Moynihan's comments so well does it document this quote.

I shall ask that it be printed in the Record, and I do so with a very deep sense of foreboding that what this distinguished columnist reports is indeed happening among some young people. I have no way of knowing what percentage of young people may be influenced by the premise of the new left that science is evil and that scientists are somehow responsible for the state of the world. Such is the individual nature of thought that it is not easily polled.

There was some talk in the mid-1940's, just after development and use of the atomic bomb, that the scientists who so brilliantly unlocked the heart of the atom were the scourge of the intellectual world and responsible for the destruction which it was capable of. Most thinking people could see that the blame was misplaced and did not worry inordinately about this.

Now it appears that this premise may have taken root and we have heard not the last of it. Mr. Alsop's column warns of the practical effects which are now developing.

I ask unanimous consent that the column be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

MIT's Loss of Funds Shows New Left's Shortsightedness

(By Joseph Alsop)

With a lot of help from friends and followers, Professor Noam Chomsky now appears to have cost the Massachusetts Institute of Technology around $5 million a year. It seems a high price to pay for a linguistic theorist, however brilliant.

The story is worth relating briefly, as a sort of object lesson in the egomaniacal silliness of the New Left in American politics. Just about a year ago, in brief, Professor Chomsky and his New Left allies among the students and faculty began a violent assault upon all defense-linked research at MIT.

The chief target was the Draper Laboratory, previously called the Instrumentation Laboratory, which provided the guidance brains to put Americans on the moon. The MIT administration, headed by President Howard Johnson, responded to the New Left assault with standard pusillanimity.

A stacked jury, known as the Pounds Panel, was hastily established, to sit in judgment on the great laboratory. Since the New Left students did not consider the jury-stacking had gone far enough, Professor Chomsky was subsequently added to the panel. The result, of course, was a star chamber proceeding.

It would be tedious to relate the details. It is enough to say that the recommendations of the star chamber proceeding, accepted by MIT, made it obviously impossible for the Instrumentation Laboratory to continue to do its job. This was, in fact, Professor Chomsky's avowed aim; he and his allies wished MIT to retain control of the laboratory, so that it could be permanently prevented from doing its job.

The Chomsky aim, however, was impractical from the outset. Professor Charles Stark Draper's leadership of his laboratory was too strong. There were also too many people, on the MIT Corporation especially, who thought it a mite unwise to destroy the laboratory that gave the moon-visitors the guidance brains for their rockets. So MIT has now been driven to relinquish control of the Draper Laboratory, by "divestment."

Divestment, in turn, will cause MIT to lose at least $5 million a year; for this was the laboratory's former contribution, in the form of "overhead payments," to the university's general support. President Johnson, when he announced the divestment to a suddenly silenced faculty meeting, himself admitted the money loss would be very heavy, without naming the total.

The thought of the money loss, one suspects, was what left the MIT faculty meeting at an apparent loss for words. At any rate, President Johnson's announcement was not greeted by the howls of New Left protest that have recently been the commonest noises at such assemblages.

The foregoing cautionary tale is well worth pondering, because it makes two points of great importance. It reveals, first of all, the wishfulness, the lack of realism, the inability to see one move ahead, that characterize all the New Left's political ideas and deeds.

Even Professor Chomsky, after all, can hardly have wished his own university to suffer such a crippling financial setback. Yet by any test, he deserves more credit than anyone else for bringing the setback about.

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What has now happened was the wholly predictable, indeed inevitable reaction to the actions of Chomsky and those who marched with him.

Nor is that the only point to ponder, either. It is not widely understood, as yet, how much the New Left goings-on in the universities are beginning to imperil the future of American higher education.

Berkeley, for instance, has been sinking deeper and deeper in the mire of New Leftism. Gov. Ronald Reagan has been rough with student protesters, but he has utterly failed to halt the processes now miscalled "politicization" and "radicalization." And any fool can foretell what the California legislature will eventually do, once Berkeley's "politicization" and "radicalization" begin to be understood by the voters.

Wherever the New Left has been active in the great private universities, too, fund-raising has either dropped off painfully, or has virtually ground to a halt. Yet in these times of rising costs, most private universities only survive by fund-raising. Stir in the rising attack on the private universities' tax-exempt status and you have a really nasty brew to worry about.

All this could have, and should have been foreseen. But "see no reality, speak no truth, and hear no facts" has always been the New Left motto.

POTENTIAL POWER SHORTAGE

Mr. TOWER. Mr. President, I would like to call the attention of the Senate to a recent article in the Congressional Quarterly describing the power crisis that we will face this summer and for the foreseeable future. This crisis will take the form not only of possible power shortages, but also of increasing thermal and air pollution and increasing ecological damage.

I would also like to bring to the attention of the Senate several resolutions which I recently introduced which would initiate Federal Government action on the preliminary analysis of new sources and methods of providing power to meet our constantly increasing power needs. There are three presently insufficiently explored concepts which are covered in my resolutions:

First. Tidal energy (S.J. Res. 185). This measure would provide authority for the Department of the Interior to investigate the possibility of the use of tidal movement and wave pressure to drive generators or fluid motors. The tidal movement concept has been practiced in various ways for several hundred years, but we are just now acquiring the technological competence to make really substantial use of this source of power which is nonconsumptive and pollution-free. These characteristics make this source of power extremely desirable for our use as soon as possible, hopefully within the decade of the 1980's. The research and pilot operations should be started now.

Second. Solar energy (S.J. Res. 184). This measure would provide similar authority for the Department of the Interior to investigate the possibility of using direct solar rays on a large enough scale to power steam-operated generators. While there are many problems to be solved in this method, the field is definitely worth investigating for its future potential.

Third. Offshore nuclear plants (S.J. Res. 195). This measure would also authorize the Department of Interior to investigate the possibility of moving the nuclear powerplants of the future offshore rather than placing them on coastlines and in estuaries as is now the practice. The major problem caused by nuclear plants is the result of its thermal discharge which heats enclosed or semi-enclosed bodies of water, thereby altering the ecology of the life in the water and inducing eutrophication. By placing these plants offshore in moving streams of water, the thermal content problem is eliminated because the quantity of heat involved is not at all comparable to the amount of solar heat being applied to the same waters. Moreover, the radiation into the atmosphere relieves any problems of "overheating" the oceans. The potential for this concept to relieve much of our thermal pollution problem should be investigated as soon as possible.

I ask unanimous consent that the article entitled "Electric Power," published in the May 1, 1970, Congressional Quarterly be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ELECTRIC POWER DEMANDS CLASH WITH ENVIRONMENT NEEDS

President Nixon, Members of Congress and Federal officials—all wanting to be on the right side of the environmental political issue—are finding themselves right in the middle of the national power dilemma of the 1970s.

Can Americans have all the electricity they want and still maintain a decent environment?

The power shortage facing the nation, much like the shortage of clean land, air and water, has suddenly in the 1970s become a crisis rather than simply a nagging problem.

In April, both the chairman of the Federal Power Commission, John N. Nassikas, and the President's science adviser, Dr. Lee A. DuBridge, warned the public that the power situation throughout the United States was critical and forecast power blackouts in various parts of the country this summer.

Nassikas predicted the summer months would bring the worst electric power shortage ever and said he could see no solution to the problem of inadequate power for perhaps a decade.

Both men claimed that the sudden concern over the environment has prevented the building of new power plants to keep pace with the rising demands for more power.

The environmentalists were the first to agree.

Electric power plants, they said, are among the worst polluters in the country. Generating and transmitting more electricity means more air and water pollution.

Virtually every type of generating plant has come under attack—fossil-fuel (coal and oil) plants because they pollute the atmosphere and cause thermal pollution (heating of water); nuclear plants because of thermal pollution and radiation hazards; and hydroelectric projects because they mar the landscape of otherwise scenic rivers.

The conservationists, increasingly concerned with the effects of pollution from the generating plants, were rising up and saying so in a host of political and legal battles across the nation. These fights virtually had brought the construction of new plants to a standstill.

The antipower plant movement was growing despite industry's contention that by 1990 some 340 new generating plants would have to be built if the projected power demand is to be met.

One result of the collision between the power industry and the conservationists has been the forced rationing of power. DuBridge, the White House science adviser, on April 20 said contingency planning was underway for critical areas where "the power companies will reduce voltage and therefore reduce power consumption." He said the companies may "turn down or turn off the power in certain areas, and large power users, including Government operations, will be asked to reduce operations. . . ."

Meanwhile, Congress and the White House have become involved. Numerous proposals dealing with both the reliability of electric service and the industry's impact upon the environment have been introduced in Congress and hearings are underway. In the Executive Branch, an energy policy study group at the White House is completing a report on plant siting at the President's request, and the Nixon Administration may draft its own legislation to deal with the problems.

The Atomic Energy Commission, anxious to head off conservationist claims that it is not concerned enough about environmental hazards, announced in March tighter controls over nuclear generating plant discharges into the air and water. And, industry itself has set up environment committees to show its concern.

References.—Weekly Report p. 973, 852, 636, 557, 328, 94, 13; 1969 Almanac p. 519, 537; Congress and the Nation Vol. II p. 495, 502, 509, 512.

THE POWER CRISIS

To meet the growing population's demands for electricity in the United States, electric power companies will have to produce twice as much power by 1980 as they did in 1969. The cost for new generating facilities is put at $80 billion—the amount the United States spends annually on national defense.

While the industry considers how it will meet the future demands, blackouts and periods of restricted power use exist in virtually every part of the country. Service by electric utilities, in general, has deteriorated because expansion of generating capacity has lagged far behind an unprecedented surge of customer demand.

In 1965, the Northeast experienced a major power failure throwing large industrial cities into blackness. Another major power failure came in June 1967 in the Pennsylvania-New Jersey-Maryland-Delaware area.

The national surge in demand for electric power has been caused not only by rapid population growth but also by the successful efforts of utilities and appliance manufacturers to promote new uses of electricity. Since 1964, annual sales of window air conditioners have increased from 2.75 million to almost 5 million—nearly double. And, the average annual household electric bill has almost tripled.

Utilities are producing 75 percent more electricity now than they did in 1960, but power reserves have dwindled from 30 percent of capacity in 1960 to 16 percent in 1970. The FPC considers a 20-percent reserve level adequate.

There are in 1970 some 300,000 miles of transmission lines in the United States, occupying about 4 million acres of land. An estimated 200,000 miles of new lines will be needed by 1990, requiring about 3.1 million more acres—or 4,844 square miles—more than twice the area of Delaware.

Meeting the power requirements of the future will be difficult even under ideal circumstances. According to the regional advisory committees formed by private electric companies, peak demands of electric utility systems will rise to 1,051 million kilowatts by 1990, equivalent to a peak demand more than five times that experienced in 1965.

Annual electric energy requirements in 1990 will exceed 5.8 trillion kilowatt hours, in comparison with the 1.06 trillion used in 1965, a 284-percent increase. Thus, during the next 20 years, the electric utilities will have to install nearly 1 million megawatts of additional generating capacity. At that time, in 1990, the FPC has projected that about 40 percent of all power installed will be nuclear power, about 43 percent will be from steam electric plants fired with fossil fuels, 7 percent will come from conventional hydroelectric installations and about 6 percent from pumped storage hydroelectric projects.

Since the blackout of 1965, there have been 37 major power failures and numerous local power disruptions, in additions to "brownouts" in which customers are asked to restrict their use of electricity. In 1969, a power failure halted trading on the New York Stock Exchange for 30 minutes.

When Nassikas in March warned of the power shortage the country would face this summer, he made available preliminary figures which showed the reserve capacity of Pennsylvania-New Jersey-Maryland electric utility companies to meet peak power needs. The capacity had declined from a margin of 10.6 percent in 1969 to 9.3 percent in 1970.

The FPC chairman gave three reasons for the Northeast power crisis:

The increase in demand has outstripped the original forecast upon which utilities planned their systems.

An increase in the size of generating units and equipment has resulted in additional lead time to build them—lead time that also was not forecast.

The rise of environmental considerations as a substantial issue has developed into a national issue affecting the installation of power plants over the last three years.

Recent figures disclosed that 39 of the 181 major power systems in the country have reserves of less than 10 percent. New York's Consolidated Edison Company—now 10 years behind schedule on one major plant project—has warned that it may be forced to black out residential areas of New York City for short periods this summer to avoid widespread disruption of service during peak periods when air conditioners are in heavy use.

Compounding the problem is the shortage of natural gas. One-sixth of the natural gas consumed in the United States is used to generate electric power. Demand for natural gas is increasing by about 6 percent annually and actual reserves can last less than 10 years at present rates of consumption. In essence, the country is using more natural gas than it is able to find and add to the gas reserve inventory.

Electric utility companies with coal-fired plants also are in trouble. On March 26, Alex Radin, general manager of the American Public Power Association, in a letter to President Nixon, said that many electric utilities were unable to obtain adequate supplies of coal to fuel their generating stations. Radin warned the shortage could cause a power crisis worse than the Northeast blackout of 1965.

DuBridge, on April 19, said the Administration was "trying very hard to make sure the coal supplies continue to flow to the plants." A railroad strike could stop the flow of coal and cause serious failures, he said.

As a public utility, the electric power industry has a fundamental responsibility to provide a continuing supply of adequate, economical and reliable electric power to consumers.

But the growing national regard for environmental values has clashed increasingly with plans for utility expansion.

POWER: A PRIME POLLUTER

The new concern over the environment, smoke, water pollution and general unsightliness typically associated with power plants has made them unwelcome neighbors.

Fossil-fueled generating plants are said to contribute 50 percent of the sulfur oxides and about 25 percent of the particulates polluting the air.

Electric power generation already requires about 80 percent of all cooling water used by all industry. And by 1980, the power industry will require about one-sixth of the total available fresh water runoff in the nation for cooling purposes. The nation's 3,000 plants use about 100 billion gallons of water daily to cool their condensers. Nuclear plants require about twice as much cooling water as do traditional steam electric stations, using as much as 32,000 cubic feet of water per second.

The water is sent back into the rivers, lakes and oceans much warmer than when it was taken out—sometimes 25 degrees above its natural temperature. This "thermal pollution" changes the environment for plants and fish.

Scientists have attested that altering the temperature of waterways even a few degrees has literally "incalculable" effects on the water. Warming the water encourages algae growth in forms ranging from mild green fuzz to the huge seaweed-like plants that are befouling Lake Erie. It also disrupts fish life.

"The projected increases in water use for steam-electric power indicate that thermal pollution is one of the most serious long-range water resource management problems," the Federal Water Resources Council reported in 1969.

The power dams, used for hydroelectric projects, once believed to be the cleanest way to produce electricity, are now believed to damage the water that spills over them by raising its nitrogen contents to levels incompatible with aquatic life.

The threat of radiation contamination should anything go wrong in nuclear plants has caused widespread opposition to their construction.

Some conservationists fear that the nuclear plants may emit unacceptable levels of radiation. Although waste material from the reactor is removed and buried, small amounts of radioactive substances escape through the reactor's smokestack and through seepage into its coolant. The AEC has set restrictions on emissions, but some scientists question whether they are tight enough.

The nuclear plants also discharge hot waste water into the rivers and lakes.

A warning that the huge new power plants needed to meet the power crisis threaten serious contamination of the nation's air and water was issued in January 1969 in a report to President Johnson by the Office of Science and Technology. The report said the giant new plants could become a danger to health and safety as well as the beauty of the environment.

But the report pointed out that with devices to reduce air and water pollution and with coordinated planning, the new plants could be fitted into the landscape so as to have minimal impact on the surrounding environment while providing the low-cost, reliable and safe power needed.

THE OPPOSITION

The conservationists have indicated they intend to prevent construction of power plants which they think will damage the environment regardless of the power shortage.

Michael McCloskey, conservation director of the Sierra Club, whose membership jumped from 70,000 to 86,000 in 1969, has said:

"Our strategy is going to be to sue and sue and sue."

And that is exactly what they are doing. More and more utilities are finding that it is all but impossible to find a new power plant site that does not stir alarm among local residents and conservationists.

Legal battles between the conservationists and the power companies are becoming well known—Calvert Cliffs (Maryland), Cayuga Lake (New York), Storm King (New York), Monticello (Minnesota), Turkey Point (Florida), Antietam (Maryland), Lake Champlain (Vermont), Bodega Bay (California), to name a few.

"The days are gone," warned A. H. Aymond, head of the Edison Electric Institute, "when a utilityman could sit confident that power is an undebatable blessing, accepted without argument or discussion by the people." Some industry officials describe the conservationist opposition as the biggest of all their hurdles.

Of 65 nuclear plants scheduled for completion by 1976, 23 are behind schedule, according to the FPC. Of 125 conventional power plants, 23 are behind schedule. In New England alone, 60 percent of the new power plants and transmission lines are behind schedule.

For example:

A proposed hydroelectric project for New York City at Storm King Mountain on the Hudson River has been tied up at the FPC and in the courts for more than six years.

The Minnesota Pollution Control Agency has denied a permit for a nuclear plant approved by the U.S. Atomic Energy Commission, contending AEC rules on radiation are not stringent enough. The Northern States Power Company, which has completed the plant, has challenged the state in court.

American Electric Power needed seven years to get permission for its New River pumped-storage project in Virginia.

At Cayuga Lake, the New York State Gas & Electric Company has had to shelve plans for a nuclear plant, facing stiff opposition over thermal pollution. The company is now studying how its cooling water—picking up about 25 degrees of heat—will affect marine life in the lake.

In Maryland, a legislative proposal calls on Congress to ask the AEC to impose a three-year moratorium on nuclear power plant construction in the state.

The FPC in April granted the state of West Virginia the right to become an official intervenor opposing the proposed Blue Ridge hydroelectric power project in its present form. The FPC will study its effect on downstream recreation in the state.

The Justice Department filed suit March 13 in Federal court in Miami against the Florida Power and Light Company, seeking to halt thermal pollution from the company's discharges into Biscayne Bay. The company has two fossil-fuel plants at Turkey Point south of Miami, and two nuclear plants under construction.

The Mountain Sheep dam site on the Snake River between Washington and Oregon, where the Pacific Northwest Power Company and the Washington Public Power Supply System representing 17 Washington state public utility districts plan to build a $246-million dam to meet the Pacific Northwest's power demand, has been in the courts and before the FPC for nearly 15 years.

On April 20, a formal petition was filed with the AEC asking the agency to force Consolidated Edison Company of New York to protect the fish resources of the Hudson River from further destruction by its Indian Point nuclear generating plant at Buchanan.

The Nixon Administration's suit to force the Florida power company to construct safeguards against thermal pollution could become a landmark decision in man's battle to preserve the environment. The suit marks the first time the Government has sought court action to halt possible pollution before any damage has occurred.

The outcome of the suit will affect virtually all of the 15 existing nuclear generating plants now in operation in the United States. Approximately 45 more are under construction.

Atomic Energy Commissioner James T.

Ramey in March told the House Public Works Committee that in about 20 years, approximately 250 "very large" atomic plants will produce 25 to 30 percent of the nation's power. He conceded that the return of water used in the process could cause problems to the ecology.

Not only are law suits plaguing the power industry in its efforts to expand to meet the growing demand, but state and Federal regulations also are becoming more stringent.

But for the most part, it has been left to the states to determine how electric utilities should be regulated. And with few exceptions, the states have permitted electric power companies to decide for themselves where, when and how to build power facilities.

The electric power lobbies have opposed any measure which would increase Federal authority over power plants and transmission lines.

Some Government officials have indicated sympathy with the industry's position. The chairman of the AEC, Glenn T. Seaborg, has charged that some conservationists have been engaging in "unsubstantiated fear-mongering" and "hysteria" in opposing nuclear power plants.

Another official with sympathies for industry's problems has been FPC chairman Nassikas. Appointed by President Nixon last year, Nassikas has said he supports voluntary action by industry rather than Federal legislation for major planning. He also favors establishment of uniform Federal and state standards for construction of generating plants. This way utility companies would not be faced with continued delays in building new plants as a result of opposition by groups concerned over environmental effects. And Nassikas believes decisions on radiation limits must remain the right of the AEC.

DuBridge, speaking as White House science adviser, on April 19 warned against "impossible regulations" that would keep nuclear plants from being built. "Every evidence is that the nuclear plants are less polluting than fossil-fuel plants," he said.

But, the electric utilities are not exactly rushing full speed ahead into building the nuclear power plants. The FPC has indicated 90 coal-burning power plants will be built in the next 20 years and about 15 nuclear plants—a 6 to 1 ratio.

The industry blames the conservationists.

Con Ed President Charles F. Luce has said that if the opposition continues, "eventually it will have an effect when you try to switch on the light."

CONGRESS INTERVENES

The intensity of the clash between conservationists and power interests has resulted in numerous proposals in Congress to deal with both reliability of electric service and the industry's impact upon the environment. But no such measure has yet emerged from a Congressional committee.

Among those major bills before Congress are the Electric Power Reliability Act (HR 7016), the Electric Power Coordination Act (HR 12585), and the Intergovernmental Coordination of Power Development and Environmental Protection Act (S 2752). Proposed national land use policy legislation also has implications for power-plant siting.

Hearings on various bills were held in February and April and are scheduled again in May.

It also has been reported that a Nixon Administration interagency study group on power-plant sites and related problems has reached agreement on what Congressional action is needed.

In an April 3 article, *The Wall Street Journal* reported that the Administration will ask Congress for:

A new Federal law requiring each state to rule on all electric utility construction projects to assure that goals of environmental protection and adequate power supply are met.

Federal assumption of an environmental reliability enforcement role in those states that do not carry out their responsibilities.

A greatly expanded effort by Government and industry to develop "power plants, underground transmission lines and control equipment that will more strictly limit the discharge of contaminants to the air and water and provide greater flexibility in selecting sites."

The power industry supports leaving decisions over plant siting, air, water, thermal pollution standards, and scenic easements in the hands of state agencies. This, industry feels, would remove the power to block projects from the hands of conservationists. Under present procedures, court cases or agency hearings may drag on for months or years while power needs go unfulfilled.

In addition to the legislation before Congress and that being drafted by the Administration, the President requested an extra $24.5 million for fiscal 1971 to enable the Department of Health, Education and Welfare's National Air Pollution Control Administration to increase its research efforts aimed at reducing pollution from stationary sources such as power plants. One project will attempt to find ways to remove sulphur from coal and oil, a major source of air pollution from electric power plants.

The Atomic Energy Commission announced in March that it would tighten controls over nuclear generating plant discharges into the air and water.

OUTLOOK

In January, a 1,108-page report issued by the Congressional Joint Atomic Energy Committee gave politicians this choice:

Either ask the people to forgo luxuries like air conditioners or build electric power plants over the protests of conservationists.

The report's findings were less than heartening to Government and conservationists alike. And Committee Chairman Chet Holifield (D Calif.) described a dilemma within a dilemma by stating that while the public is upset about pollution from electric power stations, it will take more electric power to solve existing pollution problems. He was referring to wider use of nuclear reactors as a cleaner way to obtain power, thus phasing out fossil-fuel plants.

Agreeing with the grim alternatives, Dr. Glen T. Seaborg, chairman of the AEC, said "today's outcries about the environment will be nothing compared to the cries of angry citizens who find that power failures have plunged them into prolonged blackouts."

Other than learning to live with less electricity, the report outlines these suggestions and objections to them:

Population control—Basic to protecting the environment but unlikely to relieve the power dilemma.

Nuclear power plants—Less offensive to the natural environment than coal-burning plants but present problems of radioactivity and thermal pollution.

Water power—Limited to certain areas of the nation and intrudes heavily on natural environment.

Magnetohydrodynamics—A new technique 50-percent more efficient than coal-burning plants but still in the research stage and unlikely to meet the power needs for the 1970s.

Solar power—Collecting sunlight and converting it into electricity is not practical in DuBridge's opinion.

A Conservation Foundation report on electric power and the environment stressed comprehensive planning as the only road to a possible solution.

"The concept is one of planning—in the open and far in advance—based on demand for power, fuel supply, economic and engineering factors, as well as full consideration of all environmental and ecological factors—air and water pollution, solid waste disposal, recreation and scenic values, water supply, land use, protection of historic sites. All power systems would be involved and coordinated," the report said.

Even with adequate planning, stricter pollution control, innovations in power production with the industry and tighter Federal controls, there is still the question: Can Americans have all the electricity they want and still maintain a decent environment?

One FPC commissioner, Carl E. Bagge, is doubtful.

"We may have to face up to rationing as a matter of national policy," he said.

THE CAMBODIAN SITUATION

Mr. TOWER. Mr. President, the word has gone out, if President Nixon's much villified Cambodian policy achieves a military success in reality, it is not to be so recognized by his critics in the Senate, in the press, and in the streets. To accept his bold action as a successful fait accompli—if it is that at such time as American troops are withdrawn from Cambodia—would spell disaster for his critics. No one likes to have to admit he has been wrong. It takes a courage which some have, but it is obvious from early pronouncements of President Nixon's defense policy critics that that courage will not be evident.

In face of reports of United States and ARVN victories in Cambodia, the seizure of huge caches of North Vietnamese arms, food stuffs, and ammunition, there is notable and thundering silence on the part of those who only 2 weeks ago were predicting every calamity from ignominious defeat to the end of Western civilization because of our presence in Cambodia. With no less scant attention on their part come reports of remarkably low casualty figures for American troops and overwhelmingly high killed-in-action figures for the enemy. Perhaps these indications of military success have not reached them, since all too often, as the cartoonist Al Capp has stated, these stories are "buried among the 'jumbo shrimp' and 'ground chuck' ads" in some of the more influential newspapers.

As one example of the now evident tendency to get ready to rewrite history even before it happens, I refer my colleagues to a syndicated column which appeared on the editorial page of the Washington Post on Tuesday, May 26, in which the authors flatly stated that any military victory in Cambodia will be a victory "because the Pentagon will say so." I suppose this would be less reliable than defeats because sections of the press interpret them as such.

Mr. President, shocking as it may be to some, we do live in an objective reality in which events do take place independent of their interpretation. Each of us has the choice to acknowledge the facts or to obfuscate. Now there may be some who in the long run do not think that a military victory in Cambodia is important. That is certainly fine if they choose to place such values on events. But they have at least the courage to admit that military victories did take place.

The signs are all too strong, even at this early stage. The strident criticisms of the President's very limited policy of invading Vietcong and North Vietnamese sanctuaries on the Cambodian border have somewhat diminished and are vying with a more thoughtful attitude. A time of waiting to see the success or failure of U.S. action in Indochina.

It would be regrettable if those who are now patiently waiting for the outcome of the Cambodian action before forming an opinion, or those critics of the administration's Cambodian and Vietnam policies honest enough to revise their conclusions when events and facts call upon them to do so, were to be denied the evidence they seek if that evidence is favorable to American troops, Cambodian safety and South Vietnamese political liberty.

Mr. President, I pray that all of us may possess the integrity, the mental strength, and the commitment to reality sufficient to allow us to admit the success or failure of our military operations in Indochina when the facts are finally in.

ADDITIONAL STATEMENTS OF SENATORS

IT'S OUR COUNTRY, TOO—A PROFESSOR SPEAKS TO THE "OVER 30'S"

Mr. SAXBE. Mr. President, recently a friend sent me an excellent article entitled "A Professor Speaks to the 'Over 30's,' It's Our Country, Too," written by Dr. K. Ross Toole. I am not acquainted with the author, but his article is worthy of the attention of all Senators. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PROFESSOR SPEAKS TO THE OVER-30'S: IT'S OUR COUNTRY TOO—IT'S TIME TO RECLAIM IT

(NOTE.—Prof. Toole, who has been laid up with a heart problem, wrote the accompanying essay as a letter to his brother John, a Missoula, Montana, businessman. John sent copies to friends with children. One of the copies got into the hands of the editor of the Billings Gazette, who printed it.

(That was a month ago. Since then, Prof. Toole has given permission so that it has been reprinted by papers in Denver, Chicago, San Francisco and a lot of other places. Letters have poured in to Prof. Toole—and says his wife, "he's having a lot of fun reading them in his sick room. He's begun to analyze them, too.")

(By Dr. K. Ross Toole)

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of anyplace except exurbia. I was nurtured in depression; I lost four years to war; I am invested with sweat; I have had one coronary; I am a "liberal," square and I am a professor. I am sick of the "younger generation," hippies, yippies, militants and nonsense.

I am a professor of history at the University of Montana, and I am supposed to have "liaison" with the young. Worse still, I am father of seven children. They range in age from 7 to 23—and I am fed up with nonsense.

I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats.

I am terribly disturbed that I may be incubating more of the same. Our household is permissive, our approach to discipline is an apology and a retreat from standards—usually accompanied by a gift in cash or kind.

It's time to call a halt: time to live in an adult world where we belong and time to put these people in their places. We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point, and respect when they deserve it.

We do not owe them our souls, our privacy, our whole lives, and above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth; it has tackled head-on a racial problem which no nation on earth in the history of mankind had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.

It has begun these things, not finished them. It has declared itself and committed itself, and taxed itself, and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation—or his father's or his. Its greatest mistake is not Vietnam; it is the abdication of its first responsibility, its pusillanimous capitulation to its youth, and its sick preoccupation with the problems, the mind, the pschye, the raison d'etre of the young.

Since when have children ruled this country? By virtue of what right by what accomplishment should thousands of teenager's, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

The psychologists, the educators and preachers say the young are rebelling against our archaic mores and morals, our materialistic approaches to life, our failures in diplomacy, our terrible ineptitude in racial matters our narrowness as parents, our blindness to the root ills of society. Balderdash!

Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years: he is the product of 3000 years of the development of mankind—and throughout those years, injustice has existed and been fought: rules have grown outmoded and been changed: doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered

THE HEART OF THE PIE

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that that minority threatens to tyrannize the majority and take over.

I dislike that minority; I am aghast that the majority "takes" it and allows itself to be used. And I address myself to both the minority and the majority. I speak partly as a historian, partly as a father and partly as one fed up, middleaged and angry member of the so-called "establishment"—which, by the way, is nothing but a euphemism for "society."

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society, it is the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen, they will only shout down. They will not discuss but, like four year olds, they throw rocks and shout.

Arrogance is abnoxious; it is also destructive. Society has drastically ostracized arrogance without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks, urinating on our beliefs and defiling our premises?

It is not the police we need, (our generation and theirs) it is an expression of our disgust and disdain. Yet we do more than permit it, we dignify it with introspective flagellation. Somehow it is our fault. Balderdash again!

Sensitivity is not the property of the young, nor was it invented in 1950. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the minds loose along unexplored corridors. Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

Today's young people did not invent it; they do not own it. And what they seek to attain, all mankind has sought to attain throughout the ages. Shall we, therefore, approve the presumed attainment of it through heroin, speed, LSD and other drugs?

And shall we, permissively, let them poison themselves simply because, as in most other respects, we feel vaguely guilty because we brought them into the world? Again, it is not police raids and tougher laws that we need; it is merely strength. The strength to explain, in our potty, middleaged way, that what they seek, we sought; that it is somewhere but not here and sure as hell not in drugs; that, in the meanwhile, they will cease and desist the poison game. And this we must explain early and hard—and then police it ourselves.

Society, "The Establishment," is not a foreign thing we seek to impose on the young. We know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have only been minimally successful is the story of all generations—as it will be the story of the generation coming up. Yet we have worked a number of wonders. We have changed it.

We are deeply concerned about our failures; we have not solved the racial problem but we have faced it; we are terribly worried about the degradation of our environment, about injustices, inequities, the military-industrial complex and bureaucracy. But we have attacked these things. We have, all our lives, taken arms against our sea of troubles—and fought effectively.

WIN-OR-BURN MENTALITY

But we also have fought with a rational knowledge of the strength of our adversary; and, above all, knowing that the war is one of attrition in which the "unconditional surrender" of the forces of evil is not about to occur. We win, if we win at all, slowly and painfully. That is the kind of war society has always fought, because man is what he is.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance, and instant gratification. That is not idealism; it is childish tyranny.

XUM

The worst of it is that we (professors and faculties in particular) in a paroxysm of self-abnegation and apology, go along, abdicate, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

As a professor I meet the activists and revolutionaries every day. They are inexcusably ignorant. If you want to make a revolution, do you not study the ways to do it? Of course not! Che Guevarra becomes their hero. He failed; he died in the jungles of Bolivia with an army of six. His every move was a miscalculation and a mistake. Mao Tse Tung and Ho Chi Minh led revolutions based on a peasantry and an overwhelmingly ancient rural economy. They are the pattern-makers for the SDS and the student militants.

I have yet to talk to an "activist" who has read Crane Brinton's, "The Anatomy of Revolution," or who is familiar with the works of Jefferson, Washington, Paine, Adams or even Marx or Engles. And I have yet to talk to a student militant who has read about racism elsewhere and-or who understands, even primitively, the long and wonderous struggle of the NAACP and the genius of Martin Luther King—whose name they invariably take in vain.

An old and scarred member of the wars of organized labor in the U.S. in the 1930s recently remarked to me, "these 'radicals' couldn't organize well enough to produce a sensible platform let alone revolt their way out of a paper bag." But they can, because we let them destroy our universities, make our parks untenable, make a shambles of our streets, and insult our flag.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are antideluvian, not because we are middle-class materialists—but simply because we have failed to keep that generation in its place and we have failed to put them back there when they got out of it. We have the power; we do not have the will. We have the right, we have not exercised it.

To the extent that we now realy on the police, mace, the National Guard, tear gas, steel fences and a wringing of hands, we will fail.

What we need is a reappraisal of our own middle-class selves, our worth and our hard-won progress. We need to use disdain, not mace, we need to reassess a weapon we came by the hard way, by travail and labor, firm authority as parents, teachers, businessmen, workers and politicians.

The vast majority of our children from 1 to 20 are fine kids. We need to back this majority with authority and with the firm conviction that we owe it to them and to ourselves. Enough of apology, enough of analysis, enough of our abdication of responsibility, enough of the denial of our own maturity and good sense.

The best place to start is at home. But, the most practical and most effective place right now, is our campuses. This does not mean a flood of angry edicts, a sudden clamp down, a "new" policy. It simply means that faculties should stop playing chicken, that demonstrators should be met not with police but with expulsions. The power to expell (strangely unused) has been the legitimate recourse of universities since 1209.

WE MUST HAVE RULES

More importantly it means that at freshman orientation, whatever form it takes, the administration should set forth the ground rules—not belligerently but forthrightly.

A university is the microcosm of society itself. It cannot function without rules for conduct. It cannot as society cannot, legislate morals. It is dealing with young men and women, 18 to 22.

But it can, and must, promulgate rules. It cannot function without order—and, therefore, who disrupts order must leave. It cannot permit students to determine when, what and where they shall be taught; it cannot permit the occupation of its premises, in violation both of the law and its regulations, by "militants."

There is room within the university complex for basic student participation but there is no room for slobs, disruption and violence. The first obligation of the administration is to lay down the rules early, clearly and positively, and to attach to this statement the penalty for violation. It is profoundly simple—and the failure to state it—in advance—is the salient failure of university administrators in this age.

Expulsion is a dreaded verdict. The administration merely needs to make it clear, quite dispassionately, that expulsion is the inevitable consequences of violation of the rules. Among the rules, even though it seems gratuitous, should be these:

1. Violence, armed or otherwise, the forceful occupation of buildings, the intimidation by covert or overt act of any student or faculty member or administrative personnel, the occupation of any university property, field, park, building, lot or other place, shall be cause for expulsion.

MAJOR BLAME: FACULTIES

2. The disruption of any class, directly or indirectly, by voice of presence or the destruction of any university property, shall be cause for expulsion.

This is neither new nor revolutionary. It is merely the reassertion of an old, accepted and necessary right of the administration of any such institution. And the faculty should be informed, firmly, of this reassertion, before trouble starts. This does not constitute provocatism. It is one of the oldest rights and necessities of the university community. The failure of university administrators to use it is one of the mysteries of our permissive age—and the blame must fall largely on faculties because they have consistently pressured administrators not to act.

Suppose the students refuse to recognize expulsions, suppose they march, riot, strike. The police? No. The matter, by prearrangement, publicly stated, should then pass to the courts.

If buildings are occupied, the court enjoins the participating students. It has the awful power to declare them in contempt. If violence ensues, it is violation of the court's order. Courts are not subject to fears, not part of the action.

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those who seek to employ Freudian analysis, too positive for "academic senates" who long for philosophical debate and too prosaic for those who seek orgastic self condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed-up with nonsense. We need (those of us over 30)—tax ridden, harried, confused, weary and beat-up—to reassert our hard won prerogatives. It is our country, too. We have fought for it, bled for it, dreamed for it, and we live it. It is time to reclaim it.

STATEMENT BY SENATOR MANSFIELD AT DEMOCRATIC CONGRESSIONAL CAMPAIGN DINNER

Mr. MUSKIE. Mr. President, last evening at the Washington Hilton Hotel a most successful Democratic congressional campaign dinner was held. The mood of the country and the urgency of the times were eloquently captured in the address by the distinguished Senate majority leader (Mr. MANSFIELD).

It sets out the need for leadership in the Nation and an end to the divisiveness that is found throughout the land.

I ask unanimous consent that the statement of the distinguished majority leader be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MIKE MANSFIELD

We meet in an hour of deep national distress.

It is a time, not of war-diminished but, again, of war-expanded.

We meet at a time when the nation's economy is gripped in the dead hand of war, when Americans are caught in the cross-currents of inflation and recession. Jobs disappear. Profits shrink. Pensions can be stretched no further. Not prices, but production falls. Public problems—pollution, crime, transportation, education, drug addiction, health and a hundred others—cry out for attention. The cry is lost in the costly cacophony of war.

It is a time when dissension divides the land, when young are separated from old, when black is riven from white, when soldier is shunted from civilian. Yet there are those whose response to this national shame is still the rhetoric of denunciation and inflammatory division.

Let me say to those who compartmentalize the nation as they generalize their private hostility: Democrats will not join in dividing America. The Democratic Party will not turn away from any segment of Americans because they are too young or too old, because they wear a uniform or do not, because they are of one color or another, because they are of the north, south, east or west, of city or suburb. The door is open in this party. The door is open to students and teachers, to labor and to farmers, to service-men, to the professions and to business. It is open to all who would stop the spread of this war. It is open to all who see that this war abroad must end so that the nation may get with its urgent business at home.

The door is open in this party to Republicans and to independents, to those who have been with us in the past and to those who have not. We invite them, wherever they are, in office or out, whether of a silent majority or a silent minority, the articulate and the inarticulate, to join us. We ask them to join us with their energy, their support and their votes. In this year of national crisis, there is no partisanship. There is only national obligation.

We must work together to strengthen the legislative branch of the government. The great issues of war and peace have slipped too far out of the hands of the representatives who are closest to the people of the nation. The responsibilities of the Congress must be reasserted.

It is the Congress this year and the next and the next which is called on to provide the critical balance-wheel in the federal system. It is the Congress which must act to restore good sense to foreign policy and stability to the economy. It is the Congress which must heed the many voices of the nation, reconcile them, and then move to reorder the priorities of public commitment.

With this Republican Administration, the balance-wheel is a Democratic Congress. That there is little of the joy of a political gathering, tonight, does not stem from our political fortunes. It is due to the nation's misfortunes. It matters little what happens to us as Democrats. It matters greatly what happens to those Americans in Indochina whose lives are on the line. It matters greatly what happens on the streets of America, on the campuses, on the farms, and in the factories of America.

XUM

The purpose of Democrats in this critical year cannot be merely to retain control of the Congress. Our purpose must be to strengthen that control and consecrate this party to a new dimension of national leadership.

ANALYSIS OF CAMPUS CRISES

Mrs. SMITH of Maine. Mr. President, a truly perceptive analysis of the campus crises and constructive proposal for the handling of campus activists has been made by one of the greatest women in the history of our country—Clare Boothe Luce, distinguished statesman, journalist, diplomat, and politician.

That analysis was published in the May 16, 1970 issue of the Honolulu Star-Bulletin. I feel certain that Senators will find her observations extremely interesting and give them much food for thought. I ask unanimous consent that her article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HANDLING CAMPUS ACTIVISTS

(NOTE.—The Star-Bulletin welcomes all points of view in its Letters column. For occasional expressions of greater length, it offers "A Particular Point of View" where, as with Letters, the views are those of the writers and do not necessarily reflect the policies of the Star-Bulletin.

(Clare Boothe Luce, widow of the founder of Time magazine, and now a resident of Honolulu, is an author, former U.S. ambassador to Italy and former member of Congress.)

(By Clare Boothe Luce)

The toll of the disorders that have swept hundreds of campuses in the past fortnight has now been taken. Countless classroom hours lost. Millions of dollars worth of property destroyed. Innumerable young men and women entered on police blotters, awaiting fines, or sentences for criminal acts, ranging from felony to arson, assault and battery to suspected murder. And more than a dozen young people seriously wounded or slain.

In the merciful lull that has followed these dreadful happenings, there may be time to ask what effect they have had on the country; who is to be blamed for them; and who held responsible for seeing that they are not repeated.

One unhappy effect—or so it seems to me—is their effect, both immediate and long-term, on American foreign policy. This, however, is a question which (with the Editor's permission), will be discussed in another letter. For Hawaii is the very State that will inescapably bear the heaviest brunt of any wrong decisions made in our Asian policy—just as it did when miscalculations in Washington in 1940–41 led to Pearl Harbor.

But now, I venture to suggest, that these widespread disorders have had one good effect. They have made America realize that if academic order is not soon restored, the whole educational process is bound to disintegrate. The universities will either have to close down, or yield over to their politically-oriented faculty members and the "activists," with the consequence that they will turn into breeding grounds for young revolutionaries.

History shows that the latter has happened often before, in Latin America and in Europe. Student riots in the University of Havana were the first omens of the Communist revolution in Cuba. In the name of academic freedom and freedom of speech, activists paved the way for Fidel Castro. In the '30s, the campus jungen in Germany, and the Giovanezzi, in Italy, performed similar services for Hitler and Mussolini.

History also tells us that these student movements always begin in a low key, but gather momentum rapidly, as their leaders become campus heroes.

SOFT APPROACH

In America, campus demonstrations, of a magnitude to make newspaper headlines, began only three or four years ago. In the beginning, student demands were largely in the field of "campus reform," that is, reform of campus regulations, student-faculty relations, and other academic questions directly bearing on campus life. At that time, most liberal educators felt that many of these reforms were overdue and that the demands were justified. They were not unaware that New Left activists were using the campus reform movement to seize campus leadership. But they felt that once the reforms were enacted, the campus would "calm down" and that the New Left activists would then have little left to agitate.

Consequently, they took what President Harlan Cleveland called the "soft approach" during his own recent confrontations with student activists, who had illegally seized ROTC buildings. (The classic name for the "soft approach" among Cleveland's erstwhile diplomatic colleagues, is appeasement.)

And, predictably, appeasement just didn't work. Presidents Kirk of Columbia, Kerr of Berkeley, Perkins of Cornell, to name only three distinguished—and experienced—educators among the many who have patiently tried the "soft approach," found it the way, not to campus peace, but to their own involuntary retirement. For the very concessions they made proved to be the meat on which those campus mini-Caesars, the activists, fed. "Reasonable demands" soon became "non-negotiable demands," made on the pain of violent demonstration, for the destruction of ROTC on campus, the extirpation of government university grants for any research that might benefit the military, etc. But when these demands, too, were met, the student movement then entered the "community reform" stage.

Activists demanded that the university authorities—trustees, presidents and faculty—make the university itself the proximate tool for the social reform of neighboring institutions—the banks, the courts, etc. When these demands were refused (they were impossible, of course, to fulfill), demonstrations increased in size and in violence.

Somewhere along the line, unable to control the violence, and unwilling to take responsibility for the failure to do so, Kirk, Kerr, and Perkins resigned, as did many other presidents faced with similar disorders. Their successors fared no better.

In the end, student demands, constantly escalating and broadening out, encompassed the demand for the total and instant reform of society itself. The "student movement," organized and led by the campus activists, and in many cases, guided by like-minded faculty members, had become a full-blown revolutionary movement. (The Fuehrer of this movement on the U.H. campus is, of course, Dr. Oliver Lee, whose tenure, granted in the name of "academic freedom," brought about the resignation of Dr. Thomas Hamilton. Reading the reports of President Cleveland's five hours of grilling by Dr. Lee in the witness box, leads one to suspect that Dr. Lee is ordained to be the political "banana peel" on which President Cleveland also may slip into involuntary retirement.)

DEBATE DESIRABLE

Here the writer wishes to make it clear that in a free society all questions or "causes"—academic or political—which interest students are properly debatable questions. Civil rights, ecology, fair trials for the Chicago Seven, the academic merits of ROTC training, Vietnam, disarmament, housing (to name only a few that were "hot" on campus before Cambodia) should be debated by students. It is not only reasonable, it is desirable that they should be. It is also desirable that students should listen to speakers and lecturers and faculty members who present different sides of these questions.

But reasoned debate is not the method by which the new left activists choose to resolve questions. On campus after campus over the past years, their tactics have revealed that their way is violence—verbal and physical. When President Kerr, after his resignation, returned to the campus to lecture, a pie was thrown in his face. Educators who have sought to control violent demonstrations have had human offal left in their office. Today there is a long, long list of distinguished lecturers whose campus appearances have been cut short by hissing and booing, throwing of bottles, stamping of feet, and in some cases, physical violence. All of which has made a mockery of Academic Freedom and the First Amendment in our universities.

The conscious tactics of the activists are to make every "confrontation" a spectacle in violence. Their favored confrontations are with the symbols of the Authorities of law and order of the State—the Police or National Guard . . . more chance to violence. In passing, it is now plain that they consider confrontations with on-campus authorities as "kid-stuff". During their recent confrontation with President Cleveland about their seizure of the ROTC buildings, a reporter asked one of the activists why they were so inattentive, and bored by listening to him. He replied wearily, "A confrontation with the president—man, that's no big deal!"

Are all the enrolled New Left student activists card-carrying Communists? Probably very few. Some are simply witless kids, not quite up to making the football team, who would rather have a piece of the action—whatever the action is—than study. (The school bully is an ancient prototype.) Some are the slightly paranoid, exhibitionist, spoiled-brat sons of overly-permissive parents. (This is the view of psychiatrist Dr. Bruno Bettleheim.) Others, as they themselves freely admit, are not quite bright, home-grown nihilists, or anarchists, who believe, more or less sincerely, that nothing new can be built until all our old values and traditions are rooted up, and all our institutions destroyed and razed.

ORGANIZED AGITATORS

Here one should mention a situation that deserves far more attention than it is getting—many of the activists who appear during campus demonstrations are not enrolled students. They are organized agitators, who have been sent into crowds of students to egg them on to violence, and these may well be Communists. During demonstrations they operate like Mao's guerillas, "swimming like fish," among the aroused students.

But whether or not any, or all, of the on-campus or off-campus New Left activists are Communists, what is now clear is that they are doing communism's work. Who will dispute that the campus demonstrations of the past few weeks have been a disaster for the U.S. image abroad, and a tremendous victory for Moscow, Peking and Hanoi?

Public opinion will, of course, assign some of the blame to the aforementioned permissiveness of parents. Some will fall on the heads of the editors and commentators, who have helped to make heroes of the New Activists, first, by attributing to them an "idealism" and love of peace that their own actions belie; second, by giving them excessive news coverage, and neglecting those students, the majority, who disapprove of them.

(For example, the Honolulu papers gave the U.H. students who seized the ROTC buildings the full-blown front page treatment. But Miss Vicki Webster, the gallant miss who defied and repulsed them, when they tried to take over the Women's Auxiliary ROTC building, did not rate a picture anywhere in the paper! Similarly, no names and no pictures were printed on the members of the Student Council members who subsequently voted to keep ROTC on campus.)

ASSIGNING BLAME

The press itself may be counted on, in assessing blame, to blame such vague concepts as "the generation gap," the "spirit of the times," or "the mood of the country". Partisan editors will, of course, seek to blame the violence of the recent demonstrations on President Nixon's Cambodian decision, ignoring the fact that the phenomenon of campus violence was evident long before he entered the White House.

But the reasonable rule in assigning blame is that blame falls where responsibility lies. This rule was observed by President Kennedy, when he took full responsibility for the Bay of Pigs and, again, by President Nixon, when he took full responsibility for the Cambodian decision. It was also humorously noted by President Truman, who kept a sign on his White House desk that read, "The buck stops here."

The person who must assume full responsibility for what happens on a campus is the man who has been given the authority over the campus—the university's president. University presidents who repeatedly try to shirk or evade their prime responsibility for maintaining order, and preserving the climate of academic freedom, should be promptly cashiered by the boards of regents, or the trustees. (That is their responsibility.)

Perhaps some such rule as three violent demonstrations, and the president is out, would be useful. Presidents who sincerely feel that the task assigned to them, by virtue of their office, is too onerous, complex, or dangerous, can always take the honorable course, followed by Thomas Hamilton, Kirk, Kerr and others—and resign.

The individual student or faculty member, of course, is to be blamed, and punished, for his own individual acts, wherever these acts are illegal, or violent. And the individual faculty member must also be held accountable for his own illegal acts. (Reason is overthrown by the spectacle of Dr. Oliver Lee, an open enthusiast for Mao Tse-tung's Communist dictatorship, taking liberal President Cleveland to task in court for a suspected lack of devotion to the First Amendment!)

THE CONSEQUENCES

Henceforth, college authorities must make it plain that any faculty member who counsels a student to perform an illegal act, or who participates in that act, will be fired. They must also make it plain to the student body that any student who engages in any illegal act, or act of violence, or who presents a "non-negotiable demand" will henceforth be presented with a non-negotiable expulsion. And, if expulsion shall then be followed by violent student demonstrations, that he will immediately close down the university, until reason reasserts itself.

Presidents who follow this course will (one hopes) have the wholehearted support of the community and of the overwhelming majority of parents. For it is impossible to believe that parents will be willing much longer to pay out three to four thousand hard-earned dollars a year to have the idealism and youthful impatience of their sons and daughters exploited by anarchists, nihilists, and Communists, especially when this exploitation can lead their children into the police courts—and may lead them to their death.

HEALTH BUDGET CRISIS REGIONAL MEDICAL PROGRAM

Mr. KENNEDY. Mr. President, the regional medical programs of the Department of Health, Education, and Welfare are in trouble. Congress created these programs in 1965 in an effort to promote the application of new knowledge gained from biomedical research in the important areas of heart disease, cancer, stroke, and related diseases. It is unfortunate that this program, now beginning to move strongly, seems to suffer from a lack of vigorous support by the current administration.

I believe it is fair to state that there has been a greater involvement of people on a voluntary basis in the regional medical programs than in any other health program of recent vintage. The program thus far has enjoyed usually strong support from the health-related professions, the voluntary associations, the leadership of health facilities, and health-oriented members of the public.

For a program of this magnitude, with its unique objectives, relatively little adverse reaction has been generated. As everyone knows, one of the most difficult problems that have faced national health programs has been the lack of involvement of private medical doctors. The doctors have often been unwilling to join Federal medical programs because of their concern that such programs would tend to destroy the private practice of medicine. But the regional medical programs has involved these doctors to a degree matched by few other Federal programs. Now that we have reached the point at which the volunteers' contributions are maturing into programs, the funds required to operate these programs are not available.

Last year I placed in the Record letters from 40 coordinators of regional medical programs reporting upon the impact that the current funding level would have upon their programs, especially upon the morale of the volunteers who worked so hard to get these programs underway. When I read these letters, I found in them great discouragement about last year's budget, but some hope for the programs if more funds were to become available in the next fiscal year. The budget for fiscal year 1971 is now being considered. But, the administration now proposes to do too little. The appropriation for RMP grants for fiscal year 1970 was $75 million. This coming year, fiscal year 1971, an appropriation of $81 million is proposed—an increase overall of about $6 million or about 8 percent. The cost-of-living increase will take at least 6 percent of that increase which means that we will do only about 1 or 2 percent better than last year.

The regional programs which are working now are badly underfunded. Many of them have been approved but have not been given operational funds. The administrators of the program will face a difficult decision this year. Shall they increase the number of regional programs which are partially funded, thus encouraging some volunteers in these programs that at least part of their needs will be met? Or, on the other hand, shall they give the amounts required for fuller operations to only some of the programs, allowing the others to languish and perhaps fade out of existence, even though satisfactory planning has gone on for several years? Mr. President, I do not believe it is wise or necessary to force such a decision to be made. It is my hope that sufficient funds can be appropriated this year to fund these important programs at the level they deserve.

TREATMENT OF PRISONERS OF WAR

Mr. DOLE. Mr. President, the Washington Post of May 15 published a commentary, entitled "Bunker for a POW?" written by Nicholas von Hoffman. In his commentary, Mr. von Hoffman questions the bases of concern for our servicemen who are prisoners of war in North Vietnam prisons and in Vietcong jungle camps. In his fervent efforts to denounce the war, Mr. von Hoffman misses the point regarding the prisoner of war situation. Whether the war is right or wrong is not the point here. If there is any issue in our Nation today that transcends all differences, it is that of the treatment accorded captured U.S. servicemen. This country has always strictly adhered to the provisions of the Geneva Convention in regard to treatment of prisoners of war, and Americans of all political and philosophical convictions have expressed their outrage over the inhumane actions of the Vietcong and North Vietnamese. Although North Vietnam became a signatory to the Geneva Convention in 1957, they have persisted in refusing to abide by the principles laid down at Geneva.

Mrs. Barbara P. Ondrasik, a member of the League of Families of American Prisoners in Southeast Asia, submitted a letter to the editor of the Washington Post in reply to Von Hoffman. This letter appeared in the May 19 issue of the Post. Mrs. Ondrasik's candid reply is expressive of the actual facts regarding the prisoner of war situation, and warrants the attention of my colleagues. I ask unanimous consent that Mrs. Ondrasik's letter and the Post's introductory statement to her letter be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, May 19, 1970]

POW Wives Reply to von Hoffman

Nicholas von Hoffman with his vitriolic venom splattered the prisoner-of-war issue all over the pages of this newspaper last week. The League of Families of American Prisoners in Southeast Asia was stunned. They had long been seeking Washington Post publicity, hoping to arouse public opinion to the plight of their men. But not this way.

"How cruel!" one wife cried. "How could he use this issue to get across his personal point of view on the war? It's not fair."

Mr. von Hoffman's treatment of this issue was not fair. What's worse, it was not even accurate.

The league does not consider the prisoner-of-war issue political. It is a humanitarian issue that transcends whatever an individual feels personally about the war. The league is a loose-knit organization of all kinds of different people from different parts of the country with but one agonizing common bond—a relative missing in action or held prisoner in Southeast Asia. The League members themselves do not agree on the war. But there can be no disagreement on the POW issue.

Contrary to Mr. von Hoffman's insinuation that our government says North Vietnam has "kidnapped thousands of our servicemen" and holds them as "hostages" we have made no such accusations. We do not even ask for the release of these men, although we continue to pray it will be possible soon. All the League asks is: 1) a complete list of those held prisoner; 2) adequate food and medical care for prisoners; 3) release of the sick and wounded; 4) impartial inspection of prison camps; and 5) free exchange of mail between the prisoners and their families.

Nobody has ever said that "there are thousands upon thousands of our men incarcerated in North Vietnamese camps." The facts are public knowledge. There are 1,500 men missing in action in Southeast Asia—about 800 in the North, 500 in the South, and about 200 in Laos. The 800 downed in North Vietnam are all fliers, none of them draftees as von Hoffman implied.

About 400 of the 1,500 are known to be prisoners, but these names were *not* provided by the Committee of Liaison With Families of Servicemen Detained in North Vietnam, as von Hoffman states. This simply is not true.

The Committee of Liaison was formed at the request of the government in Hanoi, and its members are among the most militant of the peace groups. Although 75 percent more mail has been sent from prison camps in the past year than in all the previous five years, only 16 new names have come out since last Thanksgiving. The Liaison Committee has said that every prisoner may write. But fewer than 200 have been heard from. The North Vietnamese say some men do not wish to write their families. It is impossible to believe that any American man imprisoned for years would deny his family the opportunity of knowing he is alive.

Mr. von Hoffman's comments about mail were misleading. POW next-of-kin have always been permitted to write letters. A six-line letter restricted to remarks about health and family members is permitted each month, although wives and parents have no way of knowing if they are received. Many have written letters for years but have never received a reply.

Packages for prisoners, however, were not accepted until Christmas of 1968. The following July, families were permitted to send a second package. It wasn't until February 1970 that families were told they could send a package every other month.

There have been American men imprisoned in Southeast Asia since March of 1964. Can you imagine the despair of a young mother who for six years has not been able to get a simple answer to her heartbreaking question: "Am I a wife or a widow?"

Perhaps Mr. von Hoffman should meet some of these families. It would give him much needed insight into a problem that cries out for editorial comment, demanding humane treatment for all prisoners-of-war, in accordance with the Geneva convention.

Let Mr. von Hoffman talk with these young wives who are living in a hellish limbo where they cannot buy or sell property; cannot borrow money for a son's college education. Let him talk to the children—the four-year-old boy who has never seen his father; or the seven-year-old girl who can't remember hers.

He should talk to one of the prisoners—one of nine released from North Vietnam in six years. Let him hear about the solitary confinement—of sitting on a bare board bunk with nothing to read, nothing to do, for hours, days, months on end. Let him hear about losing 50 pounds on the twice-a-day diet of pig fat and pumpkin soup; of never being allowed to communicate with another human being, much less his family or the outside world.

And he really should talk to H. Ross Perot, the Texas billionaire he accused of publicity seeking. Here is a man who did meet the families, was appalled by their problem, and tried to do something about it. Because he has money, he has accomplished more than the rest of us, but his motives are mistrusted. Mr. Perot has given the prisoners' families reason to hope. Von Hoffman's acid-dipped pen tried to tear that slim hope down.

The League of Families is not asking for any special privileges. All they ask is that the minimum standards of human decency be extended to those who are imprisoned, at the mercy of their captors. All they ask for themselves is the barest solace of knowing whether their husband, father, son, brothers, is alive or dead.

Why do the North Vietnamese refuse even this small concession to human decency? Even the peace groups are embarrassed by North Vietnam's continuing refusal to release the names of the prisoners they hold. No one knows why they persist in inflicting this unnecessary anguish on innocent families.

Why should wives have to travel around the world seeking the answer to that question that haunts them day and night: "Am I a wife or a widow?" Wives have appeared before the North Vietnamese delegation to the Paris peace talks, who looked them right in the eye and promised they would hear. They have not heard.

Why should wives have to deal through a Liaison Committee established by the enemy? Most of them are so desperate they would accept information from any source, but why should they be reduced to this? In no other armed conflict in history have the wives and families of military men been exploited in this cruel manner.

For years these families suffered silently. The world knew nothing of their plight. By their silence, they hoped to protect their men from harsh treatment, torture, perhaps even death at the hands of their captors. But after five years, they wearied of the lack of progress on the prisoner-of-war question. They worried about the state of their loved ones—mentally and physically. They began to speak out.

Families and friends of the 1,500 men missing in action in Southeast Asia have written thousands of letters—to newspapers, congressmen and senators, to the presidents of the United States and North Vietnam, to the United Nations and the Red Cross, to foreign governments, to everybody they could think of who might add a voice to theirs in their search for information and their demands for humane treatment for prisoners.

They have spent a year of dedicated—and courageous—effort to make this issue known to the public and to urge support for their simple humanitarian aims. Articles like von Hoffman's completely undermine their efforts. It is articles like von Hoffman's that the North Vietnamese take delight in reading to their prisoners.

Only world opinion will persuade Hanoi to change its policy on prisoners. It is known that the North Vietnamese cannot believe that the American public really care about "just 1,500 men." The words von Hoffman used are the words Hanoi uses—"just 1,500 men." To the League of Families these are not "just 1,500 men." The plight of these men is a personal daily hell that each family member endures as best he or she can.

The only thing the families would like to ask Mr. von Hoffman is: "What would you be writing if it were your son, your brother, who was among the missing? What would you do after years of not knowing if he were alive or dead? Just what would you do?"

BARBARA P. ONDRASIK,

F.Y.I.

We have given over a good deal of space on this page today to a letter on behalf of the relatives of the estimated 1,500 American prisoners-of-war now being held by the North Vietnamese. Not the least of our reasons for doing so is that we agree with much of what the letter-writer has to say about a column by Mr. Nicholas von Hoffman which appeared in The Washington Post last week. Specifically, we share the view of the League of Families of American Prisoners in Southeast Asia that the POW issue is not "political." We could hardly agree more with the view of the league that this is "a humanitarian issue that transcends whatever an individual feels personally about the war." We support in their totality the wholly reasonable, not to say modest, objectives of the League which begin with nothing more than a list of those being held.

That being the case, you may well ask why The Washington Post printed the column in the first place. In fact, some of you have asked in the past few days, and we would like to offer an answer, *For Your Information*, because this is one of those questions that have to do directly with what our business is all about. The answer begins with a general principle that newspapers print a lot of things with which they don't always agree—columns, cartoons, commentary, critique, even comic strips. For that matter, we also report things we don't like to read or don't agree with; there are many unpleasant things going on in the world that people need to know about and many discordant voices which nonetheless have to be heard. And so we try to keep our own opinions in these columns, report the news as it is, and label analyses and commentary as just that.

Mr. von Hoffman's "commentary," we suspect, is an authentic reflection of something which is of large consequence in our lives, a force that matters in today's society and today's politics. If this doesn't exactly suit everybody's taste or ideology or philosophy, that's understandable. But the fact remains that we need to comprehend the new, young, far-out, with-it world; we may not like the language it uses; or understand the way it dresses or its predilection for drugs; or feel its despair or admire its destructiveness. We may not *think* the same way, which is fair enough. It is not, however, a very good argument for shutting yourself off from what has to be, like it or not, a critical fact of contemporary life—or for shutting off Mr. von Hoffman, either, even though we know he is going to be operating out on the edge of outrage, and even though we know that every so often he is going to go over the edge. Or that some people will think he did. In the case of last week's column about the POW's we confess that we think he did. And that is why we turned over a good deal of space today to a representative of the relatives of the POW's.

ANOTHER BREAK FOR THE CONSUMER

Mr. MOSS. Mr. President, for the past 18 months the Federal Trade Commission and the Food and Drug Administration have been formulating proposed rules regulating "cents off promotion" of food products, drugs, cosmetics, and other consumer products. These rules, which were just announced, will give the consumer considerable protection and help him get the most for his money.

The FTC has also just announced a

ruling which will keep book, gift, and record clubs from requiring members to buy products they do not want, but which they receive because they simply neglect to notify the club office that they do not want the merchandise within a given period of time.

I hail these examples of a growing concern by this administration for the welfare of the consumer—to make life easier for him. I hope many more examples will be forthcoming.

The Washington Star of May 26 contains an editorial commenting on the proposed FTC ruling on the club offerings. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UNWANTED MERCHANDISE

On a bookshelf anyplace there is a liable to be a huge, unread volume containing the biography of an obscure literary figure. The owner gets apoplectic every time it catches his eye, and would throw it away except that he paid $6 or $7 for it. He found himself buying it only because he forgot to mail a notice to a book club saying he did not want that month's offering.

There's hope for this consumer, if he ever joins a book club again. The Federal Trade Commission is considering a ban on the "negative option," the brilliant method used by some book, record and gift clubs to capitalize on the frailty of the human mind and spirit. Under the proposed FTC rule, the seller could not ship the merchandise unless the customer sent in a card asking for it.

Adoption of the proposed FTC rule would be a small but valuable gain for the consumer movement. It would put the burden of salesmanship where it belongs, rather than on the tendency of so many of us to procrastinate, to misplace paper work or to go on vacation while the mail piles up.

XUM

TIME TO STOP APOLOGIZING TO YOUTH

Mrs. SMITH of Maine. Mr. President, Dr. K. Ross Toole, professor of history at the University of Montana, has written an article that is much needed for balance in the dialog concerning the current youth revolution. His article was published in the May 9–10, 1970, issue of the St. Louis, Mo., Globe-Democrat.

It is a hard-hitting message that is very worthy of consideration and study, whether one agrees with it or not. It challenges some soul searching and self-appraisal on the part of everyone of us. I invite Senators to read it.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT'S TIME TO STOP APOLOGIZING TO YOUTH

(By Dr. K. Ross Toole)

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of any place except exurbia. I was nurtured in depression; I lost four years to war; I am invested with sweat; I have had one coronary; I am a "liberal," square, and I am a professor. I am sick of the "younger generation," hippies, Yippies, militants and nonsense.

I am a professor of history at the University of Montana, and I am supposed to have "liaison" with the young. Worse still, I am father of seven children. They range in age from 7 to 23—and I am fed up with nonsense. I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "Rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats.

I am terribly disturbed that I may be incubating more of the same. Our household is permissive, our approach to discipline is an apology and a retreat from standards—usually accompanied by a gift in cash or kind.

It's time to call a halt; time to live in an adult world where we belong and time to put these people in their places. We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point and respect when they deserve it. We do not owe them our souls, our privacy, our whole lives, and above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth; it has tackled, head-on, a racial problem which no nation on earth in the history of mankind had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.

It has begun these things, not finished them. It has declared itself, and committed itself, and taxed itself and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation—or his father's, or his. Its greatest mistake is not Vietnam; it is the abdication of its first responsibility, its pusillanimous capitulation to its youth and its sick preoccupation with the problems, the mind, the psyche, the raison d'etre of the young.

Since when have children ruled this country? By virtue of what right, by what accomplishments should thousands of teen-agers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

The psychologists, the educators and preachers say the young are rebelling against our archaic mores and morals, our materialistic approaches to life, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderdash!

Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years: he is the product of 3,000 years of the development of mankind—and throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered.

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that minority threatens to tyrannize the majority and take over. I dislike the minority; I am aghast that the majority "takes" it and allows itself to be used. And I address myself to both the minority and the majority. I speak partly as a historian, partly as a father and partly as one fed up, middle-aged and angry member of the so-called "Establishment"—which, by the way, is nothing but a euphemism for "society."

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society, it is the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen, they will only shout down. They will not discuss but, like 4-year-olds, they throw rocks and shout.

Arrogance is obnoxious; it is also destructive. Society has classically ostracized arrogance without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks, urinating on our beliefs and defiling our premises?

It is not the police we need (our generation and theirs); it is an expression of our disgust and disdain. Yet we do more than permit, we dignify it with introspective flagellation. Somehow it is our fault. Balderdash again!

Sensitivity is not the property of the young, nor was it invented in 1950. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the minds loose along unexplored corridors. Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

Society, "The Establishment," is not a foreign thing we seek to impose on the young. We know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have only been minimally successful is the story of all generations coming up. Yet we have worked a number of wonders. We have changed it.

We are deeply concerned about our failures; we have not solved the racial problem but we have faced it; we are terribly worried about the degradation of our environment, about injustices, inequities, the military-industrial complex and bureaucracy. But we have attacked these things. We have, all our lives, taken arms against our sea of troubles—and fought effectively. But we also have fought with a rational knowledge of the strength of our adversary; and, above all, knowing that the war is one of attrition in which the "unconditional surrender" of the forces of evil is not about to occur.

We win, if we win at all, slowly and painfully. That is the kind of war society has always fought—because man is what he is.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance and instant gratification. That is not idealism; it is childish tyranny.

The worst of it is that we (professors and faculties in particular) in a paroxysm of self-abnegation and apology go along, abdicate, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are middle-class materialists—but simply because we have failed to keep that generation in its place and we have failed to put them back there when they got out of it. We have the power; we do not have the will. We have the right; we have not exercised it.

To the extent that we now rely on the police, mace, the National Guard, tear gas, steel fences and a wringing of hands, we will fail.

What we need is a reappraisal of our own middleclass selves, our worth and our hard-won progress. We need to use disdain, not mace; we need to reassess a weapon we came by the hard way, by travail and labor, firm authority as parents, teachers, businessmen, workers and politicians.

The vast majority of our children from 1 to 20 are fine kids. We need to back this majority with authority and with the firm conviction that we owe it to them and to ourselves. Enough of apology, enough of analysis, enough of our abdication of responsibility, enough of the denial of our own maturity and good sense.

The best place to start is at home. But the most practical and effective place, right now, is our campuses. This does not mean a flood of angry edicts, a sudden clampdown, a "new" policy. It simply means that faculties should stop playing chicken, that demonstrators should be met not with police but with expulsions. The power to expel (strangely unused) has been the legitimate recourse of universities since 1209.

More importantly it means that at freshman orientation, whatever form it takes, the administration should set forth the ground rules—not belligerently but forthrightly.

There is room within the university complex for basic student participation but there is no room for slobs, disruption and violence. The first obligation of the administration is to lay down the rules early, clearly and positively, and to attach to this statement the penalty for violation. It is profoundly simple—and to the failure to state it—in advance—is the salient failure of university administrators in this age.

Expulsion is a dreaded verdict. The administration merely needs to make it clear, quite dispassionately, that expulsion is the inevitable consequence of violation of the rules.

Among the rules, even though it seems gratuitous, should be these:

Violence, armed or otherwise, the forceful occupation of buildings, the intimidation by covert or overt act of any student or faculty member or administrative personnel, the occupation of any university property, field, park, building, lot or other place, shall be cause for expulsion.

The disruption of any class, directly or indirectly, by voice or presence or the destruction of any university property, shall be cause for expulsion.

This is neither new nor revolutionary. It is merely the reassertion of an old, accepted and necessary right of the administration of any such institution. And the faculty should be informed, firmly, of this reassertion, before trouble starts.

Suppose the students refuse to recognize expulsions, suppose they march, riot, strike. The police? No. The matter, by prearrangement publicly stated, should then pass to the courts.

If buildings are occupied, the court enjoins the participating students. It has the lawful power to declare them in contempt. If violence ensues, it is in violation of the court's order. Courts are not subject to fears, not part of the action. And what militant will shout obscenities in court with contempt hanging over his head?

This is a country full of decent, worried people like myself. It is also a country full of people fed up with nonsense. We need (those of us over 30)—tax-ridden, harried, confused, weary and beat-up—to reassert our hard-won prerogatives. It is our country, too. We have fought for it, bled for it, dreamed for it, and we love it. It is time to reclaim it.

NIXONOMICS: A STRATEGY OF BROKEN PROMISES

Mr. METCALF. Mr. President, Mr. Larry O'Brien, chairman of the Democratic National Committee, addressed the Woman's National Democratic Club on May 21 on the subject, "Nixonomics: A Strategy of Broken Promises and Broken Pocketbooks."

Mr. OBrien's speech was placed in the CONGRESSIONAL RECORD at pages 16633–16634 by Representative WRIGHT PATMAN.

Mr. President, much was made politically of the credibility gap in the Johnson administration, but the Nixon administration has erased that comparative hairline from memory by digging a trust chasm. Saturation rhetoric has been applied to civil rights, education, health and housing needs, student dissent, the Cambodian adventure, and the state of the economy.

I ask unanimous consent that a summary of the O'Brien speech be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NIXONOMICS: A STRATEGY OF BROKEN PROMISES AND BROKEN POCKETBOOKS

INFLATIONARY RECESSION

Republican economic policies—Monetary: Highest interest rates in 100 years!

Worst housing crisis since World War II! Housing starts dropped about 42 percent in 1969. Even Paul McCracken, Chairman of the Council of Economic Advisers, admits the housing industry is in a recession.

Federally-financed mortgage interest rates up 26 percent since Nixon took office.

Half of American families priced out of the housing market.

$20,000 home on 30-year mortgage means the buyer pays $35,000 in interest payments alone—for total cost of $55,000. This money goes not to the builder, not to the worker, but to the banker.

Bank loans to the average borrower (e.g., student college loan) running at 12 percent.

Bank profits in 1969 up 13 percent to 56 percent over 1968.

REPUBLICAN SOLUTIONS

Release frozen federal construction funds which benefit big construction firms and highway contractors but do not help residential housing industry.

Count mobile homes in housing starts, since this is the only housing which half of American families can afford.

Cut eligibility for federal college loans down to families earning under $10,000, forcing rest into open loan market to finance children's education.

FISCAL POLICIES

Nixon made a campaign issue out of balanced or surplus budgets and Republican fiscal responsibility. Yet the 1969 Democratic budget had a surplus of $3.2 billion and the Democratic Congress cut over $5 billion from the Nixon 1970 budget. For 1971, the Republicans came up with only a $1.3 billion surplus—a surplus which has disappeared before the year even begins!

COST OF LIVING—OLD MATH, NEW MATH, REPUBLICAN MATH

Despite Administration claims one year ago that they would bring inflation down to 3 percent by the end of the year, it actually accelerated in 1969! The rate was only 4.8 percent in 1968 under a Democratic Administration, but it rose to 6.1 percent in 1969—and up to 7.2 percent in December and 6.3 percent for the first quarter of 1970.

Food which cost $12.12 in December 1968, cost $13.33 in March 1970. In one Republican year, egg prices went up 11½ cents, hamburger up 6½ cents and pork chops up 13½ cents.

Medical costs rose over 6 percent. In Washington, D.C., a semi-private hospital room which cost $52 per day in March 1969, now costs $65—almost a 25 percent increase.

OUR STAND (AND MOST LEADING FINANCIAL WRITERS ARE WITH US) SOCK IT TO 'EM!

All "excessive demand" inflation has been wrung from the economy, yet inflation continues at the worst pace in 20 years. The inflation is now "structural" in nature and only bankers and big concentrated industries are making bloated profits. Republicans are asking the average middle American (salaried workers, small businessmen, retired persons) to pay for fighting inflation through excessive interest charges, rising cost of living, cutting the budget in programs which benefit all people (Nixon veto of education and health funds).

ADMINISTRATION REFUSES TO USE OTHER AVAILABLE TOOLS TO HALT INFLATION

Credit and interest control bill passed by Congress in December, which allows the President to use selective controls to curb inflation and ease cruelly high interest rates to alleviate tight housing situation and crunch on small businessmen and small borrowers. Nixon said he did not want these powers and he has not used them.

Jawboning (Using office and power of Presidency to represent the public interest). One week after taking office, Nixon said he would not interfere with pricing and wage decisions of business and labor. Arthur Okun, former Chairman of the Council of Economic Advisers, in his study, "The Controlled Experiment of 1969," has conclusively documented the effect of no jawboning on concentrated industries. According to his evidence, somewhere between one-half and one percent of extra inflation in the industrial wholesale price index resulted from this shift in policy. Since this index rose 4 percent in 1969, compared with 2.5 percent in 1968, that extra price increase represents between one-third and two-thirds of the acceleration. Increases in the wholesale price index are passed on to the consumer in every item he buys.

Selected steel products rose over 6 percent in price in 1969 compared with 1.5 percent in 1966–68. U.S. Steel continued raising prices in 1970 and showed profits up 38.8 percent in last quarter of 1969 over 1968.

Copper products prices were raised five times in 1969 for a 24-percent increase in prices, compared to 5.3 percent in 1966–68. Kennecott profits rose 71 percent in 1969 over 1968.

UNEMPLOYMENT—ENLIST NOW IN REPUBLICAN ARMY TO FIGHT INFLATION

During the 1968 campaign, Paul McCracken said, that to get the pace of price increases below an annual rate of 3 percent would involve raising unemployment by a full percentage point—or 785,450 people. (*Newsweek* interview) He lost on prices but won on unemployment.

From 3.3 percent in January, 1969, the unemployment rate is up to 4.8 percent in April, 1970 (highest rate since April, 1965). More than one million American workers lost their jobs in the last year. The increase in first three months of 1970 (up from 3.5 percent in December) is the fastest quarterly acceleration since the last quarter of 1960, during Eisenhower-Nixon recession. And this increase occurred among adult, full-time workers—family wage-earners. Unemployment for construction workers now stands at 8.1 percent and for manufacturing workers at 4.8 percent—up from 2.9 percent in January 1969.

Administration predicted average unemployment rate for 1970 of 4.3 percent. Now even Republican economists are warning total may rise to 5 or 6 percent—which means at least another million workers will lose jobs.

"Hidden unemployment" is reflected in a work-week below 40 hours for first time since

1962 and overtime dropping for a decrease of $1.39 in average weekly paycheck from January to February.

Real income is 0.6 percent below the March 1969 level and 2.8 percent below the record high in September, 1968. Under eight Democratic years, real income rose 32 percent.

CONSTITUTIONAL ASPECTS OF U.S. MILITARY INVOLVEMENT IN CAMBODIA

Mr. BAYH. Mr. President, a few days ago I sent to Senators a memorandum discussing the constitutional aspects of our military involvement in Cambodia which had been prepared by the Columbia Society for International Law. The memorandum discussed in some detail the constitutional aspects of the circumstances surrounding our involvement in Cambodia, and a member of my staff felt it contained information which would be of value to other Members of the Senate.

In line with our custom, a two-line cover letter was prepared for inclusion with the memorandum. The material was sent to Members of the Senate in an envelope bearing my frank.

It recently has come to my attention that at least one Senator received the memorandum without the cover letter. The omission was unintentional and inadvertent. But since the omission has occurred, I should point out that this material was inserted in my office by members of my staff. It solicited no funds and was not mailed at the request, insistence, or on behalf of any outside organization. The material was sent to Members of the Senate because a member of my staff found it helpful in preparing material for my consideration. He thought it would be equally helpful to Senators in their consideration of the difficult problems facing us in Southeast Asia.

COMMENCEMENT ADDRESS BY DR. ARIEL DURANT

Mrs. SMITH of Maine. Mr. President, it was my privilege on May 16, 1970, to hear one of the finest addresses I have ever experienced. The address was made by Dr. Ariel Durant, one of our foremost historians, at the commencement exercises of Ripon College, Ripon, Wis.

Dr. Durant, the wife of her equally famous husband, Will Durant, was one of five women receiving honorary degrees from Ripon College. The others were Mrs. Maria Goeppert Mayer, the only American woman to win the Nobel Prize for physics; Mrs. Mary Ingraham Bunting, president of Radcliff College; Mrs. Elizabeth Yates McGreal, prize-winning author and leader in civil rights; and myself.

Because of the timeliness and profundity of Dr. Durant's address, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CHALLENGE AND RESPONSE

Mr. President, Members of the Faculty, Distinguished Guests, Friends, Fellow Students:

I wish to speak to you briefly in defense of civilization; to summarize the challenges that now endanger it in America; and to tell you simply what I would do about them if I had the power.

I define civilization as social order promoting cultural creation. It begins with force generating order; it progresses with knowledge and education generating reason; it matures in sensitivity generating beauty in action, speech, and form. It becomes a delicate structure of traditions, customs, morals, manners, and laws; of commercial facilities and industrial skills; of sciences, letters, creeds, philosophies, and arts. It is not transmitted with flesh and blood, with genes or chromosomes; it has to be acquired anew by each generation through capacity to teach and willingness to learn.

Civilization is a co-operative product, and many peoples have contributed to the heritage that constitutes it. So the Hindus gave us our Arabic numerals, the Phoenicians gave use our alphabet, the Jews gave us the Ten Commandments, the Greeks gave us philosophy, the Romans gave us law, the early christians gave us a moral ideal, the English gave us respect for individual freedom, the French gave us the refining participation of women in the privileges and amenities of life. We are the inheritors of a costly, complex, and fragile legacy.

It takes centuries to create a civilization, and only a generation or a year to destroy it. It took France a thousand years to grow from Clovis to Montaigne; it took England eight hundred years from Alfred to Shakespeare. But it took the Mongols only a decade to destroy the high civilization of medieval Baghdad; it may take the hydrogen bomb only a day to turn our major cities into rubble and dust; it may take only a generation for Western civilization to disintegrate under the storm of challenges that envelops it today.

You know those challenges; they are in every newspaper and magazine, in every mouth, almost in every thought. I shall hastily summarize them, and then I shall face the inevitable and reasonable question: what would I do about them if I had power?

First of the challenges to civilization is the deterioration of our environment through the rapid use of minerals and fuels of the soil; through the transformation of our inner cities into soul-destroying, crime-breeding ghettos of the poor; through the pollution of our waters by industrial and human wastes, of our air by our industries and our cars, of our food and drink by insecticides, detergents, or chemical additives; and the disfigurement of our surroundings by unregulated building or the discarded products of our labor or our recreation. We have been fouling our own nest.

Second: the deterioration of our population through the reckless multiplication of its quantity and the repeated dilution of its quality. We breed faster than we plant, and we breed from the bottom of the intellectual scale while prudent parentage relatively sterilizes the top.

Third: The Industrial Revolution has ended the role of the family as the unit of economic production, and has thereby removed the economic basis of parental authority and family discipline.

Fourth: The Scientific Revolution has weakened supernatural belief, and has rapidly reduced the influence of religion as a source of moral instruction and social order.

Fifth: Our universities are in turmoil. The angry student resents courses that do not prepare him for successful functioning in a changing society, or that ignore the role of ethnic minorities in our political and cultural history. He suffers from the absorption of teachers in private research, and the domination of that research by the needs of the army and the navy. He began by admiring science for its methods and its miracles; he ends by distrusting science as mechanizing life and industry, and as subjecting itself to a military-industrial complex that dominates the citizen, the teacher, the economy, and the government.

Sixth. The growth of wealth and cities and population, the lessening of moral restraints, the increased facilities offered to economic dishonesty and sexual promiscuity, have coarsened our manners, our morals, our language, our literature, and our arts, and threaten the very soul of civilization.

Seventh. The denial of education and a decent family life to our black people in the South has created, by their migration to the North, a race problem more intense and dangerous than at any time in our century.

Eighth. Crime has increased along with cities, science, and industry. Industry gives new tools to the criminal; the automobile makes his escape easier; court decisions make his conviction harder; and indiscriminate imprisonment makes murderers out of petty thieves.

Ninth. Our economic system, so excellent in productivity and in spreading the comforts of life, has the defect of repeatedly concentrating wealth to a point that encourages discontent and class war.

Tenth. Our youth tend to lose faith in the integrity and efficiency of our institutions, to drop out from the processes and amenities of civilization, and to lend themselves to student violence and revolutionary dreams. They reject the past as irrelevant in a hectically changing world, and repudiate the wisdom of age as geared to a vanished scene. Finally they take to narcotics to escape the responsibilities of adult life; and we, who must entrust the future to them, stand sipping our alcohol in a paralysis of wonder and fear as to what our undisciplined and unmoored children will do with our heritage.

So much for the challenges; now what shall we do about them? In proposing remedial measures we must keep within the limits of human nature, and within the capacity of a democratic government. Mindful of these limits, I offer suggestions not for a Utopia but for a better America.

One: The Department of the Interior in our Federal Government, and every state and county, should include a Bureau of Environmental Care, empowered to check pollution at its source.

Two: Parentage should be made a privilege of fitness and not a right of irresponsibility or carelessness. A right should be defined as a private freedom consistent with public good. Birth control information should be given to every family. Abortion should be legalized. We may rely upon the natural desire for offspring to keep our population up to a figure necessary for national security.

Three: The unity of the family, and the authority of the parents, should be strengthened by enforcing their responsibility for the actions of their dependent children.

Four: The Church might regain its moral force if it put less emphasis upon creed and more upon conduct. The Ten Commandments, applied resolutely to our living problems, would be an excellent platform for any synagogue; and the ethics of Christ could be the daily gospel of every Christian church, requiring not literal, but sincerely progressive, fulfillment.

Five: Education should be provided to fit every student for employment in a technological economy; but education in the humanities should be equally stressed for the understanding of values, graces, and ends. Proposals for high school, college, or university reform should be submitted to a board of which the elected president of each student class should be a voting member. Any student who interferes with the operation of a school should be dismissed. To counter the deterioration of our television programs I would recommend the establishment of a United States Broadcasting Company financed by the Government but directed by our universities, the National Academy of Science, and the National Academy of Arts and Letters.

Six: Education in morality—which I should define as the conscientious cooperation of the individual with the community—should be a major course in every year of schooling. The intelligent youth will not take his morals from his inferiors, nor will he take his vocabulary from the privy, the street corner, or the saloon. Some check must be put to our moral permissiveness; some censorship must be resumed over publication, broadcasting, and the theater. I know that this is a dangerous course, but there should be a limit to the dissemination of degradation.

Seven: Racial integration should require for all groups equality of educational, economic, and political opportunity.

Eight: I believe that the extension of education, and the reduction of poverty, will reduce, though it will not end, crime. Temporary insanity should no longer be accepted as an excuse for crime. Prisons should be replaced by state farms designed to teach some rehabilitating trade.

Nine: I believe that our economic system, with its progressive mixture of capitalism and socialism, of free enterprise and the welfare state, is better than either the unregulated capitalism of my youth or an authoritarian communist regime.

Ten: Obviously I prefer reform to revolution. If there is anything clear in history it is that violent revolution multiplies chaos, disseminates destitution, and passes through the excesses of freedom to a dictatorship by an oppressive minority. Revolution is a monster that devours both its parents and its children. Less alluring, but less costly, are those processes of reform, by persistent education and gradual public acceptance, which have achieved so many beneficent changes in our century.

As I think over this discourse, I fear that I have stressed too heavily the problems that face us and our children. I am not without hope and I do not forget the marvels that man, poor stumbling man, has achieved in science, religion, literature, art, even in statesmanship and sanctity. Our government is subject to most of the frailties of that human nature which all of us—radical as well as conservative, young as well as old, poor as well as rich—share alike; but it is still flexible enough to hear and implement proposals that have stood the tests of criticism and trial.

We shall meet our challenges if we can bring to bear upon them the united force of mature counsels and young ideas. The young must learn to listen as well as to speak; they must make room, in their concept of America, for that steady middle class, and those men and women of middle age, that carry most of the burdens of life and government. And we elders must recognize that the wild initiatives of the young have spurred remedial action in administrative chambers and legislative halls. Perhaps our national vitality depends upon a continuing tension between youth and age, whereby innovation meets tradition, and the ardor of experiment fuses with the coolness of experience.

Let our sons and daughters be heard when they open their hearts.

Though suffering repeated violence and chaos, civilization will survive the unstable flux of our time.

EXPANDED FOOD AND NUTRITION PROGRAM IN ARKANSAS

Mr. FULBRIGHT. Mr. President, 28 Arkansas counties are currently being served by the expanded food and nutrition education program of the Agriculture Extension Service. This is a new program of the extension service, with the cooperation of the University of Arkansas Division of Agriculture, the U.S. Department of Agriculture, and the participating counties.

The program began in 1969, and by the end of April 1970, there were 9,931 families with 50,923 members enrolled. The families are in the low-income classification, which means income of $3,000 or less. Some 2,617 of the families have been receiving food stamps.

This program is designed to enable these families to make their dollars and food stamps go further at the market. At the same time they are given information and instruction about the preparation of food and the attainment of a nutritious and balanced diet.

I think this is an outstanding and much-needed effort to improve the health and welfare of our people. I should like our Government to be in a position to allocate much more of its resources to constructive programs such as this.

Mr. President, I commend those who are involved in this fine program, and I ask unanimous consent to have printed in the RECORD a letter from Mr. C. A. Vines, director of cooperative extension work in Arkansas, and an article from the Warren, Ark., Eagle Democrat telling about the program in Bradley County.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

LITTLE ROCK, ARK.,
May 20, 1970.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SIR: The attached news clippings are an example of what is being done in two counties in Arkansas on the Expanded Food and Nutrition Education Program. We are building the educational program of assistance to low-income people carefully as we have staff and resources available. We began the program in seven counties in January, 1969, and expanded it to 16 counties in October, 1969. Beginning early this year we added 12 additional counties to the program. Progress is being made in all 28 counties.

At the end of April, 1970, there were 9,931 families with 50,923 members enrolled in the program. Of the 9,931 families, 2,617 were receiving food stamps. We have employed approximately 250 program aides in the 28 counties to assist our home economics staff to provide educational information on nutrition. In addition to the families enrolled, program aides and home economists have visited with and aided 1,592 other families with nutritional information.

Families enrolled are in the low-income classification as outlined in the Expanded Food and Nutrition Education Guidelines limiting income to $3,000 annually. Program aides work in selected areas of each county where there is a concentration of people in the eligible classification.

In selecting the counties to begin the program, we gave consideration to the percentage of low-income people. I am also attaching a report which shows a breakdown of participants by counties. Some of the newer counties in the program have not had time to fully establish the program. As you will note, there are counties in each of the Congressional Districts.

Program aides have been employed from the area in which they live and are acquainted, and in many cases from among those who are eligible for assistance. They are given 15 days initial training by our home economists before going in the field and have regular weekly training conferences to keep them up to date on information and procedures for working with people in their areas. It has been our observation that most of the aides develop a fine rapport with their families and are effective in teaching the preparation of foods and in providing information on how to make their dollars and food stamps go further at the market. A part of the problem has been getting the families to buy the proper types of food to provide a balance in the basic four food groups needed for good nutrition.

It is our intention to continue to expand the program to other counties as resources and staff are available. It is a program that is being widely accepted and one which we believe can be extremely important in improving the health of our people in Arkansas.

We appreciate the support you have given this program and assure you that the Agricultural Extension Service will exert the effort necessary to bring this educational information to the people of our state and encourage them to improve their dietary habits.

Very truly yours,

C. A. VINES.

EXPANDED NUTRITION PROGRAM REPORT—APRIL 30, 1970

Counties	Families in program at end of month	Families visited but records not taken	Persons in families	Families getting food stamps
Crittenden	923	0	5,078	370
Jefferson	990	16	5,644	359
Lonoke	367	0	2,081	63
Miller	421	0	1,878	40
Monroe	448	8	2,683	242
Sebastian	664	204	3,034	39
Union	537	0	2,648	84
Bradley	330	6	1,422	72
Columbia	345	0	1,235	34
Craighead	297	0	1,619	41
Crawford	239	118	1,036	25
Greene	286	85	1,468	57
Independence	228	0	1,033	39
Lincoln	345	8	2,108	170
Ouachita	375	29	1,405	71
White	165	35	798	42
Ashley	251	13	1,382	93
Chicot	307	69	1,589	145
Clark	97	50	454	20
Conway	197	14	961	51
Cross	166	22	1,150	54
Faulkner	132	423	567	21
Hempstead	259	36	1,278	26
Jackson	203	184	1,112	46
Poinsett	177	5	1,047	81
Pulaski	603	81	3,084	116
St. Francis	393	22	2,156	193
Yell	186	164	973	23
Total	9,931	1,592	50,923	2,617

XUM

[From the Warren (Ark.) Eagle Democrat, Mar. 11, 1970]

NEW PROGRAM HELPS COUNTY FAMILIES LEARN ABOUT FOOD PREPARATION

"Agricultural Extension Service Foods and Nutrition Program Aide"—these are the words on the red and white badge worn by the seven energetic, well groomed homemakers in the picture. You probably have seen one of them in your community with her notebook of information or a basket of demonstration equipment as she visits homemakers in their homes.

These seven nutrition program aides or nutrition program assistants as they are also called are employed by the University of Arkansas Agricultural Extension Service and work under the supervision of the Extension Home Economist.

The nutrition program assistants here in Bradley County are now working with homemakers and will be called on others to offer assistance. These program assistants are a part of a state and nationwide team who are assisting in providing food and nutrition information to certain homemakers. There are approximately 230 nutrition program aides now working in 28 counties in Arkansas. Similar programs are being conducted by Cooperative Extension Services in 700 of the 300 counties in the United States.

When the special homemaker wearing the red and white button knocks on your door won't you invite her to come in and visit with you? She will offer you an opportunity to learn how your food dollar can buy better health for you and your family.

The purpose of this program is for the program assistants to assist homemakers by providing information for them on what food should be eaten, how to prepare foods in a variety of ways, how to make food dollars go farther and the care and storage of foods.

This program began in Bradley County in late September. At that time these program assistants were given intensive training by Mrs. Jean Frisby, Extension Home Economist, with the assistance of Mr. Glen Throgmorton, County Extension Agent. The training continues with weekly sessions where they receive additional information in various areas.

Each week we will tell you about one of the Bradley County nutrition program assistants. Today let us tell you about Marguree Beard. Marguree is the wife of Thad Beard and they live on Woodlawn Street in Warren.

Mrs. Beard has many hobbies, which include making her own clothing, cooking and working with arts and crafts. She is active in B & PW and is the incoming district director for this district.

She was chosen to be a nutrition aide by the County Extension Agent and County Extension Home Economist to work part time with homemakers and then work in the Extension office part time where she is responsible for the secretarial work for the Expanded Nutrition Program.

The nutrition assistants often introduce new recipes to "her" family. Most of the recipes are basic but different.

ALF M. LANDON

Mr. DOLE. Mr. President, writing about prominent Americans is a difficult task when it comes to capturing their behind-the-limelight life. Since a majority of readers enjoy knowing about the human side of well-known Americans, many writers have mastered the art of producing colorful, human interest stories. One such article, about Alf M. Landon, a prominent Kansan and a great figure in American politics, appeared in the Wichita Eagle-Beacon on May 24, 1970.

Mr. President, I commend this article, "Landon of Topeka," written by Jules Loh, to Senators, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LANDON OF TOPEKA: A LAWYER WHO NEVER HAD A CASE, AN OILMAN WHO NEVER MADE A MILLION AND A PRESIDENTIAL CANDIDATE WHO CARRIED ONLY MAINE AND VERMONT

(By Jules Loh)

(NOTE.—In the annals of American politics the name Alfred M. Landon is perhaps the one most associated with the word landslide—at the bottom of. But Alf Landon was not buried in 1936. He is alive and well in Topeka, at 82 a man of overlooked wisdom and wit whose words and example are no mean legacy to a younger America that too rarely heeds an invaluable resources—its elders.)

TOPEKA.—The old man rises each day with the sun, pulls on his boots, jogs the 50 yards down the curved driveway to fetch the morning papers, then jogs back.

After breakfast he heaves himself into a hulking fleece-lined coat and hikes down the rough path behind the house to the barn to greet Red, his handsome Morgan horse.

"Hello, old boy. How do you feel?"

Plainly Red feels and looks as fit and alert, as hearty and as eager to be up and doing as his master, Alf Landon—Alfred M. Landon of Kansas. He's 82 now.

The old man gives the Morgan and the eight Shetlands some grain to warm their bellies and speaks to each in turn. "Hello, April. Hello, Judy, old girl." The Shetlands are pets. His 10 grandchildren rarely ride them anymore; perhaps his great-grandchildren will.

Full and content, the ponies wander out of the old stone and clapboard barn to the rolling pasture to graze under apple trees. If the weather is tolerable, Landon saddles the Morgan for a leisurely six-mile ride up the Kansas River.

The morning ride is Alf Landon's private time, his time to ponder and reflect.

One whose adult life has encompassed all there has been of the 20th century, whose own father once picked up a souvenir Indian bow from a battlefield, who has experienced the highest public trust his fellow Kansans could bestow and the deepest public rejection his fellow Americans have ever expressed, who has the perspective of eight decades, four generations, from which to view the world's stresses and conflicts, surely is one who, in the morning quiet of a river bank, has much to reflect on, much to ponder.

Alf Landon describes himself, wrly, as "a lawyer who never had a case, an oilman who never made a million and a presidential candidate who carried only Maine and Vermont."

Settled in a padded green velvet rocker before a crackling fire in his walnut-paneled library, the former governor contemplated all three careers.

"If you're wondering whether I would change anything if I had my life to live over again," he said, "the answer is no."

"Oh, there were some mistakes I would avoid. Personal things. But the course of my life? No, I wouldn't alter it a bit."

WHAT ABOUT THE UNITED STATES?

How about the course the nation has taken. Would he alter that?

"Well," he said, "if I had been elected president there would have been more antitrust suits filed, I can tell you that. But who can say whether things would have been better if one could go back and change this isolated fact of history or that? History is made up of interrelated parts and has to be viewed whole. Commenting on it is far less hazardous than making it.

"I can tell you this, though. We have developed in this country today a sounder political life than ever before.

"Our people have a loftier civic consciousness. More people are more concerned today than at any time in my experience—conflicts of interest in government, about the problems of the laborer, about the fact that an American can go hungry in his own rich country. I don't think there ever has been greater reason to hope and less cause for despair."

With the serenity of his accumulated years—years that span, among their more tragic moments, attempts on the lives of five presidents; two horribly successful—Alf Landon can even view the last decade's spasms of violence with some equanimity.

Among assorted artifacts and political memorabilia in his basement is the three-sided lecturn he used on the four speaking tours of his 1936 presidential campaign against Franklin D. Roosevelt. It takes four men to lift the lectern. It is bulletproof.

"They thought somebody might take a shot at me," said Landon. "Those were volatile times."

He leaned back in the rocker stretching his legs, dug his heels in the Oriental rug and stared in contemplation at the beamed ceiling.

"People are distraught over today's violence, as well they should be," he said. "This country has always been cursed with violence. Do you remember the Ludlow massacre?

"The National Guard . . . I don't know whether the governor called them or they called themselves . . ." Remembering, the old man choked and a tear wet his seamed cheek. ". . . They shot down babies . . . women . . . drove them back into their burning tents . . ."

For a long moment he wiped his glasses with his handkerchief and finally said, "Don't be overly dismayed by the recent violence. Name something terrible that's happened and I'll tell you something as bad. The country always seems to survive.

PEOPLE MOVE OUTRAGED

"The important thing is that today more people seem to be outraged by the violence around them. That shows improvement, wouldn't you say?"

The incident Landon referred to happened in Ludlow, Colo., when a tent city inhabited by striking coal miners was drenched in oil, set ablaze and the fleeing families mowed down by company gunmen and National Guardsmen. Twenty were killed, including a pregnant woman and 13 children.

"At least," Landon said, "whatever the failings of today's so-called Establishment, cruelty and violence are not among its instruments of policy."

Alf Landon likewise can look upon the current crop of boisterous young campus radicals with the calm gaze of an old sachem who, as he put it, has "walked in their moccasins."

"I'm an old Bull Mooser, you know," he said. "We were the wild bunch in my day. Just what is a radical? They called us radicals back then. Some people called me a radical for being in favor of reducing the 12-hour day to 10 hours.

"Not many of us old Progressives are left," he said. "But the ones who are still around have lived to see the country accept all the 'radical' programs we advocated. They're part of our way of life now."

An old Bull Mooser? Really? To one who

indeed was not aware of it, the revelation had the shock of ice water.

Alf Landon has been best remembered, of course, as the man who went down to cataclysmic defeat at the hands of a supremely popular FDR in pursuit of his second term. Result: 523 electoral votes to eight, the most lopsided in history.

OUTLIVED ENEMIES, FRIENDS

Landon's move ironic misfortune, however, is that he has outlived not his enemies, as the elderly are wont to jest, but his large circle of friends. Former comrades such as William Allen White, Robert M. LaFollette, William E. Borah, Hiram Johnson. Old pals and admirers who knew him all the years before the one fateful year, 1936, when greatness, as it were, was thrust upon Alfred Mossman Landon. They all died and left him abandoned in the next generation's attic as the national symbol of the all-time loser.

A pity. His fate appears even more stark when placed in contrast with the rollicking years of triumph and popularity that set him on this ill-starred course toward a sweeping first-ballot nomination at the 1936 Republican convention even though, as he points out, few rank-and-file Republicans outside of Kansas knew much about his background.

What they knew was that he won the Kansas governorship in 1932 despite a Roosevelt-inspired Democratic landslide, one of four Republican governors elected that year, and that when he ran for a second term two years later he was the only Republican governor elected in the nation.

The governorship was Landon's first and only elective office. As a dedicated amateur, he rose from precinct worker to state GOP chairman even though he bolted his party in 1912 to campaign for Theodore Roosevelt's Bull Moose effort and again in 1924 to support William Allen White's anti-Ku Klux Klan campaign for the Kansas governorship.

"My record for party regularity," says Landon, "is not impressive."

Ticking off the stands he has taken on various political issues over the years, Landon prompted a visitor to interject: "Governor, you sound like an unreconstructed New Dealer."

"So I've been told," he replied.

With his background and the wisdom of his years, whom does the old Bull Mooser regard as the great men of this century?

"Teddy Roosevelt and Harry Truman," he said without hesitation.

"Woodrow Wilson might have been if he had been willing to make some concessions. So might have John F. Kennedy if he had lived; he had what it takes. Great men? I think you would have to include John L. Lewis and Samuel Gompers."

It was pointed out that his list seems to tend toward Democrats. He shrugged. "I expect it does."

If Alf Landon was the worst-beaten presidential candidate of the century—third worse, if gauged by percentage of popular vote—he is also perhaps the least embittered.

He seems to regard his great defeat rather like a train wreck or the collapse of a bridge: An impersonal act of God that occurred while he just happened to be there. And he can discuss it in good humor.

He likes to illustrate his morning-after-election feeling with a yarn about a Kansan whose ranch was wiped out by a tornado—house, barn, fences, everything. Inspecting the wreckage the rancher burst out laughing.

"How can you laugh at a time like this?" asked his weeping wife.

"It's just the completeness of it," the man replied.

Some years ago Landon had occasion to introduce his wife to the late Norman Thomas, the determined crusader who ran for president three times on the Socialist ticket. "The one I licked in '36."

Was the '36 fiasco one of the things he would avoid if he had to do over again?

"I wouldn't duck the fight, if that's what you mean," he said. "But I'd run the campaign differently. It wouldn't affect the outcome, but I'd feel better about it personally.

"What I regret is that I didn't divorce myself as I should have from the old Republican policies I didn't believe in. For instance, I was more of an internationalist than Roosevelt but somehow I managed to get branded as the isolationist. I was stuck with the same sort of handicap Hubert Humphrey had, only worse."

Landon need not have bowed out of public life after that election.

REJECTED CABINET

His running mate, Frank Knox, became Roosevelt's Navy secretary and Landon tells in fascinating detail how he, too, was approached by a go-between for a post in the same Cabinet and turned it down before it was actually proffered.

Again in '38, he says, a Senate seat was his practically for the asking but "I decided that I preferred the comparatively simple but more intelligent life of Topeka, Kan.

"Politics," he explained, "has always been an avocation with me, never a vocation. I never worried about my political future. You can have a good time in politics if you have that attitude."

Besides, by 1938 the Landons had bought a quarter-section of land north of town and selected a treed and tranquil 40-acre portion of it for a stately, 14-room, white-columned house. Landon paid for the house and had money left over by subdividing the remaining 120 acres.

There he and his wife settled down to raise their three children. Landon returned to work as an independent oilman, the career he chose rather than law after he was admitted to the Kansas bar in 1908. He still personally supervises his oil business—as well as four radio stations which he bought in 1958—and politics remains an abiding avocation. At his downtown office, where he shows up for work daily, he keeps two secretaries busy with voluminous correspondence.

The office grind, the morning horse backride, the jog to the mailbox—these are not manifestations by Alf Landon of some ostrich-like attempt to cheat old age. He seems to regard his 82 years not as a calamity but a privilege.

"A friend wrote me not long ago after a speech I made and said, 'Aren't you having a wonderful time saying what you want to say and getting it printed?' I must say that I am," Landon smiled.

What Alf Landon appears truly to savor are the multitudes of memories his years have given him. They provide hours of sweet, rambling, often sagacious fireside reminiscences.

Other than in a physical sense, he was asked, does a person ever begin to feel old?

"I was discussing that very point with a fellow I met the other day . . . let's see, his name escapes me—aha," Landon said, "there you are, I seem to have trouble remembering names nowadays. I don't know whether I'm becoming senile or my mind simply has reached its capacity."

He continued: "I remember Mrs. Landon's uncle. Mrs. Landon came from a West Virginia family with a long background of Confederate soldiers. Her mother used to tell about an old uncle. I guess he was in his late 80s. Once she asked him whether he worried about growing old. The old man roared, 'Not half as much as I worry about that black Republican administration in Washington!'

"When I was a boy they used to say that people voted 'the way they shot.' My people all shot from the North.

CROSSED PARTY LINES

"I had a great uncle back in Conneautville, Pa. He was a sergeant in the First Pennsylvania Cavalry. Uncle Charley. He used to ring the bell for the Methodist services.

"Well, there was a Democrat in Conneautville, a friend of Uncle Charley's, who had been elected state treasurer before the war. When Uncle Charley came home, the Democrat was running for governor.

"This was much later, actually, along about 1902. I was visiting there—we lived over in Elba, Ohio. No, it must have been around 1903 or '04. Well, I said to Uncle Charley, 'I expect you're going to vote for that Democrat.'

"Uncle Charley thwacked his cane on the floor and said, 'What!?! Vote for the party that shot at the Union! Never!

"We've come a long way since then," Landon said.

"Governor," he was asked, "have you ever voted for a Democrat?"

He grinned. "I have not always supported the candidate of the Republican party," he said.

At day's end, Alf Landon appeared comfortably tired. He rose from the rocker to stir the fire and soft light cheered the room and lit the walls of books and the potted plants and shimmered on the bay window.

LANDON TRANQUIL

Ghostlike, at the darkened end at the room farthest from the hearth, rested the old man's desk with its clutter of papers, yellow pencils with erasers well worn, heavy ashtray, two pipes, one elaborately carved, the other a brown-stained corncob, several tiers of books, some with protruding page markers—Lord Tweedsmuir's "Pilgrim Way" leaning against Hamlin Garland's "Boy Life on the Prairie." Schlesinger's "The Politics of Upheaval" sharing a corner with Peterson's "The Bird Watcher's Anthology."

"I have a good life," Alf Landon said. His brown eyes glistened in the fireglow like topaz.

"I have, I would suppose, more friends than many other people, more, probably, than I deserve. I have my health. I am blessed with a beautiful family.

"When you come right down to it, what else really matters?"

VIOLENCE DEBUNKED

Mr. EAGLETON. Mr. President, recently, at Stanford University, Prof. Sydney Hook, of New York University, delivered an address in which he took issue with those radical elements in this country who seek to prove that violence is a legitimate tool which can be applied within a democratic society in a useful way.

Mr. Hook takes their arguments one by one and answers them with intellectually sound and firmly convincing arguments of his own. I wish every student in America would read Mr. Hook's address. It was recently reprinted in the May 17, 1970, Washington Post. I ask unanimous consent that Mr. Hook's address, as published in that newspaper, be printed in the Record at this time.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Perverse Ideology of Violence

(By Sidney Hook)

I cannot recall any period in American history in which there has been so much extenuation and glorification of the use of violence—not as episodic forays of symbolic character to call attention to shocking evils, but as a legitimate strategy in social, political and even educational reform.

Until recently, those who defended the role of violence in social change did so in the main from a revolutionary perspective that forthrightly repudiated democracy as a political system either as a sham, covering up class rule, or as an inadequate institutional expression of self-government.

What is comparatively novel in our time is the defense of violence by those who are not prepared openly to abandon the standpoint of democracy but who, out of design or confusion, contend that a "healthy" or "just" or "progressive" democratic society will tolerate violence, recognize its productive, even creative role and eschew any strategy for the control of violence by resort to the force of the civil authorities or to police power.

A report of one of the task force of the National Commission on the Causes and Prevention of Violence ("The Politics of Protest") concludes by repudiating the conventional wisdom of the so-called "two-pronged approach" to violence. (The first prong seeks to control or restrain violence the second to meet genuine grievances by appropriate reform.)

On this view, once the demands made by those who are violent are distinguished from the causes of the violence, the major effort must go into meeting the demands, into reforming society, not into curbing violence.

It goes almost without saying that this sympathetic approach to manifestations of violence is limited only to particular groups and to special causes. It is not generalized to hold for all public violence, especially violence against good causes.

We are therefore not dealing with general principles of social action; we are dealing with a proposed strategy in a struggle for power—a strategy that appears to me both arbitrary and short-sighted.

There are certain common sense objections that are flagrantly overlooked in this rejection of the "two-pronged approach." First of all, to urge that we treat only the causes of violence, and not divide our energies by efforts to curb violence, overlooks the obvious fact that we do not always know what the causes of violence are when the facts of violence are quite manifest.

Second, even if we believe we know what the causes are, treating them properly, remedying the evils, changing the behavior patterns necessary to change the situation may require time.

For example, if the existence of slums is regarded as the chief cause of urban violence (something not really established), rebuilding the city ghetto or dispersing it cannot take place overnight. If violence meanwhile is not curbed, more buildings may be burned than can be construed in the same time period. To this very day the scarred desolate streets of our riot-torn cities are a gaunt and painful reminder of the ineffectuality of violence. And why is it assumed that violence will result in the mutual accommodation of interests rather than in further provocation and escalation of violence and counter violence?

Thirdly, let us suppose we escape this danger and violence does not call into existence its own nemisis. Is there nothing illegitimate and blameworthy about the action even if it turns out successfully?

One of the most frequent confusions in the apologetic literature of violence is the identification of force and violence. Since all government and law must rest ultimately—although not exclusively—upon force, the universality of the actual or potential exercise of force prepares the ground for a slide to the view that violence, too, is universal and therefore an inescapable facet of all social life.

But violence is not simple physical force, but the illegal or immoral use of physical force. Force is neutral in meaning though it is necessary to sustain or enforce legal rights wherever they are threatened. When James Meredith was denied the right to study at the University of Mississippi, when Negro children were prevented from attending school at Little Rock, it was force that protected and redeemed their right against the violence and the threat of violence of the Southern mob.

Where a party resorts to violence in order to breach the rules of the political game, to disrupt or destroy the game, it cannot justifiably equate its violence with the force used to sustain the rules so long as it professes allegiance to the political system defined by those rules.

Some resign themselves to the suicide of democracy by inactivity in the face of violence. But a democracy has the moral right to protect itself. Its legitimate use of force to preserve the rules of a democratic society, to enforce the rights without which democracy cannot function, may be wise or unwise, judicious or injudicious. But such use cannot sensibly be classified as violence.

SIMPLISTIC RATIONALE

The importance of considering the question of violence in a political context is apparent when we examine some typical syndromes of apologetic justification for violence.

1. The first was exhibited by Rap Brown in his now classic observation that "violence is as American as cherry pie." This piece of wisdom is the gist of the findings of several task forces of the National Commission on the Causes and Prevention of Violence, the most notable of which has been Prof. Jerome Skolnick's "Politics of Protest," to which I have already referred. They gravely inform us that violence is customary in American life, as if that made it more acceptable, as if it proved anything more than that the democratic process in America has often broken down in the past, as if the fact that something is authentically American necessarily made it as praiseworthy as cherry pie. Certainly, lynching is as American as cherry pie!

2. A second popular apologetic justification for violence may be called the Boston Tea Party syndrome. Since our patriotic American forebears dumped valuable property into the harbor and engaged in other acts of violence, why is it wrong, we are asked, for present-day rebels to follow suit?

The total disregard of the fact that the American colonists had no means of remedying their grievances by peaceful constitutional change is symptomatic of the grossly unhistorical approach to problems of social change.

To be sure, democratic institutions work slowly and, like all institutions, imperfectly. That is the price of democracy which the democrat cheerfully pays because he knows on the basis of history and psychology that the price of any other political alternative is much higher. The integrity of the process by which a minority may peacefully become or win a majority is all-important to him. If the democratic process functions in such a way as to violate the basic moral values of any group of citizens, they have a right to attempt to overthrow it by revolution, but they cannot justifiably do so in the name of democracy. And it is open to others to counter these efforts on the basis of their own revolutionary or counterrevolutionary mandate from heaven.

3. The third syndrome challenges the contention that a principled democrat cannot reform an existing democracy by violence without abandoning democratic first principles. This position asserts that existing means of dissent are inadequate, that the wells of public knowledge are poisoned, that the majority has been misled by its education, corrupted by affluence or enslaved by its passions.

Allowing for certain changes in time and idiom, this indictment against democracy is as old as the Platonic critique. (But Plato did not pretend to be a democrat.) That the institutional life and mechanisms of American democracy are inadequate is undeniable. But just as undeniable is the fact that in many respects they are more adequate today than they have ever been in the past; that dissent has a voice, a platform, a resonance greater than ever before.

REWRITING THE RULES

And what is the test of the inadequacy of existing democratic mechanisms to remedy grievances? That the minority has failed to persuade the majority? This is like saying that a democrat will be convinced that elections are truly democratic only when *he* wins them. Having failed to persuade the majority by democratic and constitutional means, the minority claims the right in the name of a hypothetical, future majority to impose its opinions and rule by violence on the present majority. And by a series of semantic outrages it calls this a democratic method of reforming democracy!

It is easy enough to expose this when it is—as it has often been in the past—a stratagem in the propaganda offensive of totalitarian groups. But the difficulty is greater when these contentions are put forward by individuals who sincerely believe themselves committed to democracy. What they are really saying in their sincere confusion is that in any democratic society that falls short of perfection—that is, in any democratic society in which they fall short of winning a majority—they have a democratic right to resort to violence—which is absurd. Unfortunately, as Cicero once observed, there is no absurdity to which some human beings will not resort to defend another absurdity.

4. The fourth syndrome in the contemporary apologetic literature of violence is the justification of the tactics of violent disruption and confrontation on the ground that the state itself employs force, and sometimes makes an unwise use of it either in war or in preserving democratic peace. Only an anarchist who does not recognize any state authority can consistently make this kind of retort—and even anarchists would not be likely to be much impressed by it if it were to be mouthed by raiding parties of the Ku Klux Klan and similar groups. In any society, democratic or not, where the state does not have a monopoly of physical force to which all other sanctions are ultimately subordinate, we face incipient civil war.

Nor is the situation any different when the state embarks upon actions that offend the moral sensibilities of some of its citizens. In a debate with Noam Chomsky at Oberlin College last year, I was asked by Prof. Chomsky: "How can you reasonably protest against the comparatively limited use of violence by the SDS at Columbia University and elsewhere [of which he did *not* approve] in view of the massive use of violence by the United States in Vietnam?" It is a retort frequently heard when student and black militant violence is condemned.

For one thing this type of question overlooks the obvious fact that one can be opposed *both* to student violence on campus and to the American involvement in Vietnam just as one could bitterly resist *both* the Stalinist goon squads and Hitler's terrorists. And even if this were not the case, the comparison is specious and question-begging to boot.

THE OTHER VIEW

The objection to violence in a democratic society stems from various sources—not all of them narrowly political.

The first reflects the civilized and humane belief that the amount of physical coercion of men over other men can be reduced although it cannot ever be eliminated. Even those who are wedded to violence as a strategy of social change profess to believe that their actions will produce a world that ultimately will be less violent. This is extremely unlikely although not inconceivable either theoretically or practically.

Another source of opposition to violence is the desire of men for continuity and predictability in their social life within the limits of what is humanly sufferable. It is the *certainty* of the law, the knowledge of what can be relied on as we go about arranging our affairs and tying them into the future, rather than our expectation that the delicate balance of justice will be precisely achieved in human relations, that is its chief desideratum.

Violence, especially chronic violence, upsets the normal expectations of orderly procedure. Unless a new pattern of stability is quickly reached, an atmosphere of impending chaos and catastrophe is generated that prepares the ground for the growth and tolerance of despotism. Despotism is not easily or freely chosen. It is accepted more readily when men become fearful of anarchy.

It is in the light of these considerations that we must examine what seems to be the most pervasive as well as the most persuasive argument for violence. This maintains that the threat of violence, and its actuality which is necessary to make the threat credible, are the most effective means of achieving reforms; that without the violent extremists, the moderate reformer has no chance to implement his program; that the prospects of reform are always enhanced by the fear generated through the threat of violence and its sporadic outbreaks.

Without doubt, there is some truth to this view. But it is a half-truth and a dangerous half-truth at that. From the abstract proposition that the threat or exercise of violence *may* facilitate enlightened social change or policy, it is the sheerest dogmatism to assume that in any particular situation violence or its threat will in fact serve a beneficial purpose. It may just as likely set up a cycle of escalating violence and counterviolence that will be more costly and undesirable than the reforms subsequently instituted. It all depends upon the case.

PEACEFUL PROGRESS

It would be a fantastic misreading of European and American history to assert that the fear or actual outbreak of violence has been the sole, or even the most important, cause of reform. Vast amounts of social welfare legislation cannot be explained in terms of fear of violence. The motives and causes for their adoption are mixed, but among them an expanded social consciousness and sense of responsibility rank high.

No one in our times rioted for Social Security or the National Health Service or Medicare or the acceptance by the federal government of the revolutionary principle of a national minimum of welfare payments. Tremendous advances have been made on both sides of the Atlantic in the defense and extension of civil rights and liberties, in judicial and penal practice, liberalization of laws relating to marriage, divorce, birth control and abortion.

All of these measures, and many more, have been adopted in the absence of any credible threats of violence. Not a single one of the great landmark decisions of the U.S. Supreme Court (including its 1954 school desegregation decision and mandatory state political reapportionment a decade later) was made under the threat of the gun, the mob or the torch. It was not to violence or the threat of it that we owe their enactment, but to the growth of enlightenment, the enlargement of imagination and the development of the democratic idea.

Still, there is no need to deny that fear of violence does often have an influence upon the willingness to reform conditions. And up to a point it is altogether reasonable that it should have an influence. But this is not true to the same extent of overt, repeated *threats* of violence. And least persuasive of all is the brute outbreak of violence that imperils security of life, of one's home and property. For the consequence of such violence is the generation of hysteria and panic among its victims and all elements of the population who identify with them.

Mass hysteria and panic are blind. They mistake fantasy for reality and breed unreasoning, not intelligent, fear and hate. If enough people among the majority are swept up in these emotions, a reaction sets in, all the more intense for being delayed, that makes reforms more difficult to achieve, not less. It not only can stop the movement toward reform—it sometimes reverses it.

Whoever, then, calculates on the educational value of violence for the community is taking a foolish and criminally irresponsible risk. He risks the hardening of opposition to further reforms and a counterviolence that, as it escalates, moves the conflict toward civil war, the cruelest form of all wars.

In short, violence more often drowns out the voice of moderation, narrows options, destroys the center and polarizes the community into extremes.

The American Civil War is a case in point. It did not solve the Negro question. We are still suffering from its legacy of hate and fear which left the Negro politically disfranchised (despite his emancipation), economically in peonage and socially and educationally victimized by a Jim Crow system.

And since the Civil War, the greatest gains in the condition of the Negroes in the United States were won not in consequence of violence or the threat of violence but by the use of democratic administrative and legal processes fortified in recent times by the nonviolent civil rights movement headed by Dr. Martin Luther King.

The ghetto riots that periodically swept cities during the first three decades of this century brought no substantial reforms despite great loss of life. Anyone who compares the state of the U.S.A. before World War I and today will testify to the remarkable progress made—granted, of course, that this progress has still far to go to achieve the substantial equality to which all groups are entitled in a democratic community.

THE CAMPUS CRISIS

What holds for the relationship between violence and reform with respect to the Negro holds true even more obviously for the relationship between student violence and university reform. Some apologists for student violence maintain that it led to necessary and healthy curricular and administrative reforms in the university. The wisdom of such reforms remains problematic where they were adopted not on the basis of sound educational inquiry but—as was frankly proclaimed in many institutions—as a means of keeping the campus quiet and bringing peace. This is an extraordinary criterion by which to determine the validity of a curriculum.

That some good results from violence does not justify the violence unless it can be proved that the good so achieved was necessary, could not have been achieved more effectively and at a lesser cost in other ways, and did not result in evil that outweighed the good.

The truth of the matter is that most educational reforms in most institutions have come about without a show of force, where arguments have been the only weapons, where dissenters and protesters have evinced not only zeal but persistence in a good cause. Where violence has been used, a grievous wound has been inflicted on the fabric of the university community life. It may take a generation to heal it.

REASON DROWNED OUT

Some faculty apologists for the student rebels have sought to play down the enormity of the offenses against intellectual and academic freedom by dismissing them as inconsequential. "Just a few buildings burned," they say. This is as if one were to extenuate the corruption of justice by the numbers of magistrates not bribed, or lynchings by their infrequency.

The sober fact is that violence has reached such proportions on the campuses today that the whole atmosphere of American—and many European and Japanese—universities has been transformed. The appeal to reason is no longer sufficient to resolve problems or even to keep the peace. In order to make itself heard in some of our most prestigious institutions, the appeal to reason must appeal to the police.

Violence in the academy is an outgrowth of violence in the streets and cities of the country. That is where the gravest current danger lies. Were violence confined to the universities alone, its evils could not long continue if only because the state and society on whose support the universities ultimately depend would restrict and perhaps cancel their precarious autonomy.

In the democratic community at large, the resort to violence attacks that community at its foundations. And this regardless of the merit of the cause or the sincerity and self-righteousness of the *engages* and the *enrages*. For every such outbreak of violence makes other outbreaks more likely by serving as a model or precedent to some, or as a provocation to others—in either case escalating the violence.

In this connection, Alexander Hamilton was truly prophetic. In the Federalist Papers he warned us of this:

". . . every breach of the fundamental law, though dictated by necessity, impairs that sacred reverence which ought to be maintained in the breast of rulers [the people, in a republic] toward the constitution of the country, and forms a precedent for other breaches where the same plea of necessity does not exist at all, or is less urgent and palpable."

Hamilton unerringly cited, on the basis of evidence from the past, the great danger of situations of this kind—the likelihood that citizens "to be more safe . . . at length become more willing to run the risk of becoming less free."

In the end, then, the great paradox and the great truth is that in a democratic society freedom, which is often invoked to justify violence, is itself imperiled by the exercise of violence. The ideologists of violence in a democracy are the sappers and miners of the forces of despotism, the gravediggers—willing or unwilling—of the precious heritage of freedom.

MANPOWER DEVELOPMENT AND TRAINING

Mr. JORDAN of Idaho. Mr. President, for several years I was a member of the Committee on Labor and Public Welfare, and during that time we had before us a number of important pieces of legislation concerned with manpower development and training. Each of these bills, which finally became law, recognized that the educational community, public, and private, has a significant role to play in helping to solve the problems of the unemployed, underemployed, and others

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who have not been served well by the established school systems.

We are all aware that there are some shortcomings in our educational systems which make necessary remedial manpower programs to compensate for such deficiencies. We also recognize that it is highly unlikely that we can bring about the types of changes in the educational systems which will reduce or at least minimize the need for remedial manpower programs if we do not in a very positive and direct way involve the educational system in remedial programs from which they can learn new directions.

While I am no longer a member of the Committee on Labor and Public Welfare, I have followed with great interest several pieces of pending legislation before that committee designed to concentrate manpower and training programs almost exclusively in the Department of Labor without, at the same time, insuring that there will be significant and positive involvement of the educational community.

I am pleased to recognize that the distinguished Senator from Vermont (Mr. PROUTY) has introduced a bill (S. 3878), the Manpower Development and Training Act of 1970, which would correct the deficiencies in pending legislation by requiring a very positive and direct relationship between manpower programs and the educational establishment. In this regard, I note with interest the significant role of the Office of Education in helping the State education agencies to play a unique and positive role in manpower programs. In my own State, I am seeing some very real transformations taking place in the State educational system because of its involvement with programs under the existing Manpower Development and Training Act of 1962.

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DANGERS IN THE MIDDLE EAST

Mr. GORE. Mr. President, from the beginning of man's recorded history, the Middle East has been one of the strategically important areas of the world. This is true today.

Today, unhappily, the Middle East is in turmoil. An entire generation has known no tranquillity. In the little more than 20 years of its existence, Israel has experienced three wars. The latest, the 6-day war of 1967 "ended," in a manner of speaking, nearly 3 years ago. Yet hostilities continue and sporadic incidents have increased in frequency to the point that they occur daily.

Unless some way can be found to terminate the present state of belligerency there is grave danger that hostile incidents may again escalate into sustained combat operations with the added danger of further escalation involving major world powers.

Peace is difficult to achieve and preserve anywhere. Nowhere is it more difficult or more elusive than in the Middle East. The differences between Israel and her neighbors are rooted in mutual fear and distrust that has existed for generations. The Arab States refuse even to acknowledge Israel as a sovereign state, or even that such a state has a right to exist. Unless this single obstacle can be overcome it will be exceedingly difficult to arrange the kind of negotiations which will be required for any lasting settlement.

The preservation of the State of Israel as an independent sovereign nation, surrounded by hostile neighbors is, in a sense, the central core of the hostilities that have plagued the region since World War II. Whether out of distrust, fear, or both, or whether from a combination of these and the pressures of domestic politics, Arab leaders are pledged, publicly at least, to the destruction of Israel and its elimination from the family of nations. It must be with a sense of profound frustration that the leaders of these nations reflect upon the results of their armed conflict with Israel.

Because of its strategic importance, it is easy to characterize this area as being in the middle of an East-West tug-of-war. The interests of major powers are clearly involved. But the day has long since passed, if indeed it ever really existed, when major powers could dictate and impose upon the sovereign nations of the Middle East a solution, assuming they could agree upon one. On the other hand, it is important and necessary that any settlement be satisfactory to the major East-West powers. Otherwise any stability that might be achieved would be short lived.

The United States has a tremendous stake in the attainment and preservation of peace in this vital area. This is important to us for strategic, political, and economic reasons. Moreover, we have a substantial stake in the continued existence of the State of Israel as a free refuge for many millions who feel strongly the need for the preservation of their religious and cultural values; it is a beacon of hope for oppressed mankind. While, as I have said, we are not in a position to dictate a settlement, we must do what we can to keep the scales balanced until the parties directly involved can find and agree upon a solution.

In a major speech on December 9, Secretary Rogers described U.S. policy in the Middle East as balanced. He summarized our policy in these words:

> We have friendly ties with both Arab and Israelis. To call for Israeli withdrawal as envisaged in the UN resolution without achieving agreement on peace would be partisan toward the Arabs. To call on the Arabs to accept peace without Israeli withdrawal would be partisan toward Israel. Therefore our policy is to encourage the Arabs to accept a permanent peace based on a binding agreement and to urge the Israelis to withdraw from occupied territory when their territorial integrity is assured as envisaged by the Security Council resolution.

The Secretary's statement is indeed balanced. Whether we have a balanced policy depends upon one's interpretation of the actions that are taken and upon the administration's interpretation of the situation at the time actions are taken.

The major decision taken since Secretary Rogers' policy statement was the administration's rejection, or "deferral" of a request by Israel for the purchase of additional phantom and skyhawk aircraft. This action was announced by Secretary Rogers on March 23.

As a basis for the decision, Secretary Rogers stated:

> In our judgment, Israel's air capacity is sufficient to meet its needs for the time being. Consequently, the President has decided to hold in abeyance for now a decision with respect to Israel's request for additional aircraft. In doing so, he has instructed that close watch be kept on the military balance in the area. The United States will be in a position to provide additional as well as replacement aircraft promptly if the situation requires it.

The Secretary added:

> We have no intention of jeopardizing the security of Israel.

The decision on the airplanes was not, as was thought by some, a new departure in policy. It now appears but an extension of the policy announced on December 9.

If in fact Israeli air capacity is sufficient to meet its security needs for the time being, then the decision might be supportable. We have not been advised upon what evidence the administration based this conclusion. A report recently published in the press indicated that Israel now has approximately 320–340 operational combat aircraft. The same report attributed to the United Arab Republic approximately 400. This seeming edge in numbers on the side of the Egyptians, however, may be more than matched by the superiority in training, performance, and valour of Israeli pilots.

The administration must take appropriate action as needed to insure that Israel has the means to defend herself. I have no evidence that such would not be done, I should in fairness say, but I also say that Congress is entitled to know the facts and to share in the decision-making process.

Restraint on the part of both the United States and the Soviet Union is, I believe, of the greatest importance. An unrestrained arms race spurred by the United States on the side of Israel and the Soviets on the side of the Arabs would further complicate a situation already exceedingly complex. Whether the United States' decision of March 23 concerning the provision of aircraft to Israel was related to some understanding or assurance from the Russians concerning similar Soviet restraint, I do not know. I would hope that there has been some discussion and some understanding of the need to avoid further arms escalation during the Four Power talks which have been in progress.

On the basis of current reports it would appear that there is cause for grave concern. Recently Israeli sources reported that Russian pilots are now flying Egyptian combat planes in combat situations, apparently not related to test flight and training operations. If these reports are accurate—and the State Department has announced that it had evidence obtained independent from Israeli sources verifying the Israeli reports—then certainly the restraint exercised by the United States in declining immediate delivery of additional planes to Israel has not been matched by the Soviets. Again, we have a right to know.

An escalation of Russian activity in support of the Arabs would be very serious indeed, even ominous. In the first place, well-trained Russian pilots replacing less well-trained and less proficient Egyptian pilots would obviously have an effect upon the military balance of aerial operational capacity. More significant however, are the implications of active participation by Russian citizens in combat operation against Israeli forces. Such would create an entirely different situation; quite different from that which results from aid in the supply of military equipment.

Thus far there have been no confirmed reports of combat confrontations involving Soviet military personnel. However, if Soviet pilots are actually flying combat planes in combat situations, such an engagement could come soon unless there should be an effective cease-fire in the area.

In addition to reports of Soviet pilots, there are other reports of Soviet activities which reflect a more direct role by the Soviet Union in the Arab-Israeli conflict. There are reports that Soviet personnel are manning SAM-3 sites west of the Nile and that Soviet technicians are building other SAM-3 sites along the Suez Canal, presumably also to be manned by Soviet crews. Other reports indicate that the number of Soviet advisers in Egypt has quadrupled in recent weeks, to an estimated 10,000.

Mr. President, the direct involvement of Soviet military personnel in the Arab-Israeli conflict would pose the most serious potential consequences. These developments are even more ominous when viewed in the light of an open Soviet effort to establish a power base in the Mediterranean.

The U.S. 6th Fleet has long been, and remains, the most powerful military force in the Mediterranean. Until a period beginning some months ago, there was no challenge whatever by the Soviets. But as of now, the Mediterranean can surely no longer be considered an American lake—or even a NATO lake.

A Soviet force consisting of up to 70 modern ships and submarines now regularly plies the waters of the Mediterranean. Not all of these ships are always present in the Mediterranean—the average strength is in the neighborhood of 40 ships and submarines with 400 aircraft and about 21,000 men—but the entire fleet passes freely to and from the Black Sea and is available on short notice.

While, as I have stated, I do not in any way imply that the strength of this force is anywhere near equal to that of our own and NATO forces, it is of a size that cannot lightly be dismissed, and it is being augmented. It is significant that the buildup in the Soviet presence in the Mediterranean comes at a time when, because of political developments, we have fewer bases for both our Navy and Air Forces. We have had to give up our strategic bomber bases in Morocco, and we are closing out our giant air base, Wheelus, in Libya. Some attribute to diplomatic pressure from the Soviets, the termination of United States rights to maintain missile bases and reconnaissance plane installations in Turkey. Spain has upped the ante for the maintenance of U.S. bases in that country.

Clearly the Soviet Union is seeking to make its weight felt in the Mediterranean and in the Middle East. I do not assert that the Soviets have made this move because of the Vietnam war, but I do observe that when one major power finds itself bogged down on the other side of the world, another power may feel emboldened to move into another area which is of vital strategic importance in the context of the East-West struggle.

The administration's decision on how to respond to this development involves many complicated questions. First there is the problem of reading Moscow's intentions. If Russian pilots should actually participate in hostilities will their role be confined to the protection of centers of civilian population in Egypt, or is it intended as a means of providing cover for and a military buildup for another war against Israel?

Second, there is the question of what would be a proper response by the United States, and how the Soviets would interpret whatever response was made. We have witnessed the action-reaction phenomenon as applied to the strategic nuclear arms race throughout the cold war period. We now see the tragic formula operating to escalate the war in Indochina. Once the balance has been altered by one side, the other feels compelled to take action to achieve superiority. In the Middle East such an escalation of an arms race affects not only Israel and her Arab adversaries but would serve to increase the danger of direct confrontation between the United States and the Soviets in this area where tensions are already at the breaking point. Indeed, such a confrontation may hang more threateningly there than over Southeast Asia.

It has been the policy of the United States throughout the postwar period to seek to insure the security of Israel and this policy was specifically restated by Secretary Rogers on December 9 and in his decision of March 23 concerning the combat aircraft. If, in fact, the "balance" is in danger of shifting against Israel then some kind of action or response is indicated. The nature of that response will have the most serious implications for all concerned. Once again, I insist, this is a decision in which the elected representatives of the people should share. This is not and must not be a one man Government.

Given the conditions of fear and distrust which gave rise to the basic controversy between Israel and the Arab nations, and adding the complicating factors of major power involvement, it seems almost superfluous to say that there is yet another factor which further impedes a meaningful settlement. Even so, a discussion of the Middle East problem is incomplete without reference to the "third force" represented by the Palestinian guerrilla movement.

The Palestinian guerrillas are organized for combat operations. They repeatedly conduct commando type raids in Israel territory which provoke reprisals by Israel forces. This leads to increased tensions between the Israeli Government and the Arab governments and adds to the tinder-box nature of the situation.

The significant fact is that the guerrillas appear to operate independently of the governments of the nations from which they launch their attacks. Indeed it appears that they are beyond control of these governments or any government.

The leadership of the guerrilla movement is obscure. The name most prominently mentioned is that of Yasser Arafat. Yet in an interview published in this country on March 29, Arafat insisted that he was not the leader of the movement; that in fact there is no single leader and that he is merely a spokesman for the collective leadership of a movement which is unalterably pledged to the destruction of Israel. Arafat vowed that the guerrillas would continue hostile action against Israel no matter what action was taken by the Arab governments and even if these governments should negotiate a binding contractual peace agreement with Israel. When asked whether his group was in fact not seeking peace, he put the matter succinctly:

> Right. We don't want peace, we want victory. Peace for us means Israel's destruction and nothing else. What you call peace is peace for Israel and for the imperialists. For us it is shame and injustice. We shall fight on to victory. Even for decades, for generations if necessary.

The Palestinian guerrilla movement arose out of the Palestinian refugee problem. For more than 20 years a resolution of this problem has defied the best efforts of the United Nations as well as the individual efforts of many nations, including the United States.

I have made two trips to the Middle East and a major purpose of both was to look into this problem and particularly into administration of the program for relief of the refugees as administered by the United Works and Relief Administration under the auspices of the United Nations. The first of these trips was made in the fall of 1959. I learned then and reported to the Senate that the deplorable conditions under which refugees lived constituted a festering cancer in the Middle East. I reported to President Eisenhower that the administration of the refugee program in Jordan was "immoral, dishonest, and unfair." I found that no effort was made to validate ration cards which entitled the holder to rations; that cards were still in existence in the name of persons long since dead; that they were used as collateral for loans and were the subject for bargain and sale; and that because of the fraudulent use of cards many children of refugees could not be added to the rolls. I urged that our Government, which was paying 70 percent of the cost of the program, use the leverage of its financial support to require that administration of the program be cleaned up.

I returned to the Middle East in the summer of 1967, within a few days after the Six Day War. I found that the refugee problem was worse instead of better. There had been no improvement in the administration of the relief program and the number of refugees had again been substantially increased as a result of the recent conflict. There was the added element that some of the refugee camps were within the area newly occupied by Israel.

Upon my return I again reported to the Senate the conditions which I found. In a speech on the floor of the Senate on July 12, 1967, I said:

> These tragic people are hungry, miserable, embittered and impoverished, burdened with unwanted and uncared for children, numb and generally impassive, yet vulnerable to fanatical hate stimulated by those who hope for a triumphal return to a Palestine cleansed of Jews. Desperation has bred disillusion; misery has spawned hatred; and years of idleness and want have withered pride in labor. These are the ingredients of a vast human tragedy which, if understood, would shock the conscience of mankind. This, Mr. President, is a veritable seedbed for political violence, hate, and another war.

Sadly, the seeds sown over the past two decades have borne the predicted fruit. The guerrilla movement has now grown into a clandestine army of sufficient proportion to further unsettle a situation already fraught with peril.

I wish I were in a position to outline a detailed formula that would restore genuine peace to the Middle East. Unfortunately, I know of no one who has such a formula. It seems to me, however, that some observations are relevant.

In my view, the equation between the United States and the Soviet Union is of the greatest importance. As I have said, the major powers cannot dictate and enforce a settlement even if they could agree upon one. Yet because of the strategic political and economic implications any settlement must be one with which both could live. Both have a responsibility to use their influence and their good offices to bring about conditions that would lead to negotiations between the parties directly concerned.

Pending such a settlement, both the United States and the Soviets have a responsibility to act with restraint—to keep the lid on so to speak—to restrain a further escalation of hostilities.

The overall objective of U.S. policy must be to seek a peace under which a sovereign state of Israel can exist with a hope for harmonious relationships with its neighbors.

Israel will live.

FUNERAL AT JACKSON

Mr. EAGLETON. Mr. President, last Friday, a beautifully clear, warm day, an immaculately clean Southern Airlines charter flight took off from Washington.

On board were 85 passengers including Senators, Representatives, athletes, businessmen, reporters, college students, and housewives. I was on board.

Our destination was Jackson, Miss., and the funeral services for 17-year-old James Earl Green, a high school senior and one of two young men who had been shot to death at Jackson State College a week before.

On landing at the immaculately clean airport in Jackson, we boarded immaculately clean air-conditioned buses, and drove down immaculately clean highways into the city.

Finally we reached the black ghetto—a depressing place.

We stopped at the place where James Earl Green was killed. Across the street was a girls' dormitory at Jackson State College, a fairly new high-rise building.

The entrance area was riddled with bullet holes.

The windows on the first few floors of the dormitory are permanently sealed. No sniper could have shot from them. The windows on the top floor open at an angle. Any sniper at this level would have had an almost impossible position to fire a gun.

We broke up into small groups and talked with students and with Jackson city policemen, some black, some white. The students vigorously denied the presence of a sniper and vigorously denounced the bombardment of the dormitory with automatic weapons by local police and State highway patrolmen.

The policemen, naturally restrained, naturally guarded, said there may have been a sniper. Asked if that justified the volley of police shots that took two lives, they merely stared painfully.

We walked down the street to the M. W. Stringer Masonic Temple, adjacent to Lula Bell's Fashion Center.

It was hot. The temple was filled with hundreds of black Jackson citizens.

The service began. The choir sang "Nearer My God to Thee." The scriptures, "Blessed be the poor in spirit—and blessed be the meek, for they shall inherit the earth," were read.

A classmate and his high school principal described James Earl Green as a typical, average American boy who did fairly well in school, who loved track, and who was on his way home from his nighttime job when he met death.

James' elderly minister read a lengthy prepared sermon which told of the happiness of entering the Kingdom of Heaven and the acceptance of suffering on earth.

Some of the young people left quietly to show their disdain for the glorification of suffering on earth as a fitting prelude to Heaven.

The service over, the visitors once again boarded the air-conditioned buses. The black people of the area stood and watched. A few expressed their appreciation for "thinking of us." Most just stared, revealing no emotion.

Back to the airport, where the Washington reporters feverishly rushed for the specially installed telephones to phone in their stories.

The flight back was subdued.

"We must work to see that this never happens again," was the most oft-repeated comment.

Yes, we must, and we will. But most of us realize that it very easily can happen again.

Most of us realize that the hatreds of centuries will not quickly evaporate.

Most of us realize that we cannot legislate away the repository of prejudice which infests the souls of far too many Americans.

No, laws will not erase prejudice. Only we can, each of us individually, in our own hearts and minds.

And we had better, because as we allow tragedies such as Jackson State to pile upon other tragedies, as we allow hate and fear and bigotry to infest us, as we deny to some what we demand for ourselves, we damage and diminish the greatness of both the idea and the fact of America, the society which began by asserting equal freedoms for everyone—and we diminish ourselves as human beings.

CONSTITUTIONAL SYMPOSIUM ON INDOCHINA WAR

Mr. KENNEDY. Mr. President, last Wednesday, the Senator from Kansas (Mr. PEARSON) and I cosponsored a symposium of lawyers on the constitutional issues raised by the U.S. actions in Indochina. Senators FULBRIGHT, SAXBE, CRANSTON, and CHURCH were also present and took part in this discussion which included prominent New York attorneys and professors of law from leading law schools. The symposium proved to be both interesting and informative and dealt in detail with some issues that have not been adequately covered in our floor debates thus far. Because I believe it would be useful to all Senators to have the transcript of that symposium, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the symposium was ordered to be printed in the RECORD, as follows:

SYMPOSIUM OF LAWYERS ON INDOCHINA, MAY 20, 1970

The symposium convened, pursuant to notice, at 9:45 o'clock a.m., in Room 5110 New Senate Office Building, Senator Edward M. Kennedy presiding.

Present: Senators Kennedy, Pearson, Fulbright, Saxbe, Cranston, and Church.

Senator KENNEDY. I want to welcome all of you to what I hope will be a very informal, but very useful and constructive discussion of a problem that faces all of us in Congress right now.

We are not meeting under the auspices of any particular committee or to consider any particular amendment; rather, Senator Pearson and I felt that since today was, in effect, Lawyer's Day in the U.S. Senate, it would be appropriate to begin the day by asking some eminent attorneys and legal scholars to present to us their views on the Constitutional issues raised by the present situation in Indochina. We have invited other members of the Senate to be represented by staff, and we are taking a transcript so that the discussions here can be made available to others who are interested.

We meet today in the midst of a national crisis. At a time when we thought that our military activities were being constricted, we find that they are being extended to a new territory. At a time when we had hoped for a reduction of the fatalities and injuries in Southeast Asia, we find that they have jumped. At a time when, more than ever, we need calmness and cooperation and communication within our own shores, we find panic and confrontation and violence, and the incredible phenomenon of a rising body count right here at home.

Our system is challenged, and with it our hopes and our dreams, as a nation and as individual human beings. Some of us believe that the system can work, that it can respond not only in good times, but also in bad times, when response is a historical im-

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perative. And thus we are encouraged and strengthened by the outpouring of constructive determination, from young people all over the country, to pursue political avenues of relief, to make members of Congress change their minds—and to change the membership of Congress. We are heartened not because they are merely occupying themselves peacefully, but because with the imagination and brains, and manpower these future leaders can muster, they can get things done.

There is also cause for hope when hundreds of busy professional men like the lawyers who will be in Washington today, take a day off from work because they believe that nothing is more important than peace, and that their skills of advocacy in the halls of government can help bring that peace.

In recent days, the question of our policy in Indochina has focused on a straightforward constitutional issue:

Would a Congressional exercise of authority regarding the Indochina war be an infringement on Presidential powers or an improper restraint on Presidential prerogatives?

Let us be clear what we are not being asked to decide. We are not making, and need not make, a judgment as to whether the President has exceeded his Constitutional powers, or whether he has the technical authority to do what he has done in the absence of Congressional action. We are not looking backward to embarrass or punish or seek vengeance against him. We are looking forward, to see what the appropriate form and substance and breadth of Congressional policy-making power is. We want to fulfill our responsibilities under the Constitution, while allowing and expecting him to fulfill his. We see the division and separation of Constitutional powers not as a battlefield for confrontation between branches, but as a mandate for the branches to work together with mutual respect and maximum harmony. And so today we are seeking to understand what the scope of our power is, how our role relates to the President's role, and how we can best translate into action whatever policy decisions we make.

I think we will find the guidance we need in the Constitution itself and the comments of its authors, in the history of the exercise of the war-making powers, and in the specific facts and conditions of the present crisis.

To assist us on this path we have six very eminent attorneys with us here today:

Mr. Francis Plimpton is a New York City Attorney and President of the Association of the Bar of the City of New York.

Mr. George Lindsay is a New York City Attorney, and Co-Chairman of the Lawyers Committee on Civil Rights, an organization which President Kennedy helped initiate in 1961.

Mr. Adrian DeWind is a New York Attorney, prominent in the field of tax law.

Mr. Robert McKay is Dean of the New York University Law School.

Mr. Alexander Bickel is Professor of Constitutional Law at Yale Law School.

Mr. Abram Chayes, a Professor at Harvard Law School, was formerly the Legal Advisor at the U.S. State Department.

Senator PEARSON. I would add just one short word, that is, the widening war in Indochina brings into sharp focus the constitutional issue between the powers of the President as Comamnder-in-Chief and the power of the Congress to make war and other constitutional provisions relating to Congress.

The events of a changing and dangerous world, particularly in the 20th Century, have been forcing a better definition and a better understanding of the constitutional procedures.

I think it is also important to note that in the debate taking place in the Senate today no one wants to diminish the legal and proper powers of the President, but only to restore the responsibility of the Congress.

Also I think it is important that we seek a new understanding, not only for the known problems of today in Cambodia and Vietnam, but also for the unknown future trials that this nation faces in the days ahead.

I am particularly pleased at this eminent panel of lawyers fulfilling the rightful role of the lawyer to participate in public meetings and politics, who have come today to give us the benefit and make a very good record that will be of use to the Congress.

Senator KENNEDY. Perhaps we could begin, Mr. Plimpton, by giving a brief introductory statement, especially as to the role of the lawyer in these difficult times, and then have the other panelists begin on the issues in the approximate order I mentioned them.

We hope that it will be freewheeling and that you will supplement each other's views, and that the questioning will raise what points we feel will be useful.

I know some of my colleagues will be in and out and I hope the ones that do come in, as well as ourselves, will feel free to interrupt the panel and ask questions as we move along.

Mr. Plimpton.

Mr. PLIMPTON. Thank you, Mr. Chairman. I, perhaps first ought to say, although I am the President of the Association of the Bar of the City of New York, I am not appearing in that capacity. I am really an individual lawyer expressing his own views.

I might also say that I appreciate your putting me in the middle of the table here, but this is a rather disorganized group of panelists; we haven't had a chance to talk to each other about our respective roles.

Perhaps I might simply start out by commenting on the invasion of the District of Columbia by New York lawyers that is taking place today. It was triggered, of course, by the invasion of Cambodia. And an acute concern was caused all over New York City among lawyers at that event, particularly among the younger lawyers. And so far as I know, for the first time in the history of New York City or the New York Bar, there was an organized attempt to get all New York lawyers thinking about this problem, and to get them to do something about it, and that did lead to a statement signed by several of us who are on this panel, calling for a convocation yesterday at the Bar Association building to consider steps to be taken by the New York lawyers and to consider coming down here to make our concern felt on Congress and on the Executive Branch. And that is why we are here.

I think our concern might be summarized this way, if I may quote something that I said yesterday afternoon. I don't know whether Talleyrand or Briand or Clemenceau said: "War is too important to be left to the generals."

I do know that all of us who are here now, that war is too important to be left to the President of the United States. And our concern, triggered by his unilateral decision to go into Cambodia without even consultation with the leaders of Congress is, I think, the principal reason why we are here.

I realize that this proceeding this morning is not to be directed backwards at the legality or, indeed, the propriety of what he did, but it is to be directed, rather, as to what should be done from here on.

I do not want, Senator, to impinge on the latter discussion and I think that possibly the most useful thing that I can do is simply to raise the series of questions which you have indicated you thought should be dealt with.

I don't know whether it is in my province to suggest who is to answer these questions, but perhaps the panel will let me, at least make suggestions along those lines.

Your first question is the constitutional provision and what the authors of the Constitution had to say about it. And I think possibly Professor Bickel might address himself to that since he, with Yale Law School students has written a very good analysis of that very good problem.

Mr. BICKEL. I might begin by saying I think I have learned more from my students in the last couple of weeks than I have in some 15 years of teaching, and in a way, that is a small silver lining in our cloud.

The constitutional provision, I have in a way, the simple question to answer, is relatively familiar.

The Congress is empowered, not only to make, declare war, but to raise an Army, to appropriate monies for, although no appropriation is to run longer than two years. It is a provision that signals the wariness of the framers in the face of a prospect of a standing army and of the powers of its commanders.

The President, on the other hand, has, of course, the Executive power. He is Commander-in-Chief and he is under an obligation faithfully to execute the laws.

I think perhaps one of the less-frequently mentioned powers of Congress, very significant in my mind, present with many other circumstances, is a necessary and proper clause which often falls upon bad days and gets quoted only in its first two lines, namely: that Congress has the power to make laws necessary and proper for carrying into execution the foregoing powers, meaning its own.

The clause goes on and reposes in Congress also the necessary and proper power to make laws to carry into execution all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

That clause, in my mind, is very significant as putting residual power, the residual power of the Government of the United States in Congress, ultimately in Congress, and conforms to the general drift of the framers' thought that the Legislative was the chief representative of the people and states who constituted the Union.

Now, on the framer's views about the distribution of warmaking power, that is the clearest part of our problem. Later practice and interpretation by way of practice may raise some questions. There is little question about what was in the framers' minds. They didn't say that Congress—I misspoke earlier—I said that Congress has power to make war. They did not say that. They say Congress has power to declare war, thus reserving some function to the Commander in Chief. But, on the other hand, they did very deliberately choose to put the war-declaring power in Congress, not in the President (as they might have, in view of Executive power in the mother country), not in the Senate, not in anyone else, but in the Congress. And their intention to do so is as clear as anything in the history of the framing of the constitution.

The meaning of that provision is, I think, also relatively clear. It meant that the President ought to have as Commander of the forces, power to react to attacks, perhaps as later practices indicated, to act even affirmatively in emergencies, but the ultimate power to commit the resources, materiel and morale of the nation to war was retained in Congress. And I think that is very clear.

Mr. PLIMPTON. I take it next, Senator, we should consider some of the historical precedents.

Mr. Bickel has an awfully good collection of those in his article, but I think we might ask Dean McKay.

Mr. MCKAY. Now that we have a Congressional audience, I would like to be so bold for the moment, with all due respect, to criticize Congress.

Many of us in the past have criticized the President for his unilateral action and for failing to consult with Congress and other members of the Executive and general public in taking his action. But today I think it is appropriate to criticize Congress for letting

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him get away with it, because this is a very important erosion of Congressional power along the line Professor Bickel has suggested.

I think the precedents are already clear. As early as the first and second and third administration of the Presidency, President Adams and President Jefferson felt it necessary, even when confronted with something less than real war, which is unquestionably what we have now, to go to Congress for authority either to act or not to act, and they abided by the decision of Congress in those respects.

The same thing was essentially true all through the 19th Century, that the Presidents and the Congress acted together to take whatever action was necessary and appropriate in these instances, indeed, in connection with the Mexican War, which was action taken by the President, there was very nearly a censure of the President for the action that was taken at that time.

So, all during the 19th Century Congress did not relinquish the power it has, which under the constitution it has to reserve the war-making power to itself.

In the 20th Century that is essentially true until the last two decades, but Congress has gotten a little careless during that period. In the Korean War there was unilateral action by the President, and unquestionably that was a war, as the Vietnam War, but that situation was quite different because there was a broad consensus within the nation and within Congress that what the President had done, although perhaps unilateral, perhaps not even justified, on his own initiative, at least, was supported by most people in the country at that time. That does not seem to be true now and I suggest that Congress has the duty to be more vigilant in the protection of its duties.

It seems to me especially important to recognize that the Constitution—

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Senator Kennedy. Let me ask you: do you mean to suggest if the country was in support of the President's actions in terms of the early part of our involvement in Southeast Asia, that the Congress still wouldn't have had a responsibility to exercise at least its powers?

Mr. McKay. No, sir; I do not. I think from the beginning Congress has the authority and responsibility to take a very secure and firm stand ratifying or authorizing or appropriating all of the things that Congress has power to do to make clear its own judgment on that.

The real thing, it seems to me, is that the power to declare war, the power to make war, all these things are the most important, the most delicate, the most vital decisions that can be made in this country and it seems to me, therefore, entirely consistent with the constitutional interpretation that the Congress and President share the power, and unless both are in full concert, we should not go ahead with it, and that has been the failure in recent years, there has been action by one or the other, but not a consistent interpretation by both. And that is what I am for, for consideration to be given in the immediate future to correct that imbalance.

Senator Pearson. Do you believe that the Congressional action in passing the Gulf of Tonkin resolution and appropriation measures that we passed is a proper manifestation by the Congress in relation to the war and peace issue?

Mr. McKay. Certainly not enough to justify further incursion. There was nothing in the Tonkin resolution or in the appropriations to date to justify the invasion of Cambodia, and whatever authorization might be implied by any stretch of the imagination from those resolutions or those actions in the past certainly could be withdrawn at any time or qualified at any time from the appropriation power or through the refusal to support the continued commitment of troops to those areas. Those things Congress considers very carefully and in judgment could withdraw any implicit authority.

Senator Pearson. You do not consider them as a ratification of past action?

Mr. McKay. No; I do not. As I understand, the President does not either. He does not base his action taken three weeks ago on the Tonkin Resolution, but on his own authority as Commander in Chief, which I think is insufficient.

Mr. Lindsay. I would like to add one comment to what Dean McKay said on the sharing of the powers within the Constitution, which certainly I agree with.

The Constitution is not express on a number of issues. Because it is a broad and general document and I think it is very clear that the powers of both foreign policy and war are shared, as other powers are shared in the constitution, and Dean McKay said one of the problems is that the President and Congress have not, together, shared that power.

I think we could go one step further and say that as between the two, and as clear as the constitution makes anything, the Congress has the overriding power in trying to balance the implicit and expressed powers that are set forth and that were outlined by Professor Bickel.

I think one sees that the balance in declaring war and in the fiscal measures that are necessary, lie so heavily with Congress that I would think any constitutional interpretation, perhaps even particularly a strict interpretation of the Constitution, would come to the conclusion that Congress has the overriding power subject, of course, to Presidential veto, which is a part of the Congressional process.

Mr. Chayes. Could I also make one comment, Senator Pearson, in relation to your question about the earlier actions of Congress?

It seems to me that the Constitution establishes a duty of Congress periodically to reconsider whatever authority it may have given to the Executive. The notion cannot be that once granted then the Executive has the right to go on forever; and in that connection I would like to reemphasize the clause of the Constitution which Mr. Bickel has already pointed to, which states that no appropriation for military purposes shall be for a period of longer than two years.

Now, that is the only constitutional provision limiting the term of appropriations, and Alexander Hamilton, in the Federalist Papers, said specifically that under that provision the Legislature of the United States will be obliged, once at least, in every two years to deliberate upon the propriety of keeping a military force on foot to come to a new resolution on the point and to declare their sense of the matter.

That was the ultimate safeguard or example of the ultimate safeguard that the founders put in Congress, so even if they had set a war in motion by declaration or acquiesced in Presidential action, they were still under the obligation at least once every two years, and under the practice of the Congress now, once every year, when they consider appropriations matters, to reconsider and review the conduct of the President as Commander in Chief and to state their sense of the matter.

Senator Pearson. Let me ask you one further question: Congress has the power, as Professor Bickel set forth in his brief, not only to declare war, but to authorize less limited acts.

Do you consider the appropriations or the resolution passed by the Congress to authorize limited acts short of a full declaration of war?

Mr. Chayes. Well, I think the important point is the one made by Mr. Lindsay and Dean McKay. The Constitution establishes a situation in which both branches must be in agreement in order for the war to begin and continue. And that agreement must be a continuing agreement.

I suppose Congress can express its acquiescence in a variety of ways, although, as Dean McKay pointed out, President Nixon did not rely on any of those actions of Congress in moving in Cambodia. He simply asserted his power as Commander-in-Chief.

The point is that Congress also is obligated to consider, along with the appropriations legislation each year, whether it continues to concur in the action of the President.

Senator Kennedy. Is the only limitation on the Congress's opportunity to review the previous action that it may have taken, or that a President may have taken, the two-year authorization or appropriation, or do you see that there is a continuing obligation and responsibility on the Congress to review whatever authority, either explicit or understood by the President, for military activities or war?

Mr. Chayes. No; I think there is a continuing responsibility. I simply mean—

Senator Kennedy. Where do we find that in the constitution?

Mr. Chayes. I think Professor Bickel pointed to the necessary and proper clause and the general lawmaking power of Congress, that is, the power to make laws is vested in the Congress.

Mr. Bickel. It seems to me that the farthest claim that can be made or that really explicitly has been made for the exercise of Presidential power is only that the President acts in these circumstances in a twilight zone, as Justice Jackson called it, of concurrent power that he shares with Congress. That is the farthest reach, I think, the Presidential power can possibly take.

Now, that being the case, all you have on the part of Congress, all its contribution has been is a form of silence. That is not unknown in other situations where Congress acquiesces silently. It takes a highly-idealized and unrealistic view of the legislative process to attribute silent acquiescence on the part of Congress, which, as I say, happens daily in many circumstances, the same force as is attributed to a deliberate lawmaking act by Congress.

That, I think, with a possible exception of the very vague Tonkin Gulf Resolution has not taken place and the Congressional power to act has not only remained unlimited, but has, in fact, not been exercised. Even if it had been exercised, Congress can always come back to it.

Treaties are by the Constitution, the supreme law of the land, yet the Supreme Court has held Congress can repeal a treaty, repeal it without expressly doing so, by simply passing an inconsistent piece of legislation later than that treaty. That ends the supremacy and effect of a treaty under our law. So there is absolutely no possible notion of estoppel on the part of Congress or any notion that Congress has commited itself in any way that now forecloses different action on its part.

Mr. De Wind. It seems to me that if as lawyers we have any function to perform here it is, as Dean McKay has said, to urge upon the Congress that it affirmatively exercise its constitutional responsibility to define, direct and set the policy of this war.

We have now been in war, by any definition, for five years and yet the Congress has not yet within that period truly defined the objectives and policy of that war, which is its affirmative obligation under the Constitution.

The crisis has now developed really because the President has staked out a statement of Presidential powers which seems to leave no room for Congressional action in this respect unless the Congress affirmatively states policy. And in that area this is the exclusive jurisdiction of the Congress and not of the President, and it seems to me vitally important that the Congress do not let that power further erode by failing to act affirmatively.

Consequently, it must define this war.

Mr. Plimpton. I think also that we must always remember that granted there is a twilight zone between the authority and powers of the President as Commander-in-Chief of the Army and Navy, and the powers of Congress to appropriate and to apply general direction, that obviously there are certain situations where the power of the President as Commander-in-Chief must be paramount.

Where it is a matter of urgent national defense, where it is a matter of a crisis in the carrying out of a military operation, surely the power of the President should be paramount. But where, as here, the Cambodian sanctuaries have been in existence, I suppose, for five years, when the military have presumably been urging for five years that they be wiped out by an invasion, there was no emergency.

It seems, I think, quite clear in this particular case the exercise of power as a Commander-in-Chief went beyond the contemplation of the Constitution and of orderly government.

It is difficult, I think, to generalize too much about this twilight zone; certainly in the case that we have before us there was no emergency. And it seems to me in that case, in such a case, the power of the Commander-in-Chief does not extend that far without Congressional consultation, approval and so on.

Mr. McKay. I wonder if it wouldn't be useful to compare this situation with another different one. The problem here is separation of powers, as it is in many instances, but this is the most vital issue in which the nation can be involved, and yet we find that in other twilight zones, as it will be properly referred to this morning, where there is some doubt as to the related division of authority between the President and Congress, that the Supreme Court of the United States has been very wary to say that the President cannot act unless there is some kind of direct constitutional authority or some authorization from the Congress.

He is the Executive; he is charged with the carrying out and enforcement of laws and not with the making of laws.

Thus, in the steel seizure case of a dozen years or so ago, it was quite clearly said by the Supreme Court that the President did not have authority to act in the absence of Congressional authority. Similarly, in some of the national security cases in the late 1950s, in *Green* v. *McElroy*, again the Court said where there was any doubt about the interpretation, in the absence of explicit Congressional authority the President lacked the authority for certain kinds of Executive orders. Surely it follows in this area, where the balance seems to rest quite clearly with Congress, if there is any doubt as to division of authority, that the President cannot act or at least can be recalled from action by Congress, and that Congress has the affirmative duty to maintain that proper balance.

Mr. Chayes. It might be worth saying that again in accordance with Senator Kennedy's statement at the beginning, we are talking now not so much about the propriety of the President's past actions as the propriety of the Congress acting now. And it seems to me in this one sense the Constitutional issue has been settled by this Congress and by this President because in the 1970 Appropriations Act the Congress limited the funds appropriated so as to not permit their use to introduce ground combat troops into Laos or Thailand.

Laos in a strategic sense, is fairly similar to Cambodia in their sanctuaries and supply areas there. The President accepted that limitation. He did not express at that point the view that Congress was interfering with his Presidential powers or his power as Commander in Chief.

That act is now law. Whether it is being fully complied with or not, I suppose is a question, but it is the law.

It seems to me that this represents a statement by this Congress and this President about what their respective powers are.

Mr. De Wind. Is it really true you can say there is a question that that law is being observed? Hasn't it been disclosed American armed forces are engaged on a regular basis in Laos?

Mr. Chayes. I leave to others the decision as to whether the law has been violated. You know the Administration's position is that these are not ground combat troops within the meaning of the Act. That kind of scholastic reasoning may convince some. It seems to me to raise a very real question about whether the will of Congress is being observed and whether Congress needs to take some further action to make sure that that will is being observed.

Mr. De Wind. The Congressional rhetoric in this seems to have something called "superretaliation," which we have been asked not to request a definition of.

Senator Kennedy. Would you be kind enough to comment on the question of whether the Gulf of Tonkin Resolution grants sufficient power to the President in terms of Congressional action, both in terms of Vietnam and perhaps as well, Cambodia?

And if it does, what would be the ramification in terms of the Presidential power if the Senate would repeal the Tonkin Resolution? Does he have to pay any attention to that?

Mr. Bickel. My judgment would be that the notorious vagueness of language and cloudiness of circumstances that surrounded that resolution, surrounded its passage, makes it virtually meaningless. And my scholastic powers are as good as anybody's in my profession, I guess. I suppose I am giving myself airs.

Well, it is a pejorative kind of airs I give myself.

I frankly just haven't the faintest idea what it means. I suppose if I am right in that then the repealer is likely to mean no more, although surely language that doesn't mean much ought to be repealed out of the statute books.

I, frankly, more fundamentally, don't think that is the issue.

Let us assume for the moment the Tonkin Gulf Resolution does mean something. Constitutionally, what it means is that the authority to decide where we fight wars resides, residually anyway, in Congress, not in the President. I would repeal it and I would express the will of Congress a lot more clearly than it remotely has.

I might mention, while I have the microphone, before it moves away again, that another and even more striking incident of the exercise of Congressional power in deployment of troops in wartime is, of course, the Selective Service Act of 1940, which included a provision that a person inducted into the land forces of the United States under this Act, shall not be employed beyond the limits of the Western Hemisphere, except in the territories and the possessions of the United States.

It wasn't until Congress declared war that that provision tying the President's hands in a way that no piece of paper that I have seen that is now proposed for passage by the Congress would tie them, it wasn't until a declaration of war that that most categorical provision was repealed.

There is an instance in recent history of the exercise of Congressional power.

Senator Pearson. May I ask the panel this question: It seems apparent there is clear authority for the President to take unilateral action to protect the laws and property of Americans under the so-called neutrality theory. Do you find that authority or the precedent for that authority granting to the President any power to act as he did in Cambodia, which I understand is based primarily on the protection of American lives?

Mr. Bickel. Well, without or only slighty violating Senator Kennedy's injunction, we look to the future and not to the past.

Senator Pearson. Put it in the future.

May a President under the neutrality theory of unilateral action, act in a situation such as Vietnam to protect American lives?

Mr. Bickel. I would be hard put, Senator Pearson, to think of the Cambodian incident itself as going beyond what has been established by practice as Presidential powers. I think what goes on, what goes beyond, what is a clear invasion in my mind of an exclusive power of Congress is the whole train of events starting in 1965. But, if I were to accept that, if I were to accept in some fashion Congressional acquiescence in what happened since 1965, the Tonkin Gulf Resolution was some sort of acquiescence, and I therefore accepted the President is waging a lawful war, then it wouldn't seem to me that the move into Cambodia is such as though it is a move across an international boundary, and reasonable men can differ on that score.

It wouldn't seem to me the move itself as such is an extension in light of prior practice of the powers under the Commander in Chief.

That, of course, is not to say, even under the neutrality theory, given the movements to Vera Cruz in past times, that is not to say that even if the President's exercise of power is within his constitutional prerogative, it still is within the twilight zone, and it is not to say that Congress cannot, when it has the leisure, since the explanation for any Presidential power in such circumstances is the emergency need, that Congress cannot when it has the leisure, go back and say "We don't want that done and we want out of there, which is really the issue before us now."

Mr. Lindsay. Coming back for a moment to the Tonkin Gulf Resolution that you asked about, I think there might be some merit in having Congress repeal it, largely because it has in the past been used in testimony before Congressional Committees and elsewhere as a background for unlimited Executive action in pursuing the war.

I do think that that was an erroneous reading of the Tonkin Gulf Resolution.

As every lawyer knows, in reading an Act, both the lawyers and the courts look into the fundamental purpose and the background in which the law, or in this case, Congressional Resolution, was passed, and to take a resolution that was passed to support a retaliation of a motor torpedo boat raid at a time when we had almost no troops in Vietnam and to say, no matter what the language says, no matter how broad it is, to say that that is a fundamental support for the whole Vietnamese and now Cambodian defenses is, to my judgment, a misrepresentation of what Congress had in mind, even without going into the details of Congressional debate in which it was expressly said that they did not intend to authorize a ground war.

Mr. Plimpton. I think that Mr. Lindsay is reading the first part of the Tonkin Gulf resolution rather than the rest of it. Because, after all it did say the United States regards as vital to its national interest and so on, the maintenance of the international peace and security of Southeast Asia. It goes on to say "The United States is, therefore, prepared, as the President determines, to take all necessary steps, including use of armed force, to assist any member of protocol state of the Southeast Asia collective defense

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treaty requiring assistance in defense of its freedom.

Of course, technically, if one accepts the perhaps slightly dubious conclusion that South Vietnam is a state, that it did require assistance, the Tonkin Gulf Resolution would seem to me pretty specifically to authorize that. It certainly does not authorize, however, the incursion into Cambodia because at the time we went into Cambodia, the Cambodian Government had not requested assistance.

To be sure, somewhat belatedly the present Cambodian Government indicated pleasure that we were there, but as a matter of technicalities, it never did request American assistance within the terms of this resolution.

Mr. McKay. On the Tonkin Resolution, my views are very simple, perhaps simplistic.

If, indeed, the resolution does authorize war in Vietnam or Cambodia, or anywhere else, it should be repealed.

If it is unclear, as Professor Bickel has said, and as I agree with him, although I freely confess my scholastic powers are not as great as his—if it is unclear, it should be repealed for that reason.

On either ground, it seems to me it is sensible to withdraw on the "incursion" into Cambodia, as Mr. Plimpton so gracefully puts it. It seems to me the difficulty with that, there is the power to protect in the President the lives of American troops. The difficulty here was that he didn't consult with those who might have some present or after-the-fact judgment of great consequence. He did not consult with Congress. It is not at all clear that he had any advance invitation from Cambodia.

It is not at all clear that many of his important Executive advisers were aware of it or would have agreed if they had been aware of it. So that Congress, it now seems to me, should exercise its own independent judgment as to whether there was, in fact, or continues, in fact, a need to protect American lives there, and Congress should debate that question and resolve that question, I think, quite promptly.

Mr. De Wind. With regard to the Tonkin Gulf Resolution, I share Alex Bickel's views. I don't understand what it means and therefore don't debate about it, and what it authorizes. It seems to me to be somewhat fruitless and I would, therefore, agree it should be repealed.

Going back to Senator Pearson's inquiry of Alex Bickel about Cambodia and the Neutrality Doctrine, this seems to me to pose a real serious constitutional and procedural problem which has arisen in the last 20 years. If the time of declared wars is over, then the mechanism for the joint exercise of Congressional and Legislative and Executive authority has changed considerably, and perhaps it is important that some kind of mechanism be developed to deal with a different kind of world situation, where under nuclear power and given the very extensive and sense of the balance of power across the world, there may be need for response that has to be prompt.

I must say I fail to see how the sanctuary in Cambodia could justify any such application of the doctrine. They have been there for years. They have not extensively changed as far as anyone can tell, or has it even been asserted.

Let's assume that there was a sudden attack or a neutrality exception to be applied here. Does there not have to be some sort of accepted mechanism which would become tradition, that when those steps are taken at the earliest possible moment, whether by Joint Resolution or otherwise, that the Congress be consulted and give its approval? And the mere acquiescence by silence of the Congress does not seem to be a satisfactory mechanism, but indeed, if we are going to have war situations that are not declared, it seems to me that the Congress and Executive should combine on the setting up of some way of enforcing the traditional accommodation of powers, because our whole constitution it seems to me will work, if there is a provision of accommodations.

These issues can't be fought out in the courts. It has to be by tradition and accommodation.

Senator Kennedy. If the Tonkin Resolution means as little as most of you gentlemen believe that it means, what of one of the other authorities that has been expressed by top administration officials in previous administrations, as well as this, that the President is entitled to take the action that he has under the protocol of the SEATO Treaty which was approved by the Senate? I am wondering if you could talk to that point as to what you believe is the President's authority under that protocol.

Mr. Chayes. Senator, I had some occasion to look at the SEATO Treaty with care when I was in the Executive Branch. I think one ought to separate Cambodia from Vietnam and deal with them as separate questions.

The protocol states to the SEATO Treaty are not members of the treaty organization. They are three states in Indochina, Laos, Cambodia and Vietnam, and the numbers or the treaty states that upon their request, the members of the Treaty Organization may come to their assistance under the procedures established by the treaty.

So that the first question about Cambodia is: was there any request?

Now, some years ago, actually Prince Sihanouk, when he was head of the Cambodian Government, rejected the status of a protocol state, renounced that. Whether or not that has any carrying power, I think it is very clear that there was no advanced request from Cambodia in this situation. I don't think anybody has asserted that the new Cambodian Government or the old Cambodian Government made a formal request for assistance in accordance with the SEATO Treaty procedures.

Secondly, even if there had been such a request, the SEATO Treaty procedures require consultation among the members about the appropriate steps to be taken in response to a request or an attack on a protocol state.

Again, it seems to me there isn't any, even any contention that the United States went through those consultation procedures, and it seems to me that there is very little doubt that if it had consulted with the other members of the SEATO Treaty: the British, the French, the Pakistani, the overwhelming view there must have been some support; but overwhelming view is there should be no incursion into Cambodia.

In the third place, any action to be taken under the SEATO Treaty is to be taken in accordance with the constitutional processes of the member states, and the treaty so specifies.

So, again, we are right back to our original question: what are the constitutional processes?

The Senate, in ratifying the SEATO Treaty deliberately kept that string on it so that there would have to be a resort to constitutional processes in the event action under the treaty were taken.

Finally, the treaty is designed to protect SEATO, or the protocol states as such, and the one thing that the President has said is that that isn't what he is doing, that he is not protecting Cambodia; he is not in there in defense of that area, but he is in there as an ancillary kind of thing to the Vietnam operation.

So, it seems to me, certainly in the case of Cambodia the reliance on the SEATO Treaty is wholly baseless and on a variety of grounds the SEATO Treaty provides absolutely no cover for the Cambodian activity.

Senator Pearson. Related to that, the argument has been made that respect of a neutral country depends upon that country maintaining its neutrality, and that Cambodia in the past years has failed to maintain that neutrality in permitting North Vietnamese and Viet Cong troops to occupy and to supply routes and to occupy the sanctuaries.

Is that a proper interpretation of international law?

Mr. Chayes. Well, I think it might have been a proper interpretation of international law before World War I. What the rule now is is much more difficult to say. But in terms of our situation here, it is a question of what the President's powers to act as Commander in Chief are.

It seems to me those powers arise only in the event of a sudden, immediate threat, as several of the gentlemen have said, and there simply is no evidence at all, I don't think the President has cited any evidence that there was a significant threat at the time, a significant sudden threat, a change in the situation that required immediate action at the time you went into Cambodia.

So, it seems to me the national or international problems and domestic problems, meld into one another and the question of whether there can be action in the absence of such a treaty is not so clear.

Mr. Bickel. Not only, I think, in terms does that treaty remit us to our domestic constitutional arrangements, but there would be an extremely serious question of whether if the attempt had been made by treaty to override our domestic constitutional arrangements of division of power between the Congress and the President, whether that could have been done.

There is no law that I know of that says that a treaty can override fundamental constitutional arrangements. There may be some changes that can be made by treaty or executive agreement in relationship between the Federal Government and states, but I don't know of any law that says a treaty can override basic constitutional arrangements.

The Congress did not enact the Bricker Amendment precisely because it thought that was the fact.

Senator Kennedy. We talked somewhat earlier about how you gentlemen view the war-making powers and the Executive and the Congress in the 19th to 20th Centuries and the gradual deterioration, in your view, of the role of the Congress in fulfilling its mandate under the Constitution. Then Mr. De Wind just a few moments ago projected this into the future and talked a bit about a sort of new kind of relationship that might have to be developed if we are going to be responsive to other crises around the world.

Could you, perhaps develop, talk a bit about this historical deterioration, as you view it, in terms of the warmaking powers and how you see it in terms of the future, and what kind of suggestions you might have in terms of the Senate restating and reestablishing its responsibility in this area.

Mr. Plimpton. I don't know that I am the best one to respond to that, Senator, but I will at least make a few observations.

I think obviously in the 20th Century, with the very rapid development in the technology of warfare, with the atomic bomb leaning over us, and the need for the Presidency to have the power to act when international crises develop, such as Lebanon in 1958 and Cuba, one does have, historically, a greater emphasis on the power of the Presidency. And I see no signs of any move backward from the international situation, which necessarily does mean that the President has got to be in a position to act very quickly if a crisis develops.

To just elaborate on what Mr. De Wind said, it seems to me that Congress must realize that, and I think it does realize it, because over the last years there has never been Congressional objection. In most cases there has been a Congressional approval in

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the sense of approval by Congressional leaders of what was done by President Johnson in the Dominican crisis, and at least what was done by President Kennedy in the Cuban crisis. Things like that simply have to be done by the President.

But, it seems also clear, too, as Mr. De Wind has said, that Congress must have some sort of a continuing method of consultation with the President so that as these crises develop, Congress can be kept informed and give its own views, even if there isn't time for legislative action.

I am sure that some of my brethren here can elaborate on that.

Mr. DE WIND. Let me say this: the other day I was reading the steel seizure case again and was very struck by the fact that Justice Jackson, in his opinion in that case, foresaw so much of what was going on in this country and really gave the prescription, I think, for dealing with it. And if I could just quote for a moment.

I made a note of this quotation. He said:

"I have no illusion that any decision by this court can keep power in the hands of Congress. Power to legislate belongs in the hands of Congress, but only Congress itself, can prevent power from slipping through its fingers." And then he gave the prescription:

"With all of its defects, men have discovered no technique for long preserving free government except that the Executive be under the law and that the law be made by parliamentary deliberations."

It seems to me that prescribes the course that there must be a technique and mechanism for parliamentary deliberations on any matter so important as war, let alone many other things that affect us.

Mr. BICKEL. It seems to me clear that this is not a matter that can be codified with any hope of governing by present legislation future events. It is, indeed, not a legislative but a constitutional matter, and I think if one is to restate it in general terms, if Congress is to assert itself under the presssure of these events to a restoration of its position in general terms, the line is to be drawn between Presidential, reactive Presidential power, between Presidential power to go speedily into executive action to meet any assault or threat. And if one has the Cuban crisis of 1962 in mind, one has to add that threat against the United States or its forces.

I think reasonable men would find a difference between that which is the true line of practice and certainly the true line of constitutional intent until the practice began to be corrupted in one or two instances in the 19th Century and fairly steadily since the first World War.

I think that is the true line and men can find, I think, a distinction between reaction of this sort and the deliberate commitment of the resources of the country to war, which is what happened, in my judgment, in 1965.

I think Korea is a sort of a dubious middle case and I would probably let it slip over to the side of Presidential power.

Now, I think that without any illusions, if one is writing an Internal Revenue Code, it can be stated in broad constitutional language, in the exercise of the function of Congress to reassert its own constitutional position. More than that, I would doubt it can be done.

Senator CRANSTON. I would like to ask a question that relates to the current situations we are seeking to deal with now in what amounts to a war undeclared and where the Congress is seeking to exercise its constitutional powers to bring the war to a close.

What are the legal distinctions of, the constitutional distinctions between the issue of the involvement of Congress in the power to declare war, where that is possible, where we have time to consider whether or not we wish to, and where we want to exercise our constitutional authority, particularly the power of the purse, to end a war that we are involved in where the President is now exercising his authority as Commander in Chief and says he has to do certain things to continue to defend the lives of American troops engaged in this kind of war?

Mr. BICKEL. May I say I don't think the Congressional power is by any means restricted to declaring wars; that is, a formal declaration of war is not the only thing Congress has at its disposal.

I don't think the Congressional power is restricted to the appropriation power. I think the general residual war and foreign policy relation power of the United States, except in a small area of the function of the Commander in Chief to act speedily, rests in Congress. I don't have any doubt about it.

I think the most, as I said earlier, the furthest claim that can be made for Presidential power is that it also exists in the twilight zone, as Justice Jackson called it, where the Congress and President share powers. So, I am as clear as I can be. I don't have any doubt under the sun that Congress, no matter what the legality and validity of Presidential action now, has present power to make the foreign policy of the United States, as it sees fit to do, and to appropriate or not appropriate money in pursuance of that policy, as it sees fit to do.

I don't have any question, in other words, to be quite specific, on the constitutional foundation for either the Cooper-Church or the McGovern-Hatfield amendment.

Mr. CHAYES. I am in accord, almost, with everything that has been said, but I do think one can overemphasize the statement that Congressional powers have been eroded.

The fact is that even since World War II, on almost every occasion where there was a serious possibility of involvement of U.S. troops in major combat, there was not only informal consultation with Congress, but formal consultation.

Now, I think the one case in which that is not so, was the Korean commitment by President Truman, and there he did assert Executive prerogative, pure and simple, although he consulted with the leadership. He did not, either before or after, seek a resolution, but when the Formosa Straits problem blew up later in the fifties, President Eisenhower sought an authorizing resolution from Congress.

In the Middle East in 1957, Congress gave an authorizing resolution in advance to the President, and the Lebanese landing was carried out under the authority of that resolution.

Mention has been made here of the missile crisis. In that case, at least a month before the action of President Kennedy, the Congress passed a resolution authorizing response by force if Cuba should be turned into an offensive missile base, and that resolution is cited by the President in his quarantine proclamation. And even, although we have talked about its inadequacies, and difficulty, President Johnson wanted some form of Congressional sanction, which he got or thought he got in the Tonkin Gulf Resolution.

So that to me it is not that Congress should not regard the situation as one in which the President has refused to recognize Congressional power.

Quite the reverse, except for one or two occasions, the President has consistently recognized that it is necessary to associate the Congress with him in this kind of enterprise and to return to what Mr. De Wind said before that is the genius of the system, that both agencies which bear some responsibility and power must be in concurrence in order to carry on an activity of this kind, a war so deep and costly.

Senator KENNEDY. How much consultation really was there during these events that you mentioned here, Mr. Chayes? Was it mostly pro forma? How extensive was it really? How does it affect the criteria which I think has been the theme, at least, of the expression that you gentlemen have pointed this morning, and that is: there ought to be serious consultation with the Congress and, if there is going to be Presidential action, it should be made with the support of Congressional action.

In the instances you have mentioned here, was there really anything more than a hasty resolution passed, or was it the really extensive kind of consultation which you gentlemen feel is essential in the development of future American involvement?

Mr. CHAYES. The missile crisis, which I know best, Congressional action was taken well in advance of the actual knowledge that offensive missiles were there.

My guess is that that time that Congress would have been prepared to go further than the President might. The resolution was passed after extended debate in both houses a month before the action. and then when the action itself came to be taken, I know Chairman Fulbright was consulted, as well as other Congressional leaders.

I think in both the Formosa Resolution and the Middle East Resolution in the fifties, although I am less familiar with the details, were both passed as a result of considerable debate.

Now, it seems to me fair to say that the Tonkin Gulf Resolution, there the President exploited a situation of emergency to secure some form of Congressional approval, and we have already mentioned that that might limit the scope of the approval.

Senator FULBRIGHT. What is the situation if the President misrepresents the facts upon which he bases his request?

In law, what is the situation with any contract if it is procured by fraud; is it valid?

Mr. CHAYES. Well, I think we have said, Mr. Chairman, that none of us really rely very heavily on the Tonkin Gulf Resolution and we all think that the time has come for its repeal.

Senator FULBRIGHT. Why would you cite it as an example of consultation?

Mr. CHAYES. Well, all I was saying is that even at a minimum, even in a case like that, President Johnson recognized some minimum requirements or desirability of association.

Senator FULBRIGHT. Pro forma, purely. In the case of the Dominican Republic, we were called out at 5:00 o'clock and we were told there again, a number of things that were not true at all. He had already made up his decision and he went to the public television and announced it within the hour, practically.

Now, in the case of the final action on Cuba, although he had the previous authorization. I was also invited there. We were invited about 5:00 o'clock; we were informed; we were asked our views. But the decision had well been made. The speech had been prepared. He immediately left that meeting and went out on television and announced it. He wasn't asking for consultation or advice. He asked us to come to receive his decision.

Do you call that consultation?

Mr. CHAYES. Well, Mr. Chairman, let me simply say what position I am trying to make. I am really not saying that in all of those cases the consultation with the Congress was adequate or necessarily supported the action.

What I am saying is that even the President has, as in most cases, he has recognized the need for Congressional concurrence, and that seems to me to go to the point that we have been talking about before, that if the President, even in these emergency situations, has recognized it, it is clearly the right and duty and obligation of Congress to assert its view, in a situation like the present.

Senator CRANSTON. Given all of the back-

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ground, what will be the legal effect of the repeal of the Bay of Tonkin Resolution, which we can expect will occur?

Mr. McKay. Wouldn't that leave the situation as it was before. Whether Senator Fulbright is right or not, that it was enacted on the basis of misinformation, it now would be withdrawn and the situation would be restored more nearly to a proper balance.

May I return to your earlier question about the power to declare war?

It seems to me if Congress has the power to declare war, and no one disputes this, then surely it must, to use an ungrammatical word, have power to "undeclare" war.

It may be that it is necessary to withdraw troops and commitments a little more slowly than the initial determination to go in a war situation. But, there can't be the slightest doubt, it seems to me, that Congress, through its appropriations power, through its power to govern the land and naval air forces, through its general authority in connection with foreign affairs, has the authority to make that decision in its own good time.

Now, if in the past the consultation process is not as good as it should have been—and I certainly agree with Senator Fulbright, that it has not—isn't the fault really that the Congress hasn't demanded that there be consultation, and hasn't it said after this fact, this was insufficient and it hasn't called the President's hand on these issues.

And it now seems to me the opportunity to make that point more dramatically than any point in the past whatever, in other cases there was surely less consultation with Congress, with the Executive Branch, with the public, in this instance, than in the other, but in this instance, making this very dramatic occasion to show that Congress does continue to assert its rightful authority.

Senator Church. Mr. Chairman, getting back to Professor Chayes' point, he was stressing that he felt that the powers of the Congress had not been eroded, that the President, with one or two exceptions, had recognized the power of Congress.

I think I would have to take issue with that. I would say the President, with the exception of one or two wars, has recognized the power of Congress.

Moreover, I think that in the study that I have given to the committee, and I have tried to give very careful study to it, one can demonstrate that Congressional power has eroded away over the past 100 years. Not only the war power, but the treaty power; not only the treaty power, but the power of the purse. And that all of this has resulted in a very large concentration of power in the hands of the Chief Executive.

I think it was Gibbons who wrote in *The Decline and Fall of the Roman Empire*, that the principles of a free constitution are irrevocably lost when the legislative power is dominated by the Executive. And I think that one cannot lightly pass over the impressive evidence that Congressional power has eroded away.

Now, that, of course, has been very much the fault of Congress. It hasn't been the action simply of the President alone. It has happened because of acquiescence of Congress through the years. But it really has come to the point where the power, it seems to me, has become so largely concentrated in Presidential hands and the habit of accepting this has become so persuasive that the institutions of the Republic as envisioned by the Constitution are in very serious jeopardy.

Mr. Rustin of the New York Times, you know, is a very thoughtful writer, and I can't take issue with him when he said in his column the other day, "On the great acts of foreign policy, especially those involving the risk of or even the acts of war, he, 'referring to the President,' is more powerful in this age than in any other, freer to follow his own bent than any other single political leader in the world, and the larger and more fatal the issue the greater is his authority to follow his own will."

Now, what we are striving to do in the amendment that is presently before the Senate, Senator Cooper and I and many others on both sides of the aisle are sponsoring, is not to question the legitimate authority that the President has, as Commander in Chief in an ongoing war situation, where he does have responsibilities for the protection of American troops in the field.

What we are striving to do, rather, is to assert or reassert Congressional authority to share with him in a legislative way the responsibility for fixing the outer limits of American penetration in Cambodia; and we seek to do that by asserting the control that the Constitution vests in Congress over the pursestrings.

Our purpose is not to undercut the President. We have established the outer perimeters exactly where he set them. But beyond that, we provide that money, appropriations shall not be spent, so that if later he thinks we should occupy all of Cambodia or assume obligation for the defense of the Cambodian Government, or expand the war still further into the jungles of Southeast Asia, then he will be obliged to come back and present his case to the Congress and ask Congress to lift the limitations.

What I would like to ask is: given that kind of amendment as I have explained it, do you gentlemen feel that this falls clearly within the powers of the Congress under the Constitution?

Mr. McKay. I would certainly agree it is within the Congressional powers. But I want to take difference with one thing you said earlier. I do not believe the Congressional power has been eroded. I do not believe that is possible under the Constitution. The words of the Constitution are just as bold and meaningful and clear as they were a century ago. What there has been, it seems to me, is not an erosion of power, but an erosion of Congressional will.

Senator Church. I agree with that. I agree with that. And I think that is what I was saying. Of course, the power is there and what we are seeking to do with the amendment is reassert it. The power derives directly from the Constitution, and I think you are quite right in the distinction you make, the power and will to use it.

Mr. McKay. I fully concur in the assertion of authority that you suggest.

Mr. De Wind. Before you came in, I made a statement which I think I would like to repeat.

It seems to me this is not only within the power of Congress, but it is part of its solemn constitutional obligation to define the war, which it has not yet done.

It seems to me the total initiative in the situation rests with the Congress. Presidents and all executives will exercise power and the resistance to that power under the Constitution has to come from the Congress, and the power of the President, to which you referred, has tremendously, greatly exercised a leverage on public opinion, which is tremendous, and if the Congress does not respond it is shirking its obligation, not its power.

Senator Church. I think the thing I find hard to understand, that those who so often proclaim themselves to be conservatives and traditionalists assume the most radical possible view on the question of Presidential powers. They seem to think that the President of the United States is meant to be an autocrat in all matters that really count, matters of war and peace, that involve life and death of the Republic, and, of course, that wasn't what the Constitution envisaged. It envisaged they share responsibility and yet the self-avowed conservatives and preservers of the Republic are the ones that are most adamant now in proclaiming that there should be no limitation or restraint placed upon the powers of the President to do as he pleases.

Mr. Plimpton. Those who favor strict construction of the Constitution do not favor strict construction of the powers of the President. There is an inconsistency there that is pretty glaring.

Mr. Chayes. I want to get myself on record, in reply to your question, Senator Church. I fully endorse the Constitutional power of Congress and, as Mr. De Wind said, the obligation of Congress to decide this matter and to enforce its will.

The only thing that I was trying to say was that even the present-most Presidents have not asserted otherwise, they have not claimed a prerogative so wide they should have taken whatever advantage they could of Congressional acquiescence, but as a Constitutional matter they have not claimed that wide a prerogative, so that it isn't in that sense, a confrontation until very recently.

Senator Church. We are basically in agreement.

Senator Saxbe. As I look at it, we are in a historical constitutional crisis. What we are trying to do is reverse a trend that has been going on for many years. We are now trying to reassert something that has not been taken away from Congress. It has been given away. And it was pointed out yesterday by speakers on the floor that Congress has been engrossed in housekeeping duties; in other words, Washington representatives of their constituency, and that, combined with efforts to get reelected, have taken up most of their time.

Now, the things that the President has moved into, beginning back before World War II, have gradually grown into a bureaucracy, and to fight what we see in this historical crisis, is first to convince Congress that there is a possibility of reasserting this, and then convincing them that they want to, because we find among those of us who are interested in this, especially the newcomers, there is little desire to move into these controversial areas.

Now, that means there is a void to be filled and it has been filled, not just by the President and his appointees, but rather by the growing bureaucracy in the Defense Department and State Department and in the other departments. A self-generating power that now goes to policy measures.

We think that unless we take this stand at this time, and I am delighted that you are here, because this is, from that standpoint, a judicial matter. Unless we take this stand to reassert our interest and our control, that it is going to be eroded even further.

Now, it is easy to say that Congress reasserts its power, but I think that it is significant that the ones that you talk to here are all in agreement with you and the ones who are not here are the ones with whom we have difficulty in convincing and we haven't done a very good job, obviously, on the floor, because most of the Members of the Senate and the House are still interested in doing their social work and in getting reelected and are not generally concerned in giving up these duties, which are very demanding, and moving back into an area of policy-making.

Mr. Bickel. To make an argument, or put on the table a proposition which isn't strictly legal, but which goes to the reasons I think why the original constitutional arrangement was what it was, and not what in some of these instances it has become to be, and that is this: you can, I think, in a democratic society, tolerate a measure of Executive—decisive action, which is, of course, the genius of the single executive.

When there is consensus, when there is recidivity to him, you can have an FDR close the banks, but the residual power of government has to be in Congress because it is the only institution in which the proceedings of

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government goes on openly and visible. It is the only institution in which the process of government is open to access.

A President, or for that matter, a court, are unsuitable instruments for government, for much the same reason.

A President makes his decisions behind closed doors. There are the raw aspects of his office, remoteness of the office. You cannot do that, it seems to me, with decisions for which you have to generate consent in a democratic society.

The President is no fit instrument for doing that, certainly for doing it continuously. Congress is the instrument for that. Congress is where things are open, visible and where there is widespread access, where there can be some form of participatory democracy. These, I think, were the reasons why in setting up our government Congress was made the residual depository of Federal power, not the President, and these are the reasons; these are the additional reasons now why Congress must reassert itself because the country is, as everybody knows, in something of a crisis of allegiance and of confidence in its government with the Executive.

Mr. LINDSAY. I wanted to make one comment further on perhaps why this is such a good time and an important time for Congress to take an affirmative step as almost a demonstration of reassertion of its interest and control over the war making power. And part of that is because, as we all know, in our times, unlike the early days, it is a time when the President has to have and does have, unquestionably has the power for instant response to total war, and I am sure that there is nobody here who would dispute that that power exists.

But, within the fringes of, it is absolutely essential that the greatest restraint in every way be on the President in the exercise of that power.

For example, one can envision attacking NATO and the level of response that the President might feel he could go into. You can even go back to the *Pueblo* action in which there were many who urged and probably the President would have been supported in a power if he had reacted to the *Pueblo* incident by immediate bombing of North Korea. Thank God he didn't!

But in this kind of a context where we know the President has the power of total response, it is important that Congress enter into the process, both in advance and at the present time in asserting itself just to the absolute extent that it can within those limits.

Senator FULBRIGHT. It seems to me you are using the words "power" the same as "authority." Do you see any difference between the power to bomb Moscow tomorrow and the authority to do it?

It is true so long as the army will obey him he can order them to do all sorts of unconstitutional things. You say "the power," you mean he has the authority to do these things.

Did he have a constitutional authorization within the Constitution, meaning of the Constitution, to react immediately and bomb North Korea?

Mr. LINDSAY. I don't think he would have in that case but I think it is very debatable as to whether he would not have it.

Here we have been discussing not whether the President had the power to go into Cambodia.

Senator FULBRIGHT. Are you meaning a Constitutional authority? Do you use the word "power" as equivalent of constitutional authority to do it?

Mr. LINDSAY. I was using it in that statement as meaning authority.

Senator FULBRIGHT. You see no distinction?

Mr. LINDSAY. In the case of a full nuclear attack on this country, I think the President has the authority, as well as the power to respond and clearly in the case of a nuclear attack on something like NATO.

All our troops in NATO, at what level of response he has power and authority, the point was: where this situation exists, and I think both power and authority are tremendous, it is important that Congress move as far into those limits as it can.

Senator FULBRIGHT. Could I come back to Mr. Bickel? All of you say the Congress should do that and Congress should do this. I thought that the purpose of these discussions was to determine that the particular action in Cambodia was or was not within his authority. He obviously has the power to do it. Was he correct in doing it? And does the Congress have Constitutional authority to limit it? And we could reiterate all we like that the Congress should do this and that.

These are fine political decisions. The significance to us is if the best authority believes that we do have the authority. This is an argument, a case for an argument to obtain action in the Congress.

It strikes me that a lot of this is very interesting, as scholars, but it is also very interesting and you prompt the question: why has the Congress not been willing and able to reassert its authority, its Constitutional authority? Why does it hesitate to do it?

It seems to me that these are new developments, particularly one that wasn't contemplated in the Constitution, and the other has grown up since World War II.

Two major facts are that under the impact of that war and succeeding wars and a continuing crisis, the military establishment has come to control the Congress. It is so enormous and disposes of such a great part of the wealth of the country, which also includes its command of the personnel, and the influence generally, its institutional advertising, public relations activity are far beyond the comprehension of most citizens, together with the invention of television. And the President is the only man who has immediate access to the minds of 90 percent of the people.

I think there are 60 million television sets, which covers almost all of the homes in the country. And there is no Congressman, no Senator, no writer who has the capacity and institution to talk to the people.

It is all very well in the days of Jefferson, out in the open where people knew what was going on, at least the people who were interested, those who were enfranchised, and there weren't so many.

Today, there were four Senators the other day who wanted to have a 30-minute program. They had to go out and raise the money; they did it this time, but how many times do you think they can do that?

Mr. BICKEL. Could I add just a couple or very short points? I don't disagree with you as you described the difficulty. I would say two things: one, it seems to me the political and constitutional issues merge in this area. That is to say I would argue that even a Congress which agrees with the President, with his actions, ought at this juncture of affairs, to reassert its constitutional authority, even if it be only to tell him they agreed with him; because I think there may be a reversal in what has been the trend of the 20th Century, namely: the people looking only to their President or chiefly to their President for action.

I think one can see, at least where I come from, one senses it among the young, a feeling of the remoteness of the Presidential institution and a certain loss of allegiance to it as the sole representative of the people and of the government.

I think as Congress reasserts itself, and here again the Constitutional and political issues merge, we are going to proceed at the graver and graver crisis of allegiance and confidence in the whole process of government on the part of very substantial numbers of our young people.

So that I think that Congress should act; should assert its constitutional authority for political reasons.

Senator FULBRIGHT. That is all very well if the Congressman thought the young people could have much influence upon their election. But up to now they haven't demonstrated that and this is why. Unless they can show that.

Mr. BICKEL. I thought I saw a small demonstration of that in 1968, Senator Fulbright.

Senator KENNEDY. Perhaps so; more so when we get the 18-year-old vote.

Senator FULBRIGHT. Did you think the young people were determinative in the Presidential election of 1968; is that what you mean?

Mr. BICKEL. No; I thought I saw in 1968, particularly in the primary——

Senator FULBRIGHT. In one state or two?

Mr. BICKEL. Considerable impact.

Senator FULBRIGHT. I don't think it resulted in any tangible results, as far as I have been informed. I don't think it did, and now today they are having, I think—I am very sympathetic, you know, don't misunderstand, to their disillusionment with that goes on, not only the war but a great many other things. A counterpart of the war is the initiative of all of the problems, particularly the education of the young; so there is no problem about that.

But I think that it is important if everybody agrees, that Congress is well within its rights to pass the proposed resolution that we have, that is all very well, and it may be useful in the debate. I think you still have a tremendous problem of getting votes to pass it. I can't conceive of it passing the House of Representatives, as I interpret recent votes in the House of Representatives particularly on military affairs.

Last year, in the most determined and exhausting battle I have ever seen in the Congress, to effect one military weapons system, we lost by a tie vote in the Senate. And don't underestimate that. We just practically gave up everything else in order to try to demonstrate that we weren't completely under the domination of the military establishment and we failed. The House, it is two or three-to-1 over there, I think, in nearly every vote.

The other day they had a vote and there was an effort made by a determined group of dissidents, about 100,—that is all they could muster in the various efforts affecting a certain military construction bill. They ended up getting 45 seconds apiece to talk under the administration of the Chairman of the Armed Services Committee. He determined each of those opponents could get 45 seconds. This is really open debate of the fashion that you talked about.

It seems to me there is a political breakdown here in support of all of your theories. I agree with your theories. I think it is perfectly right and constitutional for the Congress not to pass, not only the Church-Cooper, and if they want to, if they have the votes, but I can't possibly see the votes passing in the House or over a veto, but it is important to have this discussion because of the political effect.

I think it would be restraining, a warning to any President, if the Senate passed the resolution such as this, not because it is going to be constitutionally effective or legally effective, but it is a clear warning that the country, that there is dissatisfaction, that there is a danger, and that it is a political judgment then that he must make.

Does that make any sense to you?

Mr. BICKEL. What you are saying is that what we can do is try as you have been trying for years. I hope we continue.

Senator FULBRIGHT. But I think it is very important for you, for purposes of our argument, to say that, and at least knock down these assertions that we are getting far beyond our proper constitutional responsibility.

There is one concept that I have never heard before in any books or articles I have ever read. What is the limitation of this assertive power of protection of the troops that you can invade a neutral country? If that is true, could it not also, under that theory invade China or also invade Russia, because they all contribute to some extent to endanger the lives of our troops.

Is there a constitutional principle that you are aware of, and has it any background?

Mr. Bickel. No, sir; I am not aware of it. I do think that with my back to the wall I could find a distinction and I would not like to be the one that enlarges the power in this fashion. I think I could find a distinction without necessarily supporting what he did. I could find a distinction between moving 20 miles to your left or right against even my supplies or weapons or enemy troops in fact are on the ground, or where you have cause to believe they have been.

Senator Fulbright. Where would you draw the line?

Mr. Bickel. As near to preventing Presidential excesses as I could.

Senator Fulbright. Now we have gone 21 miles.

Senator Kennedy. Mr. De Wind.

Mr. De Wind. Senator, I see no ground for great political optimism, but at least some things are happening. The very fact that today you have a thousand lawyers from New York in Washington is quite unprecedented and this is an organized participation in politics which I thnk is without precedent.

But more than that, many leading colleges and universities are deciding if we were once able to excuse students to bring in the harvest, we can excuse them to bring in votes.

And now, one, as least one illustrious law firm in the City of New York has told its young lawyers they are willing to pay them through a period of weeks of political action in the fall. So there is something stirring; something is happening.

Senator Kennedy. I make the comment: I remember a time in the debate on Judge Carswell, when there was considerable less support in terms of opposition to his nomination than there was even for the McGovern-Hatfield resolution.

So, I wouldn't quite share the pessimism expressed, although I thought the point that Senator Fulbright made, that if we are able to get this by the Senate it would obviously, even if it doesn't pass the House, get some action on it in spite of the fact that is would not have a very significant impact.

Senator Fulbright. You misunderstood. I think it is very significant, but not for Constitutional reasons, for political reasons.

The passage by the Senate, if we did, is very significant, because it will impress any President. If the Senate passes such a resolution, it is bound to have a political reaction upon him. He wouldn't be legally and constitutionally affected until it is enacted into law. The only distinction I make, I am very much for it because of this reason, but not because of its constitutional effect.

Mr. Bickel. The Constitution in this area is made up of practice and every event of this sort is precedent on the Constitution.

Senator Fulbright. I am very much for it. I didn't mean to leave any impression. I am for this one and I expect to be for the next one. The point I am really trying to make, it is very interesting. Many, many years ago I once read the Constitution and it is very interesting. But what we are faced with now is reality, and the Constitution is a part of it, and I don't discount the importance of you saying that the Congress is certainly within, not only its rights, but its responsibilities to move. I am all for that, too. It helps us, help those of us who want to reassert the Senate's rights.

As you know, only a year ago, about a year ago we passed what is called the Commitment's Resolution. This was a very successful effort, in a general way, to reassert the Senate's role. It was, in essence, saying "From here on we are not going to accept these casual Presidential statements as commitments of this country. They have to be made with the participation of Congress. This was a significant resolution.

The Senate alone, of course, can make such actions, and we did with a very large majority. This is the followup.

As a practical way, here today, we are exercising, it seems to me, a political pressure upon the President, in view of the overall circumstances, to change his approach, or his idea, to at least reconsider his policy in expanding the war into Cambodia and eventually into Laos. And this is extremely significant. And the fact that it is or it is not constitutional of us to do is also a very persuasive reason why it will stiffen the back of some of our colleagues.

You have to understand the problems of Senators and Congressmen about, in their own profession, as your own, the significance of the television. I don't think it can be discounted.

This is a new instrumentality which has completely distorted the normal democratic processes. In the old days, before you had it, Senators and Congressmen had almost equal access to the public mind that the President does; but you all know today, you have seen it demonstrated, he at any time can go on television nationwide and speak directly, without any interpretation of any kind of reporter or anyone else. He can tell any kind of story, be it accurate, inaccurate, or anything else, and there is no way anybody can answer that in the same form or to the same extent. That is a fact of life. I think you have to consider this.

I think you legal brains ought to figure out a way to do it. This instrumentality should not be at the sole disposal of any executive.

The institution of the Congress, if you really are interested in it being effective, ought to have also some mechanism by which it could speak to the same people and to the same extent and under the same circumstances, if it is to make any case at all.

There is no way for any Senator to really equal that. This is a distortion almost comparable in this field to the invention of the hydrogen bomb in the field of warfare. It has completely upset the normal relationships between the Executive and the Legislative, and I don't think there is anything we can do. We talk about it, I know. There is nothing we can do under present conditions.

I think the Congress ought to pass a law which would remedy this situation, and you lawyers ought to figure out the way to do it.

Mr. McKay. It seems to me if the Church-Cooper Amendment, or the McGovern-Hatfield Amendment, were adopted by the Congress, that would be not only a political act, but it would change the Constitutional situation as well, because then there would be an assertion by Congress of its Constitutional authority. And here I would like to go back to what I said earlier about the difference between authority and power. In our earlier discussion there was difficulty in distinguishing between authority and power of the President prior to Congressional assertion of its authority and limitation of the purse that you think are proper to be exercised, and I think it is a question deliberately left difficult and unclear by the Constitution.

But once Congress acts then this President may still have the power to act in defiance of that, but he no longer has the authority and he is just stripped of his Constitutional—

Senator Fulbright. Last year we passed and he signed a restriction on the use of troops in Thailand and Laos. According to the press, advisors are going into Laos.

The response of Mr. Laird the other day was, I would say, equivocal about whether they are going, but this is already enacted into law. He didn't object to it; he didn't anticipate, I guess, at that time. But he didn't object to the so-called Cooper-Church thing on last year's appropriation bill. That is already the law.

Now, it is presumed, in view of his strong opposition to the Cooper-Church here on Cambodia. The reason we didn't go into Cambodia, no one dreamed, it was a neutral state, no one thought of putting it in. Now, it is Cambodia and he resists the Cooper-Church in Cambodia. But the distinction that I made a moment ago is that it is essentially political and its effect upon him as a political matter and your coming down here is part of that political effect.

But I can't see, in view of his opposition this passing the House, or passing both of them over a veto, but I am all for it being passed in the Senate, because of its political effect.

Senator Kennedy. I think one of the things we are trying to show as a result of this experience this morning, in light of the White House declarations of last week, Friday of last week, is that as to any of the resolutions which are before us, the Church-Cooper, the McGovern-Hatfield, these would not be an infringement upon the Presidential authority in his handling of the conduct of war. I think that the point that has been reassuring in terms of this kind of experience is that any member of the Congress, in the Senate, or in the House of Representatives, can feel that they can support those resolutions and that they will not, in effect, be supporting a Constitutional infringement of the Presidential power, but on the contrary, will be actually fulfilling their own responsibilities as Members of Congress in this area of war-making.

Mr. McKay. I think we're all in agreement on that.

Mr. Chayes. I think it is important to say that is true, regardless of whether you think the President was within his authority of going in, even if you think he wasn't within his authority of going in, you still have the Constitutional power to stop him now.

Senator Kennedy. Let me ask one final question: In terms of the Church-Cooper Amendment, if that were to pass, what kind of restrictions do you think that places upon the President in terms of any future activities and expansion back into Cambodia under his stated reasons for the protection of American lives? Do you feel that it serves as a sufficient kind of restrictions upon his activity for future Cambodian ventures, even within his so-called declaration that it is essential and necessary for the protection of American lives?

Mr. McKay. Speaking only for myself, it is an important restriction, and here Senator Fulbright is right, it would have a political impact. But it is not in my judgment, as great a restriction as might be ultimately desirable.

Senator Kennedy. Say it passes. If it is enacted, does that bar the President in the future from going on into Cambodia, or will he be able to say the Senate has acted but still the action in Cambodia is for the protection of American lives and, therefore, I feel no compulsion not to move?

Mr. McKay. As I read the amendment, it is clearly designed to say he would no longer have that power.

Mr. DE WIND. I think the question goes to the heart of our Constitutional arrangement. This is a sweeping declaration of Congressional viewpoint. And if the President follows the dictates of history, he would observe it.

Our tradition has been that there is a response to this sort of thing, but if a President is determined to seek a confrontation of Constitutional power, there is no very satisfactory way of testing: the Constitution doesn't provide for it; you can't take it as a practical matter to court, I think, and one must ultimately rely on our Constitutional system having built into it that kind of accommodation and restraint that makes it work, and all you can say that history indicates that Presidents faced with this kind of thing do back down and I see no reason to conclude at this point that our present administration would be any different.

Senator SAXBE. I can't help fear we are tying a lot of legal nicities here that are proper, and as a lawyer who was actively engaged in Constitutional Law as Attorney General, I recognize that most of these things that we are discussing are the real meat of our Constitution. But I think that we have an area where the will is much more important, perhaps, than the substance of what we are talking about.

Now, the will of Congress to enter this area has to be very determined today, because Congress itself has not exercised the powers that they now have under the Constitution, and they can die, and many have died or withered, anyway, from disuse.

Now, if Congress exerts this will, then I believe that the Constitution will become alive in these various areas. This is where we must work and the people that come in, the lawyers who represent, and others say what can we do?

One of the big questions is: How determined is this effort? Will it die in two weeks? Will they go back to the routine business as usual? Will the students go back home this summer or will this interest continue?

I, personally, am not convinced, because we had a crisis in ecology three weeks ago; we had a crisis in something else before that. We live in a period of crises.

Now, I feel that the only way Congress can assert its will is to cut off the money, because this is one thing where we definitely have not given up this power. If we cut off money we can effectively assert ourselves. And I am prepared to vote for a 25 percent reduction in all defense spending, if it will curb this runaway bureaucracy, but this is where Congress has to assert itself.

You know the story of Richard the Second. I certainly don't recommend what happened after his funds were cut off. But the power of the purse strings goes back to 1350 when that happened under the English concept, and I certainly feel that it exists today just as powerful as it ever was.

Mr. DE WIND. Justice Jackson in 1951 put it very succinctly: "While Congress cannot deprive the President of the command of the Army and Navy, only Congress can provide him with an Army and Navy he may command."

Mr. BICKEL. I want to make a point about the language of the Cooper-Church Resolution. I don't think that it deprives the President of the power in an emergency situation where he has to react to attack, to go into Cambodia and protect in combat as he sees it, American troops. All it prevents him from doing is going into Cambodia and engaging in combat activity in support of Cambodian troops. It does not prevent a reactive decision on his part to defend the threat of attack or react to an attack on American forces in Vietnam, and that is one reason I don't think this job is complete until you get to the McGovern Resolution, of course, though I favor this one.

Senator KENNEDY. Gentlemen, I want to thank all of you very much. I want to extend the thanks of the offices of Senator Pearson and myself and my colleagues who have been able to come this morning, for your discussion and your comments and insight into some of these most complex and difficult questions.

I think this has been extremely constructive and positive and enormously useful. I know it has been to me and I know it will be to the other members in the Senate who will have access to the transcript, and I want to thank you and the people that you represent for your attendance here.

(Whereupon, at 11:40 a.m. the meeting was adjourned.)

CBS TELEVISION COMMENTARY ON NOMINATION OF JUDGE CARSWELL

Mr. DOLE. Mr. President, lest anyone get the idea I am going out of my way to pick on the Columbia Broadcasting System, let me set him straight.

Once in a while CBS does something that offers encouragement to those of us who see unbiased media as the hope of our country.

On April 10, I wrote to CBS and asked them to indicate who had appeared on CBS network television for and against Judge Carswell.

Accordingly, I received a reply that indicates that CBS had 24 Senators on behalf of Judge Carswell and 24 opposed to him.

I must say that one could not ask for fairer treatment, unless one goes so far as to ask that the commentators observe the same balance in inflection, lifted eyebrow, and choice of adjectives.

I ask unanimous consent to have printed in the RECORD the list of pro- and anti-Carswell Senators who appeared on CBS television between January 19 and April 8, according to CBS President Frank Stanton.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

APPEARANCES OF SENATORS ON CBS TELEVISION NETWORK BETWEEN JAN. 19, AND APR. 8, 1970

Pro-Carswell		Con-Carswell	
Name	Date	Name	Date
Scott[1]	Jan. 19	Bayh[1]	Jan. 28
Eastland[1]	Jan. 19	Proxmire[2]	Jan. 28
Griffin[1]	Jan. 27	Goodell[5]	Feb. 8
Gurney[3]	Jan. 28	Tydings[1]	Feb. 16
Scott[1]	Jan. 28	Bayh[2]	Feb. 17
Ervin[3]	Jan. 29	Bayh[3]	Mar. 11
Hruska[1]	Feb. 2	Case[3]	Mar. 13
Eastland[1]	Feb. 16	Bayh[1]	Mar. 16
Griffin[1]	Feb. 16	Bayh[1]	Mar. 20
Hruska[3]	Mar. 11	Tydings[3]	Mar. 25
Hruska[1]	Mar 16	Packwood[3]	Mar. 25
Thurmond[1]	Mar. 20	Fulbright[1]	Mar. 26
Scott[3]	Mar. 22	Hatfield[1]	Mar. 26
Scott[4]	Mar. 22	Spong[1]	Apr. 1
Hruska[2]	Mar. 26	Cranston[1]	Apr. 3
Saxbe[1]	Apr. 1	Hart[1]	Apr. 3
Griffin[1]	Apr. 3	Fong[3]	Apr. 5
Gurney[3]	Apr. 5	Tydings[3]	Apr. 5
Gurney[5]	Apr. 5	Dodd[3]	Apr. 5
Dominick[4]	Apr. 5	Prouty[3]	Apr. 5
Dominick[2]	Apr. 6	Tydings[5]	Apr. 5
Griffin[2]	Apr. 6	Tydings[1]	Apr. 6
Gurney[1]	Apr. 6	Brooke[1]	Apr. 6
Hruska[1]	Apr. 6	Bayh[3]	Apr. 7

[1] The Evening News with Walter Cronkite.

[2] The Morning News with Joseph Benti.

[3] The Evening News with Roger Mudd.

[4] The Sunday News with Harry Reasoner.

[5] Face the Nation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. HOLLAND). The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK H.R. 15628, to amend the Foreign Military Sales Act.

The Senate resumed the consideration of the bill.

Mr. STEVENS obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Alaska yield without losing his right to the floor?

Mr. STEVENS. I yield.

Mr. MANSFIELD. Mr. President, I think that the distinguished Senator from Alaska is entitled to a more attentive audience than is in the Chamber at the present time and, therefore, with his permission, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

INTRODUCTION

Mr. STEVENS. Mr. President, for the past 2 weeks I have listened to a great number of statements on the recent actions in Cambodia. I feel that this concentration of attention on the actions in this one area have caused some loss of perspective on the Indochina conflict, and I would like to bring some salient facts to the attention of my fellow Senators.

By way of quantitative importance of these recent actions, I think it important to note that even at the height of the recent campaign, only 10,000—or a little over 2 percent—of our forces in Vietnam were in Cambodia, and they are already on their way out. Similarly, something less than 5 percent of South Vietnam's military forces are in Cambodia.

The real question then—and the issue I would like to see discussed more fully—is what can we do to bring the remaining American troops in South Vietnam home. The proposed amendment, which is now the pending business on the floor of this body, would deal only with the smaller question of specific tactics in the larger scale conflict. If this amendment is to be properly assessed, it must be considered in light of our overall policies in Indochina—and indeed in the whole Southeast Asian area.

OUR NATIONAL INTEREST

The first and most basic question that must be asked here is precisely what is our national interest in Southeast Asia. A number of elements could form the basis for our interest in sustaining the South Vietnamese Government. They include:

First, strategic military significance of the area;

Second, critical resources important to our economy; and

Third, protection of American lives and property.

I would like to discuss each of these in turn.

First, I do not believe our interest is based on the strategic geographic importance of the area as either a direct threat to our territorial security or as a useful military base. Guam is closer to Peking than Saigon, and the city of Anchorage in my home State of Alaska is closer to Moscow than Saigon. We have major military installations in Thailand and the Philippines. We have repeatedly indicated that we have no desire to establish permanent military bases in this area. President Nixon made that clear when he said in May of last year:

> The United States has suffered over a million casualties in four wars in this century. Whatever faults we may have as a nation, we have asked nothing for ourselves in return for those sacrifices. We have been generous toward those whom we have fought. We have helped our former foes as well as our friends in the task of reconstruction. We are proud of this record, and we bring the same attitude in our search for a settlement in Vietnam.

In this spirit, let me be explicit about several points:

We seek no bases in Vietnam.

We seek no military ties.

It is thus safe to conclude that South Vietnam is not of direct strategic importance to our territorial security nor as a military base for operation in Southeast Asia.

However, the area is strategically important to surrounding territories. It borders on Burma and the Indian subcontinent, on Thailand, the bridge to Malaysia and Indonesia and is only a few hundred miles from the Philippines. It is this basic strategic importance that led to the development of the "domino theory."

THE DOMINO THEORY

Stripped to its bare essentials, the "domino theory" states that the fall of one country will provide the base from which attacks against geographically contiguous states may take place. These states in turn will fall and thus provide the bases from which attacks can be launched against even more distant countries. These attacks can be overt aggression or a more subtle "liberation movement" supplied and given sanctuary by the adjacent, recently fallen "domino" country.

There are two conditions which must be present if the "domino theory" is to apply. First, there must be a series of contiguous states whose geography and ethnic and political structure provide no substantial opposition to engulfing conquest. Second, there must be a force with the desire and the ability to carry on this extended conquest.

Let us now apply these criteria to the Southeast Asian situation.

First, we do have a number of contiguous countries whose geography does not offer natural borders which can be easily defended. These countries include Vietnam, China, Laos, Cambodia, and northeast Thailand. Beyond these areas, we have open seas or mountain ranges which do offer substantial natural impediments to advancing armies. Beyond these areas we also have decidedly different ethnic peoples with, in some cases, traditional and long-lived governments. The "domino theory," therefore, can be validly applied only to the areas I have set forth; that is, Indochina and northeast Thailand.

The second criterion—a force both capable and desirous of carrying forth the conquest—is also apparently present in Hanoi, supported by China. However, there is no reason to believe that Hanoi has interests beyond the traditional Indochina area. The long and protracted war fought between the Vietminh under Ho Chi Minh and France was envisioned by the supporters of Ho as a war for the national independence of Indochina from French colonial rule. The French, on the other hand, saw it as an effort by an avowed Marxist—Ho Chi Minh—to extend the international Communist movement into Southeast Asia.

This country agreed at that time with the French View, as is evident from this excerpt from President Eisenhower's memoirs:

> Ho Chi Minh was, of course, a hard-core Communist, while the Vietminh, the Forces under his command, were supported by the Chinese Communists in the north. Although guerrilla fighting was sporadic, the French controlled the deltas and the cities and an area along the waist of Vietnam, whereas the back country, including most of the province of Tonkin and a sizable area in central Annam, was controlled mainly by the Vietminh.
>
> In early 1951 the Indochina affair had come emphatically to my attention when I was Allied commander of the NATO troops with headquarters in Paris. The NATO defense needed greater French participation, but this was largely denied because of France's Losses and costs in the Indochina war, as mentioned earlier.
>
> These losses and costs to the French might be lessened, I believe, if allies could be brought in to carry part of the load in defending Indochina. Such a development would depend, of course, upon a clear appreciation throughout the Free World that the war was in no sense an effort on the part of the French to sustain their former domination over the area, but was in fact a clear case of freedom defending itself from Communist aggression. To bring about such an appreciation, there would have to be a definite and public pledge on the part of the French to accord independence and the right of self-determination upon the Associated States as soon as military victory should be attained.
>
> Eventually, the French did indicate their intention to establish the independent states of Vietnam, Laos and Cambodia.

However, world conditions have changed decidedly since 1951. Nationalism is still stronger than any internationalist ideology and allegiances based on national interest, not ideological ideals, are the strongest ties we know. Thus, we see that the Soviet Union appears to get along better with the United States than with her ideological partner—China. Yugoslavia is a well-known example of an independent Communist state. Had it not been for the ruthless and cold-blooded suppression of the reformed Czechoslovakian Government, another version of a Communist State would have been born.

We also recognize that Hanoi is not an extension of Chinese will in Southeast Asia, but rather is a nationalistic state carefully playing off her two giant benefactors, one against the other, to achieve her own national ends.

Viewed in these nationalistic terms, we see that extension of the "domino theory" beyond the Red River and Mekong River basins will not survive the second criterion—the presence of a power with the desire and ability for extended conquest, North Vietnam's national interests are not served by expeditionary incursions into southwestern Thailand or Malaysia. Nor does North Vietnam have the navy to carry revolution to the Philippines even if she were so inclined.

From this analysis we can see that, while the "domino theory" does extend to Indochina and northeastern Thailand, it does not extend outside this area. The natural conclusion to be drawn from this determination is that we must seek an areawide settlement in Indochina and not just a settlement affecting South Vietnam. If we do not take into account actions in Laos and Cambodia, we will find that ultimately South Vietnam will be engulfed by the "domino theory". It is just as easy for the "dominos" to fall in the order of Laos—then Cambodia—then South Vietnam as it is for them to fall South Vietnam—then Cambodia—then Laos.

We must examine the entire area if we are to reach a long-lasting solution for South Vietnam.

In summary, while Indochina has no direct strategic military importance to the United States, Laos and Cambodia, as well as North Vietnam, are profoundly important to the military security of South Vietnam.

RESOURCES

If our desire to maintain South Vietnam as an independent state is not based on the military importance of the real estate, perhaps it is in the resources of the area.

It is true that great quantities of tin and molybdenum, both of which are strategically important metals, are found in Indochina. But we have substantial deposits of both these metals in my State of Alaska.

Indochina is considered to be the rice bowl of Asia. But we are a rice-exporting nation, so that cannot be the reason.

It has been suggested that we would like to deny the resources of this area to our enemies. But Russia has no need for either the metals or the rice. And China seems to be able to buy sufficient foodstuffs.

Nor are there large American investments in private industry in Indochina which we might want to protect. The

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area was largely developed by the French, and all industrial development took place in that part of Indochina which is now North Vietnam. Any large landholdings will soon be broken up as part of a land reform program we urged the government of South Vietnam to adopt.

It can be safely concluded, I believe, that we do not have as our national interest in this area a desire to have access or dominion over the resources, either agricultural or mineral, of the area.

Since neither military geographic significance nor critical resources can be assigned to the Indochinese area, our national interest in Indochina must not be based on either, but rather on some less tangible factor.

U.S. ROLE IN SOUTHEAST ASIA

An analysis of the intangible benefits of involvement in Southeast Asia must necessarily include an examination of the role we feel the United States should perform in that area.

Following World War II, we assumed a custodial role in the Pacific and in Asia. There were no other nations in this area who could provide leadership, security, a sense of law and order, or the capital necessary to rebuild a war-torn area. One item that was high on our priority list was to end colonialism in the area and to establish independent viable nations in the region.

We began, as was fitting, by cleaning our own house. In 1946 we granted independence to the Philippines. We then urged the Netherlands to establish the independent state of Indonesia, which was accomplished in 1953. We also felt deep concern that the French should indicate an end to colonialism in Indochina, as is evident from this excerpt from President Eisenhower's memoirs, in which the former Chief Executive discusses the consequences of France's failure to renounce any colonial interest in Indochina:

> I repeatedly urged upon successive French governments the wisdom of publishing to the Free World such an unequivocal commitment. But the French government did not make its position unmistakably clear, especially to the people most concerned, the Vietnamese. Had it done so, the effect would soon have been—we in NATO believed—to make the war the concern of all nations outside the Iron Curtain, and could have assured France of material help, as well as the support of world opinion. Furthermore, it would have immeasurably raised the fighting morale of the loyal Vietnamese. At that time the French government apparently saw no need to publicize any such sincere, simple and selfless pronouncement. As far as I could tell, this reluctance seemed to have its source in the French conviction that making an all-out statement would weaken their leadership in the war and might have serious effects in other portions of the French Empire, including Algeria; moreover, the civil officials with whom I often talked invariably agreed that while in this one special situation their difficulties could be greatly diminished by making clear their intention to offer freedom to Indochina, they felt also that an announcement of voluntary withdrawal from the area during hostilities would be a tremendous blow to French prestige and influence in the world.
>
> In the absence of such a statement, the war was naturally looked upon in most cases as a domestic difficulty between France and one part of her empire. This attitude precluded the possibility that other free nations could help in what the French themselves considered so much a family quarrel that it could not even be submitted to the United Nations for adjudication.
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> * * * * *
>
> The strongest reason of all for United States refusal to respond by itself to French pleas was our tradition of anticolonialism. This tradition, violated—almost accidentally—for a time in the nineteenth and early twentieth centuries, was born in the circumstances of our own national birth in 1776. Our deep conviction about colonialism has often brought us embarrassment in dealings with our friends in Western Europe, whose histories as colonialists are largely alien to our history. But the standing of the United States as the most powerful of the anticolonial powers is an asset of incalculable value to the Free World. It means that our counsel is sometimes trusted where that of others may not be. It is essential to our position of leadership in a world wherein the majority of the nations have at some time or another felt the yoke of colonialism. Never, throughout the long and sometimes frustrating search for an effective means of defeating the Communist struggle for power in Indochina, did we lose sight of the importance of America's moral position.

It was our basic goal to foster the growth and development of independent, viable nations in Southeast Asia and to end colonialism in the area. In this role we provided military security from aggression and financial assistance for economic development.

AGGRESSION AGAINST LIBERATION

Korea offers the clearest example of our attitude toward overt military aggression. When the North Koreans invaded without warning the independent nation of South Korea, the United States took immediate action, both militarily and diplomatically. But it was not until we had the approval of our allies and eventually of the United Nations that we actually threw the full force of our powerful military machine into the conflict. This was overt aggression condemned by the entire free world and we dealt with it quickly and decisively.

During this period of overt aggression in Korea, a number of "was of liberation" were also being conducted, the most well known, of course, being the French-Indochina conflict. But similar, although smaller scale, conflicts were also going on in parts of the Dutch East Indies, British Malaya, and the Philippines. A look at each of these will help make clear our overall policy toward these wars.

First, as already noted, we encouraged the Dutch to establish the independent state of Indonesia, which came into being as a friendly pro-Western nation. As it took on greater and greater pro-Communist leanings under the leadership of President Sukarno, we attempted to encourage it to hold a more neutral course; but at no time did we directly interfere with the internal affairs of this relatively stable new country. Instead, we continued to offer economic assistance to help develop the vast store of natural resources and fledgling industry of Indonesia. Eventually, through an unfortunately violent and bloody catharsis, Indonesia returned to its friendly status.

Second, in Malaya the British fought a protracted war with guerrilla opposition. It was the announced intention of Britain to establish an independent state once the guerrillas were suppressed. Since this was consistent with our own national policy of ending colonialism and establishing viable, independent nations, we supported the British effort. However, at no time did we introduce American military forces into the Malaya conflict.

Third, in the Philippines guerrillas who had fought the Japanese had now turned their attentions to the new Philippine Government. This was another protracted jungle war in which we supplied both economic and military aid to the recognized government. Again, however, we did not commit our own military forces to the guerrilla war, despite the fact that American forces were on the island at the time. We recognized that in order for a government to be viable and independent it must develop the ability to police its own internal affairs. We would help, but we would not do the policing for the government.

Finally, in Indochina we did carefully consider the possibility of committing our own combat forces to help the French. We decided against this for several reasons. One I have already outlined. France refused to make a clear commitment to end her colonial rule in Indochina. To support a colonial power would be inconsistent with our basic national policy in the Southeast Asian area.

A second powerful influence was the refusal of other free world powers to join with us in aiding France. In Korea we acted with the approval of the entire free world and with substantial material and manpower aid from a number of other countries. In Indochina we would have had to act unilaterally, and we were unwilling to do this.

A third factor was the growing belief that the French did not really want help. As President Eisenhower pointed out in his memoirs:

> Some of my advisers felt that the French had actually reached the point where they would rather abandon Indochina, or lose it as a result of a military defeat, than save it through international intervention.

At the height of the conflict we did supply 200 technicians, but that was the limit of our manpower aid.

We can see, I think, from these examples of actions taken in Southeast Asia that we do not hesitate to act when overt aggression takes place, but that we restrict our aid to material and technical assistance where the internal stability of a nation is involved. This is policy under which President Eisenhower operated, and this is essentially the policy that President Nixon has reaffirmed in his now famous Guam speech.

OUR POLICY IN VIETNAM

While this policy of restrained aid to governments involved in internal struggles has been followed consistently in all other areas of Southeast Asia, the conflict in Vietnam raised difficult questions not raised by the other conflicts I have briefly discussed.

Indochina, while under coordinated French rule, had consisted at various

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times of three relatively independent, if not fully sovereign, states. The division of Vietnam into two states by the Geneva accords was based more on military and political necessity than on traditional national boundaries, although it should be noted that Vietnam was actually three countries—north, middle, and south—before the French colony of Indochina was established.

The viability of the two new Vietnams was also problematical. The north had all the industry, since that was the center of French influence, while the south was an agrarian economy based on rice production.

The proximity of North Vietnam to China gave increased credibility to the idea that this was a Communist-inspired aggression directed, supplied and perhaps even manned to some extent by Chinese Communists. The inability to demonstrate conclusively that the Vietnam conflict really was expansion on the part of China was of considerable importance to our decision not to intervene. As President Eisenhower pointed out in his memoirs:

> As I viewed the prospects of military intervention in the relative calm of early 1954, it seemed clear that if three basic requirements were fulfilled, the United States could properly and effectively render real help in winning the war. The first requirement was a legal right under international law; second, was a favorable climate of Free World opinion; and third, favorable action by the Congress.
>
> Regarding the legal right, the course was clear. Any intervention on the part of the United States would scarcely be possible save on the urgent request of the French government, which request would have to reflect, without question, the desire of the local governments.
>
> World opinion represented a different question. We carefully examined methods and procedures calculated to win the approbation of most of the Free World. One method would have been for the three Associated States of the French Union to go to the United Nations and request help of that body. Another would be to confine United States intervention to participation in a coalition, including Britain, the ANZUS powers, and some of the Southeast Asian nations. While we recognized that the burden of the operation would fall on the United States, the token forces supplied by these other nations, as in Korea, would lend moral standing to a venture that otherwise could be made to appear as a brutal example of imperialism. *This need was particularly acute because there was no incontrovertible evidence of overt Red Chinese participation in the Indochina conflict*. (Emphasis added.)

Because of a basic conflict between our policy of not intervening militarily in internal conflicts on the one hand and simultaneously employing military force to prevent the overt expansion of Chinese Communist domination on the other hand, our activities in Vietnam took on the nature of a holding action while we attempted to determine precisely what our policy toward Indochina should be. This difficulty was further complicated by the fact that it was not yet clear whether this was an internal struggle or aggression of one nation against another.

When President Ngo Dinh Diem decided not to participate in the elections which were contemplated by the Geneva accords, the United States supported his decision. We had not been a party to the accords, so we were not bound to see that they were carried out. Support of Diem was consistent with our policy of containing Communist China and with ending colonialism. However, the question of creating a viable, independent state in South Vietnam remained open.

In reaction to Diem's refusal to participate in the elections North Vietnam and those in the South who wanted Ho as their President began undermining the Diem government. As the level of violence increased, we became concerned that South Vietnam could not survive as an independent state. Consistent with our policy in internal conflicts, we provided material and technical assistance to the South Vietnamese. But we did not lose sight of the fact that we were, at least initially, dealing with an internal conflict.

When President Kennedy decided to send in advisers to aid the South Vietnamese in developing an effective military force, he made this point absolutely clear in a CBS interview with Walter Cronkite on September 2, 1962. In response to being asked what he thought of the recent actions taken by the Diem government to repress the Buddhist opposition to the policies of his government, President Kennedy said:

> Our best judgment is that he (Diem) can't be successful on this basis. We hope that he comes to see that; but in the final analysis it is the people and the government itself who have to win or lose this struggle. All we can do is help, and we are making it very clear.

We can see then that at this point our reliance was still on the South Vietnamese to win their war and put their own house in order.

CHANGE IN POLICY

This policy was changed with the introduction of U.S. combat forces into Vietnam in 1965. The buildup was incredibly rapid, and it was anticipated that the addition of troops in such numbers would decisively turn the tide of battle. By the end of 1965, we had 184,300 American soldiers in Vietnam. By the end of the following year this number had reached 385,300, but the tide had turned.

The introduction of American combat soldiers represented a departure from our previous policy of not committing American military manpower to what had, up to this point, been deemed a conflict that could only be resolved by the people of South Vietnam itself. This step indicated that this Government had apparently decided to view the conflict as an overt aggression of one country against another rather than a problem of internal order. The presence of North Vietnamese regular army troops in South Vietnam contributed to this decision.

I think at that point we may have lost sight of our real objective in Southeast Asia. As I have indicated, this objective was basically to end colonialism and establish independent and viable states to replace the former colonies. Our goal then should have been to make South Vietnam viable.

Instead of focusing on this goal, we continued to increase our military presence. By the end of 1967, our troop strength had increased another 100,000 to 485,600. By the end of 1968 we had 536,100 American soldiers in South Vietnam, and, when President Nixon took office in January of 1969, the authorized troop level in Vietnam had reached 549,500.

President Nixon realized that this policy would not end the Indochina conflict, and he set about finding a way to achieve our goals in Southeast Asia.

THE EMERGING POLICY

On May 14, 1969, the President explained how he would proceed toward our goals in Southeast Asia. The points he made in this address to the Nation are exceedingly important in understanding America's policy in Indochina.

First, he explained his initial steps after being elected President:

> Our first step began before inauguration. This was to launch an intensive review of every aspect of the Nation's Vietnam policy. We accepted nothing on faith, we challenged every assumption and every statistic. We made a systematic, serious examination of all the alternatives open to us. We carefully considered recommendations offered both by critics and supporters of past policies.

An example of the extent to which the administration went in challenging the old assumptions is given by the following excerpt from Don Oberdorfer's March 27 Washington Post column:

> One result of the initial Key Biscayne meeting about Vietnam was a day-long session of the National Security Council shortly after January 20 at which intensive discussion and study was devoted to four possible military options, and five possible international political results, in the Vietnam situation. In each case, consideration was given to the costs of the course of action, to the specific instruction, which would have to be given, and to the consequences of failure. About the same time, a series of toughly-worded questions was dispatched to the major U.S. agencies dealing with Vietnam in an effort to establish the facts on which policy could be based. In Saigon, the field headquarters of each agency—including the Embassy, the military and the CIA—was encouraged to give its own honest assessment without clearance with the other. When the answers were in, they showed that the Vietnam-related empires of the U.S. Government do not agree even on the facts, much less on the solution.

The analysis was not easy and it occupied a good deal of the President's time. But some important conclusions were reached within a short time, as President Nixon explained in his May address:

> From the review, it became clear at once that the new Administration faced a set of immediate operational problems. The other side was preparing for a new offensive.
>
> There was a wide gulf of distrust between Washington and Saigon.
>
> In eight months of talks in Paris, there had been no negotiations directly concerned with a final statement.

It was clear to the President that some action had to be taken to move the Vietnam stalemate off dead center. An increasing military buildup was not the answer, since this was being consistently met by an increasing buildup of North Vietnamese counterforces.

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The President described the action he took in response to the "operational problems" he had found:

> Therefore, we moved on several fronts at once.
>
> We frustrated the attack which was launched in late February. As a result, the North Vietnamese and the Viet Cong failed to achieve their military objectives.
>
> We restored a close working relationship with Saigon. In the resulting atmosphere of mutual confidence, President Thieu and his Government have taken important initiatives in the search for a settlement.
>
> We speeded up the strengthening of the South Vietnamese forces. I am glad to report tonight, that as a result, General Abrams told me on Monday that progress in the training program had been excellent, and that apart from any developments that may occur in the negotiations in Paris, that time is approaching when South Vietnamese forces will be able to take over some of the fighting fronts now being manned by Americans.
>
> In weighing alternate courses, we have had to recognize that the situation as it exists today is far different from what it was two years ago or four years ago or ten years ago.
>
> One difference is that we no longer have the choice of not intervening. We have crossed that bridge. There are now more than a half million American troops in Vietnam and 35,000 Americans have lost their lives.
>
> We can have honest debate about whether we should have entered the war in Vietnam. We can have honest debate about how the war has been conducted. But the urgent question today is what to do now that we are there.
>
> Against that background, let me discuss first what we have rejected, and second, what we are prepared to accept. We have ruled out attempting to impose a purely military solution on the battlefield.
>
> We have also ruled out either a one-sided withdrawal from Vietnam, or the acceptance in Paris of terms that would amount to a disguised American defeat.
>
> * * * * *
>
> Let me put it plainly: What the United States wants for South Vietnam is not the important thing. What North Vietnam wants for South Vietnam is not the important thing. What is important is what the people of South Vietnam want for South Vietnam.
>
> * * * * *
>
> We are willing to agree to neutrality for South Vietnam if that is what the South Vietnamese people freely choose.
>
> We believe there should be an opportunity for full participation in the political life of South Vietnam by all political elements that are prepared to do so without the use of force or intimidation.
>
> We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves.
>
> We have no intention of imposing any form of government upon the people of South Vietnam, nor will we be a party to such coercion.
>
> We have no objection to reunification, if that turns out to be what the people of North Vietnam and the people of South Vietnam want; we ask only that the decision reflect the free choice of the people concerned.

In this manner, the President set forth our policy toward South Vietnam: Self-determination for the South Vietnamese. Our goal then was to create an environment in South Vietnam which would permit the people of that area to make a free choice, not a coerced choice, as to the type of government under which they would like to live.

In order to create this environment, it was clear that eventually all foreign military forces would have to be removed from South Vietnam.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I continue my statement about our policies in Vietnam.

As I have said, the President set forth our policy toward Vietnam, which was self-determination for the South Vietnamese.

Our goal, then, was to create an environment in South Vietnam which would permit the people of that area to make a free choice—not a coercive choice—as to the type of government under which they would like to live. In order to create this environment, it was clear that eventually all foreign military forces would have to be removed from South Vietnam. To this end, the President made the following offer:

> To implement these principles, I reaffirm now our willingness to withdraw our forces on a specified timetable. We ask only that North Vietnam withdraw its forces from South Vietnam, Cambodia and Laos into North Vietnam, also in accordance with a timetable.
>
> We include Cambodia and Laos to insure that these countries would not be used as bases for a renewed war. Our offer provides for a simultaneous start on withdrawal by both sides; for agreement on a mutually acceptable timetable; and for the withdrawal to be accomplished quickly.
>
> The North Vietnamese delegates have been saying in Paris that political issues should be discussed along with military issues, and there must be a political settlement in the South. We do not dispute this, but the military withdrawal involves outside forces, and can, therefore, be properly negotiated by North Vietnam and the United States, with the concurrence of its allies.
>
> The political settlement is an internal matter which ought to be decided among the South Vietnamese, themselves and not imposed by outsiders. However, if our presence at these political negotiations would be helpful, and if the South Vietnamese concerned agreed, we should be willing to participate, along with the representatives of Hanoi, if that also were desired. Recent statements by President Thieu have gone far toward opening the way to a political settlement. He has publicly declared his government's willingness to discuss a political solution with the National Liberation Front, and has offered free elections. This was a dramatic step forward, a reasonable offer that could lead to a settlement. The South Vietnamese Government has offered to talk without preconditions. I believe the other side should also be willing to talk without preconditions.
>
> The South Vietnamese government recognizes, as we do, that a settlement must permit all persons and groups that are prepared to renounce the use of force to participate freely in the political life of South Vietnam. To be effective, such a settlement would require two things: First, a process that would allow the South Vietnamese people to express their choice; and, second, a guarantee that this process would be a fair one.
>
> We do not insist on a particular form of guarantee. The important thing is that the guarantee should have the confidence of the South Vietnamese people, and that they should be broad enough and strong enough to protect the interests of all major South Vietnamese groups.
>
> This, then, is the outline of the settlement that we seek to negotiate in Paris. Its basic terms are very simple: Mutual withdrawal of non-South Vietnamese forces from South Vietnam, and free choice for the people of South Vietnam. I believe that the long-term interests of peace require that we insist on no less, and that the realities of the situation require that we seek no more.
>
> And now, to make very concrete what I have said, I propose the following specific measures, which seem to me consistent with the principles of all parties. These proposals are made on the basis of full consultation with President Thieu.
>
> As soon as agreement can be reached, all non-South Vietnamese forces would begin withdrawals from South Vietnam. Over a period of twelve months, by agreed-upon stages, the major portions of all U.S., Allied, and other non-South Vietnamese forces would be withdrawn. At the end of this twelve month period, the remaining U.S., Allied and other non-South Vietnamese forces would move into designated base areas and would not engage in combat operations.
>
> The remaining U.S. and Allied forces would complete their withdrawals as the remaining North Vietnamese forces were withdrawn and returned to North Vietnam.
>
> An international supervisory body, acceptable to both sides, would be created for the purpose of verifying withdrawals, and for any other purposes agreed upon between the two sides.
>
> This international body would begin operating in accordance with an agreed timetable and would participate in arranging supervised cease fires in Vietnam.
>
> As soon as possible after the international body was functioning, elections would be held under agreed procedures and under the supervision of the international body. Arrangements would be made for the release of prisoners of war on both sides at the earliest possible time.
>
> All parties would agree to observe the Geneva Accords of 1954 regarding South Vietnam and Cambodia, and the Laos Accords of 1962.
>
> I believe this proposal for peace is realistic, and takes into account of the legitimate interests of all concerned. It is consistent with President Thieu's six points. It can accommodate the various programs put forth by the other side. We and the Government of South Vietnam are prepared to discuss its details with the other side.

This new policy was hailed by many persons who were critical of the policies the United States had been pursuing up to that point.

My good friend, the distinguished Senator from Kentucky stated:

> The President's report to the Nation on Vietnam was welcome and necessary. It was a summation of the effort he has made during the 4 months of his administration to bring the United States closer to peace in Vietnam.
>
> It was a clear statement of the President's purpose to secure a settlement through negotiation, rather than the use of military force which has only deepened the tragedy of Vietnam, and which could go on for many years.
>
> In my view the decisive statement, and one which marked an advance over past positions, was his unambiguous affirmation that the administration was prepared and willing to consider in negotiation, in addition to the

> concrete proposals he made, "Hanoi's four points, the NFL's 10 points, provided it can be made consistent with the few basic principles I have set forth here." For while the President's proposals are certainly reasonable, and consonant with the principle of self-determination which is a basic one for our country, we may not be dealing with a reasonable Government or people in terms of our own values and we must consider carefully their proposals.
>
> I liked particularly that part of his speech in which he affirmed that the United States and "all parties should agree to observe the Geneva Accords of 1954 regarding Vietnam and Cambodia, and the Laos Accords of 1964." It has been my view, as I have expressed in a number of speeches in the Senate, that the accords provide the best basis for a settlement of the Issue of Vietnam, and of Cambodia and Laos, and would have influence in all of Southeast Asia.
>
> In 1965, I opposed the commencement of the bombing of North Vietnam. In the following years, I urged on numerous occasions that the United States cease the bombing as a means of testing North Vietnam's often declared statement that such a cessation would bring about negotiations. I recognized that the cessation of bombing would not necessarily mean that negotiations would be fruitful or satisfactory to the United States, but I considered that it was the only means of opening negotiations. Unfortunately, negotiations thus far have not been very productive, but a start has been made. It is my hope that the President's address has opened the way for active and innovative negotiations, that will be successful in bringing about a settlement and peace in Vietnam. I hope also that his concrete proposals will immediately bring about a reduction in the fighting and violence in South Vietnam on both sides.
>
> If North Vietnam and the NLF want peace, the President has opened the way toward a negotiated settlement and peace. I believe the Congress and the people should support the President in his initiative to achieve peace through negotiations and peaceful means, (Congressional Record, May 16, 1969)

And the distinguished Senator from Illinois:

> Mr. President, Wednesday night President Nixon spoke wisely as he discussed the status of the Vietnam war and made proposals to end that war. His remarks were honest. They were constructive. They indicated a flexibility of approach which gives promise of breaking the impasse at Paris. Speaking as one who has been critical of the handling of the Vietnam war over a period of 3 years, I can now say that I have confidence that President Nixon is doing his utmost to bring the war to an end and to do it responsibly.
>
> I was especially pleased to hear the President say that "the time is approaching when South Vietnamese forces will be able to take over some of the fighting fronts now being manned by Americans." And I was pleased to hear the President say that he has ruled out attempting to impose a purely military solution. These are important points with which I agree completely.
>
> The President's report to the Nation was certainly the most comprehensive Presidential statement on the war so far. It was a contribution toward a peaceful solution of the conflict. And it was a contribution toward public understanding of the complex issues involved.
>
> Mr. President, I am very pleased to offer every possible degree of support that I can to the President of the United States. (Congressional Record, May 16, 1969.)

Unfortunately, Mr. President (Mr. METCALF), this offer of reconciliation was not accepted by the North Vietnamese and no workable joint program for mutual withdrawal of troops has been worked out.

But our basic policy still requires that the Vietnamese must settle their own problems and that we cannot remain forever in South Vietnam. To this end, a parallel—and essentially unrelated—second step was begun.

WITHDRAWAL

An indication of this change in policy was reported to this body by the distinguished Senator from Tennessee:

> Mr. President, in recent weeks, there have been many news stories about phased withdrawal of U.S. troops from Vietnam. Some of the hints or trial balloons have emanated from the Pentagon, some from the White House, some from the State Department, and, significantly, some from Saigon.
>
> Since early last fall, there have been unconfirmed "reports" that increments of U.S. troops would be withdrawn as the South Vietnamese troops improved their capabilities. The flow of such "reports" has been stepped up since the inauguration of President Nixon.
>
> President Thieu was quoted on February 28 in the Washington Post as saying: "One and possibly two United States divisions can leave South Vietnam during the last 6 months of 1969."
>
> He indicated that one more division might leave in 1970.
>
> Upon his return from an inspection trip to South Vietnam in March, Secretary of Defense Laird spoke of implementing what he called phase II of a program to train and develop the South Vietnamese army to take over a larger role in the fighting. There were two clear implications in what Secretary Laird had to say: One, that the Johnson administration had not done very well with this phase of the "program"; and, two, that the Nixon administration had adopted the program but would do better with it.
>
> In his press conference on April 7, Secretary of State Rogers was asked about reports of troop withdrawal. In his reply, he emphasized U.S. willingness to proceed with a plan for mutual withdrawal of troops, stating that this could be done "at once" if the "other side", a famous phrase of his predecessor, agreed to it. But the Secretary did not rule out the possibility of unilateral withdrawal, saying with respect thereto, "we are considering all possibilities."
>
> Mr. President, the return of U.S. troops from Vietnam would surely be welcomed by the American people. The return of even a small segment of the more than 500,000 servicemen we have there would likely be widely interpreted as a de-escalation of U.S. efforts, and as offering hope of "withdrawal" of all our troops in due course. (Congressional Record, May 8, 1969)

The program of withdrawal of our soldiers from Vietnam continued, and it became clear that considerable support for the President's program was developing. Congressman BOLAND, speaking on the floor of the House of Representatives indicated this growing support:

> The peace negotiations in Paris have given all sides to the Vietnam dispute an opportunity to sit down and discuss the issues and the conflict at great length. Nevertheless, the apparent deadlock at the peace table and the shooting in South Vietnam continues.
>
> Mr. Speaker, after years of war, after years of new "military solutions," we have learned that the kind of conflict the United States is engaged in at present in Southeast Asia cannot end in military victory.
>
> What can we do to achieve peace?
>
> One proposed solution—further military escalation—is senseless. A new buildup in our military strength would only plunge us deeper into the military morass in Vietnam and might even push us to the brink of a nuclear war.
>
> The record of the past 6 years shows—plainly and indisputably—that military escalation has not worked. The bombing of North Vietnam, for example, was trumpeted as the final step toward peace.
>
> It was supposed to bring North Vietnam to its knees, convincing Hanoi that its war effort was futile. The bombing, instead, merely steeled North Vietnam's resolve to continue pressing for victory. A small agrarian nation with few cities and little industry, North Vietnam weathered the most intense bombing raids since World War II. Renewed bombing—or renewed military strikes of any kind—would be equally fruitless. The only way to extricate ourselves from this war—short of a sudden meeting of the minds in Paris—is to begin an orderly withdrawing of our troops from South Vietnam.
>
> Senator Edward Kennedy, in a major foreign policy speech delivered last August, in Worcester, Massachusetts, suggested troop withdrawal. He pointed out—rightly, I think—that a significant decrease in our military activity and military personnel would make clear to Saigon that a negotiated peace is the only tenable solution. He emphasized, too, that such a withdrawal would help convince North Vietnam of our genuine desire for peace. Senator Aiken last week also made this proposal, calling for what he termed an "orderly withdrawal." His proposal, I think, is sound. I am not talking here about a sudden overnight flight from South Vietnam, leaving the country in chaos and its leaders stranded naked before their enemies. Mr. speaker, I am talking about a steady and measured withdrawal of American forces—a withdrawal that would increase commensurately, step by step, with South Vietnam's growing ability to defend itself.
>
> The briskly disciplined new Army that South Vietnam is developing should take over the bulk of the war effort. We must convince the Government of South Vietnam that we will not remain there forever.
>
> The prospects for a negotiated settlement in Paris should be hopefully brighter once Saigon and Hanoi are convinced that the United States is not prepared to fight an interminable guerrilla war in Asia. (Congressional Record, May 6, 1969)

On November 3 of last year the President explained what had happened to his efforts to obtain the mutual withdrawal agreements he had described in his May 14 speech.

The President said:

> In order to end a war fought on many fronts, I initiated a pursuit for peace on many fronts.
>
> In a television speech on May 14, in a speech before the United Nations, and on a number of other occasions, I set forth our peace proposals in great detail.
>
> We have offered the complete withdrawal of all outside forces within one year. We have proposed a cease-fire under international supervision.
>
> We have offered free elections under international supervision with the Communists participating in the organization and conduct of the elections as an organized political force. The Saigon Government has pledged to accept the result of the election. We have not put forth our proposals on a take-it-or-leave-it basis. We have indicated that we are willing to discuss the proposals that have been put forth by the other side and that anything is negotiable except the right of the people of South Vietnam to determine their own future. At the Paris peace conference, Ambassador Lodge has demonstrated our flexibility and good faith in 40 public meetings.
>
> Hanoi has refused even to discuss our proposals. They demand our unconditional acceptance of their terms; that we withdraw all American forces immediately and uncondi-

> tionally and that we overthrow the government of South Vietnam as we leave.
>
> * * * * *
>
> It has became clear that the obstacle in negotiating an end to the war is not the President of the United States. And it is not the South Vietnamese Government.
>
> The obstacle is the other side's absolute refusal to show the least willingness to join us in seeking a just peace. It will not do so while it is convinced that all it has to do is to wait for our next concession, and the next until it gets everything it wants. There can be now no longer any doubt that progress in negotiation depends above all on Hanoi's deciding to negotiate seriously.

But Hanoi's intractable position did not preclude us from taking independent and unilateral action to terminate our involvement in this conflict. President Nixon described that action by recounting what he had said in Guam:

> At the time we launched our search for peace, I recognized that we might not succeed in bringing an end to the war through negotiation. I, therefore, put into effect another plan to bring peace—a plan which will bring the war to an end regardless of what happens on the negotiating front.
>
> It is in line with a major shift in U.S. foreign policy which I described in my press conference at Guam on July 25. Let me briefly explain what has been described as the Nixon doctrine—a policy which not only will help end the war in Vietnam, but which is an essential element of our program to prevent future Vietnams.
>
> We Americans are a do-it-yourself people—an impatient people. Instead of teaching someone else to do a job, we like to do it ourselves. This trait has been carried over into our foreign policy.
>
> In Korea and again in Vietnam, the United States furnished most of the money, most of the arms, and most of the men to help the people of those countries defend their freedom against Communist aggression. Before any American troops were committed to Vietnam, a leader of another Asian country expressed this opinion to me when I was traveling in Asia as a private citizen: "When you are trying to assist another nation defend its freedom, U.S. policy should be to help them fight the war but not to fight the war for them."
>
> In Guam, I laid down these three principles as guidelines for future American policy toward Asia:
>
> 1. The United States will keep all of our treaty commitments.
> 2. We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survival we consider vital to our security.
> 3. In cases involving other types of aggression, we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.
>
> After I announced this policy, I found that the leaders of the Philippines, Thailand, Vietnam, South Korea and other nations which might be threatened by Communist aggression welcomed this new direction in American foreign policy. The defense of freedom is everybody's business—not just America's business. And it is particularly the responsibility of the people whose freedom is threatened. The policy of the previous Administration not only resulted in our assuming the primary responsibility for fighting the war but even more significantly it did not adequately stress the goal of strengthening the South Vietnamese so that they could defend themselves when we left.

Not only did this new doctrine meet with favorable response from our Asian allies, but it was also greeted as a positive step in the right direction here at home. Three days after President Nixon's Guam press conference, the distinguished majority leader of the Senate made the following remarks:

> The President is moving with caution and consideration but also with a sense of reality based on the changes which have occurred on this globe. He is not advocating isolationism, nor is he advocating the abandonment of Asia. In his candid statements, both in this country and in Guam, he has emphasized that the United States is a Pacific power with peripheral interests on the Asian mainland.
>
> The first two steps on the journey of understanding were in the Philippines and Indonesia, two nations which are primarily Pacific powers but with greater interests on the Asian mainland than the United States. What the President has done, in short, is to signal the less likelihood of American participation in wars on the Asian mainland in the future. The President has also encouraged the Asian nations to depend more on themselves in both internal security and military defense which, to me, seems to be a sound long-range policy.

Consistent with this new policy, President Nixon announced in his November 3 address his plan to bring our boys home:

> The Vietnamization Plan was launched following Secretary Laird's visit to Vietnam in March. Under the plan, I ordered a substantial increase in the training and equipment of South Vietnamese forces.
>
> In July, on my visit to Vietnam, I changed General Abram's orders so that they were consistent with the objectives of our new policy. Under the new orders the primary mission of our troops is to enable the South Vietnamese forces to assume the full responsibility for the security of South Vietnam.
>
> Our air operations have been reduced by over twenty percent.
>
> We have now begun to see the results of this long overdue change in American policy in Vietnam.
>
> After five years of Americans going into Vietnam, we are finally bringing American men home. By December 15, over 60,000 men will have been withdrawn from South Vietnam—including twenty percent of all combat troops.
>
> The South Vietnamese have continued to gain in strength. As a result they have been able to take over combat responsibilities from our American forces.
>
> * * * * *
>
> We have adopted a plan which we have worked out in cooperation with the South Vietnamese for the complete withdrawal of all U.S. ground combat forces and their replacement by South Vietnamese forces on an orderly scheduled timetable. This withdrawal will be made from strength and not from weakness. As South Vietnamese forces become stronger, the rate of American withdrawal can become greater.
>
> I have not and do not intend to announce the timetable for our program. There are obvious reasons for this decision. As I have indicated on several occcasions, the rate of withdrawal will depend on developments on three fronts:
>
> One is the progress which may be made at the Paris talks. An announcement of a fixed timetable for our withdrawal would completely remove any incentive for the enemy to negotiate an agreement.
>
> They would simply wait until our forces had withdrawn and then move in.
>
> The other two factors on which we will base our withdrawal decisions are the level of enemy activity and the progress of the training program of the South Vietnamese forces. Progress on both these fronts has been greater than we anticipated when we started the withdrawal program in June. As a result, our timetable for withdrawal is more optimistic now than when we made our first estimate in June. This clearly demonstrates why it is not wise to be frozen in on a fixed timetable. We must retain the flexibility to base each withdrawal decision on the situation as it is at that time rather than on estimates that are no longer valid. Along with this optimistic estimate, I must—in all candor—leave one note of caution. If the level of enemy activity significantly increases we might have to adjust our timetable acccordingly.

Under the President's program of withdrawal, our troop strength has dropped from a high of 549,500 authorized by the previous administration to 429,550 as of May 21 of this year. And the President has indicated that this level will decrease to no more than 285,000 by next April 15.

U.S. PRESTIGE

There is one aspect of our policy in Southeast Asia which I have not yet discussed. The United States has been effective in maintaining peace in this area and in the rest of the world because of two factors: prestige and credibility, China backed down from its planned invasion of Quemoy and Matsu because they knew the 7th Fleet was ready to repel their efforts. They respected both our position as a world power and our determination to use that power in the defense of those islands. Prestige and credibility—these two factors make the United States a world power.

In the Cuban missile crisis, the Soviet Union also decided that discretion was the better part of valor and withdrew their missiles from that island. Again, prestige and credibility prevented World War III.

When the Chinese invaded India in 1962, we indicated our intention to help India repel this attack and the Chinese withdrew. Again prestige and credibility were our key to success.

The conflict in Indochina has done, I believe, some damage to our credibility. We have not achieved a military victory, because we have not sought one. But in the eyes of those who think we were trying for such a victory, it appears that we were incapable of achieving it. This has resulted, I believe, in the feeling among some revolutionary elements in the world that the United States cannot be effective in aiding a government beset by guerrilla warfare.

It is therefore important that our policy toward Vietnam also consider the credibility of the United States as a power that can effect its will once it has decided that such action is in its national interest.

"Precipitous withdrawal"—that is, the immediate and pellmell retreat with enemy soldiers chasing our last troops out—is unacceptable. It would, indeed, be a humiliating defeat that would severely cripple our credibility as a world power. For this reason President Nixon has rejected "precipitous withdrawal."

But "precipitous withdrawal" is a far cry from the orderly withdrawal that President Nixon has announced. By re-

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placing our combat units with newly trained and equipped South Vietnamese combat units, we can withdraw without military defeat, leaving the South Vietnamese to defend their nation after we have gone. This policy will permit us to end our direct military involvement in this area which retaining our credibility and simultaneously accomplishing our other goals.

The second factor in our ability to keep world peace—prestige—has, contrary to much that has been said by critics of this war, not seriously been injured. No one doubts our sincerity or purpose at this point. But our prestige could suffer serious damage if we "precipitously withdrew." Even a country with credible power is not to be believed if it does not have will to carry out its announced intentions in international affairs. All four of our most recent Presidents have commented on the importance of our prestige to keeping world peace.

President Eisenhower wrote in his memoirs:

> One possibility was to support the French with air strikes, possibly from carriers, on Communist installations around Dien Bien Phu. There were grave doubts in my mind about the effectiveness of such air strikes on deployed troops where good cover was plentiful. Employment of air strikes alone to support French forces in the jungle would create a double jeopardy; it would comprise an act of war and would also entail the risk of having intervened and lost. Air power might be temporarily beneficial to French morale, but I had no intention of using United States forces in any limited action when the force employed would probably not be decisively effective.

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And President Kennedy, in an interview with NBC newsmen Chet Huntley and David Brinkley, said:

> The fact of the matter is that with the assistance of the United States and SEATO, Southeast Asia and indeed all of Asia has been maintained independent against a powerful force, the Chinese Communists. What I am concerned about is that Americans will get impatient and say, because they don't like events in Southeast Asia or they don't like the Government in Saigon, that we should withdraw. That only makes it easy for the Communists. I think we should stay. We should use our influence in as effective a way as we can, but we should not withdraw.

President Johnson, in a message to Congress, stated:

> There are those who ask why this responsibility should be ours. The answer is simple. There is no one else who can do the job. Our power is essential, in the final test, if the nations of Asia are to be secure from expanding communism. Thus, when India was attacked, it looked to us for help, and we gave it gladly.
>
> We believe that Asia should be directed by Asians. But that means each Asian people must have the right to find its own way, not that one group or nation should overrun all the others.
>
> Make no mistake about it. The aim in Vietnam is not simply the conquest of the South, tragic as that would be. It is to show that American commitment is worthless. Once that is done, the gates are down and the road is open to expansion and endless conquest. That is why Communist China opposes discussions, even though such discussions are clearly in the interest of North Vietnam.

President Nixon addressed himself to the importance of our prestige in his November 3 address to the Nation:

> A Nation cannot remain great if it betrays its allies and lets down its friends. Our defeat and humiliation in South Vietnam would without question promote recklessness in the councils of those great powers who have not yet abandoned their goals of world conquest.
>
> This would spark violence wherever our commitments help maintain peace—in the Middle East, in Berlin, eventually even in the Western Hemisphere.
>
> Ultimately, this would cost more lives. It would not bring peace but more war.

We must, therefore, accomplish our announced goal of withdrawing all combat troops from Vietnam in a manner which will preserve both our prestige and credibility.

This course has been suggested on many occasions by numerous critics of this war. On February 17, 1965, the distinguished Senator from South Dakota stated:

> This is basically a political fight . . . That in the long run will have to be settled by the Vietnamese people rather than by outsiders. (Senator GEORGE MCGOVERN).

The Senator on June 27, 1965, endorsed a consolidation of our present position, keeping our casualties at a minimum. He said:

> The strategy I have suggested—the tightening of our defense in South Vietnam and the holding of the cities and the enclaves in the coastal area—is a policy that involves primarily political patience and military restraint.
>
> It will demonstrate to friend and foe alike that we have the staying power to keep our commitment according to the guidelines that are most practical for us, rather than playing the game according to guerrilla rules, which includes the jungle ambush, at which they are the admitted masters.

A speedy resolution of the conflict is the policy the President has attempted to follow. Unfortunately, the intractability of North Vietnam has made a negotiated settlement impossible, at least for the moment. I am hopeful that this situation might change, but, if it does not, the President has also been following a path that will end our combat role in South Vietnam without negotiated agreement.

VIETNAMIZATION

The purpose of my lengthy remarks and liberal quotation of the statements of others has been to provide the background necessary to understand the merits of Vietnamization. In short, they are:

First. It is essentially an action we can take with our South Vietnamese ally regardless of what other nations do. In this sense we are in control of our destiny.

Second. Our national goal of anticolonialism and the creation of viable independent states will be served.

Third. Our prestige and credibility in international affairs will be preserved and even enhanced.

The major difficulty that has developed in this country over the policy of Vietnamization is one of opinion. An increasing segment of our society does not believe it will work. The actions in Cambodia have been viewed by some as an indication that it is not working, a view with which I do not agree. The mere fact that the South Vietnamese army, which a few years ago could hardly defend Saigon, is now functioning effectively in the very sanctuaries of the enemy, is to me an indication of its success rather than its failure.

But if this one factor is not adequate to dispel the feeling that Vietnamization cannot work, let me describe to you the success this program has been meeting in South Vietnam.

When we speak of Vietnamization we are essentially speaking of the process by which the major military, paramilitary and civil responsibilities that Americans have assumed in South Vietnam are returned to the South Vietnamese Government.

The war has patterned the entire fabric of South Vietnamese living. As the United States withdraws from its considerable involvement in the affairs of that country, we have sought to be assured that the South Vietnamese Government could provide for the legitimate needs of the South Vietnamese people who have depended on us. As we reduce our commitment in Vietnam, it is encumbent upon us to coordinate with the South Vietnamese and our other allies. We must not pull the rug out from under this nation after defending it for so many years. Vietnamization is the program we have chosen to fulfill our commitment in Vietnam and at the same time fulfill the commitment we have to our own Nation to terminate U.S. involvement in the fighting there.

IMPRESSIONS FROM PERSONAL VISIT

The responsibilities which the South Vietnamese people want to resume for themselves are manifold and encompass socioeconomic and political activities as well as military activities. I see this implementation of the Vietnamization program as possible primarily because of the success of the pacification program carried out since our early participation in the war.

When I visited South Vietnam last summer I was greatly impressed by the success of the relatively unheralded pacification program. At that time, 76.4 percent of the rural population of South Vietnam lived in areas under control of the Thieu government; and only 11.8 percent of their rural population were in areas not controlled by the government. If all urban and rural areas are considered together 84.2 percent of the total population—17,219,100—were in pacified areas under complete South Vietnamese Government control while 8 percent lived in areas occupied by, but not completely pacified by, the Thieu government and only 7.8 percent of the total population did not live in pacified areas.

The observations reflect an increasingly stable government structure in South Vietnam. My visit there was after President Nixon's withdrawal of the first 25,000 troops, as I reported then, my strongest impression was that it is only a matter of time before the very capable South Vietnamese forces, trained by U.S. forces, will replace our fighting men. The Vietnamization program has given the South Vietnamese time; time to train and arm themselves to resist further aggression.

Timing is the essence of the Vietnamization program. Most of us agree with President Nixon's goal of withdrawing our forces. The element of time is the only dispute.

The village of Gia Dang, which I visited last summer with Senator BELLMON, is a graphic illustration of what the Vietnamization program can achieve. The people there told us how their former homes and villages had been destroyed by the war. They hid in caves and scrounged for food along the rivers. Not until the ARVN was able to wrest control of that area were these displaced persons able to establish new homes in the village of Gia Dang. With their security established by their own army, Gia Dang is an active fishing village, self-supported by the initiative of the residents. Gia Dang showed me the sound utility of the Vietnamization program. If we can provide the South Vietnamese forces time to train for the general protection of their country as we did in Gia Dang, our troops will return home and remain home.

EVALUATING VIETNAMIZATION

In the national media and here on the Senate floor we have heard much about different methods of calculations to measure successes or failures in the Vietnam war—the Vietnamization program should be subject to the same scrutiny. The perspective offered by Lt. Col. Vince Tocci writing in May's Armed Forces Journal is pertinent to this point:

> There are statistics on nearly every conceivable activity in the war. How many indirect attacks? How many fish? How much rice? How many weapons? How many deserters? How many bars? It's a wonder someone doesn't ask, "How many—'how manys' are kept?" The real question is, "What does it all mean?"
>
> It is important if it fits into a proper context. In the wrong framework these statistics are practically worthless. Unfortunately, statistics have become ends in themselves rather than substantive items which help to explain or clarify the situation. The wrong framework—oversimplified and overquantified—will not clarify this problem. For its part, the U.S. Government, while keeping the American public apprised of all these numbers, has probably added to the confusion.
>
> What is needed is a new device for measuring progress in a guerrilla war. The measuring devices currently in use do not really measure progress in a war of insurgency.
>
> The statistics reported to date have been measuring United States effort and not United States achievement. As the United States effort increased, the public expected a corresponding advancement toward victory and peace, since there is no measurement of achievement the public cannot see the progress. As a result, the war appears to some people to be a hopeless quagmire.
>
> Conversely, the enemy gets all the credit. In spite of the enormous military effort against them they continue to exist. Ergo: the Viet Cong and the North Vietnamese are victorious. Some people actually believe this fantasy. Some go so far as to claim that the United States forces are immoral, illegal, and have lost the war.

Colonel Tocci served in Vietnam from May 1966 to May 1967 as an air briefer and later as chief of combat news for the Seventh Air Force. That experience developed for him an intimate and independent knowledge of Vietnam operations. When he addressed himself to Vietnamization in the Armed Forces Journal, he too spoke of the element of time:

> In this program emphasis is placed on training and equipping the Vietnamese. As they increase their capability and assume a stronger defensive posture, the United States redeploys its troops. More than 115,000 Americans have departed Vietnam in less than a year; more will follow as the Vietnamese potential becomes fact.
>
> But first it will take time. Training, equipping, and building an experienced fighting team is not an overnight project. And second, since this is a war for people, progress must include many nonmilitary aspects. Economic, social and internal security development must advance along with the military. And third, the Communists must disrupt the Vietnamization of the war or find themselves without popular support and facing a strong all-Vietnamese armed force capable of protecting its own people's freedom. The attempts at disruption may cause temporary slowdowns in the Vietnamization process.
>
> Vietnamization combines the best elements of United States involvement with Vietnamese aspirations. The end result, given time for implementation, is in keeping with the American commitment and position as a responsible leader in the free world.

When considering the Vietnamization program, we cannot overemphasize its broad effect—military, political, and socioeconomic. Each of these aspects so interacts with each other and this is the complexity of the subject. I asked the Department of Defense for information on each of these aspects. Let me present this report on the progress of Vietnamization to you:

PROGRESS IN VIETNAMIZATION—MILITARY

> I would particularly like to direct interest to two areas of progress resulting from purely military operations. The first is the increased presence throughout the Vietnamese countryside of stabilizing agencies of the government of Vietnam which promote increased basic security for the people; secondly, the social and economic improvements throughout the countryside which are visible to, and directly assist, the Vietnamese people at the lowest level.
>
> We are making visible progress in Vietnamizing the military portion of the war. The results of our efforts to turn over the fighting to the RVNAF are encouraging. Foremost among the results, of course, is the 21 percent reduction in our total troop strength to below the 434,000 directed by the President. The recently announced reduction of an additional 150,000 will, of course, be paced by the progress of Vietnamization, as well as the level of enemy activity.
>
> As part of our overall United States troop reduction in Vietnam, the number of infantry-type maneuver battalions has been reduced by approximately 29% from one year ago. The forthcoming redeployment will, of course, include more maneuver battalions as well as support forces.
>
> We have also turned over to the South Vietnamese, or withdrawn some of our ground forces from about 26% of the tactical areas for which we once had complete responsibility.
>
> As a direct result of our efforts at Vietnamizing the war, we have seen a 63% decrease in United States personnel killed in action from the first quarter of 1969 to the same period in 1970. Similarly, the number of United States military wounded in action has been reduced by 54% during the same period.
>
> We have provided more effective equipment to the Republic of Vietnam Air Force to allow them to prosecute the war. Their use of this equipment to assume a greater portion of the combat role is encouraging. For example, attack sorties flown by the Vietnam Air Force between first quarter 1969 and 1970 have increased more than 40% while the United States Air Force has decreased its sorties by over 47%.
>
> To provide the Republic of Vietnam Air Force with adequate facilities not only to conduct military operations, but also to assist in the economic development of the country, the United States has turned over several key installations no longer required. The 9th Infantry Division Base at Dong Tam is now the home of the ARVN 7th Infantry Division. The United States Navy Base at My Tho is now a Vietnamese navy facility. The 3rd Marine Division Base at Dong Ha is now used by the ARVN 1st Infantry Division. The Vietnamese Air Force now operates the air base at NHA Trang with remaining United States units as tenants. Recently, the base camp of the 4th United States Infantry Division at Camp Enari, near Pleiku, was turned over to the Republic of Vietnam. Additional facilities at Danang, Vung Tau, Bien Hoa, Lai Khe, Can Tho, and Binh Thuy are also programmed for turnover in the near future.
>
> The task of training the RVN serviceman not only in the basic skills of his branch but also in the technical skills required to operate and maintain the newer equipment, has been formidable. We have assisted the GVN in establishing more and better training facilities to accommodate the requirement for training centers and service schools. These facilities currently have a student training load of over 600,000, up 27% from 1969 and up over 50% from 1968.
>
> In addition, a substantial number of Republic of Vietnam Air Force personnel are brought to the United States each year to receive technical training not yet available in Vietnam. This year, over 7,000 Vietnamese military personnel will be trained in a wide variety of advanced skills in the United States, compared with approximately 2,600 last year, and 1,900 in 1968. Over half of the 1970 student load in the United States consists of helicopter and fixed wing pilot trainees and mechanics.
>
> As you know, the regular forces of the Republic of Vietnam Air Force have been allowed to devote more and more attention to purely tactical operations due to the formation of paramilitary security forces ranging from the popular forces to national police to peoples self-defense forces.
>
> These security forces provide visible evidence of GVN presence to the villagers. The National police have expanded from a force level of approximately 17,000 in 1964 to nearly 90,000 today. The national police have two distinct roles: support of pacification measures and national development. In both roles, attention is focused on creation of a stable government with an effective civil police force throughout urban and rural areas. In its paramilitary role in pacification, trained police field forces companies are employed in the villages, hamlets, and urban areas to identify and neutralize the Viet Cong infrastructure.
>
> As a civil police body, the national police protection and services have been expanded downward from province and district locations into the villages. Currently, more than 6,000 uniformed police are assigned to approximately 1,700 villages. During the next several months, the bulk of police increases will be at village level. To be effective in both roles, police training (with United States assistance) is provided in three basic training centers which have a combined training capacity of over 4,500 trainees for the 12-week cycle. Additional training facilities for medium and higher level police command training are in operation. To date, approximately 140,000 Vietnamese police have been trained in Vietnam while about 300

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> have received specialized training in the United States. An additional 1,900 have been trained in selected third countries.
>
> Approximately 50% of all police now operate outside urban areas, with increasing numbers being assigned to district and village level. Their presence complements the paramilitary functions of the popular forces, who also operate under the direction of the village chiefs.
>
> The popular forces have been increased in size by over 20% in the past year and are the military arm of the village chief. They are organized and trained as platoons and assigned as local area security for villages and hamlets. They live with the population they serve and are tangible examples of the government's efforts to provide security to all the population. The PF have been equipped with M-16 rifles and newer radios for better effectiveness.

I think we can see here that the bolstered South Vietnamese forces—on all levels—the extensive training programs and the modernized equipment are all substantial contributions to the Vietnamization program.

SOCIO-ECONOMIC

Land reform and other assistance to the predominantly agrarian interests of the South Vietnamese people have secured social and economic benefits under the Vietnamization program. Again I quote the Defense Department briefing paper:

> The farmer requires land on which to grow his crop, seed to start the growth, and a means of getting his crop to market. To provide more land to the farmers, the Vietnamese Government has redistributed over 267,500 acres of land to the people during the past two years. Of this total, approximately 75% was turned over in the past 12 months.
>
> The recently enacted 'land-to-the-tiller' law (commonly referred to as the Land Reform Law) will provide approximately 2¼ million acres of land ownership to farmers who actually cultivate the land. Under this law, the government will direct the transfer of land from approximately 50,000 absent land owners to approximately 500,000 tenant farmers with appropriate compensations. The new program will be administered at village level.
>
> Improved strains of rice (IR-8) which increase the yield up to 150% have been introduced under the accelerated rice production program. By the end of 1970, Vietnamese rice farmers should be producing sufficient quantities of rice for Vietnamese consumption to no longer require imports of rice from the United States.
>
> How does the farmer then get his product to market? Roads and waterways are the primary means of moving farm-to-market products. The RVN highway system includes 12,500 miles of roads comprised of national highways (2,400 miles), interprovincial highways (1,600 miles), and 8,500 miles of provincial roads. United States efforts have been directed toward upgrading about ⅔ of the 4,000 mile national and inter-provincial system, not only to facilitate military operations, but also to assist in the economic development of the nation.
>
> Of these approximately 2,570 miles of highway, upgrading construction is underway or completed on nearly 1,800 miles or about two-thirds of the total. 25,000 meters of bridges are included in the line of communication upgrading program, of which over 40 percent have been completed. The construction effort required to pave these roads has been provided primarily by U.S. military engineer construction units (80%).
>
> About 65% of the total road network in Vietnam is now classified as secure ('open during daylight') with the bulk of these roads being in areas necessary for economic development.
>
> U.S. and Vietnamese river and canal operations have provided security for over 70% of the commercial waterways in Vietnam.
>
> A major effort during the last half of 1969 has opened railways which have been closed for many years. 55% of the 1,240 kilometers of main line and branch lines are now open to traffic. Approximately 64% of the railroad is now considered secure, as compared with approximately 21% at the beginning of 1967.
>
> Medical care and health facilities in the villages has been a pressing need, while the number of doctors available in the country is far below the requirement, ambitious efforts are underway to provide health care programs to every citizen. A coordinated military-civilian health plan is in effect in which joint utilization of health facilities and exchange of personnel is being carried out, first at province hospitals and then at district and military sub-sector dispensaries.
>
> In a nation of 17 million people, 20 million smallpox, cholera and plague immunizations were administered in 1969 as compared with 16 million the previous year.
>
> To provide an education to as many Vietnamese children as possible, massive strides have been made in educational facilities. The Elementary Education System is now capable of enrolling approximately 85% of the school age population.

I wish I could say the same for my State of Alaska.

> The most recent statistics show that over 2,340,000 or 80% of the school age children are enrolled in public and private schools.
>
> Enrollment in secondary education schools increased from 472,000 in 1968 to 543,000 in 1969. Total teachers in the secondary (high school) education system increased from 11,500 to 13,400 during the same period.
>
> Enrollment in the 21 vocational schools (which include junior technical, trade technical and polytechnic schools), has increased by over 3,000 to 11,360 from 1968 to 1969.
>
> In the five universities and five normal schools, over 41,000 students are enrolled.
>
> I have dwelt in some detail on the measures of progress which have been made in Vietnamization. The continuation of this progress, with the ultimate objective of a self-reliant government in South Vietnam, is dependent on a climate of security throughout the country. Threats to, or actual disruption of this security is of grave concern to the program.

POLITICAL

It can be said of the political aspect of the Vietnamization program that the Government of South Vietnam is more stable now than at any time in the past decade. Since 1966 seven election periods have been held in South Vietnam. As Marine Gen. Lewis Walter put it, elections are important—

> Not only because they reflect the nature of the government, but also because they indicate the degree of commitment which the Vietnamese people have made to their government.

In each of the seven election periods the Vietnamese have demonstrated resounding support for the democratic process. More than 80 percent of all the eligible voters turned out in each election. I might add that this compares favorably with the United States, where only about 60 percent of eligible Americans exercise their right to vote.

VIETNAMIZATION AND THE NIXON DOCTRINE

Vietnamization is the embodiment of the Asian doctrine President Nixon enunciated at Guam last year. Secretary Laird has stated that this program "supports our obligations to our allies in South Vietnam, and, at the same time, implements our expectation and insistence that in the future military defense will and must be a responsibility increasingly shouldered by the Asian nations themselves." Vietnamization is our first application of that doctrine. And as Secretary Laird has aptly pointed out:

> If the test succeeds in Vietnam, other nations in Asia which wish to live in peace will be encouraged, and nations that seek conquest by war—waged directly or by proxy—will be deterred from aggression. In short . . . Vietnamization provides the American people with a practical middle course between isolationism and the role of world policeman.

Mr. President, I have asked the Department of Defense to provide me with a list of the countries to which we provide military aid or training under the Foreign Assistance Act of 1961. This is dated May 28, 1970. This information shows that we provide assistance to the following countries:

Afghanistan
Australia
Argentina
Bolivia
Brazil
Ceylon
Chile
Nationalist China
Colombia
Congo
Dominican Republic
Ecuador
El Salvador
Ethiopia
Ghana
Greece
Guatemala
Honduras
India
Indonesia
Iran
Jordan
Lebanon
Korea
Liberia
Libya
Malaysia
Mexico
Morocco
Nepal
Nicaragua
Pakistan
Panama
Paraguay
Peru
Philippines
Portugal
Saudi Arabia
Senegal
Spain
Tunisia
Turkey
Uruguay
Venezuela

Three countries are receiving assistance under the defense appropriations bill—namely, Laos, Thailand, and Vietnam.

I note that the pending amendment would prevent the executive branch from furnishing military instruction to Cambodian forces or providing military instruction in Cambodia.

AMENDMENT NO. 663

I send to the desk—and request that it be printed—an amendment to the Cooper-Church amendment No. 653 which would delete from subsections 2 and 3 the prohibition against providing military training to Cambodians or military training in Cambodia.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The amendment will be received and printed, and will lie on the table.

The amendment is as follows:

AMENDMENT NO. 663

Delete the following:

(1) Sec. 47, subsection 2. ". . . furnish military instruction to Cambodian forces or . . ."

(2) Sec. 48, subsection 3. " . . . to provide military instruction in Cambodia, or . . ."

Mr. STEVENS. I cannot see why we should cut off from Cambodia the training we are giving to so many other nations to increase their own ability to de-

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fend themselves. I can understand full well why some of the other provisions of the Cooper-Church amendment were offered, but I do not understand the prohibition against military instruction to Cambodian forces or military instruction in Cambodia. It would prevent us, for example, from training their pilots. It would prevent us from training any of their people in Vietnam or in Cambodia itself. This is a provision of the Cooper-Church amendment which I just do not understand, and I would be very willing to listen to anyone who wants to explain it.

I am informed that every time we either give or sell military equipment to a foreign nation, we provide advisers who instruct them in the use of that equipment. Why is it that Laos, Thailand, and Vietnam should receive this advice and this service in providing for their own defense, while we simultaneously prevent the President from giving similar instruction—or ordering the military to give similar instruction—in Cambodia or to Cambodians? I think this is one of the serious defects of the Cooper-Church amendment.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, on yesterday I offered an amendment to the pending Cooper-Church amendment. The purpose of the amendment I have offered is to foreclose any possibility of denying rescue to Americans being held captive in Cambodia.

So that there will be no mistake as to the language of my amendment, I will state it again:

> On page 4, line 21, insert "(a)" after "Sec. 7.".
>
> On page 5, between lines 18 and 19, insert the following new subsection:
>
> "(b) The provisions of subsection (a) of this section shall be inoperative during any period that the President determines that citizens or nationals of the United States are held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front."

Mr. President, this amendment has but one purpose. It has but one aim. It is addressed to but one issue.

That issue is the plight of Americans held prisoner by the enemy. Primarily these Americans are servicemen, but there have been instances of journalists being captured.

Mr. President, the amendment which I have offered will serve not only as notice to the enemy of the U.S. determination to do whatever is possible and necessary to secure the release of American captives. It will also stand as an expression of the Senate's concern to the parents, wives, and families of captured and missing American servicemen.

This is not an idle gesture. Those who await the return of their loved ones believe—and with reason—that every bit of pressure which is put on the enemy results in better treatment for their men. And every action taken by our Government—whether at the negotiating table in Paris, at the White House, or in the Halls of Congress—everything done to show concern, interest, and awareness gives some measure of comfort and strength to the brave and courageous families who keep watch for their absent fathers, sons, and husbands.

Earlier this month, I received a letter from the wife of an Air Force major missing since November 1967. In closing she said:

> Our five children and I have been sustained by the belief that our Government will not abandon my husband and his fellow servicemen.

Mr. President, what more clear-cut notice of abandonment could be given than through legislation which would forbid American troops to cross an imaginary, meaningless line in an Asian jungle—even if that crossing were to secure the freedom of captive Americans?

The Cooper-Church amendment, as it now reads, would forbid U.S. forces from entering Cambodia, even if the purpose of their mission were to rescue Americans being held prisoners of war by the enemy.

Mr. President, the Senate cannot serve such cold and abrupt notice on the men who are being held prisoner, on the men who daily risk capture, or on their families.

I urge my colleagues to consider these points and to join in approving this amendment as an expression of concern for our military personnel and their loved ones. An expression to them and to the enemy as well.

Mr. President, I would urge my colleagues seriously to consider the amendment I offered yesterday, to give the President the right to say, in effect, that the provisions of the Church-Cooper amendment shall become inoperative if the President determines that Americans are being held captive by the North Vietnamese and by the National Liberation Front in the country of Cambodia.

I think the amendment would express the concern that we feel in the Senate and Congress as a whole for those who are now prisoners of war or missing in action, not only in Cambodia but also throughout Southeast Asia.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered.

The Senator from Arkansas (Mr. FULBRIGHT) is now recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield, without losing his right to the floor?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished chairman of the Committee on Foreign Relations, who now holds the floor, and with the proviso that he does not lose his right to the floor, I ask unanimous consent that the vote on the pending Dole amendment occur at the hour of 11:30 o'clock on Wednesday morning next.

Mr. FULBRIGHT. Reserving the right to object——

Mr. GRIFFIN. Reserving the right to object——

Mr. FULBRIGHT. Mr. President, does that exclude, may I ask, the right to move to table——

Mr. MANSFIELD. No. Every Senator's right is preserved.

Mr. FULBRIGHT. In other words, I would still be free to move to table prior to the rollcall vote.

Mr. MANSFIELD. The vote would occur at that time, otherwise——

Mr. FULBRIGHT. I do not make myself clear——

The PRESIDING OFFICER. The Chair would state that——

Mr. MANSFIELD. Mr. President, I withhold the motion.

Mr. FULBRIGHT. Let me restate it. If I can still move to table, I have no objection.

Mr. MANSFIELD. Will the Chair please clarify that point?

The PRESIDING OFFICER (Mr. SPARKMAN). I am advised by the Parliamentarian that a motion to table would not be in order, unless that specific provision is included in the unanimous-consent request.

Mr. FULBRIGHT. If it would allow me to move to table before that time, then I have no objection to a vote. It would come either in the form of a motion or on its merits. I think there should be a right to move to table. That is customary.

Mr. MANSFIELD. Every Senator's right on that is understood.

Mr. FULBRIGHT. I want it clear by agreeing to this that I would not be foreclosing a move to table prior to a vote.

Mr. GRIFFIN. Mr. President, may I inquire of the Senator—oh, just prior, he said—I caught that last part—It would not allow a motion to table on Monday or Tuesday——

Mr. FULBRIGHT. I am not trying to be technical, just reserving the right to make a motion to table before the vote on its merits.

The PRESIDING OFFICER. The Senator from Montana included that in his unanimous-consent request. Is there objection?

Mr. MANSFIELD. Mr. President, reserving the right to object——

Mr. GRIFFIN. Mr. President, for the moment, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FULBRIGHT. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator is correct.

PETITIONS RECEIVED PRO AND CON REGARDING THE SITUATION IN CAMBODIA

Mr. FULBRIGHT. Mr. President, on two previous occasions, May 13 and May 19, I have reported to the Senate on the large numbers of petitions I have received in recent days.

These petitions are only a part of the tremendous amount of correspondence I have received. Altogether I have heard from more than 260,000 people, and the mail is still being counted.

I have received petitions from 145,486 people—counted thus far—who are opposed to the continuation and widening of the war in Indochina. I have also received petitions from 1,202 persons in support of President Nixon's policies.

Once again I have summarized the petitions, and I ask unanimous consent that this additional list be printed in the Record.

There being no objection, the petitions were ordered to be printed in the Record, as follows:

Summation of Petitions

Petitions circulated by Friends Seminary, New York, containing 3,411 signatures. They oppose the Administration's policies in Indochina and call for withdrawal of U.S. troops.

A statement from 10 faculty members of the Graduate School of Social Work of the University of Arkansas stating:

> It is our belief that the violence in Indochina is related to the current climate of violence, repression and distrust which is increasingly prevading our nation . . . We deplore the senseless murders of college students at Kent State University and at Jackson State College . . . We urge an immediate cessation of unlawful attempts to quell any participation in public protest against so costly and so inhumane a war.

A petition from 27 students at the Arkansas Graduate School of Social Work calls for a withdrawal of troops from Indochina and a re-ordering of national priorities.

A petition from 29 persons in Hope, Arkansas, favoring the "Amendment to End the War".

A petition from 50 persons in Gassville, Arkansas, and another from nine persons in Little Rock, average age 51, supporting the "Amendment to End the War."

Thirty signatures on a petition from Little Rock in support of the Cooper-Church amendment.

A petition with 24 signatures from the College of Liberal Arts at Arkansas State University in support of the "Amendment to End the War."

120 additional signatures on petitions from the University of Arkansas.

A petition from 18 members of the Arkansas Chapter of the National Association of Social Workers backing the amendments to discontinue funds for the war in Indochina.

Petitions with 20 signatures from Mountain Home, Ark., five from Monticello, Ark., 23 from Little Rock, 30 from Jonesboro, 13 from Fayetteville, 31 from Batesville, 46 from Sheridan, 20 from Searcy, 41 from Camden, seven from Bentonville, 65 from Texarkana, and 40 from Henderson State College, all in support of the "Amendment to End the War." These were hand written petitions, circulated among friends and neighbors.

A petition from 62 federal employees of the Western Regional Office of Economic Opportunity stating:

"We fervently oppose America's presence in Southeast Asia . . . The war may be the greatest threat to America's security and its future in our history. . ."

Petitions from 21 persons in Iowa City, Iowa, and 68 in Granada Hills, Calif. supporting the "End-the-War" Amendment.

A petition from 37 faculty and students of the graduate religious studies program at Mundelein College, Ill.

Petitions from 27 persons in Los Altos, Calif., 16 in Sacramento, 35 in Chicago and 12 in Pontiac, Mich., calling for American withdrawal from Indochina.

Petitions and letters from 12,324 persons throughout the New York area calling for withdrawal from Southeast Asia as "the only path to a just and honorable peace." The signatures were collected by the Women Strike for Peace, East Meadow, N.Y.

Petitions from 645 persons in Forest Hills, N.Y., supporting the Foreign Relations Committee's position against military involvement in Cambodia.

A petition from 15 workers and the management of Central Molded Products Co., Chicago calling for an end to the war and "a beginning in the fight to improve our quality of life at home."

A petition from 278 students and faculty of the College of Engineering, University of Wisconsin which concludes:

"Repression by force will only fan the flames of conflict and will tear to shreds the fabric of our society. To end violence at home we must first put an end to violence abroad. The invasion of Cambodia must stop at once. The war in Vietnam must be ended quickly. Then we must work together toward the goal of a better society for all."

A petition from 38 faculty and staff members at Sequoia High School, Redwood City, Calif., urging Congress to exercise its Constitutional powers to halt the war, and a similar petition from the Department of History and Social Science of Rye Neck, N.Y., High School.

A petition from 27 faculty members of Queens College, Charlotte, N.C. urging increased efforts for early termination of U.S. military involvement in Southeast Asia.

A petition with 116 names from the School of Architecture and Planning, Massachusetts Institute of Technology urging "withdrawal of all funds spent on military action in Southeast Asia, with the exception of money needed to bring the troops home."

A petition with 180 names from Yuba College, Marysville, Calif., opposing the President's policies in Southeast Asia and "his disregard for Constitutional and democratic processes."

A petition from 72 persons in Los Angeles supporting the Cooper-Church and McGovern-Hatfield Amendments.

A petition with 37 signatures from Oswego, N.Y., and one from Harrisburg, Pa., with 33 signatures opposing further American military action in Southeast Asia.

Petitions with 19 names from Redwood City, Calif., 23 from Evanston, Ill., seven from East Boston, Mass., 17 from Davis, Calif., 19 from Fort Worth, Texas, all favoring the "Amendment to End the War."

A petition with 186 names from Rice University, Houston, Texas, opposing the President's action "without seeking the advice and consent of the Senate."

A "petition for peace" from Princeton, N.J., with 122 signatures, urging "immediate Congressional passage of legislation to limit and end the war."

Petitions from Houston, Texas, with 106 signatures opposing the President's actions and additional petitions with 14 signatures favoring the Cooper-Church Amendment and 16 signatures supporting the "Amendment to End the War."

A petition from 23 students and faculty of the School Psychology Training Program at the University of Minnesota strongly disagreeing with President Nixon's expansion of the war.

Sixteen signatures on a petition from Franklin and Marshall College, Lancaster, Pa., "wholeheartedly opposing the Nixon Administration's actions in Indochina."

A petition from 60 citizens of Oak Park, Ill., expressing "strong opposition to our country's economic and military involvement in Southeast Asia."

A petition from 83 persons at Willamette University, Salem, Oregon, supporting an end to American military involvement in Southeast Asia.

Petitions from 51 persons in Detroit and 12 persons in Crawfordsville, Ind., opposing the President's actions in Cambodia.

A petition from the faculty and students of Albany Medical college, N.Y., with 86 signatures calling the war in Indochina "unnecessary, illegal, militarily hopeless, morally wrong and destructive to our society."

A petition from 51 correctional workers for the Adult and Juvenile Probation Departments, Santa Clara County, Calif., supporting the Foreign Relations Committee and calling for withdrawal of American troops from Southeast Asia.

A petition from 14 members of the Department of Linguistics, University of Hawaii supporting the Foreign Relations Committee and opposing the "invasion of Cambodia".

A statement signed by 28 faculty members and students professional involved in East and Southeast Asian Studies at Indiana University which concludes:

> . . . We deeply doubt the assumptions that the United States may become a second-rate power unless we win a military victory in Vietnam, and that American "credibility" and the future of the free world are at stake . . . Real victory for America lies in a speedy military disengagement from the internal conflicts of the Southeast Asian peoples.

A petition from 60 persons in Millis, Mass., opposed to the expanded war.

A petition from 30 employees of a State of Connecticut agency and another from eight persons in Boulder, Colo., calling for withdrawal of our forces from Southeast Asia.

A petition from a group of 35 psychotherapists in the New York area which concludes:

> We call upon the Congress to use its Constitutional powers to bring the war in Indochina to an immediate end. This may be the only means of retrieving into America the thousands of disaffected young people who are—ultimately—the people who will save or fail to save the country.

A petition from 237 members of the academic community of the Stevens Institute of Technology, N.J., calling for an end to the war.

A petition from 29 members of the faculty of The Lawrenceville School, Lawrenceville, N.J., deploring the action in Cambodia and a petition from 23 faculty members at Kellogg High School, St. Paul, Minn., expressing "overriding concern over President Nixon's dangerous and ill-advised course of action in Cambodia."

A petition from 325 students at Balboa High School, San Francisco, who "non-violently protest the action of President Nixon in Cambodia."

A petition from 132 New Jersey citizens opposing further appropriations for war in Cambodia, Vietnam or Laos.

A petition from 106 persons in Newfolden, Minn., opposing the President's actions in Cambodia.

A petition from 75 persons in Columbus, Ohio, deploring "the United States' military intervention in Cambodia."

Petitions from 31 computer industry employees in Cupertino, Calif., 14 persons in Kansas City, Mo., 43 persons in Fresno, Calif., and 35 persons in Houston, Texas, supporting the "Amendment to End the War."

Petitions with 80 signatures from staff members of the Northwestern University Library advocating withdrawal of U.S. troops from Southeast Asia.

A petition from 60 persons in Skokie, Ill., and one from 18 persons in San Jose, Calif., opposing the President's actions.

A petition signed by 51 United States citizens in Florence, Italy, strongly opposing the President's move in Cambodia.

A petition from 246 persons at Wellesley College calling upon the Congress to reassert its Constitutional powers.

A petition from 16 persons at Meadville Thoelogical School, Chicago, calling for withdrawal from Cambodia, a planned program with withdrawal from Vietnam, and upholding the right of dissent.

A petition from 11 faculty members of the School of Advanced International Studies, Johns Hopkins University, expressing "strong opposition to the United States incursion into Cambodia and the resumption of bombing of North Vietnam."

Petitions signed by 170 students and adults in Middlesex, N.J., calling for an end to our involvement in Cambodia and Vietnam.

A petition from 17 students and 20 teachers at Saint Elizabeth High School, Oakland, Calif., supporting efforts to change our policy in Southeast Asia and "bring a speedy end to U.S. involvement in the affairs of Vietnam and Cambodia."

A petition from 35 staff and students of the Center for Research in Human Learning, University of Minnesota, urging U.S. withdrawal from Cambodia and a petition from 165 students and faculty of the University of Minnesota Law School calling the "invasion of Cambodia" an "unconstitutional exercise of executive power" and a "shameful expansion of an already immoral and inhumane war."

A petition with 65 names from Corvallis, Ore., opposing further American involvement in Cambodia.

A petition with 142 names from medical and paramedical personnel of St. Luke's Hospital Center, New York, opposing the escalation of the war "because of its dire effects on the health and welfare of the peoples of Indochina and of the United States."

A petition from 250 students and professors of the School of Law, University of California, Berkeley, urging Congress "to reassert Constitutional power over the declaration and conducts of foreign wars."

A petition from 141 faculty, staff and graduate students in the Department of Biological Sciences, Purdue University, Lafayette, Indiana, deploring the escalation of the war and calling for a rapid, orderly withdrawal of American troops.

Petitions with 183 signatures from Albany, N.Y., 15 from Schenectady and 52 from Poughkeepsie, supporting the Foreign Relations Committee and stating that "the tragic experience in Vietnam must not be repeated in Cambodia."

Telegrams signed by 21 art critics, art historians and educators in New York and 17 medical social workers in Contra Costa County, Calif., opposing the President's actions.

A petition from 420 persons in Racine, Wis., calling on Congress "to exercise its prerogatives to oppose this undeclared war and to reduce all military activity in Southeast Asia as quickly as possible."

Statements of support from 102 persons at San Francisco College for women for the Foreign Relations Committee's efforts to "defend the Constitutional rights of the Senate."

A petition from 58 students, staff and faculty in behavioral science at the University of Colorado calling for an American withdrawal from Vietnam, Cambodia, Laos and Thailand.

A petition from 58 members of the faculty and administration of Hamilton College, Clinton, N.Y., deploring the Cambodian action and urging instead "a rapid acceleration of American withdrawal from Vietnam."

Forty-six letters from citizens of the community of Hauppauge, L.I., New York, expressing deep disapproval of the "continuation and furtherance of the war."

A petition with 490 signatures from Springfield, Mass., opposing our involvement in Cambodia.

Petitions with 553 names from Park Forest, Ill., opposing the expanded war and calling for American withdrawal.

A petition from 50 members of the Iliff School of Theology, Denver, Colo., which states:

> We are convinced that President Nixon's policy can serve no rational or moral objective. The policy only perpetuates and intensifies the needless suffering of countless peoples and the destruction of lands not our own. The policy makes a mockery of values such as peace, justice and freedom . . .

Petitions from 154 persons in Northville, Mich., 84 in New York and 41 in Santa Monica, Calif., in support of amendments to cut off further funding for military action in Southeast Asia.

A petition from 160 faculty and students of the Music Department of San Fernando Valley State College, Northridge, Calif., opposing the expansion of the war.

Petitions from 23 persons in Syracuse, N.Y. and 43 in Euclid, Ohio, favoring action to prohibit further funding for military operations in Cambodia.

Petitions from 3,681 persons in San Diego "opposed to United States military intervention in Cambodia."

A "Declaration of Peace" from 195 women in the Bethlehem, Pa., area.

Petitions supporting the "Amendment to End the War" signed by 15 persons in Los Angeles, 18 in Hyannis, Mass., 21 in Norman, Okla., 117 in Columbus, Ohio, seven in Orinda, Calif., 30 in Fremont, Calif., and 141 in Santa Cruz, Calif.

A petition from 171 employees of the Manhattan State Hospital Complex, N.Y., calling for "the withdrawal of all American troops from Southeast Asia and the protection of our rights to protest and petition as guaranteed by the Constitution."

A petition from 10 Southern New Jersey lawyers stating that "law and order becomes a hollow chant" when the President ignores or violates Constitutional duties and limitations.

A petition from 34 members and friends of the Episcopal Seminary of the Caribbean supporting termination of U.S. involvement in Cambodia and a rapid withdrawal from Vietnam.

A petition with 108 signatures from Minneapolis opposing the extension of the war and favoring a "total reordering of American priorities."

Petitions containing 1,440 signatures gathered by students of the Berkeley, Calif., High School "condemning President Nixon's invasion of Cambodia", "the resumption of bombing in North Vietnam", and "the murder of four students in Kent, Ohio."

Petitions from 114 persons in Brooten, Minn., and 200 in Chicago supporting the "Amendment to End the War."

A petition from 57 staff members of the Family Service Association of America opposing the expanded war.

A petition from 24 students and professors of the Associated Colleges of the Midwest Central American Field Program in Costa Rica opposing further U.S. involvement in Southeast Asia.

A petition signed by 72 faculty, students and staff of the Department of German, University of California, Berkeley, opposing the escalation of the war, and a petition signed by 380 members of the Department of Chemistry expressing "opposition to the Administration's current policy in Southeast Asia" and urging Congressional action to bring about withdrawal of U.S. forces.

Petitions signed by 7,100 persons in Brooklyn, N.Y., "supporting the Foreign Relations Committee's position against any escalation of the war" and favoring a withdrawal of all U.S. troops from Southeast Asia. The petitions were collected by the Brooklyn Communication Action Committee for Peace.

Petitions containing 1,222 signatures from the New York area in support of the McGovern-Hatfield Amendment and a reassertion of Constitutional power by the Congress.

A petition from 408 San Francisco Bay Area trade unionists and a copy of a letter to President Nixon which states:

> The economy of our country is steadily being eroded . . . Promises to stabilize the economy and control inflation have become less meaningless. Our paychecks buy less for our families; our standard of living has been assaulted. We are suffering increased inflation and unemployment. Now Cambodia! What next? There must be an end to these military adventures . . .

Eighty-two letters from Chicago citizens, forwarded by the Roosevelt University Student Senate, advocating withdrawal from Cambodia and Vietnam and repeal of the Tonkin Gulf Resolution.

Petitions with 1,274 names gathered in the New York area and forwarded by the Women Strike for Peace in support of the Hatfield-McGovern Amendment and other actions to halt further funding of military operations in Vietnam, Laos and Cambodia.

A petition from 609 persons in Honolulu calling for the rapid withdrawal of American military forces from Indochina and urging all citizens "to the higher patriotism—Help save your country."

Petitions bearing 3,176 names from Northwestern University, Evanston, Ill. The petitions read:

> Four students at Kent State University have been unjustifiably slain in reaction to what we consider an immoral and unconstitutional decision made by President Nixon. We strongly urge Congress to take action to see that our men are taken out of Cambodia immediately, and that we become disengaged from Southeast Asia without delay . . .

1,303 signatures on petitions gathered by students at New York University calling for a withdrawal of American troops from Southeast Asia.

Petitions containing 3,766 names collected by students and faculty of Hofstra University. The petitions read:

> We . . . who live, work or study in Nassau County, N.Y., oppose the involvement of American forces in Cambodia and implore the President and the Congress to take whatever steps are necessary to withdraw American forces from Southeast Asia immediately.

Letters from 15 students at Mount Vernon, N.Y., High School opposing our involvement in Cambodia.

Petitions from 21 persons in the Hillside, N.J., area, 26 in Chicago and a group of seven architects in Kalamazoo, Mich., all protesting our involvement in Cambodia.

Petitions from 34 staff members of the Survey Research Center, seven members of the Yale faculty, University of California, Berkeley, and 26 members of the staff of International Social Service, American Branch, Inc., New York, urging an end to the war and return of U.S. troops.

A petition from 60 law enforcement officers employed by the Alameda County Probation Department, California, expressing deep concern over our increasing involvement in Southeast Asia and urging curtailment of further funding for military operations in that area.

A petition from 12 members of the faculty of St. Patrick's Seminary, Menlo Park, Calif., calling for "swift and orderly de-escalation of military action in Southeast Asia and for total effort at the diplomatic table. The peace and unity of our country is at stake."

A petition from 114 students at Ganzaga University, Spokane, Wash., calling for "a rapid and consistent withdrawal of our fighting men."

Petitions from 42 persons in the Santa Ana, Calif., area, 21 in Simi, Calif., 26 in Rancho Cordova, Calif., 12 in Sonora, Calif.,

XUM

40 in Santa Cruz, Calif., nine in Akron, Ohio, and 20 in Dallas, Texas, opposing further funding for military operations in Southeast Asia.

A petition from 60 law students and professors at California Western School of Law, San Diego, Calif., calling for "firm and forthright Congressional action" to reverse U.S. policies in Southeast Asia.

A petition with 133 names from Farmington, Conn., opposing the extended war and calling upon Congress "to reverse the President's misguided decision".

A petition from Graceland College, Lamoni, Iowa, with 458 signatures supporting Amendment 609.

Petitions from 247 persons in the San Francisco area supporting the "Amendment to End the War."

2,889 additional signatures on petitions from the San Francisco area calling for "cessation of the invasion of Cambodia"; "withdrawal from Indochina"; and "that the President, in keeping with the Constitution and his oath of office, take no further military action without the advice and consent of the Congress." This brings the total of names on such petitions from the San Francisco area to 7,967.

Petitions bearing the names of 1,565 Massachusetts residents calling for the Senate Foreign Relations Committee and the Congress to "take whatever strong action is necessary to reverse this latest tragedy in United States foreign policy." The total of names on these petitions is 2,231.

934 additional signatures on petitions from the New York area "in support of the Senate Foreign Relations Committee's position against any military involvement in Cambodia."

Petitions containing 2,765 additional signatures from the New York area opposing further funding for military operations in Southeast Asia.

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2,205 additional signatures on petitions gathered by the Queens College community in New York for a total of 7,532 persons protesting "President Nixon's unconstitutional escalation in Indochina" and reaffirming the right of peaceful dissent.

A petition signed by 704 persons at the Mount Sinai Medical Center, New York, urging that we "end the killing in Indochina by bring our troops home now. Human lives are too valuable to be lost in order to save the Thieu dictatorship."

A petition from Knoxville, Tenn., with 21 names in support of the Foreign Relations Committee and calling the intervention in Cambodia "a constitutionally unauthorized, presidential war in Indochina."

A petition with 815 signatures collected by students and faculty of Evanston, Ill., Township High School supporting efforts in the Senate to bring about the withdrawal of Americans troops from Cambodia and calling their presence in Cambodia "uncalled for and a threat to world peace."

Petitions containing 185 signatures gathered by chemistry students at the University of California, Berkeley, expressing opposition to the deployment of U.S. forces in Cambodia, urging "continued withdrawal of American forces from Southeast Asia" and opposing "any increase or extension of that war."

A petition from 293 members of Phi Beta Kappa at Stanford University expressing "strongest opposition to the immoral invasion of Cambodia." The petition continues:

> We share the concern of the Senate Foreign Relations Committee about the unconstitutionality of this escalation of the war and request immediate withdrawal of all U.S. forces from Cambodia.

A petition with 75 signatures from the Boston Area Clergy and Laymen Concerned About Vietnam calling for withdrawal from Cambodia, a halt of bombing of North Vietnam and "that the war in Indochina be ended with all possible speed."

A petition with 610 names from the American Humanist Association. The petition reads:

> The war in Vietnam has gone on too long. We demand that the Congress exercise its Constitutional power to end a war that has never been declared. We . . . support the Amendment to End the War . . . which will stop appropriations for wars in Cambodia, Laos and Vietnam.

209 additional signatures on a petition from the University of Iowa, opposing the President's policies.

Petitions collected by students, staff and faculty of the Department of Anthropology, Stanford University, from 420 California citizens supporting efforts "to restore Congressional control over military appopriations."

A petition in support of the Hatfield-McGovern amendment signed by 190 persons from various Virginia communities.

A petition from 44 staff members of the Leake and Watts Children's Home, Yonkers, N.Y., expressing "horror and indignation at the immoral extension of the war in Indochina."

A "protest register" from the American Center for Students and Artists in Paris with 200 signatures protesting President Nixon's "extension of the Indochinese War" and calling for withdrawal of American troops from Southeast Asia. A petition from five American students at Rennes, France, supports the protest.

A petition from 53 persons at the Idlehour Lodge, Murfreesboro, Ark., a home for senior citizens. The petition supports the move to restrict further funding for the war except for the safe withdrawal of American troops. The petition continues . . .

> We should all be blushing with shame that our United States of America has been a partner in the Southeast Asian War . . . We are an "association of retired persons" but we don't believe in retiring from our responsible duty to our Creator and our fellow-beings. In other words, we strongly believe in standing for what we are strongly convinced is right.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. FULBRIGHT. Mr. President, having participated in a filibuster or so myself in the past on issues that were, I thought, quite legitimate, I am sympathetic to those now conducting a filibuster. Thus, I thought it would not be inappropriate for them to give me some time today so that I could make a few remarks and relieve them of some of the onerous duties of holding the floor until some time next week. I hope that they will appreciate that properly, because my remarks are germane to the matter of the Church-Cooper amendment.

THE HEART OF THE MATTER

Mr. President, President Nixon keeps assuring us that he wants peace, as if his decision for peace were a matter in doubt. In fact, I know of no one in the Senate who questions the President's desire for an end to the war, but many of us are very doubtful, indeed, that his present course can lead to peace, or to anything but endless, spreading war in the jungles of Indochina.

When we come right down to it, the enemy almost certainly wants peace too, but, like the President, they want peace on their own terms. Neither side can be said to have shown a fondness for fighting for its own sake, but neither side has shown any willingness to make significant concessions for peace. Both are bent on a victory as they conceive that term, and until one side or the other achieves it, the fighting will go on.

That is the heart of the matter, and it benefits us not at all to use the enemy's stubbornness as an excuse for our own. If we want peace, someone must take the first step, and while many of us would welcome such an initiative on the part of the Vietnamese, we also should recognize that as the smaller, weaker party to the war, fighting as they are on their own part of the world where they belong, they must find it far more difficult than should we, to break the impasse. Even if it were clear on the merits that they ought to take the first step, that judgment should not serve as a policy for us. The fact is they have shown that they are settling in for the long haul of indefinite guerrilla warfare, and we are not able to control the decisions that are made in Hanoi. We can only control the decisions that are made in Washington, and that, basically, is why it is up to us to take an effective step toward peace.

It is indeed incumbent upon us, and urgently so, because this war has become a domestic disaster for the American people. Our economy is racked by unchecked inflation and, perhaps even worse, by signs of collapsing confidence in the economy on the part of the financial community. Morally and socially, we are in a condition beyond mere division among ourselves. We are in a condition indicative of social disintegration. The students are not the only people who have become alienated from the Government and its policies; as the stock market shows, the bankers and businessmen are losing confidence in the Government's policies, if not indeed in our national leadership altogether. If it was not clear before, it is crystal clear now that this war has become a moral and economic disaster for America. That is why we cannot wait the enemy out. That is why we must take the first step.

The primary obstacle to peace is the administration's unbending commitment to the Thieu-Ky military dictatorship in South Vietnam. Thieu and Ky, of course, have no real power of their own. Lacking both a reliable military force and the support of their own people, they have survived as clients of the late Johnson and the present Nixon administrations. Their enormous influence over American foreign policy derives almost exclusively from their astonishing success in persuading two American Presidents that their own personal loss of power would represent "defeat and humiliation" for the United States. This disastrous notion has given the Saigon dictators something more than a veto on American policy. It is a case, as the majority leader recently put it, of "Saigon being the tail wagging and pulling us around." Or, as the Senator from Tennessee recently commented, speaking of our Government's subservience to Mr. Thieu:

> It is as if we had traded resources, our strength for his weakness, so that the organ grinder dances to the monkey's tune.[1]

In pursuit of the phantom of military victory, the Nixon administration invaded Cambodia. Having stated at the time that the sole purpose of the invasion was to break up the Communist sanctuaries, the administration has now shown beyond a doubt that the effect of its policy is a much broader one. Relying as much as possible on its South Vietnamese clients, and perhaps also on Thai and, if possible, Indonesian "advisers," the administration now apparently intends to sustain an indefinite, full-scale military intervention by proxy in Cambodia.

There is abundant evidence of this intent. In his press conference of May 8, the President said that, although the deadline of June 30 for American withdrawal from Cambodia did not apply to South Vietnamese forces. He said further:

> I would expect that the South Vietnamese would come out approximately at the same time that we do, because when we come out our logistical support and air support will come out with them.

Step by step the administration has hedged, backed off, and now all but repudiated the President's confident prediction of South Vietnamese withdrawal. In a statement at Andrews Air Force Base on May 24, Secretary Rogers indicated unmistakably that the administration expected South Vietnamese forces to remain in Cambodia. Any such operations, Mr. Rogers added, would fall under President Nixon's doctrine that "Asians work together to solve Asian problems." In a television interview on the same day, Mr. Herbert Klein, the President's communications director, contributed further to the backtracking from the President's prediction of May 8. Speaking of further South Vietnamese military operations in Cambodia, Mr. Klein said that he "could not really rule in or rule out the possibility of air support."

On the basis of these and other cryptic comments by administration officials, it is now apparent that the South Vietnamese forces are planning to remain in Cambodia after June 30, contrary to President Nixon's prediction and, in all probability, they will receive American air and logistic support, in direct repudiation of the President's statement of May 8. It is equally clear that the purpose of this proxy military campaign is not merely to eliminate the Communists' border sanctuaries, which the administration already claims to have had great success in accomplishing, but to sustain the feeble Lon Nol military regime in Phnompenh.

One does not have to rely on cryptic statements by administration officials to ascertain the administration's plan for sustaining the war by proxy in Cambodia. Mr. Ky, as usual, has come through with some blunt and colorful language. In an astonishing insult to President Nixon—unless, of course, he had not heard about the President's press conference of May 8—Mr. Ky said on May 21 that the notion that South Vietnamese troops would withdraw from Cambodia with the Americans was "a silly argument of silly people." Expanding on his own notion of a grand strategy, Mr. Ky also said:

> The Cambodian operation offers us an opportunity to form an anti-Communist front consisting of Cambodia, Thailand, Laos and South Vietnam.

As certain newspapers have commented, the design seems to be one of "Vietnamizing" the Cambodian war.

Mr. Ky may boast that the invasion of Cambodia will bring security to all of Southeast Asia, but the Cambodians themselves do not seem so sure. An official of the Phnompenh regime commented recently that—

> We now have two invasions being conducted in Cambodia, the North Vietnamese and the South Vietnamese.

For the United States, of course, the continuing involvement of South Vietnamese forces in Cambodia only tightens the hold of the Saigon dictators on American policy. If the ARVN are no more successful in defending the Phnompenh government than they had been in defending their own, we will soon enough find ourselves summoned to the rescue. Mr. Ky boasts that the South Vietnamese forces "have the capability of mounting military operations independently in Cambodia as well as in Vietnam." If that were so, as it patently is not, there would be no further reason for American military involvement either in Vietnam or Cambodia.

From the narrow viewpoint of the Saigon dictators, getting in over their heads in Cambodia is by no means a "silly argument of silly people." It serves the double purpose of advancing traditional Vietnamese designs on Cambodia and of drawing the United States further into the swamp.

Sometimes we are reminded that Mr. Thieu is boss, and that we ought not to take Mr. Ky's colorful assertions too seriously. Perhaps Ky is no more than an Asian AGNEW but there is every reason to believe that his chief is no less determined than he to keep the Americans mired in the swamp. "You are in it with us," Mr. Thieu recently told an American reporter, with what the reporter described as "a broad grin."

Mr. Thieu even has the temerity to defend the Cambodian invasion in American domestic political terms. A reporter quotes him as saying:

> If Lon Nol and Cambodia stand for the next six months, then I think Mr. Nixon will win the congressional elections this year and be re-elected in 1972, because then the operations will have proven a success.

I am reminded by that passage of the report that Mr. Thieu and his colleagues declined to enter into negotiations in 1968, hoping that the delay in negotiations would further the electoral fortunes of Mr. Nixon. It was also widely reported that one of the local hostesses in town played a part in that little incident.

Besides Thieu and Ky, the only people who appear to be delighted by the American invasion of Cambodia are the Chinese. Assuming that the Chinese wish to expel American military power from Asia, to curb Soviet influence and expand their own, they cannot fail to take pleasure in seeing the Americans blunder into a new hopeless military adventure. From the Chinese point of view, the extension of the war into Cambodia serves to drain American resources and isolate the United States internationally, while giving the Chinese an opportunity to displace Soviet influence with the Indochinese Communists by demonstrating their own more militant support. In addition, the "protracted war" to which the Vietnamese Communists are now settling down can only serve, from China's standpoint, to bring a dependent and exhausted North Vietnam even further under Chinese influence. In a strikingly candid comment to an American some time ago, a North Vietnamese official said:

> You think you are blocking China by fighting us, but in fact, you are destroying a barrier to Chinese expansion in Southeast Asia if you destroy us.[2]

Anticipating protracted warfare, China appears to have pledged full backing to the Communist forces in all three Indochinese countries. The Chinese indicated long ago that they welcome American involvement in Asian wars of attrition. It is worth recalling a significant editorial which appeared in the People Daily of Peking on August 30, 1966:

> "To be quite frank," the editorial stated, "if United States imperialism kept its forces in Europe and America, the Asian people would have no way of wiping them out. Now, as it is so obliging as to deliver its goods to the customer's door, the Asian people cannot but express welcome. The more forces United States imperialism throws into Asia, the more will it be bogged down there and the deeper will be the grave it digs for itself.
>
> ". . . The tying down of large numbers of United States troops by the Asian people creates a favorable condition for the further growth of the anti-United States struggle of the people in other parts of the world. With all the people rising to attack it, one hitting at its head and the other at its feet, United States imperialism can be nibbled up bit by bit."

We are being "nibbled up bit by bit," not only in Indochina but, far more seriously, by the repercussions of the Indochina war within our own country. It is most urgent, therefore, that we change our course and seek a political settlement based on the two general principles which the North Vietnamese have repeatedly indicated will motivate them to engage in serious bargaining. These two principles are, first, the establishment of a transitional coalition government for what would become an independent, neutralist South Vietnam; and second, a commitment to a definite schedule for the ultimate total withdrawal of American forces.

The major single obstacle to serious negotiations on these bases is the dis-

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[1] CONGRESSIONAL RECORD, 91st Cong., 2d Sess., April 16 1970, Senate, p. 12153.

[2] Quoted by Stanley Karnow in "Nixon's Expansion of the War Seems To Delight Chinese," Washington Post, May 11, 1970, p. A23.

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astrous notion that there is a connection between our own national interests and the survival and power of the Saigon military dictatorship. We do not have to impose anything on Mr. Thieu and Mr. Ky or on anybody else in order to open the way to negotiations. We have only to put them on notice that they are at liberty either to join us in negotiating a compromise peace or to make some arrangement of their own. Should they prefer to continue the war, that would be their privilege, and they have an army of over a million men of which to do it. All that I would take away from the Thieu-Ky regime is their veto on American policy.

Perhaps the really difficult thing for Americans is not in recognizing what needs to be done but in recognizing the disastrous consequences of what has already been done. The nature of this dilemma was summed up eloquently by Rabbi Irving Greenberg in a statement before the Committee on Foreign Relations on the moral impact of the war:

> Shall we now go to the parents of the 40,000 (American dead) and say: we have erred and your children have died in vain? Shall all this patriotism and sacrifice mean nothing? I realize the full force of this dilemma. But the only corresponding answer must be: Shall we condemn another 10,000 Americans and another 50,000 Vietnamese to death rather than not admit?
>
> But inability to accept the tragic, the ironic, the possibility of mistake and failure is to be less than fully human. Perhaps this is our national problem.

Looking beyond this war which has so drained our substance and spirit, things need not look so bleak for America after all. Drawing a parallel between American feelings about Vietnam and British anxieties over the revolt of the American colonies two centuries ago, an English military analyst, Correlli Barnett, points out that the British leaders of that day suffered feelings of failure and frustration no less acute than those of our own leaders today. But, Mr. Barnett writes:

> Once the American war was liquidated, Britain's mood changed with astonishing speed. National hope and self-confidence were reborn. Instead of the decay and distintegration to which men had looked forward, Britain's greatest wealth, greatest power and greatest influence in the world were yet to come.

With some commonsense and moral courage, the same might be arranged for America.

Mr. President, I ask unanimous consent to have printed in the RECORD an article which was printed in the New Republic of May 23, 1970, entitled "Chairman Mao's Breakthrough."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHAIRMAN MAO'S BREAKTHROUGH

(By Robert H. Yoakum)

My Chinese acquaintance was impeccably dressed and spoke almost perfect English. I asked what kind of work he did.

"My work is traveling for the People's Republic of China," answered Mr. Hee. Then he added with a mischevious grin, "To see how things are going."

"And how *are* things going?"

"Very, very well. Your government's invasion of Cambodia was exactly on schedule."

"What schedule?" I asked.

"*Our* schedule," said Mr. Hee.

"I don't understand," I said, feeling irritated and embarrassed.

"Well," said Mr. Hee, "several years ago our great leader, Chairman Mao, made a major psychological-geopolitical breakthrough. He learned that Americans fear, above all other things, losing face. This discovery by itself would not show that Chairman Mao is a genius; it was the application he made of it.

" 'What we shall do,' said Chairman Mao, 'is to use this American fear of losing face to suck them deeper and deeper into a psychological-economic-political-military struggle that they cannot win. We shall help them to bleed themselves to death. And we shall do this without employing one Chinese soldier.'

"This new policy was tested in a few small incidents," Mr. Hee continued, "the way your capitalists test products in local markets before selling them nationally. It worked perfectly. Then we launched the full program in Vietnam. From that point on you have been moving on our schedule.

"Our Chairman then further refined this plan. He called it the Self-Perpetuating Principle of Self-Destructive Face-Saving. It means that you make your enemy lose face in such a way that he thinks he is keeping it *while everyone else is watching him lose it*. He undermines his own prestige, and publicly humiliates himself—all the while talking loudly about how he will not be humiliated. It is the ultimate form of humiliation. And the enemy himself sustains the processes of his own unwitting suicide."

I shuddered.

"For example," Mr. Hee continued, "in the invasion of Cambodia it was necessary for President Nixon to say. . . ." Mr. Hee pulled a newspaper clipping from his pocket ". . . 'I would rather be a one-term President than be a two-term President at the cost of seeing America become a second-rate power, and see this nation accept its first defeat in its proud 190-year history.'

"You understand?" asked Mr. Hee. "We tell the rest of the world that you are fighting in Asia, killing tens of thousands of Asians, because you are powermad and terrified of defeat at the hands of the ordinary people. You say you are fighting in Asia to help the Asians. But who do they believe when they read that your President has said he fears *American* defeat, and *America* becoming a second-rate power? The Asians see that you are mainly afraid of losing *your* face, not of their losing *their* heads. You do not see this. So you unwittingly hasten your own doom.

"Another example of how you lose face while you are keeping it: Your President says one day that he will withdraw 150,000 troops. Then ten days later he says it is necessary to invade Cambodia in order to protect American troops. If they are in such great danger now, how could he earlier have promised to weaken them by greatly reducing their numbers? That is precisely the kind of public announcement that is anticipated in the Self-Perpetuating Principle of Self-Destructive Face-Saving.

"Look at the results wrought by the application of Chairman Mao's Principle:

"First, your military men have been discredited. The more mistakes they make, the more ridiculous they look. The more ridiculous they look, the more face they lose. The more face they lose, the more they extend themselves. And the more they extend themselves, the more mistakes they make.

"Second, ten years ago there were almost no Communists in America. Now there are Communists in every slum and on every campus.

"Third, you have spent more than $100 billion on the Vietnam war, or the equivalent of about $3500 for each Vietnamese—an amount on which one could retire in that country. But instead of buying peasant prosperity, which could have ruined us, you have used the money on war and killing and face-saving, leaving yourself a legacy of hatred on which we will flourish.

"Fourth, you have not made South Vietnam into a showplace of capitalist glories, but rather into a showplace of continued poverty, disease, prostitution, and massive corruption.

"Fifth, your economy is beginning to come apart under the pressure of maintaining face everywhere, just as we thought it would.

"Sixth, your society is also coming apart because there are some Americans who do not care about saving face. The black faces, especially, do not care about saving white faces."

"But," I protested, "what if the people who want to save the country prevail over those who want to save face? Wouldn't your whole plan go down the drain?"

"Yes, it would," Mr. Hee admitted, "and we were concerned when President Johnson left Washington. No one worried more about saving face than he. But we need not have worried. The three most admired men in your nation, according to the Gallup Poll—President Nixon, Billy Graham, and Vice President Agnew—are all greatly afraid of losing face. We have nothing to fear."

Mr. Hee giggled, as though remembering something funny. "You know," he said, "until Chairman Mao made the breakthrough we had much trouble understanding you Occidentals. You look alike, you sound alike, and you hold your life very cheaply. Even on the streets you attack one another, and your television each night dramatizes hundreds of horrible, violent, senseless deaths. You even let children watch. We had no idea how to deal with you.

"Now, after Chairman Mao's discovery, we still don't understand you very well, but we do know how to deal with you."

"Can you tell me what is planned for our future?" I asked.

"The future, . . ." Mr. Hee smiled scrutably; I could see that much had been planned for us. "Well, we shall wait until you are as mired in Cambodia as you are in Vietnam. Then Laos. Then Burma, India, Pakistan, Afghanistan, Iran, Iraq. . . ."

"Wait!" I almost shouted. "You're taking us right into the Middle East. That might mean war with Russia as well!"

"Ah, so?" said Mr. Hee.

Mr. FULBRIGHT. Mr. President, the application of those thoughts to the pending business, particularly the Church-Cooper amendment, only emphasizes the effect upon the relative power and influence of the United States, of China, and of Russia. The effect on that relative power, it seems to me, is so persuasive that anything this body can do to hasten the solution of the war in South Vietnam rather would be greatly in the national interest.

So I do hope the Senate will be able to proceed to a vote on the Cooper-Church amendment at the earliest opportunity.

The amendment offered by the Senator from Kansas—and, of course, he has every right to offer that or any other amendment to the bill—is quite obviously designed to destroy the effectiveness of the Church-Cooper amendment. It is designed so that, if adopted, it would be the equivalent of rejection of the Church-Cooper amendment. So I hope at the proper time it will be rejected or

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tabled, as I would expect to propose, if it seems appropriate next Wednesday when this matter comes up for a vote.

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, is it in order to put this material in the Record?

Mr. BYRD of West Virginia. Mr. President, at what time will the Pastore germaneness rule become inoperative today?

The PRESIDING OFFICER. At 1 minute to 2.

Mr. FULBRIGHT. Mr. President, if I may ask a parliamentary inquiry, some of the material I have relates directly to my discussion. I consider it to be persuasive and relevant to the merits of the Cooper-Church amendment. These certainly are not unrelated to the war and to the effect of that war upon our domestic economy. I did not wish to intervene, in view of the anxiety of so many Senators to discuss this matter, but both the letters and the insertions that I wish to offer—except for one item, as to which I will certainly defer, which I mentioned a moment ago, and which has to do with nutrition in certain counties in Arkansas—are relevant to the war in Indochina.

May I make a parliamentary inquiry? Where do we draw the line as to when a matter is or is not relevant?

The PRESIDING OFFICER. May the Chair state to the Senator from Arkansas that if the Senator believes the material is relevant, the Chair will consider that that is accurate and the Chair will entertain a unanimous-consent request.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield for just a moment, I am going to say the same thing the Chair has stated, that if, in the opinion of the Senator from Arkansas, the subject matter which he wishes to discuss is relevant and germane, certainly the Senator from West Virginia is not going to question the judgment of the Senator from Arkansas.

Mr. FULBRIGHT. Let me say to the Senator from West Virginia that I have a letter which I received this morning from a constituent that comments on events in this country which I believe are directly related to the war in Vietnam.

I think anything that throws light upon the effect of that war on the situation in our country is relevant to the Church-Cooper amendment, because the Church-Cooper amendment, if it has any purpose at all—and I think it has—is to bring this war to an end at the earliest possible date in order to prevent the disintegration of our society here in the United States. So in that respect I think it is relevant.

Mr. BYRD of West Virginia. The Senator from West Virginia would raise no objection.

Mr. FULBRIGHT. I thank the Senator.

Mr. President, I recently received a letter, which disturbs me very much, from an instructor in a high school in my State. This sentiment for the extreme repression of students is an eloquent indication of how far some of our people have gone in departing from the constitutional democratic system for which this country has stood throughout its history. This letter indicates how the same sentiment that mutilated Germany, and has multilated Greece and other countries in this century, is developing within our own society. It should be a warning that we must change our priorities and begin to deal with the problems which afflict our own people.

I ask unanimous consent that the letter be inserted in the Record as part of my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

MAY 12, 1970.

Hon. J. William Fulbright,
Senate Office Building,
Washington, D.C.

My Dear Senator Fulbright: I am a high-school industrial arts printing instructor with four years of U.S. Air Force training, five years of college (B.S. and M.T. degrees), and nine years as printing instructor at Northside High School, Fort Smith.

I am becoming more and more concerned about the destroying of public property and total disregard for law and policemen. The Kent State University shooting of four students is exactly what is needed in this country. Some idiots started to riot in Mexico and the police shot to death thirty-two of them. That put an end to the riots.

When (if ever) will the lawmakers wake up and quit coddling the criminals and put some teeth in the laws? The true American people are VERY tired of paying high taxes to support the government officials who sit and pass laws such as the gun and ammunition laws which hinder the law-abiding citizens, and on the other hand, they turn the criminals loose. Also of concern are the riots where tax-paid property is destroyed and the government does nothing.

The men who fired the shots which took the lives of four Kent students should receive a medal. They were trained to protect themselves and government property, and they did just that. Let's punish the criminals (anyone who riots is a criminal) or close the tax-paid institutions and quit PLAYING school.

When I was in military service and college, the policemen were respected. WHEN will the lawmakers and the VERY criminal-coddling Supreme Court take the handcuffs off the police and put them where they belong? Why are the lawmakers and courts MORE concerned about the rights of the criminals but disregard the rights of the murdered, the raped, the robbed, the burned out, and the widows and children?

Sir, as you can see by this letter, I am thoroughly disgusted with the high taxes to support a government that condones the criminal's acts, finances him and the rioters with welfare checks, and sits back and points a finger of blame at the police or military who try to protect the peaceful people and government property.

When, when, will the government be for the law-abiding, peaceful, tax-paying citizens? The United States—is it?

Respectfully yours,

——— ———.

Mr. FULBRIGHT. Mr. President, I did not intend to read it all, but in view of the exchange and the possibility that it is not relevant to what is going on resulting from the war, I will read only two paragraphs.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield, the Senator from West Virginia is listening with great interest.

Mr. FULBRIGHT. I want to read two paragraphs.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield, the Senator from West Virginia would urge that the Senator read the entire letter.

Mr. FULBRIGHT. Well, it is too long. It relates to a point I have been making. This letter is from an instructor who has had 5 years in college. He wrote:

> I am a high-school industrial arts printing instructor with four years of U.S. Air Force training, five years of college (B.S. and M.T. degrees), and nine years as a printing instructor at Northside High School, Fort Smith.
>
> I am becoming more and more concerned about the destroying of public property and total disregard for law and policemen. The Kent State University shooting of four students is exactly what is needed in this country. Some idiots started to riot in Mexico and the police shot to death 32 of them. That put an end to the riots . . .
>
> The men who fired the shots which took the lives of four Kent students should receive a medal. They were trained to protect themselves and government property, and they did just that. Let's punish the criminals (anyone who riots is a criminal) or close the tax-paid institutions and quit playing school.

Mr. President, to me that is a very disturbing sentiment, especially since it arises from a man with the kind of education which he indicates he has had.

Mr. President, in a little different vein, but within the same area, of the tens of thousands of communications I have received in the past few weeks, many have been impressive and moving.

I would like to call attention to several of these letters which I believe have a particular point to make. The first is from a lady in Dover, Ark., who relates how this "senseless war" has touched her family's life. She writes:

> Please give our young people the chance to live, to seek their own way of life free to love and have faith in our country and our fellow man.
>
> I am sure that if this war was necessary, if our country was in danger, the majority of our young people would go forth and do what was right to defend our country. But we are not in danger.

Mr. President, I think that Mrs. E. R. Edwards, the author of that letter, has expressed herself better than many of those of us who have spoken or written thousands of words on the subject.

I would also call the Senate's attention to two letters from Arkansas students. One, Collins Hemingway, a student at the University of Arkansas, reflects the views of many of the students from whom I have heard. Another, Jim Zine, a theology student, expresses his concern about the expanding violence in our society.

I would like to take note of two further letters which I think deserve notice. One is a letter to me from the Conference of Major Superiors of Jesuits expressing "deep concern over the moral implications of the war in Indochina." The other is a copy of an open letter to President Nixon which was sent to me by the student body leaders of Graceland College, Lamoni, Iowa. I think it makes a number of excellent points.

Mr. President, I ask unanimous consent that these five letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DOVER, ARK., *May 15, 1970.*

DEAR MR. FULBRIGHT: You will probably never see this letter as it will likely be opened by someone other than yourself. Still I feel it in my heart to write you.

Yesterday my daughter received a letter from her husband who is in Vietnam telling of the death of his dearest friend. He, like my son-in-law, is a motion picture photographer. His plane was shot down over Cambodia. The hurt in my daughter's eyes was unbelievable. The idea that this friend had died in something as senseless as this war is something hard to live with. To think of all the suffering and agony the young people are going through is unbelievable. No wonder there is so much unrest in our young, our leaders of tomorrow. Please urge our leaders of our country to stand up and be the leaders we can be proud of and the men you are capable of being. Any man can hide behind some one else's mistakes but it takes a real man to say "I was wrong." Please give our young people the chance to live, to seek their own way of life free to love and have faith in our country and our fellow man.

I am sure that if this war was necessary, if our country was in danger, the majority of our young people would go forth and do what was right to defend our country. But we are not in danger.

So it is my prayer that this war will end soon and our young boys can come home and go about their lives, have their children and believe that life can be beautiful.

Yours truly,

MRS. E. R. EDWARDS.

FAYETTEVILLE, ARK.,
May 8, 1970.

Senator J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Since I have always been criticized by my liberal friends as being too conservative and by my conservative friends as being the opposite, I have always figured I was somewhere in the middle. Recent events, however, have begun to push me—toward the left, if I am to believe definitions of the news media.

President Nixon's actions leave me only one recourse: to fully and completely oppose him in the expansion of the war in Southeast Asia. (I had hoped this country could survive his wave of mediocrity, but I am now willing to admit I am mistaken.) Put on your list one more supporter of your actions. Though I will miss this fall's elections due to age restrictions, you may be assured that Mr. Nixon will have one more vote on the other side in 1972. And for you, in 1974, a vote to the positive.

As a moderate (until now) at the University of Arkansas, I feel it my duty to warn you that the Cambodian campaign and the Kent State Massacre have created on this campus unimaginable frustrations. I am afraid it might ultimately lead to violence as will all unalleviated frustration. You must impress on your colleagues that if and when this happens, it will not be the result of agitators, but of a raging feeling of helplessness at going through the peaceful channels again and again with no results. If there is an agitator, it is President Nixon, who insists on ignoring the people.

I might further ask you to consider legislation that would forbid any militia-type force as the National Guard from being used in situations like that at Kent State. Whenever untrained (for that is the only way to describe week-end soldiers) troops are used, you can count on at least one killing through panic. Trained regulars perhaps would have been better prepared and prevented this tragedy.

Sincerely,

COLLINS HEMINGWAY.

LITTLE ROCK, ARK., *May 7, 1970.*

DEAR MR. FULBRIGHT: I am a student of Eden Theological Seminary in Webster Groves, Mo. We at Eden, acting in the principles of humane Christian concern, struck from classes. By observing a disruption of normal daily activity, it was our hope to stimulate a widespread public consideration and reaction to serious social and political issues which have surfaced in the past week. I feel to conduct routine and normal daily business in light of these recent events is to condone and encourage further an atmosphere of expanding violence that currently pervades our society. I believe that the time has now arrived when violence in any of its manifestations can no longer be tolerated as a rational form of human thought or behavior. Furthermore I have dedicated myself to continue to protest and resist against incipient violence, in all forms of levels of social and political life. I would also like to take this time to thank you and support you on your stand against all forms of political and social violence. I am behind you and wanted to let you know you are appreciated. Please continue to give us hope. A concerned Christian in a troubled world,

JIM ZINE.

CONFERENCE OF MAJOR SUPERIORS
OF JESUITS,
Washington, D.C., May 20, 1970.

Hon. J. W. FULBRIGHT,
U.S. Senate, New Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: We write to you as a corporate body of Major Superiors of the Society of Jesus, as leaders of the Jesuits who work throughout the United States. Meeting in Tampa for our semiannual review of our ministries, we take this occasion to bring to your attention our concern over moral issues afflicting the conscience of every citizen of this nation.

We speak to you out of our deep appreciation of the dignity of all human life and of the brotherhood of all mankind. We can no longer be silent in the face of an issue which encourages and fosters hostile divisions between man and man, at home and abroad. The tenets of our Christian faith cry out for peace among all men.

We wish to express to you our deep concern over the moral implications of the war in Indochina. We must ask whether the results, which are sought in good conscience by those who support the war, are any longer proportionate to the evil involved. Our concern is further heightened by the clouded origin of American involvement in this war and by the questionable morality of the recent escalation of the war by the invasion of Cambodia and the resumption of the bombing of North Vietnam. In addition, we deplore any attempt to motivate the American people to accept this escalation on the basis of our never having lost a war.

Over and above the moral ambiguity of the war itself we have a further concern over the effects of the Indochina war in our own country, namely, violence in our streets, unrest on our campuses, and the problem of the military draft.

Moved by these considerations and by our profession as ministers of religion, we call for immediate action from every member of the Senate of the United States:

1) We urge that you take steps to end this war without delay.

2) We urge that the national budget be channeled into peaceful directions by cutting back military appropriations.

3) We urge you to modify Selective Service regulations (the draft) to allow selective conscientious objection, as recently espoused by the United States Catholic Conference.

4) We urge that you take these positive actions to heal the alienation of our youth from this country.

We earnestly address these requests to the Senate of the United States, as American citizens and ministers of religion, grievously distressed over the present moral stance of our beloved country.

Most sincerely yours,

JOHN V. O'CONNOR, S.J.,
Executive Secretary.

GRACELAND COLLEGE,
Lamoni, Iowa, May 12, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

MR. PRESIDENT: We who have the responsibilities for the leadership of Graceland College and its student body believe that we must express to you the feelings of faculty and students on this campus over the conduct of the war in Indochina. The events of the past two weeks, primarily your decision to take military action in Cambodia and the reactions on so many college campuses across America, have prompted a deep concern on this southern Iowa campus for the effects the war is having in those tragic countries in Southeast Asia and across this great nation of ours. It is our joint judgment that large numbers of thoughtful young men and women on our campus, deeply devoted to their country and its rich heritage of freedom, see in the blighting effects of this protracted military engagement a threat to the lives of its young men, a waste of resources vitally needed to meet America's own problems of poverty, racism, pollution, crime and other such forces diminishing the quality of life in our country, but most of all a threat to cherished freedoms as polarization becomes extreme among us.

On our campus there is disillusionment because so little, if any, progress has been made in bringing an end to our tragic involvement in Southeast Asia. We do not understand the failure of your administration to appoint a successor to Ambassador Lodge to represent us at the Paris peace talks, your failure to give vigorous support to the Strategic Arms Limitation Talks, your seeming indifference to the United Nations. We see no imaginative program coming out of your administration to bridge the widening gulf between the races. We are dismayed that in a time of bitterness and polarization, your Vice President travels the country setting people against each other and engaging in inflammatory and irresponsible rhetoric.

But we are confident that the faculty and students at Graceland have not given up. They want to work with you to cleanse our country of violence, to ease the burdens of poverty, to establish liberty for all our peoples, to safeguard the environment for our children, to restore American prestige among the nations.

We see these tasks, so urgent upon the national agenda, all subverted by our military involvement in Vietnam and now Cambodia. We ask you to listen to our young people and others throughout this nation. We ask you to mobilize the best insights available in the nation today to bring an early end to the military engagement in Indochina and to direct the energies of the youth of this nation to its restoration.

Yours respectfully,

WILLIAM T. HIGDON,
President.

DAN F. GRAYBILL,
Student Body President.

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Mr. FULBRIGHT. Again, Mr. President, I think these underline the point and the persuasiveness of the need for the Church-Cooper amendment to the pending legislation. Of course, there are some with a different view; I would not pretend it is a unanimous belief, by any means; but, in my view, from my own experience, the great majority of the people of this country would like to see this war brought to a close. I think they are persuaded, as I am, that adoption by a substantial majority of the Church-Cooper amendment would contribute to that purpose.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to propound the same unanimous-consent agreement that was suggested earlier, and which will fit in now, as it did then, with the question raised by the distinguished Senator from Arkansas, chairman of the Committee on Foreign Relations.

I send to the desk a unanimous-consent request and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the proposed unanimous-consent agreement.

The assistant legislative clerk read as follows:

> Ordered, That the Senate proceed to vote at 11:30 a.m., Wednesday, June 3, 1970, on the pending amendment (No. 662) by the Senator from Kansas (Mr. Dole) to H.R. 15628, an Act to amend the Foreign Military Sales Act. Should a motion to table be made, the vote on that would occur on 11:30.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF AMENDMENT TO BE OFFERED BY SENATOR BYRD OF WEST VIRGINIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the pending amendment is disposed of, an amendment to be offered by the distinguished Senator from West Virginia (Mr. BYRD), which will be printed in the RECORD today, be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, JUNE 1, 1970, AT 11:30 O'CLOCK A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11:30 a.m. Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SMITH OF MAINE ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer by the Chaplain, the distinguished senior Senator from Maine (Mrs. SMITH) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday at the conclusion of the remarks by the distinguished Senator from Maine there be a morning hour for the transaction of routine morning business, with a limitation of 3 minutes on statements made therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 664

Mr. BYRD of West Virginia. Mr. President, I send to the desk an amendment, and ask that it be stated by the clerk and that it be printed.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 4, line 25, after "Cambodia" insert "(a)".
>
> On page 5, between lines 18 and 19, insert the following: "(b) Nothing in subsection (a) shall preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to hasten the withdrawal of United States forces from South Vietnam."

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. BYRD of West Virginia. Mr. President, the amendment which I have submitted today and which will be printed is the amendment which I intend to call up immediately following the vote on Wednesday next on the pending amendment authored by the Senator from Kansas (Mr. DOLE).

UNANIMOUS-CONSENT AGREEMENT—ORDER FOR ADJOURNMENT FROM CLOSE OF BUSINESS ON MONDAY UNTIL 12 NOON ON TUESDAY AND FROM CLOSE OF BUSINESS ON TUESDAY UNTIL 10 A.M. ON WEDNESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent, in view of developments which have occurred, to amend the unanimous-consent agreement to provide that when the Senate completes its business on Monday next, it stand in adjournment until 12 o'clock noon on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. And that at the conclusion of business on Tuesday, the Senate stand in adjournment until 10 o'clock Wednesday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that at the conclusion of the prayer on Wednesday morning next, and the reading of the Journal, the time be equally divided, between 10 o'clock and 11:30 a.m., between the sponsor of the amendment, the Senator from Kansas (Mr. DOLE) and the Senator from Montana, or any Senator he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. On the question of the division of time on Wednesday morning next, I ask unanimous consent that the request already agreed to be modified as follows: That the time be equally divided between the majority and minority leaders, or any Senators they may designate.

The PRESIDING OFFICER. The time to begin after the reading of the Journal on Wednesday?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

> Ordered, That the Senate proceed to vote at 11:30 a.m. Wednesday, June 3, 1970, on the pending amendment (No. 662) by the Senator from Kansas (Mr. DOLE) to H.R. 15628, an act to amend the Foreign Military Sales Act, with the time after the reading of the Journal to be equally divided and controlled by the majority and minority leaders, or whomever they designate. Should a motion to table be made, the vote on that would occur at 11:30 a.m. on said date.

THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, if there are no further speeches by Senators on the unfinished business, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 911 and 912, which have been cleared with the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

GODDARD ROCKET AND SPACE MUSEUM, ROSWELL, N. MEX.

The resolution (S. Res. 406) to print as a Senate document materials relating to Senate Concurrent Resolution 49 was considered and agreed to, as follows:

> *Resolved,* That there be printed with illustrations as a Senate document, in such style as may be directed by the Joint Committee on Printing, a compilation of materials relating to S. Con. Res. 49, providing congressional recognition to the Goddard Rocket and Space Museum, Roswell, New Mexico, together with certain tributes to Dr. Robert H. Goddard, American rocket pioneer; and that there be printed for the use of the Aeronautical and Space Sciences Committee seven thousand additional copies of such document.

The title was amended so as to read: "Authorizing the printing of a compilation of materials relating to congressional recognition of the Goddard Rocket and Space Museum (S. Con. Res. 49) as a Senate document".

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Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-903), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The Committee on Rules and Administration, to which was referred the resolution (S. Res. 406) to print as a Senate document materials relating to S. Con. Res. 49 (congressional recognition of Goddard Rocket and Space Museum), having considered the same, reports favorably thereon with an amendment and recommends that the resolution as amended be agreed to.
>
> The Committee on Rules and Administration has amended the title so as to clarify the nature of the materials to be printed.
>
> Senate Resolution 406 as amended would provide (1) that there be printed with illustrations as a Senate document, in such style as may be directed by the Joint Committee on Printing, a compilation of materials relating to Senate Concurrent Resolution 49 (providing congressional recognition to the Goddard Rocket and Space Museum, Roswell, N. Mex.), together with certain tributes to Dr. Robert H. Goddard, American rocket pioneer; and (2) that there be printed 7,000 additional copies of such document for the use of the Committee on Aeronautical and Space Sciences.
>
> The printing-cost estimate, supplied by the Public Printer, is as follows:
>
> *Printing-cost estimate*

To print as a document (1,500 copies)	$2,619.13
7,000 additional copies, at $177.84 per thousand	1,244.88
Total estimated cost, S. Res. 406	3,864.01

SELECT COMMITTEE ON CRIME

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 580) authorizing certain printing for the Select Committee on Crime which had been reported from the Committee on Rules and Administration with an amendment, at the beginning of line 4, to strike out "ten" and insert "twenty-five".

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-909), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The Committee on Rules and Administration, to which was referred the concurrent resolution (H. Con. Res. 580) authorizing certain printing for the Select Committee on Crime, having considered the same, reports favorably thereon with an amendment and recommends that the concurrent resolution as amended be agreed to.
>
> House Concurrent Resolution 580 as referred would authorize the printing for the use of the House Select Committee on Crime of 10,000 additional copies of House Report 91-978, entitled "Marihuana".
>
> The Committee on Rules and Administration has amended House Concurrent Resolution 580 by increasing the number of copies to be printed from 10,000 to 25,000. This action was taken by the Committee at the request of Congressman John Dent, chairman of the Subcommittee on Printing of the House Administration Committee, and Congressman Claude Pepper, chairman of the House Select Committee on Crime, and in order to meet unusual demands for the report from Members of the House of Representatives.
>
> The printing-cost estimate of H. Con. Res. 580 as amended is as follows:
>
> *Printing-cost estimate*

Back to press, first 1,000 copies	$696.84
24,000 additional copies, at $124.94 per thousand	2,998.56
Total estimated cost, H. Con. Res. 580 as amended	3,695.40

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. GRIFFIN. Mr. President, I submit for the information of the Senate the results of the Cambodian sanctuary operation as of 8 a.m., May 28, 1970, and ask unanimous consent that the summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Total operations	Number	24-hour change
Individual weapons	11,976	+131
Crew-served weapons	2,100	+69
Bunkers/structures destroyed	7,101	+115
Machinegun rounds	3,176,512	+90,808
Rifle rounds	5,822,903	+103,185
Total small arms ammunition (machinegun and rifle rounds)	8,999,415	+193,973
Grenades	20,973	+4,183
Mines	3,204	+102
Satchel charge	500	(1)
Miscellaneous explosives (pounds)	72,000	(1)
Antiaircraft rounds	134,299	(1)
Mortar rounds	31,470	+1,933
Large rocket rounds	1,097	(1)
Smaller rocket rounds	17,952	+1,845
Recoilless rifle rounds	20,395	−105
Rice (pounds)	9,790,000	+2,340,000
Man-months	215,380	+5,148
Vehicles	317	+7
Boats	40	(1)
Generators	36	(1)
Radios	180	(1)
Medical supplies (pounds)	36,000	(1)
Enemy KIA	8,128	−43
POWs (includes detainees)	1,797	+20

[1] Unchanged.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT TO STRIKE ALL FUNDS FOR THE SST FROM TRANSPORTATION APPROPRIATIONS

AMENDMENT NO. 665

Mr. PROXMIRE. Mr. President, I submit an amendment to the Department of Transportation appropriations bill, H.R. 17755, which would strike all funds for SST development for the coming fiscal year. I ask that it be printed and referred to the Committee on Appropriations.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be received and printed, and by unanimous consent will be referred to the Committee on Appropriations.

The amendment is as follows:

AMENDMENT NO. 665

> On page 2, line 20, strike all language beginning with the words "Civil Supersonic Aircraft Development" through the end of line 2 on page 3.

Mr. PROXMIRE. Mr. President, yesterday the House of Representatives passed H.R. 17755, appropriating funds for DOT for fiscal 1971. The line item for development of the SST is $290 million. The effort in the House to strike the SST from the bill was led by Representative SID YATES of Illinois, who did an outstanding job of marshaling arguments against this program. Although his effort failed narrowly yesterday, I think it is fair to say that Representative YATES confounded all the experts by coming within a scant seven switched votes of succeeding. Those of us who are concerned about what the SST may do to the environment—and to the economy—owe a tremendous debt of gratitude to SID YATES. The House vote of 176 to 163 against the effort to strike funds for this SST is extremely encouraging, and augurs well for the amendment I am submitting today.

Our chances of stopping the SST onslaught are brighter than they were last year. The newly discovered environmental impact of the SST, including airport noise, which is several times higher than is now permitted at any airport in the country, and upper atmospheric pollution, was documented by Russell Train, Chairman of the President's Environmental Quality Council, when he testified before our subcommittee the week before last. This information was not available to the Senate last year.

This time, Congress and the public are much better attuned to the problems of pollution, and the seriousness of the environmental crisis, than a year ago.

Some Senators have already shifted positions on the SST because of these environmental concerns, and I have spoken to several who have shifted their positions. Considering the magnitude of the SST's environmental impact, we have an excellent fighting chance to stop the SST appropriations.

Another major stumbling block to approval is the size of the fund request. The $290 million requested this year is three and a half times last year's appropriation, and far and away the biggest single year appropriation ever asked for this project.

If granted, it will bring the total allocated for this environmental monster up to $1 billion.

At a time when the need for budgetary stringency is as great as any of us can remember, it is the height of folly to continue funding a project whose ultimate costs may eventually reach $4 billion and whose risk of failure is high.

It is perfectly clear that this whole

project is proceeding on a wing and a prayer. Until the airport and sideline noise are reduced, and until the threatened upper atmosphere pollution is under control, the SST is not likely to fly commercially.

Even then, Mr. President, the Government still would not have any business stepping in where private investors fear to tread.

Mr. President, I hope my colleagues will not fall into the rhythm of continuing funding for the SST just because we have funded it for the past 7 years. The SST was a mistake in 1963; it is an outrage today. I look forward to a vigorous debate on the SST when H.R. 17755 reaches the Senate floor later this year.

S. 3898—INTRODUCTION OF PRICE AND INCOME GUIDEPOST BILL

Mr. PROXMIRE. Mr. President, for several years, the Joint Economic Committee has consistently and repeatedly stressed the need for this country to adopt a price and income policy. As recently as May 19, I reiterated on the Senate floor the recommendation contained in the committee's 1970 report that the Council of Economic Advisers should begin immediately to develop price and income guideposts appropriate to our present difficult economic situation. While the need for such guideposts is particularly urgent at the present moment, a price and income policy should not be only a transitory or occasional response to crisis situations. A price and income policy is a necessary and vital component of a total economic policy designed to yield full employment without the sacrifice of reasonable price stability.

Everyone in the country is aware that we have rising unemployment today, with more than 1 million men out of work than there were a year and a half ago, as well as the worst inflation we have suffered in 20 years.

What the proposal is designed to do is to get inflation under control and to do so in a way that will not provoke further unemployment.

In its 1970 report, the Joint Economic Committee further recommended that—

> The Council of Economic Advisers should be given statutory authority and responsibility for the annual recommendation of specific voluntary standards for price and income behavior. Business and labor should be consulted in the formulation of these standards, and the recommended standards should be transmitted to Congress as part of the President's Economic Report.

Today I am introducing a bill which would accomplish this objective. The bill would amend the Employment Act of 1946 so as to require the President to begin at once to develop price and income guideposts, to transmit the first such guideposts to Congress as soon as reasonably possible, and in the future to include such guideposts in the annual Economic Report of the President. The bill would require the Council of Economic Advisers to hold consultations with business and labor, to make necessary studies of productivity, prices and incomes, and then to make recommendations to the President regarding the guideposts.

The bill would further require that whenever price or income behavior threatens to violate the guideposts, the President shall make such recommendations to the parties concerned as he deems to be in the national interest.

A similar bill has already been introduced in the House of Representatives by my colleague on the Joint Economic Committee, Congressman HENRY S. REUSS and has been reported favorably by a Subcommittee of the House Committee on Government Operations.

Wage-price guidelines are no panacea for our problems. But they can help. We are all aware that the economy is presently in difficulty, that we are suffering serious excesses of both inflation and unemployment. The present exclusive reliance on monetary and fiscal policy where, except for cuts in military expenditures, there is almost no room to maneuver, offers little hope of extricating us from this thoroughly unsatisfactory situation. The statistics on productivity, wage and price changes during the first quarter of this year clearly indicate that the hopes so often expressed by the administration that "price increases will soon begin to taper off" or that we have "turned the corner" against inflation, are based more on wishful thinking than on hard analysis.

Let me cite only the single fact that, due to a combination of rapidly rising wage costs and declining productivity, unit labor costs rose at an annual rate of 8.4 percent in the first quarter. This is a significant acceleration over the already disturbing rate of increase in unit labor costs during 1969. When costs are increasing at an accelerating rate, where is the logic that points to a reduction in the rate of price increase? Must we sit back and await the further leap in unemployment, the long period of strikes and labor disputes, and the sharp decline in profits which will be required to restore price stability?

I submit that it is unconscionable to ignore a policy tool which, if vigorously adopted, could do much to reduce the costs of restoring full employment and economic stability.

The belief that the administration is making a serious mistake if it perseveres in its dogmatic determination to ignore price and income policies is not limited to partisan critics of the present administration. My distinguished Republican colleagues on the Joint Economic Committee have unanimously endorsed a resolution calling on the Council of Economic Advisers to bring the force of informed public opinion to bear on inflationary price and wage decisions.

As I pointed out in my speech on May 19, the Chairman of the Federal Reserve Board, Arthur Burns, and the Secretary of Housing and Urban Development, George Romney, have recently spoken out in favor of an income policy. None of these distinguished gentlemen would have spoken out the way they have if they did not feel that the need was urgent; that the time for new policy initiatives was long overdue.

Concern with our present economic situation is not limited to domestic observers. We have recently had two important reminders of the concern that other nations feel for the health of the U.S. economy. Pierre-Paul Schweitzer, managing director of the International Monetary Fund, speaking to an international conference in Geneva on May 19, reminded us that:

> Failure to bring U.S. inflation under control has imparted a serious inflationary impetus to the world economy at large. . . . It is becoming increasingly clear that no country intent on restoring or maintaining financial stability can afford to dispense with any instrument which can properly serve that end. In this context, I would not exclude incomes policy.

That is what I am talking about here, Mr. President.

On May 26, the Organization for Economic Cooperation and Development released its regular annual survey of the economy. Though cautiously worded, the message which this document seeks to impart is clear:

> Progress towards price stability and an early return to fuller employment might be enhanced if certain selective measures could be applied in support of continued use of traditional demand management policies.

These are conservative, traditional, and classic economists, by and large, who are usually reluctant to depart from the classical kind of analysis and to suggest any new measure if those new measures cannot have a convincing case made for them.

The final paragraph of the OECD report again reminds us of the global importance of a healthy U.S. economy:

> Other countries have an important interest in the ability of the United States to follow a path of smooth development in conditions of stability. Not only would the emergence of recessionary conditions in the United States have a disruptive effect on their own economies. Equally important, a continued inflationary trend of prices in the United States would undermine the possibility of price stability in the rest of the world.

When our policies have become so inadequate that official international observers as well as domestic political leaders in both parties feel compelled to speak out in criticism and to urge new approaches, it is time—and long past time—for the administration to rethink its dogmatic position. I hope that Congress can act with all due speed on the measure I am introducing today, but I respectfully remind the President that he need not wait for congressional action in this matter. The consultations with business and labor which must form the foundation of an effective price and incomes policy could begin today.

Let us not delay this matter any longer. It is urgently needed.

It will not solve our problems, as I have said, and I do not mean to offer it as a panacea, but it will help.

I send the bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred.

The bill (S. 3898) to amend the Employment Act of 1946 to bring to bear an informed public opinion upon price and income behavior which threatens na-

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tional economic stability; introduced by Mr. Proxmire, was received, read twice by its title, and referred to the Committee on Banking and Currency.

THE UNITED KINGDOM—75TH NATION TO RATIFY THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, yesterday, I addressed the Senate to discuss again the imperative nature of this Nation's ratification of the Genocide Convention, and I pointed out that many nations had already ratified the convention. I noted that as of September 1969, a total of 74 nations have acceded to the convention.

Today, Mr. President, that total now stands at 75, through the example set by one of our staunchest allies, the United Kingdom.

On January 30, 1970, the United Nations Office of Legal Affairs received the United Kingdoms instrument of accession to the convention, the Parliament having adopted implementing legislation in March 1969.

The Genocide Convention has become the most widely ratified United Nations agreement with the exception of the U.N. Charter itself, despite our own reluc- tion took the initiative and pioneered in tance, and despite the fact that this Na- the fight for a genocide treaty in the United Nations, under the leadership of former President Harry S Truman.

Mr. President, I ask unanimous consent to have printed in the Record the impressive list of nations which have thus far adopted the convention, along with the date of accession.

There being no objection, the list was ordered to be printed in the Record, as follows:

LIST OF SIGNATORIES AND CONTRACTING PARTIES

State	Signature	Ratification, accession, notification of succession
Afghanistan		Mar. 22, 1956
Albania		May 12, 1955
Algeria		Oct. 31, 1963
Argentina		June 5, 1956
Australia	Dec. 11, 1948	July 8, 1949
Austria		Mar. 19, 1958
Belgium	Dec. 12, 1949	Sept. 5, 1951
Bolivia	Dec. 11, 1948	
Brazil	do	April 15, 1952
Bulgaria		July 21, 1950
Burma	Dec. 30, 1949	Mar. 14, 1956
Byelorussian S.S.R.	Dec. 16, 1949	Aug. 11, 1954
Cambodia		Oct. 14, 1950
Canada	Nov. 28, 1949	Sept. 3, 1952
Ceylon		Oct. 12, 1950
Chile	Dec. 11, 1948	June 3, 1953
China	July 20, 1949	July 19, 1951
Colombia	Aug. 12, 1949	Oct. 27, 1959
Congo (Democratic Republic of)		May 31, 1962
Costa Rica		Oct. 14, 1950
Cuba	Dec. 28, 1949	Mar. 4, 1953
Czechoslovakia	do	Dec. 21, 1950
Denmark	Sept. 28, 1949	June 15, 1951
Dominican Republic	Dec. 11, 1948	
Ecuador	do	Dec. 21, 1949
El Salvador	Apr. 27, 1949	Sept. 28, 1950
Ethiopia	Dec. 11, 1948	July 1, 1949
Federal Republic of Germany		Nov. 24, 1954
Finland		Dec. 18, 1959
France	Dec. 11, 1948	Oct. 14, 1950
Ghana		Dec. 24, 1958
Greece	Dec. 29, 1949	Dec. 8, 1954
Guatemala	June 22, 1949	Jan. 13, 1950
Haiti	Dec. 11, 1948	Oct. 14, 1950
Honduras	Apr. 22, 1949	Mar. 5, 1952
Hungary		Jan. 7, 1952
Iceland	May 14, 1949	Aug. 29, 1949
India	Nov. 29, 1949	Aug. 27, 1959
Iran	Dec. 8, 1949	Aug. 14, 1956
Iraq		Jan. 20, 1959
Israel	Aug. 17, 1949	Mar. 9, 1950
Italy		June 4, 1952
Jamaica		Sept. 23, 1968
Jordan		Apr. 3, 1950
Laos		Dec. 8, 1950
Lebanon	Dec. 30, 1949	Dec. 17, 1953
Liberia	Dec. 11, 1948	June 9, 1950
Mexico	Dec. 14, 1948	July 22, 1952
Monaco		Mar. 30, 1950
Mongolia		Jan. 5, 1967
Morocco		Jan. 24, 1958
Nepal		Jan. 17, 1969
Netherlands		June 20, 1966
New Zealand	Nov. 25, 1949	
Nicaragua		Jan. 29, 1952
Norway	Dec. 11, 1948	July 22, 1949
Pakistan	do	Oct. 12, 1957
Panama	do	Jan. 11, 1950
Paraguay	do	
Peru	do	Feb. 24, 1960
Philippines	do	July 7, 1950
Poland		Nov. 14, 1950
Republic of Korea		Oct. 14, 1950
Republic of Vietnam		Aug. 11, 1950
Romania		Nov. 2, 1950
Saudi Arabia		July 13, 1950
Spain		Sept. 13, 1968
Sweden	Dec. 30, 1949	May 27, 1952
Syria		June 25, 1955
Tunisia		Nov. 29, 1956
Turkey		July 31, 1950
Ukrainian S.S.R	Dec. 16, 1949	Nov. 15, 1954
Union of Soviet Socialist Republics	do	May 3, 1954
United Arab Republic	Dec. 12, 1948	Feb. 8, 1952
United Kingdom		Jan. 30, 1970
United States of America	Dec. 11, 1948	
Upper Volta		Sept. 14, 1965
Uruguay	Dec. 11, 1948	July 11, 1967
Venezuela		July 12, 1960
Yugoslavia	Dec. 11, 1948	Aug. 29, 1950

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business again be laid before the Senate.

The **PRESIDING OFFICER.** The bill will be stated by title.

The Bill Clerk. H.R. 15628, to amend the Foreign Military Sales Act.

The Senate resumed the consideration of the bill.

AMENDMENT OF INTERNATIONAL TRAVEL ACT OF 1961, AS AMENDED

Mr. INOUYE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 14685.

The **PRESIDING OFFICER** (Mr. Gravel) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 14685) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. INOUYE. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Gravel) appointed Mr. Magnuson, Mr. Inouye, Mr. Cannon, Mr. Prouty, and Mr. Goodell, conferees on the part of the Senate.

ADMINISTRATION'S DANGEROUS STRATEGIC ARMS POLICIES

Mr. KENNEDY. Mr. President, last week in a symposium on the arms race at the Massachusetts Institute of Technology, I described the dangerous path being followed by the administration in its strategic arms policies. I also pointed out the wide gap between the Secretary of Defense's statements and the administrations' actions. The Secretary argued that Safeguard "would give us another year in which to pursue SALT without ourselves exacerbating the arms control environment." Yet the Pentagon now has confirmed that at least 18 of the first squadron of Minuteman III missiles already are in place and that the multiple warheads on this missile squadron will be operational by the end of June. The introduction of MIRV's—which some observers believe can be interpreted by the Soviet Union as a first strike buildup—obviously exacerbates the arms control environment.

At the same time, this deployment of MIRV does precisely what Secretary Laird said the administration would not do. He stated that the administration would not add to the offensive potential of the United States during the SALT talks this year in Vienna. But MIRV constitutes an enormous increase in our offensive forces.

The MIRV deployment comes at a particularly unfortunate moment when the Cambodian invasion and the Mid-East crisis have already alarmed those who believe that the Vienna meetings offer an opportunity to reverse the rising level of nuclear armaments.

World leaders publicly have called on the superpowers to recognize the overriding importance of arms limitations not only for the United States and the Soviet Union but for all nations.

United Nations Secretary General U Thant has termed the SALT talks a "real but perhaps fleeting opportunity for agreement" and Lord Chalfont, the eminent British Minister for Disarmament, has described those discussions as "arguably the most important international negotiations of this century." Their measured declarations reflect a concern that is shared by many of my Senate colleagues.

We are at a critical and transitory moment in the history of the nuclear arms race. Failure to achieve a halt in the escalation now may lead to a qualitatively more dangerous round in the technology of the arms race and may eliminate the possibility of meaningful arms limitation for decades.

As I noted in my speech at MIT, there is no support for the administration's contention that ABM and MIRV deployments are necessary at this time to assure the maintenance of our second strike deterrence. I ask unanimous consent that the MIT speech be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, even the Secretary admits that our Polaris

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fleet is invulnerable now and will remain so far at least 5 to 7 years. Thus, there can be no justification for embarking on costly, unnecessary and destabilizing systems such as ABM or MIRV right in the middle of the SALT talks.

Since it is apparent that the administration is determined to disregard the advice of the Senate—as it has done by undertaking its Cambodian adventure and by failing to respond to the sense of the Senate Resolution 211, there remains only one course of action: to use our constitutional power of the purse when the military procurement and construction bills come before us.

EXHIBIT I

SENATOR KENNEDY URGES HALT TO ARMS RACE

I come here today at a time of deep moral crisis. Many are dying—Americans, Vietnamese and now Cambodians—as we continue our policy of supporting an unpopular regime and an unjust cause. At home, the revulsion against this policy has produced the greatest division among our people in this century. At Kent State, American troops killed American students. On Wall Street, American construction workers beat up American students and businessmen. Even the tragic killings in Augusta, Georgia, cannot be totally divorced from this mood of tension and distrust that now grips the nation.

But in this moment of despair, a new movement is growing, sparked by the young, to awaken the nation's conscience. Young people have organized for peace. Here in Cambridge, massive delegations have been dispatched to urge Congress to stop the war. Over 15,000 telegrams have been sent to the country's highest leaders from this one city alone.

Now it is clear to all that the nation's youth is in this fight to stay. You have already committed yourselves to participate in the November elections. At Princeton and elsewhere, students are planning to devote two full weeks prior to the elections to political campaigning.

Do not underestimate the impact that has been made. The Congress and perhaps the Administration are beginning to listen. Take this opportunity to tell them that halting this dreadful war is not enough. We also must bring a halt to the nuclear arms race, or we may truly find ourselves in the war which will end all wars. As President Kennedy said nearly ten years ago: "Every man, woman and child lives under a nuclear sword of Damocles hanging by the slenderest of threads, capable of being cut at any moment by accident or miscalculation or by madness. The weapons of war must be abolished before they abolish us."

Now, for the first time since the Cold War began, there is a real opportunity to reduce the threat of nuclear destruction through arms control. Arms limitations are possible because previous disparities in nuclear forces have been greatly reduced and both superpowers have more than enough weapons to deter each other. On the other hand, two emerging technical capabilities—multiple independently targeted reentry vehicles and anti-ballistic-missile defenses—are creating new dangers. Each side will, however, irrationally, regard deployment of these weapons systems by its adversary as decisively upsetting the strategic arms balance and react accordingly. The upward spiral of the arms race will continue inexorably.

The present challenge is to halt this upward spiral through arms limitations. Unfortunately, it now appears that the United States is not going to meet this challenge. It is true that both the President and the Secretary of Defense have predicted that an agreement will be reached at the Strategic Arms Limitations Talks currently underway in Vienna. But, though I hope it will be otherwise, the Administration's Cambodian adventure may poison the atmosphere at Vienna.

Even more important, the Administration is directly undermining SALT by pressing for the immediate deployment of the Safeguard ABM system and MIRV—the very weapons which the talks are meant to bar. And in his two most recent strategic arms policy statements, Secretary Laird presented a distorted picture of the strategic balance which can only panic and mislead the American people into accepting an escalation of the arms race.

Secretary Laird warned that we are "at a crossover point in the strategic balance," that the United States is on the verge of becoming a second-rank nuclear power. This is simply untrue. Although the Russians do have a slight lead over us in vulnerable land-based missiles, we hold a commanding lead in nuclear-armed submarines and bombers. At the most, the Russians are approaching parity with the United States as a nuclear power.

The Secretary said he was "concerned about the momentum evident in the strategic programs of the Soviet Union." But the Soviet build-up may be tapering off. Intelligence reports indicate that more SS–9 missiles sites were constructed in 1965 than in 1969. Indeed reports are now circulating that the Russians have not constructed any new SS–9 missile sites since last August. Secretary Laird admitted on April 20th that if the Russians remained "at the operationally deployed posture which exist today . . . we would have a tolerable situation." I hope, therefore that he will promptly confirm or deny the reports regarding the absence of any new SS–9 sites since August.

Mr. Laird also stated that, in contrast to the Russians, we have maintained a neutral position in our strategic force level since 1965. This, too, is not true. The budget for strategic forces indicates the increases during those years: $6.8 billion in 1965; $9.1 billion in 1969; and $9.6 billion in 1970. In addition, we announced as early as 1967 that we would test, develop and deploy both ABM and MIRV systems. And we carried out far more nuclear tests in the five years since 1965 than in the preceding 20 years, including 16 tests in the first four months of 1970. Is this "neutral gear"?

Thus, the Secretary's general analysis of the present strategic programs and policies of the two superpowers is inaccurate. His specific analysis of the need for immediate deployment of Safeguard ABM and MIRV is equally unpersuasive.

The Administration's contention that we must deploy Safeguard ABM to protect our second-strike capabilities from Soviet attack is specious on numerous ground. First, our second-strike capability is protected even without Safeguard by our Polaris submarines. Secretary Laird conceded only this week that he is "fully confident" that our Polaris force "is invulnerable to surprise attack today and should remain so for the next five to seven years and hopefully longer." In fact, the technology which would render this deterrent ineffective is not even on the drawing board yet.

It is true, as Secretary Laird stated, that these submarines represent only 15 of our nuclear weapons. But what the Secretary somehow forgot to add is that this 15% is easily sufficient to destroy the 50 largest cities in the Soviet Union—TWICE.

Second, there are grave doubts that the Safeguard could protect any of our land-based Minuteman missiles under any circumstances. Many scientists believe that the Soviets already have inexpensive penetration aids which would sharply reduce the Safeguard's effectiveness. Nobel laureate Hans Bethe has described the many devices which the Russians could use, ranging from simple decoys which could fool our radars to atmospheric nuclear explosions which could black out our radar. Even more important, it now appears that the Russians could almost certainly destroy the Safeguard's Missile Site Radars (MSR's) and thereby render the entire defense system completely useless. The MSR's are relatively soft targets which are difficult to protect from enemy missiles. Furthermore, they are so expensive (as much as $200 million for one radar and the associated data processing equipment) that we cannot simply employ a number of redundant radars at each Minuteman base. In short, Safeguard's most crucial link is its weakest link.

At recent hearings, Defense Department officials conceded that the MSR's expense and vulnerability pose serious problems. They admitted the need for research into smaller and cheaper radars which would be adequate for less ambitious "hard point" defense. But they insist on pressing ahead with Safeguard before the required research has been completed.

It is significant that the Administration often referred to Safeguard Phase I as a prototype system, to be tested and proved out. President Nixon stated last year that "we will take maximum advantage of the information gathered from the initial deployment in designing the later phases of the program." But although the two Phase I sites have neither been constructed nor tested, the Administration is now requesting six additional sites for Phase II. It is asking the Congress for a billion dollars to build immediately a third site for the protection of Minuteman and to plan for immediate construction of five area defense sites. No longer is any mention made of "proving out" the Phase I sites, despite the growing doubts about the system's feasibility.

Third, assuming the Safeguard system can work, it is an unnecessarily expensive method of assuring our second-strike capability. Rathjens and York have estimated that with Safeguard it will cost $20–25 million for each Minuteman missile protected. They point out that we can buy new super-hardened Minuteman missiles for about one-third that cost. Indeed, the whole Polaris force cost only about twice as much as Safeguard Phase I.

Fourth, the Administration describes Safeguard as a light $11 billion system in response to the current Soviet and Chinese threats. But in fact it is an open-ended system both in terms of cost and of impact on the arms race. The whole tragic history of weaponry suggests that it is only the first step toward a heavy ABM system which will cost hundreds of billions of dollars and not add in any way to our security.

It is sheer folly to assume that the Administration's argument that Safeguard is simply a measured response will be accepted at face value by Soviet planners. We must remember that our response to the less than 100 ABM launchers which the Russians built around Moscow is to plan for 5,000 more warheads in our stockpile. Thus, the Russians' ABM program, rather than increasing their security has produced a quantum leap in the arms race and thereby reduced their security. Our ABM will surely do the same. The excessive apprehensions and bureaucratic politics that too often have determined our own defense policies also intrude on the Soviet decision-making process. They are likely to respond to Safeguard by building additional offensive missiles. Indeed Safeguard is so expensive that it will be far cheaper for the Russians to build new missiles than it will be for us to defend our missiles. Once the Soviets increase their offensive power, we may counter with more ABM sites, and so on and so on, and so on. In the end we will have achieved a new level of arms stockpiling without the slightest increase to our security.

Fifth, Secretary Laird's suggestion on May 12th that immediate deployment of Safeguard is desirable because it avoids the necessity of adding to our offensive potential during the SALT talks is complete double-talk. We are adding to our offensive potential right in the middle of SALT by deploying MIRV.

Sixth, a final grisly point is that in the long run there can be no successful ABM defense to a Soviet missile attack. If the radar works, the missiles fire and the warheads destroy the incoming missiles high above the atmosphere—all highly questionable suppositions—the radioactivity released will kill a large portion of our population within a generation.

In his most recent statements, Secretary Laird did not spend much time on the Safeguard system as it relates to China. We can be certain, however, that when the Administration becomes desperate enough the "Chinese threat" will be trotted out once again. I would, therefore, like to address myself to the Administration's earlier arguments on this point.

First, Secretary Laird's contention in his February posture statement that the credibility of our Asian commitments will be reduced as soon as China has any capacity to inflict nuclear damage on this country is unpersuasive. The Soviet Union has had such a capacity for years, but, since we have retained our powerful second-strike capabilities, no one seriously doubts the credibility of our vital commitments in Europe, Latin America and elsewhere.

In the posture statement, the Secretary suggested that our deterrent might not be as effective against China as it is against Russia because China has a more rural population. This again is nonsense. Two-thirds of China's population is concentrated in only about one-eighth of its area. Furthermore, the Chinese have no effective fall-out shelters or defenses against our bombers. There can be no doubt that the United States, using only its bomber forces (and thereby retaining its deterrent against Russia) could completely destroy the urban and rural population of China. Even ten percent of our SAC bomber forces can deliver more than 100,000 times as much explosive power as the Hiroshima holocaust.

It has also been suggested that the Chinese Communists are so irrational that the total destruction of their society would not serve as a deterrent. This is parochialism gone wild. Many eminent students of China have made clear that the Chinese have recently been extremely careful to avoid serious confrontations with major powers. China seems to be as influenced as any nation by the fear of nuclear destruction.

Second, it is completely unrealistic to predict, as has President Nixon, that Safeguard would be "virtually infallible" against a Chinese attack. The many failures of far less complex weapons systems and the near tragedy of Apollo 13 should caution us against making any such rosy predictions. Furthermore, we must bear in mind that we will never be able to test Safeguard under real battle conditions and that we will never know how sophisticated the Chinese penetration aids are. Nothing could be more tragic than if an American Administration pursued a China policy which depended to any extent whatsoever on an infallible missile defense which was not infallible.

Finally, if we attempt to build an infallible defense we must be prepared to protect each of our cities against the entire Chinese missile force. Dr. Herbert York, Director of Defense Research and Engineering under President Eisenhower, estimates that a really serious Chinese-oriented ABM system would require many thousands of U.S. ABM interceptors. Aside from the staggering cost of such a system, we must consider what the response of the Soviet Union would be. The Russians would not simply rest secure in the belief that this system was only aimed at China. They would recognize that, as former Secretary of Defense McNamara himself stated, "The danger in deploying [a] Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system." The Russians would unquestionably become nervous about the effectiveness of their second-strike capabilities and would begin a massive build-up of offensive missiles.

This, whether we look at the Soviet threat or at the Chinese threat, the Safeguard is a dangerous and unnecessary weapons system. And like so many weapons systems we have built in the last two decades it is sure to cost far more than the Pentagon estimates. Already, the Pentagon has admitted that a complete twelve-site system will cost 10.7 billion dollars, which is 1.7 billion dollars more than originally estimated last August. The ABM is a cost-overrun system before it even gets off the drawing board.

Unfortunately Safeguard is not the only unnecessary system to which the Administration has committed itself. It has also announced that it plans to deploy MIRV's, beginning this June.

The development of MIRV is a classic example of the lunacy of the arms race. The original purpose of MIRV was to counter a massive Soviet ABM system. But this system was never built. We are therefore overreacting to a threat which never materialized just as we did in the fifties and sixties. Instead of acting with a new realism, we are simply repeating old mistakes.

There is no danger that our security will be jeopardized if we fail to deploy MIRV now. As Rathjens and Kistiakowsky have pointed out: "There is little doubt that currently designed U.S. MIRV's could be deployed on a time scale [which is] short compared with that required for deployment of any significant Russian ABM defense. Accordingly there is no need for any MIRV deployment pending firm evidence that the USSR is beginning the construction of such defenses." We will always be able to deploy MIRV if that should prove necessary.

Faced with the fact that the Soviets have not built a massive ABM system, the Administration has come up with a new justification for MIRV. MIRV is necessary "Because the rapidly growing Soviet strategic offense forces could seriously threaten both the U.S. Minuteman and strategic bomber forces by the mid-70's." Once again, this justification totally ignores our powerful Polaris submarine force. Furthermore, if the threat to our deterrent will not occur until the mid-70's why is it necessary to deploy MIRV this June right in the middle of the SALT talks. It is nonsense plain and simple when the Secretary says that we have chosen "to defer major new weapons decisions as long as possible pending developments in the Strategic Arms Limitation Talks."

We can have a bilateral limitation on MIRV. Of course, there is the problem of assuring that the Russians honor such a limitation. The United States could not verify whether Soviet missiles had multiple weapons without a program of elaborate on-site inspection which the Russians are highly unlikely to accept. The United States could, however, verify whether the Russians were *testing* MIRV's. And the Russians could not build a system accurate and reliable enough for use as a first-strike weapon against the United States without extensive testing. Thus, the United States can verify whether the Russians are going ahead with a program that threatens our deterrent. If the Russians do begin substantial testing, our strategic posture will not be impaired, since we can, if necessary, deploy our MIRV's on very short notice.

A final argument made on behalf of immediate deployment of MIRV and Safeguard is that such deployment is necessary to give us a bargaining counter in our hand at Vienna. The illogic of this reasoning has been amply exposed by many commentators. As Shulman put it, "To enter into [MIRV and Safeguard] programs in order to have something to bargain with or in order to apply pressure upon the Russians, is likely to have an effect opposite to what is intended The logical Soviet reaction to such actions would be to question our real intentions, and to redouble their own military efforts. If SALT proceeds over a long period, as it may do, and if both sides argue the need for continuing their build-up to improve their bargaining advantage, the effect of the SALT negotiations will be to leave us worse off than if they had never begun. Negotiating about strategic weapons is not entirely like a poker game—both sides *can* lose."

And I'm afraid that we *are* going to lose at this deadly game. By insisting on immediate deployment of Safeguard and MIRV the Administration is undermining the SALT talks. Even more important the Administration is committing us to an unwise strategic arms policy regardless of the outcome of the SALT talks. The United States has an obligation to follow a reasonable arms policy whether SALT succeeds or not. The ABM is an unnecessary and unworkable system no matter what happens in Vienna. And MIRV is equally unnecessary until we see that the Soviet Union has in fact embarked on a full-scale ABM program.

The Administration's action are subjecting this country to enormous risks. First, there is the risk of spiraling arms costs which will make it extremely difficult for us to meet our pressing domestic needs. At the present time, the strategic forces budget of the United States amounts to about $9 billion per year, excluding some rather large items for warheads, research and development and communications and intelligence activities. Nine billion dollars is more than twice what the Nixon Administration agreed to spend this year on education. It is over seven times more than the Nixon Administration intends to spend next year on crime reduction. But, if we do not limit arms control expenditures in the near future, it is estimated that outlays for strategic systems could double by the mid-70's. That means that eighteen billion dollars a year in federal tax revenues would become unavailable to meet domestic needs.

The second risk we take by unnecessary deployment of Safeguard and MIRV is more ominous. The new build-up in the arms race would increase the tensions between the United States and the Soviet Union. It would reduce even further the possibility of Soviet-American cooperation in the Middle East and Southeast Asia.

The third risk we take is equally sobering. Large-scale deployment of MIRV by the United States would so threaten the Russian's second-strike capabilities that they would probably have to revert to a launch on warning system, an automatic response to apparent nuclear attacks.

In this regard it is important to emphasize that MIRV carries different threats for the Russians than for the United States. If the Soviet Union were to deploy MIRV's, we could begin to increase our nuclear forces with confidence that in the interim period our submarine fleet would be an invulnerable counterforce able to inflict unacceptable damage to the Soviet Union. The Soviet Union, however, clearly lacks that flexibility, since their present nuclear armed submarine fleet is a far less convincing deterrent. Thus, they would be likely to return to a Launch on Warning System.

To reestablish a situation where the world is in jeopardy of a programmed response to a blip on a radarscope is the height of irresponsibility. It will have brought us to the final absurdity in which an automatic response by the machines created by man shall determine the end of man. The United States

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has sought to avoid such a situation since the early 1960's. The Nixon Administration should avoid it now.

In the United States, we know what our weapons can do to another country. And we know that the same fate awaits us in a nuclear confrontation. But, as in some mad chess game, the continued expansion of nuclear strength goes on. Men, thought rational, coolly, calculate and compare millions of deaths with millions of deaths, megatons are matched against megatons in earnest debates over national security and overkills of four to nine times the populations of a country are discussed as though there is some sense to it all.

To be raised in this atmosphere, to have the ability to destroy the world, and not to treat this ability day and night as the first matter to be solved among nations, goes beyond the limits of the human mind. Can any society view the visions and thoughts of youth as radical or extreme, when the visions and thoughts of men in power include the real possibility of final destruction?

There will have to be some other way for nations in the last quarter of this century to resolve the problems of the planet without reliance on arsenals of obliteration. If the world is to continue, it must not only control nuclear weapons but eventually destroy them. The questions of when and how must be foremost in the minds of our national leaders and not afterthoughts. That is why the SALT talks—the first step toward nuclear sanity—are so urgent and why it is unthinkable that the Administration has embarked on a course that may make meaningful agreement impossible.

There is only one rational policy for the United States to pursue. We must place a freeze on the deployment of ABM and MIRV. If the Administration will not act rationally, then the Congress must. And just as I have supported the bipartisan efforts to stop the madness in Indochina by cutting off funds, so too, will I again help to lead the bipartisan fight to stop the madness of the arms race by cutting off funds. And I ask you to join me in this fight. When you organize in your community, when you speak to your Congressmen, do not just say "Stop the war." Say also, "Stop ABM, Stop MIRV, Stop the Arms Race."

STRUCTURAL DEFECTS IN THE C-5A

Mr. PROXMIRE. Mr. President, I have learned today that preliminary findings of the Scientific Advisory Board—SAB—of the Air Force indicate that a completely new wing design may be needed to correct the structural defects in the C-5A. According to the current issue of the Armed Forces Journal, unless a new wing design in produced and retrofitted on all existing aircraft, the Air Force may refuse to accept further deliveries.

My understanding is that the Scientific Advisory Board is not due to make its final written report on the C-5A structural deficiencies until June 15, although it has transmitted its preliminary findings to the Air Force. Certainly we must withhold judgment about the C-5A's technical performance until final report of the Board is made. I wonder, however, whether we can in good faith and good conscience, approve any additional funds for this program until doubts about its technical performance and most specifically its structural defects are completely dispelled.

It will be recalled that wing cracks in the C-5A have already been produced in ground testing, and that, at best, correction of this defect will be costly and will set the program back. What is now becoming apparent is that the defect is much more fundamental and deeply rooted than we had been previously led to believe.

I urge my colleagues in the Senate to therefore withhold not only their judgment about the technical performance of the C-5A, but also to withhold their approval of any further funding of this program until we are assured that the plane will meet its specifications.

ADJOURNMENT UNTIL 11:30 A.M., MONDAY, JUNE 1, 1970

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. on Monday next.

The motion was agreed to; and (at 2 o'clock and 16 minutes p.m.), the Senate adjourned until Monday, June 1, 1970, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 28, 1970:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Maurice J. Williams, of West Virginia, to be Deputy Administrator, Agency for International Development, vice Rutherford M. Poats.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 28, 1970:

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Martin G. Castillo, of California, to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People.

U.S. AIR FORCE

Maj. Gen. James T. Stewart, 486-14-3093 FR, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code.

U.S. ARMY

The following-named officers to be placed on the retired list, in grades indicated, under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Frank Schaffer Besson, Jr., 579-52-8234, Army of the United States (major general, U.S. Army).

To be lieutenant general

Lt. Gen. Oren Eugene Hurlbut, 490-44-9251, Army of the United States (major general, U.S. Army).

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Richard Thomas Knowles, 340-10-3134, Army of the United States (brigadier general, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. Frederick Charles Krause, 549-12-6572, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Johnston Maddox, Jr., 577-28-8085, Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Howard Tackaberry, 555-26-9701, Army of the United States (major, U.S. Army).

Col. John Terrell Carley, 426-78-1673, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Wilson Hemingway, 462-12-6043, U.S. Army.

Col. Conrad Leon Stansberry, 490-44-7980, U.S. Army.

Col. George Anthony Rebb, 373-18-6025, U.S Army.

Col. James McKinley Gibson, 010-12-8443, U.S. Army.

Col. Wilburn Clarence Weaver, 453-14-5443, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jeffrey Greenwood Smith, 257-30-8277, U.S. Army.

Col. John Haywood Morrison, Jr., 254-03-9333, Army of the United States (lieutenant colonel, U.S. Army).

Col. Albert George Hume, 322-14-0581, Army of the United States (lieutenant colonel, U.S. Army).

Col. Sidney Gritz, 717-09-0044, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Siegman Hyman, 306-12-9482, Army of the United States (lieutenant colonel, U S. Army).

Col. John Gillespie Hill, Jr., 516-24-4439, Army of the United States (lieutenant colonel, U.S. Army).

Col. Ernest Paul Braucher, 330-10-3593, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Raymond Pierce, Jr., 289-18-8319, U.S. Army.

Col. Harry Herbert Hiestand, 418-16-0755, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Frederick Hughes Cutrona, 134-07-0488, U.S. Army.

Col. Orlando Carl Epp, 512-10-0894, U.S. Army.

Col. Samuel Vaughan Wilson, 223-22-6784, U.S. Army.

Col. Frank Earl Blazey, 464-26-2742, Army of the United States (lieutenant colonel, U.S. Army).

Col. Olin Earl Smith, 236-16-2006, Army of the United States (lieutenant colonel, U.S. Army).

Col. Tom Mercer Nicholson, 287-03-9753, U.S. Army.

Col. Bates Cavanaugh Burnell, 561-54-2806, Army of the United States (lieutenant colonel, U.S. Army).

Col. Louis John Schelter, Jr., 081-32-3007, Army of the United States (lieutenant colonel, U.S. Army).

Col. Homer Duggins Smith, Jr., 462-03-8363, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Elmer Wear, 522-18-0670, U.S. Army.

Col. Oliver Beirne Patton, 234-22-5699, U.S. Army.

Col. Ronald James Fairfield, 330-18-3127, Army of the United States (lieutenant colonel, U.S. Army).

Col. Eugene Michael Lynch, 391-16-4571, Army of the United States (lieutenant colonel, U.S. Army).

Col. Winfield S. Scott, 039-09-3623, Army of the United States (lieutenant colonel, U.S. Army).

Col. Carter Weldon Clarke, Jr., 212-40-4800, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Alva Munson, 507-10-3990, Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Edward Fitzpatrick, Jr., 032-05-0115, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Edward McConnell, 092-12-8607, Army of the United States (major, U.S. Army).

Col. Carroll Edward Adams, Jr., 035-14-1876, Army of the United States (lieutenant colonel, U.S. Army).

Col. Patrick William Powers, 561-54-7517, Army of the United States (lieutenant colonel, U.S. Army).

Col. Daniel Vance, Jr., 386-18-6003, Army of the United States (major, U.S. Army).

Col. Albion Williamson Knight, Jr., 265-20-4468, Army of the United States (lieutenant colonel, U.S. Army).

Col. Max Etkin, 502-05-9249, Army of the United States (lieutenant colonel, U.S. Army).

Col. Dean Van Lydegraf, 544-12-6995, U.S. Army.

Col. Alton Gustav Post, 473-16-2488, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Wesley Swenson, 285-18-8334, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Francis Gudgel, Jr., 403-22-8571, Army of the United States (lieutenant colonel, U.S. Army).

Col. Raymond Oscar Miller, 420-52-5538, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Benedict Desmond, 021-14-6964, U.S. Army.

Col. Richard Gregory Fazakerley, 553-22-0262, Army of the United States (major, U.S. Army).

Col. Joseph Corbett McDonough, 145-18-1676, Army of the United States (lieutenant colonel, U.S. Army).

Col. John William Vessey, Jr., 703-07-1974, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Ember Sterling, 521-22-2777, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Crouse Burney, Jr., 025-14-3721, Army of the United States (major, U.S. Army).

Col. George Bernard Fink, 521-28-7313, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Alan Hoefling, 396-38-0355, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Charles Kiefe, Jr., 144-18-5590, Army of the United States (major, U.S. Army).

Col. Robert Haldane, 131-14-7236, Army of the United States (lieutenant colonel, U.S. Army).

Col. Donn Albert Starry, 510-22-2130, Army of the United States (major, U.S. Army).

Col. Elmer Raymond Ochs, 322-20-3690, Army of the United States (major, U.S. Army).

Col. Hal Edward Hallgren, 361-12-7064, Army of the United States (lieutenant colonel, U.S. Army).

Col. Andrew John Gatsis, 224-52-6620, Army of the United States (lieutenant colonel, U.S. Army).

Col. Rutledge Parker Hazzard, 421-22-2258, Army of the United States (lieutenant colonel, U.S. Army).

Col. Lynn Wood Hoskins, Jr., 408-22-8027, Army of the United States (lieutenant colonel, U.S. Army).

Col. Louis Joseph Prost, 272-14-7202, Army of the United States (lieutenant colonel, U.S. Army).

Col. Henry Hermann Bolz, Jr., 339-12-9183, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Edward Stannard, 720-18-0673, Army of the United States (major, U.S. Army).

Col. Stan Leon McClellan, 562-24-6033, Army of the United States (lieutenant colonel, U.S. Army).

Col. Louis Rachmeler, 562-54-9072, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Garnett Waggener, 490-44-8300, Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Willard Bowen, 431-26-2155, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Ralph Bushong, 535-14-8703, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Scholto Wieringa, Jr., 150-12-9131, Army of the United States (lieutenant colonel, U.S. Army).

Col. Samuel Grady Cockerham, 425-34-0437, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Dwelle Daniel, Jr., 260-60-1991, Army of the United States (lieutenant colonel, U.S. Army).

Col. Wallace Keith Wittwer, 541-16-6670, Army of the United States (lieutenant colonel, U.S. Army).

Col. John David Lewis, 074-16-9221, Army of the United States (lieutenant colonel, U.S. Army).

Col. Paul Eugene Smith, 350-18-7158, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Willoughby Williams, 577-28-6295, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Gibbins Gard, Jr., 449-36-3971, Army of the United States (major, U.S. Army).

Col. Edward Charles Meyer, 205-18-3616, Army of the United States (major, U.S. Army).

Col. Joseph Key Bratton, 472-24-0434, Army of the United States (major, U.S. Army).

Col. Alfred Bradford Hale, 093-22-4582, Army of the United States (major, U.S. Army).

To be brigadier general, Women's Army Corps

Col. Elizabeth Paschel Hoisington, 167-18-6373, U.S. Army.

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general, Medical Corps

Brig. Gen. Spurgeon Hart Neel, Jr., 415-09-2779, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig Gen. Colin Francis Vorder Bruegge, 410-64-0788, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Carl Wilson Hughes, 490-22-3522, Army of the United States (colonel, Medical Corps, U.S. Army).

To be brigadier general, Medical Corps

Col. Robert Morris Hardaway III, 586-60-4321, Medical Corps, U.S. Army.

Col. Edward Henry Vogel, Jr., 453-16-5528, Medical Corps, U.S. Army.

Col. Robert Bernstein, 086-18-8814, Medical Corps, U.S. Army.

To be brigadier general, Army Nurse Corps

Col. Anna Mae McCabe Hays, 204-01-1015, Army Nurse Corps, U.S. Army.

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general, Medical Corps

Maj. Gen. James Arista Wier, 400-54-1473, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Colin Francis Vorder Bruegge, 410-64-0788, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Thomas Joseph Whelan, Jr., 026-18-7748, Army of the United States (colonel, Medical Corps, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. Daniel Arthur Raymond, 081-32-3762, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Alden Burke, 446-01-6906, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Davis Terry, 303-18-8547, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Edgar Shedd III, 579-52-8246, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Samuel Blanchard, 579-14-7196, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Wolcott Ryder, Jr., 031-30-0381, Army of the United States (colonel, U.S. Army).

Brig. Gen. Winant Sidle, 118-10-9740, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Russel Kraft, Jr., 126-12-7279, Army of the United States (colonel, U.S. Army).

Brig. Gen. Elmer Parker Yates, 224-52-8485, Army of the United States (colonel, U.S. Army).

Brig. Gen. Donnelly Paul Bolton, 334-09-9687, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Smith Coleman, 574-12-7805, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Butner Clay, 081-32-8083, Army of the United States (colonel, U.S. Army).

Brig. Gen. Raymond Patrick Murphy, 516-05-5618, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Gray Wheelock III, 330-18-7694, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Glenn Appel, 316-07-9528, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Warren Pezdirtz, 226-46-8806, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Sammet, Jr., 355-09-1179, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Philip Holm, 472-10-6270, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Edward Potts, 441-18-9843, Army of the United States (colonel, U.S. Army).

Brig. Gen. Marshall Bragg Garth, 229-07-5324, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Winthrop Barnes, 400-44-3906, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Eugene McLeod, 443-12-4875, Army of the United States (colonel, U.S. Army).

Brig. Gen. Vincent Henry Ellis, 511-16-2327, Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry Carl Schrader, 354-03-0832, Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Wright Mellen, 553-16-5253, Army of the United States (colonel, U.S. Army).

Brig. Gen. James Vance Galloway, 245-60-7143, Army of the United States (lieutenant colonel, U.S. Army).

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Brig. Gen. CJ Le Van, 545-16-7620, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Carter McAlister, 404-16-6944, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Frederic Ellis Davison, 578-18-4092, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Holloway Cushman, 578-14-7429, Army of the United States (colonel, U.S. Army).

Brig. Gen. Fred Ernest Karhohs, 313-12-5977, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert Creel Marshall, 081-32-6336, Army of the United States (colonel, U.S. Army).

Brig. Gen. James Joseph Ursano, 079-14-6895, Army of the United States (colonel, U.S. Army).

Brig. Gen. Donald Volney Rattan, 443-10-8559, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Charles Bennett, 136-32-3600, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. George Washington Putnam, Jr., 004-12-8769, Army of the United States (colonel, U.S. Army).

Brig. Gen. Sidney Michael Marks, 369-14-6463, Army of the United States (colonel, U.S. Army).

Brig. Gen. Arthur Hamilton Sweeney, Jr., 577-28-7139, Army of the United States (colonel, U.S. Army).

Brig. Gen. James Cliffton Smith, 258-14-5196, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Woodland Morris, 219-07-4387, Army of the United States (colonel, U.S. Army).

Brig. Gen. Hubert Summers Cunningham, 519-12-4302, Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Robert Parfitt, 176-32-1174, Army of the United States (colonel, U.S. Army).

Brig. Gen. Clarke Tileston Baldwin, Jr., 224-52-3193, Army of the United States (colonel, U.S. Army).

Brig. Gen. Jack Alvin Albright, 426-78-1436, Army of the United States (colonel, U.S. Army).

Brig. Gen. Hugh Richard Higgins, 300-07-9203, Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas McKee Tarpley, 320-34-6372, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frederick James Kroesen, Jr., 153-18-6515, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ernest Graves, Jr., 081-32-8109, Army of the United States (colonel, U.S. Army).

Brig. Gen. Herbert Joseph McChrystal, Jr., 420-52-7314, Army of the United States (lieutenant colonel, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. Elmer Parker Yates, 224-52-8485, Army of the United States (colonel, U.S. Army).

Maj. Gen. Burnside Elijah Huffman, Jr., 257-07-8732, Army of the United States (colonel, U.S. Army).

Brig. Gen. Winant Sidle, 118-10-9740, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Glenn Appel, 316-07-9528, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Howard Elder, Jr., 229-05-3378, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Sammett, Jr., 355-09-1179, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Alden Burke, 446-01-6906, Army of the United States (colonel, U.S. Army).

Brig. Gen William Smith Coleman, 574-12-7805, Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry Carl Schrader, 354-03-0832, Army of the United States (colonel, U.S. Army).

Brig. Gen. Vincent Henry Ellis, 511-16-2327, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Washington Putnam, Jr., 004-12-8769, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Winthrop Barnes, 400-44-3906, Army of the United States (colonel, U.S. Army).

Brig. Gen. Daniel Arthur Raymond, 081-32-3762, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Russel Kraft, Jr., 126-12-7279, Army of the United States (colonel, U.S. Army).

Brig. Gen. Raymond Patrick Murphy, 516-05-5618, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Davis Terry, 303-18-8547, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Butner Clay, 081-32-8083, Army of the United States (colonel, U.S Army).

Brig. Gen. Charles Wolcott Ryder, Jr., 031-30-0381, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Edgar Shedd III, 579-52-8246, Army of the United States (colonel, U.S. Army).

Brig. Gen. Donnelly Paul Bolton, 334-09-9687, Army of the United States (colonel, U.S. Army).

Maj. Gen. Jack Carter Fuson, 490-44-9040, Army of the United States (colonel, U.S. Army).

Maj. Gen. Salve Hugo Matheson, 552-18-7333, Army of the United States (colonel, U.S. Army).

Brig. Gen. Marshall Bragg Garth, 229-07-5324, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Edward Potts, 441-18-9483, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frederic Ellis Davison, 578-18-4092, Army of the United States (colonel, U.S. Army).

Brig. Gen. Theodore Antonelli, 045-12-3195, Army of the United States (colonel, U.S. Army).

Brig. Gen. Arthur Hamilton Sweeney, Jr., 577-28-7139, Army of the United States (colonel, U.S. Army).

Brig. Gen. Jack Alvin Albright, 426-78-1436, Army of the United States (colonel, U.S. Army).

Brig. Gen. Hugh Richard Higgins, 300-07-9203, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Eugene McLeod, 443-12-4875, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Warren Pezdirtz, 226-46-8806, Army of the United States (colonel, U.S. Army).

Brig. Gen. Sidney Michael Marks, 369-14-6463, Army of the United States (colonel, U.S. Army).

The Army of the United States officers named herein for appointment as permanent professors, U.S. Military Academy, under the provisions of title 10, United States Code, sections 4331 and 4333.

To be professor of physics

Lt. Col. Wendell A. Childs, 416-40-1180, Ordnance,

To be professor of social sciences

Lt. Col. Lee D. Olvey, 256-46-6800, Armor.

U.S. NAVY

Vice Adm. Edwin B. Hooper, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. John L. Chew, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Rear Adm. Eli T. Reich, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Capt. Carl O. Holmquist, U.S. Navy, to be Chief of Naval Research in the Department of the Navy for a term of 3 years with the rank of rear admiral.

The following-named officers of the Navy for permanent promotion to the grade of rear admiral:

LINE

Maurice H. Rindskopf
James D. Ramage
William E. Kuntz
William H. House
James C. Longino, Jr.
Vincent P. Healey
Allen A. Bergner
Robert R. Crutchfield
Walter D. Gaddis
Ralph E. Cook
David F. Welch
Jerome H. King, Jr.
Douglas C. Plate
Martin D. Carmody
William J. Moran
James B. Osborn
John B. Davis, Jr.
Parker B. Armstrong
Jack M. James
Michael U. Moore
William R. McClendon
Leo B. McCuddin
Sam H. Moore
William M. Harnish
Leslie H. Sell
Thomas R. McClellan
James C. Donaldson, Jr.
Tazewell T. Shepard, Jr.
Kenneth C. Wallace
John K. Beling
George C. Talley, Jr.
Shannon D. Cramer, Jr.
Robert E. Adamson, Jr.
William W. Behrens, Jr.
Raymond J. Schneider
David H. Jackson
Burton H. Andrews

CIVIL ENGINEER CORPS

Henry J. Johnson
John G. Dillon

DENTAL CORPS

John P. Arthur

FEDERAL HOME LOAN BANK BOARD

Preston Martin, of California, to be a member of the Federal Home Loan Bank Board for the term expiring June 30, 1974.

IN THE AIR FORCE

The nominations beginning James A. Akridge, to be captain, and ending Stanley E. Zeitz, Jr., to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on May 5, 1970; and

The nominations beginning Robert R. Lochry, for appointmnt as permanent professor, U.S. Air Force Academy, and ending Steven R. Wood, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 1970.

IN THE ARMY

The nominations beginning Mershan G. Shaddy, to be colonel, and ending Joyce G. Johnson, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 1970.

IN THE NAVY

The nominations beginning Lucian M. Acuff, to be permanent ensign, and ending Maurice H. Rowell, Jr., for temporary promotion to the grade of lieutenant commander, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 1970.

EXTENSIONS OF REMARKS

NEW YORK TIMES ARTICLE REVIEWS TRASH PROBLEMS, WHAT IS BEING DONE ABOUT THEM—SENATOR RANDOLPH SUGGESTS SCHOOLCHILDREN BE MOBILIZED TO CLEAN NEIGHBORHOODS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 26, 1970

Mr. RANDOLPH. Mr. President, Monday, the New York Times published a very informative story by reporter Gladwin Hill reviewing in detail the staggering problems presented by the Nation's growing production of solid wastes and of the attacks that are being mounted to cope with these problems.

Since the Earth Day programs of April 22, the Times reported, there has been a marked upturn in activity in cleansing our Nation of the trash that has been heedlessly scattered.

By coincidence, I was in New York Monday morning to address the American Management Association's timely and constructive environmental briefing on what business can contribute to the battle against pollution. The AMA conference is focusing attention on these problems by utilizing the talents and viewpoints of many people with diversified backgrounds. The ecumenical nature of the effort is indicated by the responsible and varied positions occupied by its principal officers. Dr. John N. Dempsey, the conference chairman, is vice president for science and engineering of Honeywell, Inc.; Putney Westerfield, cochairman, is publisher of Fortune magazine; and Phillip Berry, cochairman, is president of the Sierra Club.

From La Guardia Airport into the city and back again I observed the tremendous challenge faced by those responsible for keeping our cities clear of trash and garbage.

In my Earth Day speech at West Virginia University I said:

> I am encouraged by the concern that is expressed daily throughout the Nation. It is likewise gratifying to see the active and leading role being assumed by the academic community—particularly by the students—in informing the public of the nature of the problems and encouraging action on solutions.

Mr. Hill's well-researched article further reenforced my observations on the role of students. In my address Monday I further suggested that the energy and enthusiasm of the millions of American schoolchildren be utilized to keep the country clean. I believe that individual schools could adopt projects, perhaps as extra-curricular activities, to keep their school neighborhoods clean of trash and junk, and prizes might be included as an added incentive.

I have received considerable mail from young people in West Virginia asking how they can help and have suggested similar projects be undertaken in my State.

Mr. President, I have spoken repeatedly of the need for a new awakening among the American people and the adoption of new attitudes if we are to keep our country clean and healthy. The report in the New York Times indicated that this is taking place with already noticeable results.

The magnitude of the problem is still enormous. So that the nature of the challenge we face will be fully understood, I ask unanimous consent that the New York Times article by Gladwin Hill be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 25, 1970]

DRIVE TO CLEAN UP LITTER INTENSIFIES IN MANY AREAS—CONCERNED STIRRED BY EARTH DAY LEADS TO NEW PROJECTS—COST OF COLLECTING TRASH, HALF-BILLION A YEAR, SOARS

(By Gladwin Hill)

Public zeal against littering is on the upswing across the country, but not yet enough so to offset a costly worsening in the scourge of trash.

Solicitude for the environment galvanized by the nationwide observance of Earth Day last April 22, has inspired continuing cleanup projects in many places. It has also made public neatness more fashionable and stimulated stricter enforcement of antilitter ordinances.

But there are still many communities where apathy about "visual pollution" prevails and where officials despair of doing much about it.

Over most of the country, meanwhile, the "hidden tax" of cleaning up after litterbugs is rising steadily, by as much as 10 per cent a year. The annual national bill for carelessly strewn trash is probably upward of $500-million.

Those are some of the principal findings of an examination this month of litter problems in all sections of the nation.

Few people are aware of the cost of litter. Residents of Washington pay about $1.75 a year per capita to retrieve debris dropped on the ground instead of into receptacles.

William Roeder, associate director of the District of Columbia's Bureau of Sanitation Services says: "The District spends $3.5-million a year for street cleaning, and I'd say that better than half of that is for cleaning up litter."

In New York City, where the amount of litter has been increasing at a rate of 5 per cent a year, the annual cost of cleaning the streets amounts to some $9-million, or about $1.12 per capita.

Philadelphia spends some $2-million a year on such avoidable cleanup work—a per capita cost of $1.

And in Lincoln, Neb. (population 155,000) the expense works out to about $1.30 per resident.

The states must also spend money on litter. The National Academy of Sciences reported last year that in one month a typical mile of highway acquired 1,304 pieces of litter—59 per cent of it paper, 16 per cent cans, 6 per cent bottles and jars, 6 per cent plastics, and 13 per cent odd objects ranging from false teeth to refrigerators. Texas, as an example, spends $1.9-million a year to clean up its highways.

WIDE NEW AWARENESS

There are no official estimates of the total costs of picking up litter in the United States. But if municipal and state costs are added together the indicated per capita cost comes to well over $1 for each of the nation's 200 million people.

And added to that is the cost of disposing of the refuse once it is collected, which, according to the Federal Bureau of Solid Waste Management, runs several times the cost of collection.

In the aftermath of Earth Day, widespread new awareness of litter as a problem has become evident. Of 22 states canvassed, growing concern was reported in 14.

Charles Fahey, executive director of the Citizens Committee for a Cleaner Chicago, said that 500 civic groups concerned with litter there had stepped up their activities and were reporting that "young people who paid little attention before are interested and pitching in with important contributions."

Motorists along St. Louis' Lindberg Boulevard in the last few weeks have repeatedly come upon signs saying: "Caution—Students Picking Up Your Trash."

CLEANUP IN ST. LOUIS

On May 9, Mayor Alfonso Cervantes of St. Louis led a parade that was followed by a cleanup attack by 200 students on 110 blocks in the center of the city. On the same day there was a similar cleanup of 230 blocks in downtown Seattle.

A Maine salvage dealer attributed a recent rush of business to newly launched cleanup programs. "People are conscious of the fact of litter and the whole environment," Jack Silver of Portland said.

In San Mateo, Calif., the Sierra Club chapter has been sponsoring weekend cleanups of the beaches from San Francisco to Santa Cruz. Nearby San Leandro dispatches a city recreation director in a truck with groups of high school students on Saturdays to do similar work.

"The younger generation is spreading the consciousness of this," Robert Besant of the San Mateo Public Works Department commented. "There is less littering. The budget hasn't increased—it's just that the public is helping."

Near Tallahassee, Fla., state university students zeroed in on a cluttered cottage area called Alligator Point and touched off a communitywide cleanup effort. A resident said: "There's no adequate way to thank these students. Their help and enthusiasm are entirely responsible for evoking such tremendous community spirit."

SOME EFFORTS SPECTACULAR

"I think the kids realize the world is going to be left to them," said Allen Morgan, executive vice president of the Massachusetts Audubon Society.

Some of the zeal is spectacular. Before and since Earth Day, Mrs. Walter Craig of Philadelphia has had 350,000 citizens mobilized to keep 3,000 city blocks clean.

At Andersonville, a heavily Scandinavian suburb of Chicago, Chamber of Commerce activitists pace the streets at 10 o'clock every morning ringing bells as a signal to merchants to clean their sidewalks and gutters.

Some segments of business and industry have taken up the cause with vigor.

In North Dakota, the Auto-Dine drive-in concern this month paid $1,000 and 47,808 hamburgers in bounties to people in several cities who collected 682,000 beverage cans from roadsides.

The First Agricultural National Bank of Pittsfield, Mass., staged a week-long bottles-and-cans salvage campaign, offering children

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up to 18 years old one cent a piece for old beverage containers. Some 1,180,000 were brought in, for a payoff of $11,843—four times the expected response.

BOUNTY DRIVE IN OREGON

In Oregon, the Plaid Pantry Stores staged a similar drive with a half-cent bounty, expecting about 40,000 turn-ins a week. But in less than three weeks, 3.5 million containers were turned in, and the campaign had to be suspended, having cost the company $18,000 in bounties and $6,000 in promotion.

"We're still spending money advertising and we'll buy them back again if we have to," said John Piacentini, the company president. "But we hope to educate the public."

The State of Maine attributes a $29,000 decrease last year in its cost of cleaning 1,200 miles of state roadsides to a growing public conscience about litter.

But in other places a different picture emerges.

"The youth of today is a real menace," remarked David Damiano, Philadelphia's street sanitation engineer, referring to youngsters' propensity for scattering food containers.

Adults do not come off any easier, Leo Scherer, Mayoral assistant in Lincoln, Nebr., commented: "People are complaining but they're still throwing stuff around like they always have."

"We're really going after litter, but it's a never-ending job," New Orleans' sanitation director, John Casserino said. "Some people will litter just as regularly as they breathe."

'NOT GLAMOROUS ENOUGH'

"Litter is a problem, but it's not a glamorous enough problem to stimulate an all-out effort," said Larry Menchofer, chairman of Dayton's City Beautiful Committee in Ohio.

And Ralph Hulsey, superintendent of Atlanta's sanitation department, said: "Frankly, I can't see that Earth Day has left much of an impression. We have new containers at the bus stops and people still throw stuff on the ground. There just doesn't seem to be much concern on the part of the general public."

In Milwaukee, County Supervisor Fred Tabak, trying to sustain the Earth Day spirit, announced an antilitter rally at the Civic Center for May 2. Only 10 persons showed up—two supervisors, four high school students and four newspapermen.

And in Brookline, Mass., 2,300 high school students who had been all-out for Earth Day had to be warned this month that they would lose recess time if they did not stop littering school grounds.

"I think the antiwar demonstrations of the last couple of weeks have taken some of the impetus out of the antipollution campaign," James Spensley, one of the Earth Day organizers, said in Washington. "If Nixon gets the troops out of Cambodia in the next six weeks, maybe there will be a surge back to the problems of ecology."

PROBLEM CALLED PHILOSOPHICAL

A colleague, Steven Cotton, suggested the problem was philosophical. "Litter campaigns have only marginal success," he said. "People who want action against pollution are working with lawsuits and investigating corporations."

The nadir in public concern about refuse may well be in Kansas City, Mo., a metropolis of 555,000 that collects residents' garbage but still has no municipal trash collection.

In the last eight months, citizens have rejected both a proposed $2.50-a-month collection service and sales and payroll tax increases that would have financed the service "invisibly."

"We've had a tremendous increase in roadside dumping, even by the truckloads," said Myron Calkins, city public works director.

Less parsimonious residents of Cincinnati on May 5 voted an increase in the payroll tax from 1 percent to 1.7 per cent, which will permit the city to rehire 81 street maintenance workers, including litter-chasers, who had been laid off.

The cost of such work is constantly rising in most places. Maine's state highway cleaning bill has grown from $87,510 in 1962 to $220,420 last year. Massachusetts will spend $750,000 this year to pick up litter on 9,000 miles of state highways, 10 per cent more than last year.

LAWS HARD TO ENFORCE

The reason for such increases is illustrated by the situation in Atlanta, where the cost of freeway cleanup alone has grown from $104,000 in 1959 to $500,000. Eleven years ago, 14,600 cubic yards of litter was picked up; last year the figure was 20,800 cubic yards.

Most communities have anti-litter ordinances, generally providing for fines in the $25-to-$100 range, but they are difficult to enforce.

"The enforcing agent has to see the violation," Grover Green, Texas highway engineer, explained. "Officers won't arrest people because they think the penalty is too high," Loring Lovell, a Florida conservationist, said.

John Sutthoff, Cincinnati highway maintenance superintendent, commented that judges and juries needed to be convinced of the importance of littering so there would be more application of the city's $100 fine.

But sanctions have been tightening. A number of localities recently have increased the statutory fine. Delaware raised its maximum littering penalty this year from $50 to $250. Maine endowed all law-enforcement officers with authority to arrest litterbugs.

Along the Allagash, a rare "wild river" in Maine, state park rangers' arrests to littering have risen from 176 in 1965 to nearly 400 last year. Chicago officers last year handed out 70,000 warning tickets and 11,000 summonses for littering, mostly to business establishments.

FIVE CASES IN ONE WEEK

"Until last year, prosecutions were almost nonexistent, but in one week in April, we had five cases," Joseph Wine, a Dayton official, said. "The prosecution used to argue us out of pressing cases. But the public has been raising hell about ineffective waste collection, and he doesn't do that anymore."

Wide regional variations in the salvage market indicate the extent of the problem of establishing systematic recycling of materials. In Portland, Me., a scrap dealer, Jack Silver, said: "The price of metal is sky high at the moment—up from one-half cent a pound to one and a half cents just in the last six months. Everybody's bringing it in as fast as they can."

Yet in Washington another scrap dealer, Gilbert Freedman, lamented: "With inflation, the first thing that always goes down is secondary [junk] metals. People have the scrap, but they're saving it."

Although conservationists have been crusading against nonreturnable bottles and cans, redeemability does not appear to be a major factor in littering.

A recent check by the Florida Department of Highways showed that over 90 per cent of bottles picked up were returnable. And Dallas and Cincinnati, two cities where major bottling companies' business is still up to 90 per cent in returnable, do not feel they are any better off than places where disposable containers are big sellers.

A major cause of litter are food containers and accessories like napkins, and some officials think the recent craze of franchise fast-food take-out establishments has aggravated the problem.

HIGH IN "VISIBILITY"

Although all packaging constitutes only about 15 per cent of the nation's total urban solid waste, container makers are uncomfortable because of their high "visibility factor."

One answer has been a proliferation of used-container bounty campaigns (usually at one-half cent). An aluminum can recovery program pioneered by the Reynolds Metal Company several years ago has extended to other metal manufacturers and individual beverage companies. The Glass Container Manufacturers Institute has just started a pilot project in Los Angeles of paying a half-cent bounty on any sort of bottle or jar.

This sort of salvage costs the manufacturers money, but only a small amount compared to their outlays for advertising and public relations—or compared to the potential cost of restrictive and punitive legislation that they have been fighting off for years.

Two lines of defensive strategy are evident at the moment. One is community goodwill efforts. Thus the $40,000 budget of Stop Oregon Litter and Vandalism is financed one-third by the container industry, with the rest coming from other industries and conservation groups.

The other strategy is in legislatures, where countless attempts at restrictive container legislation have failed, usually in committee.

Currently, two gambits can be observed in various legislatures. One is to get any legislation deferred pending a year or more's 'study' of the problem. The other is an industry-sponsored "model litter law"—under consideration in the State of Washington among other places—that sets small fines and emphasizes such things as compulsory litter bags in vehicles, antilitter messages on products, and more trash receptacles along highways.

However, many observers feel that the only ultimate answer is the development of a public conscience about littering. The president of California's Luck Lager Brewing Company, Peter Widdrington, says "Preventing litter is to a large extent a matter of talking—of selling a very simple idea to a great number of people."

That idea, of course, is simply that if people put refuse where it belongs instead of strewing it around, everything would look nicer and there wouldn't be the effort and expense of picking it up.

AN OPEN LETTER TO THE "END THE WAR" COMMITTEE

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. LANGEN. Mr. Speaker, in sending the American troops into Cambodia, the President may or may not have realized to what extent he was opening a Pandora's Box of controversy.

Nevertheless, the President's decision was taken as a challenge by some and became a rallying point for the many discordant forces and elements who wished to prove the Chief Executive wrong.

And so more demonstrations, more American flag burning, more marches on Washington, more pamphleteering, more handwringing, more political speechmaking, more choosing and dividing the electorate, more prognosticating—x percent of the American people oppose this or that.

The press is convinced of the President's folly, the students have been made suspicious of the establishment, and before national television, a group of Washington solons made a dramatic appeal for public support for an "amendment

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to end the war." Viewer comments were solicited.

Undoubtedly public support was envisioned—after all who could possibly be for war? But for the sake of balance, let those concerned be apprised that their views do not enjoy universal public esteem.

I submit here a letter from a constituent which is most thoughtful and deserving of attention—could it be that the liberals do not have a monopoly on truth and morality?

The letter follows:

MAY 16, 1970.

AMENDMENT TO END THE WAR COMMITTEE,
Washington, D.C.

Gentlemen: What more fitting day, or time, than Armed Forces Day (when our right has been denied, by "traitors" threatening violence, to honor our servicemen at our Grand Forks Air Base and members of the R.O.T.C. at the University of North Dakota) to respond to your nationally televised "politically gracious" invitation to the public to express their opinions (pro or con) of your presentation—but more specifically, a "dramatic" appeal (by means of signed petitions and financial contributions) for sympathy in your plea for support of your attempt to "betray" our servicemen serving to defend us, and the rest of the free world, from Communist trespasses. We have been among the "Silent Majority," lacking the courage or whatever it takes, to say or do anything about what so many of us are thinking. WE ARE NO LONGER SILENT!

The networks made it clear that the program was a paid presentation (on prime time). During your discussions, one of the "snow jobs" was comparing the "cost of the war" to the "needs of the poor," and yet you are not ashamed to ask the public for contributions to help pay the $75,000 program cost! What hypocrisy! Said Senator Hughes, "The President of the United States rightfully can command all media to bring a message to the people . . . ." It appears you feel that you should be given the same privilege, and that you have the right to assume "self-appointed" roles as "Commanders-In-Chief."

The "infiltrated" television media, through news commentator's interviews, guest programs (which often pay celebrity guests for appearing), and panel discussion programs all provide the opportunity to those who want to bring their message to the people. When one network hands over one full hour to riot-instigator Abbie Hoffman and gives infamous Jerry Rubin time to push his venomous propaganda into the nation's homes three days in one week; the writers for the most popular guest program of another network shove their "down-grade America" pitch into our homes; and a so-called "educational television" network ridicules the United States and our military, and attempts to white-wash Castro's Red dictatorship in Cuba, the remark by Senator Hughes is another example of the ludicrous methods used in "dirty politics."

A member of the former administration, immediately upon the completion of his term in office, began attacking every move and decision of the new administration, and condemned Mr. Nixon's Cambodia policy in ending "Johnson's War" (not "Nixon's War") as "atrocious"! Yet, not over three weeks later (apparently conveniently forgetting he is no longer a member of any administration, but still wanting to be a part of the Washington scene) returns from a short trip abroad and recommends that we intervene in the Arab-Israeli confrontation by selling aircraft and equipment to Israel. One minute we are told that we should keep our nose out of other countries' problems, and the next minute the exact opposite. Hypocrisy!

Quoting Senator McGovern, "This is not a . . . Congress resolution, it is not a debater's point. It is an act of law, which if carried, will put an end to this war in a systematic way". The "Whip Mansfield" has said that debate to cut off funds will be followed by action to repeal the 1964 Gulf of Tonkin resolution, used by Mr. Johnson to send masses of U.S. armed forces into Southeast Asia. May I ask, gentlemen, why these actions were not taken before Inaugeration Day 1969? Why did the revolutionists decide to wait until this same day to become concerned about a war that the new administration "inherited"?

Rep. George Brown of California said he has instructed his staff to examine the legal grounds for possible impeachment proceedings against President Nixon because of the President's action in sending American troops into Cambodia without "authorization from Congress". May I ask again, is Congress willing to share the responsibility in the "Bay of Pigs Incident"? Is it also willing to share the responsibility when Mr. Johnson sent our forces into Southeast Asia? People should keep their own closets clean before criticizing the closets of others! The "save face" tactic was used on your program as a "political hammer"! Who is really trying to save face? The transference of guilt is just another symptom in the syndrome characterizing the crippling disease of anarchy sweeping our nation in epidemic proportions.

I must admit you were all superb "actors" and, although Governor Reagan is much more talented, and has had much more experience, the "acting profession" can no longer be used as a "political facetious jab" against the few former acting professionals who are now in the political arena. I might add that Governor Reagan has proven himself a credit to the state of California and the nation. Your heart-rendering presentation, I am sure, soothed and gave much comfort to the "subversive elements" infiltrating every segment of our society.

These destructive, law-breaking instigators of violence can say and do anything they desire by abusing America's four "freedom" leniencies and are immune from any responsibility or punishment. Their choice of words, usage and connotation in verbal, written and pornographic form, is supposed to be condoned by the public. When our former president, "Dear Ol' Harry", wished to express himself with his profound vocabulary of profanity, it was simply overlooked as "humorous". Yet, when Mr. Agnew or Mr. Nixon "tell it like it is", without resorting to vulgarity or profanity, they are censored and condemned. The hypocrisy of the double standard! From the moment the oath of office was administered these two gentlemen have been crucified, and are being "Damned if they do" and "Damned if they don't"!

The professional revolutionists who are so actively recruiting followers on our college and university campuses, and elsewhere, deliberately creating situations for violence and destruction (then conveniently protecting themselves by getting out) and exploiting their results at the expense of the innocent; the drug pushers and users; the pro-Red professors who are polluting the minds of our gullible and easily-led youth with propaganda and encouraging and yes, even forcing, students who want classroom education, to participate in revolutionary movements (with either promises of immunity to punishment or threats of failing grades—it happened right here at U.N.D. last week); the permissive attitude of many parents who provide the money for tuition (and very often luxuries) but aren't interested enough to find out if their child is attending class, or is getting classroom education for which they have paid; the permissiveness of the administrative officials of our state-supported colleges and universities—(the President of U.N.D. felt he was being honorable on this day by calling a Grand Forks patriotic, fraternal, nationally respected organization and asking them *not to fly our American flag* because it might "stir up trouble"! I am happy to say that his request was denied by a former serviceman who held the rank of Major); immorality and the tied hands of the law officials, are all ingredients of ammunition just as capable as a bullet of killing and maiming, both physically and mentally, our youth on our own doorsteps. I have never heard a reporter, or commentator, ask an extremist, a revolutionist, radical or Hippy if he would be willing to defend the United States if we were attacked by the very enemy of our democracy whom they are supporting. I wonder who they would blame if, God forbid, this ever became a reality? Perhaps it would be the very ones who find it easier to "appease" now and given free rein to another Castro to secure sanctuary on American soil. Is it any wonder the Kremlin was so intensely interested in the 1968 election?

The Communist declaration that our nation could, and would, be over-thrown without firing a shot is becoming an imminent threat. I know that you are all familiar with the Communist Rules For Revolution, a copy of which was obtained by the Allied occupation forces in Germany in 1919. There are some Americans who are not familiar with this document, but I am sure you also know that there are many, former servicemen and others, like us (whose fathers, sons, husbands, brothers and loved ones served, defended and gave their lives for their country overseas in Korea and both World Wars), who are familiar with its existence, and which after 50 years, is still in effect. If these rules, and the present conditions in our society are coincidental, they are all too compatible for comfort, unconcern or apathy:

A.—Corrupt the young; get them interested in sex, make them superficial. Destroy their ruggedness.

B.—Get control of all means of publicity, thereby getting the peoples' minds off their government by focusing their attention on athletics, sexy books and plays and other trivialities.

C.—Divide the people into hostile groups by constantly harping on controversial matters of no importance.

D.—Destroy the peoples' faith in their leaders by holding them up to contempt and ridicule.

E.—Always preach true democracy, but seize power as fast and as ruthlessly as possible.

F.—By encouraging government extravagance, destroy its credit, produce fear of inflation and rising prices with general discontent.

G.—Promote unnecessary strikes in vital industries, encourage civil disorders and foster a lenient and soft attitude on the part of government toward disorders.

H.—By specious argument, cause breakdown of the moral fiber, honesty, sobriety, continence and faith in the pledged word.

I.—Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless.

It is an historical fact that there are so-called patriotic Americans who, for their own selfish and political motives, believe that wars bring prosperity and financial stability. The majority of the American public have nothing to gain by this premise, but a lot to lose. No one, except the above mentioned, wants war! We all want this undeclared war stopped and our loved ones home, but not at the risk of assisting the Communists wage an unprecedented "mass slaughter" for which they have been preparing under the protection of safe sanctuaries for much too long. You are asking the public to support cutting off funds to stop the war (using our men as cannon fodder), but here again, do not hesi-

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tate to ask these same people to help pick up a $75,000 tab for your own "political motives." What an insult to the human intelligence of the American people and voters from whom you expect to get political support.

My family does not believe that "patriotism" is a dirty word and we are proud to display our flag every day. When we stand facing our flag to sing, or listen to our National Anthem, and give the Pledge of Allegiance, we are not just saluting or honoring a colorful red, white and blue piece of fabric! Just let anyone try to deny us this honor and right in our public schools and in public! The defamation of our flag was witnessed this past week during a demonstration in front of the Grand Forks Court House when a young man used the flag as a "rag" to wipe his dirty face and hair. To use our flag in such a manner to express dissent is nothing short of treason. If the police had attempted to assume their responsibility in enforcing the laws governing such actions they too would have been the victims of crucifixion. Benefits have been held to raise money to protect such extremist groups as the Black Panthers but no such benefits are held for policemen who have been killed or injured while performing their duty.

We do not condone extremists, either Left or Right, and rioting and revolutionary students do not make up the majority of our population, but we do resent their destroying what the majority does hold dear! We are the parents of a 16 year old son who is a potential, academically qualified, college student and draftee. We are proud to say he has not been influenced by anyone to follow the current fads just "to be in," and is not considered a "square" or a "loner" just because he happens to believe that neatness, respect, courtesy, common sense, good judgment, hard work, patriotism and "keeping the lines of communication open" are false virtues of "the establishment." However, we must admit that we feel fortunate that he is not now a part of the present college scene, not because he could be "swayed" by the radicals from "within" and "without" the Halls of Ivy, but because he feels as we do, that we, as parents, with his financial help, should not have to make sacrifices in order to provide tuition for an education in institutions where the privilege is being denied those who are sincere in their aims and efforts. The revolutionists are proving all too well that "education is not always on speaking terms with intelligence." Under these conditions, he has expressed the desire to attend a vocational or trade school which will prepare him in the field of his choosing and also for the future as a responsible citizen. If he is ever drafted we will be proud that he feels he has an obligation to defend the country which has been good to him He also agrees with us that the public has had their fill of these traitors and that this intimidation, violence and destruction must be put to an end.

A Grand Forks serviceman, who returned from De Nang in March, feels that the following bit of prose (author unknown) sums up his feelings, and those of many of his comrades, about the situation in this country and Vietnam:

"MY GOD, HOW CAN IT BE?

"That one boy lies rotting from malnutrition and torture in a jungle prison camp in North Vietnam and another boy spits and tramples on the flag of this country on the steps of learning.

"That one man lies sightless in a U.S. naval hospital from communist inflicted wounds—and another man uses a communist flag to drape himself in defiance of the laws of his country.

"That one man of medicine begins his 30th straight hour of standing over an operating table in pursuit of life for men serving this country—and another man of medicine encourages young men to refuse to serve their country.

"That one Negro holds the face of his dead comrade in his arms and cries pitifully in a dirty mudhole in Vietnam—another Negro screams with hate against his white brother on the streets of countless American cities.

"That one boy lies in a coffin beneath the ground because he believes in duty to his country—and another boy lies on a dingy cot giving blood to the enemies of his country.

"That one man of God shields a wounded boy from an enemy bayonet with his body and dies—and another man of God uses his cloth as a shield to preach hate, dissension and lawlessness.

"My God, how can it be?"

Perhaps your plan of action should be added to the above—"My God, How Can It Be?"

Mr. Nixon's integrity, dignity and honesty will outweigh any "political ambitions for glory and credit" by those who are looking ahead to 1972.

PRESIDENT NIXON'S COURAGEOUS DECISION

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, May 25, 1970

Mr. GRIFFIN. Mr. President, recently I delivered an address in Detroit setting forth my reasons for supporting President Nixon's decision to clean out Communist sanctuaries near the Cambodia border. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY U.S. SENATOR ROBERT P. GRIFFIN BEFORE THE ENGINEERING SOCIETY OF DETROIT

Mr. Chairman, ladies and gentlemen. Recently, a major newspaper in Michigan ran an editorial entitled: "Senator Griffin Lets Us Down."

The editorial sharply criticized me for supporting President Nixon's difficult and courageous decision to send troops across the Cambodia border to clean out Communist sanctuaries that have been a menacing threat to the shrinking number of U.S. troops in South Vietnam.

Needless to say, members of the press are always free to criticize me—and they frequently do.

In this particular instance the basis of criticism points up a fundamental difference in viewpoint—a difference that deserves some analysis and comment.

First of all, I realize full well that, politically speaking, I could have been more popular with the press—and perhaps with the voters—if I had joined in the chorus of denunciation being led by some of my Senate colleagues.

But in good conscience I could not do so. I am convinced that I really would have let my constituents down if I had taken any course other than the one I chose.

With a tone of ridicule, that recent editorial referred to a newsletter I had written several years ago, and quoted this paragraph:

"In South Vietnam the free world is confronted with a naked Communist effort to conquer and control 15 million people by terror and force. One lesson of history ought to be clear: when an aggressor is allowed to succeed by such methods, he is only encouraged to try again."

That paragraph was quoted out of context. But even so, I believe it states a common-sense truism which has been demonstrated by current and past experience. And I stand by it. Indeed, I am frightened today—not so much by the growing threat of Communist power itself, as I am by the naive refusal of so many Americans to recognize it, and by the eagerness of so many to "cop out" and surrender—without any regard for the ultimate meaning and consequences of that action.

It disturbs me deeply that unless there is more support at home for our President in a situation such as the one that confronts us now, the Communists may yet win—in the United States—a war they have been unable to win in South Vietnam. If that should happen, it would have disastrous consequences for the free world and the ability of the United States to provide leadership for it.

Shortly before he spoke to the nation on television the evening of April 30, President Nixon briefed his Cabinet and Congressional leaders on the background and reasons for his historic decision.

Having been there in the White House for that briefing, I can say that no one realized more than President Nixon what the political risks *were* as he was about to speak to the nation.

I recall a particular point he made in that regard. He said one learns a great deal by winning elections—but oftentimes one learns even more when he loses. Having lost a few, the President was very conscious of the political stakes involved.

I recall a very personal reference by the President that evening as he visited with us just before going on the air.

He told of an incident, during the 1968 Presidential campaign, when a young girl asked if he couldn't do something about that face of his . . . because she said it didn't come through very well on television.

Candidate Nixon replied that he wished he could do something about it, but his face was a fact of his life and he would have to accept it.

That evening he had to face some facts as they actually were in Indochina and elsewhere in the world—and not as he or we might like them to be.

As Commander in Chief he gave an order for U.S. troops, in conjunction with the armed forces of South Vietnam, to clean out a string of major Communist sanctuaries near the Cambodian-Vietnam border.

This evening I wish to provide a further report concerning the reasons for and the meaning of that decision.

I do so, on the basis of regular military briefings and after a number of recent meetings with the President and Cabinet officers, including a recent two-hour session at the White House with all members of the Foreign Affairs and Foreign Relations Committees of the House and Senate.

Over and over again in the past few weeks, I have heard news reporters and commentators speak of the U.S. "invasion" of Cambodia. Recently, one member of Congress even went so far as to describe the sanctuary operation as a U.S. "attack on Cambodia."

Such careless language not only provides valuable propaganda for the enemy but it is very irresponsible. The difference is not just semantic. The U.S. is not attacking the Cambodian government or its armed forces. We are not moving on or against territory occupied or controlled by Cambodians.

The operations are not directed against Cambodia or any territory it occupies—our forces are hitting sanctuaries located on geography that has been occupied and controlled for years by Communist North Vietnam and Viet Cong forces—occupied and controlled in direct violation of the 1954 Geneva Accords to which North Vietnam was a signatory. Indeed, one of the main reasons this war has dragged on so interminably is that the enemy has been able to

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strike out at allied troops from those sanctuaries and then step back over a boundary line to safety.

Although it has filed a formal protest as evidence of determination to remain neutral, the Cambodian government is not unhappy about our action, and is *not* concerned about our intentions. Cambodians know, the critics here at home know, and even the Communists know that we are not "invading" or "attacking" Cambodia, and that we have no designs on Cambodian territory.

I believe it is important to say more about the precise nature and limited scope of the military operation against those enemy sanctuaries.

As I recently said on *Face the Nation,* and repeat here this evening, there is no plan or intention to send American troops to defend Phnom Penh or the rest of Cambodia in response to any request by Cambodia for military assistance. Whatever assistance we do provide Cambodia will be limited and American troops will not be included.

It is important to realize and recognize, then, that the action announced by the President was taken, not in response to Cambodia's request for military assistance, but rather in response to a growing threat which endangered our own troops in South Vietnam.

Of course, I do not mean to suggest that no benefit whatever accrues to the new government of Cambodia. Without doubt, this military operation will help to relieve the Communist pressure which has been building up against the Cambodian capital. It should buy some time for the weak 35,000 man Cambodian army to get better organized, better trained and better equipped. But that is a side effect—an important, indirect benefit—that also results from our action.

The real purpose of the operation is to save American lives, to buy time for the Vietnamization program and to make it possible for another 150,000 American troops to come home during the next eleven months *on schedule*. And I'm confident most Americans are for that.

Those who have been blindly generating opposition and deep devision here at home are making it more difficult to protect the very Americans we want to bring home. Although all critics do not use the rhetoric, it is obvious that some of them advocate—and would be satisfied with *nothing less* than—abject surrender and a Dunkirk-type evacuation without regard for the meaning or consequences.

President Nixon will not take that course. And for the sake and future of the free world, it is essential that Congress and the people support him in that fundamental decision. We are moving our troops out on an orderly schedule as the Vietnamization program progresses—on a basis that will allow the South Vietnamese people at least a chance to have a government of their choice.

Just *how limited is* the present U.S. military operation inside Cambodia? The answer is: it *is very* limited.

It is limited *geographically*. President Nixon has said flatly that our troops will focus only on the enemy sanctuaries and will go *no farther* than 21 miles from the border.

The operation is limited as to *time*. Because the monsoon season is about to begin, we are in a race with the rain. The President has said categorically that all U.S. troops will be out by the end of June. Several thousand are already out—more are leaving—most will be out by the middle of June—all will be out by before July 1.

The operation is *limited as to its objective*. There was no expectation that a vast number of the enemy would be killed. Nevertheless thousands have been killed so far. The primary objective is to find and destroy equipment and facilities including communications and headquarters bases.

The allied forces are capturing hundreds of tons of rice, thousands of trucks and vehicles, as well as all kinds of other supplies and equipment.

And in addition, they are capturing huge stores of rifles, millions of rounds of ammunition and thousands of rockets and mortars—all of which would have been available to aim at American troops in South Vietnam if this action had not been taken.

Once the rains come and our forces are out of Cambodia, the weather will effectively hamper the enemy until November when the rainy season will be over. Thereafter, particularly if they do not have access through the port of Sihanoukville, it will take the Communists months to move such equipment and supplies again over the Ho Chi Minh trail to restock and effectively reestablish their base camps.

It is estimated that this operation will set enemy plans back 10 months or a year. This is very valuable time which enables ARVN forces in South Vietnam to continue their impressive progress—to be ready and able to take over as we continue to pull our troops out.

However, there is no absolute guarantee that this time will be enough to enable Cambodia to save itself. Surely, the action will help immeasurably.

So far as Cambodia is concerned, I believe the real meaning of the Nixon doctrine, as I understand it, is now being tested; that fact will become more and more apparent. If Cambodia needs additional ground troops in order to save itself, those ground troops will have to come from other nations in that part of the world—other nations whose freedom is directly at stake.

Consistent with the Nixon Doctrine, as I said on Face the Nation, the U.S. may help Cambodia with limited military and economic assistance in conjunction with other actions—but there will be no massive military aid program and I am convinced that this President has no intention of allowing American troops to become bogged down in Cambodia.

Some have said that President Nixon is expanding the war. Exactly the opposite is true. It is obvious that the Communists have broadened their attacks and objectives to include all of Indo China.

But President Nixon took the action he did precisely because he wants to limit—and not expand—our participation in that war. He is protecting American troops in South Vietnam so he can get them out on schedule.

And, in the process, other nations in that part of the world—nations that could be the next Domino victims—are getting a clear message that it is time for them to come to the aid of their own countries.

In that regard, a very significant conference of free Asian nations has been called in Jakharta. This can be a very meaningful sign.

As I see it, a large part of our problem here at home is that some will not listen, and others, if they do listen, simply refuse to believe the President of the United States. This is not only unfair; it is very dangerous.

If our own people at home do not believe that the President means what he says, how can we expect the enemy to take him at his word?

And yet, the credibility of the President of the United States is absolutely essential to the prospects for peace.

When the Soviets and the Communist world are convinced that we say what we mean—and mean what we say—there can be hope for a peaceful accommodation. But if and when they doubt and miscalculate our real intentions, we can be in real trouble—not just in Southeast Asia—but in the Middle East and around the world.

President Nixon did not get us into this war. It was a fact of national life that existed when he took the oath of office. Since then he has devoted the major portion of all his time and effort to the objective of getting us out of that war.

He has been truthful and candid with the American people. He has communicated his decisions and actions at every important step of the way.

Instead of what we are witnessing, I believe the President is entitled a large measure of good faith support. He has earned the right to be believed—at least up to this point in his efforts and performance directed toward extricating us from this war.

If anything, I can tell you frankly that this Administration has underplayed and has toned down optimism in reports of progress, particularly with respect to the Vietnamization program.

In terms of cleaning out the Viet Cong infra-structure, land reform, improvements in agriculture, and in a number of other ways, the progress has been dramatic and very impressive.

This President has been very careful not to make promises on which he could not deliver. He has not been sending more and more American troops to Vietnam—he HAS been bringing them home—and what he asks for now is the chance to continue doing so.

I hate to say it, but I have no doubt that some of President Nixon's critics are deliberately playing politics with the war. They are determined to undermine and destroy this President, politically, no matter what the cost on the other hand, I am equally convinced that the overwhelming majority of those who criticise the President are not deliberately playing politics; but they are unfairly judging this President. They are judging him, not on the basis of his own performance in office so far—but on the basis of the track record of his predecessor in the White House.

It is unfortunate, but still it is a fact, that the Communists do not understand weakness—they only respect strength. If, in the past, the enemy had misinterpreted our Vietnamization and withdrawal programs as a sign of weakness, the President's latest move should serve to correct any miscalculation that may have creeped into Communist thinking.

I believe the President's action should serve to reinforce American credibility abroad. But obviously, it is difficult to reinforce credibility abroad if it is destroyed by our own people here at home.

Needless to say, the Soviets have given us cause for serious concern with the revelation that their pilots are actually flying operational missions for Egypt. This disturbing and provocative action points up the depths of the Soviet Union's involvement in the Middle East.

Make no mistake about it. The implications and importance of President Nixon's decision reach far beyond Southeast Asia—they reach into the Middle East and throughout the world.

During the past five years the United States has maintained a relatively static posture so far as strategic arms are concerned. But in the same five years, the Soviets have increased the number of their land-based ICBMs from 200 to more than 1200. We have just over 1000.

The Soviets are rapidly narrowing the American advantage in submarine missiles. They are testing a MIRV system for their SS-9 missiles, and the megatonnage of their warheads is far larger than ours.

The Soviet strategic arms strength is rapidly approaching our strength in some areas—and has already passed ours in other areas.

But far more important than our physical inventory of weapons at any particular time is our resolve as a people and a nation.

So long as the Soviets and the Communist world are convinced that as a people we do have that resolve—and that we do have firm leadership—then there can be realistic hope that we will not have to use those weapons.

It is unfortunate is some respects but nevertheless history teaches the lesson that we have a far better chance of avoiding war when we are prepared to go to war.

But, all the weaponry and all the missiles imaginable will not save a people if they are not willing to stand up and be counted in moments of crisis.

President Nixon needs support. Unless you, the American people, and we in the Congress, support him, his efforts to end the war in Southeast Asia, his efforts to negotiate successfully at the SALT talks in Vienna, and his efforts to keep a threatening situation in the Middle East from exploding—will be undermined and severely damaged.

These are times that call for the judgment, wisdom, and courage of a Winston Churchill. Fortunately, we have a Churchill leading our Nation—and he deserves our support.

We might like to live in Camelot—but we do not.

It might be nice if the USA were a third-rate or fourth-rate power. But we are *not* a third-rate or fourth-rate power; we are the world's leading free nation, and we do have awesome burdens to bear at home and abroad.

We cannot turn our back on the world. We cannot stick our head in the sand.

So, I am supporting our President at this critical hour in our history. Obviously, it is not an easy decision in some respects for the Republican Senator from Michigan.

Some of my Republican friends and supporters have been very critical of the President—and very critical of me for supporting him.

They say the President may be right—but they are concerned that the political damage will be devastating.

Perhaps that is true—although, frankly, it is very early to make such an assessment. But in any event—this is a moment of truth, as I see it, for those who are active in party affairs. It is a time to ask ourselves: Why are we involved in politics anyway?

Is it merely to elect politicians who can gauge the political winds and maneuver adeptly without principle to maintain themselves in office? Or are we involved in politics to elect public officials who can rise to statesmanship when the nation's interests call for it?

I believe that the nation's future really does hang in the balance. As far as I'm concerned, under such circumstances, I'll take my chances on the next election—rather than on the future of our nation.

Thank you very much.

WET IS NOT ENOUGH

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. BURTON of Utah. Mr. Speaker, in view of the acute need for accurate scientific information to utilize in our attack on the causes of our environmental crisis, the following article written by Lois M. Cox, science writer for the Utah Agricultural Experiment Station and Division of University Research is of timely interest. It describes the work of scientists at Utah State University involving two projects which carry great ecological significance, and I believe my colleagues will find the information contained in the article valuable:

WET IS NOT ENOUGH

(By Lois M. Cox)

We had to see most of our major lakes and rivers either clogged with sewage-fed algae or scoured of life by chemical pollutants—but now we know. Access to ample clean water is not a God-given right.

To support life, we need pure, "healthy" water—water that is more than just wet. But that kind of water is not going to be available simply because we *need* it. We will have enough good quality water only if we learn to reverse present trends. And that difficult goal is not likely to be achieved until we understand the ecology of water—wherever and however it occurs.

RESEARCH AS A TOOL

Scientists at USU have been doing research on water ever since the school was founded. Beginning with an emphasis on irrigation technology, the program has grown to include such topics as weather modification and statewide water management criteria.

Within the past 3 years, USU's water research program has incorporated two projects that have special ecological significance. One is being carried out on Amchitka Island in the Aleutians. The other is based in Logan. Both are producing results useful to people in and out of Utah who recognize the immensity of our evolving water problems.

WHY AMCHITKA?

Amchitka is one of the Aleutian Islands off the coast of Alaska that have been designated as a wildlife refuge. Amchitka itself was further designated by the Atomic Energy Commission as suitable for testing nuclear explosions.

The AEC's use of the island in 1965 was severely criticized because lack of preliminary evaluations made it impossible to adequately determine the effects of the nuclear blast on the island's ecology. Spurred by the criticism, the AEC decided to sponsor before and after studies in conjunction with their next detonation.

Two USU scientists were assigned to the responsibility for defining the freshwater vertebrate and invertebrate ecology of the island. In 1967 they began to establish basic baseline data about freshwater ecology as it then existed on Amchitka. The natural state of the island had already been changed by construction activity, human habitation, waste disposal, etc., so the original ecology could not be defined. But by cataloguing the 1967 situation, they hoped to be able to identify any specific effects of the next blast.

By the time of the October 2, 1969, one-megaton, underground detonation, the USU scientists, along with others from other institutions, had developed a satisfactory description of the area's total ecology. Within that total, the freshwater lakes and streams were found to have an ecology quite similar in type to that of waters in high mountain areas in the western states. The main difference is that the Amchitka ecology is much less complex and therefore easier to study.

Instead of dozens of fish species, Amchitka streams and lakes are populated primarily by only two. The Dolly Varden resembles a brook trout, and the three-spined stickleback occupies about the same position in the Amchitka food chain as the minnow does in Utah streams. The invertebrate and plant population are equally limited.

But despite the overt simplicity of the system, the USU scientists rather quickly found themselves with an intriguing mystery. Some of the Dolly Varden migrate to the ocean—precisely what determines which ones stay home is still unknown. It is also unknown whether the same fish make the trip each year. What *is* known is that a Dolly Varden that spends its entire life in an Amchitka lake or stream will be only about 7 inches long at 5 or 6 years of age. One that has gone to sea may measure 18 inches or more at the same age.

If detailed descriptions of the Amchitka area can be recorded over several years, they could provide insights into the likely effects of human activity on the ecology of our western, high-mountain streams and lakes. Eventually, the scientists hope to convert their data into equations that can be used to predict ecological events. For example, how much camping "use" can a high-country meadow absorb without deteriorating into a less attractive plant-animal ecosystem?

The Amchitka studies may also provide valid bases for predicting ecological effects if nuclear explosions are used to gain access to stores of natural gas. Nuclear force is being considered as a tool in extracting oil from oil shale. The Amchitka results should allow us to pre-evaluate probable side effects in such cases, too.

So the answer to "Why Amchitka?" is that it was available and funded for study. And, as with so much research, the geographic location of the project doesn't rigidly restrict possible applications of the results.

WATER AS A WASTEBASKET

The Logan-based research is even more obviously practical than the Amchitka work. Throughout the U.S. we are pouring 600 percent more wastes into our fixed supply of water than we were in 1900. This load has totally overwhelmed the capacities of many of our rivers and lakes—with the prime example being Lake Erie. But no part of the country has a monopoly on dead and dying water. So the search for efficient ways to convert wastes into assets is widespread.

The USU scientists working on this problem are using the Logan sewage system as a source of experimental data. Before 1967 the city's sewer system simply emptied into open ditches. During the summer, some of the untreated sewage was used as irrigation water, a potentially dangerous practice from a public health viewpoint. The rest was held in a large pond where much of the organic material was converted into phosphates and nitrates. During the winter, the pond was emptied and incoming sewage was discharged directly into the Logan River, again, a hazardous situation.

Between 1965 and 1967, the scientists made bacteria counts, took plant and fish censuses, and estimated insect populations at various locations during different seasons of the year. By 1967, when the new lagoon sewage system went into effect, extensive baseline data had been developed. The scientists knew where and when certain bacteria and invertebrates thrived—and died—and they had indications of how fish responded to these changes.

Over the past 2 years, continued sampling has provided information that is being used to evaluate the relative efficiency of new versus old. The general conclusion is that the Logan lagoon system will be exceedingly efficient as more is learned about managing the ponds. The data indicates that by keeping the inflow confined for specific times in specific ponds, the ultimate outflow will be stabilized all year at a low bacteria content. In fact, during the summer of 1968, bacteria counts at the last outlet were well within the range of comparable counts made near a Bear Lake swimming beach.

The next step is to convert the data into equations that can be used to predict what will happen over time and with changing circumstances in lagoon sewage systems, whether in Utah or any other state. As the equations are built into a "computerized model," it should even be possible to predict how bodies of water, such as Bear Lake, will change if their pollution load is increased. This might help us keep all the "Bear Lakes" around the country from premature death.

Before the research is terminated, it also may be possible to identify which organisms in the system are most effective in transforming waste water into usable water. If these can be concentrated without affecting their usefulness, perhaps some of the 462 acres now serving as Logan's lagoons could be released for other purposes.

When the quality of the last pond is stabilized, the pond could become a fishery. A lagoon system in San Diego County, California, is being used to support fishing, boating, and swimming and to irrigate a municipal golf course. Perhaps the Logan system could be profitably incorporated into a park-golf course complex.

PARTNERSHIP FOR LIFE

Around the world, people are realizing that water will sustain its own productivity (and their lives) only if it is recognized as a partner, rather than as a servant to be exploited. USU's aquatic ecology research program is designed to help all of us learn to implement that truth as quickly as possible.

MARYLAND MAN KILLED IN ACTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. LONG of Maryland. Mr. Speaker, Sp4c. John A. Capasso, a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD.

MARYLAND MAN KILLED IN ACTION

Spec. 4 John A. Capasso, 20, of Rockville, died May 7 of wounds received when he stepped on a land mine near the Cambodian border.

Specialist Capasso was a paratrooper who had requested transfer to Vietnam "to find out what was going on," his brother Ralph W. Capasso, said yesterday. "He seemed to like Vietnam and felt it was his duty to put in his time there," said Mr. Capasso, who himself was wounded in Vietnam in September 1966.

Specialist Capasso was drafted into the Army in January, 1969. He had basic training at Fort Bragg, N.C., infantry training at Fort Gordon, Ga., and paratroop training at Fort Benning, Ga., where he was first in his training class.

He was then attached to the 82d Airborne Division at Ft. Bragg where he volunteered for duty in Vietnam.

A native of Takoma Park, he graduated in 1967 from the Richard Montgomery High School in Rockville, where he played football and won a letter in track. He worked as a printer for the IBM Corporation before he was drafted. He had taken up sky-diving as a hobby.

In Vietnam he served in the 173rd Airborne Brigade in the Central Highlands. He had been in Vietnam since January 16.

Survivors include his parents, Mr. and Mrs. Otto L. Capasso, of Rockville; his brother, Ralph W. Capasso, of Laurel, and four sisters, Mrs. Charles Homberg, of Silver Spring; and Janet, Patti, and Terri Capasso of the family home at 602 East Lynfield drive.

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OPEN LETTER TO DEMONSTRATORS

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. BLACKBURN. Mr. Speaker, so much has been written by the liberal press in support of student rioters that it is indeed refreshing to hear from a constituent who very succinctly spells out what the students say they are for and what they actually do. In addition, the letter from Mrs. Gladys L. Nabors, of Atlanta, contains a note of caution that should be heeded by all; students, faculty and the public in general.

I commend Mrs. Nabors' thoughtful letter to all who are interested in the future of our country.

The letter follows:

ATLANTA, GA., *May 11, 1970.*

THE EDITORS,
The Atlanta Journal,
Atlanta, Ga. 30303

DEAR SIRS: This is an open letter to the demonstrators who advocate, condone and turn to violence.

You claim to be AGAINST war and violence but demonstrate your feelings by wrapping your hands with coat hangers—prong out, to use as hand-to-hand combat weapons on law enforcement officers called to keep the peace. You make molotov cocktails to burn buildings and unmindful of those who may be trapped by the flames, you block streets to keep fire-fighting equipment from reaching the scene. Some of you even become snipers against an unsuspecting public.

You claim to be AGAINST prejudice and discrimination but you call your handicapped schoolmates ugly names and mock the effects of their infirmities. You shun them in social activities in school, church and community and tag them social misfits and you are unconcerned about the hours of heartbreaking counsel required to remove the thorns of your prejudice and discrimination.

In your crusade against hate, you express "love" by putting people in hospitals with cuts and bruises from the "caresses" of your rocks, bricks and bottles; by breaking windows, burning and looting businesses of those who work for enough money to live and pay the taxes that help put you through school; by despising all symbols of authority and turning deaf ears to pleas for honesty, truth, dependability and morality.

You claim to be against poverty, but what do you know of wearing shirts or dresses made from flour sacks? Of tattered shoes, holes in your socks or jelly-biscuits for school lunch? Ask your parents. They know. Yet their love for you gave them strength to sacrifice and work harder to give you a better life than was bequeathed to them.

You are against "the establishment"—yet what does the establishment represent but a rule of ethics—a concept of right and wrong, without which society would revert to the code of the Old West where the gun was law?

You claim to be for education but you refuse to obey regulations established to maintain an orderly community; you intimidate professors and school officials; you occupy or destroy campus buildings; strike against classes and close these institutions' doors. You thwart another's chance for higher learning and evade the draft by playing at education and occupying a space on campus one more dedicated to learning might have had.

You claim to be for America but you burn your draft card because you are unwilling to fight for her. You tread her Flag underfoot, or burn it, while you march in the streets behind the flag of the enemy and salute the enemy's leaders. You take everything she has to offer and reward her with acts of assault and battery, murder, arson and theft.

One bit of caution: In all you do, look down the road far enough to see tomorrow, next year and the next decade or your own actions may become your Waterloo. If you are going to destroy, be sure you have found something better to take its place, and when you have found it, let the "squares" like me know what it is. We're not opposed to constructive, intelligent, peaceful change.

Sincerely,

G. L. NABORS.

GROUP NAMED ON TRANSITION TOWARD PEACE

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. AYRES. Mr. Speaker, one of the major problems—or perhaps I should say opportunities—confronting this Nation will be its adjustment from a defense-oriented economy toward a peacetime economy as the President withdraws our troops from Vietnam. What lies ahead for the returning veteran? Will he find the right job? What are his chances for a career? I am happy to report that Secretary of Defense Melvin R. Laird is preparing to meet this challenge, and has pledged that the Department of Defense will soon announce a new program to locate a job for every veteran.

I should, therefore, insert in the RECORD an article from the May 25 issue of the Republican Congressional Committee's newsletter describing the Secretary's plans. It follows:

GROUP NAMED ON TRANSITION TOWARD PEACE

Beating swords into plowshares isn't as simple as it once was, so the Nixon Administration has appointed a special committee to handle the Nation's transition from a defense-oriented economy to pursuits of peace.

Secretary of Defense Melvin R. Laird said the program will include finding jobs for returning veterans and cushioning the economic impact of defense-plant shutdowns across the Nation.

Laird pledged: "The Department of Defense shortly will announce details of a new program to locate a job for every veteran—a program which will be successful only if it has the support of citizens throughout our country." Estimates are that there will be 2 million veterans returning during the next two years, with 75 percent of them entering the labor force.

The Defense Secretary said a 20 percent cut in military procurement will peg defense labor needs at 6 percent of the work force by 1971, down from 8 percent when the Administration came into office. New jobs will have to be found for the 600,000 workers displaced by the cutback. Laird said a Program for Stability of Civilian Employment will provide laid-off Defense personnel with priority placement in new jobs.

The program will help conversion of surplus military bases and defense facilities into vocational schools, technical institutes, branches of colleges and universities, industrial parks, airports, hospitals, Federal agency training sites, and parks.

President Nixon has created the Interagency Economic Adjustment Committee which will coordinate efforts by all Federal agencies to establish new payrolls and new uses for defense facilities that are shut down.

ARMED FORCES DAY SERVICE

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. RIVERS. Mr. Speaker, on May 17—Armed Forces Day—Charlestonians were fortunate in being able to hear a wonderful and moving sermon by the Reverend Canon James R. Davidson, Jr. at the Cathedral Church of St. Luke and St. Paul in Charleston, S.C. I was so impressed by this sermon—and by its concluding prayer—that I wanted to share it with the Nation.

The sermon follows:

Armed Forces Day Service, Cathedral Church of St. Luke and St. Paul, May 17, 1970

The service this afternoon is intended to honor and pay tribute to the men and women of the Armed Forces of the United States.

I am happy to have a part in it!

In common with thousands of other mature Americans, I have an abiding love for a second Trinity of values (other than the Holy Trinity) to which most Christians normally give their allegiance—which they serve and by which they are served!

That Trinity is the Church which nurtures me and those I love most deeply; Our Nation—the United States of America—which enables me to live and work as a free man; and the people of the Armed Forces who, in times of violent confrontation, free me and 200 million Americans from overt participation in armed conflict.

Virtually twenty years of service as an Air Force Chaplain (years of war and years of peace) attest to the deepness of my love for and service to this second trinity of values.

To me it was and yet is a personal blessing of the highest order to be permitted to serve God, Country, and the men who fight our Country's battles at one and the same time. From long habit and from a grateful heart, I, (continually) thank God for having given me such a deeply rewarding ministry and so many loyal and well loved friends in the *entire military establishment*.

My ministry was not confined solely to the Air Force! Five years of training as an Infantry Lieutenant endowed me with admiration and never ending respect for our men who meet the enemy *face to face* upon the *ground!*

The many blessings which were and are mine in the military family included frequent opportunities to bring the deeply needed solace of God's word and Holy Sacraments to men of Navy destroyers and the Naval Air Arm, who (in the remote islands of the Pacific) were not always located where their own Chaplains could reach and serve them. Committing to their final resting places in the soil of Africa, Sicily, Italy and Japan, comrades with whom I had flown combat missions, etched in my heart forever, a knowledge of the awful cost of war.

To be able, through the medium of the spoken word, to laud the men and women of our nation, who protect and defend the people of the United States, is a deeply moving experience, *a God-given opportunity*.

To direct and lead them, and those who love them, into the presence of their Creator and Sustainer God, is a *Priestly* duty and privilege undertaken humbly in the knowledge that God speaks relevantly and powerfully to those who bring their travail, their cares—their joys unto Him.

In order truly to *honor our men* and *women of the Armed Forces*, let up pray this afternoon—mindful of Christ's loving invitation: "Come unto me, all ye that travail and are heavy laden I *will refresh you*." Thoughtful, involved, loyal Americans are today in travail and they are heavy laden! I am mindful of the fact that due to the recent turn of events in the war in Cambodia and in South Vietnam, many are perplexed, many are fearful and disturbed . . . some seem to be dismayed and a few are irrational and frantic. But also, many see a welcome light of hope in our new forthright and aggressive approach to an old protracted war, which has taken the lives of many of our men and threatened to take many more.

Time, that relentless weigher of the plans and deeds of men, will one day resolve our personal dilemmas and, I trust, dispel all lingering doubts. One day we shall know if we have acted wisely or not. We shall never doubt that we have acted with courage: The courage of human beings who do not possess Divine wisdom. Prayer is man's God-given solvent for his deepest anguish. Through prayer Man enables his God to refresh him. To uphold him and comfort him even in the vortex of war. So let us pray, quietly earnestly, from our hearts as Christians and Americans—with one mind and spirit—with one God given faith—Let us pray.

Almighty God, we Thy children are heavy laden, distressed, send us, we implore Thee, Thy divine refreshment. We pray for our President—for our Congress and for all people of this land. We pray that we may be granted—and that we may receive—the wisdom to know how to plan our overall strategy in the Vietnam war.

Let us pray earnestly, repeatedly, habitually, for our combat personnel—asking the Lord God of Hosts to ease the awful fears and tensions which assail men in battles on land, on the seas, and in the air. Gracious God, watch over, guard and guide our men who fly across the broad reaches of thy sky! God of celestial beauty, of sun swept seas which reflect thy glory . . . God of thy tempest tossed *mightly waters*—upon the bosoms of which move our vessels of war with resolute caution and requisite speed . . . to protect our land, our heritage and our people. Endow with courage, fortitude and faith in Thee all brothers who serve thee in our Navy.

God of the good and fruitful earth of life sustaining harvests of thy merciful goodness move across the war scarred land of Vietnam and Cambodia. Move, oh God, with our men of the Army and the Marines. Send forth thy Holy Spirit to strengthen and uphold them in their hours of mortal conbat and in their days of body healing rest and recuperation from the deep agony of close combat with a lethal foe! God of *tranquility* and *peace*, hasten we pray thee, the day when the violence of this war shall cease! *God of all wisdom*, reveal to the people of our land how we must think, live pray and plan to the end that (walking in thy way and heeding thy voice when it speaks to our hearts), we may achieve peace and henceforth cherish and preserve it for this nation and for Thy world.

Humbly we lift our prayers to Thee this day, asking Thy forgiveness for all that we may have done amiss in the past. Forgive us for the times we have acted without Thy guidance hastily or ignorantly, trusting solely the minds of men to lead us unto peace. Forgetful that Thou and Thou alone canst bestow peace. Peace that is noble, gracious and enduring.

Grant unto us, oh Lord, the humility and the grace to ask at every moment of our lives what Thou wouldst have to do. Finally, Mighty Lord of all nations, we pray that the night of warfare may soon pass from our lives and that our lives may then be lived in the glorious sunlight of peace. Then graciously give us the power to heal the broken hearts which inevitably are the heritage of war. These things, these blessings, we ask in the name of Thy Son, Jesus Christ our Saviour, The Prince of Peace. Amen.

RESOLUTIONS OF THE ORDER OF LAFAYETTE, INC.

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. McKNEALLY. Mr. Speaker, I am pleased to include in the Record the following two resolutions adopted unanimously by the Order of Lafayette, Inc., in convention assembled on May 16, 1970, at the Shoreham Hotel, Washington, D.C.

I believe that these two resolutions on very timely subjects deserve the careful attention of each Member of this House.

The resolutions follow:

Resolution of the Order of Lafayette, Inc.

The Order of Lafayette in convention assembled on May 16, 1970 at the Shoreham Hotel in Washington, D.C., adopted by unanimous vote the following resolution and ordered that it be sent to each member of the U.S. Senate and House of Representatives.

Whereas, The Communists, fellow travelers, extreme radicals and anachists plan to destroy the United States by lulling Senators and Representatives to sleep in order to prevent the safeguarding of our international missile sites while Moscow protects its own, and

Whereas, The failure to protect our own missile sites would be an open invitation for a massive sneak attack for their destruction which would be immediately followed by an ultimatum to surrender or die, and

Whereas, This is our country, it belongs to the American people—Democrats—Republicans and Independents, who are against the surrender of our freedoms and the right to defend our own existence and the security of our people

Therefore, be it resolved, That we members of the Order of Lafayette regardless of party affiliations will openly oppose any candidate for the United States Senate or Representative in Congress no matter what party he represents who is not in favor of protecting and safeguarding our missile sites, which are designed for the defense of the lives of the American people, their government and the preservation of the freedoms of our country—the greatest and best in the world. The Honorable Clare Boothe Luce made the issue crystal clear, "Will mankind eventually stand in the light of freedom or crawl in the darkness of slavery?"

Resolution of the Order of Lafayette, Inc.

The Order of Lafayette, consisting of officers who served in World Wars I and II, in Convention assembled at the Shoreham Hotel, Washington, D.C. on May 16, 1970, voted unanimously to urge definite action by all college authorities, to issue a clear-cut statement that any student or faculty

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member who participates in seizing college property and thereby interfers with the educational processes, or by violence, destroys college property, shall be immediately expelled. And further Resolved that copies of this resolution be sent to the presidents of all major colleges.

POLITICS IN CIVIL SERVICE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. RYAN. Mr. Speaker, in the past 2 weeks, the administration has made much of its new willingness to listen. Were the utterances of administration officials to be believed, the President and his advisers are welcoming with open arms the views and voices from every part of the political and ideological spectrum. Just yesterday, one of the President's principal advisers, H. R. "Bob" Haldeman, spoke at the University of California in Los Angeles and he unqualifiedly stated:

"I am completely convinced that President Nixon is the most 'unisolated' President in recent times."

Mr. Haldeman declared that Mr. Nixon has gathered a staff of advisors that reflects a wide range of thought and "our whole staff effort is to get relevant information and opinion in, not to keep it out."

Unfortunately, the fact is that this administration is driving out those who disagree. Leon Panetta, former head of the Civil Rights Division of the Department of Health, Education, and Welfare, was forced to resign for pursuing an affirmative program of enforcement of the civil rights law. Anthony J. Moffett resigned as head of the Office of Students and Youth in disagreement with "irresponsible statements" by the President regarding student protest. Secretary of Interior Hickel, whose views on heeding dissent show a welcome enlightenment, has complained of his inability to gain access to the President.

But, at least in the instances of departing well-known administration figures, the headlines should make their views known to the President. Those in the lower ranks depart with less notice.

Moreover, policies which the administration has adopted in its hiring and employment practices are quite insidious. A determined effort is being made to weed out those civil servants who do not belong to the Republican party or possess acceptable views.

At the Office of Economic Opportunity, for example, party affiliation is a very serious matter. Anyone who applies for a job in the Office of General Counsel or in the Legal Services Division is at a major disadvantage if he or she is not a Republican.

Throughout the Government, persons who have "engaged in violent campus demonstrations" are ineligible for Federal employment. According to Kimball Johnson, director of the Civil Service Commission's Bureau of Personnel Investigations, if an applicant has been positively identified as having "been involved in disruptive activities on the campus or in the community," the likelihood is that he will not be hired.

Victor Cohn, in today's Washington Post, reports the same type of politicization of the civil service—and this is what the selective hiring practices being employed by the administration amount to—at the Department of Health, Education, and Welfare.

Is it not then hypocrisy for this administration to proclaim its openness? Not only is it insulating itself from the views of the general public, it is, as well, actively working to assure that within the executive branch there will be a like-minded bureaucracy: dissent, and disagreement, it is clear, are neither to be listened to from without nor tolerated from within.

At this point, I attach Mr. Cohn's article:

[From the Washington (D.C.) Post, May 25, 1970]

POLITICS, FUNDS CUT SPARK UNREST IN HEALTH AGENCIES

(By Victor Cohn)

There is trouble in the federal health establishment.

The effect on the nation's health resources, in the opinion of many officials, could be severe.

Among the troubles, as described by high and mid-level government doctors and health scientists are:

The Nixon administration's increasing injection of politics into hirings and firings in medical science and health fields—areas where political clearance never before was a factor.

An acute lack of funds. Health—especially mental health projects and training—have been among the hardest hit fields in anti-inflation Johnson and Nixon budgets.

Even worse, say the complaints, is "lack of interest." "I don't think the voice of health is being heard very clearly in the present administration," Dr. John Knowles, director of Massachusetts General Hospital, writes in the current issue of Look. "I don't think the President gives it a very high order of priority."

The ill effects, it is stated, are starting to show up in an exodus of dedicated health workers from key jobs.

Worse, it is added, the country is certain to suffer a growing shortage of doctors. "The full force" of recent research and training cutbacks "will hit us in the teeth" by 1971, Knowles charges. Many medical school deans think a whole generation of potential health scientists, teachers and medical specialists—all of whom are commonly trained in research programs—could be lost.

The health troubles began wtih the failure of Secretary of Health, Education and Welfare Robert Finch to win backing for appointment of Knowles as his assistant secretary for health.

Dr. Roger Egeberg, who wound up with the job, has said privately that the long delay caused by the fight over Knowles "cost health agencies millions" because there was no top official to argue for health.

But both Egeberg and Finch have found themselves repeatedly overruled or bypassed on health matters by White House aides. Some officials give Egeberg good marks for intentions but bad ones for performance. Others say, "He's doing everything he can, but he's caught in larger problems."

HEW RESIGNATION

New among these is the aftermath of the resignation May 8 of Dr. Joseph T. English, a fast-rising psychiatrist who headed HEW's Health Services and Mental Health Administration. English quit while Egeberg was in Europe; Egeberg returned, canceling a Russian trip.

Asked about reports that he was asked to resign, English said last week: "Number one, no comment, Number two, I don't deny (it)."

Immediately on his resignation, his job was removed from civil service and made appointive. A high-level official in the same agency said:

"The politics is getting more naked. I can assure you there has never before been the political check there is now—down to the GS-14 level." (GS-14s start at $19,643 or more.)

The appointment of a new director of mental health services, Dr. Claude Thomas; the nomination of Dr. Morris Chafetz of Boston as director of alcoholism programs; the search for a new director of mental health training—all have received political checks.

"I'VE VOTED ON BOTH SIDES"

So, of course, did the appointment last week of English's successor, Dr. Vernon Wilson, director of health affairs at the University of Missouri. Wilson says: "I don't consider myself either a Democrat or a Republican, I've voted on both sides. From my point of view, this is not a political appointment."

But Wilson was clearly found "acceptable," said a Missouri Democratic congressional aide. "He's a good man. He has no discoverable politics. But he's not going to rock any boats."

The administration screening of health and scientific appointments is really no secret, according to Dr. Stanley Yolles, director of the National Institute of Mental Health. "It is the stated policy of this administration to appoint as many Republicans as possible. There is screening of scientific appointments throughout the department," he said.

According to repeated rumors, and many predictions by knowledgeable persons, both Yolles and Dr. Robert Marston, director of the National Institutes of Health, are currently being screened. Both are said to be "slated to go, inside months."

REPORT DENIED

Marston is out of the country. An aide called the rumors about him "untrue."

"No one has said a single, solitary thing to me," Yolles said. "But I've heard the rumors. There's one that my successor has already been picked."

Yolles is on the bad books of HEW higher-ups for two reasons. He opposes much of an on-going decentralization of NIMH activities to regional offices. Opponents call this "the start of NIMH's dismemberment "

Yolles or his aides last year helped inspire both House and Senate to insert in NIMH legislation a veto power for the National Advisory Mental Health Council—a citizen and expert board—over regional decisions affecting one of NIMH's proudest programs.

This is the program to establish and partly support community mental health centers, which are local clinics to give emergency and day care to help keep mental patients out of hospitals. By July, 490 such centers will have been funded.

Early in his administration, President Nixon ordered that as many federal programs as possible be returned to "grass roots" control. An HEW task force under Deputy Under Secretary Fred V. Malek is trying to do so.

"POWER PLAY"

It sees putting the mental health centers under HEWs 10 regional offices as "better administration, closer to the people." The program's directors at NIMH see it as a "power play" to put what has been an $80-million-a-year program under the real control of HEW's nonmedical regional directors—appointees close to state and local pressures.

In any case, mental health center construction decisions were regionalized March 31; staff matters are slated to be regionalized July 1.

The national advisory council—highly disturbed—is to meet with Under Secretary Malek in June. It also believes he intends to regionalize NIMH training grants, which support 65 percent of the training of all mental health professionals.

In a letter to Dr. Robert Stubblefield of the University of Texas, council secretary, Finch recently denied this intention. But a council member says: "That doesn't fit his directives."

"FUNDED LAST"

NIMH is an agency with a degree of independence and strength that mental health forces fought hard to create. Mental health, they claim, is commonly submerged under general medical or administrative direction, "funded last and least."

Take away the mental health centers and the $116-million training program, notes Yolles, and "about all you'd have left" is about $87 million currently financing research and a few other small programs, hardly a strong NIMH.

NIMH as a whole is to be funded at just $346.6 million in fiscal 1971 by the Nixon budget, well below 1970's $360.3 million. There are to be no new community mental health center grants.

Narcotic and alcohol addiction programs are to rise a bit from $29.4 million to $35.5 million. But "for community treatment of narcotics in 1970, I have just $4 million left," Yolles said, "and $18 million in valid community requests." As it happens Secretary Finch—in a memo to editors last week—said, "President Nixon has designated May 24 through 30 as Drug Abuse Prevention Week."

Staff appointments are not the only place there has been HEW political pressure. A year ago Dr. Jack Weinberg, director of the Illinois Neuropsychiatric Institute, was asked to accept renomination for an advisory committee on aging. Then he was asked about his politics.

"I said, 'I worked for Sen. McCarthy'," he reports. "I was not reappointed."

This happened "in some cases" but is no longer going on, said a department source.

Higher-ups forced the transfer of longtime civil servant Clifford Johnson as NIH public information director, presumably to make way for a political appointee. But last week Marston announced appointment of Storm Whaley, University of Arkansas vice president for health sciences—and a Democrat—as a new "director of communications" public and scientific.

"Since the news got out about Joe English," another source said, "people have been getting phone calls and tender care. We've seen appointments going through in the last few days after hanging fire since November."

The screening system, however, remains—this Republican administration's response, it seems, to the fact that a majority of mental health workers and academic research and health types happen to be Democrats.

Health Democrats and health doves are giving the administration still more problems. For months, there has been an NIH-NIMH clerk-and-professional Moratorium Committee opposing the Vietnam war—a bold move in a part of the government where there was rarely political expression before for fear of political retaliation.

Last week the movement spread to the NIMH-National Institute of Neurological Disease-National Eye Institute Assembly of Scientists—MDs and PhDs. They voted 164 to 23 to oppose U.S. involvement in Cambodia, the first time this group has ever taken a nonmedical political position.

"In every way," reported an Assembly doctor, "people here are getting more disturbed. "I'd predict you haven't seen anything yet in the way of rebellion."

THE ADMINISTRATION'S FAILURE TO LEARN FROM HISTORY

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. LOWENSTEIN. Mr. Speaker, someone said that history repeats itself, the first time as tragedy, the second time as farce. It is hard to say whether with President Nixon's decision to invade Cambodia we are in the tragic or the farcical phase of the Vietnam war. Maybe we are in between, because as Mr. Nixon recited the worn arguments that have been used to justify so many mistaken actions one did not know whether to laugh or cry.

By now it is obvious to nearly everyone that our course in Vietnam has been based on demonstrably faulty political analysis, fallacious historical analogies, and outmoded perceptions of the international political landscape and our strategic interests within it.

I am inserting in the RECORD two articles that illuminate the tragicomical nature of the administration's failure to learn from history and its reliance on arguments and conceptions that have been repudiated by events. The articles—one serious, the other satirical—are by Prof. Hans J. Morgenthau, who has been perhaps the most profound and prescient critic of the war from its beginning, and Robert H. Yoakum. They appeared in the May 23 issue of the New Republic.

The articles follow:

SAVING FACE IN INDOCHINA:

I—MR. NIXON'S GAMBLE

(By Hans J. Morgenthau)

It would be uncharitable, and redundant, to dwell in detail upon the factual deficiencies and logical inconsistencies of Mr. Nixon's April 30th speech. What shall one say of an authoritative exposition by the President of the United States of the Cambodian situation that manages not even to mention the source of the trouble, the overthrow of Sihanouk? Or what shall one make of the President's statement that we are after "the heart of the trouble," the enemy's headquarters for all of South Vietnam, while, when these headquarters cannot be found, both the Vice President and the Secretary of Defense assure us that of course they cannot be found since they are mobile? However, Mr. Agnew assures us on "Face the Nation" of May 3 that we found a "laundry facility" and large stores of "freshly laundered uniforms," and Bob Hope warns us on the "Tonight" show of May 4 that if Cambodia falls India will go and "before you know it we will be fighting in Staten Island." Ostensibly Mr. Hope was not joking, but neither were Messrs. Agnew and Nixon; or were all three of them trying to be funny with tongue-in-cheek?

Yet the farcical aspects of these presentations only serve to give poignancy to the tragedy present and impending. Mr. Nixon is caught in a dilemma caused by two irreconcilable impulses. On the one hand, he wants to disengage from Vietnam; on the other hand he wants to disengage only in circumstances which, if they don't carry the substance, at least convey the appearance, of a political victory. And political victory for him means the stabilization of the Thieu regime as the legitimate government of South Vietnam. But this conception of political victory is predicated upon a military victory, which even Mr. Agnew, in the May 3 broadcast, has declared to be unattainable.

The issue that since 1954 has pitted the United States against the Communists has always been simplicity itself: Who shall govern South Vietnam? The Communists have claimed that government for themselves and the United States has denied that claim. Both of us have resorted to the arbitrament of war and war has left the issue where it found it: undecided. Consequently, the substance of the issue in its present stage is not susceptible to a negotiated settlement, no more than the claim of the two women to the same baby was susceptible to adjudication by King Solomon. Once one or the other side has given up its claim, negotiations can seek modalities with which the losing side can cover its retreat. Thus the futility of the Paris talks is not anybody's fault but grows from the nature of things negotiable and non-negotiable. Mr. Nixon has sought to combine withdrawal with at least the appearance of victory through the policy of Vietnamization. This policy has always been in the nature of an almost reckless gamble. The armed forces of the Saigon government, numbering roughly a million men (since the desertion rate is close to 20 percent a year, it is impossible to keep an exact count), with more than half a million American men bearing the brunt of the battle, have just been able to hold their own. Will these forces be able to hold their own when the American forces will have been reduced to say, 200,000 men? Mr. Nixon has answered this question in the affirmative on three grounds: the success of pacification, the weakness of the North Vietnamese and the Vietcong, and the improvement of the armed forces of the Saigon government.

The success of pacification, obvious as a present fact, depends in its lasting effect upon the validity of the two other arguments. Vietnamese peasants have traditionally taken a passive attitude toward a central government: They submit to whoever appears to have the power to hurt and protect them. The Saigon government is at present in the ascendancy in much of the countryside, but for what reason? Is it because of a drastic and permanent change in the strategic balance of power between the Saigon government and its domestic enemies? Or is it because of the latter's tactical self-restraint in order not to disturb the planned progress of our withdrawal?

The weight of military opinion on the spot supports the latter thesis. It is widely held that much of the countryside is, in a manner of speaking, controlled by the Saigon government because the Vietcong and North Vietnamese have for the time being chosen not to contest that control, but they are capable of doing so any time they choose. On the other hand, we have refrained from putting Vietnamization to a major test of battle because we are afraid the Saigon troops will fail it. It has been reported that the decision to send American rather than Saigon troops deep into Cambodia resulted from the fear that the latter would be "slaughtered" by the enemy. Here appears indeed to be the key to our invasion of Cambodia.

Mr. Nixon has promised to withdraw 150,000 troops from Vietnam by May, 1971, but he is not quite confident that the enemy is as weak and the Saigon troops are getting as strong as both are proclaimed to be. If that weakness and this strength were to prove as illusory as they have proved to be so often in the past, he would indeed expose the remaining American troops to mortal danger after the promised 150,000 men have been withdrawn. In consequence, he must create a military situation so favorable as to allow him to withdraw these men even if the weakness of the enemy and the strength of the Saigon troops should not turn out what they are supposed to be. By doing this, he seeks to insure himself against the failure of the gamble of Vietnamization and thereby embarks upon another gamble even more reckless than the first; for the extension of the war into Laos and Cambodia is infinitely less promising and more risky than the withdrawal of American troops from South Vietnam predicated upon Vietnamization.

Before the fall of Sihanouk and the ensuing civil war in Cambodia and the recent advances of the North Vietnamese in Laos, there existed in both countries a relatively stable political and military situation. That stability was shattered in Cambodia by the deposition of Sihanouk, for which ostensibly rightist and pro-American elements are responsible. In Laos, the responsibility for the disturbance of the status quo lies clearly with the mercenary army of Meo tribesmen, organized by the CIA, which advanced into territories which had been assigned by the Geneva Agreement of 1962 to the Communist Pathet Lao. While before the Pathet Lao had limited itself to sporadic forays for the purpose of restoring and securing the line of demarcation of 1962, it now occupied in permanence territory that in 1962 had been assigned to the other side. It had surrounded for a number of years the town of Attapeu, occupied by the royal army, without even seriously attacking it. Now it has taken it. However, the new instability in Laos is of minor importance as compared with that in Cambodia, caused by Sihanouk's downfall and Nixon's search of victory.

It taxes credulity that at this late date, after an experience of five years of futility, we should engage in yet another search-and-destroy operation, seriously believing that it will change the fortunes of war. Must it be said again that the enemy has an intelligence network that covers every town and every hamlet in South Vietnam? He has such a network because he is not a foreign invader but an organic part of the people. Hence, in contrast to ourselves, he is not easily surprised. He slips through the net we cast for him to reappear elsewhere or, after we have left, at the same spot where we thought he was. How often have we not cleared the Anshau Valley and how many times from how many hills have we not dislodged the enemy and how many brave and good men had to die to do it, and once it was done the enemy was back, and the gruesome, senseless game started all over again. Thus if the American troops found themselves in an "untenable position" because of the presence of Communist troops and supplies inside Cambodia, they cannot help finding themselves in that position again a little while after they have left.

However, the invasion of Cambodia is not only incredibly incompetent, but it is also unconscionably risky. Mr. Nixon's declared intention to limit the penetration of Cambodian territory to about 20 miles and to withdraw after a few weeks will turn out to be feasible only if the enemy is willing to play Mr. Nixon's game. But the enemy is engaged not only in a hide-and-seek game with the American forces but also in a civil war on behalf of Sihanouk against the new regime at Phnom Penh. That new regime can count upon the Cambodian army, which is but a neglible military quantity, and a few thousand mercenaries of Cambodian extraction who have been fighting in South Vietnam and were airlifted by the United States to Phnom Penh. These forces are no match for the opposing army, of which, it is reported, 30 percent are Cambodians loyal to Sihanouk. What are we going to do if that army marches on Phnom Penh in order to restore Sihanouk to power?

If we allow this to happen and return to South Vietnam according to Mr. Nixon's plan, then Sihanouk who will then rule over Cambodia will not be the Sihanouk we knew and whose deposition we welcomed. Sihanouk would owe his return to power to the combined Communist parties of Indochina and more particularly, to China, and his neutralism, always shrewdly adapted to the realities of power in Southeast Asia, would then be hardly distinguishable from outright partisanship for the Communist cause. If Mr. Nixon felt the situation in Cambodia, as it existed on April 30, sufficiently intolerable to justify a limited and temporary invasion, how much more intolerable must he find a Cambodia ruled by a government which is beholden to its Communist friends, especially China, for its return to power. If Mr. Nixon intervenes in order to prevent Sihanouk from ruling a Cambodia united under him, he will have still another civil war on his hands, which he can no more win with the methods thus far used than he could the civil war in South Vietnam. On a greatly enlarged scale, Mr. Nixon will then face the same dilemma which has stared him in the face in South Vietnam, barely concealed by the policy of Vietnamization: to withdraw regardless of the consequences to South Vietnam and Cambodia or to fight on to "victory."

In other words, the escalation of the war in Southeast Asia will not solve Mr. Nixon's dilemma; it will only serve to escalate it. By invading Cambodia, he has not escaped the dilemma between withdrawal with victory, real or apparent, and withdrawal without qualification; but he has made it more difficult to resolve. As long as he is wedded to the Thieu regime as the legitimate government of South Vietnam, which must be firmly in the saddle when we depart, he faces the worst of both worlds: The chase after an ever-elusive victory through ever-expanding war without end, or liquidation with the undisguised admission of defeat. It is extraordinary that a man so passionately concerned with saving face—"We will not be humiliated," we will not see "the nation accept the first defeat in its proud 190-year history," not counting the War of 1812—is unable to see the organic connection between a face-saving withdrawal and the establishment in Saigon of a government which is able and willing to come to an understanding with the other side, instead of one that has a vested interest in the continuation of the war.

Yet on a more profound level, the futile chase after saving our face—like Ahab chasing Moby Dick and with similarly destructive results—raises still another question that touches the very core of American existence: what will it avail us to save our face in a war without end if we cannot save our souls, if we cannot save ourselves as a nation worthy to be saved? And what kind of face would it be we would be saving at the price of our souls and our purpose as a nation? I can see that face: ignorant, violent, brutal, lying, ugly, and mean—the face of some American Hitler.

II—CHAIRMAN MAO'S BREAKTHROUGH

(By Robert H. Yoakum)

My Chinese acquaintance was impeccably dressed and spoke almost perfect English. I asked what kind of work he did.

"My work is traveling for the People's Republic of China," answered Mr. Hee. Then he added with a mischievous grin, "To see how things are going "

"And how *are* things going?"

"Very, very well. Your government's invasion of Cambodia was exactly on schedule."

"What schedule?" I asked.

"*Our* schedule," said Mr. Hee.

"I don't understand," I said, feeling irritated and embarrassed.

"Well," said Mr. Hee, "several years ago our great leader, Chairman Mao, made a major psychological - geopolitical breakthrough. He learned that Americans fear, above all other things, losing face. This discovery by itself would not show that Chairman Mao is a genius; it was the application he made of it.

"What we shall do," said Chairman Mao, "is to use this American fear of losing face to suck them deeper and deeper into a psychological-economic-political-military struggle that they cannot win. We shall help them to bleed themselves to death. And we shall do this without employing one Chinese soldier.

"This new policy was tested in a few small incidents," Mr. Hee continued, "the way you capitalists test products in local markets before selling them nationally. It worked perfectly. Then we launched the full program in Vietnam. From that point on you have been moving on our schedule.

"Our Chairman then further refined this plan. He called it the Self-Perpetuating Principle of Self-Destructive Face-Saving. It means that you make your enemy lose face in such a way that he thinks he is keeping it *while everyone else is watching him lose it*. He undermines his own prestige, and publicly humiliates himself—all the while talking loudly about how he will not be humiliated. It is the ultimate form of humiliation. And the enemy himself sustains the processes of his own unwitting suicide."

I shuddered.

"For example," Mr. Hee continued, "in the invasion of Cambodia it was necessary for President Nixon to say . . ." Mr. Hee pulled a newspaper clipping from his pocket . ."I would rather be a one-term President than be a two-term President at the cost of seeing America become a second-rate power, and see this nation accept the first defeat in its proud 190-year history.

"You understand?" asked Mr. Hee. "We tell the rest of the world that you are fighting in Asia, killing tens of thousands of Asians, because you are power mad and terrified of defeat at the hands of the ordinary people. You say you are fighting in Asia to help the Asians. But who do they believe when they read that your President has said he fears *American* defeat, and *America* becoming a second-rate power? The Asians see that you are mainly afraid of losing *your* face, not of their losing *their* heads. You do not see this. So you unwittingly hasten your own doom.

"Another example of how you lose face while you are keeping it: Your President says one day that he will withdraw 150,000 troops. Then ten days later he says it is necessary to invade Cambodia in order to protect American troops. If they are in such great danger now, how could he earlier have promised to weaken them by greatly reducing their numbers? That is precisely the kind of public announcement that is anticipated in the Self-Perpetuating Principle of Self-Destructive Face-Saving.

"Look at the results wrought by the application of Chairman Mao's Principle:

"First, your military men have been discredited. The more mistakes they make, the more ridiculous they look. The more ridiculous they look, the more face they lose. The more face they lose, the more they extend themselves, the more mistakes they make.

"Second, ten years ago there were almost no Communists in America. Now there are Communists in every slum and on every campus.

"Third, you have spent more than $100 billion on the Vietnam war, or the equivalent of about $3500 for each Vietnamese—an amount on which one could retire in that country. But instead of buying peasant prosperity, which could have ruined us, you have used the money on war and killing and face-saving, leaving yourself a legacy of hatred on which we will flourish.

"Fourth, you have not made South Viet-

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nam into a showplace of capitalist glories, but rather into a showplace of continued poverty, disease, prostitution, and massive corruption.

"Fifth, your economy is beginning to come apart under the pressure of maintaining face everywhere, just as we thought it would.

"Sixth, your society is also coming apart because there are some Americans who do not care about saving face. The black faces, especially, do not care about saving white faces."

"But," I protested, "what if the people who want to save the country prevail over those who want to save face? Wouldn't your whole plan go down the drain?"

"Yes, it would," Mr. Hee admitted, "and we were concerned when President Johnson left Washington. No one worried more about saving face than he. But we need not have worried. The three most admired men in your nation, according to the Gallup Poll—President Nixon, Billy Graham, and Vice President Agnew—are all greatly afraid of losing face. We have nothing to fear."

Mr. Hee giggled, as though remembering something funny. "You know," he said, "until Chairman Mao made the breakthrough we had much trouble understanding you Occidentals. You look alike, you sound alike, and you hold life very cheaply. Even on the streets you attack one another, and your television each night dramatizes hundreds of horrible, violent, senseless deaths. You even let children watch. We had no idea how to deal with you.

"Now, after Chairman Mao's discovery, we still don't understand you very well, but we do know how to deal with you."

"Can you tell me what is planned for our future?" I asked.

"The future, . . ." Mr. Hee smiled scrutably; I could see that much had been planned for us. "Well, we shall wait until you are as mired in Cambodia as you are in Vietnam. Then Laos. Then Burma, India, Pakistan, Afghanistan, Iran, Iraq. . . ."

"Wait!" I almost shouted. "You're taking us right into the Middle East. That might mean war with Russia as well!"

"Ah, so?" said Mr. Hee.

IMPACT OF WAR ON WISCONSIN ARCHITECTURAL FIRM

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. KASTENMEIER. Mr. Speaker, thousands of my constituents have written to me expressing their deep concern for the unenlightened foreign and domestic policies of this administration.

This concern is expressed by young and old alike. To the young, the policies of this and past administrations with respect to Vietnam have been bewildering. To them, a simplistic program of "Vietnamization" which ignores the brutalizing impact of merciless bombardment and chemical contamination of innocent, helpless people and their environment is incomprehensible. How can they reconcile the moral heritage of this Nation with the inhumanity of our conduct in Southeast Asia?

Many of our older citizens are also caught up in this moral dilemma; but, being more pragmatic, are particularly concerned that confidence of the United States in itself is being seriously impaired by its senseless involvement in Southeast Asia.

With an economy floundering due to the prolonged expenditure of astronomical sums for wasteful and ill-conceived military programs and adventures, American prestige and influence in the world is rapidly declining. Our citizens despair that our leadership is bereft of commonsense.

The following letter to the President from one of my constituents eloquently expresses the frustration felt by so many. I specifically call attention to this correspondent's experience as an employee of an architectural firm which has been forced, by present economic circumstances, to severely cut back its operations.

The letter follows:

MADISON, WIS. *May 22, 1970.*

THE PRESIDENT,
The White House,
Washington, D.C.

Mr. PRESIDENT: I am an architect with one of Wisconsin's largest architectural-engineering firms. Last year the personnel of the firm numbered about 120 people—today the strength stands at 78. After the second lay-off last week, the president of the firm announced an *unprecedented 10% salary cut for everyone,* blaming the lack of work due to the war, high interest rates, cutback of government funds for hospitals, etc., and business uncertainty. Other firms here in the building industry are in a similar plight.

Mr. President, you promised new leadership; you promised an end to the war. You promised to bring us together again, yet we are witnessing an enlargement of the war that is tearing the country apart with young people rioting and being shot down in cold blood as in tyrannical countries that we only know from history books. We are witnessing a lack of leadership that makes us suffer the agonies of severe inflation and depression all at the same time. We are witnessing a deliberate neglect of pressing domestic needs, a squandering of our national fortune to pursue this bankrupt adventure in Southeast Asia propping up a two-bit, corrupt dictatorship so historians can inscribe over the graves of our young (as at Concord) "They came X thousand miles and died to keep the past upon the throne." Nor is it only our men that we mourn for, the Vietnamese, Cambodians and Laotians are human beings also—what countless deaths and maiming have they suffered? For what?

Mr. President, listen to the young, listen to your people and stop it, stop it, stop this war for God's sake and the sake of this country! *Let us go back to work* building the needed hospitals and schools: Let us have peace!

Sincerely,

HELMUT SEAMAN.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

NIXON'S ANGUISH

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. SPRINGER. Mr. Speaker, I attach herewith an editorial from the Paris, Ill., Beacon-News. The author of this is Ed Jenison, a colleague of ours in the 81st and 82d Congresses. Ed has continued to maintain an interest in what is happening in the body of which he was a Member. Nor has he lost interest in his country. That interest has been unflagging as has been his support of our country regardless of which party is in the White House or in control of the Congress. He is one true American patriot that will be just that and the same as long as he lives.

In view of the acquaintance of so many of our colleagues with Ed Jenison, I know you will be interested in reading what he has to say. It is indeed one of the most thoughtful editorials that it has been my experience to read.

The editorial follows:

[From the Paris, (Ill.) Daily Beacon-News, May 9, 1970]

EDITORIALLY SPEAKING: NIXON'S ANGUISH

Those who watched and listened as President Nixon met the nation's top echelon press representatives last night in a White House news conference could not escape sharing a measure of the anguish that must beset him as he labors to keep America on course in the preservation of freedom.

This week has, indeed, been one of the nation's saddest. Yet in the darkest hours the seeds of hope can take root.

The President faced his questioners at a time when it could be said, and it has been, that he is plagued with a war, recession and revolution, all at the same time, a period of crisis perhaps greater than at any time in the history of the republic.

Yet in a forthright confrontation with tragic issues, President Nixon managed to remain calm, display courage and reflect confidence. Surely the sympathy of his fellow Americans was with him in an overwhelming degree.

The nation is engaged in a war that has become increasingly unpopular, a war Nixon inherited, yet he had the courage to refuse to place the blame on preceding administrations. Castigating the past serves no purpose. The President properly addressed himself to seeking a solution. The controversial move into Cambodia he defended once again as a decision for which he accepted full responsibility, since only he can be in full command of all the facts involved. He believes he is right. The nation trusts he is right. Only time will tell.

On the domestic front, the President was equally candid—and equally firm. Those who resort to force and violence as an expression of dissent are more dangerous to the country than the enemy in the field of battle. The problem is not remote. It is as close as the campus of the University of Illinois at Champaign, and the campus of Southern Illinois University at Carbondale, where today Paris troops in the Illinois National Guard are deployed once again to preserve order.

Certainly the tragedy at Kent State University was a shock to the conscience of the nation. The slaying of four students by Ohio guardsmen summoned to halt disorder was a black page in the history of a free people. Yet it was the inevitable result of the necessity to mobilize troops with increasing fre-

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quency to halt mob violence. Eventually mob action and military resistance were certain to trigger a tragedy. And they did. That innocent victims were among those slain is an additional sorrow, but it was bound to happen. And it will happen again, unless reason replaces destruction as an avenue of solution.

At the moment, it is obvious that America is sick. And it is sick because there are so many sick Americans. But that is not to suggest there is no cure.

For one thing, more Americans might pay more attention to a plea voiced by the President himself in his eloquent inaugural address. At that time he cautioned that we must stop shouting at each other and start listening to each other. This we have not yet done. It is high time we did.

The right of dissent remains unchallenged. But the right of destruction must be challenged by the majority of Americans who have remained too silent—and too tolerant—for too long. And that majority will rally to the support of a President who has demonstrated with clarity he will not sacrifice the survival of the nation for political expediency of the present.

This may be America's darkest hour. But it will be the fervent prayer of the great majority of Americans that this is President Nixon's finest hour. Peace and a return to law and order remain our goals. Unity of purpose can achieve them. Courage, from the White House to the public square can be the medicine that transforms a sick America into a healthy America.

MINNESOTANS IN SECOND CONGRESSIONAL DISTRICT EXPRESS THEIR VIEWS BY THOUSANDS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. NELSEN. Mr. Speaker, this spring I circulated an opinion poll to all postal boxholders in the Second Congressional District. I am pleased to report that more than 15,000 constituents—nearly 13 percent of all boxholders—have now participated in this important project. In fact, quite a number of husbands and wives have both responded on the same poll card, boosting the total number of respondents to a far greater figure than our single poll card count would seem to indicate.

I have now had these polls tabulated by computer through the services of Dr. W. P. Cortelyou, president of EPOCH, Everyman's Public Opinion Clearing House of Washington, D.C., and over this past weekend made public the findings.

One of the key findings is that 66 percent of citizens responding in the Second Congressional District have endorsed President Nixon's Vietnam policies, a very healthy majority. Twenty-six percent of those responding opposed the President's policies and 8 percent were undecided or gave no answer.

Another key finding is that my constituents have voted 62 percent to 32 percent against setting a fixed, publicly announced date for the complete withdrawal of U.S. troops from Vietnam, with 6 percent undecided.

It should be noted that the questionnaire was circulated prior to U.S. military involvement in Cambodia and that most responses were received before American Armed Forces began cleaning out the Cambodian sanctuary areas. However, it must also be noted that the many thousands who have participated have provided more than an adequate sampling deemed necessary by any responsible pollster to indicate the basic, broad majority attitudes of the people of my district.

Other poll highlights include these findings: Second District citizens registered 86 percent support for putting limitations on payments to individual participants in the farm program. Eighty-four percent said Congress should reform the welfare system by establishing work or training requirements with an annual family assistance income, with only 11 percent opposed and 6 percent undecided. Eighty percent believed Congress should reorganize the Post Office Department for greater efficiency. Seventy-two percent said forced school busing from one district to another to achieve racial integration should be prohibited. Eighty-nine percent supported a pretrial detention provision and 76 percent supported a no-knock entry provision as parts of tougher crime control legislation. Eighty-four percent said Congress should enact tougher Federal controls to curb air and water pollution, including court-imposed fines for polluters.

Large majorities were also registered in support of automatic increases in social security benefits tied to cost-of-living increases and in support of permitting more retirement income to be earned annually without loss of benefits.

Support dropped substantially, however, on questions involving an all volunteer Army and ABM development. Sixty-one percent of citizens responding to my poll supported additional draft reform, including the eventual establishment of an all volunteer Army, with 31 percent opposed and 8 percent undecided. An even slimmer 55 percent said that development of the Safeguard antiballistic missile system should be continued, with 33 percent opposed and a large 13 percent undecided.

One interesting sidelight of the poll is that there may be less of a generation gap around than some might suppose. I compared the total poll results with responses received from 55 seniors at Adrian High School, Adrian, Minn., whose social studies class had participated as a unit. While the sampling of young people's views is admittedly too small for an adequate sample, it is nonetheless interesting to note that in all but one case, a majority of these young people shared the same view as a majority of their elders, though by differing degrees.

For example, the young people proved more enthusiastic than adults in support of such things as draft reform leading to the establishment of an all volunteer Army and Federal pollution control. But they were less willing to support welfare reform and postal reorganization, and more suspicious of controversial crime control legislation.

The only question turning up a genuine difference between students and adults involved whether limitations should be placed on indiviual farm program payments. Fifty-five percent of the students said there should be no limitation while 80 percent of adults favored limitations.

I include the complete results of the Nelsen opinion poll survey at this point in my remarks:

ANCHER NELSEN OPINION POLL

[Figures have been rounded to the nearest percentage, accounting for slight deviations from a 100 percent total on some questions]

[In percent]

Question	Yes	No	No Answer
1. Should Congress establish a Federal tax revenue-sharing program with States?	63	23	13
2. Should Congress reform the welfare system by establishing work or training requirements with an annual family assistance income?	84	11	6
3a. Should social security law be changed to increase benefits automatically when the cost-of-living rises by a fixed percentage?	69	22	9
3b. Should social security law be changed to permit more retirement income to be earned annually without loss of benefits?	74	18	8
4. Should Congress enact tougher Federal controls to curb air and water pollution, including court imposed fines for polluters	84	10	6
5. Should Congress reorganize the Post Office Department for greater efficiency?	80	13	8
6. Should Congress put limitations on payments to individual participants in farm programs?	86	9	5
7. Do you favor additional draft reform including eventual establishment of an all volunteer army?	61	31	8
8. Should forced school busing from 1 district to another to achieve racial integration be prohibited?	72	23	5
9a. As part of tougher crime control legislation, should courts have discretion to detain a dangerous individual without bail for a short period prior to trial if his release would jeopardize the community or lead to more lawbreaking? (pretrial detention)	89	7	4
9b. As part of tougher crime control legislation, in cases where a policeman's life might be at stake or evidence quickly destroyed, do you favor permitting law enforcement officials to enter a home without notice? (No-knock entry)	76	20	4
10. Should development of the Safeguard antiballistic missile system be continued to protect against nuclear attack?	55	33	13
11. Do you approve President Nixon's policies to end U.S. participation in the Vietnam war?	66	26	8
12. Do you favor a fixed, publicly announced date for complete withdrawal of U.S. troops from Vietnam?	32	62	6

In conclusion, I would like to express my thanks to Dr. Cortelyou of EPOCH for his fine assistance in tabulating these polls by computer at a most reasonable cost. His organization, EPOCH, is a nonpartisan public opinion reporting service created to maximize the participation of the American people in their own Government. It is his contention that the efficient, low-cost data processing system should be more broadly and more frequently utilized by elective public officials to assure that the people's will is better understood. There is certainly merit in such a view, particularly in these especially troubled times.

While I decided that every single opinion poll from those I represent should be counted to assure fairness, accuracy, and completeness, Dr. Cortelyou counted a random sampling of some 400 of these purely for demonstration purposes. The results of this random sampling of 400 proved remarkably accurate in relation to the results obtained through the full poll count. The maximum difference between the results amounted to only 4 percentage points on one question, and on all other questions the amount of difference varied only 1 or 2 percentage points.

Obviously, this demonstration proves that the expense of poll tabulations can be greatly reduced without distorting poll results or the will of the people when the random sampling is carefully and scientifically selected.

MULTIPLE USE OF RESOURCES

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. BUSH, Mr. Speaker, the Republican Task Force on Earth Resources and Population of which I am chairman, has been studying the national resource situation for the past 5 months. We have heard time and time again in the testimony of experts who have appeared before the task force that multiple use must be made of our existing resources if we are to accommodate our rapidly increasing population. Many companies are beginning to take the initiative in this area and are beginning to provide for outdoor recreational facilities. A recent article in the spring 1970 Action Report, published by the Chase Manhattan Bank, describes how many companies are using part of their facilities for the establishment of public parks, recreational areas, and wildlife preserves. This article is very helpful in showing both the example of a multiple use of resources and the interest expressed by many concerned companies.

Mr. Speaker, under previous permission I include this article in the RECORD at this point:

COMPANIES ESTABLISH PUBLIC PARKS, RECREATIONAL AREAS AND WILDLIFE PRESERVES

From coast to coast this year, thousands of Americans will be camping, fishing, hiking, swimming and sightseeing on land prepared for public use by manufacturing companies. Until recently, most of these companies never considered themselves in the recreation business and had not organized for it. Now several of them have established recreation development divisions. The new trend is a response to the growing public demand for outdoor recreational facilities—a demand that budget-burdened cities and states can only partially satisfy.

Weyerhauser Company, which was the first large tree-farming corporation to set up a formal organization for public recreation, maintains some 20 parks on its vast timberlands in the northwest and other parts of the country. It supervises hunting and trapping in the parks as well as family recreation.

In 1967 Boise Cascade Corporation undertook a five-year recreational development program. In wooded canyons in Washington, the company maintains a series of campgrounds, and hundreds of miles of logging roads are open to hunters and fishermen the year round except during periods of extreme fire danger or in active logging areas. These company-built roads provide access to 700 miles of streams and 84 lakes—all in all, more than 152,000 acres of fishing waters. "We don't pretend to compete with the many federal and state agencies which manage vast areas of timberland for recreational use," said Don Coldwell, the company's timber and logging manager, "but we try, along with many other responsible industrial timber owners, to do our share on our own land."

One of the most extensive snowmobiling areas in Minnesota is a 60-mile network of 27 marked trails maintained by Boise Cascade on the Kabetogama Peninsula. The company is also developing many miles of streams to 17 interior lakes on the Peninsula so that canoers can reach them.

Not all the parks and recreation areas contributed by industry are in open lands. One leading wildlife preserve is located in an industrial section of Philadelphia, with heavy automobile and truck traffic along its sides and airlines passing overhead on their way to International Airport.

Tinicum Wildlife Preserve is on 205 acres of rich marshland, teeming with muskrat, turtles and other inhabitants of watery lowlands. The area was donated to the City of Philadelphia by Gulf Oil Corporation, with the company retaining rights-of-way for its pipelines from tanker docks to inland storage tanks.

Gulf also played a major role in an unusual wildlife transplant. After conducting studies of waterfowl in the southern hemisphere, Florida's Game and Fresh Water Fish Commission wanted to introduce *patos reales*, a black game duck in South America to the forested swamps of Florida.

Learning of the Commission's desire, executives at Gulf arranged for an expedition into the wilds of Venezuela in search of *patos reales*. With the help of local hunters, Gulf captured 100 of the prized ducks and sent them to Miami by air freight. Groups of them were then distributed to preserves in Florida for study and propagation.

In Tampa, Florida a well-known wildlife preserve is operated and maintained by Anheuser-Busch, Inc. This preserve, Busch Gardens, is stocked by colorful herds from the African veldt—lions, elephants, zebras, giraffes, rhinos, hippos, and many others. From a skyrail car, visitors can view the animals roaming free in lands similar to their ancestral habitats. Many varieties of tropical birds also live by pools in the Gardens or in the Adolphus Busch Space Frame.

Another company that has contributed to the establishment of parks and recreation areas is Georgia-Pacific Corp. In what was acclaimed as "the largest single gift ever made for conservation purposes" last year, Georgia-Pacific gave two groves of California redwoods to Nature Conservancy, a conservation group in Washington, D.C. The gift, valued at about $6 million is now a California state park.

MAN HAS DONE BAD THINGS TO THE GOOD EARTH

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. JACOBS. Mr. Speaker, it is with pride that I salute my hometown and home-owned merchandising corporation, L. S. Ayres, for its outstanding example of civic responsibility, as evidenced by the following which was published to honor Earth Day, 1970.

MAN HAS DONE BAD THINGS TO THE GOOD EARTH

He has wasted its natural resources, polluted its air, cluttered its countryside and befouled its waters. Yet it is the only known planet where man can exist. It is a planet in a plight, and each person should rally to its defense and do his individual part toward a clearance of clutter, and end to waste and a solution to pollution.

EARTH DAY CAN BE A NEW BEGINNING

Support it Day-After-Day, As If Your Life Depended On It . . . FOR IT DOES!

L. S. AYRES & CO.

THE CRITICAL PROBLEM OF MERCURY POISONING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. OBEY. Mr. Speaker, since my insertion of a number of articles in the RECORD on mercury poisoning recently, some Members of the House have asked me whether this was not an overblown problem.

I am inserting the following article because it indicates the tremendous effect that mercury poisoning can have on a small community largely dependent upon recreation for its summer livelihood.

I think this indicates again the old truism that it is much easier to prevent problems than to solve them, and it is yet another indication of the problems of environmental degradation to which we ourselves are contributing by the lack of understanding of what is really happening to the environment.

The above-mentioned article follows:

RIVER ROLLS ALONG DESERTED SHORES

(By Don L. Johnson)

PORT EDWARDS, WIS.—There's an efficient look to the factory just south of here, across the highway from the Wisconsin River. The clustered buildings are of concrete block and ribbed steel. Giant pipes, painted blue, loop from the earth near huge, domed tanks.

Nearby are rows of railroad tank cars, blue with yellow lettering.

All is encompassed by tall chain link fence, topped with multiple strands of barbed wire. And there is no noise. Only a distant, sibilant sound.

The sign at the entrance says:

Wyandotte Chemical Corp.
Port Edwards Plant
Key Chemicals for Industry

With an eye to enlarged tax base and payrolls, citizens of Necedah had invited the company to locate there. Officials of Stevens Point almost lured the plant to their city.

But it was Port Edwards, a little paper mill town, which won the prize that would really put it on the map.

ORDERED CLOSED

Last week Gov. Knowles ordered a 35 mile stretch of the Wisconsin River closed to fishing because dangerous amounts of mercury had been found in the river and its fish. The order included the vast Petenwell and Castle Rock flowages, around which a substantial recreation industry has been built.

The Wyandotte plant was named as the major source of the lethal metal. The Wis-

XUM

consin Department of Natural Resources issued a "cease and desist" order; then reported daily checks indicated compliance.

Now what? There is worry. The word "disaster" is heard everywhere. It is spoken by voices full of anger. And fear.

RIVER LOSES FILM

Below the Nekoosa dam and paper mill, the river slowly loses a scummy film and widens into Lake Petenwell, covering 32,300 acres, second largest inland lake in Wisconsin. It is formed by a dam completed by the Wisconsin River Power Co. in 1950. Much of the shoreline remains wild, but development has been growing.

"Nobody can put a price tag on how much this is going to affect them yet," says Len Tuttle, who for 15 years has sold live bait and rented boats at the Devil's Elbow on Hy. Z. Four years ago he and his wife added Arlene's Cottage Grocery to the site.

"It's a good thing now that we've got the store,' said Tuttle, nodding toward a row of unused boats.

But many of the items in the store's inventory are for tourists:

"The local people won't buy these," says Mrs. Tuttle, showing some "Devil's Elbow" sweat shirts. "I hope when the ban is lifted it will get just as big headlines as when it was put on," she adds.

MAY BE ADJUSTMENTS

But when will it be lifted? Few people on the river believe their problem will be ended when the governor's 30 day emergency order has run its course. But there may be some adjustments, one way or another, in the boundaries of the banned area, they say.

"The damage is done, and I can't help but feel that we'll be feeling the effects of this for quite a while," says William Keifer, Jr., proprietor of the Hide Away Supper Club farther south on Z.

Kiefer was busy last weekend because of Mother's Day, but his parents, who operate the nearby Edgewater Resort, had some guests leave immediately and others cancel reservations as soon as the ban was announced. It is a familiar story by now.

Next door, Mrs. Alma Cooper looks morosely at the vacant parking lot in front of her Sands Motel. Her eight units have been empty for a week.

"It's usually a big month. The fish bite like crazy and you can't get near the place. I don't know what to do, or how I'll pay the taxes. . . .

"People are so frightened. One man wanted to know if he could drink water from his well. . . .

"People complained about the paper mills making the fish stink. Well, the mills have been cleaning up. The fish were never as good as they were this spring. So why did they let Wyandotte in here? Don't tell me they didn't know. . . .

"I never saw anything so lonely. You could crack up. Everybody's in shock. . . ."

Then, too, there are marinas, filling stations, and stores. There are restaurants and realtors, taverns and tackle shops. More than 200 businesses identify themselves closely enough with the lakes to advertise in a brochure distributed by the Castle Rock-Petenwell Lakes Association.

The river sprawls into the Castle Rock flowage below Highway 21. Another reservoir for Wisconsin River Power, it was completed in 1951, covers 23,300 acres and is the state's fourth largest lake. Much of its shoreline is wooded, cut by a few sandy roads, pocked with deer tracks, but there also is resort development.

At the Melody Waves Resort rows of neat, white cabins stand empty. There is a sign on the office door saying "Vacancy." The office is vacant too.

Farther down the road one car is parked at the Club Dell Aire. It belongs to John Thousand, the bartender.

Hardly anybody knows Harold Strand's first name. Everybody calls him "Happy." There is a rare scowl on his face, however, as he looks about his Edgewater Marine Service facilities at Dellwood on Castle Rock Lake resort and motel facilities in the settlement all look deserted.

"It's a disaster all right," he says. "It's worse than a tornado. After a tornado you can start rebuilding again. Here it might take years. We don't know."

Terry Hawkins, pumping gasoline at a Mauston filling station, says fewer fishermen are being seen.

Ben Little, state conservation warden stationed at Mauston for 27 years, reports he's had trouble keeping signs up along the river warning of the ban. What troubles him more is that many people are blaming the resource department.

"There was a meeting Monday night at Dellwood. One guy said, 'The fish don't stink, the department stinks'—and he got the biggest hand," Ben recalls. His weathered face is seamed as he grimaces with the pain of it.

There is another meeting called at the Mauston Courthouse for officers of the lakes association. Wilber Alexander, a Necedah tavernkeeper, is there. He is chairman of the County Board Industrial Recreation Committee, and has also been a longtime member of the State Conservation Congress. There too, is State Rep. Tommy G. Thompson (R-Elroy), and Dist. Atty. Ray Feldman. Both youthful; articulate. Jim Helm, a resource department biologist, has arrived from Madison. Questions come fast: Can we sue? Is there help? How long? Answers come slowly. Fred Fields listens quietly.

"My dog's been drinking that stuff every day and it hasn't hurt him."

MANY RUMORS

"We've got to stop rumors that swimming and boating is banned too . . . and that deer are dying."

"Getting declared a disaster area means getting low cost loans, don't it?"

"We need to make money, not to borrow it."

Facts are still scarce as they leave the room.

It is morning again, and the boat launching area below the Petenwell Dam near Necedah is empty. Rugged ramparts of rock are reflected from the far bank. Rain has dimpled the sandy trails. There are no tracks. There is no sound. Flowers bloom along the banks, but, for a few moments, not even a bird is heard.

And then you remember that less than a decade ago the late Rachel Carson wrote a controversial book warning of poisons in our environment.

And that she called it, "Silent Spring."

LAKE PEPIN LEVEL OF MERCURY SEVERE

MADISON, WIS.—The most severe mercury contamination found thus far by federal officials is in Lake Pepin, the state Agriculture Board was told Thursday.

Making the report at the board's monthly meeting was Norman Kirschbaum, food division administrator. Being tested by the Federal Food and Drug Administration in addition to lakes Michigan and Superior are the Wisconsin and Mississippi rivers.

Carp and buffalo fish from Lake Pepin, a widening of the Mississippi River along Pierce and Pepin Counties, were found to have .42 parts of mercury per million. Lakes and streams are closed to fishing when the level reaches .5 parts of mercury or above. Some of the Wisconsin River fish registered 1.5 parts of mercury in tests by the Department of Natural Resources.

PASSENGER RAIL SERVICE

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. VAN DEERLIN. Mr. Speaker, America's transportation system is entering a critical decade. Passenger rail service is diminishing, while our highways and airways are dangerously overcrowded. As a member of the Committee on Interstate and Foreign Commerce, I have been deeply disturbed by the apparent ease with which rail passenger service is discontinued. I am also aware that in other parts of the world, most notably Japan, the United Kingdom and the Common Market countries, rail passenger service is flourishing, in part because the railroads in those lands are aggressive and up to date in their marketing methods.

For a nostalgic look at what riding the train in the United States used to be like—and could be again—I include at this point a column by Jenkin Lloyd Jones as published in last Saturday's Washington Star:

TRAINS LET US SEE U.S. GRANDEUR

(By Jenkin Lloyd Jones)

There's a bill in Congress now for a government subsidy to save some of the fast-vanishing railroad passenger trains. Mostly it would go to breathe new life into the ramshackle services in population corridors, for as megalopolis grows the expensive freeways fail and we are drowned in the proliferation of our private transportation.

But I hope that at least a skeleton skein of long-distance trains may yet be preserved. Young America may lose the savor of this great country unless now and then it can stir from its sloop in a Pullman berth and gaze with wild surmise on a landscape changed and alien from that upon which dusk fell.

Perhaps we loved this country better when its vastness awed us. We've lost the vastness. We travel 600 miles a day with ease upon an Interstate that is a green or brown tunnel through the land—a pipe of motion remote from barns and villages and manor houses, from glens and brooks and deep arroyos. We get there. But where have we been?

Or we fly. At 10 miles a minute America unrolls beneath us—way beneath us. It's a cocktail and half a steak from Houston until you cross the Rio Grande north of El Paso, and Texas is gone.

The pilot comes up on the intercom and says that's the Grand Canyon underneath. The man at the window glances away from his magazine for a moment—just for a moment. The Grand Canyon is only one-sixth as deep as he is high. Not much to look at.

It wasn't like this in the old days. I have a little brochure, picked up from a Chicago old-book dealer, which was put out by the Santa Fe three quarters of a century ago for the New England trade.

It advised timid Downeasterners that every Saturday from old North Station a special Pullman in charge of a "reliable courier" left on the Boston and Maine, destination Los Angeles. Four days later it would be possible to take "comfortable stages from Williams, Arizona Territory, to the Canyon's very brink." The Indians, it assured prospects, were not dangerous at all.

Quaint? Of course. But people who went that way had a feel for the romance of Arizona and they really saw the Grand Canyon.

The Boston and Maine. In the mid-19th century the State of Massachusetts spent 21 years trying to punch a 5-mile tunnel through the Hoosac Ridge of the Green Mountains in order to achieve a low-grade rail route to the West. At every mile a new underground river was broken into and when it was finally completed it was a national triumph. The other day flying west from Boston I tried to locate the Hoosac bore, but a cloudbank intervened.

Maybe that's what our kids don't understand—how big the mountains were, how wide the rivers. They haven't seen the old switchbacks west of Denver that broke David Moffat's heart, or the way the B&O breasted the Appalachians with mule scoop, pick and black powder to achieve the Ohio at Wheeling.

They can never know now how it was when you stood at dawn on the rear platform of the old Havana Special, spinning from key-to-key on Henry Flagler's "railroad that went to sea." A hurricane took it all. But the magnificent Lucin cutoff across the Great Salt Lake is still there and so are Marias Pass and the Cascade tunnel and Horseshoe Curve and the climb up Raton.

The Pullman window is a way of drawing a shade on one kind of America and raising it on another. The first time I went to Florida as a wide-eyed kid darkness fell on Chesapeake Bay and the next morning as by a miracle here were roofless slave cabins and tall turpentine pines and the mysterious ferns of the Okefenokee. This was not the same as roaring down I-95 to a chaotic collegiate beach-bash at Fort Lauderdale.

In the effete East drinking places are deep in euphemisms. They are "taverns" or "lounges" or "tap-rooms" or "oases." But in the drying pools of the once-rugged West honesty still lives. A tall false-front facing the Southern Pacific station at Golconda, Nevada, carries the simple "Saloon."

We used to speak with awe of the wide, wide world, never dreaming we would see the day when an astronaut would get it all on the frame of a 35-mm camera. And when we sang "From sea to shining sea," we busted with patriotic pride because the country was so big.

It's smaller now, or seems so. And maybe that's why it's easier to belittle it. We travel it more, but perhaps we know it less.

And so I hope that two or three of the grand old transcontinental trains can be refurbished and kept alive—even if it takes some subsidy. The oncoming generation could use the view now and then from a Pullman window. It's a view of a spacious, varied, magnificent land. And it's a true one.

LETTER FROM LT. WILLIAM H. GODDARD

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. QUILLEN. Mr. Speaker, contrary to the opinions expressed by many of our young college and university students across the country today, there are many of our American fighting men who support President Nixon in his decision to move American troops into Cambodia.

One of these young men is Lt. William H. Goddard, who is serving with the infantry in Vietnam. Lt. Goddard is the son of Mr. and Mrs. Paul D. Goddard of Route 2, Dandridge, Tenn.

His love and devotion of his country are shining examples for others to follow. The members of his family are good friends of mine and I salute them.

Recently he wrote his parents a letter and accompanied with it another letter he has written to President Nixon.

I feel his letter to the President states very simply the attitude of our American fighting men. Indeed, their mental attitude in this terrible conflict is not as serious as many persons are being led to believe by the antiwar dissenters.

Mr. Goddard's letter is so outstanding that I am compelled to enter it in the RECORD.

NHA TRANG, RVN,
May 10, 1970.

MR. PRESIDENT: I am presently serving in Vietnam. I don't particularly like spending a year of my life over here away from my wife and family, however I want to do my part to defend freedom. This is a very mixed up war to say the least. Yet if we are going to fight a war, the only way to do it is to fight to win. At last a positive step has been made to do just that. I am referring to your decision to move U.S. troops into Cambodia. Everyone here is behind you 101%.

I heard news reporters asking you yesterday what good our troops are doing there. These people are either ignorant or are unable to read statistics. When I see all the supplies and arms that have been uncovered in such a short time, it astounds me. I guess these so called peace demonstrators in the U.S. cannot understand that for each rocket we capture in Cambodia, that is one less Charlie can shoot at me. Well, believe me, I can certainly understand that reasoning. My brother was here as a platoon leader in '68 when the bombing halt was called. He said that it was like stabbing our own people in the back because of the increased amount of supplies. I hope loud minorities in the states do not cause similar decisions in the future.

A year has passed since I was last on a college campus as a student. I really hope things have not changed as much as the news media would lead us to believe. The recent events are indeed tragic and I hope never occur again, however these students don't know how it is here.

From personal experience I know that many young impressionable students are greatly influenced by non-students agitators. Recently, statements from some of our so called responsible Senators have only added fuel to this fire. When I read Senator Mansfield's statement that students were placing "a lot of reliance on the Senate" and "we shall do our best to live up to their expectations", I thought is this man really the Senate Majority Leader. I hope someone in Washington realizes that a few hundred thousand G.I.'s in Southeast Asia are placing their lives not just some idealistic expectations in their hands.

I place a great deal of faith in you, my representative—Jimmy Quillen, my Senator—Howard Baker, and certainly Mr. Agnew. I cannot say the same for the other Senator from my state. Once again I am behind you 100%. There may be a lot of loud-mouths saying "Get out of Cambodia" but those of us over here say thank-you because we know that as a result of your decision we won't have to run for the bunkers nearly as often, and we won't have to pick up the pieces of our buddies because many rounds that would have landed here in the coming weeks will never make it. Thank-you.

WILLIAM H. GODDARD,
1Lt. Inf.

TRIBUTE TO LT. JACK BREWER, JR.

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. SNYDER. Mr. Speaker, I rise to pay tribute to Lt. Jack Brewer, Jr., who was killed in action in Cambodia on Thursday, May 14.

Jack was the 109th northern Kentucky fighting man to give his life for his country in Southeast Asia.

Though the Nation is experiencing dissent over America's commitment, Jack Brewer answered the call to duty and honor. He paid the highest sacrifice for his country and for those of us whom he died defending.

It must be our hope and prayer that Jack Brewer died so that others could live—and remain free. I know I speak for the people of the 4th District of Kentucky—and for all Americans—when I convey my deep sense of loss and sympathy to the Brewer family.

The front page story reporting Jack's loss, which appeared in the Kentucky Post, Tuesday, May 19, by John Harris, follows:

BOONE OFFICER SLAIN IN CAMBODIA BATTLE

(By John Harris)

Newly expanded fighting into Cambodia has claimed its first northern Kentucky victim.

Army 1st Lt. William J. (Jack) Brewer, Jr. was killed last Thursday in an enemy encounter there.

"We don't know exactly how it happened yet," said his mother, Mrs. William J. (Jeanne) Brewer, Sr., 933 Piedmont Circle, Rolling Green Acres, near Erlanger.

"We got a telegram Monday. All it said was that he was on patrol and ran into a hostile enemy group."

The 23-year-old officer is the 11th victim of Southeast Asian fighting for Boone County and the 109th for northern Kentucky.

And it was another sad first for Boone County, which had also given the tri-county area's first life in the Vietnam fighting over 5 years ago.

Pfc. John W. Malapelli, 22, of Burlington, was the first northern Kentuckian killed in Vietnam. This was on February 9, 1965.

Young Brewer was an outstanding soldier and had planned to make the Army his career.

He had paratrooper training and was a Ranger as well as an expert in jungle warfare.

"We last heard from him of May 8," said his father, who is a mechanic with Day and Zimmerman Inc., Cincinnati.

"He was in Vietnam then—at firebases along the (Cambodian) border. He had been in (Cambodia) and back out.

"He said he expected to go into Cambodia, but (his letter) was just as pleasant as could be."

The young soldier was the oldest of six in his family.

A brother, James A. Brewer, 22, is a power engineer with Cincinnati Gas and Electric Co. He and another brother, Jerald, 14, live at home.

There are three sisters, Jennifer, 16, and twins, Robin and Melinda, 9.

Lt. Brewer was a 1964 graduate of Boone County High School and was graduated mid-term in 1969 from Eastern Kentucky University with a business administration degree.

While at Eastern, he was outstanding in the Reserve Officers' Training Corps, attaining membership in Pershing Rifles drill team and Scabbard and Blade honor groups.

He was commissioned an army second lieutenant upon graduation.

The following day he married Janas Mills, of Independence.

She now lives at 7050 Shenandoah Drive, Apartment 11, Florence, with a son, William Jackson Brewer III, who will be a year old later this month.

The young officer went to Vietnam on Feb. 1, serving as an infantry platoon leader and executive officer with the 1st Cavalry (Airmobile).

He won the Combat Infantry Badge and was nominated for a Bronze Star.

Lt. Brewer was a member of Grace Episcopal Church, Florence.

Other survivors include his maternal grandmother, Mrs. Lucille P. Latimer, of Evanston, Ill.

Stith Funeral Home, Florence, is in charge of arrangements.

GORDON FULCHER LEADS TEXAS POLLUTION FIGHT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. PICKLE. Mr. Speaker, because of the foresight and the strength and the daring of one man who was not afraid to buck the system, our State is now moving, and is ahead of most other States in cleaning up its rivers and streams, sewerage systems, and channels and bays.

Gordon Fulcher, chairman of the Texas Water Quality Board, is the man responsible for "Operation Clean Sweep" which has shaken up the industries and some cities in Texas who have contributed to our pollution.

Armed with laws that were tough in nature and tough to pass, Fulcher and his staff now go after violators with fines and firm legal proceedings.

The background of Gordon Fulcher is one of public service. For nearly 20 years, Gordon Fulcher was editor of the Austin-American newspaper, and here he was recognized as one of the State's most aggressive, energetic and productive editors in the State.

His newspaper was as colorful and delighted as the man himself. After a successful career in the construction business, Gordon Fulcher returned to his first love—newspaper publishing. Throughout these ventures, Fulcher brought a keen sense of humor, a brilliant insight to the workings of our democracy, and a firm dedication to the ideals of responsible government. Gordon Fulcher has always been a working part of his government—willing, fair, responsible, and lovable. He is a true friend of his State, and I have been privileged to share his friendship for over 30 years.

Mr. Speaker, as we know quite well, enforcement of our antipollution laws will require the concerted and coordinated administration of all legislation—Federal and State—and Gordon Fulcher is the kind of man that can maintain a purposeful partnership.

As further insight to his character and his ability, I would submit the following article from the May 17th edition of the Dallas Morning News:

POLLUTERS LISTEN, OBEY STATE NOW: TEXAS MOVES AHEAD IN FIGHT FOR CLEAN RIVERS

(By Robert Heard)

AUSTIN.—Nobody knew it at the time, but last Oct. 16 probably was the most important date in Texas history in the fight against water pollution.

It was on that date that *Gordon Fulcher, the salty-tongued chairman of the Texas Water Quality Board,* suggested in a rambling speech to the board that it should examine every waste discharge permit in the state.

From that speech came "Operation Clean Sweep," a watershed by watershed series of hearings that has shaken up industries and cities in half the state and is zeroing in on the other half.

A lot of people thought the day would never come when the board actually did anything substantial.

But this attitude was unfair, say Hugh Yantis and Joe Teller, executive director and deputy director of the board. From 1961 through 1965, the board had only three clerical employes, they say.

It got three more employes and a budget of $40,000 in 1965. Finally, in 1967, the board got $3 million from the legislature and began building a staff that now totals 130, about one-third what Yantis and Teller say they need.

Why did it take so long to get the legislature to approve enough money to make it an effective agency?

Fulcher explained: "In 1961, some members of the Legislature had to be promised there would be no staff and no money before they would vote to create the Water Pollution Control Board." The board's name was changed in 1967.

This gave the reluctant legislators credit for the agency's creation while at the same time placating major industrial polluters.

Therefore the agency has been in a position to do something substantial only since 1967.

The next question is why did it take two years to get the ball rolling? Some have criticized Fulcher's predecessor Howard Rose, an appointee of Gov. John Connally, saying he tended to be easy on industrial polluters.

Yantis disputes this. Rose was the right man to head the board until Fulcher took over in October, he says.

"Howard brought us into a modern operation. Maybe his temperament would not be attuned to what we're now doing. He did a whole lot to get this gun aimed . . . when Fulcher came along, the gun was loaded," Yantis said.

Among other things that Rose did, Yantis said, was get the legislature to approve the $3 million budget in 1967.

A long shakedown period followed, during which, statistical information was gathered.

The real beginning of Fulcher's drive dates back to last summer's Panola County grand jury investigation of the Sabine River.

The major question was Texas Eastman, a giant chemical company near Longview.

Fulcher, their board vicechairman, telephoned the company Aug. 1 and got it to shut down voluntarily in hours. The company has since spent millions to improve the quality of its effluent.

Rose's term expired and Gov. Preston Smith did not reappoint him. The board elevated Fulcher, publisher of a weekly newspaper in Atlanta.

Four of the seven seats on the board are held by representatives of state agencies who traditionally look to the governor's appointees on the board for leadership.

Fulcher says he and Jerry Brownlee, former city manager of Fort Worth and a Connally appointee, had felt for a long time that the agency had no real objective. "Particularly, you couldn't find out who was in violation of a discharge permit and who wasn't," he said.

"We gave our staff better direction than they had previously been given," he said.

But Fulcher is no critic of Rose. "I don't think Howard had in his previous board members two people as willing to hit at the snake as Brownlee and I were," he said.

Previous board members "walked on a lot of new ground. They were inclined to give industries and all permittees—to be too soft and to be too easy, to give two years for corrective action where they should have given two month," he said.

Even after Fulcher took over, it took time to get people's attention. He noted that a group of cities in Northeast Texas failed to send representatives to the November meeting as requested. They showed up in December, however, after city officials began to realize they could get into trouble.

The board can ask the attorney general to file suit against cities or industries that fail to comply with their discharge permits. Violators can be fined $1,000 a day for each offense. Industries can be enjoyed to halt pollution. The law even permits the placing of a city's sewage discharge function into receivership.

And Fulcher took on the big boys. After the Houston Public Works Director, E. B. Cape, said the board could do nothing but "raise a big stink," Fulcher had Cape stand up at the February meeting of the board to receive this blistering:

"I am amazed that a man holding such a position of responsibility as you do in one of the largest and most important cities in the world—the heart of an area from whence comes some 50 per cent or more of the gravest pollution problems with which we must deal—would make such a statement even in a facetious or jocular manner.

"To me, it was obdurate, indolent, ignorant, insolent and uncalled for."

In addition to sanctions the board could seek through state courts, Fulcher said the board could ask that federal funds be held up on pollution control, highway, housing and other projects.

Cape accepted his punishment in silence and sat down.

The agency is cracking, but now there is a new threat, Fulcher says. Federal intervention.

On April 15, Fulcher told a Corpus Christi audience:

"Despite all the strong lip service of President Nixon about the vital urgency of cleaning up pollution in this country," a federal official is hamstringing the Galveston Bay study.

David Dominick, federal, water pollution control administrator, refused to release $250,000 appropriated by Congress as this year's federal matching fund for the study. Dominick insisted that the money be tied to a strong enforcement program.

Fulcher calls this "a Republican gimmick."

Yantis says, "It's regrettable that the present administration chooses to play politics with it."

Teller says the federal people are "hung up on the lawsuit business. Potomac fever leads someone to think he can do the job better. They think of us as little bumbling children that don't quite know what they are doing.

"They've got senior people who have never seen a sewage treatment plant. They say enforcement is the only way. They filed suit against St. Jo, Mo., in 1955 for dumping raw sewage into the Missouri River. They won the suit. Last year, St. Jo started construction of their primary sewage treatment plant. It took 14 years. Last August, it took 1½ hours for Texas Eastman to stop after one phone call."

Teller says lower echelon federal people list Texas, California and New York as having the three best state anti-population programs.

Fulcher notes that industries along the Houston Ship Channel are spending between $50 million and $100 million to clean up their effluent. Already there has been improvement, even before these projects are completed, he said. "The channel is cleaner today than it was 10 years ago."

A lot has been done, but much more needs to be done. Teller, for instance, says sewer lines that can keep out infiltration of rain water cost three times as much as pipes used today. And infiltration is a major problem because it place a tremendous burden on treatment plants.

"Most people push the lever on their commode and think, 'It's nasty stuff—I want to forget it,' " he said. But somebody has to think about it. And the leverpushers are going to have to pay for the bonds that build the lines and plants that take care of it.

Some of the key somebodies that are thinking about it are Fulcher, Brownlee, Yantis and Teller. And they lose money by doing it.

Fulcher and Brownlee make $25 a day plus expenses for the two days a month they average in board meetings.

Yantis, 56, makes $22,500. He has turned down a private offer of $50,000. "I'm doing what I want to do," he said.

Teller, 39, makes $18,500. He has turned down an offer of $32,500. "It sounds noble, I know, I enjoy what I'm doing and I think we're doing a good job. And it needs to be done. I'm making enough to live on.

"You've got to be dedicated. The phone doesn't ring but what it's somebody giving you unshirted hell. We're either doing too much or too little. Cities claim we're making them spend too much money. Nobody comes to us if they don't have a problem."

CUBA'S INDEPENDENCE DAY

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. MAILLIARD. Mr. Speaker, I join my distinguished colleague from Florida, the Honorable DANTE B. FASCELL, chairman of the Subcommittee on Inter-American Affairs, in commemorating Cuba's independence.

On this occasion last year, I stated that many of us celebrate Cuba's Independence Day with mixed emotions. Today, I am sure that, while we join freedom-loving Cubans everywhere in honoring their homeland's long struggle for liberty, we cannot forget that a totalitarian regime rules in Havana.

We all remember the heroic leadership of Maximo Gomez, Antonio Maceo, and Jose Marti in Cuba's epic struggle to throw off the yoke of Spanish colonialism. However, a less honorable Cuban named Fidel Castro has undone the work of those great men and their fellow countrymen and has returned Cuba to the dark ages of human liberty.

The unfortunate condition of the Cuban people who labor under Castro's regimental reign of terror is well known. Although the Cuban dictator promises cornucopia in the dialectic of Communist doctrine, the plight of the inhabitants of Cuba has not lessened. Despite the claims of a successful socialist experiment, the majority of Cuba's population exists in a state of persistent want. Moreover, a dissenter to Castro's totalitarian policies is given the harsh choice of exile or prison.

Apart from extinguishing the flame of freedom in Cuba, Castro's regime has consistently recruited from other American republics and has trained in Cuba guerrillas to export the Cuban-type Communist agrarian revolution. Since the agrarian approach has met with little success, radical revolutionary elements in the hemisphere are turning increasingly toward urban terrorism in order to bring down the existing order.

Castro casts himself throughout the hemisphere as a leader of the down-trodden who is opposed to United States imperialism. However, it is clear that the Soviet Union presently has a large degree of economic and military influence on Cuba's ruler. Last year's visit of the Soviet fleet to Havana and the continuing presence of Soviet advisers is evidence of the closeness of the two governments.

Mr. Speaker, we deplore not only the existence of the totalitarian regime in Cuba, but also the danger it presents to all of the republics in the Inter-American system.

However, I am confident that the thirst for liberty, which is paramount in the hearts of the Cuban people, will again sustain them in their quest for freedom and independence.

Therefore, in commemoration of Cuba's Independence Day, I urge all free people throughout the Americas to encourage the Cuban people to continue their quest for liberty.

LETTERS DESCRIBE RIDICULOUS ACTIVITIES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, under leave to extend my remarks, I would like to call to the attention of my colleagues two letters that appeared in the Evening Star of May 16 and 17 which I believe very effectively describe the ridiculous activities that have been conducted in our country in recent weeks.

The letter follows:

[From the Washington (D.C.) Star, May 17, 1970]

SIR: Why do you have so little faith in the American system of representative government. In a 2,500 word editorial you take the present administration to task at great length for not listening to the student dissenters. Why should it? If this were to become the proper way to determine government action we would not need Congress—why bother with representatives if our duly formulated policy is set aside by mob demands?

Of course, we unfortunate middle-class Americans who hold down jobs would have to give them up and devote our time to mass protests, to shouting obscenities over the White House fence, to burning automobiles and throwing rocks at policemen. We will if we have to. It would seem so much wiser, however, if we all stayed home, obeyed the law and participated in elections at all levels.

If the administration takes the easy way out and accepts the views of whatever group can create the greatest mess on the Ellipse, representative government will be a thing of the past.

CHARLES R. HUCKA.

BETHESDA, MD.

[From The Washington (D.C.) Star, May 16, 1970]

LAMENT

You cry for love, as you rob your mothers and hate the law which protects you. You cry for peace, as you murder your fellow students in the streets. You cry for communication, when your ears are obstinately closed to those who oppose you. You cry for freedom, when you are stifling the very freedom our brothers are dying for. You cry for population control, as you make love in the streets and bring unwanted babies into the world. You cry for anti-pollution and you leave tons of garbage on our Monument grounds and everywhere you go. And you cry for justice, when you are the most selfish and most unfair of all.

You are the confused and lost, and I am ashamed to be called "youth" in the same breath as you.

But the most painful, tragic thing of all is knowing that an ocean of blood covers this earth to give you the freedom, the right to wade in it and curse.

C. B., 17.

CAMPUS VIOLENCE AND COLLEGE SPORTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. MIKVA. Mr. Speaker, it is perhaps not usual to look for political comment on the sports page, but Red Smith is not a usual sports writer. I was deeply impressed by the perception of his recent column concerning the great impact of the Kent State incident on college athletes and athletics throughout the Nation.

Many of our outstanding college athletes, like their fellow students, have been shocked by the recent displays of mindless violence at Kent State, as well as in Jackson, Miss. and Augusta, Ga. A rising number have declared a moratorium on participation in college sports because they no longer feel they can give full devotion to games at a time when their fellows can be shot down in cold blood with apparent impunity by those lawfully appointed to preserve the peace of our society.

Of the protesting college athletes, many of whom are very conservative in politics and life style, Red Smith wrote:

"They're bums. They just don't feel like playing games. I don't feel like writing about games. I'm a bum. An old bum. I try to think about sports and I just keep hearing a too familiar voice repeat-

XUM

ing on radio and television: 'I have a plan to end the war. I promise you I can achieve a just peace.'"

Under unanimous consent, Mr. Speaker, I introduce into the RECORD the article by Red Smith entitled "Wrong Time for Playing Games," which appeared in the May 8, 1970, issue of the Chicago Sun-Times:

BULLETS ON CAMPUS: WRONG TIME FOR PLAYING GAMES

(By Red Smith)

It is time for some of our professional sports leaders to declare that the games must go on because that is how these kids at Kent State would have wanted it.

This was the theme when John Kennedy was murdered and when Robert Kennedy was murdered and when Martin Luther King Jr. was murdered.

Indeed, Spec Richardson, the psychic general manager who minds store in Houston, knew so well what Robert Kennedy would have wanted that he slapped fines on Rusty Staub and Bob Aspromonte for refusing to play on the day of mourning for the senator. Joe L. Brown of Pittsburgh either did or did not fine Maury Wills for the same offense—he didn't have the guts to say—and Milt Pappas, the pitcher who led a protest by Cincinnati players, was swiftly traded to Atlanta.

Ken Fairman, athletic director at Princeton, isn't sure how the kids at Kent State would have wanted it, and isn't putting pressure on athletes who have suddenly lost interest in the playground.

"They feel very deeply about this," Fairman says. "They're dropping out because they feel they can't go out and have fun in sports . . . they always have a veto. They are not hired by us to play athletics."

WHO'S A BUM?

Princeton's unbeaten tennis team has quit for the year, eight lacrosse players have left the squad, three basketball players have packed it in, and so have three oarsmen on the heavyweight crew.

The Princeton track team is down to 18 athletes, and Herman Stevenson, the captain, is trying to organize a boycott of the Heptagonal Games this weekend at Yale. Steve Tourek, the crew captain at Dartmouth, wants all oarsmen to wear black handbands in the Eastern Spring Championships Saturday.

The Columbia baseball team cancelled last Tuesday's game with Manhattan College. At least one football player at Stanford stayed away from spring practice.

"These kids are for the most part very conservative kids," Ken Fairman says. "One kid says to our lacrosse coach, 'You told us not to play unless we have a 100 per cent commitment, and I can't.'"

They've bums. They just don't feel like playing games. I don't feel like writing about games. I'm a bum. An old bum. I try to think about sports and I just keep hearing a too familiar voice repeating on radio and television: "I have a plan to end the war. I promise you I can achieve a just peace."

Richard Milhous Nixon says what happened at Kent State was an "unfortunate incident" and implies that the kids who were slaughtered had nobody but themselves to blame because "when dissent turns to violence it invites tragedy."

Spiro T. Agnew says that what happened was "predictable and avoidable." That's the polysyllabic way to say, "I told you so."

To Mr. Nixon, young people who detest the war in Vietnam and oppose his invasion of Cambodia are "bums." To Mr. Agnew they are "tomentose exhibitionists." (Tomentose is a hotdog word for hairy.)

FEW REMAIN SILENT

In most colleges, athletes are regarded as conservatives, often correctly. Some are just muscular jocks with limited interests beyond the playing field, and most of them are kept too busy to have much time for campus movements. More and more of them, however, are speaking out against the notion that they are part of the President's "silent majority."

In fact, unless his hearing has failed badly, Mr. Nixon must be aware of voices of dissent in many quarters that have been quiet until recently, in his own party and even in his own cabinet. That was a remarkable letter he got from his Secretary of the Interior protesting the President's insensitivity and the Vice President's blackguarding of youth.

Walter J. Hickel is the Alaskan who said conservation was overrated, whereupon Nixon handed him the Interior Department, making him the national conservation commissioner. Now Walter has concluded that the President was overrated.

THE INCREASING COST OF EVERYTHING

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. ULLMAN. Mr. Speaker, in an excellent article in the Evening Star of May 25, Sylvia Porter gives us a close look at the effects of the current price inflation on the housewife's shopping list. She cites dozens of specific examples that indicate the drastic rise in prices that is still affecting food and practically everything else we buy. No longer is it a question of substituting hamburger for steak, says Miss Porter. The housewife now must decide whether she can afford hamburger.

How much more evidence does the administration need before it will act to institute tough guidelines to limit price increases as well as establishing limits on wage hikes and selective controls on credit?

The article follows:

YOUR MONEY'S WORTH: LOWER PRICES RISING FASTEST

(By Sylvia Porter)

"Substitution" always has been a key weapon to help cut the cost of living—and since this inflation spiral took off in 1956 a policy of "substitution" for meats and other foods, for non-foods and services wherever feasible, has been widely promoted.

But now, ironically although understandable, adoption of this policy on a mass scale is driving up the prices of the popular substitutions more rapidly than the original higher-priced items. In short, as inflationary price increases drain our pocketbooks, we have fewer and fewer ways to protect ourselves.

To put it succinctly, while hamburger is a fine substitute for steak, cheese and dried beans are scarcely satisfactory substitutes for hamburger.

When the prices of the basics in foods, goods and services climb more rapidly than the prices of luxuries, the danger signals are flying very high.

To illustrate, between the start of 1969 and 1970, the cost of hamburger rose 11.9 percent—more than twice the 5.8 percent rise for sirloin steak. The average price of a pound of hamburger was 66c according to latest official nationwide Bureau of Labor Statistics figures.

Also during this same 12-month period, the price of hot dogs rose 13.6 percent—nearly double the 6.8 percent rise for roast beef. At latest official report, frankfurters cost an average of 83c a pound throughout the United States.

Several times during 1969 it was pointed out how big a bargain turkey was and how one could adapt turkey for year-round meals. Between January and January, though, poultry prices rose 9.6 percent—with the key factor behind this increase a jump of nearly 14 percent for turkey. The BLS now reports the average price for turkey at 56c per pound.

And so it has gone: Fresh and frozen fish prices rose 13.3 percent from January to January; pork, another traditionally lower cost beef substitute, rose 17.2 percent overall; beef liver was up close to 12 percent; liverwurst was up nearly 11 percent; sausage, 18; bologna, 13; eggs, 19 percent. As for bacon, this has entered the category of gourmet, condiment foods.

This is in direct contrast to the trend in the previous couple of years, for then, you may recall, the big increases were for sirloin steaks, roast beef, veal cutlets. And it was to beat these increases and still get sufficient protein that many consumers shifted from high-priced cuts of beef to hamburgers and hot dogs, chicken and fish.

And the same trend is evident elsewhere. Among vegetables, such old standbys as carrots, celery and tomatoes all increased 19 percent or more.

Among home ownership costs, prices are rising rapidly for such necessities as repair of furnaces and washing machines, replacement of sinks, reshingling of roofs.

Among transportation costs, public transit fares are rising more rapidly than any other major category. And traditionally bargain inter-city bus fares are climbing at a rate nearly four times that of new car prices.

Among personal care items, prices for do-it-yourself home permanent refills are increasing faster than prices of cold waves performed at the hairdresser. Among women's apparel costs, casual shoe prices are rising faster than evening slippers. Among alcoholic beverages, wine prices are rising four times as fast as whisky prices Among health costs, semi-private hospital room rates are rising faster than private room rates.

This 1969-70 period is murderous: Business recession, a stock market crash, climbing unemployment, mounting bankruptcies and now an inflation zeroing in on the basics.

And the most tragic aspect of all is that at the heart of it is a war which everyone says must be ended but which drags on and on endlessly.

GEN. WILLIAM C. WESTMORELAND DELIVERS ADDRESS AT ARMY AND AIR FORCE ROTC COMMISSIONING EXERCISES, TEXAS A. & M. UNIVERSITY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. TEAGUE of Texas. Mr. Speaker, Gen. William C. Westmoreland delivered a most inspiring address to the Army and Air Force ROTC cadets who are graduating from Texas A. & M. University and accepting commissions in the respective services.

Under leave to extend my remarks in the RECORD, I include the text of General Westmoreland's speech:

ADDRESS BY GEN. W. C. WESTMORELAND, CHIEF OF STAFF, U.S. ARMY, ARMY AND AIR FORCE ROTC COMMISSIONING EXERCISES, TEXAS A. & M. UNIVERSITY, COLLEGE STATION, TEX., MAY 23, 1970

I am proud to be a soldier . . . a member of the Armed Forces team. As a soldier, I am always pleased to welcome those who are about to be commissioned in the Services of our country. Your qualifications for service are well known. I congratulate you on your decision to serve your country in the great tradition of our Nation and the State of Texas.

Texas A. & M. has provided dedicated leadership—both civilian and military—to our Nation during the past 94 years. Over 50,000 officers have come from your Corps of Cadets since 1920. Like them, you are about to add your contribtuion to the leadership of the Army and the Air Force. I am confident you also will carry with you throughout the Services "The Spirit of Aggieland."

This spirit is personified by the distinguished officer and polished gentleman—a member of my staff—who came from Washintgon with me this morning, Major General Bill Becker, a graduate of this great institution. General Becker was Cadet Sergeant-Major on the staff of Cadet Colonel and Corps Commander Durwood Varner, your Commencement speaker, and succeeded him as Cadet Corps Commander.

General Becker is one of many of your alumni who are providing leadership in the Army today.

In accepting your commission as an officer, you have reached a significant milestone in your life. A vital part of your preparation for future responsibilities has been your enrollment in and successful completion of ROTC.

Your chosen path to this point has not been without deprecation from some. Yet in withstanding assaults from those who would deprive you of your freedom of choice, you have demonstrated fortitude, understanding and maturity. I am convinced you are better men for it.

During the past four years you have learned from the world of books; today you begin learning from the book of the world. Your education—in fact—has really just begun.

When you receive the bars of a second lieutenant, you accept the responsibility of a commissioned officer. Inherent in this responsibility is a trust far greater than that accorded most men.

You will be entrusted with the lives of Americans in uniform, men who are representative of the citizenry of our country. In them you will find both the strengths and weaknesses of our society and indeed of all humanity. But in this age of rapid change where many of our values are being questioned, doubted, and even rejected, your enlightened leadership is sought as never before. Accordingly, the responsibility thrust on you will be complex and demanding.

There was a time when unskilled, untrained men filled with passion could win battles . . . but those days have long since passed.

Today our American serviceman possesses the self-confidence—the skill—that comes from comprehensive training and reliable equipment. He is better educated, better trained, and better equipped than any who have ever worn the uniform of this country.

Nearly nine percent of Army enlisted personnel now have college degrees. For the last two years, about ten percent of our new enlisted men have been college graduates. Thirty percent of our enlisted strength have had some college training and eighty percent have completed high school. The average number of school grades completed is 11.8. But these figures are not representative of the Army alone, they indicate the level of education in all the Services.

Serving the well-educated American soldier is one of the largest educational institutions in the world.

The Army's school system, with 2 colleges, 22 branch schools, and 10 specialist schools offering over 650 courses of instruction on a campus located in 17 different states, is literally the largest campus in the world.

Under a civilian schooling program that was founded in 1867, the Army trains specially selected officers for advanced degrees at leading universities. This is done in order to meet our growing needs which demand the higher discplines associated with Masters degrees and Doctorates.

At present over 90 percent of our career officers hold Baccalaureate degrees—the goal is 100 percent. Some 25 percent hold advanced degrees. . . . And we estimate that during their service, approximately 75 percent of our career officers will have the opportunity to gain advanced degrees.

All of the great training facilities and educational institutions of the Army and Air Force exist for one reason: to make our servicemen and women better able to fulfill their oath of office. This oath that you will take today is the same oath taken by all servicemen and women, officer and enlisted.

The oath is unique . . . its charge is not for defense of any man, nor any partisan cause. Explicit in our oath is a solemn affirmation to defend the foundation and expression of the highest ideals of freedom for man . . . the Constitution of the United States. Implicit is loyal response to our Commander in Chief—the President of the United States.

Our Armed Forces have never swerved from honoring this oath. Moreover, and what should be extremely important to our citizenry, they have never acted as an instrument of coercion or force against our government. As a group they have remained subordinate to civilian leadership as set forth in the Constitution. No other major nation in the world can boast of Armed Forces that have shown such continued undivided loyalty.

The Armed Forces of the United States have never failed our country on the field of battle. Starting with our own Revolution, we have never lost a war.

Should our Armed Forces ever become weakened, our Nation will have lost one of its strongest sinews of greatness.

Essential to the strength of our Armed Forces are certain eternal values that cannot be compromised. And these are fundamentals to any society or any organization of people within a society.

Respect for lawful authority.

Discipline, including self-discipline.

Sacrifice—a willingness to set aside personal goals for the goals of the group.

And finally, absolute honesty and integrity.

These attributes are not hollow slogans. They are functional necessities for any human involvement. But they are uniquely required in the military where human life . . . not money or prestige . . . is the stake. Because these demanding standards are vital to the national interest, we make every effort to maintain and enforce them. We hold those who would violate these values accountable in accordance with the law of the land, keeping in mind justice to the individual and justice to the Armed Forces.

You gentlemen will provide much of the leadership that ensures the continued viability of these principles in the Army and Air Force. Texas A&M has prepared you well for your leadership role. As leaders, you will discover that what you achieve is directly proportional to your individual determination. You must want to command. You must have the will to accomplish.

Gentlemen, individual determination or will has pervaded our fighting men in Vietnam. Will enables infantrymen to move through seemingly impenetrable leech-infested jungles. Will causes U.S. airmen to fly through missile-ridden skies to accomplish their missions. In a way, this same spirit is admirably exhibited here at Texas A&M by your tradition of the "twelfth man."

The Army, as part of our Armed Forces, has demonstrated its commitment throughout history to serve our country.

As our young Nation expanded West of the Appalachians, our Army mapped and surveyed the uncharted wilderness. Today the Army charts the moon.

As our young, growing Nation required increased arteries of communication, our Army Engineers planned and built roads, railroads, and canals.

As our Nation's population grew and her horizons expanded, the Army Medical Corps met the needs of national health.

And as our Nation reached beyond the earth's atmosphere, the Army developed Explorer I, the only ready satellite with which the challenge of Sputnik could be met.

Certainly the other Services can cite numerous similar contributions.

I am proud that the Armed Forces have always been pioneers. But they have done more than build roads and make maps . . . they have also, many times, led the way toward social change in our country.

Today, the Services give special training to those who ordinarily would not be eligible to serve in the Armed Forces through lack of education.

Today, the Armed Forces through Project Transition assist those servicemen about to be discharged by preparing them for civilian jobs in government and industry . . . training which improves their future prospects and adds strength to our Nation.

Moreover, the military has led the Nation in moving toward a truly integrated society where race plays no part and where any man can advance in accordance with his demonstrated abilities.

The humanitarian actions of our Armed Forces in times of natural disaster are well known.

I could cite numerous other contributions our Armed Forces have made to our society. But our primary mission is not social reform . . . It is to provide security for our Nation and its people.

I'm proud to be a part of a military organization that is an important instrument of a responsible government—a government which through its Armed Forces is capable of applying force with discretion . . . not irrationally as the case might be with an irresponsible nation.

But our Nation must have sufficient power at its disposal to disuade the use of power against us by another nation. Accordingly, we must measure our military needs by the military capabilities of potential enemies. This is extremely difficult when one attempts to measure the power of an open society against the power of a closed society. And yet I would have it no other way because it is the very openness of our society which our Armed Forces defend.

Like most professional soldiers, I am intensely proud of the profession of arms.

In the United States, the Armed Forces defend a free and democratic society where men have the privilege to choose their profession . . . where institutions such as Texas A&M provide educational opportunity to those who choose to contribute to the defense and security of our Nation.

Your own late President, Major General

J. Earl Rudder, exemplified the career of the citizen soldier . . . a career that permits the individual to develop through his own demonstrated ability. General Rudder was a dedicated, fearless soldier. But he was also a reputable scholar and an inspirational leader as well. For better than a decade, as you know, he headed this institution with great imagination and wisdom. His legacy is your enrichment. His career demonstrated the true meaning of service . . . the personal satisfaction that comes from individual initiative and imagination . . . that results from the pursuit of excellence.

The leader in the Armed Forces today is not just a manager of violence. He must also be a master of numerous skills.

At the operating level, officers must not only be able to master the machines of war and peace, they must also be managers of funds and other resources—business managers on a large scale. They must be experts in transportation, logistics, personnel administration, communications, and engineering. They must be able to look to our Nation's future needs in research and development and be prepared to administer these important and complex programs.

At the man-to-man level, our military leaders must be able to handle personal, often emotional problems . . . problems of the type found in every organization—indeed, in society itself.

But most important, at the individual level, the leader—himself—must be able to face the dangers that every man in uniform has faced since time immemorial. He must be willing to undergo the physical hardship not every man is willing to endure. In a society which more and more frequently rebels at any idea of regimentation, he must readily accept discipline. And what is often more difficult, he must frequently be the disciplinarian.

He must be willing to accept and adjust to a separated family life when the situation demands. And during a time when material things have become a principal incentive for the individual, he must take pride in accomplishment and service rather than remuneration.

Our Armed Forces require men of unusual motivation . . . men with the dedication to serve their Nation for the gratification that only service to one's country can give.

I firmly believe that you here today—after all is said and done—will be able to look back and know that the world is just a little bit better for your having served.

I am proud to be associated with an organization dedicated to the defense of the Constitution of the United States—

An organization that continues to serve the best interests of our country and holds national interest above self-interest . . .

An organization that recognizes the importance of discipline . . .

An organization that respects rule by law and order . . .

An organization that is steadfast and loyal to our Nation . . .

An organization that respects the idealism and fundamentals on which this great Nation was founded.

As you enter the ranks of our Armed Forces, you are joining an institution with a proud heritage that predates the founding of our country. Those whom you will lead will look to you for inspiration, good judgment, enlightenment and wisdom. Strength of character and integrity must be your hallmark.

Our servicemen deserve to be led by the best. I am confident that you can and will meet this obligation as you face the problems that lie ahead.

I am proud to wear the uniform of my country. You will soon share that same pride. Good luck and Godspeed.

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THE WAR FOR SOUTHEAST ASIA IN PERSPECTIVE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. PRICE of Texas. Mr. Speaker, with President Nixon's decision to send American troops and military supplies into Cambodia, the questions are being asked again, Why are we in Vietnam? Why are we so heavily involved in Southeast Asia? What possible interests in Southeast Asia could this country have that would cause us to make such bloody and costly sacrifices in that remote area of the world?

In my judgment, the answers to these questions are part of the answer to a larger question; namely, why has there been such a history of conflict in the world? Perhaps a new perspective is needed even to raise this question properly, a perspective gained through a withdrawal from the daily turmoil of life. Such a vantage point surely would be afforded in the peacefulness of outer space, a peacefulness existing because the reaches of space are yet untouched by man's conflicting ambitions. As the astronauts travel through this void, or walk on the surface of the moon, they must gaze at an earth that appears to be so quiet and beautiful. They must ask themselves the question, why can't our planet be as peaceful as it looks?

I believe this question can best be answered by examining the existing situation in a historical perspective. Since the dawn of time, man has been at war with man. Although the struggle has taken different forms, depending on time, place, and circumstance, the underlying theme has been one of direct opposition of beliefs, of values, of life styles, of two opposing systems.

Some students of history have couched this conflict in basic terms of good against evil, God against the Devil, tyranny against freedom. Whatever its fundamental nature, however, since the early part of this century, the struggle has taken a highly ideological turn and has been characterized by a battle between communism and freedom.

In my lifetime, the Communists have waged a relentless battle to extend their influence and control over men and nations. In the process, countries have been treated as pawns in a global chess game that has as its goal the eradication of freedom and the establishment of a world order based on tyranny and atheism.

From the time they demonstrated their real objectives, the United States has attempted to counter and frustrate the Communists' conspiratorial designs whenever and wherever possible. Despite all efforts, though, the ideological map of the world has changed greatly in the last 25 years.

Although communism as a form of government emerged from the Russian revolution of 1917, it did not become a world threat until the close of World War II. After the war the Soviets consolidated a primary base of illegitimate power by ringing down the Iron Curtain in Europe. Behind this Iron Curtain millions of individuals in the 12 nations of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, Byelorussia, Rumania, East Germany, Yugoslavia, and Bulgaria, were forced to submit to the totalitarian will of the Communist state.

One of the first major postwar confrontations between the Soviet Union and the United States occurred in 1946. During World War II, Russia had agreed to withdraw its troops from Iran at the cessation of hostilities. After the close of the war, however, the Soviets refused to honor their agreement; they finally did so only after substantial political pressure was applied by the United States.

In the following year the Russians and their East European allies aided the Greek Communist guerrillas in their attempt to forcefully overthrow the Greek Government. This endeavor was defeated by American military and economic aid which was channeled under the Truman Doctrine to the embattled country.

During 1948 a direct confrontation between the Soviet Union and the United States occurred in Berlin. In June, in a bold attempt to force the United States, Great Britain, and France to relinquish their joint control of the city, the Soviets blockaded Berlin. The allies responded with a counterblockade and initiated a massive airlift to relieve the beleagured city. One year later Russia lifted its quarantine and the Berlin crisis subsided.

These initial confrontations influenced the United States to reverse its traditional policy of avoiding permanent alliances. In 1949, the United States and 11 European nations signed the North Atlantic Treaty, and NATO was born. In this fashion, the countries of Belgium, Canada, Denmark, France, Great Britain, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, and the United States, with the subsequent additions of Greece, Turkey, and West Germany, banded together to safeguard the freedom of the Atlantic community.

During the same year, however, the Communist cause gained great impetus when China fell to a Communist revolution led by Mao Tse-tung. The United States continued to support Chiang Kai-shek and the Republic of China, which set up headquarters on Taiwan. Soon Taiwan and the offshore islands, notably Quemoy and Matsu, became a source of recurring international tension.

Faced with a new Communist threat from China, and fearing its growth in Asia and possible spread to Latin America and Africa, the United States instituted the Point 4 program. This was a program designed to share U.S. technological skills, knowledge, and equipment with underdeveloped nations in an effort to help them develop their industrial, agricultural, political, and human resource potentialities. It also encouraged the flow of U.S. private investment capital to these nations.

Despite U.S. efforts, however, the strife continued, and in 1950, the most serious confrontation of the early cold war occurred. The scene was not Europe, but the Far East. In June of that year, North Korean forces with the support of the Soviet Union and Communist China invaded South Korea. The Free World swiftly responded and the United States, on behalf of the United Nations, intervened and waged a relentless battle until a cessation of hostilities was finally agreed to in 1953.

During the latter part of the fifties, the Cold War centered again in Berlin. In November 1958, Khrushchev initiated the second Berlin crisis by unilaterally renounicng the validity of the wartime agreements upon which the four-country occupation of the city was based, and demanding a new settlement strictly on Soviet terms. The United States and its allies resisted Soviet pressures, however, and the crisis temporarily abated when Premier Khrushchev and President Eisenhower reached an understanding at Camp David in September 1959.

When John F. Kennedy assumed the Presidency in 1961, this understanding evaporated. Once again Khrushchev began to build up international pressures over Berlin. The United States, Great Britain, and France resisted the pressures and prepared for all contingencies. A virtual stalemate thus existed until the fall, when Khrushchev abandoned his demands, and world tensions subsided once more.

In the following year, the Communists heated up the cold war again, this time almost to the boiling point. In September, Khrushchev placed intermediate-range ballistic missiles and medium-range bombers in Cuba, which had been secured as a forward Communist position by Castro's revolution of the late fifties. The United States responded by threatening to unleash its nuclear power against the Soviets if their offensive weapons were not removed from the island. After a week of crisis, the Russians removed the missiles and bombers and the world relaxed.

While the removal of these instruments of war from Castro's Cuba helped remove communism's sting from our shores, it did not help remove its influence from the Western Hemisphere. Since that time, both the Soviets and the Red Chinese have been using the island as a staging base to promote Communist revolutions in the countries of South America. The United States has reacted by refining some of its Latin aid programs and the Alliance for Progress. To date, our actions have helped combat the spread of communism in South America, but prevailing Latin economic and social conditions make any predictions of the future impossible.

Mr. Speaker, the United States has been waging the cold war for over 25 years. During that time we have joined with other nations of the free world and formed regional defense and security pacts. I have already discussed NATO; chief among the others are SEATO and SENTO in Asia and the Pacific, and the OAS in South America.

While these agreements provide a broad-based bulwark against communism, the United States has not been content to rely solely upon them. In an effort to contain the spread of Chinese communism, for example, we have helped certain Asian and Pacific nations build their social, political, and economic institutions. South Korea, the Philippines, and Formosa proudly stand today as dramatic proof of the benefits of some forms of American foreign aid.

In this process of nation building, we have also constructed an arc of defense posts in strategic areas of the world. Major U.S. strike bases are located in South Korea, Okinawa, Taiwan, the Philippines, South Vietnam, and Thailand, as well as the Pacific Islands of Guam, Marianas, Marshall Islands, and Midway. This line of defense has been drawn in Asia and in the Pacific, and not on the shores of the continental United States because, as was aptly stated by Gen. Douglas MacArthur, the islands of the Pacific are the steppingstones to our defeat. Thus we will fight the enemy on our own shores only as a last resort.

The strength of this arc of defense is nowhere better illustrated than by our Okinawa airbase. There is enough nuclear firepower located on the island to reduce Red China to a sandy beach. Moreover, it is estimated that it would take only 400 atomic weapons to insure this total destruction. Of course, we would not unleash this nuclear holocaust unless forced to, but I am convinced that the knowledge that we have the power, and would use it if necessary, helps keep the Communists in line.

Mr. Speaker, based on the nature and history of the cold war, I submit it is obvious that the Communists are fomenting revolution in Southeast Asia as a means of facilitating the achievement of their goal of world conquest and domination.

It was to frustrate these conspiratorial plans that the United States became heavily involved in the Asian conflict. In this connection, our actions in that war-torn land are also proof to the free world that this country will not permit the destiny of beleaguered nations that ask for our assistance to be forcefully decided by alien aggressors.

For the greater part of the last decade, we have fought the Communists in Vietnam. In my judgment, this conflict could have been concluded in our favor years ago if our then national leaders had had the will and resolve to permit the military to win the war. This was the subject of a personal policy statement which I recently delivered supporting my concurrent resolution which calls on the President to promptly and systematically pursue a new policy of total military victory in Vietnam. I have requested the President to issue new orders to our military forces and our allies in the field. Orders that will remain in force until North Vietnam totally surrenders. I have also urged him to institute a plan of action of day and night bombardment that will assure the total destruction of North Vietnam's military and industrial installations; population centers after appropriate notices of intention have been disseminated; agricultural production lands; dikes and facilities; transportation and communications lines connecting North Vietnam to neighboring countries; Haiphong Harbor; and other shore facilities. In addition, a program of tactical commando raids by South Vietnamese into North Vietnam should be implemented. Finally, a total air, land and sea embargo on commerce between North Vietnam and other nations should be established.

In regard to halting Communist aggression throughout Southeast Asia, particularly Cambodia, I have urged President Nixon to supply that embattled country with sufficient U.S. military equipment and supplies together with a force of U.S. military advisers to enable the Cambodian Government to withstand the enemy onslaught. At present, Cambodian troops are ill-equipped and ill-trained. They also need our guidance. One without the other would be insufficient.

In contrast to our bitter experience in Vietnam, the U.S. assistance I have outlined should be accompanied by massive round-the-clock airstrikes, designed to destroy all strategic hamlets, staging and support areas utilized by the Communists throughout the embattled areas of Southeast Asia. Thus American power will be focused on problem spots at a minimum loss of American life and limb.

I think if these military policies were vigorously pursued the aggressors would soon be defeated, and a well-earned peace would settle on the area for the first time in over 20 years. The Communists have demonstrated that freedom for Southeast Asia can only be purchased by force. Since they have sown the wind with discord and strife, let them now reap a whirlwind of righteous American power and wrath.

Before leaving this subject, Mr. Speaker, I would like to make the observation that achieving peace in Southeast Asia does not necessarily mean that the United States will totally withdraw its military forces from the area. More than likely, residual forces would remain, as they have remained after the close of earlier wars. For example, although World War II was concluded 25 years ago, we still have about 300,000 troops stationed in Western Europe and in NATO countries. Another 39,000 men are based in Japan. Moreover, despite the fact that Korean hostilities ceased 18 years ago, 64,000 U.S. soldiers still remain in South Korea. It is on this basis that I predict that the current American involvement in Southeast Asia will probably take the form of long-term American regional presence, even after peace is arrived at.

Mr. Speaker, the President has recently sent allied forces on a tactical mission into Cambodia. The move was designed to clean out Communist sanctuaries and deny the Communists the unfettered use of Cambodian staging areas and supply depots. To date, the mission has far exceeded expectations. Enormous amounts of food, munitions, and medical supplies have been captured. Large numbers of enemy bunkers, staging depots, and command posts have been destroyed. Finally, thousands of enemy soldiers have been

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killed, and thousands more captured. Accordingly, I think the Cambodian mission will yield the dividends the President expects and I believe it will be of material benefit in shortening the war and facilitating troop withdrawals.

Mr. Speaker, while our national attention and energies are focused on Southeast Asia, the Communists are dramatically increasing their presence and involvement in the Middle East. The Soviets are using Arab-Israeli problems as a means of extending Communist influence in that part of the world. This is not a new happenstance; the Russians mounted a program of expansion in the Middle East in 1955. At that time they agreed to supply Egypt with arms from Communist bloc countries. Following this agreement, Russia became an outspoken supporter of Egypt on the international scene. In addition, during the Mid East war of 1956, involving Britain, France, and Israel, the Soviets seized on the volatile situation and exploited it. They initiated far-reaching economic and military aid programs for the Arab States, and in the course of the next decade were able to fashion considerable influence and control in Arab councils.

Today, the Soviets are renewing their expansionist efforts in the Middle East. They are supplying Arab States with military advisers, combat pilots, ground-to-air missile experts, modern airpower, armaments and munitions. If these ominous trends continue, and if Communist influence in the Middle East is consolidated, the area could become hostile territory to U.S. and allied military forces. Should this happen, NATO security and the global balance of power would be greatly affected. In addition, the natural resources of the oil-rich Middle East could be denied to the United States and Europe thereby placing potential economic strains on the free world.

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To avert such an eventuality is why the United States should weigh the course of events in the Middle East carefully, and cast its weight in strategic places and at appropriate times. Moreover, the United States has a vested interest in helping the nations concerned work out a mutually agreeable resolution to the conflict, a resolution that will insure the territorial integrity of the countries involved and that will preserve the East-West balance of power in the Mediterranean.

Mr. Speaker, by way of summary, for 25 years, the United States and the Communists have been locked in a titantic struggle that has spanned the globe. In the process some nations have been subverted, overthrown, and dominated by the Reds, while the sovereignty of other nations has been protected and preserved by the United States.

I predict that struggle will not be ended in Vietnam. Neither will it be decided in the Middle East. Instead, I believe it will continue until one side absorbs the other, until both sides destroy each other and the world, or until we learn to live together in peace.

For the present, however, I believe it is of crucial importance for Americans young and old to understand the nature, the background, and the present state of the struggle between communism and freedom. Understanding is necessary if the resources of this great country are to be fully focused on the battle at hand, a battle that has cost great losses of American life and treasure; a battle that will probably cost us more of the same in the years to come.

The mantle of world leadership falls heavy on the nation that wears it; the costs of freedom come high to the people who preserve it. Our Nation has not shirked its leadership responsibility in the past; our people have always proved equal to the sacrifices they have been called upon to make in the cause of freedom. I am confident such will be the case in the future.

Mr. Speaker, the United States is the only nation in the world today that possesses sufficient human, industrial, and military resources to lead the fight against communism. Should this generation of Americans decide that the battle between communism and freedom is not worth pursuing, and that the United States should surrender its leadership position, I believe this generation will not pass before the forces of communism dominate the world.

If the United States did not lead the fight for freedom, what nation would? If the United States faltered in its historic task, what nation would pick up the fallen standard?

REMARKS OF JAMES E. MERNA AT ANNUAL DINNER OF THE JOHN M. PERRY AMERICAN LEGION POST NO. 1044, SPARKILL, N.Y., ON ARMED FORCES DAY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. LONG of Maryland. Mr. Speaker, because of student unrest, many Armed Forces Day ceremonies were canceled and I do not believe that our military men received the thanks and the praise which they so rightly deserve. Accordingly, I should like to include in the Record a speech delivered to an American Legion audience on Armed Forces Day by Mr. James E. Merna, who is a past president of the Marine Corps League:

REMARKS OF JAMES E. MERNA, AIDE TO THE NATIONAL COMMANDANT, MARINE CORPS LEAGUE, AT THE ANNUAL DINNER OF THE JOHN M. PERRY AMERICAN LEGION POST NO. 1044, SPARKILL, N.Y., ON ARMED FORCES DAY, MAY 16, 1970

Congressman McKneally, Commander Weber, Program Chairman Joe Martorano, Distinguished Past Commanders, fellow Legionnaires, Members of the Ladies Auxiliary, Ladies and Gentlemen.

It's a real delight and honor to be here this evening. After seeing so many friends and familiar faces, my visit reminds me that time passes very quickly. I was a member of the Tappan Zee High School graduating class of 1950—one of my classmates then who is now one of your more notable members, is Bill Crable, recently named Captain of the Orangetown Police Force.

The last 20 years have certainly gone by quickly. In looking back, I only wish that old friend Bill had been connected with the Orangetown Police during our school days—when I seemed to be getting into all sorts of trouble—like the time when I was about 14 and "borrowed" Caputo's row-boat during a lunch-hour break in Piermont and rowed across the Hudson River—and stayed away from St. Agnes, AWOL you might say, for about 7 days. Some people in Piermont still call me "rowboat" to this day.

Or the time when I actually borrowed Jug-Head Jessup's bicycle when caddying got slack one day at the Rockland Country Club, and he had forgotten that he had loaned it to me, reported it missing, and when I showed up with it later, was brought to a quick and thorough *accounting* for it at the Sparkill Police Station. I also got to know Bill's Uncle Jack Smith pretty well then, too. He was the one who was always picking me up along Route 9W or in New York City when I ventured forth from St. Dominic's or St. Agnes, without authorization. All I can say now is, thank God he brought me back. I'd hate to consider what might have been, had he not done so!

In preparing my remarks for this evening, I decided to follow a rule attributable to Winston Churchill who once said, "Treat an address like a skirt—keep it long enough to cover the subject, but short enough to be interesting."

Ever since leaving Rockland County, and with time out for Marine Corps service and college, I have been living in the Maryland suburbs of Washington, D.C. While Washington is recognized as the center of political power, its very peculiarities, however, tend to insulate those who live there from the real problems—and more particularly—the vital contributions—of America. This is why I am pleased to be here in Hometown, America, *here in Rockland County, New York,* on this special occasion.

It's truly a great personal honor to share this evening with you. I mention this specifically because as Art Buchwald recently pointed out in one of his syndicated columns, the most popular speakers these days, at many other forums, are largely the student revolutionaries, black militants, those advocating the legalization of pot, or those who are back from cutting sugar cane in Cuba. I think it's a crying shame that there are fewer and fewer podiums being made available to anyone these days who speaks out in defense of America and her men in uniform.

Vice President Agnew said the same thing, in so many words, earlier this week when he was quoted by the Associated Press as saying that he would like to explain, discuss, and debate Administration policy on college campuses, but feels there is no chance now for him to be heard. He told the Governors Conference at the White House that he would like to appear on campuses himself, but faces the prospect of being shouted down by militants and not being heard. Isn't that a sad commentary of our times when those who scream the loudest about infringement of their rights would deny this same basic right of freedom of speech as guaranteed by the First Amendment to the Constitution to our Vice President and to all others of our citizens?

I'm here tonight for another reason—ever since I heard another truly great American and a distinguished Marine, General Lewis W. Walt, Assistant Commandant of the Marine Corps remark: "It's up to us, if we believe in this country, we'd better get out and start speaking up for it—and lead these people in the right direction." I sincerely believe that General Walt was directing these remarks to you—and to me .

Today being Armed Forces Day, a day set aside by the Congress in 1949 to honor the

Nation's military services, I thought it would be an approrpiate time to comment on the situation currently facing our military establishment.

Times has certainly changed. In the Revolutionary War, the American soldier was called a Minuteman. In World War I, he became a doughboy, while in World War II and Korea, the popular name was G.I. Now, in Vietnam, the name of the American fighting man has been changed to that of "fool."

Our Armed Forces today are not only under fire in Vietnam and at a few other hot spots around the world, they are also under heavy fire on the home front. Our troops are used to fire from an enemy, but the low blows being hurled at them from inside their own country hurts even more. Because of the constitutional arrangement which they would *never* want to change, our men in uniform cannot return such fire directly. But you and I and the overwhelming majority of America's 27 million living veterans can and must come to their defense. When each of us joined the service, we saw a freedom worth protecting and a way of life worth defending. *This same is no less valid or important today.*

A good friend of this Post and of so many people in this audience tonight recently voiced similar comments about this great American fighting spirit that has seen our Nation through thick and thin for almost 200 years. He's one who has had the greatest beneficial effect on me personally, in my lifetime, and is still guiding me and so many others, even to this day. I thought so much of this outstanding American, and still do, that I named my first son after him. I'm referring to no one other than the former Coach and Athletic Director at St. Agnes—Mr. Jim Faulk.

As you probably know, Coach Faulk and his wife Betty have been residing for the past few years in Orlando, Florida. And there's hardly an old-timer from Rockland County vacationing in Florida these days and over the years that hasn't stopped by to visit the Jim Faulk's. Their door has always been wide open—as wide as their hearts—and their number of friends is legion.

I mentioned in a recent letter to Coach Faulk that I had been invited to speak to the members of the John M. Perry Post tonight. I asked him if he had a message that he would like me to convey to you at this time. In addition to sending his greetings and best wishes to everyone here tonight, he expressed a few thoughts which I would like to pass along to you.

"One thing I would like for you to mention at the dinner, Jim," he said, "is that I first came in contact with the Legion when Mr. Marie Masucci came to the school at St. Agnes to present the Graduating Class two prizes—and that fine relationship continued through the years." "And most important," he went on to say, "that the people of that area—Piermont, Sparkill, and St. Agnes *represent what this America really stands for.*" "Their loyality was always unquestioned, their dedication 100 percent, and they proved to be the greatest fighters in the world." "Proof of their courage and sacrifice," he added, "is evident in the Sparkill Square on Memorial Day where so many crosses are on display." He concluded by saying, "No two towns in Rockland County together gave so many of their youths for the cause of freedom in World War II." In a P.S. he added, "Tell old Eddie Harlan I often refer to him at age over 70 marching 10 to 12 miles in parades carrying the American Flag when some of these punks want to spit on it and burn it."

That is the mark of the finest of men, a great leader and loyal American, Coach Jim Faulk, and the memories he treasures and the high tribute he has deservedly paid to the members of this Post.

He's still keeping quite active as usual in Florida, and as a matter of fact he recently helped organize the Orlando Detachment of the Marine Corps League and became a charter member. He also recently retired as a full Colonel in the Marine Corps Reserve. Now you can recall why so many St. Agnes men enlisted in the Marine Corps. We had early and proper guidance, not only from Coach Faulk and the good Sisters at St. Dominic's and St. Agnes but also from those who took a personal interest in us as individuals such as our beloved High School Principal Mr. Anthony G. Barone, and coaching greats Matt Rotelli and Nick Mottola, and the rest of the faculty at Tappan Zee. I wish the same could be said for some of our misguided youth in our country today.

We have cause to be concerned about some of our youth today, especially those on the side of the violent *New Left*—whose heroes are Che Guavera, Mao, and Lenin—who violate the law for political purposes—who seek maximum publicity for their actions but often do not care whether they attain their goals—who spout hatred for an economy that lavishes on them more comforts than earlier societies bestowed on their Kings.

These "new barbarians," as they have been called by an Assistant Attorney General of the United States, are found today on university campuses, in various public demonstrations and protests, and elsewhere, though they represent only a small minority of the numbers participating in these movements. They care nothing for our system of government and law. They believe that the relatively civilized society in which they live is so totally rotten that no remedy short of the destruction of that society will suffice. These are the type of forces that are hard at work today to capture the mind of the American serviceman and our society in general.

Time is a critical factor and Hanoi is looking at all of us here in the United States to see whether the American public has the will and the patience to stick it out in Vietnam. Compounding this problem is the fact that we are living in an era of impatience. Everyone—and young people in particular—more and more are demanding, or at least are being conditioned to expect, an immediate solution to their problems. Tomorrow is not soon enough. We have instant communications and want instant gratification of our desires.

Fortunately, we can all take great pride in the young men in our armed forces today, the vast majority of whom accept their service obligations conscientiously and without hesitation. The job that our young soldiers, sailors, airmen, and Marines are doing for us in Southeast Asia today and in other troubled areas of the free world is unparalleled—to a degree unknown in previous wars.

Over the past four years, I have had the opportunity and the privilege to meet and talk with hundreds and hundreds of young wounded Marines, sailors, and soldiers from Bethesda Naval Hospital and Walter Reed Army Hospital, many of whom paid a terrible and permanent price for their service. I have been to services at Arlington National Cemetery for scores of American servicemen who made the supreme sacrifice in Vietnam, I have visited, consoled, and counselled with many of their parents and widows, and just two weeks ago in Washington at a rally .n Constitution Hall spearheaded by Senator Dole of Kansas and co-sponsored by your own Congressman Martin McKneally, I met some of our recently released Prisoners-Of-War and the anguished families of some of our 1500 Americans who are still missing in action or are being held captive by the North Vietnamese, some for as long as 6 years without a single word as to their fate or condition.

These are the men *whom we honor today* on Armed Forces Day—young men and women from all services, all walks of life, all races, and all parts of our country. Their morale is high—and they know what they're fighting for.

A young Marine from Pennsylvania, writing home from Vietnam last December, best explained it all when he said: "As far as the demonstrators and peaceniks go, I believe each man has the right to demonstrate, to say what he wants to and to take lawful action to achieve his goals . . . . it's up to them to live their lives as they wish, as long as in exercising their own freedoms, they don't infringe on the freedom of others. Let them call for peace, but let them know that there is a cost for peace. Would they be willing to pay for it? No man wants peace more than the guy who has bullets flying past his head. . . ."

Two months after expressing these sentiments, this 19 year old Marine was killed in Vietnam. This message I believe bears repeating time and time again, by you and I, to today's younger generation.

The United States is truly the land of the free, but only because of the brave!

"FACE OF NEW YORK" PHOTOGRAPHY EXHIBIT

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, May 26, 1970

Mr. JAVITS. Mr. President, Mrs. Javits and I were delighted that so many of my colleagues attended the recent reception in the Capitol to mark the opening of the "Face of New York" exhibit, including two of the Senate's most distinguished photographers, Senators GOLDWATER and BAKER.

The exhibit of 24 photographs is currently on display in the main reception room of my offices in the Old Senate Building. It is presented in cooperation with Famous Photographers School of Westport, Conn., and represents the photographic work being done by its home-study students throughout New York State.

The photographers and the titles of their works featured in the "Face of New York" exhibit are:

Mr. Bernard K. Baderian, New York City, "Winter."

Mr. John J. Bergeron, Poughkeepsie, "Catskill Farm."

Mr. Lawrence Berkley, Far Rockaway, "Terminal at Night."

Mr. William J. Bertoldi, Hopewell Junction, "Pigeons."

Mr. William T. Bossert, Pleasantville, "Indian Steelworker."

Mr. John L. Burke, Glen Oaks, "Ship on Brooklyn Waterfront."

Miss Patricia Gavanaugh, New York City, "Grant's Tomb."

Mr. William T. Dennis, Jamaica, "Autumn Forest."

Mr. Edward A. Frampton, Yorktown Heights, "Kitten-Mixed Breed."

Mr. John A. Gulardo, Brooklyn, "Sunrise-New York Harbor."

Mr. Charles W. Kelley, Jr., Greene, "Winter Scene of Farm."

Mr. Art Kilcup, New York City, "Boy Playing Ball in Park."

Mr. Wilfred-Alexander Lewis, New

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York City, "The Young Ladies of Harlem."

Mr. Efton C. Masters, Bronx, "The Village."

Miss Alice K. Miller, New York City, "Fall."

Miss Marlis Muller, New York City, "Children on Step."

Mr. Marc Renard, Brooklyn, "Cathedral."

Mr. King Rich, New York City, "Wall Street Synagogue."

Mrs. Brenda Rowntree, Penfield, "Grape Country in the Finger Lakes, New York."

Mr. Robert W. Toerper, Chappaqua, "Winter Fun."

Mr. Harry T. Tong, Brooklyn, "Strolling on the Boardwalk."

Mr. Jose Valjalo, New York City, "Lower Manhattan."

Mr. Scott Webber, Stony Point, "Last Supper Scene—Metropolitan Opera."

I invite Senators and their staffs to stop by my office to see this fine exhibit of photographs by some of my constituents.

MINORITY VERSUS MAJORITY RULE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. ASHBROOK. Mr. Speaker, because of the many campus riots and disturbances, many of the colleges across the country have been forced to close. As a result of this, many of the students who are earnestly seeking an education are being denied this privilege and opportunity.

I think it is past time for firm action in dealing with that minority of students who are responsible for creating chaos on our campuses. The majority of the students who are not participating are the ones who are suffering the most. In our free society, citizens have the right to express their opinions and opposition to governmental policies with which they do not agree. But to engage in raucous, illegal and self-defeating conduct resulting in arson, destruction of property, and physical violence is not true dissent, but a trampling of the rights of others.

At this point, I would like to insert a letter I have received from a young man, Bill Harner, of my district who is a student and who is earnestly seeking an education. I believe he expresses the views of many of the students who are not engaged in illegal conduct on the campuses, but who, nonetheless, are being denied the educational opportunities to which they are entitled.

The letter follows:

MONROE, OHIO.

I think it is about time that people wake up and take an interest in what is happening around them.

A sad thing has happened in the state of Ohio; most of the universities, including the Miami-Middletown Branch Campus, have been closed. Why? Because of a minority of students. This minority yells that their rights have been trampled. Well, my rights and the rights of others are being infringed upon by these students.

I am a veteran of three years service with the United States Army; now, I attend night classes at the Miami-Middletown Campus as well as work full time at Armco Steel, and I take my education seriously. I am married, and my wife is due to graduate in June with a B.S. in elementary education. It now seems doubtful that she will graduate at all since the university is closed.

I was taught, while growing up, to respect people and their feelings and the government. If I disagreed with actions taken by people or the government, I could voice my disagreement non-violently. The rights of free speech and dissent should not be taken lightly as have been by the minorities.

It has been said that there is a generation gap, and this is the reason there is a lack of understanding between some students and some adults. I am a student; I disagree very much with the student minority's actions and opinion.

To me, it seems that the minority wants to be understood, but who do they try to understand? If the Establishment was not trying to understand them, the shooting incident at Kent State would have happened a long time before this.

They say that they want peace, but all they display is violence. Is this what we as Americans want? It seems that way because all we do is ask them to stop being violent and we will come to some kind of agreement concerning their demands.

When a student is arrested for destroying property, he is charged with disorderly conduct. Why isn't he charged with disorderly conduct, destruction of property, and, in some cases, charged with assault and battery? Some people say that better laws will come from student disorders. Are new laws what we need? If our law enforcement agencies were permitted to enforce the laws, new laws would be unnecessary.

The National Guard are being called killers, but are they? If the destruction of property had not taken place, I doubt very much whether the National Guard would have been called onto the Kent State campus. The fault of the four deaths rests absolutely with the radical leaders who provoked the riot. It should not be forgotten that the National Guardsmen are also civilians. The killings should not have happened, and the right to dissent should not be considered the right to destroy.

The minority in most colleges has asked for the removal of ROTC from their campuses. Don't they realize that they are restricting the rights of others still further? The removal of ROTC would deny some students scholarships granted by this program. They would be denying the right for any young man who might wish to enter the Armed Forces as an officer to do so. The ROTC program is not mandatory for any student. So, why should there be a demand for its removal? Several students have told me that it is symbolic of the Armed Forces. I hope that these students are not under the illusion to think that without an army there will be peace. As long as there is greed of any kind in human beings, there will be conflicts and wars. When the day comes that every country is at an equal balance in power, so as not to be a threat to each other, then, and only then, will there be peace.

If the students want a change so badly, why don't they study harder in school because from the colleges of today come the leaders of tomorrow, and then is the time for change, if necessary.

Are we, the majority of Americans, going to stand silently and allow a few people to incite a revolution which will destroy all that this country stands for, or are we going to counteract before it is too late?

C. W. (BILL) HARNER.

DEPARTMENT OF AGRICULTURE ANNUAL HONOR AWARDS

HON. CARL T. CURTIS

OF NEBRASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 27, 1970

Mr. CURTIS. Mr. President, a very impressive ceremony was held at the Sylvan Theater in Washington on May 19, 1970. The occasion was the presentation of the annual honor awards to employees of the Department of Agriculture. My colleague from Nebraska (Mr. HRUSKA), spoke about this, and his remarks appear on page 16742 of the CONGRESSIONAL RECORD for May 22, 1970.

Mr. President, I ask unanimous consent to have printed in the RECORD foreword contained in the program for that occasion and written by our distinguished Secretary of Agriculture, the Honorable Clifford M. Hardin, and also the remarks made by Civil Service Commissioner James E. Johnson.

There being no objection, the foreword was ordered to be printed in the RECORD, as follows:

FOREWORD

Success is not an accident. It is created by people.

Today we honor people who have put "something extra" into their work—that "something" that makes the difference between mediocrity and excellence, between "sparkle" and "hum-drum."

Their achievements are cause for real satisfaction and individual pride for all of us in the Department of Agriculture.

As we recognize them today, we honor all members of the USDA organization—the thousands of dedicated employees of the Department. Their talents and devotion combined with their work place the Department in a position to move vigorously, enthusiastically and creatively into the decade of the Seventies.

In his State of the Union address, President Nixon referred to the 1970's as an era of the "greatest opportunity for progress of any people in world history." I know we count on your continued support and help in fulfilling that opportunity.

Let us dedicate ourselves in the year ahead:

To increasing farm income to a level nearer that of nonfarm income.

To an end of poverty-caused hunger in America for all time.

To creating a new kind of "countryside-urban living" in what we now call Rural America, providing it with enough good jobs to draw more of our people back from metropolitan centers.

To a new surge of effort and accomplishment in bringing added quality to our environment.

To research that brings new knowledge to bear on social, physical, and economic problems; to management of our public lands for the greatest public good; to enhancement of our forest, soil, and water resources; and to further improvement of our credit services.

And, recognizing the magnificent accomplishments of the Nation's agricultural industry, to continue to help all citizens enjoy the variety and abundance of the Nation's extraordinary agricultural output.

As private citizens and as employees of the Department of Agriculture, let us all pledge yet another year of achievement.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

Remarks Made by Commissioner James E. Johnson in the Presentation of the William A. Jump Memorial Awards on May 19, 1970, at the Sylvan Theater

I am delighted to see a positive program in our country and that outstanding people are being recognized for their contribution. I think more programs of this type should be displayed throughout our country but I am very much hurt to find that we do not get wide coverage from our news media when we have a positive program. However, if I had announced that I was going to speak on Black power or the destruction of our Government and its system, you could hardly get into this area for stumbling over television cables, newspaper and radio people. I believe the news media could do this country a great big favor just by keeping some of those other negative programs off television and out of our newspapers and allowing a positive program such as this to take its place. In this country of ours we must start accenting the positive and eliminating the negative.

SCIENTIFIC STUDY OF OCEAN FLOOR

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1970

Mr. PICKLE. Mr. Speaker, one of the most fascinating studies being conducted today in the field of innerspace exploration, is Tektite 2, under the auspices of the University of Texas. Tektite 2 engages a number of students under the direction of Dr. Robert Helmreich from the Department of Psychology at the University of Texas and nine psychological observers, who are capably and ambitiously compiling a scientific study of the ocean floor. From this study will come new and adventuresome ideas on developing and utilizing the resources of the seas.

The fact that our population is rapidly increasing while our natural resources are decreasing makes it imperative that we find new food sources and even more space for the future.

Because this is a most interesting concept and one which holds great promise for the future of our country and of the world, I think it would be worthwhile to reprint the following news about this valuable program at the edge of our next frontier:

Tektite 2

Great Lameshur Bay, St. John, U.S. Virgin Islands—If it's your hang-up that you can't work with someone peering over your shoulder, kindly of America's Aquanauts performing their scientific exploration of the ocean deep in the Tektite II Project.

There they are, living and working down on the bottom of the sea in a custom built house with a fantastic ever-changing view, members of a five-man scientific team carrying on an intensive 20-day study of a particular subject in their favorite discipline, with outside interference cut to an absolute minimum.

But watching over them constantly, even in sleep, as inconspicuous as a one-inch lens can be, is the ever-present round-the-clock surveillance of the behavioral program observers.

Under the direction of Dr. Robert Helmreich, assistant chairman of the Department of Psychology, University of Texas, are the nine psychological observers from that university.

Every six minutes—10 times an hour—the observers punch computer cards which note:

Territoriality—the amount of time spent where in the habitat (for example, sacktime, working at housekeeping or at their specific studies).

Solitude—frequency and location of solitary behavior. (No Aquanaut is ever allowed out of the habitat for a solitary swim. He must be accompanied by a teammate.)

Type of activity—direct marine science, science support work, habitat maintenance and repair, self-maintenance, Maintenance of others, group recreation, idling, solitary recreation, sleeping.

Gregariousness—type and duration of interactions with topside (through the communications systems) and with peers below.

Postural and motion date—record of postural and movement categories to provide an index of tension and energy expenditure.

Other recorded information includes the dive record (activities and time in the water outside the habitat, topside communication, sleep record, meal record (including participation in preparation and cleanup), and a number of other observations—including a self-report.

Dr. Helmreich visits the work program at intervals. In his absence, James Holland LeFan of Temple, a graduate student and a research associate to the assistant chairman, is the supervisor of the work.

In addition to the work as psychological observers, the eight other Texas students here with LeFan are certified scuba divers and between missions—when they have nothing to observe—help to take down to the habitat, the necessary supplies and equipment for the next mission.

Making up the Texas contingent now here are Daniel C. Pitts of 4316 Norwich, Fort Worth; Charles I. Fitzsimmons of 2902 Hemphill Park, Austin; Glen Ashworth, 700 S. Washington, Kaufman; Larry L. Lester, Fredericksburg; Jeb McNew of Nocona and Azle; Herbert Mark Althaus, 708 Texas Avenue, Austin, all seniors; Lucien H. Capehart, 104 Westhaven, Austin, a graduate student, and Barry C. Everett, 257 Park Place, Lancaster, a junior.

David L. Croft, a sophomore student at the University of Texas and a resident of Austin, is working as special assistant to Dr. James W. Miller, the director of Tektite II for the Department of the Interior.

Other University of Texas students who will be here before the aggressive program of scientific ocean-bottom research is ended November 1, are:

Kenneth W. Wilson of Victoria, David Lawlor of 217 Windcrest, San Antonio; Mike Sandidge of Fredericksburg; Fred Bidelspach of Henderson, Brian Owen Peterson of Austin; R. Bryan Perry of 3808 Parkwood, Waco; Gregory Warr of Center, all seniors.

Edward Malewitz of 4814 Braesvalley, Houston, and Brian Robinson of Dallas, both juniors; Larry Scherwitz of Roby and Michael Holm of Moulton, both graduate students, and Robert Hugh Pitts, brother of Daniel Pitts, of 4316 N. Norwich, Fort Worth, a sophomore.

VICE PRESIDENT AGNEW

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. FOREMAN. Mr. Speaker, contrary to most of the national news media criticism of Vice President Agnew, the El Paso Times, El Paso, Tex., has expressed the consensus of the great majority of the citizens that I hear from. I include the Sunday, May 24, 1970, El Paso Times editorial for the review of my colleagues.

[From the El Paso Times, May 24, 1970]

Cause of Riots

Vice President Spiro T. Agnew is not one of those who are puzzled by riots on U.S. campuses—he lays the blame on a "small hardcore of hell-raisers who want to overturn the system for the sake of chaos alone."

"They burn, pillage and destroy because they rebel against their lack of creativity.

"Although they are few in number, they have had a shattering impact."

Agnew's remarks came during a speech in Houston, Tex., where he was appearing at a fund-raising dinner of Texas Republicans.

"Campus dissenters are encouraged by an equally small number of faculty members who apparently cannot compete legitimately within the system or do not choose to do so. It is my honest opinion that this hardcore of faculty and students should be identified and dismissed from the otherwise healthy body of college community lest they, like a cancer, destroy it," he said.

There is a world of truth in what the vice president says. It is difficult to believe that all of the campus troubles would have broken out by themselves and a pattern seems to emerge when you look at the overall picture. Some have charged that a small group of dissenters flit from campus to campus, inciting trouble, and fade out when the actual trouble begins. If there has been any actual evidence of this, we have not seen it.

Our complaint about the whole situation is that it will damage our educational system. Shut-downs or strikes or riots or sit-ins or what have you have certainly interrupted the normal routine of those who go to college to get an education. Too many weak-kneed college administrators have been giving in to outrageous demands without ever stopping to think of the consequences.

Agnew also had some remarks on his criticism of the news business.

He said:

"Every time I criticize what I consider to be excesses and faults in the news business, I am accused of repression and the leaders of the various professional groups wave the First Amendment at me.

"That happens to be my amendment too. It guarantees my free speech as much as it does their freedom of the press."

Whatever you may think of Spiro T. Agnew and his views, he stands up for what he believes and makes good reading.

THE COLUMBIA RECORD'S VIEW ON VIOLENCE AT THE UNIVERSITY OF SOUTH CAROLINA

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 27, 1970

Mr. THURMOND. Mr. President, the Columbia Record, the evening newspaper in the capital of South Carolina, recently published two striking editorials about the acts of violence which were committed at that university by a small band of anarchists. In the first editorial, entitled "A Cancer Operation at USC," the Record properly takes the position that the anarchists must be expelled from the campus if the university is to survive. The Record says:

> A very small proportion of the student body has been involved. That portion of the university community must be removed from the campus with legal and surgical precision.

Mr. President, those who are guilty of illegal acts cannot be tolerated on university campuses if academic freedom is to be maintained. As the Record says:

> Today, the University must not hesitate to place on probation, suspend, expel, or expel with prejudice guilty students.

If every university would take this advice, peace would return to the campuses.

In the second editorial, entitled "Using Bricks To Build or Destroy," the Record relates the history of the University of South Carolina campus and contrasts the destructive work of the band of anarchists with the constructive work of the generation preceding. This is a very striking editorial, and I recommend it to all Senators.

Mr. President, I ask unanimous consent that these two editorials from the Columbia Record of Wednesday, May 13, 1970, be printed in the Extensions of Remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

A CANCER OPERATION AT USC

The illegal acts of a small band of anarchists at the University of South Carolina cannot be, and should not be, tolerated. Invasion of the administration building, willful destruction of state property, assault and battery upon the persons of law enforcement officials, detention of members of the board of trustees whose lives were imperiled are the deeds of barbarians.

No student engaged in these criminal actions can plead that he or she was demonstrating against an Indochina War, or campus regulations, or anything else. No intelligence was involved in the wanton, senseless invasion and destruction of the administration building.

A very small proportion of the student body has been involved. That portion of the university community must be removed from the campus with legal and surgical precision. A malignant cancer must be sliced away from the otherwise healthy body of the University before the whole is infected.

Let us remember that the preservation of the university itself is now involved. Academic freedom, in its truest sense, must be protected from the cancer.

Let us remember, also, that suspension or expulsion will be nothing new for the school. In 1822, Dr. Thomas Cooper of the South Carolina College wrote to his friend Thomas Jefferson: "The 'rights of boys and girls' are the offspring of democracy run mad. No professor of any reputation will stay at an institution where their authority is to be disputed inch by inch, and their lives put in jeopardy if they resist the encroachments of a set of hot-headed boys, whom no kindness can conciliate."

Cooper also declared that "in all these proceedings, about 10 or 12 lead the rest astray, and the defect of moral courage . . . renders the peaceable the tools of the turbulent."

Over a century ago, the institution was small in numbers, but the faculty and administration never hesitated to suspend or expell the unruly. In 1850, 60 juniors were suspended for burning chemistry textbooks. In 1858, students tarred seats and desks in the chapel and 97 students were suspended from March until October; another five were suspended from March until May.

The numbers of those suspended were exceedingly large for those days of a very small student body.

Today, the University must not hesitate to place on probation, suspend, expel, or expel with prejudice guilty students. Additionally, the University should seek legal restrainers which will effectively keep non-student militants off the campus—under the enjoinder of imprisonment.

Dissent has become illegal violence on the University campus. The academic freedom of the majority of students has been endangered or stolen by the anarchists who have no cause except total disruption of the learning process. Freedom of the many must not be surrendered to the tyranny of the few.

USING BRICKS TO BUILD OR DESTROY

Bricks and mortar do not make any institution, and that includes colleges and universities. People do. And the quality of the people is intrinsically important.

In this hour, a word about bricks at the University and the sense of honor and decorum among students may be quite pertinent.

Several decades ago, the University itself was dirt-poor. Many of its students were dirt-poor. And the "dirt-poor" description was quite literal.

The walkways on the fabled horseshoe, their paths dictated by students' habits of transit from dormitories to classrooms, were dirt. Some students and faculty members decided that brick walkways would be attractive. So, they decided to help build a "greater Carolina" by bricking over the dirt trails.

Brick by brick, students and faculty helped build. The late reconteur of the English faculty, Havilah Babcock, even assessed some of his vocabulary students ten cents' fines for missing words (payment was really voluntary) and the "contributions" were used to purchase bricks.

In those days, ten cents was quite as meaningful as ten dollars today.

On their hands and knees, students tediously and carefully placed each brick in place on the walkways—proudly and selflessly working for a "greater Carolina." As they worked in the summer sun, the President's lady refreshed them with lemonade from her home.

Many of those students who used the bricks to help improve their beloved institution are pillars of the Columbia community today. Many will reflect upon how they labored to purchase the bricks and to handplace them, as sweat poured from their brows, in the Carolina sand.

They built.

This week, another generation of Carolina students—a few in number—tore up the bricks. These students cracked the bricks into halves and pieces and threw them at fellow students, law officers and others in wild defiance and willful transgression of the law.

"Sticks and bricks may break my bones, but bad words never hurt me." Bricks thrown in hatred and malice are lethal weapons and death or injury is intended. Stones and bricks are among mankind's oldest arsenal of weapons of death and destruction.

Some students, in Carolina's past, used bricks to build a University. A few students, in Carolina's present, use bricks to try to destroy a University.

The bricks are inanimate objects. The people who use them and the way they employ them and the goals they seek reveal the character of the people involved.

IN MEMORY OF PAIGE ABBOTT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. EDWARDS of California. Mr. Speaker, Colby Paige Abbott, chief photographer for the San Jose Mercury & News, died recently after suffering a heart attack while on an assignment for his newspaper. Mr. Abbott was a distinguished craftsman and his passing is a great loss to his colleagues and the community. Recalling their work together in World War II, Joe Rosenthal, who took the famous picture of the Marines raising the flag at Mount Suribachi, described him as "a real pro of the highest ability" who never shirked duty under fire.

A native of Bingham, Mass., Mr. Abbott went to work at the age of 18 for International News Photos in Boston. During Word War II he was war correspondent for INP and participated in the invasions of Guam, Saipan, Okinawa, and Iwo Jima, receiving the commendation of Fleet Adm. Chester W. Nimitz, commander in chief of the U.S. forces in the Central Pacific. He became bureau manager of INP after his return to San Francisco, joining World Wide Photos when INP merged with United Press International in 1958. The following year he went to the Mercury & News. His death at the age of 52 was a tragic blow for his family and friends and a premature ending for an outstanding career.

NO TIME FOR PESSIMISM

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. McCLORY. Mr. Speaker, in the wake of the tragic experiences at Kent State and Jackson State College, coupled with the demonstrations on hundreds of college campuses, and the large demonstration on the ellipse adjoining the White House, it is felt by some Americans that the foundations of our Nation are crumbling.

It is refreshing to have an expression to the contrary from a recent Swiss visitor, the well-known author, Max Frisch. His optimistic words about America's future should encourage Americans everywhere to rededicate themselves to both the vitality and promising future of our land.

Mr. Speaker, at this time I want particularly to direct the attention of my colleagues in this House to the editorial commenting on Mr. Frisch's visit which appeared in last Wednesday's issue of the Christian Science Monitor:

NO TIME FOR PESSIMISM

We are grateful to a Swiss visitor for having struck a sensible and sobering note about the United States. Max Frisch, the well-known author, has optimistic words about America's future. After a swing about the country, he sees no triumph for repression and expresses the conviction that the vitality of American politics will overcome the present problems traceable to the Vietnam war.

Since these views so strongly parallel our own, we are delighted to have them expressed by a shrewd and unbiased observer from abroad. For we remain firmly convinced that the present wave of hysterical predictions regarding America's immediate future are ill-founded.

On all sides we hear that the United States is becoming rigidly polarized, that race relations are growing worse, that new class divisiveness is arising, that political paralysis between White House and the Congress looms, and that, in short, the whole fabric of American society is being rent apart. It almost seems as though large numbers of individuals were taking a kind of ghoulish delight in seeing who can be the most pessimistic about their country's future.

We do not for a moment believe that there are not extremely difficult problems ahead. The country is split in ways which have seldom been duplicated in the past. New forces, new demands, new dissatisfactions are making themselves felt with unwanted vigor. These must be met and answers found. Means must be worked out to restore a sense of national unity and consensus. And there can be no delay in tackling this challenge.

Yet we believe that those who have yielded to hand-wringing over America's future are overlooking the deep mental, spiritual, moral, and material strengths which underpin that nation. A nation, like an individual, sometimes goes through shaking experiences. But if both are strong and healthy, the result is a new insight, a new power, a new self-confidence. To use one of the most forceful illustrations, muddy river-beds need periodical stirring in order to purify the water.

There are, within the American experience and spirit, as yet untapped powers of adaptation, self-examination, improvement, which are now being summoned forth. The overwhelming majority of Americans wish to see peaceful, just and constructive solutions to today's great national problems. Such a desire will not go unfulfilled.

AMBASSADOR ELLSWORTH BUNKER RECEIVES THE SYLVANUS THAYER AWARD AT THE U.S. MILITARY ACADEMY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. TEAGUE of Texas. Mr. Speaker, as a member of the Board of Visitors to West Point, I had the distinct honor to witness the presentation of the Sylvanus Thayer Award to Ambassador Ellsworth Bunker several weeks ago.

Under leave to extend my remarks in the RECORD, I include Ambassador Bunker's remarks on this occasion:

ADDRESS BY AMBASSADOR BUNKER ON ACCEPTANCE OF THE SYLVANUS THAYER AWARD, U.S. MILITARY ACADEMY, WEST POINT, N.Y., MAY 8, 1970

Your committee has done me a great honor today. I am the more conscious of it when I read the list of distinguished Americans who have been thus honored in the past.

I confess that I always speak to a group of military men with some hesitation. For my military experience was somewhat modest. It consisted of serving three months in the summer of 1916 in the horse artillery as a member of Company C of the Yale battery. I had never been able to enlist as an undergraduate because of defective eyesight. But I had just returned home from graduation when I received a telegram from two of my roommates telling me that the battery was to be mustered into the National Guard and was to be sent to the Mexican border to help General Pershing capture Pancho Villa. I returned post haste to New Haven, my roommates procured an eyesight card for me which I memorized and within a few days became a raw recruit. We were promptly shipped off to Tobyhanna for training and that was as near as we ever got to the border. General Pershing seemed to think he didn't need our assistance.

It was here that I made a first serious error in judgment. We were given the option of being canoneers or riders. I didn't much like the looks of the nags some contractor had sold the government and having just gotten my degree I thought I might be able to master the 3 inch field-piece and so chose to become a canoneer. To my chagrin, on the first Sunday after the battery's arrival at Tobyhanna I found that canoneers had to do stable Police on Sundays. We thought that a rank injustice. But in reflecting on this experience I wonder whether what I had to shovel around on Sundays may not somehow have had some symbolism for the later career I have followed.

Mrs. Knowlton's father was my sergeant and his brother my squad leader. Since General Pershing thought that somehow he could manage without us, President Hadley was anxious to have us mustered out so that the undergraduates could get back to their studies. This was accordingly achieved and Mrs. Knowlton's father composed a song for the occasion, the first two lines of which I recall went: "Oh prexy, don't you weep, don't moan—Money and influence are bringing us home."

I am, of course, aware of the great influence Colonel Thayer has had on education, not only at the Academy, but far beyond its walls. His graduates filled chairs of civil engineering at many colleges, including Yale's Sheffield Scientific School from which two of my brothers graduated.

But it is to the product of the educational system of the Academy in later times, for which Colonel Thayer laid the broad foundation, that I should like to turn briefly. And here I draw on my personal experience.

It has been my good fortune to be a worker in the vineyards with many able and distinguished graduates of the Academy. Here I have found men not only trained in military science and the art of war but the catholicity of whose interests and accomplishments encompass a broad spectrum of the field of knowledge and human affairs. Here one can see in action the ancient Greek ideal of the employment of one's full powers in the practice of excellence—and the Latin proverb—"Homo sum, nihil mihi alienum puto."

Colleagues and friends come to mind—General Gruenther, whose brilliance of intellect and wide-ranging mind, whose integrity and broad human sympathies have carried him to the peak of his profession and to success in many other fields.

General Palmer, who won my unbounded admiration in the Dominican crisis when he served as Deputy Commander of the Inter-American Peace Force—and through his diplomatic skill literally kept the peace in that heterogeneous conglomerate and brought it to a high state of effectiveness.

General Westmoreland, the architect and organizer of the great force we have built up in Viet-Nam where, unlike any other war in which we have fought, we started with literally nothing.

General Goodpaster, now Commander of NATO, a man with superb intellectual equipment matched by a broad comprehension of world affairs.

General Abrams, imaginative and resourceful commander, skilled diplomat, a perceptive and sensitive human being, possessing that humility which is the accompaniment of greatness.

There were many others—Matthew Ridgeway, Maxwell Taylor, of course General Eisenhower, and men of a younger generation like General Weyand and your superintendent, General Knowlton.

I suppose one might say that the times produce the man. The times called for greatness and men were produced to match them. The United States had emerged from the miasma of doubt and fear spawned by the great depression of the thirties, passed through the fiery furnace of the Second World War, and found itself the World's most powerful nation, mankind's first nuclear power, and the provider of sustenance and hope to a world shattered by war. We had fallen heir to the mantle that Britain had worn for a hundred years between Waterloo and the First World War.

We emerged into a changed and changing world. A ferment was taking place. The ferment was in men's minds. Out of it new nations were rising on the ruins of the dead past, societies were being transformed, ancient cultures were taking on new vitality and validity. How were we to meet the chaos and anarchy which followed in the wake of war, and the problems and challenges of the new age—how deal with the proliferation of the new nations rising out of the ruins of the old colonialism—how create some unity out of a diversity of interests? In short, how would we accept the responsibilities of power?

I believe it is fair to say that we accepted that responsibility by the commitment we made—to ourselves and to history—to a peaceful world; a world free from aggression, where the rule of force would give way to the rule of law; a world in which man's creative energies can be directed toward conquering his ancient enemies of poverty, misery and disease, toward improving the quality of his life. Essential to the achievement of this is government by consent of the governed. This principle of self-determination runs as a thread through our foreign policy from the early days of the Republic.

This concept came face to face with a massive challenge—a challenge to the spiritual foundations on which our society has rested, the moral order and the rule of law on which it depends. The concept of man as an end in himself, as the ultimate reason for the whole apparatus of government was being denied by those who challenged us.

I shall address my remarks to one aspect of this challenge—the international sphere. I realize there are pressing domestic problems—of overcrowded cities, of racial tensions, of the environment, which call urgently for our attention. But as the world's most powerful nation we cannot escape the responsibilities of power.

President Nixon was profoundly right when he said "Let us not . . . pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither."

The challenge has taken many forms; it has been psychological, in the struggle for men's minds; economic, in the competition for influence; military, in so-called wars of liberation; aggression, not only in the classical form of invasion but aggression by subversion, in the training of guerrillas and political cadres who are infiltrated across borders with the purpose of undermining and destroying legitimately established governments.

How have we met this challenge, how are we meeting it today?

As the challenge has been and is massive and varied so our response has taken many forms.

It has taken the form of commitment to a peaceful world and resistance to aggression in adherence to the United Nations Charter, to NATO in the Atlantic community, to SEATO in Southeast Asia, and to other undertakings for mutual cooperation and defense.

It has taken the form of economic assistance to the nations devastated by war and

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developing countries in many parts of the world on a scale unprecedented in history. It is a recognition that in helping others to advance and prosper we water the roots of self-reliance and freedom. It is a recognition that the development and maintenance of open societies where people may live under governments of their own choosing at peace with their neighbors is in our own national interest.

You remember, I am sure, how often we have been called upon since World War II to respond to the third kind of challenge I have mentioned—the use or threat of aggression to encroach on the freedom of people who want to remain free.

One recalls the Truman Doctrine, the crises in Greece and Turkey, the threat to Iran, the attempt to blockade Berlin, Korea, the Congo, the Cuban missile crisis. In all of these, we held fast to our commitments and because of our steadfastness the crisis was surmounted.

I come now to Viet-Nam, one of the most complex and difficult tasks our country has ever faced. The moral ambiguities, where matters of conscience are concerned, are perhaps more deeply felt in this than in any previous war. People have been deeply divided about the policy we have pursued.

The difficulties and complexities we have faced and still face I think are obvious. It is a war new to the American experience. We are engaged in fighting a limited war, for limited objectives and with limited resources—a kind of war we had to learn to fight the hard way, as we went along.

It is a war in which the political, economic and psychological elements are as important as the military. Indeed Hanoi considers the military side of the war only as one of the means available to it to gain its ultimate political objectives.

In the midst of war we are advising and supporting the Vietnamese in their effort to carry out a social revolution which takes in the whole spectrum of economic, political and social development. Yet a substantial measure of success in all these areas is indispensable to achieving our objectives.

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I want to make it clear that it is not our objective to win the war in the conventional sense. When we talk of winning the war what we aim at is a just and durable peace through negotiations leading to a political settlement. Our objectives, I think, can be quite simply stated. These are:

1. The opportunity for the Vietnamese people to choose freely the form of government under which they wish to live.
2. To help them build their own political institutions and develop a viable economy.
3. To make credible our obligations under the Charter of the U.N. and SEATO to resist aggression.

What progress have we made toward those objectives?

Let me say here that because this kind of war was new to the American experience it is clear that we have made mistakes. We did not in the beginning, I think, fully understand the complexities of this kind of warfare. Prior to Tet 1968 we underestimated the capabilities of the enemy. And we were slow in equipping our Vietnamese allies while the enemy was being equipped by the Soviets and Chinese with a wide range of the most sophisticated weapons.

Having said that, let me turn now to what we are doing toward achieving the objectives I have mentioned.

President Nixon has made it clear that we intend to pursue the path to peace through negotiations if possible, through Vietnamization if necessary.

In pursuing the path of negotiation we and the Vietnamese government have put forward constructive proposals for a settlement. We have proposed the withdrawal of all non-South Vietnamese forces; the holding of free elections under international supervision; mixed electoral commissions in which all political parties and groups would be represented. And President Thieu has made very clear his willingness to abide by the freely expressed will of the Vietnamese people, whatever the outcome of the elections. He has indicated readiness to discuss arrangements for a ceasefire. And he has said that he is prepared to meet privately and in secret with the NLF, in an effort to restore peace to his land. He has offered to discuss means for eventual reunification of both Vietnams.

But to achieve the kind of settlement we envisage we must get the enemy also to agree to something less than winning the war in the conventional sense. For the demands the enemy is making—unconditional withdrawal of U.S. forces and overthrow of the present Vietnamese government—would only be justified if he had secured a military victory. From the very beginning of the Paris talks, through 66 fruitless sessions, the enemy has adamantly stuck to these patently unreasonable demands. In my judgment, before Hanoi will agree to a reasonable settlement we must convince them of three things: a) that continuing their military effort will not further improve their position and may worsen it; b) that the South Vietnamese government is a reality, won't collapse and is "here to stay"; and c) that the U.S. will not withdraw its forces prematurely.

This indeed is what Vietnamization is all about. For Vietnamization is not just equipping, training and strengthening the Vietnamese armed forces so that they can take over the burden of combat from us. It means far more.

It means creating and maintaining effective and stable constitutional government, developing the institutions and instruments of democracy.

It means expanding areas of security, carrying out a social revolution in the countryside—through the development of government at the village and hamlet level giving people control of their own affairs, getting them involved in their own economic development. It means turning the entire tenant population into land owners through the "Land to the Tiller" program.

It means dealing with economic problems—with the threat of inflation caused by growing government budgets as the Vietnamese take over more and more of the burden of war. It means stimulating economic progress as a means to political progress.

What progress have we and our Vietnamese allies made toward the solution of these complex and difficult problems?

I like to go back to two events of 1968 I look on as watersheds which stimulated progress in all the areas I have mentioned. The first was the Tet offensive, the second was President Johnson's statement March 31 ordering the partial cessation of bombing and withdrawing as a candidate for reelection.

The Tet offensive was a psychological victory for the enemy in the United States. In Viet-Nam, he suffered the first of a series of military defeats in which he took appalling losses. The Vietnamese Armed Forces, though below strength, fought well—as General Abrams has said, they fought probably better than they thought they could. There were no uprisings or defections, the government did not fall apart. On the contrary, it reacted strongly, quickly and decisively. It set about the task of recovery with great energy. The people themselves were alienated by the widespread death and destruction caused by the enemy and by his cruelty and savagery.

The result was to set in motion a whole series of developments which contributed significantly to the strengthening of the government, to increasing the confidence of the people in its ability to cope with the enemy, and to a determination by the government to take over more of the burden of the war.

President Johnson's statement of March 31 brought the Vietnamese face to face with the fact that our commitment was not open-ended, that one day they would be on their own. This realization had an important and subtle impact on the subsequent development of Vietnamese attitudes and events.

While there was some initial questioning as to what our ultimate intentions might be—which reappears from time to time when in Vietnamese eyes we seem too impatient—the net effect has been to contribute to a feeling of greater self-reliance and confidence.

The Vietnamese government, under the leadership of President Thieu, embarked on a broad program which affected the whole fabric of Vietnamese society and had a profound effect on developments in every area—military, ecnomic, social, psychological.

Full mobilization brought about a rapid expansion of the Vietnamese Armed Forces to nearly 1,100,000 today (this is as though we were maintaining an armed force of about 14 million), accompanied by an accelerated program of equipment, training, and improvement in leadership. Under President Nixon's policy of Vietnamization, this has the highest priority. This program has borne fruit and has shown encouraging results. The RVNAF—Vietnamese Armed Forces—are progressively taking over more of the burden of combat. Their losses are now running at 4 to 5 times ours. They are inflicting heavy casualties on the enemy. As General Abrams has said, "They are paying the price and exacting the toll."

This is not to say that as they take over more and more of the burden of combat, they will not meet some reverses. I do not wish to leave the impression the enemy has no remaining assets. He is still able to infiltrate regular forces, mainly through Laos and Cambodia, which remain as vital sanctuaries for him. He continues to be supplied by the Soviets and Chinese with a wide range of sophisticated weapons. He is still a military force to be reckoned with and has a variety of options open to him.

But he *is* under pressure. Both ARVN and U.S. forces regularly operate deep in areas once regarded as enemy territory. The enemy has taken tremendous losses and is suffering serious manpower problems. He has found recruiting in South Viet-Nam increasingly difficult. Former Viet Cong units have had to be supplemented by North Vietnamese "fillers." We have taken from him unprecedented amounts of weapons, ammunition, and food.

The enemy is achieving no purely military goals which would justify his heavy losses. But one must bear in mind that the enemy's objectives are essentially political and should be assessed in that light. He aims at keeping American casualties high, recognizing the pressures this creates in the United States. He aims at inflicting defeats on the Vietnamese Armed Forces in an effort to prove Vietnamization cannot work. And he aims to halt and reverse progress in pacification which is steadily eroding his remaining control over people in South Viet-Nam.

But the GVN also recognizes that fact that military success is only one aspect of the total effort to achieve our objective—a just and durable peace. It recognizes that fact that progress must be made in pacification and in the areas of political, economic, and social development or our military effort will be meaningless.

This has involved a major effort in all these areas, but in a small, developing country like Viet-Nam whose resources are fully engaged, priorities have to be selective. The result is that there has been a great deal of progress in some directions, less in others, and still other desirable programs have had to be postponed.

Progress in pacification, spurred by President Thieu's imagination and leadership, has continued despite the fact that it is one of the enemy's major targets. The "relatively secure" category of population under government control has grown from 60 per cent just after Tet 1968 to about 90 per cent at the end of March of this year. None of these figures are absolute, of course, but they do indicate that the trend line has been up in expanding areas of security; identifying and rooting out the infrastructure; rallying under the Chieu Hoi program; training and arming the People's Self-Defense Forces; training newly-elected hamlet and village officials in the process of local government; and getting people involved in their own self-help and development programs.

The People's Self-Defense Forces, "The People's Army," now numbering more than three million with more than half of this number trained and armed with 400,000 weapons, will eventually take over security in the hamlets, villages, and towns. The Regional and Popular Forces whose expansion, equipment, and training has had high priority have steadily improved in leadership and performance. It is proposed that in taking over security in the districts and provinces they will eventually release the Vietnamese regular forces for mobile and main force operations.

Two other developments have been of major importance. One has been the development of local government at the village and hamlet level, the other the enactment of a revolutionary "Land to the Tiller" program.

The development of village government accords with Vietnamese history and tradition. It is also laying the base for political development and support for the government at the grass roots level. This would seem a sound approach to the problem of political organization which is lacking in any meaningful sense. There are some thirty or forty small parties, many themselves faction-ridden, and with little influence in the countryside. In training the elected village and hamlet officials in government, in giving the villages autonomy and control of their budgets and in getting people involved in their own economic development the government is creating a base on which to build political organization.

The Land to the Tiller program, which was promulgated in March of this year, will eventually result in the free distribution of some 5 million acres to 800,000 tenant farmers. The objective of the program is to wipe out tenancy and to make every farmer a land owner. It is clear, of course, that land distribution in itself is not enough. Credit, fertilizer, improved seeds, light farm machinery, marketing facilities must go hand in hand with distribution. The provision of all of these elements is currently in the process of expansion by the government. The Land to the Tiller program should prove a potent weapon not only against the communists, but should also provide a broad base of support for the government among the rural population, still the majority in the country.

I should also say a word about a much misunderstood subject—popular support of the present government. While there is a lack of cohesion as far as political parties are concerned, there are nevertheless areas of broad support for the government. I have mentioned the development of village government and the Land to the Tiller program as two means of developing support among the rural population. One must include also the military, the civil service, and organized labor as other areas on which the government can count. When we talk of broad-based support for government, we usually think in terms of political parties. But in Viet-Nam, and perhaps in most of the less developed countries, where political parties are embryonic, this criteria is not applicable. One has to identify other areas of support. Those that I have mentioned as present or potential areas of support to the government indicate, I think, that its base is not a narrow one.

I have tried to outline very briefly some of the more important developments which have taken place within the last two years in Viet-Nam. I believe that the growing strength and effectiveness of the GVN together with a reasonable and flexible approach toward an acceptable political settlement gives us a reasonable expectation of success in achieving the objectives I have mentioned. As President Nixon has made clear, we intend to pursue the twin paths of negotiation and Vietnamization. We mean to pursue diplomatic efforts toward the search for a political settlement on all fronts. But the key element in deciding whether our investment in lives and treasure will achieve our objectives in Viet-Nam, objectives which I believe are important to our national interests, will be American patience and understanding.

I mentioned at the beginning the moral ambiguities which our presence in Viet-Nam poses for many and that these are more deeply felt than in any previous war. Whether or not we should have been there in the first instance, whatever the questioning or doubts about our commitment, the fact is that we are there; the fact is that we have made a very large investment in blood and treasure in order to achieve our objectives. I hope that the failures, frustrations, and skepticism of the past will not prevent our recognizing the truth of change and progress in South Viet-Nam. I have no doubt also that what we do or fail to do in Viet-Nam will affect not only our position in Asia, but that it will affect also the future of all the countries in that part of the world. It is relative to our position as a great power; whether we have the determination, the patience, and the will to accept the responsibilities of power. It is, it seems to me, relative to the commitment we made to history and to ourselves to the kind of world we envisage, where the rule of law shall govern. It is, I believe, relative also to man's never-ending struggle for freedom.

The burdens and the responsibilities of a great power are not easy and do not come cheap. President Nixon, I think, expressed it well on November 3 last year when he said, "We have faced other crises in our history and have become stronger by rejecting the easy way out and taking the right way and meeting our challenges. Our greatness as a nation has been our capacity to do what had to be done when we knew our course was right." I hope that as the greatest power in the world today we will stay the course.

ROBERT F. KENNEDY: A LEADER OF GREAT PROMISE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. PATTEN. Mr. Speaker, next week millions of Americans will remember—with deep sorrow—the second anniversary of the assassination of U.S. Senator Robert F. Kennedy, a leader of great promise.

Many Americans did not agree with the views of Robert Kennedy, but not one could ever doubt his great courage, sterling integrity, and deep compassion for people. He inspired people—especially the young—because his feelings against injustice were so fervent and strong. It was ironic that a man like him—so devoted to peace—was a victim of violence, something he detested.

Robert Kennedy often quoted Edith Hamilton—that "man is not made for safe havens." He could have easily lived in the "safe havens" of wealth, comfort, and security, but his hatred of injustice and his love for people drove him to public service, where he could work and fight for the things in which he so strongly believed.

Mr. Speaker, Robert F. Kennedy believed in the kind of America that all men of good will hope for, but he did much more than just hope. He worked, he fought, and he even died for his dream—a dream that was slowly coming true—a nation where a man could rise or fall on his ability and character, and not his color and guile.

A good education, decent housing, healthy minds and bodies, fair employment opportunities, and a nation strong and secure, not for the agonies of war, but for the blessings of peace—this was the dream of Robert Kennedy.

Some claimed that he was appointed Attorney General because of nepotism. But after he left that high and demanding office, the New York Times praised his distinguished record, and the Washington Post noted that Robert F. Kennedy guided more important legislation through Congress than did any of his predecessors in the past 30 years. Talented, dedicated, and tough, he will rank among the great attorneys general.

And in the Senate, they knew he was one of the rare ones—a man who belonged to no one—dominated only by his conscience.

Mr. Speaker, John and Robert Kennedy have left, but their ideals remain with us, for what they stood for never dies—truth and freedom, and justice and peace, and love.

They live on—and so does the unconquerable spirit of the unforgettable Kennedy brothers, who left America and the world with the most precious legacy of all—hope—for all mankind.

STATEMENT IN RESPONSE TO LETTERS IN SUPPORT OF AMENDMENT TO END THE WAR

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 27, 1970

Mr. CRANSTON. Mr. President, I have received over 100,000 letters supporting the amendment to end the war. In response to this significant outpouring of concern by thousands of Californians I am sending the statement which I ask unanimous consent to have printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Statement by Senator Alan Cranston

Every well-intentioned step deeper into Southeast Asia has been intended to save American lives. The result is 41,733 dead Americans, 322,750 American casualties and a deeply divided America. It should be clear after fifteen years of direct American involvement in Indochina that there is no quick way to end the military struggle there. Each quick one-shot effort which we were told would end the war has cost more in death and destruction. Each one-shot effort has increased the violence, not lessened it.

President Nixon's plunge into Cambodia threatens us with a prolonged war, more Americans dead and maimed, and a more deeply divided America. I am convinced that the only way to save American lives in Vietnam and elsewhere in Southeast Asia is to get our soldiers out, safely and systematically as rapidly as we can.

Thousands of persons of all ages across the nation and in California are asking what they can do now—of a constructive nature—against the war.

I am pleased to report to you that the Congress will act soon on a bipartisan Amendment To End the War. This is not simply a pious resolution. It is legislation resting on a sound constitutional base which enables Congress to exercise its power of the purse by cutting off appropriations and bringing the war in Cambodia, Laos and Vietnam to an end.

The Amendment To End the War was originally introduced five days after the invasion of Cambodia by five Senators—McGovern, Hatfield, Hughes, Goodell and myself. Now, as I write to you, it has the support of 30 Senators. The Amendment needs the support of 51. It needs support in the House of Representatives as well as in the Senate.

As a concerned citizen, you can join us in this nation-wide effort by gathering signatures on the enclosed amendment in support of a Vote To End the War, and returning it to me. Congressmen and Senators must be made aware of the deeply felt demand in our nation that the war in Indochina should be ended as soon as possible.

With your help, we can work together so that the Amendment To End the War can become law.

Amendment No. 609 to H.R. 17123—Amendment To End War

Sec.—(a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 1970, for any purpose arising from military conflict; Provided that, funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces, and Further Provided, that the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisors, or to support military operations by the forces of the United States or any other country in or over Laos.

(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended, after 30 days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisors, or to support military operations by forces of the United States or any other country in or over Cambodia.

(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

"REPRESSION," LATEST RED-COINED TRIGGER WORD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. RARICK. Mr. Speaker, "repression" is one of the latest Red-coined trigger words that has overnight become standard jargon for the left.

Most Americans question how those who have seemingly unlimited exposure in the communications media to advance their repression fright can be repressed. For if repressed they would not have the freedom to march, riot, assemble, and the opportunity to make themselves heard and seen.

Most Americans also understand that those who are manipulating the repression scare seem most dedicated to achieving repression as a goal.

On the other hand, those truly repressed receive little or no publicity and even then distorted or biased.

Where were the cries of repression when freedom was snuffed out in the Southern States? They were there and still are, but those who now express concern were only interested in more repression.

Mr. Speaker, I insert several related clippings:

[From the Washington Post, May 23, 1970]

Post Publisher Fears New Era of Repression

Washington Post publisher Katharine Graham charged yesterday that the Nixon administration has nurtured a repressive atmosphere potentially more dangerous than the era of the late Sen. Joseph R. McCarthy.

But she said she saw signs of a gentler mood in the performance of high government officials since President Nixon's decision to send troops into Cambodia.

"Recent events are, at least, encouragingly ambiguous," Mrs. Graham said in a speech before the American Jewish Congress here. "They (top officials) have met with the young; they have lowered their voices."

Mrs. Graham made her remarks before Vice President Agnew delivered a speech at a Republican event in Houston last night in which he vowed "to be heard above the din even if it means raising my voice."

Recalling the "ugly bitterness" of the McCarthy era, Mrs. Graham said she would still rank it "less potentially dangerous than the present."

The McCarthy era, she said, was "a one-issue conflict—the problem of Communist infiltration—whereas the issues dividing us today appear on all levels and . . . trouble all regions of our national life. They are not issues, moreover, that can be resolved by courtroom prosecution or congressional hearing."

Mrs. Graham—who is also president of The Washington Post Co., which owns Newsweek magazine—and former CBS producer Fred W. Friendly both spoke on "The Right to Dissent" at the American Jewish Congress's current biennial convention in the Shoreham Hotel.

Friendly said recent attacks on the press have all too successfully diverted it from more perceptive reporting and news display to a "news budget" chosen by its critics.

"The journalist fails when he allows himself to be diverted by the tactics of a skilled sleight-of-hand artist, like the Vice President," Friendly said.

"Mr. Agnew is so good at it," the former president of CBS News added, "that Wednesday's New York Times felt it necessary to devote four front-page columns, including a picture, to the Vice President beaning the director of the Peace Corps with a tennis ball, while burying on Page 29 a major report on sulfur dioxide which affects us all."

(The Washington Post devoted a four-column spread of pictures on its front page to the tennis match; the sulfur dioxide report appeared on Page 11.)

For this and other abuses of "a truly definition of news," Friendly suggested that the news media, including the broadcasters and their 22½-minute evening diets of network television news, were as much at fault as their critics, whether it be the Vice President, George Wallace or Jerry Rubin.

Now a professor at the Columbia Graduate School of Journalism and a Ford Foundation consultant, Friendly said he did not think the nation was entering an era of "a new McCarthyism" despite the shrillness of dissent and counter-dissent. The noise, he said, can still be punctured by voices of truth and reason.

Mrs. Graham suggested that the danger was still there.

She noted, however, that President Nixon has appointed an adviser to give him the views of the campuses and met with 15 black college presidents. Attorney General John N. Mitchell has also said he is willing to accept federal legislation guaranteeing the confidentiality of a reporter's notes or television film against courtroom subpoena.

Mrs. Graham called all these "heartening signs of perhaps saner and healthier times ahead."

[From the Washington Daily News May 25, 1970]

Peace Group Pushes Militancy

(By Dale McFeatters)

A veteran leader of the organized peace movement is proposing a major change in antiwar tactics centered on the creation of a new, streamlined organization dedicated to militant civil disobedience.

The proposal comes from Arthur I. Waskow, one of several movement insiders who have concluded the May 9 mass rally before the White House was a failure, or, in one underground analyst's words, "a bummer of major proportions."

The peace movement long has been plagued by a split between leaders who favor large, peaceful and legal demonstrations and those who favor the tactics of confrontation and civil disobedience.

Until Mr. Waskow's proposal, the split has been papered over for the sake of unity within the New Mobilization Committee to End the War in Vietnam (New Mobe), a coalition of countless peace groups presided over by a coordinating committee.

Mr. Waskow, a member of the coordinating committee, has circulated a paper within the peace movement suggesting a new organization, purged of the more conservative New Mobe members and "open to much more militant mass nonviolent tactics . . ."

Mr. Waskow is a director of the Institute for Policy Research here and a founder of Resist, a peace group. Like a growing num-

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ber of peace movement critics, he believes the mere fact of a huge demonstration tends to obscure the demonstration's purpose.

He and other critics of the May 9 rally, which attracted nearly 100,000 protesters against U.S. military operations in Cambodia and the Kent State killings, charge the rally failed to point up dramatically and forcefully the depth of dissatisfaction among the protesters.

The critics blame the failure on the conservative members of New Mobe, among whom they numbered Fred Halstead of the Socialist Workers Party, and especially on the rally marshals, mostly college students trained in crowd control by New Mobe.

The marshals received high praise from D.C. police for helping to maintain order, but many of the protesters called them "apprentice pigs," charging the marshals acted more like police than the police did.

Specifically, the critics complain the marshals prevented, physically at times, a planned sitdown near the White House, several traffic blockades by protesters, and a potential "trash"—a hit-and-run, rock-and-bottle-throwing, window-breaking spree.

Mr. Waskow makes a clear distinction between nonviolent civil disobedience, which he advocates, and "trashing," as advocated by the more radical-minded members of the confrontation school of tactics.

The rally, Mr. Waskow and critics contend, did nothing to further the stated goal of the protest—a nationwide strike against the war.

He suggests that one of the civil disobedience tactics, as opposed to the rally method, might be to organize 50 squads of 300 demonstrators each to sit down at major intersections, tying up the city and government buildings. They would disperse quickly when police arrived and later regroup elsewhere.

New Mobe is only a year old, and on June 19 the peace movement chieftains will convene in Cleveland to chart the future of antiwar protest. The peaceful rally vs. confrontation argument is expected to be debated.

In the meantime, the Yippies, the perpetual outcasts of the peace movement, are planning their own demonstration in Washington July 4, featuring, according to Yippie pronouncements, an Insurrection City and a mass smoke-in of marijuana around the Washington monument.

Yippie leader Abbie Hoffman was one of the confrontation-minded demonstrators at the May 9 rally who was held in check by the marshals.

[From the Washington Star, May 22, 1970]

Hard-Hat Demonstration

On May 8, some members of the Building and Construction Trades Council of Greater New York disgraced their union by staging a flag-waving physical assault on student war protesters in the city's financial district. This week, the hard-hats set the record straight with a massive, noisy and nonviolent march on City Hall in support of the administration's Indochina policy.

It was, by all accounts, an impressive showing. Upwards of 100,000 marchers, a profusion of flags, cascades of tickertape, patriotic songs and passionate speeches. There were boos for those who disagree with administration policy, and special verbal abuse for Mayor Lindsay. But this time there was no attempt to convert dissenters by pounding them into conformity with fists and clubs.

It was, in short, a proper exercise of free assembly and free speech. But was it a positive contribution to today's society?

Demonstrations can have the positive effect of arousing an apathetic public to a specific wrong, as with the succession of civil rights marches of a decade ago. It can logically be argued that the student demonstrations served the purpose of shocking a complacent administration into an awareness of the depth of anti-war feeling. But the problem of the society now is not apathy or complacency. It is overexcitement that comes dangerously close to hysteria.

Perhaps the pro-administration marches in New York and elsewhere this week have served as emotional safety valves, allowing the participants to bear public witness to their beliefs and to work off a growing resentment. But aside from this possible minor therapeutic function, the demonstrations—for and against administration policy—are by now essentially negative and divisive.

Such mass outpourings dramatize the fact that this is a deeply divided society—a fact that needs no further demonstration. All that is accomplished is a further deepening of those divisions. And the demonstrations serve as well to fortify the twin fictions that anyone who supports the administration is pro-war, and anyone who demands instant peace is anti-American.

Everyone now has staged his impressive show. Everyone is fully aware of the areas of disagreement that exist. It's time to leave the streets and the parks, to start remembering the multitude of common interests that bind this society together, and to start bridging, with logic and discussion, the fissures that have opened.

[From the Washington Star, May 25, 1970]

The Price of Segregation

President Nixon, presenting his emergency school aid act of 1970 to Congress, made the point that school desegregation requires something more than law enforcement. It requires, he said, an investment of money.

True enough. Nixon's plan of making school desegregation something more than a national talking point would peg the cost at $1.5 billion over the next two years. But it will take something in addition to laws, enforcement and money to eradicate the stain of generations of segregated education. It will require a carefully reasoned plan for spending the vast sums where they will do the most good.

The President, in his message to Congress, has provided the outlines for such a plan. It is realistic about the practical problems involved with the elimination of the remnants of the dual school system of the South. It is inventively pragmatic about the problems arising from the segregated housing patterns of the North. It demonstrates a full appreciation of the insidious nature of segregation, and the harm it does to the whole society wherever it exists.

Unfortunately, the presentation of the proposed bill by the President does not mean that the program is a reality. It still must run the congressional gauntlet and the reasonable expectation must be that it will come in for considerable sniping from both right and left.

To the Southern conservatives, the promise of massive federal aid to help local systems carry the financial burden of court-ordered desegregation will appear as a threat. It will undercut the chief complaint of segregationist politicians, that desegregation will bring financial chaos and will make a shambles of the existing system.

Some liberals will take a dim view of the provisions dealing with de facto segregation, and the legally and morally complex issue of busing. There will be little quarrel with the proposal for funds to help districts that establish voluntary programs of desegregation. But there has already been some carping by the proponents of cross-busing over the President's advocacy of busing to achieve temporary interracial activities, as a part of a school day, instead of promoting full permanent racial balance in all school systems.

There is, obviously, a conflict of philosophies in this area between Mr. Nixon and those who hold that busing is the only answer. The President has been quite frank in expressing his doubts about the advisability or the practicality of mass involuntary transfer of pupils to achieve integration.

But the bus boys would be making a tragic mistake if they should adopt an all-or-nothing attitude. The concept of integrated activities is a major step along the way. And it is, in fact, as far as the federal government can properly go until the legal confusions about busing, arising from the Civil Rights Act of 1964, are clarified by the Supreme Court.

The President has made the important first move in transforming the fine words of his education message into reality. Congress should, as requested, prime the pump with an immediate appropriation of $150 million. And even though not everyone will be completely happy, the legislators should recognize the overriding importance of the President's plan, and should give him what he asks.

[From the Washington Post, May 23, 1970]

Segregated Schools and Tax Deductions

Until we read the Justice Department's brief defending a ruling of the Internal Revenue Service, we did not realize that the federal government had an attitude of "benevolent neutrality" towards private schools set up to evade court-ordered desegregation of public schools. Yet that is what the Justice Department says in supporting an IRS ruling that contributions to a host of newly created schools in Mississippi are tax deductible.

Questions about the tax laws are always highly complex and it may be that IRS is right—although we doubt it. The law says contributions to nonprofit corporations organized "exclusively" for educational purposes are deductible, and the new schools in Mississippi seem to us to have been organized primarily for a quite different purpose. Be that as it may, however, what is most troubling is the eagerness with which one section of the Department of Justice has leaped to defend these tax benefits while another section has been busy attempting to eliminate the financial aid the state government has given those same schools. The Justice Department's brief in the tax case won't even concede that the new schools are segregated and ignores the substantial role played by the state government in their creation. This may be the proper stance of a federal government that is benevolently neutral towards schools such as these. But we had thought the policy of the United States was to encourage public education in desegregated institutions, not stand and watch benevolently as public schools are downgraded and replaced by private, segregated schools.

[From the Washington Star, May 24, 1970]

Negro Heads National YMCA

Pittsburgh.—Donald M. Payne of Newark, N.J., will be installed tomorrow as the first Negro president in the 125-year history of the national YMCA.

Payne, 35, was elected yesterday at the annual convention of the 5.6 million-member service organization. He ran unopposed.

The president-elect, named "Man of the Year" by the Newark Chamber of Commerce in 1968, has held several YMCA posts, most of them in Newark.

[From the Washington Daily News, May 20, 1970]

Orders From Prague?

(By Henry Taylor)

Are part of the campus disorders a Red plot? You be the judge.

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The CIA and FBI know that the center for planning student disorders is in Prague, within the shadow of the Ruzyne airport. There the immense International Union of Students (IUS), financed and brain-trusted by Moscow, is supporting university anarchists here and thruout the free world.

The Kremlin departmentalizes this place into "country desks." Each section supervises a country. Cunningly, each tailors the "issues" for each country. Naturally, the IUS drums on the Vietnam issue here and "Peace! Peace! Peace!" to further a Red victory in Southeast Asia.

A Pole, Vlod Konarski, a man with a bite like a saber-tooth tiger, supervises the British thrust. The IUS vehicle there is the militant Radical Student Alliance in London. Two subdivisions are supervised by Jean Bougareau, a Frenchman, and Martin Abeln, who is Dutch.

In Eire the IUS thrust, locally called The International Movement, is based at Trinity College, Dublin. The IUS supervisor is Hardial Sinh Bains, a naturalized Canadian born in India.

A Bains sidekick is Ralph Schoenman, 34, the student shepherd of the Bertrand Russell Peace Foundation—the man who concocted the mock trial of President Johnson in Stockholm in protest against Vietnam. Iron-fisted Schoenman served a "martyr" stretch in Montjoy Prison, Dublin. Britain banned Schoenman and Scotland Yard caught him. To the dismay of the CIA and FBI, Schoenman had an American passport.

In West Germany the Berlin police documented the IUS's control of Rudolf Dutschke ("Red Rudi") when Dutschke was arrested on April 11, 1968, during riots in nearly all the West German universities.

In France the IUS thrust is supervised by Daniel Cohn-Bendit ("before you can build you must destroy"), who is not even French. He's German. The success, typified by the March 3 Nanterre campus mayhem which saw Dean Paul Ricouer kidnaped and 125 policemen injured, has all but paralyzed French education. University faculty members are brutalized and kidnaped almost daily.

I had lunch in New York not long ago with Italian Foreign Minister Aldo Moro. Italy, after France, has enacted a new university reform law. Mr. Moro, himself a professor, sponsored it. "But what can we do?" he asked. "In my country, as in France, your country and thruout the free world, the Reds' technique is always to up their demands with every concession they gain."

Japanese Premier Eisaku Sato spoke similarly on his visit here. He said that last year student arrests in campus disorders exceeded 14,000 (ours exceeded 3,600) and that the IUS thrust has reduced Japanese education to a shambles. The IUS vehicle there is the immense Zengakuren student organization along with five other factions.

The IUS also runs terrorist training centers for African students. The CIA has uncovered them in Budapest and Warsaw and in Leipzig, Bernau and Bautzen, East Germany. These have trained and sent back to their African homelands more than 1,000 student insurrectionists in the past six months.

There's no great mystery in what is happening here. Our enemies are promoting a civil war in the United States. "It can't happen here" is a totally dangerous philosophy.

[From the Washington Post, May 23, 1970]

Foggy-Bottom Term Justified by Peace Guerrillas at State

(By William S. White)

President Nixon is learning the bitter and almost unbelievable lesson that, to this columnist's direct and personal knowledge, so often caused his two immediate predecessors to curse softly in the nighttime.

This is that if only he could beat the antiwar, anti-President guerrilla band within his own State Department he just might have some improved chance to defeat the Communist guerrilla invaders of South Vietnam and Cambodia.

In private, John F. Kennedy turned to the saltiest language of the Boston Irish when he spoke of "that place"—meaning the Department of State. Lyndon B. Johnson had recourse to words that will never be found in any dictionary, even by today's standards.

In brief, for many, many years the State Department's career service has turned out not only many good and patriotic and intensely loyal officers. It has also turned out more than a fair number of petulant types who sincerely believe they know more than any Secretary of State or any President. Such types persistently undercut Mr. Kennedy as to Vietnam. Such types even more savagely undercut Mr. Johnson as to Vietnam. Such types are now even more determinedly undermining Mr. Nixon as to the most recent permutation of Vietnam, which is Cambodia.

There is no doubt that a considerable number of junior career officers are feeding out anti-Cambodian policy propaganda whenever and wherever they can—and sometimes even in public. To its intense embarrassment, the State Department has had to acknowledge as much.

Alexis Johnson, the Under Secretary of State, has been forced to put to 50 such characters who wrote a letter of "protest" to Secretary William Rogers the following self-evident proposition: While everybody has a right to his own opinion, and to express it within the shop, no member of the foreign service of the United States has any conceivable right to obstruct national policy once it has been made and no right either to repudiate the President of the United States.

In the first place, the foreign service officer is protected by an entrenchment similar to that of a full professor. Neither can be fired short of the most outrageous conduct and without the expenditure by his superior of time he simply cannot afford in order to make out the required case.

In the second place, any Secretary of State naturally does not want only yes-men and, in consequence, encourages no-men and devil's advocacy—up to the point when the President has finally decided an issue. Right now, for example, there is a readily available "open forum" through which younger officers are invited and even urged to forward their ideas to the Secretary.

The difficulty, of course, is that no kind of "open forum" has for a long time been enough for the "peace" guerrillas. They take the view so often taken by the more strident student protesters that they must not only be "listened to" but that what they say must instantly become the public policy.

John Kennedy felt the beginning pressures of this new philosophy. Lyndon Johnson felt them as they greatly heightened. Richard Nixon now feels them at the very crest of their arrogance.

THE FIRST INTERNATIONAL TRAUMA SYMPOSIUM: CONCERN AND CARE FOR THE INJURED

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Tuesday, May 26, 1970

Mr. YARBOROUGH. Mr. President, as chairman of the Health Subcommittee, I am deeply involved in the health needs of this Nation and in the problem of treatment and care facing the medical profession.

A major—and a most urgent—health issue facing the Nation are injuries from accidents. Injury-causing accidents occur on the highway, on the job, and in the home. It appears there is the potential for an accidental injury at any time and in any place.

While accidental injuries are a serious problem for the United States, they are also serious problems in the other nations of the world.

This week experts in the care of the injured are meeting in Washington in the First International Trauma Symposium. The theme of the symposium is research on the care of the injured. The symposium is sponsored by the National Institute of General Medical Sciences. I congratulate all who organized, sponsored, and led this first International Trauma Symposium. It was long overdue. It should be an annual symposium.

On the night of Tuesday, May 19, I had the honor of addressing this great international symposium.

Mr. President, I ask unanimous consent that the program from this international meeting and the text of my remarks be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the Record, as follows:

International TRAUMA Symposium: Research on the Care of the Injured

(Sponsored by: The National Institute of General Medical Sciences)

General Chairman: Dr. J. Englebert Dunphy, University of California Medical Center.

PROGRAM PLANNING COMMITTEE

Chairman: Dr. William I. Gay, National Institute of General Medical Sciences.

Dr. William A. Altemeier, University of Cincinnati.

Dr. Emilie A. Black, National Institute of General Medical Sciences.

Dr. J. H. U. Brown, National Institute of General Medical Sciences.

Dr. Lars-Erik Gelin, University of Goteborg.

Dr. Fraser N. Gurd, The Montreal General Hospital.

Dr. Carl Hirsch, Karolinska Institutets.

Mr. D. Mac G. Jackson, Birmingham Accident Hospital.

Dr. Edgar Lee, Jr., National Institute of General Medical Sciences.

Miss Helen Neal, National Institute of General Medical Sciences.

Dr. Ayub K. Ommaya, National Institute of Neurological Diseases and Stroke.

Dr. Jonathan E. Rhoads, University of Pennsylvania.

Col. Lawrence R. Rose, M.C., U.S. Army Medical Research and Development Command.

Dr. G. Thomas Shires, Southwestern Medical School.

Dr. Frederick L. Stone, New York Medical College.

STAFF COMMITTEE—THE NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

Chairman: Dr. William I. Gay.
Dr. Emilie A. Black.
Dr. J. H. U. Brown.
Mrs. Vivian F. Dobson.
Dr. Edgar Lee, Jr
Miss Helen Neal.
Herbert C. Stickney.

Symposium Director: Kenneth M. Coggeshall, Management Communications, Inc.

The National Institute of General Medical

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Sciences and the American Trauma Society acknowledge the generous assistance of the following companies which contributed to the support of the International Trauma Symposium:

Fairchild-Hiller Corporation; Winthrop Laboratories; and Hoffman-La Roche, Inc.

Four years ago the National Academy of Sciences brought together a group of scientists to define and outline the most pressing research needs of our time. Trauma was identified as a problem of major public health importance. A landmark report was issued by the National Academy of Sciences—National Research Council, Accidental Death and Disability: The Neglected Disease of Modern Society, which termed trauma the nation's most important environmental health problem.

In 1969, while I was the Director of the National Institute of General Medical Sciences, the plan was formulated for this International Trauma Symposium. Its purposes are three-fold:

To establish a definitive "state of the art" baseline for trauma care and research;

To detect any significant deficiencies in present knowledge and research, and

To stimulate research with clinical goals in new or neglected areas.

The epidemic of trauma presents a challenge which can only be met with new, widely distributed and clinically useful knowledge.

FREDERICK L. STONE,
President, New York Medical School.

MONDAY, MAY 18

Morning

Empire Room

9:00—Welcome: General Chairman: Dr. J. Englebert Dunphy.

Organizational and Social Problems of Trauma

9:30—Keynote Address—Trauma as a Disease: The Honorable Lawrence J. Hogan, United States Representative, Fifth District, Maryland.

10:00—The Costs of Trauma as a National Health Problem: Clyde F. Schlueter, President, Employers Insurance of Wausau.

10:20—Road Accidents in Sweden: Dr. Bertil Aldman.

10:40—The Challenge of the Trauma Problem to Organized Medicine: Dr. Oscar P. Hampton, Jr.

11:15—Panel Discussion: The General Organization for Trauma Care and Study.

Moderator: Dr. Curtis P. Artz.

Panelists: Dr. Oscar P. Hampton, Jr.; Mr. P. S. London; Dr. Jorg Bohler, and Dr. M. V. Balkov.

Afternoon

Fundamental Problems in the Management of the Injured

2:00—Reaction of the Body As a Whole to Injury: Dr. Lars-Erik Gelin.

2:30—Initial Care: Resuscitation, Assessment, Multiple Injury, and Satellite Units, Dr. G. Thomas Shires.

2:40—Intensive Care of the Critically Ill: Dr. John M. Kinney.

3:00—Panel Discussion: Monitoring.

Moderator: Dr. Samuel R. Powers, Jr.

Panelists: Mr. Heinz S. Wolff; Dr. John E. Jacobs, and Dr. John J. Osborn.

4:15—Rehabilitation Begins With Initial Care: Dr. Robert A. Chase.

4:35—Reflections on Some Problems in the Pathology of Trauma: Dr. Simon Sevitt.

4:55—Management and Study of Psychological Response to Trauma: Dr. James L. Titchener.

Evening

Special Workshop—Tudor Room

7:30—Neural Trauma.

Chairman: Dr. Ayub K. Ommaya.

Co-Chairman: Dr. A. Earl Walker.

Rapporteurs: Dr. Charles E. Brackett and Dr. Thomas W. Langfitt.

TUESDAY, MAY 19

Morning

Introduction to Special Problems of Trauma—Empire Room

8:30—Nervous System Injury and the Total Body: Dr. Ayub K. Ommaya.

8:50—Burns As a Special Problem in Trauma: Mr. D. MacG. Jackson.

9:10—Mechanical Forces in Injury: Dr. Carl Hirsch.

9:30—Wound Healing: Dr. Thomas K. Hunt.

9:50—Introduction to the Workshop Dr. Edgar Lee, Jr.

Concurrent Workshops 10:30–12:00—Club Room B

Emergency Medical Evacuation and Transport of Injured:

Chairman: Dr. James Schamadan.

Rapporteur: Dr. Sam Seeley.

Heritage Room

Mechanical Properties, Musculoskeletal System:

Chairman: Dr. Carl Hirsch.

Rapporteur: Dr. Victor H. Frankel.

Empire Room

Lung:

Chairman: Dr. Samuel R. Powers, Jr.

Rapporteur: Dr. Henrik H. Bendixen.

Executive Room

Burns:

Chairman: Dr. Curtis P. Artz.

Rapporteurs: Mr. D. MacG. Jackson; Dr. Bent Sorensen.

Council Room

Endocrine Response:

Chairman: Dr. Richard H. Egdahl.

Rapporteur: Dr. William R. Drucker.

Press Room

Trauma in Children:

Chairman: Dr. J. Alex Haller, Jr.

Rapporteur: Dr. James L. Talbert.

Afternoon

1:30–4:30

Council Room

Cell Biology of Injury and Wound Healing:

Chairman: Dr. Earl P. Benditt.

Rapporteur: Dr. Tomas K. Hunt.

Club Room B

Long-Range Management and Rehabilitation:

Chairman: Dr. Robert A. Chase.

Rapporteur: Dr. Daniel J. Feldman.

Empire Room

Lung (Continued from morning session):

Co-Chairman: Dr. Frank E. Gump.

Rapporteur: Dr. Henrik H. Bendixen.

Executive Room

Burns (Continued from morning session):

Co-Chairman: Dr. Charles Baxter.

Rapporteurs: Mr. D. MacG. Jackson; Dr. Bent Sorensen.

Heritage Room

Metabolic Response to Trauma and Nutrition:

Chairman: Dr. John M. Kinney.

Rapprteur. Dr. Stanley J. Dudrick.

Club Room A

Neural Trauma:

Chairman: Dr. Ayub K. Ommaya.

Co-Chairman: Dr. E. S. Gurdjian

Rapporteurs: Dr. Charles E. Brackett; Dr. Thomas W. Langfitt.

Evening

Diplomat Room

6:00—Reception: Participants, Wives, and Guests.

Palladian Room

7:00—International Trauma Symposium banquet:

Presiding: Dr. William I. Gay.

Speaker: The Honorable Ralph W. Yarborough, US. Senator, Texas.

WEDNESDAY MAY 20

Morning

Concurrent Workshops—8:30–10:30

Board Room

Kidney Response to Trauma:

Chairman: Dr. Charles Baxter.

Rapporteur: Dr. Samuel R. Powers, Jr.

Club Room B

Fat Embolism:

Chairman: Dr. Leonard F. Peltier.

Rapporteur: Dr. Simon Sevitt.

Executive Room

Shock: Discussion of Rheology and Oxygen Transport:

Chairman: Dr. Lars-Erik Gelin.

Rapporteur: Dr. John R. Border.

Council Room

Infections, Immunology, and Gnotobiotics;

Chairman: Dr. William A. Altemeier.

Rapporteur: Dr. Stanley Levenson.

Press Room

Liver and Pancreas in Injury:

Chairman: Dr. William R. Drucker.

Rapporteur: Dr. Theodore Drapanas.

Club Room A

G. I. Response to Trauma:

Chairman: Dr. Fraser N. Gurd.

Rapporteur: Dr. Robert N. McClelland.

Empire Room

11:00—Presentation of summaries of Tuesday morning workshops.

Afternoon

Empire Room

1:30—Continuation of summaries.

3:30—Summation and critique:

Presiding: Dr. J. Englebert Dunphy.

DELEGATES

Dr. Bertil Aldman, Trafikmedicin, Fack, S–104 01, Stockholm 60, Sweden.

Dr. William A. Altemeier, Department of Surgery, Cincinnati General Hospital, Cincinnati, Ohio.

Dr. Curtis P. Artz, Department of Surgery, Medical College of South Carolina, Charleston, S.C.

Professor Mstislav Vasilevich Balkov, Central Institute of Traumatology and Orthopedics, Ministry of Health, USSR, Moscow A–299, Novaia, Ipatovka 8, USSR.

Dr. Charles Baxter, Department of Surgery, University of Texas, Southwestern Medical School, Dallas, Tex.

Dr. Earl P. Benditt, Department of Pathology, University of Washington, Seattle, Wash.

Dr. Henrik H. Bendixen, Department of Anesthesia, University of California, San Diego, Calif.

Dr. Jorg Bohler, Accident Hospital, Linz, Blumauerplatz 1, Austria.

Dr. John R. Border, Department of Surgery, State University of New York, Buffalo, N.Y.

Dr. Charles E. Brackett, Department of Neurosurgery, University of Kansas Medical Center, Kansas City, Kans.

Dr. Robert A. Chase, Department of Surgery, Stanford University School of Medicine, Palo Alto, Calif.

Dr. Theodore Drapanas, Department of Surgery, Tulane University School of Medicine, New Orleans, La.

Dr. William R. Drucker, Department of Surgery, The University of Toronto, Faculty of Medicine, Toronto 5, Ontario, Canada.

Dr. Stanley J. Dudrick, Department of Surgery, University of Pennsylvania, School of Medicine, 3400 Spruce Street, Philadelphia, Pa.

Dr. J. Englebert Dunphy, Department of Surgery, University of California Medical Center, San Francisco, Calif.

Dr. Richard H. Egdahl, Department of Sur-

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gery, Boston University School of Medicine, Boston, Mass.

Dr. Daniel J. Feldman, Casa Colina Hospital for Rehabilitation Medicine, 255 East Bonita Avenue, Pomona, Calif.

Dr. Victor H. Frankel, Division of Orthopaedic Surgery, Case Western Reserve University School of Medicine, Cleveland, Ohio.

Dr. William I. Gay, National Institute of General Medical Sciences, National Institutes of Health, Bethesda, Md.

Dr. Lars-Erik Gelin, Surgical Department 1, Sahlgrenska Sjukhuset 1, University of Goteborg, Goteborg, Sweden.

Dr. Frank E. Gump, Department of Surgery, Columbia University, College of Physicians & Surgeons, New York, N.Y.

Dr. Fraser N. Gurd, Department of Surgery, the Montreal General Hospital, Montreal 109, Quebec, Canada.

Dr. E. S. Gurdjian, Department of Neurosurgery, Wayne State University, School of Medicine, Detroit, Mich.

Dr. J. Alex Haller, Jr., Department of Surgery, the Johns Hopkins Hospital, 601 North Broadway, Baltimore, Md.

Dr. Oscar P. Hampton, Jr., American College of Surgeons, Committee on Trauma, 3720 Washington Boulevard, St. Louis, Mo.

Dr. Carl Hirsch, Karolinska Institutets, Ortopediska Klinik, Norrbackainstitutet (Vanforeanstalten), Box 6403, 113 82 Stockholm, Sweden.

Dr. Thomas K. Hunt, Department of Surgery, University of California, Medical Center, San Francisco, Calif.

Mr. D. MacG. Jackson, Birmingham Accident Hospital and Rehabilitation Centre, Bath Row, Birmingham 15, England.

Dr. John E. Jacobs, Biomedical Engineering Technological Institute, Northwestern University, Evanston, Ill.

Dr. John M. Kinney, Department of Surgery, Columbia University College of Physicians & Surgeons, New York, N.Y.

Dr. Thomas W. Langfitt, Division of Neurosurgery, Hospital of the University of Pennsylvania, 3400 Spruce Street, Philadelphia, Pa.

Dr. Edgar Lee, Jr., National Institute of General Medical Sciences, National Institutes of Health, Bethesda, Md.

Dr. Stanley M. Levenson, Department of Surgery, Albert Einstein College of Medicine, Eastchester Road & Morris Park Avenue, Bronx, N.Y.

Mr. P. S. London, Birmingham Accident Hospital and Rehabilitation Centre, Bath Row, Birmingham 15, England.

Dr. Robert N. McClelland, Department of Surgery, University of Texas, Southwestern Medical School, Dallas, Tex.

Dr. Ayub K. Ommaya, National Institute of Neurological Diseases and Stroke, National Institutes of Health, Bethesda, Md.

Dr. John J. Osborn, The Institute of Medical Sciences, Pacific Medical Center, Clay and Webster Streets, San Francisco, Calif.

Dr. Leonard F. Peltier, Department of Surgery, University of Kansas Medical Center, Kansas City, Kans.

Dr. Samuel R. Powers, Jr., Department of Surgery, Albany Medical College, Albany, N.Y.

Dr. James L. Schamadan, College of Engineering and Technology, Arizona State University, Tempe, Ariz.

Clyde F. Schlueter, Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis.

Dr. Sam F. Seeley, Division of Medical Sciences, National Research Council, 2101 Constitution Avenue, N.W., Washington, D.C.

Dr. Simon Sevitt, Pathology Department, Birmingham Accident Hospital and Rehabilitation Centre, Bath Row, Birmingham 15, England.

Dr. G. Thomas Shires, Department of Surgery, University of Texas, Southwestern Medical School, Dallas, Tex.

Dr. Bent Sorensen, The Burns Unit, Kommunehospitalet, 1399 Copenhagen K, Denmark.

Dr. James L. Talbert, Department of Surgery, University of Florida, College of Medicine, Gainesville, Fla.

Dr. James L. Titchener, Department of Psychiatry, University of Cincinnati, College of Medicine, Cincinnati, O.

Dr. A. Earl Walker, Division of Neurological Surgery, The Johns Hopkins Hospital, 601 North Broadway, Baltimore, Md.

Mr. Heinz S. Wolff, Division of Biomedical Engineering, Medical Research Council, National Institute for Medical Research (Hampstead Laboratories), Holly Hill, London, N.W. 3, England.

"ACCIDENTAL INJURY: A MAJOR CHALLENGE TO MEDICINE"

Mr. Chairman, fifty million injuries a year; 115,000 deaths; 400,000 permanently disabled; a personal financial cost of $13.6 billion, all in the United States alone.

These figures make accidental injury a major and urgent health issue. Of this toll, auto accidents account for half. Home accidents account for 24%, and injuries at work account for 12%. These men, women, and children occupy more hospital beds than do heart patients, and 4 times more than cancer patients. Accidental injury is the fourth leading cause of death in the Nation, and the leading one for the first half of lifespan. It strikes the young hardest, and is the leading cause of death in the population age 1 to 37. But unlike other great killers, there has not been the unfied response that has brought other killers under control, and reduced their toll.

I believe the reason for that difference is the clear objective that goes with finding a biological cause of disease, and then the means of prevention. This is not the case with accidents. Prevention is an immensely diffuse thing, requiring not only medical research, but engineering and design research, and control of many phases of industry and transportation.

One preventive measure needed is higher standards for industrial safety. We are working on a bill for this purpose now in the Senate Committee on Labor and Public Welfare, and I am pleased to be a co-sponsor of it.

MEDICAL RESEARCH ON TRAUMA

But the great challenges of trauma to medicine are, (1), to find the most effective means of treatment, and, (2), to organize medical services to reduce the toll of death, suffering and loss.

For you, there is no neat solution of vaccine. There is only the detailed, tedious task of testing and evaluating treatments.

For this work, the National Institute of General Medical Sciences devotes $1,568,000 to support 7 trauma research centers, and $1,440,000 for 30 additional projects. I am very familiar with one of these—in the Parkland Memorial Hospital in Dallas, Texas, the hospital where President John F. Kennedy was taken after the tragic events of November 22, 1963.

The $3 million for trauma research comes out of a shrinking budget for the Institute of General Medical Sciences. That budget has declined from $163 million in fiscal 1969 to a request for only $148 million next year.

Three million dollars for research on the fourth leading cause of death is but a pittance. Unless Congress acts to add money for this Institute, trauma research will proceed on a small-scale basis, leaving millions of Americans to a lifetime of unnecessary suffering.

ORGANIZATION OF TREATMENT

Second to research on the effects and appropriate medical response to trauma, prompt care is vital to accident victims. Here, hospitals and other health units are even more deficient than is research.

A handful of hospitals have developed an intensive care unit where burns and other injuries can be treated on a unified, emergency basis. But for most hospitals, an emergency room still consists more of diagnosis than comprehensive application of advanced methods of care, regardless of the type of trauma.

In an effort to help hospital administrators develop the intensive care unit for injured persons, I have included a provision for this purpose in my bill extending the Hill-Burton Hospital Construction Program. Although the version passed by the House of Representatives had no emergency room feature, I am pleased to report that we have gained general acceptance for it from the House Conferees. It will permit Federal matching grants up to 50% of the cost of establishing emergency rooms.

Borrowing from the military medical advances in the Vietnam warfare, we also permit this money to be used for helicopter service as a means of transporting patients. Other forms of ambulance service and communication can also be financed with this Federal matching grant. My bill provides $20 million a year under this Section.

But making money available is only a small part of this job. The real work lies with local governments and health administrators. It is they who must coordinate emergency communications and transportation among several agencies and many hospitals. There is nothing more wasteful than the human life that is lost because an ambulance carried an accident victim to the other side of town, or because attendants are not adequately trained.

An enormous task remains in this field of health care. Research is one part. Another is getting across to health administrators the urgency of dealing with injuries as a unit of health care. Local officials must be impressed with the need to organize their emergency services for the benefit of victims, not the rivalries of jurisdictions.

"We can take justifiable pride in our achievements in the field of medicine," said President Kennedy in 1963. "But measured against our capacity and capability in the fields of health and medical care, measured against the scope of the problems that remain and the opportunities to be seized, this Nation still falls far short of its responsibilities."

This assessment is especially true of accidents.

It will take the best efforts of all to reduce the toll of injury, to relieve the suffering, to restore victims to useful, productive lives.

SURVEY SHOWS THE PEOPLE SUPPORT THEIR PRESIDENT

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. HUTCHINSON. Mr. Speaker, as of mid-April, residents of the Fourth Congressional District of Michigan approved of President Nixon's Vietnamization policy—as a way to end U.S. military involvement in Southeast Asia—by a margin of nearly 2 to 1.

An independent data processing firm has just completed tabulating results of my annual public opinion survey, and I would like to share them with my colleagues. Most significantly, perhaps, they show that 59.81 percent favor the President's Vietnam policies and 30.39 percent do not.

The majority of questionnaires were received prior to the President's April 30 decision to send U.S. troops into the Cam-

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bodian sanctuaries. Those received after that date were kept separate from the earlier returns and they showed a substantial shift in opinion on the issue. Support for the President increased nearly 3 percent, rising from 59.91 percent to 62.74 percent. Opposition declined from 30.39 percent to 27.30 percent.

Response to this year's survey was very gratifying. More than 17,000 questionnaires were returned to me and, of this number, 73 percent took advantage of the provision for "his and her" votes on each question. As a result, the total number of votes tabulated came to nearly 30,000.

Complete results of this year's Fourth District survey are as follows:

FOURTH DISTRICT SURVEY

[In percent]

	More	Less	Same
1. Federal spending for these purposes should be:			
(a) Defense	13.60	40.06	41.18
(b) Space program	6.43	59.59	30.20
(c) Foreign aid	2.05	71.40	22.31
(d) Poverty program (OEO)	25.53	39.35	29.01
(e) Federal aid to education	40.80	23.87	30.87
(f) Crime prevention	80.47	4.08	12.52
(g) Antipollution	74.68	7.62	13.75
(h) Welfare (ADC)	8.77	60.64	25.97
(i) Housing	26.28	33.86	33.93
(j) Food stamps	15.44	45.89	31.95
(k) Health programs	46.36	15.89	32.38
(l) Narcotics law enforcement	79.74	5.72	11.41

	Yes	No
2. To check inflation, would you impose wage and price controls?	60.96	30.39
3. The federal farm program should be:		
(a) Phased out over 5-year period	52.07	16.02
(b) Allow a set-aside program permitting more freedom in crop planning but reduce parity	47.72	13.66
(c) Make the 1965 Agricultural Act permanent but increase benefits to farmers under the act	20.47	34.13
4. Do you approved of President Nixon's policy of Vietnamization as the way to end our military involvement in Southeast Asia	59.81	30.66
5. Do we need stricter Federal laws against obscenity and pornography	74.11	21.91
6. Do you think the Post Office should be turned over to a Government-owned corporation for operation?	53.09	37.85
7. Do you favor busing of students for the purpose of achieving racial balance in schools?	7.76	87.62
8. Should criminal penalties for the use of marihuana be:		
(a) Reduced	17.15	36.80
(b) Repealed altogether	7.87	28.24
(c) Kept stiff as they are	73.01	10.30
9. Do you approve of congressional questionnaires such as this?	92.35	2.57

WILLIAM L. ST. ONGE

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. CAREY. Mr. Speaker, I would like to offer a few words of praise in the memory of Congressman William L. St. Onge who has left these Halls—a quiet man gone in a moment of turmoil.

Bill St. Onge was a devoted father who will be sorely missed by his five handsome children, William, Mary, Suzanne, Constance, and Anne and by his loving wife, Dorothy.

Schooled at Tufts University, trained to be a lawyer at the University of Connecticut School of Law, a World War II veteran of the North African and European campaigns, Bill St. Onge returned to this country determined to serve it as a public official. He became a judge of probate, a State representative in Connecticut, a member of the board of education in Putnam, the mayor of Putnam, and a judge in the city court of Putnam. In all of those capacities he served the people selflessly and competently, and leaves behind many who miss him deeply.

Bill St. Onge was a deeply compassionate man, a reasonable man. He never wanted or pretended to be anything other than exactly what he was: a deeply religious man who believed in hard work and objective thought.

Those of us in the Congress at this time should pause to mark the passing of this man, not only because of his virtue in life, but because in death he remains as an example of how quietly and reasonably we may conduct ourselves as Members of the National Legislature, beset with trouble from abroad and here at home.

In the passing of Bill St. Onge I have lost not only a colleague but a very good friend.

ONE MAN'S VIEW: SAMUEL I. HAYAKAWA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. MICHEL. Mr. Speaker, during all the heated debate of recent months regarding campus unrest, there has been almost unanimous agreement that Mr. Samuel I. Hayakawa, president of San Francisco State College, has distinguished himself by the way he handled the disruptions at his own school as well as for his pointed and knowledgeable comments relating to the root causes of this unrest at campuses throughout the country.

An interview with Dr. Hayakawa appearing in the 1970 summer issue of the magazine, "Business Today," provides some thought-provoking ideas and suggestions which might well be heeded by Dr. Hayakawa's colleagues who are responsible for direction of colleges and universities throughout the land.

In reading questions one and two, it is clear that the interview took place before the recent tragedy at Kent State University, but nevertheless I commend the text of the interview to my colleagues and place it in the RECORD at this point:

ONE MAN'S VIEW: SAMUEL I. HAYAKAWA

To middle America, San Francisco State's president symbolizes law and order, but many students equate with him cops on campus.

This has been a relatively quiet year on America's college campuses. Can you tell us why?

I think that discontent is spreading to the outside community rather than just to the college campuses right now. This is partly because the campuses have organized themselves for defense much better than they were a couple of years ago. Violence seems to be turning to the outside; much of it going to Chicago, New York and a couple of other cities.

Do you think, sir, that students' support for campus radicals is as substantial today as it would have been, perhaps, one year ago today?

Student support for campus radicals has declined enormously. For example, when people here tried to set up a rally, the rally often fizzled out for lack of support. Also students are more leery about being caught in the action as bystanders.

THE 1 PERCENT

How many of America's students would you say are essentially disruption minded? Might you be able to term these the hard-core radicals?

Less than one per cent. That is, the real hard-core. Let me say that I think there are many many more who are disturbed by things as they are, who are willing to argue, debate and demonstrate against the existing order. But those who are really dedicated to violence are in the minority.

What percentage of students, then, would you say are potentially sympathetic to radical demands that could be made on America's campuses?

Most students are sympathetic to most demands like better racial equality, better educational opportunity for the underprivileged, reform of education in the direction of greater student participation in the learning process. All of these are reasonable goals and most students would be in favor of them.

A TIRED CONDITION

How well are the radical students tailoring their demands to the sympathies of the moderate or liberal students?

As a matter of fact, radicalism at the present time is a tired condition. They have said most of the things they can say about the wickedness of the war in Vietnam, the rottenness of the capitalist system, and the deterioration of our society. It's something like a stuck record and students are bored with hearing it.

Can you think of any potential case in which you, yourself, would call student disruption a legitimate action?

No. I can hardly think of any. That is, unless a professor or an administration commits real acts of physical brutality or tyranny. I believe in absolute freedom of speech, freedom of demonstration; but I also believe that demonstrations must not interfere with the rights of others to do their study or their work. I think we are entitled to freedom of protection on college campuses just as much as in an airport or a bowling alley. I can't conceive of the university doing anything that would require violence to redress a wrong.

THE CAMPUS AS A MARKETPLACE

Students are obviously affected—in terms of the quality and direction of their lives—by the universities that they attend. You would agree that students do have rights to have an input into the governance of the institutions which so directly affect their lives?

They always have had that right, for that matter—to a degree that is not often recognized. After all, if students fail to enroll for an elective course, that elective course is dropped. If they enroll in large numbers for an elective course, then we provide additional sections of it. There is always a kind of marketplace going on in which the student as a consumer makes choices which affect what is available on that market. In addition to that, there are enormous consultative processes that we at this college, for example, have always undergone with students. For instance, we are the one college campus which was outstanding years ago for starting the experimental project involving the substantial student participation in curriculum pattern, course pattern and so on. Our disruption wasn't due to a lack of student participation—it was because we have student participation. Student radicalism has generally hit hardest at those places where educational changes in this form has been going on most rapidly.

A QUESTION OF MOTIVATION

You have previously stated that you believe that student radicals are largely elitists in privileged institutions, out to save the less fortunate regardless of whether or not they want to be saved. Do you think that is still accurate today?

Yes. I think it is very accurate still. It is at elitist colleges like Columbia and Harvard where you continue to find the hard-core dissidents, the real violence. The real ugliness is in MIT and Swarthmore and Chicago—all first-rate institutions. You don't get the disruptions in the more provincial universities in the boondocks. They are all nice and quiet.

To what would you attribute that substantial degree of quietness?

There are fewer elitists in the undistinguished or provincial colleges and universities. There are, instead, young men and women who are anxious to get ahead because they are of modest financial and social position and look forward to a better place in the culture. They are not trying to destroy the culture. They just want to get into it. On the other hand, the elitists are those who have received everything that the culture has to offer—including a chance to get into Harvard—and then they want to blow the place up.

A BIGGER, BETTER SHARE

One of the elements of your criticism of the radical movement seems to be the assumption that the poor, the underprivileged workers, and the blacks do have adequate influence in the government of this country. Do you believe that a random sampling of 2000 poor Americans have as much to say about the running of their country as do the presidents of the 2000 largest corporations in the country?

Of course not. The poor are disadvantaged by the fact of being poor. They are with relatively little influence and they have a legitimate gripe against the world. But the whole history of the United States has been the organization of the poor in order to get themselves a greater share of what this country has to offer. The poor Jews in New York, the poor Irish in Boston, the poor Poles and Hungarians in Chicago would band together in political machines whenever necessary or put their money together and eventually acquire influence and power. But they started out with as little influence and power as any poor Negro has now.

You think then that the relative success of other groups to be effectively integrated within the society is one reason for the failure of students to be able to communicate in their "revolutionary" demands to the workers themselves?

The workers themselves are terribly uninterested in the revolutionary demands of the students. For example, there was a strike going on up here in San Rafael, California the other day and the SDS tried to do some demonstrating on behalf of the strikers. The strikers walked off and completely disassociated themselves from these elitist students. They said, "Look, we are workingmen, we are striking about something legitimate, we're not trying to bring about a revolution." The students have very little in common with the workingman and the workers are the ones who know this best of all.

THE UNIVERSITY'S ROLE

The University of Connecticut president has said that an important reason for student dissidents today is the questioning of the university's role in a larger society. What role ideally should the university play in what we might call the "real world?"

I don't know how you can answer that question. The university plays many many different roles. It passes on the cultural monuments of the past. It trains people for jobs that need to be done in the world today—like engineering, nursing, medicine, law or commerce. More importantly, it provides a constant stream of criticism as to what is wrong with society so that students and faculty can dream of a better world in the future where things can be improved and prejudice and injustice can be wiped out. It seems to me that the universities are doing all of these things; not just any one of them. When the left-wing charges that colleges merely fit people as little cogs into the great military-industrial machine, this is simply nonsense. This is one of the things the university does, but it is only one. For example, in liberal arts the social science department constantly criticizes the society to show in what respect it is unjust and how it can be improved. Constant critiques of society are going on in any university or college.

One of the major criticisms often leveled by groups like SDS, is that a university which runs, for example, the ROTC program and does research for the Pentagon cannot conceivably call itself apolitical and, therefore, should realign its politics—since it definitely has them—toward a more popular stance, one that helps the people more. Do you find any sympathy with that belief?

I believe that insofar as a university is tax supported, such as this one is, we owe a certain debt to our government and if the government asks us to do certain kinds of research in the national interest, I think we ought to do it. On the other hand, I think as a university, we also have to give the entire scientific world free access to the fruits of our research. Therefore, I believe that we should do research when called upon by the government, but I do not think it should be classified or secret research.

PROVIDING DIRECTION

A student scribbled on a Columbia University hallway these words: "I am sorry about defacing the walls but babies are being burned and men are dying and this university is at fault quite directly." You wouldn't find much agreement with this sentiment then, would you?

It is because babies are dying elsewhere in the world—or somewhere in the world—that is necesary for universities to continue so that we can better solve the problems that result in babies dying. Without intelligent research and thought conducted at the universities, we'll never find the solutions to human problems.

You are arguing, then, that it makes more sense to use the university as a reform tool rather than a basis for revolution?

What are you reforming the world for? In what direction do you want to reform it? The trouble with revolutionaries is that they have this wonderful, wonderful eagerness to destroy. But it requires an awful lot of hard thinking to decide what you want in place of what was there. In what way can the institutions be improved? Where I quarrel with the revolutionaries is that they won't bother with that question. As Mark Rudd once said, "Well, first we'll have a revolution and then later on we'll figure out what for." This is the most superficial, childish kind of revolution and nothing good can come of any of this.

TO EQUAL THE FATHER

What, in your opinion, motivates students to disruptive tactics on a university campus?

I am playing with a theory that I'll pass on to you. This is the first time I have stated it publicly. So often we find out that students who are in the middle of disruptions are sons of prominent men and women—professionally, intellectually or politically prominent. I wonder to what degree the sons of these prominent men are afraid that they will never be able to equal the accomplishments of their parents in the culture and, therefore, instead of trying to fill their father's shoes they will prefer to believe that the shoes are not worth filling, that father's culture is no damn good and the best thing to do is to destroy it? In that way the son is not faced with the challenge of equalling his father's accomplishments.

A NATIONWIDE CRACKDOWN?

Is it your expectation that more drastic nationwide policy against groups like the SDS will ensue?

I think that insofar as people like the Weathermen and outfits like that go around destroying businesses, burning down banks, blowing up skyscrapers in New York, they are going to have the culture turn against them in a very, very serious way. They want that to happen in one important way. Their rationale is that if they can produce a kind of fascist repression as a result of these disruptive activities, this may hasten the time when everybody will get sick of the government and rebel against it. They want to hasten the revolution by making people more discontent with things as they are. But I don't think that is going to happen. I think that we will turn rather sharply upon these radical destructivists and before you know it the fashion will run out. The institutions of this country are much more powerful than people give them credit for. There is an incredibly beautiful system of checks and balances. When business becomes too strong or labor unions become too strong or government becomes too centralized, reactions begin to set in and we do begin to balance things out. This has resulted in the fact that we have had a remarkably stable government in spite of the huge social changes we have undergone since the end of the Civil War.

Do you think it makes sense to say that the radical movements on the American campus today have served a useful function in terms of establishing a role as a critic?

I don't think they have served a useful role whatsoever. They slowed down educational reform and destroyed intellectual discipline in many courses. They have slowed down and pushed back literary and social research by diverting people from scientific endeavors to political pamphleteering. The radical movements have done no good at all that I can see.

Do you foresee an increased building of student counter groups to work against the goals of radical groups?

There is the beginning of such a counter group among quite liberal students at this campus. How strong it is I cannot say, but at least it exists and I think it is developing on other campuses as well.

TOWARD PREVENTION

There are certainly universities today that don't totally involve the students in the consultation process that you mentioned you have at your campus. How far do you predict these universities will be willing to go in democratizing the governance of the university in the near future?

One important step we are taking in democratizing decision-making here is to develop a system for student evaluation of teachers. I think this is one respect in which students get a very raw deal. That is, they can have very poor teachers for a long time without being able to complain about it, and we are trying to establish a student evaluation system for the teaching staff and the records of that evaluation will become part of the documents that people have to examine in recommending a teacher's promotion or tenure.

One more question. Can you think of any general policy that might help university administrators to deal with the problem of disruptive influences on their campuses?

There is only one original idea I have to contribute and that is when there is a real threat of violent disruption. I do not wait for the disruption to take place before asking the cooperation of the police. I believe in having the police there the day before the disruption starts and I believe that much of the success of this administration in keeping things cool here at San Francisco State College has been the fact that the police are here first and they have a preventive function which has been very powerful, very good.

OHIO STATE AND KENT STATE UNIVERSITIES—THE OTHER SIDE OF THE COIN

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. RIVERS. Mr. Speaker, much has been written about the campus riots at Ohio State University and the deaths of four students at Kent State University. As a result, some of the news media has concentrated its attacks upon the actions of members of the Ohio National Guard.

The other day, I saw a letter which tells the other side of the story—a side of the story that has not appeared in the local press. It is a first-hand account of the riot and the reaction of the people who live in and near Kent State University.

I include this letter in the RECORD with the names of individuals removed. I call the attention of every Member of the House to the last paragraph of the letter. It tells some things that have not heretofore been told about the riot at Kent State University.

I rather imagine this letter more closely reflects the views of the American people than does the news media referred to in the last paragraph of the letter.

The letter follows:

MONDAY, MAY 11, 1970.

DEAR ———: Your last letter was written shortly after the Apollo 13 episode—frightening, thrilling, and seems to have captured the attention of the whole world. Our country never seemed so united. Then a few weeks later, it has never seemed so divided. What an appalling mess. We are very close to it because of Ohio State and Kent being so near. I could write volumes about it all—no one seems to talk about much else. But I will just hit the high spots from our end, and add some stories I have heard that haven't been in the papers.

Ohio State erupted long before Kent did———— was home the weekend of April 25th. Had to get out. The riots there started that Wednesday. The mob on the oval (main part of campus) was dispersed by National Guard by tear gas and they all ran up 15th Avenue where the sorority and fraternity houses are. They refused to leave the scene and much more tear gas, pepper gas and mace were used. The ——— house is at the end of 15th nearest the campus. The place was full of gas so the kids couldn't breathe. The next day she went to one class escorted by the National Guard, but when she got out of that, the mob was assembling again. At 11:00 her friend ———, who lives in Bexley, called and said she would try to come in to get her, but if she couldn't get close enough (the guard had the area pretty well sealed) her dad would send an ambulance for ———, as that was one vehicle that COULD get in. ——— made it within one block of the house and took ——— out of there. Then ——— got a bus home. Went back Sunday and all was quiet, but the kids were still parading. This was the state of affairs there until Kent blew up and all the schools were closed. We went down Thursday morning to get her and brought nearly all her stuff home. At this point, we don't know if OSU will open or whether they will finish by correspondence, or what. Hate to think of that whole quarter wasted. Wait and see.

The Kent thing has made people furious. Mostly against the kids. Everyone we know is for the National Guard. Tempers are hot and I think it is well the schools are closed. I talked to young ——— who lives in Kent. He said that if the National Guard is called out again in Kent, it will be to protect the kids against the townspeople. They are really up in arms and ready to take up against the kids. Can't blame them. Their businesses have been attacked, and their lives. Their town is almost shut down. ——— said that most everyone agrees with him, but one man. So ——— told him that he had an M-1 rifle, and the guy could hold it, loaded. Then ——— would stand at 30 feet and throw at him and they would time how long it took the guy to want to pull the trigger.

Things one never sees in the paper: There were many railroad spikes found on the campus grounds, that the kids were hurling at the NG. Cute. They also had coat hangers wrapped around their wrists with the hook out front, for hand-to-and combat. Friday night when the kids broke up the town and burned the ROTC building, an elderly couple was driving through town. The kids broke the car windows, and turned the car over, with the people in it. I hear they are still in the hospital. The news media stinks. Although there has been such a hue and cry about it that they are now printing pages of letters to the editors supporting the National Guard. I could go on and on, but you get the idea.

HEARINGS ON CIVIL COMMITMENT OF NARCOTIC ADDICTS

HON. BYRON G. ROGERS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. ROGERS of Colorado. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings on the following proposal to commence June 17, 1970, at 10 a.m., room 2141, Rayburn House Office Building: H.R. 17269, to provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

YOUTH, FULL PARTNERS IN A BETTER TOMORROW

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. BROTZMAN. Mr. Speaker, this past weekend it was my pleasant experience to hear a short speech by a fine young man by the name of Robert Spinck from my Congressional District. Under the auspices of the Green International Optimist Club. With this speech, he won first prize in the Colorado-Wyoming District Oratorical contest of Optimist International. I wish to publicly commend Mr. Spinck, the other young men who competed, and Optimist International on a job well done.

Speech follows:

YOUTH, FULL PARTNERS IN A BETTER TOMORROW

Tonight, I a youth, stand with my hands extended to you my partners. These are helping hands—Hands that are willing to join with yours in building a better tomorrow for us all. These are hands willing to join with youth as well as adults in making our great society a better one.

Tonight as the news media is focused on youth participating in the sensational and often controversial fields of drug abuse, campus rioting and social anarchy, it is time for the rest of youth, the majority of youth, to stand up and be heard in a constructive, not destructive manner.

But what can we as youth do constructively to help build a Better Tomorrow. Today we must take full advantage of the outstanding educational opportunities that have been given to us. This certainly is the most important gift we have. For after all, an educated society is the building block of a great nation. If we as youth can accomplish this educational process, then when it comes time to change hands and for youth to take on new roles we will be ready and willing to further the goals of our country.

But in the meantime, our hands are not completely bound to getting a formal education. There is still room for us to become involved in building a better tomorrow. There are many problems confronting us, and they are too large and too numerous for any one person to handle. Emerson once said, "It is by words that man is heard, but by his actions he is known." Therefore, it is crucial for us not just to talk about the problems, but to act—in full partnership in solving the problems which confront us.

On one hand we have domestic problems. One such dilemma is poverty. This social disease engulfs nearly 26 million Americans. And if this is allowed to continue, our tomorrow will be a dim one indeed. As most

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citizens, I am aware of the problems and causes and I am also willing to give a hand. This may involve working during the summer in numerous volunteer programs aimed at helping the underprivileged. But what is important to remember, is that we all as full partners must give a helping hand in solving this dreaded problem.

Another domestic problem is that of racial inequality and the lack of true understanding. We as youth recognize this problem, and are striving ahead in this area. We have been taught by our parents and the adults to love one another, and because we have followed this policy seriously, we shall live to see black hands, white hands, big hands and small hands, calloused hands and jeweled hands joined together in making a better tomorrow.

On the other hand we have the International problems. Certainly war is the largest problem in this scene. War has created such deep and serious wounds that it has affected each and every one of us in some way or another. Whether we know it or not, we all must act in full partnership in bringing about a just peace, so that we will have something left to hand down to tomorrow's youth.

I am optimistic that with the wisdom, maturity and experience of the adult world joining in full partnership with the idealistic views, energy and aspirations of youth we will truly share in building a Better Tomorrow.

SIMEON GOLAR CRITICIZES NIXON HOUSING POLICY

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. RYAN. Mr. Speaker, on May 7, 1970, Simeon Golar, chairman of the New York City Housing Authority, delivered an extremely important address at the 1970 annual conference of the Middle Atlantic Regional Council of the National Association of Housing and Redevelopment Officials—MARC-NAHRO. The address was a highlight at the conference's banquet honoring Ira S. Robbins, retiring vice chairman of the New York City Housing Authority.

Mr. Golar's speech should be well noted on two counts. First, it pays tribute to a valued public servant, Ira Robbins, whom Mr. Golar properly described as "one of the pioneers who threaded the concept of public housing through the political labyrinth of the thirties," ranging "the Halls of Congress, the corridors of the State legislature and of city hall."

And second, Mr. Golar delivered a powerful and meaningful criticism of the Nixon administration's public housing policy. He very aptly described the present situation when he said:

> I think we find now that the engine (of progress in public housing policy) was turned off on election day in 1968, and we were just coasting. Now, I think we are stalled on a trestle—and the 1970 Housing Act, introduced in the Congress (as the Administration bill), is a time bomb with a very short fuse, that will blast the train off the trestle if it is enacted into law, and destroy public housing nationally, unless I am greatly mistaken.

I commend Mr. Golar's speech to my colleagues. It brings to bear the intelligence of an informed and concerned public servant upon the administration's misguided, unjustifiable policy, which Mr. Golar describes thusly:

> In summary, then, on the basis of this bill and other abundant evidence, we are faced with a national administration that is paralyzing new contruction of public housing in the face of a grave housing crisis. We are faced with proposed legislation which can only have the effect of ultimately destroying even the low-rent public housing which now exists. We are faced with an administration that chooses to fight inflation with the shelter of the poor and that subverts the plain intent of the Congress.

Mr. Golar's speech follows:

ADDRESS OF SIMEON GOLAR, MARC-NAHRO CONFERENCE

Toastmaster Herman Hillman, Msgr. Byrnes, our guest of honor Ira Robbins, distinguished guests, ladies and gentlemen:

I am sure your affection and respect for our guest of honor would cause you to indulge me if I were to hold forth for a long time about my friend and colleague and yours, Ira Robbins, cataloguing one of this country's most remarkable careers in the field of housing. But I will resist the temptation of repeating so many things you already know.

However, we must recall in a general way on this occasion when we honor him his years of commitment—more than forty—when he applied his extraordinary talents as an administrator, lawyer, lecturer and writer in the fight for better housing for the millions of Americans trapped and dehumanized in wretched housing and homicidal slums.

We must recall his singular crusades in the forums in and out of government, long, long before the concept of public housing had credibility in our nation, and we must recall that no one understood better or understood earlier the importance of proper shelter for the poor as the foundation of a healthy nation and the obligation of a just society.

Ira Robbins laid our groundwork. He was one of the pioneers who threaded the concept of public housing through the political labyrinth of the Thirties. Ira Robbins ranged the Halls of Congress, the corridors of the State Legislature and of City Hall.

And, of course, we at the New York City Housing Authority take special pride in his twelve-year association with the Authority. He was first appointed as a Member in May 1958. He was reappointed by Mayor Wagner in 1961 and by Mayor Lindsay in 1966.

And all of these years he had a passionate concern not only for the physical development of housing, but also for the social welfare of the people who were to live in the houses he helped to build.

This quality characterized and distinguished his role as Member and Vice-Chairman of the Authority. He was a father of the Authority's Department of Social and Community Services and he holds a special place in the hearts of the many thousands of public housing residents for the unique contributions he made to the Authority by raising over one and a half-million dollars in private grants to finance physical, cultural, and aesthetic improvements and social programs in housing developments and their communities.

Innumerable community centers and their programs, the Plaza at Stephen Wise Towers, the Plazas and Amphitheatres at Riis and Carver Houses, the greenhouse at Drew-Hamilton House, and Spring Row, a fifteen-block border of flowering trees and shrubs along the East River Drive, are monuments to Ira's vast concern for people and the quality of their living environment.

In New York City at this moment, 171 public housing projects stand, and in them over a half-million people are sheltered well. This is, in large measure, Ira's contribution to his city and his nation and for that, we salute Ira Robbins here tonight.

And so this should be a happy and joyous occasion as we honor a friend and colleague, Ira Robbins, and celebrate his marvelous contributions to housing and to the lives of vast numbers of people. And I, and Aramis Gomez, his colleagues on the Authority ought, ordinarily to delight in the privilege of carrying on the work that Ira has advanced so nobly and unselfishly for so many years.

And yet I woulder if this is not in a number of ways a very sad occasion for Ira Robbins and if it should not be for all of us. Not just because, perhaps, he is putting aside a long labor of love. But I think, also, he might know that pain of seeing, and he and I have talked about this recently—in the words of Kipling's poem—of seeing the things he gave his life to, broken. You will recall that Kipling says: "If you can bear to see the things you gave your life to broken, and stoop and build them up again with worn out tools. . ." And perhaps he sees the tools themselves being broken.

For this is a difficult, uneasy and ominous time in our country. And after a good deal of thought and some good counsel with Ira, I decided to take this occasion to talk to you about some of my, and Ira's I think, apprehension and fears about the present and future in our country in general, and about public housing in particular.

I think it is fair to say that a great many Americans have the uneasy conviction that there is something very wrong in the administration of their federal government. The feeling manifests itself in response to a slow suppression of our freedoms, open attack on the country's press, repressive court proceedings, a growing, endless lunacy in Southeast Asia, and so-called southern strategy that has allied public policy with ancient bigotry and racism.

But every bit as dangerous have been the subtle, unnoticed changes in public policy masked by bureaucracy that are rationalized by concern about inflation and the like. These changes, I think, begin to spell out a pattern that threatens to reverse the historic social and humanitarian goals of our nation. And increasingly we see the specter of having those things so many here have given so much of their lives to, broken—our national commitment and progress toward full and dignified employment, integrated education—and of particular interest to us here tonight, the goal first announced as national policy in the Housing Act of 1937, and restated and reaffirmed in the Housing Acts of 1949 and 1968, of "a decent home and a suitable living environment for every American family" culminating in the promise by the Congress and President Johnson just two years ago; of 26 million new homes over the next decade. And not just housing we were going to build, but communities, with services for people. For the '68 Act authorized some 40 millions of dollars just for tenant services for residents of public housing.

Also add the Section 23 Leasing Program enacted in 1965; instant housing for the poor that accounted for ⅓ of all public housing rentals in this nation since then.

And along the way there was Model Cities in 1966—a total assault on the slums across our nation.

What a marvelous view of the promised land after nearly forty years of struggle in the wilderness for decent homes and communities for all Americans!

And then the national elections of 1968 and a new national administration, and a President that enjoined us to "go forward together."

And those of us in the public housing business watched and waited and hoped.

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In 1969, with deficits plaguing nearly every Housing Authority in the country and the necessity of meeting operating expenses out of rental income, we delighted at the Brooke Amendment that meant no poor family in public housing need pay more than 25% of income for rent, and the Sparkman Amendment which would cover operating deficits and help us maintain the low-rent character of public housing. We were still going forward, or so we thought.

I think we find now that the engine was turned off on election day in 1968, and we were just coasting. Now, I think we are stalled on a trestle—and the 1970 Housing Act, introduced in the Congress, is a time bomb with a very short fuse, that will blast the train off the trestle if it is enacted into law, and destroy public housing nationally, unless I am greatly mistaken.

It is this new Housing Act I want to talk about, but let me point out first the following:

1. Brooke and Sparkman, although the law of the land, have not been implemented, in accordance with the intent of Congress. In that regard, I charge that the administration is subverting the plain and manifest intent of Congress.

2. The Section 23 Leasing Program has been virtually scrapped to "fight inflation", and the New York City Housing Authority was recently turned down, after waiting about eight months for an answer, on an application for just five-hundred units, when we have the need for thousands.

3. That marvelous provision for tenant services has not been funded, Mr. Romney having asked for no money in 1969 and only $5 million for the entire nation this year.

4. We have been waiting months for Washington to approve three badly needed projects, with no approval or announced criteria to date, although they suggest they are unhappy with our costs. So are we, and while we wait, those costs go up one percent unfailingly, each and every month. But this is just the tip of the iceberg. All of our agonies, at best, will build only 880 apartments. In point of fact, we have some 40,000 units of public housing in the New York City Housing Authority pipeline, in various stages of design and development. The prospects of building them, given what we've faced in these three projects, are nil. Nil! That's a startling word when you consider the 135,000 families on the *current* waiting list for public housing in the City of New York—and the tens of thousands of others living in one level of hell or another.

5. And regarding Model Cities, while New York City has led the nation in appropriating some 25 million for land acquisition, design and planning, we now hear from Washington that 500 million of some 575 million available for the nation is to be diverted to education, the administration having only a few short months ago opposed increased appropriations by the Congress for education. It is a cynical fraud on the poor.

6. And lastly, from Mr. Jerris Leonard, apparently speaking for Mr. Mitchell who, unhappily, apparently still speaks for Mr. Nixon, we learn that new national housing policy will be to build low-income public housing only in the suburbs; no more in the cities. Which means that for the reasons I have enumerated and others I shall get to—and in view of obvious political realities, since housing officials appointed by suburban mayors answerable to suburban constituencies probably won't be approving public housing programs in their lily-white suburbs for the next hundred years. This is another way of saying that we simply won't be building any public housing at all.

Now, as if that is not enough, let me go to the 1970 Housing Act.

President Nixon has submitted to the Congress a document which can only be described as an epitaph for low-income public housing. The net effect of the administration bill for 1970 will be to greatly increase the rents for the majority of our tenants, make further public housing construction in New York City and other cities virtually impossible, and render large numbers of our City's poor families ineligible for admission to public housing.

The section of the bill that applies to rents would establish a national formula which would determine the rents to be paid by families in public housing. This formula would require families to pay at least 20% of the first $3,500 of their income plus 25% of any income in excess of $3,500. Each family would be required to pay a rent equivalent to at least the total operating costs for its apartment but not in excess of ¼ of its income.

This provision, by our calculation, means that practically all families having less than $3,500 of income will in fact pay 25% of their incomes in rent. Rent increases throughout public housing will be substantial. Increases in rent will range in New York City to above $100 per month for many families. The formula, if implemented, will virtually destroy the low-rent character of public housing throughout America.

Another effect of this new rent formula will be to wipe out the concept of rent subsidies mandated by Congress in the Sparkman and Brooke Amendments. Further, it will also wipe out subsidies now provided by law for the elderly, large families, families of unusually low income, displaced, disabled and handicapped persons.

The rent aspects of the bill are at best thoughtless and unrealistic. At worst, they signal an effort on the part of the administration to destroy the low-rent character of public housing.

Then there's the matter of how this bill affects new construction. The bill starts out by calling for a "prototype" to be developed by HUD and priced by HUD. I do not have to tell you that when we bring that prototype to New York and face New York construction costs, we are simply not going to be able to build.

The new bill changes the cost limit to include, in addition to a statutory room cost limit, a development cost ceiling which says that non-construction items such as land costs, relocation, financing, demolition and architectural fees, must not exceed 35% of the total development costs. Now if you take a hard look at the economics of building new housing in the City of New York, you immediately discover that the 35% figure can effectively stop the construction of public housing in this City.

The bill also would compel the lowering of standards for public housing construction and in effect mandate poor housing for poor people through the device of limiting the cost of construction of public housing to 55% of the cost of non-subsidized FHA housing.

That is roughly equivalent to saying that not only are poor people second-class citizens, but they have a housing entitlement exactly 55% of that of other citizens. The bill actually mandates what it calls "modest" housing for the poor and takes us back more than 30 years to the days when we built housing for the poor without doors on closets and without seats on toilets. A roof and four walls was good enough for poor folks!

The portion of the bill that deals with admission income limits has further devastating effect. Specifically, it eliminates local responsibility for fixing admission income limits which are relevant to the particular community involved, eliminating hard bought gains we won in 1959. It establishes a national formula with the following drastic effects:

The new language bases income limits for admission upon the median incomes of families for the area and will undoubtedly make for income limits which are considerably lower than those now in effect.

The present law requires that admission income limits relate to the ability of the low-income family to obtain decent housing at a price it can afford. The new bill would establish an arbitrary standard based upon the relation of the tenants income to median incomes in the community. The net effect of this, as we would apply it in New York City, would be to render countless thousands of families on our waiting lists ineligible, with no decent housing options elsewhere.

Finally, there is nothing in the bill authorizing funds for the continuation of the public housing programs in the country. The bill simply ignores the need for new money.

In summary, if this piece of legislation is enacted and signed into law, it will force rent increases by establishing a national percentage formula, mandate a decrease in the quality of new construction of low-income housing, impose new cost limits further limiting our ability to build, change income limits in such a way as to prevent many poor families from being eligible for public housing and, finally, does not authorize the money necessary to continue the planning and construction of public housing. It is a bad bill, a destructive bill with a half-dozen "secret" agendas which will favor FHA and private housing over subsidized housing and will damage public housing now and in the future. The bill must be fought, and it must be defeated!

In summary, then, on the basis of this bill and other abundant evidence, we are faced with a national administration that is paralyzing new construction of public housing in the face of a grave housing crisis. We are faced with proposed legislation which can only have the effect of ultimately destroying even the low-rent public housing which now exists. We are faced with an administration that chooses to fight inflation with the shelter of the poor and that subverts the plain intent of the Congress.

We, as public officials and as private citizens—you and I—cannot submit silently while we watch the things Ira Robbins, Herman Hillman, and so many of you here tonight and others not here, gave their lives to, broken. Nor can we endure the specter of the broken lives of those who wait and dream and hope for decent homes.

I have talked tonight specifically about housing, low-income housing, which is being dismantled and destroyed as a social program. But the net of the reactionary is cast much wider than this in our nation. And because it has the sanction and the power of government, it must be feared and fought in new and difficult ways, and this fight is manifestly a fight for the character and integrity of our nation.

I decided to make this statement in an effort to begin to rally those in this city and our country who feel as I do and who feel they perhaps are without recourse.

This is a great nation. There is recourse, and God willing we will find it.

U.N. SUPERVISION PREREQUISITE TO WITHDRAWAL FROM VIETNAM

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. QUIE. Mr. Speaker, I introduced House Concurrent Resolution 613 which would declare national policy in support of the establishment of a United Nations supervisory force to effect and maintain a cease-fire in Indochina during which time the disputants would withdraw according to a timetable. The resolution also urges the calling of an international conference to negotiate a political settlement of the conflict and the establishment of a United Nations relief agency to solicit funds and volunteers to help in the recovery and development of the ravaged areas.

I am pleased that 16 Members joined me in cosponsoring this resolution on May 21 and an additional Member is joining me today in supporting this resolution.

Marquis Childs, in his column carried in the May 22 Washington Post, develops the theme that United Nations supervision of the abrupt withdrawal of American troops would be necessary to avert mass killings by the Vietcong and North Vietnamese in any area which they might overrun. I submit the article for the RECORD.

U.N. SUPERVISION PREREQUISITE TO WITHDRAWAL FROM VIETNAM

(By Marquis Childs)

Like the ghost at the banquet, whether it be a banquet of doves or hawks, the very words "blood bath" strike fear to the heart. In his press conference after the decision on Cambodia President Nixon said that precipitous withdrawal as advocated by "many of our very sincere critics" would allow the enemy to come into Vietnam and "massacre the civilians there by the millions."

That is not the first time the President has raised the peril of mass slaughter in the event of a rout of American forces or a pull-out so abrupt that the South Vietnamese could not defend the country. Not an idle bogey serving scare purposes, it deserves more serious consideration from those in Congress pushing for a quick end to American participation in the war.

As Sen. Harold Hughes (D-Iowa), noted in the joint broadcast of the four principal sponsors of the end-the-war amendment, that amendment provides that funds may be used after the cut-off for the safe and systematic withdrawal of United States military personnel, the exchange of prisoners and "for the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces." This last has been a concern of Sen. George McGovern (D-S.D.) since he put in a resolution providing for asylum a year ago.

From talking with McGovern, however, it is clear that the proposal for asylum has not been formulated with anything like the definition or on the scale required.

A report has just come out on the "Vietcong strategy of terror" that deserves the most sober consideration. One reason is that the author, Douglas Pike, has earned in his years in Vietnam a reputation for careful judgment. His last book, "War, Peace and the Vietcong," was praised by those on both sides of the issue of American involvement. Since 1958 he has been an officer of the United States Information Agency.

His detailed description of the unearthing of the bodies of civilians massacred during the 1968 Tet offensive at Hue is spine-chilling. The estimated 5,700 civilians were killed, Pike was convinced by his on-the-spot investigation at Hue, as a calculated effort to liquidate all opposition.

After about three weeks the Communist grip on roughly half the city, the cultural capital of Vietnam, was broken. Only over a period of months were the mass graves uncovered.

"The first fact," he writes, "and perhaps the most important, is that despite contrary appearances virtually no Communist killing was due to rage, frustration, or panic, during the Communist withdrawal at the end. Such explanations are frequently heard but they fail to hold up under scrutiny. Quite the contrary, to trace back any single killing is to discover that almost without exception it was the result of a decision rational and justifiable in the Communist mind. In fact, most killings were, from the Communist calculation, imperative."

From his analysis of the Hue massacre Pike outlines what he believes would happen if the Communists were to win decisively in South Vietnam and he stresses the word decisively. First, all foreigners would be cleared out immediately and especially the several hundred foreign newsmen reporting from there. A curtain of ignorance would descend and the outside world would know little or nothing of what was happening.

Behind that curtain the night of the long-knives would begin. All political opposition, actual or potential, would be systematically eliminated. Then would come personal revenge, a small wheel turning within the larger wheel of Communist retribution, as Pike puts it.

Since this report was prepared for the U.S. mission in Saigon it may be discounted. In the opinion of this observer, a carefully planned and thought-out program of asylum, with far more reality than is now in sight, must be evolved. United Nations supervision is surely the smallest prequisite.

THE COURSE OF THE ECONOMY

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. BERRY. Mr. Speaker, it is interesting to hear some of those whose support and votes have helped bring about the economic conditions we now face condemning President Nixon for the entire problem.

I have asked consent to insert in the Record the May 25 editorial from the National Observer which is not only illuminating but most interesting. It follows:

THE COURSE OF THE ECONOMY

Pessimism, like optimism, feeds on itself. The current downturn of the economy, which now appears to be sharper than most experts anticipated, has Government and business decision-makers saying and doing the things that inadvertently reduce public confidence in the nation's immediate economic prospects.

When the President of the United States, taking note of what was developing into the worst bear market since Depression days, says he would buy stocks if he had the money, people begin to get nervous. Ever since Herbert Hoover spoke enthusiastically of the soundness of the economy shortly after the Crash, Americans suspect trouble when a President feels the need to deliver an upbeat economic pronouncement.

When important newspapers run editorials explaining why 1970 is very different from 1929, Americans begin to perspire. Many readers probably never even considered the serious possibility of economic disaster until reading that such a disaster is not a serious possibility.

Most importantly, there is the evidence of recession that the people can clearly see and that prompted the cheerful-tearful statements in the first place. Unemployment is rising, profits are falling, hopes for a balanced Federal budget are put aside, corporate expansion plans are trimmed or shelved, consumers postpone the purchase of automobiles and other big-ticket items, and a recession psychology gradually insinuates itself.

And all the while prices keep going up. The Nixon Administration's effort to bring inflation under control has apparently succeeded in cooling the economy without achieving the main goal of stabilizing prices. The average American has a right to wonder what is happening and why.

The high inflation rate was caused by the combined bad judgment of the Johnson Administration and the Federal Reserve Board. Between mid-1965 and mid-1968, for instance, Federal expenditures increased $53 billion, with somewhat less than half the increase attributable to the Vietnam War. But President Johnson didn't even ask for a tax increase until January 1967, although the wholesale price level had been climbing steadily for the previous 30 months.

Meantime, while the Johnson fiscal policies were creating massive inflationary pressures, the Federal Reserve unaccountably adopted a more liberal monetary policy with the result that the money supply during 1967 increased more than 7 per cent. That amounted to the fastest rate of growth in the money supply anytime since World War II.

The policies of the Government in the late 1960s guaranteed the high inflation rates of the past few years. So fierce were the inflationary pressures that measures such as the surtax on income were much too little, much too late. President Nixon knew he had to take far stronger action if the wage-price spiral was to be brought under control.

This being the case, his Administration began the difficult—and politically thankless—task of moderating the nation's economic activity.

In this period of economic readjustment, everyone looks to the stock market to see how it's reacting to the treatment. And, the market being the market, it's reacting like a cranky patient. The market is feeling rotten, thank you, but it keeps everyone acutely interested by mixing in an occasional good day with its more frequent sessions of moaning and groaning.

There is such a thing, we believe as taking the stock market far too seriously as an economic indicator. Since November 1968, the Dow Jones Industrial Average has declined more than 300 points. Just since the beginning of this year, the market value of equities traded on all exchanges in the country has dropped some $150 billion. This unquestionably works a fearful hardship on investors, but does it really reflect the health of the economy?

It would be absurd to think so. The market, as a matter of fact, is often wrong. Attorney General John Mitchell last week quoted someone's comment that the stock market has predicted "11 out of the last 4 recessions."

It is the nature of the mechanism to overreact, to make specific bad events seem like general bad events. It is as if you took a room thermometer that was registering 72 degrees and held a cake of ice next to it. The instrument would soon show a reading of 60 degrees or less. But you would hardly infer from the experiment that the temperature of the whole room was 60 degrees.

We don't think it's necessary to list in detail the reasons why we believe the nation's economy is in a relatively steep but temporary decline. Most Americans are aware that it is the deliberate policy of the Administration to cool things off so that the value of the dollar can again be relatively stable. Most Americans, too, are aware of the tremendous leverage the Government has to ignite a boom in the 1970s once the recession has put the brakes on inflation. Actually, it is more likely that the energy and self-confidence of the people will handle the job in natural fashion.

The United States is today paying the price for the ill-considered fiscal and monetary policies of the late 1960s. As for the stock market, it will go back up again. And if you doubt that, you're likely to lose money.

LEGISLATION TO AID SMALL BUSINESSES

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. WHITEHURST. Mr. Speaker, today I am introducing legislation which I feel is long overdue.

One of the historic traits of our Nation is its ability and willingness to commitment in reaction to an emergency. We see this in our national issues such as civil rights, foreign trade, natural disasters, pollution, and consumer protection.

When an emergency arises we react, strongly and totally, although in some instances we are extremely lucky that our cures do not kill the patient.

We have come a long way in the past few years in the areas of consumer protection, with Truth-in-Lending and the Wholesome Meat Act; and environmental control, with the Solid Waste Disposal Act, the Clean Air Act, and water pollution control. In varying degrees, we are making progress in these areas, and we are beginning to catch up with our technology. However, what we must be aware of are the side effects of what we are doing in our effort to make these long-overdue corrections.

This situation became quite evident in the early days of our urban renewal programs, in which it has since been corrected.

When a neighborhood was declared an urban renewal area, older people who had paid for their homes, and many poor young families, had to shoulder the financial burden of relocating in more expensive homes elsewhere. Now, when this situation arises, the Federal Government provides financial assistance by paying allowances to make up the difference between the cost of the previously-owned home and the newer, more expensive one.

Gradually, this same theory was applied to another important social and economic component of the neighborhood, the small business. The rate of failure of small businesses is historically high. To add an additional burden, one not of their own making and one usually affecting an established small proprietorship, was not fair. Now, when a small business is forced to relocate because of urban renewal, financial assistance in the form of long-term, low-interest loans can be arranged.

It is this principle of assisting the innocent bystander that I advocate in my bill: When we pass a new law that requires plant facility changes, or the purchase of new equipment, we in effect are passing a law that establishes retroactive guilt and charges a fine for that guilt.

As an example, the Wholesome Meat Act cost the private sector of our economy millions of dollars, because with a stroke of a pen they were, for all practical purposes, found guilty of a crime they had never committed. This is an immense burden to put on any business, but it is particularly hard on a small business that does not have the equity or collateral to finance such sweeping changes. Nor do many small businesses have the ability to carry high-interest loans because of their already high debt-to-income ratio.

My legislation will correct this inequitable situation by permitting a small business, forced to relocate or conduct substantial expansion or alteration as a result of a new Federal law, to receive low-interest, long-term loans from the Small Business Administration.

Mr. Speaker, I sincerely hope that my colleagues will receive this legislation favorably.

A TRIBUTE TO CHARLES H. WILLIAMS, RETIRING PRINCIPAL OF ABRAHAM LINCOLN HIGH SCHOOL, PHILADELPHIA, PA.

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. EILBERG. Mr. Speaker, on June 30, 1970, a distinguished educator will retire after 20 years as principal of Abraham Lincoln High School, in Philadelphia, Pa. Adding a prior 8 years as a principal, this record constitutes the longest senior high school principalship in the history of the Philadelphia public schools, and it belongs to Charles H. Williams.

Abraham Lincoln High School students, faculty, Home and School Association parents, and the northeast Philadelphia community, each group individually, and in concert with one another, have planned tributes this month in an attempt to honor Charles H. Williams, their principal, a man who shies away from praise.

The retirement of Charles H. Williams makes it highly appropriate to pay tribute to a man who is responsible for the continuous advancement of Abraham Lincoln High School. Prior to coming to Lincoln in 1949, Mr. Williams was principal of the Benjamin Franklin High School, where he not only headed the day school, but the Standard Evening High School, the Veterans Day School, and the Veterans Evening School, all at the same time. The Veterans School, which permitted veterans to enroll at any time and to proceed with their high school education at their own rate, was originated and developed by Mr. Williams from 1945 to 1949, and served thousands of veterans. This unusual program attracted worldwide attention and received praise from every corner of the earth.

Mr. Williams was active in the planning of the actual building of the Abraham Lincoln High School, in the ordering of the equipment, furniture, supplies, and textbooks. He worked hand in hand with the architect in the design of much of the building. His strong personality attracted many fine teachers to the school from its very beginning and his ideas and desires began to take a practical form at the birth of the school. There was vigorous and competent leadership applied to the school at its inception and the school has had the continuous benefit of the motivating and driving force provided by an outstanding, capable, energetic, and conscientious principal.

Mr. Williams displayed an unlimited physical energy which he devoted completely and unstintingly to the school and gave unsparingly of himself to the school as no one else did or could.

The school's relationship with the community began in a controversial atmosphere as a result of the name given the school. This led to a rather cold acceptance of the school on the part of some of the community leaders. Here Mr. Williams stepped into the picture and spent night after night meeting with, and talking to, community groups and uniting them behind him and the school with his magnetic personality, and his straightforward desire to provide educational opportunities for the children of the area that would lead them and their families to higher academic and cultural levels. Gradually the controversy over the name of the school was buried in the healthly desire of the community to participate actively in the life of the school. Here was laid the foundation for the home and school association, and the means of combating some of the undesirable publicity that attached itself to the school.

Mr. Williams' personal characteristics, in addition to his training and background, have played a major role in the life of the school and the achievements of its students. He is very intelligent and scholarly, with the greatest respect for solid academic achievement, and he believes the basic reason for the existence of a high school is the intellectual growth of the students. This has led to an emphasis on classroom work, to a grouping of students by ability, to a group of teachers specializing in college guidance and essentially to a high level of attainment on the part of our students while still in high school and later on in colleges throughout the country.

Mr. Williams was a top notch athlete and coach, and still maintains an intense interest in athletics. While teaching English at Pottsville High School, Chestnut Hill Academy, where he served as athletic director; Central High School, and Benjamin Franklin High School, Mr. Williams also coached football, basketball, baseball, and track.

Our teams have received every ounce of support possible from the principal, and, in addition to being well-equipped, have been exceptionally coached. The development of our athletic program, the early and continued leadership the school teams exhibited in high school competition, the wide degree of participation on the part of the student body in intramural sports, all came about as a result of the determined desire of this man who knows and loves sports and allowed no obstacle to stand in the way of the physical development of our student body.

Mr. Williams' interests and abilities are wide and deeply rooted in a firm foundation of personal participation and accomplishment. He plays the piano and in addition to a knowledge and appreciation of orchestral and choral music, he has a highly developed taste for many forms of art. Our school's excellent musical groups, the junior and senior orchestras, the choir and the band, and the musical program which reaches the entire student body are all the result of active planning and promotion on his part. In addition, the awards and prizes won by our students in the field of music and art are a reflection of the leadership given the school in these areas.

Mr. Williams is mechanically inclined and has done a great deal of physical work on his own farm. The outstanding shop program at Lincoln, the host of opportunities offered to our industrial students, and the nationwide prizes won by our students are a tribute to the support and leadership of Mr. Williams.

Mr. Williams exerts a strong and motivating influence on the staff at the school. When the school first opened, his reputation attracted many fine teachers to the school. As the school developed and established itself, an increasing number of the better teachers in other schools transferred to Lincoln High School. Mr. Williams has that rare ability of getting the most out of people, of getting his teachers to want to give of their best, and he sets an example for them to emulate in his own continuous service to the school. The teachers in turn take pride in their work, and in the school, and in the opportunity to be part of a great organization. What sets Lincoln High School above and apart from other schools is the extra work and extra energy put into it by the faculty as a result of the inspiring leadership provided by the principal. The teachers are stimulated to do their best, and the educational atmosphere is provided whereby obstacles of organization, of time, and of money are overcome in the interests of the student.

One of the outstanding assets that Mr. Williams possesses in the operation of the school is his genuine deep-seated interest in young people. He knows many students by name, by achievements in a variety of activities, by academic ability and accomplishment, by family connections, and his knowledge of the students is rooted in his desire to promote their welfare.

Mr. Williams, who is married and has two sons, attended public schools in Pottsville, Pa., and entered Brown University in 1923. After graduating from Brown, he took graduate work at the University of Pennsylvania receiving his M.A. degree.

Mr. Williams is a member of the Brown Alumni, the Delta Upsilon Fraternity, the Schoolmen's Club, and the Philadelphia Principals' Association. He has also served on the Board of Directors of the Northeast Communities Y.M.C.A., as chairman of the Planning Committee of the Northeast Area Community Chest—Health and Welfare Committee, and has been active in many community affairs.

From 1955 to 1964, Mr. Williams served as education director of the American Institute of Banking.

Through the past 35 years, Mr. Williams has devoted himself unsparingly to the welfare of the Philadelphia School system. Thousands of students have benefited from his devotion, and Lincoln High School's success is a result of this devotion. The Northeast community has gained a great deal from his presence here.

Nothing said or written could be an adequate tribute to this man, but the school itself, its daily operation, its past performance, its unusual growth, the opportunities afforded the thousands of past and present students are a living tribute to this remarkable man.

MAYOR BYRNE'S DECISION

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. KARTH. Mr. Speaker, in June 1970 Mayor Thomas I. Byrne will conclude 4 years of service to the people of St. Paul, Minn. Mayor Byrne chose not to run for reelection as the chief administrator of our fine city. During his tenure as mayor, I have had the opportunity to work closely with him on countless projects of benefit to that community. I came to know him well, therefore, both as a capable public servant and a fine human being.

On several occasions Mayor Byrne headed delegations of citizens from every walk of life in visits to Washington on behalf of programs for civic betterment. He was successful in these efforts to mobilize constituents and help make the case for Federal participation in St. Paul's dynamic record of progress.

His vision, his leadership, and his dedication to the arduous job of mayor will be sorely missed. He will be remembered, however, for the outstanding accomplishments of his two terms in office. Four years ago Mayor Byrne told me that he would voluntarily leave office if he could gain certain objectives for our city. Four years later Mayor Thomas Byrne voluntarily leaves the office of mayor having met the goals he set for himself. I thought I ought to bring this to the attention of my colleagues along with a copy of an editorial from St. Paul's fine labor newspaper, the Union Advocate. The article spells out the many achievements of Mayor Byrne alluded to above, and I submit that his is a record seldom matched in city government. The article follows:

TOM BYRNE'S DECISION

Last week, to the surprise of few who have watched his earnest efforts to find solutions to the vexing problems that go with governing a modern city, Tom Byrne announced he will not be a candidate for Mayor this year.

We're sorry. But we don't much blame him. WCCO's George Rice said it pretty well the next day when he observed that being mayor of a big city is bound to be a frustrating experience.

"His powers," said Rice, "are scarcely ever equal either to the prestige of the office, or to the expectations of the electorate."

This is true because he is boxed in by a charter long out of date, and because much he wants to achieve must be ok'd in advance by a legislature that doesn't seem to care.

As a result, the Mayor takes the heat for everything that goes wrong, even when there isn't a single thing he can do about it.

But, despite these handicaps, which are severe, Tom Byrne brought to his post a willingness to work hard at the job, a deep faith in his city and its possibilities, confidence in its people and the courage of his convictions.

As a result, he has piled up a remarkably good batting average. It's a target his successor will find hard to match.

Among the achievements:

Progress on downtown St. Paul's "new look," with the Capital Centre development bringing something like 5,000 new jobs into being in his first term; a fiscal reorganization, with public budget hearings; substantial progress on a new civic center authority; a citywide program of neighborhood blight prevention; a program of code enforcement with a code appeals board; a professional committee on drug abuse; a new human rights law and human rights department; a junior college task force; a long-range capital improvements plan with a plan for financing it; a Model Cities program with needed federal funds; thousands of new housing units for low-income citizens, including livable dwelling space for the elderly; revision of taxing limits from a dollars to a mills basis; a new snow removal budget; Port Authority growth; renewal and rehabilitation programs in census Tracts 9 and 10 on the East Side; in the Concord Terrace area on the West Side; in the Summit-University area; progress in finding non-property tax revenue sources.

The list is longer still, and it's a record the Mayor can feel pretty good about as he winds up his second term.

We hope that whatever Tom Byrne decides to do he'll make his experience of these years available to his successor, and hopefully to other mayors in the metropolitan area, so that some future legislature may be persuaded to work out a rational plan for enhancing the quality of life in Minnesota's cities.

OUTLOOK FOR LABOR RELATIONS IN THE SEVENTIES

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, this week in New York has seen

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meetings of the Second Annual Collective Bargaining Forum, sponsored by the Institute of Collective Bargaining and Group Relations.

One of the highlights of the forum has been the address on Wednesday, May 20 by George Meany, president of the AFL–CIO. Mr. Meany's remarks about the collective bargaining process in America are particularly important. He says:

> Collective bargaining, like the idea of democratic government, is based on consent and acceptance. It assumes that two parties to a dispute can reach a reasonable agreement that both parties can live with. It assumes that agreement can be reached by the exercise of reason, by give and take at the bargaining table, instead of by all-or-nothing confrontations in the streets.
>
> Ultimately it assumes that not only grudging accomodation but harmony is possible.
>
> It is not a perfect instrument. It rests on the somewhat fragile foundation of mutual confidence and good faith among human beings. But like all truly democratic institutions it has the great virtue of strengthening its own foundation as it is used.

Mr. Speaker, under leave to extend my remarks, I include the complete text of President Meany's address:

OUTLOOK FOR LABOR RELATIONS IN THE SEVENTIES

One thing I have learned, through fairly long experience, is that 10-year forecasts are safe and reliable for just about as long as it takes to deliver them.

So I am not inclined to indulge in very much crystal-ball gazing. There are just two predictions that I feel confident in making.

First, that over the next 10 years labor and management will continue to engage in collective bargaining will still be with us is because collective bargaining, as it has grown and evolved in this country, is the most effective instrument the mind of man has so far devised for reaching mutually agreeable solutions to conflicts of interest of concern to employers and employees.

Collective bargaining, like the idea of democratic government, is based on consent and acceptance. It assumes that two parties to a dispute can reach a reasonable agreement that both parties can live with. It assumes that agreement can be reached by the exercise of reason, by give and take at the bargaining table, instead of by all-or-nothing confrontations in the streets.

Ultimately it assumes that not only a grudging accommodation but harmony is possible.

It is not a perfect instrument. It rests on the somewhat fragile foundation of mutual confidence and good faith among human beings. But like all truly democratic institutions it has the great virtue of strengthening its own foundation as it is used.

Now one of the best reasons to hope for improvement in collective bargaining, in my opinion, is the existence of this forum and the maturing attitudes that make it possible.

Sometimes change comes so slowly that we don't recognize it until we look back and see from where we have come. Ten years ago, if you remember, there were a number of collective bargaining seminars and conferences. But there was this difference: Management representatives met in one place, behind closed doors, and union people met elsewhere. On both sides we were doing a great deal of talking *about* each other and very little talking *with* each other.

Ten years ago I don't think it would have occurred to anybody—even an optimist like Ted Kheel—to invite Jim Carey and Lemuel Boulware to share the same rostrum and tell a group like this what they were learning from each other.

And yet, 10 years later, only a few months after a major collision in the General Electric strike, Virgil Day and Paul Jennings agreed to do just that. They agreed to analyze that strike from their different perspectives in the hope that labor and management negotiators might learn something of value from their painful experience.

I read that as real change and real progress. I believe it means that there is a growing recognition, on the part of both labor and management, that collective bargaining is a two-handed tool, that both sides have a tremendous stake in making it work, and that neither side can make it work unless both sides want it to.

So it is right and proper for union and management representatives to get together to study the laws and the issues and the procedures within which agreements have to be reached.

These are the tools we have to work with, and we should understand them to the best of our ability. We need the best thinking from the legal profession and the academic community to help make collective bargaining more effective.

We need more forums like this one. It would be very fruitful to step up this kind of dialogue all along the line, in as many areas as we can. Anything that can be done to increase mutual understanding and to increase the skills and flexibility of negotiators is a net gain.

Another improvement we have been seeing, is a growing respect for the skills of middlemen—the mediators and arbitrators.

Almost certainly, the General Electric strike would have lasted longer than it did except for the good offices of Curtis Counts and his team of federal mediators.

And there is no doubt in my mind that the GE collision might have been averted entirely if the company had accepted the union's repeated proposal that all unresolved issues be submitted to final and binding voluntary arbitration.

I stress the word "voluntary" because it makes the crucial difference between what is collective bargaining and what is not. There must be consent. There must be freedom on both sides. Anything else, no matter how you disguise it, is tyranny. Compulsory arbitration is the antithesis of collective bargaining. It can do nothing but undermine all of the democratic principles by which this nation lives.

Labor fought the *ad hoc* legislation—bad legislation—by which the government tried to break strikes in the airline and railroad industries. We will never stop fighting that sort of thing, and it makes no difference whose ox is being gored.

Now in the GE situation, the unions wanted to persuade GE to arbitrate so they would not have to strike. But they would have fought any effort to impose arbitration without the company's consent. And the AFL–CIO would have fought it, too.

So there are no shortcuts and there are no substitutes for free collective bargaining. And strikes and lockouts are a normal and natural and necessary part of the collective-bargaining process.

No body enjoys a strike. They are painful and expensive, and sensible unions and sensible employers do everything they can to avoid them. The reason we work so hard to upgrade our skills at the bargaining table is to find ways to reach agreement before we come to that last resort.

But it is necessary to be able to exercise that last resort. Unless both sides are aware that serious consequences flow from misjudgments or breaches of faith, bargaining is a charade—an exercise in futility.

The labor movement is convinced that what this country needs is more and better collective bargaining, not less. It is our goal, as it always has been, to extend that right and that principle to every worker in the land.

We are convinced that every worker has a right to join a union and to have a responsible voice in his own destiny. To deprive him of that right is to close the gates of hope for a better future. We read history as one long catalogue of evidence that when hope is gone, when one man finds himself at the mercy of another, he will sooner or later have no choice but to rebel.

We can see no reason whatsoever why farm workers or government workers or any other workers should be singled out to be deprived of the right to meaningful collective bargaining.

And in this area we have seen real progress recently, and I think we have reason to hope for more.

The despair that farm workers have lived with so long is beginning to lighten. With each success of the United Farm Workers Organizing Committee in winning fair contracts, the day comes closer when migrant workers will stop being victims of this society and become participating members of it.

The same is true for government workers. Postal employees, as you know, have just become the first federal employees ever to negotiate with the executive branch of the government—with a Cabinet member, no less—on their own wages and working conditions. Those negotiations followed the same form and covered the same items as any labor-management discussions in private industry. They brought the same kind of reasonable agreement, just and fair to both sides, that collective bargaining always aims at.

And I think those discussions set a pattern—the pattern of free collective bargaining on all aspects of employment—that ought to be followed in every federal department and agency and in every state and county and city and town. I think that is the simple, obvious solution to a dangerous situation.

Public employees all across the land have been making themselves heard lately. It seems to have come as a surprise to some that teachers and clerks and policemen and sanitation workers are not happy. That they feel they are underpaid and exploited and excluded from the mainstream of American economic life.

Well, they are excluded, and nobody should be surprised that they resent it.

Farm workers and public employees are not asking for anything more than other American citizens already have. They want to share in the affluence they keep reading about. They want workable grievance procedures. They want the right to pursue ordinary human goals through the orderly procedures of collective bargaining.

I think it is wrong for Congress to sit back and watch the farm workers wage their uphill battle for simple equity, unprotected by law. I think it is wrong for Congress and state legislatures and city councils and school boards to try to legislate their employees into voiceless, powerless second-class citizenship.

We in the labor movement only recognize one class of citizenship: first class.

A first-class citizen has a voice in the political life of his country, which he exercises through the representatives he elects at the polls. He has a voice in the nation's economic life, which he exercises through the representatives he elects and sends to the bargaining table.

Those two things are equally important. It is wrong and it is dangerous to deprive any class of citizens of either of them.

So it is disheartening to read the report of the Advisory Commission on Governmental Relations. All that commission had to recommend, after a year of examining the problems that exist in public employment, was that

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public officials should "meet and confer" with their employees' unions. That is not much of a contribution. It is timid and it is shortsighted. It does not begin to address itself to the problems of employment in public service.

We need laws to bring all employees of all levels of government under the same protection that workers in private industry have enjoyed since 1935. I don't know of any way to bring stability to public employment except by mutual agreement between employers and employees through free collective bargaining.

Now I don't want to leave the impression that I think collective bargaining is a panacea for all our social ills, or that it can cure many of the areas of unrest that disturb us.

It can't do that. It won't work for campus revolutionaries or demagogues or for anybody who is more interested in aggravating or perpetuating conflict, than resolving it.

It won't work for people who say "take it or leave it" and it won't work for people who submit "non-negotiable demands."

It is a tool for reasonable people who believe in democracy and who respect each other's right to life, liberty and the pursuit of happiness. It is a tool for flexible people who respect history, who set reachable goals, who are willing to make and keep firm agreements for specific periods of time and then re-examine their goals, modify their agreement and move forward for another period of time.

This kind of approach, it seems to me, is particularly useful in our time, when there seems to be a curious, two-headed effort to bring time to a stop. We have young rebels who seem to think that the cure for problems is destruction. They want to throw overboard everything that we have learned and sever themselves from the past and the present in the name of the uncertain future.

And we still have in our society those who refuse to look at today, and who want to make tomorrow a carbon copy of yesterday.

It can't be done. Yesterday and today and tomorrow make a single pattern of growth and change.

Nobody claims that we solved all of yesterday's problems. But we have solved some of them. Today is better than yesterday. And tomorrow must be better than today.

We have, labor and management together, succeeded in building an amazingly productive nation. And we are far from finished building it.

It has been a costly and painful process. We learn slowly, but we do learn. We know that divergent interests can be reconciled. We know that conflicts can be resolved. We know that human problems have human solutions. We know, too, that some solutions even create new problems.

But these too are problems that can be solved.

And I believe—and the trade union movement believes—that we can—we must—and we will build upon what has already been accomplished.

We've come a long way and we still have a long way to go. That's what this conference is all about—getting on with the job of making tomorrow better than today.

EARLY EFFORTS AT FLYING MADE IN MERIDIAN, MISS.

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. MONTGOMERY. Mr. Speaker, one of my constituents and close friends, Mr. John H. O'Neil, from my hometown of Meridian has brought to my attention an article that appeared in the October 23, 1936, issue of the Meridian Star. The article concerns attempts by a local man to fly approximately 3 years prior to the successful efforts of the Wright brothers. I believe my colleagues will find the article interesting reading. It is as follows:

[From the Meridian Star, Oct. 25, 1936]

MERIDIANITE IS PIONEER IN ATTEMPT TO CONQUER AIR; MAKES PARTLY SUCCESSFUL TEST 3 YEARS BEFORE WRIGHTS' EFFORTS

The Wright brothers and Dr. Langley were not alone as pioneers in attempts to conquer the air, nor were Kitty Hawk, N.C., and the Potomac River the only testing grounds.

In gathering material for the American Guide, soon to be published, the Federal Writers Project has brought to light a carefully planned and near-successful trial made in Meridian even before the experiments of Wilbur and Orville Wright at Kitty Hawk in 1903.

EMPLOYED IN MERIDIAN

R. G. V. Mytton came to this country from England, being a graduate of Queen's College, London. He was employed as mechanical engineer by the old New Orleans and Northeastern Railroad company in Meridian at the close of the nineteenth century and began experiments on what he called a "flying machine." He said that he received the idea from seeing a mechanical bird flying around over the heads of the audience in a London theatre. For many months, Mr. Mytton made drawings and laid plans for the construction of his flying machines.

At this time he was boarding at Rhodes' boarding house on 5th Street and 38th Avenue. Every afternoon he would turn loose paper gliders from an upstairs gallery and have boys in the neighborhood retrieve them. By placing thumb tacks underneath these gliders in various positions, he was enabled to determine the length of the glide and later used these calculations to proportion the distribution of the weight of his machine.

WATCHES FLYING BUZZARDS

Next, Mr. Mytton began to observe the flight of buzzards. He noted that they could sail and circle for hours without flapping a wing and he took hundreds of pictures of these birds in flight, noting at the time the wind velocity and direction. Most of these pictures were taken from the top of Mount Barton, on the southern edge of Meridian, and from the top of the office building at the shops.

At the time, it was against the law to kill a buzzard. Mr. Mytton first went to the sheriff's office and paid a $5 fine. He then obtained a Winchester rifle and killed a buzzard. He weighed the head, the body, the feet; noted the spread and length of the wings and tail, obtained the proportion of weight and even weighed the feathers. From these calculations and measurements, he constructed a glider, using the weight of his own body as a basis. In other words, the machine was not only proportioned to the weight and measurements of a buzzard, but also to the weight of Mr. Mytton's own body, which was about 125 pounds.

So sure was Mr. Mytton that his flight would be successful that he purchased perhaps the first flying togs in America: plus-fours, stockings with Scotch plaid design, spiked shoes, khaki shirt, and a checkered English cap. He also wrote D. D. Curran, president of the railroad, not to be surprised should he, Mytton, pay him a visit in New Orleans. This was in 1900.

The machine was an exact replica of a buzzard with outstretched wings. The framework was of wood with covering of silk. Leather hand-holds were provided underneath the wings and included a trapeze affair upon which Mr. Mytton could sit and lean backward or forward.

EXPERIENCES MANY FAILURES

The plane was powered by a single cylinder motor of aluminum alloy, having about a six inch bore and stroke. This was developed only after numerous failures, the inventor having first tried to use pure aluminum but finding it too soft, and the model finally adopted was about the ninth attempt.

The contraption was loaded into the Phillips family surrey along with the inventor and his friends, the late Columbus Phillips, designer of the locomotive Pauline and inventor of the Phillips boiler check, his two small sons, Casper and William, and Howard Rhodes.

The party was conveyed to an eminence just north of where once stood the old Central school, Twenty-fifth Avenue and Fifteenth Street, for the initial flight.

Mr. Mytton, after bidding everyone goodbye and stating that he was going to fly to New Orleans, donned his wings and leaped off a high embankment. The machine sailed for about 100 yards at a height of some 25 feet and then took a nose dive, crushing one of the wings. Mr. Mytton was not injured but was knocked breathless and it was some time before he could arise from the ground.

This concluded the would-be inventor's experiment.

Mr. Mytton later went to California where he died about 25 years ago.

The article for inclusion in the Guide, was written by Mrs. Marjorie Woods Austin of Meridian, district supervisor of the Federal Writers project. It was verified by Howard Rhodes, Henry Woods, and Joseph Montgomery of Meridian and William Phillips of Birmingham.

OUR ROADSIDES: A GARDEN OF FLOWERS AND LITTER

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, Earth Day has come and gone. In its aftermath, we can hope that a far greater sense of public awareness and concern will exist regarding the alarming state of our rapidly deteriorating environment. A sense of outrage among the population can and should be a strong weapon to be used in the effort at all levels to promulgate laws and policies which will result in actual progress toward reversing the tide of pollution and cleaning up the country once and for all.

Gas masks were a common sight on Earth Day, as were many other symbolic gestures to indicate just how far down the road to ecological ruin we have traveled. Air, water, and noise pollution occupied center stage throughout the pageant of concern which was a coast-to-coast affair. Another form of pollution, which is mentioned less often but is nevertheless a real and persistent problem, is the ever-mounting national trash pile. The many manifestations of what a truly wastemaking society we are can be seen almost everywhere.

Abandoned cars rest beside highways

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and line city streets. One auto manufacturer, trying to push quality, has even structured an entire ad campaign around the increasing number of junked cars one sees along the roads. Everywhere, the new "one way" containers are being touted as the newest and greatest advance in packaging. Never mind that some people have told us the aluminum can is virtually indestructible no matter how long we wait for it to decay. Plastics, as we learned in the film "The Graduate," are the way of the future and also share the dubious distinction of being everlastingly durable. The glass bottles which used to have recycling and a cash deposit as their major virtues have largely been replaced by the throwaway versions, which are rapidly coming back to haunt us with their number and volume.

The dumps are overflowing. Landfill projects race through their cycles with incredible rapidity. Junked cars are stacked up like hotcakes. And, worst of all, as the volume of thrown-out trash continues to outrace our ability to find ways to invent self-eliminating packages and dispose of the trash that now exists, more and more of our discards end up littering the countryside. While we must rely on technology to cope with the major aspects of the trash problem, I believe there is something we can do to attack the ever-present litter problem.

By far the greatest mass of litter comes from automobiles. The family car now serves as everything from a mobile restaurant to a cross-country tourmobile. Along the way, all sorts of trash comes into being within the automobile, as its ever-consuming occupants roll along their way. Where does it all end up? A look at what some people had to do on Earth Day will answer that question.

Throughout Vermont, the residents joined in a massive effort to clean up their State's highways. Putting aside rhetoric and debate, these people succeeded in having the State close major arteries in order that they could undertake the project. As an indicator of what litter costs, let alone how it looks, Vermont officials claimed that the job the citizens did saved the State's coffers about $200,000. In Stanislaus County, Calif., citizens embarked on a similar effort to clean up the roads and highways and were similarly shocked at the tremendous volume of trash that they encountered. Across the Nation, individuals who participated in litter cleanup projects shared the amazement at the amount of trash which they had to remove. In addition to the run-of-the-mill litterbugs, people discovered the work of the bigtime trashmongers who turned their cars into luxurious dump trucks long enough to deposit large, ugly piles of junk beside the roads. Most trash, however, was of the day-to-day throwaway variety.

With the magnitude of our Nation's litter problem clearly obvious, I am today introducing legislation which I think will have a positive and measurable effect on reducing roadside trash. I am proposing an amendment to the National Traffic and Motor Vehicle Safety Act of 1966, which would require the inclusion of an easily emptied litter container of at least one-half gallon capacity in future automobile designs. With their ingenuity, I am certain that the engineers and other technologists who plan the interiors of modern passenger cars could find space for a usefully designed container in the dashboard or another convenient location. The cost to the consumer could be minimal, if not nonexistent. The benefits, however, in terms of having a convenient spot to toss anything from a paper cup to a cigarette wrapper, would be a blessing to anyone who has ever noticed the frustration of disposing of such items without littering. This may seem like a small thing but I believe it could lead to a big improvement toward eliminating litter.

I might add that this legislation was originally suggested to me by my good friend, Mr. Douglas Ayres, the very capable city manager of Inglewood, Calif., located in my district. Citizen participation and concern, such as his and that of the many citizens who participated in Earth Day cleanups, is the backbone of our form of government, often leading to productive legislation which can make life a little better for all of us.

CITIES SUPPORT FARM PROGRAMS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. FRASER. Mr. Speaker, the number of congressional districts which may be defined as "rural" continues to decline. Migration from rural America has filled our urban areas, and they are growing larger. More and more it must be recognized that the people of metropolitan America—as a result of superior voting power—are deciding the fate of the Nation.

This does not, however, leave rural America without hope. Its cause is just. Many people in the cities have roots in the rural areas—through relatives who live there, or simply through a cultural tie that goes back for generations. Rebuilding rural America can take some of the pressures of population—and problems—off the big cities. And we know that the prosperity of the cities cannot continue without a healthy rural economy as well.

Mr. Speaker, two thoughtful articles exploring the ties between rural and urban America recently appeared in the Farmers Union Washington Newsletter. I strongly recommend these articles, which I include at this point in the RECORD, to my colleagues:

LETTER TO A CITY COUSIN

Dear Cousin Sara—The debate over the farm program is reaching a critical stage in Washington. Some people say the farm program is too big and complicated and costly, and that city people are getting tired of it and won't support it. I don't think any of this is true. Let me ramble on for a few pages about some thoughts I've had. I think you'll be interested because I know you go to the supermarket once or twice a week, and are concerned about how much of your money you leave there. The truth is, though, that you spend less for food than for some other things. If your income is average, you spend only 16½c of each dollar you have to spend on food. Since your income is above average, you spend an even lesser portion, of course. Food is one of your best bargains. Equally important, you don't have to stand in line to get anything you need, as people in some other parts of the world do. The chances are that the interest you pay on your house and car loans is more than your grocery bill. In other words, the banker is taking a bigger bite than your grocer. And when you consider that only a little more than a third of your grocery bill gets back to the farmer, you begin to see one of the farmer's problems. But cheap food—and plenty of it—is a direct result of our farm program.

The farm program is quite simple. It deals with only two main problems. First, the government tries to take some of the pressure off the farmer so he won't have to sell at harvest time, when the market price is likely to be at its lowest. The government advances him a loan on his crop when he harvests it. The loan tides him over for a few months. He can use the money to live on, pay debts, or buy supplies and equipment for the next season. If the price of his wheat or cotton, or whatever the commodity is, rises during the term of the loan, he can sell, pay off the loan, and keep the difference. If the price doesn't go up, the government forecloses when the loan is due, and sells the commodity later. Some people like to say the government has lost a lot of money on the crops it has taken over. This isn't true. Sometimes, it has even made a profit, because the price went up later. The amount per bushel or pound the government will lend the farmer tends to become a floor under the market price, of course. Obviously, no shipper or processor can go out and buy a farmer's commodities at a price lower than the loan level.

The second problem the government tries to deal with is the farmer's inability to plan his production to fit the needs of the market. He has to plan six months or so in advance of harvest, sometimes longer, and he has to try to guess what every other farmer is going to grow. He can produce more than he can sell. So the government tries to take some of the economic pressures off him that tend to make it necessary for him to plant from fence to fence. After all, he's got the land. He bought it, or inherited it. He pays taxes on all of it. He has to live off what he earns. Expecting a farmer not to plant all of his land is like expecting a stockholder in General Motors not to collect dividends on all of his stock. Some way must be found to make it possible for the farmer to set aside every fourth or fifth share of his investment—and still make a living. Unlike most workers in town, he doesn't have unemployment compensation to help when he is out of work. Instead, the government makes it possible for the farmer to cut back his production through a system of payments. He is paid not to plant a certain percentage of his land in crops. The reason for doing this is to prevent overproduction, and bankruptcy for a lot of farmers. It makes sense to try to keep the industry healthy. It is generally agreed that we will need it in the not too distant future. In the long run, the farm program is a cheap way to stabilize agriculture. We "stabilize" our airplane and arms industries by spending 20 or 30 times as much money as we spend on the farm program.

A troublesome problem arises as the government tries to deal with overproduction. If a big farmer cooperates, he may have a very large acreage to take out of production. This means he gets a very large payment. It doesn't seem right somehow for a farmer to get a hundred thousand dollars, or a million dollars, as some do, for "not growing" something. Many people say there should be a limitation of such payments. I think so, too. So does the Farmers Union, but as far as I know it is the only farm organization to face up to the issue.

The farm program seems complicated to some because it differs somewhat from commodity to commodity. Farming is not one big business. It is many smaller businesses centered around crops or commodities. Each has its own growing cycle and its own market system. Each requires different solutions to its problems. You can't limit the production of a crop by merely retiring farm acreage. The farmer may decide to grow all feed grains, or all cotton, with what land he has left. So you could wind up with overproduction in those crops, and shortages in others. You have to deal with overproduction on a commodity-by-commodity basis. Some commodities require entirely different approaches. For example, you can't store Grade A milk. It isn't easy to take a cow out of production one year and put her back in the next. The system for protecting the dairy industry consists of establishing federal market order areas around population centers. The government determines how much milk is needed and fair prices for it. A hearing is held. The farmer participates, of course. It is a kind of bargaining. The farmer isn't left at the mercy of the market. The system has worked well. Not only is the dairy farmer protected, but so are you—and the milk shelf is always full in your supermarket. Many of us believe this system might be extended to other commodities. The Coalition Farm Bill provides authority for this—if and when farmers want it. The Coalition Bill has the backing of 32 grassroots farm organizations.

Another feature of the Coalition Farm Bill would sharpen up the supply management program, as well as protect you, the consumer. One monkey-wrench in production planning is the threat of crop failure or other unforeseen event that might bring about a shortage. Planning must always be on the plus side, and we sometimes have surpluses in spite of planning. Yet, a standard device is used throughout our economy to provide for the unexpected. It is reserves. We have reserves of strategic metals, oil—and even money in banks. Why not reserves of food and fiber? The Coalition Bill provides for "consumer protection reserves" of wheat, feed grains, soybeans, and cotton—all insulated from the market, but there to be used if needed.

I have left to the last one of the main reasons for the farm program. It has special meaning to you and me. Both of us now live in cities. The land in the farms where we lived as kids produces more now than ever before. Yet we can't make a living on it. I wish we could. The newspaper in town—which I might be editing today—is gone. The three doctors and the dentist who were there when we were kids are gone. Main Street has two pool halls, a furniture store, a small variety store, and a branch bank. Two grocery stores are left. There is one cotton gin and one grain elevator, instead of three each. A new post office has been built, though the mail is no longer delivered in town. A big crowd is there when the social security checks come in. Most of the people left in town are old. I wish jobs were available back home. Some way must be found to create more opportunity in rural areas. Too many of us live in the big cities. The farm program we have hasn't worked as well as it should. It should be improved. That's the sense of the Coalition Farm Bill I mentioned. Sara, I wish you would do me a favor. Please write to your Congressman and your Senators, and tell them how you feel about this. Regards.—V.

ARE THE BIG CITIES FOR THE FARM PROGRAM?

One of the most frequent excuses offered as a reason for weakening the farm program is that big city Congressmen and Senators won't support a good bill. It is a phony excuse. Voting records over the past decade show that strong support has always come from the big cities. And the situation has not changed. It may have improved because of the growing plight of the cities, overcrowded with people displaced from rural areas. A check of voting records for the last two years—the second session of the 90th Congress and the first session of the 91st—is particularly revealing. The best voting records, not the worst, are from the big cities. On six issues of direct concern to agriculture (program, food, and appropriations), 108 Congresmen from the largest cities of the nation cast 416 votes for and 153 against. This was a 73% favorable vote. Only 12 Congressmen cast more votes against the six farm issues than for them. For the record, these were: George Brown, Los Angeles; Hugh L. Carey, Brooklyn; Leonard Farbstein, Benjamin Rosenthal, William F. Ryan, New York City; Andrew Jacobs, Indianapolis; Richard D. McCarthy, Buffalo, N.Y.; Thomas M. Rees, Beverly Hills, Calif.; Donald Clancy and Robert Taft, Cincinnati; and Robert Corbett, Pittsburgh, Pa. None of these 12 were unanimously against. Significantly perhaps, 9 of the 12 had from good to excellent records on the 30 issues selected by the Farmers Union as being of general importance to agriculture.

The record of Senators from the largest cities was even better. Of 12 big-city Senators, not a single one voted unfavorably more often than favorably. On six issues selected as especially important, 47 votes were cast for, only 9 against. This was an 84% favorable record. The Senators read like an honor roll for agriculture. They are the Senators farm groups have come to count on not just for support, but for leadership. Those with 100% records were: Edward Kennedy, Boston, Mass.; Eugent McCarthy, St. Paul, Minn.; Walter Mondale, Minneapolis; Gaylord Nelson, Madison, Wis.; Stuart Symington, St. Louis, Mo.; Stephen Young, Cleveland, O.; Ralph Yarborough, Austin, Tex.; and Alan Cranston, Los Angeles, Calif.

In the House, perfect records were racked up by Congressmen Frank Annunzio, John Kluczynski and William T. Murphy, all of Chicago. The big cities of Texas sent the Congressmen with the best voting records from that state: George Bush, Bob Casey, and Bob Eckhardt of Houston; Earle Cabell, Dallas; Jim Wright, Fort Worth; Henry Gonzalez, San Antonio and J. J. Pickle, Austin. The St. Louis area was notable: Mrs. Leonor K. Sullivan and James Symington on the Missouri side, and Melvin Price of East St. Louis, Ill. Baltimore sent two with 100% records; George Fallon and Edward Garmatz. The delegation from heavily industrialized Pennsylvania had one of the best records; Joseph Vigorito of Erie and Daniel Flood of Wilkes Barre (both 100%), and near-perfect records for Joshua Eilberg and William Green, Philadelphia; William C. Moorehead, Pittsburgh; Thomas E. Morgan, Frederick town; and Fred Rooney, Bethlehem. The New York City area was excellent—with John M. Murphy of Staten Island (perfect), and near-perfect records for Mario Biaggi, Bronx; Frank Brasco and Emmanuel Celler, Brooklyn; and James J. Delaney, Long Island City. John Dingell of Dearborn, Mich. had a perfect record, and Henry Riegle of Flint, Mich. was near-perfect. Southern cities had excelint farm representation—including Hale Boggs and Edward Hébert of New Orleans, and Dan Kuykendall of Memphis. The Far West had good farm representation in John Tunney of Riverside (suburban Los Angeles), and Charles H. Wilson of Los Angeles.

The six issues selected were gut issues for agriculture. They indicate that city Congressmen and Senators can be counted on to support a good farm bill. The cities—already too full of people from rural areas—need a farm program that will restore rural America. Consumers have a vital interest. Those who falsely charge the city Congressmen and Senators with being unfavorable to agriculture should take another look.

WHAT OF THE FUTURE?

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. MADDEN. Mr. Speaker, Reuben E. Olson, director of the Anselm World Forum, of Gary, Ind., submits the following message and sermon entitled "Revelations Into Our Future."

Dr. Donald G. Capp, pastor, delivered this sermon from the pulpit of the Gary, Ind., 43d Avenue Presbyterian Church:

WHAT OF THE FUTURE?

These past days it has been my privilege to spend several hours with some of your sons and daughters who have been home from college. These young men and women are idealistic and visionary. Like Martin Luther King—they have a dream. A dream for a world where every man is free. Free from war—free from want—free from every kind of oppression. A world where every man will be able to determine his own destiny and his own life.

I cannot help but believe that these young people have caught the real meaning of Advent. A season of expectancy and hope.

A new heaven and a new earth—a world at peace—free from every kind of evil and oppression. This is Advent; a season of expectance and hope. This is the hope of the Christian faith. The possibilities are now ours. We are on the verge, if we wish, of wiping out every kind of disease, doing away with war, and eliminating poverty. We have within our future the ability to usher in the utopian dream of every man.

PUSH-BUTTON LIFE

Business Week forecasts what could be ours within this next decade. A day in the life of the average American businessman could look something like this:

"He will spend the afternoon running simulations of new marketing strategies for Indonesia through the company computer, working, of course from a terminal at his own desk. With his plans perfected, he will instruct the computer to transmit them to Tokyo for branch office attention.

Leaving the office, he will pick up his all-purpose electronic identification card from his secretary, who had been using it to order his wife's birthday present. He also will pocket a couple of TV tape cassetts containing inter-office reports and his homework for the evening, an instruction tape on new applications of probability theory to market research.

A high-speed turbotrain will rush him to his suburban stop, and at the station parking lot he will unplug his electric runabout from the combination parking meter and battery recharger. There will be no need to feed in quarters because both the parking fee and the electricity will be billed by direct wire to his bank account where he puts his ID card in the slot.

On the way home, he will stop by his doctor's office for a booster shot of anti-cancer vaccine. Coming out, he will note with approval the demolition of the electric transmission towers on the hill behind town is proceeding rapidly. All transmission lines will be underground by then.

At home, after a quick supper, he will look over some bills and his daily bank statement, all transmitted over the printer attached to his television set. Then he will settle down for a couple of hours with his tapes. Toward the end of the evening he will call an old friend by Picturephone and play Scrabble with him for an hour. And so to bed."

A few weeks ago I was at a conference sponsored by the Presbyterian Institute of Industrial Relations at Louisville, Kentucky. I saw and heard many exciting things. Doctors speak of being on the verge of a biological revolution which will bring forth more dramatic results for mankind than the nuclear revolution a generation ago. They speak of a life span of nearly 100 years.

I heard of events that will revolutionize the family and the home. Cable TV is a big new industry. At present the concern is pay TV, but it is much more than that. A doctor might give you a complete physical over the telephone. The housewife will be shopping and forget the time. Dial her home phone and her oven will be turned on, her dinner prepared and ready when she arrives at home. Newspapers from all over the world will be delivered on the TV screen.

And other exciting things—a society where cash will become obsolete and every financial transaction will be handled by a computer. New towns are now in the planning stages that can help solve many of our urban problems. A world where there shall be no more death, nor sorrows, nor crying; neither shall there be any more pain, for the former things have passed away. What a dream the Christian Church has had! And sadly this may be all it is—a dream.

BUSINESS IN 1980

Only a dream? For Business Week gives this alternate picture of our average business man in the 1980's:

"All in all, it does not sound like a bad world—a little lacking in fun, maybe, but that is a matter of taste. Technological projections, however, are only one way of looking at the future. For an alternate picture of the businessman in 1980, try this:

He will spend the afternoon working on plans to protect company property from vandalism, and before he leaves there will be a meeting to consider the new government order shutting down three of the company's biggest plants because of an air-pollution emergency. The chief of Indonesian marketing will report that the new nationalistic regime is demanding 99% ownership of all foreign operations.

On the way to the station he will make a detour of several blocks to avoid a confrontation between the police and a militant new group agitating for 'poverty power.' His commuter train will be two hours late, and his car will be balky because the last mechanic to work on it had no idea what he was doing.

On the drive home, his nose will start dripping and he will suspect that he is catching another cold. On arrival, he will find his wife waiting with her coat on.

'We'll have to go out to dinner, dear,' she will say. 'The power has been off again since three o'clock and I can't cook anything. I tried to phone you but all the circuits were busy.' "

THE COLLEGE SPIRIT

One of these college youth I spoke to said to me: "You and the Christian Church has had 2,000 years to fulfill your dream, and you haven't done a damn thing—now we are going to take our chance at it without you." Or, as someone else has said: "This age will be the re-birth of man or he will write his final obituary."

This Book of Revelation that gives to us the vision of the new heaven and the new earth also reminds us of the four horsemen of the apocalypse. Do you remember them? War! Famine! Disease! Death! Before the new age can be ushered in these must be conquered and dealt with. To these our modern age has added—Racism—Pollution—Population. Our young people and the Christian gospel say that it is our task to eliminate these horsemen of the apocaplypse. If we don't, then Armagedgon will be a reality and not just the vision of a man in exile on the isle of Patmos. Think about a few of these problems.

OUR PROBLEM IS WAR

With all of our scientific and technological know-how, war is no longer a game. Kenneth Boulding has said that the "Second World War was the last of civilized wars." Imagine, with all of the hundreds of thousands killed he still calls it a "civilized war." Why? Because it is now technologically possible for man to build a device which will eliminate all life on earth. Our research and development has led us to what Herman Kahn has called the "Doomsday Machine." My youngsters watched the Late Show the other evening; a movie entitled, "The Day the Earth Burned." This is no longer science fiction—this is FACT.

Because of this, a stable peace becomes absolutely necessary. With our ICBM, or whatever alphabetical twist we give to our missiles, armies and navies need never leave home. All that needs to be done to obliterate mankind is for someone to push the panic button in Moscow—in Peking—or in Washington.

It is no longer just one bullet killing one man, nor is it just one bomb killing a few thousand. It is a bomb that can destroy Chicago—New York—Los Angeles—Moscow—Peking. And when they're gone—what then? As long as that panic button exists, then we will go on playing the game, "Button, button, who will push the button." As long as the button exists the possibility of total destruction exists.

If we believe in prayer; if we believe in God's intervention in the affairs of men; if we believe that the incarnation of Jesus Christ means that God invaded this world to say He cares: then the most important conference taking place in the world today is the conference at Helsinki. If ever a conference needed to succeed it is this one. Nations at last are sitting down to talk about disarmament. God, how we should pound the gates of heaven so that the Spirit of the Prince of Peace might invade that conference and the message of old of "peace on earth" might become a glorious reality and not just a dream! For if peace doesn't come and that button remains on the wall, someone—some day—might just get mad enough and push it. What then?

Our problem is people!

Possibly it is an even more difficult problem than war. It is the problem of our population explosion. As we win the fight against all kinds of sickness and disease, we lower the infant mortality rate and increase the longevity of all peoples. The life span in many areas has now reached the Biblical three-score-and-ten and it is within our grasp to extend it to a hundred years.

WORLD POPULATION 7 BILLION IN 30 YEARS

Business Week forecasts "that when the bells ring at midnight on December 31, 1979, there will be some 231 million people in the U.S.A. to hear them; 27 million more than there are now." Representative Morris K. Udall of Arizona reminds us that it "took 180 years to go from four million Americans to 200 million. By the year 2000 (only thirty years from now) we will have hit 318 million."

Our world population over the next thirty years will increase by 4 billion, giving us a population of 7 billion people. One out of every two people at that time, I have been told, will be Chinese. And these figures cannot be altered to any extent. The present growth rate will bring them about. It is simply a problem of sheer arithmetic. It is an arithmetic that cannot be denied though most of us wish to deny it.

Listen to what Representative Udall says about the problem here in America: "These Americans are not just statistics; they are people. They have children and build houses. . . . Each adds 120 gallons a year to local sewage treatment plants and four pounds of solid waste to be disposed of and three pounds of air pollutants. Each throws away 250 cans and 135 bottles a year." Multiply these figures by 3 million and you see part of the problem.

The problem that will be ours world-wide is almost too great for me to fathom; it will be even more serious. Hunger could well become a major problem. The black horse of the apocalypse—Famine—will sweep through the world as we have never seen it before. Take these 7 billion people and let your imagination run free—see for yourself the problems that we will face. Imagine, if you can, the sewage problem—the garbage disposal—the housing—the educational problems.

POLLUTION

As we progress we create new problems I guess that this is the price that we pay for progress. To increase our food supply we manufactured DDT. Now there is hardly a fish caught in the rivers and seas, or an animal killed on our land, that does not have traces of DDT. And now reports indicate that even a mother's milk has traces of this insecticide. The U.S. alone pours 140 million tons of contaminants into the environment every day. Attorney General William S. Scott of the State of Illinois is fighting a war against pollution with the air lines and the great industries of the Chicago area. Says Scott, U.S. Steel, only one out of 21 corporations, pours 487 million gallons of pollution into Lake Michigan per day.

One jet, idling at O'Hare Field, sends 70 pounds of pollution into the atmosphere. This is equal to 10,000 automobiles. What effect? Rachel Carson's *Silent Spring* is rapidly coming to pass. Lake Michigan is rapidly dying. Lake Erie is all but choked to death. Our lakes and our rivers and our woodlands are dying. The great Ponderossa Pines in California are dying by the acres. The tops are turning yellow. The most recent report is predicting that by 1985 Americans will be wearing gas masks or will be living in domed cities. Places like Los Angeles are so bad at times that people can't even see the sun. Some scientists say it is already too late to reverse the process.

Yes, our college people have a dream—and the Church has always had a dream—a dream of a new heaven and a new earth. The question we must ask is—will this dream come true? Is this the re-birth of man or are we writing our final obituary? Now, I'm not a prophet of doom. I believe in the future. And I believe in the future with this college youth. I don't always believe in their methods, but I believe in them. And I believe in the future because I believe in the Church. I still believe that the Church has some thing vital and important to say to the world. I cannot agree with the young man who said to me that the Church has had 2,000 years and hasn't done a thing. The hope of tomorrow is still with the Church.

XUM

The problem is—do we really want to do it?

The problem is—are we willing to take Christ seriously?

The problem is—will we walk in this world as He would have us walk?

If we are going to have this new heaven and new earth and change this world for the better then we have got to take the ethics of the Christ seriously. That is, the human life becomes the most important thing in the world. More important than our profit system. More important than capitalism. More important than the dollar that most of us worship. The New Testament says that if a new age is to come, then our whole value system needs to change. People become more important than things. People become more important than nations. People become more important than race.

Regardless of the outcome of the Pinksville incident, the important thing to realize is that in war life becomes cheap. War makes us do some very inhuman things. As I read my New Testament life is never cheap. Every man wears a crown—a leper—a prostitute—a publican—a lame man—a blind man—the rich and the poor. Every man has the right to live in a world where there is no sickness—no hunger—no war—no pain.

It is no easy task and there is great risk involved. It will be an unpopular cause. It might well mean for many of us a crucifixion. We may have to lay our life on the line. But is this not what the one whom we call Master and Lord did? It means that where we have the opportunity to speak out against injustice and prejudice, and the evil practices in our communities, that we do so. It means that if we are in positions of authority and decision making in these great corporations that surround our city, we use these positions to guide them to take action now and stop belching into our atmosphere all these poisons. It means that if we are stockholders we lose a few dollars a year so that our dividends can be put back into the corporation to change things for the better. It means that whenever possible we begin to help make the decision and bring new directions to our industries and to our communities. It means that we serve gladly on our committees and boards and fight for better housing, better schools, and better health facilities. It means possibly that we spend the billions used to put a man on the moon, exciting as it is, and clean up our lakes and rivers and land and our air. That we use the money on solving our problems of hunger and sickness here on earth. It is, you know, the only earth we have. It means that we take the risk for peace just as we risk war. We risk building larger and better bombs and go to Helsinski in an honest effort to disarm. It means that as Christians we work hard and work harder yet to make a better tomorrow.

XUM

For the future is in our hands. It is always in our hands, if we care enough. The means exist—the moral and spiritual means—for our seeing that the poor and the hungry of the world do not remain poor. The means exist—the moral and the spiritual means—to use our scientific and technological knowledge for the earthly redemption of this generation. The means exist—the moral and spiritual means—to use our affluence to make life good and worthwhile, not only easier. The means exist—the moral and the spiritual means—where fear and hatred and prejudice can become a thing of the past if we wish to take the love of God seriously.

No one pretends that this is easy. But God does not call us to be Christians because it is the easy thing to do. Instead, he said; "Take up a cross." He said: "Be crucified with me." He said; "Present your bodies a living sacrifice." He said: "Die, if necessary, so that the world might live."

Advent is a season of hope. I have great hope for the future for I have hope in the Church. This great Book of Revelation closes with what is truly an Advent prayer—"Come quickly, Lord Jesus."

The future is ours—what shall we do with it?

IN VIETNAM, THE SOUTH IS RISING

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. BOLLING. Mr. Speaker, I call to the attention of my colleagues the following article concerning the rising South Vietnamese effort, written by Robert Pearman, national world editor of the Kansas City Star, following his fourth visit to Vietnam. The article was published May 24, 1970, in the Kansas City Star magazine:

In Vietnam, the South Is Rising

(By Robert Pearman)

The face of the president, Nguyen Van Thieu, mouth fixed in the familiar, expressionless, wooden smile, stared down from the picture frame on the wall high above the podium.

A Vietnamese lieutenant colonel, starched and polished, briefed the visitors in clipped, harsh bursts of Vietnamese, tapping his pointer on the map occasionally for emphasis and pausing periodically to allow an interpreter to translate.

"Good morning, gentlemen," the interpreter recited. "I am Lieutenant Colonel Khiem, chief of staff of the 23rd division headquartered here in Ban Me Thout."

Snap.

The metal-tipped pointer rapped the surface of the map, landing squarely on the oak-leaf shape of Quang Duc province. The story came out in short staccato bursts like the test firing of a machine gun:

"Mid-October 1969 . . . the Communists, with a tremendous force . . . 7,000 men in strength, infiltrated from Cambodia and staged numerous attacks on the Bu-Prang, Duc Lap outposts . . . the battle lasted 28 October 1969 to 28 December 1969 and the enemy used large weapons such as 107 and 122 mm rockets . . . 105 mm cannon . . . 120 mm mortars.

"These attacks, however, were all crushed by the 23rd Infantry division . . . 1,838 enemy were killed.

"This victory exemplifies the growth of the ARVN (Army of the Republic of Vietnam) and its determination to defeat the Communists."

The colonel might have said more but did not. The Bu-Prang, Duc Lap battles were extremely costly to the 23rd division and other South Vietnamese units engaged. And they were significant as the first test of the army which President Nixon now insists is able to handle its new assignments in Cambodia and later will be able to defend South Vietnam in spite of gradual withdrawal of American troops.

The colonel might have said, but didn't, that when the bloody chain of battles along the border in Quang Duc province was over it was the North Vietnamese who backed away—retreated across the border into Cambodia to reorganize and replenish. The ARVN had won the first test.

In President Nixon's reports to the nation on Indochina he probably provokes the most skepticism among Americans when he talks about the capabilities of the South Vietnamese army—"We can say with confidence that the South Vietnamese can develop the capability for their own defense. We can say with confidence that all American combat forces can and will be withdrawn."

A man from Johnson County scowls over the top of his coffee cup and lets fly—"I believe him just the same way I believed McNamara. They can't do it with all the weapons and with all the help we could give them. They can't ever do it."

What he is expressing in his frustration is that charity forbids recounting the frequent past predictions for the "coming of age," of the South Vietnamese army and when now at last it is happening no one believes it. Not even when the President of the United States says that it is true.

It is the "cry wolf" story of 1970 set in the jungles of Vietnam and in the main streets of America.

Long ridiculed and maligned, and often with good reason, the Army of the Republic of Vietnam is now committed to both defense in South Vietnam and offense in Cambodia.

Can ARVN eventually do the entire job, releasing all American combat forces?

Consider the "binh si," the South Vietnamese soldier. He is a peasant in a peasant army who probably has never been to Saigon and has only the vaguest kind of idea where it is.

He is 5 feet, 3 inches tall, and weighs 98 pounds (you can put twice as many of them in a helicopter as Americans). Ready for combat he looks like an overloaded Cub Scout on a weekend hike.

He is paid $25 a month. He likes to take a nap after noon, but goes five days on 23 cents worth of rice a day. He is asked to serve in the army until the war is over, or until he is killed or until he is wounded so badly he can no longer be a soldier.

He knows that his enemy the "bo doi," the North Vietnamese infantryman, is considered by many as the best light infantryman in the world. But, says Maj. Thomas Henderson, a Texan with seven years in Vietnam: "I haven't seen a 'binh si' chicken out yet."

Bu-Prang, Duc Lap was the first test of the new ARVN and they met it. The only Americans were a handful of Special Forces men and the regular unit advisers. The Saigon troops had American air and helicopter support but Vietnamese pilots flew about one-half the strikes against enemy positions.

In recent months the Fifth ARVN division, on its own since the 1st infantry division was brought back to Ft. Riley, has had to meet the test in Tay Ninh province on the Cambodian border. When the 9th division, the other Ft. Riley trained division sent to Vietnam, was plucked from the Mekong delta and disbanded, the 7th ARVN division, once referred to by Saigon wags as the coup division, sat back on its haunches and guarded its perimeters. As the Mandarin-style commanding general observed, there was no need to alarm Saigon with high casualty reports.

The Viet Cong rebuilt in the 7th division area, pounced on the 10th regiment of the 7th at Ben Tre and nearly annihilated it. President Thieu found a division commander.

"He's all military," says the American colonel adviser of the new division commander. "Not a political bone in his body."

Some South Vietnamese fighting units—elite Marines, air-borne troops and some battalions of rangers—have long held the admiration of Americans in Vietnam. So have some well-led ARVN divisions—the 1st in the far north, the 21st at Bac Lieu.

Gen. Creighton Abrams, the commander of U.S. forces, calls the ARVN 1st one of the finest divisions to take to the field of battle. The enemy who are in the ultimate position to judge, call its commander, Maj. Gen. Ngo Quang Truong, 39, the best division commander in Vietnam.

The Hac Bao, the Black Panther assault company of the 1st, held the Hue airfield against a North Vietnamese battalion in the

Tet offensive and later emerged victorious from a 72-hour battle with overwhelming enemy forces with only 19 of its 240 men alive. The Hac Bao were the first friendly force to re-enter the Hue Citadel, captured by the Communists during the Tet offensive.

Other ARVN units are and have been less illustrious. Until about a year ago the Joint General Staff in Saigon candidly conceded that the ARVN 25th was probably "the worst division ever to enter any battlefield east of Suez." The 25th operated in the tradition of the Oriental war lord—hold strong fortified positions and do not expend equipment and manpower in combat.

I once met a roughtough U.S. Army ranger major who served as an adviser to the ARVN in those days, who calculated that the only solution to the problem was a "Russian Army Day." On Russian Army day, as he outlined it, every month an adviser would be given a .45-automatic with a full clip of ammunition and license to eliminate all of the incompetent officers.

Over the last few months President Thieu has quietly conducted his own style of "Russian Army Day," without such extreme measures as the American major jokingly suggested. Thieu and Thieu alone appoints the army corps and division commanders and the military province chiefs. And one by one those who held their jobs from politics and money have been reassigned. New officers, proven battle leaders, got the jobs.

What made the ARVN so bad and what now makes it better?

In a very real sense the South Vietnamese army was born in a kind of deceit and betrayed at Geneva. The French had enlisted some Vietnamese battalions, mostly Catholics and southerners, to fight on their side against the Viet Minh. Early in the war, in 1948, it officially became the Army of the Republic of Vietnam.

As the war went on and became more and more costly the French inveigled the Vietnamese to form more and more battalions to fight with the French Union forces.

But at Geneva the French cast their Vietnamese allies aside, did not consult them in the negotiations, and finally signed a ceasefire without their approval and their signature.

No signature was necessary, for at this point the national army was still under French command.

The South Vietnamese negotiating team cabled Saigon offering to resign.

"We have totally failed in our mission," they told Ngo Dinh Diem.

Out of these ashes Diem with much American advice and assistance began to fashion his army. It was shaped to meet a conventional thrust from the north, like the attack across the 38th parallel in Korea. The guerrilla war caught it clumsy and roadbound.

In January, 1963, in the northern Mekong delta Viet Cong guerrillas hiding in a tiny palm-fringed hamlet named Ad Bac, fought off an attack by a dozen Saigon armored personnel carriers and shot down five helicopters. It was obvious that the insurgency in the South, rising since 1956, had become dangerous and that ARVN was extremely vulnerable.

Beset by political uncertainties, lacking leadership, and seldom with any real will to fight, ARVN was pummeled by the Viet Cong and increasing numbers of North Vietnamese infiltrators, and by the fall and winter of 1964–65 had abandoned much of the countryside, barricading itself in the cities and fortified compounds.

Then came 1965—the first big year of the Hawk—and the initial waves of a tide of Americans. The American fighting man walked into Vietnam with all of the confidence of a nation certain that 100,000 of its best men could quickly turn the balance in a war against a rag tag peasant army.

Coming operations were often carefully shielded from our Vietnamese allies for fear of security leaks, deception and ambush.

ARVN, in effect, was told to stay out of the way while we finished the job. In 1965 more than 9,000 Saigon soldiers were listed as missing in action. They had found their way out of the war.

Finally in 1967 came the umpteenth new Pacification program and the "bench sitting" was formalized. It was announced policy the American troops would fight the growing members of North Vietnamese army and main force Viet Cong units while ARVN guarded the pacification teams working in the villages.

How well this was working never was fully tested. The RD teams (Revolutionary Development) were suffering heavy casualties at first, but before any conclusive evidence could be drawn came Tet in 1968.

The enemy hurled 84,000 troops in a general offensive that stretched from one tip of Vietnam to the other and drove deepest into Hue and Saigon.

It was the turning point for South Vietnam's army. Now they saw that all the Americans with all their equipment could not or had not kept the enemy from launching an attack no one thought possible. Now he was in Ben Tre and My Tho and Pleiku and Ban Me Thout, in the ancient Citadel in Hue and in Saigon and Cholon itself. The Phu Tho race track where idle ARVN officers dallied at the betting windows on weekends was suddenly, overnight, the enemy command post.

Some American units were engaged, but for the most part the job of clearing the cities fell to the South Vietnamese. Half of the North Vietnamese-Viet Cong attacking force was killed, 20,300 by the Vietnamese, 18,581 by the Americans and other allies.

In the weeks that followed President Thieu put the country on full mobilization for the first time in two decades of war. Before the summer was out he had added 220,000 to the armed forces, 161,000 had volunteered. More than 3 million people in the countryside put their very lives on the line by signing up to defend their communities, passing a single weapon from guard to guard.

In Hue, breeding ground of Buddhist discontent and a city almost totally alienated from Saigon before Tet, today 18,000 civilians stand guard, three shifts a day. In Saigon, once the city that simply removed itself from the rigors of war, there are trained civil defense units active on every block.

When the President started ordering American divisions home the ARVN troops were sent to face the enemy where the danger was highest . . . in the north near the DMZ, and in Cambodia. Some Vietnamese division commanders said the Americans were pushing too fast, expecting too much. But the transformation went on. Last year 9,414 Americans were killed in Vietnam. Saigon forces lost 21,833.

What do the Americans who work with the ARVN really think about its ability to do what President Nixon says?

"As things are now the ARVN can handle the situation in South Vietnam," says Col. Maurice Price, adviser to a regiment of the 5th division, the replacement for the Big Red One.

Colonel Price made it clear, however, that in his opinion the Army of the Republic of Vietnam could not deal with a major emergency beyond the scope of its previous commitments.

Others say the same thing less categorically, believing that South Vietnam will need American helicopter, air and some logistical support for another two or three years, but after that can probably handle North Vietnam's best on its own.

No one sees a miracle. The South Vietnamese army and other fighting forces they know will, in the coming months, probably face defeats, lose bases and defended positions, and on occasion perform in the manner which most Americans over here have come to expect. But in the long pull they are banking on the new ARVN, they are counting on the "binh si," and a people who have somehow now endured a quarter of a century of war and still have the will to go on with this one whether the Americans go home or not.

President Nixon told the nation on April 20 that American casualties in Vietnam had reached the lowest point in five years. The following table reflects the rising South Vietnamese effort.

1st quarter of year	U.S. battle deaths	SVN battle deaths	Estimated enemy battle deaths
1968 (Tet offensive)	4,869	10,500	72,455
1969	3,184	5,922	44,846
1970 (through Apr. 4)	1,246	5,044	28,350+

RIGHT-TO-WORK A DEFINITE ISSUE IN POSTAL REFORM BILL

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. HENDERSON. Mr. Speaker, I was most interested in reading in the CONGRESSIONAL RECORD of Friday, May 22, 1970, beginning at page 16814 the remarks of my good friend and colleague, the gentleman from Arizona (Mr. UDALL) regarding "right to work" as an issue in the currently pending postal reform bill.

The gentleman from Arizona and I have served together on the House Post Office and Civil Service Committee ever since his election to the House and he knows, I have a very high personal regard for him and a great deal of respect for his opinions.

In this instance, however, in saying, as he does, "Let me say here and now that 'right to work' is not an issue in postal reform. The bill reported by the Committee on Post Office and Civil Service neither advanced nor retards the 'right to work' movement; it leaves it precisely where it is now. It retains the status quo." My colleague is completely in error.

We are not dealing in the postal reform bill with employment in the private sector. I agree that the postal reform bill does not alter the Taft-Hartley Act. But what it does is to extend the provisions of the National Labor Relations Act for the very first time to Federal employment.

The status quo of Federal employment is that there is absolutely no way, under existing law, for union officials and Federal management executives to negotiate or otherwise bring into existence a union shop in the Federal service.

To spell it out even more plainly, under the presently existing law, there can be no union shop or agency shop where Federal employees are concerned.

Under the provisions of H.R. 17070 as reported by the House Post Office and Civil Service Committee, for the first time, the issue of a union shop or agency shop would be subject to negotiation.

XUM

Likewise it would be an issue subject to binding arbitration.

While it is true that section 14(b) of the Taft Hartley Act which prohibits the negotiation of union shops in States having "right to work" laws, is incorporated into H.R. 17070 with the other provisions of the National Labor Relations Act, there are at least some States whose "right to work" laws are so worded that they would be inapplicable to this situation.

Then, of course, there are the Federal employees outside the 17 "right to work" States who now have the protection of Executive Order 11491. Section 1(a) of that order states: "Each employee has the right, freely and without fear of penalty or reprisal, to form, join and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right."

It is not my purpose to defend the National Right-To-Work Committee or its executive vice president, Mr. Reed Larson.

Neither do I have any opinion or any basis for an opinion as to whether his vote on the "right to work amendment" was a factor in the defeat of our good friend and colleague, the gentleman from Nebraska in a primary.

I am confident that Mr. Larson, the Right-To-Work Committee and our colleague, the gentleman from Nebraska are quite capable of defending themselves.

But I must take issue with my colleague when he suggests that H.R. 17070 does not change the status quo with regard to the "right-to-work" issue.

I am completely confident that he will agree with me when I say that for the first time in the history of the Federal service, if H.R. 17070 in its present form becomes law, a union shop can be negotiated (or put into effect through binding arbitration) with the result that a man working for the postal service can be required to pay union dues or lose his job.

This certainly is not the status quo.

AGRICULTURE, THE CONGRESS, AND THE AMERICAN CONSUMER

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. POAGE. Mr. Speaker, altogether too many Americans dismiss the problem of agriculture as being something in which they have no concern or interest. In this they are in error. Agriculture is still by far the largest single industry in the United States and it generates jobs for nearly 40 percent of the employed workers of our Nation, either by providing the raw material on which they work, or by providing the market for the implements or commodities which they produce.

In earlier days there was a common and probably rather accurate statement that nationwide economic depressions all begin on the farm. Certainly, even today, we cannot safely ignore the health of an industry which so directly involves so many of our workers and which provides such a large portion of the market for our industrial production; nor can we ignore the maintenance of the tremendous productive power of our agricultural plant and of the farmers who operate that plant. There is twice as much investment per capita behind each agricultural worker as there is behind each industrial worker—$50,000 per worker in agriculture as against approximately $25,000 in industry. This, of course, makes possible the tremendous productivity of American farmers. One man on the farm is today able to feed 44 people in the city. Only through this spectacular productivity has it been possible to build our great cities.

In the Soviet Union, where one worker on the farm supports no more than two in town, it has been impossible to develop the kind of urban industrial society which exists in the United States.

Nor can our American housewife escape grave concern with the success of agriculture when she realizes that she is buying more and better food for a smaller percentage of her disposable income than the housewife in any part of the world at any time in history. Actually today the expenditure in our grocery stores is only about 16.5 percent of the average family's disposable income. In Western Europe this is between 20 and 25 percent, in the Soviet Union between 40 and 50 percent, and in the Far East as much as 75 or 80 percent. No more convincing evidence can be presented that our farm program has worked and is working than the benefits it has bestowed on our consumers.

If we will but provide the American farmer with the cost of production, and a very meager incentive, we need not fear that Americans will go hungry. Our farmers will then provide all the food needed at home and a large part of that needed abroad. But that cost of production must be forthcoming from one source or another. We have the techniques. We know how to produce food and fiber abundantly and cheaply. But even though the American farmer is the most efficient in the world, he must pay interest on his very large investment of land and equipment, he must buy modern machinery, he must buy fertilizer, insecticides, and so forth.

We all know that farmers have historically bought in a protected market. They pay the American price for everything they use. They sell in a free or competitive market. They receive prices fixed by producers in lands where the wage scale is only a fraction of what it is in our country. It has been repeatedly pointed out that if farmers could buy in a completely free market they would have no right to ask for assistance, but if they must continue to buy in a controlled market, they must either sell in such a market or the Government must make up at least part of the difference.

Whatever things the farmer buys to meet his production needs must include the cost of our high American wage scale. These costs are constantly going up. On the other hand, the price of most farm products is actually lower today, per pound or per bushel, than it was 20 or 25 years ago. Wheat, corn, and cotton bring just about one-half of what they formerly brought. Do you know of any other large group of workers or investors who are today getting less per hour for their work, or less per dollar for their investment, than they did a score of years ago? It has been possible to continue to produce farm crops only because for a good many years the Government has contributed to the cost of production. For the past several years this Government contribution has been just a little over $3 billion per year.

This is not to condemn high wages. I believe in a wage scale in keeping with our American standard of living. I do not propose to reduce the income of either labor or industry. I only ask that the returns of agriculture be placed on the same high standard.

Virtually every segment of the economy other than agriculture has received subsidies in either direct or indirect form. Railroads, steamships, and airlines long have enjoyed subsidies. Just last week the House voted overwhelmingly for a vast direct subsidy for ocean shipping. I voted for it, recognizing the dependence of all our people on our merchant marine. Tariffs and quotas which protect American manufacturers from ruinous competition of foreign-made goods are an indirect subsidy and clearly increase the cost of things farmers as well as city people must buy. The huge postal deficit each year is in large part accounted for by subsidized rates for magazines and advertisements. Incidentally, probably the largest of the postal subsidies—2½ times what any farmer draws—goes to one of the most violent critics of our farm programs.

Were we to remove all Government subsidy from agriculture it is obvious that farm production at the present rate could not be maintained. There simply would not be enough money left after paying interest and taxes to enable farmers to continue to buy and operate the equipment and supplies essential to the production of adequate food and fiber for the American people. In other words, it is not simply a matter of price, it goes further. It involves our physical ability to produce all the food and fiber needed. That food and fiber can be produced, but not with walking plows or horse-drawn cultivators, and not without fertilizers, insecticides, herbicides, and so forth, and these all cost tremendous sums of money. The only other way of maintaining this needed production would be by raising the price in the marketplace.

Certainly many farmers would like this, but what of our consumers, the 100 percent of our population who eat?

They would find that they would of necessity be paying substantially more, and I have an idea those who have been the loudest in their denunciation of subsidies would be the first to resent the increased prices in the marketplace. Again, we are reminded of the tremendous misunderstanding which exists among nonfarm people. Farm subsidies may, and I think do, help farmers, but they do a great deal more for consumers in our cities than they have ever done for people on our farms. They have made it possible for American consumers to enjoy more and cheaper food and fiber than consumers anywhere else in the world.

We must also remember that the farmer only receives about one-third of what the housewife spends in the grocery store and that that share is constantly decreasing. Therefore, if the farmer now receives $3 billion subsidies, is it not likely that this expenditure is reducing consumer costs by something like $9 billion? In any event the consumer has a tremendous stake in the maintenance of our farm programs.

Nor can we overlook the constant aggravation of the problems of the cities by the flow of penniless migrants from the farms. Of course, it is recognized that some of this movement is inevitable as farms increase in size and some of it is desirable as supplying necessary new blood and manpower in our growing cities, but most of it is very undesirable and it is even more undesirable in direct proportion as these people are forced by sheer poverty to migrate. To the extent that we can keep people making a living on the farm we are helping the cities—and that is what our farm program is trying to do.

The question now arises, how do we maintain this program which has meant so much to all the people of America? Obviously it is going to be necessary to pass legislation of some kind and pass it this year. If we do not do so we will go back to the act of 1958, with various amendments. Basically this means a cotton loan of 30 cents per pound.

This is a poor return to the cotton grower, but its worst feature is that it would raise the price of cotton both abroad and in American mills by almost 50 percent. This would be disastrous both to the public as consumers and to cotton producers who would, of course, lose the bulk of their remaining markets to synthetics at home and to foreign growths abroad. The 1958 act would mean that two-thirds of the wheatgrowers would have to give an affirmative vote in the referendum which has already been called in order to maintain wheat prices at even 65 percent of parity. And it would probably mean complete chaos for feed grain growers.

Yet there are those who suggest that this is what we should do. Their reasoning is that in this way we could create a crisis which would force action. Some of us are not so sure that it would force any action, and if it did, we are afraid that it would be the kind of action we usually get in times of crisis and emergency—some stopgap program which would leave our basic problems all unsolved.

Then there are those who suggest that we should assure every farmer full parity on all he can produce. This has a great deal of appeal. I would be happy to see the fulfilment of this rosy dream. But I cannot believe that it is practical or that we can get the votes necessary, and I cannot believe that we should in this way jeopardize the entire program. Every time that we portray ourselves as either unrealistic or as politically motivated I think we weaken the entire cause of agriculture.

There are others who urge that we should simply continue the present law. I think this is a worthy proposal. I think the present law has worked well. I think it is understood. I introduced legislation to bring about a continuation of this act on a permanent basis, but the present administration did not sponsor this legislation when it was adopted, and for at least 3 of its 5 years' operation those now in control of the executive department were very critical of this program. They feel they cannot put their endorsement on its continuation because of their previous criticism. They prefer some new name which will disassociate them with the past programs. They have suggested the so-called "set-aside."

I think the "set-aside" is an inexact unselective, and expensive method of retiring the needed acres, but I realize that we must cooperate with the administration. I believe "set-aside" can be made to work—at a price. If they want to pay that price, I feel it is well to go along with them on this issue if they, in turn, will support the needs of our farmers on other important issues.

Secretary Hardin has stated that his administration was prepared to put "approximately the same amount of money" into each of the three major commodities—wheat, feed grains, and cotton—that has been going into each program in recent years. He does not want to do it exactly as I would do it, but he has made many concessions. I have thought that if he would accord to cotton, and, if the feed grain people want it, to feed grains, the same type of treatment that he has agreed to accord to wheat—that is, to relate the support price on these commodities to a percentage of parity—that it would be possible for most farm people to join in supporting the bill. We are almost to that point, but as this is written we have no assurance that the administration will accept the same treatment for the three major crops.

If they do, Secretary Hardin and we on the committee recognize that for practical purposes there must be limitations placed on the size of the payments made to any one beneficiary of the program. I am convinced that any such limitations make the program less workable and more costly. Such limitations simply mean that for every major operator who is forced out of the program, many small operators must reduce their plantings more than they would otherwise be required to do. This, however, is a point on which there is so much emotional hysteria that we can hardly expect much logical reasoning. We can only hope that whatever limitations are imposed, they will not be so burdensome as to completely destroy the farm program. Farmers should, however, recognize that no matter what our view may be, limitations are going to be imposed. It is clear that no program can be passed without such limitations.

Of course, predicting what will be in any bill before it is actually reported is like predicting when it will rain in Texas or who a woman will marry. But as of this moment it seems clear that the farm bill most likely to be reported will contain not only the basic provisions, heretofore, mentioned—that is, the control of production through the "set-aside" acres, support for the domestically consumed portion of the production of cotton, wheat and feed grains, and a limitation on the size of individual support payments. But it will also extend the Wool Act; it will extend and clarify the class I base plan for milk; it will extend Public Law 480—the food for peace program—it will provide a pilot program which would assist farmers who, because of advanced age, poor health or other reasons, decide to retire from farming but wish to continue living on their land.

The committee has agreed upon an extension and very substantial enlargement of the food stamp program, and as of this moment there has been no final decision as to whether this should be included as a part of the general farm bill or should be brought in as a separate piece of legislation, but the committee is committed to an extension of the food stamp program at this session.

I feel that it is time that we brought all this legislation to the floor. The Agriculture Committtee has agreed on details of most of the programs involved. I hope decisions will be made on the others within the next week.

No bill is going to satisfy every Member, and probably every Member will find something to criticize in any bill, but it seems clear to me that there are so many vital and worthwhile interests involved in the passage of this legislation that it must be moved without further delay.

It is not going to be as generous in its assistance to farmers as some of us would like—I would personally like to go further, myself—but it is going to involve greater commitments than the administration at first felt was desirable. In my opinion it is going to be a bill which will make it possible for millions of farmers to continue to farm and it is also going to enable the American consumer to continue to buy food for the smallest part of his disposable income of any people in the world. It is going to contain some provisions which I personally feel are either undesirable or economically indefensible. It is not going to give producers some of the protection to which I think they are entitled, but it is going to go much further in this respect than some other Members and some of the administration officials have felt was advisable. There has been a great deal of give and take on each side. I think this is the only way we can hope to get any bill.

In spite of the assurance by the Secretary that he was willing to put "approximately the same amount of money into each of the three major commodities" and in spite of the fact that I accept his sincerity in this commitment, I am convinced that his program will not put quite as much money into agriculture as we have been putting—he has made every calculation of variables in favor of the Treasury rather than in favor of the farmer—and certainly it will not assure an increase in agricultural income in proportion to increases in the cost of living, as I think it should. But it does mean that there will be about $3 billion of Federal money added to whatever the market pays for farm products. I think this is of tremendous importance,

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and I do not propose to lose this very substantial help to farmers, to consumers and to our economy just because I believe that we should get some additional but comparatively minor benefits.

Unless our entire price structure collapses, the new program is going to cost somewhat less than we have been spending. Whether the new method of retiring acres is as effective as its proponents feel it will be only time will tell, and this is one of the reasons for limiting the program to a 3-year bill. If this new concept proves itself ineffective, as I fear, or unduly expensive, it will at that time be reviewed by the Congress, and in the meantime there are what we believe to be adequate mechanisms in the bill to enable the Secretary to make any needed adjustments on the second and third years' programs in the event experience shows them needed.

Finally, whether or not we accept the thesis that depressions always start on the farm, we must all surely recognize that during a period of financial uncertainty, inflation and high interest such as we are now facing, it is, to say the least, extremely unwise to keep the Nation's largest single industry in uncertainty and doubt as to its future. A prompt decision on the matter of farm programs will give a needed degree of stability to our general economy.

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THE STUDENT IN THE UNIVERSITY AND SOCIETY OF TODAY, NO. 9

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. McCLORY. Mr. Speaker, before Cambodia, Kent State, and the other traumatic events of this month, I had been gaining insights into causes of campus unrest in discussions with students from the State University of New York who had come to the Nation's Capital for a firsthand study of our governmental processes and procedures. The names and home cities of these young people are included below, and I want to express my deep appreciation to them for the opportunity they gave some of my colleagues and me to learn more about the roots of some of their frustrations apart from the Southeast Asian situation.

Shortly before they returned to their college campuses to complete the school year, these young people were good enough to respond to my invitation to address Members of Congress in one of our hearing rooms on problems of tenure faculty, relevance in curriculums, overcrowding, the "publish or perish" question, and other matters under the general topic of university reform. I am grateful to my fellow Members, Mr. COUGHLIN, Mr. GOLDWATER, Mr. HASTINGS, Mr. MATSUNAGA, and Mr. SMITH of New York for joining us on that occasion and for the contribution each of them made to the discussions.

Mr. Speaker, in the aftermath of the month's tragedies, I hope we will not allow ourselves to be diverted from the urgent need for reform in the Nation's universities and in the Nation's legislative process if we are to prepare young people for positions of responsibility in tomorrow's world and if we are to assure that they will have a viable democratic form of government through which they can work to solve some of the pressing problems in the society.

The young people who participated in the spring 1970 Washington semester program of the State University of New York believe the system can be made to work better, they fervently want an opportunity to test their skills and energies in that belief, and I am greatly heartened by their evident sense of responsibility and determination to shape peaceful solutions in an increasingly violent world.

I want to express my thanks to the "SUNY kids" of spring 1970 for the good work they did in Washington and for the glow of spirit they left here. I want to take this opportunity also to express my appreciation of their director and professor, Mike Weaver, and the assistant director of the program, Walter Oleszek, who have worked so hard to provide this very meaningful learning experience for these students.

STATE UNIVERSITY OF NEW YORK—WASHINGTON SEMESTER PROGRAM

NAMES AND HOME CITIES OF SPRING 1970 PARTICIPANTS

Gary Bove, East Aurora, N.Y.; Chris Cadin, Camillus, N.Y.; Jim Chiswell, Cheektowaga, N.Y.; Alan Cobb, Medina, N.Y.; Dan Daniels, Utica, N.Y.; Pat Dunn, Cheektowaga, N.Y.; Gary Elander, Jamestown, N.Y.; Jeff Harper, Wolcott, N.Y.; Barb Hart, Salamanca, N.Y.; Gerry Holtz, Hicksville, N.Y.; Alvin Johnson, Buffalo, N.Y.; Greg Leighton, Stewart Manor, N.Y.; Laura Loftus, Brockport, N.Y.; Pat Lucrezio, Mechanicville, N.Y.; Judy Manion, Manlius, N.Y.; Judie Miller, Jamestown, N.Y.; Brooks Mills, Fort Covington, N.Y.; Elaine Niver, Olean, N.Y.; Irv Rosenbaum, Mount Vernon, N.Y.; Tom Taraba, Penn Yan, N.Y.; Bill Vechiola, Fairfield, Conn.; Bob Vinal, Huntington Station, N.Y.; Dave Wood, Rome, N.Y.; Professor Michael Weaver, Director, Washington Semester Program, State University of New York, and Walter Oleszek, Assistant Director, Government Division, Library of Congress.

TRIBUTE TO GENERAL ANDERS

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. NEDZI. Mr. Speaker, the recent death of Gen. Wladyslaw Anders saddened thoughtful Poles and friends of Poland. Among the many tributes to General Anders perhaps the most eloquent appeared in the May 15, 1970, issue of the Polish Daily News of Detroit, edited by Mr. Stanley Krajewski.

Under leave to extend my remarks in the RECORD, a translation of the tribute appears below:

GENERAL ANDERS

The news of the death of General Wladyslaw Anders shocked the Polish Community. The fact of his passing was difficult to accept even though it had been known for some time that he was living on borrowed time. Despite failing health he marshalled his strength to give a speech commemorating the 30th Anniversary of the Katyn Massacre, a speech which recalled the gehenna (suffering) of the Polish soldier in Russia. He himself had shared the bitterness of Soviet prisons and was among those who survived. Providence favored him and allowed him to play a further role in history.

Anders was a soldier almost from the cradle. During World War I he was already an officer in the Czar's Russian Army. He then joined the Polish Army formed as a result of the revolution. The Army was the focal point of his life which stretched to 78 years.

In independent Poland he had reached the rank of Brigadier General when the war began. In that bitter September of 1939, he fought to the last possible moment, commanding the Army of the eastern front until he was wounded at Lwow. As often happens in the life of an ordinary man, so too in the career of a professional soldier there are certain moments which decide his fate.

Anders eluded death in a Soviet prison as a result of the Sikorski-Majski Agreement. For a short time Moscow and the Legal Polish Government operating in London established favorable relations. The discovery, in April, 1943, of the Katyn Massacre breached these relations but by that time all the Poles who had been affected by the agreement had been able to get to Persia and form a new army to assist the Allies in the West.

Anders stood at the head of this army, an army resurrected by a seeming miracle. It later became the II Polish Corps and became famous by capturing Monte Cassino. That magnificent victory, while perhaps not fully appreciated in some quarters, was the high point in the career of Anders and the Polish Army in World War II.

Twenty-six years have passed since that great moment when the White and Red standard was unfurled on the battle-scarred summit of Monte Cassino. The victory opened the Road to Rome, which fell without destruction. The victory at Monte Cassino was so great that Poles rank it with Sobieski's victory over the Turks near Vienna. Morally, it seemed as great as the Miracle at the Vistula. And Anders became a hero.

When we consider the history of the Polish Nation in World War II, we remember the hell of Nazi and Siberian camps, the latter filled with Poles from lands east of the Bug, lands which fell into the hands of the Russians as a result of the infamous Molotov-Ribbentrop Pact. We also remember that within Poland a daring struggle was carried on by the Armia Krajowa while in the West their brothers fought from Dunkirk and Narvik and Tobruk to Monte Cassino and Arnheim.

Teheran and Yalta were a tragedy. The sufferings and the military contributions of Polish men and women were not given sufficient heed. Even the enormous efforts of Polish pilots, that brave line which formed the most successful wing of the R.A.F. during the critical "Battle of Britain," have not yet been rightfully acknowledged.

At Monte Cassino, Hitler suffered one of his greatest defeats. It came at the hands of men representing a nation he and Stalin had scornfully believed they had crossed off the map of the world in 1939. Anders was a good leader, he was proficient in his chosen profession, and he understood the psychology of his Russian antagonists. Such was his antipathy to Communism that he could not and would not return to a Poland governed by agents of Moscow.

Anders chose emigration in order to continue the fight for true freedom. Settling in England he threw himself into a great whirlpool of work.

In 1954, as a result of political differences, Anders left the Legal Government and joined others in the so-called Zjednoczenie (Union). No one will deny that this caused a split existing to this day, and sadder still because of the ranks of the Independents have been thinned not by war but by time. One by one they have left this world, soldiers whose only thought was a truly free and independent Poland. So long as they fought the foe, unity prevailed. But when it came to politics they could not agree.

Anders is gone. As a soldier history will speak well of him. As a politician he awakened doubts and was condemned by some and glorified by others. General Anders was a Pole and a soldier who sincerely loved Poland. An era is ending which will be closed by President August Zaleski, who has outlived them all. It has befallen Anders to come to rest in a foreign land and that is the greatest drama of a soldier.

A FINAL TRIBUTE TO CONGRESSMAN CLIFFORD R. HOPE, SR.

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1970

Mr. SEBELIUS. Mr. Speaker, last Tuesday, May 19, it was my honor and privilege to represent the Kansas congressional delegation at the funeral services in Garden City, Kans., for the beloved Clifford R. Hope, Sr., who served the State of Kansas for 30 years, in the House of Representatives.

As the membership of this great body knows, Clifford Hope enjoyed the respect of his colleagues to the extent that he was known as "Mr. Agriculture." He was a statesman, a true Christian gentleman, and a wonderfully warm and human man to all that enjoyed the privilege of calling him a friend.

I know that many of his former colleagues here in Washington and his friends throughout the world will be pleased to know the services in Clifford Hope's honor were most fitting and reflected the measure of this great man.

The eulogy was given by his close friend and minister, Rev. J. Merion Kadyk of the United Presbyterian Church. Reverend Kadyk, I am sure, spoke for all of us who knew Cliff Hope when he said, "He has opened for us a better way."

The following newspaper article from Cliff Hope's hometown newspaper, the Garden City Telegram, gives the full account:

HE HAS OPENED FOR US A BETTER WAY

"He prepared for the day in which we now live."

With these words of the Rev. J. Merion Kadyk, the Honorable Clifford R. Hope was memorialized yesterday afternoon in a funeral service at the First United Methodist Church.

The Rev. Mr. Kadyk, who recently retired as pastor of the First Presbyterian Church of which Mr. Hope was a member, applied the words yesterday said many years ago of Abraham Lincoln: "Now he belongs to the ages."

He said these words were applicable to Mr. Hope "for he has opened for us a better way, a better way for this community, state, and the United States, and, indeed, for the world."

To the surviving members of Mr. Hope's family—his children, grandchildren, brothers and sisters—the minister said:

"We want to share your bereavement, but also want to share the joy and appreciation of this great man . . . Of Clifford Hope, it can be said his was the way of love. In this sense, we share your joy as well as your love."

He said Mr. Hope had a "philosophy and understanding that qualified him for God's call for national and international service." He termed the former congressman as a "light-giving and enriching person," and said he was a "Christian gentleman and statesman in every sense of the word. He belongs to the nation as well as to his own state."

The Rev. Mr. Kadyk has served as pastor of the church in which Mr. Hope worshiped regularly for approximately nine years. In tribute to Mr. Hope's major role in passage of Public Law 480, known as the "Food for Peace Program," his former pastor said:

"It was through Clifford Hope that little children were fed."

Mr. Hope was an avid flower gardener, and was termed as a "man who loved the touch of flowers" and one who wanted to "share the beauties of this community with future generations."

The funeral, originally set in the Presbyterian Church, was moved to the Methodist sanctuary for its larger seating capacity. It was about three-quarters filled.

Mr. Hope was buried in Valley View Cemetery beside his wife, Pauline, who died about a year ago. He was a veteran of World War I and was given a military funeral and burial by an American Legion color guard and firing squad.

Special music was provided during the service by Charles Larson, also a member of the Presbyterian Church, who sang two hymns, "A Mighty Fortress Is Our God," and "Battle Hymn of the Republic." Mrs. Howard Blanchard was organist.

Eight long-time friends of the deceased served as honorary pallbearers—George H. Anderson, P. A. Burtis, former U.S. Sen. Frank Carlson, O. C. Hicks, Lee Kemper, C. A. McAllister, Lester McCoy and Raimon Walters.

Active pallbearers were John R. Burnside, L. C. Crouch, Howard Hardy, Taylor Jones, Bert H. Vance, and E. F. Ware. Ushers were Lloyd Haag, Dale Saffels and John D. Osborn, all of the Fleming, Haag, Hope, and Saffels law firm.

Mr. Speaker, throughout this past week, the Kansas press has been replete with tributes to Cliff Hope. As I stated before, he was known to those throughout rural and small town America as "Mr. Agriculture," a term he never took seriously himself, but one that fit him perfectly nevertheless. Cliff Hope was the kind of Congressman who could serve as chairman of the House Agriculture Committee, draft our Nation's farm legislation, and at the same time, be known and loved by the individual family farmer as "my personal representative in Washington." His combination of greatness and personal humility touched the lives and hearts of all he represented and who knew him.

The following articles from the Telegram describe his contributions to agriculture and the esteem in which these contributions were held:

"MR. AGRICULTURE," AND RIGHTLY SO

To many, Clifford R. Hope was "Mr. Agriculture," and rightly so.

In his 30 years in Congress, he served continuously as a member of the House Committee on Agriculture. He was its chairman in the 80th (1947–48) and 83rd (1953–54) sessions, and was ranking Republican on the committee from 1932 until his retirement in 1956.

He had a part in the formulation and enactment of most agricultural legislation during the time he served.

In 1945, he was a member of the United States delegation to the first meeting of the Food and Agriculture Organization of the United Nations in Quebec, Canada. He also served as a member in 1946 when it met in Copenhagen, in 1949 in Washington, and in 1951 and 1955 in Rome.

He was a member of the U.S. delegation to the Interparliamentary Union meetings in Stockholm in 1946 and in Istanbul in 1951. He served as congressional advisor to the U.S. delegation at the Inter-American Conservation Conference in September, 1948, and to the American delegation to the International Wheat Conference in 1948, 1949, and 1952.

President Truman appointed him as a member of the Missouri Basin Survey Commission in 1952.

Mr. Hope initiated the Farm Credit Act of 1953 which increased the farmer ownership and control of the federal farm credit system. He was the coauthor of the Hope-Aiken Watershed Act which has enabled land owners across the nation to develop watersheds with federal aid and conserve water and top soil.

In 1936, he co-authored the Research and Marketing Act, and in his later years advocated a bureau of food utilization to help reduce farm surpluses.

It was much-talked-about that he would receive the nod for secretary of agriculture in the Eisenhower administration, and received support from several individuals and newspapers, including the Kansas City Star. However, Mr. Hope, in 1952, was quoted in the Garden City Telegram as saying "my only ambition is to be elected representative of the Southwestern District."

In 1956, his last year in Congress, his portrait was unveiled in the House Agricultural Committee room. Harold Cooley, chairman of the committee, said, at the unveiling:

"This, ladies and gentlemen, is the portrait of the grand champion of agriculture. Mr. Hope is the best qualified person on agriculture legislation in the nation today. His life has been a blessing and benefaction, not only to the American farmer, but to all the citizens of the nation and the people of the world."

In his years in Congress, Mr. Hope also served as a member of the House Committee on Labor, on several special committees including the one on post war economic policy and planning for which he made surveys of Russia, Iran, Egypt, Greece, Italy and most countries of Western Europe.

He was a member of the Republican Congressional Committee from 1933 until 1946, secretary of the Republican Conference of the House of Representatives from 1934 to 1945, and was a member of the Republican Policy Committee in the House.

CLIFFORD HOPE WON QUOTED RESPECT OF SEVERAL EDITORS

During his many years of public service, Clifford R. Hope won the quoted respect of several newspaper editors.

Here are a few, as listed in Garden City High School vice-principal R. Dean Nolte's thesis for his master's degree, entitled "An Analysis of Selected Speeches by Clifford R. Hope Sr.":

". . . a man of exceptional ability, and an articulate one. But he has never imposed his views on unwilling ears. He has never ranted and raved and beat his breast in the House forum. He never indulged in tiresome tirade or engaged in filibuster. Instead, he has gone his congressional way—a calm, poised, reasonable man of unimpeachable honesty. While he has been diligent in behalf of his constituents, he served as no errand boy."—The Wichita Beacon, July 10, 1956.

"Cliff Hope demanded an end to horse play. Flayed in cool, well-spoken language the minority complex of certain Republican as well as Democratic leaders, Hope left no doubt as to his feeling that the farm legislation should not be a political football."—The Topeka Capital, Feb. 21, 1936.

"Hope is the voice of the wheat farmer. They have followed his advice because the long association has shown he represents The Topeka Capital, July 5, 1956.

"Honorable Clifford Hope from this district was greeted with a most enthusiastic crowd when he appeared in Scott City last Friday evening for an address. Clifford R. Hope has always been a favorite with Scott County people and the reception with which he was accorded last Friday evening would indicate that he has lost none of his popularity. His speech was well received and there is every indication that he will carry the county by a big majority next month. Hope is a most untiring worker for the farmers throughout this section of the state. He knows their needs and they know that he can always be depended upon to do everything possible for their advancement."—Scott City Record, Oct. 27, 1938.

"Some people differ with Mr. Hope, and some did not see eye to eye with him on many points, but none ever questioned his sincerity and his obvious determination to do what he thought best, for the best interest on the part of Kansas."—Dodge City Globe, May 29, 1950.

"We are really thankful he (Hope) lacks that something which is so outstanding in so many wheel-horse politicians that brands them as 'just a politician' and nothing else . . . Clifford Hope is where he should be—in Washington doing what he can for his government and his people in time of need."—Garden City Weekly News, Sept. 5, 1940.

"Clifford Hope is an exceptional servant. For the more than 20 years he has served in Congress, he has been doing a superior job of representing the people of his districts. We have gone to him many times, even as a youngster, with always the same results—prompt and complete satisfaction. What's more Cliff Hope sticks to his job most religiously. While many other Congressmen are out building many political fences, making speeches, seeking the lime light, Mr. Hope has stuck to the less exciting, sometimes dull, chores in the House to represent his district in Washington."—Wellington Daily News, July 7, 1952.

"He is a man who stuck to his business, with honesty and simplicity. Firm to his beliefs, he was never afraid to buck the GOP administration when he felt it wrong. Clifford Hope gave 30 years not only to Kansas and the people of the Southwestern District, but to his country. His record stands as a dedicated public servant."—Southwest Daily Times, Liberal, June 10, 1956.

Mr. Speaker, I would also like to touch briefly on an early experience in Cliff Hope's life that I think exemplifies the great meaning this man's life has for all of us today, especially our Nation's young people.

After Cliff completed the eighth grade in Ripley, Okla., there was no high school to attend. The next fall, not content with what he had learned, Cliff simply reenrolled in the eighth grade just to learn more and increase his education. His example is mindful of great Americans in our Nation's past who felt education was indeed a privilege and not a right.

Just before his untimely passing Clifford R. Hope received a distinguished service award from the National Association of Conservation Districts, an award that was to be the last among many high honors and tributes paid to this great man.

This award was a most fitting tribute for it represented the essence of what Clifford Hope's life means. The ideas he has sown will mean a better America for all of us. To accomplish this, he chose as his life's vocation the means by which we can feed the hungry and save and improve our environment for future generations—he chose agriculture.

Mr. Speaker, this is what life is all about. The fact Clifford R. Hope was here among us made our State and Nation a better place. His example is truly a fitting challenge to all Americans to contribute the same.

VIETNAM FACT SHEET RELEASED

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. FRASER. Mr. Speaker, at this moment when our President is in the process of escalating our involvement in Southeast Asia, another thorough study of the facts leading to the Vietnam quagmire is in order.

A new fact sheet prepared by the Committee of Concerned Asian Scholars at Cornell reveals the fallacies and errors of judgment under which U.S. policy has been determined.

I take this opportunity to place this valuable checklist into the RECORD.

FACT SHEET ON VIETNAM

FRENCH RENEGE ON AGREEMENTS—INDO-CHINESE WAR BEGINS—1945–54

1945—Japanese surrender. Ho Chih Minh declares independent Democratic Republic of Vietnam.

1946—French forces return, recognize authority of Ho regime over North, promise plebiscite in South. Later French establish separate puppet government in South and issue ultimatum to Ho to disband all Vietminh military forces in North. Ho's refusal results in open warfare.

1949—French attempt to rally popular support, establish autonomous State of Vietnam based in Saigon under Emperor Bao Dai.

1950—U.S. and allies recognize Bao Dai government and U.S. begins economic and military aid. Russia and China recognize Ho regime.

1954—Dien Bien Phu symbolizes final defeat of French.

GENEVA ACCORDS PROMISE ELECTIONS—DIEM AND U.S. RENEGE—1954–56

1954—Geneva Agreement provides for two temporary military regroupment zones, French in South and Vietminh in North. Reunification promised after nation-wide elections scheduled for July 1956. Political reprisals and foreign military bases or troops prohibited; U.S. refuses to sign but agrees to honor agreement.

1954—SEATO established. S. Vietnam designated as a "protected state."

1955—Diem (Prime Minister under Bao Dai) refuses Hanoi proposal to consult on promised elections and proclaims self President of independent Republic of Vietnam.

DIEM REGIME ALIENATES VIETNAMESE—U.S. INVOLVEMENT INCREASES—1956–63

1956—Diem ordinance allows arrest of anyone considered dangerous to public order. Elected village councils replaced by government appointees. Last French troops withdraw; U.S. military advisory group remains to train and equip S. Vietnamese army.

1958—Clandestine radio (Voice of S. Vietnam Liberation Front) begins operation in South. Denounced by Hanoi as provocative.

1960—Anti-communist leaders in South condemn Diem undemocratic policies. Hanoi sanctions formation of United Front and overthrow of Diem regime. National Liberation Front of South Vietnam (NLF) formally established.

1961—Visits of Vice-President Johnson and other officials to S. Vietnam result in increase in U.S. advisors to 18,000.

1962—NLF calls for implementation of Geneva accords, withdrawal of U.S. military personnel, and coalition government in South with neutral foreign policy.

1963—Buddhist uprising against Diem. Kennedy calls for popular reforms in S. Vietnam and suspends U.S. aid. Diem regime overthrown.

NEUTRALIZATION PROPOSALS REJECTED—U.S. BEGINS WIDE SCALE BOMBING—1963–65

1963–64—NLF proposes negotiated ceasefire and general elections. U Thant supports. Johnson labels neutralization "a Communist takeover." Antineutralist elements overthrow Saigon government, reject NLF proposals for negotiations. U Thant suggests reconvening Geneva Conference. Johnson rejects this as a conference to "ratify terror." U.S. military mission increased to 21,000.

1964—(August) Gulf of Tonkin Incident. Johnson orders retaliation before Navy has determined that attack on U.S. destroyers did in fact occur. Congressional resolution authorizes "all necessary measures."

1965—(January–February) Continued instability of Saigon government results in armed forces control of regime under Thieu and Ky. U.S. begins widespread bombing of North and NLF areas in South. U.S. marines land in South. U Thant again appeals for reconvening Geneva Conference.

HANOI PEACE PLAN REJECTED—U.S. INSTITUTES BOMBING PAUSE—1965–66

1965—(April–May) Hanoi four point proposal; withdrawal U.S. military; cessation hostilities against North; honor Geneva accords; Vietnamese to solve own problems. U.S. orders bombing halt conditional on reduction in hostilities by other side. Bombing resumed in 5 days.

1965—(July–December) Johnson offers "unconditional discussions" with "any government" and announces U.S. troop increases to 125,000. Saigon refuses to negotiate with NLF. Repeated peace feelers from Hanoi brings U.S. request for "clarification" while U.S. carries out first air strike on Hanoi-Haiphong complex.

1965–66—(December–January) Second U.S. bombing halt. N. Vietnamese forces cease most aggressive actions in South. U.S. launches major offensive. Administration ignored Senate appeal for continuation of bombing pause. Hanoi calls for implementation of Geneva accords.

ELECTIONS HELD IN SOUTH—TET OFFENSIVE SHAKES U.S. CONFIDENCE—1966–68

1966—(March–September) Buddhist demonstrations in Hue put down with American military support and Saigon promise of national election. Only candidates acceptable to government allowed to participate in Constitutional Assembly elections; Buddhists boycott.

1966—(October) At Manila conference, U.S. agrees to withdraw troops 6 months after Hanoi and NLF withdraw to north of 17th parallel. U.S. troop strength reaches 385,000 (8 times the number of N. Vietanmese troops).

1967—(February) Johnson refuses to stop bombing until North stops all infiltration into South. Bombing resumed before reply received.

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1967—(September) Vietnamese presidential elections result in Thieu-Ky victory with 35% plurality. All known advocates of peaceful settlement or negotiations with NLF are banned.

1967–68—"Free fire" zones established, resulting in estimated 4 million refugees (25% of population).

1968—(January–February) Tet offensive. Vietcong and N. Vietnamese troops attack 36 of S. Vietnam's 44 provincial capitals, holding major portions of Saigon and Hue. In heavy fighting over Hue, civilian casualties estimated at 3600.

JOHNSON ANNOUNCES BOMBING HALT—PEACE CONFERENCE BOGS DOWN—1968–69

1968—(April–June) Peace moves in U.S. escalate following Tet Offensive. Johnson announces bombing halt north of 20th parallel as first step to "de-escalate the conflict" and "move immediately to peace through negotiations." Total halt to follow signs of restraint from other side. Hanoi agrees to meet U.S. representatives in Paris; talks begin in May. Subsequent decline in N. Vietnamese offensive operations.

1968—(October) Johnson announces total bombing halt on election eve. NLF and Saigon governments to join peace talks.

1969—(January) Four-party talks begin in Paris.

1969—(April–May) Peace talks stalemate over issues of troop withdrawals and interim government. Hanoi/NLF demand U.S. commitment to total withdrawal of U.S. forces and call for provisional coalition government representing all who favor peace, independence and neutrality.

1969—(May) Nixon announces start of gradual troop withdrawals (U.S. troop strength in Vietnam 540,000).

1969—(November–December) U.S. and world opinion shocked by news of U.S. troops killing Vietnamese civilians at Mylai.

STALEMATE IN PARIS AND VIETNAM—ESCALATION IN LAOS AND CAMBODIA—1969–70

1969—(December–March) Senate Foreign Relations Committee increasingly critical of U.S. involvement in Southeast Asia. Senate-House Conference Committee proposes legislation barring use of U.S. combat troops in Laos.

1969—(December) U.S. chief delegate to Paris talks (Lodge) resigns; neither he nor deputy replaced. No progress in negotiations. Thieu government closes two Saigon newspapers, seizes 15 student leaders, purges and imprisons three critics in House of Representatives. Vice-President Agnew, on Asian tour, deems it inappropriate for U.S. to press Thieu to broaden his popular support.

1970—(January–February) Administration states that infiltration from N. Vietnam decreases. U.S. carries out retaliatory bombings on North for attacks on U.S. reconnaisance planes.

1970—(January–March) Increased fighting in Laos, with U.S. bombing wide areas in support of Laotian government troops. Numerous civilian casualties and large numbers of refugees. Deep U.S. involvement in training, arming, financing and directing clandestine army of Meo tribesmen (non-Lao hill peoples) revealed. Laotian government requests reconvening of Geneva Conference; Pathet Lao (Pro-communist forces) seek to open direct negotiations with Laotian government and demand end to U.S. bombing.

1970—(March–April) Coup in Cambodia deposes neutralist leader Prince Sihanouk, calls for military actions against Vietcong and N. Vietnamese bases in Cambodian border areas. S. Vietnamese forces begin attacks on suspected Vietcong base camps in Cambodia with U.S. helicopter support. Many members of Cambodia's Vietnamese minority killed as consequence of anti-Vietnamese campaign undertaken by new military regime in Phom Penh. Vietcong offensive moves westward close to capital; Cambodia appeals for foreign arms aid.

1970—(April 20) Nixon pledges to withdraw an additional 150,000 troops from Vietnam during 1970 because progress in "Vietnamization" exceeding expectations.

1970—(April 30) Nixon Administration announces that U.S. and S. Vietnamese forces have launched first of 6 major attacks into Cambodia to root out Vietcong and N. Vietnamese bases in order to make "Vietnamization" policy successful and insure continuing withdrawal of U.S. troops.

STUDENT ASSAYS MOOD OF AMERICAN YOUTH TOWARD VIETNAM WAR

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. ROSENTHAL. Mr. Speaker, Mark D. Nozette, a student from Colgate University who has been an intern in my office this spring was accorded the honor of testifying on Vietnam before the House Foreign Affairs Committee recently.

Mark is vice president of the student body at Colgate and, I believe, is representative of many sensitive young people who have visited Capitol Hill in the past few weeks to express their dismay over the course of American foreign policy.

I therefore submit Mark's testimony, which I think is as enlightening as it is eloquent:

STATEMENT OF MARK D. NOZETTE

MR. CHAIRMAN: I want to thank the Committee for affording me the opportunity to speak this afternoon. I believe your initiative is a good one and I am sure you realize that the success of these hearings will not be measured by the number of witnesses that appear or the number of statements you illicit, but rather by the affirmative action you take after we have gone.

The enormous and spontaneous campus reaction to the President's invasion of Cambodia and the murders at Kent State illustrate beyond any doubt that sheer depth of feeling held by many young people against the current direction of American foreign policy. The heart of the matter is really very simple: many of my peers do not wish to see lives taken—be they Vietnamese, Laotian, Cambodian, or their very own—for what they consider to be a worthless cause. What you have been seeing on the campuses then is no youthful fling, but concern and frustration over a matter of life and death.

The actions taken to protest this latest escalation have been as varied as the campuses which have initiated them. Yet, other than creating a sense of turmoil or crisis, I doubt whether these exercises have been very fruitful. The war goes on, lives are lost, and the nation's malaise deepens.

We at Colgate have had our own special project. More than half of our student body asked one of our alumni, Secretary of State William P. Rogers, to resign either from the Cabinet or from Colgate's board of trustees. Our hope, however impolitic, was that his departure from the Nixon Administration over a policy with which he was not in agreement, would underscore feelings against the war and raise doubts in the minds who have heretofore remained silent.

While we failed to get the Secretary's resignation, two points did become abundantly clear to us.

First, there is no communications gap between the Nixon Administration and that segment of youth opposed to the war. They know what we're saying and we know what they're saying. The difference is one of basic policy—of admitting a mistake and acting accordingly, or of clinging to the same outworn slogans and premises which have been so manifestly disastrous and tragic in the past.

Secondly, we learned that regardless of how courteous this Administration has recently been, it is not going to heed a bunch of students, especially when they have no political clout.

We all know how successful the President has been in using the media; we all know how easy it would be for him to isolate or discredit any one segment of opinion—especially youthful antiwar sentiment; and we all know how much this ability has allowed him to continue to hope for some kind of victory.

This increasing power of the President corresponds with the declining power of the Congress—a theme with which I am sure you are familiar. Besides all its other effects, this war is raising serious questions regarding the viability of a system of diffused power. The Executive is clearly the one closest to the people. And he shapes the opinion in your district, opinion which you then follow. Is this what is meant by an independent Legislative Branch?

We on the campuses and you on the Hill are thus in very similar predicaments. Neither one of us has been able to move popular opinion; neither one of us has been able to get the President to end this war. As long as he continues his slick and singular use of the media he will control popular sentiments. And as long as Members simply follow those sentiments, he will control the Congress as well.

Regardless of how you might wish to label yourself; regardless of how you might feel about the opinions expressed during these hearings; I am sure you cannot help but realize your own position. We are witnessing a crisis in leadership, a crisis stemming from the ability of the President to make the Congress his prisoner; and the inability or unwillingness of the legislative branch to escape.

This fall, students in all parts of the country will be working to change the situation. Elections are the only means which provide such an opportunity. We will be attempting to gain that illusive political power for ourselves by restoring the legislative branch to a responsible position in the execution of foreign policy. We will be challenging members who have sat passively by while lives have been needlessly spent.

I believe, however, that this situation need not be one of confrontation for I think that your interests and ours correspond. There is no reason why you cannot use the opportunity of this fall's election to speak out—if not against policy then certainly against the process of its formulation.

Maybe this will force you to lead your district instead of follow; maybe you will have to endure political or personal discomfort for it is not an easy thing to oppose an incumbent President on foreign policy. But this war demands that kind of action, for considerations here go beyond military tactics to the heart of the constitutional system. I suppose I may even be asking you to risk your career but gentlemen, you have been asking us to risk our lives.

REVOLT AGAINST RATIONALITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. CRANE. Mr. Speaker, much has been said and written in recent weeks about the causes of the unrest that seems so prevalent in our Nation today. An editorial in the Wall Street Journal of May 22, however, stands out as one of the most cogent and thoughtful analyses of the problem, and I commend it to the attention of my colleagues:

REVOLT AGAINST RATIONALITY

Is American democracy finally coming apart at the seams, as so many observers—and portents—seem to suggest?

We ourselves have always entertained a certain skepticism about the democratic experiment. Not, we hasten to add, because we considered it poorly conceived; on the contrary, the blueprint uniquely combined high idealism with a shrewd understanding of how to cope with man as a political animal. It has worked remarkably well, giving the U.S. one of the most stable, long-lasting political structures in history, giving the people liberty within a framework of order.

Rather, our doubts were more or less the kind that troubled Tocqueville, Macaulay, Jose Ortega y Gasset, among others: That our form of democracy is indeed an experiment, a rarity in the rough record of political entities. More, that by its nature it produces mass man, who eventually, it was feared, would succumb to individual or group greed and envy, dissipating the tolerance and mutual respect on which the whole depends.

The framers of the Constitution were acutely aware of the dangers and strove mightily to avert their materializing. They would, as Jefferson reckoned, bind down the Executive in the chains of the Constitution, for they were especially cognizant of the possible peril of the emergence of an individual tyrant. But they would also see to it that power was so distributed in the Government that tyranny could develop nowhere.

They were even more subtle. They would use some of man's less noble drives to help preserve the democracy they created. Thus Madison, writing extensively about the menace of factionalism, reasoned that there would inevitably be factions but that in their own self-interest they would tacitly, peacefully negotiate with each other, in effect canceling out each other as threats to the political system.

Yet today, sad to see, we do have individual and group greed and envy ascendant, have a sort of sourness in the national spirit, have rampant factionalism. Factionalism, whether it be of the black separatists, the student militants or the construction workers on Broad Street battling the anti-war demonstrators. It is by no means confined to this country, but it is bad enough.

All this ugliness could probably be managed and gradually moderated within the democratic process, and rational men obviously hope it will be. Unfortunately, an additional element has intervened, one that apparently no one fully anticipated but that to an extent derives from the democratic concept itself. It is that many people today are in fact not rational; not only not interested in rationality as a manifest humanistic desideratum but deliberately in revolt against it.

The phenomenon is most evident, of course, among the university radicals. They reject the whole range of values of Western civilization, not least the value that civilization puts on the quality of reason. They loathe their own country and its institutions. They want to pull everything down, and they boast that they have no idea what would replace the present society.

Now it is sometimes remarked, correctly, that these students are a minority—but their capacity for havoc can hardly be discounted. Unquestionably this relative handful of fanatics set the stage, among numerous other disruptions, for the deplorable shooting of the innocents by the National Guard at Kent State. They are in no small part responsible for the closing of many universities.

The upshot is that the non-radical students, the ones who want to get an education, are being deprived of it. Even on the campuses that are still open, in many cases there is so much turmoil that little studying can be done. So a question about the future of a democratic society is whether, between the radicals who want to destroy it and the normal students who are perforce coming out ill-educated, the nation can expect to have competent leadership in all fields.

Many blame anti-intellectual, antidemocratic professors like the ineffable Marcuse for the sorry state of academe, and they richly deserve the blame. The deterioration, however, is also an aspect of democracy; that is, if the society tries to practice equality of opportunity, it is natural enough that it will assume that practically everyone should have a college education.

It is a mistake, though. The nation's campuses are overloaded with people who have no business there, who have no affinity for the intellectual life, who would be better off in vocational schools or at work. They surely are not all rabid radicals, but their fundamental incompatibility with academic pursuits greatly contributes to the boredom which in turn contributes to campus unrest.

Well, we certainly are not about to give up on the democratic idea, despite the omens; we agree with Churchill when he said that democracy is possibly the worst form of government, except for any other. All the same, it seems increasingly clear that if there is to be much basis for genuine hope, a lot of Americans are going to have to relearn what democracy—and human nature—are all about.

IRONIC DELIBERATIONS

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. FOREMAN. Mr. Speaker, no one has so clearly defined the real issue under consideration of the "amendment to end the war" and President Nixon's forthright leadership as has the Farmington Daily Times of Farmington, N. Mex. I include their excellent editorial for the review of my colleagues:

[From the Farmington (N. Mex.) Times, May 19, 1970]

IRONIC DELIBERATIONS

A move is underway in the U.S. Senate to cut-off or drastically limit expenditures for American military operations in Indochina.

Since President Nixon announced April 30 the necessity of routing out North Vietnamese and Viet Cong installations in Cambodia, there has been renewed opposition within the U.S. to the American policy in Southeast Asia.

Despite all reports that Nixon's plan to send American troops into Cambodia—and he accepted full responsibility for the decision—is bringing about the desired results, there remains a vociferous segment of the population which seems determined that the U.S. surrender in South Vietnam.

The President explained to the nation and the world on April 30 that the Cambodian action was designed to curb the Communist capability to wage war in South Vietnam. If that capability could be curbed, it was reasoned, the U.S. timetable for troop withdrawals could be kept and possibly speeded up. It was also hoped that Hanoi, recognizing it had no chance of a military victory, might at last decide to talk sense in Paris where so-called peace talks have been underway for two years.

Dismissing the logic of the Nixon policy, the anti-war anti-establishment sector of the population took the Cambodian situation as a cue for renewed efforts which, in effect, tend to aid the Communist cause and prolong the war.

It is ironic that some of the doves in the U.S. Senate now call for cutting off funds for America's participation in the Southeast Asia mess.

Most of the Nixon-critics were in a position to cut-off those funds years ago when it was apparent that the U.S. was becoming increasingly involved in Vietnam.

One cannot help but wonder why these senators did not take their present position five years ago when a Democratic President was also trying to extricate the U.S. from the South Vietnam situation.

We suspect there are those who would oppose any proposal offered by Nixon to solve the Vietnam problem.

Congress is presently controlled by the Democrats. It will be a tragic commentary if history records the fact that many of our national legislators placed their personal political aspirations on a higher level than what they honestly believed was best for their country.

It is already a sad commentary that some leaders in what is considered the greatest deliberative body in the world have seen fit to attempt to destroy the President's hopes of de-escalating the war through the Cambodian maneuver.

We suspect that Communist leaders in Hanoi, Moscow and Peking are anxiously waiting to see if a small minority of Americans can really accomplish what the Red hordes have been unable to do. That is to force the U.S. to abandon Asia to international communism.

THE LATE HON. CHARLES A. VANPRETER, EAST ALTON, ILL., MAYOR FOR 35 YEARS

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. PRICE of Illinois. Mr. Speaker, last Monday, the Honorable Charles A. Vanpreter, mayor of East Alton, Ill., died of a stroke. His death ended a 35-year mayoral career that saw East Alton, under his dynamic leadership, change from a dirt street, backwater village to one of the wealthiest communities in the State of Illinois.

Referred to as "the Man," Charlie Vanpreter had a determined vision of what his community should be. He was not to be denied. Economic development, expanded public services, and above all, colorful leadership brought East Alton into the 20th century.

His devotion to public services was a

family trait. Before him, his father served two terms as mayor. Then during the depression "Charlie Van" became politically active and was elected to his first term as mayor in 1931 and went on to serve 11 more terms as mayor.

Charlie's influence on political life extended beyond the corporate limits of East Alton. Long Active in county politics, "Charlie Van" was one of the leading Democratic figures in Madison County and served two terms as Democratic county chairman.

With his death, southern Illinois has lost one of its most powerful leaders. True to form and in keeping with his wishes, "Charlie Van," at age 71, died with his boots on.

He is survived by his wife and son, a sister, and four grandchildren.

Mr. Speaker, at this point in the Record, I include the Alton, Ill., Evening Telegraph article of May 19 about Mayor Vanpreter:

Colorful Mayor Van of East Alton Dies

(By Bill Lhotka)

"The Man" died at 10:15 p.m. Monday and an East Alton era ended with him.

The Man was Charles A. Vanpreter, 71, East Alton's colorful and controversial mayor who suffered an apparent stroke and was rushed to Jewish Hospital in St. Louis where he died Monday night.

Death ended a 35-year mayoral career that saw the Village of East Alton rise under "The Man's" reign from a dirt-street hitching post to "the richest little community outside of Chicago.

The Mayor became ill as he was eating lunch in an East Alton restaurant Monday after a morning on the job. Vanpreter drove himself home, and then was rushed by ambulance to the hospital at 2 p.m.

"I want to go with my boots on," Vanpreter used to privately tell reporters. Monday he got his wish.

Seventy years had passed since Mrs. Lizzie Vanpreter brought along a one-year old son while she sold fresh vegetables throughout the poor, dirt-street village.

In 1906—seven years before electricity came to East Alton—Thomas and Lizzie Vanpreter opened a dry goods store in the village.

The Vanpreter family took the lead in community affairs, and Thomas Vanpreter served two terms as mayor, elected to the post in 1917 and again in 1923.

"Charley Van" entered the political arena as the depression struck the community. He was elected mayor for the first time in 1931.

Thirty-eight years later, Vanpreter defeated Jerry Lamar for mayor and began his twelfth term in office. Only once, in 1949, was Vanpreter turned down by East Alton voters. He lost to Otto Brazier by less than 100 votes, then regained his position by ousting Brazier in 1953.

Vanpreter was proud of his community and viewed himself as a kindly father presiding over a household. He brought East Alton into the 20th Century.

The development of Olin Corp. into a major industry and the advent of several shopping center complexes brought tax funds pouring into the village coffers.

Vanpreter spent the monies and East Alton was the beneficiary. Paved streets replaced dirt roads. A million dollar sewer system and disposal plant was erected, and a senior citizen home was completed.

During his last term in office, "The Man" built a major municipal complex—two edifices housing the village offices, fire and police stations, courtrooms and an auditorium.

Vanpreter, who followed Madison Mayor Stephen Maeras in death by less than three months, was the last of the old-time politicians in the Telegraph area.

Often compared to Frank Skeffington in Edwin O'Connor's novel, the Last Hurrah, Vanpreter was one of Southern Illinois' most colorful characters.

"I take it as a personal insult," Vanpreter stormed in 1965 when a political opponent referred to East Alton as "grimy."

"It is an insult to all the people—and I mean the churches, the shopping centers, the stores, the industries and the residents—to call this a grimy town, which infers it is dirty."

Vanpreter made his presence felt in county politics and at one point served two terms as Democratic county chairman during the early 1940's.

But as the Democratic power base swung to the south end of the county, "The Man" bowed out. "Like Calvin Coolidge, I do not choose to run," was the Mayor's terse comment.

Defeated in a bid for Democratic state central committeeman in 1950, Charley Van stayed close to home thereafter but his political abilities continued to be respected by south county politicoes.

In 1966, for example, a controversy raged between proponents of a harbor and backers of a park south of Hartford. At a meeting of the Southwestern Council of Mayors, Maeras and Dr. John Lee attempted to ram through a resolution supporting the harbor proposal.

Vanpreter slowly began a series of parliamentary maneuvers that startled the south county power base, and after the smoke cleared, Vanpreter was named chairman of a seven-member committee. A majority of the committee, to the chagrin of the harbor backers, contained park supporters.

Vanpreter's solutions to everyday East Alton problems were equally entertaining. When the village police were accused of wasting too much gasoline, "The Man" refrained from issuing the usual lecture on economy.

Instead, he locked the gas tanks on the police cars. Within a week, one patrol car had run out of gas. The officer was driving it too much, Vanpreter declared.

The last five years of the Vanpreter era were marked with repeated clashes between the Mayor and two village trustees, James Greene and Don McPherson.

UNITED NATIONS FACING CRISIS OF CONFIDENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. RARICK. Mr. Speaker, the United Nations Organization is now acknowledged to be facing a crisis of confidence. Who says so? Of all people, the U.S. State Department. The interesting suggestion for solving the crisis is said to call for "reforms"—which U.S. taxpayers should know by now simply means more U.S. tax dollars.

Perhaps the State Department's call for "reforms" explains the latest activity to place the high seas under an international trusteeship. Perhaps this international trusteeship could be the United Nations Organization and the offshore oil and mineral royalties would be the source of revenue for the United Nations Organization reforms. Image making costs money.

I insert two news clippings:

[From the Washington Post, May 24, 1970]

United States Says U.N. Faces Crisis, Calls for Reforms

New York.—A high State Department official said yesterday the United Nations is facing a crisis of confidence and called for reforms to make it more efficient and responsive.

Asst. Secretary of State Samuel de Palma said he was speaking for the Nixon administration in reaffirming government support for the U.N. while also voicing what he termed constructive criticism.

De Palma set forth the current U.S. policy toward the U.N. in a prepared speech for the United Nations Association of the U.S.A.

"We all know there is a crisis of confidence . . . from which the United Nations is now suffering," he declared.

He said there is much evidence of declining public support for the organization and that many believe it has not achieved its central purpose of maintaining international peace and security.

The U.N. has become "a conglomerate which lacks a central board of directors," de Palma said, adding that it should organize itself "so as to provide more information to member governments, more central direction and a common order of program priorities."

[From the Augusta (Ga.) Chronicle-Herald, May 24, 1970]

President Seeks High Seas Treaty

Washington. (AP)—President Nixon proposed Saturday that all nations renounce claim to natural resources beyond where the high seas reach a depth of 200 meters and put them under international trusteeship.

"At issue," he said in a statement proposing a treaty, "is whether the oceans will be used rationally and equitably and for the benefit of mankind or whether they will become an arena of unrestrained exploitation and conflicting jurisdictional claims in which even the most advantaged states will be losers."

The 200-meter depth—about 656 feet—is on most seabeds of the world the outer limit of the continental shelf.

John R. Stevenson, State Department legal adviser, told newsmen the 200-meter depth varies greatly in distance from the shoreline but averages about 50 miles. Off California and the West Coast of South America they are as narrow as a few miles and off the United Kingdom, Argentina, Alaska and New England they are several hundred miles wide.

The new treaty would be apart from the one being negotiated to limit to 12 miles from the shore the sovereignty a nation can claim over its ocean boundaries. The United States has kept to its three-mile limit but said it will accept the 12-mile limit if enough nations agree to it and the treaty provides for free navigation through international straits.

In calling on all nations to renounce claim to resources beyond the continental shelves, Nixon's statement said: "the United States as a major maritime power and a leader in ocean technology to unlock the riches of the ocean has a special responsibility to move this effort forward."

The treaty would set up an international organization which would "provide for the collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries."

"It should also," Nixon said, "establish general rules to prevent unreasonable interference with other uses of the ocean, to protect the ocean from pollution, to assure the integrity of the investment necessary for such

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exploitation and to provide for peaceful and compulsory settlement of disputes."

Each coastal state would receive a share of the international revenues from the zone in which it acts as trustee.

Nixon said the United States will introduce specific proposals at the next meeting of the United Nations Seabeds Committee.

Conceding that negotiation of such a complex treaty may take some time despite the urgency of the problem, Nixon said: "I do not, however, believe it is either necessary or desirable to try to halt exploration and exploitation of the seabeds beyond a depth of 200 meters during the negotiating process."

"Accordingly," he said, "I call on other nations to join the United States in an interim policy. I suggest that all permits for exploration and exploitation of the seabeds beyond 200 meters be issued subject to the international regime agreed upon."

Nixon suggested that "a substantial portion of the revenues derived by a state from exploitation beyond 200 meters during this interim period should be turned over to an appropriate international development agency for assistance to developing countries."

FIVE CIVILIZED TRIBES MUSEUM IS FEATURED

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. EDMONDSON. Mr. Speaker, there is a splendid and relatively new museum in Muskogee, Okla., devoted to the heritage of the Five Civilized Tribes of Indians—the Cherokee, Chickasaw, Choctaw, Creek, and Seminole.

These proud tribes were removed from their original homelands in the Southeastern United States and brought into Indian territory in eastern Oklahoma. With them they brought a highly developed culture. They established nations with legislative and judicial branches. They established and operated excellent public schools. Their accomplishments have been outstanding in many fields.

The Five Civilized Tribes Museum at Muskogee contains art, documents, photographs, clothing, and tools which tell the story of these great people and their history. The Muskogee museum also features one of the finest collections of work by present-day artists who are members of these tribes.

I was delighted Sunday to find an excellent story on this museum in the Daily Oklahoman. The story traces the efforts made by the tribes and the people of Muskogee in getting the museum established, and deals at length with its features. I would like to have this story by the Oklahoman's women's editor, Miss Joan Gilmore, appear in the RECORD. I am only disappointed that the excellent color pictures which accompanied it in the newspaper cannot appear also.

The article follows:

INDIAN HERITAGE

(By Joan Gilmore)

High on a wooded hill, overlooking the land of the people for whom it's named, is the Five Civilized Tribes Museum. Located on Agency Hill in Muskogee, the museum is housed in a building constructed in 1875 as the Union Indian Agency, the first building ever erected by the U.S. government for the superintendency of the five tribes—Cherokee, Seminole, Choctaw, Chickasaw and Creek.

The small museum is a treasure house of history. Photographs, clothes, art objects, documents and other data trace the history and accomplishments of the Five Civilized Tribes.

In the last century, the Creek Nation held ownership of the building. In 1909 it was conveyed to Muskogee for park purposes and in 1944, the city gave it to the U.S. to aid facilities at the Veterans Hospital located near the building.

During the early 1950's, the Da-Co-Tah Indian Club in Muskogee, with membership of women who trace their Indian ancestry through official tribal rolls, began working for the return of the building to Muskogee. This took congressional and presidential intercession but was accomplished in 1954. Under Da-Co-Tah sponsorship, the Five Civilized Tribes Museum was incorporated in 1955.

The museum is managed by a board of nine elective and seven ex-officio trustees, with John T. Griffin of Muskogee as president. Restoration of the building and maintenance costs are borne by the membership fees.

Official opening date was April 16, 1966. By that time, some $94,000 had been privately raised for restoration of the building. To this day, it is privately maintained by donations, with no assistance from the government or a foundation. Nearly 300 volunteers, male and female, donate their time as hostesses and tour guides or as sales personnel in the gift shop.

The first level contains special historical displays for each tribe. On the second level are a library, art gallery and photo room. Only items pertaining to the Five Civilized Tribes are displayed.

New to the art gallery is a clay sculpture of an Indian stick ball player, on loan from Mrs. Jerome Tiger, widow of the late Indian artist who died before it was completed. Nearly life-size, the clay figure is the largest Tiger ever attempted. The museum board hopes to be able to purchase it as a permanent exhibit.

Other sculpture in the gallery is by the famous Indian artist, Willard Stone. They represent different periods in his work, the earliest being represented by a madonna head done in 1938. The artist donated the wood sculpture to the museum in memory of Mrs. Grant Foreman, early civic leader. The wood is from a cedar tree on the Bacone College campus. The tree burned and had to be removed. A piece of the wood was given to Stone, a former student.

On the walls of the gallery are numerous drawings, water colors and oils of and by Indians in the Five Civilized Tribes. Mrs. Spencer Denton, hostess at the museum, said, "The museum is an outlet for Indian crafts, the only one in the world just for those of the five tribes. We've sold nearly $40,000 worth of art for them since the museum opened four years ago."

Mrs. Paul Rowsey and Mrs. Griffin, wife of the board president, leaders in the continuation and improvement in the museum, have secured expert help in their art gallery displays. Through their efforts, Gloria Schumann, a nationally-known artist who now lives in Muskogee, consented to serve as consultant. She arranged the circular setting for the Tiger statute in the center of the gallery.

Miss Schumann has become so interested in the museum—and the Jerome Tiger sculpture—that she's agreed to donate her fee for one portrait per year for 10 years to cover the expense of puchasing it.

The lower level of the little gem of a museum is a marvelous place to prowl and browse. The gift shop is located on this floor, too. A nominal admission fee is charged but it's well worth the price to enjoy—or research—the early beginnings of Oklahoma history.

You can even bring a picnic lunch and stay the day. The Five Civilized Tribes Museum is right at the entrance to one of Oklahoma's prettiest parks, Honor Heights.

Small museums like this one deserve attention. They usually represent the combined efforts of many people and they often contain little highlights that can't be found elsewhere. We loved our tour of the Five Civilized Tribes Museum on Agency Hill. Next time you're near Muskogee, give it a look-see. We think you'll like it too.

EX-LAWYER BOUND FOR INDIA MISSION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. EILBERG. Mr. Speaker, the Medical Mission Sisters, an international organization, has its world headquarters in my district at 8400 Pine Road, Philadelphia, Pa. This is a private missionary group which specializes in medical health in the most deprived countries of the world. Other projects include the training of local people to handle their own medical problems.

This is a nonproselytizing order, very modest, and one that is entitled to the respect of every human being. They ask for little help and do a tremendous job for humanity.

One of the outstanding citizens of my congressional district is, without a doubt, Sister Anne Cummins, who is about to go to India as a sister in this order. Her activities are explained in the following newspaper article which appeared in the Philadelphia Sunday Bulletin on May 17, 1970:

EX-LAWYER, NOW A NUN, IS BOUND FOR INDIA MISSION

(By William T. Keough)

Hannah Mary Cummins gave up a successful law career after eight years of practice to become a nun.

Now she is Sister Anne Cummins, and preparing to go to India on May 27 to coordinate 600 Catholic medical facilities in that country.

"I think this is the kind of work Christ would do if He were on earth today," she said. "I know there are lots of problems here and in other nations, but the problems of India are so vast and there is such misery there, that when I thought about it I knew Christ would want me to go there."

She said she feels her decision to go to India is tied into her decision to give up her law practice two years ago to join the Medical Mission Sisters at 8400 Pine road, Fox Chase.

FOUND VOCATION

"Something came over me that made me want to change my life," she said. "It's really hard to explain. St. Paul fell from a horse and changed his life. I made a retreat and I was so bowled over by the love that the retreat master put over and made all of us feel that I asked myself, "What is thi swhole marvelous Christian dimension that I don't seem to feel?' "

Sister Anne was brought up in Northeast Philadelphia and sent to Presentation Grade School in Cheltenham. She later attended

St. Joachim's Grade School and Little Flower Catholic High School where she played on the girls' basketball team.

STUDIED EVENINGS

She took a job as a secretary with the law firm of Obermayer, Rebmann, Maxwell and Hippel. "When I saw what the lawyers were doing I decided I'd rather do their work than be a secretary," she said.

She studied evenings at St. Joseph's College and at Temple University Law School. She was graduated from the law school in 1960 and admitted to the bar the same year.

From 1961 to 1965 Sister Anne was an assistant attorney general assigned to the Department of Labor and Industry. She was an assistant city solicitor of Philadelphia from 1965 to December, 1967. She joined the Medical Mission Sisters in 1968.

"My legal training is very useful to the order," she said. "It's big business today to run hospitals and missions."

SHE HAS A DREAM

At New Delhi, India, she will work with Edward Naebert, a Lutheran hospital administrator from Canada, and Dr. Ernest Sundaran, a Methodist physician from India.

"We'll be coordinating the work of physical therapists, laboratory technicians, social workers, psychologists, doctors and nurses throughout India," she said.

"Part of our work will be to provide seminars in hospital administration for Indian lay people," she added. "We also want to hold seminars in personnel management as it applies to hospitals and continuing education programs for lots of people. Eventually we want to set up state and regional boards of coordinating health facilities. I know some of these things are dreams. But they're real dreams. They're very real to me."

A BIG JOB

Her assignment in India is for an indefinite length of time, Sister Anne said. "But when I think about how big India is and how many cultures and problems it has it seems to me the need for missionaries will go on there long beyond my lifetime," she added.

She said, however, that nothing would please her more than to someday be able to turn her job over to an Indian national.

"If Indian nationals can replace me someday, amen," she said. "We want that. That's what missionaries are supposed to do. If we could train Indian nationals to carry on the work then my work there would be finished and I could move on to something else."

MR. LAIRD ON THE ABM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. FRASER. Mr. Speaker, an article by I. F. Stone appears in the June 4, 1970, the New York Review of Books. Mr. Stone's rebuttal to Secretary of Defense Laird's April 20 speech at the annual luncheon of the Associated Press is a very important contribution to the debate about the ABM and Soviet versus U.S. strategic offensive strength. It is tragic that this debate is needlessly complicated by misleading statements emanating from officials of the Department of Defense.

The article follows:

MEMO TO THE AP EDITORS: HOW LAIRD LIED

(By I. F. Stone)

Secretary of Defense Laird's recent speech to the editors of the Associated Press on April 20 recalls a legendary exploit in military-political annals: the villages Prince Potemkin built for Catherine the Great's tour of the Russian countryside. Laird's description of the Soviet nuclear arsenal bears about as much relation to reality as the rosy-cheeked peasants trotted out for inspection by the delighted and bamboozled Empress.

The inner circle of the Kremlin, hearing from Laird that the U.S. is in imminent danger of becoming a second-rate power, that its nuclear forces have declined so far as to put us (in Laird's words) "literally on the edge of prudent risk," must wish—like Catherine's courtiers—it were only so.

Secretary Laird began his address by commending himself on his honesty. "When I assumed office fifteen months ago," he told the AP editors at their annual luncheon, "I immediately established as a top priority goal the restoration of credibility in the Department of Defense." Ever since he assured them, he had followed "President Nixon's desire to make more information available to the American people." Copies of his address were placed beside the plates of the 1,500 editors who heard him, and they were urged to take the copies home for further dissemination. Rarely has an Administration been so anxious to spread bad news.

I have prepared this article as if to serve as a memorandum for the AP editors who heard the Secretary. It sums up one Washington newsman's efforts to check on Laird's presentation. The hope is that AP editors will be led to recheck all of this for themselves, to put their staff men onto the Pentagon briefing officers and the documentary sources herein covered, and then report the results of their own investigation to their readers.

The Laird address struck the theme of an alarmist campaign soon joined by the President himself and the Pentagon's chief of research and development, Dr. John S. Foster. The immediate purpose is to stem the growing effort in Congress to block the ABM and MIRV. The Administration's campaign also reflects a fear of public pressure for a moratorium in the deployment of ABM and MIRV in order to assure the success of the SALT talks. (The Senate on April 9 voted 72 to 6 for a resolution urging Nixon to propose a mutual freeze on strategic nuclear weapons.) A measure of Laird's frantic mood is the memo he sent his Pentagon aides two days after the AP speech stamped "Secret . . . Sensitive."[1] The text which leaked to the Washington Post, May 10, said:

"It has come to my attention that misleading and even erroneous information is being disseminated concerning our negotiating positions at the Strategic Arms Limitation Talks in Vienna. In particular, information which indicates the desirability of a moratorium on MIRV and ABM deployment is harmful.

I do not believe that Department of Defense officials have been involved in indicating any position which could be construed as favorable to a MIRV or ABM deployment moratorium. I want to be sure you understand, however, there must be *no* speculation which would indicate, or even imply, that a MIRV or ABM deployment moratorium is desirable."

This secret memorandum puts in perspective the alarms which followed from Dr. Foster and the White House. In a speech April 23, Dr. Foster told the American Newspaper Publishers Association that "the Soviet Union now is about to seize world technological leadership from the United States." President Nixon in a briefing that evening for Congressional leaders warned that the Soviet Union might soon become the greatest military power on earth and then "the American position in Europe and the Far East will crumble overnight."[2] This campaign hardly provides the ideal accompaniment for the SALT talks, which reopened in Vienna only four days before Laird spoke. If it were true that America is in such imminent danger of becoming a second-rate power, we ought to be spending billions more on arms, not talking about disarmament or arms limitation at Vienna. That seems to be the message Laird is trying to get across.

The Washington Post in a brilliant editorial May 1 has already exposed the fact that Dr. Foster's alarms rested in no small part on two sentences from a recent speech by Soviet Communist Party Leader Brezhnev. These were quoted out of context as if he were talking about the nuclear arms race. The Washington Post reproduced the passages in between the two sentences and commented that from Dr. Foster's presentation, "you could hardly have guessed that the speech was made by party chief Brezhnev on the occasion of presenting an award for superior production to the Kharkov tractor works, or that it was entirely devoted to peaceful industrial and agricultural progress in the Soviet Union."[3] Laird's presentation, as we shall see, is equally selective.

The heart of Mr. Laird's address was that "for the past five years the United States has virtually been in neutral gear in the deployment of strategic offensive forces, while the Soviet Union has moved into high gear in both deployment and development of strategic nuclear weapons" as part of "a major effort since 1965 to change the balance of power." He said, "The United States then, unlike the situation today, clearly occupied a superior position."

If the AP editors check for themselves they will find it impossible to reconcile this overall picture with the figures Laird himself presented to the House Armed Service Committee only a month before his AP luncheon address. A good place to start in checking this is with the new Armed Services Committee hearings on our military posture. They were released just nine days after the AP luncheon. Laird gave that committee the annual comprehensive review that every Secretary of Defense has been making to Congress since the later Eisenhower years. In this Laird "posture statement," at page 6874, there is a table comparing the number of "force loadings," i.e., nuclear warheads, deliverable by the two superpowers. Laird told the committee the Soviet total was 1,350 compared to 4,200 for the US. We had more than three times as much deliverable nuclear destructive power. How in the light of his own figures could he tell the AP editors we no longer had superiority?

Laird's assertion that for five years "the United States has virtually been in neutral gear in the deployment of strategic offensive forces" does not stand up under examination. In the past five years, for example, we have expanded the number of warheads on our Polaris fleet by 250 percent. Laird hides this dramatic expansion by the way he puts the comparative figures in the table to which we have just referred. He gives the figure for SLBMs (submarine-launched ballistic missiles) on both sides in "launchers." He gives the Soviets 110 and ourselves 656, a 6–1 disparity in our favor. But if the figures are given not in launchers but in the number of warheads on those launchers, the disparity in our favor is 15–1. How can our deployment during the past five years be called "virtually in neutral gear" when the number of warheads on our nuclear submarine fleet has expanded so dramatically in that period?

This expansion is given added importance by the fears that increasing accuracy may soon make all land-based missiles vulnerable to first strike attack, no matter how deeply buried in hardened silos. A first strike strategy, however, is still made suicidal by the fear of retaliation from bombers and submarine-launched missiles. It represents a huge step forward in protecting the US deterrent when the number of warheads it can launch

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Footnotes at end of speech.

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from undersea has been increased so enormously. I did not become aware of this until Jane's Weapons Systems 1969–70, a new publication in the famous *Jane's* military handbooks, arrived recently from London. At the top of page 107 it disclosed that 448 of the 656 launchers on our Polaris fleet are now outfitted with the A–3 missile.[4] The somewhat earlier Jane's Fighting Ships for 1969–70 had already disclosed (at page 387) that the A–3 missile, "capable of delivering an explosive force of between 0.7 and 1 megaton," has three separate warheads.

These A–3 missiles are not MIRVs, i.e., multiple independently targeted "reentry vehicles" but only MRVs, i.e., simply multiple warheads in a cluster. But they triple the punch and destructive power on each Polaris launcher. There are no similar triple-headers yet deployed on the other side.

So if the number of our A–3 launchers is multiplied by three and added to the remaining single-warheads on the 208 A–2s, we have a total of 1,552 warheads on our fleet as compared with the 110 Laird gives for the Soviets.

The A–3 also represents a sharp increase in range. The A–2 has a range of 1500 miles; the A–3, 2500. According to Jane's Weapons Systems this is the result of "a major re-engineering of the basic missile to achieve a 60 percent increase in range for approximately the same weight and dimensions as the A–2 model."[5] "It has been calculated," says the SIPRI Yearbook of World Armaments and Disarmament (p. 102), "that replacing the A–1 with the A–2 results in doubling the target area. The A–3 expands the A–1 target area by a factor of six. Polaris A–3 also provides six times as much ocean for the submarine to hide in." That is hardly standing still. When Pentagon press spokesman Jerry W. Friedheim chimed into the Laird alarm campaign with a "background" press conference on April 23, he unintentionally revealed that even the latest model Soviet subs are far behind ours in range. He said he would "not be surprised" if there were at least one of the latest model Soviet nuclear "Yankee-class"—the Pentagon's own Pentagonistic term—subs cruising offshore in the Atlantic within 1200 to 1500 miles of the United States, the maximum range of its missiles.[6] That is roughly half the range of the Polaris A–3. No the Soviets are far behind us in range, too.

The Friedheim background conference inadvertently disclosed another area in which Laird was less than candid. Friedheim showed color pictures of a Soviet multiple warhead (not MIRV but MRV) test. Laird did not tell the AP editors that while the Russians are just beginning to test MRVs, we began to test MIRVs two years ago[7] and will soon begin deploying them. The Minuteman 3 with three independently targeted (MIRV) warheads is scheduled for deployment in June. And the Poseidon missile, which can carry from ten to fourteen independently targeted warheads, is to begin replacing the Polaris A–3 on our nuclear submarines next January.

Far from being in neutral gear, the Navy seems to be moving full speed ahead. It already has under development a new underwater monster as a successor to Poseidon. It is building a test and evaluation submarine for a ULMS (Improved Underwater Launched Missile System). This submarine, as the new edition of Jane's Fighting Ships describes it,[8] "would be 'on station,' i.e., capable of targeting major Soviet cities and military complexes, even before it cleared harbour and would have an operating area which includes most of the Atlantic, the Pacific, and Indian Oceans." This deployment for a missile submarine, Jane's adds, "would make such a craft virtually invulnerable to any Soviet ASW [anti-submarine warfare] threat."

In addition, while the Poseidon missile "has double the payload and twice the accuracy" of the A–3, the longer range missile being developed for ULMS "could be a completely new weapon or an improved version of the Poseidon."[9] On April 30, during the debate on the 1971 defense authorization bill, Congresman Leggett (D., Cal.), one of the "Fearless Five" dissidents on the House Armed Services Committee, revealed for the first time that the ULMS would have 24 missile launchers as against the 16 on Polaris. How can our strategic weapons program be termed in neutral gear with such momentous projects under way?

Indeed by the mid-1970s the Soviets will find themselves even more behind than now unless a freeze is negotiated or they step up the pace of their arms effort very sharply. The latest Strategic Survey just issued by the Institute for Strategic Analysis in London says that by 1975 the number of deliverable nuclear warheads in the American strategic arsenal will be "about 11,000" while the Soviet, "which has already begun to develop its own multiple warhead system, could presumably increase its numerical strength by some similar percentage." If the expansion of the Soviet force is by the same percentage as the U.S. the Soviets will have some 5,000 deliverable nuclear warheads by 1975, or less than half as many as the U.S. That, too, doesn't sound like we are in low gear.

The AP editors can see just how far behind the Soviets are, and how thoroughly they were being gulled by Laird, if they recheck for themselves the two-page "balance sheet" Laird gave them to show what has happened in the last five years to the strategic balance between the US and the USSR. The balance sheet shows that the Soviets are indeed overtaking us in numbers of land-based missiles—but it also discloses inadvertently how many of their missiles are types we consider obsolete. A re-examination and recheck of the balance sheet will also throw some fresh light on that bugaboo, the Soviet SS–9 missile, the 15 to 25 MT monster, which is now supposed to threaten us with a first strike.

Laird began by saying that in 1965 the Soviets had "about 220 launchers for the relatively old-fashioned missiles—SS–6s, SS–7s, and SS–8s—somewhat similar to our Titan. We had 54 Titans in the inventory at that time." We have the same number now. Laird says that "in this category of old-fashioned multi-megaton weapons" the Soviets still have a 4–1 advantage. Then he says that in 1965 the Soviets had no SS–9s whereas today they have 220 with at least 60 more under construction, while we have no counterpart: "So in this area the Soviets have and will maintain a monopoly."

I went back and reread that opening section of the Laird balance sheet with fresh understanding after I stumbled on a revealing passage in Part I of the new House Appropriations Committee hearings on the 1971 defense budget which were released just two days after Laird's speech to the AP. In Part I of the hearings, at pages 596 and 597, the AP editors will find this colloquy. The questions (and the astringent final comment) were by Congressman John J. Rhodes of Arizona, a ranking Republican on the Appropriations Committee.

Mr. Rhodes. Is the SS–9 a liquid-fueled missile?

General John D. Ryan, Chief of Staff, US Air Force. Yes, sir.

Mr. Rhodes. Are there not tremendous logistical problems connected with the launching of a missile like this?

General Ryan. Our Titan II is also a liquid-fueled missile.

Mr. Rhodes. That is one of the reasons we changed.

This colloquy is revealing in three ways. It brings sharply to attention that the SS–9 is liquid-fueled. Except for Titan II, all our other liquid-fueled missiles—Atlas, Thor, Jupiter, and Titan I—were phased out long ago. In the second place General Ryan did not deny it when Representative Rhodes said there were "tremendous logistical problems connected with the launching of a missile like this." He merely replied that Titan II was also liquid-fueled. Nor did General Ryan deny the implication of Representative Rhode's final remark, "That is one of the reasons we changed." So the SS–9 turns out to be of a type we abandaned long ago as cumbersome and inefficient.

Indeed, rummaging around in past hearings, I found the SS–9 described as an imitation of the Titan II. More than two years, ago, when the SS–9 was still classified, Dr. Foster, then as now the Pentagon's Director of Defense Research and Engineering, told the Senate Armed Services Committee hearings on the Status of US Strategic Power,[10] "I find the Soviets reacting to our moves. We have deployed a Titan I and then subsequently a Titan II in a hard silo. The Soviet Union has followed with the deployment of most recently the [deleted] which is very similar to Titan II." The deletion could have referred only to the SS–9, and I have been so assured by an informed source. The reason we allow the Soviets a virtual monopoly—as Laird puts it—in this type of missile is that we consider it outmoded.

A few years ago the Pentagon was boasting of our superiority in developing the solid-fuel missile. But when I asked the briefing officer in the Pentagon who specializes in this question whether the liquid-fuel missile was as efficient as the solid-fuel, I was assured, to my bewilderment and surprise, that it was. But when I pulled off the shelf the Air Force ROTC manual on Aerospace Weapons Systems[11] and read the passage which follows, he said he meant his answer in a very strict sense. Liquid fuel indeed has more thrust than solid fuel but this advantage is outweighed by the other disadvantages it imposes on missiles fueled by it. This is what the ROTC manual says:

"None of the early liquid propellant missiles are satisfactory for the popular concept of "push button" warfare since they lack stability of fuel and require considerable human attention in their preparations for launching. Other disadvantages are the lack of mobility, large size, and high cost of production. Continued research, utilizing lessons learned in the use of the liquid-propellant ICBMs and IRBMs, resulted in the production of the SM–8 Minuteman.

"Mobility, hardening (of the silo in which the missile is placed to make it less vulnerable to attack), quicker firing, lighter weight, smaller size and lower cost make the Minuteman almost a different weapon compared to the other, first generation, ballistic missiles. The three-stage solid-fueled Minuteman was developed to be scattered throughout the United States in hardened underground silos or mounted on mobile railroad cars traveling over the nation's vast railway system. (Will the passenger soon lose his train to the missile? IFS.) Its solid fuel also permits it to be loaded and ready to be launched in seconds if necessary, since the entire countdown can be completed in advance, leaving only the actual firing to be actuated on signal. Even the firing signal can be given by remote control."

With this as background we are better able to assess Laird's balance sheet of land-based missiles. He gives the Soviets a total of 1240 land-based missile launchers. He divides them into three categories. The first is made up of 220 of what he calls the "relatively old-fashioned missiles—SS–6s, SS–7s, and SS–8s—somewhat similar to our Titan." These seem to be what might be called Model T missiles. The Pentagon press office told me that none of them were in hard silos. (It took all of an afternoon to get information on the SS–6. Apparently it is not included

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Footnotes at end of speech.

in the manual on Soviet missilry used by the Pentagon press office. The briefing officer who finally answered my question about it said it took so long to answer because the SS-6 is now regarded as a space launch booster rather than as a weapon!) So 220 of the 1240 Laird gives the Russians are the earliest, most cumbersome, and most vulnerable type of rocket, resembling our Atlas or our Titan I.

The second category is the SS-9 which, as we have already seen, is a larger version of the Titan II. The size of the Titan II warhead is classified but it has generally been described as between 5 and 10 megatons. The SS-9 is described by Laird as between 15 and 25 megatons. It is not the early type of liquid-fuel rocket. It is fueled by "storable liquid" like Titan II, as Secretary of the Air Force Seamans explained [12] later in the colloquy with Representative Rhodes, and as Rhodes understood. Storable liquid represents a considerable improvement over the original liquid fuel. But neither General Ryan nor Secretary Seamans denied that there were great logistical difficulties in the use of storable liquid. The whole subject is wrapped in secrecy but as one expert told me, "It's not like solid where you can pour it and forget it, like concrete." The liquid is highly corrosive; the plumbing has to be flushed out from time to time; the firing may require from ten to twenty minutes. The firing is not virtually instantaneous, as with the solid-fuel rocket.

Some light on the difficulties Congressman Rhodes may have had in mind may be found in McNamara's posture statement of January 23, 1967. He said the US was keeping its fifty-four Titan missiles for a few more years because their 6100-mile range enabled them to reach certain targets in the USSR beyond the range of the then current Minuteman but that the same targets would be within the reach of the new Minuteman 3 and Poseidon. "The Titan II," McNamara reported, "is very expensive to operate, at least $600,000 per missile annually and probably closer to $1 million when the indirect costs of this relatively small force are considered." He spoke of the need to buy boosters for "testing and reliability demonstration" and of "six follow-on tests per year," i.e., one every two months. If the SS-9 is like our Titan II, it might best be described as an Edsel. So a total of 440, or more than a third of the 1240 land-based missiles with which Laird credits the Soviets are of the older variety, ranging from 5 to 25 megatons, trying to make up in megatonnage for what they lack in flexibility of handling and in accuracy.

The third category of land-based missiles with which Laird deals appears at first sight to be like Minuteman. "In 1965," he said in his balance sheet, "the Soviet Union had *no* [italics in original] relatively small ICBM launcher comparable to our Minuteman. . . . Today the Soviet Union has over 800 such launchers operational, and a projected force that could exceed 1,000 within the next two years. These launchers include both the SS-11 and SS-13 missiles." This sounds as though the Soviets have almost caught up with us in the small solid-fuel missile like Minuteman, of which we have 1,000. But those who look more closely—and it is important to look very closely at everything Laird says—will see that while he gave the impression these missiles were solid fuel he did not say so explicitly.

The misleading impression was created by saying that the Soviet missiles were like Minuteman, and the impression was strengthened by the way the Pentagon press office handled inquiries about it. The briefing officer who gives out information about Soviet missiles insisted over and over again to me in two days of telephone calls that of the two types Laird mentioned—the SS-11 and the SS-13—the first was solid fuel and the second was classified. The fact that descriptive details about the later model were classified led one to believe that it must be more advanced—solid fuel or better.

I told the briefing officer I had difficulty reconciling this with Jane's Weapons Systems and with the new Strategic Survey by the Institute for Strategic Studies in London. The former (at page 629) merely said, "There is some evidence that [Soviet] missiles using solid fuel motors are in a late stage of development and these have faster reaction times," i.e., than the liquid-fuel missiles. The somewhat more recent Strategic Survey went a little further and said, "The first Soviet solid-fueled missile is already being deployed." Eight hundred missiles cannot be deployed overnight, like toy soldiers. The silos take many months of construction, and are clearly visible by reconnaissance satellites. But the Pentagon press officer retorted scornfully that Laird's word was better than Jane's and the ISS.

After picking up considerable evidence, oral and written; to the contrary, I finally accused the briefing officer of giving out false information, though perhaps unwittingly. "I know you fellows have a job to do," I said, "but I did not think you would give a false answer to a direct question. I think the handbook you are using on Soviet missiles is phonied up." This led to an angry outburst in which he said he would inform Daniel Z. Henkin, the Pentagon's information chief, of my charges. I said I welcomed that and would like Henkin to call me. Within ten minutes, the same briefing officer called back apologetically and said that Laird himself in testimony last year to the House Appropriations Committee had described the SS-11 as liquid, not solid fuel, and the SS-13 as solid fuel. I had myself discovered this passage the night before and was preparing to use it against the Pentagon.

The incident shows how easily a reporter may be misled by the Pentagon press office if he does not do a good deal of independent research on his own. According to the briefing officer, the handbook he was using was revised as a result of this exchange to make it conform with Laird's earlier testimony. AP editors can find this testimony for themselves on page 8 of the special briefing, "Safeguard Anti-Ballistic Missile System," May 22, 1969, before the House Appropriations Committee, Laird said:

"Currently about two-thirds of the Soviet ICBM force consists of SS-11s, a small Minuteman-sized, liquid fuel missile. With its currently estimated warhead yield and accuracy, this weapon does not pose a threat to our Minuteman forces. The Soviets have just started to deploy a new solid-fuel ICBM, the SS-13. But again this missile, with an even smaller warhead yield and no better accuracy, constitutes even less of a threat than the SS-11 to our Minuteman force."

So it is obvious from Laird's own testimony that most of the 800 "Minuteman-type" missiles to which he referred in the speech to the AP are liquid-fuel missiles inferior to our Minuteman. They have just begun to deploy a solid-fuel missile like Minuteman while we are about to deploy Minuteman 3, which will carry three MIRVed warheads.

I will not weary the reader by taking apart all the half-truths and disingenuous nonsense in the Laird speech. But I would like to touch on two points, one melodramatic, the other fundamental. The former is in that portion of his balance sheet where he says that the Soviets have tested a Fractional Orbital Bombardment System "and could have an operational version already deployed" while the US has "developed nothing comparable." Dr. Ralph Lapp tells me that not a single operational analysis at the Pentagon has shown that an FOBS has military value for the US. I would like to see AP editors check this out for themselves through their own sources.

A more fundamental point is raised by Laird's assertion, which made sensational headlines, that while "the Soviet Union has virtually quadrupled the total megatonnage in its strategic offensive force," the US in that same five-year period "reduced its megatonnage by more than 40 percent." This makes it sound as if we are falling fearfully behind. In fact, these figures are only an index of Soviet technological backwardness.

"More popular attention has traditionally been given," says the latest Strategic Survey by the Institute for Strategic Studies, "to the explosive power ('yield') of nuclear warheads than to the accuracy with which they can be delivered. Yet, when blast is the measure of effectiveness (as it is when attacking missile silos), the effects of improving accuracy are dramatically greater than the effects of increasing yield. . . . (I) mprovements in the accuracy with which warheads are delivered have something like five to six times more effect than do proportional increases in the yield of the warheads themselves. Doubling the accuracy thus has about the same effect as multiplying the yield by ten. . . . (O) nce high accuracy has been achieved by a missile system with small warheads (50 to 100 kilotons), small increases in that accuracy will produce large increases in effectiveness." This is why the U.S., instead of increasing the number of its missiles, has been improving their accuracy, and why we (and the Russians, too, though more slowly) have been moving steadily in the direction of smaller warheads.

A concluding observation from the Strategic Survey will make this clearer. It says improving the CEP [13] of a 5 megaton warhead from 3,000 to 1,500 feet gives about a 20 percent increase in the probability of destroying a hardened silo, while improving the CEP of a 200 kiloton warhead from 1500 feet to 750 feet gives about a 50 percent increase in that probability. The 200 kiloton weapon is superior in this sense to a 5 megaton weapon, though the latter has 25 times its explosive power or megatonnage!

It is the improvement in accuracy and guidance which is threatening to make the land-based missile obsolete, by rendering it vulnerable in the near future to direct attack. In this race the US, by every indication, is ahead. Dr. Herbert York, former head of research and engineering at the Pentagon, has said that accuracy has increased 400-fold since the V-2 and tenfold since the ICBM program was initiated fifteen years ago, and that a twofold further increase in accuracy would make the MIRVed Minuteman a first strike weapon, and a fourfold increase would make a first strike weapon of Poseidon. "It is very easy," he said of this picture, "to imagine what the Russian Cassandras are saying." [14]

The most dramatic development ahead is in our ABRES (Advanced Ballistic Missile Reentry System) program, now funded at $105 million, which would put maneuverable wings on the missile and a guidance system mapper in its cone to adjust its flight path, enabling it to home in on the target.[15] The view from the other side is more fearful than anything Laird painted for the AP editors because if you add improved accuracy and guidance to the vast multiplication of our warheads by MIRV, the Soviets are in more imminent danger than we. The chances are that we, rather than they, will be the first to achieve a first strike capacity.

The whole alarmist campaign launched by Laird, Foster, and Nixon is pitched to the maintenance of superiority whereas early in the Administration Nixon had promised to base arms policy on "sufficiency." Both sides now have more than ample power for deterrence. If superiority is to become the goal, then neither side will ever have a sufficiency. Endless arms race at ever greater cost is the prospect.

Footnotes at end of speech.

XUM

The SALT talks must fail if this is how the Nixon Administration approaches them. The AP's editors owe it to themselves and their readers to recheck Laird's alarms and explain their significance for the arms race and SALT.

FOOTNOTES

[1] Bernard Nossiter, Washington Post, May 10. James Reston, in The New York Times, May 11, said that his paper had received a copy of the same recent memorandum but had decided not to publish it. "The incident suggests," he commented, "that the opposition within the Pentagon has now reached the point where even highly classified documents are being purloined and distributed to the press." If the pressure rises, The New York Times may even begin to print them.

[2] Evans and Novack, Washington Post, April 27. See also John W. Finney's account of the same briefing in The New York Times, April 28. Notes taken by those present are circulating with White House permission on Capitol Hill, and have even reached my office.

[3] See also the equally hard-hitting Washington Post editorial April 22 on the Laird speech to the AP.

[4] "There are a total of 336 A-3 and 208 A-2 missiles assigned to the Atlantic fleet. One hundred and twelve A-3s are assigned to the Pacific fleet." Jane's Weapons Systems 1969-70. First year of issue. Sampson Low, Marston & Company, Ltd., London, 1970.

[5] p. 106.

[6] The Pentagon sees Soviet submarines off our coast every spring before the annual defense authorization bills come up in Congress. It is curious in this case, however, that Friedheim did not say a nuclear sub had been spotted but only that he would not be surprised if one were there! When we asked how many nuclear subs we had cruising in the Atlantic we were told this was classified. When we asked why it was classified, we were told "because we don't disclose that sort of information"!

[7] The first flight test of the Poseidon missile, which is MIRVed, according to Jane's Fighting Ships 1969-70, p. 387, was as far back as August 16, 1968.

[8] Foreword to the 1969-70 volume, p. 76.

[9] Jane's Fighting Ships 1969-70, p. 387.

[10] Part I, p. 110.

[11] May 1961, still the only edition publicly available, published by the Air University, pp. 26-7.

[12] See Part I, page 597, House Appropriations Committee hearings on the 1971 defense budget.

[13] Circular Error Probable. "This is the radius of a circle," The *Survey* explains, "centered on the exact target, within which 50 percent of the warheads delivered by that type of missile can be expected to fall."

[14] See page 41, SIPRI *Yearbook of World Armaments and Disarmament*, 1968/69.

[15] This is what the *Strategic Survey* alludes to when it says (p. 32), "The development of terminal guidance systems, which allow the individual warhead to be stored during reentry and which alone would be capable of achieving a CEP as small as 750 feet, is thus of particular importance in the case of missiles with smaller warheads."

SPEAKER McCORMACK ANNOUNCES RETIREMENT

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. GIAIMO. Mr. Speaker, the retirement of my dear friend and colleague John McCormack will deprive this House and this Nation of the services of a great American. All of us in Congress, especially those of us who are privileged to serve with him in the New England congressional delegation, know what this gentleman has done for our country and how much he will be missed.

John McCormack has provided effective representation for his constituents since 1928. He has led the fight for every major piece of social legislation passed by this Congress in the last 40 years. His record as a Democrat and as an American is truly outstanding.

John McCormack is loved by his friends and respected by his adversaries. This is the highest tribute a man can be paid in Congress, and John McCormack richly deserves it.

For all he has done for this Nation, for all he has meant to this Congress, I can only say, thank you, Mr. Speaker.

PERSPECTIVE, NOT PARTISANSHIP, NEEDED IN ECONOMIC POLICY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, political parties and partisanship have an important role to play in our system of government. Partisans make our electoral system work. But there is a time and a place for partisanship. Engaging in scare tactics for partisan advantage is not the role which the leadership of either party in Congress should engage, particularly where the economy is concerned.

I think it should be noted that yesterday's joint press conference of the Senate and House majority leaders was the occasion for the Democratic leaders to announce their opposition to the $1.6 billion tax on lead additives in gasoline proposed by the President. Thus the leadership on the other side is again playing the budget busting game that created our economic problems in the first place.

They oppose taxes and at the same time try to push up appropriations—such as the recent action on the floor adding $350 million to the independent offices-HUD appropriations. It was this policy of not paying for Government activities which created the massive deficits—for example, $25.161 billion in 1968—inflationary pressures, and the tight monetary policies of the 1960's that led to the current situation. Given the actions of the Democratic Party in the House in this Congress, it would appear that their prescription for the current economic situation is more of the same.

As was pointed out in the Wall Street Journal yesterday by John O'Riley, it is important in economics, as in life, to keep things in perspective. If one's purpose is partisan advantage, a stable perspective on the economy may be particularly hard to achieve. The total economic situation, however, needs to be kept in perspective. The following are some salient facts which I believe should be kept in mind.

INDUSTRIAL OUTPUT

Since the peak period of July 1969, industrial output is down 2.4 percent. This is not a large drop. Even the slight recession of 1960-61 saw it contract nearly 6 percent.

PERSONAL INCOME

This is the primary measure of public buying power. Last month it went above $800 billion for the first time in history. Furthermore, it is being expanded this year by bigger social security payments, higher pay for Government workers, and higher wages and salaries for private sector workers.

GROSS NATIONAL PRODUCT

The GNP, our most comprehensive measure of the economy, still rises. Even when adjusted to eliminate the effects of inflation, the GNP is now down only 0.3 percent since July 1969.

EMPLOYMENT

In spite of the recent higher unemployment rate due to some layoffs and an expanding labor force, total civilian employment was at 78.9 million in April. This is very close to the record high recorded in March of 79.1 million.

Concerning the stock market, about which a great deal has been said recently, it should be kept in mind that the stock market is vastly more volatile than the economy generally. It is, as Wall Street Journal points out, more moody and emotional. In its exuberant periods, it is likely to race far ahead of the economy. Likewise it usually falls much more than the economy.

Mr. O'Riley's conclusion, I believe, is particularly significant: "but as of now, reading the record to date, it can only be said that the pains of the stock market are thus far spectacularly greater than those of the general economy."

Given the volatile nature of the stock market, I believe that the path to economic stability is not to be found through partisan scare tactics like those used yesterday. Indeed, it appeared that leaders on the other side were almost gleefully queuing up to make dire economic pronouncements.

The Congress must start cooperating with the President so that inflation can be held in check instead of playing the break the budget game. Every time the majority party leadership announces its opposition to the sound fiscal measures proposed by the President, it is signaling to the financial leaders of the world that the party with responsibility for legislative policy has no resolve or intention of putting the Nation's economic house in order. I would remind my colleagues on the other side of the aisle that with majority status in Congress goes a sharing of responsibility for a healthy economy.

Mr. Speaker, I include the excellent article of John O'Riley in the May 25 Wall Street Journal in the Record:

Appraisal of Current Trends in Business and Finance

In economics, as in life, keeping things in perspective is important. But not easy. And on the economic front it has been particularly difficult in recent months. Profits have been hard hit. Wall Street has been in agony. Home building has lagged far behind need. Manufacturing layoffs have been sizable in some fields (autos) and huge in others (aerospace). All of this has been widely and repetitively publicized. And yet—in an overall sense—the economy still hums at a near-record level of activity.

Thus, for those who want to keep their bearings, it is well to note from time to time just where the overall economy stands in relation to its position when the slowdown began around the middle of last year. July of 1969 may be taken as a starting point. That's when U.S. industrial production reached its all-time high.

In the table below, industrial output is the 1957–59 based Federal Reserve index. Employment is in millions. All other figures represent billions of dollars. The 1969 GNP and profits totals are for the second quarter.

Indicator	July 1969	Now	Percent
Industrial output	174.6	170.4	−2.4
Personal income	751.4	801.1	+6.6
Gross national product	924.8	959.6	+3.7
Corporate profits	51.3	46.1	−10.0
Employment	77.9	78.9	+.1

The overall shrinkage in industrial production, despite big cutbacks in certain areas like autos, has not been great. In two of the four recessions since World War II, production fell 8%, and in one (1957–58) it fell 14%. Even the slight recession of 1960–61 saw it contract nearly 6%.

Personal income, the primary measure of public buying power, went above the $800 billion annual rate last month for the first time in history. It is being expanded this year by bigger Social Security payments, higher pay for Government workers and a continuing flow of fat wage increases in private industry.

Despite a recently higher unemployment rate due to some layoffs and an expanding labor force, total civilian employment at 78.9 million in April was within a whisker of the record high 79.1 million recorded in March.

The gross national product, most comprehensive measure of the economy, still rises. Even adjusted to eliminate the effects of inflation, the GNP is now down only 0.3% from its level of last July.

The weak spot in the overall picture is found in corporate profits. They have been hit hard by runaway labor costs. But even in the case of profits it should be noted that their contraction thus far has been much less than in several other profit-slump periods since World War II.

Here is the profit shrinkage record for four such declines. Figures represent after-tax annual-rate corporate profits in billions.

Period	Profits From—	Profits To—	Percent down
1948–49	$23.4	$17.7	24
1950–53	30.3	16.6	45
1955–58	28.3	19.8	30
1959–61	30.8	24.4	20

There is no guarantee, of course, that the current profit decline won't go deeper. Labor costs still mount, and it isn't always possible to pass them on in higher prices.

Declining profits carry the threat of a cutback in capital spending by business. And a high level of this capital spending has been one of the features of recent years of prosperity. The pace of capital spending in months ahead should be closely watched.

And what about the stock market? A steeply sliding market has been sending tremors through the country for more than a year now. Its drop of some 33% since the end of 1968, as measured by the Dow Jones industrial average, has been the sharpest since the end of World War II.

For background reference on this 33% tumble, here's a thumbnail sketch of the declines of some other bear markets of the last quarter century (in percent):

Bear Market Down:

1946	23
1953	13
1957	19
1960	17
1961–62	27
1966	25

The big burdens on the market these days are pretty well known. One is the shrinkage in corporate profits. Another is tight money—lofty interest rates. Most important, probably, is the blighting uncertainty oozing from the mess in Indochina. And persistent lightning flashes in the Middle East don't help.

But apart from all this, there is one thing that should be kept in mind about the stock market. It is vastly more volatile than the economy generally. It is more moody, more emotional. In its exuberant periods, it is apt to race far ahead of the economy. When touched with cumulative gloom, it usually falls much more than the economy.

Take a couple of examples on the exuberant side. From its low point in mid-1962 to its high at the start of 1968, the market soared some 85%—while the GNP rose about 34%. Between late 1966 and the end of 1968, the market climbed about 32%—with the GNP up only 15%.

It may be simplistic to so state the matter, but when the market is going up it seems that everybody wants to buy. And when it is going down just about nobody, it seems, wants to buy.

Historically, the stock market has a pretty good reputation as a forecaster of trends in the general economy. It has usually turned down ahead of stormy weather—and turned up again ahead of clearing skies.

But its record isn't flawless in this respect. It suffered a couple of bad jolts in the 1960s. While its downturns ran ahead of or more or less in step with recessions in earlier postwar cycles, its two biggest post-war storm warnings before the present one—the 27% drop in 1961–62 and the 25% decline in 1966—were not followed by recessions. After hesitating slightly, the economy kept on climbing.

The present long market decline did indeed accurately anticipate the big squeeze on corporate profits. It may be speaking of worse things ahead. But as of now, reading the record to date, it can only be said that the pains of the stock market are thus far spectacularly greater than those of the general economy.

—JOHN O'RILEY.

STOP POLLUTING THE AIR

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. GILBERT. Mr. Speaker, I noted with interest last week that President Nixon has asked Congress to put a tax on leaded gasolines sold in this Nation.

The Nixon administration is well known for the rhetoric it has been making in recent months about its antipollution fight. Though we see no tangible results, the administration has indicated it wants to take the carbon monoxide out of the air, the carbon dioxide out of the water, and now it wants to take lead out of our gasoline.

All of these are good ideas, Mr. Speaker, and should be accomplished as soon as possible, but I would estimate that none of them will come to be until the administration stops its pollution in South Vietnam. I suggest they stop polluting the air in Indochina with lead of a different nature.

WASHINGTON REPORT

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. KEITH. Mr. Speaker, I would like to take this opportunity to provide for the readers of the RECORD the text of my most recent newsletter. It includes commentary on many of the issues of the day that are important to my constituents and to the Nation:

WASHINGTON REPORT

FORT RODMAN RELEASED

After years of delays and indecision the Army has finally agreed to release 52 acres at its Fort Rodman facility in New Bedford to the U.S. General Service Administration.

From there it will—in all probability—be made available to the city of New Bedford, which is already making plans for the use of this area.

As I said in announcing the Army's decision—"This is a rare opportunity for the city, and presents a real chance to bring major benefits to the citizens of New Bedford."

DRUGS: LOCAL INITIATIVE

As part of New Bedford's recent $150,000 fund-raising drive for community drug addiction facilities, I made a TV tape with Dr. Morton Miller, the HEW official in charge of Federal aid to such programs.

Nearly 6 years ago my Commerce Committee first voted funds for Federal aid to such centers. Today it is a $100 million program, with nearly $10 million for drug addiction centers like New Bedford's.

Dr. Miller shared my praise for New Bedford's initiative in starting such a program on its own.

This is an excellent example of how communities should tackle their problems—by working to solve them at the local level, rather than waiting passively for Federal action.

THE VOTING AGE: 18 OR 21?

Should 18–21 years olds have the right to vote? This has become an increasingly important question in recent years, as more of our young people became more active in our political system.

Although the debate in Congress on this question is not yet over, I am at this time inclined to support the idea. I have been greatly impressed by the competence and knowledgeableness of young people—by my own two daughters, and by several youthful members of my staff, for example.

Young people seem to be much more well-informed than many of my contemporaries were at the same age, and more concerned about their nation's future than some of their elders.

I believe that concern should be directed within the system—and not outside it. The right to vote is an important part of being an American, and I think that young people should share that right.

This is something that concerns all Americans, of course—over 21 as well as under. I'd like to hear from you about your opinions on the subject.

XUM

CAMBODIA: NOT ANOTHER VIETNAM

As this newsletter went to press, the Cambodian crisis suddenly became a matter of grave concern to the Congress and the country.

Neither the President nor the people want another SE Asian War. I recently supported an amendment in the House barring any expansion of the war without the prior consent of Congress.

Congress must reassert those congressional responsibilities which it, in effect, shirked at the time of the Tonkin Gulf Resolution.

PLYMOUTH

Prospects for making the Plymouth Rock area a National Memorial Park are looking up, thanks to the Town Meeting's action in voting funds for parking nearby.

The Park Service has submitted a preliminary favorable report on my Plymouth Memorial bill to the Budget Bureau, and the Senate hopes to hold hearings in Plymouth June 19.

In my view, there could be no better time than 1970—the 350th anniversary of the Pilgrim's landing—to make the place they first settled a permanent National Memorial.

BOATING SAFETY: HEARINGS SOON

More than 1300 people die from recreational boating accidents each year—and many of these deaths are due to inadequate or faulty equipment.

The House Coast Guard subcommittee (I'm senior Republican) is considering a proposed "Boating Safety Act," designed to cut these casualties. The bill provides for safety standards for boat manufacturers and funds for state boating safety programs.

With over 8 million small boats now on the water, and 4000 more added each year, action is clearly needed. The Committee plans hearings in Boston June 11, and I hope a good many Cape Codders from the boating industry will be there. Write me if you'd like a copy of the proposed legislation.

EDUCATION: AFTER THE BUDGET BATTLE

The debate over President Nixon's veto of the HEW appropriations bill had one good effect—it focused the nation's attention on education as never before.

In the end, the President's veto was sustained—although the bill that we finally passed provided most of the money that was in dispute. The new measure provides $19.4 billion—only $365 million less than was in the bill the President vetoed. And it provides that no specific program be cut more than 15 per cent.

I supported the President's veto—in spite of my strong feelings about the need for Federal assistance to our hard-pressed communities because—I believe the issue had become a psychological one, and the loss of this battle would have caused an immeasurable setback to the war against inflation.

The final version of the HEW appropriation bill did not, in my view, significantly hurt education—and its psychological value, in showing that we mean what we say about inflation, was enormous.

For the future, I am working to assure a Federal "impacted areas" aid program that helps those towns that truly need help, by reason of their large military population.

OIL SPILLS: TOUGH NEW LAW

Widespread public indignation following massive oil spills in West Falmouth, Tampa, and Louisiana induced Congress to pass the "Water Quality Improvement Act of 1970"—the toughest anti-pollution legislation in history.

Hereafter, any oil spiller can be forced to pay ALL cleanup costs—up to $14 million—unless he can prove in court that the spill was caused by an act of God, war, or a third party.

This kind of penalty should do much to prevent the negligence and carelessness that has caused so much damage to our shorelines.

BOATING SEWAGE TOO

Another provision of this comprehensive law provides for all boats with heads (toilets to landlubbers!) to be equipped with approved sanitation treatment devices—in two years for all new boats, and in five for older ones.

Untreated wastes pumped out from yachts has helped make many of our harbors open sewers, totally unfit for swimming or shellfishing.

Boat-owners are not too keen on spending money on yet another piece of equipment. But something has to be done about seaborne sewage, and this looks like the best answer.

CONSUMERS: NOT-SO-SILENT MAJORITY

Have you been "burned" on the purchase of a defective toaster? Does your car spend more time in the service station than in your garage?

American technology produces millions of consumer items every day, and most of them are highly reliable. But as we all know, some of them are not—and currently there is very little you can do about it.

This situation would change greatly under the "consumer protection" legislation now being considered by my Commerce and Finance Subcommittee.

The Nixon Administration is supporting a plan that would allow the Federal Trade Commission or the Justice Department to take cases of consumer fraud or misrepresentation to court. If they win a favorable ruling, a "class action suit"—on behalf of all consumers affected—would be allowed, and all injured consumers could collect damages from the offending company.

This is just one of several consumer bills being considered by my committee. I am confident that in the end, we will come up with a recommendation that is fair—both to the consumer, and to the manufacturer.

BITS AND PIECES

Big news on the domestic front is the arrival of our first grandson, Damon Jeffrey Brink. The proud parents brought the tot to see his even prouder grandparents in April, when Rusty was on leave before his scheduled assignment to Vietnam.

Comings and Goings: Ernie Brisson, my New Bedford office manager for nearly 5 years, left us at the beginning of May. He'd become a familiar fixture in the New Bedford office, and his wit, wisdom, and knowledge of how to untangle Federal red tape will be greatly missed . . . also departing in May is Eric Turkington, who hopes to put in a few weeks rest and recreation before marching off to his National Guard training in June.

New Faces replacing the old belong to John Wayne Clark, a transplanted Hoosier who came to me by way of the Floor of the House, where he worked with the House GOP leadership . . . and Cmdr. George "Doc" Leach, who grew up in SE Massachusetts. After 24 years in the Navy, "Doc" is returning home to work for me—and for you. His responsibilities include Merchant Marine, fishing, oceanography, and the aviation industry (we have 9 civilian airports in the 12th District, plus South Weymouth and Otis.)

THE NEW WELFARE

"The Family Assistance Act of 1970" is the quiet title of the most innovative welfare program in 35 years.

This new plan would revolutionize our current welfare system—with a new program of minimum payments, income incentives, and job training for those able to work.

86% of my constituents favored the plan in a recent newsletter poll, and on April 16, the House passed the bill by a vote of 243 to 155.

I voted in favor of this new plan, feeling that our current welfare system is totally unsatisfactory and that the new system—while not perfect—is a big step in the right direction.

NEW DISTRICT MAN

"Gus" Wagner, Jr.—a name familiar to many in SE Massachusetts—has joined my staff as Administrative Assistant for co-ordinating Federally related projects in the District.

The Buzzards Bay lawyer—son of the former Bourne Selectman Augustus F. Wagner—brings considerable local and legal expertise to the complex problems involved in the red tape of the various Federal aid programs.

"Gus" is a graduate of Worcester Academy, Boston University and Suffolk Law School. He is currently a partner in the Bourne law firm of McDonald and Wagner. He will work out of all three of my District offices—in New Bedford, Norwell, and W. Bridgewater—and will travel all through the District to aid town officials in their dealings with the Federal government.

EARTH DAY AND BEYOND

Smoke, Smog, Sewage, oil pollution, asphalt, noise, highways, crowding—20 years ago these concerned relatively few of us. Today, environment is the dominant domestic issue in our nation.

As the millions who attended Earth Day activities Apr. 22 learned, earth's resources are highly exhaustible. Unless man limits his abuse of these resources, his very survival is in doubt.

This means that we will have to face up to some difficult problems—soon.

Sixty percent of our air pollution comes from cars, for example. Many proposals have been made to lessen this—from banning the internal combustion engine to taxing a car according to horsepower. No matter what is done, one thing is sure: It will cost the consumer money.

Any solution to pollution must take into account population. Projections call for 300 million in the U.S. in 30 years. Can our environment support this many? And if not, what can be done, consistent with moral and ethical standards?

These questions are being studied, under legislation which I co-sponsored as a member of the Task Force on Population and Earth Resources, by the Presidential Commission on Population Growth and the American Future.

But they are questions not only for commissions and experts to study, but for all Americans. And I'd appreciate YOUR views.

THE MARKET VERSUS THE BUREAUCRAT

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. GOLDWATER. Mr. Speaker, for those who think there are no other answers to problems other than Government answers, I insert into the RECORD the following article from the National Review magazine by University of Chicago economics professor, Dr. Milton Friedman:

THE MARKET VERSUS THE BUREAUCRAT

(By Milton Friedman)

There is today a widespread tendency to take it for granted that growth of population, advancing technology, expanding output of goods and services, increasing complexity of our industrial structure—the whole set of developments we label economic growth—necessarily repress individuality and enforce conformity. In the words of the brochure describing a recent symposium, "many thoughtful persons view these [scientific and technological] advances as creating new forms of bondage and as grave threats to the integrity of the individual."

I believe that this view is, to say the least, a great oversimplification. True, new forms of bondage are being created, and there are grave threats to the integrity of the individual. But the history of mankind—from primitive times to the present—is mostly a record of bondage, of tyranny of man over man. We do not need any sophisticated analysis to explain why freedom is threatened. Tyranny is the natural state of mankind. The remarkable thing about our era is the freedom we enjoy, not the threats to that freedom. And these threats themselves are not an inevitable consequence of the growing complexity of our society. They are a result of the social policies we have chosen to adopt. They are a result of a lack of understanding, not of harsh inevitability.

The causal relation between growth and freedom is almost the opposite of that which is commonly assumed: freedom produces growth and prosperity, and growth and prosperity in turn provide greater scope for freedom—though imperfect man may fail to grasp this potentiality and may instead use his material wealth to exploit his fellow man, in which case he will also destroy his prosperity.

Whether we look at the Golden Age of ancient Greece, or at the early centuries of the Roman era, or at the Renaissance, we see that widening individual freedom and quickening of economic growth went hand in hand—and that when freedom was destroyed, economic decline was not far behind. To come closer to our own times, the breaking down of feudal relations, the loosening of control over economic activity by the state, the widening of the scope assigned to individual initiative produced the great scientific and technological advances of the seventeenth and eighteenth centuries. It is no accident that the industrial revolution which followed had its home in Britain, where the ties of bondage were loosest, or that it had its greatest flowering after Britain adopted laissez faire as a national policy, or that the leadership moved to the United States at a time when we too had limited intervention by the government into economic affairs.

These developments illustrate that great insight which Adam Smith expounded so effectively. The free market enables millions of men to cooperate with one another in complex tasks without compulsion and without centralized control. The invisible hand of the free market, whereby men who intend only to serve their own interests are led to serve the public interest, is a far more sensitive and effective source of both growth and freedom than the dead hand of the bureaucrat, however well intentioned he may be.

Growth and development do of course produce new problems of reconciling the freedom of one man with the freedom of others—problems of congestion, pollution, and so on. And many of these can best be met by coordinated action through governmental channels. But growth and development also reduce the problems of preserving freedom in other areas. For example, growth of population and improvements in transportation and communication have greatly widened the scope for effective competition and so have reduced the need for governmental concern with monopolistic behavior—though unfortunately, as most notably in transportation itself, we have often reacted by protecting entrenched monopoly from competition rather than taking full advantage of the new scope for competition.

Whatever may be the net balance or the effects of growth, the most obvious threats to the integrity of the individual have a very different source: in area after area of our national life, we have adopted policies that unnecessarily threaten the integrity of the individual. In each of these, there are alternative policies that would both promote our objective better and strengthen individual freedom. The areas in which this is true are varied, and they refer to many different aspects of our lives. Yet there runs through them a common element: the substitution of bureaucratic organization and control for market arrangements, the rejection of Adam Smith's great insight.

I shall illustrate this generalization by discussing three specific areas: radio and television, schooling, and public welfare. I have chosen three different areas out of the many available to show under how varied a guise the same basic issue arises.

RADIO AND TELEVISION

Here are marvelous technological achievements that we are failing to exploit effectively. We have a "wasteland" of highly repetitive, standardized programs directed at the great masses—which by itself is all to the good—but with all too little in the way of imaginative, exploratory, or simply high quality programs directed at minorities. The medium promotes deadening unformity rather than variety, diversity, and individuality. The preferences of a minority, however strong they may be, must give way to the preferences of the mass audience, however weak.

Equally important, a medium that could promote vigorous and lively discussion of public issues seldom ventures into controversial areas. Truly free speech is held in check by the fear of losing a license and is replaced by "fair" speech. The occasional slightly venturesome documentary or exposé is trumpeted far and wide as a sign of the independence of the station or network. The magnificent coverage of many news events—from the Olympics to the moon landing by American astronauts—shows the potential of the medium, so far largely unexploited.

This indictment is widely accepted. What has been the response? A string of privately supported educational television stations and, because these seemed inadequate, the enactment of a new Public Broadcasting Act under which the Federal Government will subsidize the production and distribution of programs. Talk about carrying coals to Newcastle. As we shall see, the problem is that there is now too much control by the Federal Government—through the Federal Communications Commission—over radio and television. To cure this, we establish another federal body to be a monopoly supplier of programs. To quote my colleague, Ronald Coase, who dubbed the measure "a wholly objectionable poverty program for the well-to-do," "the Public Broadcasting Act of 1967 is unnecessary, inefficient, inequitable and subject to dangerous political influences."

I suggest that the key to the present defect is the federal licensing of broadcasters. This gives the Federal Communications Commission the power of life and death over a station. If a person wants to start a newspaper, and has the capital, he needs merely buy a printing press, rent a location, publish his paper, and see if he can get the public to buy it. Once he is in business, his readers and advertisers are the only ones he must satisfy. But if he wants to set up a radio or television station, he also must convince the FCC that he is a person of good moral character and that there is a "need" for additional facilities. This may not be easy to do—ask those who have tried to get a license for Austin, Texas. And once the FCC grants him a license, he must satisfy it that he is presenting a "balanced" and "fair" program.

If newspapers were subject to the same controls, the *New York Times* would have to change its motto to "All the news that the FCC believes fit to print," and neither the *New York Times* nor the *Chicago Tribune*, as presently constituted, could conceivably get a clean bill of health. Fortunately, newspapers, developed in an earlier era and have so far escaped control. Had they first developed in, say, the 1920s or 1930s, there would almost surely be today a Federal Publications Commission—as indeed was recommended in the famous Hutchins Report on the press.

One specific measure taken by the FCC has perhaps done more than any other single thing to stifle diversity and enshrine mediocrity. That is its refusal to authorize subscription or pay television. The FCC has ruled that we may not spend our money to see programs we wish to see. We must accept the programs that are provided as a by-product of advertising. We cannot, even if we wish to, pay to suppress the advertising, except by contributing to and watching an educational television station.

To understand how this measure has such a far-reaching effect in enshrining mediocrity in television and radio, let us consider what the effect would be of applying the same rule in a comparable area to which it is not now applied. Suppose it were legislated that reading matter could not be sold but must be given away, that all newspapers must be like the "throwaways" now often given out, that all magazines must be available without charge, financed only by the revenue from the advertising they contain or by a subsidy from a church, foundation, or other organization, and similarly that any books published must be financed in the same way and distributed without charge to readers. It takes no great act of the imagination to see the results: those books and magazines that appeal to relatively small groups with specialized tastes would disappear. Few if any advertisers would deem it worthwhile to pay for the publication of avant-garde poetry in order to be able to insert pages extolling the virtue of Gleem or Dream or Steem. Far better to put those pages in a Western that millions would pick up and read avidly. The book publishing industry would become like television—a wasteland of Westerns, mysteries, and popular romances, with an occasional serious work appealing to a limited audience sponsored by a firm trying to improve its public image, or just with unusual tastes.

Your immediate reaction will be to regard this as a fantastic horror story and to dismiss it out of hand. But let me urge you not to let yourself be a victim of the tyranny of the status quo. The distribution of reading matter is almost strictly comparable to the distribution of television programs. I have not seen any argument in favor of forbidding pay television that does not apply with roughly equal force to forbidding pay publishing. And conversely—no argument in favor of pay publishing that does not apply with roughly equal force to permitting pay television. The two strike us as "of course" different only because they happen to have developed differently.

Why has the FCC prohibited pay television these past many years, except for a few so-called "pilot" projects? Because the networks are firmly established as the dominant distributors of national advertising, and they believe, rightly or wrongly, that they would fare less well than they do now if a new way of distributing programs were permitted. The networks exert enormous influence over the FCC—and it is inevi-

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table that they should, just as it is inevitable that the railroads will exert enormous influence over the ICC, the banks over the Federal Reserve, and the producers of automobiles, over the federal agency to promote automobile safety. If the FCC had not stood in the way, pay television would now be a major factor, and the range, quality, and variety of television programs would now be far closer to that of book publishing.

How can we take advantage of the potentialities of television and radio and eliminate the present standardizing hand of the state? By abolishing the FCC and having a truly free radio and television to parallel a free press. But I will be told, that is absurd. There are only a limited number of television channels; someone must assign them. It is regrettable that we should have to have federal control over radio and television, but that simply reflects the technological characteristics of the industry. Nothing of the sort. There are only a limited number of pieces of land on which a newspaper plant can stand. Why does that not require assignment of land? Because there is private property in land and the allocation of land can be performed by purchase and sale.

Precisely the same solution is available for radio and television. Let the FCC auction off to the highest bidders the right to specified channels now embodied in licenses (for example, the right to broadcast on a specified frequency from a specified location at specified times at a specified maximum power). That was what the Federal Government did a century and more ago with its land. The FCC could then be abolished. The private owners could trade these rights back and forth and rearrange them in various ways to make them more valuable. There would be problems of interference—of one man trespassing on another's frequency—but they would be handled as trespassing on land now is, through the regular courts.

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I cannot here elaborate this proposal and consider all its implications in full detail, even if I had the competence to do so. Let me only state that this is not a crackbrained, off-the-cuff suggestion. It is a proposal that has been extensively studied, in particular by R. H. Coase. All the serious objections raised have been examined. There is little doubt that it is a perfectly feasible way to handle the allocation and use of radio and television channels without special government control, little doubt that it would produce a far more efficient use of the radio spectrum, in many different ways, than prevails today. And there is little doubt that it would convert what is today a homogenizing influence into a major force widening the avenues for the expression of individuality.

SCHOOLING

For reasons of space, I shall restrict myself to higher schooling—or as it is euphemistically called, higher education. (Personally, I prefer the more descriptive term because not all schooling is education nor all education schooling.) I may, however, note that lower schooling offers an equally striking example of my main theme.

The trend is clear. Government expenditure on higher schooling has been growing rapidly. A steadily increasing fraction of students is enrolled in governmentally run institutions. There are more complaints about the impersonality of the mega-universities, the neglect of the individual student, the standardization and routinization of the educational process. And the private schools, like Reed, that provide a welcome contrast and that have been the leaders in fostering quality education, find it more and more difficult to compete for students and funds with the governmental institutions. They are themselves becoming increasingly dependent on tax monies for support.

These developments raise two separate issues: First, how much of a governmental subsidy, if any, there should be for higher schooling; second, how any subsidy should be distributed.

Strictly speaking, only the second of these issues is relevant for my theme—how we have been unnecessarily curbing individuality by the social policies we have been following. But I cannot forbear from a few comments on the first issue, because I feel so strongly about it.[1]

The present use of tax monies to subsidize higher schooling seems to me one of the great suppressed scandals of our day. Compare the young men and women who receive this subsidy by attending state-supported institutions with their contemporaries who do not go to college at all. The youngsters in college come from higher income families than those who are not in college—but both sets of families pay taxes. More important, the youngsters in college will on the average have higher incomes for the rest of their lives than the youngsters who do not go to college. We have imposed a major tax on the poor to subsidize the not-so-poor. We in the middle- and upper-income classes have in this area—as I am afraid we have in many others—conned the poor into supporting us in a style that we take to be no more than our just desserts.

It is eminently desirable that every young man and woman, regardless of the wealth or religion or color or social standing of his or her family, have the opportunity to get whatever schooling he or she can qualify for, *provided that he or she is willing to pay for it, either currently or out of the subsequent higher income that the schooling will make possible.* There is, that is, a strong case for assuring the availability of loans or their equivalent, by governmental means, if necessary. There is no case that I can see for providing subsidies.

Having relieved myself of these obiter dicta, let me turn to the second question: How should any subsidy be distributed? Currently, we distribute the subsidy primarily by having the government run institutions of higher learning and by charging tuition to students that is far below the costs incurred on their behalf. This is both inequitable and inefficient. Moreover, it is this practice, much more than the subsidization of higher schooling, that promotes conformity and threatens individuality.

Under current arrangements, the state of Oregon says to its young men and women, "If you meet certain academic standards, we shall automatically grant you a scholarship worth something like fifteen hundred or two thousand dollars a year regardless of 'need'—provided that you are smart enough to go to the University of Oregon or Oregon State. If you are so perverse as to want to go to Reed, let alone to Stanford or Harvard or Yale or the University of Chicago, not a penny for you." Surely, it would be more equitable to proceed instead along the lines of the G.I. educational benefits for veterans. Let whatever money the state of Oregon wants to spend on higher schooling be divided into the appropriate number of scholarships, each of, say, $2000 per year, tenable for four years. Let there be a competitive exam—or some other method of selection—and let these scholarships be awarded to individuals to be used to attend any approved institution of their choice that will in turn accept them. If Oregon wants to continue to run the University of Oregon, let that institution charge tuition sufficient to cover its costs, and compete on even terms with other institutions. If it is more attractive to students than other institutions, the University will flourish; if not, it will decline.

Today, there is no reason for faculties and administrators of the existing state institutions to pay any attention to their students, except as this will indirectly affect the legislature which votes them funds. The thing for them to do, as they well know, is to engage in activities that will appeal to the legislature while paying to students the minimum attention that will keep them from being too obstreperous. This is the valid element in the drive for student power.

The arrangement I suggest gives the student a wider range of choice and enables him to exert more influence on the kind of schooling he is offered. It eliminates the present unfair competition between state-run and other institutions.

It gives the faculties and administrations of state-run institutions an incentive to serve their students. It would open up the opportunity for new institutions to enter the field and seek to attract customers. The strengthening of competition would promote improvements in quality and foster diversity and experimentation. Because the money would go to individuals, not institutions, it would be clear who are the recipients of the subsidy and bring into the open this question of who should be subsidized. Also, it would give the individual greater freedom of choice, greater opportunity to express his own values and to develop his own capacities as effectively as possible.

All of these are advantages of the scholarship plan. But they are also, to speak cynically, the major political obstacles to its enactment. As usual in such matters, the people who would benefit from the change do not know that they would; the vested interests that have developed under the present arrangement will recognize the threat to them at once.

PUBLIC WELFARE

The methods by which we subsidize the poor have the same defects as those by which we subsidize the rich; they involve giving too much power to bureaucrats to determine who gets the subsidy and in what form, too little power to the people who are being subsidized, and too little incentive to them to reduce the subsidy they receive.

The defects of our present welfare program are by now widely recognized. In the midst of great prosperity, the welfare rolls mount. Once on the rolls, many people find it difficult to get off. We have been creating a permanent class of welfare recipients, who devote their energies to wheedling a bit more welfare for themselves or bringing pressure to bear to improve welfare payments rather than to raising their own incomes to a level at which they can be off welfare. We have an army of welfare workers administering the system. They find themselves bogged down in paper work, engaged in being policemen and spies, with little time left to perform their proper function—helping the unfortunate people who are under their charge. The whole process is degrading for the welfare recipient and demeaning for the welfare workers.

What is wrong? At bottom, I conjecture, the belief that the state through administrative machinery can deal with persons needing assistance in the way one person spending his own money can deal with another person. If, out of charitable inclinations, a man takes an interest in someone suffering misfortune, it is entirely understandable that he may want to make a detailed investigation of that person's circumstances, to assure himself that the misfortune is real, that he will want to explore the items needed and provide help for those he thinks most urgent, and then try to guide the person he is assisting to use the help most effectively. But translate this into a large-scale governmental program, and it ends up as the kind of administrative nightmare we now have. The welfare workers are not distributing their own money, so there must be controls over them. The criteria of need must be standardized. The forms of help must be specified. The dispersers of funds must be supervised. In the process, the human element is squeezed out and replaced by frustration and mutual distrust.

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[1] These comments refer only to schooling, not to government expenditures for support of research, which raise a different set of issues.

This system clearly is a "grave threat to the integrity of the individual" receiving welfare. Before a welfare recipient may move from one apartment to another, he must get the approval of a civil servant; equally, before he may buy second-hand furniture, have the gas turned on, or make any one of a thousand other deviations from an approved budget. Needless to say, the welfare recipients have become skilled in finding ways around the regulations, but nonetheless, the whole atmosphere is one in which they are treated like irresponsible wards of the state, like children, not like responsible citizens. Clearly, if the taxpayer does subsidize them, he has in some sense the moral right to impose such requirements. But is it wise to do so?

Most important of all, carrying over the notion of meeting the other person's "needs" has had the unfortunate effect of largely eliminating any incentive for the welfare recipient to help himself. If a welfare recipient earns an extra $100, that is interpreted as meaning that he or she can meet an additional $100 of "needs," and therefore that welfare aid can be reduced by $100. In consequence, the recipient has no incentive to earn money unless he can earn enough completely to replace welfare. This is the main reason why there tends to develop a permanent class of welfare recipients.

As in each of the two prior examples, the way to improve the situation is to put greater reliance on impersonal market arrangements and less on bureaucratic administration. For welfare, the device that recommends itself is the negative income tax, under which all persons with incomes below the level now taxable would be entitled to receive a fraction of their unused exemptions and deductions. This method would give assistance to the poor in the form of money, which they could spend as they wish, on the basis of the impersonal criteria of the size of their income and the number of persons in their family, and in such a way as to give them an incentive to raise their income from other sources.

This is not the place for a detailed exposition of the way a negative income tax would work or of its advantages and disadvantages. It is sufficient for the present purpose to note that it has been studied carefully and that there is every reason to believe that it would be a feasible substitute for the present direct relief and aid to dependent children programs; that it would, over a period, simultaneously give more assistance to the truly needy and cost the taxpayers less.

The crucial point for our present purpose is that a negative income tax would permit the elimination of the bulk of our present welfare bureaucracy, would end the division of our population into two classes, would give those receiving assistance greater freedom and independence to shape their own life and greater opportunity to take advantage of their own abilities and capacities. In addition, whereas our present programs have essentially destroyed private philanthropy, the negative income tax, by assuming the basic load of income maintenance, would reduce the hardship cases, which no general program can eliminate, to a level that private charity could handle. We have been stifling private philanthropic agencies, converting them to agents or contractors of the state, by our conception of government welfare. The negative income tax would give them a new function to perform. The diversity, flexibility, and efficiency of free enterprise has a role to play in philanthropy no less than in other areas.

CONCLUSION

In recent decades, there has been a steady tendency to enlarge the role of the government, either to undertake new tasks or to take over tasks formerly entrusted to private and voluntary action. By now the process has gone very far indeed, even in a country like the United States which prides itself on being the country of free enterprise. Today, probably over one-third of all the income of the people in this country is channeled through the government—being extracted by taxes and loans, and spent for governmental programs. And this grossly understates the influence of the government. The wages many an employer may pay, the prices many an industry may charge, the businesses we may enter, the countries to which we may travel, and many other aspects of our daily lives are subject to governmental control.

This expansion of the role of the government has been sold to the American people on the ground that it would enhance both their material well-being and their personal freedom. And further expansion is now being sold to them on the same ground. The promises have been and remain glowing. Yet, when we look at performance and not promise, the story is very different. We have adopted reform after reform, program after progam, without achieving the promised objectives. Consider those programs which have one after the other been proclaimed as great progressive achievements: the National Recovery Administration, the Agricultural Adjustment Act and its successors; the Securities and Exchange Commission; public housing; the Wagner Labor Act; social security; relief and aid to dependent children; urban renewal; federal aid to education—which of them has achieved the objectives that aroused such high hopes in their disinterested supporters? The problems each was touted as solving are with us yet, often in exaggerated form. Or pass from the dramatic federal level to the local level. What are the major governmental responsibilities at the local level? Schooling and police protection. What are major areas of social concern? Inadequate schooling and crime on the streets.

It is a fascinating question of political science to explain this sequence of events. What is it that explains what activities are taken over by government and when? Why is it that so many measures work in accordance with the original intentions of the disinterested for a year or two, but then soon become devices whereby special interests enrich themselves? Why is it, that is, that well-intentioned liberals have so often turned out to be front men for special interests they would never knowingly have supported? Why is it that, in a democracy supposedly run by a majority, there are so many measures pandering to special interests?

These questions take us far afield from the more limited object of this paper: to show by example that the lack of success of many government programs and the threats they raise to freedom and individuality is a necessary consequence of neither the objectives sought nor the increasing complexity of our society. Television and radio, higher schooling, and welfare arrangements are very different areas in which we have very different objectives. Yet there is a common strand running through all three. In all, we have tried to substitute central direction and bureaucratic control for voluntary arrangements. In all, we could achieve our objectives far better by using arrangements that give a greater scope to the market, that rely on "participatory democracy" rather than on bureaucratic democracy.

If we are to meet the recurrent threats to freedom that are bound to arise, it is important that the informed public become more sophisticated than it is now about government programs. It must come to understand that the business community has no monopoly on misleading advertising, that promises must be distinguished from performance. We must try to repress the tendency to say, "Let's pass a law," whenever a problem arises and recognize that the indirect route through voluntary action may be surer and safer than the direct route through government action. And when we do turn to government action, we shall do best if, so far as possible, we try to restrict government action either to setting up arrangements under which private action can be effective (as in radio or television), or to giving money in an open and aboveboard way to specific individuals under specified conditions rather than to providing the relevant good or service by a government organization.

COST-OF-LIVING ADJUSTMENTS IN SOCIAL SECURITY BENEFITS—A NECESSARY CHANGE IN OUR SOCIAL SECURITY LAWS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. BIAGGI. Mr. Speaker, our senior citizens on social security will finally have automatic cost-of-living adjustments made in their benefits if the Senate approves the amendments to our social security laws passed by the House with my strong support last Thursday, May 21.

As part of the amendments to the social security laws this provision will provide the long-deserved automatic increases to thousands upon thousands of social security recipients who will no longer have to come begging, hat in hand, to Congress for adjustments in their benefits to meet the spirally cost of living.

The elderly and others receiving the fixed income of social security have suffered year after year from general price increases and the inflationary spiral that has plagued our economy. These people, least of all, should not be expected to cope with the unbearable pressures of an inflated economy. In reality, the elderly have found themselves barely able to maintain themselves on their meager income in today's high-priced world.

There is no question, Mr. Speaker, that these automatic cost-of-living adjustments are long overdue. We all want to see our retired senior citizens maintain a decent standard of living in their advanced years so they can retain their pride, their dignity and their independence during retirement.

I was proud and happy to support the cost-of-living floor amendment as well as all the other provisions of the social security measures considered on the floor of the House last Thursday. The passage of these amendments reflect the concern of Members of the House for the needs of our elderly and others living on social security payments. I sincerely hope that the Senate will also display its concern by acting favorably on the House-passed measures. We can then send to the President a set of social security amendments that will adequately provide for the retirement needs of our older citizens during their golden years.

CONGRESS AND THE WAR

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1970

Mr. DUNCAN. Mr. Speaker, sometimes it seems that the noise of demonstrators concerning our involvement in Southeast Asia drowns out the progress our President is making in getting us out of Vietnam. This is so well pointed out in an editorial in the Monday, May 18, 1970, Knoxville, Tenn., News-Sentinel that I would like to encourage my colleagues to read this statment:

CONGRESS AND THE WAR

In the debate and confusion over amendments in Congress to restrict President Nixon's actions in the Vietnam War, we are in danger of overlooking a heartening trend in that tragic conflict.

It is that Nixon, despite the thrust into Cambodia, is making important progress in getting American troops out of Vietnam—at a rate that does not dishonor our pledges or unduly damage our strategic interests.

Defense Secretary Melvin Laird and Secretary of State William Rogers told Congress that by June 30, 1971, U.S. ground forces in Vietnam "will not be assigned to combat missions."

Most of our casualties have resulted from ground combat. Thus the promises mean that in just over a year, the worst of the war should be over for the United States. At the same time air, naval and support forces will be available to help South Vietnam try to stave off conquest by Hanoi.

This strikes us as a more realistic and honorable timetable than the one in the so-called "amendment to end the war" pending in the Senate. That amendment would pull all U.S. forces out of Southeast Asia by mid-1971, almost regardless of the consequences.

Sens. George McGovern (D-S.D.) Mark Hatfield (R–Ore.), Harold Hughes (D–Iowa) and Frank Church (D-Idaho) recently staged a nationwide TV broadcast on their amendment that was disappointing in its demagoguery. They claim that simple passage of their law would end the war. If only it were that easy!

Their proposal, they also said, offers "adequate funding to provide political asylum" for all South Vietnamese who fear a "bloodbath" after a Communist takeover.

Douglas Pike, one of America's leading experts on the Viet Cong, estimates that if the Communists win in Vietnam, they will wipe out up to 3 million South Vietnamese on their "blood debt list."

The amendment-writing senators should ask themselves where would they put millions of refugees and would they themselves vote the money for such asylum. We doubt that their answers would be satisfactory.

A more limited amendment, by Sens. Church and John Sherman Cooper (R-Ky.) would bar Nixon from "retaining" U.S. forces in Cambodia after June 30, from sending military advisers or mercenaries there, and from using air power in support of Cambodian forces.

This country has no commitment to Cambodia and certainly most Americans oppose sending U.S. troops to defend it. Even so, the amendment goes too far: We may not be able to prevent Cambodia's anti-Communist government from going down the drain, but it's not in our interest to actively flush it down.

For example, the mercenaries in question are ethnic Cambodians who have been fighting under our Green Berets in South Vietnam. Cambodia and Vietnam are really part of the same war. The Communists clearly regard it as such and respect no borders. We see no reason why the mercenaries should.

The growing mood in Congress to scrutinize and check the President's foreign policy is not unhealthy. But it comes after a long period of giving the White House a blank check, and there is danger of the pendulum swinging too far.

Congress should assert its partnership role in foreign affairs, but not in trying to fine tune the war by legislating on details.

MANPOWER TRAINING

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. MOLLOHAN. Mr. Speaker, the topic of manpower training is of more importance today than ever before; unemployment is at its highest peak in years.

However, when we consider the Manpower Training Act of 1969, presently before the Senate, we must also consider our Government's acceptance of the high unemployment level which has made this training program so needed.

In my judgment, a manpower training program and a high unemployment level are contradictory; you cannot train the unemployed for jobs which you are at the same time trying to abolish.

Logical reasoning therefore takes us to the conclusion that if such a Manpower Training Act is to succeed it must be coupled with a change in policy with regard to unemployment.

This is a vital program and one which must not be glossed over lightly. I insert now in the RECORD testimony I offered to the Senate Labor and Public Welfare's Subcommittee on Manpower.

I urge my colleagues to consider the propositions expressed therein:

TESTIMONY OF CONGRESSMAN MOLLOHAN ON S. 8823

Mr. Chairman, Members of the Subcommittee:

I want to thank you for the opportunity to present testimony on behalf of S. 2838, "The Manpower Training Act (MTA)".

I believe that any plan for manpower training must be designed with two realities in mind. One, that any training must be developed in conjunction with the needs of the immediate area; and two, manpower training and high unemployment are completely inconsistent and incompatible.

I want to make clear from the outset that this bill, while its spirit of expansion and reorganization is well taken, is doomed to fail in its objectives so long as a 4 percent unemployment rate is considered "acceptable".

As long as our training programs continue to train men for occupations which do not suffer from a labor shortage; and so long as we continue to accept a high unemployment level, then we will merely change the status of the untrained unemployed to trained unemployed.

The Government has sought to fight inflation by reducing production, a policy which of course floods the ranks of the unemployed with more unemployed.

This, quite naturally, increases government and state spending in unemployment compensation and welfare, and increases resentment among the working men.

The government's policy has the effect of telling a man that he is of no use; and idleness demoralizes, even when accompanied by a government income, and augments the feeling of not being wanted.

For Manpower Training to work, and work effectively, there must be an accepted policy of full employment within the government. If the 4 percent level is accepted and nothing done to slow it, then Manpower Training is doomed to fail, for you simply cannot train a man for a job which you are trying to eliminate or which does not exist.

Full employment does not mean literally no unemployment. Insofar as room is left for change and for freedom of movement from job to job, room is left for some unemployment.

Full employment can be defined as "a state of affairs in which the number of unfilled vacancies is not appreciably below the number of unemployed persons, so that unemployment at any time is due to the normal lag between a person losing one job and finding another."

The task we have set for ourselves in this bill is to match job vacancies with the trainable unemployed, and it should be emphasized that "vacancies" must be the basis for programming such a training concept.

As unemployment has three distinct courses, action against unemployment must be taken on three lines: maintaining at all times adequate total outlay; controlling the location of industry; and securing the organized mobility of labor.

This bill is aimed at all three for it not only seeks to produce a ready supply of trained workers for industry, but it also seeks to provide a trained work force for expanding industry.

I am also of the opinion that the federal government must pursue a more aggressive policy in developing the public sector as an area of employment.

Private business cannot carry the burden of finding jobs for the millions of unemployed and underemployed in this country. In fact industry, feeling the pinch of the Administration's anti-inflation policy, is laying-off workers.

A federally-financed public-service employment program is the only logical answer to our unemployment. The need is there and the jobs are there: in hospitals, schools, parks, recreation centers and other facilities.

And when combined with proper training such a program would make it possible for these employees to move later into regular employment.

The Tripartite National Commission on Technology, Automation and Economic Progress has found a potential 5.3 million jobs, in the fields of medical and health services, education, day care, libraries, recreation and prisons.

To pretend that such a program of public employment would not be costly would be just as deceptive as training men for jobs that do not exist. But the cost not to embark on such a program is greater.

I now wish to turn to the bill itself and comment on several of its sections, assuming, of course, that for the measure to be at all successful the government must change its policy with regard to unemployment.

I heartily agree with the bill's aim at consolidation, decategorization and decentrali-

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zation with regard to the many manpower training programs now in existence.

This will go far in gearing the program to meeting the demands of local needs which was one of the major failures in past programs.

To accomplish this, and to deter overlapping with state programs, the Manpower Training Act must encourage states to combine in this program with their manpower-related programs.

This is done by encouraging the establishment of a state manpower training council and a state comprehensive manpower agency. The council should allow a wide variety of interested parties, including labor, business and low income representatives to have a direct role in the planning.

The council should not only review the annual MTA plan but all other annual plans for manpower and manpower-related programs as well, such as vocational education, vocational rehabilitation and family assistance.

All the needs of a locality and of the country can be served but the choices must be guided largely by local planners. Neither the Congress nor the Labor Department which will run the MTA program should diminish the effectiveness of local programs by imposing standardized national program packages and categorical restrictions on local administrators.

The Federal Government has neither the wisdom nor the capacity to make all the program decisions that must be made at state and local levels.

A national emphasis on, say, the training of electricians would be a major waste of money and time in areas where there is no shortage of electricians.

The bill's emphasis on early training will be of special importance in my State of West Virginia where so many youngsters choose to leave high school before they graduate, and attempt to find work.

It is my considered judgment that if a vocational training program is to be successful it must be started early in the trainee's life, and when coupled with continuing secondary education as detailed in the bill, an unbeatable program would result.

A second aspect I vigorously support is the provision for institutional and on-the-job occupational training, including the training of employed workers for the purpose of upgrading their skills and improving the utilization of available manpower.

The trainee would see far more relevance to his training if it were conducted in a real-to-life atmosphere of a factory or place of business.

The Manpower Training Act offers a fine opportunity to correct the mistakes of past training programs and to break new ground to improve the condition of the unemployed. But it is doomed unless this government reverses its present policy of high unemployment acceptance.

WAR IS BAD BUSINESS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. EDWARDS of California. Mr. Speaker, several weeks ago, Louis B. Lundborg, chairman of the board of Bank of America, called for an "end to the squandering of American blood, morale, and resources on what is in essence an Asian war of nationalism."

That Mr. Lundborg's sentiment is in ascendance in the American business community has been confirmed by a survey conducted by students of the School of Business Administration at the University of California in Berkeley.

I would like to include in the RECORD the results of that survey of employees of major firms in the San Francisco business community, as reported May 20 by the San Francisco Chronicle in the following account:

SAN FRANCISCO'S DOWNTOWN WAR OPINION

A poll of employees of major downtown San Francisco business concerns resulted in a 71 per cent vote urging Congress to use its authority to get American troops out of the war in Indochina.

The remaining 29 per cent appeared more supportive of President Nixon. They urged Congress not to take steps yet to speed the withdrawal.

The results of the survey, taken by business administration students at the University of California at Berkeley last Friday and Monday, were announced yesterday at a press conference at 1 California street.

Dieter Klein, chairman of the polling committee, said 12,700 ballots were distributed and 8169 ballots were cast.

The results were:

Urging Congress to act, 5811.
No action yet, 1900.
Invalid ballots, 458.

"It is time for Congress to respond to this and similar calls from previously silent Americans," said Mike Nichols, a candidate for a doctor's degree in management science.

The response showed, in fact, that the supporters of the President's policy in Vietnam were less willing to state their views publicly than the opponents.

Of those urging Congress to halt the war, a total of 4875—or 84 per cent—signed their ballots so they could be forwarded to Congress.

Of those supporting the President, 1277—or 67 per cent—signed their ballots.

The poll was taken at the headquarters of the Bank of America and a downtown branch, at several downtown offices of Wells Fargo Bank and at 61 other firms, including the Union Pacific and Santa Fe railroads, Bankers Mortgage, McGraw-Hill and Crown Zellerbach.

Nichols said all ballot boxes were sealed after the votes were cast. The results were tabulated by Alexander Grant and Company, certified public accountants.

BABE RUTH BASEBALL DAY TUESDAY, JUNE 16

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. FULTON of Tennessee. Mr. Speaker, there are few activities in the lives of our young people that are more rewarding than active participation in competitive sports.

Perhaps no other activity gives these young people more opportunities to take part in athletics than our Babe Ruth Baseball Leagues and our Little Leagues.

Here in our Nation's Capital, Babe Ruth Baseball Day will be observed on Tuesday, June 16. It would be my hope that every Member of the Congress would exert every effort to pay special note of this date and give it his full support and endorsement.

In communities across our Nation, young boys are learning the lessons of teamwork and sportsmanship through their participation in the Babe Ruth Leagues. Their participation will make them better citizens tomorrow and healthier young people today.

EQUITY FINANCING

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. McFALL. Mr. Speaker, a month ago I introduced legislation, H.R. 16403, to prohibit banks, savings and loan associations, and insurance companies from accepting a share of the profits in a proposed business venture as a condition for approving a loan.

Such equity kickers do not involve true partial ownership of the business. They usually take the form of a loan contract in which the borrower promises not only to repay the loan with interest but to add to that a percentage of whatever profit he may take from investing the borrowed funds.

Any way one looks at equity kickers, they represent a questionable use of power to exercise control over loan funds. I believe equity kickers are an abuse for the borrower, the community, and for the bank itself.

From the borrower's standpoint, if he borrows to start a manufacturing or service business, or to expand a going concern, he is already taking a certain risk. If he must add 10 to 20 percent of his profit to the interest he will have to pay on the loan, his venture becomes even more speculative. An equity kicker narrows the margin between income and expenses. If the margin shrinks enough, he may well forget the entire venture, unless he can find a bank that will make loans without equity kickers. This aspect of equity consideration, by itself, stifles competition and deadens the very kind of incentive and initiative that is the basis of a free enterprise system.

Further suppose, however, that a bank has a monopoly position in a community. The bank has already made equity loans to the grocer, the service station owner, the town drugstore, and the owner of a motel. Would such a bank loan money to anyone intending to compete with any of the establishments in which the bank had a share of the profits?

I believe it is to the banks' interest not to participate in equity financing.

Loan officers make judgments on the soundness of every proposed loan. They look at the applicant's record and at the prospect that his venture will succeed. Such judgments, from the bank's point of view should be as impartial and uncluttered by collateral matters as possible. But how does the promise of a 10- or 20-percent profit added to the interest influence a loan officer's judgment? In my estimation, loan officers are tempted to make loans with equity kickers that under other circumstances they would realize were unsound.

The bank has an active interest in the profit of a business. How long does the bank remain aloof from the management of that business? The temptation to look over management's shoulder and to second-guess its decisions would be very strong—certainly in a business that seemed to be having growth problems. And there is grave doubt in my mind that the average bank could afford to spread its own management that thin even if it was good business to have banks operating commercial ventures, which I do not believe.

Last year, this House, by an overwhelming vote, moved to bring under regulation one-bank holding companies. President Nixon, the Chairman of the Federal Reserve Board, the Secretary of the Treasury, and other responsible officials in Washington urged such control because they felt it was necessary to preserve the traditional separation of finance and commerce in America.

I do not know whether equity considerations in bank loans are as widespread as are one-bank holding companies. But I do know that they blur that classic line between finance and commerce every bit as much as does the mingling of business and banking under a holding company.

I do not know how widespread the practice of equity kickers may be. That can be developed in hearings, which I urge. I do know that I have heard complaints from businessmen who could not borrow money without sharing their profits with the bank. I do know that Mayor Joseph Alioto of San Francisco complained of the practice when he testified before the House Banking and Currency Committee recently. And I do know that every person with whom I have discussed this problem has felt that action should be taken to correct it.

Finally, Mr. Speaker, I am advised that the practice of requiring equity considerations as a condition of granting loans is widespread among insurance companies, mortgage bankers and other institutions, including savings and loans offices. In fairness, I believe if the practice is denied to one, it should be denied to all and my bill would prohibit equity considerations as a part of loans made by any lending institution in the United States.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

HISTORIC ALEXANDRIA BUILDING BEING RESTORED

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, as an honorary life member of the Friendship Veterans Fire Engine Co. of Alexandria, Va., I should like to call my colleagues' attention to this historic shrine, and to a "face lifting" now underway of the building at 107 South Alfred Street, Alexandria, where it has been located since 1851.

In this connection, the Alexandria Gazette, America's oldest daily newspaper, carried a story in its issue of May 19, concerning the history of the company and its present renovation. I include the text of that article in full at this point in the RECORD:

HISTORIC BUILDING BEING RESTORED—BUSINESSMEN CHIP IN

After 116 years, the tower on Alexandria's historic fire house, the Friendship Veterans Fire Engine Company, is getting a face lifting.

Although the big bell in its cupola tolls for ceremony rather than to roust the "white helmeted volunteer smoke eaters," as the company's brochure describes them, several Alexandria businessmen have chipped in with talent, money and manpower to restore the famous landmark.

Marshall J. Beverley, president of the company, who makes its history a hobby, estimates that the restoration will cost about $5,000.

The principal donors of the restoration work are Donald F. Simpson of Eugene Simpson and Bro., Inc. and Jimmie Walker, president of E. W. Walker, painters.

Several other businessmen are helping in the venture. Donald Irvin of A. S. Irvin & Son is donating the paint. Martin Adem of Marty's Floor Covering Co. is repairing the steps and floors to the shrine. James Vosnergh is cleaning and fixing the antique fire engines. Also, Clarence Robinson, a trustee, is credited with valuable assistance.

Since its construction in 1854, the engine company has grown from 16 members, who actually fought fires, to about 500 members, who serve their fire company affiliation by donating time and money and listening to patriotic speeches on George Washington's birthday.

Although the company dates back to 1774 when George Washington reportedly helped buy the first fire engine (now on display at the fire house), an examination of the minutes beginning in 1810 reveals the varied—sometimes stormy—history of the engine company.

Back in 1810, when the company was housed on the present site of Tavern Square, the treasurer reported cash in his hands of $160.47.

The following year, the treasurer paid out $21 to John Horner for an engine tongue, iron works, six staffs, four axes, repairing buckets, painting staffs and "one bag lost in fire."

In 1851, the company purchased a lot at 107 S. Alfred Street for $300 and began building the present structure.

Those who think that controversy is new to the Alexandria Fire Department of 1970, the roots go back at least to 1839.

At that time there was a competing company which operated an engine named the Sun. Often the Friendship and the Sun would arrive at a fire simultaneously and, in addition to fighting the fire, the firemen would fight each other.

The secretary reports on Dec. 20, 1839, that a fire at a school created a squabble with "the rowdies of the Sun Company who ran their engine against the Friendship and also claimed occupancy of the pump."

In June of 1851, the Friendship "entirely arrested" a blaze at J. Roberts' outhouse at 5 a.m."

One of the most disastrous fires in Friendship's long history took place in 1855 when at least six volunteers were killed by a falling wall at Dowell China Store. One of the victims was a city councilman, George Plain.

When the Civil War broke out, federal troops took over the firehouse. It was manned by the New York Fire Zouaves who immediately resolved that "no one act as a fireman who had not taken the oath of allegiance."

It was also noted that when the troops first arrived, they stole "many highly-prized decorations and fire apparatus."

Apparently, citizens were giving the soldiers-turned-firemen a lot of trouble. When the opportunity arose, volunteers would still respond to the call.

One such incident resulted in a fight between volunteers and soldiers. The soldiers won. Their bayonets were more effective than fire axes used by the citizens, who were arrested.

Too, during this period, the engine company was plagued with playful firemen who would ring the bell at the wrong times. A resolution was passed to the effect that "unless the bell is stopped, all members found in the house would be arrested and sent off to the slave pen."

Today, the Friendship, its horses and its "smoke eaters," have been replaced by modern, gleaming trucks and a full-time force.

Yet, its heritage of brawling, daring firefighters is being preserved.

NORTHERN OHIO SLOVAK LEAGUE PRAISES U.S. DELEGATION FOR VOTING AGAINST UNITED NATIONS' PRO-LENIN RESOLUTION

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. MINSHALL. Mr. Speaker, at its last general meeting on May 1, the northern Ohio district of the Slovak League of America unanimously passed a resolution denouncing the United Nations Human Rights Committee's designation of "Lenin's Centenary."

As my Slovak League friends Andrew Hudak, Jr., of Parma, the northern district president, and Andrew Pavelcak, Lakewood, secretary, said in a May 18 letter to me, "To honor Lenin and his Communist comrades is to dishonor ourselves, our institutions, our ideals, our beloved country; and it is tantamount to a denial of faith in God."

I am pleased to associate myself with their viewpoint by inserting in the CONGRESSIONAL RECORD the May 1 resolution:

SLOVAK LEAGUE REPRESENTATIVES PRAISE U.S. DELEGATION ON VOTE AGAINST UNITED NATIONS' PRO-LENIN RESOLUTION

We heartily approve and endorse the denunciation of the Resolution adopted by the U.N. Human Rights commission to commem-

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orate the Lenin Centennial on the basis of the notorious Bolshevik leader's so called "humanistic ideas and activity for the development and realization of economic, social and cultural rights."

In protest to this proposal the American Nationalities Movement of Greater Cleveland, representing more than a score of the city's nationality groups, made public its stand on April 21, 1970, on the eve of Lenin's centenary by lauding the United States delegation for its vote against the Resolution.

Lenin launched a most deadly movement against humanity. His ideology in behalf of the Bolshevik or Communist cause has been responsible for the enslavement, imprisonment and death of millions of human beings in the past half century and continues to menace the lives of millions today, and of millions yet unborn.

No one in the history of mankind has been guilty of so many inhumanities to man as Lenin, his comrades and their successors in the Kremlin in our time.

The members of the Northern Ohio District of the Slovak League of America, therefore, condemn the U.N. Resolution as being completely in disharmony with everything the United Nations stands for, namely, the defense of human rights for all nations at all times and everywhere throughout the world.

In view of the inhuman ideology, lack of principle and murderous tactics employed by Lenin and his communist heirs, we, who cannot forget the postwar tyranny of the communists in Slovakia or the invasion and military occupation of the country by Soviet forces two years ago, declare unequivocally that any public acclaim of Lenin is an affront to all freedom-loving peoples, a total denial of democracy and a shameless desecration of the memory of millions of innocent victims who died at the hands of the rulers of the Kremlin.

To honor Lenin and his communist comrades is to dishonor ourselves, our institutions, our ideals, our beloved country; and it is tantamount to a denial of our faith in God.

ANDREW F. HUDAK, Jr.,
President.
ANDREW PAVELCAK,
Secretary.

STATISTICS ON MANPOWER PROGRAMS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, the concept of the Federal Government assisting Americans in obtaining education, training, and employment dates back over 100 years to the Morrill Act of 1862, the first bill providing for Federal aid to education by setting up the land-grant colleges. Since that date the Federal Government has moved in the direction of establishing as its goal the attainment of productive, satisfying employment for all Americans.

In the last decade the Congress of the United States responded to the need for further legislation in the field of employment and training with passage of the Manpower Development and Training Act of 1962 and the Economic Opportunity Act of 1964. MDTA was designed to fill the need for trained personnel in certain occupational categories and to retrain those persons whose skills were made obsolete through technological advances. The Economic Opportunity Act, however, recognized a different problem—that of the "other America," the men, women, and children living in poverty amidst the unparalleled economic prosperity of the United States.

As a result of 7 years of experience with programs under MDTA and 5 years of poverty programs, three of my distinguished colleagues on the Select Subcommittee on Labor, JAMES G. O'HARA, of Michigan; WILLIAM H. AYRES, of Ohio; and WILLIAM A. STEIGER, of Wisconsin, introduced comprehensive manpower bills in the first session of the 91st Congress. These three major pieces of legislation are designed to rationalize and coordinate the myriad of manpower programs developed in the last decade.

The Select Subcommittee on Labor held 27 days of public hearing on these three bills and related bills in the manpower field. During the Easter recess, the subcommittee conducted field hearings in Des Moines, Iowa; Detroit, Mich.; Seattle, Wash.; and Los Angeles, Calif., where we talked to elected officials and administrators of manpower programs and made on-site visits to training projects to meet with enrollees to discuss their problems and their views of manpower projects.

There remains no doubt in my mind about the necessity to consolidate our manpower programs and clarify the lines of authority in order to avoid the duplication and confusion which frustrates the very people who desperately need manpower services. Unfortunately, there are today millions more Americans in critical need of such a comprehensive manpower program. On May 1, the Department of Labor reported that unemployment rose over the year in the poverty neighborhoods of the Nation's 100 largest metropolitan areas. The jobless rate in these areas was 6.6 percent in the first quarter of 1970 compared with 5.6 percent during the same quarter of 1969.

In an effort to learn if specific manpower programs were meeting this urgent and expanding need for training and placement of the jobless, I requested the General Accounting Office to present to the Select Labor Subcommittee its preliminary findings and observations on the job opportunities in the business sector program—JOBS—which has been enlarged under the Nixon administration.

On May 1, the same day that the statistics on the growing unemployment rate in poverty neighborhoods were brought to my attention, Mr. Henry Eschwege, Associate Director, Civil Division, GAO, gave the GAO findings on the JOBS program to the subcommittee.

I want to call to the attention of my colleagues a portion of the statement by the General Accounting Office:

STATEMENT OF HENRY ESCHWEGE

We note that the JOBS programs is not essentially a job creation program, in that it does not necessarily result in any expansion of the existing job market. In certain instances, it has appeared to us that businessmen were simply reallocating existing job openings to persons other than those who would have been hired normally. To the extent that this has been the case, the program may simply be shifting the burden of unemployment from the disadvantaged to other persons not so categorized. We recognize that many factors need to be considered here, and that even where this is the net result, arguments can be advanced for doing so.

Secondly, the JOBS program can work best in a period of so-called full employment and may have some difficulty in achieving effectiveness in periods of relatively high unemployment. In periods of rising unemployment it would appear to become increasingly difficult for employers who experience cutbacks in their operations to sign up the disadvantaged under the JOBS program, particularly where a part of such employers' regular work force may be already on furlough, or where well qualified persons are available for employment who need no further training.

Of perhaps greater concern in a slackening economy is the likelihood that JOBS enrollees will be the first ones to be laid off, leaving them no better, and perhaps worse off than they were before entering the program. We believe that the Department of Labor has a particularly difficult challenge to meet in these circumstances to assist such persons to the full extent that other program resources are available, so that the gains made are not entirely dissipated.

Additional findings of the GAO study were:

We have found that a number of persons have been enrolled in the JOBS program who did not appear to be eligible for its benefits under established eligibility criteria.

As noted previously, we are experiencing considerable difficulty in reviewing eligibility on a program-wide basis. However, we have ascertained that a significant number of persons have been hired under the JOBS program who were not eligible based on their acknowledged family income.

The enrollment of individuals who are not from the intended target population tends to inflate reports of program achievements, while at the same time it impedes progress towards attaining program objectives.

In the San Francisco/Oakland area for example, hire cards were submitted by employers for only 4,044 of 10,398 persons hired under the JOBS program as of September 30, 1969. Only 1,810 or about 17 percent of the hire cards contained information on family income. From this limited information, however, our analysis showed that 441 persons, or about one-fourth of those reporting income data, had annual family incomes which exceeded that permissible for inclusion in the "disadvantaged" category by amounts ranging from $100 to $7,700.

The legislative history of the JOBS program indicates that it was not intended that the JOBS program would provide jobs which historically pay low wages, involve high-turnover occupations, and which traditionally use unskilled or low-skilled persons as a source of labor.

We have found that under both the contract and non-contract components of the JOBS program, many of the commitments by businesses to hire persons involve low-wage jobs which offer little chance for advancement. Termination rates for businesses offering such jobs have been high.

Certain officials of the Concentrated Employment Program and the State employment services have complained to us that many of the job orders they receive are for "dead-end" jobs.

Concerning contract performance, the GAO testified:

We have noted various examples of employers who did not provide contractually required supportive services to trainees, al-

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> though the employers were paid for such services. Supportive services include initial orientation to a working environment (not normal orientation such as company rules), special counseling and job coaching, job-related basic education, transportation assistance, and sensitivity training for supervisors.
>
> Experience gained by the Department in prior manpower training programs indicates that supportive services are necessary to assist a disadvantaged person in adjusting to the job and in keeping him on the job.
>
> For example, a landscaping firm in the San Francisco Bay area had an MA-4 contract to hire and train ten landscape gardeners. After 8 months of performance, 44 trainees had been hired and 41 had terminated, a termination rate of 93 percent. The contract provided $850 per trainee to cover the standard range of supportive services, to be paid at a rate of $3.27 per day of training. However, no services, other than normal first-day orientation and some counseling had been provided to the trainees. The contractor told us that he had not provided the services, and that he thought the Opportunities Industrialization Center from which he had planned to obtain the trainees would provide the service. He did not explain why he agreed to accept $850 per trainee under the contract if he did not plan to provide the services.

Of the Department of Labor's role in the JOBS program, the GAO representative said:

> Finally, we have strong indications that the Department of Labor is not monitoring the JOBS program to an extent adequate to reasonably ensure that contractors are performing on schedule; are providing trainees with the required contractual services; and that the target population is being reached. Monitoring of employers' activities in California under JOBS contracts is carried out by contractors. Thus far, we have examined into the adequacy of program monitoring primarily in the San Francisco Bay area. We plan to cover this phase of program administration in more detail in the other cities before we complete our review.

Concerning specific costs of the JOBS program based on the GAO study of San Francisco and Oakland, Calif.; Portland, Oreg.; Seattle, Wash.; and Detroit, Mich., Mr. Eschwege testified as follows:

> For the five cities in which we made our review, the training costs for an enrollee in the JOBS program ranged from $671 to $6,833. National averages as of February 28, 1970, for the MA-3, -4, and -5 phases of the JOBS program, based on data reported by the Department, were $2,935, $2,980, and $2,554, respectively.

During questioning by subcommittee members, Mr. Eschwege stated that the figures of cost per enrollee, even the highest cost of $6,833, do not cover residential living, food, or clothing to the trainee. Requested to supply the subcommittee with cost data on the operation of Job Corps centers in order for members to make factual comparisons between Job Corps and JOBS programs, the GAO recently sent me the latest cost sheets on the Job Corps which I believe will be of great interest to the Members of this body. Of special note are the figures for operation of the residential manpower centers, sometimes called "minicenters." These centers operated at a cost double that of any other Job Corps centers.

JOB CORPS SUMMARY, ENROLLEE DIRECT COSTS [1] FOR THE PERIOD JULY 1, 1969, TO MAR 31, 1970

	Average man-year cost		
	Center operations	Pay, allowance, and travel	Total
Men's centers	$5,040	$1,146	$6,186
Women's centers	5,162	1,215	6,377
State conservation centers	1,661	521	2,182
Federal conservation centers	4,711	1,186	5,897
Residential manpower centers [2]	13,312	811	14,123
Job Corps, total or average	5,096	1,161	6,257

[1] Information on indirect costs including amortization o' capital, work project costs, overhead, and support of the Departments of Agriculture and the Interior for operation of the Federal conservation centers, recruitment, placement, and headquarters staff cost, is not available.

[2] These centers are sometimes called mini-centers. 5 centers are in operation, having been activated between July 1, 1969, and Mar. 9, 1970. The approximate number of months since activation for the 5 centers are:

Center	Number of months
Hawaii	9
New Jersey	8
Phoenix	5
Atlanta	2
Portland	1

Source: Job Corps, Report of Enrollee Direct Costs, Department of Labor.

I am certain that my colleagues will remember the debate over President Nixon's closing of 60 Job Corps centers in August 1969, and the establishment in their stead of certain residential manpower centers. The following schedule sent to me by the GAO compares Job Corps enrollee costs prior to the announcement of the closings with the residential manpower centers in operation since the closings:

JOB CORPS SUMMARY ENROLLEE DIRECT COSTS [1] FOR THE PERIOD JULY 1, 1968, TO APRIL 30, 1969

	Average man-year cost		
	Center operations	Pay, allowance, and travel	Total
Men's centers	$5,659	$1,192	$6,851
Women's centers	5,241	1,247	6,488
Conservation centers	4,636	1,185	5,821
Job Corps total/average	5,200	1,204	6,404

[1] Information on indirect costs including amortization of capital work project costs, overhead and support of the Departments of Agriculture and the Interior for operation of the Federal conservation centers, recruitment, placement, and Headquarters staff cost, is not available. The 5 residential manpower centers (mini-centers) had an enrollee direct man-year average cost of $14,123 at March 31, 1970. (See previous schedule for details and approximate number of months since activation.)

Source: Job Corps Center Financial Report, Office of Economic Opportunity and Job Corps Report of Enrollee Direct Costs, Department of Labor.

I am also bringing to the attention of my colleagues the detailed cost figures of the operations of these new regional centers:

COMPARISON OF DIRECT MAN-YEAR COSTS FOR RESIDENTIAL MANPOWER CENTERS NOW OPERATING AT PREVIOUS JOB CORPS CENTER LOCATIONS [1]

Center	Direct man-year cost for the period—	
	July 1, 1968, to Apr. 30, 1969	July 1, 1969, to Mar. 31, 1970
Hawaii [2]	$6,455	$6,600
New Jersey [3]	7,177	13,145

[1] Only 2 of the 5 residential manpower centers (RMC) now in operation are using the same basic facilities and/or location as previous Job Corps centers. The Hawaii RMC is the "old" Koko Head Civilian Conservation Center. The Hawaii RMC has the same capacity (250 trainees) as did Koko Head. The New Jersey RMC is located at the site of the former Kilmer Men's Center, but has a capacity of 370 trainees, whereas the Kilmer Center had a capacity of about 1,900 trainees.

[2] This center was activated on July 1, 1969, as a residential manpower center.

[3] This center was activated on Aug. 1, 1969, as a residentia manpower center.

Sources: Job Corps Center Financial Report, Office of Economic Opportunity; and Job Corps Report of Enrollee Direct Costs, Department of Labor.

JOB CORPS RESIDENTIAL MANPOWER CENTERS, BREAKDOWN OF DIRECT COSTS FOR THE PERIOD JULY 1, 1969, TO MAR. 31, 1970

	Residential Manpower Center				
	Atlanta	Hawaii	New Jersey	Phoenix	Portland
Center operating expenses:					
Enrollee expenses	$22,041	$223,224	$306,063	$66,727	$42,134
Operation and maintenance	206,303	113,983	89,861	68,357	23,247
Other operating expenses	144,282	0	3,061	155,050	79,348
Total center operating expenses	372,626	337,207	398,985	290,134	144,729
Center staff expenses:					
Staff salaries, wages, and benefits	421,964	557,246	551,075	393,334	108,912
Staff travel	31,573	13,855	3,201	33,361	4,005
Staff training	500	1,108	0	1,979	96
Total center staff expenses	$454,037	$572,209	$554,276	$428,674	$113,013
Total operating and staff expenses	826,663	909,416	953,261	718,808	257,742
Less income	0	0	8,450	200	300
Center costs	826,663	909,416	944,811	718,608	257,442
Enrollee direct costs—pay and allowances	12,165	127,408	62,122	17,517	3,568
Total center and enrollee direct costs	838,828	1,036,824	1,006,933	736,125	261,010
Equivalent man-years	15.0	157.1	76.6	21.6	4.4
Actual average man-year cost	$55,922	$6,600	$13,145	$34,080	$59,321
Enrollment as of Mar. 31, 1970	139	258	284	75	83

Note: Approximate number of months since activation: Atlanta, 2; Hawaii, 9; New Jersey, 8; Phoenix, 5; Portland, 1.

Source: Job Corps Center Financial Data, Department of Labor.

Nearly a quarter of a century has passed since the Congress of the United States passed the Employment Act of 1946, which set as national objectives the realization of "maximum employment, production and purchasing power"; yet today this country faces the specter of rising unemployment in a period of inflation, tight-money policies, and a downturn of economic growth in real terms.

It is incumbent upon us as representatives of the people to direct our attention to the great unmet domestic needs of this decade. We must assess the existing programs and then formulate a national manpower policy for the seventies which will provide more than unfulfilled promises. Rhetoric does not create jobs, nor promises, training. Empty rhetoric and unkept pledges have led to Watts and Newark. Only a massive commitment by this Congress to provide training and employment to all those seeking and willing to work will alleviate the cycle of poverty, and mitigate the hardships caused by layoffs due to changing economic patterns.

This Nation has the capability to guarantee to every American the opportunity to obtain employment consistent with his abilities. What is required now is the will to act.

LETTER FROM VIETNAM ON PORNOGRAPHY

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. PURCELL. Mr. Speaker, almost a month ago the House of Representatives passed H.R. 15693, an effective piece of antiobscenity legislation. Public feelings run high on this issue, and we have all heard from many of our constituents regarding this problem.

I recently received a letter, however, which brings out yet another strong reason for concern. This letter was from Spec. John A. Dresser, presently stationed in Vietnam, and his hometown is Gainesville, Tex., which is located in my congressional district. I know that his parents, Mr. and Mrs. D. J. Dresser, are very proud of him; and I am inserting Specialist Dresser's letter at this point in the RECORD so that my colleagues may have the benefit of his views:

LETTER FROM VIETNAM ON PORNOGRAPHY

As an American GI in Vietnam I would like to express my concern for the devastation caused by the existence of pornography. Having taught high school for 2 years before being drafted into the Army, I had the opportunity to observe the development of attitudes and convictions among young Americans. Likewise, at the present I am witnessing young American boys (a majority of which are recent high school graduates but by their patriotism here prove themselves to be men) forming dangerously liberal attitudes toward their own moral standards. This transition is having an apparent shocking effect on their character. One might ask, "Who are you to judge?" One does not need to judge, only to glance at the pictures and listen to the resulting obscene language which accompanies the indulgence of such literature to identify the declining humanity. Pornography is clearly available to the GI here in Vietnam, to what degree as compared to the United States, I don't know. The filth on the magazine stands is leaving its stain on the minds of these young men to be carried back to the United States.

After enduring the experiences of wartime, the GI here is looking foreward to a better life. Does any meaning of a desirable life lie in the temptation of a luring device implanted in the magazine stands of his own home town? In the combat zone a man's thoughts, eyes, and attention may be focused on whatever is most appealing and available in his few spare moments. It is here that a man's most precious physical desires can fall victim to the decay of pornography. But these obscenities are not ones that he can be proud of in his recollections. Environmental conditions are such that a typical GI will tell you, "I would not want my parents, wife, sister, or girlfriend to see what I have to live among."

Regardless of what the man on the street may think of the morality of the GI in Vietnam or the reason for his being here, I am sure an overwhelming majority of servicemen, if the truth was known, would say with me: "I am an American, I want to go home to the land of the free, not of the filth."

Sincerely yours,

Sp. 5c. JOHN A. DRESSER.

FIGHTING POLLUTION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. WYMAN. Mr. Speaker, increasing concern for the protection of our environment against pollution is reflected in a fact sheet made available to me by students at the University of New Hampshire united in the cause of improving the environment. This sheet lists various ways that citizens as consumers can help combat solid wastes and other pollution.

It is fairly predictable that increasing consumer pressure in the form of boycotts or otherwise will cause changes in policy by private companies in the interests of combating pollution.

I urge all citizens to take these admonitions to heart and to pass this information on to their friends and neighbors in the cause of a cleaner and healthier America.

WHAT YOU CAN DO ABOUT POLLUTION

This sheet is a list of varied consumer goods that you can buy to decrease the amount of solid waste (eg. paper, bottles, cans) and liquid wastes (high phosphate detergents) that are polluting our environment. Manufacturers understand consumer Pressure!

A. Detergents.—Use low phosphate detergents such as Cold Power, Cold Water All, Wisk, Diaper Pure, Trend. These detergents contain low levels of phosphate. Better yet, use soap powders (Lux, Ivory Snow, etc.), dishwashing liquids (all okay), borax (Borateen), or washing soda, all of which are very low or contain no phosphates at all. Write UNHITE, 8 Ballard St., Durham, N.H. 03827 for information on how to use soap powders with washing soda to get a clean wash without phosphates!

B. Vegetables.—Buy unwrapped vegetables. Items such as cucumbers, lettuce, radishes, broccoli, squash, sweet potatoes, cabbage, turnips, onions, yams, pepper, and celery can be washed off at home for sanitary purposes. Ask the produce manager for unwrapped vegetables. After all, he gets these products in wooden crates and packages them to add eye appeal. These excess wastes must be disposed of. You may breathe tomorrow the plastic you buy today.

C. Fruits.—Buy unwrapped fruit. Nature provides them with natural sanitation, the peelings. Buy unwrapped oranges, grapefruit, apples, melons, pineapples, bananas, plums, cherries, etc. Purchase reusable lettuce crispers or utilize plastic ice cream containers for storage of perishable goods.

D. Eggs.—Return egg cartons to the grocery store. These are reusable.

E. Bottles.—Many stores have their own chain store goods in returnable bottles (e.g. A&P soda). Use returnable milk bottles such as Cumberland Farms. Not only do you save 19¢ on every gallon of milk ($28.64 per year using three gallons per week), you also reduce the amount of solid waste. Ask for returnable beer bottles (Narragansett Giant Imperial Quarts, Knickerbocker quarts, Coors Beer in the West, Budweiser, and Molsen in Canada). Your grocery store services your needs. *TELL THEM* you want returnable bottles. Force Coca-Cola, Cott, Canada Dry to provide returnable bottles again by purchasing goods only in returnable bottles. Stand up and be counted.

F. Paper products.—Use plain white paper products if you must use them at all. The dyes in paper products not only stain the water where they are produced, but they are also harder to break down when they are disposed of. Keep this in mind when buying toilet tissue, paper towels, paper plates etc. Refuse grocery bags to store your solid waste. Don't buy plastic bags. Refuse excess paper bags given to you by bag boys, or better yet, bring your own shopping bag and use a trash can to store solid waste.

G. Cheese and butter.—Buy solid pound butter or margarine. There is less packaging. Buy cheeses not individually wrapped. Again utilize reusable containers to protect perishables in the home.

H. Toothpaste.—This need not be wrapped. Buy just the product, not the packaging. Give it to the girl at the counter to dispose of.

I. Buy in larger quantities.—Smaller packages have a larger paper surface to product ratio. There is less wasted in larger quantity purchases and less of a disposal problem.

J. Gasoline.—Use unleaded gasoline. They add less obnoxious chemicals to the air. Send back your credit cards to petroleum companies that are involved in large scale oil disasters.

BOLING WINS COMMUNITY IMPROVEMENT AWARD

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. PICKLE. Mr. Speaker, in these anxious and tense times, I felt it might be refreshing and reassuring to pause for a moment and give recognition to one of the towns in the 10th District of Texas—Boling, located in Wharton County.

Just this last week, Boling won first place over a group of 310 communities in the Texas Community Improvement Contest, sponsored by the electric utilities companies of Texas in cooperation with the Extension Service of Texas A. & M. University. This progressive town

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held a tour on May 22 so that all visitors could see the many homes and business locations, of which all can be justly proud. The Boling District Improvement Association covers not only the townsite of Boling, but also the entire Boling Independent School District, and there are approximately 900 families in the district. They have 100 percent participation in such civic endeavors as overall cleanup; maintenance of yards, cemeteries, and vacant lots. Every resident participates in some activity to enhance his well-being or that of the community: Vegetable gardening, teaching of piano, raising of pecan trees, and many other worthwhile endeavors. The people of Boling say of their town: "There ain't none better," and describe their friendly community as: "Where the days are warm as a mother's love and the nights as cool as a rich relation."

I salute Boling and its civic-minded people who serve as a daily reminder to the people of the 10th District, the State of Texas, and in fact, all of our great country, the fact that Americans are hard working, industrious, and believe in our way of life, our country's heritage, and its future.

SMALL GROUP OF RADICALS PLANNING DESTRUCTION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. DERWINSKI. Mr. Speaker, the editorial which I will insert into the RECORD at the conclusion of my remarks is from the Harvey, Ill., Tribune of Thursday, May 21. This newspaper serving communities in south suburban Cook County naturally directs most of its editorials to matters of local interest. However, the situation described and discussed in this editorial covers a situation which unfortunately has and can occur throughout our land. Therefore, I deem it of special significance and for this reason insert it into the RECORD:

SMALL GROUP OF RADICALS PLANNING DESTRUCTION

Last week, police in Hammond and Lansing arrested two adults and one juvenile there who have been charged with arson in connection with the firebombing of an elementary school in Lansing. That act has unfortunately become so commonplace these days that it would not have drawn much attention, but police in Lansing and Hammond claim the firebombing was only a test for a much more serious attempt to destroy a large portion of Lansing.

According to Lansing police, they received information that several young revolutionaries there planned to blow up the police station, the fire station, the main electric transformer, the natural gas reservoir and many other primary facilities.

It was also planned, the police said, to seize four all-night gas stations and let the fuel run into the sewers. This fuel would then be set afire causing widespread property damage.

We mention this information here to alert all citizens to the fact that there are those who are so disenchanted with the establishment that they would resort to these tactics of violence and revolution.

The Weatherman faction of the SDS has publicly announced that they intend to destroy this country and several thwarted attempts to manfacture bombs have proven that they are indeed deadly serious. The fact that Lansing police believe their town was marked for such revolutionary action points out that no community is safe from these anarchists and emphasizes the fact that every community should take necessary precautions.

As a citizen, you can help too. Don't discount any wild stories your youngsters tell you about SDS involvement in the local area. Report it immediately to your police department. Such information from teenagers led to the three arrests in Lansing.

One yippie newspaper, published in Chicago, has already drawn its bead on the Harvey and Riverdale police departments for the present crackdown on narcotics users in this area. While pointing the finger of guilt at the police for conducting such raids, this same newspaper publishes information of the best types of guns to purchase, advocates the shooting of policemen and the overthrow of our country.

We cannot close our eyes to these revolutionary acts and we must be prepared to do everything possible to bring these perpetrators of violence and revolution to justice.

A small, hard-core group of dissidents are attempting to destroy America and Americans everywhere must rise up against them if this country is to survive.

PRESIDENT'S DECISION IS SUPPORTED BY RETIRED OFFICERS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. DORN. Mr. Speaker, last Friday night, the Piedmont Area Retired Officers Association adopted the following resolution in support of President Nixon and his policies in Cambodia. This outstanding organization is composed of members from the Counties of Anderson, Pickens, and Oconee, in my district of South Carolina, and I am proud to commend their excellent resolution to the attention of the Congress:

RESOLUTION

Whereas the President of the United States has been subjected to much strident criticism for his unprecedented decision to enter the Cambodian "sanctuaries" occupied by the North Vietnamese for their bases and war supplies, and

Whereas our President, as Commander-in-Chief of our Armed Forces, based on the best information and facts available deemed it imperative that an incursion into Cambodia be made, and

Whereas the President made his decision in the expectation that it would (1) shorten the war; (2) save American lives over the longer term; (3) enable the Vietnamization to proceed as planned; and (4) minimize the potential of disastrous defeat as the strength is reduced with our withdrawals from Vietnam,

Now, therefore, be it resolved that in the belief our President acted for the necessary and limited purpose of removing a serious threat to our Armed Forces without intent of escalating the war, and also in the confidence that he will remove all American troops from Cambodia by 30 June 1970 as he has promised,

We, the members present, of the Piedmont Area Retired Officers Association, at a regular meeting—as concerned and responsible citizens—vouchsafe our firm support of our President in his Cambodian decision, and

We further do laud the courage exhibited by the President in making this timely, crucial and awesome decision which gains invaluable time for the Vietnamization program, protects our troops from an immediate threat from the Cambodian "sanctuaries" and testifies to the President's determination not to abandon the principles of freedom for which more than 40,000 American men have died.

Adopted: May 22, 1970.

THE NATIONAL ECONOMY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. HELSTOSKI. Mr. Speaker, while the eyes of most Americans are focused on the war in the Far East and rightfully so, I do believe we in Congress should direct more active attention to a situation—inflation—that threatens to crush our Nation and its people.

The Congress must move quickly to control and halt inflation for it is most obvious that the fumbling and stumbling efforts of the President are not bringing correction to the situation. In fact, the presidential actions, and the lack of them in some key areas, are adding fuel to the fires of inflation.

In the past 18 months inflation has turned into a raging fire from which there will be no escape unless we are ready and willing to take the stern and sensible steps that the President refuses to take under the powers given him by the Constitution and law.

What has happened and is happening is well spelled out in the following statement on the national economy by the AFL–CIO Executive Council.

The key section of the AFL–CIO statement proposes and suggests steps that might be taken to whip inflation and in my opinion the appropriate committees of the two bodies of Congress should bring them up for consideration immediately and get necessary legislation before us so we can overcome the President's inadequate and poor actions and lack of action.

The statement follows:

STATEMENT OF THE AFL–CIO EXECUTIVE COUNCIL ON THE NATIONAL ECONOMY

The Administration's campaign against inflation has been a complete failure. Price have gone up, unemployment has grown, and the nation has crossed the threshold of recession.

The time has obviously come for the Administration to abandon its bankrupt economic policies before the already grave damage to American living standards snowballs.

In April, unemployment soared to 4.8% of the labor force or close to 4 million workers—equalling the sharpest month-to-month rise since the 1960 recession. The jobless rate for Negro workers shot up to 8.7%; for teenagers, to 15.7%. In the four months since

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last December, 1.1 million workers were added to the swelling ranks of the unemployed—victims of the Administration's deliberate policy to slow production and employment.

Millions of additional workers have seen their paychecks shrink as the spreading effects of the squeeze on the economy has brought production cutbacks and reductions in working hours.

But living costs have continued to mount. The Consumer Price Index has risen at a yearly rate of about 6% since December.

The buying power of the weekly after-tax earnings of the average non-supervisory worker in private employment—about 48 million wage and salary earners—is less than last year and below 1965.

With unemployment rising sharply and industry operating at merely 79½% of its productive capacity, there is no classical inflationary condition of widespread shortages of goods and manpower that could justify government measures of severe, general economic restraint.

The Administration's policy—with the highest interest rates in 100 years—has been discriminatory, as well as ineffective, in combatting the rapid rise of prices. It has cut urgently needed residential construction—with housing starts down from a yearly rate of 1.9 million in January 1969 to 1.4 million last March. It has hit the expansion of state and local government facilities and smaller businesses. In addition, skyrocketing interest rates have raised costs and prices all along the line to the consumer—adding to inflationary pressures.

Moreover, this blunderbuss policy has not curbed business profiteering, while it boosts bank profits. Cuts in government appropriations, as those for medical schools which threaten to continue the shortage of medical personnel, will continue the soaring rise of medical costs. And the tight monetary squeeze has not curtailed the credit inflation of the banks, with their lines of credit to the blue-chip corporations and wealthy families for lendable funds.

The banks have been permitted to evade the monetary squeeze. In 1969, for example, the international banks increased their "borrowings" from their foreign branches by $7 billion and even modest government regulations were not imposed until September. Bank holding companies issued $4 billion in promissory notes last year—and are continuing to issue such commercial paper, at present—at very high interest rates, free of government regulation.

Thus, while credit for needed production, such as housing, has been drying up—or if available at all, at extortionate interest rates—business loans of the large banks are up 5% from a year ago. The nation's major banks have been extending loans for such operations as conglomerate take-overs, gambling casinos, unnecessary inventory accumulation and a continuing boom of business investment in new plants and machines, while more than 20% of industry's existing capacity stands idle.

Even if the money supply should ease somewhat, there is no assurance that such utter misallocation of available credit by the banks and other financial institutions will not continue or that interest rates will not remain at high levels.

The regular operations of the banks and other financial institutions are not meeting America's needs. Moreover, they have been adding a high-interest rate credit-inflation to the business profit-inflation of the 1960s.

The time is long overdue for a sharp change in the nation's economic policies. The pace of rising prices must be slowed, without a growing army of unemployed. The urgent need is not last week's reduction of margin requirements for purchases in the stock markets to stimulate increased speculation.

The government must channel available credit, at low interest rates, to where it is needed and curb the inflationary expansion of credit for purposes that are less important to society.

Last December, Congress passed a bill entitled "Lowering Interest Rates, Fighting, Inflation, Helping Small Business and Expanding the Mortgage Market"—which grants broad authority to the President for selective measures to curb the specific causes of credit inflation, while expanding credit for needed facilities and business operations. It provides the government with flexible means to rebalance the nation's credit structure and to finance housing, schools, hospitals and other community facilities at low interest rates.

More than four months have passed and still the President has not exercised this authority.

The need for increased low- and moderate-income home construction, at reasonable interest rates, is not being met, forcing the government to initiate interest-subsidy programs that reward high interest rate policies at taxpayers' expense, in order to prevent the complete collapse of home-building. Small and medium-sized businesses have been hit by a lack of available credit at reasonable interest rates. The inability of local governments to obtain low-interest loans is resulting in postponing construction of needed schools, hospitals and other facilities, while available credit is being drained off for less-urgent investments and dubious objectives.

So prices continue to rise rapidly; layoffs and production cutbacks are spreading; urgent social needs are not being met.

Therefore we recommend the following steps to take America out of recession and end inflation:

1. Confronted by the President's failure to use his authority, we urge the Congress to direct the Federal Reserve system to establish selective credit controls, maximum interest rates on specific types of loans and the allocation of available credit to where it will do the most good for America.

2. To meet the goal of 26 million new and rehabilitated housing units in ten years, the government should also require that a portion of such tax-exempt funds as pension, college endowment and foundation funds, as well as bank reserves, be invested in government-guaranteed mortgages.

3. To curb the price-raising ability of the dominant corporations, government action is needed to curtail the continuing high rate of business mergers, which has been greatly increasing the concentration of economic power in a narrowing group of corporations and banks.

4. The specific causes of soaring pressures on living costs, such as physicians' fees, hospital charges, housing costs and auto insurance rates, should be examined for the development of practical, sensible measures to dampen these pressures.

If the President, after exercising that authority voted him by Congress, determines he needs additional authority and decides that the situation warrants extraordinary overall stabilization measures, the AFL–CIO will cooperate, so long as such restraints are equitably placed on all costs and incomes—including all prices, profits, dividends, rents and executive compensation, as well as employees' wages and salaries. We are prepared to sacrifice as much as anyone else, as long as anyone else, so long as there is equality of sacrifice.

WHAT'S THE CAUSE?

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. SCOTT. Mr. Speaker, a weekly newspaper in my district, the Central Virginian of Louisa, Va., on May 21, 1970, published a very thoughtful column on the causes and cures of youthful dissent today. This article is written by a good friend, Harry Disston, under the pen name of H. D. N. Hill. For the information of my colleagues, I include it in the RECORD:

WHAT'S THE CAUSE?

(By H. D. N. Hill)

The educated young—we are well, painfully and frighteningly aware—are violently and riotously rebelling. They are violently dissident, destructive (of themselves as well as of property), undisciplined, unthinking, out of hand. What is all the root of this social cancer?

The cause of the current destructive unrest among the young stems from several basic situations. They are, I believe:

1. Undue permissiveness and considerable over-indulgence of the young and minority groups.

2. The great affluence enjoyed by our nation since the end of World War II—while at the same time much of the rest of the world is plagued by deep poverty, hunger, disease and strife.

3. Our insidious welfare programs and attitudes.

4. The frustration caused by the concept—and application—of a "limited" ("no-win") war in far off places.

Let us reflect briefly on each of these underlying causes.

Undue permissiveness is, perhaps, the deepest cause of unrest among the young. The rod of discipline, courage and sound reason has been continually far too much spared, with the result that the children are "spoiled rotten". The over-indulgence of the young and minority groups has resulted, naturally, in a lack of respect not only for constituted authority, but also a lack of respect for knowledge, experience, the truth and those who disagree with the dissidents. It has resulted in the admission of inferior students to institutions of higher learning and in placing many incompetents in positions of responsibility. It has caused sound thinking, careful consideration, mature reflection and confidence in the seasoned able among us to be replaced by slogans, snap judgment, popularity, strikes and the pressure of violence in approaching problems of public concern.

The frantic efforts of liberal elements in pushing the equalization of civil rights—just and desirable as the objectives are—much, much faster (and by unfeasible and artificial devices) than our as yet unconditioned society can absorb the new concept is another evidence of over-indulgence.

The great affluence we enjoy is due largely to our technological skill, professional knowledge, capable research and abundant natural resources. Much of our current "wealth", however, is false and deceptive. Our private enterprise economy is more and more controlled and managed by government bureaus and agencies. Our increasing ability to produce is also increasingly outstripping the immediate ability of customers to consume and use the production—let alone afford it. We are, as a nation—and most of us as individuals—"in hock" for some two to five years ahead. The conglomeration of industrial and business firms permits presentation of unrealistic savings and profits. All of us are urged through the communications media to borrow, to charge it, and to buy more than we planned and can afford. The innocent, the unknowledgeable and the unskilled are losing a great deal more than they can afford on their "investments" in the stock market.

Our economy—somewhat out of joint from unrealistic overindulgence for some ten to twenty years—is shabby; it is almost surely headed for an uncontrollable and disastrous

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inflation or a deep depression unless most unpopular price and wage controls are applied.

The welfare programs—in addition to bogging down in a mire of administrative confusion and incompetence and undue cost—has the very great weakness of eliminating all incentive for the poor to work. Worse, many of the welfare programs in effect for some years have encouraged a dangerous dependence on the government and have established government "hand-outs" as a right. They have weakened the will of individuals to survive in our competitive society (a natural state, which will be with us for many thousands of years more). They have weakened the moral fibre of our citizenship—moulded thinking and action to getting more and more from the common pot while giving less and less to it. The indigent do not seem to be hungry enough to want to work!

The frustration of the Vietnam war is, perhaps, more a matter of fanning the smouldering fire than a true cause of the deep unrest. The war is essentially a "whipping boy". It is indeed unfortunate that those who demonstrate so loudly and violently to shorten the war are prolonging and intensifying it by encouraging our enemies to wait us out.

A most harmful effect of anti-war violence is acceptance by some—many—that it is reasonable, even desirable, to conduct a war through public opinion (grossly misinformed and unknowledgable). Certainly the citizens of our country should have a strong voice in whether or not we should go to war and whether we should terminate it—and with equal certainty, they should leave to the experts and those responsible how the war should be conducted and terminated.

So, what to do about the basic causes of unrest?

Surely, some changes in the old order are needed and should be initiated. Fundamentally, however, it seems that we need to return—and promptly—to applying some of the principles which for a long time and frequently have been found successful in maintaining a reasonably just, progressive, free, relatively peaceful and prosperous society. These include the right of peaceful dissent—by anti-dissidents as well as the dissidents; prompt suppression and punishment of violence and lawlessness, acceptance of responsibility as a prelude to privilege; judgment after—not before—the facts; respect for and loyalty to constituted authority; the rule of reason and the will of the majority; change through the orderly process of law; that all do not have equal abilities; that one must earn his "daily bread"; that we must defend ourselves against those who indicate and announce they want to destroy us; realization that this is not a perfect world.

Most of all, we need to take strong and positive measures to assure that the young and minority groups learn and understand the "rights" can only be earned by demonstrating responsibility—that a strong, free society rests firmly on the orderly and just application of the common law and support of constituted authority.

Let us hope that these lessons are learned soon!

DISPOSAL OF PESTICIDES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. DINGELL. Mr. Speaker, I recently received a letter from Shirley A. Briggs, executive director, Rachel Carson Trust for the Living Environment, Inc., with which was enclosed material dealing with disposal of pesticides and a copy of the regulations adopted by the Government of Argentina dealing with the use of assorted pesticides. It is a matter of great interest that the Argentinian regulations appear to be substantially in advance of practices allowed in the United States.

So that this information may be available to my colleagues, I insert the text of the letter, as well as the two enclosures at this point in the CONGRESSIONAL RECORD:

RACHEL CARSON TRUST FOR THE
LIVING ENVIRONMENT, INC.,
Washington, D.C., April 28, 1970.

Hon. JOHN D. DINGELL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: We hope that you might find the enclosed copy of the Argentine pesticide regulations of interest. For some reason, these do not seem to have gotten any public attention, although they were put into effect over two years ago and would seem to be among the most thorough of such actions in any country to date.

This translation was undertaken by the Trust with a view of giving them more circulation, and we hope that it is a satisfactory rendition. The Argentine Embassy has made a few corrections and refinements, and we shall now summarize it for more general release.

We have appreciated your sending current legislation relating to the environment to us, and shall hope to continue to be on your mailing list for material of this kind.

Sincerely,

SHIRLEY A. BRIGGS,
Executive Director.

DISPOSING OF PESTICIDES

Surplus pesticides and empty containers must be disposed of very carefully to avert accidental poisoning or unnecessary contamination of our environment. The persistent pesticides, notably DDT and the other chlorinated hydrocarbons as well as some other compounds, take years to break down into less toxic material. Some, including arsenic, lead, and selenium, remain toxic indefinitely. For all of these, disposal should assure that they will not escape later into the environment. No really sure and convenient way has yet been found to do this

Burial and burning are the normal alternatives. Burial requires knowledge of the terrain and of future land use that few people can guarantee. Burning requires special incineration facilities that are not common.

Basic rules:

Never put pesticides down the drain, into the trash can, or on a public dump unless it has special provisions for pesticide disposal. This means deep and immediate burial where the materials will not reach groundwater or surface water and where disturbance of the soil will not unearth the pesticides later.

Old containers must be disposed of as carefully as the poisons themselves. Never re-use them and do not leave them in usable shape for others who may find them, even after you have buried them.

Handle all pesticides carefully at all times. Be sure containers do not leak. Many pesticides are toxic to humans just by contact with the skin.

TO BURY

Burial on your own property should be done only when the materials can be put into a hole well away from trees, desirable shrubs or plants, and at least 50 feet from any well or surface water. It should not be near a home. Few city or suburban lots are suitable. Be sure the pesticides will not leach down into groundwater—sandy soil may be undesirable. The hole must be deep enough to cover the pesticides with at least 3 feet of soil, immediately. If the highest possible water table is less than 5 feet below the surface, do not bury pesticides there at all. Put aerosol cans in intact. Chemicals in glass or other metal containers will presumably retain their toxicity if buried intact, so it is recommended that such containers be broken so the contents will spread somewhat into the soil and be subject to natural degrading over the years. The decomposition of certain organic pesticides can be hastened by mixing them or surrounding them with at least 10 times their weight of quicklime or hydrated lime.

Organic phosphates, which decompose quickly, are more suitable for burial than the persistent chemicals. The same precautions should be taken. Admixture with lime is particularly effective with these materials.

Herbicides should be buried, not burned. Most organic herbicides degrade fairly rapidly, but those containing arsenic compounds will remain toxic indefinitely. Bury all herbicides far from any vegetation that might be affected. A public sanitary landfill may be best, if they are forewarned and equipped to deal with pesticide burial. Burning of herbicides releases very toxic fumes, and some explode.

Large quantities of pesticides present a greater problem. They must be buried at least 6 feet above the highest groundwater level, where the land is not apt to be used for crops, pasture, or building sites, and at least 300 feet from any wells or surface water. They must be covered immediately with at least 3 feet of soil.

OR TO BURN

Do not burn pesticides yourself. Adequate and safe burning of pesticides requires a specially designed incinerator that will maintain a "red heat" of 700° C. (about 1290° F.), and preferably one that has an afterburner. This will destroy all organic matter, including most of the chlorinated hydrocarbon pesticides. One that maintains a heat of 1000° C. will deal with all but a few residues of other pesticides.

If you find a public incinerator that is able to deal with pesticides, find out when the operators prefer to have such materials brought, and let them know when you are coming and with what. Wrap the pesticides in several layers of newspaper to assure as high a heat as possible. The package should be placed beneath a layer of combustible materials so that escaping vapors will be forced to pass through a zone of flame. Some chemicals leave a residue even after 1000° C. incineration. Alert the operators to this possibility, so the remainder can be buried or otherwise safely disposed of. Atrazine, carbaryl, bromacil, dalapon, and especially DSMA and zineb will leave residues of those studied so far.

In the Washington, D.C. area, the incinerator for Montgomery County, in Rockville, maintains sufficient heat to deal with pesticides. They ask to be warned before pesticides are brought, and suggest the days in the middle of the week when steady heat is kept at maximum temperature.

These suggestions have been compiled by the Rachel Carson Trust for the Living Environment, Inc., 8940 Jones Mill Road, Washington, D.C. 20015 (301) 652-1877.

REGULATIONS ADOPTED BY THE GOVERNMENT OF ARGENTINA

DECREE NO. 647

Having reviewed file no. 429/68 concerning the desirability of avoiding "illegal residues" of pesticides in agricultural products and by-products produced in this country, which may affect human health, and

Whereas these contaminations by pesticides or their derivatives and degrees of tolerance therefore are regulated in various countries by special Alimentary Codes; and

Whereas there is available a number of pesticides which can replace those of zero tolerance or of very low tolerance, these same are registered with the Department of Agriculture and Livestock and therefore obtainable from Argentine commercial sources;

Whereas the regulation and control of the correct use of such pesticides is a difficult task for the technical services of the abovementioned department, taking into account the size of our territory and the scarcity of technical personnel.

For these reasons and in consonance with the proposal of the Minister of Agriculture and Livestock,

The President of the Argentine Nation decrees:

Article 1. It is forbidden to use in plant pest control, grasshopper-killers composed of Dieldrin and Heptachlor or equivalent products as is also forbidden the use or application of such products in animal hygiene.

Article 2. The Department of Agriculture is empowered with the review of current use regulations of all pesticides, and especially of the chloride compounds, assuring that the use of the same will not produce a residual accumulation in agricultural products or by-products, in excess of the limits permitted by the most strict of (other) countries.

Article 3. Article 2 of Decree No. 4426 of June 23, 1967 is hereby repealed.

Article 4. Those firms which on the date of this Decree possess stocks of grasshopper-killers "Dieldrin" and "Heptachlor" and their equivalents, brought into the country under a suspension of import duties, must report them within a limit of 15 days to the Department of Agriculture and Livestock, and to the National Customs Bureau for the purposes of their appropriate disposal, under Joint Resolutions of Dept. Ag. and Treasury Dept., specifying conditions, destination, and/or utilization of such stocks.

Article 5. Those products indexed in positions 29.21.00.03–29.35.20.07 and 29.25.01.13 for application as grasshopper-killers may be imported duty-free with the prior certification of the Department of Agriculture.

Article 6. The present Decree will be countersigned by the Minister of Economy and Labor and signed by the Secretaries of Agriculture, Treasury, and Industry and Commerce.

Article 7. Let it be communicated, published and delivered to the General Directorate of the National Registry and returned to the Secretary of Agriculture and Livestock for appropriate purposes.

Ongania.
Adalberto Krieger Vasena.
Rafael Garcia Mata.
Luis S. D'Imperio.
Angel A. Sola.

FEBRUARY 15, 1968.

RESOLUTION NO. 361

By virtue of what was established by Decree No. 647 of February 15, 1968, which forbids the use of the chloride products Dieldrin and Heptachlor or their equivalents in Animal Hygiene and

Whereas: the fundamental provisions of the cited Decree refer to what quantities of the stated pesticides contained in foodstuffs may place human life in danger;

Many countries' Alimentary Codes (Foodstuff Laws) regulate the use of these contaminants;

Persisting in the use of these products may affect our foreign commerce;

As identical situation exists respect to other hydrocarbon chlorides such as Dichloro-Diphenil-Trichlorethane (DDT), Methoxichlor, Hexachloride - Ciclo - Hexane (BHC), and the chlorinated Camphenes and Terpenes (Strobane), etc.;

In accordance with what was established by Article 2 of the mentioned Decree, it is the duty of the Department of Agriculture and Livestock to supervise and regulate the prescriptions for the use of pesticides and especially the chloride compounds which produce a residual accumulation in agricultural products and by-products;

Therefore, the Department of Agriculture and Livestock resolves:

1. To prohibit after May 1, 1968, the use of chlorinated hydrocarbons such as Dieldrin, Heptachlor, DDT, Methoxichlor, BHC, Camphenes, and Terpenes, etc. in cattle and hog dips as well as in slaughterhouses and nationally authorized meat processing plants.

2. Those firms which have in their possession as of the date of this Decree stocks of the products named in paragraph No. 1 above should proceed in accordance with the provisions of Article 4 of the aforementioned Decree No. 647.

3. Publish, record and return to the General Directorate of Animal Hygiene for its appropriate enforcement.

RAFAEL GARCIA MATA,
Secretary of State for Agriculture and Livestock.

APRIL 2, 1968.

RESOLUTION NO. 476

Having seen File No. 1.666/68 regarding products and by-products produced in the country which can affect human health and our commerce, and

Considering that there has been established in this Department a representative Committee of its various dependencies to which this problem appertains, and which developed the background for the promulgation of Decree 647 of February 15, 1968 prohibiting the use of grasshopper-killer products made from Dieldrin or Heptachlor and their equivalents and the administration of such products in Animal Hygiene; and also Ministerial Resolution 361 of April 2, 1968 of this Department prohibiting the use of chlorinated hydrocarbons in cattle and hog dips and in slaughterhouses and meat processing plants.

That there is anticipated, in accordance with what is provided by Article 2 of the aforementioned Decree 647, and for the purpose of achieving the proposed result, that our agricultural products and by-products do not show pesticide contamination above the limits which the most demanding country permits, an intensive technical undertaking to which none of the involved dependencies can fail to contribute.

That the participation of the private sector in this action is of great use and value.

Therefore, the Secretary of Agriculture and Livestock Resolves:

1. To grant priority No. 1 to the problems of illegal residues of pesticides, requiring that all reports requested be submitted within a maximum time of 24 hours and to make specially responsible all functionaries regardless of rank for the strict compliance with all dispositions which may be taken regarding this matter.

2. To confirm the Permanent Committee on Pesticide Residues made up of the head and one alternative from the following dependencies: COCOP, INTA, General Office of Plant Hygiene, General Office of Animal Hygiene, SELSA, National Meat Board, and General Office of Dairy Farming.

3. The foregoing Committee will be presided over by the Under Secretary (of Agriculture) and/or the Director General of Animal Health or of Plant Hygiene as alternates.

4. Invite the private sector and industries involved in such products to participate in this Committee in an advisory and collaborating role for the purpose of better coordination and compliance with the action program in question.

5. The mentioned dependencies will report to the Secretariat of the Committee their present representatives' names, addresses, and telephone numbers, as well as the creation of Subcommittees which will work in each area and the measures adopted or to be adopted.

6. Let it be communicated, noted and filed.

RAFAEL GARCIA MATA,
Secretary of Agriculture and Livestock.

APRIL 24, 1968.

LAW NO. 17.751

By authority of powers conferred by Article 5 of the Statute of the Argentine Revolution.

The President of Argentina enacts and promulgates with the force of a law:

Article 1. There are hereby declared to be of public use and subject to expropriation by the Department of Agriculture and Livestock all stocks, now confiscated or to be confiscated, of pesticides made from Dieldrin, Heptachlor, and their equivalents, and made up from chlorinated hydrocarbons and their active ingredients and technical grades, thereof now in possession of holders regardless of title.

Article 2. The Executive Power will indemnify (the holders) at the cost price of these products, for which purpose the interested parties must furnish the necessary documentation to make such determinations.

Article 3. Such expropriation will not occur when the manufacturers dedicate the products mentioned in Article 1 to uses permitted in the fight against pests, or in the case of their re-exportation. Such re-exportation will be free of all taxes, and all duties paid in virtue of their (original) importation will be reimbursed. Such exemption and reimbursement will also extend to the charges for statistical and consular service and proof of destination. The reimbursement of duties on such re-exported products will be determined in accordance with the procedure for reimbursements on exports of non-traditional manufactured products.

Article 4. There are declared to be free of import duties and of deposit prior to introduction into the market, all equipment, apparatus, parts and drugs not produced in this country and which are required by public and private organizations for the assembling, putting into operation and maintenance of laboratories specially designed for the determination of pesticide residues in agricultural products and by-products in accordance with the regulations and conclusions thereby determined. This exemption will apply to all equipment, apparatus, parts and drugs not produced in the country (and already introduced), and which are nationalized (declared to be of national interest) from the date this present law enters into effect.

Article 5. For the purpose established by Article 2 of the present law, the Secretary of Agriculture and Livestock is hereby authorized to invest, charging to the Budget of Central Administration—Directorate General of Plant Hygiene, up to the sum of Ten Million Pesos and to the Budget of the National Meat Board, a decentralized institution under his jurisdiction, up to the sum of One Hundred Eighty Million Pesos—for which the Executive Power is authorized to increase the Budget of Costs and Resources of the said Board for this present fiscal period as approved by Law No. 17.579.

Article 6. It is hereby established that the indemnizations, regardless of the amount, will be paid directly by those dependencies hereinbefore mentioned.

Article 7. Within Thirty Days from the promulgation of this Law, the Executive Power will publish the pertinent Regulations.

Article 8. Let it be communicated, published, and delivered to the Official Register for filing.

ONGANIA.
ADALBERTO KRIEGER VASENA.

MAY 27, 1968.

MINISTERIAL RESOLUTION NO. 751

Whereas the present Report No. 2.340/68, by which the General Directorate of Plant Hygiene proposes the adoption of Decree No. 647 of February 15, 1968 and Resolution 497/68, as well as with the correct use of pesticides to avoid illegal contaminations in our agricultural and livestock products and by-products and

Considering that companies devoted to undertaking jobs to fight against pests and diseases for the benefit of third parties, have as their basic activity a direct intervention in the use and handling of chemical products employed in the control of the same;

That these mentioned enterprises can only act in their fight against pests through compliance with the obligation to be registered in the "Register of Air and Land Enterprises for Plant Sanitation Work", administered by the General Directorate of Plant Hygiene and created for that purpose by the provisions of Article 22 of Decree-Law No. 6407/63;

That it is appropriate to establish norms to compel these companies in carrying out their activities, to comply with the dispositions of the Register of Plant Pharmacy, for which they must list all of the technical data of the entire process of pest and plant disease control, as well as to comply with the restrictions in their use, to assure an agricultural product or by-product without illegal pesticide residues;

Therefore, the Secretary of Agriculture and Livestock resolves:

1. The General Directorate of Plant Hygiene will proceed to cancel the registration in the "Registry of Air and Land Enterprises for Plant Hygiene Work" of whatever firm which employs for the control of pests and diseases, special products for plant treatment in a manner or in doses or conditions other than those currently registered in the National Register of Plant Therapeutics.

XUM

2. The dispositions of Article 1 apply equally to persons or firms which work with air or land equipment and will be enforced according to evidence from the inspection personnel in the Reconnaissance and Plant Hygiene Control Service. Upon proof of an infraction, the firm will be prohibited from continuing such activities, in addition to the sanctions established in Decree Law No. 6.704/63.

3. Let it be communicated, published and for its knowledge and other purposes, be returned to the General Directorate of Plant Hygiene.

RAFAEL GARCIA MATA,
Engineer Agronomist,
Secretary of Agriculture and Livestock.

JUNE 18, 1968.

PERMANENT COMMITTEE OF PESTICIDE RESIDUES—PROBLEM OF ILLEGAL RESIDUES OF PESTICIDES

Measures adopted by the Department of Agriculture and Livestock for the purpose of eliminating illegal residues of pesticides in agricultural and livestock products and by-products:

1. February 15, 1968—Decree No. 647, prohibiting the use of grasshopper-killers Dieldrin and Heptachlor in Plant Hygiene and from all use in Animal Hygiene.

2. March 11, 1968—Meeting of federal officers and experts and technical specialists of universities and of the Provinces of Buenos Aires, Corboda and Santa Fe, on the programing of the fight against grasshoppers for the period 1968/69 with new insecticides.

3. April 2, 1968—Resolution No. 361—Prohibition of use of chlorinated hydrocarbons or prepared hydrocarbons in cattle or hog dips.

4. April 5, 1968—Message to the Provincial Governors requesting their collaboration and that of the Mayors and Chiefs of Police in achieving compliance with the measures adopted.

5. April 24, 1968—Ministerial Resolution No. 476 confirming the establishment of the Permanent Committee on Pesticide Residues and declaring priority No. 1 to the problem of illegal residues. This Committee meets weekly to review the development of measures and to consider others.

6. April 24, 1968—and May 1, 1968—Two television programs of one hour's length, with the participation of the Secretary of Agriculture, technicians from private industry and a producer for the purpose of explaining to agricultural producers the importance of the problem of illegal residues, and the manner in which they should collaborate to solve this problem. These programs were furnished to the TV stations of the interior through the repeater network.

7. April 24, 1968—Decree No. 2.143 prohibiting the manufacture, possession, commercialization or use of external anti-parasites (tick-killers, etc.) which contain chlorinated hydrocarbons as an active ingredient for use on cattle or hogs.

8. April 25, 1968—Meeting to discuss the extension of, and research on, this problem with technicians from the Universities of La Plata, Buenos Aires, Tucuman, and from Plant Hygiene, Public Health, Agriculture, INTO and INTA. Intensive courses for graduates will be given, lasting one week.

9. April 26, 1968—and May 2, 1968—Meetings with the Chamber of Farm Sanitation and Fertilizers for the purpose of reaching coordination between preparers, importers and manufacturers of active ingredients so as to eliminate or reformulate forbidden chemicals for other permissible uses.

10. April 1968—Message to 130 Committees of the fight against grasshoppers, informing them of the dispositions adopted and of the necessity of distributing them among the producers of their areas.

11. May 2, 1968—Resolution No. 497 prohibiting the use of chlorinated hydrocarbons in pest control in forage plants.

12. May 3, 1968—Meeting with representatives of rural producers organizations to achieve collaboration in compliance with the measures adopted.

13. May 13, 14, 15, 1968—Speeches by Agronomist J. D. Nicolini in "Farm Tribune" over Radio Splendid. Three radio programs on the problem of pesticide residues, directed to the agricultural producer. (Official Action.)

14. May 16, 17, 1968—Speeches by Agronomist A. E. de las Carreras—The Importance of the Export Market for Meats and the Action of the Meat-Packing Export Industry. "Farm Tribune" Radio Splendid. (2 radio programs.)

15. Law 17.751/68—Expropriation of remnants of chloride pesticides. Importation duty-free of chromatographs for official and private use.

16. Confiscation of pesticides in the stores or in the hands of holders regardless of title. Copy attached (thereto) of products whose use in animal and plant hygiene is interrupted.

17. Printing of posters about the problem in question for use in banks, railroad stations, public buildings, etc.

18. Periodic press releases about measures adopted, and reactions from producers.

19. Installation of the first Chromatograph, with captive electrons, in the Laboratory for Analysis of Residues of Pesticides established for this purpose. Another Chromatograph is now awaiting clearance in Customs for the Department of Agriculture.

20. Prohibition of the use of chlorides in the corrals or walkways of meatpacking plants.

21. Meetings with the representatives of the Meatpacking Industry on this subject.

22. Review of bank credits to the purpose of fight against pests.

23. Selection of technical personnel for specialization in the analysis of residues, to be sent to the U.S.A. for this purpose.

24. The Argentine Corporation of Meat Producers sent 60,000 leaflets to stockholders, cattle raisers and to various newspapers. Comment was also sent on different measures adopted.

25. Stock dealers have included on their cattle sale invoices this type of information, and have distributed it in Cattle Information Bulletins.

26. INTA (National Institute of Agricultural Technology) is finishing investigation of residues in pastures treated with Dieldrin and other chlorides in dips.

27. Public Health is continuing its investigations of the use of chlorides with relation to human health.

28. The General Directorate of Dairy Farming is proposing a Ministerial Resolution on the restriction of the use of pesticides in dairying activities.

29. The Argentine Institute for the Meat Export Industry distributed to the principal newspapers of the country a lengthy article on the propriety of the measures adopted in the chloride problem.

THE PRESENCE OF PESTICIDES IN MEATS

(July 25, 1968)

Background

Beginning with February 15 and the promulgation of Decree 647/68, official action was commenced to eliminate the residues of pesticides from meats. Many later measures were adopted; a broad publicity campaign was undertaken; it was made obligatory to declare any stock of chemicals whose use was prohibited and which would be expropriated in accordance with legislation which was passed. The level of pesticide residues which were contained in meats dropped considerably in the autumn months, which was attributed in part to the seasonal drop in residues which start to decrease after the spraying to combat the grasshoppers in the fields in the summer. The campaign of news and publicity which was undertaken and the different official measures adopted must also have had an influence.

Nevertheless, beginning with the end of May, there was noted a slow increase in the residues and at this moment they are again very high. A difference in the composition of these residues has come about. Before, they were high in Dieldrin and low in BHC, which now they are high in the latter and lower in Dieldrin. The increase is attributed to the use of dips to combat lice and mange in cattle, a treatment in which the use of BHC is preferred, in spite of the current prohibition.

New meetings have been held which were responsible for the proposal by the Meatpacking Industry of a plan of various points which has been discussed in the Committee of Pesticides and which was approved. The attached sheet gives a summarized idea of the measures to be adopted. For the first one of these, the Institute has drafted a proposed Decree which was delivered to the Secretary of Agriculture and Livestock yesterday.

Proposal from the Committee on Pesticides of the industry

Action to be undertaken

1. Issuance of a Decree or Ministerial Resolution which would require the cattlemen to accompany the Form for the Removal of Cattle Destined for Sale with a sworn statement which affirms that the owner has not treated the pastures nor the dips with prohibited pesticides. The consignees to whom the cattle is consigned to be sold will not receive it without this sworn statement, a copy of which will be delivered to the buyer. The processing plants on their part will be under obligation to furnish to the Department of Agriculture and Livestock informa-

tion regarding the origin of herds which have shown by analysis illegal residues of prohibited pesticides. Such Department will adopt any measures required.

2. Prohibition of the use of BHC in Sheep Dips.

3. The stamping of the labels of all products which contain Dieldrin, BHC, or Heptachlor which are recommended for other uses, with a notice easily visible in the following terms: Not to be used for dips or dusting of cattle, hogs, or sheep. This notice should be stamped on all products in possession of manufacturers, wholesalers, and retailers.

4. Speed-up of procedures for the expropriation of confiscated products.

5. Placement in operation of the Agriculture Department's Laboratory for Analysis of Pesticides.

6. Sustained information campaign on the importance of the problem and on the dispositions which must be complied with. This campaign should be both official and through private channels.

7. Compensation by the State for a major portion of the cost of treatment against grasshoppers.

THE ATTITUDE OF AMERICAN TROOPS IN THE FIELD ABOUT ALLIED RAIDS ON CAMBODIA

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. ROUDEBUSH. Mr. Speaker, Sp4c. Ted G. Spear, of South Bend, Ind., is serving in Vietnam and has written his parents concerning the attitude of American troops in the field about the allied raid on Communist sanctuaries in Cambodia.

Specialist Spear believes the great majority of troops are 100 percent behind the President; the raid was long overdue, and it will provide the turning point in the war.

This letter carries the ring of sincerity and truth and indicates the caliber of young men serving our Nation in this time of conflict.

I would like to share with my colleagues the part of Ted's letter which deals with the Cambodian situation, and also a citation for the Bronze Star which typifies the bravery of young Americans in support of freedom.

The excerpt and citation follow:

I imagine you're probably wondering what my opinion is concerning the push into Cambodia that Nixon has ordered. You have to remember that my opinion is based on being over here. I know that the American people back home have mixed emotions about it. As for myself and the great majority of soldiers here, we're behind Nixon 100%. It was a tough decision he had to make, and I'm glad he made it. If we're to ever end this war, we've got to hurt the VC and NVA supply channels. If we don't, the war may never end. Nixon's not committing us to Cambodia.

In the next 5 weeks if we disrupt Charlie's supply channels, it will definitely hurt the Communists. Don't think the U.S. are going in there without every possible means of support that can be gathered. Mark my word, the Communists will suffer one helluva lot of loses. Dad, you know as well as I do that you can't even begin to win a war without taking the offensive sometime. Everything will work out for the best and this will be a turning point in the Vietnam war. I just hope everyone at home keeps their confidence in Nixon. He's not perfect, but more and more I'm believing he's one of the best Presidents I've seen in my lifetime.

Well, I've rattled on enough tonight I guess. I'll close now, so write soon! Tell Gram and Dad I got their package and thank them for me. I'll write them when I get some more time. Say "hi", to everyone!

Love,

TED.

AWARD OF THE BRONZE STAR MEDAL

1. TC 439. The following AWARD is announced.

Spear, Ted G. 306–52–5605 PFC USA Adv Tm 86 III CTZ APO 96314.

Awarded: Bronze Star Medal with "V" Device.

Date of service: 7 December 1969.

Theater: Republic of Vietnam.

Authority: By direction of the President under the provisions of Executive Order 11046, 24 August 1962.

Reason: For heroism in connection with military operations against a hostile force: Private First Class Spear distinguished himself by heroic action on 7 December 1969 while accompanying a Regional Forces Company as a Radio/Telephone Operator on a combat operation in Thu Thua District, Long An Province, Republic of Vietnam. During the conduct of the operation, the friendly force became heavily engaged with an unknown sized enemy force in a well fortified bunker complex. Upon the initial contact, the friendly ground troops became pinned down by the heavy volume of enemy fire, and the Command and Control helicopter on the operation received an intense volume of enemy ground fire, forcing it to depart the contact area. Realizing that the friendly forces could not be effectively maneuvered without proper communications, Private Spear exposed himself to the intense enemy fire and moved to higher ground in order to establish better communications with the command group. During his maneuver, Private Spear observed an advantageous approach which could be used by the friendly force to assault the enemy position. Immediately advising his counterpart of the situation, Private Spear once again exposed himself to the intense enemy fire and personally led the friendly force in an assault on the enemy position which resulted in the complete destruction of the hostile force. Private First Class Spear's heroic actions were in keeping with the highest traditions of the United States Army and reflect great credit upon himself and the military service.

For the Commander:

W. G. DOLVIN,
Major General, USA.,
Chief of Staff.

Official:

LOUIS J. PROST,
Colonel, USA.,
Adjutant General.

Distribution: Special.

QUESTIONNAIRE FOR SECOND DISTRICT, NORTH DAKOTA CITIZENS

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. KLEPPE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: I am sending my fourth annual questionnaire to postal patrons in North Dakota's Second Congressional District. I have included questions on the subjects which have been most frequently raised by constituents in letters, telegrams and telephone calls during the last few months. I shall report the results in the RECORD as soon as they are tabulated. The questions:

1. Do you believe the government should provide a guaranteed annual income to welfare recipients?

2. As a means of stopping inflation, would you favor Federal wage, price and credit controls?

3. Should voting rights for citizens in national elections begin at age 18?

4. Would you favor a Constitutional Amendment to permit voluntary prayer in our public schools?

5. If you were a member of the U.S. Senate, would you have voted to confirm the nomination of Judge G. Harrold Carswell for the Supreme Court?

6. Do you favor strengthening of the ABM (Anti-Ballistic Missile System) as proposed by the President?

7. Do you believe that college students receiving loans or grants from the government should have such assistance cut off if they actively participate in demonstrations which cause property or physical damage or which interrupt the orderly pursuit of education by other students?

8. Vice President Spiro T. Agnew has been speaking out on a wide range of subjects. How would you rate his performance?

9. Would you favor placing a limitation of $20,000 a year on the amount of government payments an individual farmer could receive?

10. Please list in order of importance priorities you feel are most urgent. (List by number from 1 through 7, with number 1 representing what you consider to be the item of first priority, and so on through number 7).

Ending the war in Vietnam.
Controlling inflation.
Increasing aid to education.
Reducing defense spending.
Strengthening farm income.
Controlling air, water and land pollution.
Crime prevention and control.

"NO CARE ABOUT AIR"

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. HALL. Mr. Speaker, the seventh grade language arts class of South Junior High School in Joplin, Mo., recently presented a play called, "No Care About Air." The play which takes place in the year 1990, is entirely the work of the children in the class. Their teachers only contribution, Miss Sue Fingerle, was to type the final product.

I commend the youngsters for their efforts and interest. The script follows:

NO CARE ABOUT AIR

Third Hour, L.A., Room 204.

Authors: Butch Hanna, Doyle Vantrease, Eddie Johnson, Frank Littlepage, Klay Longstreet, Kathy Johnson, Kathy Jackson, Nita Lindquist, Kay Minor.

Time: about 1990.

Location: a junior high school in Joplin, Missouri.

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ACT I. SCENE ONE

Sarah: (raises her hand).

Mr. Kincannon: Yes, Sarah?

Sarah: Mr. Kincannon, should we hand in our math papers now?

Mr. Kincannon: Yes, Sarah, would you collect them please.

Sarah: Yes, Sir.

Freddie: (raises his hand).

Mr. Kincannon: Yes, Freddie?

Freddie: Mr. Kincannon, I don't have all of my problems finished in math.

Mr. Kincannon: Why not?

Freddie: Because I went to the store with my father to buy a new gas mask. My old one was broken.

Mr. Kincannon: Freddie, I should make you write them one hundred times; but since it was urgent, I'll forgive you this time. But that's all!

Freddie: (inhales then exhales in relief) Thank you, Mr. Kincannon.

Mike: (raises his hand).

Mr. Kincannon: Yes, Mike?

Mike: I forgot my paper at home.

Mr. K: Mike, I'll let you go just *this* once, since you are new.

Angelia: (raises her hand).

Mr. K: (in kind of exhausted way) Yes, Angelia?

Angelia: I got all of my problems, Mr. Kincannon.

Mr. K: (in a sarcastic way) That's very good, Angelia.

Barb: (raises her hand).

Mr. K: Yes, Barb?

Barb: I got mine, too.

Mr. K: (in kind of tired, sarcastic way) That's very good, Barb.

(Mr. Edwards, the school's principal, walks into the class room.)

Mr. Edwards: Is everything alright?

Mr. K: Of course, Mr. Edwards.

Mr. Edwards: Is the air control okay?

Mr. K: Yes, it is fine.

(Mr. Edwards walks out of the room. The lunch bell rings, and they all go to lunch.)

SCENE II

Scene: class room, bell rings, students go back to class.

Sarah: Mr. Kincannon, I think I'm having an asthma attack. I can't breathe too well. (she begins to wheeze) May I get my medicine?

Mr. K: Yes, Sarah, where is it? Do you have it with you?

Sarah: Yes, I have it. (As Sarah takes her pills, she leans her head back and breathes deeply. It is now that she takes her portable gas mask from her hand bag and places it on her desk.)

Mr. K: Tom, set up right in that chair. You'll fall and hurt yourself!

Tom: Yes, Sir-r-r-r-r! (Says this as he falls over in chair and hits the floor).

Mr. K: Tom, are you hurt? (Sarah looks over but she doesn't move. The other students run over to help Tom).

Tom: Oh-h-h! My head hurts! I can't breath!

Sarah: (still trying to breath easier) Mr. Kincannon, these pills aren't helping me. (gasping.)

Tom: I can't breath! I can't breath!

Mr. K: Alright, Freddie, go to Tom's locker to get his gas mask and his air tanks. Perhaps that will help you breath. But, I believe that you're just frightened. You just got too excited.

(Mr. Edwards begins to speak over the intercom).

Mr. Edwards: I want your attention! In a few seconds, the bell will ring for a practice Civil Defense Air Drill. You will go to your assigned locations.

(Bell rings).

Mr. K: Alright, all of you know you are to go to your lockers, pick up your gas mask and go to the Civil Defense area. You are dismissed.

(Freddie runs into the classroom).

Freddie: Mr. Kincannon, I can't get to his locker. The hatch to section D is closed off.

Mr. K: (pushing the intercom button) Mr. Edwards, has something gone wrong with the Environmental Control Center? Section D has been closed off, and I have a boy who needs his mask and air tank.

Mr. Edwards: We have something wrong with the controls in the system. Just take your students to their assigned locations in the Civil Defense area.

Mr. K: Don't panic; this is just a practice drill.

Barb: I'm afraid!

Mike: Don't be silly!

Tom: (from his position on the floor) Don't be silly? What do you mean? I can't breath!

Freddie: How come you can talk? Looks like you can breath to me!

Tom: Help me up!

Mr. K: O.K. Everybody. Keep cool. Lineup with your partner.

Pam: Who is mine?

Angelia: I am! Wait for me!

Freddie: Come on, Mike; let's assist the "fainting" Tom.

Tom: Boy-e-e-e! I feel strange!

Mr. K: Just breath easily and walk swiftly.

Sarah: Mr. Kincannon, we usually walk down Section D to get to our part of the Civil Defense area. Where are we going?

Mr. K: We'll go down Section E then cut through the lower of the South Hall to get to the basement steps.

Sarah: O.K., but I have my portable gas mask in my handbag (puts mask into bag as she speaks) in case we run into any problems.

SCENE III—SOUTH HALL

(The hatch has slammed shut behind the class as they enter the lower floor of South Hall. Mr. Kincannon tries to open the hatch leading to safety, the Civil Defense area in the basement, but it's jammed shut.)

Mr. K: Just a minute! It seems stuck; Freddie, walk back to the end of the hall; see if it's jammed shut.

Pam: Oh, No! Are we trapped?

Angelia: I'm afraid!

Tom: Now, girls, be brave as I am!

Mike: Brave? I'm carrying you!

Tom: It's the principle of the thing. My mind is brave.

Freddie: Mr. Kincannon, the hatch won't open!

Tom: Oh. No! (he faints)

Freddie: We're trapped!

Pam: How______how______can we breath?

Ang: Most of the purified aid will soon be gone!

Mr. K: Keep cool! Sit along the wall; breathe in short breaths.

(He reaches the emergency communications system and dials for help. Mr. Edwards answers the call.)

This is Mr. Kincannon; we're accidently locked in lower South Hall; both hatches are jammed shut. We need help! We have enough clean air to last us for about an hour.

Mr. Edwards: We have workmen trying to repair the damage.

Mr. K: What happened?

Mr. Edwards: A driver lost control of his car on ice-covered Pearl. He crashed into our Environmental Control Center and damaged the computers on quality control for our South and East halls. Everyone, but your group, is in their proper locations in the Civil Defense areas. Stay where you are! Sit on the floor! Breathe in small, slow breaths. We'll get to you before you can become ill from any unpurified air that might seep into your hall.

Mr. K: Good! Please keep us informed.

Mr. Edwards: Will do if I can.

Mr. K: (to students) You heard the report. This is not a drill. It's happening! Sit where you are and take it easy.

Tom: (who sits up) I feel sick to my stomach!

Freddie: Not now!

Angelia: Please, Tom! Lie down!

Pam: Tom, put your head between your knees.

Barb: Tom don't be afraid! We'll be okay!

Mr. K: Now, people, let's help Tom relax.

Sarah: Here, Tom, use my portable gas mask. Then you won't be afraid.

Tom: It's pink! Passionate pink! I refuse to be seen wearing a passionate pink gas mask!

Sarah: Tom, if you need it; use it.

Mr. K: Sarah's right, Tom.

Tom: No I'll be okay!

Freddie: No sick stomach?

Tom: No!

Mike: You feel okay?

Tom: Yes!

Angelia: Okay, let's tell jokes to pass the time.

Mr. K: That's a good idea!

SCENE IV

Lower South Hall—45 minutes later.

Mike: Does that mask work, Sarah?

Sarah: Sure .

Freddie: What happens if they don't get to us?

Mr. K: They will.

Freddie: I'm afraid! We'll all breathe that bad air.

Mike: Can we share the mask *if* they don't get to us?

Sarah: There are too many of us.

Tom: Ya!! It's Sarah's. She'll need it.

Mike: But, we could take a breath and hold it.

Mr. K: We would have to hold it a *long* time.

SCENE V

Same location—15 minutes later.

(By this time the good air is gone. Students begin to gasp and cough as they speak.)

Sarah: (wheezing and coughing) Our good air must be about gone.

Tom: (coughing) I'm feeling woozie!

Mr. K: Get closer to the floor and take short breaths.

Freddie: I'm getting tired.

Mike: I'm leaving; at least there is some air outside, even though it's bad.

Mr. K: You'll get sick!

Mike: I don't care! At least, I'll have air to breathe.

Pam: Mr. Edwards will be here to help us!

Mike: Get out of my way! (to Mr. K.) I'm going out that window!

(All gang around Mike to force him to the floor. Tom, who has been on the floor trips and forces him down. While Mike is down, Tom keeps him there by holding his arms down. Freddie helps him.)

Mr. K: Now, Mike, we're going to conserve the air. If the bad air gets in, we'll take it. But why do it now? Sarah, get your gas mask ready. You'll need it soon.

(Sarah gets her mask from the floor where she had placed it.)

(A sound of air can be heard as it gushes in the hall.)

Mr. K: Sarah, put on your mask!

Pam: Will we all get sick? (coughing).

Tom: Just keep cool. (eyes watering and coughing).

Freddie: Listen! Do you hear that?

Mr. K: Yes (coughing) It's someone outside that window.

Angelia: It's Mr. Edwards. He has some men with him. (coughing). They're carrying something!

Mr. K: They're trying to remove the emergency exit window. Come on, boys; let's help them.

Tom: I never thought that I'd enjoy seeing Mr. Edwards coming after me! (coughing)

Freddie: Look at those beautiful gas masks they're bringing us!

(Hear the sound of a window being removed.)

Mr. Edwards: (speaks as he climbs into hall) We haven't been able to repair the computer yet. Here are some gas masks for you to use.

Mr. K: Thanks. Here people, pass them out. (coughing)

Mr. Edwards: Stay here; it's safe with these gas masks. We'll notify you when you can return to your area.

Mr. K: The hatches seemed jammed.

Mr. Edwards: Yes, they do that automatically when the air becomes polluted. As soon as the repairs are made, the hatches will open.

Mr. K: Thanks! (to Mr. Edwards, as he leaves by the window) (to his students) Okay people, just enjoy all that good, clean air, thanks to these life-saving gas masks.

Narrator: The play you have just heard could be reality in 30 years if we don't care about air.

STUDENT OPINION

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. HAGAN. Mr. Speaker, I am sure my colleagues have been concerned, as I have, about the attitudes of some of the students presently attending our colleges and universities.

However, I was personally relieved and deeply gratified by the letter I just received from one of my young constituents now attending college away from the First District. I feel his comments would be of interest and I commend it to your attention.

The letter follows:

DEAR MR. HAGAN: As a constituent of yours, as a voter, and as a student attending graduate school at the University of Georgia, I feel that I should write you.

In the screams and noise of the campus demonstrators on American colleges, the small voices of the mature, intelligent students have been drowned out. But, the voices are there. There are many college students who feel that the United States is still the greatest nation on earth and will fight to keep it so.

A campus referendum has just been completed here at the University of Georgia. The results have been called a victory for the anti-war and the leftist students, but I feel this may not be the case. On the basis of those students expressing an opinion, some 42.8% felt that the U.S. should be in South Viet Nam, 47.43% felt that intervention into Cambodia was what should have been done, and 52.1% felt that President Nixon's policies with regard to Viet Nam were right.

In view of the recent demonstrations here at the University, it makes one wonder why 3000-4000 students took part in the demonstrations, and only 1862 took the time to vote in the referendum against the involvement in Southeast Asia. Perhaps they only wanted to make noise?

I am a recent widower with a young son, who I hope will grow up in the same America that I love and is the greatest nation on earth. I feel that there are students in colleges and universities today who do love this nation and feel that the radicals should be removed from the campus.

As a member of the University of Georgia Student Senate, I have tried to make a small voice heard in that anti-war and leftist body representing those students who oppose the war but feel that one must often make a stand and that the place to stand against the Communists is in Southeast Asia. I hope that as I represent a small voice in the Student Senate for the people who love this nation, you will speak out in the United States House of Representatives for the people of Chatham county, the 1st District of Georgia, and America who love this form of government. I have lived most of my life in Savannah, Savannah Beach, and Chatham county and attended college there and in Statesboro, where I received my degree before beginning graduate study at the University in Athens. I feel that there are more of us who feel the President is right in Viet Nam than one would think from the news reports.

If possible, could I receive the Congressional Record at this important time in our nation's history? I don't know the exact procedure to go through to obtain it.

Please keep on voting for the good of this country, the South, and the 1st District of Georgia.

Sincerely,

R. EVERETT LANGFORD.

CONGRESSIONAL REPORTS TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. HAMILTON. Mr. Speaker, the Federal budget is the single most inclusive statement of the Government's priorities, policies and plans for the year. The task of budgeting and appropriating Federal funds is essentially a priority-setting business. Choices have to be made because there will never be enough public funds to cover all of our national wants.

A look at the budget for fiscal year 1970 shows how the Congress and the President evaluated national priorities. Several conclusions stand out:

First. The Congress cut the President's fiscal year 1970 budget by about $5.6 billion. The President requested $135.2 billion, but the Congress approved only $129.6 billion. This expenditure reduction is not realized immediately, however. Some portions of appropriations for a given year are budgeted to be paid out over 2 or more years. The fiscal year reductions translate into an expenditure cut of about $3 billion.

Second. The President's defense budget was cut by $5.9 billion by the Congress, reflecting the clearest differences in priorities between the executive and legislative branches. The President wanted more for the military, and the Congress wanted to reduce military spending to meet urgent domestic needs. The $5.9 billion cut translated into an actual fiscal year 1970 expenditure reduction of $3.2 billion.

Third. Congress made net increases in funds for health, education, and welfare while decreasing the amount for foreign aid. The largest increases were for education, $1.1 billion; clean water, $600 million; and air safety, $140 million.

As everyone knows, the cost of Government is steadily increasing. Total expenditures for fiscal year 1970 will exceed expenditures for the previous fiscal year by about $8 billion. Overall, the Federal budget has increased in recent years at a rate substantially greater than the rate of population increase. This inexorable rise in Government expenditures, year after year, is one of the most frustrating features of dealing with the Federal budget.

In an effort to reduce expenditures, the Congress placed a ceiling on overall Government spending for fiscal year 1970—$191.9 billion. However, the ceiling was made adjustable to permit congressional action on budgetary proposals. The President criticized the Congress—and rightly so, in my opinion—for this flexible feature of the spending limitation.

Even with this defect, however, the expenditure ceiling does contribute significantly to the effort to keep total Government spending down. The object of an expenditure ceiling is to bring greater focus on total spending and to control it. The ceiling probably had a salutary effect on the finances of Government.

One of the most distressing aspects of the budget this year was Congress' slowness in processing the authorization and appropriation of funds. By December 1, 1969, 5 months after the beginning of fiscal year 1970, Congress had enacted only 25 percent of the Federal budget. This especially poor record was due in part to the slowness in the administration's budget recommendations. But the Congress must assume a portion of the blame for its tardy action and must organize itself to do a better job on expenditures in the years ahead.

A study of the Federal budget over the last 10 years reveals some interesting features of governmental priorities. The percentage of total expenditures in the areas of national defense, veterans' benefits, and international affairs has been decreasing in the last decade, while expenditures for education, manpower, health, welfare, and housing have been increasing.

For example, in fiscal year 1961, defense spending accounted for 48 percent of the total budget. It has decreased to an estimated 42 percent of the budget in fiscal year 1970. On the other hand, education rose from 1.5 percent of the total in fiscal year 1961 to more than 4 percent in fiscal year 1970. Health and welfare spending increased from 22 to 28 percent in the same period.

This trend suggests that the needs on the domestic front are taking a larger percentage of the Federal budget each year, and that defense expenditures are declining slightly. It also shows that the defense budget alone has not been responsible for the accelerating spending trend of recent years.

TRIBUTE TO J. A. "JAY" BEASLEY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. ANDERSON of California. Mr. Speaker, one of the great strengths of our democratic system is the willing sacrifice of time and effort by many of our

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citizens in service to their communities. Local political office is a great responsibility, but is seldom accorded proper recognition. For that reason, I would like to take this opportunity to accord such recognition to one of the most distinguished citizens of my district.

On June 5, 1970, a community appreciation and retirement dinner will be given for J. A. "Jay" Beasley, councilman emeritus, city of Torrance, Calif. The Torrance Area Chamber of Commerce and the citizens of Torrance are honoring "Jay" Beasley for a job well done during almost 20 years of service to his community.

In 1958, "Jay" Beasley was elected to three consecutive terms as councilman for the city of Torrance. While in office he worked diligently in all areas of city government, concentrating, however, on the Civic Center Complex, parks, and in the field of transportation and highways. The recent groundbreaking for the Civic Center library was but another step toward the attainment of his dreams for that complex.

His interest in the transportation needs of the area led him to serve for 15½ years on the Intercity Highway Commission, 2 years as president. During his tenure much work was done to secure the Harbor Freeway extension and the early completion of the San Diego Freeway. He also encouraged the development of primary and secondary streets and highways.

One of the more important aspects of the concern for ecology is the realization of the need for adequate park land for our urban populations. However, long before ecology became the "Issue of the Year," "Jay" Beasley was concerned with this problem. He served from 1954–58 as a member of Park and Recreation and Planning Commissions, working tirelessly for more parks and playgrounds for the city of Torrance.

During his term of office as president of the Walteria Businessmen's Club, which he organized, the first building for Walteria Park was bought, occupied, remodeled, and donated to the city.

In addition, "Jay" has served in many other local governmental service organizations. Among them are the Committee of Streets and Highways, League of California Cities, and the League of California Cities on International Cooperation. He has been active as chairman of the Intercity Mayors' and Councilmen's Committee on Intercity Cooperation.

Besides his many important official activities and memberships, "Jay" has somehow managed to find time for community service. He is a former member of the National Recreation Society and the past president of the Los Angeles Mineralogical Society. He is a member of the Torrance Chamber of Commerce, Elks Lodge, the American Chemical Society, and the Democratic Club of Torrance. He was for 4 years lay leader of the Walteria Methodist Church and was instrumental in its founding. He has worked on countless projects with regard to such matters as youth activities, college location, storm drains, parks, libraries, and many others. He has attended workshops, conventions, seminars, and county and State affairs which have been a source of information needed to make the difficult decisions a councilman must make.

Retired now from the insurance business, he has the time to enjoy life with his wife, Fann. Mr. Speaker, Councilman "Jay" Beasley has served his city long and well. He has truly been a part of the progress of his community. I ask my colleagues to join me and the citizens of the progressive city of Torrance in recognizing "Jay" Beasley and thanking him for his service to the community.

PBS SYSTEM

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. MURPHY of New York. Mr. Speaker, the Nation is confronted with a serious shortage of accountants; figures show that colleges and universities are producing fewer graduates with degrees in accountancy, mainly because many students consider accounting as an unrewarding and tedious profession.

This fact underscores the value of a unique new computerized service, designed to help public accountants to meet their business needs more expeditiously, that has been developed by Programmed Bookkeeping Systems of Mineola, N.Y., whose board chairman is Edward C. Horowitz.

Known as the PBS system, the service is the result of extensive research and development. It enables the public accountant to vastly improve his services to small business by the automated handling of all client information, such as operating expenses, payroll, sales, and purchases.

The system reduces by some 90 percent the amount of time spent by an accountant in servicing an individual client manually. Because the system collates all business information through the PBS computer system, the accountant's workload is reduced and he is able to increase his income by effectively servicing three times the number of clients.

Historically, accountants have always been inundated with the vast amount of paperwork required by business, spending long hours in unexciting and unrewarding "manual" preparation of bookkeeping reports, maintaining source journals, posting ledgers and preparing balance sheets and reports. Thus, the accountant has little time for client business development and financial and management consultation.

The computer, by doing the bookkeeping work, reduces the accountant's workload and eliminates the peaks and valleys in accounting services performed for clients.

It enables the accountant to better service his client through the speed and accuracy offered by computerization. It further permits him to render additional services to his clients in such areas as tax planning, management counseling, and cost controls.

Through important technological developments such as the PBS system, accountants will undoubtedly be able to function more effectively—a fact that should serve to enhance the stature of the profession and encourage increased numbers of students to consider a career in the vital field.

FARMERS OUTDO DOCTORS

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. HARRINGTON. Mr. Speaker, Wendell Coltin, veteran columnist and reported for the Boston Herald Traveler, has written an outstanding column making a penetrating comparison between cash payments to farmers under the agricultural program and payments to physicians under the medicare program. I believe Members of Congress will find Mr. Coltin's analysis informative and I insert it in the RECORD at this point:

"FARMERS" OUTDO DOCTORS

(By Wendell Coltin)

It makes good reading, perhaps, when the Senate Finance Committee puts out a report, as it did several weeks ago about the number of doctors who received over $25,000 a year under the Medicare program for services rendered; but, oh boy, you should read the report that appeared in the Congressional Record of March 25, 1970, if you like to gasp at figures.

This report did not get widespread publicity; there was no press conference and release to newspapers, to our knowledge. Actually, it was a report inserted in the Congressional Record by Sen. John J. Williams (R-Del.) and was not related to Medicare at all, but to the large cash payments made under the agricultural program.

Sen. Williams told his colleagues in the Senate:

"For many years, I have been critical of the large cash payments that, under our agricultural program, are being paid to the large corporate-type farming operations.

"In my opinion, if this program is to be continued, these payments should be limited not to exceed $20,000.

"Today, I have received a report of all cash payments in excess of $25,000 that were made in 1969, but to save space in the Record, I have limited this report to a $60,000 minimum.

"I shall ask unanimous consent that this report, listing all 1969 payments in excess of $60,000 be printed at the conclusion of my remarks.

"Significantly," disclosed Sen. Williams, "this report shows that one company, J. G. Bosnell Co. of California received $4,370,657.

"Griffen, Inc. of California received $3,412,867.

"Seven companies received in excess of $1 million each.

"Fourteen companies were paid between $500,000 and $1 million each.

"Fifty-four companies were paid between $250,000 and one-half million dollars each.

"These are not small farmers.

"The Southern National Bank of East North Carolina at Dunn, N.C. was paid $69,943.

"The first National Bank of Dumas, Tex. was paid $69,415.

"The Waccamaw Bank and Trust Co., Lumberton, N.C. was paid $58,134.

"The First National Bank and Trust Co., Wichita Falls, Tex. received $34,686. The Wilbur Security Co., Wilbur, Wash., was paid $27,445.

"By what line of reasoning do these banks

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qualify as small farmers?" Sen. Williams asked. "This is ridiculous and Congress should correct this law and by all means induce a limitation on the amount of such cash payments.

"The approval of such a limitation would save the taxpayers several hundred million dollars annually.

I ask unanimous consent," Sen. Williams concluded, "that this list of 1969 cash payments in excess of $60,000 be printed in the Record."

There being no objection, the list was ordered to be printed in the Record, under the heading, "The 1969 ASCS Program Payments of $25,000 or More—Excluding Price Support Loans."

There followed seven pages listing the names, city, town and state addresses of recipients of more than $60,000 in payments.

Those payments would certainly buy a lot of health and medical care. Also, the suggestion of Sen. Williams that a limitation on the cash payments be placed, to save the taxpayers "several hundred million dollars annually" will ring a bell, with an unpleasant sound, in the minds of struggling Social Security cash beneficiaries whose earnings in retirement have a limitation of 1680 a year; $140 a month. Earnings above the $140 are subject to a penalty, which is a loss of $1 out of every $2 earned up to $2880; and $1 lost for every $1 earned above $2880.

One thing that struck us when we read the Senate Finance Committee report criticizing doctors' overcharges and calling for fixed fees for participating physicians, as well as other cost-cutting reforms, was there was no mention that the Social Security Administration had initiated action against some doctors for allegedly abusing the program. This SSA action had also led to convictions. The $2,500 gross profit did not indicate either whether the doctor had one office or three, or size of his staff or practice; and whether he was a specialist in Medicare cases.

The Social Security Administration has a program set up to investigate alleged abuses, but we do not recall reading about that in the Senate Finance Committee report releases. Anyone, anywhere in the United States who feels he was a victim of unjust treatment has avenues to which he can turn for satisfaction. The complaints are investigated; but comparatively few irregularities have been discovered

We're sure that today's column will not escape the attention of those persons who labor in behalf of the elderly; and that they will make their sentiments known to Sen. Williams and their own legislators in Washington.

Our latest check this week with the Social Security Administration in Baltimore—we've made several previously to check on reports of alleged abuses and action taken—brought forth this information:

4000 complaints of alleged fraud on all types of claims related to Medicare have been investigated; and of this number, 1500 involved physicians.

1800 complaints of all types are in the process of investigation; and of this number, 450 cases of physicians are pending.

In the final stages of development and processing before referral to the Justice Department are 45 cases; and of this number, 35 are physicians' cases.

In the review stage by the U.S. Attorney are 13 cases; and 11 of these involve doctors.

In the indictment stage—cases when criminal information has been filed—are seven cases; and these include five doctors' cases.

Prosecution was declined by the U.S. Attorney in five cases; and three of these involved doctors.

Two cases were acquitted or dismissed and both were doctors.

Two were convicted and sentenced; and they, too, were doctors.

Note: about 50 per cent of the cases where allegations have been made are found to be misunderstandings, or clerical error, an SSA spokesman said.

There are 250,000 physicians participating in Medicare.

SUPPORT FOR THE PRESIDENT'S CAMBODIAN POLICY

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. KLEPPE. Mr. Speaker, I continue to receive from many constituents letters strongly supporting the President's decision to send troops into Cambodia to clean out the hitherto protected North Vietnamese sanctuaries.

Nothing succeeds like success and this joint action by United States and South Vietnamese forces is clearly crippling the enemy's ability to wage "hit and run" warfare. The list of weapons, ammunition and food taken from the North Vietnamese and the Vietcong is almost endless. The total increases daily. I am convinced that this sweep will virtually paralyze the enemy attacks which have been mounted from Cambodia, perhaps permanently. It will save American and South Vietnamese lives. It will enable the President to proceed on schedule with his planned withdrawal of U.S. forces from Southeast Asia. It will put added pressure on the North Vietnamese to begin serious negotiations to end this long and agonizing war.

I include in the RECORD several letters, some from students, one especially from a ninth grade student who, I believe, has a clearer concept of what this is all about than some of the present candidates for the Presidency of the United States.

The letters follows:

WATFORD CITY, N. DAK.

DEAR MR. KLEPPE: I am a student at Watford City High School, Watford City, North Dakota. I am writing this letter in retaliation to some letters written by teachers in my school to doves like McGovern, Hatfield, and those that put on that television show that wanted to leave Vietnam to the communist aggressors. Many teachers in my school are against President Nixon's policies and I disagree with their opinions, so I decided to do something about it.

I am greatly concerned about the issues in the news. I do, and hope you support President Nixon's policies in Cambodia and Vietnam. Although I want to get out of there, I think we should leave with an honorable peace.

I am also concerned about the way the people are protesting against our Government. I believe in freedom of the press and speech but not freedom to wreck campuses that I may want to attend someday.

I hope that other students see the light and support our government in years to come.

Respectfully yours,

STEPHEN STENEHJEM,
9th Grade.

MINOT, N. DAK.

DEAR MR. KLEPPE: I am a freshman at Minot State College, Minot, North Dakota. Much of the news we have been hearing recently is of college closings and college demonstrations; all in protest against President Nixon's announcement to send U.S. troops into Cambodia.

I, for one, support President Nixon's decision. I have always felt that our failure to get at the core of the enemy strongholds was the United States' biggest problem in trying to end the Viet Nam war. I feel that now, through President Nixon's decision, our troops can flush out the V.C. strongholds in Cambodia and finally get a successful military victory in Viet Nam.

Cordially yours,

SHARON HOFF.

MINOT, N. DAK.

DEAR REPRESENTATIVE KLEPPE: I am a student at Minot State College and I am opposed to violence on campus as a form of dissent although I agree that dissent can often be constructive. I am distressed by the Viet Nam war and wish that it could be brought to a hasty and honorable conclusion.

However, in trying times such as these, I believe that violence and loud vocal opposition to our President's conduct of the war gives our enemy encouragement and a false impression that a vast majority of our people do not support our president in his conduct of the war.

I think to rally behind our president would bring unity to our country, encouragement to our president and fighting men, and bolster our effort to bring the war to a swift conclusion.

Sincerely,

DIANE HUMPHREYS.

MINOT, N. DAK.

DEAR FRIEND: The President of the United States with great courage, initiative and statesmanship has taken a course imminently responsible in Cambodia in order to protect and defend the integrity of our country. As Commander in Chief of the United States forces, he is doing what he feels has to be done. His course is a wise one and in line with the absolute necessities that result from the Soviet intrigue. I sincerely hope that all of you will back him to the limit and support him vigorously for that course is imperative if this nation is to have representation with honor, courage and the assistance that a President who desires only peace and works toward that end has a right to expect.

Sincerely yours,

C. A. WALDRON.

FARGO, N. DAK.

DEAR MR. KLEPPE: I'm writing to ask if you will support President Nixon's Asian Policy. I feel this is something that should have been done long ago. Please give it your support.

Sincerely,

MRS. ROGER W. SNYDER.

BOWBELLS, N. DAK.

DEAR CONGRESSMAN KLEPPE: We stand behind the action of the American Legion and we support our President and we urge you to do likewise. We feel that his action in Cambodia will lead to a better peace settlement. Your cooperation will be appreciated.

Sincerely,

RAYMOND and VIOLET WIPER.

POLICE ALSO ARE MAIMED OR KILLED

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. DERWINSKI. Mr. Speaker, as the police across the country remain subject

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to not only verbal but also physical abuse from the radical left, it is noteworthy that such a penetrating observer of the Washington scene as Victor Riesel in a column in the May 19 Chicago Today very vigorously presented the case of our much maligned law enforcement officers. The article follows:

Police Also are Maimed or Killed

(By Victor Riesel)

Washington.—Always I insist police are people. Some are dead people—shot, stomped, brick-battered, knifed, sliced or slashed by machetes.

Since 1957, 557 cops were killed on duty. This is the count of J. Edgar Hoover, who also reports that in the first two months of this year 9 cops have been killed and 2,394 badly injured in 57 major cities and communities. Some were killed by criminals—64 in calendar year '68, and 73 in '69. Some were slain and hundreds mauled by dissenting revolutionists.

The police bury their dead and mourn quietly. There's a small gathering, a widow, a shield as a souvenir, and a replacement. The next day the squad rolls out to the spot—and time—picked by the rioters.

"We take a beating," says ex-patrolman John Cassese, now organizing a union, the International Brotherhood of Police Officers, "but we've never killed a youngster in one of those melees. This is a time for every American, regardless of his political beliefs, of his reaction to current crises, to ponder first principles."

He adds: "Without civil peace, all other governmental or orderly processes will cease to function. The street, the campus, the parade ground are no longer in the public domain when they are seized illegally and the fact that those who do the seizing are academicians, and sometimes our own sons and daughters, does not alter the basic premise.

"Some measures can be taken. Police can be better trained and, in fact, already have special units which know how to handle crowds and minimize violence. The [national] guard also has special units and can step up training for this kind of special duty. This is fundamental. Tragedies such as Kent State can be avoided.

Another police scientist, pointing to reports by FBI Chief Hoover, said it is not easy to maintain the "cool" on his side of the barricades. Not when the Black Panthers openly call for the killing of cops.

And they are equipped to do so, Mr. Hoover reported recently. A survey reveals that during the last 2 years, police have found 125 machine guns, sawed-off shotguns, rifles, and hand grenades along with thousands of rounds of ammunition. Also 47 Molotov cocktails, homemade bombs, gunpowder, and an accumulation of bayonets, swords, and machetes.

In addition, Black Panther literature has been cautioning the brothers not to use small arms, but to get themselves a high-powered rifle with "enough killing force to knock the pig out of his shoes at a distance of three or more blocks. . . . The only good pig is a dead pig."

During 1970's first 2 months, cops were assaulted at the rate of 41 daily. And in Los Angeles, on Dec. 8, 1969, three police officers and two Panthers were wounded during a four-hour shootout at Black Panther party headquarters. These Panthers were heavily armed. Their building was fortified with sandbags.

This may be today's thing right on. But the cops and the guards are dispatched to where the caches and riots are. They're told to do their "duty." This means containment. To a cool cop, it may be all in a long day's duty. To hastily called up national guardsmen—some of them young accountants, dress and clothing workers, drug store clerks or salesmen—it is traumatically nerve-shattering.

As John Cassese put it, the cops, had they been at Kent, would not have retreated. They would have moved forward. They might have cracked a few heads, battered a few buttocks, broken some ribs or legs.

But the record shows that they never have been jittery, never have killed demonstrators, never have done more than slug it out. And the record shows that always the police injuries outnumbered the demonstrators' casualties.

Police are people. Alive or dead they wear a badge of courage. Why mock them? Why estrange them?

EDITORIAL BY PAUL CRUME OF THE DALLAS MORNING NEWS

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. CABELL. Mr. Speaker, the Dallas Morning News is fortunate in having Paul Crume on its staff. Paul is noted as quite a humorist, but most of his columns carry more than a grain of truth among the witicisms. A good friend of mine, Sam Long, brought this particular column to my attention and I want to insert it in the Record:

Big D

(By Paul Crume)

The people who want the 18-year-olds to vote have been arguing that they are the best educated generation of us all.

This causes the man to blanch who has worn out his education while gaining experience. An educated electorate is a dangerous thing to have lying around. It is likely to dis-elect somebody.

The educated mind has a tendency to go off in all directions. It is likely to have one opinion of Vietnam one month and the contrary one the next. It is always thinking up new problems for America to solve, if there is one thing this country doesn't need, it is new problems. The volatility of the educated mind thus makes political stability and continuity of policy impossible.

Government always works better with an educated leadership and an electorate ill-educated enough to be easily gulled.

You take a brilliant young man who has studied rioting at one of our better universities. He is hardly likely to be a stabilizing influence, to settle for a placid and peaceful environment in which he is unable to practice his specialty.

As a political virtue education is greatly overrated. So is honesty.

Probably you have already noticed that when any legislative body begins to worry about honesty, it raises the salaries of its members. Congress lately has become so honest that the country can hardly afford it. Even the Texas Legislature has recently got on to the honesty-and-higher-salary kick, although it still has quite a way to go.

The people were probably better served in the old days when members of Congress and the Legislature made their money by moonlighting in graft and were able to serve the people without asking anythink more than the right to put all their relatives on the payroll. These men were public servants in the real sense of the word. They had the initiative to earn their own living without expecting the public to pay for it.

Good cheap government is probably the crying need of our time.

We will never have it again unless we elect cheap people.

I am not against allowing the 18-year-olds to vote, but let's not mix education in with it. I personally don't think an 18-year-old is old enough either to fight or to vote, but I won't argue it as long as we also allow the dumb 18-year-olds to vote.

All through history the ill-educated electorate has been a stabilizing influence of politics. All through history many a problem has been solved by not knowing that it existed. The ill-educated electorate has been a drag on the ideas of imaginative presidents and governors. It is never, like senators, bemused by its own words like "priorities" and "the environment."

Furthermore, the ill-educated electorate didn't cost the people a bunch of schooling money.

YOUTH SUPPORT PRESIDENT IN CAMBODIA

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. HUNT. Mr. Speaker, the Capitol has been besieged with students in the past couple of weeks who are protesting the President's decision with respect to American troop action in Cambodia. There are those in this Chamber—a minority I might add—who likewise disagree with the President, but the legislative battleground is presently in the other body. As expected, certain Members of that body who have persistently undermined the President's programs, both at home and abroad, are now capitalizing upon the emotion of the protesters in the hope that the President's freedom of action in Vietnam will be defeated by the curtailment of funds. What is not said, however, is that the success of such action would jeopardize the flexibility the President must have if American troops are to be withdrawn safely while at the same time enabling the success of the Vietnamization program.

The legitimacy of one's views, in this day and age, seems to be determined to a large degree by how much newsprint or film coverage is devoted to those particular views. Naturally, violence in the streets, mass demonstrations, and student strikes have the advantage because "that's where the action is." However, there is no doubt in my mind that while these activities are organized around a hardcore of militants whose deliberate purpose it is to keep dissent before the public's eye, the majority of Americans who are concerned about domestic strife, who are deeply troubled about our involvement in Southeast Asia, but who are proud to call themselves Americans in good times and in bad, are fully behind our President at this critical stage.

It is in this context that I follow my remarks with "An Open Letter to 100 Senators" by the Youth Committee for Peace With Freedom. Its contents should be enlightening to all in these troubled times, especially from the standpoint of youth throughout the Nation.

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AN OPEN LETTER TO 100 SENATORS . . . WILL YOU SUPPORT THE PRESIDENT?

GENTLEMEN: Over the coming days the Senate of the United States will be passing on two legislative amendments which may be fateful for the future of our country, for the wider cause of freedom, and for the peace of the world.

We take the liberty of addressing this letter to you because as students and young citizens, we are profoundly concerned over the crisis through which our country is passing. It is a crisis which has an internal component and an external component, and the two are clearly interrelated.

Like the students who have come to visit your offices, by the hundreds and by the thousands, over the past two weeks, we fear that we may lose our country if we fail to pay adequate attention to certain pressing national priorities. But we do not share their well-intentioned isolationism, their apparent belief that they can build a beautiful America even if the rest of the world crumbles around them.

Unlike them, we fear that we can also lose our country—and lose the peace of the world in the process—if we fail in our obligations as the free world's greatest power. Indeed, so strained and delicate is the balance in the field of world affairs that a single blunder by our country may be enough to open the way to catastrophe.

We believe that the Senate's passage of the Church-Cooper Amendment and/or of the McGovern-Hatfield Amendment would constitute precisely such a blunder.

The protesters who have come to Washington have argued that the Senate *must* pass the Church-Cooper and the McGovern-Hatfield amendments because the great majority of our students and the majority of the American people support them in demanding that we get out of Cambodia and get out of Southeast Asia immediately. We think that the premise on which this contention is based is false.

A Gallup Poll taken immediately after the President's speech showed that two thirds of those who took a stand supported the President's action in Cambodia. According to a Newsweek Poll published only last Monday, a majority of the young people between 21–35 who took a stand also endorsed the President's action. AF of L–CIO President George Meany and other union leaders have also supported the action; and last Wednesday 150,000 blue collar workers joined in a great patriotic demonstration of support in New York City.

As for the many campus demonstrations and the large number of students who have come to Washington, we note (1) that some 2000 out of 2400 colleges have not taken part in the current protest movement, (2) that strike votes were defeated in a number of colleges and carried only by slender majorities in other colleges, and (3) that substantially more than half of our young people do not go to college and have not been affected by the campus ferment. *But even if the protesters were ten times as numerous and ten times as passionate in the advocacy of their cause, this by itself would not constitute a guarantee that they were right.* Public opinion can be wrong. Indeed, there have been many occasions in the history of our country and in the history of other countries when courageous leaders have had to stand up against what appeared to be an overwhelming tide of public opinion.

The supreme example of such courage in the history of our own country was provided by President Abraham Lincoln in the latter part of the Civil War. By the middle of 1863, people were weary of the inconclusive bloodshed, and there was a growing agitation against the war. In August of 1864, the Democratic National Convention passed a resolution demanding that "an immediate effort be made for the cessation of hostilities." Lincoln himself was convinced that his Administration could not be reelected. But he persevered, nevertheless.

Then there was the historic conflict waged by Winston Churchill against a complacent, pacifist, pro-appeasement public opinion in the years before World War II.

The spirit of the British campus was reflected in the Oxford peace pledge, under which the members of the Oxford Union, by an overwhelming majority, voted to "*never again bear arms for King and Country.*" As Churchill commented: ". . . *In Germany, in Russia, in Italy and Japan, the idea of a decadent Britain took deep root and swayed many calculations. Little did the foolish boys who passed the resolution dream that they were destined quite soon to conquer or fall gloriously in the ensuing war, and prove themselves the finest generation ever bred in Britain. Less excuse can be found for their elders, who had no chance of self-repudiation in action.*"

President John F. Kennedy, in *Profiles in Courage* underscored his own deep personal admiration for those American political leaders who had the courage to swim against the stream . . . About the situation and the commitment which the Senate will be discussing over the coming days, President Kennedy had this to say in July of 1963: ". . . *To withdraw from that effort (the defense of South Vietnam) would mean a collapse not only in South Vietnam, but Southeast Asia, so we are going to stay there.*"

This was not an isolated statement, but one in a series of many similar statements, remarkable for their consistency and continuity, going back to 1956. If President Kennedy were alive today, there can be little question about where he would stand on the Church-Cooper Resolution, or on the McGovern-Hatfield Resolution.

Gentlemen of the Senate! We are young people, but we know enough about the history of appeasement and about the nature of Nazi and Communist totalitarianism, to be convinced that these two amendments, if they were ever approved by the United States Congress, would spell disaster both at home and abroad—not in decades to come, but in the next few years—perhaps in the immediate future.

For these two amendments are not a formula for peace; they are—we will mince no words about it—a formula for betrayal and capitulation, and for a neo-isolationism so rigid and so blind that it makes the "Fortress America" isolationism of the thirties look like the most radical internationalism in comparison.

The Church-Cooper Amendment not only demands that we get out of Cambodia by July 1—which is something that the President had pledged to do from the beginning, anyway. It would prohibit American air support or advisers or training personnel for the Cambodian Army; and it would also prohibit funds for the payment of the Cambodian mercenaries, 4,000 strong, whom we trained in Vietnam, and who are now the most effective fighting units in the Cambodian Army. So sweeping and inflexible are its restrictions, that it would, if it were implemented, guarantee the fall of Cambodia to the communist invaders and place all of Southeast Asia in immediate jeopardy. And if it were not implemented, it would still be a disaster—because in the eyes of the world it would be interpreted as saying that, so far as the United States Senate is concerned, the communists can take over wherever they wish in Asia and we will not lift a finger to assist their victims.

The McGovern-Hatfield Amendment would compound the mischief done by the Cooper-Church Amendment. By calling for the termination of all military activity in Vietnam by the end of 1970 and the withdrawal of all American forces by the end of June 30, 1971, it sets up a timetable whose excessive tempo and absolute rigidity constitute a virtual guarantee of a Communist takeover—not merely in Vietnam but throughout Southeast Asia. It is not an "End the War" resolution. It is a "Withdraw from the World", a "Withdraw from Reality" resolution.

In less than a year's time, the President has withdrawn 115,000 combat forces; and he has pledged the withdrawal of another 150,000 American soldiers over the next 12-month period. While ambitious, the President's timetable gives the South Vietnamese government the time it needs to take over the burden of defense in an organized manner; and it gives Southeast Asia a precious breathing space in which to organize its defenses against the further encroachment of Communist imperialism. *It is a timetable which, if Congress does not undercut it, can bring peace with freedom for Southeast Asia and peace with honor for the United States.*

The debate to date in the Senate has distressed us and made us apprehensive. We know that Senators are weary of the war, as the American people are, and that they would like to see it terminated as soon as possible. But we cannot help wondering whether those Senators who support these two amendments out of a sincere desire for peace realize that *the manner in which we withdraw from Vietnam is all-important—that, if we withdraw with honor, we withdraw with credibility, whereas if we withdraw in humiliation and defeat there will be nothing left of our credibility.*

More than one authority has made the point that it is American credibility that preserves the peace of the world. For if a time ever arrives when our allies and friends feel that they can no longer trust us, and when our enemies have come to regard us as a paralyzed giant or a paper tiger, World War III would become a serious possibility. Perhaps the first point of testing would be the Middle East, where the Soviets might react to an American defeat in Southeast Asia by intervening openly to crush Israel and impose its empire throughout the Arab lands, all the way from the Indian Ocean to Gibraltar.

It has also been argued that an immediate American pullout in Vietnam, despite the terrible things that would happen to the people of South Vietnam, will bring back domestic tranquility in our own country. We cannot share this simplified optimism. On the contrary, we gravely fear that if we withdraw in defeat and dishonor, the trauma of this humiliation will produce a far more dangerous polarization in our society than the one we confront today.

Perhaps it would be better if the President had acted in greater consultation with Congress. Perhaps it would be better if there were a clearer delineation of the powers of the President and the role of Congress in the field of foreign affairs. But are the Senators who sponsor the pending amendments not at least concerned that their proposal seriously undercuts the President's authority as Commander-in-Chief at a critical juncture; that it creates a spectacle of division that can only delight and embolden our enemies; that if they push their contest with the President to its logical conclusion, they will stand responsible before history for the shattering defeat which is bound to result, and for all the tragic consequences that will flow from it?

We appeal to those Senators who have supported the President's program for withdrawal with honor from Vietnam to stand fast against the pressures—yes, and outright intimidation—that will be brought to bear on them.

We appeal to those Senators who have supported the pending amendments to reassess the relative risks of the President's course as against the course of surrender and humiliation.

THE END OF THE USE OF DRAFTEES IN THE INDOCHINA WAR

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. MIKVA. Mr. Speaker, I am today introducing a bill which will prohibit the expenditure of any funds appropriated by Congress to support the use in the Indochinese war of men involuntarily inducted under the draft laws of the United States. The bill is a counterpart to an amendment to the military procurement authorization bill offered yesterday by the distinguished Senator from Wisconsin, Senator GAYLORD NELSON. Senator NELSON's amendment is Amendment 655 to H.R. 17123. This proposal is not offered in lieu of the McGovern-Hatfield proposal, known in the House as the Frazer-Riegel bill. Rather, it is to make clear that conscription for an undeclared war is unconscionable.

There can no longer be any serious debate about the desire of the American people to be out of the war in Indochina. The overwhelming public opposition to the President's decision to invade Cambodia demonstrates the degree of public disillusionment with the continuing—and deepening—American military involvement in Southeast Asia.

But if continued pursuit of military victory in Vietnam, Laos, and Cambodia is unjustifiable, there is something which is even less justifiable: the continued use of involuntary inductees—draftees—in that terrible war. The President himself, following his Commission on an All-Volunteer Army, has recognized the desirability of eliminating the use of conscript soldiers in that undeclared war. Moreover, the President has announced his intention to seek pay raises for military personnel—in addition to those recently voted—to make volunteer service more attractive. These pay raises will be primarily to raise the incentives to men during their first 2 years of service and will presumably increase substantially the availability of volunteer manpower to the military services.

This limitation will place no undue restrictions on the President; it will not "tie his hands." It is entirely consistent with his stated policy of withdrawal of American forces and Vietnamization of the war. As of the end of last year, only 126,600 draftees were serving in South Vietnam. That number is certainly considerably reduced today. The President has already announced that he will withdraw 150,000 troops from Vietnam by April of next year. In light of the Cambodia invasion, it ought to be possible to remove that many troops even before April of 1971. Thus, the low number of draftees now in Vietnam and the President's projected withdrawals will mean that prohibition of the use of involuntary draftees should cause no strains on military personnel resources.

Finally, ending the use of involuntary inductees in Indochina will make a real contribution to easing the strains which the war is placing on the social and political fabric of this Nation. Weekly casualty lists of American men are bad enough anytime. When our declared policy is one of withdrawals and termination of our participation in the war, it becomes unconscionable to use draftees in combat roles while professional military personnel continue to serve only 1-year tours in Vietnam or are otherwise assigned to assignments in Germany, Panama, and other noncombat areas. If the continued participation of American military in Indochinese combat operations is, in the President's estimation, still necessary, then it should be the professional, volunteer military which bears the brunt of this combat service—not the involuntary draftee.

Mr. Speaker, I wish to announce at this time my intention to offer this bill, in appropriate form, as an amendment to the Defense Department appropriations bill when it is considered by the House later this year. Between now and then, I hope that this amendment will be earnestly considered by the administration and my colleagues. I hope and believe that this amendment can be a constructive step toward insuring rapid termination of our military involvement in Indochina and toward restoring domestic tranquility on the campuses and in the streets here at home.

I insert the text of the bill at this point in the RECORD:

H.R. 17811

A bill to prohibit the use of funds appropriated by Congress to support the use of persons inducted under the Military Selective Service Act of 1967 in Southeast Asia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no funds appropriated by any Act of Congress may be expanded after the date of enactment of this Act, unless specifically authorized by law hereafter enacted, for the purpose of supporting or maintaining in South Vietnam, Laos, Cambodia or Thailand persons inducted into the Armed Forces of the United States under the Military Selective Service Act of 1967, except that funds may be expended until December 31, 1970, for supporting and maintaining members of the Armed Forces of the United States who, inducted under the Military Selective Service Act of 1967, are serving in South Vietnam, Laos, Cambodia or Thailand on the date of enactment of this Act.

THE UNIVERSITY CHOIR OF EASTERN MICHIGAN UNIVERSITY

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. ESCH. Mr. Speaker, the University Choir of Eastern Michigan University has been invited to represent the United States in the Vienna Symposium on Romantic Museum, August 13 through August 31.

I am extremely pleased and proud that this unusually fine singing group has been accorded this signal honor. Much of the credit must go to its illustrious conductor, Prof. Blaine O. Ballard.

The University Choir, a small group of 45 singers 8 years ago, has expanded to an ensemble of 100 voices. It performs 30 to 40 concerts each season in all areas of lower Michigan and neighboring States.

Nearly 20,000 people hear the choir perform yearly. It clearly is a strong, positive force in the cultural and musical life of the Ypsilanti community, Mich., and nearby States.

Mr. Speaker, choir members are now engaged in a fundraising drive to make their Vienna trip possible. I applaud their willingness to work in this manner to achieve a worthwhile goal.

I salute this marvelous group for its skill, dedication, and enthusiasm. And I wish them well in all their endeavors.

SUPPORT FOR THE PRESIDENT

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. GROSS. Mr. Speaker, a distinguished citizen of Waterloo, Iowa, Mr. Ray Sulentic, president of Waterloo Industries, Inc., has spoken out forcefully on the war in Southeast Asia and on campus unrest.

In a letter to President Nixon, Mr. Sulentic expresses support for the President's decision regarding Cambodia. As for senseless demonstrations and riots on college campuses, he speaks as a father who has sent two sons to college and will send a daughter to college "to acquire a sound, basic education—not to run the school."

Ray Sulentic is one of the finest men it has been my privilege to know. He has made innumerable contributions to the betterment of his community, and I am proud to have the honor of representing him in the Congress of the United States.

I commend to the attention of my colleagues the text of Mr. Sulentic's excellent letter to the President:

MAY 11, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: You have my unqualified support in your recent decision regarding Cambodia. I am not a war monger and sincerely want peace, but I also realize you must fight for it when necessary. I also know that you inherited a war started by John F. Kennedy and fostered by Lyndon Johnson.

I am proud that I have a son graduating from the University of Iowa who is being commissioned into the U.S. Army late this month. I know he will serve his country honorably.

I am also very proud that he is one of the silent majority who has not been participating in the blind, unreasoning, senseless demonstrating and rioting rampant throughout our college campuses. My sons and I, along with a vast majority, believe that the only solution to our country's many complex problems lies in construction not destruction.

I have sent my two sons and will send my daughter to college to acquire a sound, basic education—*not to run the school.*

However, in view of the attitude of far too

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many educators in our school systems fomenting anarchy and revolution among the young and impressionable, instead of giving them a basic education, I have concluded that education is now impossible under these conditions.

I suggest you close all educational institutions by executive decree for one year to allow the teachers and the students time to recover from their illness, for they are indeed sick.

Until sanity returns to the campuses, I will not support education financially or otherwise. As a taxpayer, I strongly protest my tax dollars supporting such unlawful actions. I will work actively to encourage others of the voiceless majority to do the same.

For God's sake, don't muzzle Vice President Agnew. He is a lonely voice crying out the truth in this wilderness of our nation.

Sincerely,

RAY SULENTIC.

P.S.—Everyday I talk to people in all walks of life, the ones who are the very core and cornerstone of our country: the doctor, the lawyer, the factory worker, the service men, the laundry man, the housewife, the policeman—they are fed up with mob violence under the guise of peaceful intent. I predict that inevitably they will explode in a manner that will impose majority freedom over academic and minority freedom with a vengeance.

SOARING WELFARE COSTS A PROBLEM

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. GOLDWATER. Mr. Speaker, the question of welfare costs is a very important problem both in my home State of California and throughout the Nation. As all of my colleagues well know, very few local or even statewide bond election or tax increases have been approved by the voters in the past few years, because of the current tax squeeze.

I believe that the attached article by Ray Zeman of the Los Angeles Times is an excellent critique of the problems now confronting Los Angeles County and how welfare costs have spurred the tax increases. Therefore, I wish to submit this article for the attention of my colleagues:

[From the Los Angeles Times, May 4, 1970]

HOW WELFARE COST SPURS TAX INCREASE—AID TO DEPENDENT CHILDREN ACCOUNTS FOR MOST MONEY

(By Ray Zeman)

Soaring welfare costs are the main reason the county property tax rate for the fiscal year 1970–71 threatens to jump 94 cents for each $100 assessed valuation.

On their face, the average individual welfare payments in a typical month like March, 1970, may not look big.

They range from $48.25 a month for each person in a family in which the father is temporarily unemployed to $153.97 for the blind.

The averages are adjustable, depending on extenuating circumstances or receipt of some outside income.

But the impact becomes monumental when the size of families and the number of cases is considered.

One out of every nine persons in Los Angeles County is on welfare.

If the mother and the unemployed father are living with eight children, the $48.25 becomes $482.50 a month. In March, there were 53,271 persons on the $48.25 rate in Los Angeles County.

If the mother alone is living with children, the rate per person is $56.37. A family of 10 means $563.70. In March, there were 416,286 persons on the $56.37 rate.

But if the father has vanished and the mother has gone to work, the children may be in boarding homes or institutions. Each then gets an average of $144.11. In March, there were 13,978 of these.

In March, there were 4,811 blind aid recipients receiving an average of $153.97 each, 62,473 disabled averaging $139.51 and 116,373 aged averaging $117.55.

Federal and state grants cover substantial portions of these "categorical aids" but the county itself shoulders most of the burden of general relief—the dole—for the unemployed who do not qualify for the higher level allotments.

In March, 44,337 were getting this $44.98 each on general relief.

585,780 AVERAGE

During the current fiscal year (1969–70), the number of persons aided has averaged 585,780.

Right now, the total is 696,000.

And during the fiscal year which will begin July 1, County Welfare Director Ellis P. Murphy is confident it will average 842,000.

This is around 300,000 more than during the worst days of the depression in the mid-1930s.

During the current fiscal year, welfare has been budgeted at $645,187,276 in Los Angeles County.

County property taxes cover $123,794,471 of this. The remainder is covered by $317,519,412 in federal funds, $203,867,393 in state funds and $6,000 miscellaneous revenues.

EXPECTED TO BULGE

But the entire $645,187,276 load is expected to bulge to $887,812,460 during the 1970–71 fiscal year beginning July 1.

Of this new total, county property taxes will be needed to cover $178,494,833.

L. S. Hollinger, county chief administrative officer, and Harry L. Hufford, budget division chief, estimate federal funds will cover $440,073,188, state funds $269,241,439 and miscellaneous revenues $3,000.

Federal and state laws not only direct the size of allotments to recipients and fix the eligibility qualifications but also require specific staffing.

ADDITIONAL TAX

Hollinger says the net effect of the Supreme Court ruling and all other welfare changes will require an additional 57.1 cents on the county tax rate next year.

Some insist the federal government should shoulder the entire cost of welfare, just as it handles social security.

County governments then might serve only as administrative agents, without worries about financing the vast welfare program.

Advocates of complete federal subsidy contend that local property taxes should be used only for purposes which directly protect or improve property. These include police, fire, sanitation, flood control and similar property-related services.

They argue that poverty or welfare has no connection with a man's home and should rank as a federal problem, with federal assumption of all costs.

However, Section 17000 of the California Welfare and Institutions Code reads:

"Every county and every city and county shall relieve and support all incompetent, poor, indigent persons and those incapacitated by age, disease or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, by their own means, or by state hospitals or other state or private institutions."

As a result, the number of positions in Murphy's Department of Public Social Services (the largest of the county's 63 departments) will rise from 11,693 to 14,986.

Their salaries and employe benefits alone will climb from $93,606,560 to $116,602,896. Other administrative overhead will rise from $18,528,181 to $18,702,313.

The 841,578 persons expected to receive aid will be: 69,833 disabled, 4,829 blind, 588,661 in families with dependent children, 118,399 aged and 59,856 on general relief.

JUMP IN ALLOTMENTS

Actual allotments to the welfare recipients themselves will jump from $533,065,335 in 1969–70 to $752,524,251 in 1970–71.

The average payment for each person for the entire year is expected to change from $910.01 in 1969–70 to $894.18 in 1970–71.

The dip in the average allotment per case is mainly because most of the new recipients will be in the families with dependent children category.

Rates for these (a mother and an unemployed father living with their children or a mother alone living with children) are relatively low on a per-person basis.

But the allotment per family mounts as the size of the family increases.

There is no duration of residence requirement for these or any other welfare cases.

In conformance with a U.S. Supreme Court ruling of April, 1968, the applicants merely must say they "intend" to reside in California.

All county supervisors are assailing this practice as "instant welfare."

If the present county general fund tax rate of $2.9057 for each $100 assessed valuation is boosted by 94 cents to an all-time high of $3.8459 when the supervisors adopt a final budget in late June, property owners will complain.

Many are storming already.

For an average $24,000 home assessed at $6,000, it will mean the present $152.55 county net tax will rise to $201.91.

In addition, city, school, flood control, water and other special district taxes must be paid by most homeowners.

CHOOSING SUPREME COURT JUDGES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1970

Mr. ROSENTHAL. Mr. Speaker, the problems that President Nixon has encountered with his Supreme Court appointments in the past 8 months have subjected the criteria for selecting Justices to unprecedented scrutiny.

The Senate debates often became heated over just what the qualifications of a Supreme Court nominee should be. To make things worse, the U.S. Constitution does not provide any guidance in regard to selection criteria.

In the New Republic, famed historian Henry Steele Commager has provided some perspective on what the prerequisites of a Supreme Court Justice should be. The text of his essay follows:

CHOOSING SUPREME COURT JUDGES

(By Henry Steele Commager)

The Founding Fathers, who met in the summer of 1787 to draw up a Constitution for the United States, gave relatively little attention to the judiciary. Clearly they had only a hazy notion of the vital role the judiciary was to play in umpiring the federal system or in limiting the powers of government. Article III of the Constitution says nothing whatever about the qualifications of judges, or about the mechanics of choice. Indeed it says practically nothing about the mechanics of the judicial system itself. There shall be a Supreme Court—that is the whole of that—and "such inferior courts as the Congress may from time to time establish." The Constitution does not specify the number of judges who are to compose the Supreme Court, or their qualifications, if any, and it describes the duties and functions of the Court only in general terms. Not Article III, but Article II, dealing with the executive, provides for the appointment justices: The President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court." That is the whole of it.

The discretion of the President here is limited only by his anticipation of such "advice and consent" as may be forthcoming from the Senate. The Constitution, which places some qualifications on other officeholders—the President, for example, must be thirty-five years of age and born in the United States, senators must be thirty years of age, and nine years a citizen of the United States, and so forth—is wholly silent about qualifications of judges. As far as the Constitution is concerned a judge of the Supreme Court could be foreign born (he need not even be a citizen), twenty-five years old, and wholly without legal training or experience.

It is against this background that we should consider what might be called the Eisenhower-Nixon theory of judicial appointments. President Eisenhower, in his *Memoirs—Mandate for Change: The White House Years*—submitted four principles, or criteria, which should be observed in appointments to the Supreme Court. First, every nominee under consideration should be thoroughly investigated by the FBI and given "security" clearance. Second, no one should be appointed who holds "extreme legal or philosophical views." Third, each appointee should be vetted by the American Bar Association, and fourth—and most important—appointees should be drawn from the inferior federal and state courts.

President Nixon has now explicitly endorsed two of these criteria and implicitly sanctioned the other two. He has asserted that he will make his choices from the inferior federal and the state benches; he has gone on record as opposing any person with "extreme" liberal views—whether he is prepared to extend his disapproval of extremism to conservatives is not clear. He has relied—not very successfully—on "security" and other clearances and he has—again by implication—approved of and endorsed the role of the American Bar Association in the process of selection.

Now what shall we say of these criteria, so suddenly emerging on the American constitutional scene? The first and obvious thing to say is that they are unknown to the Constitution and, until Eisenhower, to history. They are therefore a radical departure from American constitutional law and practice and, too, a radical abdication of the Presidential prerogative—something Mr. Eisenhower may have been prepared to accept, but whose acceptance by President Nixon is quite out of character. To permit the FBI to substitute its judgment of the character and qualifications of a candidate for the judgment and discretion of the President is astonishing; to permit a private, or semi-public, organization like the American Bar Association a kind of veto power over the Presidential decision is an aberration. Mr. Nixon, who just the other day rebuked the Senate for exercising its constitutional right to advise and consent and who proclaimed (in his letter to Senator Saxbe) the principle that the Senate had a moral obligation to accept his appointees, is now prepared to concede to a minor government bureau with no experience or expertise in this arena, and to a private organization unknown to the Constitution or by law, a veto power on appointment to the highest bench. Are we now to anticipate an American Bankers Association veto on appointments to the Treasury Department, an American Legion veto on appointments to the Defense Department, or a Chamber of Commerce veto on appointments to the Commerce Department?

More serious are the philosophical and practical limitations which President Eisenhower was and President Nixon is now prepared to embrace. Consider first the philosophical. "No one" wrote Mr. Eisenhower, "of extreme philosophical views" should be appointed to the Bench. What are "extreme philosophical views" deponent saith not, but we may assume that Mr. Eisenhower, who was not given to fine distinctions, meant by this esoteric phrase extreme radicals or extreme conservatives—terms which do not necessarily have anything to do with philosophy. But this, alas, does not get us very far. For extremeness is, after all, in the eye and the mind of the beholder. At one time or another Presidents have thought most of the great Justices "extreme." John Adams had the highest regard for John Marshall, but Jefferson thought him dangerously extreme and, after *Marbury v. Madison*, was prepared to entertain proposals of impeachment. Madison thought Joseph Story a moderate, but Jefferson warned that he was "unquestionably a tory." Salmon Chase was an extreme abolitionist who had argued, in Court, that there was a Law higher than the Constitution, and who had helped break up a political party, but in the eyes of Abraham Lincoln—who made him Chief Justice—he was a moderate. Theodore Roosevelt, who wanted only ardent nationalists on the Court, concluded rather wildly (after Holmes's dissent in the Northern Securities case) that Holmes was a weakling; "I could carve out of a banana a justice with more backbone than that," he said. President Wilson did not think Louis Brandeis extreme, but a substantial segment of the American bench and bar did, and tried desperately to block his confirmation. Felix Frankfurter was thought by the public—and the Senate—to be an extreme philosophical radical, and so were other Franklin Roosevelt appointees like Hugo Black and Frank Murphy, who as governor of Michigan, had countenanced the first sitdown-strikes.

Perhaps the simplest thing to say about this notion of the danger of extreme philosophical views is that to nonphilosophical minds any philosophical views will seem extreme, and that in the circumstances the country is pretty lucky to get a judge with any philosophical views at all.

More important than any of these criteria is the fourth qualification, one which Mr. Nixon has not only endorsed but (unlike President Eisenhower) adopted: that all appointees should be selected from the inferior federal or the state courts.

The first thing to note here is that the Constitution makers clearly did not contemplate any such limitation. The original plan—one to which they returned again and again during the first two months of the debates, was to assign to the Senate (or to Congress) authority to appoint judges, and efforts to transfer this power to the executive were repeatedly defeated. Only towards the close of the Convention was the power of appointment transferred to the President *and* the Senate—a change made without any recorded discussion.

In the course of the summer-long debates almost the only specific suggestion about qualifications for judges came from the venerable Franklin, and was sportive rather than serious: "Mr. Franklin observed that the two modes of choosing the judges had been mentioned, to wit, by the legislature and by the executive. He wished such other modes to be suggested as might occur to other gentlemen; it being a point of great moment. He would mention one which he had understood was practiced in Scotland. He then in a brief and entertaining manner, related a Scotch mode in which the nomination proceeded from the lawyers, who always selected the ablest of the profession, in order to get rid of him, and share his practice among themselves."

Certainly the notion that Supreme Court judges should be selected from inferior federal tribunals was absent from the minds of members of the Convention, for they did not provide for such inferior tribunals, but left the creation of these entirely to the discretion of Congress. As for selection from the state courts, about all that can be said here is that when it came to appointing the original justices, Washington did in fact select a majority of his judges—ten in all—from the state courts.

Whatever may have been the thoughts of the Founding Fathers, experience does not justify in any way the kind of limitation Presidents Eisenhower and Nixon have proposed for nomination to the Court. A qualification of previous judicial experience, had it been written into the Constitution, would have denied us the services of a majority of our Chief Justices (and, we should add, the best of them); neither Marshall nor Taney, Chase nor Waite, Fuller nor Hughes, Stone nor Warren, had any judicial experience before ascending to the Chief Justiceship. This generalization is valid, too, for many of the most distinguished associate justices of the Court: thus Joseph Story, John McLean, Benjamin Curtis, John Campbell, Joseph Bradley, the first John Harlan, Louis Brandeis, George Sutherland, and Hugo Black, while Lucius Q. C. Lamar, Charles E. Hughes, Felix Frankfurter, Harlan Stone and Wiley Rutledge—all without judicial experience—had taught at distinguished law schools. A qualification which would have denied us the services of these men does not commend itself to us at a time the need for judicial statesmanship is as acute as at any time in our past.

What should be the criteria for appointment to the Supreme Court?

Judges of the United States Supreme Court are required—the word is dictated even more by history than by the constitutional document—to fulfill responsibilities heavier and more far-ranging than are judges of any other country on the globe. Their task is neither strictly legal or political, in the accepted meaning of those terms; they are called upon not so much to expound the law, as to expound the Constitution; they are engaged, willy-nilly, not in politics but in statesmanship of the highest order. Upon them the Framers, and History, laid responsibility for adapting a document designed to embody 17th and 18th century ideas of the relations of men and government, to the exigencies of a rapidly growing industrial society; for umpiring the federal system; and for educating the whole American people—including Presidents and congressmen—to the meaning and the uses of the Constitution. It is as astonishing as it is gratifying that they have performed their tasks so well; indeed to the role of the Supreme Court we can apply the felicitous phrase of Winston Churchill: never before in the history of law has so much been owed by so many to so few.

Clearly the qualifications necessary to the performance of these exacting and importunate tasks are of a very special nature. It speaks well for the resourcefulness of the American mind and character that it has, in every generation, found men who could per-

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form them with distinction, and with success.

What are some of the talents which appear to be requisite for service on the Supreme Court?

First, legal erudition is, of course, desirable, but there is little evidence that it is essential, and little correlation between legal erudition and judicial greatness. Justice Story was more erudite than John Marshall. Sutherland knew more law than Chief Justice Hughes. Frankfurter was more learned in the law than Chief Justice Warren, but Marshall, Hughes and Warren were all more effective on the Court than their more learned brethren.

Courage and independence are, of course essential, but should be taken for granted. After all judges enjoy the independence that is rooted in the principle of the separation of powers, and the security that is assured by tenure; ideally they enjoy immunity from the kind of vulgar assault which Rep. Gerald Ford has now launched against the distinguished Justice Douglas. What is more, judges have, by now, a long tradition of successful resistance to pressure or intimidation: it is almost an axiom of judicial history that no President can count on the judges he appoints.

The ideal judge needs other qualities besides learning and courage. Perhaps the most important, as the most elusive, quality is, quite simply, judiciousness—the ability to judge issues dispassionately and impersonally. This means that the judge is to represent neither party nor interest nor section, but the Constitution. President Washington, to be sure, began the practice of appointing judges to the Supreme Court from their own section. There were practical reasons for this: in the beginning (and until 1869) judges were required, quite literally, to "ride circuit," and it could scarcely be expected that a judge from New England could ride circuit in Virginia or the Carolinas, or—as the nation expanded, a judge from Georgia ride circuit in Indiana and Illinois. With the passing of this onerous requirement the rationale of geographical appointment disappeared. It can scarcely be argued that there is an eastern and a western and a Pacific Constitution, a southern and a northern Constitution. There is one national Constitution and there should be one national law. No judge should be appointed to the Supreme Court primarily because he comes from a particular section of the country. As Senator Borah said when the appointment of Benjamin Cardozo to the Supreme Court aroused opposition because New York already had two judges on that Court: "Cardozo belongs to Idaho as much as to New York." It is an observation President Nixon should take to heart.

Nor is there any compelling reason why racial background, party affiliations, or presumed economic philosophy should play a decisive part in the appointment or the confirmation of judges to the highest court. Indeed if there is any one place in the broad arena of American politics where these considerations should be excluded, it is the Court. We do not want judges who confess a regional view, a partisan view, a racial view, or an economic view; we want judges who express a commonwealth view. This may be a counsel of perfection, but if we are allowed to strive for perfection anywhere, it is in the judiciary.

It is improbable that any judge can ever emancipate himself completely from what Justice Holmes called his can't-help-but-believes. Holmes himself, who argued that the Court should be "eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death," allowed his ardent nationalist sentiments to influence some of his most powerful opinions, and his natural elegance and fastidiousness to color some of his most famous. Yet the recognition that judges are human should not for a moment abate their zeal, or ours, for an ideal of reason and justice that is above and beyond the beguilements of private interest.

Judicial temperament is essential, but it is not enough. Equally important are broad and generous social sympathies, sensitive to and responding to the felt needs of society. "The man of the future," said Justice Holmes, "is the man of statistics and the master of economics." But there is more to it than this. What is called for, in the great judge, is an affluent mind—a mind familiar with and responsive to art and literature and philosophy. "Life is painting a picture, not doing a sum," said Justice Holmes, who has some claim to be the most distinguished figure ever to sit on the Supreme Court. Justice Story wrote poetry (rather bad poetry, alas), read all the current novels, and dazzled his classes at the Harvard law school with his vivacity and wit; Justice Brandeis's mastery of law, economics and sociology was illuminated by a passion for social justice, and reverence for the great traditions of religion and literature; Justice Cardozo, who observed that a judge must be "historian and prophet" and whose "beautiful intellect and character" (the phrase is Holmes's) impressed itself upon all of his associates, wrote with felicity on *Law and Literature*.

The greatest of our judges have been deeply versed in the history, rather than in the technicalities, of the law, and have recognized that mastery of the history emancipates from slavery to the technicalities. Thus the learned James Wilson pointed out, in the first important case to come before the Supreme Court, that America had broken with history and was thus able to shift sovereignty from state to people. Thus John Marshall, who said that "a constitution is framed for ages to come and is designed to approach immortality as nearly as any human institution can approach it," formulated his philosophy of national law and national unity on the basis of familiarity with failures of all confederations and alliances of the past. Thus Holmes, whose every opinion was quickened by a profound knowledge of the common law, said that "it is revolting to have no better reason for a rule of law than that so it was laid down in the time of Henry IV" and argued that "the first call of a theory of law is that it should fit the facts," wrote that for those who love the law, "no less a history will suffice than that of the moral life of his race . . . Nor will his task be done until, by the farthest stretch of human imagination he has seen as with his eyes the birth and growth of society and by the farthest stretch of reason he has understood the philosophy of its being."

This brings us to a fourth qualification for the highest Court: resourcefulness and imagination—the resourcefulness to find in the elusive phrases of the Constitution authority for making it an instrument rather than a limitation, and the imagination to foresee the direction which the law and the Constitution must take if the Constitution, and the nation, are to "endure for ages to come." Marshall displayed this kind of imagination when he seized on a dispute over control of steamboats on the Hudson to lay down the great principles of federal jurisdiction over interstate commerce which still obtain. Justice Story revealed it when he created an admiralty law for the United States and when, in the great case of *Swift v. Tyson*, he emancipated much of the economy from the restrictions of state law by creating a national commercial law. Justice Harlan had it when, 80 years ago, he foresaw the danger of the "separate but equal" doctrine and called for a Constitution which was "colorblind." Justice Holmes had it when he provided a philosophical basis for the principle of judicial continence; Justice Brandeis had it when he harmonized the principles of sociological jurisprudence with the Constitution; Justice Stone had it when he used a footnote in an unimportant case (Carolene Products) to solve the dilemma of judicial self-restraint in economic issues and judicial activism where the preservation of the integrity of the democratic process was at stake. In our own day Justice Warren has revealed resourcefulness and creative imagination in channeling revolutionary social and political changes into the conduits of the Constitution.

Finally, as the Supreme Court is the greatest and most effective of our educational institutions, the judge should be a great teacher. The Constitution has not imposed this function of education upon the Court, but history has. For 170 years judges have been engaged in what is surely the most remarkable educational enterprise in the history of politics—that of explaining to a vast and heterogeneous population the nature of the Constitution and of law, of federalism and nationalism, of executive power and legislative power and the limits on power, of due process and justice, and of a hundred other profound and fundamental concepts. The whole country, and not our country alone, has come to look to the Court for the performance of this function, until we can say that upon the wise performance of this duty rests in considerable part our chances for survival as a nation. It is too late now to reopen the question whether all this is a proper judicial function, as it is too late now to reconsider the propriety of judicial review: history has placed a statute of limitations on these questions.

One essential qualification of a judge then is that he be a great teacher of the law, of politics, of constitutionalism and of philosophy. No mere skill in the law, no accident of representing a section, a party, an interest, no qualities of charm, of goodwill, or even of virtue, can be a substitute for this quality of ability to educate a great democratic people to the nature of law. What is needed here is profound wisdom, an affluent mind, and a magnanimous character.

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REMARKS OF GEN. JOHN L. THROCKMORTON ON ARMED FORCES DAY 1970

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. DOWNING. Mr. Speaker, one of the world's outstanding soldiers, Gen. John L. Throckmorton, commander in chief, U.S. Strike Command, delivered the principal address to the Armed Forces Day Dinner in my district recently.

General Throckmorton's remarks were especially informative and most timely. I am pleased to include them in the RECORD:

REMARKS BY GEN. JOHN L. THROCKMORTON

Let me say first of all how pleased I am to be here in this fine company. Over the years, the Peninsula Chamber of Commerce has developed a tradition in these annual Armed Forces Day dinners, in saluting the men and women of all the Armed Forces in the Hampton - Newport News - Williamsburg - York County area, and I am honored to be invited to join in this year's observance.

Though my own headquarters is down in Florida, my staff and I have a strong attachment for this region, which embraces the headquarters of the two commanders who contribute most of the forces available to Strike Command—General Woolnough of CONARC, and General Momyer of TAC.

Normally, I do not seek speaking engagements; nor am I wildly enthusiastic when an unsolicited invitation to make a speech is received. However, in this case I was both flattered and pleased to be asked by Congressman Downing to speak on this occasion. In his invitation to me in early April, Congressman Downing emphasized the fact that this was the last Armed Forces Day celebration General Woolnough would attend as an active member of our armed forces.

With the admiration I hold for General Woolnough's professional qualifications, and my gratitude for his friendship and support through many years of association, I was most happy to accept this commitment.

These days there seem to be fewer and fewer occasions like this one where a civilian community goes out of its way to pay tribute to the men and women of our Armed Forces. The current trend seems to run in the other direction. The military is being criticized for fighting an unpopular war in Vietnam. We are sniped at for spending too much of the taxpayer's money. We are criticized for our relations with the industries that produce the weapons we must have to defend the nation, and for flaws in some of the weapons being built.

These criticisms don't particularly worry those of us who began our military service in the depression days before World War II. The military didn't stand in very high esteem with the public in those days either, and we have seen our popularity ebb and flow over the years.

But the current criticism of the military is unfair to our young men and women in uniform. Not all of them volunteered for military service, nor are all of them happy to interrupt their education and civilian careers. But with exceedingly few exceptions these young men are doing an outstanding job. They are smart and well-educated. They are well-informed. They are outstandingly good physical specimens. And, most important, they have high morale and strong motivation. Everyone who has seen American young men in Vietnam—in jungle combat, or flying and maintaining our aircraft, or manning Navy patrol boats along the coast or in the rivers and canals—has admired their courage and dedication. They may not like being there, but they are determined to do their best while they are in uniform—and their best is wonderful.

As you all know, the President's decision of three weeks ago, to strike at the Viet Cong and North Vietnamese bases in Cambodia, met with mixed reaction here at home—but it was a great boost to the morale of our men in Vietnam. It was a courageous decision on the part of the President, and one very much in keeping with his efforts to bring our forces home from Vietnam as soon as possible.

For many years, the enemy in Vietnam has been able to conduct hit-and-run tactics against U.S. and South Vietnamese units, and then escape back into Cambodia, safe from counterattack. There he could regroup and re-equip his forces, train them for a new operation, and at a time and place of his choosing carry out a new attack.

Now we are in the process of wiping out those enemy sanctuaries. The effect will be to push back his logistics infrastructure—assembly areas, supply bases, communications network—the entire support structure required for offensive operations. The threat to Saigon itself will be appreciably diminished, for the enemy will not be able to risk a long march with large forces exposed to destruction by our Air Force and Airmobile units.

The net result of this action against enemy bases in Cambodia, then, is intended to make it easier for the South Vietnamese to defend themselves and, hopefully, free more of our forces to return home. At least it should insure the maintenance of the President's announced withdrawal schedule.

From every indication the strategy is succeeding—and as our men return from Vietnam on schedule, I am confident that criticism of the action will be replaced by approval. In fact, only last week a well-known columnist who has followed the Vietnam war closely from the beginning said that the Cambodian operation promises to be a major American success in Southeast Asia, which may also greatly shorten the Vietnamese war.

Some of us are old enough to recall the public's feeling 25 years ago this month when World War II ended in Europe. I suppose you could call World War II a popular war, in the sense that the American people were united in the conviction that democracy could survive only if the forces of Nazism and Fascism were totally destroyed. When our Armed Forces achieved that goal they came home to a heroes' welcome.

Not since those days has the military stood as high in public esteem.

What has happened in the intervening years to that World War II image of the American fighting man?

At the end of World War II, the United States was unquestionably the most powerful military nation on earth, with a monopoly on atomic weaponry. Yet it soon became apparent that the victory we fought so hard to win was not to bring world peace, for the Soviet Union showed no inclination to work in partnership with her wartime allies. Nevertheless, under our atomic umbrella, our nation's leaders felt confident we could reduce our military strength.

The Russians recognized long before we did that while atomic weapons may exert a profound influence in a major war, they are no substitue for conventional forces in actions of lesser scope. Our atomic weapons were unable to prevent Communist takeovers of one nation after another in eastern Europe. Not until the Berlin blockade did we and our allies come to recognize the fallacy of depending primarily on our nuclear supremacy. When we chose to keep West Berlin alive by mounting an airlift rather than risk confrontation with the Soviets by breaking their blockade, it was the first indication to the American people that the "unconditional surrender" slogan of World War II was being replaced by something far different.

Soon afterward came the Korean War. There, for the first time in our history, we announced we were fighting not for complete victory but only to gain a limited objective—to drive the enemy back behind the 38th Parallel and restore the independence and territorial integrity of the Republic of Korea. The United Nations forces were successful in that objective, but the American people were not entirely happy with the outcome.

Then came Vietnam. This has become the longest war in our history, and one in which we are paying a high price in lives and money for a very limited objective. Simply stated, that objective is to persuade North Vietnam to withdraw its support of the Viet Cong and thereby permit the people of South Vietnam to resolve their own problems without outside interference.

From a military standpoint, our experience in Korea and Vietnam has shown that the effort to win a limited objective can be more costly than an all-out drive to crush the enemy, and far less popular with the public as a whole. The blunt fact we face in this nuclear age is that no nation can be rash enough to insist on unconditional surrender without running the risk of unconditional annihilation.

In my view, the underlying cause of public criticism of the Armed Forces today is that the public does not understand that our Armed Forces are involved in a new kind of ball game. They don't appreciate the subtleties that require us to pull many of our punches while the enemy is free to make a punching bag out of us.

That's one reason the Armed Forces welcomed President Nixon's decision to strike at the enemy's forward bases in Cambodia. It makes it possible for us and the South Vietnamese to eliminate some of his options—some of the advantages he previously enjoyed. He will still have sanctuaries in North Vietnam and in parts of Laos. But if he wants to thrust deep into South Vietnam, he will now have to do it on terms more favorable to our side.

But though this action in Cambodia promises an upswing in our prospects in Vietnam, there are many other actual and potential trouble spots in the world where we could be called on to fight, or to lend assistance to a friendly nation. At my headquarters in Florida, as at General Woolnough's and General Momyer's headquarters here on the Peninsula, we are constantly alert to such a possibility. And if it should come, it could very possibly be another dirty little war like Vietnam and equally unpopular with some segments of the American people.

As I see it, then, the career military man must recognize that he isn't going to be particularly popular with the public as a whole. We may not always be fighting an unpopular war, but the realities of national defense require that the defense portion of the annual budget remain fairly high. As most of you here realize, it is impossible to measure the worth of our nation's security in dollars and cents; and, paradoxically, an adequate defense establishment is necessary for the successful accomplishment of many of our social and economic programs.

In that climate, then, what are the rewards of military service?

First, the opportunity to learn and master the techniques of a profession as broad and as intellectual as any in our civilization. A soldier must possess the usual military virtues—integrity, courage, loyalty, devotion to duty—but he must also be versed in political science, international affairs, economics, and world geography. He must master the most advanced equipment that our technology can devise. He must deal with people of different cultural and political backgrounds. He must, in short, devote himself to the challenging task of employing military power primarily to preserve peace.

The second reward is the opportunity to train and prepare young men not only for military service but for public service. As I mentioned earlier, I see nothing really wrong with the younger generation. Perhaps we can say that they are overly imbued with idealism, and therefore are not yet ready to accept the imperfections in our society that most of us have learned to live with. They are active and vocal in espousing the principles of liberty, equality, the pursuit of happiness, and their desire to live at peace with our neighbors at home and around the world. If we can harness these talents without stifling them, who knows what we may be able to accomplish?

The third, and most important of the rewards of military service, is the inner satisfaction of knowing that the nation's safety and well-being ultimately depend on the strength and capability of its Armed Forces.

In the words of George Washington, who led our Armed Forces of another day to victory on this Peninsula and won our independence:

"There is nothing so likely to produce peace as to be well-prepared to meet an enemy."

And, that, ladies and gentlemen, is the fundamental mission of the Armed Forces you are honoring tonight.

Thank you.

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THREE EDITORIALS IN SUPPORT OF THE PRESIDENT

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. MIZE. Mr. Speaker, from all across the country, the word is coming that the American people support President Nixon's plan to end the war in Vietnam, despite the loud cries of protest from a small but vocal minority.

It is encouraging to see that the President's decision to attack the enemy sanctuaries in Cambodia is also being praised and recognized as a valuable, necessary step toward the success of Vietnamization and the ultimate withdrawal of all our troops.

At this point, I insert in the RECORD three editorials from very different parts of the country—Portland, Oreg., Birmingham, Ala., and San Francisco, Calif. All three offer support for the President and his policies, and urge their readers to voice this support.

The editorials follow:

[From the Portland (Oreg.) Oregonian, May 10, 1970]

PRESIDENT NIXON PUTS IT ON LINE

This is the age of instant tactics. It must be so, for this is also the age of instant protest, at least in America and in those other parts of the world in which protest is not officially stifled. Never before has a President of the United States been compelled to commit himself as commander in chief of the U.S. armed forces as President Nixon did Friday night.

The President pledged in unequivocal terms the withdrawal of U.S. troops from Cambodia by the end of June, with the first to come out by the end of this week. The return of 150,000 American troops from Southeast Asia within a year will be completed as announced, he said, "I believe it will work out," he added. "If it doesn't, I'm to blame."

Mr. Nixon's candor and his conciliatory attitude toward demonstrators during his press conference were reinforced by his early morning appearance Saturday to mingle with antiwar demonstrators. His action was in marked contrast to his attitude toward similar massed protests in the capital six months ago. It was evidence that he has, as President Nathan M. Pusey of Harvard University said after a meeting with Mr. Nixon Thursday, "a deep understanding and sympathy" with the problems pace by college administrators dealing every day with the explosive problems of militant protest.

But of course it was too much to expect that the President's explicit answers to questions Friday night would change many minds. The march on Washington was already almost completed. Those who participated were unquestionably of no mind to be turned back by any words of Mr. Nixon short of abject capitulation, not only to the Communists in Southeast Asia but to the innumerable demands of demonstrators ranging through military, political, economic, and ecological issues.

This is going to be a difficult springtime. We are told by those who should know best, the college and university presidents, that the disenchancement on the campuses has never been deeper and wider in impact than at present. They insist that it has involved many thousands of students and faculty members who personally abhor the tactics of those who take a public, militant role in protests. They are undoubtedly correct in their assessment of their problems of administration.

But with all due recognition of such problems, President Nixon's are immeasurably greater. He is the President of all of us, including those of any age—certainly a minority—whose consciences are so bruised by events and circumstances that they would resort to acts of despair. Mr. Nixon went a considerable distance Friday night in placating his despairing critics, much further than the critics can be expected to grant; but he did not surrender to them. The great majority of us can be thankful for that, for to follow the tactics or strategy of that minority would be devastating to the future of America and all the world.

[From the Birmingham (Ala.) News, May 15, 1970]

MR. PRESIDENT: WE SUPPORT YOU

The Birmingham News believes that the majority of Alabamians, like this newspaper, would like the President of the United States to know they stand behind him in his efforts to end the war in Vietnam and bring about tranquility and progress throughout this nation.

Below, the Birmingham News, as a public service, prints a suggested affirmation of support which Alabamians may sign, if they wish.

This newspaper will be glad to receive these affirmations and will see that they are personally presented to the President at the White House. Mail responses to:

Support the President
Care of the Birmingham News
Birmingham, Ala. 35202

MR. PRESIDENT: The voice of strident protest and dissent has been loud in America in recent days as organized minorities—sometimes including people openly dedicated to revolution and the overthrow of America's government and society—have sought to persuade you to change policies with which they disagree.

We respect the American right to dissent, for throughout our history honest dissent has contributed to constructive change. But constructive change must come through lawful, consitutional means.

Flag-burning is not legitimate dissent; rock-throwing and building-burning are not legitimate expressions of dissent—they are criminal acts, and must be recognized and treated as such.

Mr. President, the voice of the mob shouts that it is the voice of the people.

We know that you know better. You have seen, as we have seen, polls and other evidence showing that the great majority of Americans supports you in your efforts to bring about a just and honorable peace in Southeast Asia.

But in case the shouts have caught your ear or the angry demonstrations have caught your eye and you have begun to wonder if the mobs really DO represent the majority, we take this opportunity to assure you that the mobs do NOT represent us.

We, too, wish to see an end to the war; we too, wish to see America's domestic problems attended to—the America that has produced incomparably more goods and more wealth to more people than anywhere else at any time in the world's history.

We believe that those are your goals, too, Mr. President; that the policies you have adopted are intended to bring us to those goals.

We believe that the course advocated by the mobs—retreat and defeat and dishonor—would not bring peace either at home or abroad.

We urge you to stand firm in the course you have taken. We believe a majority of other Americans, like the undersigned, stand with you in this time of testing.

[From the San Francisco (Calif.) Examiner, May 10, 1970]

TELL THE PRESIDENT WHAT YOU BELIEVE

Have you told your government how you feel about the new situation in Cambodia and Vietnam?

You should. It is very important that you do.

We offer you on this page a simple, effective way to do so.

A renewed domestic campaign has begun on a scale greater than ever, to force an immediate and unilateral withdrawal from Southeast Asia.

The peace-at-any-price advocates are bringing the pressure of their views to bear on Washington by every means available.

Our fear is that this great drive to crystalize public opinion will not accurately reflect the views of the American people.

Those who believe in the government's Southeast Asia course should speak out, too.

We urge them to do so.

President Nixon wants to get out of Vietnam. He has charted a course to achieve that end without risking the possibility of having a monstrous bloodbath of innocent civilians on his hands.

Our support of Mr. Nixon's course is unequivocal.

We believe in his policy of Vietnamization.

We believe in the military soundness of his decision to wipe out the enemy nests on the Cambodian flank of our troops.

We believe it is utterly irrational to concede to an enemy a string of sanctuaries where he is untouchable.

We believe that the destruction of those enemy sanctuaries will hasten the success of Vietnamization.

We believe that a failure to do so would have prolonged the American involvement in Vietnam.

We believe that explosive situations elsewhere in the world, particularly the Middle East situation, are directly affected by the American course in Vietnam.

We believe that decisions of American foreign and military policy are too vital to the nation's safety to leave them by default to the zeal of our college youth, idealistic though their motives are.

If this is also your opinion, please fill out the proper ballot at the bottom of this page and mail it to the White House.

We frankly seek to stimulate a response from those who support the President but do not normally express themselves.

The rules of American public affairs wisely require, however, that avenues be provided for a free clash of honest opinions, so long as the opinions are expressed nonviolently. The refusal of too many among us to permit an opposing opinion is one of the most disturbing aspects of our times.

For these reasons a ballot is also supplied below for those who hold the opposite view from ours.

OVERWORKED VA HOSPITAL PERSONNEL GIVE COMPASSIONATE CARE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the Committee on Veterans' Affairs has been conducting a comprehensive investigation during the past 5 months of the VA medical program. Our investigation revealed a number of serious deficiencies in funding and staffing levels

XUM

throughout the entire system. Over the past few years, the VA hospital system has been unable to keep up with private sector hospitals as they have been caught in an impossible budget squeeze between higher medical costs and soaring workloads.

The equipment in many hospitals is outdated and the physical hospital facilities have not been properly maintained because the available funds have been needed for more emergent day-to-day operating needs. The staffing levels at most hospitals is presently about one-half of what it should be. This condition has greatly overburdened present VA hospital personnel many of whom have worked on their scheduled days off and extra shifts when other personnel were sick or otherwise unavailable.

Mr. Speaker, as a result of congressional interest, the House of Representatives has added about $97 million over the original budget requests submitted to Congress for VA medical care in 1970 and 1971. These appropriation bills are now in the Senate where further efforts will be made to increase them so as to help provide more funds for staffing relief and other medical care purposes.

Mr. Speaker, what has been lacking in numbers of personnel has not diminished the devotion and dedication of most of the 120,000 employees who minister care to our sick and disabled veterans. To the extent that their time permitted and their energies sustained them, the VA doctors, nurses, and other hospital personnel have given the most compassionate care possible with what resources they have had available to them. A typical example of this came to my attention today upon receiving a copy of a letter addressed to the Administrator of the Albuquerque, N. Mex., hospital from the immediate family of the late Waldo Anton, Sr., which follows:

XUM

SANTA FE, N. MEX.
May 21, 1970.

ADMINISTRATOR,
Veteran's Administration Hospital,
Albuquerque, N. Mex.

We wish to take this opportunity to thank all the employees and staff members who contributed in any way towards the care of the late Waldo Anton, Sr., throughout his stay there.

The services extended to him during his three months with you were far beyond anything we could expect or obtain any place else, at any price. The compassion and warmth which everyone there demonstrated were so comforting to him, and to all of us. His final days, as well as his passing, were much easier to bear knowing he was with friends and people who cared far beyond what their duties required. This was very obvious to us each time we visited.

We are satisfied that everything that was humanly possible was done for him. The kindness and courtesy shown to all of us, from our initial encounter with the admitting office and on to the final phone call, will never be forgotten. We, personally, could not have picked a finer or better skilled group of people than the staff of Ward 3 West. We hope to see them all again under happier circumstances.

Please extend our sincere thanks to them all, as well as to the Catholic chaplain who was so kind.

Mrs. WALDO ANTON, Sr.,
Mrs. LORRAINE ANTON STALEY,
Mrs. FLORENCE ANTON MOULTON,
Miss PRISCILLA ANTON,
Mr. WALDO ANTON, Jr.

NATIONAL HEALTH INSURANCE PROGRAM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. BINGHAM. Mr. Speaker, although inflation is plaguing us all today, it is nowhere more evident than it is in the field of medicine. Moreover, while the cost of medical care is rising rapidly, the supply of doctors and other trained medical personnel is failing to keep pace with the growth of the population and we can therefore expect an ever increasing spiral of such costs.

Even New York City, which is often considered one of the finest medical centers in the world, has an overall physician population ratio of only 278 doctors per 100,000 residents. Yet, in the poorer communities and ghettos of the city, the ratio falls to as low as 10 doctors per 100,000 residents. On a national level, one of every 50 Americans cannot get a doctor under any circumstances.

Mr. Speaker, something must be done. The success of the medicare program has demonstrated the need and effectiveness of a nationwide health insurance program. Our colleague, MARTHA W. GRIFFITHS, has introduced a national health insurance plan, in which I am today joining her as a cosponsor. The bill replaces medicare with a comprehensive health insurance program which provides financial access to medical care for all men, women, and children who have 1 year's residence in the United States. At the same time it assures physicians continued adequate remuneration and provides them with an incentive to keep their patients in good health.

I am including at this point a full description and summary of this legislation provided by Congresswoman GRIFFITHS:

Mrs. GRIFFITHS. Mr. Speaker, I am introducing today with cosponsors a bill which will establish a national health insurance program under the social security system, and which will give to middle Americans those health and medical benefits presently being developed for the poor and aged, and which the wealthy already have simply because they can afford to pay for them.

This bill would relieve State and local governments of health service tax burdens, currently estimated to be about $7 billion annually. In addition, since this bill would eliminate medicare and medicaid, the $10 billion supporting these programs would become available for the comprehensive national health program.

The bill would also preserve free choice of physicians; preserve traditional professional freedom of practice and methods of payment; and maintain, indeed, utilize the authority of local medical and dental associations and societies.

At the same time, the bill would make it possible for doctors and dentists to bypass time-consuming business administration and bookkeeping functions and permit them to concentrate on the practice of medicine and dentistry. It recognizes that the business of doctors is administering health and medical care. They should not have to be bookkeepers or credit collection agencies.

Mr. Speaker, most Americans who incur extended or serious illnesses and mishaps today, cannot afford to live. In fact, the cost of a major illness is such that 9 out of 10 Americans are medically indigent right now. They can not afford to pay the high costs of care without severe economic sacrifice. Health expenditures now amount to $294 for every man, woman, and child in the Nation. For some middle Americans, this means spending from 10 to 25 percent of their income on uncontrollable health and medical services. For some middle American families, of course it is even more, while for some, it is less.

At the same time, middle Americans are supporting health care for the rest of America, and the income tax system gives them little credit for doing so. Current tax deductions for medical expenses favor the rich, simply because they can afford large expenditures for health care and therefore receive large tax deductions for them. The fact is, the more they spend, the more they get back. Middle Americans, though, find that while their medical expenses consume a proportionately large share of their income, a tax deduction, while welcome, is still an unaffordable luxury.

This bill would eliminate this regressive feature in health care tax deductions and remove the burden of supporting a major share of the Nation's health costs from the backs of hard-working middle American wage and salary earners, who are paying for health care at all costs, for all people.

It is widely acknowledged that we face a crisis in health care. Symptomatic of the stress in the health delivery system is the recent outpouring of books dealing with the problem. Recently published books such as "The Doctors" by Martin Gross; "The Troubled Calling, Crisis in the Medical Establishment" by Selig Greenberg; "Medicine in Transition" by Dr. Iago Goldstein; "Ferment in Medicine" by Dr. Richard Magraw; "The Coming Revolution in Medicine" by Dr. David Rutstein; "Professional Power and American Medicine" by Alton Tayack; and "Hospital Regulation: Dilemma of Public Policy" by Anne R. Somers.

More and more articles are being published in magazines and periodicals about the crisis. On July 10, 1969, Secretary Finch and the Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education, and Welfare stated:

"This Nation is faced with a breakdown in the delivery of health care unless immediate concerted action is taken by government and the private sector."

So there is little dispute, today, as to nature of the health care crisis. The health delivery system, itself, is sick. Those who have expertise with regard to the organization and delivery of health services stress that increase medical knowledge with resulting specialization of function has not been accompanied by a growth of organization or a financing system that will permit equal opportunity of access to the system. The result has been fragmentation of services with no well-defined point of entry into the system by the consumer-patient.

Symptoms of the breakdown are many. I intend to cite only a few, the first of which emphasizes concern of Congress and the public over the runaway escalation of health care costs.

The inflationary facts of health services are astonishing. The Nation's spending for health reached $60.3 billion in fiscal 1969.

Per capita health expenditures rose 11 percent in fiscal 1969, as compared to fiscal 1968. Public outlays for health rose nearly 15 percent in 1 year. Payments for hospital care increased 17 percent in 1 year and reached a total of $22.5 billion in fiscal 1969. The American Hospital Association recently testified before the House Ways and Means Committee that the average daily room rate would rise to nearly $100 a day by 1973. Daily room charges already exceed $100 a day in some of our teaching hospitals. Expenditures for physicians' services also rose 9 percent for fiscal 1969 over the prior year. The December 8, 1969, issue of "Medical Economics" predicts that gross receipts of private physicians will average "at least 10 percent higher" for calendar year 1969 as compared to 1968.

Small wonder, then, that health care has absorbed an increasing proportion of the gross national product. In 1950, health expenditures accounted for 4.6 percent of the GNP. In 1960, 5.3 percent and in 1969, 6.7 percent. In fact, if health expenditures continue to absorb an increasing proportion of the gross national product at the same rate as has occurred in recent years, by the year 2077, 108 years from now, health expenditures will consume the entire gross national product leaving nothing for food, clothing, or shelter.

What are we getting for our money? In relation to huge health expenditures, the United States is faring rather poorly in comparison with other countries in the Western World. Exorbitant costs and expenditures are begetting inadequate results and inferior services. Objective statistical measurements of infant mortality, maternal mortality, and life expectancy not only show we rank below most other Western countries, but that our relative position has been declining. In 1964, the United States ranked 16th among the countries of the world in infant mortality. However, in 1950, the United States ranked sixth and in 1960 the United States ranked 11th. Maternal mortality rates—the percentage of mothers who die in childbirth—show the United States to be 11th place. With regard to life expectancy, the United States ranks 18th for males and 11th for females.

Significantly, all of the countries that rank ahead of the United States with regard to these objective health indices have a national health program which either provides or finances health services for the vast majority of their citizens. It is also significant that these countries are providing health services to their respective populations at a lower per capita cost than in the United States. For example, in 1965, the Social Security Administration estimated that the United Kingdom spent 4.2 percent of its gross national product on health. In that year, the corresponding U.S. expenditure was 5.9 percent of the GNP.

The questions we must ask are:

Why has American medicine failed to live up to its potential?

Why is it not the best in the world?

The crux of the problem is that we have a system of 20th century technology shackled to a 19th century organizational pattern and attitudes.

First, physicians seek to maximize their financial return to the time and effort they must expend to provide care. In short, they are human beings with the same needs and interests as other human beings. It is no reflection on their integrity nor their compassion to suggest that other things being equal, they will choose to practice in a manner which will maximize their incomes. There is a grain of truth, though, in the cry of young medical students heard recently: "Hip! Hip! Hippocrates. Up with service. Down with fees!"

Idealism, though, however necessary and commendable it is, is not enough. We need to change the incentive system in manner which will reward efficiency and penalize inefficiency and outright fee-inflationary practices.

Under the present system, the physician is financially rewarded in proportion to his patient's immediate malady. Instead, we must give the doctor a financial stake in keeping the patient in good health at the lowest possible cost. Such a system would financially penalize unnecessary hospitalization; unnecessary surgery; and unnecessary medical services. Reward would be based on efficiency and quality care.

So the bill we are introducing today is designed to accomplish far more than simply paying for health services. Our experience under the medicare and medicaid program has amply demonstrated the fallacy of having the Government underwrite the cost of health care largely determined by the providers. But we must not overlook the fact that these two programs have substantially helped some 38 million Americans. This bill would not only contain the rising costs of health care within the limits of the 6.7 percent of the gross national product we are now spending, but it also has the potential of actually reducing cost as a percentage of the GNP over the years.

How is cost control achieved? It is accomplished by having the Federal Government contract for health, hospital, and dental services with organized groups of physicians, with hospitals and with groups of dentists. Contractual relations between free parties is a cornerstone of our private enterprise business and industrial system. It is a time-tested system in the health field as well.

For over two decades, the prepaid group practice plans—which might be regarded as mini-national plans—such as the Kaiser Foundation health plan have contracted with medical groups for comprehensive health services. These contracts place the medical group under a budget. The budget is liberal. If the cost of providing services is actually less than the amount stipulated in the contract, the physicians receive a bonus at the end of the year. Thus, the more efficiently the medical group provides services, the more they make in monetary rewards.

The cost savings achieveable under the contract system are nothing short of spectacular. For example, the President's Commission on Health Manpower studied the Kaiser plan in depth. The Commission's conclusion was that the Kaiser plan provided as good or better care than was available in the general community at from 20 to 30 percent less cost.

In addition to Kaiser, all other prepaid group practice plans have demonstrated the capability of reducing hospitalization and the number of surgical procedures. A recent study of the Federal employees health benefits program showed the group practice prepayment plans had but one-half the number of non-maternity hospital days per 1,000 subscribers, as the alternate coverage. Federal employees have a choice, from among five different types of coverages, including an indemnity plan and Blue Cross-Blue Shield. The group practice prepayment plans also had 42 percent fewer surgical procedures than Blue Cross-Blue Shield.

Our bill does not abolish the fee-for-service system and I specifically allow for it; but only under conditions which would provide effective cost control. Under the bill, the Federal Government could not only contract for medical services with organized medical groups, but with local State and county medical societies as well. Where physicians in a county desired to be reimbursed on a fee-for-service basis, the medical society could contract with the Federal Government to provide services. The physician-members of the medical society would, therefore, be assuming group responsibility for providing services within the terms of the contract. However, distribution of the money among members would be determined by the group. The Federal Government would have no concern nor, in fact, would promulgate no regulations dealing with compensation of individual physicians.

This bill does, however, require that where a medical society does assume responsibility for delivering medical services, it must establish a system of peer review and administration procedures to assure beneficiaries that the care they receive is of optimal quality. The medical society would receive a 5 percent bonus payment to cover their administrative expenses for providing this service.

This reimbursement method is time tested. The San Joaquin Medical Foundation was established in 1954 and makes good use of the self-policing concept. Last year the San Joaquin Medical Foundation contracted with the State of California to provide medical services to medicaid eligibles. At the end of the year the foundation returned $200,000 to the State of California. Quite a contrast to those few who were able to twist the program into a get-rich-quick scheme.

Under our bill, the medical society or a foundation organized by the medical society would not be required to refund cost savings to the Government. If physicians curtail unnecessary hospitalization, unnecessary surgery; and use paramedical personnel more effectively, I feel they should be rewarded for their efforts. From the standpoint of Government, we should be interested in a fair contract at a fair price. If care is rendered more efficiently, then efficiency should be rewarded.

A refinement to the San Joaquin concept is the Physicians Association of Clackamas County in Oregon. Here the medical society contracted with the State of Oregon to provide not only medical services, but assumed the responsibility of paying for hospital and pharmacy services as well. This introduces a concept approaching that of comprehensive group practice plans, where the plan assumes responsibility for providing all services required by the patient.

Comprehensive payments for comprehensive services offer the greatest hope for containing medical costs, because the health plan gains financially whenever the patient's medical needs are met by a less expensive form of treatment. Only when payments cover the entire spectrum of medical needs, is the physician free to substitute less costly outpatient services for inpatient services; less costly nursing home services for hospital services; and less costly home health services for nursing home care.

This bill would, therefore, provide incentives for medical and dental groups, county medical societies, hospitals and other nonprofit organizations to provide or arrange for comprehensive health services under a single contract. The incentive is a 5-percent extra allowance when any of the above organizations indicate an interest in providing comprehensive care. I would like to add, that only under a system of comprehensive payments for comprehensive services, can an organization really plan, program and budget their income and expenses and make effective use of systems analysis.

The bill we are introducing would achieve a most desirable result: physicians, dentists, and hospitals would be assured of adequate remuneration whether they practice in a poverty or affluent area; in the city or in the country. For there is an urban-rural imbalance in the availability of doctor care. In the countryside, over 412,000 people in 115 counties scattered through 23 States do not have access to a physician at all. One out of 50 Americans cannot get a doctor under any circumstance.

So the imbalance is not only between urban and rural areas—appalling as that is—but between poor and affluent areas within cities.

If this bill should become law, we would certainly witness a migration of physicians from the "overdoctored" areas to the "underdoctored" areas of the United States, since the money will be there, whether the area is rural or poor or affluent. Our bill, then, would motivate doctors to serve not on the basis of a community's wealth, but on the basis of the people's need for health care in the area.

Most importantly, this bill would stimulate the development of improved health delivery systems so that the quality of care and the efficiency by which it is delivered would be improved. The bill is designed to resolve the principal problem we face today; namely, a sophisticated 20th century technology shackled to 19th century organizational patterns.

This bill would not only provide free choice of primary physician, but also allow beneficiaries free choice of health delivery systems—solo or group practice. Moreover, beneficiaries would choose their personal physician when they were well and not under the stress of illness

Physicians would be guaranteed that there would be no interference with the clinical practice of medicine. They would be free to participate or not to participate in the national health insurance program. Participation could be on either a full-time or part-time basis. In fact, physicians would have the greatest professional freedom they have ever known. With the framework of a budget, they would be able to establish their own methods of compensation. They could, if they so choose, eliminate all paperwork in connection with claims and concentrate on that which they were so magnificently trained to do: Practice medicine. In my opinion, this bill will enlist significant support from many members of the medical profession.

Let me turn, now, to the benefits our bill will provide:

First. Coverage for every man, woman, and child who has resided in the United States for 1 year or more.

Second. Comprehensive health benefits, including hospitalization, as required and without limits; physician services, including surgery, subject to a small $2 cost sharing charge per visit after the first visit; preventive care and physical examinations, nursing home care as required and without limits, home health services subject to to a $2 charge per visit and rehabilitation services.

Third. Comprehensive dental services for all children under age 16 subject to a $2 cost sharing charge per visit after the first visit. Dental examinations and prophylaxis provided at no cost to the patient.

Fourth. Eye care including an allowance for eyeglasses and frames.

Fifth. Prescription drugs.

These benefits would be financed under the social security program. Employers would pay 3 percent of payroll, employees 1 percent of payroll, and the Federal Government would match the employer contribution from general revenues. Employer taxes are higher than employee taxes to take into account that employers are now paying the entire cost of most employee health insurance benefit programs. If the employer contributions were less than 3 percent, some employers would enjoy a windfall, in the sense that their contribution would be less than their current payments into voluntary health insurance programs. The Federal contribution would not be much more than current Federal, State, and local combined expenditures for health services. Thus, the Federal Government would be relieving the tax burden of State and local government for health services.

If this bill is enacted, the United States could rank first among all nations, in providing high-quality health care at reasonable cost for all people. In my opinion, the national medical and health crisis can only be resolved through a national comprehensive health insurance program, with comprehensive financing.

The time is long overdue to make health care for all Americans in all income levels a matter of right, rather than a matter of privilege or pity.

The Senate Finance Committee has just recommended that fees be established for doctors. We reject this solution and offer this bill as a better means of better health for every American at a lower cost; with the traditional rights of American medics guaranteed.

National health insurance is an old idea, but a "Now" solution. Its hour has arrived.

FAITH IN DEMOCRACY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. MOORHEAD. Mr. Speaker, Mr. Nixon's decision to invade Cambodia, a heretofore neutral nation, without consulting Congress reaped a harvest of outrage.

Student and nonstudent protests, marches on Washington and other large cities, and unfortunately the deaths of several young Americans, all struck our country in less than 2 weeks.

The President's Cambodian adventure left few noncommitted. Either you believed he was right or you were shocked, outraged, and appalled at the actions of the man who promised to end the war in Southeast Asia.

One of the few positive effects to come out of the President's Cambodian plan is the apparent politicization of thousands of college students, many of whom until the Cambodian announcement had not bothered to register their agreement, disagreement, or concern with the decisions of big Government.

Rising in opposition, in unison, and in numbers, over the President's decision, these students by the thousands, have come to Washington and lobbied their Senators and Representatives on the war issue.

These young people have publically pledged themselves to work within the rules of elected Government. They have made promises to continue their dialog with official Washington up to and through the November elections, where they hope to unseat through hard, arduous campaigning those public officials who support the war in Southeast Asia.

The Pittsburgh Post-Gazette recently filled an entire editorial page with letters from some of these young men and women.

I think the sincerity and conscientiousness contained in the letters, and the Post-Gazette's editorial comments, are commendable. I insert them in the RECORD at this time for my colleagues:

FAITH IN DEMOCRACY

The extent and depth of student concern over the disturbing state of national affairs is dramatically illustrated by letters from young people published on this page today. In taking the time and effort to express their views, the letter writers are, on the one hand, tacitly testifying to the quality of their citizenship and, on the other hand, using one of their democratic rights to influence the government.

The activities described by the letter writers indicate that students are involving themselves in an unprecedented fashion in lobbying, in political campaiging, in communicating their views and in extracurricular education on public affairs. These are all constructive forms of political action directed toward changing the course of national policies that the students are so troubled by. In exercising their rights to write and speak freely, to peaceably assemble and to petition the government for redress of grievances, the students are showing a commendable faith in the democratic process. Their voices should be heeded.

PITTSBURGHERS AT DARTMOUTH

Of course P-G readers are acquainted with the ominous and shocking facts of the past weeks . . .

At Dartmouth our energies found a constructive channel. Dartmouth President John Kemeny announced classes for the week would be suspended for a period of "institutional soul-searching"; within 24 hours several centers of action, supported by nearly 100 per cent of the students, had been formed, [including] the CPW (Continuing Presence in Washington), which aims to mobilize the opinions of concerned taxpaying citizens of voting age by enabling them to travel to Washington to lobby for peace until the Indochinese war is completely over.

We would like to stress to those back home in the Pittsburgh area that all is not violence—constructive movements at Dartmouth and throughout the country are under way . . .

Also we strongly suggest that Pittsburgh area residents write (and even better, visit) Senators Scott and Schweiker and their district representatives, opposing Nixon's present policy and supporting the McGovern-Godell-Hatfield proposal.

K. C. HAYS,
GEORGE CAPLAN,
J. HOUSER,
SANFORD FERGUSON,
J. ALLMENDINGER
Pittsburgh Students at Dartmouth.
HANOVER, N.H.

STUDENTS NOW READY TO DIE

I am a student in my second year at Smith College and I am writing to inform those who are not students, of the reason for our vote—passed by 78 per cent of the student body and supported by the faculty and administration—to join the nationwide strike. What I want to make clear is that this strike is by no means an envasion of work—provisions have been made for later completion of course work and exams; rather, it is the only effective way for us as a very large body of concerned citizens in this nation to express our very real concern . . .

We are not striking against the universities; we are taking advantage of the concentration of enthusiastic people in an institution which provides the facilities and literature which we must utilize to educate ourselves about the appalling events occurring as a result of government policy. When blacks are persecuted for their political beliefs, when the only way to "end" the war is to expand it, when four students are murdered by the National Guard—when events such as these occur in this country, then the very least we can do is to direct our activities, at once and on an organized manner, to the immediate end of these atrocities being committed in our names . . .

All we who strike ask of you is not to condemn us. Think, question, learn why we are so upset that we commit ourselves to action which could well affect our entire lives. But for us, the realization comes that our lives are already affected when, if we dissent, we must be prepared to die.

We strike now, we coordinate our energies now, and for three weeks, and for the summer, and for however long it takes us to cure this country's disease. This is not just a college strike; already we are working with unions, with politicians, with concerned people across the country to organize our activities in attempting to end the injustice which has become too much a part of daily lives. This is not just a strike until the end of the term—it is the beginning of our commitment, a pledge which will continue and grow as we leave the campus and continue our work in the community. We are disturbed, we are frustrated and we use the only means we have of effectively expressing our fears: we strike. I pray to whatever is human in you that you are with us.

CONNIE OLIVER.

SEWICKLEY.

BUSINESS STUDENTS AGAINST THE WAR

We at Northwestern University Graduate School of Management, as future members of the corporate world, no longer can sit idly by and tacitly approve repression of rational and non-violent dissent.

We have organized MBA's for action because, during the past several weeks, we have become increasingly disturbed by escalation of the war in Indochina, the tragic killings at Kent State and the alarming polarization of public opinion. The time has come for each of us to express our individual commitment, to make our concern clear, and to organize for combined action with the business community.

We plan to organize the local business community in a concerted effort to express dissatisfaction with the Cambodian situation, and to organize concerned business students into a viable and constructive force for change. We will be working for specific legislation as well as discussing issues and alternative solutions.

This response is to an urgent situation in America. We are committed to a continuing campaign which is not a movement of violence, nor is it orchestrated by stereotype radicals. Rather, it is an expression by a group of diverse people, sharing a common sentiment for action, peace, and improvement of our society.

We urge businessmen and business students around the nation to join our cause for a better America.

CRAIGE D. JOHNSON,
ROGER F. RUTTENBERG,
THOMAS W. BROCK,
WILLIAM J. HOWARD,
JOHN D. WEIL.

EVANSTON, ILL.

AREA STRIKERS AT SMITH COLLEGE

We are students from the Pittsburgh area attending Smith College in Northhampton, Mass. On May 5, Smith joined the National Student Strike. We are writing to explain the reasons behind this peaceful strike at Smith and to ask for your support.

The past weeks have been marked by an increase in domestic repression and by the United States intervention in Cambodia. We feel that Nixon's actions, which are of uncertain constitutionality, can only lead to increased expansion of the war in Southeast Asia.

The strike is not directed against the academic community or its ends. Rather, it is a reordering of our priorities in an attempt to educate ourselves in the backgrounds and incidences of violations of justice and human life here and abroad. Hence a cessation of normal academic activity for three weeks, so that armed with facts, rather than emotionalism, we can direct ourselves toward community action. If the integrity and usefulness of Smith or any other educational institution are to be preserved, we must act to maintain or create a society which fosters them.

It is time for everyone to act in a constructive manner to peaceably bring about change in our nation's policies. We call on you to consider the issues, to make a firm commitment to peace and freedom, and to act upon that commitment. As part of that commitment to action, we urge you to contact your local congressmen to express your views.

PITTSBURGH AREA STUDENTS,

Marsie Berg '70, Marlene Morgan '72 Martha Cathcart '70, Connie Oliver '72, Janan Friedlander '70, Deborah Ford '73, Madeline Lord '70, Nancy Hutchinson '73, Maggi Musico '71, Augusta Molnar '73, Margaret San Filippo '71, Margie Oliver '73, Barbara Graham '72, Margie Stetson '73, Helen Heard '72, Kathy Toomey '73, Judith Joseph '72, Catharine Wagner '73.

URGES RESPECT FOR BILL OF RIGHTS

I am writing as a responsible citizen of the Pittsburgh area and country, as well as a student at a "striking" college. I am deeply concerned with the increasing use of violence by members of both ends of the political spectrum. The present crisis in this country, manifested both at home and abroad, has convinced me of the necessity of devoting my time and energies to achieving a significant change in present government policy concerning: U.S. involvement in Southeast Asia; the political repression of dissenters; and war-related research on college campuses.

In order to accomplish this aim I have joined the National Student Strike as have a majority of the students and faculty in my college community. I must stress that we are not striking against education, nor do we condone or participate in violent dissent. It is not our aim to shut down the school, but rather, in cooperation with our faculty and administrators to educate ourselves and others in the political realities of this domestic and international crisis.

In view of recent events such as the announced escalation of the war in Southeast Asia and the tragedy which occurred at Kent State, we feel that we must commit ourselves not only to ideas, but also to immediate action.

Our present activities include workshops, lectures, discussions with clergy and civic groups, canvassing, petitioning, and communicating with our senators, congressmen and other public officials.

I urge you to see beyond the actions of a violent few and carefully examine the issues above, discuss them; and accept striking students as thoughtful individuals who are concerned with the welfare of our country. I further urge you to join in our struggle to end the war and to end political repression of those citizens expressing views contrary to those of the present administration. Specifically, I wish to stress the importance of urging our elected officials to support the legislation introduced by Senators Goodell, McGovern, Cranston, Hughes, and Hatfield to end funding of the present military campaign.

I further implore you to respect our efforts and to uphold the rights of all individuals—regardless of race, creed, or age—"Peaceably to assemble, and to petition the Government for a redress of grievances" (Bill of Rights, 1791).

BETSY WORTHMAN,
Wellesley College, Class of 1970.

WELLESLEY, MASS.

KENT STUDENT AGAINST STRIKE

I am a student at Kent State. Despite what has happened there—as a result of the actions of the students and the National Guard, I want to return to class. I disagree with Nixon's move to Cambodia, but, I cannot see how student strikes are going to help. In fact, I can only see that they will hurt and they will hurt us, the students, by having to forfeit our education.

If members of Congress and those in Washington have decided to listen, why not have them come to our campuses and converse with them. Why is there any need to close down colleges, deny ourselves of an education? We can accomplish the same things by keeping classes in session and speaking with members of the college and the government administration through organized meetings and when possible, organized peaceful demonstrations and moratoriums.

I am asking fellow students to seriously consider the benefits, if any, and the consequences of the student strikes before participating in them.

NOREEN FRYE.

PITTSBURGH.

REPRESENTATIVE RICHARD L. OTTINGER POLLS THE 25TH CONGRESSIONAL DISTRICT OF NEW YORK

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. OTTINGER. Mr. Speaker, earlier this year I polled the voters of my congressional district on a variety of important issues facing the Congress and the Nation.

In line with my usual practice, I mailed two copies of the questionnaire to each business and home in the district, and the response has been gratifying. More than 40,000 have been returned, and I have had a team of Westchester students who attend college in Washington tabulate the results which I wish to share with my colleagues.

The overwhelming sentiment in the 25th Congressional District of New York is for an early end to the Indochina war, the withdrawal of American combat personnel from Laos, and for continued support of Israel in the face of Arab belligerence and refusal to negotiate a settlement. My constituents also cast their vote for an all-volunteer Army, for deemphasis on new weapons deployment during strategic arms limitation talks with Russia, and for cutbacks in American troop strength in Europe.

Further, the people of Westchester County approve of a mass transit trust fund and believe that the aviation industry should finance the supersonic transport. Great alarm over the state of the economy is expressed, along with support for wage-price controls as one remedy.

The most one-sided responses came in answer to questions on the environment and pollution, however, reflecting the widespread concern over these matters in my district. Approval is overwhelmingly registered for new laws, more funding, stronger enforcement of existing laws, crackdown on industrial polluters, and a weighing of environmental factors in all construction projects.

I include the questionnaire in full and the tabulation of the responses.

XUM

[In percent]

	Yes	No	Undecided
1. Vietnam: Do you believe that:			
(a) The President should inform Congress and the public what the war is costing?	90	7	3
(b) The United States should take greater initiatives to reach a settlement through negotiations?	78	18	4
(c) The present rate of troop withdrawals is satisfactory?	35	52	13
(d) The United States should keep troops in Vietnam to sustain the Thieu regime?	27	62	11
2. Laos: Do you believe that:			
(a) The President has been candid with the American people regarding U.S. involvement in Laos?	28	61	11
(b) U.S. military personnel should be involved either in air or ground combat in Laos?	17	73	10
3. Middle East. Do you believe that:			
(a) The administration has weakened its support for Israel?	52	34	14
(b) The United States should immediately sell to Israel the Phantom jets Israel has requested?	51	38	11
(c) The United States should end the training and equipping of Arab military officers?	74	16	10
(d) Direct negotiations between Israel and the Arabs are necessary to achieve a meaningful settlement?	91	4	5
4. Transportation. Do you believe that:			
(a) A trust fund should be established to finance mass transit improvements?	67	16	17
(b) The $4,000,000,000 annual Federal expenditures on highway construction should be reduced?	46	44	10
(c) The aviation industry should be required to finance the supersonic transport rather than the Federal Government?	72	15	13
5. Economy. Do you believe that:			
(a) The United States is nearing a recession?	58	26	16
(b) Prices will continue to rise?	91	6	3
(c) Wage and price controls should be established?	61	27	12
(d) The surtax should be continued beyond this June at 5 percent?	22	68	10
6. National defense. Do you believe that:			
(a) An all-volunteer army should be established as an alternative to the draft?	55	35	10
(b) Deployment of the ABM and multiple-warhead missiles should be suspended pending outcome of arms limitation talks (SALT) with the Soviet Union?	56	34	10
(c) The United States should sharply reduce level of 300,000 troops in Europe?	68	21	11
7. Environment. Do you believe that:			
(a) State and Federal antipollution efforts have been effective?	5	91	4
(b) More funds are needed to combat pollution?	83	12	5
(c) New laws are needed?	89	7	4
(d) Stronger enforcement of existing laws is needed?	96	3	1
(e) Industries should be allowed to pollute if they pay the cleanup costs?	9	80	11
(f) All Government agencies should be required to weigh environmental factors before approving public works or construction projects?	92	5	3
8. Crime. Do you believe that:			
(a) The best way to reduce the crime rate is to increase the size and efficiency of local police agencies?	53	35	12
(b) Ex-addicts should be employed in drug education programs in the schools?	71	16	13
(c) The United States should seek international agreements sharply restricting the production of narcotics?	91	4	5
(d) Police should be permitted to fingerprint, question, and detain suspects for up to 60 hours without filing criminal charges against them?	34	59	7

THE FORGOTTEN PEOPLE—AMERICA'S SCIENTISTS AND ENGINEERS

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. PODELL. Mr. Speaker, in the March 1970 issue of American Labor we find a thought-provoking article about the work of Mr. Jesse M. Calhoon, the imaginative and innovative president of the National Marine Engineers' Beneficial Association—MEBA—of the AFL–CIO.

The article, entitled "The Forgotten People—America's Scientists and Engineers," is a thought-provoking discussion of the unique problem that many professionals today face—the joint problem of keeping up with scientific advancement and making meaningful contributions to our society.

Mr. Calhoon rightly believes that the present economic situation and America's pace of technological development have made it imperative that we improve the condition of our scientists and engineers.

Under the skillful direction of Mr. Calhoon, MEBA has begun to analyze and offer solutions to the specific problems of these people. One new development has been the creation of the Calhoon-MEBA Engineering School—an institution of learning designed to develop fully qualified and accredited marine engineers for job opportunities on America's merchant fleet. It is the only such engineering school in the world that is exclusively sponsored by the industry itself. This has been but one breakthrough toward meeting the problem.

I feel that everyone concerned with jobs and job opportunities should be aware of the initiatives that Jesse M. Calhoon and MEBA are making and their success in meeting those difficult challenges of today.

The article follows:

THE FORGOTTEN PEOPLE—AMERICA'S SCIENTISTS AND ENGINEERS

"In the United States, the average engineer and scientist of today is little better than a migratory worker. Add all the imposing college degrees you want to after his name, he still has to hop from job to job and by the time he reaches 40 he might just as well have been picking lettuce for all the future he has."

The words were uttered in dead earnest recently by Jesse M. Calhoon, president of the National Marine Engineers' Beneficial Association in an exclusive interview with ALM, opening a hitherto unexplored line of discussion that not only needs public airing but—in Mr. Calhoon's opinion—massive and immediate corrective programs if the pool of scientific intelligence that has brought American technology to its present eminence is to survive.

As MEBA's top officer, seated in his executive offices at 17 Battery Place in Manhattan, quietly outlined the situation, it's a sobering one. With a work-life expectancy that rarely reaches two decades, a vast proportion of the nation's very best technological minds find themselves—at an age when most individuals are entering their best productive years—stranded and on the shelf. The parade, for all of their intelligence, has passed them by.

Few have any pensions to look forward to because the very nature of their sporadic and ever changing assignments with constantly different contractors have never kept them long enough with any single company to attain one. Nor are there any portability plans that presently cover them as they move from job to job.

Their salaries, instead of going *up* with experience, take the very opposite position of this normal graph because the fantastic strides in technological development often obsolete their special learnings almost as rapidly as they have mastered them. And the greater this acceleration (which has moved with almost unbelievable speed during the 60's) the greater has become the obsolescent factor and the salary decline.

"Considering their essentiality," said the 47-year-old soft spoken head of the Marine Engineers, "and reserving any discussion of the human factors for the moment, the lack of foresight that has been exhibited in the personnel handling of so precious a manpower cargo is almost incomprehensible."

What brought the matter to the surface in the first place was an accidental conversational by-product engendered by an exploratory talk for a cover story with this tall, slightly graying North Carolinan—one of nine children born to a fisherman father on April 4, 1923 in Belhaven, a stone's throw from Cape Hatteras.

It came as a result of an oblique comparative analysis of Calhoon's own unionized engineers (he was elected president of MEBA in 1963 and in that short span has chalked up the greatest gains for its members in the union's 93-year history) as against the vast bulk of scientists and engineers who, as yet, are outside any union umbrella and who have become victims of their own hesitancy to associate.

"No other nation on earth," he said, referring to the conditions under discussion, "has so careless . . . so callous . . . and in the end what might very well turn out to be . . . so disastrous a policy. It destroys every fibre of incentive in a man."

RE-EXAMINATION IMPERATIVE

At stake in this need for re-evaluation and change, as Calhoon sees it, are not only the immediate destinies of the country's very finest scientific and engineering talents presently blueprinting and overseeing every area of the nation's technological projects, but—even more importantly—the maintenance and growth of this pool of intelligence so vitally needed in the competitive world of tomorrow.

"If the present system is not altered," stated Calhoon flatly, "we may wind up with a massive shortage of the very key creative brains America needs to survive."

The example of the "present system" he offered by way of illustration was a simple one which he stated could be multiplied "by as many digits as there are scientists and engineers." In essence, it works as follows:

Much of the building contractors, most technological organizations have minimum staffs, expanding only as the need requires. With the nature of government contracts, their short life expectancy and the competitive bidding aspects involved, good business sense must dictate this procedure.

When a specific company receives a specific contract which may call for some 50 engineers with "solid state" experience (or whatever) the company that has won the contract goes out into the marketplace and gathers its special talent utilizing hiring techniques not appreciably different from that of a tomato farmer. Once hired, these men and their families are then moved to the job site where they normally remain until the specific contract is terminated. When it is over—that is that.

The heads of households bundle up their families and possessions, put their homes up for sale (generally at a loss when all the cost factors are collated) and begin all over again, moving to another town in another state that could be clear across the country if that's where the next openings are.

"The irony here," said Calhoon, "is that a tomato picker—and Lord knows I'm not trying to downgrade *anybody*—can always pick tomatoes. But an engineer who's been out of college for 15 years often can no longer find work in his special area of technical competence because science has passed him by.

"When he's on a job he never has time to attend the extra classes that might keep him up to date—even if a post graduate school were nearby. And when he's out of work, he's just much too concerned with the immediate effort of seeking employment to be able to afford that luxury. It's a vicious circle and—as it shapes up now—there's no way out."

The provisions presently made by either management or government to help supply this type of technical upgrading are conspicuous by their absence, noted Calhoon.

"Billions are being spent on training unemployables and underemployables," he said, "but when it comes to investing dollars on the very best minds we have—the amount isn't even worth talking about."

AS ENGINEERS SEE IT

"It's a dead-end street," said one 42-year-old engineer echoing Calhoon's statements in an off-the-cuff interview with ALM. "Over the past 15 years I've had some seven or eight different jobs for different companies. The few times that I bought a home, I lost money when it came to selling it because the need for immediate cash was so pressing. When I rented, I was rarely compensated sufficiently for the new move. In the last analysis—as I see it—I really can't blame anybody but myself.

"But I'll tell you this much," he continued, "If I have anything to say about it, my kids are not going to be engineers."

Said another: "I've gone from Texas, to Los Angeles, to Maryland and back to Texas again since 1961. It's like living out of a trunk. You don't have roots anywhere. Your wife's either packing or unpacking or repacking all the time. No sooner do my sons make friends than they have to say good bye to them. Every once in a while I ask myself 'What have I done to my family?' and I don't like what I see."

Typical, too, was a third reaction: "I don't want to sound like some long-haired yippee, because I'm not the type at all. But when you live in growing fear that your present spot may be your last because you've had no opportunity to keep up with the times, it does something to your morale. Most of us certainly have the background, the intelligence and the *willingness* to take any refresher courses necessary. But the problem is—how does one live in that interim?"

The present shortsighted policies, he observed bitterly, "made no sense at all." To be washed up at 40 was not an indictment of the technical and scientific fraternity, "but of a system that passively permits it to happen," he said.

MEBA'S FIRST INVOLVEMENT

MEBA's first involvement with this problem came as a result of an incident that occured late in 1968. A maritime union since its founding almost a century ago—actually the oldest maritime union in the world and the second oldest in the country—its membership had consisted of the marine engineers on the Atlantic, the Pacific, the Gulf, the Lakes, the Rivers and Harbors. And during all of that century (the National Marine Engineers' Beneficial Association was formally born under that name in 1875 though its origins, under the other names can be traced back to pre Civil War days) it had remained within its own baliwick, serving its very specialized type of membership.

But late in 1968 a telephone call made by the Port Engineers of New York City to MEBA's Jesse Calhoon was to open up a whole new line of thinking and a hitherto uncharted area of both opportunity and service.

The port engineers supervise the ordering and operations of construction and repairs and had always been considered to be a part of management.

"They came to us," said Calhoon, "with some very basic trade union problems:

"They had no job security . . . there were no standard wage scales . . . raises were solely at the caprice of the company (U.S. Lines) . . . their pension plan was a privately funded one which—translated into dollars—means that if management goes out of business, so does the fund. There was no machinery for grievances . . . and more of the same . . ."

Calhoon went to work immediately, got a consent decree from the U.S. Lines, organized the New York group and within the space of a year—expanding this initial effort—had organized the preponderant majority of the port engineers in America.

The result of these drives apparently reached some of the key officers of an independent union—the Engineers and Scientists of California—comprising some 1,200 members, who initiated talks of possible affiliation. Involved were three west-coast based companies: Pacific Gas & Electric, Bay Area Unit of Engineers & Scientists of California and the Western Association of Engineers and Land Surveyors, Inc. All were organized in 1969 and all came under the MEBA umbrella—The Professional, Office & Industrial Union—which MEBA organized in 1967 and which is allied with District I., Pacific Coast District.

Some few months later, the engineers and naval architects at Gibbs & Cox (one of the nation's leading marine design engineering firms) also were merged into this labor organization.

POTENTIAL EXAMINED

With this behind it, sometime in the middle of last year, MEBA's Executive Committee met and undertook the first truly serious consideration of the potential of this new and hitherto untapped area it had opened.

Analyzed were: the problems inherent in terms of labor education and orientation of a professional group hitherto non-union by both character and training; the size of the universe that might be organized; the regional demographic break-outs; manpower and collateral requirements, and costs.

Out of it came some revealing facts:

In terms of numbers, the potential universe was between 800,000 and 900,000, paralleling a figure attained only by perhaps four or five of the very largest internationals in the nation.

In terms of annual income, the median structure was in the neighborhood of $10,000 a year (as of June 1969, according to the Bureau of Labor Statistics).

In terms of competitive factors (from an organizing standpoint) they seemed, on the face of it, to be non-existent. Most of the industrial unions did not speak the language of the scientist or engineer, nor did there appear to be an empathy of interests. As for the craft unions, which have always stayed within their own special trades, there seemed little reason to believe they would change their patterns of behavior.

By every measurement—physical, economic and psychological—MEBA shaped up as the most logical labor organization to tackle the job.

"Trade unionism," said Calhoon in this context, "has performed very well for our own engineers. Why then—by extension—could not MEBA perform as satisfactorily for every other type of scientist and engineer? Their problems are parallel and we've faced them and solved them all before."

Most to the point, as Calhoon summed it up, the professional man, himself, was coming round to the view that "professionalism—that does not relate to a decent standard of living" was nothing but a meaningless and hollow form of pride.

"We're perhaps the only ones who can talk to them at their own level," he said.

THE CHANGES NEEDED

Among the principal immediate changes required, Calhoon feels, is the restructuring of the present methods of hiring and firing; the development of extensive re-educational programs completely financed by management and/or government, or both; the establishment of fully funded portable pension plans and the creation of collective bargaining machinery to make it all possible.

Some of the basics, as he saw them:

A nationwide, interchangeable portable pension plan for every scientist and engineer.

Ample severance pay on a per contract basis to cover all losses concommitant with moving, plus reasonable allowances for average time periods of unemployment as indicated by some mutually acceptable data service.

Specified time segments for sabattical leaves to provide adequate retraining and refresher courses to be funded by the employer via a monthly check-off system, with the monies to be deposited in escrow.

"The government is perhaps the worst offender in this area," said Calhoon. "They spend billions on research but nothing on the researcher. He's as expendable as a dead lamp."

As far as management was concerned, "engineers are generally put in the officer's pension plan, which is very good—for management. The dollars accrued are figured in as part of each contractual budget, but with the rapid turnover of scientific personnel, it all actually winds up being split among the top echelon who are the only ones that stay on. So they're not only getting the benefits of their own pension plan but a piece of everybody elses," said Calhoon.

The remark was uttered, one felt, as Calhoon leaned back in his chair, *not* as an angry reflection of some Machiavellian machination on the part of management, but rather as an open appraisal of a set of circumstances which somehow had to be permitted to grow. The cool, trim, top officer of MEBA is a pragmatist who has spent too much of his working hours at the bargaining table not to know that what may appear to be a proper grievance often may be as directly affected the destinies of the very much a part of accident as design; that management cannot be held solely responsible for a way of doing business if the very nature of this business is dictated by another controlling factor (the government) which by its particular contractual arrangements has created the present hiring techniques and has done nothing to rectify its inequities.

But regardless of where the responsibilities lay, these accumulative policies of neglect kind of people a nation can least afford to lose.

ON CALHOON HIMSELF

If anyone can move into this difficult area with intelligence and direction, it's the soft-spoken, tough-fibered, beautifully disciplined

XUM

chief executive of the National Marine Engineers' Beneficial Association who got his first taste of the sea when he signed on as a coal passer in Norfolk, Virginia, in 1939, at the age of 16 . . . as a member of the National Maritime Union.

Within four years this wiry youngster went from coal passer to fireman to oiler and early in 1943, entered the United States Merchant Marine Officers' Candidate School in New London, Connecticut.

Norfolk was a large coal port at the time Calhoon first helped fire a ship, delivering much of its cargo to New England power plants, still largely dependent, then, on this source of fuel. America had not yet come out of its great depression and those who were part of it remember what the salary structures were. It was a comparatively active port, moving—as it did—a basic necessity. But with the war clouds gathering, the growing demands of friendly nations struggling to defeat Hitlerism turned it—about 1940—into one of America's principal sea lanes for export of munitions and young Calhoon was part of a number of crews who delivered the materials of war to the British, to the Red Sea and even as far as to the Persian Gulf—one of the supply depots of the Russians.

They were adventurous days for a kid of 17. And dangerous ones, too. The boy from Belhaven did not miss his share of near-deaths. A ship that he was on during that period was torpedoed in the Gulf of Mexico. Luckily, he was one of the survivors picked up by a fishing boat and brought safely to shore in Louisiana. Memories were there, too, of action in the Mediterranean during the invasion of North Africa as part of the manpower shuttling supply ships back and forth and of similar duties during the invasion of Sicily as well.

XUM

"It's difficult to put into words," said Calhoon looking out of his windows that offered a magnificent view of the New York harbor, "but you get to know a little bit more about the meaning of life when you're facing death."

JOINS MEBA

In 1943 (as noted previously) Calhoon entered the Officers' Candidate School in New London, securing his 3rd Engineers license in February of 1944. It was at this point in his history that he severed his membership with the National Maritime Union and joined his present labor organization, MEBA. He was then one month short of being 21.

For the next several years the sibling officer served on a variety of vessels, initially delivering military cargo until the war's end, then moving over to the more mundane sea-going occupations which took him—before it was over—all over the world.

"If a country has a shore line," smiled Calhoon, "I guess I've been there."

The 1946-47 year was particularly significant for a number of reasons. First, it found Calhoon—of all places—in Shanghai, China; not as a seaman but as an instructor. The "professorial" assignment was for the Chung Shing Coal Mining Company and the subject he had gone there to teach was refrigeration engineering, hardly known there at the time.

"I really don't know why I took the job now," Calhoon's face broke into a grin, "except maybe that I was 25, I'd recently gotten married and we thought it might be a nice place for an extended honeymoon."

The extended oriental honeymoon never materialized. By the time he was able to clear the necessary papers for his wife she had become pregnant and the decision was made that it would be best for her to remain home.

Thus—what might have been a meaningful move was reshuffled in retrospect by biology and Calhoon remained in Shanghai only until shortly before the birth of his son (Richard) and that was the end of his teaching career.

STANDS FOR OFFICE

He returned to the sea once more (by now he was a chief engineer) shipping out for a number of companies until 1954. At that point he had made a decision that was to take him ashore for good. He had decided to stand for Business Manager of Norfolk's Local 11.

After that, his rise in the union's hierarchy was rapid. In 1959 he was elected National Secretary-Treasurer and—at the next election—succeeded to the Presidency in 1963.

Actually, through a series of unanticipated events, he wound up being the acting president almost from the time he had been elected secretary-treasurer. This time the transference was caused by politics.

The real president, the person who had run for that top spot with Calhoon as the second man on the ticket, went on a leave of absence shortly after taking office to work as the late John F. Kennedy's labor liaison during his presidential campaign—and just never returned. To this reporter's knowledge, it's a "first" of its kind.

He moved over to industry after his stint with Kennedy (a number of MEBA members made this change annually, but never a top officer before) and is presently vice-president of West Coast Airlines. Calhoon, therefore, who was the chief executive officer—in fact if not in name—during his first term, was elected in a breeze the next time around.

STICKY PROBLEMS

As Chairman of the Negotiating Committee (a job he has held since 1958) he faced a number of sticky bargaining problems during those early years.

"A lot of it was created by the Maritime Unions' own short sighted thinking," he said.

During the war, as he related it, the officialdom of all Maritime Unions—instead of bargaining for wage increases, took the route of "war bonus pay" instead. As it worked back then, since most every price quoted to the government for goods and services was predicated on some cost-plus formula and since management merely added this to *its* cost and passed it along, the plan seemed simpler to work with and the gains seemed more easily procurable.

"What they didn't realize," stated Calhoon, "was that a wage structure has a factor of permanence but a 'bonus' doesn't. When the war was over, so were the bonuses and the wage scale went right back to the 1940 levels."

When collective bargaining began in earnest, as Calhoon reviewed it, the industry was so far behind that it really couldn't ask for all it needed and hadn't even the slightest hope of receiving it. The concentration on the attainment of immediate wage increases was so urgent that it almost precluded the introduction of other benefits as part of the package as well.

"They could have gotten more if they had taken a more hard-nosed attitude in '46," said Calhoon. "We were half-a-dozen years behind the labor movement and had a lot of catching up to do.

"As a sailing engineer—speaking for myself—I was getting the same amount of vacation in 1956 as I got when I started as a coal passer in 1939."

ON MEBA GAINS

On vacation improvements, Calhoon's record since taking over as chairman of the Negotiating Committee speaks for itself. In the first go-round in 1958, the following advances were incorporated into the MEBA contract:

(a) 60 day vacations for all MEBA personnel working in "Dry Cargo," (those vessels carrying freight and/or passengers).

(b) 90 day vacations for those working tankers.

(For those wondering about the discrepancy in the number of vacation days between the two types of jobs, the answer actually relates to the number of days a man can come ashore. Traditionally, tankers will come into port and pump out their cargo in from 16 to 36 hours, giving a man no time ashore. Dry Cargo vessels, on the other hand have had—until very recently—a normal ten-day turnaround period permitting the engineer greater time to visit his family. The new containerized vessels presently coming to the fore have cut this turnaround time considerably, and there is presently a very serious reevaluation of vacation schedules in this area).

Today, vacation benefits stand at:

(a) 108 days for Dry Cargo

(b) 144 days for tankers

In the area of pensions, the results are equally impressive. In 1956, MEBA's minimum pension at age 65 stood at $100 a month. Today, the figure is $425 a month with a sliding scale that can come to as much as $1,240 a month. And that's after 25 years of service regardless of age.

MEBA's welfare program is among the best in the country, covering every member of the family in the fields of insurance and medical and dental care. The national organization has diagnostic clinics in New York Baltimore, New Orleans and San Francisco.

SOME FIRSTS

In its collective bargaining operations, MEBA has created one of the most intelligent short and long-range formulas for the handling of grievances that might well be utilized by other unions for study.

The machinery operates on an industry-wide rather than a local level basis and follows pretty specific patterns.

When a grievance comes to a port agent, if he cannot handle the situation immediately he sends it to the national office where it is put on the agenda. Every month, all of these unsettled grievances are brought to arbitration before a five-man board composed of two from management, two from labor and an impartial arbitrator. Settlement time for each of these grievances must be accomplished in 15 days. And there's a special provision for immediate arbitration in case of an emergency.

The formula cuts out all intermediary time consuming stages and leaves both union and management with no grievances that are over 45 days old.

"At bargaining time," said Calhoon, "there are no grievances to bog anyone down and we can all get to the immediate business at hand."

Inaugurated in 1961, the formula has now been adopted by some of the maritime unions, according to Calhoon, who "believes it could be adopted for most industries."

1961 marked still another "first" in collective bargaining for the Marine Engineers. It's a "schedule" that does not arise in general national labor-management negotiations, but it is mentioned here, in passing, to indicate how far more complex MEBA's contracts are than many others in the labor movement and how many items (little known to the public at large) are subject of negotiations.

The specific item referred to is a "Minimum Food Schedule" which sets down the minimum quality and minimum content of the meat, eggs, milk, vegetables and other edibles that must be maintained on ship and served at each meal to the engineers. It even includes the kind of dishes on which that food must be served and the quality of "linen" on the table.

Words recalled written by such master tellers of sea stories as Conrad and Melville of the food that used to be meted out to the devils that manned the ships, brings into focus the realization that this is not some incidental or capricious part of the MEBA contract, but a very vital adjunct that oversees the dietary needs of its membership.

A collateral codicil in this health aspect is the agreement MEBA also negotiates covering the size of the bed an engineer will sleep in, the square footage of the room, the soap, towels and hot water that must be supplied and a baker's dozen of other subjects—all designated to make living conditions at sea as comfortable and pleasant as possible.

EARLY HISTORY

The Marine Engineer's Beneficial Association—as a recognized continuously functioning union—dates back to 1875, but history records abortive efforts to organize marine engineers as far back as 1854 when the first group that rates a text mention banded together as the Steamboat Engineers Association. The burial was rapid with few in attendance.

During the next couple of decades a number of other associations struggled to the surface, remained a moment in the sun and wilted at the first cold draft of adversity. The reasons were varied: the antipathetic climate of the times, the inability of the membership to achieve unity among themselves, no real direction, money—or more to the point—the constant lack of it, little organizational know-how and more of the same.

The early history of the marine unions, thus, is pretty much a carbon copy of the story line of hundreds of other prematurely conceived labor organizations that came before their hour had come. They had their day of enthusiasm and what appeared to be cohesiveness, then in rapid order—followed the terminal triad of poverty, apathy and extinction.

Under the leadership of Garrett Duow, however (MEBA's first president and a very able man from what little records are extant), the disorganized pool of marine engineers on both coasts, the Gulf, the Great Lakes and the rivers and harbors was finally merged into a viable organization the chemistry of which was to remain stable. For statisticians, MEBA is the second oldest surviving union in the United States, with a membership established 11 years before the birth of the American Federation of Labor.

The complete history of its initial attempts to walk, of its rising strength and importance during World War I, of its subsequent decline and later resurrection after the Wagner Act are all there for the dedicated chronicler at MEBA's headquarters at 17 Battery Place in New York City.

It's a fascinating bunch of yesterdays all of which have gone into the character of the union that is "now." . . . a union which, as ALM's brief compilation of facts concerning merely its wage and pension and welfare structure, is unique in many ways.

CALHOON-MEBA SCHOOL

One of its more recent projects that can certainly qualify in this category is the Calhoon-MEBA Engineering School.

It's simple enough to explain what it is: an institution of learning designed to develop fully qualified and accredited marine engineers for job opportunities on America's merchant fleet.

What makes it unique, however, is that it is the only such engineering school in the world exclusively sponsored by the industry itself. It made maritime history in 1968 when it graduated its first class of fully qualified marine engineering students at a commencement exercise in Baltimore, Maryland, attended by the nation's top leaders in labor, management and government, all of whom viewed it as a milestone in creative industrial-procurement planning.

For how it all came into being, one must go back to a survey undertaken by MEBA on the job pattern shifts of the graduates of U.S. Maritime Academies. Something, in its opinion, was very wrong.

The survey revealed several facts in specifics: U.S. Maritime Academy graduates were receiving Bachelor of Science degrees and—after a five year period—had left the service at a ratio factor of 91 percent. Placing this statistic in juxtaposition with MEBA's own approximately 6 percent loss of membership every year through retirement, attrition and death, the picture became disturbingly significant.

"The whole thing was brought into even sharper focus," said Leon Shapiro, MEBA's secretary-treasurer of District One, "when we discovered—while in the midst of the survey—that many of our ships destined to carry cargo, including defense supplies for Vietnam, had developed serious manpower shortages which made for delays in sailing, and that much of these critical goods were not being delivered on time. Putting it simply, the Academies were not supplying the needed reserve labor pool to properly man the merchant fleet."

What was happening was that the graduates of the Academies had received a free education, had served their terms and—in almost overwhelming numbers—had gone ashore.

"We just had to do something about it," said Shapiro.

Exploratory talks with management revealed that they, too, were cognizant of the problem and of the urgency of the need. Thus was started the initial machinery that eventuated into the present Calhoon-MEBA Engineering School . . . a government approved two year course designed to supply the industry with its changeable manpower requirements.

Students need a high school diploma or its equivalency to enter. They must be between the ages of 18 and 27. The curriculum has provisions for upgrading the skills of older engineers as well; they can come back for advanced courses in the more sophisticated machinery areas permitting them to upgrade their licenses.

Administered by a joint labor-management board of trustees, with Roy A. Luebbe as its Director, it is entirely privately financed by MEBA and the maritime industry. Its curriculum is set by the United States Coast Guard which issues the final examinations and licenses.

"And the amount of students is completely controlled," said Calhoon. "When our analysis indicates that jobs may be more plentiful, we raise the number of undergraduates. When it looks like they're going to be less plentiful, we lower the number. That way we can pretty generally guarantee a graduate a job and keep him in the maritime industry for a much longer period of time."

How well the school is regarded may be found in a letter recently sent to MEBA's president by the Navy Department's Naval Systems Command which, noting that it presently "has no capability of its own for the training of the operation and maintenance personnel . . ." (on a modified Central Operations Systems product), requested that "consideration be given to making available . . . suitable classroom space for this Command on a non-interfering reimbursable basis . . ." (at the Calhoon—MEBA Engineering School).

AS MUNDELL SEES MEBA

This concern for engineers; for the development of their jobs and their security and—from a practical standpoint—for the dollars to make it all possible, is certainly among the reasons for the Marine Technician's Guild (an independent union) to have recently affiliated with MEBA.

Robert G. Mundell, a design engineer at Gibbs & Cox, perhaps the top marine design engineering firm in the country (they created the S.S. United States and many of the Navy's fighting ships) and president of MTG–MEBA, summed up the reasons for his organization's affiliation this way:

"Our basic thrust came as a result of long drawn out negotiations we had with the company (C&C) in 1968–1969. We really went the gamut . . . had better than 50 hearings at the NLRB. This colossal litigation is an extremely costly procedure for a small independent just to bring a company to the bargaining table . . ."

The difficulty with independents, as Mundell says he has learned from bitter experience, is that the company treats them more as a little brother than as a responsible entity; that their philosophy is principally "a benevolent manana one," and that the dissipation of energies are routed into so many tangential issues that the real ones very rarely even get to the table—much less wind up being solved.

"It's never a really serious bargainer," he said, "because it just doesn't think you're important enough."

The decision to affiliate with a stronger group, Mundell stated, had been discussed and agreed upon for some time. The only thing that had not been finalized was "who."

"We chose MEBA," said Mundell, "because it is composed of professional people and because we relate to each other. They run the ships; we design them. In a sense we're part of the same family.

"More than that, we got a package that included complete autonomy and continuance of operation."

The major benefits to his Guild, as Mundell laid them out, were MEBA's continuous efforts to promote legislation beneficial to the maritime industry, which, he felt, would stimulate action on impending work.

"We have a normal die-curve after every war," he said. "We're the only nation in the world that absolutely disavows its fleet when the shooting is over; like some unwanted infant, that winds up in the garbage can. Don't ask me to explain why we think this way, but we're in that cycle right now."

He stressed, too, that the "stature" of MEBA was bringing infinitely better and faster response in many areas than his own former independent had ever been able to achieve.

"We're in the process of coming out of difficult times," Mundell summed up conditions in his own industry, "and are now—as far as professional people are concerned—in the very infancy of meaningful organizing.

"For us, there's mandatory need for MEBA. It represents a labor organization of professionals which lets the engineer keep his independent professionalism, yet combines it with the necessary power of unionism to give him the benefits he could not otherwise obtain."

FELSO'S ANALYSIS

Reached in his California offices, Michael J. Felso, formerly an engineer with the Pacific Gas & Electric Company and now working president of the Engineers and Scientists of California, cited a number of different reasons for his Independent's affiliation:

"We were like lightweights fighting a heavyweight. They (Pacific Gas & Electric) had more money, more savvy, more time for delaying actions, more hands to put to work on any project designed to knock us down.

"We had no full time staff. Hell, we had *no* staff. The officers of our association were part time people who gave what hours they could. How can you really negotiate effectively that way—with *anybody*, let alone PGE."

Representing some 1,800 members at PGE, Felso felt the odds against him were just too great.

"We affiliated for MEBA's expertise, for its backing, for its complete financial assistance and for its AFL–CIO charter which would protect us against raiding. And they didn't try to absorb us as some other unions did. We're affiliated but we're separate. We run our own show completely."

Asked to explore some visible changes as a result of the affiliation, Felso stated that his organization had gone from a second story two-room office with one in help to a complete full-time staff (of organizer, attorney . . . you name it); that their financial problems were over ("We couldn't even go to arbitration before,") and that they have not only gained greater respect but more membership as well.

On the mood of the membership; "the spirit is one of renewed confidence." On the dehumanization factor: "We're not as much a number as we were before. But I imagine that in our highly technical ambient, some of that dehumanization rubs off on everybody."

On security: "I think that's going to get a whole lot better. Engineers are the greatest vagabonds in the world. Portable pension plans are their only answer for retirement and security. Our people here are very optimistic that this will come to pass."

FROM MEBA'S BRIDGE

Said Henry Dooley, vice president of POIU and organizer for MEBA on the west coast, when contacted in his office in San Francisco:

"Almost universally, they contact us. They've read or heard about MEBA someplace and put us on their shopping list. We don't want some—we're looking for a union of professional people—and some don't want us. But our average is far better than average."

He said that about 7,000 new members had come into POIU and MEBA within the last 18 months and that that figure could very well be doubled in the next 90 days.

"We've signed contracts with the largest steamship company on the west coast (American President Lines)," he said, "for their office and clerical workers. We've got Consolidated Marine Industries. And we're now in the Labor Board (NLRB) for election at the North American Rockwell Autonetics Plant in Anaheim, California."

The association at North American—Aerospace, Professional and Technical Association—is now affiliated with MEBA. It has a membership of some 3,000 engineers.

APTA–MEBA President Robert Hunter feels that "through affiliation with a strong national organization attuned to the specialized problems and needs of the professional, technical and salaried employe, very considerable progress can be achieved."

George Bean, APTA's executive director, was a little less formal. "This affiliation marks a new era not only for us at Autonetics, but throughout the aerospace industry. We're happy to enter into association with our brother professionals of MEBA for we know they have much to offer . . . in bargaining strength and other benefits."

What these benefits are, as MEBA's secretary-treasurer of District I pointed out, can be summed up in a few major categories. Said Leon Shapiro:

"I'd say they're the availability of our research facilities with respect to contract negotiations and pension and welfare; with respect to studies on work problems and our experience to organize them into meaningful benefits. These are the top priority considerations of any professional man."

VIEW FROM THE TOP

MEBA's President Calhoon summed it up with equal pragmatism but from a little different side of the hill.

"If America wants to stay on top, we'll need all the brains we can get," he said. "The best way *not* to get them is to do what we're doing now—throwing them away. You can't have a modern world without engineers, but we're not going to have too many engineers unless we do something about setting the situation straight—and very soon."

The next step lies—apparently—in the lap of these very engineers themselves. And just as apparently—something seems to be happening: a loosening of the adhesive of aloofness towards the concept that they . . . somehow are or should be above the labor movement.

If this professionalism can—at long last—be tied into unionsim; *if this is an idea whose hour has finally come,* America is in for a tide of mergers or affiliations that could well make MEBA one of the largest unions in the world.

MR. STAHLMAN SPEAKS OUT

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. FULTON of Tennessee. Mr. Speaker, this past Friday, at Nashville, the Tennessee Department of the American Legion dedicated its new headquarters.

On that occasion Legionnaires from across Tennessee and their distinguished guests were privileged to hear an address by the dean of southern newspaper publishers, Mr. James G. Stahlman of the Nashville Banner.

Mr. Stahlman, a member of the Legion himself for 51 years, was recently the recipient of the Patriot's Medal of the Tennessee Society of the Sons of the American Revolution, the highest honor which that organization bestows.

On the occasion of the dedication of the Tennessee Department's new facility Mr. Stahlman called for a restoration of—

> Respect for our Flag, our system of government, its laws and its constituted elected head, the President of the United States.

Mr. Stahlman went on to analyze some of the problems today facing our Nation based on his vast store of experience and knowledge accumulated through many years of observation and very careful study.

Mr. Speaker, I include the remarks of Mr. Stahlman in the RECORD at this point and commend them to the attention of our colleagues.

ADDRESS BY JAMES G. STAHLMAN

The American Legion has honored me far beyond my just deserts for my service to it and to my country. I am deeply grateful. One of my most cherished possessions is this card which shows that I have been a member of the American Legion 51 years.

Two years ago at the Memphis convention of the Department of Tennessee, I told some of you that I had two grandsons; one of draft age and one approaching. I said then that if either of these young men ever burned a draft card or pleaded conscientious objection to service in the armed forces of our country, I would disown them forever as my own flesh and blood.

I tell you in deepest pride tonight that my oldest grandson enlisted some months ago in the United States Army, instead of waiting for the draft. He is now in Vietnam in the 3rd Battalion, 7th Infantry, 199th Light Infantry Brigade and that is no panty-waist outfit. When and if Almighty God answers my prayers, and the fervent petitions of millions of others, for the return of these boys out there, as I am sure God will, I want to reciprocate the Legion's graciousness to me by presenting for membership in the American Legion, PFC Sandy Hill, who I am sure will cherish his membership in the American Legion through the years as I have cherished mine.

NONE OF US LIKES WAR

Now none of us likes war at any time. None of us likes this particular war in Southeast Asia. The Banner and I protested the United States' entry into and participation in this war for years until the United States Senate by a vote of 88–2 on August 7, 1964, authorized the President of the United States to pursue the successful conduct of that war by any means he deemed advisable.

The Banner and I then gave our support to Lyndon B. Johnson in the hope that he would be able to put an end to that sorry conflict. He was the unwarranted victim of the viciousness of some in his own party ranks, as well as dissident minority groups, for whose welfare he did more than any other President in the history of the United States, and the Banner said so at the time of his renunciation of another term in the Presidency.

All of us want this war over and our loved ones home again in productive labors for this great country of ours. No one wants this more earnestly, or is doing more to bring it about, than the present lonely occupant of the White House. But as long as American troops are over there, and until they can be brought home under conditions compatible with this nation's honor, I intend to support our men in uniform wherever they may be, and their Commander-in-Chief, the President of the United States.

To look around at the dissent, confusion, chaos and the threatened revolution festering into one big cancerous growth on this nation's body-politic, I don't have to tell you that we and this cockeyed world are in a sorry mess.

How did we get there? As I have said before, THE BANNER and I for years have been considered "Red baiters." I have been denounced for "looking for spooks under the bed" since 1933, when the Banner joined one of Tennessee's finest soldiers and patriots in supporting Gordon Browning's vote as the only member of the Tennessee Delegation in the Congress of the United States against the recognition of Soviet Russia.

Since then, we have had World War II, followed by Yalta, Teheran and their horrendous results.

CHINA BETRAYAL

We have seen the betrayal of Chiang Kai-Shek and the Nationalist government of China. In this horrible instance, a great soldier and American patriot, General George C. Marshall, was blindly duped and misled by Alger Hiss, John Paton Davies, Harry Dexter White and others in the Federal Establishment in pulling the rug from under the Generalissimo who had been our staunch ally in World War II.

While on Pan American's first flight around the world in 1947, I was a dinner guest of K. C. Wu, the mayor of Shanghai. It was my privilege to sit at the same table with the late General Claire Chennault.

Our group had just left the Generalissimo and Madame Chiang at their compound in Nanking where we were asked to assist the Nationalist China request of Washington for the advance of one billion dollars to help stabilize the yen and provide logistic support to bring about the defeat of the North China Communists.

At that dinner, I asked General Chennault his opinion of the possibility of this aid be-

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ing extended to the Generalissimo. Chennault, who had played football at LSU and at Vanderbilt twice against Dan McGugin's teams, gave me this blunt assessment:

"Jimmy," he said, "I know that so long as General Marshall has anything to do with affairs in Washington, Chiang Kai-Shek will never receive one penny of that billion dollars. I can take three hundred million of that, buy new air equipment, reactivate the Flying Tigers, who are anxious to come back and serve with me again, and knock out the North China Communists within 90 days after we get going again.

"I can tell you without equivocation that if the Generalissimo doesn't get that billion dollars, that sum will be but a drop in the bucket compared with what it will cost Uncle Sam in the Far East in the years to come."

NO-WIN WAR

I don't have to recall the debacle in Korea which was the start of our no-win policy in war, climaxed by the sacking of General MacArthur, one of America's greatest military men and patriots

Then came Cuba. And now Vietnam, Laos and Cambodia. I will let you tally up the cost up to now in the Far East.

Let's get back to Cuba. Fidel Castro was a recognized Communist long before he ever succeeded in the overthrow of Batista in January, 1958. It was Castro, the Communist, who helped organize the "Bogotazo" in Bogota, Colombia in 1948, the intent of which was the assassination of General George Catlett Marshall, then secretary of state of the United States.

Then came the Bay of Pigs in which we betrayed the Cuban exiles who gave their lives in an effort to retrieve their native island from the bearded beast who still presides over the destiny of the hapless Cuban people. And then the so-called "missile crisis" which President Kennedy met head-on.

In the records of tragic ironies since the dawn of history, none transcends the violent assassination of John Fitzgerald Kennedy in November 1963. I had proof then that Lee Harvey Oswald was a Castro Marxist, acting as a part of a conspiracy.

The Banner said so on the Monday that President Kennedy was laid to rest in Arlington Cemetery.

When the ridiculous Warren Report was issued, The Banner questioned some of its conclusions, particularly that dealing with the "no conspiracy" theme. The Banner and I have subsequently been confirmed in our findings and unchanged opinion by Senator Richard B. Russell, one of the most distinguished and devoted members of the United States Senate, who served on the Warren Commission, and who refused to join in the "no conspiracy" conclusion. Now Senator Russell has been joined by Lyndon B. Johnson in that position within the past 30 days.

CUBA MISTAKE

The original mistake in Cuba was in allowing our State Department, the New York Times and its so-called Latin American expert, Herbert Matthews, to sell the Administration and the American people a phony bill of goods on Castro. We should have clobbered him then. This was our greatest mistake of the past twenty years. With Communist funds, Castro and his Communist cohorts have been exporting to the United States a plethora of revolutionary doctrines, and Communist financed and directed cadres are now laboring to destroy America from within, shouting the slogans of Che Guevarra and Mao Tse-Tung, with clinched fists raised defiantly in Communist salute.

Now if you want the plan in detail, I would like to read it to you as contained in a document discovered by the Allied Forces in Dusseldorf, Germany in May 1919. It is entitled, "Communist Rules for Revolution." Listen and you will realize how well this has been succeeding.

A. Corrupt the young; get them away from religion. Get them interested in sex. Make them superficial; destroy their ruggedness.

B. Get control of all means of publicity, thereby:

1. Get peoples' minds off their government by focusing their attention on athletics, sexy books and plays and other trivialities.

2. Divide the people into hostile groups by constantly harping on controversial matters of no importance.

3. Destroy the peoples' faith in their national leaders by holding the latter up to contempt, ridicule and disgrace.

4. Always preach true democracy, but seize power as fast and as ruthlessly as possible.

5. By encouraging government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.

6. Incite unnecesary strikes in vital industries, encourage civil disorder and foster a lenient and soft attitude on the part of government toward such disorders.

7. By specious argument cause the breakdown of the old moral virtues, honesty, sobriety, self-restraint, and faith in the pledged word.

8. Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless.

THE HOOVER DETERMINATION

If you need constant confirmation of any of this, I suggest that you read the reports and the forthright utterances of J. Edgar Hoover, the distinguished Director of the Federal Bureau of Investigation. Lyndon Johnson told me personally in Nashville on the occasion of his and Lady Bird's visit to the Hermitage in 1967 that he considered J. Edgar Hoover one of the great Americans of all time and so do I, for that matter. He said that if it had not been for Edgar Hoover, the United States would have gone Communist 20 years ago.

Now the biggest effort by these revolutionary agents is being expended upon the youth of our country, particularly on the college campuses. I happen to be one of those who believes that a majority segment of our youth of college age is solidly American, sound in their religious and sociological attitudes, but I cannot overlook the fact that the effort at their corruption continues unabated.

Much of the youthful attitudes are due to parental permissiveness. The extent of the success of this attempted corruption is partially attributable to indifference of our citizenship generally. We have become accustomed to abuse of the constitutional privileges granted to all of us, particularly in the Bill of Rights, protecting a Free Press, Free Speech, Free Assemby, Free Protest and Free Worship. Permissive courts have played their part by decisions abolishing prayer in our public schools, while subversive groups endeavor to prohibit the singing of our National Anthem, the oath of allegiance and the customary salute to the Flag.

The courts have afforded protection to the purveyors of pornography in print, film and merchandise. And worst of all, too frequently have dealt only taps on the wrists to the peddlers and pushers of narcotics, which has become the most widespread and dangerous threat, not only to our youth but to some of our older generation, even beyond the collegiate level.

Americans are hard to awaken, but there are a few hopeful signs that some might be coming out of their coma. One of these is the organization of patriotic campus groups which are standing up to be counted. And only this week the heartening counter demonstrations staged by the patriotic construction workers in New York City and Buffalo this past Wednesdav.

NIXON SUPPORT

Current polls in support of President Nixon on his Cambodian policies are further indicative of this awakening.

But foremost in promoting this good work have been the National Commanders of the American Legion and the Veterans of Foreign Wars, our own J. Milton Patrick, who is guest of honor here tonight, and VFW's Commander Ray Gallagher, and other patriotic veteran organizations.

This is the time for all Americans who love their country to join in massive national rededication to the principles of our founders enunciated in the Declaration of Independence, the Constitution of the United States and its first ten amendments known as the Bill of Rights.

It is time to restore respect for our Flag, our system of government, its laws and its constituted elected head, the President of the United States.

It is time to restore respect for the rights of others, both personal and property.

To renew our faith in God Almighty and respect for His laws.

And most important, it is time for a restoration of faith in ourselves as loyal, dedicated American citizens, determined to preserve this nation as the last best hope of freedom this side of Eternity.

The bugles sound no last retreat.

To you, to me, to all who love America, the trumpeters blow Reveille of a new day, then Assembly, and clearest of all, the Charge.

I am certain of your response for you are pledged to God and Country.

SECRETARY HICKEL TO ATTEND DEDICATION OF L.B.J. HISTORICAL SITES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. PICKLE. Mr. Speaker, spring and summer bring tourists to all parts of our coutry and the warm central Texas climate invites thousands of people each month to visit and soak in the living history of its main attraction—the Lyndon Baines Johnson Historical Sites.

From the birthplace to the boyhood home, the growth of Lyndon B. Johnson can be traced—it was here that the essential traits that made the man clearly formed and emerged in the life of the 36th President of the United States.

Hill County will honor its most distinguished native son on the 13th of June with the dedication of the L.B.J. Historical Sites, the birthplace and the boyhood home. The Honorable Walter Hickel, Secretary of the Interior, will be present for the ceremonies which will officially open the State parks and sites.

Many others from the Congress want to honor President Johnson at this time and the list includes: WAYNE ASPINALL, chairman of the House Interior Committee; JOHN SAYLOR, ranking minority member of the Interior Committee; Mrs. JULIA BUTLER HANSEN, chairman of the Interior Subcommittee of the Appropriations Committee and Senator HENRY JACKSON, chairman of the Senate Interior Committee.

I will be along and joined by two of my colleagues from Texas, CLARK FISHER and W. R. "BOB" POAGE—this is a rare opportunity to pay our respects to a great Texan and a great personal friend.

Already, hundreds of thousands of Americans have trekked to central Texas just to walk in the same paths that the President walked as a boy in Texas.

It is vigorous ranch land, sometimes stark and stern, but always welcoming to the man who has the strength to work it, nurture it, and bring life to it. Here at these two sites, the strength and fiber of Lyndon B. Johnson become visible and understandable.

President Johnson has devoted his lifetime to public service and it is fitting tribute to his leadership that the National Park Service and the Department of the Interior recommended, and the Congress preserved these two sites. This action assures the protection and preservation of the birthplace and boyhood home for the benefit and enjoyment of the American people, present and future.

These two sites are comfortable in the natural setting of central Texas—they are intertwined in the natural beauty of the land, just as the lives of both President Johnson and Mrs. Johnson have been intertwined with thousands of central Texans, and millions of Americans.

I would submit the following article which colorfully describes the historical sites. The article is from the May 1970 issue of the Texas Parks and Wildlife magazine and was written by Mabel Lowry and Nancy Kott.

The article follows:

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LYNDON B. JOHNSON STATE PARK

(By Mabel Lowry, Information Specialist and Nancy Kott, Exhibits Planner, Parks Interpretive Planning Section)

Mecca for vacationers from all parts of the nation, the famed Texas Hill Country boasts a new State park which combines scenic beauty with historic interest and outstanding recreational and cultural facilities. Lyndon B. Johnson State Park is named for the 36th President of the United States and honors the Hill Country's most distinguished native son. His world renowned LBJ Ranch House lies just across the Pedernales River and can be viewed from a vantage point on the park's nature trail.

Highway 290 leads to the park entrance halfway between Fredericksburg and Johnson City. There you will discover unparalleled opportunities to see, learn and enjoy.

A recommended first stop is at the Visitor Center, a contemporary structure whose limestone and board-and-batten walls and roof shingled with cedar shakes is in harmony with the rustic landscape. It overlooks gently sloping lawns which in spring and summer are ablaze with native wildflowers. Two ancient western catalpas and towering pecan trees and live oaks provide oases of shade. On the veranda, split-log benches and ladderback chairs encourage the visitor to rest awhile and appreciate the view.

The Visitor Center, a multi-purpose building, contains an information desk where brochures concerning the park and the general region are available, a large exhibit area, an alcove for a continuous slide program and a comfortable lounge area in front of the open hearth stone fireplace. A hostess is on duty to answer questions and offer helpful guidance in planning individual tours of the park. There is no guided tour, but each guest is assured of a hearty Hill Country welcome and special attention.

Among the exhibits in the main room is a scale model of the 259-acre park showing its present layout and proposed future development and the location of significant nearby attractions. The latter include two National Historical Sites—the President's Birthplace at Stonewall and his Boyhood Home at Johnson City—as well as the LBJ Ranch House, Old Albert School and Johnson Family Cemetery.

Visitors may also wish to see various historic places in the vicinity of LBJ Park which are not indicated on the model: the picturesque Hye Post Office, the Nimitz and Pioneer museums and Verein-Kirche at Fredericksburg and examples of "fachwerk" and "Sunday" houses which illustrate the early German settlers' influence on local architecture.

A continuous slide program presents an all-encompassing panorama of the Hill Country. Native trees and wildflowers, unusual buildings and architectural features, wildlife indigenous to the land, rivers and lakes, towns, cultivated fields and orchards, herds of cattle and sheep, wooded areas, fences and windmills—all give insight into the past and present of this unique section of the State. The faces depicted have that intangible something—character—which reflects the truth of the statement that the beauty and harshness of the country have presented a significant challenge to the families that have occupied it.

Specialized exhibits within the Visitor Center contain drawings, artifacts and texts designed to interpret the customs of early Indian tribes who traversed the hills and valleys of Central Texas, Spanish conquistadores and priests who introduced civilization to the wilderness and ranchers and farmers who tamed and developed the area.

The primary focus, however, is on the ethnic origins of Hill Country pioneers in general, and the pioneer Johnson family in particular—with emphasis on the role that family background and environmental factors played in producing a President. Individual items include a wall panel of photographs of the Johnson family and eminent guests of the LBJ Ranch. Also on display are President Johnson's boots and Stetson, his school desk and leather book satchel, a handmade saddle, a breechloading rifle, a hand plow and other old-style farm tools, utensils for cooking on open fires, a spinning wheel and other articles used by frontier families.

The Behrens Cabin, attached to the Visitors Center, is a replica of a two-room dogtrot cabin built on that site in the 1840's by Johannes Behrens, a German immigrant. Its original walls of post oak logs are incorporated in the structure. Furnishings, most of them handmade, are typical of those found in frontier homes of the mid-19th century. Detailed interpretive signs on both doorways describe the more unusual items and give information about the style of living in that bygone era. Two other pioneer homesteads, known as the Sauer Place and the Danz Place, are scheduled for conversion into wayside exhibits at a later date.

Cultural centers of the park are the Auditorium or indoor theater with a seating capacity of 250 and an outdoor amphitheater. The building is equipped for showing motion pictures and slides, for theatrical productions, and is adaptable for lectures, panel discussions and as a meeting place for organizations and social groups. A wide variety of alternating exhibits will occupy 1,600 square feet of the Auditorium lobby.

A well-designed nature trail leads from the main building complex to one of three wildlife enclosures where white-tailed deer, buffalo and longhorns browse in their native habitat. Smaller creatures such as armadillos, rock squirrels and opossums may also be seen. Among many interesting wayside exhibits on the trail are limestone outcroppings and groves of trees near the creek, a feeding station for wildlife, a nutria burrow and a wildflower shelter with color photographs identifying some of the lovely wildflowers for which the Hill Country is especially noted.

During the spring, summer and early fall the ground is a blaze of color, with Mexican hat, Indian blanket, wine cup, Texas bluebonnet and pink phlox vying for attention with yucca, cactus and flowering vines and shrubs. Large sections of the park are being reforested with native species, chiefly live oak, post oak and pecan.

The overall design of the park allows each visitor to make his own choices and set his own pace. Opportunities for healthful outdoor activities are by no means limited to strolls along the nature trail.

Of major importance for summer fun is the competition-size swimming pool adjoined by a well-equipped bathhouse. In addition there is a children's pool where the youngsters can wade and romp in safety. Candy and soft drink dispensing machines are close at hand.

The covered games pavilion serves a multitude of functions: sections for shuffleboard, horseshoes and table tennis; a dancing area; and a shady retreat for swimmers.

Two picnic areas with individual units offer conveniences for outdoor meals—tables and benches, barbecue grills and trash receptacles. Each unit is constructed of native limestone on a concrete slab and some have canopies of cedar shingles. Even a summer shower is no deterrent to family enjoyment at Lyndon B. Johnson State Park. Whatever the weather—and in the Hill Country it is generally ideal—visitors will find a trip to LBJ Park a rewarding experience in every respect.

CONFRONTATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. DERWINSKI. Mr. Speaker, a very interpretative commentary in the Calumet, Ill., Index on Wednesday, May 20, as seen through the eyes of one of its reporters who recently visited Washington caught my eye. I believe the commentary is very timely and would like to share it with my colleagues.

CONFRONTATION

There is an old saying if you want to see what makes a motor tick, take it apart, and if you want to know what is going on in your Nation's capitol the best way is to go there. It is quite an education. All over America people are complaining about how our country is being run, but once you climb the Capitol's steps, sit in the rotunda, and stop in at the office of your congressman or senator you find you have stepped on the hornet's nest.

Congressmen apparently do have big ears. They were on the capitol's steps listening to teenagers. We found them on the floor debating controversial issues, and when we visited our own representative's offices we found the secretaries almost snowed under with letters from their constituents. We were not alone in Washington. The visitor's books were loaded with names, and although few people had anything practical to say, they did make themselves known.

What do visitors and letter writers tell your representatives? Go to any baseball game and you will learn just about as much. Some are for, some are against. Some have no idea, some know all the answers, but all are earnest and see their views as the answer to all America's ills.

> On our way to Washington we went through Athens, Ohio and found a city block of buildings with shattered windows, and the National guard on duty. Parents were gathering up their sons and daughters to take them home and if anything practical had been accomplished it was not to be seen in that town.
>
> For weeks and months large groups have been agitating for national issues, and spiced their efforts with orgies of destruction. In towns all over America the only real aftermath has been intense bitterness, disgust, and a rising cleft between large sections of the public. In Washington there are large groups of people agitating also, but in most cases it has been on an earnest level, between people and their representatives.
>
> Everywhere you go in Washington the lobbying is going on and for once in my life I am happy I am just a grandstand manager instead of a real live representative, for it must be quite A JOB trying to do what you think is right and still please all the people who tell you you are wrong.
>
> There are contrasts though. If you stop to listen to the teenagers on the Capitol steps, you can almost start pushing their viewpoints. If you sit in the rotunda and are swept up in the drama going on on the floor below you know everything is in good hands, and then when you get back into the swing of life you know we still have a long way to go for human nature simply has too many advocates for too many different approaches to life, to allow anything to go smoothly for too long.

IN MEMORY OF DR. O. J. BAKER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. PICKLE. Mr. Speaker, Gary Job Corps Center, the State of Texas, and our Nation has lost one of the truly outstanding men of our times. I take this opportunity to pay tribute to a man who in our part of the country was the Job Corps—Dr. Oscar J. Baker.

When Oscar Baker was called upon to pioneer the new and controversial job training program proposed by the Johnson administration, he left the public school field in which he had spent the major portion of his life and accepted the challenge. He directed the Gary Job Corps Center to the No. 1 position in technical-vocational education in America and the thousands of boys and girls already graduated from the Texas Job Corps program attest to his success in this endeavor. Seldom does one man have the opportunity to touch and influence so many lives—and even more seldom does one man do such a magnificent job. While other Job Corps centers were experiencing difficulties, the Gary Center was smoothly functioning, because of the leadership of Dr. Baker.

These young men and women who had already been rejected by society were given new direction, a new sense of self worth and a feeling that their government and society did care.

Although hundreds and hundreds of telegrams poured into Camp Gary after Dr. Baker's death, all with the highest praise and deepest regret for the loss of a man of Dr. Baker's stature, the greatest expression of honor came from the members of the Job Corps Center itself—the young men and women who participated in the seven simultaneous memorial services conducted about the center.

And in keeping with the tradition of faith which Dr. Baker placed in these young men and women, there has been established the Oscar Baker Memorial Scholarship Fund for men and women who have graduated from the Job Corps Centers in Texas.

It seemed appropriate, too, that the hands who laid Dr. Baker to his final rest were those of corpsmen who represented the tens of thousands of young lives affected by his dedicated efforts:

> Dr. Baker, a pioneer administrator of the Job Corps program since it began in 1964, headed the organization that operates three Job Corps Centers in Texas under a contract with the U.S. Department of Labor. He made his headquarters here at Gary, the nation's largest center. The other two centers are the McKinney Center for Women and the Residential Manpower Center in El Paso.
>
> Before becoming associated with the Job Corps program, Dr. Baker was superintendent of schools in Dickinson. He had served in the system continuously since 1933 with the exception of four years in the U.S. Army during World War II. He entered the service as a private and worked his way up to captain by the time he was discharged.
>
> As an educator, he served as president of the Gulf Coast Research Development Association and was a member of the board of directors. He had served on numerous state educational committees during his career, among them as adviser to the Vocational-Technical Education Committee, the State Textbook Committee, the State Curriculum Committee and the State Legislative Council for the Texas University Interscholastic League.
>
> Dr. Baker was the first administrator hired by the Texas Educational Foundation, Inc., board of directors when it was formed by Governor John Connally in 1964. He opened the Gary Center as center director. It was one of the first of the 123 Centers that eventually opened. The McKinney Center was opened in 1966 and he was named executive director of TEF.
>
> A graduate of Sam Houston State University, he received his master's degree from the University of Texas in Austin. His doctorate was conferred by the University of Houston in 1959.
>
> He is survived by his wife, Mrs. Jeanne Benson Baker of San Marcos, and one daughter, Mrs. Mary Jeanne Coers and one granddaughter of Huntsville, Texas, and two brothers, J. W. Baker of Bremond, Texas, and James H. Baker of La Porte, Texas.

THE SYSTEMS APPROACH

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. MARSH. Mr. Speaker, the information explosion of our times presents a frustrating challenge to the mind of man to accept, analyze, and retain an ever-increasing amount of data.

We face this challenge in the Congress, and it is particularly evident in the appropriations committees, as we endeavor to evaluate the myriad justifications for specific allocation of portions of the Nation's money resources to meet its great commitments, and its commitment to greatness.

Our national undertakings, at home and abroad, are those of a nation with approximately 6 percent of the world's population and 60 percent of its resources. The paramount question posed, in the appropriations process, is how to accommodate needs wisely within the framework of the available and anticipated revenue.

Increasingly, in major progressive business enterprises of diversified nature, resort is being made to the relatively young science of systems management. The computer is one of the tools of this technique, but, I should emphasize, only a tool in the systems approach.

In recent months responsible committees of the Congress have given active study to the possible applications of data processing equipment to the work of the Congress. Because I have regarded use of these modern techniques and tools essential if the Congress is to do its work properly, I have welcomed occasional opportunities to talk with specialists in the fields of systems management and data processing, purely on an individual basis.

Recently, in pursuing my curiosity about these techniques, I considered myself fortunate in making the acquaintance of Dr. George K. Chacko, professorial lecturer at American University and systems scientist. Dr. Chacko offered to explore the application of the systems approach to the evaluation of appropriations requests by enlisting the members of a seminar in operations research which he conducted this spring at American University.

Under Dr. Chacko's direction, a preliminary study, using the systems approach, was made of several elements of the Interior Department budget. It should be understood that this sample study involved arbitrary choices as to specific subject matter. The chief interest is in the methodology, which involves an integrated approach to all of the alternatives for reaching selected objectives, so that changes in approach, or in elements of it, necessarily affect all other elements.

I was impressed by the fact that, once the technique has been mastered, it seems particularly adaptable to the assistance of computers. The human judgments are preserved at every stage of the process, but the adjustments, reflecting the interaction of these judgments on other elements of the budget, can be worked out speedily by the computer, and the effect of an increase or decrease in an appropriation item shown promptly in terms of the overall budgetary objective which has been selected at the start.

Because this voluntary effort of Dr. Chacko and his seminar associates, Harry Birnkrant, Jay S. Brown, Abdelhai Chouikha, James E. Crownover, Jr., Bert R. Francis, Lt. Col. Francis S. Logan, Tamara Luzgin, and Frederick T. Martin, represents, I believe, a useful introduction to the systems approach as applied to the congressional budget-management responsibility, I include a portion of the study report, as follows:

SYSTEMS APPROACH TO APPROPRIATIONS EVALUATION[*]

(By George K. Chacko, Ph. D.)

OUTLINE

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1.0 Introduction.

The massive documents of the U.S. Budget, as submitted by the Executive Branch of the Government to the Legislative Branch, demand of the latter in general, and the Appropriations Committed in particular, at least the wisdom of Solomon, supported by the access to modern abacuses with nanosecond capabilities for retrieval, analysis and recalculation.

Information, by itself, cannot offer judgment. As a matter of fact, more often information may have to be superceded. As the elected representatives of 200 million people, how can the Congressional decisionmakers effectively evaluate the minutest line items in the budget in terms of their contribution to achieving national goals and objectives?

If some method can be found by which the central theme of achieving national goals can be pursued by Congressional decisionmakers of allocating appropriate resources at the appropriate time, then they shall have strengthened the working of the democratic process in no small measure. Can such an approach be conceivably evolved is the ambitious question undertaken in this very preliminary and exploratory study.

2.0 Rationale and process of selection of study theme.

An effort was made to relate the current national concerns with the exploration of the applications of systems methodology to the allocation of resources to meet these concerns.

2.1 Selection criteria of study theme.

The interest of the Honorable John O. Marsh, Jr., a member of the Appropriations Subcommittee on Department of the Interior and Related Agencies, facilitated the choice of the particular segment of the U.S. Budget to which the application of systems approach could be explored.

With the National Environmental Policy Act of 1970 focusing legislative attention on the problem of the environment, with the environmental teach-in on Earth Day observed on April 22, 1970, and with the widespread awareness of, and concern in, the problems of the environment, it is not difficult to choose as the general theme the concerns of the environment insofar as they are within the purview of the budgetary provisions of the Department of the Interior.

Further, the study of the environment provides a multi-agency focus involving agriculture, industry, recreation, pollution, and allied problems in which the various agencies of the government have a direct bearing and interest. It was felt that the choice of the environment as the primary element which would give cohesion to the exploration of the application of the systems approach to the appropriations process would identify a function has many applications beyond the immediate areas of the Interior budget purview.

2.2 Study elements and interior budget.

As currently constituted, the Department of the Interior budget does not identify any single source whose exclusive concern is the preservation and protection of the environment. Instead, the environmental responsibility can be read into virtually all units of the Department of the Interior. For purposes of initial identification the Seminar Team selected five study elements. They are:

1. Forest Protection and Utilization.
2. Acquisition of Lands.
3. National Park Service.
4. Bureau of Land Management.
5. Bureau of Outdoor Recreation.

NOA figures for FY 1970 (including supplemental appropriations) and the NOA for FY 1971 then were identified as shown in Table 1:

TABLE 1—STUDY ELEMENTS

[In millions of dollars]

	NOA fiscal year 1970[1]	NOA fiscal year 1971
1 Forest protection and utilization	257.676	278.566
2 Acquisition of land	108.472	138.500
3 National Park Service	101.817	134.224
4 Bureau of Land Management	74.491	81.996
5 Bureau of Outdoor Recreation	3.750	4.025
Total	546.206	637.311

[1] Includes supplemental appropriations.

The FY 1970 Interior Budget (NOA) was $997.191 millions and the study elements together accounted for $546.296 millions, or 54.7%. The FY 1971 (NOA) was $1,149.703 millions, and the study elements together accounted for $637.311 millions, or 55.5%.

In addition to NOA, it is important to include both the Federal Funds and Trust Funds to reflect the aggregate amount available to the Interior Budget in FY 1970 and FY 1971. In FY 1970 the NOA was $997.191 millions, Federal Funds $553.983 millions and Trust Funds $149.151 millions, making a total of $1,700.325 millions. In FY 1971 the NOA is $1,149.703 millions, Federal Funds $418.314 millions, and Trust Funds $109.225 millions, making a total of $1,677.242 millions.

2.3 Selection of an over-all objective common to all elements.

Congress has declared in the National Environmental Policy Act the goals and policies to guide all Federal actions which have an impact on the quality of the environment. Given the national goals and policies, what should be the unifying objective of the five study elements selected to focus upon the preservation and enhancement of the environment as part of the budget of the Department of the Interior?

2.3.1 One objective: Increase GNP.

It is clear that a number of quite acceptable alternative statements can be made of the common objectives connecting the five study elements. For instance, the protection and utilization of our forests can lead to increase in our natural resources, and consequent higher income from the forest resources. Similarly, the National Park Service by attracting more visitors to the different parks would also contribute to higher revenue and additional income to people engaged in the provision of services in the parks.

2.3.2 Another objective: Survival.

While the income from material resources is an important element of our GNP, one may concentrate upon the opposite side of the coin, as it were: The diminution of the income-producing forces as well as the substratum of national survival; for, if we do not have clean air to breathe, clean water to drink and clean land to live on, the quality of our life would suffer seriously, which, in turn, would lead to severe repercussions upon the GNP itself.

2.3.3 Alternative objectives: Congressional prerogative.

The specific overall objective is to be chosen by the policy makers. Since this choice reflects the will of the people as to the disposition of their environment, it is only right that the overall objective be chosen at the legislative level. The overall objective sets the tenor. Therefore, the selection of the overall objective is quite important.

At the same time, the merit of the systems approach is the *flexibility* of choosing different objectives to be accomplished by means of the five study elements mentioned here, or any other operational measures open to the Department of the Interior.

2.3.4 Change the objectives; Change the consequences.

To change the overall objectives; you change everything else with it. Because of its *flexibility* the systems approach offers a series of alternative courses of action and their consequences in allocating the available resources to meet the specific objectives.

2.3.5 One objective chosen for this study.

The Seminar Team discussed several alternative statements of a common objective to be accomplished through the five elements chosen for the study. The entire analysis follows from the overall objective so identified. It bears repetition that this one objective is by no means an *exclusive* one, much less *exhaustive*. The same Seminar Team may well choose another statement of the overall objective incorporating the five different elements of study at the end of that time; anyone else may offer an entirely different statement of the overall objective for the same set of five elements. The methodology does *not* rise or fall with the different objectives; it is independent of them. What the methodology offers is a consistent derivation of the courses of action from a single overall objective, as well as all the consequences that flow from the single choice. When the choice of the overall objective changes, so will the courses and consequences; the method of consistent derivation of courses and consequences remains unchanged.

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[*] Report of work done by the American University Seminar Team comprising of: Harry Birnkrant; Jay S. Brown; Abdelhai Chouikha; James E. Crownover, Jr.; Bert R. Francis; Lt. Col. Francis S. Logan; Tamara Luzgin; Frederick T. Martin; and under direction of George Chacko, Ph. D.

For purposes of this discussion the overall objective of the five study elements is *"Averting Ecological Disaster by Improving the Environment"*.

2.4 Perspective of the congressional decision maker.

This objective, which sets the tone for the present study, emphasises one aspect of the several legislative roles of the Congressional decision-maker. He is the representative of a district; he is the lawmaker of a nation; he is the key member of a political party. He is definitely influenced by his personal and professional background in exercising his responsibilities as a decision-maker.

2.4.1 Law maker of a nation.

It is inevitable that conflicts arise between the different demands that are made upon the Congressional decision-maker when he faces legislative problems. For purposes of this study, it will be assumed that one particular role, viz., that of the *law-maker of a nation* will be the predominant role. Any conflicts will be resolved in favor of this particular role.

2.4.2 Appropriations assignment instead of legislative.

As a lawmaker of a nation, the Congressional decision-maker will have either legislative or appropriations assignments. The present study, being under the auspices of a member of the Appropriations Committee, will specify that its perspective is that of the appropriations function, instead of the legislative. Even given the same overall objective, the results of the study from a legislative committee point of view would quite likely be different from that of the present study.

SCIENTIFIC RESEARCH: A LOW PRIORITY?

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. LEGGETT. Mr. Speaker, for years we have seen how our obsessive devotion to the war and Vietnam and to the arms race has caused progressive deterioration of our national life. The economy is going from bad to worse: We have high unemployment, high interest rates, excessive inflation, a budget deficit, a falling stock market, and zero economic growth—all at once.

Our environment is getting less than one-fifth the economic attention it requires. The national disgrace of poverty continues as ever. The country is divided as it has not been since the Civil War. We have seen young Americans gun down other young Americans, and we have seen a national poll indicate majority approval of their action. Our race problems are getting worse rather than better.

But always we have thought that, although the warfare state may be wrecking our society, at least it is good for technology. But at the recent meetings of the National Academy of Sciences and the American Physical Society, it was revealed that even American science is now on the skids. Federal funds for graduate traineeships and fellowships have been reduced 50 percent in the past 2 years. More than 1,300 scientists have been forced to trim their projects, and more than 100 have had to abandon them altogether.

It is not a question of whether or not we fall behind the Japanese or the Germans or the Russians. It is simply a fact that, if we do not work on them, vital discoveries in medicine, in transportation, in environmental sciences will be made later than would otherwise be the case, or will not be made at all.

Is the good will of Nguyen Cao Ky worth all this?

Under unanimous-consent agreement, I insert a relevant article entitled "A Slump in U.S. Science?" from Newsweek magazine of May 11, 1970, in the RECORD at this point:

A SLUMP IN U.S. SCIENCE?

Growing numbers of U.S. scientists have felt hobbled in recent years by declining Federal funds, public indifference, shifting national priorities and ever sharper competition from abroad. Accordingly, when more than 4,000 scientists gathered in Washington, D.C., last week for the annual meetings of the National Academy of Sciences and the American Physical Society, the mood was glum indeed; a number of those present made no secret of their conviction that U.S. science is in a serious slump, and some felt that it is in real danger of becoming second rate.

This was a far cry from the mood as recently as four years ago. For by the mid-1960s, stimulated first by World War II and then by the continuing challenges of the cold war, science had become an enormously successful and influential part of American life. In the benchmark year of 1967 the U.S. spent $17 billion on all forms of science. But since then, Federal funds have been dwindling, in part because of the costs of the Vietnam war. This fiscal year, the Federal Government is seeking $15.9 billion for scientific research—$300 million less than the previous year and $1.1 billion less than during 1967.

SQUEEZE

Because the Federal government is the mainstay of American science, less money means less scientific research. A recent survey of 192 U.S. universities revealed that the scarcity of Federal funds had forced more than 1,300 individual scientists to trim their research by varying degrees and forced more than 100 to stop their projects altogether. The squeeze is also hurting students. Thus the Administration this fiscal year will provide funds for only 3,069 new graduate-level traineeships and fellowships—a 50 per cent reduction from the two preceding years. Then there is the fact that many key facilities, among them the Atomic Energy Commission's molten-salt breeder-reactor at Tullahoma, Tenn., have been shut down for lack of funds. This dismays scientists who see in such a clean-operating type of power source an ultimate replacement for the conventional fossil-fueled and nuclear power plants currently in use.

Sooner or later the cutbacks in science funds will begin to affect the U.S. public—sooner, perhaps, than many realize. Dr. Philip H. Abelson, physicist and editor of Science magazine, warned the meeting that budgetary restrictions have severely undercut research into photosynthesis and physical organic chemistry—two areas of research vital in combating pollution of the environment.

In a less tangible but no less important way, the U.S. may also suffer for having perforce to neglect two other major disciplines—high-energy physics and radio astronomy. The former field, so-called because of the extremely high voltages used in the accelerators that smash nuclei into subatomic fragments, entails digging into the deepest secrets of the structure of matter. The latter discipline, which uses large radio telescopes to detect radio waves and other types of radiation whistling through space, is providing new insights into the formation and structure of the universe. No one can predict what these scientific efforts will turn up, or of what value their discoveries might be, but it is the history of science that some of the greatest discoveries were unanticipated, unappreciated—and sometimes even unwelcome—at the time they were made.

CANDID

For his part, President Nixon's top adviser on the subject seems to take a matter-of-fact view of the state of U.S. science. "The policy of this Administration is to try to balance the budget," Presidential science adviser Dr. Lee DuBridge candidly told the scientists in Washington last week. "It may be that we should get used to the idea that the U.S. cannot lead the world in all fields of science. It may be that the U.S. will have to pick certain areas, but we may simply have to say that Germany, Japan and so on will lead in some things."

While they accept the reality that a strained economy can only do so much, many scientists are nevertheless disturbed by the apparent lack of understanding of the potential impact of the cutbacks in funding. Scientific research, they point out, is not a faucet that can be turned on or off at whim; they contend there must be a continuing and dependable base upon which research can be carried out. Recently, a panel was set up by the President's Science Advisory Committee to look into this problem.

But for all the foreboding manifest in Washington, the consensus seemed to be that the scientists were prepared to do the best they can with what they have. At the Physical Society's banquet, Dr. William D. McElroy, director of the National Science Foundation, pointedly urged his colleagues to find new challenges in programs that would serve the public more directly. He listed oceanographic exploration, environmental forecasting, and earthquake engineering as three fields that have high social value. "They represent a sign, a concrete indication," McElroy said, "that science can be and is concerned about human survival. Without such signs, I suspect that the numerous justifications for science marshaled to date will fall on progressively unfriendly ears."

DEFENDING OUR FLAG

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. FOREMAN. Mr. Speaker, from time to time, we learn that patriotism and love of the flag are not dead in America.

At this point I insert in the RECORD a description of an event which took place at San Diego State College, during recent protests, which was carried in this week's Monday:

DEFENDING OUR FLAG

In May of 1970, San Diego State senior Bill Pierson stood for three hours backed against the campus flagpole, single-handedly holding off a mob of 150 militants who were bent on desecrating the symbol of American liberty, freedom and justice.

In September of 1862, Barbara Fritchie is said to have stood in the window of her Frederick home defiantly waving the Union flag at soldiers who had been ordered to shoot it down.

XUM

Researchers of history have cast doubt on the accuracy of the Barbara Fritchie legend, but there is no doubt about the action of Pierson—mild-mannered center of the powerful Aztec eleven, three-year Navy veteran, and latest draftee of the New York Jets.

Newsmen on the scene, report that the studious, good-natured Pierson—all 6′ 3″ and 230 pounds of him—was hurrying to class when he saw the campus flag being abused by a band of agitators. According to his own account, he became "annoyed"—particularly because the ring-leaders were non-students and disruptive enrollees who never attended class.

"I just couldn't buy it," said young Pierson in an interview "I love this country and the flag that symbolizes it."

So he ambled in through the militants, rescued the flag, raised it to top staff and secured it. Then, realizing that it would be torn down as soon as he left, he turned and faced the furious militants—standing his lonely vigil until the last of the epithet-hurling mob had dispersed.

It was Bill Pierson's first foray into student dissent on either side of the fence, but he "couldn't stand by any longer and watch a band of 150 pretend to represent" the 25,000 State students who are there for the serious business of getting an education.

Said Pierson to the interviewer "I was born under that flag, I fought for that flag, and I'm going to college today because of what it represents."

To quote from an editorial on Pierson's heroic stance: "How sad it is that principles which mean so much to so many are defended by so few."

ROG MORTON.

THE ECONOMIC CRISIS AND CONGRESSIONAL RESPONSIBILITY

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. MOLLOHAN. Mr. Speaker, we are faced with a complex economic and political crisis which requires action by the Congress in the coming months. It is obvious that the administration at this time has no plans to change the course they are pursuing, and consequently, the Congress must act.

This is quite possibly the most political of economic crises this country has been confronted with, for the unsureness of outlook on the economic horizon stems to a large degree from the uncertainly of the administration's policies in Southeast Asia, and their effects upon both the Government's financial position and the political unrest across the Nation. As one economist has commented upon the stock market disaster, "you cannot have a nation in confusion and turmoil and expect to have a healthy stock market."

Mr. Speaker, we cannot escape the conclusion that where our economy goes, and how it performs, depends to an extent upon what we do in Vietnam, and how soon we can liquidate that involvement. The weaknesses of our economy due to Vietnam, were evident before the Cambodian invasion, and it is plain that this action had the effect of laying open those weaknesses.

Mr. Speaker, I think we must act on several fronts to rebalance our economy. It is paramount that the President take real steps toward liquidating our commitment in Southeast Asia. Second, it is paramount that the Congress take real steps to fight inflation and unemployment.

There are two areas where we should meet inflation. First, we must reduce the cost of money, and if we are to limit its supply, we must do so through reserve requirements. The obvious defect in our present tight money policy is that it has fed the inflation by increasing the costs of money to everyone. We must have wage and price guidelines immediately. I recognize and I think everyone else does too, that guidelines are more effective in normal times when production and consumption are more easily forecast. Today, when labor is under pressure from its membership to gain wage hikes to cover the previous inflation, and management is under pressure from a declining market to raise rather than lower its prices, guidelines will probably not be as effective as they have been at times in the past. But, they are a start and they are preferable to wage and price controls.

But, we must as well lower the unemployment margin in this Nation, and the fastest way I know that we could do that is to keep our commitment to the people regarding the construction of housing. We are committed to building 2½ million homes a year for the next 10 years, and this year housing starts will most likely drop to 1.1 million. Yet, by forcing the rates of interest down, we can enliven the housing market, and produce both homes and employment for this country.

Mr. Speaker, when one talks about the economy, statistics and ratios and dollars sometimes obscure the fact that we are talking about people, their needs and their capabilities. There is nothing so discouraging as to hear the refrain that we do not have the money to do one thing or another. This Nation's assets are its people, not notations in bank ledgers. When people are unemployed, then the Nation is wasting its resources.

The price we have paid for the administration's tight money is twofold. Not only have we increased the cost of goods and services by increasing the cost of money used to finance them, but we have allowed unemployment to increase, and the result is obvious; we have a stagnating economy and an unsettled social climate. It is time for the Congress to discharge its responsibility on both fronts.

TRIBUTE TO SPEAKER JOHN W. McCORMACK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Speaker JOHN W. McCORMACK—a man whose leadership, wisdom, and guidance have reflected his great dedication to our country, and the ideals for which this Union was formed

JOHN McCORMACK has represented the same Massachusetts district since 1928. The voters in his district have endorsed him wholeheartedly on every occasion. Their respect, admiration, and appreciation for his service are illustrated by the fact that he has never received less than 70 percent of the vote in 21 consecutive elections. But JOHN McCORMACK is not simply a local figure reflecting a local viewpoint. JOHN McCORMACK represents all people who look to his stewardship in the fields of civil rights, equal justice, and, generally, progressive legislation designed to improve the quality of life for all citizens.

JOHN McCORMACK's remarkable career in this body is well known. For 30 of his 42 years' service in the House of Representatives, he has served in a leadership capacity—the last 9 of which were as Speaker of the House. He has served great men and he has served with great men. He has served during peace, during war, during prosperity, and during adversity. In each instance, he has placed the betterment of the country above all other considerations.

Although I have served in this body for only a brief period, I am grateful to Speaker McCORMACK for the kindness and wise counsel he has afforded me. He has helped me and my constituents by his magnanimous efforts to relieve problems, both large and small, that were affecting the people of California.

By being in contact with this great man, I feel that I have grown both spiritually and intellectually. His gracious manner, his keen interest, his ready wit, and his unyielding integrity are admired and emulated by all who know him.

Although I wish Speaker McCORMACK and his wife, Harriet, happiness and good fortune in their retirement, I know that his presence in this body will be missed. However, his deeds and achievements will be remembered; his ideals will be carried forward and men will continue to be inspired by his contributions to 20th century America.

EARL KELLY'S "COMMENT ON THE NEWS"

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. McEWEN. Mr. Speaker, we have heard a great deal of rhetoric in recent days concerning campus unrest, violence, student activism and student involvement. Recent events on the college campuses have sparked criticism of both the students and the National Guard and police agencies sent to the colleges to keep order and maintain the peace.

Many Americans were astonished to read in their newspapers that National Guardsmen in some States were ordered not to load their rifles, even though they faced campus rioters—many armed with weapons of destruction.

A noted radio commentator in Water-

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town, N.Y., addressed himself to this subject on May 8, 1970. Earl Kelly, who has been broadcasting his daily "Comment on the News" over radio station WWNY for many years, discussed the subject and echoed the feelings of many concerned Americans.

Mr. Kelly, whose friendship I enjoy, and whose professionalism I respect, raises points worth considering in his broadcast. I commend it to your attention, to the attention of my colleagues in Congress, and to the attention of all Americans.

His broadcast follows:

COMMENT ON THE NEWS

(By Earl Kelly)

How much would you pay for an empty milk bottle? Would you place much value in a typewriter without ribbon, or a pencil without lead? How far would you expect to travel in a jet aircraft without fuel? Or, if you were a National Guardsmen, how much faith would you put in an unloaded rifle as you faced an unruly crowd of college campus protestors?

It was interesting to note in the news yesterday that National Guardsmen were ordered not to load their rifles in some States, even though they faced campus rioters.

That is a bit of news that might make a soldier in Vietnam or Cambodia glad that he is safely out of the country. Safely, because we presume that our troops in the far east have at least ammunition in the chamber to give them some assurance of safety.

Those who believe in law and order, and the enforcement of our laws, may be heartened by the news yesterday from Columbia, South Carolina, where the city council announced that their city's police carried arms that were not "decorations."

Any loaded weapon is a grave danger. In World War Two, they were lethal for both the Germans, the Americans, Italians, and the Japanese and Russian and British soldiers. In the Korean War, loaded rifles were a threat to Korean, Chinese and American fighting men. In war, a man learns to have respect for a gun, because he can assume that it is loaded.

Here in northern New York, in those frivolous days before World War Two, we laughed at the childish efforts of the military to hold maneuvers with mere sticks as rifles, and trucks with the word "tank" lettered on the side of the canvas top. Our laughter died quickly as the war became ours, and our men joined the struggle for life and death carrying loaded weapons.

Dissent in this country is a constitutional guarantee, and it should never be denied. The burning of R.O.T.C. headquarters is not. Nor is campus violence. Damage of other public and private property isn't one of our rights, either. And if some college students feel so strongly about a Government policy that they must demonstrate peacefully, that is their privilege. But it is certainly not their right to prevent other students who are less strongly convinced from having their desired and paid-for education.

Some radical dissenters know what to expect if they face a guardsman on a college campus. Many others, who become attracted to the "cause" do not. They may expect those rifiles to be empty threats. Perhaps the incident at Kent State will serve to remind them that they are not. The middle syllable of enforcement is "force."

What is important is not what is in the chamber of the rifle, or in the hands of the rioter on campus. It is very important what is in the mind of the man behind the gun . . . or the man holding the rock. What is his mission? Is he intent on maintaining order . . . or destroying it?

If dissident students can demolish public and private buildings in what is now known as the spirit of youthful revolt . . . If starry-eyed young men and women and their adult leaders can disrupt vital public facilities, shouldn't they also expect to pay the price for violation of the law?

In the present situation, it seems that they will not pay any price for their actions. In the highest offices of government, the mood seems to be, "Forgive them, for they know not what they do."

But they do pay the price. In some very personal situations, there are accidents, such as at Kent State . . . and the price is death. But, if we in this country continue to keep our guns unloaded, the cost could be much greater for all of us . . . but for the young generation, in particular. They will inherit this country . . . for better or worse.

STUDENTS OFFER SUPPORT FOR PRESIDENT NIXON

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. ZWACH. Mr. Speaker, a group of St. Cloud State College students and faculty members came to my Washington office on Monday.

They brought with them petitions signed by 2,000 students and faculty members approving the President's Cambodian policy.

They were received at the White House on Monday morning to present their petitions. They called at many Congressmen's offices.

I was most happy to have these young people come to Washington. I am always happy to meet and speak with my constituents. I believe in keeping my lines of communication open.

Mr. Speaker, I am inserting in the CONGRESSIONAL RECORD the petition these young people delivered to the White House:

SUPPORT FOR PRESIDENT NIXON

The events of the past several weeks have further driven the wedge of division deep into our once united country. All Americans share the frustrations brought on by a decade long war in Asia.

Mr. Nixon, however, cannot be held accountable for policies advanced by three other Presidents for nine of the past ten years.

As Commander-in-Chief, he alone must bear full responsibility for present and future policy. The vast majority of the men actually fighting in Vietnam and Cambodia have endorsed his decision to destroy the infamous border sanctuaries. By a two to one majority, the American electorate has voiced approval of the limited operation.

The opposition has commanded a disproportionate amount of attention by the mass media. It's time that the students who stand with the President be heard. If *you* feel Mr. Nixon deserves a reasonable period of time in which to prove that his policy will succeed, for God's sake stand up and be counted! ! ! . . . Now! ! !

A delegation will take the signed pledges to the President soon.

Mr. President, I support the spirit of your April 30th speech with the understanding that the temporary operation in Cambodia is necessary to protect the safety of the Allied Forces.

Name ----------------------------------
Address ----------------------------------
Name of school----------------------------

[ ] Check here if you would consider being a delegate to fly to Washington.

THE EARL OF AVON

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. REID of New York. Mr. Speaker, Anthony Eden, the Earl of Avon, spoke in the House of Lords on May 14 with regard to American involvement in Cambodia. I think that his speech would be of interest to Members, particularly in the light of his long experience and the new diplomatic initiatives which he suggests. His speech follows:

AMERICAN INVOLVEMENT IN CAMBODIA

(By the Earl of Avon)

THE EARL OF AVON: My Lords, I am very grateful to my noble friends for their kindly welcome back. I was anxious to be here this afternoon to offer, if I could, one or two suggestions in this very tragic and disturbing situation which continues to confront us, unfortunately, in South East Asia. I have no criticism to make at all of the statement the noble Lord made just now from the Government. My attitude is a little different. I should like to comment on one or two of the recent military developments and also to suggest one or two possible methods of approach to try to bring an end to these long-drawn-out hostilities.

It seems to me that if we are to make a useful contribution to this debate we have to consider both recent events, as the two last speakers have done, in the Indo-China war—because unhappily it is an Indo-China war once again—and also the international background against which those events have to be set. For some months past there has been an important development, or so it seems to me, in the Mekong Delta, the richest and most thickly populated part of South Vietnam. There are now no American combatant units at all, I am informed, in the Mekong Delta. That does not mean that there has been no recent fighting, but it is notable that the South Vietnamese forces have been able to contend with increasing success against enemy incursions there. Perhaps this success has been in part due to the fact that the attacking forces have of late mostly been composed of North Vietnamese rather than Viet Cong. I notice that Mr. Secretary Laird has estimated that three out of four of the Communist forces in South Vietnam now come from the North. If this is true, and I have no reason to suppose that it is not, it could explain the improved South Vietnamese military performance against an enemy less familiar with the terrain than the Viet Cong had been.

I mention all this—the House will see this at once—because the importance of this turn of events is that it could have had its influence upon North Vietnamese military planning recently. However that may be, there can be no doubt that by the invasion of Laos and of Cambodia and by the establishment of new bases in Cambodia, North Vietnam has tried to disrupt the pacified area

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of the Mekong and to turn the United States withdrawal into a rout. That was the object of the exercise. But I think they would have done better not to attempt it. As they have attempted it, can we with any justice condemn President Nixon or the United States Command for taking action to counter that attempt? I do not think we can. Personally I dislike very much the policy which is called "search and destroy". It is generally bad tactics, because it makes enemies where it should have the purpose of consolidating friends. But in this instance, when aimed against an underground complex of ammunition and stores, accumulated in invaded territory to attack South Vietnamese and American forces in the flank and in the rear, a military counter-action to destroy that build-up then appears, to me at least, to be not only excusable but well-nigh inescapable.

The joint American and South Vietnamese thrust into Cambodia does not seem to me to be evidence of an American intention to delay the withdrawal of their forces from Vietnam, still less to try to settle the conflict by military means alone. We all know that cannot be done; the Americans know it perfectly well, too. I see the thrust rather as evidence that the United States was not prepared to see its plans for withdrawal delayed and the work of Vietnamisation disrupted from bases established during the North Vietnamese invasion of Cambodia, against which, as the noble Lord mentioned, Prince Sihanouk had himself earlier and frequently protested.

However, much more important than debate about the motives for the action in combat of either side is to consider whether this turn of events opens up any possibilities of negotiation. I think it might. But before considering these, something must be said about the position in Laos, because it affects the negotiations, if there are to be any. The 1954 Agreement left Prince Souvanna Phouma at the head of a neutralist government in Laos, all parties at the conference, China included, having agreed to the establishment of the French military missions to train the Laotian Army. Then followed what was an unhappy interlude. Unwisely, as we and the French thought, the United States Government at that time did not approve of the neutrality of Souvanna Phouma's Administration and they refused it aid. That Government fell a year or two later and was succeeded by a Government further to the right, which, despite American training and equipment, fared badly. A prudent attempt by a newly appointed American Ambassador to bring the neutrals and the anti-Communists together was not supported in Washington. By the end of 1960 Prince Souvanna Phouma had fled to Cambodia, while, as a result of all this, the Pathet Lao had gained strength in Laos. Then, after more years of negotiation, a neutralisation agreement was signed in the summer of 1962.

I retell these events to show that the faults have not all been on one side in this Indo-China business. I have personally some sympathy with the comments of General Ely, who I know is known to some of your Lordships, the last French commander in Indo-China and a friend both of the United States and this country, as well as a soldier of real distinction. General Ely wrote sadly of Laotian affairs:

"Nowhere else perhaps did France and Great Britain find themselves in such constant opposition to the United States about the policy to be pursued."

However, the agreement of 1962 was a declaration of the neutrality of Laos, and it was endorsed by all the members of the earlier Geneva Conference, including Soviet Russia and China and the United States. This was an undertaking to respect the neutrality of Laos; and no one can deny that Prince Souvanna Phouma represents both the spirit and the fact of that neutrality.

Yet in recent years there have been continued North Vietnamese attacks on the Laotian forces in Laotian territory, which attacks have only been made possible by abundant Russian supplies of weapons and equipment, every piece of which is sent in direct violation of the agreement which Russia herself signed in 1962. Of course, it is true that American air attacks recently have been made on North Vietnamese forces in Laos, but surely the blame for that must lie on the attacking forces which have invaded the territory in the first instance and thereby violated their agreement.

So now we come to our most important consideration: what can be done to get serious negotiations going again over the whole Indo-China Sea. As we were told again this afternoon, Her Majesty's Government have rightly made frequent approaches to the Soviet Government, as their co-chairman under the 1954 Agreement, in an attempt to re-summon the Geneva Conference. I am sure that Her Majesty's Government were right to do that, and to persist in it, but so far, as I understand, they have met with no response from the Kremlin.

I suspect that a principal difficulty for the Soviet Government—and having nothing to do with any Government I can speak frankly in this business—rests in the present relationship between Moscow and Peking. It has never been worse, and I can conceive that representatives of the two countries might not wish at this particular time to sit down at a table in the company of others. A significant example of the fierce hatred that the leaders of the Soviet Union and China can feel towards each other is to be found in the remarkable exchanges (they have not been published in this country, but no doubt the Government have them) between these two countries during what should have been an amicable period, the Lenin Centenary celebrations. The Chinese celebrated this event by comparing the Kremlin leaders to Hitler, and denouncing them as the successors of the Russian Czars with the same goal of world hegemony.

When Moscow answered a few days later, the reply took the form of a quite incredibly vitriolic attack on Mao Tse Tung. I should not care to repeat it in this House in any circumstances. I truly believe that your Lordships would be shocked if I did. But I have read the text, and I do not believe that any country in the Free World has ever used language like that about the Communist leader. Of course, we all know that totalitarian States can change their language and their attitude towards each other with lightning speed. We have had some of that before: we remember Hitler's about-turn towards Stalin, and *vice versa*.

Dealing however with the present situation, as we must do, I notice that the *New York Times* quoted these exchanges and drew some comfort from this exchange of amenities, commenting that:

"With such hatred and fear separating these two giant Powers, neither side is likely to want to get involved with any other major Power."

My Lords, this may be so. I hope that it is so. But for the purpose of getting negotiations going about the Indo-China War, this condition of Russian-Chinese relations is an added complication. It is certainly true that we could not have got the Agreement of 1954 without the help of Mr. Molotov, the Russian Foreign Secretary.

If Russia cannot or will not help, as co-chairman to-day, is any other method open to us? I would suggest to the Government that they should consider an approach to the French Government, to see whether they could not jointly evolve some proposals which might be put to both sides. Recently the French Government made a move on their own account to try to secure the re-calling of the Geneva Conference. They did not get far, but I thought they were right to make the attempt. France still has contacts, however unofficial, with Hanoi, and there are reasons why Hanoi would be wise to consider negotiations now. One of these is the strained relations between Hanoi's two principal backers, China and Russia. That cannot be altogether a cosy state of affairs for North Vietnam, and it could become a great deal more uncomfortable still. Moreover, there are terms which could be worked out which could bring peace to Indo-China and which also could be not entirely unwelcome to China and Russia.

I have always been convinced that China's main concern in South-East Asia has been to see the withdrawal of American forces, which the Chinese fervently believe are aimed ultimately at them. If the history of the China lobby in the United States is recalled, that is perhaps not altogether surprising. But Russia, for her part, no doubt derives some satisfaction from seeing the United States divided and in trouble. One can imagine the Kremlin purring from time to time about that. On the other hand, the policy of Russia's present rulers is evidently to push at every door, regardless of cost in finance and equipment, so long as this can be done without the certainty of confrontation with the United States. Even so, the Kremlin no doubt must weigh from time to time the advantages of a settlement in Indo-China. This would at least bring an end to that troubled area's ceaseless and costly appeals for supplies, and reduce a cause of future difference between Russia and China. Faced with deteriorating Soviet and Chinese relations, Russia ought to welcome some reduction of commitments elsewhere; and there is, most unhappily, no sign of any Russian preparedness for reduced commitments in the Middle East.

The solution to be aimed at in Indo-China is the one which we attempted at Geneva but did not effectively reach then, the guaranteed neutrality of the territories. This is what Laos and Cambodia not only want but positively yearn for. How could it be applied in Vietnam? It would mean that neither side would win. It would mean that for a long period—I would say for at least ten years—South and North Vietnam would have to remain separate, divided on their existing borderline, which would have to be ensured by a revived and strengthened international commission such as the noble Lord at the opening of this debate said he looked for.

At the end of that period, all foreign forces having been phased out, the two countries would decide what their future relationship should be. It is possible that by then, with the energetic development of the Mekong Delta on behalf of all the countries bordering it—Vietnam, Laos, Cambodia and Thailand—the prospect would be calmer, and ideological differences would be less important. One cannot tell. But in the interests of an Indo-China, which has suffered too much, the attempt ought to be made.

To sum up then, if the Geneva Conference cannot be reconvened there is much to be said for an Anglo-French initiative such as I have suggested. I am not inviting the Government to make any comment about that, because if this negotiation by us and the French is to have any success it must essentially be secret. We have to repeat the kind of technique we used with the Trieste business, when for eight months the negotiations proceeded in secret without anybody know-

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ing anything about them. Publicised relations on this business will get absolutely nowhere, which is why the Paris Talks, alas! have so far failed.

It might also be helpful if Western European Union—why not?—were to examine the problem and seek to help to promote a solution either directly or through Anglo-French efforts. After all, the joint examination of international problems was what the Western European Union was originally created for. We wanted them to do this, and it has not done enough of it. If it be argued—and it can be argued—that Indo-China is an important strategic area and that it is therefore difficult to make any agreement stick, I would reply that so were the Low Countries, yet an international guarantee held there for the best part of a century.

My Lords, I have one final general observation. Whether a renewed attempt at negotiations succeeds or not, the experience of Vietnam has seared the American mind. There will, for a time at least, be an increased reluctance in the United States to discharge responsibilities anywhere overseas. I do not believe for a moment that the Americans will abandon their interest in Europe, for after all the future of Western Europe is vital—to use a much-abused adjective in its correct sense—to both the super-Powers; but there is likely to be an insistent call for a reduced American military contribution. We are now apparently much preoccupied with our internal political differences, and shall be for a while yet, I suppose, but as we indulge in that pastime none of us ought to forget that our own contribution, and that of other European NATO countries, is likely to have to be revised, unfortunately upwards. In 1965, I sought agreement across the Iron Curtain for an accepted reduction of forces on either side. I believe that we should pursue this, and that it is being pursued. But until that agreement is reached we have a responsibility which must be expected to grow heavier, for whichever Party has responsibility in this country, but which we must bear in stalwart fashion if we want our influence to be felt in the United States or anywhere else in the world.

TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. HARVEY. Mr. Speaker, it is indeed a real pleasure for me to join in this warm and glowing tribute to our distinguished Speaker, the Honorable John W. McCormack. Even though we are of different political parties, Speaker McCormack deserves to be known to all as our Speaker. To know John McCormack is to respect him.

In the 10 years that it has been my privilege to represent Michigan's Eighth District in Congress, nearly 9 of those years have been under his fair and reasonable gavel. Yes, we have had opposing views, but I will greatly cherish and treasure those brief exchanges in which we have engaged during floor debate. One could not and cannot fault John McCormack's fairness and decency.

His qualities of leadership and his deep love for our U.S. House of Representatives and our country should be a pattern for every Member of this body. For 42 years this House and our country have prospered because of the contributions of this great man. But, I would emphasize that he has received great acclaim as the Speaker not because of his record of service, second only to that of the late Sam Rayburn, but because of his human qualities.

Speaker McCormack, I wish you and Mrs. McCormack the greatest possible happiness and good health in the fruitful years ahead after your retirement. In my judgment, you rank as one of the great Members of this body for all time.

REPRESENTATIVE QUILLEN GETS THINGS DONE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. DUNCAN. Mr. Speaker, a well-known Washington newspaperman discussed in a recent article the hard work and perseverance of our colleague and my congressional neighbor, Jimmy Quillen. As Frank van der Linden pointed out, he is a man who gets things done.

Writing for the May 6 Nashville, Tenn., Banner, Mr. van der Linden described Jimmy's "ability to win reelection by record-high majorities every 2 years since his first victory in 1962."

I would like to place in the Record at this point the interesting story of a hard-working colleague and friend:

REPRESENTATIVE QUILLEN GETS THINGS DONE

(By Frank van der Linden, Washington Bureau Chief)

Washington.—Rep. Jimmy Quillen of Tennessee's mountainous First District is a quiet man who gets things done.

The Kingsport Republican will tackle the U.S. Supreme Court or the most obstinate committee chairman in his battles for legislation.

This year, Quillen won a two-year fight for House approval of a bill barring members of Communist action groups from working in defense plants. The bill reverses a Supreme Court decision overturning a Federal law which barred Reds from jobs in facilities designated by the Secretary of Defense as "essential" to national security.

Quillen's measure authorizes a personnel screening program to determine access to sensitive jobs or areas in industrial facilities. Cleared by the House, 274–65, the bill awaits Senate action.

Earlier, Quillen took the lead in the successful battle for the bill to curb flag-burning. Many members of Congress were cosponsors of the popular measure, but it was Quillen who pried it out of the House Judiciary Committee where Chairman Emanuel Celler, a Brooklyn Democrat, had it bottled up.

Celler appeared one day before the Rules Committee, of which Quillen is the fourth-ranking Republican member, and asked for clearance of another bill.

"I confronted him and demanded that he have hearings on the flag bill," Quillen recalls. "He agreed, and that's how I broke it loose from his grip."

The Kingsport congressman's only regret is that the penalties for burning or defiling the flag weren't set higher than the maximum of a year in prison and a thousand-dollar fine.

Similar pressure by the Rules Committee made "Manny" Celler free the anti-riot bill making it a Federal crime to cross state lines for the purpose of inciting violence. That law, co-sponsored by Quillen, led to the recent jail terms for the "Chicago Seven."

The Rules Committee exerts great influence by controlling the flow of bills from all other committees to the floor. Within a few years, in a Republican-ruled Congress, Quillen could move up to become its chairman.

Quillen and Celler are at odds again over the proposed impeachment of Supreme Court Justice William O. Douglas. Quillen is cosponsoring a resolution for a select committee to investigate the Justice—in particular, his $12,000-a-year income for nearly a decade as president of the Parvin Foundation which derived much revenue from Las Vegas, Nevada, casinos.

Quillen was all set to vote in the Rules Committee for the special inquiry but Celler announced his own hearings by a Judiciary subcommittee.

"Manny will stall it forever," Quillen predicted.

The Tennessee Republican is co-sponsoring seven bills to carry out President Nixon's campaign against air and water pollution. Quillen also is seeking repeal of the 1968 gun control act, calling it "a nuisance" which interferes with "law-abiding citizens' right to bear arms".

The Congressman said he and his constituents firmly believe in law and order but they think the crime rate can be reduced by stricter law enforcement, not by gun control.

Quillen favors higher social security benefit payments, lower taxes, and increased appropriations for veterans.

He backs President Nixon's policy of steadily withdrawing American troops from Vietnam and seeking an early and honorable end to the war.

Quillen has an "open door" to the White House, having been a friend and supporter of President Nixon since Nixon's first race for the vice-presidency in 1952. At a recent reception in Greeneville, honoring the First District Representative, a letter from the Chief Executive was read. It said:

"Those of us who have carefully observed the Congress for some time know that Jimmy is one of the hardest working Congressmen in Washington. I am delighted to join with you in this well-deserved salute.

"Pat and I remember our visits to the First District and I hope you will convey my very best regards to your friends there. Sincerely, Dick Nixon."

Congressmen in both parties envy Quillen's ability to win re-election by record-high majorities every two years since his first victory in 1962. Then, he won a hot, five-way primary and only fifty-five per cent of the vote in the November election. But his margins rose to 72% in 1964; 87% in 1966 and 85 in 1968, the largest percentages won by any Republican candidate for Congress in each of those three elections.

On two "Jimmy Quillen Days" in his honor, Republican members marveled over his vote-getting magic.

Rep. John Duncan of Knoxville said the secret was just "hard work." "Jimmy is always ready to help constituents and colleagues," Duncan said.

Rep. Bill Brock of Chattanooga said Quillen succeeded for these reasons: "Jimmy's dedication to his job; his now famous 'open door' policy of taking his congressional office to the people; his work on the prestigious Rules Committee; and his untiring fight for the sound principles of humane, responsible government."

Minority Leader Gerald Ford of Michigan called Quillen, 54, "a mountain man who was born into a tenant farm family of ten children" and rose through "strength, independence, and fierce pride in accomplishment" to become a leader in the Tennessee Legislature and in Congress.

Sen. Howard H. Baker, Tennessee Republican said: "Jimmy Quillen has demonstrated that he has truly interpreted the desires, ambitions and needs of his people. He is perfectly attuned to the feeling and currents of opinion of virtually all of his people.

"Hardly a week passes that the Congressman does not go back to his district to move among his people and discuss how he can best represent them here in Washington.

"They know, from his past record, that when he says he will do something for a constituent, he means it."

Republican committees in the 11-county First district have recently started endorsing Quillen for re-election. These are samples of the resolutions by the county committees:

Carter: "Congressman Quillen has constantly striven to get the opinion of his constituents and in his voting record has shown that the thinking of the people of the area has been followed."

Johnson: "Jimmy Quillen has, at all times, helped our servicemen, and especially our boys in Vietnam, and their families."

Unicoi: "Congressman Quillen renders valuable assistance to any person in the First Congressional district . . . considers and treats their problems as his own."

Sullivan: "Congressman Quillen has sponsored legislation to stop the flow of vicious and depraved pornography in the mails."

IT IS TIME FOR PEACE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. BRASCO. Mr. Speaker, I have watched the entire situation in Vietnam and now all of Indochina develop with growing apprehension. Coupled with this growing military involvement in Asia has been internal unrest in our own country, which has been exacerbated because of the President's decision to broaden the war. Several things are discernible and undeniable.

The President has taken a basic geopolitical risk by widening the ground war in Asia. It is now an Indochina war rather than just a war in Vietnam. Further, it is worth noting that a rapprochement between Russia and Red China is now a possibility because of our involvement in Cambodia. We have given the Communist world an excuse to unite against us, healing forcibly many of their internal disagreements, at least for the immediate future.

Next, it is obvious that what the President outlined as the goal of his widening of the war into Cambodia has not been attained; that is, the capture of the COSVN, or the headquarters and personnel of the enemy. To pass off the capture of supplies and food as the rationale for this adventure is to cover a cancer with a bandaid and pretend that there has been a cure of the patient.

Further, by diving ever deeper into the mainland of Asia in a land war, the United States has been diverted from more basic interests, far more important to our well being. As we thrash about in Southeast Asia fighting only for the well-being of several unpopular military regimes, we are only the long-term losers. Already, more than 42,000 Americans have been killed in that war which the President now broadens constantly. There is an unpopular regime in Saigon which treats dissenters without consideration. The Thieu-Ky regime seems to have many, many thousands of non-Communist opponents in its jails. There is no free press. Further, these gentlemen seem to make a public joke of America's announced determination to withdraw from the widened conflict. Who really is running the show there? The United States or Thieu and Ky?

The war is spending America to death as a long-range possibility and to recession for a short-term certainty. Millions of our people have no faith in what the administration says now because of constant reverses in course.

It is ultimately catastrophic to continue the polarization of our society, and surely this has been encouraged by the actions and statements of many members of this administration. This, too, comes in large part from the war.

Never before has an entire generation of young people been so completely and swiftly estranged from our Government. This, also, is due in large part to the way the war has been handled by the Government. If the long-range basic interests of the United States were in danger, I would instantly support any conflict we engaged in. But in this case, I do not feel these interests are involved here; for the Vietnamese were fighting among themselves even before America was discovered.

If America were in danger because of communism in Vietnam, I would be more than willing to conduct any military operations that were considered necessary. But none of these certainties apply here. We are wasting our young men, our treasure, and our peace of mind at home because of a war that has long since been proven to be unwinnable in a military sense. We have gone to the aid of the Vietnamese and have done our job. Certainly we have not been defeated, nor shall we be. Let us then finish the task of training the Vietnamese, which is another task almost finished, and then proceed to withdraw, undefeated, our promises fulfilled. Those who will not be defended cannot be defended. I want to see much of our present expenditure in that area of the world devoted to binding up the nation's internal wounds and reordering and restructuring our society.

Too many schools remain unbuilt. Too many subways remain unrealized. Too many decent homes need to be made real for our citizens. Too many rivers and lakes are filthy. Too many cities are becoming uninhabitable and lack the quality of life our people deserve. Too much of our air is unbreatheable.

Too many Americans are hungry. Too many of them are unemployed. Too many educations remain unfinished. Too much hate fills our speech these days. There must be a restructuring of national priorities.

I would rather see our dollars spent on domestic demands rather than wasted in a war that should have been over years ago.

It is time for us to cease calling one another traitors and appeasers—warmongers and murderers. We have engaged in a war we must emerge from immediately. Certainly the widening of the war is utterly intolerable and must be ended.

Certainly America's needs must be considered as primary—not Saigon's. I am tired of seeing American boys and American society brutalized and further divided. It is time for retrenchment and reconsideration. It is time for leadership. It is time for peace.

ENDS VERSUS MEANS IN THE ANTIWAR MOVEMENT

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. LEGGETT. Mr. Speaker, it sometimes seems that campus militants are more interested in venting their frustrations than in hastening the end of the war. In attacking ROTC cadets in particular, they seem to be alienating one of their greatest potential sources of support.

Donald Disler, a bright young man who did some excellent work in my office last summer, is now an ROTC cadet at the University of California at Davis. He has written a thoughtful letter on this subject to the San Francisco Sunday Examiner & Chronicle, which published it on May 24. Under unanimous consent agreement, I insert it at this point in the RECORD:

THE ENDS VERSUS MEANS ON UNIVERSITY OF CALIFORNIA DAVIS CAMPUS

(By Donald D. Disler)

Editor: If, as some of the anti-war militant leaders proclaim, they are "building a movement," then thoughtful observers in Davis last Tuesday night (May 12) might be inclined to comment that the assaults and abuses, both physical and verbal, directed against Military Science students constitute a defeat for those persons in this University who want to bring change and reform to this nation without destroying it in the process.

The students, faculty, and non-students who sought to disrupt the ROTC ceremonies by spitting upon cadets, obstructing their lines of march, mocking their student leaders and professors, shouting obscene and provocative language, gouging and kicking flag bearers and color guards, and showering the Military Science students with flour and water failed to bring this nation even one step closer to ending the war in Asia or changing national policies and priorities.

What the abusive demonstrators did accomplish was hardly constructive. For example, they very nearly created an incident of violence, at the express instigation of our "peace loving" student body president, which only good discipline and self-control of the cadets averted.

Further, they lost a good deal of sympathy and support which they had formerly enjoyed amongst the ROTC cadets. Sympathy and support which might have been very useful inside the Army.

Even more disturbing, however, is the fact that polarization is taking place at UC Davis, rational discussion is ending, and violence is becoming the language of the extremist leaders.

In this regard the SDS may claim a victory. They feel they have much to gain if we all stop talking and working together and start fighting each other. No doubt they do, but it is the rest of us who are the losers.

What does the ROTC cadet think and feel during all of this uproar? He is, for one thing, beginning to rapidly understand the fact that he is now the "nigger" of the Davis campus. His right to take a course of study is denied to him by students and faculty who seem to have a double standard—only they can exercise academic freedom.

Only they, because they alone are wise and only they are concerned, may decide for others what they shall or shall not learn. Hitler could not have agreed more!

The cadet is accused of being narrow-minded, war-mongering, and brainwashed. Yet his chief accusers are persons so trapped in ideology that the hypocrisy of their charges is self-evident from the way they promote their own one-sided, twisted pamphlet programmed views of the world—views which have long ago lost all contact with reality.

The cadet is fed up with abuse and threats. He is angered by disruptions of his classes and assaults upon his person. He sees the free thought and enquiry of the University cast aside like leaves in the wind of irrationalism and political emotionalism.

He is disgusted with the lies spread by opponents who do not know him or care to know him as a person. He has been, he feels, stereotyped by them as a military freak, as something less than human. He has been cursed, kicked and spat upon all in the cause of peace—and never has that great cause been so debased by its exploiters.

Though discouraged by his fellow Americans, he is not without hope. What so many of the demonstrators failed to realize was that those men in uniform are not machines. They are not programmed. They have not been taught to enjoy killing—or even to kill for that matter.

The young men that the demonstrators abused and reviled believe just as passionately that there must be a change in this country. The cadets genuinely desire national reform, an end to the war in Southeast Asia, the establishment of peace at home and abroad, and social justice for all men everywhere.

The cadets also are dismayed by the tragedy of Kent State University, Santa Barbara and My Lai. They sincerely want to do all that they can, both as officers in the Armed Forces and as citizens, to accomplish goals that will improve this nation.

They want to keep the American military obedient to the wishes of the people. They seek to serve their countrymen to the very best of their ability. These goals are worthy ones. They need to be encouraged, not discouraged or reviled.

Last Tuesday afternoon taught the UC Davis cadets still another lesson, however. In the United States of America, just as in North or South Vietnam, China, or elsewhere the potential for tyranny is great.

The threat to human liberty and social order is real. It comes not only from powerful government bureaucracies and officials, it also comes from thoughtless mobs, and intolerant leaders—the young as well as the old.

Its minions are the bomb-throwers and the book burners as well as the overreacting police and the "scared" National Guardsmen. Its leaders are the frustrated, paranoid militants who preach the destruction of society and the University—whether from offices in the State Capitol or on the campus.

The tools of these elements are the diehard ideologues, the thoughtless thrill-seekers, and the witless gawkers who swell every crowd and thereby stoke the fires of human mob brutality.

The megalomaniacs are dangerous—whether in long hair and beads or striped shirt and tie. They will not be satisfied until they achieve the orgasm of blood and hate for which they lust. Cadets learned that harsh lesson last Tuesday. They learned that they could not count on their fellow students to protect their rights.

They saw the double standard displayed in the hate-filled faces and violent language of the same students they sit side by side with in their political science, history, economics, engineering, and bio. sci. classes. The student who wants to study Military Science is made an outcast and a pariah and he knows what it means to be a "nigger" in this model of a "free, open, and democratic community." He is bitter and he has nothing but scorn for the hypocrites who mouth the words of peace and fill their hands with stones, bottles and sharp blades of hate.

The time has come when we must look beyond the simplistic answers and the catchy slogans. The extremist of the left and the right only want to use the vehicle of legitimate dissent to further their own causes.

As long as they can dominate the movements for peace and reform then it is doubtful if any constructive progress will be made towards those hoped for goals. The ends do not justify the means. The assault upon ROTC cadets at UC Davis will not bring peace to Southeast Asia.

HORTON PRAISES BLACK CAPITALISM SPEECH BY RODERICK MACDOUGALL

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. HORTON. Mr. Speaker, on May 15, 1970, the House Small Business Subcommittee on Problems of Urban Areas, on which I serve, held hearings in my district in Rochester and Pittsford, N.Y.

During the hearings, Chairman JOHN C. KLUCZYNSKI, Congressman DANIEL E. BUTTON, and I heard several witnesses, among whom was Roderick M. MacDougall, president of Marine Midland Trust Co. of Rochester.

Mr. MacDougall spoke about the banker's role in black capitalism. He emphasized the best avenue for placing the American Negro on a par with the white man is to permit him to participate in our capitalistic system.

Mr. MacDougall is a leader in the community, advancing innovative and unique ideas which have helped small businesses and minority enterprises. He is a man who is not afraid to take chances. He believes that because circumstances change, banks must be able to meet the challenge.

And the bank which he heads, Marine Midland, is one fully sensitive to the social problems in Rochester, and is participating in solutions to these problems.

The theory that he advances is one that could be an example to the entire country. He advocates steps that must be taken to bring minorities into the mainstream of our society.

I would like to share with my colleagues a speech given by Mr. MacDougall at the Northern New England School of Banking in Hanover, N.H., which is essentially what he told the subcommittee.

He emphasized a pragmatic approach and stressed that bankers must understand that their future is tied to the towns and cities in which they do business, and it is therefore in their own interest to take whatever action is necessary to rehabilitate ghettos and to strengthen black businesses within the city.

The text of Mr. MacDougall's remarks follows:

THE BANKERS' ROLE IN BLACK CAPITALISM

The purpose of my visit is to try to give helpful specifics on how you as bank officers can deal with the unusual problems that arise from trying to place black entrepreneurs in business successfully. The tools for getting the job done, however, are useless unless they are placed in willing hands. Therefore, I would like to preface my remarks by sharing with you some generalities about our racial problems to assure that you are fully sensitive to the overall problems of our restless minorities. Here I would like to interject the fact that when I refer to the black minority I do not mean to exclude the Puerto Rican or the American Indian or other underprivileged minority. Naturally, what is true for one minority should be true for all.

Also, I would like to acknowledge the fact that many of you come from smaller communities as yet untouched by the problems of minority uprisings. Still, I think the subject should be of general interest to you for two reasons. First of all, the Negro population is growing at a faster rate than the white population. Their physical presence on the American scene will grow rapidly in coming years, and no community for long can remain fully aloof from the problem. Secondly, the banking industry has been criticized by some black leaders for being unresponsive to their problems. As bankers, you should know what your industry is doing so you can defend it, and also perhaps you will be able to feed it ideas so that it can do an even better job.

First of all, gentlemen, the fact must be recognized that the Negroes of America continue to suffer discrimination by the white majority, and that discrimination results in their receiving less than the full rights of U.S. citizenship. Don't be misled by the relative calm of the last two summers. The injustices are still there, and the problems mostly unresolved. You all work for banking institutions that have reached success in the business world using freely all the tools of capitalism, unimpeded by the handicaps of poorly educated managements, undernourished staffs and racism. The blacks have not participated in this capitalistic system.

My second point is simply that special attention and favoritism are essential today to correct the wrongs of the past. This is the much debated reparation's theory. I must assume that many of you do not accept that point—you've written me off as a screaming radical. Before I lose your attention entirely, let me assure you that is not the case. My approach is pragmatic—not radical. I would have considered the reparation's theory unfair myself a few years ago. I came from a conservative New England background, plus sixteen years with an ultraconservative Wall Street bank. I learned that most people working in New York City are completely removed from the world of reality as far as the country's social problems are concerned. Two years ago, I found myself in Rochester, New York in a Marine Midland bank that was fully sensitive to the social problems of its community and which was making a strong effort to participate in the solution of those problems; but militant and extremely intelligent black leaders were demanding that we hire a stated percentage of Negroes—demanding we provide mortgage money—demanding we put untrained men into running their own business. I learned to debate openly with many of the black leaders and in the process I've

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made some real enemies among them, as well as among some white leaders in Rochester, but I've also learned the facts. The black American will not be able to establish himself on equal terms in the social community and the business community in a reasonable period of time without special advantages—hopefully, short-lived advantages.

The years of discrimination have left the average Negro undereducated compared with the white man and without the tools to build assets through a capitalistic system. Special advantages in the business world to a handicapped minority are not new to our system. Servicemen returning from World War II could get free specialized training, join the 52-20 Club, and also could get a loan to start in the business world with a minimum of equity, collateral, and without experience. I submit to you—whether you like it or not—that the black American is not going to be satisfied with less than being fed into the mainstream of the American economy on a par with the white man, and this is not going to be accomplished without special rules, special attention, and a strong effort on the part of all of us.

If you are still with me—the third point I would like to make is that as bankers you have more responsibility to bring about the restoration of rights to minorities than other elements in the business community. We must face the fact that as bankers our future is tied to the towns and cities in which we are authorized to do business. Our stockholders' welfare and our employees' welfare are tied to the success of our bank. In their interest, we must take whatever action is necessary to rehabilitate ghettos and to strengthen black businesses within the city.

Employers who manufacture a product and sell it out of your community can, if necessary, move out of the community. Fortunately, despite this freedom, many of them give significant financial support to the welfare of the minority groups and to the restoration of the cities. We, as bankers, have no choice—we must.

Another reason bankers must exert leadership was well stated recently by Representative William Stanton, who serves on the House Banking and Currency Committee, and I quote Mr. Stanton:

"What makes the banker really different is his capacity to multiply and generate the efforts of others. We have often seen the several arms of government try to assume leadership in meeting the urban crisis, just as we are familiar with similar attempts by religious and industry groups as well as the academic community. For the most part they have failed because they have been unable to generate the assistance of others.

"When bankers go where others fear to tread, however, things start to happen! Whether justified matters not. Banker participation instills confidence and, if you will, a sense of respectability. Just as the fractional reserve system gives banks the ability to create credit many times the amount of reserves they are required to hold, the presence of the banking industry at the helm in meeting our nation's social challenges will multiply human and capital resources many times over."

Quite a statement from a non-banker, and it certainly puts us under the spotlight.

If you accept this thesis that banks have to show leadership, let me now elaborate on the reasons for action. Volumes are being written these days on the importance of business involvement in the solutions of racial problems. Most authors seem to conclude that there is only one reason why business must act, but the reasons are not all the same.

Some say the reason businessmen must play a role in the solution of this social problem is that, if business doesn't, the government will. Being basically conservative, the businessman does not want the government to grow bigger so he is forced to take this role.

Others say we should be involved because the Negro is rapidly growing as a percentage of our total population. Blacks are an important segment of our customers who must be kept healthy and happy so that they will consume our products or use our services.

Some in the banking industry say we must become involved in helping the black man because our industry has to fill so many clerical jobs and suffers from a very high employee turnover. Their thesis goes that banks will face increasing competition for skilled people from industries with higher profit margins and higher salary levels. Banks will have to depend upon minority groups to fill our desks and man our machines.

Others contend that the businessman must get involved regardless of the impact on earnings because it is a moral obligation. This school maintains that, if a business makes financial commitments to social ventures such as training of so-called "hard-core" unemployables or black capitalism strictly on a financial return basis then when less prosperous times come, these ventures will be the first to be eliminated. Hence, to get the long-range job done, the businessman must feel a strong obligation as a human being and be satisfied only when the problems have been successfully solved.

Another reason is simply fear—do something before the black man burns your bank down! Then, there is the theory that a business must involve itself in the urban crisis in order to recruit highly qualified white talent, based on the theory that today's college graduates want to be involved in social problems as well as make money. Somewhat related to that theory is the one that suggests a business concern should be involved simply to build its corporate image. It's "the thing to do" today, so they should hire a community relations officer and start pumping out the publicity on corporate social accomplishments.

It doesn't matter which school of thought I follow. My thesis here is simply that it does not matter what reason you give as long as the job gets done. I think with this wide range of reasons—or excuses, if you will—every man in this room should feel compelled to grab one as his own rationale and get on with the job.

The debate on justification for action seems endless. While man was struggling to get to the moon there were also endless debates as to the reasons, but fortunately during all of the talk someone was performing and getting the job done! I wish I could say that, in the case of relieving racial tension, sufficient work was going on behind the scenes but, unfortunately, I do not think such is the case.

Hopefully, I have some agreement that there is a job to be done and that banks must take a leadership role in accomplishing it. The next question is—where does the lending officer come in? The answer, I believe, is right smack in the middle. Banks must participate in hiring minorities and promoting them to meaningful jobs. Yet we are not big employers in our community; hence, this job takes on secondary importance to our main responsibility—lending money. In Rochester, Marine Midland employs less than 1 per cent of the work force, but we make about 25% of the business loans. This is the specialty we offer. Our success should be judged by how we employ this specialty.

The best avenue for placing the American Negro on a par with the white man is to permit him to participate in our capitalistic system. We must find ways to produce successful business stories for the black race and to allow them to build personal profits and savings.

From firsthand experience I can tell you the job is not an easy one. There are very few Negroes who have had the advantage of a business school education, who have been taught marketing skills or can read a balance sheet. Most of the potential businessmen were brought up in families where there were no budgets, no checkbooks, and certainly no savings accounts.

Theodore Cross in his new book, Black Capitalism, points out that most Negro businessmen who have entered the business world are not credit worthy because of weaknesses in business and marketing skills. Poor past performance combined with prejudice has made it impossible for most blacks to attract credit, which we all know is the cornerstone of growth.

The blacks lack equity, they lack credit and they lack entrepreneurial skills—and hence, today, they simply don't own their share of businesses. Quoting further from Mr. Cross's book, let me share with you some startling statistics:

1. There are 11,755 businesses in Washington, D.C.—Negroes are 63% of the population; yet Negroes own only 1,500 of these 11,755 businesses.

2. There are 17,500 authorized automobile dealers in the U.S.—7 are black.

3. Out of over 6,000 radio stations in the country, over 100 of them direct their programming to black listeners—yet only 8 of the 100 so-called Negro stations are owned by Negroes.

Where does the bank lending officer come in? He is the fellow who has got to help find the missing equity, provide the credit despite the risks, and make certain that the required entrepreneural skills are forthcoming.

Perhaps you feel that a lending officer must never change his standards because of the color of an applicant. Well, today, that is simply not acceptable—it is not enough. This brings us back to the reparation's theory. A bank officer recently told me that he didn't discriminate in performing his job. He stated proudly that he always treated black loan applicants exactly like white applicants. That's like saying a school teacher is doing her job when she gives equal time and attention to all students regardless of background or talent. Equal treatment often adds up to discrimination, and the record shows this in some bank lending.

The business community is being buffeted on all sides by the problems of our decaying cities and of our underprivileged minority races. When the business community turns to the man who controls the purse strings, it expects imaginative and resourceful solutions to financial problems. Today the loan officer must learn to take a second look at these special problems. If he relies on textbooks, if he is afraid to experiment with new financial concepts, then the banking industry is ducking its responsibilities.

James Gavin, Chairman of Arthur D. Little, Inc., said in a speech recently, "New social and economic machinery cannot be designed with old tools" and, of course, that is correct. If we consider ourselves as experts in loans and financial guidance, yet won't allow our minds to stretch beyond the simplicities we were taught in school, such as the 3C's of credit, then we will soon see our role filled by others—probably the U.S. Government. We must be sufficiently creative in our thinking to conceive new solutions. Naturally, I am not suggesting that creativity or resourcefulness is any substitute for sound technical knowledge. The loan officer needs as much knowledge of accounting and as much front line experience today as he did ten or twenty years ago. But, if that is all he has—a knowledge of the rules and an awareness of how things worked in the past—then his chances for making a genuine contribution to today's problems are limited.

To become even more specific now, let me use some examples from Marine Midland's work in Rochester. One of the fundamental rules of bank credit is that a borrower must have adequate capital—one of the 3C's of credit. Certainly capital is an essential ingredient, but today you must be prepared to accept a broad definition of that word, *capital*. In Rochester there is an organization called "Better Rochester Living" that arranges for the purchase of rehabilitated homes in the ghetto. Through this organization a man can own his own home without a penny for down payment by repairing a rundown house using tools, supplies, and guidance from "Better Rochester Living." This is commonly called "sweat equity." The man's hours of work constitutes the down payment that makes the mortgage loan possible. The record of this approach to housing has been exceptionally good, since it creates in the new owner a special involvement and a determination to make regular payments. He also acquires a knowledge concerning proper maintenance of the home and, hence, sustained value.

There is a new manufacturing concern in Rochester called "Fighton" which provides another broadening definition of capital. This company is currently operating successfully with about 45 employes, all black and practically none skilled. We loaned this company several hundred thousand dollars, partially guaranteed by the Small Business Administration, without one penny of equity behind the venture in the traditional sense. In this case, the substitute for capital was a substantial training grant from the U.S. Department of Labor. The item due from the U.S. Government on one side of the balance sheet was simply booked as capital on the other. This unconventional accounting would find little acceptance in traditional banking circles; but, in the case of Fighton, it turned the trick and at least got the venture launched.

Another "C" of credit is character. The rule book says you should lend only to experienced businessmen of unquestioned character. A business loan to someone with a criminal record is normally avoided. Despite this we provided the financing for a Negro to purchase a small business recently who had both a police record and a record of a previous bankruptcy. Yet he is doing a good job and we believe this business will succeed. By digging a little, rather than just dropping the application, we learned that his previous business failure was due to economic circumstances beyond his control and that his former suppliers held a high opinion of his business ability. In other words, we made a little extra effort to try to justify a "yes" on the loan rather than take the easy course of saying "no." The traditional approach to sound banking dictates that, if a loan is going to be a problem or a work-out and perhaps is one that will be criticized by the examiners, then duck it—even if it is a money-good loan, properly collateralized. If you hold to that theory today, you may be practicing one type of sound banking but you will not be participating in black capitalism.

The third "C" of credit is capacity, or ability to repay. Can the business throw off sufficient earnings to pay back the loan? The book says that the way to measure capacity is to look at past experience. To quote from a recent article called "Fundamental Principles of Sound Bank Credit": "The single ingredient that is present in sound bank credit, secured and unsecured, is proven earning power." I shouldn't take issue with the so-called principles of sound bank credit; but, at the same time, I can tell you from experience that if you are looking for proven earning power before you approve a loan to the average man starting in business today, you just won't be making any such loans. The Small Business Administration has also had problems being realistic about proven earning power. Until recently, they said they would guarantee loans only when there was a reasonable assurance of repayment. Yet it is the lack of assurance of repayment which makes a bank seek a Small Business Administration guarantee, so its stand was somewhat ludicrous. Fortunately, there have been some significant changes in the attitude of the S.B.A., and today they more clearly see their proper role. If you have been discouraged with your dealings with the S.B.A. in the past, I suggest you give them a fresh try.

Under the heading of both Character and Capacity comes the additional subject of entrepreneurial skills. The majority of the Negroes we have placed in business were poor businessmen at the start. Based on the old standards, their inadequate education and training would have made them ineligible for business loans. The burden of filling the gap to a great extent fell on us, as their bankers. Let me illustrate the extent of our involvement:

1. We have had to set up insurance programs for new minority businessmen—and help them get coverage in some instances—even talking turkey to the agents who write the insurance for our bank on occasion to get cooperation where we felt it was justified.

2. We have done all the paper work on behalf of loan applicants, preparing cash flows and pro forma balance sheets for our own files and for those of the S.B.A. and others.

3. We have spent hundreds of hours trying to clear up poor credit records of our new customers, pleaded with suppliers to ship goods, argued with local credit bureaus to give a man a reasonably fresh start, and worked closely with Dun and Bradstreet and other credit agencies in attempts to have ratings updated.

4. We have tried to give marketing assistance by contacting our own customers to try and drum-up initial sales, and our advertising department has even helped prepare copy.

Initially, some are so dependent on our lending officers who specialize in black capitalism that when their basement floods they call us before calling the plumber. Fortunately, Rochester is blessed with an organization called "Rochester Business Opportunities Corporation." This is a non-profit organization supported by local business that seeks out potential black entrepreneurs, helps them find a modest amount of equity, or, if necessary, provides it for them through subordinated loans—and then attempts to assure their success by direct guidance. Without this organization Rochester would have failed in its efforts toward providing the Negro with "a piece of the action" yet, it is not staffed to do the job fully, so the banks must help steer these new businesses through their initial years.

As a bank officer, what meaning do these experiences have for you? Well, first you must learn to look beneath the surface and judge the overall skills of the black borrower and his staff in the context of this new world. You must find out if the borrower has access to specialists in bookkeeping, budgeting, legal work, marketing, et cetera. If those skills aren't available, then someone must set up a team to help him get started, either inside your bank or outside. If your community has an organization such as Rochester Business Opportunities Corp., then your task will be much easier. But you can't duck responsibility for continuing supervision of the affairs of the man you have placed in business. The black community needs success stories—not more failures. If you can't do the follow-up work, don't make the loan. You will be doing more harm than good.

I've painted a fairly frightening picture of the work involved in loaning to venturesome new businessmen. Extra work will continue until the business can be considered normal. You will be undertaking this work in full knowledge that your bank has more profitable short-term outlets for its assets. Furthermore, you can expect reprimands from many of your customers for offering special attention to nonwhites. But, what is the point in dwelling on these realities, when there is no alternative. The job has to be done.

In closing, I would like to support my case with a quote from a recently published book by John Gardner, "No Easy Victories." If you read Mr. Gardner's book, I think you will agree with his statement that:

"Today we can't afford not to take chances. I am always puzzled by people who talk as though the advocates of change are just inventing ways to disturb the peace in what would otherwise be a tranquil community. It would not otherwise be a tranquil community. We are not seeking change for the sheer fun of it. We must change to meet the challenge of altered circumstances. Change will occur whether we like it or not. It will be either change in a good and healthy direction or change in a bad and regrettable direction. There is no tranquillity for us."

Bank lending officers must play a major role in our country's efforts to make sure that inevitable change proceeds in a good and healthy direction.

HON. JOHN W. McCORMACK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. CONTE. Mr. Speaker, I rise today for a purpose both happy and sad. Happy, because it is an opportunity to pay tribute to a man I have respected since first making his acquaintance many years ago. Sad, because we are facing his departure from this Chamber and the prospect of carrying on without him.

JOHN W. MCCORMACK is a man who has known both the glory and the misery of dedicated public service. He has received the plaudits and praise that some men envy, and he has suffered attacks that no man would want to bear. Through it all, however, his dedication to his country and his service to that cause has remained constant.

Now this man who has led us as Speaker longer than any other but the late Speaker Sam Rayburn, is stepping down. Nothing we can say at this point can add significantly to the luster of his reputation, for it already shines with duties performed, challenges met, services rendered.

And yet we must try because we owe this steadfast patriot a great debt of gratitude. For 42 years he has sat in this Chamber representing his constituents from the Ninth Congressional District of Massachusetts. His service did not flag as his power and influence grew. His strength and his compassion did not leave him as the many battles grew long and tedious.

Even if JOHN MCCORMACK had never become Speaker of the House, his example would still be one of the greatest for all of us. And this body will be greatly diminished when he leaves.

Although I am of a different political party than the Speaker, and although I have differed with him on occasions, I can truthfully say that I know of no man

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more deserving of my respect than JOHN MCCORMACK.

I will feel I have done my work well, and I will be a happy man, if my service to the Commonwealth of Massachusetts and the Nation ever approaches that of our esteemed Speaker.

To JOHN W. MCCORMACK and to his beloved wife Harriett I can only wish all the best that this life offers. His record as a public servant, and their devotion as a couple, will guide the public and private lives of many of us in this Chamber for many years to come.

CHEMICAL AND BIOLOGICAL WEAPONS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. DELLENBACK. Mr. Speaker, writing in the May 1970, Scientific American, the eminent Harvard Biologist Dr. Matthew S. Meselson contributes a significant article to the literature on chemical and biological warfare. Concluding, as I did in my study CBW and National Security, that C–B weaponry has no place in the American arsenal, Dr. Meselson urges the rapid adoption of the 1925 Geneva protocol, including the provision to ban irritant gases and antiplant agents. To continue using these weapons is to increase the likelihood of the proliferation of chemical weapons, which can only result in breaking down the restraints against chemical warfare.

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For Dr. Meselson, the use of CS gas and defoliants in Vietnam presents a serious psychological break with the traditional taboos against using chemicals in combat situations. I believe, as does Dr. Meselson, that President Nixon, who has already taken impressive steps to reduce the hazards of biological warfare, should submit, as promised, the Geneva protocol, including the ban on irritant gases and antiplant agents, to the Senate for ratification.

Dr. Meselson has as deep a background in chemical and biological warfare as any American scientist or political figure. He has had access to State Department, Pentagon, and Arms Control and Disarmament Agency material on the subject while serving as a consultant to the National Security Council. In this position, he has been given more credit than any other individual for influencing the President's November decision on chemical and biological weapons.

I include in the RECORD not only Dr. Meselson's most recent article, but a biography that appeared in the New York Times on November 26, 1969, the day following President Nixon's historic announcement on the use of biological weapons:

CHEMICAL AND BIOLOGICAL WEAPONS

(By Matthew S. Meselson)

(NOTE.—The U.S. has renounced all forms of biological weapons and the first use of most chemical weapons. The issue of whether or not to include irritant gases and antiplant agents in the prohibition remains open.)

On November 25 of last year President Nixon announced a number of major decisions regarding chemical and biological weapons. He proclaimed that the U.S. will never be the first to use lethal or incapacitating chemical weapons and will not use biological weapons under any circumstances, even in retaliation. He also announced that he would submit to the Senate the 1925 Geneva Protocol prohibiting the use of chemical and biological weapons in warfare.

The President's statement left a question whether toxins, the poisonous but nonliving substances produced by some bacteria and other organisms, were included in the unconditional renunciation of biological weapons or only in the no-first-use pledge for chemicals. The question was resolved on February 14 when the President extended the policy for biological weapons to cover toxins as well. In order to remove a possible ambiguity, it was decided to renounce toxin weapons even if advances in chemistry should make it practicable to prepare them synthetically instead of by extraction from bacteria or other organisms.

Under the new policy the U.S. will destroy existing stocks of germ and toxin weapons and will no longer engage in their development, production or stockpiling. The U.S. biological program will be restricted to research for strictly defined defensive purposes, such as techniques of immunization.

In accord with these decisions on biological and toxin weapons, White House officials have stated that there will no longer be a need for secret work and that consideration is being given to the transfer for conversion to other purposes of our sizable biological weapons facilities at Fort Detrick, Md., and Pine Bluff, Ark., from the Department of Defense to nonsecret agencies such as the Department of Health, Education, and Welfare and the Department of Agriculture.

As to chemical weapons, the restraints are less sweeping. The U.S. reserves the right to continue the development, production and stockpiling of lethal and incapacitating chemical weapons. It pledges, however, never to use them first. The same pledge is embodied in the treaty commitment by the 84 states now party to the Geneva Protocol.

There are two types of chemical weapon whose use in war has not been renounced. They are the antiplant chemicals and the "riot control" agents, such as CS, employed by U.S. forces in Southeast Asia. The U.S. has maintained that these agents are not prohibited by the Geneva Protocol. Many nations disagree, which raises problems for U.S. ratification of that treaty. The President himself has made no statement regarding CS or herbicides. White House officials have said only that the use of these chemical weapons will continue "for the time being."

The President's decisions were based on a six-month review of U.S. policies and programs for chemical and biological weapons. The review was conducted under the auspices of the National Security Council, which coordinated the efforts of the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, the Central Intelligence Agency, the Office of Science and Technology and other branches of the Government. The subject was put under searching examination. The National Security Council considered the following topics: chemical and biological weapons that were already available and those that might conceivably be developed, the possible military value of each type of weapon in relation to other weapons at our disposal, the possible consequences of proliferation, strategic questions concerning the use of such weapons for threat or deterrence, the political and moral impact of their development and possible use, the potential hazards for civilian populations, possible defenses against the various weapons, and the policies and activities of other nations.

It was obvious and became more so as the review proceeded that such a study was long overdue. The U.S. had a large factory for producing germ weapons, even though no one had ever produced a convincing "scenario" for a case in which they should be used. Shortly before and during the National Security Council study, chemical weapons were involved in one disquieting incident after another, creating a political atmosphere favorable to the questioning of previous policies. A series of earthquakes that shook the city of Denver was traced to the massive subterranean disposal of chemical wastes at the Army's Rocky Mountain Arsenal. The accidental release of nerve gas in a test of an aircraft spray tank over the Dugway Proving Ground in Utah led to the death of thousands of sheep, some of them grazing as far as 40 miles away. Then there was protest against the Army's plan to ship 12,000 tons of outmoded nerve-gas bombs across the country from Colorado to be dumped in the Atlantic. Soon afterward there was an incident in which nerve gas escaped from U.S. munitions stored on Okinawa, and it was also revealed that nerve-gas munitions were stored in West Germany. Finally there had been newspaper articles to the effect that the Defense Department was testing biological weapons in the South Pacific and had conducted open-air tests of nerve gas in Hawaii without informing state officials.

The public reaction to these incidents can be gauged from the fact that the U.S. Senate voted 91 to 0 for a resolution requiring the review by the Public Health Service of any plan for the domestic transportation or open-air testing of lethal chemical agents or of any biological warfare agents. The resolution, which is now law, also requires the Defense Department to render semiannual reports to Congress on the investigation, development, testing and procurement of all agents of chemical and biological warfare.

Here I shall discuss first the nature of chemical and biological weapons (CBW) and their military implications, then the international effort that has been made to prevent their use, and finally the present situation. Although much work on CBW has been secret, the essential facts about the weapons are now in the open literature. Particularly noteworthy is the report of a United Nations group published last year and the subsequent World Health Organization report that specifically examines the potential effects on civilian populations. The UN report was prepared by a group of 14 consultant experts nominated by their respective governments. The U.S. participant was Ivan L. Bennett, Jr., director of the New York University Medical Center and former Deputy Director of the U.S. Office of Science and Technology. The American members of the WHO consultant group were Joshua Lederberg of the Stanford University School of Medicine and myself. Even more detailed than the UN and WHO reports is the forthcoming study by the Stockholm International Peace Research Institute.

Although chemical and biological weapons are linked together in the psychology, the customs and the international law that restrain their use, it is helpful to distinguish several categories for analyzing military characteristics and implications. I shall discuss five kinds of weapon: lethal biological weapons, incapacitating biological weapons, lethal chemical weapons, incapacitating chemical weapons and antiplant agents. The distinction between lethal and incapacitating is not altogether clear-cut, particularly under the extremely uncontrolled conditions of warfare. There is a continuous spectrum of agents from the highly lethal to the generally nonlethal, and even tear gas can be used together with bullets and bombs to increase casualties. Nonetheless, the arguments for and against lethal and nonlethal weapons deserve separate attention.

Let us first consider lethal biological weapons. They would operate by disseminating clouds of disease germs over the target area or upwind from it. The germs would then be inhaled by the target population. The disease anthrax is an example. Caused by the bacterium *Bacillus anthracis*, it is mainly encountered as a disease of domesticated animals that is occasionally transmitted to man. Because it is not very contagious among humans, natural cases of anthrax are generally localized rather than epidemic. If the bacteria were sprayed in the air in an aerosol, however, the effects could be devastating. The inhalation of approximately 50,000 spores of *B. anthracis* (total weight less than a millionth of a gram) is believed to be enough to cause a 50 percent chance of contracting pulmonary anthrax. Symptoms would first appear about a day after the attack. The onset might be mistaken for a common cold, but this would be followed by severe coughing, cyanosis, respiratory failure and death. Untreated pulmonary anthrax is almost always fatal.

The WHO report gives estimates of the area-coverage capability of various biological agents. For illustrative purposes the report assumes that one light bomber delivers in a single pass ground-functioning "bomblets" containing a total of 50 kilograms of dry powdered agent along a two-kilometer line at right angles to the wind. It is assumed that the intensity of atmospheric turbulence is less than a certain level, but not so low as to be at all unusual, particularly at night. The bomblets release the agent as an aerosol, which then drifts over the target area. Such calculations take into account the dissemination efficiency of the bomblets, the decay rate of agent infectivity, the rate of vertical dilution in the atmosphere, the rate of deposition on the ground and the dose-response curve for man. For an attack with anthrax spores the WHO report predicts a high mortality rate over at least 20 square kilometers. Although there are uncertainties in the quantities that enter into the calculation, the estimate is deliberately conservative. The UN report, in a similar estimate, considers an attack by a large low-flying bomber dispensing 10,000 kilograms of agent along a 100-kilometer line by means of a spray tank. The estimated area in which a high casualty rate would occur is as large as 100,000 square kilometers, depending on the particular agent used.

Among the lethal biological agents that might be considered for military use are the viruses of Eastern equine encephalitis and yellow fever, the rickettsia causing Rocky Mountain spotted fever, and the bacteria causing anthrax, plague, cholera, glanders and melioidosis. There are moderately effective vaccines and antibiotics against some of these diseases but none against others. Moreover, such protections might be overwhelmed by a massive attack, and for some agents antibiotics can be circumvented by the use of drug-resistant strains. Protection can be given by gas masks or air-filtered shelters if there is early warning of an attack, but no satisfactory early-warning device has yet been developed. In any case a program for supplying the civilian population with masks and shelters and maintaining discipline for their use would require a major and sustained economic and political effort—without achieving reliable protection against biological attack.

It is not be expected that biological warfare agents would be deliberately chosen to be contagious; that would maximize the risk of spreading disease far beyond the intended target, possibly to the territory of the attacker or his allies. Nevertheless, the unnatural conditions inherent in military operations create the possibility that widespread epidemics would be unintentionally started. There is also the hazard, difficult to evaluate, that the bacteria or viruses used in an attack, or even used in a field test, could subsequently emerge from exposed populations of humans, rodents, birds or other animals with increased persistent, virulence and contagiousness for man.

From this brief account it should be clear that lethal biological weapons would present a devastating threat of killing human populations over large areas. The threat is made particularly formidable by the relative ease with which such weapons could pass into many hands if the technology becomes established and if the customs and attitudes that have generally kept nations from pursuing the development of biological weapons should change. After several years of pursuing a biological weapons program that has not had adequate review or guidance from the Executive Branch, and that has been almost entirely shielded by secrecy from public and congressional knowledge, the U.S. has decided that the best way to minimize the threat of biological weapons is to renounce them altogether. The logical case for doing so rests on the realization that the possession of such weapons would add little, if anything, to our strategic-deterrent capability, whereas their proliferation would present a major threat to the U.S. and indeed to all mankind.

The second category of weapons to be considered is incapacitating biological weapons. An example is Venezuelan equine encephalitis. It is a virus that causes severe headache, nausea and prostration but that has a case fatality rate in natural epidemics of .5 percent or lower. Methods for disseminating incapacitating biological agents and the possibilities for defending against them are essentially the same as those for lethal biological agents. The use of incapacitating biological weapons might be considered in certain unlikely and extreme situations. Perhaps the most "attractive" scenario that has been proposed imagines the entrapment of a large friendly force by enemy troops deployed over an extensive area and intermingled with civilians. In this situation the employment of incapacitating biological weapons in forward and rear areas might impede the enemy advance long enough to allow reinforcement or evacuation of the friendly troops when the alternative might be to use nuclear weapons or to surrender.

Of course any decision to launch an incapacitating biological attack must face the fact that substantial numbers of civilians, particularly infants and the infirm, will almost inevitably be killed, even if the case fatality rate is only a few tenths of a percent. Beyond that there is the possibility that the fatality rate under military conditions might be much higher than the rate estimated from natural occurrences of the disease and from various kinds of experimental data. It is also important to note that this scenario assumes the *first* use of biological weapons rather than their employment in retaliation. This adds the additional risk of escalation and enlargement of the conflict that could result from the outbreak of germ warfare of any kind. A principal long-term cost to security of using incapacitating biological weapons, or even of maintaining them, would be stimulation of the proliferation of germ weapons, including lethal ones. The facilities for developing, producing and delivering incapacitating biological weapons are essentially the same as those required for lethal germs. International law and international custom do not distinguish between them.

To summarize, incapacitating biological weapons might seem logical in certain tactical situations, but such situations are most unlikely, and even then the risks would outweigh the possible gain.

Here a more general statement about germ weapons should be made. Such weapons have serious shortcomings from a military viewpoint. Their effects are not as predictable as those of other weapons. They might get out of control. Alternative and already available weapons are preferable, and the acquisition of a biological weapons capability would be an addition to, not a substitute for, preexisting military expenditures and programs.

Military officers and political leaders are strongly disinclined to use biological weapons, partly for practical reasons, partly because of unfamiliarity and partly because of the moral revulsion and apprehension that are undeniably associated with these weapons. There does not currently seem to be any serious interest in biological weapons in high military circles anywhere. Although such weapons could become a terrible menace, the likelihood of this is greatly reduced by the spectacular gesture of renunciation made by the U.S. This is the moment in history when the biological sciences, and their intimate linkage to the lifesaving ethos of medicine, may be spared from being recruited to serve military ends all over the world. Whether or not international biological disarmament can be ensured over the long run may ultimately be related to progress in chemical disarmament, for in the minds of many the two are linked.

Chemical weapons present a much more immediate problem. They were used in World War I and are stockpiled by the U.S. and the U.S.S.R. and are also possessed by several other nations. The distinction between lethal weapons and incapacitating ones have more practical importance here than it has with biological weapons. There are strong restraints against the use of lethal chemical weapons, and until recently nonlethal chemicals have been excluded from warfare as well. From an arms-control point of view there are important arguments for treating lethal and nonlethal chemicals together. Still, for the purpose of analysis it is useful to make the distinction.

Modern lethal chemical weapons employ the nerve gases first developed (but not used) by Germany during World War II. These agents are hundreds of times more poisonous than the poison gases of World War I; they kill when they are inhaled or when they are deposited as liquid droplets on the skin. The term "nerve gas" derives from the fact that these agents operate by interfering with the transmission of nerve impulses across synapses. They do so by inactivating the enzyme cholinesterase, which normally functions to terminate the transmission of a nerve impulse. In the presence of a nerve agent, nerve impulses continue without control, causing a breakdown of respiration and other functions. Death caused by nerve-gas poisoning results from asphyxiation. It is preceded by blurring of vision, intense salivation and convulsions.

The U.S. has stockpiled a variety of tactical nerve-gas weapons, and the U.S.S.R. is believed to have done so too. The weapons include mines, artillery projectiles, rockets, bombs and aircraft spray devices.

The U.S. stockpile includes two kinds of nerve agent. One is GB, a code name for isopropylmethylphosphonofluoridate. It is also known as Sarin and was produced in limited amounts by Germany during World War II. Sarin is a volatile liquid that evaporates at room temperature to a colorless and odorless gas.

Weapons containing Sarin release it as a spray, which then evaporates to create a respiratory hazard for unprotected personnel. The lethal exposure for man is estimated to be approximately 100 milligram-minutes per cubic meter. This means, for example, that a man would accumulate a lethal dose in 10 minutes if the concentration of Sarin in the air were 10 milligrams per cubic meter.

Since the hazard posed by Sarin is mainly respiratory, a gas mask provides good protection. Modern gas masks are capable of reducing the concentration of all known war gases, by a factor of about 100,000. In addition there are chemical antidotes for

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nerve agents that can provide protection if the dose of agent is not very great and the antidote is administered promptly.

The other kind of nerve agent in the U.S. stockpile is VX. The chemical formula of VX is still secret, although the WHO report suggests that the agent is ethyl S-dimethylaminoethyl methylphosphonothiolate. It is a member of a class of compounds first prepared in the mid-1950's in the course of a search for improved insecticides. (Sarin was also the outcome of insecticide research.) Also a liquid but several times more toxic than Sarin and much less volatile, VX is lethal either when inhaled or deposited on the skin. VX kills in a matter of minutes, and by contaminating the ground and objects on which it is deposited it can make an entire area hazardous for many days. It was VX that killed the sheep in Utah.

The lethal dose VX applied to the skin has been estimated to be from two to 10 milligrams, depending on the site of application. Since contact with even a small droplet of VX can be fatal, adequate protection requires the wearing of a special suit as well as a gas mask. The wearing of protective suits and masks is extremely cumbersome. They are mechanically awkward, and the buildup of heat is a serious problem. Fighting efficiency would be severely reduced by the wearing of full protective equipment and also by the strict observation of various special precautions necessary for survival in a lethal chemical environment. This kind of complexity in gas warfare was clearly recognized in World War I. In the words of one officer: "The range of problems was infinite. How would the soldier eat, drink, sleep, perform bodily functions, use his weapon, give and receive commands? How would he know when his immediate area was contaminated?"

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For tactical use against an enemy without protective equipment, lethal chemicals would be devastating. Against an enemy possessing suits and masks and able to impose the wearing of such gear on one's own troops by the threat of retaliation in kind, lethal chemical weapons would enormously complicate the battlefield without giving either side a major advantage. This argues for not initiating lethal chemical warfare. It also suggests, however, a reason for possessing lethal chemical weapons as a tactical deterrent if the other side is thought to have them. For example, if conventional land warfare should ever break out in Europe, with only one side in possession of lethal chemical munitions, that side might be tempted to use them in order to force opposing troops into protective gear while its own forces, taking advantage of their knowledge of the timing and location of the chemical attack, pressed the offensive. Having this knowledge, the argument goes, their operations would be considerably less complicated. It is this kind of analysis that presumably underlies the U.S. policy of maintaining lethal chemical weapons even though it is our policy never to initiate their use.

Both the plausibility and the accuracy of the foregoing scenario can be challenged. Many would maintain that a major war in Europe is extremely unlikely. It is even more unlikely that such a war could go on for many days without resort to nuclear weapons, in which case chemicals would become unimportant. Finally, it is argued, even in the event of a large nonnuclear war the use of chemicals would be strongly deterred by the risk that using such unconventional weapons to obtain any major advantage would trigger a nuclear response.

Clearly there are some risks in either approach. The second approach, however, would allow the renunciation of the possession of lethal chemical weapons.

Lethal chemical weapons could be produced by nonnuclear nations to provide a capability for strategic attack on urban populations. Under meteorological conditions favorable to the attack, a medium bomber or a converted commercial air transport can deliver enough nerve agent to kill a high proportion of unprotected people throughout the central region of a large city. For example, the WHO report estimates that an airborne attack across the wind along a two-kilometer line, releasing four tons of chemical agent over a city, would cause high casualties over an area of between two and 40 square kilometers, depending on the type of agent and muntions used. Given adequate warning a highly disciplined population could be defended against such an attack by a combination of gas masks, protective shelters and antidote therapy. Although strategic chemical weapons would add nothing significant to the arsenals of the nuclear powers, the proliferation of such weapons among the nonnuclear nations would obviously constitute a serious hazard. Even though it is unlikely that a small nation could deliver a chemical attack over a wide area of a country that has modern air defenses, it would be much easier to penetrate the air space over one or a few coastal cities.

It is also important to consider the possible role of lethal chemical weapons in "low level" conflicts. Today such conflicts are fought with high-explosive and flame weapons, which individually have limited area effect. Although such wars can be exceedingly destructive, they become so only when enormous quantities of weapons are used. (In Vietnam, for example, more than 6,000 tons of ammunition were expended by the U.S. daily in 1968.)

Many of the types of munitions used in limited war, however, could be filled with lethal chemicals. In such a case the "kill area" of lightweight munitions such as mortar shells and rockets could be increased by a factor of as much as 100. Even though combatants could be provided with protective equipment, such weapons would be devastating to military units caught unprepared and to civilians in urban areas. Small military units would begin to acquire strategic capabilities against cities.

It is apparent, therefore, that chemical weapons constitute a menace far beyond their possible tactical employment by the major powers. It is this menace that provides one of the chief arguments for chemical and biological disarmament. A concluding but often overriding restraint on the tactical use of lethal chemicals, particularly when the battlefield is on friendly soil, is that their large-scale employment could cause heavy casualties among undefended civilians in the combat zone and out to considerable distances downwind.

Although U.S. policy now treats toxins in the same way as biological weapons, by renouncing even their possession, the UN report classifies toxins as chemicals because they do not reproduce. Toxins are poisonous substances produced by living organisms including plants, animals and bacteria. Examples are ricin from the castor bean, tetrodotoxin from the globefish and botulin from the bacterium *Clostridium botulinum*. Some toxins, such as botulin, are highly lethal to man; others, such as the staphylococcus enterotoxin (the substance responsible for staphylococcal food poisoning), are usually only temporarily incapacitating.

Even though toxins are not capable of reproduction and therefore cannot cause epidemics, they do induce many of the same symptoms associated with infection by disease organisms. Indeed, the principal pathological symptoms of several bacteriological diseases are thought to be caused by toxins produced within the human body by the living microorganisms. Thus toxin weapons, both in terms of the means of their production and the symptoms they cause, are closely related to the biological ones.

For use as weapons toxins could be dispersed as aerosols in much the same way as biological and chemical weapons. Because toxins are not absorbed effectively through the skin, gas masks would provide protection, as would shelters fitted with special air filters. Protection can also be afforded by prior immunization with specific toxoid. Each toxoid, however, is effective only against a particular kind of toxin, and for some toxins the margin of protection is no enough to be of practical significance.

The chief military argument for having toxins is that, because of their great potency, the weight of toxin munition needed to cover a given area would be lower than the corresponding requirement for standard chemical munitions. There are several technical reasons to question whether this is so, but even if it were, the saving would not be of very great importance for major military powers with their large logistic capability. An active U.S. toxin weapons program would have run counter to the President's decision to demilitarize and declassify U.S. biological weapons research and production facilities and would have made it impossible for the U.S. to take an unequivocal and convincing stand against the uses of disease as a weapon of war.

The first chemical weapons to be employed in World War I were nonlethal. It is reported that some soldiers brought police tear-gas cartridges to the front. Soon both Germany and France began using artillery shells containing tear gas, and thousands of these shells were fired months before the famous German attack at Ypres with chlorine gas released from cylinders. Tear gas and other irritant chemicals continued to be used throughout the war—more than 12,000 tons in all. Even larger quantities of such chemicals were prepared but not employed by the belligerents on both sides in World War II.

Modern incapacitating chemical weapons are of two types, one with effects lasting considerably beyond the period of exposure and one with brief effects. President Nixon's renunciation of the first use of incapacitating chemicals has been applied only to the longer-lasting type. An example of this type is the U.S. agent BZ. This is a psychochemical, the chemical identity of which is still secret, although the WHO report speculates that it belongs to the family known as benzilates. BZ is a solid that can be dispersed as an aeorsol to be inhaled by enemy personnel. It affects both physical and mental processes, causing blurred vision, disorientation and confusion. Its incapacitating effects can last for several days.

Although BZ has been standardized as a weapon by the U.S. Army and munitions have been loaded with it, it is not regarded as a very satisfactory incapacitating agent. It can elicit unpredictable and often violent behavior. Men sufficiently motivated to fight may do so more tenaciously under its influence. Furthermore, BZ has serious effects on the body's water-balance and temperature-regulation mechanisms that could lead to death, particularly under hot, dry conditions. Much effort has been devoted, without success, to finding a long-lasting incapacitant without these drawbacks or similar ones.

The principal short-term incapacitant now in military use is CS (orthochlorobenzalmalonitrile). This compound was first synthesized in the U.S. in the 1920's. After World War II it was developed by the British government as a riot-control agent and named after its American discoverers, Ben Corson and Roger Staughton of Middlebury College. When employed for military purposes, it is more accurately described as a harassing agent.

The first CS munitions operated by vaporizing the agent from a pyrotechnic mixture. The CS then condenses to form an aerosol of micron-sized particles. Pyrotechnic CS is used in grenades, rockets, artillery shells and cluster bombs. A newer form is designated CS–2. Used in both bulk-disseminating devices and bursting bombs, it is a powder consisting of micron-sized particles treated with silica gel and silicone compound to improve its flow properties and persistence in the field. CS–2 can be effective in the field for several weeks. It is reintroduced into the air by the wind and the movement of people and vehicles.

The effects of CS depend on the particle size of the aerosol. Particles larger than some 50 microns exert their predominant effect on the eyes, whereas smaller particles are more effective as lung irritants. For military use CS–2 is milled fine enough to achieve the latter effect. Exposure to either form of CS causes intense pain in the eyes and upper respiratory tract, progressing to the deep recesses of the lungs and giving rise to feelings of suffocation and acute anxiety. In humid weather moderately heavy skin exposure can cause severe blistering that requires many days for healing.

If exposure is not excessive, the symptoms usually pass within a few minutes after the exposure ends. The lethal dose for man, as estimated from animal experimentation, is very much higher than that required to cause intense irritation. Nevertheless, heavy or prolonged exposure, such as might be expected in confined spaces or in close proximity to a munition emitting the agent, could cause serious lung damage and death, particularly among infants and the infirm. No long-term aftereffects of moderate exposure to CS have been demonstrated. Although investigations of this possibility are now under way, they have not been completed.

For military purposes CS has supplanted older harassing agents such as ordinary tear gas (CN, or chloracetophenone) and the emetic and respiratory agent known as adamsite or DM.

When used in war against unmasked personnel, harassing agents are effective in forcing an enemy from cover to face capture or hostile fire, to deny him terrain or to upset his fire. Against masked personnel harassing agents are very much less effective, although they reduce fighting efficiency somewhat by forcing men to put on masks. The first major application of harassing gas in combat since World War I has come in Vietnam, where more than 14 million pounds have been used by U.S. forces. At first U.S. policy was to use CS only when its employment would be more humane than the use of more lethal weapons. For example, on March 24, 1965, following the first newspaper reports of U.S. use of nonlethal gas in Vietnam, Secretary of State Dean Rusk made the following statement: "We do not expect that gas will be used in ordinary military operations. . . . The anticipation is, of course, that these weapons will be used only in those situations involving riot control or situations analogous to riot control."

For five months following Rusk's statement the use of harassing agents in Vietnam ceased completely. Then an event took place that put the use of CS in the most attractive possible light and probably played an important role in bringing about authorization for its renewed employment. On September 5 a Marine officer came on a cave where civilians were thought to be intermingled with Vietcong soldiers. Faced with a choice between sending in a assault force, throwing in CS grenades or abandoning the mission, he decided on CS. It was reported that several enemy soldiers and 400 civilians emerged without injury to noncombatants. Following this incident soldiers and field commanders found a wide variety of uses for CS in regular combat. Soldiers encountered many situations in which it could be used to inflict casualties on the enemy and otherwise perform their mission while reducing their own losses. One of the major uses of CS in Vietnam is to flush enemy soldiers out of bunkers preceding high-explosive fire or infantry assault.

The overall utility of CS in Vietnam is not known, no systematic studies have been made. It has nonetheless been a popular weapon, and under this pressure from the battlefield its use has expanded greatly. One indicator is the yearly record of Army procurement of CS for Southeast Asia, which rose from 253,000 pounds in fiscal year 1965 to 6,063,000 pounds in 1969. Another indicator is the rapid proliferation of experimental and newly standardized CS munitions developed by the Army. As recently as July, 1966, military manuals listed only five types of CS weapons: two grenades and three bulk disseminating devices. Since then 18 new CS munitions have appeared, ranging from grenades with delayed-action fuzes for air drop up to 105-millimeter and 155-millimeter howitzer projectiles, various mortar and rocket munitions and a number of aircraft bombs with area coverage ranging up to a square kilometer.

It is sometimes argued that nonlethal chemical weapons would make war more humane. There is good reason, however, to expect the opposite. As long as lethal weapons are employed in war, if nonlethal chemicals are introduced, it must be expected that they will come to be employed not by themselves but rather in coordination with the weapons already in service, in order to increase the overall effectiveness of military operations. Certainly this has been so in the case of the agent CS.

The expansion of CS use in Vietnam has given rise to two widespread concerns. The first is that the U.S. has departed from its original humanitarian justification for the use of chemicals in war. Second, it is becoming increasingly clear that the long-term arms control cost to the U.S. may be severe. I shall return to this point.

The last category of chemical weapons to be considered here is antiplant agents. These agents were first developed for military purposes during World War II and subsequently came into wide use for weed control. Near the end of the war some consideration was given to using them to destroy rice being cultivated by Japanese soldiers in isolated island strongposts, but the plan was never authorized. Herbicides were used on a small scale to clear roadsides by the British in Malaya during their military operations there in the 1950's.

The use of herbicides in Vietnam was first authorized on an experimental basis in 1961. They next came to be employed there for increasing visibility along roads and waterways and on the perimeters of military installations; then for the destruction of crops thought to be destined for enemy consumption, and finally for the treatment of large areas suspected of harboring enemy base camps or supply routes. By mid-1969 approximaetly five million acres had been sprayed, 10 percent of it cropland. Following a peak in 1967, anticrop operations were substantially reduced, reflecting adverse criticism of both their propriety and their effectiveness.

Three principal antiplant agents or mixtures have been in service. They are designated Orange, White and Blue. Agent Orange is an equal mixture of the n-butyl esters of 2,4-dichlorophenoxy-acetic acid (2,4-D) and 2,4,5-trichlorophenoxyacetic acid (2,4,5-T). The agent is mainly directed against forest vegetation. It is applied undiluted at three gallons per acre, approximately 25 times the average amount for domestic application. Within a week or more after its application the leaves fall from most jungle trees. Orange has been the antiplant agent most widely used in Vietnam, but recently its employment has been suspended because of concern that 2,4,5-T may cause human birth defects.

Agent White is a 4: 1 mixture of the triisopropanolamine salts of 2,4-D and 4-amino-3,4,6-trichloropicolinic acid. The latter component is known as picloram. The agent is sprayed from a water solution at a rate of approximately 7.6 pounds of total herbicide per acre. It is genearlly used for the same purposes as agent Orange, although its somewhat lower volatility makes it preferable for operations while drifting would be a hazard, as in the vicinity of rubber plantations. The extreme resistance of picloram to biodegradation has been a factor in limiting its employment.

Agent Blue is a water solution of sodium dimethylarsinate, applied at the rate of nine pounds per acre. It is used mainly against rice.

Any evaluation of the military effectiveness of herbicides is made particularly difficult by the fact that they exert their effects on the enemy only indirectly and after a substantial time lag. Certainly the most dubious form of antiplant warfare from a military point of view is crop destruction. It is not generally possible to distinguish crops destined for noncombatants from those to be consumed by soldiers. Indeed, both common sense and the experience of many wars show that when the food supply is restricted, it is the civilians and not the soldiers who go on short rations, and it is the children who are most harmed by malnutrition.

There is very little quantitative information about the overall military utility of herbicides used to improve visibility. There is no doubt that the leaves drop and visibility is thereby improved. As a result an enemy will generally choose to avoid such areas. Nonetheless, an enemy commander will not withdraw his men from action; he will deploy them elsewhere. Thus for every soldier who gains protection from improved visibility there may be another soldier or civilian receiving fire from a redeployed enemy soldier. Obviously the trade-off will not be precisely equal, but this effect will act to exaggerate the apparent military effectiveness of herbicides.

Certainly in some situations there are alternatives to chemical defoliants. In Vietnam giant plows, often working under the protection of military escorts, have been used to clear more than 500,000 acres. Where possible, this method is more effective than the aerial spraying of chemical defoliants because it removes branches and trunks as well as leaves.

I have attempted to keep the foregoing discussion factual in order to define the issues. Emotions run high on the subject of chemical and biological weapons, however, and few persons can discuss the subject without expressing or evoking strong feelings about whether or not it is wise to use or even to possess such weapons. The strong feelings generated by these weapons have been responsible for the fact that historically they have been singled out for special efforts at arms control. The most important international effort to prohibit the use of such chemical and biological weapons is the Geneva Protocol of 1925. It prohibits (1) "the use in war of asphyxiating, poisonous, or other gases, and of all analogous liquids, materials or devices" and (2) "the use of bacteriological methods of warfare." The protocol does not prohibit research, development, testing or production of gas or germ weapons. It does not prohibit the use of such weapons in reprisal against their first use by the enemy. It does not prohibit the use of riot-control gases or other agents for domestic police purposes. It does not prohibit the use in war of nontoxic smokes used for concealment or of flamethrowers, napalm or other incendiary weapons. The language of the Geneva Protocol is derived from the peace

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treaties of World War I, which treated gas warfare as already prohibited and specifically forbade the manufacture and importation of war gases by Germany and her wartime allies. On the initive of the U.S., an article based on the language of the peace treaties was incorporated in the 1922 Washington Treaty on Submarines and Noxious Gases. At the urging of President Harding, Secretary of State Charles Evans Hughes, Senator Elihu Root and a presidentially appointed advisory committee of prominent citizens, the Washington Treaty passed through the Senate with no dissenting votes. Although ratified by the U.S., Great Britain, Italy and Japan, this treaty never came into force because France, whose ratification was required, objected to its provisions on submarines.

The U.S. again pressed for a prohibition against gas warfare at the 1925 Geneva Conference on the Limitation of Arms, proposing language on gas essentially identical with that of the Washington Treaty. The prohibition was extended to cover "bacteriological methods of warfare" at the suggestion of Poland. The resulting treaty—the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare—was signed by representatives of 38 nations on June 17, 1925.

The Coolidge Administration and the various supporters of the protocol seem to have assumed that the Senate would give its consent as readily as it had to the Washington Treaty. Almost nothing was done to prepare the case for ratification or to mobilize public support. Meanwhile the Army Chemical Warfare Service, the American Legion, the American Chemical Society and segments of the chemical industry organized the opposition. The arguments made against ratification were that the protocol would be ignored in time of war and that poison gas was more humane than bombs and bullets. The protocol was debated but not acted on by the Senate—apparently because the majority leader did not have the votes. It remained on the Foreign Relations Committee docket until 1947, when President Truman withdrew it together with several other long-pending treaties.

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By 1939 the Geneva Protocol had been ratified by 44 nations, including all major European powers. At the outbreak of World War II, England, France and Germany exchanged assurances that they would abide by the protocol. In 1943 President Roosevelt declared that gas warfare was "outlawed by the general opinion of civilized mankind" and that "we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies." Japan is believed to have used gas against China before our entry into the war but otherwise gas was not used in World War II. The threat of retaliation provided a sanction. The restraint was reinforced by widespread abhorrence of gas and germs and by military skepticism regarding their utility, but it was the protocol that placed gas and germs in a distinct category and provided a clear standard on which the belligerents could base their conduct.

Since World War II the U.S. has on numerous occasions declared its support for the no-first-use principle of the Geneva Protocol. When President Eisenhower was asked at a press conference if he planned a change in our no-first-use policy, he said: "No official suggestion has been made to me, and so far as my own instinct is concerned, it is not to start such a thing first." During President Johnson's Administration the U.S. supported resolutions passed in 1966 and 1968 by the UN General Assembly, calling for "strict observance by all states of the principles and objectives of the Protocol" and "inviting all nations that have not done so to accede to the Protocol." Some statements, however, have made the U.S. position seem ambiguous. For example, the U.S. Army manual *The Law of Land Warfare*, last issued in the 1950's, states that the Geneva Protocol is "not binding on this country."

A total of 84 nations are now parties to the Geneva Protocol; 16 of them have ratified it since the 1966 UN resolution. The parties include all North Atlantic Treaty Organization members except the U.S., all members of the Warsaw Pact including the U.S.S.R. and all nuclear powers (other than the U.S.), including the People's Republic of China. All major industrial nations except Japan and the U.S. are parties. The protocol has been signed but not ratified by the U.S., Brazil, El Salvador, Japan, Nicaragua and Uruguay.

Whether or not the protocol prohibits the use of harassing agents and antiplant chemicals is a subject of some dispute. On the first occasion when nations were canvassed for their views on the status of tear gas (at a League of Nations Commission in 1930). Canada, China, France, the U.S.S.R. and several other nations agreed with the declared British position that "the use in war of 'other' gases, including lachrymatory gases, was prohibited." None of the nations then party to the protocol made objections to this view. The U.S. delegate, however, expressed hesitation over any commitment to refrain from the use in war of agencies used in peacetime by domestic police and whose use in combat would be "more clearly humane than the use of weapons to which [nations] were formerly obliged to resort." Two years later the League Disarmament Conference unanimously recommended that the use of all gases, including tear gas, be prohibited in war. This view was accepted by the U.S. with the understanding that it did not apply to the use of tear gas for police purposes. The discussions were not directed at the Geneva Protocol but at devising a comprehensive disarmament treaty, an attempt that was disrupted by the approach of World War II. The question did not come up again until 1965, when questions were first raised about our employment of CS and herbicides in Vietnam.

Responding to these questions in 1966, the U.S. representative to the General Assembly stated that the protocol does not prohibit "the use in combat against an enemy, for humanitarian purposes, of agents that Governments around the world commonly use to control riots by their own people" or of chemicals used to control "unwanted vegetation" for agricultural and other peaceful purposes. At the time these views were contested mainly by the U.S.S.R. and its allies. As the scale of chemical operations in Vietnam has increased, however, the U.S. position has come under mounting attack. Last summer Secretary General U Thant urged the members of the UN to "make clear affirmation" that the protocol prohibits the use of all chemical agents, including tear gas, in warfare. Last winter India, Mexico, Sweden and 17 other nations proposed in the General Assembly a resolution holding that the Geneva Protocol prohibits the use in war of all chemical agents directed at men, animals or plants. The resolution was passed by a vote of 80 to three, with 36 abstentions. Portugal, Australia and the U.S. voted against the resolution.

Since then the British government has declared that CS is exempt from the Geneva Protocol, although Britain still considers the tear gases known in 1930 to be prohibited. The British argument was that CS is less toxic than older tear gases, but it is generally thought that the real motivation of the cabinet was to avoid risking charges that the use of CS for riot control in Ulster was illegal. If so, this reflects a confusion regarding the meaning of the Geneva Protocol, which by its terms prohibits the use of gas only in warfare. The distinction between the use of tear gas for domestic police purposes and the prohibition of its use in war has been observed without difficulty by many nations ever since World War II. Even Sweden, a nation that has led the opposition to the use of tear gas in war, uses it in riot control at home. Ironically, it may be that the massive use of CS in war and the excesses this breeds will generate serious opposition to its domestic use.

As the U.S. moves to ratify the Geneva Protocol, the Administration must decide on a policy regarding the use of harassing agents and herbicides. There is no great difficulty in identifying the pros and cons of maintaining an option to use these agents in war. The difficulty arises when one attempts to quantify the various arguments and then to place values on them in order to reach conclusions.

The principal gain to the user of these agents in war is that to some extent they enable him to increase enemy casualties and to reduce his own. These agents, however, are of significant effect almost only in counterguerilla warfare and, in the case of CS, only if opposing troops are unprotected by gas masks. Hence the arguments for keeping these weapons become important to the extent that a nation anticipates involvement in such wars. CS can be expected to lose its advantage in any case, for once the impression is created that one's forces will use gas, supplies of masks will become much more available throughout the world. North Vietnamese troops in South Vietnam are now largely equipped with fairly good Chinese Communist gas masks, and increasing numbers of the excellent Russian Shlem masks are appearing. Even for guerillas the expense of masks is not great.

The main threat to security of continuing the use of these agents is the increased likelihood of proliferation of chemical weapons and of the breakdown of the restraints against chemical warfare. Our employment of harassing gas in war, particularly when it is done on a large scale in conjunction with ordinary military operations, stimulates military planners in other nations to secure gas masks, initiate chemical training and upgrade chemical cadres and to consider acquiring for their own nations chemical weapons of various types, including lethal ones.

The large-scale military employment of antiplant chemicals poses ecological and public health problems of which we still know little but that could be most serious in the long run. The precedent of countenancing large-scale alteration of the environment in the conduct of war has obvious perils. Moreover, in many parts of the world use might be made of chemicals as agents of starvation and economic warfare against the civil population. Because of the relative ease with which this tactic can be practiced, it would be difficult to stop once the precedent is set.

The general problem of preventing chemical and biological warfare is to a large extent a psychological one. Perhaps the central problem is to prevent the application of biochemistry and biology to the opening up of a new and highly unpredictable dimension of warfare. If we can maintain and reinforce the traditional expectation that no gas or germs will be used in war, there will not be much pressure for these weapons to proliferate.

The psychological aspect of the problem has been understood by essentially all nations, including the U.S., ever since World War I. Recently, however, a dangerous break with tradition has been allowed to occur and to escalate in Vietnam. Many who have studied the problem consider the use of chemical weapons there, even though they are not lethal chemicals, to be the major and most immediate threat to the barriers that prevent chemical warfare.

If we can accept the loss of our option to use harassing agents and antiplant chemicals as weapons of war, then, judging from the recent vote in the General Assembly, it appears likely that all important nations of the world could be brought to agree. If, on the other hand, the long-observed rule of "No chemical and biological weapons" is abandoned, there will be no unique and equally simple standard on which national practice and international agreement can be based.

ACTIVIST GERM WAR FOE: MATTHEW STANLEY MESELSON

(By David Rosenbaum)

WASHINGTON, November 25.—In 1963, Dr. Matthew S. Meselson, a young but relatively well-known geneticist from Harvard, came to Washington to work for the summer as a consultant to the Arms Control and Disarmament Agency. When he arrived, he was assigned to study European nuclear problems. But this seemed to him such a vast area—one in which he could contribute little of importance in a three-month period—that he asked to be reassigned to investigate the Government's chemical and biological warfare programs.

"I wrote one paper, and it was filed away some place and probably forgotten," Dr. Meselson said in a telephone interview today. "But I became deeply concerned about the problems."

As a result of this concern, Dr. Meselson spent at least half his time over the last six years working behind the scenes to bring about a change in the Government's policy on germ and chemical warfare.

INFLUENCE ON PRESIDENT

There are many here in Washington and in the academic community who give Mr. Meselson more credit than any other individual in influencing the decision on chemical and biological warfare that President Nixon announced today.

Occasionally, Dr. Meselson made public appearances to state his case against germ and gas warfare. In 1965, he coordinated a petition against chemical and biological weapons, obtained the signatures of 5,000 scientists and delivered the petition to the Kennedy Administration.

This summer, in conjunction with the Salk Foundation he organized a conference on chemical and biological weapons in Cambridge. And earlier, he testified in closed session before the Senate Foreign Relations Committee.

But, in the main, Dr. Meselson's work was quiet, undramatic and out of the public view.

He had a special avenue into the present Administration, having been a close friend and neighbor in Cambridge, Mass., of Henry A. Kissinger, the President's national security adviser.

Given complete access to material at the State Department, the Pentagon and the Arms Control and Disarmament Agency, Dr. Meselson developed as deep a background in germ and gas warfare as anyone in the country, and, with gentle and quiet persuasion, he was able to bring more and more government officials around to his view.

CALLS WEAPONS USELESS

"I took the approach of a military planner," he said in the interview. "I tried to persuade people that these weapons were useless, that they were intended to kill the population and we already had other weapons that could do that. The real hazard of lethal germs is that they can kill whole cities."

Matthew Stanley Meselson was born May 24, 1930, in Denver. He graduated from the University of Chicago in 1951 and received his doctorate from the California Institute of Technology in 1957. He has been on the faculty of Harvard since 1960 and has been a full professor of biology since 1964.

In 1957, while doing postdoctoral research at Cal Tech, Dr. Meselson, along with another young scientist, Frank Stahl, performed critical experiments showing how DNA (deoxyribonucleic acid), the master chemical of life, replicates itself.

A thin and rather intense man, with dark hair, Dr. Meselson was married last summer to Sarah Page, who used to work in his laboratory. A previous, childless marriage had ended in divorce.

He said today he was "pleased" to hear of the President's decisions on chemical and germ weapons. But he said he would continue his efforts to press for a strict Government policy on the use of tear gas and defoliants. "What is really needed," he said, "is a technical study with other nations to agree on a line on these weapons."

Dr. Meselson believes that tear gas and herbicides have some legitimate uses—tear gas in domestic crowd control, for instance—but he thinks that their use as an offensive military weapon should be curtailed.

For vacations, Dr. Meselson travels to the South Sea Islands and the Caribbean to skin dive and take underwater photographs. His office, off his laboratory, is filled with books about such places as Tahiti and Bora Bora.

His unflappable nature was exhibited in a restaurant here a few weeks ago. After he had had a hamburger lunch, the waitress asked him if his meal has been satisfactory.

"You might tell the chef," the biologist replied, quietly and without emotion, "that his meat is nearly ready to go bad."

THE VIETCONG STRATEGY OF TERROR

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. SPRINGER. Mr. Speaker, I attach herewith my newsletter of this week regarding a recent monograph by Douglas Pike, a U.S. Information Service officer, titled, "The Vietcong Strategy of Terror."

I am sure that many of my colleagues in the House will be interested in reading this newsletter.

The newsletter follows:

THE VIETCONG STRATEGY OF TERROR

Suddenly, and in a rather unexplained fashion, there have come a series of articles recently in various U.S. publications denying that a Communist takeover of South Vietnam would result in the murder of hundreds of thousands of South Vietnamese civilians.

An article recently written by a leading U.S. government expert now contends that the Viet Cong would eliminate some three million people if they won decisively in South Vietnam.

The author of this paper is Douglas Pike. He has written two books on the Viet Cong and is now a U.S. Information Service officer in Tokyo. His 125 page monograph, written earlier this year, is titled, "The Viet Cong Strategy of Terror."

This is in reply to those who recently have been denying that the Communists would wipe out their potential opponents if the Viet Cong took over South Vietnam.

Pike contends that the massacre would go on in secret after all foreigners have been expelled from Vietnam. He cites a list of fifteen categories of persons who would be murdered, saying such a list of categories was found in a captured document. Pike notes a statement by Colonel Tram Van Dac, one of the highest ranking Communists ever to defect to the Saigon regime, that "there are three million South Vietnamese on the blood debt list."

Current Viet Cong doctrine, Pike contends, calls for terror for three purposes generally: 1. to diminish the allies' forces; 2. to maintain or boost Communist morale; and 3. to scare and disorient the populace. He says the North Vietnamese now seem to be moving more and more toward a terror strategy as part of a new kind of protracted war. In Central Vietnam, Pike writes, Viet Cong are given terror quotas. As an example, he cites that special intelligence Viet Cong squads, in parts of two provinces, were told to "annihilate" 277 persons during the first half of 1969.

Pike has written the most detailed analysis of the killings at Hue that has yet been seen. "Despite contrary appearance, virtually no Communist killings were due to rage, frustration or panic during the Communist withdrawal" from Hue, which the Viet Cong held for 24 days in February, 1968.

"Such explanations are often heard," he continues, "but they fail to hold up under scrutiny. Quite the contrary, to trace back any single killing is to discover almost without exception, it was the result of a decision rational and justifiable in the Communist mind."

After the capture of Hue, the Communists set out to reconstruct Hue's society, eliminating not just specific individuals, but whole categories of citizens whose existence prevented a new revolutionary society. It is estimated that about 2,000 of the 5,800 people killed at Hue were slain during this second phase. Eventually, the Communists realized they were going to lose Hue and would have to abandon the city. This realization led to phase three, Pike writes: "elimination of witnesses."

And succinctly, Pike adds this thoughtful and provocative ending: "It would not be worthwhile nor is it the purpose of this monograph to produce a word picture of Vietnamese Communists as fiendish fanatics with blood dripping from their hands." He says he wants to describe how the Viet Cong use and justify terror as a critical part of their war strategy. "If there be any at this late date who regard them (the Viet Cong) as friendly agrarian reformers, nothing here in this paper could possibly change that view."

MADRIGAL SINGERS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. ESCH. Mr. Speaker, the University Madrigal Singers at Eastern Michigan University is well known in my district and, indeed, throughout the Midwest and Nation as a truly outstanding musical group. Under the inspired leadership of Mrs. Emily Lowe it has explored the vast choral repertoire of the 16th century. But, with skill and versatility, it has also performed other fine music including chamber works by contemporary composers.

The Madrigal Singers have been working throughout the past school year to earn money for a tour in England. This is a 20-day structured itinerary, sponsored by the International Education Exchange Committee.

One result of the trip will be an exchange with 18 members of the Berkshire College of Education's girls' choir of Reading, England, who will present a concert on the Eastern Michigan University campus in July.

Mr. Speaker, this choir is a tribute to the goal of excellence. I wish them well in all their activities.

THE HONORABLE JOHN W. McCORMACK

HON. HARLEY O. STAGGERS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. STAGGERS. Mr. Speaker, announcement of the impending retirement from these legislative halls of free men of the beloved and admired Speaker of the House brings a stunned silence to the cacophony of discord rising elsewhere in the Nation. We did not realize that we were so near the end of an era.

In the silence, "the past rises before us like a dream," and we see a band of Pilgrims mooring their bark on the wild New England shore. Before leaving their ship, they drew up a "compact," in which they agreed to stand together and to obey rules made by themselves for the common good. They further pledged themselves to a peaceable, orderly, and industrious life. And so was born the distinguished State of Massachusetts.

Historians remark that "Massachusetts has occupied a singular position in our national history. It has always been the heart of New England, and has contributed some of the best streams of influence to our national development and character." Speaking of some of the illustrious sons of the Old Bay State, these historians characterized them as representing "intellectual and moral integrity of the highest type."

The "compact" still stands, and the influence of New England beginnings dominates the careers of the men who have served Massachusetts and the Nation through three and a half centuries. One after another long line of patriots, statesmen, savants, and philosophers has appeared to add luster to the name of Massachusetts. Early in Colonial history an empire of learning was set up which still rules the intellectual world. From it sprang writers and orators whose words still breathe the ideals of freedom and justice. When the hot winds of revolution swirled along the Atlantic coast, it was in Massachusetts that brave men first dared to raise their hands against injustice and oppression, and the blood of courage joined to conviction stained the soil of Lexington and Concord.

To rehearse the words and the deeds that have found origin in the Commonwealth of Massachusetts is but to explain the character of the distinguished gentleman who has presided over the deliberations of the House for more than 8 long and conflict-ridden years. And that is only a fraction of the period during which his influence has risen like a tall Cedar of Lebanon over the affairs of a nation rising out of the ashes of despondency and disillusion to a position of unsurpassed achievement.

JOHN W. MCCORMACK came to Washington at the beginning of an era. It was his good fortune to join a force of farsighted statesmen who could see through the gloom of a depression to the honor and prestige which surround a nation working for the betterment of humanity. One legislative act after another opened up the resources and the latent powers of our economy, and provided the stimulus for the utmost exertions of our genius and ability.

What has evolved is a new world, scarcely recognizable in the remembrance of the one we left behind—a world richer and more conscious of justice and tolerance, more aware of the nature of evil, and more dedicated to the cultivation of the good.

Eventually the record of the progress of the last half century will be engrossed, and the separate acts to which Speaker MCCORMACK has contributed his spirit and his character will stand out like milestones along the road of economic, social, and moral advancement.

Throughout his career, Mr. MCCORMACK has been a fighter. Yet the cold steel of animosity has never glittered in his hand. We know him as the gentlest of men, loyal to his friends, always fair to those who would oppose him, interested only in pursuing the requirements of his intellect, his conscience, and his duty to his Maker and his country. No Member of this body has ever found him too busy or too indifferent to listen to a personal problem. Not a one of us can find difficulty in recalling a special favor he has bestowed. There is in the man an integrity and a virtue which draws only admiration and respect and that personal attachment which is inadequately designated as love.

As Speaker MCCORMACK goes into retirement, he does so with the sure knowledge that he leaves a part of himself in this Assemblage. His deeds and his career will not fade from consciousness. Forty years of this Nation's history is inextricably interwoven with the life story of JOHN W. MCCORMACK.

So we wish him the satisfaction and joy of a job well done, a life wisely expended in service to his fellow men. May the years of his happiness with the gracious lady who has shared his tasks and accomplishments be long in the land they both love, and may the Angel of the Lord watch over them and keep them from evil.

HON. JOHN W. McCORMACK

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. CLARK. Mr. Speaker, it is a privilege to join with my colleagues in paying tribute to our beloved speaker, JOHN W. MCCORMACK.

When I came to the House in 1955, Speaker MCCORMACK, then majority leader, was most helpful in advising me about procedure and assisting me in obtaining committee assignments.

He not only was a political friend but a close personal friend, and, in my opinion, has been one of the most able speakers of all time. Under his speakership, much landmark legislation was enacted.

I wish for him and Mrs. McCormack a happy and long period of retirement to reap the rewards of his long years of faithful service to his nation.

INADEQUATE MEDICAL CARE AT VETERANS HOSPITALS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. BIAGGI. Mr. Speaker, on May 21, 1970, incensed over the sad state of our veterans hospital system, I introduced House Resolution 1043 calling for a select committee to conduct an immediate and short-term study to assess the present and required personnel and facilities for high quality medical care and treatment for our veterans. The purpose of the committee's study would be to recommend, by August 15, 1970, appropriate House action to improve conditions in our Veterans' Administration hospitals as soon as possible.

President Nixon recently approved a $15 million supplemental appropriation for the Veterans' Administration's 1970 fiscal year budget. This is a welcome addition, but in light of the deplorable conditions of our veterans hospitals today, it is simply not enough.

Our Veterans' Administration healthcare program is in a deteriorating state of health itself. Its hospital system, the largest in the world, is tragically underfunded and understaffed. Over $20 million worth of modern hospital equipment stands idle today in VA hospitals throughout the country for lack of funds and personnel to operate it.

The recent survey of VA hospitals conducted by the House Committee on Veterans' Affairs revealed that it has been forced to operate with only half the personnel/patient ratio of other State and local hospitals. In stark contrast to the general community's 2.7 ratio of staff members per patient or the university's 3.5 ratio, the Veterans' Administration hospitals' average ratio was 1.5—a blatant indication of its serious plight.

These funding and staff shortages have forced VA hospital directors to divert funds from maintenance and equipment budgets to meet the rising costs of food, drugs, and medical supplies. Purchase of new equipment has been delayed, construction projects cut short, rehabilitation programs deferred in the current anti-inflationary effort. Unfortunately, however, these budget cuts have come precisely at the time the VA hospital system faces a serious challenge.

Since 1965 our veteran population has increased by 6 million; Vietnam casual-

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ties by 300 percent. Yet, employment of doctors and nurses remains at the 1966 level and this year we have 1,000 fewer hospital beds. Approximately 75,000 Vietnam veterans are returning each month. One quarter of a million of our servicemen in Vietnam have been wounded and one-half of these have required hospitalization.

The VA hospital system desperately needs additional staff with more skill than ever to cope with the special needs of our Vietnam war wounded. Use of the helicopter and better evacuation techniques are saving the lives of thousands who would not have survived earlier conflicts. During World War II it took an average of 10.5 hours for a man to reach medical attention; in Vietnam it takes only an average of 2.8 hours or as little as 20 minutes. As a result this war is crippling our servicemen at twice the rate of the Korean war and three times the rate of World War II. This rate of totally disabled has soared from 4.4 percent in World War II to 12.4 percent today. These growing numbers of Vietnam veterans mean we need more not fewer hospital beds; increased not reduced fundings.

Coronary/intensive care units, hemodialysis centers, organ replacement centers—these specialized medical programs so necessary to treat the wounds of the Vietnam veteran—are being short-changed. Funds are insufficient and personnel are lacking to put them into operation. We are saving money at the expense of the veteran's health. We are reneging on our commitment to provide the soldier with first-class medical care.

In my own State of New York, which ranks second in veteran population—2,507,000, as of June 1969—there are approximately 3,300 positions short of needed staff if one applies the chairman's recommended minimal ratio of two staff members per patient. Filling these positions would cost about $30 million annually. The staffing ratio at the Bronx VA hospital is only 1.72. To achieve the recommended ratio, the hospital needs over 300 additional positions, at a cost of $2.9 million annually. The grave situation the hospital directors face in my State only reflects the deteriorating situation of the whole VA hospital program.

The President's $15 million supplemental appropriation for the Veterans' Administration this year provides funds for expanded dental care of the Vietnam veterans and improves, as he puts it, "the staffing and operation of key specialized medical units and increased home dialysis and drug costs." It does not, however, begin to meet the needs the VA doctors have foreseen. It fails to provide adequate funds to replace sorely needed equipment to fill the need for revitalized construction programs and rehabilitation projects. It barely improves the personnel-patient ratio. It is a stopgap measure designed to temporarily forestall the crisis we are now facing. I commend the President for it—but it is simply not sufficient.

Mr. Teague's previous study of the VA hospital system revealed this. The chairman is convinced that the first rate quality medical care program for which the VA hospital has long been recognized, is in serious jeopardy. In an effort to save the system from further deterioration, he has proposed an amendment of $4 million increase to the second supplemental appropriation. I support this measure, wholeheartedly, and urge its quick enactment.

But we must not stop here. Our veterans must be given the best possible care and treatment now. As concerned as I am over the inflationary spiral plaguing our country, veterans' hospitalization is not a proper area for cutbacks in spending. Surely, we in Congress can easily recognize programs that deserve the Nation's top priority and those that should be reduced or eliminated altogether.

Let us clear our vision and carry out the moral commitment America made when we asked our servicemen to offer their blood and their lives in the cause of freedom.

We must have additional appropriations to improve the Veterans' Administration hospital system and we must have them soon.

BOTSWANA'S FOREIGN POLICY

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. REID of New York. Mr. Speaker, several months ago, His Excellency President Seretse Khama of Botswana addressed the ninth annual conference of the Botswana Democratic Party on the subject of his country's foreign policy. I believe that his speech is an important document not only for the emerging nations of Africa but also for the emphasis it places on nonracialism in that continent and throughout the world. I am inserting the speech in the Record at this point since I believe it will be of interest to Members:

Botswana's Foreign Policy

1. It is first my very pleasant duty in opening this ninth annual conference of the Botswana Democratic Party to welcome and introduce our guests, the representatives of fraternal parties. This occasion is an historic one because for the first time we have at our Conference a guest speaker sent from the Tanganyika African National Union by my friend President Mwalimu Julius Nyerere. Since this is our first guest from TANU I shall introduce him first. He is the Honourable Waziri Juma, M.P. and Regional Commissioner for Tabora. I am especially pleased to welcome him because his visit has provided Botswana and the BDP with the opportunity of repaying in a small way past hospitality which our people have enjoyed in Tanzania and from TANU. I recall with particular pleasure my own visit to Tanzania in 1964. The Vice-President and Secretary-General of our Party Dr. Masire has, I know, equally happy memories. And it was only early this month that our Executive Secretary, Mr. Morake, in his capacity as Assistant Minister in my Office, was able to visit Tanzania to study the progress made there in the field of information and broadcasting. This was for him a happy return, since at the time of Botswana's Independence he visited Dar-es-Salaam as the guest of TANU. And of course many of our government officials have gone to Tanzania for training and horizon-broadening visits. I am delighted Mr. Juma is with us today so that we can thank him publicly for his country's contribution to our nation-building effort.

2. A visit from our fraternal party UNIP is no new experience. BDP members and indeed all Batswana still recall with emotion the historic occasion in 1968 when President Kaunda opened our Conference. We therefore welcome with particular warmth our two guests from Zambia, the Honourable Mr. Chanda M. P. and the Honourable Mr. Thorneycroft. They are both Ministers of State in President Kaunda's Office and they bear greetings from President Kaunda and from UNIP. We shall look forward to hearing from them. Botswana and Zambia are already firmly bound by close ties of friendship. Many of us here today have received a warm welcome in Zambia, and we are particularly grateful for the training and study opportunities Zambia has made available to Botswana. We know that Zambia and Tanzania have close fraternal links. Botswana looks equally to both countries for friendship and support.

3. At the same time I want to welcome also the representatives of other friendly governments who are present here today. Their presence here is evidence of the close interest they take in our development, and of their support for our efforts to build on our independence.

4. It has been my practice in the past on these occasions to review the whole field of Botswana's development, but today I want to focus on one major theme: Botswana's foreign policy. It is not that I wish today to announce any dramatic new policy departure. Indeed I want to stress that our foreign policy has since Independence developed gradually and always in a consistent direction. I have made references to our foreign policy objectives in Conference speeches and other occasions, but apart from my Address to the United Nations last August, I have not attempted to pull the threads of our policy together and to explain in detail the principles underlying it. And it is this last task today on which I wish to concentrate. In our 1969 Election Manifesto we outlined our national objectives of democracy, development, self-reliance and unity, and showed how we applied them in practice. Foreign policy was dealt with in an introductory chapter which sought to explain the meaning of Independence. Today I want to attempt to apply our national principles specifically to the field of external affairs. I think it is time that as a party we considered in greater depth Botswana's role in Africa and in the world. It is necessary that you the leaders of our party should have a clear grasp of these matters so that you can explain them directly to our people, and relate them to our other policies.

5. But first let us make it clear that we are free from illusions. We are well aware that we are still a largely undeveloped, sparsely populated country, whose first concern must be our own development. We must put the highest priority on our development effort if independence is to have real meaning for our people. We recognise that we are not a world power, to be reckoned with in the highest international circles. No other country trembles when we speak. We have no army. The machinery through which we conduct our diplomatic affairs is fairly rudimentary. Because of financial and manpower limitations we have at present only four foreign missions, and these together with the external affairs section of my own Office, have small staffs.

6. So we are not unaware of our limitations. But that is not a reason for declining to

adopt a consistent approach to world affairs. Our capacity to influence world events may be limited, but that is no reason for not attempting to make a contribution where we can. In order to do this, we must be clear about our principles, and consistent in our attempts to apply them.

7. We must also recognise that though, like many other countries, in an increasingly interdependent world, our options are limited by circumstance, we are nonetheless an independent sovereign state, and a member of the OAU, the UN and the Commonwealth. Membership of these organisations confers certain advantages and imposes certain responsibilities and obligations. It also makes it possible for us to put our viewpoint before a wider audience than would be possible through our bilateral relationships with other states.

8. How then do we translate the principles of the BDP and Botswana into concrete foreign policy objectives? To begin with our first and basic principle, how do we interpret our concern with *democracy* in the field of external relations? First of all, although we welcome the establishment of diplomatic relations with all friendly states, our oclsest relationships are with those countries who share our commitment to democracy.

9. Democratic societies should favour the resolution of conflicts by peaceful means rather than by recourse to violence, and Botswana therefore gives full support to those international institutions which offer the hope that disputes can be settled peacefully. I am thinking in particular of the United Nations, but also of the Commonwealth, and of the Organisation of African Unity, especially its Committee for Mediation, Conciliation, and Arbitration.

10. We recognise, however, that there is no single framework for democracy, and that different states apply the basic principles of democracy in different ways. But for Botswana a basic ingredient of democracy is that each man's vote has equal value, and that each man must be encouraged to make an equal contribution to his country's well-being and development. Democracy must permit everyone, irrespective of race, colour, tribe or creed to fulfill himself and make the contribution to his society which his education and abilities permit. We hope in particular by demonstrating that non-racial democracies can be successful in Africa, that countries like Botswana, Tanzania and Zambia will lead other societies, which are based on the denial of self-determination on grounds of race, to modify and ultimately to abandon their inhumane and wasteful practices.

11. While we respect the principles of non-interference in the affairs of other sovereign states, we are as a non-racial democracy bound to raise our voice in international forums in support of the principle of universal self-determination. The same sense of duty and our geographical position means that we must continue to provide a refuge for those who have found themselves unable for one reason or another to continue to live in neighboring minority-ruled territories. We recognise our responsibility to these victims of political circumstance, and we are trying to discharge this obligation as well as our resources permit. And here we must acknowledge the generous assistance we have received from the United Nations High Commission for Refugees, the World Food Programme, the World Council of Churches and other international bodies. We have granted refugees recognition of their status and done all within our power to settle them and assist them in beginning a new life in Botswana. All we ask in return is that refugees should respect our laws and our national principles, and refrain from activities which are prejudicial to our security or which could adversely affect the present climate of tolerance towards them among Batswana.

12. Finally since democracy is based on the belief that each citizen should be permitted as far as possible to lead his own life, in the international context democracy leads us to insist on the right of sovereign countries to determine their own policies freely and without external interference, providing only that in so doing they do not threaten world peace or the security of other countries.

13. Our second national principle is *development* and this pre-occupation leads Botswana to press in international circles for redressing the imbalance of world resources in favour of the poorer countries. The greatest threat to world peace is international inequality. And here I am not just thinking in terms of increasing the flow of aid and investment from rich countries to poor ones. I am concerned that countries which produce, or as in the case of Botswana will produce, essential raw materials get a fair return for them. Commodity prices and world tariff structures must be arranged in ways which permit emerging industrial countries to protect their infant industries while encouraging them to compete in the markets of more developed countries. Botswana supports the efforts of the United Nations Conference on Trade and Development, and through its membership of international development and financial agencies such as the World Bank and the International Monetary Fund and at meetings of Commonwealth leaders and at Commonwealth Finance Ministers' Conferences we raise our voice alongside our brothers in the developing world. A change in the price of an export commodity, or the introduction of a tariff change can only too easily cancel out the efforts of workers and farmers struggling to raise their own and their country's standard of living.

14. These considerations lead me naturally to our next principle, which is *self-reliance*. I believe all African countries are increasingly recognising the importance of this principle. In Botswana our dedication to self-reliance stems from the self-help efforts of the famine period, which we called "Ipelegeng". In Tanzania the same principle is known as "Kujitegemea". In both countries and elsewhere in Africa it means the same thing. If we are to progress as a nation, we must free ourselves from dependence on external aid. For Botswana this means in the first instance freedom from the need to seek aid for our annual budget. We shall of course, even after the date of financial self-sufficiency which is expected to be 1972–3, still need development aid and technical assistance from other countries. But we can only accept this aid with a good conscience and with self-respect if we make the maximum use of all our own resources, not least our human resources.

15. If we are to be free to determine our own social and political philosophy, we must depend on our own efforts. Only if we ourselves exert all our efforts to build Botswana, will Botswana be built in the way we wish it to be built. This means that we must only accept aid which comes without political strings or unacceptable economic conditions. It also means that we must be satisfied that expatriates who come to work among us, wherever they come from, must at least respect our national principles. In fact I believe that many of those who come to Botswana from other countries, especially young people, do so because they identify with our aspirations and wish to help us to succeed in our struggle to assert the principles of human dignity.

16. For self-reliance does not mean that the Botswana must work in isolation. We must not only seek to strengthen our links with rich countries who can provide aid and investment. We must strengthen our links with our brother African countries who face the same problems as ourselves. Despite the difficulties which Botswana faces in such co-operation with independent Africa we are determined to extend trading and other links. This is why we are seeking to build a road from Nata to Kazungula, because it will open up new possibilities of trade with Zambia as well as contributing to the development of Northern Botswana. This is why we are anxious to retain a regional university serving Botswana, Lesotho and Swaziland, while ensuring that it is responsive to our development needs. This is why we are anxious to send our students and trainees where necessary to institutions elsewhere in Africa. We recognise that we have common problems and common interests with developing countries in Africa and further afield, and we are determined to find practical ways of increasing our co-operation with them.

17. Africa needs to seek aid from the developed countries. But we must demonstrate to donor-nations that we shall not be seeking aid for ever. We are seeking only that aid and investment from abroad which will enable us to stand on our own feet. For Botswana it is essential that we accept aid only from countries which seek to sustain our independence and support us in the stand we have taken. Self-reliance for Botswana and for Africa also means, as I stressed when I spoke of development, that we should be united in our efforts to achieve a world economic system which will permit all developing countries to rely on their efforts and not to remain for ever at the mercy of the wealthy nations and dependent on international charity.

18. But *unity* among the poor of the world is not enough. We must, however distant the prospect may appear, work for a united world. This does not of course mean that the whole world must embrace a single political or social philosophy. As I have often stressed to you, unity in Botswana must, if it is to be enduring, be based on recognition of the fact that we are a nation made up of different races and tribes. I have also argued that there must be room for different political views, providing our fundamental principles are not undermined. In the same way within Africa and within the world as a whole there must be room for diversity in political viewpoints. President Nyerere has argued this most eloquently in his speeches. He said in a speech on African unity in Cairo that "differences in ideology must not preclude unity. There are and will be, socialists and non-socialists, democrats and non-democrats in Africa." The circumstances and hence the policies of African countries will vary widely, but unity will exist, providing there is mutual respect, and providing that fundamental principles of human dignity are not cast aside or trampled underfoot.

19. World Unity is a distant prospect, but Botswana in common with other African nations will make progress towards this ultimate goal if it makes clear its conviction that differences in ideology must not be allowed to plunge the world into chaos and war. And this is why Botswana is non-aligned. We are non-aligned because we are determined to develop our own social and political philosophy and system to suit our own needs. But we are also non-aligned because we owe no automatic allegiance to either of the major power blocs. We have traditional ties with Britain which is a member of a military alliance of Western countries. We intend to maintain these links for many reasons, not least because Britain is a country which gives aid of a kind we need and in a way which is wholly acceptable to us. Britain in short is one of those countries which are seeking to sustain our independence at a critical stage in our development.

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But these links with Britain and with other western countries do not prevent us from establishing relations with other friendly countries, including Communist countries.

20. Botswana's objective is to diversify its external relations to the greatest possible extent. We will work together with all nations in the cause of attaining a world which is not divided between rich and poor, or black and white. And in our efforts to achieve a greater degree of world unity we will lay great emphasis on our membership of those institutions which, in a practical way, bridge the gulf between rich and poor and which bring together nations of different racial composition. That is why we regard ourselves as one of the non-aligned nations of the world. That is why the Commonwealth remains for us an important international institution which must be preserved and developed. For this once again is an international grouping which cuts across barriers of race and ideology.

21. But let us return from these long-term aspirations to the immediate problems confronting us in our region. How do we apply our principles to the area which concerns us most directly? For we must never forget that we are part of Southern Africa. It is therefore of the utmost importance that we clearly define our relationship with the Republic of South Africa. We cannot obliterate the harsh facts of history and geography. We are members of the Southern African Customs Union and the Rand Currency Area. We are of course prepared to co-operate in regional arrangements for disease and pest control. Such plagues know no frontiers, and the breakdown of such long-standing arrangements would be damaging and wasteful—and would have repercussions which would be felt outside our immediate region. We rely on the Southern African transport system for both imports and exports. We need to attract private investment from South African sources. We welcome private investment in Botswana from any source which seeks to build in partnership with the people of this country and not simply to drain us of our resources with little or no return to our economy. We wish to attract South Africans as tourists, providing they are prepared to accept that in Botswana they must respect our non-racial principles.

22. But Botswana's dependence on South Africa is great enough already. We have noted South Africa's offers to assist independent African states with their development of friendly intentions toward Botswana and other independent states. We have recently together with Lesotho and Swaziland conducted lengthy negotiations with South Africa on the Customs Agreement. These have resulted in a more equitable distribution of the revenues of the Customs Area, and the right to protect our infant industries while retaining access to the South African market. But in these negotiations we have not been seeking aid. Nor do we intend to seek aid from South African official sources. It would not be in the interests of either country to increase Botswana's dependence on South Africa. Instead our aim has been and remains to convert the almost total dependence of the colonial period into a pattern of interdependence.

23. We recognise that there is very little Botswana can do to produce a change of heart among South Africa's white population other than by force of persuasion or example. Yet we are determined that no word or deed on Botswana's part will give comfort to the advocates of race supremacy. We have unequivocally condemned the theory and practice of apartheid to the international trust territory of Nambia or South West Africa. Nevertheless we do not attempt to conceal that for obvious reasons Botswana must maintain diplomatic contacts with South Africa. For equally obvious reasons, as I have made clear ever since Independence, we decline to consider the exchange of diplomatic representatives with South Africa until we are confident that South Africa can fully guarantee that Botswana's representatives will in all respects, at all times and in all places be treated in the same way as diplomats from other countries. When I am obliged to get through South Africa I am treated with the respect due to the head of an independent state, nor have my ministers or civil servants any cause for complaint when they visit South Africa for essential negotiations or transit South Africa en route for other destinations. But I know that most Botswana who visit South Africa are treated like black South Africans. Since I refuse to accept that all Botswana are not intrinsically equal this presents obvious difficulties.

24. Human dignity is indivisible and we are not prepared to compromise our non-racial principles. I am confident that our position is respected by our powerful neighbour to the South. They do not like what we have to say about apartheid, just as we do not like what they have to say about non-racialism.

25. We have, I think, demonstrated an important principle. As I told Parliament we have shown that it is possible for two countries which are far from equal in respect of population, wealth, resources and sheer power, and whose economies are closely linked but whose fundamental principles could hardly differ more markedly, to co-exist.

26. Yet it cannot be denied that there is a cloud hanging over Southern Africa. The economic prospects of our region could be limitless were it not for the threat posed by racialism and minority rule and the instability and potential instability to which it must give rise. Botswana endorses as do all independent African states and all but a handful of United Nations members the Lusaka Manifesto. The Lusaka Manifesto, drawn up a year ago by the heads of state of East and Central Africa, firmly states Africa's preference for the achievement of self-determination through negotiation. It was in this way that Botswana's independence was achieved and we would wish that the indigenous populations of neighbouring territories could share our experience. Yet the Lusaka Manifesto, although widely proclaimed throughout the world as a moderate and realistic statement has gone unheeded. The consequences of this refusal to consider even the possibility of change in the region will be serious indeed.

27. Botswana has, for instance, repeatedly drawn attention to the dangerous consequences of the refusal of Rhodesia's whites to envisage the possibility of peaceful progress to majority rule. The declaration of the illegal Republic is further evidence of the determination of Rhodesia's 250,000 whites to hold down, by force, an African population already approaching five million, and growing rapidly. This obstinacy poses a threat to the stability of the entire region.

28. We have similarly expressed our opposition to Portugal's unyielding refusal to permit any progress towards self-determination in Angola, Mozambique and Guinea (Bissau). Our criticism of Portugal as of Rhodesia is not based on an argument about the timing of a programme of progress towards majority rule, but on their point blank refusal to consider even that possibility. This obduracy leaves the populations of these two countries little alternative but to resort to violence.

29. But Botswana cannot allow itself to be used as a springboard for violence against the minority regimes. Our task is to insulate ourselves from the instability their policies provoke. We must preserve our independence while asserting the principles of human freedom and dignity. I should like at the same time to explain Botswana's position on the recent Security Council Resolution on Rhodesia. It must be obvious that while we share the concern over the Rhodesian situation expressed in the Finnish resolution, it will not be possible for us to comply with all the sanctions it calls for. All of you are only too aware that the only railway linking South Africa and Rhodesia goes through Botswana. As I have repeatedly made clear, Botswana has no intention of interfering with that line, on which we depend for the vital imports and exports essential to our development. Nor can we cut off road communications with Rhodesia. Even the reduction of trade with Rhodesia presents great difficulties, because of Rhodesia's capacity to retaliate. An alternative link with South Africa via Beitbridge could be built relatively quickly and cheaply, and this would leave the future of the Botswana line at best uncertain.

30. Yet Botswana has not ignored the United Nations call for sanctions against the Rhodesian regime. Indeed we have supported this policy as the only alternative to conceding defeat. We have called upon member states, who are in a better position to assist in this matter than ourselves, to co-operate in making sanctions more effective. And we ourselves have done all we can within the constraints of our land-locked position, our frail economy and the administrative problems involved. We have prevented the Rhodesians from using their railway to import arms and military supplies. Our airline has long ceased to fly into Rhodesia. We have prevented the import of Rhodesian beer and tobacco. We are determined where possible to limit our dependence on Rhodesia. More than a year ago I called for the withdrawal of South African Security forces from Rhodesia.

31. But this must be the limit of our contribution. And how much more difficult would our position have been in face of the earlier unsuccessful resolution which called for sanctions to be extended to include South Africa! We respect the genuine concern which prompts these resolutions but we cannot comply with them. Nor do I believe that Africa or the world expects us to. And here let me recall with gratitude the understanding expressed by Tanzania's President. President Nyerere, referring to Botswana's inability to implement calls for the complete trade boycott of South Africa and Southern Rhodesia, in the course of a statement on foreign policy he made to a TANU Conference at Mwanza in 1967, said:

'We can ask that they should do everything possible to assert the principle of human dignity. But we should not ask them to commit suicide.'

32. We in Botswana read these words with gratitude. Here is evidence that one of the most highly respected of African leaders understands our position. And we know that he is not alone. Our task is to survive amidst the dangers which surround us as an island of sanity and dignity, surrounded by the advocates of racial supremacy and minority rule. And this is the task of all the majority-ruled states in our region. We must preserve our independence and the value that this independence symbolises. This independence can be safeguarded only by our continued stable development. And the same is true of Swaziland and Lesotho. This is why we have expressed our concern at recent developments in Lesotho. Stable development in the situation in which all three countries find themselves, which is not of our choosing, depends on the undivided support of our people for the policies our respective governments pursue. We have made it clear that we have no wish to interfere in the internal policies of a fellow member of the Organization of African Unity but we have expressed the hope that the people of Lesotho may find it possible to make the speediest possible return to democracy and constitutional government on a generally acceptable basis with the minimum of external interference from whatever quarter.

33. So far as Botswana is concerned our commitment to democracy and development

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is not in doubt. We are a united people, fully equipped to meet the challenges of the future. The Vice-President when he addresses the Conference tomorrow will be discussing the application of all our national principles to the development tasks ahead. He will be explaining to you the kind of problems these will raise and will be urging you to discuss fully the choices which face us in responding to this challenge. It only remains for me, in conclusion, to emphasize one of these principles, unity. We shall succeed if we retain a united nation. And unity will be preserved if we avoid unnecessary divisions. We must fight against all the forces which could divide us as a nation. One such danger might stem from differences in tribe or race. This for Botswana, I am confident, is not a problem. But there is one other source of weakness which we must equally avoid. And that is the social divisions to which development could give rise if we do not take care to avoid the unequal distribution of the benefits of development which has been a feature of economic growth elsewhere. We do not wish to place any artificial obstacles in the way of the initiative and energy of our people. But equally we must avoid divisions based on occupation of inequality of wealth. We must avoid creating a divided society in which the weakest go to the wall. I am relying on this Conference to give serious thought to these matters so that the united social fabric which is the best guarantee of our independence is preserved. Only in this way will Botswana continue as an influence for good in Africa and in the wider world.

COMMUNIST MYOPIA VERSUS DEMOCRATIC EXAMPLE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. LEGGETT. Mr. Speaker, for many years it has seemed that our efforts to bludgeon the world into anticommunism were ill conceived and probably counterproductive.

Our Vietnam adventure in particular has not only failed to solve that country's problems, but has made us and the principles we represent look so bad in that part of the world that almost any alternative, including nationalistic communism, cannot help but look good by comparison. We have not only compromised the position of world moral leadership we once held; we have also wrought great damage to our own society. Our internal conflicts, our unmet domestic needs, and our distorted national priorities are rising to intolerable proportions. To put it very mildly, our own house is not in order.

Perhaps we would be better advised to oppose communism by turning our own country into such a shining example that the rest of the world will be eager to imitate.

A young constituent of mine, Mark Tauzer of Woodland High School, recently wrote a rather brilliant letter on this subject to his local paper, the Woodland Daily Democrat. He provoked the Democrat to observe that Arnold Toynbee had recently said the same thing, but that Mr. Tauzer said it better. I agree.

I insert Mark Tauzer's letter in the RECORD at this point, followed by the editorial entitled "Mark Tauzer's Goal," from the Woodland Daily Democrat:

LETTER FROM MARK TAUZER

EDITOR.—Tell me, is it really unpatriotic or communistic to disagree with our foreign policy and stand up for what one thinks is right and say "No, I won't go?" Or could it be that this person is very courageous and is reaching out for a higher morality, searching for a higher level of existence, a civilization that gives no more justification for a murder in a remote jungleland, than it does for a killing in your house or block in the United States?

And maybe, just maybe, this assertion could be the beginning to the dream of everlasting peace.

Hopefully the peaceful dissenters and the draft resistors will one day be granted amnesty, as was the case in Germany after the Nuernberg Trials.

The principles which the United States set up at those hearings constantly reminded those on trial that they should have followed their conscience rather than the dictates of an immoral government. And perhaps some day the majority of the people in this country will say NO to Vietnams.

When this happens, when the peace seekers are strong enough to be heard over the shrieking voices of the war makers, then we will be a united America living with communism not fighting it. Just maybe it would be more realistic to respect communism than to condemn it.

"Communism", the word itself not the political system is the cause of fear, a fear that has extracted every ounce of good that such a system might bring to an illiterate and underdeveloped country and a fear that has blindly sent us into Southeast Asia. Possibly the United States of America is wrong to intervene . . . to say it is our duty, our responsibility to stop communism. It may be even that our system of Capitalism doesn't work as well as communism in underdeveloped countries.

Our leaders are realizing this, but are too stubborn, too proud, and too afraid of losing their prestige to admit defeat. Defeat? Oh no, not defeat! Doesn't the world know—isn't it a known fact that we could rip the jungleland to rubble in a matter of minutes? Is it a question of the greatest nation on earth losing to such a backward nation as North Viet Nam, or is it a different issue at stake here, an issue that involves the realization of the stupidity, the wastefulness and the incapability of stopping communism this way?

Communist domination of the world is no longer feasible.

Communism isn't one joint effort headed by the Soviet Union. Instead it is a necessary stepping stone, a building block toward a modified Capitalism. And maybe if we used a little common sense instead of acting with the stick or as the policemen of the world, we might be able to cope with communism.

Instead of trying to destroy communism through force couldn't we find a better way? Maybe a way where we could prove to the world the strength of our democracy through domestic tranquillity and happiness. Wouldn't it be a better way to convince the world to reject communism by proving the workability of our system to theirs?

I hope so.

MARK TAUZER,
Woodland High Senior.

MARK TAUZER'S GOAL

To Arnold Toynbee, eminent British historian, Americans appears to be "moving rapidly toward civil war." He regrets that Americans are ignoring the warnings of George Washington and California's own Senator Hiram Johnson against "entangling alliances," but he acknowledges he would be disappointed if the U.S. retreated into isolation.

The widely-known historian describes as "fantastically excessive" America's "phobia" about Communism. By coincidence, only the day before Toynbee released his own spectacular story to the press, there appeared and extraordinary letter in the "Democrat" which likewise soft-pedaled our country's alarm over Communism. The letter was written by a Woodland high school senior, Mark Tauzer. We salute him for his courage.

In some respects there was a striking resemblance in the conclusions of the seasoned student of history and Woodland's teenager. But Tauzer's comments were more persuasive .

For instance, his letter said:

Just maybe it would be more realistic to respect Communism than to condemn it.

It may even be that our system of Capitalism doesn't work as well as Communism in underdeveloped countries.

Instead of trying to destroy Communism through force, couldn't we find a better way? Maybe a way where we would prove to the world the strength of our democracy through domestic and tranquillity and happiness.

Wouldn't it be a better way to convince the world to reject Communism by proving the workability of our system to theirs?

In effect, both the Woodland schoolboy and the seasoned historian feel there would be no worry on our part over Communism if adequate attention was paid to our grave problems on the home front. Both pointed the way to the "domestic tranquillity and happiness" sought by Tauzer.

For months this newspaper's contention has been identical with theirs. We welcome the seasoned Toynbee and the apt schoolboy to our corner. Think what could be accomplished if the huge funds spent for air-space exploration were diverted toward remedying our domestic afflections. Then Communism would not even be a threat.

Our own security and "domestic tranquillity and happiness" would prompt the Russians to mind their own knitting and not be so grasping.

Historian Toynbee is het up over America's fear that the Communists will dominate the universe if they are not thwarted in Vietnam, Cambodia, Taiwan, Korea and the Middle East. He goes so far as to boast that he would rather be a Czech at the mercy of the Russians than a Vietnamese defended by the Americans, unless Americans take steps to get rid of its own miseries.

He can't document his claim that to most Europeans, America looks like the "most dangerous country" in the world. Yes, we've lost prestige but we're still the world's most powerful country and perhaps the least ambitious to acquire more territory.

Of course, we are in hearty accord with him when he declares that the U.S. is not doing enough to end its homeland frustrations. On that score he's right as rain and so is Mark Tauzer.

The time is overdue for us to cease lavishing so many billions on military expeditions and on lunar expeditions, at least until young Tauzer's goal for "tranquillity and happiness" at home is reached.

HORTON PRAISES SELFLESS DEDICATION OF DR. ALDO J. FRANCATI

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. HORTON. Mr. Speaker, it is heartwarming to learn of the selfless dedication of a man to the needs of others. In these days, we tend to lose sight of people sincerely caring for their fellowmen. It is not often that we find a man who is willing to give his own time to others at a great personal sacrifice to himself.

Such a man is Dr. Aldo P. Francati. When Dr. Francati learned that the residents of Red Creek, N.Y., had gone without a dentist for 3 years, he unselfishily offered his services. He knew that the absence of a dentist caused acute problems especially for the aged and incapacitated.

This was not an easy thing to do. It meant traveling the 104 miles to and from Rochester to Red Creek every Saturday with his staff for 14 months.

In addition to the long drive, Dr. Francati also offered a great deal of his services without charge.

Through Dr. Francati's suggestion, the residents organized the Red Creek Area Dental and Medical Association. Mr. Maurice Mott donated space for the dental office and the association was pledged more than $12,000 from area residents for equipment.

Dr. Francati is a man of great dedication and pride in his profession. The people of Red Creek realize this and are extremely grateful. They feel that Dr. Francati should be given special recognition as a "good samaritan" for coming to their aid.

The doctor's reaction to this is:

> I feel delighted and honored. I'm so happy for my profession. I couldn't believe it. I thought the thank-yous of the Red Creek residents were enough. They're so sincere.

Mr. Speaker, this entire story is one of community involvement and illustrates how the good will of one person can help an entire community.

I certainly feel that Dr. Francati deserves every recognition for his tireless and unselfish service. I would like to share with my colleagues a letter from Jay F. Robison, Jr., supervisor of the township of Wolcott and president of the Red Creek Area Dental and Medical Association, expressing sincere appreciation to Dr. Francati:

APRIL 22, 1970.

THE BOARD OF DIRECTORS,
Monroe County Dental Society
Rochester, N.Y.

GENTLEMEN: As residents of the Village of Red Creek and the surrounding territory in Northern Wayne and Cayuga Counties, we wish to take this opportunity to express our sincere appreciation to Dr. Aldo J. Francati of 1501 East Avenue, Rochester. We feel that Dr. Francati deserves special recognition as a modern "Good Samaritan" for coming to the rescue of our community at a time of need and genuine distress.

Dr. Elmer Fischer, formerly of New York City, served very faithfully as Red Creek's dentist for more than a quarter-century. Dr. Fischer made his life work in Red Creek very productive, enjoyed a loyal clientele, carried out dental programs in the three schools of the Red Creek Central School District, and offered his services to area residents at nominal fees. However, following the death of Dr. Fischer in 1966, no replacement could be secured, despite the efforts of a community committee. The problem became rather acute as time went by, forcing families to drive many miles to the offices of dentists in neighboring villages or cities farther away. In many instances, these dentists were already overburdened with a heavy patient-load.

The groundwork for a solution to the problem was laid during a conversation held one day between Dr. Francati and Jay R. Robinson, Jr., Supervisor of the Township of Wolcott. Dr. Francati listened to the needs of the area, and then offered his assistance.

Following a series of meetings with Red Creek residents, there was organized the Red Creek Area Dental and Medical Association. More than $1,000 was pledged in a fund campaign conducted by the group, and a new dental office was secured through the generosity of Mr. Maurice Mott. The funds were used to equip and furnish the new office.

Dr. Francati agreed to take over management of the office for a period of one year, and to advise members of the board on future operations. Each week, Dr. Francati and his staff drove from Rochester to Red Creek, a distance of fifty miles, to supply dental care to all. This was especially beneficial to our elderly and incapacitated men and women. Two local residents made the arrangements for the appointments.

During this year of service, Dr. Francati endeavored to find a new dentist just out of school or military service to take charge of the Red Creek Clinic. Finally, he succeeded in securing Dr. Jon Valdina of Auburn, New York, who has now taken charge of the clinic on two days each week.

Thanks to Dr. Francati, residents of Red Creek no longer have to worry about dental ills. We feel unanimously that special recognition be given to Dr. Francati by the Monroe County Dental Society and by the Seventh District Dental Society.

Respectfully submitted,
JAY M. JOHNSON, Jr.

I would also like to share with my colleagues an article from the Rochester, N.Y., Democrat and Chronicle, May 3, 1970, about Dr. Francati:

VILLAGE PROMOTES RECOGNITION FOR DENTIST'S SERVICE

(By Kathleen Matichek)

Each Saturday for 14 months, Dr. Aldo J. Francati of Rochester, and his staff traveled 104 miles to fix teeth.

The residents of the Wayne County village of Red Creek were without a dentist for three years following the death of their local dentist. Families had to drive many miles to neighboring villages and cities for dental services.

One day in 1968 Dr. Francati visited his friend, Jay F. Robinson Jr., supervisor of the township of Wolcott. He learned of the dilemma and offered his assistance.

Now that Red Creek residents have their own dentist they feel Dr. Francati deserves special recognition as a modern "Good Samaritan" for coming to their rescue. They feel special recognition should be given to him by the Monroe County Dental Society and by the Seventh District Dental Society. They also wrote to Rep. Frank Horton, R–36 to include this recognition in the "Congressional Record."

Dr. Ralph B. Nash, president of the Seventh District Dental Society, said Dr. Francati will receive special recognition at the annual meeting September 29.

How does a "Good Samaritan" react upon receiving such an award?

"I feel delighted and honored. I'm so happy for my profession. I couldn't believe it. I thought the thank-yous of the Red Creek residents were enough. They're so sincere," Dr. Francati said.

Dr. Francati is a modest man and forgot to say he did a great deal of dental work for free and at greatly reduced prices, much less than those here.

He said he remembers driving home after that 1968 meeting with Robinson and thinking "these people need help."

After he offered his assistance, Red Creek residents kept the ball rolling. They organized the Red Creek Area Dental and Medical Assn., pledged more than $12,000 to equip the new office and donated a building for the office.

"That's an example of a community that wanted something and got it. I agreed to manage the office for a year. Last August I found a young dentist, just out of the service, to take charge of the clinic. He, too, is enjoying a happy experience at Red Creek two days a week," Dr. Francati said.

The "Good Samaritan" said he would do it all over again. "Those 104 miles weren't for nothing. I did what I had to do. Just hearing those thank-you's from the kids and the others made my days for me," Dr. Francati said.

I LOVE AMERICA—TAXES AND ALL

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. FOREMAN. Mr. Speaker, we all receive a variety of letters from our constituents every day expressing a cross section of opinion about the matters of Government and the action of Congress. Because this letter from Mr. Mark Gwinn, of Belen, N. Mex., so well describes the feelings expressed by hundreds of New Mexico citizens who have written to me recently, I include it in the RECORD for the review of my colleagues:

BELEN, N. MEX.,
May 22, 1970.

Congressman ED FOREMAN,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: This is something new for me, writing to my Congressman. I have wanted to do this for some time for more reasons than one.

First I want you to know that I back my President to the utmost on his Cambodia attacks and feel that this should of been done a long time ago. I have no use for *any* man who would vote to cut off the money and help our boys need over there. I feel the same as many other people that these near sighted men are doing just what the Communist Party want them to do. In so many words I am proud to say I am an American. I love it, taxes and all.

The second thing is the Campus uprisings that are taking place all over the United States. I for one feel that we have coddled and handled these students with kid gloves long enough. It is time to strictly enforce the rules. I believe this is the only way we are going to get our country back on an even plane. I, for one, send my Son to College to learn and not to try and teach the College professors. Lord only knows some of the professors who belong to the SDS and such other Communist inspired Organizations needs someone to get them straightened out. Why a country like ours lets such Organizations exist is beyond me. We sure don't need professors who make no bones about it, that they belong to the Communist Party to teach our children.

I know you receive many letters such as this one. I only hope you read it because even though I am a registered Democrat, my wife and I feel that you are the only hope in Washington, D.C. for the Great State of New Mexico. Just keep up the good work. Keep your news report coming as we enjoy them, every word.

Sincerely,

MARK P. GWINN.

W. LLOYD WARNER, PIONEER IN SOCIAL CLASS STUDY

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. ECKHARDT. Mr. Speaker, with the death of W. Lloyd Warner we have lost one of the giants of American social science.

The idea that there are well defined social classes in America and that one's birth into one or another of them has a lot to do with the way one lives and thinks is commonplace today among educated people. That this is so, is in large part a testimony to the body of work Mr. Warner leaves with us, which has had influence far beyond a limited circle of scientific colleagues.

Mr. Warner held America to a high standard. He believed in equality and democracy and in the humane principles of the American tradition. He spent much of his career measuring the gap between our principles and our performance, in the belief that knowledge of the facts is the foundation of reform.

I commend to readers of the RECORD an article about Mr. Warner from the Washington Post of May 25:

W. LLOYD WARNER, PIONEER IN SOCIAL CLASS STUDY

CHICAGO, May 24.—Sociologist W. Lloyd Warner, who pioneered in the study of American social classes in a series of works called "Yankee City," died Saturday. He was 71.

Mr. Warner developed the theory that American society was divided into five major classes and a method of measuring into which an individual fit.

Later, in studies of American business leaders, he concluded that maladjusted children, who had enmity for their fathers, turned out to be the most successful in business.

Originally, an anthropologist, Mr. Warner decided that the methods anthropology uses to analyze preliterate societies could also be used in complex societies.

Since anthropology dealt with small units of society, Mr. Warner, in collaboration with others, began his work on social class theory in the small town of Newburyport, Mass. He referred to the town as "Yankee City" in a series of monographs still debated among sociologists and asigned in many college sociology courses.

He authored or co-authored the "Yankee City Series," "Social Class in America," "American Life, Dream and Reality," "Big Business Leaders in America," "Occupational Mobility in American Business and Industry," "The Living and the Dead," "Industrial Man," "The Corporation in the Emergent American Society," and "The American Federal Executive."

An associate professor and then professor of anthropology and sociology at the University of Chicago from 1935 to 1959. Mr. Warner was a professor of social research at Michigan State University in East Lansing, Mich., at the time of his death at Passavant Hospital here.

Born in Redlands, Calif., on Oct. 26, 1898, Mr. Warner graduated from the University of California after serving as a private in the infantry during World War I.

Having majored in anthropology, he began field research on Australian aborigines in 1926 under a Rockefeller Foundation fellowship. He made a second expedition for the Australian National Research Council from 1927 to 1929.

He portrayed the Murngin society in his book, "A Black Civilization: A Social Study of an Australian Tribe," using approaches of different schools of anthropology.

Mr. Warner taught at Harvard and Radcliffe College from 1929 to 1935 while taking graduate courses at Harvard. He also taught at the Harvard Graduate School of Business Administration.

In this period he began his research on the social life of communities in New England, the South and the Middle West, stressing racial relations, class structure and symbolic behavior. His studies, reported in 20 publications, gave rise to a large program of concrete research on American life.

He defined three main social classes—lower, middle and upper—with two divisions, upper and lower, for each. He presented his findings not only in the Yankee City series but also in "Democracy in Jonesville: A Study in Quality and Inequality," with associates published in 1949 and "A Social Class in America: A Manual of Procedures for the Measure of Social Status."

With his wife, the former Mildred Hall, he wrote "What You Should Know About Social Class" in 1953.

He is survived by his wife Mildred, two daughters and a son.

LOUIS P. BERGNA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. EDWARDS of California. Mr. Speaker, the leading citizens of Santa Clara County today are honoring one of the county's most faithful and widely respected public servants, District Attorney Louis P. Bergna.

In addition to his distinguished career as district attorney the past 14 years, Mr. Bergna has extended his participation in public service far beyond the requirements of his office.

His activities in the community, past and present, include: President of the Eagle Scout Association, member and past president of the North San Jose Lion's Club, member of the Santa Clara County Council of Boy Scouts, honorary director of the Better Business Bureau, member of the Social Planning Council, past chairman of the Government Division Blood Donor Committee of the American Red Cross, and member of the board of directors of the Campfire Girls, Hanna Boys Center, and Santa Clara County United Fund.

In his professional capacity, he holds several important posts on the State level, including membership in the California Council of Criminal Justice and chairmanship of the council's task forces on pornography and alcohol and drug abuse, membership on the Governor's advisory committee on welfare problems and the attorney general advisory committees on pornography and police-community relations.

A native of San Francisco, raised in San Jose, and graduated from the University of Santa Clara, Mr. Bergna has made a distinguished contribution to the betterment of his community and State. I want to add my personal thanks to the accolade he so justly deserves.

MILITARY AID TO LATIN AMERICA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. FASCELL. Mr. Speaker, the May 16 issue of the Miami Herald contains an important editorial on a subject which is of great concern to the Congress—the subject of U.S. military assistance to Latin America.

The editorial, which I shall place in the RECORD, suggests that this is one area of our foreign policy undertaking in which savings can and should be made.

A year ago, in the course of lengthy hearings reviewing U.S. policy toward Latin America, I made a similar suggestion, calling particular attention to the disparity between the size of our diplomatic establishments and the size of the various U.S. military groups on the South American Continent.

On May 7, 1969, in a hearing before the House Subcommittee on Inter-American Affairs, which I have the honor to chair, the issues raised by that disparity were discussed at some length and our subcommittee received assurance from the executive branch that steps were being taken to reduce the personnel strengths of U.S. military groups in Latin America.

Our subcommittee was very pleased that a special study mission of the Committee on Foreign Affairs, headed by my distinguished colleague, Congressman CLEMENT J. ZABLOCKI of Wisconsin, devoted considerable attention to this subject during its recent visit to Latin America.

In a report issued after that visit, Congressman ZABLOCKI, together with two other colleagues from the Committee on Foreign Affairs, Congressman JAMES G. FULTON of Pennsylvania and Congressman PAUL FINDLEY of Illinois, developed some further facts regarding U.S. military assistance to Latin America and pointed to areas in which reductions are warranted. In so doing, the Zablocki-Fulton-Findley study mission has made a very positive and valuable contribution to the achievement of our mutual objectives.

The Miami Herald editorial reviews this whole matter and deserves the most careful consideration of all Members of the House.

Mr. Speaker, in placing the editorial in the RECORD, I want to note that the Subcommittee on Inter-American Affairs is continuing its inquiries into the subject of U.S. military assistance and sales to Latin America. We have had some very resent hearings on this subject and I hope that we will be able to release the transcript of those hearings in the near future.

The editorial of the Miami Herald follows:

"AID" THAT CAN BE CUT TO HELP LATINS AND UNITED STATES

There will be nothing magical about the U.S. decision to halve the size of its military missions in Latin America, but it should help.

XUM

The excuse for the missions was hemispheric defense. They grew to their present oversize in the years preceding and during World War II, when Nazis and Fascists were the threat, and in the post-war years when the Cold War with the Soviet Union hit its stride. Continued Communist attempts at penetration, in particular the Cuban Revolution, kept them there.

However, as the threats changed, so did the nature of the services the U.S. military missions could offer. The outside danger changed to guerrilla threats and that now to the challenges of urban terrorism. The latter present dilemmas that go beyond the reach of orthodox military men and into the realm of politics, so there is good and practical reason to reduce the size of the missions. Better answers are needed.

Not all that these missions offered was beneficial. Counterinsurgency and civic action programs put the military in areas outside their traditional bailiwick. Training at U.S. bases for Latin American military officers included schooling in U.S. attitudes as well as techniques. Some of the officers went home with new ideas and became frustrated with their military and political structures. In at least two countries, Guatemala and Panama, some of these officers rebelled against their governments.

As the military problem changed from outside threat to internal subversion, the question frequently and appropriately was raised as to what purpose there was in most Latin nations for large military establishments. During the years of the Alliance for Progress, the answer to that became apparent with the military overthrow of 17 governments.

In short, the heightened military presence and modern ideas of what the military role in Latin America should be, projected the officers into politics and there they have stayed. As a consequence, representative democracy has suffered.

A three-man congressional delegation—made up of Clement Zablocki (D., Wisc.), James G. Fulton (R., Pa.) and Paul Findley (R., Ill.)—reported this year, for example, an interesting fact about the disturbing military revolution in Peru. Some 4,500 Peruvian military officers have received U.S. military training. These included 10 of the 12 military officers who formed the ruling junta which became the cabinet.

In Brazil, whose present government had military birth and has been under fire internationally for repression, U.S. military aid since 1950 has amounted to $221 million.

The congressional team reported that U.S. and Latin military establishments have become so intertwined that it would be difficult to separate them.

This entanglement has obvious political disadvantages, particularly in the nationalistic mood that dominates Latin America, and adds significantly to the compelling reasons why the United States should reduce its military presence in Latin America.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

INTERNATIONAL TRADE POLICY

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. MOLLOHAN. Mr. Speaker, yesterday I introduced H.R. 17812 which will substantially change the direction of our international trade policy. For the better part of the last decade, we have, as a Nation, supported a trade policy which assumes that the Nation profits from free trade. We have not taken a hard look at this proposition and consequently, many leaders in the Government and in industry have not realized that free trade benefits those industries which export at the expense of those industries which bear the competitive burden from foreign industries which import their goods to this Nation.

And increasingly, the industries which import their goods to this Nation compete with industries in areas where there is too much unemployment, and too few economic alternatives. Yet, we have pursued this policy as we have pursued altogether too many other policies, without considering its full implications.

Today, in West Virginia, electronics, steel, flat glass and glassware, textiles, footwear, and certain chemicals are among the products which have borne the burden of America's free-trade policy. More than 40 percent of the counties in West Virginia have in excess of 6 percent unemployment, and with the Nation's current economic crisis, that figure will most certainly climb. In the past 10 years, we have created several agencies to war on poverty and unemployment and backwardness. We have singled out much of Appalachia for this aid in the hope that it could rejoin America's mainstream economy.

However, the Nation's trade policies have dramatically reversed these efforts in many areas of West Virginia and Aplachia by undercutting the economic base it sought through other programs to build and to stabilize.

Consequently, I welcomed the announcement by Chairman MILLS that hearings on trade would take place during this session.

In addition, Congressman MILLS has introduced legislation which will serve to curb imports in the textile and footwear industries. It is highly important that these two industries be granted relief from the present burden they bear. But it is crucial to our entire policy to deal with all industries that are seriously affected by our present trade policy. Steel and flat glass and glassware and electronics and certain chemicals are suffering no less than footwear and textiles, and we would fatally injure these industries and the areas of the country they support if we were to legislate only for footwear and textiles, while leaving the other industries in their present position.

Mr. Speaker, we must consider the problems of all the industries which have been hurt by excessive imports, not just two of them. If we legislate only for textiles and footwear, the remaining industries will lose these two industrial allies, and with them, the real political power to force change in our present policies. It would be bad national policy and legislative immorality to allow this. If we get textile and footwear legislation, we will not get a broad policy that covers all the affected industries and the impetus to achieve this legislation will falter until it is too late for some industries.

If we legislate only for textile and footwear we will destroy industries vital to this country. We will foolishly depart from a longstanding policy to be technically competent in every vital industry, and in the process, it would consign many areas of the country to the status of economic backwaters.

We cannot allow this to happen, and I would hope that other Members of the House will join me in urging the Ways and Means Committee to enact comprehensive, not piecemeal, legislation as our Nation's international trade policy.

FREEDOM OF EXPRESSION—A DECADE OF CHANGE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. GUDE. Mr. Speaker, on May 1, Law Day, it was my pleasure to join the Montgomery County Bar Association in hearing an address by Judge Edward S. Northrop of the U.S. District Court of Maryland. My great respect for Judge Northrop dates from our days as colleagues in the Maryland State Legislature. He chose as his topic "Freedom of Expression—a Decade of Change," and presented a thought-provoking review of developments in the law governing obscenity and campus unrest. As layman, I came away impressed by the challenges these issues present to a conscientious trial judge. He must make his way through a maze of judicial decisions purporting to define obscenity, and make the boundaries between legitimate student protest and conduct, whether violent or nonviolent, that frustrates the purposes of a university and denies others their rights. The line between liberty and license is drawn not simply by our laws but by our courts. Both need our dedicated support to sustain the rule of law.

I commend Judge Northrop's excellent remarks to the attention of my colleagues:

FREEDOM OF EXPRESSION—A DECADE OF CHANGE

The first amendment to the Constitution of the United States, in pertinent part, states that "Congress shall make no law . . . abridging the freeedom of speech, or of the press. . . ."

We have seen in recent times a great deal of judicial activity in this area, only part of which has served to clarify the troubling legal questions which have been presented. Perhaps the two most topical areas in which these issues have been presented are obscenity and campus unrest.

Obscenity, while more or less interesting to look at, depending on your point of view, presents some very perplexing constitutional problems. Basically, it poses the question of exactly how far the freedom of expression guaranteed in the first amendment, and as applied to the states through the fourteenth, extends. The words of the first amendment, while seemingly absolute on their face, were apparently never intended, even by their authors, to protect all utterances. For example, in 1792, when 10 of the 14 states had ratified the Constitution, thirteen of them provided for the prosecution of libel, and all of them made either blasphemy or profanity, or both, statutory crimes. The first obscenity law as such was passed in 1712 by the Massachusetts Bay Colony, which made it criminal to publish "any filthy, obscene or profane song. . . ." While the existence of these statutes is certainly not conclusive of their constitutionality, it is indicative of the intention of the drafters of the first amendment as to that provision's reach. Only recently, in *Roth v. United States,* 354 U.S. 476 (1957) the Supreme Court squarely held that "obscenity is not within the area of constitutionally protected speech or press." This holding was based essentially on the finding by the Supreme Court that historically the first amendment was not designed to protect obscenity, as it was utterly without redeeming social importance. Having concluded this, the real problem of defining obscenity remained. Essentially, this still remains the primary field of battle. In the *Roth* case the Court enunciated the following test:

"Whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole, appeals to prurient interest."

The Court, in subsequent decisions, elaborated on this definition, and refined it until, in *Memoirs* v. *Massachusetts,* 383 U.S. 413 (1966) it read as follows:

[T]hree elements must coalesce: it must be established that (a) the dominant theme of the material taken as a whole appeals to a prurient interest in sex; (b) the material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and (c) the material is utterly without redeeming social value.

One would think, having stated what appears to be a clear definition of obscenity, that no more problems would be presented. Not so. What appears to be a clear holding in these cases is clouded by the fact that in *Roth* the Court issued four separate opinions, and in *Memoirs* there were five separate opinions, with an additional two justices issuing their concurrence based on their opinions in a companion case. In fact, the "opinion of the Court" represented only the opinion of three of the nine justices! By itself this would be a trial court's nightmare, even if it were not further complicated by the companion case of *Ginzburg* v. *United States,* 383 U.S. 463 (1966). In that case the Supreme Court, in four separate opinions, affirmed convictions based on violations of the federal obscenity statute for mailing three publications. While purporting to adhere to the three-fold test enunciated in *Memoirs,* the Court in fact acknowledged that the publications in question were not utterly without redeeming social merit, but affirmed the convictions anyway. The Court, in accomplishing this seemingly inconsistent result, did so by adding an additional element to the test, without specifically saying that this was what they were doing. They added the element of the setting in which the publications were presented. In other words, where the publications themselves, from their four corners, are not sufficiently obscene to meet the legal definition, a court may now look to the manner in which they were presented to push them over the line. I might note, parenthetically, that some of the evidence used to establish this setting was the fact that the publishers of these items had sought, and been denied, mailing privileges from the postmasters of Intercourse and Blue Ball, Pennsylvania!

These three cases, which ostensibly represent the guiding light in the area of obscenity, are hardly the paragon of clarity. They contain in effect fifteen separate opinions, and their holdings are, being charitable, somewhat ambiguous. In fact, in the ten years prior to 1968 the United States Supreme Court handed down thirteen decisions in which there were fifty-five separate opinions. Nevertheless, perceiving the true light, our court, en banc, held, in *United States v. 4,400 Copies of Magazines,* 276 F. Supp. 902 (D. Md. 1967), in reliance on *Ginzburg,* that magazines which may have met the three-fold test of *Roth,* but were nevertheless not shown to have been distributed in an improper manner, were entitled to the protection of the first amendment. Our holding met with mixed reviews. A New York three-judge panel, as a prelude to a discussion—and rejection—of our holding said:

"It bears mention, however, that plaintiffs are not alone in their *contrary* thinking."

In *Karalexis* v. *Byrne,* 306 F. Supp. 1363 (D. Mass. 1969), however, a three-judge panel in Massachusetts held that without evidence of pandering, *admission of minors,* or forced display to an unwilling public, essentially the same standards we mentioned, motion picture theatres would be allowed to display what might otherwise be obscene movies to willing adult patrons. The court granted an injunction against police conduct to the contrary, but that injunction, interestingly enough, was stayed by the Supreme Court pending appeal. This holding was based, in part at least, on the controversial, and apparently little-understood case of *Stanley* v. *Georgia,* 394 U.S. 557 (1969). In that case, simply stated, the Court declared that a state, and presumably the Federal Government as well, cannot constitutionally punish mere private possession of obscene material. In reaching this conclusion, Mr. Justice Marshall, stating the opinion of the Court, distinguished between public distribution and private possession on the grounds that public dissemination may lead to intrusion on the sensibilities of the general public, or that it might fall into the hands of minors—precisely the grounds expressed in our case and in *Karalexis.* He further observed that the first amendment protects the right to *receive* information and ideas. At the end of the opinion, however, Mr. Justice Marshall added that the holdings of *Roth* and its progeny were not impaired by this decision. I am sure he meant what he said, but I cannot see how the two can really be read consistently. *Stanley* raises several problems which cannot be solved by a reading of the prior obscenity cases. First, if a man has a constitutionally protected right to possess material, has he no similar right to obtain it? Furthermore, it would seem most inegalitarian to allow a "rich Stanley" to travel abroad to obtain this material, but forbid a "poor Stanley" to obtain them at home.

By the way, the interpretation of *Stanley* in *Karalexis* is not peculiar to that one three-judge court in Massachusetts. In a similar case, involving the federal importation-of-obscene-matter statute, a California three-judge panel declared that statute to be unconstitutional.

This is not the only area of controversy with respect to obscenity. Because of the potential infringement on first amendment rights, it appears that the Constitution requires an adversary hearing prior to the seizure of allegedly obscene material. When I say an adversary hearing, I mean a hearing at which the obscenity of the material is determined. As of the middle of February, there had been *over fifty decisions by federal courts* alone relating to this question. I hope you will pardon me for omitting the citations. Primary reliance in this argument is placed on the Supreme Court's decision in *A Quantity of Books v. Kansas,* 378 U.S. 205 (1964) which appears to have held that such a hearing is a constitutional prerequisite to seizure and/or suppression of allegedly obscene material. Going even further, there is the additional argument that an adversary hearing is constitutionally required before arrest on charges of violation of obscenity laws, and I might add that this argument is not totally without judicial adherents, including Judge G. Harrold Carswell in *Morrison & Peachtree News Co. v. Wilson,* a three-judge decision from the Northern District of Florida.

In short, the area of obscenity presents to the trial judge, and to potential offenders, a very foggy picture, if not a dirty one. There is a strong argument in favor of determining whether material is entitled to constitutional protection based on the manner of its distribution alone. The interest in maintaining a decent society could well be protected by legislation which prohibits pandering, sale to minors, and exposure to an unwilling public. Whether the Constitution allows the state to go further still has not been resolved to anyones satisfaction by the Supreme Court. It is certainly up to them to do this, and I am hopeful that the *Karalexis* appeal will shed some light on a very confused situation.

The effect of the various Supreme Court decisions on the flow of pornography is almost instantaneous for tons of more graphic material poured into the Port of Baltimore just as soon as one decision ruling certain magazines obscene, affirmed by the Fourth Circuit Court of Appeals, was reversed by the United States Supreme Court.

And already around the country so-called unobtrusive "adult book" stores are springing up.

Some prosecutors seem to feel that perhaps the fight for a "decent society" is all but over, and besides, they say, it diverted their attention, their moral drive, from the more compelling fight against crime.

And there is great debate as to the effect of exposure to pornography as we all know.

Pornographic protagonists point to the flagging, at least internal interest in this area in the Scandinavian countries. While those opposed cite various civilizations' fall from Sodom and Gomorrah, Pompeii, to Germany's Hitler as attributed to obscenity.

You take your choice—but you have seen in an incredibly short period of time a full blown first amendment right developed by court decree.

The other area of great, although admittedly less titillating concern, is what appears to be an increasing level of violence and general unrest on college campuses. To put this in proper context, perhaps it should be observed that this type of conduct has been going on throughout the world for many years, and only recently has it come to American campuses. This of course, does not help us to deal with the problem, nor is it intended as a justification. The fact remains that what were once the cloistered, and quiet halls of academia, are now teeming microcosms of revolutionary tensions. Without intimating any views of my own on specific issues, it is clear that in many instances this activity reflects intense concern with legitimate problems confronting society. In a free society, it is appropriate that the young citizens, and future leaders be concerned with problems of peace, equal rights, individual freedom and pollution of the environment. What is not appropriate is the use of violence and coercive tactics to accomplish legitimate goals. What is even more disturbing is the use of the campus as a vehicle for small bands of disaffected to destroy the society altogether. Thus, the law must tread that delicate tightrope which secures to all the right to express their dissatisfaction with the estab-

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lished order, and which further guarantees to everyone access to non-violent channels of change, but which allows the society to protect itself and its members against violence. This may be easily stated, but it is very difficult to maintain in practice.

Traditional notions of high schools and colleges as private enclaves with the power to regulate internal affairs freely have in recent times undergone significant change. What we must cope with is the conflict between the interest on the part of school officials in maintaining an orderly institution, one which is conducive to the learning process, and the recognition on the other hand that students do not relinquish their constitutional rights at the campus gate. This is not, of course, to characterize the administrators as individuals devoted to suppression of the rights of their students. Rather, it reflects the undeniable fact that in many circumstances, the exercise of otherwise legitimate constitutional rights can conflict with the equally legitimate objectives of school administrators.

Recognition of rights of college students is a relatively recent innovation. For many years it was consistently held that attendance at state institutions was a privilege, and one which could, even if tacitly, be conditioned upon a waiver of traditional due-process safeguards. In 1961, however, in *Dixon v. Alabama State Board of Education,* the Fifth Circuit Court of Appeals held that a student could not properly be expelled without some notice of his hearing and opportunity to be heard. This case did not abandon the right-privilege distinction, but rather it held that even if attendance at state universities was a privilege, it could not properly be conditioned on the renunciation of such important rights absent a showing of any substantial justification, such as immediate danger to the public.

The importation of the Constitution onto the campus has signaled the recognition of many previously unrecognized rights of students. Consistent with the theme of my earlier remarks, however, I wish to devote myself primarily to the emergence of the rights of expression, which really are at the heart of most of the publicity and turmoil surrounding colleges these days.

It is clear that the students of public universities are entitled to the protections of the full first amendment—not a watered-down version. But, as the Supreme Court in *Tinker v. Des Moines Independent Community School System,* 393 U.S. 503 (1969) pointed out, these rights must be applied "in light of the special characteristics of the school environment."

The reach of the first amendment in school situations, and the impact of the "special characteristics" mentioned in *Tinker* must be observed in the context of the non-academic scope of that amendment. As I hope I made somewhat clear, this is a difficult task to perform. Perhaps the simplest theory to suggest, and one which is amply supported by language of Supreme Court decisions, is that the crucial distinction in this area is between expression and action. While regulation by the state of action may take any one of a number of forms, and is not protected by the first amendment, the scope of regulation of expression is, of course, permissible only in the form of reasonable and non-discriminatory restrictions as to time, place, and probably manner. Of course, the difficulty with this analysis is found in the middle area, where speech, or expression, and action tend to merge. Nevertheless, as I hope to demonstrate, this proposition is essentially a workable one.

The classic type of situation, where these considerations are placed most sharply in focus, is the demonstration—the trademark of the modern university. On one hand, it is quite clear that a demonstration is not protected activity if it involves violence. In *Marzette v. McPhee,* 294 F. Supp. 562 (W.D. Wisc. 1968), the court not only approved, but virtually required the University to impose severe sanctions on students who broke into the president's office, holding him prisoner and threatening him, and who destroyed substantial amounts of property. It is also clear that violence *per se* is not necessary to a finding that a student has, in effect, forfeited his constitutional protection. Certain nonviolent action, such as blocking entrances to university buildings or occupation of them, has been consistently held to be without the sphere of first-amendment protection. On the other hand, it is equally clear, that a university may not prohibit peaceful demonstrations under normal circumstances merely because the administrators do not approve of the viewpoint of the demonstrators.

A similar proposition is true with respect to Speakers from outside the campus community. In fact, the reported decisions have held that a speaker may not be refused permission to speak on campus because he has been convicted of a felony, because he is under indictment for murder, because he urges or advocates violation of the laws, or because he is an admitted member of the Communist party. Further, a forum cannot constitutionally be denied to groups seeking overthrow of the government by force of violence. A very recent case, decided by a district judge in Wisconsin, has gone so far as to force the publishers of a school newspaper to accept certain "political advertisements" in the face of their regulation which, non-discriminatorily, did not allow such advertising. Judge Doyle, in *Lee* v. *Board of Regents,* 306 F. Supp. 1097 (W.D.Wisc. 1969), held that such a regulation constituted an impermissible form of censorship.

I could list many more examples of this distinction, but I don't think that would really serve to illustrate further my point. What is central to bear in mind is that expression, however distasteful, carried out under proper circumstances, is protected; when it becomes action, the university may legitimately act to regulate it. I commend to your reading, if you are interested, a speech by Professor Charles Alan Wright of the University of Texas Law School, given at Vanderbilt Law School. It is entitled "The Constitution on the Campus", and appears in volume twenty-two, number five, of the Vanderbilt Law Review.

Having acknowledged that the first amendment's protections of expression apply with virtually full force to the campus community, there still remains a recognition of the task which college administrators face—that is, to run an orderly and educationally-beneficial institution. Judges and parents should be aware of the necessity of balancing these two, often competing, interests. One of the more interesting approaches to this problem is that of the District Court for the Western District of Missouri. *En banc,* that court has promulgated a "General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax Supported Institutions of Higher Education". For anyone who is interested in reading it in its entirety, it is found in Volume 45, Federal Rules Decisions, page 133. In a very innovative manner, utilizing what is more traditionally a legislative approach, the court, after hearing from counsel for all interested tax-supported institutions, counsel for any interested privately-supported educational institution, counsel for the American Civil Liberties Union, the Attorney General of Missouri, and counsel for any officially elected or recognized student government or faculty association, the court promulgated what they term standards of procedure and substance to be applied to all cases involving disciplinary questions in tax-supported institutions of higher learning. This memorandum recognizes the delicate balance I have referred to, and attempts to strike a midpoint between these competing interests. While recognizing the student's right to express himself, the report notes that "No student may, without liability to lawful discipline, intentionally act to impair or prevent the accomplishment of any lawful mission, process, or function of an educational institution." This follows a list of sixteen "lawful missions" of an educational institution.

The report further distinguished student discipline from the criminal law, and states that a federal court should not intervene to reverse or enjoin disciplinary actions unless there has been 1, a deprivation of due process, that is, fundamental concepts of fair play; 2, invidious discrimination; 3, denial of federal rights protected in the academic community; or 4, clearly unreasonable, arbitrary or capricious action.

There is an additional section which fairly extensively delineates some substantive standards for student discipline cases under Title 42, section 1983. This is clearly an inventive approach. Although I may not agree with the substance of all of this report, I certainly applaud the attempt to apply consistent guidelines, set forth in such a clear manner. Difficult problems such as this need a fresh rational approach. Only when we approach these issues with reason can any type of useful solution emerge. In this connection I note an encouraging sign from the campus at Johns Hopkins. Last week, a relatively small band of activists convinced the university officials, amid much turmoil, to band military recruitment from that campus. The capitulation of these officials met with a very unusual response from the remainder of the campus community. Over 1,000 of the faculty and students petitioned the university to put this issue to referendum, which was just held, and recruitment lost by 62 votes out of 2,000 cast.

This action indicates that the great majority of the students and faculty dislike being told how to conduct their affairs as much as the university officials do. It further illustrates another very important point: that university officials must be firm in their dealings with forceful groups. It is one thing to guarantee to all students the right to express themselves; it is another to allow them to run the university.

Here again is an incredibly rapid development of a new body of law by court decree—the Constitution on the campus.

The question is why—why are a minority composed of the nihilists and anarchists able to manipulate our young people and you and me?

Unfortunately at some point in time, sociologists and psychiatrists advanced a theory of "permissive" conduct in application to children and the educational process. Whatever validity this principle may have had in its original concept has been lost in history, for today it has become apparent that this doctrine of "permissive conduct" is being abused and perverted, and has become so pervasive in our society as to create mischief which, I am sure, was never contemplated by its authors.

"Warning that the nation is fostering a 'vicious kind of permissiveness . . . under the guise of concern for the protection of freedom', Chancellor Samuel B. Gould of the State University of New York, in the keynote address to the 50th meeting of the American Council on Education, said the nation has developed a taste for violence that 'is a step back towards barbarism. . . .

'It is apparent that what we have already witnessed is only a beginning. There is far worse to come, since we as a nation are making promises that cannot possibly be kept and are offering quick panaceas for an illness of the body politic that may soon turn out to be malignant.' "

The time has come, therefore, for a searching re-examination of the principle of "permissive conduct" and a return to the more valid values and principles which have been displaced.

Discipline still has its place in the home, in the school, and in the universities. Order has its place in society. The statement of principles and problems, however, does not mean that the problems have been resolved or dissolved. It will take great determination and willpower and understanding before we can return to true values and eliminate the mischief created by "permissiveness" and disorder.

In the accomplishment of this end, you who are dedicated to the law can play an important and significant part. Just as we know that our air and water are polluted and just as we know that this pollution is injurious to health, so we know that in an affluent and scientific society we have not yet been able to bring together the will, the resolve, the talent, and the energy to eliminate these dangers.

I would, therefore, make the analogy that unfortunately the legal and political air has become polluted with the mischief of erroneous doctrines and principles, and I believe that we are beginning to understand this, but I also feel that it must require the mobilization of energy, talent, and will to eliminate this pollution so that we may once again live in a clean and unpolluted atmosphere of liberty under law and freedom with order.

Let us once again earnestly say (to paraphrase the preamble of our Constitution):

"We the people of the United States, *resolve* to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity . . ."

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ABRAHAM HERBERT CUBERO

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. CAREY. Mr. Speaker, Abraham Herbert Cubero, the honorary ambassador to Spanish and Latin American military officers at Fort Monmouth, N.J., passed away at the age of 66 on May 10.

Mr. Cubero served the U.S. Army for more than 40 years. Following his retirement he went to Puerto Rico to establish a communications network for the Radio Corp. of America. He was the brother of Frank Cubero who has served this House for more than 30 years as supervisor of the pages' cloakroom.

I ask that the press account of Mr. Cubero's death be printed at this point in the RECORD:

SPANISH MILITARY ENVOY ABRAHAM CUBERO DIES

WEST LONG BRANCH.—Abraham Herbert Cubero, the honorary ambassador to Spanish and Latin American military officers at Ft. Monmouth, died in Monmouth Medical Center, Long Branch, Saturday.

Mr. Cubero, 66, an amateur horticulturist, resided with his wife, Mrs. Angelica Roman Cubero, and two sons at 491 Monmouth Rd. He had lived here 22 years.

A certificate of honorary ambassadorship was drafted by Spanish speaking military officers at Ft. Monmouth, whom Mr. Cubero had hosted at his home, on Oct. 13, 1968.

The document was presented to him by Maj. Gen. William B. Latta, former fort commander, at a reception in the officer's club there.

One of the sponsors of the certificate was Capt. Jose Sintas of the Spanish Army general staff, chief aide to the top military commander under Generalissimo Francisco Franco.

CITED FOR CROP

Mr. Cubero, who cultivated about four acres of his 25-acre tract, here, has been cited by the U.S. Department of Agriculture for a "bumper crop" of peanuts he grew.

He also succeeded two years ago in growing a stand of yucca plants in his garden. The plant, a tropical food staple, was considered impossible to cultivate in this country.

He was a communicant of St. Jerome's Catholic Church, here.

Mr. Cubero, an electronics engineer, was born in San Juan, Puerto Rico.

A former soldier, he served as company clerk to former President Eisenhower, when he was a major stationed in Panama. He left the Army more than 40 years ago to teach at Ft. Monmouth, before going to Puerto Rico to establish a communications system for Radio Corporation of America. He late returned here to resume his electronics career at the fort.

Also surviving are two sons, Arvid H. and John G. Cubero, at home; two daughters, Mrs. Enid C. Bender, Rumson, and Miss Ruth Cubero, New York City; two brothers, Frank Cubero of Washington, D.C., an employee of the U.S. House of Representatives for over 30 years and John Cubero of Crozet, Virginia, a designing engineer for the Sperry-Rand Corporation; two sisters, Miss Rosario Cubero of New York City, and Mrs. Christina Quijano of San Juan.

The Damiano Funeral Home, Long Branch, is in charge of arrangements.

SOCIAL SECURITY CHANGES SORELY NEEDED

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. BURKE of Florida. Mr. Speaker, throughout the country the month of May is being celebrated as Senior Citizen Month and the U.S. House of Representatives indicated their interest on May 21 when we voted for several much needed changes under the Social Security Act.

Certainly the problems facing so many of our elderly people are acute and hopefully the changes will enable them to better face the rising cost of living.

There are currently 26.6 million people on social security rolls with the greatest portion of these beneficiaries, 25.4 million, being senior citizens. Monthly benefits total over $2.16 billion.

In our State of Florida we have 1.1 million senior citizens who receive a total of more than $90 million per month.

Our senior citizens make a tremendous impact on our State with their experience, ability, and financial contributions, but we would have to be blind if we could not see the uphill fight that many of them have in today's society.

With inflation and high taxes raging, our senior citizens find themselves with their backs against the wall. Thus, I feel, it is now imperative that the Senate consider the legislation passed by the House as quickly as possible.

Our senior citizens have been handicapped by the limitations on the amount they can earn, and on the limitation on the amount of benefits they receive each month. What once was thought to be a sufficient supplement has been eroded away by rising living costs until today our elderly are barely able to make ends meet.

With the 15 percent social security increase that became payable in April, social security benefits average $1,392 for an individual and $2,088 a year for a couple 65 years of age.

However, when we take into consideration that the U.S. Labor Department standard indicates $2,920 is the very least a retired couple needs to stay above the poverty line, I, like many in the House of Representatives, have become concerned that many of our elderly who have been caught in this web of inflation will continue to become more entangled financially without further help.

I appreciate the fact that social security was never intended to be a pension, and in fact was instead intended to be a supplement to other savings and income. Yet, with the many economic changes resulting over the years, which have in many ways hurt rather than helped today's elderly, it seems that a complete reappraisal of the problems facing those under social security is in order.

I supported the 15 percent social security increase passed by the Congress in 1969 and also the 5 percent increase which just passed the House. In this current legislation I supported also the House amendment offered by Representative JOHN BYRNES granting social security increases automatically whenever the national cost of living rises 3 percent or more per quarter. I introduced legislation calling for this and was indeed happy that although it was not recommended by the committee, it passed as an amendment to the committee bill.

In both the 90th Congress and then in this Congress, I introduced legislation which would completely remove the earnings limitations now placed on social security recipients. The House approved only a raise in the ceiling from $1,680 to $2,000 a recipient may earn per year without penalty, but I still feel further working inducements should be offered in the future to those willing to work after retirement.

I feel that many citizens who reach their golden years should not, if they choose, continue to work yet it is my opinion that those who do wish to continue to work in order to earn wages to help pull them through tough financial times should be encouraged to do so without penalty. Social security is not welfare and most of those receiving benefits have earned these benefits, and have the right to keep working if they desire.

Truthfully, should the Federal Government have the right to limit any citizen in their earning power? It is even more ironic since it is the wild spending sprees of our Government which has contributed to the inflation that is ensnaring our retirees today.

In any event, the new social security

legislation which passed the House will help since it includes:

Benefit increases to 100 percent for widows and widowers entitled to such under the primary insurance if first applied for at age 65 or later.

Authorization for the Secretary of Health, Education, and Welfare to establish specific periods of time after hospitalization for which a patient would be eligible for extended care—I cosponsored this.

Authorization to study the possibility of including chiropractic care under the medicare program.

Authorization for recipients to take part in health maintenance programs with the Government paying up to 95 percent if the party qualifies for both part A and part B of medicare.

More authority given to the Secretary of HEW to clamp down on violators of the medicare program.

To pay for the benefit increases passed by the House, the social security tax base will have to be increased from the taxable income limit of $7,800 to $9,000. It was necessary also for the tax on employers and employees to be raised from 4.8 to 5.2 percent.

At this point I might mention that a further bill I introduced would have allowed all medical expenses to be deducted in computing the income tax but this bill was, unfortunately, not passed. It was held by the committee for further study.

In closing, I would like to stress that age is something that comes to us all and the best of plans in one's old age often go astray because of circumstances impossible to anticipate. Our elderly citizens of today have gone through the depression of the 1930's, two world wars, and two others.

They worked hard and paid their taxes. They helped build our Nation to its greatness. They ask not for charity, but only what is deserving to them, and now they do need help and the least we can do is to give them the help they have earned.

MIKE ONLEY TO GRADUATE FROM COLUMBIA HIGH SCHOOL

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. WATSON. Mr. Speaker, in just a few days a remarkable young man will join his classmates at Columbia High School in Columbia, S.C., in receiving a high school diploma. His name is Mike Onley, and I want to tell our colleagues something about Mike.

Two years ago, this energetic and popular young man had a terrible swimming accident that resulted in almost total paralysis. Understandably, it was at first difficult for Mike, who had always been very active, to make the psychological adjustment to his misfortune. A person with less faith and courage than Mike would never have made that adjustment. But Mike is a fighter and together with his parents, teachers, and fellow students at Columbia High, a battle was launched almost from the date of his accident to further his education.

Through the untiring efforts of doctors and physical therapists at the Medical University of South Carolina, Mike fought to regain the use of his limbs. At the same time, the school devised a plan to help Mike complete his high school education. Since Mike was unable to attend school, a school-to-home telephone hookup was established and Columbia High School came to see Mike. I can report that they have gotten along famously. In fact, Mike can brag that he has not been sick a day yet, and as a result he has not missed a class. He is probably the only student anywhere who could play hookey by just hanging up the phone. But, he takes his studies seriously, and now Mike is ready to realize a great ambition—the successful completion of his courses at Columbia High School which means a well-deserved diploma.

I am proud of Mike Onley. I am proud of his parents, teachers, and many friends at Columbia High. All of them have pulled together to help achieve a worthy goal in a person's life, the furtherance of his education. Mike's example of bravery and sheer determination can serve as an inspiration to others in similar circumstances. He did not quit because the challenge was there, and this is the spirit which must always be the trademark of the American people. He is confined to a wheelchair, but he has taken a symbolic step toward success in the future. I congratulate him upon this great event in his life, and I take this opportunity to wish him continued success.

Mr. Speaker, because Mike Onley represents the great ideals and aspirations of American youth at their best, I want to conclude my remarks by recommending to the attention of our colleagues two newspaper articles which describe far better than I the heroic struggle that he has waged. They are as follows:

[From the Columbia (S.C.) Record,
Oct. 11, 1969]

INTERCOM SYSTEM LETS HANDICAPPED COLUMBIA BOY TO ATTEND CLASSES

(By Lee Huntington)

In this day and age of school drop-outs and those who just plain hate school, the idea of not having to attend any classes might sound great. To one Columbia High student, being out of school is the worst that could happen.

Mike Onley would probably have graduated last year if he hadn't gone swimming on a certain day or decided to dive at another location. The fact is, though, he jumped in where the water was too shallow, pinched his spinal cord, and is now confined to bed, paralyzed from his neck down.

Mike loved Columbia High. Anytime there was something to be done he was always there with a grin on his face. Seldom, if ever, did he frown on anything or anyone. If there was work to be done he would do it.

For over a year Mike has not been able to move any part of himself except his head and lately he has felt a tingling in a few of his fingers. Last year the school board appointed him tutors so he wouldn't fall behind his class. But Mike wanted to be a part of Columbia High. He wanted to be with his friends and just be one of the crowd as he had for sixteen years. Having a friend meant more to him than anything else. But for Mike that wasn't hard. It was literally impossible to find someone who didn't have a compliment about him.

Mike is still at home, but he's probably closer to Columbia High than some of its regular students. Because of "Mr. Bell's" greatest invention Mike is again part of his school. In four classrooms an intercom system has been placed. Mike also has one at home.

During designated periods throughout the day the instructors turn on their unit and the discussions travel two miles. He is learning English, algebra, history, and psychology probably better than some of those who attend class.

He can ask any questions he likes and have it heard by those in the room. The sensitive microphones can even pick up the bell and all of the "under the breath" jokes which are cut.

This arrangement is another first for Columbia High. No other school in South Carolina is known to have done this sort of thing for a student.

Most of all, though, it's a first for Mike Onley. It's the first chance in over a year he has to be with friends and again learn as they do.

Mrs. Carolyn Walters, who teaches psychology, says it is hard to find a student who wants to learn as badly as Mike does and that she will do everything possible so he might receive his diploma in June. Many students have been expressing the wish to have him at graduation if there's any way.

Mike has not been in school for a year. If fate doesn't take another course he may never sit in a classroom again, but knowing him he will be a college graduate.

Many of us have our own explanations of happiness. For Mike Onley, happiness is being able to hear his friends' voices again and the fact that he can say "Here" when his name is called.

[From the Columbia (S.C.) State,
Mar. 22, 1970]

I THINK ACCIDENT HELPED ME A LOT

(By Charlotte Wyndham)

"At first I felt sorry for myself, because I used to be so active, football and things, but now I feel like this was God's way to test my faith."

Mike Onley was explaining his swimming accident two years ago that left him paralyzed from the neck down.

But he is not handicapped. It didn't take this happy, well-adjusted teenager long to realize there were more problems in the world than his.

"When I went to the Medical College of South Carolina, I saw others in worse shape than I was in. This was the turning point for me. The doctors and therapists worked with me every day until I could sit up in a wheelchair, then they showed me how to put a pencil between my fingers and palm and write. I knew I was going to be OK.

"I said to myself, 'I never sat down before, and I am not going to now.' "

And he hasn't. "I think my accident helped me a lot. The problems I used to think were big I can see now were not so important."

Six feet, four inches, 220 pound Mike "goes" to Columbia High every day via home-to-school telephone service. His amplifier sits next to his desk, and he listens and takes part in his four senior subjects. "Psychology is my favorite subject, and we get into a big discussion every day."

"I get up every day at 8 a.m., have breakfast, and am ready for my first class, English, at 8:55. I go through a regular school day, finishing my last class at 3:30. I haven't missed a day yet. I'm lucky I haven't been sick" said healthy looking Mike.

There seems to be almost nothing Mike can't do that the average teen-ager can't. He has the same English assignment as others . . . a senior research theme. This leaves him undaunted. "A friend of mine is going to the libraries for me, and I am learning how to type, punch style with sticks.

Teen-agers normally date on the weekend, so does Mike. With the help of his parents, he is seated in the backseat of his car, and along with his date and another couple, they go to the drive-ins for a movie. On Sundays, some of his friends always come to take him for a ride.

Mikes friends are always around. After the last class at Columbia High, a few of the boys and girls drop around to rehash the day's activities, which Mike is up on, and to pick up some of his written assignments.

There is always laughter and a smile in Mike's room. As his mother explains it, "Mike doesn't like sad faces and tears. Whenever I feel down or blue, I can always go into his room to be cheered up."

Mike, his face breaking into a happy grin, looks forward to graduation day this June. I'll be there, he said with determination.

This young man seems to live the old saying, "Troubles are just opportunities to do something about them."

A BILL TO AID OUR NATION'S SCHOOLS

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. QUIE. Mr. Speaker, a number of my colleagues and I have introduced a bill to carry out President Nixon's proposal to help our Nation's schools achieve desegregation and end or ameliorate conditions of racial isolation in the schools.

While we no doubt will support or even offer amendments to the bill based on testimony, I regard this proposal as one of the most important steps along the long, difficult road that leads to equal educational opportunity for all the children in our Nation. It comes at a critical time for several hundred southern school districts which are making genuine efforts to desegregate but are doing so with completely inadequate funds.

This act is designed to provide $1½ billion over the next 2 years to assist school districts in desegregating and overcoming the effects of racial isolation. This will provide major help in alleviating a crisis which exists through the Nation, although its impact has been greatest in the South.

School districts which are attempting in good faith to desegregate their schools are discovering that large expenditures in addition to their normal operating budgets are required to make desegregation work. In his March 24 statement on desegregation in America's elementary and secondary schools, the President affirmed his commitment to the goal of racial equality in the Nation's schools. This will make it clear that the administration is willing to provide a substantial commitment of Federal funds to achieve that goal and to insure that, in achieving it, educational quality is maintained.

The President's proposal would provide assistance to local educational agencies throughout the Nation to meet special needs such as teacher training, curriculum revision, purchase of materials, repair or minor remodeling, and planning costs.

Support would be available on a project grant basis to three categories of school districts: First, districts desegregating under court order or subject to a title VI desegregation plan filed with the Secretary of Health, Education, and Welfare; second, school districts which are voluntarily desegregating to overcome de facto segregation or which are taking affirmative action to prevent segregation from developing as neighborhoods change; and, third, racially impacted school districts with over 50 percent minority students which need assistance in overcoming racial isolation.

There is no element of compulsion in this bill. It is neither "carrot" nor "stick," but rather, provides straightforward assistance to local school boards which are trying to deal with these problems. As President Nixon expressed it so well in his message of May 21:

> Nothing in this Act is intended either to punish or to reward. Rather it recognizes that a time of transition, during which local districts bring their practices into accord with national policy, is a time when a special partnership is needed between the Federal Government and the districts most directly affected. It also recognizes that doing a better job of overcoming the adverse educational effects of racial isolation, wherever it exists, benefits not only the community but the nation.

The President went on to note that the issues involved here are not simple and that "many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive." But the President pledged a search for answers that are most constructive, and he urged speedy action on this proposal. I am confident that the Congress will heed that request. A more detailed description of the bill follows:

I. SUMMARY OF "EMERGENCY SCHOOL AID ACT OF 1970"

The proposed "Emergency Educational Assistance Act of 1970" is designed to meet the four categories of need outlined in the President's March 24 statement on elementary and secondary school desegregation:

The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

The special needs of racially-impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

The financing of innovative techniques for providing educationally sound inter-racial experiences for children in racially isolated schools.

A. GENERAL PURPOSES—SECTION 2

Financial assistance is to be provided to aid:

(1) *De jure* districts now desegregating pursuant to court order or HEW plan, or having done so within two years prior to application, for special needs incident to the implementation of these plans.

(2) *De facto* districts that wish to undertake voluntary efforts to eliminate, reduce or prevent racial isolation in elementary and secondary schools for purposes of improving the quality of education available to students in such schools; and

(3) Racially impacted (de facto) districts that wish to undertake special inter-racial programs, or where such programs are not practicable, programs designed to overcome the educational disadvantages of racial isolation.

B. STATE ALLOTMENTS—SECTION 4

Assistance would be provided by means of discretionary project grants to local educational agencies, and under certain conditions other public and private non-profit organizations, with administration at the Federal level. Two-thirds of the total funds are allotted among the States on a formula basis. The remaining one-third is to be distributed among the States on a totally discretionary basis.

Under the State distribution scheme, each State receives $100,000 plus an amount based upon the number of minority students in the State vis-a-vis the total number of minority students in the Nation, with each minority student in a district required to desegregate and implementing a desegregation plan being double counted. Where local educational agencies in a State do not exhaust the State's share of funds, those funds will be reallotted for local educational agency projects within other States in proportion to the original allotments to such States.

C. ELIGIBILITY FACTORS—SECTION 5

Category (1) (*de jure*) districts are eligible upon submission of a desegregation plan which has been approved by the Secretary of HEW under Title VI of the Civil Rights Act or which has been undertaken pursuant to court order. To be eligible the district must be implementing the plan or must have completed implementation of the plan within two years of its application for assistance.

Eligible districts in category (2) (*de facto* desegregating) are those having either (1) one or more schools in which minority pupils exceed 50% of the enrollment or (2) one or more schools with substantial, but less than 50%, minority enrollment, which are in clear danger of becoming racially isolated. The term "minority" includes all persons of Negro, American Indian, Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry. This term also includes pupils from environments where the dominant language is other than English, and who, as a result of limited English speaking ability, are educationally deprived.

Eligible districts in category (3) (*de facto* impacted) are those in which minority children constitute 50% of the public school enrollment, or which have 10,000 or more minority students.

A district may qualify for assistance under more than one category. For instance, a large city might be aided both to desegregate one or more racially isolated schools under category (2) and to carry on inter-racial educational programs for pupils in other such schools under category (3).

D. PURPOSES FOR WHICH FUNDS MAY BE USED—SECTIONS 5 AND 6

Districts eligible under categories (1) (*de jure*) and (2) (*de facto* desegregating) may receive funds to pay the "additional costs" of implementing a plan to desegregate or to prevent or reduce racial isolation, or to carry out special programs designed to enhance successful desegregation or reduction or prevention of racial isolation. Racial isolation is defined as a condition in which more than 50% of students in a school are minority students. Additional costs are Districts eligible under category (3) (*de facto* impacted) may receive funds for interracial educational programs for racially isolated children and for demonstration projects designed to overcome the educational disadvantages of racial isolation where interracial programs are not practicable.

Illustrative of the activities which qualify for funding under these program categories are special administrative activities incident to implementing a plan of desegregation or reduction of racial isolation, renovation of facilities, teacher training, special remedial programs, guidance and counseling programs, curriculum materials, and community activities in support of any plan or project under the act. Funding for transportation services also can be provided as long as Federal funds are not utilized to require transportation to overcome racial imbalance. In addition, funds are available for planning and evaulation. Included among programs funded will be those for special services for gifted and talented children, as well as for regular special service programs.

E. SPONSORSHIP—SECTION 5

Financial assistance is to be provided principally to local educational agencies, which can then subcontract if desired. When it is found that the act would be more effectively implemented with respect to category (1) (*de jure*) and (2) (*de facto* segregating) districts, financial assistance may be provided directly to any public or private nonprofit agencies to aid in the development or implementation of a desegregation plan or a voluntary plan to reduce or prevent racial isolation. However, such agencies are to be funded only for supportive services. Public or private nonprofit organizations may be funded directly under category (3) (*de facto* impacted) to undertake any of the aforementioned activities for the benefit of students in eligible category (3) districts.

F. GRANT CONDITIONS—SECTION 7

(1) In the case of grants made to school districts in category (1) (*de jure desegregating*) and category (2) *de facto* desegregating), the programs to be funded must be part of a comprehensive plan for achieving desegregation. However, a plan to eliminate, reduce or prevent racial isolation in only one of a number of racially isolated schools in a *de facto* district could be funded under category (2). In the case of grants for use in category (3) (*de facto* impacted districts), there must be a showing that the funds will be sufficiently concentrated to achieve demonstrable results.

(2) The State in which the funds would be expended must be given an opportunity to review and comment on the grant application.

(3) The application must include a satisfactory evaluation plan.

(4) A local educational agency must, in its application, provide assurances that the agency has made provisions for participation in special programs by racially isolated private school children consistent with the number of such children in racially isolated private schools.

G. PRIORITIES—SECTION 8

In the administration of the program, priority is to be given to districts which lag behind other districts in the measurable quality of public education. Priority is also to be given to those projects which seem most likely to effect a significant decrease in racial isolation.

H. EVALUATION—SECTION 10

1% of any appropriation in any one year is available to the Secretary for evaluation of the program.

I. NATIONAL ADVISORY COUNCIL—SECTION 12

The President will appoint a twelve member National Advisory Council on the Education of Racially Isolated Children to review the program and make recommendations.

J. APPROPRIATIONS—SECTION 3

Not in excess of $500 million is authorized for fiscal year 1971 and not in excess of $1 billion is authorized for fiscal year 1972.

K. ADMINISTRATION

The legislation places the grant making authority in the Secretary of the Department of Health, Education, and Welfare.

INHUMANE TREATMENT OF AMERICAN POW'S IN NORTH VIETNAM

HON. SPEEDY O. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. LONG of Louisiana. Mr. Speaker, throughout the so-called great national debate over the question of the allies' recent campaign into Cambodia, I have yet to hear any great indignation expressed at the continued inhumane treatment of Americans held as prisoners of war in North Vietnam and other secret enclaves in Indochina. This silence extends alike to the administration and to the mass communications media who make a fetish of balance in the news. I find their treatment of this subject outrageous, especially when any unkempt revolutionary with the energy to open his mouth can and frequently does dominate the public-owned airwaves of the Nation.

As you know, Mr. Speaker, many Members of Congress introduced and supported through final passage a concurrent resolution condemning the immoral treatment by the Communist regime in North Vietnam of American captives and demanding they abide by their agreement under the Geneva convention to identify prisoners of war, release those seriously sick or injured, permit inspection of POW camps, and permit free exchange of mail between POW's and their families. This measure was introduced on September 11, 1969, and yet North Vietnam has not honored its commitment to the international community.

Corrective action by the Communists in the absence of superior force, the only language they understand, is not surprising. What is surprising, Mr. Speaker, is the apathy displayed by those sectors of the American society which proclaim their dedication to the rights of man and to humanitarian principles. The most guilt for this continuing situation much be shouldered by our great organs of information because they have failed completely to alert the American people to the suffering of our captured soldiers, sailors, and airmen in Southeast Asia. Each evening we hear the broadcast media pontificate on the principles of freedom of the press, but they are far more hesitant to discuss the principles of international justice to war captives.

Mr. Speaker, I do not pretend to know their motives for their neglect of American POW's in Indochina, but it can be safely presumed that the profit motive is at the root of their inaction. Greed has always made strange philosophy.

These same news media have devoted hours of air time and tons of newsprint to a thorough and sometimes utterly absurd discussion of efforts now underway by the fainthearted among us to limit by statute the appropriations for the conduct of military operations in Southeast Asia.

Among the uncounted acts of savagery committed by the Communists in Indochina, the treatment of prisoners of war ranks among the most repugnant to world opinion and to simple humanity. I earnestly request all Members of Congress and all concerned citizens to join with the families of these 1,500 POW's in demanding justice and fair treatment. It is within our means to contribute to their better welfare, lacking which they must surely perish.

Mr. Speaker, on May 1, I attended a mass meeting in Constitution Hall here in Washington at which a special tribute was paid to American prisoners of war and those missing in action in Southeast Asia. I was tremendously impressed both by the spirit of the families of prisoners and by the genuine concern expressed by the American people for their welfare. But we must do more, Mr. Speaker, to reduce the suffering of our captured men, and I hope my colleagues will join in this great effort.

Thank you, Mr. Speaker.

A BILL INTRODUCED BY MR. REID OF NEW YORK

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. REID of New York. Mr. Speaker, I am introducing today a bill which amends section 344(c) of the Immigration and Nationality Act of 1965 to permit naturalization courts to keep one-half of all naturalization fees collected without any upper limitation.

The law at present requires that clerks of such courts pay over to the Attorney General "one-half of all fees up to the sum of $6,000 and all fees in excess of $6,000."

The result of this provision is that 15 jurisdictions throughout the country collect fees in excess of $6,000 and are able to keep only $3,000 each, returning to the Treasury sums ranging from $3,700 to $29,900. The latest data available indicates that these 15 courts collect a total of $205,000 in naturalization fees, that they retain a total of $45,000, and that they turn over to the Treasury a total of $160,000.

My bill would permit all naturalization courts to keep one-half of the fees they collect, without upper limitation. If this provision is enacted into law, the loss to the U.S. Treasury would be $57,500 annually.

White Plains, N.Y., in my district, is one of those affected by the present limitation in the law. The court processes about 900 petitions for naturalization per year. Of the $22,500 collected, the court is able to keep only $3,000 although the processing costs run to $10,000 annually.

The county clerk estimates that the

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additional sum the court could retain under my bill would be used to meet rising personnel costs and the additional position requested recently to meet increased demand.

Mr. Speaker, local government costs are rapidly outpacing the ability of communities to meet the legitimate needs of their citizens. White Plains is proud to play a significant role in the admission of new American citizens, but surely the Federal Treasury, not those jurisdictions which happen to process most naturalization cases, should bear the greatest part of the cost.

In addition to White Plains, N.Y., those courts collecting in excess of $6,000 in naturalization fees are: Oakland, San Jose, and Santa Ana, Calif.; Taunton and Worcester, Mass.; Elizabeth, Hackensack, Jersey City, New Brunswick, and Paterson, N.J.; Mineola, Riverhead, and Rochester, N.Y.; and Edinburg, Tex.

TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. SMITH of California. Mr. Speaker, you will recall that in the late afternoon of May 20—the day you made your announcement that you were not going to seek reelection—the distinguished majority leader, Mr. CARL ALBERT, of Oklahoma, rose and paid tribute to you.

You will also recall there were not too many Members on the floor at that time and the announcement came rather suddenly. At that time I rose and made the following remarks:

> Mr. Speaker, on behalf of the Members on our side of the aisle—this being late in the day, and many not being here—and particularly on behalf of myself in this the 14th year I have been in the House of Representatives, I should like to say to you at all times you have been 100 percent fair, cooperative, and honest in every possible way in your associations with me in my position. I am deeply grateful. I wish you the very, very best.
>
> I will say to the distinguished majority leader that I sincerely hope an appropriate date will be set aside sometime in the future so that all of us can pay the tribute to the Speaker which he so greatly deserves. Mr. Speaker, thank you.

Mr. Speaker, I reiterate the remarks made above and repeat that during my 14 years when you have been majority leader and then the Speaker, you have always been considerate, kindly, warm in your friendship and displayed a fine sense of fairness. Your word has always been absolutely 100 percent—like a written contract—as far as I am concerned.

Our Nation is a better place for the contribution you have made to it and to our American way of life. You are a gentleman of the very best type and it has been a privilege to serve with you. Mrs. Smith joins me in wishing you and Mrs. McCormack many years of healthy, happy retirement.

THE PROBLEM OF TEXTILE IMPORTS

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. GETTYS. Mr. Speaker, the remarks of President Charles B. McCoy of the Du Pont Co. at a recent meeting sponsored by the U.S. Department of Commerce on the subject of the textile import problem are worthy of wide distribution. I submit the remarks of Mr. McCoy for the RECORD. His thoughts accentuate the need for legislation to save the domestic textile industry of the United States.

The remarks follow:

REMARKS BY CHARLES B. McCOY

I am glad that this meeting is being held. World trade, with all its problems and opportunities, is inevitably a joint concern of government and business. We're the first to acknowledge its complexities and we thoroughly understand that many aspects of it have broad national implications and consequences. A chance like this one to exchange views and solicit each other's cooperation is a constructive step.

Although some experts may attribute special or technical meaning to the word "multinational," for my purposes this morning it simply means a company that makes and sells goods in many countries of the world, a definition that covers the activities of many people in this hall.

Although our international business is small by some yardsticks, Du Pont does qualify as a multinational company, not only because more than 20 per cent of our total sales, employment, and investment are outside the United States, but also because we run the business as a worldwide enterprise and look to non-U.S. markets as a major source of our future growth. We believe that more and more of the world's business will be done by multinational companies, whether their country of origin is in Europe, Asia or the Western Hemisphere. In Europe, Latin America, Canada and Japan we are increasingly facing able competitors who not only have sophisticated technology and products but also benefit from favorable taxation and other forms of assistance and encouragement from their governments. The so-called technological gap has all but disappeared, at least in most parts of the chemical industry, if, indeed, it ever existed.

It seems to me that world business is in something of a transitional stage, with the multinational company having reached maturity before law and custom and attitudes are completely ready for it. It is clear that the old, somewhat narrow interests that once shaped the philosophy of a large business enterprise have been broadened and, consequently, made more complex. We are no longer protectionists or free traders, nationalists or internationalists, importers or exporters, hard-money or soft-money people. We are, instead, businessmen who cope with conditions as we find them as we attempt to operate successfuly within the widely divergent laws and policies established by many governments around the world. Our positions may not always seem consistent when measured by older—and perhaps clearer and more comfortable—catchwords, but we believe they are not paradoxical or contradictory when viewed against the backdrop of the world business scene.

Let me illustrate what I mean by two examples that also may suggest the kind of understanding and support we need from government.

The first involves the quantitative import restrictions on wool and man-made fibers, fabrics and garments imposed by European nations. These restrictions, which have been identified and catalogued by our own government, tend to deflect textile exports, especially from the Far East, into the United States. European countries, traditionally larger textile importers than we, are now importing proportionately less, while the United States, the only major unrestricted market in the world for man-made fibers and products made from them, is taking in proportionately more.

This fact, plus calculated and determined exploitation of the U.S. market by Japan and others, has created a situation about which something must be done. Imports of man-made fibers and products have grown rapidly. In apparel, for example, such imports measured in equivalent square yards rose 62 per cent in 1968 and 64 per cent in 1969. Imports accounted for between 8 and 10 per cent of all U.S. consumption of man-made fibers and products last year. The textile trade deficit was $1.4 billion for 1969, compared to $1.1 billion the year before. And the situation has worsened in 1970.

If the scope of the present problem is clear, so also is the handwriting on the wall. Largely under Japanese leadership, the textile industry of Southeast Asia is expanding vigorously. Based on present patterns of trade, exports to the United States of apparel made of man-made fibers from Japan, Hong Kong, South Korea and Taiwan are expected to almost double by early 1971 as compared with 1969.

As you know, in Japan government and business are closely intertwined and national policy is deliberately planned and used to increase exports, with the Japanese textile industry one of the prime beneficiaries of that government support.

The United States textile industry, faced with this fact, must look to Washington for help. A sick textile industry, unable to plan its capital programs, inevitably means the export of some of the 2.3 million U.S. jobs now dependent on this business. Secretary Stans' diligent efforts in this situation to negotiate a solution in the form of an agreement for voluntary quotas are admired and appreciated. But, we are sorry to see, so far they have been unsuccessful.

Now, we conclude, the only solution is Congressional action limiting the quantities of man-made fibers and products that can be imported into this country. Therefore, our response in this case is to advocate the imposition of import controls, urging passage of the bill introduced by Congressman Wilbur Mills.

My second case centers around the difficulties created for the domestic petrochemical industry by the Mandatory Oil Import Control program. Because this program restricts imports of foreign petroleum, U.S. petrochemical manufacturers do not have access to the low-cost raw materials available to overseas chemical producers. The costs of petrochemical feedstocks are higher in the United States than in Europe, a serious implication for the international trade balance. In addition, the higher cost of feedstocks provides an incentive to locate plants abroad rather than in the United States. Both aspects of this problem were acknowledged in the recent report of the Cabinet Task Force on Oil Import Control and the Separate Report.

Du Pont's response to *this* situation has been to urge the *relaxation* and *removal* of petrochemical feedstock import controls.

In neither case does Du Pont's response stem from a protectionist or free trade philosophy. Rather, it reflects the fact that we must deal with things as they are in the real world—and we must have the understanding and support of government. In the long run, the actions taken stand or fall on whether or not they are in the best interests of the public.

In this connection, I think that industry thoroughly understands the need for negotiation in international trade matters. However, we are critical of bargains in which more is given—at our expense—than is received in return. The American Selling Price case is an example. Under a separate package negotiated at the time of the Kennedy Round, the American Selling Price system for customs valuation of certain chemicals would be eliminated and American tariffs lowered further in return for certain reductions in foreign tariffs. In our view the reductions proposed would offer little export opportunity in exchange for the sacrifices. It was simply a poor bargain.

We are now being told that ASP should be eliminated because of its great symbolic importance to our trading partners and in order to convince Europeans that the United States is really interested in negotiating the reduction of nontariff barriers. No concrete action by foreign powers is being proposed or sought as a direct response. This argument is not persuasive either. Nothing plus nothing still equals nothing.

The effect of foreign direct investment on the U.S. balance of payments, particularly in the case of a multinational company, is frequently discussed. We in Du Pont consider it important to correct the chronic deficit in the U.S. balance of payments. However, we do not think control of foreign direct investment is the right way to approach the problem.

During the past five years, while Du Pont has expanded its overseas investment very substantially, our export sales have increased annually. During this period, Du Pont's net positive contribution to the nation's balance of payments has exceeded $1 billion—the excess of total receipts from abroad, principally from exports, over funds from U.S. sources expended abroad, including imports and foreign investment.

It has been our experience that foreign investment stimulates U.S. export business. Many cases demonstrate that increased exports directly resulting from new overseas manufacturing facilities have exceeded the overseas investment. Possible displacement of U.S. exports by foreign investment is usually overemphasized, we think. In most cases, manufacture abroad is necessary to obtain or retain a market that will be closed to U.S. exports in any event. If Du Pont does not build the local plant, someone else will.

There seems to be widespread agreement in both government and industry that the existing controls on foreign direct investment are self-defeating and will have serious adverse effect on the U.S. balance of payments if continued indefinitely. Of more immediate significance, the foreign investment regulations discourage export sales since any increase in trade receivables from foreign subsidiaries—the natural consequence of increased exports—is considered to be a transfer of capital. There are special exemption procedures designed to accommodate these situations, but our experience indicates that, as they are administered, the U.S. exporter is penalized as a result of increased sales through foreign subsidiaries.

The foreign direct investment controls were introduced as a short-term measure to provide temporary balance of payments relief, and U.S. industry has generally complied by resorting to various expedients. It has been evident for some time that continuation of the program would involve serious problems, and most of us have proceeded with the belief or hope that the program would soon be terminated. However, it is now necessary to recognize some of these basic problems. One is the conflict between the forced repatriation of earnings versus potential tax penalties; another is the serious financial implications of continuing to borrow overseas while the regulations themselves restrict the ability to repay such borrowings. It is not feasible to develop sound financing and operating plans under these conditions. We are becoming increasingly concerned and believe many others are in the same position, particularly the multinational companies. We think it is now time to begin phasing out the program and to announce a definite schedule for its early termination.

Another major deterrent to increased U.S. exports is the punitive attitude embodied in U.S. tax law and administration, which not only fail to provide incentive for exports, but impose penalties, without parallel for any of our major foreign competitors. Many corporate taxpayers pay U.S. taxes on a substantial part of the earnings of foreign marketing subsidiaries from the resale of U.S. exports, just as though it were income earned by the U.S. taxpayer. Furthermore, the U.S. exporter is required to pay full U.S. tax on profits which, in reality, should be attributed to its foreign marketing affiliate. It is difficult to reconcile this situation with the government's stated interest in promoting U.S. exports.

I indicated earlier that we consider government inextricably involved with the affairs of a multinational corporation. Ultimately, much of our business success is dependent on the attitude and effectiveness of government in coping with the complex and difficult combination of international politics and economics.

I hope that out of this meeting and similar activities, we of the business community will take advantage of this newly opened communications route to tell you in government what we think and why.

I don't think that you will find us unreasonable or blind; we know that political realities are as demanding and binding as economic realities. We are prepared, and I think able, to compete successfully with producers and sellers in Europe, Japan, and other parts of the world, on the basis of technology, productivity, marketing skills, and the other business yardsticks. What we need is a business environment in which we are not handicapped by factors beyond our control. Only government can provide that climate.

YOUTH SPEAK OUT AGAINST AGITATORS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. CHAPPELL. Mr. Speaker, this is a very troublesome time for all Americans, and especially for our youth. Many of our people have hesitated to speak out or stand up for what they feel is right. Today, however, I have received a resolution signed by nine clubs and organizations, representing many young people, stating their objection to civil disobedience and violence.

The resolution, sent from Williston High School, Williston, Fla., reads as follows:

> There seems to be an increasing amount of public sentiment in this great country of ours opposing the dissent of today's youth. We believe this negative view has been spurned, and rightfully so, from the violence which has drowned out the pleas of this majority of peaceful dissenters.
>
> As Americans, we hold dear the rights of freedom of speech, the freedom of assembly, and the freedom to disagree and voice our disagreements. But, these freedoms are being threatened by a group of agitators that preach peace on one hand and create civil disobedience and threaten civil war on the other.
>
> There are youth groups in this country that openly profess that their only aim is to overthrow our government. It should be restressed, however, that these groups, while alarming, are still in a very small minority.
>
> We feel that it is time for us, as part of the "silent majority" of youths, to clarify this unjust blanket labeling of our generation.
>
> We would also like to issue a plea to our peers on college and high school campuses alike to avoid this destructive, useless disruption of peace and eliminate the battleground of the minority groups. Our very freedoms are being undermined and the very structure of our republic is being threatened by these few militants. We, the majority of today's youth, must not let them succeed.
>
> (Signed by members of the Student Council, National Honor Society, Future Business Leaders of America, Future Farmers of America, Future Teachers of America, Para-Medical Club, Annual Club, Club Kutana, and Library Club of Williston High School, Williston, Florida.)

Mr. Speaker, I wish to commend the students of these organizations for their stand. They are setting a good example for all Americans to follow in our search to once again unify all of our people toward a greater and finer democracy.

HON. JOHN W. McCORMACK

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. DENNEY. Mr. Speaker, it is only fitting that all of us who are honored to serve in the House of Representatives pause for a moment and pay tribute to a man who, more than anyone else, has come to symbolize the tradition and continuity of the lower Chamber.

John McCormack is a symbol of the American dream, for he worked his way up from early poverty in his old neighborhood of Boston to a position where he could shape and influence every piece of legislation that came before the Congress.

Moreover, Speaker McCormack is a gifted and skilled legislator. He provided responsible support to six different American Presidents in times of national crisis, yet never yielded in his determination to see some of his own ideals become reality.

Since 1962, it has been his obligation and honor to serve as our Speaker. To his credit, John McCormack has exercised his duties with that same unusual devotion to this country's best interests which characterized his conduct when he first came to Congress over four decades ago.

It is difficult for me, as a legislator who is completing his second term in this body, to adequately convey my admiration and respect for a man who was returned to the Congress 21 times—usually

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without serious opposition. Perhaps that sign of appreciation from his constituents best illustrates the kind of job he has performed.

JOHN MCCORMACK's absence will be greatly felt next January when he does not return to Washington. But his legacy to all of us will not be forgotten. That legacy, fashioned from years of devotion and plain hard work, can best be summed up in these three lines:

> To be born free is an accident;
> To live free is a responsibility;
> To die free is an obligation.

THE BACK DOOR TO CAMBODIA

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, I was extremely dismayed but unfortunately not surprised by a small news item appearing on page 35 of the New York Times on Friday, May 22. The heading on the article read "Thailand May Aid Cambodia." Thailand's Interior Minister Praphas Charusathien reportedly told a press conference in Bangkok that Thailand is ready to give military equipment and medical aid to Cambodia. Thailand's Premier Thanon Kittikachorn allegedly told this to the Cambodian foreign minister.

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The United States has well over 40,000 troops in Thailand, most of them designated as support troops for our operations in Vietnam. Some Americans, though, are operating as advisors to Thai units fighting Communist guerillas in the Northeast region of the country. Though the precise level of our military aid to Thailand is now "officially classified," estimates have placed it somewhere between $70 and $100 million for the current fiscal year.

I am gravely concerned by this menacing situation, because even if the administration makes good on its promise to pull all American forces out of Cambodia by June 30, and not to provide substantial amounts of American military equipment directly to Cambodia, it is very realistic to assume that the United States may continue to arm and support the Cambodian Government furtively through the backdoor via Thailand.

The Congress will do well to keep the administration on notice that we intend to scrutinize in minute detail all military and civilian aid and any potential military buildup in Thailand. I recognize that Thailand is a member of SEATO; but American military obligations and commitments under that treaty are not automatic. The treaty specifically provides that American military involvement can only flow as the result of direct congressional action as provided by the Constitution.

I do not believe that America has any vital national interests at stake in Indochina, and I cannot justify the loss of even one American life, one permanently maimed veteran, or the expenditure of an additional tax dollar in this area. We have so many crushing and crucial domestic needs in the education, health, welfare, urban development, and race relations fields, not to mention our own pressing economic crisis, that we must act now to reorder our priorities.

LET US CUT OUR LOSSES ON THE C–5A

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. PIKE. Mr. Speaker, for a long time many people have been deeply concerned about cost overruns associated with the procurement of the C–5A aircraft. A few people have also been deeply concerned about technical deficiencies in the aircraft. In our military procurement debate on the floor this question was raised and we were assured that the aircraft met or exceeded all specifications. The current issue of the Armed Forces Journal shows this to be inaccurate and states flatly that the aircraft's fatigue life may be only one-fourth that which is required.

The relatively minor "fix" which the Air Force designed to cure the wing cracks will by no means do the job. Perhaps the most serious part of the Armed Forces Journal article is the clear implication that, because the news is bad, the Air Force and the Department of Defense are sitting on it rather than revealing it to Congress. The Armed Forces Journal has performed a real service in making these facts public and, while they may incur the wrath of the Air Force by doing so, they deserve the thanks of the American people. The full text of the article is as follows:

C–5A FATIGUE LIFE IN QUESTION; SO IS APPROVED 81–AIRCRAFT BUY

A blue-ribbon technical panel told Air Force Secretary Robert Seamans early this month that fatigue life of Lockheed's controversial C–5A transport will come up to only one-fourth of what is required for Military Airlift Command's planned usage of the $4-billion giant cargo fleet. The Air Force was strongly advised to consider designing an entirely new wing for the plane, on the basis that there is virtually no chance fixes could be incorporated into the current C–5A design to give it the 30,000-hour maximum design fatigue life matching MAC's current mission requirements.

A wing crack was discovered in static test last July on a C–5A. Since, the Air Force has imposed operating restrictions which limit the plane's gross takeoff weight to 575,000 lbs, 203,000 lbs short of its design point. In February Air Force officials gave Congress an estimate of $10- to $15-million to fix the wing crack. That estimate presumably is now out the window.

WING ALREADY REDESIGNED ONCE

Sources contacted by The Journal would not estimate what design, test, and production of a new C–5A wing might cost. Lockheed has already had to redesign the wing once: the company says this happened after it was advised it had won the C–5A contract, but before the contract was awarded formally, because the "Air Force established new, stiffer performance requirements which required extensive aerodynamic changes."

In a "Fact Sheet" now being briefed to the press, the company attributes a large part of the C–5A's cost growth to this original redesign, which added some 600 square feet of wing area, compared to the wing proposed when Lockheed won the controversial contract.

Lockheed's bid for 120 aircraft had a target price of $1.886-billion for a design that an Air Force Evaluation team unanimously recommended, on 23 September 1965, be bought instead.

The Air Force says that, if it "wins all the arguments" with Lockheed on the disputed contract, the currently planned buy of only 81 aircraft will cost "about $4-billion," but adds that "if the contractor wins all his points, the cost will be considerably higher, on the order of $500- or $600-million."

On 2 March Lockheed asked DoD for an advance of $435- to $500-million against the disputed claim to help ease what the company called a "critical financial problem "

Findings of the independent blue-ribbon advisory group which briefed Secretary Seamans on the C–5A's fatigue problems are sure to complicate an already complex dispute between the Air Force and Lockheed: responsibility for the fatigue life limitation is sure to be hotly contested.

The panel headed by Dr. Raymond L. Bisplinghoff, Dean of Engineering at MIT, reportedly gave Seamans its interim assessment orally on 4 May. Details of the meeting are being held on a very "close hold" basis, and Air Force officials asked by The Journal to confirm or deny—and to clarify—news of the panel's findings were able to offer little information. A spokesman said, however, that while The Journal appeared to have "some facts," a completely accurate picture would not be available until the Bisplinghoff panel makes its full written report. This is supposed to be due in mid-June.

The spokesman did observe that the real significance of Dr. Bisplinghoff's findings "hinges on a question of interpretation of MAC's 1965 mission requirements versus those that MAC is using now."

SPECS MAY NOT MATCH MISSIONS

This oblique reference to one of Dr. Bisplinghoff's key findings may touch on the heart of an Air Force-Lockheed dispute which now seems to be building up on the fatigue life problem. By one report the Bisplinghoff panel is said to have found that design specifications given Lockheed by the AF's Systems Program Office at Wright Field do not match the operational usage factors on which the user, Military Airlift Command, has been planning C–5A operations.

Lockheed, for instance, is reported to have designed the C–5A against fatigue life specifications which assumed that only about 20% of payload capacity—e.g., a 45,000-lb payload--would be used on the cargo carrier's return leg flights. A more typical MAC flyback mission, however, would use something like 150,000 lbs of payload. Another assumption apparently now at issue was that the aircraft would take off at its maximum 778,000-lb gross weight on only 2% of its missions. But the smaller C–141 cargo jet takes off at max gross weight on about 80% of its missions; MAC presumably has been counting on similar usage for the C–5A.

Also contributing to the aircraft's below-mission fatigue life is Lockheed's use in the wing of an alloy which has a high stress corrosion factor but poor fatigue life characteristics.

PANEL FINDINGS

Bisplinghoff is said to have told the Air Force that as the result of these and other problems:

The C–5A will have only about one-fourth of the 30,000-hour fatigue life required to actually fly the spectrum of missions which MAC has planned;

There is virtually no chance of beefing up the present C–5A wing to meet MAC's mission requirements;

There is doubt that Lockheed could meet the fatigue life specifications implicit in even the less stringent "original" mission ground rules;

With enough "boilerplate" and fixes, the present C–5A design could probably be made to withstand the aircraft's basic *static* test requirements, but not the *dynamic* test requirements;

The Air Force should strongly consider going to a new wing.

Bisplinghoff's 4 May report apparently caught Air Force officials by surprise. Just two months ago, on 17 March, Secretary Seamans told the House Armed Services Committee: "It is our belief, based on the preliminary judgment of Dr. Bisplinghoff and the people he has with him, that Lockheed has a good solution to the problem."

LOCKHEED: C–5A WILL MEET RFQ REQUIREMENTS

A Lockheed spokesman told The Journal the company has *not* been given any new mission requirements. He said that, while "engineers at Marietta" may have had "conversations" with MAC about revised mission profiles, the company has been given no advice that MAC was considering "any extension" of the C–5A's original fatigue life goals. The company gave The Journal this statement:

"The C–5A Air Force transport is designed to a set of fatigue requirements specified in its original Request for Quotation. The C–5A will meet these fatigue requirements."

CONTRADICTORY CLAIMS?

The statement, however, appears to contradict a key sentence in Lockheed's new 23 April C–5A "Fact Sheet." In a section explaining why C–5A costs have escalated, the so-called White Paper says:

"C–5A technical problems have been tougher than anticipated. *Just before the C–5A contract was awarded, the Air Force established new, stiffer performance requirements which required extensive aerodynamic performance changes.*" (Italics added.)

It is not known if the "new, stiffer performance requirements" relate to the more stringent MAC missions which the Bisplinghoff panel has considered. But observers here said they find it hard to understand why Lockheed stresses that the C–5A was designed to and will meet fatigue life requirements laid down at the beginning of the competition (in the RFQ) if—as Lockheed also says—different, more stringent performance requirements were specified "just before" the contract was awarded.

"ROTATE THE FLEET"

The Lockheed spokesman contacted by The Journal to check out the Bisplinghoff report said that "from where we sit, they [the different mission profiles] are easily reconcilable." He suggested that MAC could "rotate the fleet"—indicating that the more stringent fatigue life specification considered by Dr. Bisplinghoff assumes unrealistically that all aircraft will fly the more stringent missions during their entire service. The spokesman said that, instead of having one aircraft fly all the heavy missions, the light and heavy missions should be distributed among all the aircraft. He said the fatigue life problem was a controversy more over specifications than over deficiencies in the C–5A design.

If Lockheed can successfully contend that it has met the specifications given to the company by the Air Force—whether or not they were the right ones—the Air Force would have a difficult if not impossible problem getting Lockheed to absorb some of the cost growth already in dispute, much less any new cost growth stemming from the new fatigue life flap.

The company also noted, in the statement given to The Journal, that it is now beginning "a long series of fatigue tests of a complete aircraft to prove its ability to meet the required spectrum of loads. These tests will continue until the test article completes four normal aircraft lifetimes in order to prove structural soundness."

Air Force Chief of Staff General John Ryan told the House Defense Appropriations Subcommittee in late February that, as the result of a C–5A wing crack discovered last July on the static fatigue airplane, MAC has imposed operating restrictions on the C–5A which limit takeoff weight to 575,000 pounds. Other restrictions limit the aircraft to 2.0g loads, to operation on hard surface runways only, and to airdrop of cargo in single loads not exceeding 10,000 pounds.

During the same hearings Air Force Secretary Seamans told the subcommittee "in all candor" that the C–5A "probably does not" look as good as the C–141 did at a comparable stage in its development.

He referred to the C–5A's structural problems as well as others which stem from its sophisticated set of avionics. One function of the Bisplinghoff Committee, Seamans said, would be to determine whether less sophisticated radars and antenae could substitute for the low-level and ground-mapping system originally specified. The complete C–5A avionics equipment costs out at $1.7 million per aircraft.

DOD MAY ASK EQUAL COST TRADE

General Ryan testified earlier this year that the Air Force had requested authority in its FY 71 budget request to buy 10 additional C–5A's at a cost of $234.7 million. DoD denied the request, which was intended to "squeeze out" five operating squadrons from a 91-aircraft buy.

Sources in the Office of the Secretary of Defense tell the Journal the Air Force now may be asked to pay for Lockheed's higher cost claims on the aircraft by "trading off" other programs approved within the Service's present fiscal guidance.

One plan currently being studied by DoD would give Lockheed relief from its current "critical financial problem" by reimbursing the company in full for its C–5A expenditures, but require the Air Force to fund the extra costs by proportionately reducing its planned 81-aircraft buy.

A DoD source told The Journal that Air Force budget analysts "don't seem to believe yet that we'd do this: but it's reasonably clear the Army and Navy don't want the money to come out of their hide; it's unlikely that Bureau of the Budget and the President would sit still for a supplemental budget request on Lockheed's behalf; and Congress probably would not approve one if it was made."

It is high time that the Department of Defense admitted that the aircraft, although not a bomber, is a bomb and took aggressive action to cut its losses as best it can.

PARTY OPPORTUNITY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. FINDLEY. Mr. Speaker, the distinguished television commentator, Mr. Joseph McCaffrey, recently broadcast a highly appropriate message for young people when he said the following:

Thousands of students will be pretty disappointed when they spill out of their classrooms late in October all charged up about electing peace candidates. They will find that the nominating process, in many cases, will have left them little choice in district after district.

It may not be that they will find two Hawks opposing each other in many of the Congressional districts. Worse than that, they will find out, there may be two candidates who really have no position, at least no publicly dicernible position. They will announce that they are for the boys in the front lines, for peace and for country. But it probably will be impossible to pin them down to getting the boys back home.

This may discourage those who seek to work within the system, but it should also teach them something. It should teach them that you can't work only skin deep within the system and expect to achieve success. You have to work well within the body.

This means rather than a couple of weeks just prior to a general election, you have to work during the winter before in helping line up better candidates. You have to be, to be really counted, a member of a political party and work within that party. It is all very well to proclaim, proudly, that one is an independent. But that independency limits one's political wallop.

As an independent you take the choices offered by the competing party. And too often, as many of these college students will find out this October, the choices aren't very inspiring.

CONGRESSMAN ESHLEMAN'S NEWSLETTER

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. ESHLEMAN. Mr. Speaker, I shall soon be sending to my constituents the following newsletter:

REPORT FROM YOUR CONGRESSMAN

(By ED ESHLEMAN)

WHY CAMBODIA?

The Cambodian operation is a confirmation, not a denial, of the Nixon Administration's basic policy in Vietnam. American troops are in Cambodia as a part of evacuation, not to escalate the Vietnam conflict. The policy today is to end American involvement, withdraw American troops, and end the war on just terms as soon as possible. Meanwhile, it is the President's duty to protect the lives of our men. In the ten-day period following the President's April 20th announcement of his intent to withdraw an additional 150,000 troops within a year, the Communists completely changed the Cambodian situation. They moved out of their sanctuaries in a drive to form a solid belt of military force along the Cambodian-South Vietnamese border, and to open a seaway supply line from the south. A direct danger was posed to American and allied troops now in Vietnam and a particular threat to those remaining when more troops come home. After considering all possible alternatives, the President took the course which promised to save American lives. The Cambodian mission also will protect the Vietnamization process which has been moving forward ahead of schedule and which is the key to bringing our troops home in the shortest possible time.

ARMS THAT WILL NOT KILL AMERICANS

Reports coming back from Vietnam indicate that the President's decision to clean out Communist sanctuaries in Cambodia was popular with one group—the American soldiers. The picture above shows why. It is only one small portion of the thousands upon thousands of tons of enemy weapons and supplies that have been captured, weapons and supplies that would have been used against our troops.

OBSERVATION

As our society struggles with its many frustrating problems, I think we can remain confident that our trials today are investments in a brighter future. There is an old bit of advice passed on by many fathers to many sons which seems to apply. It goes: "I never said it would be easy. I said it would be worthwhile."

CONGRESS AND CAMBODIA

The national debate which has raged since the Cambodian action began has not been confined to, but has centered in, the Congress. The chief concern of the House and Senate is whether or not this is the time to reassert Congressional authority in Southeast Asia decision-making, and, if so, what form that reassertion should take. A Congressional timetable for withdrawal from Indochina that would contain reasonable dates and would permit the President latitude to cope with contingent emergencies could get my support. After all, since the President has already put forth a timetable, it seems correct for Congress to exercise its legislative authority toward the same goals sought by the Chief Executive. What I could never support are the attempts to embarrass the President in the name of regaining Congressional power. President Nixon has fulfilled his pledges, reduced the American commitment in Southeast Asia, and, at the same time, has followed a course leading to a just peace. For Congress to embarrass him in these efforts or to indicate its distrust of his motives would be blatantly irresponsible.

CURBING CRIME

There are those who sneer at the suggestion that more effective law enforcement would go a long way toward dealing with the crime problem. The point is made that enforcement alone does not address itself to the root causes of crime, and I agree. But the chart at the left shows why enforcement must be the uppermost consideration in the efforts to curb crime. Although the statistics are two years old, the situation has not changed drastically. What the statistics mean is that the criminal can figure he has about a 90% chance of getting away with a serious crime. (Chart not shown in the RECORD.)

FROM HERE AND BACK

There is a story making the rounds which pretty well describes the present day situation in world trade: "In February, the Americans announce a new invention. In March, the Russians announce that they made the same discovery twenty years ago. In April, the Japanese start selling the invention in the United States."

YOUNGER VOTERS?

One of the dilemmas facing most Congressmen is whether to vote for the pending legislation that would permit 18-year-olds to vote. While I favor lowering the voting age, I believe it is a Constitutional matter, one requiring an amendment to the Constitution. It is a matter of such importance that the State should decide through the amendment process whether 18-year-olds should vote, just as the States have always been a part of decisions on voter qualifications. I would support in the Congress amending the Constitution to lower the voting age since the final say would rest with the people through their state legislatures, and I am never opposed to the people having a final say. But for Congress to approve the 18-year-old vote by itself would be, I think, unconstitutional and a big mistake.

SIGHTSEE IN THE DISTRICT OF COLUMBIA

Many people from Lancaster, Lebanon and Lower Dauphin Counties find that visiting their Nation's Capital can be an interesting way to spend a day. The drive is an easy one. The only real problem is deciding what to visit in Washington out of all the sights there are to see. To help you decide, I have prepared a pamphlet outlining five different one-day tours you can make. To obtain a pamphlet all you have to do is ask.

NO LIE

Some of the President's critics have been arguing that his Vietnamization program is not actually bringing American boys home. Take one month, for example, when 36,000 Americans came back from Vietnam as a part of the regular 12 month-rotation of troops. The critics point to that month and say that the President claimed to have brought 12,000 men home in the 30-day period when actually he sent 24,000 men into combat. Having said that, they drop the subject and the point has seemingly been made that the President has been lying. While the facts presented are correct, you can see that the figures don't go far enough in explaining the withdrawal process. Since we must constantly send replacement troops to Vietnam, naturally some men must leave for the war even though we are withdrawing. However, because troop withdrawals are underway not as many go as would go if we were not Vietnamizing the war. In other words, in that month mentioned above, 36,000 men would have been sent to Southeast Asia if the President's program was not at work. Instead, 24,000 were sent for a net drop of 12,000 men in one month.

MEMORIAL DAY

A war monument in the China-Burma-India Theatre of World War II carries the inscription—"When you return, tell them of us: For their tomorrow, we gave our today." Memorial Day is for remembering all those who gave their todays for our future. It is a day which celebrates their finest hours. It is a day for pledging anew our belief in that for which so many brave Americans have died—the immovable ideal of freedom.

DID YOU KNOW

There were ten industrial *vice-presidents* who earned more than the President of the United States last year.

TURTLE'S PACE

The 91st Congress hardly can be called the fastest paced in history. In fact, it has been so slow in getting its work done that it has become the subject of Washington wit. Two examples: (1) If it had been up to *this* Congress, we'd still be debating whether to move the Capital from Philadelphia. (2) The White House should hire a painter to immortalize this Congress on canvass—it obviously would be a still life.

WORTH REPEATING

From Attorney General John N. Mitchell: "There can be no greater evidence of disorder in society than the sound of gunfire on a college campus."

WORD OF WARNING

There is an increasing number of young Americans who are finding themselves in big trouble for violation of foreign drug laws. The number of youthful U.S. citizens under detention abroad for such violations last March was 142. Just one year later that number had risen to 522. Many young people are probably not aware that when they are abroad they are subject to the laws of the countries which they visit; nor do they realize the severity of the penalties for possessing or trafficking drugs in many other nations. Imprisonment in many countries, particularly in the Far East, the Middle East and Latin America, is a most distasteful ordeal. In addition, a person apprehended can spend several months in prison awaiting trial. In many instances this period of incarceration is not subtracted from the sentence handed down by the court. American officials can be helpful only in seeing that American citizens receive fair treatment, but they cannot get involved in the legal procedures. Students going abroad in the near future should be warned to steer clear of anything resembling association with drugs.

DEFINITION

Pollution—The thing that changed "Smoke Gets In Your Eyes" from a song to an environmental problem.

DISTURBING COMPARISON

The ranks were filled with young people. Serious people joined because they were for social justice, or opposed to unemployment. The mood was one of restless energy. They exhibited moral arrogance and contempt of the legalities which blocked the way to getting what they knew was right. Their contempt also was aimed at the "establishment" with its stifling conventionality, its puritan respectability, and its inability to inspire individuals to higher purposes. The slogan which characterized their movement stated: "The system must die so that people can live." Is this a description of New Leftist radicals? Perhaps it could be, but in reality it was taken from a description of the beginning of the Nazi movement in Germany.

SUMMER INTERNS

Many of our young people will be busy and productive this summer. For example, I'm going to put four students to work for me. The following two college students will soon begin a summer of internship in my Washington office: Sara A. Werner of 133 South Tenth Street in Lebanon, and Peter H. Simpson of 1350 Quarry Lane in Lancaster. Two high school seniors will split the summer interning in my Lancaster office. They are: Elizabeth Ann Shope of 754 Village Road in Lampeter, and Randall Moyer of 333 South First Avenue in Lebanon.

WALTER REUTHER

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. ECKHARDT. Mr. Speaker, at a time when democratic and humane principles have never been more in need of forceful and intelligent advocates, we have lost one of the best of them, Walter Reuther. He was tough and shrewd in advancing the welfare of the members of his union, yet he never lost sight of the fact that the interests of workers are not limited to maximum gains at the bargaining table. He knew that high wages, pension plans, and supplementary unemployment benefits were not enough so long as poverty, racial hatred, wasteful and unnecessary wars and the destruction of the environment continued.

There is no shortage of either tough-minded men of affairs or of idealists. It is the combination of these qualities in the same man that is rare. Walter Reuther was one of this small number.

His leadership in the labor movement began at a time when sheer physical courage and persistence were the neces-

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sary qualifications. He was equally successful in later years when bargaining came to involve orchestrating whole banks of expert advisers and the sophisticated application of economic sanctions. His adversaries were the world's wealthiest and most powerful business corporations, and he bested them more often than not.

Few would have criticized had he chosen to be content, once labor's main organizational battle had been won, with winning a few cents more in each new contract. Yet, as A. H. Raskin of the New York Times has said:

> The concept of unions as a slot machine into which workers dropped their dues dollars and took out a jackpot won at the expense of consumers revolted him.

He had a larger vision which he never ceased to pursue. He once said:

> I will be dissatisfied as long as one American child is denied the right to education. I will be dissatisfied as long as one American is denied his rights. I shall continue to be dissatisfied until we can promise workers a tenure of employment, so that they're not dumped on the streets.

We can honor Walter Reuther by remaining dissatisfied with his dissatisfactions.

ADDRESS BY HON. DAVID M. McCONNELL

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. MANN. Mr. Speaker, I had the privilege and honor to participate in the dedication of the Spartanburg Branch of the University of South Carolina on April 17, 1970. I was particularly impressed with the excellent address delivered on this historic occasion by the Honorable David M. McConnell, a practicing attorney before the bars of South Carolina, North Carolina, District of Columbia, and the U.S. Supreme Court, and a former U.S. Ambassador to the Economic and Social Council of the United Nations. I commend his timely remarks to the attention of my colleagues:

It is an honor and a privilege to participate in the ceremonies on the occasion of this historic University putting down its stake in the dynamic heart of the Piedmont Crescent—where under this ideal and productive environment can be performed with distinction the three functions of a great university—

First, the acquisition of knowledge in its mission of research—in an area where modern technology and research are exampled by industrial laboratories, such as the Deering Milliken Company, plants and research centers and warehouses upon every high hill within view.

Second, the transmission of knowledge through the mission of teaching—coupled with marvels of the new age of the electronic spectrum in a statewide television network—a combination so well understood and so appropriate to the distinguished scientist, scholar and educator, Dr. Tom Jones—who this university is fortunate to have as its leader—with this fortuitous combination of rare abilities and experience.

Dr. Jones, through the School of Business Administration, is, through this Statewide educational television network, giving the Master of Business Administration weekly courses to young business leaders—in their executive duties throughout South Carolina—the complete curriculum for this degree, and having one week-end a month in Columbia for personal contact and dialogue with their Professors. Thus they serve in their daily executive duties and yet participate in a magnificent curriculum of highest national standards. Thus is education of the highest quality brought to the people in every section. This is democratic education at its best—and will be applied in other disciplines beyond Business Administration.

Third, the dissemination of knowledge in the University's mission of public service.

This stream of learning runs from the University to the business enterprises (great and small), to all sectors of government, and to the cultural elements of society—this learning that turns the eyes of government to an increasing preoccupation with the productivity and well-being of all its citizens and gives the profit-making free enterprises that generate our wealth a far larger vision of public service and total citizenship—as man's relation with his total ecology and environment is becoming the central concern of our society. Again, both the geographic spread of the University to branches such as this, plus the TV network, brings quality curriculum to the whole state and its people. In the distribution industry—such as the retail stores of the Belk System, with whom I have been proud to be associated for 25 years—it gives junior management a real chance at educational excellence.

The university in American life is thus triggering a transformation of our society—they are the engines of change in an era of higher and higher technology, culture and productivity—in a transcending upward geometric curve which was first foreseen in its realistic dimension in the great philosophic work entitled "The Education of Henry Adams," which was most cogently examined in a speech by Gerald Piel, Publisher of *The Scientific American*, which he delivered at the Dedication of Evans Hall at Phillips Andover Academy 27 April 1963—

"There is no truth to rumors of battles between the sciences and the humanities in universities. Scientific value and concern both for truth and culture are the web of society. This breach is closed in the modern university—and few observers before Henry Adams seriously undertook to explore the relation between science and the history and cultural structure of society.

"He looked back over the tumult of modern history and saw the rising curves of the rate of scientific discovery, of coal output, of steam power, of electric power—and saw that the curves of progress and increase were not arithmetic—but exponential—and rose more steeply as the graphs left the base line—as is the case in the source and output of energy moving from the cave man's fire, to water power, to wind power, to stream power, electric power and now nuclear power—on a curve of increase almost vertical.

"Today, after two centuries of industrial revolution, we have come to speak of two kinds of nations; developed and under developed or, in plainer language, rich and poor. Some 20-odd nations, comprising about one-third of the world's population, have joined in the industrial revolution. To one or another degree, their entire populations are entrained in the heady experience of increasing well-being. It is no accident that the nations which set out first on this course and have come farthest have also given the world the most favorable demonstration of self-government by citizenries that count no second-class citizens among their numbers. The poor nations, on the other hand, comprise a whole two-thirds of mankind still immured in the economic and social institutions of agricultural civilization and include some tens of millions in Africa and Southeast Asia caught, at this turn of history, even in transition to settled agriculture. By all the quantitative indexes that measure the contrast between the rich and the poor nations, it is plain that history has entered on a new phase.

". . . The promise of the power in our hands ought to have an equal place in the public and private consciousness."

We now perceive the overwhelming shock force of the new technology and production—as exampled by the fact that only 8% of our people now are farmers against 46% in colonial times—and now with nuclear sources of power and modern techniques of securing our abundance we are even released from the necessity of having natural resources. The new industrial and technical order does not discover resources, it literally creates them.

As U Thant, Secretary General of the United Nations, has said in a 1965 address:

"The Truth, the central stupendous truth about developed countries today is that they can have the kind and quantity of resources they decide to have. It is no longer resources that control decisions. It is the decision that makes the resources. This is the most fundamental and revolutionary change mankind has ever known—But can we by education and a world order spread this abundance to all the world—so that the primitive have nots may be a part of a world system. This is the crux and the crisis of the modern world."

But even so—in the words of Arnold Toynbee—"The most powerful force in the world today is not the precarious balance of nuclear power or the menace of communism but in the simple fact that by use of radio and television (the electromagnetic spectrum) that in the remote villages of the world, hundreds of million of people have at long last sensed, by listening and viewing, the possibility of a better life by sharing the new abundance science has brought, if not for themselves, at least for their children and this will not and cannot be denied. We must not be "numb" from change—we must be productive in change.

In such transmission of knowledge and learning is your honored president doubly gifted—as a scholar in the liberal arts—as a scientist of MIT and an Executive in Texas Instruments Company, head of Electrical Engineering at Purdue University, now in the forefront of modern electrical technique—none could be better fitted to construct a statewide TV educational system—now to be used for the degree of Master of Business Administration course—with once weekends in actual attendance at Columbia or a branch such as this and later for other departments and disciplines.

Your speaker had the privilege as U.S. Ambassador to the Economic and Social Council of the United Nations to be responsible for presenting and debating in the Economic and Social Council in Geneva, Switzerland, the 1968–69 United Nations Budget for the forthcoming plan for a worldwide educational TV network through communication satellites for the new worldwide United Nations Institute for Training and Research with TV Reception Centers to be planned in Bangkok, Thailand, for Asia, Dakar, Senegal, for Africa, and Santiago, Chile for South America. In my speech on that occasion I stated:

Knowledge previously available only in libraries can now, through the memory core magnets of electronic computers be integrated into world-wide communications "Telestar" satellite system. We can store, retrieve and transmit data (including televising of lectures themselves on tape) from libraries and selected universities, put it into central information computer memory cores and disseminate it by wire or satellite into

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regional education units such as those conceived by the planners in UNITAR with sidebands from the U.N. Interpreters in the language desired. Truly a global "brain" can now be evolved and specialized education provided on a world-wide basis. Social and political participation by UN agencies can thus be more direct and universal to all men in such a world-wide electronically informed society. Information, its true communication and use is the web of this new society and the basis of all human understanding, organization and effort. Truly the electrons are nibbling away the distance between man and man throughout the planet.

"In this coming age of educational communication, the scholars of tomorrow will be swimming in the blue-green phosphors of teaching television screens. Learning and experience will be brought at the speed of light from distant sources. Then even though transport of bodies over the surface of the earth will be measured in short hours and minutes, this new transportation miracle will pale in importance when it is compared to educational and human use of the electromagnetic spectrum. Man himself will no longer have to move to the source of learning, learning will come to him through the satellite and the television and the memory core. If man is crossing 'the Great Divide' of a profoundly changed era can we not respond to Marshall McLuhan's challenging question: Can we possibly have a global consciousness without also developing a global conscience?"

Thus can the learning and the productivity of the advanced nations be disseminated to the "have-not" nations—and bring them into the productive international society—and to world order.

This task of education at home and abroad, as well as in this very University, here on this hill, of making impoverished nations productive beyond dream is best exampled in recent history by the Marshall Plan—so forcefully presented to a waiting world and an impoverished and destroyed Europe in the speech of our very own Honorable James F. Byrnes in Stuttgart, Germany, in May of 1947. This was world statecraft at its best—in a broken Europe which was a waiting culture medium either for communism or democracy, freedom and free enterprise. This Marshall Plan investment has been paid in productivity a hundredfold. This is now the time again for the same type of statesmanship in education in South Carolina and in the United States in its leadership in world affairs.

When I think of the influence of James F. Byrnes upon the world, the United States, and on this state, on this university, on this County of Spartansburg, which he loves dearly, I am humbled and silenced—his stature is monumental for all time and all men. It was he who gave me my start in the days before the Byrnes Foundation and its humane student aid. His help to me was personal and his example and leadership shall be with me all the days of my years—and I see in Spartanburg County also his proteges, your distinguished and beloved Judge Donald Russell, former Governor and President of this University, and Walter Brown, a great publicist and as keen an observer and interpreter of national and international affairs as exists in this country. I see his and my friend, Walter Montgomery, and my esteemed colleague, Grier Hudson, Sr., Dan Henderson and O. N. Fain, are here today. I remember the great effort and leadership for education such as this we honor today, of my dear friend, the late Senator and Governor Olin D. Johnston—all of these leaders had one objective in common—that all of the citizens of South Carolina have an *education* available to them and be led into that happiness which is the exercise of vital powers along lines of excellence in a life affording them scope and productivity—and this for all our citizens everywhere.

It is in this philosophic climate that we observe the curriculum of this branch we dedicate today:

A strong two year curriculum in Teaching, Engineering, Pharmacy, Pre-Medical, Pre-Law, Bachelor of Arts in Business Administration, and an associate degree in technical nursing—all part of the high quality, high standard curriculum of the whole University of which this branch is a proud and integral part.

This branch you plant today will flourish as the green bay tree—In 1946 we in Charlotte started Charlotte College with 400 students—it is now The University of North Carolina at Charlotte with over 4,000, and with plans for 10,000 students in the mid-seventies in a broad spectrum of quality studies—making available to the great array of earnest scholars within 50 miles transport distance—a way upward to the highest levels of education, science and culture. Thus is the New South rising as a Phoenix.

James B. Conant in his address on the Observance of the Tercentenary of Harvard College, on September 18, 1936, taken from his recent biography, *My Several Lives—Memoirs of a Social Inventor*, observed:

"If I am correct, then, in my interpretation of academic history, the future of the university tradition in America depends on keeping a proper balance between the four essential ingredients—the advancement of learning, the liberal arts college, professional training and a healthy student life. None must be neglected; no one must be allowed to predominate unduly. If this balance can be maintained, the universities of this country, privately endowed and publicly supported alike, will function both as instruments of higher education and as centers for developing a national culture worthy of this rich and powerful land."

The Administration of this University, the Governor and the General Assembly, the Attorney General and the Trustees—have all exhibited through this new branch, a visual symbol of their duty done in creating this instrument as a center of such learning and culture.

South Carolinians have above any people of any state—of all Americans—a devout sense of duty, a most stubborn sense of duty. It has been their outstanding characteristic in war, in reconstruction, in peace, in education, in industry—it is that duty which, when fulfilled, blossoms into the flowering of a diverse and balanced economy and society in this new day for our region. This concept of duty is most beautifully defined in an obscure work of Robert Louis Stevenson upon which I happened in my research. It was in *Scribner's Magazine* of April of 1888, and reads:

"What a monstrous spectre is [this] man, the disease of the agglutinated dust, lifting alternate feet or lying drugged with slumber; killing, feeding, growing, bringing forth small copies of himself; grown upon with hair like grass, fitted with eyes that move and glitter in his face; a thing to set children screaming.

"— and yet, looked at nearlier, known as his fellows know him, how surprising are his attributes! Poor soul, here for so little, cast among so many hardships, filled with so many desires so incommensurate and so inconsistent, savagely surrounded, savagely descended, irremediably condemned to prey upon his fellow lives; who would have blamed him had he been a piece with his destiny and a being merely barbarous?

"And we look and behold him instead filled with imperfect virtues; infinitely childish, often admirably valiant, often touchingly kind; sitting down, amidst his momentary life, to debate of right and wrong and the attributes of the deity; rising up to do battle for an egg or die for an idea; singling out his friends and his mate with cordial affection; bringing forth in pain, rearing with long-suffering solicitude, his young.

"To touch the heart of his mystery, we find in him one thought strange to the point of lunacy; the thought of duty; the thought of something owing to himself, to his neighbor, to his God; an ideal of decency, to which he would rise if it were possible; a limit of shame below which, if it be possible, he will not stoop . . .

". . . Of all earth's meteors, here at least is the most strange and consoling; that this ennobled lemur, this hair crowned bubble of the dust, this inheritor of a few years and sorrow, should yet deny himself his rare delights, and add to his frequent pains and live for an ideal, however, misconceived, to serve his God and his fellow man."

You can see this South Carolinian sense of duty manifested in the very continued existence of this University of South Carolina from the days after the American Revolution, through Wars and Reconstruction, the battle of the Tillman era and structural decisions of the nature of public colleges in South Carolina, in having its place established in the scholastic structure of the State, together with Clemson, the Citadel, and Winthrop and the historic church-related colleges of South Carolina which bestow in this very county their continual cultural influences. The memories of Wade Hampton, Reverend Thornwell, Dr. James Woodrow, Davidson Douglas, Donald Russell, Admiral Smith—all stand high for history.

Now may this sense of duty always pervade the faculty and students as they participate in the mission of this branch of the University in serving the youth and the culture and business and industrial economy of this lovely hill country beneath so kind a sky.

The intolerant vigor of youth, guided into channels of learning, with the flexible guiding wisdom of skilled and experienced administrators—who are so in evidence this day—this is our future—this is the essence of our American heritage—this is the great University of South Carolina, planting its new sprouts in the heady dynamic soil of the Piedmont Crescent—this is the formula for a flowering and a regeneration beyond our dreams—on this solemn and auspicious day of dedication.

Thank you for the kindness of your attention to my remarks.

HON. JOHN W. McCORMACK

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. KYROS. Mr. Speaker, as you know, I view your decision to retire from the House of Representatives with profound regret. During my service in the Congress, I have known only one Speaker, JOHN McCORMACK. During my service in the Congress, I have also had no truer friend than Speaker McCORMACK.

I will remember Speaker McCORMACK in many ways, and I will have a particularly clear memory of the Speaker's first words of advice for me, when I entered the Congress. "Make friends," the Speaker told me. The Speaker explained that it would be necessary, during the heated and divisive debates which would occur on the issues before the Nation, to main-

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tain a firm working relationship with as many of my colleagues as possible. This counsel has proved true, indeed.

I think this advice also serves as a note to what I believe has always been Speaker McCORMACK's abiding wish: that we, in the Congress, work together not only as a representative institution, but as an effective institution. While the Speaker has supported all legislation designed to give Americans better means of improving their lives, he has also sought to have the debate on these issues conducted in a manner which maintains the unity of the Congress. While the Speaker has always been a true friend of New England and of my own State of Maine, he has sought to avoid regional differences of opinion and regional outlook represented within this body, we can be grateful for the way in which Speaker McCORMACK has kept the House united. He has done so not with an iron hand, but by gentle appeal; not by threat or power, but through reason.

I am sure that history will record that JOHN McCORMACK served his country as a true statesman, during times of crisis. His love for our country exceeded any partisanship and we can surely appreciate the love for his family which compels Speaker McCORMACK to take leave of us. We shall remember you, Mr. Speaker, with fondness and with great respect, and I am sure I speak for the citizens of my State in expressing my gratitude for your dedicated service throughout the years.

OUR MISSION: RECONCILIATION

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. FLYNT. Mr. Speaker, on Sunday, May 24, 1970, the 11 o'clock worship services at All Soul's Memorial Episcopal Church, Washington, D.C., were conducted by laymen.

The sermon was delivered by John H. Sharon, Esq., a member of All Soul's Memorial Episcopal Church and a vestryman.

The theme of the sermon and the lesson was "Our Mission: Reconciliation." The lesson was taken from St. Paul's letter to the Corinthians, II Corinthians, 5: 18–21 and II Corinthians, 6: 1–10.

The sermon was inspiring and the congregation sat with rapt attention in general accord with the thoughts expressed by the speaker. Following the morning services many people, including myself, asked Mr. Sharon for a copy of his sermon. He most graciously provided me with one and it is my pleasure now to share it with those who read these remarks.

I include as a part of my remarks the text of the sermon delivered by Mr. Sharon:

OUR MISSION: RECONCILIATION

(By John H. Sharon, Esq.)

Two weeks ago, the following news dispatch appeared on page one of every newspaper in the country:

"An air of crisis, growing out of events in Cambodia and on American campuses, confronted the nation yesterday as the country braced for massive protest demonstrations.

"The dimensions of the trouble were reflected in a number of extraordinary events:

"Hundreds of colleges and universities were closed in the first general student strike in the nation's history. Hundreds of thousands of citizens began gathering for demonstrations scheduled across the country from the nation's capital to California. In Washington officials were preparing for over 100,000 demonstrators and federal troops were alerted.

"National guardsmen were advised by the Army's National Guard Bureau to stand by in all states to watch over armories and thwart possible acts of arson or violence. Guard units remained in position on five campuses.

"The President summoned the governors of all 50 states to meet with him Monday in the White House. They will discuss 'the disruption of peace, violence and potential violence throughout the nation,' it was announced.

"The immediate causes were President Nixon's announcement of one week ago that the United States was sending troops into Cambodia, triggering fears of a wider Asian war, and the slaying of four Kent State students in a clash with the National Guardsmen last Monday.

"Since then, at least 418 colleges and universities have suspended classes. In California all state campuses, with 280,000 students, were closed . . . Governor Ronald Reagan said he had taken that move to enable citizens 'to reflect on the grave sequence of recent events' . . ."

"Following an urgent meeting with the President of the United States, a group of prominent college presidents said:

" 'We would like to say that our intention was to make as clear as we could to the President that disturbances on the campus are not a minor issue or a local issue or one which on any campus is confined to a small group of dissidents, but something that reflected deep and wide concern and unhappiness with the conditions of our national life and foreign policy.' "

So ended the article.

The student protest in Washington was non-violent: they practiced peace as well as preached it. But as more students protested on the campuses, more students were killed. "When," we ask "will all this come to an end?"

It is clear that there is a crisis of confidence in America: a crisis of confidence in our government, a crisis of confidence in our institutions, a crisis of confidence in our right to dissent, a crisis of confidence in ourselves.

Governor Reagan was right. This is a time for reflection. It is a time to pause to ask ourselves some searching questions. Like Why?

Why are our children in the streets?

Why have they lost faith in the government?

Why is there so much disaffection with our institutions?

Why is the gap so wide between parent and child?

Who is responsible for all of this and what should we be doing about it?

How easy it is to point the finger of blame at political leaders! And, unfortunately, it appears that it is just as easy for them to indulge in name-calling as it is for students to throw rocks. We have had enough of both in this country and it's time for us to see that it comes to a halt.

There are two things each of us must remember.

First, these children who are expressing dissent do not belong to some other race, some other creed, or some other nation. These are our children: your children and mine. We brought them into this world; and equally as important, we brought them up in this world. That in itself answers important questions. It also raises others. One thing it should do is make us stop shaking our heads in disgust and pointing our fingers at someone else.

And second, we must never forget that every viable institution in our life was founded on dissent: our nation was founded on dissent; our church was founded on dissent; our form of government thrives on dissent. To squash dissent is to cut off the life-blood of democracy. Just as irresponsible dissent that leads to violence can never be condoned, responsible dissent within our established institutions can never be suppressed.

But, why are our young citizens in the streets?

The vast majority are in the streets because they are concerned about human dignity and human worth. They are asking questions about poverty, prejudice, justice, pollution, war and peace. They are protesting because they are not satisfied with the answers that we as adults have offered. And as sad as it is, they are protesting because too many of us are providing no answers at all. We ignore, brush aside or condemn these young adults as disruptive to our pursuit of the affluent life. They ask for answers and we turn our backs, or fire a gun, or question their right to inquire.

How ironical it is that in this modern electronic era our nation should be confronted with the greatest communication gap in its history. But we cannot sit complacently by and simply admit that these conditions exist. We have a job to do: a job as dedicated citizens, as concerned parents, as committed Christians and that job is to bridge this gap . . . and bridge it now.

How do we go about it?

AS CITIZENS

As citizens, we should acknowledge to ourselves that the conditions at home and abroad which concern our youth are largely of our own making. Our children did not create these conditions. We did.

As citizens, we should encourage thoughtful and constructive dissent so that words replace rocks, conversation replaces tear gas, ideas replace bullets, solutions replace bayonets.

As citizens, we should support our educators and urge them: not simply to keep our schools open, but to open up the curriculum and re-examine its role and purpose at this critical hour. Courses on The Boundaries of Dissent, The Responsibilities of Freedom, The Danger of Drugs, Change and How to Achieve It are sorely needed and would be warmly welcomed.

And as citizens, we should give our prayerful support to the President of the United States. Whether you agree with his policies or not is immaterial. He is our only President and he has had only 16 months to find hard solutions to inherited problems. He deserves a chance; and he needs our prayers.

AND WHAT CAN WE DO AS PARENTS?

As parents, we need to show our children our love, our trust and our respect for them as human beings. There are some angry and militant young people in America and none of them ever lived in a home of love and mutual trust.

As parents, we must recognize that children need something more than food and water and love and trust. They need discipline they understand and respect; not discipline that breeds anger and hate.

As parents, we need a new approach to discipline. The old approach was wrong. The old approach was hell-bent on stopping, or prohibiting or punishing undesirable acts while ignoring the urges of feelings that brought about the acts. Punishment and restrictions were administered in the midst

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of angry argument—when a child was least able to listen and most likely to resist. The child not only believed that his act was bad but that he was "no good" as a person.

Let me give you an example. Last year a 21 year old girl, living with her parents, came home late, one hour after the midnight curfew imposed by her mother. Her angry parents demanded to know where she had been. She told them she had been at the local officers club with an Air Force lieutenant. The parents got madder. They demanded to know if she had had relations with this man. The daughter told the truth: she had. Severe punishment had to be meted out. To redeem herself, the parents told their daughter that she would have to kill her pet dog. So the next day they went out into the field. A grave was dug; the dog placed in it; the father handed a pistol to his daughter; he ordered her to shoot; she refused; he demanded she kill her dog; she couldn't. So, she put the gun to her own temple and killed herself. That story is true. And there are thousands just as bad.

As parents, our new approach to discipline must help our children communicate their feelings while restricting their conduct. Our children must be encouraged to speak out about what they feel but clear limits must be placed on undesirable or unlawful acts. The restrictions on conduct should be set not in violence or anger but in an atmosphere of understanding and communication—preserving the self respect of the child as well as the parent. A child's resentment of a restriction must be understood, but he must not also be punished for not liking the restriction itself.

For example: A young boy watched his parents repaint their living room. When they had finished he went and got his crayons and started to draw all over the new walls. The father's first reaction was to "clobber the boy" but he paused, and checked his anger. "No," he said to his son. "Walls are not for drawing on. Paper is. Let's go find some paper. Here we are, draw me a picture on this paper." That little boy, sensing his father's anger, respectful of his understanding, simply said, "I'm sorry, Daddy. I love you."

The problem is a simple one of angry feelings and angry acts. Feelings and dissent have to be identified and expressed. Acts may have to be limited and redirected.

And let me add that no amount of parental love or trust or discipline is ever going to make our children act like responsible adults unless we, as parents, set a proper example for them. How can parents expect their children to stay away from the dangers of drugs if they are chronic pill-takers themselves. They can't. And their children won't.

Now, what as Christians can we do about today's crisis?

AS CHRISTIANS

As Christians, we have a special responsibility in this divisive hour of protest and dissent: we have a mission to fulfill; and that mission is one of reconciliation.

All of us—young and old—should read Paul's two letters to the people of Corinth. The second letter, the subject of this morning's lesson, talks about reconciliation. He speaks of "God being in Jesus reconciling the world to Himself, no longer holding men's misdeeds against them." With this mission we are entrusted. We are, Paul says, to be God's ambassadors carrying the word of reconciliation to our fellow man.

And how is this reconciliation achieved? Paul says:

By giving offense to no one;

By enduring the distress and hardships all of us face;

By behaving innocently in the sight of God;

By grasping and declaring the truth;

By being patient and kind in the face of adversity;

By sincere love of thy neighbor as thyself;

And by faith in the Power of God.

As one reads Paul's letter, a remarkable parallel is revealed between the people of Corinth and the young adults of today. God intervenes not to punish his rebellious subjects but to reconcile them; not to show himself their enemy but their friend; and this He does in the life and the work and the death of His own Son, and by entrusting us with His mission of reconciliation.

There is another message in Paul's letter: and that is the spirit of optimism, excitement and challenge inherent in our mission. Adversity, dissent and protest, do not breed despair; but opportunity:

Opportunity to act, to listen, to respond, to educate, to love, to discipline, to forgive, to heal, to reconcile.

That is exciting. So let us not despair. Let us, as dedicated citizens, as concerned parents, as committed Christians, as God's ambassadors and with His help, conquer this crisis by exploiting our opportunity. Let us act and act now so that next spring, our mission will have been accomplished, and once again, birds, not bullets, will sing, flowers, not bayonets, will bloom and children, not soldiers, will play.

Let us Pray.

COMMENDING SPEAKER JOHN W. McCORMACK ON HIS LENGTH OF SERVICE AS SPEAKER

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. BYRNES of Wisconsin. Mr. Speaker, it is a privilege to join in tribute to the Speaker of the House of Representatives, John W. McCormack, and to support the resolution of commendation offered by the distinguished majority leader, Mr. Albert.

I have had the honor to serve in this body during all of John McCormack's record-breaking tenure as Speaker and during 25 of his 41 years of his outstanding service to the Nation as a Member of the House. I can only say, based on my personal observation and experience, that the contributions John McCormack has made to this body, and to the Nation it serves, are beyond measure. He has been intimately and actively involved in all of the major legislative acts of the greatest Nation on earth during one of the most turbulent periods in history. He has had the heavy responsibility of leadership during most of that difficult period. His place in the annals of parliamentary bodies is assured.

Apart from his historical achievements, there is another side to John McCormack and that is the John McCormack who has been friend and counselor to all who have been privileged to serve with him in the House. To me, he has been many things—a respected opponent, a scrupulously fair presiding officer, a generous adviser and a warm friend. It was with sadness and regret that I learned of his decision to retire from the House at the end of this Congress. His wisdom, his great ability, his devotion to the land he loves, will be sorely missed.

I join in wishing our Speaker and Mrs. McCormack happiness and contentment in the years to come, conscious of the deep gratitude of a nation for the service they have both rendered to all of us.

MEMORIAL DAY—1970

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. RARICK. Mr. Speaker, I can think of no more fitting Memorial Day speech than an open letter to the American people from Cornelius Vanderbreggen, Jr.:

A Former U.S. Marine Combat Officer—Now A Christian Missionary in Holland—Warns America

Laren in Gelderland, Holland,
May 30, 1969.

Dear American Citizen: It is Memorial Day in America, the land of my birth. Though I am thousands of miles away from my native land today, I am thinking of it continually. Also, I am praying for you. Why do I have such an interest in you? One reason is that twenty-five years ago as a U.S. Marine combat officer I willingly offered my life to defend you, your loved ones, your home, your homeland. Twenty-five years ago this very day I was leaving Guadalcanal as a member of the fighting forces that were to take part in the costly invasion of Guam.

God brought me through that invasion unscathed, but many of my comrades laid down their lives for you there. Later hundreds of the marines whom I helped to train dyed the sands of Iwo Jima red with their blood—for you. Think of it, in just five weeks 6,821 loyal American lads sacrificed their lives for you on that tiny island. Then there were the wounded—21,865 of them! I visited them in the hospital wards on Guam. Many of them were shell-shocked. Others were riddled with machine gun bullets. This marine was minus a leg, that one minus an arm. This fellow was minus a chin, that 18-year-old lad was blind for the rest of his life. For you!

If you do not appreciate what these young Americans did for you, that is your responsibility before God. My responsibility is to remind you what they did. This is Memorial Day.

May I tell you three things that I learned from those Marine comrades of mine?

First, they knew that there was an enemy.

Secondly, they found out who he was, and they resisted him to the limit of their ability.

Thirdly, hundreds of them discovered that they could neither live nor die in peace until they had come to know God.

My comrades left behind an example for you. May I ask you whether you are following their example?

Do you know that there is an enemy detroying your land today? Do you know that that enemy is not thousands of miles away but in your very midst? Do you know that that enemy is not Communism but the force which for its own diabolic purposes created and financed Communism from within the U.S.A.? Do you know that that enemy has been established within your own government for decades, and that his influence is steadily growing stronger? Do you know that the enemy is using your riches to finance your own destruction and that he is altering your Constitution in order to deny you your Constitutional rights? Do you know that his plan is so to control your armed forces that they are denied all chance of defending you but at the same time are used by the enemy in his plan to enslave the world?

Do you know that this same enemy exercises a tremendous influence over many large American church groups? Do you know that much of the literature put out by these churches is anti-Biblical, anti-Christian, anti-American, and anti-God? Do you know that these attempts of godless, ecclesiastical leaders to pervert God's Word are clearly prophesied in the Bible, and that thereby the amazing accuracy of the Bible is confirmed by the very men who seek to repudiate it?

Do you know that the enemy almost completely controls your country's leading newspaper, radio and television media and that therefore you are subjected to ceaseless brain-washing which is just as effective as anything that is carried on in "slave nations"? The purpose of this brain-washing is to hoodwink you into thinking: 1. that the enemy is outside of your country; 2. that the glorious freedoms which Americans have known for two centuries are undesirable; 3. that economic, political, and religious slavery are virtues; 4. that people who warn you of your peril are "extremists", "Nazis", "radicals", "hate-mongers"; 5. that resistance to the enemy is sin!

Do you know that it is this enemy in your midst that entrapped your country in World War I, World War II, the Korean War, and the phoney Viet Nam war (which was planned not to fight Communism, but to bleed you and to take your eyes off the enemy in your midst)? Do you know that the enemy in your midst has other wars planned in order to bleed you further? Do you know that the enemy's dream is to have your sons die in Rhodesia and Africa so that you will be further weakened and so that the enemy can control the wealth of those lands? Do you know that the enemy further dreams that your sons will die in order to "secure" the borders of the State of Israel (a state which the Bible clearly foretells will be completely destroyed before the future day when the Lord Jesus Christ miraculously establishes a God-honoring nation of Israel in the Near East*)?

Do you know that many of your nation's most revered generals and admirals have sought to warn the nation of this enemy in the midst, but that the enemy-controlled press has suppressed their warnings? Do you know that many military men of high caliber have resigned their commissions in the armed forces because they realized that they were being made puppets of the enemy who plans to hamstring the U.S. armed forces so that they will never be permitted to defend America?

Do you know that to all intents and purposes you are now a slave of the enemy-created United Nations because the enemy-planned U.N. charter binds you to support U.N. (enemy-planned) wars but forbids you to undertake military defense of the U.S. without U.N. (enemy) approval?

Do you know that the enemy planned the United Nations so that you would become a vassal in an enemy-controlled, atheistic, world dictatorship which the Bible says is coming some day on earth? Unless you wake up and resist the enemy in your midst, you and your children will see your free country die before your eyes!

Do you know that resisting the enemy is Scriptural? The Bible says, "Resist the devil and he will flee from you" (James 4:7). Again the Word of God says, "Be not ye afraid of them: remember the Lord, which is great and terrible, and fight for your brethren, your sons, and your daughters, your wives, and your houses" (Nehemiah 4:14).

Do you realize that you cannot remember God if you do not know God personally? And you cannot justly claim to know Him personally just because you are baptized, or religious, or patriotic, or a Protestant, or a Roman Catholic, or a Jew! You cannot know God personally until you have personally thanked Him that on the cross of Calvary, two thousand years ago. He shed His blood for your sins: this is the clear teaching of the Old Testament and the New Testament, which are the Word of God that was committed to godly Jews by the Spirit of God.

The prophet Isaiah clearly spoke of the Lord Jesus Christ, the only Saviour, when he wrote, "All we like sheep have gone astray; we have turned every one to his own way; and the Lord hath laid on Him the iniquity of us all" (Isaiah 53.6). The apostle Paul, another enlightened Jew, recorded similar words in the New Testament when under the inspiration of the Spirit of God he wrote, "God commendeth His love toward us in that while we were yet sinners, Christ died for us" (Romans 5:8).

There is the Gospel message—pure, clear, and simple! God loves sinners, Jewish sinners and Gentile sinners, black sinners and white sinners, young sinners and old sinners, hell-bound and lost sinners! God loves sinners and gave His Son to die for them all! The sinner who receives that Saviour is saved from judgment and hell. Conversely, the sinner who rejects that Saviour, though he be oh so religious, or oh so patriotic, or oh so well-informed about the sins of others, remains condemned by God as long as he rejects God's Son. "He that believeth on the Son hath everlasting life; and he that believeth not the Son shall not see life, but the wrath of God abideth on him" (John 3:36). Faith in the Lord Jesus Christ is that which enabled millions of Americans in decades past to triumph over untold difficulties and build a land that was once blessed of God and a blessing to others. Apart from faith in the Lord Jesus Christ there is no hope for America today, or for you.

Would you make today the decision about Him that God is asking you to make? Then regardless of the date on the calendar it will be for you a Memorial Day that you will always remember and never regret.

"We pray in Christ's stead, be ye reconciled to God" (2 Cor. 5:20).

CORNELIUS VANDERBREGGEN, Jr.,
Formerly 1st. Lt., U.S.M.C.R.

GEN. JOHN DILLARD EULOGY

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. FALLON. Mr. Speaker, on May 12, Maj. Gen. John A. B. Dillard, commander of the U.S. Army Engineer Command in Vietnam was killed when his helicopter was shot down by Communist ground fire near Pleiku. General Dillard, in addition to being an outstanding military leader, contributed a considerable portion of his career to the development of the water resources of the United States.

General Dillard was born in East St. Louis, Ill., on September 1, 1919. He was graduated from McGuffey High School, Oxford, Ohio, in 1938, and from the Virginia Military Institute, Lexington, Va., with a B.S. degree in civil engineering in 1942. In addition, General Dillard received a masters degree in industrial engineering from New York University, N.Y., in 1955.

In World War II he served in the European Theater of Operations as platoon leader and company commander, 125th Armored Engineer Battalion, 14th Armored Division, and company commander, 36th Engineer Combat Group.

He was assigned to Alaska in 1947–49. He was first stationed at Fort Richardson with the 923d Engineer Aviation Battalion and the 925th Engineer Aviation Group where his duties included planning, design and construction of roads, bridges, pipelines, airfields, storage facilities, utilities, and related engineer work in support of Alaskan Master Plans, Plans Branch, Alaskan Air Command.

He was executive officer, Little Rock Engineer District, Arkansas, 1950–51. After a year's service in Korea with the 65th Engineer Battalion, 25th Infantry Division, he served for a year in Japan with the 43d Construction Battalion.

During 1955–57, he was assistant district engineer, Baltimore Engineer District, Maryland. During his tour of duty in Baltimore, General Dillard, then a lieutenant colonel, was in charge of the relief effort at Scranton, Pa., after that area was struck by Hurricanes Connie and Diane within a 7-day period in 1955. This effort which was known as Operation Noah resulted in the cleaning up and the restoration of the flooded city.

In 1957 he went to Hawaii to serve as battalion commander, 65th Engineer Battalion, 25th Infantry Division, and later as assistant chief of staff, G–4, 25th Infantry Division.

From 1959 to 1963, he served as assistant director for military construction, Western area, Office of the Chief of Engineers, Washington, D.C., before assuming his duties as member of Civil Engineering Branch, Organization of the Joint Chiefs of Staff, Washington, D.C., where he served from 1963 to 1965.

In 1965 General Dillard became the district engineer, U.S. Army Engineer District, Los Angeles, where he was responsible for the planning, direction, supervision of military and civil public works over portions of seven State areas embracing the Colorado River system and southern California. In this capacity he served as contracting officer for design and construction programs approximating $130 million annually, which varied in scope from construction of dams and related flood control works, development of deep water harbors, beach erosion and related coastal engineering matters, to complex missile and space launch facilities and systems.

From 1966 to June 1968, the General first served as assistant division engineer and then division engineer, South Pacific Division, San Francisco, where he was responsible for the entire Corps of Engineers program for the Los Angeles, San Francisco, and Sacramento districts. He performed with great distinction in this office and when he left in June 1968 to become commander, U.S. Army Engineer Command, Vietnam, those of us who have been in the field of public works and water resources development recognized that he had served in the finest tradition of engineer-soldier of the Corps of Engineers.

General Dillard's death in Vietnam comes as a blow to all of us on the Committee on Public Works who have known and worked with him over the years, and I know that I speak for all the members of the committee in expressing our sincerest regrets to his wife, Bette, his sons Gerry and John III, and his daughter, Revalee, and to his mother, Mrs. Frank Kulman.

I would add at this point in the RECORD the eulogy delivered by Lt. Gen. F. J. Clarke, chief of engineers, at Arlington National Cemetery on May 20th, and the meditation eulogy at the Memorial Service at the Presidio in San Francisco:

EULOGY DELIVERED BY LT. GEN. F. J. CLARKE, CHIEF OF ENGINEERS, AT THE FUNERAL OF MAJ. GEN. JOHN A. B. DILLARD

Judged by results, Jack Dillard was certainly a successful leader. He established high goals and regardless of the challenges he found the best way to accomplish those goals. Jack was an energetic, dynamic officer who was equally as skilled and professional leading troops in combat as he was directing programs to improve the quality of life in the United States.

I knew Jack well, and with those here today, I am richer for having known him. He was a man you could not help but like. His warm easy smile, bouyant personality and pleasant charm quickly captivated those who knew him. He was a devoted husband and father and had an intense interest in all who served with him. We will be richer by carrying the memory of our too brief association with him.

The profession of generalship and command requires great personal sacrifices. Jack Dillard knew this and ultimately made the greatest sacrifice—which is why we are solemnly gathered here to honor him today. But Jack Dillard was a leader—he liked leading—he was proud, courageous, intelligent—an able soldier, who sought the most from life. How characteristic it was that while Jack was a student at VMI, he was a varsity letterman in track, and wrestling. This is not strange to those of us who knew him well. Although he was not a physically large man he had a super abundance of courage, tenacity and daring which he so bravely demonstrated to the end.

Jack was a strong, dedicated, compassionate leader. He met every challenge confidently and with true genius. Yes, Jack was a real professional who possessed those rare qualities that weld a fine mind and a fighting yet loving heart to become an inspirational leader. How right his VMI classmates were in 1942 when they said he had the "ability to make a crackjack Army Officer." From his first Army days as a Platoon leader in the 125th Armored Engineer Battalion until his final day as the Commanding General of the U.S. Army Engineer Command, Vietnam, Jack Dillard proved to be an all-giving officer, dedicated to his country, to his chosen service and to those he led.

His country, for which he gave his life, and especially we in the Army who know so well the risks and sacrifices, share the grief of his family. We are all shocked by their tragic loss. Our country has too few Jack Dillards during these times when we need so many.

EULOGY AND MEDITATION AT THE MEMORIAL SERVICE AT THE PRESIDIO

General John Albert Broadus Dillard, Jr., was a man respected and admired by his superiors, peers, and subordinates. One friend and fellow general officer wrote of him, ". . . one of the greatest men I've known." He was first a man's man—very strong and stable. He at times, seemed to have an armor of toughness which shielded a kind and generous soul.

He loved life and manifested this in his heavy schedule of varied activities. His friends respected him for his keen intellectual curiosity. They admired him for his persistent search for new and better ways to accomplish a given task. Unafraid of change, he sought for the best way to foster progress and encourage development. His close associates noticed that his strong personal traits were balanced by a good sense of humor.

General Dillard enjoyed life with its pulsing, throbbing reality. He wanted to be involved in the great issues of our times. His aim was excellence. He expected this of himself and encouraged this worthy goal in his followers. He was a leader of man and would have excelled in any chosen endeavor, had he chosen to be in some other field of service. We in the armed forces were fortunate to have had him as one of our leaders. We need men of his high caliber in our armed services, and we are all the poorer now because of his untimely death.

However, to live life in all its fullness means to take risks. To taks risks means to involve oneself in life's active stream. He who is not willing to risk himself in life's battles and challenges does not live, but merely exists. The fearful man sits on the safe banks of life's stream and lets fear stifle and strangle his life. Not so for the man who dares, who has the courage to involve himself in life and to affirm himself; the man who seeks to fulfill his life. Such was this man, John Albert Broadus Dillard, Jr., a strong man who sought to live the fullness of life, who died in action, doing his duty as a man of arms.

GEN. JOHN DILLARD EULOGY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, it is my understanding that the Hon. GEORGE H. FALLON, chairman of the Committee on Public Works of the House of Representatives is placing in the CONGRESSIONAL RECORD certain remarks eulogizing the late Gen. John Dillard, an officer in the U.S. Army Corps of Engineers. I would like to join and be associated with the remarks of the chairman of the committee.

The late Gen. Jack Dillard was the division engineer of the South Pacific Division Office of the Corps of Engineers with headquarters in San Francisco, my home State of California, during the period from 1966 to 1968, and it was my privilege to be associated with him in connection with several water resource development projects in my district. As ranking minority member of the Flood Control Subcommittee, I got to know Jack Dillard well. If there was ever anyone that met the criteria of a great American, and a great builder of America it was Gen. Jack Dillard.

In my view General Dillard was one of the most competent and alert officers I ever knew. He was a real star on the horizon of the Corps of Engineers and his capacity to perform well was unlimited. Without a doubt he would have gone all the way to the very top as an officer.

There are many public works projects in the State of California that will stand as a lasting tribute to General Dillard.

The flood control projects which he planned and constructed will be a living monument to his memory. General Dillard, who helped to preserve human life through his engineering activities, gave his own life for his country.

DISSERVICE BY COLLEGE

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. GOODLING. Mr. Speaker, perhaps minority elements speak out with a loud voice in order to obtain the attention they would not otherwise receive. It should not be forgotten, however, that the silent majority is very much with us, speaking out once in a while to express its view.

Just recently one of the silent majority spoke out in a letter to the editor that appeared in the May 15, 1970, issue of the Evening Sentinel, a daily newspaper in Carlisle, Pa. Because this letter brings a constructive admonition to an educational institution in my congressional district and a timely message to all of us, I insert it into the CONGRESSIONAL RECORD and recommend its reading:

DISSERVICE BY COLLEGE

To the EDITOR of the SENTINEL:

Consider this an open letter to the Dickinson College administrators, faculty, and student body:

"Congratulations! You have now joined an increasing number of colleges and universities who would rather sacrifice principle and capitulate to student demands than resist pressure and stand on its own merit. By removing academic credit for ROTC activities, you have taken another step toward disenfranchising those men and women who over the years have given the last full measure of devotion to guarantee those rights which a minority of present-day students are so quick to abuse. Why yield to the demands of radicals and dissidents? Has any consideration been given to those patriotic students who may want to use ROTC as part of their academic curriculum? Such students have as much right to do so as the minority have to demand the abolition of credit.

"Who forced students to attend Dickinson or any other college? I always thought they attended because of their own free will. None were forced to enroll. They should be willing to abide by the rules of the college of their choice, and if they do not, they should be expelled, not tolerated, or worse still sanctioned by a spineless administration. Expulsion for failure to measure up to certain academic, moral, and social standards has always been the prerogative of every college, and it should be enforced. If it is not then colleges are saying, in effect, "Go ahead and do your own thing. Do whatever you choose, legal or not, and you will be allowed to get away with it." There is a better way to teach our young people responsibility and respect. It is called discipline.

"As a taxpayer who is trying to get a college education by attending part-time and working full-time, I say to this radical minority: I would have greatly appreciated the opportunity at your age to get my education.

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If you don't want to use your opportunity, then get out and make room for people who want to study, not raise hell. Your fellow students who wish to apply themselves to academic pursuits will be forever in your debt. You dissenters should remember a time-honored axiom, i.e., "The pen is mightier than the sword."

"Dickinson College, you have done your community and your nation a disservice."

JOHN W. SHEPARD.

GARDNERS, PA.

LING-TEMCO-VOUGHT, INC., RESTRUCTURE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Paul Thayer, president of LTV Aerospace Corporation, Dallas, Tex., has written to me outlining the restructuring process which has recently taken place within Ling-Temco-Vought, Inc., and its effect on LTV Aerospace Corp. In order that everyone will be familiar with what has taken place, I have received approval of Mr. Thayer to place his letter in the RECORD, and its content follows:

LTV AEROSPACE CORPORATION,
Dallas, Tex., May 22, 1970.

Hon. OLIN E. TEAGUE,
2311 Rayburn House Office Building,
Washington, D.C.

DEAR TIGER: I am sure you have read in the newspapers or learned from other sources that Ling-Temco-Vought, Inc. has restructured its top management. Because this action may have raised questions in your mind regarding the impact on LTV Aerospace Corporation, I want to take this opportunity to review recent events at LTV, Inc.; stress that these events have no effect on LTV Aerospace Corporation and, finally, emphasize our corporation's future plans.

LTV, Inc. has been involved for several years in an aggressive acquisition program. A combination of internal and external factors including the declining stock market, anti-trust actions involving LTV, Inc.'s acquisition of Jones and Laughlin, and the need to service a substantial debt prompted the Board of Directors to streamline the LTV, Inc. organization. To focus maximum attention and expertise on LTV, Inc.'s financial affairs, Mr. Robert H. Stewart III, of the First National Bank in Dallas was named as Chairman of the Board. James J. Ling, formerly Chairman and Chief Executive Officer, became President of LTV, Inc., with Clyde Skeen resigning from that position. The Board's size was reduced from 20 members to 14; the reduction in the Board's size will facilitate expeditious decision making in all major policy areas of LTV, Inc.'s operations.

I am confident LTV, Inc. will successfully resolve its current operational and financial problems and regain its position of preeminence.

LTV, Inc. is a majority shareholder of a number of subsidiary companies, including LTV Aerospace, Braniff, Jones & Laughlin and Wilson. At present LTV, Inc. owns 63% of the common stock of LTV Aerospace Corporation. The remaining stock is owned by the general investing public. LTV Aerospace is an independent, legal entity. It has its own bank credit on which LTV, Inc. is neither guarantor nor co-maker. The financial community, including our 21 line banks, has demonstrated continued confidence in our financial position. We are in a very sound financial posture. LTV Aeropsace Corporation has independent contracting authority; it alone is the contracting party with its government and non-government customers. LTV Aerospace Corporation's policy direction comes exclusively through its own Board of Directors, which remains unchanged. We will continue to receive a small portion of management services from LTV, Inc., as we have in the past, and for that we pay an allocated overhead fee. LTV, Inc. has not chosen to become involved at all in the operational aspects of LTV Aerospace Corporation in the past and we have been assured by the restructured LTV, Inc. Board of Directors that they will not become involved in the future.

It is natural that most "outsiders" identify LTV, Inc. and LTV Aerospace Corporation as synonymous. I hope that this misconception has been clarified. We are proud of the affiliation with our parent, but I must stress that LTV, Inc.'s present, temporary problams have no impact on LTV Aerospace. There is no legal way that LTV, Inc. can effect the financial security of LTV Aerospace. LTV Aerospace is an independent, profitable, stable and viable company, and the recent events at LTV, Inc. have not affected this situation. LTV Aerospace Corporation has charted its own future path of sound growth and stable operation. That path will be to continue to seek government business and to maintain our present position of leadership in the military, defense and space fields, and at the same time broaden our sales base in non-government business. We will continue our cost reduction efforts to make us an even stronger competitor for government contracts. Finally, we will continue to be guided by the best interests of our customers, employees and all shareholders.

Sincerely,

PAUL THAYER.

WEAK FAITH, HARDENED ARTERIES

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. WYLIE. Mr. Speaker, our society is presently in a state of apprehension over the rising tide of civil disorder in our land. Most of the concern correctly centers around the disruptive activities of a small minority who believe that nonnegotiable demands, violence, and revolution are the ultimate solution to any and all social problems. Unfortunately, some public figures, who should know better, contribute to the crisis by preaching gloom and doom. Those misguided individuals have failed to view America in the historic context of her previous trials and, therefore, overlook the great resiliency of the American people in our constitutional system to survive a crisis or public officials who contribute thereto.

There is an excellent editorial commenting on this situation in the Monday, May 25, 1970, issue of the Columbus Citizen-Journal, which is published in my district.

I insert this article in the RECORD, so that all of my colleagues may have the benefit of the views of this outstanding editorial:

WEAK FAITH, HARDENED ARTERIES

In a recent New York address, our retired chief justice, Earl Warren, declared that never in the last century has the country seen such trouble.

Never is quite a while, and since the Civil War was before Mr. Warren's time he wisely didn't mention it in his reckoning.

He might have been wiser still if he had remembered the early 1930s when the banks went broke, soup lines extended around the block, millions were jobless and Communists and like inciters held meetings on the courthouse steps.

In this century we also had World War I, with 320,000 American casualties, and World War II, with more than a million.

You name it. Seldom in our entire history, including the last 100 years, has there been a time without some type of crisis; although it must be admitted some were worse than others.

In each of these times of trouble, there always have been those of weak faith and hardening of the arteries who were overly articulate and fully convinced the country was headed straight for doom.

Somehow, we survived all these strains and, if the past is any guide, we will survive this one. It may not look that way some days, but the odds are we will come out with compensating gains, with many of our longstanding, neglected evils corrected.

Before this happens, we will have to restore the orderly process of achieving our ends—the process which has been disrupted by widespread and heedless violence.

In this respect, we are not talking about the peaceful protesters and petitioners—who have the same right to voice their opinions as Warren. But their pleas and views are being drowned out by the mindless radicals, the professional aggravaters and the anarchists who think dissent can be expressed only with rocks.

Back in the good old days when, by inference from Warren's speech, things were better, the first student to throw a rock or "liberate" a dean's office would have been expelled from school and dared to come back.

Now he often gets a conference with the university president who, like as not, apologizes for having a window in front of the rocks, and promises to do better.

Our authorities in many cases, have lost their nerve and have become unsure of the difference between right and wrong.

The result is that minorities (often tiny minorities) of students across the country have been permitted to close universities, destroy property, abuse officials and, worse, deprive their brothers and sisters of the opportunity to gain a tax-financed education.

One of the prime functions of Government is to preserve law and order, and Government which fails in that function is not much of a Government. Unless Government soon begins to perform as it should, the great majority of quiet citizens surely will come out of their shells and demand action, in the name of common decency and ordinary public right.

When it has been re-established that rock throwing is assault and battery, that burning is arson and killing is murder, all crimes covered by laws long on the books, we can more readily go about the urgent business of listening to peaceful complaint and entreaty.

ENERGY PROSPECTS FOR THE SEVENTIES

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. BOW. Mr. Speaker, I wish to call attention to the fact that a critical energy shortage threatens the United States.

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We have read a great deal in recent days about the possibility of brownouts in the Eastern States this summer because of overloads on our electric power system.

An equally serious or perhaps more serious situation is likely to arise next winter with regard to supplies of natural gas. This is a problem to which we shoud be turning out attention right now.

Industry in my congressional district suffered a serious financial setback in January when it became necessary to curtail natural gas service to all industrial users for a period of 8 days in order to protect the domestic householder requirements. This was due to the prolonged colder than normal weather experienced in our area but was also aggravated by a threatened longer term gas supply shortage.

The inability of both major natural gas distributors of my area to obtain sufficient long-term volumes of natural gas from any of the interstate sources in the coming months could further complicate this situation. Not only has it been necessary to restrict any major industrial usage normally required for expansion and growth but lack of committed long-range supplies has required postponing plans for the encouragement of relocating new industrial business until this condition is corrected.

Unless there is a recurrence of the severity of the weather pattern next winter, present supplies appear adequate to accommodate existing needs with this temporarily restricted industrial development.

For the past several months the Federal Power Commission has been actively grappling with this serious supply matter. Formal proceedings are currently underway which should alleviate what could otherwise develop into a national energy crisis. An immediate increase in the authorized field price of gas is required to give an incentive for producers to drill for gas. This would not perform any miracle by producing immediate results, but it could go far to reverse the trend. Ever since the Supreme Court in 1954 found that the Natural Gas Act of 1938 required regulation of the wellhead price of gas, exploratory drilling has declined. The reserve-to-production ratio has declined from 29.5 years in 1947 to 14.6 years in 1968. With an increase of 26 million new customers in the same period, representing a 300-percent increase in demand, it is little wonder that we are faced with a supply problem today.

Hopefully, prompt Federal Power Commission action will do much to encourage sufficient volumes of natural gas for delivery in interstate commerce.

What would this mean to the householder? Primarily this would mean a slight increase in the cost of gas. Perhaps a few cents at the burner tip would be enough to produce an adequate incentive to the independent producers and the transmission industry to devote the needed investment to reverse the present trend. This added incentive would permit the expensive task of exploring for, drilling for, and transporting sufficient quantities of the required natural gas to the marketplace.

The average annual gas bill for my district runs about $200 for a family of four. Obviously this would vary with the size and type of house, but with an increase of only 5 cents per day to this average a sufficient increase in the field price could be generated to alter the present dim prospects. Certainly an increase of a few cents a day would be viewed worthwhile by the gas using householder when considered in the context of either having assured supply to get through the normal, cold midwestern winter or risking the alternative.

Throughout the 1960's extensive hearings were conducted by the Federal Power Commission in formal cases designated area rate proceedings. These culminated in the downward adjustment of the field price of natural gas flowing from the great national reservoirs; namely, the southwest and the offshore Louisiana areas during a time when cost of production and financing were rapidly increasing in this already high risk business. The previous commissions may well have considered that they were performing a public service in forcing lower rates and requiring numerous rate refunds to be passed along by all segments of the business. Unfortunately, this has not proved to be the case. This shortsighted action, rather than being a public service has produced a number of serious side effects. Not only has the lack of incentive reduced exploration, and development of natural gas reserves been brought to a halt, but the remaining limited production is largely consumed in intrastate commerce avoiding this unrealistic regulation. This unrealistic pricing discouraged the proper and prompt development or expansion of interstate pipeline networks and facilities which require the heavy outlay of capital.

All of these factors coupled with the increased demands flowing from local pollution control activity has placed a serious drain on supply. These unfortunate developments have now further been amplified by the unnecessary postponement of the Federal lease sales by the Department of Interior in the offshore Louisiana area. These offshore areas, containing great volumes of gas, were methodically developed over many years containing reservoirs reliably projected to provide for much of this Nation's needs. This disruption, apparently thought to be required to prevent oil spill and seepage pollution, could not be further from the fact. The pollution risks from such a gas producing activity are nil. Fortunately, this is apparently now recognized and lease sales are to be resumed and are now scheduled to commence in July. Let us hope there are no further delays.

To add to this complex situation much of the capital normally allocated by industry for the proper development of reserves in these prime areas has now been diverted to exploratory purposes in other areas around the world including the north slope of Alaska. Even if this is eventually successful it will involve a considerable expenditure for transportation costs. This latter project alone will run into billions of dollars.

With a prompt and coordinated program of revitalizing the known sources of supply in many of the proven areas where transportation facilities exist some hope exists.

As an example of shortsighted regulation, the price of southern Louisiana gas was 23¼ cents per 1,000 cubic feet in 1962 and was systematically reduced by the Federal Power Commission to 18½ cents per 1,000 cubic feet during an inflationary period with a concomitant reduction of drilling and exploratory activity by over 30 percent.

The curtailment of natural gas service to industries throughout the country, in addition to causing needless unemployment, has necessitated restrictions on industrial expansion and plant construction. This prospect has untold long-range effects. The present Federal Power Commission is to be commended for its forthright assessment of the problem and hopefully prompt modification of pricing and other regulatory requirements that should correct this problem.

The natural gas industry now supplies one-third of the United States energy requirements. At a time when our population is increasing and the manifold needs of our society requires reliable energy sources, it is important for men of vision and courage to take all appropriate steps to avoid restrictions and encourage responsible action. Hopefully the mistakes of the past can be avoided. Hopefully this belated relief will prove timely. And hopefully all segments of the industry can now devote their full energies to alleviating this serious disruption and assure the long-range development of a vital energy source important to all consuming householders and the industry of our Nation.

NEPALIZE NEPAL TO PROTECT OUR BOYS IN PAKISTAN

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. BROWN of California. Mr. Speaker, it was around the time of Sir Isaac Newton that someone first observed that enthusiasm for war was proportional to the square of one's distance from the front. Several centuries earlier, someone else had observed, in less quantitative fashion, that old men declare wars but young men die in them.

Columnist Arthur Hoppe has taken these self-evidently truthful descriptions of inequity and proposed a rather elegant solution to them. His solution is a new draft law providing that "those who like a war ought to go fight it."

Since such an army of patriots would be very efficient, Mr. Hoppe predicts that the Soviet Union and Red China would be favorably impressed and follow suit. Ultimately, he looks forward to the day when these new armies, composed of all human beings who like wars, will meet in some place like Antarctica in one magnificent battle—a battle fought to the very last man.

I include the column entitled "The Only Fair Draft Law" by Arthur Hoppe, from the San Francisco Chronicle of May 19, 1970, at this point in the RECORD:

THE ONLY FAIR DRAFT LAW

(By Arthur Hoppe)

WASHINGTON, June 1.—A brigade of New York hard-hat construction workers, led by General Barry Goldwater and other former public officials, enplaned for Pakistan today to prepare for the invasion of Nepal.

"We'll lick those Nepalese in six weeks," confidently predicted Sergeant (formerly Congressman) L. Mendel Rivers as he shouldered his pack.

The invasion was proposed only ten days ago by Senator (now Corporal) John Stennis.

"We must invade Nepal," he argued on Face the Press, "in order to protect the flanks of our boys in Pakistan who are protecting the flanks of our boys in Burma, who are protecting the flanks of our boys in Thailand, who are protecting the flanks of our boys in Camobdia, who are protecting the flanks of our boys in Vietnam so that our boys can come home sooner."

Senator Stennis was, of course, immediately drafted under the new Volunteer Army Law.

The law, to paraphrase its legal language, simply says, "Those who like a war ought to go fight it."

The law, sponsored by a coalition of Doves, sailed through Congress last year. The Doves noted that the proposed law was not only far more fair than the old Selective Service System, but it would produce a far more efficient Army.

"A soldier who likes a war," they pointed out, "will fight it with much greater enthusiasm than one who doesn't."

The logic of both arguments proved overwhelming. The public, long uneasy about the morality of forcing reluctant young men to fight old men's wars, supported the measure wholeheartedly.

The Hawks in Congress had little to say against the bill at the time. They have had even less to say about the war since—nervously prefacing any remark with, "Now I don't like this war one bit, but . . ."

It was the failure of Goldwater, Rivers and Stennis to employ this disclaimer in their enthusiasm that got them drafted. The Hardhats were called up when they shouted "Nepalize Nepal!" while clobbering 50 peace demonstrators with their crowbars.

A near crisis resulted when the Vice President attacked the peace demonstrators as "prurient purveyors of pernicious pleonasm" for "damaging the tools of American working men with their heads." But he hastily explained that just because he didn't like peace demonstrators, it didn't mean he liked the war.

The new American Army of war-lovers has, as predicted, proved superb in battle. As a result, it came as no surprise when the Soviet Presidium last month issued an edict similar to the U.S. law. Red China and other nations are now following suit.

This has led to the hope in some quarters that these new armies, composed of all human beings who like wars, will meet in some place like Antarctica in one magnificent battle—a battle fought to the very last man.

Such hopes are expressed only in private, however. Unfortunately, under the new Volunteer Army Law, no one in his right mind would admit publicly to liking a war such as that.

GREECE: A REALISTIC VIEW

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. RIVERS. Mr. Speaker, I would like to take this opportunity to introduce some rather significant facts pertaining to H.R. 17604, particularly as they relate to the $50 million for financing the U.S. share of the NATO infrastructure. The importance of NATO is unquestionable and continued financial support will assure its performance as the peacekeeper against communism in the European community.

It is well known that the North Atlantic Treaty Organization—NATO—was established in 1949 to unite the efforts of its members for collective defense and for the preservation of peace and security against the advance of international communism which at that time was steadily advancing across Eastern Europe. Today, I would like to make specific mention of one member of NATO, Greece, because of the little attention being given this strategically significant and all-important nation which is a faithful friend of the United States. We should recognize these people as our friends. American tourists returning from Greece have nothing but laudatory comments regarding the order and safety that reigns in the cities throughout the country. It behooves us to take note of this when it is not even safe in these United States to walk the streets of our large metropolitan cities at night.

Turning to the military-politico aspects for a moment, Greece occupies a very important strategic position on the southern front of Allied Command Europe. Since joining NATO, Greece has been a stalwart NATO member and has devoted great effort and has contributed her armed forces in the fulfillment of NATO's objective of maintaining a credible military posture against further Communist aggression thus insuring the preservation of peace and security in the area of NATO's Allied Forces, Southern Europe.

In view of her limited industrial and financial resources, Greece has for years depended largely on the United States to assist in providing the weapons and equipment needed by the Hellenic Armed Forces to carry out her assigned NATO missions. In recent years the military aid provided by the United States to Greece has been designed to insure the maintenance, readiness, and training of her forces and to provide a modest degree of modernization which today is badly needed.

Visits and observation of Greek forces in maneuvers by NATO commanders confirm that if Greek land, sea, and air forces are to be capable of carrying out their important NATO assigned missions and commitments, a relaxation of the present selective suspension of the delivery of items under the United States military aid program is essential. While a continuation of the present flow of repair and replacement parts are required, modest relaxation of the suspension of major items such as tanks, aircraft, and ships is also required.

About the time of the Suez crisis in 1956, the Soviets embarked on a tremendous program of naval and maritime construction. Since the Arab-Israel war in 1967 the Soviets have greatly accelerated their naval presence in the Mediterranean. This places them on the flank and rear of NATO Europe. This has placed a greatly increased requirement on the NATO naval forces—including Greece—in the Mediterranean for surveillance and otherwise countering this increasing Soviet naval threat.

The strategic location of Greece in the Mediterranean area, coupled with her proven traditional, technical, and personnel naval capabilities make the Hellenic Navy a particularly valuable asset in meeting this Soviet naval threat. However, the present Greek naval capability is seriously limited because of the obsolescence and small size of her present naval forces.

For these reasons the delivery of naval items, particularly ships, presently in the U.S. military aid program earmarked for Greece, but on which delivery has been suspended, are of critical importance to the Hellenic navy. The early delivery of these ships would greatly enhance the capability of Greece to contribute valuable assistance to the NATO naval forces in the Mediterranean in countering the accelerated presence of the Soviet Navy in the Mediterranean. The Soviets would indeed enjoy having within their bloc the outstanding seaports of Greece, but we can be assured that the strong anti-Communist government in Greece will not permit it.

Therefore, it is extremely important that aid in terms of ship deliveries be provided on a timely basis to insure that we are not too late to support our friends. Additionally, the suspension of arms and equipment such as the more than 350 tanks now in storage in Italy at a cost of approximately $1 million annually to the United States should be lifted to permit timely delivery to Greece.

One final word about the capability and dependability of Greek armed forces in an emergency. The present Greek Government and its armed forces are strongly anti-Communist. The Hellenic armed forces are tough and well trained. They can be depended on to carry out their NATO commitments and fight Communist aggression. Their ability to do so, however, is seriously weakened by denying them the arms and equipment they so badly need to contribute their full military capability in support of NATO. Their reliability, their strong anti-Communist attitude and their proven support of their commitment to NATO's objectives make it highly desirable that the United States continue to provide modern arms and equipment to Greece.

RECYCLING RESOURCES

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and Population of which I am chairman, has studied both the population growth problem and the mineral resource situation for the past year. Through our research and the testimony of experts who have appeared before the task force, we have realized the significant interrelationship between these problems. Be-

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cause our resources are finite, and because the population is increasing rapidly, we must find ways to utilize our resources more effectively if we are to accommodate everyone.

It is possible to respond to this situation, however, through the process of recycling. West Germany, one of the most highly industrialized and densely populated countries of the world, has solved one of its major shortage problems by using this process. West Germany meets more than 60 percent of its water demand by recycling waste water within its factories. An article from the New York Times, April 19, 1970, by Mr. Clyde H. Farnsworth explains this West German development. This is an interesting article and good news for many of our cities that face the same problem. Mr. Speaker; I insert this article in the RECORD for the benefit of my colleagues at this point:

GERMANS DEVELOP PROFICIENCY IN REUSING WATER

(By Clyde H. Farnsworth)

PARIS, April 18.—Ten per cent of the waste water from West German towns and factories is reused for public and industrial water supplies. West German industry meets more than 60 per cent of its water demand by recycling waste water within its factories.

In one of the most highly industrialized and densely populated countries of the world, West Germans have faced a water problem for years.

A new antipollution study by the 22-nation Organization for Economic Cooperation and Development examined what the West Germans have done to deal with the problem, and found that in practical use of water-conservation techniques, West Germany is perhaps the most advanced nation in the world.

The case study pays particular attention to the Ruhr industrial complex, where immense quantities of water are needed not only for drinking but also for industrial washing and cooling operations and for carrying off factory wastes.

MEMBERSHIP REQUIRED

All Ruhr communities, coal mines and factories that discharge polluted water are forced to join water purification associations in which financial liabilities for water treatment are assessed on the basis of the amount of pollutants given off.

This provides an incentive for industry to conserve water through recycling and reprocessing water instead of drawing it from potable supplies.

A mill producing corrugated cardboard at Ebenhausen was cited for the advances it has made in recycling. By removing sludge in settling tanks and cooling the water in a tank, the factory needs to renew its water supplies in a gas-scrubbing operation only twice a year.

Cooling operations in Ruhr blast furnaces can reduce the use of water 10 times through recycling.

RIVER BANKS AS FILTERS

The Ruhr, together with certain Japanese complexes, ranks as the most highly industrialized region in the world.

Specialists from the O.E.C.D. pointed out that the West German problem was intensified by the fact that West Germany got only about one-fifth the rainfall of Japan.

To replenish drinkable water supplies, the study says, the Germans have become highly skilled in filtering polluted water through river banks into infiltration basins.

The necessary seepage time—that is the time the raw water takes to pass through the filtering layers—ranges from 40 to 100 days, depending on the degree to which the river is polluted.

At the Essen-Uberrugh waterworks, 26,400,000 gallons of water a day are obtained in this way.

Raw water comes from the Spiek, a backwater of the Ruhr River, and goes through a primary settling basin before it is sent to the infiltration basins. From the latter it finds its way into the waterworks' intake wells.

The water obtained is "quite satisfactory" from the chemical standpoint, apart from its high carbon dioxide content, the O.E.C.D. said.

This means it is all right to drink. But the only requirement was special protection for municipal pipe systems.

BLUE CUT NATURE CENTER, WAYNE COUNTY, N.Y.: THE BEAUTIES OF NATURE SET ASIDE FOR THE YEARS TO COME

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. HORTON. Mr. Speaker, since the beginning of time man has been trying to destroy the riches of Nature.

But in spite of all man's encroachments, animal and plant life persist and when left to their natural development, they bloom forth full of life.

It was my privilege a few days ago to walk in the perfect silence of a carpet of pine needles. The sound of war and riots, the sounds of the hustle and bustle of our growing complex life, all these sounds seemed pretty remote. It was inspiring to be in that stand of pine and spruce and soak in the wonders of nature.

On a visit to my district last weekend, I was invited to help dedicate the Blue Cut Nature Center, and old farmsite located between the villages of Lyons and Newark in Wayne County, N.Y. One hundred acres of land—meadow, forests, and streams—was set aside by county officials as an outdoor classroom for the more than 20,000 schoolchildren in the county.

Donald G. Colvin, chairman of the Wayne County Board of Supervisors, led the ceremonies. To commemorate the dedication, Supervisor Colvin planted a sugar maple, the official New York State tree.

More than 150 persons participated in this ceremony. They included schoolchildren who will now have a chance to study the wonders of nature, parents who can take pride in the preservation of this small plot of land and members of the Newark State School Drum and Bugle Corps—recognized for its excellence throughout the Empire State.

Mr. Speaker, persons at every level of government and the private sector were involved in establishing this center. From Wayne County there was the Soil Conservation District; Cooperative Extension Service; Federation of Sportsmen's Clubs; Board of Supervisors; Office of Civil Defense; public and parochial schools; Sheriff's Department; Fire Coordinator; American Red Cross; County Planning Board; Historical Office; Highway Department, and Park Commission.

From New York State were the Fish and Wildlife Division and the Lands and Forest Division of the State Conservation Department. From the Federal Government were the Soil Conservation Service and the Agricultural Stabilization and Conservation Service in the Agriculture Department, and the Interior Department's Division of Wildlife Management and Enforcement.

Others who assisted were the Mayo Nurseries; Winchester Arms; Curtice-Burns Foods; Wards Natural Science Establishment, and the Clyde Chapter of the Eastern Milk Producers.

The program was coordinated by Charles Costello, manager of the Wayne County Agricultural Stabilization and Conservation Service.

Among the speakers were Chairman Colvin, Marshall Tweedie, a student at Clyde-Savannah Central School; Donald Van Liere, chairman of the Wayne County Conservation Education Committee; George Lookup, Town of Arcadia Supervisor, and Assemblyman Joseph Finley.

It is important to remember that man's life span is limited upon this spaceship we call earth. Rather than destroy all the good in nature that surrounds us we should strive to leave for our children and their children's children, the beauty of our lands, our wildlife, our waters and our sky.

As I said, it was an inspiring occasion to be for a few moments in the silence of that stand of pine and spruce. Each one of us should relax in the surroundings of nature and reflect on the complexities of Nature which manifest themselves in such simple trappings.

Perhaps the thoughts and reflections of those who spoke at the dedication of the Blue Cut Nature Center on May 22, 1970, would help you understand the feelings I experienced. I would like to share those words with you:

THE BLUE CUT NATURE CENTER

It is the hope of the Wayne County Conservation Education Committee, through the cooperation of the Wayne County Board of Supervisors, to develop the Blue Cut Nature Center into a nature, conservation and education center to serve as an outdoor classroom where children and adults can experience first hand the wonders of nature and develop a sound conservation philosophy.

The idea was conceived by the Wayne County Conservation Education Committee which formed a steering committee in April, 1969. This committee developed the idea of a permanent conservation education laboratory on the abandoned county farm on Route 31 in the towns of Aracadia and Lyons.

After the final proposal was approved by the Conservation Education Committee, it was presented to the county planner and a layout of the area was made. The proposal with the layout was then discussed with the Wayne County Planning Board, which notified the Board of Supervisors of its approval.

On May 5, 1970, the Wayne County Board of Supervisors established the park for the educational use of school students and all county residents and tourists.

INVOCATION BY REV. IVORY SIMMONS OF LYONS, N.Y.

Eternal God, we thank and praise Thy holy name for all the blessings that enrich and ennoble our lives; we thank you for the friendship that exists here; for the sunshine and flowers; for the trees; the grass; for the storm clouds; and we thank you for the beauty of each day; the glory of each sunset; we thank you for the deep water we swim in; for the hill to climb; and hard work to do; for the music of the birds that lifts our heart to heaven; for the hand clasp of our friends.

But most of all, right now, dear God, we thank you for those who in these troublesome times can still recognize and see the beauty of your natural resources and desire to preserve it for this cause. Rest Thy blessing upon them, that in the future we will still have this place and the opportunities it offers.

May these grounds which we now dedicate be an enduring witness for all the future generations to come. Help us, dear God, to use the things we learn from this park; make us a better community in which to live; we pray in Jesus Christ's name. Amen.

A Youth's Personal Point of View

(By Marshall Tweedy)

I am not an orator and shall not profess to be one. But I will admit that I am scared silly and afraid to speak, but our environment does not want me or you to be silent.

I have been asked to represent the youth's view on conservation and the youth's view is what we need more of. We are going to be the ones to pick up the option on this piece of run-down real estate called earth, but we don't also want to have to pick up the tab for repairs made necessary by the former tenants. The youth want the destruction to cease, and reparation to begin, but then—don't we all?

The selfish, juvenilistic actions of a *few*, ignored by the circumstantial blind and deaf, have thrown nature into a frenzy. The youth, as yet, not mired in the struggle for materialism, have the time to look at these injustices which have so brutally been brought upon our world, and they are yelling "murder" to ears that are just learning to hear. Those youths want to do more than just yell. Their hearts crave action, but they need knowledge before they can put their heads and hands to work.

Tomorrow will come, be it what it will. Give the youth knowledge, materials, respect, encouragement, incentive, and let them work and gain the self respect and pride that will shape that tomorrow into something beautiful and worth living for. Knowledge can work miracles for all ages, but the youth learn more easily, and can perform their new tasks more quickly and with more skill than those who have known for so long, yet performed so infrequently.

Much is learned by youth from the examples set by their elders. This action today is such an example. The youth can see that some do care, those who do will rally around and be eager to learn, to do, then to teach those in the darkness of ignorance and wastefulness.

Teach us and we will learn, show us and we will see, help us and we will work, but ignore us and we are worthless and will cry *with* you.

Many other youths and I can be instrumental in the preservation of our environment. We learn by seeing, hearing, and doing. We see what is to be done, we are told how to do it, then we act to our fullest to eradicate the problem or to make the best better.

No one group is going to solve our environmental problems. We all have to do our part, be it physical work, intelligent planning, financing, or even self denial. It must be done, or on earth, we will be done.

A long time after man's self destruction, Nature shall overcome the asphalt, concrete, and steel. But can Nature survive man's misuse and not be overcome herself? Those who have allocated this land have taken one step forward, but the finish is a hundred yards away. The Grimreaper is in a sprint halfway down the track.

Let me conclude with my personal point of view.

Our eyes have been opened and our feet
have begun to move.
Our action here is bread for thought, but
let's not stop to groove.
Lord, oil up our hinges and tighten up our
many loose screws—
Let's not leave our world in decadence; Lord,
bless us in this move.

Thank you.

Conservation Park Dedication Remarks by Donald Van Liere, Chairman, Wayne County Conservation Education Committee

Chairman Colvin, distinguished guests, students, ladies and gentlemen. This is a great day for all of us who for some time have felt the need for greater emphasis in our school systems on conservation education. This property, the Blue Cut Nature Center, which our County Supervisors have so wisely set aside as an outdoor workshop includes nearly every type of outdoor ecology found in the lake plains area.

Our public and parochial school systems across the County will be able to use these grounds to carry out specific conservation study programs. Study programs that will soon be mandated to the schools by the State Education Department.

If, in the development of this Center, we are wise and keep the introduction of steel, concrete and macadam at an absolute minimum; if we are wise and change these surroundings as little as possible then these meadows, marshes, waters and tree plantations will prove invaluable in our effort to teach future generations how better to manage whatever portion of this earth God has entrusted to their stewardship.

This dedication today is possible as a result of several years' effort of the Wayne County Federation of Sportsmen's Clubs, the Wayne County 4-H Office, the Wayne County ASCS Office, the New York State Conservation Department's divisions of Lands and Forests and Fish and Wildlife plus many, many dedicated individuals. It might seem our goal has been attained. However, this is in reality not the end of our efforts but rather the start of greater programs in our struggle to protect our environment from ourselves.

To quote the comicstrip character, Pogo, in an all too true remark: "We have met the enemy and he is us." If this County owned outdoor workshop can help in getting the one point across to our young people that as temporary stewards we can and must not only stop destroying but start improving our natural surroundings then our reason for being here today will be more than justified.

Thank you.

Dedication of the Blue Cut Nature Center: The Ecology and History

(By George E. Lookup)

I think it would be interesting to spend a few minutes to reflect on the ecology and the history of this immediate area. And if you will, think of the sounds—from the silence of the swamp which is nature's last stronghold, to the blasts of the whistle of the steam locomotive as it approached the Blue Cut crossing, representing American Industry.

This will symbolize the fact that it is hard to find a quiet spot in this noisy world.

The ice-age and the receding ice flow, some 18,000 to 25,000 years ago, left this irregular terrain and the conglomerate types of soils. This drumlin, fairly typical in shape of those throughout Wayne County, is known as a rocdrumlin and is composed of a soft rock known as Vernon Shale. When it is exposed as it is at the north end of this drumlin and the one at the railroad cut it gives a bluish appearance. There seems to be no doubt that for this reason in 1853 when the railroad was constructed and the cut made, that it became known as the Blue Cut and the road named for it. Now we are using this name for this study area.

For any one who wishes to know more about the geology of this area, Mrs. Charlotte Alteri of Wolcott is here and is well versed on the subject.

Before 1789, it was nature's own sanctuary with only the sounds of the birds and animals and the occasional soft step of the Seneca hunter. At this time the hearty pioneers poled their bateauxs up the Ganargua Creek, a mile to the north and stopped along the creek, cleared the land and settled the west. It abounded in fish and game. Phelps and Gorham had purchased the tract and Ontario County was formed. Wayne County was formed from the northeast corner of Ontario County and a part of the Military Tract to the east in 1823. Of course, it wasn't all that simple.

This land was purchased for the County Poor House and farm in 1831 and for many years supplied much of the food for the county's needy. The timber was cut for lumber and fuel, or burned on the spot for clearing the land, no conservation in those days. In fact the Wayne History of 1877 says "The timber has been swept off; whatever remains is valuable". So, to our quiet spot was added the sounds of the axe and plow, the farm animals, the carriages and wagons on the Lyons-Palmyra Road.

But in 1825, just to the north of the present Barge Canal, was Clinton's 14 foot ditch with all of it's activity on the towpath. I suppose there was the call "Low bridge, Everybody down" as one of the early bridges was just beyond the highway building. Then in 1860, the Enlarged Erie was constructed and opened just this side of the present canal. Then in 1916, they eliminated the tow path, went to steam instead of horse power and built the present Barge Canal. So, through the years, you can add to the sounds of this area, the men and mules digging the ditch, and later the donkey steam engines puffing away, the horses on the tow path, the songs and shouting of the canalers, and later the chug of the steam tug and it's mournful whistle for the locks.

But in the meantime, to the south, came the Iron Horse. The New York Central and Hudson River Railroad went into operation with two tracks in 1853, and it was enlarged to four tracks in the 70s. It became the greatest railroad in the country and carried thousands of people through these flats daily. The Empire State Express, the greatest train that ever traveled on tracks.

Two more tracks were built through the blue cut by the West Shore Railroad in 1884 to take over some of the freight business to the west. It is now, of course, down to two tracks of the Penn-Central. Thus, was added, the black smoke, the puff of the engines, the click of the wheels, the whistle for the crossing, which could be heard for miles in the silence of the night. Now, there remain only the puffing of the diesels.

This spot also had its exciting moments in February 1892, when there was the sound of gun fire over here on the railroad, as Oliver Curtis Perry, the famous train robber stole a freight locomotive and attempted to escape the railroad detectives who were in pursuit in another locomotive on another track. Perry reversed his engine and they fired at each other as they passed several times. Perry abandoned his locomotive here at the Blue Cut Road and stole a horse and headed south and was captured by our illustrious Deputy Sheriff Jerry Collins, whose bravery earned him the position of sheriff of Wayne County for many years.

But this was not all for this area. Between 1906 and 1931 there was the R.S. & E. Trolley, traveling on the present Route No. 31 from Lyons to Newark. It was one of the finest and fastest electric railways in the country, two tracks. It would rattle over the bridge, crossing the West Shore and the Central (same bridge and blow its electric whistle for the Poor House Stop, discharge and take on passengers, then the motorman would clang the foot bell, and take off at 60 miles per hour for Lyons and Syracuse.

No area has seen more transportation facilities. Many have gone but others have taken their place as time progresses. The sounds linger on in the memory of many of us oldsters. However, in spite of all of this, the swamp, woods and meadow provide for all of its inhabitants, the muskrat, and the mallard are in the swamp, the great blue heron and the bittern can be seen overhead, the squirrel and coon have found their hollow tree, and believe it or not, but about five years ago the beaver had a dam less than 1000 feet from here.

Man can help and did when they set out this pine-spruce plantation in 1923. If you have not experienced the perfect silence of a carpet of pine needles, you should go down there before you leave. The sounds of war and sounds of riots seem pretty remote when you are in a forest carpeted with pine needles with a wood thrush calling just beyond you.

Nature has better been able to affect the law of supply and demand than man can ever do. In spite of man's encroachments upon every acre of this land, the wild plants and animals persist and left to its natural development for a surprising few years, the ecology will provide food and protection for many more animals, and rarer plants will return and this will become an ideal study area, surrounded by this noisy world. Here, our youth can come and acquire an appreciation of the wonders of nature, in a quiet spot.

Who knows? This might spark an interest in some youth, that would kindle into a solution to our whole national pollution problem.

BENEDICTION BY REV. IVORY SIMMONS OF LYONS, N.Y.

Our Father, as a city that is set on a hill cannot be hid, so we pray that this park that is planted on this hillside likewise bear witness to the fact that Christ is a living reality and that He is still the light of the world. As He lives and breathes through His natural resources.

May the beauty of this hillside say to those who pass this way, the Lord is a great God.

Now unto Him who is able to do exceeding abundantly above all that we ask or think according to the power that worketh in us, unto Him be glory this park, and in Christ Jesus through all ages. World without end. Amen.

Mr. Speaker, it was my privilege to have participated in this program. Each one of us knows the value of such centers and recreation areas. I am sure that all my colleagues will keep this in mind as we become involved with legislation aimed at preserving our natural resources.

MR. MARSHALL BRILEY, SENIOR VICE PRESIDENT, OWENS-CORNING FIBERGLAS CORP., TESTIFIES IN BEHALF OF EDUCATIONAL APPROACH TO ECOLOGY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include the testimony of Mr. John Marshall Briley, senior vice president, Owens-Corning Fiberglas Corp., in behalf of S. 3151, a bill designed to assist in the educational grant field, the problem of ecology:

STATEMENT BY JOHN MARSHALL BRILEY BEFORE THE SUBCOMMITTEE ON EDUCATION OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, WEDNESDAY, MAY 20, 1970

I appreciate the opportunity to appear before your committee to discuss Senate Bill 3151. First, I would like to identify myself, since I appear not only as a member of the industrial, but also the educational community.

As a manufacturer, I am the senior vice president of Owens-Corning Fiberglas Corporation. We have sales upwards of $500 million annually, and are engaged primarily in the manufacture of glass fibers and glass fiber products which are used in all types of insulation, in fabrics, in filtration and in the reinforcement of paper, gypsum and a myriad of plastic products such as automotive and appliance parts, pipes and tanks, construction materials, boats and even space vehicles.

From the standpoint of education, I have been for over six years the chairman of the Ohio Board of Regents—which is the coordinating and planning agency for the entire state-assisted system of higher education, and the advisory body to the executive and the legislature. My name is John Marshall Briley, and I reside on a farm at Perrysburg, Ohio, near the city of Toledo.

I appear in support of Senator Nelson's bill, which is principally concerned with the educational approach to the problems of ecology.

I am decidedly not an expert in the field of ecology, and I feel at a disadvantage in presuming to comment on a subject so extremely complex, and on which there is so little public information. Accordingly, I hope it will not be taken amiss, nor considered presumptuous, if I review briefly what seems (at least to me) to be the overall problem of ecology.

Ecology is concerned with the inter-relationships between the lives of plants, animals, and man, and the environment they share. One of its major concepts is that, in the process of natural selection, all forms of life must adapt to the necessities of survival in an environment of land, water, air, and sunlight. In fact, the study of ecology has suggested for some time that there is a kind of balance which develops between all life and the environmental factors on this planet—a balance which can either sustain or destroy life.

Man himself is the first and only animal in history who has exercised a positive control over his environment. Through the power of his brain, and with the assistance of the technology he has continuously devised for performing his life's work, man alone has been able to adjust his environment to his own needs. In his drive for civilization and learning which has brought him from the cave and the wandering nomad to his present state of great numbers, remarkable health, and considerable influence, man has probably upset some ecological balance which could eventually threaten our population, our physical well-being and our prosperity.

Probably man's two outstanding achievements in relation to his environment have been his conquest of disease and his expansion and diversification of food production. Certainly both of these technological achievements have reached substantial levels of accomplishment.

Another great achievement of man's technology has been the growth in his material comforts: in his use of power to free himself from the slavery of manual labor; in his use of resources with which to develop shelters to withstand extremes of cold and heat; in his development of amazing means of transportation and communication; in his discovery of synthetic raw materials; and in his greatly expanded opportunities for education and recreation.

But technological achievements can also have an adverse impact upon man's environment. For example, technological achievements in both medical science and food supply have caused an astounding increase in the world's population; so great, in fact, that some are now questioning whether the world population growth may not soon exceed our environmental capacity to sustain human life in a state of some decency and with an adequate food supply.

We are also learning that technology is often developed at a price in environmental quality. The herbicides and pesticides, which have done so much (along with mechanical equipment) to expand agricultural production, may also introduce dangerous chemicals into our water and food supplies, as well as upset balances among species of wildlife. The industrial power plant and the internal combustion engine introduce gases into the atmosphere which may reduce sunlight as well as dangerously affect the atmosphere for plant, animal, and human life. The water cycle, contaminated in many cases by industrial, human, and household wastes, is returned poorly treated into our water supplies. Our advancing standard of living is consuming raw material resources at a rate which might well be beyond our capacity to find appropriate replacements. And environmental problems are compounded by man's increasing disposition to live in great urban complexes.

In this complex society of 1970 there is an instinctive yearning for the simpler and more wholesome environment of the poet's barefoot boy. But, as a practical matter, what we are concerned with today is the preservation of America's priceless heritage of clean air and clean water, of timber, land and wildlife—or at least what is left of it.

The concern for conservation is not new. In 1681, when William Penn was planning the city of Philadelphia, he said: "Let every house be placed if the person pleases, in ye middle of its platt as to the breadth way of it, that there may be ground on each side for gardens, or orchards or fields, so it may be a greene country towne which will never be burnt and will always be wholesome. . . ." Memories of the Great Fire of London, and the dreadful plague, were still vivid at the time and, although Penn was planning a village in the middle of America's primeval forest, still he was aware of the need for trees and gardens in a city plan to prevent the spread of fires and to assure a healthy community.

But the remarkable development of our economy and society has taken us far beyond the planning of a Penn, and we will never return to the forest primeval. The problem of environmental quality is the challenge whether or not man can have population expansion and affluence without destroying or vitally impairing the environmental resources essential to human life. At one extreme is the argument that man's own physical survival will eventually so pollute this planet with the excrement of his own technology and the consequences of his neglect, that the water will be undrinkable and the air unbreathable. At the other extreme, it is said that man's economic advance is more important than landscapes or clear skies. Reasonable men will agree that, somewhere between these extremes (i.e. the forest primeval and a dead world) we will find the solution to the problem of preserving our environment.

Twin characteristics of the American people are now becoming involved—characteristics which can be either virtues or vices. And by that I mean our well-known impatience to solve any problem that confronts us as a

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nation, and our tendency to go into action in ignorance of the facts or the nature or dimensions of that problem.

The recent Earth Day turnouts indicated that both impatience and ignorance are involved. They also evidenced that there is a certain mysticism beginning to develop in ecology thinking—the idea that nature's balance is so delicate it can't be touched, that the values and virtues of economic growth are outmoded because our technological advances are moving mankind towards its own destruction. This may be true, or it may not be true. But I believe that it is error to state that mankind has only these two alternatives (i.e., to stop economic growth or hurtle down the road to doomsday), because such belief—if accepted—could paralyze serious action that is needed now. I submit that we should move as rapidly as we possibly can towards an accurate assessment of the facts, so that the ecology problem can be appraised and defined—factually and unemotionally.

I do not concede that economic growth has to be stopped, or even slowed down. This country couldn't stop it if it tried. We must have jobs, homes, transportation, education and recreation for 100 million more people. And technology itself must grow, because it holds the possible remedies not only for saving the environment but for doing it rationally. Only by further advances in technology can some environmental problems be met, such as improvement in housing standards, improvement in transportation and improvement in living conditions generally. But it is now obvious that man in our present society must give greater attention than ever before to technological *assessment;* to an evaluation of the relationship of environmental consequences to technological development.

One dramatic example of the need for such assessment is the apparently growing belief that reduction in the rate of population growth is probably one necessary step at this time. Indeed this is official policy in many governments and societies today. But it is even more widely agreed that more careful use of pesticides and herbicides also may be essential; but if we thereby lessen agricultural production, will we not threaten even our existing population with inadequate food supplies? It would seem that we will probably need some balance between the technology and environment of food production and the pressure of growing populations, because science has made it difficult for nature to control this balance through drought and epidemic. This is what I mean by assessment.

I would like to comment, very briefly, concerning the two characteristics of the American people I have adverted to earlier—acting through impatience for results and despite ignorance of the facts. For, in our concern for environmental quality there is a danger of action (or even worse, despair) because of our lack of knowledge of the facts about how to restore environmental balance in our lives.

It has become an almost trite expression that a nation that spends billions to put a man on the moon, should be able to solve its pollution problems. But like most generalizations it leads to a faulty conclusion, i.e., that it is only a matter of spending enough money. This is not necessarily true.

In my own company, for example, we have long had problems of air and water pollution. Nearly ten years ago we began taking steps to solve the problems, and we soon discovered that there were no existing machines or equipment we could buy which were of much help. But we found this out only after spending upwards of $5 million at one plant alone. We then recognized that our best approach was to eliminate the sources of pollution, and this reorientation of our approach proved to be of fundamental importance. It necessitated basic changes in the manufacture of glass fibers.

Our research and development people were charged with the responsibility to create and develop changes that would eliminate or control our plant effluent, and produce quality products at prices the market could afford. We think we have made significant progress. We expect to make more. This takes money, of course, but it also takes time—and lots of it. And even then we have found that different plants (and even different manufacturing lines within the same plant) require different solutions.

But we are an impatient people. This very trait has accounted for our amazing progress and development over a span of 100 years wherein we have grown from a divided, war-shattered, and infant nation into a great world power. We have succeeded because we have demanded *instant* success, but psychology teaches that instant gratification can be a dangerous thing; dangerous, because it is not always possible. We have been so successful in doing so many things so well and so swiftly that we are not conditioned to the right kind of attitude for tasks which are going to prove difficult and relatively slow. In the sudden rush to end pollution and make the world safe for future generations, it is more than likely that the excitement engendered in the impatient pursuit of a worthy cause may obscure reasonable considerations of the ecological problems we face. And this, to my mind, is one of the major problems in solving the problems of ecology.

There is no question about technology coming up with remedies. They either exist now, or can be found with enough time and effort. The ultimate question will be: *Is society willing to pay the price in both time and money?* Whichever way the cost is met—increased taxes, higher prices, lower profits—it will take a big bite out of everybody's personal pocketbook. It means a switch in the way our Gross National Product is spent to meet ecological needs.

These are going to be enormously complicated economic and political issues. And that is why we need a great deal of analysis, fact finding, technological appraisal and hard thinking.

Business has been one big part of the ecological problem (although certainly not the only one) and business should become an active party to the solution. This is why I think business should support this bill. It is a reasonable beginning for a balanced assessment of the facts.

Another reason business should favor this bill is because of the increasing need for people trained in the field of ecology. It has been the experience of my company that college students do not receive the necessary training in ecology and environmental control that prepares them for industry.

A Bachelor of Science in Chemistry has only had a brief encounter with water pollution control, and none whatever in industrial hygiene nor phases of air pollution such as sampling, administration, equipment, etc.

A Bachelor of Science in Civil Engineering generally receives extensive training in water pollution control and potable water treatment as well as some information on public health such as mosquito control, land fill and incineration of garbage and rubbish and so on. But neither has he received any training in the fields of industrial hygiene or air pollution control.

A Bachelor of Science in Mechanical Engineering has very little chemistry, very little water pollution work and no training in air pollution.

There are no baccalaureate degree courses available today, at any of the schools with which I am familiar, that educate students adequately in the field of environmental control. A student must either continue his education into the master and doctorate level, or acquire experience by working in a regulatory or industrial environmental control program. When we receive a graduate with a Bachelor of Science degree in one of the three disciplines, he is of little value to us until after two years of experience in the field. Even then, he is seldom capable of coping with a total problem (i.e., combined air, water and solid waste problem) without supervision and assistance on a continuous basis.

The best program we have been able to develop is to take a graduate with a Bachelor of Science degree in either mechanical or civil engineering, train him for two years and then return him to college for master's and doctorate work in the sanitary, environmental or the public health fields.

It would be highly desirable if students at the undergraduate level could receive training in at least some areas of ecology or environmental control. It would be rather fruitless, with the changing pattern across the country, to have courses on regulations; however, it would be appropriate to have general courses on administration of environmental control organizations and, in the technical field, instruction in such areas as sampling and analysis as it relates to industrial hygiene, air and water pollution. Other areas of training that should be made available are those dealing with characteristics of contaminates such as fluorides in water and in gases, suspended materials in water and in air, threshold limit values of various toxic materials, and the general handling of chemicals to prevent problems in industrial hygiene and pollution of air and water. Courses in organics and inorganics, as related to these various fields should also be available as credit courses.

I would like to comment from the viewpoint of higher education, and here I have some difficulty with the details of Senate Bill 3151. These doubts may or may not be valid, but they do raise, to my mind at least, questions as to how education in ecology should be approached. I understand that there will be amendments to be considered by this committee, including those recently introduced by Senator Pell. But in order to avoid confusion, I will confine my remarks to Senator Nelson's bill, on which I have been permitted to testify.

My doubts stem from the fact that there is really no science of environment and from my observation that, whereas the subject of ecology appears to be emerging as an academic discipline in the biological sciences, the great bulk of the technology involved lies principally in other sciences. Even political science is involved, because the problems of environmental quality will never be resolved by engineers and scientists alone. Environmental quality concerns not only technology but also economic development, financing, and institutional action. And preservation of our environment will demand efforts by business and industry, by governments at all levels, and by our educational system. It is a subject which will have to be considered in terms of its biological, medical, economic, social, technological, and, most of all, its political aspects.

I have just finished urging patience in the implementation of pollution control procedures in those instances where there is a serious lack of information to make them sound, but I urge all possible speed in designing and establishing curricula which will enable us to enhance our environmental quality. Here is where we must be most impatient to make progress.

Senator Nelson is to be commended for seeing that this emerging science of ecology needs assistance and direction, and in proposing legislation to accomplish it.

It would be difficult for reasonable men to quarrel with the Statement of Findings and Purpose set forth in his bill. But there are certain questions I would like to raise regarding the manner in which purposes of the bill are sought to be achieved, and I raise them in the hope that it will be of help in making the bill stronger.

It seems to me that the language of this

XUM

bill is far too broad and is virtually an unlimited charter to the Commissioner of Education.

I think the maximum emphasis should be put on the development, the demonstration and the evaluation of curricula, rather than diluting that effort by the many other avenues open to the Commissioner, particularly under subsection (4) and (5) of Section 3.

In my view the bill would be greatly strengthened, and a great deal of time saved, if the Commissioner were directed to consult with other agencies of the government, as well as universities, in the development of educational programs and curricula. There is a great deal of experience and data available, I am quite sure, in our universities and in the Department of Interior, the Department of Transportation and the Department of Health, Education and Welfare. There should be a sense of urgency about this bill, and let us avoid spending unnecessary time and money for one agency to relearn what others have already learned. From the very beginning of the functioning under the authority of this bill, all that is now known on the subject should be incorporated.

The definition of grant eligibility seems far too broad—so broad, in fact, that every outfit which springs up and voices concern for the environment could qualify. This gives me some concern and I would hope that, in the administration of the bill, we could borrow from experience with the Higher Education Act, and tie eligibility to a state accrediting agency. Likewise, in subdivision (b) of Section 4, shouldn't the language be sharpened so that approval of the state agency would be required rather than the state having only the "opportunity to offer recommendations"?

Another very broad authorization is the definition of the composition of the proposed advisory committee, which takes in almost anybody.

The bill authorizes the Commissioner to promote understanding of policies in the field of environmental quality. What policies? I don't know of any policies in this field which are not a matter of considerable controversy. Some people argue that we must reduce our population, cut down our consumption, and limit our economic growth. Others are urging that we improve our technology in order to reduce water, air, and land pollution; saying in effect that we must spend more money on sewage disposal, mass transportation, and new sources of energy. Some say the government should wholly subsidize the cost; others that it should partially do so through various tax devices; others that industry should bear the cost. These are all matters—policies if you will—of great controversy. I suppose they will ultimately have to be defined by the Congress. But how can it define them—intelligently and fairly—without much more analysis and fact finding and debate? For any of these policies, once adopted, will have enormous economic, social and political consequences. Here again, I fear that the Commissioner, if charged by Congress with such a broad responsibility and authority as to basic policies, will be unable to accomplish the basic educational purposes of the bill.

Finally, although the bill calls for grants to institutions of higher education for various curricular projects, nothing is said about the federal government paying the full cost of such projects. This could well become another example (of which there have been far too many in the past) where our universities have undertaken some task for the federal government and then find the project stopped, or its scope altered, and the universities themselves end up paying a substantial amount of the cost.

Already federal approaches to the problem are beginning to multiply. The Department of Health, Education and Welfare has very recently authorized projects under Title I of the Higher Education Act, involving 78 colleges and universities in 36 states "to help citizens solve problems of air and water pollution." The Department of Interior has recently announced a pilot project aimed at developing a nationwide junior and senior high school program "to examine water pollution problems in their own communities." This is a timely opportunity whereby the bill you are considering can move towards a concentration of effort and responsibility and thus discourage, at the outset, a proliferation of bureaucratic approaches to a set of problems so vast that billions would be wasted.

It seems to me that most of the doubts I have raised could be allayed by a little different approach in this legislation.

For example, why wouldn't it be a good idea for this "ecological education" bill before you to take the basic initial step of authorizing grants for the development of curricula (just as it now does, but more specifically directed), with a modest appropriation of one or two million dollars and for a specified experimental period of two or three years? At the end of that time the Commissioner of Education would have to report back to Congress specifically what had been accomplished, and with his recommendations for future programs. This would force the Commissioner to make full evaluation of the curricula developed under these grants.

It would undoubtedly be useful to undertake experimental and developmental projects in devising curricular guides and instructional materials about the whole subject. This developmental work should be comparatively concentrated in order to obtain maximum impact. If the funds and effort are distributed among a large number of universities and a large number of different projects, very little in the way of accomplishment can be expected. In other words, I would hope the Commissioner would develop the educational programs and curricula from a narrower base, but in far greater depth.

Finally, I would like to re-emphasize that our knowledge as to how environmental quality can be improved is limited; the entire subject is vast and complex; and there is yet little general agreement, let alone informed understanding, about public policies which can enhance environmental quality without condemning man to surrender many of the achievements of his civilization.

The real challenge for man today is the simultaneous advancement of his civilization and the quality of his environment within the limitations of a healthful and prosperous balance between life and environment. Every possible and reasonable method to advance man's understanding of this issue must be pursued today. And this bill before you, in my opinion both as a manufacturer and educator, is a long overdue step in that direction.

THE PRESIDENT AND CAMBODIA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. NELSEN. Mr. Speaker, Stewart Alsop, in a column appearing in the May 25 issue of Newsweek Magazine, clearly perceives the realities that exist with regard to President Nixon's decision to clean out the North Vietnamese-occupied Cambodian sanctuaries. I include this thoughtful commentary at this point in my remarks.

MR. NIXON'S GREAT RETREAT

(By Stewart Alsop)

WASHINGTON.—In a queer sort of way, President Nixon and his bitterest critics are in collusion. Neither the President nor his enemies wants to talk about what the President is really doing in Vietnam. This exercise in mutual self-deception has wholly distorted the reality, and lent a strange never-never-land quality to the whole, bitter Vietnam debate.

What the President is really doing is to conduct a great military retreat—the greatest in American history. But for quite natural reasons he doesn't want to admit it—probably even to himself. So he wraps his retreat in thick layers of defiant, neo-Churchillian oratory.

The President's critics don't want to admit that the President is engaged in a great retreat either, because if they did, they would have much less left to criticize. So they use the Nixonian rhetoric to prove that Mr. Nixon is not really retreating at all, but is instead expanding and prolonging an "outrageous" war.

This mutual self-deception accounts for the fog of unreality that has overhung so much of what has been said and written about the Cambodian operation. If you listen to the President, the Cambodian operation is the product of a great, historic Presidential decision, comparable to the great decisions of Wilson, Roosevelt, Eisenhower and Kennedy. If you listen to the President's critics, the Cambodian operation is an outrageous "invasion" of a small, neutral country (the 60,000 North Vietnamese already in Cambodia were presumably just having a big picnic) which will "sink the United States ever deeper in the Southeast Asian quagmire."

DANGEROUS

Of course, the Cambodian operation is neither of these things. It is a limited spoiling attack, designed to protect the rear guard of the American retreat. Retreat, as Napoleon or Marshal Rommel could attest, is a most difficult and dangerous military maneuver. All retreats present a common problem. How do you protect your rear guard, and thus prevent your retreat from turning into a rout?

In terms of this question, the Cambodian operation makes obvious military sense. In fact, the President had little real choice—he had to end the inviolability of the Communists' Cambodian sanctuaries one way or another, unless he was willing to halt his retreat or accept the risk of military disaster to his rear guard.

That Mr. Nixon is conducting the greatest retreat in American history is obvious on the face of it. When he became President, he inherited an American force in Vietnam of 525,000 men. Within a year, he will have withdrawn at least 265,000 men, and his rear guard will consist of two divisions, maybe only one. A year later, on the current schedule, there will be about 30,000 U.S. support troops left in Vietnam.

If withdrawing half a million men is not a retreat, what in heaven's name is it? Mr. Nixon's answer is "Vietnamization," but that is a euphemism.

MEANINGLESS

It is not surprising that the President does not like to talk about his great retreat. Like all Presidents, he feels history breathing down his neck, and retreat is not a good way for a politician to get himself transmogrified into a great man. Retreating in the face of Communist power is in any case not the sort of thing a man who built his political career on a reputation as a hard-line anti-Communist likes to do.

So it is natural that Mr. Nixon—perhaps quite sincerely—should keep repeating like a metronome his promise not to be the first

American President to preside over "defeat and humiliation." But the promise is meaningless. For it is silly to suppose that a division or two—much less 30,000 support troops—can provide a guarantee against defeat for our side in the war. All retreats, in the nature of things, involve the risk of defeat.

The Cambodian operation is designed to reduce the risk, and it will undoubtedly do so. As of this writing, at least, the operation is a very considerable military success. Much greater stores of weapons and supplies have been captured than in any previous operation. Those weapons and supplies cannot now be turned against our dwindling manpower in Vietnam—and after all, kids in uniform have no more desire to be shot at than kids on campuses.

But more important than the booty captured in Cambodia is the simple fact that henceforth the Communists, even if they make the great effort to rebuild their bases, will know that the bases are no longer secure. Secure bases are absolutely essential to a successful guerrilla operation. To cite an example from personal experience, the French *Maquis*, in which this writer served for a couple of months in World War II, would have quickly faded into nothingness without the weapons and supplies parachuted into France by the Allied secret services.

Because of the Cambodian operation, the President may yet end up with the better of the argument with his natural enemies, the liberal Democrats. The Senate liberals are now lining up behind the amendment to deny all funds for combat in Vietnam after June 30 of next year, which is, of course, a recipe for turning the retreat into a rout. There is no doubt that most Americans ache in their bones to get out of Vietnam. But there are dangers to the Democrats in making Vietnam the central issue this year.

SIMPLE PLAN

One danger is that the Cambodian operation will go well enough so that the President can rapidly accelerate his great retreat—an idea that has certainly occurred to the President. When you strip away all the rhetoric, the President's famous "plan" for Vietnam is very simple. It is to retreat as quickly as possible, provided that the retreat does not become a rout; and provided that the people who have been fighting on our side have at least a chance to avoid defeat at the hands of the Communists when our retreat is completed.

This is not very heroic, but it is perfectly sensible, and moreover there is a chance, and maybe a pretty good one, that retreat will not mean defeat. But the President has got to risk defeat—he has no choice. The spasm of national hysteria induced by the relatively minor Cambodian operation shows how little time the President has left. He must substantially complete his retreat from Vietnam within a matter of not too many months. Otherwise, this fat and flabby country, which was not fitted by history or temperament for the great power role thrust upon it by the second world war, seems likely to go mad. Maybe it has gone mad already.

THE FARMER AND THE CONSUMER

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. MIZE. Mr. Speaker, a "Farm Program for the 1970's" will soon come before this House for consideration. Among other issues, the proper level of Government payments for farm income support will be debated quite vigorously.

Almost all references to U.S. agricultural policy lead to a discussion of these payments; for, it is argued, they are too high to suit an urban Congress and Nation.

It should be understood, however, that these support payments are the best investments made by the taxpayers in recent years. Urban America benefits more, perhaps, than even the farmers themselves from the income stability that farm payments guarantee.

Income stability permits a farmer to adapt with confidence to the latest technological developments in his profession. Failure to meet the challenge of technology has hampered European agriculture, and perpetuated inefficiencies that are directly passed along to the consumers in higher food prices.

Income stability permits a farmer to plan his cropping intelligently, for his "share" of the Nation's production is allotted to him based upon his crop history. The farmer receives payments for voluntary restraining production to avoid "feast or famine" conditions from year to year in various "control" crops.

Income stability permits the farmer to market his commodities, year after year, at prices that have consistently demanded less and less of the consumer's disposable income.

Now, I represent an agricultural district. I believe farmers deserve a higher net income. Return on capital investment is lower in agriculture than any other business. I am going to continue to fight for improved farmer income, for it is well deserved.

But, Mr. Speaker, some would go the other way, and sacrifice farm income stability for short-term political gain in urban districts.

So that all Members will understand the outstanding benefits that American farmers have provided to consumers, I include in the RECORD at this point a study made by the Office of Information of the USDA. Dated April 1970, and entitled "The Farmer and the Consumer," this study documents the importance of maintaining an agriculture that provides urban America with its food requirements at reasonable cost.

You will note from the study, Mr. Speaker, that a good many nations have failed to adapt to modern agricultural practices. In those countries, consumers have been the biggest losers while agriculture has stagnated.

The study follows:

THE FARMER AND THE CONSUMER

The farmer's gain in efficiency during the 1960's helped keep food costs in check.

The American farmer produces over 20 percent more on 6 percent fewer acres than he did in 1957–59.

In 1969, 1 U.S. farm worker supplied food and fiber for 45 persons. He supplied 23 in 1957–59.

Output per man-hour on the farm increased 83 percent between 1957–59 and 1969.

Food prices rose less than three-fourths as much as all other consumer goods in the past 10 years.

The retail cost of a market basket of farm foods was 22 percent above the 1957–59 average during the fourth quarter of 1969.

The overall Consumer Price Index was up over 30 percent.

Consumer income increases exceeded food expenditure rises, leaving families extra money to buy other things.

Between 1957–59 and 1969, on a per person basis:

Income was up $1,252 . . . or 67 percent.

Food expenditures (including non-farm foods and imports) were up $131 . . . or 35 percent.

Income less food expenditures was up $1,121 . . . 76 percent.

Rising incomes enable consumers to buy more food services, even though services increase the food bill.

Prices for food away from home have increased much more than food served at home. By December 1969, prices for restaurant meals were 50 percent higher than in 1957–59. Prices for all food at retail stores were up about 26 percent.

Sales in eating and drinking places by 1969 ran 73 percent above 1957–59.

Rising incomes also let us indulge our tastes for preferred foods, and the farmer has shifted his production patterns to keep up with them.

Consumption of livestock products rose 5.4 percent per person since 1957–59.

Consumption of poultry and beef has increased 42 and 35 percent.

The largest gains in per capita consumption of crops was in:

Vegetable oils, up 41 percent.

Processed vegetables, up 27 percent.

Processed fruits, up 9 percent.

Sugar and sweeteners, up 7 percent.

Still, food expenditures take declining shares of consumer income.

	Disposable income per person, United States	Food spending per person	Percent of income spent on food
1969	$3,098	$511	16.5
1968	2,933	494	16.8
1967	2,745	470	17.1
1957–59	1,846	380	20.6
1947–49	1,244	306	24.6

Less labor is needed to pay for our food than even a few years ago.

These examples show how many minutes of factory labor are required to buy major food items:

	In 1929	In 1957–59	In 1969
White bread, pound	9.4	5.5	4.3
Round steak, pound	50.0	28.6	24.0
Butter, pound	60.0	21.4	15.8
Milk, quart	15.4	7.1	5.9
Eggs, dozen	34.5	16.2	11.8
Pork chops, pound	40.0	25.0	21.4
Margarine, pound	28.6	8.2	5.2

Americans work less time to purchase more food items than people in other countries. We are particularly favored on high-quality food items, such as meat, poultry and dairy products.

	Minutes of work in					
	United States	France	U.S.S.R.	Brazil	Japan	Canada
White bread (1 lb.)	6	11	12	46	27	4
Sirloin steak (1 lb.)	24	110	132	118	269	27
Milk (1 gal.)	26	42	121	154	124	28
Eggs (1 doz. large)	17	49	162	147	41	14
Poultry (1 lb.)	14	104	241	131	([1])	11

[1] Not available.

We also pay proportionately less for what we eat than citizens of other countries.

Less than 20 percent of our consumer expenditures goes for food.

Canada nearly matches this, with just about 20 percent of consumer expenditures going for food.

Food costs take about 37 percent of consumer spending in Western Europe and Japan.

In USSR, half of consumer spending goes for food.

Food is very expensive in developing countries; in India, for example, it takes an estimated 60 percent of consumer expenditures.

When the American consumer spent $1 on food at the grocery store in 1969, she bought 41 cents worth of products and 59 cents worth of marketing service.

Farmers received an average of 41 cents out of each $1 spent for U.S. farm produced food in 1969. That was nearly 2 cents more than in 1957-59, but 9 cents less than in 1947-49.

The farmer's share depends both on the prices he receives for his products and the cost of marketing them.

The farmer's share of the consumer's dollar varies widely among products. It is smaller for a highly serviced product such as bread than for an unprocessed product such as eggs.

Farm share of consumer dollar, fourth quarter, 1969

	Cents
Beef, choice grade	65
Butter	73
Eggs, grade A large	67
Corn flakes	8
Bread, white	14
Apples	34
Potatoes	29
Canned corn	13
Canned peaches	18

XUM

Marketing workers are more productive than a decade ago, and this also helps hold down food costs.

Despite increases in food consumption and services, the number of food marketing workers has risen little in the past 10 years.

Hourly earnings of food marketing employees went from $1.82 in 1957-59 to $2.84 in 1969, an increase of 56 percent.

Increased productivity kept the rise in labor costs per unit of product marketed to about half the increase in labor costs per hour.

But, higher marketing costs were part of the increase in food expenditures.

In 1969, consumers spent $96 billion for food products that originated on U.S. farms.

Farmers got $32 billion; marketing services received $64 billion.

Since 1957-59, expenditures for farm foods have increased $35 billion.

$11 billion—31 percent—of the increase went to farmers.

Since 1947-49, expenditures for farm foods have increased $53 billion.

$13 billion—about 25 percent—went to the farmers.

Prices of most goods and services—including food—rose in recent years.

Between 1957-59 and December 1969, the price of food purchased for use at home was up 26 percent. Consumers paid 48 percent more for services. They paid 26 percent more for transportation, 58 percent more for medical care, and 20 percent more for commodities other than food.

The average income per person, for the same period, rose 72 percent.

The cost of $100 in goods and services rose $6.14 last year.

Between Dec. 1968 and Dec. 1969, the cost of a $100 combination of all goods and services bought by consumers rose by an average of $6.14. The breakdown is as follows:

	Major components of the increase	Combination total in 1969
Food	$1.62	$22.50
Housing	2.22	33.10
Apparel and upkeep	.56	10.60
Transportation	.72	13.90
Health and recreation	1.02	19.90
Total	6.14	100.00

The Consumer Price Index averaged 5.4 percent higher in 1969 than in 1968.

It rose 4.2 percent between 1967 and 1968.

The annual increase was 2.6 percent over the past decade. Increases by groups were:

	1966 to 67 percent	1967 to 68 percent	1968 to 69 percent
Food	0.9	3.6	5.2
Food at home	.3	3.2	4.8
Food away from home	5.2	5.2	6.1
All services	4.4	5.2	7.0
Medical care	7.0	6.1	6.9
Personal care	2.9	4.2	4.9
Public transportation	5.0	4.6	7.7
Commodities other than food	2.5	3.7	[1] 4.0

[1] Preliminary.

When prices rise, farmers, too, pay more for the goods and services they use. From 1957-59 to early 1970:

The index of prices farmers pay for commodities, interest, taxes, and wage rates increased 31 percent.

Changes in prices of important items in the farmer's list of production expenses, between 1957-59 and January 1970, included:

Feed, up 6 percent.

Fertilizer, down 7 percent.

Hired wage rates, up 81 percent.

Motor vehicles, up 35 percent.

Taxes, up 129 percent.

The consumer also gains from the farmer's role as an exporter; foreign trade in agricultural products is an important source of national income.

One out of 5 U.S. harvested acres is exported.

Exports of U.S. farm products totaled $5.7 billion in fiscal 1969. This included $4.7 billion in commercial sales and $1 billion in food aid.

The United States is the world's largest exporter of farm products, accounting for 20 percent of world agricultural trade.

MALABAR READING PROGRAM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. ROYBAL. Mr. Speaker, one of the most successful education projects in America, funded through the Federal Elementary and Secondary Education Act, is now being conducted at Los Angeles' Malabar Street Elementary School.

Demonstrating highly effective techniques for dramatically improving reading, arithmetic, vocabulary, and IQ scores of children, the Malabar reading program is listed by the U.S. Office of Education as being rated among the top 3 percent of the 1,300 education programs selected as the best in the United States on the basis of an intensive 2-year nationwide survey.

Federal education officials have now published individual pamphlets, in a series entitled, "It Works," describing Malabar and the other 30 projects considered most outstanding among the Nation's estimated 17,000 compensatory education programs.

And the President's Council on Youth Opportunity has issued a special bulletin on the "It Works" series, with the thought that other communities and local school districts, in reviewing the educational needs of the youngsters they serve, may wish to get copies of the pamphlets to assist them in adapting elements of these highly successful models to their own specific requirements and resources.

I am delighted to have had the opportunity of playing an important role in the success of the Malabar project since the early 1960's, when the program was started as an experimental pilot project.

After helping secure initial Federal funding from the Office of Education's Bureau of Research, I headed a 20-member bipartisan California congressional delegation which succeeded in obtaining Federal operating support to continue the project—by getting education officials in Washington to reverse their original decision against continued funding.

This year, some 1,400 children in preschool through sixth grade at the Malabar School are participating in the program, which has raised the academic performance of the students significantly, including those children with limited English language ability.

Besides concentrating on developing reading and language skills, the Malabar project stresses individualized as well as self-instruction; curriculum change; extensive parent participation; emphasis on the child's own organizing abilities; promoting healthy self-concepts to encourage the student to view himself as a success in the school environment; plus a wide range of cultural and extra-curricular activities.

Two unique features of the project are the after-school learning labs and the bilingual college research assistant program.

Malabar offers nine special after-school learning lab classes for approximately 500 fourth, fifth, and sixth grade pupils. Attendance is voluntary and open to all children. Classes have been organized by the Youth Opportunities Foundation, a nonprofit Los Angeles education organization, and feature bilingual professional instructors in addition to the teachers from the Malabar staff. Bilingual college students and Malabar parents also take part.

Fifty bilingual college students from nine Los Angeles area colleges and universities have been recruited by the Youth Opportunities Foundation to work at the Malabar School. They assist the regular teaching staff in the following areas: Research on language development; classroom action research; curriculum development; and, after-school learning labs. Research assistants receive 2 hours per week of university-level instruction, as well as in-service training in the Malabar method of education from Dr. Constance Amsden, project co-director and associate professor of education at California State College at Los Angeles.

Evidence of the demonstrated success of the program is the consistently higher national ranking of Malabar students—some entire grades showing as much as 650 percent improvement in reading achievement—with student performance ratings evaluated objectively over a 3-year period by test scores made on the Stanford reading test, the California reading test, the Pintner-Cunningham intelligence test, the public school primary intelligence test, and the sight vocabulary test.

Interested persons may obtain copies of the U.S. Office of Education pamphlet on the Malabar reading program (GPO catalog No. FS 5.237:37053) for 25 cents each, by writing to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. To assure efficient handling, it is suggested that requests include a check or money order for the correct amount, plus full name and complete return mailing address of the sender.

Additional information on the East Los Angeles project is available directly from the principal of the Malabar Street Elementary School (and Malabar project director), Mrs. Jacqueline Hartwick, 3200 East Malabar Street, Los Angeles, Calif. 90063, phone: 213-261-1103; or, from Mr. Felix Castro, project codirector and executive director, Youth Opportunities Foundation, Post Office Box 45762, Los Angeles, Calif. 90045, phone: 213-670-7664.

GRAND JURY REPORT ON CHICAGO BLACK PANTHER RAID—A FAILURE FOR AMERICA

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. MIKVA. Mr. Speaker, in the early morning hours of December 4, 1969, a group of 14 law-enforcement officials carried out a raid on a Chicago apartment rented and occupied by nine members of the Black Panther Party, with the stated goal of conducting a search for illegal weapons. During this raid two of the occupants of the apartment were killed, including Fred Hampton, the chairman of the Black Panthers in Illinois, and four others were wounded; two policemen received minor injuries. The surviving seven occupants of the apartment on that morning were indicted on charges ranging from attempt to commit murder to illegal possession of firearms. The indictments were subsequently dismissed by the prosecutor because of "difficulties" arising out of the raid.

Once we move even one step beyond this sketchy recital of facts, however, we immediately enter a morass of emotional and distorted reporting, virulent charges and countercharges, distortions, deceptions, and outright lies. It is for that reason, Mr. Speaker, that I insert in the CONGRESSIONAL RECORD the full text of the January 1970 Federal grand jury investigation into this case, released on May 15, 1970. The report presents the findings of the only objective and exhaustive inquiry into the bloody events of that December morning, and I hope that it will be read and studied throughout the country and particularly in Congress. For I believe the grand jury has brought in an indictment of us all; it has chronicled a failure for America. We can ill afford any more.

The grand jury report details a record of inefficient, shoddy, and downright deceptive police work in my home city of Chicago that borders on the incredible. In the restrained terms of the report:

> The performance of agencies of law enforcement . . . gives some reasonable basis for public doubt of their efficiency and even of their credibility.

The fact that the grand jury was unable to determine whether the civil rights of any individuals were violated was directly attributable to the refusal of members of the Black Panther Party to testify or cooperate in any way with this investigation. In the words of the report:

> The grand jury is forced to conclude that they (the Black Panthers) are more interested in the issue of police persecution than they are in obtaining justice.

It is in this tragic situation that I see the failure of our society. I cannot defend either the motives or the performance of the law-enforcement authorities in this case, any more than I can defend the inflammatory and violent policies of the Black Panthers or their refusal to participate in this investigation. In fact, I believe that we are looking here at opposite sides of the same coin.

However, it is wrong to balance the sins of the Panthers and the police. The police are an institution of government—our institution—created to help distribute justice to 200 million people. The Panthers are a splinter in the militant black community who do not even acknowledge their obligation to obey the law of the land. To equate culpability among the police and the Panthers is absurd.

Not until we are able to eliminate all reasonable doubt that our police and our courts—and indeed, the entire structure of our society—offer equal rights, equal protection, and equal opportunity to all our citizens, will we have a just claim on the full allegiance and trust of every citizen. I believe there is a social contract, even though we seldom articulate its terms. And I firmly believe that as long as one part of our Nation has grounds to believe that it is being deprived of its fundamental civil rights, including first and foremost the right to life itself, we are all in danger.

Again, the grand jury report put the matter well:

> The stakes are high. Either our society and institutions will prove to be responsive and responsible, with built-in systems for growth and learning and change, or the critics who claim that the law and the legal system are irrelevant and decadent will have another citation for their argument. It bears repeating that the following comments are not the abstract findings of a social scientist, but are the considered evaluations of twenty-three ordinary citizens judging the performance of their institutions with real facts of life and death, with real people and with real controversies.

The answer, Mr. Speaker, must be found in making our American system work in accordance with its own aspirations and ideals. But we have far to go, and much to accomplish, before we can honestly say that we have achieved that goal. The time remaining is short, and the true measure of the monumental task before us can be found in the report of the Chicago grand jury which I now introduce for the sober contemplation of my colleagues:

REPORT OF THE JANUARY 1970 GRAND JURY

INTRODUCTION

At 4:45 a.m., December 4, 1969, fourteen Chicago police officers assigned to the Cook County State's Attorney's Office, executed a search warrant for illegal weapons at 2337 West Monroe in a flat rented by members of the Black Panther Party. Nine people were in the apartment. Two were killed in the gunfire which broke out: Fred Hampton, the militant and controversial Chairman of the Black Panther Party of Illinois, and Mark Clark, a Panther official from Peoria. Four other occupants were wounded, but survived. Two police officers sustained minor injuries.

Public reaction was prompt and polarized. The State's Attorney's Office reported sketchily and then in detail that the officers were fired upon as they sought entry, that they returned the fire and secured the premises after an intense gun battle with the occupants. According to the officers' account, they had no knowledge that Fred Hampton was in the apartment, but did report that Hampton was found lying on a bed with an automatic pistol and a shotgun next to his body. The officers seized 19 weapons, including a stolen police shotgun, a sawed-off shotgun, various handguns and a large quantity of ammunition; by 7:30 a.m. the scene was deserted.

By noon Black Panther spokesmen claimed that Hampton and Clark were victims of a Chicago-style political assassination pursuant to an alleged official national policy of genocide. Newsmen, students, public officials, and neighborhood residents were given guided tours of the apartment. Panther guides claimed the physical evidence proved that the police did all the shooting.

The competing accounts were given equal and extensive coverage in all media. Responsible leaders, black and white, demanded impartial investigations; Negro congressmen announced their own investigation; a special "Blue Ribbon" Coroner's Inquest was scheduled; a citizens group headed by former Supreme Court Justice Arthur Goldberg was formed to investigate; the Chicago Black Patrolmen's League averred that the police account was untrue and promised to find and expose the facts; the Illinois Attorney General agreed to look into the matter; the Internal Inspections Division of the Chicago Police Department initiated an investigation. Letters, telegrams, delegations and editorials all called on the U.S. Department of Justice to initiate an objective investigation to determine if there had been a violation of the civil rights of the apartment occupants.

On December 19, 1969, United States Attorney General John Mitchell appointed Assistant Attorney General Jerris Leonard and a special biracial team of experienced federal prosecutors to collect all the facts relating to the incident and present them to an inquisitorial federal Grand Jury.

This report contains the findings of the Grand Jury after hearing nearly 100 witnesses and considering over 130 exhibits,[1]

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including police records, photographs, moving pictures, transcripts of testimony before other bodies, voluminous investigative and scientific reports and reports of investigative interviews with over 100 potential witnesses who were not called.

The first part of this report consists of the detailed statement of the investigative approach used, the various factual disputes the results of the FBI's ballistic and scientific examinations, and the results of other investigations. The second portion of the report contains a discussion of federal law as it applies to the facts as found by the Grand Jury. The final portion contains a discussion of the very serious law enforcement problems disclosed by the facts together with the Grand Jury's recommendations on possible solutions.

I. THE GRAND JURY'S INVESTIGATION AND FINDINGS

A. *Background—The Panthers and the law in Chicago*

The National Black Panther Party was formed in Oakland, California in December 1966, as a ghetto-based organization of stridently militant blacks dedicated to upgrading the living conditions, pride, social and economic status of ghetto blacks by a direct challenge to American institutions and political systems. The concept and organization is that of a political party philosophically oriented toward Asian communism.[2] The Party's frequently published 10-point platform, in summary, demands social change by direct action, including force if necessary, to restructure the "system" to permit blacks to control their own status and values without dependence on or exploitation by the "white establishment." The program calls for land, bread, housing, education and employment; it also calls for community control of police and schools and such things as all black juries for black defendants.[3] (*Daily Defender* August 23, 1969).

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The organizational structure of the Party includes a national hierarchy of a chairman, deputies and various ministers of particular matters, i.e. defense, public affairs, welfare. Charters are issued by the National Party to state chapters, mostly oriented in big city slums and ghettos.

Two of the founders of the Black Panther Party, Eldridge Cleaver and Bobby Seale, have been indicted for serious felonies. Cleaver, under indictment for the attempted murder of a California policeman, fled to Cuba and then Algeria. Seale faces state charges for the kidnapping and torture killing of a party member and a federal charge of conspiracy to cross state lines to promote a riot at the 1968 Democratic Convention. Both have been widely quoted as espousing the violent overthrow of the "establishment" by revolutionary means.

Nationally, the Black Panther Party has only between 500 and 1000 members.[4] Locally, the FBI estimates 30–40 members in Chicago.[5] However, the Party has some sympathizers, and considerable issue-oriented support from youthful ghetto residents. On occasion, it asserted membership exceeding 500 in Chicago. (*Chicago Daily News* January 25, 1969)

On November 4, 1968, the Illinois Chapter of the Black Panther Party was chartered. This Chapter, like the National organization, proclaimed itself to be violently anti-establishment with particular hostility for law enforcement agencies. The Party is also active in some social welfare programs in the Negro ghetto. In Chicago the Party operated a free breakfast program for children and undertook to establish a free medical clinic for ghetto residents. Another principal effort of the Panthers organization, to which the Illinois Chapter was faithful, was a concentration on—almost an obsession with—firearms and military discipline. Indeed, repeated news reports of the Party's Maoist revolutionary posture and its continual emphasis on weaponry causes public apprehension and concern totally out of proportion to the miniscule number of members. Law enforcement agencies feeling this public concern, sensitive to the volatile and often violent ways of ghetto life and increasingly apprehensive over the Panthers' policy of violence against police, view the Panthers as a very real danger to social peace.

The most effective leader of the Illinois Chapter was Deputy Chairman Fred Hampton. Hampton, born in August 1948, grew up in Maywood, a Chicago suburb with a substantial black population. While still in his teens, Hampton became a youth leader of the Maywood NAACP. He was arrested several times in connection with racial demonstrations and incidents in Maywood. He joined the Illinois Chapter of the Panthers shortly after it was formed. Hampton was outspokenly militant and was quoted as advocating the Maoist principle that "political power flows from a gun." (*Daily Cardinal*, May 21, 1969).

Chicago newspapers reported frequently on the development of the Black Panther Party from December 1968 to December 1969. More than 240 news articles on this organization, its leadership and its activities appeared in the local press.[6] These articles covered organizational activities, leaders' public speeches, arrest of Black Panther Party members, alleged repression of the Party in raids by police and federal officers on Black Panther Party Headquarters, internecine feuds, proposed mergers with street gangs, alleged Communist financing and affiliation of the Black Panther Party, the killing and assault of police by Black Panther Party members and the killing and assault of Black Panther Party members by police, the national news on conflicts between Black Panther Party members and police, and the expressed views of various law enforcement agencies as to the dangerous nature of the organization. During this period, feature stories and articles on the Black Panther Party activity appeared on 129 days in Chicago papers.[7] Thus, the incident of December 4, 1969, occurred in a climate defined by frequent incidents of Chicago Police Department—Black Panther Party violence and threats.

A review of the press coverage of the many Police-Panther clashes in Chicago is useful in understanding the local tensions at the time of the December 4, 1969 raid, and the various reactions of the participants, the public and the press. The summary which follows is taken solely from press accounts and is designed to portray the public atmosphere as it developed. The Grand Jury has no judgment as to the accuracy of these accounts.

Reported conflict with the police commenced on December 18, 1968, when eleven Black Panther Party members and several Blackstone Rangers were arrested after police surveillance of a meeting between the groups. Several knives were confiscated. The arrests ensued after an alleged traffic violation by the Black Panther Party personnel leaving Blackstone Rangers Headquarters. The police related the meeting to an attempt by the Black Panther Party to form a coalition with the Blackstone Rangers. (*New Crusader*, December 21, 1968). On January 4, 1969, the alleged coalition attempt was reported a failure. (*New Crusader*, January 4, 1969). Hampton repudiated the alleged coalition in May 1969. (*New Crusader*, May 24, 1969).

Vigorous college campus and street gang recruiting by the Black Panther Party was reported. (*Chicago Tribune*, January 24, 1969). Recruitment efforts by Hampton and Defense Minister Bobby Rush were characterized by vehement speeches denouncing all "establishment" authority, particularly the police. On January 25, the Black Panther Party claimed 500 members in Chicago, including members in each inner city high school. Police intelligence fixed membership at about 75 persons. (*Chicago Daily News*, January 25, 1969).

On January 24, 1969, Hampton was arrested for allegedly inciting mob violence in Maywood at a July 1968 demonstration over acquisition of a large police van. He was arrested as he appeared to tape a local television show and was prevented from appearing. He was acquitted of this charge a month later. (*Chicago Tribune* January 26, 1969; *Chicago Daily News* March 7, 1969).

On April 2, 1969, Defense Minister Rush and two other Panthers were arrested after a shooting incident in Robbins, an all Negro Chicago suburb.[8] Six persons were wounded in the incident which police said was a confrontation between Panthers and the Robbins branch of the Blackstone Rangers. Rush was reportedly arrested when he walked into the police station to use the phone wearing a loaded .45 automatic in a shoulder holster. (*Chicago Tribune* April 3, 1969). Both Panther and Ranger spokesmen denied the police story, and a Panther source indicated the police were spreading the lies to combat the good public image created when the Panthers inaugurated a free breakfast program for 200 children in the Better Boys Foundation, 1512 S. Pulaski. (*Chicago Tribune* April 3, 1969; *Chicago Daily News* April 3, 1969).

On April 12, 1969, a federal agent posing as a gun dealer agreed to sell two submachine guns to members of the Party for $500. Delivery was to be made in a specified area; some 75 police and federal officers converged there, trapped, and arrested the purchasers. Three persons identified as Panthers were subsequently indicted by a federal grand jury for conspiring to purchase illegal weapons. After a stormy bond reduction hearing on April 17, at which Panthers in the audience allegedly tried to intimidate a government witness and one of the defendants allegedly threatened an assistant U.S. Attorney, the defendants pleaded not guilty on April 26. (*Chicago Sun Times* April 12, 1969; April 26, 1969).

The press continued to report Hampton's denunciations of the Chicago Police Department for harassment of ghetto blacks and his threats that shooting would follow if police brutality in the ghetto did not cease. (*Chicago Daily News* April 18, 1969; *Chicago Sun Times* April 18, 1969). Conversely, law enforcement authorities were frequently quoted as critical of any Panther contacts. Assistant State's Attorney Richard S. Jalovec disclosed to the *Chicago Tribune* that a Black Panther Party member [who earlier had been] convicted of beating a C.T.A. driver, had been hired as a security guard at Crane Junior College. (*Chicago Tribune* April 16, 1969).

On April 19, the *Daily Defender* quoted Hampton on police harassment, saying that oppression must stop "'. . . or we will start shooting.'" (*Daily Defender* April 19, 1969).

On April 23, the *Chicago American* reported that Panther efforts to infiltrate street gangs might have caused recent violent confrontations. Police sources were quoted as suggesting that the Panther infiltrations may have stirred up dormant rivalries such as an incident on April 21 when four gang members were wounded—two by police—in a Southside clash.

On April 29, five men, identified as Panther members were arrested and charged with the beating and torture of a Negro man and woman because the woman allegedly had failed to return a Panther gun equipped with an infra-red scope. Others were also implicated, including Illinois Party Chairman, Fred Hampton. (*Chicago Tribune* April 29,

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1969; *Chicago Sun Times* April 30, 1969). On June 10 it was announced that Hampton and 15 others had been indicted by the Cook County Grand Jury on kidnapping and weapons charges. That same day an elaborate simultaneous series of pre-dawn raids in Chicago, Summit and Maywood, with as many as 300 law enforcement officers involved,[9] resulted in the arrest of three of the indictees. Three others, including Hampton, were already in jail. The Grand Jury investigation was directed by Assistant State's Attorney Richard S. Jalovec, chief of the State's Attorney's Special Prosecutions Unit.[10] State's Attorney Hanrahan denied that the indictments were part of a nationwide crackdown on Panthers, saying the indictments were against individual acts, not those of the Party. (*Chicago Daily News* June 10, 1969).

Throughout the spring of 1969, there were repeated press reports indicating a potential alliance between the Panthers, the Young Lords (a militant Puerto Rican group), the Young Patriots (Appalachian whites) and the campus based S.D.S. Police intelligence sources were reported as fearing the coalition of radicals could cause serious trouble in ghetto areas. Hampton was reported to be speaking to college groups. In response to a speech by Hampton at Wisconsin University, the commander of the Subversive Unit of the Police Intelligence Division explained the reason police keep a close watch on the Panthers: " 'Considering their outspoken revolutionary aims, it's no small wonder the Chicago Police Department is interested in their activities. . . . If we did not take an interest, we would certainly not be doing our job for the community.' " (*Chicago Today* May 9, 1969; *Chicago Sun Times* May 25, 1969).

During the same period, United States Senate Hearings were reported to the effect that the Black Panther Party exploits ghetto residents, and Hampton was quoted as saying that the Black Panther Party must lead in " '. . . killing off the capitalist class.' " (*Chicago Daily News* May 19, 1969; *Daily Cardinal* May 21, 1969; *Chicago Sun Times* May 25, 1969).

Also in May, Hampton was sentenced to 2–5 years for participating in a robbery of an ice cream vendor. Appeal bond was denied when Hampton admitted being a revolutionary. (*Chicago Sun Times* May 27, 1969); the Black Liberation Alliance immediately pledged support for his appeal.

On June 4, FBI agents searched the Black Panther Party Headquarters at 2350 West Madison in an attempt to apprehend one George Sams for whom they had a warrant for interstate flight to avoid prosecution. Sams was wanted in Connecticut in connection with the torture murder of a Panther member. The raid was conducted shortly after daybreak with the participation of some 40 agents. Sams was not found at the headquarters, but evidence of his recent presence there was recovered. The Federal agents seized at least 10 shotguns and rifles and arrested the eight persons present for harboring a fugitive. (*Chicago Daily News* June 4, 1969). (The Special Agent in Charge later explained to this Grand Jury that the search had been conducted without a shot being fired. Agents telephoned the headquarters to advise their purpose and the fact that the building was surrounded. Portable sound equipment was used to help talk the occupants out and one Panther leader was convinced to order the other occupants to surrender. Agents armed with tear gas were pre-positioned and would have used gas had it become necessary.[11]

Defense Minister Bobby Rush immediately denounced the FBI raid as planned repression by the power structure. Rush was quoted as claiming the agents did $20,000 in damage, took $3,000 from a cash box and threw large quantities of food for the free breakfast program on the floor. (*Daily Defender* June 5, 1969). Chicago Police sources said two of the weapons seized by the FBI had been stolen. (*Chicago Sun Times* June 5, 1969). On the same day, the *Daily Defender* quoted Rush as saying he knew nothing of the guns reportedly seized by the FBI and in any event, if found, they would not have violated any federal laws. He claimed the raid was part of a conspiracy by the FBI and other facets of the power structure to slow down Panther activities in black communities. An S.D.S. spokesman appeared at a press conference with Rush and voiced his support of the Panthers in their struggle against repression. (*Daily Defender* June 5, 1969). Upon news of the FBI raid, moderate Negro leaders spoke out against police harassment and in support of the Black Panther Party. (*Chicago Daily News* June 6, 1969). Charges were subsequently dismissed when federal officials declined to reveal the identity of the informant who supplied information. (*Chicago Today* June 21, 1969).

A few days later, Chicago Task Force Police stopped an overcrowded station wagon near Panther Headquarters because of alleged traffic violations—driving with obstructed view, loud muffler and failure to yield right of way on left turn. After a search revealed marijuana, a hypodermic needle and several quarts of chemicals suspected of being ingredients for an explosive, a small crowd gathered as all eleven occupants of the car were arrested, but there was no incident. Two of the arrestees had been arrested previously in the FBI raid. No weapons were found. (*Chicago Today* June 9, 1969; *Chicago Sun Times* June 10, 1969).

Again, Panther spokesmen claimed the arrests were part of the law enforcement conspiracy against them:

"The Panthers were stopped in their car by fascist pigs. They were ordered out, searched, and physically abused. The car was searched without a warrant. The pigs then planted marijuana in the car.

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"The pig press misled the public into believing that medical supplies that were in the car were chemicals for explosives. One sister was severely injured when the fascists pushed her to the ground and kicked her in the back. She was pregnant and now is threatening miscarriage in the maternity ward of Cook County Hospital." (*The Black Panther* June 21, 1969).

As previously described, on June 10, a Cook County Grand Jury indicted Hampton and 15 others on torture and kidnapping charges and early morning raids were coordinated by the State's Atttorney's Police to attempt to arrest the indictees. (*New Crusader* June 14, 1969).

After this flurry of raids and arrests in spring and early summer, there were several commentaries and summaries published evaluating the possibility of planned and coordinated national programs by law enforcement agencies to wipe out the Panther Party. (*Chicago Daily News* June 11, 1969; *Chicago Sun Times* July 4, 1969). During the same period there was some indication that the Panther militancy was mellowing. An official of the Chicago Police Gang Intelligence Unit testified before a Senate Committee that in recent months the Chicago Party had gone in for the "soft sell." He attributed this to a program of forming coalitions with other youth groups. He also said the Panther membership in Chicago had dwindled to 13 persons. (*Chicago Today* July 1, 1969; *Chicago Sun Times* July 1, 1969). However, on July 15, FBI Director J. Edgar Hoover, in his annual report, cited the frequent Panther clashes with police and their revolutionary ideology and classed them, along with the S.D.S. as the core of the "New Left." The national Panther Party, he said, is " '. . the greatest threat to the internal security of the country.' " (*Chicago Today* July 15, 1969).

Violence continued to flare in Chicago; on July 16, 1969, two policemen and two Black Panther Party members were involved in a shooting in which the two police officers were wounded. Neither of the two Black Panther Party members were wounded; the pistol used to shoot both the officers had been stolen from a policeman in 1966. (*Chicago Today* July 16, 1969).

This was shortly followed by a major incident at Black Panther Party Headquarters. As reported on July 31, 1969, five police officers and three Black Panther Party members were wounded in a gunfire between Black Panther Party members and the police. The gunfire commenced when the police officers on routine patrol were allegedly fired upon by gunmen in the Panther offices at 2350 West Madison Street. A gun battle ensued resulting in the wounding of the five officers and the three Black Panther Party members. Numerous guns were seized at the Black Panther Party Headquarters at this time. This incident was the occasion for recapitulation by the newspapers of several prior incidents, and for claims of repression by the Black Panther Party. (*Chicago Daily News* July 31, 1969).

Less than three days after this incident, the U.S. Department of Justice was locally reported to have launched a special Criminal Division task force to investigate the Black Panther Party. (*Chicago Sun Times* August 2, 1969). This announcement was the occasion for further charges of repression by local Black Panther Party officials. (*Chicago Today* August 24, 1969).

Hampton was released on bond on August 15, 1969. (*Chicago Sun Times* August 15, 1969), and immediately was quoted as saying that the police would be shot by the Panthers if they continued their repressive tactics. (*Daily Defender* August 23, 1969).

In late September, the Black Panther Party participated in demonstrations regarding the Chicago Conspiracy trial. Although a Chicago Police Department spokesman commented that " '. . . the Panther organization is one of the most dangerous in the nation,' " the same article reported a Panther official as saying the Party was discouraging violence and guns which had been an early phase of the "Panther mystique." The goals now, he said, were to expand the free breakfast and employment programs and then campaign for community control of police. (*Chicago Sun Times,* September 26, 1969.)

However, on October 4, 1969, another shooting incident occurred at Black Panther Party Headquarters when a sniper was reported to have opened fire on police from the roof of the headquarters at 2350 West Madison. (*Chicago Today,* October 4, 1969.) Police arrested seven Black Panther Party members, and one officer was injured by debris from a ricocheted bullet. The incident was followed by charges of repression by the Panther Party and a Black Panther Party spokesman alleged that the police officers had poured gasoline on the premises and set fire to them after making arrests. A fire department official attributed the blaze to a stray shot having hit a stack of newspapers. (*Chicago Daily News,* October 4, 1969.)

A rally protesting a conspiracy trial was called by the Panther Party for October 7, 1969. Although it was peaceful, Bobby Rush was reported as charging the police with committing murder on the Westside. (*Chicago Today,* October 7, 1969.)

On October 10, a nineteen year old black, Mike Soto, was killed during police investigation of a reported Westside robbery. Some disorder broke out in the area and ten police and a 12 year old girl were wounded. Five days earlier Soto's younger brother had also been killed in an incident with police. At a hearing held by seven black Illinois legisla-

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tors, Hampton, claiming Soto had been a Panther supporter, used the occasion to complain about "pig brutality" and repression. The legislators reportedly reached no conclusions on the merits. (*Chicago Today,* October 28, 1969.)

On November 11, 1969, attempted murder charges were dropped against 6 of the 7 members of the Black Panther Party members who had been arrested in the October 4 incident in which a sniper allegedly fired at police. Prosecutors failed to produce evidence linking the six with the shooting. Resisting arrest charges were continued. (*Chicago Sun Times,* November 11, 1969.)

On November 13, 1969, Chicago Police officers Gilhooly and Rappaport and Panther member Spurgeon Winters were killed in a gun battle. Another Panther, Lance S. Bell, was wounded and six other policemen were injured in the course of the incident. Police had responded to a 3 a.m. call to 5801 S. Calumet after a lady advised that her husband had been threatened and that there were men with guns in the area. When the squad car arrived on the scene, it was fired upon by snipers concealed in a vacant building; two police cars were destroyed by gunfire and approximately 50 police ultimately participated in the action. Rappaport was allegedly killed by a Black Panther who approached him when he had been wounded and shot him in the head with a shotgun. A shotgun, a carbine and a substantial quantity of weapons were found in the vacant building. (*Chicago Daily News* Nov. 13, 1969). 1969).

The deaths of Gilhooly and Rappaport brought to seven the total number of Chicago policemen slain in the line of duty during the year 1969. This incident was followed by many newspaper articles about Panther violence in the city, and a great many police officers were seriously concerned for their safety thereafter. (*Chicago Today* Nov. 14, 1969).

Accordingly, during the year preceding December 4, 1969, there were several incidents of armed violence between members of the Illinois Chapter of the Panthers and law enforcement agencies in Chicago. As a result of these incidents, two police and one Panther were killed; fourteen police and four Panthers were wounded or injured; and there had been over sixty arrests of Panthers for violations ranging from attempted murder and kidnapping to minor traffic violations.

The pattern had become familiar. Because of the Panthers' well-publicized reputation as violence-prone revolutionaries with a particular hostility for police, law enforcement agencies kept them under tight surveillance and were especially alert for Panther crimes. For their part, the Panthers could be counted on to emphasize their social improvement programs and to charge publicly that any law enforcement activity directed at a member or a sympathizer was part of a conspiracy of repression. And Chicago's competitive news media would report every charge and countercharge in meticulous detail.

B. Events preceding Federal grand jury investigation

Between the time of this incident on December 4, 1969, and the impaneling of this Grand Jury on January 5, 1970, the air was predictably full of charges and countercharges concerning what happened. A description of the spiraling escalation of public explanations, disputes, versions and commentary is instructive in understanding the way the Grand Jury investigation proceeded and serves to give useful background for some of the factual problems it found.[12]

According to the initial account by the State's Attorney's Office, Assistant State's Attorney Richard S. Jalovec and Sgt. Daniel Groth, of the Special Prosecutions Unit, acting on information supplied by an informant, obtained a search warrant for the premises to look for a cache of Black Panther weapons. After announcing their office and seeking entry, the officers were fired upon. They returned the fire, several times pausing to call for surrender. The occupants shouted, "Shoot it out," continued to fire and an intensive shoot-out ensued. Fred Hampton was found dead in a back (south) [13] bedroom from which gunfire had been seen, and Mark Clark was found in the living room. Nineteen weapons and large stores of ammunition were seized and the survivors were charged with attempted murder. Officers Ciszewski and Carmody, interviewed at a local hospital, gave a vivid account of how they were wounded by gunfire after they announced their office at the rear door. (*Chicago Today* Dec. 4, 1969).[14]

This account was immediately challenged by Black Panther Party Defense Minister Bobby Rush. Under the headline "Pal Claims Panther Chief Was Murdered in Bed," a reporter described a tour of the unguarded premises conducted by Rush showing bullet holes " . . . in the spread and mattress of Hampton's blood spattered bedroom." Rush was quoted as charging, "' Hampton was murdered in bed while he slept. Since he was a light sleeper, some pig [policeman] must have come in the back door and murdered him with a silencer.'" (*Chicago Today* Dec. 4, 1969).

The basic controversy continued to receive extensive coverage in every media. On December 7, defense attorney Francis Andrew was quoted as saying a private autopsy showed that Hampton was "'. . . murdered while he was asleep'" and Renault Robinson, head of the Afro-American Patrolmen's League, reportedly said after touring the site that it appeared the men were killed "'. . . for no reason in a police 'set up.'" (*Chicago Sun Times* Dec. 7, 1969). By December 8, Mayor Chabala of suburban Maywood, where Hampton had grown up, announced that three of the Villages Trustees and seven of the nine man Human Relations Commission had issued a statement demanding that State Attorney General Scott seek murder indictments against the officers for a "'. . . blatant act of legitimatized murder.'" These charges were based on evidence indicating police did all the shooting. (*Chicago Sun Times* Dec. 8, 1969).

On December 8, State's Attorney Hanrahan, at a news conference, restated the basic police version, saying that a more detailed statement would be improper in view of criminal charges pending against survivors. "We were then [after the raid] and are still convinced that our officers used good judgment, considerable restraint, and professional discipline.'" (*Chicago Tribune* Dec. 9, 1969).

Mr. Hanrahan's statement had little effect on the burgeoning controversy. On the same day the above article appeared, another paper was reporting that nine Democratic Congressmen had requested the National Commission on the Causes and Prevention of Violence to investigate the matter. They asked the President to extend the Commission for this purpose and in a letter to the Commission reportedly set out the basis for their concern: ". . . there were indications that Hampton was killed while still in bed, and that a private autopsy on his body indicates that he was in a reclining position when the bullets entered and left the body." This article also quoted Assistant State's Attorney Jalovec as rejecting any possibility of using lie detector tests to resolve the disputes: "'We don't put either suspects or policemen on the polygraph. It is not done.'" (*Chicago Today* Dec. 9, 1969).

On December 10, it was reported that the police Internal Inspections Division, charged with looking into allegations of police misconduct, would not investigate because, according to Director Harry Ervanian, "'The IID has no jurisdiction in a case handled by the state's attorney's office.'" State's Attorney Hanrahan was quoted as expressing surprise over the exemption of his men. (*Chicago Sun Times* Dec. 10, 1969).

The following day, however, Police Superintendent Conlisk announced that the Internal Inspections Division had begun an investigation. Director Ervanian explained that all background information would be reviewed including "'. . . arrest records from the raid, all physical evidence, statements from witnesses, and photographs of the apartment.'" He reportedly said it was too early to tell whether it would be necessary to require the officers to take lie detector tests. (*Chicago Today* Dec. 11, 1969).

On December 10, a major escalation of the intensive news coverage began when the *Chicago Daily News* published an account provided by Black Panther defense attorneys headlined "Panther Story of Killings." In pertinent part the story set forth the following:

"There was a knock on the front door of the apartment at 4:40 a.m. Thursday. The occupants asked, 'Who is it?' They received a brief reply. The occupants again asked, 'Who?'

"After a short delay, Mark Clark, 22, of Peoria, a Downstate Panther leader, went to the door just as the plainclothes policemen forced their way in.

"Without warning the detective began firing toward mattresses near the southeast corner of the living room of the apartment. Clark was killed in the volley.

"There was no return fire and apparently no shotgun blast at police from any of the Panthers before the police began shooting.

"Two of the apartment's occupants were in a back bedroom trying to awaken Fred Hampton, 21, Illinois Black Panther Party chairman. Just then another team of police raiders barged through the rear (kitchen) door.

"The police came through the kitchen and into the dining area leading to Hampton's bedroom. The two Panthers in Hampton's room leaped into a corner where police could not see them.

"They were in the room when police fired the shots that apparently killed Hampton while he was still on his bed.

"The nine defense attorneys for the Panthers said they would not release specifics or more detailed statements from the seven survivors so as not to compromise their case before it comes to trial.

"The attorneys said they hope not only to win acquittal for the seven arrested Panthers, but to file civil and criminal charges against the police raiders.

"They said they would seek to charge State's Atty. Edward V. Hanrahan and the 14 police raiders with murder."

The nine man defense team also announced the three key points of defense:

Testimony by a nationally respected ballistics expert that the pattern of shots in the apartment shows cool and calculated fire by police and no return fire by the Panthers.

Testimony by the surviving Panthers that police burst into the apartment as the Panthers were sleeping and carried out a plan to kill Hampton and Clark.

The conflict between findings of an independent autopsy and the official findings of Coroner Andrew J. Toman.

The following day's issue of the *Chicago Tribune* published an exclusive detailed account given by the officers. "State's Atty. Edward V. Hanrahan made the policemen available for interviews [to] refute what he termed an orgy of sensationalism in the press and on television. . . ." The exclusive *Tribune* story also contained photographs supplied by Mr. Hanrahan and his top assistants, Messrs. Jalovec and Boyle, ". . . which they said conclusively proved the Panthers

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opened the battle by firing a shotgun blast thru the apartment door."

In this story, the leader of the raid, Sgt. Daniel Groth, said that he and Assistant State's Attorney Jalovec had both received confidential information on December 2, that a cache of weapons was in the apartment. "According to the informants, at least three shotguns had been observed in the flat. Neither, however, made any mention of Hampton's or Clark's frequenting the apartment, Sgt. Groth said."

At 4:45 p.m., on December 3, according to the story, ". . . Jalovec obtained a search warrant from Judge Robert Collins of Criminal Court, citing the facts obtained from the informants."

In the story, Sgt. Groth told of planning the raid and selecting the early morning hours to avoid an incident and to provide safety for his men and neighbors. Groth's account of the way the shooting started was the most detailed one to date:

"Just shortly before he arrived at the building, Sgt. Groth said that he radioed from the Chicago police department undercover squad he was driving, asking that the squad operator dispatch marked cars from the Wood street district to the front and rear exits of the building.

" 'I told them we were about to attempt to serve a warrant,' Groth said.

"Once at the building, Groth ascended the front staircase or the exterior with Davis on his left. Behind them were Gorman, Jones, and Hughes. The men entered a small hallway containing two doors, one leading to the 2d floor and the other to the Panther apartment.

"Positioning themselves to either side of the apartment door, Sgt. Groth said he reached over and first rapped firmly with left hand. When there was no response, he pounded again, but this time with his revolver butt.

" 'I heard a voice inside—a male voice—call out, 'Who's there?'," Groth said. 'I replied "This is the police. I have a warrant to search the premises." '

"Again, there was no response, but Groth said he could hear movement inside. Again he said he pounded on the door, shouting, 'Police! Open Up!'

" 'Just a minute,' Groth said the male voice replied.

"Suspicious of the delay, Groth said he ordered Davis to kick the door open. Davis kicked and the door slammed open to reveal a small ante-room with another door leading to the apartment's living room. That was shut.

"Then suddenly, as the two policemen entered the ante-room they said a shotgun blast was fired thru the closed living room door, a charge which later proved to have been a solid rifle load deer slug fired from a 12 gauge shotgun.

"The slug pierced the door, ripping splinters from the outside of the door as it exited and narrowly missed the two policemen. Photographs of this door were furnished the Tribune by Hanrahan as evidence that the Panthers inside the flat fired the opening shot at his men.

"Davis, who at this moment was just ahead of Sgt. Groth, plunged toward the door, smashing it open with his shoulders as he dived into the living room and landed on a mattress just to the left of the center of the room.

" 'I saw a woman half lying and half sitting upright on a bed in a far corner of the room trying to pump another shell into a shotgun she held jammed against her groin,' Davis said. 'She was about eight feet away.

" 'In that moment, the woman fired again, the flash of her weapon illuminating her face for Sgt. Groth who was still at the doorway of the room.

" 'I figured Davis had been hit when I saw him go down,' Groth said. That second shotgun round went right past me as I hugged the door jamb and narrowly missed hitting Hughes who was behind me. I fired two shots at her."

Officer James Davis was quoted at length with his account of how he wounded the woman on the couch and fatally shot Mark Clark. After he had fired one shot from his carbine at the woman, the account continues:

" 'She slumped back against the wall with that shotgun still in her hands and I spun away and half turned, just in time to spot a guy sitting in a chair with a shotgun in his hands," Davis said. "He was directly behind me, hidden behind the door I'd just broken open. Thank God, Groth fired those shots at the woman. The flash of his revolver spotted the guy for me.

" 'I don't know for sure if he ever got a shot in at me or not. I fired twice and hit him. He stood up and I jumped up, too, struggling with him until he fell. Then I fell across his body.'

"This gunman was identified after the battle as Clark, 22, a Panther leader from Peoria."

According to the story, Officers Gorman and Jones then entered the room and recovered some Panther weapons. Davis reported he looked down a hallway going to the rear of the flat and saw a man duck in and out of the rear bedroom with a shotgun.

" 'By then, the guys had broken down the kitchen door,' Davis said. 'I saw Ciszewski in the kitchen behind the gunman and hollored for him to duck as the man fired at least one round into the kitchen. Ciszewski ducked and the shot missed.

" 'Hold your fire' Sgt. Groth said he ordered his men at this point. 'Give them a chance to come out!' This was the first of five such orders Groth said he gave during the fierce fire fight.

" 'I had men in both the front and rear of the apartment,' he said. 'I didn't want anyone getting hit in crossfire. But the words were barely out of my mouth before there was the whomp of a shotgun blast from the front bedroom, directly down the hall from the living room.

" 'They were firing blind because they didn't know where we were, so the charge slammed into a bathroom door almost directly across the hall.'

"Hanrahan also produced photographs of the inside of the bathroom door, showing how the shotgun pellets had slammed thru the wood. The prosecutor said that ballistics experts would testify during any court proceedings against the seven Panthers who survived the battle that the shotgun blast he claims opened the battle had in fact been fired from inside the apartment thru the door at police in the outer hallway."

In this recital, Officer Jones reported seeing a hand reach out of the rear (Hampton) bedroom and fire a shot ". . . with a revolver or automatic pistol . . ." at the kitchen where other officers were located. The detailed account by the officers concluded by describing how the remainder of the apartment was secured:

" 'It was just about then,' Sgt. Groth said, 'That I heard a voice call out from the front bedroom, "Shoot it out!" This was followed by two flashes from the same room I believe were from a shotgun.'

"At this point, police resumed firing and then minutes later, or perhaps only seconds, Groth said, he again ordered his men to cease fire and again called out to the Panthers, "Come out with your hands up!"

"At the rear of the apartment, Dective [Detective] Carmody jumped over a wooden door that formed a barricade between the kitchen and dining room as the Panther fire continued. Gorman covered him with submachine gun fire from the living room which he fired thru the connecting wall of the living room and front bedroom and down the hallway.

"Carmody fired one round from his .38 caliber revolver as he plunged past the rear bedroom doorway to shelter against a far wall of the dining room.

"Again, Sgt. Groth called out for surrender and a cease fire and this time, from the rear bedroom, Harold Bell, 23, of Rockford, emerged with his hands in the air. Broderick and Ciszewski, who by then had also jumped over the barricade into the dining room, grabbed Bell and took him to the kitchen where other detectives held him.

"But again, gunfire directed at police from the front bedroom broke out and Broderick and Ciszewski fired into both bedrooms from their vantage point in the dining room.

"Sgt. Groth called another cease fire and ordered the Panthers to surrender, he said. This time, a voice called from the rear bedroom, 'We're coming out. Don't shoot. We've got an injured man back here.'

"The[n] Louis Truelock, 39, of 1900 Jackson blvd., walked out with his hands up, accompanied by Miss Deborah Johnson, 18, of 2337 Monroe st. They, too, were hustled into the kitchen.

"Carmody ran into the rear bedroom to find a man, later identified as Hampton, lying face down on the bed with his head facing the bedroom door thru which repeated gunfire had been directed at police in the kitchen.

" 'He was lying with his arms hanging over the foot of the bed,' Carmody said. 'On the floor at his right hand was a .45 caliber automatic and at his left a shotgun. I could see he'd been hit, but I didn't know if he was alive or dead. All I knew was that that room was full of shotguns and rifles and ammo.

" 'So I grabbed him by a wrist and dragged him into the dining room, away from all those guns.'

"A moment later, as Ciszewski was throwing various weapons out of the back bedroom, he was wounded in his left calf, presumably by a slug fired thru the wall from the font [front] bedroom directly adjacent. He dived for safety in the kitchen.

"Meanwhile, while those in the rear of the flat were surrendering, Sgt. Groth again ordered a cease fire.

" 'I was virtually pleading with those in the front bedroom to come out,' he said. 'But again they fired so Broderick fired a shotgun five times into that room from the rear of the hallway. And I kept yelling for them to come out, but there was no response."

"Gorman approached the front bedroom door with his submachine gun in his hand.

" 'I slammed thru that doorway, firing a burst into an open closet I spotted out of the corner of my eye directly to the right inside the door,' Gorman said. 'I saw two beds with the forms of two people rising between them. One had what looked like a shotgun in his hands he was trying to raise clear of the bed.

" 'As he started to aim, I fired and the gun fell as he did. The second form kept rising in those few seconds and I fired again after I saw something that looked like a hand gun in the person's hand.'

"The first person wounded by Gorman proved to be Blair Anderson, 18, of 6943 Justine St. The shotgun he was holding was identified as one stolen from a Chicago police department squad last April 6 in the Chicago avenue police district.

"Examination of the weapon showed that a .45 caliber police bullet during the gun battle had penetrated the barrel of the shotgun just a few inches above the breech, jamming it with a live round in the chamber.

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"The second person wounded by Gorman was Miss Verlina Brewer, 17, of 125 W. 107th St.

"As Carmody plunged into the room to join Gorman, Miss Brewer and Anderson cried out, 'We give up!'

"Then police spotted a third Panther member in the room, Ronald Satchel, 19, of 2337 Monroe st., who also surrendered. He also had been wounded.

"In both bedrooms, police found large stores of arms and ammunition. In Hampton's back bedroom, four boxes of shotgun shells were found as well as shotguns, a rifle, and hand guns. Similar caches were in the front bedroom, some of it in a flight bag."

On the evening of December 11, a unique exposure of this detailed account occurred. Using a mock-up of the apartment built in the State's Attorney's Office, a 28-minute televised re-enactment was presented on WBBM–TV. In the re-enactment each officer acted out and described his part in the raid.[15] The essentials were the same as had been presented in the Tribune exclusive, except that in the re-enactment Officer Gorman described how he and Officer Davis, blocked from proceeding down the hallway by Panther gunfire, fired their weapons (a .45 caliber submachine gun and a .30 caliber carbine respectively) through the living room wall and into the bedroom area. According to a *Chicago Daily News* television columnist the following day, the re-enactment was given to WBBM with the provision that ". . . nearly the entire police version be broadcast without interruption." He also reported that "Other local TV stations reported they had been offered the same story possibility, but news directors there said they had refused to work under Hanrahan's restrictions."

The media controversy reached a new high on December 12 when the *Chicago Sun Times* exposed the fact that the pictures that accompanied the *Chicago Tribune* "exclusive" had been erroneously described. After visiting the apartment the *Chicago Sun Times* reporter claimed that the picture of bullet holes near the kitchen door was in fact of nail holes and that the photo purporting to show the bathroom door (proving that the Panthers had fired from the front bedroom) was in fact a picture of the door to the front (north) bedroom which had been struck by police bullets fired through the living room wall. The State's Attorney's Office and the *Chicago Tribune* both acknowledged the mistake, but no explanation of how it occurred was provided.

There was also a further development with respect to the use of polygraph tests. A front page headline in *Chicago Today* proclaimed "Hanrahan Lie Test Challenge to Panthers." The story quoted a press conference statement by the State's Attorney that he had refused a request by the officers to take lie detector tests ' ". . . for fear that granting it would suggest some doubt on our part.' "

Mr. Hanrahan was quoted as challenging the occupants to submit to such tests saying that if they did so permission would be granted for the officers to do likewise. (*Chicago Today* Dec. 11, 1969). The next day the same paper quoted Panther leader Rush as rejecting the "challenge" because " 'I wouldn't trust the people who would be administering the lie test. . . . And once they [the police] get you and lock you up in a room, they can get you to say anything they want you to say.' " Rush also repeated his earlier allegations of a planned police murder. He described how the police arrived in an unmarked truck full of machine guns and cordoned off the block. "Like buzzards waiting for the kill, they waited outside until the lights went off." Using " '. . . a detailed map of Hampton's apartment,' " Rush said, " 'Patrolmen Edward Carmody and John Ciszewski were to shoot Fred while a detail led by Sgt. Daniel Groth were taking care of business in the front.' " Rush concluded that murder indictments should be issued against Hanrahan, Richard Jalovec and Judge Collins. (*Chicago Today* Dec. 12, 1969).

Recapitulations and summaries of the various stories appeared almost daily in all of the Chicago papers. On December 16, Mayor Daley pledged full support for the upcoming inquest and Coroner Toman announced that a special "blue ribbon" coroner's jury of three black and three white citizens was being selected. (*Chicago Sun Times* Dec. 16, 1969).

Several days later Harvey Johnson, operating director of the Chicago Crime Commission was reported as having accompanied police on a second search of the apartment on December 17 and 18. The story quotes Johnson as saying that new evidence had been discovered supporting the police version in the form of bird shot pellets fired from within the apartment in the direction of the raiding officers. Johnson attributed the pellets to non-police weapons " '. . . because any policeman who used birdshot would be laughed out of the station.' "[16] The pellets were reportedly found in the north wall of the front (north) bedroom. A search failed to turn up the deer slug allegedly fired through the door. This story also reflected that Coroner Toman had sealed the premises on December 17, some two weeks after the incident. (*Chicago Tribune* Dec. 19, 1969).

On December 19, the *Daily Defender* again ran the Rush charges. In this story Rush not only claimed that Hampton and Clark had been murdered but that it was the product of a conspiracy ". . . in retaliation for the killing of two white policemen by Panthers in a recent shootout on the Southside." The story said Rush claimed that ". . . officer John Ciszewski, a member of Hanrahan's raiding squad is brother of policeman Charles Gilhouey [Gilhooly] who was killed in the Southside gun battle with Panthers."[17]

On the same day that the article appeared, several Chicago papers reported that the Justice Department would convene a special Grand Jury to investigate the controversial case after federal investigators had encountered a lack of cooperation. As announcement of a Grand Jury investigation was made, the IID investigation ended, and an independent inquiry had begun:

"Meanwhile, the police internal inspections division ended its investigation of possible misconduct by the state's attorney's raiders, only 9 days after it started. The raiders were found to have acted properly.

"A statement from Police Supt. James B. Conlisk said: 'The investigation has clearly established the following facts:

" '1. The police officers were acting pursuant to the lawful direction of a search warrant.

" '2. The police were subjected to deadly assault by firearms, which is a forcible felony, and exercised lawful means to overcome the assault.'

"An independent inquiry into the Dec. 4 raid by six black members of Congress is to open today at the Colonial House, 914 E. 79th St. The legislators will tour the death scene and hear testimony." (*Chicago Today* Dec. 20, 1969).

Another paper reported that the U.S. Commission on Civil Rights was also considering an independent investigation and would confer with the volunteer group of 28 prominent persons headed by Arthur Goldberg, former United Nations Ambassador. (*Chicago Daily News* Dec. 19, 1969).

Congressional investigators headed by Rep. Charles C. Diggs, Jr. (D.-Mich.) held an unofficial one day hearing during which many of the city's black community leaders testified. No eyewitness testimony was heard.

[First Assistant State's Attorney] Murray told the Congressmen he would not discuss the matter because it would be "inappropriate for our office" because it was the subject of legal inquiries and also because Saturday's hearing was "without any authority of Congress."

Appearing several hours later, defense counsel Kermit Coleman told the lawmakers:

"I don't want to discuss certain things about the case. I'm not trying to hide anything but I want to confine ourselves to discussing this thing without bringing up any evidence." (*Chicago Sun Times*, Dec. 21, 1969.)

Almost simultaneous to the opening of the investigation by the Grand Jury, the special Coroner's Jury impaneled to hear evidence and determine the cause of death of Hampton and Clark, convened on January 6, 1970. The action had been announced earlier but was delayed while a special coroner and six "blue ribbon" jurors were selected. Attorney Martin S. Gerber was named special coroner to preside and six prominent citizens, three black and three white were finally selected. Tight security was imposed at the hearing. The fourteen police officers testified and photographs and scientific evidence was presented. The surviving occupants of the apartment, all charged with various offenses in the incident, announced their intention to refuse to testify on advice of counsel. After 12 days of testimony, much of it summarized in daily press coverage, the Coroner's Jury returned its verdict of justifiable homicide " '. . . based solely and exclusively on the evidence presented.' " (*Chicago Today*, Jan. 22, 1970.)

Another controversial story broke just as this Grand Jury was convened on January 6, 1970. The Daily Defender announced that Hampton had been drugged before his death. Reporting on a press conference held by Bobby Rush the story said that a former state pathologist hired by Hampton's family had found a heavy dose of seconal present in Hampton's blood. " 'This was such a heavy dose,' Rush said, 'that Chairman Fred couldn't have gotten out of bed or engage in a shoot out . . . A pig agent must have given it to him . . . because Fred never used any drugs and J. Edgar Hoover (head of the FBI) has said he has infiltrators in the Black Panther Party.' "

C. The organization of the grand jury's investigation

When the Grand Jury considered its assignment to make an exhaustive inquiry into all the facts surrounding the incident of December 4, 1969, it was faced with a situation of intense public concern. A Coroner's Inquest was underway, a county grand jury had been convened, factual controversies were being argued in the daily press, the police version was well known, having been published both in print and on television, and, while the occupants refused to tell their story because of impending prosecutions, Panther spokesmen loudly insisted the physical evidence proved a political assassination.

Indeed, there were even competing autopsies that disagreed as to the direction of travel of the fatal bullets and whether Hampton was stupefied with drugs when he was shot.

In addition, the physical evidence was partly in the possession of police, partly in possession of Panther agents and, perhaps, partly remaining in the premises thru which thousands of sightseers had trooped in the two week interval before the apartment was sealed. No thorough and scientific, official search of the premises had been made.

The best methodology available to the Grand Jury, and the one adopted, was first

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to attempt to collect every possible item of physical evidence recoverable; second, to submit all of such evidence together with all weapons known to have been on the premises to the FBI Laboratory in Washington for definitive ballistics analyses; third, to have a scale model of the apartment constructed by the FBI exhibit section, showing, as nearly as possible, the location of all bullet holes and furniture; fourth, while this was being done, to try to resolve all issues not related to the scene, e.g. the conflicting autopsy reports and the Hampton drug question, and to hear any relevant testimony from neighborhood residents, collect and analyze all news accounts and copies of the television re-enactment; fifth, after being fully briefed on what the physical evidence showed and what it did not show, to hear testimony from each of the participants.

The Grand Jury recognized that because of the pending state prosecutions and their suspicion of any "establishment" proceeding, the survivors might be reluctant to testify. It was hoped, however, that they could be persuaded to reconsider since the principal focus of the proceeding was to determine if their civil rights had been violated.

This was the course taken. After appropriate court orders were entered, all of the weapons seized at the apartment, all of the police weapons carried that morning and all of the physical evidence in the possession of the Chicago Police Crime Laboratory was obtained and forwarded to Washington. After appropriate orders had been obtained from Chief Justice Powers of Cook County Circuit Court, attorneys for the surviving occupants produced all of the materials removed by them from the apartment. Several FBI agents spent approximately twenty-four days sifting through the considerable debris at the apartment and recovering other items of evidence. All of this material was turned over to the FBI for careful expert appraisal and reports.

The organization of the sections which follow essentially track the Grand Jury's investigation.

D. The State's attorney's police plan the raid

Under Illinois law the State's Attorney in each county is generally responsible for providing legal representation in all suits, actions, indictments and prosecutions, civil and criminal, in which the people of his county may be concerned and for certain other functions prescribed by law.[18] As the largest State's Attorney's Office in the state, Cook County has a professional staff of some 200 attorneys. The Cook County State's Attorney is Edward V. Hanrahan, elected to a four year term in 1968 after resigning as United States Attorney, Northern District of Illinois.

In addition to the professional staff, the Cook County State's Attorney's Office also includes 10 to 12 investigators and a special force of police officers drawn principally from the Chicago Police Department, with a few also furnished by the Cook County Sheriff's Office. This arrangement was established a number of years ago by agreement among the law enforcement agencies and is not required by law. The State's Attorney's Police have various responsibilities, including assisting attorneys in preparing for trials, obtaining prosecutive evidence for grand juries and trials, providing security for witnesses and service of process.

There are a total of 116 officers serving as State's Attorney's Police. The chief of this regular contingent of State's Attorney's Police is Chief Charles G. Ward, a former Regional Director of the Federal Narcotics Bureau. Most of these men are on detached service, i.e. although they are still Chicago Police officers they have been relieved from their regular duties and work directly for the State's Attorney. Because of the State's Attorney's county-wide jurisdiction, most of the State's Attorney's Office police officers have been sworn in as deputy sheriffs so they can exercise authority outside of the limits of Chicago.[19]

One of the special units of the State's Attorney's Police is called the Special Prosecutions Unit. This unit, formed in February 1969, consists of five Assistant State's Attorneys assisted by two teams of State's Attorney's Police. The first team is made up of nine men on the regular detached service, under Sgt. Cagney. The second team of nine men was formed in June of 1969. The men were screened and selected from the Chicago Police Department by the Assistant State's Attorney in charge of the unit, Richard S. Jalovec. These men have been detailed to the State's Attorney's Office, but are still carried on the roster of one of the regular Chicago police districts. The officer in charge of this group is Sgt. Daniel Groth, a twelve-year veteran of the Chicago Police.[20]

The function of the Special Prosecutions Unit is to handle special problems and prosecutions dealing with youth gangs and to advise and assist in mass arrests and resulting prosecutions. The regular team, i.e. those on detached service, are included in the regular State's Attorney's Office police organization under Chief Ward. The group of officers under Sgt. Groth are not part of the regular contingent and report only to Assistant State's Attorney Jalovec and State's Attorney Hanrahan. Since they are "detailed" (rather than detached) from the Chicago Police, their jurisdiction is only in the city.[21]

Assistant State's Attorney Jalovec stated that he had personally supervised the selection process of Sgt. Groth's team of officers after soliciting suggested names from a number of other attorneys in the office.[22] The group was designed to provide a cross section of experience and expertise and includes officers from the Gang Intelligence Unit, Robbery, Homicide, Youth Division. In the course of the selection, Jalovec requested the disciplinary records of each officer from the Internal Inspections Division (IID), and was advised that only one, James Davis, had a rather minor charge against him sustained. He neither sought nor received the records of all charges filed against the officers which had been classed by IID as unfounded or not sustained.[23]

Consistent with its established policy of cooperation with state and local law enforcement agencies, the Federal Bureau of Investigation advises all effected agencies of information that may be relevant to law enforcement problems. On November 21, an agent of the FBI obtained information from a confidential source that the Chicago Black Panther Party had a stockpile of weapons and ammunitions at 2337 West Monroe Street, Chicago. According to the FBI's information, the stockpile included 5 carbines with 50,000 rounds of ammunition, 3 gas masks, 3 smoke bombs, 5 Ithaca riot shotguns plus ammunition 4 .38 caliber handguns plus ammunition and one .357 magnum plus ammunition. The Bureau information also set forth a list of seven persons most frequently at the apartment which included: Fred Hampton, Ronald Satchel, Louis Truelock and Deborah Johnson. Finally, the information received indicated that the weapons involved had been purchased by female Panthers who had no police records. The available descriptions did not indicate a violation of federal gun laws.[24]

This information was promptly forwarded to the Chicago Police Department. Because of the Bureau's understanding that the Special Prosecutions Unit of the State's Attorney's Office would also be concerned about such information—both because of the potential relationship to its youth gang activities and because the State's Attorney would have to authorize any potential search warrant—Assistant State's Attorney Jalovec was also given this information. Mr. Jalovec did not discuss this information with anyone and did not request a search warrant.[25]

On November 23, 1969, the FBI obtained additional information to the effect that the weapons had been removed from the premises, allegedly because the Panthers had found out a police raid had been planned for November 25. The FBI agent in charge immediately called the Director of the Chicago Police Intelligence Division who confirmed that such a raid had been planned and that it would be cancelled.[26]

On December 1, the FBI received information that some of the subject weapons had been returned to 2337 West Monroe. This information was again relayed to the Chicago Police Department and to Assistant State's Attorney Jalovec. A Bureau agent reconfirmed this with Jalovec on December 2 and at that time reviewed the original information on the type of weapons and the persons frequently seen there.[27]

Also, on December 2, Sergeant Groth obtained information from a different confidential informant, who he said had supplied accurate information to him in the past, that there were a number of weapons collected at 2337 West Monroe. The weapons allegedly in the first floor apartment consisted of three sawed-off shotguns with barrels about 12 inches long, three stolen Chicago Police Department riot shotguns, an unspecified number of rifles and handguns and 45 or 50 thousand rounds of ammunition.[28]

The weapons described to Sgt. Groth included two categories of illegal guns, the stolen police weapons and the sawed-off shotguns. No information was received as to whether the other guns were properly registered.[29]

On the way to work on the morning of December 3, Sgt. Groth drove by the address and inspected the neighborhood for about 20 minutes. He then proceeded to his office where he advised Mr. Jalovec of his information. Jalovec told Groth that he, too, had received information relating to weapons at this location. Jalovec did not disclose the source of his information to Groth, but did advise him that his information was that there were sawed-off shotguns and other weapons on the premises and that Fred Hampton was one of the persons frequently seen there.[30] Neither Groth nor Jalovec advised the FBI or the Chicago Police of the information Groth had received.[31]

It should be noted that Assistant State's Attorney Jalovec had not been advised by the FBI that "sawed-off shotguns" were present in the apartment. Rather the agent told him that three Ithaca riot shotguns were present. Jalovec interpreted the term "riot shotgun" as synonymous with "sawed-off shotgun" and therefore felt that his information confirmed that obtained by Sgt. Groth. In point of fact an Ithaca riot shotgun has a barrel length in excess of 18 inches and is therefore not illegal.[32]

After comparing their information, Sgt. Groth and Assistant State's Attorney Jalovec discussed the possibility of obtaining a search warrant for the seizure of the weapons. They determined that they had sufficient evidence to establish probable cause. Mr. Jalovec prepared a search warrant and Sgt. Groth began to plan the mission.[33]

At the Coroner's Inquest, Sgt. Groth stated that his informant had advised that on Monday, Wednesday and Friday the occupants of the apartment would all be out of the premises attending a political orientation class at 8:00 p.m. which was suggested as an appropriate time for a raid. However, before this Grand Jury, Sgt. Groth stated this information had been supplied by Mr.

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Jalovec and that his prior testimony was in error.[34]

In any event, Sgt. Groth conferred with several of the other experienced officers in his unit at lunch on December 3, and it was agreed that a raid should not be planned for 8:00 p.m., but for an early morning hour to achieve the maximum surprise and minimum potential for neighborhood interference. There was also discussion that the 8:00 p.m. suggestion could be a trap.[35]

Also, during the day, Sgt. Groth dispatched Officers Kelly and Davis to observe the premises in private cars, obtain a description of the building and the neighborhood, and prepare a sketch of relevant items. Sergeant Groth determined that he would need some additional men for the raid and discussed with Sgt. Cagney the availability of some of his men. He then contacted five of these officers individually and advised each to be prepared to go out to execute a search warrant for illegal weapons. The five men from Sgt. Cagney's squad were Officers Broderick, Gorman, Hughes, Harris and Corbett. For security reasons Sgt. Groth did not advise any of his men or those recruited of the site of the raid or that it involved Black Panther arms. Sgt. Groth stated that the police department was not notified of the plan because he feared there could be a leak to the Panthers.[36]

Later that afternoon Mr. Jalovec completed the preparation of the complaint for a search warrant and the form for the warrant. Based on his concept that riot guns were illegal sawed-off shotguns, the complaint included the information supplied to him by the F.B.I.[37] The complaint requests that a search warrant be issued to search the premises at 2337 W. Monroe, first floor apartment for "sawed-off shotguns and other illegal weapons" which had been used in or constitute evidence of the offense of "Unlawful Use of Weapons." The recitation of probable cause is as follows:

"A reliable informant, who has furnished reliable information to affiant on several past occasions which has led to the confiscation of 2 sawed-off shotguns in two separate raids, and has provided information that has led to several convictions, informed the affiant Daniel Groth that on December 2, 1969, he had occasion to enter the above described premises at 2337 W. Monroe 1st floor apartment. During this visit, he observed numerous weapons, including three sawed-off shotguns, whose barrels appeared to be approximately 12 inches in length. Along with these weapons he observed numerous rounds of ammunition. When he left the premises the above described sawed-off shotguns were still there. Independently of this above information, Daniel Groth was informed by ASA Richard S. Jalovec that on December 2, 1969, Jalovec had a conversation with a reliable informant who also stated that sawed-off shotguns and other weapons were being stored in the first floor apartment at 2337 W. Monroe, Chicago, Ill. This informant, according to Jalovec, has provided information in the past which has led to the arrest and indictment of numerous individuals." [38]

Sergeant Groth then signed the sworn complaint before Circuit Judge Robert Collins with whom Mr. Jalovec had made an appointment. Mr. Jalovec had first called Circuit Judge Frank Delaney who was unavailable. Judge Collins reviewed the information in the complaint and signed the warrant late on the afternoon of December 3.[39]

Some of the men who had been alerted by Sgt. Groth drew heavy weapons from the State's Attorney Police arsenal. Sergeant Delaney, who is in charge of weapons, issued a Thompson submachine gun and 110 rounds of ammunition to Detective Gorman and three 12 gauge shotguns to Officers Corbett and Broderick, who were to give the extra weapon to one of the other officers. Sgt. Delaney also issued them 25 rounds of Number 8 bird shot and 15 rounds of double ought buck shot.[40]

Sgt. Groth testified that he first found out Officer Gorman was bringing a submachine gun about 5:00 or 5:30 p.m. on December 3, after the weapon was checked out, and that he had never been on a prior raid where such a weapon was carried. Sgt. Groth could not recall specifically whether he or Gorman suggested bringing it, but did not believe it was his (Groth's) idea.[41]

Assistant State's Attorney Jalovec recalled going over the basic plan and suggesting to Sgt. Groth that he should take more men along because in Jalovec's opinion 14 was insufficient. Mr. Jalovec based this on his knowledge that the Chicago Police use 50 to 100 men in similar situations because "you never know what is going to happen." [42] However, Sgt. Groth could recall no such conversation and doubted that he had been so advised by Jalovec. In any event, he would not have changed his plan because "He is a lawyer; I am a policeman." [43] Mr. Jalovec agreed "in retrospect" that 14 men were sufficient and probably better because "you didn't have people stepping over each other and running into each other." [44]

Sgt. Groth advised each of the participating officers either before they left the office or telephonically at their homes that the raid would not be conducted that evening but all would report to the State's Attorney's Office at 4:00 a.m., December 4. Sgt. Groth drew up a written plan for the raid at his home on the night of December 3.[45]

The plan called for Sgt. Groth and Officers Jones, Davis, Gorman and Hughes to go in the front door of the apartment and Officers Carmody, Ciszewski, Joseph and Kelly to remain at the rear door. Corbett and Broderick would secure the outer rear of the premises and Marusich, Harris and Howard the outer front. Marusich and Corbett would each have a walkie-talkie outside and Ciszewski would carry one inside. The written plan concluded "Entire raid could be a trap, so be very careful." Sgt. Groth said this was put in the plan to emphasize the danger because of his understanding that Panthers frequently had someone on watch around the clock.[46]

In preparing for and planning the raid, Sgt. Groth did not order a surveillance of the premises on the night of the third to determine whether the apartment was occupied or to observe persons arriving or leaving. Neither did he endeavor to ascertain by surveillance or otherwise whether Fred Hampton would be there, notwithstanding the fact that Mr. Jalovec had indicated Hampton was seen frequently at the apartment and Groth knew him to be a convicted felon under indictment for a violent crime.[47]

Sgt. Groth did not consider the use of portable sound equipment or the device previously used by the FBI of calling the apartment on the phone to advise the occupants that the police had the place surrounded. Sgt. Groth believed strongly that the latter device would have been a bad idea. Sgt. Groth's plan did not contemplate the use of tear gas or portable lighting equipment.[48]

Assistant State's Attorney Jalovec met with State's Attorney Hanrahan about 5:00 p.m. on the evening of December 3 about several other matters and mentioned that his men were serving a warrant for Panther guns in the morning. Mr. Jalovec viewed the raid as "a normal thing" and would probably not have mentioned it to his superior had it not been for having several other matters to discuss.[49]

At 4:00 a.m. on December 4, Sgt. Groth briefed the 13 assembled officers and for the first time told them the location of the raid and that Panther arms were involved. He did not believe the information that Hampton would possibly be in the apartment was relevant to the plan and did not so advise the men.[50] Detective Gorman was the only officer who had prior dealings with Hampton, having worked on the torture and kidnapping case. Gorman testified that he considered Hampton "dangerous," that he would have been more concerned for his personal safety had he known of Hampton's potential presence and that he would have carried more ammunition with him.[51]

Sgt. Groth outlined the basic plan as set forth in his prepared order. Sgt. Groth had not told the men how to arm themselves for the operation but did see that several had brought personal weapons and indicated he had no objection to their being carried. Sgt. Groth believes this is substantial compliance with the Chicago Police regulation prohibiting officers from carrying personal weapons except at the direction of their superiors.[52]

The following table reflects the officers' armament for the raid:

Officer	Revolvers	Personal rifles and shotguns	Heavy weapons issued
Broderick, Raymond	(1) .38 caliber		(1) Remington Wingmaster 12 gauge shotgun.
Carmody, Edward	(1) .38 caliber		
Ciszewski, John	(1) .38 caliber	(1) Hi-Standard K-1200 12 gauge Shotgun.	
Corbett, William	(1) .38 caliber		(1) Remington Wingmaster 12 gauge shotgun.
Davis, James	(1 or 2) .38 caliber	(1) .30 caliber carbine	
Gorman, Joseph	(1) .357 caliber		(1) .45 caliber Thompson submachine gun.
Groth, Daniel	(2) .38 caliber		
Harris, Lynwood	(1) .38 caliber		
Howard, Fred	(2) .38 caliber		
Hughes, Robert	(2) .38 caliber		
Jones, George	(2) .38 caliber	(1) Sawed-off 12 gauge [19½"] double-barreled shotgun.	
Joseph, Philip	(2) .38 caliber		
Kelly, William	(1) .38 caliber		(1) Remington Wingmaster 12 gauge shotgun.
Marusich, John	(2) .38 caliber		

Sgt. Groth did not have any special plan for dealing with the possibility of resistance. However, he did emphasize, as he says he always does, that officers should not use their weapons indiscriminately: "This has been my criteria ever since I have been a sergeant, don't shoot, don't shoot, don't shoot." [53]

After the briefing, the 14 State's Attorney's Police left the office in three cars and an unmarked panel truck and proceeded directly to the scene.[54]

E. Security of the premises

One of this Grand Jury's first acts was to apply for an order of the Federal District Court calling for sequestration of the premises to take effect whenever the coroner's seal placed on the apartment December 17, 1969, was removed. Such an order was issued on

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Footnotes at end of speech.

January 7, 1970, and thereafter the premises were in the official custody of the U.S. Marshals. The premises were boarded and locked and a deputy marshal and a Chicago police officer remained at the front and back of the apartment twenty-four hours a day during the investigation.

One of the interim matters which the Grand Jury took up was the question of why the raided premises were not sealed or otherwise made secure until December 17, almost two weeks after the incident. During those two weeks, beginning on the morning of the incident, Black Panther guides conducted tours for newsmen, neighborhood residents, students and the idly curious. The guides' explanation included allegations that Hampton was killed in his sleep; that after the shooting began he rolled over and protected Deborah Johnson, giving his life to save hers; that he was shot through the door; that he was shot through the window; that the patterns of bullet holes showed the police had done all the firing; and that pictures published in the press supporting the charge that Panthers had fired were fraudulent and in furtherance of the police conspiracy.[55] Detailed accounts of these various allegations were presented on television and in the press.

The thrust of the Grand Jury's inquiry on this point was to determine whether sound law enforcement procedures required the premises to be secured, if so, whose responsibility it was to safeguard the apartment, and why it was not done for two weeks.

After the shooting stopped, the first priority, according to the State's Attorney's Police, was to remove the dead, the wounded and those under arrest. Various squadrons responding to the call for assistance arrived almost immediately after the shooting. The second priority, according to the officers, was to complete their search for weapons and ammunition and to recover all the physical evidence. According to the officers, it was decided that the job of gathering evidence could best be performed by a Mobile Unit from the Police Crime Laboratory, although the State's Attorney's Police did collect a number of spent cartridges and other items.[56] This material was placed with the weapons found in the apartment on a mattress in the living room. From there it was put in the State's Attorney's Police truck and transported to their headquarters.

A few minutes after the shooting ceased, Deputy Superintendent Merle Nygren arrived on the scene. During the night shift Deputy Superintendent Nygren represents and has all the authority of the Superintendent. Superintendent Nygren explained that he arrived at the premises about six or seven minutes after hearing the call for assistance on his radio. The shooting was over when he arrived. He was met by Sgt. Groth who explained that when the officers sought entrance they were fired upon through the door by a girl in the living room, the shotgun deer slug going through the living room door and narrowly missing the officers there. After a brief stay of 20–30 minutes, during which he made sure the wounded were cared for, ordered the wounded officers to the hospital and requested the Mobile Crime Lab Unit to come to the scene, Superintendent Nygren left. As he left he talked briefly with the 13th District Watch Commander and Field Lieutenant about securing the premises. He specifically instructed the Field Lieutenant to place two uniformed officers at the front door and two at the back door ". . . until the investigation was completed, and in fact until they were notified by the State's Attorney's Office that the detail would no longer be required." Superintendent Nygren testified that officers were stationed in front and back according to his order. His view of the police responsibility was to maintain security of the premises to the extent necessary to complete the investigation which in this instance was being handled by the State's Attorney's Office.[57]

The Watch Commander testified that when he was relieved at 6:20 a.m., he told his replacement of the shootout and that 13th District Units were stationed in the front and the rear.[58] One of the officers who was stationed at the front door testified that he was told to secure the front door and "Keep out all unauthorized personnel." He continued on this assignment until relieved at 7:30 a.m. The relief was announced by an unknown member of the day watch from the 13th District. Shortly after 7:30 a.m. the officer explained:

"Well, this patrolman who came by in his squad car, the day watch, informed us that there had been a radio broadcast that we were to be relieved at 0730 hours, which it was past that time then, so we just left the scene."[59]

Apparently, the apartment was taken over by representatives of the Black Panthers shortly thereafter. Attorney Francis Andrew testified that he was called to the premises at approximately 6:00 or 6:30 a.m. When he arrived there were no police present and the only person in the apartment was one member of the Panther Party.[60]

The State's Attorney's Police cannot fix the time of their departure but all agree they were not there very long. While Superintendent Nygren was speaking with Sgt. Groth, one of the officers, Detective Gorman, called the office and spoke with Assistant State's Attorney Jalovec. He inquired, first, what disposition should be made of the weapons and Jalovec directed they be brought to the office to be inventoried. Second, Gorman asked what should be done with the apartment because of his assumption that "... our office would send a State's Attorney over and start the investigation right there." However, Jalovec said no one would come out and directed ". . . you better get out of there before there's a riot."[61]

The early departure is also confirmed by the testimony of the sergeant who led the Mobile Crime Lab team. He estimated he arrived at the scene about 5:15 a.m. and his notes indicated that he was at the morgue taking pictures of Hampton and Clark at 7:00 a.m. Since it takes 10 to 15 minutes to drive to the morgue, the laboratory team must have left no later than 6:45 or 6:50 a.m.[62]

Grand Jury investigators monitored police tape recordings of all bands carrying radio traffic which could be heard by squad cars assigned to the 13th District. During the time immediately before and after 7:30 a.m. there was no broadcast discovered which ordered the relief of 13th District officers from the front and back door of the scene.[63]

The premises were ultimately sealed on December 17, after State's Attorney's Police revisited the premises to attempt to recover further evidence. At this time, a Coroner's seal was placed on the apartment. According to the papers at the time, the Coroner did not realize the premises were not sealed until he read newspaper accounts that so indicated.[64] The testimony relating to the use of Coroner's seals and the responsibility for affixing them is confusing and inconsistent.

Superintendent Nygren's understanding of the purpose of a Coroner's seal was that it was to be placed on premises where someone is found dead and there is a need to protect the premises so that the public administrator could inventory the assets and belongings of a decedent. In his 29 years with the Chicago Police, this case was the first where he had known of a Coroner's seal being used to protect premises for law enforcement purposes. Obtaining and preserving evidence, according to Nygren, is a proper police function unrelated to the Coroner's duties.[65]

However, the Chief Deputy Coroner had a significantly different impression. He testified that the first notice the Coroner's Office had of this incident was when the bodies of Hampton and Clark were brought to the morgue at 6:00 a.m. on December 4. While the normal procedure is for police to call in from the scene of a violent death before moving the bodies, there is no record of this being done here. Had it been done, the normal practice would have been not to remove the bodies until a Coroner's investigator reached the scene. This would normally be a Deputy Coroner who would get information for the Coroner's Office and for the inquest. No photographs or other investigation is normally conducted.[66] With respect to sealing the premises, the Chief Deputy Coroner said that even after notification of a violent death, the Coroner's Office has no responsibility for sealing the premises. The seal in this case was affixed in connection with the special inquest. The Chief Deputy explained the responsibility for sealing it earlier was with the police:

"Well, the usual procedure in these cases is the Coroner's Office furnishes seals to members of the Police Department, in case they want to seal up a place where death occurs.

"It is up to the Police Department to seal the place, if they so desire.

"In this case, they made their raid and in their opinion, I guess they didn't think it was necessary to seal it."[67]

Another view was expressed by the 13th District Watch Commander. He testified as to this practice in affixing coroner's seals:

"Well, if there has been a death—usually it is just one room, I think, they would put a coroner's seal on a place.

"But here, there were, I guess, six or eight people living there. I think the reason the seal was not put on was because they anticipated that some of them would make bond and come back there to live. I mean, that's just my way of thinking."[68]

Thus, the various civil authorities which could have sealed the premises while a detailed and thorough examination was made all declined responsibility for the failure to seal. Sgt. Groth testified that he left the premises in the custody of the Mobile Crime Lab Unit and the 13th District between 5:20 and 5:30 a.m. on December 4.[69] He felt the premises were secured when he left, and testified that he had not ". . . the slightest idea" why the premises were left unguarded.[70] He had received the impression that the premises would be secured.[71] Superintendent Conlisk testified that a detail of men was routinely assigned by Assistant Deputy Superintendent Nygren to secure the premises, but that detail was ordered removed by the State's Attorney's Office.[72] No trace of the source of such an order, nor of the means of transmittal, had been found at the time he testified.[73]

Assistant State's Attorney Jalovec testified that sealing such premises is not ordinarily done, but that in hindsight, it would have been a good idea to seal the premises off.[74] State's Attorney Hanrahan testified there was "absolutely no order" from his office to relieve the police guards.[75]

The Grand Jury is unable to conclude who failed to seal the premises.

Assistant State's Attorney Jalovec, who had reportedly advised Gorman that the officers should leave to prevent a disorder, gave this response when asked why the premises were not sealed:

"Well, first of all, it wouldn't have been—maybe it would have been my decision—I don't know—again, I don't take part in the day-to-day police work, but I do know, in subsequently talking to Commander Flannigan, the head of Homicide, when we talked about sealing the apartment—and he has been head of Homicide in Chicago for 20 years—he said he doesn't know of one instance where an apartment was sealed.

Footnotes at end of speech.

"Now, in view of all the publicity and everything that happened, it is very easy to look back and say this should have been sealed right away.

"But at the time, as I say, when they got back, they were really in shock, they had come through a gun battle, they didn't know that the individual known as Hampton was one of those involved, they wanted to clear out of the neighborhood as soon as they could, because the neighborhood is just a block away from Panther headquarters there on Madison, and there were many instances of shooting from the headquarters at police there.

"So, in retrospect, it is easy for me, too, to say this should have been sealed off, it is something that is not normally done and was not done that morning.

* * * * *

"I believe that the police just left and took the individuals with them, took all the guns with them, picked up many empty shells and casings, and that was it." [76]

F. State's attorney's police and the Chicago Police Department Crime Laboratory search the scene and process the evidence

When this Grand Jury undertook to collect all of the physical evidence for laboratory analysis by the FBI, it discovered that only some of the ballistics evidence, principally seized weapons and ammunition and some projectiles and expended cartridges, was in the possession of the State's Attorney's Police and Police Crime Lab. The balance was found to be either in the control of attorneys for the survivors or still at the premises. Therefore, the Grand Jury undertook to establish whether the law enforcement agencies involved had conducted a complete and proper examination of the scene and had processed the evidence collected in a professional manner. A review of the evidence developed on this point follows:

Almost immediately after the shooting was over, various units of the Chicago Police Department responding to the 10–1 signal for police emergency, began to arrive at the apartment. Some of these men were directed to remove and transport the dead and wounded and to take the uninjured survivors to the 13th District. While this activity was underway, the State's Attorney's Police searched for weapons and evidence.[77]

It should be pointed out that the flat is small, and is divided into six rooms connected by a hallway. A diagram of the apartment is attached as an appendix to this report. Besides the normal complement of furniture, there were a number of extra beds and mattresses and a large quantity of miscellaneous material stored in the apartment both loose and in boxes. One of the slugs had hit a gallon of paint in a closet and the paint was being tracked back and forth. In addition to the two dead and seven live occupants and the fourteen State's Attorney's Police, uniformed officers and supervisors were coming in and out to carry out their functions and just to see what had happened. All agree that the apartment was in a shambles and the official traffic was very congested.[78]

The State's Attorney's Police conducted their search in this crowded and confused atmosphere. The search does not appear to have been very systematic or controlled. Detective Gorman tells of being so keyed up from the shooting that as he attempted to lift a mattress and box spring to search under it, he threw it upside down on top of adjacent furniture.[79]

As the officers found weapons and other potential evidence, they brought it into the living room and piled it on a mattress on the floor. Although Sgt. Groth gave no specific orders concerning the search, a system evolved whereby one or two officers remained in the living room and emptied each weapon as it was brought in. Some empty cartridge casings and loose ammunition were placed, unmarked, in a box adjacent to the mattress.[80] Some of the officers put expended cartridges from their own weapons into the box, but others threw their shells away at home when the weapons were emptied.[81]

The Task Force of the Chicago Police Department maintains men on duty around the clock. Some are specially trained as evidence technicians and respond to the scene of serious crimes to collect and preserve evidence. One such technician, on a routine assignment, on receiving first a transmission that a search warrant would be served at 2337 West Monroe, and a few minutes later that police assistance was needed there, proceeded to respond to that address. As he approached the apartment, he overheard some uniformed patrolmen discussing the incident. One of them said that Fred Hampton had been shot.[82]

As the technician approached the door of the flat, another officer whom he knew requested that he get his camera and go inside to begin taking pictures. Inside, he found the place was very crowded. As the technician was assembling his equipment, he was approached by a plainclothes officer, apparently one of Sgt. Groth's men, who told him "They shot through the back door and we want a picture of the hole in the back door." He was shown to the back door which was slightly open with a sheet hanging over the inside and directed to take a picture of a hole in the sheet as it was draped over the door, which he did. He did not move the sheet nor examine or photograph the covered portion of the door.[83]

Next, the technician was directed by another plainclothes officer to photograph a living room wall which contained several news clippings relating to reports of police officers being shot by Panthers. He was also directed to photograph a disassembled weapon on a dresser in the living room. Without instructions to do so he then photographed the body lying between the dining room and south bedroom. This body had been identified to him by various plainclothes officers as that of Fred Hampton.[84] The technician says that although he saw the body in the living room, it was removed before he got a chance to photograph it.[85] (However, this testimony is directly contradicted by Sgt. Groth who says he instructed the technician to take photographs of Clark's body, watched while he took two or three of them and was later told by the Crime Lab that they did not turn out.[86]) The technician took one more picture, one of the north bedroom, and was then relieved by a sergeant from the Crime Lab Mobile Unit who said his unit would complete the investigation. Although the preservation of fingerprints and the tagging of weapons and evidence are included in the duties of an evidence technician, he was not asked to perform such functions.[87] In fact, none of the weapons or other evidence picked up by the State's Attorney's Police were tagged or marked as to where and by whom found nor were any possible fingerprints preserved or taken.[88]

The participating officers from the State's Attorney's Office were relieved to see the mobile team from the Crime Laboratory on the scene. As one of them put it:

"I was relieved, because I felt they were going to make their plats and get the bullet holes, and pick up. I don't recall picking up a shell off the floor. My legs were aching. I don't know if I picked a shell off the floor.[89]

Accordingly, shortly after the Crime Lab team arrived, the State's Attorney's Police put the weapons and other evidence they had recovered in the truck,[90] still without tagging or noting the recovery information, and returned to the office.[91] Before leaving, Sgt. Groth gave the Crime Lab team leader a description of what happened and this single instruction: "I told him to look for evidence of shots on this [west] side of the apartment." [92]

The supervising sergeant of the Mobile Crime Lab team stated that his general responsibility was ". . . to photograph the scene as we find it, draw a rough sketch, search for and recover whatever evidence is available, mark it and transport it to the Crime Laboratory".[93] His team arrived about 5:15 a.m.[94] The sergeant acknowledged that in executing these responsibilities, his team was basically focused on identifying shots fired at the officers. Accordingly, the sergeant was first shown the living room door, which he inspected and had photographed. There was one clearly visible hole almost an inch in diameter with powder tatooing on the inside. Apparent above this hole on both sides of the door there was another damaged spot. The sergeant did not believe that it was all the way through, although he did not probe it nor did he form an opinion as to its cause.[95] On viewing an enlargement of a photograph, the sergeant agreed that the damage could have been caused by the passage of a bullet through the plywood panel at an angle leaving no clear hole because the outer layer of the panel snapped back into place.[96] Neither the door or the panel were removed for testing.

The sergeant next noted a hole in the southwest corner of the hallway outside the living room door. He found nothing in the hole and was unable to trace it because the upstairs occupants did not respond to his knock.[97]

Returning to the living room the sergeant noted a hole high in the northwest corner. Nothing was recovered from this, the hole was not then probed, nor was a notation of it made in the field notes compiled by the team.[98] Also in the living room the sergeant observed many holes in the south wall. They were examined and appeared to be through and through holes confirming the story of firing through the wall as related by the officers. Although a minority of the holes were not readily identifiable as entry or exit holes, the mobile team's notes do not indicate which ones were ambiguous.[99]

Beneath a dresser on the west wall of the living room the sergeant recovered two spent 12 gauge Remington and Peters casings and one spent .45 caliber casing. These were placed in an evidence envelope and taken to the Crime Lab where the two shotgun shells were subsequently identified as having been fired from a seized weapon.[100] Nothing else was obtained by the Crime Lab from the living room, although subsequently other searchers obtained seven additional bullets and casings from this room.[101] Although a Crime Lab picture taken at the time showed a bullet hole on the southeast wall of the living room, the Crime Lab office did not see this hole.[102] The team also missed this hole on their later examination.[103]

In the north bedroom the laboratory team noted holes in the north wall and some corresponding holes in the bedroom door when that door was placed in an open position. However, the sergeant's report of this examination incorrectly states:

"Examination of the door to the front bedroom showed what appeared to be shots fired from in the bedroom out to the hall." [104]

Although he had discovered this error by viewing pictures on December 5, no correction to this report and been made at the time of his testimony (Feb. 25, 1970) and the sergeant had not advised his superiors of the error.[105]

The mobile team recovered no projectiles or shell casings from the north bedroom although twenty-seven projectiles and six casings were later found in that room. Other than two apparent shotgun blasts on the north wall that were ambiguous and which were not probed to determine the angle of fire, the mobile team found no indication

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Footnotes at end of speech.

that shots had been fired out of this room by the occupants. Their report does not indicate this fact.[106]

In the dining room the team noted an apparent shotgun pattern high on the east wall and recovered two spent 12 gauge casings. The team did not note one bullet, three shells and two unfired bullets recovered later in that room.[107]

In the south bedroom the team noted a number of through and through holes in the north wall, four shotgun patterns in the east wall, a hole in the eastern window frame and a number of holes in the south wall. They recovered the base of a 12 gauge casing and two spent bullets on the floor near the south wall. They also noted and probed with fingers some holes in the mattress with negative results. The team found no evidence of shots being fired from this room.[108]

In the kitchen, the team found no shells, projectiles, or bullet holes. They examined a sheet hanging over the back door. Although the sheet had a hole in it, it could not be identified as a bullet hole nor were there any marks on the wall or door behind the sheet. Neither the sheet nor any portion thereof was removed for laboratory analysis of any residue near the hole. The team did not examine the porch, the steps leading upstairs past the kitchen window or the adjacent wall of the next building for possible bullet marks.[109]

In summary, the sergeant testified that his crime scene investigation, which lasted a maximum of 90-95 minutes, revealed evidence of the three shots that could possibly have been fired by the occupants: the deer slug hole in the living room door; and the two shotgun patterns in the middle of the north wall of the north bedroom on which the angle of fire had not been ascertained.

At the request of an Assistant State's Attorney, the sergeant and his team returned to the premises on December 17 and 18, accompanied by members of the Illinois Crime Commission, to attempt to recover the deer slug which had penetrated the stairwell to the second floor and to recover any other projectiles from the walls. On those days, the team did not locate the deer slug; it found and removed some wadding, buck shot and eight projectiles. The team also removed some buck shot from a tarpaper-covered porch on the adjacent premises.[110]

The following chart shows the ballistically identifiable evidence (projectiles and casings but not wads, shotgun pellets or fragments too small to identify) obtained by the Grand Jury from all sources and suggests the thoroughness of each search:

Items recovered

State's attorney's police, Dec. 4, 1969	62
Crime lab unit, Dec. 4, 1969	7
Survivors' attorney, Dec. 4, 1969 and Dec. 17, 1969	43
Crime lab unit, Dec. 17, 1969 and Dec. 18, 1969	8
FBI, Dec. 22, 1969 to Dec. 23, 1969, Dec. 29, 1969 to Dec. 31, 1969, Jan. 5, 1970 to Jan. 21, 1970, Feb. 9, 1970 to Feb. 13, 1970, and Mar. 8, 1970	30
Other,[1] Feb. 1970	1
Total	151

[1] Removed from leg of Verlina Brewer.

There were no fingerprints taken from the seized weapons at the time they were obtained and because of repeated handling none were subsequently available.

The joint crime scene search by the three branches of local law enforcement—the State's Attorney Police, the duty evidence technician from the Task Force and the Mobile Unit from the Crime Lab, was conducted in a crowded situation in a high crime area under considerable pressure to get the job done. However, any crime scene investigation which uncovers barely half of the relevant evidence must be seriously questioned. The explanation for the limited work done by the Crime Lab team is clear. The sergeant in charge agreed that the crime scene investigation was conducted, not to obtain all the available evidence, but, to try to establish the authenticity of the account given by the raiding officers. In response to a jurors question the sergeant defended the scope of his inquiry in this way:

"I believe it was done efficiently enough, ma'am. I felt at the time that the occupants of that apartment attempted to take the lives of the officers attempting to serve a legal search warrant. They met resistance. The Illinois State Statute states that being an arrest, legal or illegal, you are not [to] resist it.

"Further facts that were uncovered in this case was that weapons had been recovered from this apartment, stolen Chicago Police Department shotgun, illegal sawed-off shotguns, I believe that the scene was adequately covered, yes, ma'am." [111]

Superintendent of Police, James B. Conlisk, Jr., attributed the responsibility of the crime scene search directly to the State's Attorney:

"We were directed by the State's Attorney's police that they, the State's Attorney's police, would collect all this evidence, they would handle everything.

"Our Crime Laboratory people were told not to collect any further evidence other than the minute amount they did.

* * * * *

"I have been informed by the Director of the Crime Detection Laboratory that the mobile Crime Lab person who works for him was directed by Sergeant Groth, that he, Sergeant Groth and his men would handle everything." [112]

G. The Panther investigation

On December 4, 1969, at approximately 7:30 a.m., the police guards posted at the premises departed.[113] A short time thereafter, Francis E. Andrew, an attorney for the Black Panther Party, came to examine the scene.[114] In conjunction with Andrew's examination of the scene, an independent film maker was employed to take extensive movies of the premises and of Andrew conducting the investigation.[115] When the Grand Jury subpoenaed these films, Andrew resisted on the ground that the film was a work product of an attorney and covered by the attorney-client privilege of the persons in the apartment charged with state crimes.[116] The Court ruled, however, that ". . . the right of the Grand Jury, the Federal Grand Jury, to exhaustively inquire into any possible violation of Federal law unrelated to the charges pending in the State Court . . . is paramount to the work product privilege, even if one exists." [117]

The movies [118] proved of considerable assistance to the Grand Jury in its attempt to reconstruct the condition of the premises on December 4. They depict Mr. Andrew and his associates collecting physical evidence at the site and establish locations for various furnishings and other materials.

In addition to the movies, Andrew set up a system for the controlled recovery of over 100 items of evidence including 64 projectiles, pellets, wads and empty shells. A card was prepared for each item showing the description of the item, the location of recovery, and the name of the person finding it. Each item was placed in a separate container and assigned an evidence number. A chain of custody of each item was maintained on the cards.[119]

Although Andrew was apprised in the latter part of December 1969 that the Grand Jury investigating this incident would first attempt to collect all physical evidence recoverable and was requested to produce all physical evidence in his possession,[120] it was not produced voluntarily. Finally in late January, after a subpoena had been issued and a Court order directed the production of all the physical evidence in his possession. Andrew delivered all such items to the FBI as custodian for the Grand Jury. The items were promptly shipped to the FBI Laboratory for analysis.

In addition to retaining a film maker, Andrew also retained a physical evidence expert to make an examination of the premises.[121] After being briefed on Andrew's view of the case, the expert spent approximately fourteen hours in examination of the premises on December 8. During portions of this time, the Black Panther Party was conducting tours of the premises. The expert retrieved various items of physical evidence, including the projectile which was fired from within the apartment through the living room door. This projectile was found on the staircase to the upstairs apartment, just below an apparent impact point on the west wall of the staircase.[122] The expert also found a projectile which had struck the southeast wall of the living room and could have been fired through the living room door, partially open.[123] While some of his contributions were significant, the expert's testimony revealed his defense orientation, perhaps accentuated by the limited time he had and the briefings of counsel. For example, he proposed an imaginative theory as to who fired the first shot based upon the position of the living room door and the assumed trajectories of the incoming and outgoing rounds. He illustrated that if the door was opening at the time of the first of two closely spaced shots, the incoming shot would have to be fired before the shotgun blast from within the apartment. However, if the door was closing, then the shotgun blast from within the apartment preceded the shot from outside the door.[124] The expert stated that his opinion on who fired the first shot would be based on prior testimony establishing whether the door was opening or closing at the time.[125] His theory excluded any other movements of the door, i.e. it could have been kicked open and bounced back. In addition, his opinion that a deer slug shotgun blast through a door at close range would not cause it to move seemed strained to the Jury and was later contradicted by FBI tests on a similar door.[126]

The expert also retrieved various other projectiles for study.[127] He noted a bullet hole in the upper northwest corner of the living room wall, but did not attempt to recover any projectile. He was told that the hole had been made by an accidental discharge sometime prior to December 4, 1969.[128] He did not attempt to examine any of the furniture except for one mattress and one dresser of the apartment for possible bullet damage.[129]

The expert attempted to establish the trajectories of the bullets fired by placing dowels in holes in the walls. He did not find any physical evidence indicating gunfire by the occupants of the apartment except the hole in the living room door.[130]

The Black Panther Party investigation also included the retention of a private pathologist who on December 5, 1969, performed a second autopsy on the body of Fred Hampton. Again, before beginning his work, this pathologist was briefed as to the defense theory that Hampton was intentionally murdered. This second autopsy is discussed in detail under the section covering the cause of death.

One of the significant impressions the Grand Jury obtained from parts of the investigation conducted by the survivors' attorneys—and, indeed, from parts of the official investigation as well—was the extent to which the predisposition of the individuals conducting the investigations affects the result. Any investigation that is designed to prove a theory rather than establish the facts has to be thoughtfully scrutinized and should not be accepted as objective without such scrutiny.

Footnotes at end of speech.

H. How Hampton died—Pathology and toxicology

One of the public controversies that surrounded this case concerned the conflicting pathological analyses on the body of Fred Hampton. The coroner's findings, released in fragments in the press and totally at the inquest, found that Hampton had been shot twice in the head, once in the left shoulder and grazed once on the right forearm. The coroner's protocol concluded that one of the head wounds proceeded from left to right entering in front of the left ear and exiting from a large wound in the right forehead. The other entered from the right side of the neck, below the right ear and exited from the left side of the throat. The head wounds were through and through. The left shoulder wound was probed and a .30 caliber carbine bullet was recoverd from the left pectoral muscles and turned over to the Chicago Police Crime Laboratory.[131] The pathologist from the coroner's office who performed the autopsy testified before the Grand Jury that he had opened the stomach of the corpse and examined its contents. Finding them to be fluid, he did no analysis upon the contents.[132]

The second autopsy was performed by a private pathologist who formerly had been the coroner's chief pathologist. This autopsy was performed at a funeral home in the presence of several other doctors and one of the survivors' defense counsel.[133] Although the pathologist inquired of the corner's office for a description of the wounds found in the official autopsy, it was not provided, and the second autopsy proceeded without any knowledge of what the coroner had found except that gained from press reports. The press had indicated, incorrectly, that the coroner had recovered no bullets.

The second autopsy concluded that Hampton had been hit twice in the head, both shots entering on the right side at approximately the same angle from above and slightly to the rear of the subject. One shot entered directly in front of the right ear and exited from the left side of the throat. The other entered on the right forehead and was probed to a point behind the left eye. No exit for this wound was located. The second autopsy also classified the left shoulder wound as a graze which had not penetrated.[134] A toxicologic study of blood samples collected at the second autopsy indicated high concentrations of the drug seconal (secobarbital), about the level of 4.5 milligrams percent.[135]

The doctor conducting the second autopsy explained his findings at several press conferences in the presence of defense counsel Andrew. He took sharp exception with reports that the coroner had recovered no bullets from the body, suggested that a bullet must have been removed from behind the left eye, and indicated that Hampton's wounds were consistent with being shot from above and behind while in a reclining position.[136] The pathologist also gave his opinion that the level of seconal present in the body would have placed the subject in a deep stupor.[137]

These reports, especially the alleged presence of drugs, were widely published in the media together with comments from Panther leader Rush and others that this fact proved the assassination theory.[138]

Shortly thereafter, the coroner's office announced that an analysis of samples of Hampton's blood retained from its autopsy showed that no seconal was present.[139]

The Grand Jury undertook to unravel these problems in several ways. First, it subpoenaed all of the pathologists, chemists and supporting personnel who had participated in the autopsies together with their photographs, X-rays and reports and heard the analysis of each. Second, it ordered that the retained blood samples from both autopsies should be submitted to the FBI Laboratory for a complete serological study. Finally, when it became apparent that the conflicting findings were irreconcilable from available evidence, it obtained an order of exhumation and commissioned Dr. Charles Petty, Chief Medical Examiner for the County of Dallas, to perform a third autopsy in the presence of physicians and attorneys representing the coroner and the Hampton family.

The expert from the FBI Laboratory testified that he had conducted the most specific and sophisticated test known for secobarbital—gas chromatography—on all of the blood samples submitted. There was no such drug found. In reviewing the materials submitted by the private toxicologist, he attributed the mistaken finding to the deterioration of the blood in the submitted sample, and the reliance on the subjective evaluations required in the type of testing—ultra violet spectrophotometry—used.[140]

The autopsy conducted by Dr. Petty at the Shreveport, Louisiana Veterans Hospital, with Grand Jury attorneys present, was extraordinarily thorough. An X-ray study of the entire body was made, and color and black and white photographs were taken at every stage of the examination. This autopsy conclusively confirmed the findings of the FBI and the coroner's chemist that there was no trace of drugs in the body through extensive cultural analyses of the stomach, kidneys, liver, brain and other organs; samples of these organs were contemporaneously obtained by the Hampton family pathologist and the coroner's pathologists.[141] The pathologist from the coroner's office misrepresented the autopsy procedures which he followed by stating that he had opened the stomach and examined its contents; [142] in fact, at the time of the February 16, 1970 autopsy, the stomach was untouched and was attached to the esophagus on one end and to the bowel on the other end.[143]

This autopsy also put to rest any speculation over the number and type of wounds Hampton had received. As both examinations had found, two shots did strike his head. The private pathologist had correctly found that both shots had entered at an angle from the right side. However, the path of the bullet which entered the right forehead did not terminate behind the left eye, as found at the second autopsy, but exited in front of the left ear.[144] The exit wound was clearly visible after the subject's sideburns had been shaved off. The shoulder wound was found to have penetrated as the coroner's report described, and there was evidence of the path of this bullet into the left pectoral muscle where the coroner described the recovery of a .30 caliber carbine bullet.[145] The coroner's report erroneously described the second entry wound in the head as being "in the right aspect of the neck at 5 cm below the lobule of the ear and 15 cm from the midline." In fact, this wound was on the right cheek just in front of the ear.[146]

In view of the considerable number of discrepancies between both earlier autopsies and the one commissioned by the Grand Jury, it is useful to examine the procedures used and to undertake an analysis of how the various errors were transformed into public controversy.

The Cook County coroner is charged by Illinois law with the responsibility of conducting an autopsy "Where a death has occurred and the circumstances concerning the death are suspicious, obscure, mysterious and in the opinion of the examining physician and the coroner the cause of death cannot be established definitely except by autopsy." [147]

There are three certified pathologists employed full time in the Cook County Coroner's Office. In addition, there are two assistants taking advance training in pathology who assist on weekends and a junior or assistant pathologist. The latter is a full time employee earning $27,000 annually. He graduated from medical school in Athens, Greece in 1957, came to the United States in 1958 where he interned and practiced pathology until 1964. From 1965 to 1967 he was senior pathologist in the Cook County Hospital Department of Pathology and transferred to the coroner's office in June 1969. This doctor is not yet licensed in Illinois but is able to practice under the supervision of other doctors on a special or temporary license pending licensure. Under his limited license he is not permitted to sign death certificates or autopsy protocols. In practice, he performs autopsies, dictates the findings and reviews them with the certified doctors who actually sign them. He estimates he performs 85 autopsies monthly.[148]

The assistant director of pathology testified that his organization is seriously understaffed. For example, on December 4, 1969, he performed five autopsies and appraised six other bodies to determine if an autopsy was required. In addition, he tried to supervise the assistant pathologist who performed two autopsies on his own. These two were Fred Hampton and Mark Clark.[149]

With the aid of a diener (autopsy assistant) and in an examining room next door to the assistant director, the assistant pathologist examined Hampton. According to his usual practice, he later dictated some notes into a dictating machine. On Sunday, December 7, because of the great public interest in the case and at the request of the acting director of pathology, he went into the office to write up his report. This handwritten report was delivered to the acting director who personally revised, edited and typed it up. This report went through several drafts. At one point the director searched unsuccessfully for the original dictabelt recording of notes, but it was lost or destroyed. The final version of the protocol, signed by the acting director, was dated December 12, 1969.[150]

The coroner's office does not take any photographs of the bodies during autopsy. One identification photograph is taken of each body before autopsy and if others are required, the Chicago Police Crime Lab is called in. Neither the Crime Lab photos nor the identification photos of Hampton were useful in resolving the disputed issues.[151]

Similarly, the coroner's office does not X-ray bodies to locate foreign matters. There is available a fluoroscope which was used by the diener outside the presence of the pathologist to determine if there were any significant additional materials in Hampton's body.[152] In fact, the dieners appear to share a considerable number of responsibilities with the pathologist. The diener, for example, not the pathologist, traced the path of Hampton's shoulder wound and recovered the bullet. The acting director had high praise for the dieners:

> "I might state, as far as bullet wounds are concerned, we make a little bit of a game of bullet wounds, especially when they are peculiar. We try to trick the dieners and the dieners try to trick us time and again to make a statement, and then prove us wrong.
>
> "All I can say is these boys are tremendous on identifying bullet wounds as entries or exits, and they are tremendous on finding bullets." [153]

The major problems in the coroner's findings appear to be based on the understaffing which required the examination to be conducted by a pathologist of restricted licensure without the direct supervision of a certified pathologist. Fortunately, the misdescription of the right head wound and the erroneous classification of the left forehead entrance wound as a wound of exit, does not seem to have had a substantive effect in this case.

The chemical analysis of Hampton's blood was also done in the coroner's office.[154] It ap-

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Footnotes at end of speech.

peared to be a professional and competent job and reached a correct result.

The errors in the second autopsy are harder to understand. The principal pathologist was assisted and observed by two pathologists, a physician and a medical student. It seems incredible that all of them could have missed the exit wound near the left ear. This mistake combined with the mistaken drug analysis, the erroneous classification of the shoulder wound as a graze, the confusion over the recovery of a bullet by the coroner and the defense counsels' predeliction for accusatory press conferences, contributed significantly to exacerbating community tension. Plainly, a careful and objective approach to the second autopsy could have prevented this unnecessary conflict over the cause of death.

I. The Internal Inspections Division investigation

The Internal Inspections Division of the Chicago Police Department is under the command of Deputy Superintendent John Mulchrone, who reports directly to Superintendent James B. Conlisk, Chief Executive Officer of the Chicago Police Department. The Director of IID, Captain Harry Ervanian, reports directly to Deputy Superintendent Mulchrone. As Deputy Superintendent Mulchrone stated it: [155]

"The purpose and the function of the IID is to investigate the Chicago police department and find, root out any wrongdoing or illegal activities being conducted, to take complaints from citizens, from other members of the department, and investigate these complaints and arrive at conclusions based on facts."

As a routine matter, an IID investigation is commenced by assigning a "U" (for undercover) [156] number to each instance of a shooting of a citizen by a police officer,[157] or a "CR" (for complaint register) number to each incident of citizen complaint.[158] This routine was followed in this matter; U–69–53 was assigned as soon as this incident was reported and an investigation was initiated.[159] The investigation was immediately suspended because of a question of jurisdiction of IID over State's Attorney's Police.[160]

After the investigation had been suspended, Superintendent Conlisk was called by Mr. Hanrahan who asked him to undertake an investigation of the matter.[161] This was a unique situation in Superintendent Conlisk's experience.[162] Superintendent Conlisk directed Deputy Superintendent Mulchrone to conduct ". . . a complete, comprehensive investigation of the facts." [163]

When the investigation was completed, a summary report was written by Director Ervanian on December 19, 1969.[164] Director Ervanian's report concludes:[165]

"Physical evidence has fairly established that the occupants of the premises in question fired upon the officers who were in the process of executing the search warrant.

* * * * *

"There is no apparent misconduct or impropriety by any of the officers involved in the incident. The evidence shows the officers were in the process of lawful execution of a search warrant issued by a judge of the Circuit Court of Cook County. Purpose of the warrant was to seize certain illegally possessed weapons which were in fact found. The officers were met with deadly force in the form of gunfire. The officers were both obligated and lawfully justified in countering this deadly force with such force as was necessary to overcome the resistance to protect their own lives and to execute the command of the search warrant.

"This investigation is classified as exonerated and recommended that no complaint register number be issued."

Early in the Grand Jury's investigation of this matter, the files of the IID investigation were obtained by subpoena.[166] These files were reviewed in detail and seemed to contain limited information. The files contained pictures of the scene and morgue photographs of the deceased, hospital pictures of the injured, medical reports, seized property inventory sheets, reports of patrol cars responding to the 10–1 (police emergency) signal on December 4, and records of contacts made with defense counsel for the arrested survivors of the raid. There were no records of contact with neighborhood residents, no indication of a visit to the premises, no ballistic analysis of the officers' weapons compared to the recovered bullets and empty shells, and no detailed or substantive accounts of the incident by the fourteen individual officers, although the latter appeared for questioning at the IID on December 16, 1969.[167]

Because the IID files seemed sparse, the Grand Jury inquired as to the scope of the investigation. A police sergeant of the Excessive Force Section appeared before the Grand Jury and testified that he had participated in the investigation by obtaining various records and monitoring recordings of police radio transmission.[168]

His responses to queries as to his inquisitorial participation in the inquiry are revealing: [169]

Q. Did you do anything else in the investigation?

A. Then on the 16th of December I participated in interrogation of the officers involved in the raid at that address.

Q. What instructions did you have with respect to that interrogation?

A. My instructions were, and this was the 16th of December, somewhere around . . . 7:00 or after, and our instructions were that we were handed a piece of paper with questions that were to be asked of the officers that we were to interrogate.

Q. Who handed you the piece of paper?

A. My lieutenant, Mr. Kukowinski handed me the piece of paper.

Q. Do you know where he got it?

A. From Director Ervanian. I was to follow the format on this paper. And I sat in a room with a court reporter and three or four officers, I don't recall who or how many and I interrogated and I followed this format in this investigation.

Q. You asked no questions other than those questions on the written instructions?

A. That is correct.

In order to follow up this issue, the Grand Jury called Assistant State's Attorneys and ranking officers of IID to describe the conduct of the interrogation of the fourteen officers.[170]

It developed that after Superintendent Conlisk ordered the IID to proceed with the investigation, Deputy Superintendent Mulchrone called upon Sgt. John Meade, an attorney who is a former Assistant State's Attorney and Chicago policeman, to advise him.[171] Deputy Superintendent Mulchrone said that he and Sgt. Meade agreed to limit the investigation to two issues: [172]

No. 1, did the police officers have a legal right to go into that apartment. And No. 2, did they have a legal right to use deadly force.

Deputy Superintendent Mulchrone concluded that this issue defined the scope of IID responsibility in this matter.[173]

Lt. Robert Kukowinski, former head of the Excessive Force Unit of IID, testified that the conduct of the investigation was taken from its normal course in his hands by Deputy Superintendent Mulchrone who told him to deviate from normal procedures.[174] He testified: [175]

Q. What was the reason for Superintendent Mulc[h]rone or what reason was given for Superintendent Mulchrone taking over the investigation?

A. I don't think he gave a reason to me. There may have been a reason but I don't think he gave it to me. The reason was that he wanted an investigation conducted the same way amongst all the people who were going to be interviewed. That is what I got out of it.

Sgt. Meade's knowledge of this matter was based primarily upon his review of the TV re-enactment.[176] He prepared a list of questions to be propounded to each officer, designed to effect the scope of responsibility.[177] These questions and a statement for Sgt. Groth were written out in longhand, typed and then mimeographed, on December 16.[178] Then Deputy Superintendent Mulchrone, Sgt. Meade, Sgt. Groth and three Assistant State's Attorneys, including Mr. Jalovec, discussed the questions and answers between 5:30 and 7:00 p.m.[179]

Asked to describe the role of the three Assistant State's Attorneys at this phase of the IID proceeding, one of them, Mr. Meltreger, classified them as "observers".[180] Mr. Meltreger was satisfied that the procedures he saw constituted a ". . . proper investigation." [181] Mr. Sorosky, the other assistant present besides Mr. Jalovec, concurred that the Assistant State's Attorney's participation was observation and that the IID procedure constituted a fair and honest investigation.[182] However, Deputy Superintendent Mulchrone, Director Ervanian and Sgt. Meade understood that Messrs. Jalovec, Meltreger and Sorosky represented the fourteen police officers as attorneys.[183]

Apparently the system of interrogation was decided between Sgt. Meade and the Assistant State's Attorneys.[184] Sgt. Meade's questions and answers were designed to spell out the result of the inquiry.[185] Sgt. Meade asked the Assistant State's Attorneys to review the questions and answers to see if any were improper.[186] Assistant State's Attorney Jalovec reviewed the questions and answers with the other Assistant State's Attorneys and agreed they were proper; Sgt. Groth examined and altered the questions and answers after Mr. Jalovec arrived.[187]

When the other thirteen officers arrived, the Assistant State's Attorneys conferred with them privately and briefed them as to the nature of the questions, advising them that there was nothing improper about them.[188] Thus, each officer knew the questions he would be asked before he was examined by the IID.[189]

Sgt. Meade's method of inquiry was to obtain Sgt. Groth's agreement on his statement and the summary questions, and then to obtain agreement from the other thirteen officers with Sgt. Groth.[190] Sgt. Meade told Sgt. Groth he did not need to accept the answers as his own; [191] Sgt. Groth agreed that Sgt. Meade's answers were substantially accurate.[192] Sgt. Meade described the purpose of the questions as follows: [193]

Q. Would it be fair to say that in drawing up your questions you took the version of the officers as being a truth, is that correct?

A. That is correct.

* * * * *

Q. Were there questions in your list of questions that tended to test the truth and veracity of these officers?

A. No, I assumed that everything they said was true.

Asked for his views on the procedures of this IID investigation, Sgt. Meade testified: [194]

"From my experience, counsel, I consider this to be an excellent investigation."

No one in the IID ever had a complete story of the incident from each of the fourteen officers involved.[195]

After the conclusion of this questioning, the IID report was concluded and a press release was prepared by Deputy Superintendent Mulchrone.[196] This release was rewritten and released by Superintendent Conlisk.[197] The resultant newspaper article reads: [198]

"The investigation has clearly established

Footnotes at end of speech.

the following facts: "1. The police officers were acting pursuant to the lawful direction of a search warrant.

"2. The police were subjected to deadly assault by firearms, which is a forcible felony, and eyercised lawful means to overcome the assault."

Deputy Superintendent Mulchrone testified that it was not standard procedure to give an investigative subject copies of questions and proposed answers in advance of interrogation.[199] However, he concluded that ". . . we conducted an investigation, as best we could, under the circumstances. . . ."[200] The investigation was admittedly limited, he said, "to preserve the evidence" for the state trial.[201]

Superintendent Conlisk was informed of the system of interrogation described above when he appeared before the Grand Jury. He was aware that the questions to be asked the officers might have been discussed with the Assistant State's Attorneys who appeared for the conference. When Superintendent Conlisk was told by the Grand Jury that proposed answers, as well as the questions, had been prepared by Sgt. Meade and discussed with Sgt. Groth and the Assistant State's Attorneys, he said: ". . . I am flabbergasted to think that such a thing could exist."[202]

Captain Harry Ervanian, Director of IID, testified that neither he nor anyone in his office had received any pressure from anybody in the police department, or elsewhere, in this matter.[203] He testified that the circumstances of the incident had not been developed ". . . with any great degree of accuracy . . ." and that he had not carried out his duty as Director of IID.[204] Responding to further inquiries, he testified as follows:[205]

A Juror: Do you consider this a normal investigation?

The Witness: No, sir, this was not a normal nor a complete investigation.

* * * * *

Q. Captain, let's be candid—now, with the State's Attorney's office represented at this meeting, and the man who led this raid, or the service of this warrant, and the way the questions were drafted, and the ultimate questions which were actually asked of these officers, Captain, do you think it would be any way unfair for a reasonable person to come to the conclusion that this was nothing but a whitewash?

A. The way you describe it, no, sir.

Q. Again, Captain, do you think it would be unfair or unreasonable for a person to come to the conclusion, even adding the facts of the crime lab report, that this was a whitewash?

A. I would agree, sir, that this was a very bad investigation, yes, sir.

* * * * *

Q. Well, it was extremely bad, wasn't it?

A. Yes, sir.

Q. As a matter of fact, have you seen one as bad as this one?

A. No, sir.

J. The Coroner's Inquest

Article X, Section 8 of the Illinois Constitution provides that each county of the State shall elect a Coroner for a four-year term. The duties and functions of the Coroner are specifically prescribed by statute.[206]

The statute governing the Coroner's basic function, that of holding inquests, requires him to make a preliminary investigation of the cause of death in five situations: (1) sudden or violent deaths, whether apparently suicidal, homicidal, or accidental; (2) deaths (whether of the mother or fetus) due to abortion, as well as deaths caused by a sex crime or a crime against nature; (3) deaths under mysterious circumstances or from undetermined causes; (4) deaths to which alcoholic or narcotic addiction may have contributed; and (5) deaths occurring without medical attention.[207] In the first of these situations the Coroner *must* summon a jury of six persons for the conduct of the inquest into the cause of death; in the other cases enumerated he may summon a jury. The Coroner also has power to compel the attendance of witnesses, and must see to it that their testimony is either written out and signed by them or transcribed in shorthand. Upon completion of an inquest the Coroner is required to make a record thereof and to issue a death certificate in the manner prescribed by law.[208]

The Coroner's inquest is *ex parte* in the sense that there is no absolute right in any private party to be represented by counsel at the inquest or to cross-examine the witnesses who appear and testify. In the course of holding that the Coroner is a nonjudicial officer and that the inquest verdicts are merely advisory, the Illinois Supreme Court stated that no one is a party to a Coroner's inquest, and that no one has a right, either personally or by counsel, to participate in the selection of the Coroner's jury, or to cross-examine witnesses to disprove testimony offered at the inquest.[209] Coroner Andrew J. Toman announced that cross-examination of witnesses would be permitted at the inquest of the shooting deaths of Fred Hampton and Mark Clark because of sharply differing versions of the death accounts.[210]

Because of widespread publicity given to the December 4, 1969 incident in which Fred Hampton and Mark Clark met sudden and violent deaths, Coroner Toman announced the appointment of a special coroner and six "blue ribbon" jurors to hear evidence presented at the inquest and make a determination as to the cause of death. Martin S. Gerber, an attorney, was named to act as the special Coroner.[211]

Gerber immediately held a press conference and was quoted as stating, "I'm not going to allow any outbreaks or outcries. I want to stay within the bounds of the law. The purpose of the inquest is to determine the medical cause of death factually and to determine whether any criminality was involved. An inquest is not to prove a crime. It is not a prosecution. Rather, it is an inquiry."[212]

The inquest commenced on January 6, 1970 and on said date the *Chicago Sun Times* featured a story entitled "Panthers to Remain Silent at Inquest." The article described how the Coroner's office would persist in asking questions of the occupants of the apartment and Martin S. Gerber was quoted as saying, "If there is not a full hearing, only those who refuse to testify will be responsible."[213]

The inquest lasted twelve days and security surrounding the inquest was tight with fifty deputy sheriffs stationed in the courtroom. The fourteen police officers testified and scientific evidence was presented. Neither of the experts retained by the Black Panther Party, Herbert MacDonell or Dr. Victor Levine, was asked to testify.

In substance, all the police officers testified that after announcing their office and seeking entrance to the apartment, they were fired upon from within. The officers returned the fire, several times pausing to call for surrender. The occupants shouted "shoot it out" and continued to fire. After the battle, Fred Hampton was found dead in a back bedroom and Mark Clark was found in the living room.

Thus, the testimony offered by the police officers involved in the incident was substantially the same as the story each officer told in the "exclusive" *Chicago Tribune* article[214] and the State's Attorney's unique television "Re-enactment" presented over WBBM on 12/11/69.

The one significant difference between the testimony adduced at the inquest and the prior accounts of the incident was the account of Sgt. Daniel Groth, the leader of the raiding party, who testified that he changed his mind as to who fired the first shot. Originally, Groth reported that Brenda Harris fired first from the bed in the living room. However, when questioned at the inquest, Groth admitted that after discussing the case with Officer Davis, he now decided that Mark Clark fired the first shot.[215]

The scientific evidence presented[216] at the inquest consisted of the findings of the Chicago Police Department Crime Laboratory as to the crime scene search and the ballistic evidence analysis. The Sergeant who led the Crime Lab Mobile Unit stated that he arrived at the scene at approximately 5 a.m., received a briefing from Sgt. Groth, and commenced his inspection. This officer testified most emphatically that he had examined the panel in the living room door on December 4, 1969 and observed only one hole in the panel (the hole caused by the shotgun blast from within the apartment). He stated he looked for other holes in the door but could not find them, and if he did see them he would have recalled them.[217] Before this Grand Jury, the Sergeant acknowledged that ". . . more than one [shot] had gone through it [door]."[218] A detailed analysis of the crime scene search by the Chicago Police Department Crime Laboratory is discussed in Section II F of this report.

Secondly, an experienced firearms examiner for the Chicago Police Department Crime Laboratory testified as to his findings relative to the ballistic aspect of the incident. The examination and findings are also discussed elsewhere in this report. Of primary significance are his findings and testimony identifying three shotgun shells as having been fired from weapons seized by the police from the premises.[219] His findings were later proved to be in error as to two of the shells by the FBI ballistic examination. He thereafter admitted his error to the Grand Jury.

Each day the proceeding received wide exposure in the mass media and Gerber held afternoon press conferences in the Criminal Courts Building.

On January 18, 1970, Gerber was interviewed on television (WLS–Ch. 7) and suggested what verdict the "blue ribbon" jury would reach. The following day the jurors publicly admonished Gerber for making such statements specifically asking the Special Coroner ". . . not to allow [himself] to be interviewed by television people or other media."[220] Gerber retorted that he was the coroner and the jury should not criticize him. A juror replied that if Gerber allowed himself to be interviewed again, the jury would criticize him again.[221] Gerber, seeking to have the last word, said he would not allow such criticism; a juror replied that Gerber would not stop such criticism.[222]

The proceedings were similarly marked by outbursts from attorneys representing the Hampton-Clark families and those from the State's Attorney's Office. On one such occasion, an Assistant State's Attorney referred to the spectators that were attending the inquest as ". . . a mob."[223]

Inquest testimony is not subject to the rules of evidence; when the Special Coroner deemed further inquiry was unnecessary, he simply told counsel to cease asking questions. After twelve days of testimony, the Coroner's jury returned the verdict of justifiable homicide " 'based solely and exclusively on the evidence presented.' "[224]

K. The Panthers are indicted

On January 30, 1970, after a presentation of evidence by the State's Attorney's Office, the Cook County Grand Jury indicted the surviving occupants of the apartment at 2337 West Monroe for attempted murder and other felonies.[225] The charges against each occupant were as follows:

Footnotes at end of speech.

XUM

Brenda Harris

1. Attempt to commit murder.
2. Armed violence.
3. Possession of firearms or firearm ammunition without having in their possession a firearm owner's identification card.

Verlina Brewer

1. Attempt to commit murder.
2. Armed violence.
3. Aggravated battery on Ciszewski (2).
4. Unlawful use of weapons.
5. Possession of firearms or firearm ammunition without having in their possession a firearm owner's identification card.
6. Unlawful possession of firearms and firearm ammunition (being under age 18).

Blair Anderson

1. Attempt to commit murder.
2. Armed violence.
3. Aggravated battery on Ciszewski (2).
4. Unlawful use of weapons.
5. Possession of firearms or firearm ammunition without having in their possession a firearm owner's identification card.
6. Theft of a shotgun (2).
7. Unlawful possession of firearms and firearm ammunition (under age 21 and convicted of a misdemeanor).

Ronald Satchel

1. Attempt to commit murder.
2. Armed violence.
3. Aggravated battery on Ciszewski (2).
4. Unlawful use of weapons.
5. Possession of firearms or firearm ammunition without having in their possession a firearm owner's identification card.
6. Unlawful possession of firearms and firearm ammunition (under age 21 and convicted of a misdemeanor).

Harold Bell

1. Attempt to commit murder.
2. Armed violence.

Deborah Johnson

1. Attempt to commit murder.
2. Armed violence.
3. Possession of firearms or firearm ammunition without having in their possession a firearm owner's identification card.

Louis Truelock, Also Known as Louis Trueluck

1. Attempt to commit murder.
2. Armed violence.
3. Possession of firearms or firearm ammunition without having in their possession a firearm owner's identification card.
4. Possession of firearms and firearm ammunition (within 5 years of release from penitentiary after a felony conviction).

The evidence received by that Grand Jury included testimony of the State's Attorney's Police officers who told the same version of the incident which they had related at the Coroner's Inquest.[226]

This testimony was coupled with a ballistic report prepared by a Chicago Police Crime Lab firearms examiner, which showed that at least three recovered shotgun shells had been fired in seized weapons, and that two of the three shells had been fired in the "Harris" shotgun.[227]

As discussed in detail elsewhere in this report, the two critical shells were fired in an officer's personal shotgun, and identification of these two shells with any seized weapon was erroneous. Moreover, the inventory slip identifying the "Harris" gun with Brenda Harris reflects neither the signature nor the knowledge of the officer whose name appears on it. No positive identification of the "Harris" gun with Brenda Harris was effected by the State's Attorney's Police who seized the weapon.[228]

The seven named defendants plead not guilty on February 11, 1970.

L. Unofficial investigations conducted by independent organizations

At least five independent groups made public statements that they would investigate the incident considered by the Grand Jury. The groups involved and the current extent of such investigations are set forth below:

1. Commission of Inquiry into the Black Panthers and Law Enforcement officials: This group, headed by former U.S. Supreme Court Justice Arthur J. Goldberg, consists of twenty-six private citizens representing the fields of civil rights, law, politics and business. No known investigation or inquiry had been undertaken by this group at the time of this report.[229]

2. Delegation of Black Congressmen: Newspaper accounts reported that Congressmen Charles Diggs, (D., Mich.); Louis Stokes, (D., Mo.); John Conyers, (D., Mich.); William L. Clay, (D., Mo.); and Adam Clayton Powell, (D., N.Y.), held an inquiry into the Panther incident in Chicago on December 20, 1969. Witnesses who appeared and testified at the inquiry included Negro State Senators, Chicago Aldermen, civil rights leaders, businessmen and Panther officials. No eyewitness testimony was presented. Following the inquiry, the panel visited the premises at 2337 West Monroe Street. The investigation by this group uncovered no evidentiary facts bearing upon the incident.

3. Afro-American Patrolmen's Association: This group is composed of black Chicago Police Officers. The head of the organization, Officer Renault Robinson, testified before the Grand Jury on February 11, 1970.[230] His testimony indicated that the investigation conducted by his group was limited to a visual inspection of the premises at 2337 West Monroe Street. The report of this investigation was allegedly given to the Black Panther Party. Officer Robinson was unable to produce a copy of the report for the Grand Jury.[231]

4. Black Strategy Center: An article appearing in the December 17, 1969 issue of the *Chicago Daily News* reported that the Black Strategy Center had made a $20,000 grant for an investigation by blacks of the December 4, 1969 incident. We have received no information concerning any such investigation.

5. The People's Inquest: This activity, apparently sponsored by the Black Panther Party, allegedly represented a coroner's inquest conducted by the "people". It took place on March 8, 1970, at the First Congregational Church, Chicago, Illinois, after all the seven survivors of the incident had refused to testify before this Grand Jury on constitutional grounds and was publicized by paid advertising in the daily press.

A transcript[232] of the proceedings listed Dr. Charles G. Hurst, President of Malcolm X College, as "coroner" and Mr. Jewel Cook as the people's attorney. The members of the "coroner's jury" were not named. Six of the seven survivors[233] of the incident at 2337 West Monroe "testified" at the inquest. The survivors testimony in that forum is incomplete, was not subject to cross examination and under no binding testimonial oath. For these reasons, the Grand Jury believes this testimony deserves little weight. It may be summarized as follows:

Brenda Harris said she was asleep in the front(living) room of the apartment and was awakened by a knock on the door. She heard a voice say "Policemen" and to open up. Mark Clark said "Just a minute". Clark got up, the police broke into the door and started shooting. She and Mark Clark were shot. An officer came in with a machine gun and started shooting through the wall towards the back. Someone in the back shouted "Don't shoot anymore," but the officer didn't pay any attention to them and kept shooting. Officers in the front and back were yelling back and forth to each other, "There's some over there, get them," and machine gun fire would start again. After the shooting stopped, the officers started cursing her and beating people in the back. She did not at any time have a gun in her hand nor did she see Mark Clark with a gun.[234]

Ronald "Doc" Satchel said he was asleep in the first (north) bedroom and was awakened by a knock on the door. Very shortly afterwards he heard shots. As bullets started coming through his bedroom, he got up and tried to put some pants on. He woke up the two people in the bed next to him and told them, "Let's get on the floor". He heard someone say "Come out" but they were afraid to come out because bullets were still being fired. The shooting continued and he and the other occupants of the room were shot and moaned. They were then told to come out of the room or be killed. He replied that he couldn't walk, but was told to "Come out of the room anyway." When he got out of the room, he was kicked by one of the officers and fell on the floor. He was then pushed and kicked towards the back, handcuffed and called "nigger" while the police laughed. He did not live at 2337 West Monroe and had no knoweldge of any weapons being there. None of the persons in the room with him had any weapons and no one in the room called for a "shoot out."[235]

Verlina Brewer said she was in the north bedroom. Ronald Satchel woke her up saying "Get on the floor, the pigs are here." Shooting was going on at that time, and she lay between the beds. The officers cursed the occupants telling them to come out but kept on shooting. Finally, she was hit. She was made to walk to the kitchen, where she was cursed and kicked by the officers. She never had a gun in her hand.[236]

Blair Anderson remembers being awakened and Ronald Satchel telling him ". . . the pigs are out here", and he got on the floor. Bullets were coming through the wall. He heard someone say "Halt fire" and then "Come on out" but, before they finished talking, they started shooting again. He heard a second "Halt fire" followed by a third "Halt fire." This was followed by machine gun fire coming through the wall. The shooting stopped but then started again, this time much lower. Bullets were striking paint buckets by his feet as well as the mattress on the bed. They called out that they were hit and the shooting stopped. The police told them to come out with their hands up. The police were cursing them and stomping Satchel, saying that they didn't deserve to live. He saw Hampton lying on the floor and knew that he was dead.[237]

Harold Bell was asleep when he heard a thud on the door followed by two shots. He immediately jumped up and ran towards the back to wake up Hampton. (He did not indicate what room he was in). As he started in the back (south) bedroom, police were coming in the back door. As he tried to wake up Hampton, the police came in and started shooting into the room. One of the police reached into the room and snatched him out. Another police officer came in and started firing into the room with a revolver. He heard police say "That's Fred Hampton." He believed that when he was pulled out, Hampton had already been shot. The police kicked him and cursed him.[238]

Deborah Johnson was asleep in the back (south) bedroom when someone came in and started shaking Hampton saying "Chairman, wake up, pigs are here". She looked up and could see that shots were being fired from the back and from the front. She saw a lot of police come in and start shooting at the door. Hampton looked up and then laid his head back down. She did not know if he had been shot then or not; he didn't move. The shooting continued. Finally it stopped and she said, "We are coming out with our hands up." After she got out,

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the shooting started again. She heard a girl scream and the shooting stopped. As she was being taken out of the apartment she saw Mark Clark lying in a pool of blood beside the front door. Neither she nor Fred Hampton had guns in their hands at any time.[239]

As announced in the news media, the "jury" of the People's Inquest concluded that the fourteen State's Attorney Police officers were "guilty of premeditated murder" and held Mr. Hanrahan and the officers "in contempt of the people". The proceeding concluded with a request to the state, by Dr. Charles G. Hurst, for "appropriate action". (*Chicago Sun Times* Mar. 9, 1970.)

M. The scientific analysis of the physical evidence found in the apartment

As previously noted, the Grand Jury's investigative plan was to collect every item of physical evidence that had been removed by anyone from the apartment and submit it to the FBI Laboratory for detailed scientific analysis. Then, with the aid of a one-ninth scale model showing bullet holes, furniture and people, the Grand Jury attempted to reconstruct through testimony and physical facts exactly what had occurred.

In addition to the various items of ballistics significance collected by each of the investigation teams and described on pp. 164–167, infra, the FBI also obtained mattresses, box springs, clothing and various other articles of potential evidentiary value removed by the occupants' attorney. The FBI Laboratory examined forty-six weapons, two hundred thirty bullets, shells, wads and shotgun pellets[240] and associated material, and eighty-six other items of physical evidence, during the course of this investigation. Also, the State's Attorney's Police made available the following weapons seized at the scene:

(1) .45 caliber Argentina Colt automatic pistol.

(1) 20-gauge shotgun, Sears Roebuck Model 21.

(1) 12-gauge shotgun, Springfield Model 67H.

(2) 12-gauge shotguns, High Standard Model K–1200, Riot 20–6.

(1) 12-gauge shotgun, Browning.

(1) 12-gauge shotgun, High Standard Model K–1200, Flite King-Brush.

(1) 12-gauge shotgun, Remington Wingmaster, Model 870.

(1) 12-gauge shotgun, Ithaca, double barrel, sawed-off (below legal limit).

(1) 12-gauge shotgun, Ithaca, Model 37 Feather light (stolen Chicago Police Department).

(1) 12-gauge shotgun, Stevens, Model 520.

(1) .30 caliber carbine, National Ordnance, Incorporated.

(1) .22 caliber rifle, Stevens Springfield, Model 87A.

(1) 9mm Astra, Spanish automatic pistol, Model 600–43.

(1) 7.65 Llama Especial, Spanish automatic pistol.

(1) Caliber .38 Special Colt D.A. revolver.

(1) Caliber .38 Special Smith and Wesson revolver, Model M and P 1902.

(1) Caliber .32 S and W Long, Smith and Wesson revolver.

(1) Marksman pellet gun, caliber .177.

After the premises were sealed on December 17, 1969, a detailed examination of the premises was begun by the FBI on December 22.[241] A room by room summary of the FBI analysis of the physical evidence and the condition of the apartment follows; the numbers in parenthesis refer to the numbered areas on the sketch of the apartment appended to this report:

The Entrance Foyer

The entrance foyer revealed no bullet impact points; no bullets or shell casings were found there.[242] There is no physical evidence of any shots passing into, out of, or through this area.[243]

The Entrance Hallway

The entrance hallway walls reflect the impact of two shots. One is in the northeast corner, where a charge of No. 7½ or No. 8 shot struck (1); the other hole is consistent with a 12 gauge rifled slug high in the southwest wall (2).[244]

At the time of the FBI examination, wallboard had been removed from the northeast wall at the impact point (1), some No. 7½ or No. 8 shot had been recovered from it and a 12 gauge Remington shotgun wad had been collected from the nearby floor by a Black Panther Party investigator.[245] The No. 7½ or No. 8 shot and Remington wad could not be associated with any weapon by trajectory; the gun firing the shot could only have been held inside the front door pointed east, almost parallel to the doorway.[246] The Chicago Police Department Crime Lab and the State's Attorney's Police both failed to observe this impact point in their examinations of the premises, although unofficial photographs taken on the morning of December 4 reflect the impact site,[247] and the bullet damaged wallboard appears in official police Crime Lab pictures taken on 12/17–18/69.

The apparent shotgun slug hole in the southwest wall (2) was noted on December 4 by the Crime Lab and probed and excavated by the Crime Lab on December 17–18, but no recovery was made.[248] A 12 gauge rifled slug submitted by the Panther attorney had been recovered from the adjacent stairwell by a private ballistics expert on December 8, 1969.[249] The rifled slug impact point (3) was caused by a slug fired through the door from a point in the living room 15'' from the door, probably by a gun at hip level. At this moment of impact, the door was open at a 45° angle.[250] The door panel was removed from the premises by a Black Panther Party investigator on December 8, 1969.[251] One additional hole appeared in the removed door panel, above the hole made by the rifled slug.[252] That hole (4) was made by a .38 caliber pistol bullet fired from the hallway into the living room, probably by Sgt. Groth.[253]

A large bundle of clothing found in the southwest hallway and examined by the FBI contained a 12 gauge shotgun wad.[254] A spent .45 caliber shell casing was recovered from the center of the hallway by Black Panther Party investigators on December 4, 1969.[255] No physical evidence was recovered from the entrance hallway by the State's Attorney's Police or Chicago Police Department investigators.

The Living Room

Prior to the FBI examination of the living room, a single bed originally in the southeast corner and a mattress originally in the center of the floor had been removed. In this room the FBI examination revealed the following marks identified with weapons' fire: one .30 caliber bullet hole of entry (5) in the top right drawer of a black bureau positioned on the northwest wall, and copious spatterings of Group B blood in and on this bureau;[256] a bullet mark (6) in the high northwest corner of the living room wall eighty inches from the floor made by a bullet on a rising trajectory originating in the center of the room near the space heater (from which FBI agents recovered a .380 bullet on March 8, 1970;[257] an apparent recovery site (7) on the southeast wall from which a .38 bullet (probably fired through the living room door) had already been recovered by the Black Panther Party investigators;[258] 42 holes of entry on the south wall (8);[259] a bullet hole in the bottom drawer of a white dresser on the southwest wall (9); from which no recovery was made;[260] and one hole in the south door jamb of the entrance door, 57¼'' from the floor (10),[261] no bullet was found in this hole, the hole did not penetrate the plaster beneath the molding, and it was consistent with a pre-existing hole present in the molding when it was put up.[262] The trajectory of this hole was flat and angled directly to the center of the living room. There were no other impact points on the walls of this room.

Prior to the FBI examination, two 12 gauge shotgun shells (designated Q–58 and Q–59 by the FBI) and a .45 caliber shell had been recovered by the Police Crime Lab from this room, near the white dresser on the southwest wall.[263] One fired 12 gauge Winchester Western shotgun shell (Q–119) was found "on the scene" by the State's Attorney's Police on December 4, 1969.[264]

A firearms examiner of the Chicago Police Department Crime Laboratory testified before the Coroner's Inquest on January 20, 1969.[265] He stated that he had examined the seized weapons and recovered shells and bullets and found that two seized 12 gauge shotguns could be associated with discharged shells found in the premises. The first gun (FBI designation K–31) was positively identified as having fired the two shells (Q–58 and Q–59) found near the foot of the bed.[266] The officers identified this weapon (K–31) as the one held and fired from the bed by Brenda Harris.[267] The Police Crime Laboratory reports identifying these two shells as having been fired from the "Harris" gun were introduced in evidence before the Cook County Grand Jury.[268]

As previously noted, at the time of his examination, the firearms examiner from the Police Crime Lab did not have available the weapons the officers had carried on the raid.[269] These weapons were obtained and tested by the FBI and, among them was a High Standard 12 gauge shotgun (K–25) of the same manufacture as the "Harris" gun, which had been carried by Officer Ciszewski.[270] The FBI Laboratory positively established that the two shells in question had been fired from the Ciszewski weapon (K–25) and had not been fired from the "Harris" weapon (K–31).[271]

The other 12 gauge shell (Q–119) had been loaded with a single lead slug—commonly called a deer slug—and had been correctly identified as having been fired from the shotgun (K–46)[272] attributed by the officers testimony to the deceased Mark Clark. This gun also had Group B blood deposits on it which is the same blood group as Mark Clark.

The North Bedroom

Examination of the north bedroom walls and furniture revealed that all forty-two shots (8) fired into the south wall of the living room passed into the north bedroom and that eighteen of the forty-two shots passed through the south wall of the north bedroom into the south bedroom; presumably, one of these bullets (a .30 caliber carbine bullet) was the one recovered from Hampton's body.[273] Twenty-four of these forty-two bullets passed through the north bedroom door which was wide open.[274] The east wall had been struck by six bullets fired into it from the doorway (11); while three shotgun blasts (12) fired into the room struck the north wall.[275] Two of these blasts were #7½ or #8 shot fired from the hallway or dining room into this room through the doorway;[276] the other was double ought buck shot which entered high on the west wall from the direction of the dining room.[277] A number of .45 caliber machine gun bullets were fired southeast from the doorway of the north bedroom into the closet (13),[278] striking clothing and paint cans; some went through the closet walls into the south bedroom. At least five of the six impact points on the east wall were made by .45 caliber machine gun bullets fired into the room from the doorway.[279] There were eight bullet holes in the dresser (14), three made by bullets fired through the south living room wall and four made by bullets fired in

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through the bedroom doorway; one (15) on the west end of the dresser was made by an incoming ricochet of unknown trajectory.[280]

There were no impact points or other physical evidence in the north bedroom which could be associated with firing outward from within that room.[281]

The State's Attorney's Office and Chicago Police Department Crime Lab recovered only eight items of physical evidence from this room, including wads and some shot.[282] More than forty items, including empty shells, bullets, shot, and shotshell components were recovered by the Black Panther Party and the FBI after the Chicago Police Department Crime Lab personnel had left the scene.[283] Fragments of .30 caliber carbine bullets and other bullet material were detected in the beds of the room by the FBI by radiographic examinations and were subsequently recovered.[284]

The South Bedroom

Examination of the south bedroom reflected nineteen entry bullet holes (8) on the north wall, of bullets fired from the living room, as well as eight entry holes of bullets fired from the north bedroom doorway or through the closet of the north bedroom.[285] At the time of the FBI examination of the south bedroom, there were two apparent 12 gauge double ought buck shotgun blast impact points (16) on the east wall, fired into the room from the bedroom doorway, and several apparent impact points on the shutters, south wall window frames and south wall (8) made by bullets fired south from the living room or southeast into the north bedroom from its doorway.[286] The mattress of the bed from which Hampton was dragged contained many bullet fragments; the foot of the bed had been struck by a shotgun blast from the doorway (17).[287] This shotgun blast was reflected in the lower east wall of the bedroom in line with the foot of the bed in films taken at the scene on December 4, 1969.[288] This portion of the wall had been torn out at the time of the FBI examination. The west window on the south wall was shot out by a police officer firing from the dining room (18).[289] This shotgun blast impacted on a neighboring shed outside and to the east rear of the apartment (18).[290]

The Chicago Police Department and the Black Panther Party investigators each retrieved eleven items of physical evidence from this room, and the FBI recovered four more at the time of its examination of the premises.[291] There were no impact points or other physical evidence of any firing originating in this room.[292]

The Apartment at Large

Only one other bullet impact point appeared in the premises; this was a shotgun blast fired from the dining room high into the east wall of the dining room (19), which passed through the dining room wall and into the north bedroom, striking the north wall of the north bedroom 80″ from the floor.[293]

There were no bullet holes on the west walls of the hallway, none on the bathroom walls, none on the walls of the dining room other than that mentioned above and none at all on the kitchen, porch or outside walls of the apartment or adjacent buildings,[294] except for one impact point on a neighboring shed consistent with one officer's shot toward a south bedroom window.[295]

The Bathroom Door

In interviews with the press and in the TV reenactment of the incident, Sgt. Groth repeatedly referred to a charge of shot fired from the north bedroom impacting on the bathroom door.[296] The riddled door of the north bedroom was photographed and misidentified as the bathroom door in a *Chicago Tribune* feature story.[297] Groth testified that the bathroom door was the logical place for the shot he saw to have struck, and that the pictures of the north bedroom door (which he mistook for the bathroom door) may have influenced him.[298] Because of the absence of impact points on the west wall of the apartment corresponding to shots the officers said emanated from the north bedroom, the Grand Jury directed a scientific analysis be made of the bathroom door by the FBI to determine whether the door was the same one present at the time of the incident or whether an alteration or substitution of doors had been made. Chemical analysis of paint scrapings from the door surfaces and the inside of the bathroom showed that the same door was in place at the time of the raid, and that no substitution had been made.[299] There were no bullet holes in the bathroom door.

Recovered Empty Shells and Bullets

A total of seventy-six [300] empty shells were recovered from the scene by all parties. The breakdown of the empty shells, as associated with weapons by the FBI follows:

EMPTY SHELLS

Type shell	Number	Fired in police weapon	Fired in seized weapon
.45 caliber	44	44	0
.30 caliber	19	19	0
.12 guage	13	12	1
.38 caliber	[1] 7	7	0
Total	83	82	1

[1] 7 .38 caliber shells, fired by Groth (2), Carmody (5), were removed from the scene by those officers. These were not recovered during the examination.

The recovered bullets, identifiable by the FBI with seized or police weapons, are analyzed as follows: [301]

RECOVERED BULLETS

Type bullet	Number	Fired in police weapon	Fired in seized weapon
.30 caliber	18	18	0
.38 caliber	5	5	0
.45 caliber	32	32	0
12-gauge slug	1	0	1
Total	[1] 56	55	1

[1] Fewer whole bullets were recovered than shells, partially because many bullets fragmented on impact. Some of these fragments were recovered after radiographic examination to the mattresses (exhibit 101).

Based on the number of rounds checked out and returned to the State's Attorney's Police arsenal, it is possible that some of their shells were not recovered. Of forty 12 gauge shotgun shells issued to State's Attorney's Police seventeen were returned unused; there were thirteen recovered 12 gauge shells, of which one was fired in a seized weapon and two Jones claimed were his personal ammunition. Therefore, if all shells not returned were fired, thirteen shotgun shells issued to police were not recovered. Similarly, of one hundred ten .45 caliber bullets issued to Officer Gorman sixty-two were returned unused; and forty-four empty .45 shells and thirty-two .45 caliber bullets fired in the machine gun were recovered. Thus, again, if all ammunition that was not returned was fired, four .45 caliber shells and sixteen .45 caliber bullets issued to Gorman were not recovered.[302]

Upon the assumptions: (1) that only Jones fired his own ammunition, (2) that all other 12 gauge shells were issued by the State's Attorney's Office arsenal and (3) that all police-issued ammunition for heavy weapons which was not returned, was fired, the following table reflects rounds fired by the State's Attorney's Police:

Caliber and weapon	Comment	Number
.45 machine gun	44 empty shells and 32 identifiable bullets recovered.	48
.30 carbine	19 empty shells and 18 identifiable bullets recovered.	19
.38 revolver(s)	Shells disposed of by Groth (2) and Carmody (5).	7
12-gauge shotgun(s)	13 empty shells recovered	25
Total		99

The comparative recovery of bullets, empty shells, and shotshell components (wads and pellets) by all the investigators involved may be illustrated by a table:

Room	Recovered by SAO and crime laboratory	Recovered by BPP	Recovered by FBI
Entrance hall		3	3
Staircase		1	
Living room	3	7	1
North bedroom	8	30	13
South bedroom	11	11	4
Dining room		3	
Kitchen		0	1
Bathroom		3	
Adjacent shed		1	
In mattress			17
Location not specified	62	6	0
Total	84	65	39

The firearms examiner testified before this Grand Jury that due to daily pressure from the State's Attorney's Office [304] he was required to report his findings before he had examined all of the State's Attorney's Police weapons. The examiner said that he could not refuse to sign a report without being fired from his job.[305] He told this Grand Jury that the physical evidence was turned over to him by the State's Attorney's Police in such a condition as to make his work extraordinarily difficult, and that he could not complain because it was the State's Attorney's Office which had turned the materials in to him.[306] Had the materials been received from the Chicago Police Department, he would have objected to the procedure and would have obtained all of the weapons present in the apartment and a proper request for examination.[307] Under the circumstances, he felt that he could not object to the State's Attorney's procedures, and that he could not refuse to perform what he viewed as an inadequate analysis.[308] Although his reports were preliminary in nature and he was dissatisfied with them, they were not so labeled and he had testified to the results in the Coroner's Inquest.[309] The examiner indicated that he was revising his final report to correct the errors described above.[310]

Other than the few items recovered by Crime Lab officers, the materials submitted to the Chicago Police Department Crime Lab for examination were unclassified as to locus of recovery.[303] No fingerprints were preserved on any articles of evidence. The guns of the police officers were not turned into the Chicago Police Department Crime Lab for examination, although to do so is standard practice.

Nonetheless, a preliminary report was prepared by the Crime Laboratory firearms examiner, submitted to the State's Attorney's Office and presented by the State's Attorney to the State Grand Jury as evidence to consider for indictment of the surviving arrested apartment occupants.

As indicated above, the examiner erred in classifying two shells fired in Officer Ciszewski's shotgun as fired in a seized shotgun. There were several other errors in the firearms examiner's report, including mis-identification of shells fired in Jones' shotgun,

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failure to count wads accurately, mis-labeling of materials as to location of recovery, and mis-identification of the core from a .30 caliber carbine bullet as a .32 Smith and Wesson slug.

N. Evidence of the eyewitnesses

1. Testimony of the Officers

Before the seven[311] officers principally involved in this action testified here, the results of the analyses of the physical evidence performed by the FBI were reviewed for them.[312] This was done on order of the Court upon application of this Grand Jury, to ensure fairness.

State's Attorney Hanrahan and the assistants whom he had assigned to this matter were also given the same detailed briefing on the physical evidence and were accorded the opportunity to examine the scale model of the premises with the involved officers before the officers testified. The officers were then each given detailed instructions as to their testimonial rights and privileges and were advised to reconsider their testimony in light of the analyses of the physical evidence.

These seven officers had testified at the Coroner's Inquest;[313] some had testified before the State Grand Jury; several testified that their testimony before this Grand Jury was substantially the same as that on other previous recitals.[314] Some discrepancies between the accounts given on different occasions were noted. The Grand Jury has attempted to resolve the various discrepancies, taking into account the darkness and unfamiliarity of the officers with the premises. There are no absolute resolutions of all the officers' statements, because they were not in clear communication with each other throughout the action. However, the most consistent version of their various recitals, as construed by the Grand Jury, is set forth below.

The first floor apartment at 2337 West Monroe consists of a living room, two bedrooms, a bathroom, dining room and kitchen.[315] The premises are located on the south side of Monroe Street between S. Western Avenue and S. Oakley Boulevard, bordered on the east by 2335 W. Monroe (a two story dwelling) and on the west by 2339 W. Monroe (a two flat apartment); a narrow sidewalk also runs north and south between 2337 W. Monroe and 2335 W. Monroe.[316] The officers' account is more easily followed by referring to the diagram of the premises attached to this report. [Diagram not shown in RECORD.]

At approximately 4:30 a.m., Sgt. Groth and the other officers left the State's Attorney's Office in three unmarked squad cars and a paneled State's Attorney's truck and proceeded to 2337 West Monroe Street.[317] Sgt. Groth and Officers Davis, Gorman and Jones were in the lead car;[318] Officers Marusich, Harris, Howard and Hughes next;[319] followed by Officers Carmody, Ciszewski, Joseph and Kelly in a third unmarked car and Officers Corbett and Broderick in the paneled truck.[320] At approximately 4:40 a.m., as Sgt. Groth neared the premises, he raidoed the 13th District to send beat cars to cover the front and rear of 2337 West Monroe.[321]

Sgt. Groth climbed the porch stairs of the premises accompanied by Officers Jones, Hughes, Gorman and Davis.[322] Officers Carmody, Ciszeweski, Broderick, Kelly, Joseph and Corbett proceeded to the area of the back door.[323]

As Groth went up the front steps, Davis was on his left, Jones was on his right and Gorman was behind Davis.[324] The four went into the entrance foyer through the outside door which was open.[325] Hughes remained outside.[326] Groth stood to the right of the closed door to the entrance hallway and knocked with his left hand.[327] He received no response, waited several seconds, then reached over with his revolver held by the barrel in his right hand and pounded loudly on the door; after several seconds a male voice from within the apartment said, "Who's there?" Groth said, "Police officers, I have a warrant to search the premises."[328] Groth waited ten to twelve seconds, which he considered to be a long time, and then reached over with his right hand and pounded loudly on the door.[329] A male voice within said, "Just a minute"; Groth waited ten to fifteen seconds and then told Officer Davis to go ahead.[330]

Thereupon Davis kicked the front door open with his right foot and went into the entrance hallway, with Groth right behind him.[331] As he went in Davis veered to the left and struck the entry door for the living room of the apartment.[332] As he went through the door, a shot was fired from within the apartment.[333] Gorman observed wood exploded out of the door right above Davis' arm.[334] The only light in the front of the apartment at this time was from a space heater.[335]

As Davis plunged into the apartment out of Groth's view, Groth, fearing Davis had been hit, stepped into the doorway of the living room and looked into the apartment. By the light of a gas heater, he observed a woman on a bed located in the southeast section of the living room against the south wall pointing a shotgun in his direction.[336] Groth was terrified and couldn't move; Jones and Gorman were just behind him and Hughes was outside of the apartment.[337] Groth shouted: "Look out, she is going to shoot again", assuming that she had fired a shot as Davis went into the apartment.[338] As Groth stood in the doorway, the girl fired a shot and Groth felt something go by his left shoulder.[339]

Gorman, who was looking right at the girl when she fired, observed a ball of flame come almost halfway to the officers.[340]

Jones observed the blast from the shotgun and saw Groth grab his left shoulder. Jones felt a sensation of a wind and felt the bottom flap of his fingertip length coat move as a result of the blast.[341] Hughes also felt something brush his shoulder.[342]

Thereupon, Groth took his service revolver in his right hand, backed out of the apartment, thrust his hand over his head with his revolver pointed into the apartment and his body concealed in the hallway, fired at least two blind shots in the direction of the girl.[343]

Groth then turned to Hughes who was now in the entrance hallway and told him "Put in a 10–1. They are shooting at us. Tell the fellows in the back. I think Duke is shot." At approximately 4:45 a.m., two beat officers in car number 1322, responding to Sgt. Groth's earlier request,[344] arrived at the scene. Hughes was unable to get his car radio to transmit and requested the 13th District beat car to place the 10–1 (police officer needs help) over the police radio at 4:45:40.[345]

Davis had gone into the hallway in a crouch,[346] and hit the living room door with his shoulder and arm in a continuing rush.[347] As Davis went into the apartment, he saw a flash which passed over him as he went through the door.[348] While he is not positive, he believes that Brenda Harris fired twice, the first shot being simultaneous with the shot fired through the door by Mark Clark. He thus stated that he immediately saw a second flash from the gun held by Brenda Harris.[349] Harris was on the bed braced against the east wall in the southeast corner of the living room.[350] Davis landed on his elbows and fired one shot at her from a prone position.[351] He believed that his first shot came after her second shot.[352] Immediately after shooting Harris Davis saw Clark out of the corner of his eye, illuminated by Groth's gunfire.[353] When he first saw Clark, Clark was sitting on a chair behind the door facing him and pumping a shotgun.[354] Davis turned and, in a kneeling position, fired two shots at Clark.[355] At the time when Davis fired, Clark had the gun across his body at the lap level on his right side pointing at Davis.[356] Clark stood up with the gun in his hands; Davis stood, threw his arms around Clark and threw him to the floor.[357] Despite evidence of violent bleeding by Clark, Davis found only a drop or two of blood on his clothes at the bottom of his suit coat.[358] Davis immediately climbed off Clark's body and moved toward the middle of the room. As he did, he noticed a man moving in the hallway near the rear bedroom of the apartment; he was holding a shotgun.[359]

Gorman heard shots ring out behind the living room door and heard Davis holler for him to come in. Gorman rushed into the living room, noted the girl was wounded, grabbed her shotgun and threw it toward the open doorway.[360] Jones had also rushed into the room and moved to the dresser on the west wall of the living room and Groth was still in the hallway when the other officers began to force their way in at the back; Davis saw flashes of fire from the south bedroom.[361] At this time, Groth came back into the living room and called for the first cease fire.[362]

The action at the rear of the apartment, led by Officer Carmody, commenced shortly after the action at the front began. As Groth and his men approached the front, Officers Carmody, Broderick and Ciszewski approached the rear door of the apartment.[363] Carmody went to the top of the stairs of the porch to the apartment at the rear and went up the stairs; the other officers remained at the bottom of the stairs.[364] Carmody waited at the top of the stairs and listened for voices from inside. He first heard a male voice at the front yelling, "Who's there?" and another male voice yell, "It's the police." Immediately he heard a loud bang, which he believed to be a shotgun blast,[365] and he kicked the kitchen door in with his right foot.[366] Just as he started to enter, he saw three flashes and saw a hand holding a gun around a corner of the doorway leading between the dining room and the kitchen.[367] The gun seemed to be pointed directly at him.[368] Carmody did not remember hearing any other shots between the time he heard the first shot before he kicked open the door and the three shots which he heard and saw after he kicked open the door.[369] Carmody insisted that he saw the hand holding the gun that fired the three shots, pointed at him, and although he searched the apartment and scoured the west wall of the kitchen, he could find no trace of bullet holes.[370] He assume that the bullets all went out the back door.[371]

Ciszewski, who was outside, heard three pop-like shots.[372] Carmody quickly backed out of the door and went over to the window where he smashed the window with his gun, cutting his hand in the process. He had intended to enter through the window, but didn't go in because he noticed that the burners on the gas stove right in front of the window were lit.[373] He then called to the men at the foot of the stairs that they were being fired at.[374] He then went back to the kitchen door, dove into the kitchen door on his stomach and saw a flash from the same general area as the first shots had come and fired a shot at it with his service revolver.[375] As Carmody went in the kitchen door, Ciszewski and Broderick followed him in.[376] A light was on in the kitchen, and Ciszewski saw there was a flush door lying on its side across the entrance between the dining room and kitchen.[377] Carmody heard someone yell, "Hold your fire, our men are coming in the back."[378] Upon entry, the front of the apartment looked dark to Carmody.[379] Ciszewski saw some dim illumination, but the dining room was dark.[380]

At the time of this first cease fire, the only rounds that had been fired by police at the

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Footnotes at end of speech.

front of the apartment were two blind shots by Groth through the front doorway and three shots by Davis killing Clark and wounding Harris.[381] There are two bullet holes in the front door of the apartment, one from the inside going towards the outside and the other from the outside coming in. Groth initially thought that the shot fired as Davis went in the door had been fired by Brenda Harris, but concluded after examining the door panel that Clark fired the first shot from behind the door.[382] The upper hole in the door was made from the outside, with the door approximately a 45° angle, and may be consistent with one of the shots fired by Groth.[383]

Groth, Davis, Jones and Gorman all insist that a shot was fired by Brenda Harris at them as they came in the door.[384] None of them could explain what had become of this shot, and it is not possible to draw a line from the southeast corner of the living room where Harris was said by Davis and Groth to be on the bed holding the gun, out through the living room door, the entrance hall door and the outside door. There are no holes in the west wall of the apartment.[385] Groth believes the shot must have passed out the front door, somehow missing all of the officers in the hallway and foyer.[386]

At the time Groth called for the first cease fire, there was some firing going on in the back of the apartment.[387] But all firing stopped when Groth called for the first cease fire.[388] As he called for the first cease fire, Jones, Gorman and Davis were in the living room of the apartment; Jones handed Groth three long guns saying, "Get them out of here."[389] As Groth turned around to take the guns out of the apartment, the cease fire was broken by a shot that rang out from somewhere in the apartment.[390] Shortly after Jones handed Groth the three shotguns, a shot rang out from the north bedroom. Jones heard a gunshot and saw a flash as he was watching down the hallway. He did not hear any impact and had no idea where the shot went; he initially thought it would have gone in the direction of the front door or into the bathroom door across the hall from the north bedroom door.[391]

According to Davis, after the first cease fire was called, he heard a male voice call out "off the pig" or "shoot it out" or words to that effect.[392] He thereupon heard a gunshot which he identified as coming from the north bedroom and saw a gun flash reflected on the west wall of the hallway opposite the north bedroom.[393] Groth did not see the flash of the shot which broke the first cease fire because he had walked out with the shotguns.[394] He couldn't tell where the gunfire had come from other than that it was inside the apartment.[395] At about this time, Davis turned on a light in the living room.[396] The shot that broke the first cease fire sounded muffled and unusual to Gorman, who was standing next to the south wall of the living room.[397]

After this shot broke the first cease fire, Gorman concluded they could not safely go down the hall, and the shooting in back alarmed him over the safety of the men in the rear. He fired one machine gun shot through the south living room wall, asking Jones who was standing by the west wall to look to see whether it went through.[398] Jones said that it went through; Gorman and Davis told the occupants to come out.[399] At that time, someone shouted from the rear, "Shoot it out" and a shot appeared to be fired in the rear bedroom.[400]

Meanwhile at the rear, in the kitchen, Carmody prepared to leap over the flush door blocking the entrance to the dining room. Before he could get up, a shot went off behind him and he thought someone was shooting at him from behind; Ciszewski told him that Broderick had fired a shot over his head to keep the occupants of the apartment down.[401] This shot was fired high into the east wall of the dining room into the north bedroom.[402] Carmody got up on his knee, still in the kitchen, and fired two more shots towards the area where he had seen the gun.[403] Ciszewski said he would kick down the flush door between the kitchen and dining room but was unable to do so.[404] As Carmody prepared to jump over the barricade, someone in front of the apartment, presumably Gorman, called, "Wait a minute and I will cover you."[405] However, Carmody leaped over it and ran towards the north wall of the dining room firing his fourth shot toward the south bedroom as he ran.[406] Broderick followed him over.[407]

Gorman then stitched the wall with his machine gun.[408] Although Sgt. Groth stood behind Gorman while he fired through the wall, no order to fire through the wall was given.[409]

As Carmody leaped from the kitchen and stopped against the north wall of the dining room, he heard a second cease fire; Ciszewski shone his flashlight into the south bedroom and observed an individual, later identified as Harold Bell, come out with hands raised.[410] With his flashlight, Ciszewski also saw a shotgun against the south wall of the south bedroom, and someone on the bed on his face, lying with his head to the west; he also saw a shotgun and an automatic pistol on the floor.[411]

According to Davis, the second cease fire was broken by flashes he observed from the rear of the apartment.[412] Sgt. Groth believed these flashes came from the south bedroom.[413] Jones thought a shot came from the north bedroom.[414] After the second cease fire was broken, Gorman again fired into the south wall of the living room and was joined by Davis firing his carbine.[415] Groth gave Davis no order to fire at any time.[416] Davis believed that he might have fired with Gorman each time Gorman fired.[417] The bullets were fired on a depressed angle from northwest to southeast.[418] About this time, Jones heard another shot which he attributed to the north bedroom.[419] Gorman also thought the shot breaking the second cease fire came from the north bedroom.[420] Jones fired two shots into the north bedroom at that time.[421]

After Bell surrendered, the cease fire was again broken by the occupants. Carmody saw a flash from the north bedroom,[422] and insisted that this flash came from inside the north bedroom.[423] Broderick also saw two shotgun blasts light up the door of the north bedroom; he fired two shotgun blasts into the south bedroom.[424] One of these shots was toward the bedroom window, and one toward the back of the room. He fired to keep figures he had seen in the room away from the doorway.[425] Ciszewski also says he saw a flash from the south bedroom and he fired two shotgun blasts into that room.[426] From the dining room, Carmody called a warning to Gorman in the living room to stay back because "I am going to fire into this (north bedroom) door in case somebody is behind there." Carmody then fired his fifth shot toward the north bedroom door.[427] This was followed by gunfire (possibly from Gorman and Davis) from the front (north) of the apartment and a third cease fire was called. During this cease fire, which was the longest, Louis Truelock and Deborah Johnson surrendered from the south bedroom.[428]

During the third cease fire, after the surrender of Truelock and Johnson, Carmody went in the south bedroom and pulled out Hampton.[429] Carmody had never seen any shots from the south bedroom but assumed that whoever had fired the handgun shots at him had ducked into that room.[430] After the removal of Hampton, Ciszewski went into the south bedroom to pick up arms.[431] Immediately thereafter, Ciszewski called out that he was shot.[432] This broke the third cease fire. As Ciszewski cried out he was shot, Broderick saw two flashes from the front of the apartment.[433] He returned that fire by firing his weapon into the front bedroom from the dining room.[434] Broderick then rushed from the dining room to the bathroom, broke the bathroom light and looked into the north bedroom. He saw a male and female figure between two beds, but could see no weapons.[435] He fired three to five shots into the room above the figures.[436] As Broderick finished firing, he saw Gorman, who had reloaded his machine gun with a fresh magazine of 30 rounds, run past the door of the north bedroom firing his machine gun.[437] He did not see Gorman go into the north bedroom,[438] and could not tell where or at whom Gorman fired.[439] Broderick then obobserved Carmody rush toward the north bedroom.[440]

Gorman said that by this time it was obvious that the persons in the north bedroom would not leave voluntarily. As Broderick finished firing, he therefore placed his weapon on automatic fire and in a low crouch charged into the north bedroom. As he went in, some clothes in the closet to the right of the door caught his eye; he fired a short burst into the closet, turning toward the center of the room in one motion. By the flickering light of his machine gun, Gorman saw one man standing up very fast between the beds with a grey shotgun in his hands. He held the machine gun on this man until he grabbed his groin and fell.[441] As he fell, Gorman saw another figure moving between the beds and thought he saw a handgun being raised toward him. Gorman fired the machine gun at this figure (later identified as Verlina Brewer) until the 30 round clip was empty and the individual shouted, "I give, I give. I am hit."[442] For the first time, Gorman saw a third person (later identified as Ronald Satchel) between the beds on the floor.[443] Carmody had seen Gorman fire into the closet in the north bedroom but did not recall seeing Gorman fire the machine gun into the north bedroom.[444] Carmody said he rushed into the north bedroom, jumped on the bed and saw Anderson, Brewer and Satchel standing in the center of the room from north to south.[445] He could see that they were unarmed, by flashlight, and had their hands up.[446] There was no firing going on in that bedroom when Carmody went in.[447] He escorted all three of the prisoners out of the room at that time.[448] Anderson was wounded in the thigh and the groin; a grey shotgun later recovered from this room had a .45 caliber slug imbedded in it; this gun was a stolen police weapon. Verlina Brewer was wounded twice, once in the buttocks and once in the knee. A .45 caliber slug was removed from her knee; there is no record or testimony of the recovery of any weapon other than the stolen police shotgun from this room; Ronald Satchel was wounded five times.[449]

At approximately 4:52 a.m., car number 1101, who was on the scene, reported that the premises were under control.[450] Thus, the entire incident, according to the time signals impressed on the police radio tapes, took, at most, twelve minutes (4:40–4:52).[451]

2. Testimony of Witnesses in Neighborhood

Departmental attorneys conducted a canvass of the 2300 block of West Monroe Street in an effort to locate possible witnesses to the December 4, 1969 incident at 2337 West Monroe Street. Many residents were contacted; few admitted to having even limited information concerning the incident. Many were visibly frightened and reluctant to discuss the incident. Only one 83 year old neighborhood witness was located who claimed to have actually seen some part of the shooting; she testified before the Grand Jury that she saw an officer firing what appeared to be a machine gun down through the passageway between 2335 and 2337 West Monroe. She further testified that she heard no other shots and saw no officers enter the apartment.[452]

Footnotes at end of speech.

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Other residents heard gunshots; a summary of their testimony follows:

One man was awakened by steady gunshots which continued for about ten minutes. He looked out his window and observed two police cross the street and kick in the door of the adjacent apartment.[453]

A next door neighbor, who also heard shooting, observed several police officers come to his apartment and kick the door open looking for a way to the roof.[454]

Another neighbor who lives across the street from 2337 West Monroe was awakened by steady shooting. She looked out her window while the shooting was going on and observed two uniformed police officers coming off the porch of the apartment at 2336 West Monroe. Police were shining lights on apartments and ordering people to get out of their windows.[455]

The next door neighbor on the east was awakened by the shooting. She got on the floor until the shooting stopped. She heard no voices from the Panther apartment. Later that morning she found a bullet hole in her kitchen door, and police officers later came and recovered a spent bullet from her kitchen and inspected her premises.[456]

Another neighbor on the east was awake and preparing to go to work when he heard a series of shots which appeared to be coming from the rear of the apartment. After about four or five seconds, he heard another series of shots from the rear of the apartment. All of the shots sounded as if they were being fired from an automatic weapon. About thirty seconds later, he heard shooting in the front part of the apartment. The only voices he heard from inside the apartment were those of women screaming.[457]

Two witnesses occupied the upstairs apartment directly over the apartment at 2337 West Monroe at the time of the incident. On the morning of December 4, 1969, one was awakened by a knock on the downstairs front door. A voice from inside the downstairs apartment asked, "Who is it?" A voice on the outside of the apartment replied, "Police, open up." Again, the voice on the inside of the apartment asked, "Who", and the voice on the outside again replied, "Police, open up." Immediately thereafter, she heard what sounded like a door or a wall being pushed in or bumped very hard. Then, a single shot rang out followed by a lot of shots. She heard someone call out, "Hold your fire. Come out of there with your hands over your head." Immediately after the cease fire, the shooting started again. Sometime later, she heard another cease fire called and a voice said, "John, are you all right?" No more shooting was heard after the second cease fire. She estimates that the shooting lasted for about ten to twelve minutes. Except for breaking glass, she heard no movement or voices emanating from the back of the apartment during the shooting. All of the shooting appeared to be coming from directly under her living room, above the front room of the Panther apartment. She could not distinguish the type of gunfire except that on several occasions she heard what sounded like machine gun fire.[458]

The other upstairs resident did not awake until the shooting had commenced and, therefore, heard no noises at the front door. The only voices she heard from downstairs first said, "Don't shoot each other," and, following a pause in the shooting of about two minutes, then said, "John, are you all right?" She heard no cease fires; she heard shooting from the back of the apartment as well as from the front. Both upstairs residents were in the same room during the shooting.[459]

3. Testimony of Apartment Occupants

In late February and early March, each of the seven surviving occupants of the raid at 2337 West Monroe were subpoenaed to testify before this Grand Jury. At that time, each of them declined to testify because state indictments were pending against them and the answer to questions regarding the incident could tend to incriminate them. As phrased by counsel for one of the survivors, called to explain his client's position:

"My professional opinion is that since there is a criminal case against her pending in the Cook County Circuit Court, that any answer she gives which might be a link in a chain the questions and answers cannot be separated. And at this point in your questioning that the use of the self incrimination clause of the Fifth Amendment is in good faith and entirely consistent with the principles of constitutional law as I understand them.

"I should add that it is no attempt to obstruct this body, but is in light of other proceedings that are pending." [460]

However, on March 8, 1970, six of these seven individuals voluntarily testified at the so-called Peoples Inquest. Each related publicly an account of what transpired, with no claims of Fifth Amendment immunity. [461]

On May 8, 1970, acting on information initially forwarded by this Grand Jury, the Cook County State's Attorney dismissed all outstanding indictments against the survivors because they were based in part on erroneous ballistics evidence introduced before the local grand jury. The same day each of the surviving occupants were directed to return to this Grand Jury on May 12, 1970.

On May 12, prior to being asked to testify, the four survivors who responded to this Grand Jury's summons, together with their counsel, were given substantially the same informal briefing on the results of ballistics analysis as that given the police officers prior to their testimony.[462] Moreover, each was advised that the FBI analysis requested by this Grand Jury had disclosed the Chicago Police Department Crime Laboratory's ballistics examiner's error and had occasioned the dismissal of charges against them. However, each was cautioned that subsequent indictments could be returned by a state grand jury and, to that extent, there was still some potential jeopardy of criminal charges. Each was advised that contrary to press reports, this Grand Jury had reached no conclusions and that the Grand Jury could not really finish its task of investigating the possible violation of the occupants' civil rights without the cooperation of the survivors.

Without exception each declined to furnish this cooperation. On the day of their appearance, a news article captioned "Survivors Can't Testify: Rush," reported that the leader of the Illinois Black Panther Party said the seven survivors would not testify "unless a majority of the panel is black." Rush was quoted as saying "We'll be there on time tomorrow . . . to keep them (the '7') from being found dead in the middle of the night." [463] As Rush had indicated, each witness refused to testify because the Grand Jury was not made up of his "peer group." All but one denied that his refusal was based in any way on the Fifth Amendment privilege against self incrimination, not withstanding the existence of a valid claim under that Amendment because of potential future indictments.[464]

The Grand Jury feels that it has exercised every possible means to obtain the missing facts which only these persons can supply. The depth of this Grand Jury's concern is best expressed by the following colloquy between witness Deborah Johnson and Mr. Branch, one of the Jury's attorneys:

Q. So I say to you again that this is the only Grand Jury you have got, and this is the only body in existence at this time who has power to do anything constructively concerning the bullets and the holes that you see in that Grand Jury Exhibit 17.

Now you are one of the persons who was in that apartment at that time along with others, and we do happen to know a little bit about you. We know that you are concerned with black people. You are concerned about your neighborhood. You are concerned about the injustices that have occurred. There are, I think, a lot of people who are concerned, and I have been concerned much longer that you have.

But one of the important things, Miss Johnson, in any civilization is that you must recognize the opportunity when it knocks because sometimes it only knocks only one time. There is a time and place when you stop talking and you start acting, and I submit to you that this is the time and this is the place and this is the body that you should start acting before because this Grand Jury has reached an impasse where it can't go forward, cannot do anything unless it has some testimony from some of the survivors as to what happened. We have the police story, we have the physical evidence, but that is not enough. As I told you before, what this Grand Jury is considering is whether or not your civil rights were violated or the civil rights of the other persons in that apartment on December 4th were violated, and it is impracticable and almost impossible and it is really contrary to all procedures to go forward in any constructive way without having the persons who are aggrieved, the persons who were hurt, the persons who were subject to danger come in and tell what happened. Do you follow me?

You have a small child, Miss Johnson, and I am convinced and I think the Grand Jury is convinced that what happend on December 4th, 1969 should not happen again. But their power to act, Miss Johnson, is tied into your power to cooperate with this Grand Jury, and I would hate to read two weeks from now or two months from now or two years from now that there has been another shoot-out in Chicago or any other city where two men are killed and four people are wounded. If I do read that, Miss Johnson, and if you read it, then I think we can both say one of the reasons this has happened is because you sat on this stand with the power to do something about it and rhetoric was more important to you than justice.

A. I don't think——

Q. So I ask you again, Miss Johnson, will you tell this Grand Jury what happened at 2337 West Monroe Street on December 4th, 1969.

A. I have nothing to say to this Grand Jury.

Mr. Branch: I have no further questions.[465]

The Grand Jury believes that the action of these witnesses is without legal justification and is nothing more than political posturing to publicize the Panthers' position on juries. Unquestionably, the Grand Jury could obtain a court order requiring the survivors to testify. The enforcement of such order could thus accord the Panther leaders the martyrdom they seek for the seven survivors. However, the interests of law enforcement would not be served by such action. The purpose of this investigation is to gather facts and make legal evaluations of them; the time for playing games is over. The Grand Jury will not permit itself to be used as an instrument of publicity and recruiting by the Panthers. Moreover, in the final analysis, there is no way to compel the survivors' testimony since they continue to have a valid Fifth Amendment claim to assert at anytime.

The public should know, however, that the Panthers who were so outraged at the time of the incident, publishing daily claims of mistreatment and murder and demanding one investigation after another, have now withheld their cooperation from the only investigative body with authority to do anything.

In addition, the Grand Jury recommends that the conduct of Mr. Rush, in formulating

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Footnotes at end of speech.

and announcing the Panther policy against cooperation, should be carefully evaluated by a subsequent Grand Jury to determine if it violates federal laws prohibiting obstruction of justice. Particular attention should be given the means used by Mr. Rush to secure compliance with his directions.

II. DISCUSSION: THE GRAND JURY'S ASSESSMENT OF THE FACTS

A. Probable cause

Sgt. Groth testified he had received information from a previously reliable informant relating to the presence in the first floor apartment of 2337 West Monroe of illegal weapons and ammunition. The Grand Jury accepts this as adequate probable cause to seek and serve a search warrant for that location. This judgment is based solely on the information obtained by Sgt. Groth. The information forwarded by the FBI to Assistant State's Attorney Jalovec, while generally confirming the existence of an arms cache. would not, standing alone, have justified a search warrant. Mr. Jalovec's confusion of the term riot shotguns with illegal sawed-off shotguns and the inclusion of his mistaken allegations in the complaint for the search warrant, while confusing, did not effect the essential validity of the complaint or the search warrent.

Reliable information that there are illegal weapons in a premises, in the form of sawed-off shotguns and stolen police weapons, imposes a duty on local law enforcement officials to take the necessary steps to seize such weapons and to arrest and bring to trial those who possess them in violation of state laws. The possession of unregistered weapons is also a violation of state and local law and, if involved, should form the basis for other prosecutions.

In point of fact the State's Attorney's Police did find and seize from the apartment one illegal sawed-off shotgun and one stolen police weapon, and found some seventeen other weapons which had not been registered. However, there was a failure to record or otherwise identify in any systematic way the individuals who possessed such weapons or even the location in the apartment from where each was seized. That failure coupled with improper and inaccurate inventory records and other chain of evidence problems and complicated by a plethora of obviously prejudicial pre-trial publicity regarding the weapons, has seriously jeopardized and probably frustrated the potential prosecutions and the orderly processes of justice.

The Grand Jury feels strongly that there is no excuse for an organization to stockpile illegal weapons and that anyone, regardless of their color, creed or political persuasion, who is duly charged with a violation of the law in respect to possessing illegal weapons of any kind, should be arrested, tried fairly and, if found guilty, punished in accordance with the law. The Grand Jury believes that the law enforcement procedures in this case may be considered to have precluded either a proper charge or a fair trial, and cannot be justified.

B. The shootings: Testimony versus physical facts and evidence

The major concern of this Grand Jury has been the irreconcilable disparity between the detailed accounts given by the officers and the physical facts and evidence examined and reported by the FBI. The Grand Jury had available the detailed accounts given by the officers both in the media and before the Coroner's Inquest. As noted previously, before the officers were permitted to testify before this Grand Jury, they were advised of the fact that a thorough examination of bullet holes, ballistics exhibits and trajectories could confirm but one shot having been fired by all of the seized Panther weapons.

This disclosure was made for several reasons. First, the Grand Jury was concerned because the reports from the police Crime Laboratory had identified three shotgun shells with Panther weapons. This could have had the effect of confirming a mistaken impression of what the officers had seen. Second, since the officers had not previously had the benefit of the results of a competent and professional search of the scene, a review of the physical facts such as the absence of bullet holes and shells and the virtual impossibility of all the Panther bullets flying out the doors and windows, could conceivably have been the occasion for a better recollection of what went on under tense and trying circumstances. Finally, the Grand Jury wanted to negative any possibility that the officers' accounts were not their own and, by disclosing the physical facts, to give them final notice that this body wanted a full, truthful and detailed account of their present recollection.

After disclosing these facts to the officers, they were allowed some time in which to reflect and reconsider their individual accounts in light of the physical evidence. However, in almost all relevant matters, the testimony of the officers before this Grand Jury was the same as that given at the Coroner's Inquest.

To understand the depth of the problem, it is useful to analyze the testimony of the officers with respect to the absolute minimum number of shots they say were fired at them.

Six officers testified to the deer slug shotgun blast through the living room door. A deer slug and its empty shell were recovered and the shell was positively identified as being fired in a shotgun which was found behind the living room door and which had on its bloodstains consistent in type with that of the deceased Mark Clark who was found lying behind the living room door.

Four officers say that they saw Brenda Harris fire one shot from a shotgun while she was half-sitting, half-lying on the eastern end of the bed in the southeast corner of the living room. One officer believed she fired twice—the first time simultaneously with the shot through the door. It is physically impossible for this shot or shots to have been fired from the described location and not hit a wall, a door or a piece of furniture. Had she been at the extreme west end of this bed, it is possible for a single projectile to have passed through all three open doors in the front and exist the apartment. No one says the gun was in this location and the possibility of such a shot not only passing through all the doors but also missing all four of the officers in or near these doors is also remote. Moreover, there are no empty shells identified as having been fired in the pump shotgun attributed to Brenda Harris. The expended shell in this type gun would either have remained in the chamber or if the pump had been operated, ejected in the living room. The State's Attorney's Police had custody of the gun from the time Gorman took it from the girl, and the mobile crime laboratory team searched the living room for just such shells, recovering in the process the two at the foot of the bed which were later misidentified.

Eight officers testified that they heard or saw shots originating in the north bedroom.[486] Three of them identify some or all of these shots as shotgun fire. The number of shots range from one (Davis) to four (Broderick and Ciszewski).[487] It is impossible to tell from the testimony whether the officers are describing the same shots; accordingly, no maximum figure can be set, but the testimonial minimum is from one to four shots. Available recovery records and testimony reflect that only one shotgun (the stolen police weapon) was recovered from this room. None of the expended shells recovered in that room or elsewhere were fired from that gun and there are no pellet marks outside the only door to that room that are consistent with such shots.

Four officers testified there was firing from the south bedroom. One of them, Jones identifies 2 pistol shots from this room. The others identified the shots by sound only; there is no way to determine if each heard the same shots so only a minimum of 2 pistol shots and 1 to 3 unknown type shots can be established. An automatic pistol and several long guns were recovered from this room, but none of the expended shells found in this room or elsewhere were fired from these weapons. There are no marks in the dining room, kitchen or hall that are consistent with shots fired out the only door to this room.

One officer, Carmody, says he saw 3 shots fired at him by a hand-held weapon from the doorway between the kitchen and the dining room and he later saw another flash from this same location. Ciszewski testified he heard 3 shots about the time of the 3 Carmody describes. There was a hand gun recovered in the adjacent south bedroom, but none of the recovered shells was fired in this weapon. There are no marks on the back door, the porch or adjacent buildings that could be associated with the fire described by Carmody.

Accordingly, the following shows the absolute minimum range of shots the officers testified were fired at them:

Location and Number	
Shotgun fire:	
Thru living room door	1
Living room couch	1
North bedroom	[1] 1–4
Pistol fire:	
South bedroom	2
Dining room-kitchen door	4
Unidentified type:	
South bedroom	1–3

[1] One officer says all 4 shots from the north bedroom were shotgun fire. The others identify some but not all the shots as shotgun fire. In computing a minimum range all 4 are listed under the shotgun heading.

Thus, at an *absolute minimum*, the participating officers say that they were fired at from 3 to 6 times with shotguns, 6 times with pistols and from 1 to 3 times by unidentified weapons—a total range of 10 to 15 shots, *at a minimum*. Only one bullet hole, one shell and one projectile—all associated with the blast through the living room door—can be identified ballistically as having been fired by the occupants.

By contrast, the officers also testified to the shots which they fired in the apartment. This testimony, together with the physical evidence recovered, indicates that they fired from 82 to 99 total shots. Of these, the Grand Jury has received in evidence 55 projectiles [488] and has accounted for 82 expended shells positively identified as having been fired in police weapons. Moreover, there are numerous bullet holes, marks and fragments in the walls and furniture that are consistent with this testimony.

The great variance between the physical evidence and the testimony of the officers raises the question as to whether the officers are falsifying their accounts. However, as noted above, the physical facts do corroborate many details of their testimony.[489] Each of the seven officers who were principally involved were asked to comment on how there could be corroboration of their fire and the almost total absence of physical evidence of Panther shooting. Although none of them had a total explanation, several had ideas and suggestions worthy of consideration.

Several officers suggested that during the period when the Panthers had control of the apartment, some of the evidence could have

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been removed either intentionally or by some of the thousands of spectators who toured the scene. One of the officers provided the name of a news reporter who had allegedly witnessed one of the Panther guides remove one .45 cal. shell casing from the dining room area. The reporter was located and confirmed this story,[470] but the individual who allegedly removed this shell has not yet been located.

While it is conceivable that some items could have been removed from the premises in the manner suggested, the theory falls far short of explaining the total discrepancy. First, the theory does not explain the absence of bullet holes or marks from the alleged firing. Secondly, the possibility of intentional concealment by Panther agents seems implausible. Pursuant to Court order attorney Andrew turned over some 200 items of potential evidence including numerous bullets, lead fragments and shell casings, on his oath that this was everything removed from the apartment under his direction. Moreover, since neither he nor his ballistics examiner had access to any of the Panther weapons, it would have been impossible for them to determine which items to turn over and which to conceal. Finally, the statistical probability that sight-seers removed almost all of the evidence of Panther shots and almost none of the evidence of police shots is astronomical.

Another theory suggested was that changes had been made to significant items and structures after the police left the apartment. The Grand Jury was concerned enough over this possibility to request the FBI to run spectrographic analyses of the bathroom door to see if it had been replaced. The paint samples from the door, its hinges, the doorjamb and the adjacent walls matched. The door had not been replaced.

Similarly, the FBI did all that could be done to determine if bullets passed out either the front or the rear of the apartment. Although one can never negative this possibility entirely, the investigation covered all of the surfaces of the doors, the porches, and the surrounding buildings and no evidence of bullet impacts were found. Also, a marked brick was removed from a building across Monroe Street and tested without positive results.

Another suggestion was that some of the bullets and expended shells could have landed in the storage boxes, clothing, debris and rubbish in the apartment, from which it was never recovered. Again, while this could be a possible explanation for a few items, it seems rather unlikely that all of the missing evidence was lost. Moreover, FBI agents did sift through all of the debris in the apartment, finding in the process pieces of lead as small as 1.25 grains, and none of the identifiable items recovered were attributable to Panther weapons.

The most plausible explanation, but one rejected by the officers, is that in the darkness and excitement they mistakenly attributed to the occupants the fire of other officers. A careful analysis of the testimony shows the way such mistakes could be made and is even more credible if one considers the natural fear, confusion and tension that each must have felt.[471]

For example, Officer Carmody says he waited listening at the back door until he heard a loud shotgun blast at the front of the apartment. He then kicked the kitchen door in, but almost immediately saw three flashes of gunfire which he says came from a hand gun in the doorway between the kitchen and dining room. Significantly, he says he heard no shots between the shotgun blast in the front and the three shots fired at him. It should be noted that in the living room at the very time Carmody saw the three flashes, Officer Davis had dived in and fired his carbine three times—once at Brenda Harris and twice at Mark Clark. The distance between the center of the living room where Davis was firing and Carmody's location at the back door is approximately 39.5 feet; and, standing at the back door, one can look through the hallway into the living room on an unobstructed line of sight.[472] The possibility that Carmody, after kicking in the door, immediately saw the vivid flashes of Davis' fire from the darkened living room, heard the reports and concluded that he was being fired upon, seems very real to the Grand Jury.

Similarly, the officers entering the front say that after the initial shooting by Davis and Groth, a cease fire was called only to be broken by a shotgun blast fired from the north bedroom. About the same time at the rear, Broderick was firing a high shot from behind the refrigerator into the east wall of the hallway which impacted only a few feet south of the doorway to the north bedroom. Since Carmody was able to hear the first shotgun fire at the back of the apartment, through the closed back door, it seems logical that the blast of Broderick's shotgun would be both audible and visible to the officers in the living room. Moreover, because of the direction of fire, the flash and sound could very well have appeared to come from the north bedroom.

There are other bases for speculation that the shots attributed to the Panthers by the officers also could have been mistaken or confused with shots fired by other officers, but absent some direct evidence that this is what happened, no conclusions are justified on the basis of speculation alone.

The one group of witnesses that, perhaps, could have shed some light on what happened are the occupants of the apartment. However, without exception they have declined to testify.

Thus, while there is a serious lack of corroboration of the officers' accounts, no one has appeared before the Grand Jury with a specific allegation of wrongdoing by them. Unquestionably, the raid was not professionally planned or properly executed and the result of the raid was two deaths, four injuries and seven improper criminal charges. The grave issues of professional law enforcement raised by these facts are discussed elsewhere. The question here is whether the facts establish probable cause to believe that the officers involved intentionally committed acts which deprived the occupants of federally protected rights, contrary to law.[473] The Grand Jury is unable to reach that conclusion. The physical evidence and the discrepancies in the officers' accounts are insufficient to establish probable cause to charge the officers with a willful violation of the occupants' civil rights.

The Grand Jury also is not persuaded from the evidence available to it that the officers are intentionally falsifying their stories. Accordingly, the Grand Jury is unable to determine that there is probable cause to believe there has been a violation of the testimonial oaths taken by these witnesses. The Grand Jury knows of no additional line of investigation which might develop the missing facts.

C. The facts and the State indictments

When the Grand Jury received evidence from the FBI that the police Crime Laboratory had incorrectly identified two shells as having been fired from the weapon seized from Brenda Harris and that there was thus evidence of only one shot having been fired by Panther weapons, it promptly notified the Court of a potential miscarriage of justice. The seven surviving occupants were each charged with attempted murder and other crimes, and the Grand Jury had evidence that part of the evidence upon which those indictments had been based was false.

With the concurrence of the Court and pursuant to its order, agents of the Grand Jury were authorized to call these facts to the attention of the prosecuting authorities and request that the prosecutions be reevaluated in the interests of justice. The other results of the FBI investigation were also presented to the State's Attorney to indicate the significance of the police ballistics mistake.

At the request of the State's Attorney, the police laboratory firearms examiner reexamined the questioned evidence and testified that he had been in error.

Before acting on the Grand Jury's request to consider dismissal of the prosecutions, the State's Attorney requested that the officers be allowed to testify. He reported that he had reinterviewed each of the seven principally involved and that each requested an opportunity to convince the Grand Jury of the truthfulness and accuracy of his account. Several had offered to take polygraph tests. After their testimony, the State's Attorney agreed that if the Grand Jury persisted in its request he would re-examine the prosecutive facts and reach a decision. He also requested that the transcripts of the officers' testimony and other evidence the Grand Jury felt was pertinent to a prosecutive decision be disclosed to him for this purpose.

Pursuant to an order of the Court permitting the limited disclosure of evidence received by the Grand Jury, this procedure was agreed to and followed.

On May 5, 1970, the State's Attorney appeared before the Grand Jury, at his request, and responded to its inquiry. He stated that he had reviewed the evidence submitted and had concluded that all of the indictments of the survivors should be dismissed in the interest of justice.

III. LAW ENFORCEMENT PROBLEMS

The extensive investigation by this Grand Jury of the various factual controversies has presented a rare opportunity to evaluate the effectiveness of various law enforcement agencies and, indeed, the whole legal system, with the sort of insights available only in an actual case. It has amounted to a kind of cross section view of the administration of justice in a highly publicized and controversial setting where the local institutions were under abnormal stress and strain. Such an analysis of our law enforcement machinery is especially appropriate at a time when the basic fairness and fundamental competence of the American Legal System is constantly questioned and, by some, totally repudiated. The analysis which follows is disappointing because it demonstrates serious shortcomings in the performance of some public agencies and a mutual suspicion among the individuals involved that seems almost paranoic.

The Grand Jury's conclusions and recommendations are made with the sincere conviction that through the public exposure and discussion of these problems constructive change may result. The stakes are high. Either our society and institutions will prove to be responsive and responsible, with built-in systems for growth and learning and change, or the critics who claim that the law and the legal system are irrelevant and decadent will have another citation for their argument. It bears repeating that the following comments are not the abstract findings of a social scientist but are the considered evaluations of twenty-three ordinary citizens judging the performance of their institutions with real facts of life and death, with real people and with real controversies.

A. The concept and performance of the State's attorney's police

The Grand Jury appreciates the need of a large prosecutive office, such as the Cook County State's Attorney, to have adequate trained investigative and prosecutive assistance. Certainly, with the number of cases tried, the sensitivity of some of them, the need to gather evidence and guarantee the

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safety of witnesses, a prosecutive agency must have professional investigative and enforcement personnel available. Moreover, this is frequently the practice in other metropolitan prosecuting agencies.

However, the Grand Jury is concerned that the use of such personnel, not for the above purposes, but to perform such basic police-type functions as the execution of search warrants on a matter that is not yet pending in the prosecutor's office, mixes the prosecutive and policing functions to the potential detriment of both.

Although it sought from many knowledgeable witnesses some justification that raids of the kind involved here should be conducted by a select group of officers responsible only to the prosecutor and his assistant rather than by regular police authorities, the Grand Jury is unable to conclude that there is a reasonable explanation.

Accordingly, the Grand Jury concludes that the State's Attorney's Office should discontinue or minimize the use of police assigned to it for normal police department functions such as the service of search warrants not connected with the trial or prosecution of pending cases. The Chicago Police Department has the available skill, manpower and program potential[474] to handle such assignments and, in our view, should be responsible for them. The Grand Jury believes the facts show that the State's Attorney's Police are neither trained nor equipped for such major undertakings.

The problems inherent in using the State's Attorney's Police in this way are readily apparent. It was never clear who was responsible for the crime scene, either its search or its security. Policy department officials say the State's Attorney's Officers had the responsibility because it was their raid, and the police department only provided assistance as requested. The State's Attorney said that when the Police Crime Laboratory men arrived, the whole scene was their responsibility. As a result, no gun was tagged or fingerprinted, no record made of where it was found, no proper inventory was made and no record shows what ammunition was in each, if any. The scene was abandoned by 7:30 a.m. through an unexplainable series of conflicting orders. The failure to collect and systematically preserve available evidence has contributed to the Grand Jury's inability to establish what took place with legal definitiveness.

Moreover, the whole concept of going on a raid in a high crime density area to obtain weapons from known militants—led by a convicted felon believed to be dangerous—with only fourteen men, in plainclothes, in the dead of night, with no sound equipment, no lighting equipment, no tear gas and no plan for dealing with potential resistance, seems ill-conceived. The Grand Jury believes that a professional police department would not have adopted such an approach but would have used a system similar to the one used by the FBI in June 1969, evacuating the entire Panther Headquarters and effecting eight arrests without firing a single shot.

The State's Attorney has advised the Grand Jury that the nine-man unit headed by Sgt. Groth is no longer independent but is now assigned to the regular contingent of State's Attorney's Police under Chief Ward. This is an appropriate step in the Grand Jury's view. Limiting the State's Attorney's Police to prosecutive investigation and assistance is also warranted.

B. Pretrial publicity

While the Grand Jury fully accepts and appreciates the public's legitimate right to know through the media what is happening in its community, that right cannot be allowed to prevent a fair trial. In the view of the Grand Jury, improper and grossly exaggerated stories were reported almost daily in the Chicago media. It seemed to become a kind of publicity contest with everyone involved releasing more and more to newspapers and other media who published anything and everything. Thus, the smoke had hardly cleared before Panther spokesmen claimed murder, and their claims were published. Similarly, the injured policemen made immediate statements to the press at the hospital which were either grossly inaccurate or grossly distorted. The ensuing escalations have been described in the first part of this report and culminated in a television spectacular being acted out by the policemen who did the shooting. While we can understand the State's Attorney's position—that he felt obliged to respond to widely published charges made by Panther spokesmen—the jurors cannot accept this as justifying the extraordinary television show or the exclusive (and in part erroneous) *Chicago Tribune* account. The Grand Jury does not understand how the right to a fair trial can ever be guaranteed when the major prosecution witnesses all give a detailed testimonial reenactment.

The media must accept responsibility for some of the problems of pre-trial publicity. Especially where the public is intensely interested in a case, the journalists must recognize their duty of accurate and balanced reporting. In a competitive press, sensational headlines reporting unproved and unchecked allegations undoubtedly attract readership, but, if in error, they also publicize misinformation, sow distrust among citizens and may even prejudice the interests of justice. Similarly, speculative articles about the results of the secret investigation by this Grand Jury and about the impact of other developments on this Jury's deliberations, can only serve to invite controversy and shake the faith of the public in the Grand Jury. Grand Jury deliberations are not public, and, until they are made so by proper order of the Court, the public has no right to know, nor the media to speculate on, the steps a Grand Jury is considering.

Nor can the Grand Jury justify the equally prejudicial approach of attorneys for the apartment occupants. Press conferences were held by defense counsel and expert witnesses, which, at least in one instance, resulted in the widespread dissemination of totally erroneous information on drugs and cause of death, and resulted in flamboyant claims with no foundation at all that Hampton was intentionally murdered after being drugged.

In the opinion of the Grand Jury, the proper balance, between the public's right to know and the interest of the public in a fair trial, is set forth in the American Bar Association's approved draft of standards for pre-trial publicity set forth in the margin.[475] It is recommended that in the future these rules be studied and followed by members of the bar, the press and the prosecutors.

C. The Coroner System

The office of the Coroner, in Illinois as in other states, is a combination of archaic and statutory functions. The office is presently required by law. This investigation establishes reasonable grounds to question whether the continuation of that office is desirable.

The inquest function is archaic in origin and of doubtful relevancy. The findings of a Coroner's jury as to cause of death are immaterial; they neither prevent nor require prosecutions. Certainly, the "blue ribbon" Coroner's jury which sat in this case was made up of dedicated and competent individuals, all of whom were dedicated to finding the truth. Their determination of justifiable homicide, however, was inevitable in view of the refusal of the occupants to testify. The Grand Jury believes it is questionable whether the continuation of the inquest system is in the best interests of justice. The findings were based on incomplete evidence and, in fact, were not binding on anyone.

Nor, did the medical work of the Coroner's Office seem to be of high caliber. The reversal of the entrance and exit hole and the mis-description of one of Hampton's wounds could, in some cases, have caused serious repercussions. The understaffing, inadequate procedures, use of an unlicensed pathologist, loss of a crucial dicta belt and the reliance on dieners (autopsy assistants) to do work such as fluoroscopy, indicate serious problems.

Some states and metropolitan areas have replaced the coroner with an appointive medical examiner system. This eliminates the inquest function entirely and requires the examiner, an experienced forensic pathologist, to determine the cause of death from medical and scientific evidence. Such examiners are appointed, rather than elected, and this system has received wide acceptance as a more professional approach to forensic pathology.

In 1965, a resolution was introduced to submit a constitutional amendment to the voters of Illinois to abolish the coroner system and replace it with an examiner system. The bill was killed in committee after opposition formed around the Illinois Coroner's Association.

The Grand Jury is advised that the present Constitutional Convention is considering several proposals for the elimination or modification of the coroner's system in Illinois. The Grand Jury believes that such changes should be carefully studied and considered. To that end, the Jury will make available any of the relevant information in its files to the proper officials of the Constitutional Convention.

D. The Chicago police crime laboratory

The operation of this agency in this case indicated a serious lack of professionalism and objectivity. The whole purpose of a crime laboratory is to gather and analyze physical evidence. A scientific approach, in the Grand Jury's view, is necessarily objective and unbiased. It is inconceivable how the activities of the Mobile Crime Lab team can be justified in light of this standard. The team recovered but seven items and left behind at least eighty projectiles and casings and at least as many other items of physical evidence. The testimony of the team leader that the team's only purpose was to gather evidence supporting the officers' stories, makes it clear that there simply was no thorough professional examination made of the premises. Regardless of the directions allegedly received from the State's Attorney's Police on the scene, the Chicago Police Crime Lab should have insisted on such an examination if for no other reason than to guarantee the integrity of its own report.

Similarly, the work done by the lab after it received the limited amount of evidence submitted, displays questionable professionalism. While any firearms examiner can be excused a mistake—even one with serious consequences—there was more involved here. Not only did the State's Attorney Police fail to turn in their weapons for testing, the Crime Laboratory did not even request them to do so until after a mistaken report was prepared and indictments based on it and after this Grand Jury investigation was initiated. Had the Crime Lab refused to conduct an analysis of any recovered bullets and casings without having all the weapons present in the apartment, there is every possibility that the mistake would never have occurred and been submitted as fact to the Cook County Grand Jury.

In short, the Crime Lab was responsible, in part at least, for a totally inadequate search and for a grossly insufficient analysis. The testimony of the firearms examiner that he could not have refused to sign what he believed was an inadequate and preliminary re-

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port on pain of potential discharge is highly alarming. If true, it could undermine public confidence in all scientific analysis performed by this agency.

The Grand Jury recommends that an immediate evaluation of the operating rules and procedures of the Crime Lab should be undertaken by the Chicago Police Department. Recommendations should be developed which would require the absolute independence of that agency and which would insure that the capable staff there will be free to pursue their work with absolute scientific detachment free from pressure or interference by anyone.

E. Internal Inspections Division

The performance of this branch of the Chicago Police Department—the branch dedicated to impartial and objective investigations of police conduct—was so seriously deficient that it suggests purposeful malfeasance. The regular channels of the IID were bypassed. Instead of a complete investigation of any of the factual controversies raging in the press, the investigation consisted only of gathering all police reports, soliciting cooperation from counsel for persons accused of crimes (knowing that no defense counsel would permit pre-trial statements by an accused) and asking the officers involved a few simple conclusory questions in which they denied wrongdoing. No officer was given the opportunity to explain what happened in detail and all the subordinate officers were asked only to ratify their sergeant's account—which itself was based not only on prepared questions, but suggested answers composed by a police department lawyer and shown to the sergeant in advance.

Nor did the IID investigate any potential violations of police department regulations by the officers. For example, the General Order 67–14 [476] relating to the use of deadly force in making an arrest, specifically prohibits the following practices:

1. Firing into crowds.

2. Firing over the heads of crowds except on specific order of a member of the Department above the rank of Captain.

3. Firing at a fleeing car except one in which a person who has attempted or committed a forcible felony is riding.

4. Firing warning shots in the case of individuals where the use of deadly force is not permitted (*even when deadly force is permitted, warning shots will not be fired when they are likely to injure persons other than those against whom deadly force is authorized*).

5. *Firing into buildings or through doors when the person fired at is not clearly visible.* (Emphasis supplied.)

Even the media accounts available to the IID clearly frame an issue as to whether the police department's own regulations were violated.

Moreover, the publication of the results of this "investigation", in the view of the Grand Jury, was misleading to the general public by inferring that a legitimate investigation was held. The Grand Jury found a more detailed account of the raid in the Chicago Tribune than it did in the IID files.

The Grand Jury recommends that immediate steps be taken to insulate the IID from any interference or pressure; that firm written procedures be established for the handling of investigations where officers are involved in shootings; that a directive prohibit the advance reading of questions and suggested answers to persons whose conduct is in question; and, that an alternative system of dealing with investigations of police conduct be explored. An organization charged with the responsibility of evaluating the conduct of police officers must have public credibility to succeed. The facts in this case show that the IID's performance does not deserve such confidence.

F. Militant organizations and law enforcement

Organizations such as the Black Panther Party present law enforcement problems of the most serious dimensions. It must be reported that the Panther tactics and policies help create much of the very tension and conflict they have complained of in this and other cases. While the Grand Jury has focused on the civil rights guaranteed by the Constitution to all persons, any analysis of law enforcement problems in this case must make it clear that there is no intention to defend or excuse any violations of state and local law. Certainly, gathering large numbers of unregistered firearms and ammunition is not an act of peace. Public advocacy of violence toward policemen is not an appeal for justice.[477] The constant rhetoric of revolution in the tinder of the ghetto will never solve the social and economic problems of black citizens.

Much has been done and is being done toward eliminating these human problems, but the continuing process of change and correction will take time, perhaps a number of years. In the meantime, the difference between chaos and order is the responsibility of local law enforcement agencies. In a difficult situation, the job of law enforcement agencies is to preserve order, administer justice and guarantee the fundamental rights of all citizens. In these tasks, they deserve public understanding and support. The activities of violence oriented groups such as the Panthers seriously complicate the achievement of legitimate goals of such agencies.

The FBI, for example, advised the Grand Jury:

"Hampton's favorite quotation from Mao's red book was that revolution comes about through the barrel of a gun, and that was his main philosophy that he expounded in all of his speeches; that the only way to insure that the revolution that they wanted to occur would be through the barrel of a gun.

"In June of last year, the Chicago [Panther] officers told every Panther member that if you are arrested, there had better be at least one shot fired at the arresting officer or we will not bond you out, and they have ordered all members to acquire firearms." [478]

Thus, in judging the facts of this case, the Grand Jury urges that the reader should keep the proper perspective. If officers of the law are on a legitimate and proper mission to search for illegal weapons that could endanger countless persons, they should not be met with gun fire. In this case, the State's Attorney's Police did, in fact, seize and remove from public circulation nineteen weapons and a large quantity of ammunition. The fact that the raid was poorly planned and executed and the evidence was mishandled does not mean that there should have been no raid.

The full and fair enforcement of the law and the obedience to the law by all persons involved in this case would have eliminated any need for this Grand Jury's inquiry.

CONCLUSION

This Grand Jury has sincerely endeavored to exhaust every reasonable means of inquiry to ascertain the facts of this case. The most concise conclusion is that, in this case, it is impossible to determine if there is probable cause to believe an individual's civil rights have been violated without the testimony and cooperation of that person. This cooperation has been denied to this Grand Jury. Given the political nature of the Panthers, the Grand Jury is forced to conclude that they are more interested in the issue of police persecution than they are in obtaining justice. It is a sad fact of our society that such groups can transform such issues into donations, sympathy and memberships, *without ever submitting to impartial fact finding by anyone*. Perhaps the short answer is that revolutionary groups simply do not want the legal system to work.

On the other hand, the performance of agencies of law enforcement, in this case at least, gives some reasonable basis for public doubt of their efficiency or even of their credibility.

The resulting competition for the allegiance of the public serves to increase the polarization in the community.

Under these circumstances, the Grand Jury believes the best service it can render is to publish a full and factual report on the evidence it has heard so that the entire public will be made aware of the situation.

RONALD C. ALBION,
Foreman.

MAY 15, 1970.

Finally, the Grand Jury wishes to acknowledge the invaluable investigative contributions of the Federal Bureau of Investigation. Without the cooperation, professionalism and proficiency of this agency, the Grand Jury could not have completed its assignment.

GRAND JURY ATTORNEYS AND STAFF

Jerris Leonard, Assistant Attorney General.

James P. Turner, Deputy Assistant Attorney General.

K. William O'Connor, Special Assistant to the Assistant Attorney General.

Jesse Queen, Senior Trial Attorney.

Milton Branch, Assistant U.S. Attorney, Denver, Colorado.

Robert Breakstone, Assistant U.S. Attorney, Chicago, Illinois.

Thomas Foran, U.S. Attorney, Chicago, Illinois.

Jack Schmetterer, First Assistant U.S. Attorney, Chicago, Illinois.

Patricia A. Abraham, Research Assistant, Dept. of Justice, Washington, D.C.

Judith A. Byers, Research Assistant, Dept. of Justice, Washington, D.C.

Susan Bolgiano, Secretary, Dept. of Justice, Washington, D.C.

Faye Woodson, Secretary, Dept. of Justice, Washington, D.C.

James Gardner, Deputy U.S. Marshal, Washington, D.C.

Rod Taubel, Deputy U.S. Marshal, Milwaukee, Wisconsin.

Vernon Whitlock, Deputy U.S. Marshal, E. St. Louis, Missouri.

Walter Broughton, Deputy U.S. Marshal, DePage, Iowa.

APPENDIX A

Part I. Recommendations relating to the conduct of attorneys in criminal cases

1.1 Revision of the Canons of Professional Ethics

It is recommended that the substance of the following standards, relating to public discussion of pending or imminent criminal litigation, be embodied in the Code of Professional Responsibility:

It is the duty of the lawyer not to release or authorize the release of information or opinion for dissemination by any means of public communication, in connection with pending or imminent criminal litigation with which he is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.

With respect to a grand jury or other pending investigation of any criminal matter, a lawyer participating in the investigation shall refrain from making any extrajudicial statement, for dissemination by any means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.

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arrest warrant, or the filing of a complaint, information, or indictment in any criminal matter until the commencement of trial or disposition without trial, a lawyer associated with the prosecution or defense shall not release or authorize the release of any extrajudicial statement, for dissemination by any means of public communication, relating to that matter and concerning:

(1) The prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the accused, except that the lawyer may make a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, a lawyer associated with the prosecution may release any information necessary to aid in his apprehension or to warn the public of any dangers he may present;

(2) The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;

(3) The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;

(4) The identity, testimony, or credibility of prospective witnesses, except that the lawyer may announce the identity of the victim if the announcement is not otherwise prohibited by law;

(5) The possibility of a plea of guilty to the offense charged or a lesser offense;

(6) Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

The foregoing shall not be construed to preclude the lawyer during this period, in the proper discharge of his official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigating and arresting officer or agency, and the length of the investigation; from making an announcement, at the time of seizure of any physical evidence other than a confession, admission or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge, including a brief description of the offense charged; from quoting or referring without comment to public records of the court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges made against him.

During the trial of any criminal matter, including the period of selection of the jury, no lawyer associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview, relating to the trial or the parties or issues in the trial, for dissemination by any means of public communication, except that the lawyer may quote from or refer without comment to public records of the court in the case.

After the completion of a trial or disposition without trial of any criminal matter, and prior to the imposition of sentence, a lawyer associated with the prosecution or defense shall refrain from making or authorizing any extrajudicial statement for dissemination by any means of public communication if there is a reasonable likelihood that such dissemination will affect the imposition of sentence.

Nothing in this Canon is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative, or investigative bodies, or to preclude any lawyer from replying to charges of misconduct that are publicly made against him. (Note: The standards also suggest the same restraint by judges and court personnel.)

Part II. Massachusetts guide for the bar and news media 1963

1. Guide for Press

preamble

1. To promote closer understanding between the bar and the press, especially in their efforts to reconcile the constitutional guarantee of freedom of the press and the right to a fair, impartial trial, the following mutual and voluntary statement of principles is recommended to all members of both professions.

2. Both professions, recognizing that freedom of the press is one of the fundamental liberties guaranteed by the First Amendment to the United States Constitution, agree that this fundamental freedom must be zealously preserved and responsibility exercized subject only to those restrictions designed to safeguard equally fundamental rights of the individual.

3. It is likewise agreed that both the press and the bar are obliged to preserve the principle of the presumption of innocence for those accused of wrongdoing pending a finding of guilty.

4. The press and the bar concur on the importance of the natural right of the members of an organized society to acquire and impart information about their common interests.

5. It is further agreed, however, that the inherent right of society's members to impart and acquire information should be exercised with discretion at those times when public disclosures would jeopardize the ends of justice, public security and other rights of individuals.

6. The press and the bar recognize that there may arise circumstances in which disclosures of names of individuals involved in matters coming to the attention of the general public would result in personal danger, harm to the reputation of a person or persons or notoriety to an innocent third party.

7. Consistent with the principles of this preamble, it is the responsibility of the bar, no less than that of the press to support the free flow of information.

For the press

Newspapers in publishing accounts of crime should keep in mind that the accused may be tried in a court of law.

To preserve the individual's rights to a fair trial, news stories of crime should contain only a factual statement of the arrest and attending circumstances.

The following should be avoided:

1. Publication of interviews with the subpoenaed witnesses after an indictment is returned.

2. Publication of the criminal record or discreditable acts of the accused after an indictment is returned or during the trial unless made part of the evidence in the court record. The defendant is being tried on the charge for which he is accused and not on his record. (Publication of a criminal record could be grounds for a libel suit.)

3. Publication of confessions after an indictment is returned unless made a part of the evidence in the court record.

4. Publication of testimony stricken by the court, unless reported as having been stricken.

5. Editorial comment preceding or during trial, tending to influence judge or jury.

6. Publication of names of juveniles involved in juvenile proceedings unless the names are released by the judge.

7. The publication of any "leaks," statements or conclusions as to the innocence or guilt, implied or expressed, by the police or prosecuting authorities or defense counsel.

FOOTNOTES

[1] Many are group exhibits consisting of as many as 200 individual items.

[2] Tr. XII, pp. 72–75 (Tr. references are to volumes of the transcript of testimony before the Grand Jury).

[3] Tr. XII, pp. 94–96.

[4] Tr. XII, p. 92.

[5] Tr. XII, p. 76.

[6] Exhibit 113A.

[7] Exhibit 113A.

[8] Robbins police officers interviewed commented upon Panther recruitment efforts:

" 'Not too long ago we knew there was a Panther recruiter in town . . . A group of young guys ganged up on him one night, beat him up pretty good, and sent him back where he came from.

'We came by a little later and couldn't get much information on the incident. You know, sometimes it's almost a good idea to look the other way.' " (Exhibit 113, Vol. 1).

[9] Tr. XXV, pp. 160–161.

[10] See pp. 52–53, *infra*.

[11] Tr. XII, pp. 104–114.

[12] Again, the descriptions in this section are taken solely from newspaper accounts, except where otherwise indicated.

[13] See plat attached.

[14] Both officers acknowledged that this initial account was inaccurate. (Tr. XXVII, p. 69; Tr. XXVI, pp. 207–208).

[15] The Grand Jury has viewed both the televised re-enactment and film not shown and concludes that the re-enactment was carefully staged and rehearsed.

[16] As a matter of fact, the State's Attorney's Police were issued number 8 birdshot. See p. 63, *infra*.

[17] Ciszewski and Gilhooly are not related.

[18] S.H.A. Ch. 14, Section 5.

[19] Tr. XV, pp. 8–9.

[20] Tr. XV, pp. 7–8.

[21] Tr. XV, p. 9–10.

[22] On May 4, 1970, Mr. Hanrahan testified that he, too, personally participated in the selection of some of the officers.

[23] Tr. XV, p. 18. Records of IID subpoenaed by this Grand Jury show that each of the officers have had complaints registered against them at IID and that charges had been sustained against two of those selected. (Exhibits 88 and 90). The personnel file of each officer selected also contains records of commendations and citations. (Exhibit Group 6, #126).

[24] Tr. XII, p. 123.

[25] Tr. XII, pp. 117–118, Tr. XV, p. 30.

[26] Tr. XII, p. 119.

[27] Tr. XII, pp. 119–120.

[28] Tr. XXIV, p. 20.

[29] Tr. XXIV, p. 21.

[30] Tr. XXIV, pp. 23–24.

[31] Tr. XXIV, pp. 152–153; TR XV, pp. 83–84.

[32] Tr. XV, p. 29; Tr. XXIV, p. 24.

[33] Tr. XXIV, p. 24; Tr. XV, p. 31.

[34] Tr. XXIV, pp. 146–147.

[35] Tr. XV, p. 204; Tr. XXIV, pp. 25–26.

[36] Tr. XXIV, pp. 31, 153.

[37] Tr. XV, pp. 34–35.

[38] Exhibit 71.

[39] Tr. XV, pp. 35–36; Tr. XXIV, p. 31.

[40] Tr. XII, pp. 48–51; Exhibit 102.

[41] Tr XXIV, pp. 40–41.

[42] Tr. XV, pp. 37–38.

[43] Tr. XXIV, p. 155.

[44] Tr. XV, p. 38.

[45] Tr. XXIV, pp. 33–35.

[46] Tr. XXIV, pp. 34–35, 149; Exhibit 8, #5.

[47] Tr. XXIV, pp. 36–37, 101–103.

[48] Tr. XXIV, pp. 35, 41.

[49] Tr. XV, pp. 42–43.

[50] Tr. XXIV, pp. 36–37.

[51] Tr. XXV, pp. 163–165.

[52] Tr. XXIV, pp. 39–40; Exhibit 6; #124 (Order No. 68–16).

[53] Tr. XXIV, p. 42.

[54] Tr. XXIV, p. 45.

[55] Exhibit 47.

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[56] Supt. Conlisk directly contradicts this version; he was informed that evidence collection was performed by the State's Attorney's Police, and that they refused to allow the Mobile Crime Unit officer to perform this function. (Tr. XXIX, pp. 32–33, 41–42).

[57] Tr. XIII, pp. 3–42.

[58] Tr. XIII, p. 105–110.

[59] Tr. XIII, p. 206.

[60] Tr. VIII, pp. 180–181.

[61] Tr. XXV, pp. 235–237.

[62] Tr. XVI, p. 235.

[63] Exhibit 87.

[64] Exhibit 113; Chicago Sun Times December 18, 1969.

[65] Tr. XIII, pp. 29–33.

[66] Tr. IV, pp. 60–69.

[67] Tr. IV, pp. 59–60.

[68] Tr. XIII, p. 110.

[69] Tr. XXIV, p. 92.

[70] Tr. XXIV, pp. 94–95.

[71] Tr. XXIV, p. 115.

[72] Tr. XXIX, pp. 33–34, 40–41.

[73] Supt. Conlisk subsequently advised that a radio transmission calling off the security had been made by a Capt. Casey. There was no Capt. Casey on duty, but there was a Sgt. Casey who denied any knowledge of the call. He also advised that a Lt. Coburn had advised the State's Attorney's Police that the guard had been ordered removed.

[74] Tr. XV, pp. 77–78, 94–96.

[75] Tr. XXXI, p. 11.

[76] Tr. XV, pp. 77–78, 808.

[77] Tr. XXIV, p. 83.

[78] Tr. XXV, p. 270.

[79] Tr. XXV, pp. 225–226.

[80] Tr. XXIV, p. 83.

[81] Sgt. Groth and Officer Carmody took their empty shells with them in their revolvers; Carmody threw his away (Tr. XXIV, p. 157; Tr. XXVI, p. 219). Officer Jones put his in his raincoat pocket and threw them in the box later in the day, unmarked. (Tr. XXVI, p. 68).

[82] Tr. XIV, p. 8.

[83] Tr. XIV, pp. 14–16.

A later examination of the area of the door behind the sheet was made on December 4 by a member of the Mobile Crime Unit team; he found no bullet hole in the door behind the hole in the sheet. (Tr. XVII, pp. 28–29) Apparently, this examination was not reported to the sergeant in charge of the team. (Tr. XVI, p. 278).

[84] Tr. XIV, pp. 18–22.

[85] Tr. XIV, pp. 18–19.

[86] Tr. XXIV, pp. 84–86.

[87] Tr. XIV, p. 24.

[88] Tr. XXIV, p. 112.

[89] Tr. XXV, p. 234.

[90] The space provided on standard inventory records which should indicate the name of the person from whom weapons were seized are mostly blank. One inventory did attribute a seized weapon to Brenda Harris. This was signed by an officer who had no knowledge of the seizure of this weapon. He affixed another officer's signature thereto. (Tr. XXVI, pp. 129–131).

[91] Tr. XXV, p. 238.

[92] Tr. XXIV, p. 112.

[93] Tr. XIII, p. 44.

[94] Tr. XVI, p. 231.

[95] Tr. XIII, pp. 55–57, 64. In his field report, the sergeant stated: "Examination of the front door leading to the front room showed what appeared to be shots fired through it from the inside to the outside." (emphasis supplied) Tr. XVI, pp. 244–248; Exhibit 62, p. 2.

[96] Tr. XVI, p. 241.

[97] Tr. XIII, pp. 59–60.

[98] Subsequent probing of this hole by Crime Lab personnel was unproductive; although lab personnel considered this shot to have possibly been fired by the occupants at the police officers. (Tr. XVII, p. 30) On March 8, pursuant to request of this Grand Jury, FBI agents probed the hole and recovered a .380 projectile which could not have been fired in any of the police weapons or seized weapons. (Tr. XIX, pp. 34–37).

[99] Tr. XIII, pp. 61–65.

[100] This identification was erroneous (infra pp. 156–157).

[101] Tr. XIII, p. 67; Tr. XX, p. 189.

[102] Tr. XVI, pp. 248–251.

[103] Tr. XVII, pp. 25–26.

[104] Tr. XVI, pp. 262–263.

[105] Tr. XVI, pp. 262–263.

[106] Tr. XVI, p. 266; Exhibit 62.

[107] Tr. XVI, p. 270.

[108] Tr. XVI, pp. 270–274.

[109] Tr. XVI, pp. 274–281.

[110] Tr. XVI, pp. 292–299.

[111] Tr. XVI, p. 306.

[112] Tr. XXIX, pp. 41–42.

[113] Tr. XIII, p. 204.

[114] Tr. VIII, p. 180; Exhibits 24, 54.

[115] Tr. V, p. 146.

[116] Tr. of Proceedings, Re: Michael Gray, 69 GJ 144 dated January 7, 1970 at p. 3.

[117] Ibid, at p. 27.

[118] Exhibits 24, 54; Group Exhibit 1.

[119] Exhibit 43; Exhibits 24, 54; Exhibit 103.

[120] Tr. IV, p. 22.

[121] Tr. V, p. 51.

[122] Tr. V, p. 99.

[123] Tr. V, pp. 149–150.

[124] Tr. V, pp. 120–121.

[125] Tr. V, p. 127.

[126] Tr. XIX, pp. 56–57.

[127] Exhibit 26.

[128] Tr. V, pp. 139–141.

[129] Tr. V, p. 192.

[130] Tr. VI, pp. 25–28.

[131] Exhibit 3.

[132] Tr. VII, p. 159.

[133] Tr. IV, pp. 78–79.

[134] Tr. IV, pp. 82, 90, 96, 97.

[135] Tr. IV, p. 110; IX, p. 20.

[136] *Chicago Sun Times,* December 9, 1969.

[137] Tr. IV, p. 122.

[138] *Chicago Sun Times,* January 7, 1970.

[139] *Chicago Sun Times,* January 15, 1970.

[140] Tr. XI, pp. 3, 7–12, 26–28; Exhibit 56.

The toxicologist who performed the tests for the private autopsy was aware of the gas chromatography method of testing, but was out of gas and could not perform the test. Tr. IX, p. 38.

[141] Tr. XVI, pp. 5, 22.

[142] Tr. VII, p. 159.

[143] Tr. XVI, p. 11.

[144] Tr. XVI, pp. 15–19; Exhibit 75.

[145] Tr. XVI, p. 13.

[146] Compare Exhibit 3 and Exhibit 75 and accompanying photographs.

[147] S.H.A. ch. 31, § 10.2.

[148] Tr. VII, p. 56–75, 156.

[149] Tr. VII, p. 60–61.

[150] Tr. VII, pp. 137–139; Exhibits 3, 39, 40.

[151] Tr. VIII, p. 38.

[152] Tr. VIII, p. 144.

[153] Tr. VII, p. 123–124.

[154] Tr. VIII, p. 50–75; Exhibit 10.

[155] Tr. XXVIII, pp. 269–270.

[156] Tr. XXVIII, p. 24.

[157] Tr. XIII, p 116; Tr. XXVIII, pp. 24, 186.

[158] Tr. XXVIII, p. 24.

Many IID examinations result in findings of unsubstantiated charges against officers; the former head of the Excessive Force Unit of IID for over a year (Tr. XXVIII, p. 177) could only recall one instance of hundreds during his tenure, of a shooting by police in which the officer was held at fault. (Tr. XXVIII, p. 213) In that instance, an officer responding to a rape victim's call fired his weapon through the door and killed the complainant. (Tr. XXVIII, pp. 213–214).

[159] Tr. XIII, pp. 116, 138.

[160] Tr. XIII, pp. 116–118; Tr. XXVII, pp. 220–221.

[161] Tr. XXIX, pp. 7–8.

[162] Tr. XXIX, p. 8.

[163] Tr. XXIX, p. 14.

[164] Tr. XIII, p. 119.

[165] Tr. XIII, pp. 120–121.

[166] Exhibit Group 6, Items No. 1–120.

[167] Tr. XIII, pp. 119–120.

[168] Tr. XIII, pp. 156–158.

[169] Tr. XIII, pp. 158–159.

[170] Tr. XIII, pp. 160–190; Tr. XXVIII, pp. 16–273; Tr. XXIX, pp. 1–87.

[171] Tr. XXVIII, pp. 223–227.

[172] Tr. XXVIII, p. 223.

[173] Tr. XXVIII, pp. 93, 223–224.

[174] Tr. XXVIII, p. 188.

[175] Tr. XXVIII, pp. 191–192.

[176] Tr. XXVIII, p. 95.

[177] In his testimony before this Grand Jury, Sgt. Meade did not mention that the questions were accompanied by proposed answers; it appears that proposed answers were tendered with the questions. (Tr. XXVIII, pp. 107–109, 114, 246) The Grand Jury asked Sgt. Meade to produce a retained copy of the format he had prepared, Sgt. Meade advised attorneys for the Grand Jury that no copy of the format could be found in his files.

[178] Tr. XXVIII, pp. 36–39.

[179] Tr. XXVIII, pp. 34, 40–43.

[180] Tr. XXVIII, p. 135.

[181] Tr. XXVIII, p. 136.

[182] Tr. XXVIII, pp. 158–162.

[183] Tr. XIII, p. 172; Tr. XXVIII, pp. 41, 246–248.

[184] Tr. XIII, p. 171.

[185] Tr. XXVIII, pp. 107–109.

[186] Tr. XXVIII, pp. 111–112.

Mr. Jalovec deleted one question upon reviewing Sgt. Meade's format. In substance, the deleted question was intended to show that the officers were represented by counsel who had advised them of their rights. (Tr. XXVIII, pp. 58–59).

[187] Tr. XXVIII, pp. 110, 113–114.

[188] Tr. XXVIII, pp. 59, 116–117.

The practice of the IID, in instances where officers are represented by counsel, includes this right to private consultation and, on occasion, includes advising counsel of the questions which will be asked of the officer. (Tr. XXVIII, p. 202). In represented cases, counsel may also be present during the interrogation; this procedure was declined by Mr. Jalovec, and the Assistant State's Attorneys were not present during the examination of the officers. (Tr. XXVIII, p. 59).

[189] Tr. XXVIII, p. 59.

[190] Tr. XIII, p. 164; Tr. XXVIII, pp. 114–115; Exhibit 6, Items 90–103.

[191] Tr. XXVIII, p. 115.

[192] Tr. XXVIII, p. 116.

[193] Tr. XXVIII, p. 86.

[194] Tr. XXVIII, p. 50.

[195] Tr. XIII, pp. 183–184.

[196] Tr. XXVIII, pp. 258–259.

[197] Tr. XXVIII, p. 259; Tr. XXIX, pp. 22–23.

[198] Exhibit 94.

[199] Tr. XXVIII, p. 246.

[200] Tr. XXVIII, p. 273.

[201] Tr. XXVIII, p. 264.

[202] Tr. XXIX, pp. 15–17.

[203] Tr. XIII, p. 147.

[204] Tr. XIII, pp. 138–139.

[205] Tr. XIII, pp. 174–177.

[206] S.H.A. Ch. 31 § 1–29.

[207] S.H.A. Ch. 31 § 10.

[208] S.H.A. Ch. 31 § 10.4.

[209] *Peoria Cartage Co.* v. *Industrial Board,* 284 Ill. 40 (1918).

[210] *Chicago Tribune,* December 21, 1969.

[211] *Chicago Daily News,* December 31, 1969.

[212] *Chicago Daily News,* December 31, 1969.

[213] *Chicago Sun Times,* January 16, 1970.

[214] *Chicago Tribune,* December 11, 1969.

[215] Coroner's Inquest Transcript (hereinafter known as CTR) Vol. E, p. 735.

[216] Exclusive of the medical evidence.

[217] CTR, p. 1148.

[218] Tr. XVI, p. 247.

[219] CTR, p. 1405.

[220] CTR, p. 893.

[221] CTR, p. 895.

[222] CTR, p. 896.

[223] CTR, p. 1162.

[224] *Chicago Today,* January 22, 1970.

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[225] Exhibit 128.

[226] Tr. XXIV, p. 101-Groth; XXV, p. 124-Davis; XXVI, p. 279-Carmody; XXVII, p. 99-Ciszewski, 204-Broderick.

[227] Tr. XXIII, p. 96.

[228] Exhibit 124, Tr. XXVI, pp. 133–134, p. 86 *supra* n. 4.

[229] *New York Times,* December 16, 1969.

[230] Tr. XII, pp. 138–198.

[231] Officer Robinson declined to testify without a specific court order on the grounds that police authorities had imposed a unique requirement when they learned he was to testify, i.e., he was required to sign for the receipt of certain Police Orders and Regulations and feared disciplinary reprisals. Such an order was obtained and he testified. Supt. Conlisk denied any intention to interfere with Robinson's testimony. (Tr. XXIX, pp. 44–48) However, his subsequent 30 day suspension is presently being evaluated by the Department of Justice to determine if it was related in any way to this testimony.

[232] Exhibit 112.

[233] Louis Truelock did not testify.

[234] Exhibit 112, pp. 3–7.

[235] Exhibit 112, pp. 7–14.

[236] Exhibit 112, pp. 15–19.

[237] Exhibit 112, pp. 27–31.

[238] Exhibit 112, pp. 33–38.

[239] Exhibit 112, pp. 40–44.

[240] The ballistic examination of shot and wadding is of limited value, since these shotshell components cannot be identified with any gun or shell. This is because all shot is made standard weight and size irrespective of brand, and shotguns are smooth bore leaving no identifying marks on shot fired. Wadding may be identifiable as to manufacturer, because of distinctive colors; no identity of the weapon from which the wad was fired can be made.

[241] Tr. XIX, p. 23.

[242] Exhibit 103, Exhibit 17.

[243] Tr. XIX, p. 21.

[244] Tr. XIX, pp. 21–24.

[245] Tr. XIX, p. 21; Tr. V, pp. 71–72.

[246] Tr. V, pp. 69–71; Tr. XIX, pp. 71–72. Impact point (1) remains unexplained. On the basis of a photograph and motion pictures taken on December 4, 1969, it is clear that this shot was not fired after December 4 (Exhibit 45, 24, 54). The wad found on the floor near the impact point, and the size of the shot, are consistent with shotshells issued by the State's Attorney's arsenal, and with a shell fired in Jones' shotgun. Officer Jones denies firing the shot, and the Grand Jury cannot establish how long before the December 4, 1969 pictures the shot may have been fired.

[247] Exhibit 6 number 118, Item 9, 17; Exhibit 24, 54; Exhibit 45 St–2.

[248] Tr. XVII, pp. 37–38.

[249] Tr. V, pp. 97–99.

[250] Tr. XIX, pp. 61–63.

[251] Tr. V, pp. 83–84.

[252] Tr. V, pp. 84–85; Tr. XIX, pp. 57–62.

[253] Tr. XXIV, p. 59.

[254] Tr. XIX, pp. 27–30.

[255] Exhibit 24, 54; Exhibit 43.

[256] Tr. XIX, pp. 40–43.

[257] Tr. XIX, pp. 35–38.

[258] Tr. V, pp. 102–103; Tr. XIX, p. 32.

[259] Tr. XIX, pp. 31–32.

[260] Tr. XIX, pp. 43–44.

[261] Tr. XIX, pp. 86–87.

[262] Tr. XIX, pp. 87–88.

[263] Tr. XVI, p. 251.

[264] Exhibit 6 Number 108.

[265] CTR, pp. 1290–1414.

[266] Exhibit 103; Exhibit 84 Number 11D; Exhibit 62; Exhibit 6 Number 108.

[267] Tr. XXVI, p. 129.

This is the only weapon specifically attributed to any occupants of the apartment, by State's Attorney's Officers' inventory slip. This inventory slip was made out by one officer, who signed another officer's name to it. The officer whose name was affixed had no personal knowledge as to whether Harris had held this gun. (Tr. XXVI, p. 133; Exhibit 124).

[268] Tr. XXIII, pp. 91, 96, 133.

[269] Tr. XXIII, p. 89.

[270] Tr. XIX, pp. 225–245; Exhibit 101. All are High Standard K–1200 12 gauge shotguns.

[271] Tr. XX, pp. 48–68.

[272] Tr. XX, pp. 84–87.

[273] Tr. XIX, pp. 111–113, 124; Exhibit 101.

[274] Tr. XIX, p. 128.

[275] Tr. XIX, pp. 114–116; Exhibit 101.

[276] Tr. XIX, pp. 131–138.

[277] Tr. XXVII, p. 132.

[278] Exhibit 17 (A–H). This shot is consistent with the officers testimony that Broderick fired high from the kitchen to cover Carmody as he entered the dining room.

[279] Tr. XIX, p. 137.

[280] Tr. XIX, pp. 155–160.

[281] Tr. XIX, p. 172.

[282] Exhibit 103.

[283] Exhibits 101 and 103.

[284] Tr. XIX, pp. 168–169.

[285] Tr. XIX, pp. 124, 161–167; Exhibit 17.

[286] Tr. XIX, pp. 180–190.

[287] Tr. XIX, pp. 192–196.

[288] Exhibits 24, 54.

[289] Tr. XXVII, p. 144.

[290] Exhibit 17.

[291] Exhibit 103.

[292] Tr. XIX, pp. 178–188, 201.

[293] Tr. XIX, p. 202.

[294] Tr. XIX, pp. 83–86, 202–205, 224–225.

A scarred brick in line with the only possible trajectory from the west end of the bed in the living room to a building more than 100 feet away was removed from the building for examination at the FBI Laboratory. No traces of bullet metal were found on this brick. (Exhibit 101).

[295] Tr. XXVII, p. 144.

[296] Tr. XXIV, pp. 67–68, 213.

[297] *Chicago Tribune* (midnight edition), Thursday, December 11, 1969.

[298] Tr. XXIV, pp. 105–107.

[299] Tr. XIX, pp. 83–86; Exhibit 101.

[300] This does not include nine .32 caliber empty shells, matching no weapon seized or used by police, which were recovered, two of them from a dresser drawer (Exhibit 101, 103); a great number of live rounds were also seized (Exhibit 8B, Item 22, Inventory No. 752930). A reporter also testified that he had observed a Panther guide pocket a .45 caliber shell after being told to leave it alone by the occupants' attorney. This shell has not yet been recovered. (Tr. XXVIII, pp. 3–15).

[301] One .380 automatic bullet which matched no weapon seized or carried by police was also recovered.

[302] Tr. XII, pp. 55–56; Exhibit 102.

[303] Exhibit 108.

[304] Tr. XXIII, pp. 126–127.

[305] Tr. XXIII, p. 132.

[306] Tr. XXIII, pp. 86–87, 119–120, 122–123.

[307] Tr. XXIII, p. 117.

[308] Tr. XXIII, pp. 115–123.

[309] Tr. XXIII, pp. 91–96, 100.

[310] Tr. XXIII, pp. 111–113, 137–138.

[311] Sgt. Groth and Officers Davis, Gorman, Jones, Carmody, Ciszewski, Broderick.

[312] Tr. XXIV, pp. 233–235; Tr. XXII.

[313] With the exception of Officer Jones, these officers also appeared in the screened version of the State's Attorney's televised re-enactment. Although this re-enactment was incomplete, and Officer Jones' participation in the action was eliminated for his security, the TV re-enactment is generally consistent with the officers' testimony before this Grand Jury. (Exhibit 114, 7(a–e); Tr. XXIV, p. 125).

[314] Tr. XXIV, p. 101 (Groth); Tr. XXV, p. 124 (Davis); Tr. XXVI, p. 279 (Carmody); Tr. XXVII, p. 99 (Ciszewski); p. 204 (Broderick).

[315] Exhibit 17.

[316] Exhibits 17 and 117.

[317] Tr. XXIV, p. 45.

[318] Tr. XXV, p. 50.

[319] Tr. XV, pp. 146–147, 208–209.

[320] Tr. XVI, pp. 180–181.

[321] Tr. XXIV, pp. 35, 45; Exhibit 87.

[322] Tr. XXIV, p. 47.

[323] Exhibit 8A, Item 5.

[324] Tr. XXIV, p. 46.

[325] Tr. XVII, p. 126.

[326] Tr. XXIV, pp. 46–47.

[327] Ibid.

[328] Tr. XXIV, pp. 47–48.

[329] Tr. XXIV, p. 49.

[330] Tr. XXIV, p. 49.

[331] Tr. XXIV, pp. 49–50.

[332] Tr. XXIV, p. 50.

[333] Ibid.

[334] Tr. XXV, p. 246.

[335] Tr. XXIV, p. 52.

[336] Tr. XXIV, p. 50.

[337] Ibid.

[338] Ibid.

[339] Tr. XXIV, p. 50.

[340] Tr. XXV, p. 192.

[341] Tr. XXVI, pp. 44–46.

[342] Tr. XVII, p. 130.

[343] Tr. XXXIV, p. 50.

[344] One of the officers from the beat car heard machine gun fire from the dark apartment at about this time. (Tr. XVII, pp. 56–57).

[345] Tr. XVII, p. 54; Exhibit 87.

[346] Tr. XXV, p. 68.

[347] Tr. XXV, p. 69.

[348] Tr. XXV, pp. 69–70.

[349] Tr. XXV, p. 73.

[350] Tr. XXV, p. 72.

[351] Ibid.

[352] Tr. XXV, p. 73.

[353] Tr. XXV, p. 74.

[354] Ibid.

[355] Tr. XXV, pp. 76–77.

[356] Tr. XXV, p. 77.

[357] Tr. XXV, p. 79.

[358] Tr. XXV, pp. 82–83.

Davis believes he picked up Clark's shotgun later in the raid, from beneath the body; he did not remember blood on the gun, and he did not get his hands bloody (Tr. XXV, p. 106).

[359] Tr. XXV, p. 52.

[360] Tr. XXV, pp. 194–196.

[361] Tr. XXV, pp. 85–86.

[362] Tr. XXIV, p. 51; Tr. XXV, pp. 86, 262.

[363] Tr. XXVI, p. 162.

[364] Tr. XXVI, p. 162; Tr. XXVII, p. 24.

[365] Tr. XXVII, pp. 24, 44.

[366] Tr. XXVI, p. 162.

[367] Tr. XXVI, p. 162.

[368] Tr. XXVI, p. 177.

[369] Tr. XXVI, pp. 170–171.

[370] Tr. XXVI, p. 177.

[371] Ibid.

[372] Tr. XXVII, p. 44.

[373] Tr. XXVI, p. 174.

[374] Tr. XXVI, p. 163.

[375] Ibid.

[376] Tr. XXVII, p. 24.

[377] Tr. XXVI, pp. 172–173; Tr. XXVII, p. 25.

[378] Tr. XXVI, p. 178.

[379] Tr. XXVI, p. 175.

[380] Tr. XXVII, p. 47.

[381] Tr. XXV, p. 87.

[382] Tr. XXIV, p. 54.

[383] Tr. XXIV, p. 59.

[384] Tr. XXIV, p. 54; Tr. XXV, pp. 73, 192; Tr. XXVI, pp. 44–46.

[385] Tr. XXIV, pp. 55–57; Tr. XXV, pp. 137–138.

The only possible hole in the west wall is near the living room door and it could not be associated with any firing on this occasion. See discussion, supra, p. 154.

[386] Tr. XXIV, pp. 56–58.

[387] Tr. XXV, p. 86.

[388] Tr. XXIV, p. 63.

[389] Tr. XXIV, p. 64.

[390] Ibid.

[391] Tr. XXVI, pp. 51–53; Tr. XXIV, pp. 67–68.

[392] Tr. XXV, pp. 52, 87.

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[393] Tr. XXV, p. 88.

[394] Tr. XXIV, p. 66.

[395] Ibid.

[396] Tr. XXV, p. 201.

[397] Tr. XXV, p. 250.

[398] Tr. XXV, p. 89; Tr. XXIV, pp. 71–72.

[399] Tr. XXV, p. 91.

[400] Ibid.

[401] Tr. XXVI, pp. 163–164; Tr. XXVII, p. 120.

[402] Tr. XXVII, p. 123.

[403] Tr. XXVI, pp. 164, 179–180.

[404] Tr. XXVII, pp. 27–28.

[405] Tr. XXVI, p. 164.

[406] Tr. XXVI, pp. 164–165.

[407] Tr. XXVII, p. 28.

[408] Tr. XXV, p. 263.

[409] Tr. XXIV, pp. 127, 219–220.

[410] Tr. XXVI, p. 181; Tr. XXVII, p. 28; Tr. XXV, pp. 94–95, 99, 264; Tr. XXIV, p. 77.

[411] Tr. XXVII, pp. 29–30.

[412] Tr. XXV, p. 98.

[413] Tr. XXIV, p. 78.

[414] Tr. XXVI, p. 71.

[415] Tr. XXV, p. 98.

[416] Tr. XXV, pp. 102–103.

[417] Tr. XXV, p. 101; Tr. XXIV, p. 219.

[418] Tr. XXV, p. 102.

[419] Officer Jones' testimony is ambiguous as to which cease fire his shots followed. He stated (Tr. XXVI, p. 71) that he fired after the second cease fire, but he relates this to a shot from the north bedroom.

[420] Tr. XXV, p. 263.

[421] Tr. XXVI, p. 67; Tr. XXV, p. 103.

[422] Tr. XXVI, p. 182.

[423] Tr. XXVI, p. 183.

[424] Tr. XXVII, pp. 123–124, 143–144.

[425] Tr. XXVII, pp. 127, 158.

[426] Tr. XXVII, p. 32.

[427] Tr. XXVI, p. 186.

[428] Tr. XXVI, pp. 186–187; Tr. XXVII, pp. 32, 124, 146.

[429] Tr. XXVI, pp. 186–187, 197; Tr. XXVII, p. 147.

[430] Tr. XXVI, p. 187.

[431] Tr. XXVI, p. 198; Tr. XXVII, p. 125.

[432] Tr. XXV, pp. 212, 263.

[433] Tr. XXVII, p. 149.

[434] Tr. XXVII, pp. 125, 149, 157.

[435] Tr. XXVII, pp. 127, 158.

[436] Tr. XXVII, pp. 158–159.

[437] Tr. XXVII, pp. 159–160; Tr. XXV, pp. 216–217.

[438] Tr. XXVII, p. 159.

[439] Ibid.

[440] Tr. XXVII, p. 160.

[441] Tr. XXV, pp. 219–221.

[442] Tr. XXV, p. 223.

[443] Tr. XXV, p. 224.

[444] Tr. XXVI, p. 187.

[445] Tr. XXVI, p. 188.

[446] Tr. XXVI, pp. 188–189.

[447] Tr. XXVI, pp. 189–190.

[448] Tr. XXVI, p. 190.

[449] Exhibits 5, 66–69, 96–98.

[450] Exhibit 87.

[451] Exhibit 6, Item 123; Exhibit 87.

[452] Tr. XII, pp. 213–220.

[453] Exhibit 86.

[454] Exhibit 86 G.

[455] Exhibit 86 D.

[456] Exhibit 86 I.

[457] Tr. XII, pp. 199–212.

[458] Tr. X, pp. 85–108.

[459] Tr. X, pp. 151–174.

[460] Tr. XV, p. 262.

[461] Supra, p. 141 et seq.

[462] Those who had not attended the briefing were given the basic facts of the briefing while on the witness stand.

[463] *Daily Defender*, May 12, 1970.

[464] One of the survivors combined the claim that the jury was not selected from his peer group with a claim of potential incrimination under the Fifth Amendment.

[465] Tr. XXXIII, pp. 78–80.

[466] Officer Ciszewski testified that he saw two shots fired from the barrel of a gun protruding from the north bedroom. (Tr. XXVII, pp. 26–27, 48).

[467] Officer Kelly estimated 5–10 shots from this room.

[468] Numerous additional projectile fragments were recovered with insufficient markings to be identifiable. However, most of them are logically identifiable with the Davis Carbine, i.e., the markings present indicate they were fired in a carbine and were not fired in the seized carbine which was the only other one on the premises.

[469] For example, the shotgun recovered in the north bedroom has a .45 cal. machine gun slug in it consistent with Gorman's account; the high covering shot fired by Broderick is plainly traceable on the dining room wall; the .38 slug recovered in the southeast corner of the living room is consistent in angle and trajectory with Sgt. Groth's description; Clark's wounds are consistent with Davis' account.

[470] This reporter was unable to identify correctly a .45 cal. shell. (Tr. XXVIII, pp. 12–13) He also said he had not contacted anyone regarding this incident for "a couple of months" because "as a newsman I did not want to involve myself in the matter in the event that the authorities were able to develop the information through other means." (Tr. XXVIII, pp. 9, 14).

[471] Police officers Gilhooly and Rappaport were allegedly killed by Panthers about three weeks before this incident. See Discussion under Section II A, *supra*.

[472] See Apartment Sketch, Appendix, *infra* (not printed in the RECORD).

[473] 18 U.S.C. 241, 242, 245.

[474] The Grand Jury notes with approval that the Chicago Police Department has undertaken a limited form of sensitivity training to familiarize all police officers, through the rank of Captain, with urban problems. (Tr. XXIX, pp. 52–53) This program supplements the newly expanded thirty-one week program commencing in January 1969, and required of all recruits, which includes instruction in the behavioral sciences. (Tr. XXIX, pp. 49–50).

[475] See Appendix A, *infra*.

[476] Exhibit 72.

[477] For example, Vol. 1, No. 6 of the Ministry of Information Bulletin of the Black Panther Party eulogized "Jake" Winters, a party member, for killing two Chicago Police Department officers and wounding several others. Winters was killed in this action. The article refers to the Chicago Police Department officers as "pigs" and encouraged other Black Panther Party members to follow his example. (Ex. 129)

[478] Tr. XII, p. 77.

JEWISH HOME AND HOSPITAL FOR THE AGED—100 YEARS OF DEDICATED SERVICE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. RYAN. Mr. Speaker, recently there has been increasing concern on the part of many Americans regarding the care of our elderly citizens. We have come to realize that many Americans must face old age without a decent environment and proper care.

One exception is the Jewish Home and Hospital for the Aged. Founded by the women of New York City's Congregation B'nai Jeshurun, it is celebrating its 100th anniversary this month.

Back in 1870, the home operated one facility on West 17th Street under the name of the Home for Aged and Infirm Hebrews.

Today, it operates one of this Nation's largest and highest quality geriatric hospitals and residences. In addition to the hospital facilities, there are now three residence homes: on West 106th Street and West 87th Street in Manhattan—in my congressional district, and on Kingsbridge Road in the Bronx. Another home is planned for the Bronx.

I would like to commend the Jewish Home and Hospital for the Aged for the work it is doing to bring happiness and kindness to the later years of older citizens. It is this type of care that should be available to all elderly citizens, and I think we can all agree that this institution serves as a splendid model.

I am including in the RECORD, a copy of an article that appeared in the May 3 New York Times, "A Home for Aged Notes 100th Year," about the program of the Jewish Home and Hospital for the Aged:

[From the New York Times, May 3, 1970]

A HOME FOR AGED NOTES 100TH YEAR; RESIDENCE AND HOSPITAL HERE BATTLE TRADITIONAL IMAGE

One hundred years ago this month, with thanks to the many "benevolent and charitable ladies of Congregation B'nai Jeshurun, under the leadership of Mrs. Henry Leo," the Home for Aged and Infirm Hebrews first opened its doors on West 17th Street.

Today, under the name of Jewish Home and Hospital for the Aged, the same institution has grown into one of the largest and most comprehensive geriatric hospitals and residences in the country.

And during its process of growth, it has fought what is becoming a winning battle against the traditional image of "the-old-age home."

"It's become much more respectable in recent years to come to a home for the aged," the institution's executive director, Mitchell Waife, said last week. "And we feel we are in a large way responsible for this."

One hundred years ago, when Mrs. Leo and her friends organized the first home for 20 elderly and indigent Jewish women, there were no nursing homes and hospitals for the aged and very few old-age homes.

SON WAS PHYSICIAN

Mrs. Leo's son, Dr. S. N. Leo, was a physician and for nearly 50 years he treated without pay, all the residents of the home. In the nineteen-twenties, after Dr. Leo's death, a full-time medical staff was added to the facility and by the nineteen-forties it had received accreditation as a full-fledged hospital, one of the few specialized geriatric hospitals in the country.

"We are equipped for everything a hospital does," Mr. Waife said, "with the exception of cobalt treatment [for cancer] and major surgery. Any resident who comes here may be cared for, from the completely ambulatory to the terminally ill patient."

It is this "total-care" concept that Mr. Waife regards as the particular-pioneering thrust of the facility. Patients may enter the apartment facilities "totally ambulatory," become ill and receive comprehensive treatment including hospitalization without ever undergoing the trauma of leaving the familiar surroundings and friends in the home.

The total-care method also involves making use of a broad spectrum of specialists.

"We are able to learn from and absorb developments in general medicine, use of psychiatric methods, sociological studies," Mr. Waife said, "Geriatrics has come into its own in the last 10 to 25 years, and we've pioneered in many of these areas."

EIGHTY-ONE IS AVERAGE AGE

While there is no "typical patient," officials at the hospital said that the average

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was 81 years old (more than 20 years older than when the hospital was first established in 1870). The men in the institution are outnumbered by the women 4 to 1.

"Many have tried a number of different alternatives before they come to us," an official said, "living with relatives, in hotels for the aged and so forth. But we try to have them live here as normal lives as possible."

To permit the best adjustment for each individual, the homes operates three facilities, one at 120-160 West 106th Street that has hospital and living facilities, an apartment facility at 302 West 87th Street and the Kingsbridge House at 100 Kingsbridge Road in the Bronx. Soon, a modern apartment building called the Kittay House will be opened at 2550 Webb Avenue, the Bronx.

To finance all these facilities requires an annual budget of $10-million. The money comes from contributions by the Federation of Jewish Philanthropies, of which the home is a member agency; private gifts raised by the board of trustees and its president, Jack Marvin Brown, and government funds such as those for Medicaid and Medicare.

"I love it here, it is the happiest moment of my life," said Mrs. Anna Olin, a patient and formerly a lawyer with offices at 170 Broadway.

Now 75 years old, still vibrant and with pink cheeks, she sat in the courtyard and garden in the center of the 106th Street facility. "I keep up with current events here, I read magazines and newspapers and watch the television," she said. "And of course I have all my friends here."

"We're very flexible," Mr. Waife noted as several visitors strolled off after talking with Mrs. Olin and other patients. "We have no preconceived notion that this is a prescription for all old persons. But above all we want to break the idea in the minds of so many that homes for the aged hearken back to large dormitories, impersonal facilities with no individual consideration. This is their home, we want them to look at it that way."

SUPERSONIC TRANSPORT (SST)

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. ROYBAL. Mr. Speaker, I want to take this opportunity to join with many of my colleagues in the House in expressing opposition to the $290 million appropriation item for the supersonic transport (SST) included in H.R. 17755, the fiscal 1971 Department of Transportation appropriation bill.

The two major objections to the SST expenditure, in my opinion, are the skyrocketing costs of the program, at a time when America should be devoting a larger share of its economic resources to meeting the urgent domestic needs of our Nation, and the serious threat to our environment posed by the SST, when and if it ever becomes a reality.

As a strong believer in the American private enterprise system, however, I tend to agree with the former Director of the Federal Aviation Administration, Elwood Quesada, when he testified recently that the Government should never have put money into the SST, and that private development would have kept the costs down.

The present $290 million budget request is up $205 million from last year's $85 million appropriation, and future years promise to be more and more expensive, with the $76 million cost overrun of the last 6 months—$57 million of which must be assumed by the Government—becoming an annual occurrence along the lines of the Defense Department's financially disastrous experience with the C–5A aircraft.

It now appears that the ultimate cost to the Government of the SST may escalate to $5 billion or beyond, if the contractor cannot find financing for production. This compares with President Kennedy's promise when he approved the program in 1962 that the SST would not cost the Government more than $750 million.

I don't believe we can afford this kind of multi-billion dollar Federal subsidy to the aviation industry when the pressing housing, education, employment, health care, mass transportation, clean air and water, and related urban needs of our country go unfulfilled.

Of course, another serious problem created by the SST is the danger of a major degradation of man's environment.

The eminent physicist, Dr. Richard L. Garwin, a member of the President's Science Advisory Council, told a congressional subcommittee recently that the SST would produce as much noise as 50 747 jumbo jets taking off at once.

Mr. Russell Train, the chairman of President Nixon's Council on Environmental Quality, has expressed similar fears before a Senate subcommittee:

> At present the most significant unresolved environmental problem I see for the supersonic transport is the high level of noise in the vicinity of airports. The current design of the U.S. supersonic transport and of the Concorde leads to a noise field radiated perpendicular to the runway called "sideline noise." In terms of the measures used by the Federal Aviation Administration to assess annoyance, the SST would be three to four times louder than current FAA sideline noise standards and four to five times louder than the 747. In terms of noise pressure, the sideline noise level would also be substantially higher than that of subsonic jets meeting FAA requirements.

These discussions of the ground "sideline noise" problem caused by gunning the engines for takeoff do not even mention the potentially even more destructive and dangerous problem of the sonic boom over inhabited land surfaces.

Mr. Speaker, I think the day is past when we must accept such penalties as the price of "progress." The present condition of our environment is in great measure attributable to the unheeding pressure of industrial advances. But I believe the people of this country today are determined to assess the impact of scientific advances in terms of their possible degradation of the environment. And the SST must be judged by that standard.

YOUTH HAS ONE CHOICE

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. GOODLING. Mr. Speaker, a great dialog currently is going on in America with respect to the merits and demerits of the American presence in Indochina.

When one is confronted with a complication, there is generally the inclination to find an easy solution. But the easy solution too many times turns out to be the most unproductive of approaches, and it seems to be a rule of life that the roots of constructive action are imbedded deeply in the soils of deep conviction and strong effort.

A letter to the editor appearing in the May 16, 1970, issue of the Evening Sentinel of Carlisle, Pa., addresses itself to the Southeast Asia situation comprehensively and realistically, shedding light in what otherwise have been dark corners of this important matter. Because this letter provides a bigger and broader examination of a highly controversial issue, I insert it into the CONGRESSIONAL RECORD and suggest that it be closely read by those interested in having a deeper understanding of this complicated issue:

YOUTH HAS ONE CHOICE

To the EDITOR of the Sentinel:

In spite of President Nixon's courageous effort to salvage a situation he inherited, to win previous administrations "No-win War," it was quite possible we will as a nation suffer the first defeat in our history.

It is not the enemy without that will bring this about but, as Lenin predicted, "The Enemy Within." A nation without the will to win cannot win though its military and economic technology make it the most powerful the world has ever known. That is the situation today.

One cannot blame youth for being tired of and disgusted with an inexcusably long drawn out engagement that could and should have been won and over within six months. Such a desirable ending was prevented by the baseless fear of Russia on the part of previous administrations and the opposition of powerful Liberals who have throughout so well served the Communist cause.

No President, no Senator, no Congressman has matched Nixon for courage and willingness to sacrifice himself and his party by taking those measures essential to any attempt to salvage the cause he inherited.

It is natural that youth should be fed up with a no-win effort. We are all equally so. It is, however, regrettable, indeed tragic, that so many have permitted themselves to be led from peaceful protest to militant action by the machination of the Communist organization boring from within and the propaganda of radical leaders at Washington plus news media, both T.V. and journals, almost all advocating our nation's defeat.

I think we should consider the consequences if we withdraw from Southeast Asia before attaining our objectives. To do so would be to acknowledge defeat. We would instantly become a second class power. Those of us who have spent much time in Asia, the Middle East, Africa and South America know only too well that power and power only breeds respect. This is a thoroughly distasteful fact.

If we lose in Southeast Asia we also lose in the Middle East, Africa and South America. In the Asian world we could find Japan, all Southeast Asia, Taiwan and the Philippines aligning themselves with the victor. The victor, as even the most blind Liberal must recognize, is not Hanoi but International Communism.

The Middle East would soon go down the drain. Why is Dayan calling for a cease fire in Israel's war with the Arab nations. The reason is obvious. He anticipates, as do Russia and Hanoi, that our internal strife will spell our defeat abroad and when that happens knows he will no longer have the sup-

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port of a first class power. When we lose in Southeast Asia, Russia will move and Israel will cease to exist.

Russia will move in the Middle East and in Africa. There will be no power equal to hers to stop her. Africans, like Asians, are realists.

I think anyone who has spent much time in South America or kept in close touch with trends south of the border will agree that nothing but an all powerful northern neighbor prevents the collapse of what little orderly government is left. In South America we would indeed see the domino game played out.

What happens in Southeast Asia will determine the future of the world. It is the Key. The Key to a free world and the "self determination of nations" or slavery under the iron fist of Communism.

May I also call youth's attention to the immediate possibilities that confront them here at home. Anarchy, there is no other name for it, is abroad in the land from border to border. I wish that today's youth paid more attention to history. If they did they would realize that when a people cease to be law abiding, when the individual takes the law into his own hands, when mobs roam, destroy and murder there are but two results. Either Anarchy prevails and the nation disintegrates and dies or the military takes over.

Remain in, or withdraw from Southeast Asia, win or lose, unless the people of the United States determine very quickly to be governed by the laws of the land they will be governed by the military. Should the present rate of disintegration continue this step is inevitable.

So today's generation has its choice—obey the law at home or submit to a military government—unite behind and wholeheartedly support government policies which will assure victory for the free world in Southeast Asia or submit to the power of the Communist dictator.

FRANK E. MASLAND, Jr.

CARLISLE, PA.

HEADSTART PARENTS—THE KEY TO SUCCESS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. ADDABBO. Mr. Speaker, I recently received a communication from the chairwoman of the Parent Advisory Committee to the Headstart Committee of New York City. The letter from Mrs. Anne Campbell contains a comprehensive and persuasive analysis of the Headstart program, the need for the involvement of parents of Headstart children and the danger to the success of this program posed by suggestions for consolidation of antipoverty programs.

I urge my colleagues in the House to read this letter and to support efforts to keep Headstart independent. I include Mrs. Campbell's letter in the RECORD at this point:

QUEENS COLLEGE OF THE CITY UNIVERSITY OF NEW YORK,
Jamaica, N.Y., May 13, 1970.

Mr. JOSEPH P. ADDABBO,
Ozone Park, N.Y.

DEAR MR. ADDABBO: The City-Wide Head Start Committee is a sub-committee of the Council Against Poverty of New York City. It consists of twenty-six Head Start parents (each representing a poverty area of New York City), representatives of city-wide public and private agencies and local Head Start staff members. The primary function of the Committee is to develop and recommend policies and procedures for all of New York City's Head Start Program.

Head Start parents are actively involved in all phases of the Head Start program, from the local level to the citywide level. This involvement was mandated by the 1966 Economic Opportunity Act and New York City's Head Start parents have assumed this responsibility with demonstrated ability and at great personal sacrifice.

Head Start provides an environment for poverty area parents of pre-school children where they are felt needed as members of a team. The program does not exist solely for the education and benefit of the pre-school child. We try with great success to involve the total family (and, ideally the community as well), for we know that sending a child to even the best pre-school program for 15 to 30 hours a week while his home and family (where and with whom he spends the majority of his time) are beset with multiple problems is not going to enable that child to make any great strides academically or otherwise.

We in Head Start also know that all the Social Workers in the City cannot provide the services our target families need; that by taking a person by the hand to a welfare office or a clinic there is no guarantee that that person is going to return to these institutions for follow-up care and services.

We believe in self-help; in motivating our parents through developing their awareness, by providing them with models of Head Start parents who because of their experience with the program have secured gainful employment or learned to avail themselves of the services their community or city provides, enabling them to resolve their personal problems and/or fulfill their basic needs. They learn that the Head Start program is "their" program, that the Head Start staff is there to aid and support them. In turn, they become objective and concerned.

By expressing their needs and problems, in a conducive atmosphere, they realize that many of their difficulties are shared by their fellow Head Start parents and that they can be resolved! They learn the importance of the early years of their children's lives in determining their academic and emotional growth and development. And, most importantly, they realize that through their active involvement in Head Start will come the skills, the tools needed to improve the public education system of our City. This kind of dynamic must continue in order to eliminate the perpetual cycle of poverty which limits so many of our Head Start families.

One must realize and respect the kind of energy our parents have put into the Head Start Program here in New York, this way one can understand how insulted and disturbed we have become of late in discovering that a task force (Early Childhood Development Task Force) has been formed, emanating from the Mayor's Office, whose stated purpose is to absorb Head Start in a consolidation of all pre-school and day care programs.

We find any form of consolidation highly questionable but even above that we cannot perceive that in forming this Task Force, that our Committee was completely excluded. This insult is further compounded, when one considers that our Committee represents a minimum of 6,000 parents. We strongly object to any design or decision that does not reflect respect for the experience and involvement of the Head Start parent community. We are completely prepared to fight, by whatever means necessary, to keep Head Start the completely unique, child centered, community action program that it is.

There is $13.2 million involved, which, in our thinking, along with President Nixon's proposed Family Assistance Act are the underlying issues involved. We will not tolerate bureaucrats fighting over the lives and futures of our children and the potential enrichment of our families. We cannot stand idly by while plans are being developed to use or misuse our children.

Our parents feel that they have earned the right to determine where Head Start money can best be spent in maximally servicing our children. We have been doing it for the past two years! Our parents, on all levels of the program, develop, review new and refunding applications and have a vested interest in the following:

The non-professionals of our communities.

The development of the latent skills and talents of our parents.

The full realization of each Head Start child's potential.

The development of our parents to enable them to take leadership roles in their communities; to voice their own needs and actively participate in the programs developed to meet these expressed needs and to demand that the existing institutions that influence their lives do so responsively and positively.

The bureaucrats have not even begun to reduce the level of poverty in our City. We have been given an active role and means to, at least, begin, to change the direction of the lives of our families and their children. We only intend to build upon and improve upon these factors and not have them destroyed.

We need your support, advice and understanding. Since we are decentralized we ask to call upon you with Head Start representatives from your area. Together we can rally all the necessary forces and support we need to continue to irreversibly and effectively change the lives of those who in the past have been mere pawns in a political game.

We can arrange to meet with you at your earliest possible convenience and we are assured that we can impress upon you the importance of keeping all the unique aspects of the Head Start Program as they now exist.

BACCALAUREATE SERMON

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. RIVERS. Mr. Speaker, the Baptist College at Charleston, S.C., held its graduation on Sunday, May 17, 1970. The distinguished evangelist and international theologian, Dr. John Haggai, delivered the baccalaureate sermon.

His message was so inspiring, so motivating, and so moving, I asked him to permit me to incorporate it into the CONGRESSIONAL RECORD so that it would be preserved for all time.

I want all of my colleagues and every American to have access to this stirring masterpiece from such a dedicated Christian.

Mr. Speaker, I was there.

CONTEMPORARY ALTERNATIVES TO JESUS CHRIST—I CORINTHIANS 2: 2

INTRODUCTION

Two weeks ago last Friday I stood on the steps of Sproul Hall on the Berkeley campus. Sproul Hall is right in the center of the campus . . . the center of the free speech movement. I had been invited to speak. My host, Dr. Jack Sparks, Ph. D. from the University of Iowa, accompanied me. He is head of the

World Christian Liberation Front. He is a totally committed Christian bearing a witness for Jesus Christ in that unique situation. Just before I was to begin the University officials who had cleared the meeting originally had to cancel it because of May Day violent confrontations which their intelligence information had predicted.

I shuddered as I thought to myself, "Is Berkeley a microcosm of the United States as a whole in the next two years?" Here at Berkeley the public school officials have set aside the birthday of Malcolm X as a public holiday when the children do not need to go to school. It is on a par with George Washington's birthday, if you please. Here you see violence, hard-lined activism, anarchy, seminudity, so called intellectuals on "trips" and all of the sordid rest. Here also you meet some of the most committed Christians I have ever confronted.

Yes, I concluded that it is a microcosm at least of the confusion, the conflicting ideologies, the cacophony of voices that are rapidly rising to a frightening crescendo across our land.

Is Jesus Christ relevant today or is there a better alternative?

On Page 29 of the May 11 issue of *Time*, a 19-year-old California co-ed, Linda Eldredge, is quoted as saying, "Violence? I abhor it. Somehow throughout all the broken promises and worthless agreements and 'reforms,' I still abhor it and condemn it. We cannot change this world through violence . . . we can only end it." But, she goes on, "Our parents hate us, our politicians desert us, our hope simply grew old and died. I sound as though I am wallowing in self-pity because the world is too harsh. I am not. I am only very tired."

Is Jesus Christ relevant today or is there a better alternative?

In 2 Timothy 3, the Apostle Paul said, "This know that in the last days perilous times shall come." And it seems dreadfully clear that these times have arrived.

For instance, last week metropolitan police forces around the world had to enlarge their active forces and intensify their efforts to protect American businesses and American embassies around the world. In London last week I saw coteries of police in front of every American business and in front of the Embassy to protect them from repeat performances of angry anti-American zealots throwing the entrails of dead animals and red paint on the buildings and smashing windows with stones. On the other hand I met and talked with responsible people who expressed total sympathy with America and her involvement overseas. Conflict and confusion.

Great Britain has gone into the permissive society. She has enacted more social reforms now than even Scandanavia. She has long since passed the socialized medicine era which provides medical care from the cradle to the grave. Her new laws make her the abortion capital of the world. And while I was there I saw advertisements announcing that special tours were scheduled round trip New York to London and these tours included the air fare, an abortion, one week in a nursing home, one week tour of London theatres. In the same paper I read that the pill is now available at certain clinics to everyone, married or single. And I thought of God's word, "Keep thyself pure." Conflict and confusion.

Graduates, you are walking out into a world that writhes with conflict and confusion as never before. You are walking out into a world of hardlined activists, disillusioned idealists and apathetic permissivists. Much of the business world is shot through with questionable ethics. Many civic leaders hold that right or wrong are relative. And, morality, integrity and conscience are painted a nasty grey. But, I must be honest and tell you that you are also walking out into a world where there is a small corps of people whose commitment to Jesus Christ has never been surpassed.

The question is: "Is Jesus Christ relevant today or is there a better alternative?"

Two weeks ago I walked onto the unspeakably beautiful campus of Stanford University in Palo Alto, California. I visited the chapel which is as beautiful as any European cathedral I have ever seen. The benefactress, Mrs. Leland Stanford, in her bequest, made it clear than the chapel was always to remain in the center of the campus. And, as buildings were erected they were to be erected in such pattern that the chapel would never lose its centrality. She said the reason for this was that it must remind people that unless Jesus Christ is the center of all life, life loses meaning and effectiveness. Was she right? Was that conviction one that is still relevant today?

Paul the Apostle, scholar, world traveler, philosopher and religious leader of his day said to the sophisticated intellectuals at Corinth, "I am determined to know nothing among you save Jesus Christ and Him crucified." The question is this: Can this conviction hold water today?

I. WHAT ARE THE ALTERNATIVES TO JESUS CHRIST?

1. There is the alternative of hedonism. Living for pleasure. Many are trying that alternative. In speaking to his young protege, Timothy, Paul said that in the last days men would be "lovers of pleasure more than lovers of God."

When Titov made his statement at the Seattle Worlds Fair that out in space he did not see God our nation expressed shock. His statement became grist for editorial mills and ammunition for ministerial salvos. However, he made that statement on Sunday morning. At least he was consistent. He was an atheist who was living like an atheist and talking like an atheist. Many of the people who were there were professing Christians who, interestingly, had permitted their passion for pleasure to overrule their responsibility for worship on the Lord's Day.

The hedonists are playing leapfrog with the commandments of God. Arrogantly they try to relativize the standard by which God will judge men and nations.

2. A second alternative to Jesus Christ is humanism.

Misrepresenting the nature of man as a creature, humanism destroys the sense of adoration of God. Man becomes his own self-contained universe: a microcosmos. Humanism ridicules the importance of receiving Jesus Christ as Saviour. Humanism inflates man's capability. If, as Sartre says, man can remake himself for the better by himself, then obviously there is no reason to trust Jesus Christ.

Humanism rationalizes man's revolt against the truth of God by theorizing that all assertions about the real nature of things are subject to revision.

3. The third alternative is syncretism. Syncretism scoffs at the unique superiority of the Christian Gospel. It dilutes the Gospel and every other philosophy with which it tries to effect an amalgam. Some people go all the way to India to engage their own private guru who will explain to them the interrelationship of all philosophies.

4. The fourth alternative is nihilism.

II. WHO IS JESUS CHRIST?

This is a valid question. I am convinced that the number of people in our own beloved nation who do not know the answer to this question is appallingly large. Understand, now, that I am not presenting the case for Christianity. I am presenting the person of Jesus Christ. I am constantly bombarded with such statements as, "The establishment is shot through with hypocrisy. They profess to believe in Christianity and violate the basic tenets of Christianity." Well, first of all, I am not presenting the case for Christianity but for Jesus Christ. And, I don't hesitate to ask these vigorous assailants of the establishment, "Are you living up to your highest ideals?" I have not yet received an affirmative answer.

When I was in Indonesia I was asked if I were trying to proselytize . . . to convert Moslems to Christianity. I simply stated that I wanted to present the person of Jesus Christ as a viable alternative. In Portugal I was asked if I were trying to convert Catholics into Protestants, and I said that I wanted only to present Jesus Christ as the only hope for man's sin and the only basis of a meaningful life.

When I present the person of Jesus Christ I am presenting to you, "Jesus Christ and Him crucified." What is meant by "Jesus Christ and Him crucified"?

Christ said "I am the truth," and it is the nature of truth to defend itself. But "Christ and Him crucified" means incarnate truth forgetting to defend itself as it gives itself in sacrificial service.

Christ is light, and it is the nature of light to display itself; but "Christ and Him crucified" means light refusing to display itself, while it gives itself for those in darkness . . . light willing to be obscured that others may have sight and light.

Christ is life, and it is the nature of life to protect itself; and when that goes too far, it is cowardice; but "Christ and Him crucified" means life forgetting to protect itself, as with sacrificial spirit it gives itself for the dead in trespasses and sins.

Christ is power, and it is the nature of power to exert itself; but "Christ and Him crucified" means power restraining itself, holding itself back, refusing to exert itself, in order that it might give itself for the weak and the helpless.

Christ is love, and it is the nature of love to enjoy itself; but "Christ and Him crucified" means love refusing to enjoy, love assuming burdens, love willing to bear pain, love giving itself in sacrificial spirit for the unlovely and the ugly.

Sum all this up and you have a partial definition of the meaning of "Christ and Him crucified" . . . sacrificial truth, sacrificial light, sacrificial life, sacrificial power, sacrificial love . . . all incarnate in Christ. "Christ and Him crucified" means heaven's best for earth's worst. "And I, if I be lifted up, will draw all men unto me."

Truth as it defends itself may not be attractive.

Light, as it displays itself, is not apt to be attractive.

Life, as it protects itself, and love as it enjoys itself, are not the most attractive. It is the sacrificial spirit that makes truth, light, life, power and love attractive. "I, if I be lifted up, will draw . . . this He said, signifying what death He should die." Not the Christ of truth and light, not the Christ of power nor of love, but the Christ who gives Himself is the Christ . . . the attractive Christ . . . of whom I speak.

Jesus said, "Except a grain of wheat fall into the ground and die, it abideth alone, but if it die, it bringeth forth much fruit." Philip, coming to Christ, said "There are some Greeks who would like to see Thee." With an abruptness Jesus said, "The hour is come when the Son of Man should be glorified . . . except a grain of wheat fall into the ground and die, it abideth alone." "Philip, if your Greek friends see me now they will not see Jesus; the only way to see Jesus is to behold Him in the process of dying. Except a grain of wheat fall into the ground and die, it abideth alone." It is by the process of dying that the wheat multiplies, and it is by the process of Christ dying that Christ multiplies. And this is the true Christian life . . . the life in which that principle of dying is incarnate.

Look at it for a moment. Truth on the altar

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makes more converts than truth in the arena . . . defending itself. Truth ablaze for God, with sacrificial spirit, multiplies itself in large numbers of converts while truth defending itself may only confuse and antagonize.

Light displaying itself does not attract and multiply. What is light? Geologists tell us that during the carboniferous era there were great forests . . . forests taking in the light from the sun into leaf and limb, trunk and root; and then there came geologic revolutions by which these forests were buried under the ground, and by the processes of heat and pressure the coal beds were formed. We dig out the coal, and put it through a process of combustion. That liberates the light which was conserved from the sun, and locked up in the black coal, during the centuries. How does Christ become light? Through the Sermon on the Mount? No. Through the parables and miracles? No. They are but reflections of the Light. It is by the process of combustion on the altar. Out from the altar fires of Calvary there comes the Light that was conserved from heaven, and the Spirit of God turns to Christians . . . true Christians . . . and says, "I beseech you therefore, brethren, by the mercies of God that you present your bodies a living sacrifice." It is by the process of combustion that Christ becomes Light. "I am the light of the world." "Ye are the light of the world," said Jesus. The Christian is not a reflection of that light. Rather he is a convector. Reflection is a cold process. You cannot raise a crop by moonlight. You must have the direct rays from the sun. How do the disciples of Christ become the light? By the process of combustion while on the altar of God. As Christ became Light through death. We become light by sacrificial spirit.

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The great mission of Satan is unveiled by Paul when he says, "Satan himself is transformed as an angel of light." The mission of Satan is to give light; he displays light. By scientific light, philosophic light, theological light, any sort of light he tries to satisfy men without the Light of "Christ and Him crucified" . . . and in that he accomplishes his purpose.

So also with life. It is the life sacrificed that multiplies. Life that merely protects itself has no power of propagation. Such a person dies an utter blank, his life devoid of meaning.

Power can compel without convincing; it can drive without persuading. But it is power on the altar, power being consumed for the sake of the weak . . . in other words, it is "Christ and Him Crucified." If twelve legions of angels had come, they could have destroyed his enemies, but there would have been no multiplication. It was holding back the twelve legions of angels . . . the grain of wheat dying . . . which brought the harvest.

So with love. Love refusing to enjoy, love giving itself out, thus becoming so attractive that it almost hypnotizes.

III. WHAT IS THE ULTIMATE END OF EACH OF THESE PHILOSOPHIES?

1. Lord Byron was one who tried hedonism. At 36 years of age when he should have been in the vigor of pristine manhood his body was shot through with sickness and disease . . . the harvest of unrestrained hedonism and sensuality. He wrote these words:

My days are in the yellow leaf
The flowers and fruit of love are gone
And I have nothing left
But the worm, the canker and the grief.

Ralph Barton was an outstanding cartoonist. He was highly gifted—a great writer. His life ended in tragedy—by his own hand. Here is the note he left:

"It (melancholia) has prevented my getting anything like the full value out of my talent, and the past three years has made work a torture to do at all. It has made it impossible for me to enjoy the simple pleasures of life.

"I have run from wife to wife, from house to house, and from country to country in a ridiculous effort to escape from myself . . ."

2. What about humanism? Is it a valid alternative? Forty seven percent of Hitler's SS troops had postgraduate degrees. They hailed the rise of the Third Reich. They were chortling over the anticipated disappearance of Christianity. And, on Christmas Day 1964 I had the great pleasure of sitting at the very table in the very home occupied by the head of his SS. And, as I bowed my head and asked the blessing, I thanked God for the viability of the religion of Jesus Christ. Then I thought to myself, after concluding the prayer, "Isn't it interesting that the same nation that can produce Bach and Beethoven and Wagner can also produce Dachau, Auschwitz and Buchenwald?" How do you account for it? The virus of humanism.

3. And what about syncretism? Have you ever known of any devotee of this philosophy who has found freedom from guilt, liberation from destructive habits and deliverance from fear?

4. And what about nihilism? It sows destruction, multiplies suicides and pervades all thought with the philosophy of despair.

Concerning all of these alternatives to Jesus Christ ask yourself this question. What contribution have they made to the betterment of mankind? What schools have they built? What songs have they written that they would have sung at their own funerals? What hospitals have they erected? The picture is totally different when you ask yourself what is the ultimate end of the person who is committed to the person of Jesus Christ.

The Congressional Record of November 25, 1969, Volume 115, Number 195, carries a report telling about Scott McBride, the former student body president at Stanford University. This man is an alumnus of both Stanford and Harvard. By any standard he is an outstanding intellect. His life was totally revolutionized when he made his commitment to Jesus Christ and Him crucified. Today his life has meaning. This is nothing new.

When Wilberforce committed his life to Jesus Christ and Him crucified in a John Wesley evangelistic meeting his life was transformed. And one of the results of that transformation was that single-handedly in 1805 he rammed through Parliament a bill that brought a cessation to slave trading by the British people.

Lord Shaftesbury was introduced to Jesus Christ and Him crucified by a little servant girl named Maria Millis. It was his commitment to Jesus Christ and Him crucified that gave him a real concern for the betterment of mankind, and he became the father of the Industrial Revolution.

A brilliant infidel committed his life to Jesus Christ and Him crucified, and immediately life took on meaning. His name was Russell Conwell. He delivered his famous *Acres of Diamonds* address thousands of times. With it he raised $6 million, all of which he gave to the establishment of Temple University and the Good Samaritan Hospital which is now Temple University Hospital.

The secular British historian Leckey wrote that it was the influence of John Wesley (a man totally committed to Jesus Christ and Him crucified) that saved England from the horrors of the French Revolution.

But what about some other contemporaries? I think of my friend Dr. Christy Wilson who, under God, has brought hope and help and healing in Jesus' Name to the people of Afghanistan. It all stems from his commitment to Jesus Christ and Him crucified.

I think of Dr. Kyung Chik Han who was the polarizing point of thousands of South Koreans back during the dismal days of their open hostilities with North Korea. He had fled from North Korea. He was the Number 1 wanted man by the North Koreans. . . so great was his influence among the Korean people. This man has established churches, built hospitals, created orphanages and founded schools. It all stems from his commitment to Jesus Christ and Him crucified.

Early one morning I was waiting for a plane in San Antonio, Texas. A man walked up to me and said, "Aren't you John Haggai?" I told him I was. He said, "I am Newt Godfree." I immediately recognized the name as the man who owned Newt Godfree Chevrolet and the El Tropicano Hotel in San Antonio. He told me that just a few years ago he came home from work, went out to his swimming pool and saw his wife dead in the bottom of the empty pool. Apparently she had fallen and died from a severe concussion. After the body had been taken away he slipped into the poolside master bedroom determined to take his own life.

As he opened the drawer of his bedside table to take pistol in hand, he saw a copy of my book on top of the table. He did not know where it came from. He read it. He said that he recognized that his only hope was in Jesus Christ and Him crucified. He committed his life to Jesus Christ. He is now a member and, I believe, a deacon of the First Baptist Church of that city. His life has taken on meaning. Do you know of any alternative to Jesus Christ that could have done for Newt Godfree what Jesus Christ did?

This past Friday I delivered my final lecture to a group of men in training in the second session of our International Training Center in Switzerland where we are training outstanding leaders from the non-Christian countries in the "how" of evangelism. Eleven countries and five continents were represented. I was looking into the faces of men whose lives have been in jeopardy on numbers of occasions. There were twelve of them there who had marked men by the Communists. In fact some of them had showed me the graves the Communists had dug for them in Indonesia just before the Communist coup . . . the aborted, thank God, coup . . . September 30–October 1, 1965. Some of these men had endured beatings, personal humiliation, loss of property because of their commitment to Jesus Christ and Him crucified. I wish you could have seen the glow on their faces and felt the radiance of their personalities. Could humanism have done that for them . . . or syncretism . . . or hedonism . . . or nihilism? No, a thousand times no.

But, you say, "what about our own country?" I could relate to you case after case. I could tell you about Lambert Dolfin, graduate nuclear physicist of Stanford, who ran the gamut in the arena of hedonism. On an L.S.D. "trip" he went outside and looked at the sun and his eye is permanently damaged. And, he never can be sure that delayed reactions from this horrible experience may not yet cause grave difficulties. However, he did commit his life to Jesus Christ and Him crucified, and today he is one of the most popular speakers on university campuses across America testifying to the meaning that Jesus Christ has given his life.

CONCLUSION

Graduates, the world is estranged from the living God because of man's unconquered sin. Crime and prejudice and greed stalk the world like the ancient Horsemen of the Apocalypse simply because of human sin. The answer is a commitment . . . a total commitment to Jesus Christ. You are not entering into an easy situation, but in Christ you can be more than conquerors. I am not promising you ease. I am guaranteeing you conflict and difficulties, possibly persecution and Satanic opposition that defies human description.

I am thinking of a 29-year-old young man named Stephen who attended our first Training Session at the Center in Switzerland. He is a brilliantly trained man . . . a great scholar, an insuperable leader and a powerful speaker. He has addressed audiences of more than ten thousand in Southeast Asia. He was born on Mainland China. His life is totally committed to Jesus Christ and he feels that his ministry must be in Mainland China. He can go back to Mainland China because that was the place of his birth. He is making careful arrangements now to go back and to work as effectively as possible with the underground church, knowing that he faces certain death if found out. I do not give you his last name, because it could endanger his life even more. I wish you could see the glow on his face.

I do not know what Jesus Christ will require of you if you commit your life to Him, but I do know that He will give you all the resources you need to carry out His will. You may ask, "Does living a committed life mean danger and persecution?" It may. I know a man who in the last few years had to face this very decision. He was told that in an audience of 8,000 people there were known murderers. He was told that the government of that country had disbursed 250 of its crack military men to sit in various places throughout the audience in an effort to forestaff any violence. He was told before entering the platform that he very probably could be shot. He had to face the facts and come to a decision. He concluded that there was no alternative to obeying the will of God.

Let me show you how practical are the results of a total commitment to Jesus Christ and Him crucified. If everybody in our nation would receive Christ and Him crucified with all which that means, it would solve every public problem that perplexes our leaders today. It would settle the divorce problem in a week, because if every husband loved his wife well enough to die for her, and every wife loved her husband well enough to die for him, all the divorce lawyers would have to retire from business. It would settle the war problem in less than a week. If everybody loved everybody else well enough to die for them, they would not kill them. Christ and Him crucified would settle the capital and labor problem in ten minutes. If every employer loved every employee well enough to die for him and every employee loved every employer well enough to die for him we should never have another strike. If everybody accepted and loved Christ and Him crucified it would settle the violence problem. Christ and Him crucified would settle every problem that perplexes the public mind. Christ and Him crucified is the solution of politics, economics, statesmanship and religion. Let our schools crown Him, and learning will have the right relation to everything else in heaven and earth. Let our businessmen crown Him, and commerce will have the right relation to everything else. Let the home crown Him, and it will be a vestibule to heaven.

The uplifted Christ still draws with magnetic attractiveness today. The reason that people are not being drawn is because He is not being lifted up. He is lifted up as crucified churches reveal Him through a crucified program and corporate life. And this kind of life in a church is dependent upon crucified Christians making up its membership. There is nothing wrong with the church per se today that cannot be corrected by a total subordination of the members to Christ and Him crucified.

The problem is sin. This is the common denominator, and Christ and Him crucified is the only answer for our sin.

"Jesus! the Name that calms our fears,
  That bids our sorrows cease:
'Tis music in the sinner's ears.
'Tis life and health and peace.

"He breaks the pow'r of cancell'd sin,
  He sets the pris'ner free;
His blood can make the foulest clean,
  His blood avail'd for me."

When you have totally committed your life to Christ and Him crucified you can expect a continuing battle. The forces of evil and the powers of darkness are stirred up to heightened belligerency when anyone makes a total commitment of himself to Christ and Him crucified. But the glorious thing is that Christ promises the resources necessary. We read "In the world you shall have tribulation: but be not afraid; I have overcome the world." It is a matter, in the final analysis, of letting Christ live His life in you.

There may be very dark and dismal days ahead for all of us. There surely will be for some of us. It is very possible that some will feel the scourge of ostracism and even the lash of persecution in return for their commitment to Jesus Christ, but His promise sustains when He said, "I will never leave thee nor forsake thee."

A great Scot, George Matheson, was engaged to be married to a young lady who meant more to him than any person in all the world. Just before marriage he heard the startling word that in six months he would be blind. He went to her and told her of the situation and offered her release from the engagement and the forthcoming marriage, thinking that she would surely stand with him and that her love would bridge any physical deficiency. He was wrong. She gave him back his ring. He was crushed. But he found strength as he cast himself completely upon the Lord Jesus Christ. He wrote these words, words that choke up my heart if not my throat every time I sing them:

"O Love that wilt not let me go,
  I rest my weary soul in Thee:
I give Thee back the life I owe,
That in Thine ocean depths its flow
  May richer, fuller be.
"O Joy that seekest me through pain,
  I cannot close my heart to Thee:
I trace the rainbow through the rain,
And feel the promise is not vain,
  That morn shall tearless be."

What about the future? I don't know. But we can know in a personal way who holds the future. Young people today are concerned about a coming utopia, about what's down the road. Their songs are filled with it.

A new theology coming out of Germany is called the "Theology of Hope" and it is creating a great stir because we are living in a period of pessimism and despair. Writers and contemporary philosophers are pessimistic. Bertrand Russell some time back predicted that we had only five years to exist as a human race. The Bible describes the future of the human race and tells us exactly where we are heading.

Jesus Christ came the first time to die on the cross. He bore our sins so that we might find complete and total forgiveness. And, we have God's own word that He will never hold us to account for those sins because Jesus Christ has paid the penalty. It's a wonderful thing to know that your sins are forgiven.

The head of a London mental institution has said, "Half of my patients could be released if they could know they are forgiven."

Jesus rose from the dead and is alive today. The Bible says He is coming back. But first the Bible indicates we are going to have violence, travail, judgment, troubles and difficulties beyond anything we have previously known. Then just before the world is ready to explode in self-imposed destruction Christ is going to come and set up His kingdom and rule the world. It will be a wonderful world where disease will be arrested, war abolished, nature changed . . . in short, utopia on the earth. It's wonderful to have this assurance and embrace this hope.

In the meantime through joy or sorrow, smiles or tears, wealth or poverty, health or sickness, peace or persecution we can say with the Apostle Paul:

"Who shall separate us from the love of Christ? shall tribulation, or distress, or persecution, or famine, or nakedness, or peril, or sword?

"Nay, in all these things we are more than conquerors through him that loved us.

"For I am persuaded, that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come.

"Nor height, nor depth, nor any other creature, shall be able to separate us from the love of God, which is in Christ Jesus our Lord."

(Romans 8: 35, 37–39.)

There is no viable alternative to Jesus Christ. Jesus Christ is our hope.

H.R. 1117: A START IN THE RIGHT DIRECTION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. WHITEHURST. Mr. Speaker, one of the biggest problems facing Congress in its efforts to curtail or eliminate pollution is the plan of attack. The bill just recently passed by the House, H.R. 1117, is a start in the right direction. However, we should not stop with just an investigatory committee.

It is important that we have a single standing committee to which all pollution bills can be referred. It will bring to an end the current situation of almost every committee in the House handling pollution legislation. To speed up the handling of the legislative logjam I would also urge such a single standing committee in the Senate.

The concern over pollution is not new. Nor are the abatement efforts of the Federal Government new. The fight has been going on for quite some time. Today, however, we have an opportunity which we should not let pass. Pollution is now on the national conscience, it is center stage, and the energies of our economy and society are ready and waiting. What is needed is the very item that has been lacking all these years: direction.

I am told that there are currently over 28 subcommittees and ad hoc committees in the House of Representatives that handle pollution legislation. The first step in our plan should be better direction and a more orderly approach to the legislative effort in our attack on pollution.

The committee process is for all intents and purposes the legislative process. In order for legislation to be properly reported to the House it takes a combination of infinite patience, wisdom, and the blessings of the good Lord.

Leadership and a streamlined method of the legislative process is what pollu-

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tion legislation needs. Unless we establish a standing committee on the environment, I foresee a wasteful expenditure of time and energy, and a delay in producing this vitally needed legislation.

Mr. BROTZMAN's bill, H.R. 1117, of which I am cosponsor, will amend the rules of the House to create such a committee. I urge it be given every consideration and be quickly reported.

PUBLICATIONS RELATING TO COMMUNISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. RARICK. Mr. Speaker, I frequently receive requests from concerned Americans who want additional information on the evils and threats of communism.

Because there are numerous publications issued by the U.S. Government which can be obtained directly from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, I insert an official list of publications on communism at this point:

LIST OF PUBLICATIONS

This is an official list of publications issued by the U.S. Government . . . relating to various aspects of communism . . . for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

1. Issues Presented by Air Reserve Center Training Manual. 1960. (46)p. Catalog No. Y 4.Un 1/2:Al7. 15 cents.

2. How the Chinese Reds Hoodwink Visiting Foreigners. 1960. 34 p. Catalog No. Y4.Un 1/2:C 44. 15 cents.

3. Communist Persecution of Churches in Red China and Northern Korea. 1959. 35 p. Catalog No. Y 4.Un 1/2: C 47. 15 cents.

4. Organized Communism in the United States. 1958. 153 p. Catalog No. Y 4.Un 1/2:C 73/35/958. 45 cents.

5. International Communism (The Communist Mind). 1957. 14 p. Catalog No. Y 4.Un 1/2:C 73/76. 15 cents.

6. The Ideological Fallacies of Communism. 1957. 25 p. Catalog No. Y. 4.Un 1/2:C 73/84. 15 cents.

7. Communist Psychological Warfare (Brain Washing). 1958. 25 p. Catalog No. Y 4.Un 1/2:C 73/90. 15 cents.

8. Communist Lobbying Activities in the Nation's Capital. 1959. 12 p. Catalog No. Y 4.Un 1/2:C 73/105. 10 cents.

9. Lest We Forget! A Pictorial Summary of Communism in Action. 1960. 48 p. il. Catalog No. Y 4.Un 1/2:C 73/109. 20 cents.

10. Communist Economic Warfare. 1960. 23 p. Catalog No. Y 4.Un 1/2:C 73/110. 15 cents.

WORLD COMMUNIST MOVEMENT, SELECTIVE CHRONOLOGY 1818–1957

11. Volume 1, 1818–1945. 1960. 232 p. Catalog No. Y 4.Un 1/2:C 73/114/v.1. 65 cents.

12. Volume 2, 1946–1950. 1963. (254) p. Catalog No. Y 4.Un 1/2:C 73/114/v.2. 75 cents.

13. Volume 3, 1951–1953. 1964. (290) p. Catalog No. Y 4.Un 1/2:C 73/114/v.3. $1.00.

14. Communist Target—Youth, Communist Infiltration and Agitation Tactics. 1960. 18 p. il. Catalog No. Y 4.Un 1/2:C 73/115. 15 cents.

15. The New Role of National Legislative Bodies in the Communist Conspiracy. 1962. 47 p. Catalog No. Y 4.Un 1/2:C 73/117. 20 cents.

16. U.S. Communist Party Assistance to Foreign Communist Governments (Testimony of Maud Russell). 1963. 51 p. Catalog No. Y 4.Un 1/2:F 76/2.20 cents.

17. Communist Political Subversion, The Campaign to Destroy the Security Programs of the United States Government. 1957. 97 p. il. Catalog No. 85–1:H.rp. 1182. 45 cents.

"UNITED FRONT" TECHNIQUE OF THE SOUTHERN CALIFORNIA DISTRICT OF THE COMMUNIST PARTY

18. Hearings. 1962. 221 p. Catalog No. Y 4.Un 1/2:C 73/103/962. 45 cents.

19. Report and Appendix. 1963. 242 p. il. Catalog No. 88–1:H.rp. 631. 65 cents.

20. A Communist in a "Workers' Paradise," John Santo's Own Story. 1963. 77 p. Catalog No. Y 4.Un 1/2/Sa 5. 25 cents.

21. The Communist International Youth and Student Apparatus. 1963. 83 p. il. Catalog No. Y 4.J 89/2:C 73/44. 30 cents.

22. Cuba as a Base for Subversion in America. 1963. 23 p. Catalog No. Y 4.J 89/2:C 89/3. 15 cents.

23. The Kremlin's Espionage and Terror Organizations. 1959. 16 p. Catalog No. Y 4.Un 1/2:K 88. 15 cents.

24. Language as a Communist Weapon. 1959. 51 p. Catalog No. Y 4.Un 1/2:L 26. 20 cents.

25. Soviet "Justice"—"Showplace" Prisons vs. Real Slave Labor Camps. 1960. 50 p. Catalog No. Y 4.Un 1/2:So 8/5. 20 cents.

26. Communist Propaganda and the Truth About Conditions in Soviet Russia. 1962. 46 p. il. Catalog No. Y 4.Un 1/2:So 8/7. 20 cents.

27. Education for Survival in the Struggle Against World Communism. 1962. 127 p. Catalog No. 87–2:S. doc.93. 35 cents.

28. Guide to Subversive Organizations and Publictaions. 1962. 81 p. Catalog No. 87–2:H. doc.398. 70 cents.

29. Communist Youth Activities (Eighth World Festival, Helsinki, Finland, 1962). 1962. 68p. Catalog No. Y.Un 1/2:Y 8. 20 cents.

30. Patterns of Communist Espionage. 1959. 81 p. Catalog No. 86–1:H.doc. 119. 25 cents.

FACTS ON COMMUNISM

31. Vol. 1. The Communist Ideology. 1960. 135 p. Catalog No. 86–2:H.doc. 336. 45 cents.

32. Vol. II. The Soviet Union, From Lenin to Khrushchev. 1961. 367 p. Catalog No. 87–1: H.doc. 139. $1.25.

33. Communist Legal Subversion, The Role of the Communist Lawyer. 1959. 75 p. il. Catalog No. 86–1:H.rp. 41. 25 cents.

34. The Communist-Led Riots Against the House Committee on Un-American Activities in San Francisco, Calif., May 12–14, 1960. 1960. 22 p. il. Catalog No. 86–2:H.rp. 2228. 15 cents.

THE TRUTH ABOUT THE FILM "OPERATION ABOLITION"

35. Part 1. 1961. 52 p. Catalog No. 87–1: H.rp. 1278/pt. 1. 25 cents.

36. Part 2. 1961. 80 p. Catalog No. 87–1: H.rp. 1278/pt. 2. 25 cents.

MANIPULATION OF PUBLIC OPINION BY ORGANIZATIONS UNDER CONCEALED CONTROL OF THE COMMUNIST PARTY

37. Part 1. 1961. p. 137–217, il., 4 pl. Catalog No. 87–1:H.rp. 1282/pt. 1. 65 cents.

38. Part 2. 1961. p. 219–309, il, 4 pl. Catalog No. 87–1:H.rp. 1282/pt. 2. $1.

39. Communist China's Agriculture. 1959. 50 p. Catalog No. A 67.16:115. 20 cents.

40. Communist Control Act of 1954. 1954. (6) p. Catalog No. GS 4.110/1:83/637. 5 cents.

41. Professional Manpower and Education in Communist China. 1961. 260 p. il. Catalog No. NS 1.2:C44. $2.

42. Soviet World Outlook, A Handbook of Communist Statements. 1959. 247 p. Catalog No. S 1.74:56. $1.25.

43. The New Drive Against the Anti-Communist Program. 1961. 82 p. il. Catalog No. Y 4.J 89/2:An 8/9. 25 cents.

44. Testimony of a Defector From Communist China. 1962. 16 p. Catalog No. Y 4.J 89/2:C 44/4. 10 cents.

45. Communist Controls on Religious Activity. 1959. 34 p. Catalog No. Y 4.J 89/2: C 73/23. 15 cents.

46. Contradictions of Communism. Rev. 1964. 62 p. il. Catalog No. Y 4.J 89/2:C 73/25/964. 20 cents.

47. Communist Anti-American Riots—Mob Violence as an Instrument of Red Diplomacy. 1960. 66 p. il. Catalog No. Y 4.J 89/2:C 73/34. 20 cents.

48. Communist and Workers Parties' Manifesto Adopted November–December, 1960, Interpretation and Analysis. 1961. 108 p. Catalog No. Y 4.J 89/2:C 73/35. 30 cents.

49. Communist Appeal to Youth Aided by New Organizations. 1961. 42 p. il. Catalog No. Y 4.J 89/2:C 73/38. 15 cents.

50. Guide to Communist Tactics Among the Unemployed. 1961. 32 p. Catalog No. Y 4.J 89/2:C 73/39. 15 cents.

51. Khrushchev's Strategy and Its Meaning for America, 1960. 40 p. Catalog No. Y4.J 89/2:K 52/2. 15 cents.

52. A Communist Plot Against the Free World Police (An Expose of Crowd-Handling Methods). 1961. 32 p. il. Catalog No. Y4.J 89/2:P 75. 15 cents.

53. Technique of Soviet Propaganda. Rev. 1965. 72 p. Catalog No. Y4.J 89/2:So 8/8/965. 25 cents.

54. The Real Productivity of Soviet Russia, a Critical Evaluation. 1961. 61 p. il. Catalog No. Y4.J 89/2:So 8/14. 20 cents.

55. Interlocking Subversion in Government Departments. 1953. 50 p. Catalog No. Y4.J 89/2:Su 1/13. 20 cents.

56. Yugoslav Communism, a Critical Study. 1961. 387 p. Catalog No. Y4.J 89/2:Y 9. $1.00.

57. Wordsmanship, Semantics as a Communist Weapon. 1961. 18 p. Catalog No. Y4.J 89/2:W 89. 15 cents.

58. Communism in Action. 1946. 141 p. Catalog No. 79–2:H.doc. 754. 45 cents.

59. Permit Communist-Conspirators to be Teachers? 1953. 47 p. Catalog No. 83–1:H.doc. 213. 20 cents.

60. The Communist Party of the United States of America, What it is, How it Works, a Handbok for Americans. 1956. 101 p. Catalog No. 84–2:S.doc. 117. 30 cents.

61. Efforts by Communist Conspiracy to Discredit the Federal Bureau of Investigation and its Director. 1959. 27 p. Catalog No. 86–1:S.doc. 23. 15 cents.

62. Expose of Soviet Espionage, May 1960. 41 p. Catalog No. 86–2:S.doc. 114. 15 cents.

63. Analysis of the Khrushchev Speech of January 6, 1961. 1961. 101 p. Catalog No. 87–1:S.doc. 46. 30 cents.

64. The Communist Party Line. 1961. 6 p. Catalog No. 87–1:S.doc. 59. 5 cents.

65. Communist Interrogation, Indoctrination, and Exploitation of American Military and Civilian Prisoners. 1957. 24 p. Catalog No. 84–2:S.rp. 2832. 15 cents.

66. The Anti-Vietnam Agitation and the Teach-in Movement (The Problem of Communist Infiltration and Exploitation). 1965. Catalog No. 89–1:S.doc. 72. 75 cents.

67. Communist Party, USA—Soviet Pawn. Staff study prepared for Senate Judiciary Committee. 1967. 20 cents.

ENVIRONMENTAL PEACE CORPS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and Population of which I am chairman,

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has been studying environmental problems for the past year. We have become acutely aware of the urgency of these problems and the need to employ the creative talents of our concerned young people. This is one of the reasons that I introduced H.R. 16847, a bill to establish a National College of Ecological and Environmental Studies. The college would be funded with seed money from Federal funds, but the bulk of the cost would be provided by the private and commercial sectors of the country. It would provide for an organized nonpolitical youth forum where needed communications can be channeled into solving environmental problems. This bill has been referred to the House Committee on Science and Astronautics and we hope to receive a favorable report in the near future.

Another propitious sign is the suggestion by the Honorable Walter J. Hickel, Secretary of the Department of the Interior, that a Peace Corps type of organization be established to help reclaim the Nation's environment. A recent article in the Washington Post by George Wilson describes this suggestion. I would like to include this article in the RECORD at this point for the benefit of my colleagues:

HICKEL SUGGESTS ENVIRONMENTAL "PEACE CORPS"

(By George C. Wilson)

PRINCETON, N.J., March 5.—Interior Secretary Walter J. Hickel tonight suggested setting up a Peace Corps type of organization to help reclaim the nation's environment. He said the new group "might be called ECO—Environment Control Organization."

The ECO, Hickel said, "could be a program backed by federal funding which would place young leaders with energy and enthusiasm in those areas of the nation needing study and help."

Aides to Hickel conceded the idea was still in the tentative stage, but indicated there had been some White House consultation on the proposal, which was floated here tonight at Princeton University's first ecological conference.

One thing the environmental group could do, Hickel said, would be to conduct an inventory of all the public lands in the United States as part of the federal effort to put the acreage to the best possible use.

He told the Princeton audience that another helpful step would be for universities "to set the pace and make ecology a priority. After all," he asked, "if feminists are now in your ranks, why not ecologists?"

He said public concern about the environment has reached the point where "we have an uprising on our hands in this country . . . we as a nation have been asleep in a room filling with poisonous gas. Thank God, we have finally awakened."

Besides responding to this public interest with ideas like the environment corps, Hickel pledged that the Interior Department "shall vigorously prosecute those who pollute." He said that polluters that ignore the public interest "are going to find just how tough we can be."

Hickel was interrupted repeatedly during his speech at the Princeton gymnasium by a small group of hecklers, some with faces painted to look like Indians. They shouted obscenities at Hickel, beat a tom-tom, let out war whoops and demanded that he "talk about the war." Robert F. Goheen, president of Princeton, warned them they they would be disciplined and publicly apologized to Hickel.

Earlier, a duPont executive acknowledged that industry's record on pollution control "is not good enough" and warned his colleagues that "people are losing patience with companies that seem to put the monkey on the other fellow's back."

Samuel Lenher, vice president of E. I. duPont de Nemours & Co. chemical firm, told an environmental conference here that some companies have held back on spending money for cleanup measures "hoping to gain a cost advantage over the companies that are moving ahead."

While industry must do better, Lenher said, the federal government must clean up its legislative house by defining clearly "the national policy on the environment—a straight forward statement of what we are trying to achieve."

He recommended tailoring anti-pollution standards to various parts of the country rather than imposing uniform national standards on industry.

Federal authorities however, are pushing for nationwide standards on the grounds that without them industry can play off one area of the country against the other in seeking sympathetic regulation of pollution.

The duPont company has developed a chamber for recirculating auto exhaust which Lenher said would keep hydrocarbons and carbon monoxide pollutants below the maximum discharge levels set by the federal government without having to abandon leaded gasoline.

DuPont drove a car equipped with the chamber to Princeton and put on a display for the 200 persons who attended the university's first ecological conference.

The chamber clamps onto the engine in place of the manifold. The exhaust is trapped inside the chamber while air is forced in, stirring up the unburned particles so they will have a chance to burn more completely.

WHO SPEAKS FOR THE UNIVERSITY OF SANTA CLARA?

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. GUBSER. Mr. Speaker, recently four professors at the University of Santa Clara called at my congressional office to express their concern over the war in Vietnam and the Cambodian situation.

Since that visit, other faculty members and students at the University of Santa Clara have protested the visit as not representing the unanimous opinion of the university. The Rev. Arthur D. Spearman, S.J., has requested that a statement signed by 60 faculty members and administrators at Santa Clara University be placed in the CONGRESSIONAL RECORD. Signers to the statement were solicited through the following memorandum from Father G. V. Kennard, S.J., of the university's department of philosophy:

To: All faculty and administrators of the University of Santa Clara.

From: Father G. V. Kennard, S.J., Department of Philosophy.

You are invited to sign the declaration below, which will be sent to legislators, public officials, and to the press, concerning the Washington trip of Professors Anawalt, Flood, Heineke and Mackin.

From the May 9th San Jose Mercury (p. 4) we learn: "An unofficial delegation of ten faculty and students from the University of Santa Clara will leave for Washington, D.C., Sunday evening to lodge their protest against the war in Southeast Asia with U.S. Legislators firsthand." The same article quotes Patrick E. Tondreau, identified as a senior theology major, in explanation of the mission: "We hope that the fact that we who are faculty and students from an institution like the University of Santa Clara will underscore the seriousness which we attach to the situation."

I infer from the above, and from other evidence, that the group named proposes to pass itself off as a 'delegation' in some honest sense of that word, and that it intends to trade on the name and character of Santa Clara University to buttress its cause.

May I point out that signing the declaration below does not commit one to any view on the military action in Vietnam and Cambodia, nor does it express disagreement with the political views of the four professors named. What signing the declaration commits one to is a view of the relation of the college to the political arena, and to a set of standards regarding appropriate forensic behavior on campus.

If you are willing to go on record by signing the declaration below, please leave a copy of it (signed) at the University switchboard by Monday noon, May 11th, or phone Fr. Kennard or leave a message confirming your willingness to have your name so used. Names will be listed alphabetically, and no identification of academic or administrative office will be carried.

The statement referred to appears below:

MAY 11, 1970.

To the President and the Congress of the United States:

The undersigned are faculty members or administrators at the University of Santa Clara.

We declare that Professors Anawalt, Flood, Heineke and Mackin, presently in Washington with six students for the purpose of lobbying, have no mission from faculty or student body and are not authorized to speak on behalf of either.

We stand for an open University and open platforms. We deplore the fact that the rallies which solicited traveling funds for these professors systematically excluded speakers who would have supported the foreign policy of the federal administration.

We stand for the freedom of the University from political interference in its teaching mission, and we regard the non-intervention of university bodies in the political forum as the condition and price of academic freedom. We therefore deplore any manipulative use of the name of our University for partisan political causes.

We repudiate also any claim or inference that the political views of the aforesaid professors enjoy preferential status or backing from the democratic, humanistic and Catholic intellectual tradition of the University at which they are employed.

SIGNATURES

Francis J. Babbish, S.J., Edwin A. Beilharz, James L. Blawie, Thomas Bracco, S.J., Warner Brandenburg, Marc Callan, Shu-Park Chan, Marygrace Colby, Raymond F. Copeland, S.J., Francis J. Corrigan.

Richard Coz, S.J., Grover J. Daly, Jose A. Debasa, Raymond Dennehy, Donald J. Duggan, S.J., Eugene J. Fisher, Richard Garibaldi, Paul J. Goda, S.J., Maurice Belval, S.J., Phyllis Hazekamp, Joseph F. X. Monasta.

C. F. Guenther, S.J., Carl H. Hayn, S.J., John H. Hosemann, Merome Hubbard, Stephen Jurika, V. F. Kamena, Joseph Keane, S.J., George V. Kennard, S.J., W. J. Kropp, S.J., Marvin H. Langholff.

G. P Malley, Norman F. Martin, S.J., Roger

D. McAuliffe, S.J., William M. McPherson, Charles A. McQuillan, S.J., Alexis I. Mei, S.J., Myra Milburn, John S. Mooring, Bernard Kronick, John Kugler, D. Robert Papera.

Henry P. Nettesheim, Philip J. Oliger, S.J., W. Orenczuk, Peter A. Panelli, William B. Perkins, S.J., Mozelle Phillips, Richard M. Schmidt, William F. Sheehan, Arthur Dunning Spearman, S.J., Sal Taormina.

Salvatore A. Tassone, S.J., Thomas D. Terry, S.J., Dusan Uslakar, Doreen C. VanAssenderp, Christian Van den Berghe, Edward V. Warren, S.J., Carroll Williams, Tennant C. Wright, S.J., Thomas B. Maier, Tony Rodriguez, Peter Van den Dool.

A TRAGEDY IN ST. PAUL, MINN.

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. KARTH. Mr. Speaker, last week a St. Paul policeman was killed while answering a routine call. In this instance a cowardly assailant shot Officer James T. Sackett from ambush after he and his fellow patrolman had responded to the call.

This is the first police fatality in many years in St. Paul, but it has aroused the public sympathy and anguish and I share their concern. There seem to be too many instances of senseless, random violence in our country as even our fine, well-policed city, shares in this unfortunate trend. Despite vast public compassion and offers of help, in all too many cases the bereaved families are left with little but their sorrow. State workmens compensation laws are most often vastly inadequate as the letter below indicates, and do not properly provide for adequate compensation to families of deceased officers killed in the line of duty.

I want to bring the attention of my colleagues to this tragedy and the need for Federal legislation aimed at providing help to disabled or deceased public service officials and their families. Such legislation (H.R. 9128) is before this body and more than 130 Congressmen have introduced similar bills. The legislation proposes that such widows would receive 45 percent of the deceased officers' wages and 15 percent for each dependent up to a maximum of 75 percent. These benefits would derive from the Federal Employees Compensation Act. I strongly feel we should get on with the job of providing security to families that have suffered such tragic loss. I might add that Officer Sackett is survived by a wife and four small children.

The legislation is supported by such national organizations as the Police Officers, the Firefighters, and the American Trial Lawyers Association. The Labor Department, the Justice Department, and the Bureau of the Budget have indicated their disapproval. Despite the administration opposition, I feel we should obtain hearings and favorable floor action on this needed and necessary legislation.

While action by this body is helpful, it does little to assuage the grief of the Sackett family, therefore, we must do all we can to halt irresponsible acts such as the one I have described. We must not only make safe the performance of duty by policemen and firemen, but we must make our streets safe for citizens as well. We cannot long endure as a society if our present conditions prevail and escalate as seems to be the case.

I would like to call the attention of my colleagues to the following article in the St. Paul Pioneer Press of May 26:

DEPENDENCY BENEFITS

SIR: The untimely death of the St. Paul policeman during, and as a result of, his employment points again, dramatically this time, the need for amending the Minnesota workmen's compensation law.

Presently there is a maximum—$25,000—which, when there are small children, is exhausted long before they reach high school age.

The law should be amended to provide payment during dependency which would assure funds at least through the high school years when expenses are the highest.

Average death benefits paid are less than the maximum because widows remarry and children reach 18 years of age before the limitation is reached. The added expense would have minimal effect on insurance rates.

ART RAMBERG.

WHITE BEAR LAKE.

HORTON PRAISES WAYNE HARRIS AS MR. CONSERVATION IN MONROE COUNTY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. HORTON. Mr. Speaker, ecology has become a main issue. It is a big word with a certain ring to it. It seems like everyone now wants to jump on the "ecology" bandwagon.

But years ago, people who became involved in the issue were thought to be alarmists and doom cryers. Before the name and the slogan became popular Wayne Harris, a lawyer in my district, Rochester, N.Y., joined the ecology movement. About 15 years ago, Wayne became interested in the problems of pollution and recognized the need for action.

He has been responsible for upgrading the classification of many local streams, closing polluted beaches, and obtaining State funds for pollution control in Monroe County.

Wayne is a man who feels it is his personal responsibility to contribute to the community. Many of the accomplishments in the fight against pollution, would not have been achieved if it had not been for him.

To begin his campaign, Wayne joined the Monroe County Conservation Council, an organization of delegates from 20 area conservation groups. He was president of the council from 1956 to 1959. Since then, he has served as chairman of the council's air and water pollution committee.

Certainly at no personal gain to himself, Wayne persists in trying to clean the environment. If he cannot get local action, he goes to the State, and if not the State, then the Federal level.

He has a reasonable manner, and a way of presenting the issues that make people want to assist him. When people ask him what they can do, he suggests working on the local level.

Wayne is an example of an idealistic man who works with reality. He leads a full and busy life, and yet he sacrifices his time for a cause in which he believes. He is the father of six children. A law partner in the firm of Keenan, Carroll, Harris, Creary, Beck & Galloway. He has been awarded the Rochester Downtown Club's 1965 Kiwanian of the Year; the Real Estate Board of Rochester's 1966 Lester P. Slade Civic Award; and the New York State Conservationist Council's 1967 Water Conservationist of the Year.

As chairman of the air and water pollution committee, Wayne has seen to it that the Monroe County Conservation Council is one of the most active in the country. The council has no paid members and the effort they put out in the month of April alone is an indication of their selfless work in the fight against pollution.

In April of this year, the council held five panels and 25 lectures on pollution, and one statewide television show on channel 21, educational TV. The total number of people lectured to in that 1 month was 9,763.

Wayne spends from 20 to 30 hours a week on the problems of pollution. He and the conservation council are a model for conservation groups all over the country. They possess persistent dedication to the goals they have set to end the deterioration of the environment.

I would like to share with my colleagues two articles that recognize the fine work Wayne Harris and the conservation council have done and continue to do. The first appeared in the May issue of Field & Stream, and the second, in the Rochester Democrat & Chronicle:

[From Field & Stream, May 1970]

WAYNE M. HARRIS: CITIZEN POLLUTION FIGHTER

(By Herbert G. Jackson Jr.)

When lawyer Wayne M. Harris invites his stockbroker wife for a Sunday walk in the country, it's likely to be a hike along a foul-smelling stream in search of an outfall pipe. If he finds what he's looking for, he photographs it, makes notes, and takes samples. If he doesn't find it, well, there's always next weekend.

Harris, senior partner in a Rochester, New York, law firm, is a citizen pollution fighter whose conservation efforts over nearly two decades have earned him a variety of sobriquets ranging from Mr. Clean to a few less printable ones.

As chairman of the Monroe County Conservation Council's Air and Water Pollution Committee, he has become a pain in the neck to those public officials who in his opinion aren't doing enough to abate pollution.

Harris knows how to make noise, or as he puts it, "create an awareness of a problem." About four years ago, for example, he became concerned about water pollution at his county's public beaches on Lake Ontario.

In the absence of any governmental action, Harris and his committee conducted a campaign of testing the water. They found

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that the coliform count (measurement of fecal pollution) far exceeded state maximums.

The information was passed along to the county and state health departments and local news media. The county discounted the health threat but the state ordered the beaches closed until safe, which is not expected to be until after a new treatment plant, now underway, is completed.

Harris and his committee have had considerable experience in the field of water pollution. As far back as the early 1950's they made recommendations to the state for water pollution control standards, and a few years later were instrumental in securing a minimum "B" classification (suitable for swimming) for major waters in Monroe County. This made illegal the discharge into those waters of solid sewage or liquid sewage not effectively treated.

In preparing their case for the classification hearings the conservationists enlisted the aid of a host of skilled persons from their own membership, including scuba divers, pilots, scientists, engineers, and the like.

In 1968, with a donated $5,000, the committee launched an ambitious project to test the water in all major cities of the state, except New York City. Two college students—Harris' son, Wayne, now a junior at Temple University, and David Zogg, a biology major at Cornell University— conducted dissolved oxygen and coliform tests in Albany, Binghamton, Buffalo, Massena, Ogdensburg, Rochester, Rome, Schenectady, the State Fair outside Syracuse, Syracuse, Troy, Utica, and Watertown.

Harris, who planned and supervised the study, said its purpose was to determine the extent of water pollution in New York State and to make the information available to civic-minded groups in communities where the water was tested.

The study report paints a dismal picture of what has happened to the waters of New York State. Copies of the report were printed only last October and distributed to certain members of Congress, state and local officials, chambers of commerce, and conservation organizations. Excerpts follow:

Albany—"The tenth sample was taken [from the Hudson River] approximately one-half mile south of the Parker Dunn Memorial Bridge adjacent to an outfall pipe . . . [where] sewage solids, garbage and contraceptives were observed discharging. . . .

"The two creeks in the Albany area, Norman's Kill and Patroon's Creek, are no more than open sewers. . . ."

Binghampton, Johnson City, and Endicott—"The mouth [of Tributary II of the Susquehanna River] was filled with sewage solids, contraceptives, toilet paper, sludge and garbage. The banks were covered with a thick deposit of gray muck. . . ."

Buffalo—"Purple, red, and brown wastes could be seen dumping into the [Buffalo] river [near South Park Bridge]. Profuse solid waste lined the banks while the center of the river bubbled and was covered by a very heavy oil slick. An acrid odor was very noticeable. . . .

"The waterways . . . are flagrantly used as open cesspools for the dumping of untreated sanitary and industrial wastes."

Massena—"The Massena village beach on the St. Lawrence River . . . had total coliform counts as high as 36,800. This is more than ten times the standard for bathing water set by the state and more than thirty-six times the Federal standards."

Ogdensburg—"The water [of the St. Lawrence near a paper company outfall] was gray-green in color and could be distinguished from the normal blue of the river. Multi-colored solids were observed in the water. . . ."

Rochester—"Total coliform counts [at Ontario Beach] ranged from 4,800 to 21,000 during the test period [July 13–August 31, 1968]. The water [on August 31] contained grease balls, duckweed, foam and many small black solids.

"The water [at Durand Beach August 3] contained cigarette butts, toilet paper, contraceptives and small green balls. Total coliform counts ranged from 5,200 to 27,000 during the test period."

Rome—"Every sample taken of the waters in the Rome area was found to be at least three times over the maximum state standards for bathing water. Coliform counts in the city indicate a large quantity of raw sewage is being dumped into the water."

Schenectady—"at Freeman's Bridge . . . the Mohawk River was brown and covered with a thick gasoline slick. . . . There was tar on the river bank. . . . A dark, tar-like mess was observed. . . ."

Syracuse—"Onondaga Lake is of very poor quality . . . and appears to be serving as a large septic tank. The bottom was . . . composed of a filthy black material.

. . . Syracuse as a whole is in dire need of drastic and immediate measures. . . . Every stream observed was no more than an open dumping ground for sewage, with total coliform counts ranging from 40,000 to 1,400,000—far in excess of state standards."

Troy—"The City of Troy is built on a river of sewage. The Hudson River had coliform counts ranging from 34,000 to 150,000. The coliform counts at the mouths of Poesten Kill and Wyant's Kill were 395,000 and 265,000 respectively. The lack of any treating facilities severely aggravates this problem. . . ."

Utica—"The water [of Starch Factory Creek half a mile from its mouth] . . . contained large quantities of sewage solids and sewage material. A thick black sludge covered the bottom and banks and a strong sewage odor was noticed.

"The City of Utica has no sewage treatment plant and dumps sixteen to seventeen million gallons a day of raw untreated sewage into the Mohawk River."

Watertown—"The water (of Kelsey Creek at its mouth) was covered with gasoline slick. Black sludge and a brilliant orange and green film was observed. . . . A strong sewage odor was noted.

"A sample was obtained from the Watertown Primary Sewage Treatment Plant effluent after chlorination, just before it channeled into the Black River . . . sewage solids were observed."

In the report Harris summarized:

". . . each day our waters are being filled with an ever-increasing amount of untreated and poorly treated sewage material and industrial wastes.

"The waters of our state are in critical condition, with many of them hazardous to health.

"The public must act now to demand proper, modern treatment of municipal and industrial wastes, and must closely check the plans for correcting the pollution to see if they are really adequate. The public must not in the future be lulled into a sense of security or inactivity by . . . government officials."

As a result of this study the Monroe County Conservation Council, in the person of Harris, was able to speak with authority in the fall of 1969 at one of a series of public hearings conducted by the Joint Legislative Committee on Environmental Management and Natural Resources Subcommittee on the Ecological Problems of the Great Lakes.

In testimony Harris urged abolishment of existing ground water standards and adoption of a whole new set, copies of which he made available. He further declared that the state's water pollution control program "has been a complete failure . . . primarily a propaganda program with almost no enforcement."

Referring to the 1968 study report he continued:

"The attitude toward water pollution in our state perhaps can be best be exemplified by what has taken place at our state fair. A year ago, after it was revealed that the state fair was discharging raw sewage into Nine Mile Creek, it was found that coliform counts were over a million in 100cc of water, or more than 400 times the state limit of 2,400.

"This year we returned to the state fair and the discharge had increased . . . the coliform counts ranged from four to sixteen million."

Harris also thinks the Legislature should take over from the Executive Branch "the responsibility of our environment," creating a separate agency responsible directly to the Legislature and advised by a board of experts none of whom shall come from government or certain industries whose products or processes contribute to the pollution of the environment.

Harris' conservation efforts, which he estimates consume twenty to thirty hours a week, are not limited to water pollution. A few years ago he read a newspaper report that respiratory deaths in Monroe County had increased out of proportion to the increase in population. He asked the state and county health departments if they would undertake air pollution tests. In the absence of affirmative answers he decided that his committee would tackle the problem.

To find out how such testing is done he consulted experts who advised him to go to Los Angeles. There he studied what he describes as "the most effective program in the country." (He is also impressed with Pittsburgh and Toronto programs to abate all pollution.)

"Los Angeles, perhaps of necessity, realized the danger of air pollution sooner than any other city in the country," Harris relates, "and acted against auto manufacturers to reduce the amount of pollutants and placed stringent restrictions on the air pollution emissions by industry. I was able to secure information that the gases released by almost any type of industry could be filtered or treated so that almost no pollutant reached the atmosphere."

In the summer of 1965 with $350 worth of equipment he began the tests on a random scientific basis. One night a week from 8 p.m. to midnight he and his wife, together with the council's scientist, E. Grant Pike, and Mrs. Pike, obtained air samples at various points in Rochester. Later, with the aid of a rebuilt spectrophotometer, they measured the amounts of gases in their samples.

The results showed that the sulphur dioxide level was higher than the average of the fifteen cities used by the government as a yardstick, and the nitrogen dioxide level was slightly lower. On the basis of this testing, his committee made recommendations to the state for air pollution control standards.

"Our situation in Rochester is bad but not critical," he maintains. "We have pointed up areas of concern and we continue to monitor areas where complaints are received.

"But, more significantly, we have gone through the throes of setting up an air pollution testing program. We could help someone else with a serious problem."

The discharge of radioactive material from atomic plants has also come under Harris' scrutiny. On receipt of complaints about the atomic reprocessing plant near Springville, New York, Harris got himself a Geiger counter, went to the area, climbed fences, found the outfall, took readings, and reported that the discharge was 6,000 times over the limits prescribed by the Atomic Energy Commission.

Through Senators Javits, Muskie, and the late Robert F. Kennedy, Harris made noise. Subsequently, the AEC directed the plant to reduce the amount of radioactive material it discharges.

He and his committee are now undertaking to review the plans of every proposed atomic plant in the country and already have come out against the Bell Station plant on

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Cayuga Lake in Central New York, the James A. Fitzpatrick plant on Lake Ontario, and the Oyster Creek plant on Barnegat Bay in New Jersey.

Still another area of concern is landfill. Harris realized that much of the state-owned lakes and rivers were being filled in for private use, so again he and his committee went to work. One problem area was right in their own backyard: the south end of Irondequoit Bay just east of Rochester. The committee dug up an 1870 map—"the earliest accurate survey we could find"—and showed that by comparison with recent aerial surveys fifty-one acres had been filled.

With this and other evidence the conservationists approached state legislators and on January 1, 1966, a landfill section of the conservation law became effective. Essentially, it forbids landfilling without a state permit, such permit to be granted only if benefit from the proposed fill derives to the state.

But more than three years later, at last September's state hearing, Harris expressed his utter disillusionment with the law:

"The legislative intent has been ignored and one need only to look around to see how ineffective the law has been," he stated. "Instead of the applicant being required to prove conclusively that the fill will be beneficial to the state, the public must rise up in mass to fight . . . to prove that the proposed fill is harmful, while on many occasions the Conservation Department plays a passive role or supports the applicant."

When a permit was granted to a motel firm to fill in a portion of the north end of Conesus Lake, south of Rochester, the committee decided the time had come to challenge the law in court. At this writing the decision was pending in State Supreme Court.

Harris speaks before college, civic, fraternal, church, or women's groups an average of once every two weeks. The topic, of course, is pollution. His committee also has put together a slide presentation on pollution, and this is available to schools.

A slim, earnest, friendly sort, Harris looks younger than his 44 years despite a full head of pepper-and-salt hair. A native of East Rochester, he finished high school there in three years, manned a light machine gun with the 45th Infantry Division in Europe during World War II and received the Bronze Star, completed two years at the University of Rochester, got married, and in 1948 went to Albany Law School. Three years and as many children later he was graduated and the next year was admitted to the bar, becoming a partner in his father-in-law's law firm.

In addition to conservation and bar organizations he has been active in the Fraternal Order of Eagles, Kiwanis, and his suburban Chamber of Commerce.

Children too are much a part of the lives of Wayne and Joan Harris. They have six of their own plus one granddaughter, two Korean "daughters" whom they are putting through college, and several foster foreign children. The Harrises also are active in the Teenage Diplomat Program.

Harris doesn't hesitate to enlist his family, friends, neighbors, and business acquaintances in the cause of conservation. Many reports and presentations have been compiled, collated, assembled, printed, bound, and so forth through hours of gratuitous help.

As a result of this kind of effort and enthusiasm, the twenty-club, 5,000-member Monroe County Conservation Council is the most active organization of its kind in the state and, perhaps, a model for citizen conservation groups everywhere.

THE RESPECTABLE WAYNE HARRIS

(By Talis Bergmanis)

Ten or fifteen years ago, Wayne Harris was considered sort of an oddball, an eccentric, a somewhat humorous character at best. Today, he's known to many as the most important, most powerful conservationist in the area.

He's responsible, in great part, for upgrading the classification of local streams, closing polluted beaches, and obtaining more state funds for pollution control devices in Monroe County than in any other county in the state—including the boroughs of New York City.

Harris' rise to respectability is as much the result of his own hard work as of the new public awareness of the environment.

He became interested in conservation shortly after he graduated from Albany Law School in 1951.

In those days, conservation consisted of Boy Scouts planting trees and Smokey the Bear warning people not to burn them down. Environment was a word used by sociologists and psychologists. People worried about air only if the rear tire was losing it, about water only if the front lawn needed it.

But a few people were talking about pollution and Harris, "looking for a way to contribute to the community," was impressed enough to look into the problem. He joined the Monroe County Conservation Council, an organization of delegates from 20 area conservation groups, which today represents about 6,000 people. Harris was president of MCCC from 1956 to 1959. Since then he's served as chairman of the council's Air and Water Pollution Committee.

"We took tests (in 1955–1956) to find out how good or bad our water was," he recalls. "Federal recommendations are that coliform—which is an indicator of sewage bacteria in water—shouldn't exceed 1,000 parts in 100 c.c. of water. In New York, we're more lax, and have set a count of 2,400 as our standard. Well, we took tests at the mouth of the Genesee, where our beaches are and where our kids swim, and got counts of 800,000. We were amazed. But we were even more amazed by the attitude of the County Health Department. They said 'Naw, there's no real problem.' They ignored us completely, and that really set us off.

"Initially everyone thought we were wrong. It was hard for people to believe that the Health Department wasn't doing its job. But we always backed up our charges with tests and eventually the facts proved we were right.

"That's one reason we've been successful. If you talk in general terms about lost beauty and how the rivers are full of junk, you'll get nowhere. To impress the politicians and bureaucrats you need test results, expert witnesses, samples, photos, and statistics."

Harris' first major victory came in 1956 when the state was classifying all rivers as A, B, C, D, or E. "A" meant the river must be kept clean enough for drinking; "B" meant good enough for swimming; "C" meant good enough for fishing; and "D" and "E" meant good for nothing except shuttling sewage.

City Hall, the Chamber of Commerce, the County Health Department, and local industries all wanted the lower Genesee (from the barge canal to Lake Ontario) classified D. Harris and MCCC stood virtually alone in demanding a B classification.

Somehow, Harris came away from the hearing with a special B classification, not quite as good as B, but much better than D. In 1966 it was upgraded to B, and today, all streams in the area, plus the barge canal, have that classification.

"Unfortunately," Harris points out, "you still can't swim in them, because the classifications aren't enforced. Dumps leach into them, inefficient sewage plants discharge into them, industries pour wastes into them, and the Health Department does nothing about it. You see, if they jump on Henrietta, they'll have to jump on Brighton, and on Kodak, and on the City of Rochester, and so on. They don't want that.

"But God help you if you're a homeowner and a leak develops in your septic tank. They'll hop on you right way. The City of Rochester and Eastman Kodak can foul the Genesee with thousands of gallons of effluent each day. But you, a little guy with a leaky septic tank, they'll tell you to get that fixed quick. You're a health hazard, a menace to the community."

(Kodak is building its own $7 million treatment plant, but Harris fears it won't be as efficient as the company says it will.)

As the smoke settled from the Genesee River classification battle, Harris planned his next skirmish, on the sands of the city's two beaches, Ontario and Durand-Eastman. In the early 1960's, citing the high coliform count in the water, he asked that they be closed.

"The area's sewage plants were completely inadequate and Rochester was dumping 93 million gallons of untreated sewage into the lake every day. We felt that if we could force the Health Department to close the beaches, thus admitting there was a health problem, then we could work for action on the source of the problem—the over-loaded treatment plants. If officials don't acknowledge a problem, you can't press them to come up with a solution."

Getting no action locally, Harris repeatedly wrote and telegraphed the State Department of Health, Gov. Rockefeller, Sen. Robert F. Kennedy, and even Secretary of the Interior Stewart Udall.

Finally, in 1967, after their own samples showed coliform counts as high as 52,000, the State Department of Health acted. They ordered that the County Health Department refuse the beaches a permit to open. County Health Director Dr. Wendell Ames termed the pollution "a trivial thing", but closed the beaches. They've stayed closed since. Sort of.

The county still keeps lifeguards at Ontario Beach, explaining that as long as people are using the beach, someone should be there to keep it safe.

Harris disagrees with the policy: "They close the beaches but keep the lifeguards. Some uninformed person comes along, sees the lifeguards and figures the water must be clean, right? Who would dream that the county would station lifeguards beside water that no one should swim in? This is the sort of thinking we have to deal with constantly. We'd laugh if it wasn't so serious."

Although Harris isn't laughing, he is perhaps frowning a bit less about water pollution here. Partly as a result of his long campaign for cleaner water, two large treatment plants (the $49 million Durand-Eastman and $28 million Greece-Parma) are under construction and should be operating by 1972. And while they won't come close to solving Rochester's water pollution problem, they'll be the best ones on the Great Lakes.

The interceptor sewers linking into them are financed in part by approximately $140 million in state funds that Monroe County has received for pollution control projects during the past few years. That's more than any other county has received, including the notoriously polluted Buffalo, Albany-Troy, and New York City areas.

"It's not proper or fair," Harris says, "but we're getting it. Presumably they figure if they can pour in enough money here, they can silence our group."

If anything, Harris and the MCCC are growing more influential and more vocal all the time. Their key to success is the cadre of multi-talented, hard-nosed volunteers Harris has gathered around him.

When a conservation group appealed for help in fighting a landfill on Conesus Lake, Harris had expert witnesses—scientists, professors, engineers—to testify at the hearings.

When he needed samples from the mouth of an outfall pipe, 40 feet deep in Lake Ontario, scuba divers were available.

He also has an excellent working relationship with the Rochester Committee for Scientific Information. RCSI is a non-profit group of scientists and laymen which controversial issues and investigates scientific findings.

("We never make recommendations, says George Berg, associate professor in UR's department of radiation, biology and biophysics, and past president of RCSI. "We report our findings and tell people what the choices are.)

Occasionally Harris and RCSI co-operate in gathering information, and Harris uses RCSI findings in his battles. Besides RCSI's outside help, Harris has his own group of maybe a half-dozen specialists, plus another dozen hard workers.

There's Jack Bennett, president of Stewart & Bennett, Inc. He's an expert in heavy construction and, among other things, reviews plans for treatment plants.

There are Grant Pike, a research scientist at Pfaudler Co., and Charles DeMarco, a staff physician in the medical department at Xerox. Both are experts on atomic plants and their accompanying health hazards.

There's Bill Lindner, a retired assistant supervisor in the Conservation Department. His vast knowledge of the state's fish and stream conditions is useful at hearings.

Then there are the engineers, Roger Hodley, Michael Rowland, and Ray Taylor, currently checking dams, combined sewer systems, and dredging problems.

Joseph Barra and Hugh Mitchell are preparing pollution information for high schools and colleges. Ray Huther is revising a slide presentation that he, William Hutchinson and Harris use when they speak before clubs and organizations. Herb Nerwin and Sam Thrash are working on air pollution tests. Art Littlefield and Stewart Cartier are doing similar work with water. And Jim Kuhn and Stan Collier are trying to drum up some funds to keep it all going.

No one is paid, but MCCC constantly needs money for buying equipment, for answering conservationists' pleas for help and information, for publishing reports, and even for occasionally hiring someone to watch dump violators or take state-wide tests. They rely mainly on MCCC dues and whatever their speakers can pick up, but occasionally a benefactor drops by. Several years ago, Robert E. Lee, a manufacturer's representative, donated $5,000. And sometimes they get a windfall in the form of contributed services.

Like the Daily Record printing 500 copies of a thick pollution report free of charge.

"I don't know much about printing," Harris says, "but that had to cost them at least $5,000"). Like Lawyer's Co-op binding 35 600-page briefs when Harris was battling a land developer. ("About a $1,500 job.") Like Crosman Arms Co., Inc., donating guns and ammunition for the MCCC shooting booth in the Sport and Boat Show. ("We made over $500 on that.")

Although people willing to help Harris are exceptions, so too are the ones trying to hinder him. Open animosity has declined considerably since the early years.

He's "respectable" by all standards. A family of six kids (plus two who are foreign students who are staying with them); law partnership in Keenan, Carroll, Harris, Creary, Beck & Galloway, and plenty of civic awards. (Rochester Downtown Club's 1965 Kiwanian of the Year; Real Estate Board of Rochester's 1966 Lester P. Slade Civic Award; and New York State Conservationist Council's 1967 Water Conservationist of the Year.)

No one scoffs or snickers at Harris' accusations any more—at least not openly. Even County Health Director Dr. Wendell Ames claims, "There are no real differences between us and Mr. Harris."

State Senator Thomas Laverne says, "Some people feel Wayne's a bit too idealistic, too uncompromising, too overzealous. But, personally, I've never faulted a man for actively pursuing a desirable goal. I've known him 20 years and during that time he's been the forerunner in pointing out environmental crises and proposing solutions.

"As for his disagreements with the Health Department, well, the department has legal limitations and these often conflict with Wayne's sense of urgency."

Assemblyman Frank Carroll puts it a bit more strongly: "Harris is the type to take the bull by the horns. He'll challenge authority if he feels that's what should be done. Authority isn't used to this, doesn't like it, and won't accept it.

"He's even bucked the governor's policies, and though I'm a Republican, I think he's often been correct. He doesn't go off half-cocked; he gets his information and when he's sure of his case, he presents it."

The recent public interest in the environment has helped Harris' crusading, and he's trying to convert that interest into action. He's speaking frequently and already is booking some speaking dates into October.

To people asking the inevitable question, "What can I do?" he advises forming small groups and working locally.

"I don't talk about the great problems, because people can't do anything about them. Instead I suggest they take a look at the Brighton dump leaching into Irondequoit Bay or the grossly overloaded Henrietta sewers. I tell them to go out in their own community, see what's wrong, organize, and then go ask the health officials and town councilmen why they're allowing those conditions to exist. The important thing is to work, document, and exert pressure.

"Boycotting non-disposable bottles and high-phosphate detergents is all right, but boycotting isn't a substitute for actively working on a problem. And as for some of the symbolic acts, like dumping a bucket of polluted water on some official's desk, I just can't see that. You can't convince anyone that way.

"What I think should be done is to form a state commission that would have all regulatory power in matters of air and water. They'd have power to set standards and to haul down violators.

"And this commission would answer to the legislature, not to the executive branch. The legislature is more responsive to the people. It's less likely to ignore the issue or to give in to interest groups. For instance, the legislature recently passed our toughest law on boat pollution, requiring holding tanks, only to have it nullified by Rocky's order to the State Health Department not to enforce it.

"That sort of thing can't go on. We've got to stop it and start anew. People have to get interested, they have to work, and they have to exert pressure."

SPEAKER JOHN W. McCORMACK

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. FARBSTEIN. Mr. Speaker, I am grateful for the privilege of being able to join my colleagues in paying tribute to a great, yet humble American, Speaker John W. McCormack.

There is really nothing anyone can say that will adequately describe his contribution to our Nation. Only history itself can do him the justice he deserves.

A great nation is propelled by continual progress, progress resulting from the actions of men of the caliber of John McCormack.

As Speaker of the House of Representatives, all of John McCormack's energies were directed with only one purpose in mind—the good of the Republic. When the youth of our Nation will ask what is a true patriot, the life of John McCormack will answer their question.

I am honored and grateful to have had the privilege of serving in this body with John McCormack. My association with him has been more than beneficial. I have found him to be a kindly, a fine, a decent, and a tolerant man. He has always treated me decently and with kindness. If I am reelected, I shall indeed miss his presence.

Mr. Speaker, John, I wish you good health, good fortune, and long life. May you continue to serve our country, in retirement for at least as long as you served it as Speaker of the House.

"SUPERHIGHWAY—SUPERHOAX"

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. RYAN. Mr. Speaker, the crisis in transportation has been escalating in the past several years, and the need for a balanced transportation policy is evident. Yet highways and more highways are too often seen as the solution to the crisis.

Instead of being avenues of swift transportation, highways have become virtual interstate parking lots. They have brought increased traffic, increased automotive air pollution, and decreased efficiency of mass transportation systems.

They make transportation virtually impossible for those who cannot own or drive a car. These people often find it impossible to get anywhere as a result of our Nation's inadequate mass transit system.

In addition, highways are often built through our inner cities, displacing people from their homes and businesses without community consultation or planning.

A new book has been published by Doubleday & Co., which deals with the Interstate Highway System and the philosophy of those who promote it.

Entitled, "Superhighway—Superhoax," the book was written by Helen Leavitt, who was displaced by the freeway system which is presently being constructed in Washington, D.C.

Mrs. Leavitt's book criticizes the highway program for not accomplishing its major purpose—that of moving traffic. Instead, she sees the building of highways as a hindrance to mobility, further clogging the roads rather than clearing them.

I am inserting in the Record a review of Mrs. Leavitt's book, which appeared in the May 17 New York Times Book Review. It was written by A. B. C. Whipple, editor of the Time-Life Books Division.

I commend the review to my colleagues. I think it points out what Mrs. Leavitt is trying to say and what I have been trying to say every since I came

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to Congress. If we are going to get ourselves out of our daily massive traffic jam, more super highway construction is not the answer.

The answer is a clean, quick, and efficient mass transportation system which will permit all Americans to reach their destinations in a reasonable amount of time:

[From the New York Times Book Review, May 17, 1970]

SUPERHIGHWAY—SUPERHOAX

(By A. B. C. Whipple)

A few years ago some highway engineers planned a new freeway for Washington, which would cut through an area containing some embassies, foreign restaurants, a bit of a slum and some renovated houses. One of those houses was owned by a lady named Helen Leavitt, and thus the highway engineers made a major miscalculation.

Hell hath few furies like a lady confronted with a highway through her living room, and the result in this case is a highly indignant book which should be read (at least in part) not only by those whose neighborhoods have been threatened but also by everyone who has bogged down in a traffic jam on a supposedly high-speed thruway (and who has not done that?). "Superhighway—Superhoax" is as one-sided and admonitory as it sounds. It is a slashing attack on the entire Interstate Highway System and on the philosophy of superhighway engineering itself.

Reading the book is a bit like driving cross-country. There are long arid stretches of statistics, transcripted remarks from interminable and countless hearings, committee reports and testimony in mind-dulling detail. And then there are striking glimpses of fascinating facts and compelling arguments. The reader, unlike the driver, can fly past the barren stretches and linger over such intriguing facts as these:

The Interstate Highway System has so far cost $33-billion, and it is only two-thirds completed. In other words, the United States has spent more in getting to California than in going to the moon.

Americans spend twice as much on highways as on education.

In 1967 the Air Force experienced 70 per cent more deaths in private off-duty motor vehicle accidents in the United States than from enemy action in Vietnam. (Mrs. Leavitt does not neglect to mention the already well-publicized statistic that automobiles have killed more Americans than all our wars combined.) You might try this one on your teen-age son: his chances of survival are greater in Vietnam than at home driving a car.

In car-truck collisions, for every truck driver killed 38 auto drivers are. (I wonder what the ratio is for those tractor-trailer drivers.)

When you buy a $3,000 car you are committing yourself to an expenditure of $11,000 over the next 10 years even if you can keep the car running that long. If you trade your car in every year, add $8,420. (These figures do not include financing costs.)

In Tokyo the carbon-monoxide situation is already so bad that traffic police have to take time out to inhale oxygen every two hours.

In some cities the school playgrounds have been made into parking lots for the teachers' cars.

But Mrs. Leavitt's major criticism is that the American superhighway program, "the largest public works program ever undertaken by man," with all its expense and destruction of city and countryside, has not accomplished its one objective: to keep traffic moving. The more highways we build, the more automobiles pour onto them and clog them.

"For the past 30 years," she claims, "the number of persons entering the central business district of our major cities has remained constant. Interestingly enough, the number of automobiles entering the same area has steadily *risen* over the same period of time." In other words, more people aren't clogging those highways. More cars are.

Evidently the more highways the engineers build, the more cars appear from nowhere to crowd them. Long Island is an impressive example of this frustrating balance of nature. The ground on that island is nearly covered with concrete. And yet such thoroughfares as the Long Island Expressway are known as "the longest parking lot in the world." Mrs. Leavitt estimates that a carborne commuter on Long Island moves at the rate of six to twelve miles per hour, which is a slight improvement over pedestrian locomotion but not as fast as a horse and buggy and a great deal slower than a Boston Whaler with an 18 h.p. motor.

This phenomenon has some complex political causes. Local mayors seize the opportunity to divert highways into their cities, which helps provide commuter thoroughfares but clogs and slows interstate traffic and has the longer-range effect of crippling such mass transit as railroads. And by the time the railroad has limped to a halt, the highway system cannot handle the former trainriders' cars. Commuters who are serviced (one is tempted to use the farmer's definition of the word) by the Penn Central Railroad have a vivid example of this.

Mrs. Leavitt is at her best at what she obviously enjoys most: exposing and condemning the superhighway proponents whom she calls the "highwaymen"—the construction firms, the auto manufacturers, the oil and rubber companies who band together to support more and more highways for more and more cars.

They are silly, of course, when they argue that superhighways could evacuate cities in time of war; anyone who has seen a rush hour in any city knows that is impossible. And Mrs. Leavitt is understandably sarcastic about one highway proponent's claim that highways are good for fish because trout like to nap under bridges. But she lets her indignation run away with her when she caustically quotes the Clay Report's claim that the automobile "has restored a way of life in which the individual may live in a friendly neighborhood . . . it has made us one country and a united people." This is true. The problem is that we have let our cars get out of control.

The answer? Abolish the Highway Trust Fund, Mrs. Leavitt urges. It is a repository for all auto-associated taxes, which by law can be spent only on highways. She claims that when Federal and local auto taxes are added together, they amount to a slush fund of nearly $15-billion a year. And since most of this money can be spent only on highways, Parkinson's Law goes into effect: instead of questioning what our highway needs really are, our politicians merely decide how to spend the money.

Mrs. Leavitt makes sense to me when she argues that the tax money collected from auto drivers should be used for some of our other pressing needs instead of only for highways as it is today. If we use Highway Fund money only for highways, why not confine cigarette-tax money to a massive program to find a safe cigarette? To confine auto-tax revenues to highways, she says, is like earmarking all liquor-tax revenues for improving saloons. She urges that auto-tax revenues be put into the general treasury, and highway needs should compete with other pressing needs—for education, ghetto renovation and even mass transit, which our highways have done so much to cripple.

She quotes a "Prayer for America's Road Builders," which was intoned for a Virginia Road Builders Association meeting by the Rev. Raymond F. Wrenn, presumably with a straight face. It goes like this:

"O Almighty God, who has given us this earth and has appointed men to have domination over it; who has commanded us to make straight the highways, to lift up the valleys, and to make the mountains low, we ask thy blessing upon these men who do just that. Fill them with a sense of accomplishment, not just for the roads built, but for the ways opened for the lengthening of visions, the broader hopes and the greater joys which make these highways a possibility for mankind.

"Bless these, our Nation's road builders, and their friends. For the benefits we reap from their labors, we praise thee; may thy glory be revealed in us. Amen."

Mrs. Leavitt had better brace herself for counter-attack from armies of superhighway proponents, some perhaps motivated by greed but many others as dedicated to the public welfare as she is. Judging by her polemical style in this book, I'd say she is quite capable of taking them on.

CONGRESSIONAL REPORT TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

WASHINGTON REPORT

(By CONGRESSMAN LEE H. HAMILTON)

From the long view of history, perhaps the most significant action taken by the Congress in 1969 was the Senate resolution expressing its view that the President should not make foreign commitments without the approval of Congress.

The United States has treaties for collective defense with 43 countries. We also have many executive agreements and declarations, military assistance programs, and bases in more than 60 countries. Each treaty varies in the extent to which it commits the U.S., but in general, there is an agreement to assist in the event of armed attack. The treaties do not spell out the precise action which the United States would take; that is left for the President and Congress to decide.

Virtually all our foreign commitments are made in the belief that they are required by our national interest. They result from our view of the Communist threat, an awareness of the political and military vulnerability of other nations, and the limitations of the United Nations.

Why, then, are we reassessing our commitments? The most immediate reason is undoubtedly Vietnam, which has led us to question our other security commitments. The long struggle in Vietnam, now entering its 10th year, has profoundly affected public attitudes toward our security commitments, and has led, for example, to the Senate resolution urging limitations on executive action.

The American public recognizes the global responsibilities of a super power, but they reject the idea that this nation is the policeman of the world.

The Soviet Union, despite the Czechoslovakian invasion, no longer seems such an immediate threat as it did during the days of Stalin. The nature of the threat is difficult to assess, but if it is diminishing, the need for military alliances also is diminishing. Such a view changes the nature of an alliance, reducing the emphasis on deterrence and increasing the emphasis on political consultation and a greater coordination of common interests. This is already occurring in NATO.

The gradual emergence of new power centers such as Japan, or a European grouping, eventually may relieve the United States of some of its international burdens as these new powers assume greater responsibility for defense. Some day, regional grouping may provide military protection for a wide area.

Faced with these considerations on the rapidly changing world scene, U.S. policymakers are asking themselves:

Has the threat to our interest by other powers changed or declined so much that we can begin to withdraw from collective security arrangements?

Have basic Soviet objectives changed?

Is Soviet and Chinese Communist armed strength declining or increasing with relation to that of the United States and its allies?

Which will lead us to peace: Some degree of withdrawal of U.S. military presence abroad, or the continued maintenance of clear and firm collective security arrangements in critical areas?

Do our commitments abroad create instability at home by reducing our capability to solve our domestic problems?

Although the Constitution provides that the Congress shall declare war, it is clear that under our constitutional system, the source of foreign policy is the President. He must weigh what the capabilities and resources of the U.S. are and what must be done for national security. He must assess the costs and risks of such commitments against the cost and risks of not making a commitment. Seldom can he—or any of us—be sure if the assessment is correct.

HON. JOHN W. McCORMACK

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. ROONEY of New York. Mr. Speaker pro tempore, I would like to join with my colleagues in saluting today one of the finest men it has ever been my privilege to know, the Honorable JOHN W. McCORMACK, of Massachusetts, our beloved Speaker. So much can be said of JOHN McCORMACK and yet no matter how glowing our praise the words pale beside the man himself. We can talk of his expertise and determination in debate, his leadership in national and party affairs, and his valuable counsel. But this does not begin to scrape the surface of this giant of a man. How can one put into words what the presence of JOHN McCORMACK has meant to this body? In the past 8½ years during which he has served continuously as Speaker, Congress has enacted more vital social legislation than it had in its entire previous history. And I wonder how much of it could have been accomplished without the skills of JOHN McCORMACK. He knew how to compromise, and he knew how and when to press a point. But most of all he knew his House of Representatives. JOHN McCORMACK dedicated his life to this House of Representatives and it was a proud dedication, one shared only by his God, his country, and his lovely wife, Harriet. I feel very privileged in having known and served with JOHN McCORMACK for these many years. My mind fills with so many happy occasions shared with the Speaker. I remember in particular the evening we both received the rank of knight commander with star of the order of St. Gregory the Great from Pope Pius XII, presented to us at the apostolic delegate's residence on Massachusetts Avenue by the now Amleto Cardinal Cicognani. Over the years we have become, I believe, very close friends and so it is extremely difficult for me today to say farewell. We shall miss JOHN McCORMACK, the Speaker, and we shall miss JOHN McCORMACK, the man, but most of all we shall miss JOHN McCORMACK, our good friend. I join with all my colleagues here today in wishing many, many years of contented and well-earned leisure to Speaker and Mrs. McCormack.

GREENSBORO CHAMBER OF COMMERCE

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. PREYER. Mr. Speaker, functioning as a community development corporation, the Greensboro Chamber of Commerce has moved aggressively but sensitively into the field of human relations during the past 3 years.

As its current president, Kemp C. Clendenin, Jr., has stated:

> Race should not be a factor in community and personal life except to assure the development of an open community and equal opportunity community.

The chamber's executive vice president, William B. Little, underscores chamber policy by stressing that "leadership must come from within the community to solve the human problems and the conditions which keep a true spirit of community unity from being a reality."

The Greensboro Chamber of Commerce has more than 1,550 members, of which about 250 are black. It has long been noted as a creative and resourceful organization, more willing than many other chambers of commerce to enter new fields of chamber activity, to encourage open community discussion and forthright action, and to take the risks which arise from controversy and thinking out loud.

The chamber has now published two documents—one entitled "One Community," background on the various race relations activities of the chamber, and the other entitled "Something's Got To Give," a study of 12 attitudes which affect the community's ability to solve its human relations problems. These two documents show considerable insight into the whole complex of urban problems which beset our nation and deserve careful reading by each Member of the House.

Mr. Speaker, because of the timeliness of the chamber's two documents, I insert them in the RECORD for the information of the House of Representatives. I am also inserting, for background, an article ("Soul Chamber in North Carolina") which appeared this month in Emphasis magazine, published by the National Association of Market Developers:

"SOUL" CHAMBER IN NORTH CAROLINA

Probably the "most together" Chamber of Commerce in the country is the tradition-flouting Greensboro Chamber of Commerce.

"They catch a lot of hell from some of the white folk, but they keep right at it," says David Richmond, one of the four black students at North Carolina A&T State University in Greensboro who participated in the nation's first sit-in in 1960 and now is an active chamber committee member.

"They're for real," says Richmond, "and they've got something going here." The Greensboro Chamber—which has almost 250 black members, more than any other chamber in the United States—has become an effective "inside agitator" against racial discrimination and prejudice.

The Greensboro Chamber is nationally recognized among Chambers as the most thoroughly involved in socioeconomic development. "Cultural racism is our number one problem although it's hard for white citizens to admit," explains Allen Wannamaker, white radio executive and former chamber president. "We've got to get to the root of the problem. You can't solve problems unless you look at the causes, and you can't solve problems by just talking," he said.

"One of the biggest things we've run into is the bad general reputation of chambers of commerce—the fact that Chambers have largely shied away from controversy, scared to rock the boat, carried away with smokestack-hunting and luring tourists and all the while letting the conditions of poverty and racial discrimination take their expensive toll," Chamber Executive President William B. Little says. According to Little, black economic development is needed "if we really mean it when we say we're for an open community and total community development."

At last year's community memorial program in honor of Martin Luther King, cosponsored by the Greensboro Chamber of Commerce, one business leader put it this way; "We don't need a pacification program to make milque-toasts out of militants and Amy Vanderbilts out of bigots. We need to change the attitudes and conditions which underlie bad human relations."

One of four Greensboro citizens is black. This Piedmont North Carolina city of 160,000 is the manufacturing and marketing center of a metropolitan area of 750,000 people, including 170,000 blacks. Three colleges and two universities, including Bennett College and A&T University, are located in Greensboro.

Black Attorney Henry Frye, a member of the North Carolina House of Representatives and a former chairman of the Chamber's Community Unity Division, is now organizing a black-owned bank in the city. Albert Webb, one of four black members of the Chamber's board of directors last year and executive vice-president of a black-owned savings and loan association, sees white attitudes as changing slowly and believes that the white community, including the Chamber, doesn't fully realize how much change is necessary.

Chamber President and Realtor Kemp Clendenin isn't misunderstood by most blacks and whites in Greensboro when he says "we've got a long row to hoe but we've got to get the whole community turned on to get race out of the way as a factor in our business, civic, and personal lives." In April he helped to settle a rent strike (recognition of a black tenants union was one of the settlement terms) and led the Chamber to establish a substantially financed housing foundation.

The Chamber conducts year-round sensitivity training programs, finances a community-wide manpower development effort to bring hard-to-employ persons into productive employment, pushes for area representation in local government, and promotes open housing and the elimination of substandard housing.

Two years ago, the Chamber organized a network of neighborhood discussion cells "to talk about things some people say we aren't suppose to talk about, like open housing, school desegregation, and civic club discrimination." The name "cell" created some initial opposition because it sounded subversive, says Clendenin, but after hundreds of cell meetings both name and concept have caught on.

The Chamber's public relations director, Hal Sieber, outspoken impresario of the Chamber's thrust for an open community, dislikes publicity about the progress made in the community since 1967 when the Sieber-led Chamber revolt against racism got in full swing. "There is nothing to brag about." Even blacks in Greensboro who are most critical of the Establishment seem to take pride in the Chamber's sense of commitment and activist stance. Black Activist Cecil Rouson says "the Greensboro Chamber of Commerce, especially Hal (Sieber), is together, man, the closest thing to a soul chamber anywhere."

Defense Department Contracts Compliance official Charles E. Smith, a black man and former Detroit attorney, sums it up: "The Greensboro Chamber is the most effective civil rights organization in Greensboro. They don't pull any punches. They know their limitations but they take advantage of their strengths. As a black man, I'm impressed by what I have seen happen in Greensboro, and it ought to be happening everywhere else."

Editor's Note: Emphasis Magazine, recognizing the Greensboro Chamber's sustained emphasis of a total community concept, presents this special feature on the Greensboro Chamber of Commerce "for its awareness of the black business and professional man, the black consumer and customer, and the need for black economic development in the interest of one community and an equal opportunity community." Emphasis '70 congratulates the Greensboro Chamber and encourages other chambers of commerce to make similar entry into the field of socio-economic development and the promotion of attitude change.

INTRODUCTORY NOTE

Entitled *One Community*, this report includes certain Think-in results and other statistical data pertaining to the Greensboro Chamber's race relations-related activities during the past three years.

One Community represents the efforts of hundreds of Chamber members and community citizens under the leadership of three Chamber presidents, including Allen Wannamaker and Albert S. Lineberry. However, "one community" represents a goal, not a reality. This background report reflects a growing commitment of leadership and membership resources to the problem-insolving tasks posed by the "one community" goal.

In a sense, this report is an inventory of the accomplishments and frustrations, actions, and reactions, which have accompanied the Chamber's thrust into uncharted territory. Because the race relations-related problems are numerous, progress made by the Chamber and the community must be considered relatively small. On the other hand, the community's current posture would indicate that groundwork has been laid for considerable progress in the offing.

In a time of transition, change is difficult to evaluate. For this reason, some of the comments made in this report are bound to be understatements or overstatements.

In the face of day-to-day community events, some of the Think-in and survery responses are bound to be subject-thoughts by the participating Chamber members.

One Community includes more questions than answers. It shows a greater dependence on art than science, more room for improvement and less improvement than might be suggested by effort and commitment, and probably less effort and commitment than what a later generation of Chamber members might consider appropriate under the circumstances.

The Greensboro Chamber of Commerce acknowledges technical assistance from specialists on the faculties of North Carolina A & T State University, Guilford College, and the University of North Carolina at Greensboro and Chapel Hill, also the North Carolina Good Neighbor Council and members of the North Carolina Association of Human Relations officials. Hundreds of Chamber members, principally of the Public Relations and Community Unity Divisions, actively participated in the development and execution of activities described in the report. The Chamber is also grateful to the North Carolina Fund, Inc., for grant-in-aid assistance to support some part of the Chamber's human relations program.

KEMP C. CLENDENIN, Jr.,
President.

ONE COMMUNITY

SOME BACKGROUND ON RACE RELATIONS-RELATED ACTIVITIES OF THE GREENSBORO CHAMBER OF COMMERCE

It is generally recognized that a community's institutional inflexibility and insensitivity to the various aspects and implications of poverty are major barriers to the correction of certain social and economic inequities. There appears to be a need for activism within the established institutions of the community in order to create a receptiveness to change and to bring about an effective coalition with the poor, not only in problem identification, but also within decision-making systems oriented to problem solution.

It is believed that a chamber of commerce, because it represents a community's economic power base and includes a large number of economic and social leaders of the community, can exercise effective leadership to change attitudes, especially attitudes of whites, toward the black and poor.

Because racial discrimination and poverty have identifiable economic consequences, with total community implications, chamber programming to overcome racial discrimination and poverty can be characterized as appropriate without resorting to special persuasion on behalf of the social responsibility which accompanies good citizenship. Established Chamber relationships with other organizations and governmental agencies permit chambers of commerce to exercise influence within decision-making circles. The relative invulnerability and economic independence of chamber leadership can provide a stable base for chamber activity in these non-traditional areas.

The Greensboro Chamber of Commerce in 1967 began a sustained program to improve community understanding of the relationship of cultural racism to major community development problems. During 1967–1970, the Greensboro Chamber of Commerce has experimented with a number of approaches to further businessman involvement in community affairs, improve businessman sensitivity to social responsibility, modify established problem-solving techniques, and initiate basic organizational and procedural changes within the Chamber to improve its responsiveness to the conditions and circumstances of the poor and black.

Some problems

Among problems encountered by the Chamber in its pursuit of a change of community attitude and conditions have been (1) the ultra-conservative reputation of all chambers of commerce, (2) the general disrepute of the established institutions of the community as credible initiators of meaningful change, (3) the unavailability of precedent and experience in the use of human relations techniques, (4) the complex interrelationships of community development problems, (5) difficulty in converting certain financial, staff and volunteer resources into new program areas, (6) the tendency of organization leadership to attempt to defuse crises and to encourage the black and poor to accept establishmentarian solutions, instead of seeking a productive involvement of the black and poor in the decision-making process to solve the problems which underlie disharmony and economic disparity, and (7) leadership accommodation of periodic black and white "backlash," thereby tending to neutralize gains and causing possible over-adjustment of some policies and procedures.

Chamber programs

At the outset, it became clear that human relations and problem-solving activity could not become the exclusive property of any community agency such as the Human Relations Commission. They also could not become the exclusive responsibility of any single Chamber committee, task force, or division.

In other words, the inter-relationship and depth of problems, and the massiveness of required Chamber and community response, would require across-the-board understanding of problems and commitment to their solution.

Among specific steps taken to make Chamber participation more representative of the total community have been (1) the systematic recruitment of black business and professional men into Chamber membership, (2) systematic appointment of blacks to Chamber committees, including board of directors, (3) invitation to high school and college students to serve as voting members of Chamber committees, (4) invitation to representatives of the poor and other groups not normally included among Chamber members and participants, (5) adoption of equal-employment policy by Chamber administration, (6) selection of meeting places which would encourage attendance and participation by all Chamber members and community representatives, (7) adoption of forthright Chamber policy to further an open community, combat racial discrimination and cultural racism, correct past inequities and provide compensatory outreach, and improve attitudes and conditions which may be identified as barriers to a unified community, and (8) development of a community-oriented Chamber program reflecting non-traditional Chamber involvement and interest in other new areas, including the arts, education, consumer protection, youth affairs, community health, and environmental pollution.

Results of policy changes

Among programs developed by the Chamber during 1967–1970 have been (1) establishment of a special division (Community Unity Division) to study attitudes and conditions which can create barriers to an open and unified community, (2) initiation of a study of city council election methods and development of Chamber political activity to generate public support for area representation, (3) recruitment of 237 black Chamber members and election of black members to the board of directors, (4) conspicuous black participation in committee activity and in Chamber representation in general community activity, (5) establishment of a community network of neighborhood discussion cells, (6) creation of committee to seek the establishment of a housing foundation, (7) encouragement of black entrepreneurship, (8) active participation by Chamber staff and members in human relations-related activities of other organizations, (9) Chamber intervention in community crises in either mediator or advocacy roles, (10) establishment of Manpower Development Division to coordinate community programs for hard-to-employ personnel, (11) co-sponsorship of a community-wide Martin Luther King memorial observance, (12) development of T-group and other sensitivity training programs, including weekend retreats, (13) sustained supportive editorial policy of Chamber magazine (*Greensboro Business*) and other publications, (14) development of staff resources to provide support for general Chamber programming, and (15) technical assistance to other chambers of commerce developing human resources development programs.

The Chamber's Public Relations Department has undertaken a series of random, stratified, proportionate sample surveys (personal interview) of Chamber member attitude and opinion. These surveys indicate greater acceptance of Chamber leadership in the human relations field, greater acceptance of general "open community" policy, and increased reluctance to identify with former racist views.

The Public Relations Department has also conducted a series of Think-ins especially structured to elicit views on controversial and taboo subject matter. These Think-ins have indicated clear-cut support of Chamber judgment and approach and general approval of Chamber policy.[1]

Identifiable changes in the community

Certain changes have taken place in the community during the period of the Chamber's race relations-related activity. Some of these changes appear to be direct or indirect products of this activity or results of the Chamber's cooperative efforts with other organizations.

Among these changes have been (1) election of a black legislator, the first black in the State of North Carolina elected to the General Assembly in the Twentieth Century, (2) election of a black District Judge, (3) appointment of blacks to all commissions, boards, authorities, and committees of the City of Greensboro, (4) employment of blacks in such positions as senior city planner, administrative assistant to the city manager, assistant housing authority director, etc., (5) sustained political interest in area representation despite referendum defeat of two plans (current City Council development of a new plan for election of City Council and Mayor), (6) development of Model Cities application and other applications for urban renewal and housing development, (7) adoption of open housing resolution by City of Greensboro, (8) adoption of certificate of rental occupancy by City of Greensboro, (9) affirmative action in management of open housing by several community realtors, (10) community receptiveness to study of community attitudes and conditions by Civil Rights Commission of the United States and its State Advisory Committee, (11) greater community acceptance of and participation in OEO programs, including Head Start, (12) creation of office of ombudsman (Community Relations Director) by City of Greensboro, (13) in-depth sensitivity training for all City officials, including Police Department, (14) dramatic expansion of public housing program, including adoption of "scattered site" policy, (15) greater involvement of colleges and universities in urban affairs, (16) strong newspaper editorial support for open community policy, (17) increased private activity in social and economic field, including housing developments organized by church groups, (18) creation of black history study groups, dialogue groups, etc., (19) recruitment of about 50 blacks into membership of Jaycees, (20) conspicuous employment of black professional and non-professional personnel by business, industry, and government, and (21) addition of two black City Councilmen on seven-man City Council, one by at-large election and one by Council selection to fill vacancy.[2]

The quality and velocity of local change are difficult to evaluate because of the political, economic, and cultural changes which have taken place nationally at the same time. Furthermore, visible changes may have generated much more important but intangible changes, and some institutional changes, despite intent and appearance, may not be yielding substantive results.

The implied relationship of Chamber activity to the listed changes can only be loosely established by conjecture.

Problem attitudes in the community

There are a number of attitudes which are sufficiently prevalent in the community to make solution of some problems awkward or difficult. They are held by an unknown number of citizens. Their specific relationship to specific problems is unknown except by surmise. It would appear that some of these attitudes are softening, others hardening.

These attitudes, believed to have a negative effect on problem solving, are stated with some imprecision to permit inclusion of approximately related or similar attitudes under single attitude entries. They are (1) Greensboro can productively exist as two separate communities just because some blacks and some whites like it that way, (2) it is possible to work for good human relations without coming to grips with the basic problem of cultural racism, (3) there are such persons as "the leader of the black community" and "the people who are the powers that be," (4) the poor are all black and the black are all poor, (5) communication between the races automatically leads to action, (6) Greensboro has made adequate progress in achieving a "color blind" attitude among either whites or blacks, (7) racial discrimination in community life can be eliminated without affecting social patterns in personal lives, (8) the community can benefit from a suspension of law enforcement and law observance, (9) guerrilla warfare and revolutionary tactics are necessary to bring about changes or are an inevitable part of change, (10) capitalism is too inflexible to survive or to accommodate the social and cultural changes in the human environment and setting, (11) the community can mobilize to bring about institutional and cultural changes in a setting of continuous exaggerated dissent, and (12) changes which are initiated by the economic sector of the community are contrary to the interest of the total community.

Problem conditions in the community

There are a number of conditions and circumstances in the community which are the products of cultural racism and the cause of a significant degree of disharmony within the community. Some of these conditions and circumstances more generally affect the total community than others. Although most of them are inter-related, some may be identified as more serious problems than others and their alleviation would be likely to contribute to a modification of other problems.[3]

Among these problems are (1) scarcity of standard housing for low income families, (2) ineffectiveness of community policy for open housing (generally restricted housing mobility for black and poor), (3) rental of substandard housing, (4) discriminatory membership policies of black and white civic clubs and organizations, (5) status of desegregation and integration of public schools, (6) student concern about practicality of education, relevance of curriculum, and underemphasis of occupational education, (7) degree of equal employment opportunity for blacks, including non-discriminatory entry into the work force, upward mobility for employees, modification of hard-core management policies, employment of hard-to-employ personnel, and affirmative action by the community and employers to meet social problems of employees from multi-problem families, (8) degree of representation and visibility of poor and black in government, (9) degree of governmental responsiveness, flexibility, and outreach, and citizen participation in governmental affairs, (10) need for destigmatized and coordinated social services capable of reinforcing human dignity and providing enough assistance to do some good, and (11) private interpersonal relations in homes, churches, and social institutions and organizations, generally affected by taboos, which regulate degrees of personal commitment, persistence, and consistency to overcome racial discrimination.

There are a number of additional problems which are generally related to the community's responses to the listed conditions and circumstances. These problems, mostly attitudinal, are (1) demands for instant reform, (2) unwillingness to respond to pressure, (3) unwillingness to break ranks, (4) false racial pride, (5) fear of social consequence of "doing the right thing," and (6) time delay in solving recognized problems.

SUMMARY COMMENT

The Chamber's three-year experience has resulted in a conspicuous change in total community attitude toward the Chamber as an instrument of change and has brought about an alliance of the activist leadership of the Chamber and other organizations. During the same period, the Chamber has generally reversed some of its policy stances of long standing while maintaining a satisfactory degree of credibility among both its members and the rest of the community.

During these three years, the Chamber has demonstrated an ability to adhere to new policy positions generally contrary to community tradition and to overcome predictable opposition within the community to such non-traditional Chamber activity. During the same period, Chamber membership has increased about thirty percent and membership income and budget have increased more than fifty percent.

Some of the Chamber's activities have been predictably controversial. The Chamber has made some mistakes. Some experiments have proved the merit of trying new paths. Other experiments have fared poorly. This report, as a recount for record, is intended to provide a look at the Chamber's overall effort. This report does not offer a critique on the various parts of this effort, nor does it claim extraordinary accomplishments by the Chamber and the community.

A single community is hard to come by.

FOOTNOTES

[1] The Public Relations Division invited all Chamber members to participate in one of the Think-in sessions conducted in September-October 1969. Actual participation (323 or 16% of all members) showed a good representation of all membership classifications and a reasonable distribution of Chamber leaders and members. Thirty-seven (12%) participants were black—less than the proportion of black members of the Chamber (14%).

The nature of the questions for which answers were being sought required careful construction of questions to overcome predictable reluctance to relate to certain taboo subject matter. Responses to some "loaded" control questions, therefore, were disregarded in analysis. The complex set of data for the judgment survey included more than 10,000 individual verbal and written responses. Some of these depended for their meaning on certain key words in the questions which were asked. Some also depended on the context in which the questions were placed. Some, because of defect in wording of questions, were disqualified from analysis.

Evaluation of responses included cross reference among related questions. Some questions were repeated or restated, using different language or intonation, in order to assure correct interpretation and to vertify responses.

No question receiving less than 90% sample response rate was included in any response tabulation. However, almost all questions requiring written answers received more than a 95% sample response rate.

Housing and race relations emerged as the two most important Greensboro problems, according to the Think-in participants.

Fifty-three percent of the respondents indicated the desirability of greater Chamber support of the activities of law enforcement agencies. Thirty-two percent indicated mild to strong dissatisfaction with believed lack of emphasis by the Chamber on law and order.

Eighty-one percent of the respondents believed that the Chamber "was moving just right" or "not fast enough" in the field of race relations. Of the total respondents, 42% believed that the Chamber should "work aggressively" to secure open housing in the community and 47% believed that the Chamber was insufficiently action-oriented in high-controversy areas of community development. Seventy-five percent considered the Community Unity Division's program a necessary function of the Chamber, but a high percentage (92%) stated belief that the Community Unity Division is acting "responsibly" and that the Chamber's race relations activities are being pursued with good judgment. Sixty-one percent of the respondents believed that a majority of non-Chamber members mildly to strongly disapproved of the Chamber's race relations policies and programs.

More than 75% of the respondents believed that the Chamber's leadership should lead rather than follow membership consensus. However, 47% believed that Chamber leadership should more actively seek the views of Chamber members, either through opinion and attitude surveys or other means, but then the leaders should use their own judgment as to what positions to take "even if the positions are contrary to what the members think."

Eighty-two percent of the respondents believed that the Chamber should be community-oriented instead of business-oriented. However, 33% felt that the Chamber's public information programs inadequately interpreted the overriding community value of some Chamber programs, and 48% believed the Chamber insufficiently community-oriented in the development of its programs.

More than 60% of the respondents indicated that the Chamber should support the development of a major convention center in downtown Greensboro, aggresively seek more urban renewal funds for downtown development, develop programs to secure more and improved housing for low income and middle income families and encourage more effective programs to minimize substandard housing. More than 50% wanted the Chamber to develop programs to assist existing local industries in recruiting personnel outside the Greensboro area and approved the Chamber's manpower development efforts now funded by a minority of Chamber members.

Although more than 90% of the respondents considered the Chamber's public relations program good to excellent, more than 75% indicated the desirability of more information on the Chamber's program of work, policies, and activities, and more than 64% believed that the Chamber should do a better job in internal communications.

Forty-eight percent of the respondents beleved that the Chamber should involve more college and high school students, but 61% believed that students should participate in Chamber meetings without voting privileges. Thirty-two percent believed that students should be assigned to Chamber committees as full voting members.

Eighty-nine percent of the respondents indicated a high degree of satisfaction with the Think-in survey technique.

Chamber officers served as observers during the Think-in sessions and generally agreed that questions as stated would tend to elicit the more conservative responses. Superficial analysis of responses was made by these observers immediately after each session and observers felt there was a high degree of satisfaction among the respondents with the Chamber's program of leadership.

There is disagreement among the consultants who assisted the Public Relations Division in the preparation of the Think-in technique as to whether the Think-in participants were better or less informed, more or less favorable to the Chamber's programs and positions, and closer or more distant to Chamber leadership than the average Chamber member.

The sample is believed to be generally representative of the Chamber. To the extent that the sample was not representative, it reflected a conservative bias.

However, there is agreement that this judgment survey is less reliable than would be certain other survey approaches. It is believed that the Think-in technique should demonstrate a higher reliability than most other techniques available to the Chamber within the Chamber's staff, volunteer, and budget resources. In other words, other survey techniques have long histories of use and their reliability has been repeatedly demonstrated. The Think-in technique has some experimental aspects and has not been tested. Nevertheless, for the kind of issues being examined by the study, it is believed that the Think-in is a reliable technique.

In May 1968, the Public Relations Division prepared a stratified, proportionate, random sample of the Chamber's membership to participate in a personal interview survey of membership attitudes. The 1968 sample and survey were so designed as to construct an accurate profile of membership attitudes within certain narrow margins of error. The survey included 150 Chamber members, of which 20 were not interviewed because they were either out-of-town, declined to be interviewed, or could not make arrangements with the interviewer for a suitable interview appointment. The consultants who assisted the Public Relations Division attributed good reliability to the survey's results.

In the 1968 survey, more than 65% of the respondents believed that the Chamber's position against racial discrimination—as it had been articulated during January-May 1968—reflected the thinking of the majority of Chamber members. Fourteen percent of the respondents, however, expressed strong disagreement with the position. Although no questions were asked in the 1968 survey which would have indicated membership opinion as to community orientation *versus* business orientation of the Chamber's programs, judgment analysis of several closely related questions indicate that opinion was more or less evenly divided between the alternative orientations. On the general questions related to the effectiveness of the various Chamber divisions, there is a marked similarity between the responses of the 1968 survey and the 1969 Think-in sessions. In short, there appears to be a substantive change of membership view during the two-year period in favor of the Chamber's involvement in socio-economic development.

An unstructured June 1966 survey of community leaders and Chamber members roughly indicated at that time a high degree (more than 50%) of dissatisfaction with the Chamber's communications program, principally regarding believed member inability to participate in decision making or problem identification discussions, leadership timidity, and protection of big business interests. Neither 1968 or 1969 surveys reaffirmed this view.

In May 1969, members of the Eight O'Clock Club, the Chamber's membership recruitment committee, assisted the Public Relations Division in evaluating negative responses from membership prospects, of which less than 10% appeared to find Chamber membership unattractive because of the Chamber's human relations activities or related programs. Analysis of resignations during 1969, however, indicated that 5% of the resignations could be clearly related to the Chamber's activism. An additional undetermined number of resignations could by surmise be related as a probable secondary reason for disenchantment. Not more than 25% of the cancellations for non-payment of dues could be similarly related, but it should be noted that exact causes for resignations and cancellations cannot be determined by customary evaluation and survey techniques.

A possible means of evaluating membership response to the Chamber's thrust in the human relations field may be found in the changes in the Chamber's total membership revenue and number of members between 1967 and 1970. During this period (January 1, 1967–January 1, 1970), Chamber's membership has increased by 378 members (net gain), a 31.6% gain. During the same period membership subscription value has increased from $222,083 to $338,420, representing a net increase of 52.38%. The 1970 Chamber budget, which includes the budget for manpower development, is $142,287 above the budget for 1967, representing a 57.2% net increase. The percentages of added Chamber members since 1967, in each membership classification, are (1) Automotive, 25.4%; (2) Construction, 23.9%; (3) Finance, 21.6%; (4) Utilities, —%; (5) Manufacturing, 7.7%; (6) Professional, 20.0%; (7) Real Estate, 19.2%; (8) Insurance, 7.4%; (9) Retail, 28.5%; (10) Wholesale, 3.2%; (11) Service, 72.9%; (12) Transportation, 10.0%; (13) Diversified (includes Hotels, Motels and Restaurants), 69.2%.

(The following breakdown of Think-in participation, as described above, shows the distribution of participants by general membership classification. (1) Automotive, 1%; (2) Construction, 6%; (3) Finance, 8%; (4) Utilities, 3%; (5) Manufacturing, 11%; (6) Professional, 19%; (7) Real Estate, 6%; (8) Insurance, 11%; (9) Retail, 7%; (10) Wholesale, 7%; (11) Service, 8%; (12) Transportation, 1%; (13) Diversified, 9%; (14) Other (including non-Chamber members), 3% (all percentages rounded to nearest percent). Of the total number of Think-in participants (323), five persons did not participate for a complete 90 minute session due to previous appointments or other scheduled conflicts. Each of the fourteen sessions lasted from 88 to 92 minutes. Because invitations to specific Think-in sessions were issued in alphabetical rather than random sequence, participation for particular sessions did not necessarily reflect the membership distribution of the total participation (all sessions), as indicated above.)

A separate personal interview survey of a random, stratified, proportionate sample (9% of the Chamber's total membership) has provided some demographic information, as follows.

Nineteen percent of the Chamber's members are owners of their businesses or self-employed; 44% hold the position of corporation president; 9%, vice president; 28%, other.

The average age of Chamber members is 47 years. Five percent completed eight years of school or less; 7% attended high school but did not graduate; 14% graduated from high school; 26% attended college but did not graduate; 28% graduated from college; and 20% attended some graduate school. An-

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nual personal incomes reported by Chamber members are: One percent, less than $8,000; 10% more than $8,000 but less than $12,000; 39% more than $12,000 but less than $20,000; 12% more than $20,000 but less than $25,000; and 38% more than $25,000.

[2] Although these as well as other problem conditions exist in Greensboro, programming to correct them on a sustained community-wide basis is uneven for some, non-existent for others. Some of these problems, such as housing availability and employment, have been given priority private and governmental emphasis. Some, such as the open housing question, have been given token recognition, and others, such as the problems related to education, seem to be well-recognized but serious philosophical questions as to possible problem-solving approaches have created either stalements or universal avoidance of the issues.

Except in a general way, by promoting community reconciliation and an open community, the Chamber has addressed itself in depth to only some of these problems. A study of the implications of the various underlying attitudinal problems is now being undertaken by a Guilford College sociologist for the Chamber's Community Unity Division. The Chamber's Research, Manpower Development, and Public Relations Divisions are similarly involved in examining alternative programs directly related to some of the listed problem conditions.

The Chamber is currently exploring the possibility of a consortium between the Chamber and a small number of other chambers of commerce throughout the country, to assist in the development of specific local programs. Preliminary discussions have also taken place between representatives of the Chamber and the Guilford County Economic Opportunity Council (OEO) to determine the feasibility of cooperative efforts in areas of mutual concern. In the same way, the close working relationship between the National Alliance of Businessmen (NAB) and the Chamber's Manpower Development Division suggests the possibility of more effective programming in the area of employment. Systematic cooperation between the Chamber and North Carolina A & T State University (a predominately black institution) has resulted in a number of jointly sponsored or coordinated activities. These activities include an urban affairs conference, student internships, and Chamber representation at internal and external functions of the university. Along the same line, the Chamber is an active member of an industry-university committee considering a number of programs to make the university a problem-solving resource for the community. The Chamber is also exploring with the university the possibility of developing a cooperative education program for professional manpower predevelopment.

PREFACE: EXIT FROM INJUSTICE

In *Something's Got To Give*, the Greensboro Chamber—noted for taking the bull by the horns on a number of critical community problems—makes another worthwhile contribution to the search for an exit from injustice. In this report it sets up a dozen myths—attitudes to be understood and modified. Any dent it makes in the complex problem of changing attitudes ought to help more than just Greensboro.

Change of today's attitudes and conditions is inevitable. Wider recognition of this inevitability will do much to encourage analysis of today's people-problems and to recruit community search-parties for meaningful and more timely solutions to these problems.

The search-parties must be composed of men and women, large enough in numbers and talented enough, who are willing to keep looking, first trying this path, then the other, always zeroed in on the object of the search. The Greensboro Chamber of Commerce is now organizing such a search party.

Like the nation, Greensboro and its Chamber are motivated by profit. Technological changes have made impact on both product and market. They have produced profit for industry and community. They have produced profits in economic and human terms. These technological changes in the end have been the result of tremendous human output of energy. There have been accompanying attitude changes about machines, chemicals, production methods, and marketing techniques.

On the other hand, human resources have become better recognized as a form of capital, and yet, despite a wider acknowledgement of this emerging concept of human capitalism, there have been few changes in attitudes which govern interpersonal relations and even fewer changes in "human relations technology." So there have been profits ungained.

There are profits which need to be gained. It *is* a matter of community profit.

CHARLES E. SMITH,
Deputy Chief, Contracts Compliance, Department of Defense (Atlanta).

INTRODUCTORY NOTE

Something's Got To Give focuses on twelve attitudes. An earlier Greensboro Chamber report (*One Community*) suggests that these attitudes disable Greensboro, handicapping the community's efforts to overcome the influences of cultural racism.

This new report, prepared by Andrew W. Gottschall, Jr., for the Chamber's Community Unity Division, concludes that these attitudes—or more correctly, these attitude-clusters—are myths to be overcome.

Neither the Chamber nor this report makes qualitative judgments about the specific relationship of these attitudes to the various problem conditions of the community. However, the report makes a persuasive argument that these attitudes appear to govern the speed and thoroughness of Greensboro's attempts to correct the problems. If the report's contention is correct, the community is governed by a mythology which "does the community's citizens a disservice."

Sociologist Gottschall's words and certain special insights are his own. However, the Greensboro Chamber's programs during recent years have reflected a recognition of the implications of most of the attitudes discussed by him.

To further an open, unified, and equal opportunity community, the Community Unity Division encourages the community to make this document the subject of community dialogue as a prelude to individual and community action.

The report obviously takes into consideration the diversity of opinion within the Community Unity Division and the community at large. It has properly extracted from this diversity the common denominators which might most usefully lead to a better community understanding of these problem attitudes.

If this report does nothing else, it should give the community pause for thought, a pause which must be accompanied by a commitment not to pass on these problem attitudes and conditions to future generations.

Something's Got To Give, in its title, makes the point which needs to be made: something's got to give.

KEMP C. CLENDENIN, Jr.,
President.

SOMETHING'S GOT TO GIVE

A REPORT ON TWELVE ATTITUDES WHICH DISABLE THE COMMUNITY—THE MYTHOLOGY OF DISORDERLY SOCIAL CONTROL

Reasonable men know that all is not well in Greensboro. We seem beset with problems, issues, concerns and conflicting views. Any two persons who might agree that a specific issue is a problem may come into sharp conflict about the reasonable method of dealing with the issue, for example, how best to obtain representative government.

Many of our citizens are giving voice to the dissatisfactions they feel about the directions in which the life of the city is moving. Some of the voices, angrily raised out of sheer frustration, serve only to create anxiety and fear among those not only most concerned with seeking solutions, but also, those most able to produce solutions.

Lurking in the back of many minds is the specter of Greensboro becoming an insolvable system of problems such as other urban areas of the nation are experiencing. A vast uneasiness haunts our feelings about what kind of a city we are becoming—the catastrophe which may lie in our future—if we don't get about the business of building a better community.

Many of Nat Greene's citizens are acting as if the catastrophe is not only possible but, in fact, already at hand. Too many individuals are not participating in Greensboro's civil life. Comparative results of recent bond elections pinpoint the growing resistance to further extension of tax-supported services. Such resistance can be seen in the range of programs struggling for funds, for example, to maintain a City Zoo. Citizen anger and frustration have been long and vocal with regard to problems of providing pollution and sewage controls. Flight from the city's center as the hub of community life can be measured by walking the lengths of Greene, Elm and Davie Streets. An index of the degree of the social disorganization disrupting community life can be obtained from the mushrooming growth of major crimes as shown by statistics from law enforcement agencies. Drug use has moved out of the ghettos of the poor into the homes of the economically comfortable. These trends have developed during a period when unemployment has been well below the national level and per capita income has been on the rise.

The Community Unity Division of the Greensboro Chamber of Commerce, addressing itself to Greensboro's human problems, has identified twelve attitudes that appear to be prevalent in the community and which hinder the community's attempts to deal with its major problems. Generally these twelve attitudes have developed from misinformation and have been maintained and encouraged by wishful thinking.

Upon analysis, the Community Unity Division's classification of problem attitudes gives insight into the problem-solving task facing Chamber and community. These defined attitudes, in reality, represent attitude-clusters which—over and over again—appear as formidable stumbling blocks for both citizens and the institutions they manage.

This report reviews these problem attitudes as myths to be overcome. To a great extent, these myths appear to govern the speed and thoroughness of Greensboro's efforts to correct problem conditions. To that extent, the community is governed by a mythology which does the community's citizens a disservice.

1. "It is a myth that a black and a white community can productively exist as separate communities."

The civil disruptions of the past three years demonstrate that the quality of life in the "white community" is inextricably bound to the quality of life in the "black community." We have reached a stage of development in our mutual interdependence which permits relatively small groups to bring the life of the city to a standstill. Massive social disruption requiring the use of social control devices, such as an all-city curfew, has been accomplished by comparatively small groups on two different occasions. The need for disorder control not only

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has cost the city large sums of money and man-hours, but also has added to the growth of resistance to various programs designed to promote human progress and fulfillment.

We are gradually learning that, while the technology of our modern industrial community demands a literate citizenry, it is also essential to the quality of our increasingly urbanized life to have a responsible and responsive citizenry. All citizens, regardless of class, color or creed, pay the bill when any of our social systems begin to malfunction.

There is, for example, no longer any doubt that the illegal hard drug user is not only a disaster to himself and to his family, but also a disaster to the community. His increasing dependency on drugs and their high cost probably account for much of the increase in robbery and street crime. Each of us pays part of his bill, in higher retail prices and in taxes to support needed law enforcement personnel, larger court dockets, and costly rehabilitation systems.

In a more positive sense we are inextricably bound together as our lives increasingly cross traditional boundary lines. It is critical to black and white alike that our teacher-training institutions at the University of North Carolina (Greensboro) and North Carolina A & T State University produce teaching professionals who can successfully teach either black or white children. Our record in this regard leaves something yet to be improved.

Similarly, the mobility of our people will demand that we evolve new ways of living productively together. Pressures for both housing and jobs inevitably will increase our contact with one another, as has been the case already. Social discontent will increase unless we can reduce the emotional separation which afflicts each of us and unless we come to an appreciation of how the quality of life enjoyed or not enjoyed by both black and white communities hinge on each other.

One is (and must be) so much a part of the other. Yet each community has an identity of its own, each with its own unique values, assets and liabilities. Part of our mutual problem today lies in our failure to recognize such an obvious distinction. The narrow obsession of some blacks and whites to create a "melting pot" society (or to prevent its development) has blinded many to the meaning this would have to black people. Such meaning might be sensed better if we were to imagine saying to Swedes, Italians and Greeks, Baptists, Methodists, Jews, and Roman Catholics, "Forget who you are, wipe away the memory of your parents and the heritage they bestowed upon you, become someone without a past. Do this so you can become an integrated American."

Such an exercise can only lead to the conclusion that the idea of cultural pluralism—in most respects an American phenomenon—must be extended to include the black community. As we have come to accept the participation of the Jewish community in the open marketplace of community life, at the same time respecting its needs to retain its distinctiveness to serve its own needs, so must we come to see that the black man must also be able to participate in the open life of the community yet retain his identity and whatever separateness will serve his needs and respond to those value systems which give meaning and purpose to his life.

Has the time come for us to give up the obsession with the "melting pot" so that we might proceed about the business of building an open and unified community? If so, it is time to define the character of such a community, the problems that can be foreseen in building it, the resources available to do the job and possible alternative plans of working toward it. Any plan must include at least a means of restructuring those attitudes which now form the base of the cultural racism which thwarts the thrusts on behalf of a successful community.

2. "It is a myth that it is possible to work for good human relations without coming to grips with the basic problem of cultural racism."

Before dealing with this myth and its implications, it is fundamental that the term "cultural racism" be properly understood as a complex of facts and feelings. First, the term does not suggest, as many white people believe, a direct charge of personal bigotry and prejudice. The term is not directed at that overt bigot who can angrily say; "I hate Jews," "I hate Niggers," etc. Nor is it directed at that polite, gentile bigot who will say, "I'm not prejudiced but—so and so just wouldn't fit in here," or some other phrase that politely excludes someone from participation because "he wouldn't be comfortable." These are the signs of a highly personalized pattern of prejudice and discrimination.

"Cultural racism" is particularly difficult for whites to understand. This refusal to believe the charge is most often the precise evidence which proves the charge to be true. Cultural racism refers to a kind of systematic, institutionalized blindness, insensitivity, or unawareness. It works in such a way so as to automatically define an individual's social position or status. It is a kind of implicitly defined group behavior and perception which stipulates unspoken norms. It is seen in the unstated assumption of the employment interviewer that a firm's top management "doesn't really mean what it says about Equal Opportunity and, besides that, a group of jobs has always been reserved for Negroes." Cultural racism is implicit in the actions of the middle-class teacher whose classroom management practices unconsciously assume that poor children cannot learn as much, as fast. or as well as children from the teacher's own status group. Cultural racism is to be seen in the governmental body whose policies and practices operate on the assumption that the people whom they are to serve really do not know what is best for them and, therefore, it is permissible to exclude them from the process of making those decisions which have a direct bearing on the quality of their lives. Another way of describing cultural racism suggests that the patterns of personal discrimination have been practiced for so long by the society's institutions that patterns are no longer consciously recognized as discriminatory. They are attitudes which have become legitimized by practice and socially approved as "the way things are." In another sense they have become a community habit.

The question asked by the Community Unity Division goes beyond dealing with the symptoms and products of cultural racism. It probes for a definition of the causes and origins of the community influences which not only generate bad human relations but also perpetuate cultural racism. Current manifestations, such as underemployment, are being dealt with in various programs. However, the continuing, angry unrest of blacks is being virtually ignored. Blacks see whites as being willing to respond to black anger with only forceful suppression. This black view responds to white attitudes about blacks even more deeply than to the conditions caused by these attitudes. Resolution of the unrest arising from attitudes must be dealt with by dealing with the attitudes, unless the community is content to project continuing unrest and disorganization into its future.

This raises the question then as to how the community may program itself to effectively deal with attitudes that precondition the behavior of the many systems of organization which control the life of the community. How may these systems be changed? What will be required to effect the total operation of any one system so that each individual has equality of access and use, and, perhaps equally important, effective means to participate in the decision-making and problem-solving processes of a system which has dealt with some members of the community as if they were something to be exploited and manipulated?

One of the important dimensions of this kind of consideration should be high-lighted. Its significance too often is overlooked. The ways in which people feel about things are far more important criteria than are "objective facts." Regardless of the objective evidence that race relations have improved in Greensboro, if I feel that they have not changed, or if I feel that I am further behind than ever, my behavior can be counted upon to reflect not the objective facts but rather my feelings. Feelings, while often unpleasant to deal with, are themselves facts with which we must learn to deal.

3. "It is a myth that there are such persons as 'the leader of the black community' or 'the people who are the powers that be.'"

This myth is one of the results of cultural racism. It is about as ridiculous a distortion of reality as would be a reference to "the Baptist Pope." It is the result of an all-too-human response, stereotyping—lumping together a politically, economically and culturally diverse population under a simple label. It represents an almost child-like desire to simplify interactive multisystems into neat, clean, air-tight compartments.

The white habit of seeking a black leader (frequently appointed by those outside the being-led group) with whom to deal, has been seen by blacks as a technique to stall for time or to buy off the opposition. Whites have frequently tended to seek out those blacks whose goals are negotiable. The white's unconscious intention is seen by blacks as a willingness to bargain for those changes which represent minimal ones which will satisfy the black and with which the white can live without major alteration of his life style. Akin to "finding the leader" is to do "another study of the problem." The white search for a "black leader" has too often meant to a disorganized black minority that the establishment is again delaying, diverting and deluding. Delaying a decision. Diverting attention from the problem. Deluding itself that something has been achieved. The white-identified "black leader" in effect becomes part of the establishment, diluting his leadership of a segment of the black community and deluding the total community that progress has been made.

Then there is the idea so often harbored by every disprivileged minority that "if it weren't for *them*" or "if it wasn't for some hunky Mister Charlie" or "if it weren't for The Man, we wouldn't be suffering the way we are." The black man knows how he feels, knowing what is done to him and knows where it hurts. He knows he is the target. He knows that no white man can really understand how the black man feels because he has never survived as a black man.

In a kind of mirror-image racism, his pain and hurt, drives him to seek his freedom and his manhood, but often blinds him to the dimensions of the task before him as he strives to be the active ingredient to aid the community to rid itself of racism. Only his black experience can help us to seek out and identify the subtle, covert means by which cultural racism is perpetuated. The rhetoric of anger and the catharsis of violent confrontation, although they may produce short term gains, in the longer run build higher the walls which divide us. Required is a widely-accepted community program not to reinforce but to weaken existing attitudes. A way needs to be found to establish a new set of ground rules that will move us from the adversary confrontation with which we have been engaged to a result-producing dialogue.

4. It is a myth that "the poor are all black and the black are all poor."

Once again the attitudes of cultural racism lead to unreal effects. Racism promotes a closed circle of prejudice, discrimination, stereotyping, isolation, ignorance, prejudice and discrimination.

One of the more interesting characteristics of cultural racism is its resistance to facts. We believe what we believe regardless of the input of hard, undebatable facts. Comparable myths to "the black are all poor" are those that say "all blacks are immoral, dirty, lazy and musical." The facts are just not so.

It can be a revealing exercise to drive by automobile someone not familiar with our city from section to section asking him to tell you about the people who live in the houses. He has no trouble with the crowded slum areas. "Poor people live here." His surprise comes after visiting the more affluent middle-class neighborhoods and being told that the neighborhoods are black ones. But such facts don't change his attitudes. His prejudices will remain untouched. His individual racism is still available as a reservoir which can be drawn upon by the covert systemic racism of the institutions of his community and society. Facts don't impress a cancer.

The cruel myth that the black are all poor and poor are all black continues to be reinforced by another pervasive attitude. It is the attitude characterized by Americans telling each other that if you are poor it must be because of some defect in you, and if so, you don't deserve either help or compassion. It is this attitude about the "undeserving poor" which permits our consciences to be blunted and which permits us to ignore the inhuman treatment perpetuated upon the poor. Who are these poor that our cultural racism aids us in exploiting?

First, they are the aged who have grown too old or too sick to continue self-support. During the 1968–1969 year, Guilford County had enough elderly poor to equal the population of the combined student bodies of Guilford College and Greensboro College—1,560 persons. The *average amount* paid to each person came to a total of $81.20 *per month*, inadequate by any reasonable standard of public welfare or social service.

During the same period we needed to give aid to the totally disabled. In this group from Guilford County there have been 1,225 people (slightly greater than the student population at Guilford College) each of whom received aid in the average monthly amount of $106.95. The 240 blind persons in Guilford County received assistance amounting to an average monthly payment of $94.66. The individuals who receive aid under these "welfare" programs are both black and white. So are the 1,112 human beings who have been aided by average monthly payments of $35.46 to provide for foster home care, general emergency and hospital assistance.

The controversial area evoking great emotion has been the Aid to Families with Dependent Children program. In Guilford County this program has assisted 4,910 persons with an *average monthly* payment of $33.65. Of this amount $27.50 per month is to be spent to purchase food, another $5.00 per month for clothing. The cost of shelter is handled as a separate item.

Controversy surrounds this program because cultural racism causes us to believe that black welfare (AFDC) mothers have more "illegitimate" babies in order to get more money. A mother with seven children under the 1968–69 payment schedule would receive a maximum total payment for food of $94.50 per month—an average monthly food allocation of $11.81 for each person in the family.

The facts of the matter are these. In North Carolina less than 4% of the children receiving aid were born after the mother became eligible for aid. Only 15,400 children (of the total of 182,248 born outside of marriage) have received AFDC. In North Carolina this means that only 8.4% of all children, black and white together, born out of wedlock, are currently receiving aid. It is also a fact that, contrary to public opinion, the AFDC rolls have declined by 6,000 persons over the five year period of 1963–68.

The conscience of our community must come alive to the inherent inequity of a system which demands that a child grow into a productive and capable citizen, yet, which denies him the dignity of his humanity, and which gives him the barest minimum to survive, and which then expects him to be grateful to the society which keeps him alive but non-competitive.

The cycle of poverty cannot be broken by such tactics or philosophy.

Nor can the cycle of cultural racism be broken by clinging to a myth that suggests that all blacks are poor, even those who are not, and therefore beyond consideration for social or civic club membership, corporation boards, and so on.

Nor by clinging to a myth which suggests that blacks do not seek personal and community goals of affluence.

5. It is a myth that "communication between the races automatically leads to action."

One is tempted to recall the numerous occasions that a parent disciplining his child has said, "If I've told you once I've told you a thousand times." He may very likely have been "told a thousand times," but somehow the parent's intended message was never received. It is as if the sender is using smoke signals to transmit information to a receiver tuned in to Telstar.

Simple transmission of messages in the direction of a receiver is no guarantee that the so-called communication will produce response. Indeed the sender must be sure that the receiver is not only turned on, but tuned in to the particular frequency being used. If the sender wishes to obtain a reply to his message, he must be sure that the receiver also has a transmitter available to which the sender's own receiver is properly tuned. The process becomes somewhat more involved because the message originator must be sure to first get the attention of the person whom he has selected to receive the message, and that the receiver has the capability of acting upon the message.

Numerous cases could be selected from the recent history of civic life in Greensboro to illustrate the malfunctioning of communication attempts. For years black and white ministers and laymen have shared fellowships in which blacks have told whites (clergy and laymen alike) about the problems of housing, employment, the needs of black families for improved health, education, welfare and recreation. Furthermore, if one were to total the number of inches devoted by Greensboro's two daily papers and the black community's weekly paper between the years 1960 and 1969, he would discover that an astounding volume of information has been available. In spite of such detailed, voluminous data, white ministerial groups have been relatively ineffective in producing any significant changes in the conditions affecting the lives of black people.

If the history of black progress in Greensboro is retracted, it can be largely measured in terms of sit-ins, protest marches, sit-downs, boycotts, pickets, rent strikes, violent disruption and the threat of disruption. Most of these methods of protest have used the "system" to correct wrongs and inequities. Parenthetically, no or little reduction of cultural racism has paralleled or accompanied the communication conveyed by the sit-downs, sit-ins, boycotts, and other activities. The white community has generally reflected a need to restore peace and order rather than a commitment to rid itself of underlying racism.

Much of the abysmal failure of communication attempts between black and white is the result of a failure sufficiently to define for both parties what the message-sending was supposed to accomplish. What purpose is our communication supposed to achieve? Too often has the black man sent word that he is in pain, expecting this to result in understanding, compassion, and *action* to relieve the pain. Just as often, white men have heard the cry of pain, apparently with the expectation that listening would be enough to make it go away. Precious hours of time have been wasted in such "communication." Interracial Sundays and brotherhood meetings by the score gave a voice to the pain and gave ears to hear the cry for help. Neither connected with the kind of muscle needed to produce a commitment to reduce the influences of cultural racism and to bring about substantive attitudinal change.

Thus, the success of the black myth that "only violence can produce change" was fathered by the white myth that "communication is the solution to the problem." One must ask "communicate for what?" Are we to communicate to achieve understanding? Or commitment? Or action? To what end are we to engage in the dialogue? What are the ground rules that shall govern our dialogue? Only after we have mutually arrived at satisfactory answers to these questions can we begin those communication processes that offer a reasonable chance of creating a common sense of unity.

When communication is offered as a technique to "improve" race relations, it is critical to success that there are commitments among both black and white to achieve an understanding of what communication actually is, what purpose it is to serve, what its goals are to be, and how the process may malfunction if the communicants are unaware of the pitfalls in the process.

6. It is a myth that "we have made considerable progress in achieving a 'color blind' attitude among either whites or blacks."

"Black power," "black studies," "black identity," "black business," "black schools," "black self-determination"—all items current in the "black community" with high frequency usage, indicate increasing degrees of "black sensitivity" and "black awareness." This self-awareness serves to heighten "color awareness" rather than "color blindness" among both black and white. It serves the black man as an instrument for developing racial cohesion in the black community. Simultaneously it serves to increase his visibility in the white community. As the terms take on meanings of black self-determination they also increase the sense of personal threat and fear among whites who choose to bestow special meanings to terms such as "black power." This personal fear is in effect a fear that alleviation of cultural racism will produce the very color blindness that threatens white cultural identity and concepts of race. An attitude shared by black and white alike is that a lack of "color blindness" has certain benefits which serve to maintain black and white identities. Hence, the heightened sense of self, conveyed by the term "black," has increased color consciousness and reinforced cultural racism.

Witness the scramble of "white" organizations and institutions consciously to select and include black people so that their organization might be "representative." Blacks feel this is phony tokenism. Whites feel that they are extending the limits of democracy. Can it be reasonably supposed that each possesses all the truth?

Another of the interesting manifestations of color sensitivity is to be seen in the experience of businesses whose top-level officials are committed to an Equal Employment Policy and who have made strong efforts to communicate this policy down through the

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chain of command to directors of personnel who post policy statements in conspicuous places and leave line interviewers to implement the policy. Their perceptions, shaped by a heritage of cultural racism, may then actually operate on the premise that such and such jobs have always been set aside for males, these jobs are for females, that work group has always been black. To the extent that such conditioned (unconscious) perceptions operate to influence worker selection, top-level officials are likely to be taken aback when, one day, they face charges of violating Equal Employment agreements.

Some changes in the historical experience are evident. More blacks are moving into better paying jobs. More blacks are going into the same classrooms with white children. (Few white children go into the classroom with black children—the movement is mostly one-way.) Restaurants and motels now generally serve blacks. (Some motels still set aside a black section.) Blacks can try on suits and dresses before purchasing. More middle income homes are available to blacks. (But not as many as there are for whites.) More streets are being paved. (Are there as many as for whites?) Fewer blacks remain below the official poverty line. (But they haven't gained relatively as much as whites.) Fewer young black men are unemployed. (But whites are less subject to unemployment.)

Yes, some change is evident. And the more things change, the more they remain the same. The more we have changed outward visible signs of color blindness, the more we have seemed to strengthen inward, invisible, color sensitivity. If so, where then do we begin a new beginning? Remaining problem attitudes and conditions are many.

7. It is a myth that "racial discrimination can be eliminated without affecting the social patterns of our personal lives."

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Necessary to the sustenance of racial discrimination in the community is the capability of the larger community to systematically "confine, conceal and control" the black community. The "Jim Crow" legal system of racism, affecting as it did almost every area of a black or white person's life (job opportunities, education, housing, health, nutrition, voting rights, power or powerlessness before the law, access to redress of grievance, and even the church), in effect confined both black and white within the geographic, psychological, social and economic walls of racial ghettos. Once confined behind such walls it was possible to conceal the black man's problems, to desensitize whites to his presence and his needs, to permit the larger community to shape the dimensions of his destiny, to say "we have no racial problems—our niggers are happy." Once confined and concealed, the black man could also be controlled. He could then be the last hired and the first fired in the plethora of marginal and dirty jobs no one else wanted. His "separate but equal" education could systematically render him incapable of competing in the larger community. His need of housing could be systematically exploited. His hopes for a family life, destroyed as the community systematically destroyed both manhood and ability to be a "good provider." Through a successful program to confine, conceal and control the black, the larger community also created a life style, a pattern of living, a system of relationships which structured a social pattern controlling the personal lives of blacks and whites. Thus, it follows that any attempts to correct the social problems of the ghetto will inevitably require change in the life style of the larger community—a life style which must be reflected in the personal lives of its members.

If the community is to deal with cultural racism, each and every person, white and black, must accept fundamental changes in the ways his life is organized. This will produce change in his private clubs, his churches, his schools, his neighborhood and his home.

"Jim Crow" cultural racism was designed as the nation's systematic and final solution to the "black problem." It had the effect of totally limiting the black man's freedom, his freedom to choose, his freedom to participate, and his freedom to control his own destiny. The framers of the Jim Crow system, however, failed to anticipate one fatal flaw in the system. While it succeeded in limiting the freedom of the black man, it also succeeded in limiting the freedom of the white man. As the black man was forced to the back of the bus, the white man was forced to the front. As the black man was forced to the back door of a restaurant, the white man was forced to the front door. As the black man was forced to create and support his "freedom churches," the white man was forced to maintain his closed church. As the black man was forced by cultural racism to create the social structure of his politicized community, so the white man struggles to insure the survival of the white community and its institutions. The black ghetto, when subtracted from the total community, leaves an afflicted remainder—the white ghetto.

Freedom is not divisible. If one man is to have it for himself, he may not limit another's. Cultural racism determines artificial, unnecessary, and destructive limits to the freedoms that may be enjoyed by either black or white.

8. It is a myth that "the community can survive a suspension of law enforcement and law observance."

The fabric of social order and regularity is at best a tenuous and relatively flimsy, superficial invention. Social regulation can exist outside of a police state only where there is a large consensus of the citizenry voluntarily to impose sanctions upon itself in order to maintain order. The foregoing are propositions of demonstrable reality as one considers the chaos created by the recent, relatively short garbage-disposal worker strikes, teacher and hospital-worker strikes, fireman and police strikes and slowdowns. It has been suggested that the 1967 Detroit riots might not have been so severe had the city been able to muster its police forces at total strength instead of operating for approximately the first three days with only 400 men from its 3000 man force. Given the sense of alienation from government and law that many black and white citizens seem to feel, it is no longer unreasonable to hypothesize about the possible extent of disorder that could result from a suspension of the institutionalized systems of voluntary social control.

The black man's heritage, which rides as an unseen ghost on the entire community's shoulders, tells blacks there is no justice for blacks in the white man's law and order. Liberation of black and white together from this heritage of bondage must change not only the law to be enforced but also the methods by which they are enforced. Law (regulation) is necessary to the process of social change and to the protection of change once accomplished. But social order can no longer be subjected to the question, "Whose law?"

9. It is a myth that "guerrilla warfare and revolutionary tactics are necessary to bring about changes, or, are an inevitable part of change."

Many younger citizens, black and white alike have a strong tendency to accept the rhetoric of this myth uncritically. Their life experience provides a distorted perspective of a short ten-year civil rights history replete with social movement hinged to sit-ins, sit-downs, freedom rides, boycotts, student strikes, and civil disorder. The drama of these events, and the concurrent social progress, easily give the impression that revolutionary tactics are the causes of social progress.

It is doubtful that causation can be so easily attributed to such tactics. Indeed, it is equally reasonable to suggest that the rate of progress has in fact been retarded by the deliberate use of such tactics, and that, in reality, other more potent forces may have been at work to produce progress in spite of revolutionary philosophies, rhetoric or operations. Nor is it unreasonable to hypothesize that the working of these more profound social forces—related to population growth, mobility and impaction, to employment patterns, to the changing nature of the nuclear family, to industrialization, cybernetics and ecology—have produced the selfsame dramatics of revolutionary rhetoric and actions which are said to have "caused" social change. One of the smaller civil rights tragedies is that so many young people attack older generations for "Uncle Tomism." They fail to realize that they are eating bread from the tops of heads which were the cutting edges of progress that made possible the social change out of which young people are finding the "new" freedom to press toward further change, a "new" freedom to make the present institutions work better for more people.

This is not to say that disruption and confrontations have not served a purpose. It is demagogical to say that they necessarily have been the "cause" of social change. It is probably more accurate to view a violent confrontation tactic as a catalyst which can speed up or accelerate processes already in motion. Confrontation does add a dimension of attention-getting in the communication and problem solving processes. However, violence and guerrila warfare have built-in shortcomings as change agents in that they frequently make methods more important and more easily defined than goals, and even more frequently create substitute problems as complex as the problems violent confrontation is supposed to solve in the first place. At worst, they force attention to only the tactic, not the fundamental problem.

10. It is a myth that "capitalism is too inflexible to survive or accommodate the social and cultural changes in the human environment and setting."

While capitalism may be indicted on many counts, to do so on the basis of inflexibility seems a grevious error.

Flexibility is vital to survival in the marketplace which in itself is responsive to technological changes and consumer demands for change. The competitive process, by definition is dependent on flexibility. Our fabrics industry in this country has been able to survive the rigors of foreign competition, consumer demands, and competition for labor from other industries because it was able to adapt and develop new technologies. These new technologies in turn have been developed by the industry's commitment to both basic and applied research.

Closer study of the major social ills of the nation and the efforts being made to combat them will find commitments of "capitalistic" dollars, personnel and resources to various experimental programs dealing with a range of social problems from pollution control, employment, crime, and drug addiction, to housing, health, welfare, and education. Even in the face of massive governmental involvement, the loss of private business commitment to social change would probably render the community helpless in the attempt to deal with these problems. A sound perspective of history, past and present, would serve well to reinforce the sense of how the "team" or "system" approach is already making significant use of the problem—solving resources available to the community.

Capitalism appears to be the only economic system which thrives on change, and, in fact, requires continual social change for its success and survival. Capitalism in practice, rather than resisting change, systematically encourages change. It often artificially creates demands for change for its own sake. What rational reason can support a yearly change in auto body styles, the elevator effect on women's hemlines, and the back-and-forth widths of men's neckties. Capitalism has specifically benefited from all aspects of the Civil Rights Movement. Motels and restaurants have enlarged their markets. Most of American industry would be unable to meet its labor force requirements were it not for the new manpower made available through Equal Employment Opportunity.

Capitalism's need to survive, to meet change with better change, must come to be seen by the black man as one of the most powerful levers available to him to produce the kind of social change he so passionately desires. His freedom is linked to the survival of the system and to his capability of helping it to work for him.

11. It is a myth that "the community can mobilize to bring about institutional and cultural changes in an atmosphere of continuous exaggerated dissent."

Continuous exaggerated dissent forces the attention of the community to the problem of "exaggerated dissent." It forces the community to deal with contending groups rather than the object of contention. The 1969 Dudley High School incident, which attempted to raise the question of the desirability of student government changes, was lost when the community was forced to focus its attention on physical conflict. The community in order to survive was required to deal with disorder and its regrettable products.

After the disorder the original cause of student government change became far less important than the disorder itself. While considerable attention has been given to fixing responsibility, and to "who said what to whom," few persons have claimed any measure of social progress as a result of the incident. Some have claimed that the incident "heightened the contradictions" inherent in cultural racism, thereby making the community in the long run more vulnerable to change. However, it now appears that the incident has primarily served to heighten the contradictions supplied by exaggerated dissent. Neither the death of a student, nor the injuries sustained by a number of policemen, have been related by the ensuing community dialogue to a defensible cause.

The earlier comments about guerrilla warfare and revolutionary tactics are also relevant to this mythology.

12. It is a myth that "changes brought about by the establishment are suspect as contrary to the interest of the total community."

This is a highly simplified view given to scape-goating and stereotyping—a view that sees "the establishment" as an automatic, sinful evil. It is a view which assumes that cultural racism is necessary to the survival of the establishment, when in fact it appears that the survival of the establishment is most vulnerable because of cultural racism. Thus it is logical to assume that the establishment will at some point move to rid itself of cultural racism. It assumes that "good communication" cannot result in productive change. It assumes that there must inherently be an "us-them" adversary relationship. It assumes an inability or unwillingness to come to grips with basic problems. It assumes that all the previous myths are not myths at all but statements about reality. Such a view not only assumes all this, but it presumes to judge that the complex motivations of the establishment are always in the establishment's narrowest self-interest. Here again the accumulation of evidence suggests that while preservation of orderly change is in the interest of the establishment, the involvement of the establishment in initiating and supporting social change must not be seen as only a selfish expression of the profit or power motives. While it is true that the establishment has responded to pressures from the outside in most instances, it is also true, that the outside pressures have been generated by certain changes sought or brought about by the establishment. For example, much has been said about the rising expectations of the black for the good life. What is the source of this, if it does not lie at least indirectly in the establishment? The genius of the Civil Rights Movement has been its ability to capitalize on this establishmentarian trait.

It is likewise a myth that all blessings flow only from the establishment. The establishment seems to be increasingly aware of this fact as it draws nonestablishment members more and more into a mutual decision-making process.

A final comment is in order here about the supposed singular, monolithic structure of this "establishment myth." If it has not already become painfully aware that there is no single "establishment," the black community will have to come to a sophisticated awareness that there are many establishments. Just as there are many conflicting groups and loyalties in the black community, so too are there many conflicting groups and loyalties in an admittedly white-dominated complex of "establishments."

The vested interests of political structures are not necessarily identical to the vested interests of government or business structures. Few expect the vested interests of one political party to coincide with the vested interests of its opposition. The educational establishments must regularly compete with the health and welfare establishments for their allocation of the public dollar. Corporate goals are rarely identical to those of various labor groups.

The black community has its own contending groups, groups which vie for the loyalty of the members of the black community. Black churches are frequently found in competition with each other for community leadership and recognition. Black freedom movements have often suffered from weakness produced by splinter groups taking off in directions thought to better serve the members of that group. Nationalists divide themselves from separationists and from integrationists. Those who come to acquire some power and influence are subject to suspicion and hostility from those who lack power. The cancer destroys the tissues which sustain it. So too does the black community's fragmentation of goals, purpose and method of work to destroy its capability to bring about meaningful social progress.

PRELUDE TO A BEGINNING

Reasonable men know that all is not well in Greensboro. Many feel that we must set about healing the wounds and the pain. Many more feel helpless before the immensity of the problems. Further anger, frustration and hostility can only continue to build higher the walls which keep us apart. Means must be found to subtract the anger, frustration and hostility from the community equation. Steps must be taken to insure that the black man can believe in the integrity of the white man. Because the heavier burden of cultural racism has been borne by the black man, the heavier burden of proving honesty and openness to change must be borne by the white man. The total community must be able to admit the truth of cultural racism and the personal individual responsibility to be active participants in seeking it out and removing it.

The white man cannot do this without the help of the black man. The white man is not likely to get such help until the black man is convinced of a commitment to do more than just listen to a cry of pain. The next step is in the hands of those who are willing to make an irrevocable commitment to act with integrity.

Productive communication is possible if one fundamental fact is understood: black and white generally come to negotiations and other discussions with diametrically opposed attitudes about "the system." Blacks, from their vantage, fear "the system." Whites, from their vantage, trust "the system." This attitude conflict forms the common denominator of the twelve attitudes identified by the Chamber's Community Unity Division.

Whites trust the system for they feel it protects them. Blacks distrust the system for they feel it threatens them. Whites want to keep the system as it is since they feel secure within it. Blacks want the system to operate in new ways in order to feel the same security whites feel.

The fears, anxieties, and distrusts that the black man holds are a reality which reaches deep into his collective soul and personality. There is little in either individual lives or the history of the race to cause anything but fear of the white man and his system. Whites do not know or understand this gut-level feeling. If the problem of race is to be dealt with effectively, whites must begin to function from a base which understands such fears. The black man's fear must be changed to trust. The burden of this task must fall on white shoulders.

The black man has a similar, equally difficult task to accomplish. The task begins from a base which understands the white man's trust of the system. The white feeling that "the system" has protected him, produces behavior protective of the system. Blacks fear the system as it is. Whites fear what the system may become if men tinker too much with the ways it operates.

Put another way, neither the black man nor the white man can succeed alone in removing fears and distrusts. Whites need blacks to tell them what whites have not been able to see and feel. Blacks need whites who are open to change so black fears can at last be laid to rest. Whites fear of change can be laid to rest as all citizens demonstrate to each other that the new is to be trusted as much as the old.

REPORT OF THE PREPARATORY COMMITTEE FOR THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. FISH. Mr. Speaker, the first session of the Preparatory Committee for the United Nations Conference on the Human Environment was held at the United Nations Headquarters in New York from March 10 to March 20, 1970. Twenty-seven countries make up the membership of the committee, and the sessions were attended by observers from 20 additional States and specialized agencies.

During the first session I inserted in the RECORD the opening statements by the Secretary General and by the Honorable Christian A. Herter, Jr., Chief Delegate of the United States to the Preparatory Committee.

The first working session in March concerned itself with organization, and consideration of program content for the United Nations Conference to be held in 1972.

The report of the first session of the Preparatory Committee is herewith inserted in the RECORD:

REPORT OF THE PREPARATORY COMMITTEE FOR THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

I. ORGANIZATION OF THE FIRST SESSION

1. The first session of the Preparatory Committee for the United Nations Conference on the Human Environment (established under General Assembly resolution 2581 (XXIV)) was held at United Nations Headquarters in New York from 10 to 20 March 1970.

Attendance

2. The session was attended by representatives of all States members of the Preparatory Committee, by observers from twenty States not members of the Committee and by observers of specialized agencies and of other intergovernmental and non-governmental organizations. A full list of those attending is given in annex II.

3. The Preparatory Committee noted with great satisfaction the intense interest in the Conference, and on the subject of environment as a whole, shown by many intergovernmental and non-governmental organizations. It looked forward to their active cooperation in the preparatory work.

Documentation

4. The documents before the Preparatory Committee at its first session are listed in annex III.

Opening of session and election of chairman

5. The session was opened by the Secretary-General, whose statement is given in annex IV. The Committee then unanimously elected Mr. Keith Johnson (Jamaica) as Chairman.

Rules of procedure

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6. The Committee decided, on the basis of rule 162 of the rules of procedure of the General Assembly, to be guided in the conduct of its business by the general principle that the rules of procedure of the General Assembly should apply to the Committee in so far as they were appropriate for the performance of its functions. The Committee decided to amend rule 105, which provides for one Chairman, one Vice-Chairman and one Rapporteur, so as to ensure broader geographical distribution of States members of the Committee by providing for the election of three Vice-Chairman instead of one, as well as a Rapporteur.

7. The Committee agreed that it would make every effort to reach all decisions by way of consensus, but that in the absence of consensus decision should be reached by a vote, as provided for in the rules of procedure of the General Assembly.

8. The Committee noted that the General Assembly, in resolution 2581 (XXIV), had invited the specialized agencies, the International Atomic Energy Agency and the Advisory Committee on the Application of Science and Technology to Development to collaborate closely with the Secretary-General in the preparations for the Conference and to assist, as appropriate, in the work of the Preparatory Committee. In addition, the General Assembly, after adopting resolution 2581 (XXIV) had decided ". . . that any interested Member State not appointed to the Preparatory Committee for the United Nations Conference on the Human Environment may designate highly qualified representatives to act as accredited observers at sessions of the Committee, with the right to participate in its discussions".

Summary records

9. On the basis of General Assembly resolution 2538 (XXIV), paragraph 10, it was decided that the Preparatory Committee would not have summary records.

Election of officers

10. The Committee elected the following officers:

Vice-Chairman: Mr. Fereydoun Hoveyda (Iran), Mr. Rastislav Lacko (Czechoslovakia), Mr. Vernon Johnson Mwaanga (Zambia).

Rapporteur: Mr. Börje Billner (Sweden).

Agenda

11. The Committee adopted the agenda (see annex I) at its opening meeting.

Report of the Secretary-General on the preparatory work required for the Conference

12. The representative of the Secretary-General introduced the various documents prepared for the first session and gave a brief outline of the functions to be performed by the Committee. He also reviewed the preparatory work up to the time of the first session, particularly the preparation of the Secretary-General's report entitled "Problems of the human environment (E/4667), and acknowledged the important contributions made to the preparation of that report by many Governments, by organizations of the United Nations and by various intergovernmental and non-governmental organizations.

Organization of work

13. To facilitate its work, the Preparatory Committee established three *ad hoc* working groups as follows:

Working Group I: Further definition of the programme content and selection of topics.

Chairman: Mr. G. C. Butler (Canada).

Working Group II: Questions relating to a possible declaration on the human environment.

Chairman: Mr. N. N. Jha (India).

Working Group III: Preparation of national reports.

Chairman: Mrs. Neoma de Castañeda (Mexico).

It was agreed that the chairmen of the working groups would also act as rapporteurs. The recommendations of the working groups, as approved by the Preparatory Committee, appear in the relevant sections of the report.

II. CONSIDERATION OF THE PROGRAMME CONTENT FOR THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT AND THE PREPARATORY WORK

Further definition of the programme content and selection of topics for the conference

14. The general debate on item 6 was based on the considerations contained in the Secretary-General's report (E/4667), particularly in paragraphs 82 to 121, and on document A/CONF.48/PC/2 relating to certain aspects of the report. The representative of the Secretary-General pointed out in his introductory statement that, with regard to the programme content of the Conference, the wish of the General Assembly to concentrate on international problems had been interpreted widely—while the number of environmental problems which are international by nature (for example, the oceans) is comparatively small, those which are international in the sense of being of international concern (for example, the unwise use of resources), or in the sense that the attack on these problems can be greatly facilitated by concerted international action or exchange of experience and information (for example, urbanization of land-use planning), form the bulk of the problems of major concern at the present time.

15. In the context of this agenda item, it was agreed that the main task of the Preparatory Committee would be to assist the Secretary-General in the selection—on the basis of the views of Governments—of topics and headings for the United Nations Conference on the Human Environment, as well as in the formulation of ideas, suggestions and proposals with regard to the programme content for the Conference.

16. The debate showed a large degree of consensus on the characteristics and seriousness of environmental problems in different countries and on the general conception and objectives of the 1972 Conference. At the same time, the great diversity and complexity of the problems of the human environment, in various countries as well as in various regions, was stressed. These problems had to be considered in relation to technological, geographical, economic, social, cultural and other factors.

17. As regards the general scope of the subjects to be covered by the United Nations Conference on the Human Environment, the debate emphasized the fact that questions of environmental pollution were of vital importance, but that other matters, such as urban and rural planning, conservation of nature, and proper management of natural resources, were also important. It was recognized that an appropriate balance should be attained, in the range of subjects to be considered by the Conference, between the environmental problems of the developed and those of the developing areas of the world. One important result of the Conference should be to help developing countries to avoid the undesirable side-effects of industrialization. Preventive measures were to be preferred to curative ones. At the same time, it would have to be clear that management of the environment must not retard the development process or the maximum rational use of natural resources. Continuing economic progress must be ensured, while minimizing environmental degradation and pollution.

18. Particular emphasis was placed on the link between environmental control and economic and social development, and on the fact that while there remained many technological questions to be solved, problems of the human environment were increasingly of a socio-economic nature. Thus the need for "new economic thinking, new legal instruments, new administrative measures and new governmental priorities", stressed by the Secretary-General in his opening address, was generally recognized by the Committee. The Conference should be a focal point of present efforts as well as a starting-point for future action in the environmental field.

19. It was also felt that more attention should be given to the socio-cultural aspects of the problems of the human environment in order to appraise in its totality man's relation to his environment. At the same time the difficulties of a world-wide approach in this field were recognized.

20. It was furthermore emphasized that no comprehensive action related to environmental change could ignore the effects of constantly growing population and its tendency to concentrate in large urban areas. The problems of the working environment and of urban transportation were stressed in that respect. The Conference should consider by what ways and means developing countries might be assisted in their efforts to cope with their environmental problems. It was the consensus of the meeting that the problems to be considered by the United Nations Conference on the Human Environment should be of such a character that their solution would require, or would be greatly facilitated by, international co-operation. That was not to be taken that the Conference programme should be limited to global or regional problems only. There was a clear need for international action with respect to many areas where solutions depended primarily on measures that had to be taken at the national and local levels—for example, problems of urban growth, soil conservation, administrative methods for the national use and management of natural resources etc. In those fields, countries would be assisted by the international exchange of knowledge and experience. In that connexion some participants sug-

gested the establishment of international information centres.

21. It was generally agreed that national reports would be of great value both as a means of collecting information for the Conference and of helping the countries to assess their own situation.

22. It was furthermore the consensus of the meeting that the Conference should be action-oriented. It should encourage and provide guiding principles for action by Governments and international organizations. It should therefore concentrate on those areas where such action appeared practical, feasible and urgent. At the same time, the Conference should not lose sight of problems of a more long-term nature. It was stressed in that connexion that much technological knowledge was already available, but not sufficiently used, and that the Conference should aim at ensuring acknowledgment by the political leaders in all countries of that need for action.

23. Several delegations indicated that the action might well take the form of international agreements and conventions, which could be put into final form at the Conference or identified for further preparation. It was also generally recognized that an international declaration on the human environment should be prepared for possible adoption by the Conference.

24. Particular emphasis was placed during the debate on the ways and means of taking action at the local, national and regional levels. The importance of thorough exchanges of views and experience at the Conference among those responsible in each country for planning, management and control policies relating to the problems of the human environment was emphasized as a major objective. It was noted in that respect that the question of governmental and administrative structures to deal with environmental management from an over-all point of view in each country should receive special attention.

25. The importance was stressed, in connexion with the problem of action for environmental management, of exchanging information about environmental problems and for data collection and systematic monitoring of certain environmental parameters which should be established on a global basis. The need for further scientific research on all environmental problems was also mentioned, including those problems where partial technological solutions had already been found. The particular need for economic and social research in relation to environmental preservation was also stressed. Some of the delegates referred to the need for proper environmental education at all levels and ages.

26. The representatives of the United Nations and of the specialized agencies reminded the Preparatory Committee of some of their activities related to the subject of the United Nations Conference on the Human Environment, a brief summary of which had been given as an annex to document E/4667. It was the firm view of the Preparatory Committee that repetition or duplication of effort in dealing with technical environmental matters should be avoided. The 1972 Conference should make full use of work already going on or being planned in the various international organizations concerned. These activities could be taken account of in the preparations for the 1972 Conference in a way which would give them additional support, fresh impetus, common outlook and direction. This applied, for instance, to the atmospheric monitoring programmes of WMO, to the Man and Biosphere Programme of UNESCO, to certain aspects of the FAO Indicative World Plan, or to specific international agreements being prepared by other United Nations agencies, such as the ILO, WHO or IMCO. As regards the meeting of ECE on the environment, to be held in Prague in 1971, it was recognized by the Committee that the methods of preparation and the results of that meeting could be of great value for the 1972 world-wide United Nations Conference on the Human Environment.

Recommendations

27. Following the general debate on agenda item 6, the Preparatory Committee adopted the recommendations contained in the reports of working groups I and II, which were the following:

I. Further definition of the programme content and selection of topics—

(1) After studying the proposals contained in document E/4667 (paras. 113–116) the Working Group recommended the division of the subject matter of the Conference into the three following areas:

(a) Environmental aspects of human settlements;

(b) Rational management of natural resources;

(c) Environmental degradation from pollution and nuisances;

and established the following outlines and recommendations for action.

A. Environmental aspects of human settlements

1. Demographic and settlement trends

(2) Under this heading the United Nations Conference on the Human Environment would review questions related to environmental problems arising from population growth and distribution, and from policies and programmes which have a bearing on the settlement process. The subject could be subdivided as follows:

(a) Analysis of demographic trends, including the urbanization process and changes in the balance of population between rural and urban areas, resulting trends in rural and urban settlement and the location of industry; their effects on the human environment;

(b) Review of trends in the geographical distribution of population, including migrations, in order to identify polices and strateges for rural and urban development which are conducive to economic growth and social improvement and are compatible with satisfactory levels of environmental quality.

2. Problems of human settlements (in their physical, biological and cultural framework)

(3) (a) A comprehensive analysis and review of the urban and rural environment, present trends, problems, causes and effects, concerning cities and settlements of different sizes and socio-economic patterns;

(b) Review and analysis of specific problems, such as:

(i) Effects of pollution of air, water, soil, as well as noise and vibration on the health and living and working conditions of rural and urban populations;

(ii) Water supply and waste disposal;

(iii) Land use and related aspects of traffic and transportation;

(iv) Housing, slum clearance, urban renewal and community facilities;

(v) Frontiers of settlements and the impact of agricultural, pastoral and forestry activities on the environment;

(vi) Commercial collecting, hunting and fishing activities and their impact on the environment;

(vii) Environmental deterioration through mining and industrial enclaves and overconcentration of industry;

(c) Studies of the total effects of environmental changes on man, such as:

(i) "Man-made" diseases; creation of situations in which such diseases are difficult to control;

(ii) Undesirable influences of these elements and new substances on biochemical mechanisms;

(iii) Genetic effects;

(iv) Effects of the absence of natural stimuli;

(v) Preservation of optimal socio-cultural patterns.

B. Rational management of natural resources

1. Introduction

(4) The original title of the subject read "Rational use and development of natural resources" and was later expanded to include the question of conservation. Rather than maintaining the usual dichotomy associated with natural resources—that is, the development of the resource base vis-a-vis convervation of the resource base—it was thought preferable to speak of the "rational management of natural resources". Implicit in the term "rational management" is the concept of "managed-use" of the resource base and, secondly, the conservation of the resource base.

(5) Although it was recognized that environmental pollution is a special subject area, it was necessary to include in this review the question of regulatory control of the environment through natural resource legislation. Although it may seem somewhat anomalous to include environmental legislation in a policy designed to encourage the utilization of natural resources, it is believed the two are inextricably bound together. Because it is recognized that human intervention results in constant change to the total natural environment, the Working Group has expanded the phrase "environmental pollution" to read "environmental degradation". It then includes things such as land damage due to thermal erosion or thermal karst, or the loss of wildlife habitat through altering watershed patterns and removing vegetative cover. These considerations include due attention to minimizing disturbance to the natural environment in the study, survey, design and planning of utilization of natural resources. This is particularly true in the case of developing countries entering the phase of rapid industrialization and development.

(6) There are many methods of treating the subject "The rational management of the natural resources", for purposes of conference preparations. But each of the six choices listed at the end of this section had certain limitations. The Working Group feel that many of the current problems in the field of natural resources are due to the limited single-sector approach adopted by many managers and administrators. In order to achieve the desirable objective of integrated management, the Working Group feels it will be necessary to adopt a multidisciplinary "management approach" to the problem.

2. The management approach

(7) It is recommended that for the portion of the 1972 Conference dealing with the question of natural resources, the subject be dealt with in the following way. Against a background consideration of: an inventory of the resource base; a projection of demand on the resource base; and the effect on the total environment of utilizing the resource base in meeting the future demand, several major headings were defined as follows:

(a) Resource managament structures: Comparative studies on international and national structures, in different socio-cultural and economic systems and stages of economic development, for different types of resources and resource work stages;

(b) Resource management organization requirements:

(i) Manpower, training facilities;

(ii) Scientific and technological research and application;

(iii) National technical services and institution-building;

(iv) Financial requirements and prospects;

(v) Legal and administrative framework;

(vi) International co-operation;

(c) Resource management problems (with emphasis on those needing guide-posts in relation to environmental aspects):

(i) Selected technical problems and techniques (including effects of technological revolution on resource development and utilization—for example, desalination of waters);

(ii) Economic problems (including effect of environmental actions on demand and supply of natural resource products and resources, and on development opportunities for developing countries and frontier regions, need for new economic concepts to compute cost of environmental degradation and its modification etc.);

(iii) Administrative and legal problems;

(d) Policy formulation based on adequate data collection, with a view to harmonizing development and conservation;

(e) Long-term natural resources in relation to environment prospects;

(f) Resource data and document storage and retrieval systems.

3. Illustrative list of topics for background papers and case studies[1]

(8) (a) Survey of future manpower needs, availability and requirements for training facilites;

(b) The problems arising from recent technology—for example, in transmission and transportation;

(c) The external diseconomies resulting from regulatory control of the environment in developing countries;

(d) Quantifying the costs and benefits, both social and economic, resulting from economic growth while maintaining and improving the quality of the environment;

(e) The effect of environmental legislation on the demand and supply of natural resources and on the development opportunities within developing countries;

(f) Man-made environmental value:

(i) National parks—recreation and aesthetic value;

(ii) Protection of historic sites and monuments;

(g) Natural environmental value:

Loss as a result of the extinction of plants and wildlife;

(h) Cost of restoration and reclamation of surface lands; cost of restoration of water quality in fresh-water systems;

(i) Preliminary survey on the advantages and problems, ecologically and economically, of the implementation of recycling of waste materials;

(j) A study of the possibilities of increasing the information and education of staff on all levels and, concomitantly, a case study on information and education centres in developing countries with respect to natural resources management;

(k) The impact on the environment of utilization of the resource base, including agricultural and pastoral activities, in frontier and sparsely populated areas;

(l) The impact of resource-based industry upon people living in a frontier area whose traditional livelihood has been gained from living off the land;

(m) Irreversible damage to the environment produced by inadequate ecological studies prior to the application of technology;

4. Alternate approaches to studying the subject

(9) (a) By type of natural resource—such as soil and agricultural land, forests, fisheries, flora, fauna, protista, water, mineral, energy resources etc.;

(b) Local, national, regional, international, global;

(c) By type of physical environment—atmosphere, hydrosphere, geosphere;

(d) By climatic and geomorphic areas;

(e) Renewable and non-renewable resources;

(f) Stages in industrial utilization of the resource base—that is, research, exploration, evaluation, pilot project, development, utilization, reclamation and restoration.

C. Environmental Degradation From Pollution and Nuisances

(10) The following paragraphs outline the suggested approach to the question of environmental pollution at the 1972 United Nations Conference on the Human Environment.

1. Definition

(1) Need for some generally accepted definition of pollution as a framework within which the various media, pollutants and sources could be examined.

2. Pollutants

(12) Their sources, characteristics, media and effects (both long- and short-term) on plants and animals, including man. Possible classifications are:

(a) Sources:

(i) Industrial;

(ii) Agricultural;

(iii) Urban and other human activities;

(iv) Natural causes;

(v) Resource development;

(vi) Transportation;

(b) Types:

(i) Physical (including noise and radiations from all sources);

(ii) Chemical;

(iii) Biological;

(c) Media: Air, fresh water, the seas, soil.

3. Criteria and standards

(13) (a) Study of existing national and international standards for establishing limits for chemical, physical and biological contaminants and other quantifiable effects injurious to health or the environment. The compilation could form the basis of international standards for consideration for acceptance by all members countries of the Conference.

(b) Establishment of criteria and standards where these do not yet exist;

(c) Identification of areas requiring research leading to criteria;

(d) Application of standards.

4. National, regional and international environmental monitoring systems

(14) (a) Consideration should be given to the progressive co-ordination of existing or planned national, regional and international monitoring programmes involving compilation, evaluation and dissemination of data, including:

(i) Improvement of national, regional and international systems;

(ii) Identification of substances to be monitored;

(iii) Internationally accepted methods of measuring changes in the environment;

(b) Consideration should be given to the roles of:

(i) National systems and their participation in international networks;

(ii) Data management (acquisition, storage and communication);

(iii) International organizations.

5. Relation of pollution management to the human environment as a whole

(15) Necessity for multidisciplinary studies prior to the Conference on the effects of pollution, and of preventive and corrective measures, upon the entire ecological system in which human society exists.

6. Economic and social causes and implications

(16) Economic and social causes and implications of pollution prevention and correction:

(a) Effects of pollution control costs on relative competitive positions among countries with similar industries;

(b) Special problems of pollution costs affecting economic growth in developing countries;

(c) Domestic, legal and administrative aspects;

(d) Possible case studies;

(e) Cost-benefit studies of anti-pollution measures.

Recommendations for action

(17) In addition to the above outlines of subject matter the Working Group also prepared lists of national and international activities which seemed appropriate for the Conference to consider.

(18) One activity identified as being basic to any programme was that of education and training in all aspects of environmental problems.

(19) Lists of recommended actions are presented below. In considering them, however, it should be borne in mind that the division of the Conference subject into the three areas listed above is sometimes artificial and that it is essential to consider the problems of the human environment as a whole from different points of view.

(20) Further, the problems of the human environment are multidimensional and characterized by complex interactions between the various parts of ecological systems, as well as between these systems and human activities. It is necessary to recognize in any one of the three subject areas problems and approaches such as:

(a) The preservation and development of cultural, aesthetic and scientific values of human environments;

(b) The understanding and control of unintentional influences on climates resulting from various activities such as air pollution, land management, urbanization etc.;

(c) The forecasting of and the control of the effects of catastrophic alterations of the environment resulting from earthquakes; floods etc.;

(d) Long-term forecasting studies of trends and developments and of their interaction, including certain technological forecasting studies;

(e) Development of early-warning systems for environmental deterioration;

(f) Systems analysis and operational research methods, planning, programming, management and decision-making techniques, systematic analysis of goals and objectives in this field, of their interdependence and their compatibility.

(21) It follows that in any approach to environmental problems, it is necessary to employ a strategic assessment which takes full account not only of effects on the environment, but also of financial, fiscal, administrative, legislative, social, economic, scientific and technological factors.

(22) No recommended action should be planned or implemented in a fragmentary isolated way, but rather integrated into a co-ordinated effort, based on over-all views of problems and priorities.

Recommendations for national action to be considered by the Conference

A. Environmental Aspects of Human Settlements

(23) (a) Formulation of national environmental policies, plans and programmes of a comprehensive and interdisciplinary nature, including the provisions of adequate financing;

(b) Regional planning for land use and organization of economic activity including improved settlement patterns, location of agricultural and industrial activities and other forms of employment;

(c) City planning and the organization of the urban environment, and its infrastructure;

(d) Rural land-use planning;

(e) Urban renewal with emphasis on slum clearance and rehabilitation of squatter settlements;

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[1] Similar lists may be requested for subject areas (8) (a) and (b).

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(f) Establishment and maintenance and protection of areas of cultural, aesthetic, recreational and scientific values;

(g) Mobilization of public support—including educational measures—and active participation of all elements of the community in the planning and execution of preventive and corrective measures;

(h) Systematic development of research and co-operation on environmental problems of human settlements, including the identification, collection and evaluation of necessary data for operational use.

B. Rational Management of Natural Resources

(24) (a) Review national requirements for natural resource management and organization in light of national development goals and plans;

(b) Specify gaps between those requirements and actual facilities and provisions;

(c) Determine priorities for filling gaps:

(i) Through national means;

(ii) Through international co-operation;

(d) Review regional and national policy, legislation and regulatory control as it pertains to preservation of unique living organisms and biomes, including national parks, wildlife sanctuaries, flora and fauna and areas of scientific, recreational and aesthetic value. Determine in which way existing policy and legislation is inadequate;

(e) Review regional and national policy, legislation and regulatory control of utilization of the resource base as it pertains to environmental degradation, to determine the manner in which existing policy and legislation in inadequate;

(f) Develop a programme of research including the collection of ecological data which will permit a more accurate forecast to be made of the degree to which the environment will be altered as a result of utilizing the resource base.

C. Environmental degradation from pollution and nuisances

(25) (a) Identify reasonable techniques and methods to reduce, cure and minimize all forms of pollution and to disseminate all available information to member countries;

(b) Define, in particular, the problems of pollution both where effects are evident and action is urgently needed as well as where long-term or cumulative effects are anticipated;

(c) Evaluate the direction in which future work on the improvement of the environment should proceed;

(d) Identify areas for specific research on criteria, methodology and techniques for the abatement of pollution;

(e) Assess the consequences of new technology for the environment including research of alternative technological solutions—for example, plant derivatives and biological methods to replace persistent toxic chemicals for controlling pests.

Recommendations for international action to be considered by the Conference

(26) In making suggestions for international action, the Working Group stresses the fact that the United Nations Organization, its components and other international bodies, have important roles to play. These roles could include facilitation of communications, prevention of unnecessary duplication of efforts, and provision of financial and technical aid to prevent, arrest and reverse environmental deterioration.

A. Environmental aspects of human settlements

(27) (a) Multinational aspects of regional planning of neighboring areas in different countries with strong economic or physical links;

(b) International co-operation and technical assistance to share knowledge and experience;

(c) Exchange of information on matters related to policies, legislation, administration, planning, financing and public participation;

(d) Formulation, through international consultation, of criteria for setting up national standards for land-use planning;

(e) Furthering research in areas related to urban and regional planning;

(f) Programmes for action to foresee, prevent and remedy harmful environmental consequences of natural catastrophes directly or indirectly related to man's activities.

B. Rational Management of Natural Resources

(28) (a) Promote international aspects of natural resource management—for example, the seas and water systems common to two or more countries;

(b) Promote international co-operation or conventions for the management of natural resources—for example, migrating wildlife or the resources of the sea;

(c) Promote international co-operation and technical assistance to share knowledge and experience to facilitate, for example, the developing of criteria for use in setting up national standards in natural resource management;

(d) Exchange information on policies, legislation, administration, planning, financing and public participation;

(e) Provide long-term natural resource and environmental prospects and forecasts—for example, projected sources and demands and the effect upon the environment of meeting these demands;

(f) Promote the gathering of inventory and resource data and document storage and retrieval.

C. Environmental Degradation From Pollution and Nuisances

(29) (a) Identify those areas where results which can have meaning in pollution control can best be achieved through international co-operation. Taking into account the varying circumstances in which pollution occurs, certain international regulatory "legislative" action may be needed:

(i) On a global scale, in the form of conventions or agreements;

(ii) On a regional or bilateral scale, in the form of agreements;

(b) Promote international co-ordination of national programmes;

(c) Promote internationally accepted criteria, standards and monitoring. These are prerequisites for items (a) and (b) above;

(d) Request the Secretary-General to prepare a brief up-to-date report on present activities in the field of pollution undertaken by the specialized agencies, other governmental organizations and certain non-governmental organizations, as well as on information obtained from Governments on national action. When possible, the abovementioned information should pertain as well to planned activities with special emphasis placed on the following topics:

(i) Pollutants (their sources, recipients and effects on human beings);

(ii) Criteria and standards (an inventory of existing national and international criteria and standards);

(iii) Monitoring (global, regional and national);

(iv) Economic and social implications (that is, studies on impact of anti-pollution action in these areas).

(30) The Working Group requests the Preparatory Committee to draw to the attention of the Secretary-General the fact that studies on these subject areas and the recommended actions should begin as soon as possible, with the assistance of experts and the specialized agencies. The Secretary-General should be requested by the Preparatory Committee to report the progress of these studies at this second session, including an indication of priorities.

(31) The Working Group deems it urgent that areas for immediate action should be identified prior to the 1972 Conference, and that the Preparatory Committee should discuss at its next session the preparation of draft recommendations, agreements and conventions for consideration by the 1972 Conference.

II. Drafting of a declaration on the human environment—

(32) The 1972 United Nations Conference on the Human Environment should be presented with a draft declaration on the human environment.

(33) The function of the Preparatory Committee, at the present stage, is to advise the Secretary-General on the objective(s) of the declaration and the best modality for its formulation.

(34) In addition to the declaration on the human environment, the 1972 Conference should also adopt recommendations for action, resolutions, and other conclusions.

(35) The declaration should be a document of basic principles, calling mankind's urgent attention to the many varied and interrelated problems of the human environment, and to draw attention to the rights and obligations of man and State and the international community in regard thereto.

(36) The declaration would serve to stimulate public opinion and community participation for the protection and betterment of the human environment and, where appropriate, for the restoration of its primitive harmony etc., in the interest of present and future generations. It would also provide guiding principles for Governments in their formulation of policy and set objectives for future international co-operation.

(37) In formulating the declaration on the human environment, due account has to be taken of the environmental stresses caused by the differences in social and economic development between various parts of the world.

(38) The Preparatory Committee is not, during the current session, in a position to draft the declaration. It, therefore, recommends to the Secretary-General that, after consultation with the Member States and in the light also of the discussions at the first session, that he include in his report to the second session of the Preparatory Committee suggestions as to the content of the declaration.

Organizational structure of the conference

28. The Preparatory Committee gave preliminary consideration to this matter on the basis of paragraphs 106 to 121 of document E/4667 and of document A/CONF .48/PC/3. The Committee generally endorsed the view expressed in the latter document that it could only proceed at its first session to a preliminary exchange of views and should consider the matter in full detail at later sessions when the program content of the Conference had been more fully defined.

29. Several delegates felt that the number of commissions during the Conference should be kept to a minimum and that the division between discussion of subtantive problems and strategic areas for action proposed in document E/4667 might not be the most appropriate way of dealing with the subject matter since the difference between the two approaches might be difficult to make in many cases. Other delegates indicated that the consideration of actions, dealing "horizontally" through the over-all question of environmental management rather than with a particular element of it, such as, for instance, training problems, economic problems, or administrative bodies, should find its place in the structure of the Conference. The view was also expressed that, in the opening plenary sessions

of the Conference, presentation of an introductory report of the Secretary-General, of reports on the problems in the major regions of the world and of reports from specialized agencies and international organizations, should be envisaged.

30. It was agreed that the Secretary-General should be invited to prepare further proposals for the organizational structure of the Conference for consideration by the next session of the Committee.

Documentation for the conference

31. The Preparatory Committee considered this matter on the basis of paragraphs 122 to 129 of document E/4667 and document A/CONF.48/PC/4.

32. The special consultant to the Secretary-General outlined the different nature of the various types of documents which were proposed for the United Nations Conference on the Human Environment. He stressed that a clear distinction would have to be made between conference documents, which would be limited in number and volume and presented in the official languages, and information documents, which would be substituted under the responsibility of Governments or international organizations. He also emphasized that, while at this stage the whole question of documentation could obviously not be considered in detail, it appeared essential that the first session of the Committee should give its views on:

(a) The recommended outline of national reports to be requested at an early date from Governments;

(b) The desirability of having case studies presented at the Conference and the procedure to be followed for their selection.

33. It was the general consensus of the Committee that the documentation produced by the secretariat for the Conference should be kept to the strictest minimum and should be of the highest professional calibre and practical value. The need for making full use of already available material was stressed in that respect.

34. As regards national reports, the Committee recognized that they would be of great value, not only as a means of collecting and presenting information for the Conference, but also as a tool for each country to evaluate its own situation and thus prepare itself for full participation in the Conference. It was agreed that national reports should as far as possible be prepared on the basis of a common outline, with one emphasis on the management problems encountered and lessons learned in each country.

Recommendations

35. Working Group III, which was established to draw up a general outline for national reports, made the following recommendations which were adopted by the Preparatory Committee:

General outline for national reports:

(1) National reports should serve as background material for the preparatory work of the United Nations Conference on the Human Environment. They should therefore be considered as an integral part of the over-all preparations for the Conference.

(2) National reports will not be considered as conference documents; however, they could be made available before the Conference to Governments through the Secretariat upon request.

(3) National reports should be submitted to the Secretariat not later than 31 March 1971. Such reports should be limited to from twenty to thirty pages. It is suggested that the Secretary-General determine the progress being made in the preparation of national reports at appropriate intervals.

(4) Countries which so desire could submit additional and more comprehensive reports as well as case studies.

(5) In order to ensure the uniformity of the national reports, the Preparatory Committee recommends that the Secretariat should send a formal request to Governments containing detailed guiding principles, preferably by the end of April 1970.

(6) The following suggestions for the structure of national reports are provided to assist the Secretariat in such preparation:

(a) Description of problems (the guiding principles for this section should be based on relevant parts of the report of Working Group I);

(b) Measures at the national level:

Existing, planned and desirable measures at the national level:

Organizational and institutional arrangements;

Legislation and administration;

Planning;

Fiscal and financial policies;

Education and training;

Research;

Dissemination and practical use of knowledge;

Public information;

(c) Measures at the international level: Existing, planned and desirable measures on the international level.

This part of the report would deal with problems that are difficult or impossible to solve by the actions of one country only, or whose solution would be greatly facilitated by international co-operation and bilateral or multilateral agreements, or both. The reports should also indicate such solutions which, in the view of the countries, could usefully be promoted by the United Nations Conference on the Human Environment.

36. There was broad support in the Committee for the need to have a number of selected case studies prepared by Governments for the Conference. A suitable procedure would be for the Secretary-General to invite Governments to submit proposals for case studies that they would be willing to prepare. The Governments concerned would then be invited by the Secretary-General to prepare selected case studies. The list of case studies would be submitted to the Preparatory Committee at its second session and the Committee might then wish to recommend additional studies.

37. It was stressed in that connection that case studies relating to problems in developing countries would be very desirable and that technical assistance should, at the request of the Governments concerned, be extended as far as possible and desirable for their preparation—as well as for the preparation of national reports—particularly through the United Nations and the specialized agencies having relevant operational activities in the countries concerned.

38. The need for a limited number of specific reports from international organizations was stressed by the Committee. It was felt in that respect that such reports, the list of which could be established at the next session, were not to be of a general character, but should be geared towards the objectives of the United Nations Conference on the Human Environment and should stress specific programmes of direct relevance to the Conference.

39. Among such reports, it was felt that the regional economic commissions could be invited to prepare reports on the situation concerning their specific regions. The preparation of these reports as conference documents would not prevent international organizations from making available, under their own responsibility, additional information on their activities.

40. Some consideration was given to the subject of introductory papers. Some delegations felt that a number of such reports might be useful as a starting point for the work of the Conference and its various commissions, particularly if short introductory reports synthesizing the contents of the available background material could be drawn up by the Secretariat. That matter, however, could not be settled until the organizational structure of the Conference had been fully considered.

41. Finally, as regards background discussion papers (commission papers) to be prepared especially for the Conference, the Committee considered that the number and organization of the papers could not be firmly decided upon before the programme content of the Conference and its organizational structure had been put into final form. It was agreed that the papers should be of a limited number. They should in general be prepared with the help of leading specialists and reviewed by other leading experts from different countries and organizations, so as to gain the best possible presentation of the problems. It also felt that these discussion papers should, as far as possible, be geared to the basic objectives of the Conference—that is, adoption of recommendations and agreements by the Conference.

Measures to encourage national participation

42. The Committee gave preliminary consideration to the encouragement of national participation on the basis of paragraphs 102 to 105 and 135 of document E/4667. Paragraph 105, referring to the universality of the subjects to be discussed at the United Nations Conference on the Human Environment and the fact that environmental problems in any country may have repercussions throughout the entire world, stressed the fact that it was essential that all participating countries be adequately represented at the Conference. It suggested that consideration should be given to concrete steps which might be taken to ensure adequate representation from developing countries. Paragraph 135 dealt with steps which countries themselves might take immediately in preparing for their own participation.

43. Several delegations indicated the steps which their own countries were already taking in preparing for the Conference and pointed out that they were awaiting the views of the Preparatory Committee. The need for co-ordination at the national level of the many different agencies and authorities concerned with the environment was stressed. It was suggested that aid-giving countries should ensure that their aid ministries or authorities be represented on any national committees.

44. There was unanimous agreement on the need to ensure the fullest participation of developing countries in the Conference and on the need to maintain consultation with developing countries at all stages during the preparations for the Conference.

45. The Committee agreed to invite the Secretary-General to prepare a report for its second session making suggestions as to what concrete steps could be taken to facilitate the active participation of developing countries at the Conference.

Public information

46. The Preparatory Committee heard a statement from the Director of the Centre for Economic and Social Information (CESI), based on document A/CONF.48/PC/5, which set out a number of general considerations regarding arrangements for public information in relation to the preparations for the United Nations Conference on the Human Environment.

46a. The estimates for the Conference presented to the General Assembly had provided funds to cover information activities only in relation to the Conference itself in 1972, but the Director of CESI explained that he did not feel that the Secretary-General's mandate for promotional activities during the preparatory period could be carried out adequately without further appropriation of funds.

47. On that point, some members agreed that that aspect of the Conference preparations was of such great importance that fur-

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ther consideration should be given to the provision of additional funds, including appeals for voluntary contributions from Member States so that the Secretary-General could adequately fulfill the mandate entrusted to him under resolution 2581 (XXIV). Others, however, felt that this resolution had been adopted in the light of the financial estimates, provided to the General Assembly, and that the work to be carried out should be limited to what it was possible to accomplish within the framework of the regular budget of the United Nations information services.

48. There was unanimous agreement among members of the Preparation Committee on the vital importance of ensuring the fullest possible information coverage not only for the Conference itself but also for the preparatory activities. The value of visual media was emphasized. Valuable information and educational activities could be undertaken through museums (and exhibits). Films were to be of the greatest importance, but, in particular, care was necessary to ensure their accuracy. The fact that television was not generally available in some developing countries would have to be borne in mind.

49. The Preparatory Committee agreed that it was important that the fullest possible use be made of national information sources and some delegations suggested that the Secretariat might prepare a programme of action which could be submitted as a guide for national activities to the national preparatory committee for the Conference. United Nations delegates should draw the attention of their Governments to these matters. The importance of a flow of information from Governments to the United Nations, as well as in the reverse direction, was emphasized.

50. Some members felt that the proposed United Nations Conference on the Human Environment provided one of the most promising opportunities ever available for the United Nations to have a positive influence on world opinion. So far, while the media had covered the question of the Conference in a number of Member States, the coverage in the local Press at United Nations Headquarters had been disappointing; more attention should be given to arousing interest among the press corps. The United Nations information facilities were very extensive and full use should be made of them.

51. The vital importance of involving youth and youth organizations in the preparation and in the work of the Conference was stressed by some delegations, as well as the need to provide information for that section of the community in all countries. It was also necessary to bear in mind the educational needs.

52. A suggestion was made that the possibility of a direct world telecast of part of the Conference itself should be examined.

Organization of the secretariat and consultations with United Nations agencies and other organizations

53. The Under-Secretary-General for Economic and Social Affairs announced the appointment of Mr. Jean A. Mussard as Director of the Conference secretariat.

54. The Director for the Office of Science and Technology outlined briefly to the Committee the arrangements proposed for the Conference secretariat. It was to be associated with the Office for Science and Technology and would work in the closest association with the specialized agencies, with other units of the United Nations, and with the Administrative Committee on Co-ordination (ACC) Sub-Committee on Science and Technology. The principal work of the Conference secretariat would be substantive preparation for the Conference and it was intended to appoint an officer to lead the work. Several specialized agenceis had undertaken to second professional staff to this unit of the secretariat and, in addition, the fullest use would be made of consultants and experts. An officer would be seconded from the Centre for Economic and Social Information to undertake information activities (see A/CONF.48/PC/5, paragraph 6). As far as the actual organizational arrangements in Stockholm were concerned, the Conference Services of the United Nations Office in Geneva would carry the major responsibility. The Conference secretariat would be located at United Nations Headquarters in New York, though it might be desirable to have a small liaison group of the substantive preparations unit in Geneva to facilitate co-operation with the specialized agencies.

55. Most delegations who spoke on that point expressed their satisfaction with the proposals and considered furthermore that the arrangements were the responsibility of the Secretary-General, who had been entrusted with the organization of the Conference. But several delegations considered that it would be preferable to concentrate the essential part of the Conference secretariat in Geneva, taking into account the necessity for the secretariat to work in close liaison with the specialized agencies. The importance of proceeding with the substantive preparations immediately was emphasized.

III. OTHER BUSINESS

Second session of the Preparatory Committee

56. The Preparatory Committee discussed the question of the time and place for its second session. It was agreed that final decisions on these matters should be left to the Secretary-General in the light of the progress made by the Secretariat in following up the recommendations of the current session. If the Secretary-General felt it was desirable, the Committee would be prepared to meet in September 1970; otherwise it was proposed that its next session should be in January 1971. Several delegations suggested that if the latter course were to be followed, consideration should be given to holding the session in Geneva if this did not involve significant financial implications compared with meeting in New York. In connection with the selection of the time of meeting, it was pointed out that the Secretary-General, in pursuance of General Assembly resolution 2581 (XXIV), would be making a report to the twenty-fifth session of the General Assembly on the progress being made in preparation for the Conference. In any event, the Secretary-General would keep in touch with the permanent missions of the members of the Preparatory Committee regarding the progress being made in the preparatory work.

57. The possibility of establishing contacts between the Preparatory Committee and the regions was discussed and several suggestions mentioned. One possibility would be for the Committee itself to hold meetings at the headquarters of the regional commissions. An alternative would be for the Chairman of the Preparatory Committee and members of the Committee to visit the regions concerned. The Secretariat was requested to examine the financial implications of such proposals.

ANNEX I—AGENDA

1. Opening of the session and election of Chairman.
2. Adoption of rules of procedure.
3. Election of officers.
4. Adoption of the agenda.
5. Report of the Secretary-General on preparatory work required for the Conference.
6. Further definition of the programme content and selection of topics for the United Nations Conference on the Human Environment.
7. Consideration of the organizational structure for the Conference.
8. Preparation of documentation for the Conference.
9. Measures for encouraging national participation in the Conference.
10. Arrangements regarding public information in relation to preparations for the Conference.
11. Organization of the secretariat of the Conference and consultations with United Nations bodies and other appropriate organizations.
12. Arrangements for the next meeting of the Preparatory Committee.
13. Other business.
14. Adoption of the report of the Preparatory Committee on its first session.

ANNEX II—LIST OF PARTICIPANTS

A. Members of the preparatory committee

Argentina

Representative.—José María Ruda, Ambassador.

Alternate.—Eduardo Bradley, Minister.

Adviser.—Carlos H. Bunge, Secretary.

Brazil

Representative.—J. A. de Araujo Castro, Ambassador, Permanent Representative, Permanent Mission.

Alternates: Celso Antonio de Souza e Silva, Deputy Permanent Representative, Permanent Mission;

Hilgard O'Reilly Sternberg; and

Bernardo de Azevado Brito, First Secretary of Embassy, Permanent Mission.

Advisers: José Jeronimo Moscardo de Souza, Second Secretary of Embassy, Permanent Mission, and

Claudio Cesar de Avellar, Second Secretary of Embassy, Permanent Mission.

Canada

Representative.—D.C. Reece, Minister, Deputy Permanent Representative, Permanent Mission.

Alternate.—K. Wardroper, Head, Scientific Relations and Environmental Problems Division, Department of External Affairs, Ottawa.

Advisers: L. Burgess, Resources Research Officer, Department of Energy, Mines and Resources, Ottawa;

G. C. Butler, Director, Division of Biology, National Research Council, Ottawa;

I. Jackson, Head, Economic Geography Section, Resources Research Centre, Department of Energy, Mines and Resources, Ottawa;

D. Low, Scientific Relations and Environmental Problems Division, Department of External Affairs, Ottawa;

B. B. Migicovsky, Director-General, Research Branch, Department of Agriculture, Ottawa;

E. J. LeRoux, Director général adjoint (Instituts), Direction de la Recherche, Ministère de l'Agriculture, Ottawa;

J. Naismith, Chief, Land, Water and Forest Division, Northern Economic Development Branch, Department of Indian Affairs and Northern Development, Ottawa; and

C. O. Spencer, First Secretary, Permanent Mission.

Costa Rica

Representative.—Luis Dobles, Ambassador, Permanent Mission.

Alternates: Alvarado Cordero; Luis Vives; and Emilia C. de Barish, Minister Counsellor, Permanent Mission.

Cyprus

Representative.—Zenon Rossides, Ambassador, Permanent Representative, Permanent Mission.

Alternates: A. J. Jacovides, Minister Plenipotentiary, Deputy Permanent Representative, Permanent Mission, and Costas Papademas, Counsellor, Permanent Mission.

Czechoslovakia

Representatives: Rastislav Lacko, Deputy Permanent Representative;

Václav Kasalicky, C.Sc., Scientific Worker, Research Institute for Building and Architecture, Prague; and

Jan Pechácek, Second Secretary, Permanent Mission, Expert.

France

Representative.—Pierre Auger.

Alternate.—André Marelle, Ingénieur général des mines, Ministère du développement industriel et scientifique.

Advisers: Ivan Martin-Witkowaki, Attaché financier, Permanent Mission;

Bernard Prague, Attaché commercial, Permanent Mission; and

Hubert Joly, Secrétaire des affaires étrangères, Délégation générale à la recherche scientifique et technique.

Ghana

Representative.—Emmanuel Sam, First Official Secretary, Permanent Mission.

Alternates: B. Godwyll, First Secretary, Permanent Mission.

Michael C. Hamenoo, Second Secretary, Permanent Mission.

Guinea

Representative.—Boubacar Diabate, First Secretary, Permanent Mission.

India

Representative.—S. Sen, Permanent Representative.

Alternates: N. N. Jha, First Secretary, and A. H. Mani, First Secretary.

Advisers: B. Swaraj, Permanent Mission, and Krishnan P. Saksena, Permanent Mission.

Iran

Representative.—Fereydoun Hoveyda, Deputy Foreign Minister for International Organizations Affairs.

Italy

Representative.—M. Piero Vinci, Ambassador, Permanent Mission.

Alternate: Giovani Migliuolo, Minister Counsellor, Permanent Mission.

Advisers: Mario Vittorio Zamboni, Second Secretary, Permanent Mission, and Fabrizio Behmann.

Jamaica

Representative.—Keith Johnson, Ambassador, Permanent Mission.

Alternate.—P. V. Marsh, Counsellor, Permanent Mission.

Japan

Representative.—Senjin Tsuruoka, Permanent Representative, Permanent Mission.

Alternates: Takeo Suzuki, Director, Department of Community Environmental Sciences, Institute of Public Health, Ministry of Health and Welfare and Takeshi Naito, Counsellor, Permanent Mission.

Advisers: Sumito Nakagawa, Deputy Head, Document Division, Minister's secretariat, Ministry of construction;

Masumi Oike, Assistant Chief, General Affairs Section, Environmental Sanitation Bureau, Ministry of Health and Welfare;

Sho Watanable, First Secretary, Embassy of Japan, Washington, D.C.;

Takanori Kazuhara, Second Secretary, Permanent Mission;

Taira Sunami, Assistant Chief, Second Public Nuisance Section, Enterprise Bureau, Ministry of International Trade and Industry, and

Kumao Kaneko, Secretary, Scientific Affairs Division, United Nations Bureau, Ministry of Foreign Affairs.

Mauritius

Representative.—Radha Krishna Ramphul, Ambassador, Permanent Mission.

Mexico

Representative.—Neoma de Castañeda.

Netherlands

Representative.—L. J. Mostertman, Professor of Hydraulics, Director of the International Courses in Hydraulic and Sanitary Engineering.

Advisers: J. W. Tesch, President of the Organization for Health Research, TNO;

J. W. P. la Rivière, Professor of Environmental Chemistry and Biology;

K. C. Zijlstra, Director of the National Institute for Purification of Waste Water; and

H. V. M. van Gils, Senior Adviser on Environmental Conservation (SHELL).

Nigeria

Representative.—E. O. Ogbu, Ambassador, Permanent Mission.

Alternates: J. O. Edremoba, Counsellor, Permanent Mission;

O. A. O. Oshodi, First Secretary, Permanent Mission; and

Olajide Alo, Counsellor, Permanent Mission.

Adviser.—Kamiru Ahmed, Second Secretary, Permanent Mission.

Singapore

Representative: Alan F. C. Choe, Head of the Urban Renewal Department of the Singapore Housing and Development Board;

C. R. Ananthan, Public Health Engineer; and

T. T. B. Koh, Ambassador, Permanent Mission.

Sweden

Representative.—Sverker Aström, Permanent Representative, Permanent Mission.

Alternate.—Carl Swartz, Ambassador, Ministry for Foreign Affairs, Stockholm.

Advisers: Arne Engstrom, Professor, Secretary of the Scientific Advisory Council of the Swedish Government, Stockholm.

Börje Billner, Deputy Permanent Representative;

Hans Palmstierna, Secretary of the National Environmental Advisory Committee, Stockholm;

Jan Mårtenson, Secretary-General of the Swedish National Committee for the United Nations Conference on the Human Environment, Stockholm; and

Lars-Göran Engfeldt, Second Secretary, Permanent Mission.

Special advisers: Gert Overvad, Second Secretary, Permanent Mission of Denmark;

Kauko Sipponen, Under-Secretary for Inter-Departmental Affairs, Helsinki;

Arto Tanner, Second Secretary, Permanent Mission of Finland;

Aimo Haapanen, Deputy Director of the Office for the Protection of Nature, Helsinki;

Hannes Jónsson, Counsellor, Permanent Mission of Iceland; and

Jan Arvesen, First Secretary, Permanent Mission of Norway.

Togo

Representative.—Alexander J. Ohin, Ambassador, Permanent Mission.

Union of Soviet Socialist Republics

Representatives: Victor A. Kovda, Corresponding Member, Academy of Sciences of the USSR;

G. P. Lissov, Counsellor, Permanent Mission;

N. S. Novikov, Counsellor, Adviser, Economic Affairs, Permanent Mission;

V. A. Anissimov, Third Secretary, Permanent Mission;

M. A. Fomitchev, Third Secretary, Permanent Mission; and

O. N. Briouchkov, Attaché, Permanent Mission.

United Arab Republic

Representatives.—M. M. Gobba, Counsellor, Permanent Mission.

Alternate.—M. M. El Baradei, Third Secretary, Permanent Mission.

United Kingdom

Representative.—Lord Caradon, G.C.M.G., C.V.O., Minister of State for Foreign and Commonwealth Affairs, Ambassador, Permanent Mission.

Deputy representative.—M. E. Allen, C.M.G., C.V.O., Minister, Economic and Social Affairs, Permanent Mission.

Alternate.—W. R. Cox, Office of the Secretary of State for Local Government and Regional Planning, London.

Adviser.—Susan Darling, Second Secretary, Permanent Mission.

United States

Representative.—Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs and Director of the Office of Environmental Affairs.

Alternate representative.—Shirley Temple Black, Woodside, California.

Congressional advisers: George P. Miller, United States House of Representatives and Hamilton Fish, Jr., United States House of Representatives.

Advisers: Paxton T. Dunn, Adviser, Economic and Social Affairs, United States Mission to the United Nations;

Guy Ferri, Office of Economic and Social Affairs, Department of State;

Thomas F. Malone, Hartford, Connecticut; and

Peter S. Thacer, Counsellor for Disarmament and Outer Space Affairs, United States Mission to the United Nations.

Yugoslavia

Representative.—Lazar Mojsov, Ambassador, Permanent Representative.

Alternate.—Ante Skataretiko, Counsellor, Permanent Mission.

Adviser.—Stipan Orcic, Attaché, Permanent Mission.

Zambia

Representative.—Vernon Johnson Mwaanga, Ambassador, Permanent Mission.

Deputy representative.—Arnold Kenneth Simuchimba, Counsellor, Permanent Mission.

B. States members of the United Nations represented by observers

Australia: P. Shaw, C.B.E., Ambassador, Permanent Mission (leader);

C. Garrow, Scientific Attache, Australian Embassy, Washington, D.C. (alternate); and

R. S. Merrillees, Second Secretary, Permanent Mission (adviser).

Austria.—Wolfgang Wolte, Counsellor, Permanent Mission.

Belgium.—Edouard Decastiaux, Minister Plenipotentiary (Economic and Social Affairs), Permanent Mission.

Bulgaria.—Stefan Todorov, First Secretary, Permanent Mission.

Cameroon.—Michel Njine, Ambassador, Permanent Mission.

China.—Daniel Yu-tang Lew, Adviser, Permanent Mission.

Denmark.—Gert Overvad, Second Secretary, Permanent Mission.

Ecuador.—Leopoldo Benites, Ambassador, Permanent Mission.

Finland: Kauko Sipponen, Under-Secretary for Interdepartmental Affairs, Helsinki;

Arto Tanner, Second Secretary, Permanent Mission;

Aimo Haapanen, Deputy Director of the Office for the Protection of Nature, Helsinki.

Guatemala.—Antonio Aris de Castilla, Counsellor, Permanent Mission.

Israel.—Reuven Hillel, Counsellor, Permanent Mission.

Kuwait.—Khaled Al-Babtin, Third Secretary, Permanent Mission and Mubarak Al-Sabah, Attaché, Permanent Mission.

Liberia.—David W. Wilson, Second Secretary, Permanent Mission.

Libya.—Mohamed M. El-Bahi, Second Secretary, Permanent Mission.

New Zealand.—Priscilla J. Williams, Second Secretary, Permanent Mission.

Pakistan.—M. Farooq, Third Secretary, Permanent Mission.

Philippines.—Ernestina E. Kodikara, Attaché, Permanent Mission.

Spain.—Amador Martinez Morcillo, Second Secretary, Permanent Mission.

Ukrainian SSR: Mikhail Z. Getmanets Deputy Permanent Representative, Permanent Mission and Aleksei K. Yeremenko, First Secretary, Permanent Mission.

Venezuela: Jesus Alberto Fernández, Counsellor, Permanent Mission and Freddy Christians, Second Secretary, Permanent Mission.

C. United Nations Secretariat

Secretary-General.—U Thant.

Representatives of the Secretary-General: Philippe de Seynes, Under-Secretary-General for Economic and Social Affairs;

Jean A. Mussard, Director of the United Nations Conference on the Human Environment secretariat; and

Guy B. Gresford, Director of the Office for Science and Technology.

Special consultant.—Michel Batisse.

Secretary, Preparatory Committee for the United Nations Conference on the Human Environment.—Adolfo Korn.

Economic Commission for Africa (ECA).—Gerard Dekker, ECA, Addis Ababa.

Economic Commission for Europe (ECE): Amasa S. Bishop, Director-Designate, Division of Environment and Housing, and B. F. Reiner, Officer-in-Charge, Division of Environment and Housing.

D. United Nations bodies

United Nations Development Programme (UNDP).—George R. Francis, Evaluation Officer, New York.

E. Specialized agencies, IAEA

International Labour Organisation (ILO).—Aamir Ali, Chief, Relations Conference Department.

Food and Agriculture Organization of the United Nations (FAO): Donald W. Woodward, Director, FAO Liaison Office, New York, and L. D. Swindale, Chief, Soil Resources Development, and Conservation Service.

United Nations Educational, Scientific and Cultural Organization (UNESCO): Alfonso de Silva, Director, UNESCO Liaison Office, New York and A. Varchaver, Acting Director, UNESCO Bureau of Relations with the United Nations in New York.

World Health Organization (WHO): R. L. Coigney, Director, WHO Liaison Office, New York and M. M. Kaplan, Special Assistant for Science to the Director-General.

International Bank for Reconstruction and Development (IBRD).—Ernesto Franco-Holguin, Deputy Special Representative for United Nations Organizations.

World Meteorological Organization (WMO).—Carl Christian Wallen, WMO, Geneva.

Inter-Governmental Maritime Consultative Organization (IMCO).—Y. Sasamura, Head of Marine Science and Technical Division.

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International Atomic Energy Agency (IAEA).—L. L. Issaev, Representative of the Director-General to the United Nations.

F. Other intergovernmental organizations

Organization for Economic Co-operation and Development.—Fred Hubbard.

Organization of America States: Jesse D. Perkinson, Director of the Department of Scientific Affairs of the General Secretariat and José F. Sáiz, Department of Scientific Affairs of the General Secretariat (alternate).

G. Non-governmental organizations—Category II

Commission of the Churches on International Affairs.—Richard M. Fagley.

Friends World Committee for Consultation.—Barrett Hollister, representative at the United Nations.

International Union for Conservation of Nature and Natural Resources: Harold J. Coolidge, President and Helen Carlson, New York representative.

ANNEX III—LIST OF DOCUMENTS SUBMITTED TO THE PREPARATORY COMMITTEE AT ITS FIRST SESSION

Agenda item and description of document and symbol

Provisional agenda (item 4), A/CONF. 48/PC/1.

Further definition of the programme content and selection of topics for the United Nations Conference on the Human Environment (item 6), A/CONF. 48/PC/2.

Consideration of the organizational structure of the Conference (item 7), A/CONF. 48/PC/3.

Preparation of documentation for the Conference (item 8), A/CONF. 48/PC/4.

Arrangements regarding public information in relation to the preparations for the Conference (item 10), A/CONF. 48/PC/5.

Adoption of rules of procedure (item 2), A/CONF. 48/PC/L. 1.

ANNEX IV—STATEMENT BY THE SECRETARY-GENERAL OPENING THE FIRST SESSION OF THE PREPARATORY COMMITTEE FOR THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

1. I wish to welcome you to this first session of the Preparatory Committee for the United Nations Conference on the Human Environment. Never in the twenty-five-year history of the United Nations has there been a problem of more relevance to all nations than the present environmental crisis. The time has come for the United Nations, in the spirit and the letter of the Charter, to be a centre for harmonizing the actions of nations in solving the problems of the human environment.

2. The work which you are about to undertake is symptomatic of the new trends which are emerging in contemporary events and which seem to me to mark the beginning of a new era in human history. The mastering of energy and the transformation of natural resources into innumerable instruments and goods at the service of man, brought about by the industrial revolution, have provided one of the most astounding pages of human history. It would seem, however, that the aims and methods of the industrial revolution, which has brought such immense prosperity to some areas of the earth, must come under review before it has even reached the entirety of the globe. A new civilization characterized by more human beings, with longer lives and a better quality of life has flowered in the last two centuries, and is spreading slowly over the entire world. Justice in the world-wide distribution of these benefits so far has not been ensured. Indeed, it has been one of the major preoccupations of the world community during the last twenty-five years to enhance the share of the poorer countries in these benefits and to help in their development.

3. The realization of a new and very disturbing aspect of the spreading and growing industrial civilization has now arisen: man has suddenly awakened to the dimensions, to the rapidity and to the mass effects of productive processes on the physical endowment and configuration of this planet and on its basic biological balances. To produce at any cost, without due consideration to effects on the environment, can no longer be the central preoccupation of man. Control of the effects of productive processes will require new economic thinking, new legal instruments, new administrative measures and new governmental priorities. I am convinced that men and institutions will be able to solve this problem in time, for under the pressure of necessity, man is quite capable of adapting to new conditions. The new challenge posed to industry can be solved by industry itself, once the minds of our best scientists and engineers are bent on devising clean processes of production and proper means of waste disposal.

4. Mankind is also coming to the realization that a new dimension of time, reaching substantially into the future, must be added to its thinking, planning and endeavours. For never before has the future been so decisively engendered and moulded by present-day decisions. Historically, man has been preoccupied with a time range of scarcely a few years ahead. Life spans were short. The rate of change was slow. Anyone who dealt with forecasts was labelled a utopian, a visionary or a dreamer. In our time it is the utopians who have become realists, and even their forecasts often fall short of reality. The seeds of future benefits and levels of life on our planet are being planted now and are already beginning to germinate. We must carefully weigh the effects of present behaviour on the future if we do not wish to be considered by later generations as having failed in our foresight. It is consequently of paramount importance that the youth of the world be fully involved in our planning. I think that their current unrest and revolt against many of the values of the past arise in part from their uneasiness with the deterioration of the human environment and human situation. Seldom has any century or any generation been faced with such serious responsibilities.

5. The United Nations and its specialized agencies pioneered in dealing with prospective problems. We possess today sound long-term projections for a great variety of economic and social phenomena such as population, urbanization, education, food requirements, international trade, rates of growth in national income, and so forth. But much remains to be done: we need similar long-term forecasts for the consumption of our natural resources such as water, minerals and energy which will increase prodigiously in the decades ahead. We will need statistics and projections on the total effects of consumption, production and transportation processes on the human environment.

6. We are thus necessarily on the threshold of a new era of international co-operation. Whatever the political stalemates may be and however long they may last, it seems clear that most economic, social and physical world indicators will change by at least 100 per cent every twenty-five years: world population will double and so will world consumption of water, of energy, of minerals, of transportation, and so forth. Under the impact of rapid scientific and technological changes, nations are being brought closer together and problems are progressively becoming the same in all countries. The total effects of changes within all countries, added together, will require joint international surveillance, consultations and actions if human life on this planet is to be preserved and enriched.

7. It is urgent that we rapidly fill the gaps in our knowledge. While immense resources are being devoted by many towns, States and national Governments in order to obtain better knowledge of their territorial areas, not enough is being done to improve our collective knowledge and to monitor what is happening to our atmosphere and our oceans. Little is being done, for example, to calculate the totality of wastes and deleterious materials which are being introduced by nations and by international transports into our common resources through rivers and oceans, combustion and radiation. As noted in my report[1] on the problems of the human environment issued in May 1969, only a few regional efforts had been made toward the development of systematic air-pollution sample networks.

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[1] Document E/4667.

8. I sincerely hope that the international community will decide to make the necessary arrangements so that all nations will be informed year by year of the changes occurring in vital elements of the human environment. The time has come when we must establish an appropriate world-wide network of environmental statistics and forecasts as we have done in other major economic and social areas of collective concern. The time has come when nations must realize that each of them has responsibilities towards the state of the natural endowment of the earth as a whole and that its individual actions added to individual actions of other nations may have collective deleterious effects. Concerted preventive action now is far less costly than to repair the damage after it has occurred.

9. At this first session of your Preparatory Committee, I would like to make one remark on the orientation of your work. When the Conference was proposed by the Government of Sweden [2]—to which we must be so grateful—one of the major preoccupations was to arouse world-wide attention to human environment problems. We are living in a world of extremely rapid communications and of great sensitivity to new emerging problems, and it would seem that this original objective of the Conference has already been largely achieved. The human environment is now a matter for almost daily discussion in Governments, in the Press, in non-governmental organizations, in the schools and in the municipalities of industrialized societies. Two years will pass before the Conference takes place. You must be alert to the rapid changes which are likely to take place during this period. The Conference must be in step with whatever developments may occur during this interval. It must live up to the expectations which will prevail two years hence. Knowledge about the human environment is likely to improve considerably in that time as well as public awareness of the problem. It would seem to me, therefore, that the Conference should be planned in a predominantly action-oriented manner.

10. The 1972 United Nations Conference on the Human Environment can provide a unique opportunity for the United Nations family to provide leadership in dealing with a complex of problems which endanger the most fundamental well-being of mankind. I would like to make a passing reference to the considerable efforts already made by the United Nations institutional system in the environmental field as well as to the first international agreements concluded by major Governments. Let me remind you that the universality of the concern with human environment was dramatically recognized in 1963 with the entry into force of the tripartite treaty banning nuclear weapon tests in the atmosphere, in outer space and under water.[3] This was one of the most enlightened acts of statesmanship witnessed in recent years. May I express the hope that the wisdom of nations inspired by the vision of a world united around the human objectives of peace, justice and prosperity will soon enrich human life with a renewed respect for the earth's resources, and reward us with a hostility-free and weapon-free human environment. Perhaps it is the collective menaces, arising from the world's scientific and technological strides and from their mass consequences, which will bind together nations, enhance peaceful co-operation and surmount, in the face of physical danger, the political obstacles to mankind's unity.

11. May I add that while the Conference is still more than two years away, the work to be done is considerable and it is important that no time be wasted. On my part, I hope to be able to announce to you in the very near future the appointment of a full Director in charge of the secretariat assigned to the preparation of the Conference.

12. I wish you every success in your important deliberations.

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[2] *Official Records of the Economic and Social Council, Forty-fifth Session, Annexes,* agenda item 12, document E/4466/Add.1.

[3] United Nations, *Treaty Series,* vol. 480 (1963), No. 6964, p. 43.

THE SYSTEMS APPROACH

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. MARSH. Mr. Speaker, on yesterday, I included in my remarks a portion of a report of an unofficial pilot study of the possible application of a systems approach to appropriations evaluation undertaken by a seminar team under the direction of Dr. George K. Chacko, professorial lecturer at American University, Washington, D.C.

At this time, I should like to offer for the information of the House an additional increment of the report, outlining the methodology, as follows:

ORDERING OF STUDY ELEMENTS FOR ALLOCATION OF RESOURCES

Given the appropriations point of view of the accomplishment of the overall objective by allocating resources to the five study elements, the first question that is to be resolved: Is one element more important than another? For example, is forest protection more important than acquisition of land? Again, is acquisition of land more important than National Park Service? Is outdoor recreation more important than forest protection? Etc.

TWO-BY-TWO COMPARISONS WILL NOT DO

These questions cannot be answered pairwise.

Instead, they each have to be related to the same overall objective.

IDENTIFY NEXT HIGHER LEVEL OF OBJECTIVES

To determine whether forest protection is more important than acquisition of land, it is necessary to identify the next higher level of objectives. One may say that the next higher level of objective for forest protection is: Averting ecological disaster. Similarly, one may say that the next higher level of objective to the acquisition of land is: Improving the environment.

Both the acquisition of land and forest protection are desirable objectives. As a matter of fact, for the purposes of this study, the overall objective combines both of them with part of the same, viz., averting ecological disaster by improving the environment.

How can this be done?

It is crucial to identify some criterion which will permit establishing the choice of one over the other. For instance, one could think of a measure for the improvement of the environment. The question then is: What constitutes improvement of the environment—more grass; more plants; more trees; less industry?

How can this be determined—by counting the additional growth of grass; the additional number of trees; the additional number of plants; a reduction in the number of industrial plants?

While the index of an improvement in the environment is desirable, it easily becomes intractable. On the other hand, a *negative* approach, if employed, could more clearly identify the averting of clear disasters, e.g., acres of forest burned up by fire. One could compare the number of acres being ravaged by fire one year with that in the subsequent years; and relate the improvement of the environment to the *fewer* number of acres of forest that were burned.

Turning to the overall objective itself, the avoidance of disaster is easier to identify. Three years ago, on Thanksgiving Day, New York City experienced an atmospheric inversion, to which was attributed a significant increase in the number of deaths. The avoidance of an episode such as that can be recognized in successive years, much more readily than the decrease, say, in the SO_2 content of the atmosphere. The stark predictions of impending ecological doom lend readier identification to the measures of averting ecological disaster. Thus, though less palatable, averting ecological disaster can be compared with improving the environment to the advantage of the former. The key question is *not* how desirable improving the environment is, but rather how bad is the *nonfulfillment* of averting ecological disaster.

The choice has to be made between the two higher level objectives; further, one has to decide how much worse is nonfulfillment of the given objectives. Is the nonfulfillment of averting ecological disaster, say 100; is improving the environment, say 80?

THREE LEVELS OF OBJECTIVES

The highest level of objectives identified for the segments of the Department of the Interior Budget under study was the unit comprising man and the environment in the U.S.

ORGANISMIC OBJECTIVES

It should be emphasized that there are several characteristics associated with this highest level objective. They are:

1. The objectives relate to people.
2. Systems involving people can foul up neat solutions.
3. The people are animate.
4. The people interact.
5. The interaction generates a whole larger than the sum of parts or a whole smaller than the sum of parts.

To emphasize the fact that the decision-affecting and the decision-affected entities are both unamenable to any neat theoretical solutions, the word organism is used in the present discussion. As stated elsewhere:

The decision-affecting and decision-affected entities are organisms. The term "organism" denotes the fact that the constituents are animate, that they interact, that their dynamic interrelationships tend to generate intangibles which can sometimes make the whole considerably larger or considerably smaller than the sum of its parts. Thus, a well-motivated team of workers produces much more than the arithmetic sum of their individual capabilities, measured in common units like salaries, years of training and experience, etc., whereas a poorly motivated team produces much less than their individual capabilities.

Organismic viewpoint underlies operations research. It is the art of applying the scientific method to executive type decision problems. It is also the practice of translating progressively what-can-be into what-is in industrial, commercial, military and/or institutional environments. Thus operations research is indispensable to identify the potentials of alternate solutions to meet the challenges of the environment as well as to implement them.[1]

STRATEGIC OBJECTIVES

Just as the score of 100 was assigned to the organismic objective of averting ecological disaster and 80 to the organismic objective of improving the environment, a consistent set of scores need to be assigned to the second highest level of objectives: Strategic objectives.[2] The term "strategic" connotes a sequence of actions as opposed to a single specific action. Thus, forest protection and utilization is a strategic objective because the activity envisioned by the element calls for a

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[1] George K. Chacko, *Today's Information for Tomorrow's Products—an operations research approach,* Thompson Book Company, Washington, D.C., 1966, pp. 5–6.

[2] *Ibid,* pp. 32–42, 55, 208.

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large number of coordinated activities directed toward the achievement of the goal. Similarly, acquisition of land for forests is also a strategic objective, which can be accomplished by means of a number of activities directed toward the same goal.

Distinguishing the two organismic objectives of averting ecological disaster and improving the environment, the five strategic objectives may be illustratively listed as shown in Table 2.

TACTICAL OBJECTIVES

The organismic objectives are pursued through strategic objectives, each of which are sequences of actions. To implement the strategic objectives, each sequence of actions must have logical components which are the action items. These are called tactical objectives.[3]

The tactical objectives pinpoint the specific actions that must be taken, such as improving fire prevention/fighting techniques; improving the access to national park sites.

TABLE 2.—ORDERING OF ORGANISMIC—STRATEGIC OBJECTIVES

	Averting ecological disaster	Improving the environment
	Score 100	Score 80
Element 1: Forest Protection and Utilization		
Element 2: Acquisition of Land		
Element 3: National Park Service		
Element 4: Bureau of Land Management		
Element 5: Bureau of Outdoor Recreation		

SUCCESSIVE ROUNDS TO RELATE HIERARCHIES OF OBJECTIVES

Which is more important: Fire prevention/fighting techniques or access to national park sites?

It is necessary to compare alternative means of accomplishing each strategic objective with each other and with the overall objective.

ROUND 1

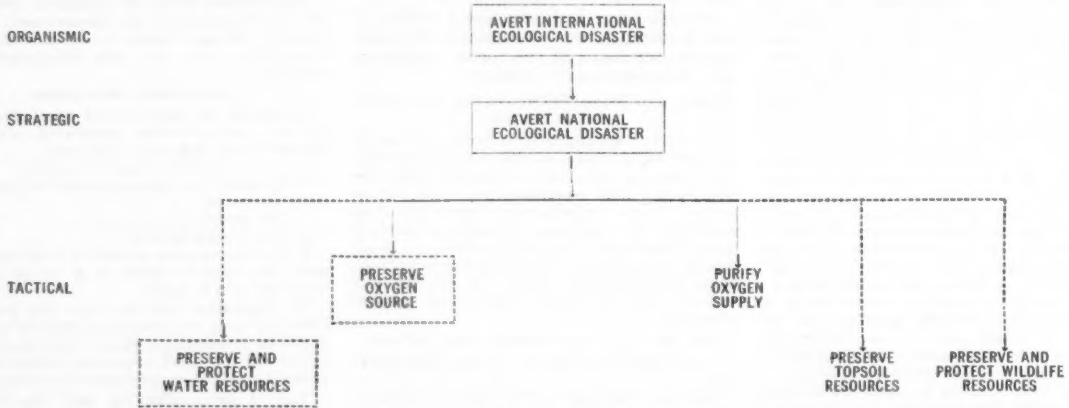
Consider Element No. 1: Forest Protection and Utilization. How is this element related to averting ecological disaster?

One could start at the international level of ecological disaster and work one's way down to averting national ecological disaster. In this case averting international ecological disaster is the organismic objective, and averting national ecological disaster is the strategic objective.

National ecological disaster may be averted by preserving our oxygen source or purifying our oxygen supply. Just as oxygen is critical for averting national ecological disaster; so is water; so is land. Therefore, corresponding to the strategic objective of averting national ecological disaster, one could go to the tactical objective geared to preserving oxygen and water. Both the alternatives are shown in Table 3.

TABLE 3.—ELEMENT 1. FOREST PROTECTION AND UTILIZATION

ROUND 1


ORGANISMIC
AVERT INTERNATIONAL ECOLOGICAL DISASTER
STRATEGIC
AVERT NATIONAL ECOLOGICAL DISASTER
TACTICAL
PRESERVE OXYGEN SOURCE
PURIFY OXYGEN SUPPLY
PRESERVE AND PROTECT WATER RESOURCES
PRESERVE TOPSOIL RESOURCES
PRESERVE AND PROTECT WILDLIFE RESOURCES

ROUND 2

The tactical objectives of Round 1 become the organismic objectives of Round 2. Thus, the organismic objectives in Round 2 are: Preserve oxygen source; preserve and protect water resources.

Corresponding to the objective of preserving oxygen sources there are identified three strategic objectives in Table 4. They are:

1. Prevent further loss of trees.
2. Increase existing stands of trees.
3. Build oxygen generators.

Similarly, one could identify three strategic objectives corresponding to the organismic objective: Preserve and protect water resources. They are:

1. Prevent lowering the water table.
2. Improve watershed holding capacity.
3. Prevent natural man-made pollution of water resources.

At the tactical level there are five choices to accomplish the objective of preventing further loss of trees. They are

1. Improved tree farming.
2. Eliminate SO_2 in atmosphere.
3. Selective cutting and reforestation.
4. Improved fire prevention/fighting techniques.
5. Decrease lumber demand via substitute.

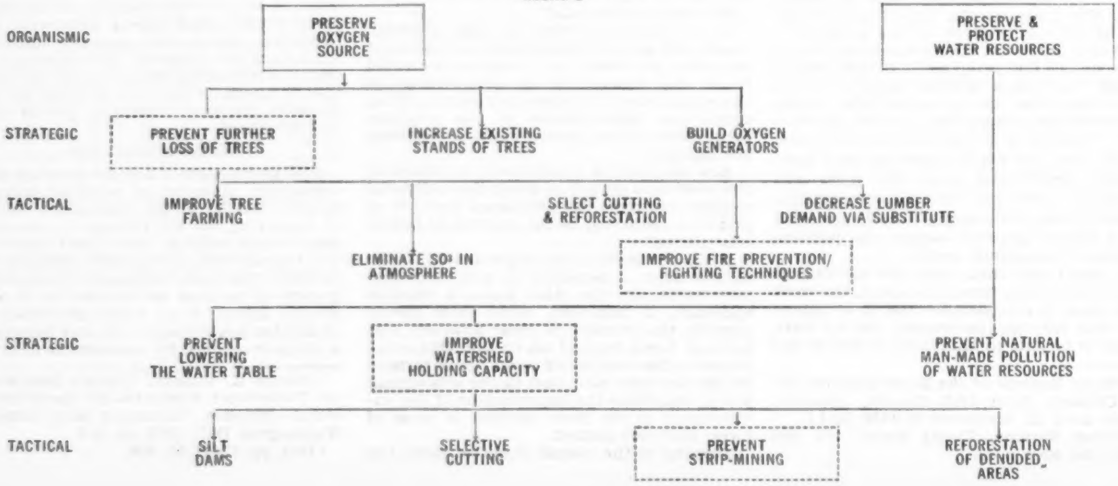
Similarly, one could identify four tactical objectives corresponding to the strategic objective of improving watershed holding capacity. They are:

1. Silt dams.
2. Selective cutting.
3. Prevent strip mining
4. Reforest denuded areas.

The process may be repeated in further rounds until the action item levels and/or budget line items are reached.

TABLE 4.—ELEMENT 1. FOREST PROTECTION AND UTILIZATION

ROUND 2


ORGANISMIC
PRESERVE OXYGEN SOURCE
PRESERVE & PROTECT WATER RESOURCES
STRATEGIC
PREVENT FURTHER LOSS OF TREES
INCREASE EXISTING STANDS OF TREES
BUILD OXYGEN GENERATORS
TACTICAL
IMPROVE TREE FARMING
SELECT CUTTING & REFORESTATION
DECREASE LUMBER DEMAND VIA SUBSTITUTE
ELIMINATE SO^3 IN ATMOSPHERE
IMPROVE FIRE PREVENTION/FIGHTING TECHNIQUES
STRATEGIC
PREVENT LOWERING THE WATER TABLE
IMPROVE WATERSHED HOLDING CAPACITY
PREVENT NATURAL MAN-MADE POLLUTION OF WATER RESOURCES
TACTICAL
SILT DAMS
SELECTIVE CUTTING
PREVENT STRIP-MINING
REFORESTATION OF DENUDED AREAS

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[3] *ibid.*, pp. 34–42, 55, 207, 208.

STRICT CONSTRUCTIONISM AND THE WAR

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1970

Mr. LOWENSTEIN. Mr. Speaker, the administration's decision to intervene in Cambodia is reviving interest in the meaning of the term "strict constructionist," which in recent discussions of the Supreme Court has been used with something less than semantical rigor. In recent weeks it became a full-throated battle cry in the administration's attempt to convert the Supreme Court into a major battleground of its "southern strategy," and we all know what happens to subtle distinctions when words are used in such stirring fashion.

Strict constructionist, as loosely construed by the administration and its congressional supporters, seemed to mean someone who had doubts about racial equality and thought the way to restore law and order was to give the Bill of Rights, regarded as an unfortunate appendage to the Constitution, the loosest possible construction or maybe simply to replace it with a kind of local law of the jungle.

One only had to recall that the term went back to Jefferson, who was on record in favor of the proposition that all men are created equal and certainly regarded the Bill of Rights as sacrosanct, to realize that the administration was assuming Humpty Dumpty's linguistic prerogative:

> When I use a word, it means exactly what I choose it to mean—neither more nor less.

An administration touting the virtues of strict constructionism, no matter how lax the definition, should expect to be reminded of it when it commits an act that would outrage the scruples of the loosest of constructionists. The decision to invade Cambodia was based on such a flexible interpretation of the Constitution that the President now faces a possible constitutional crisis.

Mr. Nixon did not even bother to offer a loose construction of international law, doubtless because the invasion so flagrantly violated it that even on Humpty Dumpty's principle it could not be read to support his action.

Article II of the U.N. Charter commits the members to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations." Our unilateral intervention across the borders of neutral Cambodia, without consulting the Cambodian Government or the U.N. Security Council, is a grave violation of international law. Because it was ratified as a treaty the U.N. Charter was incorporated into the "supreme law of the land," and thus our own domestic law was violated as well.

Just as international law could not be construed, even loosely, to excuse the administration's action, neither could two documents that have been used to justify our intervention in Vietnam. The Gulf of Tonkin resolution and the SEATO Treaty both specify as a minimum condition that U.S. military assistance can be rendered to a SEATO member or protocol state only if requested. Cambodia is neither a SEATO signatory nor a protocol state, nor did it request the armed intervention of the United States.

These may seem the pedantic quibbles of an unreconstructed strict constructionist, especially as concerns the administration's failure even to attempt to square its actions with international law. Given the absence of effective sanctions against violators of international law, it may have seemed almost refreshing in a way to be spared the strenuous scholastic exercises that the State Department's Legal Office used to go through under Mr. Rusk to show that Presidential activities in Vietnam were justified in international law.

But there are sanctions available when the President flouts the U.S. Constitution. The most direct and responsible of these involves the use of Congress' power over the national purse, the traditional parliamentary remedy for Executive excesses.

Recall what Mr. Nixon said at his press conference explaining his decision to send our troops into Cambodia:

> Decisions, of course, are not made by vote in the National Security Council or in the Cabinet. They are made by the President with the advice of those, and I made this decision.

What was intended to sound like a commendable fulfilling of responsibility was actually a presumptuous assertion of authority that properly must be shared with another branch of the Government. Mr. Nixon's words sounded like those of an absolute monarch and called to mind the historical experience that led the Founding Fathers to limit Executive power to make war, experience summed up by Abraham Lincoln when he was a Member of Congress:

> The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us.

Although the fathers conferred broad powers in foreign affairs on both the Executive and the Legislature, in keeping with the doctrine of checks and balances, there is no doubt that they intended Congress to be the final arbiter in questions of war and peace. The power to declare war and to raise and support armies is explicitly granted to Congress under article I, section 8.

This legislative preeminence was inspired by a proper Republican suspicion of concentrated power, especially where the question of committing the blood and treasure of the Nation was concerned. Thomas Jefferson expressed it this way in a letter to James Madison in 1789:

> We have already given one effectual check to the dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

The legislative leash on Jefferson's "dog of war" was firmly held throughout the 19th century, but during this century Congress has acquiesced in a steady accretion of the Executive's power to commit us to wars and foreign adventures, power that has been loosely construed to inhere in the Presidency by virtue of the role assigned its occupant by article II, section 2 as "Commander in Chief of the Army and Navy."

The anxieties and fears of the cold war, the intimidating influence of a huge and presumably knowledgeable national-security bureaucracy, and the theory, badly in need of qualification, that modern warfare requires decisive action by an unfettered decisionmaker have conspired to lull us into subservience in an area where we were intended to be at the very least partners.

So now at last with House Resolution 1000 and the parallel measures in the Senate we have before us the substantive question of the war as well as the constitutional question of how we get into a war and how we get out once in. These questions are especially urgent now because the war is at a critical turn and how we decide what turn to take has been severely shaken by the events of recent days.

We have the authority to decide if this war should end and the duty to decide that it will. The same Constitution that accords the President the right to command and deploy American troops assigns to Congress the authority to decide when, where, and for how long we will commit those troops and the resources necessary to maintain them.

We have abdicated that authority and responsibility for too long with tragic results. We must now act so at the very least the American people will have by November 5 a clear record of which of their elected representatives are willing to act to end the war.

Merlo J. Pusey of the Washington Post, an authority on this constitutional question, has posed the issue before us:

> Somehow the country must get back to the principle that its young men will not be drafted and sent into foreign military ventures without specific authority voted by Congress.

Those who regard themselves as strict constructionists should find nothing wrong with that.

SOCIAL SECURITY ESTABLISHMENT—ALL POWERFUL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. RARICK. Mr. Speaker, last Thursday this body set the stage for the complete nationalization of all economic se-

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curity for the American people. Thus, a bill which started out as a social security reform, H.R. 17550, has now ended up turning the full and complete control of the program over to the Department of Health, Education, and Welfare. The HEW bureaucrats have now been delegated not only the power to adjust the benefits but also to regulate the contribution tax from the workers.

Today, we learn that the Chief Actuary of the Social Security Administration has resigned because the top social security policymakers are dedicated to elimination of all private efforts in economic security; that is, insurance. It would thus appear that Congress has again surrendered its responsibility to another monopolistic bureaucracy.

I include a pertinent newsclipping, as follows:

[From the Washington Post, May 27, 1970]

Top Aide on Pensions Quits Job

The chief actuary of the Social Security administration has resigned after charging that Democrats in the agency have attempted to undermine the Nixon administration.

The actuary, Robert J. Myers, left the government after 35 years because he said administration officials refused to heed his charges about political sabotage by Social Security officials.

"Certain of the top policymaking officials of the Social Security administration (who are holdovers from the Johnson administration) have strong beliefs in the desirability—even the necessity—of the public sector taking over virtually all economic security provisions for the entire population and thus eliminating private efforts in this area," Myers said in his letter of resignation.

"It is my deeply held conviction . . . that these officials of the Social Security administration have not and will not faithfully serve the Nixon administration," he said. "Rather, they will exert their efforts to expand the Social Security program as much as possible by aiding and supporting any individual or organizations that are of this expansionist conviction."

Myers is reported to have had several run-ins with Social Security Commissioner Robert M. Ball, appointed to the post by President John F. Kennedy.

In a statement yesterday, Myers accused Ball of attempting "to muffle and intimidate" him regarding three speeches Myers plans to make on the Social Security administration. A Social Security spokesman denied the charges.

ENOUGH IS ENOUGH

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. GROSS. Mr. Speaker, today's Washington Daily News carried a front-page story about an American University professor who is a man after my own heart.

Prof. William F. Fuchs has had enough of the brick-throwing, obscenity-shouting anarchists who pollute college campuses disguised as students and he has issued his own "demands" to those who have been skipping his classes under the guise of being involved with the so-called "National Student Strike."

He has told them plainly and simply that if they don't do their work they flunk.

I include the newspaper article for insertion in the Record at this point in the hope that it comes to the attention of all the spineless college administrators who have cowardly knuckled under to the protesters:

AU Prof to Student Protesters: Work or Flunk

(By Anne McFeatters)

William F. Fuchs, 47, teaches communications at American University, and he thinks that students should "keep quiet, pay attention and do as they are told." Today he is telling them that unless they have turned in their course work by tonight, they flunk—student strikes notwithstanding.

When he isn't teaching communications, Mr. Fuchs writes feature stories for the American Trucking Association. He was once a sports and feature writer for the Evening Star. He chose to communicate today's ultimatum to his students by way of the mass media.

In a letter to the editors of the city's newspapers, Mr. Fuchs wrote: "This is to serve notice on those AU students who have not concluded the requirements of the course, "17.101, Techniques in Mass Communication," given at 10 a.m. Saturday, on the basis that they are taking part in the so-called National Student Strike.

"I, William F. Fuchs, instructor in that course, am staging my own demonstration—a demonstration for sanity, law and order, common sense and discipline. My protest will appear on your report cards. It will look like this: F.

The F, of course, stands for failure.

NO KNOCK

Actually, Mr. Fuchs says, his class of 15 is a good one and his letter is "not to knock the students" but to "go on public record as being opposed to that regime (the university administration) up there."

AU president George A. Williams issued a notice on May 6 leaving it up to individual instructors whether to "cancel, reschedule and-or reorient the nature of regularly scheduled class sessions." He also recognized the right of individual students "to attend (class) or not attend."

Mr. Fuchs wrote in his letter:

"I am not surprised that Dr. Williams and other administration-faculty persons at AU are encouraging you (students) in your insane behavior. Those same persons have welcomed onto the AU campus and have applauded one subversive group after another in the name of 'academic freedom'."

Mr. Fuchs said he referred to lectures to students by members of the Black Panther Party and recruitment on campus of students to pick sugar cane in Cuba for the Venceramos Brigades.

After sending a letter to Dr. Williams complaining about the sugar incident and asking for explanations, Mr. Fuchs said he received a reply from his department head which said, "it gives me pause to know that you are teaching in a university—and in this department—and have no appreciation of the importance of this (academic freedom)."

Mr. Fuchs reports that he defines academic freedom as "freedom to pursue knowledge. I don't think it includes the encouragement of and paying homage to individuals in groups who want to destroy everybody else's freedom."

PRESIDENT'S POSITION

Dr. Williams' official position is that "The American University is and must remain a center for free inquiry and expression. It is such a center when the rights of such inquiry and free expression are extended equally to all members of the university community."

Mr. Fuchs is a vigorous Nixon and Agnew supporter who prefers to be called a "supporter of our country." He feels that national pride is languishing.

"I'm tired of people putting our country down," he says. "Students should be taught to love their country and be in there cracking books and learning, not fomenting dissent and anti-United States propaganda."

He feels sufficiently at odds with the university to consider resigning. "I feel for those young people. They need guidance," he says.

EASY DOES IT

Mr. Fuchs likes to give his students such assignments as writing up mock interviews on "reaconable" issues. He discourages controversial subjects.

He said some of his students "wanted to go out and write about world problems. I tell them, 'No, you don't know enough. Why not go down and do a nice feature on the airport, the Smithsonian, the zoo, the Moslem mosque?"

ALL THE BREAKS

The father of a 3-year-old son and a 2-year-old daughter ("by the time they get to college I hope this is all straightened out") Mr. Fuchs spends his leisure time mowing the grass at his home at Clifton, Va., playing croquet, reading and writing such treatieses as "ecological factors related to trucking."

He's uncertain whether in his four years of teaching he has failed anyone—"I give all my students every break in the world." But he's ready to lay out the F's this time.

PRESIDENTIAL BODY ON PORNOGRAPHY: A WHITEWASH COMMISSION?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. ASHBROOK. Mr. Speaker, from time to time I have commented on the operation of the Commission on Obscenity and Pornography, established in the last administration to cope with the deluge of pornography which we have been witnessing here in our country. The Commission's final report to be made public in a matter of several months has long been awaited by both public and private sectors to aid in the fight against obscenity and pornography. Unfortunately, some members of the Commission indicate that the vast amount of money and the effort expended might well go for naught if the present direction of the Commission is allowed to continue.

It has been pointed out that the permissive position of the American Civil Liberties Union is a major factor in the Commission, and the position of the many citizens who are crying out for corrective action could finally be shunted aside.

The April 1970 issue of Columbia, the monthly publication of the Knights of Columbus, conducted interviews with three of the commissioners who have grave misgivings about the final accomplishments of the Commission. Their views provide a background for any evaluation of the Commission's final product. At this point I am inserting the text of the interviews plus a comment by Mr. Elmer Von Feldt, editor of Columbia:

Presidential Body on Pornography: A Whitewash Commission?

(By Columbia reporters)

On Jan. 2, 1968 President Lyndon B. Johnson announced the formation of an 18-member Commission on Obscenity and Pornog-

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raphy which was to bring to the president and to Congress definite recommendations on how to control the nation's deluge of smut.

The enabling legislation of Congress which led to formation of commission spelled out these tasks:

To analyze and evaluate present laws and statutes designed to control obscenity and pornography and particularly to describe and define the evil;

To study the methods used to distribute pornographic literature and the nature and volume of this traffic;

To study the effect of pornography on the public, particularly on minors, and to examine its relationship to crime and other antisocial behavior; and, above all,

To recommend to Congress, legislative, administrative and other appropriate action which could cope effectively with the problem without violating constitutional rights.

The appointment of a commission with president status gave rise to high hopes in the American public that this country's top government leaders were truly concerned about the extent and magnitude of the problem and that constitutional ways would be found to cope with it.

Now, two years later, with the life of the commission running out soon, there is substantial evidence that the work of the committee will add up to nothing more than a goose egg. Advance indications are that the basic results of the commission's efforts will be two and a half precious years wasted, millions of dollars squandered in misdirected research and the probable conclusion there really is nothing wrong with pornography, hard-core or otherwise.

This frightening revelation of the trend within the commission comes from charges made by three members of that body in special interviews with Columbia.

The commission members interviewed were Father Morton A. Hill, S.J., president of Morality in Media, Inc., New York, and a long-time campaigner in the fight against pornography; the Rev. Winfrey C. Link, a Methodist minister and the administrator of McKendree Manor, a home for the retired operated by the United Methodist Church in Nashville, Tenn.; and Charles H. Keating, Cincinnati attorney who is founder of Citizens for Decent Literature, a nationwide organization dedicated to decency in the mass media.

Keating was not among the 18 original members named to the commission by President Johnson. He was assigned to the presidential body by President Richard M. Nixon in June 1969 after an original appointee, former Senator Kenneth B. Keating of New York, resigned upon being named U.S. ambassador to India.

Charges against the present operation of the commission by these three members include the following:

The commission "is heading in the wrong direction." Its staff and leadership "do not believe there is any such thing as obscenity." It will accomplish "absolutely nothing."

Expecting some key staff members, with a background of opposition to any controls on pornography, to devise ways and means to solve this problem is like "putting a burglar in charge of the jewels."

Those in charge of the commission's research are ignoring the ordinary people and their desires and going to far-off "ivory-towers." Commission members genuinely concerned with the problem of pornography are "excluded from the confidence of the commission leadership."

Originally the commission was to complete its work by Jan. 31 of this year. However its life has been extended. It issued a "progress report" in August 1969. In a minority statement Father Hill objected to this report as designed to apply "a bandaid to a festering, cancerous sore."

The final report of the commission is expected in September 1970.

The chairman of the commission is William B. Lockhart, dean of the University of Minnesota Law School, Minneapolis.

Other members of the commission, in addition to Father Hill, Dr. Link and Charles Keating, are:

Edward E. Elson, president, Atlanta News Agency, Inc., Atlanta, Ga.;

Thomas D. Gill, chief judge, Juvenile Court for the State of Connecticut, Hartford;

Edward D. Greenwood, child psychiatrist, The Menninger Foundation, Topeka, Kan.;

G. William Jones, assistant professor of Broadcast-Film Art, Southern Methodist University, Dallas, Tex.;

Joseph T. Klapper, director, Office of Social Research, Columbia Broadcasting System, New York;

Otto N. Larsen, professor of sociology, University of Washington, Seattle;

Rabbi Irving Lehrman, Temple Emanu-El, Miami Beach, Fla.;

Freeman Lewis, vice president-publishing, Simon & Schuster, Inc., New York;

Morris A. Lipton, professor of psychiatry, University of North Carolina Medical School, Chapel Hill;

Thomas C. Lynch, attorney general for California, Sacramento;

Barbara Scott, attorney, Motion Picture Association of America, New York;

Cathryn A. Spelts, instructor in English, South Dakota School of Mines, Rapid City;

Frederick H. Wagman, commission vice chairman and director, University Library, University of Michigan, Ann Arbor; and

Marvin E. Wolfgang, professor of sociology, University of Pennsylvania, Philadelphia.

The commission staff has offices at 1016 16th St. N.W., Washington, D.C.

The professional staff members include: W. Cody Wilson, executive director, a social psychologist; Paul Bender, general counsel, a lawyer; Jane M. Friedman, a lawyer; Karen I. Green, a clinical psychologist; Bernard Horowitz, an educational psychologist; Weldon T. Johnson, a sociologist; Lenore R. Kupperstein, a criminologist; John J. Sampson, a lawyer; and Virginia P. Banister, an administrative officer.

The criticisms of the presidential commission are detailed in the following three interviews conducted by Columbia reporters:

Q. Father Hill, what do you estimate the commission will accomplish?

A. I expect absolutely, positively nothing from this commission.

Q. Why not?

A. I have to talk here about the direction the commission is heading in, and it's heading in the wrong direction. Now if an airplane is supposed to be going to California and it's heading for Europe, it's not going to get to California. That is exactly what is happening with the commission. The leadership in the commission is heading in the wrong direction. The American Civil Liberties Union and the liberals do not believe there is any such thing as obscenity. It's not a problem for them.

Q. Are you saying that the commission was created merely to whitewash the problem or that its members were selected to represent only one point of view?

A. All I can do is read you the position of the American Civil Liberties Union. Here is a quote taken from one of their briefs: "It is our position that obscenity, as much as any other form of speech or press, is entitled to the protection of the First Amendment." This viewpoint is woven into the way of thinking for ACLU members. They say it in a thousand different ways on radio and television and in magazines and newspapers.

Now let me give you some background about the American Civil Liberties Union and this commission. First, they never wanted the commission. They fought against it for about 10 years. Finally, when the bill came before Congress, it was watered down considerably. Someone took out the commission's power of subpoena. And then the whole idea of "effects studies" was inserted into the bill although "effects studies" in the area of obscenity are not required by federal law or state law.

Q. Could you explain what "effects studies" are?

A. Yes, these are psychological studies which attempt to show whether obscene or pornographic materials have ill effects on people. In other words, they're asking: "Is the smut industry or any item in the smut industry the direct cause of antisocial behavior?" And by antisocial behavior, they mean crime; they mean rape. Now it is impossible to prove that an individual obscene item is the efficient cause of a specific crime. The whole person is the cause of an act, not a particular item. I'm afraid the commission will conclude that it can't be proven that the smut industry has any bad effects on people; therefore they don't have to worry about it.

Getting back to the American Civil Liberties Union. . . . Now after the liberals watered down the bill, the next thing they did was seize control of the commission. The White House announcement of Jan. 2, 1968 said William B. Lockhart had been "selected" chairman, even though the bill provided that the chairman should have been selected by the commission members.

Q. Who in the White House was responsible for this? President Johnson?

A. No. One of President Johnson's assistants. I don't want to mention his name.

But this is my main objection to the whole commission. First of all, the chairman was appointed by the White House, which is not in accord with the directives of the bill. Secondly, Dean Lockhart is a member of the Civil Liberties Union, many of whose members have shown themselves champions of the smut industry over the years. Thirdly, the chairman appointed Paul Bender as general counsel of the commission. Now Paul Bender happens to be an executive of the Philadelphia and Pennslyvania Civil Liberties Unions, and when he was appointed, the chairman failed to tell the commission this fact. In other words, he withheld the knowledge.

Q. Were there any objections to these appointments?

A. I objected strenuously to the fact that the commission wasn't given the choice of counsel. The people I had recommended for the job weren't even considered—even though one of them since has been named a judge in New York City. The chairman put great emphasis on the fact that he couldn't work with the people I had suggested, that they weren't of his caliber. He said Mr. Bender was the only one he could work with.

I also reacted strenuously to the manner in which Dean Lockhart was appointed chairman. I had a call from the White House saying that if I didn't like it they would dissolve the commission and appoint a new one, practically inviting me off the commission. So I couldn't say anything.

Q. Why do you feel free to talk now?

A. It's too late for anyone to dissolve the commission now. The work has progressed too far. Besides, the entire commission later on did vote its approval of Dean Lockhart as chairman. By then it was too late to change.

Q. Getting back to the commission, can you tell us how it is organized and what kind of work it has been doing?

A. The commission is organized into four panels: the legal panel (of which I am a member), the traffic panel, the "effects" panel, and what they call the "positive approaches" panel. The panels assign work to the permanent staff members and the staff either does the research itself or assigns it to a contractor. The contractor assigns work to individual researchers in the field.

I disapprove of this method of operation

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because it doesn't bring the individual commissioners into direct contact with the problem. They are far removed from the reality of obscenity and pornography. I have maintained from the very beginning that each one of the commissioners should specialize in a different specific area—for instance the "sexploitation" film, the sex newspaper, song lyrics that incite people to use drugs, underground newspapers, magazines, paperback books, comic books. An individual commissioner should specialize in each one of these areas. He should know all about it. Then he should report his conclusions to the entire commission.

I don't mean to be critical of the other commissioners. They are all brilliant people and eminently qualified. But for most of them obscenity and pornography are notions, ideas. They don't look at it as a concrete reality.

Q. Do you have any other objections to the way the commission is proceeding?

A. Yes, I feel that the commission is not directly concerned with the viewpoints of the local community. Smut is being injected into the local community and so it is extremely important that people in local communities should get a hearing. I find great fault with the commission for bypassing the community, especially when the basic law of the land—as far as obscenity is concerned—revolves around community standards. I don't see how you can ascertain community standards unless you are in contact with the community.

This is the reason why, along with Rev. W. C. Link, I am holding separate public hearings in key cities.

Q. You said the basic law of the land revolves around community standards. Doesn't this open you to criticism? Would you accept the standards of a community that wanted to keep pornography in circulation?

A. When I say "community standards" I am referring to the Roth case (United States vs. Roth, 1957). There have been many decisions subsequent to this and it is these subsequent decisions that have caused trouble. Some people say that the test of obscenity is not the violation of community standards but whether a particular book or film is utterly without social value.

Q. Wasn't that part of a Supreme Court decision?

A. No. Three justices of the Supreme Court said it, but never a five-judge majority. This "social values" test is not the law of the land; it is an opinion of three individual judges. But the idea is getting around that it is the law of the land and it is being built into state law in several states. As soon as this "social values" test is built in, that's the end of law enforcement.

Now here's the crux of the whole situation: The law of the land states that once a thing is judged obscene it has no social value—that's the Roth decision. The ultra liberals are coming in and saying, "Okay, this movie is obscene. But let's apply a second test: Does it have social value? If it does, it ceases to be obscene." They are using a bad test and they are using it to destroy all law.

Now I'll admit that the phrase "community standards" has to be explained and understood. But to me it is perfectly clear that it means what the community expects in any communication—especially mass media communication. And these qualities exist in the medium itself. When you look at the medium itself, community standards are invariable, they're absolute. They're the same in any community in the country.

Q. Father Hill, let's say the commission were doing the kind of job you would like it to do. What kind of new legislation would you like it to recommend?

A. I would like to emphasize that if the present obscenity laws were enforced—this includes state laws, the three federal laws that regulate mail, interstate transportation and importation, and also the Federal Communications Commission regulations—if these existing laws were enforced and if the court really caught the spirit of the community and sensed what the community wants, then we would have a different America and a different mass media.

The court is the problem. If the phrase "social values" were eliminated from court decisions and if individual items were judged purely on whether or not they violate community standards, I would be happy. I wouldn't wany any new legislation.

In light of the failure of the American courts to do this, it may be that new legislation—federal and state—is imperative. There are a number of possibilities. First I would favor the Dirksen bill (S. 1077) which would make it impossible to appeal a decision of a local jury on the fact of obscenity. This is extremely important because the Supreme Court has reversed countless numbers of cases.

Secondly, I would be opposed to any statute that allows obscenity for adults and keeps it away from minors by tacking on a label that says "Adults Only." After several years' experience I find that this only increases the interest of children. The only area where a "minors' statute" makes any sense is in the movie industry. You could keep children out of X and R films the same way you keep them out of bars.

The kind of legislation I would be most interested in would be a series of definitions of obscene things. For instance, we could construct a definition of a sex newspaper and then we could say that material that fits this definition cannot be mailed. About 30 of these definitions could be constructed for different kinds of materials. They would serve to guide the postmaster general and they could be built into state laws.

Q. What can people on a local level do to reinforce their community standards?

A. I would like to see every clergyman in the country speak to his people, especially young people, and ask them if they are getting the kind of movies and mass media they want. Ideally we would like every clergyman to speak on this subject during May. If the people are dissatisfied with the way things are, let them write their mayors and express their feelings. If they did this, I think there would be a tremendous reaction all over the United States. People today are really concerned about the problem. There has been a tremendous change over the last 18 months—both in the problem and in the realization of the people that something is happening.

Q. Do you expect the commission to heed the results of what you find in your public hearings?

A. No, I think the chairman of this commission has a closed mind. This is true of many of those on the commission. There are some however who I think will be amazed at the data we uncover and will join us in signing what will be a minority report.

Q. Mr. Keating, are you satisfied with the operation of the President's Commission on Obscenity and Pornography?

A. First of all, I object to the fact that Paul Bender was appointed general counsel of the commission. He is a member of the ACLU. To me, this is like putting a burglar in charge of the jewels. The record of the ACLU is one of unwavering opposition to controls on pornography and to laws against obscenity. ACLU has been active in innumerable briefs filed in courts all over the U.S., including the Supreme Court, in opposition to control of obscenity and pornography. Any member of the ACLU comes in with obvious recorded bias against control by law or otherwise of obscenity.

Q. What is Mr. Bender's background?

A. Bender, a Philadelphia lawyer, was appointed after having served in the office of Solicitor General Thurgood Marshall. When the Ralph Ginzburg case (Eros) was heard before the Supreme Court, Bender, because he hadn't been a lawyer for the required five years, had to be admitted to the Supreme Court by special motion. It was ludicrous to have such a green attorney represent the government in such an important case. It was obvious in his arguments that he didn't believe in the government's position. But the government won its case in spite of Bender.

I debated Bender on television (this was after the Ginsburg case and prior to his appointment as commission counsel) and his position was typical of the ACLU. Everything he does is consistent with the ACLU position.

Q. Is your objection to Mr. Bender serving as general counsel your only dissatisfaction with the commission?

A. No. My second major criticism is its appointment of W. Cody Wilson as executive director. He was chosen by Lockhart and appointed by the commission. He came in from the Defense Department and had no knowledge or background in the problem of pornography and obscenity. He thinks this is helpful because it enabled him to start out unbiased. So far as I know he hasn't got enough knowledge to be biased one way or another. His engagement of Professor Bert Kutschinsky of Copenhagen as an expert consultant to prepare a report on the Danish legalization of pornography is typical of Wilson's hirings.

[At this point Keating pointed to the text of an interview conducted by Raymond P. Gauer, national director of the Citizens for Decent Literature, with Professor Kutchinsky in Copenhagen. According to the transcript, the Danish professor said he holds as a basic thesis the fact that the stimulus of hard-core pornography cannot possibly lead to a sex crime. He added that as far as government is concerned there should be an absolute divorce between sex and morality.]

Q. What has been your personal relationship with the commission chairman and the staff?

A. I repeatedly have requested all the information turned up by Wilson and Lockhart so that I could become informed and informative on the problem. I have received very little so far. I only can conclude that Wilson is strongly influenced in the direction of noncontrol. To hire Professor Kutschinsky to write on pornography is ridiculous.

Q. How has Mr. Lockhart functioned as chairman?

A. Dean Lockhart at best has a very narrow view of what can be controlled by law. Lockhart is a member of the ACLU but I wouldn't make a point of it as I did with Bender. The president has a right to name anyone as chairman of a commission whereas the commission ought to hire people who will be effective in making it work.

I don't criticize the Johnson administration for its appointments, though I don't like the appointments. The predominant view of the commissioners obviously is opposed to obscenity control. The media—including distributors of published material—are well represented on the commission—also broadcasting, motion pictures.

Q. Can you be more specific?

A. Certainly Barbara Scott, attorney for the Motion Picture Association of America, is there to stop any control or suggestion of control.

Q. Do you think the commission is achieving what Congress wanted it to accomplish?

A. The commission doesn't take direct action or receive complaints. I know that the legislation was intended by Congress to look into the obscenity and pornography problems and to make recommendations as to what to do about them.

About 80% of the commission membership is oriented to the part of the act that

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refers to "a study of the causal relationship of such materials to antisocial behavior."

The commission has met only twice since my appointment (June 1969). But I consider the obscenity and pornography problem to be extremely serious. When I joined the commission I hadn't the slightest intention of relegating my authority on the commission to a panel or to the staff. I was perfectly ready and willing to do the job. I asked to be made a part of everything the commission did. I tried to attend meetings of various panels (law, effects, distributors, etc.) or send a representative, but they said no.

An agreement on confidentiality saying that nothing discussed by the commission or submitted to it was to be discussed—I refused to be bound by it.

Q. Why do you object to this confidentiality or secrecy rule?

A. The commission budget for 1970 is $1,250,000. It is funded by the people of the United States. I think studies and reports of the commission ought to be public information.

Q. Dr. Link some people claim that pornography has no antisocial effect upon the public. What is your opinion on this and what is the presidential commission doing with regard to this claim?

A. This is an area that is being studied by the commission. And this will come out eventually. Even if I found it permissible right now—in light of the commission's policy of working in secret—I do not know that there is a study that I definitely could point to. But my own personal feeling is that there are hard business men who spend millions of dollars a year advertising. The purpose of advertising is to change the mind of people so that they will buy the product. In other words, it's evident that the minds of people can be changed when they see something over and over again. Now if a person is bombarded constantly with perversion, is told constantly that antisocial types of behavior are right today, is told he is not with it if he does not swap wives once in a while, or if he has sex relations in the normal way then something is wrong with him—if a person is bombarded with this constantly, naturally he is going to say, "Well, maybe I am a square. Maybe I am out of step today. Maybe I ought to try something different." If men spend millions of dollars to advertise their product in order to change people then I see no reason that we can't identify in the same way that changes come about in people who are bombarded with erotic materials constantly.

Q. What is your feeling about the commission?

A. I am interested in seeing our studies that will come in. I have persistently requested alternatives. I do not want said to me in this commission: "This is what the Supreme Court has said." We don't have to spend two million dollars of the taxpayers' money to know what the Supreme Court has said. Congress has told us: "Find the alternatives!" And this is what I am looking for. This is a thing that I hope the commission will come up with. This is a thing that I think will come from the ground level, not from the people who are in the ivory towers of the colleges, who are separated from society—or certainly are separated from a large segment of society. They may be with the liberal group that sees nothing wrong with anything. This is where we need to hear the people speak. We need to hear some constitutional lawyers who honestly feel that there are some alternatives. And I want the commission to listen to them as well as the constitutional lawyers who say: "This is what the Supreme Court has said and that's as far as we can go." And as we see a change in the complexion of the Supreme Court, some decisions might be made that would make it possible to have stricter interpretations of the law than are able to be made now. I have heard that one man is going out of the pornographic business because he foresees a change in the Supreme Court that is going to make the pornography business unprofitable.

Q. Do you have some reservations about the direction in which the commission is going?

A. I have some reservations about the way that they are getting toward the goals that we have. I am not sure we are going to have all the information we need to give the alternatives that Congress has asked for specifically in the bill. The bill has said that we should try to identify any relationship between pornography and antisocial behavior. Well this is fine and good. But most psychiatrists will tell you that this is impossible to prove definitely. So if the commission simply says, "Unless we can prove there is definite relationship, we can make no changes,"—then I think the commission is taking the wrong tact. I think the commission needs to look at the alternatives and say: "These are some possibilities." Now whatever we come up with is not going to be law until Congress enacts it. But whether it is completely constitutional or not is for someone else to decide besides us. So I have some reservations that if we do not go into it on a broader scale than we are at the present time, then our report will not be worth a hill of beans.

Q. Are you uneasy about some of the people who are doing research for the commission?

A. I have nothing against any of the researchers personally. I have no feelings about the researchers themselves, except the general fact of their being only in the scholastic community. I think we have leaned too much to one type of researcher.

Q. Is it true that a disproportionate number of the researchers are either members of the American Civil Liberties Union or at least are very close in their thinking to the ACLU?

A. I do not know whether the researchers are members or not. But I do know that some of our staff and some of the officers of our commission are ACLU members because they have admitted it. Now they say: "We are members of this little branch out here." But it does not matter whether they are in a little branch or the national group—they are still ACLU. And the problem is this: when your leadership is ACLU you are not going to get a fair shake.

Q. Is the research of the committee overlooking the average citizen?

A. This is what I have been trying to say. We are reaching only a minority reaction to the problem. Too many of our answers are coming from the ivory tower rather than where people are living. I still believe that our country should be ruled by the majority, not by the minority. I think the majority should have something to say. I want to hear what the police officer has to say. And I don't want to hear what he says through a research group. As a commission member I've got an obligation to hear what he says to me. I want to hear what the district attorneys have to say. I want to hear what a mother, whose child has been receiving this unsolicited sex material through the mail, has to say. I'm afraid we are going to miss a great segment of our population if we do not listen to these people. And we are going to miss the alternatives that I keep speaking about.

Q. Are you and other members of the commission planning public hearings?

A. Let's state it another way. The law prohibits any hearings by the commission without at least five members being present—at least that is what I have been told. But this does not prohibit a few of us, as individuals, from going out at our own expense to find all the information we can for our own background. And I can assure you that some of us are concerned enough about this that we are going to put our own money—not the taxpayers' money—into finding out all that we can. It's unfortunate that we have to do it this way.

Q. Is it possible that some people wanted to appear before the commission as a whole and were refused?

A. I just don't know. Let's put it this way: I am not taken into the confidence of the leadership of the commission.

Q. Is it not improper for you to be excluded from this confidence?

A. Well, let's just say that three or four of us are fairly well left out. While I have voted with the majority of the commission on almost everything, I have done so many times with some reservations. I had the feeling that we could accomplish more with harmony than with disharmony. But finally the time comes, as it is running real short, where you realize that maybe you have got to do something a little bit different.

COMMENT: VYING FOR THE TITLE OF SODOM AND GOMORRHA

(By Elmer Von Feldt)

Three special interviews with members of the Presidential Commission on Obscenity and Pornography, reprinted in this brochure, suggest that tragic misdirection will turn the commission's work into bitter disappointment.

Evidence shows that the cards are being stacked by designing and determined individuals so the final report will frustrate completely the intent Congress had in establishing the commission. Instead of bending its energies to find constitutional ways to control the plague of obscenity, as desired by Congress, the commission is using the bulk of its public funds to gather proof that there is nothing wrong with pornography, hardcore or otherwise.

A key study which the presidential commission is financing to provide such "proof" reportedly is being conducted by a 33-year-old, bearded psychologist at the University of Copenhagen, Denmark, Bert Kutschinsky. The Danish professor is on record as expressing the conviction that no scientific support can be established for the common belief that pornography contributes to sex offenses. Therefore, he concludes, pornography has no antisocial consequences.

This obviously is not the judgment of the vast majority of the American people as indicated both by special surveys (a Gallup poll last year revealed that 85% of the American favored more stringent controls on pornography) and by letters to members of the U.S. Congress.

Sen. Mike Mansfield of Montana, Senate majority leader, has testified that one of the most insistent demands from constituents to congressmen is that this legislative body take action to control the flood of pornography.

"The growth of pornography in the United States is the number one pollution problem," he declared. "Every senator whom I have talked to since Congress reconvened gives me the same report. The people want something done to curb pornography."

Mansfield is pressing the Senate Post Office and Civil Service Committee, headed by Sen. Gale McGee of Wyoming, to move more swiftly on preparing legislation to stop smut. Mansfield said he hopes to get a bill onto the Senate floor sometime this month.

Rep. John W. McCormack of Massachusetts, speaker of the House of Representatives, has revealed that he is ready to expedite similar legislation on the House floor once it clears the House Post Office and Civil Service Committee.

Significantly President Richard Nixon in his State of the Union message cited pornography as one field in which the federal government must take special action to protect the public.

This deep concern of both the president

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and congressional leaders dramatizes the tragedy of the misdirection of the presidential commission which had been counted on to develop new insights to help deal with the galling problem of obscenity and pornography.

At the same time there is new evidence on what can happen when a country lowers the bars completely and lets pornography run rampant. This comes from Raymond P. Gauer, national director of Citizens for Decent Literature. Gauer has issued a report on his recent trip to Denmark, which last summer abolished all laws regulating pornography.

Gauer reports that the production and sale of hardcore pornography have mushroomed into a major industry in Denmark, both for local consumption and for export.

The volume of pornographic literature has led to the establishment of what are described as "sex supermarkets" which offer to both adults and children color picture magazines graphically exhibiting every type of sexual perversion. The publications display in vivid detail all forms of homosexuality, sadism, masochism, heterosexual love play and even copulation between women and animals. For some unexplained reason some models are dressed as nuns and monks. Gauer reports that back rooms of these "sex shops" stage live sexual activity for paying customers.

The C.D.L. director declares that earlier press reports stating that abolition of anti-pornography laws had reduced sex crimes are deceptive and misleading. An interview with Clor Christiansen, chief deputy of police in Copenhagen, established that violent sex crimes such as forcible rape and assault have not decreased. The overall decrease in reported sex crimes is due to the fact that many acts formerly considered crimes no longer are classified as such. This includes the sale of pornographic material and the seduction and statutory rape of minors—now completely legal.

Gauer states that profits from the sale of pornography are so high that organized crime is being attracted to the industry with the hope of smuggling shipments to the American market.

Concomitant with the degradation of sex through ultrapermissiveness, Gauer reports that the influence of traditional Judeo-Christian morality has reached the low point of irrelevance in Denmark. An interview with Bishop P. Werner Hansen, Lutheran auxiliary of Copenhagen, brought out that 98% of the people in Denmark nominally are Lutheran, but only 3% of these attend church services. In Copenhagen, the Danish capital, attendance is down to 1%. The Danish churchman also noted the country's 10 Lutheran bishops meet each year and issue a statement related to national life. But Bishop Hansen added the religious situation has deteriorated so badly that the spiritual statement of these prelates has about as much public impact as a declaration by "ten shoemakers."

Gauer also visited Sweden where laws on pornography have been relaxed greatly. He reports that the most shocking hard-core pornography is exhibited in the windows of sex shops throughout Stockholm. Because of the vivid display of pornography in Sweden the assault upon the young in many ways is worse than in Denmark, he notes.

The biblical book of Genesis says that God in His anger rained "fire and brimstone" from heaven and destroyed the cities of Sodom and Gomorrha because "their sin had become exceedingly grievous."

If Gauer's reports are accurate and if God were tempted to send fire and brimstone today, the new symbols of sin, the 21st-century substitutes for Sodom and Gomorrha would be Stockholm and Copenhagen.

Certainly defense of American moral stamina dictates that our cities should be kept from vying for the title.

ADDRESS OF JOSEPH MONSERRAT

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. HALPERN. Mr. Speaker, I take this opportunity to call my colleagues attention to the recent statement of the Honorable Joseph Monserrat, president of the New York City Board of Education, addressed to all students, teachers, supervisors, and other school personnel in regard to the slaying of students at Kent State University. His thoughts, so important in those tension-filled days following the slayings, still carry the same message today, that our concern and shock over this tragedy must bring us together. For the sake of those young students' memory, and for the future of our Nation, we cannot forget the lesson of Kent.

The statement follows:

ADDRESS OF JOSEPH MONSERRAT

Good morning! My name is Joseph Monserrat. I am President of the New York City Board of Education. I am sitting here accompanied by my colleagues on the Board of Education: Dr. Mary Meade, Mr. Murry Bergtraum, Mr. Isaiah Robinson, and Dr. Seymour Lachman. Also present with us is Mr. Irving Anker, the Acting Superintendent of Schools.

Although the voice you hear is mine, the message I am about to deliver comes from all of us. It is addressed to you, the one million, one hundred and fifty thousand boys and girls and young men and women who comprise the student body of the New York City public school system. It is addressed to the more than sixty thousand teachers and their supervisory personnel and principals. It is addressed to the clerical and secretarial staff and to the paraprofessionals and other workers and volunteers who make up the whole of the large family which is the New York public school system. It is also addressed to the parents and guardians of our children and to the citizens of New York City in general.

On Monday of this week—May 4th—we all heard over radio, on television, in the papers and by word of mouth the news that four young students who attend Kent State University in Kent, Ohio, were shot to death in a moment of panic and violence and fear—others were seriously wounded.

Like all Americans, you the students, your teachers, your supervisors and principals have expressed shock and dismay and horror over this tragic event. We, the members of your Board of Education, as well as the Acting Superintendent of Schools, share your deep sorrow over the needless and senseless death of four fine young students.

This tragedy has deeply affected all of us, as well it should, for these are not the first students to be killed or hurt in schools and colleges around the country over the years.

During the lifetime of most of you, you have witnessed over television and on radio and through the press many assassinations and other acts of violence.

Yours has been the generation that has never known a day of peace. Your lives so far have been lived in a setting of violence and it may be that some of you have begun to accept violence as a "normal" way for men to live in our country and to resolve their differences. It is NOT!

This is the lesson that we must all learn and re-learn so that Allison Krause, Jeffrey Glenn Miller, Sandra Lee Scheuer and William K. Schroeder will not have died in vain.

As an educational institution, we of the New York City Board of Education have the special responsibility to remind ourselves and all others that ours is a country in which all men are guaranteed by law, as inalienable rights, the right to peaceful assembly, to protest and to dissent, for the major responsibility of a public school system in a democratic society is to teach democracy, not only by word, but also by deed.

So deeply do we all feel this responsibility that the Board of Education is taking extraordinary steps, including this broadcast, to underscore and reinforce the lessons we must learn from the tragedy of this past week.

Therefore, in response to this feeling and in response to you who have asked to demonstrate the depth of our mutual concern, on Friday, May 8th, all of the public schools in the City of New York shall be closed and the day proclaimed as a memorial to the four students who were tragically killed at Kent State University. We share with other Americans an increasing feeling of horror at the violence that is escalating throughout the nation and the world, dividing one people from another. We call upon our fellow New Yorkers to condemn violence in any form and in every situation. Violence begets violence and solves no problems. Nor does it bring about any real change. We must learn the lesson that violence can lead to the ultimate—the slaughter of the innocent.

We urge the students and staff of our schools, their families and their friends alike to join with us in making May 8th a day of prayer and soul searching as well as a day of re-dedication to the fundamental principles that make this great nation free and must make it greater and freer for all.

The flags on our public schools and other educational installations throughout the city will fly at half staff tomorrow so that all who see may be reminded of what our Mayor has called "A Day of Reflection."

And on this Day of Reflection, we, the members of the Board and the Superintendent of Schools will remind ourselves and reflect upon our responsibility to see to it that—

Our high school students are provided with the opportunity to participate more fully and meaningfully in the decisions that do and will profoundly affect their present and future lives;

That all students from the kindergarten and the elementary schools through the Junior and Intermediate schools as well as the high schools must be afforded every opportunity to learn the principles of democracy, not only through books but by actually living democracy in the schools;

That teachers, supervisors and principals must be afforded the opportunity and resources to carry out their respective responsibilities in an atmosphere free from threats and harassment;

That parents can feel secure in the knowledge that their children are safe and are receiving the meaningful education all parents have a right to expect our public schools to provide;

That all citizens of our city who support and maintain our public school system can feel proud of their schools and the role they must play in making our city and country a better place in which to live.

We will reflect to find means by which orderly process can become an effective instrument for effective democratic participation—not a code word for repression of dissent.

On all of these things we will reflect.

We also ask you to reflect. We ask you to reflect on whether there is any real difference between the violence at Kent and the bodily pain and even death that can result from attempts to set fires or break down the door to a principal's office.

We ask you to reflect upon the great damage to mind and soul that is caused by discrimination and hate because of color or ethnic background, or creed or religion. This, too, is a form of violence.

We ask you to reflect on how best to bring our school community together again and by so doing to help to bring our nation together.

There is much food for thought for all of us.

Each of us carries his own personal share of the total responsibility to change and improve our schools together in peace.

We, as part of the family which is the Board of Education, share together in the responsibility to insure that our schools fulfill the promise of education to all. We must bring ourselves together, to learn together, to plan for the future together, even to disagree together—in that way we shall have honored the four students and those who died before them in the deepest way we know.

A father of one of those who died last Monday put his own feelings in this simple and human way: "I just *hope* something comes out of this." It is up to us to fulfill this hope.

JOSEPH WOOD KRUTCH

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. UDALL. Mr. Speaker, it is with a sense of personal loss that I call the attention of my colleagues to the passing of one of my most distinguished constituents, Joseph Wood Krutch.

Mr. Krutch first came to fame as a man of letters, a professor and drama critic, while living in the East. But then he moved to Arizona and began a second career as a man of nature, taking as his subject the great desert of the Southwest. It is indeed remarkable that he achieved at least as much fame in his second career as he did in his first.

I knew Joe Krutch as a friend, a correspondent and an adviser on matters of the environment, national parks, and many other subjects. He was a man who followed a severe regimen of work, but he was no recluse. He loved life, he was gentle with his friends, and he gave of himself to make this a better world.

If he had any enemies, they were the advocates of growth for growth's sake, the plunderers of our human and natural resources. I recall a wonderful exchange he had some years ago with the president of the Advertising Association of the West, who had suggested that the economy would benefit by encouraging people to discard still-usable products and buy new ones. His answer, in the form of a devastating Socratic dialog, anticipated by some 15 years the awareness, now emerging in this country, that we have been misusing our resources and living on borrowed time.

Today the New York Times and Washington Post published editorials commenting on the passing of this great man. Without objection I insert them at this point in the RECORD:

[From the New York Times, May 26, 1970]

JOSEPH WOOD KRUTCH

A world in which "environment" has become the word of the day might profit from looking back at the prescient works of Joseph Wood Krutch, who died last week in Arizona. Twenty years ago that cultivated critic and teacher exchanged Manhattan for an adobe home in the Southwest to escape the crowds, to get air he could breathe and to enjoy "the natural beauty of the desert and its wildlife."

It was not on some college campus in 1970 that this wistfully prophetic man, denouncing an economy of waste, wrote that the ultimate good was not a rising standard of living but rather a system of values whose end is man. The idea ran through his writings over a period of four decades, coupled with warnings that the reality revealed by science was not necessarily, or even generally, compatible with the human spirit.

As a philosophical view, his work had a curiously old-fashioned ring—until suddenly the world, largely ignoring him, took up his early contention that "smog, pollution, the horrors of war" could be eliminated by a technological society if only it had the sense of values to put such objectives above its greater desire for "more speed, more power and more wealth." Rejecting the notion of man as the master of Nature, he liked to cite Thoreau's view of a world "more to be admired than it is to be used."

Three years ago, in a deeply pessimistic mood, this fine humanist and naturalist concluded that while most of his fellow-citizens were hopelessly materialistic, most of the intellectual minority had become "nihilist—interested chiefly in destruction and violence." The current wave of concern for the environment, the contempt for materialism voiced by so many youthful Americans, and now perhaps their growing rejection of nihilism as well—these should turn a generation unfamiliar with Joseph Wood Krutch to a reading of his books with delight to themselves and profit to the world.

[From the Washington Post, May 26, 1970]

JOSEPH WOOD KRUTCH

Not many men who brave or battle the strain of the cities for a major part of their lives get to leave it all behind and go back to the earth, to live according to the land ethic. Joseph Wood Krutch was one who made the pilgrimage, and his death last week at 76 in the Arizona desert left many calling him a 20th Century Thoreau. The description does not fit exactly; but a fair chance exists that the books and essays that Krutch produced in great number about the mysteries and sacredness of nature will be read as long as those of the odd man of Walden.

Long before saving the environment became a best-selling term, Krutch saw ominous signs that something was going wrong. "In our time," he wrote, "we seem to have been increasingly aware how persistently and brutally groups of men undertake to eliminate one another. But it is not only the members of his own kind that man seems to want to push off the earth. When he moves in, nearly everything else suffers from his intrusion—sometimes because he wants the space they occupy and the food they eat, but often simply because when he sees a creature not of his kind or a man not his race his first impulse is 'kill it.' "

When he first began to read what are called "nature writers," Krutch was an urban journalist seeking escape literature. Years later, after abandoning the metropolis for the desert and writing elegantly about the natural world himself, he reflected on his decision: "I hope . . . to meet myself face to face, to be compelled, indeed to do so. In the busy life I had been leading it was too easy to think only of immediate tasks and to solve only immediate intellectual problems."

The importance of the life of Joseph Wood Krutch, aside from the wealth of written ideas and thoughts left behind, is what it says about reverence for the earth. This is a vitally needed activity of man, even more so today. As Krutch asked many times in many different ways, if we cannot learn to cherish and revere the lower forms of life how can we do this to the higher forms—such as one's neighbor or brother?

TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. EVINS of Tennessee. Mr. Speaker—and as I utter the words, "Mr. Speaker," I am stricken with a sense of sadness and regret as I have just learned that Speaker JOHN W. McCORMACK has announced plans to retire and not seek reelection to the Congress.

Speaker McCORMACK is unquestionably one of the great Speakers of all time—and history will record his greatness in deeds and performance.

Speaker McCORMACK is in the tradition of the great Speakers of the House—Speaker Sam Rayburn, his predecessor; Speaker Henry Clay, Speaker Thomas B. Reed, Speaker James K. Polk, Speaker Joe Cannon, Speaker Nicholas Longworth, and Speaker Champ Clark, among others—men whose names live forever on the roll of honor of outstanding leaders who have guided the House through challenging and momentous times.

Such a man is Speaker JOHN W. McCORMACK.

Speaker McCORMACK has served ably, courageously, and effectively during one of the most difficult periods in American history—one of the periods of turmoil, upheaval, and change that "try men's souls," in the words of the great patriot Thomas Paine.

Speaker McCORMACK has never wavered or vacillated in providing the strong, firm leadership needed in the House. He has been instrumental in the passage of volumes of legislation in the public interest. The 89th Congress under his leadership is regarded as perhaps the most productive legislative Congress in our history.

He has never hesitated to take strong positions and to step out in the vanguard in advocating and supporting needed and necessary legislation, always championing the public welfare and the public interest.

Speaker McCORMACK, apart from his ability and integrity and force as a leader, is a grand gentleman—a man of unfailing compassion—a thoughtful man whose acts of kindness and consideration are countless. He is not only a great man, he is a good man in the fullest meaning of the term.

He is a great leader and a great American—and the House will sorely miss his leadership and his guidance. He has made his mark as he lays down the gavel.

Speaker McCORMACK came to the Congress in the 70th Congress in 1928 and has served faithfully and effectively since that time in subsequent Congresses—a period of 42 years. He became

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Speaker in the second session of the 87th Congress in 1962 following the death of Speaker Sam Rayburn of Texas.

Before becoming Speaker he served as majority leader and Democratic whip. Prior to coming to Congress he had an illustrious career as a member of the Massachusetts Legislature.

His vast experience and great ability have provided the House with excellent and effective leadership, and it is with deep regret that we acknowledge his decision to retire.

The lessons of history teach clearly that the greatness of a nation lies in the greatness of its leaders.

Certainly the greatness of John McCormack has elevated him to a prominent place in history. As a lighthouse on the foggy Massachusetts coast provides light and guidance to the mariners at sea, so John McCormack has provided guidance and leadership necessary for the House of Representatives across the shoals and breakers to many right and just decisions for this Nation.

We shall miss John McCormack as Speaker.

When a great man relinquishes the mantle of leadership it is always a sad occasion.

As Speaker McCormack ends his leadership in the House, there is pain and regret—but the footsteps he has left in the sands of time and history as Speaker will always remind us that we were privileged to walk beside one of the great and good men—a giant in history.

It has been my great pleasure to enjoy a close personal relationship with Speaker McCormack. To know the Speaker is to know greatness—and to know kindness and generosity.

The Speaker appointed me as chairman of the Select Committee on Small Business during this Congress and the three preceding Congresses. I was also fortunate in being appointed by the Speaker to serve as chairman of the Speaker's Committee on Personnel. I deeply appreciate these appointments and his continued confidence and trust.

Certainly I want to wish Speaker McCormack and his beloved Mrs. McCormack the best of good luck and happiness as he relinquishes his duties as Speaker. He deserves rest and relaxation from the stresses and strains of leadership after many years of dedicated service. Our thoughts and prayers and best wishes will always be with Speaker McCormack of Massachusetts—an all-American.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

CONGRESSIONAL REPORT TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1970

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

CONGRESSMAN LEE HAMILTON REPORTS FROM WASHINGTON

Hoosier visitors to my Washington office invariably comment about two aspects of the nation's Capital—its beauty and its traffic. The perils and frustrations of Hoosier rush hour traffic jams are not a part of the work-a-day world for most of us from Indiana, as they are in the East Coast metropolitan centers.

Experts tell us that the family car, a necessity in rural areas, has continued to increase in numbers in the metropolitan centers, to the point where it threatens to strangle all vehicular movement at rush hours. Public or mass transportation, meanwhile, has undergone a steady decline.

The number of cars in this country has increased from 25.8 million in 1945 to 80 million in 1967. In that same 22-year period, the annual number of passengers riding on buses, subways and elevated local trains decreased from 23 billion to 7.7 billion. The trend of urbanization makes the picture even more bleak. The U.S. population increased from 100 million in 1917 to 200 million in 1969, and more than 80 percent of the residents now live in the cities. At the present rate, there will be 300 million Americans by the year 2000, and 90 percent of them will be in the cities.

Improvements in living standards have contributed not only to the growth in cities, but to the traffic problems. Higher wages have made it possible for the worker to buy a home in the suburbs, away from the environment of the factory, and to buy a car to travel to his work. The rush to and from the suburbs now threatens to strangle traffic all together in some cities.

Transportation experts, then, are faced with two strategies for dealing with urban transportation: (1) all-out accommodation of automobile traffic, or (2) replacing automobile traffic with mass transit facilities.

The cost and the scale of the efforts to accommodate cars in cities has convinced many experts that this effort is the wrong one. Freeway construction in urban areas averages about $3.7 million per mile. This is a conservative estimate, and does not include interest costs like the removal of large tracts from tax rolls, expensive traffic control and patrol needs, and the dislocation of hundreds of urban families. Additional cars also call for additional parking facilities in the central city area, and add to a growing air pollution problem in the cities.

Many experts have become convinced that improved mass transit systems are the solution to metropolitan congestion. But transit systems have had their problems with increasing costs, decreasing passengers, lower profits. Many have gone out of business and the others give their riders fewer runs, older equipment, less service and increased rates. It is not surprising, then, to learn that the Federal government has been concerned with the quality of the transit systems.

The first major Federal program for mass transit was enacted as part of the 1961 housing Act, providing $25 million in grants and $50 million in loans to update and improve urban transportation systems. This program was expanded with the Urban Mass Transportation Act of 1964 and 1966, and last year in the Housing and Urban Development (HUD) Act.

Although HUD has the authority to decide which urban areas will receive transportation assistance, the management of these projects has fallen to the Department of Transportation. The newly-formed Urban Mass Transportation Administration (UMTA) under the Department of Transportation, reports that Federal assistance to date literally has saved transit systems in at least 25 cities, three-fourths of them under 100,000 population.

Federal assistance for transportation has favored the highways, however. UMTA officials point out that more than $5 billion was spent on highway construction in 1969, more than twice the amount of total federal expenditures on mass transit since 1964. Further, UMTA officials said only 55 employees are now working on mass transit problems, as compared with 5,000 employees in the Federal Highway Administration. Now there is sentiment to bring Federal participation into "balance".

TRIBUTE TO THE HONORABLE JOHN W. McCORMACK, SPEAKER OF THE HOUSE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. BIAGGI. Mr. Speaker, it is with the deepest respect and sense of affection that I pay tribute to a truly great American, the Honorable John W. McCormack of Massachusetts, Speaker of the House of Representatives.

Your forthcoming retirement will bring to a close a long and brilliant period of public service to our Nation, and I am honored to have served my first term in Congress under your expert and compassionate leadership.

As a new Member, I am grateful for your counsel and advice, which enabled me to translate the needs and desires of my constituency into legislative action. I know that, through the years, you have helped many other new House Members to best direct their efforts through the parliamentary procedures of our democratic process. I am sure I express the sentiments of hundreds of present and past Members when I say that was it not for your good counsel, graciousness, and tact, our service in the House would have been less rewarding.

As Speaker, you served as an inspiration to many of us. You transcended party politics and called upon your good sense of judgment and unerring sense of fairness in steering the House into the right course of action on so many crucial issues over the last 8 years. And the national interest has been served well because of your actions. Your particular devotion to duty during one of the most troubled eras of our time inspired me long before I was elected to the House and was influenced by your personal magnetism.

You are a man who has made an indelible mark on history. The record of your achievements are far too many for me to mention here. We can see that you possess a distinct ability to perceive great issues of the future. You were one of the original proponents of the need to push into space and to develop our space technology and science. As a result America in 1970, ranks first in this important field, and the space spin-off programs have benefited every American and indeed all peoples of the world. This example of vision and foresight can be applied to countless other issues which blossomed to maturity under your able guidance.

Mr. Speaker, over the many years of service, you have gained the respect and admiration of colleagues on both sides of the aisle because of your effective legislative ability and your 8 years as an exemplary impartial presiding officer of the House. This Congress and those to come will long remember the Honorable JOHN W. MCCORMACK, Speaker of the House, gentleman, dedicated servant, man of deep religious conviction and exceedingly good character.

Mr. Speaker, I wish you well. It has been my honor and pleasure to have served with you.

HOUSE OF REPRESENTATIVES—*Monday, June 1, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou shalt guide me with Thy counsel.—Psalms 73: 24.

Almighty and everlasting God, who hast created us in Thine own image and called us to live together in the spirit of brotherhood, grant unto us to fearlessly contend against evil, to make no peace with oppression and to use our freedom in the maintenance of justice between men, good will among our people, and peace in our world.

We pray for our Nation in these troubled times. Direct the decisions of these Members of Congress that they may be in accord with Thy will, seeking the welfare of our country and the well-being of all mankind.

Guide the nations of the world into the ways of justice and truth and establish among them the peace which is the fruit of righteousness and good will—to the glory of Thy holy name. Amen.

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THE JOURNAL

The Journal of the proceedings of Wednesday, May 27, 1970, was read and approved.

BIRTHDAY OF THE LATE HONORABLE JOHN FITZGERALD KENNEDY

Mr. McCORMACK. Mr. Speaker, last Friday was the birthday of John Fitzgerald Kennedy. Had our late martyred President not been the victim of an assassin's bullet, he would have been 53 years old. As one who was both a close personal friend of President Kennedy and intimately associated with him throughout his public career, I should be remiss if I failed to recall for this body, however briefly and inadequately, his exemplary life and public service.

John F. Kennedy was representative of everything that is noble and ideal in American life. In time of war he unhesitantly answered his country's call to service and served courageously and with distinction under combat in the Navy. The injuries which he sustained during World War II he was to carry throughout his lifetime. In lesser men they might have very well been more than an adequate excuse for the avoidance of an active and demanding political career. For John F. Kennedy, however, they represented a challenge which further inspired him to enter the political arena.

His public career should be an inspiration and stimulation for all young people who desire to serve their country through participation in the political process. A Member of the House when only 29, he was elected to the Senate at 35 and became our youngest elected President when but 43 years of age. Throughout his public life he exemplified the basic tradition upon which our American political process is grounded, that men can disagree, yes, disagree very strongly, over public issues, yet never be disagreeable. His political philosophy both by inclination and study placed him in what is generally referred to as the liberal camp. He was invariably found on the side of those battling to improve the quality of American life for the Nation as a whole, but particularly for those who found themselves economically and socially depressed. In his only too short tenure as President of the United States his vision and leadership established the pattern for progress in a wide spectrum of areas ranging all the way from economics to human rights.

It was he who pointed the way toward the brilliant achievements which this Nation was to attain in housing, health, education, and civil rights during the 1960's.

While as a liberal or progressive, John F. Kennedy however sharply rejected the dogmatism which unfortunately is so characteristic of some liberals. Intellectually his liberalism eptomized liberalism of the classic mold. He was the possessor of a mental process which eschewed preconceptions. He was not only able to entertain widely divergent views about problems facing our society and their solutions, he actually welcomed them and he went out of his way to assimilate them. Likewise, when it came to political action, he was a pragmatist. As a political realist, he was ever cognizant that a necessary prerequisite for statesmanship is the ability in the public arena to distinguish the attainable from the ideal. Having come to the Presidency only after experiencing the rigorous rough and tumble of political life at the State and congressional level, he was ever mindful that progressive causes never achieve total victory overnight. The depth and breadth of his training in statecraft enabled him to recognize that which many liberals failed to comprehend, that all progress today must be built on that achieved in past years. Like all great progressive leaders, he was also fully conscious that any act or recommendation of his would not yield the ultimate solution to any problem. Absence of intellectual arrogance permitted a realization on his part that as those of his time and his generation had been required to perfect and update the accomplishments of his predecessors, so would those who would follow, have to build on the attainments of President Kennedy's era.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON FOREIGN ASSISTANCE APPROPRIATIONS, 1971

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the foreign assistance and related programs appropriation bill for fiscal year 1971.

Mr. SHRIVER reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DISTRICT OF COLUMBIA APPROPRIATIONS, 1971.

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the District of Columbia appropriation bill for the fiscal year 1971.

Mr. DAVIS of Wisconsin reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEAVE OF ABSENCE

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that I may be granted 12 days leave of absence from the House from June 5 to June 17, inclusive, to attend to official congressional business in my congressional district.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

GOLD AND SILVER ARTICLES—CONSUMER PROTECTION

The Clerk called the bill (H.R. 8673) to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562, expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ESTABLISHING THE FORD'S THEATRE NATIONAL HISTORICAL SITE

The Clerk called the bill (H.R. 12860) to establish the Ford's Theatre National Historical Site, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone a question or two concerning this legislation.

On page 2 of the report it states:

> But for the fact that the property and the building can help to assure the safety of the visiting public, to protect the Federal investment in the restored theater, and to provide needed space for administrative offices and theater-related support facilities.

An so on and so forth. How does this bill protect the Federal investment in the restored theater?

Mr. Speaker, if there is no one present to answer these questions, I would ask that this bill be passed over.

Mr. JOHNSON of California. Mr. Speaker, if the gentleman will yield, the chairmen of the committee and of the subcommittee are necessarily absent today, but I would state that this is merely to protect the theater from fire. If owned by the Federal Government, and if this bill is approved, it will have under its control the adjacent building. That will give complete protection from that standpoint to the Ford's Theatre. As the gentleman knows, the theater is being used quite actively now, including live performances being staged there.

Mr. GROSS. Then the protection referred to is fire protection?

Mr. JOHNSON of California. That is one of the purposes.

Mr. GROSS. I would further ask the gentleman concerning this language:

> To provide needed space for administrative offices, and theater-related support facilities.

What is the income from this theater?

Mr. JOHNSON of California. At the present time I could not give the gentleman a figure insofar as the income is concerned.

Mr. GROSS. But admission is charged for plays; or is it?

Mr. JOHNSON of California. Yes, there is a charge, for the performances and for tourists visiting the site. Some of that money does accrue to the Federal Government at the present time, but I do not have that detailed information.

Now, there are also activities which are carried on there for which there is no charge made. But this is one of the country's most valuable historical sites, I would say, and I believe that all of us would have to agree to that.

Mr. GROSS. I understand all of that.

Mr. JOHNSON of California. And it has been restored at a considerable cost to the Federal Government.

Mr. GROSS. Yes, it has.

Mr. JOHNSON of California. And the building adjacent to it was purchased by an organization so that it would continue to be protected and so that it could be made available to the Federal Government. It would be acquired at the cost figure plus expenses. This would allow it to have total protection and would permit development of the area to give the theater better protection from several possible dangers.

Mr. GROSS. What is the meaning of "Jackson Hole Preserve, Inc."?

Mr. JOHNSON of California. That is an organization that has, from time to time, acquired certain property for conservation and historical purposes. It has held them until such time as the Federal Government could acquire them.

Mr. GROSS. How does it come by this name? Jackson Hole is usually associated with a certain location in one of the western States. Where does it get this name—does the gentleman happen to know?

Mr. JOHNSON of California. This is the organization associated with Mr. Rockefeller.

Mr. GROSS. Mr. Rockefeller?

Mr. JOHNSON of California. Yes.

Mr. GROSS. Which one of the Rockefellers?

Mr. JOHNSON of California. It is a foundation, but Laurence Rockefeller is the person who is in charge of this organization and its activities.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. KYL. The Rockefeller family has very large holdings in the West in the area which is known as the Jackson Hole country. As a matter of fact, they gave a great portion of that to the Government without any fee. In preserving that particular area, Laurence Rockefeller as a matter of fact did set up a nonprofit organization. As a matter of fact, it costs the Rockefellers considerable money. Its use has been extended to other historic sites, etc. in the country where in the absence of legislation for authorization of purchase of an area, the area is in imminent danger of being disposed of for some purpose which would be detrimental to the historic preservation and national parks and so on.

The Jackson Hole Foundation got into this situation because there was no authorization for the purchase of the property by the Federal Government or desiring to hold it for the Government until such legislation can be prepared and presented.

The foundation did buy the building next door with the sole purpose of sometime transferring the property to the Federal Government without any charge and without any profit to the foundation.

Mr. GROSS. I take it this particular deal has no relation to a proposal for the trading of land in Montana or Wyoming for the old Willard Hotel site?

Mr. KYL. There is absolutely no connection with any kind of land exchange or anything else here. The sole involvement of the Foundation is in the preservation of this one site.

Mr. GROSS. Does the gentleman have any information as to the income derived from this property as a theater where admissions are charged?

Mr. KYL. Insofar as the dramatic presentations are concerned, the public does support these dramatic presentations by purchasing tickets. If this were all that were involved in the old Ford Theatre, it would then show a profit. However, there is a much wider use of the Ford Theatre simply as a historic site rather than a place for the presentation of drama.

There are vast numbers of children, for instance, who visit this area and the costs of these visitations are by no means covered by fees and, therefore, the operation totally does not carry a profit.

Mr. GROSS. I thank the gentleman from California and the gentleman from Iowa for their explanations.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 12860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the properties administered by the Secretary of the Interior in the District of Columbia known as the House Where Lincoln Died, the Lincoln Museum, Ford's Theatre, and the property authorized to be acquired in section 2 of this Act are hereby established as the Ford's Theatre National Historic Site, which shall be administered in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended and supplemented.

SEC. 2. The Secretary of the Interior is authorized to acquire by donation or by purchase with donated or appropriated funds the property and the improvements thereon located at 517 Tenth Street, Northwest, in the District of Columbia, adjacent to the historic Ford's Theatre and consisting of approximately eight hundred and twelve square feet of land.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, of which

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not more than $94,000 shall be used for the acquisition of the property referred to in section 2 of this Act, and not more than $176,000 shall be used for the development of said property.

Mr. ASPINALL (at the request of Mr. JOHNSON of California) was granted permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, H.R. 12860 was introduced by the ranking minority members of the full Committee on Interior and Insular Affairs and of the Subcommittee on National Parks and Recreation—Representatives JOHN P. SAYLOR and JOE SKUBITZ. The bill proposes to do two things:

First, it would designate Ford's Theatre, the Lincoln Museum, and the House Where Lincoln Died as a national historic site; and

Second, it would authorize the appropriation of $94,000 to acquire a building adjacent to the theatre which would also become a part of the national historic site.

There are many outstanding historical areas throughout the country, Mr. Speaker, but there is no other site quite comparable to the properties involved in the legislation which we are considering today. While no one would glorify the tragedy which occurred more than a century ago at Ford's Theatre, almost everyone would agree that the unfortunate events which took place there were exceptionally significant in the subsequent history of the Nation.

The theatre and the House Where Lincoln Died lend themselves particularly well to the illustration and interpretation of the historical events of those trying times. Both properties have been owned by the Government for many years and the theater has been completely restored to its appearance on the night of the assassination. Not only is it now used for live theater performances, but it houses a museum of priceless artifacts and memorabilia associated with the Lincoln era.

These are the factors which justify the designation of these structures as a national historic site. The members of the committee agree with the sponsors that such a designation would be appropriate and the witness representing the administration commended this feature of the bill.

The other element of the bill, however, represents the original recommendation of the Department of the Interior. It involves the purchase of the property known as 517 10th Street NW. This property, which consists of a lot and a three-story building, is presently owned by the Jackson Hole Preserve, Inc. It purchased the property in December 1967, at the request of the National Park Service, in order to prevent its conversion into a totally incompatible enterprise and to arrest its rapidly escalating price.

Because of its proximity to the theater, adverse use of the property will remain a severe problem if it is not acquired. In addition, its contiguity with the theater poses a serious potential fire hazard. In order to protect the restored theater and its contents, it is important that this property be utilized in conjunction with the historical program.

The property can and will provide a useful function for the historic site which H.R. 12860 proposes. By cutting through the basement wall, the visitor traffic pattern through the theater and museum can be substantially improved and the theater can be made safer for the visiting public by the installation of more emergency exits. Not only that, but the building itself can be remodeled and utilized for administrative offices and for theater-related support facilities.

This property was purchased in 1967 by the Jackson Hole Preserve, Inc., for $90,000. It has incurred $3,910 in additional expenses incidental to the purchase and maintenance of the property. If H.R. 12860 is approved, it has been agreed that the Government will reimburse the owner for the expenses which it incurred in connection with this property; consequently, the authorization ceiling totals $94,000.

Mr. Speaker, the members of the Committee on Interior and Insular Affairs agreed that the acquisition of this additional property is in the public interest and that the properties involved should be designated as the Ford's Theatre National Historic Site. Were it not for the efforts of the present owner, it might well be that it would be prohibitive to purchase this property, but as a consequence of the action taken, the opportunity to purchase it has been preserved. As chairman of the committee, I urge the enactment of H.R. 12860.

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 12860, a bill to establish the Ford's Theatre National Historic Site, which I have the privilege to cosponsor with my colleague, the gentleman from Kansas (Mr. SKUBITZ).

The purpose of this bill is to bring together in one complex, the properties associated with the death of President Lincoln and establish them as the Ford's Theatre National Historic Site. Included in this complex will be Ford's Theatre, the Lincoln Museum which is part of the theater, the House Where Lincoln Died, and the property immediately adjacent to the theater which this legislation authorizes to be acquired.

Ford's Theatre and the House Where Lincoln Died are presently in Federal ownership and administered by the Secretary of the Interior as part of the National Capital parks system. Restoration of Ford's Theatre to its appearance at the time of the assassination has made it and the House Where Lincoln Died major visitor attractions in the Nation's Capital. Moreover, the Ford's Theatre with its live theater performances and Lincoln Museum makes it a living historical exhibit.

The need to acquire the property immediately adjacent to the theater on the north side is to assure the safety of the visiting public and to protect the Federal investment in the historic restoration of Ford's Theatre. In addition, the property to be acquired will provide safe and needed means of ingress and egress to accommodate the visiting public, provide support facilities for theater-related functions, and administrative offices.

Title to this adjacent property is now held by the Jackson Hole Preserve, Inc. This property was purchased by the Jackson Hole Preserve, Inc., in December 1967 at the request of the National Park Service to prevent its conveyance and use by interests incompatible with the historic preservation efforts then underway. The bill authorizes the appropriation of $94,000 to purchase this property and not more than $176,000 for renovations. It should be noted that the Government is acquiring this property at the cost paid by the present owners plus expenses. If the Jackson Hole Preserve, Inc., had not purchased this property in 1967 as a "holding action" until the Federal Government was able to buy the property, it is extremely doubtful that the property could be purchased at this price today.

Mr. Speaker, the historical importance of the events which occurred in these structures have long been recorded in the history of our country. I think it most appropriate that Congress provide this complex with its proper designation as a national historic site and I urge the passage of this legislation.

(Mr. SKUBITZ (at the request of Mr. SAYLOR) was granted permission to extend his remarks at this point in the RECORD.)

Mr. SKUBITZ. Mr. Speaker, I rise in support of H.R. 12860, a bill to establish the Ford's Theatre National Historic Site, and for other purposes.

The purpose of this legislation is to provide that the properties presently administered by the Secretary of the Interior in the District of Columbia known as Ford's Theatre, the Lincoln Museum, the House Where Lincoln Died, and an adjacent property to be acquired, shall be established as the Ford's Theatre National Historic Site.

Both the House Where Lincoln Died and Ford's Theatre, which also houses the Lincoln Museum, have been in Federal ownership for some time. These two facilities now operated as a part of the National Capital park system have had increasing visitor use each year. And, since the restoration of Ford's Theatre, this historic structure has become a major visitor attraction in the Nation's Capital.

Mr. Speaker, little needs to be said about the historical significance of these facilities because history has already so dramatically recorded for all time the importance of the events which occurred there. Therefore, it was most fitting and proper for the Congress to provide for the purchase, restoration, and preservation of these structures as living exhibits to be enjoyed by present and future generations of American and foreign visitors.

This legislation also authorizes the purchase of an adjacent property, a 14-by-58 foot lot, and three-story building now being used as a souvenir shop. This property is immediately adjacent to Ford's Theatre on the north and its acquisition is necessary to protect the Federal investment in the historic restoration of Ford's Theatre and the memorabilia in the Lincoln Museum. At the present time this adjoining structure presents a potential fire hazard as it abuts the theater.

When the adjacent property is acquired the present structure will be renovated to provide needed administrative facilities, theater-related support facilities, and more important, assure the safety of the visiting public by providing much needed points of ingress and egress.

This legislation authorizes the appropriation of $94,000 to purchase the lot and structure immediately adjacent to Ford's Theatre and not more than $76,000 for development. As the legislation provides, this historical complex shall be established as the Ford's Theatre National Historic Site.

Mr. Speaker, it is fitting and proper that we do this and I urge my colleagues to support the passage of the legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VALIDATING THE CONVEYANCE OF CERTAIN LAND IN THE STATE OF CALIFORNIA BY THE SOUTHERN PACIFIC CO.

The Clerk called the bill (H.R. 12960) to validate the conveyance of certain land in the State of California by the Southern Pacific Co.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Reserving the right to object, Mr. Speaker, I notice that the main sponsor of the bill is present. I should like to ask a few questions about the bill. As I understand, the present owners of the land have their conveyances from the patentees of the land, rather than from the railroad company.

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from California.

Mr. McFALL. Yes, they do. They have quit-claim deeds from the railroad company given in 1966. But the land titles of every parcel in this bill are based upon patents or homesteads granted by the Federal Government as far back as 100 years ago. The owners have exercised their title and right to this land and they or predecessors-in-interest have paid taxes on it ever since.

Mr. JOHNSON of Pennsylvania. Why would people build on the right-of-way when they knew there was an outstanding 400 feet of right-of-way in the railroad company? Why would they build on that land?

Mr. McFALL. If the gentleman will yield further, it goes back to a mix-up in 1862, when the Government granted a 400-foot strip to the railroad for railroad purposes only, retaining mineral rights and so forth. After that the Government, through patents and homesteads, granted the same land to the predecessors-in-interest of these people who are before us today. The railroads exercised their interest in only 100 feet for over 100 years, as they do today.

It was not until 1925 that the Supreme Court of California rendered a decision indicating that there was technically something wrong with the title of the people who owned this property and that the railroad had some kind of technical interest in it.

In 1929, some of these parcels of property along the railroad in a similar situation were cleared by an act of Congress.

In 1934, Congress cleared title on another group of parcels. This bill, if enacted, would clear title to the remaining parcels.

Mr. JOHNSON of Pennsylvania. Then, your statement is that up until 1925 the railroad company really did not realize they had a 400-foot right-of-way, and the people who built on the land did so under a misapprehension also, and we would now clear up title to that land and correct the error that was in the minds of everybody?

Mr. McFALL. That is correct. Actually, the Federal Government, by issuing patents and homesteads to that land, which included the land within the 400-foot strip, actually took action which led to this misunderstanding upon which these people based their title.

Mr. JOHNSON of Pennsylvania. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 12960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3, the conveyances executed by the Southern Pacific Company and described in section 2, involving certain land in San Joaquin County, California, forming a part of the right of way granted by the United States to the Central Pacific Railway Company under the Act entitled "An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes", approved July 1, 1862 (12 Stat. 489), as amended, are hereby legalized, validated, and confirmed, and shall have, as far as any interest of the United States in such land is concerned, the same force and effect as if the land involved in each conveyance had been held, on the date of conveyance, under absolute fee simple title by the Southern Pacific Company.

SEC. 2. The conveyances referred to in the first section of this Act are as follows:

(1) The conveyance entered into between the Southern Pacific Company, grantor, and William M. Petersen and Dorothy Z. Petersen, his wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 349, of Official Records of San Joaquin County, California.

(2) The conveyance entered into between the Southern Pacific Company, grantor, and Phillip Martel, a single man, and Jacob Erlenbusch and Annett Erlenbusch, husband and wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 351, of Official Records of San Joaquin County, California.

(3) The conveyance entered into between the Southern Pacific Company, grantor, and Irvin R. Bender and Loneita L. Bender, his wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 347, of Official Records of San Joaquin County, California.

(4) The conveyance entered into between the Southern Pacific Company, grantor, and Bonnie J. Haslam, a widow, grantee, on March 1, 1967, and recorded on April 19, 1967, volume 3118, page 345, of Official Records of San Joaquin County, California.

(5) The conveyance entered into between the Southern Pacific Company, grantor, and Wendelin Roehrich and Lucille Roehrich, his wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 343, of Official Records of San Joaquin County, California.

(6) The conveyance entered into between the Southern Pacific Company, grantor, and Ted Schneider, a married man, grantee, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 341, of Official Records of San Joaquin County, California.

(7) The conveyance entered into between the Southern Pacific Company, grantor, and Helen K. Whyatt, grantee, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 339, of Official Records of San Joaquin County, California.

(8) The conveyance entered into between the Southern Pacific Company, grantor, and Chester M. Bryan, a single man, grantee, on December 1, 1966, and recorded on April 19, 1967, volume 3118, page 337, of Official Records of San Joaquin County, California.

(9) The conveyance entered into between the Southern Pacific Company, grantor, and Wm. G. Holz Company, a corporation, grantee, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 335, of Official Records of San Joaquin County, California.

(10) The conveyance entered into between the Southern Pacific Company, grantor, and Fred L. Baybarz and Carolyn C. Baybarz, his wife, grantees, on July 8, 1966, and recorded on April 19, 1967, volume 3118, page 333, of Official Records of San Joaquin County, California.

(11) The conveyance entered into between the Southern Pacific Company, grantor, and Carl F. Wolf and Elizabeth Wolf, husband and wife, grantees, on June 30, 1966, and recorded on April 19, 1967, volume 3118, page 331, of Official Records of San Joaquin County, California.

(12) The conveyance entered into between the Southern Pacific Company, grantor, and Samuel D. Salas, grantee, on June 9, 1966, and recorded on April 19, 1967, volume 3118, page 329, of Official Records of San Joaquin County, California.

(13) The conveyance entered into between the Southern Pacific Company, grantor, and Lodi Iron Works, Incorporated, a corporation, grantee, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 315, Official Records of San Joaquin County, California.

(14) The conveyance entered into between the Southern Pacific Company, grantor, and Fred Spickerman, grantee, on September 1, 1966, and recorded on April 19, 1967, volume 3118, page 321, of Official Records of San Joaquin County, California.

(15) The conveyance entered into between the Southern Pacific Company, grantor, and Spickerman Concrete Pipe Company, a California corporation, grantee, of October 1, 1966, and recorded on April 19, 1967, volume 3118, page 323, of Official Records of San Joaquin County, California.

(16) The conveyance entered into between the Southern Pacific Company, grantor, and Howard Mason, grantee, on March 30, 1966, and recorded on April 19, 1967, volume 3118, page 317, of Official Records of San Joaquin County, California.

(17) The conveyance entered into between the Southern Pacific Company, grantor, and Jay Loveless, a married man, grantee, on July 13, 1967, and recorded on October 10, 1967, volume 3158, page 339, of Official Records of San Joaquin County, California.

(18) The conveyance entered into between the Southern Pacific Company, grantor, and Vivian E. Hughes, a widow, grantee, on January 31, 1966, and recorded on April 19, 1967, volume 3118, page 31, of Official Records of San Joaquin County, California.

(19) The conveyance entered into between the Southern Pacific Company, grantor, and Anvil Products, Incorporated, a corporation, grantee, on July 1, 1967, and recorded on October 11, 1967, volume 3158, page 603, of Official Records of San Joaquin County, California.

(20) The conveyance entered into between the Southern Pacific Company, grantor, and William T. Beckman, a married man, dealing with his sole and separate property, Charles M. Beckman, a single man, and Alfa E. Beckman, a widow, grantees, on August 13, 1968, and recorded on September 13, 1968, volume 3238, page 277, of Official Records of San Joaquin County, California.

SEC. 3. (a) Nothing in this Act shall—

(1) diminish the right of way referred to in the first section of this Act to a width less than fifty feet on each side of the center of the main track or tracks established and maintained by the Southern Pacific Company on the date of the enactment of this Act; or

(2) validate or confirm any right or title to, or interest in, the land referred to in the first section of this Act arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance made by the Southern Pacific Company before the date of the enactment of this Act.

(b) There is reserved to the United States all oil, coal, or other minerals in the land referred to in the first section of this Act, together with the right to prospect for, mine, and remove such oil, coal, or other minerals under such rules and regulations as the Secretary of the Interior may prescribe.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

That, subject to section 3, the conveyances executed by the Southern Pacific Company and described in section 2, involving certain land in San Joaquin County, California, forming a part of the right-of-way granted by the United States to the Central Pacific Railway Company under the Act entitled "An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes", approved July 1, 1862 (12 Stat. 489), as amended, are hereby legalized, validated, and confirmed, as far as any interest of the United States in such land is concerned and shall have the same force and effect as if the land involved in each conveyance had been held, on the date of conveyance, under absolute fee simple title by the Southern Pacific Company, subject to a reservation to the United States of the minerals therein.

SEC. 2. The conveyances referred to in the first section of this Act are as follows:

(1) The conveyance entered into between the Southern Pacific Company, grantor, and William M. Petersen and Dorothy Z. Petersen, his wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 349, of Official Records of San Joaquin County, California, describing the following lands:

Those certain parcels in the City of Lodi, County of San Joaquin, State of California, described as follows:

PARCEL 1

All of Lots 4 and 5 of Tract No. 290 Helmenstein Tract, according to the Official Map thereof filed in Volume 13 of Maps, at Page 108, Records of said County.

Except therefrom the South 5.50 feet of said Lots 4 and 5 as granted to the City of Lodi by Deed recorded August 4, 1959, in Volume 2205, at page 473, Official Records of said County, and by Deed recorded July 9, 1962, in Volume 2569, at Page 553, Official Records of said County.

PARCEL 2

Lot 3 of Tract No. 290 Helmenstein Tract, according to the Official Map thereof filed in Volume 13 of Maps at Page 108, Records of said County.

Except therefrom that portion described in the Deed to City of Lodi, recorded March 31, 1955, in Volume 1734, at Page 176, Official Records of said County.

(2) The conveyance entered into between the Southern Pacific Company, grantor, and Phillip Martel, a single man, and Jacob Erlenbusch and Annett Erlenbusch, husband and wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 351, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, described as follows:

Lot 6 of Tract No. 290 Helmenstein Tract, according to the Official Map thereof filed in Volume 13 of Maps, at Page 108, Records of said County.

(3) The conveyance entered into between the Southern Pacific Company, grantor, and Irvin R. Bender and Loneita L. Bender, his wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 347, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, described as follows:

Lots 1 and 2 of Tract No. 290 Helmenstein Tract, according to the Official Map thereof filed in Volume 13 of Maps, at Page 108, Records of said County.

(4) The conveyance entered into between the Southern Pacific Company, grantor, and Bonnie J. Haslam, a widow, grantee, on March 1, 1967, and rcorded on April 19, 1967, volume 3118, page 345, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

Lot 19 of Tract No. 23, Koenig Subdivision, as shown on the map thereof, recorded in Volume 11 of Maps at Page 33, Records of said County.

Excepting therefrom the east 20 feet thereof (measured at right angles from the east line of said lot).

(5) The conveyance entered into between the Southern Pacific Company, grantor, and Wendelin Roehrich and Lucille Roehrich, his wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 343, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

Lot 18 of Tract No. 23, Koenig Subdivision, as shown on the map thereof, recorded in Volume 11 of Maps at Page 33, Records of said County.

Excepting therefrom the west 5 feet thereof as conveyed to the City of Lodi by deed recorded September 24, 1958, in Volume 2102 at Page 326, Official Records of said County.

Also excepting therefrom the east 20 feet thereof (measured at right angles from the east line of said lot).

(6) The conveyance entered into between the Southern Pacific Company, grantor, and Ted Schneider, a married man, grantee, on October 1, 1966, and recorded on April 19, 1967, Volume 3118, Page 341, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

Lots 15, 16 and 17 of Tract No. 23, Koenig Subdivision, as shown on the map thereof, recorded in Volume 11 of Maps at Page 33, Records of said County.

Excepting therefrom the west 5 feet thereof as conveyed to the City of Lodi by deed recorded September 24, 1958, in Volume 2102 at Page 330, Official Records of said County.

Also excepting therefrom the east 20 feet thereof (measured at right angles from the east line of said lots).

(7) The conveyance entered into between the Southern Pacific Company, grantor, and Helen K. Whyatt, grantee, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 339, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

Lot 13 of Tract No. 23, Koenig Subdivision, as shown on the map thereof, recorded in Volume 11 of Maps at Page 33, Records of said County.

Excepting therefrom the east 20 feet thereof (measured at right angles from the east line of said Lot).

(8) The conveyance entered into between the Southern Pacific Company, grantor, and Chester M. Bryan, a single man, grantee, on December 1, 1966, and recorded on April 19, 1967, volume 3118, page 337, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

Lot 14 of Tract No. 23, Koenig Subdivision, as shown on map thereof, recorded in Volume 11 of Maps at Page 33, Records of said County.

Excepting therefrom the west 5 feet thereof as conveyed to the City of Lodi by deed recorded September 24, 1958, in Volume 2102 at Page 328. Official Records of said County.

Also excepting therefrom the east 20 feet thereof (measured at right angles from the east line of said Lot).

(9) The conveyance entered into between the Southern Pacific Company, grantor, and Wm. G. Holz Company, a corporation, grantee, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 335, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, being a portion of the Southwest Quarter of Section 12, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at the Northeast corner of that certain 4.074 acre tract conveyed to Agostino Panzica and wife, by Deed recorded September 12, 1944 in Vol. 901 of Official Records. Page 44, San Joaquin County Records, and also being the Southeast corner of Lot 19 as shown upon Map entitled KOENIG SUBDIVISION, according to the Official Map thereof filed in Vol. 11 of Maps, Page 33, San Joaquin County Records, which point is also in the West line of the 100 foot strip now occupied by Southern Pacific Railway Company; thence Westerly along the North line of said property conveyed to Panzica, South 88°17′ West, 163 feet, more or less, to the East line of South Sacramento Street; thence South 4°36½′ West, 329.94 feet along the East line

of South Sacramento Street to a point on the South line of said 4.074 acre tract; thence North 88°17′ East, 163 feet along the South line of said 4.074 acre tract to a point in the West line of said 100 foot right of way strip of said Southern Pacific Railway Company; thence Northerly along the West line of said railroad right of way, 329.94 feet to the point of beginning.

Excepting the west 5 feet as granted to the City of Lodi by deed recorded April 27, 1962 in Volume 2542 at Page 455, Official Records of said County.

Also excepting the east 20 feet of the above described parcel of land (measured at right angles from the east line of said parcel).

(10) The conveyance entered into between the Southern Pacific Railway Company, grantor, and Fred L. Baybarz and Carolyn C. Baybarz, his wife, grantees, on July 8, 1966, and recorded on April 19, 1967, volume 3118, page 333, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land situate in the City of Lodi, County of San Joaquin, State of California, and more particularly described as follows:

The South one-half of Lot 1 of A. J. Larson's Subdivision of a portion of the Southwest Quarter of Section 12, Township 3 North, Range 6 East, Mount Diablo Base and Meridian.

Except that portion granted to the City of Lodi, by Deed recorded October 17, 1961 in Book of Official Records, Vol. 2486, Page 450, San Joaquin County Records.

Also except that portion granted to George A. Miller and Frances F. Miller, his wife, as joint tenants, by Deed recorded March 11, 1964 in Book of Official Records, Vol. 2797, Page 201, San Joaquin County Records.

Also except the east 20 feet of the above described parcel of land (measured at right angles from the east line of said Lot 1)

(11) The conveyance entered into between the Southern Pacific Company, grantor, and Carl F. Wolf and Elizabeth Wolf, husband and wife, grantees, on June 30, 1966, and recorded on April 19, 1967, volume 3118, page 331, of Official Records of San Joaquin County, California, describing the following lands:

That certain real property in the City of Lodi, County of San Joaquin, State of California, described as follows:

The northerly 40.00 feet of Lot 26 of Tract No. 455 Salas Tract, according to the Official Map thereof filed in Volume 14 of Maps, at Page 91, Records of said County.

Except the easterly 25.00 feet of the above described property.

(12) The conveyance entered into between the South Pacific Company, grantor, and Samuel D. Salas, grantee, on June 9, 1966, and recorded on April 19, 1967, volume 3118, page 329, of Official Records of San Joaquin County, California describing the following lands:

That certain real property in the City of Lodi, County of San Joaquin, State of California, described as follows:

Lot 26 of Tract No. 455 Salas Tract, according to the Official Map thereof filed in Vol. 14 of Maps, page 91, San Joaquin County Records.

Except the North 40 feet (said 40 feet being measured at right angles to the North line of said Lot) as granted to Paul J. Van Steenberge and Vickie Van Steenberge, his wife, as joint tenants, by Deed recorded April 28, 1958 in Book of Official Records, Vol. 2061, page 373, San Joaquin County Records.

Also except the east 25.00 feet of the above described parcel of land (measured at right angles from the east line of said Lot 26).

(13) The conveyance entered into between the Southern Pacific Company, grantor, and Lodi Iron Works, Incorporated, a corporation, grantee, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 315, Official Records of San Joaquin County, California, describing the following lands:

Those certain parcels of land in the City of Lodi, County of San Joaquin, State of California, described as follows:

PARCEL I

The North 150 feet of the South 300 feet, measured along the East line, of the South 2 acres of Lot 34 Larson's addition to Lodi, according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records.

Excepting from the above described property the West 50 feet as conveyed to the City of Lodi by Deed recorded September 3, 1936 in Book of Official Records, Vol. 538, page 493 San Joaquin County Records.

PARCEL II

The North 50 feet of the South 350 feet, and the North 50 feet of the South 150 feet, measured along the East line, of the South 2 acres of Lot 34 of Larson's addition to Lodi, according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records.

Excepting from the above described property the West 50 feet, as conveyed to the City of Lodi by Deed recorded September 3, 1936 in Book of Official Records, Vol. 538, page 493, San Joaquin County Records.

PARCEL III

That portion of Lot 34 of Larson's addition to Lodi according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County records, described as follows:

Commencing at an axle at the Southwest corner of said Lot 34; thence North 87°07′ East, along the South line of said Lot 34, 50.39 feet to an iron pipe; thence North 4°16′ East, parallel with and distant 50 feet easterly from the West line of said Lot 34, 350 feet to an iron pipe and the true point of beginning; thence North 4°16′ East 36.9 feet to a point, said point being South 4°16′ West 70 feet from the Northwest corner of that parcel of land described in the Deed of Trust from W. Leiske and Helen Leiske, his wife, to Trustee for Farmers and Merchants Bank of Lodi, which Deed of Trust is recorded June 4, 1947 in Book of Official Records, Vol. 1056, page 307, San Joaquin County Records thence South 85°50′31″ East 161.88 feet to a point in the East line of said Lot 34, said point being South 4°16′ West 70 feet from the Northeast corner of that parcel of land described in the Deed of Trust described above (Official Records, Vol. 1056, page 307); thence South 4°16′ West, along the East line of said Lot 34, 16.9 feet to an iron pipe, said pipe being North 4°16′ East 350 feet from the Southeast corner of said Lot 34; thence South 87°07′ West, parallel with said South line, 163.15 feet to the true point of beginning.

PARCEL IV

The South 100 feet, measured along the East line, of the South 2 acres of Lot 34 of Larson's addition to Lodi, according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records; the North line of said South feet being parallel with the South line of said Lot 34.

Except the West 50 feet as conveyed to the City of Lodi by Deed recorded September 3, 1936 in Book of Official Records, Vol. 538, page 493, San Joaquin County Records.

PARCEL V

That portion of Lot 34 of Larson's addition to Lodi, according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records, described as follows:

Commencing at the Southwest corner of said Lot 34, thence North 87°07′ East 50.39 feet to the East line of Sacramento Street, as shown upon Survey filed for record September 11, 1946 in Vol. 6 of Book of Surveys, page 234, San Joaquin County Records, thence North 4°16′ East, along said East line of said Sacramento Street, 456.9 feet to the Northwest corner of the land described in the deed to Roy J. Henderson, et ux, dated July 31, 1948, recorded August 3, 1948 in Vol. 115 of Official Records, page 458, San Joaquin County Records, and the true point of beginning of the herein described property; thence North 4°16′ East, along said East line of said Sacramento Street, 100 feet; thence South 85°50′ East 161.85 feet to the West line of the "Southern Pacific Railroad Company right of way" as shown upon said Survey; thence South 4°16′ West, along said West line, 100 feet to the Northeast corner of said Henderson land; thence North 85°50′ West, along the North line of said Henderson land, 161.85 feet to the true point of beginning.

Except the West 5 feet as conveyed to the City of Lodi by Deed recorded January 24, 1958 in Vol. 2036 of Official Records, page 300, San Joaquin County Records.

PARCEL VI

That portion of Lot 34 of Larson's addition to Lodi according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records, described as follows:

Commencing at an axle at the Southwest corner of said Lot 34; thence North 87°07′ East, along the South line of said Lot 34, 50.39 feet to an iron pipe; thence North 4°16′ East, parallel with and distant 50 feet easterly from the West line of said Lot 34, 350 feet to an iron pipe and the true point of beginning; thence North 4°16′ East, 106.9 feet to an iron pipe; thence South 85°50′ East 161.85 feet to an iron pipe in the East line of said Lot 34; thence South 4°16′ West, along said East line, 86.9 feet to an iron pipe, said pipe being North 4°16′ East 350 feet from the Southeast corner of said Lot 34; thence South 87°07′ West, parallel with said South line, 163.15 feet to the true point of beginning.

EXCEPT that portion of Lot 34 of Larson's addition to Lodi, according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records, described as follows:

Commencing at an axle at the Southwest corner of said Lot 34; thence North 87°07′ East along the South line of said Lot 34, 50.39 feet to an iron pipe; thence North 4°16′ East parallel with and distant 50 feet easterly from the West line of said Lot 34, 350 feet to an iron pipe and the true point of beginning; thence North 4°16′ East 36.9 feet to a point, said point being South 4°16′ West 70 feet from the Northwest corner of that parcel of land described in Deed of Trust from W. Leiske, et ux, recorded June 4, 1947 in Book of Official Records, Vol. 1056, page 307, San Joaquin County Records; thence South 85°50′31″ East 161.88 feet to a point in the East line of said Lot 34, said point being South 4°16′ West 70 feet from the Northeast corner of that parcel of land described in the Deed of Trust described above (in Book of Official Records, Vol. 1056, page 307); thence South 4°16′ West along the East line of said Lot 34, 16.9 feet to an iron pipe, said pipe being North 4°16′ East 350 feet from the Southeast corner of said Lot 34; thence South 87°07′ West, parallel with said South line, 163.15 feet to the true point of beginning.

Also except the West 5 feet as conveyed to the City of Lodi by Deed recorded January 24, 1958 in Book of Official Records, Vol. 2036, page 298, San Joaquin County Records.

PARCEL VII

Lot 1 of Tract No. 455 Salas Tract, according to the Official Map thereof filed in Volume 14 of Maps, at Page 91, San Joaquin County Records.

(14) The conveyance entered into between the Southern Pacific Company grantor, and Fred Spickerman, grantee, on September 1, 1966, and recorded on April 19, 1967, volume

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3118, page 321, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land situate in the City of Lodi, County of San Joaquin, State of California, described as follows:

The North 2.95 acres of Lot 34 of Larson's addition to Lodi, according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records.

Except the North 200 feet of the East 184 feet of said Lot 34 as described in Deed to the Lodi Natural Gas Company, recorded December 5, 1906, in Book "A" of Deeds, Vol. 159, page 43, San Joaquin County Records.

Also except the West 50 feet as described in Deed to the City of Lodi, recorded September 3, 1936 in Book of Official Records, Vol. 538, page 493, San Joaquin County Records.

Also except the East 5 feet of the West 55 feet as described in the Deed to the City of Lodi, recorded January 24, 1958 in Book of Official Records, Vol. 2036, page 300, San Joaquin County Records.

Also except that portion described in Deed to Hyman Berebitsky, et ux, recorded November 30, 1959 in Book of Official Records, Vol. 2240, page 498, San Joaquin Records.

(15) The conveyance entered into between the Southern Pacific Company, grantor, and Spiekerman Concrete Pipe Company, a California corporation, grantee, of October 1, 1966, and recorded on April 19, 1967, volume 3118, page, 323, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, described as follows:

The North 10 feet of Lot 11 and the South 32.50 feet of Lot 10, as said lots are shown on map of Larson's Addition to Lodi, according to the Official Map thereof filed in Volume 2 of Maps, at page 10, San Joaquin County Records.

(16) The conveyance entered into between the Southern Pacific Company, grantor, and Howard Mason, grantee, on March 30, 1966, and recorded on April 19, 1967, volume 3118, page 317, of Official Records of San Joaquin County, California, describing the following lands:

Those certain parcels of land situate in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

PARCEL 1

Lots 6, 7 and 8 in Block 33 of Lawrence Homestead Addition as shown on the map thereof recorded in Volume 10 of Maps at Page 5, Records of said County.

Excepting therefrom the west 30 feet thereof.

PARCEL 2

The north 10 feet of that certain 20-foot alley lying between Blocks 33 and 34 of Lawrence Homestead Addition as shown on the map thereof recorded in Volume 10 of Maps at Page 5, Records of said County.

Excepting therefrom the west 30 feet thereof.

(17) The conveyance entered into between the Southern Pacific Company, grantor, and Jay Loveless, a married man, grantee, on July 13, 1967, and recorded on October 10, 1967, volume 3158, page 339, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land situate in the south half of Section 36, Township 4 North, Range 6 East, M.D.M., in the County of San Joaquin, State of California, being the easterly 100.00 feet of the westerly 150.00 feet of the land described as follows:

Commencing at a point on the south line of said Section 36, distant thereon West 1401.60 feet from the southeast corner of said Section 36; thence North 1°35′ West, along the westerly line of the Bechtold property, 665.40 feet; thence North 74°02′ West 91.00 feet; thence North 66°35′ West 81.40 feet; thence North 55°06′ West 101.50 feet; thence North 57°40′ West 148.30 feet; thence North 69°53′ West 69.20 feet; thence North 80°47′ West 90.30 feet; thence South 89°51′ West 156.60 feet; thence South 80°47′ West 448.30 feet; thence North 1°47′ West 10.00 feet; thence South 80°47′ West 200 feet, more or less; to a point in a line parallel and concentric with and distant 50.00 feet easterly, measured at right angles and radially, from the original located center line of Southern Pacific Company's main track (Stockton to Polk); thence southerly, along said parallel and concentric line, to the south line of said Section 36; thence easterly, along last said south line, to the point of beginning.

Except therefrom the south 30.00 feet thereof included in the San Joaquin County Road.

(18) The conveyance entered into between the Southern Pacific Company, grantor, and Vivian E. Hughes, a widow, grantee, on January 31, 1966, and recorded on April 19, 1967, volume 3118, page 319, of Official Records of San Joaquin County, California, describing the following lands:

That parcel of land situate in the City of Lodi, County of San Joaquin, State of California, described as follows:

Beginning at a point distant 320 feet northerly from the northwest corner of Block 21 in the Town (now City) of Lodi; thence run northerly 100 feet, thence easterly 125 feet to a point in a line parallel with and distant 50 feet westerly, measured at right angles from the original located center line of Southern Pacific Company's main track (Stockton to Polk); thence southerly, along said parallel line, 100 feet; thence westerly 125 feet to the point of beginning, the same being a fraction of the west half of the Northwest Quarter of Section 1, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, as per deed recorded January 3, 1920 in Book "A" of Deeds, Vol. 400, Page 265, and being in Ayers and Pitchers Addition to the City of Lodi.

(19) The conveyance entered into between the Southern Pacific Company, grantor, and Anvil Products, Incorporated, a corporation, grantee, on July 1, 1967, and recorded on October 11, 1967, volume 3158, page 603, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land situate in the City of Lodi, County of San Joaquin, State of California, being a portion of Lot 62 of Lodi Barnhart Tract, filed November 5, 1906, in Volume 3 of Maps, Page 48, San Joaquin County Records, and more particularly described as follows:

Beginning at the Southwest corner of said Lot 62; thence North 3°44′ East along the West line of said Lot 62 a distance of 312.14 feet; thence North 86°25′ East along the South line of the North 0.38 acres of said Lot 62 a distance of 673.95 feet; thence South 310.44 feet more or less to the South line of said Lot 62; thence South 86°26′ West along the South line of said Lot 62 a distance of 694.3 feet to the point of beginning.

Except therefrom the westerly 25 feet of said Lot 62.

Also except that portion of the above described parcel of land lying easterly of a line parallel with and distant 200 feet easterly, measured at right angles, from the original located centerline of Southern Pacific Company's main track (Stockton to Polk).

(20) The conveyance entered into between the Southern Pacific Company, grantor, and William T. Beckman, a married man, dealing with his sole and separate property, Charles M. Beckman, a single man, and Alfa E. Beckman, a widow, grantees, on August 13, 1968, and recorded on September 13, 1968, volume 3238, page 277, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land situate, lying and being in the City of Lodi, County of San Joaquin, State of California, being a portion of Lots 63, 64 and 65 as said Lots are shown on that certain map entitled "Lodi Barnhart Tract," filed for record on November 5, 1906, in Volume 3 of Maps and Plats, Page 48, Records of San Joaquin County, described as follows:

Beginning at the point of intersection of the northerly line of said Lot 65 with a line parallel with and distant 75 feet easterly, measured at right angles, from the original located center line of Southern Pacific Company's main tract (Stockton-Brighton); thence southerly along said parallel line 750.29 feet to a point in the southerly line of the North 1.60 acres of said Lot 63; thence easterly along said southerly line, to a point in a line parallel with and distant 200 feet easterly, measured at right angles, from said center line; thence northerly along last said parallel line 750.29 feet to a point in said northerly line of Lot 65; thence westerly along said northerly line, to the point of beginning.

SEC. 3. (a) Nothing in this Act shall—

(1) diminish the right-of-way referred to in the first section of this Act to a width less than fifty feet on each side of the center of the main track or tracks established and maintained by the Southern Pacific Company on the date of the enactment of this Act; or

(2) validate or confirm any right or title to, or interest in, the land referred to in the first section of this Act arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance made by the Southern Pacific Company before the date of the enactment of this Act.

(b) There is reserved to the United States all oil, coal, or other minerals in the land referred to in the first section of this Act, together with the right to prospect for, mine, and remove such oil, coal, or other minerals under such rules and regulations as the Secretary of the Interior may prescribe.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer an amendment to the committee amendment which would correct a typographical error.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. McFALL: Page 16, line 18, after the word "page" strike out "315" and insert "325"

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

Mr. ASPINALL. Mr. Speaker, H.R. 12960, as amended, validates and confirms, as far as the interest of the United States is concerned, some 20 conveyances made by the Southern Pacific Railroad to adjoining landowners.

These lands are located in San Joaquin County, Calif. Nineteen of the parcels lie within the city limits of Lodi, Calif., and the other one is immediately adjacent to the city. The 20 parcels contain about 13 acres. These lands are presently used for housing, light and heavy industry, and one parcel has been developed as a grape vineyard.

Originally, these lands were granted to the Central Pacific Railroad Co. by the act of July 1, 1862. The Southern Pacific is the successor in interest to the Central Pacific. The act did not grant full title to the railroad company, but it did grant a 400-foot right-of-way across public lands, together with the right to use the surface for railroad and associated purposes. All minerals were reserved to the United States.

When the United States issued patents to the adjoining lands, the patents included the lands within the right-of-way. As the railroad did not actively assert claim to the entire 400-foot right-of-way until about 1925, the adjoining landowners assumed ownership and made use of most of the right-of-way except for a 50-foot strip on each side of the mainline track that was clearly defined and actively used by the company. After 1925, when the railroad actively asserted claim to the entire right-of-way, the improvements and assumed ownership of the adjoining owners were placed in serious doubt. In the past, similar situations have been brought before Congress, and legislation has been enacted to validate conveyances made by various railroad companies. In the present case, the Southern Pacific made the 20 conveyances in 1966 for a nominal consideration.

Abandonment or forfeiture of a railroad right-of-way is generally governed by the act of March 8, 1922. That act provides that upon a finding of abandonment or forfeiture, by act of Congress or the courts, the lands within the right-of-way pass to the adjoining owner except that within a municipality the lands pass to the municipality. In this situation the railroad does not consider its 20 conveyances as an abandonment. and no abandonment has been found by Congress or the courts. Moreover, the city of Lodi, which would be the beneficiary of 19 of the 20 tracts of any finding of abandonment under the 1928 act, has recommended enactment of H.R. 12960.

Unless H.R. 12960 is enacted, the 20 conveyances by the Southern Pacific Co. will not convey a marketable title to the land. Enactment of H.R. 12960 will legalize the conveyances and will eliminate the necessity of further legislation by Congress or a finding by the courts regarding abandonment of a portion of a right-of-way. As all minerals are reserved to the United States, the Federal interest is fully protected.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AUTHORIZING A STUDY OF ESTABLISHING A UNIT OF THE NATIONAL PARK SYSTEM TO COMMEMORATE THE OPENING OF THE CHEROKEE STRIP

The Clerk called the bill (H.R. 15012) to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone why we have to spend $30,000 to study the feasibility of commemorating the Cherokee Strip?

Mr. SKUBITZ. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Kansas?

Mr. SKUBITZ. This is an area between Kansas and Oklahoma——

Mr. GROSS. I know where it is located. Please tell me why we have to study the feasibility of commemorating the Cherokee Strip.

Mr. SKUBITZ. Because it is recommended by the National Park Service.

Mr. GROSS. Recommended that it be studied?

Mr. SKUBITZ. Yes.

Mr. GROSS. They are good over in the Interior Department at recommending studies of various things. There is a bill scheduled to come up this afternoon recommending a study that no one can understand why in the world it should be recommended. Would it be in order to ask for a study of the Mormon Trail and all the other cattle trails and human trails across the country?

Mr. SKUBITZ. Mr. Speaker, if the gentleman will yield, this is a procedure always followed by the Park Service in determining whether a project be declared feasible. So far as the Mormon Trail is concerned—we did just that sort of thing.

Mr. GROSS. But $30,000 is still $30,000 to study something which I think the National Park Service should be able to tell us out of hand whether or not it is feasible to commemorate.

Mr. SKUBITZ. That is the estimated cost of the study.

Mr. GROSS. My question is why. Why study it at all?

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING PUBLIC PRINTER TO FIX SUBSCRIPTION PRICE OF DAILY CONGRESSIONAL RECORD

The Clerk called the bill (S. 3339) to authorize the Public Printer to fix the subscription price of the daily CONGRESSIONAL RECORD.

There being no objection, the Clerk read the bill, as follows:

S. 3339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last full paragraph of section 906 of title 44, United States Code, is amended to read as follows:

"The Public Printer may furnish the daily Record to subscribers at a price determined by the Public Printer based upon the cost of printing and distribution, such price to be payable in advance."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR DESIGNATION OF SPECIAL POLICEMEN AT GOVERNMENT PRINTING OFFICE

The Clerk called the bill (H.R. 14452) to provide for the designation of special policemen at the Government Printing Office, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone if we can appoint enough special police over at the Government Printing Office to take care of a sick-out such as we had last week?

Apparently there is no one present to explain this bill.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING PUBLIC PRINTER TO GRANT COMPENSATORY TIME FOR OVERTIME BY CERTAIN EMPLOYEES OF GOVERNMENT PRINTING OFFICE

The Clerk called the bill (H.R. 14453) to authorize the Public Printer to grant time off as compensation for overtime worked by certain employees of the Government Printing Office, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, in view of what happened last week at the Government Printing Office, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO ESTABLISH A VOLUNTEERS IN THE PARK PROGRAM

The Clerk called the bill (H.R. 12758) to authorize the Secretary of the Interior to establish a volunteers in the park program, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the rght to object, I think we ought to have an explanation of whether this is the start of a so-called Domestic Peace Corps, or what this is all about.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, this is not the start of a domestic peace corps. The purpose of this bill is to allow the Park Service to continue by law actual living history programs. For example, down in Fredericksburg on the battlefield, people have volunteered to come in and take the place of both the Union and the Confederate forces. They have been volunteers, but there has been an opinion by the Attorney General that he is afraid there might be a tort liability as far as the Federal Government is concerned if there is not a proper act. So the Park Service has come to our committee and asked us to pass this bill allowing them to have volunteers so they may sign a waiver, so there will be no liability on the Federal Government. This is the purpose of this act, but it is not the start of a domestic peace corps.

Mr. GROSS. What is the reason for the $100,000 annual appropriation?

Mr. SAYLOR. Because there are uniforms to be purchased and there may be transportation of people to participate in this, and this is the reason for it.

Mr. GROSS. Will the $100,000 transport all the volunteers around the country?

Mr. SAYLOR. No; most of them will not require transportation. Most of them will be local and will pay their own transportation. But it might be necessary for the Park Service in certain areas to use a bus to bring certain people to certain of the areas. The Park Service wants this to cover that kind of expenditure.

Mr. GROSS. Has the gentleman heard that there is a movement on foot to create a domestic peace corps and that it has been suggested it be located in or administered by the Department of the Interior?

Mr. SAYLOR. That is correct. I have heard that. But this has nothing to do with the Park Service. This has no part of the Domestic Peace Corps; of that I can assure the gentleman.

Mr. GROSS. I hope the gentleman is correct.

Mr. Speaker, I withdraw my reservation.

The **SPEAKER** pro tempore (Mr. PERKINS). Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

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H.R. 12758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to recruit, train, and accept without regard to the civil service classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, or other visitor services or activities in and related to areas administered by the Secretary through the National Park Service.

SEC. 2. The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

SEC. 3. (a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) For the purpose of the tort claim provisions of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 5. This Act may be cited as the "Volunteers in the Parks Act of 1969."

With the following committee amendment:

Page 2, line 21, strike out "Act." and insert in lieu thereof "Act, but not more than $100,000 shall be appropriated in any one year.".

The committee amendment was agreed to.

(Mr. ASPINALL (at the request of Mr. JOHNSON of California) was granted permission to extend his remarks at this point in the RECORD).

Mr. ASPINALL. Mr. Speaker, the bill now before the House was cosponsored by Representatives JOHN P. SAYLOR and JOE SKUBITZ. The purpose of the measure is to authorize the Secretary of the Interior to utilize the voluntary services of qualified individuals who can help the National Park Service more adequately serve the public.

Essentially, H.R. 12758 seeks to accomplish a dual objective—both mutually desirable. First, if enacted, it will provide the mechanism which is required in order to enlist the services of people interested in specific areas or activities in the national park system. Second, it will expand the opportunities for the public to more fully use and enjoy our various national park areas.

At the present time, volunteers are used to a very limited extent. Their services are employed primarily at areas where some organization has a particular interest in promoting and developing a greater public understanding of it. These people serve without compensation, but they provide a valuable public service. Prior to accepting their services, however, the Park Service must require these volunteers to agree, in writing, that the United States is free of all liability for any injury which they might receive while providing such services. In addition, these volunteers are required to pay all expenses connected with their service unless donated funds are available for this purpose.

Naturally, while people are willing to give the Government one of their most valuable assets—their free hours—they are somewhat reluctant to do this if they have to assume all of the risks of injury and, also, assume all of the expenses connected with their donated services. Essentially, these are the problems which H.R. 12758 attempts to resolve.

The bill does not authorize any compensation to be paid to those people who wish to volunteer their services. It does, however, enable the National Park Service to extend to them the same remedies that are available to Federal employees for accidental injuries. While we do not foresee that any volunteer will be injured, and while no known injuries have been sustained by volunteers heretofore, the legislation is drafted prospectively so that in the unlikely, though possible, event that some volunteer is injured in service, he or she can seek the remedies available at law.

Mr. Speaker, these volunteers are public-spirited citizens who will be used to complement and supplement the career and seasonal employees. They will not replace any regular employees of the National Park Service, but they can help to provide services which will expand the public enjoyment and use of our national park areas. In short, the volunteers will expand the capacity to accommodate the needs of park visitors without significantly increasing the operating costs. Since they are not to be compensated for their services, these volunteers, of course, would not be subject to the restrictions on appointments of personnel under title II of the Revenue and Expenditure Control Act.

Even though no compensation in the form of wages or salaries is to be paid to these individuals, there may be some expense connected with their services. It is expected that public funds will be used to provide necessary uniforms, period costumes, and travel and subsistence costs directly related to the voluntary services. Since these people will be giving their time without charge, they should not be expected to incur direct expenses in order to make their contribution.

Mr. Speaker, we do not expect recruiting for the program to begin with large numbers of volunteers. We expect these people to be selected on the basis of their interest in and qualifications for the services which they are to provide. At first, probably only about 100 will be selected. The numbers will grow as the program develops and matures, but it will begin as an experiment. Because it is virtually untried, the committee has indicated its intention to exercise thorough oversight over it.

To facilitate congressional oversight, the Members will note that the committee has recommended that the appropriations should be limited to no more than $100,000 annually. This amount should be ample to cover the costs involved in the years ahead. Then, if the program succeeds and additional funds are needed, the Congress can increase the authorization sometime in the future.

Mr. Speaker, the members of the committee on Interior and Insular Affairs recognize the potential value of this program—to the volunteers, to the public and to the Government. Not only can it provide untold benefits for young people who are interested in the outstanding natural, historic, scientific, and recreation areas of the national park system, but it can give new meaning to the lives of many Americans who have retired from full-time employment, but who would enjoy serving the public on a part-time voluntary basis.

As the Government Standard—a publication issued by the American Federation of Government Employees—indicated:

> (This program) sounds like a golden opportunity . . . for those who enjoy the outdoors to get their fresh air, while donating their most valuable asset, their time, to our Nation's fine parks.

Mr. Speaker, I urge the Members of the House to approve H.R. 12758.

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 12758, a bill to authorize the Secretary of the Interior to establish a volunteers in the park program and for other purposes. I am privileged to cosponsor this legislation to establish a truly meritorious progarm.

The purpose of this bill is to authorize the Secretary of the Interior to recruit, train, and accept without compensation, individuals as volunteers to aid and assist in the interpretive functions, visitor services, and other activitiies relating to areas administered by the National Park Service. The bill authorizes the apppropriation of not more than $100,000 in any one year to carry out the purpose of the volunteers in the park program and provide for transportation, uniforms, lodging, and subsistence, and other incidental expenses when necessary and appropriate.

The volunteers recruited under this program will not be considered Federal employees except for the purposes of the Federal Tort Claims Act and those statutes relating to compensation to Federal employees for work injuries.

In the past the National Park Service has utilized the services of individuals and organizations volunteering to assist the Park Service in their interpretative efforts. For example, the efforts to interpret and reconstruct the historic engagements between the Union and Confederate forces in the Civil War were accomplished largely by volunteer services on the part of individuals and interested organizations. In many other areas of our national park system the volunteer effort has assisted in providing the general public with an understanding of the historical importance of the area and the need to preserve it. However, this has not been accomplished that easily. Individuals and volunteers who now offer their assistance are required to sign a waiver of liability on behalf of the United States. Nor are such volunteers entitled to compensation for injuries suffered while in the performance of their volunteer services. This has resulted in severely restricting the acceptance of volunteer services by the National Park Service.

This legislation will remove these limitations and permit public-spirited citizens to accept appointment under the volunteers in the park program for a limited period of time. The duties of the volunteers will be complementary and supplementary to the duties of the regular career employees of the National Park Service. The volunteers' duties will involve interpretation and visitor services, special information services, assisting in archeological digs, special research projects, and interpreting historical events.

These volunteers will be recruited from the areas in close proximity to the park facilities.

Mr. Speaker, I support and urge the passage of this legislation.

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SKUBITZ. Mr. Speaker, I rise in support of H.R. 12758, a bill to authorize the Secretary of the Interior to establish a volunteers in the park program and for other purposes, which I am pleased to cosponsor with my good friend from Pennsylvania, Mr. SAYLOR.

The purpose of this legislation is to authorize the Secretary of the Interior to employ individuals without compensation to serve as volunteer workers in the National Park Service. The bill also authorizes the Secretary of the Interior through the National Park Service to provide transportation, uniforms, lodging, and subsistence as may be necessary and appropriate.

The volunteers participating in this program will not be considered Federal employees except for the purposes of the Federal Tort Claims Act and other statutes relating to compensation for injuries resulting or occurring during the course of their volunteer employment. The bill authorizes not more than $100,000 to be appropriated in any one year to carry out the purposes of the volunteers in the park program.

At the present time volunteers are utilized in the national park system on a very limited and restricted basis because of legal technicalities which require a waiver of liability. Nonetheless, volunteer service in the National Park Service, even on the very limited basis, has contributed immeasurably to the world-renowned reputation of our national park system. This legislation will remove the inhibitions which deter many volunteers from performing this service to our Nation.

The volunteers in the park program is not in any way intended to detract from the fine public service of the regular career employees. Rather, the volunteer efforts will be complementary and supplementary to the duties of the regular employees. The duties of the volunteer will involve interpretative and visitor services, special information services, assisting in special research projects and archeological digs, and interpreting historical events.

The volunteers will be selected largely from areas close to the park facilities and for skills which are not generally available on the regular staff, and as supplementary skills needed to support and bolster the interpretive efforts.

The volunteers in the park program will hopefully provide appropriate and meaningful assistance in the interpretive program contemplated for the bicentennial celebration of this great Nation in 1976.

Mr. Speaker, I urge the passage of this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TIME SHORT FOR THE EDA

(Mr. HARSHA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HARSHA. Mr. Speaker, today the House of Representatives had been scheduled to consider a piece of legislation supremely important to thousands of Americans in the disadvantaged sections of our country. Unfortunately, action on this much needed extension of the 1965 Economic Development Act has been delayed another week. The original Economic Development Act is scheduled to expire in just 30 short days and by the time action is taken next week, the life of this outstanding program will be even closer to termination. Today, I am urging my colleagues to utilize the extra time wisely, to study the provisions of the Economic Development Act and the outstanding results of its many programs. The lives of countless families have been bettered and the facilities of countless communities improved through implementation of this idea.

Mr. Speaker, next week we will be debating a much needed 1-year extension of the present economic development program. Passage of H.R. 15712 will allow continuance of these all-important economic development programs while studies determine the need for additional legislation in this area. H.R. 15712 will appropriate an additional $770 million for grants, loans, and technical assistance through the next fiscal year. These economic development programs stimulate local interest, local planning and local private capital investment which serves to reduce unemployment and underemployment invariably present in disadvantaged areas. Furthermore, the program provides much needed capital improvement for these areas which otherwise would not be able to finance them. There is another benefit that should not be overlooked. Although historically funded at less than one-half the authorized amounts, the remaining unauthorized balances in any one fiscal year represent a cushion for subsequent appropriations during that year as a temporary job-producing measure in the event of a slackening in the national economy.

Mr. Speaker, since the inception of the idea, the Economic Development Act has more than adequately proven its worth. At the appropriate time, I will urge passage of this important measure, H.R. 15712, and I hope my colleagues will demonstrate unanimity in continuing these programs for economically deprived areas.

CALL OF THE HOUSE

Mr. HARVEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 147]

Adair
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Ashley
Aspinall
Baring
Bell, Calif.
Berry
Betts
Bevill
Biaggi
Blackburn
Blanton
Brasco
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Burlison, Mo.
Burton, Utah
Cabell
Camp
Carey
Cederberg
Celler
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cohelan
Conte
Conyers
Corbett
Corman
Crane
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Dawson
de la Garza
Delaney
Dent
Diggs
Dingell
Dorn
Dowdy
Downing
Dulski

Dwyer
Edwards, Calif.
Evins, Tenn.
Farbstein
Feighan
Fish
Fisher
Flowers
Flynt
Foley
Ford, William D.
Frelinghuysen
Fulton, Tenn.
Gallagher
Gaydos
Gilbert
Goldwater
Gray
Green, Oreg.
Hagan
Halpern
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hawkins
Hays
Hébert
Holifield
Hull
Jones, Ala.
Keith
Kirwan
Leggett
Lennon
Long, La.
Lujan
Lukens
McCarthy
McClory
McCloskey
McCulloch
McMillan
Macdonald, Mass.
MacGregor
Mann
Mathias
May
Mayne
Michel
Miller, Calif.
Mills
Monagan
Morse
Nichols
Olsen
O'Neal, Ga.
Ottinger
Patten
Pelly
Pettis
Pickle
Pollock
Powell
Preyer, N.C.
Pucinski
Purcell
Rees
Rhodes
Roe
Rogers, Colo.
Rooney, N.Y.
Roudebush
Roybal
Ruth
Sandman
Scherle
Scheuer
Schwengel
Shipley
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Stubblefield
Stuckey
Symington
Taylor
Teague, Calif.
Tiernan
Tunney
Udall
Van Deerlin
Vander Jagt
Waldie
Watkins
Watson
Weicker
Whalley
Whitten
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Yates

The **SPEAKER**. On this rollcall 270 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill, a joint resolution, and concurrent resolutions of the House of the following titles:

H.R. 11628. An act to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress;

H.J. Res. 1069. Joint resolution extending for 4 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune;

H. Con. Res. 520. Concurrent resolution authorizing the printing of an additional 1,000 copies of House Report 91-610, 91st Congress, first session, entitled "Report of Special Study Mission to Southern Africa" for the use of the Committee on Foreign Affairs of the House of Representatives;

H. Con. Res. 537. Concurrent resolution providing for the printing as a House document the tributes of the Members of Congress to the service of Chief Justice Earl Warren;

H. Con. Res. 578. Concurrent resolution authorizing the reprinting of a "Compilation of Works of Art and Other Objects in the U.S. Capitol," as a House document, and for other purposes;

H. Con. Res. 584. Concurrent resolution relative to printing as a House document a history of the Committee on Agriculture; and

H. Con. Res. 585. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following titles:

H.R. 15166. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control navigation, and for other purposes, and

H. Con. Res. 580. Concurrent resolution authorizing certain printing for the Select Committee on Crime.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 14685) entitled "An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. INOUYE, Mr. CANNON, Mr. PROUTY, and Mr. GOODELL to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 1100. An act to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program;

S. 1500. An act to name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham;

S. 2763. An act to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation;

S. Con. Res. 61. Concurrent resolution authorizing the printing of the compilation entitled "Federal and State Student Aid Programs" as a Senate document;

S. Con. Res. 66. Concurrent resolution authorizing the printing of additional copies of Senate hearings on space program benefits; and

S. Con. Res. 70. Concurrent resolution authorizing the compilation and printing of a revised edition of the Biographical Directory of the American Congress (1774-1970).

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the House Committee on Rules may have until midnight tonight to file certain privileged reports.

The **SPEAKER**. Is there objection to the request of the gentleman from Indiana?

There was no objection.

INTERNATIONAL LABOR ORGANIZATION CONFERENCE IN GENEVA, SWITZERLAND

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 103 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1033

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a member from the majority and a member from the minority of the Committee on Education and Labor to attend the International Labor Organization Conference in Geneva, Switzerland, between June 3, 1970, and June 25, 1970.

He is further authorized to appoint as alternates two members from the majority and two members from the minority of the said committee.

Notwithstanding section 1754 of title 22, United States Code, or any other provision of law, local currencies owned by the United States shall be made available to the aforesaid delegates and alternates from the Committee on Education and Labor of the House of Representatives engaged in carrying out their official duties under section 190(d) of title 2, United States Code: *Provided*, (1) That no member of said committee shall receive or expend local currencies for subsistence in an amount in excess of the maximum per diem rates approved for oversea travel as set forth in the Standardized Government Travel Regulations, as revised and amended by the Bureau of the Budget; (2) that no member of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee in any country where counterpart funds are available for this purpose.

That each member of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the identification of the agency. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

With the following committee amendments:

On page 2, line 22, after the word "Government," insert "the cost of such transportation and".

On page 2, line 22, after the word "agency.", insert: "Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.".

The **SPEAKER**. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, the resolution authorizes the Speaker of the House to appoint one majority member and one minority member of the Committee on Education and Labor to attend the International Labor Organization Conference in Geneva, Switzerland, between June 3, 1970, and June 25, 1970, and further authorizes him to appoint as alternates two majority members and two minority members of the committee.

The resolution authorizes the use of counterpart funds and is in the form of the usual travel resolution with the exceptions of two amendments which should be made to bring it in line with other similar resolutions ordered reported by the Committee on Rules. On page 2, line 22, after the word "Government," insert "the cost of such transportation, and". Also on page 2, line 22, after the word "agency." the so-called Hall amendment should be inserted, which would disallow dual per diem within a 24-hour period.

Mr. Speaker, I urge the adoption of House Resolution 1033.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes. I yield to the gentleman.

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Mr. GROSS. I thank the gentleman from Indiana. As I understand it, this would provide for a junket for six members of the House Committee on Education and Labor—a member from the majority, a member from the minority, and two Democrat alternates and two Republican alternates. Is that right?

Mr. MADDEN. Those alternates take the place of the duly constituted appointees if they cannot qualify. Only two will go to these conventions at any one time.

Mr. GROSS. Only two would go at one time?

Mr. MADDEN. Yes. They are interchangeable.

Mr. GROSS. I thought perhaps they would send the alternates over to Geneva, Switzerland, so they could be there on a standby basis in case there was some scenery to be viewed by the principal delegates while the conference was in session.

Are they going to be over there for 22 days, as the resolution indicates, or will they go on a staggered basis?

Mr. MADDEN. I, personally, have never taken one of those trips. In fact, I have not been on any junkets since I have been in Congress and I would not be in a position to interpret what they are going to do as you term a so-called junket.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I suppose the gentleman from Indiana and I share the uncommon ailment of being nonjunketeers.

Mr. MADDEN. We are a daily double, you and I.

Mr. GROSS. A daily double?

Mr. MADDEN. You and I.

Mr. GROSS. I do not know what the daily double is.

Does the gentleman think that two members of the committee and four alternates will be sufficient to represent this country in Geneva?

Mr. MADDEN. It is not my understanding that the alternates are going to participate unless the regular delegates are disqualified or are ill.

Mr. GROSS. Are there any counterpart funds in Geneva?

Mr. MADDEN. Well, they will probably get those here.

Mr. GROSS. Probably get those in this country?

Mr. MADDEN. Yes.

Mr. GROSS. Do we have counterpart funds in this country?

Mr. MADDEN. I have never gotten any myself. I do not know where they are located.

Mr. GROSS. Are they aware of the new gimmick of special drawing rights, SDR's? Does the gentleman know whether these delegates are aware of that new "paper gold?"

Mr. MADDEN. I do not know. The gentleman had better consult some of the Members that make these trips.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman from Indiana (Mr. MADDEN) has ably stated, this resolution, if agreed to, authorizes the Speaker to appoint a Member from the majority, and a Member from the minority, together with two alternates from each party, to attend the annual meeting of the International Labor Organization. Use of counterpart funds are authorized to be expended by those attending the conference, which is held during the month of June, in Geneva, Switzerland.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I shall be happy to yield to the gentleman from Iowa.

Mr. GROSS. I thought these junketeers were going only to one country, Switzerland. Are they going elsewhere abroad?

Mr. QUILLEN. I will state to the gentleman from Iowa that he is correct. It is singular rather than plural.

Mr. GROSS. So, the counterpart funds would have to be in Geneva?

Mr. QUILLEN. That is right; the gentleman is correct.

Mr. GROSS. I thank the gentleman.

Mr. QUILLEN. Mr. Speaker, I have no requests for time but I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The **SPEAKER** pro tempore (Mr. TEAGUE of Texas). The question is on the committee amendments.

The committee amendents were agreed to.

The **SPEAKER** pro tempore. The question is on the resolution, as amended.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER** pro tempore. The gentleman from Iowa will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, was this resolution passed? I did not hear the Chair announce the passage of the resolution.

The **SPEAKER** pro tempore. The Chair announced that the "ayes" had it and that the resolution was agreed to.

Mr. GROSS. I thank the Speaker pro tempore.

NOMINATION OF DR. J. RICHARD LUCAS AS DIRECTOR OF THE BUREAU OF MINES

(Mr. **HECHLER** of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, since the passage of the Federal Coal Mine Health and Safety Act of 1969, the Bureau of Mines has been charged with challenging new responsibilities of vast proportions. The Bureau has been leaderless since the first of March 1970 when the very able Director of the Bureau of Mines, Mr. John F. O'Leary was fired.

Mr. Speaker, I have some grave reservations about the nominee who has been designated by the President to head the Bureau of Mines, Dr. J. Richard Lucas. These reservations are shared also by my distinguished colleague, the gentleman from Pennsylvania (Mr. SAYLOR), who sent a strong letter to the President detailing his objections to Dr. Lucas. Although a new Director is sorely needed, he must be a man with a thorough knowledge of the new law, a capacity for leadership, and a man who places the highest priority on the health and safety of the miners. Dr. Lucas has failed to demonstrate that he possesses the qualities enumerated.

Since March 1, 1970, the Bureau of Mines has in effect been in a shambles, and enforcement of the new law has been shot through with a peculiar mixture of literal, overenforcement without flexibility, and gross underenforcement of the new law. These facts have been documented thoroughly in the material which I shall insert in the RECORD. Dr. Lucas has revealed no grasp of the dangerous situation into which he is moving, or the almost-superhuman challenge he confronts in the administrative bureaucracy, the economic pressures, and the complexity of the problems in the mining industry.

Mr. Speaker, under my unanimous-consent request I include at this point the text of a letter to the chairman of the Senate Committee on Interior and Insular Affairs which heard Dr. Lucas last week and also a letter which I sent to the Secretary of the Interior, the Honorable Walter J. Hickel.

The letters referred to follow:

MAY 28, 1970.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have carefully reviewed the transcript of the May 25, 1970 hearing before the Senate Committee on Interior and Insular Affairs, relating to the nomination of Dr. J. Richard Lucas as Director of the Bureau of Mines.

I strongly recommend that the nomination of Dr. Lucas be disapproved, for the following reasons:

1. Since the passage of the Federal Coal Mine Health and Safety Act of 1969, the Bureau of Mines has been charged with challenging new responsibilities of vast proportions. The Bureau has been leaderless since March 1, 1970. Although a new Director is sorely needed, he must be a man with thorough knowledge of the new law, a capacity for leadership, and a man who places the highest priority on the health and safety of the miners. Dr. Lucas has failed to demonstrate that he possesses the qualities enumerated.

2. Since March 1, 1970, the Bureau of Mines has in effect been in a shambles, and enforcement of the new law has been shot through with a peculiar mixture of literal, over-enforcement without flexibility, and gross under-enforcement of the new law. These facts have been documented thoroughly in the attached correspondence. Dr. Lucas has revealed no grasp of the dangerous situation into which he is moving, or the almost superhuman challenge he confronts in the bureaucracy, the economic pressures, and the complexity of the programs. I hesitate to use a somewhat hackneyed word, yet it seems clear that the word "mediocrity" is applicable in this case.

3. Very few people in the academic world in which Dr. Lucas moved have expressed any great enthusiasm for his capability to handle this difficult position. On May 7, 1970, I wrote the enclosed letter to Dr. M. D. Hassialis of the School of Mining Engineering at Columbia University, where Dr. Lucas received his Ph.D. degree in 1965. Unfortunately, Dr. Hassialis is now in Germany and will

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not be able to respond to my letter until later, but I believe his opinion must be officially solicited.

4. Although I believe the issue of "plagiarism" has been somewhat overplayed, and may not prove to be as important as the other points listed above, the issue has not been fully resolved. It would be helpful for the committee to talk with those individuals involved in the F.B.I. Report, and ask Dr. Lucas to submit copies of *all* his professional papers for review by the committee staff.

5. The testimony would seem to indicate that Dr. Lucas' prime loyalty is to the coal industry. The history and philosophy of the Bureau of Mines has been heavily on the side of *production*, rather than protection of the public interest and the men who work in the mines. Likewise, minerals other than coal will be under the Director's jurisdiction. Dr. Lucas may not have an obvious conflict of interest, yet his point of view is clearly not dedicated to the *public* interest.

The deep concern over administration of the new Act and the serious problems Dr. Lucas will face is reflected in the enclosed joint letter from Chairman John Dent of the General Labor Subcommittee, joined by Congressman Phillip Burton and myself.

In conclusion, I would say that Dr. Lucas is a "weak sister" who would be incapable of coping with the mountain of problems he would confront in this job, where the administrative and economic pressures are enormous.

Sincerely,

KEN HECHLER.

MAY 20, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR SECRETARY HICKEL: I know that you are deeply concerned about the plight of this Nation's coal miners. Your concern was evidenced early in the consideration of the Federal Coal Mine Health and Safety Act of 1969 when you testified before the House General Subcommittee on Labor on March 4, 1969 and said (Hearings, pp. 52–54):

"* * * it is clear that our society can no longer tolerate the exorbitant cost in human life and human misery that is exacted in the mining of this essential fuel. Unless we find ways to eliminate that intolerable cost, we must inevitably limit our access to a resource that has an almost inexhaustible potential for industrial, economic, and social good.

"Our society has achieved an affluence unparalleled in man's history. It is time, I think—in fact, past time—that we begin to recognize more distinctly the responsibilities and realize more fully the opportunities which that affluence has given us.

"No longer can there be a claim that the safety and health of the workers in one of our major industries are luxuries that we cannot afford.

"As a people we have always placed human values at the summit of our esteem. We pride ourselves on our resourcefulness and our efficiency. Yet, the way that we mine coal today is not humanitarian, resourceful, or efficient. It is inexcusably wasteful of our most precious asset—the human being."

But, unfortunately, I find little evidence that other officials of the Interior Department who are responsible to you for the administration of the Federal Coal Mine Health and Safety Act of 1969 share your concern. They do not even attempt to show a sense of urgency in administering this law. Frankly, I am appalled at some of the actions taken by the Department to date, as well as at the many instances where it has failed to act.

I urge you to make a personal review of the administration of the Act to date before the situation worsens.

I believe it appropriate to bring the following points to your attention.

I. NO GOVERNMENT POSITION ON TEMPORARY RESTRAINING ORDERS

On April 23, and 30, 1970, United States District Court Judge H. E. Widener, Jr., issued two temporary restraining orders governing coal mine health and safety enforcement.

Almost a month has passed since the first order was issued and the Interior Department has yet to state its position on the orders. It has not even indicated what, if any, actions it will take to appeal them, or to revise its regulations to remove the objectionable features that caused the Judge to issue the orders.

As a matter of fact, the Department's first response was a negative one, namely on April 24, 1970, it issued an instruction by telegram to cease all inspections.

Next, the Department responded to the suit by extending the scope of the orders beyond the 77 plaintiffs to the entire nation. Thus, the largest operators, like U.S. Steel, have received from the Department a gift of the fruits of the orders which they did not seek themselves in court. They are not even parties to the suit, except behind the scenes.

Further, Under Secretary Russell, in two recent amendments to the penalty fee schedule, which the court forbade the Department to enforce, is still acting as if the fee schedule is in accord with the law.

1. What is the Department's position on these temporary restraining orders?

2. Is it not more profitable from the standpoint of the miner's safety to take steps to rescind the fee schedule and the regulations in the March 28, 1970 *Federal Register* publication which the court now forbids the Department to enforce and republish those which meet the requirements of sections 101(j) and 301(d) of the Act than attempt to fight the orders before a three judge court, and possibly lose?

II. REMARKS BY ASSISTANT SECRETARY HOLLIS M. DOLE

On May 11, 1970, Assistant Secretary Dole spoke before the 1970 Coal Convention of the American Mining Congress, in Cleveland, Ohio. A copy of his remarks is enclosed.

Mr. Dole said in part as follows:

"The intent of the Congress in this Act is clear, and the provisions are quite specific. In the Administration of the law, we in the Interior Department feel that very little has been left to our discretion. If there are any doubts with respect to the wording in particular places, we believe we must resolve them in favor of affording greater protection to the men working in the mines, even if we are knowingly putting an additional burden on the industry."

3. (a) What is the Department's basis for concluding that "little has been left to our discretion under the law?"

(b) Is it not true that the Department has wide discretion, for example, (i) to establish new standards, (ii) to provide reasonable time and to extend that time in notices of violations issued to operators to comply with various provisions of the Act, (iii) to determine whether a closing order should be issued, and (iv) to establish the amount of any civil penalty?

I am heartened to see that Mr. Dole believes that if "there are any doubts with respect to wording 'in the Act, the Department' must 'resolve them in favor of affording greater protection to the men working in the mines.' "

That statement is significant because it is consistent with the preamble in section 2 of the Act which provides that
"the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner."

It also is consistent with the Statement of the Managers on the Part of the House (H. Conf. Rept. 91–761, December 16, 1969) which holds "* * * the managers intend that the Act be *construed liberally when improved health or safety to miners will result.*"

It is, however, disquieting, Mr. Secretary, to also see Mr. Dole adding a final patronizing clause to an otherwise fine sentence that the Department will resolve these doubts in favor of the miners "even if we are knowingly putting an additional burden on the industry."

This is a "burden" that is long overdue in this industry. It is a burden that is inherent in a broadened health and safety program that requires many more safety standards and a dust standard, and that eliminates the unscientific distinction between gassy and non-gassy mines. You recognized that there would be such a burden just in eliminating this distinction when you said, at the March 4, 1969 House Hearings, it "will require large new investments and increased operating costs * * *." Rather than expressing patronizing statements to the industry, the Department, in its rhetoric and its actions, should assure the operators and the miners that it will act reasonably and responsibly in its administration of the law.

III. NO REPLY YET

On April 3, 1970, you responded to my letter of March 5, 1970, concerning enforcement of the Act. I had also written the Department on February 20, 1970. In your letter, you advised me that since my letter of February 20, 1970, "raised a legal question" it was referred to the Solicitor and I will receive a "substantive reply in a few days."

More than 40 days have passed and the Solicitor has yet to reply.

IV. JOINT CONGRESSIONAL LETTER

On April 22, 1970, the day before Judge Widener's first order, Congressman Dent, Chairman of the General Labor Subcommittee, Congressman Phillip Burton, a member of that subcommittee, and myself sent a joint letter to the Department raising a number of issues concerning its administration of the Act and requested a response to the issues raised therein by May 4, 1970.

We have yet to receive that response.

V. THE FEE SCHEDULE

In our April 22, 1970, joint letter to you, we called upon the Department to "rescind" this fee schedule which is not in accord with the Act. Seven days later, Federal District Court Judge Widener specifically restrained the Secretary of the Interior and others from enforcing section 301.50 of the Department's March 28, 1970 regulations (35 F.R. 5257) "insofar as it permits the Bureau of Mines to assess penalties and accept payments in accordance with the schedule published therein in lieu of hearing * * *."

Yet, on May 4, 1970, the Department published two separate amendments to this fee schedule (35 F.R. 7181 and 7182). Both are effective upon publication. Both amendments were approved by Under Secretary Russell.

4. (a) If the Department is restrained from enforcing the fee schedule by the court order of April 30, 1970, what is the legal effect of these two amendments (i) on the plaintiffs in the law suit, and (ii) on operators and miners not plaintiffs to the law suit?

Please provide to me a legal opinion of the Solicitor on this point.

(b) If, under the order as the Department interprets its scope, the Solicitor finds the amendments without legal effect, then why did the Under Secretary find it necessary or desirable to publish them?

(c) Since the Department recognized that the rulemaking provisions of 5 U.S.C. 553 applied to the fee schedule on initial publication, but found it "impracticable" to have rulemaking, what is the legal basis for the Department now concluding (i) that, in the case of the first amendment (35 F.R. 7181),

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rulemaking is not applicable because the "amendment involves rules of agency organization, procedure, or practice", and (ii) that, in the case of the second amendment (35 F.R. 7182), there is no need to cite a reason for failure to provide rulemaking?

Please provide to me a legal opinion on this point also.

(d) Was there consultation with the Justice Department prior to publishing the amendments? If so, please provide a copy of any written views of that agency.

5. (a) Why is the definition of second, third, and additional violations set forth in the first amendment limited to violations of "a particular standard" only?

(b) What about violations of Title I of the Act?

6. In our joint letter of April 22, 1970, we said that we understood that the Department intended the terms first, second, and third violations to mean that violations "cited in second and later inspections" in a 12-month period would "incur a progressively greater fine." Please explain the reasons for the Department changing its position so as to require increased penalties only if there is a repeat of "a particular violation" on reinspection.

7. What is the legal basis in the statute for, in effect, wiping the slate clean at the end of each 12-month period and reducing the penalty to the level of a first violation?

8. (a) In regard to the second amendment, why are these reduced penalties applicable retroactively to March 30, 1970, and prospectively to September 30, 1970?

(b) What is the justification for reducing an imminent danger penalty, for a violation that could be as serious as the Farmington disaster that killed 79 miners, from $500 to $20?

(c) What is the justification for reducing the other penalties from $100 to $4, and $25 to $1, respectively?

(d) Is the footnote added to the fee schedule by the second amendment intended to apply to the second and subsequent violations also?

(e) If the Department found it appropriate to reduce the penalties for the mine operators under the fee schedule, why was not a proportionate reduction made for the miners also?

VI. MANDATORY SPOT INSPECTIONS

Section 103(i) of the Act requires that the Secretary "provide a minimum of one spot inspection by his authorized representative of all or part of" a mine having a history of certain hazardous conditions "during every five working days."

In response to my request of April 7, 1970, the Acting Director of the Bureau of Mines by letter of May 6, 1970, provided to me three tables listing underground coal mines in West Virginia which the Bureau finds (1) meets the criteria of section 103(i), and (2) that spot inspections are required for such mines. The tables identify 91 mines in West Virginia subject to section 103(i). The tables also show that few spot inspections have, in fact, been made by the Department at these mines between April 1, 1970, and May 6, 1970.

9. When will the Department meet the requirements of this section as to each of these mines?

10. (a) If a death or injury occurs in any one of these 91 mines during any five day period when a required spot inspection does not take place, will the United States be liable for damages in a suit brought by the miner or his survivor under the Federal Tort Claims Act, as amended for failure to comply with the statutory mandate? Please provide to me a legal opinion on this issue.

(b) If the answer is yes, what steps is your Department taking to prevent the possibility of such suits and loss to the treasury?

VII. INTERIOR'S APRIL 25, 1970, TELEGRAM TO INSPECTORS

Enclosed is a copy of my statement of April 29, 1970, "Crisis in Coal Mine Safety" (Cong. Rec. pp. 13479–13491), concerning some of the actions of the Interior Department under the Act. The statement includes a discussion of a telegram issued by the Bureau of Mines to its 5 district managers directing them to resume inspections suspended by the Bureau on April 24, 1970.

11. (a) What, in either temporary restraining order issued by Judge Widener, leads the Department to the conclusion that the orders apply nationwide? Please cite the appropriate provision in the orders.

(b) If there is nothing in either order to support the Department's action, what is the administrative justification for extending the application of these orders nationwide?

12. What is the legal basis in the Judge's orders for the Department's statement in the wire that the March 28, 1970, regulations of the Department "are invalid and unenforceable"?

13. (a) What is the legal basis in the Judge's April 23, 1970, order for Interior stating in the wire that the Act's Title III mandatory safety standards "may be enforced to the extent that the operators are able to comply within the bounds of existing technology and available equipment"?

(b) If there is none, why has the Department so limited its enforcement?

14. (a) What is the legal basis in the Judge's April 23, 1970, order for the Interior Department to instruct its inspectors to "inspect all coal mines *only* as against the safety standards under Title III of the Act"? (Underlining supplied.)

(b) If there is none, why has the Department so limited its enforcement?

15. Did Judge Widener hold that "with regard to conditions that cannot be abated because of the lack of technology or because equipment is not available" the Department's inspectors should not "issue any notice or penalty"?

I hope that the Department can promptly answer this letter and my letter of February 20, and our joint letter of April 22. If, however, the Department finds it impossible to provide a complete response to all of the issues raised in these letters within a short period of time, I hope that it will respond to as many as possible and indicate when a response will be made on the others.

Sincerely,

KEN HECHLER.

RAILROAD PASSENGER SERVICE

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. ADAMS. Mr. Speaker, last week the House debated the future of air transportation and at that time I indicated that many of us were interested in trying to develop the comprehensive transportation system this country will need in the 1970's and 1980's involving land, sea, and air.

There is now pending before the House Committee on Interstate and Foreign Commerce an imaginative and practical solution to the rail passenger service problem which was cosponsored by myself and over 100 Members. This measure, now called the Rail Passenger Service Act, has now passed the Senate by a vote of 78 to 3. It would establish an independent corporation to provide a basic network of intercity passenger service. The Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce completed several days of hearings early this year, and this week we hope to conclude the hearings by receiving testimony from Secretary of Transportation John Volpe and others.

I hope that this proposal, which has the support of the railroads, railway labor, the Department of Transportation, and the National Association of Railroad Passengers, will receive prompt consideration by the full membership of the Committee on Interstate and Foreign Commerce. It offers hope for railroad passengers who have seen service dwindle and decline in quantity and quality. I include an editorial from the Evening Star of May 8 endorsing the corporation concept, in the RECORD following these remarks:

[From the Evening Star, May 8, 1970]

SAVING THE TRAINS

It is a rare day when the railroad passenger gets any good news. Almost all the time, he has to watch helplessly as train after train is dropped and the quality of the remaining service declines. When he does manage to catch a train headed the way he wants to go, he gets the feeling the railroad would be just as happy if he took his business elsewhere.

So there is no future in the current state of affairs, with railroads constantly pressing to reduce or eliminate passenger service on the ground it loses money. The Penn-Central provided the most spectacular example of this trend with its plea to drop 40 trains, including everything west of Harrisburg.

The overwhelming Senate approval of a bill to set up a government-sponsored corporation to take over inter-city passenger service thus is a welcome sign for the weary rider of the rails. Something will be done at last to save this efficient and in some circumstances indispensable means of transportation. The plan is backed by the administration, the rail industry and an organization of rail passengers, and House passage is regarded as likely. The Department of Transportation is to decide which of the remaining inter-city trains should be kept. We trust this will be done intelligently. Some of the $175 million in federal money going into the project will be used to modernize roadbeds, a prerequisite for running fast trains that can compete with alternate modes of transportation on short-haul runs.

Who really needs a train? Anyone might, when snow blocks the highways and the ceiling is too low (or the air-traffic personnel are too sick) to permit the planes to fly. Even barring those calamities, plenty of people would ride the trains if they were fast enough, reliable enough and comfortable enough to give the customer the feeling that he was welcome.

There is further hope for rail transport in the uncertainities of the environmental crisis. The train, with its ability to haul great numbers of people with a minimum of insult to its surroundings, should find an honorable and permanent place in the nation's transportation network. If the current legislation makes that possible, it will be worth the price of a new highway to nowhere.

IN SEARCH OF A MIDDLE EAST POLICY

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, the crisis in the Middle East can no longer be

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ignored. The tragic and inhuman slaughter of 12 innocent children and their teachers on a school bus in Israel by Arab terrorists near the Lebanon border is terrible illustration of Arab determination to destroy Israel and their absolute unwillingness to reach a peaceful settlement of the conflict at this time.

The presence of Russian pilots and other personnel in Egypt has created an urgent need for U.S. assistance to Israel. It has not only altered the delicate balance of military power in that troubled area but has in effect challenged our Nation to take a stand.

Despite these incidents the President has taken no real position on the Middle East question. He has issued statements which are vague and subject to differing interpretations. He has promised a continuing review of our policies, but has done little. In fact, it seems at times that we have no policy with respect to the Middle East.

There is widespread fear among those in position of leadership in the Jewish community both in Israel and in this Nation that the United States is turning its back on an ally. A telegram which I received from Rabbi Harry Schneider of Congregation Kneseth Israel Ralph Pelcovitz in Far Rockaway, N.Y., expresses the concerns of millions of Americans and many in this Chamber. I insert the text of the telegram in the RECORD at this point:

FAR ROCKAWAY, N.Y., *May 26, 1970.*

Representative JOSEPH ADDABBO,
Rayburn Building,
Washington, D.C.:

We are horrified at the wanton killing of twelve innocent children and teachers by Arab terrorists in northern Israel at the Lebanese border stop. We urge you to speak out against these terrorists acts and also to use your good offices in urging the President to authorize the sale of jet planes to Israel in view of the threat to her security by the presence of Russian pilots and personnel in Egypt stop the security of Israel as well as that of United States demands immediate action.

CONGREGATION KNESETH ISRAEL
RALPH PELCOVITZ,
Rabbi HARRY SCHNEIDER,
President.

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Mr. Speaker, I believe there is in the Congress broad bipartisan support for the immediate sale of jet planes to Israel as requested by that nation. I have urged this action before and I will continue to urge the President to act on this request because the longer the United States tries to avoid making decisions on Middle East policy, the greater the danger to the security of Israel.

In addition to the the sale of jet planes to Israel, the President should take other steps to clarify and strengthen our position with respect to acts of provocation by Arab nations. Specifically, I would urge the following steps:

First. Support for the British motion to condemn the terrorist slaughter of the Israel schoolchildren and teachers.

Second. Stronger protest within the United Nations by the United States against the presence of Russian personnel in Egypt.

Third. The issuance of a clear and positive position statement by the President and the Secretary of State dealing with U.S. policy in the Middle East.

Fourth. Announcement that any new acts of provocation by Arab nations or further arms shipment or other military aid from Russia to Arab nations will result in increased U.S. assistance to Israel.

Mr. Speaker, these steps may not solve the crisis—because only direct agreement between Israel and her neighbors can achieve that objective—but they will halt the deterioration of United States-Israel relations and stabilize the military situation in the Middle East.

DECEPTIVE MAGAZINE SALES

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, the Federal Trade Commission this morning took firm and positive action to end years of consumer trickery by a number of the Nation's foremost magazine subscription sales agencies.

Having been personally involved in an investigation of subscription selling methods for almost a year and a half, I am very pleased to make note of the FTC action.

Late last week the FTC mailed notices to Cowles Communications, Inc.; Time, Inc.; the Hearst Corp., and the Perfect Film—formerly Curtis Publications—advising of the commission's intent to file formal complaints of alleged deceptive practices by subsidiary agencies which sell multiple magazine subscription contracts on a budget payment plan.

Each of the parent corporations is afforded an opportunity to consent voluntarily to "cease and desist" from engaging in a broad range of sales and collection abuses or face litigation.

The announced action is significant for many reasons. It is a clear declaration of the Federal Trade Commission's dissatisfaction with industry efforts at self-regulation. The industry's "PDS code" of selling practices, which was administered by the Magazine Publishers Association's central registry of magazine subscription solicitors, was granted a 3-year trial period by the FTC 3 years ago last month. But violations continued to the present time.

Early in my own investigation of magazine sales abuses, I concluded that self-regulation was both ineffective in curbing abuses and, in certain respects, was responsible for perpetuating abuses through public relations efforts which were aimed at disarming the natural suspicions of consumers, rather than disarming the agencies and the personnel utilizing deceptive methods and high pressure tactics.

I am particularly pleased to report to my colleagues, many of whom have received magazine complaints from their constituents, that the FTC order encompasses every major area of consumer trickery by these PDS agencies that I had urged the commission to consider. In some respects, the order goes beyond my greatest expectations.

I am pleased to have had some small role in focusing attention on the abuses that persisted so long, despite industry self-regulation. It is appropriate to acknowledge that my attention was directed to this problem 18 months ago by the "Action Express" public service column of the Easton Express newspaper of Easton, Pa.

Further, I commend the Federal Trade Commission and its staff for the exemplary steps taken today to end these abuses, once and for all.

At this point, I would like to include a copy of the Commission's press release:

FTC Complaints Charge Major Magazine Firms With Deceptive Sales Tactics

The Federal Trade Commission today announced its intention to issue complaints charging four leading magazine firms with using deceptive means to get long-term subscription contracts and harassing deceived subscribers.

(NOTE: The Commission issues a complaint when it has "reason to believe" that the law has been violated. Such action does not imply adjudication of the matters charged.)

Issued under the FTC's consent order procedure, the proposed complaints charge violations of law by:

Cowles Communications, Inc., 488 Madison Ave., New York City; and five wholly owned subsidiaries—Civic Reading Club, Inc., Educational Book Club, Inc., Home Reader Service, Inc., Mutual Readers League, Inc., and Home Reference Library, Inc., all located at 111 Tenth St., Des Moines, Iowa.

Perfect Film & Chemical Corp., 641 Lexington Ave., New York City, and its wholly owned subsidiary, Perfect Subscription Co., Independence Square, Philadelphia, and a wholly owned subsidiary of Perfect Subscription, Keystone Readers' Service, Inc., Seventh and Main Streets, Fort Worth, Tex.

The Hearst Corp., 959 Eighth Ave., New York City, its wholly owned subsidiary, Periodical Publishers' Service Bureau, Inc., 310 N. Superior St., Sandusky, Ohio, and International Magazine Service of the Mid-Atlantic, Inc., 2516–2524 N. Charles St., Baltimore, a franchise of Periodical Publishers.

Time Incorporated, Time-Life Building, New York City, and its wholly owned subsidiary, Family Publications Service, Inc., 1212 Avenue of the Americas, New York City.

The complaints allege that the firms' door-to-door salesmen and telephone solicitors have misrepresented the terms and conditions of contracts, which generally run from two to five years. It is contended that prospects have been misled into believing they are getting free subscriptions or special or reduced rates, and will be allowed to cancel the subscriptions.

The complaints also charge that:

Subscribers must pay substantially higher monthly payments over a substantially shorter period of time than claimed by salesmen.

Salesmen frequently induce a customer to sign a contract by falsely claiming it is something else—such as a preference list, a guarantee or a route slip.

The companies harass those they consider to be delinquent subscribers by telephoning them at unreasonable hours and falsely claiming that their credit rating will be adversely affected unless payment is made and that legal action will be taken against them.

In these door-to-door solicitations, salesmen have not informed subscribers of their right to cancel the contract within a reasonable time or have prevented them from exercising this right; and this is an unfair practice where the subscriber incurs a long term obligation under these conditions and circumstances.

The firms also would be required to institute a surveillance program to insure that their dealers and solicitors abide by the orders, and to stop dealing with any who continue the deceptive practices.

The companies have been given the opportunity to advise the Commission whether they are interested in having the proceeding disposed of by the entry of a consent order.

NATIONAL CONTINGENCY PLAN FOR CONTROL OF POLLUTION OF THE NATION'S COASTS AND WATERWAYS

(Mr. CRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CRAMER. Mr. Speaker, today I had the pleasure of being with Chairman Russell E. Train of the Council on Environmental Quality when he announced the national contingency plan for control of pollution of the Nation's coasts and waterways by oil and other hazardous materials on behalf of the President. This plan was prepared as a result of an amendment I offered to the Water Quality Improvement Act of 1970—Public Law 91–224—which act was signed by the President on April 3 of this year. The purpose of the act is to provide an effective, coordinated program for the control of oil spills and includes methods of notification, containment of the spill, clean up and dispersing the spill, restoring the environment, recovering damages, and strong enforcement procedures.

It establishes a national strike force team and serves as the first step in the provision of a complete plan to be coordinated with regional contingency plans and local contingency plans in coordination with State and local governments as well as private industry. This plan is of such interest that I am including it within my remarks so that it may appear in the CONGRESSIONAL RECORD.

I am pleased to announce the newly developed national oil contingency plan to deal with oil spills but warn that it is merely the first step in meeting the national objective of minimizing pollution from oil discharged into or upon the waters of the United States.

The national oil contingency plan, prepared as a result of a requirement wrote into this year's Water Quality Improvement Act, was made public today in Washington. The act provides for an appropriation of $35 million for a revolving fund to support the contingency plan. In his message to Congress May 20, President Nixon stated his intention to forward to Congress a request for the $35 million to finance the plan.

The recent oil spill in Tampa dramatically revealed how unprepared this country is to deal effectively and efficiently with such a disaster.

That experience convinced me that bold, new methods must be developed by the Federal Government, in cooperation with State and local governments and private agencies, to combat this growing threat to our environment.

It became obvious to me that a program must be developed which would provide for discovery and notification of an oil spill, methods for containing the spill to as limited an area as possible, cleaning up and disbursing the spill, restoring the environment, recovering damages, and strong enforcement procedures.

I felt that a national strike force team, supplemented with local strike force teams capable of merging with other strike forces within a region should be established. These strike forces would be staffed by experts and equipped with the most modern tools available to accomplish rapid containment and immediate clean-up of all spills in order to minimize damage to the ecology.

As a result, I successfully offered a number of amendments to the Water Quality Control Act of 1970 which at the time of the Tampa spill was in House-Senate conference. One of these amendments directed the President to prepare, within 60 days after the act became effective, a national oil and hazardous materials pollution contingency plan, the plan which is being presented today and which embraces many of the concepts I feel are essential if this problem is to be met.

It should be emphasized that considerably more must be done before the national objective of minimizing the damage from oil spills is squarely met. In particular, much research must go into developing means to contain oil spills and the disbursement of pollutants without endangering the ecology.

In discussing the plan, Chairman Train stated:

> As President Nixon said earlier this year, "Environmental problems occur today because we were not alert enough, informed enough, or far-seeking enough yesterday." With this National Contingency Plan in effect, we must reduce to the minimum environmental damage from oil spills and the release of other harmful materials.
>
> The responsibility for cleaning up or containing spills of oil or other materials which threaten to damage the environment belongs with the polluter. In those instances where the responsibility cannot be immediately assigned, or the polluter cannot handle cleanup properly, the Federal response under the National Contingency Plan will be quick and thorough in order to contain the pollutants and institute effective cleanup activities.

In spelling out the plan, Chairman Train indicated that—

> The National Plan spells out duties and actions to be taken by the following Federal agencies: Department of the Interior (Federal Water Quality Administration and Geological Survey); Department of Transportation (U.S. Coast Guard); Department of the Army, (Corps of Engineers); Department of the Navy; Department of Health, Education and Welfare; and the Office of Emergency Preparedness. Members of these agencies comprise a standing National Interagency Committee, of which Interior Assistant Secretary Carl L. Klein and Rear Admiral Robert W. Goehring are Chairman and Vice Chairman respectively.
>
> National strike forces will be established in various locations by the Coast Guard, to be made available upon request to assist during pollution incidents. Regional Strike Forces are being established as are emergency task forces of trained personnel at major U.S. ports. Regional action plans have been developed under the National Plan to assure coordinated Federal actions with State and local participating agencies as part of the overall response to spills of oil and hazardous materials.
>
> While the Federal role is designed to provide coordination of abatement and cleanup activities, the regional plans together provide for an extensive national integrated response to pollution emergencies.
>
> A National Response Center has been established in Washington, D.C., providing communications, information storage, necessary personnel, and facilities to coordinate Federal activities. The primary agencies involved in the National Contingency Plan provide personnel as needed for national and regional pollution strike forces, while day-to-day staffing will be provided by the Coast Guard and Federal Water Quality Administration.
>
> The Plan also identifies dispersants and other chemicals that may be used in certain limited circumstances and provides guidelines for their use.
>
> A revolving fund has been established by the President to assure that money is available to initiate and conduct cleanup efforts. The President indicated recently that he would request an appropriation of $35 million to finance cleanup operations under the National Contingency Plan. Those who are responsible for oil spills are required to reimburse the revolving fund for the costs of abatement and cleanup.
>
> The Regional Plans are available for public information in U.S. Coast Guard District Offices and Regional Offices of the Interior Department's Federal Water Quality Administration.

The contingency plan follows:

NATIONAL OIL AND HAZARDOUS MATERIALS POLLUTION CONTINGENCY PLAN

100. INTRODUCTION

101.—Background:

101.1. This Plan was developed pursuant to the provisions of the Water Quality Improvement Act of 1970 (PL 91–224). Paragraph 2 of Subsection C authorizes the President, within 60 days after the section becomes effective, to prepare and publish such a Plan. The Plan provides for efficient, coordinated and effective action, to minimize damage from oil (and other) discharges, including containment, dispersal, and removal. The Plan includes (a) assignment of duties and responsibilities, (b) identification, procurement, maintenance and storage of equipment and supplies, (c) establishment of a strike force and emergency task forces, (d) a system of surveillance and notice, (e) establishment of a national center to coordinate identifying, containing, dispersing and removing oil, and (g) a schedule identifying dispersants and other chemicals that may be used in carrying out the Plan, the waters in which they may be used, and quantities which may be safely used. The Plan will be revised from time to time.

101.2. Operation of the National Contingency Plan requires a nationwide net of regional contingency plans; this Plan establishes guidelines for that nationwide net.

102.—Purpose and Objectives:

102.1. This Plan (including the annexes) provides for a pattern of coordinated and integrated responses to pollution spills by Departments and agencies of the Federal government. It establishes a national response team and provides guidelines for the establishment of regional contingency plans and response teams. This Plan also promotes the coordination and direction of Federal, State and local response systems and encourages the development of local government and private capabilities to handle such pollution spills.

102.2. The objectives of this Plan are: to develop appropriate preventive and preparedness measures and effective systems for discovering and reporting the existence of a pollution spill; to institute, promptly, measures to restrict the further spread of the pollutant; to assure that the public health, welfare, and natural resources are provided adequate protection; to apply techniques to

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cleanup and dispose of the collected pollutants; to provide for a scientific response to spills as appropriate; to provide strike forces of trained personnel and adequate equipment to respond to polluting spills; and to institute actions to recover cleanup costs and to effect enforcement of existing Federal statutes and regulations issued thereunder. Detailed guidance toward the accomplishment of these objectives is contained in the basic Plan, the annexes and the regional plans.

103. Scope:

103.1. This Plan will be effective for all United States navigable waters including inland rivers, Great Lakes, coastal territorial waters, and the contiguous zone and high seas beyond this zone where there exists a threat to United States waters, shoreface, or shelf-bottom.

103.2. The provisions of this National Oil and Hazardous Materials Pollution Contingency Plan are applicable to all Federal agencies. Implementation of this Plan is compatible and complementary to currently effective assistance plans, agreements, security regulations, and responsibilities based upon Federal statutes and Executive Orders.

104. Abbreviations:

104.1. Department and Agency Title Abbreviations:

DHEW—Department of Health, Education, and Welfare.
DOD—Department of Defense.
DOI—Department of the Interior.
DOT—Department of Transportation.
OEP—Office of Emergency Preparedness.
FWQA—Federal Water Quality Administration.
USCG—U.S. Coast Guard.
USPHS—U.S. Public Health Service.
COE—U.S. Army Corps of Engineers.
USN—U.S. Navy.
USGS—U.S. Geological Survey.

104.2 Operational Title Abbreviations:

NIC—National Interagency Committee for Control of Pollution by Oil and Hazardous Materials.
NRC—National Response Center.
NRT—National Response Team.
RRC—Regional Response Center.
RRT—Regional Response Team.
OSC—On-Scene Commander.

105. Definitions (within the meaning of this plan):

105.1 Discharge—includes but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

105.2. Pollution Incident—is a spill, including an imminent threat of spill, of oil or other hazardous substance of such magnitude or significance as to require immediate response to contain, cleanup or dispose of the material to prevent a substantial threat to public health or welfare, which includes threats to fish, shellfish, wildlife, shorelines and beaches.

105.3. Major disaster—is any flood, drought, fire, hurricane, earthquake, storm or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to become of sufficient severity and magnitude to warrant disaster assistance by the Federal government to supplement the effort and available resources of States and local governments in alleviating damage, hardship or suffering.

105.4. Oil—oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

105.5. Hazardous Substance—is an element or compound, other than oil as defined in 105.4, which when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, presents an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines and beaches.

105.6. Minor Spill—is a discharge of oil of less than 100 gallons in internal waters, or less than 1000 gallons in offshore waters, or a spill of small quantities of other substances. Discharges that: (1) occur in or endanger critical water areas; (2) generate critical public concern; (3) become the focus of an enforcement action; or (4) pose a threat to public health or welfare, should be classified as moderate or major spills depending on their degree of impact.

105.7. Moderate Spill—is a discharge of oil of 100 gallons to 10,000 gallons in the internal waters or 1000 gallons to 100,000 gallons in offshore waters, or a discharge of any material of any size that poses a threat to public health or welfare.

105.8. Major Spill—is a discharge of oil of more than 10,000 gallons in internal waters or more than 100,000 gallons in offshore waters or a discharge of any size of such nature and quantity that human health or welfare are substantially threatened.

105.9. Potential Spill—is any accident or other circumstance which threatens to result in the discharge of oil or other hazardous substance. A potential spill shall be classified as to severity based on the guidelines above.

105.10. *Primary Agencies*—those Departments or agencies which are designated to have primary responsibility to promote effective operation of this Plan. These agencies are: DOI, DOT, OEP, DHEW and DOD.

105.11. *United States*—means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

105.12. *Remove or Removal*—is the removal of oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare.

200. FEDERAL POLICY AND RESPONSIBILITY

201. Federal Policy:

201.1. The Congress has declared that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone. Further, the discharge in harmful quantities of oil into or upon the navigable waters of the United States, adjoining shorelines or into or upon the waters of the contiguous zone is prohibited except where permitted under Article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine.

201.2. A primary thrust of regional plans is to provide a Federal response capability at the regional level. OSC shall determine if the person responsible for the discharge of oil or other hazardous substances is taking adequate action to remove the pollutant or adequately mitigate its effects. When such person is taking adequate action, the principal thrust of Federal activities shall be to observe and monitor progress and to provide advice and counsel as may be necessary. In the event that the person responsible for a pollution incident does not act promptly, does not take or propose to take proper and appropriate actions to contain, clean up and dispose of pollutants or the discharger is unknown, further Federal response actions shall be instituted.

201.3. The Federal agencies possessing facilities or other resources which may be useful in a Federal response situation will make such facilities or resources available for use in accordance with this plan as supplemented by the regional plans. Agencies making resources available shall make such assignment consistent with operational requirements, within the limits of existing statutory authority.

202. Federal Responsibility:

202.1 Each of the primary Federal agencies has responsibilities established by statute, Executive Order or Presidential Directive, which may bear on the Federal response to a pollution incident. This plan intends to promote the expeditious and harmonious discharge of these responsibilities through the recognition of authority for action by those agencies having the most appropriate capability to act in each specific situation. Responsibilities and authorities of these several agencies relevant to the control of pollution incidents are detailed in the annex. In the development of the regional plans, provision shall be made to assure recognition of the statutory responsibilities of all involved agencies.

202.2. The Department of the Interior is responsible for administering, developing and revising the National Oil and Hazardous Materials Contingency Plan and for developing and revising the plans in areas where the Coast Guard is not assigned the responsibility to furnish or provide for OSC's (Sec. 306.2). In this activity DOI will give full consideration to the recommendations of NIC concerning the interpretation, revision and application of the plan. Through the resources of the Federal Water Quality Administration, DOI will provide technical expertise to NRT and the RRT's relative to water pollution control techniques. The assessment of damage to fish and wildlife resources will be made by the appropriate DOI agency.

202.3. The Department of Transportation through the U.S. Coast Guard, supplies expertise in the fields of navigation, port safety and security, and maritime law enforcement. Additionally, the Coast Guard maintains continuously manned facilities that are capable of command, control and surveillance for spills occurring on the navigable waters of the United States or the high seas. The Coast Guard is responsible for developing and revising those portions of the regional plans applicable to areas where the Coast Guard is assigned the responsibility to furnish or provide for OSC's (Sec. 306.2). DOI will provide guidance to and coordinate with DOT regarding pollution control and the protection of natural resources in the preparation of such plans.

202.4 The Office of Emergency Preparedness will maintain an awareness of pollution incidents as they develop. The normal OEP procedures will be followed to evaluate any request for a major disaster declaration received from a Governor of a State. If the President declares a major disaster under PL 81–875 for the pollution incident, the Director, OEP, will provide coordination and direction of the Federal response in accordance with OEP policies and procedures.

202.5. The Department of Defense, consistent with its operational requirements, may provide assistance in critical pollution incidents and in the maintenance of navigation channels, salvage, and removal of navigation obstructions.

202.6. *The Department of Health, Education, and Welfare* is responsible for providing expert advice and assistance relative to those spills that constitute a threat to public health.

202.7. Any Federal agency may make resources available. Primary agencies, however, have the following additional responsibilities: for providing official representation to NIC, NRT, and RRT; for making information available as may be necessary; and, for keeping RRT informed, consistent with national security considerations, of changes in the availability of resources that would affect the operation of this Plan.

203. Non-Federal Responsibility:

203.1. State and local governments, industry groups, the academic community, and others are encouraged to commit resources for response to a spill. Their specific commitments are outlined by the regional plans. Of special relevance here is the organization of a standby scientific response capability.

300. PLANNING AND RESPONSE ELEMENTS

301. *National Interagency Committee:*

301.1. The National Interagency Committee for Control of Pollution by Oil and Hazardous Materials (NIC) is the principal instrumentality for plans and policies of the Federal preparedness and response to pollution incidents. The Committee is composed of representatives of the primary agencies. The representative of DOI will serve as Chairman of NIC and the representative of DOT will serve as Vice-Chairman.

301.2. NIC will develop procedures to promote the coordinated response of all Federal, State and local governments and private agencies to pollution spills, and will make recommendations to DOI concerning the interpretation, revision, and application of the National Plan. To facilitate the development of such procedures, NIC may request each agency to supply pertinent data and information on its response capability and operating procedures.

301.3. NIC will review regional contingency plans and make recommendations for improving the effectiveness of such plans. NIC will also coordinate and review reports from NRC and the RRC on the handling of major or unusual pollution incidents for the purpose of analyzing such incidents and recommending needed improvements in the contingency plans. Summary reports and other documents of an evaluative nature will be coordinated through NIC.

301.4. In considering the National posture for response to pollution incidents, the NIC will consider and make appropriate recommendations relating to the training of response team personnel, research, development, test and evaluation activities needed to support response capabilities, equipment and material stockpiling and other matters as the need arises.

301.5. NIC will establish and maintain liaison with the U.S. National Committee for the Prevention of Pollution of the Seas by Oil to promote a consistent United States posture regarding oil pollution control.

302. National Response Center:

302.1. The National Response Center (NRC) is the Washington, D.C., headquarters site for activities relative to pollution incidents. NRC will be accommodated in quarters described in the annex, and will provide communications, information storage, necessary personnel and facilities to promote the smooth and adequate functioning of this activity.

303. National Response Team:

303.1. The National Response Team (NRT) consists of representatives of the primary agencies and shall act as an emergency response team to be activated in the event of a pollution incident involving oil or other hazardous material which: (a) exceeds the response capability of the region in which it occurs; (b) transects regional boundaries; or, (c) involves national security or presents a major hazard to substantial numbers of persons or nationally significant amounts of property. A representative of DOI shall be the Chairman and a representative of DOT shall be Executive Secretary of NRT. The Executive Secretary shall maintain records of the NRT activities along with national and regional plans for pollution emergency responses. When NRT is activated because of a water pollution emergency situation, the Chairman of NRT will assume the role of principal coordinator of NRT activities.

303.2. A continual surveillance of incoming reports from the RRC's will be maintained in NRC. Whenever reports which require or appear to require a national response are received, the members of NRT will be advised of the receipt of such reports and NRT may be activated on the request of any member.

303.3. During pollution incident operations, NRC will act as the focal point for national public information releases and for information transfer between the OSC and the Washington, D.C., headquarters of the agencies concerned, thereby promoting rapid and accurate information transfer and minimizing the radiation of spurious and incomplete information about any given situation. Public information activities are considered in the annex.

303.4. During a pollution incident, NRT will evaluate reports coming from the OSC, requesting additional information as may be indicated. NRT will coordinate the actions of other regions or districts in supplying needed assistance to the OSC. NRT may recommend courses of action through RRT for consideration by the OSC but has no operational control of the OSC. On the basis of reports and information about a pollution incident, NRT may request other Federal, State, and local governments or private agencies to consider taking action under whatever authorities they may have to accomplish needed deployment of personnel to monitor and observe the handling of any pollution incident. Copies of all reports and documents developed by NRT and RRT as a result of pollution incidents will be provided to NIC for its evaluation.

304. Regional Response Center:

304.1. The Regional Response Center (RRC) is the regional site for pollution control response activities. It will be accommodated in quarters described in each regional plan and will provide communications, information storage and other necessary personnel and facilities to promote the proper functioning and administration of the contingency plans.

305. Regional Response Team:

305.1. The Regional Response Team (RRT) consists of regional representatives of the primary agencies. RRT shall act as an emergency response team performing response functions within the region similar to those described for NRT. RRT will also perform review and advisory functions relative to the regional plan similar to those prescribed for NIC at the national level. Additionally, the RRT shall determine that a pollution incident exists, the duration and extent of the Federal response, and when a shift of on-scene coordination from the predesignated OSC to another agency is indicated by the circumstances or progress of a pollution incident.

305.2. For the purpose of the development of regional contingency plans, the standard regions developed for purposes of general Federal administration shall be used, except as may otherwise be agreed upon by the Departments of Interior and Transportation on a case-by-case basis for operational reasons. Any region may be divided into subregional or small areas of the plan, and shall as a minimum be divided into areas corresponding to the areas in which the Department of the Interior and Coast Guard are respectively responsible for furnishing or providing for the OSC's.

305.3. The agency membership on RRT is as established by the National Contingency Plan; however, individuals representing the primary agencies may vary depending on the subregional area in which the incident occurs. Details of such representation are specified in each regional contingency plan.

306. On-Scene Coordination:

306.1. Coordination and direction of Federal pollution control efforts at the scene of a spill or potential spill shall be accomplished through an On-Scene Commander (OSC). The OSC is the single executive agent predesignated by regional plan to coordinate and direct such pollution control activities in each area of the region.

306.1–1. In the event of a spill of oil or other hazardous substance, the first Federal official on the site, from any of the primary agencies, shall assume coordination of activities under the Plan until the predesignated OSC becomes available to take charge of the operation.

306.1–2. The OSC shall determine pertinent facts about a particular spill, such as the nature, amount, and location of material spilled, probable direction and time of travel of the material, resources and installations which may be affected and the priorities for protecting them.

306.1–3. The OSC shall initiate and direct as required, Phase II, Phase III and Phase IV operations as hereinafter described.

306.1–4. The OSC shall call upon and direct the deployment of needed resources in accordance with the regional plan to initiate and continue containment, countermeasures, cleanup, restoration, and disposal functions.

306.1–5. The OSC shall provide necessary support activities and documentation for Phase V activities.

306.1–6. In carrying out this plan, the OSC will fully inform and coordinate closely with RRT to ensure the maximum effectiveness of the Federal effort in protecting the natural resources and environment from pollution damage.

306.1–7. It is recognized that in some cases the OSC, particularly where he is a Coast Guard Officer, may have other functions such as search and rescue, or port safety and security which must be performed along with pollution control functions.

306.2. The U.S. Coast Guard is assigned the responsibility to furnish or provide for OSC's for the high seas, coastal and contiguous zone waters, coastal and Great Lakes ports and harbors (and such other places as may be agreed upon between the Departments of the Interior and Transportation). The Department of the Interior will furnish or provide for OSC's in other areas. A major consideration in the selection of an OSC for a particular area will be that agency's capability and resources for on-scene coordination of pollution control activities. Each OSC and his area of responsibility will be detailed in the regional plans.

400. FEDERAL RESPONSE OPERATIONS—RESPONSE PHASES

400.1. The actions taken to respond to a spill or pollution incident can be separated into five relatively distinct classes or phases. For descriptive purposes, these are: Phase I. Discovery and Notification; Phase II. Containment and Countermeasures; Phase III. Cleanup and Disposal; Phase IV. Restoration; and Phase V. Recovery of Damages and Enforcement. It must be recognized that elements of any one phase may take place concurrently with one or more other phases.

401. Phase I—Discovery and Notification:

401.1. Discovery of a spill may be through deliberate discovery procedures, such as vessel patrols, aircraft searches, or similar procedures, or through random discovery by incidental observations of government agencies, private agencies, or the general public. In the event of deliberate discovery, the spill would be reported directly to the RRC. Reports from random discovery may be initially through fishing or pleasure boats, police departments, telephone operators, port authorities, news media, etc. Regional plans should provide for such reports to be channeled into RRC as promptly as possible to facilitate prompt reaction.

401.2. The severity of the spill will determine the reporting procedure and the participating Federal agencies to be notified promptly of the spill. The severity of the spill is determined by the nature and quantity of materials spilled, the location of the spill and the resources adjacent to the spill

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area which may be affected by it. Regional plans should specify critical water use areas and detail alerting procedures and communication links.

402. Phase II—Containment and Countermeasures:

402.1. These are defensive actions to be initiated as soon as possible after discovery and notification of a spill or pollution incident. After the OSC determines that further Federal response actions are needed and depending on the circumstances of each particular case, various actions may be taken. These may include source control procedures, public health protection activities, salvage operations, placement of physical barriers to halt or slow the spread of a pollutant, emplacement or activation of booms or barriers to protect specific installations or areas, control of the water discharge from upstream impoundments and the employment of chemicals and other materials to restrain the pollutant and its effects on water related resources. Surveillance activities will be conducted as needed to support Phase II and Phase III actions.

403. Phase III—Cleanup and Disposal:

403.1. This includes those actions taken to remove the pollutant from the water and related on-shore areas such as the collection of oil through the use of sorbers, skimmers, or other collection devices, the removal of beach sand, and safe, non-polluting disposal of the pollutants which are recovered in the cleanup process.

404. Phase IV—Restoration:

404.1. This includes those actions taken to restore the environment to its pre-spill condition, such as replacement of contaminated beach sand.

405. Phase V—Recovery of Damages and Enforcement:

405.1. This includes a variety of activities, depending on the location of and circumstances surrounding a particular spill. Recovery of damages done to Federal property and to State and local government property is included; however, third party damage is not considered in this phase. Recovery of the costs of cleanup is a part of this phase. Enforcement activities under appropriate authority such as the Federal Water Pollution Control Act, as amended, the Refuse Act of 1899, and State and local statutes and ordinances are also included. The collection of scientific and technical information of value to the scientific community as a basis for research and development activities and for the enhancement of our understanding of the environment may also be considered in this phase. It must be recognized that the collection of samples and necessary data must be performed at the proper times during the case for enforcement and other purposes.

406. Procedures To Be Followed for the Purpose of Water Pollution Control:

406.1. The agency furnishing the OSC for a particular area is assigned responsibility to undertake and implement Phase I activities in that area. Other agencies should incorporate Phase I activities into their on-going programs whenever practicable. Upon receipt of information, either from deliberate or random discovery activites, that a spill has occurred, the OSC and the RRT for the affected area will be notified. Subsequent action and dissemination of information will be in accordance with the applicable regional plan.

406.2. The OSC is assigned responsibility for the initiation of Phase II actions and should take immediate steps to effect containment or other appropriate countermeasures.

406.3. The OSC is assigned responsibility for conduct of Phase III activities.

406.4. The OSC is assigned responsibility for the conduct of Phase IV activities utilizing techniques concurred in by the RRT.

406.5. Phase V activities shall be carried out by the individual agencies in accordance with existing statutes, with such assistance as is needed from other agencies.

406.6 In the conduct of continuing Phase II actions after the determination by RRT that a pollution incident exists, Phase III activities, and continuing Phase IV activities after the deactivation of the RRT, water pollution control techniques, to the extent not provided for in the applicable regional plan, must receive the concurrence of the DOI representative on the RRT with respect to the use of chemicals (see Annex X).

500. COORDINATING INSTRUCTIONS

501. Delegation of Authority:

501.1. Delegation of authority or concurrence in proposed or continuing water pollution control activities may be either verbal or written by the representative on RRT of the agency having concomitant statutory authority.

502. Multi-Regional Actions:

502.1. In the event that a spill or a potential spill moves from the area covered by one contingency into another area, the authority to initiate pollution control actions shall shift as appropriate. In the event that a pollution spill or potential spill affects areas covered by two or more regional plans, the response mechanism called for by both plans shall be activated; however, pollution control actions shall be fully coordinated as detailed in the regional plan.

503. U.S. Public Vessels and Federally Operated Facilities:

503.1. When a spill is caused by a United States public vessel or by a Federally controlled facility, the responsible agency shall provide the OSC and take the initial response actions. Continuing water pollution control actions taken under Phase II, III, and IV must be concurred in by the RRT if activated or if the RRT is not activated, concurrence will be obtained from the representative on RRT of the agency having concomitant statutory authority.

504. Nuclear Pollutions:

504.1. In the event of a nuclear pollution incident the procedures of the Interagency Radiological Assistance Plan shall apply.

505. Notification:

505.1. All reports of spills or potential spills should be forwarded to the predesignated On-Scene Commander immediately. The detailed instructions for further alerting and notification and reporting procedures are contained in regional plans.

506. General Pattern of Response Actions:

506.1. When the On-Scene Commander receives a report of a spill, or potential spill, the report should be evaluated. In most situations, the sequence of actions shown below should be followed.

506.1–1. Investigate the report to determine pertinent information such as type and quantity of material, source of spill, and the threat posed to public health or welfare.

506.1–2. Designate the severity of the situation and determine the future course of action to be followed.

506.1–3. Effect notification in accordance with regional plan.

506.2. The result of the report probably can be categorized by one of five classes. Appropriate action to be taken in each specific type case is outlined below:

506.2–1. If the investigation shows that the initial information overstated the magnitude or danger of the spill and there is no water pollution involved, it should be considered a false alarm and the case should be closed.

506.2–2. If the investigation shows a minor spill with the discharger taking appropriate cleanup action, contact is made with the discharger, the situation is monitored and information is gathered for possible enforcement action.

506.2–3. If the investigation shows a minor spill with improper action being taken the following measures should be taken:

a. Attempt should be made to prevent further discharges from the source.

b. The discharger should be advised of the proper action to be taken.

c. If after providing advice to the discharger and this advice is not followed, the discharger should be warned of legal responsibility for cleanup and violations of law.

d. Information should be collected for possible enforcement action.

e. The On-Scene Commander should notify appropriate State and local officials. He should keep the Regional Response Center advised and initiate Phase II and III activities as conditions warrant.

506.2–4. When the initial report or investigation indicates that a moderate spill has occurred or that a potential moderate spill situation exists, the On-Scene Commander should follow the same general procedures as for a minor spill. Additionally, the On-Scene Commander should make a recommendation on declaration of a pollution incident.

506.2–5. When the initial report indicates that a major spill has occurred or that a potential major spill situation exists, the On-Scene Commander should follow the same procedures as for minor and moderate spills. RRC should, however, be notified immediately of the situation even if the initial report has not been confirmed.

507. Strike Force:

507.1. A nucleus national level strike force, consisting of personnel trained, prepared and available to provide the necessary services to carry out this Plan has been established by the Coast Guard. This force, presently located on the East Coast, is being augmented and will soon be sited at various locations throughout the country. The national level strike force will be made available if requested to assist in response during pollution incidents and may be made available to assist during other spill situations. The national level strike force may be requested through the appropriate Coast Guard District Commander, or the Commandant, U.S. Coast Guard. The strike force will direct the operation of any government-owned specialized pollution cleanup equipment and will function under the OSC.

507.2. Regional plans shall provide the designation of local strike force teams consisting of personnel from operating units within the region. They shall be trained, prepared, and available to provide necessary services to help carry out the plan. Regional plans shall specify the location of the local strike force teams. The services of the local strike force teams will be obtained through the appropriate Coast Guard District Commander. These teams are to be capable of merging with other strike forces within the region, or of being sent outside their own region. They are to be capable of supplementing the national level strike force. The local strike force teams should be capable of full independent response to all minor spill situations and joint coordinative response to moderate or major spill situations or pollution incidents.

507.3. There shall be established at major ports (designated from time to time by the President) emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan. These emergency task forces will be complementary to the national and local level strike forces. Although designed primarily for operation in the designated port area, they should be capable of operating at other locations when directed. Regional plans encompassing any such designated ports shall include a detailed port plan.

600. FEDERAL AGENCIES

601. Amendment of the Plan:

601.1 The Plan shall be modified through procedures described in the Plan.

602. Amendment of the Annexes:

602.1. Annexes shall be developed or modified by the representatives to the National

Interagency Committee for Control of Pollution by Oil and Hazardous Materials.

603. Amendment of the Regional Plans:

603.1. Regional plans may be modified by the Coast Guard or the Department of the Interior in their respective areas with the concurrence of the agencies affected by such changes.

Annex I—1100. Distribution

1101. Plan Distribution:

1101.1. This plan will be distributed to designated offices within the primary agencies to the plan, State and interstate water pollution control agencies and such other Federal, State, local and private agencies and organizations which are cooperating with and participating in activities in support of the plan. A detailed tabulation listing the elements of these agencies and organizations receiving formal distribution will be maintained by the NIC.

1101.2. Included in this formal distribution are the following:

Department of the Interior;
Department of Transportation;
Department of Defense;
Department of Health, Education, and Welfare;
Office of Emergency Preparedness;
All State water pollution control agencies;
All interstate water pollution control agencies;
Department of Justice; and
Other Federal, State, local and private agencies and organizations as appropriate.

1101.3. Formal distribution of the plan and amendments will be under the direction of the U.S. Department of the Interior, Federal Water Quality Administration.

1102. Amendment Distribution and Format:

1102.1. Amendments to the plan and annexes will be made by sequentially numbered changes. Numbered changes will be effected by means of a transmittal sheet which identifies the plan, the change number and date, the page numbers affected by the change and any other instructions deemed necessary for purposes of clarity or to make special emphasis or explanation of the change. There will be attached to the transmittal sheet the revised or added pages with the change number and current date on each page at the upper right hand corner.

1102.2. Where a change can be effected merely by pen and ink, the transmittal sheet could be used to accomplish the change without submission of revised pages. The use of pen and ink changes is limited to those cases where existing matter is being deleted or is of minor extent.

1102.3. Asterisks will be used to indicate changes. For line changes, an asterisk will be placed before and after each sentence changed in the left and right page margins. For paragraph changes, an asterisk will be placed before and after each paragraph changed and if continued on the next page, an asterisk will be placed at the top of the page and the end of the paragraph. For a paragraph deletion, an asterisk will be placed in the left margin and the paragraph number or letter will be retained in the original sequence followed by the word "Rescinded" in parenthesis.

1102.4. If the plan is completely rewritten, asterisks will not be used but supercession will be indicated at the bottom of the first page.

Annex II—1200. National Interagency Committee

1201. Name:

1201.1. The full name of this committee is the National Interagency Committee for Control of Pollution by Oil and Hazardous Materials. It may be referred to as the National Interagency Committee or designated by the initials NIC.

1202. Purpose:

1202.1. The purpose of the National Interagency Committee is to provide an advisory body to ensure the viability of the operating program of the Federal government to deal with spills of oil and other hazardous substances.

1203. Objectives:

1203.1. The objectives of the National Interagency Committee are to develop plans and policies to:

1203.1–1. Promote the development of appropriate preventive and preparedness measures and effective systems for discovering and reporting the existence of a pollution spill;

1203.1–2. Institute measures to restrict the further spread of the pollutant;

1203.1–3. Assure that the public health and welfare are provided adequate protection;

1203.1–4. Apply techniques to cleanup and dispose of the collected pollutant; and,

1203.1–5. Institute actions to recover cleanup costs and to effect enforcement of existing Federal statutes.

1204. Functions:

1204.1. NIC will promote the development of procedures to coordinate the reaction of all Federal, State, local government and private agencies to pollution spills.

1204.2. NIC will make recommendations to DOI concerning the interpretation, revision and application of the National Contingency Plan.

1204.3. NIC will review Regional Contingency Plans and make recommendations for improving their effectiveness.

1204.4. NIC will coordinate and review reports from NRT and RRT on the handling of major and unusual pollution incidents for the purpose of analyzing such incidents and recommending needed improvements in contingency plans.

1204.5. NIC will make appropriate evaluations of the preparedness posture of the primary agencies toward spills of oil or hazardous substances.

1204.6. NIC will consider and make appropriate recommendations to the primary agencies relating to: the training response team personnel; research, development, test and evaluation activities; other matters needed to support response capabilities; equipment and material stockpiling; and other matters as the need arises.

1204.7. NIC will establish and maintain liaison with the U.S. National Committee for the Prevention of Pollution of the Seas by Oil to promote a consistent United States posture regarding oil pollution control.

1204.8. NIC will review and evaluate amendments proposed for the Regional Contingency Plans.

1204.9. NIC will consider and recommend to the Secretary of the Interior modifications or amendments to the annex section of the National Contingency Plan.

1205. Composition:

1205.1. The NIC shall be comprised of representatives of the primary agencies of this plan.

1205.2. Each primary agency shall designate a representative and an alternate to the National Interagency Committee. The Chairman of the NIC shall be notified in writing of such designations.

1205.3. The representative of the Department of the Interior shall serve as Chairman of the committee and the representative of the Department of Transportation as Vice-Chairman.

1205.4. Provision may be made for observers and consultants on a non-reimbursable basis from other Federal, State, or local agencies, and industry as circumstances warrant.

Annex III—1300. National Response Center and National Response Team

1301. National Response Center Location:

1301.1. The National Response Center (NRC) for control of pollution by oil and hazardous materials is established at the United States Coast Guard Headquarters, Washington, D.C.

1302. NRC Purpose:

1302.1. The purpose of the NRC is to provide physical facilities for coordination and control of an incident should national level involvement be required.

1303. Responsibility for NRC:

1303.1 The Commandant, U.S. Coast Guard, will provide the necessary communications and plotting facilities and equipment. This will include:

1303.1–1. Telephone branch lines.

1303.1–2. Teletype circuits.

1303.1–3. Adequate charts of U.S. navigable waters, the continental shelf and the ocean areas adjacent to U.S. territorial waters.

1303.1–4. Technical library on oil and hazardous materials pollution.

1303.1–5. Plotting and display provisions to visually depict the geographic position, movement and extent of the pollutant.

1303.2. Primary agencies will furnish competent personnel to man the NRC as required and furnish appropriate technical manuals and materials and such administrative support as required.

1303.3 The Coast Guard Duty Officer, pursuant to his standing instructions, will provide initial notification of a pollution incident to the DOT member who will promptly notify the other members of NRT.

1304. Communications Services Available:

1304.1. Telephone (voice) services available include:

1304.1–1. AUTOVON (Automated Voice Network)—general purpose switched voice network of Defense Communications Systems, which serves Continental U.S., Alaska, Europe, Pacific and Panama;

1304.1–2. Washington Tactical Switchboard-Pentagon terminal of the tactical telephone system, operated by USAF;

1304.1–3. FTS–GSA operated government administrative telephone system; and

1304.1–4. SARTEL—Search and Rescue Command Coordination telephone network including leased Hotline telephone net extending from Halifax to New Orleans.

1304.2. Teletype services available include:

1304.2–1. AUTODIN—A defense communications worldwide (high speed user data communications system operated for and managed by the DCA to provide both direct user to user and store and forward message switching service for DOD and other government agencies);

1304.2–2. SARLANT—Coast Guard leased teletype system extending from Massachusetts to Texas (used to control and coordinate SAR incidents under CEA and handles other operational traffic and priority administrative communications);

1304.2–3. SARPAC—Same as (2) for the West Coast U.S.; and

1304.2–4. TWX—Teletypewriter exchange service links 50,000 CONUS industry and government offices.

1305. Weather Information:

1305.1. Telephone (voice) with the Weather Bureau for domestic and oceanic weather and forecasted conditions.

1306. Ocean Conditions:

1306.1. Telephone and teletype connections are available for ocean surface conditions and forecasts for the Atlantic/Gulf from Fleetweather Central, Norfolk, Virginia or for the Pacific from Fleetweather Central, Pearl Harbor, Hawaii.

1307–1309. (Reserved Numbers):

1310. National Response Team Membership:

1310.1. The National Response Team (NRT) shall consist of representatives of the primary agencies. Each agency shall designate a sufficient number of alternates to ensure representation in the event that the member is unavailable.

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1311. NRT Organization:

1311.1. The representative of DOI shall be the Chairman and the representative of DOT shall be Executive Secretary of NRT. The Executive Secretary shall maintain records of the NRT activities along with national and regional plans for pollution emergency responses. When NRT is activated because of a water pollution emergency situation, the Chairman of NRT will assume the role of principal coordinator of NRT activities.

1312. NRT Purpose:

1312.1. The NRT shall act as an emergency response team to be activated in the event of a pollution incident involving oil or other hazardous substances which: (a) exceeds the response capability of the region in which it occurs; (b) transects regional boundaries; or (c) involves national security or presents a major hazard to substantial numbers of persons or nationally significant amount of property.

1313. NRT Activation:

1313.1. The NRT may be activated by any primary agency through its representative on the NRT.

1313.2. Each representative, or an appropriate alternate, shall be notified immediately of activation of NRT.

1314. NRT Functions:

1314.1. When activated during a pollution incident the NRT will:

1314.1–1. Evaluate reports coming from the OSC, requesting additional information as may be indicated;

1314.1–2. Coordinate the actions of other regions or districts in supplying needed assistance to the OSC;

1314.1–3. Recommend courses of action through RRT for consideration by the OSC;

1314.1–4. Request, as appropriate, other Federal, State, local government or private agencies to consider taking action under whatever authorities they may have to accomplish needed objectives for the purpose of pollution control;

1314.1–5. Recommend the deployment of personnel to observe the handling of a pollution incident; and

1314.1–6. Establish the National News Office as prescribed in Annex VI.

1314.2. Between periods of emergency activations the NRT will:

1314.2–1. Maintain a readiness posture to respond to a nationally significant spill of oil or other hazardous substance;

1314.2–2. Maintain a continuing surveillance of incoming reports from all RRT's and activate NRT whenever appropriate; and,

1314.2–3. Forward copies of reports and documents developed by NRT and the RRT's relative to pollution incidents to the NIC for their information and evaluation.

ANNEX IV—1400 PRIMARY AGENCIES REGIONAL AND DISTRICT BOUNDARIES

1400. Geographical Boundaries:

1400.1. Maps showing regional and district boundaries of the primary agencies and address and telephone lists for the principal field offices of these agencies follow.

1400.2. Regional planning will be based on the Standard Administrative Regions delineated on the map—1406.

Agency

1401. Department of the Interior—FWQA.

1402. Department of Transportation—USCG.

1403. Department of Defense.

1403.1 U.S. Army Corps of Engineers—Division and District Offices.

1403.2. U.S. Army Continental Army Commands.

1403.3. U.S. Navy Naval Districts.

1403.4. U.S. Air Force Reserve Regions.

1404. Department of Health, Education and Welfare—Regional Offices.

1405. Office of Emergency Preparedness—Regional Offices.

1406. Standard Administrative Regions.

1401. Department of the Interior—Federal Water Quality Administration Regional Offices

Northeast Region, FWQA, Rm. 2303, John F. Kennedy Federal Office Building, Boston, Massachusetts 02203, Telephone: 617 223–7210.

Middle Atlantic Region, FWQA, 918 Emmet Street, Charlottesville, Virginia 22901, Telephone: 703 296–1376.

Southeast Region, FWQA, Suite 300, 1421 Peachtree Street, NE, Atlanta, Georgia 30309, Telephone: 404 526–5737.

Ohio Basin Region, FWQA, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: 513 871–6200.

Northwest Region, FWQA, Rm. 570—Pittock Block, Portland, Oregon 97205, Telephone: 503 226–3915.

Great Lakes Region, FWQA, Rm. 410, 33 East Congress Parkway, Chicago, Illinois 60605, Telephone: 312 828–5250.

Missouri Basin Region, FWQA, 911 Walnut Street, Rm. 702, Kansas City, Missouri 64106, Telephone: 816 374–5493.

South Central Region, FWQA, 3rd Floor, 1402 Elm Street, Dallas, Texas 75202, Telephone: 214 749–2161.

Southwest Region, FWQA, 760 Market Street, San Francisco, California 94102, Telephone: 415 556–5876.

1402. U.S. Department of Transportation, U.S. Coast Guard Districts

First Coast Guard District, J. F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203, Duty Officer: 617–223–3645.

Second Coast Guard District, Federal Building, 1520 Market Street, St. Louis, Mo. 63103, Duty Officer: 314–622–4614.

Third Coast Guard District, Governors Island, New York, N.Y. 10004, Duty Officer: 212–264–4800.

Fifth Coast Guard District, Federal Bldg. 431 Crawford Street, Portsmouth, Va. 23705, Duty Officer: 703–393–6081.

Seventh Coast Guard District, Room 1018, Federal Bldg., 51 SW. 1st Avenue, Miami, Fla., 33130, Duty Officer: 305–350–5611.

Eight Coast Guard District Customhouse, New Orleans, La. 70130, Duty Officer: 504–527–6225.

Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199, Duty Officer: 216–522–3983.

Eleventh Coast Guard District, Heartwell Bldg., 19 Pine Avenue, Long Beach, Calif. 90802, Duty Officer: 213–437–2944 (FTS) 213–437–2941 (Commercial).

Twelfth Coast Guard District, 630 Sansome Street, San Francisco, Calif. 94126, Duty Officer: 415–556–5500.

Thirteenth Coast Guard District, 618 2d Avenue, Seattle, Wash. 98104, Duty Officer: 206–624–2902.

Fourteenth Coast Guard District, 677 Ala Moana Blvd., Honolulu, Hawaii 96813, Duty Officer: (Hono) 588–841 (Commercial Only), Autovon, 315–732–4800 Drop 223.

Seventeenth Coast Guard District, P.O. Box 3–5000, Juneau, Alaska 99801, Duty Officer: 907–586–7340 (Commercial Only).

1403. Department of Defense, U.S. Army Corps of Engineers

1403.1. Division and district offices

U.S. Army Engineers Division, Lower Mississippi Valley, Corner Crawford and Walnut Streets, P.O. Box 80, Vicksburg, Miss. 39180, Tel. Duty Hours—601 636–1311, Nonduty Hours—601 635–9357.

U.S. Army Engineers District, Memphis, 668 Federal Office Building, Memphis, Tenn. 38103, Tel. Duty Hours—901 534–3221, Nonduty Hours—901 397–7501.

U.S. Army Engineers District, New Orleans, P.O. Box 60267, Foot of Prytania Street, New Orleans, La. 70160, Tel. Duty Hours—504 865-1121, Nonduty Hours—504 865–1041, 504 861--2203.

U.S. Army Engineers District, St. Louis, 906 Olive St., St. Louis, Mo. 63101. Tel. Duty Hours—314 368–2817, Nonduty Hours—314 726–4735.

U.S. Army Engineers District, Vicksburg, P.O. Box 60, USPO & Courthouse, Vicksburg, Miss. 39180, Tel. Duty Hours—601 636–1311, Nonduty Hours—601 636–7111.

U.S. Army Engineers Division, Missouri River, P.O. Box 103 Downtown Station, USPO & Courthouse, 215 North 17th Street, Omaha, Nebraska 68101, Tel. Duty Hours—402 221-1221, Nonduty Hours—402 453–0202.

U.S. Army Engineers District, Kansas City, 700 Federal Office Building, 601 E. 12th Street, Kansas City, Mo. 64106, Tel. Duty Hours—816 374–3896, Nonduty Hours—913 649–6086.

U.S. Army Engineers District, Omaha, 7410 USPO & Courthouse, 215 North 17th Street, Omaha, Nebraska 68102, Tel. Duty Hours—402 221–1221, Nonduty Hours—402 453–0202.

U. S. Army Engineers Division, New England, 424 Trapelo Road, Waltham, Mass. 02154, Tel. Duty Hours—617 894–2400, Nonduty Hours—617 894–2404.

U.S. Army Engineers Division, North Atlantic, 90 Church Street, New York, N.Y. 10007, Tel. Duty Hours—212 264–3311, Nonduty Hours—212 269–2491.

U.S. Army Engineers District, Baltimore, P.O. Box 1715, 31 Hopkins Plaza, Baltimore, Md. 21203, Tel. Duty Hours—301 962–3311, Nonduty Hours—301 828–5195.

U.S. Army Engineers District, New York, 26 Federal Plaza, New York, N.Y. 10007, Tel. Duty Hours—212 264–3311, Nonduty Hours—212 264–3311.

U.S. Army Engineers District, Norfolk, Ft. Norfolk, 803 Front Street, Norfolk, Va. 23510, Tel. Duty Hours—703 625–8201, Nonduty Hours—703 622–7043.

U.S. Army Engr Dist, Philadelphia, U.S. Custom House, 2nd and Chestnut Street, Philadelphia, Pennsylvania 19106, Tel. Duty Hours—215 597–3311, Nonduty Hours—215 649–5702.

U.S. Army Engr Div, North Central, 536 S. Clark Street, Chicago, Ill. 60605, Tel. Duty Hours—312 353–6385, Nonduty Hours—312 646–2183.

U.S. Army Engr Dist, Buffalo, 1776 Niagara Street, Buffalo, N.Y. 14207, Tel. Duty Hours—716 876–5454, Nonduty Hours—716 876–5454.

U.S. Army Engr Dist, Chicago, 219 S. Dearborn Street, Chicago, Illinois 60604, Tel. Duty Hours—312 353–6406, Nonduty Hours—312 646–2183.

U.S. Army Engr Dist, Detroit, P.O. Box 1027, 150 Michigan Avenue, Detroit, Mich. 48231, Tel. Duty Hours—313 963–1261, Nonduty Hours—313 568–2840.

U.S. Army Engr Dist, Rock Island, Clock Tower Building, Rock Island, Illinois 61201, Tel. Duty Hours—309 788–6361, Nonduty Hours—309 762–0658.

U.S. Army Engr Dist, St. Paul, 1210 USPO and Customhouse, St. Paul, Minnesota 55101, Tel. Duty Hours—612 725–7506, Nonduty Hours—612 941–2060.

U.S. Army Engr Dist, Lake Survey, 630 Federal Bldg. and U.S. Courthouse, Detroit, Michigan 48226, Tel. Duty Hours—313 226-6161, Nonduty Hours—313 568–2840.

U.S. Army Engr Div, North Pacific, 220 S.W. 8th Street, Portland, Oregon 97209, Tel. Duty Hours—503 226–3361, Nonduty Hours—503 224–3275.

U.S. Army Engr Dist, Alaska, P.O. Box 7002, Anchorage, Alaska 99501, Tel. Duty Hours—907 752–9114, Nonduty Hours—907 279–1132.

U.S. Army Engr Dist, Portland, P.O. Box 2946, 2850 S.E. 82nd Avenue, Portland, Oregon 97208, Tel. Duty Hours—503 771–4441, Nonduty Hours—503 771–1305.

U.S. Army Engr Dist, Seattle, 1519 Alaskan Way, South Seattle, Washington 98134, Tel. Duty Hours—206 682–2700, Nonduty Hours—206 682–2700.

U.S. Army Engr Dist, Walla Walla, Bldg 602, City-County Airport, Walla Walla, Wash-

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ington 99362, Tel. Duty Hours—509 525-5500, Nonduty Hours—509 525-3178.

U.S. Army Engr Div, Ohio River, P.O. Box 1159, 550 Main Street, Cincinnati, Ohio 45201, Tel. Duty Hours—513 684-3001, Nonduty Hours—513 561-3758.

U.S. Army Engr Dist, Huntington, P.O. Box 2127, 502 8th Street, Huntington, W. Va. 25721, Tel. Duty Hours—304 529-2318, Nonduty Hours—304 525-8332.

U.S. Army Engr Dist, Louisville, 830 West Broadway, Louisville, Ky. 40202, Tel. Duty Hours—502 582-5011, Nonduty Hours—812 256-3371.

U.S. Army Engr. Dist., Nashville, P.O. Box 1070, 306 Federal Office Building, Nashville, Tenn. 37202, Tel. Duty Hours—615 242-8321, Nonduty Hours—615 242-2769, 615 352-2871.

U.S. Army Engr. Dist., Pittsburgh, 2032 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222, Tel. Duty Hours—412 644-3311, Nonduty Hours—412 366-0947.

U.S. Army Engr. Div., Pacific Ocean Bldg. 96, Ft. Armstrong, Honolulu, Hawaii 96813, Tel. Duty Hours—808 40-0531, Nonduty Hours—808 5432-033.

U.S. Army Engr. Dist., Honolulu, Bldg. 96, Ft. Armstrong, Honolulu, Hawaii 96813, Tel. Duty Hours—808 403711, Nonduty Hours—808 868846.

U.S. Army Engr. Div., South Atlantic, 510 Title Bldg., 30 Pryor St., S.W. Atlanta, Georgia 30303, Tel. Duty Hours—404 526-0111, Nonduty Hours—404 233-7837.

U.S. Army Engr. Dist., Charleston, P.O. Box 919, Federal Building, 334 Meeting Street, Charleston, S.C. 29402, Tel. Duty Hours—803 577-4171, Nonduty Hours—803 766-5772.

U.S. Army Engr. Dist., Jacksonville, Federal Building, 400 West Bay Street, Jacksonville, Florida 32202, Tel. Duty Hours—904 791-2011, Nonduty Hours—904 389-8268.

U.S. Army Engr. Dist., Mobile, P.O. Box 2288, 2301 Airport Blvd., Mobile, Alabama 36601, Tel. Duty Hours—205 473-0311, Nonduty Hours—205 473-7362.

U.S. Army Engr. Dist., Savannah, P.O. Box 889, 200 East Saint Julian St., Savannah, Ga. 31402, Tel. Duty Hours—912 233-8822, Nonduty Hours—912 233-8825.

U.S. Army Engr. Dist., Wilmington, P.O. Box 1890, 308 Federal Building, U.S. Courthouse, Wilmington, N.C. 28401, Tel. Duty Hours—919 763-9971, Nonduty Hours—919 762-7035.

U.S. Army Engr. Div., South Pacific, 630 Sansome St., Rm., 1216, San Francisco, California 94111, Tel. Duty Hours—415 556-9000, Nonduty Hours—415 556-0914.

U.S. Army Engr. Dist., Los Angeles, P.O. Box 2711, 300 North Los Angeles St., Los Angeles, Calif. 90053, Tel. Duty Hours—213 688-5522, Nonduty hours—213 688-5522.

U.S. Army Engr. Dist., Sacramento, 650 Capitol Mall, Sacramento, Calif. 95814, Tel. Duty Hours—916 449-2000, Nonduty Hours—916 452-1535.

U.S. Army Engr. Dist., San Francisco, 100 McAllister Street, San Francisco, Calif. 94102, Tel. Duty Hours—415 556-9000, Nonduty Hours—415 556-3660.

U.S. Army Engr. Div., Southwestern, 1114 Commerce Street, Dallas, Texas 75202, Tel. Duty Hours—214 748-5611, Nonduty Hours—214 526-5007.

U.S. Army Engr. Dist., Albuquerque, P.O. Box 1580, 517 Gold Avenue SW., Albuquerque, N. M. 87103, Tel. Duty Hours—505 843-0311, Nonduty Hours—505 298-4556.

U.S. Army Engr. Dist., Fort Worth, P.O. Box 17300, 819 Taylor Street, Fort Worth, Texas 76102, Tel. Duty Hours—817 334-3011, Nonduty Hours—817 451-4420.

U.S. Army Engr. Dist., Galveston, P.O. Box 1229, Galveston, Texas 77550, Tel. Duty Hours—713 763-1211, Nonduty Hours—713 762-0314.

U.S. Army Engr. Dist., Little Rock, P.O. Box 867, 700 W. Capitol, Little Rock, Ark. 72203, Tel. Duty Hours—501 372-4361, Nonduty Hours—501 372-2011.

U.S. Army Engr. Dist., Tulsa, P.O. Box 61, 224 South Boulder, Tulsa, Oklahoma 74103, Tel. Duty Hours—918 584-7151, Nonduty Hours—918 587-0311.

1403.2. U.S. Army, Continental Commands

Headquarters, U.S. Continental Army Command, Ft. Monroe, Virginia 23351, Tel. 24 hours a day 703 727-2256.

Headquarters, First United States Army, Ft. George G. Meade, Maryland 20755, Tel. 24 hours a day 301 677-2082.

Headquarters, Third United States Army, Ft. McPherson, Georgia 30330, Tel. Duty Hours—404 752-2105, Nonduty Hours—404 752-3606.

Headquarters, Fourth United States Army, Ft. Sam Houston, Texas 78234, Tel. Duty Hours—551 221-5347, Nonduty hours—512 221-4746.

Headquarters, Fifth United States Army, Chicago, Illinois 60615, Tel. Duty Hours—312 926-3145, Nonduty Hours—312 926-2238.

Headquarters, Sixth United States Army, Presidio of San Francisco, California 94129, Tel. Duty Hours—415 561-3891, Nonduty Hours—415 561-2497.

Headquarters, Military District, Washington, Washington, D.C. 20315, Tel. 24 hours a day 202 697-3722.

1403.3 U.S. Navy, naval districts.

Headquarters, 1st Naval District, 495 Summer Street, Boston, Massachusetts, Tel. (617) LI 2-5100.

Headquarters, 3rd Naval District, 90 Church Street, New York, New York 10007, Tel. (212) RE 2-9100.

Headquarters, 4th Naval District, Philadelphia, Pennsylvania 19112, Tel. (215) 755-4114.

Headquarters, 5th Naval District, Norfolk, Virginia 23511, Tel. (703) 444-3589.

Headquarters, 6th Naval District, Naval Base, Charleston, South Carolina 29408, Tel. (803) 743-2650.

Headquarters, 8th Naval District, New Orleans, Louisiana 70140, Tel. (504) 366-2311.

Headquarters, 9th Naval District, Building I, Great Lakes, Illinois 60088, Tel. (312) 688-4810.

Headquarters, 10th Naval District San Juan, Puerto Rico, Tel. (809) 722-0080.

Headquarters, 11th Naval District, San Diego, California 92130, Tel. (714) 235-3401.

Headquarters, 12th Naval District, Federal Office Building, 59 Fulton Street, San Francisco, California 94102, Tel. (415) 621-3828.

Headquarters, 13th Naval District, Seattle, Washington 98115, Tel. (206) AT 3-5200.

Headquarters, 14th Naval District, Pearl Harbor, Hawaii, Tel. (808) 40053 Ext. 22101.

Headquarters, 15th Naval District, Fort Amador Canal Zone, Canal Zone 882226.

Headquarters, 17th Naval District, Kodiak, Alaska, Tel. (205) 487-5891.

Headquarters, Naval District, Washington, D.C., Washington Navy Yard, Washington, D.C. 20390, Tel. (202) OX 3-2572 or OX 3-2670.

1403.4 U.S. Air Force Reserve Regions

First Air Force Reserve Region, Andrews Air Force Base, Washington, D.C. 20331, Tel. Duty Hours—301 981-2345, Nonduty Hours—301 981-9111.

Fourth Air Force Reserve Region, Randolph Air Force Base, Texas 78148, Tel. Duty Hours—512 729-3350, Nonduty Hours—512 652-1110.

Sixth Air Force Reserve Region, Hamilton Air Force Base, California 94934, Tel. Duty Hours—415 883-3811, Nonduty Hours—415 883-7711.

Third Air Force Reserve Region, Dobbins Air Force Base, Georgia 30060, Tel. Duty Hours—404 428-4461/x-741, Nonduty Hours—404 428-4461.

Fifth Air Force Reserve Region, Selfridge Air Force Base, Michigan 48045, Tel. 24 hours a day 313 465-1241, ext. 5240, 4233.

1404. Department of Health, Education, and Welfare Regional Offices

Region I, H.E.W., John F. Kennedy Federal Office Building, Boston, Massachusetts 02203, Tel. (617) 223-6884.

Region II, H.E.W., Federal Building, 26 Federal Plaza, New York, New York 10007, Tel. (212) 264-2525.

Region III, H.E.W.,[1] 220 7th Street, N.E., Charlottesville, Virginia 22901, Tel. (703) 296-1256.

Region IV, H.E.W., Peachtree-Seventh Building, 50 7th Street, N.E., Room 404, Atlanta, Georgia 30323, Tel. (404) 526-5214.

Region V, H.E.W., New Post Office Building, Room 712, 433 West Van Buren Street, Chicago, Illinois 60617, Tel. (312) 353-7830.

Region VI, H.E.W., 1114 Commerce Street, Dallas, Texas 75202, Tel. (214) 749-2827.

Region VII, H.E.W., Federal Office Building, 601 East 12th Street, Kansas City, Missouri 64106, Tel. (816) 374-3307.

Region VIII, H.E.W., Federal Office Building, Room 9017, 19th & Stout Streets, Denver, Colorado 80202, Tel. (303) 297-3283.

Region IX, H.E.W., Federal Office Building, 50 Fulton Street, San Francisco, California 94102, Tel. (415) 556-1210.

Region X, H.E.W., Arcade Building, Mezzanine Floor. 1319 Second Avenue, Seattle, Washington 98101, Tel. (206) 583-5561.

1405. Office of Emergency Preparedness, Regional Offices

Region 1. Office of Emergency Preparedness, Maynard, Massachusetts 07154, Tel. (617) 897-9381, FTS (617) 897-9381 (plus ext.), DTWX 710-347-1307.

Region 2, Office of Emergency Preparedness, Olney, Maryland 20832, Tel. (301) 921-5512, FTS 122-5512, DTWX 710-828-9785.

Region 3, Office of Emergency Preparedness, Thomasville, Georgia 31792, Tel. (912) 226-1761, FTS (912) 226-1761, DTWX 810-785-5841.

Region 4, Office of Emergency Preparedness, Federal Center, Battle Creek, Michigan 49016, Tel. (616) 962-6251, FTS (616) 962-6251, DTWX 810-276-2220.

Region 5, Office of Emergency Preparedness, Denton Federal Center, Denton, Texas 76201, Tel. (817) 387-5811, FTS (214) 749-2747, DTWX 910-890-5791.

Region 6, Office of Emergency Preparedness, Denver Federal Center, Building 710, Denver, Colorado 80225, Tel. (303) 237-8271, FTS (303) 237-8271, DTWX 910-937-0731.

Region 7, Office of Emergency Preparedness, Santa Rosa, California 95403, Tel. (707) 544-1334, FTS (707) 544-1334, DTWX 510-744-3076.

Region 8, Office of Emergency Preparedness Bothell, Washington 98011, Tel. (206) 486-0721, FTS (206) 486-0284 DTWX 910-499-2811.

ANNEX V—1500. COMMUNICATIONS AND REPORTS

1501. Purpose:

1501.1 The communications concerning an oil or hazardous substance spill are an integral and significant part of the operations. The same precepts govern in these instances as do other operations in which the Coast Guard, FWQA and other operating agencies are involved.

1502. Objectives:

1502.1. The objectives of the communications and reports are:

1502.1-1. To speed the flow of information pertaining to an incident;

1502.1-2. To relay advice, instructions and reports pertaining to an incident; and

1502.1-3. To provide for alerting, notification, surveillance and warning of a pollution incident.

1503. Communications Procedures:

1503.1 Normal communication circuits of

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[1] Region III office will be moved to Philadelphia in the near future.

each primary agency may be used to effectuate this plan. The national and district or regional offices and telephone numbers of primary alerting and notification offices of interested agencies will be maintained in NRC and as appropriate in RRC.

1503.2 The initial reporting of a pollution incident will be in accordance with the information and format as described in the regional plans.

1503.3 SITREPS (Situation Reports) will be submitted by RRT and NRT in a timely manner as developments occur and at 0800 and 2000 local time on each day of the operation.

1504. Pollution Incident Reports:

1504.1 At the conclusion of Federal activity resulting from a pollution incident, any OSC involved will submit a complete report of the incident and the actions taken, pursuant to applicable directives of his own agency. Copies will be furnished to the NRT or RRT, as appropriate, for submission to the NIC, together with any other pertinent information available to the forwarding group. The NIC will then evaluate each incident and will make appropriate recommendations.

Annex VI—1600. Public Information

1601. Introduction:

1601.1. When a major national pollution incident occurs it is imperative that the public be provided promptly with accurate information on the nature of the incident and what steps are being taken to correct the problem. This policy must be followed to obtain understanding from the public, ensure cooperation from all interested parties and to check the spread of misinformation. National Administration policy and the Freedom of Information Act both call for maximum disclosure of information.

1602. National News Office:

1602.1. When the NRT is activated, the team chairman will contact the most appropriate primary agency and ask it to detail a professional information officer to establish and direct a National News Office. Requests by the Director of the National News Office for an appropriate number of professional and clerical assistants will be met by one or more of the primary agencies.

1602.2. The Director of the National News Office will be responsible for overall supervision of public information activities. While the Director of the Regional News Office will have considerable freedom in responding to news inquiries, he will work under the direction of the Director of the National News Office. The closest possible coordination will be maintained between the National News Office in Washington and the Regional News Office.

1602.3. Promptly after his designation, the Director of the National News Office will contact the White House Press Office and the Office of the Director of Communications for the Federal Government to arrange whatever information assistance may be required by these offices.

1602.4. All written news releases involving major policy considerations will be cleared by the Chairman of the NRT or in his absence the Executive Secretary. Situation reports and other factual releases will not require formal clearance.

1602.5. The Director of the National News Office will have free access to meetings of the NRT and will be consulted on the possible public reaction to the courses of action under consideration by the NRT.

1602.6. At appropriate intervals the Director of the National News Office may arrange news conferences at which the Chairman of the NRT, the OSC or other informed officials will make progress reports and respond to questions from the media representatives.

1602.7. The Director of the National News Office will keep appropriate press offices posted on developments. These include the press offices of the Secretaries or Director of the primary agencies to the National Contingency Plan; Governors, Senators, and Representatives whose States or Districts are affected by the incident; and, the Mayor and other responsible local officials in affected communities.

1602.8. As long as public interest warrants, at least one written news release a day or status report will be issued by the National News Office and the Regional News Office reporting progress in controlling the incident and other developments.

1602.9. The National News Office will be provided with adequate space, telephones, typewriters, communications equipment and other supplies by the U.S. Coast Guard at U.S. Coast Guard Headquarters, Washington, D.C., where the NRC is housed. The Director of the National News Office will determine what equipment and supplies are needed to ensure an orderly flow of information and to accommodate visiting members of the news media.

1603. Regional News Office:

1603.1. When an RRT declares a pollution incident, the Chairman will contact the most appropriate agency and ask it to detail a professional public information officer to establish and direct a Regional News Office. The Regional News Office should be set up at or near the location where the OSC is stationed. Requests by the Director of the Regional News Office for appropriate professional and clerical assistance will be met by one or more of the primary agencies.

1603.2. The Director of the Regional News Office will follow the procedures outlined above for the Director of National News Office in contacting the press offices of State and local officials, in arranging appropriate public information liaison with industries and other concerned interests, and in issuing at least one daily written news release.

1603.3. All news releases involving major policy considerations will be cleared by the Chairman of the RRT or in his absence, the Executive Secretary. Situation reports and other factual releases will not require formal clearance.

1603.4 The Director of the Regional News Office will have free access to meetings of the RRT and should be consulted on the possible public reaction to the courses of action under consideration by the RRT.

1603.5 The Regional News Office will be provided with adequate space, telephones, typewriters, communications equipment and other supplies by the primary agency which is providing the headquarters for the RRT. The Director of the Regional News Office will determine what equipment and supplies are needed to ensure an orderly flow of information and to accommodate visiting members of the news media.

1604. Washington, D.C., Public Information Contact:

1604.1. If the NRT has not been activated, the Director of the Regional News Office will ask the most appropriate primary agency to assign a public information officer in Washington, D.C., to serve as a contact point for queries made in Washington, D.C. The information officer assigned to this task will follow the procedures outlined above for the Director of the National News Office in contacting the press offices of the White House and Congressional and Federal officials.

1605. Interim Public Information Director:

1605.1 In the period following a spill and before a pollution incident is declared, information activities will be directed by the public information personnel of the same primary agency which will provide the predesignated OSC. These activities will be conducted in accordance with the information policies of that agency.

1606. Special Public Information Procedures for Senators, Representatives, Congressional Aides and Staff members, White House Representatives and other VIP's:

1606.1. The Director of the National News Office or the Director of the Regional News Office will arrange, on request, to perform special public information services for VIP's including: notifying the media of the time, place and purpose of the VIP visit; making press conference arrangements; and, arranging for interviews with the VIP by interested members of the media.

1607. Special Public Information Procedures for Salesmen:

1607.1 Public information officers assigned to pollution incidents will refer salesmen to technical personnel designated to evaluate their wares.

1608. Special Public Information Procedures for the General Public:

1608.1. In responding to queries from the general public, public information officers will advise the callers or arrange to have the callers advised on what the latest press release has reported.

1609. Special Public Information Procedures for Pollution Incident Correspondence:

1609.1. After the crisis has subsided a model letter reporting on the situation will be drafted by the public information personnel assigned to the problem. After the model letter has been approved by the Chairman of the NRT or the RRT, copies will be sent to the primary agencies for their guidance in responding to mail inquiries.

Annex VII

1700. Legal authorities: A comparative analysis. (Not printed in the Record.)

Annex VIII—1800. Enforcement Procedures

1800.1. The OSC in charge at the scene of a pollution incident may be from any one of several agencies. Therefore, it is necessary to establish uniform procedure for notification of counsel, collection of samples and information consistent with the several phases in Federal response situations. Necessary information and sample collection must be performed at the proper times during the Federal involvement in a pollution incident for the purpose of later use in identifying the party responsible, in cleanup cost recovery, damage recovery, and civil and criminal enforcement actions under appropriate Federal statutes. Time is of great importance since wind, tide and current may disperse or remove the evidence and witnesses may no longer be available. Thus, during the phases of discovery and notification, containment and counter-measures, cleanup and disposal, and restoration, the OSC must take the ncessary action to put counsel on notice of the event and to ensure that information, records, and samples adequate for legal and research purposes are obtained and safeguarded for future use.

1801. Notification of Counsel:

1801.1. Immediately upon the declaration of a pollution incident, the RRT and NRT members, as appropriate, shall notify their respective regional and departmental attorneys, as provided herein and as detailed in the regional plan.

1801.2. Initial coordination of counsel will be effected by counsel of the Department responsible for furnishing the OSC, among counsel of the Corps of Engineers, the Coast Guard and the Department of the Interior at the Washington, D.C. level and the regional level, for joint and several actions concerning legal matters regarding the operation of the Plan, sending of notices, advices regarding the handling of evidence, preparation of evidentiary statements, and re-

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ferral of the matter to the Justice Department or the appropriate U.S. Attorney.

1801.3. The information and reports obtained by the OSC are to be transmitted to the RRC. Copies will then be forwarded to the NRC, members of the RRT, and others, as appropriate. The representative of the agency on the RRT having cost recovery or enforcement authority will then refer copies of the pollution reports to his respective agency counsel.

1802. Legal Notice to Ship Operators and Others:

1802.1. Notice to the ship or facility operator, owner or other appropriate responsible person indicating Federal interest and potential action in an incident shall be prepared and sent by the agency responsible for furnishing the OCS. This notice should include among other things Federal statutes and regulations violated, indication of responsibility for cleanup, notice that cleanup be effected pursuant to the National Contingency Plan and Federal regulations, indentification of OSC, and direction that response activity be coordinated with the OSC.

1803. Action to be Taken by OSC for Phase V Activities in Conjunction With Actions in Phases I, II, and III:

1803.1. Investigate observed instances of oil or other hazardous substances pollution in the waters covered by the scope of this plan. Investigative actions may include:

1803.1.–1. Board the vessel or visit the facility involved and ask for the master or person in charge. The investigator should identify himself and explain his reason for being there.

1803.1–2. Question all persons who may be responsible for or have knowledge of the spillage and the record the name, address and position of each witness.

1803.1–3. Furnish anyone who may be responsible for an offense with an appropriate warning as to his rights.

1803.1–4. Obtain signed statements wherever possible indicating where, when and how the spill occurred and its extent.

1803.1–5. When a witness makes an oral statement but will not give a written statement, reduce the oral statement to writing.

1803.1–6. When the source of the pollution is unknown, obtain as much information as possible and note any suspect vessels or facilities.

1803.2. Collect samples of oil or hazardous materials from the water and from appropriate spaces and drainage points of the suspected offending vessel or vessels, shore establishments, or other sources, when investigation discloses a reasonable basis to believe a violation has occurred. Collect comparative samples in unaffected water in the vicinity of the spill.

1803.3. Samples collected are to be transmitted for analysis, using special courier or registered mail (return receipt requested) and observing the procedures outlined below. Appropriate analytical laboratories are designated in the regional plan. Reports of laboratory analysis will be forwarded to the appropriate RRT for transmittal to counsel. The Chairman, RRT, will also forward copies of laboratory reports to NRT.

1803.4. Photographs should be taken, if possible, using color type film. The photographs should show the source and the extent of the pollution. The following information should be recorded on the back of each photographic print: a) name and location of vessel or facility; b) date and time the photo was taken; c) names of the photographer and witnesses; d) shutter speed and lens opening; and e) type of film used and details of film processing. (The immediate developing type of photographic process may be of major assistance to the less than professional photographer by allowing on-the-spot inspection of results and "retakes" as needed to obtain an acceptable photograph.)

1803.5. If in doubt as to whether or not a particular incident may be an oil pollution or hazardous substances pollution violation case, or in doubt as to how to proceed in any given case, contact the RRT for instructions and advice. If, however, time is a critical factor and/or the RRT has not yet assembled proceed as if the incident were a pollution violation.

1804. Sample collection procedures to be followed by OSC:

1804.1. Several precautions must be observed when taking and handling liquid samples for analyses as the character of the sample may be affected by a number of common conditions. These precautions concern: a) the composition of the container; b) cleanliness of the container; and, c) manner in which the sample is taken.

1804.2 In taking such samples, the following procedures are to be followed in all cases:

1804.2–1. Glass containers of one quart size are to be used. The portion of the closure (sealing gasket or cap liner) which may come into contact with the sample in the container is of considerable importance. Where oil or petroleum based hydrocarbons are to be sampled, the closure should be made of glass, aluminum foil, or teflon. Other pollutants may require different or special closure material and the analysis laboratory should be consulted whenever a question arises as to the appropriateness of any closure material.

1804.2–2. Previously unused containers are preferred. Containers that have been cleaned with a strong detergent, thoroughly rinsed and dried may be used.

1804.2–3. Samples must be properly labeled using form NIC–1.

1804.2–4. Consult with the analysis laboratory personnel relative to special samples and unusual problems.

1804.2–5. Some explanatory notes covering the above procedures are: (a) glass containers always must be used because plastic containers, with the exception of teflon, have been found in some cases to absorb organic materials from water and in other cases compounds have been dissolved from plastic containers; (b) as it is desirable to take a large sample of the pollutant, proper skimming techniques should be used to obtain a sufficient amount of oil for analysis; and, (c) since it is not unusual for a pollution condition to change rapidly, samples should be taken in a timely fashion, and the time sequences and places noted.

1805. Chain of Custody Record:

1805.1. All samples and other tangible evidence must be maintained in proper custody until orders have been received from competent authority directing their disposition. Precautions should be taken to protect the samples from breakage, fire, altering and tampering. It is important that a chain of custody of the samples be properly maintained and recorded from the time the samples are taken until ultimate use at the trial of the case. In this regard, a record of time, place, and the name and title of the person taking the sample, and each person handling same thereafter must be maintained and forwarded with the sample, using the Form No. NIC–1.

1806. Non-incident Spills:

1806.1. Reports on spills which are not declared to be an incident (within the meaning of this Plan) shall be handled in accordance with the directives of the agency supplying the OSC. Procedures described in 1804 and 1805 may be generally applicable to sampling, sample handling and reporting and should be considered as good operating practices. A Spill Pollution Report shall be completed for every spill and the original of the report forwarded to the cognizant RRC.

1807. Spill Pollution Report:

1807.1. The appropriate information for each pollution spill should be obtained by the OSC and reported pursuant to the appropriate instructions.

Annex IX—1900 Funding

1900.1. It should be noted that a primary thrust of this Plan is to encourage the person responsible for a spill to take appropriate remedial actions. Usually this will mean that the cost of containment countermeasures and cleanup with respect to spills of oil or other hazardous substances should be borne by the person permitting or causing the spill. The OSC and other officials associated with the handling of a spill or pollution incident should make substantial effort to have the responsible person accept voluntarily this financial responsibility.

1900.2. Actions undertaken by the primary agencies in response to pollution emergencies shall be carried out under existing programs and authorities so far as practicable. It is recognized, however, that the separate agencies may have funds available specifically for dealing with pollution and related incidents.

1900.3. It is not envisioned that any Federal agency will make resources available, expend funds or participate in operations in connection with pollution incidents unless such agency can so respond in conformance with its existing authority. Authority to expend resources will be in accordance with the agencies' basic statutes and, if required, through cross-servicing agreements. This plan does not preclude interagency agreements whenever specific reimbursement agreements between Federal agencies are deemed necessary to insure that the Federal resources will be available for a timely response to a pollution emergency.

1900.4. The Water Quality Improvement Act of 1970 (PL 91–224) authorizes a revolving fund of up to $35 million to be used to carry out provisions of this Plan. As yet, no monies have been appropriated for this fund. Until such time as these funds are available, the agency responsible for contingency planning in the area shall provide funding.

1901. Department of the Interior:

1901.1 The Department of the Interior has made limited funds available, through administrative direction within FWQA, for expenditure on cleanup operations under this Plan.

1902. Department of Transportation:

1902.1. The U.S. Coast Guard pollution control efforts are funded under "Operating Expenses."

1903. Department of Defense:

1903.1. The Department of Defense has two specific sources of funds which may be applicable to a pollution incident under appropriate circumstances. (This does not consider military resources which might be made available under specific circumstances.)

1903.1–1. Funds required for removal of a sunken vessel or similar obstruction to navigation are available to the Corps of Engineers through Civil Functions Appropriations, Operations and Maintenance, General.

1903.1–2. The U.S. Navy has funds available on a reimbursable basis to conduct salvage operations.

1904. Department of Health, Education, and Welfare:

1904.1. Under the Public Health Act (PL 85–410 as amended) the Secretary, Health, Education and Welfare, may enter into agreements providing for cooperative planning between the Public Health Service medical facilities and community health facilities to cope with health problems resulting from disasters, and for participation by the Public Health Service medical facilities in carrying out such planning. He may also, at the request of the appropriate State or local authority, extend temporary assistance, not to exceed 45 days to State or localities in meeting health emergencies of such a nature as to warrant Federal assistance. The

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Secretary may require such reimbursement of the United States for aid (other than planning) as he may deem reasonable under the circumstances.

1905. Office of Emergency Preparedness:

1905.1. In making a declaration of a major disaster for a stricken area, the President may allocate funds from his Disaster Relief Fund. The allocated funds are administered by the Director, Office of Emergency Preparedness. Only after the President has declared a major disaster and authorized the allocation of funds, may the Director authorize certain reimbursements to other Federal agencies for disaster assistance directed by the Office of Emergency Preparedness. Applicable policies and procedures are stated in Title 32, Chapter XVII, Part 1709 "Reimbursement of Other Federal Agencies Performing Major Disaster Relief Functions."

1905.2. The Director may make financial assistance available to State Governments and through the States to local governments in accordance with policies and procedures stated in Title 32, Chapter XVII, Part 1710 "Federal Disaster Assistance."

1906. Limitations on Funding:

1906.1. Care must be taken to ensure that misunderstandings do not develop about reimbursement of funds expended on cleanup activities. The OSC should not knowingly request services for which reimbursement is mandatory unless reimbursement funds are known to be available. Similarly, the agency supplying a reimbursable service should determine the source of reimbursement before making expenditures.

1907. Planning:

1907.1. The availability of funds and requirements for the reimbursement of expenditures by certain agencies should be included in resource utilization planning. Regional and subregional contingency plans should show what is available under what conditions and costs, especially what resources could be made available if they can be funded. Local interagency agreements will be necessary to spell this out when agency reimbursement is required.

Annex X—2000. Schedule of Dispersants and Other Chemicals to Treat Oil Spills

2001. General:

2001.1. This schedule shall apply to the navigable waters of the United States and adjoining shorelines, and the waters of the contiguous zone as defined in Article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

2001.2. This schedule applies to the regulation of any chemical as hereinafter defined that is applied to an oil spill.

2001.3. This schedule advocates development and utilization of mechanical and other control methods that will result in removal of oil from the environment with subsequent proper disposal.

2001.4. Relationship of the Federal Water Quality Administration (FWQA) with other Federal agencies and State agencies in implementing this schedule: In those States with more stringent laws, regulations or written policies for regulation of chemical use, such State laws, regulations or written policies shall govern. This schedule will apply in those States that have not adopted such laws, regulations or written policies.

2002. Definitions. Substances applied to an oil spill are defined as follows:

2002.1. Collecting agents—includes chemicals or other agents that can gell, sorb, congeal, herd, entrap, fix, or make the oil mass more rigid or viscous in order to facilitate surface removal of oil.

2002.2. Sinking agents—are those chemical or other agents that can physically sink oil below the water surface.

2002.3. Dispersing agents—are those chemical agents or compounds which emulsify, disperse or solubilize oil into the water column or act to further the surface spreading of oil slicks in order to facilitate dispersal of the oil into the water column.

2003. Collecting agents. Considered to be generally acceptable providing that these materials do not in themselves or in combination with the oil increase the pollution hazard.

2004. Sinking agents. Sinking agents may be used only in marine waters exceeding 100 meters in depth where currents are not predominantly on-shore, and only if other control methods are judged by FWQA to be inadequate or not feasible.

2005. Authorities controlling use of dispersants:

2005.1. Regional response team activated: Dispersants may be used in any place, at any time, and in quantities designated by the On-Scene Commander, when their use will:

2005.1–1. In the judgment of the On-Scene Commander, prevent or substantially reduce hazard to human life or limb or substantial hazard of fire to property.

2005.1–2. In the judgment of FWQA, in consultation with appropriate State agencies, prevent or reduce substantial hazard to a major segment of the population(s) of vulnerable species of waterfowl.

2005.1–3. In the judgment of FWQA, in consultation with appropriate State agencies, result in the least overall environmental damage, or interference with designated uses.

2005.2. Regional response team not activated: Provisions of Section 2005.1–1 shall apply. The use of dispersants in any other situation shall be subject to this schedule except in States where State laws, regulations, or written policies are in effect that govern the prohibition, use, quantity, or type of dispersant. In such States, the State laws, regulations or written policies shall be followed during the clean up operation.

2006. Interim Restrictions on Use of Dispersants for Pollution Control Purposes: Except as noted in 2005. 1, dispersants shall not be used:

2006. 1. On any distillate fuel oil.

2006. 2. On any spill of oil less than 200 barrels in quantity.

2006. 3. On any shoreline.

2006. 4. In any waters less than 100 feet deep.

2006. 5. In any waters containing major populations, or breeding or passage areas for species of fish or marine life which may be damaged or rendered commercially less marketable by exposure to dispersant or dispersed oil.

2006. 6. In any waters where winds and/or currents are of such velocity and direction that dispersed oil mixtures would likely, in the judgement of FWQA, be carried to shore areas within 24 hours.

2006. 7. In any waters where such use may affect surface water supplies.

2007. *Dispersant use.* Dispersants may be used in accordance with this schedule if other control methods are judged to be inadequate or infeasible, and if:

2007.1. Information has been provided to FWQA, in sufficient time prior to its use for review by FWQA, on its toxicity, effectiveness and oxygen demand determined by the standard procedures published by FWQA. [Prior to publication by FWQA of standard procedures, no dispersant shall be applied, except as noted in Section 2005.1–1 in quantities exceeding 5 ppm in the upper three feet of the water column during any 24-hour period. This amount is equivalent to 5 gallons per acre per 24 hours.]

2007.2. Applied during any 24-hour period in quantities not exceeding the 96 hour TL_{50} of the most sensitive species tested as calculated in the top foot of the water column. The maximum volume of chemical permitted, in gallons per acre per 24 hours, shall be calculated by multiplying the 96 hour TL_{50} value of the most sensitive species tested, in ppm, by 0.33; except that in no case, except as noted in Section 2005.1–1, will the daily application rate of chemical exceed 540 gallons per acre or one-fifth of the total volume spilled, whichever quantity is smaller.

2007.3. Dispersant containers are labeled with the following information:

2007.3–1. Name, brand or trademark, if any, under which the chemical is sold.

2007.3–2. Name and address of the manufacturer, importer or vendor.

2007.3–3. Flash point.

2007.3–4. Freezing or pour point.

2007.3–5. Viscosity.

2007.3–6. Recommended application procedure(s), concentration(s), and conditions for use as regards water salinity, water temperature, and types and ages of oils.

2007.3–7. Date of production and shelf life.

2007.4. Information to be supplied to FWQA on the:

2007.4–1. Chemical name and percentage of each component.

2007.4–2. Concentrations of potentially hazardous trace materials, including, but not necessarily being limited to: lead, chromium, zinc, arsenic, mercury, nickel, copper and chlorinated hydrocarbons.

2007.4–3. Description of analytical methods used in determining chemical characteristics outlined in 2007.4–1,2 above.

2007.4–4. Methods for analyzing the chemical in fresh and salt water are provided to FWQA, or reasons why such analytical methods cannot be provided.

2007.4–5. For purposes of research and development, FWQA may authorize use of dispersants in specified amounts and locations under controlled conditions irrespective of the provisions of this schedule.

Annex XI—2100 Non Federal Interests

2101. General policy:

2101.1. The policy of the Federal Government is to respond to those situations which are beyond the response capability of state and local governments and private interests. Normally minor spills will be well within the capability of non-federal resources and will not, therefore, require a Federal response. During moderate and major spills or pollution incidents Federal response may be required. The cognizant officials would be notified and Federal resources used to supplement local resources.

2110. Planning and preparedness:

2110.1. The planning and preparedness functions incorporated in the Contingency Plans also apply to non-federal resources. The state and local government and private interests should be encouraged to participate at the planning and preparedness functions.

2110.2. State and local governments should be encouraged to incorporate the pollution spill contingency plan into existing emergency planning.

2120. Commitment:

2120.1. Firm commitments for response personnel and other resources should be obtained from state and local governments. (These resources should be fully detailed in the sub-regional contingency plans.)

2120.2. It is anticipated that Federal resources would only be used if the response requirements exceed the state and local capabilities. Whenever Federal resources are required, the predesignated OSC would monitor and be available to offer advice.

Annex XV—2500 Technical Information

2501. Technical Library:

2501.1. A technical library of pertinent pollution control technical documents will be maintained in the NRC and in each RRC.

Such information should be useful as reference information to the experienced OSC and instructional to less experienced personnel.

2502. Specific References:

2502.1. As a minimum the following reference documents will be maintained in the NRC and in each RRC technical library.

2502.1-1. Current National Oil and Hazardous Materials Pollution Contingency Plan.

2502.1-2. Current Regional Oil and Hazardous Materials Pollution Contingency Plan.

2502.1-3. Oil and Hazardous Materials, Emergency Procedures in the Water Environment. (USDOI, FWQA, CWR 10-1.)

2502.1-4. Chemical Data Guide for Bulk Shipment by Water (U.S. Coast Guard CG-388).

2502.1-5. Oil Spillage Study Literature Search and Critical Evaluation for Selection of Promising Techniques to Control and Prevent Damage (Battelle Northwest, November 1967).

2502.1-6. U.S. Corps of Engineers' Regulations ER 500-1-1 and ER 500-1-8 Emergency Employment of Army Resources (National Disaster Activities).

2502.1-7. Natural Disaster Manual for State and Local Applicants (OEP Circular 4000.4A, 1968).

2502.1-8. Handbook for Federal Agency Inspectors (OEP Circular 4000.6A February 1969).

2502.1-9. Handbook of Toxicology (National Academy of Sciences/National Research Council).

2502.1-10. Character and Control of Sea Pollution by Oil (American Petroleum Institute, October 1963).

2502.11-1. Manual for the Prevention of Water Pollution During Marine Oil Terminal Transfer Operations (American Petroleum Institute, 1964).

2502.1-12. 4 6CFR-146, Transportation or Storage of Explosives or other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels.

2502.1-13. 33 CFR, 3, 6, 121, 122, 124-6. Security of Vessels and Waterfront Facilities (USCG CG 239).

2502.2. In addition to this minimum library, additional technical information of a pertinent nature will be maintained in each RRC library. Such items as State or local Pollution Control Contingency Plans and disaster or other plans may be included.

2503. Definition of Terms:

2503.1. API gravity: An empirical scale for measuring the density of liquid petroleum products, the unit being called the "degree API".

2503.2. Ash: Inorganic residue remaining after ignition of combustible substances determined by definite prescribed methods.

2503.3. Asphalts: Black, solid or semisolid bitumens which occur in nature or are obtained as residues during petroleum refining.

2503.4 Bilge oil: Waste oil which accumulates, usually in small quantities, in the lower spaces in a ship, just inside the shell plating. Usually mixed with larger quantities of water.

2503.5 Blowout. A sudden violent escape of gas and oil from an oil well when high pressure gas is encountered and preventive measures have failed.

2503.6. Boiling point: The temperature at which the vapor pressure of a liquid is equal to the pressure of the atmosphere.

2503.7 Bunker "C" oil: A general term used to indicate a heavy viscous fuel oil.

2503.8. Bunker Fuel: A general term for heavy oils used as fuel on ships and in industry. It often refers to No. 5 and 6 fuel oils.

2503.9. Bunkering: The process of fueling a ship.

2503.10. Coker feed (or fuel): A special fuel oil used in a coker furnace, one of the operating elements of a refinery.

2503.11 CONVERSION TABLES

Knowing	Multiply by factor below to obtain—				
	Gallon (U.S.)	Barrel (U.S.)	Gallon (imperial)	Cubic (feet)	Liter
Gallon (U.S.)	1.000	0.023810	0.83268	0.13368	3.7853
Barrel	[1]42.0	1.0000	34.9726	5.6164	158.984
Gallon (imperial)	1.2009	0.02859	1.000	0.1605	4.546
Cubic feet	7.4805	0.1781	6.2288	1.000	28.316
Liters	0.2641	0.00629	0.2199	0.03532	1.000
	Pound	Ton (short)	Ton (long)	Ton (metric)	
Pounds	1.00	0.00050	0.000446	0.00045359	
Ton (short)	[1]2,000.0	1.0000	0.89286	0.90718	
Ton (long)	[1]2,240.0	1.120	1.0000	1.0160	
Ton (metric)	2,204.6	1.1023	0.98421	1.000	

Note: 1 hectoliter equals 100 liters. 1 ton (metric) equals 1,000 kilograms.

[1] Conversions are exact by definition.

2503.12. Approximate conversions

[Barrels per Ton (long)]

Material:	
Crude oils	6.7-8.1
Aviation gasolines	8.3-9.2
Motor gasolines	8.2-9.1
Kerosenes	7.7-8.3
Gas oils	7.2-7.9
Diesel oils	7.0-7.9
Lubricating oils	6.8-7.6
Fuel oils	6.6-7.0
Asphaltic bitumens	5.9-6.5

(As a general rule-of-thumb use 6.5 barrels or 250 gallons per ton of oil.)

2503.13. Crude Oil: Petroleum as it is extracted from the earth. There may be several thousands of different substances in crude oil some of which evaporate quickly, while others persist indefinitely. The physical characteristics of crude oil may vary widely. Crude oils are often identified in trade jargon by their regions of origin. This identification may not relate to the apparent physical characteristics of the oil. Commercial gasoline, kerosene, heating oils, diesel oils, lubricating oils, waxes, and asphalts are all obtained by refining crude oil.

2503.14. Demulsibility: The resistance of an oil to emulsification, or the ability of an oil to separate from any water with which it is mixed. The better the demulsibility rating, the more quickly the oil separates from water.

2503.15. Density: Density is the term meaning the mass of a unit volume. Its numerical expression varies with the units selected.

2503.16. Emulsion: A mechanical mixture of two liquids which do not naturally mix as oil and water. Water-in-oil emulsions have the water as the internal phase and oil as the external. Oil-in-water emulsions have water as the external phase and the internal phase is oil.

2503.17. Fire point: The lowest temperature at which an oil vaporizes rapidly enough to burn for at least 5 seconds after ignition, under standard conditions.

2503.18. Flash point: The lowest temperature at which an oil gives off sufficient vapor to form a mixture which will ignite, under standard conditions.

2503.19. Fraction: Refinery term for a product of fractional distillation having a restricted boiling range.

2503.20. Fuel oil grade: Numerical ratings ranging from 1 to 6. The lower the grade number, the thinner the oil is and the more easily it evaporates. A high number indicates a relatively thick, heavy oil. No. 1 and 2 fuel oils are usually used in domestic heaters, and the others are used by industry and ships. No. 5 and 6 oils are solids which must be liquefied by heating. Kerosene, coal oil, and range oil are all No. 1 oil. No. 3 fuel oil is no longer used as a standard term.

2503.21. Innage: Space occupied in a product container.

2503.22. In personam: An action *in personam* is instituted against an individual, usually through the personal service of process, and may result in the imposition of a liability directly upon the person of a defendant.

2503.23. In rem: An action *in rem* is one in which the vessel or thing itself is treated as offender and made defendant without any proceeding against the owners or even mentioning their names. The decree in an action *in rem* is enforced directly against the *res* by a condemnation and sale thereof.

2503.24. Load on top: A procedure for ballasting and cleaning unloaded tankers without discharging oil. Half of the tanks are first filled with seawater while the others are cleaned by hosing. Then oil from the cleaned tanks, along with oil which has separated out in the full tanks, is pumped into a single slop tank. The clean water in the full tanks is then discharged while the freshly-cleaned tanks are filled with seawater. Ballast is thus constantly maintained.

2503.25. Oil films: A slick thinner than .0001 inch and may be classified as follows:

Standard term	Appearance	Gallons of oil per square mile
Barely visible	Barely visible under most favorable light conditions.	25
Silvery	Visible as a silvery sheen on surface water.	50
Slightly colored	1st trace of color may be observed.	100
Brightly colored	Bright bands of color are visible.	200
Dull	Colors begin to turn dull brown.	666
Dark	Much darker brown	1,332

Note: Each one-inch thickness of oil equals 5.61 gallons per square yard or 17,378,709 gallons per square mile.

2503.26. Outage: Space left in a product container to allow for expansion during temperature changes it may undergo during shipment and use. Measurement of space not occupied.

2503.27. pH: Term used to express the apparent acidity or alkalinity of aqueous solutions; values below 7 indicate acid solutions and values above 7 indicate alkaline solutions.

2503.28. Pour point: The lowest temperature at which an oil will flow or can be poured under specified conditions of test.

2503.29. Residual oil: A general term used to indicate a heavy viscous fuel oil.

2503.30. Scuppers: Openings around the deck of a vessel which allow water falling onto the deck to flow overboard. Should be plugged during fuel transfer.

2503.31. Sludge oil: Muddy impurities and acid which have settled from a mineral oil.

2503.32. Specific gravity: The ratio of the weight of a given volume of the material at a stated temperature to the weight of an equal volume of distilled water at a stated temperature.

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2503.33. Spontaneous ignition temperature: (S.I.T.): The temperature at which an oil ignites of its own accord in the presence of air oxygen under standard conditions.

2503.34. Stoke: The unit of kinematic viscosity.

2503.35. Tonnage: There are various tonnages applied to merchant ships. The one commonly implied is gross tonnage although in these days tankers and other bulk-carriers are often referred to in terms of deadweight.

2503.35–1. Gross tonnage. 100 cubic feet of permanently enclosed space is equal to one gross ton—nothing whatever to do with weight. This is usually the registered tonnage although it may vary somewhat according to the classifying authority or nationality.

2503.35–2. Net tonnage. The earning capacity of a ship. The gross tonnage after deduction of certain spaces, such as engine and boiler rooms, crew accommodation, stores, equipment, etc. Port and harbour dues are based on this tonnage.

2503.35–3. Displacement tonnage. The actual weight in tons, varying according to whether a vessel is in light or loaded condition. Warships are always spoken of by this form of measurement.

2503.35–4. Deadweight tonnage. The actual weight in tons of cargo, stores etc. required to bring a vessel down to her load line, from the light condition. Cargo deadweight is, as its name implies, the actual weight in tons of the cargo when loaded, as distinct from stores, ballast etc.

2503.36. Ullage: The amount which a tank or vessel lacks of being full. (See also Outage)

2503.37. Viscosity: The property of liquids which causes them to resist instantaneous change of shape, or instanteous re-arrangement of their parts, due to internal friction. The resistance which the particles of a liquid offer to a force tending to move them in relation to each other. Viscosity of oils is usually expressed as the number of seconds at a definite temperature required for a standard quantity of oil to flow through a standard apparatus.

2503.38. Viscous: Thick, resistant to flow, having a high viscosity.

2503.39. Volatile: Evaporates easily.

ANNEX XX—3000 REGIONAL CONTINGENCY PLANS

3001. General:

3001.1. Regional Contingency Plans have been developed for all U.S. coastal and inland navigable waters.

3001.2. These plans are available for review at the local District or Regional offices of the C. G. and FWQA respectively.

3002. Cross References:

3002.1. State Standard Administrative Regions, USCG District and FWQA Regions are as follows:

States	Coast Guard district (coastal)	FWOA region (inland)
Region I:		
Maine	1st	Northeast.
New Hampshire	1st	Do.
Vermont		Do.
Massachusetts	1st	Do.
Connecticut	3d	Do.
Rhode Island	1st	Do.
Region II:		
New York		Do.
Coastal area	3d	Do.
Great Lakes area	9th	Do.
New Jersey	3d	Do.
Region III:		
Pennsylvania		Middle Atlantic.
East coast	3d	Do.
Lakeside	9th	Do.
Maryland	5th	Do.
Delaware	3d	Northeast.
West Virginia		Ohio Basin.
Virginia	5th	Middle Atlantic.
Puerto Rico	7th	Southeast.
Virgin Islands	7th	Do.
Region IV:		
Kentucky		Ohio Basin.
Tennessee		Do.
North Carolina	5th	Middle Atlantic.
South Carolina	7th	Do.
Georgia	7th	Do.
Florida		Southeast.
Atlantic and gulf coasts	7th	Do.
Panhandle	8th	Do.
Alabama	8th	Do.
Mississippi	8th	Do.
Canal Zone	7th	Do.
Region V:		
Minnesota	9th	Great Lakes.
Wisconsin	9th	Do.
Michigan	9th	Do.
Illinois	9th	Do.
Indiana	9th	Do.
Ohio	9th	Do.
Region VI:		
New Mexico		South Central.
Texas	8th	Do.
Oklahoma		Do.
Arkansas		Do.
Louisiana	8th	Do.
Region VII:		
Nebraska		Missouri Basin.
Iowa		Great Lakes.
Kansas		Missouri Basin.
Missouri		Do.
Region VIII:		
Montana		Do.
Wyoming		Do.
Utah		Southwest.
Colorado		Missouri Basin.
Region IX:		
California		Southwest.
Northern	12th	Do.
Southern	11th	Do.
Nevada		Do.
Arizona		Do.
New Mexico		South Central.
Hawaiian Islands		Southwest.
Region X:		
Washington	13th	Northwest.
Oregon	13th	Do.
Idaho		Do.
Alaska	17th	Do.

Note: 3002.2. Please refer to annex IV for addresses and telephone numbers as appropriate FWQA and Coast Guard offices.

SOUTH VIETNAMESE SERVICEMEN PROVE THEIR METTLE

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, Columnist Joseph Alsop in the Washington Post for Friday, May 29, has a column entitled "South Vietnamese Servicemen Have Now Proved Their Mettle," in which he underlines the spectacular success of the South Vietnamese forces in Cambodia and points up that General Abrams, normally quite restrained in his language, has used such language as "outstanding" in description of the work of the South Vietnamese in Cambodia.

Mr. Alsop concludes:

> Altogether, the Cambodian venture has given President Nixon's Vietnamization program a new look. For the South Vietnamese have now proven their mettle, while the enemy has suffered what should prove a crippling setback.

The column is as follows:

[From the Washington Post, May 29, 1970]

SOUTH VIETNAMESE SERVICEMEN HAVE NOW PROVED THEIR METTLE

(By Joseph Alsop)

In common fairness, something more needs to be said about the performance of the South Vietnamese units in Cambodia. It is a crucial measurement of the practicality of the President's Vietnamization program; and above all, it gives the lie to a good many biased people who have made a lot of noise in this country.

From their first day across the border, the ARVN units' performance has continuously moved Gen. Creighton W. Abrams to the highest flights of praise. He is a man sparing of praise in normal circumstances; but he has used every adjective in the military book, from "outstanding" upwards, to characterize the dash and efficiency the South Vietnamese have shown.

More importantly perhaps, he is known to have described the success of the South Vietnamese in Cambodia as a "stunning psychological victory," in and of itself. This is because it has infused a quite new spirit of confidence and pride in all the South Vietnamese under arms. Until Cambodia, they had never been fully tested. Now they have been tested, and they have passed the test exceptionally well.

"Every Asian wants to be with the winner," Gen. Abrams is said to have concluded. "And now we are the winners."

The facts of the Cambodian campaign amply substantiate Gen. Abrams' assessment Five ARVN divisions, the 9th, 21st, 22d, 23d and 25th, have been engaged, along with ARVN rangers, marines and paratroopers from the reserve. Every one of these divisions has been portrayed, at various times, as a mere horde of cowardly scoundrels commanded by corrupt incompetents.

The corrupt incompetents have now proved to be first-rate leaders in the field, and the cowardly scoundrels have fought with relentless aggressiveness. And it must be remembered that they have been fighting the most famous North Vietnamese units assigned to duty in South Vietnam.

For example, the ARVN 25th division has successively taken on, and briskly decimated, the 88th, 271st and 272d regiments. That means that this South Vietnamese division, customarily labeled "the worst," has by now defeated all the main components of the enemy's 9th division, formerly labeled "the best."

The secret of this seeming-magical reversal of roles comes in two separate parts. "The best," obviously, was not nearly so good as everyone had come to believe, in the long period when the enemy's 9th division had no real mission beyong occasional hit-and-run attacks.

"The worst," equally obviously, has been radically altered by being given an offensive role, at long last. ARVN, one must remember was a defeated army at the time of the U.S. intervention on the ground; and since that time ARVN has been an army mainly committed to a purely defensive role. Taking the offensive, and with great success, has naturally made a lot of difference.

You can see the difference in the Pentagon arguments about the U.S. advisers with ARVN in Cambodia. At first, it was argued that the U.S. advisers really had to go along, to "provide stiffening." But now, somewhat ironically, the same people are just as passionately arguing that the U.S. advisers are still needed, to insure reasonable prudence.

Another remarkable fact, closely linked to the foregoing, also deserves attention—which it has not been getting. After all, two South Vietnamese divisions, plus other troops, have plunged out of IV Corps; one Souh Vietnamese division and one American division have moved out of III Corps; and at different times, two South Vietnamese divisions have marched into Cambodia from II Corps.

For the Vietcong and North Vietnamese units inside South Vietnam, these departures of their strongest opponents should have offered a golden opportunity. With the cats away, the mice ought to have played—and played a pretty murderous game, at that. But instead, the level of enemy effort in III Corps and IV Corps has dropped by more than a half since the Cambodian venture began.

Since the beginning of the Cambodian venture, in fact, the one fairly conspicuous enemy effort has been a probe by elements of the 2d North Vietnamese division, up in I Corps. The 2d ARVN division, defending the little district town that was under attack has thus far just about abolished one of the regiments making the probe. Meanwhile the people of Hiepbuc, the isolated mountain town that was in danger, are still tilling their fields as before.

Altogether, the Cambodian venture has given President Nixon's Vietnamization program a new look. For the South Vietnamese have now proven their mettle, while the enemy has suffered what should prove a crippling setback.

POLLUTION CONTROL MUST BE OUR FIRST PRIORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, we are long past the time when we can rest on our oars in what should be a determined effort to combat pollution. With all of the material benefits in our modern industrial society, we have, at the same time, created monstrous problems which may eventually be our undoing. In many instances we have abused our national resources to the point where it is no longer possible to repair the damage. This situation is a direct result of our Nation's lack of will and wisdom rather than a lack of ability to solve these pollution problems.

In our national list of priorities, conservation of our national resources has always ranked low. I have pointed this out many times in the past. Clearly, what this country has lacked is a resolute national commitment to solving the pollution crisis. However, in recent weeks the Nation as a whole now seems to be supporting an effort which Congress began a score or more years ago. Nothing less than a total commitment will solve the problems of dirty air, clogged rivers, inadequate waste treatment, and the destruction of public lands.

The national interest is interlocked with the problem of preserving our natural environment. This is not only the responsibility of the Federal, State, and local governments, but also an industrial and individual responsibility. Individuals are still the chief polluters.

Industry and business must take more initiative and responsibility than they have in the past. For years, our environment has been sacrificed for Government apathy, individuals laziness, and profit. Our rivers have provided the dumping ground for garbage, chemicals, and other waste products. Burning has produced dangerous gases in the air which eventually can seriously impair health and shorten life.

It is necessary for each and every one of us to decide how much progress toward achieving an improvement in our environment should be exchanged for the systematic pollution of our environment. Even though pollution increases, people will still demand more cars, more houses, more refrigerators, more boats, more one-way containers, more fliptops, more airplanes, more buses, and so on. This means more pollution, more garbage, and more wastes unless we determine more effective ways of satisfying our material needs without at the same time despoiling our environment.

The task is monumental. It increases when you consider that misuse of our natural resources is expanding each year. As technology increases, new pollutants and chemicals are fed into our air and waterways. These in turn require specific scientific research for each pollutant. Take, for example, the new enzyme detergents that fill our waters with phosphate pollutants. Investigative agencies have called upon the industry to remove these damaging pollutants from the products and have called upon the consumer to cut down the use of these detergents.

In order for our national policy to be effective it should include the following: First, environmental quality must be considered in a worldwide context, extending in time from the present, far into the future. Second, purposeful, intelligent management to recognize and accommodate the conflicting uses of our environment must be a national responsibility. Third, information required for systematic management must be provided in a complete and timely manner. Fourth, it is essential to have programs to educate the individual citizen and develop a better understanding and appreciation of environmental problems and courses of action we may be required to take. And, finally, science and technology must provide management with increased options and capabilities to coordinate productivity with constructive use of environment.

SOME OF THE DECISIONS WE FACE

A good example of the quandary we face comes in an honest appraisal of our overall problems in the basic field of power. We are presently experiencing a shortage of electrical power in many areas of the country. One Federal agency tells us we must expand our generating capacity so we will not have a blackout or brownout in metropolitan areas during peak load times in the summer. Another agency points out the dangers of increased generating facilities especially in those plants which use low-grade, sulfur-producing coal for generating. Another State says it will not permit atomic energy for powerplants.

Which do we want? Do we want more power or less power? Are we able to sustain our growth without more electric energy? As you can readily see, the issue is not simple.

Take another basic sacrifice that the average American might be required to make. The nonreturnable bottle while being a wonderful convenience to us has become a nightmare in solid waste disposal problems. Streams everywhere are polluted with beer bottles and soft drink cans. It is too convenient, too easy to use the aluminum can for our beverages. What should we do? Should we restrict or prohibit the nonreturnable bottle or can? If we do, it would probably be necessary to put a prohibitive deposit on other containers so they would actually be returned. A 2- or 3-cent deposit on the compulsory returnable container would not be sufficient to insure its return. The lakes and streams would still be polluted with them as it would not be any great financial loss to the average camper or fisherman to just chuck his bottle rather than return it. What would the deposit have to be to insure the bottle's return? Ten cents, 25 cents? Would you, the average citizen, be willing to suffer this inconvenience to help keep America clean?

As you can see these are but a few of the areas where some hard decisions must be made. Automobiles are another prime area of challenge. Would we be willing to sacrifice some of the power in our autos to prevent air pollution? There is no simple answer to the pollution problem but we must begin to face up to our monumental task in harnessing these destructive forces which have been cast loose on our environment.

I certainly want to voice my commitment to expand the legislative beginnings we have made into a comprehensive national program dedicated to the investment of time, resources, and funds which must be made available to secure a clean, pleasant and safe Nation for each and every American to live, grow, and prosper.

It is gratifying to see that so many Americans are likewise committed to this very necessary and basic effort. Pollution control must be our first priority. If we lose this battle, gains or victories in other fields will be quite insignificant indeed. Our environment must come first.

MEMORIAL DAY SERVICES AT THE VETERANS' ADMINISTRATION CENTER AT MOUNTAIN HOME, JOHNSON CITY, TENN.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. QUILLEN) is recognized for 60 minutes.

Mr. QUILLEN. Mr. Speaker, the annual Memorial Day services at the Veterans' Administration Center at Mountain Home in Johnson City were held Sunday, May 24, 1970, and I was privileged to participate in these activities.

I was honored to introduce the principal speaker, the Honorable Donald E. Johnson, Administrator of Veterans' Affairs, who came down from Washington on this occasion.

The people of Johnson City literally rolled out the red carpet for Mr. Johnson. He was extended every courtesy and everyone was so nice to him. I deeply appreciate the reception he received.

Needless to say, Mr. Johnson is a very capable, highly respected and efficient administrator. His accomplishments in the fields of business and veterans' affairs most certainly qualify him for the post he now holds.

Mr. Johnson holds a warm spot in the hearts of the millions of American veterans and servicemen as well as the people throughout the country. He knows and understands their problems and is always able and willing to help solve them. He possesses an unequal knowledge about the problems of the veteran.

Mr. Johnson has long been active in the American Legion and several years ago was named head of this fine organization, the National American Legion.

He enlisted in the Army in 1942 and served in combat with the 89th Infantry Division in the European Theater of operations. He was discharged from service in 1946. His decorations include the Bronze Star and the Croix de Guerre, awarded by the Belgium Government.

Mr. Johnson also has an enviable record as a public servant. From 1954 to 1955, he was chairman of the Governor's Commission on Merit in Employment, and from 1958 to 1960, he was an advisory member of the U.S. Commission on Civil Rights. In 1954, and again in 1957, he headed the Iowa fund drive for Crusade for Freedom. In his hometown he has served two terms on the city council and was twice president of the West Branch Chamber of Commerce. He headed the West Branch Heritage Foundation from 1965 to 1966, and has been active in PTA and Scout work.

Mr. Johnson has a tremendous amount of responsibility on his shoulders. As Administrator of Veterans' Affairs, he directs the far-flung activities of the Nation's largest independent Federal agency.

During his visit to my congressional district, he addressed three groups and his remarks were so stirring that I feel they should be inserted in the RECORD for others to read. He was principal speaker at the VA Appreciation Day dinner at the Holiday Inn in Johnson City and then at a luncheon the next day, which was sponsored by the Tennessee Department of Veterans' Affairs. My good friend, Mr. Joe Frank Judgens, is director of the Tennessee Veterans' Service, and he was in charge of this function. Mr. Johnson also spoke at the Memorial Day ceremony at Mountain Home.

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As always the affairs of the Memorial Day ceremony were conducted most efficiently by Mr. George R. Hiskey, director of the center. My congressional district is fortunate to have an administrator of Mr. Hiskey's qualifications and a fine hospital which he directs. I offer my congratulations to him, members of his staff and employees delegated with the responsibility of seeing that the hospital offers the excellent service it has always provided.

In addition to the three speeches he made, I would also like to insert in the RECORD a copy of the schedule of activities during the Memorial Day Services on Sunday:

MEMORIAL DAY SERVICES, 1970

The Veterans' Administration Center, Mountain Home, Johnson City, Tennessee, welcomes you to the annual Memorial Day Services on Sunday, May 24, 1970 at 2:00 p.m.

Preliminary Events

1:00 p.m.—Reception-tea, by invitation honoring all Gold Star Mothers in the VA Inn, sponsored by the American Legion Auxiliary, First District, Department of Tenn.

1:00 p.m.—Open House, by invitation, honoring all veterans in the VA Center at the VA Domiciliary Recreation Hut, sponsored by the Veterans of Foreign Wars and Auxiliary of the First and Second Districts, Department of Tennessee.

Opening Ceremonies

2:00 p.m.—The East Tennessee State University Symphonic Band under the direction of Kenneth W. Large will present a special musical program of appropriate music.

2:05 p.m.—The Boy Scouts of America, Sequoyah Council, who have been holding their annual weekend Camporal on the VA Center grounds will decorate the 4,720 graves in the VA Center Memorial Cemetery.

2:20 p.m.—The East Tennessee State University ROTC Sponsor Corps under the direction of Captain Cavin Sullivan will present a program of drill routines.

MEMORIAL SERVICES, 2:30 P.M.

MASSING OF THE COLORS—Service Organizations, U.S. Marines and the Tennessee National Guard

INVOCATION—Chaplain James A. Burris

"STAR SPANGLED BANNER"—ETSU Symphonic Band, Kenneth W. Large, Conductor

WELCOME—G. R. Hiskey, Center Director

TRIBUTE TO GOLD STAR MOTHERS—Ed Onstot, Manager, VA Regional Office, Nashville, Tennessee

RECOGNITION OF SPECIAL GUESTS—Joe Frank Hudgens, Director, Tennessee Veterans Service.

MUSICAL SELECTION—"Blue and Gray Suite" C. Grundman, ETSU Symphonic Band

INTRODUCTION OF THE SPEAKER—The Honorable James H. Quillen, U.S. Congressman

ADDRESS—The Honorable Donald E. Johnson, Administrator of Veterans Affairs

DECORATION OF THE TOMB—The Honorable James H. Quillen, U.S. Congressman

SALUTE TO THE HONORED DEAD—The U.S. Marine Corps Reserve

TAPS—East Tenn. State University Trumpeters

BENEDICTION—Chaplain Charles Lucier

REMARKS BY HON. DONALD E. JOHNSON, ADMINISTRATOR OF VETERANS' AFFAIRS, ON VA APPRECIATION DAY FOR THE MOUNTAIN HOME VETERANS' ADMINISTRATION CENTER, JOHNSON CITY, TENN.

I am highly honored and pleased to be with you tonight. Most of all . . . however . . . I am grateful . . . as is each of my nearly 900 associates at the Mountain Home VA Center for your thoughtfulness and generosity in dedicating this date, of course, to be "VA Appreciation Day."

It is always nice . . . of course . . . to be appreciated. But it is especially welcome tonight.

I am sure that most . . . if not all . . . of you have seen the article in this week's Life Magazine on the Veterans Administration's hospital and medical care program.

I am not going to spoil this traditionally happy and festive event by engaging at this time in a point-by-point refutation of the unfounded charges . . . and the outright untruths . . . contained in that article.

Let me assure you . . . however . . . that Life Magazine's distorted, denigrating, and disgusting assault on the VA hospital and medical care program is not going to go unchallenged.

Not because the magazine chose to ignore the voluminous, painstakingly-gathered factual data provided by the VA.

Not because the magazine used only one sentence out of an hour-long interview which I gave the author.

Not even because it presents a slanted, misleading, and . . . if you'll pardon the pun . . . completely out-of-focus picture of VA medicine.

Rather . . . this Life Magazine article is going to be refuted fully and factually so that the American people . . . but especially our ill and disabled Vietnam veterans . . . will know the truth about the VA's quality hospital and medical care program.

It is imperative that our Vietnam veterans . . . whose military service and sacrifices were understood and appreciated by too few of our citizens . . . should not now be mislead to believe that they will be denied decent hospital and medical care for the wounds and injuries and illness they suffered . . . and still endure.

Our service-disabled Vietnam veterans are receiving quality medical care. And they will continue to do so.

Regrettably . . . many who will see the Life article . . . and accept its erroneous thesis . . . will not learn the true facts . . . for it is a journalistic axiom that the retraction or correction never catches up with the original story.

So much for Life Magazine.

In real life . . . tonight . . . I have the good fortune of knowing that the VA is appreciated by those who know the truth . . . by you who work with the Veterans Administration day in and day out . . . and help us to provide our ill and disabled veterans with quality medical care.

Nearly 11 months ago when I was sworn in as Administrator of Veterans Affairs . . . I said that the employees of the Veterans Administration are the most able and dedicated in the entire Federal Government.

It is indeed gratifying that your Mountain Home VA Center employee-neighbors have demonstrated to the satisfaction of you good citizens and officials of Johnson City, Tennessee, the validity of my claim.

If they have proven to be so able and dedicated . . . they have . . . it is with good cause.

My associates and I are privileged to serve America's most deserving citizens . . . the patriotic, unselfish men and women who bear the proud title of veterans.

Let me concede . . . however . . . that because we in VA are so close to the problem of serving those who served . . . and their dependents and survivors . . . we sometimes fail to appreciate adequately the magnitude of the VA' responsibilities . . . and the tremendous impact of our activities . . . not only upon the 48 percent of our entire population . . . which is our constituency . . . but also upon the rest of America.

It is entirely fitting . . . I believe . . . that on VA Appreciation Day . . . we seek to gain a better appreciation of the Veterans Administration . . . and the benefits and services for which it is responsible.

Let's examine the VA in terms all of us can understand.

Take our size . . . for example.

We have approximately 148,000 full-time employees in the Veterans Administration.

By itself . . . this figure may or may not be impressive. But I think that it comes into true perspective when we say that . . . in the entire Federal Government . . . only the Department of Defense and the Post Office Department have more full-time employees than the VA.

Stated another way . . . the VA's full-time employment force is greater than that of the Departments of Commerce, Justice, Labor, State, Housing and Urban Development, and the National Aeronautics and Space Administration . . . combined.

A moment ago I mentioned that the VA's constituency totals 48 percent of our entire national population.

It does.

There are now 27.5 million living veterans entitled to present or future benefits and services from the Veterans Administration.

With their dependents and the survivors of approximately 14 million deceased veterans . . . they now number nearly 96 million . . . or about 48 percent of our total national population of slightly more than 200 million.

The nearly 96 million Americans now or potentially entitled to benefits and services from the Veterans Administration exceed by more than 15 million the total population of the United States when Mountain Home first opened its doors in 1903.

Being a farm boy from Iowa . . . I'm still trying to get used to talking the financial language in vogue in our nation's capital.

Unless you open the conversational bidding in the billions . . . you're not even in the same ballpark.

But to me a billion of anything is still a lot.

The Fiscal Year 1971 budget requested for the Veterans Administration totals $8.9 billion . . . and represents the largest appropriation request in VA history.

Measured against a total Federal Budget of $200 billion . . . it may not seem to be the truly significant total that it is.

However . . . measured . . . for example . . . against the fiscal year 1935 budget for the entire Federal Government . . . it grows in stature.

That year . . . the Congress appropriated $7.5 billion to run the entire government . . . or nearly $1.5 billion less than President Nixon has requested for the VA alone in fiscal year 1971.

But enough of national figures concerning the size of the Veterans Administration . . . the number of veterans, their dependents and survivors we now or may some day serve . . . and the amount of money we will expend in veteran benefits and services next year.

VA Appreciation Day honors the Mountain Home VA Center . . . and the patients, staff members, affiliated schools, volunteers, and, of course, the citizens and officials of Johnson City, Bristol, Kingsport and other communities . . . all of whom have helped to write Mountain Home's illustrious history . . . and who make it the center of concern, compassion and care which it is today.

I understand your primary interest in the now and the future of Mountain Home and the Veterans Administration here in Tennessee . . . rather than in a self-congratulatory review of your many past accomplishments.

In this respect . . . you are now unlike the two spinsters who were discussing men.

"Which would you desire the most in your husband," asked one . . . "brains, wealth, or appearance?"

"Appearance," snapped the other . . . "and the sooner the better."

Before telling you what the VA is doing and will continue to do to serve Tennessee veterans, their dependents and survivors . . . and thus continue to merit your appreciation . . . permit me a few historical comments.

As you Tennesseans so well know . . . this Center was opened in 1903 as the Mountain Home Branch of the National Home for Disabled Volunteer Soldiers.

Nowhere has the close and harmonious and . . . I believe . . . mutually beneficial relationship between our Mountain Home VA Center and its hometown of Johnson City, Tennessee for more than two thirds of a century been capsuled more succinctly . . . or stated more eloquently . . . than in the foreword to the fiscal year 1969 annual report of the Center.

Permit me to quote from this foreword signed by Johnson City Mayor Charles O. Gordon and Centennial Committee Chairman Dan B. Wexler on the occasion of Johnson City's one hundredth anniversary last year.

Quote.

"The long and illustrious history of this Center witnessed growth from a Soldiers Home, with 150 employees, 2,000 veterans, and an annual operating expense of $300,000 in 1903, to 900 employees and $9,000,0000 in 1969. Over this same period, Johnson City grew from a quiet town of 4,600 to a bustling and prosperous city of 36,000.

"Johnson City is celebrating its Centennial and for over two-thirds of that century Mountain Home has played a major role in the City's economy and has contributed mightily to its growth and prosperity. Employees of the Center and their families make up a significant part of the City's stable and substantial population and have participated fully in the City's civic, fraternal, social, and religious activities."

Unquote.

I want to say . . . here and now . . . to you good people of Johnson City that if you are proud to be the hometown of Mountain Home . . . as that foreword states . . . the members of our VA family here at Mountain Home are also very proud to be your fellow-citizens, friends, and neighbors.

They are grateful, too . . . as I am . . . that Mountain Home has provided tens of thousands of veterans with the finest care possible . . . thanks not only to the skill of the doctors, nurses, and other medical specialists who have served . . . and now serve here . . . but also to their compassion and concern . . . and that of volunteers, our great veterans and community organizations, and individual citizens.

A few moments ago I mentioned the unique budgetary language spoken in our nation's capital.

Being here in Johnson City . . . whose name should give me no difficulty . . . I am reminded of a recent cocktail party-reception I attend in Washington, D.C.

A very prim and proper dowager in the receiving line introduced herself and asked: "Where are you from, young man?"

The young man bit nonplussed me for a moment . . . but I recovered and replied: "Iowa, mam."

She looked me up and down and then said: "Here in the east we pronounce it Ohio."

Economists measure the responsibilities and activities of the Veterans Administration in terms of eight billion dollars plus in annual expenditures.

I prefer to think of the VA in other terms.

For example . . . a line item in the requested fiscal year 1971 budget for VA shows estimated disability compensation expenditures for veterans of slightly more than $2.4 billion.

I read beyond this line . . . however . . . and see two million 72 thousands veterans disabled in the service of their country assisted by a grateful nation to sustain themselves and their families in modest dignity and decency.

Another line item shows $636 million budgeted for compensation payments to the survivors of veterans who died as the result of military service.

To me this means that the families of more than 383,000 heroic Americans who gave their lives for our country . . . yes . . . for you and me . . . will be helped to stay together.

The estimated cost of pension payments to nonservice-connected disabled veterans is $1.3 billion.

Because this benefit is based on need . . . however . . . to me it means that 1 million 70 thousand patriotic Americans . . . who helped our nation in its hour of need . . . will, in turn, be helped in their hour of need.

So will the pension beneficiary survivors of another 1,201,000 deceased veterans . . . in the amount of $971 million.

Here in Tennessee . . . more than 60,000 veterans . . . and the dependents of more than 34,000 deceased veterans . . . receive in excess of $104 million each year in compensation and pension benefits from the Veterans Administration.

As viewed by the academic community . . . the VA may not be an educator.

But as far as I am concerned . . . the $1 billion 79 million budgeted for fiscal 1971 for readjustment benefits places upon VA a continuing responsibility . . . and gives us a continuing opportunity . . . to contribute to the education and training of eligible veterans . . . especially the disabled and those returned from Vietnam.

It also gives the VA the privilege . . . and I use this word advisedly . . . of helping the sons and daughters of veterans who died or are permanently and totally disabled as the result of military service . . . as well as their widows and wives . . . obtain needed education and training.

In fiscal year 1971 . . . an estimated 1,742,000 Vietnam era veterans . . . 46,000 sons and daughters . . . and 21,000 widows and wives will receive education and training assistance from the Veterans Administration.

For the present spring semester . . . a record high 816,000 Vietnam era veterans and servicemen . . . including more than 14,000 here in Tennessee . . . were enrolled in education and training under the current G.I. Bill.

Since the present program began on June 1, 1966 . . . more than 1,785,000 Vietnam era veterans and servicemen . . . including more than 30,000 here in Tennessee . . . entered training.

Few people consider the Veterans Administration either a home builder or realtor.

The fact remains . . . however . . . that the VA has played a vital . . . indeed an indispensable role . . . in the building and purchase of homes here in Tennessee and throughout America since the end of World War II.

Not too long ago it was estimated that the G.I. Bill home loan program is responsible for one out of every five homes built in the United States since World War II.

In hard figures . . . the Veterans Administration has guaranteed or insured nearly 7,300,000 loans valued in excess of $77 billion since 1944.

Approximately 130,000 of these loans . . . valued in excess of $1 billion 228 million . . . were for Tennessee veterans.

Nationally . . . we expect to guarantee or insure an additional 220,000 loans in the coming fiscal year.

I have burdened you with many statistics tonight I know. I also realize that the statistics alone cannot begin to tell the real story of the VA's people-to-people service mission.

But let me give you a few more to help you to understand that our $8 billion plus annual budget makes the Veterans Administration mean yet other things . . . other benefits and services beyond those I have already cited . . . to yet other veterans and their families.

To more than 634,000 minor beneficiaries . . . the VA . . . through its Guardianship Service . . . is a foster parent dedicated to meeting their immediate needs . . . to assuring their education through high school . . . and to the development of an appropriate educational program thereafter.

The 660 attorneys on the staff of the Guardianship Service also serve more than 112,000 incompetent adults on our Guardianship rolls.

To the more than 5 million veterans holding nearly $38 billion in government life insurance . . . the VA is perhaps the most important insurance company in the world.

Sixty four thousand Tennessee veterans hold more than $518 million government life insurance.

Incidentally . . . the more than 52,000 Tennessee veterans with World War II National Service Life Insurance or World War I United States Government Life Insurance policies in force will receive nearly $3,600,000 in dividends this year on these policies . . . thus adding to the impact of veteran benefits on the state's economy.

In addition . . . the VA supervises $36.8 billion in Servicemen's Group Life Insurance for 3.7 million members of our Armed Forces.

To the nation's grocers, food processors, and farmers . . . the VA is an important customer . . . buying annually almost 6.5 million pounds of sugar . . . 2.6 million pounds

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of coffee . . . 3 million pounds of flour . . . 3.5 million pounds of canned and frozen meats . . . 69 million pounds of fresh milk and ice cream . . . 12 million pounds of butter and margarine . . . 7.6 million pounds of fresh fruits and vegetables . . . 5.4 million pounds of bread and cereals . . . and 37.5 million pounds of fresh poultry meats, eggs and fish.

I am sure that if all of the nearly 800 thousand patients in our VA hospitals for whom this food is intended had the appetites of my nine children . . . VA's food purchases would greatly increase.

This brings me to the fact . . . the final analogy I hasten to add . . . that for these veterans . . . for the 8.1 million who will be given outpatient medical and dental care . . . for tens of thousands of other veterans in domiciliaries, nursing care homes, and restoration centers . . . VA is the instrument by which Aristotle's admonition will be heeded . . . at least for them.

He said:

"If we believe that men have any personal rights at all as human beings . . . then they have an absolute moral right to such a measure of good health as society and society alone is able to give them.

For Tennessee's 479,000 veterans . . . including 63,000 courageous young Vietnam era veterans . . . the Veterans Administration is their society . . . not alone for quality hospital and medical care . . . but for all of the other benefits to which they and their families are entitled . . . and which I have enumerated tonight.

With the continued interest and support of all of the outstanding groups represented here tonight . . . service and community organizations . . . the academic and medical community . . . government officials and individual citizens . . . the Veterans Administration will continue "to care for him who shall have borne the battle and for his widow and his orphan."

Having accomplished this . . . with your help . . . it will then be the VA's turn . . . and privilege . . . to stage an Appreciation Day for the great and good people of Tennessee.

Thank you.

Remarks by Hon. Donald E. Johnson, Administrator of Veterans' Affairs, at the Annual Memorial Day Service of the Mountain Home VA Center, Johnson City, Tenn.

Representative Quillen . . . distinguished guests and visitors to the Mountain Home VA Center . . . and my associates in the Veterans Administration.

Your invitation to address Mountain Home's annual Memorial Day observance honors me greatly.

But it also humbles me . . . as it would any veteran.

For it places me in the presence of patriotic, heroic Americans whose selfless service and supreme sacrifice that I . . . and my beloved country . . . might live in freedom bespeak more eloquently than any words why they should be especially remembered and revered today.

It is most fitting . . . I think . . . that this Memorial Day program should be held here at Mountain Home . . . which has been identified so prominently and so long with veterans . . . and here in Tennessee . . . with its proud motto and merited fame . . . as the Volunteer States.

From Concord to Cambodia . . . for nearly two centuries . . . Americans . . . more than 42 million of them . . . have fought and more than one million died . . . not for glory, not for conquest . . . but . . . as President Nixon said in his Memorial Day Proclamation . . . "for those concepts that bind the people together in nationhood—and brotherhood."

The President's proclamation . . . in its title, its purpose, and its words . . . is a "PRAYER FOR PEACE, MEMORIAL DAY, 1970."

But even "to express our gratitude to the heroic dead by thought and prayer with special reverence" today is not enough . . . the proclamation reminds us.

"A more fitting memorial" . . . President Nixon suggests . . . "would be the creation of a peaceful world, free of the destructive conflicts that have plagued man's history."

The proclamation continues:

"We must, therefore, as individuals and as a nation, continue the difficult quest for tranquility among all peoples and the reasoned solution of our differences."

As a special mark of respect for those Americans who have given their lives in the tragic struggle in Vietnam . . . the President has directed that the flag of the United States be flown at half-staff all day on Memorial Day, instead of during the forenoon period, on all buildings, grounds, and naval vessels of the Federal Government throughout the United States and all areas under its jurisdiction and control.

War . . . any war is hell.

But peace . . . at the price of freedom . . . would be hell on earth.

More than this . . . to forsake the cause of freedom for which more than one million Americans have died . . . for which more than 42,000 of our countrymen have given lives in Vietnam . . . would be to mock their sacrifice . . . and deny their silent plea that they shall not have died in vain.

Memorial Day 1970 finds America in agony.

Our colleges and universities . . . far too many of them, certainly . . . have been transformed from institutions of higher learning into battlegrounds where young men and women have tragically died.

We have yet to cleanse our waters and our air.

Inflation has not been fully curbed.

Crime still endangers the lives and property of millions of our people.

Degrading, grinding poverty remains the dead-end future for Americans who deserve better.

Our cities have not been rid of their ghettos.

Discrimination is still an ugly fact.

So is unemployment.

And so are the other ills that beset us.

Do we dare hope for a brighter tomorrow?

I think we do.

Because Cambodia and Vietnam will end.

And with their end . . . we can meet courageously, effectively, and unitedly the many challenges that confront us.

The attack on the evils I have cited need not await . . . and indeed has not awaited . . . the end of hostilities in Cambodia and Vietnam.

But not until President Nixon's pledge to withdraw American combat forces from Cambodia by the end of June . . . and to withdraw an additional 150,000 American servicemen from Vietnam within the next year . . . on top of the 115,000 who have already been pulled out . . . not until this pledge has been fully redeemed . . . in my opinion . . . will the American people have the desire and the will and the determination to make the massive commitment needed to solve our domestic crises.

I think that one question is uppermost in the minds of all of us today . . . indeed . . . of all Americans.

Will the President's timetable for the withdrawal of American troops from Cambodia and Vietnam be met?

Reports from our military commanders in Cambodia encourage me to believe that his timetable will be met.

If you have had the opportunity to read some of the news dispatches from Vietnam . . . I am sure you will agree.

Allied forces have captured more than:

10,000 rifles and 1,100 heavy weapons . . . enough to outfit almost 70 enemy battalions of 500 men each.

1,800 tons of mortar and artillery shells, rockets, rifle bullets . . . more than the Communists would use in two years.

12 tons of supplies . . . enough to support a 320-bed hospital for four months.

2,300 tons of rice . . . enough to feed more than 10,000 troops for a year.

Apparently the drive into Cambodia has set back Communists ability to launch major offensive in southern half of South Vietnam by six months—or more.

The Department of Defense's timetable for disengagement not only from Cambodia but from Vietnam as well . . . would have been completely unrealistic . . . if not totally unbelievable . . . just one month ago.

Because of President Nixon's action . . . however . . . announced on April 30th in his most serious and somber speech since becoming President . . . the Defense Department's very encouraging timetable for disengagement is feasible.

But let me go back for a moment to that April 30th speech . . . and quote pertinent passages that bear directly on this disengagement timetable.

The President said . . . and I quote:

"This is not an invasion of Cambodia. The areas in which these attacks will be launched are completely occupied and controlled by North Vietnamese forces. Our purpose is not to occupy the areas. Once the enemy forces are driven out of these sanctuaries and once their military supplies are destroyed, we will withdraw.

"Now let me give you the reasons for my decision.

"A majority of the American people, a majority of you listening to me, are for the withdrawal of our forces from Vietnam.

"The action I have taken tonight is indispensable for the continuing success of that withdrawal program.

"A majority of the American people want to end this war rather than to have it drag on interminably. The action I have taken tonight will serve that purpose.

"A majority of the American people want to keep the casualties of our brave men in Vietnam at an absolute minimum. The action I have taken tonight is essential if we are to accomplish that goal.

"We take this action not for the purpose of expanding the war into Cambodia, but for the purpose of ending the war in Vietnam and winning the just peace we all desire. We have made and we will continue to make any possible effort to end this war through negotiations at the conference table rather than through more fighting on the battlefield."

Unquote.

You and I know . . . of course . . . that the Paris delegation from Hanoi continues to be intransigent . . . and cruelly indifferent to the needless death of their fellow-citizens.

Nonetheless . . . the Department of Defense is still able to project this timetable for disengagement as the result of President Nixon's actions.

In the coming year . . . at least 150,000 more Americans will be brought home . . . as the President pledged.

By the end of June 1971 . . . all U.S. infantrymen will be out of combat.

While combat troops will constitute about half of the U.S. forces in Vietnam after June 30, 1971 . . . they will be used only to protect American bases.

It is expected that by the end of calendar year 1971 . . . U.S. forces in Vietnam will number less than 300,000.

And this Administration hopes that thereafter American units in Vietnam can be manned completely by volunteers . . . not draftees.

If Tennessee's proud past is any criterion . . . a substantial number of these G.I.s will be citizens of the Volunteer State.

These encouraging objectives . . . it seems to me . . . indicate not merely success for

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President Nixon's policies and actions in Cambodia and Vietnam . . . but the right of the President to carry out his program and his Constitutional responsibility . . . as Commander-in-Chief . . . to protect the lives of American servicemen in Vietnam without encumbering and unnecessary Congressional actions.

I am not for a minute suggesting that the Congress should not carry out its own Constitutional responsibilities vigorously and promptly.

But I sincerely believe that the President has at least earned the opportunity to make good on his pledge to withdraw American combat forces from Vietnam by June 30th . . . just a little more than a month from now.

I hope that the Congress will give him this opportunity . . . and not act prematurely.

We all know and love . . . even if we cannot sing well . . . the Star Spangled Banner.

Its last lines call America "the land of the free and the home of the brave."

I would not quarrel with these lyrics . . . but I would suggest today a slight variation.

I would suggest to you today that our beloved America is still the land of the free *because* it has been through its nearly two-hundred-year history the home of the brave.

No where has this truth been more eloquently expressed than on the Confederate War Memorial in Arlington National Cemetery . . . across the Potomac River from our nation's capital.

Perhaps you have seen it . . . and been as moved and inspired by it as I have.

Permit me to quote the inscription engraved on that memorial:

> Not for fame or reward
> Not for place or for rank
> Not lured by ambition
> Or goaded by necessity
> But in simple obedience to duty
> As they understood it
> These men suffered all
> Sacrificed all
> Dared all
> And died

Today . . . I am sure you will agree . . . this tribute can be paid appropriately . . . with unashamed love and gratitude . . . to all of America's honored dead.

It has been said that a nation is really its people.

I believe this is true.

In moments of sorrow and grief . . . people . . . families . . . unite to comfort and strengthen one another.

Memorial Day is not entirely a moment of sorrow and grief . . . for we remember fondly . . . even joyfully . . . those happy hours and years we shared with our loved ones before they answered freedom's call . . . and paid freedom's price.

We do no violence to these happy memories . . . however . . . if . . . on this Memorial Day we seek to unite the American people . . . our national family . . . so that we might comfort and strengthen one another.

In life . . . our honored war dead were the providers and protectors of their families.

If today . . . Memorial Day 1970 . . . the American family could once again unite . . . as it honored their memory . . . to provide for the future of our great nation . . . and to protect our priceless freedom . . . then our heroic war dead could truly rest in peace.

For they would then know that they did not die in vain.

Thank you.

Remarks by Donald E. Johnson, Administrator of Veterans' Affairs at the Luncheon, Tennessee Department of Veterans' Affairs, Johnson City, Tenn.

Representative Quillen . . . Director Hudgens . . . officers, members and guests of the Tennessee Department of Veterans Affairs:

I always enjoy meeting with knowledgeable veterans affairs officials who share my desire and responsibility to provide America's veterans . . . and in your case Tennessee's 479,000 veterans and their families . . . with the most compassionate, efficient and timely service possible.

However . . . I must admit that your knowledge of the Veterans Administration . . . and of the many, difficult challenges which we face . . . sometimes causes you to be somewhat uncertain about how quickly and how completely these challenges will be met.

This occasional evidence of doubt should not be surprising here in Tennessee . . . if there is any truth to the story about the Tennessee mountaineer whose grandson excitedly told him:

"Grandpa . . . they're going to build a railroad over the mountain."

"Never happen," the old man said.

"But Grandpa . . . they're already laying the bed for the tracks."

"Heap of difference between laying a bed and putting down tracks."

Time passed . . . the tracks were laid . . . and the grandson told the the old man:

"The engine's on the track and ready to run."

"Never get it started," he said.

The engine was started . . . driven up the far side of the mountain . . . over the top . . . and down the other side toward the old man's shack.

"What'ya say now, grandpa?"

"Never get it stopped," he replied.

I'll be the first to admit that there's a heap of difference between all of the veterans benefits and services which the Veterans Administration could provide . . . given unlimited funds . . . and the benefits and services we will actually deliver in the coming fiscal year . . . with the record-setting $8.9 billion in appropriations which have been requested.

Because of your unique experience, knowledge and concern in the field of veterans affairs . . . as Department Service Officers . . . I would like to speak to you today of those VA programs and problems . . . yes, we do have problems as well as successes . . . which especially require your understanding . . . and whenever possible . . . your support.

The VA's most widely publicized current program and problem are the same

Our hospital and medical care program . . . and the waves of criticism storming about it.

When I have spoken out . . . as I have done at every opportunity these past few months . . . in defense of our hospital and medical care program . . . I have not carelessly charged some with leveling unwarranted, unfair, and uninformed criticism against this program.

Above all . . . at no time have I ever questioned . . . even for a minute . . . the absolutely propriety and sincerity of congressional committees in investigating the VA hospital and medical care program . . . or any other program.

In fact . . . in recent testimony before the Subcommittee on Hospitals of the House Veterans Affairs Committee . . . I suggested that the members would be remiss in their legislative oversight duties if they failed to do so.

I also assured them that as long as I am Administrator of Veterans Affairs . . . the Veterans Administration will have no quarrel with informed and constructive criticism.

In my judgment . . . and I so testified . . . such criticism by that committee and other responsible sources can only help us to do a better job.

I then went on to say . . . and this was long before the article in this week's issue of Life Magazine . . . which I am sure most . . . if not all . . . of you have read.

"There has been criticism from other sources . . . however . . . so overdrawn and tenuous as to lead the public and our veterans to fear that VA is practicing grossly inferior medicine with hospital staffs which are little concerned about their veteran-patients.

"This kind of criticism serves only to alarm present and prospective patients . . . and to make more difficult our constant task of recruiting scarce category personnel.

"The result has been literally hundreds of letters to Congress, to the President, and to the VA by sincere Americans honestly worried about the care our veterans are receiving."

Obviously . . . the Life Magazine article will up this total considerably.

I know that you share my deep concern over the effects of this article. I am certain, too, that you are sincerely interested in my personal reaction to the article . . . as well as any official VA response.

I believe that the telegram which I sent on May 20th to Mr. Thomas Griffith, the editor of Life Magazine, best describes my personal reaction . . . and, of course, now makes the VA's official response a matter of record.

With your permission . . . I would like to quote this telegram.

Quote.

"From the obviously contrived cover page and staged hospital photographs right down to every biting word of the denunciatory narrative, the article in the May 22, 1970, issue of Life Magazine gives a totally distorted picture of Veterans Administration medical care.

"Thus, it serves to needlessly alarm present and prospective patients; to discredit the competent and dedicated staffs at VA's 166 hospitals, and to make more difficult the recruitment of medical staff your article says we so sorely need.

"The article describes the VA hospital system as the biggest in the world and yet in your zeal to condemn you could not find one good word to say about any part of this vast program.

"The reporter held a nearly 90-minute interview with me in my capacity as head of the VA. What survived of this in-depth interview was a single two-line sentence in the final article, and even this one sentence contribution was airily dismissed in the next sentence of the story.

"Your staffers visited the Washington, D.C. VA hospital on three separate occasions, talked freely to many patients including severely disabled Vietnam veterans, and shot scores of photographs, many of a 22-year old Vietnam amputee in his treatment routine.

Could the fact that all of these veterans voluntarily praised VA medical care be the reason that not one word or one picture about these veterans appeared in Life?

"Could it be that of the 800,000 veterans treated each year the one complaining patient featured by Life . . . who condemned his country as well as VA care . . . better fitted the story Life wanted to tell?

"The truth is that each month VA hospitals receive literally hundreds of unsolicited letters from veterans and their loved ones expressing gratitude for the excellent VA care these veterans received.

"Life describes the VA system as a medical slum. Here are just a few facts about this so-called slum . . . facts that were given to Life, but withheld from its readers by the magazine.

"All of VA's 166 hospitals are fully accredited by the Joint Commission on Hospital Accreditation, which is composed of representatives of the American Hospital Association, the American College of Physicians, and the American College of Surgeons.

"The basic VA medical care budget for the current fiscal year of $1,541,701,000 is by far the highest in all VA history. President Nixon has already asked Congress for $210,000,000 more than even this record sum for the fiscal

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year starting next July 1. The extra money will permit the addition of more than 5,700 employees to our hospital staffs.

"VA hospitals are affiliated closely with nearly every major medical school in the nation, an invaluable partnership that permits VA to keep abreast of the best and most sophisticated medical care.

"VA hospital staffs are not only hardworking and completely dedicated to the proposition that our sick and disabled veterans will never be forgotten or neglected (as charged in the Life article), but include many of the real experts in American medicine. More than 2,200 of VA's 5,100 physicians are Board Certified specialists as the result of three to five years extra medical training.

"All of this is not to say that the VA medical system cannot be improved just as every other medical program should seek improvement. We are committed to constant progress and improvement, for it is our goal to provide the very best possible medical care to every eligible veteran.

"Donald E. Johnson . . . Administrator."

Unquote.

I believe that telegram tells the VA medical story.

Veterans benefits and services . . . of course . . . embrace far more than our hospital and medical care program . . . vast though it is.

They can be . . . and are . . . as old and established and accepted as the VA compensation and pension program . . . or as new as the Wide Area Telephone Service (WATS for short) which Representative Bill Brock of Tennessee announced this past Monday will be put in operation here in Tennessee on June 1.

As Congressman Brock said in his news release announcing this new service . . . after June 1, Tennessee's 479,000 veterans . . . or members of their families . . . no matter where they live in the Volunteer State . . . can call toll free to our Nashville VA Regional Office for information or assistance.

The WATS telephones in the regional office will be manned by knowledgeable, trained VA representatives who can answer questions regarding benefits on an individual case basis.

The WATS telephone number is 1–800–342–8330.

Service will be available Monday through Friday from 8:45 a.m. to 5:30 p.m. Eastern Standard Time . . . and from 7:45 a.m. to 4:30 p.m. Central Standard Time.

There is one slight problem with this new service.

As you Service Officers know, there is now in operation . . . and has been for some time . . . for the convenience of veterans in Chattanooga, Knoxville and Memphis an FX . . . or Foreign Exchange System.

Veterans in these cities can call our Nashville VA Regional Office . . . for the price of a local call . . . for information and assistance.

This FX system will continue in operation.

It will be of tremendous help to the Veterans Administration . . . and to the tens of thousands of veterans not now served by the FX system . . . if you will encourage veterans in Chattanooga, Knoxville and Memphis to continue to use the FX system . . . thus, freeing the new WATS system for those veterans who must depend solely on WATS for low-cost, toll-free telephone contact with our regional office.

I am convinced . . . and I'm certain that your experience has convinced each of you . . . that for their long-range welfare . . . and that of their families . . . no benefit is more important to our returning Vietnam veterans than their G.I. Bill education and training program.

Last night . . . when I was privileged to address the very gracious audience attending the VA Appreciation Day banquet at the Holiday Inn . . . I noted that this spring more than 14,000 veterans here in Tennessee had entered training under the G.I. Bill. I also pointed out that since the present program began on June 1, 1966 . . . more than 30,000 veterans in Tennessee . . . and in excess of 1,785,000 Vietnam era veterans nationally . . . had entered training.

This is an encouraging picture.

But it is not entirely positive.

Because of the unique relationship of your Department Service Officers to our returned and returning Vietnam veterans . . . I would like to talk to you today about what I term the negative element in the G.I. Bill education and training program.

That element in the Vietnam veteran here in Tennessee who did not complete high school before entering service . . . who is considered to be educationally disadvantaged . . . and who has not yet been persuaded to return to school and complete his education.

There are now more than four million Vietnam era veterans back in civilian life . . . including nearly 70,000 here in Tennessee.

Experience has shown that slightly more than one out of every five Vietnam era veterans . . . or 22 percent to be precise . . . did not complete high school before entering service.

If the national average obtains here in Tennessee . . . approximately 15,000 Tennessee Vietnam era veterans are educationally disadvantaged.

Let me emphasize here and now that if they have not returned to school . . . it is not because they have not been informed by the Veterans Administration of their G.I. Bill education and training entitlement.

Certainly those who have been discharged within the past few years have been so informed.

And very likely more than once through the massive veteran benefit information effort mounted by VA.

For example . . . Veterans Administration representatives in Vietnam in the past two-and-one-half years have given first-time-in-history battlefield orientation on their veteran benefits . . . including education and training . . . to more than 1,190,000 servicemen in Vietnam. Nearly 150,000 of these G.I.s received in-depth personal interviews on their veteran benefits.

Another 1,620,000 servicemen at 313 separation points throughout the United States have been briefed on their veteran benefits . . . while more than 290,000 ill and disabled servicemen at 184 stateside military hospitals have been given personalized, bedside couseling.

Emphasis in these interviews . . . as you would expect . . . has been put on such important benefits as disability compensation payments, hospital and medical care, and vocational rehabilitation training. To date . . . VA representatives have processed more than 174,000 applications for education and training and compensation benefits.

Despite all of the efforts that have been made . . . and are now being made . . . to contact our educationally disadvantaged veterans . . . including nearly 15,000 here in Tennessee . . . and to convince them that for their own welfare and the welfare of our country they should return to school and complete their education . . . despite all of these efforts many of them have not resumed their education.

We have not been completely successful . . . but we in the Veterans Administration and you Department Service Officers must keep trying.

Not until every disadvantaged Vietnam veteran here in Tennessee and throughout America has at least been given every possible argument . . . and every possible reason for returning to school . . . will our job be done.

I think you will agree that the recent 35 percent increase in education and training allowances from the VA . . . which was retroactive to last February 1 . . . is a telling new argument . . . a new incentive that could persuade these veterans to take that first important step across the threshold . . . not of a school alone . . . but of the better life they dreamed of in Vietnam.

Long before I came to Washington with the Veterans Administration . . . I knew how vital the activities of Department Service Officers are to the well being of our veterans and their families . . . here in Tennessee . . . and in every other State.

I knew, too, how essential it was that your Department Service Officers in Tennessee . . . and your associates in other States . . . who are on the firing line . . . work closely with our 4,557 Veterans Administration employees at this Mountain Home Center, at our Nashville Regional Office, at our hospitals in Nashville, Memphis and Murfreesboro, and our outpatient clinic in Knoxville . . . in order to best serve those who served.

In the past 11 months . . . however . . . I have learned anew the importance of the Veterans Administration-Department Service Officers partnership.

I have learned anew, too, that the benefit the Veterans Administration derives from this partnership is not alone the service you render veterans . . . but also the expertise and know how and advice you generously make available to our VA people here in the Volunteer State.

Today I want to assure you that your advice and knowledge and experience are valued and needed not only by our VA people in Tennessee and every other state . . . but by the Administrator of Veterans Affairs as well.

Not for a moment have I thought that the Office of Administrator of Veterans Affairs endowed its occupant with omniscience or infallibility.

I don't know all of the answers . . . and never will.

But I don't have to . . . as long as there are people like you who have run the track . . . and are willing to help me find the right answers.

It has been a privilege meeting with you today.

Let me close by thanking you again for your valued and helpful cooperation with the Veterans Administration here in the Volunteer State . . . and for all that you have done . . . and, I know, will continue to do for Tennessee's greatest citizens . . . its veterans.

Thank you.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States has more cultivators than any other country in the world. In 1966, there were 653,732 cultivators in the United States, compared to 208,064 in the Soviet Union, the second-ranked nation.

DRAFT DEFERMENTS

(Mr. TAFT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TAFT. Mr. Speaker, I recently received a letter from one of my constituents reflecting her views on draft deferments. I would like to share the contents of this letter with my colleagues for their consideration and include it at this point in the Record:

CINCINNATI, OHIO, *May 24, 1970.*

Mr. ROBERT TAFT, Jr.,
Cincinnati, Ohio.

DEAR CONGRESSMAN TAFT: Knowing that you are interested in and responsive to the wishes of your constituents, I am writing to you concerning the current crisis in the colleges and the continuing crisis in Southeast Asia. I urge your consideration of the following:

The current draft exemption system for college students imposes a wall of separation between the college- and non-college communities. Our young people tell us that we cannot trust the military-industrial complex when it says that the Vietnam involvement must not be ended abruptly. The young people have a valid point. But neither can we trust the judgment of the university communities as long as they have a vested interest in "peace now" at any cost. This can be viewed as an unconscious rationalization of their role as sanctuaries for young men not wishing to face the realities of life in a hostile world.

Furthermore an end to college deferments would eliminate from the campuses some of the less serious students, who admit they are there to avoid the draft, who are not engaged in activity that is satisfying to them, and who therefore are a source of unrest on the campuses. Their release from the campuses by an end to all student deferments would actually strengthen our system of higher education. Students not yet mature enough for serious study would be free to work a few years first. Some people capable of high performance in skilled technical or service employment, but doomed to incompetence in professional careers, would feel free to return to areas where they are needed and can make their best contribution to the quality of life in the United States. We need to downgrade the current notion, encouraged by the deferment system, that the college educated man, no matter how poorly he performs his job, is somehow better than the non college educated.

Therefore I urge your attention to legislation requested by President Nixon to abolish all student deferments as soon as possible, preferably before the next full academic year.

Second, concerning the Vietnam conflict. Whether we should have become involved in Southeast Asia at all is a point that will be argued both ways by men of good faith for years to come. The unpleasant reality is that we *are* involved. It seems wise to disengage ourselves from the fighting as soon as possible. I believe that this should not be done in a way that says to the Vietnamese and the world, "They were not really important to us. They are only Orientals." Aside from the hint of racism in that attitude, there is the fact that we cannot in good faith isolate ourselves from what is going on in the world.

I support the President's plan for Vietnamization of the war. I believe him when he says that the Cambodian campaign is meant to be temporary, and I do not wish to have diminished his powers as Commander-in-Chief to protect our troops and to carry out with all possible haste the Vietnamization plan. I oppose the Cooper-Church amendment.

Finally, there are many vigorous, even violent, voices, young and old, raised in hate, contempt, and condemnation of the President, Vice President, and even members of Congress. There are also many somewhat less vigorous voices agreeing with our leader. If all of these people could, in spite of their differences, join together in concerned prayer for our leaders and for those of all the nations of the world, they would surely constitute a far greater power for good than they presently represent. This would provide a climate of support (not to be confused with agreement) in which our leaders would be free to do their best. I shall try to promote this spirit among family, friends, and associates. I urge you to do likewise.

Yours truly,

CLAIRE T. BROOKS.

NATIONAL DEBT COULD BE LOWERED—AN OLD-FASHIONED BOND BURNING RECOMMENDED

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, once again, the Congress is being asked to raise the limit on the national debt. This has now become an annual, and sometimes, a semiannual, function of the Congress.

This exercise would have more meaning if the Congress would look behind the scenes and actually discover some of the items which make up our whopping $377 billion of debt.

Fifteen percent of this debt is total fiction. Fifteen percent of this debt could be subtracted today if the Congress would face up to the facts about the Federal Reserve System.

Mr. Speaker, included in this $377 billion of debt are $57.3 billion of U.S. Government bonds that have been paid for once by the credit of the U.S. Government. These bonds remain in the portfolio of the Federal Reserve's Open Market Committee in the New York Federal Reserve Bank. These are bonds that have been paid for once. There is absolutely no question that these bonds have been paid for in full, but the Federal Reserve refuses to cancel the debt.

These are bonds the Federal Reserve Open Market Committee has acquired in the open market using the credit of our Federal Government.

Why do these bonds continue to be charged against the national debt?

The answer is obvious—the bonds provide a huge slush fund to finance the Federal Reserve System's unaudited and far-reaching activities.

The Federal Reserve holds these bonds in its open market portfolio and charges the Treasury Department interest. In fact, the Treasury Department—the American taxpayer—is paying the Federal Reserve System more than $3 billion annually in interest on these paid-up bonds.

Out of this $3 billion, the Federal Reserve is able to finance any activity that it desires to undertake. There is no control over these funds. There is no audit. There is no accounting to the Congress on any of these funds.

This system, of course, allows the Federal Reserve to escape the appropriations processes and thus, a full annual review by the Congress. With these unlimited funds at its disposal, the Federal Reserve does not have to come to Congress for a single dime. It uses the taxpayers' money without any type of review by the elected representatives of the people.

Mr. Speaker, the new debt limitation bill is unnecessary. It raises the ceiling by $18 billion—up to $395 billion. The bill is not needed.

Instead, the Congress could order the cancellation of these paid-up bonds and thus subtract $57.3 billion from the existing national debt. This would leave us with a debt of less than $320 billion, well below the current ceiling of $377 billion. This would be the proper course to take rather than adding another $18 billion to the debt ceiling.

Mr. Speaker, I cannot understand why any Member of the House would vote against the cancellation of an obligation of the U.S. Government that has already been paid for once.

Mr. Speaker, there is absolutely no question that these bonds have been paid for in full, and in fact, some have been paid for more than once.

For anyone who doubts this let me use former Federal Reserve Chairman, William McChesney Martin, as one source. Here is what Mr. Martin told me in a hearing before the Banking and Currency Committee on July 6, 1965:

Mr. MARTIN. The bonds were paid for in the normal course of business.

The CHAIRMAN. That is right.

Mr. MARTIN. And that is the only time they were paid for.

The CHAIRMAN. Just like we pay debt with checks and credit.

Mr. MARTIN. Exactly.

The CHAIRMAN. In the normal course of business they were paid for once. You will admit that, will you not? They were paid for once and that's all?

Mr. MARTIN. They were paid for once and that's all.

The CHAIRMAN. That's right.

Mr. Martin's statement could not be more clear. He says the bonds have been paid for once. Surely the Congress does not need any more evidence that these bonds should be cancelled and the Treasury relieved of its obligation to pay interest.

The Federal Reserve's desire to hang on to these bonds and to demand interest from the Treasury is quite simple. The bonds and the interest income are the lifeblood of the secret and unaudited operations of the Federal Reserve and its Open Market Committee.

Without the illegal income from these bonds, the Federal Reserve would be in the same boat with every other major Federal agency. They would have to come to the U.S. Congress for appropriations. And should this happen, the members of the Appropriations Committees and the Members of Congress would have an opportunity—their first—to review the activities of the Federal Reserve and its expenditures.

This kind of public accountability, the Federal Reserve wants to avoid at all costs.

The Congress has always taken the position that the regulatory agencies—such as the Federal Power Commission, the ICC, the FTC, the FCC—should come to Capitol Hill for their money. The Congress has rightly regarded this appropriations process as an opportunity to review these agencies as well as provide control over expenditure of public moneys.

XUM

Yet, Members of the Congress quake when any one suggests that the granddaddy of all these agencies—the Federal Reserve—be treated in the same manner.

The $3 billion income from these paid-up bonds gives the Federal Reserve an unlimited and unaudited budget to do with as it pleases.

The Treasury hands over a whopping check for $3 billion and the Federal Reserve goes on its merry way telling no one—not even a Government auditor—where it is spending the money.

In recent years, the Federal Reserve has been spending around a quarter of a billion dollars for various activities including its support of the bankers lobby. Yes, support of the bankers lobby.

About $100,000 of the U.S. Treasury dole to the Federal Reserve—your money, the taxpayers' money—goes to pay dues to the American Bankers Association and various State and local bankers associations. These groups are nothing more than lobbying organizations—organizations that come right here to Congress and lobby us on monetary and banking policy.

The Federal Reserve System—a Federal agency—is a full-fledged, card-carrying and dues-paying member of the bankers lobby, courtesy of the U.S. taxpayers and thanks to the laxness of the Congress.

After the Federal Reserve gets through spending the money for what it pleases, the remainder is turned back to the Treasury at the end of the year. The fact is the money should never have left the Treasury in this form in the first place.

XUM

There is no accounting—in the true sense of the word—for the difference between the $3 billion paid out by the Treasury and the varying sums returned at the end of the year by the Federal Reserve.

Mr. Speaker, it is difficult to understand how the Congress allows this to go on year after year. It is a subterfuge, a fraud on the American people to allow the Federal Reserve to use these paid-up bonds for these purposes. It is an outrage for the Congress to approve a new increase in the national debt while allowing these paid-up bonds to continue to be charged against the debt.

It is significant that the administration's request for an $18 billion increase in the national debt is almost identical with the interest payments on the national debt in the current fiscal year. It seems that we are being forced to increase the debt just to keep up with the high interest payments. A reduction in interest rates, as well as a cancellation of the bonds, would eliminate the necessity of these constant requests for increases in the debt limit.

What we need, Mr. Speaker, is an old-fashioned bond burning. We ought to demand that these paid-up bonds be canceled. Then we should pile the bonds up outside the east front of the U.S. Capitol and burn them in a public ceremony. In this manner, the American public would know that we are protecting its interests on these vital fiscal matters.

A LETTER FROM CAMBODIA

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, in these days of high tension and heated rhetoric among armchair generals, it is perhaps beneficial to hear directly from one of the young men most involved in the Cambodian episode, one who, in the words of his mother, "is no general" but of whom we can all be proud for, "he has made a good soldier, he has three medals, and he obeys his commands."

The letter from their son, Stephen Bragg, written in Cambodia to his parents, Mr. and Mrs. Dan Bragg, of Mt. Pleasant, Tex., as printed in the Mt. Pleasant Tribune of May 20, 1970, follows:

STEPHEN BRAGG SAYS "IT'S ABOUT TIME": A LETTER FROM CAMBODIA

(EDITOR'S NOTE.—The Dan Braggs of Mount Pleasant received this letter from their son Stephen who is a point man on a reconnaissance rifle squad. Here is how one man on the spot in Cambodia feels about the situation.)

UNIVERSITY OF CAMBODIA,
Wed., May 6, 1970.

DEAR FOLKS: Well, I thought I'd try to get a few lines in while I had a chance. We have been so busy lately that I don't know if I'm coming or going. I haven't written any letters in several days, don't know when I'll get to mail this one.

I got the 2 packages a few days ago. Thanks a bunch, it was real good. I've gotten a lot of good pictures lately, hope they turn out O.K. I've got 2 of the 4 rolls left. Thanks for the film also.

We got to go to a company R&R the last part of April, we went to Bien Hoa. Sure did have a good time. We played basketball, volley ball, went swimming, saw several movies and some live bands. I, also, went to Long Bien to the Chinese Restaurant. The food is very good. All things must come to an end and they did, not to good either. We got back to LZ Buttons and we heard that troops were going to go to Cambodia. We weren't suppose to go but we did. The last night we were in LZ Buttons we received 3 in coming rounds.

We were put in about 10 miles inside Cambodia. The first night in Cambodia we were hit by a ground attack. We killed only one and found several blood trails. We have received incoming mortars and artillery every night. We also found more caches than we knew what to do with. We found 5 caches the first 2 days. You wouldn't believe all the things we found. We got around 3,000 rifles (SKS and carbines), several hundred machine guns of all types and sizes, mortars, artillery and anti aircraft guns, rockets, motors, electrical supplies, machine shop equipment and several other things. It took us a day and a half to haul it all back to VN by helicopters.

We found another cache and supply dump this afternoon. There were almost 2,000 lbs. of rice and clothes and equipment. We have really hurt the VC and are still doing a job on them. It's pretty rough here and there are more VC than you can shake a stick at. It sounds funny but I'm ready to go back to Viet Nam, it's safer. If things keep going like they are now, the VC can't be able to do much more fighting. I sure hope so. Maybe this Cambodia act will help end the war.

I hope everything and everyone is fine at home. Sure miss everyone. I enjoy the papers. I've got 3 in my pack now, haven't had time to read them.

I got a letter from Granddaddy a couple of days ago. They seem to be doing fine.

I think I told you I made Sp/4. I made it the first of April.

I'll try to finish this letter today. I got interrupted last night. We killed 6 V.C. and wounded several others and some got away. We, also, found some more caches and supplies this morning. Things are happening too fast here and too much. So far no one has got hurt, I'm sure glad of that. The V.C. were really surprised when we came into Cambodia. They sure weren't ready for us. We are doing them a job. It's about time.

I hope everyone is fine, sure do miss everyone. We are going out in a few minutes, we just came in this morning. They aren't cutting us any slack. One good thing, I started my 6th month now. Nearly half way home.

There are a lot things I want to say or tell you but I don't have time or can't remember them. Oh, well, I can sum it all up, I miss you and love you all.

Guess I'll close and write again when I can. Take care and I'll see you.

STEPHEN BRAGG.

OHRENSTEIN RESOLUTION OF NEW YORK STATE LEGISLATURE URGES FEDERAL INTEREST SUBSIDY FOR MITCHELL-LAMA HOUSING

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the New York State Legislature has adopted a concurrent resolution sponsored by State Senator Manfred Ohrenstein, who represents the 25th senatorial district on the West Side of Manhattan between 23d Street and 110th Street, urging—

> The Congress of the United States to amend the Federal Housing Act so as to make interest subsidy available to existing state and locally aided middle income housing.

A longtime champion of extensive moderate income housing programs, Senator Ohrenstein is the sponsor of a comprehensive package of proposed State legislation to provide assistance to tenants and cooperators in Mitchell-Lama projects. He was one of the leaders in the recent successful effort to have the New York City Board of Estimate grant maximum tax abatement to all Mitchell-Lama buildings on temporary financing.

In adopting the Ohrenstein resolution, the New York State Legislature endorsed the concept of H.R. 49, which I introduced on the first day of the 91st Congress, and which I subsequently introduced with 11 cosponsors as H.R. 4308. The Members who joined me in sponsoring the latter bill are:

Mr. BIAGGI, Mr. CONYERS, Mr. GAYDOS, Mr. FARBSTEIN, Mr. HALPERN, Mr. HELSTOSKI, Mr. JOELSON, Mr. KOCH, Mr. MCCARTHY, Mr. NIX, and Mr. ROSENTHAL.

H.R. 49 amends section 236 of the National Housing Act to make interest subsidy and rent supplement benefits available to existing State or locally financed middle-income housing projects. Together with H.R. 14435, which I also introduced and which lowers the rent-income ratio under section 236 from 25 percent to 20 percent, it provides urgently needed relief for tenants and cooperators facing soaring housing costs in the Mitchell-Lama projects in New York, and similar projects in other States.

H.R. 49 is an extension of my amendments which were included in the Housing and Urban Development Act of 1968, which made interest subsidies and rent supplements available to State and municipally financed housing approved for such programs prior to construction or rehabilitation. State and municipal housing projects completed before the enactment of the 1968 act are currently ineligible to apply for the reduction in interest rate down to 1 percent provided by section 236 and rent supplements.

At least seven States—New York, Connecticut, Illinois, Massachusetts, Michigan, New Jersey, and Pennsylvania—have programs which would benefit from this legislation. The purpose is to provide relief to State and local programs which have recently been severely undercut by spiralling interest rates. High-interest rates have resulted in increased mortgage interest rates, carrying charges, and rents for publicly assisted middle-income housing programs. The consequences for many middle-income New York City families have been alarming. Charges in new Mitchell-Lama projects have recently been approved for as much as $80 per room per month.

Under the Mitchell-Lama program New York State floats bonds, the proceeds of which may be lent to sponsors of middle-income housing at current rates. In order to borrow funds from the program, a sponsor has to agree to limit his rate of return on the housing facility. The abatement of real estate taxes has also helped to keep costs down.

New York City has a similar program for which average costs have risen steadily.

An important advantage of this proposal is that it would cost the Federal Government less to subsidize the interest rate on a Mitchell-Lama housing project down to 1 percent than to subsidize a privately financed project down to an interest rate of 1-percent interest. This is because interest rates for the Mitchell-Lama program are already at levels which are lower than the regular market rate.

If relief is not promptly provided to housing programs currently threatened by skyrocketing interest rates, thousands of families may be forced to vacate their apartments. If middle-income families are to continue to live in New York City and other central cities, the cost of housing must remain within their financial ability.

A large proportion of the tenants and cooperators in Mitchell-Lama housing are civil servants or elderly people on fixed incomes. Their incomes do not increase with cost-of-living increases, and their budgets cannot cover large rent increases.

These families have been victimized by the drastic changes in the economy over the last decade, including steadily rising construction and operating costs. Of course, the most injurious increase is that of mortgage loan interest rates which are now at an all time high.

It is clear that the traditional Mitchell-Lama tools of tax abatement and low interest loans are no longer sufficient for funding a moderate income housing program. It is also clear that city and State revenues cannot provide the financial aid this program needs. H.R. 49 is designed to help meet this need. Together with H.R. 14435, and administrative flexibility in setting income eligibility standards, it would provide relief for occupants of Mitchell-Lama housing.

The full text of Senator Ohrenstein's Concurrent Resolution No. 135 follows:

STATE OF NEW YORK RESOLUTION NO. 135

(By Committee on Rules at the request of Messrs. Ohrenstein, Bernstein, Lentol, Lewis, Flynn, Galiber, Meyerson, Garcia, Goodman, Goldin, Rosenblatt, Santucci, Zaretzki, Conklin and Marchi.)

Concurrent Resolution of the Legislature of the State of New York memorializing the Congress of the United States to provide interest subsidy funds for existing middle income housing.

Whereas, A crisis presently exists for those citizens residing in state-aided moderate income housing projects in that escalating costs have forced recent sharp increases in rents and carrying charges; and

Whereas, The State of New York and its municipalities have already provided substantial assistance in the construction of middle-income Mitchell-Lama housing; and

Whereas, The prevailing nation-wide interest rates for mortgage loans are at an historically all time high level; and

Whereas, Mitchell-Lama housing companies have found that to arrange permanent financing at present high interest rates would necessitate rents and carrying charges beyond the means of middle-income persons for whom the Mitchell-Lama program was created; and

Whereas, the federal interest subsidy program has been devised to deal with this problem in the construction of new middle income housing; and

Whereas, These federal funds are presently being successfully employed in the building of new middle income housing; and

Whereas, Federal interest subsidy funds can save existing Mitchell-Lama housing from passing beyond the means of families with annual incomes between $7,000 and $15,000; now, therefore, be it

Resolved (if the Assembly concur), That the New York State Legislature hereby urges the Congress of the United States to amend the Federal Housing Act so as to make interest subsidy available to existing state and locally aided middle income housing; and be it further

Resolved (if the Assembly concur), That a copy of this resolution be transmitted to the President of the United States, the Speaker of the House of Representatives, the President of the Senate Pro Tempore of the United States, and each member of Congress from the State of New York

NOT ALL SCHOOLS OPPOSE PRESIDENT NIXON

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, the liberal-controlled press and television would have the Nation believe that every student other than those in a scattered few kindergartens are opposed to the President's efforts to achieve peace in Vietnam. Nothing could be further from the truth, of course. In my congressional district, for instance, is Haynesville, La., and from the American history class of Haynesville High School, I have received the following letter. I would like to share it with my colleagues to establish that not every student in America is a hard-core leftist rioter. The letter says:

HAYNESVILLE HIGH SCHOOL,
Haynesville, La., May 15, 1970.

Representative JOE D. WAGGONNER,
U.S. House of Representatives
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE WAGGONNER: As an interested group of students of American History and citizens of this great country, may we urge you to vote *against* the amendment to end the war in Vietnam. Perhaps your colleagues need the lesson in the Communist plan for world domination that we recently studied. We are behind President Nixon's policy in Southeast Asia and are willing to do our part in its support.

Thank you for your consideration of this matter.

Sincerely,

Attached is a list of students who wish to express the above-mentioned sentiments.

Debbie Burgess, Becky Hammon, Valerye Branton, Susan Reeder, Lisa Bourn, Dianne Foster, Steve Valentine, Buddy Darden, Charlie Buford, Ovelia Vines, Dottie Owens, Jane Frasier, Mary Winn, Lyn Garrett, Lana Turner, Larry Burley, Billy Collins, Randy Bailey, Barbara Henson, Eddie Mooney.

Keith Brumfield, Barry Colbert, Lana Mayfield, Charlie Newkirk, Roger Barnette, Jimmy Kimball, John McIntyre, Jeannie Martin, John Killgore, Dan Crump, Bubba Goodwin, Tommy Mason, Jerry McAfee, Rock Kent, Paul Garner, Gwenda McLain, Geraldine Green, Carolyn Bogan, Becky Hicks, Howard Moore, Marilyn Thomas, Wesley Dorman, Susan Whitehurst, Bill Sanders.

WHAT'S OK FOR OEO IN NORTH IS UNCONSTITUTIONAL IN SOUTH

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I was very interested, Mr. Speaker, in a story which appeared in the Post on May 23 concerning a multimillion-dollar experiment which OEO has unveiled. It involves education vouchers for students which would allow them to attend the school of their choice.

This is sheer Alice-In-Wonderland since this exact same proposal has been made for years by educators, jurists, parents, Congressmen, Senators, and students only to be spurned by OEO, this and previous administrations and the courts as being unconstitutional.

Of course, the plan makes sense. It is the very essence of freedom to be able to go to the school of your choice as well as the church of your choice and any other institution you choose. I hope OEO has more luck with the Supreme Court than

XUM

I have had advocating this plan for years. If they institute this program in the North they may get by with it. But, I predict if they utilize it in the South they will be called racists. This is the story to which I refer:

OEO to Give Vouchers In School Choice Test

(By Eric Wentworth)

Nixon administration antipoverty experts hope to launch a multimillion-dollar experiment in radical school reform involving "education vouchers" by the fall of 1971.

Armed with an encouraging initial study, the Office of Economic Opportunity would like to pick one or more communities this summer as test sites. Planners and local officials would then receive federal aid to work out the details.

The voucher idea sounds disarmingly simple. Parents would receive for each child a voucher equal in value to the local public school system's per-pupil spending. They could use it to pay the child's tuition at any school they chose—public, private or parochial. The school in turn would exchange the voucher for cash from a special agency.

Advocates, whose ranks have included economist Milton Friedman, argue that vouchers would help meet some of the basic complaints about public education today.

They would give parents greater individual control over their offspring's schooling. For low-income families who cannot afford tuition elsewhere, public schools today often amount to a frustrating monopoly.

Vouchers, it is contended, would likewise lead to healthy competition among schools. They would encourage creation of new private schools with fresh approaches, and at the same time force public schools to respond more to community needs. Bad schools would simply not survive. The theoretical result: better education for all.

Critics, on the other hand, foresee a number of serious problems. They fear vouchers could promote racial segregation, as comparable tuition-grant schemes have done in some Southern states. Challenged on this ground, vouchers could be declared unconstitutional.

Others think vouchers would intrude on the separation of church and state. This could also lead to bitter arguments and likely court suits.

A third criticism is that vouchers might widen the gap in school spending between rich and poor.

For their part, some public educators believe that public schools under a voucher program could become mere dumping grounds for students unwanted elsewhere. They also warn that parents, ill-equipped to make wise choices, could fall prey to fly-by-night private schools of the sort that lured some World War II veterans under the G.I. bill.

In response, an OEO-funded team including education critic Christopher S. Jencks at the Center for the Study of Public Policy in Cambridge, Mass., has drafted a voucher system to meet such objection.

"It would be perfectly possible," the Jencks team states in its initial report to OEO, "to create a competitive market and then regulate it in such a way as to prevent segregation, ensure an equitable allocation of resources, and give every family a truly equal chance of getting what it wants from the system."

The key to regulation would be establishing standards for each "approved voucher school" eligible to receive vouchers from parents and cash them with the local disbursing agency.

An eligible school, according to the Jencks team's proposal, would have to accept vouchers as full tuition payment and accept any applicant so long as it had vacancies.

If the school had more applicants than vacancies, it would have to fill at least half its places through random selection and would be barred from racial or other discrimination in filling the rest. It would also have to accept uniform local standards regarding student suspensions or expulsions.

The eligible school, in addition, would be required to publicize a variety of facts about its facilities, faculty curriculum and student body. It would have to meet state requirements in such areas as staffing and curriculum.

Yearly costs to OEO, it reckons, should range from $6 million to $8 million, with the local school system contributing additional sums. Long-range funding will be one of numerous problems OEO has yet to solve.

LEAVE OF ABSENCE

Mr. **Ayres**, for the period June 4–11, 1970, on account of official business.

Mr. **Hanna** (at the request of Mr. **Albert**), for today through Thursday, June 4, on account of official business.

Mr. **Gaydos** (at the request of Mr. **Albert**), for today and balance of the week, on account of illness.

Mr. **Adams**, for the afternoon of June 3 to noon on Monday, June 8, on account of official business.

Mr. **Patten** (at the request of Mr. **Albert**), for today, on account of official business.

Mr. **Aspinall** (at the request of Mr. **Evans** of Colorado), for Monday and Tuesday, June 1 and 2, on account of official business.

Mr. **Corman** for Monday, June 1, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. **Ashbrook**, for 15 minutes, today.

Mr. **Patman**, for 60 minutes, today, and for 60 minutes on June 2, to revise and extend and include extraneous matter.

(The following Members (at the request of Mr. **Sebelius**) to revise and extend their remarks and include extraneous material:)

Mr. **Quillen**, for 1 hour, today.

Mr. **Miller** of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. **Adams**) to revise and extend their remarks and include extraneous material:)

Mr. **Gonzalez**, for 10 minutes, today.

Mr. **Addabbo**, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, to revise and extend remarks was granted to:

Mr. **Ichord** in two instances and to include extraneous matter.

Mr. **McCormack** to extend his remarks immediately following the Journal today.

Mr. **Aspinall** (at the request of Mr. **McFall**), to extend his remarks prior to the passage of H.R. 12960.

Mr. **Madden** and to include extraneous matter.

(The following Members (at the request of Mr. **Sebelius**) and to include extraneous material:)

Mr. **Quillen** in four instances.

Mr. **Arends**.

Mr. **Johnson** of Pennsylvania in two instances.

Mr. **Belcher**.

Mr. **Del Clawson**.

Mr. **Hosmer** in two instances.

Mr. **Goodling**.

Mr. **Gross**.

Mr. **Myers**.

Mr. **Ashbrook** in two instances.

Mr. **Wyman** in two instances.

Mr. **Beall** of Maryland.

Mr. **Andrews** of North Dakota in two instances.

Mr. **Gerald R. Ford**.

Mr. **Gubser** in two instances.

(The following Members (at the request of Mr. **Adams**) and to include extraneous material:)

Mr. **Celler**.

Mr. **Diggs** in three instances.

Mrs. **Griffiths**.

Mr. **Matsunaga** in two instances.

Mr. **Corman** in five instances.

Mr. **Sikes** in five instances.

Mr. **Ottinger** in two instances.

Mr. **Bolling**.

Mr. **Jacobs**.

Mr. **Rivers**.

Mr. **Gonzalez** in two instances.

Mr. **Ryan** in two instances.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1100. An act to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program; to the Committee on Public Works.

S. 1500. An act to name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham; to the Committee on Public Works.

S. 2763. An act to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation; to the Committee on Government Operations.

S. Con. Res. 61. Concurrent resolution authorizing the printing of the compilation entitled "Federal and State Student Aid Programs" as a Senate document; to the Committee on House Administration.

S. Con. Res. 66. Concurrent resolution authorizing the printing of additional copies of Senate hearings on space program benefits; to the Committee on House Administration.

S. Con. Res. 70. Concurrent resolution authorizing the compilation and printing of a revised edition of the Biographical Directory of the American Congress (1774–1970); to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4813. An act to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes; and

H.R. 13816. An act to improve and clarify certain laws affecting the Coast Guard.

ADJOURNMENT

Mr. ADAMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 2, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2090. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 26, 1969, submitting a report, together with accompanying papers and illustrations, on the Potomac River Basin, Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia, in response to a resolution of the Committee on Public Works, U.S. Senate, adopted January 20, 1950, and to other resolutions of that committee and of the Committee on Public Works of the House of Representatives (H. Doc. No. 91–343); to the Committee on Public Works and ordered to be printed, with illustrations.

2091. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes; to the Committee on Foreign Affairs.

2092. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of Export-Import Bank loans, insurance, and guarantees, issued in January, February, and March 1970, in connection with U.S. exports to Yugoslavia, pursuant to the provisions of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

2093. A letter from the Under Secretary of the Interior, transmitting a report of 33 projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations or other institutions, and with private firms, pursuant to the provisions of section 200 of the Water Resources Research Act of 1964; to the Committee on Interior and Insular Affairs.

2094. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report of the Director for fiscal year 1969, pursuant to the provisions of 28 U.S.C. 604(a)(4); to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2095. A letter from the Comptroller General of the United States, transmitting a report on the potential for reducing inventory investments in the Defense Supply Agency through improved computation of stock needs, Department of Defense; to the Committee on Government Operations.

2096. A letter from the Comptroller General of the United States, transmitting a report on administration of program for aid to public school education of Indian children being improved, Bureau of Indian Affairs, Department of the Interior; to the Committee on Government Operations.

2097. A letter from the Comptroller General of the United States, transmitting a report on the need for specific criteria for adjusting the interest rate charged on insurance policy loans by the Veterans' Administration; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 6715. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes; with amendments (Rept. No. 91–1132). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 1051. Resolution for consideration of H.R. 17802, a bill to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act (Rept. No. 91–1133). Referred to the House Calendar.

Mr. PASSMAN. Committee on Appropriations. H.R. 17867. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1134). Referred to the Committee of the Whole House on the state of the Union.

Mr. NATCHER. Committee on Appropriations. H.R. 17868. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1135). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 17855. A bill to grant relief to payees and special indorsees of fraudulently negotiated checks drawn on designated depositaries of the United States by extending the availability of the check forgery insurance fund; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 17856. A bill to safeguard the consumer by prohibiting the unsolicited distribution of credit cards and limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes; to the Committee on Banking and Currency.

By Mr. FARBSTEIN:

H.R. 17857. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Commitee on the Judiciary.

H.R. 17858. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 17859. A bill to equalize the retired or retainer pay of members and former members of the Armed Forces now or hereafter placed on the retired lists; to the Committee on Armed Services.

H.R. 17860. A bill to provide standby authority for price, wage, and rent controls; to the Committee on Banking and Currency.

By Mr. REUSS:

H.R. 17861. A bill to amend the Internal Revenue Code of 1954 to extend the tax surcharge applicable to corporations; to the Committee on Ways and Means.

By Mr. RIVERS:

H.R. 17862. A bill to provide benefits for members of the National Guard performing State military service during civil disorders, and for other purposes; to the Committee on Armed Services.

By Mr. SCHEUER:

H.R. 17863. A bill to amend section 236 of the National Housing Act and section 101 of the Housing and Urban Development Act of 1965 to authorize assistance thereunder with respect to certain rental and cooperative housing projects financed under State or local programs even though construction or rehabilitation was completed prior to approval of such assistance; to the Committee on Banking and Currency.

By Mr. SIKES:

H.R. 17864. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. PASSMAN:

H.R. 17867. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. NATCHER:

H.R. 17868. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other pruposes.

By Mr. GUBSER:

H. Res. 1050. Resolution expressing the sense of the House that the President should take appropriate action to reduce interest rates; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 17865. A bill for the relief of Gerard Lecomte; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 17866. A bill to confer certain benefits under subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

395. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to the riverboat *Delta Queen*, which was referred to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

498. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to the regulation of the State militias; to the Committee on Armed Services.

499. Also, petition of the City Council, Philadelphia, Pa., relative to Southeast Asia; to the Committee on Foreign Affairs.

500. Also, petition of Rochester Harris, Jackson, Mich., relative to redress of grievances; to the Committee on the Judiciary.

XUM

SENATE—*Monday, June 1, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Creator and Governor of the Universe, who hast ordained governments for the ordering of life and the welfare of all men, guide Thy servants here that they may correct what is wrong, improve what is imperfect, and enact such legislation as will promote justice and righteousness, and further the peace of the world. To this end make them good men, ruling over their judgments, reinforcing their labors, and giving them hearts at peace with Thee.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 1, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 28, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I understand that under a previous order the distinguished Senator from Maine (Mrs. SMITH) is to be recognized.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Mr. President, I wonder if the Senator from Maine would be kind enough to yield to me, without losing her right to the floor and without the time being charged to her, to propound certain unanimous-consent requests.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Maine.

Mrs. SMITH of Maine. Mr. President, I am very pleased to yield to the distinguished acting majority leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Senator from Maine.

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

Mr. KENNEDY. Mr. President, I ask unanimous consent that the call of unobjected to measures on the calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the Senator from Maine there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE AT CONCLUSION OF MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the conclusion of the morning business the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, it is my understanding that a previous order was entered providing that, when the Senate finished its business today, it adjourn until noon tomorrow. I would like to alter and change that order by asking unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HRUSKA TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the conclusion of the prayer tomorrow the distinguished Senator from Nebraska (Mr. HRUSKA) be recognized for not to exceed 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GOODELL TOMORROW

Mr. KENNEDY. I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from Nebraska (Mr. HRUSKA), the distinguished junior Senator from New York (Mr. GOODELL) be recognized for 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I thank the distinguished Senator from Maine for permitting me to make those requests.

DECLARATION OF CONSCIENCE—20 YEARS LATER

Mrs. SMITH of Maine. Mr. President, 20 years ago on this June 1 date at this same desk I spoke about the then serious national condition with a statement known as the "Declaration of Conscience." We had a national sickness then from which we recovered. We have a national sickness now from which I pray we will recover.

I would like to recall portions of that statement today because they have application now 20 years later.

I said of the then national condition:

> It is a national feeling of fear and frustration that could result in national suicide and the end of everything that we Americans hold dear.

Surely that is the situation today.

I said then:

> I speak as briefly as possible because too much harm has already been done with irresponsible words of bitterness and selfish political opportunism.

That is not the only situation today, but it is even worse for irresponsible words have exploded into trespass, violence, arson, and killings.

I said then:

> I think that it is high time for the United States Senate and its Members to do some soul searching—for us to weigh our consciences—on the manner in which we are performing our duty to the people of the United States—on the manner in which we are using or abusing our individual powers and privileges.

That applies today. But I would add this to it—expanded application to the people themselves, whether they be students or construction workers, whether they be on or off campus.

I said then:

> Those of us who about the loudest about Americanism in making character assassinations are all too frequently those who, by our own words and acts, ignore some of the basic principles of Americanism—
>
> The right to criticize;
> The right to hold unpopular beliefs;
> The right to protest;
> The right to independent thought.

That applies today—and it includes the right to dissent against the dissenters.

I said then:

> The American people are sick and tired of being afraid to speak their minds lest they be politically smeared . . . Freedom of speech is not what it used to be in America. It has been so abused by some that it is not exercised by others.

That applies today to both sides. It is typified by the girl student at Colby College who wrote me:

> I am striking with my heart against the fighting in Cambodia but I am intimidated by those who scream protests and clench their fists and cannot listen to people who oppose their views.

I said then:

> Today our country is being psychologically divided by the confusion and the suspicions that are bred in the United States Senate to spread like cancerous tentacles of "know nothing, suspect everything" attitudes.

That applies today—but it must be expanded to the people themselves. Twenty years ago it was the anti-intellectuals who were most guilty of "know nothing" attitudes. Today too many of the militant intellectuals are equally as guilty of "hear nothing" attitudes of refusing to listen while demanding communication.

I said then:

> I don't like the way the Senate has been made a rendezvous for vilification, for selfish political gain at the sacrifice of individual reputations and national unity.

That applies today. But I would add that equally I do not like the way the campus has been made a rendezvous for obscenity, for trespass, for violence, for arson, and for killing.

I said then:

> I am not proud of the way we smear outsiders from the Floor of the Senate and hide behind the cloak of congressional immunity and still place ourselves beyond criticism on the Floor of the Senate.

Today I would add to that—I am not proud of the way in which too many militants resort to the illegalities of trespass, violence, and arson and, in doing so, claim for themselves a special immunity from the law with the allegation that such acts are justified because they have a political connotation with a professed cause.

I said then:

> As a United States Senator, I am not proud of the way in which the Senate has been made a publicity platform for irresponsible sensationalism.

Today I would add that I am not proud of the way in which our national television networks and campuses have been made publicity platforms for irresponsible sensationalism—nor am I proud of the countercriticism against the networks and the campuses that has gone beyond the bounds of reasonableness and propriety and fanned, instead of drenching, the fires of division.

I have admired much of the candid and justified defense of our Government in reply to the news media and the militant dissenters—but some of the defense has been too extreme and unfair and too repetitive and thus impaired the effectiveness of the pervious admirable and justified defense.

I said 20 years ago:

> As an American, I am shocked at the way Republicans and Democrats alike are playing directly into the Communist design of "confuse, divide and conquer."

Today I am shocked at the way too many Americans are so doing.

I spoke as I did 20 years ago because of what I considered to be the great threat from the radical right—the threat of a government of repression.

I speak today because of what I consider to be the great threat from the radical left that advocates and practices violence and defiance of the law—again, the threat of the ultimate result of a reaction of repression.

The President denies that we are in a revolution. There are many who would disagree with such appraisal. Anarchy may seem nearer to many of us than it really is.

But of one thing I am sure. The excessiveness of overreactions on both sides is a clear and present danger to American democracy.

That danger is ultimately from the political right even though it is initially spawned by the antidemocratic arrogance and nihilism from the political extreme left.

Extremism bent upon polarization of our people is increasingly forcing upon the American people the narrow choice between anarchy and repression.

And make no mistake about it, if that narrow choice has to be made, the American people, even if with reluctance and misgiving, will choose repression.

For an overwhelming majority of Americans believe that:

Trespass is trespass—whether on the campus or off.

Violence is violence—whether on the campus or off.

Arson is arson—whether on the campus or off.

Killing is killing—whether on the campus or off.

The campus cannot degenerate into a privileged sanctuary for obscenity, trespass, violence, arson and killing with special immunity for participants in such acts.

Criminal acts, active or by negligence, cannot be condoned or excused because of panic, whether the offender be a policeman, a National Guardsman, a student, or one of us in this legislative body.

Ironically, the excesses of dissent on the extreme left can result in repression of dissent. For repression is preferable to anarchy and nihilism to most Americans.

Yet, excesses on the extreme right, such as those 20 years ago, can mute our national conscience.

As was the case 20 years ago when the Senate was silenced and politically intimidated by one of its Members, so today many Americans are intimidated and made mute by the emotional violence of the extreme left. Constructive discussion on the subject is becoming increasingly difficult of attainment.

It is time that the great center of our people, those who reject the violence and unreasonableness of both the extreme right and the extreme left, searched their consciences, mustered their moral and physical courage, shed their intimidated silence, and declared their consciences.

It is time that with dignity, firmness and friendliness, they reason with, rather than capitulate to, the extremists on both sides—at all levels—and caution that their patience ends at the border of violence and anarchy that threatens our American democracy.

Mr. STENNIS. Mr. President, will the Senator yield?

Mrs. SMITH of Maine. I yield.

Mr. STENNIS. Mr. President, I commend the Senator from Maine for the fine expression of her thoughts and her principles that she has given us today. Not only does she mean what she says, but also, she touches on the very sensitive parts of our system and points out some weak spots.

I recall 20 years ago when she made the speech to which she referred today. She was right then, and I can testify that that speech had a great deal to do with bringing into focus the opinion that finally congealed in the American people, and on the floor of the Senate brought about—I could not say a full remedy, but a striking part, a very major part, of the remedy.

Her speech 20 years ago was a landmark, and I think today the Senator from Maine has given us another landmark, or milestone, whichever term we may use. We are all personally indebted to her for that, and the American people are indebted to her not only for what she says but also for what she does as a Senator. I want her to know that she is appreciated, for those reasons and others, by this body and by the American people, and I congratulate her for the speech she has made.

Mrs. SMITH of Maine. Mr. President, I thank my distinguished colleague from Mississippi. Whatever he says means much to me because of our long association. The people well know his part in the committee work that has brought about the recovery from the illness I referred to, and I thank him.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mrs. SMITH of Maine. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I join the Senator from Mississippi in paying respects to the Senator from Maine for her remarks here today. I, too, recall her remarks of 20 years ago. Just as those remarks were needed then, so, too, are the statements she has uttered here today very much needed. I hope that both the Senate and the American people will take heed to the recommendations she has made.

Mrs. SMITH of Maine. Mr. President, I would like to say, "Thank you," to my able and distinguished colleague, the Senator from Delaware, for his kind words. He, too, joined Senator STENNIS and others who brought about the recovery from the illness I have mentioned.

Mr. KENNEDY. Mr. President, will the Senator yield?

XUM

Mrs. SMITH of Maine. I yield.

Mr. KENNEDY. Mr. President, I should like to commend the distinguished Senator from Maine, also, for this very thoughtful statement. Unlike the Senator from Mississippi or the Senator from Delaware, I was not a Member of the Senate 20 years ago. However, as one who was a student at that time and who followed the events which touched young people during the McCarthy period, I think all interested young people were very much aware of the extraordinary contribution made by the distinguished Senator from Maine in helping awaken the conscience of this country in the early days, as she spoke so eloquently and passionately about abuses that were then taking place within the U.S. Senate.

As one who has spoken during the last couple of weeks at various graduations—unfortunately, perhaps, there are all too few graduations this year—I believe that the distinguished Senator from Maine has touched on what I think is a theme which will bring a tremendous response from young people. Most of the young with whom I have spoken are well aware of the abuses of the English language which have been perpetrated by other young people in referring to law enforcement people as pigs and in taking extraordinary license with the English language.

I think there is a general kind of abhorrence and realization that abuses of that kind do not represent responsible dissent. The distinguished Senator from Maine has cautioned against these kinds of violations, as she has cautioned those of us in the Senate; and I would certainly expect those of us who hold responsible positions, whether in the Senate or in the administration, or others, who use words to inflame passion and distrust, to heed her words.

XUM

If all of us—students, Senators, administration officials—really take to heart the counsel of the Senator from Maine, I think the cause of responsible dissent, for which she has repeatedly demonstrated concern, would be advanced in this body and in the country at large.

I agree with the Senator from Mississippi that these words—coming as they do from someone who is so widely considered, and justifiably so, as objective and fair—should be taken to heart by all of us here, by all public officials, by all young people, and by all other concerned citizens in the country.

I commend the Senator from Maine. I think there is great food for thought in her address. I listened to it with genuine interest.

Mrs. SMITH of Maine. Mr. President, I am most grateful to the acting majority leader for his generous and kind remarks. I thank him from the bottom of my heart for being so kind in his observations about the speech I have just made.

Mr. PERCY. Mr. President, will the distinguished Senator yield?

Mrs. SMITH of Maine. I am very glad to yield.

Mr. PERCY. Mr. President, as I listened to the comments of the distinguished Senator from Maine, it occurred to me that what she has been saying is, "A plague o' both your houses," that excesses on one side do not call for excesses on the other, but sometimes it brings it on.

I know that when we all began our talks with the students, in one way or another we have been trying to say to them, "Do not play into the hands of those who would try to drive you into violence, who would try to drive you into those measures which could then call for the kind of response that they want to have." That would really bring down the institutions of this country such as we have known them.

Mr. President, over the long weekend, I had occasion to meet with young people on the Capitol steps and in remarks I had prepared for delivery that day I said, in part:

> I urge you with all the force I can summon to shun and help prevent the violence that will only retard progress toward our common goals.
>
> Violence is a form of self-indulgence, providing momentary release at the expense of the long-range aspirations we share. Violence: arson, damage to life, and property—should be condemned and treated as the criminal acts they are, whether it be the wanton destruction of a scholar's life work or the death of innocent student bystanders. It can only lead to further polarization of this already battered but still a great nation, and destroy our opportunity to represent your views effectively.

I think, at this time, when the distinguished Senator from Maine recalls her own words 20 years ago that they apply so aptly to conditions today.

I am reminded of the words of Alexander Hamilton which are as relevant today as when they were written over 200 years ago when the Bill of Rights was first conceived.

He said:

> Nothing is more common in time of crisis than to gratify momentary passions by letting into government principles and precedents which afterwards prove fatal.

Thus, Mr. President, I rest the case of the distinguished Senator from Maine on that note, that we simply cannot allow the excesses of one side to lead to excesses on the other. Somehow, in between, we as a great society must be able to absorb and take criticism. We hope that it will always be constructive, but sometimes it manifests itself in a form somewhat repugnant to us.

It is easy for us to take a quiet picket line with a few innocuous signs, but it is much more difficult—when people crowd in, break into our office, or whatever else may happen—to keep one's "cool" under such circumstances and conditions. I always tend to believe that those who are trying to drive us to react in such a way as to bring disgrace to the Republic should not be aided.

The moderate tone of the comments of the distinguished Senator from Maine today have added importantly to the dialog that must and should be carried on throughout the country—certainly in this distinguished body.

Mrs. SMITH of Maine. I deeply appreciate the very kind comments of the distinguished Senator from Illinois and thank him very much indeed for what he has said.

DOMESTIC POLARIZATION

Mr. SPONG subsequently said: Mr. President, I regret that I was not present in the Chamber earlier this morning when the distinguished Senator from Maine (Mrs. SMITH) made her timely and eloquent remarks.

Yesterday in Staunton, Va., I expressed some of the same fears of the polarization that is so evident in our country today, and the reactions and counterreactions that are flowing from it.

I agree with the distinguished Senator from Maine that it is time for all of us to recognize the bitter harvest of extremism which our Nation will reap if those who foster either anarchy or repression are allowed to prevail.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the remarks I made yesterday at Staunton Military Academy, Staunton, Va.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR WILLIAM B. SPONG, JR.

You are being graduated at a time in which the nation's needs are as great or greater than at any time in our history. But, if the nation's needs are great, the challenge to the nation's young is greater.

There have been earlier times of divisiveness that threatens the stability of government. It is doubtful, however, that there has ever been a time in which a domestic polarization could have such far-reaching consequences for the world at large.

On the domestic scene there is evidence of a polarization so extreme that it threatens the functioning of an American democracy capable of protecting the institutions of a free society.

We can see economic group pitted against economic group, North against South, young against old, management against labor, and black against white.

In past times, our nation has been able to bring together diverse opinions; those with more middle-of-the-road positions have been able to find a course of action. A mix of ideas, with a lesser degree of polarity has led to compromise which maintained the principles of a democracy and a stability of government which served the general welfare. Unfortunately, such an approach appears endangered.

I have an uneasy feeling that at the root of the polarization over our nation's involvement in Southeast Asia there is a more basic question concerning withdrawal from a position of leadership in the world and a return to isolationism.

It is perhaps ironic that I should speak of isolationism in Staunton, the birthplace of Woodrow Wilson, who earlier in this century, warned of the bitter consequences of such a policy. But, it is also perhaps fitting that I should speak of isolationism here and its manifestations in another Congressional-Executive confrontation.

There is currently an attitude in this country, particularly in the Senate—and I share this—that past commitments made by the Executive point to the need for more caution and restraint in our involvement throughout the world. This is, I believe, a healthy attitude.

Less healthy, however, are the actions and reactions among certain segments of our society, actions and reactions which serve as catalysts for a polarization which could make it impossible for our nation to function as a democracy, even if a policy of isolationism were pursued.

We have witnessed during recent weeks, especially on the American college campus, attacks against the Reserve Officers Training Corps Program, attacks against certain research and development programs, personal attacks against recruiting officers and other military personnel.

To use a cliche, however, every action causes a reaction and therein rests both today's danger and challenge.

Certainly the frustrations of our youth are real and the ROTC is a symbol of the existence of a Department of Defense and the part it plays in our society. The ROTC buildings and ROTC commanders are convenient targets for those who desire to demonstrate their dissent from our overseas involvement.

On one Friday night, a single article in one newspaper carried reports of Molotov cocktails being thrown into the Army and Navy administrative office at Princeton University, shotgun blasts being fired into the home of the Stanford Army ROTC commander, illegal entry into an aircraft plant in Seattle, a fire-setting spree at Michigan State, a demonstration which forced the cancellation of an ROTC awards ceremony at the University of Iowa, and a fire in Ohio which destroyed a former Army barracks and threatened the Air Force ROTC building. These actions do not enhance the search for truth essential to academic freedom. Freedom cannot survive in such an atmosphere of violence.

As ROTC participants you have a special stake in this. In our society there is no excuse for violence as a form of protest either against persons or property. It is destructive not only of private property, but also of the rights of other students and of a source of volunteers for the support of this country, should the need continue.

The Constitution provides for the civilian control of the nation's defenses. The Congress provides the funds and the President, elected by the people, serving as commander-in-chief by authority of the Constitution is the civilian head of the armed forces. The Reserve Officer Training Programs on campuses, now completely voluntary, provide a reservoir of manpower for our defense needs. In fact, as Senator Mansfield recently observed, the students who become military officers by way of colleges rather than through the regular academies provide a significant and far-reaching civilian influence in the military services. In the Majority Leader's words, "they add a civilian input to the branch in which they serve. They give a very desirable dimension of civilian leadership—it is a valuable ingredient in retaining a civilian-controlled military force in this nation."

The ROTC has a long and proud history, dating back to the War Between the States. It serves an important function in providing about 50% of our newly commissioned officers.

The results of current antipathy toward it and other military endeavors in general are potentially dangerous. But so is the possible counter-reaction. While the current anti-militarism denotes an attack on U.S. Asian policy, if carried to an extreme, it could restrict our deterrent strength and further an attitude of anti-intellectualism.

Because much of the anti-militarism which now exists has originated or been demonstrated on the campus, it is, perhaps, only natural that the anti-intellectual reaction should be directed toward higher education.

The possible result of such a situation is, however, both frightening and ironical. It would be a supreme contradiction to have our nation conquer space, develop miraculous drugs and advance technologically only to have a divisiveness over foreign policy undermine the very institutions which made progress possible, and which are the only means by which we can assure a better life for all tomorrow.

Certainly, we cannot permit the college campus to be the sanctuary for those who foster violence, disruptions and vulgarity. We cannot permit the college campus to become a haven for those who would destroy the system of higher education or the institutions of government. But, I have met with thousands of college and university students in the past few weeks and I do not believe that those who pursue the above are more than a small minority.

By the same token, the businesses and their organizations, the labor unions, the laborer, the middle class family, our citizens in general, must not become so polarized that their support—in terms of money or personal allegiance—will be withdrawn from our educational institutions. For from these institutions must come the manpower for all of our future activity. From these institutions will come the men who will be responsible for the elimination of heart disease, cancer, respiratory diseases, the problems of air and water pollution and the difficulties of living in an increasingly urban nation.

You young men who are graduating from this academy have had a special experience. You have benefited from a fine education coupled with military training. Because of this, you, perhaps more than most, are aware of the necessity for both excellence in education and a strong military deterrent strength. Understanding of and appreciation for the role each must play in our nation and society is essential. I believe that you can contribute to this understanding and appreciation. I urge you to do so.

ROUTINE BUSINESS

The PRESIDING OFFICER (Mr. Hughes). Under the previous order, the Senate will now proceed to the transaction of routine morning business, with statements therein limited to 3 minutes.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. Allen) laid before the Senate a message from the President of the United States submitting the nomination of T. Keith Glennan, of Virginia, to be the Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador, which was referred to the Joint Committee on Atomic Energy.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 17711. An act to amend the District of Columbia Cooperative Association Act;

H.R. 15073. An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes; and

H.J. Res. 1117. Joint resolution to establish a Joint Committee on the Environment.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and they were signed by the Acting President pro tempore (Mr. Allen):

H.R. 4813. An act to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes; and

H.R. 13816. An act to improve and clarify certain laws affecting the Coast Guard..

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 17711. An act to amend the District of Columbia Cooperative Association Act; to the Committee on the District of Columbia.

H.R. 15073. An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes; to the Committee on Banking and Currency.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. Allen) announced that on today, June 1, 1970, he signed the enrolled bill (S. 952) to provide for the appointment of additional district judges, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Proposed Supplemental Appropriation (S. Doc. 91–85)

A communication from the President of the United States transmitting a proposed supplemental appropriation for 1970 in the amount of $250,000,000 for the Federal Home Loan Bank Board, to permit the prompt implementation of the subsidized advances program contained in title I of the Emergency Home Finance Act of 1970, now pending as S. 3685, which, with an accompanying paper was referred to the Committee on Appropriations, and ordered to be printed.

Proposed Legislation To Amend the Renegotiation Act of 1951

A letter from the Chairman, the renegotiation Board, transmitting a draft of proposed legislation to amend the Renegotiation Act of 1951, and for other purposes (with an accompanying paper); to the Committee on Finance.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the potential for reducing inventory investments in the Defense Supply Agency through improved computation of stock needs, Department of Defense, dated May 28, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the administration of the program for aid to public school education of Indian Children being improved, Bureau of Indian Affairs, Department of the Interior, dated May 28, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for specific criteria for adjusting the interest rate charged on insurance policy loans by the Veterans' Administration, dated May 28, 1970 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution adopted by the city of Winter Park, Fla., relating to the conquering of cancer, and making this conquest a national priority; to the Committee on Labor and Public Welfare.

The petition of Howard Hillier, of Dafter, Mich., praying for a redress of grievances; to the Committee on Public Works.

ADDITIONAL COSPONSOR OF A BILL

S. 3528

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Nevada (Mr. BIBLE) be added as a cosponsor of S. 3528, to amend the Small Business Act.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 666

Mr. WILLIAMS of Delaware submitted, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

(The remarks of Mr. WILLIAMS of Delaware when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 657

Mr. KENNEDY. Mr. President, on behalf of the Senator from Indiana (Mr. BAYH), I ask unanimous consent that, at the next printing of amendment No. 657 to H.R. 16916, making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, the names of the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Texas (Mr. YARBOROUGH) be added as cosponsors.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 1, 1970, he presented to the President of the United States the enrolled bill (S. 952) to provide for the appointment of additional district judges, and for other purposes.

NOTICE OF HEARINGS ON SMALL BUSINESS LEGISLATION

Mr. McINTYRE. Mr. President, I wish to announce that the Subcommittee on Small Business of the Committee on Banking and Currency will hold hearings on the following small business legislation:

S. 2609, a bill to increase the participation of small business concerns in the construction industry by providing for a Federal guarantee of certain construction bonds and authorizing the acceptance of certifications of competency in lieu of bonding on connection with certain Federal projects;

S. 3528, a bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and

S. 3699, a bill to clarify and extend the authority of the Small Business Administration.

The hearings will be held on Monday, Tuesday, and Wednesday, June 15, 16, and 17, 1970, and will begin at 10 a.m. in room 5302 New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Reginald W. Barnes, assistant counsel, Senate Committee on Banking and Currency, room 5300 New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOMESTIC INTERNATIONAL SALES CORPORATION—DISC

Mr. PERCY. Mr. President, the Treasury Department recently proposed in the Ways and Means Committee a new proposal to increase U.S. exports and retain jobs in this country.

This tax proposal would recognize a special category of corporation called a Domestic International Sales Corporation—DISC. In essence, the proposal contemplates that the U.S. tax on the export earnings of such corporations would be deferred until those earnings are distributed to the stockholders. The hope is to create a hospitable tax climate in which exporters and potential exporters can operate more effectively and discourage the flight of U.S. manufacturing operations abroad.

I recently sent this proposal to hundreds of Illinois firms and asked for their comments. The responses are most thoughtful and the vast majority favor such a proposal.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the DISC proposal and the answers I have received from many companies on its merits.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS OF DOMESTIC INTERNATIONAL SALES CORPORATION PROPOSAL

There is outlined below a tentative proposal now under consideration in the Treasury for modification of existing United States tax rules relating to exports. This proposal would provide for deferral of Federal income tax on export profits and would accomplish this by establishing a special tax regime for domestic international sales corporations (DISC).

OUTLINE OF PROPOSAL

In general

The proposal calls for special tax rules to be applied to a defined entity called a domestic international sales corporation. A domestic corporation would qualify as a DISC if it met the following conditions:

(1) Most of its gross income (say 95 percent) is derived from—

Export sales (determined by a destination test rather than by technicalities of place of passage of title);

The performance of services ancillary to its sales;

The leasing or rental of export property;

Interest received on loans made to finance the acquisition of plants, machinery or equipment in the U.S. used in export production (export manufacturing facilities);

Interest on obligations issued or guaranteed by the Export-Import Bank or F.C.I.A.; and

Other transactions and activities related to its exports; and

(2) Most of its assets (say 95 percent) are export-related, including—

Working capital necessary to meet the reasonable needs of the corporation;

Plant, machinery and equipment used in the sale, storage, packaging, servicing, assembly or transportation of its exports;

Obligations issued or guaranteed by the Export-Import Bank or F.C.I.A.;

Assets of foreign sales branches handling the U.S. exports;

Stock or securities in a controlled foreign corporation engaged in marketing the DISC's exports; and

Obligations representing loans to domestic producers to finance the acquisition of export manufacturing facilities.

With respect to loans made by the DISC to finance the acquisition of export manufacturing facilities, the annual gross income from such loans (less any dividends paid out of earnings of that year) could not exceed 50 percent of the DISC's annual gross income from all sources.

Tax treatment of DISC profits

So long as the domestic corporation continued to qualify as a DISC its retained earnings would be exempt from U.S. income tax. Upon a dividend distribution, liquidation, or sale of the shares, those earnings would be taxed to the shareholders as ordinary income. The dividends received deduction would not be available, since the DISC incurred no U.S. income tax. With respect to foreign taxes paid by the DISC, a foreign tax credit would be available to the corporate shareholders. Dividends of a qualified DISC would be deemed at least in part to be foreign source income and excess foreign tax credits available from other sources could be applied against U.S. taxes on the dividends.

Profits attributable to the DISC

It is contemplated that export sales by the DISC to its related foreign purchasers would be made on an arm's-length standard under existing income allocation rules. However, the sale of goods for export by the domestic manufacturer to the DISC would be subject to a different allocation rule which would enable the DISC to earn a profit in excess of the profit which would be attributable to it under the existing allocation rules.

Rationale

The DISC proposal proceeds from the view that exporting businesses in the United States operate under a tax disadvantage as compared to foreign manufacturing subsidiaries of U.S. corporations and as compared to foreign suppliers, each of which seek to supply the same foreign market. The disadvantage inheres in the fact that, apart from certain situations which are dealt with under "subpart F" (Internal Revenue Code § 951 et seq.), the U.S. tax on the earnings of a foreign subsidiary of a U.S. parent is deferred until those earnings are repatriated, whereas a domestic exporting corporation is taxed on its earnings currently and many foreign suppliers are subject to tax at rates considerably below the U.S. level. Permission to operate an export business through a domestic corporation under U.S. laws and accounting systems would also simplify operations materially as contrasted with operations through foreign corporations.

The DISC proposal, therefore, is a reform designed to achieve equality and simplification by treating a domestic exporting subsidiary on the same basis as a foreign subsidiary so that U.S. tax on export income derived by the DISC would be deferred until the DISC distributes its income to its shareholders. So long as the domestic export corporation continued to earn qualified income and continued to invest in qualified assets in the proportions required, if no dividends are paid no Federal income tax would be incurred.

It is contemplated that generally tax-free reorganizations would be permitted in order to telescope existing foreign operations into a DISC or to put existing foreign sales subsidiaries under its ownership where desired.

SOME SIGNIFICANT ASPECTS

In examining the potential value of this proposal, there are four aspects which should be given particular consideration: the significance of deferral, investment of profits in export manufacturing facilities, the determination of export profits and the treatment of dividend distributions made by the DISC for purposes of the foreign tax credit.

While deferral of tax for a relatively short period, such as a year or two, would be of limited significance, deferral for a substantial period reduces significantly the impact of a tax and, of course, deferral that lasts indefinitely can have substantially the same effect as an exemption from tax. Since the proposal would permit profits of a DISC to be invested in export manufacturing facilities as well as in export sales facilities, it would appear that in many instances the deferral provided by this proposal would be for substantial periods.

The only limitation on deferral would be that the income from financing export manufacturing facilities in any year (less dividends paid by the DISC with respect to that year) could not exceed the corporation's income for that year from export sales activities. This would mean that after a time the DISC would have to make distributions for its income in order to prevent the income from financing export manufacturing facilities less dividends from exceeding income from export sales activities.

Since export profits (income from export sales activities plus income from financing export manufacturing facilities) would be deferred only as long as they are retained by a corporation that qualifies as a DISC, amounts paid as dividends would at the time of distribution be subject to tax as the income of its parent or other shareholders. Our rough calculations, based on assumptions which we believe to be typical, indicate that where export profits are deferred, the proposal would not require the distribution of export profits earned by a DISC during ten years after enactment. Where export profits follow a rising curve, this period would be longer.

As indicated, the profits of the DISC could be invested in export manufacturing facilities, subject to the limitation described above, on income from such investments. The typical investment by a DISC in export manufacturing facilities, we believe, would be a loan by the DISC to its parent corporation to help the parent finance new manufacturing facilities. This would result in the DISC receiving interest. It is not contemplated that we would require the loan to be traced to specific manufacturing facilities or equipment which will actually produce for export as long as the ratio of the financing supplied by the DISC to total new investment in manufacturing facilities does not exceed the ratio of the manufacturer's export sales to total sales.

The third aspect to be considered is the provision for special rules for the allocation of income between a related manufacturing corporation and the DISC. The thought here is that part of the income now earned by corporations manufacturing in this country for export would be treated as constituting export profits which could be earned by a DISC. Under this approach, a substantial amount of income could be allocated to the DISC, whether the DISC exports to related or unrelated customers in foreign countries. In addition, exporters would be encouraged to allocate to the DISC substantial functions involved in export sales, and to the extent this occurs the income which would be allocable to the DISC would increase.

Finally, it will be possible in many instances to conduct export sales through the DISC with relatively low foreign taxes on the sales income. Dividend distributions from a qualified DISC will carry such foreign taxes as foreign tax credits and will be deemed to be foreign source income at least to the extent of the export sales income of the DISC. To the extent that the foreign taxes on the DISC are lower than the U.S. corporate rate, a corporate shareholder will be able to use excess tax credits from other foreign source income against U.S. taxes on the DISC dividends.

JOHN OSTER MANUFACTURING CO.,
Chicago, Ill., May 4, 1970.
Hon. CHARLES H. PERCY,
U.S. Senator, New Senate Office Building, Washington, D.C.

DEAR SENATOR PERCY: In these many years of efforts in exporting electrical appliances, the writer has had occasion to see under what disadvantage the US Exporters labor compared to exporters from other countries that provide direct and indirect subsidies to export.

To be able to take advantage of any tax relief under the present rules, our exporters must resort to very complicated handling, particularly in the case of finished products.

I do not hesitate to say that this handling alone prevents us from obtaining 30 to 40% of additional business we could otherwise book.

I therefore believe that the passing of legislation concerning Domestic International Sales Corporations would be beneficial to the US exports, although this is only the first step which in my opinion should be taken.

Very truly yours,
OTTO E. LANDEN,
Director of Marketing, Eastern Hemisphere.

AMFORGE, INC.,
Chicago, Ill., May 22, 1970.
Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR PERCY: I appreciated your letter of April 27 regarding Domestic International Sales Corporation (DISC). Sorry I have not answered sooner, but unfortunately have not been in the office very frequently since that time.

Amforge is in the forging business, and because of the nature of the product, does little export work. We have, however, recently set up several licensees in various countries, and expect to expand the number in the future. In conjunction with these licensees, we have been able to sell equipment which we build.

As you can see from the above, it probably does not make sense for us to set up a Domestic International Sales Corporation to take advantage of the tax situation.

I might add, however, that I have read through the material, and feel that it is probably an excellent approach for companies involved in a great deal of export. It certainly makes the tax situation much more equitable for companies exporting parts, compared to those doing foreign manufacturing. I would be very much in favor of this type of arrangement, and hope that it will be in effect if later we get into the types of work that will warrant this type of corporation.

Thank you for keeping us advised. I hope my thoughts may be of some help to you.

Very truly yours,
JOHN W. CONLEY,
Vice President, Planning.

BELL & HOWELL,
Chicago, Ill., May 7, 1970.
Senator CHARLES H. PERCY,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PERCY: I was pleased to receive your letter of April 27th with detailed information on the Proposed Domestic International Sales Corporation Legislation.

On receipt of your letter we contacted Miss Agnes Stenros, Executive Administrator of the International Trade Club of Chicago. I believe this is the most important association of its type in the United States. I was informed that DISC has been brought to the attention of their membership which exceeds seven hundred individuals representing the leading International Trade firms throughout this area. Miss Stenros informed me the International Trade Club is very much in favor of DISC.

This proposed tax category appears to be a good legislative step very much needed to assist U.S. exporting organizations in

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strengthening their positions in overseas markets. It is most discouraging for representatives of a U.S. exporting corporation to see the amount of increased competition being faced in overseas markets from foreign firms operating under a tax structure that is far more beneficial than we are faced with in the United States.

It is hoped that in the language of the final draft of such legislation adequate low cost levels would be permitted to support appropriate responses to increasing competition while remaining clear to avoid contention with the Internal Revenue Service.

I am most hopeful your efforts in behalf of U.S. industry to assist in promoting further sales through the use of legislation as proposed with DISC will be successful. Our associates of the International Trade Club of Chicago join us in support of the DISC legislation.

Sincerely,

F. J. GONZALEZ,
Regional Manager.

INTERCON RESEARCH ASSOCIATES, LTD.,
Chicago, Ill., May 8, 1970.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: I am pleased to reply to your letter of April 27, 1970 and I am complimented that you wrote to ask our advice on legislation concerning the establishment of Domestic International Sales Corporation (DISC).

Our firm is actually more concerned with the problems of international licensing and exchange of technology than in the export area per se. However, we are exposed continuously to the problems that now exist wherein U.S. business generally does not have incentive to seriously undertake export programs. This is especially true of medium and smaller size successful companies who are enjoying good domestic demand. Unfortunately in the case of these firms, and especially when they produce products of high technical content, there is probably an exceptional potential for export. Therefore, any new legislation that highlights and stimulates interest in exportation, even if the subsidies or tax advantages are economically not of the greatest significance, could still be very important in helping the United States arrest and improve our present serious decline in shares of foreign markets.

From our own experience also many other countries provide a variety of tax and other special incentives to exporters and most of these are not available in the U.S. Therefore, I feel that the proposal for the establishment of a DISC has merit although I am not able to fully ascertain how significant the tax advantages will be for such a company.

Generally I feel that an overall study should be made of all types of business who contribute positively to the credit side of our balance of payments. For example, licensing is estimated to return to the United States upwards of $1 billion each year in royalties. Consulting firms like our own are attempting to stimulate licensing agreements between American companies and overseas counterparts. Along the same vein so-called combination export-management firms are attempting again to stimulate overseas sales generally for smaller companies. Such types of organizations could perhaps receive more assistance and encouragement from the various Government Departments. I don't mean to imply that these Departments, such as Commerce, are not very cooperative with us but probably programs could be developed that would encourage greater use of our services and this could be a helpful factor in our trade position.

Sincerely yours,

JOHN V. DONOVAN,
Executive Director.

GALLAGHER & ASCHER CO.,
Chicago, Ill., May 6, 1970.

Mr. CHARLES H. PERCY,
U.S. Senator,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: Thank you for your letter of April 27th in which you ask my advice on legislation being proposed by the Treasury Department to increase U.S. exports and retain jobs in this country.

Senator, I have been an advocate of increasing exports for the past twenty-five years. I have written, I have preached, and I am in agreement with your development of the Domestic International Sales Corporation (DISC). But to be realistic, are we giving the corporations a real benefit since, as you state, the tax on the export earnings would be deferred until those earnings are distributed to stockholders?

My position for years has been to give a tax deferment to any corporation who enters the export field—one that can be recognized as a benefit to those who export.

It is a shame that a country as large as ours has only 4% of its corporations engaged in Foreign Trade and Exports. I would like to see an outright tax benefit for any corporation who enters into, or is already in the export market, because the cost of promoting foreign markets is a great deal more than promoting domestic markets. It entails travel overseas to establish agents or make actual contacts with companies to whom products can be sold. This at least should be a "write off" permitted to those firms so they will become interested enough to develop an export business.

You of all people should know better what can be done as a shining example is the Bell & Howell Company. I am sure, Senator, the cost of establishing distributors all over the world came to a pretty figure, and if there were any type of tax gain at that time—Bell & Howell would have done even more in the establishing of their distributors and thus increasing export trade.

This is the crux of what I am trying to say—if you give a tax benefit to domestic corporations you will get more people selling export products thus bringing more dollars back to the United States and keeping our balance of payments in good balance.

See the enclosed booklet "What Do You Mean . . . You Don't Export?"

Very truly yours,

MARK M. TRILLING,
Vice President.

ALPHALOY CORP.,
Chicago, Ill., May 6, 1970.

Mr. CHARLES H. PERCY,
U.S. Senator,
U.S. Senate,
Washington, D.C.

DEAR MR. PERCY: I am very definitely in favor of the Domestic International Sales Corporation (DISC) proposal.

Currently, anyone attempting to generate export business from this country is definitely under a handicap, not only from a tax standpoint, which the DISC legislation would alleviate, but also from higher labor costs and shipping costs making it very difficult in many cases to be competitive in price. This deferment of taxes on export earnings would be a definite help, particularly in these times of high money costs. Its effectiveness on our Balance-of-Payments should more than offset any loss of immediate revenue to the government. From our work in the electronics industry in particular, any U.S. company that is forced to construct facilities overseas almost invariably ends up producing a major portion of their domestic requirements overseas and returning them to this country.

In short, we very definitely feel that a program such as DISC would be perferable to restrictive import duties or other deterrents to free trade in order to protect selected U.S. companies.

Yours very truly,

DEAN J. DEAKYNE,
Sales Manager.

L. H. FROHMAN & SONS, INC.,
Chicago, Ill., May 7, 1970.

Hon. CHARLES H. PERCY,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PERCY: Thank you very much for your letter of April 27th outlining the proposal for legislation on DISC, a new idea to strengthen U.S. export efforts abroad. Based upon the highlights you enclosed with the letter and conversations with qualified people, I believe that this project should be pushed to completion. I am sure that there are various technical points which must be smoothed out, especially in relation to tax officials, but in essence I believe this gives U.S. manufacturers or export sales agents a better competitive situation abroad. As this will increase profits, help with tax problems, increase exports and hence build more jobs here, I believe it is a good program.

Aside from creating an even and equal situation with large companies who now have manufacturing facilities abroad and enjoy tax privileges, it provides the incentive for domestic companies as well as current exporters to expand their efforts. Providing a subsidy through a tax advantage, we are helping to equalize the efforts of foreign nations whom we must meet on the competitive battlefield.

I will be interested in the progress of this idea into legislation.

Very cordially yours,

ARTHUR H. FROHMAN.

CE REFRACTORIES,
Chicago, Ill., May 8, 1970.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: I have your letter of April 27 and I am very pleased to offer my opinion on the Treasury Department proposed recognition of a Domestic International Sales Corporation (DISC).

Large firms accustomed to multi-corporation operation would have no difficulty structuring their corporation to take advantage of the tax benefits under DISC because large companies tend to have separate operating functions in international trade.

On the other hand, small and medium size companies who are presently engaged or could become interested in international trade are structured so that export sales are merely an extension of their domestic marketing departments. In these cases, organizational and accounting problems may be a deterrent to establishing a Domestic International Sales Corporation.

In general, I can say that the U.S.A. is far behind other industrialized nations in assistance to companies engaged in exportation of products and services. Certainly if we are to attain our rightful position in international trade, our companies will need benefits similar to those provided by DISC but perhaps with a less complicated system.

Yours very truly,

GEORGE V. CAMPBELL,
Vice President.

SEMICONDUCTOR SPECIALISTS, INC.,
Chicago, Ill., May 8, 1970.

Subject: Your letter April 27, 1970, Domestic International Sales Corporation.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: We read your letter and description of the proposed legislation

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on DISC with great interest. We would favor such a corporate structure because it would encourage exports from the U.S. instead of establishing foreign subsidiaries. Specifically, we have a foreign subsidiary in England and contemplate others in Germany and Canada. The proposed legislation would probably cause us to set up a DISC instead.

Sincerely,

Paul F. Carroll,
President.

E. I. du Pont de Nemours & Co., Inc.,
Wilmington, Del., May 20, 1970.

Hon. Charles H. Percy,
U.S. Senate,
Washington, D.C.

Dear Senator Percy: Your letter dated April 27, 1970, addressed to J. M. Remsen, has been referred to me for reply. You request comments and advice on a Treasury Department proposal which would recognize a special category of corporation called a Domestic International Sales Corporation (DISC).

For sometime, Du Pont Company representatives have actively participated in a number of discussions with Treasury officials in an effort to effect measures which would serve to increase exports. We have become convinced that there are two things which need to be done before any new incentive is adopted. First, the Internal Revenue Code should be amended to eliminate Section 954(d), which requires controlled foreign subsidiaries of U.S. companies to pay U.S. tax on certain undistributed sales income. Secondly, the Treasury Department should adopt understandable guidelines in applying Section 482 of the Code, particularly in determining the price which a U.S. parent can charge its foreign subsidiaries for exported products.

It is our feeling that a foreign selling base is essential if a U.S. manufacturer is to sell effectively in world markets. Only through a constant and ready contact with customers can a company provide effective service and a direct understanding of their needs and problems. Du Pont presently sells into European markets through a Swiss selling subsidiary which has over a thousand employees. It is difficult to conceive how the selling services performed by this company could be carried on efficiently by a domestic selling company.

The DISC proposal would add a completely new and complicated concept to the tax law. The deferral of tax provision would certainly be of advantage to any company which set up a DISC for use in its exports. Whether or not this proposal would result in an increase in exports is, to say the least, problematical. I believe that we would not be able to testify that Du Pont could expect to increase its exports through use of a DISC.

I have refrained from discussing any of the particulars of the DISC proposal because I feel sure that the Treasury is still refining the announced features of such a plan. In the event you feel a more detailed general discussion of the present DISC proposal would be helpful to you, we would be glad to supply it.

Sincerely,

Roy A. Wentz,
Chief Counsel, Federal and Foreign Tax Division.

Skil Corp.,
Chicago, Ill., 21, 1970.

Senator Charles H. Percy,
U.S. Senator,
New Senate Office Building,
Washington, D.C.

Dear Senator Percy: I am responding to your letter of April 27th seeking advice on legislation being proposed by the Treasury Department to increase U.S. exports and retain jobs in this country.

The United States should be vitally concerned with the deterioration of her trade position in world markets. As I travel around the world I am amazed (and discouraged) at how quickly we have lost our trade position. Japanese and German manufacturers as well as others have brought or borrowed our technology, improved upon it, and captured our traditional export markets. This is certainly true in the portable power tool industry and, in my opinion, in other durable goods fields.

Until there is dramatic improvement in the productivity and efficiency of American industry in this country, we will continue to lose ground in export markets. The long term solution to this problem lies with the internal control of inflation, which may require wage and price controls or a lengthy recession forcing our free economy to get back into good order.

In the meantime, and as a lasting incentive, a bill such as Treasury is proposing is long overdue and welcome. I support it wholeheartedly.

SKIL Corporation is currently deeply involved in disputes with the IRS over export problems. In all cases, the IRS is acting in the worst interests for U.S. exports. On the other hand, we have the Commerce Department urging U.S. manufacturers to export more. In our case, 85% of our U.S. exports are to foreign subsidiaries which we control. The IRS argues that we treat these subs with too much favor. But we know that raising prices to our subs merely forces them to find local foreign sources and buy locally rather than from the U.S.

The DISC proposed by the Treasury Department would offer some relief to our situation. Following are some specific comments on the proposal as developed by our tax specialist:

QUALIFICATION OF THE DISC—95 PERCENT RULE

QUALIFICATION OF THE DISC—95% RULE

(*a*) *Gross income*

The 95% rule is fair enough as far as I can see, being based on the current WHTC formula. I am definitely in agreement that export sales must be determined on a destination basis rather than by technicalities of place or passage of title. I am happy to see that the Treasury is attempting to eliminate another round of court hassles on the title passage question.

(*b*) *Export related assets*

I would assure that we would experience no difficulties here with the 95% rule. However, I foresee that this will be a central area of future IRS attacks and court litigation. Regulations must clearly define what is deemed to be an "export related" asset.

PROFIT ATTRIBUTABLE TO THE DISC

The proposal contemplates making changes in Section 482 as it relates to a parent company's dealings with its DISC. Does this hopefully mean that a parent could make intercompany sales to its DISC at cost without danger of a Section 482 challenge from the IRS? This is a very key area and any DISC legislation should very carefully outline the workings of Section 482.

INTERCOMPANY LOANS

It appears that a company could get money out of its DISC through a low interest (say 4%) intercompany borrowing with the provision that the proceeds be used to finance new export related manufacturing facilities. The proposal gives a formula with which I agree. We do not feel that a loan should have to be traced to specific manufacturing facilities which actually produce for export.

ORGANIZATION OF A DISC

Tax free re-organizations will be permitted under the proposal, which would enable us to liquidate our WHTC and Export Department into a newly organized DISC. Thus, there will be little difficulty in conforming our business set-up to any new legislation which comes out.

In summary, SKIL Corporation supports this proposal as outlined as an inducement for U.S. manufacturers to increase exports. We recognize it as a step towards making the U.S. more competitive with other nations in regards to export incentives. We would also stress that any inhibiting restrictions which might be introduced by the IRS in regulating the proposed DISC might well destroy any incentive contained in this proposal.

Sincerely,

John W. Sullivan,
President.

Tee-Pak, Inc.,
Chicago, Ill., May 4, 1970.

Hon. Charles H. Percy,
U.S. Senate,
Washington, D.C.

My Dear Senator Percy: I am glad to have your letter of April 27 on the subject of ways and means of increasing U.S. exports as this has long been a matter of grave concern to me.

Although we theoretically have had regulations offering lower tax rates on exports, in effect these actually have not materialized. I refer to the Western Hemisphere corporations which have long been in vogue and are so abused both by the awkwardness of fulfilling the regulation and the overcontrol by Internal Revenue Service as to virtually negate the effect of the law. I refer in particular to the requirement that the transfer of title has to be effective outside of this country which means domestic manufacturers have to use a number of expensive and impractical artifices to avoid passage of title within the United States. It would seem this is of no particular benefit to the control of this situation whatsoever. The second item relates to the annual battle with Internal Revenue Service on intercompany pricing with the intent of minimizing the very benefits of Western Hemisphere trade corporations envisioned by Congress in passing the law.

We have eliminated the use of our Western Hemisphere company to Latin America for the above reasons.

For years this company had European wholly owned subsidiaries acting as our sales agents. Annually we were assessed fantastic figures of added profits to the domestic corporation under the guise of an argument on intercompany pricing and these were always settled at about 10¢ on the dollar. However, it became so annoying that we took the simple though expensive route of making our foreign subsidiaries into branches of our American corporation and eliminated this unnecessary headache.

As to DISC, I am all in favor of it—or any other system that gives business people an opportunity to compete not just in Europe, but in other markets where the Europeans are very aggressive. It is about time someone took an interest in this matter to see that we were not put at an export disadvantage and that the laws and regulations under which we operate truthfully reflected the oft stated anxiety from Washington that we become bigger and consistent exporters. There is much work that can be done in this field.

Sincerely yours,

Seymour Oppenheimer.

O'Hare Inn,
Des Plaines, Ill., May 6, 1970.

Hon. Charles H. Percy,
U.S. Senator, U.S. Senate,
Washington, D.C.

Dear Senator Percy: Referring to your letter of April 27 concerning the proposal of creating a domestic international sales corporation (DISC), I believe the rationale behind it is very valid and healthy for our national economy.

Of course, the 95% of gross income qualifying requirement, I believe, is too high, as it would eliminate probably the great majority of exporters. I presume, therefore, that

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the Treasury proposal permits the creation of a domestic wholly owned subsidiary which would qualify under DISC rules. Such subsidiary would perform all services and transactions related to the exports even though the parent company, itself, would not qualify under the 95% rules.

The exclusion of the dividends paid by a foreign selling subsidiary of a DISC for 95% qualifying rule would, of course, have a negative influence on the creation of a DISC itself.

Sincerely yours,

GILBERT E. ROSENBRIER,
General Manager.

BORG-WARNER CORP.,
Chicago, Ill., May 20, 1970.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: I am replying to your kind letter of April 27, 1970, requesting an expression of opinion on legislation proposed by the Treasury Department to establish a Domestic International Sales Corporation (DISC).

We are extremely pleased to see the Treasury Department present this tax proposal and believe that this legislation, if enacted, will substantially assist U.S. companies to compete in the overseas markets.

Foreign competition often has many advantages through taxation, subsidies, hidden protection discouraging imports, etc., to assist them and this proposed legislation could help U.S. exporters compete on a more equitable basis.

Having previously been the president of Borg-Warner International Corporation, our export subsidiary, I can personally attest to the need for legislative assistance to bolster U.S. exports.

It is to be hoped that this legislation will not be burdened by too much administrative "red tape" as was the Western Hemisphere Trade Corporation.

Sincerely yours,

ROBERT A. BROWN.

STEPHENS-ADAMSON,
Aurora, Ill., May 6, 1970.

Hon. Senator CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR PERCY: I am replying to your letter of April 27 requesting comments on the Treasury Department proposal for the creation of DISC (Domestic International Sales Corporation). We have studied this proposed legislation with a great deal of interest, as in my opinion it would definitely be a shot in the arm to companies who are actively promoting their export business. It would also greatly help to make American products more competitive in overseas markets and equalize the foreign government subsidiaries and tax credits which they give to their domestic manufacturing company for exports around the world.

It is certainly true that many American companies have formed manufacturing subsidiaries overseas in order to retain existing markets or to gain new markets where American exports under our normal tax system are not competitive. The key to this legislation, however, is the rules which will be formulated for inter company pricing arrangements between the American manufacturing company and DISC. I am sure it is not the normal intention of an American manufacturer to sell to DISC on a loss basis but a simplified definition of proper costs are necessary to determine an equitable inter company pricing structure.

I am also pleased to see that companies already in existence can consolidate foreign sales subsidiaries already existing within the DISC corporate structure and have the income of these foreign sales subsidiaries treated in the same way as profit on direct sales from the United States. This would assist companies already organized in international markets.

I am also pleased to see that the Treasury proposes a complete deferment of all U.S. income on DISC profit. This is much more satisfactory than the lower percentage points that were previously available to Western Hemisphere Trading Corporations and very difficult to administer.

Our parent company, Borg-Warner Corporation, in past years have tried to decentralize their international operations because of the lack of an American subsidiary that could operate at a tax advantage. Therefore, every division of Borg-Warner is responsible for its own foreign subsidiaries and it would be difficult for us to pull all of this back together into one domestic DISC structure. The solution may be separate DISC structures for major operating groups. I am only mentioning this to show that the more involved you get in international business the lack of advantageous legislation in the past has not only caused competitive hardship but organizational hardship as well.

I have discussed this matter with the Central Office of Borg-Warner Corporation and have been asked to add their recommendations to my personal request that you favor the proposed Treasury regulation, and when it comes to the Senate for vote, you vote in favor of its adoption.

Yours very truly,

ROGER W. BARTON,
Vice President.

A. TORRES EXPORT, INC.,
Chicago, May 6, 1970.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SIR: Your letter of the 27th of April, which was received by us the 4th of this month, brings us to the hope that something we consider very necessary will finally be done by our government to help the people that are in a position to stop the deterioration of the trade position of the United States.

We in the export business have been confronted with increasingly heavy odds in our efforts to increase our volume of exports, and the most important of these obstacles are the higher costs of American made products and the fact that in heavy industrial countries outside of the United States, the exporters are subsidized in one way or another by their respective governments.

We are handicapped, therefore, by offering higher priced merchandise that is available from other countries, and while we lean very heavily on the traditionally high quality of American made products, this argument is wearing thinner and thinner as the capabilities of our European and Asiatic competitors increase.

Our own business has shown a constant increase in the last ten years, and we believe that this increase will continue at a rate that can be accelerated if we are placed in a position that will enable us to increase our sales efforts by more extensive advertising and traveling.

If we could be assured that at the end of the year we will have to pay lower corporation taxes to the Federal Government, or no taxes at all, on our profits which are solely derived from sales made outside of the United States, our selling activities would increase very materially. This, of course, will certainly lead to higher penetration of foreign markets.

Such a help from our government would also enable us to give longer terms of payment to our customers abroad. As you no doubt know, this is one of the strongest selling tools that can be used. We are using this means of increasing our business, but we are limited by the increased cost of doing it because of the higher interest rates that we now have to pay for the financing that longer terms of payment invariably require.

We are hoping very earnestly that the proposed legislation will go through without much delay, because help is needed now and it is needed urgently.

Cordially yours,

A. TORRES,
President.

CULLIGAN, INC.,
Northbrook, Ill., May 5, 1970.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SIR: In response to your letter of April 27, Culligan Inc. has some rather strong feelings with regard to International trade.

First of all, we began our international business in 1958. Today, 37% of our sales and 41% of our profits are international.

Marketing today in 88 countries, and being essentially in the water pollution control business, we of course see the tremendous potential for export and establishment of overseas facilities. We also recognize that other nations grant export subsidies of various types to their own local companies. In Italy, it is 6%. In a country like France, their local added value tax or TVA is exempted for exports. This, of course, represents a substantial export subsidy. If all nations applied added value tax as a true source of taxation, then we would be on a more equivalent basis. However, I understand that this method of taxation is not predicted for the foreseeable future. Therefore, we feel that some kind of incentive must be applied.

We are heartily in accord and substantially support the DISC proposal. As President of the International Trade Club of Chicago, I am enclosing a copy of our policy statement which has been forwarded to Treasury. I am also attaching a policy statement which emanated from our President's office.

We would urge your support of DISC and feel that this would be a great contribution to our balance of payments problem.

Yours sincerely,

DONALD L. PORTH,
Executive Vice President.

INTERNATIONAL TRADE CLUB
OF CHICAGO,
May 5, 1970.

Hon. CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PERCY: It is a pleasure to send you the enclosed "Statement and Recommendations of the International Trade Club of Chicago with regard to the Proposed Domestic International Sales Corporation."

This statement has been submitted on behalf of our Club to Mr. Edwin Cohen, Assistant Secretary of the Treasury for Tax Policy.

We hope that our views will be of interest to you, and that we may count upon your endorsement and support of the proposed legislation.

Yours sincerely,

DONALD L. PORTH,
President.

STATEMENT AND RECOMMENDATIONS OF THE INTERNATIONAL TRADE CLUB OF CHICAGO WITH REGARD TO THE PROPOSED DOMESTIC INTERNATIONAL SALES CORPORATION (DISC) APRIL 9, 1970

This organization, the International Trade Club of Chicago, supports the enactment of legislation to establish the proposed Domestic International Sales Corporation (DISC).

The International Trade Club is comprised of over 800 executives representing approximately 700 firms with international business interests. The companies which these executives represent are engaged in all of the major fields of international trade and investment including manufacturers, exporters and importers, transportation companies, and firms providing various services to companies engaged in international trade and investment.

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We believe that the proposed legislation establishing DISC will be beneficial for exporters and will result in an overall increase in exports.

We recommend that in the final legislation the following points be clearly expressed:

A. The permissible pricing arrangements between the parent company and the DISC should be clearly stated.

The limitations of Section 482 should not be applied.

Any price, not below cost, should be approved.

B. The broadest terms should be included with regard to the freedom of DISC to lend funds to its parent or other affiliated domestic company. Eventually, when the balance of payments situation permits, the DISC should also be permitted to lend the funds to an overseas corporation which, in turn, imports from the United States.

Consideration should also be given to providing the same reduction in taxes for a DISC which is now available to a Western Hemisphere Trade Corporation. This would eliminate the need for a U.S. corporation to have both a DISC and a Western Hemisphere Trade Corporation with different rules applying to two segments of its exports. Such a lowered tax rate would have a very substantial effect in expanding exports.

International Harvester Co.,
Chicago, Ill., May 5, 1970.

Hon. Charles H. Percy,
U.S. Senate
Senate Office Building,
Washington, D.C.

Dear Senator Percy: Thank you for your letter of April 27, 1970, addressed to Mr. R. J. McMenamin of our Company on the subject of legislation being proposed by the Treasury Department to increase United States exports.

International Harvester Company wishes to record its support for the proposed legislation which would permit establishment of Domestic International Sales Corporations which could qualify for federal income tax deferrals on export profits.

We have reviewed the proposed rules by which a domestic corporation could qualify for such tax deferral, and see no particular problems in establishing a subsidiary which would meet such tests. If the allocation of export sales profit between a manufacturing parent and a Domestic International Sales Subsidiary then enables sufficient profit to be maintained for deferment, the competitive position of United States exports would be enhanced.

International Harvester Company has had long experience in the problems of exporting goods manufactured in the United States as compared to providing products abroad through foreign manufacturing subsidiaries in order to meet the competition of foreign suppliers. It is our contention that proposals designed to increase the export of manufactured products from the United States are in the best interests of our country, as well as that of our Company. We believe that properly designed tax legislation of the type now proposed would assist us in maintaining and, in time, increasing export markets for our products manufactured in the United States.

We are concerned, of course, that prior proposals intended to stimulate United States exports have become unduly complex, especially in matters of inter-corporate pricing and corporate rearrangements which might be required to take full advantage of any new legislation. While we support the present proposal, we would suggest that the export stimulation which is intended will require definite income allocation rules to prevent deletion of tax deferral benefits by subsequent administrative judgments.

Sincerely yours,
Daryl B. Oldaker.

Soiltest, Inc.,
Evanston, Ill., May 14, 1970.

Senator Charles H. Percy,
U.S. Senate,
Washington, D.C.

Dear Senator Percy: We refer to your letter of April 27 with regard to proposed legislation designed to increase U.S. exports.

We have reviewed the DISC outline and believe that this type of arrangement would be very effective for our company.

Soiltest is a manufacturer and distributor of engineering test equipment. Fifty percent of our sales are in the export market and we sell in about one hundred different countries of the world.

During recent years there has been more competition coming into our field and we are losing the market for many of the standard items to producers in England, France, Norway, Japan, Thailand, Colombia and Brazil.

In addition, we are running into very attractive financing competition from Japan, Germany, Switzerland and some of the Iron Curtain countries.

As a result, while we are still increasing our export sales on an annual basis, we are doing this only by the continual introduction of more sophisticated equipment which is not as yet available from the major competitors.

Because of the wide range of products we produce and sell, it has not been attractive for us to set up a manufacturing operation abroad. However, we must still compete internationally against specialized manufacturers located in the countries above. In addition, we are running into considerable localized competition which produces many of the basic items of our line for sale in the national markets.

We believe that the DISC proposal would enable us to be more competitive on the international market and to retain jobs for our employees in the United States. In fact, we believe that under the plan as outlined, that we would be able to make more jobs availabe at our pants in the U.S.

Very sincerely,
T. W. Van Zelst,
President.

Procon, Inc.,
Des Plaines, Ill., May 25, 1970.

Senator Charles H. Percy,
U.S. Senate,
Washington, D.C.

Dear Senator Percy: Thank you for your letter asking for comments on the Treasury's proposal of a tax deferral arrangement for Domestic International Sales Corporations.

I am strongly in favor of the DISC proposal.

First, the sharp rise in overseas investment by U.S. companies creates a situation where unequal treatment in any respect may greatly affect the location from which a transaction is done. The DISC proposal, by offsetting the tax deferral opportunity of working through a foreign subsidiary, would shift the current incentive situation back in the direction of exporting from the United States.

Second, the opportunity to generate cash flow free from immediate income taxes would, in my view, provide a strong incentive for American business to concentrate more energy on the export market, or to get into the export business if not already there. The sharp drop in our trade surplus since the 1964 peak and the current bleak payments outlook make a powerful case for providing an effective incentive to increase U.S. export earnings.

Third, I believe that a good case could be made that an effective DISC arrangement would be so valuable to U.S. overall interests that the estimated short-term loss of $500 million to $600 million in tax revenue is worth accepting. I have not made such an analysis. But it would include: (a) more jobs in the U.S. created both directly and indirectly by higher U.S. production stimulated by export production in response to the DISC; (b) greater tax revenues ultimately when repatriations of DISC earnings take place; (c) improved export revenues; and (d) a correlative improvement in the U.S. international payments position.

Fourth, the DISC proposal could be improved if its final form creates a clear arrangement whereby its provisions are usable by engineering-construction companies. Procon Incorporated and its major competitors all have overseas offices from which we can do substantially the same work as we do from U.S. facilities. The choice of office tends to decide the country from which we buy the equipment installed in the industrial plants we build. In Procon's case, about $240 million out of the $400 million of new contracts obtained in 1969 are to be engineered in Europe and the equipment bought there. To be competitive, we had to take advantage of the superior incentives in Europe. Some of this business could be brought back to the United tSates if the final version of DISC makes tax deferral available to our kind of activity.

Whether or not the legislation can be made responsive to my last suggestion, I feel that the DISC proposal is a highly desirable piece of legislation which would serve the national interest effectively.

I appreciate the opportunity to give you the foregoing comments,

Yours sincerely,
Lawrence C. McQuade,
President.

Zenith Sales Co.
Chicago, Ill., May 11, 1970.

Hon. Charles H. Percy,
U.S. Senate, Washington, D.C.

My Dear Senator Percy: Thanks for your letter of April 27 soliciting our comments on the Treasury Department's proposal providing for deferral of Federal Income Tax on export profits through implementation by a new Domestic International Sales Corporation (DISC).

Coming from Treasury, this is a benevolent idea but, in my opinion, it is unfortunately too late and too little to help significantly our Company—also the U.S. consumer home electronic industry—to boost our exports. Deferral of U.S. tax is not enough of an incentive to generate at this late date more active interest and efforts, than we are already doing now, to expand our exports because there are ony a few countries left which would allow the imports of completely manufactured home electronic products. Tax deferral will not convince many countries in the world today to reopen their doors to imports of U.S. home electronic products and components. Tax deferral will not eliminate the host of non-tariff barriers which have existed for home electronic products, extending from official government restrictive measures of all kinds to actions by quasi-government agencies and private groups which have precluded competition from the outside. Tax deferral is not going to help us regain foreign markets lost, in my opinion, permanently to local and foreign competition, particularly from the Orient where dumping for export is a normal way of doing business outside of their own domestic markets.

Tax deferral on U.S. exports could be inopportune at this time when we are questioning the export practices of a few of our trading partners, particularly Japan, which provides all kinds of subsidies and bounties resulting in the price of merchandise for export substantially lower than their own domestic prices for the same goods. It would give Japan, the European Common market and the other GATT signatories an opportunity they have been looking for to

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impugn our integrity in questioning their unfair export practices when we would be establishing a tax privilege for U.S. exports.

I think that certain U.S. industries—like aircraft, computers, heavy machinery as earth-moving equipment, construction and agricultural implements, to name the more important that come to my mind at this time could benefit from DISC but an industry such as ours, which has been long ridden with all kinds of restrictive and prohibitive measures abroad—extending from direct government action to acts of cartels, patent pools, standards associations, with the knowledge and consent of their governments—cannot possibly benefit significantly from the DISC proposal, particularly if the royalty income from foreign licensing, for the use of the company's trademark and production know-how, does not qualify as export income.

Tax deferral is not going to bring back to our shores the multitude of U.S. electronic manfuacturers who have established manufacturing facilities in low-cost labor countries in the Orient, putting many thousands of Americans out of jobs, for the prime purpose of possibly competing with the Japanese in the U.S. market.

Moreover, it seems to me that our foreign trade plight could be more effectively alleviated if the Treasury and Justice Departments would strictly enforce our federal laws pertaining to dumping and the imposition of countervailing duties to equalize Japanese bounties and subsidies. It does not seem logical for our Government to meet the serious foreign trade problem by imitating foreign tax subsidization rather than by promoting reciprocal, fair and free trade—through the effective enforcement of our dumping and countervailing duty statutes.

I sincerely appreciate your giving me the opportunity to comment on the DISC proposal and on other matters pertaining to U.S. foreign trade which have been of deep concern to our company and to me personally for some time.

Sincerely yours,

J. A. MIGUEL, Jr.

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PANDUIT CORP.,
Tinley Park, Ill., May 21, 1970.

Hon. CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.

DEAR MR. PERCY: We have followed, with great interest, the proposed legislation which would authorize the establishment of Domestic International Sales Corporations (DISC) which would qualify for Income Tax deferrals on export profits.

Since export sales have become an important part of Panduit Corp.'s business, we are very conscious of the difficulty in competing in foreign markets against foreign suppliers and/or foreign manufacturing subsidiaries of U.S. companies, both of which enjoy substantial tax advantages compared to a domestic manufacturer exporting from the United States into foreign markets.

We strongly urge you to support this legislation which, while not a perfect solution, would nevertheless greatly enhance the abilities of U.S. companies to compete more effectively in all the world's markets, thereby expanding U.S. exports and also improving the U.S. balance of payments position, while at the same time increasing the long-term tax receipts from U.S. exporters.

We would suggest that the proposed legislation could be improved by including the following:

a. A clear statement regarding pricing arrangements allowable between the DISC and its parent company; and that the limitations of IRS Code, Section 482, regarding inter-company pricing, not be applicable to a DISC and its parent company and that any inter-company price which is not below cost be allowed.

b. That the same reduced tax rate now available to a Western Hemisphere Trading Corporation be granted to a DISC, thereby eliminating the need for the parent company to establish two different sets of rules for different export areas, one applicable to a DISC and the other applicable to a WHTC.

We firmly believe that the proposed legislation, incorporating the above changes, if adopted would greatly increase U.S. exports, support a more favorable balance of payments for the U.S., and also result in increased revenues for the Treasury Department. Therefore, we again urge you to support this important legislation.

Sincerely your,

R. T. BURNS,
Vice President, International and Staff Operations.

LIBERTY TRUCKING CO.,
Chicago, Ill., May 7, 1970.

Subject: Domestic International Sales Corp. Proposal.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: This is in answer to your letter of April 27th, with respect to the subject matter you had attached and dated February 17, 1970.

Frankly, I don't quite understand the proposal as fully as I should because of its technicalities, but I gather it has to do with tax free income of corporations or individuals doing business in foreign countries, and creating foreign income, tax free except when distributed as dividends to stockholders. If such is the case, I can see more and more industries leaving the United States with an ultimate result of complete erosion of our major American industries.

If I am correct in my assumption, I violently object to any such allowance or deferment of taxes in any form. A small business like ours, while we are affiliated with a giant industry, are having a difficult time meeting our local, state and national taxing budgets to a point where we find no means of relief, gimmicks such as this would be unbearable to a point where progress from growth is impossible.

I think it would be wise to look into the needs of the small businessman all over this great country of ours, rather than to entertain tax avoiding gimmicks by industries who seek to avoid their fair share of taxation. In view of the dire need of some relief by many of our American industries, and small businessmen, I strongly object to the Domestic International Sales Corp. proposal.

Trusting you will accept my views in the right spirit, and thanking you for the opportunity of expression, remain

Respectfully yours,

WM. S. BARRANCO,
President.

THE DEARBORN CO.,
Chicago, Ill., May 12, 1970.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SIR: Responding to your letter of April 27th regarding legislation being proposed to increase U.S. exports, I don't think taxes are a real deterrent to exports which are priced out of the foreign market on competitive merchandise and, therefore, any gimmicks deferring or even waiting taxes, unless it is sufficient to offset the cost factor, will be academic.

Exclusive production of limited appeal, where price is not a factor, would not be affected and any advantages such as outlined would be a windfall to that type of manufacture.

If the target is the balance of payments, consider the penetration of low cost furniture from Japan, Taiwan, Yugoslavia, etc., that caters to the mass unit market and lands cheaper than the cost of labor and material. One would imagine that with our own forests, furniture would be the last category subject to import since our exports are nil. This could probably apply to other categories where labor is a serious factor.

Very truly yours,

J. F. ROBINEAU.

LIBBY, MCNEILL & LIBBY,
Chicago, Ill., May 13, 1970.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: We are pleased to have an opportunity to comment on the proposal outlined in your letter of April 27 and the enclosed paper for the creation of domestic international sales corporations (DISC). Our comments are obviously in the context of our own situation including the facts that our international business is almost exclusively in canned goods, for most of our 102 years we have been in international business, and currently we are in a tax carry forward position.

We think the proposal likely will be of some but only limited benefit in improving the United States balance of payment position. We say it will be of only limited benefit because we doubt that postponement of payment of income taxes has in most instances been the controlling factor in decisions to establish a foreign manufacturing (or procuring) subsidiary rather than export U.S. manufactured goods. In fact, I do not remember a single instance in the last thirty years or so (and some of our foreign manufacturing subsidiaries were established even much earlier than than) when tax postponement was the controlling or even a very substantial factor, although it would have been reflected in any economic analysis of available alternatives.

In many instances the tax rates in the foreign country were as high, or nearly as high, as those in the U.S., and unless there is a material difference in tax rates, there is no significant benefit from postponement. Even then since a reserve would have to be set up for the postponed taxes, the only benefit to profits would be interest savings or other return realized on the cash that otherwise would have been paid out.

In most instances the decision to manufacture abroad or procure from foreign sources is simply a matter of comparison of the laid-down costs, including transportation and duties, in the foreign market in question. For many years one product after another that we have produced in this country has, because of rising costs, been priced out of most major world markets making it not only economical but essential for survival in particular foreign markets either to manufacture there or, where that is not practical or economical, procure from other foreign sources.

This is not perhaps a matter of grave national concern so long as the increased costs simply represent an increasing standard of living in this country and our growing technology and efficiency permit the substitution of other goods for export. However, in the last few years the process has been greatly accelerated by the rampant inflation in this country, and that, in my opinion, is the real core to the problem and is not affected by the proposal in question.

The paper attached to your letter points out that DISC subsidiaries could loan to a parent for building new facilities even though these would not be used entirely for export. This would seem to imply that there would be no way to get a comparable benefit if existing facilities are used, which is usually the situation in our industry that has generally ample facilities. It is also pointed out that the DISC could own foreign sales subsidiaries so as to defer U.S. tax on their profits paid out in the form of dividends. Presumably this would not be practical in the case of existing foreign subsidiaries that market goods of their own manufacture, or procured from other countries, as well as goods procured from the United States.

The 95% test for qualification seems high when compared with other analogous qualification requirements, such as those for Western Hemisphere Trading Corporations. Indeed a good argument has been made that the qualifications for these and for DISC should be identical. In any event, there should be a grace period before disqualification is effective and an opportunity for taking corrective action.

Perhaps it should also be pointed out that with the growing prevalence in other countries of the value added tax, which generally is forgiven completely on exports, it thus operates as an out-and-out subsidy whether or not so designated, while the DISC proposal is only a postponement and hence not equivalent to the tax incentive given exports in many other countries.

In spite of inflation and rising costs, our Company still has a substantial export business which has remained relatively constant in recent years, and for that business it might prove worth while to set up a DISC subsidiary. However, for the reasons I have mentioned it would have only limited benefit. While certainly it would be better than nothing and perhaps could be used to advantage in new situations, it does not deal with the real reasons for our balance of payments difficulty and probably would not be very effective in reversing patterns that already exist.

This leads to the further comment that the DISC proposal appears to be a somewhat typical piecemeal approach to this highly complicated problem. Quite understandably each governmental agency's approach to the balance of payment problem tends to be limited by its own authority or customary activity. We would hope that a way could be found to develop a more complete program that would take into account all significant factors, including existing investments abroad, and would bring to bear a much broader approach than represented by this proposal.

Sincerely,

LYNDLE.

THE POWERS OF CONGRESS AND THE PRESIDENT—AMENDMENT OF THE FOREIGN MILITARY SALES ACT

AMENDMENT NO. 666

Mr. WILLIAMS of Delaware. Mr. President, much has been said during debate in the past few weeks about the powers of Congress and the powers of the President.

A few days ago I made some comments in this connection and pointed out that the way for Congress to retain its power over foreign policy would be to stop delegating the powers which we already have to the President. I particularly made reference to the sale of arms abroad, an act which, oftentimes, gets us involved even though we do not intend to do so at the beginning.

I suggest that it would be better not to delegate this wide power to the President, as we have been doing. It would be better to accept or reject such requests for arms as line items in a bill whereby both the country and the amount of arms requested would be specified. In this manner Congress could either approve or disapprove such requests.

The pending bill extends this authority for $250 million in one section and $300 million in another place whereby the President can furnish arms to any country except Cambodia when he deems such action to be in the best interests of the country. Conceivably he could make them available to Red China or Russia. This is a broad delegation of power. I think that Congress should stop the broad power furnished under military sales legislation, and when either the President or Congress wants to furnish arms to country A, B, or C, it could be submitted as a line item, as would be the case for a dam in Idaho or a project in some other State. Such projects are all line items in a bill and require specific approval in each case.

To accomplish this objective I send to the desk an amendment which would strike from the bill this broad delegation of power.

Mr. President, I know that we have a pending amendment before the Senate. But under the unanimous-consent agreement the Dole amendment will not be voted on until Wednesday.

If the leadership wishes I would be willing to enter into a unanimous-consent agreement that would limit debate on this particular amendment to 30 minutes to a side. I could say what I want to on this amendment in 30 minutes, and we could then go ahead and dispose of this amendment, I would hope, today or tomorrow if it is desired. If it is not possible to dispose of it today perhaps we could get an agreement to vote tomorrow and then revert back to the Dole amendment, and if not, we could vote as soon thereafter as possible.

I would be willing to agree to any kind of reasonable limitation on debate to expedite this matter.

Mr. President, I send the amendment to the desk at this time and express the hope that we can get this to an early vote so that we can get on with the business of the Senate.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. KENNEDY. Mr. President, I thank the Senator from Delaware for indicating to the leadership that he is agreeable to having an early vote on the amendment with some kind of time limitation thereon.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator be granted another 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, it had been the hope of the leadership when we took up this bill, that we could dispose of the entire Military Sales Act and all amendments thereto in 10 days or 2 weeks. We have now been working on the measure for nearly 3 weeks, and the end is not in sight.

As the Senator from Delaware pointed out, it would take a unanimous-consent agreement to consider this amendment now. I will take this up with the floor managers of the bill but it is doubtful that we could consider it until after the vote Wednesday and until after disposal of the amendment to be offered by the Senator from West Virginia (Mr. BYRD).

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. He is correct, it would take a unanimous-consent agreement to consider the amendment at this time. The amendment deals with the main substance of the bill itself.

I realize that an amendment dealing with the bill would not be in order until all committee amendments have been disposed of, but we could get a unanimous-consent agreement to take it up out of order, proceed with it, and get it out of the way.

I would be willing to make such a unanimous-consent request at any time that the majority leader is willing.

Mr. KENNEDY. Mr. President, I appreciate the statement of the Senator from Delaware. The Senator is displaying his usual spirit of accommodation to the leadership.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, in support of my earlier remarks regarding the amendment, I point out that I recognize the amendment offered here today would be subject to a division. I have assured Senators there will be a division of the question; the two votes would come immediately after one another. It would be subject to a request for a division, and I will protect Senators on this point.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

SUCCESSFUL WAR ON DRUGS RESULTS FROM OPERATION INTERCEPT

Mr. PERCY. Mr. President, all of us recall the uproar over Operation Intercept at the Mexican-American border last September. Although I did not publicly make any statements at the time, I had just recently returned from Mexico and was deeply disturbed at what might be an interruption of the harmonious relations we maintain with our neighbor to the south.

All sorts of dire predictions were made as to the terrible damage which would result to Mexican-American relations from this move. The Nixon administration was accused of headline-hunting and insensitivity in dealing with the border drug-smuggling problem.

Now comes an entirely different assessment by Ernest B. Furgurson in the June

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1, Baltimore Sun, entitled "Intercept Becomes Cooperative Becomes Success."

As a result of the publicity given to the marihuana and heroin problem by the original operation, some striking changes have occurred in drug enforcement policies in Mexico, and a strong bond of cooperation has developed between officials of Mexico and the United States.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTERCEPT BECOMES COOPERATION BECOMES SUCCESS

(By Ernest B. Furgurson)

MEXICO CITY.—What seemed at the time to be one of the clumsiest foreign policy blunders of the Nixon administration is now largely forgotten in the United States, though it still smarts in Mexico. Yet now, eight months later, it is turning out to be a long-range success.

It was Operation Intercept, which for 23 days last September brought border business nearly to a halt while traffic from Mexico was shaken down for illegal drugs. It was ordered as another illustration to the voters of America that the new administration was going to use a heavy hand in its crusade for law and order. As a political exercise, it had good propaganda results among those who did not suffer personally from the great "marijuana famine" of last fall, and who do not depend on border commerce for their living. But its effect on dope-running was mostly as a temporary deterrent, growing out of publicity about the drive, rather than a newsworthy roundup of the criminals fattening on the traffic. And the domestic political profit hardly seemed worth the damage to Mexican-American relations.

At least that was the view of the Mexicans, as well as the border businessmen and their representatives in Congress. The Bank of Mexico's figures for 1969 show that American tourist spending in Mexican border cities grew only 4.3 per cent compared to 19 per cent the year before. In the other direction, Mexican spending on the United States side of the border went up only 6.6 per cent, compared to 25.4 in 1968. Economists here blame the difference on Operation Intercept.

It was that dollars-and-pesos effect that caused the outcry from congressmen from California and Texas, among others. It was the less tangible matter of injured pride that prompted the loudest anti-gringo cries heard publicly in Mexico in years. The Mexican press, which does not venture far beyond the bounds of government policy, reacted as if Mr. Nixon and Mr. Mitchell were telling the whole world that all Mexicans were smugglers and defilers of American youth.

Officially, President Gustavo Diaz Ordaz departed from the rigid rule of not commenting on other countries' affairs which has allowed him to imply that Mexico objects to Washington's Vietnam policy, for example, without coming right out and saying so. When the Apollo astronauts were visiting here in the glory of their first moon mission, Diaz Ordaz noted in a welcoming speech that it was too bad bureaucratic errors could cloud normally sunny international relations. Nobody missed his point.

The narcotics campaign also stirred public and private criticism of the United States position on bilateral issues—restrictions on tomato and meat imports, salinity of Colorado river waters, etc. The Mexican government's insistence on the "Mexicanization" of business and industry by requiring a majority of local interest in new enterprises took on a more specifically anti-United States slant.

And so, little more than three weeks after it began, Operation Intercept was called off. It was hard to be sure which side was most embarrassed by it. But it did cause Diaz Ordaz to promise a serious crackdown nearer the sources of the illegal dope in his country. Thus was born the son of Operation Intercept, Operation Cooperation.

Compared to its predecessor, it has worked well. American money and technology, including helicopters to spot fields of pot, has helped Mexican police trace some of the traffic literally to its roots. Hardly a day passes without an arrest on one side of the border or the other. And they are major operations.

In Tiajuana, officials of both countries ran down a dope ring that had been supplying heroin, cocaine and marijuana for the past 15 years. In San Antonio, the former head of the Mexican secret service and his accomplices were picked up with marijuana valued by police at $44 million. Close to 3,000 pounds of marijuana was taken and 18 persons picked up in a raid on a ranch in the state of Michoacan. Three barge loads, about 8,000 pounds, were seized on the California coast after their trip from Mexico—all this and more, in May alone.

Last week was drug control week in the United States, by presidential proclamation. Nowhere was it given more attention than in Mexico. Joseph Arpaio, the U.S. narcotics bureau chief for Latin America, was in the position of congratulating Mexican judges and law enforcement for their effective work, rather than insulting them for their laxity.

At home, some Americans who bless pot as the least of the narcotics evils say the crackdown has been bad because it had brought the Mafia into that traffic and caused some users to shift to harder drugs. If these points are true, they should be dealt with head-on rather than by blaming this increasingly effective and long overdue enforcement of the laws against international drug traffic.

TRIBUTE TO AMERICAN PRISONERS OF WAR

Mr. PERCY. Mr. President, over the past weekend, Memorial Day, we have heard hundreds upon hundreds of tributes paid to the memory of men who have died in America's war efforts. And this is as it should be. A nation should pause from time to time to honor its dead.

Today, however, I would urge Senators to pause and consider the tragic plight of some living Americans who also have paid a high price to support their country. Not only have these men fought bravely for America but they fight still, in a silent kind of war that few know and even fewer can fully understand.

I refer to the 1,500 or so Americans who are being held prisoner of war by the North Vietnamese. Many of them have spent a full half-decade as prisoners.

All of them live under conditions which can be described at best as calculated brutality. Their callous, insensitive captors treat them less as human beings than as unwanted animals, to be maintained at the barest possible standard.

I would ask Senators also to consider the equally grim plight of a fine and honorable band of women, the wives and mothers of these prisoners, who are subjected daily to a kind of grief and anxiety that becomes increasingly hard to tolerate.

Never before in our history have we dealt with an enemy so completely without humanity when it comes to the treatment of prisoners captured during the course of battle. All of the precepts of civilization have been flaunted and ignored. All the considerations due to one human being from another have been callously cast aside.

We are not even sure as to the number of men being held by North Vietnam. They have flouted the basic rules of international procedure established by the so-called Geneva accords, which require that the capture of prisoners be noted and the government involved notified through an international agency—usually the International Red Cross.

The North Vietnamese have refused to make this official notification to the United States. The only time we are informed that any specific individual is held prisoner is when the Communists want to use him for propaganda purposes. Several times in the past year the North Vietnamese have used radio tapes of prisoners of war designed to hurt the morale of our fighting men, and more specifically, of the women they have left behind.

Incredibly, Hanoi has found willing sources in the United States to further this propaganda barrage. There is, for instance, a group in New York City known as the Committee of Liaison with the Families of Servicemen in North Vietnam. Though I have no personal knowledge, the Washington Daily News has described this group as its nomination for the most loathesome group of 1970.

According to news accounts this group receives mail from the prisoners in North Vietnam and then passes it along to their families. The letters themselves are of the briefest kind, but they are accompanied by a plethora of vicious anti-American propaganda which is thus foisted on the families of the prisoners.

The women who get these letters feel constrained not to complain publicly for fear that they will hear no further from their loved ones. This, it seems, is the only way they can receive word. It is one of the ignoble prices they have to pay if they are to find out whether or not their husbands or sons are still alive.

This cowardly play upon the emotions of women whose emotional capacity is already stretched to the limit is carried even further by those who so cooperate in this country. One woman in New Jersey has even complained privately that her husband's letter to her was released to the press before she had received it.

In every respect this is total violation of the principles of the Geneva convention on prisoners of war.

I would like to remind the Senate that those accords require several minimum standards.

First, the men must be treated with decency. They must receive medical treatment and they must have a nourishing diet.

Second, the government must be notified of their capture.

Third, the men must be allowed at least minimal communication with their families.

Finally, the men are not to be mistreated.

To the best of our knowledge the

Communists in North Vietnam have violated every one of these standards established by the civilized nations of the world.

We have little information available upon which to base an estimate. Most of this information has come from the few prisoners whc have been released from time to time by the Communists. Some of it comes from neutral observers and from representatives of the press of other Communist countries.

We do know, for instance, that on a number of occasions the captors have allowed wounds to fester and become infected without providing any medical treatment that might have prevented this infection.

We also know that one of the commonest forms of punishment for prisoners is to put them on a starvation diet—or to deprive them of food for days at a time.

There are a number of accounts of this. It usually happens when a prisoner refuses to allow his name to be used in a Communist propaganda broadcast or refuses to sign false statements concerning his treatment by the North Vietnamese.

We also have ample evidence from these sources that American prisoners are beaten, some repeatedly.

There are other stories of American prisoners being caged and put on display for the populace to see and jeer at.

Prisoners are held in solitary confinement, frequently in total darkness, for as long as a month at a time.

The sketchy information we do have indicates the men involved lead lives that verge on animal existence.

As cruel as these manifestations of mistreatment are, it is equally cruel to do to the men's families what the Communists have done.

This bill of indictment of the Communist treatment of American prisoners cannot go unsatisfied.

We must make every possible effort to insure that these men are brought home and this long and terrible experience is brought to an end. As Members of the Senate we can do no less than this.

The American Government is working at every possible level to bring this about. At negotiations in Paris with the Communists we have repeatedly insisted on humane and proper treatment for the prisoners. Our diplomats who talk with the Chinese Communists at Warsaw have discussed this matter in an effort to enlist the Chinese to use their good offices and influence on the North Vietnamese. Other diplomats have talked to their Communist counterparts on every occasion.

We in the Senate must back up the administration in this effort. We owe it to the men involved. We owe it to their families. And we owe it to our own consciences.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Ellender). Without objection, it is so ordered.

SPEECH BY SENATOR EAGLETON BEFORE WASHINGTON UNIVERSITY LAW ALUMNI ASSOCIATION

Mr. HUGHES. Mr. President, when we speak of a crisis of confidence in the United States today, let us be clear that it is not only confidence in the present administration which is in question. The viability of confidence in our own institution—the Congress—is in doubt, and more precisely our ability to exercise our constitutional authority in the matters of war and peace.

Senator Eagleton recently spoke on this subject, eloquently and in depth. I should like to share his speech with my colleagues, and ask unanimous consent that it be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Eagleton

We meet at a trying and difficult time—at a moment when an air of general crisis pervades this country. At stake are not simply men's lives, or honor, or policies, but our very institutions and the fundamental freedoms which these institutions were established to protect. What is most troubling is that this challenge to democratic government comes not simply from extremists—either on the right or on the left—but from elected officials and from average Americans.

It was not Minutemen who attacked citizens attempting peacefully to exercise the right of assembly on Wall Street. It was basically decent, hardworking construction men and longshoremen.

It is not Communists or President Nixon's "bums" who want to free without trial a man who allegedly ordered a murder. No, it is educated men and women who seem to believe that our court system should be thrown out the window and replaced by a form of mob justice.

It is not some ordinary quack whose political hallmark is attacking the press and dissenters. It is the second highest elected official in the land—the Vice President—who engages in fearmongering and hate-mongering, rather than tending to the task of societal healing.

Who among us can see these events as they occur day after day and not be profoundly disturbed? For you and I are all members—or are about to become members—of a profession whose basic creed is to maintain the rule of law . . . to preserve an institutional structure dedicated to individual freedom and justice. Now we are faced with the prospect that all the rights and liberties and regulatory mechanisms we have strived to create may crumble beneath us.

What is at the heart of this crisis? For me the answer is complex, with many turns and twists. It goes to our failure to pursue diligently enough the just society in which all men will be judged solely by their merit and not by color or class. It goes to our unwillingness to tax ourselves fairly and heavily enough so that the governmental policies which we have authorized for better education, decent housing and a cleaner environment can be funded.

Most significantly, it goes to the war in Indo-China which not only exhausts the funds needed to solve domestic problems, but breeds the hatred and distrust which is fractionalizing our society. Worst of all, that abominable war stands guilty of spreading the belief among many of our citizens, including the best of our youth, that our basic institutions are incapable of responding to their needs . . . of finding answers to the problems which beset us.

Well might they be cynical. That war, with its commitment of hundreds of thousands of troops, is now flailing its way through a second Presidential Administration. Yet where is the progress . . . where are the successes . . . which can justify the better than $100 billion already spent? What vital national interest of the United States can justify the senseless sacrifice of thousands of our country's bravest young men . . . the breakdown of respect for our most treasured institutions . . . the erosion of our capacity to provide ourselves with the things that really count in our own daily lives?

The Paris peace talks, which many of us hoped might produce a reasonable solution, have broken down. The reason is not simply the intransigence of our enemy. This Administration has been intransigent, too—by refusing to admit that a victory denied on the battlefield cannot be won at the peace table. Our government now treats these talks with disdain—even while the President claims he seeks a negotiated peace.

Some six months have passed since the resignation of Henry Cabot Lodge as chief negotiator. But still no new appointment has been forthcoming from the Administration.

The story in Indo-China is no better. Time and again, Congress and the American public have heard glowing reports on the success of Vietnamization. Time and again we have been disappointed. True, we have been able to show that the Viet Cong hold over various areas of South Vietnam can be broken by the day-to-day presence of contingents of American and South Vietnamese troops. But what we have not been able to demonstrate convincingly is that this guerrilla infrastructure can be prevented from reappearing almost immediately once American forces have departed.

And what sort of confidence shall any of us have in the Government of President Thieu and Vice President Ky on which our leaders have spent so much money and lavished so much attention? How shall we defend its recent orders to soldiers to fire on disabled Vietnamese veterans protesting the lack of adequate housing and financial support for them and their families? How are we to continue sanctioning this Government which now admits that it has physically tortured students protesting the progress of the war and the state of the economy? What compassion shall we have for leaders who arrest an elected official for favoring a coalition government and try him on trumped-up charges of conspiring with a Communist—who also happened to be his brother?

For how long shall we remain blind to what the war is doing to the people of Vietnam? What more will it take if we are not affected by the words of one ardent anti-Communist member of the South Vietnamese National Assembly who recently wrote:

"Our minds are dirty, our hearts are dirty. It is clear that we are up to our necks in corruption. It has entered our bloodstream, our lungs, our hearts. It is no longer an individual disease. It is systemized. It has got hold of the whole regime."

Are we not to respond to the frustrations of our young soldiers who find themselves fighting a war devoid of purpose and direction? How sad and yet how true the words which some of our fighting men have taken to writing on their helmets: "We are the unwilling, led by the unqualified, doing the unnecessary, for the ungrateful."

The Post-Dispatch carried these lines by Anthony Lewis of the New York Times last week:

"For on the face of things, Americans might well believe that nothing they say can affect the course of policy in the most ill-conceived, disastrous foreign adventure in our history. No election, no protest, no

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reasoned argument, no lesson from experience seems to alter the central fact of American policy in the Indo-China War. That is our commitment to the Thieu-Ky government in Saigon."

On the face of things . . . more and more Americans would seem to agree with Mr. Lewis.

How much longer are we to tolerate the irrationalities and inconsistencies of this Administration on the war? On April 20, the President told us that such tangible accomplishments were being achieved in Vietnam that 150,000 more American troops would be brought home from that country within the next twelve months. Only 10 days later, the President announced that American and South Vietnamese troops would have to invade Cambodia to wipe out enemy sanctuaries and capture the enemy headquarters—the sinister and codenamed COSVN or Central Office for South Vietnam.

Our troops have now been in Cambodia for three weeks. They have found no COSVN and it is becoming increasingly clear that if such a headquarters ever did exist in the border area of Cambodia, it was moved before our troops ever entered that country—moved, the Pentagon now says, just beyond the President's 21.7 mile limit. Has this failure to find COSVN, on which so much of the incursion into Cambodia was premised, even troubled our military leaders? It would appear not, for they still claim success. The public is barraged with figures about the killing of 5,000 of the enemy, and the capture of over 9,000 enemy weapons, 15,000 rockets and 3,000 tons of rice and so on. They don't seem concerned that, as of last week, all of these captured supplies had a value of only about $18 million—roughly the cost of supporting our Vietnam effort for 9 hours.

And as if the invasion of Cambodia were not troublesome enough, Secretary of Defense Laird has now confirmed a report leaked by a South Vietnamese diplomat that troops from his country, accompanied by American advisers, had made limited raids within Laos.

Who cares—that seems to be the attitude of this Administration—that Congress passed legislation last year barring the use of American ground combat forces in Laos? After all, these were only limited incursions taking place over a limited number of hours with only a limited number of American participants.

Let it be known that I care; and that I believe the American public cares. This Administration has overreached itself, and the time has come when the Congress must reassert its power and its traditional role in foreign affairs. It must take the steps needed to assure the people of this country that an orderly system of checks and balances on the institutions of government still exists.

What does all this mean?

In regard to the war in Indo-China, it means that the Congress must take the following steps:

First, we must strip away the rhetoric and, in lawyers' language, get down to the hard facts of who has jurisdiction to commit troops to battle and what this means in the context of our Indo-China War. For me, the language of the Constitution is clear and the meaning attached to that language by the Founding Fathers is relevant and persuasive.

Article I, Section 8 gives the power "to declare war" to the Congress. It also delegates to the legislature the power to appropriate monies "to raise and support Armies" but requires that these appropriations not be made for terms longer than two years.

Article II vests the "executive power" in the President and makes him "Commander in Chief of the Army and Navy of the United States."

To the draftsmen of the Constitution, this division of authority was meant to alter the unity of power that had existed in England. In the *Federalist Papers,* Hamilton wrote that to be Commander in Chief "would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature."

In short, the framers gave to the Congress the decision of whether to commit or not to commit troops to a trial of force. Once they were committed, the President had the power to direct their day-to-day operations so long as he did not open up this country to a new trial of force.

The war-making power given to Congress was meant to be broadly construed and to permit Congress to define the dimensions of any war. In short, it was to be up to Congress to authorize hostilities and those who accepted this delegation—as the Supreme Court has noted on various occasions—would "act under special authority, and ["could] go no further than to the extent of their delegation."

Second, we must apply these constitutional principles to the war in Indo-China. It must be made clear that our commitment of troops to that unhappy country does not stem from the inherent power of the President, or from the SEATO Treaty which states only that each signatory will "meet the common danger in accordance with its constitutional processes." Rather it stems from a Congressional authorization, namely, the poorly worded and hastily enacted Tonkin Gulf Resolution—whose repeal I favor.

Let us be clear that the existence of such a Resolution does not permanently or unalterably bind the Congress in Constitutional terms. On the contrary, it places the two Houses in exactly the position where the Founding Fathers expected them to be—a position from which they could define the scope and conditions under which the hostilities they had authorized would be conducted.

Cast in this light, the measure sponsored by Senators Church and Cooper to limit the range of conflict in Cambodia and the measure by Senators McGovern and Hatfield to establish a timetable for troop withdrawal from Southeast Asia and to cut off funds for military operations in that area of the world after December 31, 1970, are constitutionally sound. They constitute an attempt—even if somewhat late—to end a war which is senseless and divisive and to establish some of the terms which should have been part and parcel of the Tonkin Gulf Resolution.

The contention that these measures may embarrass the President or cast doubt on his wisdom carries no weight with me. This country must stand on the merits of its policies, not on the pride of its leaders.

When the Founding Fathers gave Congress the power to declare war and compelled it to review military appropriations at least every two years, they recognized that the legislative branch must have power to review not only its own mistakes but the errors of a President in conducting hostilities. And in acting on these measures to limit the war in Southeast Asia, we propose to enforce that power of review.

Beyond the adoption of these specific proposals which I feel Congress must enact if the war in Indo-China is to be limited, there remains the overriding need for that body to make a far greater effort to redefine and reassert its given powers. We in Congress can no longer surrender our authority to powerful Chief Executives whose claim is that they alone know what is best for the country in the area of foreign policy. We can no longer enact bills and resolutions—like that which was passed after the Gulf of Tonkin incident—through which we present the President with a broad charter for his actions and place ourselves in the position of having to second-guess the President rather than of originally limiting and placing conditions on the steps which he may take. We must be willing to face up to the issues at the time of each particular crisis and not merely sit back and criticize after having abdicated our power. Put simply, Congress is as likely to be right in foreign affairs as the Chief Executive and must willingly assert its constitutional prerogatives.

In the weeks ahead—after the Congress has dealt with the more specific issue of controlling the level of hostilities in Cambodia and Vietnam—I shall sponsor legislation designed to set forth clearly and specifically the procedures which should henceforth be followed before American troops can be committed abroad, and the reciprocal limitations which the Congress understands to be imposed by the Constitution on the unilateral actions of a President. This effort must be made if we are to avoid in the future one instance after another in which irreconcilable disputes must be faced regarding the war-making powers of the President and the Congress.

And what should all of you be doing in the months ahead? As members of the Bar, you are guardians of our legal order. But even more, you are and must be the catalysts for reform.

The upsurge of concern about this war shown by lawyers has been a healthy first step and must be repeated on other pressing foreign policy and domestic issues as well. All of us who have joined the legal profession have taken upon ourselves the responsibility and the privilege of striving to preserve a nation in which liberty can be joined with order, tradition with reform, and individual dignity with institutional integrity. This trust is ours and we must dedicate ourselves to the task of bearing it with honor.

WHY GET MAD WHEN THINGS GO RIGHT?

Mr. PERCY. Mr. President, Mr. Howard K. Smith, one of the most highly respected commentators on our radio and TV scene today, recently said something that cut clearly through the storm of verbiage and denunciation we have been hearing for the past few weeks. Though I have been deeply concerned about many aspects of our incursion into Cambodia, primarily because of its diplomatic, political, and psychological implications, I have felt that it would prove to be a military success. We await with interest the President's report to the Nation on Wednesday night of this week.

Mr. Smith's idea is that, this being baseball season, a metaphor from that realm of endeavor suggests itself through which, by analogy, we might view the present stage of the conflict in Vietnam. On May 13 he said:

> U.S. forces in Southeast Asia resemble a baseball team nobody in the stands is paying attention to. The crowd is too absorbed in ripping up the bleachers and throwing beer-cans at one another . . . to note that the home team is scoring hit after hit, and even home runs.
>
> In the Cambodian operation, huge depots have been seized and the enemy is dispersed in all directions. War correspondent Don Baker said on this report yesterday it will be months, if ever, before the Communists can replace and re-organize what has been shattered.
>
> The Evans-Novak column reports from the field that a result has been a much weakened Communist structure in South Vietnam as well.
>
> As the war materials seized and the organization being disrupted were not there to

decorate the jungle, but to kill Americans with . . . it seems safe to assume many American lives have been saved. Possibly the war is being shortened.

How to account for the turbulent protest against an operation, without which casualties would certainly mount? It is, one guesses, just one of those irrational moments nations occasionally lapse into. It seems specially odd that in a war in which so much has gone so wrong so often . . . people should get madder than ever when things go remarkably right.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

THE SPEAKER FOR THE PEOPLE

Mr. McINTYRE. Mr. President, in Washington, Speaker McCORMACK is known as Speaker of the House, the man who has held that position, as of May 29, longer than any other person in point of continuous service.

But to the people he has so brilliantly served in his district of Massachusetts and to the people who know him and love him because of his association with them in New Hampshire he is their friend and their spokesman—a speaker for the people.

As an indication of this respect and admiration for the Speaker and Mrs. McCormack, an editorial published recently in the Laconia (N.H.) Citizen states this view with feeling.

Mr. President, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

McCORMACK TO RETIRE

Decision of Speaker McCormack to retire from Congress is a matter of great interest to friends in the Lakes Region, where Mr. and Mrs. McCormack have been vacation visitors for 40 years. First at Lochmere and later in Laconia and Gilford, their sojourns added constantly to their circle of friends and admirers. Succeeding postmasters in Laconia, Messrs. Carroll, Morin and Ballou, provided temporary office space for the congressman in the local post office, and a message to have "Speaker McCormack call the White House" was not unusual.

Clerks in our stores became well acquainted with the McCormacks and will rejoice over the possibility, now, that with more leisure time available, their visits will occur oftener.

John McCormack's rise to power is one of America's great success stories.

This region has benefited in many ways.

Mayor Robinson W. Smith enlisted his aid in obtaining funds for an access road to the Laconia airport. He has helped on other projects.

Long before he assumed the duties of Speaker, he accepted invitations from service clubs and other local groups to address them, sharing his knowledge as to happenings on the national and international scene.

He intends to respond to calls for public service, as he puts it, "for the next ten or 15 years." We hope this expectation is realized, also, that Mrs. McCormack's health will show steady improvement.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. BENNETT. Mr. President, I ask unanimous consent that a summary of the results of the Cambodian sanctuary operation as of 8 a.m. June 1, 1970, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Total operations, 8 a.m., Jun. 1, 1970	Number	24-hour change
Individual weapons	15, 102	+1, 851
Crew-served weapons	2, 083	+43
Bunkers/structures destroyed	8, 093	+2, 158
Machinegun rounds	3, 236, 842	+151, 900
Rifle rounds	6, 899, 125	+552, 422
Total small arms ammunition (Machinegun and rifle rounds)	10, 135, 967	+704, 322
Grenades	34, 667	+6, 947
Mines	3, 892	[1] −68
Satchel charge	500	(2)
Miscellaneous explosives (pounds)	72, 000	(2)
Anti-aircraft rounds	133, 721	[1] −330
Mortar rounds	45, 472	+520
Large rocket rounds	1, 554	+46
Smaller rocket rounds	25, 185	+1, 060
Recoilless rifle rounds	21, 550	+392
Rice (pounds)	10, 888, 000	+510, 000
Man months	239, 536	+11, 220
Vehicles	348	+11
Boats	40	(2)
Generators	36	(2)
Radios	185	+1
Medical supplies (pounds)	36, 000	(2)
Enemy KIA	8, 944	+225
POW's (includes detainees)	1, 881	+16

[1] Field adjustments.

[2] Unchanged.

A TROUBLED AND DIVIDED LAND

Mr. METCALF. Mr. President, at a time when our Nation's leaders vastly need to open lines of communication to our young people, it is reassuring to know that some are attempting that very task with skill and style. The distinguished Senator from Utah (Mr. Moss) recently gave a speech to high school students in Provo, Utah, that bears repeating because it combined sympathy for the concerns of youth with a plea for responsible action within the system.

In reminding these young people that the forces of polarization which now threaten our country could be stopped if they and other young men and women will only continue to listen to and respect one another, he also reminds us that we equally bear that responsibility.

If the youth of this country continue to try to work through rather than against the system, it will be in no small part because representatives like TED Moss convince them that the older generation is for them and is as concerned as they are about the problems now dividing the Nation. I ask unanimous consent that Senator Moss' speech be printed in the RECORD. I commend it to the attention of Senators.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A TROUBLED AND DIVIDED LAND

I have come here today to speak about a divided and troubled nation. A bitter and ugly spirit seems to have settled upon our land. Students are shot. Banks burn. Buildings explode. Violent protest has spread from a few campuses to hundreds of colleges in the country. No community now seems safe from discord and disruption.

Talk of such unpleasant things would not normally be appropriate for a high school vespers service in this peaceful valley. But these are not normal times. Never in my twelve years in Washington have I seen the capital city so divided and so troubled. In Washington and all over the country, people are angry and people are afraid.

And who is it that we are so angry at and afraid of? Not some foreign foe; no, not the Russians, or the Chinese, but other Americans. Not since the Civil War have we Americans been so unhappy with each other.

Fortunately, here in Utah and particularly here in Provo, we are still on speaking terms with each other. But division and discord could happen here. Take this audience, for example. Some of you in this room will go on to become college students, some of you will work in the steel mills, and still others will become policemen and members of the National Guard.

All of you will continue to be Americans, but if the forces of polarization continue to eat away at the fabric of American society, some of you may grow to hate and fear each other.

Now those are horrifying thoughts and I would not speak of them here unless I were profoundly disturbed at what I see happening to our country. I agree that the news media exaggerates to some degree the violence and the division, but the malaise has set in—we as a people are in trouble. As Lincoln once said, "A house divided against itself cannot stand."

Today, I want to talk about this polarization, because you, as high school seniors, are about to enter potentially divided segments of our society. I also want to talk to your parents because all of us, young and old, need to be brought together. All of us need to remind ourselves of the virtues of tolerance, compassion, and understanding. All of us need to take the good advice of President Nixon and lower our voices so that we can listen to each other.

Your studies show you that there is much that can be improved upon in this country and I hope that you will work for beneficial change. If you feel the need to protest, the constitution guarantees you the right of peaceable assembly and the right to petition the Government. But violent protest is illegal and must be treated as such.

There is no excuse for any American to resort to verbal or physical violence and there is particularly no excuse for such violence to take place on a college campus. A university should be a place for rational debate, not for throwing rocks.

Let me give those who are thinking of protest marches a bit of practical advice. Though peaceful protest is your constitutional right, I would suggest that there are even more effective ways to get policies changed.

One of the most encouraging sights I have witnessed since I went to Washington was the deluge of students who came to Capitol Hill to lobby their Senators and Congressmen. For the last three weeks my office has been filled with college students—many of them from Utah—urging me to vote for certain amendments. I have been glad to see them because it indicates a renewal faith in the political system. Many of you sitting here today may not agree with the anti-war college students, but at least you and I should be thankful that most of them have now decided to work through the political system. This was equally true of one dele-

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gation which came to urge me to support the invasion of Cambodia.

I have listened intently as these students have earnestly voiced their views, their fears, their hopes, and desires. Most of the students who came to Washington these past weeks came with a responsible, sincere message. This is certainly true of the several delegations of Utah students from various universities with whom I met. They were courteous and articulate. They were constructive and sincere.

From my observation these young people are communicating eloquently and I, for one, have learned much from them. What I ask in return is that these students do me and other adults the same courtesy and listen to us. What our country needs is dialogue. We must hear one another and be willing to accept new ideas, new thoughts, new realities. We must not close our ears by prejudice and emotion!

This is one of the valuable lessons they can learn from the events of recent days—the lesson of listening carefully and then making their own decisions, thoughtfully and carefully.

One of the great dangers of physical demonstrations is the possibility of mob psychology where emotions take over from reason. Step back and think before you act. That seems like such obvious advice, but many have forgotten.

Working through the legislative process requires reason not emotion, but it also requires time. That is what I must caution student lobbyists.

Be determined and persistent, but have patience. Convincing people of the rightness of any cause takes time. As one who has labored long in the legislative vineyard, I know how frustrating it is to get things changed. It took me nearly ten years to achieve a bill to eliminate cigarette advertising on radio and television. Even then, the effective date was set nearly a year away from passage of the bill.

Have tolerance. In our legislative system every side should be heard. If your amendment fails to pass, it doesn't mean the system won't work. It means that you haven't convinced enough legislators. It means you have more work to do.

Seek change. In the final analysis it is through the electoral process that the will of the people is felt. Find a candidate who represents your viewpoint and go work for him. He will welcome your help. The vitality which you young people bring is sorely needed.

There are many things you can do to change public opinion and to elect representatives of your choice. Not all of these things may seem very exciting, but they must be done. Elections are hard work. You can write letters to editors, you can help prepare mass mailings, you can hand out campaign literature, and, most effective of all, you can go door-to-door and try to convince your fellow citizens.

Remember what students opposed to President Johnson did in 1968 New Hampshire primary? Mainly through their efforts a political unknown ran ahead of the President of the United States. Some students even went so far as to shave off their beards and cut their hair in order to get the citizens of New Hampshire to listen to them.

Now you students here most likely won't have to go that far, but you will have to be courteous and respectful. If you are, I have no doubt but that most Utahans will be at least willing to listen to you.

One more thing I hope you will soon be able to do in the political process—is vote! For too long 18 to 21 year-olds have been forced to carry the other burdens and responsibilities of citizenship without the most fundamental right of all—the right to vote. Eighteen year olds are asked to put their lives at stake in the armed forces, they are treated as adults in the criminal courts, they can marry, and they can make legal contracts, but they cannot vote. Why? Because back in feudal times some one decided that 21 was a good dividing line.

I think it is time to update our election laws. Eighteen year olds should be allowed to elect the representatives who can vote to send them to war. Last March 12 I voted with 63 other Senators to lower the voting age to eighteen. If the courts find a constitutional amendment rather than a Federal statute is required, then I will vote for that as well, but I want the voting age to be lowered as soon as possible.

But even without the voting age being lowered, you young people can make a difference in the political system. The system will respond if you will get to work and give it a chance. You must seek to change American society not to destroy it. If you are opposed to the war in Vietnam, you must try to convince other Americans, not threaten them. If you support the war, you have equally an obligation to convince, not to call names.

Those of you going on to college should from time to time remind yourselves that your primary purpose there is to learn. You can be active citizens at the same time, but remember you are in college only once. Yours is a marvelous opportunity not granted to others less fortunate. You must use this opportunity constructively or you shall have wasted a very precious resource.

Those of you who are not going on for more schooling must also keep listening and learning. In addition to being producing members of this Nation's work force, you can play another vital role. You can serve as a communicating bridge between your contemporaries in college and the rest of society. Your generation speaks a common language and shares tastes in music and clothing. You must never let yourselves be driven apart by class jealousies or false snobisms.

And now for us in the older generation. We, too, have work to do if we are going to do our share in bringing this country back together.

We ought to listen to the young. If we do not know their minds or their hearts, we cannot know the future of this country. That future soon must pass into their hands. And that "soon" is rushing upon us at a great rate, the average age of the country is now under 25. So what the young have to say is "the voice of the future" as surely as what the founders have to say is "the voice of the past."

We are indeed obliged to listen respectfully to youth who bring to the examination of our society the vision of idealism. The foresight of the informed. The scrutiny of the well-prepared, and the freshness of new insight. But we are not, of course, obliged to submit quietly to half-formed inanities of confused minds or to heed those who regard our history as only the last few years.

Young people were born free, to be sure, however, they were not all born wise or infallible. Young people should not be lumped together in unfavorable generalizations, nor should we take the most extreme and violent of the young as their spokesmen. All of us should ignore the obscene rhetoric of the rock-throwing radicals who are already getting too much attention.

Instead we must listen to the responsible spokesmen. They are trying to tell us something. They are trying to tell us that the foreign policies of the 50's and 60's may not be right for the 70's.

They are trying to tell us that we as a nation should at least consider the possibility that we are doing the wrong thing in Southeast Asia.

They are trying to tell us that if the United States has made a mistake, it is greatness to be willing to admit the mistake instead of trying to save face.

They are trying to tell us that we have many, many urgent tasks here at home.

You and I may or may not agree with what these young people are saying, but we must listen. We must not attack their patriotism. And we must convince them that we are listening. If we close our ears we will not only create division, but we will miss out on some good ideas. As President Kennedy once said, "What we need now in this Nation most of all is a constant flow of new ideas. We cannot obtain new ideas until we have a government and a public opinion which respect new ideas and the people who have them—our country has surmounted great crises in the past, not because of our wealth, not because of our rhetoric, not because we had longer cars and whiter iceboxes and bigger television screens than anyone else, but because our ideas were more compelling and more penetrating and more wise and more enduring."

It is leaders who appeal to the best in us, like John F. Kennedy, to whom we must listen. It may be easy for political leaders to appeal to hate and prejudice, but in the long run, it will be disastrous for our country.

We need to heal the spiritual wounds that the last few years have brought to our divided country. You can do your part by vowing today that whatever your disagreements, you will always respect and listen to each other.

Finally, and despite all of the troubles about which I've spoken, remember that you are a citizen of the world's greatest republic. You inherit a choice land which needs your care and protection. You inherit a great political and moral system which cries for your nurture and sustenance. You inherit the dreams of a great and diverse people. You must build and fulfill those dreams.

PROPOSED TRANSFER OF OPERATION OF DULLES AND NATIONAL AIRPORTS

Mr. SPONG. Mr. President, on June 9 and 10, hearings will be held before the Aeronautics Subcommittee of the Committee on Commerce on a bill to transfer the operation of Dulles and National Airports from the Federal Government to a regional authority.

Recent decisions by the FAA with regard to the operation of National Airport have only confirmed my thought when introducing the bill that communities within the Washington metropolitan area, as well as individual citizens must be given some opportunity to express their views concerning the development and utilization of Dulles, National, and Friendship airports.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Alexandria Gazette dated April 29, 1970, and an editorial broadcast by WMAL-TV on May 13.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

INVESTIGATION OF FAA

Acting on word that the airlines, under the cover of the traffic crisis engendered by the "sick in" of the air traffic controllers, have gotten authority to use National Airport for larger jet planes, Sen. William B. Spong Jr., has asked for an investigation. Virginia's junior Senator has indicated that he would confine the probe into just this one aspect of the Federal Aviation Administration. We endorse the inquiry but we

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feel that it should go much further than this one phase. It should inquire into the good faith of the operations of FAA and its relations with the airlines.

The record of the FAA in dealing with jet traffic has not been enviable. As we recall a public hearing had been set for the whole question of the use of National for jet aircraft by the commercial airlines operators. Nearby jurisdictions, already concerned about the noise created by the massive prop-driven aircraft, were told they would have a chance to express their opinions at the public hearing. Before the hearing could be conducted a date was set for the start of jet aircraft operations at National. It was made a terminal for planes flying to intermediate and short range destinations. Opportunistic airline operators sought to evade this order by scheduling stops at intermediate points on long range flights. This practice was ordered stopped. It might be worthwhile to investigate to determine whether this order is in fact being observed.

Those living in houses in densely populated clusters along the Potomac River in Alexandria and Georgetown, for instance, are well aware of the results of jet traffic into and out of National. In order to enjoy privacy and to converse in normal tones, residents are almost compelled to noise-proof their homes. This calls for the year around use of sealed storm windows, closed firepaces, and the installation of year around air conditioners. Even so, television reception is interrupted and windows and walls crackle when a jet passes over. As far as we know there have been no dramatic developments from this repetitive shock experience. Thus we do not know whether and to what extent permanent damage may be in progress as a result of jet airplane passage over populated areas. One can, however, contend that the "quality of life" has been and will continue to be impaired with continued jet operations.

We endorse Sen. Spong's proposed investigation but feel that it should go fully into the integrity of operations of the Federal Aviation Administration and the resulting effects of jet operations on our environment.

WMAL–TV EDITORIAL

Recent developments offer a fresh chance to evaluate National Airport. The Federal Aviation Agency has urged consideration of a fourth airport in the Washington area . . . and a regional authority to run them. Stretch jets, jumbo jets, and air buses form a new generation of equipment. Flight limitations have been imposed at the nation's busiest airports, including National. It is time to consider a new pattern of flights for the Washington metropolitan area. Dulles Airport with its magnificent facilities should receive more commercial traffic. National Airport with its close-in terminal can be emphasized for smaller aircraft and shorthaul travel such as the New York run. Senate hearings next month will take up a bill for a metropolitan area airport authority. We support the idea to establish better balance in flights among the present airports . . . Dulles, National and Friendship. The hearings should be the takeoff point for a comprehensive plan to make the airports match the airplanes of the seventies. Before the government builds a fourth airport . . . it better utilize properly the ones it has.

INADEQUATE FUNDING FOR MEDICAL CARE OF VIETNAM VETERANS

Mr. KENNEDY. Mr. President, one of the tragedies related to the Vietnam war has been our Nation's failure to provide adequate medical care for the wounded. Thousands and thousands of young men have been seriously and permanently injured in the prime of their life. And especially, in this type of guerrilla fighting, the number of soldiers who have been paralyzed or have suffered amputation of one or more limbs has risen sharply from earlier wars.

Yet in far too many cases, these brave men who have made such a real sacrifice on the battlefield are being given second-rate medical care at home. A Nation which has marshaled billions of dollars and vast effort to equip and maintain our fighting men—a Nation whose military establishment is devoted to bringing the best possible resources and organization to waging war—that Nation is miserably failing to show equal commitment and attention to these same fighting men once their bodies have been so crippled as to render them useless on the battlefield.

As has become increasingly clear—in recent articles, television documentaries, and hearings conducted by the Subcommittee on Veterans' Affairs under the chairmanship of Senator ALAN CRANSTON—the Veterans' Administration simply does not have the resources to provide adequate care. An article published recently in Life magazine stated:

> With 166 separate institutions, the VA hospital system is the biggest in the world. The 800,000 patients it treats in a year, mainly men wounded in earlier wars, range from cardiac to psychiatric cases. It is disgracefully understaffed, with standards far below those of an average community hospital. Many wards remain closed for want of personnel and the rest are strained with overcrowding. Facilities for long-term treatment and rehabilitation, indispensable for the kind of paralytic injuries especially common in this war of land mines and boobytraps, are generally inferior. At Miami's VA hospital, while sophisticated new equipment sits idle for lack of trained personnel, patients may wait hours for needed blood transfusions. At the VA's showplace hospital in Washington, D.C. a single registered nurse may minister to as many as 80 patients at a time. At the Wadsworth VA Hospital in Los Angeles, doctors who work there describe ward conditions as "medieval" and "filthy."
>
> Veterans Administration Director Donald E. Johnson insists publicly that veterans receive "care second to none." The evidence is overwhelmingly against him.

Ironically, the whole medical budget proposed by the administration for fiscal 1971 is somewhat less than the cost of 1 month's fighting in Vietnam.

Mr. President, I think that it is unconscionable for this Nation to require men to make sacrifices on the battlefield—including permanent and at times almost total destruction of their bodies—and then hold back on giving first-class treatment when they are brought home in wheelchairs and stretchers.

Last Wednesday, the Senator from California (Mr. CRANSTON) discussed these problems in full and impressive detail while testifying before the Independent Offices Subcommittee of the Committee on Appropriations. Senator CRANSTON presented convincing justification concerning the need for at least $174 million more for the VA medical budget, an increase of about 9 percent.

In his statement, Senator CRANSTON mentioned the question of priorities and our failure, sometimes, to keep them in perspective:

> In my 16 months as chairman of the Veterans Affairs Subcommittee, I have concluded that one vital precept should govern Congressional action regarding veterans' programs—the principle that the cost of providing first quality medical care, along with equitable education and other readjustment benefits, and disability and indemnity compensation, must be counted as part of the cost of war. They are just as integral a part of the cost of war as the money we spend on the weapons and armaments for combat. Sometimes we tend to lose sight of this. I think that the administration has overlooked this very basic premise. In its understandable desire to retard inflation, it is asking double sacrifices from the men who have answered their country's call to battle. The war they are fighting is itself a principal cause of inflation. To use inflation now as an excuse for denying these veterans the level of services and benefits they deserve is intolerable.

Mr. President, I ask unanimous consent that Senator CRANSTON's important testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ALAN CRANSTON

Mr. Chairman and distinguished members of the Subcommittee, it is a great privilege for me to appear this morning to offer my recommendations for the Veterans Administration's fiscal year 1971 appropriation. Although I will make recommendations in a number of areas, the major thrust of my statement will deal with the VA hospital and medical care program.

My medical care recommendations grow out of oversight hearings conducted over the last six months by the Veterans Affairs Subcommittee, which I am privileged to chair, of the Labor and Public Welfare Committee. The topic of the hearings was "Medical Care of Veterans Wounded in Vietnam." I announced these hearings last Veterans' Day when I discussed with Chairman Pastore on the Senate floor the problem of deficiencies in the VA hospital program and increased demands upon it because of the war in Vietnam. I withdrew an amendment proposing a $50 million increase in the VA's FY 1970 medical care budget, to permit time for a detailed study of the needs of the VA hospital system and development of recommendations for necessary appropriations.

Our Veterans Affairs Subcommittee held a series of hearings stretching from November 21 to April 28. I am submitting for your official Subcommittee review and records the printed transcript of the first six days' hearings, and the prepared statements from the April 28 hearing. In connection with this latter hearing, which inquired into patient care at a typical VA hospital, the Wadsworth Hospital at the VA Center in Los Angeles. I am also submitting numerous affidavits from physicians and nurses corroborating the shocking testimony which we received about the totally unclean and life-risking and life-wasting conditions at that hospital. In addition, I have with me 27 photographs showing some of these conditions. Since there are no duplicates of these photographs, which are part of the official Labor and Public Welfare Committee record, I cannot submit them for your record, but I would be delighted to make them available to the Subcommittee should it wish to examine them.

This morning I am recommending that you add approximately $189 million to the total VA appropriation in H.R. 17548. The precise amounts and purposes are outlined in Appendix I to my statement. I recognize this is a very substantial increase, especially the $174 million for the four appropriation bill items dealing with the medical and hospital program. However, I wish to assure the Subcommittee at the outset that I have attempted to be conservative in my estimates of the needs and the dollars to meet them. I have also tried to ascertain to the maximum extent possible that all of these funds could be prudently and effectively obligated or expended in fiscal 1971 to meet real and pressing needs which will otherwise go unmet. We all know that, given this administration's anti-inflation policies, Veterans Administration officials are bound to state publicly that they cannot use additionl funds. But I am convinced from private discussions and my personal inquiries that all the money I am requesting can be spent effectively and is urgently needed.

My recommendations fall into six major categories, and for each category I am submitting to the Subcommittee in Appendix II detailed backup data where necessary. I would like to sketch for you now the deficiencies as I see them in our veterans hospitals and outline some of the appropriation remedies that I propose. I also wish to stress, however, that to a considerable extent the problems presently besetting the VA hospital and medical care program cannot be cured by the appropriation of more money alone. Thus, I have prepared a comprehensive legislative program providing new authorities for the VA, which I will be introducing for consideration as soon as the FY 1971 appropriations process is completed.

In my 16 months as chairman of the Veterans Affairs Subcommittee, I have concluded that one vital precept should govern Congressional action regarding veterans' programs—the principle that the cost of providing first quality medical care, along with equitable education and other readjustment benefits, and disability and indemnity compensation, must be counted as part of the cost of war. They are just as integral a part of the cost of war as the money we spend on the weapons and armaments for combat. Sometimes we tend to lose sight of this. I think that the administration has overlooked this very basic premise. In its understandable desire to retard inflation, it is asking double sacrifices from the men who have answered their country's call to battle. The war they are fighting is itself a principle cause of inflation. To use inflation now as an excuse for denying these veterans the level of services and benefits they deserve is intolerable.

MEDICAL CARE

With that background, let us look at the FY '71 medical care appropriation item in the bill before the subcommittee. It is true that, as the Veterans Administration has stated repeatedly, the $1.752 billion proposed budget—to which the House added $25 million for a total of $1.777 billion—constitutes a record amount for VA medical care. But our subcommittee investigation and a careful scrutiny of the budget indicates that, actually, it is at best a standstill budget. And it may well be a regressive one. This is so even after the President's April 2 restoration of $50 million which the Bureau of the Budget had sliced from the VA's budget and of $25 million more won on the floor of the House of Representatives by my good friend, Chairman Teague of the House Veterans Affairs Committee.

This so-called record budget is still $50 million below the level estimated as necessary for FY 1971 more than a year ago by the Department of Medicine and Surgery, the VA's own chief physicians and medical administrators. And since that time both the demands for care and the cost of providing it have inflated beyond expectation.

The 1971 medical care figure in the bill is $122 million more than has been appropriated for fiscal year 1970, including the very urgently needed amounts contained in the House-passed FY '70 supplemental appropriation bill. Such a 7.5 percent increase barely meets the enormously inflating cost of providing medical care. And it certainly does not come near to dealing adequately with what I can only characterize as a dangerously enlarging crisis in the VA medical care system.

This crisis did not occur overnight. It did not occur in the last year or so. Rather, it is the result of a steady erosion over the last five years. Thus, both a Democratic and a Republican administration, as well as the Congress itself, share responsibility for the state of affairs that now confronts us in VA hospitals. Determining who is responsible is unimportant. The crucial thing is who can and will take action to make the needed major improvements.

It is a bitter irony that this deterioration in the quality of medical care we offer our disabled veterans is due largely to the war itself. It has been five years since our increased military involvement in Southeast Asia began to bring heavy casualties. Yet the VA still does not have an adequate plan to make the necessary adjustments and improvements in its hospital system to meet the desperate need of our seriously disabled war veterans. This lack of a plan to convert from peace-time to war-time conditions has brought about a deplorable situation. Moreover, the cruel fact is that the cost of waging the war is preventing an adequate level of appropriations to care for our war-maimed. This is because of the monumental direct costs of the war and because of efforts to limit domestic expenditures because of the high level of war spending.

I have talked of a crisis, an enlarging one. It is a crisis caused by taking for granted that things could be done without adequate funds. The direct result is that in many—though fortunately not all—VA hospitals the quality of care provided has suffered from a combination of denial of budget requests largely within the executive branch and the most unfortunate personnel ceiling imposed by the Congress in 1968 and removed only a year ago. This has all led to a process of deferring, year after year, needed expenditures for purchase of equipment and supplies, renovation of facilities, construction of new facilities and acquisition and replacement of staff. And this in turn has yielded some highly tragic and insidious results by draining already hard-pressed direct patient care funds for some of these other vital purposes just to keep the system going.

This process of absorption and deferral of costs masterminded by the Bureau of the Budget has produced a slow but steady erosion which only time reveals. But that deterioration is plainly visible today at a time when greatly increased numbers of Vietnam veterans are entering VA hospitals for treatment. Vietnam veterans now constitute about 10 percent of VA medical workloads.

We all regret the tragic fact that more than 275,000 men have already been wounded in the Indochina war. About half of them require some degree of immediate hospitalization for their wounds and most of these will at some point seek VA hospital or outpatient care. In FY 1970 thus far over 50,000 Vietnam veterans were admitted to VA hospitals and they made over 500,000 visits for outpatient medical care in FY 1969.

The horrible truth about the war is that it is the most crippling and seriously disabling war we have fought. Out of every 10 veterans wounded in the Vietnam war, one is wounded so grievously that he would have died in a previous war. The result is an increase of seriously disabled veterans—more quadriplegic veterans than ever before and more veterans with multiple injuries—requiring intensive care and rehabilitation in VA hospitals. For example, a survey of wounded Army personnel separated for disability shows a very high separatee rate for amputation or paralysis of extremities—together totalling almost 54 percent of all those separated for disability as compared with joint totals of about 28 percent from the Korean conflict and 21 percent from World War II. And over 50 percent of all those separations surveyed were caused by crippling diseases of bones and organs of movement—feet, legs and so forth. This is about double the previous rates from this cause.

These seriously disabled men are saved on the battlefield by excellent and unprecedented medical and surgical field procedures after rapid evacuation often minutes after being hit from the battlefield by helicopters. But we have sadly discovered that the crisis, high-intensity, almost miraculous care they receive in the service is not often sustained when they end up in a VA hospital despite the dedicated efforts of highly trained and skilled VA medical personnel. For what these most seriously disabled war casualties often find is a deteriorating VA hospital system which I will now describe in more detail for you.

The principal deficiency in VA hospitals today is lack of staff. And this comes at a time when the VA is trying to activate some 150 badly-needed specialized medical services—such as intensive care units, coronary care units, open heart surgery units, pulmonary function units, and more spinal cord injury centers—all of which require intensive staffing directly limiting the staff available for the core hospital. Presently, VA hospitals have an overall staff-to-patient ratio of about 1.5 to 1, as compared to staffing ratios of about 2.7 to 1 for community hospitals. We can all agree that this is a great disparity. Although these two ratios may not be absolutely comparable in all respects, it cannot fairly be contended that those adjustments necessary to provide relative comparability could account for the enormity of this staffing gap.

Indeed, the chairman of the House Veterans Affairs Committee, Olin E. Teague, who with his most dedicated and able staff has been of great assistance to our investigation, has been proposing for the past five months that VA general hospitals reach a staffing ratio of 2:1, and psychiatric hospitals of 1:1. It would cost about $200 million more than I recommend today for staffing in order to achieve those very desirable levels. But I make no such recommendation now because I do not believe that such an enormous increase can be achieved within one fiscal year.

The VA needs substantial help to overcome the debilitating effects of the Revenue and Expenditure Control Act personnel ceiling. Thus, I am recommending adding about $51 million to fund an additional 5000 staff positions in VA hospitals. Along with the funds already included for staffing increases in the FY '71 medical care item—although there is a real question at this point whether the House-passed amount would really provide for these increases—this would increase staff ratios to 1.7:1, an improvement which should directly enhance the quality of care delivered to every veteran in each of the 166 VA hospitals.

The next glaring deficiency in the present budget is its failure to provide funds to eliminate equipment and maintenance and repair backlogs which have accumulated over the past several years. Conservative estimates show that these two backlogs total at present more than $46 million. The use of out-dated and broken-down life-saving and life-sustaining diagnostic and treatment equipment and the continued deterioration of equipment and physical surroundings not adequately maintained or repaired has reached an intolerable level and must be corrected immediately. I consider the elimination of these devastating backlogs essential to the fulfillment of the patient care improvement which is the goal of the improved staff ratio I am recommending. The best X-ray technician cannot function effectively with a defective or out-dated X-ray machine, any more than a highly skilled laboratory technician can perform with inadequate technical facilities.

Moreover, and this is an often overlooked point, VA hospital directors frantically juggling inadequate allotment of funds based on inadequate appropriation levels, are compelled time after time to choose between using funds to hire additional staff and using funds to purchase, renovate or repair urgently needed equipment or other facilities, when both are essential for quality medical care. I propose that we remove this unconscionable burden from the backs of hospital directors so they can get on with the job of recruiting and hiring the additional staff necessary to provide quality care to our veterans.

Now I would like to say a word about the now controversial article which appeared in the May 22 issue of LIFE magazine, copies of which I sent to all members of this Subcommittee last week. The article is entitled, "From Vietnam to a VA Hospital: Assignment to Neglect." This powerful piece of photographic journalism has aroused some extremely strong emotions as well as some rather startlingly categorical denials from Veterans Administration spokesmen. On the basis of the investigation the Subcommittee has conducted, I believe that the article is accurate with respect to the spinal cord injury center at the Bronx VA hospital and that, most shamefully and regrettably, these overcrowded, unsanitary, undermanned conditions do indeed exist for these maimed veterans on a day-to-day basis. Moreover, the lack of adequate numbers of staff characterizes these VA units through the country.

In order for the Subcommittee members themselves to judge the Veterans Administration denunciation of the LIFE article and its accusations about the integrity of the photographs, I have asked an individual who was present when the photographs were taken to be available this morning to answer any questions the Subommittee might have about the circumstances under which the photographs were taken and the conditions that exist and have existed for a number of years in the Bronx VA hospital. I now ask that Donald Broderick, Executive Director of the Eastern Paralyzed Veterans Association, come forward. Mr. Broderick has been a paraplegic for fourteen years; he himself was rehabilitated at the Bronx VA hospital, and has been intimately familiar with its workings in his present capacity over the past two years. Mr. Broderick has advised me that he would welcome any questions you have regarding the article or hospital conditions for the spinal cord injured veteran.

Now I would like to return to the plight of our spinal cord injured and what I recommended be done to alleviate it. The ratio in the VA spinal cord injury units at present is approximately 1.02 staff to service each spinal cord injury bed. In striking and stark comparison, I have been advised by Dr. Howard Rusk, world famous director of the Institute of Rehabilitation Medicine in New York City, that the exactly comparable ratio at his institution is 2.17:1—a ratio more than twice as high. Nothing more graphically explains the problems at the Bronx VA spinal cord injury center. And no set of statistics more accurately illustrates to me why, when I visited the physical therapy facilities at Dr. Rusk's institution, I found a whirlwind of activity with at least fifteen patients attended by what seemed like twice as many staff actively engaged in the arduous and painful process of physical and spiritual rehabilitation. Whereas at VA spinal cord injury centers—many equipped with physical rehabilitation equipment every bit as good as that at the New York Institute—I have found at one time only a few patients actively engaged in therapy while others waited in a prone line for their turn and others no longer had the incentive to come and wait.

This is because the intensive and highly personal therapy needed to overcome the terrible disabilities which afflict these veterans is really a matter of two hands and a heart, rather than particularly sophisticated equipment. Therefore, I propose that by the end of fiscal 1971 we provide the Veterans Administration with sufficient funds for salaries—about $6 million in the first year—and provision of on-the-job training—about $4 million—to double the spinal cord injury staffing ratio and provide care comparable to that available at a facility like the Institute of Rehabilitation Medicine.

In making this SCI proposal, I wish to stress that it will be necessary for the VA to train the individuals to fill the approximately 1145 new positions, for these are scarce skills. Dr. Rusk has impressed upon me that it would be a grave misfortune if we were to drain off urgently needed rehabilitation personnel from the other relatively few physical medicine and rehabilitation facilities in this country. Rather, I propose that the VA enter upon a systematic program of training and education of the new personnel, the vast majority of whom fall in paramedical or paraprofessional categories, to deliver this priority treatment.

I am also recommending the addition of approximately $5.8 million to eliminate a dental examination and treatment backlog (44,700 examinations and 8,600 treatments) that will plague the VA by the close of the present fiscal year, as well as to provide 25,000 additional examinations and 20,000 additional treatments not estimated when the FY '71 budget was proposed. These examinations and treatments will be able to be carried out only through fee arrangements at the cost of approximately $232.43 per treatment and $29.88 per examination (in light of the VA's own dental staff being fully occupied in processing an unprecedented influx of dental applications from returning Vietnam veterans). I find it totally unacceptable that such veterans are forced to wait many, many months—some as much as six or more—from the time of application to the time they actually receive the dental care they require.

Although I have focused primarily upon increasing demands being made upon the VA hospital and medical care system by our disabled Vietnam veterans, we must not overlook the equally justifiable needs of our veterans of prior wars. And we must not permit our great concern over the large influx of Vietnam veterans into VA facilities to cause us to forget that the same inadequate conditions afflict all veterans—regardless of the war they fought. Of particular concern is the growing need for long-term care facilities for aging and infirm veterans not requiring intensive hospital care. Although the FY 1971 budget contains funds to expand the VA's own nursing home system by about 1,000 beds, I believe that this continues to place too great a reliance on already pressed community nursing homes in the private sector, over which the VA does not exercise direct quality control. Since it is clear that there are a number of locations at which VA hospital beds are not presently in use and do not appear likely to be used in the future, given improved VA turnover rates, I propose an additional $6 million to provide for conversion of such beds to nursing care use.

EDUCATION AND TRAINING OF HEALTH PERSONNEL

Presently within the medical care item the VA budget includes about $100 million for education and training of health personnel in VA hospitals and clinics. The VA system is the greatest single health personnel trainer in this country, and it has enormous potential for growth at a time when it is confronted by a large internal staffing shortfall, as well as by a great shortage of health personnel in the country generally. I thus propose the addition of approximately $19 million to provide for the training of approximately 1,274 more allied health professionals in over 20 specialties, 60 intensive care specialists and 210 physician's assistants, as well as for the training of the urgently needed approximately 1,150 spinal cord injury personnel I described earlier.

There are two very significant points I wish to make about the great importance of the health personnel education and training program in the VA. First, if the VA is ever to improve substantially its staffing ratios, it must do so with paramedical and paraprofessional personnel. There are not available in the general community enough physicians and registered nurses to meet the VA's, let alone the country's need for these professionals. Thus, I believe that it is an urgent priority for the VA to continue large education and training programs for the direct benefit of its veteran patients.

In addition, a vibrant, innovative and progressive education and training program is, along with major research efforts, an indispensable element in maintaining high quality professional staff with good morale and providing high quality patient care. Thus, the affiliation of over half of the VA's hospitals with 78 of the most outstanding medical schools in this country is the single most responsible factor for having sustained a reasonable quality of professional care in VA hospitals to date.

In order to ensure that education and training of health personnel assumes the importance I have just outlined in the VA budget picture, I strongly recommend to the subcommittee that (1) a separate item entitled, "Education and Training of Health Personnel" be established in the appropriation bill; (2) approximately $118,909,000 be earmarked in this item to include the cost of trainee stipends, instructor salaries, necessary physical renovations, supplies, equipment, and miscellaneous expenses; and (3) along with creation of this appropriation item, the medical care item be decreased by approximately $66.5 million (including devotion to full-time patient care of those professionals now diverting some of their patient care attention to teaching activities). Establishment of this new appropriation item should serve to prevent the diversion of money appropriated for education purposes to providing patient care, an altogether understandable but, as I have tried to indicate, shortsighted practice to counteract inadequate provision of funds for patient care.

MEDICAL AND PROSTHETIC RESEARCH

I have two basic recommendations with respect to the medical and prosthetic research item presently earmarked at $59,200,000, a three percent increase over the fiscal year 1970 level. First, as I have indicated, an active large medical research program is absolutely indispensable to attracting and retaining high caliber personnel in the VA system. There are just no two ways about that fact. And the VA research program has been a most worthy one, making numerous contributions to medical science. However, because it has operated at a funding level over the past several years permitting only a continuation of ongoing research and no significant new projects, the outstanding results it has achieved have not been translated into direct improvements in patient care. In order to provide for this process of direct application of research learning, I propose, first, that the title of this item in the appropriation bill be amended to add at the end "and development" and that $17 million be added largely to fund such developmental activities and other projects indicated in Appendix I aimed at providing greater relationship between research and improvement of patient care in VA hospitals. The addition of this $17 million merely provides the level of funding estimated to be necessary by the VA's own Department of Medicine and Surgery last year.

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

Having been badly restricted in hospital construction by an over-all freeze on federal construction projects in FY 1970, the VA plans a major construction effort in FY 1971 with the appropriation of $10 million less than was appropriated last fiscal year and use of an equal amount of carryover funds. However, in several areas, I do not believe that adequate priority has been provided for urgently needed projects.

First, I was greatly shocked to learn in our hearings that there are 43 VA hospitals—in some of the hottest areas of our country—which, although qualifying for air conditioning, are not air conditioned and for which no air conditioning design funds are being requested in FY 1971. I think it is totally unacceptable for veterans in Amarillo and Kerrville, Texas; Wichita, Kansas; Bay Pines, Florida; Fayetteville, Arkansas; Gulfport, Mississippi, and numerous other similarly hot climates, to swelter in un-airconditioned facilities. I thus propose an addition of approximately $6.2 million in this appropriation item to prepare designs for air-conditioning of these 43 hospitals and an additional $540,000 for the necessary personnel to execute these designs (to be added to the Medical administration and miscellaneous operating expenses appropriation item).

Also regarding the construction item, in light of the disclosures in our hearings as well as in the recent LIFE article, of intolerable and wholly inadequate physical conditions for providing up-to-date hospital care, I recommend that a Congressional priority be established for creating design plans for constructing replacement hospitals at Bronx, New York and Wadsworth, Los Angeles VA Center. I also propose that funds be added for modernization of the Brentwood Hospital at that center. That neuro-psychiatric hospital is confronted with a continuation of being able to provide care only through drugs unless major improvements are made in its physical plant in order to alter this problem and attract qualified psychiatrists and psychiatric personnel to work at that center. For these three projects, I recommend an addition of $13 million.

Finally, with respect to the overall VA hospital and medical care situation, I wish to stress that the deteriorating conditions that I have outlined are not the rule at every VA hospital. In some VA hospitals a high quality of care is being offered. In all VA hospitals a most dedicated and highly skilled staff is doing its best, although too often under medieval working conditions. And they deserve the praise and recognition of all Americans.

At the same time, however, the conditions which have recently been publicized with respect to VA hospitals are by no means isolated instances. In our investigation and in the investigation carried out by the House Committee on Veterans Affairs numerous examples of similarly deteriorating situations at hospitals around the country were presented, and I will provide chapter and verse in this regard if the subcommittee wishes. Moreover, the deficiencies in the VA hospital system have been fully corroborated before our subcommittee by some of the most eminent medical school professors in the country as well as representatives of the various veterans organizations. Representative excerpts from their testimony are set forth in Appendix III.

One major caveat with respect to all the medical program recommendations I have made: neither the present FY 1971 medical and hospital program appropriation, nor the recommendation that I have made for increased staffing, take into account the recent six percent pay increase. That will cost the VA an estimated $60 million in medical personnel alone. It is vitally important that the VA not be required to absorb any of this pay raise in the funds ultimately appropriated to it in this bill. I urge the subcommittee to include in its report strong language indicating the clear expectation that supplemental funding will be sought in the next Congress to cover the pay increase and that the VA will receive a deficiency spending authorization in its initial quarterly allotment from the Bureau of the Budget.

GENERAL OPERATING EXPENSES

The final recommendation that I wish to make is the addition of some $15 million to the general operating expenses item. This is first, to provide for implementation of the new outreach services program established in the recently enacted Public Law 91–219 (implementing the VA estimate over two years). And second, it is to provide approximately 200 more Department of Veterans Benefits field personnel to assist in coping with the expected more than 33 percent increase in veterans' benefit applications over the level experienced in 1968 while processing personnel levels have increased only insignificantly since then and to eliminate repetition of the uneconomic and couterpart DVB policy of regularly authorizing overtime—more than $3 million in FY 1970.

I would be glad to answer any questions which the subcommittee might have about my testimony and our investigation of the VA hospital and medical care system.

SEVENTY ELECTRIC UTILITIES NET 16 PERCENT OR MORE

Mr. METCALF. Mr. President, dozens of utilities are now asking for rate increases based on last year's performance, on which comparative data will not be available until next year.

Electric, gas, and telephone utilities are trying to add another inflationary $2 billion onto military bills before the public learns how well the companies did last year, and how well they could do this year without rate increases.

None of the Nixonomists at the White House, Budget Bureau, or Council of Economic Advisers mention the inflationary impact of high utility bills and the pending requests for another $2 billion.

Current utility reports indicate profits will stay at their record, inflationary level, or even increase, unless the facts are disclosed and publicized promptly, and lax regulators are forced by the public to do their job.

One of the most important indicators of utility performance is net profit, after payment of all expenses, including taxes and interest. The Federal Power Commission does not even publish comparative net profit in its annual statistical reports which are based on data submitted by the companies.

Last month the FPC, at my request, calculated net profit in 1968 of the 206 major electric utilities in relation to gross operating revenue. This compilation shows that:

One utility netted more than 50 percent.

Another netted more than 30 percent.

Eighteen netted 20 percent or more.

Seventy of these investor-owned utilities—more than one-third of the 206—made a net profit of 16 cents or more out of each dollar of revenue collected. The 206 IOU's averaged a net profit of 15.4 percent.

Mr. President, I ask unanimous consent to have printed in the RECORD the percentage relationship of net income to gross utility operating revenue for these companies, as compiled by the FPC staff from the IOU's own reports.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Classes A and B privately owned electric utilities in the United States—Percentage relationship of net income to gross utility operating revenues, 1968

[Net income percent of gross utility operating revenues]

Alabama:	
Alabama Power Co.*	15.3
Southern Electric Generating Co.*	10.6
Arizona:	
Arizona Public Service Co	13.5
Citizens Utilities Co.[2]	50.7
Tucson Gas & Electric Co	12.5
Arkansas:	
Arkansas-Missouri Power Co.[1]	7.8
Arkansas Power & Light Co.*[1]	15.2
California:	
Pacific Gas & Electric Co	16.7
San Diego Gas & Electric Co	14.0
Southern California Edison Co.*[1]	17.0
Colorado:	
Home Light & Power Co.*	10.4
Public Service Co. of Colorado	15.7
Western Colorado Power Co.*	16.1
Connecticut:	
Connecticut Light & Power Co	17.1
Connecticut Yankee Atomic Power Co.*	18.4
Hartford Electric Light Co	16.5
United Illuminating Co.*	16.8
Delaware:	
Delmarva Power & Light Co	18.4
District of Columbia:	
Potomac Electric Power Co.*[1]	18.0
Florida:	
Florida Power Corp.*	19.4
Florida Power & Light Co.*	15.1
Florida Public Utilities Co	7.3
Gulf Power Co.*	16.5
Tampa Electric Co.*	17.0
Georgia:	
Georgia Power Co.*	14.0
Savannah Electric & Power Co.*	15.3
Idaho:	
Idaho Power Co.*[1]	22.4
Illinois:	
Central Illinois Light Co	13.7
Central Illinois Public Service Co	16.1
Commonwealth Edison Co	17.3
Electric Energy, Inc.*[1]	.8
Illinois Power Co	17.1
Mt. Carmel Public Utility Co	11.8
Sherrard Power System*	9.5
South Beloit Water, Gas & Electric Co.	6.2
Indiana:	
Alcoa Generating Corp.*	6.0
Commonwealth Edison Co. of Indiana, Inc.*	11.1
Indiana & Michigan Electric Co.*[1]	15.7
Indianapolis Power & Light Co	18.1
Northern Indiana Public Service Co	14.6
Public Service Co. of Indiana, Inc.*	19.6
Southern Indiana Gas & Electric Co	15.7
Iowa:	
Interstate Power Co.[1]	12.2
Iowa Electric Light & Power Co	10.2
Iowa-Illinois Gas & Electric Co.[1]	12.7
Iowa Power & Light Co	11.7
Iowa Public Service Co.[1]	11.9
Iowa Southern Utilities Co	15.5
Kansas:	
Central Kansas Power Co., Inc	10.4
Central Telephone & Utilities Corp.[1]	24.9
Kansas Gas & Electric Co.*	16.1
Kansas Power & Light Co	14.3
Kentucky:	
Kentucky Power Co.*	31.9
Kentucky Utilities Co.*[1]	18.3
Louisville Gas & Electric Co	16.5
Union Light, Heat & Power Co	7.4
Louisiana:	
Central Louisiana Electric Co., Inc	17.6
Gulf States Utilities Co.[1]	19.5
Louisiana Power & Light Co.*	15.6
New Orleans Public Service Inc	8.0

Footnotes at end of table.

Classes A and B—Continued

[Net income percent of gross utility operating revenues]

Maine:	
Bangor Hydro-Electric Co.*	14.4
Central Maine Power Co.*	16.5
Maine Public Service Co.*	14.0
Rumford Falls Power Co.*	16.8
Maryland:	
Baltimore Gas & Electric Co	14.1
Conowingo Power Co.*	13.3
Delmarva Power & Light Co. of Maryland*	11.1
Potomac Edison Co.*	22.9
Massachusetts:	
Boston Edison Co	12.5
Boston Gas Co	4.0
Brockton Edison Co.*	11.6
Cambridge Electric Light Co.*	8.1
Cape & Vineyard Electric Co.*	7.6
Canal Electric Co.*	19.9
Fall River Electric Light Co.*	10.6
Fitchburg Gas & Electric Co	9.1
Holyoke Power & Electric Co.*	0.3
Holyoke Water Power Co	6.2
Massachusetts Electric Co.*	6.2
Montaup Electric Co.*	7.4
New Bedford Gas & Edison Light Co	6.7
New England Power Co.*[1]	14.6
Western Massachusetts Electric Co.*	12.2
Yankee Atomic Electric Co.*	11.2
Michigan:	
Alpena Power Co.*	12.8
Consumers Power Co	12.4
Detroit Edison Co	13.5
Edison Sault Electric Co	12.1
Michigan Gas & Electric Co	7.8
Upper Peninsula Power Co.*	10.5
Minnesota:	
Minnesota Power & Light Co.*	15.3
Northern States Power Co.[1]	14.4
Mississippi:	
Mississippi Power Co.*	15.1
Mississippi Power & Light Co.*	15.9
Missouri:	
Empire District Electric Co.*[1]	15.5
Kansas City Power & Light Co.[1]	17.5
Missouri Edison Co	8.8
Missouri Power & Light Co	9.4
Missouri Public Service Co	16.8
Missouri Utilities Co	7.2
St. Joseph Light & Power Co	12.5
Union Electric Co.[1]	17.6
Montana: Montana Power Co.[1]	22.7
Nevada:	
Nevada Power Co.*	17.2
Sierra Pacific Power Co.[1]	17.6
New Hampshire:	
Concord Electric Co.*	6.0
Connecticut Valley Electric Co., Inc.*	5.1
Exeter & Hampton Electric Co.*	7.5
Granite State Electric Co.*	8.1
Public Service Co. of New Hampshire *[1]	14.3
White Mountain Power Co.*	10.0
New Jersey:	
Atlantic City Electric Co.*	19.4
Jersey Central Power & Light Co.*	20.0
New Jersey Power & Light Co.*	8.0
Public Service Electric & Gas Co	14.0
Rockland Electric Co.*	11.5
New Mexico:	
New Mexico Electric Co.*	12.1
Public Service Co. of New Mexico	19.1
New York:	
Central Hudson Gas & Electric Corp.	14.6
Consolidated Edison Co. of N.Y., Inc.	13.1
Long Island Lighting Co	14.5
Long Sault, Inc	21.6
New York State Electric & Gas Corp.	15.5
Niagara Mohawk Power Corp	11.6
Orange & Rockland Utilities, Inc	13.5
Rochester Gas & Electric Corp	13.9
North Carolina:	
Carolina Power & Light Co.*[1]	15.3
Duke Power Co.*[1]	15.6
Nantahala Power & Light Co.*	19.2
Yadkin, Inc.*	11.4
North Dakota:	
Montana-Dakota Utilities Co.[1]	15.6
Otter Tail Power Co.*[1]	12.3
Ohio:	
Cincinnati Gas & Electric Co	15.2
Cleveland Electric Illuminating Co	18.3
Columbus & Southern Ohio Electric Co.*	15.6
Dayton Power & Light Co	14.3
Ohio Edison Co	22.9
Ohio Power Co.*	20.3
Ohio Valley Electric Corp.*	1.2
Toledo Edison Co	16.8
Oklahoma:	
Oklahoma Gas & Electric Co.*[1]	18.2
Public Service Co. of Oklahoma*	14.8
Oregon:	
California-Pacific Utilities Co.[1]	9.3
Pacific Power & Light Co.[1]	18.7
Portland General Electric Co.*	17.5
Pennsylvania:	
Duquesne Light Co.*	21.4
Hershey Electric Co.*	6.3
Metropolitan Edison Co.*	15.3
Pennsylvania Electric Co.*[1]	21.7
Pennsylvania Power Co.*	16.2
Pennsylvania Power & Light Co.*	16.4
Philadelphia Electric Co	16.2
Potomac Edison Co. of Pennsylvania*	8.9
Safe Harbor Water Power Corp.*	20.0
UGI Corporation	12.2
West Penn Power Co.*	17.9
Rhode Island:	
Blackstone Valley Electric Co.*	12.4
Narragansett Electric Co.*	12.5
Newport Electric Corp.*	7.9
South Carolina:	
Lockhart Power Co	10.9
South Carolina Electric & Gas Co	15.7
South Dakota:	
Black Hills Power & Light Co.*[1]	11.7
Northwestern Public Service Co	9.1
Tennessee:	
Kingsport Power Co.*	5.5
Tapoco, Inc.*[1]	15.8
Texas:	
Central Power & Light Co.*	19.8
Community Public Service Co.[1]	9.2
Dallas Power & Light Co.*	17.1
El Paso Electric Co.*[1]	21.8
Houston Lighting & Power Co.*	18.2
Southwestern Electric Power Co.*[1]	17.8
Southwestern Electric Service Co.*	11.5
Southwestern Public Service Co.*[1]	19.7
Texas Electric Service Co.*	20.3
Texas Power & Light Co.*	22.7
West Texas Utilities Co.*	20.9
Utah: Utah Power & Light Co.*[1]	17.9
Vermont:	
Central Vermont Public Service Corp.*[1]	13.0
Green Mountain Power Corp.*	11.7
Vermont Electric Power Co., Inc.*	0.8
Virginia:	
Delmarva Power & Light Co. of Virginia*	12.8
Old Dominion Power Co.*	5.2
Potomac Edison Co. of Virginia*	15.3
Virginia Electric & Power Co.*[1]	19.4
Washington:	
Puget Sound Power & Light Co.*	14.9
Washington Water Power Co.[1]	15.0
West Virginia:	
Appalachian Power Co.*[1]	18.4
Monongahela Power Co.*[1]	18.4
Potomac Edison Co. of W. Virginia*	13.5
Wheeling Electric Co.*	5.0
Wisconsin:	
Consolidated Water Power Co.*	16.9
Lake Superior District Power Co.[1]	12.9
Madison Gas & Electric Co.	8.9
Northern States Power Co.	11.5
Superior Water, Light & Power Co.	6.5
Wisconsin Electric Power Co.	14.2
Wisconsin Michigan Power Co.[1]	7.8
Wisconsin Power & Light Co.	14.9
Wisconsin Public Service Corp.[1]	11.8
Wisconsin River Power Co.*	23.7
Wyoming: Cheyenne Light, Fuel & Power Co.	5.0
Alaska: Alaska Electric Light & Power Co.	7.6
Hawaii:	
Hawaiian Electric Co., Inc.*	14.5
Hilo Electric Light Co., Ltd.*	10.6
Kauai Electric Co., Ltd.*	1.9
Maui Electric Co., Ltd.*	8.4

*Companies are either straight electric companies or companies with only nominal operations other than electric.

[1] Also operates in adjoining States.

[2] Also operates in other States.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The LEGISLATIVE CLERK. The bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. CHURCH. Mr. President, I understand that a unanimous-consent agreement has been entered into providing for the vote on the pending amendment at 11:30 on Wednesday next.

The PRESIDING OFFICER. The Senator is correct.

Mr. CHURCH. I am informed there is a possibility that another amendment, by the distinguished Senator from Delaware (Mr. WILLIAMS), which relates to the military sales aspect of the bill, may be offered, and that an effort may be made to secure a vote on that amendment prior to the Wednesday vote. That, of course, could be done by unanimous consent.

It is further my understanding that the Senate will be in session tomorrow, so that, if the requisite consent can be obtained, it is possible that a vote on the Williams amendment could occur tomorrow.

Several Senators intend to speak tomorrow. As far as is known to the Senator from Idaho, there is no further business to be transacted today.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 12 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, June 2, 1970, at 11 a.m.

NOMINATION

Executive nomination received by the Senate June 1, 1970:

U.S. REPRESENTATIVE TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

T. Keith Glennan, of Virginia, to be the representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

EXTENSIONS OF REMARKS

DEMOCRATIC POLICY COUNCIL'S HEARINGS ON NATIONAL PRIORITIES

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. ALBERT. Mr. Speaker, recently the Committee on National Priorities of the Democratic Policy Council conducted hearings on Capitol Hill to receive testimony from Members of the House of Representatives. In order that all Members may be aware of the suggestions made at that time I include, under the unanimous-consent request, statements made at the hearings on April 29 and 30, 1970.

The statements follow:

STATEMENT BY SPEAKER JOHN W. MCCORMACK BEFORE THE COMMITTEE ON NATIONAL PRIORITIES OF THE DEMOCRATIC POLICY COUNCIL ON APRIL 29, 1970

Mr. Chairman, thank you very much for the privilege of presenting a statement to this committee.

In an attempt to ascertain what should be our Nation's and consequently, our party's priorities for the 1970's, one must refer, out of necessity, to the problems of the preceding decade.

In the 1960's, while the quality of our Nation's education deteriorated, our crime rate soared. While our cities were decaying, pollution was fast inundating our rivers, streams, and air. And, in 1969, we witnessed a depression in our housing industry, rampant rise in the cost of living and excessive interest rates. It is in these areas where our Nation is in serious trouble, and we must start now to make the necessary repairs.

We have seen the Republican administration attempt to make a partisan issue out of the rise in crime. But the facts speak differently.

While the nationwide crime rate increased by 11% in 1969, President Nixon has sought only $1.3 billion for his anticrime program for fiscal year 1971. This is a mere 0.6% of the proposed budget for 1971.

To combat the administration's rhetoric and inaction, we must establish as one of our primary goals, the strengthening and expanding of effective anti-crime legislation which is already on the books. All will concede that the best vehicle for Federal assistance to State and local law enforcement agencies is the Omnibus Crime Control and Safe Streets Act of 1968, a proposal initiated by a Democratic Congress.

Judiciary Chairman Celler has pledged to strengthen this legislation and has introduced a bill to amend the act to increase authorized appropriations next year to $750 million, although the administration has asked for only $480 million. We should wholeheartedly support Chairman Celler's request, in the face of Republican indifference, in order to guarantee to every citizen the right to be free from fear and intimidation, a right to which the administration seems insensitive.

Education is another area grossly underfunded and thus, deserving of our utmost concern. We cannot afford to use our youth, America's greatest asset, as pawns in the fight against inflation. While the administration is asking for $10.6 billion for education expenditures for 1971, nevertheless, this amounts to only 5% of next year's budget. Education must never be starved of funds or sacrificed for less essential needs. It must receive our continuous support.

Once again, there are Democratic programs on the books, such as the landmark Elementary and Secondary Act of 1965 and the very successful Higher Education Act, which should be fully implemented.

It is incumbent on the Democratic Party to fully fund and expand these acts in order to guarantee to every American child, the opportunity to achieve what is now an essential ingredient of our society—an adequate education.

It is also very apparent that urban life in America is decaying. Housing in our cities is substandard and scarce, automobiles choke our highways, and pollute our air, and the quality of life steadily deteriorates.

We must act in the 1970's, to reconstruct and revitalize urban life. As I have reiterated before, it is incumbent upon us to reverse the depression in the housing industry. Last year, due to the Republican administration's economic policies, housing starts dropped by 40%. We must fully utilize the weapons available—the Housing Act of 1949 and the 1968 Housing and Urban Development Act—to insure a decent home and suitable living environment for every American family.

Furthermore, a comprehensive urban mass transportation system, encompassing present modes of transportation, as well as research into the future of urban transportation, must be adopted if we are to save our cities from congested roads and massive air pollution.

The Democratic Party must also take the lead in improving the quality of life for *all* Americans—whether they be urban or city dwellers. While the President's budget calls for $8 billion for anti-pollution measures, this is still not sufficient.

We must make a firm commitment to clear our air and water of deadly pollutants and remove the solid wastes which have scarred our cities and countryside for all too long.

We must adopt a program of greatly increased Federal outlays for research and development in all aspects of environmental control, while enlisting the aid of State and local governments, as well as private industry, to combat this pervasive problem.

Grants to the States and local governments and financial incentives, such as tax credits and subsidies to private industry, must be approved.

And industry-wide regulations should be imposed by Congress if we are to effectively do the job. Until this commitment of Federal resources, State and local cooperation and incentives for the private sector is fully implemented, we will not begin to solve this grave problem.

The test is not whether we are moving in some areas to reorder priorities but whether we are moving quickly and decisively enough in attacking the pressing problems of the 1970's.

The Democratic party, as the party of the people, must take the initiative to insure that we do move "quickly and decisively" in this regard.

STATEMENT OF REPRESENTATIVE CARL ALBERT, MAJORITY LEADER, U.S. HOUSE OF REPRESENTATIVES, BEFORE THE COMMITTEE ON NATIONAL PRIORITIES OF THE DEMOCRATIC POLICY COUNCIL, WASHINGTON, D.C.

Mr. Chairman, it is my intention this morning to direct my remarks exclusively to the one subject which I regard as being of paramount importance and overriding national concern. This is the economic sickness which now afflicts this nation. I do so, not because of any lack of concern on my part over such vital and pressing problems as the extreme poverty which is the lot of millions of our fellow citizens, the acute and lethal environmental conditions calling for immediate and drastic action, or the multitudinous problems of housing, transportation and central city decay which are rapidly making life near intolerable in our great urban centers or the declining incomes of our rural citizens. Witnesses who follow me, I feel certain, will set forth for the Committee the alarming situation with which we are faced in these and many other vital domestic areas. I assure the Committee that I share the grave concern with which these ladies and gentlemen will view these problems and fully agree that the formulation of imaginative and dynamic solutions for them must be accorded the highest priority.

Nevertheless, I feel compelled to devote my testimony to our present unhappy and unsatisfactory economic performance. I do this, Mr. Chairman, because of a firm conviction that the titanic efforts which this nation will be called upon to make in order successfully to resolve our many problems can only prevail in the presence of a healthy expanding economy. Ours is far from being such today. The economic policies pursued by the Republican Administration during the past year have achieved the unenviable paradox of full blown inflation coupled with a deepening economic recession.

The cost of living (Consumer Price Index) increased by more than 7.6 points under the first year of Republican rule, the biggest annual rise since 1951. The President has sought to blame the results of his own party's inept policies on the previous Administration. The truth of the matter however is that inflation has greatly increased under the Republicans.

The worst inflationary rate under Democratic Administration was 4.7 percent, in 1968, and the average for the eight years was just over two percent. Under the first year of Republican rule, the inflationary rate has spurted upward sharply, averaging over six percent for the first Republican year. Instead of slowing inflation as Republicans so confidently promised early in 1969, under Republican policies the rate was actually accelerated in the final quarter of 1969—a six percent rate in November, a 7.2 percent rate in December—and one of the biggest leaps ever seen in any index came in January when wholesale prices rose at an annual rate of 8.4 percent. This greatest acceleration came a full year after Republicans assumed responsibility. Eggs, fruit and vegetables, meat, poultry and fish—the "market basket" foods that make up the meals of Americans—averaged a 4.8 percent increase in 1969, and rose even faster in the first two months of 1970. Medical care was 7 percent higher and insurance and financial (credit) cost rose 11.5 percent. This all means that the wage earner, the retired person, the widow, the housewife—the millions who spent the bulk of their income on life's necessities—bear the highest costs.

This has occurred in large part because Mr. Nixon removed restraints on price increases by big industry only seven days after assuming office, publicly announcing that the Federal Government would not intervene in pricing and wage determination. This gave concentrated industries the green light from the White House to get all the traffic would bear in price increases. The result: prices of many basic industry products rose an average of four times as fast in Mr. Nixon's first year as in the previous eight Democratic years, and two to three times as rapidly in 1969 as in 1968. For example, steel mill products, used in thousands of items bought by U.S. consumers, increased in price 6.7 percent

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in the first year of Republican administration. This is almost as much as the 7.1 percent increase in the previous eight years combined, and three times as fast as the 2.2 percent increase in the last Democratic year. And in addition to the whopping 1969 increase, rolled steel prices were hiked an additional 3 percent in January 1970. The basic raw materials prices jumped 11 percent in 1969, compared to a little over two percent in 1968, according to the *New York Times*. All of these whopping increases boost profits for the large corporations at the expense of the consumer—the little man who has to pay the higher prices.

Mr. Chairman, the inflation of the past year has been joined in tandem with a rapidly deteriorating economy. I therefore have become increasingly pessimistic of late that this nation is being subjected to a repetition of the economic history of the 1950's. You will recall that during the eight years of the Eisenhower Administration, we experienced three recessions. When President Eisenhower took office in 1953, unemployment stood at 3 percent. During the first Republican recession year, 1954, unemployment rose to 5.5 percent. During the second Republican recession in 1958 unemployment reached 7.6 percent in August of that year. A third Republican recession commencing in 1960 resulted in unemployment reaching 6.7 percent in January 1961.

The ill-advised medicine prescribed for the inflation of that period, a choking monetary policy, producing high interest rates and tight money, together with a bookkeeper's balanced budget at all costs, produced acute economic stagnation. These cramped short-sighted economic policies resulted in a growth rate for the American economy which was exceedingly disappointing, dropping behind its potential by billions and billions of dollars. Its performance was inferior to that of many of the nations of Western Europe. Our growth rate during the closing years of the 1950's compared unfavorably with even that of the Soviet Union.

John F. Kennedy's call during the 1960 Presidential campaign to get the nation moving came as a welcome breadth of fresh air into the dark and cobwebbed mausoleum to which eight years of Republican economics had consigned the American economy.

President Kennedy was fully cognizant, as was his successor Lyndon B. Johnson, that this nation could not raise its standards of education, raise its standards of health, raise its standards of housing, eliminate poverty, for that matter, accomplish any of the things which I believe all men of good will desire so as to produce a better life for our fellow men and for posterity, unless our national economic machine were free to operate at full throttle and with full efficiency at all times.

Ours is a private enterprise economy. Under our system, if we are not to starve and begrudge the public sector of the economy, it is necessary that the private sector of the economy operate so as to produce the growth and resulting tax revenues required to support the public sector. Government economic policy, whether it be fiscal or monetary, must have as its objective a rapidly expanding national growth. This cannot be done when we have unutilized resources. The most tragic, of course, of unutilized resources is manpower—namely, unemployment. The Committee is, I am sure, aware that unemployment now stands at 1 million higher than it did when President Nixon took office in January 1969.

Economic policies pursued under Presidents Kennedy and Johnson did get the country moving again.

The Kennedy-Johnson era was a period of record-breaking economic prosperity which is impressive by almost any measure. The sluggish growth, and thrice-repeated recessions, of the period from 1953 through 1960, gave way to uninterrupted expansion in national output and income.

Gross National Product—the value of our total output of goods and services grew by 50 percent, more than double the percentage advance of the preceeding eight years.

This 50 percent expansion of our real output reflected increased real purchases by consumers, by business and by government, which raised Americans' living standards, with real personal consumption expanding by 45 percent, increased and modernized the productive capacity of American industry, with real business fixed investment increasing by 75 percent; met the public needs of our citizens with real purchases of State and local governments growing by 55 percent; strengthened our defense and the development of our nation through the expansion of real Federal Government purchases by 50 percent.

This added production provided growing incomes for all groups of Americans. Total wages and salaries grew by 85 percent.

The amount by which every man, woman and child benefited from this income can be seen by the growth in disposable income per person. Real per capita disposable income rose by almost 35 percent from 1961 to 1969.

The expanding incomes of these eight years were enjoyed by all sectors of the economy. Corporate profits after taxes doubled during this period, a 100 percent increase as contrasted with a 30 percent increase in the eight years preceding 1961. The farm sector, meanwhile, experienced a 29 percent growth in proprietors' incomes, as contrasted with a 20 percent drop in these incomes between 1953 and 1960.

The prosperous economy which yielded such substantial increase in income for our economy also provided employment for more than 11 million additional civilian workers between 1961 and 1968. Unemployment was cut in half. Twelve million Americans were lifted above the poverty level.

Standing in stark contrast to the solid record of economic achievement attained under President Kennedy and Johnson is the dismal performance of the nation's economy since President Nixon assumed office. A million more American workers are out of jobs since the Republican Administration took office. Unemployment has jumped from 3.3 percent to 4.4 percent since Mr. Nixon became President, reaching 3.8 million unemployed. And millions more have had paychecks reduced by loss of overtime and shorter work weeks.

The epidemic of unemployment has had a broad impact on all groups of American workers. It has had its cruelest effect on the disadvantaged and the unskilled who can least afford to lose their paychecks but it has also affected many skilled and senior factory workers who have had job security during the Kennedy and Johnson Administrations, and the very threat of a growing epidemic has destroyed consumer confidence. People who have not been laid off so far have nonetheless curbed their purchases of needed goods in their anxiety that they may be the next to catch the disease. Even manpower training programs have lost their effectiveness as a result of the weakening job market. At a time when business firms are forced to lay off their senior workers, they cannot realistically be expected to train and make room for the hard-core unemployed. The very promising JOBS program launched under President Johnson has been thrown into reverse.

The first quarter of 1970 saw the sharpest drop in the Gross National Product since the Eisenhower recession in 1960. This was the second consecutive quarterly decline in GNP and represents positive proof that we are now in a recession.

The Republican policies have caused the loss of over $150 billion in the stock market in one year, loses equivalent to the total annual expenditures of the Federal Government, excepting trust funds. The small and modest investor, including many who depend on such investments for retirement and/or hoped for improvement in living standards, have seen dreams destroyed by the Nixon market.

The same old outdated Republican economic policies, which brought a depression in the housing industry in 1957–58, are again demoralizing home builders. The Republican tight money policies have practically dried up the home mortgage market for the low- and middle-income home buyer. In the first Nixon year, home starts declined from 1.9 million annual rate to less than 1.2 million. The need is for millions of new homes, and Congress set a goal of 2.6 million housing starts annually. There is little hope of ever approximating the Nation's needs under the Nixon policy of super-tight money.

This then, Mr. Chairman, is the dismal record of economic performance which a mere fifteen months of Republican rule was bequeathed this nation, the worst inflation in two decades and the first recession since President Eisenhower left office.

"Why," I am sure the members of this Committee may ask, "is the Republican Party driven as if by an evil genie to pursue economic policies which have failed so miserably in the past?" Economically, these policies produced three recessions during the 1950's without successfully coping with inflation; once again, today, they are obviously incapable of dealing either with inflation or recession. The 1953–54 recession helped cost the Republican Party control of the Congress in 1954, the 1957–58 recession was a major factor in the political debacle the G.O.P. experienced in November 1958, and the 1960–61 recession may very well have been the decisive factor which tilted the close 1960 Presidential election in favor of John F. Kennedy. What then possesses our Republican friends to pursue policies which have been clearly proven to be an economic disaster for the nation, and a political liability for themselves. Mr. Chairman, I have become convinced that Republicans look at the economic facts of life through a prism which only permits them to view the American economy as conforming to what Adam Smith saw in 18th century England—many small producers competing in the marketplace for the favor of many buyers. In such a dreamlike world, if one restricts credit, the over-utilization of limited resources is reduced and thus inflationary pressures lessened. In such a world it is neither necessary nor desirable for the government to intervene to protect the consumer against price increases. This is solely the function of the natural workings of the market.

This picture in the United States in 1970 is of course a myth for much of the American economy. Giant monopolies or semi-monopolies offer their goods to the American people at prices determined not by the law of supply and demand but by administrative flat. These corporations have tremendous internal financial resources and enjoy private advantageous relationships with large lenders which make them totally immune from a restrictive monetary policy. Tight money however wrecks havoc in those areas of our economy still dependent on the classical capital market. Its victims are the farmer in need of financing for next year's crop, the small businessman needing credit from his local bank for inventory, the municipality or school board desirous of constructing some socially-needed public facility, or the home builder and home buyer. These are the people who are punished by tight money while the large corporations and the large financial institutions continue to prosper and reap unconscionable profits.

They are free to do so because President Nixon has disdained the role of the people's chief protector against administered price increases by the nation's monopolies. Presidents Kennedy and Johnson in contrast chose to employ, and with remarkable success, the great moral and symbolic power of

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their office as a shield to protect the American public against the type of unconscionable price gouging which has been the order of the day for the past fifteen months.

Mr. Chairman, I believe it is imperative that the Democratic Party establish as one of this nation's foremost priorities the revitalization of the American economy. First, of course, and of no small importance, we should set forth for the American people the full record of this nation's recent economic history. It is of utmost importance that the electorate be made fully cognizant of the stellar economic performance we attained during the Kennedy and Johnson Administrations, in contrast to the series of economic disasters which were the nation's lot during the 1950's. The phenomenal record of economic growth which we enjoyed from 1961 to 1969, while it should by no means satisfy us as a goal for the coming decade, was a very model of perfection in comparison with our unfortunate experiences in this area since January 1969.

It is incumbent upon us however to do more than merely point with pride to past accomplishments or to decry Republican failures in the economic sphere. The Democratic Party must in no uncertain terms advocate those policies which will achieve continued full employment throughout the coming decade. This nation is faced with both a rapidly growing labor force and increased productivity of a magnitude unparalleled in the world's history. If our Party is to be identified in the minds of the voters with the future, we must advocate those policies necessary to get the economy moving once again. It is my view, and I urgently hope that this is shared by your Committee, that the President of the United States must once again assume the role of chief public defender on the part of the consumer against monopolistic price fixing. The Federal Government's tremendous leverage as the number one purchaser of goods and services must likewise be utilized in the fight against inflation. The powers of the Federal Trade Commission and the Justice Department against monopolies, which have been shown to be not only irresponsible economically, but an inefficient drag in many sectors of the economy, must be reactivated.

The Democratic Party must also call upon President Nixon to utilize the anti-inflation legislation for selective credit controls which the Congress authorized last year. If the President would but abandon his inexplicable and stubborn refusal to utilize this grant of authority, it would be possible to channel available credit into areas of high social priority such as housing and much needed community facilities. At the same time, the utilization of selective controls would make easier the abandonment of the present blunderbuss approach embodied in the current tight money policy.

If the President persists in his refusal to exercise this authority it becomes even more imperative, in order to combat the recession, that he use the great powers of his office to force a relaxation of current monetary policy. The American farmer, small businessman, home builder, as well as moderate- and low-income families, who must purchase the necessities of life on credit, can no longer in justice be asked to be shackled by tight money while large corporations are free to increase prices at will, and lenders enjoy all time high profits. The Democratic Party likewise, must support a fiscal policy which, while prudent and rejecting waste and inefficiency throughout the Federal establishment, insures the full employment we committed this nation to in the Employment Act of 1946.

We must support increased Government spending in the areas of health, education, and welfare, not only because expansion in these areas is vitally needed and long overdue, but of equal importance, because public investment in these fields will help assure, as it did during the Kennedy-Johnson years, employment for all our citizens. Finally, Mr. Chairman, it is imperative that the Democratic Party continually strive for equity in our tax laws, and we aim at lightening the burden of the tax load carried by our low- and moderate-income citizens. The more progressive, the less regressive our tax system is, the more we afford a maximum degree of justice and tax fairness. But it is certainly true and of equal importance that a more progressive tax system should make a major contribution toward sustained national prosperity.

In conclusion, may I say this, Mr. Chairman, there has been considerable criticism of late about the quality of American economic development during the past decade. I share some of these views. We have polluted our streams. We have polluted our air. We have misused many of our God-given natural resources. And we must act to see that these matters do not continue. I reiterate, however, that unless the American economic machine, which already after a little over a year of Republican rule is giving clear evidence of rust and corrosion, is immediately redirected toward all out expansion and full employment, this country will in the 1970's possess neither the resources nor the will to attain that improvement in the quality of American life which we all so earnestly desire.

TESTIMONY OF HON. JOHN BRADEMAS BEFORE THE NATIONAL PRIORITIES COMMITTEE OF THE DEMOCRATIC NATIONAL COMMITTEE

I welcome this opportunity to testify before the National Priorities Committee of the Democratic National Committee.

I wish to direct my remarks to one of the most critical areas in our national life—education.

Since coming to Congress in 1959, I have had the privilege of serving on that Committee of the House, Education and Labor, which has chief responsibility for writing education legislation. It has been a source of great satisfaction to me, as a member of this Committee, to have played a part in writing the extraordinary record of Federal education legislation compiled in the last decade by Democratic-controlled Congresses under two Democratic Presidents.

In particular today, I want to address myself to the attitude toward education of President Nixon and of his Administration.

For education—and the role of the Federal government in supporting it—has become a major battleground in the Nation's Capital, and the Administration of Richard Nixon has become enemy territory for all those who seek to raise the quality of American education and increase access to it.

Indeed, it is not too much to say with respect both to supporting funding of existing Federal education programs and to supporting new programs which would meet urgent needs in American education that the Nixon Administration has been following a policy of malign neglect.

Attorney General John Mitchell has urged the American people to judge the Administration by its actions, not its words. Applying this standard to the Nixon record on education can bring only one result—a failing grade.

In the 1968 Presidential campaign, candidate Nixon said in a telegram to the American Association of Universities on October 23: "When we talk about cutting the expense of government—either Federal, state or local—the one area we can't shortchange is education. . . ."

Yet when Congress last year, in an extraordinary bipartisan action, voted with majorities of both Democrats and Republicans in support, to add $1 billion to President Nixon's proposed budget for education for fiscal year 1970, the President vetoed the bill as "inflationary."

In his veto statement, the President failed to tell the American people that, in his first budget request for education, he had asked nearly half a billion dollars less than Congress had appropriated for the preceding fiscal year. Nor did he acknowledge that the additional funds voted by Congress for a wide variety of important education programs represented only about one-half of one percent of a total Federal budget of $200 billion.

It should not be surprising that well over a year ago President-elect Nixon's Task Force on Education, a group of top education authorities headed by Alan Pifer, President of the Carnegie Corporation, named by the new President to counsel him on education policy for the income Administration, warned him in the most blunt terms:

"Speaking candidly, we do not believe that President-elect Nixon, with all of his varied and high qualifications for office, would at present by most Americans be considered to have the kind of special concern for education that the times require."

The Nixon Administration's record on education since that initial admonition on the part of his own counselors seems aimed at proving the validity of their apprehensions.

In addition to slashing the existing education budget and vetoing bipartisan efforts to assign education a higher priority on the nation's agenda, the Nixon Administration has, in the last year and a quarter, opposed nearly every initiative in Congress—even initiatives which enjoyed the support of both Democrats and Republicans—to shape sound and effective programs in response to some of the most urgent problems in American education today.

Congress, with Democrats leading in nearly every instance, has been creative and innovative in developing thoughtful approaches to meeting the pressing educational needs.

The Administration, on the other hand, has followed a policy of "no, no; not now; never; veto."

Here are some of the most obvious examples of Congressional initiatives and Administration obstructionism in the field of education.

HIGHER EDUCATION

During the past decade, the Federal government has assumed an increasingly larger burden of the cost of education in general and of higher education in particular. Federal investment in higher education has risen from a little over $1.1 billion in fiscal year 1958 to about $4.6 billion in fiscal year 1970.

The reasons for this growth in Federal expenditures for higher education are many, and I shall cite only some of the most important factors that have increased the financial needs of higher education.

Enrollment in post-secondary institutions has risen from two and one half million students immediately after World War II to between seven and eight million today. This increase reflects a rise in the college age population as well as in the percentage of students who graduate from high school and enter post-secondary institutions, now about 40 percent. Moreover, colleges and universities are a means of social mobility for low income students, who now are entering such institutions in much greater numbers.

To serve more students, institutions of higher education have had to expand their faculties and their facilities at the same time that salary increases, inflation, and other factors have diminished their ability to pay for such expanded services. The financial needs of higher education will, for similar reasons, grow rapidly in the 1970's, requiring increases in Federal support. The President-elect's own Education Task Force has docu-

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mented the needs of higher education in the coming decade:

"Among the most serious problems facing education in the nation is that of the financing of higher education. Viewed as a problem extending over the next decade, it is a matter of more than doubling the resources available to colleges and universities from the present $17.2 billion to approximately $41 billion to provide places for an additional 3 million students, many of them from disadvantaged backgrounds, to start some 500 new institutions and to improve the quality of the entire enterprise."

In spite of this plea for urgent action, the President waited over a year even to send a message on higher education to Congress.

In the meantime, his proposed budget for fiscal year 1971 would kill or drastically reduce several programs vital to higher education in the United States, including: grants and loans for graduate and undergraduate academic facilities, aid to land grant colleges, grants for basic library resources, and grants for foreign language and area studies.

When finally last month the President did send his higher education message to Congress, he called for eliminating the present program of interest subsidies on bank loans to students, for cutting middle income students out of the National Defense Student Loan program, and for concentrating Federal assistance on students from families with very low incomes.

The Nixon Administration's higher education proposal, by insisting that most students bear the major brunt of the cost of their higher education by assuming high interest market loans, could thus mean a tripling of the cost of college education for the students of middle income families.

Moreover, the Administration's requests for funds for low-income students are grossly inadequate. For example, institutional requests for the Educational Opportunity Grant program for fiscal year 1971 total about $245 million while the Administration requested only $185.6 million.

To cite other instances of the Administration's inadequate requests for student financial aid programs, the Administration budget for the National Defense Student Loan and College Work-Study Programs for fiscal years 1970 and 1971 represented a net decrease of $34 million. This came at a time when colleges and universities were seeking almost double the amount the Administration recommended for these programs.

In contrast, over a year ago, Congressman Ogden Reid (R-NY) and I introduced the Higher Education Bill of Rights, which is aimed at implementing the major recommendations of the Carnegie Commission on Higher Education, headed by Clark Kerr. The Reid-Brademas bill, through substantial increases in student aid, would help significantly in making equal opportunity a reality in the United States.

It would provide not only additional funds for the existing student aid programs, but also would create several institutional aid programs for starting community colleges and research, and for the general support of institutions enrolling large numbers of low income students.

Almost every one of these proposals was among the recommendations of the President-elect's Task Force on Education. They reflect the assessment of need by leading spokesmen of the higher education community. The recommendations have all been ignored in the Administration's requests for higher education in 1970 and 1971 and in its proposals for 1972.

The colleges and universities of America—like the students who attend them—are facing serious financial trouble. As with student aid, so too with funds for construction of the classrooms, libraries, and laboratories needed for rapidly expanding enrollments, the policy of the Nixon Administration is to compel university leaders to join the students at their friendly neighborhood banker to borrow the money they need at the present very high rates of interest.

In regard to facilities, the President-elect's Education Task Force urged the Administration to make a review early in 1969 of the serious shortage of Federal loan and grant funds for higher education facilities "with a view to seeking emergency supplementary funds under the FY 1969 budget."

The Administration not only failed to ask for additional, "emergency" funds in 1969; it proposed for fiscal years 1970 and 1971 the total elimination of grants and direct loans for construction of academic facilities. The Nixon Administration would provide assistance to institutions for construction only through a subsidized loan program, which was passed in October 1968, but which is not yet operational. In the long run, this program would cost the American taxpayer substantially more than a grant program for construction. Moreover, there is serious question whether a subsidized loan program will make it possible for many institutions to undertake the needed construction. Charles L. Wheeler, Chairman of the Association of Executive Directors of Higher Education Facilities Commissions, estimates that 75 percent of private and many public institutions will be unable to obtain loans under the subsidy program.

The U.S. Office of Education estimates that enrollment in post-secondary educational institutions in the United States will increase by about a third between 1966 and 1971, and the need for facilities has grown correspondingly. The problem of presently inadequate facilities, especially in public institutions, will only be compounded by the Administration's proposals.

Another area in which Administration cutbacks seriously jeopardize our national educational resources is the Federal program of support for foreign language and area studies authorized by NDEA Title VI. This program was begun in 1958, when American education came under close scrutiny after the first successful Russian satellite. Since that time, the Federal government has spent about $15 million annually on this effort.

The history of foreign studies is instructive. During World War II, the U.S. Government discovered an abysmal lack of programs for foreign language and area training. Crash programs were undertaken, beginning in almost all cases from scratch. After World War II and until the 1958 NDEA, support for language and area studies on university campuses came chiefly from foundations. By 1969 there were 400 language and area programs at our universities.

The Federal aid under Title VI to 109 of these centers has made possible programs covering many major languages and several important areas never before adequately covered.

For example, there has been dramatic improvement in Russian and East European studies and in East Asian studies, particularly Japanese and Chinese. The Middle East is fairly well served, particularly in Arabic studies.

However, programs for the study of other areas of the world are grossly under-represented in the present centers, particularly South Asia and Southeast Asia. Professor John K. Fairbank, the noted scholar of Asian Studies at Harvard, has called our lack of scholarly competence on Vietnam "scandalous."

It is unthinkable to discontinue Federal support to those centers which have developed capabilities in some areas and to fail to support language and area studies for areas largely ignored at present.

The Nixon Administration has argued that NDEA Title VI is "outmoded" and "unproductive." This conclusion is simply inaccurate. Indeed, as Professor Fairbank has stated: "If the (Federal) money disappears, you'll have far fewer people to teach the next generation of students, and our study of the (East Asian) area will be badly hurt."

The Administration requested only $6 million for NDEA Title VI in fiscal year 1971 as compared with $15.3 million in 1970, and would phase it out entirely in fiscal year 1972. The amount requested for FY 1971 would cut off all funding to half the centers presently supported and would cut by more than half the funds available to the remainder.

The Administration has proposed that NDEA Title VI, the International Education Act, and other programs be funded through a National Foundation of Education, for which it has requested $200 million in 1972. But the foreign language and area studies centers are, of course, not assured of funding under the proposed Foundation. To leave such vital programs to an uncertain fate in the Administration's proposal for 1972 is a poor solution, and the Administration offers only greatly reduced support for the centers in FY 1971.

Government cutbacks for foreign area studies come at the same time as foundations are withdrawing their support for area studies, which are more costly for a university to finance than the more traditional disciplines. To curtail rather than expand the Title VI program would thus cripple international studies presently being conducted in the United States.

In summary, across the entire spectrum of higher education programs, the proposals of the Nixon Administration represent a major shift in public policy and a dramatic retreat from an essential national responsibility—helping produce the educated men and women who are the most valuable natural resource of any society.

PRESCHOOL-CHILD DEVELOPMENT LEGISLATION

President Nixon's Education Task Force said over a year ago:

"We believe that nothing happening in American education today can be regarded as more important than early childhood programs, and we regard as tragic the non-availability of these programs to some two-thirds of our children."

On February 19, 1969, President Nixon said:

"So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity for beautiful and stimulating development during the first five years of life."

On April 19, 1969, just a year ago, HEW Secretary Robert Finch, in announcing the delegation of Head Start to the Office of Child Development, said, "Our purpose now is to strengthen and improve Head Start . . ."

These statements naturally gave rise to expectations that child development had been adopted as a major concern of the Administration.

But this has not been the case.

Now, a year later, the Administration has announced not an increase but a cutback in funds for fiscal year 1971 from fiscal year 1970 for the Head Start program.

Still more to the point, perhaps, Administration officials have testified in opposition to the Comprehensive Preschool Education and Child Day Care Act which I introduced in August 1969, together with Representatives Patsy Mink, Democrat of Hawaii and Ogden Reid, Republican of New York.

Essentially, our bill opens up child development programs to all children, not just to the disadvantaged, although the proposal requires that they be given priority. The distinguished child development authority, Dr. Uri Bronfenbrenner of Cornell University, described the Brademas-Mink-Reid bill as the "most scientifically sound, properly comprehensive, and socially urgent yet proposed in this area."

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In the bill we have sought to eliminate the old divisions that have existed among so-called "day care programs," "preschool education programs," and "child health programs." Instead, we have concentrated on comprehensive programs of child development. In brief, all qualifying early childhood programs must contain comprehensive physical and mental health services, food an nutritional services, specialized social services to involve parents in the child's development, and a substantial educational component. The bill will allow broad sponsorship of early childhood programs by industry, community action agencies, local educational agencies, and public and private nonprofit agencies.

Several statistics highlight the need for Congressional action in the early childhood field. There are over 5 million preschool children in the United States whose mothers must work, yet day care is now available for less than 15 percent of them.

Three million mothers are rearing their children in fatherless homes; nearly two million of these mothers are the sole providers for their children. About 32 million women are working, and many of them are supporting themselves, or together with their husbands, are supporting their families. Yet, only 2 percent of these women make use of group day care facilities.

The Administration nonetheless has confined its support for early childhood programs to the day care component of the Family Assistance Act passed this month by the House. While this is certainly a step forward, the day care program in the welfare reform bill excludes literally millions of children of preschool age.

House hearings have recently been completed on the Brademas-Mink-Reid bill, and I am hopeful that Congressional initiatives here—so clear and urgent is the need for action in the early childhood field—will overcome the opposition of the Nixon Administration.

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ENVIRONMENTAL EDUCATION

Democrats in Congress, Senators Jackson, Muskie, and Nelson, and Congressmen Dingell, Farbstein, and Reuss, have led the fight for measures to combat pollution and protect the environment. Yet I venture to say—and I do not think any champions of clean air, land and water would disagree—that if we are to be able to make substantial advance in meeting the ecological crisis, we are going to need a citizenry informed and educated about the whole spectrum of issues that are called environmental. We are going to need as well changes in basic attitudes toward the environment and man's place in it.

In an effort to stimulate education about the environment, I have introduced in Congress the Environmental Quality Education Act—a bill that would authorize Federal funds to support elementary and secondary courses in environmental studies, adult education and community services on ecology, as well as curriculum development and teacher training in environmental studies.

Every witness—except one—during our current hearings on this proposal has strongly endorsed it, as have environmental experts and ecologists across the country.

There was some reason to think, particularly in light of the enormous rise in awareness of the environmental crisis at the present time, that the Nixon Administration would give strong support to the Environmental Quality Education bill, a proposal which enjoys bipartisan support in the House of Representatives. Its co-sponsors are Congressmen Brademas (D–Ind.), Scheuer (D–N.Y.), Reid (R–N.Y.), and Hansen (R–Idaho).

In recent speeches, President Nixon has said it is "now or never" on measures to protect the environment; Secretary of Health, Education, and Welfare Robert A. Finch has warned, "we mean business" on environmental education; and James E. Allen, Assistant Secretary of HEW and U.S. Commissioner of Education, previously has called for "legislation for Federal initiatives in environmental education."

Yet on April 21, on the eve of Earth Day, Mr. Allen testified, speaking for the Nixon Administration, against the environmental education bill. He opposed it as unnecessary.

Under questioning, the Commissioner admitted that the Task Force on Environment/Ecology in the U.S. Office of Education has a staff of only three, backed by some students two consultants, and no specific budget. Yet the Citizen's Advisory Committee on Environmental Quality, headed by Laurence S. Rockefeller, sharply criticized as inadequate the environmental programs of the Office of Education.

Once again, the Nixon Administration has not heeded the recommendations of its own advisors.

Once again, now in the field of environmental education, the Nixon Administration has gone on record in opposition to Congressional initiatives for educational resources which the nation sorely needs.

DRUG ABUSE EDUCATION

In early 1969, Congressman Lloyd Meeds (D–Wash.) introduced the Drug Abuse Education Act, aimed at helping to educate Americans, especially school children about the dangers of the abuse of drugs.

The Select Subcommittee on Education, which I chair, held extensive hearings on the Meeds bill, which has over 80 co-sponsors in the House, both Democrats and Republicans.

The witnesses were overwhelmingly in support of the bill—with one exception. The Nixon Administration testified, in spite of voluminous evidence to the contrary, that this measure to help teach young Americans about the dangers of drugs was unnecessary.

In October 1969 the House of Representatives passed the Drug Abuse Education bill on a unanimous roll call vote. The bill now awaits Senate action.

The Nixon Administration, with all its rhetoric about combating drug abuse, has not yet reversed its opposition to a soundly conceived effort to attack this grave problem through one essential instrument—education.

ELEMENTARY AND SECONDARY EDUCATION

In at least four major respects the Nixon Administration has made serious retrenchments in the critical field of elementary and secondary education:

1. By ignoring the recommendations of its own task forces and advisory commissions to provide more funds to the nation's schools;
2. By both sharp cutbacks in and elimination of Federal money for programs essential to hard-pressed schools;
3. By attempting to cloak its opposition to adequate financial support for schools by calling for research instead;
4. By moving from a policy of all deliberate speed to a policy of all deliberate slow-down in school desegregation.

Here are just a few examples of the ways in which the Nixon Administration has sounded a call for the Federal government to retreat from the historic beginnings represented by the Elementary and Secondary Education Act of 1965, which was made possible by the cooperation of a Democratic President and a Democratic Congress.

Urban education

President Nixon has ignored the findings of his own Task Force on Urban Education whose report the Nixon Administration has sought to suppress because it recommended assigning a high national priority to the needs of urban education.

The task force, headed by Dr. Wilson C. Riles, then Director of the Division of Compensatory Education for the California State Department of Education, documented the financial crisis in city schools and urged the creation of a new urban education program to increase Federal aid to schools in cities of 100,000 or more population by $5–$7 billion annually.

The Administration has ignored this report of its own advisors and has asked for more research, as if research alone were a viable alternative to more funds and more effective programs to meet the crisis in urban education.

The President has established a Commission on School Finance "to help States and communities to analyze the fiscal plight of their public and nonpublic schools. We must make the nation aware of the dilemmas our schools face. . . ."

The Commission will reveal only what we already know, and what the President's Task Force on Urban Education has already carefully documented. The Commission is the Administration's substitute for acting on the recommendations of the Riles Task Force greatly to increase funds for elementary and secondary education, for teachers, counselors, equipment and curriculum planning.

Of course, more knowledge of what is effective in education is essential, but research is no substitute for adequate funding for education programs that are needed now. Moreover, as many educational authorities appearing before my subcommittee have made abundantly clear, intelligent evaluation of on-going programs constitutes an indispensable form of research, and we must do a far better job of research in education and of implementing the results of that research. Indeed, I have introduced legislation to implement the National Institute of Education.

The Administration has been using the watchword of research not so much because of its importance to improving the effectiveness of education but rather as a pretext for refusing to invest significant amounts of money in education programs.

School desegregation

The most accurate characterization of President Nixon's March 24, 1970, statement on school desegregation came from the U.S. Civil Rights Commission, a non-partisan group chaired by my own distinguished constituent, the Reverend Theodore M. Hesburgh, C.S.C., President of the University of Notre Dame.

The Civil Rights Commission declared that the President's message may signal "a major departure from the policy of moving toward integrated schools".

The studies of Dr. James Coleman of Johns Hopkins University, conducted for the U.S. Commission on Civil Rights, point out that integration of schools can have a decisive and positive effect on improving the quality of education for minority students.

Yet President Nixon has gravely abdicated leadership for achieving integrated schools.

In his school desegregation message of March 24, the President drew a sharp distinction between *de jure* and *de facto* segregation—a distinction which the U.S. Commission on Civil Rights has pointed out cannot, in many instances, be reconciled with the circumstances that give rise to segregated schools.

And this is a distinction which Dr. Coleman has said ignores, in *every* instance, the effects of segregation on children attending segregated schools. In his April 21, 1970, testimony before the Senate Select Committee on Equal Educational Opportunity, Dr. Coleman said, "There is no distinction between 'de jure' and 'de facto' segregation . . . The effect of segregation on children is quite independent of its origin."

Furthermore, seizing on this distinction between *de jure* and *de facto* segregation, the President has indicated that he will spend $1.5 billion over the next two years both to assist school systems under court orders to end *de jure* segregation, and to upgrade schools confronted with *de facto* segregation.

What the President has *failed* to indicate publicly is whether he will assist the voluntary efforts of both Southern and Northern schools in reducing *de facto* segregation by voluntary busing, zoning, and redistricting.

The leadership of Presidents Eisenhower, Kennedy, and Johnson was based on a policy of "all deliberate speed" in school desegregation; the Supreme Court, in the recently decided case, *Alexander v. Holmes County Board of Education,* decreed that dual school systems must end "at once" rather than with "all deliberate speed"; yet President Nixon's policy now appears to be one of "all deliberate delay" and "minimum feasible integration."

Clearly President Nixon is determined to pursue his "Southern Strategy" at all costs—even at the cost of providing good education for all schoolchildren of our country.

REORDERING NATIONAL PRIORITIES—FUNDING FOR EDUCATION IN GENERAL

Funding for elementary and secondary programs is only one example of the larger picture.

In the last weeks of 1969, Congress took unprecedented action to shift our priorities to domestic needs. For the first time in many years, the House took the hatchet to military spending, cutting $5.3 billion from the Administration's request of over $75 billion, and Congress slashed foreign aid funds.

Congress also voted $800 million in funds for FY 1970 for fighting water pollution—nearly four times the amount President Nixon requested.

In contrast, one of President Nixon's first acts was to reduce education funds to $3.2 billion, $450 million below the amount Congress appropriated for fiscal 1969 and $368 million below the budget recommended by President Johnson. Moreover, Nixon's budget for education was less than 40% of the $8.9 billion authorization level.

Much of the education community, expressing deep alarm at the President's actions, joined to form an emergency committee for the full funding of education programs. In support of this outcry from educators, Congress passed an amendment introduced in the House by Rep. Charles Joelson (D–N.J.), which would increase education funds by $1.1 billion over the Nixon budget. The Administration vigorously opposed the Joelson amendment and threatened not to spend the money appropriated.. Congress, unabashed by the President's threats, passed the amendment, which led to the President's vetoing the HEW appropriations bill. (Only a few weeks later, President Nixon was strangely silent when the House added to the military procurement authorization an unbudgeted $1 billion for naval shipbuilding.)

SUPPRESSION OF ADMINISTRATION REPORTS ON EDUCATION

Not only has the Nixon Administration been unwilling to support either Democratic or bipartisan initiatives in Congress in the field of education, it has been unwilling to follow the advice of its own task forces and commissions.

The President's task forces on education have recommended both constructive new programs and more adequate funding for present programs, but the Administration has persistently suppressed or delayed the release of these reports.

The President-elect's Education Task Force Report was never released. On March 12, 1969, after the Report had been summarized in an issue of the Chronicle of Higher Education, I placed the full text of the Report in the Congressional Record.

The Report of the Administration's Education Task Force was bottled up in the Department of Health, Education, and Welfare, and it was made publicly available only when Congressman Cohelan of California placed it in the Congressional Record on January 19–20, 1970.

The Administration also blocked release of the report of a special committee in the Department of Health, Education, and Welfare, on Easing Tensions in Education, named by Commissioner Allen and headed by Dr. Gregory Anrig, who had been Director of the Division of Equal Education Opportunity in HEW.

In addition, the Administration held up for months a report prepared in 1969 by the Commission on Instructional Technology headed by former U.S. Commissioner of Education Sterling McMurrin.

It is not surprising that the Nixon Administration would be reluctant to release all these reports. Each called for Presidential leadership in education.

A WORD IN CONCLUSION

Democrats can justifiably be proud of the splendid record of achievement of Democratic-controlled Congresses in writing legislation to support American education—a record written during the Presidencies of John F. Kennedy and Lyndon B. Johnson, both Presidents genuinely dedicated to the support of education.

The Administration of President Nixon, on the other hand, is seeking to dismantle the structure of Federal support for education in the United States by:

1. Opposing adequate funding of education programs at every level;
2. Seeking to eliminate a number of essential existing programs;
3. Suppressing or ignoring the recommendations of its own advisory commissions for more adequate support of education;
4. Opposing initiatives in Congress, most of them led by Democrats, but some by both Democrats and Republicans, for creative ways of meeting urgent educational needs; and
5. Disguising its hostility to education behind the slogan of "we don't know enough about what works, so let's do nothing."

In short, it is a fair conclusion that no Administration has, on the record of actions, not words, proved so hostile to American education and to Federal support of education as has the Administration of Richard Nixon.

Congress—and Democrats in Congress particularly—will have to continue to provide vigorous leadership if education is to achieve the high place on the agenda of our national priorities that it deserves.

Testimony of Congressman Brock Adams, Washington State, Seventh District, Before Committee on National Priorities, Democratic Policy Council, April 29, 1970

THE FIGHT AGAINST CRIME

The size and intensity of crime in any society can always be directly related to the faults of that society. The kind and type of anti-social activity will vary according to the faults of a particular society. The degree of threat to the continuation of the civilization will depend upon the structure of society, the violence of those attacking it, and the response made by those interested in preserving the civilization.

Many members of the Democratic Party have been placed on the defensive in dealing with the problem of violent crime in our cities' streets because they have struggled many years to create a society with true social justice and from bitter experience, they know that brutal, unfair, enforcement of criminal law has been used as a method of maintaining an unjust status quo by preventing social change. Therefore, as violent home and street crime began to rise with the creation of the crowded, poor conditions in the core of our central cities their response was to either deny that the crime rate was really rising (arguing that it only meant more crimes were reported) or to stress that the only need was for adequate social programs to correct the underlying social ills that were causing poverty and segregation in our cities.

Many of us point out that this approach only dealt with the structure of society as it causes crime. This did not deal with the violence that exists in the city (which cannot be corrected soon enough by social programs) and it also ignored giving enough help to those who are charged with the responsibility of responding to the violent acts—namely, those who work in the system of criminal justice.

The program which I propose today to the Committee is to deal with violent home and street crime by recognizing the violence which exists in our cities (which is already recognized by the American public) and to deal with this by pointing out what should be done with the criminal law system. The alternative to this type of program is to retreat into a dark era of repressive legislation enforced by dictatorial methods which may produce order for a short period of time but will eventually cause our nation to be divided in bitterness and to lose its dream which has given hope to the people of this nation and the world.

I. Where it all starts

For many, many years, the American public has relegated the criminal law system and the handling of society's failures to the dust bin of neglect. The Wickersham Report in 1931 pointed out that the American system of criminal justice was breaking down. The Presidential Crime Report of 1968 clearly indicates that things have continued to deteriorate since the earlier report. We do not need anymore studies on this matter. We need immediate action to strengthen the system we have and research to improve it.

In trying to determine where it all starts, we must first consider the young. Assault, rape, mugging, and other violent crimes are increasingly being committed by those thirteen to eighteen years of age and we know, too, that a great percentage of our violent offenders come from the ghetto. Until we can eliminate the brutalizing effects of the ghetto on the child, this will continue to be so, but we cannot simply infer from this that violent, juvenile crime is caused by poverty. This answer is as simple as it is untrue. We do not know the catalyst which causes crime. We do know, however, some things about how crime starts.

The youthful offender begins criminal activity for a number of reasons—most of which are caused by the crunch of a modern, urban society.

A set of hopes and expectations are spread before him at a very young age by television, radio and the mobility afforded by modern transportation.

He finds as he grows into adolescence that his ability to meet these expectations is severely limited by his family background, his inability to get a good education, and often, the color of his skin.

He becomes increasingly aware of the better lives his fellow citizens in the suburbs have. He is surrounded by wealth but does not share in it.

The deterrents to committing crime decrease as he realizes how little he has to lose if he is caught. He does not have a regular job, owns no home, has no stable family background, and probably will not be punished the first two or three times he is sent to juvenile court.

He has the eternal sense of rebellion of the young and new against the old and established without the traditional pressures of a stable middle-class society to inhibit him. Young men and women who grow up in the city with these problems also learn as they grow older about "selective law enforcement" or the "system" or the "slicks versus the

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squares" or whatever else you want to call it. Many law-abiding citizens of the United States do not know what "selective law enforcement" means. They are unfamiliar with the accommodation which has grown up between police departments and illegal elements in the so-called "tough" sections of our cities. "Selective law enforcement" means that certain laws will be enforced in a different fashion from one area of the city to another.

Without going into detail, I would point out that in addition to the young, those involved in the organized crimes of drugs, prostitution, gambling, after-hours liquor and similar socially prohibited crimes encourage the creation of "selective law enforcement" neighborhoods and then feed on these neighborhoods which are then involved in a vicious cycle. Families living in these conditions are forced to exist in an entirely different culture than are more fortunate citizens. Children become brutalized by this environment. They turn to crime and a new cycle and a new generation begins, only each time, the cycle is widened and crime is deeper and more violent. As the poor population of the city is jammed more and more into crowded conditions and the total population increases, the problem accelerates. Where once only small areas in the central core of cities were involved, now the blight has begun to move rapidly throughout the entire central portions of our major cities.

To say that people in the affected areas do not support the police department in the same fashion as those citizens living in more affluent sections, is simply a truism which means nothing. It ignores, for example, the basic problem faced by the criminal law system with the police department in the forefront trying to change the pattern of years and enforce the law equally in all parts of the city. The old law enforcement standards do not change easily and neither do the attitudes in the community in which they exist. It is easy to blame central area citizens for their lack of enthusiasm. It is also easy to accuse the police of brutality. But neither approach faces the fundamental problems standing in the way of law enforcement patterns in those neighborhoods. Many more officers are needed and they must be carefully trained to understand the changes they will be required to bring about. In addition, we must examine our laws to determine whether the police should be required to enforce certain moral standards which have been written into law and which basically involve consensual crimes or whether another agency should deal with these crimes and leave the police free to deal with violent crime.

It is much easier to patrol a predominantly white, well-to-do suburb where the citizenry have a financial and personal stake in their area and are generally cooperative, than to patrol downtown, predominantly poor neighborhood, where many citizens have not been able to accumulate property, have intense family problems, do not relish their day to day existence and have suffered under discrimination for years. These citizens have been conditioned for many years to believe that they must live with varying types of criminal activity and that criminal justice really does not mean what it says.

II. Stopping violent home and street crime

Stopping violent home and street crime does not involve a conflict with civil libertarians on most issues such as confessions, wiretapping, technical rulings on evidence. It also is not solved by the cheap solutions offered by the "law and order" advocates. The person who has committed a violent crime on the street or burglarized a house is not deterred by a wiretapping law, preventive detention or a "no knock" search warrant. The other repressive legislation so dramatically espoused by the "law and order" advocates involves cheap ineffective politics which diverts the public from the real answers. A lawbreaker is deterred or caught and society is protected by making our present criminal law system work.

The American system of criminal justice has four major parts. First, a civilian-controlled police force, depending to a great extent for its effectiveness upon citizen cooperation. Second, a determination of fact as to guilt or innocence by a court system, by having the dispute as to this fact determined by an adversary proceeding before a judge with a portion of society (the jury) making the final determination of guilt or innocence. Third, a correctional process with a judge first making a determination as to the correction of the individual (the sentence) and thereafter either institutional care or probation. Fourth, a rehabilitation process to move the convicted individual back into society either by work within an institution, through a parole process, the use of a halfway house, case worker supervision, or some other form of readjustment to society.

This system may be compared to the four parts of an electric light system which runs from a socket in the wall, through a cord, up a lamp stand, and then to a light bulb. If any one part—the socket, cord, lamp stand or bulb—does not work, then the light does not go on. As one part of the system begins to burn out, the lamp flickers, giving a warning that something is wrong. This is what the crime statistics are doing today. During the process of burning out through an overload, it is the same as our judicial system being over burdened. There is a great deal of heat (speeches) and smoke (excuses) and very little light (justice). The light becomes dimmer and dimmer and finally goes out. This is what has happened in most of our central cities so far as our justice system is concerned. The key solution is that the whole system must work. You can change the light bulb if the socket is worn out, but if the cord is faulty or the stand is broken, the system fails.

One part after another of our criminal law system has broken down and each time we have patched one part so it works a little bit and then forgotten it. The result is that the system never becomes strong and soon breaks down again. At the present time, we are concentrating upon the most visible part of the system—the police department. The problem is that if we do not rehabilitate our courts as well as provide actual rehabilitative institutions which make transition back into the community a reality, crime will continue to increase as more young people move into it and past offenders rotate back into the system. We must improve the total judicial system by providing enough well-trained police and by making certain that process is available so that everyone obtains an immediate and fair trial with fair and even-handed determination of whether a man should be placed in prison to protect society or released because he can live in society. This also makes it essential that we have the institutions where men have a chance to be rehabilitated and have the social programs available to give these persons a chance to return to society. Without this, we cannot stop the rising crime rate. We will not protect our society. And we will not have justice.

This sounds so easy that many probably wonder why it doesn't simply happen. It doesn't happen because the American public thinks of the police department, the courts, and the institutions as people "over there" who are outside of society doing a nasty job but are expected to do it in the best possible fashion with the smallest amount of money. Those who live day to day in the system for having committed a crime against society, do not vote and their lobby ranks very low in terms of obtaining the funds necessary to give them a chance to return to society. Finally, there are always great numbers of political figures ready to cry "law and order" and to offer cheap solutions for difficult problems, such as mete out mandatory sentences (even though there are no institutions to place the men in), make the courts operate more efficiently, (there is a great deal of merit to making the courts operate more efficiently but there has to be enough courts to match the intensity of change in the number of people and the quality of their life in American cities), or pass a massive anti-crime bill with many repressive features in it (the majority of which do not even touch violent crime but sound very good in isolated cases).

The solution to mounting violent crime must come from the Democratic Party which understands that people are not statistics and that money, manpower, and motivation stop crime rather than slogans, bumper strips, or simple-minded, repressive legislation. I have proposed that next year the Law Enforcement Assistance Administration of the Department of Justice which was created by the Safe Streets Act be funded to the amount of $1 billion. I have further suggested that categories be established within this to be certain that at least a portion of the money is devoted to the court system and a substantial portion devoted to the correctional institutions as well as requiring that a portion of the money be used for police departments for payment of salaries, education of men, as well as for police hardware—such as tanks, tear gas, and new exotic types of equipment.

I am informed by the House Judiciary Committee members that the response of the Department of Justice has been that this amount of money could not be efficiently spent next year in the law enforcement and criminal justice part of our society. How foolish this is. In the City of New York alone, in the last election, all the major candidates agreed that a minimum of 3,000 new policemen were needed. To equip, supervise and pay a man to belong to the police department will cost New York approximately $13,000. To put 3,000 additional men in New York City will cost $39,000,000. Yet, the Nixon Administration request for total federal assistance to our criminal law system in FY 1971 is only $480 million. Of this figure only $30,496,000 would be allocated to the entire State of New York—$8.5 million less than the cost of the additional police officers in a single city. Under my proposal for one billion dollars, the whole State of New York would receive approximately $65 million, an amount that would not even meet the problems of juvenile crime, drug addiction and new officers for the City of New York. For the Attorney General to say that the Department of Justice could not spend more than $480 million in FY 1971 is absurd.

I believe the Democratic Party should also serve notice on the Nixon Administration that we not only intend to ask for $1 billion next year to be spent on the criminal law system, but also we are looking toward a goal of matching on a 50–50 basis the present expenditures on the criminal law system made by the local units of government in the United States. The best estimates we have are that $5 billion a year is spent on the American criminal law system by all of the various governments involved at the local level. I would propose that within five years, escalating at a rate of $1 billion per year, we plan by the year 1975 to spend $5 billion a year to bring America's system of justice up to date and that we spend that sum of money for each year until our cities are safe enough that our programs of social welfare and assistance can work without the threat of fear and violence destroying them.

I am very tired of those who live in small towns or in safe suburbia constantly criticizing the violence of the major cities and yet taking money from the federal government for their programs and refusing to support the cities in the programs which they need in order that they may survive. The system of criminal justice is part of these cities' needs. I say I am tired of this because over 70% of our people now live in central cities or in immediately surrounding suburbs which will soon be affected by the crime rate.

I believe that if we can establish an escalating program which started at less than $1 billion and finally went over $5 billion per year to make a voyage to the moon, we can, in our own society, spend the same amount of money to make a journey into an era of domestic peace.

REMARKS OF THE HONORABLE GEORGE P. MILLER, DEMOCRATIC NATIONAL COMMITTEE, APRIL 29, 1970

Mr. Chairman, I am happy to be here to express my views on our national priorities, especially with regard to the National Space Program as it is conducted by the National Aeronautics and Space Administration.

At the outset, let me emphasize that the solutions to the vast majority of our domestic and international problems are either based on, or rely heavily upon, our tremendous resources in science and technology. This fact cannot be viewed as a static reality or accepted as a complacent assumption. We must be acutely aware that today's problems must involve today's technologies. Further, Americans must echo that truism as far into the future as we can project.

It therefore becomes immediately apparent that the excellence to which our national objectives today and in the future are resolved is directly the product of the superior science and technology we are able to achieve.

In this regard, it is my firm conviction that the national space program has become one of the major contributors over a very wide range of scientific disciplines to the unprecedented degree of scientific and technological capabilities that now reside in the Government and in the private sector. If we couple the unique American forte of managing very large enterprises with those capabilities, it is hard indeed to conceive of any tangible realistic situation that could defy the application of those resources, *if* we as Americans have the will and determination to apply them. The space program epitomizes as an outstanding example the assertion of the national will.

We have reached a plateau in our program of space exploration. It is one upon which we are assembling the existing resources and the talents for man's next assault upon space operations, the space station and the space shuttle. It is also an emotional plateau for the American people as they view the program. The early flush of excitement and glamour—to a certain degree a comparatively superficial reaction—over the first successes of the astronauts has diminished. The tense and fear-filled days of Apollo 13 has no doubt re-elevated the mutual personal involvement in our manned spaced program. But that too will diminish.

But we know in Congress that the space program is founded upon a much more substantial and profound basis than the mere adventure of going into space, with men and spacecraft. Our purpose is based on the grim reality born of bitter, hard national experience that the United States cannot afford to be inferior or second best in any major field of science and technology, which the space program represents. We have achieved superiority. The record in every type of space operations proves that. It is also unquestionable that such superiority must remain dynamic, viable, and visible to the rest of the world. Hence, a prudent, well planned, evenly progressive program must be maintained and continued through Congressional support to be part of our national objectives and policy.

With regard to the manned space flight program, shortly after the stunning success of Apollo 11 and Neil Armstrong's epic first step upon the moon, I made my position very clear. We heard talk of "on to Mars" and "let's duplicate the moon walk on Mars some time in the 1970's." These statements, some by the national leadership, I know stemmed from the great enthusiasm over the success of Apollo 11 and over the almost perfect precision of the crew that was quickly accepted as standard performance for the future. In my judgment, views of that nature were and are very imprudent and ill considered. Manned missions to Mars are many orders of magnitude more difficult to achieve than going to the moon. Long range extensions of existing technology must be evolved. Much more information and biological knowledge on the physical and psychological effects many astronauts will encounter during a year and a half stay in weightless space must be garnered. New developments in auxiliary power, systems and materials have to be achieved to an unprecedented degree of efficiency and reliability. The list could go on and on.

Let me hasten to say that I am entirely in favor of sending American astronauts to Mars—eventually. Eventually, I say, because we have much more to do in the field of manned space flight before we can be realistically confident of success.

With all due modesty, I think my view has more or less prevailed. The present program NASA has now before the Senate reveals in its funding that we are proceeding step by step toward the next objectives of manned space flight.

The first, of course, is the continuation of the Apollo program. In my view, the events of Apollo 13 should not and will not deter the Administration carrying out the planned flight schedule. The moon will continue to be explored well up into 1973 by flights spaced about six months apart. These flights will use the basic Apollo systems with greatly upgraded and expanded scientific payloads that are presently being developed. The Committee approved this year a substantial increase in funds over the Administration request for the Apollo program, $145 million to be exact. The House approved $130.5 million. This was intended for the upgrading of lunar payloads and for the improvement of the Saturn V rocket which has performed with 100 per cent success so far, an amazing record. The Committee's decision in this regard was in my opinion well justified because it recognized the need to fund very long lead time items necessary to make Apollo missions much more profitable and rewarding. Regardless of the upcoming decisions of the Independent Offices Appropriations Subcommittee, the need for relatively modest increased support for Apollo remains apparent. It should remain our national policy to carry out that program to its planned termination.

The Committee also recommended an increase of funds for Space Flight operations. This involves research and qualifications of subsystems for long range flight. Work such as included in the program would pertain first to the manned space station, and is related directly to my previous comments on adopting a measured pace in approaching long range flights such as to Mars. Here is where the experience and the expertise will be developed which will make possible a very wide range of manned missions involved with cislunar space as well as beyond.

Involved here also is the development of the space shuttle, a program that will expand astronaut capabilities and will reduce the cost per pound of payloads launched into earth orbit from $1000 per pound down to $100 per pound or lower. This will be accomplished by reusability. The space shuttle will be able not only to be launched into space but to return to land on air fields much in the manner of conventional aircraft. It will be capable of being refurbished many times and can be used over and over. This is a very exciting prospect indeed and should be exploited to its fullest extent.

NASA's unmanned space flight program has provided the United States with truly practical applications of space technology that have direct and easily perceived benefits to our people, and to others across the globe.

We are all well aware of the weather satellites and the communications satellites that are presently operating in orbit with astonishing success. If you watched the Apollo 13 landing on television, you could not help being profoundly impressed by the fact that you watched the actual landing by means of a communication satellite hovering in synchronous orbit 23,300 miles over the Pacific. Few could fail to marvel at this achievement.

More exciting missions are close in the offing; Applications Technology Satellites already in space have demonstrated the tremendous prospect that lies ahead. These are the first devices that will eventually provide the beginning for climate control and knowledge of global weather dynamics. They can provide communications as well as earth surveillance. They will also assist in the development of Earth Resources Satellites which through special techniques distinguish between healthy and diseased crops, discover new and large water supplies in hitherto unsuspected areas; they will give us new knowledge and understanding of geology and geological forces. Programs such as these should be very strongly supported in the future for they have direct meaning and appreciation to millions of people who will be benefited.

In this regard, I am disappointed that development of Applications Technology Satellites F and G had to be delayed, possibly by twelve months. The impact of delay on programs such as these is very difficult and often more expensive to overcome than original cost estimates. Such actions should be avoided whenever possible. However, there are priorities in the space program that must be considered, too. It comes down to the fact that, within the confines of budget restrictions, hard choices had to be made whether to maintain support of the manned space flight program at the expense of others. The delay was the result. Nevertheless, I am confident that the unmanned space flight program will begin achieving its great potential over the next three to four years, so long as the program continues to receive prudent support from the Congress and the Executive.

The national space program was created into a living, growing and vigorous entity by Democratic Administrations and Democratic Congresses. It was done with vision, foresight, and large commitments through faith in our national purposes that this country has had to be in the forefront of exploring space. Those decisions have paid off, at considerable investment, to a greater degree than we could ever envision back in 1958. The fact is that the Democratic party is completely identified with that success.

I cannot help sometimes being sadly amused at the cries of the critics that we are spending too much money on the space program, that we are throwing away money that should be used for this, that and the other. Each of these people seems to have his own favored program that he believes should be funded above and beyond every other. They often fail to recognize that the space program, with unprecedented advancements in technology, is and will provide much of the knowledge needed to solve their own problems. There are many I can cite. Air pollution, water pollution, presently unavailable sources of power, exploration of the oceans, to name only a few.

Their concern for expenditures for space exploration is greatly diminished in importance by very interesting comparisons. Did you know that the American people spend

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four times the amount requested for this year's budget for alcohol and about two times that amount for tobacco. About the same amount is being spent this year for cosmetics. The program is actually only one and a half per cent of the national budget for fiscal year 1971. It is less than one half of one per cent of our gross national product. In the past ten years we have appropriated for space $38.6 billion dollars. In the same period we have given away through foreign assistance about $32 billion.

These comparisons are important, because they underscore the relatively reasonable costs that have been incurred in relation to enormous and even incalculable returns we are getting. One example comes immediately to mind. Hurricane Camille was first detected and tracked by weather satellites. Its fantastic power and direction were continuously monitored. On that information, Gulf Coast authorities evacuated 70,000 people to safety. It has been estimated that if Camille had struck the coast by surprise, 50,000 people would have lost their lives. How can anyone calculate the importance of the weather satellite information to those people? It is beyond conception.

The Party support of the space program over the years since its beginning in 1958 is a shining example of how farsighted decisions by men not deceived or misled by transient political and economic diversions have given our nation an indispensable resource. We cannot do otherwise in the future.

Statement of Congressman Benjamin S. Rosenthal, of New York, Before the National Priorities Committee of the Democratic Policy Council, April 29, 1970

CONSUMERISM AND ITS PROBLEMS

The consumer is in serious need of help.

The American free enterprise system, with its give and take in the marketplace, is basically healthy. But in the supermarket aisle, on the auto showroom floor, and across from the cash register everywhere, the consumer must face Madison Avenue, the whirling computer and the motivational research psychologist. He must face the giant corporate structure with its single-minded concern for profit and its capacity to spawn powerful lobbies in Washington and State capitols. The consumer must face not simply outright fraud and deception but sharp practices honed to incredible subtlety. Standing alone, the American consumer cannot deal with this power in the marketplace.

A question of justice

The result of this mismatch is that until quite recently, such major private-sector consumer injustices as hidden credit costs, unsafe automobiles and hazardous household products, unsanitary meats and poultry, dangerous or ineffective drugs, and deceptive packaging and labeling, received superficial attention.

Still to be dealt with conclusively in the years ahead are abuses in the insurance field, sharp practices in the automobile and TV repair industries, warranty problems, deceptive and non-informative advertising, home repair frauds, costly games of chance, trading stamps, and sweepstakes, household moving problems, inadequate and confusing food grades, discrimination against low-income consumers, and the consumer information gap.

What has government's response been to these problems? Briefly, the federal government has responded, in an uneven manner, to substantive consumer abuses by supporting legislation designed to eliminate the abuse. But, to the extent that the effectiveness of these laws depends upon vigorous enforcement by the responsible federal agencies and to the extent that the government is involved in thousands of decisions which vitally affect the consumer interest, consumer protection at the federal level has been a failure.

At the state government level, some progress has been made but mostly in the form of increased authority to state Attorneys General to prosecute consumer frauds.

Local government, with isolated exceptions, has done little.

In Washington, we have recently witnessed another Administration's attempt to address itself to consumer problems. After a very uncertain start, the post of Presidential Advisor on Consumer Affairs was continued under a knowledgeable and earnest woman with some substantial experience as head of a state consumer protection office.

But the uncertainty surrounding the maintenance of this staff position and the manner in which it was filled were not good omens. Nor is it good government to have the vital task of consumer protection and representation, depend upon the whim or caprice of any President.

Consumer protection at the federal level must be institutionalized by statute in a permanent and independent consumer protection agency in the Executive Branch.

The European example

To those who see this as a radical proposal, I would like to point out that a number of Western European nations already have Cabinet-level Departments to represent and protect consumers. We are now far behind these countries. Not only in how our government represents the consumer interest, but in consumer product testing and the release of consumer information.

There are many who would have us believe that the spate of new consumer laws has elevated consumers to a dominant position in the marketplace; that the weight of governmental action has shifted from the producer side to the consumer side. Nothing could be further from the truth.

While our government is presently more aware of and even more responsive to consumer needs than in the past, producer groups still exercise a disproportionate influence over economic policy. This is true in the governmental body that makes the laws; it is true in the body that administers the laws.

In proposing the establishment of an independent Consumer Protection Agency, my thesis has been that to change policy, one must change organization. Roger Hilsman, in his book, "To Move a Nation", cites as an example of this principle the difficulties experienced by Theodore Roosevelt in trying to establish conservation of natural resources as national policy in place of the older "homesteading" policy.

Hilsman's description is highly relevant to consumer representation: ". . . The old organizational arrangements provided easy channels for lumbering and other exploitative interests to express their preferences and almost none for 'conservationist' interests to express theirs. There were almost no mechanisms for gathering the kind of information that would permit governmental decisions to conserve rather than exploit. The result was that President Roosevelt could not really change . . . policy . . . until he changed the organization dealing with the problem."

Deceptive laws

In my view, the consumer of the 1970's is in much the same position as the conservationist of 1900. The present organizational arrangements at the federal level—with Cabinet representation for business, industry and agriculture—provide easy channels for producer interests to express their preferences and almost none for consumer interests to express theirs. In a governmental system where decision making depends on effective advocacy of all points of view, such organizational discrimination is intolerable.

The worth of any law is based, ultimately, on its execution. The mere enactment of consumer laws, without effective consideration of how these laws are to be administered and by whom, is deceptive.

We have arrived at the point where the steadily increasing body of consumer laws to be administered by the federal government is now beyond the efficient reach of any haphazard combination of agency appendages. This was true of housing problems in 1965 when the Department of Housing and Urban Development was established; it was true of transportation problems in 1966 when the Department of Transportation was created; it is true today of consumer problems.

Fundamental economic problems face government today in the questions of how consumers really are represented in existing agencies, whether consumer activities in one agency bear any relation to those in another agency, whether there is adequate coordination and overview of consumer-related programs, and whether there should be more central control.

Fragmented consumer responsibility

At present, the American consumer's voice is faintly heard through some 33 federal departments and agencies carrying on approximately 260 consumer activities. Consider that—

Responsibility for enforcing the Truth-in-Lending Act is vested in nine separate agencies;

Administration of the Fair Packaging and Labeling Act is divided among three agencies—the Federal Trade Commission, the Food and Drug Administration, and the Department of Commerce;

No less than five federal agencies are responsible for consumer protection of the poor;

The Flammable Fabrics Act of 1967 is shared by the Department of Commerce, the FTC, and the FDA;

Responsibility for the wholesomeness of fish and fishery products falls both to the Food and Drug Administration and the Interior Department's Bureau of Commercial Fisheries;

Programs to control air and water pollution can be found in a half dozen agencies.

These laws, each with merit, have proliferated beyond the ability of our present governmental structure to handle them.

Despite the large number of federal agencies that purportedly represent the consumer, it is still a fact that:

There is no single federal agency to which consumers can direct complaints;

There is no single federal agency devoted to the pressing needs of the low-income consumer;

There is no single federal agency which gathers and disseminates to the public the considerable product and economic information that is available at the federal level;

There is no single federal agency which represents the consumer interest before federal courts, departments, and regulatory agencies;

There is no single federal agency which scrutinizes the nation's food marketing system from producer to consumer;

There is no single federal agency in which the consumer education function resides;

And certainly, there is no single federal agency which can boast that it has consistently anticipated consumer problems instead of reacting to them on a crisis basis.

What makes such a fragmented consumer protection apparatus deplorable, is that consumers are almost never represented at agency deliberations.

Judging the record

What is the consumer record of our federal government?

Are we satisfied with the performance of our regulatory agencies in advancing the consumer interest in America?

Has the Federal Trade Commission been a vigorous champion of the consumer cause?

Has the Interstate Commerce Commission effectively represented the consumers' interest in matters relating to household moving problems and railroad passenger service?

Has the Federal Communications Commission been an effective advocate for the public in policing the airwaves?

Has the Department of Commerce moved with dispatch in approving flammability standards for clothing or in administering its portion of the Fair Packaging Act?

Are we satisfied with the activities of the Interior Department and the FDA in protecting the consumer against unwholesome fish and fish products?

Has the Department of Agriculture strived to achieve the most effective and far-reaching consumer food grading program, as Congress directed it to do?

Do the efforts of the Department of Transportation's National Highway Safety Bureau in the field of autosafety match the grim reality of 52,000 deaths last year on our highways?

Is it in the long-range best interests of consumers that solutions to many of their most important problems are entrusted to temporary commission like the Food Market and Product Safety Commission, whose recommendations are largely ignored because of the absence of an institutional framework for continuing action?

Have the General Services Administration, the National Bureau of Standards and other federal product testing agencies, moved to maximize the benefits of their tests by releasing valuable product information to consumers?

Certainly, the report of the American Bar Association on the Federal Trade Commission and the reports of the Center for the Study of Responsive Law on the Interstate Commerce Commission and the Food and Drug Administration, suggest that the records of even the major consumer protection agencies of government are highly inadequate.

Who is represented?

Moreover, how can the consumer interest be protected in agencies having competing and diverse interests to protect?

Can the Consumer and Marketing Service of the Department of Agriculture faithfully represent, at the same time, the desire of consumers to get the most for their money and the desire of farmers to get the most for their product? Can the Department of Commerce successfully promulgate lumber standards or administer its part of the Fair Packaging and Labeling Act and yet serve the interests of its real constituency, the business community? Can the important consumer responsibilities relating to food and drug labeling required by the Food, Drug and Cosmetic Act receive adequate attention in a Department whose Secretary is also burdened by problems of education and welfare?

My own conclusion is that, without full, vigorous and coordinated enforcement, many consumer protection laws benefit only the printers and bookbinders of the United States Code. The Wholesome Meat Act was passed two years ago but we still have 60 persons infected with trichinosis in a small Missouri town. We still have confusing labels on supermarket shelves because the Fair Packaging and Labeling Act is inadequate and is not being properly enforced. And we still have dangerous fabrics sold to unsuspecting consumers, some of whom suffer needlessly from burns, because agreement cannot be reached on how the Flammable Fabrics Act should be enforced.

A new Federal consumer agency

What vital functions would such a new independent agency perform that are not now exercised by the 33 departments and agencies bearing consumer protection responsibilities?

1. A central clearing house for consumer complaints would be established where now there is none.

2. A central repository for consumer information would organize, release, and in some cases disseminate on a regular basis useful performance data on products and services in non-technical language. Many agencies of government that now test consumer products refuse to release test results and other valuable consumer data. While many federal agencies readily make their test results and scientific studies available to private industry sources, the public which pays for those tests is denied access to their results. Moreover, the new agency itself would conduct research and testing on consumer products.

3. For the first time, the consumer's viewpoint would be vigorously represented before federal courts and regulatory agencies in matters of proceedings affecting substantially the interest of consumers.

4. Finally, economic studies would be conducted and the work of the Product Safety Commission continued.

Until such time as there is a statutorily created independent Consumer Protection Agency where inter-related functions will be performed under one roof, our consumer programs will continue to be mismanaged and will have failed to serve the purposes that Congress intended. It is our responsibility to the cause of efficient government and our special obligation to America's 200 million consumers, to provide the institutional mechanism which will assure equity and justice in the marketplace.

THE ENVIRONMENT: THE IMPATIENT PRIORITY

(An address by Hon. JOHN A. BLATNIK, to the Democratic Policy Committee, Committee on National Priorities, April 29, 1970)

TOWARD A NEW CONSERVATISM

Earth Day is over. The buttons, the flyers, the mimeographed programs, are all a part of ancient history now. That is, they could be, if we let them stand only for a day, or a fleeting thought in the Nation's conscience.

The question still remains: What did Earth Day mean?

The President remained in his office the entire day, sending only the inadequate message through his oracle that he had already made his position clear, that the Nation must be aware of his stand on the environment since his policy speech in February.

Did Earth Day mean more, or less, without the participation of the President of the United States?

Members of Congress, citizens group leaders, teachers, made speeches on pollution across the country. The Nation could hardly disagree that pollution of all kinds is a grave threat to our way of life and that must be stopped. In view of the general agreement and of the outpouring of sentiment elicited by April 22nd, we might be tempted then to believe that we are over the hump, that with all this good will, with all these alarming statistics, we have done all that needs to be done to save the environment.

But I ask again, *What Did* Earth Day Mean?

I submit that it could mean that another day has gone the way of all days, like Mother's Day, or Groundhog Day. It is up to us now, to the Democratic Party, to give meaning to the idea. Today I want to offer a "New Conservatism of the Environment" as the program for the Democratic Party for the coming two years, and for the long term.

THE ISSUE

This Nation is strongly given to fads. We have seen a succession of issues in the past few months grip the public eye and create a furor: the fight against hunger, the war in Viet Nam, civil rights. All of these issues are important, indeed urgent. Yet we have seen each supplanted in the public eye by its successor and in the way of things, we might expect pollution as a national issue to die, too.

But this is not the time to let pollution fade from the public consciousness. Other issues can be handled expeditiously with a good Administration and a unified Congress. But pollution cannot be handled by the Administration alone, nor by making laws alone, nor, in fact, by appropriating money alone. It takes public awareness and public commitment, as well. So, if we want our children to be able to live as well in this country as we have lived, if we want a decent life for *all* our people, and if we want to give our words of last week meaning, we cannot drop the subject now. We must go forward with it and make it a national issue for all time.

The issue, we have said is survival.

When will we begin to act as though we believe it?

If we really believe that the primary threat to our survival is here at home, we will cease spending billions destroying life in Viet Nam and building a life-destructive potential of planetary scope, we will bring those funds home to save life here.

We say that we are in danger of procreating ourselves to death and cry that we are drowning in the waste of a Nation geared to surfeit.

Yet how little action is forthcoming!

Now the President has submitted *his* plan for the environment. He has appeared to up the ante to $1 billion a year. Still short $250 million from the amount authorized in 1966 for Fiscal 1971, in fact, it is even smaller, because he does not offer outright grants, but a contract authority in the Secretary of the Interior, so that the major outlay could come years from now, and the cities will have to continue to struggle with financing waste treatment works on their own. In addition, he proposes to keep the appropriate level for water and sewer lines at $150 million, approximately its past level. Yet, Congress last year authorized $500 million for the same program in Fiscal 1970. Even as recently as last month, Congress had to put pressure on the Administration to *release* money appropriated for sewer tie-in lines in small villages.

The Administration bill also proposes to create an Environmental Financing Authority to assist communities in financing waste treatment facilities who could not otherwise secure financing at reasonable rates on the bond market. Again, this proposal raises more problems than it solves, not the least of which is that it may not do what it is intended to do. Those municipalities with bad credit ratings probably could not afford the interest rates, and those with good credit ratings could not expect help from the Financing Authority.

In short, the Republican bill is typical of Republican performance in the past—long on fine words, short of action, short on money.

THE PROGRAM

If we want our leadership to be effective, we cannot criticize without offering specific alternatives. The following suggestions are offered here as a modest contribution to stimulate thinking toward a Democratic program on water pollution control.

The appropriation

I propose first that we support a far more generous appropriation than that suggested by Mr. Nixon. The population has almost doubled in the last fifty years. Industry has grown by 820% in the same time. The Water Pollution Control Program began only fifteen years ago, and has lagged from the start in funding adequately for the needs of our exploding population and industrial development. A figure in the area of $25 billion would be much more realistic in meeting the needs of the cities for waste treatment facilities during the next five years.

Further, in considering a supplementary contract authority reposed in the Secretary of the Interior, we should also consider a minimum federal participation on the sum contracted for, to assure that if the Federal Government participates in this way, it will be offering real, not token, assistance to the cities.

The allocation formula

Second, we must re-evaluate the allocation formula for waste treatment construction grants. We are aware of the problems states and municipalities have encountered under the present formula, and we will want to keep them in mind in working out a more equitable distribution of funds. Municipal governments have shouldered great debts in going forward on waste treatment. Under the Nixon reimbursable provision, I question whether their past performance will be rewarded justly. Here, too, we will have to keep past performance in mind, and offer equitable reimbursement and future support to those states and cities who have cooperated so well.

Enforcement

Third, we must consider proposals for streamlining enforcement procedures. If we can assure polluters that their activities will meet with swift, certain sanctions by state governments backed up by the Federal Government, I believe we will see more determined efforts on their part to control their activities.

Pollution basins

Fourth, the time has come to emphasize water pollution control and water uses in river basins—larger, more coordinated efforts than we have been promoting. We already have provisions under the Federal Water Pollution Control Act of 1961—we must now work out programs which will culminate in a network of river basins and large, economical waste treatment plants across the country.

User charges

Fifth, we should consider a system of "user charges" or a pollution "tax" to cover the costs of disposing a product or a container, once it is used. It has been suggested that if these monetary charges are applied uniformly, and exemptions offered for products which do not pollute, we will see a swift response from industry anxious to preserve its markets. Since presently the costs of pollution must be borne by the taxpayer, it could be argued that a user charge built into the cost of the product will not greatly add to the overall cost of being a consumer.

Research

Sixth, we must apply the formidable technological know-how of the United States to developing recycling systems for all waste. We must encourage research by private industry and the Federal Government to develop non-polluting containers, nontoxic pesticides, re-usable products. By every means available to the Congress, we must encourage conservation of those resources left to us.

Standards

Seventh, we must encourage the states to adopt pollution standards which will not degrade the water of downstream users. And we must encourage the Interior Department to insist upon such standards. Understandably, standards in different areas of the country will vary with the different uses of water, but the surest way of achieving compliance is to keep standards uniform wherever possible. This will also limit the problem of industries leaving one state where standards are stringent to relocate in another state which may be more lax. There is no economy, no advantage in the long run to any state to entice industry with poor water and air quality standards. Water, air, natural beauty and resources are priceless. We must lead all the states to see that simple fact of life.

Population growth

Eighth. We must give deep, creative thought to a policy of population planning and dispersal. Predictions indicate that by the year 2000, the population of this country will be over 300 million and that almost 90% of the population will live on less than 10% of the land. We have time now to establish a program of dispersal to attract people and industry to the smaller towns, and we must begin to consider methods for controlling the population growth and for feeding, housing, and education of the millions to come. This is one of the purposes of the bill to establish a Commission on Population and the American Future which I sponsored and which was recently signed into law. But the Democratic Party, as the leaders of a new conservatism of the environment must present a unified integrated, imaginative program to meet the challenge of the population explosion, we can hope to succeed only if we plan now.

LEADING THE NATION TO A NEW CONSERVATISM

For the long term, government has no choice but to guide the Nation to a new era. We will have to divest ourselves of the slash-and-burn psychology which even today tells us we can always move on to another field, continent or planet; and the growth fetishism which preaches that more and more material goods bring greater and greater happiness.

This will require great changes, and will take at least a generation to accomplish. We cannot impose immediate shocks on the system, but I think it can be done and that we can begin now.

Our economy is badly balanced between goods and service. We are inundated with surplus products, which sophisticated advertising campaigns feed to the debt-ridden middle classes as well as to the wealthy, while our poor and elderly die of starvation and neglect. The rewards of our society flow into business and industry, while little status or financial reward accrue to the servers of mankind.

Government can ease the transition of the labor force, now, by upgrading the status—and the pay—of teachers, para-medics, social workers, and institutionalizing many of the services now provided by volunteer organizations. Vastly increased training and incentives, we can lure people away from the already over-crowded production lines.

I believe we are already on our way to this goal. Surveys indicate that a larger percentage of our young people than ever before now plan to enter service rather than business careers. Our young doctors are opening clinics in poor areas, and our young lawyers are entering the field of poverty law in increasing numbers.

Government can encourage these trends with more money for educational and social programs.

It is likely that the price of goods, once they include the cost of pollution, will limit consumption to necessities, and impose considerable hardship on many people. All of us may have to learn to live and love a much simpler life.

We can also lead a nation-wide education program, changing national attitudes from exploitative to preservative; by massive educational programs on the scope and urgency we put into science after the Soviets launched their first Sputnik.

Here too, we have made a start. It was the schools and young people who planned Earth Day and gave it its response. Some schools have gone further and added environmental education programs to their curriculum.

Congress can help with financial aid to schools, colleges and advanced academic research.

Preservation of the environment is technologically possible. We can measure what we put into our air and water, analyze it, define it, take it out, and use it again.

But is it politically possible?

The cost and sacrifice as well as greater government regulation will fall increasingly on the citizen, whose tolerance for such measures has yet to be fully tested.

The one-man-one-car privilege cannot continue; but will the public vote the necessary bonds for mass transportation on a scale contemplated only by our most far-sighted planners? Will people be willing to swelter without air conditioning? But what vengeance will they wreak on the public official who permits higher utility rates to pay for pollution abatement? Which plants will be closed down because it is economically unfeasible to equip them with anti-pollution devices? And who will lose his job; what areas will lose the base of their economy? Do we subsidize older plants at taxpayers' expense? Do we impose user or effluent charges, which will inevitably be passed on to the consumer?

How much sacrifice will the people make?

I submit that the people *will* understand, and *will* make the sacrifices, *if* they are given strong leadership, sound programs, and proven accomplishments.

Twice in this century, with the New Deal and the New Frontier, the Democratic Party was able to respond to the Nation's distress. We found new answers; we offered a new vision, embodied the Nation's aspirations, and the people followed us.

Now, we must again provide this same unity and leadership to achieve national progress against this newest challenge: The restoration of our environment and its preservation for generations to come.

NEED FOR NATIONAL URBAN GROWTH POLICY AND NEW COMMUNITIES PROGRAM

(By Hon. THOMAS LUDLOW ASHLEY, before the Committee on National Priorities, Democratic Policy Committee, April 30, 1970)

There can be no higher national priority than improvement in the quality of our living environment. We have had a half century of rapid urbanization in the United States during which the Federal Government has taken a "watch-topsy-grow" attitude. The time has come to start shaping events in our urban society rather than have events shape us. Demands for a decent living environment can only be satisfied if we have a national policy to use all our resources for rational urban development—both physical and socio-economic.

There are a multitude of Federal programs and policies, such as the Federal interstate highway program, which shape our urban destiny and yet they are carried on in a mindless fashion with little or no consideration of how they will affect or destroy any rational urban objectives.

Extensive hearings by the Subcommittee on Urban Growth have carefully charted population growth which indicates an increase in population of 100 million during the next 30 years. These additional people must be housed and the quality of housing of many of our existing people must be improved. Continued reliance on urban sprawl is only going to aggravate the abrasive quality of urban life.

As a result of these hearings, far reaching legislation has been introduced to shape urban growth in a rational fashion. Joining me in sponsoring this legislation have been many of the most prominent Democratic leaders in the House of Representatives: The Honorable Hale Boggs, Whip of the House; the Honorable Dan Rostenkowski, Chairman of the Democratic Caucus; the Honorable Wright Patman, Chairman of the House Banking and Currency Committee; the Honorable William Barrett, Chairman of the Housing Subcommittee; and many of the

Democratic members of the House Banking and Currency Committee.

Similar legislation was introduced in the Senate by the Honorable John Sparkman, Chairman of the Senate Banking and Currency Committee and the Honorable Edmund Muskie.

This bill creates a three-member Council on Urban Growth in the Executive Office of the President. With the Secretary of Housing and Urban Development as member ex officio, this group would be responsible for formulating national policies to guide States, counties, metropolitan areas, and cities and towns toward rational growth and development.

The bill provides assistance, both technical and financial, for a comprehensive approach to urban overgrowth. It contains major provisions for the development of new communities, inner city areas and plans for State and regional growth and stabilization.

The bill substantially expands HUD's title IV new community program which only guarantees obligations sold by developers to finance land development. Under the new legislation, public bodies would be eligible for grants for feasibility studies and planning for new community development. Any eligible developer, private or public, could receive loans for the costs of land acquisition and the construction of public facilities and commercial and industrial centers. The loans have the advantage of substantial delay before repayment is due to begin.

The legislation creates a Community Development Corporation to run this new community development program. The Corporation would have a five-member Board of Directors, one of whom is a member of the Executive Council. The Corporation's responsibilities include providing grant and loan assistance and assuming title IV guaranteeing power from the Secretary of Housing and Urban Development, planning community growth and development programs, carrying out large-scale new community demonstration projects on federally owned land and land acquisition. All these powers and duties would be vested in the Corporation's Board.

The provisions for inner-city development are aimed at acquiring currently occupied land for rebuilding for residential use to help solve the housing shortage in our cities. The legislation amends title I of the Housing Act of 1949. It differs from conventional urban renewal in that the land does not have to be blighted to qualify it for use under this title. Instead, local public agencies would be given assistance for rebuilding projects on land currently occupied by functionally obsolete or uneconomic uses, endangered by natural hazards or inadequately developed. Infrequently used rail yards, air rights over streets, flood lands and other unused or underused land could be acquired for the development of residential housing and public facilities.

The bill also provides States and regional bodies with grants to assist in financing population growth and urban development programs and technical assistance in land-use planning and development. Grants under the bill's fourth title may also be used to purchase open or predominantly open land surrounding urban areas for purposes of new community development, recreation, or generally to conserve and protect the environment.

The Priority of Health

(Statement by U.S. Representative Peter Kyros, Maine, before the Democratic Policy Council, Committee on National Priorities, April 29, 1970)

Mr. Chairman and other distinguished members of the panel. There exists perhaps an inherent inequity as I appear before you, as a reasonably healthy individual, to submit testimony regarding the problems of the disabled, those who are acutely or chronically ill, those who are mentally ill, and those who have succumbed to illness. There are many articulate spokesmen in our society on questions of poverty, youth, pollution, business, and labor. The sick, however, are usually a very silent minority. It falls to me, therefore, as a member of the Public Health and Welfare Subcommittee of the Interstate and Foreign Commerce Committee in the House of Representatives, to state the case for the priority of health in our Nation, and I appreciate this opportunity to appear before you.

I doubt there is any person among us who has not suffered a severe illness or accident, or stood by in anguish while a family member, a close friend, or a relatilve has suffered. We have felt, at such times, that health is our greatest priority, in terms of individual values. If one is seriously ill or injured, there is little else that matters.

No matter how great our national or individual commitment to proper health of our population, complete freedom from illness or injury will remain as elusive as the Fountain of Youth. What we *can* do, however, is reduce the incidence of accidents and illnesses in our Nation. What we *must* do is recognize that "the best of modern medical care should be made available to every American." This recommendation is quoted directly from the 1968 Platform of our Party.

This does not mean that all of our other domestic and social goals should be abandoned in the quest for fully adequate health care for our citizens. There is a direct relationship between problems of poverty, problems of the environment, and problems of health. What I do want to stress, however, is that for the millions and millions of Americans who seek better jobs, better housing, better transportation, better education, and a cleaner environment, these goals will have little meaning unless they are accompanied by satisfactory health.

There is no question but that our Nation has in the past been concerned with health. Diseases such as rickets, scurvy, whooping cough, diphtheria, tetanus and poliomyelitis have been virtually eliminated in this country, with only 48 cases of polio reported in 1968, for instance. Measles and rubella are also scheduled for elimination.

An American born in the year 1900 could expect an average life span of 49 years. A person born in this country today will realize an average life span of slightly over 60 years.

In 1940, our infant mortality rate was 140 per 1000 births. Today this mortality rate is 22 deaths per 100 births.

These are very real accomplishments. Today, however, we must be concerned with what needs to be done, rather than what has been done in the past.

The decrease in our infant mortality rate has leveled off. In 1968, 15 other nations had lower infant mortality rates than did the United States. Compared with these other nations, there is a notably high level of seriously underweight babies born in this country, as result of premature birth and other less discernible factors. This has suggested to many that the medical care afforded to prospective mothers in this country is inadequate. Given the higher rate of poverty among non-white families in the United States, it is significant that the infant mortality rate among non-whites is three times that of whites, with a maternal mortality rate four times greater. Worse, this maternal mortality rate gap is *increasing*.

The upwards curve in the average life span of Americans has similarly come to a plateau, increasing only slightly since the widespread introduction of antibiotics in the early 1950's. Heart disease and cancer, the leading causes of death, have been joined by chronic respiratory disease, which is increasing at an alarming rate. Deaths from emphysema alone have doubled in the past decade.

Setting aside the grim statistics of death, it is all too obvious that living Americans do not enjoy satisfactory health. More than half of us suffer from at least one chronic medical condition, of varying degrees of severity. 22 million American citizens are limited in their physical activity, with heart disease, arthritis, and rheumatism the leading causes of these limitations. Even among our children, between 20 and 40 percent suffer from such chronic health problems as impaired vision, speech impediment, poor hearing, mental retardation and emotional disturbance. The National Institute of Mental Health estimates that one and a half million children in the United States require psychiatric attention.

It is also all too obvious what a demand these health shortcomings among our citizens place upon our medical professions and facilities. About 800 million visits to doctors are made each year in this country, and three out of every four citizens see a doctor at least once in the year. About one American in ten enters a hospital during a given year. The ratio of physicians to other citizens in our country has remained fairly constant during the past 20 years—about one doctor for each 650 Americans, but the demands placed upon physicians are increasing at a time when fewer physicians are providing care to patients. The American Medical Association states that we actually now have only about one practicing doctor for every 1100 citizens. We should also note that only 2 per cent of our current medical school graduates are entering general practice, a situation which Senator Yarborough, Congressman Fred Rooney, many other Representatives and I are trying to correct by means of legislation introduced in this Congress.

We are going to have to be more specific about priorities *within* the field of health, and I think that this means greater attention to the need for greater health manpower, and better distribution of this manpower.

While applauding the expansion of health services available to the elderly and the poor as result of Medicare and Medicaid programs, we must recognize the strain which these programs have placed upon our medical facilities. We can talk about inadequacies in the Medicaid program—and I would point out that only 2½ million children of the 20 million children from needy families are able at present to receive medical care under Medicaid and we can state that the time is coming for a national health insurance program.

What I want to stress as strongly as possible today is that we have got to begin now to expand the medical personnel resources needed for these programs, or they will be woefully inadequate.

The United States Public Health Service states that 3.4 million persons are employed in the health professions in this country. This figure represents about 4 per cent of the total labor force and 16 per cent of the professional and technical labor force. Unfortunately this is not enough.

We have over 300,000 physicians in the United States, and more than twice that many registered nurses. We have more than a million additional practical nurses and additional health personnel, not counting our 250,000 dentists and 125,000 pharmacists. These totals might appear large, but they are insufficient.

One problem is the distribution of medical personnel. The ratio of physicians to patients which I have cited is only an average ratio, which is of little help to the residents of rural areas and central cities, where there is often only one physician for every 3,000 persons.

Even if it were possible to obtain better distribution of physicians, the aggregate shortage would remain.

Perhaps the most telling evidence of this shortage is the fact that one-half of the residencies in our nation's hospitals are now filled by foreign-born doctors. Our medical schools currently graduate about 9000 future physicians each year, but we import an equal number of doctors from abroad. Approximately 72,000 foreign physicians have come to work in this country since 1962. Many of them are from those very nations which we are trying to assist or have been assisting in meeting the demands of their own populations, such as the Philippines and South Korea.

We are talking today about the priorities of our own country. But if one of these priorities is the quest for a safer, healthier, community of nations, as I believe it should be, then it is hypocritical to deprive the developing nations of so many thousands of their best physicians.

The Congress has recognized the need for the development of additional medical manpower in the United States. In passing the Health Manpower Act of 1968, we acknowledged the demand for 52,000 additional doctors and 141,000 additional nurses and allied health personnel.

The authorizations provided by this Act have, unfortunately, not been taken seriously by the Administration.

For fiscal 1971, for instance, the Health Manpower Act authorizes federal expenditure of $57 million in loans to medical students, nurses, and others training in the health professions. The Administration's pending budget request appropriates little more than a third that amount, or $21.6 million.

The budgetary support which the Administration is willing to provide towards the construction of medical school facilities is only about one half the amount which the Congress believes should be spent—$118 million compared to an authorization of $225 million. Only $8 million out of an authorization of $35 million is provided for construction of nursing school facilities. The Congress also authorized $41 million to be spent in fiscal 1971 for the construction of medical libraries and health research facilities; the Administration proposes to spend exactly nothing for these programs.

It is certainly true that construction grants are the most likely items for reduction during times of inflation and budgetary stringency. This is only effective as a short-run policy, however. There is now a backlog of about $400 million of approved funds for medical facilities construction. The need for this construction exists, as evidenced by approval of the funds. The actual obligations have not been made, however.

Moreover, it is not just student loans and construction funds which are being cut. The budget funds most important to the very survival of many medical schools have been cut by almost one-half, in comparing the fiscal 1971 Congressional authorizations to the Administration's budget request. Grants to improve the quality of medical and health schools have been authorized at $168 million; only $113.6 million is provided in the budget for this purpose. $40 million in such funds were authorized for nursing schools; only $11 million are requested in the Administration budget.

Of the 103 medical schools in our nation, at least 12 are presently approaching bankruptcy, many of them spending endowment funds to pay day-to-day expenses.

If we are going to have the doctors we need, we must have higher appropriations to assist our medical schools.

If we are going to live up to our pledge of having adequate medical care as a right, rather than a privilege of our citizens, we must stop shortchanging our nation in the development of adequate health manpower.

We should be doing other things as well. We should be expanding our Regional Medical Program, and assisting our hospitals in their renovation and new equipment needs. We should be finding ways of controlling the rising costs of medical care, which continue to increase at a more rapid rate than almost any other family budget item. We should be doing a better job of coordinating the development of medical facilities, in order to avoid needless duplication. We should be discussing means of bringing medical insurance programs, which benefit 92 per cent of the families with incomes of over $10,000 but less than half of those who earn the least, within the reach of all. We must expand our research in dealing with those diseases which can be controlled.

Most of these goals, however, are of little importance unless we reach what I believe must be our first priority within the field of health: adequate numbers of doctors, nurses, dentists, medical technicians and medical aides.

It is difficult for me to state the priority of health when compared to our other national needs. The relationship between poverty, an unhealthy environment, and poor health indicates that our investments in health will bring the greatest returns when accompanied by vigorous action in such areas as job training, improved education, urban renovation, and pollution abatement.

When one considers our basic rights of life, liberty and the pursuit of happiness, however, it would seem to me that proper health care is a prerequisite in the realization of our national destiny.

Housing and Urban Problems: The Inner City

(Statement of Hon. William S. Moorhead, of Pennsylvania, before the Democratic Committee on National Priorities, April 29, 1970)

Any consideration of national priorities must begin with one all important subject: economics and, the various breakdown of economics, of the national budget, including revenue and its allocation, have to be weighted on the basis of what needs must be met. The urgent need is to find the money needed to cure our urban ills.

In discussing priorities, the first conclusion that must be reached is that any new sums available for urban programs will depend on cuts in the defense budget. The defense budget, despite its Congressional paring of last year, still accounted for nearly one half of the entire Administrative budget, which excludes trust funds.

For fiscal year 1971 only 40% of the budget is controllable. Over 80% of the controllables are in Defense. It becomes obvious that if resources are to be freed for programs with high priorities, they have to come out of controllables.

There are other areas which deserve closer appraisal also, such as the highway program, farm supports, the space program, various subsidized special interest programs, but the part of the budget that most urgently calls for close scrutiny is the Defense budget.

As we talk here this afternoon, the military procurement authorization bill is being debated on the Floor of the House, requesting $20.24 billion. I have prepared a substitute bill to the Committee bill which amount to a 5% line-by-line efficiency cut. It should be more. This will not endanger our national security, and will provide a savings of $1.012 billion which can be applied to meet our domestic needs.

A concerned Congress trimmed the Administration budget request of last year by more than $6 billion, primarily from the Defense budget; we must continue the fight this year.

Measured against urban needs and the bite that inflation takes out of all income, the first budget for which the Nixon Administration is completely responsible is the most retrogressive budget in over three decades.

Most appalling, this retreat comes at a time of extreme urban crisis. Our inner cities are sliding into disaster. The cities face economic stagnation. And the disaster and stagnation are not temporary; they will certainly grow worse unless we change the emphasis of the allocation of our available resources.

This Administration, excepting for its proper but inadequate thrust in welfare reform, is not only failing to progress where forward momentum is so desperately necessary, it is reversing much of the movement which was won in hard legislative fights of recent years.

The fund for the desperate needs of the decaying inner cities must be found—not in the future, but in the immediate present, beginning now. Improving education cannot wait, for a short investment means decreasing dividends when big payoffs are mandatory. The polluted environment cannot wait if our world is to remain habitable. Mass transit cannot wait if we are to move the urban masses. Needed housing cannot wait if we are to meet the right of decent homes for all. Job training cannot wait if we are to provide meaningful skills to all who want to earn a livelihood. Equality and human rights cannot wait if we are to become one society. Inflation and growing unemployment under the present policies pose one of the greatest threats to our sound economy, which must remain sound if we are to finance national defense and domestic programs. The first of all requirements, the number one priority, is a healthy economy. And, I fear that the mismanagement by the present policy makers is endangering the health of an economy which has proven that it need not evolve in cycles. Others, I know, are dwelling on this subject, but the excessive interest rates and slower production are going to subtract substantially from the anticipated revenues of the federal government, making more difficult the allocation of our resources. This need not be; enlightened fiscal management can correct this growing recession coupled with inflation. I call again on the Administration to utilize the tools provided by Congress—and join in providing others—to combat this double menace of inflation and recession.

The high interest policies of this Administration have forced the housing industry into a depression. Not only are we failing to meet our housing goals established by law (housing starts dropped by 40% in 1969, when they should have increased) we are not replacing or improving substandard housing that continues to deteriorate. Costs soar and production drops each year owing to inflationary rises in land, labor, money and materials.

The $3.3 billion requested for the Department of Housing and Urban Development in the Administration budget is an increase of only $135 million over fiscal 1970, barely enough to cover the inflationary rise and increased federal pay. Two key programs so essential to inner city improvement, urban renewal and model cities supplementary grants, were held at 1970 levels by the Administration. The $1 billion budgeted for urban renewal is only 27 percent of the pending applications which already total $3.8 billion. The program has to meet the cities requests if it is to provide adequate assistance. It is my fervent hope that Congress will appropriate the full $2.3 billion it has already authorized for urban renewal.

It seems to me that the achievement of a real breakthrough in volume housing production at lower costs ALSO requires the acceptance of brand new concepts by industry, and all levels of government as well.

The urgency of the housing problem in the United States requires that steps be taken immediately to develop cost-saving building innovations. One of the biggest stumbling blocks to this effort has been the thousands of different, often conflicting building codes across the country. Combine this with the lack of an authoritative technical institution to review and approve innovative construction techniques and the natural result is the higher cost of homes and obstacles in the introduction of new materials. At the present time we have no single source where professionals can turn for authoritative current data regarding the changing developments in all facets of building technology. Fragmentation in the housing industry simply must not be allowed to obstruct the development of new technologies and a mass market for the construction of low-cost housing. The Administration's "Operation Breakthrough" is important, but the outcome is uncertain, and it does not resolve the basic problems.

Education has been a favorite whipping boy in the President's rhetorical attack on Congress. The President vetoed the 1970 education bill, and then asked for only $130 million increase over the fiscal 1970 request. This means the Nixon Administration is placing more and more of the burden of school costs on already bare state and local treasuries. Federal aid to the educationally deprived under Title I would be increased by only $74 million if Nixon Administration requests are met.

Congress has authorized much more, and I hope Congress appropriates much more. For as President Nixon said while campaigning in 1968, education is the one area which cannot be shortchanged.

As in other programs, the Nixon Administration requests in the health field barely cover the increased costs of holding the line, brought on by the Administration's inflationary policies. Hospital construction money was actually reduced in the requests, despite the President's lament of a "medical crisis." Medical manpower training programs are being reduced although there is a severe shortage of doctors, nurses and medical personnel. And in research, cutbacks have severely hampered some significant efforts that could save lives of Americans in the future.

Mass transit also suffers lessened emphasis, contrary to the President's pledge of a "balanced national transportation system." Nearly 65% of Federal transportation funds are allocated to highways. While an urban transportation bill would provide new obligational authority of over $3 billion, the Administration would restrict 1971 cash outlays to only $80 million. This shortsighted approach leaves little incentive for the bold innovation so necessary to bring new opportunity to our inner cities.

The cry of law and order strikes a responsive chord in all inner city residents, the most victimized of Americans. Even here, the Administration which raised a local responsibility to a nation political issue would shortchange the cities, both in funds and administratively. The Administration asked for only $48 million, less than half the authorized amount, for the Law Enforcement Assistance Administration. Also, the failure to give the cities first priority, and bungled Administration threatens the entire program designed to provide aid to the local governments in the fight against crime.

A Nixon promise of revenue sharing with the cities gave rise to expectations last year. He announced initial funding of $500 million last year, but requested only $275 million which would not be available until the last quarter of fiscal 1971, a year from now.

Manpower training received somewhat better consideration, but even this all important area was not sufficiently funded in the budget requests. Of the $13.2 billion requested, only $1.6 billion is for training the poor and hard core problems. Most importantly, rising unemployment—in 1969 the highest in 12 years—threatens private participation in hopeful job programs.

The great upsurge of interest in environment improvement caught up with the new President last year. It appears, however, the fervor extended mostly to rhetoric. The President announced $10 billion "clean waters" program for Municipal sewage facilities provides only $4 billion; hard pressed cities must come up with the balance of $6 billion. And even the federal outlays of the short-changed allocation would be far short of Congressional authorization. Air pollution control was likewise smothered in rhetoric, but left wanting in budget requests, with only $3 million more in fiscal 1971—a paltry sum indeed when one views the intensive pollution of 1970.

Is there little wonder, then, that I profess pessimism about the future of our cities. Matched against the present demands which are not being met, the increasing population and ever greater demands on cities will sink them in the morass of an entangled jungle of poor transportation, inadequate housing, growing crime, declining business, shortage of jobs and a city society of the uneducated and underemployed.

If we are concerned about our country, if we are concerned for human dignity, then we must draw an agenda for action. We must emphasize our own needs. We cannot permit to happen that which is happening in the cities. I know the need for a strong defense, and understand the demands of the military. However, unless we recognize the needs of the cities, and put the emphasis on first needs first, there may be precious little of the American dream to defend in a few short years.

In the recent Brookings study, "Setting National Priorities, the 1971 Budget", former Budget Director Charles Schultze said, "at least for the immediate future, the largely uncontrollable increases in income maintenance programs (such as welfare), combined with periodic increases in Social Security benefits will claim much of the normal growth in Federal revenues. Barring changes in taxes, or further sizeable decreases in military spending, they will severely limit the possible expansion of other domestic programs."

The Democratic Party has never been afraid to take risks or to advocate change.

While there is an element of risk involved, and it is never easy to change priorities, I believe the Democratic Party is ready to assume the necessary leadership in this role.

We have no choice but to reorder our priorities for pressing domestic needs, and to do it today.

STATEMENT OF CONGRESSMAN WILLIAM D. HATHAWAY BEFORE THE COMMITTEE ON NATIONAL PRIORITIES, DEMOCRATIC POLICY COUNCIL, APRIL 29, 1970

I appreciate very much the opportunity to come before the Committee on National Priorities of the Democratic Policy Council, and I wish to commend the Committee for the all-important work you are doing. The task of setting national priorities is not an easy one, and too often the past judgments of our society's needs and goals have not been the result of rational consideration, evaluation and decision. This Committee performs a valuable function by focusing attention on the need for recognizing that hard choices must be made in rationing our resources, and that we must allocate those resources in a reasoned and systematic manner. In addition, you perform a valuable function by gathering the information and facts we must have if we are to choose sensibly from among the various alternatives open to us. I am sure that the work of this Committee will contribute much toward sound, coordinated social progress in the years ahead.

As we enter a new decade, I believe our mission for the seventies should be to improve the quality of life in America. Historically we have emphasized quantity over quality, and we have done an effective job in meeting the demand for more cars, more television sets, more military gadgets. We have succeeded in establishing ourselves as the most powerful, the most affluent nation that has ever existed in the history of mankind. But with the accomplishment of this goal has come the realization that national survival does not so much depend on the quantity of goods and services which are provided as on the nature of those goods and services. Sheer numbers can no longer suffice; quality must become the hallmark of American living.

In order for the United States to effectively meet the challenges of the 1970's and achieve the goal of improving the quality of American life, there must be a reordering of priorities to allow greater expenditures in the area of environmental and human welfare. Recent activities on Earth Day served to focus attention on the need for a basic shift in emphasis away from uncontrolled technological growth in the name of "progress" to a new emphasis on the development, conservation and management of America's natural resources. Thousands of citizens demonstrated their concern over the deterioration of our physical environment, and particularly the threats of air and water pollution. I share this concern and support a national effort to control air and water pollution and conserve our natural resources, but today I wish to focus my remarks on a different type of environmental problem and call attention to ways in which we can improve the quality of life for America's working men and women.

For the American worker who spends nearly one quarter of his time at his job, the quality of the workplace is an important environmental matter. I believe there is an urgent need to protect the American worker from job-related deaths, illnesses and injuries. The need for improved nationwide standards in the field of occupational health and safety is amply demonstrated by shocking statistics: every eight minutes of every working day one American worker is killed and 148 sustain disabling injuries on the job. Every year some 14,500 persons are killed and more than 2 million are disabled as a result of work-related injuries or illnesses. During the last four years more Americans have been killed where they work than in Vietnam.

Not only do these statistics reflect great losses in terms of human tragedy, they represent great losses in terms of productivity. Nearly a quarter of a billion man-days are lost every year due to industrial accidents. In the last five years, the number of man-days lost because of work-related injuries was ten times the number lost because of strikes. In 1968 the costs of deaths, injuries and illnesses on the job in terms of lost time, lost production and insurance totalled about $7.9 billion.

These statistics are appalling in this day and age, and they indicate that one of our first priorities must be the adoption of federal occupational health and safety legislation. I have sponsored a bill designed to mobilize the resources of the federal and state governments, labor, management and the medical and health professions to mount a coordinated attack and provide the necessary money and manpower resources to eliminate or control the hazards of the workplace. The bill, currently being considered by the House Education and Labor Committee, provides for the development of occupational safety and health standards to cover workers employed by businesses affecting commerce. It authorizes the setting of effective standards, their administration and enforcement. In addition, it provides for substantial aid to the states to encourage them to develop and improve their own safety programs. These provisions will make possible extensive cooperation between the federal government and the states in the health and safety field, and will enable states to retain jurisdiction in the field if they are willing and able to do the job. The bill also contains provisions to promote more accu-

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rate and centralized reporting of safety and health information and provides for programs of research, training and education. I firmly believe that enactment of this type of legislation must be a matter of top priority for it will mean a substantial reduction in the needless illnesses, injuries and deaths which result from unsafe or unhealthful working conditions.

In a related area, I feel it is imperative that a minimum federal standard for state workmen's compensation laws be established. The original intent of these laws was to provide injured workers with wage loss benefits equal to two-thirds of their average weekly wage. More than 75 percent of the states have failed to meet this minimum standard. In 46 states the maximum limits on the weekly benefit injured workers can receive are less than two-thirds of the state's average weekly wage. Medical benefits are limited in 27 states, and seriously injured workers must bear the burden of any medical care they require beyond the limits fixed in the state law. Maintenance benefits for workers undertaking vocational rehabilitation are not provided under 32 state laws. In addition, there are severe limitations on the amount of benefits available to widows and children, broad gaps in coverage, and omissions in the scope of protection provided. In fact, no state law meets all the minimum standards recommended by the U.S. Department of Labor or those recommended by the International Association of Industrial Accident Boards and Commissions, the organization of state workmen's compensation administrators. Because of the inadequacy of state workmen's compensation laws, I feel federal action is imperative if we are to provide a decent level of wage loss benefits and adequate medical care.

I also urge that the Fair Labor Standards Act be updated to provide a more adequate minimum wage and to extend its coverage to all of the nation's workforce. No single piece of legislation has done as much to alleviate poverty, and no single legislative route constitutes a better weapon in the war on poverty than the FLSA.

The purpose of the minimum wage is to provide workers with enough earnings for "a minimum standard of living necessary for health, efficiency, and general well-being . . ." The present minimum wage of $1.60 an hour does not allow a family to live decently and in dignity. It is clear that the minimum wage must be increased to an amount in the neighborhood of $2.00 an hour in order to provide workers with a meaningful recompense for their labor.

More importantly, I believe that all Americans who labor for a living should be guaranteed the minimum wage and maximum hour protection of the Fair Labor Standards Act. There are approximately 11 million nonsupervisory workers in private industry who are still denied coverage under FLSA. Most of these workers are also excluded from state minimum wage and hour protection. Major groups of such workers are employed in smaller retail and service firms and smaller farms and as household domestics. In addition, significant numbers of workers receive only limited protection under the Act because of specific exemptions involving groups of workers such as hotel and restaurant workers, farm workers and various food processing workers.

I am particularly concerned that the nation's agricultural workers continue to be denied almost all of the rights and benefits enjoyed by other workers under federal and state laws. The three million Americans who work for wages in agriculture need protection and assistance now. Farm workers should be included under all the protective and social welfare legislation enjoyed by other American workers.

I also advocate that the National Labor Relations Act be reviewed and specifically that Section 14(b) be repealed. This section invites individual states to compete for industrial plants by enactment of anti-union legislation. In actual practice it has encouraged the poorest states to enact "right-to-work" laws which perpetuate an anti-union environment that invites violence to union organizers, discharge of union adherents, and other union-busting devices.

Another priority related to improving the quality of American life is the establishment of a systematic method of financing health services for all of the American people. The concept that health is a basic human right is now widely accepted. There is, however, a fundamental discrepancy between acceptance of this principle and the means to implement it. If health is a right, all people, regardless of income and ability to pay, should have access to health services. To implement this right, I endorse the establishment of a National Health Care System based on a national health insurance plan, preventive as well as curative health services, and comprehensive health planning. The plan should cover all of the people of the nation and could be financed by contributions from employers, employees and general revenues.

Neither can we rest content with the present Social Security System, for its beneficiaries still do not have adequate economic security. Although the individual who retired in 1954 is receiving a higher social security benefit today, the buying power of his higher benefit is worth less than the benefit he was receiving fifteen years ago. Since the gap between the income and living standard of older people and that of the rest of the population is getting worse instead of better, I advocate a substantial increase in social security benefits at this time and advocate amending the Act so that future adjustments will be tied to the cost of living.

In the continuing struggle for civil rights, one of our first priorities must be to end discrimination in employment. The abnormally high rates of unemployment among Negro and other minorities and the remaining pockets of discrimination require that vigorous efforts be made to expand opportunities for minority group workers in the better paid and more skilled jobs throughout the economy.

As a representative from an area where shoes and textiles play an important role in the economy, I am also concerned about the soaring increases of imports in products sensitive to disruption by unfair competition. Rapidly rising imports in these industries have a particularly adverse impact on affected workers and their communities. Shutdowns of plants or departments usually result in the loss to workers of seniority and seniority-related benefits and, sometimes, the job-loss means that the special work skills developed in a specific plant cannot be applied elsewhere. Moreover, workers and their families cannot easily move from one town to another, and when they do, they must incur the expense of moving and the loss of friends and relationships that have developed over many years. In addition, an affected community, particularly a small town, can experience a shrinking tax base as a result of plant or mill closings. This means an additional economic burden is imposed on all citizens, not just the workers displaced. For all of these reasons, I believe that a realistic tariff-quota system must be implemented to protect workers. Safeguards against injury from imports should be administered so that drastic production cutbacks or employment-displacement do not follow. Agreements with other nations to regulate world trade are needed and should be concluded for industries particularly sensitive to disruption from increasing imports and unfair competition. In addition, an effective, workable trade adjustment assistance mechanism is a necessity for trade policy if we are to provide assistance to workers and firms that are adversely affected by imports.

In my view, the top priority objective of national economic policy should be to achieve and sustain full employment—jobs at decent wages for all people who are able to work and desire employment. We must insist that unemployment not be used as a cure-all for rising prices. We can't sacrifice our working people by making them the whipping boy for inflation. What is needed is a better balance in the economy—between wages, profits, dividends and other forms of income—for sustained economic growth to reach full employment and maintain it. Federal policies should encourage such improved balance. The demand for goods and services—from consumers, government, business and net sales abroad—must expand sufficiently each year to provide enough new job opportunities for those who are unemployed, for the large numbers of entrants into the labor force, and for those displaced by rapidly increasing output per manhour of work. The federal government's tax, expenditure and monetary policies, in combination, should encourage the necessary expansion of economic activities to sustain full employment. In addition, I believe adoption of a program to create one million public service jobs for the unemployed and seriously underemployed is essential. Such a program would provide job opportunities at decent wages for the millions of poor who are able to work and seek employment. I also favor a program of adequate relocation allowances for unemployed workers and their families in order to enable workers, if they so desire, to move to areas of job opportunities.

For those impoverished millions who are not self-sustaining due to unemployment, the absence of the breadwinner from the home, disability or other causes. I believe we should provide adequate income maintenance through a revised system of public assistance. Unemployment compensation should be improved, both in terms of the amounts paid and the duration of time over which they are paid. An adequate unemployment insurance system can be achieved only when federal legislation establishes minimum standards which all states must meet. This will help eliminate the glaring deficiencies in coverage, benefit amount and financing that characterize the present system. I also favor continued area redevelopment assistance to areas of high unemployment as part of a general program of national economic expansion.

In order to strengthen the nation's manpower programs and move more rapidly in the direction of a rational manpower policy, we must move to consolidate the existing job training programs into a single flexible program which can be tailored to meet the needs of the unemployed and the particular localities in which they live. One serious deficiency in the existing manpower programs is the lack of a single, centralized and comprehensive program. Manpower programs are dispersed among various public, private and quasi-public agencies, and the result has been duplication of effort and fragmented responsibility. A better financed and restructured manpower system would enable us to penetrate the job markets more deeply, develop a national orientation to deal with manpower needs that are national in scope, and provide better service to both workers and employers.

We also must put top priority on better designed training programs to provide opportunities for training for more meaningful jobs. This will necessitate programs of longer duration and an increase in training allowances for trainees in institutional programs and greatly strengthened supportive

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services, such as literary education and counselling.

Our commitment to education must be one of the first priorities related to improving the quality of American life. There must, at the very least, be full funding of existing programs of federal support for education. Moreover, the authorizations for most education programs need to be increased to meet the great magnitude of problems facing our educational system. In this regard, I think it is important to emphasize that education in our times must be a lifelong process. There must be greatly expanded opportunities for a wide range of adult education, including a federally financed program of university extension services in the field of labor education, comparable to the long existing university agricultural extension service.

If Americans, both young and old, are to have within their reach the quality education which they need and deserve, it will require more money than is now being invested in education. This money must in large part come from the federal government since it alone has the taxing power to meet the needs.

Our resources are, of course, limited, and resources committed to one program will inhibit activities in others. However, I believe we can finance the priorities I have advocated herein by cutbacks in defense, space and foreign aid programs. Reductions in military spending should and could be offset by increases in public investment. In addition, federal programs should be developed to deal with dislocations that result from cutbacks or shifts in defense spending. The government has a special obligation to those workers, firms and communities adversely affected by changes in military procurement. Programs to provide assistance to workers, firms and communities as they strive to make adjustments to the changed situation should be adopted. Moreover, we should make a special effort to convert the intellectual and financial resources invested in the defense and space programs to the most socially useful purposes.

Funding for priority programs is quite clearly related to tax revenues, but, unfortunately, the many loopholes and special tax privileges in the federal tax structure limit the effectiveness of tax policy in forwarding national objectives of maximum employment, production and purchasing power. More than $45 billion dollars a year is being "spent" through utilization of a long list of tax dodges, special credits, deductions and preferential rates which are supposed to serve as incentives to encourage an activity in the national interest. Unfortunately, the costs of these special privileges in terms of dollars, equity, inefficiency and taxpayer confidence have far outweighed any benefits. It is difficult to maintain control over the management of priorities when billions of dollars are escaping due to open-ended tax incentive provisions that place no limit on how much tax benefit a taxpayer or corporation can "earn" by taking advantage of the provision. We must not allow our tax system to be used as a "back door" through which dollars can flow free from careful planning and scrutiny. If we eliminate this "back door" spending we can substantially increase the resources available to the government for direct expenditures in achieving desirable social goals.

I believe that America has the resources to meet our domestic problems and help solve the crises facing our society. There are many demands on our resources and many other very important priorities to which others have directed their remarks before this Committee. I do not purport to be an expert on labor matters, but I know these are matters of great concern to our citizens, and I believe that they deserve a position of priority on the agenda for the decade of the 70's.

STATEMENT OF THE HONORABLE NICK GALIFIANAKIS, REPRESENTATIVE, FOURTH DISTRICT OF NORTH CAROLINA, BEFORE THE COMMITTEE ON NATIONAL PRIORITIES, DEMOCRATIC POLICY COUNCIL

We poignantly acknowledge that we can never return to the era of Abraham Lincoln, who was elected to Congress in 1846 after a campaign that cost him 75 cents. But on the other hand, can we continue to tolerate the kind of overspending which has become a part of campaigning in the television era?

I single out television because we know that we now have more television sets in the United States than automobiles, and this is a fact which has not been lost on candidates for public office. It is now estimated that 97 percent of American homes have TV—more than have bathtubs or telephones—and according to the latest Ropel Poll, more people get their news from television than from radio, newspapers, and magazines combined.

Adlai Stevenson learned in 1956 what can happen to a candidate who concentrates too heavily on television advertising. Just after he had appeared on a political broadcast which pre-empted "I Love Lucy," he received a three-sentence telegram from a lady who had watched the show. It read: I like Ike; I Love Lucy; Drop Dead."

I think we can agree that an aspect of the elective process which is in definite need of revision is financing of campaigns. Many factors have contributed to the spiraling cost of campaigning. One of the culprits—with which I am very familiar—is the two-year term. Two-year terms for Congressmen, legislators, and other state and local officials increase the burdens of political financing. They force incumbents to become indirect or "unofficial" campaigning for reelection almost from the day they take the oath of office. This reduces the time available for their governmental duties and—because elections are so frequent—requires substantially larger sums over a period of years than would be needed if terms were longer. Modern means of communication, travel, and attitude polling make it easier for elected officials to keep abreast of public opinion than it was when short terms were originally set.

Not only is the two-year term out-dated as far as effectiveness of service, but I think the voters grow weary of too frequent and lengthy campaigns. Candidates often campaign openly for a nomination many months in advance of a convention or primary. Campaigns for a general election usually last from two to five months. With present travel and communication capabilities, such time spans generally tire the electorate and exhaust the candidates. The short campaigns characteristic of the United Kingdom, Canada, and many other countries attract heavier comparative voter participation than our long, drawn-out ones. Basic reforms are long overdue, but resistance to change is deeply imbedded in custom and reinforced by vested interests.

Several responsible organizations have conducted intensive studies of the problem of high campaign costs. In its report on the subject, the Twentieth Century Fund indicated that the costs may *not* seem high compared to the enormous sums spent by commercial advertisers. But to the candidates and the parties they are very high. One can agree that the costs of campaign broadcasting are indeed staggering. The Twentieth Century Fund is actually understating the case for when political media costs are compared to those amounts spent by the big commercial advertisers, political expenditures rank surprisingly high.

The Television Bureau of Advertising listed 1968's biggest clients in network TV. Among the top 100 advertisers—in 79th place—is United Citizens for Nixon-Agnew with an estimated net "talent and time" budget of $3,922,600. Considerably further down the list in 109th place is the advertising budget for Hubert Humphrey with an expenditure of $2,826,800.

The article in Advertising Age from which these figures are taken points out the danger inherent in the high costs of campaign broadcasting. The article starts off with the question: "How did Richard Nixon win the Presidency? Partly, at least, because he outspent the competition in advertising." This observation challenges the foundation of the democratic process. Although the 1930's and 1940's proved that money alone could not win an election, since the Republicans consistently outspent the Democrats, one can look with apprehension to the fact that in a close election in a reasonably prosperous period television may be decisive. Our most recent election duplicated these circumstances. The Nixon victory margin was 510 thousand out of 73 million votes. The total estimated broadcasting expenditure of the Republicans was more than double that of the Democrats: $11.5 million compared to $5.5 million. Was this not a situation where the cynical notion that "politics is a rich man's game" was reinforced?

More importantly, in the impending elections, we are faced with an even greater disparity between the coffers of the Republicans and those of the Democratic Party. Fortune magazine has made it quite clear that wealthy contributors have returned to the Republican fold with the consequence that the Republicans, thanks to their 1968 financial triumph, will be in a far better position to play the costly game of politics than the debt-ridden Democrats.

One of the roots of this problem can be seen in the fact that for the elections of 1956, 1960, and 1964 the percentage of the population which contributed to any committee or candidate fell somewhere between 10 and 12 percent. Yet, during the 1968 election only an estimated 6 percent of the population made a political contribution. We are faced with a situation not unlike the old cliche in which the Republicans are well-financed by the wealthy and the Democrats are supported by the common man. If the Democratic Party is to reassert its position as the leading party, on all fronts, we must significantly broaden the base of citizen contribution to the party. Some of the financial burdens now borne by candidates and political parties should be eliminated or materially reduced. Legitimate costs of campaigns should be spread far more widely to strengthen the sense of citizen involvement.

Well-considered measures have been formulated for this purpose by the Committee for Economic Development, as well as the Twentieth Century Fund. These proposals include a tax incentive in the form of a deduction up to $100 from an individual's total taxable income or a federal income tax credit up to $25 ($50 on a joint return) equal to one-half the dollar amount of their annual contributions to all legally qualified candidates in general election campaigns. The ceiling is proposed in order to minimize the loss of tax revenues.

Tax incentives in either of the above forms have the advantage of allowing individuals to choose the party they wish to give to and in addition does not suppress the tradition of democratic dissent in the formation of minor parties. I believe tax incentives in support of the vital needs of political education are as fully justified as they are for any philanthropic purpose.

Another measure to insure equal opportunity for the major candidates is the Twentieth Century Fund's notion of "voter's time" where the candidates for President and Vice President are offered broadcasting time in amounts and under conditions allowing an equitable distribution of this forum to both major parties and to any significant minor parties as well. Reservations must be made as to the Fund's recommendation that the Federal Government subsidize these broadcasting costs. Alternative means ought to be considered, such as tax deductions for the broadcasters and having them share a greater part of the burden as a pre-requisite for their broadcasting license.

One further factor must be taken into account, namely the Twentieth Century Fund has not given sufficient consideration to the danger of too much use of the television media. Fortune has noted that "from early 1967 until just before the election, Richard Nixon turned down all invitations to be interviewed on 'free' programs like 'Meet the Press' or 'Face the Nation.' He preferred to pay for his time so that he could control content and format in his television appearances."

This was not true for Hubert Humphrey who accepted every occasion to confront the issues honestly in an open forum uncontrolled by the gimmickry of campaign specialists. Without limitations on TV spending, any candidate who is well funded can calculatingly use this unique media by emphasizing appearance and packaged personality while overlooking the issues.

Given the potential distortion in unscrupulous use of TV as well as the inherent advantage of the candidate supported by wealthy contributors, one can see the merit in the recently passed Senate bill S. 3637, which limits the amount of expenditures for television and radio broadcasting to 7 cents per vote. According to this bill, a candidate would be limited to 7 cents for each vote in the last election for his seat, or he could spend $20,000, whichever was the greater amount. This maximum figure—and in the case of my own district, it would be $20,000—would include television and radio costs picked up not only by the candidate's own organization, but by his committees and friends as well. So in one sense, this bill is an improvement on the Corrupt Practices Act, which has been privately and publicly ridiculed for years. That act sets a strict limit on campaign expenses for Congressmen, but it allows candidates to circumvent it by setting up outside committees to raise money.

Even though this bill is an ambitious beginning, it does not go far enough. It does not establish any limits on spending in campaigns except for radio and television—and newspaper advertising, billboards, posters, bumper stickers, campaign buttons, postage, and the like can also add up to a monumental sum. Moreover, the bill does not extend to the party primaries which now are exempt from even the Corrupt Practices Act. I believe that controls should also be applied to expenses in the primaries so that a firm and comprehensive policy can be established to deal with this problem rather than merely shift the emphasis on spending from the general election back to the primary.

The complexities and costs of campaign broadcasts and political finance are challenges to the democratic process and to the Democratic Party that must be met. If a definition of democracy includes the notion that voters ought to decide on the basis of political issues, then to the degree that the present system of financing and promoting political campaigns inhibits political awareness by an inability to reach the people or by a conscious subversion of the issues, this system hinders the development of a truly democratic society.

STATEMENT OF REPRESENTATIVE LESTER L. WOLFF, OF NEW YORK, TO THE COMMITTEE ON NATIONAL PRIORITIES OF THE DEMOCRATIC POLICY COUNCIL, APRIL 29, 1970

I appreciate the opportunity to appear before you today to discuss briefly the fundamental question of what our national priorities should be in the 1970's. I should note my pleasure with the decision of the Democratic Policy Council to create this important Committee. Your existence represents the firm commitment of the Democratic Party to the establishment and achievement of a responsible system of national priorities.

Implicit in the existence of your Committee and the decision of so many Members of Congress to appear before you is the assumption that our present system of national priorities is in some way distorted. What we need, I submit, is a "Renew Deal" for the United States in the 1970's.

Certainly something is wrong when now each year we are asked to spend more than $70 billion for Defense appropriations. Clearly we must appropriate those funds needed for our national security. But, can anyone honestly argue that there is not significant waste in this fantastic budget. It is ironic that in the guise of national security we are wasting billions needed elsewhere and thus undermining our national security by underfunding vital domestic programs.

This past week we witnessed a great, understandable outpouring of public sentiment for improving conditions in our environment. There is no denying that the great hue and cry about cleaning up our environment has become a political catchword, embraced by all ends of the political spectrum. But there is also no denying the importance of this issue. At stake here is not the survival of some exotic species of wild bird. Rather when we talk of saving our environment we are talking about the survival of the human species.

But as the myriad problems of pollution have generated much talk, the Administration and the Congress have thus far failed to supply the funds and enforcement power necessary if we are, in fact, to realize a "Renew Deal" for our environment. Certainly an end to further pollution and the reversal of existing pollution, where possible, must be among the greatest of our national priorities. It is not facetious to suggest that unless we have an environment in which we can survive that all else is meaningless.

There are other national problems that deserve much greater priorities than they are currently receiving. It is a constant blight on our national conscience that there are people underfed and undernourished in this country even as the federal government pays farmers to plow food under. We are paying billions to farmers to not produce food, when for a much smaller expense we could distribute that food to Americans and for that matter to people throughout the world who are hungry and who are suffering from malnutrition.

I realize there are no simplistic solutions to problems such as these, but I also know that something is basically wrong with a society that permits such an incongruous set of priorities to be perpetrated.

I do not pretend that what I am saying is original. But I do believe that it must be said over and over until we finally achieve the urgently needed reordering of our national priorities. Let's look at this in perspective.

We cannot correct the problem of our confused national priorities without imaginative approaches to our national needs. What is happening around us every day, here on Capitol Hill and especially downtown in our massive bureaucracy, is that we are approaching contemporary problems with outdated assumptions about the role of government. Our weak and unsatisfactory handling of such basic problems as hunger, malnutrition, narcotics use, environmental pollution, student unrest, equality of opportunity and urban decay—our handling of these problems is analogous to using the bow and arrow as a deterrent to nuclear aggression. We are battling these basic national problems with weak, anachronistic weapons. No wonder we are failing. No wonder we need a Renewal deal.

The point of this is that while we reorder our national priorities we best include in our statement of goals, at the very outset, a willingness to seek out and apply adequate up-to-date, creative means of solving basic national problems.

There are two points I have thus far avoided because I feel they deserve special attention. The first is the impact the war in Vietnam and the general situation in Indo China have had in confusing our national priorities. The second is a specific proposal I wish to make regarding the improvement of our environment in a way that will put to constructive use the vast energies of young people in this country.

It is my strong conviction that the war in Vietnam is the greatest culprit in having distorted our sense of national priorities. You are all familiar with the grim statistics about the costs of this war in lives and dollars. The point I wish to make is that b continuing the war, bearing in mind that the President is Vietnamizing the war instead of Vietnamizing the peace, we will continue to divert valuable resources which are much more urgently needed here at home. We do not have a bottomless pocketbook and as long as we permit so substantial a portion of our resources to be eaten up in a futile attempt to prop up a corrupt, unresponsive Saigon government we will never be able to achieve a responsible sense of priorities.

And now we are confronted with the possibility of an extension of the war into Laos or Cambodia or both. This must be resisted if we are to redirect our attention and resources to solving the persistent domestic problems of hunger, substandard housing, inadequate schools, poverty, unemployment, etc.

Rather than prolong or extend our involvement in Indo China I believe our first priority should be to begin immediately the deliberate, orderly and total withdrawal of all American forces from the area. This must be done as a first step to reordering our national priorities and freeing the necessary resources to solve pressing domestic problems.

Finally, I wish to put before you a specific proposal as to how we might clean up our environment. What I wish to suggest is a 1970 "Renew Deal" Civilian Conservation Corps.

A Renew Deal means reclaiming our environment from decades of unchecked pollution.

A Renew Deal means reforestation.

A Renew Deal means cleaning up our national parks, national forests and shorelines.

A Renew Deal means employment for young people who are hard hit by rising national unemployment.

A Renew Deal means a regeneration of national spirit and rededication of national purpose.

A Renew Deal Civilian Conservation Corps means that the federal government will put young people to work in all parts of the United States to renew our environment by undoing some of the massive damage already done to the environment.

This is a program for young women and young men.

This is a program that will recognize the valuable role played by the youth of America in raising the issue of the environment to the paramount role it deserves.

This is a program that will give true meaning to the term conservation.

This is a program that would not only enable us to clean up our parks, beaches, highways, and waterways, but which would also enable young men and women to play a constructive role in building a better America.

A Renewal Deal for America would have

the effect of improving our national morale and would serve as perpetual evidence of our national commitment to improving our environment.

TESTIMONY OF CONGRESSMAN CORNELIUS E. GALLAGHER, BEFORE THE DEMOCRATIC NATIONAL COMMITTEE, COMMITTEE ON PRIORITIES, APRIL 29, 1970

Mr. Chairman, Members of the Committee, I wish first to thank you for this opportunity to testify before the Committee on Priorities and to commend you for establishing these hearings.

Our party has long been regarded as a party of the people. In order to maintain that position, it is essential that we take heed of what the people of this country are saying, of what dissatisfies our citizens, of what goals they seek to achieve. In this way—to use a rather overworked but useful phrase—the Democratic Party makes itself and its policies relevant to those we seek to serve.

Mr. Chairman, today there are three major concerns to which I would address my remarks. It is my hope that our Party will move these concerns to a high position on the priority list for America; the issues involved affect no less than the question of whether our Nation shall survive as a free and democratic republic into the twenty-first century.

PRIVACY AND HUMAN VALUES

As Chairman of the House Special Inquiry on the Right to Privacy, I have become increasingly disturbed by the state of the right to privacy in our country. While this right is not explicitly enumerated in the Constitution, it is inherent in those rights which are specified. Indeed, without our right to privacy secure, our fundamental freedoms are meaningless.

Assaults on the citadel of privacy have proceeded apace in the past few years. It would not be remiss to state that never before have our basic rights been under such constant and concerted attack as at this point in our history.

Invasions of individual privacy have stemmed from both the public and private sectors of our society. We have faced private and official computerized data banks which contain dossiers on most of our citizens. We have confronted requests for new uses of the Social Security number which would make that administrative number a universal identifier for all American citizens from the time of their birth. We have heard frightening proposals for testing all 6 year olds to discover their "criminal potential," and to place those 6 year olds who fail to meet the established psychological "norm" in special camps. We have seen individual income tax returns opened to scrutiny with virtually no justification.

The list goes on and on. It is oppressively lengthy and repressively real.

I believe that the time has come for our Party to confront this shocking pattern and work to stop it.

As one proposal, I have introduced a resolution calling for the creation in the House of Representatives of a Select Committee on Privacy, Human Values, and Democratic Institutions. The purpose of this Committee would be to provide an effective vehicle for Congressional oversight of the panoply of privacy assaults in this country.

I have also introduced legislation aimed at providing—for the first time—federal regulation of private "credit bureaus." The activities of these private data banks pose an overwhelming threat to liberty in the United States; their activities affect an American's right to have a job and to provide security for his family.

Mr. Chairman, I cannot stress with sufficient emphasis my fear over the fruits of the new technology in our society. We must take a firm stand; we must stop using man for technology and start using technology for man. Otherwise, dictatorship will be more than merely an operational possibility in our country (which it is today), but it will be a reality.

NARCOTICS ABUSE

It is my belief that the foremost domestic crisis in this Nation is the tragedy of narcotics abuse. The great crime problem in our cities is rooted in the illegal trafficking in narcotics. All of our young people, from all backgrounds, are becoming prey to the vicious pushers who stalk our neighborhoods in ever increasing numbers.

Indeed, the tide of drug abuse now threatens to drown our society.

What can we do?

I believe that we must establish a principle of compassion and treatment for the addicts, and of prison and punishment for the real villains of the drug tragedy: the pushers.

Accordingly, I have introduced legislation which would make it a federal crime for adults to involve young people in illegal narcotics transactions. My legislation would also require that *addicted* pushers be committed to hospitals for full therapy; it provides further that non-addicted pushers who transport narcotics across State lines be liable for life imprisonment in a federal penitentiary.

Mr. Chairman, I have also introduced a bill which would empower government approved medical-rehabilitation centers to provide hopeless, incurable addicts with free drugs or drug substitutes, under guidelines to be determined by the Department of HEW. My bill also would authorize the funds necessary to construct these approved centers in localities throughout the United States; part of these funds have already been approved by the Congress.

My bill does no more than face the facts of narcotics abuse. Those facts indicate that not every addict can be cured. Does it make sense then to turn these hopeless human beings back to the streets where they will continue to fill the pushers' pockets and to raise the already intolerable crime rate? Obviously, it does not. Yet that has been our traditional approach. I would note here that under my bill, an addict may be put on a "maintenance program" only *after* he has proceeded through a total treatment and rehabilitation program and has been deemed incurable by the physicians at the approved medical centers. Further, only these approved centers would be authorized to operate a drug maintenance program.

There is no doubt that the true victim of society's neglect for the incurable addict is society itself. It is time to reverse the trend.

A CURE FOR CANCER

Mr. Chairman, cancer will take the lives of more than 320,000 Americans this year. Every hour of 1970, at least 30 citizens of this country alone will die of cancer.

There is simply no excuse for permitting this horrid disease to continue its killing course. Our technology enables us to do anything we wish; it thus enables us to cure and control cancer. The only obstacle is money. I find no decent or justifiable excuse for allowing this obstacle to stand.

Accordingly, on April 9, I introduced legislation calling for a firm national commitment to cure and control cancer within this decade. My bill calls for annual appropriations of no less than $650 million until the goal is achieved; my legislation also requires that at least $250 million be expended within the first two years of the program to construct 5 new cancer research institutes in the United States.

More than 40 Members of the House joined with me in this resolution, and I expect even more co-sponsorship in the next weeks.

Mr. Chairman, no American family has been left unscathed by the tragedy of cancer. The people of our country have been unanimous in their desire to conquer this disease, and medical science assures us that this desire can be fulfilled with sufficient funds.

If economic considerations are at all relevant here, then I ask you to note that the price-tag on my bill falls well below the expense of placing a man on the moon; that commitment has required more than $5 BILLION each year—and we are today closer to finding a cure for cancer than we were to reaching the moon when that national commitment was undertaken in 1961. Finding a cure for cancer is at least as essential to our welfare as visiting the stars. It is surely more essential to our survival than the development of a supersonic transport which will cost well over $1 BILLION if it ever finds a place to get off the ground.

Moreover, if the millions of Americans who are now wasting away from cancer could be living productive lives, and working as normal men, then their income tax payments alone could recoup the cost of my program. It is estimated that in 1969, cancer actually cost the United States more than $6 BILLION in reduced earnings, hospital insurance, and medical payments.

In the final analysis, is there any cost which can be compared to the cost of a human life?

It is simply unconscionable to allow cancer to exist any longer. I implore this Committee to make a cancer cure the commitment of our Party, and through it, of our nation.

Thank you again.

EQUAL RIGHTS FOR WOMEN—A NATIONAL PRIORITY

(Testimony by Hon. PATSY T. MINK, before the Committee on National Priorities, of the Democratic Policy Council, April 30, 1970)

I would like to thank Dr. Abram and Mr. Califano and members of the Committee on National Priorities for this opportunity to present my views on what I consider to be one of our nation's most urgent priorities—the achievement of equal rights for women.

Unfortunately, there are those in our country who do not feel that this subject is of any priority, and who will even deny that discrimination against women exists.

The Congress enacted the Civil Rights Act of 1964 which established the Equal Employment Opportunity Commission to prevent and eliminate employment discrimination on the basis of race, color, national origin or sex. Without enforcement rights the Commission has been helpless and women like Ida Mae Phillips have had to pursue their rights step by step through the courts.

Fifty years since the fight for universal suffrage was won, women are still the victims of discrimination.

I think we as a Party must recognize our moral responsibility for this social and economic injustice and grant to the fight for women's equality the highest priority.

The day is long past when those in office could complacently hold to the view that a woman's place is in the home, because the facts show that 42% of all adult women are working either by choice or out of necessity.

Working is not a matter of choice for millions of women. Many *must* hold jobs to provide food, clothing and shelter for their children.

It is patently unfair to cast aspersions on working women who are forced to hold jobs by the facts of economic existence or to relegate them to the most menial tasks. Yet that is what is done by allowing lower positions and less pay for women on the theory that they don't deserve a good job as much as a man does.

Early this year our Labor Department got around to publishing 1968 data on women's employment. They said more than 29 million women were working that year, and this was 37 percent of the nation's work force.

Forty-two percent of all women of working age work. Thus, the necessity or choice to work is not limited to a small minority of women who might be pictured as rebels or feminists, but is nearly half of the women involved.

Now, what about women who are working? Have we done anything as a nation to recognize their special needs such as adequate child care centers for their preschool age children and for after school care?

In the current 91st Congress I have introduced legislation to provide for preschool education and child development centers for all children in the United States, without regard to their parents' income, educational level, or work status.

We need a sum of $1 billion dollars for this purpose if we are to inaugurate a meaningful program. Child care should not be associated with only welfare mothers, but it should be regarded as the right of all parents who desire adequate, meaningful education-oriented care for their children.

Under my proposal, any mother whether working or not could bring her child to the center and leave him for a day or any part of the day while the mother worked or pursued her other interests. At the center, the child would get the enrichment benefits of all the care and development attention that the best American research and technology could devise. The emphasis would be in personality development and instilling interest in and motivation to learn.

This is just one of the tasks before us as we strive to eliminate discrimination against women which has existed in many sections of our society. I could mention employment barriers—such as the unfair employment practice of refusing to hire women with preschool aged children.

Women are confronted with less pay for doing the same work as men. In one case this year, a glass company in a northeastern State appealed to the Third Circuit Court of Appeals a decision against its policy of paying 10 percent less to women employees than men for identical work. This contention was rejected by the court of Appeals under the 1963 equal Pay Act, which the chief judge called "a broad charter of women's right in the economic field."

We must recognize that employment discrimination is a powerful undercurrent in our society which must be overcome. The median salary for women is only half of what it is for men—that fact alone speaks volumes about interlocking discriminatory practices which operate to shut out women from equal employment opportunities. This fact cuts through the fabric of evasions, excuses, and rationalizations which men use to justify this treatment of women. Moreover, the gap is widening since in 1955 women's median income was 64 percent of men's. In addition half the women who work are paid annual salaries under $4,450.

Executive positions seldom go to women. Women are only given such figurehead positions as Director of the Mint and U.S Treasurer, which one spokesman announced was a woman's job because it required only the ability to sign one's signature. This kind of public insult can not any longer be tolerated.

This is the type of attitude we must change if women are to achieve equal rights. I am sure that there are many women who are qualified for cabinet positions and higher. Women, in fact, are just as capable of being heads of state as men. Some of the most forceful leaders of history, from the time of Queen Elizabeth to Israel's Golda Meir and India's Indira Gandhi in our own time, have been women. Mrs. Gandhi, incidentally, is prime minister of 530 million people, more than twice the population of the United States.

Ironically many women themselves seem to share the view that women are not qualified for high office. A Gallup poll last year found that 58 percent of our nation's men would vote for a woman for President, but only 49 percent of women would do so. This shows that the attitudes of inferiority and guilt that have been inflicted on women have penetrated so deeply that many women themselves are convinced that they are second-class citizens. Our nation can only benefit if we lift this depressing attitude from the minds of our citizens and give them the freedom and equality to participate fully in our democratic society.

There are many fronts on which this battle must be fought. For instance, we must eliminate discrimination against women in our universities, which often impose quotas limiting admissions of women students and offer more scholarships to men than women. The proportion of women studying in college has held fairly constant over the past several decades, indicating that a quota system is used whether admitted or not. In 1968 there were 4.5 million men entering colleges as freshmen compared to only 3 million women. At the advanced levels, the proportion of women is even *less* than it was in 1930. On the faculty, study after study shows women mainly in the lower reaches of academia. For example, in 138 graduate departments of sociology across the country, women are 30 percent of the doctoral candidates, 14 percent of the assistant professors, 9 percent of the associate professors, and finally only 4 percent of the full professors. And in university administration, deans of women are frequently paid less than deans of men. All of this adds up to the rankest kind of discrimination against women in higher education which is the very field which is supposed to know better! Women are systematically deprived of the educational tools they need for advancement. We must end this institutionalized deprivation.

We must work against practices by our companies, which one study revealed recruited at men's schools but did not at women's schools. We must end discrimination in government where our Social Security System provides one set of retirement and other benefits for men and another, lesser, set for women, even though they are taxed equally. We must end similar discrimination against women in our Civil Service system which also does not give equal recognition to women's income when it comes to family benefits. We must end sex discrimination in the armed services where educational opportunities are limited frequently to men only. We must end discrimination in news and opinion media where even women's publications are edited by men, and press clubs are closed to women.

Obviously this kind of effort is an immense undertaking and will require our most dedicated and persistent efforts. That is why I urge this Committee on National Priorities to join in a concerted campaign to give the cause of women's rights the highest priority it deserves.

What This Country Needs Is Full Employment Without Inflation

(Statement by Representative Henry S. Reuss, of Wisconsin, before The Democratic Committee on National Priorities, April 30, 1970)

Perhaps the greatest Democratic legislative achievement of this century is the Employment Act of 1946, with its goal of full employment without inflation.

The Republican Administration has been in office for 15 months. It has achieved—steadily rising unemployment plus inflation.

Unemployment is now at 4.4 percent of the work force. Those unemployment figures, if the projection continues, mean that close to one million Americans who could have otherwise have had jobs this year will be prevented from geting jobs by the Administration's programs. Independent witnesses place the figure at two million.

The consumer price index continued its inflationary rise again last month for a .5 percent increase in one month, an annual rate of 6 percent inflation. According to the Washington Post, "the White House said Mr. Nixon's economic advisors found the report 'rather encouraging'."

Republican leaders are generally proudly proclaiming that the battle on inflation has been won! There is much talk of easy money, at a time when we are experiencing the highest interest rates in 100 years; and a relaxed attitude toward what begins to look like a sizable budget deficit for fiscal 1971.

For myself, although I hear these Hosannahs about how inflation has been licked, I regret to say that I don't believe it. Furthermore, I don't think that Republicans believe it, either. That infallible indicator of Republican sentiment, the Wall Street stock market, has registered further profound losses at the news of the continued increases in the cost of living.

The people of this country are understandably wondering just how the Administration ever expected its great "war" on inflation to work. The Administration is fighting a demand inflation—too much money chasing too few goods—which does not exist. The two major weapons in the Administration's arsenal—the highest interest rates in 100 years, and the business of throwing hundreds of thousands of men out of work by slowing growth—do not *cure* inflation; they make inflation *worse*.

High interest rates are marvelous for the banks, now enjoying record-breaking prosperity. But they are an unbearable inflationary cost to the home-owner, the small business man, and to state and local governments. Due largely to high interest rates, our home-building goal for this year has shrunk from 2.6 million starts to 1.1 million starts.

It is no accident that current high interest rates cause such little consternation in the United States Treasury. For the first time in history, the top of the Treasury is entirely from the banking world. The Secretary and the two Undersecretaries come to the Treasury from the Continental Illinois of Chicago, the Chase Manhattan of New York, and the Executive Directorship of the American Bankers Association. Is it any wonder that the highest interest rates in a century are equated by this government with the highest morality in a century?

Ruining the home-building industry by high interest rates, and deliberately slowing economic growth so that close to a million men will be unemployed, both add to inflation. By reducing demand, the supply of homes and goods is reduced. Unemployment and stagnation mean higher unit costs, lessened productivity, and an incentive to business to keep unit prices up because over-all profits are being squeezed.

I asked the Budget Director at the recent Joint Economic Committee hearings whether it wouldn't make more anti-inflationary sense to keep workers at work, making homes and useful consumer goods which could then be sold to other people and sop up inflationary purchasing power in the process. I'm still waiting for my reply.

This Neanderthal economics—that a line-up of job-seekers at the factory office is the best guarantee of a healthy economy—goes back a long way in Republican lore. It was behind the Hoover depression. It was behind the three recessions in the Eisenhower Administration. Those who will not study history are doomed to repeat it.

If the Administration's policies of high interest rates and enforced joblessness *add* to inflation rather than *fight* inflation, if the kind of inflation that confronts us is not the classic demand inflation, what *are* the causes of our present inflation, and what can we do about them?

I suggest that there are four main causes of our current inflationary troubles:

1. Far and away our biggest cause is the government's continued vast concentration on war and its allied hardware. I know that much of this started under a Democratic Administration. But, as I understand the purpose of this Committee on National Priorities, it is to inquire whether we are doomed to repeat past mistakes.

Former Budget Director Charles L. Schultze, in his searching new Brookings Institution Study on "Setting National Priorities" says of the 1971 Nixon Budget:

"There is no reason to expect the trend (away from the military) to be different when the Vietnam conflict is over. To reverse the trend, if that is desirable, will require a major conscious effort, not only by public officials, but by the body politic as well."

This enormous and continuing concentration on the military and associated expenditures is the largest single cause of inflation. It keeps millions of soldiers and scientists from productive activity. We pay them incomes, but they produce nothing we can use in exchange. Heavy procurement of defense goods has shifted scarce labor and factory facilities from the production of civilian goods, and has thus increased price pressures.

2. Next to the military, the biggest cause of inflation is the cost-push and wage-price spiral. Particularly in concentrated industries like automobiles, steel, rubber, and oil, management can and does increase prices pretty much without check. And labor is able to, and does, demand wage increases which add to the spiral. The prevailing rate of wage increases is now close to 10 percent, at a time when productivity increases are close to zero.

3. After war inflation and cost-push inflation, a third type of inflation from which we suffer is credit inflation. The monetary authorities since January, 1969, have deliberately cut back on the creation of new money. For many months, the rate of new money creation—demand deposits and currency outside banks—has been pretty close to zero.

But has this prevented the big New York, Chicago and San Francisco banks from increasing their lending? Not at all. They have evolved superb ways of buying their way out of tight money. In the extremely tight-money year of 1969, for example, the large city banks increased their lending to business—for unnecessary capital expansion, for inventory accumulation, for conglomerate take-over—by more than 12 percent. This extra credit was obtained because the big banks had the ability to suck in money from all over by repatriating Euro dollars, by using the smaller banks through the Federal funds market, and by certificates of deposit. Big business, to whom most of the loans are made, doesn't mind the high interest rates, since Uncle Sam picks up half of the cost with an income tax deduction.

Thus inflationary over-expansion continues apace, unchecked by tight money. While one-fifth of our present industrial capacity is not now being used, business is busy adding to unnecessary capacity which can cause disruptions in the future. This feeds inflation in the most overheated sectors of the economy. It also takes scarce credit away from housing, from small business, and from state and local government.

4. A fourth type of inflation lies in the deficiency of supply in many important areas. One prominent reason for the high cost of gasoline for the motorist and of oil for the home-heater is our present system of oil import quotas, which the President refuses to tamper with despite the recommendation for liberalization of his task force. One reason for the high price of beef and hamburger is that the President refuses to liberalize the meat import quota systems and thus bring down the price of beef. A crash program of developing more physicians and para-medical personnel would be the best and surest way of bringing down the cost of medical care. Yet, as Charles Schultze points out of the Nixon budget, "Some medical schools may find the net contributions of the Federal government reduced as a result of a cut in sums for medical research and training."

What have we seen so far? We have seen that the Administration's deliberately induced stagnation of the economy will mean a continued shortfall of growth until the middle of 1973, three years off, with a loss to the nation of at least $90 billion over that period. We've seen that the Administration's alleged anti-inflationary policies—high interest rates, and increased unemployment—not only cause great human suffering, but abet inflation rather than check it. We've seen that these policies don't touch the real causes of inflation—the war economy, the wage-price spiral, the credit inflation by the big banks, and the supply deficiency inflation.

If we are sincere in our war against inflation, we must come to grips with the real causes:

1. We must accelerate our withdrawal from the mess in Vietnam, and cut back on some of the billions of dollars unnecessarily spent on the military. The best way to fight inflation is to turn part of our economy back to the business of satisfying the real needs of our people, rather than dumping our gross national product into the sea as we are now doing.

While we are at it, we should re-examine our national priorities across the board. Is it sensible, for example, to spend only $100 million in the 1971 budget for *controlling* air pollution, and $290 million in the budget for *making* air pollution, via the tax-payer-subsidized SST? If we insist on subsidizing Boeing—and I think Boeing's economic position may justify a subsidy—why in heaven's name don't we stop the SST and turn over the money to Boeing to make mass transit vehicles, and air and water pollution control equipment?

2. To break the wage-price spiral, we need a revival of the wage-price guideposts which served us so well in the 1962–1965 period. Let the guideposts be arrived at in consultation with labor and management, and let the spotlight of publicity be thrust upon their observance by a special Board or Commission.

To expect labor to abide by a policy of moderation in wage increases, the government has to make it clear that it means to break the inflationary spiral.

This means, I should think that during the three or six months required to work out guideposts, the government would have to move on all of the fronts mentioned, and would also do well to impose a temporary freeze on price increases across the board, as well as to ask labor to restrict its wage increases during that period to a figure which would not compel price increases.

If the government wants to counsel moderation on the wage-earner, I would also suggest, patriotism should begin at the highest level. It would be an excellent idea if the President would heed the advice—I believe it was Secretary Romney's and I credit him for it—to put at least 10 percent of his recently increased salary back into the Treasury. He should ask other highly paid executives in and out of government to do the same. Specifically, he should ask Congressmen to comply; and specifically, I would be delighted to take part in such a program of symbolic belt-tightening.

3. To fight credit inflation, credit controls are needed—quantitative ceilings on bank-lending for such purposes as unnecessary plant or inventory expansion, or conglomerate take-over. The Democratic Congress gave the President these powers last December, but they have not been used. Alternatively, the variable reserve requirements recently suggested by Federal Reserve Board Governor Brimmer could be employed. Almost every other major country uses such procedures. We used them ourselves successfully in the Korean War days. The big banks of our central cities, and their officials who now call the tune in the U.S. Treasury, won't like it. But about 200 million American consumers and taxpayers will like it very much. It's about time some attention is paid to *their* interests.

4. To combat supply-deficiency inflation, let the President take out his pen tomorrow and relax oil and meat quotas. Let him expand medical training and manpower training generally. Rather than forever dampening demand, why don't we try increasing supply in areas where bottlenecks exist?

So let us have done with our current policy of unemployment plus inflation. Let us instead have a policy of *full* employment *without* inflation—just plain flation.

The Administration's war on inflation will be believed only when it is believable. Its present policy of supine neglect is not.

Statement of Hon. Augustus F. Hawkins, Before the National Priorities Committee of the Democratic Policy Council, April 30, 1970

I appreciate the opportunity to testify before this distinguished Committee of the Democratic Policy Council. I consider what you are doing to be of vital interest to the nation and significant in establishing communication between government decision makers and the people. Surely something is now wrong in our priorities if we in this country with five percent of the world's population and fifty percent of its wealth can not live among ourselves in peace and with greater security.

Most of my testimony deals with the problems of the ghetto areas the solution of which constitutes in my opinion the very highest priority among all domestic issues we face.

Black people in our low-income areas are in greater need of attention and of freedom than any people in Southeast Asia. Their suffering and twisted hopes, their humiliations and economic despair constitute a national tragedy from which present generations will never recover.

I see no hope of reversal in current or projected programs and policies of these conditions. Negroes are not swallowing the morsel of a Philadelphia Plan as offering a realistic escape from poverty. Black capitalism is a cruel hoax. And the Family Assistance Plan is loaded with false promises.

Blacks and other minorities will not benefit from "tax sharing," block grants, or so-called New Federalism, another name for States Rights and an abdication of Federal moral responsibility.

Our main problem is certainly not with the precise order of our priorities but with the philosophy and reasoning behind our national concerns and purposes. If our leadership had the courage to act on the basis not of self interest or mere political expediency but on what is morally right as a nation, our priorities would assume a proper and natural order in time and place.

We will be a truly great nation when we stop being greedy and that means all of us; when we turn from the importance we attach to material things to development of the human mind and the improvement in human relations.

However, lacking such a clear moral purpose in much of what we are now doing, we are foundering as a nation in double talk, meaningless rhetoric, and conflicting policies.

Examples are countless: We are creating unemployment in order to stabilize prices but paying private industry to create jobs. We are allocating millions to remedial manpower programs to do the job for which we have already paid our schools to do. The Justice Department appears to be for "law and order" and also the right of citizens to "reject what they consider to be unreasonable requirements" of court decisions. And militarily, we are making the same mistake in Cambodia that we did in Viet Nam.

These inconsistencies originate in high places. In his inaugural message in January 1969, President Nixon appealed to us to "lower our voices" . . . to relieve our "fever of words," and to restrain "inflated rhetoric that promises more than it can deliver."

Besides his own inflated rhetoric on economic and military conditions, it is apparent he cannot still the trumpet of Vice President Agnew whose ambiguous rhetoric not only disunites us but challenges the moral purposes of our most cherished democratic ideals.

In Florida on April 28 he demanded the ouster of Yale President Kingman Brewster. By what right does he assume the competence to dictate to our education institutions?

In an equally doubtful role a few months ago in Des Moines, Iowa, Mr. Agnew decided too many disadvantaged minority students were being admitted to our college campulses and declared this privilege should be reversed for the elite.

Is not each of us elite as a human being, or if not, is the Vice President to select what minds should be developed?

From these two speeches at political fundraising affairs of "fat cats" it would appear public policy is being made under the auspices of those who contribute to political candidates.

In striking contrast, United States Commissioner of Education James Allen is to be commended for his forthright position on educational matters and particularly his right-to-read advocacy. It is not clear, however, to what extent he commits this administration to the goal of universal literacy in the United States in the 1970s. But his integrity as an educator is both admirable and refreshing, and we should support his ideas morally and financially.

President Nixon in his education message of March 24 proposed to spend a large part of $1.5 billion in two fiscal years on improved education in segregated schools. I believe this money distorts the priorities in education and will not be effectively used.

Even if compensatory education met constitutional requirements of equal educational opportunities, the President's proposal lacks any substantial support among educators and certainly falls far short of providing enough money to make any appreciable impact on intellectual achievement. We must, therefore, conclude this is a political gesture forced upon the administration by court decisions and constitutes a waste of money we can hardly afford.

The serious result, however, is the extent to which we will be turned away from the need for reform in education and a restructuring of our school system. Emphasis on improving the performance of black children in a segregated setting has obscured the need for better education to meet the needs of our modern society. As long as this is so, taxpayers will continue to vote against school bonds with some reason and many parents will oppose bussing with doubtful justification.

As in education, current economic policies ignore basic human considerations and are based on material values that protect entrenched interests at the expense of those in need.

A policy of creating unemployment to achieve price stability without direct programs to aid the victims is unconscionable on moral grounds and of doubtful economic value.

Given the current fiscal and monetary policies of this administration its proposed manpower program of consolidation and states rights is pathetically inadequate in funding and lacks any job development.

Even if approved it will leave Negroes and other minorities with the cotton-bag-on-their-backs type of jobs.

Of one thing we can now be sure: without more government concern for the hard core unemployed nonwhites in the labor market, there is no hope for correcting the inequities in the labor force.

Our manpower policy must recognize the need of a public service employment program for those disadvantaged by past discrimination in education, training, and seniority rights. In this respect, government must assume the role of employer of initial concern, not one of "last resort."

Prolongation of the war in Southeast Asia is having a disastrous psychological and moral effect on our people. And the assignment to its cost the reason for our inability to finance domestic programs is difficult to accept.

The issue revolves not around our integrity in honoring international commitments as is alleged but rather the contradictions and inconsistencies in our foreign policy.

Our alleged motives are seriously questioned . . . and since this is so, few are willing to bear sacrifices or to believe in government authority on any matter, especially our youth and minorities, the chief sufferers of war.

For minorities the war is a bitter pill. They suffer doubly, both as participants on the battlefield and as victims of the cost in the deprivation of domestic programs. And as long as the Defense Department is racist in makeup, black people will question not only our reasons for being in Viet Nam but also our country's protestation of equal opportunities at home.

Our values and sense of decency are weakened by our double standards in dealing with individuals and events. This distorts our order of priorities and explains why we are in deep trouble.

For example, we should apply the same rules on "inciting to riot" whether against the Governor of a state as against a black militant.

But we perpetuate evil in the world by supporting unequal justice, a dual educational system, and two separate societies.

In view of our diverse population, cultural heritage, and rich resources, we should be the world's great moral force for freedom, peace, and brotherhood.

The first step toward this goal is demonstrating at home that which we proclaim to other nations to be our ideals and moral principles.

"YOUTH, DISSENT, AND OUR NATIONAL PRIORITIES," OR "OH SAY, CAN WE SEE WHAT THEY SEE?"

(Testimony of Representative JAMES W. SYMINGTON)

During the past weeks we have been discussing the environment. The confidence of the young American in his country's purposes is a vital part of his environment and ours too. That confidence has slipped a little. Why? And how is it to be restored? It could be, of course, restored by accident—one of those little accidents of history, or comparative history, that render what *is* even more palatable than what might be. But we shouldn't count on that. We should face directly up to youth's view of what is. Until we do, we are in no position to reason together what might be. We must "gladly learn" before we can gladly or effectively teach. And so must they. The College President who tells his graduating class "how much he learned from them" might do well to suggest that they were not entirely self-taught either. Being young is no guarantee of being right. It is at best an opportunity to outlive a few more mistakes. So in discussing what we want from our country we should stand up to one another like men, each of whom, observing Franklin's counsel, "doubts a little of his own infallibility." The possibility of restoring the confidence of young Americans in us and ours in them will begin at that point. But why did it slip to begin with?

Some years ago I visited a juvenile institute with then Solicitor General Thurgood Marshall. It was late December, and we were being shown the festively decorated dining hall. One of the boys motioned us over to his table and said, "We just wanted to wish you a merry Christmas and ask who the hell you are." Today's young American having read more, seen more and therefore felt more than prior generations, wonders, indeed, who we—the ordaining adults of this fatherless society—are, what hypocrisies we conceal, and what moral basis fortifies our right to exclusive occupancy of the command module of spaceship earth. Their confidence has diminished in direct proportion to the personal separateness which technology first made possible and now seems almost to require.

And I read in much of the current politics of confrontation, a desire not so much to destroy as to be heard, to bridge the growing gap between generations, and to defy the impassive logic of the technological age which so tends to isolate us from each other as human beings, while it organizes us for collective purposes seemingly of its own. Much of this desire has admittedly been derailed. Much of the movement has succumbed to senseless, destructive putschism and sectarianism, owing ironically, I think, to a kind of apathy among the more gifted, which abandons leadership roles to persons better able to organize than conceptualize, to lecture than to lead. The young mirror the old in spite of themselves when they fail to perceive how much easier it is to bring people to their feet than to their senses.

But youth's dissatisfaction in and of itself is not to be mourned. It should be welcomed. Informed discontent is better for a society, at least our kind of society, than mindless compliance. And what is to be welcomed should not be unexpected. Yet it is clear that no element in society anticipated the depth of this restlessness, and none were prepared to cope with it. Fathers were unable, and in many cases unwilling to discuss it with their own children. (I've just had a two-hour session with a young man whose father won't speak to him because the foolish boy takes the sixth commandment so literally. Perhaps you will advise me on how a Congressman can represent fathers and sons who won't speak.) Schools were floundering in a sea of outdated nostrums. And the universities slept on, certain that their steeple bells and ivy covered ethic of civility would contain the problem.

When it came the trustees and administrators, not a class notable for imagination or prescience, stood back aghast. They were appalled by behavior which a visit to any number of classrooms or late-hour bull sessions would have led them to anticipate. Under the imminence of draft age during an essentially unbelievable war, plus other contrasts on the domestic scene, principally black and white, the American student of the 60's was already framing questions to which he would demand answers. Students would demand them particularly as they saw one by one, those leaders who decried institutional apathy and inequality, murdered. Fuel to the smoldering tinder of their discontent has been added by some faculty gurus who see in these developments a vicarious chance not generally available to academicians, to influence historical processes without assuming public responsibility. Many thrill to that opportunity. Those who do not must answer for their restraint to an aroused student body. And the school administration which has already made its accommodation with the flood is in no position to hold the dike.

At first for many students it seemed only logical to act out a challenge to distant authority by striking at the nearest particular authority which, after all, had soiled itself by existing under current conditions. But a specific rationale is soon formulated for attacks on any authority. All have been advanced right down to the reason for climbing Everest—"because it's there," and, one might add, "Dad isn't."

But I leave to students of Freud whether some students are striking at their own fathers when they hit other more accessible institutions.

Finally, even the institution of party politics, a relatively malleable framework for innovation has proved brittle to the new rough touch of youth. It has withstood the first onslaught. I believe not so much, however, by its "toughness" as by its inherent ability to channel change. I happen to think this is particularly true of the Democratic Party because of its broader base and traditional refusal to retreat into comforting old biases when new challenges come along. The fact that both major parties appear to have endorsed the 18-year-old vote testifies to a general political awareness that this is an idea whose time has come.

Yet the young activist should understand that the war on authority as it is currently waged presupposes an uneasy peace no matter how it terminates, because new generations will inevitably challenge whatever new authority emerges, and look to the young of today for example. In the meantime contemporary authority must answer for what "is". And mindful of Shakespeare's admonition that nothing is but thinking makes it so—we must try to go behind the eyes of today's young American to get his view of "it".

The young people of today were born after the depression and under the nuclear shadow. In an age of affluence and potential Armageddon, they are less concerned about material security and more concerned about basic human values. They feel that time is running out on the great problems—war, racial injustice, poverty. They dislike the impersonalization brought about by large organizations and rapid technological change. Because of the influence of the mass media, the mobility and the intellectual freedom of our society, young people today learn faster and mature earlier. They become quickly aware—and deeply resentful—of the differences between what elders say and what they do. They have discovered that our surface prosperity acts as a veneer over the lack of quality in the lives people lead. In short, the very accomplishments of our generation—in technology, communications, affluence—have served to focus the attention of the young on what we have failed to accomplish.

The post-World War II generation is the first to face adulthood in a mass society and a world that has entered what has accurately been called the age of technocracy. Hence, growing numbers of the young have been brought up in families where affluence, as well as political freedom and social mobility, are accomplished facts of life, not distant goals to be sought as they are, for example, in Czechoslovakia. To our young people, national affluence is no guarantee of personal fulfillment, and political freedom no sign of personal liberation.

Our affluence, born of technology, has therefore created a group of young people with both the time and the reflective capacity to see that our society, for all its technological prowess, has not yet fulfilled its proper objective purpose: the protection of the individual, or its subjective purpose, the development of the individual.

Many dismiss the idea that today's generation gap is any wider than it was between past generations. But it is certainly arguable that the gap has, indeed, grown wider than even before, simply because of the technologically induced rapid loosening of the ties of family interdependence. Today it is impossible to predict what life will be like in five years, much less in 10, 20 or 50 years. Current knowledge, work-skills, and values, may be totally irrelevant when the current generation of youth reaches maturity. It is therefore understandable that youth, exposed to an ever-increasing rate of technological growth, come to perceive that the values of the past may be totally inappropriate for the world in which they will be adults. Moreover, they feel powerless to anticipate or direct the future. In this environment, hope no longer sustains. The lessons of the past seem less relevant; planning for the future appears futile. This causes in too many instances retreat to an elysian drug culture expressed by one youngster, this way, "if we've all booked passage on the Titanic, we might as well go first class." The great majority of young Americans still believe the ship can be safely steered and will do nothing to numb their mind or strength, but they want a hand on the wheel. The theme of today's youth dissent is the hypocrisy of our institutions. No institution—family, church, the university, or even the law—can any longer hide behind dogma or tradition. Young people are vigorously questioning whatever arbitrary structure is imposed upon them. We can owe the intensity and accuracy of their questions to our success in educating them, though we may think at times they've learned too much for our own good. When they perceive an apparently weak intellectual base for behavioral demands made upon them, they balk. Simple answers such as "We should do it this way because it is right," or "because we have always done it this way," no longer satisfy this generation of youth. Tomorrow's? Who knows? But, we are unlikely to secure young peoples observance of order in their lives as long as such order implies compliance with courses of action that they believe even more threatening than the sanctions applied to preserve it.

What America's young today consider most threatening is a continued sacrifice and subordination of individual human wants, needs, and dignity to the depersonalized needs of our bureaucratic and technological institutions. They are protesting against the trend to pursue the Nation's overriding concerns not in terms of the individual, but in terms of national prestige, the good of the economy, as defined in statistics.

It would be ironic certainly for a nation founded on the belief in individual worth and dignity to subordinate those qualities to the whims of impersonal institutions. A clear statement of the message of youth appears on a current lapel button: "I am a human being: do not fold, staple, or mutilate."

It is certainly no problem to find ways in which technology has been permitted to serve the lessor of two objectives. For example, as Doxiades said last year, "We are building cities for cars, not people." The young have come to doubt the suggestion that economic expansion alone fosters human progress. Current trends may well provide them with an opportunity to evaluate the corollary of that proposition. Meanwhile, recruiters for industrial firms on our campuses are learning that many of the best students are not interested in business but in service: teaching, government, and volunteer work at much lower pay. Even young professionals, such as lawyers, are turning down the big law firms and lucrative private practices to work in previously forsaken areas such as landlord-tenant law, legal aid, and community organization. Thoreau, Veblen and Galbraith notwithstanding, to date, our society has tended to accept the assumption of identity between the needs of the individual and those of industry and technology—the laying on of Adam Smith's "invisible hand" which presumably moves each of us to do automatically what is good for society because it is in our own best interests.

The surest evidence that we can no longer equate technological progress with human happiness is the disastrous effect that undirected technology has wrought upon our ecological balance, our environment. Rampant technology has endangered not only man's relationship to man, but to nature itself. As Luther said, "Things are in the saddle and ride mankind." It's not that the young reject technology; they know it is neutral. They just want the right questions put to it, and proper demands made of it. Until then, at the height of the banquet of affluence, they see the handwriting on the check, which they feel will be cashed in their time. The country has already drawn heavily on the bank of its young blood to pay off debts incurred without their consultation or support.

Many in their twenties undoubtedly provided the margin of victory two years ago to the current administration in the belief that it would end our participation in the Viet Nam conflict. They were promised a "secret plan" to end the war and found instead a secret war to end the plan.

This increases their opposition to the current selective service system itself in addition to the way in which it has been geared to maintain priorities and sensibilities which they deem inadequate to their survival prospects no matter who "wins the war". The young ask why fighting for some Vietnamese against other Vietnamese rates higher on our list of priorities than fighting illiteracy and poverty at home. They wonder about deferments per se and particularly those honoring technical sciences, but not social sciences, or other forms of service like the Peace Corps or VISTA.

Young people's disenchantment with our educational institutions is due in part to their presumed lack of "relevance" and secondly to their suspicion that universities and colleges seem more beholden to management (the administrations) and financial resources (trustees and state legislators) than to their human resources, (students and faculty). They are, of course, as surprised as any of us to learn that education is our first priority when they see the disparity of investment in it.

Finally, in the matter of race, many of our young people see a distinction between theoretical equality and actual equality. They are beginning to wonder whether prejudice develops an immunity to progress. American society generally accepts black and other minority groups as equals in sports, labor, business, and even politics. But many look to the day when there are no more talented black students and artists, only talented students and artists, no more outstanding black leaders, only outstanding leaders. Will counter-currents of black and white assertiveness prevail? That is largely up to youth itself and the leadership it chooses. Meanwhile the unique contribution of today's youth is their "why". We should answer it to their satisfaction and ours before applying our "how." We, like them, should in Shaw's words which were Robert Kennedy's favorite, "dream things that never were and ask why not".

When such dreams trouble not only the sleep but the waking moments of adult America, in Government, industry and education, these institutions will be at the dawn of a new and better age—one which will offer to the young American a wide selection of challenges which are worthy of him and

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of that so far brief spark in history. The American Experiment.

THE REFORM OF ECONOMIC POLICYMAKING

(Statement of Representative RICHARD BOLLING, of Missouri, before the Committee on National Priorities of the Democratic Policy Council, April 30, 1970)

Less than a year hence, on February 22, 1971, the Nation will complete twenty-five years of effort at coordinating the Government's economic policies in the interest of achieving full employment, stable prices, and economic growth in a free enterprise economy in accordance with Section 2 of the Employment Act of 1946. While we have not had either a runaway inflation or another depression of the 1929-1941 dimensions, nevertheless we have had persistent economic instability and inflation. At the present time, these are at the most persistent and virile stage of the postwar period, with prices and unemployment both rising rapidly.

Nor can we justly claim that failure in achieving economic stability was a result of persistent and vigorous devotion to achievement of economic growth and to the solution of the nation's other pressing economic and social problems. Indeed, every year we have found some excuse of budgetary stringency, international crisis, or even the necessity for further investigation that provided reason for postponed action. If anyone should doubt the accuracy of this characterization, he would need only to review the riots of recent years, or the voluminous and pungent reports of the National Advisory Commission on Disorders and other similar investigative bodies to dispel the illusion that the sacrifice of economic stability has provided success elsewhere on the economic and social fronts.

Indeed, the charge is widespread among economic experts that a prime cause of economic instability since World War II had been the activities of the Federal Government itself. For years the Joint Economic Committee of the Congress has been recommending a greater degree of stability in monetary policy as one way in which the Government could contribute to increased stability of the economy as a whole. They have recommended that the money supply be increased at from 2 to 6 percent per year—a much more narrow range than has been experienced under the policies followed by our monetary authorities. Now, at long last, the new Chairman of the Board of Governors of the Federal Reserve System seems to have accepted this rule as a reasonable one. Perhaps monetary policy will become less variable and hence contribute to overall economic stability.

But even if this should prove to be the case over the next several years—and we cannot be certain—monetary policy alone cannot do the whole job of stabilizing the economy. I cannot accept as reasonable the position of some extremists on the subject of monetary policy who seem to believe that this tool can, by itself, if properly used, produce economic stability and satisfactory growth. To a large extent, both the limits of the power of monetary policy and the range of alternative monetary policies that are practical are determined by the way in which fiscal policy operates. The decisions of the President and the Congress on Government expenditures and revenue and the operations of the debt management officials of the Treasury between them substantially affect the monetary policy. These fiscal measures also have their own more direct and independent impacts on the generation of private incomes and on the way in which those incomes are saved, invested, and spent on consumption. To achieve, therefore, a stable and growing economy that will support the kind of social and economic programs this nation needs, we shall have to do something to enhance the contribution of fiscal policy to economic stabilization.

It is useless to look toward deliberate, planned variations in expenditure programs as a tool for stabilization. Indeed, the instability of Federal expenditures has been a prime cause of instability in private incomes and spending. Furthermore, it takes too long a time for changes in expenditure policies to produce changes in actual public spending and hence to affect the economy. After decisions are made by top officials in the Executive and Legislative Branches of the Government a long train of lower level actions are needed to turn decisions into expenditures.

Many of us, therefore, have been convinced that sooner or later the Federal Government will be compelled to make rational and continuous use of fluctuations in tax rates as a means of promoting economic stability.

The Constitution puts the basic authority for levying taxes in the Congress, and provides that such measures must originate in the House of Representatives. The jealous protection of this constitutionally mandated authority has kept the decisions about tax policy firmly in Congressional hands. A very rational and useful scheme for using a surtax mandated by Congress to achieve stabilization objectives was recommended by the Subcommittee on Fiscal Policy of the Joint Economic Committee in May 1966, under the chairmanship of the distinguished Congresswoman from Detroit, the Honorable Martha W. Griffiths. Conclusions and recommendations of the Subcommittee in its report entitled "Tax Changes for Shortrun Stabilization" were in general as sound and deserving of support as one could reasonably expect.

Unfortunately we were then faced once more with the necessity for trying this device because of the upsurge of Government spending partly for new social programs and partly for Viet Nam. The President procrastinated until January 1967 and then recommended a 6 percent surtax. But Congress outdid him in procrastination, and the final bill, with a 10 percent surtax, required because of delay, finally became law on June 28, 1968—one and one-half years later. Its effectiveness in stopping the inflation and restoring stability must be counted as somewhat "iffy" to put it kindly. The main reason was not that tax policy can't be effective, but that it was two and one-half years late. It was a fear of Congressional barricades to action that delayed the recommendation from the President for a year, and it was those same barricades that delayed the actual legislation for another year and one-half.

It is simply impossible for the Government to do anything else than to promote economic instability—including both inflation and recession, perhaps simultaneously, if tax policy experiences delays of this character. Speed is an essential ingredient to successful policymaking when you are concerned with stabilization of an economy as dynamic and fast moving as this country's. The economy will not wait for the outcome of a prolonged debate, and once massive forces leading to economic instability get underway for a considerable time during the policy debate, it requires large magnitudes of corrective action and prolonged periods to bring the economy back into line with stable, full employment growth.

The way out of this dilemma has been suggested by economists, by the press, and by some of us in the Congress on numerous occasions. President Kennedy suggested it in his January 1962 Economic Report. The way out which all of these recommendations uniformly outline is to delegate to the President standby authority to temporarily raise or reduce all individual and/or corporate income taxes by some stipulated percentage subject to Congressional veto. The percentage could be a certain number of percentage points, or could be a percentage of the dollar amount of tax due by the individual or the corporation under prior existing law. The procedure would operate approximately in the manner of the reorganization authority, with the change taking effect within 30 days after submission by the President unless rejected by a vote of the Congress. Most of the proposals suggest that the tax remain in effect for a fixed period—perhaps six months or a year—unless revised or renewed through the same process by which it was originally instigated or extended by a joint resolution initiated by the Congress. Some provision would have to be made, of course, as in similar programs for the contingency that the Congress might not be in session at the time the President wished the statute invoked.

Such a delegated authority to initiate a tax action would achieve two goals: First, it would provide a way for the President to make a proposal, secure in the knowledge that he would get a decision one way or the other within 30 days. It would thus insure a speedy decision when speed is necessary. Second, the very existence of this power delegated to the President would insure that if the need for more or less revenue were seen to be more or less permanent the Congress could take adequate time to discuss a permanent tax legislation without disastrous economic consequences because the temporary increase or reduction in taxes on Presidential initiative would provide an appropriate immediate stimulus or restraint, as the case might be, which would hold the line, so to speak, until Congress could with due deliberation produce permanent tax legislation in the normal manner.

I am convinced more than ever by the experience of the last decade that we must, sooner or later, come to some such plan as this in order to provide the short-run speed of action which is essential in stabilization efforts while at the same time protecting the prerogatives of Congress to give due and, if necessary, prolonged deliberation to permanent tax changes as provided for in the Constitution.

As the Joint Economic Committee has often pointed out, we have a pressing need to produce greater stability and overall fiscal balance between receipts and expenditures. We cannot afford swings in the Federal surplus or deficit of amounts as high as the $15 to $25 billion from year to year that have occurred in the past two decades. And we cannot achieve this greater stability in the balance between receipts and expenditures without some reform in taxwriting procedures, such as I have proposed.

In addition, of course, the Administration and the Congress in the years ahead will have to devote great effort to tax reform and simplification along lines suggested repeatedly by the Joint Economic Committee and the long line of impartial experts who have appeared before the full Committee and its Subcommittee on Fiscal Policy. We cannot expect public support for rational variations in taxes for stabilization purposes if the basic tax structure itself is cumbersome, unclear, and to many Americans, appears to contain substantial inequities.

The Tax Reform Act of 1969 made a beginning on this enterprise but it did nothing to simplify the problems of the average taxpayer in determining his tax liability so he could report appropriately to the Government. Nor did it touch a number of important areas where reform has long been called for, such as the taxation of retirement income and capital gains. While we should pursue vigorously the goal of a more equitable and simple tax structure, we must not use this as an excuse to further postpone the day when we will delegate to the President suitable authority for varying tax rates the purposes of promoting economic stability.

RACIAL JUSTICE IN AMERICA

(Statement of Hon. JAMES C. CORMAN, of California, before the National Priorities Committee of the Democratic Policy Council, April 30, 1970)

"We Shall Overcome" was the commitment made by the President of the United States to the American people when, on March 15, 1965, Lyndon Johnson uttered those three simple words to a joint session of the Congress. President Johnson promised that we would overcome the crippling immorality of bigotry and injustice. It was a singular moment of pride for the President when, on August 6, 1965, he signed into law the Voting Rights Act of 1965, at a ceremony in the President's Room of the Capitol. It was on August 6, 1861, in that same room, that President Lincoln signed a bill freeing slaves who have been pressed into the military service of the Confederacy.

These three words symbolized the high plateau of moral leadership provided by the Johnson years in steering this country toward a single society, away from the unconscionable state of segregation, fed through the years by fear and hate.

It may be worthwhile to reflect for a moment why leadership at the highest level is so essential to curing the sickness of racial intolerance. Borne out of historical mistakes, racism—touching us all, individually and institutionally—is nourished by false fears, irrational prejudices and, too often, deep hatred. It is only through leadership at the highest level of our government, having responsibility for the welfare of the nation, that these fears and hatreds can be controlled so that racial justice can prevail.

Let us look at what has happened since January 20, 1969, and how leadership is being used by the man holding this nation's highest elective office. It should be apparent that the ideas uttered by the Vice-President, the Attorney General and White House aides flow from President Nixon himself. These are his men. He chose them, and I am certain he did so for the purpose which they now fulfill.

Spiro Agnew's insensitive, often inflammatory, racist remarks are not the words of an ill-educated, red-necked cracker. They are the words of the second highest ranking official of the United States Government, the man selected by Richard Nixon at the 1968 Republican National Convention to be his closest confidant. Does anyone doubt when he tells America that "when you have seen one slum you have seen them all," and asks "how would you like to be operated on by a doctor who got into college under a quota system?" that he is speaking for the man who put him where he is today?

The public utterances of the Nixon men are not the only evidences of Richard Nixon's intention to take us back toward a segregated America. Many of us were shocked that he would contrive to destroy a fundamental right of black Americans—the right to vote. With the aid of a letter signed by Richard Nixon himself, the President's Man-in-the-House, Gerald Ford, was able to unite in the House of Representatives most of the Republican Members with the Dixiecrats, in refusing to extend the Voting Rights Act of 1965. Thanks to a responsible United States Senate, the House has another opportunity to correct that mistake.

Nowhere does President Nixon's real attitude toward racial justice come through more clearly than in his nominations to the federal judiciary, particularly to the highest court, and at least in one instance to the circuit court. We are familiar with the reasons the Senate found it necessary to reject the nominations of Haynsworth and Carswell, but many are not aware that the President filled his first vacancy on the critically important Fifth Circuit Court of Appeals by tapping the lawyer who had made a career of representing the State of Mississippi in its efforts to deny black Americans their basic constitutional rights. One can only conclude that when President Nixon promised to "bring us together," he was addressing himself to the 43 percent of Americans who had voted for him and the 15 percent who had voted for George Wallace.

When the Supreme Court, under the leadership of Chief Justice Earl Warren struck down racial discrimination in public schools, in *Brown* v. *Board of Education* (1954), a milestone in racial justice had been reached. This act more than any other became the cutting edge for a single society.

Entrance into public school is a child's first public experience. It has the most lasting impact on his life, for it is here that he meets his first challenges away from parental protection; it is here that his first value judgments are made. A white child and a black child, both with fresh, unprejudiced minds, do not heed differences in skin color. There is no black problem nor white problem among five- and six-year-olds. They are just two specimens of mankind, learning to live, work and play together. Left alone, without outside influences of racial prejudice, they are the citizens of a "single America."

But, unfortunately, the edge cuts another way, too. School desegregation, more than any other act, has evoked on the part of some parents outlandish, violent hysteria. This is the area where demagogues have been most effective—the hate mongers, who for their own purposes, play on false fears, who predict the destruction of educational standards in a desegregated school system. They feed the natural feeling of distrust for any change to the point of intolerance and blind rejection; they incite disobedience to the laws of the land. The retreat on school desegregation by the Nixon Administration perhaps best demonstrates how this edge cuts.

It is a retreat which began the day President Nixon assumed office. This Administration had been in office only a few days when the first test of its will to enforce the civil rights laws came about. Secretary of Health, Education and Welfare, Robert H. Finch, was confronted with what to do about six school districts that had over the years consciously and consistently refused to comply with Title VI of the Civil Rights Act of 1964 and with the Constitution. The issue was simple. Termination of federal funds flowing into these districts had been recommended to him by an independent hearing examiner and an independent reviewing authority within his Department. These six school districts, on the basis of every shred of information available, and after years of negotiation with federal officials had shown no inclination to comply with the law as hundreds of other school districts had. Yet, instead of terminating funds to these districts, Secretary Finch gave them the reprieve that Senator Strom Thurmond of South Carolina had promised all Southern school districts during the Presidential campaign, when he so forcefully and successfully put the South in the Nixon camp.

That was the beginning. The disintegration of the carefully constructed school desegregation compliance machinery at HEW and elsewhere in the government has been crumbling at a steady pace. The disintegration is the result of calculated destruction by this Administration. While the list of acts the President and his subordinates have taken is too long to be included in this document, following are some of the highlights.

(1) On July 3, 1969, Secretary Finch and Attorney General Mitchell issued a joint statement on Federal Policy on School Desegregation, which in effect gutted the existing school desegregation guidelines. The statement was full of flowery language, but the message was clear—the 1969–70 target date for complete compliance was wiped out. The statement indicated that the Administration was going to take a kind of *ad hoc* approach to school districts in the process of desegregation. They would look at the "chemistry" of each district and grant exceptions and adjustments if school systems could show that it was "just too tough" to comply with the law; just too tough, even though they had had over 15 years to comply.

(2) The Administration then tried to fool the public. To counter this cut back in enforcement, it announced a few days later, July 9 to be exact, that it had told the Chicago school system if it did not come up with a faculty desegregation plan within two weeks, it would be sued. I need not tell you here, some nine months later, not only has Chicago not submitted a faculty desegregation plan and has not been sued, but there is no indication that it will ever be sued. So the big announcement about Chicago was just another effort on the part of the Administration to cover up its retreat on school desegregation.

(3) Perhaps the clearest indication of just how much this Administration was going to retreat on school desegregation came in late August, when Secretary Finch asked the federal courts to delay segregation in 33 Mississippi school districts, from January 1969 until September 1970. These 33 districts represented the most recalcitrant in Mississippi They also represented districts where Secretary Finch's own staff had developed many of the desegregation plans in cooperation with the Department of Justice. Justice had presented to the courts clear and concise evidence indicating the ability of these school systems to desegregate in September 1969.

In requesting the delays, Secretary Finch said that he questioned the viability of these plans because so little time had been spent developing them. He also said that he had personally reviewed all 33 of these plans and some of them appeared to be educationally unsound. While Secretary Finch was "confessing" to the public how bad his own desegregation plans were, Senator Stennis of Mississippi was advising the White House that unless the Administration reversed its position on those 33 school districts, he would simply leave Washington, go home to Mississippi and take care of some "urgent business" and thereby deny the Administration his vital leadership on the ABM fight which it so sorely needed. Not surprisingly, the Administration reversed its position on the 33 districts, Senator Stennis stayed in Washington, and the President won on the ABM vote.

(4) In response to these political machinations, over 40 attorneys in the Civil Rights Division of the Department of Justice sent a petition to Assistant Attorney General, Jerris Leonard, and to Attorney General Mitchell protesting the Administration's request for delays in the desegregation of 30 of the Mississippi districts, the 30 districts in which the Department of Justice was involved.

(5) The U.S. Commission on Civil Rights, a fact-finding agency of the federal government, was also concerned, not only by the Administration's actions regarding the 33 Mississippi school districts, but by what had been happening to the school desegregation compliance program. As a result, it issued a statement severely criticizing the Administration's school desegregation policy. As if to show the Commission and the rest of the nation that nothing would change the Administration's Southern strategy. Vice President Agnew stated that he was against busing children "to other neighborhoods simply to achieve an integrated status of a large geographic entity." The Vice President's statement was a forecast of what was yet to come.

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(6) September was a good month to demonstrate the "calculated confusion" of this Administration with respect to school desegregation policies, for immediately on the heels of the Vice-President's statement, Secretary Finch said on *Issues and Answers* (September 22) that the Department of Health, Education and Welfare would continue to use busing as a method to achieve school desegregation. The following week (September 27) on a nationwide television program, Assistant Attorney General Jerris Leonard said, "if the Court [meaning the Supreme Court] were to order instant integration, nothing would change, because somebody would have to enforce that order." Events of the following months demonstrated that the Justice Department clearly could not be counted on to enforce such an order.

(7) In late October the Supreme Court of the United States told the Administration that it was wrong, that there were no reasons for delaying school desegregation in those 33 cases. This represented the first time since the historic *Brown v. Board of Education* (1954) that the federal government had sided with recalcitrant school officials in school desegregation litigation. But, the Court threw out the argument of the imminent Solicitor General, and ordered those districts to comply with the Constitution forthwith. The next day both the President and the Attorney General said that the Administration and the Department of Justice would abide by the Supreme Court decision. The Attorney General went so far as to say "all Americans, state and local officials, judges, federal officials and citizens would be called upon to understand, cooperate and comply, as we believe in a society based on the rule of law, we will do so without hesitation." How quickly the Attorney General forgot that lofty statement, for only two months later the Department of Justice again asked the Supreme Court to delay desegregation until 1970 in the cases before it, and again the Supreme Court ruled against the government saying that desegregation could not be put off until September 1970.

(8) If there was one bright spot in the Administration during this year of retreat and regression on school desegregation, it was Leon Panetta, the young Director of the Office of Civil Rights. Panetta had tried earnestly and diligently to persuade his superiors in the Administration that they could not flout the Constitution and deny citizens Constitutional rights that had been established and reestablished over the last 16 years. Panetta's reward for his efforts was to be fired by the Administration on February 17.

(9) The firing of Panetta was coupled with an announcement of the creation of a Cabinet-level Compliance Committee on School Desegregation to be headed by Vice-President Agnew (chief spokesman for the Southern stratetgy). Robert Mardian was appointed Executive Director. While General Counsel of HEW, Mardian had proposed to Secretary Finch in a secret memorandum that the school desegregation guidelines be gutted without any public announcement.

(10) Several days after Panetta was fired, the HEW independent reviewing authority found that Columbia, South Carolina, had failed to comply with Title VI and should have its funds terminated. This was another test of the Administration's will, for Columbia, one of the largest cities in South Carolina, had been involved with HEW for the past two years, and is a stronghold of Senator Strom Thurmond. The same day the reviewing authority announced its decision, Secretary Finch, in a midnight press release directed only to Southern papers, stated that he believed the Columbia school officials had acted in good faith. He urged them to appeal the decision of the reviewing authority to him, and he assured them that he would reconsider the reviewing authority's decision if they did appeal to him.

(11) In a kind of unsolicited, off-the-cuff remark, Secretary Finch condemned the desegregation orders of Judge McMillian in the Charlotte-Mecklenburg, North Carolina, school case and of Judge Gitelson in the Los Angeles, California, school desegregation case. Both of these cases involved possible busing of students and that is what the Secretary condemned, obviously concealing from the public and perhaps from himself the facts in these cases. The courts had found that both of these school systems by calculated action and inaction had promulgated policies to segregate children on the basis of race. Two days later, 125 staff members of HEW's Office of Civil Rights sent a letter to President Nixon protesting the dismissal of Leon Panetta and condemning the Administration's school desegregation policy. Some days thereafter, over 1800 HEW employees signed and sent a petition to Secretary Finch requesting an open meeting on the Administration's school desegregation policy.

(12) Before March was out, the Administration took what might be considered the final massive act of retreat. On March 24, the President issued his Statement on School Desegregation. It has been criticized by scholars, lawyers and others familiar with the whole area of school desegregation. Perhaps the most cogent criticism was issued by the U.S. Commission on Civil Rights, its second in a period of a year, and the lengthy criticism was one of the few unanimous statements issued by the Commissioners. Its entire tone was an indictment of the President's surrender to the inevitability of racial segregation in our public schools.

(13) Shockingly, a few days later the Department of Justice filed a brief in the Charlotte-Mecklenburg, North Carolina, school case, suggesting to the Fourth Circuit that Judge McMillian had committed an "abuse of discretion" by ordering an "extreme busing plan." Judge McMillian has had the Charlotte-Mecklenburg case under advisement for a very long time. It had been in court five years. The busing plan imposed by the court calls for transporting 13,000 students in addition to the 24,000 who are already bused.

Several days later, the Justice Department filed a memorandum with the Fifth Circuit saying it had strong reservations about the Manatee County, Florida, busing order, which a district judge had imposed; again suggesting that the court may have abused its discretion.

(14) Even as late as this month the Attorney General of the United States in a prepared statement for a Republican leadership conference said that citizens have "the right to reject unreasonable requirements of busing." The question is obvious, is each citizen left to define what he considers to be unreasonable? The distinguished Senator from Minnesota, Senator Walter F. Mondale, said that by this statement the Attorney General seemed to be saying "that the people have a right to disobey the law as issued by the court. . . ." Senator Mondale said further:

"If so, I not only think he is wrong, I think he is counseling illegal action, and of course, that is no surprise coming out of this Administration. They have . . . actually counseled opposition to court orders. They have appealed the order out of Charlotte (N.C.), the President has openly and in an unprecedented fashion criticized the court in Los Angeles.

"The President of the United States was very silent, strangely, when the Governor of Florida openly flouted the law of the land and the orders of the Federal District Court in Manatee County. The President could not find it possible to be critical of the Lamar (S.C.) situation where, through violence, they attacked the school bus with school children on it. We have had a steady pattern of lawlessness on the part of this Administration where it comes to enforcement of human rights laws."

What is the real purpose of school desegregation? It is to give every American child the opportunity to learn to his highest potential—to create a single school system in which every American child can achieve this goal. President Kennedy said in 1963 that "American children today do not yet enjoy equal educational opportunity for two primary reasons: one is economic, and the other is racial." By removing from our public school system any school that is segregated, whether *de jure* or *de facto,* we can destroy any semblance of an inferior school. High standards for teacher training, adequate school facilities, excellence in school administration—such a school system will give to each child, black and white, the quality of education that is so meaningful to the individual and so vital to the future of America.

The people of our great nation—all the people—deserve leadership toward this goal, and there is not the slightest trace of leadership emanating from the Nixon Administration.

When we look at the official acts of President Nixon and the members of his Administration, what do we find: nominees to the federal judiciary unsympathetic to civil rights; back-sliding in school desegregation, in voting rights, in public housing and equal employment opportunities. The Nixon Administration's hostility to the cause of racial justice is polarizing the nation to a dangerous point and is a breeding ground for the handmaidens of intolerance: fear, bigotry, hate and prejudice.

There is no alternative to a single America. We cannot be separated because of race or color. The brutality of apartheid cannot be a life style for America. It is not only moral values that are at stake, but also the potential for the country's greatness, in which each of us has the opportunity to share to the full extent of his own capacity. We are considered to be the most powerful of the nations of the world. We are the wealthiest nation. We have beauty of the land. God has truly "shed His grace on it." Yet, we deny our own plea that He crown it in "brotherhood."

Just as Abraham Lincoln said over a hundred years ago that this nation cannot continue half slave, half free, so today it cannot continue to exist as a segregated society; one white and privileged, the other black and denied. To continue as a segregated society would destroy our basic democratic values and impair the very foundation of our institutions. Our country was founded on the principle that government exists to serve all the people and to secure for all the natural rights that belong to them by virtue of having status as human beings. The President of the United States cannot abdicate his responsibility in fulfilling this goal.

The responsibility was implicit when our founding fathers blessed us in the Declaration of Independence with a great new promise of individual freedom. The Constitution gave reality to the promise—reality for most, but not for those black men and women who would come to the United States as chattels to be bought and sold by white men. Thus, the seeds of human despair were sown into the hearts and minds of these black people, and the search for racial justice had begun.

The post-Civil War Constitutional Amendments, the Thirteenth, the Fourteenth and Fifteenth, were the structure for implementing the promise of the Declaration of Independence for black Americans, freed by the Emancipation Proclamation. Regrettably, through deep conflict and tragic circumstances, they were denied that fulfillment, and we created two Americas: one for whites, one for blacks—one for people who lived in freedom; the other for people who lived in degradation and without hope, set aside from

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the rest of the nation because the color of their skin. Toward the end of the 19th century segregated America had been given status in basic law. It took two-thirds of this present century to undo the grievous mistakes of the last third of the 19th century. As a Democrat, I am proud to attest that four Democratic Presidents—Roosevelt, Truman, Kennedy and Johnson—provided most of the leadership to correct these mistakes.

It was during the Roosevelt years that America began to honestly question both the morality and constitutionality of our segregated society. Much of the present interest and executive action to achieve racial equality was sparked by President Roosevelt. He strongly upheld the right of every citizen to vote and to enjoy racial equality. In 1939, President Roosevelt established the original Civil Rights Section of the Department of Justice, responsible for enforcing all federal statutes affecting civil rights. This section played an essential and significant role in the 1960's in enforcing these statutes The first Committee on Fair Employment Practices to eliminate discrimination from federal employment was established during his Administration.

President Truman gave added impetus to the attacks in support of racial justice by his forceful advocacy of federal responsibility for the securing of civil rights. He proposed a comprehensive legislative program, including anti-lynch, anti-poll tax, anti-segregation laws. While Congress defeated his program, President Truman, through executive action, set up a Fair Employment Proctices Board in the Federal Civil Service Commission to review complaints of discrimination, and took landmark action toward ending discrimination by integrating Negroes in the Armed Services.

Many of us may have been frustrated with President Eisenhower who, armed with the Supreme Court decision to end racial discrimination in public schools, seemed to move slowly and reluctantly in this difficult field. Yet, we should not understate the importance of his stand in Little Rock in 1956 and the leadership he gave to bring into being the 1958 and 1960 Civil Rights Acts.

In January 1961, this nation was given vigorous leadership and new hope—hope that the progress, slow but consistent, of the past thirty years would be speeded to successful conclusion. President Kennedy told the nation in 1962 that "The distance we have traveled in eliminating prejudice is the measure of the distance we still must travel." And, on the 100th anniversary of the Emancipation Proclamation, he reminded us that "in giving rights to others which belong to them, we give rights to ourselves and to our country." Each of his thousand days—in his public pronouncements, in his private conduct, in executive orders and legislative suggestions—was a fulfillment of his obligation to lead the nation toward its ultimate goal of total racial justice.

These thousand days were followed by five years of vigorous and effective leadership by Lyndon Johnson, which resulted in the enactment of broad, new legislation, accepting a national commitment to equal justice for all Americans. When President Johnson, before a radio and television audience, on July 2, 1964, signed the historic Civil Rights Act of 1964, he spoke of the blessings of liberty to which all men are entitled, yet denied to some because of the color of their skin. He admonished the nation to "close the springs of racial poison," because "Our Constitution, the foundation of our Republic forbids it. The principles of our freedom forbid it. Morality forbids it. And the law I will sign tonight forbids it."

With the signing into law of the Civil Rights Act of 1968, which included the historic provision for fair housing, it was evident that through the leadership of these Presidents, who understood that to go forward America had to become one nation, we had made a good beginning in the journey toward full racial justice for all citizens.

This, then, is our legacy as Democrats. It is the great moral force generated under Democratic leadership from which this country benefited between March 4, 1933 and January 20, 1969.

Repercussions of history are felt in diverse ways—often through devastating acts. While the early 1960's saw the goal of equal justice reinforced by legislative statutes, 1967 and 1968 were years of civil disorder that tore our cities apart. Violence in civil disobedience cannot be tolerated in a free society that is governed by the rule of law—the same rule of law that, protected by the First Amendment, guarantees the right to peaceably assemble and to petition. As there was a great need to understand what had happened and what must be done to avoid recurrence of civil disorders, President Johnson established the Kerner Commission, on which I was privileged to serve. We were enjoined to examine in depth the real nature of the crisis that faced the nation. The Commission's basic conclusion—that we were moving toward two societies: one black, one white, separate and unequal—was an indictment of the racism which has crippled our society since the earliest days of its history. The Commission in unequivocal terms called for a "commitment to national action—compassionate, massive and sustained, backed by the resources of the most powerful and richest nation on the earth." Further, the Commission asked for a commitment of conscience, saying "From every American it will require new attitudes, new understanding, and above all, new will." America's journey toward fulfillment of constitutional rights for all was not stopped by these civil disorders. Rather, in part, through the Kerner Commission's Report, the peril of racism was spelled out and the conscience of America was called to arms.

While the Negro, more than any other minority group has been victimized by racial injustice, the goal we have set for ourselves—a single American identity—and the progress we have made toward this goal encompasses all American minority people.

But, no longer do we hear the words "We Shall Overcome" from 1600 Pennsylvania Avenue. Rather, the man occupying that residence is whistling "Dixie," counting the 1972 electoral votes of the old South, promising in return for their delivery a continuance of segregation and deprivation of black Americans. However, the success of the Southern strategy has two Achilles' heels. The first is the need to keep Southern blacks from the polls. If all persons entitled to vote in the South really voted, the Southern strategy would be a shambles.

The second Achilles' heel of this strategy is the calculation that a sufficient number of Americans in the Mid-west and in suburbia will tolerate continued blatant racism for political purposes. These are President Nixon's so-called "silent majority." But will they tolerate continued racism? I doubt it. Its immorality must offend their sense of decency and justice. These are the people who have the greatest stake in America's future. America's potential for greatness becomes their own potential for greatness. The wisdom of a single society, giving every man an opportunity to develop his maximum potential is not lost to them.

The Southern strategy is a disservice to the nation. It may be the "Waterloo" of Richard Nixon's form of Republicanism.

Perhaps never before in our history have we been in such great need of moral leadership and had so little of it in our Chief Executive. For this reason, both the responsibility and opportunity are maximized for the Democratic Party. We must be true to our heritage. We must not fail our nation. We must overcome both racism and a President who sees his future, in a large part, dependent upon it.

This, then, is my plea for the cause of racial justice in our democracy. I urge that it be placed high on our Party's list of national priorities.

CONGRESSIONAL REFORM COMES FIRST

(Statement by Representative Michael J. Harrington, of Massachusetts, before the Democratic Committee on National Priorities, April 30)

Even in the question of priorities, there are priorities.

I suggest that until the Congress of the United States addresses itself to the reform of its own structure and traditions the whole problem of establishing priorities and implementing national goals is certain to be distorted and confused and negated.

Let me cite a specific example which is current.

Today the House of Representatives is considering a 20.2 billion dollar military procurement bill.

This bill allocates more than 20 times the total funds assigned for abatement of pollution in the nation's waters.

This bill allocates more than 20 times the amount which the Administration has directed be spent on low and moderate housing needs, needs which are not being met by any standard.

This bill allocates more than 14 times the sum that the Administration is spending for aid to school districts where low income families live in large numbers.

Quite clearly the expenditures being contemplated in this bill are of major consequence to the nation. Does anyone doubt that the substance of this bill relates directly to our national priorities?

I think not.

Nor should anyone doubt that the manner in which this significant legislation is presented to the House—the time allotted for debate, the options for amendment, the recording of members votes—all this also must be viewed as essential to the passage of the measure and accordingly directly related to national priorities too.

But gentlemen, under the traditions and rules of Congress as it is presently constituted, there is hardly any prospect of open expression and implementation of national views on this bill which we agree relates to our national priorities.

Instead, this measure, like all others, is being funnelled through the narrow hose of seniority and accordingly is subject to the misrepresentation which is the natural step child of seniority.

Consider these facts of Congressional life.

Control of the procedures by which this bill reaches the floor is vested in the Rules Committee, and the key man on that committee is the chairman. The chiarman of the Rules Committee is 80 years old. He has served on the Rules Committee for 38 years. He is from a rural district.

Control of the bill in terms of its content and in terms of steering it through Congress lies with the Armed Forces Committee. The ranking members of that committee also have determined who shall speak in its favor and who shall be permitted to speak in opposition, and for how long. The key member of that committee is its chairman, and he is 65 years old. He has served on the Armed Services Committee for 30 years. He is from a rural district.

The third most important member of Congress associated with this Military Procurement Act is the ranking minority member of the Armed Services Committee. He is 74 years old. He has served 36 years on the House Armed Service Committee. And he too is from a rural district.

To summarize, the commitment of 20 billion dollars for military procurement, a commitment representing 10 percent of our total national budget, comes to the floor of the Congress of the United States under the control and direction of three men who average 73 years of age, and who all represent rural districts.

By contrast, the average age in the United States is 27 years of age and 80% of the nation's population lives in urban areas.

Gentlemen, it should be clear that the question of national priorities and effective action to deal with national priorities cannot be considered until the priorities in the Congress of the United States have been first considered.

The seniority system—the system which Congress has imposed on itself for determining leadership, for determining who is most important, for determining what bills shall be heard and how they shall be heard—this system must be altered before the citizens of the United States can properly be represented in their own legislature.

At the present time, the seniority system makes length of service the sole factor in determining chairmanships and has led to an average length of service for committee chairmen of 28 years. Their average age is 70 years.

We have institutionalized age and length of service in the Congress. If the retirement rules Congress itself has passed for civil servants were followed, half of the committee chairmen in the House would have to retire.

But this is not all.

Misrepresentation is also the stepchild of this system.

While the Supreme Court has insisted that the people of the nation be fairly represented in its one man-one vote decision, the Congress by indirection has been able to distort the meaning of equal representation by assigning rank to the Congressmen who come from rural and largely southern districts. That's what seniority has done.

Despite the fact that this is an urban society in which we live, only six out of 21 committee chairmen represent urban areas.

Among the chief committees, nine out of ten chairmen come from rural districts, and eight out of these nine represent districts from the South.

It is without criticism of any member of the House that I list these facts. I do not and would not suggest that rural members with long years of service do not work hard and conscientiously. But it is in the natural order of things that a member with a rural background would bring to bear less interest and capacity for urban problems and priorities than a member who does in fact have an urban constituency.

Why should our urban population suffer such discrimination in terms of representation?

And look at the consequences. Congress has not been able to develop for the nation a rational and comprehensive approach for federal policy for urban areas. Congress does not reflect the urgent concerns which disturb so much of our nation's urban and youthful population. We are, gentlemen, an irrelevant body—a body which by its own rules and regulations has removed itself from the mainstream of American life. We promote disequal representation. The rural district of a southern state has much greater control over national affairs than the urban district of a northern, western, or eastern state. The 435 Congressmen who will be elected next November will be elected by equal numbers of constituents. But gentlemen those Congrssmen will not arrive in Washington next January with equal capacity to serve their constituents. They will arrive ranked. One district will be represented by a private, and another district will be represented by a general.

The Congress has distorted the very meaning of bi-annual elections, elections originally designed to keep it close to the voters.

The example, gentlemen, of today's debate on the $20 billion military procurement act is an *everyday* sample of the control which characterizes our House of Representatives, a control which under present circumstances could only by accident reflect the priorities which our citizens have expressed through election of the members of the House of Representatives.

Change in the House of Representatives internal management, gentlemen, is a priority which must be acted upon constructively before other national priorities will have the chance to see the light of day.

Thank you.

The Democrats Should Oppose the Extension of the Highway Trust Fund and Seek a Single Trust Fund for All Modes of Transportation

(Statement by Representative Edward I. Koch, before the Democratic Committee on National Priorities, April 30, 1970)

Our nation's first priority can be none other than the termination of the Vietnam War. This should receive the Democrats' most vocal and constant attention followed by continuing efforts to reduce the billions of dollars lavished annually on the military-industrial complex—dollars that are so critically needed to meet our domestic problems posing a real threat to our country's internal well-being and security.

For the purposes of this hearing, however, I would like to leave these issues to those who have greater access to military budget figures than I, and devote my time today to a very important matter which President Nixon has chosen to neglect but which is in need of urgent attention—mass transportation.

In spite of his budget rhetoric proclaiming a dedication "to achieving a balanced national transportation system," President Nixon has failed to make a meaningful commitment to mass transit. For FY 1971 he has allocated to mass transit only 6% of what is going to highways.

Our cities are now struggling for survival in a morass of auto traffic and pollution. Their meager transit systems are overburdened and in need of modernization. Our cities need help, and yet this year's budget provides only $284 million in federal funds for all the country's mass transit needs while the highway program will spent $4.5 billion. This is on top of past Highway Trust Fund expenditures which have totalled almost $50 billion while mass transit expenditures have just barely reached $1 billion.

Such a funding imbalance would not be so critical if it weren't for the fact that there is a backlog of mass transit needs and transit construction is very expensive. Furthermore, our country's urban concentrations are expanding so rapidly that demographic projections place 90% of our population in the year 2000 (when we will have an added 80 to 100 million people) in urban areas. The kind of transportation our metropolitan areas need is public transportation—not more highways.

While the President allocates $285 million in federal funds for mass transit, estimated capital requirements for just 19 major mass transit systems in the next decade will total $17.708 billion.

In February 1969, I introduced a bill providing the magnitude of funding and the financing mechanism needed to mobilize our cities in transit construction and to lend some balance to the country's transportation picture. My bill—which has been co-sponsored by 105 House Members—provides for the establishment of a Mass Transportation Trust Fund which would commit $10 billion in the next four years to mass transit. Expenditures would start on an annual $1 billion level and increase so that by 1974 a $4 billion plateau would be reached—comparable to the Highway Trust Fund's spending level. The Mass Transportation Trust Fund would have its own independent source of financing through the existing 7% automobile manufacturer's excise tax.

Such a program of long term secure financing for mass transit would help to eliminate that "highway reflex" that so many municipalities have acquired—really out of necessity oftentimes—because of the availability of so much "free" highway money and the alternate scarcity of mass transit money.

Support for the Mass Transit Trust Fund was widespread last year. It came from the Mayors, the Governors, the transit industry and even from the President's own Secretary of Transportation. But, in August of last year, while having submitted to Congress an Airport Trust Fund proposal, the President decided not to do too much about the transportation crisis of our cities and instead "take care" of the transit issue by sending to Congress a proposal providing a "contract authority" financing mechanism for public transportation. Such a funding program would allow the Department of Transportation to enter into contractual arrangements with municipalities for funds to be expended in future years. This kind of financing mechanism was the President's answer to the cities' need for a secure long term funding program; but, contract authority has had a difficult history with the Appropriations Committees exhibiting a propensity for placing ceilings limiting contract authority levels.

Even more important than this, however, was the President's decision to ignore the cities' financial needs. The bill's opening paragraph spoke about a need for a $10 billion commitment to mass transit in the next twelve years. But, this is only rhetoric. The President proposed that only $3.1 billion be made available in the next five years for contractual obligations with a total of $1.86 billion in appropriations for expenditure in this period.

This dollar sum is totally inadequate in view of today's transportation needs. Something the Nixon Administration has failed to recognize is that in mass transit construction you cannot go half-way. If the federal government does not provide sufficient funds, the larger cities simply will not be able to use even what little money is made available. While the law provides for federal participation in two-thirds of a project's construction cost, the Federal share may actually amount to only 20 percent if only $200 million is available for a billion dollar project. Municipalities cannot finance 80 percent of a project—and so nothing is done.

Thus, it is essential that we bring the federal level of funding to a point which is most suitably called a "threshold for action," below which point funds are insufficient to enable our communities to undertake transit modernization and new construction.

Perhaps what should be said about the President's transportation proposal is that it is just another example of his lack of interest in finding solid solutions to our problems and his reliance on sophisticatedly packaged programs, glittering with Madison Avenue embellishments, which when opened reveal an emptiness and an inability to solve the problems they are meant to meet. I have noticed in the past year that the President has submitted a number of new programs which appear to be renewed and expanded efforts, but which in reality are a shuffling of the cards providing an actual *reduction* in the federal government's financial commitment. Most recently, this was evident in the President's new water pollution abatement program which for weeks before its official announcement was touted as a $10 billion program, but when unveiled revealed a commitment of only $4 billion by the federal government, the remaining $6 billion to be

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matching funds provided by the states and localities.

And most detrimental is the fact that with all these program revisions, the President is actually setting back the timetable for action. In his 1971 budget, President Nixon provided no dollar figure for the Water Pollution Control program, and in his message, he stated that little money would be needed to fund his new program because "of the normal time lag in starting new construction"—as though the construction of waste treatment facilities is a new phenomenon. And likewise, in mass transit, the Administration has reasoned that little money will be needed in the next few years because cities need time to plan their mass transit construction programs and get underway. But, this is not good planning, it is just irresponsible procrastination. Federal aid to mass transit is not new, the Administration's own UMTA Administrator testified in 1969 before the House Appropriations Committee that by June of this year—even with today's small scale urban transportation program—his office would have a backlog of applications for capital grants in excess of $400 million.

Despite its deficiencies, the President's $3.1 billion proposal was accepted by the Senate late last year. During the House hearings in March of this year, the funding inadequacies of the bill were brought out and the authorization for contract authority was increased by the Banking and Currency Committee's Housing Subcommittee to $5 billion with the authorization for appropriations being increased to $3 billion. We are now awaiting final action by the full Committee later in May.

Most important, in the meantime, are the House Public Works Committee's hearings on the extension of the Highway Trust Fund. According to the Committee's Chairman, the hearings are "wide-ranging on all aspects of a comprehensive highway program, extending at least through 1985"—getting us just past Orwell's 1984.

The highway lobby of course is determined to keep alive its thriving trust fund which provides billions each year for highway construction. Furthermore it is determined not to allow the fund's resources to be dissipated by sharing the "wealth" with other modes of transportation. Originally, the Highway Trust Fund was to expire in 1972. But, now it has become such a successful financial pork barrel that the highway lobby does not want to let it go, and so we now have the prospect of its eventual extension to at least 1985.

I believe that the Highway Trust Fund should not be extended beyond its present expiration date. And, I call on the Democratic Party to oppose the Highway Trust Fund extension and to seek instead the establishment of a single transportation trust fund in 1972 which would coordinate and provide for all modes of transportation—including highways and mass transit. While the Highway Trust Fund has authority to expend funds through 1974, its revenue collecting authority (granted through the Ways and Means Committee) expires in 1972.

With a limited amount of money available for our country's transportation needs, it simply does not make sense to put $4 billion into highways each year and then not have more than $285 million for mass transit, particularly when the nation's mass transit systems are in such critical need of help and our country is becoming more urban.

A "comprehensive highway program" simply will not solve the transit needs of our metropolitan areas. What we need is a comprehensive transportation program. But, a balanced transportation system cannot be achieved as long as there is such an imbalance in funding and a colossal Highway Trust Fund pursuing a life of its own, isolated from the nation's total transportation needs.

The Department of Transportation was established so that the nation's transportation systems could be coordinated; but, surely the Department must be handicapped in carrying out this mandate if each mode of transportation has its own source of funding with funding levels having no inter-relationship.

If we are ever to have an effectively coordinated transportation program, now is the time to stop the extension of the Highway Trust Fund and seek a single Transportation Trust Fund. If, on the other hand, we let the extension of the Highway Trust Fund go through unchallenged, we never will be able to take back the authority at some later time.

The Democrats must at this time demand a re-ordering of our transportation priorities. The highway lobby is a very powerful force in Washington, but I think that the American people are getting tired of having $4 to $5 billion poured into the concrete mixers every year so that another one million acres of new land can be cemented over. The taxpayer is tired of such large expenditures for highways while he has to struggle through traffic jams and overcrowded subways each day to get to work and home again. The working man needs and wants mass transit. If the Democrats take up the cause of mass transit, we will have the people on our side as well as the tide of the future.

It should be noted that when the Interstate Highway System was originally contemplated in 1944, its purpose was to provide links between cities primarily for commercial vehicles—and of course to provide an inter-linking network for defense purposes. But, with its construction since 1956 and the concurrent deterioration of public transportation, the greater use of highways has been by cars and in the metropolitan areas by cars for commuter purposes. Such driving is simply a misuse of the automobile and an uneconomical use of the highway. If we do not hasten to correct our mass transit deficit, auto congestion will continue to mount (along with its resultant air pollution) and the highway lobby will justify decking expressways through our cities—a murderous prospect.

So, I urge that we act quickly—oppose the extension of the Highway Trust Fund—seek a single Transportation Trust Fund—now, while the opportunity is still with us.

Statement of Hon. William F. Ryan, Before the Committee on National Priorities of the Democratic National Committee, April 30, 1970

I welcome the opportunity to appear before the Democratic National Committee's Committee on National Priorities to discuss our nation's needs and our failure to meet them. This Conference offers a needed focus on this issue, and a lever with which to press for a reordering of our priorities.

This reordering is essential. The expenditure of $30 billion per year for the war in Vietnam has prevented allocating sufficient resources to human needs. So our first priority is to end the war now; and to curtail drastically the military budget.

This year the President submitted a balanced budget to the Congress. This has been heralded by some as a laudable and commendable feat. However, it is a balanced budget of imbalanced priorities.

The President's budget envisions an expenditure of more than 71 billion on defense. Another $3.4 billion is allocated to space research and technology. Yet, only a little more than $8 billion—$8.129—is provided for education and manpower. Health accounts for $14.957 billion. The Administration points to $50.384 billion for what it terms "income security;" in fact, 83 percent of this amount comes out of trust fund accounts and, therefore, certainly reflects no new perception of priorities. An outlay of only $284 million is envisioned for mass transit; by comparison, $4.6 billion—chiefly derived from the highway trust fund—will be expended on highway programs. Only $1.499 billion is planned for low and moderate income housing aids.

It is safe to say that this budget is balanced in dollars alone; it certainly reflects no perception of the need for funds for health, education, and housing—a need which continues to grow, and which continues to go unmet.

Of course, the Administration's budget requests are only half the story. The actual amounts appropriated by the Congress enact this misperception of priorities into law.

This misperception of our national priorities can no longer continue. The decay of our cities; the inadequacy of the housing that exists and the shortage of new housing; the deplorable state of our educational facilities and lack of teachers and money; the unconscionable inadequacy of health care—these are deficiencies in our society which no longer can be shrugged off by the well-to-do and borne alone by the poor. For the poor will not allow the rest of the population to ignore these ills. And the widespread nature of these problems leaves no one immune from ills which assail us all.

But I do not want to confine myself to generalities. Not that it is not important to state them and re-state them. Growing public awareness will lead to increasing public insistence on their amelioration and remediation. However, I would like to address one specific issue which is the cornerstone of any strategy to eliminate poverty in our nation—income maintenance.

At first glance, it may seem that this is one subject which need not be discussed. The Administration introduced the Family Assistance Plan last year. It was considered by the House Ways and Means Committee and reported out as H.R. 16311. On April 16 this bill was passed by the House, and the Senate Finance Committee will soon begin hearings. I think there is no question that the Senate will pass it, hopefully in significantly improved form, and I expect that we will soon see enacted into law a guaranteed annual income system.

Yet the acceptance of the concept of income maintenance and the implementation of this concept are two very distinct things. I very much fear that, while we have done well as to the former, we have done very badly as to the latter. It would be a major error for the country to settle for this.

This kind of error occurs too often. Congress takes what appears to be a significant step; or the Supreme Court hands down what appears to be a major decision; or the Executive branch promulgates what seems to be a progressive and far reaching administrative regulation; and then the job supposedly is done. Or, at least, everyone assumes it is done.

All too often, the job has barely even been begun. For example, Congress passed the Economic Opportunity Act in 1964. Some believed that Act signaled the beginning of the end of poverty in America. Today, there are still 25 million people whose incomes fall below the poverty line, which, of course, is no magic delineator separating the poor from the well-to-do, and which still leaves millions living above the poverty line with barely enough. In 1949, Congress declared as its goal a decent home in a suitable living environment for every American. Today, city slums sprawl across greater areas than ever.

The simple fact is that legislation is only the beginning. Firm, aggressive commitment to administer the law, and money to fund its programs, are necessary corollaries. And if the legislation is weak and deficient to begin with, the barriers to remediating the problems it seeks to solve are even greater.

Let us look at the flaws in the Nixon Family Assistance Program and recognize the pressing need for an adequate income maintenance system. The reason this is so essential is clear—poverty is an unconscionable disgrace in this land. Every American is entitled, not as a matter of privilege, but as a matter of right, to a decent income, enabling a life of dignity and comfort.

First, I think it is essential that the benefit levels provided for in the Family Assistance Act be raised. Under this bill, the basic allowance payable to a family of four with no other income is $1600 annually. This amount is totally inadequate. Even given the fact that some states will provide supplementary benefits, there can be no acceptance of a $1600 level for a family of four without accepting as well that this would be a failure to provide meaningful help to the poor. That this is in fact the case is demonstrated by the statistics showing that only in eight states will families experience a rise in assistance levels.

Yet, according to the Bureau of Labor Statistics, it costs a family of four living on a lower budget $6771 a year in New York City. Nationally, the National Welfare Rights Organization is calling for a $5500 level. And according to the Gallup Poll of January 25, 1970, "The average American believes a family of four needs a minimum of $120 per week ($6,240 per year) to make ends meet."

While the benefit levels for the aged, blind, and disabled have been improved by H.R. 16311, the levels for families remain the same as in the original Administration bill. And the figures prepared by the Department of Health, Education, and Welfare show how few families are adequately aided under these benefit levels. (Selected Characteristics of Families Eligible for the Family Assistance Plan: 1971 Projections, Department of Health, Education, and Welfare, February 2, 1970.)

Only 301,000 families will rise above the poverty line; 2,708,000 families will remain below it. In addition, 2,082,000 families whose incomes now fall between the poverty line and the low income line will remain there. Only 77,000 families will rise above the income line. The Administration's estimates further reveal that of 9,556,000 children now below the poverty line, 8,416,000 will remain there under the presently proposed benefit levels. And of the 6,946,000 children whose families' incomes now fall between the poverty line and the low income line, only 341,000 will rise above it; 6,605,000 will not.

In brief, the benefit levels proposed by The Family Assistance Act are totally inadequate.

2. Second, the Family Assistance Act must be modified to cover single adults and childless couples. As passed by the House, the bill only applies to families with children. Yet the need of families without children, and single adults, is no less dire.

3. Third, a higher percentage of the costs for state supplementary benefits should be borne by the Federal Government. The Family Assistance Act, as passed by the House provides for 30 percent Federal matching funds. At the least, the matching provision should be raised to 50 percent and, instead of matching state supplemental payments only up to the poverty line, the matching provision should apply to those state payments made in excess of the poverty line, as well.

What is more, the matching provision should not in any way penalize the poor. The bill abolished the provision in the Administration proposal permitting disregard of one-half unearned income. The money ($600 million) thereby saved was offset by the added expenditures incurred in providing for matching Federal funds. The consequence is to take money from the poor. While the aim of alleviating the burden borne by the states is commendable, it cannot justify denying the poor.

Actually, the solution is to provide for full federalization of income maintenance. Under the present scheme, states which already have made the effort to meet their obligations to their disadvantaged citizens by providing relatively better AFDC benefits, such as New York, are penalized. Their burden is lightened by 30 percent Federal matching, but the remaining load of 70 percent is an onerous one.

It is clear that Federal matching, if it is to really aid those states which most need Federal moneys because they are most responsibly meeting their obligations, must be far greater than 30 percent provided in H.R. 16311.

4. Fourth, the matching provision for State supplementary benefits should be expanded to apply to those benefits paid to the working poor. As passed by the House, Section 453 precludes Federal sharing in the cost of these benefits. This limitation is unjustifiable for several reasons. For one thing, one of the objectives of the Family Assistance Act is to do away with the distinction between the working and the nonworking poor. This objective stems from the penalization which has been imposed upon the working poor by virtue of their being ineligible for welfare benefits in most states. This bill institutionalizes the distinction, rather than obliterating it.

In addition, once again those progressive states which have implemented welfare programs for the working poor—such as New York—even though they received no Federal assistance for such programs, are penalized. They still will not be receiving any Federal funds for these programs, unless the House bill is modified to provide Federal matching for the benefits paid to the working poor.

5. Fifth, the Federal government should assume 100 percent of the costs of the programs for the aged, disabled, and blind.

Only the Federal government has the resources to assume this burden. The states simply are not financially able to meet fully the welfare needs of their citizens. Full federalization not only of the programs for the aged, disabled, and blind, but of the entire income maintenance program, is urgently needed. Provisions should be made for a three-to-five-year phasing-in transition to this end.

6. Sixth, the coercive work requirement embodied in the Family Assistance Act, as passed by the House, should be removed. Philosophically, it is objectionable; forced work is alien to individual choice and freedom. Pragmatically, the fact is that there really are very few persons who would work, but who do not. This coercive work requirement is a misguided approach to a problem which really lies in the failure of the economy to provide places for these potential workers, and the failure of government—Federal, state, and local—to provide adequate job training to enable these people to develop skills which will make them attractive to employers.

7. Seventh, if this coercive work requirement is not to be totally eliminated, at the least it should be modified.

The work requirement for mothers with school age children should be removed. Again, this is a philosophically objectionable requirement. No mother should be required to substitute her care and love for that of day care custodians. We certainly would not conceive of requiring that if mothers with adequate incomes, and there can be no justification for penalizing mothers who have the misfortune—a misfortune thrust upon them, not chosen—to suffer inadequate incomes.

The Family Assistance Act is even discriminatory as between recipient mothers. Those who have a husband receiving benefits are not required to take employment. Those who have the misfortune of being without a husband are subjected to this requirement.

Moreover, practicality instructs us that such a provision cannot work; mothers who object simply will not comply with the requirement that they take employment. Mitchell Ginsberg, Administrator of New York City's Human Resources Administration, clearly attested to this fact in his speech before the National League of Cities Conference on March 10, 1970.

Finally, this coercive work requirement levied against mothers with school age children is unnecessary. Most mothers do, in fact, seek work, if there are jobs for them and day care facilities for their youngsters. The April, 1970 issue of Nation's Business, certainly not a noted liberal magazine, states in an article entitled, "The Great Welfare Debate:"

"Survey after survey has shown that most welfare mothers prefer to work but have been thwarted by the welfare bureaucracy, lack of training opportunities, lack of day care centers for children and lack of knowledge about job opportunities." (p. 60).

The disaster of the last thirty years in the welfare system shows that we cannot settle now for new errors and new inadequacies.

I have devoted considerable time to discussing the income maintenance bill recently passed by the House because I believe it is a seminal piece of legislation. But it also holds within it the seeds of disaster; it may well engender a complacency and satisfaction among those who voted for it totally unwarranted because of its deficiencies. Such complacency would be destructive of any chance for significant reform for years to come.

Moreover, I believe it to be no distortion to view the Family Assistance Act as a part of the Administration's juggling act which tenders a little solace for everyone and solution for no one.

It is this policy, or lack thereof, of the Administration which I want to discuss in closing my statement. There is a crisis of the spirit in America, and the misperception of national priorities is the major symptom of that crisis. The basic premise underlying any discussion of national priorities, and the need to reorder them, is a view of the future direction of this nation. And this Administration has, to my mind, no discernable vision—and I mean vision in the best, the progressive, sense of the term—of what America should be, or even what it can be. It has not set any goals, nor even any priorities, really. It is intent on responding to or ignoring the issue of today, and has no vision of what tomorrow should bring.

This is demonstrated by the Administration's actions thus far. Defense spending is cut, but not by much. This offers supposed panacea to those who deplore the bloated defense budget.

Troops are withdrawn from Vietnam—the average is about 12,000 a month, when one breaks down President Nixon's figures, which are spread over steadily longer periods of time. Yet no commitment is made to get out of Vietnam for good. And a secret war is waged in Laos. This withdrawal is supposed to quiet the disenters—both those who deplore the war on principle, and those who, dealing solely in pragmatic considerations, point out that it diverts needed money from the domestic economy.

Spending on fighting pollution increases, but barely.

The Administration hails our need for improved educational facilities, and then vetoes the appropriation for the Department of Health, Education, and Welfare as being inflationary.

The Administration emphasizes the need for manpower training, and guts Job Corps and Neighborhood Youth Corps.

It retreats from enforcement of school desegregation, offering in its stead a proposal to spend more on racially impacted schools.

The sum of all this is something for almost everybody—each person probably can

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find something he approves. But, in return, he is confronted with something negative.

One cannot discern where this country is going, except downward, because the Administration is not leading. Rather, it is defaulting to and catering to retrogression. And in the ambiguous, ambivalent twisting and turning, we founder.

Yet the path the nation should be following is not so difficult to see. The ills which afflict us are too apparent. Poverty remains endemic. Pollution poisons our air and water. Housing is deficient in quality and in quantity. Education is underfunded. Health services are desperately inadequate, and shockingly expensive. Civil rights are neglected—and not benignly—and even denied.

Given vision and leadership, the war in Vietnam can be ended; national priorities can be reordered; racism and poverty can be rooted out; the total environment can be saved; and the promise of America can be fulfilled. Let us meet the challenge.

A LETTER FROM A FIGHTING MAN IN VIETNAM IN SUPPORT OF THE PRESIDENT'S CAMBODIAN DECISION

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. GERALD R. FORD. Mr. Speaker, nearly every day my mail brings me increased evidence that our GI's in Vietnam wholeheartedly support President Nixon's decision to clean out the Communist sanctuaries in Cambodia.

Today, I would like to place in the CONGRESSIONAL RECORD a letter written to his parents by a Grand Rapids, Mich., soldier and forwarded to me here in Washington. The last name is omitted because the parents fear reprisal on the part of persons who are violently opposed to the Cambodian operation. I offer this letter to my colleagues in the House as indicative of GI feeling about our attack on the Communist camps in Cambodia. The letter follows:

MAY 5, 1970.

Hi Mom and Dad: Everything is great over here. I suppose you are hearing a lot about Cambodia. Well, Pleiku is close and we got a build up of 10,000 troops. You should have seen it. Helicopters by the hundreds lined up as far as you can see. You'll see it because I took some movies from the film you sent me.

I don't care what you hear about Cambodia, everybody is backing Nixon. We are tired of playing around here. When we see the build up—it really made us feel good. We are going to bust Charlie in half now if Nixon goes for all, and he should. I didn't think old Nixon had it in him, but I'll support that guy now. He's got my vote. It's about time we gave Charlie what he's asking for. I definitely think the Viet Cong are going to think again.

Everything is going all right over here, except that we are working day and night. One of our pilots, Mr. Stephenson, was hurt a couple of days ago. His plane was shot up pretty bad. I flew with him a couple of times and he's a good pilot. He's now in a hospital, but is going to be okay. He got it in the leg or heel of his foot. He had only 27 days left.

Those movies, I hope, will turn out good because I've got some great shots.

Your son,

DAN.

BLACK PANTHER SHOOTOUT LEAVES A GREAT DEAL UNEXPLAINED

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1970

Mr. CLAY. Mr. Speaker, in early December 1969, two Black Panthers were killed and four others were wounded by police in a raid at a Chicago apartment.

On December 4, 1969, State's Attorney Edward V. Hanrahan said:

> As soon as our men announced they were policemen, occupants of the first floor apartment attacked them with shotgun fire.
>
> The officers took cover and the occupants continued firing at our policemen from several rooms in the apartment.

The Federal grand jury probing the police raid on the Black Panther apartment concluded that only one shot, if any, was fired from inside the building.

Mr. Speaker, this raises some very serious questions about the integrity and credibility of State's Attorney Edward V. Hanrahan. Was he an actual eyewitness to the Black Panther murders? If so, did he deliberately lie about the role of the police? Or was he misinformed about what actually happened? If so, will Mr. Hanrahan pursue the prosecution of the police officers with the same diligence and tenacity that he pursued the prosecution of the Panthers?

I commend the following editorial which appeared in the St. Louis Post Dispatch on May 16, 1970, to the attention of my colleagues:

QUESTIONS ON THE PANTHER SHOOTOUT

The dismissal of all charges against the seven Black Panther Party members who survived the great police shootout in Chicago last December may not prove that the police wantonly gunned down the occupants of the apartment, as Panther supporters insist, but it certainly casts enough suspicion on the police version of events that the matter should not be allowed to end with the dropping of charges.

State's Attorney Edward V. Hanrahan said the charges of attempted murder, armed violence and other offenses against the seven were "largely based" on a police crime laboratory report "which identified two expended shells recovered in the apartment as coming from a weapon fired at the police by Brenda Harris," one of the seven. But now, Mr. Hanrahan says more than three months after the indictments, further tests show that the shells did not come from Miss Harris's weapon.

Mr. Hanrahan's explanation leaves a great deal unexplained. First of all, how is it that seven persons were indicted for attempted murder when the evidence against them consisted largely, to use the State's Attorney's own word, of evidence against only one of them—evidence, it turns out, that was erroneous? And the strange business about two laboratory tests on Miss Harris's gun becomes even more unsatisfactory when it is recalled that the police officer at whom she allegedly shot claimed, at first at least, that she fired a shotgun. Ballistics tests cannot be made on projectiles fired by shotguns. And, finally, if evidence gathered by police at the apartment was so faulty it could not be admitted at a trial why was it presented to the grand jury?

The shooting has stopped, but the smoke has by no means cleared. Two Black Panthers are dead, and the black community of Chicago—and in the rest of the nation, too—remains understandably convinced that black citizens, particularly militant ones, are not secure from police oppression. When that kind of feeling is prevalent in a community, hostility on both sides is intensified with every police incident, and violence upon violence is the certain result. Both the interests of justice and the restoration of confidence that our system protects blacks as well as whites require that the Black Panther shootout be investigated further and the full story disclosed.

LETTER FROM A STUDENT

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. GROSS. Mr. Speaker, a young man in the district I have the honor of representing has written an excellent, thought-provoking letter to the editor of his hometown newspaper, the Clear Lake Mirror-Reporter. He is H. T. Schuler, a sophomore at Clear Lake High School.

He speaks with pride of being called a conservative, one who wants "to conserve the American principles which our forefathers built."

I commend the text of his letter to the attention of my colleagues:

PEACE HAS ALWAYS BEEN OUR GOAL

To the EDITOR:

Peace has always been the goal of, shall we say, the "conservative" Nixon supporters (we, throughout the essay, refers to the "conservative" Nixon supporters). We're called conservative because we want to conserve the American principles which our forefathers built. We're Nixon supporters because he is our President. Therefore, we need no one to tell us to make peace our goal. I'm shocked that someone hasn't yet made peace their goal.

POP (Peace—Our Priorities) should be changed to "President—Our Protest". I feel you people are so un-American. You say let's unite the country, and you say that Nixon is dividing the country. The protesters are the ones dividing the country. If we want peace, we must back our President and leaders. How do you think the colonists won their independence?

I do not object to anyone handing out leaflets. This recipient drew thought from those leaflets. It aroused more disgust in me towards the "bums" and "little children".

Our national budget may allow 70% for national defense (not war), I'm not going to refute that figure, but do you realize where all the money is used? Here are just some of the uses of our national defense money: civil defense, Atomic Energy Commission for research and development, wages for military personnel, Army Corps of Engineers, Panama Canal Zone, Navy and Air Force Wildlife Conservation, Savings Bonds, and national prestige gained by putting the first man on the moon. Just how much does that leave for the war in Vietnam?

Nixon has cut from the amount allotted to national defense. Johnson gave $81.2 billion to national defense, while Nixon has cut national defense expenditures to $73.6 billion. Nixon's budget also has a larger income than Johnson's—it is $201 billion (Which, mathematically makes national defense only

37% of the total budget). Anyway, is your freedom worth the billions of dollars our country has spent to protect your freedom?

We are not judging anyone by the way he looks, but by the way he acts—the way God does. I heard from more than 2 adults over 25 that the "leafleteers" were making big fools of themselves, and I wholeheartedly agree.

The weather is sure bad for Nixon. He has the toughest thing going for him right now. There are protesters, campus disorders, riots, anti-Nixon campaigns, and other foul weather things. Yet I don't see Nixon giving up! Let's get behind him.

I'm sick and tired of hearing people make analogies between the American colonies' fight for independence and the dissent of some American people today (American refers to the country in which they live, rather than the ideals which they uphold). The colonists were fighting for American principles and freedom. Today, dissenters and protesters are carrying Communist aid with them. I say this with absolute proof. I was in a group discussing today's problems, at one of our colleges. The particular boy we were talking to was a protester, dissenter, and what he calls an organizer. He admitted that he was an atheist. Communists don't allow Christian worship. He even went farther, he said that their campus leader was a Communist. Proof that the protest and dissents today are instigated by the Communists. The Communists said that they would take over the country in the 70's without firing a shot. Warning: They're doing it! Watch out!

You know, you take off the lid to reveal the Communists, but the people won't look in. They're too bull-headed. They don't think the Communists can take over. I guess you just have to break the whole jar so the people have to look. The Communists will do that for us when they take over.

We don't have to protest to make ourselves known. We talk with the people, we use the media peacefully, and go through our democratic political set up, to make ourselves known.

Minority groups of yesterday used the political system to make themselves heard. They made progress because they were fighting for American principles. We say you can work through the political system to make changes for American principles.

Most kids under 21 are too immature to make mature decisions. It can be seen by the unrest in America—a majority causing the unrest is the American youth who can be swayed by the cunning Communist leaders in our country. I hope these "kids" will someday learn that Communism is wrong.

In world cultures class at school, I learned that freedom of belief and freedom of speech is the power to believe and say anything without being injurious to others. Therefore, I believe Communism should be outlawed in the United States because Communism is going to be injurious to me. I will not be able to go to church, vote for the man of my choice, or do as I please. I highly commend Mr. Huntington (our high school principal) for his conduction of school matters and not allowing protesters to hand out leaflets on school grounds. School is not the place for protesters—colleges or high schools. School is a place to learn. As Vice-President Agnew said, those who aren't there to learn should be weeded out.

This country was built on the American principles we have now. I don't want to force my ideas on anyone, but these American principles should remain for the good old Americans. If you don't like these American principles, don't change them for those who cherish them. You are free to go to another country which believes in your principles; in Russia or China, those who don't believe in Communism can't leave. Think about it!

H. T. SCHULER,
Sophomore, Clear Lake High School.

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CAMPUS HERO GETS PLAUDITS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. ICHORD. Mr. Speaker, college campuses across our great country are today being disrupted by students who are more intent on promoting discord and violence than on receiving an education. These militants represent only a small minority of the total number of students in our colleges. The great majority of our college students are sincere, hard-working young people who are trying to prepare themselves for the future. But on many campuses, these students have had their education disrupted and delayed for months by senseless acts of violence.

It was with great interest that I noted a recent article in the Chicago Sun-Times telling how Bill Pierson, an outstanding athlete at San Diego State College, stopped a group of dissenters from lowering the U.S. flag at the college to half staff. Pierson, who stood his ground between the flag and 150 campus demonstrators in spite of being threatened with violence, told the demonstrators:

> I fought for that flag and I am going to college because of what it stands for.

Mr. Speaker, it is refreshing and encouraging to know that there are students, like Bill Pierson, who have the intestinal fortitude to stand against destructive minority forces on our Nation's campuses to reassert faith in America and to help assure the uninterrupted educational process for the vast majority of students.

I submit the article from the May 15, 1970, issue of the Chicago Sun-Times for inclusion in the CONGRESSIONAL RECORD as follows:

CAMPUS HERO GETS PLAUDITS

SAN DIEGO, CALIF.—A husky football star who stood alone between the U.S. flag and 150 campus demonstrators for three hours says he can't believe the favorable public response to what he did.

"I'm overwhelmed," Bill Pierson said Thursday. Since the incident Monday, Pierson says he has received hundreds of telephone calls, letters and telegrams from across the United States commending him.

The school's athletic department reported many favorable calls, including offers of financial help if Pierson needed any.

MARKETING MAJOR

Pierson, a senior marketing student, was walking from class when he spotted dissenters lowering the flag at San Diego State College to half-staff.

The 6-foot-3, 250-pound ex-sailor raised it back to the top and stood his ground while being threatened with fire hoses and chemical sprays.

"I was born under that flag," Pierson told the demonstrators.

"I fought for that flag, and I am going to college because of what it stands for."

NOT ATTACKED

Although he was never attacked, he said: "I wouldn't have moved if they had."

Pierson, 23, of Arlington, Tex., an All-West Coast center, joins the New York Jets professional football camp July 14. He has a wife and a 3-year-old daughter.

WHAT THE GI'S THINK OF THE PRESIDENT'S MOVE INTO CAMBODIA

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. ARENDS. Mr. Speaker, since the President's decision to eliminate the Communist sanctuaries in Cambodia along the border of South Vietnam there has been a deluge of comment, verbal, and written, on this limited military operation.

But what do our GI's in South Vietnam think about this concentrated move against these sanctuaries? They are the ones most affected. They are the ones whose lives have been endangered by Communist forays from these sanctuaries. They are the ones who are called upon to participate in their destruction.

I submit for publication in the CONGRESSIONAL RECORD a report of their reaction which appeared in the June 1 issue of the Republican congressional committee's weekly newsletter:

EVERY GI I TALKED TO BACKED THE PRESIDENT

(NOTE.—*Entertainer Johny Grant recently returned from visiting GI's in Vietnam and on the Cambodian border. After he reported to President Nixon on his trip, the* Newsletter *interviewed him. Here are excerpts of the taped interview.*)

You apparently arrived in Vietnam just a couple of days after the President's announcement about Cambodia. What reactions did you find from the troops?

I started asking questions as soon as I got there. I was very happy to learn that every GI I talked to backed the President. They were like a bunch of happy tigers that had been caged up. They knew the advantage to the Viet Cong having the sanctuaries in Cambodia. They could set up all that stuff there and just fire like you-know-what at our guys and run back across the line and our GI's weren't allowed to fire back at them or go after them. So the GI's were happy with the President's decision.

I felt it was my duty, after hearing over the radio over there and reading the newspapers and learning about the tremendous beating the President was taking from the press, that someone should come back and tell him. I was in the hospital [visiting] over there and a GI said to me, "For God's sake, will someone let the President know that someone is behind him—us." So I decided to deliver that message, and he was very happy to get it.

I talked to some of the men that had been wounded, and I didn't find one who thought that the President hadn't done a fine thing. Many of them talk about their younger brothers. They all want to get this over and put a finish to it so their younger brothers back home don't have to come over and go through what they have.

How did the GIs react to the demonstrations that we've had in this country protesting U.S. policy in Southeast Asia?

Well, they consider it a slap in the face to them as well as to the President. They feel for once they can fight the enemy on an even basis.

I feel that we have set the Viet Cong back a year; some people are saying nine months, but I saw part of that [captured] stuff and I would have to say a year.

These young people [GI's] don't seem to understand these politicians and don't understand the papers that are continually blasting the President and the Administration for giving them the go-ahead. This is the generation of truth, this is the generation of honesty, and I think they can stand the bad news as long as you are telling them the truth.

There have been many comments to the effect that the President has not communicated with the young people. Did you sense any reaction over there to these comments?

I thought the President showed great faith when he got up early to visit college youngsters at the Lincoln Memorial. I guess he's had many sleepless nights. But GI's thought it was a great thing that he got up and that he went over to the monument. I am finding more and more Nixon fans. I got on a commercial airliner to come from Honolulu to San Francisco and there were quite a few Los Angeles people on there and we started a conversation. Right away, two men admitted that when the President made his Cambodia announcement, they were anti-Nixon, anti-everything. And after a week or 10 days had gone by, two of them said they sat down and wrote the President supporting him. I think he is winning people over.

HON. JOHN W. McCORMACK

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. MONTGOMERY. Mr. Speaker, countless times I have said those two words, Mr. Speaker, when I was really addressing myself to the entire membership. But this time, Mr. Speaker—Mr. McCormack—my remarks are directed to you and for you, although I feel sure the other Members will join with me in the sentiments I have to express.

Being a relatively new Member of this body, I feel somewhat cheated since I will not have the privilege of working with you for many, many years as a goodly number of my colleagues have. But I will cherish always our past relationship and friendship. Speaker McCormack, there has not been enough time for us to form an extremely close friendship and I regret this. But I still feel close to you and appreciate your privately spoken words of encouragement and your personally handwritten notes that have meant so much to me.

Before coming to Congress, the name John McCormack was just a name to me of a man who wielded a great deal of influence for good and progress in our American Government. But since I have been privileged to become a Member of the House, I have found that there is also a great person behind the name of John W. McCormack. A man of great humility and warmth. A man of compassionate understanding and decisive judgment. A man who enjoys the lighter moments of life as much as he does a good fight for what he believes is right. A man who has never shied away from his sometimes overburdening duties and responsibilities as a Representative of the Ninth District of Massachusetts and Speaker of the U.S. House of Representatives. Speaker McCormack, we really owe a debt of gratitude to your constituents also, since they have been willing to share you with all the people of America.

Come next January, you may not be in our presence, but your presence will be felt in this Chamber by my colleagues and myself. For this we are grateful.

Speaker McCormack, there are really no words to express our deep feeling of gratitude and sense of loss over your retiring from public office. So I simply say, thank you Speaker McCormack, thank you very much for a job well done.

THE SUCCESSFUL LIFE OF ESTHER BROWN

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. BOLLING. Mr. Speaker, the following fine editorial from the Kansas City Times of May 26, 1970, describes very well what just one person can do in our society.

Esther Brown's death is a loss to our Nation and to democracy itself.

The editorial follows:

THE SUCCESSFUL LIFE OF ESTHER BROWN

Mrs. Paul Brown was a beautiful woman, but beautiful women are not uncommon. Her beauty was that also of a unique spirit. Her death Sunday was a loss to all mankind, for she spoke for, and to, the best of humanity. Her life changed the lives of unknown numbers of thousands. Some 1,400 of these can be counted—the women who serve on almost a hundred Panels of American Women. By narrating their experiences in discrimination before thousands of audiences they have become more devoted and effective citizens. They are the humane activists who influence others by pleasant and reasonable, if sometimes firm, demands to officials for reform.

Esther Brown could be very firm indeed in her personal relationships and in her profession as national head of the panels. She insisted that the panels be carefully structured to reach the hearts of audiences. She had faith that hearts once touched would respond actively if only in their own families and neighborhoods. Few persons who have heard a panel program—consisting of four brief talks followed by general discussion—will forget how moving was a young Negro housewife's account of growing up in white America—or the Catholic housewife or nun, or the Indian, Jew, Oriental . . . or sometimes the white Anglo-Saxon Protestant.

She seemed a typical suburban housewife when in the 1940s she was appalled to discover the schooling offered to her maid's children. She believed, naively perhaps, that her neighbors would encourage her in efforts to help Negro children. But she had to go to court to get that situation changed, and she went on to prod the N.A.A.C.P. into bringing the now famous Brown vs. Topeka case to the Supreme Court.

The result was the 1954 decision on school segregation. The historian of that case, Hugh Speer ("The Case of the Century"), presented her a copy of his book in which he wrote "With my compliments to the white Mrs. Brown of the Topeka case. If Abe Lincoln were around to shake your hand, he no doubt would say something like he did to Harriet Beecher Stowe, 'Is this the little woman who started it all?' "

The last two and a half years of her life were counted in days of discomfort, for she was a victim of cancer. Many of these days and weeks were lived in hospitals, but her spirit never faded away with her life. She worked, even when hospitalized, by telephone.

A friend once said at a testimonial dinner that if there were some way to plug Esther Brown into the world she would light every dark place.

She did light up thousands of individuals, and they will continue to light up dark places with their changed lives. Her death, though grievous to many, marked the end of the life of a beautiful woman, and that was inevitable. She lived successfully.

CITATION FOR THE HONORABLE MILTON RUBEN YOUNG

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. ANDREWS of North Dakota. Mr. Speaker, last Saturday, the 30th of May, Jamestown College, a very fine private liberal arts school in Jamestown, N. Dak., presented our State's senior Senator with an honorary degree Litteris Humanioribus Doctor, honoris causa. The Honorable Milton R. Young richly deserves this tribute, a fact made clear in the citation read on this occasion. I insert in the Record at this point this citation so that my colleagues and the Congress as well as others may know of the esteem we in North Dakota have for Senator Young:

CITATION FOR THE HONORABLE MILTON RUBEN YOUNG

Mr. President: I have the honor and pleasure to present to you a man who, from his youth, has been a distinguished public servant.

The Honorable Milton Ruben Young, a native of North Dakota, was for two years a member of the North Dakota House of Representatives, for some eleven years a member of the North Dakota Senate, and for twenty-five years has represented the State of North Dakota in the United States Senate. With the completion of his present term of office, he will have represented his State in the United States Senate longer than any other Senator from North Dakota.

Through these years of public service he has shown a persistent and intelligent concern for the interests of human beings, especially for the interests of the people of North Dakota. Among his many contributions to the Nation and to the people of this State, we may call attention to his efforts in making possible the Jamestown Dam and recreational facilities in this area and in the city of Jamestown, his effective support of the establishment of the Northern Prairies Wildlife Research Center in Jamestown and its Woodworth substation, and his untiring work to secure the participation of the Federal Government in the lengthening of the runway of the Jamestown airport to accommodate jet planes.

We may remind you further of his courtesy in assisting representatives of Jamestown College whenever they were in Washington to confer with Government agencies in the interests of the college.

We esteem Senator Young as a man of judicious wisdom who, for many years through direct engagement in the affairs of state, has shown such a keen appreciation of the conviction that government is for the people, and so kind and compassionate a sensitivity to the needs of others, that he has proven himself to be a true and worthy servant of humanity.

Therefore, Mr. President, it is my honor and pleasure ot present to you the honorable Milton Ruben Young, asking that, by virtue of the authority vested in you, you confer upon him the degree of *litteris humanioribus doctor, honoris causa*—the honorary degree of doctor of humane letters.

Given at Jamestown College, Jamestown, North Dakota, this thirtieth day of May, in the year of our Lord nineteen hundred and seventy and of our college the eighty-sixth.

ROY JOE STUCKEY, Ph. D.,
President.
JOHN L. WILSON, Ph. D.,
Chairman of the Board.
WILLIARD W. STRAHL, D.D.,
Chairman, Faculty Committee on Honorary Degrees.

NATIONAL DAY OF TUNISIA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. DIGGS. Mr. Speaker, on June 1, Tunisia will celebrate its national holiday. The day marks the anniversary of Tunisia's successful recovery of its internal autonomy after a protracted and bitter struggle with France.

In the 14 years since independence, Tunisia has attained an almost unique position among the new nations of Africa and Asia. With few resources, and despite a series of natural catastrophes—most recently the disastrous floods of 1969—Tunisia has achieved an impressive rate of economic growth and social development. In excess of 25 percent of its gross national product is reinvested each year. Over 30 percent of the national budget is spent annually on education, with the result that today almost one in every four Tunisians is in school. Development has taken place with unbroken political stability, reflecting the self-discipline and dedication of the population and the wisdom of its leadership, particularly that of its President, Habib Bourguiba. The uniqueness of the Tunisian experience has been recognized abroad and, because of it, Tunisia has been able to add the cooperation of many nations, the United States included, to its own considerable efforts.

On June 1, 1955, Habib Bourguiba returned to Tunisia from exile, bringing to a close his country's battle for independence and beginning the equally difficult struggle for development. At this time he is returning after a long and serious illness. I hope his recovery is complete and that he will enjoy many more years in the service of his people.

The American people are proud of their long record of friendship and close association with the people of Tunisia. We will continue to follow with great interest the cause and progress of their nation.

SOME MEMBERS OF GETTYSBURG COLLEGE FACULTY ACT WITH MATURE DELIBERATION

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. GOODLING. Mr. Speaker, there are those who react hurriedly and without much thought under certain circumstances, only to regret their actions later.

The following was not a "spur of the moment" production but rather one that was given mature deliberation. It tends to unite rather than divide. We need this type of thinking in today's troubled world.

I commend it as a guide to those who act today and think tomorrow:

We, the undersigned, members of the Gettysburg College Faculty, acting as individuals, wish to disassociate ourselves from the motion passed by the faculty at its meeting on Friday, May 8. We take this position for the following reasons:

1. We are not convinced that the matter at issue last Friday is properly the business of the faculty. We reject the motion that the faculty as a corporate body should speak out on matters not clearly entrusted to it by the charter of the College. This is to say that we defend the right and duty of individual faculty members to express themselves on any matters on which as citizens, they have a deep concern or special competence. But, in our judgment, a directive on military tactics addressed to the President of the United States is not the business of the faculty acting in its corporate activity. It seems to us that if the college faculties across the land take collective action on matters clearly within the political area the consequences to American higher education may be exceedingly harmful. The peculiar contribution of higher education in this country is to act as a critic of society. Once its agencies become political, they run the risk of forfeiting their role as critic.

2. If the substantive matter at issue was in our opinion the business of the faculty, we would still be opposed to the motion passed by the faculty.

3. We all look forward eagerly to an end to the Indo-China War and a return of all of our men to our shores. But we fear the international consequences and ultimate domestic repercussions of a precipitous and irresponsible withdrawal of American troops from South Vietnam. We are anxious that the debate over this issue not be construed as between those who favor war and those who favor peace. We are aware that a peace gained at the expense of the stability of Southeast Asia would hardly be an enduring one or worth anything in the long run. We support the goal of establishing international guarantees of the neutrality of this area. An "immediate withdrawal" would dissipate all chances of accomplishing this end and would surely imperil the future independence of the Philippines, Indonesia, Thailand, and other states in Southeast Asia.

4. We are prepared to accept as sincere the statements of the President that he desires to end the war as soon as possible and also that the move into Cambodia is designed to bring this about. Because his course is one fraught with great risk we have certain reservations about it. However, we are prepared to support the President on the assumption that his motives are those which he has stated publicly. In any event, there are established ways to hold him responsible for his actions.

5. Therefore, as individuals, we call upon President Nixon to withdraw all American troops from Cambodia as soon as the present military operations there insure the safe withdrawal of American troops from South Vietnam. We further call upon him to withdraw American troops from South Vietnam at a rate commensurate with their safety and security. At the same time we urge the President to seek the establishment of international guarantees of the neutrality of Southeast Asia which, hopefully, will give the people of that area some chance of working out their own destiny.

6. We take this stand because we believe that the United States has the best chance of any nation to exercise a leadership of the free world, a leadership looking to countering forces of international anarchy from whatever source they might stem.

7. During the past ten days many students have expressed their deeply held views about the events here discussed. Many of them demand peace now. It should be clear that dissent is one of the ways in which we have moved our life along. We count upon dissent as a major way to make possible fruitful change. But it should also be clear that when individuals band together to express their dissent in ways which the community regards as immediately threatening its peace and safety or the life and property of individuals, force is likely to be met with counter-force. Regrettably, innocent bystanders may be injured, even killed. There exists a way out of this dilemma other than revolution and violence. That is by the exercise of restraint on the part of all of us. Only in that way can change be both constructive and enduring.

SIGNATURES

Robert L. Bloom, Lillian S. Jackson, M. S. Moorhead, J. Slaybaugh, Paul Baird, Conway Scott Williams, Sherman S. Hendrix, William F. Railing, Charles Pineno.

Waldemar Zagars, Charles H. Glatfelter, George H. Fick, Edwin D. Freed, E. B. Martin, Russell S. Rosenberger, Robert Fryling, A. W. Butterfield, Joseph R. Scheer.

Bruce W. Bugbee, Guillermo Barriga, Lois G. Bowers, Robert D. Smith, Howard G. Shoemaker, Eugene M. Haas, Robert G. Holton, Gareth Biser, Chas. W. Chronister.

Ray R. Reider, James W. Sauve, Jr., Edmund R. Hill, Richard T. Wescott, Kenneth R. Raessler, William C. Darrah, Robert E. Butler, Neil W. Beach, Louis J. Hammann, Carey A. Moore.

AN EXPLANATION

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. JACOBS. Mr. Speaker, my attendance at a conference on welfare and a conference on the problems of the aging, both held last week in Indianapolis, required my absence from the House during the consideration of the social security amendments of 1970.

Had I been present I would have voted "no" on the adoption of the closed rule. While I would have supported the effort to replace the 5-percent increase with a cost-of-living increase provision, I do support the bill in its final form and would have voted thusly on final passage.

BLOODY DAY AT KENT

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. BELCHER. Mr. Speaker, under leave granted, I insert in the RECORD the following editorial entitled "Bloody Day at Kent" which appeared in the Tulsa Tribune, May 5, 1970:

BLOODY DAY AT KENT

In one of the last places you would expect it—a moderate-sized state university featuring a beautiful tree-lined campus in a small Ohio town—bloody rioting erupted Monday between demonstrating students and the National Guard.

The troops, defied, struck with rocks and bottles, began shooting back at a mob that had previously set fire to the ROTC building and cut firemen's hoses. As a result, two male students and two coeds are dead. The tragedy at Kent University is unprecedented in the long history of American public education.

But the technique that resulted in the shootings is not new. It is old in the strategy and tactics of communism. And even before communism became a political force in the world it was pretty well polished by revolutionaries of all stripes.

The technique is to gather a crowd which will form anywhere excitement is promised, turn the crowd into an angry mob by impassioned oratory, goad the mob into defying authority, press the authority to react violently, and then use that reaction to complete the radicalization of spectators and neutrals.

All this has been carefully spelled out in the manuals of the SDS, the Black Panthers and others who see in the disintegration of the university communities a fine opportunity to develop a coming revolution.

Seven years ago The Tribune editor, picking up New Left Notes in a bookstore near the University of Wisconsin campus, read the blueprint for turning collegians against their parents and the universities against the state.

From the radical point of view the best thing about the bloody affair at Kent yesterday was the fact that it handed to the authorities an unacceptable dilemma. It gave authority the option of retreating to permit the anarchists to take over, or of not retreating and then being forced to shoot.

Either way, the radicals could hardly lose. For their end purpose was to destroy the university as a teaching institution and to turn it, as many of the South American universities were turned years ago, into a cadre for revolution. They won on both counts—they had their "atrocity" and they got the school closed indefinitely.

The only possible cure for this is a belated understanding by the American people of what is going on. This is not campus hijinks. This is not even a convulsion of youth, distressed at the imperfections of society—although many students think that's what it is.

What is going on is the fruition of careful plans laid years ago—plans that included the gradual takeover of many college newspapers by dedicated Marxists, the conditioning of student attitudes by hyperbole and half-truths, the freezing onto university payrolls in the name of "free speech" avowed revolutionaries like Angela Davis and Professor Marcuse, the progressive cowing of the faculties and the establishment to the principle of amnesty for student rioters, whatever the provocation.

The American people had better understand what this is.

It is not a battle between students and guardsmen.

It is a battle between seasoned professionals and the American democratic tradition.

And it's for real.

RESOLUTION ON KATYN FOREST MASSACRE

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. MADDEN. Mr. Speaker, on Saturday afternoon, Memorial Day, I addressed the convention of the Polish-American Congress of the Eastern District of Pennsylvania and the National Polish Army Veterans Convention at Independence Hall in Philadelphia in commemoration of the 30th anniversary of the Katyn Forest massacre, one of the most infamous international crimes in world history.

In the winter of 1940 approximately 15,000 of the then free Polish leaders and intelligensia were massacred by the leaders of the Soviet Union in the Katyn Forest area.

In 1952 the House of Representatives passed House Resolution 390 creating a special congressional committee to investigate this international crime. In 1942 after finding the mass graves in the Katyn Forest, where the bodies were buried, the Soviet sent out propaganda over the world that they were not guilty of this infamous crime. In 1952, after holding hearings in this country, England, and the Continent of Europe, the unanimous findings of the special congressional committee placed the guilt on the leaders of the Soviet Union for the commission of this international crime in order to permanently enslave the people of Poland.

Mr. Speaker, I include with my remarks the resolution adopted by the Polish-American Congress of the Eastern District of Pennsylvania and the Polish Army Veterans at their convention last Saturday, Memorial Day 1970.

SOVIET GUILT

We, the Polish American Congress of the Eastern District of Pennsylvania and the Polish Army Veterans here in convention from the entire free world are gathered here together at Independence Hall in Philadelphia in commemoration of the 30th anniversary of the infamous Katyn Forest massacre on this May 30, a day set aside by the American nation to pay homage to its fallen soldiers do hereby resolve as follows:

Whereas on September 17, 1939, the Soviet Armies under the guise of friendship and assistance crossed the Polish borders and occupied the Eastern part of Poland.

Whereas from September of 1939 through March of 1940, the Soviet forces, now firmly allied with Hitler's Nazi hordes, executed a well organized plan to separate Polish Army Officers and intellectual leaders into three special prison camps in Soviet Russia—Kozielsk, Starobielsk and Ostaszkow.

Whereas in March of 1940 the Bolshevik Secret Police brutally mutilated and massacred 4243 Polish officers, intellectuals, clergy and students from the Kozielsk camp in the Katyn Forest near Smolensk, U.S.S.R.

Whereas on April 13, 1943, this massacre was announced to the world by the German armies, who had previously been allied with the Soviet Union in their aggression against Poland, when the graves were discovered.

Whereas this horrible and barbaric crime of genocide against humanity and the Polish Nation went unheeded and unpunished until September 18, 1951 when a select committee of the United States Congress was formed to investigate and study the facts, evidence and circumstances of the Katyn Forest massacre.

Whereas after extensive investigation and voluminous testimony it was the unanimous conclusion of this select committee that the Katyn massacre did occur, that the Soviet forces alone were responsible and further that the Soviet forces had also brutally executed those who had been interred at Starobielsk and Ostaszkow reaching a grand figure of 15,400 murdered.

Whereas this select Congressional Committee recommended that the President of the United States and the State Department lay this indictment with all the documentary evidence before the United Nations General Assembly and that eventually the case be brought before the International Tribunal in the Hague.

Whereas nothing has been done to implement the recommendations of this Committee to date.

Now therefore, be it resolved so that crimes against humanity shall not go unheeded and that justice be served we implore the President of the United States, the Congress and the State Department to implement the recommendation of the Select Committee of the United States Congress of 1951.

We further resolve that copies of this Resolution be sent to the President of the United States, Secretary of State and Senators from Pennsylvania and appropriate Congressmen.

EDMUND PAWELEC,
Chairman of Resolution Committee.
HENRY WYSZYNSKI,
President, Polish American Congress of the Eastern District of Pennsylvania.

MARYLAND MAN KILLED IN ACTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. LONG. Mr. Speaker, Pfc. Darrick Sudler, a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

MARYLAND MAN KILLED IN ACTION

Pfc. Derrick Sudler, 20, of Cambridge died May 5 in a grenade explosion.

Pfc Sudler was drafted in October 1969. He graduated from Mace Lane High School in Cambridge with the class of 1967 and attended Maryland State College in Princess Anne for two years.

In high school he had been a member of the glee club and was active in drama production. He was studying vocational education at Maryland State and wanted to become a shop teacher.

He served at Army bases in North Carolina and Alabama before he was sent to Vietnam in mid-March 1970. He was attached to the 1st Cavalry Division there.

Survivors include his father, Sherwood Sudler; his step-mother, Mrs. Hester Conoway, and a sister, Mrs. Ernie Jarman, all of Cambridge; two brothers, Sherwood Jarman, of California and Lemuel Chester, of Cambridge, and his mother Mrs. Sophia Jarman of Wayne, Pa.

THE ROAD TO KEEP: THE STORY OF PAUL RUSCH IN JAPAN

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. MATSUNAGA. Mr. Speaker, in his essay on self-reliance, Emerson wrote:

> An institution is the lengthened shadow of one man.

This could well be said of Dr. Paul Rusch, himself an institution in the Episcopal Church in Japan, whose efforts brought into being KEEP—the Kiyosato Educational Experiment Project.

KEEP, located on 900 acres in the mile-high mountain country of Yamanashi Prefecture in central Japan, is a remarkable illustration of practical Christianity at work in rural Japan. Without a doubt, Paul Rusch's dynamic force has been the single most important factor in the development of this teaching project which is demonstrating to Japan's population of 100 million how food, health, faith, and hope can be achieved by teaching people how to help themselves by doing. By this practical demonstration of democracy at work on a small community level, KEEP has developed as a model for the modernization of agriculture on land high above the rice-growing area. KEEP has also shown the way for the improvement in the quality of life for thousands of villagers in those remote highlands.

The story of Paul Rusch in Japan has been beautifully told in a heartwarming book by Elizabeth Anne Hemphill, entitled "The Road To KEEP," published by John Weatherhill, Inc., of New York and Tokyo.

In the foreword to the book, the Honorable Edwin O. Reischauer took note that the relationship between Japan and the United States was one unique in world history—

> Never before have two great countries of East and West had such close, diverse, and manifold contacts.

The former Ambassador to Japan further noted that—

> Paul Rusch is one very remarkable individual who has played a large role in this relationship during more than four decades.

What is immediately impressive about "The Road to KEEP" is the rich detail which Mrs. Hemphill has interwoven in her story about this extraordinary man who guided KEEP through hardship and disaster to its present vital and thriving existence. She particularly brought to life the intensely human side of this "reluctant missionary" whose jubilant soul radiates such charm, and whose indefatigable energy, drive, and determination have brought about the realization of a great dream.

I was also impressed by the wide scholarship evidenced in "The Road to KEEP." Mrs. Hemphill revealed many fascinating sidelights on the history and customs of Japan and its people. She also recounted numerous anecdotes about Paul, including his hilarious voyage from the United States to Japan with that one Jersey bull which was the progenitor of the vast dairy herd now stocked by farmers in the rock-strewn meadows of Yamanashi Prefecture.

The roads traveled by this "spiritual Wizard of Oz" are many, and all are interesting to follow. We lived through and participated in many fateful events since that day in 1925 when he arrived in Japan to help restore the YMCA buildings destroyed by the Great Kanto Earthquake of 1923, and the author treats them all faithfully and objectively.

Paul Rusch recently celebrated his 72d birthday in his mountain home at the end of the road to KEEP. His zeal and enthusiasm remains undiminished, although his mighty heart now needs the aid of a "Chicago installed pacemaker."

A birthday greeting to Dr. Rusch from one of the KEEP children is indicative of the love that flows from and to this vibrant individual who has sought throughout his life to bring about a fairer and fuller life for the people of Japan:

> We wish your happy birthday from our heart. We are glad we are able to have a birthday party for you here, like last year. Please continue your wonderful work for people. We still study hard and try to be great people, as you have been. We want to follow your teaching and your spirit. We will carry on your dream and vision with our love to you. With our hands and mind we will show what brotherhood of man means to people, until you and we can see peace on this earth and in our hearts. Paul-sensei, our beloved otosan of KEEP, every one of us, father, mother, and children, even all of the animals hope and pray that you live many more years.

Mr. Speaker, I commend the book, "The Road to KEEP, The Story of Paul Rusch in Japan." It is a rare tribute to a rare individual whose service to mankind has endeared him in the hearts of countless friends in every walk of life in every corner of the world.

To those of us who regard Paul Rusch with such affection, it is good to know that his story, and the story of KEEP, can be shared with others through the pages of this excellent book.

I recommend that my colleagues travel down "The Road to KEEP." They will find it an inspiring and exhilerating experience.

QUESTIONS ON VIETNAM: II—RELIGIOUS FREEDOM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. FRASER. Mr. Speaker, some have argued that we are in Vietnam to guarantee democratic freedoms, particularly religious freedom, to the people of Vietnam.

Answers to the following questions posed by the Committee of Concerned Asian Scholars at Cornell University, however, reveal the repressive and brutal policies of our South Vietnamese allies.

The questions and answers follow:

QUESTIONS ON VIETNAM

3. Hasn't religious freedom been destroyed in North Vietnam? Didn't large numbers of North Vietnamese Catholics have to flee the North in 1954 to escape religious persecution?

The Geneva Agreements of 1954 provided that civilians living in one of the temporary regroupment zones on either side of the 17th parallel could move to the other zone if they wished to do so.

Approximately 700,000 Catholics (⅔ of the Catholic population of the North) did move from northern Vietnam to southern Vietnam in accordance with this provision. They were urged to do so by the Roman Catholic hierarchy (which may not have fully trusted the Ho government's guarantee of religious freedom) and by an intensive U.S. psychological warfare campaign—which utilized such slogans as "The Virgin Mary has gone to the South."

(The U.S. government provided more than $70,000,000 for transporting these Catholic refugees and resettling them in the south.)

Also, at that time a Catholic, Ngo Dinh Diem, had been installed as Premier in the south, and many Catholics (particularly those who had been closely identified with the French) believed that their opportunities for high position would be greater in the south than under the strongly nationalist government in the north.

In fact, these Catholic refugees from the north did provide the core of the political support of the Diem regime, and were given highly privileged positions in it.

While it is reported that the freedom of Catholic lay organizations is greatly reduced in the north, Americans and others who visited that area report that Catholic churches are open and Catholic priests are free to carry on their religious activities.

They also report that a number of churches were destroyed during the U.S. bombing of the north.

(See the recently published book by N.Y. *Times* staff correspondent Harrison E. Salisbury, *Behind the Lines—Hanoi*.)

4. Isn't the United States defending religious freedom in South Vietnam?

Since 1954, the South Vietnamese government has consistently pursued a policy of discrimination and persecution against the Buddhists who constitute 80% of the South Vietnamese population.

From 1954–1963, President Diem, a Catholic, relied on the Catholic minority (10% of the population) to maintain himself in power. Under his regime, the Catholics accumulated power and wealth at the expense of the Buddhists. The Buddhists were relegated to the status of second class citizens. President Diem's oppression drove the Buddhists to revolts which were savagely repressed. To dramatize their plight, a number of Buddhists immolated themselves. In 1963, a group of generals who were antagonized by Diem's suppression of the Buddhists carried out a coup d'etat and overthrew him. But the plight of the Buddhists did not end with Diem's overthrow. Because they demanded a government free of foreign influence, they were looked on with suspicion by the U.S. Embassy in Saigon and the South Vietnamese generals. In 1966, the Buddhists carried out a struggle movement to demand that the generals relinquish their power, that a provisional civilian government be set up to draft a Constitution and conduct free presidential and congressional elections. In response, the Saigon government attacked pagodas, killed and wounded hundreds of Buddhists, arrested thousands more, including a large number of monks. The American military in Vietnam at the time helped the Saigon government by providing transportation and logistical support to the troops of Marshal Ky engaged in the bloody repression of the Buddhists. Since then, many Buddhist

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leaders have been arrested and imprisoned without trial, and many others have had to flee the country to escape arrest.

At present, what we have in South Vietnam is a Diemist government without Diem. President Thieu, Premier Tran Thien Khiem, Foreign Minister Tran Van Lam, to cite a few in the government, are all Catholics and were trusted officials of President Diem's. President Thieu has set up a party composed mostly of former members of the Can Lao Party of President Diem. The South Vietnamese Congress is dominated by the same group of Catholics who used to be in power under Diem. The government continues to distrust the Buddhists and discriminates against them because they favor meaningful negotiations with the Communists and restoration of peace. The Buddhists are attacked by government troops when they go into the countryside to work for the welfare of the peasants. Many of them have been wounded and killed in circumstances which clearly implicated the Saigon government. Thieu's oppression of the Buddhists has recently increased. At the end of April, government troops attacked a pagoda in Saigon; a number of nuns and monks were killed, and 50 Buddhist laymen wounded. The Thieu government has rushed 4 battalions of troops into Saigon to suppress any demonstrations by the Buddhists and students, that might break out as a result of this reprisal.

IN TRIBUTE TO THE SPEAKER

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. WAGGONNER. Mr. Speaker, I am sure that there is no question in the mind of our distinguished Speaker or in the minds of any of my colleagues about my respect for the gentleman from Massachusetts who has served the Nation here in the House these past 41 years. I have expressed that respect and admiration a number of times during the course of deliberations in this body.

I would like now to make it both formal and official on the rather sad occasion of his announcement that he will not be with us next year. I say rather sad because I have mixed emotions about his retirement as I am sure he, himself, does. If any man has ever earned the rest from duties that he plans to take, it is our beloved Speaker.

This great American has, literally, given his life so far to serving the public. For 51 years, more than 41 of which have been spent here in the House, he has acted as a liaison between the public and their government. He has done so with distinction, with eminent fairness and with a diligence few men in government or private life can equal. To say that he will be missed here in the House is oversimplification. A void will be left that will remain a void. While others may well aspire to follow in his footsteps, they will not be able to fill his shoes.

For his valuable friendship, his counsel, and his guidance, I am much the better man today than when I came to this Chamber 9 years ago. He will always occupy a large part of my conscience as long as I am a Member because he has set a standard all of us would do well to emulate. Well done, Mr. Speaker. Well done.

THE SYSTEMS APPROACH

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. MARSH. Mr. Speaker, in earlier remarks, I referred to a pilot study of the systems approach to the appropriation process undertaken by a seminar group under direction of Dr. George K. Chacko, professorial lecturer at American University, Washington, D.C.

I now include a further portion of the report of the study group which illustrates the additional steps taken in the techniques, as follows:

4.3 *Successive rounds to assign illustrative scores to hierarchies of objectives.*

Next comes the question of deciding the gravity of not fulfilling each of the tactical choices. Consider the tactical choices open to fulfilling the objective of preserving the oxygen source.

4.3.1 *Horizontal relationships—One tactical choice to another.*

Let it be said that decreasing the lumber demand via a substitute is the least critical choice, and better tree farming is the next least critical choice. In a *horizontal* comparison of tactical choices—comparing each tactical choice with all the remaining tactical choices—the least critical tactical choice gets a *lower* score than the most critical choice, say score 8 for decreasing lumber demand via a substitute and score 10 for better tree farming. All the five technical choices may be given illustrative scores, on the basis of successful comparisons, as follows: Of the five tactical choices:

Decrease lumber demand via substitute is the least critical choice	Score 8
Better tree farming is the next least critical choice	Score 10
Eliminate SO_2 in atmosphere is the next least critical choice	Score 12
Select cutting and reforestation is the next least critical choice	Score 13
Improve fire prevention/fighting techniques is the next least critical choice	Score 15
Total tactical level (8+10+12+13+15=)	Score 58

By similar reasoning, one can arrive at the following illustrated tactical scores for preserving and protecting water resources:

Silt dams	Score 10
Selective cutting	Score 15
Reforestation of denuded areas	Score 19
Prevent strip mining	Score 20
Total tactical level (10+15+19+20=)	Score 64

In Table 5 at tactical level in Round 2: Improving fire prevention/fighting techniques of Table 3 is given a penalty level of 10, which, when associated with its score of 15, provides a weighted penalty (10×15=) of 150. This tactical choice is a component of the strategic choice: Prevent further loss of trees. Giving a penalty level of 10^2 to the strategic choice, it is found that the weighted penalty is ($10^2 \times 100=$) 10,000.

Associating a penalty level of 10^5 to the organismic level of preserving the oxygen source, the weighted penalty is ($10^5 \times 300=$) 30,000,000.

TABLE 5.—ELEMENT 1. FOREST PROTECTION AND UTILIZATION

PENALTY VALUES FOR NONFULFILLMENT

Round	Hierarchy	Penalty	Choice	Score	Weighted penalty
2	Tactical	10	Improve fire prevention/fighting techniques	15	10×15=150
	Strategic	10^2	Prevent further loss of trees	100	10^2×100=10,000
	Organismic	10^5	Preserve oxygen source	300	10^5×300=30,000,000
1	Tactical	10^5	do	300	10^5×300=30,000,000
	Strategic	10^6	Avert national ecological disaster	1,000	10^6×1,000=1,000,000,000
	Organismic	10^7	Avert international ecological disaster	10,000	10^7×10,000=100,000,000,000

All these weighted penalty figures relate to Round 2 of Table 4.

The preservation of the oxygen source, which is the organismic choice in Round 2, becomes the tactical choice in Round 1 in Table 2. The tactical choice of preserving the oxygen source has a penalty level of 10^5; therefore its next higher *level* of strategic objective is given a penalty level of 10^6. The strategic choice of averting national ecological disaster gets a weighted penalty of ($10^6 \times$ 1,000=) 1,000,000,000. The corresponding organismic objective of averting international ecological disaster gets a weighted penalty of ($10^7 \times$ 10,000=) 100,000,000,000.

No effort has been made to make the total tactical choice scores to reach 100 or 50 or 10, or any other predetermined level. The only rule followed was that the *less critical tactical choices receive the lower scores.*

4.3.2. *Vertical relationships—One tactical choice to organismic objective.*

The five tactical choices corresponding to the preservation of oxygen sources listed in Table 3 and the four tactical choices corresponding to the preservation and protection of water resources relate to two strategic choices.

These tactical choices have to be related *up-ward.* The first five related to the strategic choices of preventing the further loss of trees. That is one of the three strategic choices, all of which are alternative means of fulfilling the preservation of the oxygen source.

To relate the choices up-ward, it is necessary to establish *penalty levels* by hierarchy. These penalty levels will modify the scores assigned to the tactical, strategic and organic choices, so that each tactical choice will be related to the overall objective of averting ecological disaster.

4.3.4 *Relative allocation of resources.*

Now, the tactical objective of improving fire prevention/fighting techniques can be related to the overall organismic objective of averting national ecological disaster by the ratio of their weighted penalties: 150:1,000,000,000.

Considering another technical choice at the same level, viz., selective cutting and reforestation, the allocation would be at the

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ratio: 130:1,000,000,000. In other words, if one billion dollars were spent to avert national ecological disaster, $130 would be allocated to selective cutting and reforestation, and $150 to improving fire prevention/fighting techniques.

5.0 Organismic allocation of interior budget—tactical level.

A similar systematic process of reasoning was applied to the other five elements of the study. The penalty value tables are shown in Tables 6, 7, 8 and 9.

TABLE 6.—ELEMENT 2, ACQUISITION OF LAND

PENALTY VALUES FOR NONFULFILLMENT

Round	Hierarchy	Penalty	Choice	Score	Weighted penalty
3	Tactical	10	Create new cities in semiwild forests	5	$10\times5=50$
	Strategic	10^2	Create new cities in forests	9	$10^2\times9=900$
	Organismic	10^3	Create new surface cities	25	$10^3\times25=25,000$
2	Tactical	10^3	do	25	$10^3\times25=25,000$
	Strategic	10^4	Create new environment	90	$10^4\times90=900,000$
	Organismic	10^5	Improve conditions	200	$10^5\times200=20,000,000$
1	Tactical	10^5	do	200	$10^5\times200=20,000,000$
	Strategic	10^6	Ameliorate urban irritants	500	$10^6\times500=500,000,000$
	Organismic	10^7	Avert ecological disaster	800	$10^7\times800=8,000,000,000$

TABLE 7.—ELEMENT 3. NATIONAL PARK SERVICE

PENALTY VALUES FOR NONFULFILLMENT

Round	Hierarchy	Penalty	Choice	Score	Weighted penalty
2	Tactical	10	Improve routes to more distant areas	30	$10\times30=300$
	Strategic	10^2	Maximum 1-day round trip from metro areas	70	$10^2\times70=7,000$
	Organismic	10^5	Recreation	600	$10^5\times600=60,000,000$
1	Tactical	10^5	do	600	$10^5\times600=60,000,000$
	Strategic	10^6	National Park Service	4,000	$10^6\times4,000=4,000,000,000$
	Organismic	10^7	Improve the environment	5,000	$10^7\times5,000=50,000,000,000$

TABLE 8.—ELEMENT 4. LAND MANAGEMENT

PENALTY VALUES FOR NONFULFILLMENT

Round	Hierarchy	Penalty	Choice	Score	Weighted penalty
	Tactical	10	Preserve trees by better farming	9	$10\times9=90$
	Strategic	10^2	Conserve land	40	$10^2\times40=4,000$
	Organismic	10^5	Prevent land depletion	90	$10^5\times90=9,000,000$
1	Tactical	10^5	do	90	$10^5\times90=9,000,000$
	Strategic	10^6	Prevent further depletion of land and minerals	200	$10^6\times200=200,000,000$
	Organismic	10^7	Avert ecological disaster	1,000	$10^7\times1,000=10,000,000,000$

TABLE 9.—ELEMENT 5. OUTDOOR RECREATION

PENALTY VALUES FOR NONFULFILLMENT

Round	Hierarchy	Penalty	Choice	Score	Weighted penalty
3	Tactical	10	State assistance for law acquisition	2	$10\times2=20$
	Strategic	10^2	Federal acquisition of land	4	$10^2\times4=400$
	Organismic	10^3	Acquire recreational land	20	$10^3\times20=20,000$
2	Tactical	10^3	do	20	$10^3\times20=20,000$
	Strategic	10^4	Improve recreational land	100	$10^4\times100=1,000,000$
	Organismic	10^5	Improve land	100	$10^5\times100=10,000,000$
1	Tactical	10^5	do	100	$10^5\times100=10,000,000$
	Strategic	10^6	Improve environment	500	$10^6\times500=500,000,000$
	Organismic	10^7	Avert ecological disaster	1,200	$10^7\times1,200=12,000,000,000$

THE REDS ARE RUNNING SCARED

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, in the interest of getting various cross sections of public opinion throughout the Nation on the Cambodian issue, I am pleased to present the following editorial, which appeared in the Bradford, Pa., Era, of Saturday, May 16, 1970:

The Reds Are Running Scared

Behind the violence, both physical and rhetorical, of the past few days lies an essential question. Behind that question is a basic fact.

The fact: The Communists are scared to death.

They are frightened because President Nixon has shown forthrightness and determination in Vietnam. They are frightened because he has dared to violate the arbitrary "rules of war" which the Reds laid down—rules which favor the Communist side, of course—and has sent men in to clean out the Red rats' nests in Cambodia.

They are frightened because they have been unable to trap Mr. Nixon into the fatal piecemeal escalation of the war which brought Lyndon Baines Johnson to catastrophe. Mr. Johnson ignored, to his sorrow, the dictum of Napoleon that "to commit troops piecemeal is to be defeated in detail." It was a lesson which no less a soldier than Robert E. Lee learned at Malvern Hill; so, Mr. Johnson can at least find cold comfort in good company.

Mr. Nixon moved swiftly and decisively. The results have so far been gratifying—another fact which the general public may have overlooked.

As of this writing, it appears the Communist command post for Cambodia has been located and is being destroyed. Some 2,000 of the enemy have been slain, but more important than that, millions—perhaps billions—of dollars worth of arms and ammunition and food have been located and captured. In the plain, hard terms of Asian war, this material is more important than the men who use it. There are plenty of bodies in Vietnam to clothe as soldiers. There are not so many guns and bullets.

In addition, while Hanoi can supply men—even if it must draft nine-year-olds—it can not so easily requip itself, having little native industry and relying, perforce, upon the charity of China and Russia; a charity by no means certain, since both those nations would quickly feed North Vietnam to the dogs if it suited a shift in purpose.

These are the reasons why and these are the reasons the Communists are frightened.

Their only answer is to launch an offensive in America—which is what they have done.

The Reds have been quick to take advantage of the unfortunate events at Kent State University. And they also have been able to take advantage of those sincere and thoughtful people who oppose the war and who do not fully understand just exactly what is taking place in Indochina.

What it boils down to is this: Mr. Nixon and his advisers obviously believe we can still win in Indochina. There are many in this country who believe likewise—and there are those, of course, who do not.

It behooves the more thoughtful people to search their consciences thoroughly before reacting to this latest development.

XUM

Their reaction should be an intellectual rather than an emotional one. Heaven knows there has been enough emotion over this war. It is one of the reasons why we are where we are.

The best hope of the Communists remains in the American body politic. If it can be sufficiently confused and divided, they have a chance yet to win.

But Mr. Nixon's thrust into Cambodia has seriously handicapped the Communists in Indochina. The caputures of material and rice have limited the Reds' ability to make war.

In effect, what the thrust has done is to clear the flanks of Vietnam so that, as the President noted, Vietnamization of the war can proceed in an orderly fashion.

The Reds hope to stir up enough dissention within America to force Mr. Nixon to do what Mr. Johnson did; in effect, to abdicate. But Nixon is a different breed of cat and he has, we believe, a wider and deeper base of support than Mr. Johnson achieved.

If Americans hang together in this crisis and use their powers to reason before reacting, they may well see that Mr. Nixon was not so wrong. It's easy to second-guess the White House, but the real judge of any action taken by a President at any given moment is history.

AGNEW UNMUZZLED

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. LOWENSTEIN. Mr. Speaker, the Washington Star ran a good editorial the other day on the most curious political phenomenon of our time. I am inserting it in the RECORD for those who may have missed it:

AGNEW UNMUZZLED

There was something inconsistent about Vice President Agnew's latest attack on journalists who criticize him and the Nixon administration. True, he expressed outrage about the opinions he quoted from various newspaper editorials and columns. But he had a different purpose in assembling the journalistic chamber of horrors for the enlightenment of Texas Republicans willing to pay $500 for dinner. He was justifying his own determination to be louder and more intemperate than the critics, so he can be "heard above the din" now shattering American political life.

Well, that is Agnew's right, and the nation's ear doctors will welcome the extra business. Editorialists and columnists who are of a mind to criticize will not be cowed.

While the press is well able to withstand the vice president's offensive, the never-to-be muzzled Agnew does pose some problems for a nation sated with florid rhetoric. The office of the vice presidency, always useless while the top man is in good health, is being degraded further as the incumbent finds nothing better to do than to quarrel with newspaper columnists. It may be necessary to create a separate job of vice president for verbal excess, a post Agnew could hold for life. The real vice president then would have time for more useful tasks, while waiting in patient dignity pending any necessity for him to assume the Presidency.

The more serious problem is that Agnew has the undoubted ability to arouse the tempers and fears of many who hear or read his statements. He helps some people to hate—without helping them to understand—the forces that are dividing the country. He contributes to worsening these divisions. And though he deeply resents the implications, this helps bring on the bloody confrontations that have rocked the country in recent weeks.

So amid the laughter that the vice president provokes whether on the speaker's platform or the tennis court, a few tears also should be shed.

ADDRESS BY MSGR. HUGH J. PHILLIPS

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. BEALL of Maryland. Mr. Speaker, Mount Saint Mary's College, located in Emmitsburg, Md., is one of our Nation's most distinguished institutions for higher education.

Recently a parents' day convocation was held on this campus, and a most significant address was delivered by the president of this college, Msgr. Hugh J. Phillips.

Monsignor Phillips' message is particularly applicable today and, I think, provides for young people the basis for a better understanding of the wonderful opportunities that exist for them in our country. I include herein the text of Monsignor Phillips' fine address:

ADDRESS BY MSGR. HUGH J. PHILLIPS

Let me extend to each of you my personal welcome and that of the entire college community, to our campus on this Parents Day. Parents Day is an occasion in which the Mount expresses its gratitude to the parents of our students and to the parents of prospective students for directing their sons to Mount Saint Mary's for their higher education. It is also another occasion for our staff and faculty to share with you and yours our care and concern for the intellectual, spiritual and social development of your sons. We share in your pride in their accomplishments in these and other collegiate endeavors.

Presidents of colleges usually take advantage of a day like this to tell the older generation how bright their sons are—how the world is waiting for them to renew and transform society—in short that they are the hope of mankind. I would like to reverse that process. I would ask the members of the student body to take a good look at you, the older generation, as you walk around, on the campus enjoying your visit with us and I would like to re-introduce you to your sons as representatives of some of the most remarkable people ever to walk the earth. People they might want to thank on this day as well as graduation day. You are the people your sons already know—parents and grandparents. I think your sons, the younger generation, will agree that you are indeed a remarkable people.

Not long ago Bergen Evans, a radio performer and also a Northwestern University educator, got together some facts about the older generation—your parents and grandparents. Let me share some of these facts with you.

And you are members of the older generation—according to the standards of the younger generation if you are over 30 years of age.

You parents and grandparents—are the people who within five decades—1920-1970—have by your work increased the life expectancy of your children by approximately 50%—who while cutting the working day by a third, have more than doubled per capita output. You are the people who have given the younger generation a healthier world than you found. And because of this they need no longer have to fear epidemics of flu, typhus, diphtheria, smallpox, scarlet fever, measles and mumps that you knew in your youth. And the dreaded polio is no longer a medical factor, while TB is almost unheard of.

Let me remind your sons and their generation that you remarkable people lived through history's greatest depression and survived it without tearing the nation apart. Many of you know what it is to be poor, what it is to be hungry and cold. Almost daily you had to forego the use of the family car and use public transportation. Often your homes were not as warm as you might have wanted them to be because of the shortage of fuel and because of this, you were determined that it would not happen to your children, you were determined that they would have a better life, better food to eat, milk to drink, vitamins to nourish them, provide them with a warm home, better schools and greater opportunities to succeed than you had.

Because you gave your children the best, they are the tallest, healthiest, brightest and probably best generation to inhabit the land.

And because you were industrious your children will work fewer hours, learn more, have more leisure time, travel to more distant places, and have more of a chance to follow their life's ambition.

You, the older generation, are also the people who fought man's greatest war. You are the people who defeated the tyranny of Hitler in his attempt to conquer the world and, as he prophesied, "to rule it for a thousand years." Twelve million men of your generation fought in the deserts of Africa where the Nazis were, in Italy where the Nazis were, in France where the Nazis were, in Belgium and Holland where the Nazis were and on the high seas where the Nazis were—and you didn't cry "Stop, you're going to get hurt!" because you knew that unless such aggression was successfully defeated America would either be a tiny, unsafe fortress in a Nazi world or a pliant tool of Nazi dictatorship, and who when it was all over you had the vision and compassion and the enlightened generosity to spend $16 billions of dollars to help your former enemies rebuild their homelands. The Soviets were invited to join but refused. And you are the people who had the sense to begin the United Nations. And it was your generation that created NATO as a collective shield against future aggression.

Your generation helped to defeat aggression against Greece, Turkey and South Korea and they are free nations today.

Your generation didn't find that the "system" stood in the way of doing these things. You used the "system" and made it work.

It was representatives of your generation, who through the highest court of the land, fought racial discrimination at every turn to begin a new era in civil rights.

It was representatives of your generation who in Congress passed the most far-reaching voting rights law.

Parents, it was your generation that built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters—where once it was only the dream of a wealthy few.

And you made a start—altho a late one—in healing the scars of the earth and in fighting pollution and the destruction of our natural environment. You set into motion new laws giving conservation new meaning, and setting aside land for yourselves and your children to enjoy for generations to come.

You also hold the dubious record for paying taxes—altho your children will probably exceed you in this.

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It was your generation that successfully took man to the moon. It was also this same generation that radioed back to earth that they too had problems on the flight of Apollo 13, and, as the whole world was watching . . . very serious problems. But the courageous trio of Astronauts turned what appeared to be a tragic failure into a tremendous and beautiful triumph. Once again Americans proved their ability to cope with critical problems and proved again the American capacity for accomplishment under stress: *you can do it if you have to*. That was the primary accomplishment . . . and the triumph . . . of Apollo 13.

While you parents and your generation have done all these things, and more, you have had some failures. Your generation has not yet found an alternative for war nor for racial religious hatred. Perhaps the younger generation, members of our student body, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some from trespassing against others. But you, parents, and your generation—made more progress by the sweat of your brows than in any previous era, don't you forget it. And, if the younger generation can make as much progress in as many areas as you have, they should be able to solve a good many of the world's remaining ills.

It is your country too. You and your generation have fought for it, bled for it, dreamed for it, and we love it. It is time to reclaim it.

It is my hope, and I know the hope of you parents and your generation, that the younger generation finds the answers to many of the problems that still plague mankind.

But it won't be easy for you of the younger generation. And you won't do it by negative thoughts, nor by tearing down or belittling. You may and can do it by hard work, humility, hope, prayer, and above all—faith in God and in mankind.

XUM

BEHIND ENEMY LINES: A REPORTER'S STORY

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mrs. GRIFFITHS. Mr. Speaker, Robert S. Boyd is one of the most competent reporters in the business. He heads the Washington News Bureau of the Knight newspapers and recently has been in North Vietnam. I am sure that all of you will be interested in his series on the war, which appear in the Detroit Free Press:

BEHIND ENEMY LINES: A REPORTER'S STORY

(By Robert S. Boyd)

Just about sundown on April 24, a potbellied, 25-year-old Boeing 307, dodging thunderheads high over the Indochinese peninsula, crossed the invisible line between Laos and North Vietnam.

Peering down at the jungled mountain ridges, I could not tell exactly when we had passed the "Bamboo Curtain" into enemy territory.

But I knew I had embarked on the most fascinating and challenging reporting assignment in my 17 years as a newspaperman. In the next two weeks, I was going to try to see and learn and understand as much as I could about this stubborn, remote little country that had fought the United States to a standstill.

Only three other American journalists and two television correspondents have made it to North Vietnam since full-scale war began five years ago.

I was aware that Hanoi permitted all of us—the Associated Press, the New York Times, CBS, the Knight Newspapers—to visit North Vietnam in the belief that these reputable organizations would explain its side of the story in the United States.

I realized there were many limitations on what even an experienced reporter could learn in a two-week guided tour through a strange, tightly controlled land.

I knew all this before I left Washington and was determined not to be swept off my feet by a communist hard-sell. I had read every word my predecessors wrote, and was thoroughly briefed by Nixon administration officials—at the State Department, in Paris and in Laos.

I had advised the White House of my destination, and had my passport especially validated for travel to North Vietnam—one of the handful of countries on the State Department's "forbidden" list.

The visa for Hanoi was waiting for me behind a curtain of lacquered beads at the North Vietnamese embassy in Vientiane, the dusty little capital of Laos.

Pham Tam, the smiling first secretary who gave me the visa, asked if I wanted it stamped in my passport—or clipped loosely, to avoid later embarrassment. Stamp it in, I said. I'd like the souvenir.

For almost all westerners, Vientiane is the only gateway to North Vietnam.

The International Control Commission, which is supposed to be supervising the 1954 Geneva agreements on Indochina, operates a once-a-week shuttle flight to Hanoi.

My fellow passengers on the ICC plane were a mixed lot: A couple of Eastern European diplomats, a North Vietnamese official, Indian, Polish and Canadian ICC officials, and four young American pacifists who were going to try to explain the U.S. anti-war movement to the North Vietnamese.

There were also a couple of shapely French stewardesses, who passed out candy and cotton to make the two-hour flight in the noisy, unpressurized cabin more comfortable.

The flights are always timed to reach Hanoi after dark, when the danger of aerial attack is presumably less.

We landed at 7:15 and taxied up to the blacked-out terminal. I confess I was a bit up-tight. How were they going to treat me? What would it be like for an American "behind enemy lines?"

Actually, the first five minutes in North Vietnam provided the only bit of James Bond-ish drama in the two weeks.

Four grim-faced border guards in gray uniforms entered the cabin. All the lights were turned out. A spotlight in the rear flashed on, shining in our faces as we shuffled one by one down the aisle.

With a flashlight, the guards suspiciously scanned my face and the picture in my passport. I hoped they matched. Apparently they did, since I was gruffly waved out the door and down the steps.

Things got friendlier as soon as I reached the terminal. A shadowy figure detached itself from the gloom and introduced himself as Tran My, my escort from the Vietnamese Journalists Association.

He led me into a side room and presented Truong Nhan, who was to be my interpreter. Along with a driver, these two men were to accompany me as long as I was in their country.

My, a thin, tense and solicitous man, was responsible for lining up my appointments, arranging my schedule, negotiating with local officials, telling me what I could or could not photograph, and generally keeping me in the channel prescribed for foreign newspapermen.

Nhan, a friendly, round-faced scholarly type, carried both a dictionary and a thesaurus with him, which he studied constantly to improve his English. He taught me about 100 words of Vietnamese, and I explained the fine shadings of meaning between English words.

In overall charge of my visit was Ngo Dien, the director of the press department at the foreign ministry, a courteous and polished spokesman for his government.

With few exceptions (bridges, beaches, ferries) I was allowed to photograph what I wanted. Foreigners' film is supposed to be developed before they leave the country, but at the last minute they waived this rule in my case.

The four stories I cabled from Hanoi were not censored, strictly speaking, but Ngo Dien or one of his assistants saw a copy of each before they were dispatched. They suggested a number of minor changes, mostly to clear up awkward-sounding quotes, but never tried to change the substance of a story.

By insisting on an advance copy, the officials probably felt reasonably sure I would not attempt to file anything particularly offensive to them while I was still in Hanoi.

They had no control, of course, of anything I wrote after leaving the country, but they asked me to send them clippings of my stories.

While we were waiting in the airport for my baggage to be checked—out of sight in another room—My offered bottles of lemonade and Hanoi beer. I tried the beer—a mild, light local brew, not unlike Miller's High Life.

There were custom forms to fill out, listing watches, weapons, radios, cameras, films, drugs and money. The questions were more detailed than required by most countries I've been in, except the Soviet Union—but the authorities were smiling and quick.

In less than 30 minutes, we got into the black Russian-made "Volga" sedan assigned to me. There are no private cars or taxis in North Vietnam, so a foreigner either walks or calls for his driver and car.

Except for a single armed soldier at a checkpoint outside the airport, the half-hour drive into Hanoi was almost a letdown. Nhan chattered away in the front seat, saying he'd never interpreted for a newspaperman before. "I hope I do a good job," he said earnestly.

The two-lane road was lined with trees, their trunks painted white for better visibility. A steady stream of pedestrians and cyclists flowed along both sides. The narrow, mile-long bridge over the Red River was clogged with traffic. The streets of Hanoi were wide, tree-lined, brightly lit.

The hotel where foreigners stay used to be known as the Metropole in French colonial days. Now it's the Thong Nhat, which means "reunification" in Vietnamese.

Four stories high, with a pleasant walled garden in back, its stucco walls could use a fresh coat of paint. But inside it is immaculately clean, smelling faintly of antiseptic.

I checked in at the desk, where all arrangements had been made by my hosts. I was assigned an enormous suite, at $6 a day, which I later changed to a large single room and bath, at $3.50 a day.

(All my expenses, incidentally, were billed to me through the hotel, including $60 for the interpreter and $260 for the car and driver in the city and a 700-mile trip in the countryside. The total cost of two weeks in North Vietnam, not counting air fares, came to $431, which Knight Newspapers paid.)

In the rooms, the ceilings were high, the furniture heavy. There was no air-conditioning, but big electric fans stirred the muggy air and made it comfortable even under the mosquito netting on the bed.

My room had plenty of hot water, soap and toilet paper, things often lacking in communist bathrooms. There was also a perpetual thermos of scalding water to make tea.

Downstairs the lobby was lined with two rows of heavy wooden arm chairs with brown plastic seats, where the little foreign colony sat under the whirling fans, swapping rumors and impressions.

Either in the lounge or at the tiny high bar, sipping Russian vodka or Hanoi beer, there were usually half a dozen homesick Czech or Hungarian technicians; members of a Polish trade delegation baffled at the ways of the canny Vietnamese; an East German goodwill mission, pale and flabby; the four young American pacifists, intent on their notes and charts of the anti-war movement.

The hotel also contained foreign correspondents from the French, Italian and Japanese communist press, an East German TV crew making a documentary, and later on, a weary, rumpled man from the New York Daily Worker.

The working day begins early in Hanoi. At 5 a.m., I could hear militia units drilling in the park beneath my window. At 6, the street loudspeakers began blaring news and patriotic songs.

Some days my first appointment began at 7 a.m., and my last ended after 9 p.m.

But blessedly, the North Vietnamese work a two- to three-hour midday siesta into the schedule.

At that time or in the evening—in fact, any time I had a free hour or so—I was able to wander on foot alone and unrestricted throughout the city.

As far as I know, I was not followed, but of course a blond-haired Westerner sticks out like a sore thumb among the short dark Vietnamese. And with the language barrier, there was nothing I could see or do by myself that could be damaging.

Out in the country, I was always accompanied by my interpreter or escort or both.

The people, I found, were universally polite, often warm and friendly. Sometimes I got a hard, level stare, but it could have been curiosity, not hostility. A couple of citizens greeted me in Russian, assuming I was from the Soviet Union or Eastern Europe. Little boys flocked after me, grinning and teasing for souvenirs.

The morning after my arrival, I had my first official appointment, with an official of the foreign ministry who was to work out my schedule.

I gave him a list of requests I had prepared. Some of them he approved, such as a trip south, as close to the Demilitarized Zone as possible. Some he rejected, such as a visit to Dienbein Phu. On others, such as a trip to the port of Haiphong, he said he would see what could be done. As it turned out, there wasn't time.

Interviews were arranged with a number of high officials, including Foreign Minister Nguyen Duy Trinh, Minister of Culture, Hoang Minh Giam, Editor-in-Chief, Hoang Tung of Nhan Dan, the official Communist Party newspaper, Secretary-General Luu Quy Ky of the journalists association, a representative of the Provisional Revolutionary Government of South Vietnam and others.

I asked almost every day to see one of more of the captured American pilots. They never said no, but they never said yes. On the last day, My told me he was sorry but a meeting had been impossible to arrange.

"Why not?" I asked. "There wasn't time," I was told.

The early days were mostly taken up with visits to historical museums. It's how the North Vietnamese impress on visitors their view that the war is simply the latest incident in a long series of struggles against foreign invaders.

They didn't seem to be at all shy about admitting that their ancient enemy and most frequent unwanted guest was China, their giant neighbor to the north.

I was even told a couple of anti-Chinese jokes, including this one about the Vietnamese ambassador at the Chinese court:

The emperor, in order to humiliate the ambassaro, asked if all Vietnamese were as short as he. The ambassador replied:

"Oh, no, your majesty. We have tall people, middle-sized people and short people. We send middle-sized ambassadors to middling countries and short ambassadors to little countries like yours."

(While passing this story along to me, my interpreter learned a new English phrase: One-upmanship.)

One of the most interesting museum exhibits was a huge room-sized electrified floor model of the battle of Dienbienphu. An hour-long tape-recording in English explained the famous 1954 victory over the French, with red flashing arrows marking the communist advance, and green blinking lights the shrinking French positions.

Another fascinating item was Ho Chi Minh's little wicker suitcase, sandals and portable typewriter. I was told that this is all the gear the communist leader carried with him in his mountain hideout during the nine-year war against the French. Ho was even more elusive than COSVN, the hard-to-find communist "headquarters" in Cambodia, my hosts noted with grins.

On the third day I was invited to an unusual press conference. It was held in an ornate, carved wooden hall, open to the air on all four sides.

About 50 Vietnamese and foreign reporters sat in chairs around the hall. In the center was a table for the guest of honor, Hoang Quoc Viet, an old ally of Ho Chi Minh's.

He was just back from an "Indochinese peoples summit conference" in China and wanted to tell the world press about it.

As Viet entered, most of the journalists stood up and applauded. He read a statement and the official declaration of the conference. Then he took questions, five at a time, and disposed of them in batches. At the end, he was applauded again.

Ron Ziegler, President Nixon's press secretary, never gets that kind of treatment.

At 7 a.m. on the fourth day, My, Nhan and the driver called for me in a sturdy, gray-green Russian jeep. We were off on a six-day, 700-mile journey through the countryside, and the soft-sprung "Volga" would never make it over North Vietnam's battered highways.

They were taking me down Route One, the famed "street without joy," which runs from Hanoi to Saigon and beyond. We would go within 25 miles of the DMZ, but my request to visit the border zone itself was turned down. "Too busy," I was told.

As the main communications link between Hanoi and the south, Route One was a favorite target of the U.S. Air Force and Navy during the four-year bombing raids.

The devastation along the route is incredible. I'd seen parts of Poland after World War II, when both the German and the Russian armies had worked it over, and it wasn't as bad as this.

Of course, the North Vietnamese are aware of the impact of a trip through the bombed-out zone. No doubt that's why they take foreign reporters there.

Nevertheless, the evidence of immense destruction to civilian as well as military targets is overwhelming.

The first 100 miles south of Hanoi weren't badly damaged. The road compares with a poorly maintained two-lane secondary highway back home.

Out of the industrial suburbs, vehicular traffic thinned out. We passed Russian- and Chinese-made trucks lumbering south with loads of petroleum, rice and ammunition for the battlefields.

There were truckloads of pipe for an oil line the North Vietnamese are constructing in southern Laos. There were steel I-beams and pontoons for bridges along the Ho Chi Minh Trail.

Besides being the national thoroughfare, Route One is also North Vietnam's Main Street. Pedestrians, bicyclists and ox-carts were almost as thick as in the city, moving from village to village strung out along the road.

The driver's thumb rarely left his horn. With a blare of sound he plowed a path through the river of humanity that parted before our jeep and closed again behind.

The road runs like a causeway across the rice fields, rippling emerald-green as far as the distant mountains. Every 10 feet, a foxhole has been dug on one side of the road or the other, in case American bombers appear.

One afternoon, when a jet that looked like an F-4 Phantom fighter-bomber buzzed our jeep, I started keeping an anxious eye on the nearest foxhole.

As we got further south, the occasional bomb craters along the roadside multiplied and grew closer together. Near the ends of bridges they pitted the face of the earth like acne.

Every bridge but one was knocked out, and we crossed rivers and irrigation ditches on rocky fords, makeshift plank bridges, pontoons or ferries.

Even so, the road was much better than last year, my driver said. It used to take five days to make the 310-mile run from Hanoi to Dong Hoi, capital of the southernmost province of Qyang Binh. We made it in two days, with an overnight stop in a guest house recently built amid the ruins of the provincial city of Vinh.

There is nothing left of Dong Hoi, once a city of 14,000, but a mile-long field of craters and rubble, a cathedral minus its roof and a water tower with three shell holes in it.

They put me up for three nights in one of the temporary villages where the population has been relocated outside the city.

My "motel" was a dirt-floored, thatch-roofed but very clean two-room cottage with a palm thatch privy out back.

From there I was taken on tours of Dong Hoi and three neighboring villages. In each, local officials displayed actual and photographed evidence of bomb damage, and told how the people survived, by digging underground or scattering into the mountains.

It was in one of those villages, on the morning of May 1, that I watched American planes fly over North Vietnam and drop load after load of explosives on a valley hidden by low hills about 10 miles away.

Since the area was only 18 miles north of the DMZ, I presumed that some of the three divisions of North Vietnamese troops reportedly stationed near the border were there.

In answer to my questions, however, my escorts insisted there were no military targets, only farming communities. When I asked to be taken to the bomb site to see for myself, I was told it was too dangerous.

This is one of the few times I felt my hosts may have been somewhat deceptive with me. Otherwise, their efforts at "managing the news" consisted mostly of careful selection of what they showed me, a procedure employed routinely by all governments and corporate public relations departments.

Some answers to my questions, however, were disturbingly vague.

For example, when asked about American fears that there would be a bloodbath in South Vietnam if the communists took over, officials simply assured me they had a tradition of treating their enemies with leniency.

They passed over Ho Chi Minh's purge of his non-communist allies in 1946, the kill-

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ings of landlords and rich peasants in 1956 and the apparent massacre of several hundred citizens of Hue during Tet, 1968.

Furthermore, they constantly complained about the activities of U.S. troops in Laos or Cambodia, but never conceded the presence of their own forces there.

In my conversations with the North Vietnamese, I told them I was a reporter, not an advocate for one side or another.

I told them I would write what I saw and learned in their country, balancing it against what I knew from other sources.

After I left Hanoi, I was going to Saigon, I said, to listen to the other side.

And that is how the series of articles beginning today in this newspaper came to be written.

EXCLUSIVE: HOW WAR LOOKS FROM INSIDE NORTH VIETNAM: MORALE SEEMS HIGH DESPITE BOMB DAMAGE

(By Robert S. Boyd)

High on a bomb-scarred hill about 100 miles south of Hanoi, white stones spell out a hugh slogan, like a "Beat Navy" sign at West Point.

"Quyet Thang," it reads in Vietnamese. "Determined to win."

More than anything else I saw in two weeks in North Vietnam, those words summed up the present state of mind "behind enemy lines."

Mentally, they seemed "determined to win." Materially, they looked as if they are prepared to carry on until they do.

Even before I left Washington, I was sure that the North Vietnamese would try to persuade me of their unshakable resolve.

It's an essential psychological tactic in their war strategy against a more powerful enemy, and they use it vigorously.

But even allowing for this hard sell, everything I saw or heard or read in the two weeks, including a six-day trip through 700 miles of countryside, led me to the conclusion that it's not just a bluff.

Five years of bitter war against the United States appear to have left North Vietnam:

Battered but unbeaten.

Proud, confident, even gay.

Profoundly convinced that she can outwait or outmaneuver the United States and achieve the goal her leaders have sought for 40 years, a united, independent, and communist Vietnam.

"If we don't do it in our generation, the next generation will," one official said.

The very poverty, simplicity and hardship of life in North Vietnam provide perhaps her greatest strength in the war of wills.

As long as she continues to receive the unstinting help of Russia and China, there is little the United States can do to hurt her more than it already has.

For this is no workers' and peasants' paradise. Even communist diplomats can't wait to get away from Hanoi on leave. Westerners say its like coming up from underwater.

Wasted by 25 years of constant warfare, primitive in agriculture, almost totally lacking in industry, North Vietnam is terribly poor.

The average wage of 80 dongs a month (less than $30 at the official exchange rate) is enough to cover the necessities, which are cheap, but there are no luxuries.

Communist control is like iron. There have been recent crackdowns on intellectuals on party cadres feathering their own nest, on small craftsmen trying to make a nickel by repairing bikes or mending clothes on the side, on teenage "hooligans."

Monotonously repeated official slogans and the heavy-handed party line simply bore the ordinary Vietnamese, according to longtime foreign residents.

Except at times of great battles, like Tet in 1968 or the Cambodian excursion, people pay little attention to the canned news they are fed.

There is said to be a certain letdown that the Tet offensive did not bring the promised final victory, and that the leaders can only promise "protracted war."

Unlike South Vietnam, Laos and Cambodia, where open fighting rages, North Vietnam is suspended between war and peace.

They feel they have won the air war against the U.S. in the North, but the ground war elsewhere drags on.

"It's a half-won war," my interpreter said. "Half war, half peace," another official put it.

In Hanoi, the rundown French colonial capital, most of the scattered bomb damage has been repaired. Only a few heaps of ruins are left as a reminder.

Walking alone through the city during my free hours, I watched little boys play a Vietnamese version of marbles in the dust beside the famed one-man air raid shelters that line the citys streets. The shelters are neglected and half-filled with trash, but could be cleaned out in an hour.

A soldier and his girl cuddled on a bench beside the lovely Lake of the Restored Sword in downtown Hanoi.

Peasant women, their teeth stained red from chewing the narcotic betel nut, squatted in the market, offering bright peppers, cucumbers, spinach, chicken, geese and even turkeys.

Sidewalk entrepreneurs did a brisk business running parking lots for bicycles—Hanoi's principal means of transport.

Ox carts plodded through the graceful, tree-lined avenues, oblivious of the occasional modern Russian-made sedan, Chinese truck or Czech bus passing them.

Loudspeakers in the trees blared patriotic songs and news of the latest American "atrocity."

There were soldiers everywhere, but few were armed.

The children have mostly been brought back from the countryside, where they were dispersed during the bombing.

Their games and laughter made the war seem very remote—and then a sonic boom rattled the windows. A U.S. reconnaissance plane had just made a pass high overhead, my escort told me.

In the countryside, to the south, the war was closer and more visible.

The scars of battle grew thicker the nearer I came to the demilitarized zone 350 miles south of Hanoi.

Rusting hulks of abandoned railroad cars, grotesquely twisted by bombs, lay along the tracks.

The main north-south highway, Route One, was nothing but dirt and rocks for miles. Entire cities have been reduced to rubble.

But life goes on in the country, too. Peasants were toiling knee deep in the rice-paddies. Production is higher than before the bombing, North Vietnam officials said.

Fishermen dried their nets and built new boats to replace those sunk, they say, by the U.S. Navy.

At twilight one evening, near Dong Hoi, I watched a group of little girls play a game like "jacks," using bamboo sticks, while artillery muttered in the distance along the DMZ.

Three men in the ruins of Dong Hoi reminisced how it used to be in the old days, drinking beer and watching the sunset over the western mountains.

The roads were being repaired slowly, mostly by teen-age girls working with hammers and shovels. Some of the smashed bridges were being replaced.

Small houses of mud-brick of wattle have gone up in new "suburbs" scattered around the fringes of ruined cities.

An occasional bombed-out brick factory or municipal building has been put back in service.

But in the countryside, most of the devastation caused by the air war from February, 1965, to November, 1968, has been left untouched—in part for fear it simply would be wrecked again.

"One doesn't build in order to be bombed," an official explained.

Despite the destruction, North Vietnam looks to an outsider like a relatively smooth-running, effective and orderly society.

Unlike so much of Asia, it seems to work.

The communist government is in firm control. People obey instructions. Appointments are kept. Supplies arrive. Streets and hotels are clean. Telephones function. Schools operate.

Discounting for propaganda, and based on just what I observed, it certainly did not seem to me to be a nation reeling on the brink of defeat or collapse.

There are great numbers of men of military age on the streets of Hanoi, and along the roads in the country. Some are in uniform; some not. Speculation in the West that the war has bled white a whole generation of North Vietnamese males appeared to me to be ill-founded.

People look well-fed and healthy. There are no beggars. No one looks malnourished.

Last year the basic rice ration was increased, officials said, to 35 pounds a month per person—up six pounds. About 40 percent of that is in flour or other rice-substitutes, but it is still an ample diet by Asian standards. (In Saigon, the average rice consumption is the same.)

Fruits and vegetables are plentiful. Meat is scarcer and costly, but most families, even in the city, raise chickens for eggs and meat.

Clothing, though simple, is adequate: green or tan cotton pants and shirts, sandals and a pith helmet for most men. Black pajama pants, a white, pink or blue blouse, sandals and a conical straw hat for the women.

Unlike the drab, padded Chinese, the girls of North Vietnam make the best of their natural beauty. They wear bras, fix their rich black hair in pigtails down to their waist, and use lipstick and eyeshadow when they can get it.

Through propaganda, slogans, movies, songs and stories the North Vietnamese are encouraged to think of themselves as living in a new "Heroic Age."

The deeds of resistance fighters are compared to the feats of ancient heroes from their country's 2,000 years of struggle against Chinese, Mongols, French and now Americans.

The nine-year-old boy who grabbed a smoking pellet bomb and hurled it away from his schoolmates; the 18-year-old girl who manned a shore battery that sank a U.S. ship; the 74-year-old woman who helped tote ammunition to anti-aircraft crews—these are the sports stars, beauty queens and rock idols of North Vietnam.

A heady sense of having stood off the mightiest military power in the history of the world exhilarates people and makes their poverty and sacrifice easier to bear.

They feel they have taken the worst the United States can shell out. Even a renewed bombing or outright invasion of the north does not terrify them, they say.

They feel they can survive and endure.

And by patiently enduring, they seem confident that in the long run they will win the victory they desire.

HOW BOMBINGS BATTERED NORTH VIETNAM

(By Robert S. Boyd)

American bombs have turned the southern part of Northern Vietnam into a ghastly moonscape.

Countless craters pock the land—some small, some as big as 100 feet across and 30 feet deep. Huge gouges have been blasted out of hillsides.

For 200 miles north of the demilitarized zone, only a handful of substantial buildings

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still stand, and they are battered and scarred.

The provincial capitals of the four southern provinces (Quang Binh, Ha Tinh, Nghe An, and Thanh Hoe) are little more than mounds of rubble, partly covered by grass and creepers.

It's as if the principal cities in four states, Florida, Georgia, South Carolina and North Carolina, had been leveled and left that way.

Of course, the four North Vietnamese cities were hardly more than small towns by U.S. standards—15,000 to 20,000 people apiece. But still the only urban centers in the entire southern part of the country have been destroyed.

Route 1, the historic colonial highway from Hanoi to Saigon, is a nightmare of bomb pits, mud, rocks, detours, pontoon bridges and ferries.

It took two numbing days of jolting and jouncing in a Russian jeep to travel the 310 miles from Hanoi to Dong Hoi, the mile-long field of ruins which used to be the capital of Quang Binh province.

On all that way, I counted only one bridge which had not been destroyed. Even little 15-foot spans across irrigation canals had been knocked out.

The devastation is total, awesome, surrealistic. This is the zone, south of the 19th parallel, where bombing began first, in February, 1965.

It bore the concentrated fury of the U.S. Air Force and Navy between the partial bomb halt of March 31, 1968, and the full cessation ordered Nov. 1, 1968.

It is the "panhandle" of North Vietnam, the narrow funnel through which most of the men and supplies were channeled to the battlefront in the south.

It is the target area where former Defense Secretary Clark Clifford said U.S. bombings missions exceeded 10,000 a month.

Naturally, it is "Exhibit A" for North Vietnamese officials eager to impress visitors with the enormity of U.S. war "crimes."

"Why do you bother to send your astronauts to the moon?" Hoang Minh Giam, North Vietnamese minister of culture, asked wryly. "You can send them here and they will see the same thing."

Even for a reporter aware that he is being shown the worst damage in all North Vietnam, the evidence is over-whelming that devastation on a major scale occurred here.

If this was the "surgical" bombing aimed "with precision" at strictly military targets that the Pentagon described, with only a few unfortunate and unintended civilian casualties, I'll eat my portable typewriter.

Many of the bombs, of course, did hit military targets, like the blasted roads, bridges, trucks, railroad tracks and rolling stock which I saw and photographed on my trip.

Although I was not shown any military bases or supply dumps, SAM missile sites or major anti-aircraft installations, no doubt they were hit, too.

Some of the explosions from the one U.S. bombing raid I witnessed were so tremendous that I presume they may have struck an ammunition or petroleum dump.

Nevertheless, in the process, schools, hospitals, churches, pagodas and countless ordinary homes were also pulverized. I saw and photographed them, too.

The total of civilian casualties, like military ones, is treated as an official secret in Hanoi.

But in my visit I saw a number of women and children who had been seriously burned or scarred in air attacks. I talked to some of them and photographed them.

I was shown photographs, charred scraps of clothing, bullet-ridden school books, torn and twisted cooking pots, damaged hoes, shovels, bicycles, furniture.

Village authorities showed me notebooks filled with detailed lists and statistics on numbers and dates of attacks, types and quantities of aircraft and weaponry, numbers and names of casualties, medical diagrams of wounds, village museums displayed fragments of bombs and shot-down planes, equipment and clothing of captured U.S. pilots.

Although the displays are carefully collected and designed to impress visitors, so much evidence cannot have been invented.

There is no doubt in my mind that mass destruction of property and widespread killing of civilians occurred.

Whatever the intentions of the Pentagon planners, or of the young American pilots high up in the blue. North Vietnamese said they are convinced that the United States conducted a deliberate "war of extermination" against their people.

Communist officials said the four-year air war was designed to "break our will" and "force us to surrender."

As evidence, they cited the repeated use of napalm, phosphorus and steel-pellet "cluster bombs," which are only of use against living flesh, not steel or concrete.

The cluster bombs seemed to stir the most bitterness. About four feet long and 10 inches thick, they scatter over a field several hundred orange colored bomblets like small baseballs. Each bomblet bursts open on impact and sprays out about 250 steel pellets, about a tenth of an inch in diameter. Anything caught in this hail of metal is doomed.

The Pentagon says the cluster bombs are intended for use against anti-aircraft crews aiming at American planes.

And since every village in the southern part of North Vietnam seems to have its own homeguard trained to shoot at enemy aircraft overhead—sometimes only with rifles—the Pentagon can always take the position that a raid was "protective reaction."

Literally thousands of cluster bomb casings litter the countryside. They are used as decorations, as fence posts, as road signs, as footbridges across a ditch.

Most are painted with sarcastic slogans, such as President Nixon's name, or "America will surely lose; we will surely win."

Many bear loading dates only a couple of months before they were dropped.

One I saw had its manufacturer's nameplate, "Aerojet-General Downey, Calif." still neatly clamped to its shell.

Based on what I could see, there is no doubt in my mind that the U.S. attacks have continued long after the supposed bombing halt 19 months ago.

While I was taking pictures of our bombers striking Quang Binh province on May 1, North Vietnamese bicycling on the road continued to pedal along, hardly bothering to look at the distant pillars of fire and smoke.

The local official I was talking to seemed irritated that I was wasting time watching the bombers instead of inspecting his collection of trophies. This indifference seemed to substantiate the North Vietnamese claim that air raids are still a routine occurrence.

Officials showed me photographs, medical reports and physical evidence (a shattered cooking pot, burned rice and clothing) of a raid they said occurred April 19 on the village of Trung Hoa, Quang Binh province.

Three people were killed and 17 wounded in that all-day attack, along with 44 buffaloes and four pigs, they said.

While there was no way I could verify the date of the raid, their photograph of a U.S. cluster bomb casing clearly showed the loading date: 12–69. That was 13 months after the official end of the bombing.

Another post-halt raid, on Feb. 5, 1969, killed two children in a village six miles west of Dong Hoi and badly burned their mother, Mrs. Nguyen Thi Minh, 31, she said. I photographed her outside her damaged house.

Quang Binh province, the southernmost in North Vietnam, has been the heaviest victim of the raids. I spent 2½ days there, visiting nearby villages and living in a thatch-roof, dirt-floor cottage five miles west of Dong Hoi.

At night, artillery could be heard rumbling along the DMZ, 35 miles away, and flares lit up the southwestern sky.

The chief of the provincial "Commission for Investigation of U.S. War Crimes" displayed a notebook in which he said were records of 72 air raids in the last two months of 1968; 160 raids in 1969, and 32 raids in the first four months of 1970. These figures do not count reconnaissance flights, which are almost a daily occurrence and run into thousands, he said.

It was impossible to determine the accuracy of these statistics. They seemed high to me, but then so do official U.S. Claims of "enemy kills" in Vietnam, which are also impossible to verify.

At any rate, North Vietnamese seem to accept the figures. Everyone I talked to insist that the United States is willing to kill civilians in order to achieve its aims.

"The attacks only made our will to resist stronger," said Mrs. Nguyen Thi Duyen, mayor of Dong Hoi city.

"My people acquired a deep hatred of the enemy during the raids," said Nguyen Ngai, president of Vo Ninh village south of Dong Hoi. "But their spirit is not shaken. They are more determined to fight back."

The irony is that the raids, for all their destructiveness, apparently never achieved their principal objective—inhibiting the flow of men and supplies to the south.

North Vietnamese boast how quickly they were able to patch up the road, rig temporary bridges, keep rail traffic moving steadily if slowly.

Spare tracks, ties and ballast are stacked all along the roadroad right of way, ready for instant repairs.

I was shown a stretch of Route 1 in Vo Ninh, only about 25 miles from the DMZ. It had been bombed repeatedly and intensively. Enormous craters mark the surrounding fields.

But by using bricks from their homes, stones from the hills and clay from the rice paddies, the villagers had kept the road open. "It was never blocked longer than an hour," village president Ngai said.

A leading Quang Binh provincial official, Dang Gia Tat, displayed a sense of humor about the raids that laid waste to his province.

"The more you attacked us, the more we laughed," said Tat.

"You gave us handkerchiefs made out of nylon parachutes, cups from the shells of pellet bomblets, plowshares from the bomb casings, and aluminum cooking utensils from the metal of your planes which we shot down.

"You said you would bomb us back to the stone age," Tat grinned. "But instead, you brought us to the age of aluminum."

DON'T DILUTE THE HONOR OWED TO OUR WAR DEAD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. DERWINSKI. Mr. Speaker, as we return to Washington after the brief Memorial Day recess, I hope that most Members share my observation that the public very properly and effectively commemorated the traditional Memorial Day holiday by paying proper respect to the men that had fought and died so that our land may remain the citadel of

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freedom. This fact was emphasized to the readers of the Chicago Suburban Economist prior to Memorial Day in an editorial Wednesday, May 27. The editorial follows:

DON'T DILUTE THE HONOR OWED TO OUR WAR DEAD

With the nation badly split over Viet Nam war policies, it is likely that the real meaning and purpose of Memorial day will be lost this year amidst the fiery orations of speakers and demonstrators representing the several points of view.

Let us remember, then, that the purpose of Memorial day is to decorate the graves and honor the memory of men who have given their lives in armed conflicts for their country.

Actually, of course, the observance was originated by an Illinois native, Gen. John A. Logan, commander of the Grand Army of the Republic, when 102 years ago—May 30, 1868—he proclaimed this day to decorate the graves of Union soldiers who died in the Civil war.

Since then the day has come to be observed as a time to honor the dead of all wars. Many families, too, have adopted this custom of visiting and caring for the graves of all their loved ones, whether or not they died in the service of their country.

The point is that on this day we should direct our sentiments toward the sacrifices made by the gallant men in all branches of our armed services who answered their country's call and made the supreme sacrifice.

To spend Memorial day debating the political aspects of the Viet Nam or any other war—though this will be done on a wide scale, no doubt—is to detract from the valor of our fighting men the day is intended to honor.

This is not to say war in general or the Viet Nam war in particular should not be debated. It is to say that on this day we should unite to salute the individuals who have displayed the highest degree of bravery and patriotism.

Despite the widening gulf among all segments of our society, the country is worth saving. Indeed, it is the best on earth. Without the sacrifies made by the men we honor on Memorial day it would not be so. Let us not forget that as we fly the flag, march in parades and decorate graves.

As it is often said, they "gave their last full ounce of devotion." Let us give an ounce of respect on one day of the year to them. They deserve it.

RESOLUTIONS TO THE ACCOUNTING CRISIS IN MERGERS

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. HARVEY. Mr. Speaker, recently an article appeared in the Commercial and Financial Chronicle, May 14, 1970, entitled "Solutions to the Accounting Crisis in Mergers." This article has particular impact because of the current interest over the Accounting Principles Board's exposure draft concerning accounting treatment of mergers.

Prof. Jules Backman, author of the article, takes strong issue with the draft's approach to the pooling of interest treatment of mergers. He points out that the use of the devices involved in the draft "would make a shambles out of earning reports." The article further states:

> The changes designed to eliminate accounting methods which act to inflate earnings are constructive. However, the proposed shift to purchase accounting would create such unfortunate economic effects that it is an undesirable substitute for pooling.

The article suggests a number of methods for dealing with the practices with which the draft attempts to deal, without creating the problems which apparently would come from the adoption of the draft.

This presentation is certainly a most interesting and informative one in approaching an accounting decision whose impact will reach far beyond the accounting profession. Consequently, I include the entire article in the RECORD at this point:

SOLUTION TO THE ACCOUNTING CRISIS IN MERGERS

(By Jules Blackman*)

In recent years, accounting conventions have played a significant role in determining the magnitude of reported corporate earnings. The changes in methods of reporting earnings for franchise companies and the requirement to report per share earnings on a diluted basis to reflect outstanding convertible securities and warrants are good cause in point.

"Generally accepted accounting principles" often cover a broad range of alternatives, thus making it possible to select those which will be most favorable from a tax point of view in terms of reported earnings. The various alternatives available for depreciation and for costing of inventories are familiar illustrations.

The name of the game in Wall Street during the past decade has been growth. High price-earnings ratio have been established for growth stocks. "Instant growth" in size could be achieved by merger and "instant earnings growth" by the methods used to record acquisitions. Loopholes have been developed within the framework of "generally accepted accounting principles" to achieve the latter objective. To close these loopholes and to eliminate abuses, the Accounting Principles Board recently has issued an Exposure Draft of proposed guidelines which is now being actively debated.

Combinations either have been recorded on a pooling of interests basis or by purchase accounting. Pooling of interests preserves a continuity of earnings by combining the records of the two companies for earlier years and requiring no special charges against earnings. On the other hand, purchase accounting requires a recording of the "fair value" at the time of the purchase and may result in the creation of goodwill or other increases in assert values which provide a new cost basis and act to reduce reported earnings if they must be written off.

Most mergers have involved an exchange of common stock and have been recorded as a pooling of interests. The proposed new rules of the game would mean that purchase accounting would be used for most mergers with a mandatory amortization of goodwill over a period not to exceed forty years. The net result would be a reduction in reported earnings and hence a reduction in the attractiveness of many mergers.

ABUSES AND REMEDIES

I believe that the more significant methods of inflating of earnings under present practices could be eliminated without the severe restriction proposed on pooling of interests. Let me summarize briefly the abuses and possible remedies.

(1) Creating "instant earnings" by including in the financial report for a given year the financial results of companies acquired after the close of the year but before the financial reports are issued. The Exposure Draft properly seeks to stop this practice by providing for the combination "to be recorded as of the date (it) is consummated." Appropriate notes to the financial statements should "disclose . . . the effects of the combination on reported financial position and results of operations." (par. 59, 62)

(2) Some companies have reported an increase in earnings by recording the latest year on a pooled basis and earlier years on an unpooled basis. This practice, which has been criticized by the SEC, would be stopped requiring a restatement of financial information for earlier years on a combined basis.

(3) Earnings have been escalated by reporting an acquisition in part as pooling and in part as a purchase. This could be stopped by requiring a company to use one method or the other for acquisition even though it was completed in two or more steps.

(4) "Instant Earnings" have been created when, under pooling, the acquired company's assets are placed on an acquiring company's books at the book value of the former and then sold at a higher price. The Exposure Draft provides that where a company "intends or plans" to sell off part of the acquired assets within two years it could not use pooling of interests. However, if there is no intent or plan to sell, pooling could be used and then if a sale is made within two years it would be permissible to report it as an "extraordinary item" (par. 58). This dichotomy of treatment would lend itself to new abuses. Companies could be careful not to commit to paper any evidence of intent or plan to sell off assets and then after the merger is completed "suddenly" discover reasons why assets should be sold. It would be better to forget about the two-year rule and to provide that all such earnings be classified as extraordinary and be fully explained.

These four methods of increasing earnings could all be eliminated within the framework of pooling. They could be corrected without throwing the baby out with the alleged "dirty pool."

(5) Since common stock must be used in an acquisition to qualify for pooling some companies have bought their own stock in the market for cash and then exchanged such treasury stock for stock of the acquired company. This loophole can be closed by confining the use of pooling only to situations where unissued stock is used.

(6) The Exposure Draft proposes to limit the use of pooling only to acquisitions where the smaller company is at least one-third as large as the larger company in a combination. It is often conceded that there is no real basis for the size test but one should be imposed anyway. Thus, Andrew Barr, Chief Accountant of the SEC, has stated:

"Deterioration of the relative size test for qualifying for pooling accounting has received severe criticism. While it is my personal opinion that this test is not a sound basis for an accounting rule, as a practical matter the reimposition of a substantial size test appears to be desirable at this time." [1]

If pooling is conceptually sound—as it appears to be—on what basis can one select one-third or any other ratio [2] and then say that at a lower ratio it is not a satisfactory accounting method.

The economic implications of the proposed one-third rule also must be considered. It

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Footnotes at end of article.

will hurt smaller companies which seek to merge because it will reduce significantly the number of potential merger partners. The marketability of smaller companies would be much reduced. This, in turn, will lessen the incentive to start new companies and hence reduce the extent of competition in the affected industries. I do not see any economic merit in the proposed size test, the main effect of which is to place a major hurdle in the way of large mergers.

(7) The Exposure Draft proposes that pooling could be used only where "90 per cent or more" of the exchange is accounted for by common stock (par. 46b). It does not appear that convertible preferred stock can be counted to meet the 90 per cent minimum. If such stock has voting privileges and is convertible into common at the holder's option, why shouldn't it be included in the 90 per cent total? The ability to issue such convertible preferred stock adds to flexibility in fashioning mergers. While such stockholders have a preferred position for dividends, in other respects they are similar to common stockholders. This is recognized under APB Opinion No. 9 since companies must now report earnings on a fully diluted basis—that is on the assumption that such preferred stock as well as other convertible securities and warrants are converted into common stock.

It should also be noted that the SEC has stated that "Only unissued common stock or convertible preferred stock which meets the test of being a common stock equivalent at issuance and which has voting rights equivalent to the common shares to be received on conversion should be issued in exchange for the common shares or the net assets of the company be acquired." [3] This is a more realistic interpretation of the role of convertible preferred stock than its exclusion from the 90 per cent rule in the Exposure Draft.

VALUING ACQUIRED ASSETS

Under the purchase method of accounting, the value of the net assets of the acquired company is changed to conform to the price paid by the acquiring company. Where the consideration is cash, the determination of the cost is relatively simple. But where the acquisition is made through the issuance of common stock or convertible preferred stock, almost insuperable problems are met in determining the "fair value" of these securities. When the purchase price exceeds the book cost of the acquired company, the difference is allocated to each of the assets where warranted with the amount not so allocated designated as goodwill.

MARKET PRICES OF STOCK DO NOT REPRESENT "FAIR VALUE" OF ASSETS

The Exposure Draft states that "The quoted market price of an equity security issued to effect a business combination may be used to approximate the fair value of an acquired company if that market value represents fair value." (par. 71) It notes that "the reliability of the quoted market price of stock . . . as an indicator of fair value (may be) in doubt" if "a market price may not be available," or if "The number of shares issued is relatively large, the market for the security is thin, the stock price is volatile, or other uncertainties influence the quoted price" or in "the absence of registration." (par. 71, 24) In such circumstances "an estimate of the consideration received is required even though measuring directly the fair values of assets received is difficult." (par. 71) Nevertheless, Catlett and Olson have stated that "When stock is issued for the business and assets of a going concern, the value of the business and assets will ordinarily be measured by the market price of the stock issued (when a market exists), modified for fluctuations resulting from investors' appraisal of advantages arising out of the combination." [4]

For companies listed on the New York Stock Exchange, most of the limiting factors would not apply and hence the probability that the market price of the issuing company's stock would be used to determine the value of the acquisition is very great.

Stock prices provide a very unsatisfactory basis for the valuation of assets. Stock prices fluctuate widely because of factors that have little or no relationship to a company's books of account. Security values are affected by speculative trading (as in 1968), technical factors (short position), the death of a president (Kennedy), population problems (use of the pill), the illness of a president (Eisenhower), popularity (leasing companies in 1967–68), unpopularity (leasing companies in 1970), war (Vietnam), regulation (railroads, airlines), anticipation of earnings (growth stocks), changes in taxes (surtax in 1968), interest rates (building supplies, utilities), general inflation (since 1965), general deflation (1930's) and other factors. The difficulty of determining even approximate values of securities is shown by the problems experienced by investment bankers in pricing new issues, some of which sell at considerable premiums (hot issues) while others sell at a discount soon after issuance.

MISLEADING MARKET VALUATION

In effect, those advocating the use of market values of stocks as the basis for determining the "cost of an acquisition" to be recorded on the books, appear to be saying that the newly issued stock is equivalent to cash. But this is not always true. While a well established large company may be able to sell some stock at close to the prevailing market price, the discount from the market price becomes increasingly larger as the relative volume of shares to be sold increases. This is well illustrated when a company offers rights to its stockholders to subscribe to new stock. The stock may decline when the new offering is announced and then the stock is offered to stockholders at a price below the new market price.[5] For example, when Standard Oil of New Jersey announced it would sell a new stock issue on January 29, 1970, the stock was selling at $\$56\frac{7}{8}$. When the terms of the new offering were announced on February 16, 1970, the stock was selling at $50\frac{3}{8}$ [6] and stockholders were given the right to subscribe at $45 per share on more than 10 per cent below the latest price. This experience is fairly typical.[7]

During the 1960's when many relatively unknown companies were growing very rapidly through acquisitions by issuing stock, it is questionable whether many of them could have sold the large quantities of stock and convertible debentures they issued at anywhere near the prevailing market prices or even at discounts of 10 per cent or 15 per cent. The assumption that the stocks these companies issued in acquisitions were "equivalent cash" is a highly questionable one. And the transfer of those values to the acquiring company's books would have resulted in misleading values.

In these situations, a built-in inflation develops. It has been pointed out by Professor Knipke that sellers accept these "overpriced" shares "only because they are obtaining a high price for their own assets, when so measured. "Thus, the trade is measured in inflated currency, and the inflated amount is no fair measure of the assets acquired." [8]

The degrees of inflation in asset values is compounded if the seller receives investment stock which cannot be sold until an SEC registration is made effective at a later date. To sell such stock privately, it usually is necessary to take a discount of 25 per cent to 50 percent below the market price. In such instances, the market value of freely traded stock provides no measure of the value of the acquired assets.

CONGLOMERATES

In recent years, market prices and in turn goodwill also would have reflected to a large extent the speculative binge which pushed many securities up to unsustainable levels. The collapse in prices of many conglomerates which accounted for many acquisitions provides a good case in point. The use of stock prices reached in 1968, a year with a record volume of mergers, to determine the value of the assets of companies acquired at that time would have meant large amounts for goodwill it purchase methods of accounting had been used. What would happen to this "goodwill" now that the securities of these conglomerates have fallen out of bed? A few illustrations which indicate the magnitude of the declines are shown in Table 1.

The data are interesting because they show the wide swings which have taken place in the prices of these securities. By April 9, 1970, the steady erosion in prices had brought the market prices of stocks of each of these companies to levels ranging from 50 per cent to 85 per cent below the highs prevailing in 1968. Clearly, the "values" derived during the speculative frenzy of 1968 proved to be ephemeral and have disappeared in the subsequent collapse. Should companies now be burdened by the amortization of the unrealistic amounts of goodwill that would have been placed on the books in 1968 if purchase and accounting had been used? With such wide fluctuations in market prices, the level at any point in time or even the average for a year provide no basis for asset valuation. It will be noted that for seven of the ten stocks in Table 1, the prices in April 1970 were 35 per cent to 75 per cent below the lows in 1968.

The selection of the date or time period to use creates a special problem particularly where months elapse between the date the negotiations are started and their final conclusion. Significantly different values would be obtained depending on the date used. This is illustrated by a study made of the value of General Telephone and Electronics common stock issued in connection with the acquisition of the Gary properties in 1955.[9]

	Millions
August 1954, beginning of negotiations	$63.5
August 24, 1955, public announcement	117.7
September 29, 1955	110.5
GT & E Stockholders approval, Oct. 31, 1955, effective date of merger	100.9

Other dates or a six months or 12 months average would have yielded other totals.

In the hectic markets of the late 1960's even wider fluctuations took place in security prices in short periods of time. Clearly, the residual for goodwill would vary widely depending upon the date or dates selected to determine "fair value." And it must be kept in mind that security prices may fluctuate during merger negotiations for many reasons which have no relationship to the proposed merger; sometimes these changes influence the terms of merger.

Clearly, the timing of a merger rather than basic values would influence the amount of goodwill recorded.[10] And since mergers and acquisitions tend to be more frequent during periods of great speculation with accompanying inflated stock prices, corporate assets including goodwill would be written up to unrealistic levels if their values were imputed from such stock prices. Unfortunately, at such times there is a general unwillingness to recognize these inflated values as investors move in a state of euphoria in their

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Footnotes at end of article.

dreams of "instant wealth". As the months go by, the unsustainable values are increasingly viewed as being permanent—until the collapse comes.

The factors to which weight is given by investors at such times often bear little relationship to the real values, including actual earning power, that would be considered if each type of asset were given a value by skilled appraisers.

Andrew Barr, Chief Accountant of the SEC, has appropriately observed:

"In periods of high market price levels purchase accounting tends to introduce inflationary values into the balance sheet when the assets and intangibles of the acquired companies are valued at the market price of the stock issued. These amounts usually cannot reasonably be expected to be recovered from the earnings of the acquired companies." [11]

PUBLIC UTILITY EXPERIENCE

This is not a new problem. There has been some experience with the difficulty of using market prices of securities to determine asset values in the public utility industries where asset valuation is of critical importance in rate making. In connection with public utility rate making, the Supreme Court in Smyth v. Ames (1898) stated that to ascertain the "fair value of the property being used," one of the factors to be considered was "the amount and market value of its bonds and stock." However, the Public Utility Commissions and the Courts never have been able to implement this recognition.

It is instructive that in the public utility area, where there is more experience in the valuation of assets than in any other part of the economy, it has not been possible to use market value of securities as a basis for asset valuation. The factors which have prevented the use of market values in the utility field also are applicable to industrial companies.

It seems obvious that the use of market prices of securities to determine values entered on the books of account must yield results that would make those accounts meaningless and would result in significant distortions of reported earnings. Within a short period of time, changing market prices would make the values used obsolete—and often by substantial amounts. This is not surprising because widely fluctuating market values reflecting anticipations, emotions, and speculation are used to determine asset values which by their nature tend to be more stable.

THE MAGNITUDE OF THE PROBLEM: SOME ILLUSTRATIONS

Several analyses have been made of the magnitude of mandatory amortization that would have been required and the impact on earnings if certain companies had been acquired and market values had been used to determine goodwill. These illustrations probably exaggerate the problem over time because they are largely based on the high prices prevailing in 1968 and 1969. Nevertheless, they are instructive concerning the nature of the problem created by mandatory amortization of goodwill.

Knortz has shown that the use of this procedure for:

". . . A composite of five companies (National Cash Register, Kellogg, Carrier, Clark Equipment, Cluett-Peabody) indicates that, if a 20 per cent premium over market price was paid to acquire that package, the reportable earnings for 1968, assuming a 40-year amortization of goodwill, would have declined by over 40 per cent from the reported earnings and would show a similar decline in each year for 40 years. Stated another way, a company that met the size test for 'pooling' would report earnings of $148 million and a company that paid the same price but was too big to meet the size test would report only $87 million. Furthermore, if a 10-year amortization requirement was found necessary, the second group would have been asked to report a loss of $73 million. As an investor, one might properly ask whether reportable earnings should shift by $221 million depending upon which buyer makes the deal!" [12]

A study of Polaroid Corporation showed that if that company had been acquired at the stock market values prevailing in 1968, the estimated goodwill would have been so large that if all earnings at the 1968 level were used, it would take 44 to 69 years to amortize it.[13]

FLUCTUATING GOODWILL

Singer and Tanzola have studied the market prices of three important companies and showed how widely goodwill would have fluctuated in a relatively short period of time if they had been acquired.[14] For two of the companies there would have been a shift to negative goodwill when their market prices fell below book value.[15]

"If Standard Oil of Ohio were acquired by another company at its 1968 market high, the excess paid over its book net worth would have been approximately $465 million: at its 1969 high the excess would have been approximately $1 billion; and at current market values the excess would be a little over $700 million. Likewise, the excess for United Airlines would have approximated $672 million at its 1968 high market price, but it would then have dropped to $342 million at its 1969 high, and at current prices, this excess would have disappeared entirely in that United's stock is now trading for less than book value. Also, B. F. Goodrich's excess would have been $160 million at its 1968 high, $360 million at its 1969 high, and now, just a few months later, the $360 million excess has tobogganed down $460 million to a $100 million bargain purchase. . . ."

Singer and Tanzola also made estimates of the extent to which 1969 earnings would have been reduced if goodwill had been determined by the high market price reached in 1969. The most dramatic impact would have been on IBM whose entire 1968 earnings would have been wiped out because the market premium over book value was so great.

Professors Copeland and Wojdak made a study to determine how much goodwill would have had to be recorded by 26 companies if they had used purchase accounting instead of pooling of interests for 169 acquisitions between July 1, 1966 and June 30, 1967. Unrecorded goodwill was estimated at $1,605 million or about 2½ times the total book value of $653 million for the acquired firms.[16] It must be recognized that the amount recorded as goodwill would have been smaller to the extent that other assets would have been revalued upward and if some discount from market price had been used. Moreover, the acquisition terms might have been less generous if the purchase method of accounting had been used.

If it is assumed that the Copeland-Wojdak estimates are typical and that unrecorded goodwill would be about two and a half times book value, the overall impact on earnings of mandatory amortization may be estimated. In the following estimate it is assumed that the tax on profits is 50 per cent, the margin on sales is 6 per cent, and that sales are 2.3 times as large as net worth.[17]

NON-POOL PROFITS

While these estimates admittedly are rough since they probably overstate the amount of goodwill to be recorded, it nevertheless is clear that the use of the purchase method of accounting would have resulted in a decimation of profits whether the write off period were 10, 20, or 40 years. Are we to believe that as a result of acquisitions, corporate profits would be so drastically reduced from their level before such acquisitions?

If we were to make the extreme assumption that half of the manufacturing companies were acquired through common stock issuance by the other half, on the basis of these data total profits in manufacturing would be reduced by 45.3 per cent with 10 year write-offs, 22.7 per cent on 20 year write-offs and 11.3 per cent on the 40 year basis. Would such drastic declines in profits take place because of a change in ownership? This would seem to be a far cry from economic reality. It underlines dramatically, the distorted earnings picture that would result if goodwill were created on the basis of market values of securities and then written off mandatorily as is proposed.

The restatement of assets required under purchase accounting usually has an adverse impact on the reported earnings of the acquired company. To the extent that fixed assets are increased and a new basis for depreciation is established, those charges are increased. If goodwill is set up on the books and mandatorily amortized as is proposed in the Exposure Draft (par. 106), reported earnings are further reduced.

These reductions in reported earnings take place even though the acquired company continues to produce the same products or services with the same plant and equipment, the same personnel, the same working capital, and the same management. Moreover, it has been noted that although reported earnings are reduced while goodwill is being amortized, when the amortization is completed "the earnings are miraculously restored." [18] Actually, real earning power had never been impaired throughout the writeoff period and to report them at lower amounts is inaccurate and misleading.

The economic reality is unchanged. The combination does not change the trend of production in the industries affected, it does not change gross national product, it does not change prices, to the extent goodwill is written off it does not change the cash flow—only reported earnings are reduced. Thus, the more that is paid for a company, the less would be earned under purchase accounting. This is unrealistic and indicates that the mandatory amortization of artificially created goodwill doesn't make much economic sense. Actually, under purchasing accounting less would be paid for acquired companies in order to minimize the adverse impact on earnings. The problem would be reduced in size as would the price received by the acquired company's stockholders.

SUMMARY AND CONCLUSIONS

The use of security values to determine "fair values" combined with mandatory amortization of the resulting goodwill would make a shambles out of earnings reports. Security prices provide a completely unsatisfactory basis for determining "fair values" for the books of account because they are affected by forces which are significantly different from those determining asset values. The timing of a merger rather than the basic values would determine the amount of goodwill recorded. A company could carry a burden of heavy amortization for up to 40 years because of bad timing of a merger. This may be good accounting—although I doubt it—but it is very bad economics.

The sharp reductions in reported profits under purchase accounting would be highly unrealistic and would create problems in connection with profit sharing plans, costs in government contracts, and other areas. The changes designed to eliminate accounting methods which act to inflate earnings are constructive. However, the proposed shift to purchase accounting would create such unfortunate economic effects that it is an undesirable substitute for pooling.

Footnotes at end of article.

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TABLE 1.—PERCENT DECLINE IN STOCK PRICES OF 10 SELECTED CONGLOMERATES FROM HIGH AND LOW IN 1968 TO APR. 9, 1970

	1968			Percent decline to Apr. 9, 1970 from—	
	High	Low	April 9, 1970	1968 high	1968 low
AMK	58⅜	28½	25¾	55.9	9.6
Avnet	43½	20½	9¾	77.6	52.4
City Investing	40⅞	18⅞	20¼	50.5	+7.3
Glen Alden	20⅞	12⅛	7⅞	62.3	35.1
Gulf & Western	66⅛	38⅜	15½	76.6	60.1
Kidde (Walter)	87	53½	38	56.3	29.0
Ling-Temco-Vought	135¾	80	20¼	85.1	74.7
Litton	104¾	62	22⅝	78.4	63.5
Teledyne	71⅞	45⅛	22½	68.7	50.1
Textron	57⅞	40	24⅛	58.3	39.7

Sources: Standard and Poor, Security Owner's Stock Guide, December 1969, pp. 22, 28, 52, 94, 100, 122, 130, 208, 210 and the New York Times, Apr. 10, 1970, pp. 58, 60, 64.

	Amount	Percent reduction in profits
Net worth	$1,000.00	
Sales	2,300.00	
Profit before taxes	276.00	
Profit after taxes	138.00	
Goodwill 2½ times net worth	2,500.00	
10-year writeoff	250.00	
Profit before taxes becomes	26.00	90.6
Profit after taxes becomes	13.00	
20-year writeoff	125.00	
Profit before taxes becomes	151.00	45.3
Profit after taxes becomes	75.50	
40-year writeoff	62.50	
Profit before taxes becomes	213.50	22.6
Profit after taxes becomes	106.75	

FOOTNOTES

*An address by Dr. Backman before the New York University Men in Finance, May 1, 1970, The Lawyers Club, New York City.

[1] Letter to Mr. Reed K. Storey, SEC Comment No. 40, March 19, 1969, p. 5.

[2] Knortz has suggested setting a size test at "the lower of 25 per cent of the combined common stock equity or $5 million of exchange price." Herbert C. Knortz, "Economic Realism and Business Combinations," an address before the New York Society of Security Analysts, January 29, 1970, p. 14.

[3] "SEC Comment No. 40", op. cit., p. 4.

[4] George R. Catlett and Norman O. Olson, "Accounting for Goodwill," Accounting Research Study No. 10, American Institute of Certified Public Accountants, New York, 1968, p. 64.

[5] Homer Kripke has pointed out that rights offerings are priced 10 per cent to 15 per cent below the market. "Moreover, the market price tends to go down while a stock is being registered for cash sale in expectation of an increase in the supply. Finally, the expense of registration and underwriting spread on a common stock issue are not insubstantial." Comments to Accounting Research Study No. 10, in The Business Lawyer, November 1968, p. 110.

[6] All of this decline was not due to the rights offering. During that period, oil stocks generally were declining.

[7] Motorola was selling at around $146 in November 1969 when shareholders were given the right to subscribe to new shares at $125 per share, or a discount of about 15 per cent. Similarly, Kimberly-Clark was selling at about $61 in June 1969 and stockholders were given the right to subscribe at $56.50 a share, or a discount of about 7 per cent.

[8] Kripke, op. cit., p. 111.

[9] Public Utilities Commission of the State of California, Decision No. 75 873, July 1, 1969, p. 63.

[10] During periods of depressed security prices the amount of goodwill would create less of a problem.

[11] "SEC Comment No. 40," op. cit., p. 2.

[12] Knortz, op. cit., p. 13.

[13] Robert G. Ellis, "Accounting for Goodwill," an address before the 22nd Annual Conference of the Financial Analysts Federation, May 14, 1969.

[14] These are not academic theorizing since Goodrich was subject to an attempted takeover that failed.

[15] Alvin M. Singer and Frank J. Tanzola, "Entity Accounting For Business Combinations Serves Investors," U.S. Industries, Inc., November 1969, pp. 4–5.

[16] Ronald M. Copeland and Joseph F. Wojdak, "Valuation of Unrecorded Goodwill In Merger-Minded Firms," Financial Analysts Journal, September-October 1969, p. 60.

[17] In 1968, the margin on sales was 5.7 per cent for leading manufacturing companies and sales were 2.3 times net worth. Derived from First National City Bank, Monthly Economic Letter, April 1969, p. 41.

[18] Leonard Spacek, "The Merger Accounting Dilemma—Proposed Solutions," before The American Bar Association National Institute, New York, October 23, 1969, p. 21.

WCAS AWARDS

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. PHILBIN. Mr. Speaker, in neighboring Cambridge there is a radio station which is widely heard in many communities in my district largely because of its intensive local and area news coverage.

This is a most commendable effort for any radio or television station, but with respect to radio station WCAS in Cambridge, Mass., these fine activities have brought the station deserved recognition and awards from the news reporting fraternity.

In fact, earlier this year station WCAS was honored by the noted United Press International for its news and election coverage. The station won the highly coveted Tom Phillips Award for best news story in the small radio station category in New England. In addition, station WCAS received a special citation for election coverage.

A running account and description of events at Harvard University's administration building was judged the top news story by a panel of judges at Syracuse University School of Journalism. This 13-minute on-the-scene coverage was performed by dedicated newsman and WCAS general manager, Donald S. Shaw, Jr., for which he was awarded the Tom Phillips Trophy.

This is the second Tom Phillips Award for radio station WCAS in its 3 years of existence, an outstanding accomplishment in the news reporting field and truly indicative of the enterprise, zeal and effectiveness of the WCAS news gathering organization. The station won its first Phillips trophy for its coverage of the Vietnam referendum in Cambridge.

The station's coverage of the Somerville mayoral election won the UPI special citation for election coverage in competition with stations from all over New England, largely as the result of the effective work of the news manager, John Callarman, and staffers, Bill O'Neill and Meg Colton.

To my knowledge, radio station WCAS is the first small station to have earned so many awards and citations during the beginning years of operation and I am pleased to bring these commendable efforts to the attention of my colleagues in the House.

I salute radio station WCAS, Cambridge, its owners and operators, Kaiser-Globe Broadcasting, and its dedicated staff.

SPEAKER JOHN W. McCORMACK

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. DE LA GARZA. Mr. Speaker, I shall now proceed to flout an adage well known in New England and, I am sure, familiar to the gentleman from Massachusetts. I refer to the saying that "Praise to the face is an open disgrace." That does not apply in this House and on this occasion.

Men possessed of eloquence that could never be mine have spoken of the long and honorable public service career of Speaker JOHN W. MCCORMACK. I will not attempt to outdo them. I would like it to be taken for granted that I join wholeheartedly in every tribute paid him. He is a great American and a tremendous human being.

Since I came to Congress 5½ years ago, the Speaker has been my mentor and my friend. No freshman Member could ever have received more kindly treatment or greater consideration than has been accorded me by our Speaker. He has guided and assisted me in hundreds of ways.

It is a matter of deep regret to me that I could not be present at the House reception for the Speaker or the Democratic dinner at which he was guest of honor. At the time of the reception it was necessary for me to be in my district, one section of which had been hit by a devastating tornado. I know that under similar circumstances the Speaker, a man of deep compassion and a man always concerned with the well-being of the peolpe he represents, would have wanted to be with his home folks. On the evening of the Democratic dinner, I was making a commencement address

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to a high school graduating class which included some of my nephews.

In fulfilling these duties of my office, I felt that in a very real way I was doing honor to the Speaker, who has done so much to train me in the way I go.

I am sad that our Speaker will not be with us after this Congress. I, like so many others, have been strengthened and made a better man by his friendship and trust. My warm wishes are with him and Mrs. McCormack. As I have sometimes said to the Speaker, "We Irishmen have to stick together." He has always stuck with me, and I hope I have not failed him.

RACE MIXING—FRUSTRATIONS AND FAILURES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. RARICK. Mr. Speaker, as the present administration announces continued programs to pacify the fanatical race mixers by further compulsory destruction of public schools in the South, I feel it most appropriate to examine another race mixing failure in the North—Gary, Ind. I say another, because all America is familiar with the tragic exhibition of race mixing in our Nation's Capital.

The story of what happened to Horace Mann School in Gary, Ind., reemphasizes the failure of forced integration and the tremendous waste of funds and efforts.

Apparently, the social theorists and egalitarians who day by day see their plans proven erroneous refuse to accept the truth. Race mixing was never intended to work nor to be peaceful. It was devised and intended but to provoke agitation and disruption of patterns of living and to alienate human relationships. We of the South have for years tried to explain to our liberal and moderate northern friends that education is a local matter and now find in our areas a vast abandonment of the public schools and a reestablishment of many small community schools, independent of any Federal interference, funds, or control. This is freedom in action by responsible and concerned parents who are far more alert to the crisis provoked by race mixing than the bureaucrats in Government who feel that if their theories have not yet caught on they can by more "force" laws, and large appropriations of taxpayers' money, either whip or buy the parents into submission.

I insert a story on the Gary, Ind., school situation, a newsclipping, and a letter from a schoolteacher in my district, following my remarks:

[From U.S. News & World Report, Apr. 27, 1970]

WHAT HAPPENED TO ONE "MODEL" HIGH SCHOOL: CLOSE-UP OF DESEGREGATION

GARY, IND.—Horace Mann School looks peaceful enough—a trim, three-story brick building sprawling along a slope fronting on Garfield Street in what once was Gary's prestigious West Side.

But inside, as in thousands of other schools around the country, there is trouble. Some of the symptoms are these:

Academic achievement is declining steadily.

Tension and violence are on the increase.

Faculty morale is shaky.

Students speak of a loss of loyalty to the school.

The background for these troubles: The neighborhood is changing its racial base from white to black. Some say the change, while difficult, is good. Others view it as nothing short of disaster.

For nearly 40 years, Horace Mann has been the prestige school in Gary, a grimy and hard-working city of steel mills perched on the southern shore of Lake Michigan. Gary has about 180,000 people.

If parents in Gary wanted their child to get the best public-school education available, they maneuvered to enroll him in Horace Mann. Other schools may have excelled in football or basketball, but Horace Mann always meant brains.

In the old days, nearly all the pupils were white. They came from large brick homes and quietly expensive apartment buildings. Their parents were doctors, lawyers, factory executives and store owners.

FIRST, BUSING

In 1964, some black children were bused in for classes in the seventh grade, lowest at the six-year school. Within three years, it was no longer necessary to use buses, because the neighborhood around the school was changing anyway.

Some of the white families shifted to the expensive Miller section in Gary's northeast corner, as Negroes moved into the West Side. Others have fled to Crown Point, Merrillville and other suburbs. The neighborhood around Horace Mann is heavily sprinkled with "For Sale" signs posted by white residents who have not yet left who intend to move at the first opportunity.

A business area nearby is pock-marked with abandoned stores and restaurants, empty and forlorn. Some citizens, both whites and blacks, say they are afraid to venture outdoors after dark for fear of being robbed or beaten.

The movement has been swift. Two years ago, Negroes comprised 21 per cent of Horace Mann's enrollment. A year ago, blacks formed 24 per cent of the student body. This year, Horace Mann is 33 per cent black and 27 per cent of Mexican or Puerto Rican descent. On a citywide basis, 63 per cent of the public-school pupils in Gary are Negroes—one of the largest proportions of blacks of any city in the nation.

Local educators agree that within a few years, the enrollment at Horace Mann will be nearly all black.

FACTORS OTHER THAN RACE

Some of the people connected with the school accept today's troubles as part of the price society must pay for racial neglect and discrimination. And they argue there are other factors—Vietnam, narcotics, inflation, the youth rebellion—which are at least partly responsible for problems in practically every school regardless of its racial makeup.

But the foremost difficulty at Horace Mann, nearly everyone concedes, is how to cope with a student population whose racial composition is rapidly changing.

Lawrence Gehring, Jr., a former Iowan who took over as principal last autumn, said he welcomes the chance to work with children who need help. "In Iowa we just talked about problems of race, but we were not really involved," said Mr. Gehring, who is white. "I'm here because I want to be here."

Horace Mann, its principal added, is "a successful, integrated school." By that, Mr. Gehring explained, he means they have had no major disorder with racial overtones, most teachers are dedicated to nondiscrimination and efforts are being made to upgrade academic performance.

But Mr. Gehring also sees racial barriers among his pupils hardening. He is coming, reluctantly, to believe that black pupils would do better with black teachers than with white instructors if the racial turnover neared 100 per cent.

Some whites, the principal said, refuse to cheer the school's all-black basketball team. No Negroes take part in varsity swimming, golf or tennis. Some Negroes recently wanted to form a black student union, but Mr. Gehring refused permission unless anyone was admitted, regardless of race.

LOWER SCORES

Most of the worries, however, lie in the classroom. Until three years ago, Horace Mann pupils consistently ranked above not only those in other schools in Gary, but above the national student average in basic academic skills. It was not uncommon for the school, as a whole, to score better than 75 per cent of the schools in the country on tests of mental aptitude, reading, chemistry, algebra and U.S. history.

Now the trend is downward. Tests on the intelligence quotient of eighth-grade pupils showed Horace Mann students scored an average of 95—normal is 100—in 1967. This term it dropped to 90.1. Composite scores of basic-skill tests given last autumn rated Mann's eighth-grade pupils at a shade under the seventh-grade level. The latest mean verbal-I.Q. scores for Gary's eighth-graders citywide are below the national average, and scores for pupils at Horace Mann are slightly under the citywide average.

Many of the black pupils, Mr. Gehring noted, have been shuttled from one school to another for their entire academic careers. They have never had a chance, he said, to adjust to any one of those schools or to any single group of teachers.

Mrs. Dorothy Goldman, a white teacher who has been at the school for 14 years, recalled that five years ago she had at least 40 pupils in her accelerated course in sophomore English for fast learners.

This year, she had 25 and she said all but four or five of them would have been rated only average students a few years ago. She reported: "Some of them read with understanding at a sixth-grade level—I have to practically translate every sentence in our textbook."

When she came to Horace Mann in 1956, the gray-haired teacher said, she had her eighth-grade pupils reading "Tale of Two Cities" and "A Midsummer Night's Dream." This year those books are too tough for her tenth-graders to tackle.

ADJUSTING TO THE SYSTEM

David Williams, a Negro and teacher of mathematics at Horace Mann for seven years, expressed a different viewpoint. The school always has had some slow learners and some fast ones, with most pupils rated average, he said.

And while the general achievement level of the school is dropping, said Mr. Williams, statistics alone are not the sole objective. He predicted that the learning rate will pick up again as children adjust to the system. He added:

"When I first came here we had a good school, and I feel we still do have a good school. A teacher who feels there is no hope is in bad shape."

But some teachers at Horace Mann feel just that way: that there is no hope. Turnover of faculty members once was three or four a year. Last year 27 of the nearly 100 teachers left, and others admit they are looking for work elsewhere.

One teacher said she will take early retirement, even though it will reduce her pension considerably. She explained she simply

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cannot handle the pupils any longer and feels frustrated in trying to help them.

"You find yourself waking up in the middle of the night, wondering how to reach these kids," she sighed. "I haven't found a way."

MAINTAINING ORDER

Discipline is a problem at Horace Mann, as it is in many schools, although there have been no major outbreaks. The school system hires two off-duty policemen to cruise around the building all day in an unmarked car to keep outsiders from entering and disrupting classes.

"Without those policemen," admitted one faculty member, "we couldn't operate."

Police also were hired this year to keep out gate crashers at school dances after a series of incidents. This winter, a student drew an air pistol on a teacher, and another pupil was shot to death at a private party. Several times guns have been taken away from students. Visitors' automobiles at night meetings and dances frequently are damaged and robbed. The Holiday Ball, for 30 years the school's big social event of the Christmas season, was canceled last year for lack of interest and fear of violence.

"Discipline is a dirty word, I guess," shuddered one teacher. "Order in the halls is very bad. Students just defy us to correct them in any way."

She said of black pupils:

"They seem to feel when I'm correcting them that I wouldn't do it to a white child. They distrust me. But if you punish a white child, at least you don't have the NAACP (National Association for the Advancement of Colored People) and the Urban League coming down on you."

Another white faculty member commented:

"Most of the kids would rather drop dead than open a door for you. A few years ago, if you told a kid to pick up a piece of paper, he'd say 'Yes ma'am' and pick it up. Now he says 'Go to hell.'"

David O. Dickson a white who has taught English at Horace Mann for eight years contended a defiant attitude on the part of black pupils is only a symptom of the Negro's attaining self-respect as a person. Teachers make a mistake if they take it as a personal insult he said.

Mr. Dickson mentioned a Negro girl who lives in Gary's central district where narcotics and prostitution are widespread. The girl told him the teacher recalled that she senses a feeling of revulsion on the part of some students and teachers—solely because of where she lives. "I've never done anything wrong" said the girl "but they look at me like I'm a piece of dirt."

Said Mr. Dickson:

"I feel these kids are my kids—black, white or whatever. It's our function to take every student from wherever he is and bring him up as high as he can go. Sure, our school is a different school than it was before. And maybe it's a better school, because we're helping people who need help more than the former students did."

John P. Friel, a white who has taught social studies in the school for 13 years, agreed with others that Horace Mann probably will be an all-black school in a few years.

"The only integrated schools are schools in transition, and that's regrettable," Mr. Friel said. "Integration by and large is a failure. We never have developed a unified social system."

The real losers at Horace Mann, he added, may be the more than 500 pupils from Spanish-speaking families. Less bold than Negroes who have been buoyed by recent progress in civil rights, these students tend to sit quietly at the back of the classroom. Mr. Friel said they cause little trouble, but often, because of language problems and other reasons, they do not really comprehend what is going on.

LOSS OF INTEREST

Jane Gaebe, a 17-year-old white junior, said she intends to stay at Horace Mann although most of her close friends have transferred to predominantly white suburban schools. She's staying, she explained, only because of her devotion to the school choral club. She added:

"Interest in student affairs is just gone. My best friend is a cheerleader and she is really disgusted. At the basketball games, the faculty outnumber the students."

Another pupil added:

"Nobody really cares about school any more. It's a place where you come to spend a few hours a day, and that's it."

Jane's father, mother and brother all are Horace Mann graduates. She recalled that only six years ago, when her brother played in the school band, the concerts were jammed with spectators. Now, she said, hardly anyone shows up.

Eight white families have moved out of her block since last September, Jane said, and her family probably will move, too, if they can find a place.

"I'm not for forced integration," said the girl. "They [the Negroes] didn't want to come, and we didn't want them."

HOPEFUL SIGNS

Not all the pupils feel that way. Howard Bernstein, a white senior, admitted:

"It has been a very tense atmosphere around here for the last couple of years. It's been hell, but I think it's benefited everybody."

Howard said he lives only three blocks from the school, and his family has no intention of moving.

"This is my school, regardless of what it is," the youth said. "Everybody complains that the neighborhood is changing. Well, it wouldn't change if people didn't move out."

During the 1968 election campaign, he recalled, a Negro family moved into his block. A white resident immediately posted two signs in his front yard—one backing George Wallace for President and the other offering the house for sale. The house did not sell, and eventually both signs were taken down.

"They don't go out to dinner together," he said of the black family and the white family. "But they don't shoot at each other, either."

Howard remembers how it was when he was in the seventh grade, and Negro pupils were brought into Horace Mann. He said:

"Everybody was afraid of everybody else. It was weird. My friends didn't want the 'niggers' in. But now it's changed. They're not 'niggers.' They're our friends."

Dennis Roberts was one of those Negroes who entered Howard Bernstein's seventh-grade class. Now Dennis, 17, is president of the student council. He regards integration as part of the learning process, although he feels it would be more effective if applied to housing rather than limited to education.

"It's sad that Americans can be so rich and still be so stupid," he said. "They see a Negro family moving into the neighborhood, and right away they're afraid all the grass is going to die."

About 56 per cent of Gary's citizens are nonwhites. Three years ago, Richard G. Hatcher became the first Negro to be elected mayor. Mayor Hatcher said part of the answer to situations like Horace Mann is to stop "block-busting," in which real estate agents stimulate panic sales of white-owned houses by spreading rumors that Negroes are moving into the area. "If all neighborhoods and surrounding suburban areas were completely open to anyone who wants to and can afford to live there," the mayor said, "there would be no place to run."

THE PROBLEM: JUST POVERTY?

Dr. Gordon L. McAndrew, 43, has been Gary school superintendent for nearly two years. The decline in Horace Mann's classroom performance, he said, is not caused by race but by plain poverty. Dr. McAndrew explained that the child from a poor family often is not encouraged at home to excel in his studies—and frequently he doesn't. The further such a child goes in school, he said, the wider grows the performance gap between him and a middle-class youngster. The answer, said the superintendent, is to catch children from the poverty areas as young as possible and provide the educational foundation on which to build.

Gary now is engaged in a federal program which enrolls all 4-year-olds of poor families in preschool classes. Preliminary tests, authorities report, are encouraging and indicate that the trend of declining academic achievement can be reversed. Said Dr. McAndrew:

"The big question is: Can we retain that growth through high school? I have no doubt that the kids can learn. I do worry sometimes how close we are to midnight. Do we have enough time to help these kids?"

Dr. McAndrew admitted he is concerned about whites' abandoning the city to the Negroes, and the increasing polarization of the races. Compounding the problem is the fact that Gary schools, like many others, are operating on the brink of bankruptcy. Local property taxes are at what many consider to be their limit, and obtaining more State aid is becoming more and more difficult.

"But I think the city has a fighting chance," said the superintendent. "That's why some of us are here. If I didn't think so, I would jump off a bridge.

"If Gary can't make it, society can't make it."

[From the Washington Post, May 30, 1970]

UNITED STATES FIRM ON DEADLINE FOR SOUTH'S INTEGRATION

(By Peter Milius)

The Nixon administration is holding firmly to its announced intention of virtually completing Southern school desegregation by this fall.

If it enforces the deadlines it is laying down, in September the administration will preside over the desegregation of the school districts that have both the heaviest black enrollments and the longest records of white resistance in the Deep South.

In an interview this week, Assistant Attorney General Jerris Leonard said, "I think everybody realizes the law is going to be enforced. This is it."

He predicted that, by September, at least 95 per cent of the 1,509 school districts in the 10 Southern states east of Texas will be under court orders or written agreements to run legally unitary systems.

If these agreements and orders are reached and obeyed, more than 550 districts will be desegregating three months from now.

Some have already gone part way. Others have almost the entire process to go through.

"They're talking about the whole hard core in one gulp," says Paul M. Rilling, who was director of the Health, Education and Welfare Department regional civil rights office in Atlanta until he resigned in March in protest over the administration's desegregation stance.

"If we have the change that's scheduled," he acknowledges, "you'll have to go back to 1955 and 1956 to find anything of the same proportions."

In those years, Rilling recalls, "you had massive change in places like Maryland, Kentucky, and Missouri, tremendous changes statistically, whole districts overnight in response to Brown," the 1954 Supreme Court decree.

"But those were the easier areas, and there's been nothing like it since."

PRESSURE ON DEEP SOUTH

The pressure now is on the Deep South.

South Carolina has 93 school districts. According to a Justice Department compilation, 80 still have part or the whole way to go.

In Georgia, 127 of 168 districts have yet to reach a unitary status.

In Alabama it is 86 of 119, in Florida, 32 of 67, in Louisiana, 32 out of 66.

In Mississippi, according to the Justice list, 84 of 148 districts still have steps to take. And civil rights lawyers say that others, not among the 84, neglected this year to take steps they were ordered to or agreed to.

The administration indicated as much as a year ago that, in general, it would hold the South to a September, 1970, desegregation deadline. But at the same time it allowed and sought delays past September, 1969.

It tightened its position in the wake of the Supreme Court's impatient October desegregation-at-once decree, a decree it had sought to ward off.

Last December, while still uring the Supreme Court not to require desegregation in the middle of the school year, the Justice Department pledged to "focus its resources toward making (a September, 1970) deadline a reality."

In March, President Nixon told the South that "deliberate racial segregation of pupils by official action is unlawful . . . and . . . must be eliminated at once."

Several days later, Leonard, chief of the Justice Department's Civil Rights Division, said the administration would make one last overture to holdout districts in the South, then file suits.

Where there were enough segregated districts left in any state to warrant it, the suits would be statewide, he said, like one the department filed in Georgia last year.

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TALKS CONDUCTED

In the weeks since, administration representatives—Leonard, Robert C. Mardian, staff director for Vice President Agnew's Cabinet committee on desegregation, and others—have gone into five states to talk terms with holdout school boards.

In one state, Arkansas, 23 of 32 such districts have since submitted acceptable desegregation plans, according to HEW officials.

Fewer districts have come forward so far in South Carolina, Mississippi, Florida and North Carolina.

Leonard said decisions about whether to file statewide suits or take some other tack will be made next week.

The threatened statewide suits would apply to districts that have not been taken to court and have refused to come to terms with HEW. Among these are the districts that have had their federal funds cut off by HEW and have still balked at compliance.

In addition, the Justice Department must deal with some districts that are under court orders that don't require complete desegregation by this fall. Leonard said this week simply that they, too, would be dealt with. He did not elaborate.

The administration's firmness in recent weeks has brought grudging praise from some desegregation advocates, and caused consternation among some Southerners still hopeful of reprieves.

Leonard made a stir on his trip to South Carolina when he said publicly that the September, 1970, deadline was firm and freedom-of-choice was out.

Rilling, the HEW enforcer who quit, is still somewhat skeptical, but he remarks: "It's late in the year, and they're still talking tough. I don't see the political deals I saw last year. They deserve some credit."

Some doubts remain, however.

The main unanswered question is what the Justice Department will do about its threatened statewide and other suits.

Though Leonard disputes it, some critics say there is too little time left to bring successful suits, work out desegregation plans for all the remaining districts and put the plans into effect by September.

POLITICAL PRESSURE

They note, too, that there are strong political pressures against statewide suits. In South Carolina, where Rep. Albert W. Watson is running for governor, a statewide desegregation suit by his own Republican administration would be an embarrassment.

Leonard notes that "there is a lot of psychology to everybody having to do it (desegrate) at the same time."

His critics agree, and are fearful that a letup anywhere would do harm all across the South.

Leon E. Panetta, ousted in February as director of HEW's Office for Civil Rights because of his outspokenness on the desegregation issue, agrees that "there's no question there's going to be a lot of districts coming in this fall.

"But it's not all locked up," he says. "In in the end, it's whether Leonard is prepared to bring the suits in these other districts.

"You could have a massive compliance. And you could also have a massive cave-in."

Leonard is predicting compliance.

It will be, he says, "a pretty massive transformation . . . brought about in spite of a lot of rhetoric problems we've had.

"They'll be some sporadic problems here and there, but I don't think in a violence sense. I think it will settle down."

BATON ROUGE, LA.,
May 11, 1970.

DEAR CONGRESSMAN RARICK: I am writing to you because I feel that it is my duty as an American citizen to express myself, and since you are my Representative, I feel that you are the one to whom I should talk.

I realize that there are citizens in this country that are entitled to "their rights." My question to you is this, in order for these people to get their rights, must my rights be taken away from me? You don't understand what I am saying. Well, you see, Mr. Rarick, I am a teacher in the parish of East Baton Rouge. I teach at Glen Oaks Junior High. The other day I was called into the main office to sign my transfer form that I didn't want to sign. They even gave me a choice of three schools I could be transferred to. The only bad part about this was that they all had to be black schools. Oh! Yes! They gave me a choice, either say I would go or I would lose my job next year. Some choice, huh? So this is America? Is this what our forefathers fought England for? Undoubtedly, everything I taught my kids in American history were lies!

The Federal Government—let me restate that—the Supreme Court—says that there has to be 65% white teachers and 35% black teachers! Why? That's what I want to know. Why? So these 65% white Supreme Court judges and 35% blacks? When is the Supreme Court going to rule that Congres has to be 65%-35%?

You know, Mr. Rarick, I have stood back and I have watched and I have listened. Now, I am sick! In 1954 that colored lady said, "I was tired and I didn't feel like going to the back of the bus!" Well, Congressman Rarick, I am tired and I don't want to go to a school that I am forced to go to. Do I have any legal rights that I can stand on. If so, please write and let me know. I feel I am being discriminated against.

Now I have another point I want to bring up. My kids and I (American History classes) figured that it takes around 535 men to make a law in this country. We also figured that all it takes to make this law unconstitutional is "5" men. How in the world can this be?

Then my kids say, "Mr. Messina why do the kids in the South have to be moved and the kids in the North don't? Was I right in saying that there is not *one* Southern judge on the Supreme Court and that the Supreme Court is prejudiced? Why aren't they going to bus 100,000 Negro children out of Harlem? Why isn't Los Angeles, California being required to transfer teachers and students? Is it because the South is a *"Scape Goat?"* Does the Supreme Court say, "Let's try it on the South first. They are nothing!" My kids ask me these questions all the time; And I just quite don't know how to answer them. This will surprise you, but, my colored kids want to know why also!

Congressman Rarick you may think after you read this letter than I am a psychotic, but I promise you I am not. I also promise you that I am serious when I ask you, what rights do I have in regards to my transfer. Can they force me to go where I don't want to go? Could I bring this to Court?

My students asked me when the Civil War ended and I told them that it hadn't; I told them that it was still being fought in Congress and that the South was still getting beat.

But I told them that some day the people are going to wake up before it is too late.

I would appreciate it if you would answer my letter because I am greatly concerned about my future.

Thank you,

WAYNE N. MESSINA.

P.S.—I am 23 years old. I graduated from Nicholls State College in Thibodaux, La. I have lived in Baton Rouge all my life. I am also a registered voter. My major in college was American History and my minor is Speech. I have also been accepted for graduate school at Nicholls.

Q1C. FRANCIS LoPICCOLO—SHIPMATE TO 5,000 VIETNAMESE

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. RIVERS. Mr. Speaker, I am indebted to my good friend, Robert W. Nolan, the national executive secretary of the Fleet Reserve Association, for bringing to my attention the outstanding contribution to the pacification program in South Vietnam made by Q1c. Francis LoPiccolo.

This young Navy man has, almost singlehandedly, enabled over 5,000 Vietnamese to overcome the constant fear of the Vietcong and establish relatively normal lives. He has been responsible for the construction of two new towns in what was once nothing but Mekong Delta swampland. Through his efforts, the towns of Tran Hung Dao I and II now have permanent and semipermanent homes, businesses, medical facilities, and a stability never before present in this area of South Vietnam.

The results have been beneficial to both the local populace and the Vietnamese and U.S. Governments. The people of this area are now over 98 percent anti-VC and have a sense of gratitude and respect for the country which can produce such outstanding individuals as Petty Officer LoPiccolo.

Petty Officer LoPiccolo's story is an example of what one man can do for his country and for the people of South Vietnam.

The Navy term "shipmate" not only denotes personnel serving together, but also a spirit of mutual responsibility and interdependence. It is a term utilized with the highest respect for a man upon whom his shipmates can rely for aid, comfort, and protection in times of crises. In this respect, Petty Officer LoPiccolo can be termed a shipmate to the Vietnamese people in the Mekong Delta villages.

Petty Officer LoPicollo is from Waterloo, N.Y.

RESPONSIBLE ENFORCEMENT OF LAW IS NOT REPRESSION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. WYMAN. Mr. Speaker, if our system is going to stand the stress and strain of polarization—of extreme differences in view, opinion, conviction, and dedication between citizens—it must devote itself anew to the principle of majority rule. This principle is simple—the majority vote results in rules and regulations that are to be adhered to by both majority and minority and until and unless changed—also by vote in the democratic process, and not by violence or anarchy.

Somewhere along the line and the sooner the better, it must be realized in this country that responsible enforcement of the rules and regulations of society is not repression. You just do not—and may not—go around in this country breaking down doors, throwing rocks, destroying property, forcibly breaking up the democratic processes of government, forcibly taking over the offices of Cabinet Secretaries or throwing pies at Commissioners. Those who do this willfully and deliberately must be penalized. It is the continuing obligation of the Department of Justice—of the various U.S. district attorneys around the country—and of local prosecuting officials at the State level to take judicial notice of this conduct and to file the necessary complaints forthwith on their own initiative.

It is also the continuing obligation of various public officers whose prerogatives have been so outrageously violated by patent punks not to take such things lying down. It is not a good public example. In this connection I recommend reading the distinguished Columnist James J. Kilpatrick's recent column in the Washington Star entitled "Eat the Tossed Pie . . . and Be Sure to Tip":

EAT THE TOSSED PIE . . . AND BE SURE TO TIP

(By James J. Kilpatrick)

A couple of years back—perhaps it was more than that—Bill Buckley wrote a delightful little essay in which he rued our lost capacity for outrage. I am not feeling so delightful just now, but I mark his remonstrance anyhow.

My erudite friend noted, for example, the reluctance of the humblest diner in the humblest hash-house to complain of bad service: The food arrives both cold and tough; the waitress slops it down with a sneer; the customer says not one word, and he leaves the usual tip. The commuter train is 15 degrees too hot or 10 degrees too cold; the cowed passengers sweat or shiver, depending on the season, but they are inhibited from speaking out.

All of us know what Mr. Buckley meant. All of us have experienced the rude clerk, the insolent mechanic, the reckless driver of a cab; and we are their captives. We will not make a scene. We are prisoners, if you please, of manners. We are patsies.

Reading the Washington papers, a few nights ago, one recalled the Buckley reproach. It is just as he said; but the captivity grows worse.

There in the papers was a report of the visit of Kingman Brewster, president of Yale. Mr. Brewster's message to the Congress, ever so slightly simplified, was this: Surrender. Quit. Give in. If we fail to give the hard-core students everything they demand, he appeared to be saying, the brutes will burn the country down. Can we let a thing like that happen? No. So sign here. And leave a tip.

I was in Kansas City on Thursday, and picked up the morning Times. There was an article over the byline of Arnold Toynbee, explaining the vileness of the United States of America. We are everywhere feared and hated, he said. Let me quote:

"Would I rather be a Vietnamese who was being 'saved' by the American army, or be a Czech who was being 'saved' by the Russian army? Of course I would rather be the Czech."

Of course, Mr. Toynbee, in the awful alternative, would rather be Red than dead. He would surrender his freedoms before he would defend them. If his statement means anything, that is precisely what it means: Don't talk back to the waiter. Tip him. It is ungentlemanly—it might soil one's coat—to fight for so small a thing as freedom. Tyranny is no more than inferior gravy. Mr. Toynbee would rather be the Czech. Of course.

The distinguished historian is not alone. I fly back to Washington Thursday night, dump the dirty shirts, and pick up the papers. A gang of insolent bums, it appears have occupied the office of Welfare Secretary Finch. They broke in without notice or invitation, ousted him from his chair, put their feet on his desk, and proceeded to belabor him with three hours of abuse.

How did Mr. Finch react? He was calm. He never raised his voice. His visitors were shouting obscenities at him. He took a chair to one side; he attempted to reason with the intruders. As any child might have imagined, the intruders refused to be reasoned with. They cursed him until they wearied of the fun; they sat there all day, and finally, late in the afternoon, they negotiated the terms of cheap arrest and swaggered into paddy wagons belatedly summoned to the scene.

Meanwhile, the Federal Commission on Obscenity and Pornography had been holding a public hearing. A 28-year-old witness by the name of Thomas K. Forcade, coordinator of the obscene Underground Press Syndicate, turned up, spouting obscenities, and concluded his testimony by hurling a whipped cream pie into the face of one of the commission members. Two policemen watched, uncertain, paralyzed, wondering what to do. The commission member, Dr. Otto N. Larsen, professor of sociology at the University of Washington, apologized for being in front of the pie. He made no move to have Forcade arrested. He ate the pie off his vest; and he tipped.

There are times, honest to Pete, when some of us long for George Wallace: "The next pointed-headed demonstrator," he said, "who lies down in front of my car . . ." When a cabinet secretary and a federal commission member quiver like so much lemon Jello before outrageous insolence, they do not achieve communication or promote reconciliation. They invite further outrage. Lord, I am minded to pray, forgive us our dishmops; they know not what they do.

FORMER SECRETARY OF DEFENSE ADVOCATES SETTING A DEFINITE DATE FOR VIETNAM WITHDRAWAL

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. FRASER. Mr. Speaker, there have been many good arguments made for an immediate withdrawal from Vietnam ending by a definite time. These have come not only from experts on Southeast Asia in our great universities but also from men who have a very strong contact with the actual functioning of our policy in Vietnam.

One of these men who has worked most intimately with the problem is Clark Clifford. Mr. Clifford has had much to do with the new policy of deescalation and withdrawal which began under President Johnson.

A year ago Mr. Clifford created quite a stir when he advocated beginning withdrawal from Vietnam. At that time President Nixon said he hoped to better the timetable set by Mr. Clifford.

Mr. Clifford argues in Life magazine that the only solution to Vietnam is to set a withdrawal date and get out. I include it here as a document which everyone should read:

SET A DATE IN VIETNAM: STICK TO IT—GET OUT

(By Clark Clifford)

On the evening of April 30, I heard President Nixon inform the American people that in order to "avoid a wider war" and "keep the casualties of our brave men in Vietnam at an absolute minimum," he had ordered American troops to invade Cambodia.

My mind went back to a day in April 1961 when I received a telephone call from President Kennedy. He asked me to come to the White House to discuss the Bay of Pigs disaster which had just occurred. He was agitated and deadly serious.

I shall never forget his words: "I have made a tragic mistake. Not only were our facts in error, but our policy was wrong because the premises on which it was built were wrong."

These words of President Kennedy apply with startling accuracy to President Nixon's decision to invade Cambodia. Unfortunately, it is clear that President Nixon's action is an infinitely greater mistake than President Kennedy's, because more than 400,000 American boys remain involved in Vietnam, and far greater damage has already been done to our nation, both at home and abroad.

Like most Americans, I welcomed President Nixon's promises to end the Vietnam war and bring our boys home. Like most Americans, I applauded the President's action in withdrawing 115,000 of our troops so far, and have noted his intention, with some qualifications, to withdraw 150,000 more in the next 12 months. Like most Americans, my sincere inclination is to support our President in times of crisis.

However, I cannot remain silent in the face

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of his reckless decision to send troops to Cambodia, continuing a course of action which I believe to be dangerous to the welfare of our nation. It is my opinion that President Nixon is taking our nation down a road that is leading us more deeply into Vietnam rather than taking us out.

George Santayana once said: "Those who cannot remember the past are condemned to repeat it." In my personal experience with the war in Vietnam, I have learned certain basic and important lessons. It has been my hope that the present administration would study the past and determine not to repeat certain actions previously taken.

However, I must express the deepest concern that it is now apparent that President Nixon has not grasped these vital lessons which seem so blazingly clear as we look back at the last five years of our substantial participation in the Vietnam conflict.

DOMINO THEORY FALLS

I have learned three fundamental lessons from my personal experience with Vietnam and I shall present them in this article. I shall then discuss how these lessons apply to the Cambodian situation. Finally, I will suggest a specific plan for our extrication from Vietnam.

The national security of the United States is not involved in Vietnam, nor does our national interest in the area warrant our continued military presence there.

The basis of our original participation in the conflict in Vietnam was the general acceptance of the so-called "domino theory." If South Vietnam were permitted to fall, then other nations of Southeast Asia, and possibly even in the Asian subcontinent, might topple, one after the other. If this occurred, it was alleged, the national security of the United States would be adversely affected. At one time, I accepted the reasonableness of this theory, but my own personal experience has led me to the conclusion that it is now unsound.

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One of the major reasons for the change in my own thinking has been the attitude, evidenced over the last five years, of the nations in Asia that would be most seriously affected if the domino theory were applicable. These nations are infinitely better acquainted with the political, military and diplomatic facts of life in that part of the world, for they have lived with them for hundreds of years. As one looks at the map of the area, it is interesting to fan out from South Vietnam and ascertain the number of troops that these countries have sent to help South Vietnam because, in the final analysis, that is the most accurate test of the degree of their concern.

Burma, Laos and Cambodia, to the west, have sent no troops to South Vietnam. Singapore and Malaysia have sent no troops, while Thailand has sent only token forces.

The Philippines have sent no combat troops. The personnel of the engineering units and hospital corps it did send have been largely withdrawn. Indonesia, India and Pakistan have sent no troops.

These are the closest dominoes, and should be the first to fall.

As far as Laos and Cambodia are concerned, their behavior hardly justifies any sacrifice of American lives or treasure on their behalf. The situation existing in these countries is incredibly sleazy, and should be known and understood by all Americans.

Most of the men and materiel of war used to fight against American forces in South Vietnam come down the Ho Chi Minh Trail through Laos. Is Laos prepared to make any sacrifice to prevent the use of the trail? Certainly not! In fact, the exact opposite is the case. On March 6, 1970, Souvanna Phouma, prime minister of Laos, had a press conference and said:

"I told the ambassador from North Vietnam last year that we will accept the *use of the trail by North Vietnamese troops* with the condition that those troops withdraw from the important regions of Laos."

While American pilots, on a sharply escalated basis, are fighting and dying in support of Laotian forces engaged with Communist troops, the ruler of Laos suggests a deal that would permit the North Vietnamese free use of the trail through Laos to transport troops, guns and ammunition to kill Americans in South Vietnam.

In Cambodia, for years, enemy supplies have come into the port of Sihanoukville and have been transported across Cambodia into South Vietnam, to be used against American forces.

Laos and Cambodia have not been prepared to jeopardize their own interests to prevent North Vietnam from conquering the South. In fact, at least until Sihanouk's recent fall, both countries have been helping the North Vietnamese, and maneuvering to make their own deals. The United States has become involved in the age-old intrigue and chicanery that are traditional in the area.

I feel strongly that we have met, many times over, any obligation or commitment that we had in that part of the world, and I believe that the developments of the last five years should persuade us that the time has come to disengage in Southeast Asia and bring our men home.

I believe most Americans agree, but from what he says and does, President Nixon continues grossly to exaggerate Vietnam's importance to our national security.

NIXON AND VIETNAM

In giving thought and study to this enigma, I have reached the conclusion that President Nixon has a curious obsession about Vietnam and Southeast Asia. Back in 1954, in a speech to the American Society of Newspaper Editors in the East Room of the White House, then Vice President Nixon said: "If in order to avoid further Communist expansion in Asia and particularly in Indochina, if in order to avoid it we must take the risk now of putting American boys in . . . I personally would support such a decision." This is particularly startling because Mr. Nixon was recommending that we send American troops into Indochina to help the French who were engaged in war there to retain their colonial territories.

In 1965, President Nixon, then a private citizen, wrote a letter to the New York *Times*. In that letter, he declared that "victory for the Vietcong . . . would mean ultimately the destruction of freedom of speech for all men for all time, not only in Asia, but in the United States as well." In his speech of Nov. 3, 1969 he referred to the "great stakes involved in Vietnam," and asserted that they were no less than the maintenance of the peace "in the Middle East, in Berlin, eventually even in the Western Hemisphere."

I want very much for the President of the United States to be wise, mature and to exercise good judgment, but a statement of this kind shakes my confidence to its very core. I cannot remain silent when President Nixon acts as though he believes that a certain political result in a small underdeveloped country of 18 million persons in Southeast Asia is somehow crucial to "the future of peace and freedom in America and in the world."

I have learned these past years that the war in Vietnam is a local war arising out of the particular political conditions existing in Southeast Asia. I consider it a delusion to suggest that the war in Vietnam is part of a worldwide program of Communist aggression.

President Nixon continually argues that we must fight in Vietnam now to avoid "a bigger war or surrender later." But it is clear to me that the only real danger of a "bigger war" would come from the continued escalation of the rapidly widening conflict in Indochina.

We cannot win a military victory in South Vietnam, and we must, therefore, cease trying to do so.

The goal of winning a military victory in South Vietnam has proved to be a will-o'-the-wisp that has led us from one military adventure to another. I have reached the clear conclusion that we are not winning such a victory, nor can we win it in the future.

Certain restraints have been placed upon our military activity by the political realities that exist. We have been unwilling to invade North Vietnam, or to engage in indiscriminate bombing or mining of its harbors. As a result, we have been occupied in the most difficult type of guerilla war and probably what is the most difficult terrain in which to fight. Our enormous firepower and our airpower are seriously limited and restricted by the fact that most of the fighting takes place in the deepest jungles in Southeast Asia.

In warfare, a nation has three major goals. The first is to kill as many of the enemy as possible on the field of battle. The second is to destroy the enemy's war-making potential, and the third is to seize and hold enemy territory. In the present conflict, a substantial number of the enemy have been killed but the troops from the North continue to come down in an uninterrupted flow. The enemy is well armed, well equipped and well trained, and is expert in guerrilla warfare. And Hanoi has made clear beyond any reasonable doubt its willingness and ability to accept substantial casualties for as long as necessary.

As to the second goal, we have been unsuccessful because we are wholly unable to destroy the enemy's war-making potential. The factories turning out guns, rockets, mortars and the materiel of war are not located in North Vietnam, but in Red China and the Soviet Union. We cannot destroy the factories in those countries. We attempted instead to impede the flow of weapons into South Vietnam by a bombing campaign in the North. In my opinion, the results did not warrant the enormous cost to us.

We have been no more successful in pursuing the third goal of seizing and holding territory. The enemy does not operate along a battle line; his objective is not to hold territory. When we attack, the enemy yields, but he returns when we move out.

In the pursuit of these goals, we have lost the lives of close to 45,000 Americans, had more than 275,000 wounded, spent over $125 billion, lost close to 7,000 planes, and we have dropped more tonnage of bombs in this conflict than we did in World War II and the Korean War combined.

Our problem in Vietnam is due not only to our inability to attain the military goals, despite our great effort, but to the fact that the struggle is basically a political one. The enemy continues to symbolize the forces of nationalism. The regime which we support is a narrowly based military dictatorship.

President Nixon has repeatedly asserted that the only alternative to his Vietnamization program is the "defeat and humiliation" of the United States. He has announced his determination not to accept this "first defeat" in our nation's history. The President's view constitutes, in my opinion, a complete misreading of the nature of the conflict in South Vietnam, of our role and purpose there and of the American national interest. The alternatives in Vietnam are not military victory on the one hand, or defeat and humiliation on the other. We did not intervene to conquer North Vietnam, but solely to extend a shield for South Vietnam. We did not intervene to impose any particular government on South Vietnam. The interests of the South Vietnamese people will be served and our objectives will be achieved by a realistic political settlement. A program for orderly disengagement will create the conditions in which productive negotiations become possible. Such a program is the only way to peace, and peace in Southeast Asia is the only victory that we should seek.

One of the deepest concerns I have about our present policy in Vietnam is that President Nixon, while he proclaims his dedication to a political settlement, by his actions still seeks to gain the military victory that cannot be won.

We cannot continue to fight the war in Vietnam without doing serious and irreparable injury to our own country.

The effect of the war on the young people in the United States is a virulent one. They feel especially affected by the war because they are the ones who have to fight it. Many of them do not believe in it and they are at a loss to understand why they must fight and die in a remote corner of Southeast Asia when they know their country is in no peril whatsoever. One of the poisonous effects of the conflict is the disunity and bitterness, and in some instances violence, it has brought about in our country.

The war has confused many Americans and has caused a continuing loss of confidence because the institutions of our government have not dealt with the pressing problem of national priorities. Every domestic problem we have, including poverty, inadequate housing, crime, educational deficiencies, hunger and pollution is affected adversely by our participation in the Vietnam war, and I do not believe these problems will be brought under control until we have disengaged from that conflict.

The war is a major contributor to the inflation that is hurting every citizen in our nation. We are also in the midst of a serious setback as far as business is concerned. The effect of the war on our economy is dramatic. Almost immediately after our foolhardy entry into Cambodia, the Dow-Jones industrial average declined over 19 points.

What troubles me is that President Nixon continues to give priority to policy in Indochina and to ignore its consequences at home. His actions are dividing the nation when we need desperately to be united and to devote our energies to our critical domestic problems.

CAMBODIA WILL LENGTHEN THE WAR

The Cambodian invasion ignores these three lessons. The President ordered up to 20,000 American troops into Cambodia, and has now promised to have them out by July 1. I know already, in my own mind, that the operation will achieve little. The enemy will fade into the jungles of Cambodia, which are just as impassable and impenetrable as those in Vietnam. Any military gains will be temporary and inconsequential.

This is not an idle prognostication upon my part but is an opinion derived from past experience. Time and again in South Vietnam, the recommendation was made that a sweep be conducted through the Ashau Valley on the grounds that a vital blow could be struck against enemy forces. Time and again, thousands of American troops would sweep through the valley and find practically no enemy soldiers. The same will happen in Cambodia.

Also, there is a curious psychology I cannot understand that attaches importance to capturing territory even though it is held for a temporary period. A perfect illustration is Hamburger Hill. We drove the enemy off Hamburger Hill at great loss of life to our troops, and then later on withdrew. As soon as we pulled out, the enemy reoccupied Hamburger Hill and we went back and repeated the process. I do not know who holds the hill today. I am sure it doesn't matter.

After the adventure is concluded and our troops have been pulled back to South Vietnam, I predict the enemy will quickly reoccupy the areas that we have cleared. Even if the decision were made to remain in Cambodia, then I predict the enemy will develop new bases and staging areas just outside the perimeter of the area we occupy in Cambodia. In either event, the military effect is negligible and not worth the effort.

President Nixon, in his address to the nation of April 30, informed the American people that the invasion of Cambodia is indispensable to the withdrawal of our troops from South Vietnam, that it will serve the purpose of ending the war in Vietnam, that it will keep our casualties at a minimum, and that it will win a just peace.

These contentions violate every lesson that we have learned in the last five years in Vietnam. The bitter experience of those years demonstrates clearly to me that our incursion into Cambodia will delay the withdrawal of our troops from South Vietnam because it spreads the war and intensifies it. This decision will not end the war, but will lengthen it because of the reactions of the enemy to this new development. It will not keep our casualties down but will increase them, not only because of the men killed in Cambodia but because of the increased level of combat which I predict will be the other side's response in Vietnam. It will not achieve peace but will postpone it or destroy entirely the chances of obtaining it. Even though we pull out, the damage has been done, and the bankruptcy of our present Vietnamization program has been exposed.

The thrust of President Nixon's position in his speech of April 30 was that if we escalated our efforts into Cambodia, it would aid our program of Vietnamization.

How unfortunate it is that President Nixon did not heed the congressional testimony of Secretary of State William P. Rogers when he testified on April 23, just one week before the President spoke. Secretary Rogers said:

"We have no incentive to escalate. Our whole incentive is to de-escalate. We recognize that if we escalate and get involved in Cambodia with our ground troops, that our whole program [Vietnamization] is defeated."

I anticipate that in the period of the next few weeks glowing reports will flow back from Vietnam regarding the outstanding success of the drive into Cambodia. Figures will be proudly presented showing the number of tons of rice captured, bunkers and staging areas destroyed, substantial numbers of weapons and quantities of ammunition found. A determined effort will be made to portray the entire adventure as a success, even though no major engagements will have taken place and the number of enemy casualties will be woefully small. This has happened time and time again, and our hopes have been raised only to be dashed by new enemy offensives. The capture of supplies and equipment, in the past, has been met by an increase in the supply of such equipment by the Soviet Union and China, with resulting increased flow down the pipeline from North Vietnam.

A further worry I have is that this ill-advised move into Cambodia could create a whole new set of problems. The open violation of Cambodian neutrality on the part of our troops could well constitute an open invitation to the North Vietnamese to expand their efforts further over Indochina on the pretext of defending independence. Our march into Cambodia now jeopardizes the ancient capitals of Phnom Penh and Vietiane. I do not have the prescience to visualize what may take place in this regard, but I know that we have greatly expanded the danger of the conflict spreading throughout Cambodia and Laos, and even further.

Although I consider the attack on Cambodia to be fraught with the most serious military consequences, I attach even greater danger to the diplomatic results that will flow from it.

Many of our friends around the world are shocked at this imprudent expansion of the conflict. They had hoped that they would see a contraction of the area of conflict and instead they learn, with deep apprehension, that it is being widened. The Cambodian adventure ignored the request of Foreign Minister Malik of Indonesia that no action be taken to extend arms support to Cambodia pending a regional conference to find ways of preserving that country's neutrality.

The decision appears to have been made so precipitately that the proper consideration was not given to the effect of the action on Communist China. The action was taken right after the recent conference of Communist representatives from China, Cambodia, Laos and North Vietnam. This conference ended with an agreement of mutual support and cooperation in combating American and other enemy forces in Indochina.

The predictable Soviet reaction was also apparently discounted. Premier Kosygin, on May 4, called a special news conference to warn of the worsening in Soviet-American relations. Mr. Kosygin stated that the Cambodian move raised serious doubts about President Nixon's sincerity in seeking an "era of negotiation." Mr. Kosygin went so far as to suggest that President Nixon's statements could not be trusted. This does not mean that either China or Russia will intervene directly, but it does mean that they will give North Vietnam all the aid it needs to neutralize our action.

Another unfortunate result of our action is to imperil the success of the strategic arms talks now being held in Vietnam. Mr. Kosygin stated that our actions put the Soviet Union on guard and decrease their confidence, without which it is difficult to conduct negotiations.

Domestically, the re-escalation of the war has gravely increased the disaffection of young Americans, and the disruption of our society.

The active invasion dramatizes another facet of President Nixon's statements on the war which has caused me the deepest concern. In his speech of April 30, President Nixon again warned the North Vietnamese that, if they accelerated the fighting, he would take stern action in response. He has done this on at least four or five occasions and, in each instance, the enemy has responded by some type of military action. I suggest that this is the road to utter chaos. While announcing the withdrawal of a limited number of troops on the one hand, the President keeps threatening the enemy by assuring him that we are perfectly willing to raise the level of combat. This is not the path to peace. It is the path that will lead to more and more fighting and more and more dying.

THREE POINTS TO VIETNAMIZE THE PEACE

It is time now to end our participation in the war. We must begin the rapid, orderly, complete and scheduled withdrawal of United States forces from Indochina.

President Nixon has described his program of Vietnamization as a plan for peace. I believe, however, that it can never bring peace in Southeast Asia, and that it is, in fact, a formula for perpetual war.

This war can only be ended by a political settlement. Nothing that the Administration is now doing holds any promise of bringing one about. And our present program for indefinite military presence in Vietnam makes such political settlement impossible. So long as our withdrawals are conditioned on the ability of the South Vietnamese to assume the combat burden, Hanoi cannot be expected to believe that we are genuinely interested in, or would even accept, the kind of political compromise that a peaceful settlement would require. The present Saigon government, on the other hand, will never make the necessary accommodations so long as it is secure in the belief that American forces

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will remain in sufficient numbers to keep it in power.

It seems clear that the Administration believes it has proposed in Paris a genuine basis for compromise. In my opinion, however, these proposals are not realistic, nor will they lead to any progress.

Accordingly, what we need is a program that will Vietnamize the peace rather than prolong the war. In July 1969, in an article in the magazine *Foreign Affairs,* I recommended the definite, scheduled withdrawal of our ground combat forces from Vietnam by the end of 1970. I now propose to go further, and set a final date for our complete disengagement. Such final date might even be advanced if certain agreements are reached. The following is my specific three-point plan:

1. Announce publicly that all U.S. forces are to be removed from any combat role anywhere in Southeast Asia no later than Dec. 31, 1970, and that all U.S. military personnel will be out of Indochina by the end of 1971, at the latest, provided only that arrangements have been made for the release of all U.S. prisoners of war.

2. Move promptly to end B–52 attacks, all search-and-destroy missions, and all other offensive operations, except as necessary to protect the security of U.S. forces, as disengagement proceeds.

3. Inform Hanoi and Saigon that *we are prepared to negotiate an even more rapid withdrawal* if the safety of our forces is assured by a cease-fire or other arrangement in South Vietnam, and if there is an understanding regarding the cessation of military pressures in Laos and Cambodia.

President Nixon has maintained that, were he to announce a withdrawal schedule, Hanoi would lose all incentive to negotiate a settlement. It is abundantly clear, however, that Hanoi feels no incentive to negotiate at the present time. The President has also asserted that North Vietnam would then simply wait until our troops have been reduced in number and launch attacks. But this potential exists whether a withdrawal program is announced in advance, or simply in installments. A third objection has been that the South Vietnamese forces may not be ready to assume the full combat burden and that a military conquest and bloodbath may ensue. But our objective should be to establish the conditions that will lead, not to the continued necessity for combat capability, but rather to a political compromise that will bring peace and stability to that troubled land.

BLOODBATH

On a number of occasions, President Nixon, in arguing that it would be improper for us to leave Vietnam now, has used the so-called "bloodbath" argument. He has suggested that the massacre of many South Vietnamese, including a million and a half Catholics who fled from the North, would occur when our forces withdrew.

I find this position difficult to understand. In the first place, the figure of one million and a half Catholics who fleed to the South, referred to by President Nixon in his speech of Nov. 3, 1969, is incorrect. A study of this subject, published in 1956, by the South Vietnam Department of Education and the National Commission for UNESCO, discloses that the number is not 1.5 million but 754,710. This is significant because the President overlooked the fact that there are still living in *North* Vietnam today approximately 800,000 Catholics. There are also Catholics among the leadership of the National Liberation Front in South Vietnam.

The President bases his claim of "bloodbath" on his charge that when the Communists took over North Vietnam in 1954, they slaughtered thousands upon thousands of North Vietnamese. In fact, the records of the International Control Commission disclose that, in the two years following the armistice of 1954, only 19 complaints were filed covering political reprisals in all of North Vietnam. Later, in 1955 and 1956, a peasant revolt was harshly repressed and the best estimate is that 10,000 to 15,000 may have died.

It is my firm belief that, when it becomes apparent that the Americans are in fact leaving, all parties seeking power in South Vietnam will have a strong incentive to negotiate a compromise settlement. All will recognize that compromise is their one assurance of a share in political power. The contending factions must now be aware that, in the absence of compromise, they can look forward only to continued conflict and disruption. The need for peace must now be apparent to all but the very few whose power and profit depend on war. We should not forget that, in South Vietnam's election of 1967, and under circumstances that could hardly be described as favorable, a candidate advocating accommodation for the purpose of peace secured 17% of the votes counted, while the winning military ticket fell far short of a majority.

The North Vietnamese negotiators have indicated their willingness to talk seriously if the United States declares the total and unconditional withdrawal of its troops from South Vietnam. Their suggestion of a six-month period for such withdrawal need not be accepted, but their acceptance of the principle should not be ignored.

ADVANTAGES OF THE PLAN

The obvious advantage of the three-point plan proposed herein is that it will specifically and unequivocally have all U.S. forces out of Indochina by the end of 1971 at the latest. It also frees the President from military pressure to slow or stop the withdrawal process. The plan takes account of the plight of the Americans now held captive and gives them and their families the hope of early release. No such hope can exist while the war continues and even intensifies. It offers also an immediate reduction in the level of violence throughout Vietnam. The ending of B–52 raids and search-and-destroy missions, so long as the other side does not act to jeopardize the security of our troops, will lower casualties and create a climate far more hospitable to the process of political settlement. This approach could serve to get negotiations started again, and as they progress, this diminution in hostilities can develop into a complete cease-fire.

The time has come for us to grasp the initiative in making the necessary and vital decisions. President Nixon's policy of making our withdrawal dependent on his three criteria is a grievous error. These criteria are: 1) the level of enemy activity; 2) progress at the peace talks in Paris, and 3) the speed with which the South Vietnamese take over the fighting. Even a cursory study discloses that items one and two are controlled by Hanoi, while item three is controlled by Saigon.

We should no longer allow our own perception of our own interests to be distorted or deflected by our apprehensions as to what may occur politically in Saigon. American national interests require American disengagement from South Vietnam. I am convinced that, as presently enunciated, the Nixon program will not bring this about.

We should, instead, decide now to get out of Vietnam on a scheduled and orderly basis no later than the end of 1971. We should, at the same time, make known our readiness to negotiate a much earlier withdrawal and we should move now to scale down the level of violence. Only in this way can we achieve the peace that all Americans want, and that American military might can never win.

The present policy must be changed. The only effective method to accomplish this is sustained pressure from the public. The enormous upswing in antiwar sentiment, following the Cambodian transgression, must be maintained and strengthened and continuously brought to the attention of our country's leaders.

The solution is within our hands—if we will but use it.

CONGRESSIONAL REPORT TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

WASHINGTON REPORT BY CONGRESSMAN LEE H. HAMILTON

The nation's housing industry is in recession. This acknowledgement comes from no less a source than the chairman of the President's Council of Economic Advisers. Other observers in the Capital are more pessimistic. They prefer words such as "crisis" and even "disaster" when describing the situation.

In 1968, the Congress established a national goal of 25 million homes and apartments over the following 10 years. We have failed to meet that goal by nearly half. In fact, we are shy by more than a million dwellings of keeping up with our population growth, and with housing losses from fire, nature and deterioration.

Most Americans have a tendency to think of the housing crisis primarily as a big city problem. That is not entirely true. About half the substandard homes in this country are in rural areas where only about 30 percent of the population now resides. In Indiana, for example, an average of 50,000 new housing starts are needed each year to keep pace with the need. We have been averaging about 35,000 new starts, with about 20,000 in private homes.

During the last two years, the price of new homes has risen almost twice as fast (at a rate of 7 percent) as the overall cost of living. The average new home now sells for $26,000, as compared to $20,000 four years ago. By another measurement, in 1953, a monthly mortgage payment of $98 would buy $20,000 worth of new housing. Today, that payment will buy only $12,800 worth of new housing.

Obviously, inflation and tight money are major factors in the current housing dilemma. Long-term interest rates from commercial institutions and from the FHA and VA have increased dramatically in recent years, and are not expected to come down in the very near future. Home mortgage funds from savings and loan institutions, mutual savings banks, life insurance companies and commercial banks have been cut back sharply. Consequently, homebuilders are making fewer commitments for spring and summer work.

Other factors are contributing to the problem, too. The housing industry faces a hodge-podge of building codes (some 8,300 of them across the country) which make cost-cutting procedures such as in-place wiring and plumbing virtually impossible. Zoning and land-use plans also add to the problem by restricting low and middle-cost homes, or by prohibiting apartments and home clusters in which savings on utilities could be realized.

Land costs now account for 20 percent of new home costs, as compared to 10 percent in 1949. Increasing property taxes also contribute to rising home costs, as do expensive and outdated closing cost procedures.

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This nation's commitment to build 26 million new housing units, and to replace some 11 million substandard homes, needs renewed emphasis. Housing now accounts for 3.5 percent of the gross national product. Appropriate allocation of resources could allow that share to be increased to 4.5 percent, at least.

The demand for scarce money also must be dampened and more funds must be channeled into the housing market. The Fed could be authorized to purchase Federally-guaranteed mortgages to bring down interest rates. Steps also could be taken to increase investments in residential mortgages by various private pension funds. Action of this sort would help bring back the funds which have been diverted into shorter-term, higher yielding investments.

The federal government could put more money into housing programs. State and local governments should reform property tax systems to provide incentives for home improvements, and zoning requirements to facilitate, rather than impair, construction of medium and low cost homes and high-density housing. National standards to supersede local building codes may have to be considered to affect cost savings.

As the cost of home construction has increased, factory homebuilders have been increasing their output. Prefabricated homes this year should account for nearly a third of all single-family dwellings built. Many money-saving procedures have been introduced by this industry, and these innovations should be expanded. The mobile home industry—a growing one in Indiana—has helped pioneer the modular dwelling concept, where pre-built apartment units are stacked into place at the building site.

The housing problem is one of the most serious facing this country. Over the next 30 years, we will have to build nearly as many homes as already exist, just to keep up.

NATIONAL ASSOCIATION LEGIONS OF HONOR

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. MILLER of California. Mr. Speaker, on May 29, 1970, the National Association Legions of Honor elected John M. Gabel of Oakland, Calif., as their national commander for the year 1970–71.

The unanimous selection of Mr. Gabel is a tribute to his active participation and dedicated service during the 20 years of his membership in the Legion of Honor. He has been the recipient of many awards for his outstanding civic contributions, including two citations of honor from the Legion of Honor, and a citation from the Veterans of Foreign Wars. He also holds dual Masonic membership and is a Master Mason in the Free and Accepted Masons in Marysville, Calif.

Mr. Gabel served with distinction in World War II. He received the Bronze Star for Valor and the Purple Heart.

I am happy to join with other Californians in congratulating Mr. John Gabel for his outstanding achievements in the past, and to wish him every success in his new position of national commander of the National Association Legions of Honor.

GENERAL DUCKETT NAMED PRESIDENT OF THE CITADEL

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. WATSON. Mr. Speaker, one of the most outstanding academic and military leaders of the Nation, Maj. Gen. James W. Duckett, has been named the new president of The Citadel, the Military College of South Carolina. General Duckett is richly deserving of this high honor as his great example of leadership has served as an inspiration to thousands of young men privileged to attend The Citadel. South Carolinians are justifiably proud of the tremendous role that The Citadel has played in the history of our country, and it is reassuring to know that General Duckett will now be at the helm of this famous institution.

Mr. Speaker, because of the very high esteem with which General Duckett is held, as a part of my remarks I include two articles and an editorial from the Charleston, S.C., News and Courier about his appointment, as follows:

GENERAL DUCKETT NAMED CITADEL PRESIDENT

(By Betty Walker)

Maj. Gen. James W. Duckett has been named new president of The Citadel, the Military College of South Carolina, effective Sept. 1.

Duckett will succeed Gen. Hugh P. Harris, who has served as president since 1965.

Col. John M. J. Holliday, chairman of The Citadel Board of Visitors, made the announcement after a board meeting late Thursday.

Duckett will be the first Citadel president to hold an earned doctoral degree. He was a 1932 honor graduate of The Citadel and earned his masters at the University of Georgia and doctorate at the University of North Carolina.

The president-elect joined the faculty of The Citadel in 1934 in the chemistry department. He remained until 1941 when he went on active duty with the Army Chemical Corps, returning to The Citadel in 1946 as professor of organic chemistry.

Since 1954, Duckett has served as head of the education department registrar, dean of admissions, administrative dean, dean of the college and vice president of The Citadel.

Duckett is a member of the committee on accreditation of the commission on colleges of the Southern Assn. of Colleges and Schools. He has worked closely with S. C. Commissioner on Higher Education Dr. James A. Morris in developing a consortium of higher education institutions in the Low-country.

He has served on the board of trustees for Porter-Gaud, as president of the S. C. Assn. of Collegiate Registrars and Admissions Officers, as secretary-treasurer of the Assn. of Citadel Men.

Duckett is also closely associated with Citadel athletics, and served as captain of the tennis team when he was a cadet.

He is a past president of the Charleston Lions Club and past warden of Grace Episcopal Church.

U.S. Rep. L. Mendel Rivers, who learned Thursday in Washington of Duckett's selection, congratulated the board on its choice and called Duckett "a great South Carolinian and a great American."

"One of my most cherished possessions is an honorary degree from The Citadel," Rivers said, "I have more than a passing interest in the school's welfare and this certainly delights me. Jim Duckett will keep up the momentum begun under Gen. Clark and continued under Gen. Harris. I pledge him my vigorous assistance if he should ever need it. He will be a great one."

Duckett is listed in Who's Who in America and in several regional Who's Who publications. He is a member of the American Chemical Society, S. C. Academy of Science, several honorary research and scientific fraternities and the German Friendly Society.

He earned the Legion of Merit and the Army Commendation Medal for his service in World War II, holding command and staff positions here and overseas. He left active duty as a lieutenant colonel and was promoted to colonel while in the Army Reserve.

As faculty member of The Citadel, he is a member of the South Carolina Militia. He was promoted to brigadier general in the militia in 1963 and to major general in 1966.

Duckett, a Greenwood, S.C., native, is married to the former Gertrude Hass of Charleston. The Ducketts have two married daughters, and a son, James W. Duckett, Jr., who is a sophomore at West Point.

Harris, the current president of The Citadel, was praised by board chairman Holliday for his contributions to the college in his five years' service. Harris had indicated his desire to serve for five years at the time he accepted the post, and more than two years ago, recommended a long range plan be devised to smooth transition for his successor.

Harris had set a deadline of July, 1972 for his retirement.

Harris said: "I think Gen. Duckett, with all the years he has given The Citadel, has earned every honor he can ever be given by the Board of Visitors."

"I am pleased he was named president. He has always had my support and he knows it."

Harris said he will be devoting more time to other interests as he leaves The Citadel.

"I will have a little more time to think, study, travel, work in civic activities, education and conservation. I am not going to retire in the sense most people think of retirement," he said. "We plan to stay in this area."

Harris said he and his wife hope to spend some time this summer at their lodge in Newfoundland and, when they return, will be sharing their time between a home on Lake Moultrie and their town house.

NEW CITADEL PRESIDENT WORKED "TOWARD THE TOP"

(By William L. Walker, Jr.)

The telephone jingled constantly in the home of Maj. Gen. James W. Duckett as friends and associates called to congratulate the 1932 Citadel graduate on his appointment to the presidency of the military college.

As Mrs. Duckett handled the myriad calls and occasional visitors, Gen. Duckett sat quietly in his living room and talked briefly with a reporter.

"Being president of The Citadel has been one of my ambitions," he said. "There is no doubt about it.

"Anything I do, I work toward the top."

His record will attest to that point.

He holds masters and doctors degrees; he owns medals for distinguished service in World War II; he has served as educator and administrator and has been a leader in civic and religious activities.

Gen. Duckett said Thursday he does not doubt his ability to run The Citadel, and apparently those who have worked with him feel the same way.

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A member of the administrative staff who has known Gen. Duckett for 11 years summed up his abilities in one sentence.

"His principal attributes are a keen insight into people, the ability to appraise their capabilities and to lead in bringing them to bear on accomplishing a goal."

The president-elect said one of his goals is to expand the college's program of military education.

"We have one of the finest Army and Air ROTC units at The Citadel, and one of my ambitions is to have an all-military establishment which will include Navy ROTC," he said.

He indicated he would seek the assistance of Rep. L. Mendel Rivers and Sens. Strom Thurmond and Ernest F. Hollings in achieving this goal.

He spoke with pride of the college's academic program, especially the science facilities, and said he expects The Citadel to work closely with other local colleges in the future.

With college strife so commonplace today, Gen. Duckett was asked if he could foresee similar turmoil for The Citadel in the years ahead.

He answered with a story about a meeting of university officials which he recently attended at the University of Virginia.

The dean of students at the University of Georgia was called back to Georgia to cope with campus disruption.

"What do you do about this sort of thing at The Citadel?" the Georgia administrator asked Gen. Duckett.

"We have a riot every Friday afternoon at 4:30," Gen. Duckett replied. "Our boys shoot their guns and cannons and get the rioting out of their systems for a week."

On a more serious note, Gen. Duckett said Thursday he feels The Citadel will never experience rioting "as long as we have the proper perspective for the military institution."

CITADEL PRESIDENCY

Appointment of Maj. Gen. James W. Duckett, vice president of The Citadel, to succeed Gen. Hugh P. Harris as president next fall assures continuity at a cherished South Carolina educational institution. Gen. Duckett joined The Citadel faculty in 1934 and has served there continuously except while on active duty with the U.S. Army during World War II.

Some time ago, Gen. Harris notified The Citadel Board of Visitors that he would retire as soon as a successor was selected. While we are confident that Gen. Duckett will carry on in a highly successful fashion, we also regret the departure of Gen. Harris from a post in which he has served with distinction since 1965. Gen. Harris' splendid record as a general officer well qualified him for his post at The Citadel. He is a distinguished soldier and real leader and will be greatly missed. We also want to pay tribute to Mrs. Harris whose charm and friendliness have been important assets to The Citadel. We wish both Gen. and Mrs. Harris much happiness after they end their tour at The Citadel.

Gen. Duckett will take charge of an institution he knows very well. It is doing a first-class job in shaping the minds and character of the young men enrolled. The college also is providing educational opportunities for veterans and students in evening classes. The heart of The Citadel, however, is the Cadet Corps. This Corps is schooled in the same virtues as the Corps at West Point, namely in duty, honor, and courage. The country, especially in these confused times, very much needs the special training given to Citadel cadets. We believe that the military education offered at The Citadel is a vital part of South Carolina's overall educational program. We congratulate Gen. Duckett and wish him well in carrying on an important and useful educational task.

NEW DRUG LEGISLATION

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. DADDARIO. Mr. Speaker, it is a privilege to join with my colleague, Mr. WILSON of California, in cosponsoring a critical piece of legislation. The Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970 is an effort to attack, in a positive fashion, one of the most urgent problems in the Nation.

The magnitude of the problem is no longer contested. President Nixon has reported that—

> Between the years of 1960 and 1967, juvenile arrests involving the use of drugs rose by almost 800 percent; half of those now being arrested for the illicit use of narcotics are under 21 years of age. New York City alone has records of some 40,000 heroin addicts, and the number rises between 7,000 and 9,000 a year. These statistics are only the tip of an iceberg whose dimensions we can only surmise.

The dimension of the problem is also reflected by Government health authorities who estimate that there are 100,000 to 125,000 active narcotic abusers in the United States.

And we are paying a steep price for this problem. The relationship between drugs and serious crime is direct. In the Washington Metropolitan area alone one-half to three-quarters of the serious crime is drug-related. This crime costs the citizen of the area nearly $30,000,000 a year.

But the cost of crime is only part of the cost. It is estimated that the total of involuntary social costs of narcotic drug abuse alone amounts to $541 million per year.

Recognizing these costs, we can be nothing but horrified at the greatest cost of all—the millions of human lives which are reduced to only marginal levels by this sickness.

If we are to arrest drug addiction in America we must do more than appropriate huge amounts for the punishment of the abuser. We must recognize the root of the problem and make maximum efforts to not only punish, but to prevent and cure also. H.R. 16386 moves us a long way toward those objectives. The Federal Drug Abuse and Drug Dependency Prevention, Treatment, and Rehabilitation Act of 1970 is a very comprehensive piece of legislation. There are, however, three particular provisions which I think do much to address and correct the present situations.

First, there would be established within HEW a Drug Abuse Prevention, Treatment, and Rehabilitations Administration. They would be responsible for the many problems facing the abuser. Second, the present laws would be replaced with stronger, more enforcible legislation. This would also allow a greater number of people to use the preventive and rehabilitative services and would define more firmly the Federal Government's obligations to implement the policy. Finally, this legislation would require the establishment of preventive and rehabilitative services for Federal Employees, members of the armed services, and veterans.

I believe that this legislation will significantly improve our ability to cope with this problem. This is entirely appropriate in light of the drastic need for assistance.

CHARLES COATES DEVOTES HALF CENTURY TO PITTSBURGH'S BANKING NEEDS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. MOORHEAD. Mr. Speaker, engaging in any activity for 50 years is a feat, but the performance is even more amazing when the field of activity is the demanding world of finance.

A well-known Pittsburgher, Mr. Charles E. Coates, has just completed his 50th year in the Pittsburgh banking community and he is starting on his 51st with no sign of a slowdown.

As an article, which I will introduce into the RECORD, states, Mr. Coates welcomes the keen competition and new techniques inherent in modern banking. And he echoes a belief of mine when he declares his faith in today's young people.

"They are good kids," Charlie Coates said, "and our future is in good hands."

If today's young people serve Pittsburgh and the Nation as well as Charles Coates has, we all will be fortunate.

The Pittsburgh Press of Tuesday, May 26, ran an article about Mr. Coates. I would like to put this article into the RECORD and at the same time offer my congratulations to Mr. Coates for his 50 years of public-minded effort in the banking industry.

> Fifty years on Wood St.—That capsulizes the career of Charles E. Coates, vice president of the Commercial Division of Pittsburgh National Bank (PNB).
>
> It all started in 1920 on a street in Coates' home town of Carnegie. The president of the old Colonial Trust Co. asked his mother, "What's Charles going to do when he finishes high school?"
>
> When Mrs. Coates advised the banker that "Charles didn't know," the banker told her to send him downtown and "we'll put him to work."
>
> Coates has been on Wood St. ever since and the gleam in his eye suggests he wouldn't have had it any other way. He saw Colonial merge with Fidelity Trust Co. and later become part of PNB, but all the while he remained on Wood, although he's now doing business at the One Oliver Plaza office.
>
> Would Charlie do it over again?
>
> You better bank on it. He's hung up on the people-to-people aspect of banking.
>
> Is it hard to say "no" to somebody asking for a loan.
>
> "There's a way to say 'no.' Counsel a person properly and he'll thank you later," Coates replied.
>
> What are some of the big changes in commercial banking?
>
> One of them is the swing to consumer lending which Coates said he helped pioneer at Colonial in the late '30s.
>
> Another is branch banking which he be-

lieves provides smaller communities with more banking services than they would have otherwise.

But the most exciting development, according to Coates, is the accent on youth in bank management. "They're good kids," he enthused. "Our future's in good hands."

Coates is starting his second 50 years of banking with confidence. After all, doctoring people's financial pains is his specialty.

BELLFLOWER TROOP 89

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. DEL CLAWSON. Mr. Speaker, during a recent weekend trip to the 23d District in California, it was my privilege to participate in a historical event in the city of Bellflower. Troop 89 of the Boy Scouts of America, sponsored by the Bellflower Presbyterian Church since 1934, held a Court of Honor at which eight young men received their Eagle Badge, the highest award given to boys for personal advancement in the Scouting organization.

All of the eight fine examples of the youth of America, Scouts David Beasley, Edward Lutes, Kerry McCluggage, Larry Mirch, David Rozelle, Scott Rozelle, Roger Van Horsen, and Kenneth Williams, had previously received the Scouting Award, "For God and Country." These two high achievements in the Scouting field attained by eight boys simultaneously, moving forward together in friendly Scouting competition, represent an unusual and history-making occasion. Standing in the presence of these eight Eagle Scouts, their parents, Scoutmasters and church leaders was a thrilling and inspirational experience. A recital of their individual contributions to home, school, church, community, State, and Nation clearly revealed a personal dedication in living the Scout oath which they reaffirmed when they repeated, "On my honor I will do my best, to do my duty to God and my country, and to obey the Scout law, to help other people at all times, to keep myself physically strong, mentally awake, and morally straight." The commitment of this oath and the foundation of the Scout law upon which the character of these Scouts has been constructed places in sharp contrast the youth of our society, those who build and those who destroy.

In my opinion, it is no accident that the first men to set foot on the moon had been Boy Scouts, nor that over 300 Members of the Congress of the United States have been youth members or adult leaders in the Boy Scouts of America. I salute these particular boys and the other youth who dedicate themselves to high principle and worthy purpose. The 12 points of the Scout law are qualities of character to be encouraged in every member of our society: "A Scout is—trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent."

With these qualities the youth of America are prepared to take over her leadership. When we pass the baton to them, our country will be in the hands of capable leaders ready to direct her destiny toward a creative society in which men will find the solutions to the many problems that beset us today. Our faith in youth has no cause to falter as long as organizations like the Boy Scouts of America continue to train and translate boypower into manpower.

SIX STUDENTS AWARDED AFL–CIO SCHOLARSHIPS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. BRADEMAS. Mr. Speaker, organized labor is a steady and vigorous advocate of legislation to improve the quality and expand the opportunity to receive education, consistent with ability and desire. Many unions also sponsor college scholarships as another way for young people to develop their abilities and talents. The AFL–CIO's annual award of six full 4-year scholarships is typical of those efforts. Under unanimous consent, I include a report on the 1970 AFL–CIO scholarship awards, which appeared in the AFL–CIO News of May 2, 1970, at this point in the CONGRESSIONAL RECORD:

SIX STUDENTS AWARDED AFL–CIO SCHOLARSHIPS

AFL–CIO Pres. George Meany announced the winners of six college scholarships awarded by the federation under the National Merit Scholarship Program. Each provides up to $6,000 in financial assistance over four years for study at the college chosen by the student.

The 1970 winners, notified of their selection by Meany, are:

Darrell Banks of New York City; Eugene Daszko of Chicago; Robert Dugwyler, Jr., of Tacoma, Wash.; Michael Martin of Georgetown, S.C.; Patrick Nolan of Grass Valley, Calif., and Rhonda Rochon of Houston, Tex.

In his letter of congratulations to the winners, Meany said:

"Since its very beginning, organized labor has supported the establishment and improvement of the American system of universal free public education. The challenges of the world in which we are living are so great that today we believe that free public education should be extended beyond high school to include higher education.

"The AFL–CIO looks forward to the day when all young people will have the opportunity to develop to the fullest measure of their capacity, regardless of their financial status. In the meantime, while striving to achieve this goal, the AFL–CIO is happy to demonstrate its interest in widening educational opportunities through these annual scholarship awards."

The winners are selected each year on the basis of high school records, evaluation by teachers and the results of competitive tests given by the non-profit National Merit Scholarship Corp.

Two winners are chosen in each of three zones into which the country is divided. Five of this year's winners have parents who are members of AFL–CIO unions.

The awards are good for enrollment in any accredited college or university the winner may choose, and for study in any subject. The actual amount of each scholarship, up to $1,500 a year, is determined by the National Merit Scholarship Corp. on the basis of college costs and family needs.

Sketches of the winners follow:

Darrel Banks, of Cardinal Spellman High School, the Bronx, N.Y., will study systems engineering at the Polytechnic Institute of Brooklyn. He has won recognition as a speaker and writer and as a musician and track athlete. He has been active in community activities as a member of the John XXIII Society and the Neighborhood Youth Corps. His father, William H. Banks, is a hospital attendant with no union affiliation.

Eugene Daszko, top student in his class of 1,289 at Lane Technical High School, Chicago, will major in science at the University of Chicago. He was editor of his school yearbook and is active in the Astronomical Society, World Forum, Russian Club and Ukrainian Club. He received the Harvard Book Award last year. His father, Peter Daszko, is a member of Local 1 of the Bakery & Confectionery Workers, AFL–CIO.

Robert L. Dugwyler Jr., of Lincoln High School, Tacoma, Wash. will major in mathematics at Stanford University, Palo Alto, Calif. He is editor of his school newspaper and has won prizes as a mathematician, poet and debater. The senior Dugwyler is a member of Local 470 of the Carpenters.

Michael L. Martin, of Winyah High School, Georgetown, S.C., will study physics at the California Institute of Technology, Pasadena. He played junior varsity football and basketball and is president of the French Club and a member of the governing board of the South Carolina Young Episcopal Churchmen. His father, Joseph T. Martin, is an accountant and a member of Local 233 of the Office & Professional Employes.

Patrick L. Nolan, of Nevada Union High School, Grass Valley, Calif., will study engineering at Stanford University. Last year he conducted a six-week original research project in electronics at the University of Hartford under the National Science Foundation summer program. His Science Fair projects have won numerous prizes, including awards from the Navy and Air Force. His father, John H. Nolan, is a member of Local 498 of the Meat Cutters.

Rhonda M. Rochon, of St. Agnes Academy, Houston, will study mathematics at the University of California, Berkeley. She is a member of the Chemistry Club and Art Club and secretary of the Catholic Interracial Council. Her stepfather, Joshua O. McAfee, is a member of Local 185 of the Postal Clerks.

EULOGY OF THE LATE J. GEORGE STEWART, ARCHITECT OF THE CAPITOL

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 25, 1970

Mr. KLUCZYNSKI. Mr. Speaker, it is with profound sadness that I pay last respects and tribute to the memory of a former Member of this House, the late J. George Stewart, Architect of the Capitol.

As a Representative from Delaware, he was an able, conscientious, and hardworking Member of this body which he later served so well as Architect of the Capitol.

XUM

Ours was a friendship that I shall always value. I was deeply grieved when news of his death reached me. The last time I saw him he was in seemingly good health and spirits, cognizant of everything going on in the Capitol and in the country.

A credit to his State and to this country, Mr. Stewart held many important positions during his life. He was a member of the Delaware Athletic Commission, a commissioner of the Delaware Emergency Relief Commission, a member of the staff on the U.S. Senate Committee on the District of Columbia, a Member of Congress, and, finally, Architect of the Capitol.

He possessed a warm personality and genuine love of people and was always fair in everything he did. He will be greatly missed by all of us who knew him.

I join other Members in heartfelt condolences to his family and pray that they will be comforted by their knowledge of the lifelong reputation for rectitude of the fine man they have lost.

STATEMENT RELATING TO THE WAR

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. FOREMAN. Mr. Speaker, I have received many communications both opposing and supporting recent U.S. military moves against the Cambodian sanctuaries. I must appreciate the large citizen interest in this issue and thank those who have contacted me. It is infeasible to write individual responses. Therefore, I am making this general statement of my views.

When President Nixon took office last year he inherited a full scale war in Southeast Asia in which approximately 550,000 U.S. military personnel were engaged. Whether this was a "moral" or a "legal" war was irrelevant. It existed and he had to deal with it intelligently.

Already he has brought one out of four Americans home, a total of 125,000. He said he would do it and he did. To date the President has done precisely what he said he would do and has done it within the timetables announced. To reasonable people this should be ample assurance that he will continue to do so.

President Nixon states that by next spring another 150,000 will be out, force levels will fall below 275,000, making a 50-percent cut from the high mark. He states that by that time we shall, for all practical purposes, have withdrawn our combat troops and that the forces remaining will be primarily supply and logistics units.

That means we shall have disengaged and turned the fighting over to a well-trained, million-man South Vietnamese Army. Our noncombatants also can come home as this Army develops its capability to handle the supply and logistics tasks. There is no magic button here in Washington, unfortunately, which can be pushed and accomplish all these things instantly.

There is no question that all of us want out of this war as fast as possible, and surely, most of all, the President of the United States. If anyone thinks differently, he must be out of his mind. Whatever dispute there is, it is not about whether to get out of the war. It is about how to do so. And, it is about the minimum amount of time required to do it without inviting costly consequences disproportionate in value to any time saved.

Some people say "cut and run" this instant "to stop the killing." That is fine. But what about the 11 million South Vietnamese, at least half of whom the North Vietnamese regime would liquidate if they get their hands on them? To abandon them just a few months before the South's capability is developed to prevent it invites a bloodbath. It would not stop the killing. It would facilitate it. It would make the United States a passive accessory to an act of genocidal immorality.

Also, the fate to which it would relegate over 1,500 American POW's is a highly uncertain one. Moreover, the United States has maintained, ever since World War II, many mutual security treaties with countries in this area of the world. Running out on Vietnam could encourage the Communists to move in on any and all of them. We could soon be forced to choose between a wholesale repudiation of solemn treaty obligations or facing half-a-dozen new major crises.

The President has chosen the alternative to this which is to withdraw in stages while building the South's independent ability to defend itself. This strategy was placed in harm's way when, immediately following his April 20 withdrawals announcement, Hanoi ordered its 40,000 troops in the sanctuaries to take over most of Cambodia. In particular, Hanoi wanted to reopen the port of Sihanoukville through which 80 percent of its munitions used against two-thirds of South Vietnam had reached the sanctuaries while Prince Sihanouk was in power. Had it succeeded, an intolerable situation would have stretched for 600 miles along South Vietnam's western border.

The action against North Vietnam in the Cambodian sanctuaries is proving extremely crippling to its future ability to interfere with our orderly withdrawal and with the South's developing strength. Already, 8 million rounds of small-arms ammunition have been seized and over 20,000 mortar rounds, and 2,000 land mines. This and other captured Communist war material will not be used to carry out Hanoi's orders to its troops in the sanctuaries to kill no less than 100 Americans per week to keep the political pressure on Washington. It will not be available to keep us pinned down in a faraway place we desperately want out of.

Despite assertions to the contrary, this move against the north in the sanctuaries is legal both under article 51 of the U.N. Covenant and under international law. Cambodia's inability to enforce its neutrality gives injured parties the right to take commensurate action. The United States and South Vietnam did so and notified the United Nations. Their right of action does not depend on a declaration of war. War is a fact which may legally exist independently of a declaration. When war exists, declared or undeclared, the rules of war apply. Any illegality in this instance is on the part of North Vietnam which invaded this territory and took it from Cambodia for its own use.

Some people believe that passing the so-called "amendment to end the war" will make the war disappear. By withholding money, the amendment would restrict how, where, and when action is taken to get us out of this mess. Frankly, I think the idea is dangerous and counterproductive. Hamstringing the President will not make it any easier or quicker to cool off the fighting and breathe life into the Paris talks. And a lot of men in uniform could get killed waiting for Congress to repeal restrictions on things they may have to do to protect themselves. Can you imagine how long World War II might have dragged on if Congress had badgered General Eisenhower that way?

In expressing these views I do not feel at all omnipotent. I have a decent respect for those whose outlook differs from mine. I am prepared to change my mind if I am in error and trust that other people would do likewise. Pride is not important here—ending this war and keeping out of others is. I think it is also important in the dialog on this subject to maintain a decent respect for our country and its President and a balanced perspective on the deep responsibilities of North Vietnam for perpetuating the war.

COLONIE CELEBRATES ITS 75TH ANNIVERSARY

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. BUTTON. Mr. Speaker, in the week of June 1 to 7, one of the largest of all the hundreds of towns of the State of New York is observing its 75th anniversary appropriately. The town of Colonie is in Albany County, part of the 29th Congressional District, which I have the honor to represent.

Because its colorful history long antedates the actual founding of the town, numerous aspects of its growth and development are of significant interest to my colleagues and to the general public. Numerous patriotic developments are associated with Colonie.

Indicative, perhaps, of the standing of the town of Colonie is the fact that its supervisor, William K. Sanford, a man who has held that responsible office for many years, is also the executive secretary of the Association of Towns of the State of New York.

Mr. Sanford has issued a timely proclamation noting this anniversary and its significance, as follows:

XUM

PROCLAMATION

Whereas, June 7, 1970 marks the 75th anniversary of the incorporation of the Town of Colonie, Albany County, New York; and

Whereas, To accord official recognition of this memorable anniversary, and to honor the Founding Fathers for their foresight and wisdom; and

Whereas, It is the privilege of the citizens of this community to recognize their American Heritage and celebrate by appropriate ceremonies and activities, the week of June 1-7, designated as 75th Anniversary Week,

Now, Therefore, I, William K. Sanford, by virtue of the authority vested in me as Supervisor of the Town of Colonie, Albany County, State of New York, so hereby proclaim the week of June 1-7, 1970 as "75th Anniversary Week" in the Town of Colonie, and urge all citizens to pay special attention during that week to commemorate this noteworthy occasion.

THE TOWN OF COLONIE

The Town of Colonie was formed by a special act of the Legislature in June of 1895. Before that, it was a part of the Town of Watervliet, known as West Troy.

Due to the fact that there was a village in the Town of Watervliet, known as West Troy, which was predominantly of one political persuasion, and therefore, because the rural area (Colonie) was not represented adequately on the Town Board, they petitioned the legislature to secede from the Town of Watervliet, which permission was granted.

A vote was taken in Latham, which was overwhelmingly in favor of seceding.

Leading this movement was George Stedman, the leader, and Lewis Dayton, Frank Groat, James Gaffers, John McNab and William Woodward.

The people of Watervliet objected and marched up the 19th Street Hill, but were repulsed at the top of the hill (Latham).

As a result of the secession, the Town of Colonie was created and the City of Watervliet was created in place of the Village of West Troy.

The first Supervisor of the Town of Colonie was Lorenzo Collins, who first served in the appointive position, and in November, 1895, was elected to the position, then called the Town Officer. The Town Board, at that time, consisted of the Town Officer, 4 Justices of the Peace, and the Town Clerk.

The Colonie town historian, Jean S. Olton, has written a vivid and graphic description of the principal historic sites in the town. Prepared for a tour of the town, the directions are of much interest. Mrs. Olton directs us as follows:

Sites visited on this tour have historic background of over 300 years—dating back to 1640. Background data, consisting of relics, documents and photographs, are on exhibit at the Town Hall, Newtonville. The Town Hall was the former site of "Smith's Tavern", a prominent gathering place. We head North, on the old "Plank Road", a military route during the American Revolution, passing the old Newton Baptist Church, built in 1852. Presently known as the Newtonville Post Office, this building has great potential for restoration. Here, the Reverend William Arthur, father of Chester A. Arthur, 21st President of the United States, served as Preacher, and the family lived in the Parsonage nearby.

Turning left on Maxwell Road to Albany-Shaker Road, try the modern turnpike known as the "Northway" to "Old Post Road" (Central Avenue). There we find the Lishakill Dutch Reformed Church one of the oldest in this area, built around 1700, which has been beautifully restored. Note the beautiful steeple and weather vane.

West on Lansing Road, at Roosevelt School, to Consaul Road, where the new Colonie Golf Course and Clubhouse is on the right.

To the right, off Vly Road, in the Village of Colonie, the site of the Mustering Grounds of Albany County's Third Regiment had been located. In 1777 this was used as a practice area, and cannon balls have been found within range of the earthworks. A deed for the land goes back to Captain Jacob J. Lansing, who purchased it from the Van Rensselaers. Deer Pond can be found on the early map of 1887 as well as the Commons path used by Shakers and nearby settlers to reach the Old Post Road for the coach to Albany or Schenectady.

Heading for the Airport we approach Shaker territory. Here in 1776 the first settlement of Shakers was founded by Mother Ann Lee and her followers. The South and West Farms are privately owned and still intact. Drive into the South Family Farm to observe the buildings. The Cemetery is a study in itself with uniform rows of headstones of all the early "Elders" of the Shakers with Mother Lee's grave in the very center. Their Meeting House, built in 1809, is still in use on the grounds of the Ann Lee Home, but has become St. Elizabeth's Chapel. Just outside the Chapel stands a bell made in 1847 by Meneely Bell Company in West Troy, part of the Township of Watervliet which became Colonie in 1895.

Proceeding North on Albany-Shaker Road to the Schenectady Turnpike, we turn West to Buhrmaster Road, noting in the Verdow area the old district one-room schoolhouse. We are now approaching River Road and at Mohawk View, on a knoll overlooking the river we see a few stones that comprised the earliest Witbeck Family Cemetery. This site is within view of an old trading post, established by Captain Martin Krygler (Cragler) about 1640, and the ferry maintained in colonial times by Johannes Fort. It is in an exact line with the easternmost end of the largest of five islands, deeded by the Mohawks to Hillitje Van Olinda, as her birthright. A few rods to the west is that famous Laurentian Algonkian site known to archeologists as "Pottery Beach," according to L. N. Brinkman. He also records the oldest tombstone found in this area, as dated 1805. Just beyond is a millpond where a grist mill and sawmill once stood.

We continue to Sparrowbush Road and to Pollock Road until we reach the Dunsbach Ferry Road. On the left stands "Cavin Crest," a partially restored brick home, which was representative of this farm area, and containing many early American features. Ferry sites, Loudon, Dunsback, Visscher and Forts were the only means for crossing the Mohawk until the present bridge was erected in the early 1900's. Occasionally one can see also along the banks of the river an abandoned aqueduct and early lock of the Erie Canal, which was completed in 1825. On Schermerhorn Road we will pass the Town Park and Pool. Note the abandoned railway tracks that run through this area. Here it was that steam engines chugged along on primitive rails made of wood and strap iron! They were a part of the West Shore Railroad (later New York Central), which was built in 1883 to connect the Albany Line with the Great Lakes.

We proceed to Boght Corners, once called Groesbeck Corners, the site of the Boght Reformed Dutch Church. Located on Boght Road (Manor Road to Cohoes), the original structure and cemetery was on Baker Road and Vliet Street. According to recently discovered records in the State Library, the Church dates back to 1642 and is the oldest church in the town of Colonie, and was started as an offshoot of the First Reformed Church in Albany established in 1624. Here too we find many familiar names traced to the earliest Dutch settlers, who came here under the New Netherland Patroonship system. Kilīean Van Renssler, Patroon, was granted ownership of a vast domain extending more than 1000 square miles, 24 miles to the north and south and 24 miles east and west of the Hudson. This road marks a part of the Northernmost Boundary line.

Returning to Loudon Road, we pass the oldest known house still standing in the Town of Colonie. The Witbeck Homestead, built in 1704, was leased by the Clute family until 1749. Witbecks have lived here continuously since that time. It was in this area, in 1777, that General George Washington stopped to inspect the troops of General Benedict Arnold and Enoch Poor. The Witbeck family offered rest and refreshments to the Generals. The troops were stationed here to guard the Loudon Ferry from attack by General Burgoyne. They were later sent north for the Battle of Saratoga, considered the turning point in the Revolutionary War. At the far end of the apple orchard headstones from the Witbeck Begraafplaats (cemetery) may be seen. Lucas Witbeck was elected Supervisor of the Town of Watervliet in 1824. He is believed to have been the first millionaire in the history of the Town.

Van Vrankens' Corners (Latham) is next on the tour route, and we continue down the Troy Road to Delatour Road. We pass the Provincial House of the Sisters of St. Joseph, Sisters of Carondalet. This now occupies the site where General Henry Knox camped with his artillery train in 1775. These troops later assisted in forcing the British, under General Howe, out of Boston. The General of the French troops stayed here for a winter during the French Revolution, thus linking Colonies past with this event!

We continue to the Village of Menands, named for the Horticulturist Louis Menand, whose son Howard Menand is presently Village Historian.

"Schuyler Flatts" land was once owned by the Schuyler family along the Hudson River. One may read of the Ancestral Home and Family Life in "Memoirs of an American Lady," 1836. To the right is the stately mansion of the former James B. Jermain, Industrialist and Railway Tycoon of the 1800's. The Carriage House in the rear has brick walls with a depth of 20 inches.

Turning right on Cemetery Road, we wind through 8 miles of woods and ravines of the renowned Albany Rural Cemetery, which was established in 1844. Here, we pause at the impressive monument erected in honor of General Philip Schuyler, "Second only to Washington in the Service he rendered to the American Colonies." We proceed through the Cemetery, following the well-marked path to the huge granite sarcophagus, where lies the body of President Arthur.

Now on to Loudon Turnpike, by way of Menands Road. We find, at the corner of Cherry Tree Road, Loudon Cottage. Loudon Cottage, according to some. Thought to have been the former home of Lord Loudon, Earl of Campbell, the Commander-in-Chief of the English, during the French and Indian War (1754–1763). Also the home of Elijah Gove, as seen on a deed of 1828, and Ira Harris, Lawyer, in the late 1800's. This was moved from its site at Ireland's Corners (the four corners at Loudonville) to its present site, and was also visited by George Washington on one of his journeys to the north. This house is widely known for its ghostly tales, which have already been widely publicized.

CONGRESSMAN WYDLER REPORTS ON FIGHT AGAINST JET NOISE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. WYDLER. Mr. Speaker, the battle against jet noise is one that I have been waging for 8 years as a Member of the U.S. Congress. The fight has been a long and hard one and there have been both successes and failures along the way, but there has also been steady progress.

When I was first elected to Congress in 1962, I became aware of the severe problem of jet noise in the western end of my district. This problem was caused by a landing pattern approaching Kennedy Airport, turning a large portion of the area into a jet alley. I responded to the calls for help from people in the area by immediately starting to alert my fellow Members of the U.S. Congress to the seriousness of this problem.

THE EARLY YEARS

In the early years, I received very little support and a great deal of sarcasm for my effort, for few people in the country were badly affected by jet noise at that time. The years have changed this apathy. Now there is a substantial body of Congressmen who are fighting alongside me, and progress has been made. Some of the successes that were achieved years ago are now bringing results in the fight against jet noise.

The struggle continues and is going on at the present time. The efforts made now should also bring good results in the years ahead. What the individual suffering from the horrors of this overhead noise really wants is immediate relief or, in any event, relief very quickly. Efforts in this area and in the long term should go forward simultaneously.

I shall attempt to set forth here exactly where we have been in this struggle, where we are at the present time, and the directions in which we can go in the near and distant future to get rid of this intolerable situation once and for all.

XUM

STEP 1: PROGRESS IN NOISE SUPPRESSION

Upon first being elected to Congress in 1962, I asked for and was assigned membership on the Science and Astronautics Committee in the House of Representatives. Among this committee's duties is the responsibility of overseeing our national aeronautics program, which includes the development of new aircraft and new techniques in the flying of aircraft. I quickly realized that little if any attention was given by this committee, on the part of the Federal Government, to the problems of jet noise. Immediately, I began a struggle to make the committee aware of the problems of jet noise. I urged more money be put in the Federal budget, not only for research into the problem, but also for funds for development of actual hardware and equipment that could be utilized in controlling the problems of jet noise. This struggle was not an easy one as most members of the committee were not then convinced this was a serious problem. It did not affect their congressional districts severely. Among other things, I arranged demonstrations of actual jet noise as it was heard by people living close to major airports and, slowly but surely, I began to convince the committee of the needs and seriousness of the problem. Over the years, we were successful in getting larger and larger sums placed in the National Aeronautics and Space Administration budget for research and development on the jet noise problem. This has resulted in the actual development of equipment which is now available and which could be used to retrofit aircraft to reduce jet noise substantially.

In addition, we managed to begin a program to develop a "quiet" jet engine, which is an entirely new concept in building an engine not only for power but for quietness as well. This program is not completed but, in the years ahead, will indicate important new ways in which jet engines can be made much quieter and more acceptable. The fight to obtain the funds was one that stretched over many years and was fought on many battlefields, both in my subcommittee which has specific authorizing power over this area, and in the full committee and on the floor of the House of Representatives.

STEP 2: THE POWER TO LIMIT NOISE

When this fight started to be won, I realized that the next important problem was having the means whereby we could require airlines and aircraft manufacturers to adopt and utilize the new equipment being developed. It was one thing to have the equipment on hand but quite another to require, in some way, that the airlines and airframe manufacturers would actually install it on airplanes. In addition to my assignment to the Science and Astronautics Committee, in May 1965 I was assigned to the House Committee on Government Operations. This committee is the chief investigating and organization committee in the House of Representatives; and, in March 1966 we started to consider the President's request to establish a Department of Transportation. During the reorganization hearings, I became convinced that the new department should be given the necessary powers to require the benefits of jet noise research to be utilized in reducing jet noise on current and future aircraft.

The means to do this was a proposal that would give to the Federal Aviation Administration, which would be a part of the new Department, the power to set jet noise limits. I was the original sponsor of this proposal, which later was passed by the Congress of the United States and is now the law of the land. In addition, I asked that the new Department have a specific Office of Jet Noise Control, and proposed this legislatively. Unfortunately, at that point, the Johnson administration would not agree to this but it finally did agree to set up an Under Secretary in the Department whose area would be concerned with the problems of jet noise control, as well as other noise problems.

These legislative successes have given us the weapons we now have available in the jet noise field. Although the progress has been great when measured from the position on which we were when the fight started, there is still a great deal of the battle ahead of us. We have managed to do the research and development which makes available the equipment we need to reduce jet noise on current and future aircraft. We now have the legal means of requiring airlines and airframe manufacturers to utilize that equipment. We must now go through the necessary administrative proceedings to see that rules are placed in effect which would require the airlines to install this equipment at an early date. On that problem, I am actively and constantly engaged, pressing the Federal Aviation Administration to get on with its hearings and rulemaking procedures and to establish sensible and helpful jet noise limits that will be of aid to people suffering from this serious problem.

I am appending to this statement a chronological history of my efforts in this area to indicate not only the successes but some of the disappointments of this long and continuing struggle. I have had my rewards, in the form of an honorary plaque received from the Elmont Civic Association for my efforts in fighting jet noise, and, particularly, in conducting informal congressional hearings in the Elmont area of my district, in October of 1965, to see what could be done about the noise problem.

I have been working closely in Washington with the presiding supervisor of the town of Hempstead, Ralph G. Caso, and other municipal leaders from around the country, in forming a national organization to fight jet noise. When they held their jet noise conference in Washington in October of 1969, I hosted this group in the committee room of the Science and Astronautics Committee, in the House Office Building. I have since worked closely with them in forming and establishing their national organization.

There have been recent changes made in the outlines of the Fourth Congressional District and, as a result, I will receive new areas which are also intensely affected by the jet noise problem. This means that I will increase my efforts to the extent possible and with every bit of my strength. To do this, I need support and help from the local areas; and it is my intention to establish a Congressional Commission on the Problems of Jet Noise appointing to it local representatives from each of the areas affected by the problem. This grassroot approach will give me backing and support when dealing with the problem both in the Congress and with the administration in Washington.

Recently I have proposed the creation of a Department of Environmental Affairs within our National Government structure, giving full Cabinet status to this new Department which would be oriented toward the needs of people. Among its other duties should be the duty of fighting noise pollution; and transferring these functions to the new Department would free it from the conflicting problems the subject now receives by being treated in the FAA, which is heavily influenced by the airlines and airframe manufacturing industries. This year I started to stress the growing problem of air pollution caused by jet engines and, although there is now still little interest in the Congress, my subcommittee did manage to have certain funds in the National Aeronautics and Space Administration budget transferred into the problems of air pollution control. This research will be valuable and helpful in the years ahead.

I have found that the jet noise problem

is particularly severe in the summer, but the fight against it must go on 365 days a year as it is a continuing and constant one which requires continuing and constant pressure if results are to be achieved.

Some of the matters in which I have worked and am following currently are as follows:

The possibility of reducing flights to Kennedy Airport, because of the low use of seats on aircraft under present scheduling procedures.

The possibility of changing night flight schedules to give relief in sleeping hours.

Turning the control of jet noise over to local governments until such time as the FAA sets forth reasonable standards. This, to force the FAA to take quick action.

Increasing the angle of approach for landing aircraft, which would take them higher over the surrounding territory and greatly reduce the jet noise. The program is on-going and is making progress.

Studies of the midsound jetport as a prototype for relocating our jet ports in metropolitan areas.

Obtaining speedier hearings and rule-making procedures from the FAA, on the proposed rules for noise levels on currently flying jet aircraft.

Air traffic control that takes jet noise into consideration on runway usage.

My most recent approach has been as to an investigation of changing approach and takeoff patterns in the Kennedy Airport region, which has been made possible by the release of certain restricted military zones in the Kennedy Airport area. This matter is being pursued actively and could have immediate and good effects on the problem of jet noise, without further instrumentation.

I shall continue to attack this problem on all fronts and keep up a constant pressure. Victory in this struggle is within sight, but there are a great many forces working against us and a great many problems to be overcome. I will not hesitate to use all my power to see that the people's interests are really represented and that they obtain the relief which they so justly deserve.

I include herewith a history of my jet noise fight:

HISTORY OF JET NOISE FIGHT
BY CONGRESSMAN WYDLER

October 1963: Congressman Wydler called for funds for crash program to develop noise suppressors and quiet engines.

March 1964: Announced new NASA program of research on jet noise. Advanced Research and Technology Subcommittee added $2-million.

February 1965: FAA accepted Wydler program that all future jets have lower noise levels.

March 1965: NASA making research headway. Congressman Wydler called for means to get results *incorporated* in new aircraft.

August 1965: Congressman Wydler filed complaint under U.S. Code with the CAB and FAA and demanded public hearings on misuse of Runway 22L at Kennedy Airport.

October 1965: Held informal congressional hearings on jet noise in Elmont, N.Y.—adverse effects on health, education.

May 1966: Proposed an amendment to set aside $20-million for jet noise fight.

July 1966: Fight in Government Operations Committee to establish an Office of Aircraft Noise Abatement in the new Department of Transportation.

July 1966: Original sponsor of legislation to let FAA set jet noise standards.

August 1966: Offered amendment on House Floor—an Office of Aircraft Noise Abatement supported bi-partisan by Congressman Tenzer.

September 1966: Report on the jet noise hearings held in Congressional District, at Elmont, N.Y.

September 1966: Announced growing support in Congress; NASA announced program to develop a quiet jet engine.

September 1967: Called for Administration action on appointing an Assistant Secretary for Noise Abatement.

December 1967: Criticized Democratic leadership for refusing Ralph Caso, Presiding Supervisor of Town of Hempstead, N.Y., the right to testify on jet noise bill.

February 1968: Announced full funding for federal Jet Noise Control program.

June 1968: Passage of Jet Aircraft Noise Control bill by House of Representatives.

October 1969: Wydler introduced bill to return power in aircraft noise control to the States and localities, to push FAA to set limits on jet noise.

October 1969: Meeting with FAA—announced new rules for jet noise levels on production aircraft to be lower than those for present jets; action on current jets in next few months; program for high-altitude landing approaches.

March 1970: Congressman Wydler submits bill to establish Department of Environmental Affairs to coordinate fight against pollution, including noise pollution and to be concerned with problems of people on the ground suffering from jet noise.

DR. ANDREW W. CORDIER URGES SUPPORT FOR GRADUATE AREA AND LANGUAGE STUDIES

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. RYAN. Mr. Speaker, today, more than ever before, it is important for young Americans in our colleges and universities to learn about other nations throughout the world.

As the world gets smaller and smaller, it is essential that Americans have an understanding of their world neighbors—their languages, their areas, their histories, their traditions, and their social, economic, and political backgrounds.

There is a program, title VI of the National Defense Education Act, which provides for Federal support of graduate area and language studies and which also provides for fellowship assistance to students participating in these programs.

Recently, there has been concern on the part of the university community that the Federal Government will feel that a reduction in our overall involvement abroad should signal a reduction in Federal support for this program.

On April 30, Andrew W. Cordier, president of Columbia University, appeared before the Special Subcommittee on Education of the House Committee on Education and Labor on behalf of the Association of American Universities and Columbia University, to discuss the concern of our institutes of higher learning regarding this program.

I am inserting in the CONGRESSIONAL RECORD a copy of President Cordier's testimony before the committee. I commend him on his testimony and recommend it to my colleagues. This is an important program. The program, in the past, has illustrated Federal commitment to the need to educate students about the languages, cultures, and politics of other nations.

I share President Cordier's concern and his point of view that this program must be continued and revitalized today, and in the future. His testimony follows:

TESTIMONY OF ANDREW W. CORDIER, PRESIDENT OF COLUMBIA UNIVERSITY, BEFORE THE SPECIAL SUBCOMMITTEE ON EDUCATION OF THE COMMITTEE ON EDUCATION AND LABOR OF THE HOUSE OF REPRESENTATIVES, APRIL 30, 1970

Madame Chairman and Members of the Committee: On behalf of the Association of American Universities, representing 46 universities in this country, and of Columbia University, of which I am President, I want to thank you for giving me an opportunity, along with President Goheen, to lay our views before you.

President Goheen has discussed many dimensions of higher education, all of which deeply concern members of the AAU. But I would like to stress one important aspect of higher education which I believe risks serious neglect. I refer to both Titles IV and VI of the NDEA Act, but I shall direct my remarks here to Title VI which authorized Federal support for graduate area and language studies and for fellowship assistance to students participating in such programs.

We know the positive concern that you, Madame Chairman, are demonstrating toward higher education with your omnibus higher education bill. We have also read with interest the Administration's proposal regarding a new Educational Foundation. And we recollect the activities provided for in the International Education Act of the last few years (but not yet funded). We are impressed by these efforts to improve the programming and financing of higher education. Moreover, there is little question that there are aspects of the NDEA legislation which need to be revised, now after 13 years of experience. As you know, a major study is underway under the auspices of the Social Sciences Research Council which should give us good counsel on how to proceed in the future.

While we review the past performance and reshape institutions and programs for the future, during the next twelve to sixteen months, we beg you and your fellow Committee members to assure that these NDEA programs not be lost sight of. The present arrangements, modest as they are, must at least be sustained until new arrangements are well in place to succeed them.

You are aware, Madame Chairman, I am sure, that Title VI has assisted some 107 centers at over 60 colleges and universities scattered across the United States, to develop unconventional language and area study programs. These train young Americans to learn and use foreign languages other than those of Western Europe, many of which would not be taught except in very rare instances, without such Federal support. The grants make it possible for these centers to provide, in addition, indispensable and equally important training in the history, cultures, political systems and economies of these areas. Under the NDFL program, over 2,000 graduate students a year are provided with supporting fellowships to encourage and help sustain them while they labor in the onerous task of mastering these languages and area studies. Because of the specialized nature of these subjects and their difficulty, students require one or two years longer than for the more normal graduate programs. And they deserve this encouragement and indispensable assistance.

Because of NDEA grants, in those centers of concentrated quality instruction, there are sufficient faculty of differing disciplines gathered together to provide that critical mass of interdisciplinary talent necessary for mutually stimulating research and writing across the traditional academic disciplines, focusing on these areas. And the fruits of these writings and research activities go far beyond the particular campus on which they were created. They provide the solid studies on which responsible discussion of public policy and sound scholarly understanding can be based.

We must perisist in these efforts despite the fact that a number of people appear to assume that since NDEA programs have been going for 13 years, government support for this kind of program is no longer needed. They see the President's understandable desire to reduce our direct military commitments in Asia as a sign that we no longer care about the world environment beyond our shores. The pull to avoid over-involvement abroad and to attend to long-neglected problems at home is understandable enough.

But, however, I am frankly alarmed at what the consequences will be a few years from now if American universities are obliged to curtail drastically their efforts to train both specialists and the general public in international affairs and in the type of language and area programs hitherto financed by the NDEA. Our national need for knowledgeable people in various levels of teaching, in government, in business and journalism and as educated citizens will be no less great in the future than it has been. Yet I fear we shall be less well equipped as a nation to deal with the pressing problems in the international environment if programs of instruction in foreign areas and languages which take a long time to develop are now quite abruptly dissolved.

There is wide recognition which we share that critical domestic problems in our country require our attention as well as massive government support, but we believe the world environment will need more intense effort to understand and to cope with it in the future than in the past, not less. We do not believe that the pressure of technological change and rapidly rising populations abroad will separate men from one another. On the contrary, we are bound to be pressed closer and closer into greater intimacy. We do not believe a decline in military involvements abroad will mean that we can—or will wish to—opt out from the wider world environment. Our country is too wealthy, too energetic, too active to reduce our effective and peaceful role in the external world. We will, on the contrary, require all the skill and knowledge we as a nation can muster to so manage our relationships with other peoples as to identify and build on our common interests, to minimize friction, to avoid conflict and to join in cooperative efforts with others to share a world environment tolerable and safe for all of us.

Despite some evidence that the country may be producing too many scholars with advanced degrees in the more conventional liberal arts fields, there is no evidence as yet to suggest that we are approaching the saturation point in qualified specialists knowledgeable in foreign area studies of high quality. On the contrary, as the world grows smaller—as we expect it will—we anticipate an increased demand for students knowledgeable in foreign languages, area studies and interdisciplinary skills, combining knowledge of the history, great traditions and contemporary social, political and economic studies. Moreover, while English is the world's greatest *lingua franca* for business and cultural interchange, in many countries, particularly in South Asia, there is a growing nationalistic resistance to speaking and writing English. Only those equipped with indigenous languages will be able to have direct and truly human contact with increasing proportions of these countries' educated and active populations, whether in government, business, journalism or scholarship.

Such training as has been partially supported by NDEA is more costly per student than that appropriate for most undergraduate and even many graduate students except, perhaps in the physical sciences. It takes longer by a year or two for each student; libraries must be more specialized and depend on expensive acquisitions from all over the world. Processing and cataloging require specialized staffs capable of using local languages and sustained resources. Language training requires intensive supervision, often of small numbers of students at any stage of learning at one time. We are, however, impressed by the tragic fact that all the educational opportunities promoted by the $18 million annually devoted to the Title VI program cost the US people no more than one model of an F-111 fighter. We find it self-evident that in any orderly assessment of national priorities, greater safety for our people could be purchased by doubling the Title VI type program at the expense of the budget for defense.

Moreover, we have also been impressed with how much solid training has been evoked by quite limited NDEA appropriations. Although government support of foreign language and area studies under Title VI of NDEA has not been large in absolute terms, nor even as a percentage of the total funds expended for these purposes by universities, foundations and private donors, it has nevertheless provided the critical margin for these activities. As a general rule, we in the universities have matched at least two dollars or more for every dollar received under the NDEA. Indeed, a survey of 51 programs shows that US Government funds have contributed only 12% of the total costs. Given the serious financial strains under which most universities are now operating, this has not been easy. But I am not exaggerating when I say that without the critical margin of NDEA support, many universities will find themselves unable to fulfill their responsibilities in this important field adequately or in some cases, at all.

It might be helpful to the Committee if I briefly described a few of our language and area programs at Columbia University. This is not intended as special pleading, but because I am most familiar with our own activities, a few observations may help suggest to you what it has been possible to do with limited funds.

Take, for example, our Russian Institute, a center established immediately after World War II because of the obvious importance of our relations with the Soviet Union and the need to direct intensive and extended study to that country if we were to improve our ability to understand and live with it successfully. Over the years, we have provided nearly 400 students with a substantial Soviet specialization, 190 of these have gone forward to take a Ph. D. degree in addition, in one of the classic academic disciplines.

The bulk of these have gone into teaching and research, and are to be found at 91 universities throughout the country. More than 50 of these graduates have initiated or directed Soviet studies at some institutions, their work at Columbia has thus been multiplied many times by their teaching and writing since then. Forty of the alumni are in government service, more than 50 are in journalism and in international organizations. The demand for such trained individuals remains high, despite the recent decline in official aid.

The Russian Institute and its associated Institute of East Central Europe and the Department of Slavic Languages have a total combined budget, including teaching salaries, fellowships, library, publications, administration, buildings, etc. of some $1.4 million. Of this amount the University supplied approximately $836,000; approximately $500,000 came from foundations and other outside sources and $71,000 from NDEA support. This may seem a small proportion of the total, but I assure you that this contribution has had a great multiplier effect. Particularly now, as foundation interests are turning in other directions, private gifts are coming in more slowly, and our University, like most others these days, is in serious financial straits. NDEA has been a critical element in our continued efforts to provide qualified teachers, researchers, and those who enter the government service or such activities as business or journalism.

The Latin American Institute at Columbia has similarly supplied large numbers of teachers and scholars, as well as active men in government, business, and journalism. At present there are 74 advanced students in Latin American affairs, 44 of them Ph. D. candidates. Fifty-five have already received their advanced degrees, and they have spread to the winds. They are to be found in 40 different universities and colleges in 21 states, and in Canada, Puerto Rico and Brazil. NDEA contributes $64,000 to this enterprise, but the University and special gifts together more than match that amount.

The largest share of NDEA assistance at Columbia goes to our East Asia Center, thanks to which we are able to offer language instruction in Chinese, Japanese and Korean, and a total of 36 courses in political science, history, anthropology, economics, sociology, geography and literature. Thirty-two Ph. D. degrees have been granted and 36 are now in process. Alumni are teaching in 27 different colleges and universities, scattered in 10 states, Canada, India and Japan. Ten of our alumni are serving in government positions. The need for scholars and informed citizens with knowledge of this part of the world is self-evident, and the need cannot be filled quickly nor can stopgo financing suffice.

As these well-trained people spread across the country, high quality teaching is available quite beyond the major universities. Increasingly, small colleges and some community colleges are now in a position to provide their undergraduates with quality teaching of these area and language materials. And increasingly, too, we find that those who apply to our graduate schools from the better colleges are themselves better trained to begin with, so that their language skills and substantive knowledge at the outset is higher now than was imaginable fifteen years ago when we started. But this process of enriching the offerings of smaller four year and community colleges cannot proceed unless we maintain the momentum already gained through the work sustained by the NDEA program.

We also have smaller and newer programs in African, Middle Eastern and South and Southeast Asia studies. In undertaking the latter in 1967, despite the lack of NDEA support, we were aware of the doleful fact that although the United States was already deeply involved in Southeast Asia, there are relatively few qualified specialists on this area. Scholarship on other aspects of contemporary South and Southeast Asia was less well-developed than on certain other parts of Asia. Since then, financial prospects of the NDEA-type program have not been bright and fewer students than we expected have been willing to invest their time and careers in helping the nation to overcome the ignorance which has so often stalked our path in South and Southeast Asia. Only a clear demonstration of how important this Congress feels it is to overcome that lack of knowledge will ensure that enough young people come forward for the onerous training required.

If NDEA-type programs were to stop, our language training staffs would have to be cut back first. The more difficult languages, with small enrollments, will be the first to go. Already in certain universities this has happened. Our library acquisition programs would slow materially. As funds become tighter, teaching faculty would have to be reduced. Unhappily, the first to go are the younger, non-tenured faculty, and these will be precisely the ones whose training has been financed by NDEA since 1962. Thus, cuts now will spoil the fruits of the NDEA training effort thus far. Students, hitherto dependent on government-sponsored fellowships for the long, hard effort would turn their attention to less demanding fields where support proved more likely and training times were shorter. State funds for these special subjects will also dry up as Federal funds are no longer coming in to be matched. The attack on our ignorance of the world environment would lose its momentum and weaken across the board. Indeed, in the uncertainty already created by the abrupt cut in NDEA funding proposed this spring, we have had a vivid foretaste of what would happen if NDEA-type programs were allowed to decline and, perhaps, be discontinued altogether.

My colleagues and I in higher education have been frankly worried by the thought that in the effort to find new means of financing necessary programs, old activities of proven worth may fall by the wayside, or receive insufficient attention and support. If there is to be new legislation of some kind, perhaps to create a Foundation for Higher Education as proposed by President Nixon, my colleagues and I want to be very sure that NDEA-type activities, and others related to them, do receive quite explicit authorization and assured financing both in the interim and in the longer run. We take some encouragement from the letter sent by Mr. Moynihan of the White House to President Pusey of Harvard on April twenty-seventh. But we must appeal to the Congress to transform the hope generated by that letter into a reality.

QUESTIONS ON INVASION OF CAMBODIA: I. NEUTRALITY AND TERRITORIAL VIOLATIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. FRASER. Mr. Speaker, there is a great deal in the record of U.S. involvement in Cambodia that departs from the President's assertion that American policy has been to respect the neutrality of Cambodia and pursue a policy of nonviolation of Cambodian territory by United States or South Vietnamese troops.

The following are replies to question-and-answer material distributed on May 1 by the administration in regard to the Cambodian invasion as well as statements made by the President in his speech of April 30.

These and other questions have been taken from "Cambodia: The Administration's Version and the Historical Record," prepared by George McT. Kahin, professor of government and director of the Southeast Asia program, Cornell University:

CAMBODIA: THE ADMINISTRATION'S VERSION AND THE HISTORICAL RECORD

(By George McT. Kahin)

This paper contains replies to prepared question and answer materials distributed by the Administration on May 1 in regard to the Cambodian invasion—as well as to certain statements made by the President on his April 30 speech.

1. THE ADMINISTRATION'S CLAIM OF U.S. RESPECT FOR CAMBODIA'S NEUTRALITY

Central to President Nixon's argument is the following statement in the introductory part of his April 30 speech. Going back to the Geneva Agreements of 1954 he stated: "American policy since then has been to scrupulously respect the neutrality of the Cambodian people."

In the White House's subsequently released (May 1) "Background Information on Cambodia" among the various hypothetical questions raised was one which reads: "Why do we have to support the Lon Nol government? Wasn't Sihanouk the legal ruler and wasn't he pushed out by a coup?"

The answer provided by the White House states: "The question of who rules in Cambodia is a matter for the Cambodians to decide. We had absolutely nothing to do with the change."

The historical record

It is to be hoped that the U.S. was not party to the overthrow of Sihanouk, but it is understandable why the many years of American clandestine activity in Cambodia makes Sihanouk think otherwise and may raise some doubt in the minds of anyone familiar with the pertinent historical record.

There is a great deal in that record that departs radically from the President's assertion that it has been American policy to "scrupulously respect the neutrality of the Cambodian people."

In fact for the most of the last 15 years the U.S. has opposed Cambodian neutrality and applied various kinds of pressure to get it to assume an anti-Communist stance in alignment with American policy objectives.

Following Cambodia's refusal to accept the security mantle incorporated in the SEATO protocol, American aid was halted. The Saigon and Bangkok governments imposed an economic blockade, and border violations were visited upon Cambodia from two of the United States' SEATO allies, Thailand and South Vietnam.

(It was just after this that the Cambodians responded by opening diplomatic relations with the Soviet Union and agreed to accept aid from China.)

Greater pressure was mounted against Sihanouk's government beginning in mid-1958 with a South Vietnamese invasion of Stung Treng province in which the United States refused to act effectively on Cambodia's urgent request that it restrain Saigon.

(A week later Cambodia began discussions with China for establishment of diplomatic relations.)

Upon being recalled to Washington, the American Ambassador to Phnom Penh then discovered that plans were being made to remove Sihanouk from power. The U.S. did not immediately take such steps, but soon thereafter the anti-Sihanouk Khmer Serei (Free Cambodian Movement) was organized which received encouragement and support from the CIA as well as backing from Thailand and South Vietnam.

At the beginning of 1959 the abortive "Bangkok Plot" was exposed, one aimed at overthrowing Sihanouk and involving military operations by the Khmer Serei from bases in Thailand. Several foreign ambassadors in Phnom Penh warned Sihanouk at the time to take preventive action, and investigations satisfied the Cambodian government (and a good many others) that the American CIA was directly involved and that Marshall Sarit of Thailand and the Saigon government also backed the effort.

By 1966 a campaign supported by CIA to pressure Sihanouk through support of the opposition Khmer Serei tied down a substantial part of the Cambodian army. Khmer Krom (members of South Vietnam's Cambodian minority) were recruited at high rates of pay and provided with extensive U.S. Special Forces training to carry out attacks into Cambodia from bases in both South Vietnam and Southeast Thailand. Border incursions by these forces in 1967 reached at least 12 miles into Cambodia.

2. THE ADMINISTRATION'S CLAIM OF NONVIOLATION OF CAMBODIAN TERRITORY

Referring to Vietnamese communist sanctuaries in Cambodia, President Nixon stated on April 30: "For five years neither the U.S. nor South Vietnam moved against those enemy sanctuaries because we did not wish to violate the territory of a neutral nation."

The historical record

In July 1965 the International Control Commission (I.C.C.) reported on evidence of border crossings into Cambodia by South Vietnamese forces, stating that there were 375 such incidents in 1964 and 385 in the first five months of 1965 alone. The commission unanimously concluded that "None of those incidents were provoked by the Royal Government of Cambodia."

From that time on there were repeated reports of border incursions and air attacks against border areas inside Cambodia chiefly by South Vietnamese but also by Ameican forces. A few examples follow:

On May 3, 1965, five days after South Vietnamese planes bombed a village two miles inside Cambodia, Sihanouk, lodging responsibility with the U.S., broke off diplomatic relations with Washington. (NYT May 4, 1965)

On October 13, 1965, New York Times Southeast Asia correspondent Seymour Topping reported that: "South Vietnamese patrols probe the border and reconnoitering aircraft frequently fly over the frontier, sometimes bombing suspected Vietcong targets on Cambodian territory. Cambodians say that more than 30 of their villagers have been killed in these attacks over the last two years." (NYT October 14, 1965)

On September 21, 1965, American helicopters launched rocket attack against a Cambodian military post. (NYT, September 22, 24; October 15, 1966)

On January 22, 1968, the U.S. acknowledged that a U.S.-South Vietnamese patrol had made a limited intrusion into Cambodia following fire from Vietnamese communist units on the Cambodian side. (NYT January 23, 1968)

In April 1969, U.S. air and artillery attacks were launched against communist bases inside Cambodia. (NYT April 26, 1969)

On May 8, 1969, U.S. B-52 bombers raided communist supply dumps and camps within Cambodia. (NYT May 9, 1969)

October–December, 1969, Sihanouk protested continuing U.S. bombing of Cambodian border areas.

PRESS EDUCATION FUNDING

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. PHILBIN. Mr. Speaker, I am in very strong support of efforts in the House to increase the education appropriation bill.

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My reservation is that in some areas the bill has not fully covered all the necessary ground, particularly with respect to funding since much more money is needed.

I was glad to see, however, that the Appropriations Committee this year is reporting out a separate, appropriation bill for education to help school districts, State departments of education, and others involved in the Nation's educational system, to make more orderly plans for the next school year, and another bill dealing with health funds.

It is pleasing to know that the committee has put some fresh emphasis on the urgent need for educational research and experimentation to find better methods of training and teaching our children and youth, and to try to find out which ones are working, and which ones are not, so that in the process of providing all possible necessary Federal aid, we can also keep a record of intended results. A broad study of learning potentials and performances is essential to proper planning.

Many of the objectives of the bill are praiseworthy. These include aid to educationally deprived children, school assistance in federally impacted areas, school library resources, supplementary services and centers, drop-out prevention, bilingual education, strengthening State departments of education for the handicapped, various education professions, and personnel development programs.

One very important objective is to make sure, as well as we can here in the Congress, that the large sums of money we make available annually for education reaches the right places in our educational system, and are economically and efficiently distributed, and effectively utilized.

There is much evidence that identified educational needs are arising at such a very fast rate, that Congress may not be able to match them, if there should be an economic recession, which God forbid.

But it should be noted that education is not alone in this regard, because many fine, meritorious programs could well be handicapped if the economy should slip below prosperity levels due to imprudent, shortsighted social and economic cutbacks, monetary meddling, and incredibly ill-advised skyrocketing interest rates and inflated prices.

The Federal Government is now paying about 25 percent of the total annual expenditures of the Nation's colleges and universities in support of higher education, but admittedly this is not adequate to do the job that must be done. This does not include elementray, grammar, and special education.

Neither will the appropriations in HEW be very realistic or helpful in the case of stricken people needing medical and hospital care, communities getting new hospitals, shortages of doctors, specialists, and nurses existing in many places all over the country.

I think we must have some real action in these fields, or we certainly will be overwhelmed and ultimately submerged by fast-mounting demands that are in fact right on top of us now.

Another very serious problem is the lack of adequate scholarship money for many very high grade, worthy, ambitious young men and women, who want to pursue higher education, but are barred in all too many cases because their families cannot afford to finance them. Not only the poor, but the middle-class income group are in this category. The situation is grave. It must be met now. It will not wait. Meanwhile, we are financing fully paid education for some foreign students.

Yes, Congress has programs, but like others they are painfully inadequate and woefully under-funded to meet the obvious needs in providing for the education of young people seeking college or higher education and training.

This is a great national human calamity, and I have seen many classic examples unfold right before my own eyes, where young people with high scores in the college boards, and other high quality boys and girls, were denied a college education, because their parents could not afford to help them, and no scholarship or other aid was available. This situation must be remedied with all possible speed.

Obviously, Congress has got to do something much more in this area, and I again urge appropriate committees to do it without delay, and do it right. The money must be found to do it on a high priority basis.

POSITION PAPER

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. SIKES. Mr. Speaker, my attention has been called to a position paper issued by the Florida Medical Association on the cost of medical care and medicare. I feel that it presents a sound discussion of the concern of the physicians of Florida over the recently published report of the Senate Finance Committee on this subject. I am very glad to submit the position paper for reprinting in the CONGRESSIONAL RECORD for the information of my colleagues:

POSITION PAPER ON COST OF MEDICAL CARE AND MEDICARE, FLORIDA MEDICAL ASSOCIATION

Trust is a vital element in the practice of medicine and a necessary adjunct to successful therapy. Trust is a relationship with patients held firm by confidence in the physician's abilities, honor and character in an environment of cordial relations. The physician who is unable to inspire trust on the part of his patient only rarely is able to help that patient.

Innuendoes of wrongdoing destroy trust. If the present program of villifying the entire profession of medicine continues, leading people to believe their individual physician is not to be trusted, the misguided efforts of a few people will destroy not only the profession's reputation but also good medical care.

On the basis of the small number of proven cases, it appears inconceivable that the entire profession of medicine could be suspected of overcharging, even fraud and other abuses, in connection with publicly supported medical and health care programs. Yet, suspicion has been allowed to spread in a manner which condemns many for the misdeeds of a few. Physicians are said to be reaping rich rewards for administering care to older people—their patients who have felt pride, since advent of the programs, in being able to pay their way as far as their doctors were concerned.

COSTS AND THE PHYSICIAN'S INCOME

The cost of medical care, provided only by physicians, has been confused with total health care and the claim made that physicians caused increases in the cost of the Medicare program. The truth of the matter is that in Florida 13% of the Medicare dollar goes to the doctor; the remainder pays for hospitalization, dentists' services, fees and salaries for technologists, prescriptions, nursing homes and government health projects. In the three years since beginning of the program, the physicians' fees increased 21.5 per cent. For all practical purposes, a freeze has been in effect for fees under Medicare for more than a year.

The monetary rewards of practice can seldom make the physician a wealthy man. Out of each dollar he earns, 20 cents go for taxes, 5 cents for rent, 15 cents for office assistants, 5 cents for supplies and equipment and 17 cents for miscellaneous necessities. Only 38 cents remain; no more than for others engaged in the professions requiring similar expenses who devote a like number of hours each day to their vocations.

FEW PHYSICIANS SUSPECT

The overwhelming majority of physicians are honest and straightforward and are doing their best to make the medical and health programs work for their patients benefit. In Florida this encompasses a little more than 97 per cent of the 6,654 licensed Doctors of Medicine. Members of few professions have had their daily activities subjected to closer scrutiny within the past few months, and it is a source of pride that the practice procedures for less than 3 per cent have come under review for even possible misuse of the Medicare program.

Social Security Commissioner Robert M. Ball has stated: "Medicare pays about 30 million doctors' bills and 12 million bills from institutional providers of services each year. It is clear from our investigations that the number of attempts at fraud or abuse is relatively very small." The profession deplores the isolated instances of misconduct and pledges itself to take very vigorous action within its power to remedy the situation.

The existence of government programs is not to blame for this dishonesty. Ethical physicians do not defraud patients; yet they, who form the core of the profession, have never maintained that all are above reproach. In organized medicine, there always have been a few who had to be dealt with by their colleagues; those outside the medical society's jurisdiction eventually face the appropriate legal authorities.

Since early in 1968 when accusations began coming from SSA, the American Medical Association requested the names of those physicians suspected of abusing the program. The requests were refused. Previously, leaders in government, at the policy-making level, had indicated that cooperation between persons responsible for implementing the publicly-financed programs and physicians would be necessary to make the program workable. Yet, official actions have shown this statement to be unfounded. The present ethical powers vested in medical organizations are sufficient for adequate investigation of these physicians and their methods of practice, and subsequent discipline if warranted.

EFFECTIVE, POSITIVE ACTION

The entire profession has been drawn into the present controversy due to the manner in which a few misdeeds were exposed. At the same time, it is admitted that "The key to making the present system workable and acceptable is the physician and his medical society."

The Senate Finance Committee staff report continues in the introduction of its report, "Medicare and Medicaid—Problems and Issues, and Alternatives:" "We are persuaded that at this point in time neither the Government nor its agents have the capacity for effective audit to assure that a given physician functions responsibly in dealing with the publicly financed programs.

"While there is growing awareness among many physicians of the need for the profession to effectively police and discipline itself, performance has been spotty and isolated so far. Prompt action is necessary by organized medicine (and other health care professions) to do what is required with respect to monitoring care provided and charges made for the care. In the absence of such constructive effort, we fear that virtually insurmountable pressures will develop for alternative control procedures which may be arbitrary, rigid and insensitive to the legitimate needs of both the patient and his physician."

The Committee is suggesting an action which already has been taken by organized medicine in Florida. The scarcely concealed threat contained in the statement has not been clarified.

Medical Peer Utilization Review Committees have been established at county and state levels to deal with these problems as they arise. The county medical societies were urged to appoint or designate an existing committee to serve in this capacity at the local level since only physicians practicing in the community can provide adequate peer review.

Questionable matters regarding the individual physician's practice patterns are carefully screened by a state utilization committee of physician in private practice before referral by the Florida Medical Association to the county committee. The local group reviews the profile and practice patterns and makes specific recommendations.

The most effective mediation is that between patient and physician, and this has been fostered and encouraged. When this negotiation fails, the patient has recourse in the mediation committees which have existed at county and state levels for more than three decades. Self-appraisal of professional activities in hospitals has long been an established procedure through audit committees of the medical staff of each hospital. This has helped insure the delivery of the highest type of medical care to all patients.

CONCLUDING REMARKS

Thoughtful consideration of the data, documents and public statements arising from recent events in the controversy regarding overcharging by physicians leads to the conclusion that indiscretion of a few is being laid deliberately at the feet of the entire profession. At a time then when his honesty and good faith are being challenged, the task of the individual physician is to maintain his reputation for providing the best medical care at fees that are fair to his patients.

WHY DR. STARK FAVORS BUSING

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. GUBSER. Mr. Speaker, some time ago I had the pleasure of meeting Dr. Marvin Stark who is an associate professor of operative dentistry and oral biology at the University of California and a resident of my congressional district. As a man skilled in his profession, he immediately earned my respect. However, at this time my purpose is to address my remarks to another side of Dr. Stark's character. I found that he had a deep-seated belief that good dental services could and should be provided for the underprivileged segment of our society and primarily the children who were in need of dental care. His idea was to establish mobile dental clinics which would seek out areas where the need was the greatest, such as migrant camps. His problem was financing.

Dr. Stark was unrelenting in his efforts to seek financial support to meet the dentistry needs of poor children. Although he encountered many rebuffs, his natural courage to achieve his objective continually spurred him on. Repeatedly Dr. Stark wrote voluminous proposals which were presented to the National Institutes of Health in which he sought very modest sums to get his program underway. Repeatedly his applications for support of this worthy cause were denied. To the normal man this would have been a source of everlasting discouragement. Not so with Dr. Stark. He pushed forward knowing that his mobile dental clinics, already operating on a shoestring basis, would bring some real assistance to those in need.

I commend to the attention of my colleagues the following article which appeared in the May 10, 1970, issue of California Living. It is the interesting story of Dr. Stark's University of California mobile clinics:

WHY DR. STARK FAVORS BUSING

(By Aloise Dungan)

The sun grills the San Joaquin Valley in July. It's 102 degrees. A dental student in dungarees and T-shirt wipes sweat from his forehead, then resumes examining a barefoot, three-year-old Mexican girl with enormous black eyes.

This dental office isn't conventional. It has no refrigerated air, no carpet, no music. It's a converted bus. Nearby is a smaller bus with X-ray and laboratory facilities.

The people inside aren't conventional, either. They are dentists and students who believe in a new brand of dentistry—Marvin Stark's take-it-where-it's-needed dentistry.

At the end of this day, for instance, Dr. Stark's University of California mobile clinics will roll off to another migrant camp, where again more than 90 percent of the kids have never before seen a dentist.

Four years ago, when fewer than half the nation's 49 dental schools had departments of social or community dentistry, Dr. Stark's house-trailer-mobile dental clinic was already in the field with students aboard. It was and is the only project of its kind and scope operated by a university.

The clinic started out by touring Head Start schools in the Bay Area to treat tots who would not otherwise receive dental care—youngsters who do not qualify for Medi-Cal and have no health insurance coverage.

Since then, the clinics have served as treatment centers for retarded and physically handicapped children. There are more clinics to come, more ideas bristling.

Dr. Stark, the idea man, is a good guy. And with credentials. Not only is he associate professor of operative dentistry and oral biology at UC San Francisco but he also has a private practice and does consultant work, too.

Not long ago he volunteered as dentist and instructor aboard the hospital ship HOPE in Colombia and took along his wife and three children to help out.

Dr. Stark, a UC alumnus who did postgraduate work at Harvard, is stocky, tanned, talks at top speed, never runs out of energy. He is invariably in a hurry.

"I always open doors for Marv when we walk together," says UC colleague Jim Crawford. "He's in such a hurry that he might go right through them if I didn't."

Stark's volatile personality and devotion to dentistry and dental education—as he sees them—are catalysts that have helped him evolve a new philosophy of the dentist's role in the community.

He shakes up some people with his blunt methods. But he gets things done.

Stark raised funds from individuals and corporations to purchase and equip the first 35-foot, $26,000 trailer. Other funds have come from UC and the Bureau of Migrant Education.

"We built the first one by the seat of our pants," recalls Dr. Ronald Nicholson of UCSF Dental School faculty and himself a practicing dentist.

With Dr. Kenneth Soelberg of UCSF, Nicholson helped Dr. Stark design the first clinic. They have been rolling with the project ever since.

Another supporter is Dr. Merle Morris of UCSF, who calls the mobile clinic '"the most exciting program that ever came along."

With senior dental students, dental hygiene and pharmacy students last summer, Dr. Morris was one of the Dental School faculty to visit 11 migrant camps in two new clinic buses (Stark did it again). The caravan treated 1500 youngsters for everything from a simple cavity to complete dental restoration.

This summer there will be two new mobile clinics on the road, making a total of four. The new ones will duplicate the 30- and 40-foot buses that toured San Joaquin Valley in 1969. The old ones will return to San Joaquin.

With students and faculty, the new dental health caravans will set up in migrant labor camps in Monterey, Santa Clara, San Benito and Santa Cruz counties.

"We expect that 4000 children will be treated in the new clinics in those counties," says William Hanson of the Migrant Education Program, which channels federal funds into the California Plan for Education of Migrant Children—and into the UCSF dental clinics.

"We had expected to spend up to $30 a child for services, but UC's clinics can do it for $23 per child. If the program is as successful as we expect it to be, we hope to expand next summer."

As important to Dr. Stark's project as providing dental care for youngsters who need it is the spinoff for dental students. They receive room and board, camp youngsters will put up the structures. The student housing can be knocked down at the end of the summer and stored until it's needed again, Morris says.

Housing students in the migrant camp instead of at nearby college dormitories or motels, as was the case last year, is Dr. Stark's idea.

"I want them to live in the camp. I want them to understand how things are."

Another facet of the UC mobile clinics that promises to develop during the summer is the "Stark Plan to Interrupt the Poverty Cycle."

"Look," he says, "at 16 and 17, kids are ready to go, ready to do something. There's no place to go in a migrant labor camp. We saw that last year.

"So this year, we plan to recruit interested teen-agers and train them as dental assistants with the help of dental hygiene students."

It will not be a finished education, of course. But Stark hopes it will interest some youngsters in going on to school, on scholarships if he can arrange it. Training boys as dental laboratory technicians is part of the program.

This leads to Gene Humphrey, licensed dental laboratory technician and a member of the mobile clinic rooting section.

He plans to take on migrant teenagers in a supervised work situation in the clinics. And he hopes to be able to employ some of the young people while training them further at Pacific Dental Laboratory here.

An experienced dental laboratory technician can make up to $30,000 a year, Humphrey points out.

"How's that for breaking the poverty cycle?" Stark asks.

Repercussions from the UC mobile dental clinics are not only local but international.

The Mexican Dentists' Society invited Dr. Stark to show a documentary film on the migrant camp tour and is seeking his help in establishing a similar program in Mexico.

Israel is interested, too. "Israel wants advice from us on equipping a bus for dental treatment and for eye, ear, nose and throat checkups, too," Dr. Stark says.

He has a plan for that, when the time comes.

"There are 18 doctors who are willing to staff a bus like that on a rotating basis. I hope they'll take their families to Israel and put their kids in a kibbutz and take off for the border settlements with the clinic."

But that's in the future.

"Right now," Stark worries, "I've got to be sure our new buses get here from Detroit in June.

"I know more about buses than any dentist in the country. My wife worries about me. When we walk down the street I don't look at miniskirts. I look at the undercarriages of buses."

But if buses turn dental students toward community involvement, it's all worth it to Marvin Stark. He agrees with UCSF Chancellor Philip Lee that the shortage of dentists is bound to become more acute because of unmet dental needs.

"We are just now beginning to look at social and environmental factors in dental care," Dr. Lee points out.

"We are beginning to look, not just at the condition of health, but at what leads to the condition. Not just at bacterial infection but at the environmental setting in which the infection developed.

"This philosophy is just beginning in the world of dentistry."

Except for dentist Marvin Stark's world, which is getting bigger all the time.

YOUNG AMERICANS FOR FREEDOM

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. SNYDER. Mr. Speaker, we have heard quite a lot lately from those who are unalterably—often unreasonably—opposed to President Nixon's Cambodia decision. Concern by our young people is an encouraging sign that the American guarantees are being employed. There is a tendency nowadays, however, to assume most youthful public pronouncements are of one particular stripe.

Shortly after President Nixon announced his momentous decision to clean the Communists out of the Cambodian sanctuaries, Young Americans for Freedom, the Nation's largest conservative youth organization, with over 50,000 members nationwide, ran full-page ads in Washington, D.C.'s two major dailies supporting the President's decision, the Cambodian tactic, and U.S. anti-Communist foreign policy in general.

In order that my colleagues and my fellow citizens might be more aware of the position and efforts of this fine patriotic group, I submit hereafter the texts of these two public declarations:

YOUNG AMERICANS FOR FREEDOM

Mr. President: Young Americans for Freedom supports our fighting men in Southeast Asia! We stand behind you, as President and as Commander-in-Chief, in your declaration that: "We Will Not Be Defeated."

Why do we support you? Because—The confusion and division surrounding the issue of Viet Nam has often resulted from viewing the conflict from too narrow a perspective. The problem must be viewed in the context of the nature of Communism. An overall view must ask: (1) the reasons for American involvement; (2) the reasons that our involvement did not bring swift success; and (3) where our policy should be headed now.

WHY WE ARE IN VIETNAM

The Communists are open in stating their plans for world domination. In 1965, Lin Piao, Communist China's Minister of Defense, stated:

> If North America and Western Europe can be considered the "cities of the world," then Asia, Africa, and Latin America make up "the rural areas." And the struggle of world revolution today hinges on the struggle of the "rural" Asian, African, and Latin American people against the "imperialism" of the "cities."

If the United States can be defeated in Viet Nam, he concluded, the people in other parts of the world will see still more clearly that U.S. imperialism can be defeated and that what the Vietnamese people can do, they can do too.

The war in Viet Nam is the result of the announced attempt by the Communist regime in North Viet Nam to conquer South Viet Nam. On December 14, 1961, President Kennedy wrote to the President of South Viet Nam:

> The situation in your embattled country is well known to me and the American people. We have been deeply disturbed by the assault on your country. Our indignation has mounted as the deliberate savagery of the Communist program of assassination, kidnapping and wanton violence became clear . . . the campaign of force and terror is supported and directed from the outside by the authorities at Hanoi.

In Communist propaganda, this form of aggression masquerades as a "war of national liberation," a phrase first used by Soviet Premier Khrushchev in 1961 to describe the type of indirect aggression the Communists have undertaken in Viet Nam. It is used to give the impression of war fought by a local population to throw off foreign domination. Such a description reverses the situation in Viet Nam. The "liberation" offered by the Communists means domination by Hanoi.

We are in Viet Nam so the people of that nation can build a life of their own choosing. It should be remembered that Viet Nam isn't the first place where Americans have fought. In two world wars and in the Korean War. Americans went to far lands to help other people fighting for their freedom and independence. We answered the call for help from our allies in Europe. Can we do less for our allies in Asia who desperately desire freedom?

Some say that South Viet Nam is not worth saving since it is not an ideal democratic state. We remind these critics that while South Viet Nam has no history of democratic practice, it is moving in the direction of greater rights for its people. Few nations have attained democratic perfection, fewer yet have tried to do so in the midst of a major war. And history does not support an argument that evolution toward democracy or a free society would be hastened by a Communist victory. Such graft and corruption that remains should not mark the real issue of Viet Nam: A Communist attempt to engulf all of Southeast Asia through military conquest. Consider the following facts:

1. Today, North Vietnamese troops are in Laos, South Viet Nam, Cambodia, and Thailand. In each of these countries they are trying to overthrow existing governments of these countries.

2. Red Chinese "advisers" are training the North Vietnamese troops not only in North Viet Nam, but also in Laos and Cambodia.

3. Vast sums of material aid have been poured into North Viet Nam from both the Soviet Union and Communist China in order to further the territorial aims of the Hanoi regime, belying the claim that this is a purely local affair.

4. It took a bloody war in Korea to establish the principle that Communists would not be permitted to expand through overt aggression. The same principle, as applied to covert aggression, is now at issue.

From the beginning of the war until the present time, untold atrocities have been committed by the Communist forces in the name of "liberation." From the early assassinations of which President Kennedy wrote, to the horror of the Tet massacres, the North Vietnamese have shown their utter disregard for human life. For example, following the Tet offensive in 1968, over 4,000 men, women and children were found in shallow graves on and near the city of Hue. These victims had their hands wired behind their backs and had been shot in the head. At Dak Son, over 200 women, children and old men were burned to death by Communist flamethrowers.

These Communist massacres are planned and organized. They are an integral part of Communist war policy rivaling in brutality the atrocities perpetrated by the Nazis in World War II. The perpetrators are rewarded and promoted, not tried by courts martial.

The United States has proved time and time again that it seeks no territory, no bases for aggression, no favored position. We seek a world without war, a world safe for diversity. But we have learned the meaning of aggression. Aggression breeds on success. The appeasement of aggressors must lead to eventual surrender or to a larger war. This was the lesson of Munich.

The results of this conflict not only involve the future of South Viet Nam, but also the future of the United States. Our own security is involved in Viet Nam. As President Nixon has pointed out:

> *A nation cannot remain great if it betrays its allies and lets down its friends. Our defeat and humiliation in South Viet Nam without question would promote recklessness in the councils of these great powers who have not yet abandoned their goals of world conquest. This would spark violence wherever our commitments help maintain the peace—in the Middle East, in Berlin, eventually in the Western Hemisphere.*

OUR PAST FAILURE

Sir Robert Thompson was the principal architect of the British victory over the Malayan Communist guerrillas in the 1950s. In his book, *No Exit From Vietnam,* he points out the chief reasons for the early failure of American strategy.

In the early years of the war, the American military strategy totally failed to grasp the nature of a "People's Revolutionary War." Instead of concentrating on building a stable South Vietnamese government capable of

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controlling and eliminating the guerrilla insurgency throughout the countryside, the policy was one of "destruction of the enemies main forces on the battlefield." While American troops were winning on the casualty charts and preventing the quick deterioration that seemed likely in 1965, the organization and structure of the enemy within South Viet Nam was never threatened.

Nor were sufficient military measures ever taken effectively to interdict supplies reaching the guerrillas from the north. At the very best, this strategy has provided a covering action, permitting the South Vietnamese government to restructure itself and to obtain a broadened base of support. But it could not win the war for, in a "People's Revolutionary War," if you are not winning, you are losing, because the enemy can always sit out a stalemate. It was, therefore, a no-win strategy.

WHERE ARE WE HEADED NOW?

We must continue training and arming the South Vietnamese to defend themselves. Properly equipped and trained, they should be able to handle problems of internal insurgency requiring only assistance in material from the United States. The South Vietnamese should assume total responsibility for the battlefield operations. We should provide only a shield against overwhelming foreign aggression.

No guerrilla war has yet been resolved at the conference table. It is in the rice paddies and jungles of Viet Nam that the ultimate decision will be made, not in Paris. Any document ultimately signed can only ratify the victory or defeat which the people of South Viet Nam achieve or suffer there.

Because of our sympathy with less fortunate people struggling for their freedom and our awareness that the history of the world is destined to be affected by events in Viet Nam, YAF pledges its full support to the cause of freedom in Viet Nam.

It is time for the majority to be heard.

Young Americans for Freedom (YAF) is the nation's largest action youth organization dedicated to the principles of freedom and liberty, balanced by limited government and individual responsibility, for all mankind. YAF is a bipartisan voluntary organization with 513 chapters, 51,000 national and local members, and representatives on more than 800 college campuses. We have an advisory board of over 65 Members of Congress.

YAF has fought for years on our nation's high school and college campuses for a continued American presence in South Vietnam for gradual Vietnamization of the war, and for victory over Communist aggression in Asia.

Mr. President . . . because of our sympathy with the less fortunate peoples of the world who today do not enjoy the freedoms we take for granted in America . . . because we stand with them in their struggle for freedom . . . and because we are aware that the history of the world shows that its destiny will be affected by the events in Vietnam and the decisions you have made this week . . . YAF pledges its full support to the cause of freedom and peace in South Vietnam.

We Call Upon All Americans to Stand With Us!

YOUNG AMERICANS FOR FREEDOM

Mr. President: Young Americans for Freedom supports our fighting men in Southeast Asia! We stand behind you, as President and as Commander-in-Chief, in your declaration that: "We will not be defeated."

Young Americans for Freedom (YAF) is the nation's largest action youth organization dedicated to the principles of freedom and liberty, balanced by limited government and individual responsibility, for all mankind. YAF is a bipartisan voluntary organization with 513 chapters, 51,000 national and local members, and representatives on more than 800 college campuses. We have an advisory board of over 65 Members of Congress.

YAF has fought for years on America's high school and college campuses in support of our commitment in South Vietnam against those radicals who would determine our foreign policy by violence in the streets.

YAF'S "TELL IT TO HANOI" ACTION CAMPAIGN

To date YAF has—Successfully carried out "Alternative Week-end" through which we distributed 1 million copies of our "Tell It To Hanoi" tabloid and distributed thousands of our "Tell It To Hanoi" buttons and bumperstrips.

Collected over 500,000 names on our "Tell It To Hanoi" petition.

Sponsored a tour of South Vietnam for 11 American college student leaders so that they could return and speak for freedom in Asia.

Run half-page and full-page ads in 37 major university newspapers supporting your policies in Southeast Asia.

Acquired the signatures of 140 university student government presidents on our "Tell It To Hanoi" petitions.

Opened eight full-time regional and state offices to support our Vietnam efforts.

Sponsored countless teach-ins and radio and TV appearances presenting our support for Vietnamization and victory.

Met and talked with tens of thousands of students about the necessity of the American presence in South Vietnam.

Coordinated campus speaking tours for Congressmen who oppose withdrawal.

Incurred $117,000 in bills carrying out the "Tell It To Hanoi" campaign, and we are proud of it.

Today and tomorrow YAF will—Urge every American—adult and student—to send telegrams of support to you, as President and as Commander-in-Chief.

Urge every American—adult and student—to send letters in support of your position to his Congressman and Senators.

Encourage every American to sign YAF's "We Support Our Fighting Men" position below so that we can present them to you, Mr. President, and to the Congress, to our delegation in Paris, and to our fighting men in South Vietnam.

Encourage every American to get every friend he has to send telegrams, write letters, and to sign this petition.

Run this ad in major college newspapers and in major community newspapers.

Send a delegation of students to Paris to confront the *North* Vietnamese delegation with these telegrams, letters, and petitions of support for our President.

Continue to distribute millions of pieces of literature in support of Vietnamization and peace with honor.

Make attempts to testify before the Congress on the strong support for your policies which we find on the college campuses—something the press does not report.

Hope for financial support for YAF from the adults of our Nation, who feel as we do, that the time has come to stand behind the President who said, "We will not be defeated."

Mr. President, we will be free only so long as we are secure. History shows that periods of true freedom are rare and can exist only when free citizens concertedly defend their rights against all enemies. The forces of Communism are, at present, the greatest single threat to the liberties of men—*all men*. We support your determination that the United States, together with other freedom-loving people, should stress *victory* over, rather than coexistence with, this menace to liberty.

Mr. President . . . because of our sympathy with the less fortunate peoples of the world who today do not enjoy the freedoms we take for granted in America . . . because we stand with them in their struggle for freedom . . . and because we are aware that the history of the world shows that its destiny will be affected by the events in Vietnam and the decisions you have made this week . . . YAF pledges its full support to the cause of freedom and peace in South Vietnam.

We Call Upon All Americans to Stand With Us!

IMPACT OF THE PROPOSED MERGER ACCOUNTING ON CORPORATE STRATEGY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. GIAIMO. Mr. Speaker, recently I received a document published by Harbridge House which had the title, "The Impact of the Proposed Merger Accounting on Corporate Strategy." Because of the far-reaching ramifications of the subject which it discusses, I wanted to bring this document to the attention of this body.

The report discusses a proposal made by the Accounting Principles Board—APB—involving important changes in the accounting treatment for business combinations and intangible assets. It has been alleged that the APB is acting under some pressure from the Securities and Exchange Commission, where suggestions have been made that the changes involved in this proposal may be required by the SEC even if they are rejected as unwise by the APB.

Particular exception is taken to the proposal's size test for determining those mergers which will be allowed to use "pooling of interest in accounting" and with the manner in which such pooling of interest would largely be ended as an accounting method. The report states:

> To the extent that corporations pursue strategies measured in terms of growth and efficiency, an impediment to the exercise of those strategies will have an adverse effect on economic growth and resource utilization. The Government, as a matter of public policy, seeks to encourage production of goods at lower prices, a higher standard of living, and other economic benefits to the public. These policies are designed to permit companies to pursue strategies which achieve these ends for themselves, and thus for the economy as a whole, within limits provided in the law to prevent monopoly and unfair competitive practices. The current APB proposal, however, appears to run counter to these public policies. By restricting the strategic alternatives available to many companies, therefore, the proposal may have unfavorable effects on the Nation's economic performance.

If this study is correct, the adoption of the pending APB proposal would have very unfortunate and far-reaching economic effects. If the SEC is bringing the alleged pressure for these changes, I would hope that it can substantiate the wisdom of such action in the face of such serious questions about its effect.

I submit the report for the RECORD at this point:

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The Impact of the Proposed Merger Accounting on Corporate Strategy

(By Robert W. Ackerman and Lionel L. Fray)

A. INTRODUCTION

The Accounting Principles Board (APB) of the American Institute of Certified Public Accountants has proposed important changes in the accounting for business combinations and intangible assets.[1] The major effects of the proposal are to impose considerable restrictions on the use of the so-called "pooling of interests" method of accounting and, for those combinations not eligible for such accounting treatment, to require the amortization against current earnings of the goodwill that may be created through the use of the alternative "purchase" method of accounting. The significance of these changes goes considerably beyond the practice of accounting, as they are likely to have major and generally detrimental effects (i) upon the strategies of many business firms; (ii) on the alternatives for achieving growth available to certain kinds of companies, including those which engage extensively in research and development activities; and, very possibly, (iii) on the extent of entrepreneurial activities in the economy. The proposal, therefore, should not be adopted in its present form.

This paper first reviews briefly the major features of the APB proposal and identifies a number of accounting issues posed by it. The potential effects of the proposal on mergers are then developed on the basis of research findings, followed by an analysis of the consequences of these effects upon corporate strategies and economic growth.

B. BACKGROUND

In the past, two methods have been used to account for business combinations involving an exchange of voting stock—the purchase method and the pooling of interests method. Under the former, the value of the acquired company at the time of the transaction, generally determined by the market value of the securities given by the purchaser, was recognized in the purchaser's accounts. If this value exceeded the net book value of the acquired company, goodwill was created and was amortized over a suitable time period or allowed to remain permanently as an asset, depending upon some judgment as to the expected economic life of the intangible.[2] Under a pooling of interests, however, the accounts of the two companies were simply added together without a change in historical book values; goodwill was not created in accounting for the combination.

Pooling of interests accounting was justified originally as a fusion of equity interests with the shareholders of the merging companies sharing the risks and opportunities of a combined enterprise. It was intended to apply to mergers of companies of comparable size. Over the past decade, however, the popularity of pooling has increased and its use has extended to virtually all transactions involving an exchange of voting shares, regardless of the relative size of the combining parties. In effect, companies seeking growth through merger have had alternative accounting methods available and have presumably tended to choose the one resulting in more favorable financial reports

The recent concerns expressed over the trend toward pooling are really on two levels. First, there are the accounting defects attributed to pooling of interests noted in the exposure draft of the APB opinion, most importantly that "it does not accurately reflect the economic substance of the business combination transaction . . .[since] the acquiring corporation does not record assets and values which usually influence the final terms of the combination agreement with consequent effects on subsequent balance sheets and income statements." The APB feels this defect is particularly serious when one corporation is significantly larger than the other—that is, when the transaction appears to be more nearly an acquisition (purchase) than a merger.

On a second level, the increased acceptance of pooling has coincided with, and no doubt facilitated, the increase in business combinations during the 1960's. For the Securities & Exchange Commission, this increase has magnified the complexities of reporting financial results, which are indicative of underlying values or operating performance. And those government agencies concerned with monopoly, antitrust, and, more generally, economic concentration consider mergers and acquisitions—regardless of the accounting method—a major concern. From their viewpoint, changing the mechanics of financial reporting to the extent this attenuates merger activity is undoubtedly viewed with favor.

In response to these concerns, the APB has proposed substantial alterations in the accounting for business combinations. Most significant are the following:

(i) Intangible assets arising in the accounting for combinations which do not qualify for pooling of interests treatment are to be amortized through charges to the income statement over the estimated life of the intangible, but in no case longer than forty years.

(ii) Pooling of interests accounting is to be limited to combinations which meet certain conditions, among them the requirement that "each combining company is not less than one third the size of each other combining company . . . measured by its voting common stock ownership interest at the date the plan of combination is consummated."

Had these procedures been employed in the past, they would have been significant effects on financial reporting. For example, the recent merger between the Xerox Corporation and Scientific Data Systems (SDS) can be used to illustrate the impact of these changes on reported earnings and balance sheets in the case of one well-known merger. On 16 May 1969 Xerox issued 9,989,000 shares, traded that day on the New York Stock Exchange at $92 per share, in exchange for all of the common shares of SDS, a transaction valued at $928,988,000. As of 31 December 1968, the net book value of SDS, adjusted for the conversion of certain convertible debentures, was $82,934,000. The transaction would not have qualified for pooling of interests accounting under the APB proposal, since the number of shares given for SDS was only 15 percent of the approximately 67,000,000 Xerox shares outstanding immediately prior to the combination. Consequently, an intangible asset amounting to $846,054,000 would have been created, resulting in a minimum annual charge to the earnings of the combined company of $21,152,000 for the next forty years.[3]

The impact of the merger accounted for in this way on the Xerox financial statements is spectacular. Consider first the balance sheet. Xerox reported assets of $905,704,000 at 31 December 1968, virtually all tangibles. Following the merger, rather than consolidating the historical SDS asset values ($113,279,000 at 31 December 1968), $928,988,000—roughly 103 percent of the prior year-end Xerox assets—would be added to assets, even though the shares given for SDS were only 15 percent of the Xerox shares then outstanding. Moreover, 45 percent of the resulting combined assets would be intangibles.

The implications for the income statement are even more dramatic. SDS earned $10,031,000 after taxes in 1968. Because of the amortization of goodwill, however, should these SDS assets produce an equivalent amount of pre-amortization profits in future years, the contribution to Xerox would be a loss of $11,121,000. Put in the perspective of total 1968 Xerox profits of $116,194,000, by issuing 15 percent more shares the company would see pro forma profits decline 10 percent, rather than increase 9 percent.

C. MAJOR ACCOUNTING ISSUES

From an accounting viewpoint, the current APB opinion has four consequences which are particularly serious in combinations resulting in the creation of substantial goodwill, such as the one above. First, the stream of earnings from the assets of a combined company may be radically altered by the amortization of goodwill. The going concern value of a company is related in some fashion to the present value of future earnings or benefits to be gained from the use of assets employed. Yet one would expect under the APB opinion that the larger the expected increase in future benefits, the higher the charge to earnings in a nonpooling combination. That future earnings would, therefore, tend to be penalized in proportion to the increased benefits expected from these assets is misleading. Viewed another way, the total earnings of two companies operating independently would be significantly higher than the combined earnings if the companies were joined in a merger and no tax or operational changes of any sort were effected.

Second, substantial intangible assets will accumulate on the balance sheets of companies continuing to combine with smaller companies having low book- to market-value ratios. There will, of course, be a corresponding offsetting increase in reported stockholder equity. For years investment analysts have been reluctant to accord full value to intangibles in assessing the financial position of a company. Establishing an asset value related to a security price at some prior point in time, which of course may bear little relationship to the current price, may not be viewed as particularly meaningful. To the extent that analysts remove the intangible and the associated equity entry in estimating debt capacity, asset utilization, and so on, they approximate the balance sheet treatment under pooling of interests accounting. The same may be true of the intangible charge to income; indeed, for the purpose of comparing firms in an industry adopting different strategies for growth (that is, some through merger and others through internal development), such adjustments may be necessary to obtain a comparable basis for evaluating performance.

Third, the opinion appears to run counter to a trend in recent years of placing first priority on the fair presentation of the profit and loss statement rather than on the balance sheet in the development of accounting principles.[4] In this instance, the transaction value of a business combination would be reflected on the balance sheet precisely and, if one accepts the market value of the shares given as a valid basis for determining goodwill, accurately as well. But the profit and loss statement would be adjusted arbitrarily for the amortization of the intangible. An expected life of twenty years—or eighty for that matter—can be argued for the goodwill that would have been created in the Xerox/SDS combination. The profit impact of the combination is substantially influenced by a choice of allocations which unfortunately has little basis in fact.

Finally, only the merged portion of a company's records would be adjusted to current values in an exchange of voting stock accounted for as a purchase. The results can be peculiar, as they are in the Xerox/SDS instance; the relationships of earnings to

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Footnotes at end of article.

assets and sales to assets tend to lose their meanings. As a matter of consistency, the assets of both parties might be adjusted to market. Such a change would, however, be a radical departure from cost-based accounting, a change that the accounting profession is unwilling to undertake at this point in time.

These four consequences indicate that for certain business combinations the proposed APB opinion will have a major impact on financial statements which will reduce their usefulness and may actually render the statements misleading for the purpose of evaluating and comparing the financial performance of corporations. We do not argue that the opinion is without merit. We point, however, to several substantial accounting problems and suggest that its implementation would create potential ill effects.

D. EFFECTS ON MERGERS

Beyond the accounting issues, however, the opinion is likely to reduce the incidence of mergers and moreover is discriminatory in its impact upon mergers involving certain kinds of companies.

1. Impact on overall level of merger activity

When the APB proposal first became known, it was widely predicted by investment bankers and corporate financial officers that the number of mergers would be sharply curtailed.[5] This would occur, it was argued, because for those combinations no longer able to qualify for pooling accounting, the projected earnings contribution of the acquired company would be reduced by the amortization of goodwill. In essence, the effective return on investment calculated by the potential parent company would be smaller, thus diminishing the attractiveness of the transaction or preventing it altogether. A new barrier would have been erected, and fewer proposed combinations would be able to clear the hurdle.

One way to estimate the impact of the proposal is to assess whether the accounting changes would have had an effect on mergers already consummated. The Xerox/SDS example indicates that the effects could have been substantial. If Xerox management had employed common financial criteria for evaluating the merger[6] and if the APB opinion had been in force, it is clearly less certain that the combination would have taken place. The pro forma effect on many other mergers would also have been substantial.[7]

An alternative, more relevant way to judge the significance of the proposal is to assess its effect on potential future mergers. To investigate this issue and develop some quantitative data, we undertook the study reported below. It was assumed for purposes of the research that one partner to a combination would be a company approximately at the midpoint in the *Fortune* list of 500 industrial corporations. It was further assumed that the other partner would be a company having a common stock quoted in the *Wall Street Journal* daily listing of over-the-counter securities.

A sample of 50 companies was selected at random from the *Wall Street Journal* daily listing of over-the-counter securities, and calculations were made to reflect the consequences of a combination accounted for as a purchase pursuant to the APB opinion. The summary data appear in Exhibit I, and the methodology employed is described in Appendix A.

The results of this phase of the study indicate that the APB proposal would have a significant impact on these companies. As shown in Table 1, 84 percent of the companies would suffer a reduction in earnings contribution of 10 percent or more, and 10 percent of them would contribute a *net loss* rather than a profit to the surviving company.[8]

TABLE 1.—DISTRIBUTION OF RATIO OF INTANGIBLE CHARGE TO AFTER-TAX PROFIT

Ratio of intangible charge to after-tax profit	Number of companies	Cumulative percent of reduction in earnings
$2.00 up	3	6
$1.50 to $1.99	6	18
$1.00 to $1.49	1	20
$0.80 to $0.99	2	24
$0.60 to $0.79	1	26
$0.40 to $0.59	4	34
$0.30 to $0.39	3	40
$0.20 to $0.29	5	50
$0.10 to $0.19	17	84
$0.00 to $0.09	4	92
Loss (with a tangible charge)	2	96
Book value exceeds market	2	
Total	50	100

Moreover, most of these firms would be ineligible for pooling of interests accounting should they merge with the assumed partner. For example, if the average market value of the 247th- to 254th-ranked companies in the *Fortune* list of 500 was $305,000,000 (corresponding to the average market value at 31 December 1969, as shown in Exhibit II), then 88 percent of the combinations would have to be accounted for as a purchase.

Our conclusions, therefore, are that most combinations are significantly affected if they do not qualify for pooling treatment (if a 10 percent or greater reduction in the earnings contribution of the smaller partner is deemed to be significant), and that, in fact, few companies with unlisted securities would qualify for pooling if the prospective merger partner was a firm of the size postulated. Furthermore, the barrier is large; for the company at the 50th percentile in terms of the percentage goodwill charge, reduction in earnings would be more than 20 percent.

2. Discriminatory impact on mergers

While the APB proposal will tend to inhibit mergers generally, its effect on certain kinds of companies and certain kinds of combinations will be far greater than on others. Discrimination occurs in two ways. First, because the impact on earnings is proportional to the amount of the goodwill created, companies with high market- to book-value ratios will be penalized, while those with low ratios will not be affected. Second, because of the size limitations, smaller companies will be relatively less attractive than larger ones as merger partners for corporations pursuing growth through combination. The merger most discriminated against is the one between *any* corporation and a firm which is so much smaller that the combination fails to meet the 75–25 rule and which *also* has a high market- to book-value ratio.

Several types of businesses may exhibit high market- to book-value ratios. First, there are companies with outstanding growth potential for which investors pay a premium in the anticipation of increasing future earnings, regardless of current asset values. A second type includes companies having important income-generating assets which are substantially understated or omitted from the accounting records entirely, either because expenditures have been charged to income as incurred rather than capitalized (for instance, research and development) or are intangible (such as brand names, franchises, professional staffs, and so forth). Third, there are companies having assets which, simply because of inflation, are carried at cost values substantially lower than current market values.

While the last category above receives considerable attention from accounting theoreticians, the first two are the source of the greatest discrimination in the impact of the APB opinion. In general, companies in industries with growth potentials and/or low asset intensity should be affected to a greater degree than others. Such industries may include electronics, drugs, cosmetics, office equipment, recreation, personal services, and publishing. The firms in these industries are among the most dynamic contributors to the growth of the economy through their interest in innovation of both a technical and a business nature.

To test this hypothesis, we analyzed the data from our sample companies to determine whether higher goodwill amortization charges would be more likely for companies with higher growth rates and in recognized "growth" industries. The results tend to corroborate the hypothesis

a. *Growth Rates.* The most desirable measure of growth, of course, is the investor's expectations of a company's future earnings. Since this is difficult to determine, the company's recent sales growth rate was employed as a proxy under the assumption that (i) a company is most likely to continue to grow at a constant rate and (ii) investors tend to associate past growth with future growth. Our findings shown in Table 2 indicate a high correlation between historical growth rates and impact on earnings from the intangible charge, and a very high earnings impact for the most rapidly growing companies. For the ten companies with most rapid growth rates, the average ratio of goodwill charged earnings is 2.07; that is, in a nonpooled merger, these companies would have represented an average 107 percent loss to the acquiring firms.

TABLE 2.—GROWTH RATE VERSUS GOODWILL AMORTIZATION CHARGE

Companies (ranked by sales growth rate)	Average 3-year sales ratio	Average ratio: goodwill charge to earnings
1 to 10	3.57	2.07
11 to 20	1.69	.69
21 to 30	1.35	.54
31 to 40	1.24	.58
41 to 50	.99	.16

b. *Nature of Business.* While any determination of the nature of a company's business is necessarily somewhat imprecise, our findings suggest that the companies most affected by the APB opinion are those operating in what many investors believe to be "growth" industries. The business activities of the ten companies having the highest potential intangible charges were compared with the ten companies having the lowest. The descriptions, quoted directly from Standard & Poor's, are contained in Exhibit III and summarized in Table 3 below. The contrast between these groups of companies appears to be qualitatively significant and consistent with the argument above.

TABLE 3.—*Business Descriptions*

Top 10

Computer systems and software.
Silver and steel flatware.
Fast foods, franchising.
Geophysical surveys, oceanography.
Computer printout forms.
Inks and resins.
Real estate.
Franchised tire recapping.
Weight reducing classes and products.
Printing, publishing, electronic data processing.

Bottom 10

Refracting metals.
Envelopes and supplies.
Garage doors and hardware.
Machine tools.
Natural gas distribution.
Shipping.
Electric utility.
Metal products.
Paints, enamels, and so on.
Vegetable oils.

Footnotes at end of article.

E. IMPLICATIONS FOR CORPORATE STRATEGIES AND ECONOMIC GROWTH AND EFFICIENCY

To the extent that corporations pursue strategies measured in terms of growth and efficiency,[9] an impediment to the exercise of those strategies will have an adverse effect on economic growth and resource utilization. The government, as a matter of public policy, seeks to encourage production of goods at lower prices, a higher standard of living, and other economic benefits to the public. These policies are designed to permit companies to pursue strategies which achieve these ends for themselves, and thus for the economy as a whole, within limits provided in the law to prevent monopoly and unfair competitive practices. The current APB proposal, however, appears to run counter to these public policies. By restricting the strategic alternatives available to many companies, therefore, the proposal may have unfavorable effects on the nation's economic performance.

There are numerous reasons for large companies to seek combinations with smaller ones.[10] In a strategic sense, two broad objectives are often involved. The first is the further development of the larger company's existing product-market base through vertical integration, market extension, or the addition of complementary products. The combination may result in lower costs through shared facilities and distribution channels or it may result in aggregate growth above that expected for two companies separately through wider, more intensive distribution and consumer exposure.

The second strategic objective is diversification into growth fields or away from a dependence on high-risk or stagnant industries. If a company does not possess the technological or managerial skills to develop an opportunity internally within reasonable time and cost constraints, it may seek an association which can contribute the needed expertise. In some sense the survival of a business in a period of rapid technological and social change may be at stake. The APB opinion strikes both at strategies directed toward areas of high growth potential and at the efforts of companies in depressed industries such as shipping, railroads and defense/aerospace to secure other sources of income.

Similarly, for strategic reasons, smaller companies may seek a merger with a large firm. The rationale may have its roots in business or the personal concerns of the company's management. From a business point of view, the large firm may offer money, managerial talents, distribution systems, research capabilities, and the like to speed the growth and development of a small company. To the extent that more than money is involved, the head of a small firm cannot view the external financial markets as an equivalent alternative to solve his growth problems.

The managers of companies desiring a merger are frequently entrepreneurs who also have the problems of ownership. Important to them may be (i) the risks of having personal resources committed to a single venture market idea, (ii) the burden of responsibility not only to other shareholders, but also to employees and customers, and (iii) the enormous administrative and public relations tasks of managing an independent company—for which many entrepreneurs may have little talent or interest. Readily apparent to them are the advantages of obtaining the easily negotiable securities of a larger firm whose value is based upon a much broader range of business activities, and should, therefore, represent lower risk.

Naturally, predictions regarding the ultimate effect of the APB proposal on economic growth must be speculative. Nevertheless, certain unfavorable implications are suggested, which, taken together, may be significant. Specifically, the proposal may tend:

(i) To lower the prospects for growth and increased efficiency of companies seeking to expand the scope of existing businesses through merger.

(ii) To inhibit the efforts of companies in stagnant industries to diversify or indeed to survive, thus increasing risks to stockholders and employees.

(iii) To slow the acceptance of innovation, to the extent that innovation rests with small companies limited by management, capital, distribution, and so forth.

(iv) To reduce the attractiveness of entrepreneurial activities by restricting one of the most important means of reducing the personal risks or increasing the benefits to the entrepreneur.

(v) To the extent the above effects are significant, to slow the country's economic growth.

F. CONCLUSION AND RECOMMENDATION

The APB proposal, while clarifying some accounting issues, raises others which are serious indeed. The magnitude of the arbitrary intangible amortization and the proportion of intangible assets on the surviving company's balance sheet under certain circumstances will tend to undermine the usefulness of the financial statements as instruments for evaluation and comparison with the past and with the competition.

The accounting consequences, however, are less serious than the potential economic impact of a ruling which tends to discriminate against mergers involving smaller companies with high market- to book-value ratios found most commonly in growth industries. Aside from the matter of equity, our concern is that economic growth will be adversely affected by an artificial impediment to the exercise of corporate strategy.

We do not defend mergers as universally beneficial. Clearly, there have been instances in which no business purpose was served by the combination and others which have been contrary to the public good of a competitive economy. The equity markets are the proper place to sort out the former occurrence, however, and the enforcement of law is the proper method of controlling the latter. In any event, accounting principles should not be used as an instrument of public policy—especially one which appears to have effects inconsistent with basic public objectives. Our recommendation, therefore, is to withdraw the 23 February "Opinion on Business Combinations and Intangible Assets." Study should be directed to alternative means of disclosure, possibly through footnotes which reflect the market value of transactions and the extent of the intangible created, yet which would not produce radical changes in reported earnings or limit the corporate strategies of certain classes of firms.

EXHIBIT I.—RESEARCH DATA—SUMMARY STATISTICS

[Dollar amounts in thousands]

Number of company	Last annual profit	Minimum goodwill charge	Minimum goodwill charge to profit ratio
1	$236	[1] $2,962	12.6
2	156	433	2.78
3	321	692	2.16
4	378	696	1.84
5	171	305	1.78
6	2,123	3,671	1.73
7	628	1,060	1.69
8	1,266	2,103	1.66
9	633	1,041	1.64
10	947	1,237	1.31
11	658	598	.91
12	[2] 240	191	.80
13	2,062	1,279	.62
14	562	311	.55
15	1,844	904	.49
16	7,408	3,287	.44
17	1,159	501	.43
18	511	192	.38
19	416	518	.38
20	1,824	641	.35
21	3,231	838	.26
22	993	259	.26
23	1,737	425	.24
24	7,305	1,659	.23
25	1,027	239	.23
26	1,947	372	.19
27	1,370	250	.18
28	11,180	1,924	.17
29	3,306	566	.17
30	900	155	.17
31	3,061	515	.17
32	423	68	.16
33	2,748	448	.16
34	5,673	883	.16
35	6,097	916	.15
36	619	89	.14
37	939	135	.14
38	1,282	182	.14
39	2,966	429	.14
40	1,585	201	.13
41	1,372	179	.13
42	1,266	140	.11
43	4,550	290	.06
44	2,554	117	.05
45	1,860	102	.05
46	2,796	68	.02
47	(217)	364	(1.68)
48	(138)	1,961	(14.21)
49	([3])	([3])	([3])
50	([4])	([4])	([4])

[1] Calculated using offering bid at 19 June 1969.

[2] Before $3,290,450 net loss of former consolidated subsidiary.

[3] Book value of $4,298,000 greater than market value × 1.15 of 4,122,000. Large unsettled claims outstanding.

[4] Book value of $12,087,000 greater than market value × 1.15 of 7.925,000

EXHIBIT II.—MARKET VALUES AND QUALIFICATION FOR POOLING OF INTERESTS

PART A

[Dollar amounts in thousands]

	Fortune 500 rank	Market value, Dec. 31, 1968
A. O. Smith	247	$119,520
Castle & Cook	248	388,181
Hygrade Food Products	249	48,433
Ex-Cell-O	250	294,975
Land O'Lakes Creameries	251	([1])
Indian Head	252	171,535
McGraw-Hill	253	864,960
Cummins Engine	254	247,230
Average market value		304,974

[1] A cooperative, not traded.

PART B

[Dollar amounts in thousands]

	Dollar value	Percent of merger
Market value—Larger partner	$304,974	75.0
Market value—Smaller partner	101,658	25.0
Total market value	406,632	100.0

PART C

	Market value times 1.15 (thousands)
Companies for which market value times 1.15 exceeds above limit	$157,389
	105,936
	145,130
	103,644
	119,574
	197,345

EXHIBIT III. BUSINESS DESCRIPTIONS [11] [12]

A. Top Ten

1. The company is engaged in the development of computer proprietary products and provides computer consulting systems and software services.

2. The company manufactures sterling, silver-plated, and stainless steel flatware; sterling, silver-plated, and pewter hollow ware; enameled hollow ware in sterling; enameled bowls in silver plate; and a line of cutlery.

3. The company operates five restaurants, four in the New York metropolitan area and one in Atlantic City, New Jersey, specializing

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in fast food service, offering a wide variety of moderate-priced foods at service counters. The restaurants also provide food catering services, and, to a limited extent, derive revenues from the leasing of properties. A franchise program has been undertaken.

4. The company operates oceangoing freight vessels, conducts marine and land geophysical surveys, sells various types of oceanographic instruments, and processes and sells fish protein concentrate.

5. The company's principal product is computer printout forms, which are manufactured both for stock and to individual specifications. Snap-apart forms are also produced.

6. The company manufactures fluorescent pigments and coatings, printing ink vehicles, synthetic resins, and miscellaneous industrial coatings.

7. The company acquires, develops, and constructs shopping centers for lease to merchants and conducts a general real estate business. It also is engaged in urban redevelopment projects.

8. The company manufactures tread rubber and equipment and supplies for recapping tires under a patented process. Sales are made to dealers franchised to use the Bandag name.

9. The company and its franchises conduct classes to help people reduce excess weight and maintain their weight loss through change in eating habits. Through its classes, the company also sells certain merchandise used by participants in the weight reduction program.

10. The company is engaged in letterpress and offset printing, which accounts for the major portion of sales; publishes educational, devotional, and reference books; is in the data processing field, and in 1968 formed a subsidiary for the purpose of entering the broadcasting field.

B. Bottom Ten[13]

39. The company manufactures refractory metals, pyrolytic graphite and shaped explosive charges, and also distributes metals and electronic components.

40. The company manufactures envelopes. It also makes and distributes other stationery, school supplies, specialty boxes and bags, packaging material, gift-wrapping paper, and metal bonded products.

41. The company makes metal and fiberglass garage doors and related hardware, which is incorporated into its doors or sold in sets through building supply stores, plus other builders' hardware, conveyor wheels and bearings, and roller skates.

42. The company designs, manufactures and distributes metal cutting machine tools, including lathes, horizontal and vertical milling machines, drill presses and related accessories.

43. The company distributes natural gas in Kansas and contiguous districts in Missouri, Oklahoma, and Texas.

44. The company operates steamship service between the Pacific Coast and various ports of the Orient.

45. This electric utility serves a relatively matured area.

46. The company manufactures all hydraulic components for heavy-duty equipment, pressed metal products, with emphasis on tank heads; underground supports for tunnels; upset forgings for a wide variety of uses; and grey iron castings for overseas hydraulic production.

49. This company produces a wide line of paints, enamels, lacquers, varnishes and industrial finishes.

50. In addition to international trading and merchandising of oilseeds, vegetable oils, oilseed meals and fish oils, the company mills rice for domestic and foreign markets, produces and sells safflower seeds, and engages in research on and sale of planting seeds.

FOOTNOTES

[1] "Business Combinations and Intangible Assets," proposed APB opinion, Accounting Principles Board of the American Institute of Certified Public Accountants, 23 February 1970.

[2] As provided in Chapter 5 of APB No. 43, issued in 1953, the cost of purchased goodwill could not be written off or reduced to a nominal amount at or immediately after the acquisition.

[3] Since the basis of the merged assets in a tax-free reorganization continues to be the basis reported for tax purposes by SDS, Xerox receives no tax deduction for writing up tangible assets and depreciating them. Consequently the apparent tax rate reported to shareholders will increase.

[4] For instance, LIFO inventory accounting, product line reporting, EPS reporting on residual shares, accounting for interest differentials on convertible debentures, and so on.

[5] "Proposed Measurement of Corporate Goodwill May Curb Acquisitions," the *Wall Street Journal*, 27 February 1970, page 1.

[6] See, for example, "Financial Evaluation of a Potential Acquisition," *Financial Executive*, October 1967.

[7] *Wall Street Journal*, op. cit.

[8] The results in Table 1 are based on an assumption that the mergers would have been consummated as of the date of the most recent financial statement. Recognizing that the goodwill charge is strongly influenced by stock prices, a similar test was made assuming mergers on 7 April 1970, following a sharp decline in equity values. As of this later date, 40 percent of the companies would experience an earnings reduction of more than 20 percent due to the goodwill charge.

[9] Clearly, business has responsibilities to society as well, which are becoming increasingly important to management. However, such responsibilities are not affected by the APB opinion and for the purposes of this commentary may be ignored.

[10] See, for instance, Myles L. Mace and George G. Montgomery, *Management Problems of Corporate Acquisitions*, Division of Research, Harvard Business School, 1962.

[11] All quoted directly from Standard & Poors Standard Listed Stock Reports.

[12] Ranked by minimum goodwill charge to profit ratio from Exhibit I.

[13] Companies 47 and 48 from Exhibit I are not included in the bottom ten. They experienced losses in the last reported fiscal year but had market values in excess of value.

APPENDIX A—RESEARCH METHODOLOGY

A. SAMPLE DESIGN

A sample of fifty companies having common stock quoted in the Wall Street Journal, Wednesday, 8 April 1970, daily listing of over-the-counter markets was selected by the use of a random number table from a total population of 1,187 companies listed on that date.

B. SOURCES OF INFORMATION

Balance sheet, income statement, and capitalization information about the fifty companies was collected from Standard & Poor Corporation's Standard Listed Stock Reports on Over-the-Counter Issues available through April 1970. The bid price for each of the companies selected was taken from the *Wall Street Journal* quotations on the date which corresponded to the most recent financial statement given in the Standard Listed Stock Reports.

C. CREATED INTANGIBLE

The "created intangible" for each company was calculated by subtracting net tangible book value from the product of the number of common shares outstanding and the quoted bid price per share multiplied by 1.15 (to give effect to a 15 percent premium above the current market price assumed necessary to effect a merger).

The number of shares was adjusted for outstanding options, warrants, and convertible securities if the conversion price was less than 1.15 times the quoted bid price of the common stock. In this event, the net book value was increased by the product of the conversion or exercise price and the number of common shares which could be purchased by exercise of options or warrants of conversion of convertible securities.

The created intangible was calculated for (i) the most recently reported financial statement and (ii) 7 April 1970. For purposes of the latter calculation, the only adjustments made to the number of shares outstanding were those resulting from stock splits.

D. MINIMUM GOODWILL CHARGE

The "minimum goodwill charge" was assumed to be equal to the created intangible which would result from an acquisition accounted for as a purchase divided by forty, the maximum number of years permitted for intangible amortization under the APB proposal.

E. SALES GROWTH RATIO

The sales growth ratio was calculated by dividing the most recent annual sales figure listed in the Standard Listed Stock Reports by the corresponding figure three years prior, wherever possible. Otherwise, for companies whose growth rates could not be calculated over a three-year basis, an extrapolation was made.

THE FREE WORLD MUST NOT LET ISRAEL BECOME THE MUNICH OF THE 1970'S

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. PUCINSKI. Mr. Speaker, for sometime now, I have warned—it is becoming abundantly clear—the Soviet Union has undertaken a massive effort to drive the United States out of the Middle East and is using in great numbers her Soviet Moslems to advance this goal.

In a recent speech in Chicago, when I was awarded the Herbert H. Lehman Award, I said:

> We are witnessing in the Middle East today a monumental effort by the Soviet Union to create another cordon-sanitaire of communist captive nations in the Middle East the same as we witnessed after World War II in Europe.
>
> Israel has been marked for destruction by the Soviet Union for it is Israel alone who stands in the way of the Kremlin's grand plan for Communist expansion into the Middle East and ultimately, into Africa.
>
> There is an old saying: "he who controls Africa—rich in natural resources—controls the world." Russia can bring the United States to its knees without firing a single shot once it gains control of Africa and shuts off that continent's rich natural resources to American industry. We now have proof that Soviet pilots are flying combat planes in Egypt. The United States can no longer ignore this Soviet intrusion into the Middle East, and the serious threat it poses to our own national interest in that part of the world.
>
> We can expect that the Soviet Union will soon proclaim a "Brezhnev Doctrine" declaring the Arab States are in the Soviet sphere of influence and any attack upon any of them is an attack on the Soviet Union itself.

XUM

We now have hard core intelligence that the Soviet Union is recruiting Soviet citizens of Moslem background in the provinces of Azerbaijan, Tadjistan, and Turkman—or any of the other Soviet Republics that contain large elements of Moslem populations in Russia and sending them for service into the Arab nations.

These Soviet Muslems are the Soviet Union's 20th Century Trojan horse, and the Arab leaders are too naive to understand this.

Mr. Speaker, in response to my disclosure that the Soviet Union is using Soviet Moslems to infiltrate Arab nations and thereby to ultimately gain control of all Arab States and drive America out of the Middle East, I recently received a letter from Dr. Ivar Spector, professor emeritus of Russian civilization at the University of Washington in Seattle, in which he recalls his own research on Soviet policy of using Soviet Moslems to advance the Soviet expansionist design in the Middle East.

Dr. Spector was kind enough to send me excerpts from his prophetic book, "An Introduction to Russian History and Culture"—fifth edition, Van Nostrand-Reinhold Co., 1969; reprinted, 1970, pages 495-497—in which he, too, analyzes the use of Moslems by the Soviets in the Middle East.

Dr. Spector may very well have been the first scholar to issue warnings against Soviet policy of using Soviet Moslems to advance Soviet aims.

I am calling to the attention of my colleagues Dr. Spector's very penetrating and timely observations which today have been irrevocably sustained by our own intelligence service.

God grant that our Nation is wise enough to realize the enormity of the problem in the Middle East. I was too young to do anything to stop the Soviets from taking over Poland and the other captive nations after World War II. But I shall do all in my power not to let history repeat itself now in the Middle East.

I am calling his works to the attention of the policymakers and the citizens of this Nation so that they can realize how grave the situation is in the Middle East and how America can no longer idlely stand by as we watch Israel become the Munich of the 1970's.

It is abundantly clear that the United States must proclaim Israel is in the Western World's sphere of influence and interest and must rally the forces of Western civilization to protect Israel against destruction by the Soviet Union.

Dr. Spector's learned analysis clearly shows the long-range aims of the Soviet Union in the Middle East and how ultimately they will affect America and her future.

I pray that, at some point in time, American policymakers and the American people themselves will finally realize the grave danger that lurks in the Middle East today and what it means for all of us Americans.

I want to particularly call attention to Dr. Spector's statement:

A New Middle East: A careful study of Soviet sources, such as "Narody Azii i Afriki, Aziya i Afrika Segodnya," and Sovetskaya Kultura, suggests that the ultimate Soviet objective in the Arab world is the creation of a new Middle East—one in the Soviet image. The prerequisite for this is the United Arab States, entirely divorced from the Western orbit, which will then be linked with the Soviet Middle East under Soviet Moslem leadership, that is, under the U.S.S.R.

This prospect, which is present in Soviet thinking, but not spelled out for all to grasp, may well be of interest to Arab leaders who are seeking to build Arab unity with Soviet political, economic, and cultural aid.

I hope the American State Department will use every resource at its command to call this infamous plan for the destruction of their ultimate liberties to the Arab leaders themselves for indeed, I doubt very much that the Arabs want to be pawns in a Middle East chain of captive nations any more than the people of Europe want to be in the Communist orbit of captive nations.

I believe Dr. Spector's works ought to get the broadest coverage throughout the Middle East and ought to be used to convince Arab leaders that their best guarantee for survival is to sit down with the Israelis and work out a meaningful peace treaty which will preserve Israel's sovereignty along with the sovereignty of the Arab nations and assure their freedom within the framework of Western civilization.

It is time that we expose the Soviet Union's grand design for the making of the Middle East into another pro-Soviet cordon sanitaire of captive nations.

The full excerpt of Dr. Spector's excellent book follows. I call my colleague's attention particularly to that statement in the book which shows the Soviets realize the stronger forces of nationalism in the Middle East. They have played down Communist dogma and rather appeal to nationalism as their main technique of breaking down relations between the Middle East and the United States.

Dr. Spector's book deserves the widest distribution. His article follows:

[From Ivar Spector, *An Introduction to Russian History and Culture* (5th ed., Van Nostrand Reinhold Company, 1969; reprinted, 1970), pp. 495-497.]

THE COLD WAR: STRATEGY VERSUS DIPLOMACY

Soviet success among the neutral nations of Asia and Africa since 1955 was due, not to its so-called Communist system, but to its constant attack on colonialism and its unequivocal support of nationalist movements. Bulganin and Khrushchev set the tone in their trek through India, Burma and Afghanistan in 1955, when their theme song was "Down with Colonialism." N. A. Mukhitdinov, chairman of the Supreme Soviet's Council of Nationalities, in his visit to the UAR in September, 1958, and other Soviet delegates to the Asian-African Conferences have received the same warm response when they followed the same line. The "thaw" in the attitude of the neutrals toward the USSR has spread, in one way or another, to most of the Arab world.

Although the Soviet regime preached internationalism to the workers of the world, emphasizing that they had no fatherland but the USSR, in Asia and Africa they discovered that nationalism was a much more potent weapon than any other "ism." They therefore used nationalism to attain a communist goal.

Solidarity Conferences. During the third drive, the Soviet government also sought to achieve its goals through the Afro-Asian People's Solidarity Conferences, the first of which was held in Cairo in December, 1957. Unlike its predecessor, the Bandung Conference of 1955, it was subjected to the direct impact of the USSR, which played an active part in the preparation of the agenda and the drafting of the resolutions. Within a few months it became an established institution with headquarters in Cairo. Its main objectives were the promotion of Arab unity and the "liberation" of the remaining dependencies of Africa and Asia from the control of the Western "colonizers." Since its founding, although Cairo has remained the headquarters, some important Asian-African cultural gatherings have been held in Tashkent, the foremost Soviet Middle Eastern center of Oriental Studies. These have included the Afro-Asian Cinema Festival (August 20–September 2, 1958), where eight Soviet Republics and fourteen Afro-Asian countries, including the Arab states of the UAR, Tunisia, and Morocco, were represented; and in October, 1958, an Afro-Asian Writers' Conference with delegates from about fifty countries of the Afro-Asian bloc, who came to seek common ground, a common hero, and a common genre in the literatures of the Afro-Asian peoples. Somewhat to the discomfiture of the Soviet government, Afro-Asian nationalists soon demonstrated their opposition to Soviet "leadership."

Role of Soviet Muslims. The Soviet Union has still another inducement to play an active role in behalf of Arab unity and Afro-Asian solidarity. It enables the Soviet regime to divert the attention of the USSR's thirty million Muslims from domestic anti-Soviet activities to pro-Soviet missionary work among the millions of Muslims beyond Soviet borders, especially in the Muslim lands of the Middle East and Africa.

The Soviet government has exerted every effort to convince its own Muslims that they are the salt of the Muslim world, that they are the most progressive, the best educated, and that it is their mission to assume leadership of the Afro-Asian Muslims. That the Soviet regime was not entirely satisfied with the results was apparent from Radio Moscow's attack on May 22, 1958, on Islam and the Muslims of the Soviet Middle East as reactionary and fanatical. There is reason to believe, however, that Soviet efforts have not been in vain, and that many Soviet Muslims are ready and willing to substitute for the "White Man's Burden" the "Soviet Burden" in Asia and Africa. One example was provided by the "Appeal of the Muslim Spiritual Leaders of the USSR to the Muslims of the World" against the landing in July, 1958, of American and British troops in Lebanon and Jordan respectively, and the demand for their immediate withdrawal. During the Lebanese crisis, there were hints about using Soviet Muslim "volunteers" against the Anglo-American occupation forces. To represent him on a state visit to the United Arab Republic in September, 1958, Nikita Khrushchev sent to Cairo the prominent Soviet Middle Easterner, Mukhitdinov.

It has become apparent that the USSR is using both its own Muslims and the eager exponents of Arab unity to promote the second major objective, the "liberation" of the entire Middle East and Africa, both Arab and non-Arab, from Western hegemony. To date, Soviet intervention has been indirect, rather than direct. Soviet Muslims prod Arab Muslims, especially those of the UAR, to take their place in the vanguard for the elimination of the vestiges of "colonialism." Even during the Near Eastern crisis of 1958, the USSR confined itself to pressing attacks on Anglo-American intervention, supported the UAR before the United Nations Security Council and Assembly, and carefully avoided the landing of Soviet troops on Arab soil.

A New Middle East. A careful study of Soviet sources, such as *Narody Azii i Afriki*, *Aziya i Afrika Segodnya*, and *Sovetskaya Kultura*, suggests that the ultimate Soviet objective in the Arab world is the creation of a new Middle East—one in the Soviet image. The prerequisite for this is the United Arab States, entirely divorced from the Western orbit, which will then be linked with the Soviet Middle East under Soviet Muslim leadership, that is, under the USSR. This prospect, which is present in Soviet thinking, but not spelled out for all to grasp, may well be of interest to Arab leaders who are seeking to build Arab unity with Soviet political, economic, and cultural aid.

Soviet policy in the Muslim East during the third drive envisaged the complete withdrawal of the West from Asia, physically, economically, intellecually, and spiritually. According to Soviet interpretation, it was the colonial Orient that gave strength and power to the British, French, Dutch, and Portuguese empires. Without Asia (and presumably Africa), Soviet leaders expected that Europe would vegetate and decay. What the USSR accomplished in forty years, Asians were assured they could do in less time with Soviet help. By advancing economic, technical, scientific, and military assistance to Asian nations, even at the expense of the vast needs of the Soviet peoples, Khrushchev sought to demonstrate that everything Asians required for liberation and development was readily available to them from the Soviet bloc.

Vostok. One of the most dramatic symbols of the Soviet focus on the Orient was the naming of the first Soviet sputnik to orbit the earth, the *Vostok* (Orient, East). As subsequent experiments in manned space flights occurred, Soviet space ships were listed *Vostok I* to *Vostok IV*. In a revealing cartoon, "Light from the *Vostok*" (East), the Soviet humor magazine, *Krokodil* (April 20, 1961) depicted the shepherds of Palestine watching, not the Star of Bethlehem, but the Soviet spaceship. In other words the Soviet objective remains the complete deWesternization of Asia and its reorientation toward the Union of Soviet Socialist Republics.

RESULTS OF RECENT QUESTIONNAIRE

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, for the information of the Members and other interested persons, I am presenting today the completed tabulation of the results of my recent questionnaire. As has been my custom in the past, the results of the questionnaire are set out in the form of a newsletter containing the following caption: "Newsletter from Your Open Door in Washington—Congressman ALBERT W. JOHNSON, 23d District of Pennsylvania—Number 17, May 1970."

The newsletter also contains a picture of myself in front of the door of my office, in which picture I am holding a recent publication of the Pennsylvania Department of Commerce entitled, "Discover the New Pennsylvania." The newsletter then continues as follows:

DEAR FOLKS IN THE 23RD CONGRESSIONAL DISTRICT: In February of this year, I mailed my annual Questionnaire to all homes in the District. I am pleased to state that the response was the greatest of any previous mailings. In these troubled times, it is not surprising that so many persons participated. Also, an unusually large number of persons sent separate letters or made comments on the form. We are writing a separate reply to these people.

The results of the poll on each question, and my own comments are as follows: Where the percentages do not add up to 100%, the difference represents those who had no opinion.

Question No. 1—is the news media often partial and biased?

The answer: Yes: 77%; No: 17%.

This question was prompted by the "bombshell" speech of Vice President Agnew wherein he made the above charge. His criticism hit a responsive cord as the results above indicate. Many think his charges have already had a healthy effect on news coverage. Results of the same question asked by others: Corbett (R) 18th District, Pennsylvania. Yes: 87%; Eshleman (R) 16th District, Pennsylvania, Yes: 66.2%; Ashbrook (R) 17th District, Ohio, Yes: 72.4%. A poll taken in Canada shows 66% of the Canadians feel that reporters in Canada sometimes allow their own opinions to color the news.

Question No. 2—Imposition of wage and price controls.

The answer: Yes: 69%; No: 23%.

The Administration opposes controls and most economists doubt their effectiveness, yet 69% of the people in the District are willing to try them for relief from the upward spiral of prices. Other areas of the nation also agree: Chamberlain (R) 6th District, Michigan, Yes: 70%; Corbett (R) 18th District, Pennsylvania, Yes: 62%; Moss (D) 3rd District, California, Yes: 74%. In May of 1968, I asked the same question in my poll. The result then: Yes: 53%. Apparently current higher living costs have influenced this change in sentiment. Some typical questionnaire comments: "The only way to bring things in line." "This seems to me to be the only answer, short of a depression. Unions are way out of line, and industry wants more profit each year at our expense." Contra: "Wage and price controls have been largely ineffective except in time of war."

Question No. 3—Should the President use his veto power if he believes a bill is inflationary?

The answer: Yes: 85%; No: 10%.

As you know, when Congress voted $19.7 billion in appropriations for the Department of Health, Education and Welfare, which exceeded the President's budget by over $1 billion, the President vetoed the measure, calling it inflationary. The Congress sustained the President's veto by a vote of 226 to 191. This appropriation was later passed in a more reasonable amount. This veto served as a notice to the Congress that the President is serious about holding down Federal spending which is the major cause of the inflation of today.

Question No. 4—The war in Vietnam: What should be done about Vietnam?

	Percent
(a) Withdraw immediately	9
(b) Negotiate a settlement around present positions	7
(c) Withdraw as soon as South Vietname can take over	65
(d) Invade and blockade North Vietnam	16

It is apparent from the above results that a great majority (65%) favor President Nixon's Vietnamization policy and that few people have much hope for a negotiated peace (7%). This favorable District sentiment on Vietnamization follows that of other areas: Schneebeli (R) 17th District, Pennsylvania, 62%, Keith (R) 12th District, Massachusetts, 70.3%; Chamberlain (R) 6th District, Michigan, 63%; Corbett (R) 18th District, Pennsylvania, 67%.

Question No. 5—Allowing police officers with a warrant to enter a house without knocking in drug felony cases, if they believe drugs and other evidence being sought may be destroyed quickly?

The answer: Yes: 70%; No: 29%.

Because of the widespread increase in drug addiction, the police of Washington, D.C., have requested statutory authorization to enter a house without knocking to serve a warrant in narcotic raids. I voted for this power, when the bill was phrased to the effect that the Judge issuing the warrant would only grant the "no knock" authority on a proper showing. The U.S. Supreme Court has specifically upheld "no knock" authority. 29 states now allow it. Other polls have approved the provision: Ashbrook (R) 17th District, Ohio, Yes: 70.7%. Citizens who made comments in their replies, made cautious statements. "I approve only if they are positive of crime before entering." "I am against all drug users, pushers, etc., no punishment is too tough, but I am also for the protection of the home."

Question No. 6—Reducing the crime for first time use or possession of marijuana and heroin from a felony to a misdemeanor.

The answer: Yes: 37%; No: 57%.

I was quite surprised at this result, as the policy of the Congress is to reduce the penalty for first time users or possessors, and increase the penalties for selling it. I phrased the above question to include heroin because that is the language of the bill which has passed the Senate, and is now in the House. In the Senate version, the penalty for first time use is reduced from 2 to 10 years up to 1 year. The Senate version also reduces the crime from a felony to a misdemeanor and also lowers the maximum fine from $20,000 to $5,000. The National Council on Crime and Delinquency has recommended that drug addicts should be directed to Medical help and should not be criminally prosecuted. Other Congressional District have indicated the same feelings against reducing penalties. The questions were restricted to reducing the penalty for first time use of marijuana. The result: Scott (R) 8th District, Virginia, No: 49%; Chamberlain (R) 6th District, Michigan, No: 67%; Ashbrook (R) 17th District, Ohio, No: 55.7% Schneebeli (R) 17th District, Pennsylvania, No: 77%. Here are some comments on the questionnaires on this subject: "Leniency can only encourage the use of drugs." "The pusher should be hit harder." "Anyone selling or pushing is worse than a murderer."

Question No. 7—Do you favor:

	Percent
(a) Increasing Federal aid to education	27
(b) Reducing allocations	26
(c) Maintaining aid at present levels	43

The results of this question, wherein 43% of those answering want Federal aid to education kept at its present levels, and 26% want it reduced reflects a feeling that citizens are being taxed enough for all education programs. Frequent comments were along this line: "The government needs to halt spending. Certainly not to take on any more. Reduce if possible." "Any increases or changes in education expenditures should be state responsibilities." Indicating the mood against campus disorders, many comments like this were found: "I believe college should be restricted to students sincerely seeking an education—rioters—trouble makers should be expelled immediately." With this comment, I agree.

Question No. 8—Busing school children to achieve a better racial balance.

The answer: Yes: 10%; No: 86%.

This is, of course, a very controversial issue. Questionnaire results of other Congressmen also disapproved the proposition. In the 17th District of Ohio (Ashbrook, (R)), 92.1% expressed opposition to such busing, and for the 18th District of Pennsylvania (Corbett, (R)), the result was No: 93%. In March of this year, President Nixon issued a statement on school segregation wherein he re-affirmed his support of the Supreme Court's mandate against deliberate segregation in the public schools, but stated that transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance will not be required. The 1964 Civil Rights Act has this provision: "desegregation shall not mean the assignment of students to schools to overcome racial imbalance." I supported this amendment. Despite this provision, in the past year, some U.S. District Courts have been ordering busing. These decisions are the reason for the current controversy.

Question No. 9—What do you consider the single most important problem confronting the country today?

	Percent
(a) Air and water pollution	21
(b) Crime and violence	34
(c) Vietnam War	16
(d) Inflation	25

A Gallup poll released this week indicated that 56% of a scientifically selected cross-section of American adults indicated that in the next two years they wanted our government to give top-priority to reducing crime. Second in order was reducing air and water pollution. This Administration has unleashed an all out assault on crime. There are some 20 anti-crime bills sponsored by President Nixon yet to be acted upon. The Administration has asked for $16.6 million for organized crime fighting by the Justice Department. The number of F.B.I. agents working on organized crime has doubled from 400 to 800 agents. The Administration seeks funds for 1971 in the amount of $1 billion to help states and counties strengthen their courts, police and correction systems, as well as other new law enforcement plans. This question inspired the most serious comments of all. Here is a sample: "Create jobs and crime and violence will soon take care of itself. Every able bodied man should have a job instead of welfare and relief." My opinion is that the Vietnam War is the cause of the violence, riots, and unrest that is facing our country. Also, it is a major cause of inflation. The war must be ended but ended with Victory."

Question No. 10—To encourage anti-pollution devices by industry, would you favor:

	Percent
(a) Granting tax credit for such installations	32
(b) Issuing a deadline for abatement with a fine for failure to comply	65

Public anxiety over environmental deterioration has reached a high level, and rightly so. The above 65% indicates this feeling. President Nixon has pledged a "now or never" fight to save the environment and recently announced a 37-point program. He has appointed a new Council on Environmental Quality. *To combat water pollution,* he has proposed a new Clean Waters Act, with a $4 billion appropriation for 1970–71; a financing authority to help localities sell sewage system bonds; a law to set up water and air quality standards, with $10,000 a day fine for violation of the standard. *To combat air pollution:* stringent vehicle exhaust standards; law regulating fuel composition and additives; *Other measures:* scrapping of all junk cars; establishment of new parks with $327 million; elimination of pollution by government agencies. One writer offered this sensible suggestion: "I don't believe we will get anything done about pollution until industry or government finds a way for the average man to pay for it—directly or indirectly—but I would rather do it than suffer the consequences." This suggestion is borne out by a Lou Harris poll which reveals that 54% of the American people are willing to pay at least $15 a year more in taxes to help finance a Federal anti-pollution program. This would provide $900 million.

Question No. 11—Has the Supreme Court been too lenient in its decisions on pornography and obscenity?

The answer: Yes: 69%; No: 26%.

The disappointment in the performance of the Supreme Court in this field is widespread. This court has struck down all the effective anti-obscenity laws as infringing on the freedom of speech. To this same question, the people of the 18th District of Pennsylvania (Corbett (R)), answered Yes: 81%; and the 12th District of Pennsylvania (Whalley (R)), answered Yes: 83%. Questionnaire comments also indicated displeasure in other decisions: "I am disappointed in our courts. The ruling against prayer in schools for one; also, too lenient attitude toward riots and demonstrations." "Revise our Supreme Court so that decisions will be made for honest people and not law breakers."

Question No. 12—Do you now favor a Federal gun registration law?

The answer: Yes: 31%; No: 60%.

In February of 1967, this same question appeared in my Questionnaire of that date. The opinion then was No: 61.37%, about the same as in this poll. Since 1967, all attempts in Congress to require registration of guns and that of gun owners have failed. I voted against these registration proposals. In Pennsylvania, one loses sight of the fact that our Pennsylvania Constitution provides: "Article 1—Section 21: The right of the citizens to bear arms in defense of themselevs and the State shall not be questioned." This is in addition to our National Constitution which provides as follows: "Second Amendment: A well regulated militia being necessary to the security of a free state, the right of people to keep and bear arms shall not be infringed." The following Questionnaire comment seems to sum up the general feeling: "I feel that federal gun registration is not the answer to crime. It would only punish the honest citizen and the criminals would get their guns illegally."

Question No. 13—Do you approve of the way President Nixon has handled the war in Vietnam?

The answer: Yes: 66%; No: 27%.

This approval of 66% compares almost exactly with the Gallup Poll taken the same week this Questionnaire was mailed which showed a 65% approval. One Congressman announced a poll wherein the approval was 80% (Evans, (D), 4th District, Tennessee). These polls, of course, were taken before the entry into Cambodia. As to the Cambodian venture, the following agencies took polls after the decision was announced. To the question, do you approve of the President's decision to enter Cambodia, here are the results: CBS telephone survey: 59% Yes, 32% No; Gallup Poll: 51% Yes, 35% No; Chicago Tribune Ballot: 79% Yes, 21% No; Chilton Research Telephone Survey: 65% Yes, 22% No. (Source: Republican Congressional Committee Newsletter 5–11–70). Polls taken later: Newsweek (May 14th) 50% Yes, 39% No. Says Newsweek (5–25–70) "The 'Silent Majority' appears to be alive and well in Nixon's corner."

Question No. 14—Do you favor our Government selling military equipment to Israel?

The answer: Yes: 51%; No: 42%.

This was a very difficult question to answer and the only 51% approval indicates the problem. In a poll by Congressman Ashbrook of Ohio wherein he also asked the above question the opinion was Yes: 58.4%. This question has taken on new importance since the recent announcement that Soviet jet fighters, manned by Russian flyers have joined the Arab cause and are in combat against Israel.

Question No. 15—Gradually eliminating the Federal farm subsidy and control programs for agriculture commodities.

The answer: Yes: 80%; No: 14%.

Pennsylvania farmers favor competition of agricultural products in an open market. Subsidy payment and price supports discourage this. The poll result indicates that all Pennsylvanians, not just farmers, would like to see payment limitations enacted. In 1969, $609 million was spent paying individual farmers $15,000 or more in subsidies. Out of this large sum, Pennsylvania farmers received less than $400,000. Only 12 farmers in Pennsylvania received more than $15,000 out of 20,000 nationwide. In Chamberlain's Poll (R–6th District, Michigan) 66% favored eliminating the subsidy over a five year period, but in Foreman's Poll (R–2nd District, New Mexico) the percentage was Yes: 70%. The question is now before the Congress, and I expect to support the subsidy elimination by placing a ceiling of $15,000 on each farm. Some 23rd District comments were as follows: "The small farmer or stock raiser has no chance at all." "These programs are utterly unfair, favors the rich huge landowners and we for instance never could make use of it, but would need help badly to hold onto our farm."

Question No. 16—Home Rule for the District of Columbia.

The answer: Yes: 58%; No: 38%.

Washington is now governed by a "Mayor" and a nine member City Council all appointed by the President. The citizens elect the School Board, and once in four years can vote for President and Vice President. They have no representatives in Congress. The population of the District was estimated to be 827,600 July 1, 1968, of which population 70.5% are non-white. The control of Congress over this "Federal City" stems from Article I, Section 8 of the U.S. Constitution, which provides: "The Congress shall have power to exercise exclusive legislation in all cases whatsoever over such district as may—become the seat of Government of the U.S." At one time, the District had "home rule" but in 1874 Congress nullified it because of bickering and also because Congress had to save the city from bankruptcy. Home rule has been resisted because it is felt that the District belongs to all the citizens nationwide. 43% of the city's land area is government property and over 54% of the valuation is not taxable and to give the city the power to tax Federal property would be unconstitutional. The Federal Government instead will appropriate $104,600,000 this year to help run the city. The present Mayor system and 9 member Council seems to be working out well. I predict that the Congress will provide the District with a nonvoting member of Congress, which I favor. Crime is more rampant in the Nation's Capital than any other city. Here are some statistics that bear this out. In 1969, in D.C. there was: (a) a murder every 33 hours, (b) a rape every 29 hours, (c) an aggravated assault every 2½ hours, (d) a robbery every 50 minutes, and (e) a burglary every 25 minutes. However, due to more police in the streets and stricter law enforcement this record is down considerably. In a recent poll taken by Broyhill (R–10th District Virginia (Arlington)) the vote on the question of home rule was No: 60%.

Question No. 17—A four-year term for Congressmen and State Representatives instead of two years.

The answer: Yes: 58%; No: 38%.

This vote in favor of a four-year term seems to follow the National trend. President Nixon in his State of the Union message in January called for reform of our institutions in America. Extending the term of members of Congress (House) would give them more time to learn their job before being forced to campaign for re-election. This is one of the reforms the President was thinking of. Former President Johnson in 1966 also called for a constitutional amendment to increase the term to four years. In the past, I have disapproved of the proposal. However, if it is submitted as a part of an over-all Congressional reform package, I will support it. Those favoring the four-year term suggest that one-half of the House be elected every two years.

Question No. 18—Do you consider yourself part of the "silent majority"?

The answer: Yes: 71%; No: 23%.

This question was prompted by the television request of President Nixon in his Vietnam speech of November 3, 1969, when he addressed himself to the "silent majority." At the same time as my Questionnaire was being answered, the Republican National Committee took a poll and those questioned were asked if they were a part of the President's "silent majority," and 73% said yes, which is about the same as the above figure of 71%.

Question No. 19—The rating of Nixon's over-all performance in office:

Good: 49 percent.
Fair: 43 percent.
Bad: 7 percent.

This percentage reflects the mood of the District in Feb.-Mar. 1970. Most polls at that time rated the President as doing very well, as follows: Eshleman (R–16th District, Pennsylvania) Yes: 75%; Corbett (R–18th District, Pennsylvania) Good: 55% (up from 43% in October 1969); Chamberlain (R–6th District, Michigan) Excellent-Good: 68%; Foreman (R–2nd District, New Mexico) Excellent-Good: 84.9%; Keith (R-12th District, Massachusetts) Good: 57%. This question inspired many comments from those responding; such as: "President Nixon has an impossible job, and I feel he has handled it as well as he can so far." "I believe President Nixon is trying to do the best thing for the country. More recent polls on the Presidents performance: May 10th: Gallup Poll: Approve: 57%, Disapprove: 31% May 14th: *Newsweek* Poll: Very to fairly satisfactory: 65%, Not satisfactory: 31%.

And now in closing, I want to thank those who took the time to return my Questionnaire and thus make this report possible. I hope you have found this Newsletter both interesting and informative.

Sincerely yours,
ALBERT W. JOHNSON.

VA HOSPITAL: CRISIS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. OTTINGER. Mr. Speaker, for the past week, many of our New York congressional offices have received inquiries concerning the article in Life magazine, "Assignment to Neglect," criticizing the quality of care and conditions in VA hospitals in general, and the Veterans' Administration hospital, 130 West Kingsbridge Road in the Bronx, in particular.

Following is the correspondence I had last year with the Administrator of Veterans' Affairs, and the chairman of the House Veterans' Affairs Committee, expressing my concern that the VA may not be carrying out the mandates of Congress in fulfilling its obligations to the Nation's veterans and returning servicemen.

In addition, I would like to insert in the RECORD at this point the texts of letters to the editor of Life written by Dr. A. M. Kleinman, director of the Kingsbridge VA hospital, and Hon. Donald E. Johnson, Administrator of Veterans' Affairs, in reply to the May 22 article.

I commend it to my colleagues for their information:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 25, 1969.

Hon. OLIN E. TEAGUE,
Chairman, House Veterans' Affairs Committee, Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am enclosing a copy of my letter to Administrator Johnson. It is self-explanatory.

I found the implications of this situation alarming and hope you and the Committee will share my concern.

I would appreciate any remarks you might have. Should you wish to handle this informally, I would be happy to speak with you directly, or as an alternative, your staff people might get in touch with my administrative assistant, Paul Schosberg.

I look forward to hearing from you.

Sincerely,
RICHARD L. OTTINGER,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 25, 1969.

Hon. DONALD E. JOHNSON,
Administrator, Veterans' Administration,
Washington, D.C.

DEAR ADMINISTRATOR JOHNSON: I am deeply concerned that the spending cuts and personnel ceilings imposed on the Veterans Administration—coupled with the unprecedented number of laws enacted by Congress in the 89th and 90th Congresses, i.e. VA compensation increases for veterans and widows, increased income limitations, new computation for pensions—may have created an intolerable administrative burden on VA offices, particularly the Regional Offices.

Based on my own experiences and reports that have reached me recently, I am concerned that in the not too distant future, the VA will be unable to carry out the mandates of Congress and fulfill its obligations to the nation's veterans and returning servicemen.

All too often, claims filed by veterans for benefits are delayed 3–4 months for adjudication; widow's claims for death benefits are delayed many months; after certification, the arrival of educational subsistence checks are delayed—although the veteran must meet the initial tuition of the training institution and living expenses in the meantime.

Once a claim is processed, there are far too many administrative errors—overpayments, underpayments, etc.

Returning servicemen are informed of the new or extended programs in the interest of veterans. They receive as many as ten VA form letters subsequent to separation—in addition to letters from Senators, Congressmen, Governors, the Labor Department, Civil Service Commission, and local Veterans' Service Agencies—all advising them of the various benefits available. However, many of the programs announced to returning veterans and delegated to Executive Agencies for execution, are practically non-existent.

Perhaps the most non-existent VA program is the Home Loan Guaranty Program. Its workability is questionable. There is no mortgage money available at 7½% for over a 12-month period.

My personal observations and information indicate the VA lacks the personnel and funds to handle the laws of ever-increasing complexity and the business imposed on it by approximately 26,000,000 veterans. A sudden end to the Vietnam war would have a disastrous effect on the Veterans Administration and the released servicemen.

Reports of backlogs in the Regional Offices suggest it is time for the VA to expand offices and recruit competent personnel. Its administrative operations—procedures, manuals, forms control, finance personnel, management, and other administrative procedures need a strict internal review.

It must fully utilize its State Counselors and State Veterans' Service Agencies. In my own State, the fee for processing VA claims is so small attorneys refuse to handle clients. Only one or two individuals in Westchester County are accredited to prepare claims and represent veterans before the Veterans Administration. Were it not for my offices, they would be working in the dark. Our local veterans' service agencies are not on the VA mailing list and do not receive service organization newsletters as an agency. VA regulations should permit, if not require they be put on its mailing list. They have no direct working relationships with the Regional Office, except when calling on cases of an extreme hardship nature. In these days when the veteran and his dependents are approaching 50 percent of the population, local and State veterans' agencies should be pulling together.

The current Veterans Administration budget is over $130 million less than the previous budget presented to the 91st Congress. The Veterans Administration lacks the funds and personnel to do the job right.

Passing laws is one thing, but successfully enacting them is another. When Congress passes laws, funds and necessary manpower to carry out their provisions and affect their programs must follow.

The returning veteran is becoming bitter with some of our programs. The Executive and Legislative branch of the Federal government must take immediate steps to correct the current situation and prevent the escalation of a VA backlog that could reach catastrophic proportions.

From my point of view, the solution for the future is relatively uncomplicated. More money and more "efficient" personnel.

I don't know if you've had an opportunity to study this situation, or if it has been brought to your attention. But I am prepared to make actual case histories and incidents available to you.

I would be grateful to know your feelings in this matter and what action, if any, you plan to take to improve and expand the operations of your agency at all levels to insure its administrative and personnel functions are carried out effectively and efficiently.

We must preserve the entitlements and benefits due those men and women who gave so much to preserve our freedom.

Sincerely,
RICHARD L. OTTINGER,
Member of Congress.

VETERANS ADMINISTRATION,
Washington, D.C., July 29, 1969.

Hon. RICHARD L. OTTINGER,
House of Representatives,
Washington, D.C.

DEAR MR. OTTINGER: Mr. Johnson has asked me to acknowledge your letter of July 25, 1969, regarding the quality of service provided to our Nation's veterans and to their dependents and beneficiaries. An extensive review is being made of the comments you have presented on the status of our program operations and our capability of providing benefits and services to the VA public. The Administrator will send you a reply as soon as our review is completed.

Sincerely,
J. C. PECKARSKY,
Acting Chief Benefits Director.

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U.S. House of Representatives,
Committee on Veterans' Affairs,
Washington, D.C., July 30, 1969.
Hon. Richard L. Ottinger,
House of Representatives,
Washington, D.C.

Dear Colleague: Thank you for your July 25th letter enclosing a copy of your letter to Veterans Affairs Administrator Johnson concerning serious case backlogs and lack of adequate personnel to service our returning veterans.

The personnel shortage resulted primarily from the Revenue and Expenditures Control Act of 1968 which required VA to reduce its personnel back to the employment level of June 30, 1966; coupled with increasing workloads, some very serious case backlogs built up in every VA Regional Office. When the Second Supplemental Appropriation Act of 1969 was passed by the Congress a few weeks ago, all statutory personnel ceilings on federal agencies were rescinded. However, when President Nixon signed this bill he issued a statement which criticized the Congress for not following his recommendations on budget reductions and stated that he was taking administrative action to reduce spending for the current fiscal year which began July 1 by an additional $3.5 billion. The President further stated that "No Federal program is above scrutiny. Some highly desirable programs will have to be stretched out—others reduced. The dollar reductions will be accompanied by a further lowering of personnel ceilings established last April". I do not know how to predict what affect this will have on the Veterans Administration.

Through personal negotiations with Chairman Mahon and Mr. Evins of the House Appropriations Committee, I have been successful in having restored most all of the funds which President Nixon cut from the 1970 Johnson budget. This action should materially help overcome the problems outlined in your letter; however, I cannot predict what the President will do by administrative action to circumvent the will of Congress concerning the VA. The legislative history in both the House and Senate makes it quite clear that the Congress desires that the Veterans Administration be adequately funded to handle its increased workload which has been brought about by the Vietnam war. It is now clearly up to the Executive Branch of the government as to whether they feel enough genuine concern for our returning veterans to provide the service which is so badly needed.

For your information, the Committee staff has been conducting a special in depth study of this problem and I plan to issue a full report on this subject very shortly.

Sincerely,

Olin E. Teague,
Chairman.

Veterans' Administration,
Washington, D.C., September 9, 1969.
Hon. Richard L. Ottinger,
House of Representatives,
Washington, D.C.

Dear Mr. Ottinger: Thank you for sending me your evaluation of the service provided by the Veterans Administration. As the new Administrator of Veterans Affairs, I need to have the comments from those we serve and from others who participate closely with VA, as much as I need the advice and assistance of the VA staff.

We have had the opportunity for a close look at the issues raised in your letter of July 25. On most of the issues I can give you our complete assurance that VA is meeting its commitments to veterans and their beneficiaries and will work toward further improvements in our service. On others, I can agree that problems do exist, we are cognizant of them, and we will do everything possible to resolve these issues. In the attached report I have grouped my comments under major programs and operational areas. Several of the subjects are presented in some detail to allow you a better understanding of the many facets of the particular issue.

As an addendum to the report, I would like to offer some personal observations on VA's activities. First, you have our assurance that VA will do its utmost to render the best possible service to the expanding population of veterans, survivors, and beneficiaries. There is ample evidence of the Agency's leadership in the development or adoption of improved methods for performing the program processing functions. This concept of program administration will continue. Each new item of legislation is a challenge to VA—some require added resources, others can be absorbed by the existing workforce. Where additional strength is needed, VA will press vigorously for the personnel or the equipment to do the job.

A copy of this letter is being sent to the Honorable Olin E. Teague, Chairman of the House Veterans' Affairs Committee.

Sincerely,

Donald E. Johnson,
Administrator.

Report to Congressman Richard L. Ottinger

ADJUDICATION OF COMPENSATION, PENSION, AND EDUCATION CLAIMS

The combination of new laws, increased separations from the Armed Forces and the employment ceilings imposed by PL 90–364 did adversely affect the timeliness of our claims operations. For example, in our New York Regional Office the workload increased more than 15% in FY 1969. The number of personnel directly involved in the claims activity decreased 2.5% in the same period.

The workload peak occurred during the past winter when we implemented PL 90–275, restructuring the pension system for veterans and survivors, and PL 90–493, increasing compensation rates and making other changes in the compensation program, and at the same time the majority of colleges and universities enrolled students for the second semester.

Although our workloads are not as current as they should be, the majority of claims are handled within a reasonable time. Whenever there is need for expedited action in an individual case, our Regional Offices are pleased to provide such service.

LOAN GUARANTY PROGRAM

In the current situation the availability of funds for GI loans is a cause for concern. The Mortgage Interest Rate Commission, authorized by PL 90–301, has been making a study of ways to assure the availability of an adequate supply of mortgage credit at reasonable cost to the consumer. The Commission's report should be available soon.

Notwithstanding the imperfections that now exist in the mortgage lending system, our home loan program has not become totally ineffective, either in the United States as a whole or in New York State in particular. Nationwide, VA guaranteed about 220,000 home loans during the 12 month period ending June 30, 1969—10,229 of which were in the State of New York. Cumulatively, since the beginning of the program, VA has guaranteed or insured 7.3 million home loans amounting to a maximum of $73.0 billion, of which 700,000 loans amounting to $6 billion were in New York. In the County of Westchester the VA has guaranteed 28,396 home loans.

There is little question that the GI loan program has been hampered by the tightening of credit since the latter part of 1968. FHA loans and conventional home loans have been similarly affected by the credit squeeze. It is not quite true, however, that no funds have been available during the last 12 months. Our records indicate that GI loans are being made in New York, including Putnam and Westchester Counties—though admittedly at a lower volume than formerly.

Unquestionably, the GI loan program is not helping all veterans who need housing credit. Even those who can afford to buy homes and are good credit risks are inhibited by the limited availability of mortgage funds. The only direct solution to such a problem would be a tremendous increase in direct lending, with a corresponding enormous increase in Federal expenditures. Considering the many other current budgetary demands during this period when every possible effort is being made to reduce expenditures, such a solution to the mortgage funds shortage is hardly feasible.

There are other veterans who cannot use their GI loan benefits even when mortgage funds are plentiful. These are the veterans with low-to-moderate incomes who are unable to meet the loan payments necessary under current conditions, i.e., high costs of homes and high rates of interest on home loans. Other veterans cannot avail themselves of the program because they are not satisfactory credit risks.

Although there were some moderate increases in the pending workloads in the New York Regional Office during Fiscal Year 1969, our records indicate that the timeliness of loan processing at this station remained at a satisfactory level and was, in fact, somewhat better than the national average for all stations. The manpower available in the Loan Guaranty Division in New York is sufficient to maintain this satisfactory level of performance under current and projected workloads.

PAYMENT OF BENEFITS

Every effort is made to process awards for benefit payments—compensation, pension, education—as promptly as possible. For example, a recent report shows that only eight stations in the entire regional office network had a workload on hand which exceeded three days. There may be some delay in individual cases, but there is little doubt that the bulk of the work is currently being processed in a timely manner.

GUARDIANSHIP PROGRAM

While we do have some backlogs in the Guardianship program area, they are not sufficient proportions to impair timely service to our legally disabled beneficiaries. Cases which involve the initial confirmation, recognition or appointment of a fiduciary to receive benefits in behalf of a legally disabled beneficiary, and those cases in which it is necessary to appoint a successor or substitute fiduciary, are handled on a priority basis. Thus, there is only a minimum delay in assuring that a suitable, qualified fiduciary is functioning to administer the benefits.

VETERANS ASSISTANCE ACTIVITIES

All recently separated veterans receive a computer-generated letter on VA benefits, tailored to their individual situations. At the same time a card is produced on every educationally disadvantaged veteran which is sent to the United States Veterans Assistance Center (USVAC) servicing the area where the veteran indicates he intends to reside. If the USVAC cannot reach these veterans by phone, a second letter is sent. Where the veteran does not respond to these two letters, further effort is made since it is felt that the "extra steps" should be taken to help those who do not have a high school education to resume educational pursuits and avail themselves of other benefits. We are unaware of any type of case or instance in which as many as ten form letters would be sent a recently separated veteran by the Veterans Administration.

With the exception of Loan Guaranty benefits which are discussed elsewhere in this report, we are unaware of any VA administered benefits which are not readily available to those eligible for them or on

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which assistance will not be provided, if requested.

STATE PARTICIPATING AGENCIES

State Counselors, State Veterans' Service Agencies and others who render service to claimants are eligible to be placed on VA mailing lists. Distribution of issues and maintenance of mailing lists have, for many years been decentralized to our regional offices in the field. The local veterans' agencies in New York should request this service from the VA Regional Office in New York City.

The Contact program works closely with representatives of all national service organizations and with State Agencies in meeting the needs of Vietnam era veterans. Through the regional office distribution, accredited representatives are provided with publications on benefit matters. When new legislation is passed or there are changes in procedures, local representatives of veterans groups are invited to briefing or training sessions.

The requirements for recognition of representatives of organizations, agents and attorneys for the presentation of claims for veterans is outlined in Title 38, U.S.C. The same statute limits the payment of fees to $10 for an allowed claim for monetary benefits under laws administered by the VA. Our Chief Attorney at the Regional Office in New York City would be pleased to advise and assist any attorneys or other individuals who may wish to apply for VA recognition.

VA REGIONAL OFFICES

VA has no plans at this time for expanding the nationwide network of regional offices. We feel that the best position for handling the increased workloads is to utilize the available resources to strengthen our existing facilities for service. At present, we estimate that the resources for the new Fiscal Year 1970 will parallel those available to us in FY 1969.

In New York State, Regional Offices are located in Buffalo and New York City; VA Offices continue in Rochester, Syracuse, and Albany.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 6, 1969.
Hon. DONALD E. JOHNSON,
Administrator of Veterans' Affairs,
Veterans' Administration,
Washington, D.C.

DEAR ADMINISTRATOR JOHNSON: Thank you for your letter of September 9, responding to issues raised in my correspondence of July 25.

In responding, I would first like to call your attention to the V.F.W. Legislative Newsletter, dated August 1969, and the article "Will VA Personnel Ceilings Continue?" The article states "veterans have had to wait six months or longer before having claims processed at some VA regional offices. There now exists the largest backlog of unprocessed claims in the VA offices since the end of World War II." In reply to my inquiry about claims you indicated the majority are handled within a reasonable time. I would estimate "a reasonable time" for the adjudication of a claim to be at the outside, two months. A certificate of eligibility for education and home loans should be processed in less than a month. Where this is not done, hardship and inconvenience often occur.

Your comments on the broader aspects of the loan guaranty program are well taken. However, I was left with the impression that the loan program in New York State is in good shape, when in fact only 28,396 insured loans have been approved in 24 years of the program in Westchester County. During the 12-month period ending June 30, 1969, the VA insured 10,229 homes throughout the State. Using an approximate 4 percent ratio, comparing Westchester County with New York State, it is revealed that only 410 VA insured homes were processed during that period in Westchester. I am not impressed.

At one point last year, I requested and received by phone a very unimpressive list of banking institutions where VA guaranteed loan funds were available, in my area. If you could provide the name and location of current banking institutions participating in this program it would be extremely helpful. A comparison of applications for certificates of eligibility and those actually insured by the VA (in Westchester County) during the fiscal year ending June 30, 1969 would serve to clarify this issue further.

Regarding the payment of benefits, you stated, "only eight stations in the entire regional office network has a workload on hand which exceeded three days." This gives a distorted view of the situation. In defining workload I mean from the time the claim is received and final action is completed. As long as a claim folder is out of file and the payment tape has not been cut, that claim constitutes part of a backlog. In addition, State Counsellors and agencies in the area of the New York Regional Office, as well as the service officers of various veterans organizations working with the VA were advised of a back-log of three to four months in the adjudication of pension and death claims. Understandably these reports did not reach you. In fact, personnel involved in assisting veterans in the preparation of claims were requested to advise claimants of the long delay at the time of filing.

I appreciate your explaining the operation of the United States Veterans Assistance Center in New York City. I'd like to know if there are plans for additional centers in New York State, especially in rural areas, where you indicate six out of every ten veterans in our nation live.

In response to my question concerning the expansion of the network of nationwide regional offices, you stated your belief that the best position for handling the increased workloads is to utilize the available resources to strengthen our existing facilities for service. Could you identify these resources in terms of money, manpower, or both?

As late as February of this year, I received a report from one of the Veterans Administration Hospitals that it was lacking a sufficient number of Aides (due to restrictions placed upon the VA by the Revenue and Expenditures Control Act) and that it lacked linens because it did not buy its own linens or have its own laundry. I understand its linen service was provided by another VA hospital struggling with problems which include lack of funds making it difficult to meet fully their needs as well as its own.

Taking into consideration current resources and appropriations, I'd like to know how much additional funds VA hospitals would need to purchase the services and supplies required to meet current needs.

I share Chairman Teague's concern that Congress give serious attention to his Committee's "Summary Report of the Status of the Veterans' Administration's Medical Program". Two constituent cases, currently pending, have served to point up acute needs in personnel and equipment to adequately meet the health needs of our veterans.

Sincerely,

RICHARD L. OTTINGER,
Member of Congress.

VETERANS' ADMINISTRATION,
Washington, D.C., November 17, 1969.
Hon. RICHARD L. OTTINGER,
House of Representatives,
Washington, D.C.

DEAR MR. OTTINGER: Mr. Johnson has asked me to acknowledge your letter of November 6, 1969 regarding VA activities and the service provided to veterans and their dependents. A review is being made of the comments you have presented and the Administrator will send you a reply as soon as this review is completed.

Sincerely,

RUFUS H. WILSON,
Chief Benefits Director.

VETERANS' ADMINISTRATION,
Washington, D.C., December 11, 1969.
Hon. RICHARD L. OTTINGER,
Washington, D.C.
House of Representatives.

DEAR MR. OTTINGER: Thank you for your letter of November 6. We are pleased to have your additional comments on the quality of VA's services. In the interim we have had the opportunity for a close look at the various points brought out in your letter and to review the status of our activities, particularly at the local level in New York State. Here are some highlights of our review.

Our effectiveness in meeting timeliness standards is good. Although the number of claims for all benefits is steadily increasing, the work on hand in the regional offices has shown marked decrease in recent months. The improvement was attained by an increase in personnel and the availability of overtime funds. The outlook is for a continuing improvement.

On the local level the New York Regional Office is processing between ½ and ¾ of the disability and death claims in 90 days. The more difficult original disability compensation claims which require procurement of service medical records, specialized physical examinations and dependency evidence, take longer in processing than reconsiderations and death claims which are being completed at the faster rate mentioned above. This is the total processing time—from the date the claim is received to the date of approval of the award. Normally, it is reasonable to expect that the majority of claims will be processed in 90 days or less. There are a number of factors which can cause processing time to exceed 90 days. Some of the most frequent are: delays in securing the service records, incomplete applications, or the need for additional evidence or investigation.

Contact personnel in the State of New York and elsewhere are aware that the processing time for claims varies depending upon the need to obtain records, medical data, and other specific information. In answer to inquiries from veterans and their families, this is the substance of the reply given. It is the policy for Contact personnel to follow up in any instance where an applicant inquires and there has been a delay, regardless of the cause.

The New York Office processes 92% of the applications for education or training in 30 days. This is the overall processing activity, from date of application to the date of approval of the training certificate. In the Loan Guaranty program, the certificates of eligibility are almost always issued within the period of one week. Occasionally the processing may take longer due to the complexity in determining entitlement, but such cases are infrequent.

Our records indicate that the number of certificates of eligibility issued to veterans far exceed the number of applications for loan guaranty, since many veterans request a determination of their eligibility even though they are not ready to purchase a home. This has been the pattern from the very beginning. Over the 25-year span of the home loan program, about one half of the certificates issued have actually resulted in loans. The certificate serves only as a medium by which VA certifies as to the eligibility of the veteran. Usually, the issuance of such a certificate upon the request of the veteran has little correlation with the timing of a loan made to him.

Actually, 114 loans were guaranteed by VA in Westchester County during the fiscal year ending June 30, 1969. There are, however, circumstances which have mitigated against high volume GI loan activity. Westchester County is the highest cost area of all 49 Counties serviced by our New York Regional Office. Further, in the present climate of tight mortgage money, supervised lenders usually limit their loans to depositors and regular brokers with whom they have done business in the past. Availability of mortgage funds is the principal determining factor and there is no question that mortgage money is now scarce. Discount points charged for making a GI loan are high and vary depending on the particular transaction involved.

A list is enclosed of the lenders currently willing to make GI loans in your District. Also enclosed is a list of the five United States Veterans Assistance Centers in New York State. Additional USVAC's are not planned at present.

In stating our plan for handling the increased workloads, I indicated in my letter of September 9 that we did not propose to expand our present network of regional offices. Further, that our best position at this time is to utilize the resources available to us for strengthening our existing facilities for service. By resources I mean both money and manpower—the elements essential to program administration. With limitations on money and manpower, there is substantially greater advantage to be achieved by increasing the capacity for production of the established offices and by concentrating manpower and funds in the operational areas where the need is greatest.

In the 1969 fiscal year just completed, budgetary outlays for the appropriation financing operations of VA hospitals and clinics were more than $1.496 billion. This was $277 million more than the amount obligated in FY 1966, which is the year used as a base in the Revenue and Expenditure Control Act. The staffing ratio in VA hospitals in FY 1969 was 120 employees per 100 patients, over 16 employees more than in FY 1966. There were 776,314 patients treated in VA hospitals in FY 1969, an increase of about 35,500 over FY 1966. Also in FY 1969, there were 6,947,046 outpatient medical visits, or about 765,000 more visits to hospitals and clinics than experienced in FY 1966. This is progress in all aspects of hospital operations.

We maintain constant surveillance over all VA hospital operations. Any demonstrated shortage of funds required for purchase of linens, drugs, medicines, or other commodities required for proper patient care is dealt with promptly by use of financial reserves available to each Regional Medical Director.

I would like to add one final thought to summarize this report to you. VA is taking positive action to stay on top of the near peak workloads that currently exist in the benefit program areas. We have requested and received increases in our average employment and operating funds.

The additional resources have allowed us to make significant improvements in such areas as timeliness of service. This is so, even with an unprecedented growth in many programs, such as the recent surge of those attending school under the current GI bill. You may be interested to know that there were over 783,000 trainees on VA rolls at the end of November. This is a 35% increase over November 1968. I assure you we will continue to work for further improvement in the quality of our service in all VA programs.

Sincerely,

Fred B. Rhodes,
Deputy Administrator
(In the absence of Donald E. Johnson, Administrator).

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Veterans' Administration Hospital,
Bronx, N.Y., May 25, 1970.

Hon. Richard L. Ottinger,
House of Representatives,
Washington, D.C.

Dear Mr. Ottinger: I am sure your office has received inquiries concerning the article in Life Magazine about this hospital. Enclosed is a copy of my reply to the Editor. There is also enclosed a copy of the reply of the Administrator of Veterans' Affairs.

If there is any further information you wish, please let me know.

Sincerely,

A. M. Kleinman, M.D.,
Hospital Director.

Veterans' Administration Hospital,
Bronx, N.Y., May 20, 1970.

Mr. Thomas Griffith,
Editor, Life Magazine, Time and Life Building, Rockefeller Center, New York, N.Y.

Dear Mr. Griffith: In the interest of truth and in the hope of allaying the fears and deep concern which have been unjustifiably aroused in the American public by the article, "Assignment to Neglect", May 22, 1970, I trust that you will publish this letter. My comments are directed to the quality of care received by the spinal cord injury patients who are the subjects of the article, but they apply to our other patients as well.

The title "Assignment to Neglect" is a cruel misnomer. Our patients are far from neglected. Considering the handicaps under which we work the quality of care which our patients receive should be classed as "superb"—but we class it only as "good" because of certain handicaps. Yes, we do have shortcomings. The buildings are old, the physical layout of the wards is inefficient, space is limited, and personnel is small in numbers but enormously large in dedication and devotion.

Let us examine every picture of the article. Of the twelve patients shown about whom something is written, six are of Marke Dumpert. Some time ago Marke Dumpert was transferred to another hospital at his own insistent request. Shortly after his arrival there, he pleaded with us to take him back, which we did.

The cover shows Marke Dumpert as apparently very depressed. On page 25 Dumpert is pictured waiting "helplessly to be dried." Actually he had been wheeled under the shower by a nursing assistant assigned to this task, and after he had been partly lathered with soap, the assistant was asked to step aside by the photographer who wished to take this picture. The fact is that no patient is left under the shower after completion of the bath. All are wheeled away and dried immediately. This picture, like the others to be described, are posed to illustrate a point, but the point illustrated is untruthful as in this instance, or a partial or distorted truth in others.

The picture on page 25 shows quadriplegic patients (patients who are paralyzed in all four extremities) lying on Stryker frames in the enema room. The caption states that they "wait up to four hours to be attended by a single aide." This is a misrepresentation of the facts. These patients are given their enemas promptly after arrival in the enema room. However, unlike normal people who expel bowel contents shortly after receiving an enema, it takes most of these patients from one to two hours to do this. In a few patients the process may take up to three hours, very rarely four hours. And what are the patients doing during this interval? Some of them doze, others chat with one another, and still others may day dream. The patients may be left alone for short periods of time because they are securely strapped to the frames.

On page 29 Marke Dumpert is shown in three poses. In the bottom two he is shown being treated by therapists. The caption reads "hospital aides strap him into a brace so he can stand." This is a partial truth. The clinic in which this picture was posed is known as the ADL Clinic: i.e., activities of daily living are taught here. This is the first and in many respects perhaps one of the most important phases of rehabilitation of paralyzed patients when they are permitted to get out of bed. Many patients are fearful and must be given steady and repeated encouragement to make the physical effort. Dumpert was one of these but one of our nurses spent untold hours of her own time to encouraging him to make the attempt. He finally did, and now attends this clinic and others regularly. This picture then, although posed, reflects a truth about the care which our patients receive, but no one can tell from the caption that this treatment is excellent. It might have been a gracious and truthful gesture in the direction of some of the positives of our care had the caption so indicated.

The picture on page 30 shows a patient lying almost naked in bed. Also shown is another patient lying on a stretcher. The caption reads: "In a partitionless ward of the Bronx VA Hospital a disarray of dirty linen is allowed to pile up around a quadriplegic's bed while the patient himself lies naked, unable to clothe himself after a shower." The whole thing was posed. The patient is Marke Dumpert who was taken to his bed after the shower previously interrupted was completed. Every bed has a cubicle curtain which is drawn when the patient is being cared for. In this instance, at the direction of the photographer, all of the cubicle curtains were drawn back out of sight of the camera lens. The "dirty linen" consists of the sheet which had covered the patient when he was being wheeled back from the shower room plus a number of clean pillows. Paralyzed patients need many pillows to be placed around them by nursing personnel for proper body positioning and for both comfort and convenience.

The other patient shown in the same picture, a World War II veteran, was asleep when he was photographed. He resents bitterly the fact that he was photographed without his knowledge or consent. If awake, he says that he would have refused to give permission. He says he feels that the Bronx VA has saved his life, and is thankful for the care which he receives here.

The upper picture on page 31 shows a sleeping patient and, on the floor beside him, a mouse caught in a trap. We do not use traps in our campaign against mice which admittedly we do have. We used tested and approved methods for mice control. Construction of buildings in the vicinity of the hospital, and some construction on the hospital grounds involving excavation tend to chase field mice into the buildings.

With respect to rats, there has been only one complaint made by a patient. This occurred last August. There have been no subsequent complaints. One of our experts states catogorically that mice and rats do not exist together. If there are mice, there are no rats, and vice versa. What may have been seen is a black squirrel. We have many squirrels on our park-like grounds, some gray, others black. One of the latter could have invaded the hospital.

The bottom picture on page 31 shows "a totally crippled patient who must depend on a buddy who still has the use of his arms to get a sheet thrown over him." This is totally misleading. Quadriplegic patients have lost the inner body controls of temperature which normal people have. They frequently prefer to remain with as few coverings as possible, and we permit this inside the wards. The throwing of the sheet over the patient was the photographer's idea.

The final picture on pages 32 and 33 shows the enema room. On the right are two patients on Stryker frames while between them a hemiplegic patient in a wheel chair is giving a cigarette to quadriplegic patient Andrew Kmetz. The caption states that the patients are waiting for treatment. This is not true. Kmetz was dozing while the photographer was taking pictures of him. He awoke as Frank Stopiello in the wheel chair was wheeled in to pose, giving Kmetz the cigarette. Stopiello was an overnight patient who had been admitted for the annual complete checkup which we give to all of our ex-patients, and he himself was not in need of an enema. Kmetz was disturbed at the invasion of his privacy. Stopiello is one of hundreds of paralyzed patients in our follow-up program. These patients have been rehabilitated to a full life in their communities and they return to us by appointment once a year for a complete checkup. Is this neglect?

The left side of the same picture shows several trash cans, one of them seemingly bulging with trash. The latter can is protruding into the area occupied by the patients. The caption reads, "Because of overcrowding, they must share a corner with trash cans." The cans are needed in the room for disposal of the trash which accumulates in the process of giving and evacuation of enemas and subsequent cleaning up of the patients. However, the trash cans are segregated to one side of the large room, and a curtain separates them from the patient area. This curtain was pushed back and the overloaded can pushed towards the patient for misleading photographic effect.

I began this letter by expressing the hope that you would publish it in the interest of truth and in the hope of allaying the fears and deep concern which have been unjustifiably aroused. In concluding I wish to express my fear and concern that the article may lead to the title "Assignment to Neglect" becoming a self-fulfilling prophecy. The staff on the spinal cord injury wards who work so hard with such difficult patients to achieve the wonderful results that they do have become thoroughly disheartened by the article. Staffing these wards has always been difficult, people frequently refusing to accept assignments there. As attrition occurs, it may become even more difficult to recruit replacements. Without an experienced staff, these patients cannot be treated. Neglect, now untrue, may become true later. But I have faith in the spiritual strength of our staff and in their ability to overcome their disheartenment. I also know that sensationalism in the press usually has only short term effects. I hope that your article will prove to be no exception to the rule.

Yours truly,

A. M. Kleinman, M.D.,
Hospital Director.

May 20, 1970.

From: Administrator, Veterans' Administration Central Office, Washington, D.C.

Life Magazine of May 22 carries an article on VA Medical Care. With its nearly nine million circulation the Publication reaches every community in America and may lead to inquiries at your Station. Following for your information is the text of my telegram of this date to the Editor of Life.

From the obviously contrived cover page and staged hospital photographs right down to every biting word of the denunciatory narrative, the article in the May 22, 1970 issue of Life Magazine gives a totally distorted picture of Veterans Administration Medical Care.

Thus, it serves to needlessly alarm present and prospective patients to discredit the competent and dedicated staffs at VA's 166 Hospitals, and to make more difficult the recruitment of medical staff your article says we so sorely need.

The article describes the VA Hospital system as the biggest in the world, and yet in your zeal to condemn, you could not find one good word to say about any part of this vast program.

The reporter held a nearly 90-minute interview with me in my capacity as head of the VA. What survived of this in-depth interview was a single two-line sentence in the final article, and even this one sentence contribution was airly dismissed in the next sentence of the story.

Your staffers visited the Washington, D.C., VA Hospital on three separate occasions, talked freely to many patients including severely disabled Vietnam veterans, and shot scores of photographs, many of a 22-year-old Vietnam amputee in his treatment routine.

Could the fact that all of these veterans voluntarily praised VA Medical care be the reason that not one word or one picture about these veterans appeared in Life?

Could it be that of the 800,000 veterans treated each year the one complaining patient featured by Life—who condemned his country as well as VA care—better fitted the story Life wanted to tell?

The truth is that each month VA Hospitals receive literally hundreds of unsolicited letters from veterans and their loved ones expressing gratitude for the excellent VA care these veterans received.

Life describes the VA system as a medical slum. Here are just a few facts about this so-called slum—facts that were given to Life, but withheld from its readers by the Magazine.

All of VA's 166 Hospitals are fully accredited by The Joint Commission On Hospital Accreditation, which is composed of representatives of The American Medical Association, The American Hospital Association, The American College of Physicians, and The American College of Surgeons.

The basic VA Medical Care Budget for the current Fiscal Year of $1,541,701,000 is by far the highest in all VA history. President Nixon has already asked Congress for $210,000,000 more than even this record sum for the Fiscal Year starting next July 1. The extra money will permit the addition of more than 5,700 employees to our hospital staffs.

VA Hospitals are affiliated closely with nearly every major medical school in the nation, an invaluable partnership that permits VA to keep abreast of the best and most sophisticated medical care.

VA Hospital staffs are not only hard-working and completely dedicated to the proposition that our sick and disabled veterans will never be forgotten or neglected (as charged in the Life article), but include many of the real experts in American Medicine, more than 2,200 of VA's 5,100 physicians are Board Certified Specialists as the result of three to five years extra medical training.

All of this is not to say that the VA medical system cannot be improved just as every other medical program should seek improvement. We are committed to constant progress and improvement, for it is our goal to provide the very best possible medical care to every eligible veteran.

SPEAKER McCORMACK

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. DULSKI. Mr. Speaker, I appreciate this opportunity to make these very personal remarks to you in the light of the decision that you have made regarding your political future.

I want to join my colleagues in expressing to you in this public way my high esteem for your devoted public service, especially the devotion which you have shown over the years to this House in its role in our Federal Government.

Even during my relatively short tenure in Congress, I have seen many of my colleagues voluntarily give up their membership to seek office in the other body, or in other governmental positions, elective or appointive, at the Federal, State, and local levels.

As you have said, you had that chance, too, to move to other elective offices, such as the other body. But you chose to remain in the House.

Mr. Speaker, I share fully with you your feeling that the House of Representatives is truly the voice of the people of our Nation. To be a Member of this House is a great honor and a great responsibility.

To be the Speaker of the House, as you have been for 8 years, is indeed the achievement of the top rung of the ladder in legislative government. Under the law of presidential succession enacted in 1947, it is the No. 3 position in our Federal Government, two heartbeats away from the Presidency.

Mr. Speaker, you are and have been performing the functions of your office with dignity, with devotion, with respect. No one can ask more. No one would expect less.

It has been not only a great honor, but also an education for me to have worked with you both as a Member of the House and as chairman of one of its committees. I share your respect and devotion to this great legislative body.

I cannot close without saying a word about your great love and devotion to your bride of many years. Your continuous attention to her needs, while still performing the duties here, is a model of dedication which all should envy and which, I am sure, should and does give you great personal satisfaction.

THOUGHTS FOR THE WHITE HOUSE CONFERENCE ON AGING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. HAMILTON. Mr. Speaker, preceding next year's White House Conference, congressional conferences on aging are now taking place across the country. My remarks to the Southeastern Indiana Conference on Aging, held May 29, 1970, follow:

Thoughts for the White House Conference on Aging

The Bible says to speak sound doctrine to older citizens. If I do, certain things will follow:

Older men will be temperant, serious, sensible, steadfast.

Older women will not be slanderous or slaves to drink. They will teach what is good, train young women to love husbands and children, be sensible, kind, submissive.

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All these things will happen, says the Bible, if I speak sound doctrine. I doubt very much if what I say today accomplishes all these things or even any one of them.

But if I do not measure up to Paul's letter to Titus (where that advice appears), I know I shall count it worthwhile that we have come together to think about our concern for Older Americans.

WHO IS THE OLDER AMERICAN?

The statistics are well known: There are 20 million of them, men and women, age 65 or over, nearly 1 out of 10 Americans.

Thirteen thousand of them have passed their 100th birthday.

One American reaches 65 years of age every 20 seconds and each day more than 3900 Americans celebrate their 65 birthday.

They include:

The rich and the poor.

The educated and the untaught.

The hale and the sick.

The skilled and the unskilled.

Our older citizens constitute a larger proportion of the nation's population than the total of our 20 smaller states.

By the turn of the century there will be more than 28 million of them in America.

Their annual aggregate income is almost $60 billion.

Nearly 80 percent of them live in households of their own and only 4 percent live in institutions.

They have serious problems of income, health care, housing, unemployment, and the lack of opportunity to pursue a meaningful activity.

Ninety percent of them receive Social Security benefits and only 13 percent of them continue in the labor force.

They are faced with declining income. Today there are over 5 million older people whose income is below the OEO-established poverty level. Forty percent are poor or getting there fast.

Their health costs are considerably higher than those of younger persons. Over 80 percent have chronic conditions, disease or impairment. Thirty-three percent of all the long-staying patients in U.S. mental hospitals are over 65.

What have they done?

All of us know the tremendous contributions made by older citizens of the nation and of the world.

Winston Churchill, Prime Minister of Great Britain at 81.

Clara Barton, president of the Red Cross at 83.

Robert Frost, writing poems after he turned 80.

Oliver Wendell Holmes, Justice of the Supreme Court until he was 91.

Connie Mack, managing the Philadelphia Athletics at 88.

Toscanini, conducting the National Broadcasting System Orchestra at 87.

Frank Lloyd Wright, designing the Guggenheim Museum at 86.

John Wesley, preaching at 88.

I can remember 3 older Americans who have taught me great lessons.

Barrett O'Hara from Illinois, until he died, the oldest member of the House of Representatives—stooped, shuffling, crippled, but kind, optimistic, forward looking, interested, constructive.

I think of Mr. Essary who, at the age of 85, planted an apple orchard, expecting to see it bear fruit.

I think of a neighbor who is learning to play the piano at 83. I doubt very seriously if she plays in Carnegie Hall, but she will bring pleasure into her own life.

I think of another friend who is studying Spanish at 70, and another who is painting remarkable paintings at 86.

But most of all I remember scores and scores of older Americans—many of them in this room—who continue to live constructive, productive lives—despite some very formidable personal handicaps.

How are they doing?

A quick surface view indicates that they are well taken care of.

After all, they have medicare and medicaid. They have the Older Americans Act, passed by the Congress 5 years ago. They have a Select Committee on Aging in the Senate. They had a White House Conference on Aging during the Kennedy years and another is planned in 1971. And on top of all this, they have Social Security.

So why should they kick?

They have a number of reasons to kick.

The scope of Medicare is not designed to cover comprehensive care at present. Certain kinds of care (dental, podiatry, annual checkups, prescription drugs) have not been included in Medicare. Neither is long term nursing care. As for medicaid, states vary tremendously in such things as the services offered and the red tape to be endured.

The Administration on Aging is low on money and political clout. It deplores the lack of a national policy on aging but really has done very little else.

Social Security benefits are barely keeping up with the cost-of-living increases and certainly not providing any real improvement in the living standards of our senior citizens.

This month is Senior Citizens Month. The tendency is to tip the hat and pat the old folks on the back. But that is an empty gesture because too many of our elderly today are ignored, maltreated, incurably ill, or stashed away.

A NEW APPROACH

We've got some major thinking to do about older citizens in this country. The elderly can be very useful.

The notion that older citizens are ready to be put on the shelf is about the silliest form of prejudice that still exists.

We all know remarkable examples of older people who are still living productively.

I think of:

Fletcher Low, once a college professor, once a pitcher for the Boston Braves, who is a 73 year old Vista Volunteer, tutoring Job Corps Men in Tennessee.

Catherine Nutterinville is a retired teacher, working to teach young slum dwellers their rights and responsibilities under the law. She is 79 and has begun a new career in public service.

Nora Hodges, 69 year old school teacher from New York City, has been teaching for 2 years in Tunisia.

We need to reject the idea that retirement is a status. It is more realistic to think of retirement as a process that is gradual. Prepared for over a period of time, and into which we should build the picture of change of career during a lifetime.

What is most needed is a drastic change in attitude. We have to get away from the callous notion that old people are nice and have done their part, and should now be put on a shelf or sent to Florida or stashed away in an old age home.

Other nations don't do this. In fact they do just the reverse. The old are honored for their wisdom. They are employed for their talents.

America has to begin to move in that direction. Our attitude must change so that retirement from active productive living should be by choice and not by the compulsion of age. Many of our older citizens have no desire to stop work. They want to be useful. Social Security and retirement benefits are not a satisfactory substitute for a pay check. Many who are able to work need to work and want to work, but modern methods of business and government and industry deny them the opportunity to do so. What are we doing?

In recent years, the Congress has become increasingly concerned on how to improve the lives of our older citizens.

Medicare and Medicaid were landmark legislation for the elderly enacted in 1965. We hear much today about the problems which have risen with these programs, but the fact is that they have made possible good medical care for many over 65 who would have been unable otherwise to obtain the medical attention they needed. These programs have removed the worry and the burden of staggering medical bills from thousands of our senior citizens.

We have heard the Older Americans Act of 1965. This established the Administration on Aging which has served as a focal point for the Federal Government's concern for its older citizens. It authorized:

A partnership for action on aging between the governments on Federal, State and local levels, with matching grants to make that partnership effective.

A program of research and demonstration to provide information and understanding needed to take effective action for older Americans.

Training programs to provide the large numbers of trained personnel needed to serve in programs for this age group.

I must confess my own distress to know that our own state of Indiana is only one of three states in the nation that have not met requirements of federal laws for receiving federal grants for state and community programs on aging under the Older Americans Act of 1965.

That means that we have not benefited from about $850,000 in funds allocated to this state. This sum would have enabled us to initiate about 30 projects in 1969, serving 20 to 25,000 older citizens.

And, of course, there has been Social Security. There was:

A 7 percent increase enacted in 1965 along with the Medicare and the Medicaid programs.

An increase of 18 percent enacted in 1967.

Only a few months ago, December 1969, there was a 15 percent increase enacted.

The House of Representatives passed just recently a 5 percent increase, together with a cost of living increase, effective January 1, 1971.

You might like to know the importance of Social Security payments in the 9th Congressional District. In 1969, 60,982 recipients in the 16 counties of the 9th District received a total of $5,020,000.

Another piece of legislation affecting older Americans is the Manpower Development and Training Act. Under it the Congress specifically directed the Dept. of Labor to look into the possibility of retraining older workers to continue productive income. The Dept. is working on it and reports encouragement.

There is other legislation, of course, that has older persons especially in mind, including research programs on heart disease, stroke and cancer.

But I don't think any of us in the Congress are satisfied. We are very much aware that our efforts have not been adequate and that we have not met fully the challenge of the aging in this country.

PROBLEM OF INCOME

Inadequate income is the number one problem for older people in this Nation—a deepening crisis.

The average Social Security benefit meets less than ⅓ of the needs for retired couples.

The gap between workers income and retirement income is widening.

First, we must address ourselves to more adequate Social Security benefits. The amount of income older people can earn without a reduction in benefits has to be increased. The Social Security amendments

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passed in the House of Representatives just a week ago will help provide adequate income:

(1) Social Security payments to 26.2 million beneficiaries would be increased by 5 percent beginning for the month of January 1971 payable on February 3, 1971.

(2) The retirement test, which provides for reducing benefits of Social Security beneficiaries who have earnings, would be amended by increasing the annual exempt amount from the present level of $1680 to $2000. For each $2 of earnings up to $3200, the recipient's benefit would be reduced by $1. For each $1 of earnings over $3200, a beneficiary would lose $1 in benefit payments.

(3) Cost of living clause—The amendments would also provide automatic cost-of-living increases. Social Security benefits would be geared to rising prices, and the tax base would be geared to rising wage levels.

Private pension systems must also be improved and employment opportunities explored.

Work—Our older citizens have a treasury of skills and experience that could be used in so many ways in every community. We must find a way to put them to work effectively. I don't know any Older American who wants to collect his Social Security and retire. They want to be constructive and productive.

The cost of age discrimination in employment involving workers 45 years or older is estimated at 4 billion dollars a year.

Myths—We continue to believe one myth after another to justify age discrimination in employment.

(1) We believe the myth that a young labor force guarantees greater production and less overhead. That may be true in case of a man operating a jack hammer but there are all kinds of occupations where the elderly are just as productive as their juniors.

(2) We believe the myth of the heavy cost burden involved in hiring the elderly. Department of Labor studies show that putting an older worker on the payroll, including all the fringe benefits, costs only 5 cents an hour more than it would to put a younger person on.

(3) We believe the myth that older workers are absent from their job more than younger workers. The very opposite is true. Studies show that the attendance of the elderly is good. Often better than their juniors.

It is estimated that one and one half to two million men and women over age 65 are capable of part-time or full-time employment if employment were only available to them.

It is simply incredible that we have permitted our society to become so youth oriented that the job market starts to close after a person reaches 40 years of age.

MDTA—We must get our manpower training programs in order. These programs discriminate sharply participating in manpower programs in 1968, approximately 64 percent were age 21 or less and 4 percent were age 55 or over, even though both age groups are the same proportion of the work force.

AIDES—I support legislation to launch a nationwide program providing men and women over 55 years of age with low income gainful employment in community service.

This program is working today under a program sponsored by the National Council of Senior Citizens. It is called the Senior AIDES Demonstration Program and it is operated with anti-poverty funds.

It allows senior aides to earn an average of $2 an hour for 20 hours a week. It has shown the many benefits to the elderly and general public that result from making use of the skills, knowledge, and experience of the low-income elderly in community betterment.

RSVP—I also support the retired service volunteer program (RSVP), authorized by the Congress in the amount of $5 million per year, but not supported by the President. This program could have put a lot of our senior citizens to productive work.

Health

Health care remains one of the most critical concerns of older Americans. Everywhere I go, I hear of the crushing costs of medical care. Many things need doing—let me mention only one.

Older people need prescription drugs more than any population group. It is estimated that annually the elderly obtain about 250 million out-of-hospital prescriptions at a total retail cost of almost $1 billion.

These persons with limited income, limited savings, and minimal amounts of health insurance face staggering drug costs.

That is why many of us would like to see all drugs and medication prescribed by a doctor covered under Medicare. This would relieve the elderly of a burden of hundreds of millions of dollars a year, expenses which in some instances run well over $100 a month.

Priority of legislation for older Americans

Finally, I am concerned about the low priority the President gives programs for the elderly.

Last year, the Congress authorized $62 million for the Administration on Aging, but the President requested only 45 percent of that amount.

This year, the Congress authorized $85 million in appropriations, but the President has only requested 37 percent of that amount.

This reflects a low level of concern for the needs of the elderly. Funds have been slashed for employment programs and for next year's White House Conference on the Aging so that there is barely enough money to run the 4-day conference. It provides nothing, for example, for preplanning by state and local governments.

This is not the direction to go if we are to deal adequately with the critical problems of older Americans.

CONCLUSION

So I am here this morning really—

To ask for your help.

To ask that you continue with renewed dedication and zeal in your home, shop, churches, schools, clubs, and with your friends to create a climate beneficial to our older citizens.

We have to respond to the challenge of assuring older Americans of adequate income, good health, suitable housing, and an opportunity to pursue meaningful activity.

The performance of recent years permits us some small amount of pride, but the challenge of today must give us energy, dedication and commitment to get on with the job of creating a better America for our older citizens.

TITLE I, ESEA

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. WYDLER. Mr. Speaker, recently I introduced a bill, H.R. 17634, which would amend title I of the Elementary and Secondary Education Act to make it abundantly clear that the funds under title I are intended for the children from poor families in our country.

This was always my understanding of what the law was intended to be. Unfortunately, confusion has arisen over interpretation of the law.

My bill would end this confusion and see that the victims of poverty are the recipients of the funds.

Mr. Kevin M. McCarthy, director, title I, ESEA, of the Economic Opportunity Commission of Nassau County, N.Y., with whom I worked on this legislation, wrote an incisive and comprehensive study of title I.

I commend his statement, which follows, to all my colleagues:

TITLE I ESEA

(By Kevin M. McCarthy)

Poverty, ignorance and neglect are not new to the American society. Poverty, ignorance and neglect are ever ancient and ever pressing problems that have had dire effects on the social and economic conditions of this nation for many years.

During the past several years, various pieces of federal legislation have attempted to conquer the root causes that have given birth to many of this country's social ills. Such legislation included the Manpower Development and Training Act, the Mental Retardation Facilities Act, the Vocational Education Act, and the Economic Opportunity Act. However, it has been recorded that "none of these attacked the broad educational problems of poverty's children".[1] In response to this need, former President Lyndon B. Johnson signed into law the monumental Elementary and Secondary Education Act of 1965.

It was the policy of this Act to declare that Title I was to provide financial assistance . . . to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs . . . (to meet) the special educational needs of educationally deprived children.[2]

To reinforce this concept, the U.S. Senate Committee on Labor and Public Welfare highlighted that the mission of Title I involves overcoming the educational deprivations of *children who are the victims of poverty*. It is encumbent upon Federal, State, and local officials to assure that the funds are concentrated on the *priority needs of poor children* and are not diverted to meeting other needs of school systems, however pressing these other needs may be.[3]

Since the passage of Title I (ESEA) in 1965, numerous concerns have been raised by many organizations and individuals over the merits of Title I programs. Many of these same organizations and individuals have noted that far too often Title I programs have not serviced or even attempted to meet many of the special educational needs of "children who are the victims of poverty". If so, the "mission of Title I" has not reached its mark. And yet, the Congress of the United States recently passed the 1969 amendments to Title I (ESEA), P.L. 91–230, authorizing spending over the next three fiscal years.

A recent report revealed some rather startling and shocking information concerning Title I (ESEA). Included were the following:[4]

1. The intended beneficiaries of Title I—poor children—are being denied the benefits of the Act because of improper and illegal use of Title I funds.

2. Many Title I programs are poorly planned and executed so that the needs of educationally deprived children are not met. In some instances there are no Title I programs to meet the needs of these children.

3. State departments of education, which have major responsibility for operating the program and approving Title I project applications, have not lived up to their legal responsibility to administer the program in conformity with the law and the intent of Congress.

Footnotes at end of article.

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4. The United States Office of Education, which has overall responsibility for administering the Act, is reluctant and timid in its administration of Title I and abdicates to the States its responsibility for enforcing the law.

5. Poor people and representatives of community organizations are excluded from the planning and design of Title I programs. In many poor communities, the parents of Title I eligible children know nothing about title I. In some communities, school officials refuse to provide information about the Title I program to local residents.

This concern that Title I (ESEA) services may not be reaching those "children who are the victims of poverty" is given recognition in New York State, currently receiving more than $170 million in Title I financial assistance. The New York State Education Department, employing a definition of the phrase "educational disadvantagement", may actually discriminate against those "children who are the victims of poverty". In one publication, it is remarked that "the *primary criterion* in considering educational disadvantagement is the reading level".[5] While recognizing that "reading is basic to school progress", a perversion in priorities may exist when health conditions are ranked last—"prerequisite to learning is the satisfaction of basic needs. The availability of food, sunshine, clothing, and proper living conditions are the essentials of providing opportunities for learning."[6]

The New York State Education Department permits local school districts to utilize Title I (ESEA) financial assistance to service the "educationally disadvantaged". And this is defined by the reading level. Such a practice serves to allow local school districts to develop Title I programs that concentrate on improving the reading levels of *all* children . . . not "children who are the victims of poverty".

Title I (ESEA) should provide the most meaningful and beneficial programs possible. Title I (ESEA) has been described as experimental and innovative in nature and school districts must seek new ways of conquering the ever ancient and persistent problems in the realm of poverty, ignorance and neglect. When a program has proven successful, educational agencies should subsume the burden of continuing the program and utilize Title I funds to develop other purposeful and relevant projects. In this way, contributions are made not only to the local districts but to the community at large.

In the President's recent "Education Message" to the Congress, Mr. Nixon called for "more efficient use of the dollars spent on education".[7] More efficient use of the educational dollar and direct quality improvement of educational services may only serve to enrich this country's entire educational system. Title I (ESEA), if properly administered and utilized by this nation's school systems, would be a step in this direction.

Cognizant that many Title I (ESEA) programs have made no noticeable effort to meet the special educational needs of "children who are the victims of poverty," U.S. Representative John W. Wydler of New York introduced an amendment to Title I (ESEA) on May 14, 1970. Congressman Wydler's Bill (H.R. 17634) would insert the phrase "from low-income families" after the words "educationally deprived children" appear in the Act. The insertion of these words would insure that Title I funds are indeed directed to meeting the special educational needs of poor children and not to meeting other needs of school systems.

At this time, the members of the Congress are urged to give serious thought to Title I of the Elementary and Secondary Education Act. The members of the Congress who voted for the legislation in 1965 are asked whether they had voted for a program designed to alleviate the plight of the nation's poor or for a program of "general aid" to school districts? Those members of the Congress who voted for the extension of the Act in 1970 are asked whether they voted for a program that would assist "children who are the victims of poverty" or for a vehicle that in many instances does not do justice to children of low-income America?

The members of the Congress are asked to grant serious thought to Congressman John Wydler's timely amendment. "Bandaids for the needy" must not become the rallying cry for the implementation of Title I programs nor for existing programs that aim to cure the social ills of this country. The poor child was not rediscovered through Title I. The poor child has been and will continue to remain with society as long as society chooses not to cure its self-perpetuating diseases that continue to infect a healthy social climate.

The onus for effective Title I (ESEA) programs in this country rests with all of its citizens. However, the members of the Congress are now given the opportunity to insure that Title I becomes a meaningful reality and that Title I does in effect assist poor children and their families to help themselves to break the inherent cycles of poverty and neglect.

FOOTNOTES

[1] *History of Title I (ESEA)*, US Department of Health, Education, and Welfare, (US Government Printing Office: Washington, D.C., 1969), p. 1.

[2] Section 201, P.L. 89–10 (parenthesis added).

[3] *Report* of the Committee on Labor and Public Welfare—United States Senate—on H.R. 514, Senate Report No. 91–634, (US Government Printing Office: Washington, D.C., 1970), p. 10 (emphasis added).

[4] *Title I of ESEA—Is It Helping Poor Children,* Washington Research Project and NAACP Legal Defense and Educational Fund, Inc., (Washington Research Project: Washington, D.C., 1969), pp. ii–iii.

[5] "Identification of the Educationally Disadvantaged." NY State Education Department, (State Education Department: Albany, N.Y.), p. 6 (emphasis added).

[6] Ibid., p. 10.

[7] *Congressional Record,* Vol. 116, No. 31, March 3, 1970, (U.S. Government Printing Office: Washington, D.C., 1970), p. H1405.

QUESTIONS ON INVASION OF CAMBODIA: II. U.S. LOSSES AND EFFECT ON VIETNAMIZATION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. FRASER. Mr. Speaker, the administration argues that only limited gains will be made by the Communists in South Vietnam during the Cambodian invasion and resulting American casualties will be fewer over a long period of time.

With the invasion of Cambodia by American and South Vietnamese troops it is evident that there has been a reduction in the South Vietnamese troops available to relieve American in Vietnam. This seems in direct conflict with the success of the President's Vietnamization program and therefore endangers hopes of the safe return of American troops.

Prof. George Kahin of Cornell University, explains this in the following answers to questions prepared by the administration:

PROF. GEORGE KAHIN OF CORNELL EXPLAINS

The Administration's question: Will this action (the American intervention in Cambodia) affect pacification and Vietnamization adversely by pulling ARVN and U.S. forces out of South Vietnam?

The Administration's answer: One cannot assume that the enemy will be able to take advantage of the situation in this fashion since we have some indications that they are also giving priority attention to protecting base areas in Cambodia.

We believe that in any case we will gain, because in the long run damage to the bases will be greater and hurt the Communist effort in South Vietnam more than whatever limited gains in South Vietnam they might be able to make during this action.

This is the unanimous judgment of our responsible military leaders.

Another answer: If it is true, as both Saigon and Washington now assert, that Vietnamization cannot succeed without denial of eastern Cambodian districts to the enemy, then the Administration has no alternative except to occupy these areas with South Vietnamese and/or American troops, and to make a major and continuing commitment to shore up the Lon Nol government.

This means that the scope of the war has been greatly expanded without any significant change in the balance of forces.

The South Vietnamese army, whose capacity to defend even South Vietnam is still critically dependent upon American military forces, is now called upon to spread its resources ever more thinly in longterm ground operations over half of Cambodia.

It is clear that the number of Vietnamese soldiers available to relieve American manpower in Vietnam is now drastically reduced. To extend assignment of Saigon's forces to wide areas of Cambodia makes a travesty of whatever prospects for success Vietnamization might have enjoyed had the role of Saigon's troops been confined to Vietnam.

Since Vietnamization means substitution of Vietnamese soldiers for Americans, it is clear that the process set in motion by the Cambodian invasion works directly against prospects for achievement of that policy and bringing American soldiers home.

The Administration's question: The President has always wanted to keep U.S. casualties low, and has made a point of his ability to do so. Will these operations not raise U.S. casualties substantially?

The Administration's answer: These operations will reduce a threat to our forces, and thus over time lead to fewer total casualties.

Our answer: These operations *increase* the threat to our forces because the invasion of Cambodia extends the area of conflict and prolongs the war.

Nothing prevents the NLF and North Vietnamese forces from reoccupying their border bases unless the South Vietnamese or American forces occupy them permanently. Withdrawal from the border areas by the allies means the Communists will reoccupy and resupply them during the rainy season. Since their force levels have not been substantially reduced by contact with allied forces during the invasion, the threat posed by them will not be significantly reduced. If the South Vietnamese choose to remain in Cambodia east of the Mekong, as President Thieu has indicated they will, this means the outer boundary of conflict has shifted far westward.

Thus enemy bases will be closer to American sanctuaries in Thailand and Laos, and South Vietnamese resources will be stretched over an area which is *much* larger than the pre-April 30 battlefield. Thus Vietnamization will be retarded and schedules for American troop withdrawals drastically slowed unless South Vietnam itself is denuded of minimal protection against attack. Widening the war

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means slowing down Vietnamization and keeping American advisors and troops in the field longer. It is difficult to understand how expanding and prolonging this war will save American lives.

REPRESSION IN BRAZIL

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. RYAN. Mr. Speaker, recently both the Washington Post and Christianity in Crisis have carried articles concerning the military government in Brazil. These articles report harassment, imprisonment, and torture of many Brazilian citizens because of their efforts to bring reform to their country.

William L. Wipfler, in his article entitled "The Price of 'Progress' in Brazil," which was published in the March 16, 1970, issue of Christianity in Crisis, concludes:

> Regardless of what its impact in Brazil may be, we must not—cannot—any longer allow our Government and business to quietly support a type of government that we—and prior to certain recent erosions of our own civilization in the past at least—have regarded as contrary to our way of life. What Brazil does is ultimately her own problem; what we do to support, and thereby encourage, her dehumanizing policy of repression is our problem. Brazil—a nation that has made significant contributions to international culture—may be losing the respect of the nations of the world, but we can only wonder how much greater is her loss than ours.

In his article entitled "The Brazilian Church May Be Christian After All," in the May 4, 1970, issue of the Washington Post, Colman McCarthy states:

> No doubt exists any longer that the military men running Brazil are stylists in torture, violence and hounding.

Leonard Greenwood also reports in a May 13, 1970, article in the Washington Post of repression of the Brazilian scientific community.

I commend these articles to my colleagues:

[From Christianity and Crisis, Mar. 16, 1970]

THE PRICE OF "PROGRESS" IN BRAZIL

(By William L. Wipfler)

(NOTE.—William L. Wipfler, who became acquainted at first hand with the problems of torture while serving as an Episcopal missionary in the Dominican Republic during the Trujillo era, is Assistant Director of the Latin America Department of the National Council of Churches. To the best of our knowledge, this is the first full-length article documenting torture in Brazil to appear in this country.)

"Terror and Torture in Brazil" is the brief and dramatic title of a dossier that has been submitted to the Vatican by a group of 61 Belgians, Frenchmen and Italians. In sharp, brutal detail it sketches the portrait of a military dictatorship that has initiated a systematic and inhumane process of repression in the name of progress. The dossier contains 11 statements that testify to the torture and murder of so-called "political" prisoners, but these represent only a small percentage of the documentation that is now available from Brazil, smuggled out with great danger to those involved in its preparation.

The present tragedy is the latest stage in a gradual shift toward fascism that was initiated by a military coup in March, 1964. For four-and-a-half years the generals and colonels manipulated the political scene. In 1966 three different elections were arranged so that the Government could increase its power through a pseudo-democratic process. Opposition was driven out of the political arena, and only "candidates" approved by the Government could be assured of election. Congress became a virtual rubber stamp with only a few courageous voices of opposition raised in its sessions. Finally in December, 1968, the last façade of democracy was removed with the closing of Congress and the granting of total power to the President-General.

What has been accomplished by the military during its six years in power? An article in the *Wall Street Journal* entitled "Military 'Hard-Liners' Are Expected to Block Revival of Democracy," (Dec. 31, 1969) offered a succinct evaluation.

"Brazil, a nation that has prided itself on personal freedom and libertarian traditions, is living under a dictatorship. The military's 'revolution' didn't begin that way, however. . . . Their takeover, it is implied, was a necessary and temporary intervention for the good of the nation. But after five-and-a-half years of military government, the pledges to step aside look increasingly hollow to analysts here. . . . The military government . . . has done much to curb inflation (1964 rate: 85 percent; expected 1969 figure: 23 percent), stimulate economic growth and lure foreign investment, but despite such progress there remains abundant misery among Brazil's 90 million citizens.

"Brazil has enormous natural resources, but the per capita income hovers around $350 and many millions live outside the money economy altogether. Real income has been falling. Less than half the population is literate. Health, education, sanitation and other vital services are sadly inadequate in most parts of the country. The government could not be called popular."

In short, the price for "stability" and "progress" is becoming exceedingly high for most Brazilians.

The rights and liberties of Brazilian citizens have been radically curtailed during the past 14 months by a series of National Security Laws promulgated by decree. One of these, Institutional Act Five, suspended habeas corpus, ended civilian participation in government, severely limited freedom of the press, and effectively muzzled dissent.

In order to control opposition, hundreds of prominent citizens, including a past-President, 94 congressmen, several state governors, dozens of minor officials and journalists were deprived of their political rights for ten years. Seventy professors were dismissed from the Universities of São Paulo and Rio de Janeiro without explanation. Hundreds of students were expelled from the universities for three to five years, and others were sent to prison by military tribunals. (*Ed. Note:* Readers may recall an earlier discussion of such acts by Richard Shaull in "Repression, Brazilian Style" in our July 21, 1969 issue.)

FACTS FOR ALL—BUT THE U.S.

Repression and terror have increased substantially. Untold numbers of persons have fallen victim to the arbitrary violence exercised by the police and military. Stories of mass arrests and the inhumane treatment of the opponents of the Government have filtered out of Brazil for about a year. And then, through one of those strange inconsistencies that appear even under the most efficient of repressive mechanisms, the facts came into the open. During the first ten days of December, 1969, the Brazilian press bombarded the public with reports of the torture and abuse of political prisoners. Many of these same prisoners gained new courage and signed detailed affidavits revealing the indignities and suffering they had undergone.

Brazil was shocked. Prominent citizens called for a serious investigation. The President-General vowed to look into the matter personally. And then suddenly there was a new silence. Reports and commentary on arrests and the treatment of political prisoners were prohibited unless provided by the Government. These were considered "national security" matters; laws covering them included:

"*Article 16*. It is a crime to publish by any means of social communication news that is false, tendentious or that contains distortions which turn the people against the constituted authorities. Punishment shall be detention of from six months to two years.

"When such publication would provoke public disturbances or would endanger the image, authority, trust or prestige of Brazil, the punishment shall be detention of from two to five years.

"*Article 34*. Slander, because of political bias or nonconformism, of the character of someone who exercises a position of authority shall result in a punishment of solitary confinement of from two to four years.

"If this crime is committed through the press, radio, or television the punishment shall be increased by half.

The threat was too grave. The media capitulated.

Since December the documentation of specific cases of torture has been finding its way out of Brazil in increasing quantity. Included in this are a number of the declarations signed by victims during the brief period of hope. In Europe, especially in France, Germany and England, the situation has been widely publicized and commented upon in both the religious and secular media.

A lengthy article in *Der Spiegel* (December 15) caused widespread dismay in West Germany because of the echoes of its own Gestapo nightmare. The full text of the dossier sent to the Vatican was published in the January issue of the French magazine *Croissance*. Numerous articles and editorials have appeared condemning the Government of Brazil and calling on responsible leaders to take action against it similar to that taken by the European community against Greece.

With few exceptions, however, this has not been the case of the media in the United States. When the subject has not been ignored altogether, articles in most of the major newspapers and periodicals here leave the impression that the use of torture has been limited to application against "terrorists" and "Communists," or has been only a sporadic occurrence in a particular area.

Increasing evidence shows, nevertheless, that torture is widely and indiscriminately used against those who are apprehended in alleged anti-Government activities, against members of their families who are tortured in order to weaken the prisoner, against persons who may have associated with the suspected individuals, or against those who are themselves only suspected of being critical of the Government. Furthermore, the reports now available show that many of the methods of torture are identical throughout the entire country and must be attributed to official activity rather than the whim of an over-zealous interrogator.

THE 16 AT ILHA DAS FLORES

Many tortures will never be reported. Some of the victims are dead or insane, large numbers are still imprisoned, and many who are out of jail fear the repetition of their experience and will not testify. Others, however, are ready to take the risk of denouncing the atrocities committed against them or that they have witnessed in the hope that public and international pressure will bring these inhumane acts to an end.

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The concluding paragraph of a statement signed by 16 women at Ilha das Flores, a prison in the Rio de Janeiro harbor, is typical of this courageous stance:

"We know that our present attitude denouncing tortures, can spark reprisals against us. We fear, for it would not be the first case of the simulation of an escape or a suicide to try to hide the truth we are now stating. We call the attention of all those interested in finding out the truth and in punishing the guilty to the fact that we are at the mercy of all types of violence, and need now, more than ever, the decisive help of all."

They had prepared their declaration, they said, "at a moment when the Brazilian public begins to be informed about the atrocities committed against political prisoners in our country and still may doubt that these crimes are really happening." Each of the 16 had been tortured. The following details are taken from their report:

"Zilea Resnik, 22, arrested on June 5, 1969, accused of belonging to the MR8, a revolutionary organization. She was kept incommunicado for 45 days during which time she was frequently beaten.

"Resane Resnik, 20, Zilea's sister, arrested on the same charges on July 27, 1969. Stripped naked by her torturers, she was beaten and suffered electric shocks on various parts of the body, including the nipples of her breasts.

"Ina de Souza Medeiros, 20, arrested on the same charges in Curitiba, Parana, on July 6, 1969. In Curitiba she was forced to witness the tortures inflicted upon one of her friends, Milton Gaia Leite, who was hung naked from a pole while a radio transmitted, at its loudest, a mass, in order to cover up his cries. At the jail of the Department of Political and Social Order (DOPs, the political police) she was informed that her husband, Marco Antonio Faria Medeiros, arrested two months before, had died. She panicked, but this information was later proven false. Brought to Ilha das Flores prison, she was beaten, received electric shocks and threatened with sexual assault.

"Marijane Vieira Lisboa, 22, arrested in Rio de Janeiro on Sept. 2, 1969, accused of being a member of the Açao Popular movement. She was made to strip, was beaten and given electric shocks that ended only when she lost consciousness due to heart failure.

"Marcia Savaget Fiani, 24, arrested in Rio on the same day on the same charges as the preceding woman. She was made to strip and was beaten. The electric shocks administered to her were made more intense by water previously thrown on her body. The shocks caused a partial paralysis of her right hand. She was kept incommunicado for 14 days.

"Maria Elodia Alencar, 38, arrested in Rio on Oct. 30, 1969, was beaten and suffered electric shocks. She was tortured by strangling and was forced to sign her will under torture. Her torturers persistently threatened to arrest and torture her 15-year-old son.

"Dorma Tereza de Oliveira, 25, arrested in Rio, Oct. 30, 1969, suffered the customary beatings and electric shocks, as well as strangling, drowning and wounds on her breasts produced by pincers. Needles were thrust under her finger nails."

No further information is available regarding the treatment of the 16 since the time their declaration was made public.

Victims of these atrocities come from every strata of society and from all walks of life. In a single letter written by a lawyer who had suffered 15 days of solitary confinement for defending a political prisoner, the following cases were cited:

"Mrs. Ana Vilma, wife of another prisoner named Pena Fiel, was subjected to severe torture that affected her uterus in particular; she needed medical attention. Her husband was also tortured.

"All priests arrested in this prison were hung by their feet, completely naked, beaten and given electric shocks. Father Augustine challenged the torturers during the punishment, invoking Christ's example.

"In cell number one, next door to mine, a young lady was ill. Her name was Vera, and she was bruised from head to foot. I was told that her husband was in worse condition. Their crime was that they knew a person wanted by the political police. They were set free on a Monday but until Tuesday of the following week they required medical attention in order to recover sufficiently to travel. One of the torturers said that "beating is all right, but one must know how to do it."

"A young student also arrived at the place where I was. He was a physics student who had been expelled by his university on the charge of subversion. I saw him after his first interrogation, and he had been beaten so badly that his feet were so swollen that he could not walk. He was sent to the Clinical Hospital where he declared that his wounds were caused by torture. The torturers had broken bones in his hands and feet.

"The prisoner in cell number four, named Sebastiana, suffered a mental disturbance because of the tortures, and no medical treatment was given to her."

In another letter written by a 56-year-old taxi driver, Severino B. Silva, there is a description of the treatment he received in the military village of Rio. He was tortured by starvation. His toenails were pulled out and razor blades were forced under his fingernails. After being beaten, he went through a simulated hanging. He still awaits trial after 11 months of imprisonment on a charge of suspicion.

THE FORMS OF TORTURE

The declarations and reports are from all parts of Brazil. Almost every document verifies that commissioned officers of the police or military are in charge of interrogations. The torture is generally carried out at the DOPS headquarters or of one of the intelligence services (Army, Navy or Air Force), or in prison. The methods of torture follow a pattern.

Beatings: Usually inflicted at the beginning and during interrogation. Blows are given with clubs, metal bars, fists and feet. The face, ears, stomach, breasts and genitals are the most frequent targets of the beatings.

"Pau-de-Arara" (*Arara Pole*): Hands and feet are tied together and a pole inserted between them. The ends of the pole are then supported on a table with the victim hung face down. He is often left in this position for several hours while submitted to other tortures. In some documents it is reported that alcohol fires are lighted on the floor below the victims face. Some individuals have been incapacitated for long periods after this torture because of the traumas to their legs, arms and backs.

Electric shocks: Current is generated by a field telephone or taken directly from wall sockets. Shocks are delivered to the hands, feet, tongue, ears, breast and genitals. The victim is often soaked with water in order to increase the effect of the shock. The current is frequently increased so as to cause the entire body to become rigid or be contorted by muscular spasms.

The Telephone: Sharp blows with the flat hand are delivered simultaneously to both ears. This causes a loss of balance, impairment of hearing, as well as severe pain.

Sexual abuse: In most cases the documents declare that the prisoners are stripped of their clothes at the initiation of the interrogation. Humiliation is an obvious element in the psychological aspect of the torture. The genitals of both men and women receive considerable attention in beatings and the administration of electric shocks. Women prisoners are often violated by torturers or are turned over to police or soldiers of lower rank for their amusement. Male prisoners are sometimes forced to witness the sexual abuse of their wives, children or fiancees.

Simulated execution: Prisoners have been taken from sessions of torture or awakened during a brief respite and brought before a firing squad armed with blanks or empty rifles. Others have been drowned in buckets of water and then revived. And still others have been hung and then cut down after losing consciousness.

This list is not a complete catalog of all of the tortures described in the available documentation. It is, however, a compilation of those mentioned most frequently by the victims.

As might be expected under such circumstances, increasing numbers of Brazilians are leaving their homeland to seek refuge in other countries. Many of them are faced with almost insurmountable difficulties: improper or incomplete travel documents, insufficient financial resources, hostile military regimes in several of the nearest countries. (The best estimates available at this time are about 500 in Chile, 1300–1500 in Uruguay and approximately 2,000 in Paris, many of whom are students uncertain that they can safely return to Brazil. Large numbers are in other countries, including the U.S., but the figures are unavailable since many of them fear to declare themselves refugees.) Although the exodus grows each day and the potential for future refugees is tremendous, international refuge organizations have done little to respond to the needs of the victims of this new situation.

Massive efforts, not unlike those made on behalf of the Jews and others from Europe and Cubans in the early 1960's may now have to be made on behalf of Brazilians. The first step of such a response is now being organized by a group of individuals from the religious, academic, professional and artistic fields in New York City. (For information, write: The Editor, Christianity and Crisis.)

HOW THE UNITED STATES FITS IN

All of this information and documentation of torture and repression becomes even more disturbing when the extent of continuing U.S. Government and business involvement in Brazil is recognized. Very little open criticism has been forthcoming from these two institutions regarding the course of events of the past six years and particularly of recent months.

When the coup occurred in 1964 Ambassador Lincoln Gordon received it with open satisfaction. He said it was "perhaps as significant to the defense of the Free World as the Sino-Soviet split and the success of the Marshall Plan." Through his influence Washington recognized the military regime within 24 hours.

Significantly, the Agency for International Development increased its expenditures in Brazil from $15.1 million in 1964 to $122.1 million in 1965. It has proposed a $187 million program for 1970. In addition, the US military has maintained the largest of its Latin American missions in Brazil, with over 100 advisers on the staff. The Military Assistance Program provided $24.9 million in 1967 and $19.4 million in 1968. Between 1964 and 1968 2,255 military men passed through its training program.

The one brief (four-month) interruption in US support occurred after the closing of Congress in 1968. Some observers believe that aid and assistance were restored quickly because of the inconvenience caused to US business and banks by the suspension, US investment there accounts for $1,326 million of the $7,314 million invested in all of South America.

This article is not intended to be sensational. Its purpose is, rather, to awaken American Christians and public opinion to this horrendous terror and inhumanity. The authorities of Brazil are concerned about their image abroad, and especially in the

United States, from which they receive massive foreign aid and investment capital. International outcries may not bring democracy back to Brazil, but it may force the Government to restrict its present policies in the treatment of political prisoners.

Regardless of what its impact in Brazil may be, we must not—cannot—any longer allow our Government and business to quietly support a type of government that we—and prior to certain recent erosions of our own civilization in the past at least—have regarded as contrary to our way of life. What Brazil does is ultimately her own problem: what we do to support, and thereby encourage, her dehumanizing policy of repression is our problem. Brazil—a nation that has made significant contributions to international culture—may be losing the respect of the nations of the world, but we can only wonder how much greater is her loss than ours.

[From the Washington Post, May 4, 1970]

The Brazilian Church May Be Christian After All

(By Colman McCarthy)

No doubt exists any longer that the military men running Brazil are stylists in torture, violence and hounding. Too many reports from reliable witnesses have appeared in the North American and European press for anyone to think that the current oppression is merely a lapse in taste by Gen. Emilio Medici and his six-year-old government. The aim of the torture, backed by the same kind of secret police tactics used in Germany, Spain, Portugal and Italy in an earlier era and in Greece, Haiti, South Africa and Rhodesia today, is to keep the opposition silent, afraid and in view.

The students, journalists, professors, labor organizers, social workers, priests and others who are among the potential targets of torture in Brazil have been put in a strained stance. Do they resist by fighting violence with counter-violence? Or do they hold out and work for the peaceful revolution that their country, crushed by poverty, disease and illiteracy, desperately needs?

Large numbers are now joining both groups. But many who go for the second do so because much of the leadership in the Catholic Church is both vocal and risk-taking in opposing the military dictators. "Surprisingly," writes Prof. Ralph Della Cava of Queen's College, N.Y., in last week's Commonweal, "the Brazilian Catholic Church, once a mainstay of the status quo, has emerged for a variety of reasons as the only national institution that remains capable of defending the principles of freedom, justice and social change in the face of government repression."

The church in Brazil, as elsewhere in Latin America, has long been a sleeping partner of the rich and the military. Officially, it passed out the sacraments and rites, a coin-machine operation from which blessings dropped like candies on which the poor were meant to suck for comfort, not thirst for change. Unofficially, it was the chaplain church, blessing the landowners who virtually enslaved the poor by forcing many of them to live on less than $350 a year. The self-cowed clergy dared not defy the army or the rich, fearing economic pressures on religious hospitals, schools and parishes.

A few years ago, from northeast Brazil, a small, slim man with a strong clear mind spoke out, quickly to become a Martin Luther King figure to the Brazilian social movement. Since then, Archbishop Helder Camara has been rattling the generals, exposing the rich, but perhaps most important, making it clear to the poor that they have a right to something better and there is a way to get it. Last October 2, the centennial of Gandhi, Camara outlined the theme of his movement called Action, Justice and Peace. "Many Latin American governments, perhaps without realizing and without caring, are preparing an explosion worse than the nuclear bombs, worse than the H-bomb: it is the M-bomb, the bomb of misery. (This explosion) is prepared by those who cower before the powerful and the privileged and make a show of elaborate reforms and ways to execute them, but who afterward leave the situation as it is to see if it won't take care of itself."

In calling for non-violent, structural reforms in Brazil, Camara is labeled a Communist by the right, a standard dismissal of anyone who fights a little too hard for the poor. From the far left, Camara gets it also, because he insists on non-violence. He is firm about the latter, not just from his pacifism, but also practicality. "If there was a movement of violence here, Brazil would be crushed immediately, either by the United States . . . or by the USSR. To change one for the other of those two powers would all be the same, as neither of the two serve for Brazilians."

Lumping together America and Russia is not Camara's exclusive idea. In October 1968, the moderate newspaper, *Jornal do Brazil*, expressed what observers say is a widespread sentiment: "Russians and North Americans proceed as if they were invaders from Mars. They are of another race, another civilization. This planet is a colony which they exploit shamelessly and whose inhabitants—us—as the inferior beings that we are, can continue dying of hunger in our sun-baked and noisy craters."

Gen. Medici and his terrorists know better than to jail, torture or otherwise silence Camara. He is too well known internationally and too revered locally. But the government moves in on less prominent clergy. Last December, a military court indicated the bishop of Volta Redonda on charges of "subversion." Fifteen of his priests were also brought up on charges. Their trial, like the bishop's is pending, with no date set. Other priests have been imprisoned and tortured, as well as many nuns and laymen. Forcefully, one bishop, Joao Costa, recently denounced the government's treatment of political prisoners: The latter "have been violently beaten and tortured. I am making this denunciation so that there shall be eliminated once and for all from all investigations, those procedures which dishonor all those who practice them and render the process of justice suspect."

All of this puts the Vatican on the spot. It has 245 bishops in what is the world's most Catholic country—at least nominally Catholic, which means making Mass perhaps twice a year. The Pope, who has received a report called "Terror and Torture in Brazil," knows he cannot play it safe much longer—or as Pius XII did during Hitler's Germany, play it silent. The Vatican naturally supports non-violent reform. But preached from across an ocean, this stance risks becoming an accomplice to the current economic and political structures that also do violence—not by bullets or thumbscrews, perhaps, but by keeping the poor in their poverty through unjust laws or by letting greedy land-owners continue to hoard the land. Many in the Third World are beginning to believe that this kind of violence is infinitely more criminal than the war games played by Che-style guerrillas.

The Brazilian generals, like the Greek colonels, are touchy about their image in the United States and work hard to keep it polished; this is where the massive foreign aid and private investment capital comes from, with bad days to come were the well to run dry.

But the U.S. should be less of a worry to the Brazilian government than the Church. American businessmen will not likely pull back their money and investments so long as the generals say they are devoted to "stopping communism." The Church—or at least that part of it exemplified by Helder Camara and a growing number of bishops and thousands of clergy and laymen—sees through the big talk about anti-communism. That is not the real battle. "When will we be able to show everybody," said Camara last fall, "that the number one problem is not the clash between East and West, but between North and South—that is, between the developed world and the underdeveloped world? When will we be able to help everybody understand that misery is the enslaver, the assassin par excellence and that it is the war against misery which should be the number one and only war upon which we must focus our energy and resources?"

Camara doesn't know the answer to his questions. But he does know his country seethes with the poor and the hungry who demand answers soon. Christianity, which has solved the problems of the next world seems ready, at least in Brazil, to begin solving some of the problems of this world.

[From the Washington Post, May 13, 1970]

New Brazil Purge Hits 10 Scientists

(By Leonard Greenwood)

Rio De Janeiro.—Brazil's small scientific community is reeling from its second political purge in a year.

Ten scientists, including several known internationally, have been fired from the Oswaldo Cruz Institute here and stripped of their political rights.

A government spokesman said the decision had been made by President Emilio Garrastazu Medici after "careful investigation" had shown the scientists to be "agents of subversion and enemies of the regime."

The withdrawal of their political rights makes it virtually impossible for them to continue scientific work in Brazil. Anyone who loses his rights is forbidden to work for any government-supported organization and there are almost no private laboratories.

Less than a year ago, between 60 and 70 scientists were fired from research, technical and teaching posts and some also lost their political rights.

In Brazil, which has a scientific community of only about 5,000 in a population of 94 million, the effects of last year's purge was psychologically staggering.

"People were just beginning to settle down again after that when this latest blow fell," one Brazilian scientist said. "All the old fears have been awakened again. People are saying there are more lists. God knows who'll be next."

The director of the Cruz Institute, Guilherme Lacorte, is reluctant to discuss the case, which he describes as "one of those things that happens." He says only that the departure of the 10 men need not affect the working of the institute.

The victims, who are in an extremely vulnerable situation with accusations of subversion hanging over them, refuse to meet reporters.

The men were reported to be carrying out work on many diseases. The institute, founded at the beginning of the century, has made important contributions to world medicine, especially in the field of yellow fever.

Brazilian scientists say it is difficult to see how any of them could be accused of subversion. None was working on a job even remotely connected with national security.

As is the case with most of Brazil's scientific community, all 10 are known to have liberal ideas about society. "You'd have to stretch imagination a long way to see them as Communists," one eminent Brazilian scientist said.

Other scientists ridicule Lacorte's statement. They say the 10 men were key figures in a small team of high-level researchers at Cruz. Without them, they add, some departments, including physiology and entomology, may have to close, the scientific standing of the institute will be damaged and Brazilian research in certain fields will be retarded.

TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. KLUCZYNSKI. Mr. Speaker, it is indeed a real pleasure for me to join in this warm and glowing tribute to our beloved Speaker, JOHN W. McCORMACK, who will retire from public life at the end of this Congress. His departure from this House will sadden us, his colleagues, his constituents, and his legion of friends throughout the country and the world.

He has been a Speaker who helped sustain the Republic during its recent, trying years. The cries for and against seniority, the cries for and against a more partisan form of government, the cries for and against a more "liberal" or a more "conservative" path of policy—all of these cries and counter-cries could only have been met and subsumed under the sort of moderate and enlightened leadership which JOHN McCORMACK brought to the House of Representatives during his tenure as Speaker. He has acted as this country's physician-in-residence to bind up political wounds. He has been the kind of man mentioned in the beatitudes:

> Blessed are the peace-makers, for they shall see God.

JOHN McCORMACK was a poor, Irish boy who helped support his widowed mother by selling newspapers on the streets of South Boston. He grew up in a hard school to become a member of his State's house of representatives and its senate, and a Member of the U.S. House of Representatives during the 70th to 91st Congresses. He became Democratic majority leader under his great mentor and friend, the late Sam Rayburn, during the 79th Congress, and Speaker of the House upon the death of Mr. Rayburn in 1961.

His honorary degrees, awarded by such institutions as Tufts College and Georgetown University, are numerous. His honors include the Order of Malta First Class and the Order of Saint Gregory. JOHN McCORMACK, as a man and as a legislator, has, during a long and productive lifetime, well served his country and his faith.

We salute him, in a troubled and changing period, as a man who held back waves of irresponsibility so that we could achieve needed changes behind the dike of constitutional order. He takes with him into retirement the gratitude of his brothers in this House and the people of the United States.

Speaker McCORMACK, I wish you and Mrs. McCormack the greatest possible happiness and good health in the years ahead after your retirement.

PRIEST TELLS OF COMMUNIST BRUTALITY IN LAOS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. ICHORD. Mr. Speaker, we have heard a great deal of sound and fury from the Senate about the presence of 300 or so American military attachés in the little landlocked nation of Laos. We heard a great deal less about the presence there of more than 65,000 North Vietnamese.

We heard a great deal about alleged American casualties inadvertently caused when American planes flew in support of Laotian forces trying to keep their country from being overwhelmed by the North Vietnamese Communists. But we heard very little of coldblooded, purposeful, indiscriminate murder of civilians by North Vietnamese and Laotian Communists.

Therefore, I would like to bring to your attention this recent account in the St. Louis Globe Democrat of the experiences of a Catholic priest who has spent 14 years in Laos and tried recently to describe Communist terrorism and murder to a Senate Judiciary Subcommittee on Refugees.

Father Matt Menger says he expects to die in Laos. He says 15 of his fellow priests have been murdered by the Communists. But he says that of 11 witnesses, only the testimony of one was published in a Washington, D.C., newspaper—one concerning indiscriminate American bombing. The other 10, Father Menger says, stressed that U.S. bombing was not indiscriminate. He states that Communist-inflicted casualties were far more numerous than any caused by U.S. intervention.

The account in full follows:

SAYS REDS KILLED 15 COLLEAGUES—PRIEST TELLS OF MURDERS IN LAOS

(By Allan Hale)

Father Matt Menger expects to die in Laos. Since 1960, he says, 15 of his colleagues have been murdered by the Communists.

He stood unnoticed and silent Friday at the rear of a crowded hall at St. Louis University while students talked of the future of ROTC and black students took over the meeting to present a list of demands.

A missionary priest who has been in Laos 14 years, he had never seen a militant student gathering before. He was in St. Louis on a visit after testifying at a Senate hearing in Washington Thursday.

Leaving the student meeting at Busch Memorial Center he walked away across the campus, a tall, lean man indistinguishable from other priests crossing the walks.

He was silent for a long time. Once he burst out: "We don't have a university in Laos. Not one. If only we had a university. We wouldn't burn it down."

He fell silent again for several minutes, then "I wouldn't have believed it. I'm glad I saw it. Otherwise, I wouldn't have believed it."

He had heard of the St. Louis University meeting by chance and had gone to listen, not to participate. "It is not my university," he said carefully . . . "and I know more about the problems of Laos than I do those of America."

He had been summoned to a hearing Thursday conducted by Sen. Edward M. Kennedy, chairman of the Judiciary Subcommittee on Refugees, on civilian war casualty problems in Indochina.

He did not think, he said Friday, that the committee had liked his answers to questions.

"I stated, when Sen. Kennedy was pressing me about the casualties, I stated just one little example of 15 civilians I knew very well. I've lived with these men for some years, who were actually murdered by the Communists—15 Catholic priests. We are only 100 in the whole country, but they have killed 15, not in any bombing or village-shelling but in cold blood."

Still talking of the Senate committee hearing, Father Menger went on:

"Of the 11 witnesses who testified, the testimony of only one was published, at least in the Washington Post, entitled 'Indiscriminate Bombing of Civilians in Laos Alleged'. The other witnesses, all of them, including myself, testified that the U.S. bombing in Laos was not indiscriminate. On the contrary.

"In my testimony I brought out the large number of civilians wounded and killed by the North Vietnamese in our country. The Communist-inflicted casualities were far, far more numerous than any inflicted by the American intervention."

There are believed to be 67,000 North Vietnamese troops in Laos, he said. "In addition, it is very rarely printed that there are 12,000 to 14,000 Chinese Communist troops who are building a road in Laos. The news media today stress the presence of 300 American military advisers."

President Nixon's move into Cambodia has not extended the war, he said. It had already been extended throughout the entire region by the North Vietnamese.

For years Father Menger has given Laotian villagers medical treatment for anything from malaria to wild animal bites. He has helped rebuild churches and schools and homes after the tide of war has rolled over them and organized distribution of emergency food.

They call him "The Tall Priest" in Laos, and with his fluent Lao he has interpreted at high-level conferences between American and Laotian officials. Therefore he is a marked man. He intends to return to Laos as soon as possible.

"I don't expect to live," he says calmly. "But it does not matter if I die next month, at the age of 40, with a bullet in the back of the head, or at 95 on an inner-spring mattress. I am doing something."

THE SYSTEMS APPROACH

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. MARSH. Mr. Speaker, I should like to conclude at this time my presentation of portions of a report of a pilot study of possible applications of the systems approach to the appropriations process of the Congress.

It may be recalled that this study—entirely unofficial—was undertaken by a seminar group at American University under the direction of Dr. George K. Chacko, professorial lecturer and systems scientist.

I believe this interesting voluntary effort represents a useful contribution to our current active consideration of ways in which modern informational analysis techniques might be used to improve the efficiency of the legislative branch.

The final portion of the paper produced by Dr. Chacko and his associates follows:

THE SYSTEMS APPROACH

ASSUME EACH ELEMENT HIERARCHY TO BE EQUALLY CONSISTENT

As was mentioned earlier, no attempts were made to straight-jacket illustrative scores at the horizontal or vertical levels. The members of the Seminar had very little knowledge of the preferences that the administrative personnel of the Department of the Interior would have employed in either achieving the goals that have been set or in weighing them. Nevertheless, each Study Team Group that pursued the different hierarchical choices corresponding to the elements tried conscientiously to relate it in a responsible manner to the overall objective of averting national ecological disaster. Owing to the differences in professional and personal background, the nonfulfillment of the organismic objectives of averting ecological disaster was given the penalty ranging from one billion to 50 billion. Assuming that the protagonist of each element was equally consistent, how would the Congressional decision-maker decide among the competing claims for the same limited resources?

SET ORGANISMIC OBJECTIVE NONFULFILLMENT PENALTY AT 50 × 10^9

The preferred tactical choice in Element 1 was: Improve fire prevention/fighting techniques with a weighted penalty of 150, compared with the weighted penalty for nonfulfillment of the organismic objective of one billion.

To make a valid comparison between the claims of this particular tactical choice and, say, the tactical choice of improving routes to more distant areas in the national forests, its weighted penalty score of 300 must be related to the corresponding penalty for nonfulfillment of not one billion but 50 billions. Although the weighted penalty score itself is twice that of the first tactical choice, the much larger base against which it has to be compared in fact reduced the resource allocation for the same. In Table 10 the organismic objective nonfulfillment penalty is set at the highest level of 50 billion. Accordingly, the tactical choice of fire prevention/fighting techniques gets a score of 7,500 compared with only 300 for improving the roads to more distant areas.

TABLE 10.—EQUALIZING THE 5-BUDGET ELEMENT PENALTIES FOR NONFULFILLMENT:

SET ORGANISMIC OBJECTIVE NONFULFILLMENT PENALTY AT 50X10^9

1. Tactical choice: Improve fire prevention/fighting techniques:	$\frac{50\times10^9}{1\times10^9} \times 150 =$	7,500
2. Tactical choice: Create new cities in semiwild forests:	$\frac{50\times10^9}{8\times10^9} \times 50 =$	311
3. Tactical choice: Improve routes to more distant areas:	$\frac{50\times10^9}{50\times10^9} \times 300 =$	300
4. Tactical choice: Preserve trees by better farming:	$\frac{50\times10^9}{10\times10^9} \times 90 =$	450
5. Tactical choice: State assistance for land acquisition:	$\frac{50\times10^9}{12\times10^9} \times 20 =$	83
Total for 5 tactical choices		8,644

COMPUTER PROGRAM

Once the tactical choices are each related to the organismic objective of averting national ecological disaster, the relative allocation of resources to each can be determined on the basis of:

1. Penalty score.
2. Weighted penalty.
3. Organismic level penalty.

The change by the Congressional decision-maker of the organismic objectives would change the organismic level penalties and corresponding tactical level penalty scores. Should the agencies of the Government change the number and/or importance of alternative strategic and tactical choices to accomplish the organismic objective, that would be reflected in the penalty scores and/or penalty levels by hierarchy.

It bears repetition that:

1. The Congressional decision-maker decides what the organismic objectives should be, and can change them;
2. The agencies of the Government decide upon the best means of accomplishing the organismic objectives and can change them.

In this study, there are 14 tactical choices identified as competing for the achievement of the overall objective. They are listed in Table 11. The weighted penalty scores for the 14 tactical choices together came to 30,712.

TABLE 11

I. Avert ecological disaster	100
II. Improve the environment	80

ELEMENT 1. FOREST PROTECTION UTILIZATION

Improve fire prevention/fighting techniques.

Prevent strip mining.

Prevent strip logging.

ELEMENT 2. ACQUISITION OF LAND

Create new cities in semiwild forests.

Move to suburban areas with civil systems electronic products.

ELEMENT 3. NATIONAL PARK SERVICE

Improve routes to more distant areas.

Education of the public on fire protection.

Demonstration of effects of violating environmental ethic.

ELEMENT 4. BUREAU OF LAND MANAGEMENT

Preserve trees by better farming.

Establish criteria on fossil fuels (e.g. oil) mining.

Improve seed inventory replenishment to restore land.

ELEMENT 5. BUREAU OF OUTDOOR RECREATION

State assistance for land acquisition.

State assistance to acquisition of urban land for recreation.

State assistance to acquisition of industrial land for recreation.

As a first approximation, consider that the 14 tactical choices are the only measures open to the Department of the Interior to accomplish the organismic objective. In that case, improved fire prevention/fighting techniques with its score of 7,500 claims 24.2% of the total budget.

Similarly, prevent strip mining with its score of 9,500 claims 30.9% of the total budget allocation, and so on.

For illustrative purposes, a simplified computer program was written, and the budgetary allocation based on these hypothetical hierarchic objectives was made for both FY 1970 and FY 1971.

CREED

Turning now from the tactical choices open to the pursuit of the organic objective to their logical groupings, what can be said about the 14 tactical choices employed in this study?

Improving fire prevention/fighting techniques; preserving trees by better farming; and improving seed inventory replenishment clearly conserve natural resources. Similarly, prevention of strip logging, strip mining and the establishment of criteria on fossil fuel mining was designed to regulate. The education of the public on fire prevention and the demonstration of the effects of violating environmental ethics are designed to educate. The tactical choices to improve roads to more distant areas, state assistance for land acquisition in general and urban and industrial land in particular, accent the facility to enjoy. Finally the creation of cities in semi-wild forests and the move to suburban areas of electronic product industries are designed to develop the environment.

Combining the first letter of these five activities, the acronym CREED is evolved.

The Congressional decision-maker can look at the allocation of resources under each of these categories as shown in Table 12 and decide, for instance, that the allocation of 65% of resources to regulate the use of the environment may be too much and the allocation of 1.5% to facilitate the enjoyment of the environment too little. He could instruct that certain other percentages, say 37% and 25% may be more appropriate. He can ask for the decreasing of the allocation to regulatory activities from 65% to 37%, and the increase of the allocation of the facilitation of the enjoyment of the environment from 1.5% to 25%. The methodology of the present study requires the indication from the decision-maker as to where he would want to make the change, so that the total of resources to all of CREED is 100%

TABLE 12. CREED

	Percent
CONSERVE, 27.19%	
Improve fire prevention/fighting techniques	24.42
Preserve trees by better farming	1.47
Improve seed inventory replenishment to restore land	1.30
REGULATE, 65.43%	
Prevent strip logging	32.55
Prevent strip mining	30.93
Establish criteria on fossil fuel (e.g. oil) mining	1.95
EDUCATE, 4.88%	
Education of the public on fire prevention	3.74
Demonstration of effects of violating environmental ethics	1.14
ENJOY, 1.50%	
Improve routes to more distant areas	0.98
State assistance for land acquisition	0.26
State assistance to acquisition of urban land	0.13
State assistance to acquisition of industrial land	0.13
DEVELOP, 1.00%	
Create new cities in semiwild forests	0.98
Move to suburban areas with civil systems electronic products	0.02

CONCLUSIONS

The purpose of this introductory study has been to explore the use of the systems approach to help the systematic evaluation of the budget request by the Congressional decision-makers on the Appropriations Committee. The Department of the Interior Budget figures for FY 1970 and FY 1971 were selected, and some 55% of the total budget (NOA) represented in five elements was identified for analysis.

Using the organismic, strategic and tactical hierarchy of objectives, the five elements were associated with a single, overall objective: Averting national ecological disaster. Alternative measures of meeting this overall objective were systematically developed for each of the five elements.

A systematic comparison was made of different tactical level choices, horizontally; and also of each tactical choice with its higher level of objectives at the strategic and organismic level, vertically.

The consequence of nonfulfillment of each of the tactical level choices upon the organismic objective were illustratively put into numerical terms. Based upon the relationship of each tactical objective to each other and each tactical objective to the corresponding strategic and organismic objectives, the allocations of the Interior Budget were demonstrated.

The strength of the systems approach explored with respect to the appropriate evaluation lies in the consistency of its methodology which forces the user to make explicit his hidden assumptions and values, so that alternative means of accomplishing the same objective can be identified and evaluated; and also courses and consequences corresponding to altogether different sets of overall objective themes.

A YOUNG MAN IN VIETNAM WRITES HIS PARENTS

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. ANDREWS of North Dakota. Mr. Speaker, the war in Vietnam and the President's recent decision to send troops into Cambodia to destroy enemy concentrations have been the subjects of major controversy over the past several weeks. Everyone is hearing what the students on our campuses are saying, but too few have heard what our young men who are serving in Vietnam have to say.

I was pleased to receive a copy of a letter from Philip Foss to his mother and father, Mr. and Mrs. William Foss of Michigan, N. Dak. Philip is serving his country in Vietnam and his letter speaks for itself.

I include the letter at this point in the RECORD:

DEAR MOM AND DAD: I know you've waited a long time for this letter, and that I should have written sooner but I'll get this one in the mail.

I got both of your packages. The bread was in fine shape as was the sausage and cheese. It didn't last 20 minutes once it got here. I ate about 8 or 10 sandwiches myself and let the other fellows have the rest. It was the best sandwich I've had in nearly a year. I suppose you're wondering what is going on over here. Well, Nixon made the best move of anyone so far. He is going to finish it. Over where you are, you don't know all that is happening, but from here, I can hear the 52's bombing in Cambodia. It sounds like drums rolling. The only way to end this is to go after them. But the main thing is that the people at home stand together whether Nixon is right or wrong. We are in Cambodia now and it's too late to back out. So we must go ahead and finish the mission and hope we have done right. In my own mind, this will be the turning point. I would have made the same decision if it were for me to decide.

My time is nearly over. It's been ten months now and they've gone fairly fast. One day I'll be walking in the door. I can't wait to eat some food again. I never gave it much thought until I didn't have it anymore. I miss all that food, vegetable soup with dumplings, chile. I could go on forever.

This is the busy time at home, I suppose The farmers with their crops and you with insurance. When the grain is ripe, I'll see it this year.

Hope you're both in the best of health. Tell the people you finally got a letter from me. Take good care of yourselves.

Love, your son

PHILLIP.

THE HARD HATS—FOR GOD AND COUNTRY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. RARICK. Mr. Speaker, for years I have been saying that when the American workingman becomes fed up with what is going on in our country, we can expect a change for the better.

In New York City, upward of 150,000 hard hats—workingmen—recently paraded in a show of American flags to pledge unity for our country and support for its leaders. Their shouts "All the Way U.S.A." have echoed around the world.

Now we in Washington understand that the hard hats are to come to our Nation's Capital—not to protest against but to demonstrate for the United States, for our fighting men, for our flag, and even for police officers.

I predict that when the builders—the workers of our country—start being heard we can anticipate a stiffening in the attitudes of many of the liberal-left politicians. And, when our patriotic labor Americans join forces with the farmers and the other concerned loyal Americans, along with patriotic youth, there will arise a ground swell of Americanism from the once silent majority which may yet save our country.

Mr. Speaker, I have my hard hat in my office—I, too, have heard the cry "U.S.A., All the Way."

I include several news clippings, as follow:

[From the Washington (D.C.) Post, May 31, 1970]

FLAG'S DEFENDERS: HARD HATS MARCH FOR A WAY OF LIFE

(By Richard Harwood)

NEW YORK.—In lower Manhattan, the flags are everywhere, Little flags, taped to car antennas, overhead cranes and ice-cream carts. Big flags, whipping in the winds that blow through Wall Street. Metal flags stuck in coat lapels and shirt fronts. Paper flags, pasted to car windows and hard hats. There, by one of the unfinished skyscrapers rising up out of people's sweat and muscle, Leonard Bianca talks about patriotism. He is 64, big-bellied, and has been an operating engineer all of his life. He has a flag on his steel hat.

"That's why we marched," he explains, "for the flag. That flag is your mother and father, your home, your country, your president. When these people spit on the flag and tear it down, then I'm fed up. We wanted to show these hippies and college students how we felt."

Peter Brennan is the white-haired, red-faced Irishman who runs the Greater New York Building and Construction Trades Council, 200,000 members, many assets both financial and political.

He gets close to tears as he talks about his country:

"You people in the newspapers say we are bums and hoodlums. You beat our brains out. But our people are decent people. They work in the church and the synagogue and the Little League and the Boy Scouts. They would tear up their union cards before they would do anything to hurt this country. We build this country. We build these beautiful buildings and churches and highways and bridges and schools. We love this country. We were afraid it was going down the drain and nobody was doing anything about it. That's why we marched."

Joe Catalano is an iron-worker at the huge World Trade Center complex now rising in lower Manhattan. His parents came from Italy and he went there to fight in World War II with the 82d Airborne Division.

"This is our country and we ain't gonna let anyone tear it down," he says. "I fought for that flag and when people start tearing it down, I'm gonna speak up. I'm for this country all the way. I'm for Nixon all the way. The Vietnam war isn't Nixon's fault. It started 12 years ago and I say we should stay in there and finish it. It shouldn't be like Korea, where we didn't finish it and where we have to talk at Panmunjom every day under a white flag."

About 150,000 of these men swept through the streets of New York 10 days ago in the largest, spontaneous demonstration in support of the war. They filled the city with flags and the bankers and clerks of Wall Street cheered them on and showered them with confetti and ticker tape.

New York's chic weekly journal, The Village Voice, described the marchers as "payday patriots" charged up on booze, the "grimy John Glenns and Tom Seavers, not only being accepted but adored by those they viewed as their betters . . . The most tragic placard in sight at these demonstrations was one proclaiming, 'God Bless tne Establishment.' It's pathetic to think that the workers really believe they're a part of the power structure the same structure that indiscriminately uses their sons as cannon fodder in a war they don't really understand . . . But understanding their exploitation goes only so far. They still are men with singular minds and souls who consciously are selling both for acceptance to a dismal dream of 'respectability.' "

Their "dream of respectability," in the view of people such as Gus Tyler of the International Ladies Garment Workers Union, involves something more than the episodic approval by Wall Street bankers. It goes, he says, to a way of life and a system of belief that are threatened in the United States today.

"They have," Tyler says, "their own little piece of the American turf, their own possessions and values, and they defend these things by defending the flag. It is the traditional patriotic response of the American yeomanry."

This "yeomanry" or "white working class," by Tyler's calculation, represents 75 per cent of American society. They are people who, like Bianca and Catalano, work with their hands, earn between $3,000 and $15,000 a year, and share the "blue collar mood" even when they find themselves in "white-collar" jobs as clerks and salesmen.

That mood today, the ILGWU's Tyler believes, is compounded of "economic frustration, personal fear and political fury." It has been produced by the erosion of living standards that have been marginal at best in the 1960s, by the incompetence of government in dealing with social problems, and by the disorders and violence disrupting American life. "They have been voting for 'progress' and paying their taxes for 'progress' since the 1930s," says Tyler. "And they look around them today and say, 'What in the hell is going on?' "

This angry bewilderment comes through in every conversation with the construction workers who marched in Manhattan: "What in the hell is going on? . . . These college kids have no respect . . . They use these four-letter words, spit on the flag, show disrespect to the cops, and burn down college buildings . . . Their fathers didn't bring them up with respect. They think they're more than equal to us."

Bill Scanlan, a steamfitter at the Trade Center, put the question in another way:

"Who in the hell wants to hurt students? We got sons and daughters or relatives in college. We give five college scholarships every year—$1,000 each. But somebody must be leading these students. They don't know what they're doing. They're being brainwashed by teachers and everybody else. The newspapers and the TV are 100 per cent biased. I didn't vote for Nixon. But he's in there and you have to stay behind him and the country. Why don't they see that?"

The gulf between students and workers, Tyler insists, transcends politics or wars in Vietnam; it grows out of a profound cultural struggle.

The American "yeoman," in this formulation, believes that "life is sweet as God told Adam," that the work ethic is liberation rather than slavery, that stability is necessary for the good life, that conflicts must be resolved through compromise.

Those values, in the Tyler analysis, are under attack by new social forces symbolized in the workers' minds by "hippies" and "long-hairs." They look upon life as a "game" and regard work—even classwork, says Tyler—as "repression"; they equate stability with "conservatism" and see instability as a value in itself; they have developed the tactics of "polarization" and "confrontation" as life games that are "theatrically successful and may be physically good." They believe, he says, in sex "on camera" instead of "in camera."

All of this, he maintains, was involved in the hard-hat demonstrations including the fringe violence in which workers threw punches at antiwar demonstrators assembled at New York's City Hall on May 8. In those terms, he describes the demonstrations as "nonpolitical."

"The worker respects education. He will scrimp and save for it and his wife, too. And they don't understand the little intellectual revolutionary's contempt for education. To them, they are spoiled little bastards."

Brennan talks about "the spoiled ones" who are "so confused they join the mob. . . . If they don't like the government, let them attack the government. But how can they attack the flag? It's the symbol of democracy and freedom and what brought our parents to this country. . . . We're against the war for what it does to families and human lives. Who likes to look at a boy with his arms and legs shot off? But you've got to fight for your country."

That is the language of the men on the high buildings in lower Manhattan. Nearly all of them claim to be veterans of Korea or World War II and brothers to Vietnam. Charles Salli, putting up steel beams for the Tishman Construction Company, did his time in World War II, had a son and a nephew in Vietnam and says he understands the horror of war.

"I don't blame anyone for not wanting to go," says Salli. "Everybody gets afraid. But they're just like us. We had to serve and our sons had to serve. Why can't they?"

That is the question they are all asking in the fact of contempt from the intelligentsia, in the fact of hostility from the street revolutionaries.

Eric Sevareid, in a CBS commentary, spoke of the hard-hat dilemma:

"This is a different kind of class conflict, not between workers and ownership this time; this is town versus gown with a vengeance.

"For some time, apologists for student violence have argued that they have attacked property only, no persons. But when they burn, bomb, and smash wood, brick, glass and steel, they affront and wound all those who build in this preeminent country of builders. They are expressing contempt for the monuments of their pride, their very religion.

". . . The massing of construction workers (in New York) was surely a visceral reaction, long suppressed. They were men reacting not only out of the instinct of patriotism, however oversimplified, but in defense of their sense of personal worth, that is, their work in life."

The construction workers are not articulate men. The currency of the faith and belief, as the Biancas and Catalanos and Scanlans try to say, is a symbol. They wave the flag.

[From the New York Times, May 21, 1970]

For the Flag and for Country, They March

(By Francis X. Clines)

The rally and march in support of President Nixon's Indochina policy, held yesterday in lower Manhattan, included blue-collar workers, businessmen, secretaries and housewives. Here is a random sampling of some marchers and their views:

Richard Roeber, a crane operator from Queens:

"I think it's about time something like this has been done. Everybody grows up and everybody has somebody over them, and when the parents don't take over, things go wrong.

"And this is what's happening here: When your Congressmen and everybody else can't even stand up for America, what do they expect? And it can get worse and worse. The quicker Lindsay goes, the better. . . . When your leader's wrong, what do you expect from the people?"

John Nash, 48, a printer at The Evening News of Newark and a veteran of World War II:

"We've got to beat these Communists somewhere. So we're fighting them. Let's win. Victory. No substitute for victory.

"I'm backing the President all the way. My boy goes into service Dec. 7. . . . I'm proud of him. It's a chance we all had to take. It's his turn. With small wars, there will be no big ones as long as we stand up like they're doing now . . . small compared with 100,000 a year like we did in World War II. It has to be paid. It's a sad thing, but it has to be realized, or else we'll be by ourselves in this whole world and we can't stand up."

Of those killed at Kent State University: "I have no sympathy for them. I'm not a college man, I'm not smart. But I know one thing: When a guy's got a gun, I don't throw rocks at him. I go the other way. . . . If I attacked that cop over there, I'd expect him to shoot me."

Of the flag: "Outside of God, it's the most important thing I know. I know a lot of good friends died under this. It stands for the greatest: America."

Robert Geary, 50, an office worker for the Colonial Hardware Corporation: "I'm very proud to be an American, and I know my boy that was killed in Vietnam would be here today if he was alive, marching with us. . . . I know he died for the right cause, because in his letters he wrote to me he knew what he was fighting for: to keep America free and to avoid any taking over by Communists—atheistic Communists, by the way.

"I think most of them [college dissenters] are influenced by a few vile people. . . . I'll tell you one person who smudged the name of my son and that was Mayor Lindsay. When he stands up and says men who refuse to serve in the armed forces are heroic, then I presume by the same category that my son was killed in Vietnam is a coward, the way he thinks.

"Eighty per cent of the people are behind America and the flag. . . . I believe that what we're fighting for is worth it, yes, but nobody likes war."

Of the flag: "It's me. It's part of me. I fought for it myself two or three years in the Second World War. . . . It's the greatest country in the world. All they [dissenters] have to do is move out."

Mrs. Allison Greaker, 411 100th Street, Brooklyn, marching with her children, Richard Nixon Greaker, 1, and Allison, 2:

"We're part of the silent majority that's finally speaking—and in answer to the creeps and the bums that have been hollering and marching against the President.

"I think he's doing everything he can to bring about an honorable peace. I think my kids are going to live better with Nixon in the White House.

"To stop Communist aggression [the war] has been worth it, yes. . . . If they had listened to Gen. Douglas MacArthur from the very beginning and gone into Manchuria, we wouldn't have had the problems we have. We would have put the Communists down back in 1952.

"I have a lot of faith in the college kids. . . . I think they're being heard enough, and we're answering them right now today. . . . They've tried to take over education, the Communists have, and I think this is where [the students are] getting their viewpoints from."

Robert Romano, 40, Princeton, N.J., general foreman for the Tishman Construction Company at World Trade Center site:

"I feel the children of today are getting carried away in their demonstrations. I don't think they're absolutely wrong. There are parts of things that they are right in, but most of the demonstrations do not have to be violent."

"I feel they [college dissenters] have been with the silver spoon in their mouths too long and somebody has to take a hand in this to stop them, because if not, the country itself will come to ruins. My opinion is that protesting is a family deal. If children in college and high school have gripes, do it as a family group. . . . The parents have to participate."

And if parents and children disagree?

"Well let me tell you the old-fashioned way: Use your hand: My father didn't stop to hit me. If I said I didn't like something, he hit me. I learned to like it. That's the way it has to be.":

James Tompkins, 50, World Trade Center excavation worker, veteran of World War II:

"I'm not against the war policies. I figure the big leaders should know what they're doing. I support the President. If he were not too right, I think the Congress would straighten him out."

Of young war dissenters: "I think they went too far in what they were trying to do. I don't like violence."

Of violence by construction workers: "The kids started to fight with them. If someone comes throwing stones and things at you, what are you going to do? . . . That's what was happening, yes."

Of the Kent State deaths: "I think is was wrong to kill them, and the students could have been wrong on their part. . . . You have to work with them to understand how to deal with them."

Raymond Massaro, 25, electrician:

"This is my country, and I'm going to support it to the highest limits. I have a lot of friends that are over there being killed, and I don't go for this
[war dissenting]

"I'm on the 1-A list right now. My union has been keeping me out because of school, but I should be called any day. My local gets a deferment for training. I'll definitely serve this country 100 per cent. If America feels [the war] is right, it's right. There's a purpose for being over there, and I feel it's right.

"People [dissenters] have a right to feel the way they do, especially if they have brothers and friends [in the war]. But when you're over there, I'm sure there's a difference. I can't give you that feeling. But people who have been there say we have to be there.

"I'm for this country. These are my people, right here."

[From the New York Times, May 21, 1970]

Huge City Hall Rally Backs Nixon's Indochina Policies

(By Homer Bigart)

Marching under a sea of American flags, helmeted construction workers led tens of thousands of noisy but peaceful demonstrators yesterday in a rally and parade supporting the Vietnam policies of President Nixon and assailing Mayor Lindsay and other opponents of the war in Indochina.

Staged by the Building and Construction Trades Council of Greater New York to demonstrate "love of country and love and respect for our country's flag," the noontime rally on Broadway opposite City Hall drew a crowd estimated to number 60,000 to 150,000.

It was by far the largest pro-Administration rally since the construction workers began their almost daily demonstrations in the financial district May 8 to counter the antiwar rallies of students.

Today crowds at City Hall will rally to the sound of a different drum. A labor-student peace coalition will demonstrate at noon against the extension of the war into Cambodia.

Flags, fervent oratory, patriotic tunes and a river of yellow, red and blue hard hats moving down Broadway marked yesterday's demonstration. It was a show of power that drew cascades of ticker tape in the financial district.

At Wall Street, three youths raised their arms in a peace salute; marchers booed them, but made no attempt to break through the police lines to get to them.

Mayor Lindsay, prime target of slogans carried by the marchers, had spent the morning at United Nations and at the scene of the subway accident in Queens that killed two persons.

The Mayor returned to the City Hall area at 12:30 P.M. when the rally was already in progress. Workers had hanged an effigy of the Mayor on the lamppost at Murray Street, but then removed it at the request of the police.

The Mayor stayed in his car near the Municipal Building for about three minutes, consulting with aides. Then, the aides left the car and entered City Hall through a basement door and the Mayor was driven back uptown. Hundreds of police, mounted and on foot, sealed off City Hall.

Later, the Mayor issued a statement praising the demonstration as a "spirited and orderly" exercise of the right to protest. He congratulated the organizers of the demonstration and the police "who performed so superbly."

He asked the workers to be tolerant: "It is especially important that those who demonstrated today uphold the right of other groups to demonstrate peacefully too, for this is the essence of the American way."

THERE WERE 3,800 POLICE IN THE AREA

Police Commissioner Howard R. Leary said he had assigned 3,800 men to the lower Manhattan area at a cost of $275,400, of which $175,000 represented overtime pay.

Hundreds of policemen in riot helmets marched at the rear of the parade. This led some spectators to believe that the police had joined the demonstration. A Police Department spokesman explained that they were there only as a "reserve" in case of disorders when the parade broke up at Bowling Green.

Exhorted by their leaders to keep cool and not behave "like roughnecks," the vast majority of workers avoided any show of bellicosity. Once, on lower Broadway, a youth perched on a building clock provoked the marchers by giving the V sign for peace. The workers booed, hurled beer cans at the young man and tried to charge police barricades.

A policeman made a human fly ascent up the side of the building and removed the young man from the clock. As the youth was led away in handcuffs, charged with disorderly conduct, he identified himself as James Mirrione, 20, of 1616 Ryder Street, Brooklyn, and said he was a student at St. Mary's College, Winona, Minn.

As the parade passed the Woolworth Building, someone dropped a cardboard box from a window on the 20th floor. It struck a marcher, Robert Conroy, 21, of 30–10 42d Street, Astoria, Queens. Mr. Conroy was taken to Beekman Downtown Hospital with a concussion.

Another man, Reuben Pearlman, 68, of 4716 14th Avenue, Brooklyn, suffered a leg fracture when he was either pushed or slipped off a curbstone outside 10 Warren Street.

Three others, including one woman, were collapsed in by the heat but declined hospital treatment.

The parade clogged lower Broadway for nearly two hours. A police source estimated the throng at 150,000, and some newsmen estimated the crowd at 60,000. But other observers said the turnout exceeded a 1967 outpouring of antiwar marchers, estimated by the police at the time to number 125,000.

There were few bands, no drum majorettes, no floats. A concrete mixer was covered with workers waving flags and a slogan: "Lindsay for Mayor of Hanoi." Elsewhere in the parade the Mayor was urged for "President of North Vietnam," "President of Red China," and "President of Russia."

Two Indians in full tribal regalia shared the platform with labor leaders at Broadway and Murray Street.

"Impeach Lindsay" petitions were circulated through the crowd. On a side street, Donald Crowell of Short Hills, N.J., who said he was a member of the John Birch Society, collected signatures for a statement condemning the export of strategic items to Communist countries.

"I'm scared," said Cliff Sloane of Brooklyn, a freshman at the University of Michigan. "If this is what the class struggle is all about," he added, surveying the flag-waving workers, "there's something wrong somewhere."

Peter J. Brennan, president of the Construction Trades Council, was the chief speaker at Murray Street.

"History is being made here today," he said, "because we are supporting the boys in Vietnam and President Nixon."

[From the New York Times, May 21, 1970]

Buffalo Workers Protest

BUFFALO, May 20. About 1,500 construction workers demonstrated in support of the Nixon Administration's policies in southeast Asia at a rally this noon in front of City Hall.

They carried hundreds of American flags, sang patriotic songs and recited the Pledge of Allegiance. Leaders of the 20,000-member Building and Construction Trades Council of Buffalo and vicinity presented flags to Mayor Frank A. Sedita and to Erie County Executive B. John Tutuska on the City Hall steps.

The rally was marred by a small disturbance when a young man wearing a business suit shouted "War Mongers" at some of the construction workers. He was knocked down, struck with a construction man's hard hat and jabbed at with a wooden flag pole before the police escorted him away. He was apparently not hurt.

[From the Washington (D.C.) Evening Star, May 20, 1970]

Workers Attempt To Raise Flags on Illinois Campus

BLOOMINGTON, ILL.—A group of 30 to 40 blue collar workers twice brushed aside security police yesterday and raised flags on the Illinois State University campus that had been at half staff to mark the birthday anniversary of Malcolm X.

University officials lowered the flags after both instances in keeping with a promise made to black students to mark the anniversary of the slain Negro militant.

There were no arrests or injuries.

[From the Washington (D.C.) Evening Star, May 20, 1970]

New York's Hard Hat Workers Hang Lindsay in Effigy

(By Duncan Spencer)

NEW YORK.—Massed construction workers roared their approval at noon today when a dummy labeled "Red Mayor Lindsay" was hanged in effigy on a lamppost as thousands waved American flags.

Workers rallied here in the largest show of force so far to oppose New York's liberal mayor and to support President Nixon's war policies.

Today's rally started peacefully. Most workers took half a day off to participate in the event, which is supported by almost 200 local construction workers' unions.

But black construction workers were noticeably absent. Their leaders announced last night that they would hold their own rally tomorrow—against the war and against union racial policies.

Some of the white workers here today spoke bitterly against the black union members for their refusal to show solidarity.

But the apparent split did not dampen the enthusiasm of today's demonstrators, who cheered patriotic songs, greeted each other with handshakes and slaps, and spoke of their new-born movement as the coming force in New York politics.

James Joseph Ross, straw boss for the 140 steam fitters of Local 638, said: "It took those students to make the construction workers have a little dignity—the hard hat is a status symbol now."

He said that violence, which marked a similar gathering a week and a half ago, is a thing of the past.

Mayor Lindsay and Peter J. Brennan, president of the Construction and Building Trades Council, both appealed for a "peaceful day."

Letters to the Editor: Construction Workers

SIR: While we cannot condone the violent actions of the working men and women of America, we must admit that the turnout of 150,000 in New York on May 20 showed that worker dissent is deeply felt and widespread. Their appearance was frighteningly straight—short hair, clean-shaven. It won't help to call these fascist, racist, extremist, murdering pigs insulting names such as "effete snobs." One student leader is reported to have gone as far to refer to workers as "bums," but this reference alluded only to those who engaged in violence and was quickly denounced by other students.

Perhaps the workers were trying to tell us something. Despite their strange lifestyle (they work for a living) they, in their own

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way, simply want a better world. Although anti-Communist, they are not necessarily pro-war.

They might be pointing out some of the hypocrisy of the student generation. They feel that burying new cars in the ground will do less to solve the problem of pollution than burying noses in chemistry books. They feel that the New Left is making its martyrs out of the victims of New Left-instigated violence. They feel that our "expansion of the war" was simply the belated recognition that the enemy had expanded it many years ago.

Perhaps they just feel that, while America isn't perfect, its a great country and well worth fighting for.

Kenneth E. Geisinger,
Graduate Student, GWU.

Sir: I fail to appreciate why the eloquence of the four-letter-word generation should prove so much more appealing than that of the oft-times unpolished construction worker of New York. Obviously the vendetta that the press has for the middle class, so called, is too blinding to allow the natural thinking of writers in the press. such as you are, to grasp the desires of the majority of the people of this country. You leave us but one alternative, to discount everything you say as bigoted, which leaves you without readers to influence.

Maynard S. Fader.

Annandale, Va.

Sir: I do not condone the beating of the peace demonstrators but I think any patriotic American at one time or another has felt the urge to clobber a few of them.

M. E. Hudson.

Silver Spring, Md.

Sir: I am a sophomore at the University of Maryland, active in student government, but I have also worn the hardhat of the construction worker, and I have nothing but the greatest respect for those who spend their lives giving the rest of us places to live and work.

I consider myself a patriotic American and I fill my patriotic duty by doing my best for my country. I feel that the war in Vietnam is not in the best interest of country, and I feel it is my patriotic duty to oppose it. It worries me when people confuse politics with patriotism. Neither students nor construction workers have a monopoly on patriotism. Both sides should realize that the other also has the best interest of the country at heart, though their tactics, words, and goals may differ. Every move that increases the divisions between the two makes reconciliation much more difficult.

Vincent Brannigan.

Sir: A hearty handshake to the New York City construction workers. It was about time someone tried to knock some sense into the heads of the bums. The construction workers should now take a week's vacation—come to Washington and take a few pokes at about 25 or more Congressmen.

E. D. R.

Falls Church, Va.

Sir: Despite the inferences of your lead editorial of May 22, the primary problem of our society is not "overexcitement," not "fissures that have opened," not the vague cry of polarization that is so often used to label differing opinions. The dilemma, instead, is the causes of the above reactions, the issues behind the protest. For students and construction workers to put down their placards and flags and to converse with each other will not be a panacea for American woes.

Too many today hold faith that the lowering of voices will bring the end of unrest. Communication between factions may not mean an end to demonstrations but rather problems on a larger front.

Matthew McKenna.

Sir: The workers who are the taxpayers who support the schools are getting fed up with parading, rioting, display of the Vietcong and other communist flags, desecration of our own flag by burning, disfiguring, using it for a handkerchief, and by long-hairs who think they know everything. This was amply displayed when the construction workers were cheered by onlookers when they broke up a parade which was more appropriate for Moscow than the United States. Are these people who give such aid and comfort to the enemy by wishing for a Vietcong victory patriots? Patriots for whom?

What is obscene about waiving our flag, raising it to the top of the staff? Would the mayor of New York have directed the flying of the flag at half-staff for National Guardsmen had any been killed at Kent State University?

The answer is disclosed by his boycott of the Armed Forces Day parade in New York.

I applaud the construction workers. May their movement spread. May patriotism, respect for the flag, and honor return.

Otis McCormick.

Arlington, Va.

Sir: What a beautiful sight the other day to see those construction workers marching down that New York street. I actually stood up and cheered!

Of course, already there are allegations of a "conspiracy." Some people are always looking for deep, dark plots, not believing people can act from deep convictions and idealism.

Mary McC. Stewart.

Silver Spring, Md.

Sir: I hope the leftist agitators took note of what happened on Wall Street when the red-blooded American working class was provoked into action. And it is a certainty that there are more of us than there are of them. It is also a certainty we are nobody's fools—and if we feel threatened in our wonderful way of life, I'm sure we'll take the threats head-on.

M. Lee Robinson.

Falls Church, Va.

Sir: I was moved to inexpressable pride by the "workers" demonstration in New York. These are the real people, not the pseudo-intellectual sophomores of the campuses, or the sophomoric pseudo-intellectuals of the New York legal community. These men speak for the real America, as the Churchs, the McGoverns' the Goodells and the Gores will find out ere this year is over.

Let the over-privileged students and the rich lawyers spend their daddys' and their clients' money on their frantic lobbies. We will express ourselves at the polls, as we and our fathers and our grandfathers have before. That, not rock-throwing or obscenity-shouting or even chartering of special trains, is what democracy is all about.

Leon M. Stevenson, Jr.

Oxon Hill, Md.

QUESTIONS ON VIETNAM: I. THE GENEVA AGREEMENTS OF 1954 AND THE SEATO PACT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1970

Mr. FRASER. Mr. Speaker, many Americans are confused about the consequences of our recent invasion of Cambodia, the President's proper role in warmaking, and the impact of the war on American society.

Twelve common questions about our policy in Southeast Asia are posed by the Committee of Concerned Asian Scholars at Cornell University. Their answers are a clear indictment against the wisdom and integrity of President Nixon's war policies.

The first two questions deal with the extent of our legal commitment to Southeast Asian defense. The nature of the Geneva agreement and the SEATO pact are often distorted, but the limits of our commitment are clearly indicated here.

The questions follow:

QUESTIONS ON SOUTHEAST ASIA

1. What were the Geneva agreements?

Two agreements were concluded at the Geneva conference of 1954.

(1) the signed armistice agreement between Ho Chi Minh's Vietminh government and the French Military forces, which provided for the regroupment of forces on either side of a provisional military demarcation line at the 17th parallel, a line which was specifically stated not to constitute a political or territorial boundary, and for overall French administrative responsibility south of the 17th parallel until the holding of elections in 1956 for the re-unification of Vietnam.

(2) the Geneva accords, which endorsed this bi-lateral armistice agreement and gave particular emphasis to the re-unification of Vietnam through free elections to be held in July 1956. This was agreed to by all conference participants but the U.S. and the observer delegation from the French-controlled Bao Dai regime in the south.

Though the U.S. did not register assent to the accords it pledged to "refrain from the threat or use of force to disturb them," and spoke of its traditional support for elections as a means of reunifying divided countries.

2. Doesn't the U.S. have a commitment under SEATO to defend Southeast Asia?

Only two Southeast Asian states—Thailand and the Philippines—even signed the SEATO treaty. The extension of a SEATO "protective umbrella" to southern Vietnam and Laos was inconsistent with the prohibition on military alliances stipulated by the 1954 Geneva Agreements, and Cambodia specifically repudiated the SEATO powers' right to extend their protection to it, since it insisted on remaining neutral.

SEATO does not constitute a U.S. commitment to Saigon. All that was actually provided for under SEATO was that in cases of aggression by armed attack from outside, each SEATO power was "to meet the common danger in accordance with its constitutional processes" and that in cases of subversion each SEATO party was to "consult" with the other signatories "in order to agree on the measures which should be taken for the common defense."

SEATO was utilized to encourage the development of a separate south Vietnamese state (established in direct contravention to the understanding arrived at in the 1954 Geneva Conference) and to provide some international support for maintenance of an American military presence in part of Southeast Asia.

However, it provides no legal basis for any military commitment by the U.S. to South Vietnam, and in the 1954 Senate hearings on the then prospective SEATO treaty it was made clear by Secretary of State Dulles and the Senate that it provided no such commitment.

Moreover, in those Senate hearings it was made explicit by Secretary Dulles that the U.S. would not under SEATO be drawn into revolutionary struggles in Southeast Asia.

In response to the question posed by the senior member of the Senate Foreign Rela-

tions Committee (Senator Green) as to whether the U.S. was "obliged to put down a revolutionary movement," Dulles stated: "No. If there is a revolutionary movement in Vietnam or in Thailand, we would consult together as to what to do about it, because if that were a subversive movement that was in fact propagated by communism, it would be a very grave threat to us. But we have no undertaking to put it down; all we have is an undertaking to consult together as to what to do about it."

SENATE—*Tuesday, June 2, 1970*

The Senate met at 11 o'clock a.m. and was called to order by Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, the source of our being, and the guide of our pilgrim days, we hush our busy thoughts that we may learn in silence what we cannot know by speaking. Put out all lesser lights that we may have Thy light upon our pathway. Subdue our pride, our passion, our sin, and all finite frailties and set our spirits free, in tune with the infinite, at home with the eternal. Give us faith to see behind the tangle of human affairs and beneath the collision of world forces, some mighty purpose working toward Thy coming kingdom, in the fulfillment of which we have a part.

O God, our life, our hope, our strength, make us sure of Thee. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 2, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. EAGLETON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 1, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VACATING OF ORDER FOR SENATOR HRUSKA TO SPEAK THIS MORNING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order, under which the able Senator from Nebraska (Mr. HRUSKA) would be recognized for a period of 1 hour, be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time prior to recognizing the able Senator from New York (Mr. GOODELL) at 12 o'clock be utilized for the transaction of routine morning business, with statements therein being limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 415—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE ON THE GROWING THREAT POSED BY SOVIET PILOTS AND TECHNICIANS IN THE MIDDLE EAST

Mr. SCOTT. Mr. President, the distinguished Senator from Minnesota (Mr. MONDALE) is in the Chamber. I submit for appropriate reference a resolution on behalf of myself and the Senator from Minnesota (Mr. MONDALE).

It has been virtually axiomatic that the Middle East is the No. 1 trouble spot in a troubled world, and I submit that the presence of Soviet personnel in the cockpits of United Arab Republic aircraft and in the surface-to-air missile sites on the ground has turned a dangerous situation into a critical one.

The Russians already have done too much, and this resolution urges the President to call upon the Soviet Union—in the interest of peace and as a means of encouraging peace in the Middle East and in the world—to withdraw its personnel from the United Arab Republic.

Passage of this resolution, Mr. President, will enable the President to make such representations to the Soviet Union, and should the Russians comply, such action would aid immeasurably the cause of peace which we all seek.

Mr. President, I submit that this resolution—in which Senator MONDALE and I ask all our colleagues to join—could go a long way toward cooling down the hot spot of the Middle East and could lead to a deescalation of war activity. Indeed such action by the Soviet Union could avoid the confrontation which conceivably could lead to all-out war.

I cannot emphasize too strongly, Mr. President, that the balance of power in the Middle East is crucial to the security of the United States. The Soviets now have warships in the warm waters of the Mediterranean in numbers which should alarm all of us.

And their entry into the missile picture is another example of the type of escalation we all decry.

Similarly, the presence of Soviet pilots in United Arab Republic aircraft is a situation which should not only be discouraged, but one which should be acted upon by the United States. It is the President who can best handle such a situation, and this resolution will express to President Nixon the sense of the Senate in this respect.

Mr. President, I ask unanimous consent that the resolution be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 415) expressing the sense of the Senate on the growing threat posed by Soviet pilots and technicians in the Middle East, was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

S. RES. 415

Resolved, That it is the sense of the Senate that the introduction of Russian pilots and the manning of missile sites by Russian technicians in the United Arab Republic is contributing to the increasing tension in the Middle East, and the President is strongly urged to call upon the Soviet Union to withdraw all Russian personnel as a major step toward the encouragement of peace in the Middle East.

Mr. MONDALE. Mr. President, I am proud to join the distinguished minority leader (Mr. SCOTT) in submitting this resolution, urging the President to call upon the Soviet Union to withdraw its pilots and technicians from the United Arab Republic.

It would be a tragic mistake if the current Senate debate over our involvement in Indochina were interpreted by any other nation as an indication of a growing isolationism or as a weakening of American determination to stand firm wherever our real interests and real commitments are at stake.

It is no secret that I strongly doubt whether either national interests or, by this stage, real commitments are at stake in Vietnam or Indochina. Upon this matter there is honest debate in the Senate, and that is a most healthy and encouraging development.

But there is no debate of which I am aware over our firm commitment to the balance of power in the Middle East or to the need to stand by the beleaguered nation of Israel. Here, at the crossroads of three continents, in the face of an aggressive Soviet move for Middle Eastern

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hegemony—and in defense of one of the most democratic, progressive, enlightened, and courageous nations in the world—there should be no doubt of our national interest or our moral commitment.

I applaud the administration for its steadfast attempts to avoid a Middle Eastern arms race and to reach an accord with all nations in that part of the world. If there has perhaps been any excess of objectivity and neutrality, it has undoubtedly been with the very finest motives.

But it has been increasingly clear that our efforts to restrain the conflict have not been met with any corresponding restraint on the part of the Soviet Union. The Soviets, in fact, have met every conciliatory move on our part with actions which have only escalated the hostility and intransigence of the Arabs.

The introduction of Russian pilots flying air defense and Russian technicians manning the missile sites has severely destabilized what was only a precarious balance, at best. There is little doubt that the Arabs have no intention of negotiating with the Israelis, in spite of the continuing willingness of Israel to discuss any and all matters directly with the Arab States. There is little doubt that only Israel air superiority has prevented the Arab nations from launching a new Middle Eastern war. And there is no doubt that with such heavy Soviet assistance, both materials and men, the Arabs are only counting the days until they can once again try for the total elimination of Israel.

The introduction of Soviet pilots and technicians has not only affected the balance of power. It has seriously and dangerously changed the very nature of the conflict.

We know, from the very bitterest experience, how "a few technicians and defensive military advisers" can escalate into an enormous commitment which grows far out of any planned proportion. Have the Soviets thought about what they will do if the Arabs should launch a strike tomorrow across the canal? Can the Soviets keep their pilots and technicians in a purely defensive capacity if hostilities should break out? What will happen when the first Soviet pilot strays over the canal and is brought down by an Israel flyer? What have the Soviets done by their actions to the Arab's willingness to reach a reasonable accord on the basic issues that still divide the Middle East? Can the Soviets truly control the Arab nationalists? Or, will they wind up being slowly and tragically drawn into a great and prolonged conflict much as we were drawn into the Indochinese war?

These are reasons why the President must take all possible steps to get the Soviet Union to abandon this reckless course. No escalation of the arms race in the Middle East can bring peace any closer. But we will soon have—we may now have—no other choice but to respond by providing Israel with jets and other implements of war with which to protect herself.

Unless the Russians can be persuaded of our resolve to stand by Israel and of the futility and danger of their recent actions in Egypt, I see a new and more dangerous level in the Middle East confrontation.

So I repeat my plea to our President which is contained in the resolution introduced by the distinguished minority leader and myself: Bring all the power and prestige of your Office and your past record of statesmanship in the Middle East to bear upon the Soviet Union to reverse their dangerous policies. Know that we in the Senate stand behind you in that effort, prepared to uphold American interests in the Middle East and our moral commitments to the people of Israel.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—THE CHURCH-COOPER AMENDMENT

Mr. MONDALE. Mr. President, in newspaper advertisements and on the floor, I have been struck, during this past 2 weeks, by one interesting line of argument being raised by opponents of the Church-Cooper amendment. In these advertisements and statements by Senators on the floor a great deal is being made of the fact that several years ago the chairman of the Senate Foreign Relations Committee, Senator Fulbright, made a number of statements in support of Presidential power as against congressional restriction, and supported the effort in Vietnam in 1964 at the time of the Tonkin Gulf resolution.

Mr. President, as everyone in this body knows, the chairman of the Foreign Relations Committee has in the course of the years changed his position on both of these points based on the performance of the President and the course of the war. He has readily confessed he was mistaken in both matters.

Those who seek to use his words today seek to imply that once a position is taken on matters affecting defense and foreign policy there should be no change.

I find this position ironic, particularly in the face of the sharp change that apparently has taken place both in the White House and here in the Senate with regard to the administration's attitude toward so-called limiting amendments.

On December 15, 1969, the Senate approved overwhelmingly an amendment which reads as follows:

> In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

I listened to the debate of that amendment and at no time was mention made of any inhibition of the President's constitutional powers or his right as Commander in Chief to protect American troops in South Vietnam or anywhere else.

On the day following that vote, when faced with newspaper articles which referred to the Laos-Thailand amendment as a curbing of Presidential power, both the White House and the President's supporters here in the Senate were quick to argue that the Senate action in no way inhibited the President and, in fact, was endorsed fully by the White House.

At this point I would like to read a statement made on the Senate floor by the distinguished minority whip (Mr. Griffin) on the day after the passage of the Laos-Thailand amendment:

> The Senate did not take any action to "curb" an Asian role. The intent and the plain meaning of the amendment ultimately adopted by the Senate yesterday was to reaffirm the existing role and existing policies of the United States with respect to Thailand and Laos.
>
> Indeed, the amendment was drafted—and I think most of the people on the Senate floor and those who were watching from the gallery were aware of the fact that it was drafted right here in the Republican cloakroom. In fact, the principal Senators involved in its drafting, along with the Senator from Idaho (Mr. Church) were the Senator from Colorado (Mr. Allott) and the Senator from New York (Mr. Javits); . . .
>
> Following a meeting with the President and others at the White House this morning, I can report to my fellow Senators that the President is pleased with the amendment, and he recognizes that it is in accordance with his announced policies.

White House Press Secretary Ronald Ziegler and the Senate minority leader, Senator Scott, were no less forceful in pressing the idea that the Laos-Thailand amendment was approved by the White House, in fact there is an indication that they sought to take partial credit for the effort:

> This wording, it was disclosed today, was approved by the White House in advance of adoption.[*]

I would like to point out that no limiting language was offered to that amendment and in January of this year that same language was included in this administration's requested appropriations language.

That brings us down to the Church-Cooper amendment which, as any reasonable person must agree, is drafted in the same context as last year's Laos-Thailand amendment. Though it has more sections than the initial effort by the Senate last fall to set outer limits in line with Presidential policy, the thrust of this Cambodian amendment clearly follows the precedent of Laos-Thailand.

It is, therefore, strange to see statements such as the one made on the Senate floor on May 14 by the minority whip, which reads as follows:

> Even if we were to draft an amendment which was precisely tailored to the exact and actual intentions of the President, it seems to me that it would be a mistake to adopt such an amendment. We would be tying our own hands needlessly in a way that would serve the enemy, and would make it more difficult to negotiate with the enemy. I am sure the enemy would be delighted if we were to announce that we are going to tie our own hands in this way.

I would be interested in knowing what has occurred between the enthusiasm of last December and the frostiness of the spring. Does the Senator from Michigan believe that we tied our own hands needlessly last December?

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[*] "President Backs Senators on Laos," by John W. Finney, *New York Times*, December 17, 1969, p. 12, column 4.

Was the enemy delighted with the Laos-Thailand amendment? May I remind the Senate that as with Laos-Thailand—which was framed to conform with the President's own statements—Church-Cooper also puts into Senate language the President's own statements. As has been noted on this floor before, does the enemy only become joyful when the Senate acts in line with the President's statements of limits, or does that joy begin when the President himself announces the limits under which he will act as Commander in Chief?

When did the great constitutional crisis develop that apparently was unseen last December, but appears to be overwhelmingly with us today?

Mr. President, I must suggest that this change of position of the White House and of the White House supporters here in the Senate on this amendment represents apparently arose from necessity to develop a rationale of what was close to an unconstitutional if clearly an unauthorized act by the President of the United States in sending troops over the border into Cambodia. The President himself recognized the situation when he sought to regain congressional support by arbitrarily setting a limit of 21.7 miles beyond which he would not go without congressional authority.

Is this some new refinement that the Constitution becomes applicable 21.7 miles over the border of South Vietnam or any country?

The President, I am afraid, does both himself and his office disservice by seeking to use the constitutional argument to protect himself from his own responsibilities to protect himself, not just from the public at large but from the public's representatives. And I think his supporters who refuse to look back at what they did in December are showing the same shortsightedness today that the administration itself showed in undertaking the Cambodian adventure in the first place.

I opened this statement by referring to Senator FULBRIGHT's change in mind on two key matters of Presidential and congressional responsibility. I would note that his changes were accompanied by continuous study and analysis which often has been shared with us on the floor and with the public at large. The fact that the President and his supporters wish to forget their support of Laos-Thailand at the same time they stress their opposition to Church-Cooper shows that they are suffering not from new understanding but from the practical necessity of making the best arguments that they can in what is otherwise an untenable position.

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Therefore, I would hope that the Senate's position could be seen in the same light it was last December and that the Senate could follow the precedent so clearly set with Laos-Thailand and overwhelmingly approve the Church-Cooper amendment without additional language. That language was unnecessary 6 months ago and is only necessary today to justify the President's Cambodian adventure and perhaps some other in the future.

APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, appoints the distinguished Senator from Maryland (Mr. MATHIAS) to attend the Washington Diplomatic Conference on the Patent Treaty being held from May 25 to June 19, 1970.

SOVIET INVOLVEMENT AND THE DELICATE BALANCE OF POWER IN THE MIDDLE EAST

Mr. BYRD of West Virginia. Mr. President, yesterday I addressed a letter to Secretary of State William Rogers. I quote the following extracts from that letter:

> The recent escalation of Soviet involvement in the Middle East has seriously endangered the delicate balance of power in that part of the world, and has become a source of great concern to all Americans.
>
> In light of this military buildup, and in light of the continuing hostilities between Israel and the Arab states, I urge that Israel's request be granted to purchase 125 jet combat aircraft from the United States.
>
> In March, it was decided to postpone any action on the Israeli request, and, given the situation that prevailed at that time, the decision was understandable. However, in the past three months, the number of Soviet technicians in Egypt alone has grown from 3,000 to about 10,000; and reports indicate that an estimated 200 Soviet pilots are flying training missions in the area of the Nile River.
>
> This increased military activity appears to be the Soviet Union's response to the decision to hold in abeyance the sale of jets to Israel.
>
> I believe the best guarantee against a major eruption of hostilities—that could result in a confrontation between the super powers—is for the United States to do everything it can to maintain the balance of power in the Middle East; and, in view of the Soviet military buildup there, I feel that a balance of power can best be assured by selling the jets to Israel.
>
> I also urge the renewal of your efforts to bring about direct peace talks between the Israelis and the Arabs, and that every channel be explored to bring the parties to the conference table where direct negotiations could, hopefully, lead to a stable peace in the Middle East.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LETTERS FROM MICHIGAN SOLDIER SUPPORT PRESIDENT'S DECISION

Mr. GRIFFIN. Mr. President, on Sunday I was in Marquette and the editorial page of the Marquette, Mich., Mining Journal of Saturday, May 23, 1970, contained a letter from the parents of a young man assigned to combat duty in South Vietnam.

In it, Mr. and Mrs. Don D. Becker of Marquette, quote from portions of letters they have received from their son, David, relating to President Nixon's decision to clean out enemy sanctuaries in Cambodia.

I ask unanimous consent that the Beckers' letter to the editor of the newspaper be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FROM LIEUTENANT IN VIETNAM

DEAR SIR: With the recent campus uprisings and the discontent shown by those who are safe here at home, I would like to quote you some words written by our son, Lt. David M. Becker, now serving in Vietnam.

May 5: "I suppose you're wondering about Cambodia—I suppose it's the 'big' thing back there. I do believe the President has made the right decision—as long as we go in and then get out. That's where all the North Vietnamese army is coming from—through Cambodia."

May 10: "I wish all those so-called 'educated' demonstrators who create violence could be packed aboard a plane and flown over here and find out what it's like to be awakened in the middle of the night and be told you'd better get down to the hospital beacuse one of your men has been shot while on patrol—or listen to the rockets hitting your base camp at night—or see some hootches blown up by sappers with American bodies lying around. Maybe then they'd realize why we here are anxious to return to the 'world' where freedom and democracy reign. No one here looks foward to a 'violent' life back there like it's happening. For those who disagree with the President's policy, let them disagree, but peacefully, and in an educated manner, like a free society as ours permits, whether it be by letters, books, magazine articles or politics—because they elected our politicians. A divided country is what the Communist world wants—because that's the only way they will ever reign over a free and democratic society as ours."

David is a four-year ROTC man, a graduate of St. Norbert's College. He recently received a citation which reads in part: "The Bronze Star Medal is presented to Lt. David M. Becker, who distinguished himself by outstanding meritorious service in connection with military operations against a hostile force in the Republic of Vietnam."

We, his parents, want to see the end of this war as do all right-thinking Americans. But we also feel that it is our place as Americans to stand by our President in these very difficult times.

Mr. and Mrs. DON D. BECKER.

MARQUETTE.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BELLMON obtained the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. BELLMON. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Oklahoma be recognized for not to exceed 25 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DEVELOPING CRISIS IN THE MIDDLE EAST

Mr. BELLMON. Mr. President, as debate on the Cambodian involvement has developed in the Senate, I have been impressed by what appears to be a widely held feeling among Members that our actions in Southeast Asia were begun and have continued without sufficient debate and full understanding of the ultimate results of our step-by-step involvement. I believe it is fair to assume that the present mood of the Senate is such that if we could turn back the pages of time to 1964, or 1960, or even 1954, we would have chosen a vastly different course of action in Southeast Asia.

In light of this feeling, Mr. President, I feel it is timely to call attention to certain aspects of the developing crisis in the Middle East, hoping that by doing so a more balanced debate on the situation there will result which could prevent the tardy second thoughts many now entertain about Southeast Asia.

My remarks this morning are precipitated by news reports that more than a majority of the Members of the Senate have joined together in signing a letter to the President urging immediate sale of additional planes to Israel.

Mr. President, as a marine combat veteran of World War II, I have deep admiration for fighting men who demonstrate skill and valor on the field of battle as the Israelis did in the 6-day war of June 1967. My personal admiration and the admiration of this Nation went out to the Israelis as a result of their defense of their country on this occasion. This feeling still persists.

However, I rise to question the feeling that seeking a military answer in the Arab-Israel conflict is in the long-range interest of any of the countries concerned.

The dispute between the Arab nations and the State of Israel over Palestine has embroiled that area of the world in military turmoil for over 20 years, resulting in great loss of life and property, causing economic stagnation because of the heavy expenditures for defense, postponing the economic and social development vital to the region's peoples, adding to world tension and creating in its course what may become insurmountable animosities. There is also the impending danger that the Arab-Israel dispute will draw the great powers into a confrontation, perhaps even a nuclear war that could destroy human life on this planet.

Even though the United States has directed its efforts toward finding a peaceful settlement of this vexing and complex problem and has engaged in a series of discussions with the major powers and with the parties to the conflict, I feel that we have not exerted all of the means at our disposal in bringing this dispute to a just settlement. For this reason I rise to call attention to certain aspects of the Arab-Israel dispute which I feel deserve consideration.

It is necessary that the United States keep open all lines of communication with all of the interested and involved nations. No cause is served by reducing contacts or by turning a deaf ear to the entreaties and legitimate complaints of the Arabs or the Israelis and no peace will be found among nations whose leaders have closed minds.

It is essential to continue this search for peace, within the framework for a settlement as outlined in the United Nations Security Council resolution of November 22, 1967, along with every available avenue in the United Nations, through neutral mediation in consultation at every level, with every nation, until a reasonable and workable solution to the Arab-Israel problem is found.

The hour is late. Each day brings reports of clashes, of new battles, of more deaths, more injuries, more destruction, of innocent people sent fleeing from their homes, of an ever-increasing arms spiral that appears to have no upward limits of more hatred, more blood, more war.

A solution can be found, and that solution should include the following provisions:

As the first and foremost step, all troops and military equipment should be withdrawn to the armistice lines that existed prior to the war of June 5, 1967. This point is mentioned in the U.N. Security Council resolution of November 22, 1967, and it is clear that no peace can come as long as territory is being occupied as a result of conquest by armed forces. Both President Johnson and President Nixon have recognized that boundaries should not reflect the fruits of conquest.

Second, recognition of the State of Israel by the Arab nations and recognition of Israel's free right to transit the international waters of the Red Sea and the Gulf of Aqaba. The State of Israel exists and it must continue to exist. It is not enough to recognize the reality of Israel, as some Arab leaders have said, but all the Arab nations must recognize the State of Israel as a sovereign and free member of the family of nations. As a sovereign nation, Israel must have the right, as is guaranteed to every other nation, to use the waterways of the Suez Canal, the Red Sea, the Gulf of Aqaba, and the Strait of Tiran.

Third, the Gaza Strip and the Golan Heights should be neutralized and the city of Jerusalem should be internationalized. The Gaza Strip and the Golan Heights have long served as launching points from which attacks against Israel have originated. By neutralizing these crucial areas, the threat of Israel will be minimized.

The city of Jerusalem is sacred to the three great monotheistic religions of man and should be completely free of factional control. Only by internationalizing this great city and its venerated shrines can all people be assured that the city will remain an international center, open to all without discrimination and without fear of recrimination.

Fourth, the Arab refugees should be given the choice of returning to their former homes or receiving compensation for their losses. For over 20 years, the Palestinian Arab refugees have been confined to tents in squalid camps, waiting for justice, and it is in keeping with the United Nations resolutions on the matter that the refugees be offered the choice of repatriation or compensation. Since it is Israel that has realized the greatest advantage from the dispersal of the refugees, it is incumbent on Israel and in fact it is their duty to offer this choice of compensation or repatriation.

Most certainly, these ideas are not new. Many reasonable people, people in position of stature and power have said these same words more eloquently and in greater detail. Unfortunately, their efforts have fallen on deaf ears or have gone unheeded because each of the parties to the conflict continue to harbor certain illusions.

First is the illusion held by Israel that superior military power will overwhelm the Arab nations. Experience should show that this policy will not succeed. This was evidenced by the November 1956 Israel war. Nothing was settled by that war. The Government of Israel felt that because of the interference of the United States and the Soviet Union, Israel was denied the fruits of victory. More important, Israel seemed to think that its military superiority has not been clearly demonstrated, since the Arabs seemed convinced that the Arab defeat was caused by the intervention of British and French forces.

Again, in June of 1967, war was believed to have settled the issue once and for all. In the aftermath of the Israeli's 6-day victory there was euphoria generated by the belief that the Arabs had finally been convinced of the futility of armed confrontation with Israel, and that the Arabs would thereafter submit to the fate which had befallen them. However, we have seen that neither of these wars brought the desired settlement that Israel sought, they did not bring peace to the area, and ironically, the vanquished powers seemed even more determined to strike a belligerent pose and regain what they believe to be their just rights.

Mr. President, I submit that these assumptions by Israel are ill founded—that no war, regardless of the damage it may cause to the Arabs, will bring about tranquillity and peace, that greater destruction wrought on Arab States will be fruit-

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less. In the light of past history, the present policy of the Government of Israel is wholly unrealistic and it could in the long run cause great harm to the very fabric of the State of Israel. A country which was formed on the noblest ideals of Judeo-Christian tradition cannot forever withstand the daily stress and demands required in a perpetual armed camp environment. Indeed, there are many friends of Israel who are fearful that the constant need to demonstrate military prowess will render the nation into a modern Sparta, a nation devoid of a soul.

The Arabs have also entertained certain illusions. Regardless of the merits of the arguments of the Arabs concerning the establishment of the State of Israel, the Arabs must realize that Israel has a right to exist and no responsible country in the world would be prepared to relinquish its moral obligation to maintain the independence and existence of Israel.

In any analysis of the Middle East situation, a certain burden for the lack of resolution in this matter must rest with the world powers. The actions of the Soviet Union in this area have often been baffling and at times have shown a total lack of concern in using their influence to bring about a just and lasting settlement. At times it also appears that the Government of the United States, either through its preoccupation with other areas of the world or with unnecessary sensitivity toward domestic political issues, has missed opportunities to exercise its full powers and failed to maximize its efforts to bring about peace following the June 1967 war. Furthermore, our pronounced support of the November 1967 resolution has often not been pursued with sufficient resolve and diligence.

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In the interest of peace, the leaders of the belligerent countries must act to dispel long held illusions and arrive at a settlement of the conflict. I, for one, was dismayed at the negative reaction of the Israelis toward the attempt of Nahum Goldman to visit Egypt. That visit would have served the interests of peace, and might have been a very effective first step. In this connection, I believe it is highly unrealistic for the Israelis to insist on direct confrontation prior to the implementation or at least a firm undertaking of the withdrawal to the pre-June 1967 armistice line.

If the Arab and Israel leaders are unable or unwilling to resolve this conflict, major power governments must vigorously seek a settlement. In this effort, it is incumbent on the Governments of the United States and the Soviet Union to use every reasonable means available to them to effect a settlement. Any successful settlement will require sincere efforts by both governments. There is some indication that this time has come, judging from apparent demonstration of good will on the part of the Soviet Union toward contributions to the success of the SALT talks.

It is with some optimism that we observe a decrease in the level of hostility and heightened prospects for peace in certain turbulent areas of the world. However, in the midst of these encouraging signs, it appears that the Middle East situation is getting worse. The present course, if followed, can only mean that the hostilities between Israel and the Arab world will not remain isolated, but may ultimately bring about direct involvement of the United States and the Soviet Union.

It is gratifying, however, to notice that certain countries in the Middle Eastern world which have not been embroiled in this self-destructive conflict have enjoyed a great measure of economic stability and prosperity. I refer to such nations as Iran and Turkey.

The policy suggested here will not inflict great hardships on the Arabs or the Israelis. Peaceful settlement demands compromise, and if peace is to be found, compromises must be made. Elements of these suggestions have appeared in statements by prominent leaders of the Middle Eastern nations as being necessary for peace: For example, the United Arab Republic has said that demilitarization of border zones is possible. Mr. President, at this point I ask unanimous consent that a recent interview with President Nasser of Egypt in U.S. News & World Report be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, May 18, 1970]

NEW CRISIS IN MIDEAST—EXCLUSIVE INTERVIEW WITH PRESIDENT NASSER OF EGYPT

Q. Mr. President, do you consider the recent attacks by the Egyptian Air Force the beginning of a military effort to recover the Arab territories lost to Israel?

A. Frankly, yes. The United Nations resolution of 1967 asked that Israel return these territories. Israel refused. We must accept the Israeli conquest or we must fight to get back these territories. This is what we are trying to do now—recover what all agree is ours.

Q. Do you think these Arab lands can be won by a war of attrition against Israel, by air attacks and raids and artillery fire? How long would that take?

A. Who knows how long it will take? We Arabs have no choice. Israel leaves us no choice.

Israel is trying to force a settlement. To win a victory is one thing, to force a settlement is another. A third and quite different thing is real peace. This cannot be attained by seizing a man's property and demanding that he come hat in hand to negotiate a settlement that pleases the one holding the property.

Q. Mr. President, the Arabs and the Israelis appear to be headed inevitably toward another all-out war—can't anything be done about it?

A. That depends entirely on the attitude of Israel on two very simple points—their continued occupation of Arab territory seized in the 1967 war and their refusal to do anything about the Arab refugees.

The United Nations Security Council resolution covered both points in 1967. The resolution also required us to grant Israel the status of a nonbelligerent, assumed our acceptance of Israel as a nation. We agreed to this, but Israel refused. The Israelis demanded direct negotiations, with no assurances whatever either on withdrawal or on the matter of refugees.

Also, the Israelis will tell you that I said last year that the cease-fire was ended, that Egypt unilaterally declared an end to the cease-fire. This is not true. There never was a cease-fire. The shooting never stopped. Their attacks against us increased in magnitude. Now there is a difference. We can answer these attacks.

Recently Israel said that our planes attacked Israel. This is not so. Up to now we have not attacked Israel. We have attacked only the Arab territories occupied by Israel.

Q. Do you refrain from air attacks on Israel proper as a matter of policy?

A. Now, yes. But if Israel continues to refuse to withdraw from our territories or, as Mrs. Meir (Premier of Israel) says, to deny the very word "withdrawal," then what choice have we? Certainly we have the undeniable right to attempt to liberate our territory from Israeli occupation, to seek to recover lands which all agree are rightfully ours.

Q. Does Egypt accept the existence of a Jewish state in Palestine?

A. We are contesting that state's occupation of our territories, that state's refusal either to let Arab refugees return to their homes or to compensate them for the loss of these homes.

Q. Do you consider these points negotiable?

A. Why didn't the United States negotiate after Pearl Harbor? The Japanese asked you to do so, but you refused. You refused because you were being invited to a table of capitulation and surrender, not to negotiations.

That's just how we feel today. No Arab can negotiate with Israel when they occupy one seventh of our territory, our Egyptian territory. Every Arab knows that Israel wants to negotiate now directly as the victorious power, still in possession of our Arab territory. To accept negotiations under such conditions is not to negotiate, but to capitulate.

These lands the Israelis hold—they are not my personal property. They are the property of my people and have been so for thousands of years.

Q. Do you think some agreement can be found to meet Israel's concerns if these territories are returned to the Arabs? Could you guarantee freedom of passage in Sharm el Sheikh to Israel to their satisfaction?

A. Certainly—and you can add Suez to that. We will guarantee free Israeli passage of both Suez and Sharm el Sheikh.

Q. But the Israelis say you gave such guarantees before, and violated them—

A. Not so. We agreed that the United Nations forces should take their place in Sharm el Sheikh and in the area between us in 1957. In 1967, when we asked U.S. forces to withdraw, we cited specifically the area from Rafah to Elath. We did not ask U.N. troops to withdraw from Sharm el Sheikh, nor from all the other areas. Because they did withdraw, this created a problem.

Q. How about Jerusalem?

A. Nobody can give up Jerusalem. But if there is peace then all can have guaranteed freedom of access to the holy places.

Q. Would some international solution be acceptable for Jerusalem?

A. It's a strange thing that whenever there is talk of internationalizing Jerusalem the only part people seem to talk about is the Arab part. Nobody talks about internationalizing the Israeli part—new Jerusalem. Again, free access to the holy places could be guaranteed internationally to all.

Actually, Israel appears to think that they can withdraw from those Arab territories they do not particularly want and can remain in those they desire. This is not how we see things. Mrs. Meir has said there is no problem about returning Egyptian Sinai—eventually, when it pleases her. As you have seen, we are now in a position to carry the war by air into Sinai.

Q. When you attack Sinai, aren't you attacking Arab territory—even though it is occupied?

A. Yes, but there is nothing there—only desert. In this whole area, roughly one seventh of Egyptian territory, there were only some 25,000 people in two or three towns. We are not attacking these towns. But to hold the area, the Israelis have established their own defense posts as strategic points—their own military settlements. These we are attacking.

Q. Can you or any Arab government leader be free to negotiate any sort of peace as long as the Arab commando leaders threaten to assassinate any Arab who tries to make peace?

A. First, we must understand who these commandos are. These are the people, or their sons, who were expelled from their homes in 1948 and in 1967. These are the Arabs who lived in the Palestine which Mrs. Meir says no longer exists. These are the people who want to go back to their homes or want to be given just recompense for the loss of their homes. The 1967 resolution of the Security Council of the United Nations says they have a right to this.

How can any Arab leader deny justice to these Arabs? You ask whether Arab governments can "control" them. We cannot seek to "control" them if this means denying them the right to seek justice. It is Israel alone that can right this wrong.

This is not a problem I created, but one I inherited, this problem of the refugees. It is Israel that has created this problem.

The United States, the greatest country in the world, cannot "control" the people who seek social and economic justice. Instead you seek to meet their needs, to right the wrongs.

So when the commandos find justice, they will no longer be a problem.

Q. Do you expect the Egyptians to learn how to handle all the advanced MIG's and to man the SAM–3s and other missiles now available to you so that the Russian technicians can all be withdrawn?

A. No. As long as the war lasts we will need Russian technicians here.

It was not the Russians who wanted to come here. There was a time when I wrote a letter every week to Brezhnev [Soviet Communist Party chief]. We desperately needed their help, their weapons, their technicians—and we said so.

We needed Russian help and we asked for it because the Americans gave Israel the equipment they needed to fight electronic warfare—something quite new in this part of the world—new to them, new to us. We were really surprised that the United States did this, for the obvious result was that we had to ask Russia for the technology to match it—and the technicians.

We were simply not equipped to fight that kind of warfare. But America gave such equipment to the Israelis. So, in the 1967 war, they jammed our radar equipment. They had the electronic means to interfere with our SAM–2s. That's why they did not work.

Now, of course, thanks to the Russians, we do have this technology. Now we have missiles that will work. But for this reason we cannot do without Russian technicians as long as we are at war with Israel, as long as there is no peace.

We have even asked the Russians for more such equipment, more technicians to operate it.

Q. Why more?

A. Before the 1967 war our army was 100,000 men. Now it is 600,000. Our defense budget used to run to 160 million Egyptian pounds. Now it has reached 550 million pounds.

We learned in 1967 that we must not be conceited and think we know everything. So now we need to learn, and the Russians are our teachers.

Some say that the Russians interfere with the way we run things here, that they mix into other things. I have had many years of experience in dealing with them and I have not had such problems with them.

Q. Do you think that Egypt, with all this new Soviet equipment and the Soviet planes, will be able to keep Israeli planes out of its skies, off its territory?

A. Certainly not. Neither the U.S. nor the Soviet Union, the greatest powers in the world, can keep low-flying aircraft out of their territory.

The distance from Suez Canal is only about 65 kilometers [about 40 miles]—three minutes by jet. Such raids will continue if the Israelis desire to make them.

What we can do is to take similar raids to them. This we are doing now. We have shown that we are completely capable of attacking their positions in occupied Arab territories by air and by land. This is no longer a one-sided affair. This is quite likely to be escalated, and who can say what the end will be?

We would, of course, prefer a peaceful solution, but that may well be impossible if the United States continues to give full support to Israel in a military way.

Q. The Israelis say they need more U.S. arms to match those you are getting from Russia—

A. Of course they say that. But look at the record: In the two years since the 1967 war, in a period when Israel was refusing to return Arab territories or to seek an answer to the Arab refugee problem, as the U.N. requested, the United States gave Israel 150 warplanes—50 Phantom jets and 100 Skyhawks.

Now, because we are finally carrying the air war back into the Arab territory they occupy, Mrs. Meir wants still more arms from the U.S.

All this is done on the supposed basis of balancing out the power on each side, making Israeli strength equal to Arab strength. That is nonsense. It was the U.S., before 1967, that gave Israel the power to wage the electronic warfare that was so effective against us in 1967. It is the U.S. that gave Israel the Skyhawks one year after the 1967 war, the Phantoms two years later.

Q. How about an agreement between the U.S. and Russia on what really represents a balance of power between Egypt and Israel—would you go along with such an agreement, if it could be reached?

A. Not now. That would be an effort to freeze things as they are. This would delight the Israelis, who hold Arab territory and will not give it up, who have expelled Palestinian Arabs from their home so they work bitterly against this injustice in every Arab land.

Let the Israelis return the Arab lands and face the refugee problem. Then Egypt will offer all these arms for sale to anyone who will buy.

Q. Mr. President, how is this new round of war going to differ from the old in terms of arms and techniques? Will there be more emphasis on the new arms and air power?

A. Once again, I no longer consider myself a military man. Things have changed a great deal since my day. Oh, I do read up on things—your American military reviews, articles on strategy and such.

I would expect continued greater emphasis on air power, but there is nothing new in that. Germany was able to take Europe, including Crete, by air power and the Allies liberated Europe by air power. Right now, we in Egypt have been made aware of the need to develop strike air power and defensive antiaircraft weapons, including missiles that are safe against the electronic weaponry you give Israel. Fortunately, thanks to the Soviet Union, we now have the capacity to match these. But there is, of course, still no substitute for the conventional tanks and men who must occupy land. In our case they must move back into liberated Arab lands.

Q. Do you think the U.S. and Russia might become involved in the next phase of all-out war between the Arabs and Israel?

A. I see no reason for it. This time we Arabs are trying to recover what all agree is lawfully ours and should be returned to us. We are not trying to crush Israel, to eliminate Israel. We want our lands. You would think the U.S. and Russia would help us recover these lands.

Q. Dr. Goldmann, president of the World Jewish Congress, said in Bonn that time was working for the Arabs, not for Israel—do you agree?

A. I certainly do. It would spare us all a lot of bloodshed and agony if Israel were to understand that fact and realize that the return of Arab territories and settlement of the refugee question are today the key to a period of real peace, a chance for reasonable agreement.

Q. Can Egypt continue indefinitely on a war basis and hope to develop its internal economy at the same time?

A. Our economy, as you can see, is a great deal stronger than everyone thought it could ever be. You in the West were writing us off as a hopeless case not so long ago. But if you look around our marketplaces you will find all the essential goods there at reasonable prices, with quite a few consumer goods that could be classed as nonessentials also available.

The Aswan Dam is finished and in operation. That opens vast areas to cultivation that were wastelands before. We are now exporting rice—currently second only to cotton as an export earner. Previously we imported rice.

A major factor is that we now are producing most essentials within Egypt. One new steel mill will soon be producing 1 million tons annually. That doubles our production and makes us nearly self-sufficient in steel. There is a new aluminum plant on the way, too, and many other plants.

True, our plan is not being fulfilled. There is a decrease in investments in industry. We have excess power going to waste in Aswan because the investment required for new industry to soak up this power is going into the armed forces, the war effort.

But we are getting along quite well—thanks in large part to Soviet help.

Q. Aren't you running up a pretty big debt to the Soviet Union—nearly 2 billion dollars? Doesn't that give the Soviets a pretty strong grip on your economy?

A. I think the one in debt is in a stronger position than the one who makes the loan. What is true of individuals is true of nations, too. The debtor just refuses to pay if he feels he is under unjust pressures.

We were in debt to the U.S. when our relations were strained. We just quit paying on those debts. Now we are renegotiating, but we went four or five years without paying anything.

There is a lot of nonsense written about the relation between a debtor country and the other. Europe's debts to the United States gave you no great hold over Europe. You have a lot of experience in that area.

Actually our experience with the Soviet Union has been very good. They built our high dam at Aswan. They give us large loans at low rates of interest. In many cases our repayment is in production from the plant that the Russians install for us. That steel mill, for example, costs 200 million Egyptian pounds, but we pay nothing until the mill begins producing. Then we pay less than the value of the production.

Look at the case of the Aswan Dam: From

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1960 to 1970 there were 5,000 or more Soviet technicians and others working there. Much was made of this in the Western press. But only 70 Soviet citizens are there now. The rest have gone home.

Q. What are the chances of improving relations between the U.S. and the United Arab Republic?

A. Good, as far as we are concerned. There is no direct conflict between the U.S. and the U.A.R. The problem is that the U.S. supplies Israel with everything it needs to hold on to Arab lands and to keep war going.

The raids against our land are flown in American planes that kill our men, women and children. The electronic-warfare instrumentation in Israel's possession is not of Israeli manufacture—this is supplied to Israel by America. In the United Nations the American representative always supports the Israeli point of view, never ours.

Given a balanced U.S. policy toward the Arab states and Israel, our relations could return to normal. The U.S. view of Arabs is distorted.

Q. In what way?

A. The Israeli leaders always portray us as people who want war. This is not so. We not only want peace; we are the ones who accept U.N. resolutions about peace. They are the ones who reject them.

Understand this: Nasser wants peace, I want peace. I do not want war for war's sake. I am not a bloodthirsty military conqueror. I have not been an active soldier for 18 years. Before that time I learned to hate war as much as or more than any man.

In 1948 I saw enough war. I buried my Egyptian comrades in the field. I buried Israeli men, too. I do not like war, I hate it.

The Israelis tell you: Nasser does not want peace. I certainly do, but what I want is not the peace of capitulation and surrender to expanding Israeli power. I want peace with dignity, a peace that can be obtained between reasonable men.

All Arabs want peace no less than all Israelis, perhaps much more. But we cannot and will not reach any kind of just peace while the other man holds our lands under occupation and turns our people into angry refugees.

XUM

Mr. BELLMON. An Israel organization, the Movement for Security and Peace, has advocated the return of the occupied territories. King Hussein of Jordan said that free navigation through Suez and Tiran would be guaranteed to all. The time has come for the Governments of the Soviet Union and United States to use every reasonable means available to them in actively seeking the development and implementation of policies of peace in the Middle East.

Mr. President, my concern is that no exact balance of power suitable to both sides can soon be reached in the Middle East. An action-reaction syndrome is likely to develop that will escalate the war there, as has occurred in Southeast Asia. In Southeast Asia, our Nation gambled on the side of the war. We have paid an enormous price. In the Middle East, until the picture is more clear that the balance of power has shifted. I urge that this time we take a chance on the side of peace.

I yield the floor.

ANNOUNCEMENT OF JOINT MEETING OF THE TWO HOUSES TOMORROW

Mr. BYRD of West Virginia. Mr. President, the leadership wishes to announce that tomorrow, at 12:15 p.m., the Senate will proceed in a body to the Hall of the House of Representatives, to attend a joint meeting of the two Houses which will be addressed by the President of Venezuela.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

In accordance with the provisions of Section 13, Public Law 806, 80th Congress, I transmit herewith for the information of the Congress the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1969.

RICHARD NIXON.

THE WHITE HOUSE, *June 2, 1970.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3339) to authorize the Public Printer to fix the subscription price of the daily CONGRESSIONAL RECORD.

The message also announced that the House had passed the following bills, in which is requested the concurrence of the Senate:

H.R. 12758. An act to authorize the Secretary of the Interior to establish a volunteers in the park program, and for other purposes; and

H.R. 12860. An act to establish the Ford's Theatre National Historical Site, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore (Mr. EAGLETON):

H.R. 11628. An act to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress; and

H.J. Res. 1069. Joint resolution extending for four years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Interior and Insular Affairs:

H.R. 12758. An act to authorize the Secretary of the Interior to establish a volunteers in the park program, and for other purposes; and

H.R. 12860. An act to establish the Ford's Theatre National Historical Site, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following communications and letters, which were referred as indicated:

PROPOSED AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 1971 (S. Doc. 91–87)

A communication from the President of the United States, transmitting amendments to the budget for fiscal year 1971 in the amount of $750,000 in budget authority for the Council on Environmental Quality and Office of Environmental Quality and the Department of the Interior (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

APPROPRIATION REQUEST TO PAY CLAIMS AND JUDGMENTS RENDERED AGAINST THE UNITED STATES (S. Doc. 91–86)

A communication from the President of the United States asking for the consideration of an appropriation request of $16,887,055 to pay claims and judgments rendered against the United States (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

APPROVAL OF LOAN TO CENTRAL ELECTRIC POWER COOPERATIVE OF JEFFERSON CITY, MO.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Central Electric Power Cooperative of Jefferson City, Mo., in the amount of $11,536,000 for the financing of certain transmission facilities (with an accompanying paper); to the Committee on Appropriations.

REPORT ON LOANS IN CONNECTION WITH U.S. EXPORTS TO YUGOSLAVIA

A letter from the Secretary, Export-Import Bank of the United States, Washington, D.C., reporting, pursuant to law, that the amount of loans in connection with U.S. exports to Yugoslavia, issued in January, February, and March 1970, totaled $17,717,466; to the Committee on Banking and Currency.

AMENDMENT OF NORTHWEST ATLANTIC FISHERIES ACT OF 1950, AS AMENDED

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes (with an accompanying paper); to the Committee on Commerce.

MAP ENTITLED "MAJOR NATURAL GAS PIPELINES, AS OF DECEMBER 31, 1969"

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, for the information of the Senate, a map

"Major Natural Gas Pipelines, as of December 31, 1969" (with an accompanying map); to the Committee on Commerce.

PROPOSED AMENDMENT OF INTER-AMERICAN DEVELOPMENT BANK ACT

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Inter-American Development Bank Act to authorize the United States to participate in increases in the authorized capital stock and resources of the Fund for Special Operations of the Inter-American Development Bank, and for other purposes (with an accompanying paper); to the Committee on Foreign Relations.

REPORT ON PROPOSED U.S. PARTICIPATION IN A REPLENISHMENT OF THE RESOURCES OF THE INTER-AMERICAN DEVELOPMENT BANK

A letter from the Secretary of the Treasury, and Chairman, National Advisory Council on International Monetary and Financial Policies, Washington, D.C., transmitting, pursuant to law, a report on proposed U.S. Participation in a replenishment of the Resources of the Inter-American Development Bank, dated May, 1970 (with and accompanying report); to the Committee on Foreign Relations.

PETITION

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate a resolution adopted by the City Council of Buffalo, N.Y., praying for the enactment of legislation (H.R. 15424) to amend the Merchant Marine Act to include the Great Lakes, which was referred to the Committee on Commerce.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

Kenneth N. Probasco, of Ohio, and E. G. Schuhart II, of Texas, to be members of the Federal Farm Credit Board, Farm Credit Administration.

By Mr. MAGNUSON, from the Committee on Commerce:

Rear Adm. Thomas R. Sargent III (1670), U. S. Coast Guard, to be Assistant Commandant of the U.S. Coast Guard with the rank of vice admiral; and

Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner (Reappointment).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. STEVENS:

S. 3899. A bill for the relief of Angelina R. Reyes; to the Committee on the Judiciary.

By Mr. METCALF:

S. 3900. A bill to amend section 14 of the Natural Gas Act; to the Committee on Commerce.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3901. A bill to provide compensation to the Crow Tribe of Indians, Montana, for certain lands embraced within the present boundaries of the Crow Indian Reservation, for the validations of titles, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 3902. A bill for the relief of Ana Leonor Lopez Rivera; to the Committee on the Judiciary.

By Mr. EAGLETON (by request):

S. 3903. A bill to provide additional revenue for the District of Columbia, and for other purposes;

S. 3904. A bill to authorize the District of Columbia to issue obligations to finance District capital programs, to provide Federal funds for District of Columbia institutions of higher education, and for other purposes;

S. 3905. A bill to authorize the District of Columbia Council to fix the rates charged by the District of Columbia for water and water services and for sanitary sewer services; and

S. 3906. A bill to authorize the Government of the District of Columbia to fix certain fees; to the Committee on the District of Columbia.

By Mr. CRANSTON:

S. 3907. A bill to amend section 3013 of title 38, United States Code, in order to provide that the effective date of any increase in a subsistence or educational assistance allowance award under chapter 31 or 34 of such title, because of a change in dependency status, shall be the date of such change without the necessity for an application if proof is timely filed; to the Committee on Labor and Public Welfare.

(The remarks of Mr. CRANSTON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. STEVENS:

S. 3908. A bill for the relief of the widow and children of Thomas Pillifant; and

S. 3909. A bill for the relief of Marta Chvastasova and Josef Chvastasz (Joe Chvastas); to the Committee on the Judiciary.

S. 3910. A bill providing for minimum grades for U.S. deputy marshals under chapter 51 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. BAKER:

S. 3911. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from excise tax for certain boxes and containers used in connection with certain vehicles; to the Committee on Finance.

S. 3907—INTRODUCTION OF BILL REGARDING EFFECTIVE DATE OF GI BILL ALLOWANCE INCREASES FOR ACQUISITION OF DEPENDENTS

Mr. CRANSTON. Mr. President, I introduce today, for appropriate reference S. 3907, a bill to amend section 3013 of title 38, United States Code, in order to provide that the effective date of any increase in a subsistence or educational assistance allowance award under chapter 31 or 34 of such title, because of a change in dependency status, shall be the date of such change without the necessity for an application if proof is timely filed.

The purpose of this bill is more fully to effectuate congressional intent under chapters 31 and 34 with respect to the increase of an eligible veteran's GI bill allowance—either vocational rehabilitation subsistence allowance under chapter 31 or educational assistance allowance under chapter 34—by virtue of changes in dependency status. Presently, under section 3013 of title 38, United States Code, effective dates of such increases are to correspond, to the extent feasible, to those relating to awards of disability compensation under chapter 11 of that title. And section 3010(a) of title 38 provides that such claims for increased dependency compensation shall be payable no earlier than the date of application therefor. By regulation, the Veterans' Administration has required—by analogy to section 3010(b)—that proof of the dependency status be received within 1 year of acquisition of the dependent.

So application of this disability compensation rule would deprive a veteran of receiving the increase in his GI bill allowance, which Congress intended to help him meet the additional costs of maintaining a household with a wife or child, until such time as his application for such an increase was received. If, for example, a veteran is unaware of that requirement and delays a few months in filing an application for increased allowance, he will lose the amount Congress intended him to have to meet those additional dependency expenses. Since he has those expenses from the time he actually acquires those dependents—the date of marriage, birth, or adoption generally—not from the date he applies to the VA, it seems far more reasonable in effectuating the purpose of the dependency augmentation of GI bill allowance for such increases to be payable from the date the dependency status and expenses therefor actually arise, as long as he files timely notice of such status. Timely notice of such status under the bill I am introducing would retain the VA's regulatory determination that application recived within 1 year from the acquisition of the dependency status.

Further evidence of the illogic of the present effective date is a ruling of the General Counsel's office of the Veterans' Administration that if a veteran, even casually, mentions in writing to the VA before he acquires a dependent, that he plans to do so in the future, his allowance will be increased for the change in dependency status from the time it actually occurs. Although I am not in any way criticizing this ruling—which is beneficial in giving the veteran every benefit of the doubt—there would seem to be no reason for distinguishing between such an advance notice case and the case in which notification is given and proof submitted 2 months after the dependent is acquired. For in neither case can the VA take any action to increase the allowance until it receives the actual proof of dependency—the copy of birth certificate, adoption decree, or marriage certificate.

The new effective date would also more nearly accord with a number of other effective date provisions for disability compensation which yield retroactive results. For example, the effective date of an award of disability compensation filed to begin from the date of discharge would be retroactive to that date as long as received within 1 year of discharge. The same retroactive treatment is accorded to a person disabled by VA medical treatment or while pursuing vocational rehabilitation under chapter 31; it is the date of the disablement or injury, not of the application, that governs in those instances. And the same is generally true with respect to death compensation and dependency and indemnity compensation effective on the first of the month in which death occurs if application therefor is received within 1 year of death.

Finally, the effective date rule in the bill I am introducing merely establishes the counterpart of the effective date already in section 3012(b)(2) of title 38, for a reduction of benefits by virtue of marriage, divorce, or death of a dependent. Such a reduction takes effect upon the actual disestablishment of the dependency status, not when the VA receives notice of it. Further examples of retroactive benefits and a strong brief for the approach taken in this bill are set forth in a December 15, 1969, letter to me from VA Adjudicator Robert Calvin, writing as a concerned citizen. Mr. President, I ask unanimous consent that the full text of this very public spirited letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 15, 1969.

DEAR SIR: I would like to bring to your attention a gross inequity which exists in our law.

I am an adjudicator for the Veterans Administration. As I administer the VA laws, almost daily I see an injustice occur. 38 U.S.C., paragraph 3010a provides that benefits for a new wife or child can only be paid from the date we receive a claim for that wife or child instead of from the date of marriage or of birth.

Would you consider sponsoring and supporting legislation to change this law so that benefits would be payable from the date of marriage or of birth if a claim is received within one year of the date of marriage or of birth?

Most of our veterans benefits are so payable. Some examples from C.F.R. 3.400–3.403 are:

1. Death benefits: benefits payable from first of month of death if a claim is received within one year of the date of death.

2. Posthumous child: benefits payable from date of birth if claim filed within one year of date of birth.

3. Increased pension: payable if claim is received within the same or the succeeding year.

4. Disability compensation: payable from day following separation from active duty if claim is received within one year after separation from service.

5. Claims for apportionment: where payments to vet have been interrupted, apportionment will be effective the day following the date of last payment if a claim is received within one year after that date.

6. Disability or death due to hospitalization: benefits payable from the date the injury was suffered or from the first of the month of death *if claim is received within one year after* that date.

7. Annulled marriage: death benefits are resumable from the date the annullment decree becomes final *if a claim is filed within one year after* that date.

8. Child's helplessness: in continuation of payments, from the 18th birthday if claim is received prior to or within one year after the 18th birthday.

Although this proposed change is a simple one, it is vital. I have seen hundreds of sad cases where veterans missed months of benefits for dependents because they did not realize they had to file a claim the day the event occurred in order to get benefits for that dependent from the earliest possible date.

When a guy is getting married or having a child, can you expect him to remember to send us a claim that day or even within the week thereafter? Yet the burden of financial support falls on the veteran from the date the event occurred.

It seems reasonable in the light of the other similar VA laws that this law should be as considerate, so that benefits for a new wife or child would be payable from the day the dependency began, if a claim is filed within a year of the marriage or birth.

Please seriously consider this proposal to sponsor and support such a measure. I have no selfish ends in requesting this. Because of a physical disability I could not serve in the armed forces and so I am not a veteran. I only make this request because I am dedicated to helping veterans. The inequitable law which now exists rubs my conscience every day as I see it deprive veterans of benefits which they need due to dependents and which they deserve in the light of other similar Veterans Administration laws.

In sum, please help to change the law so that benefits for wives and children would be payable not from the date we receive the claim, but from the date of marriage or birth, if a claim is filed within one year of the marriage or birth.

Sincerely, A concerned citizen,
ROBERT COLVIN.

Mr. CRANSTON. Mr. President, I wish to point out that the bill I am introducing would change the dependency status effective date for GI bill purposes only and not for disability compensation purposes. Although I fully recognize the desirability of uniformity in these two areas, the Subcommittee on Veterans' Affairs, of which I am chairman, has no jurisdiction over the compensation program. I would urge, however, that the Veterans' Legislation Subcommittee of the Finance Committee and the House Veterans Affairs' Committee, give serious consideration to an amendment to section 3010 to change the dependency status effective date across the board, in which event my bill would not be needed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3907) to amend section 3013 of title 38, United States Code, in order to provide that the effective date of any increase in a subsistence or educational assistance allowance award under chapter 31 or 34 of such title, because of a change in dependency status, shall be the date of such change without the necessity for an application if proof is timely filed, introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3013 of title 38, United States Code, is amended by deleting the period at the end thereof and inserting the following: "; except that the effective date of an increase in the award of subsistence allowance under chapter 31 of this title, or of educational assistance allowance or training assistance allowance under chapter 34 of this title, by reason of marriage or the birth or adoption of a child, shall be the date of such event if proof thereof is received within one year from such marriage, birth or adoption.

ADDITIONAL COSPONSORS OF BILLS

S. 366

Mr. PELL. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 366, to extend the well-established concept of the free public school system to provide the broadest educational opportunities possible to all students as a matter of right by authorizing the U.S. Commissioner of Education to award scholarships to undergraduate students to enable them to complete 2 academic years of higher education.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

S. 1969

Mr. PELL. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 1969, to amend the Higher Education Act of 1965 to provide for basic educational opportunity grants and for cost of instruction allowances, and for other purposes.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

S. 1993

Mr. CASE. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from California (Mr. CRANSTON) be added as a sponsor of S. 1993, a bill to require public disclosure of financial interests by top officials in all three branches of government.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. CASE. The addition of Senator CRANSTON brings to 21 the number of Senators who sponsor this bill. All of us had hoped that by this time committee hearings could have been held on the bill. At one point the chairman of the Privileges and Elections Subcommittee did schedule hearings but they were subsequently canceled because of lack of availability of witnesses.

Since then the Senator from Michigan (Mr. HART) and I have been in touch with the other sponsors and more than half, including the majority leader, have indicated their interest in testifying for the bill.

S. 3354

Mr. KENNEDY. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that, at the next printing, the names of the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. METCALF), and the Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of S. 3354, to amend the Water Resources Planning Act (79 Stat. 244) to establish a National Land Use Policy.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

S. 3760

Mr. BAKER. Mr. President, I ask unanimous consent that at the next printing the names of the Senator from Oregon (Mr. Packwood), the Senator from Illinois (Mr. Smith), the Senator from Florida (Mr. Gurney), the Senator from New York (Mr. Goodell), the Senator from Alaska (Mr. Stevens), the Senator from South Carolina (Mr. Thurmond), the Senator from Kansas (Mr. Pearson), the Senator from Nevada (Mr. Bible), the Senator from New Hampshire (Mr. Cotton), and the Senator from Virginia (Mr. Spong) be added as co-sponsors of S. 3760, to establish a commission to consider a merger of the transportation regulatory agencies.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

S. 3835

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from Iowa (Mr. Hughes), I ask unanimous consent that, at the next printing, the names of the Senators from Maryland (Mr. Tydings and Mr. Mathias), and the Senator from Washington (Mr. Jackson) be added as cosponsors of S. 3835, to provide a comprehensive Federal program for prevention and treatment of alcohol abuse and alcoholism.

The PRESIDING OFFICER (Mr. Hughes). Without objection, it is so ordered.

SENATE RESOLUTION 415—SUBMISSION OF A RESOLUTION URGING THE PRESIDENT TO CALL UPON THE SOVIET UNION TO REMOVE ALL RUSSIAN PERSONNEL FROM THE UNITED ARAB REPUBLIC

Mr. SCOTT (for himself and Mr. Mondale) submitted a resolution (S. Res. 415) urging the President to call upon the Soviet Union to remove all Russian personnel from the United Arab Republic, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. Scott when he submitted the resolution appear earlier in the Record under the appropriate heading.)

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENTS

AMENDMENTS NOS. 667 AND 668

Mr. BYRD of West Virginia submitted two amendments intended to be proposed by him to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 670

Mr. BAYH submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Bayh when he submitted the amendment appear later in the Record under the appropriate heading.)

AMENDMENT NO. 671

Mr. KENNEDY. Mr. President, on behalf of the Senator from Alaska (Mr. Gravel) I ask unanimous consent that an amendment submitted by him and other Senators to H.R. 15628, be printed, together with some remarks prepared by him, in the Record at this point.

The PRESIDING OFFICER (Mr. Bellmon). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and other material will be printed in the Record.

The amendment (No. 671) is as follows:

Amendment No. 671

At the end of the bill, add the following new section:

"Sec. 14. No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the Island of Okinawa to the United States. Such funds as are necessary for the detoxification or destruction of the above described chemical munitions are hereby authorized and shall be used for the detoxification or destruction of chemical munitions only outside the United States."

The material, presented by Mr. Kennedy, is as follows:

Statement Introducing Gravel Amendment Re: Nerve Gas Location Issue

Mr. Gravel. Mr. President, I am sending to the desk an amendment to the bill pending before the Senate (H.R. 15628) and ask that it be read.

Mr. President, I have offered this amendment to the Military Sales Act (H.R. 15628) because I oppose any shipment of nerve gas from the storage depot in Okinawa to Alaska, Hawaii, or the continental United States.

My amendment differs significantly from amendment No. 649 to the act proposed by the distinguished senior Senator from Washington on May 21 of this year and on which I am a cosponsor. That amendment would prohibit the use of funds appropriated under the Military Sales Act for the "transport of chemical munitions from Okinawa to the United States."

My amendment does that, but goes an important step further by requiring the detoxification or other destruction of the chemical munitions now stored in Okinawa at a location outside the United States. In this way we would be rid of this particular stockpile of nerve gases once and for all. They cannot be of much priority in our weapons arsenal if the military itself has proposed to store them in Oregon or alternatively at Kodiak, Alaska. It is difficult to imagine just how this particular stockpile would thereby add to the defense posture of the Nation when it is located far from any point of possible usage.

Furthermore the one-way transport costs of moving the nerve gas has been estimated at $6 to $11 million. Add to this the ongoing storage costs in perpetuity and it is clear that the most efficient and least costly course to follow is to detoxify and dispose of these particular chemical materials now. Scientists tell us that this can easily be accomplished with no harmful effects on the air and water environments.

This ill considered decision on the part of the administration raises a still larger question; namely, Should the United States continue to maintain chemical weapons of this type in its arsenal?

On November 25, 1969 President Nixon issued a statement on chemical and biological defense policies and programs. He announced that the United States was renouncing the use of lethal biological agents, weapons, and all other methods of biological warfare.

He also called for the disposal of our existing stocks of bacteriological weapons and asked the Department of Defense to make the necessary recommendations for their disposal.

Six months have elapsed since the President's statement. However, no public statement has been issued as to the progress of the disposal of these bacteriological weapons stockpiles.

President Nixon further announced that the United States would not use lethal chemical weapons or incapacitating chemicals unless they were used against us first.

The President also advised that he would submit to the Senate, for its advice and consent to ratification, the Geneva protocol of 1925 which prohibits the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare.

Mr. President, I ask unanimous consent that the Geneva protocol of 1925 be printed in the Record at this point.

Surely six months is long enough to wait for the President to act. Therefore, I call upon the President to immediately submit the Geneva protocol of 1925 to the Senate for ratification and to extend his decision to dispose of our bacteriological weapons to include our chemical warfare agents.

I would further suggest that the military begin the detoxification and disposal of these chemical agents with the nerve gas inventories in Okinawa.

President Nixon stated in his November 25 statement, and I quote, "Mankind already carries in its own hands too many of the seeds of its own destruction."

President Nixon has the power to order the destruction of these lethal chemical weapons. He has not chosen to do so.

Yet it is generally recognized that chemical weapons are tactical in nature and cannot be used effectively and decisively on a strategic basis. It is questionable that we would ever risk the wrath of world public opinion by employing them merely for tactical considerations.

In other words, if we ever reached a crisis situation where chemical weapons might be considered, it is much more likely that the decision would be to use other types of weapons.

Although it is conceivable that some unusual strategic situation might call for the use of a mix of chemical and nuclear weapons, I believe our interests are better served and the cause of peace strengthened if we eliminate chemical weapons from our military stockpiles.

Therefore, I ask the Senate to support my amendment to destroy the deadly chemical warfare gases planned for movement to the United States from our Okinawa arsenal, and I urge the President, with our advice and consent, to implement the spirit of the Geneva protocol.

Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare—Signed at Geneva, June 17, 1925

The undersigned plenipotentiaries, in the name of their respective Governments:

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world;

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations;

Declare:

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear today's date.

The ratifications of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding Powers.

The instruments of ratification of and accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.

The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other Powers which have already deposited their ratifications.

In witness whereof the Plenipotentiaries have signed the present Protocol.

Done at Geneva in a single copy, the seventeenth day of June, One Thousand Nine Hundred and Twenty-Five.

SECOND SUPPLEMENTAL APPROPRIATIONS BILL, 1970—AMENDMENT

AMENDMENT NO. 669

Mr. JAVITS (for himself, Mr. Baker, Mr. Brooke, Mr. Cranston, Mr. Eagleton, Mr. Goodell, Mr. Kennedy, Mr. Mondale, Mr. McGovern, Mr. Nelson, Mr. Packwood, Mr. Pell, Mr. Williams of New Jersey, Mr. Scott, Mr. Stevens, and Mr. Tydings) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

(The remarks of Mr. Javits when he submitted the amendment appear later in the Record under the appropriate heading.)

VA HOME LOANS—AMENDMENTS

AMENDMENT NO. 672

Mr. CRANSTON. Mr. President, on April 7, 1970, I introduced for myself and Senator Schweiker, the ranking minority member of the Veterans Affairs' Subcommittee of which I am chairman—by request—S. 3683, a bill to amend title 38 of the United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to make improvements in chapter 37 of such title; and for other purposes.

Today, I am submitting, for Senator Schweiker and myself—by request—an amendment to that bill in order to remove time limitations on the duration of eligibility of veterans for guaranteed and direct loans. On April 16, 1970, the Veterans' Administration requested that a bill to this effect be introduced, and we are adding the requested provisions to S. 3683 which already contains proposed amendments to chapter 37 of title 38, regarding home, farm, and business loans, by arrangement with the Veterans' Administration in order to include all Administration proposals within one bill—S. 3683.

There is presently pending before the Veterans' Affairs Subcommittee a bill, S. 3656, which I introduced on March 31 containing in sections 3, 5, and 6 provisions accomplishing the same result as would be achieved by the administration amendment we are introducing.

Mr. President, I ask unanimous consent that there be printed in the Record at this point the full text of the amendment followed by the full text of the April 16, 1970, Administration transmittal letter and its enclosure.

The PRESIDING OFFICER (Mr. Bellmon). The amendment will be received and printed, and will be appropriately refered; and, without objection, the amendment and other material will be printed in the Record.

The amendment (No. 672) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT NO. 672

On page 4, between lines 4 and 5, insert the following:

"Sec. 4. (a) Section 1802(b) of title 38, United States Code, is amended by striking out the last sentence thereof.

"(b) Section 1803 of such title is amended by striking out subsection (a) and inserting in lieu thereof the following:

"'(a) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan if the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title.'"

(c) Subsection (h) of section 1811 of such title is amended to read as follows:

"(h) No loan may be made under this section to any veteran after January 31, 1975, except pursuant to a commitment issued by the Administrator before such date."

(d) Section 1818 of such title is amended (1) by striking out subsection (c); (2) by redesignating subsections (d) and (e) as (c) and (d), respectively; and (3) by amending subsection (e), as redesignated subsection (d) in (2) above, to read as follows:

"(d) Notwithstanding any of the provisions of this section, a veteran deriving entitlement under this section shall not be required to pay the fee prescribed by subsection (c) and such entitlement shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) he derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service."

On page 4, line 5, strike out "Sec. 4" and insert in lieu thereof "Sec. 5".

On page 8, strike out lines 16 through 19, and insert in lieu thereof the following:

"Sec. 6. Sections 2 and 3 of this Act shall become effective on the first day of the second month following the date of enactment of this Act, and section 5 shall become effective on the first day of the third month following the date of enactment of this Act."

The material presented by Mr. Cranston is as follows:

Veterans' Administration,
Washington, D.C., April 16, 1970.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of a bill "To remove time limitations on the duration of eligibility of veterans for guaranteed and direct loans", with the request that it be introduced in order that it may be considered for enactment.

Prior to July 6, 1961, World War II veterans, as well as Korean veterans, were limited in their use of VA loan benefits to a period terminated by a fixed date. This terminal date had been extended several times so that as to World War II veterans it was then fixed at July 25, 1962, and as to Korean conflict veterans at January 31, 1965.

Public Law 87–84, approved July 6, 1961, established a phase-out formula, gearing the entitlement period to the length of the veteran's war service and the date of his discharge, with emphasis on those who served longest and were most recently discharged. Under the formula, each veteran was given entitlement of ten years from date of separation from his last period of duty which included service in the war period, plus an additional period of one year for each three months of active duty performed during the war or conflict. Under current law (38 U.S.C. 1803), the eligibility of World War II and Korean conflict veterans cannot extend beyond July 25, 1970 and January 31, 1975. respectively.

The foregoing entitlement formula applies also to veterans of the post-Korean period having loan entitlement under section 1818 of title 38, except that the final date within which the phase-out formula operates for that group is twenty years from the date of the veteran's separation from his last period of active duty.

Terminal dates for the eligibility of World War II veterans have been extended several times. Extensions have been made at or just prior to the statutory cut-off dates which has created a strong climate of uncertainty for veterans and other program participants. Removal of the phase-out criteria and the group cut-off dates would eliminate the element of urgency by veterans in using their eligibility, which becomes critical in periods of credit stringency.

Elimination of the delimiting dates on eligibility for the GI loan program would be in line with the eligibility criteria for the FHA veterans' loan program. Such a change would also simplify the administration of the VA loan programs. Further, veterans could adjust the timing of their home purchases and mortgage credit needs to coincide with favorable private market conditions, when sellers and lenders are willing to participate in the loan guaranty program. No veteran would be denied use of his entitlement because it had expired at a time when guaranteed loans were unavailable.

Our legislative proposal would amend 38 U.S.C. 1803(a) to eliminate the basic phase-out criteria and cut-off dates for World War II and Korean veterans and would make similar changes in 38 U.S.C. 1818(c) for veterans who serve after January 31, 1955. Corresponding changes would be made in sections 1802(b), 1811(h), and 1818(e) to delete secondary references to the entitlement expiration dates thus eliminated. The terminal date for the direct loan program (January 31, 1975) now prescribed in section 1818(c) has been retained by incorporation in section 1811(h) which deals specifically with the direct loan program.

If this proposal is enacted, it is estimated that in the first year there would be 35,000

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loans closed which otherwise would not be made under the VA loan program. In five years, the cumulative additional loans would approximate 179,000. It is estimated that the additional cost for the first year, i.e., administrative expenses and operational losses and expenses, would be about $5.3 million and that the aggregate cost for the five year period would approximate $26.5 million.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this proposed legislation and that its enactment would be in accord with the program of the President.

Sincerely,

DONALD E. JOHNSON,
Administrator.

S. —

A bill to remove time limitations on the duration of eligibility of veterans for guaranteed and direct loans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1802(b) of title 38, United States Code, is amended by striking out the last sentence thereof.

SEC. 2. Section 1803 of title 38, United States Code, is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan if the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title."

SEC. 3. Subsection (h) of section 1811 of title 38, United States Code, is amended to read as follows:

"(h) No loan may be made under this section to any veteran after January 31, 1975, except pursuant to a commitment issued by the Administrator before such date."

SEC. 4. Section 1818 of title 38, United States Code, is amended (1) by striking out subsection (c); (2) by redesignating subsections (d) and (e) as (c) and (d), respectively; and (3) by amending subsection (e), as redesignated subsection (d) in (2) above, to read as follows:

"(d) Notwithstanding any of the provisions of this section, a veteran deriving entitlement under this section shall not be required to pay the fee prescribed by subsection (c) and such entitlement shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) he derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service."

AMENDMENTS OF THE FOREIGN MILITARY SALES ACT—AMENDMENT NO. 667

Mr. BYRD of West Virginia. Mr. President, on last Thursday, the majority leader asked unanimous consent that, immediately following the vote on the Dole amendment on tomorrow, I be recognized to call up an amendment.

That amendment—which I shall probably call up on tomorrow, under the previous order—will be No. 667.

MANPOWER TRAINING ACT OF 1969—ADDITIONAL COSPONSORS OF AMENDMENTS

NOS. 635, 636, AND 637

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Oklahoma (Mr. BELLMON), the Senator from Maine (Mr. MUSKIE), and the Senator from Pennsylvania (Mr. SCOTT) be added as cosponsors of amendments Nos. 635, 636, and 637 to S. 2838, the Manpower Training Act of 1969.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

AMENDMENT NO. 656

Mr. CASE. Mr. President, I ask unanimous consent that at the next printing that names of the Senator from Missouri (Mr. EAGLETON), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors to my amendment, No. 656, to add $28,050,000 to H.R. 16916, making appropriations for the Office of Education for construction of facilities at 4-year institutions of higher education.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

NOTICE OF HEARING ON DISTRICT OF COLUMBIA BILLS S. 3828, H.R. 17711, H.R. 15381, S. 3903, S. 3904, S. 3905, and S. 3906

Mr. EAGLETON. Mr. President, as chairman of the Fiscal Affairs Subcommittee of the Senate Committee on the District of Columbia, I wish to give notice of a public hearing to be held at 12 o'clock noon on June 8, 1970, in room 6226, New Senate Office Building. At the hearing the subcommittee will hear testimony on the following legislation:

S. 3828 and H.R. 17711, bills to amend the District of Columbia Cooperative Association Act;

H.R. 15381, a bill to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies;

And on four bills I am introducing today at the request of the District of Columbia government:

S. 3903, a bill to provide additional revenue for the District of Columbia, and for other purposes;

S. 3904, a bill to authorize the District of Columbia to issue obligations to finance District capital programs, to provide Federal funds for District of Columbia institutions of higher education, and for other purposes;

S. 3905, a bill to authorize the District of Columbia Council to fix the rates charged by the District of Columbia for water and water services and for sanitary sewer services; and

S. 3906, a bill to authorize the government of the District of Columbia to fix certain fees.

Individuals and representatives of organizations who wish to testify at the hearing should notify Mr. Ted Maeder at 225-4161, prior to June 3, 1970.

Written statements, in lieu of personal appearance, are welcomed and may be submitted to the assistant chief clerk, room 6218, New Senate Office Building, Washington, D.C., 20510, for inclusion in the hearing record.

ADDITIONAL STATEMENTS OF SENATORS

PRIVATE INDUSTRIES ALERT TO POLLUTION DANGERS

Mr. COTTON. Mr. President, at long last our Nation has awakened to our environmental problem. There is a widespread feeling that industry which has been a substantial factor in causing pollution is inclined to be indifferent to its dangers and not prepared to make the necessary sacrifices to remedy conditions. This may be true in many cases, but there are outstanding exceptions. Some private industries were alert to the dangers of pollution long before the Government and the public became aware of them and were pioneers in striving to avert conditions that are so alarming to us today.

One such instance is the well-known pharmaceutical firm of Johnson & Johnson, which has its headquarters and original plant at New Brunswick, N.J. Recently my attention was called to a statement entitled "The Earth Is What We Make It," issued by Mr. Philip B. Hofmann, chairman of the board, which traces the long struggle ever since 1886 by this corporation under the original leadership of General Johnson against pollution and filth in all its forms.

I found this message encouraging and inspiring. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

THE EARTH IS WHAT WE MAKE IT

Some observations on our environment are particularly in order on this April 22, 1970. These observations far exceed the realm of interested concern, however.

Since Johnson & Johnson was founded on the banks of the Raritan River 84 years ago, we have sterilized so many products essential to the protection of health and life that our desire for clean, wholesome surroundings is a long-standing preoccupation.

General Johnson stood strong for a clean and wholesome environment in every sense of the word. He would never settle for mediocrity—neither will I.

We are all aware of Johnson & Johnson's traditional and unexcelled standards of industrial environmental control. But let's take a close look at our record of participation in protecting three of the most vital elements of this earth of ours—our water, our air, and our land . . .

WATER QUALITY AND SUPPLY

Johnson & Johnson backed the campaign for the trunk sewer system with leadership, money and the film "River At Your Door." In 1958, after years of endeavor, we saw the system, which serves parts of Union and Somerset Counties and most of Middlesex, built and placed in operation in the lower Raritan River. Today, a Johnson & Johnson executive heads the sewerage authority as well as the current enlargement project for increasing the system's waste treatment capacity and trunk lines. At an estimated cost of $125 million, this project will be financed by grants from the federal and state governments in addition to local-user charges.

Johnson & Johnson refused to permit the Delaware and Raritan Canal to be abandoned or filled in before World War II, and together with other forward-looking organizations and individuals, we kept it open as a water supply. The Canal became a facility of the state in 1945 and will long be a vital asset to central New Jersey.

In 1958, Johnson & Johnson gave leadership and money to the Water Bond Referendum, which created, among others, the Round Valley and Spruce Run Reservoirs. Last November we filled a similar role of successful leadership in supporting a clean-water bond issue, which won $242 million for pollution abatement and $29 million for reservoir sites.

General Johnson always kept a watchful eye on the Delaware River, New Jersey's largest water resource. In 1954 his legal assistants contributed to the protection of the downstream states by stopping New York City from making huge withdrawals of water in New York State without being made to compensate the stream from stored water. Out of this came a four-state federal compact commission to develop the Delaware Basin's water resources. A Johnson & Johnson man has represented the Governor and the State of New Jersey on this commission for the past eight years.

It is particularly interesting to note that the Delaware River may now supply the Delaware and Raritan Canal with 100 million gallons of water daily, as authorized by law.

The Delaware's Tocks Island Reservoir will supply northern and central New Jersey with 300 million gallons of water daily. This can be delivered via the Raritan's Round Valley Reservoir and by open stream in the Raritan River to intake pipes at Manville.

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Johnson & Johnson and our family of companies took a strong and adamant position against locating a major international jetport on the Solberg site, at the confluence of the South and North Branches of the Raritan. Some of the reasons for our positions are economic, but paramount in our thinking is the damaging effect such a jetport would have on the area's environment—particularly the obvious gross pollution of the drainage area and the streams themselves, as well as the extensive development a jetport would bring into this potable water area. For, remember, the Raritan River and its reservoirs will not only store and deliver Raritan water, but also 300 million gallons of Tocks Island water daily. We must keep this Solberg area clean . . .

AIR POLLUTION

Our company has fought filth in all its forms since 1886 . . . and this applies to air pollution. Our performance in the prevention of industrial air pollution is generally far ahead of any existing regulations.

Johnson & Johnson companies in the New Brunswick area were among the first to switch to low-sulfur fuel oils in the early 1960's. Fuel-burning controls have constantly been improved, and a number of plants have switched to gas service and installed metering devices to monitor emissions and equipment performance. The corporate program to upgrade air pollution control equipment is constantly reevaluated in the light of new technical developments.

In 1967, Governor Hughes requested that General Johnson have one of our executives set up task forces to revise and modernize the air and water pollution abatement structures in the state government. The basic expertise for this program was supplied by the federal government, and these combined efforts resulted in the establishment of the Division of Clean Air and Water in the New Jersey Department of Health under a strong administrator. This structure has been recognized by federal officials as outstanding among the states.

LAND CONSERVATION

Johnson Park, known so well to so many of you and your families, extends from Highland Park along the Raritan River almost to Bound Brook. In the mid-1930's, this Middlesex County park originated through a land gift from Robert Wood Johnson and his family. The total acreage of the park has since been increased by the Johnson family, by the company, by other generous citizens and, more recently, by the Green Acres Program.

In Somerset County, it was Johnson & Johnson leadership that launched the successful Somerset County Park Commission.

It was a Johnson & Johnson man, on leave of absence from the company, who, as Commissioner of Conservation and Economic Development for the State of New Jersey, helped lead the Green Acres referendum campaign in 1961.

And one has only to eyewitness a plant built by the Johnson & Johnson family of companies in the last quarter century—impressive architecture on expensive landscaped grounds—to agree with General Johnson that "factories can be beautiful." A lot of other manufacturers now think so, too!

All of us in the Johnson & Johnson family may look with unqualified pride on our record to date and may be assured with certainty that our dedication to participating citizenship in the best interests of our environment will remain as firm as it has always been . . .

HEALTH BUDGET CRISIS MIGRANT HEALTH PROGRAM

Mr. KENNEDY. Mr. President, each year approximately 1 million agricultural workers and their families migrate from State to State in response to seasonal demands for farm labor. For brief periods they live and work in nearly one-third of the Nation's counties.

These migrant farmworkers are not commuters. They travel so far from their home that they are, in effect, temporary residents of the areas in which they work. These people are too poor to purchase the medical care they need. Yet, they generally fail to qualify as legal residents in their temporary work communities and are thus excluded from the community service available to other indigents.

The health problems of these migrants are much greater than those of the general public. The nature of their work and their migratory patterns result in a very high incidence of such ailments as ear infections, allergies, hernias, nutritional deficiencies, poisonings, diarrhea, and intestinal parasites. Despite the high incidence of disease, visits to health practioners are much fewer for the migrants than for the general public. For example, visits to physicians are only about one-seventh the national average, and visits to dentists are only about one-twentieth the national average. More significantly, deaths among migrant workers and their families resulting from infectious diseases, accidents, and diseases of early infancy are from one and one-half to three times the national average.

To meet these obvious health needs, Congress in 1962 enacted legislation providing for grants to State agencies for family health services. This program of aid now supports 117 single or multi-county projects located in 35 States and Puerto Rico. An estimated 325,000 migrants lived for at least part of last year in counties served by these projects. A total of 210,000 medical visits and 28,000 dental visits were made, 3,600 migrants were hospitalized, and 160,000 case-finding and health-counseling visits were made by nurses and other agencies.

Much more needs to be done, and with more money much more could be done, under this program. Less than one-third of this Nation's migrants have access to these health services, because there are simply not enough funds allocated to the program.

On March 12 of this year a bill was signed into law extending this program and authorizing increased appropriations for the next 3 fiscal years: $20 million is authorized for fiscal year 1971, $25 million for 1972, and $30 million for 1973. Despite these increased authorizations, and despite the obvious need for more funds, the administration is proposing to keep the migrant health program at its current level. Only $15 million is requested by the administration budget for 1971 instead of the $20 million which is authorized.

Mr. President, the health needs of migrant agricultural workers and their families are among the greatest of any socioeconomic group in this Nation. I therefore urge that the migrant health program be fully funded for fiscal year 1971.

THE AMERICAN PRISONERS OF WAR

Mr. GRIFFIN. Mr. President, as representatives of the people of the United States, we must continue to exert every effort at our command in behalf of the 1,500 men who are held prisoners of war by North Vietnam, and in behalf of the suffering families here at home.

Our hearts and minds can never be closed to the tragedy of the situation which faces these people.

The men involved served their country and served it with devotion while on active duty with the Armed Forces of the United States in a far land and in a dirty war. Then they were captured by an enemy which has demonstrated over and over again that he is totally lacking in every common decency.

Now they are in the hands of the enemy and at the mercy of that enemy.

Over the past year private individuals, American citizens, have made a continuing and strong drive to help both the prisoners and their families. Some Americans have actually gone to Hanoi in an effort to bring about reason in the North Vietnamese attitude toward the prisoners they hold. The effort has not succeeded.

Other Americans, notably men like H. Ross Perot, of Texas, have tried in other ways to make contact with the prisoners, to get mail to the prisoners and from them to their families.

The Federal Government through its worldwide diplomatic corps has been making similar strong moves to get a more rational arrangement concerning war prisoners. At the Paris talks where our representatives have had a long series of face-to-face confrontations with the North Vietnamese and the Vietcong the subject has been raised repeatedly.

But our diplomats have not confined their efforts to Paris. In more informal discussions with Communist diplomats in other world capitals, our people have tried to bring pressure on the North Vietnamese to take a positive step to ease the situation.

Our diplomats in Moscow have also been at work in this area.

In short, every conceivable channel has been opened including direct discussions.

So far these attempts have not succeeded. But their lack of success is not due to a lack of trying.

All of us here recognize that we have not the same approaches to the problem open to us.

Because we are elected officials of the U.S. Government, we cannot do what men like Mr. Perot have done. We also do not have the same access to the enemy's representatives that our diplomats have in the normal course of their daily activities.

But our hands are not tied. There are things we can do, and there are doors which we can help to open.

Each of us has contact from time to time with citizens of other countries. In these conversations I suggest that we bring up the subject and help mold world opinion.

Each of us from time to time has contact with foreign journalists. In these contacts the idea of building a powerful world opinion in support of the American prisoners of war can be put forward.

Businessmen in our home States frequently have contact with their counterparts abroad. We can suggest to these people that they take part in this opinion-making process.

It is obvious that the Communists of North Vietnam care not one whit what the American people or the American Government think about them and what they are doing. However, they must have concern for their image held by the rest of the world, particularly by the so-called unalined nations of the world from which they have in the past drawn considerable support.

It is possible for us, as Senators, and as citizens, to help foster in the minds of that unalined populace the true picture of the situation in the prisoner of war camps.

I grant, Mr. President, that this is not a dramatic move. It is not a glamorous activity. It does not attract the attention that private citizens who do spectacular things attract. But it is nonetheless a helpful activity on our part.

And in a situation as extraordinarily delicate as this one, every ounce of weight placed on the scales tends to tip the balance in our favor. Eventually, I am convinced, world opinion can make the difference.

RAILROAD RETIREMENT BENEFITS SHOULD BE PROMPTLY INCREASED

Mr. BYRD of West Virginia. Mr. President, on April 7 of this year, the House of Representatives passed H.R. 15733, which would amend the Railroad Retirement Act of 1937 by providing for a temporary increase in railroad retirement monthly benefits of 15 percent for a period of 2½ years ending June 30, 1972. The bill, which would be retroactive to January 1, 1970, is currently pending before the Senate Committee on Labor and Public Welfare, and I strongly endorse a benefit increase. The need for this legislation is very evident. Our retired railroad employees need an increase in their annuities to keep pace with the skyrocketing cost of living.

In the past, increases in railroad annuities have closely followed increases in social security benefits. But last year, social security benefits were increased by 15 percent, without any parallel increase in railroad retirement benefits.

Last month some 26 million Americans began receiving their regular social security checks which included this 15-percent increase, and in addition, they received a second check with the retroactive increase for the months of January and February. Retired railroad employees received no such increases, and this is unfair to them.

H.R. 15733 further provides that the Railroad Retirement Board make an over all study of the retirement system with recommendations to be made to Congress for restructuring the entire program. As the number of railroad employees continues to decrease, and the number of beneficiaries continues to increase, a new approach is needed, so that adequate benefits supported by a sound policy of investment can be continued for the benefit of present and future retirees. There are at present 1½ beneficiaries for every working employee in the railroad industry today, and this ratio is certain to increase in the years to come.

Mr. President, the bill will begin to correct the present inequities which now exist between the two retirement systems. By providing for an increase of 15 percent in benefits, railroad employees and their survivors will again receive the appropriate benefits when compared to their counterparts in the social security system. By providing for a major study, a realistic approach to meet the increased needs of present and future retirees may be found.

In conclusion, I would like to point out that in fiscal year 1969, an estimated 22,200 West Virginians received more than $28.5 million in various benefits under the Railroad Retirement Act. I urge that the Senate promptly consider this most needed legislation.

NATIONAL SECURITY: ISRAEL VERSUS VIETNAM

Mr. EAGLETON. Mr. President, I recently signed a letter, along with 70 other Senators, supporting the sale of jets to Israel. I did so because I believe it is important that the United States pursue its interests throughout the world, when its interests are clear and apparent. As former Under Secretary of State George Ball stated recently before the House Foreign Affairs Committee of the Russian activity in Egypt:

> For the United States, the implications of these possible developments are immensely serious; because apart from the sentimental ties of the United States to Israel or the support and encouragement we have given the Israel people—and these cannot be disregarded—the prospect of the possible destruction of Israel with Soviet assistance is not one that we could in our national interest, accept. Such a disaster would turn the whole southern littoral of the Mediterranean into a Soviet sphere of influence; it would shift the balance of power catastrophically against the West.

Some constituents have asked why I support the sale of jets to Israel, but oppose continued American involvement in Southeast Asia. The reason is that I do not believe the war in Southeast Asia advances the national security of the United States; indeed, it detracts from it in other parts of the world.

I believe that the United States does have certain interests, and where they can reasonably be pursued, they should be. I believe the United States has an interest in the Middle East.

I ask unanimous consent that the text of the letter to the Secretary of State regarding the sale of jets to Israel be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 26, 1970.

DEAR MR. SECRETARY: We feel compelled to express our sense of urgency respecting the deteriorating situation in the Middle East. The decision by the Soviet Union to undertake a direct military role in the Arab-Israel conflict by flying combat planes over Egypt represents, in our judgment, a significant change and a challenge to American strategic interests and a growing threat to world peace. Recent Soviet moves have encouraged Arab belligerence, and are creating a growing military imbalance in favor of the Arab states.

Your decision in March to hold in abeyance the sale of additional jet combat aircraft to Israel under the then prevailing conditions has failed to induce the Soviet Union to exercise reciprocal restraint with respect to the arming of the UAR and the other Arab states. In addition, the Soviet Union has taken the unprecedented step of overtly involving an increasing number of its own military personnel in a state far from its own borders.

We believe, Mr. Secretary, that the United States should now announce its intention to provide Israel with the aircraft so urgently needed for its defense. Such action will serve as a significant element of a credible response to the reckless Soviet escalation of the Mideast conflict. We feel that the strengthening of Israel's military posture at this time is the best guarantee against the outbreak of major hostilities.

We also suggest prompt consultations with our NATO allies because of the dangers posed to their own security and economies by the Soviet build-up in the Middle East. We urge the United States to redouble its efforts to reestablish the cease fire as a preliminary step to eventual peace negotiations.

We would be grateful for an early opportunity to meet with you at your convenience, so that we may have a full exchange of views on all aspects of the issue which we believe

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is warranted by the critical situation that has now developed.

Sincerely,

Kennedy, McGee, Ribicoff, Symington, Talmadge, Young of Ohio, Allen, Bayh, Bible, Burdick, Byrd of Virginia, Cannon, Church, Cranston, Dodd.
Eagleton, Gravel, Harris, Hart, Hartke, Holland, Hollings, Hughes, Inouye, Jackson, Magnuson, McGovern, McIntyre, Metcalf, Mondale.
Montoya, Moss, Muskie, Nelson, Pastore, Pell, Proxmire, Randolph, Spong, Tydings, Williams of New Jersey, Sparkman, Jordan of North Carolina, Yarborough, Stennis, Democrats.
Scott, Javits, Brooke, Dole, Gurney, Prouty, Schweiker, Packwood, Murphy, Goodell, Percy, Smith of Illinois, Boggs, Thurmond, Saxbe.
Tower, Goldwater, Mathias, Cooke, Bennett, Case, Hruska, Baker, Fannin, Stevens, Miller, Curtis, Fong, Republicans.

SENATOR SAM J. ERVIN, OF NORTH CAROLINA

Mr. MATHIAS. Mr. President, as a Nation and as individuals we cannot afford to lose sight of the fundamental principles on which America has been built. Often, in the course of our daily business, we encounter proposals or policies which seem to raise issues of basic rights or challenge the letter or spirit of our freedoms. When the matter at hand is small or attractively expedient, it can be tempting to brush such questions aside, or to give them little attention or emphasis.

One Senator who does not yield to such temptations is the distinguished senior Senator from North Carolina, Hon. Sam J. Ervin. Throughout his long service, Senator Ervin has been a consistent defender of the Constitution and a stern watchdog for the Bill of Rights. He is justly renowned as a brilliant lawyer, an articulate, persuasive advocate, and a formidable adversary.

As chairman of the Subcommittee on Constitutional Rights, Senator Ervin has been the author of many intelligent, progressive bills, including the Bail Reform Act of 1966 and S. 782, the bill which I was proud to cosponsor to protect Federal employees' right to privacy.

In a column published in the Washington Sunday Star of May 31, Mr. James J. Kilpatrick applauded Senator Ervin for his efforts in analyzing the question of preventive detention, one of the important criminal-law problems now before the Senate. Mr. Kilpatrick summarizes one of Senator Ervin's recent speeches on the subject, a speech which is called "as brilliant as any senatorial statement to come along in months." Reviewing the Senator's arguments against preventive detention, Mr. Kilpatrick concludes:

> The answer to the dangerous criminal, he is convinced, lies in speedy trials, and he argues persuasively that preventive detention hearings could only add to the delays that now occur.

Mr. President, Mr. Kilpatrick's column deserves wide attention and close reading, both for its review of this particular issue and for its timely accolade to the senior Senator from North Carolina. I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senator Sam Ervin, Founding Father

(By James J. Kilpatrick)

Another statement turned up in the mail the other day from Sen. Sam J. Ervin Jr., of North Carolina. For some time now, the Senator has been out in front of those who oppose the concept of "preventive detention" as an anti-crime weapon. Here he marshalled his arguments in a single speech as brilliant as any senatorial statement to come along in months. He has earned a band of laurels.

Senator Sam, I am minded to say, is perhaps the best we have on the Hill just now. There are Senators with greater expertise in particular fields—Stennis on defense, Pell on railroads, Russell on parliamentary law—and there are some walking encyclopedias in the House: Mills on taxation, Patman on foundations. But in his keen understanding of the meaning of a free society, Ervin of North Carolina stands alone.

The Senator's philosophy is cast in that fine 18th century mold that produced a Burke in England, a Jefferson here. If he had lived in their time, he would have ranked without question among the Founding Fathers. Ervin understands, just as they did, that the essence of wise civil government is constantly to keep in balance the powers of the state and the rights of free men. In any doubtful issue, the balance must be tipped toward freedom.

That is what Ervin is saying here. He is as concerned as any man in public life with the crime that plagues society today. Ervin knows crime at first hand: He was for 14 years a judge, serving on both trial and appellate courts. There is nothing soft in his view of the criminal who kills or rapes or burns.

But Ervin is above all else a man of the Constitution. The scheme of preventive detention, embodied in Senate Bill 2600, would permit trial judges to refuse bail to certain arrested defendants on a judge's finding that such defendants, if released, would be a danger to the community. At a preliminary detention hearing, the judge would have to find a "substantial probability" of the defendant's guilt. In this event, the defendant could be imprisoned for at least 60 days pending trial.

To the Justice Department, which has sponsored the bill, the measure seems a prudent device for protecting the law-abiding citizen from violent criminals. Preventive detention would be sought in a limited number of cases only. Defendants so held would be separated "to the extent practical" from convicted prisoners. The streets would be somewhat safer by night.

Ervin's statement of May 20 demolishes these arguments one by one. By the Department's own statistics, he notes, only five percent of those arrested for dangerous crimes commit new dangerous crimes while out on bail. The effect of preventive detention would be "to authorize the imprisonment and punishment of persons for crimes which they have not yet committed and may never commit."

"If America is to remain a free society," says Ervin, "it will have to take certain risks. One is the risk that a person admitted to bail may flee before trial. Another is the risk that a person admitted to bail may commit crime while free on bail."

It is better in Ervin's view to take such risks than to compromise great principles of our law: The principle that a defendant is presumed innocent until proved guilty, the principle that a man shall not be put twice in jeopardy for the same offense, the principle that reasonable bail must be permitted except for capital crimes. The answer to the dangerous criminal, he is convinced, lies in speedy trials, and he argues persuasively that preventive detention hearings could only add to the delays that now occur.

Senator Sam's powerful cannonade is bound to have effect.

In the long history of man's struggle for due process of law, Ervin's effort may be no more than a skirmish, the merest footnote, But this is how that war is fought, in small engagements on the outer borders of freedom. At 73, the senator is fighting as boldly as he fought in France as a youth of 21; and he will yet earn from us all a palm for his Silver Star.

WATTS MANUFACTURING CO.

Mr. MONDALE. Mr. President, the decade just ended, one of the most turbulent in American history, was one in which national self-criticism became a dominant life-style. All of us recognize and are perplexed by the difficulties and divisions which have issued from the often strident criticism of the 1960's.

Yet I think it is interesting to note that even out of one of the earliest and most shocking of the urban explosions of the last few years—that which occurred in the Watts ghetto of Los Angeles in 1965—forward strides are still being made.

The Watts Manufacturing Co., created in the aftermath of the Watts riots, has become in recent years an outstanding example of ghetto enterprise. The purchase of the company by the Chase Manhattan Capital Corp., the small-business subsidiary of the Chase Manhattan Bank, further distinguishes the record of the Watts Manufacturing Co. The Chase Manhattan Capital Corp. has assured that 80 percent of the company's stock will be sold to the minority group employees of the company within the next 7 years. Thus, the Watts Manufacturing Co. will soon become the Nation's largest enterprise owned, managed and staffed by minority group members.

I commend the Chase Manhattan Bank for its foresight and for its continuing private sector leadership in the social action field. I ask unanimous consent that an article describing this program, written by Mr. Robert Wright, and published in the New York Times of May 8, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Employment and Minorities: Staff To Own Watts Company Under Plan

(By Robert A. Wright)

Los Angeles, May 7.—The ownership of the Watts Manufacturing Company, which is managed and manned by minority-group employes, will be transferred to them under a plan announced today.

The first step will be the purchase of the company by the Chase Manhattan Capital Corporation, a subsidiary of the bank, from the Aerojet General Corporation. Chase will place 80 per cent of the stock into a trust fund for purchase by the employes of Watts over the next seven years.

The plan would make the company, which was founded by Aerojet in the wake of the Watts riots of 1965, the largest manufacturing enterprise in the nation owned and managed by minority-group employes.

DESTRUCTIVE RIOT

Contracts for the sale were signed today in ceremonies at the Watts Manufacturing plant, situated on the edge of this city's Negro ghetto, the scene of one of the most destructive racial riots in recent years.

Signing the contracts were Leon O. Woods, president of Watts; James M. Woods, chairman of the company's executive committee; Louis L. Allen, president of Chase Manhattan Capital, and Jack H. Vollbrecht, president of Aerojet, a subsidiary of the General Tire and Rubber Company. Also participating in the ceremonies, which were witnessed by employes, were J. David Warfield, director of the Office of Business Development of the Economic Development Administration, and Robert J. Brown, special assistant to President Nixon.

Since its founding in August, 1966, Watts Manufacturing has received $1.8-million in capital and many hours of management assistance from Aerojet. Watts, which makes postal equipment, canvas and metal products, packaging materials and housewares, employs more than 200 persons, about 85 per cent of them black and 10 per cent Mexican-American.

Sales last year reached $3.9-million, with 70 per cent Government volume and 30 per cent commercial orders.

A LEVEL OF MATURITY

In a joint statement, Mr. Allen and Mr. Vollbrecht noted that Watts Manufacturing was established after the riots demonstrated the despair of the community to provide jobs with the sole requirement of willingness to work. "We feel now," he said, "that the company has reached a level of maturity through which . . . it can become a productive institution in the community, turning out useful products, providing jobs and job training and serving as the significant portion of the economic base of the Watts community."

Under the financial arrangements signed today, Chase Manhattan capital will provide $1.1-million, two-thirds as a 10-year loan and one-third as equity to be liquidated as the shares are sold to employes. A group of Watts Manufacturing managers will make an initial equity purchase totalling $100,000. The Equitable Life Assurance Society of the United States will provide a 15-year mortgage of $250,000.

Mr. Allen said the transaction was made possible by the cooperation of the Small Business Administration, which approved several exceptions to its guidelines.

Last month, the company received contracts totaling $1.6-million from the Post Office Department and the General Services Administration, the largest contract awarded under the Government's minority business procurement program. Mr. Woods said today, however, that the company planned to emphasize diversification into commercial products, including proprietary items.

The ceremonies ended with the presentation by Watts Manufacturing employes of a sculpture dedicated to Aerojet employes.

THE DISTRICT OF COLUMBIA ANATOMICAL GIFT ACT BECOMES LAW

Mr. GOODELL. Mr. President, on Tuesday, May 26, President Nixon signed into law, S. 2999, the District of Columbia Anatomical Gift Act. As the sponsor of this legislation, I am delighted by its swift passage by Congress.

The purpose of S. 2999 is to provide in the District of Columbia a comprehensive and uniform legal environment for organ donation and transplantation. The bill is based upon a model statute, known as the Uniform Anatomical Gift Act, which was approved by the National Conference of Commissioners on Uniform State Laws in July 1968. This model statute has been approved by every major legal and medical association in the United States.

When I introduced the District of Columbia Anatomical Gift Act on October 7, 1969, 38 States had already passed legislation based directly on the model act. Since that time, nine other States have also passed such legislation, including my own State of New York. With the signing of S. 2999 by the President, the District of Columbia becomes the 48th jurisdiction to have passed such a law.

Nationwide uniformity of the laws governing organ donation and transplantation is vitally needed in order to further medical advances in this field. The passage of the Uniform Act in almost all of our States, in less than 2 years after its adoption by the National Conference of Commissioners on Uniform State Laws, is compelling evidence of its need and importance.

Mr. President, it is important to note that S. 2999 contains a model donor card which can be considered a valid form of organ donation under the bill. This card can be carried by an individual, and, therefore, has tremendous potentialities for facilitating donations.

Consider, for example, the situation of a person who is killed or rendered unconscious in an automobile accident and whose next of kin does not know whether the accident victim has made a will. If that person is carrying a duly witnessed donor card and there is an appropriate donee able to receive a donation in the vicinity of the accident, a transplant could be effected with a minimum amount of lost time.

A number of medical organizations—Eye Bank Association of America, Falconer Foundation, Inc., Living Bank, Medic Alert, National Kidney Foundation, National Pituitary Agency, U.S. Naval Tissue Bank, and United Health Foundations, Inc.—have now launched a nationwide campaign to distribute this card.

Mr. President, I am confident that the residents of the District of Columbia will benefit from the comprehensive legal framework provided by the act. At the same time, we have made a contribution toward the nationwide legal uniformity so needed in this field.

A PRETENSE TO OMNISCIENCE

Mr. GRIFFIN. Mr. President, I was intrigued by a headline in the Washington Post this morning which said: "Postwar Budget To Free $17 Billion."

This is a considerable sum of money, Mr. President, and naturally I was curious to see who in the White House had announced that the postwar budget would free $17 billion.

I was surprised upon reading further down in the column to discover that the statement was made by the former Budget Director, Charles L. Schultze, while offering his valuable opinions to a congressional committee.

It will be remembered that Mr. Schultze was Director of the Bureau of the Budget from June 1, 1965, to January 29, 1968.

The budget deficit for 1966 was $3.796 billion.

The budget deficit for 1967 was $8.702 billion.

The budget deficit for 1968 was $25.161 billion.

Mr. President, I have no objection to the fact that former officials of the former administration come forth rather frequently to give us the benefit of their wisdom.

In this case, however, I am reminded of the ancient saying that no more pious man exists on earth than a reformed sinner.

I hope it will be possible to free a very large sum—perhaps as much as $17 billion—when President Nixon's Vietnamization program is complete.

But I suggest that ex-officials of the very administrations which involved U.S. forces in the war, and which were responsible for those deficits, have very little claim to omniscience.

CAMPUS LAWBREAKERS MUST BE TREATED AS SUCH

Mr. GURNEY. Mr. President, we were all saddened by the death of four young persons at Kent State University in Ohio earlier this month. I think it is fair to say that to a certain extent these deaths were avoidable and unnecessary. I fervently hope and pray that no such tragedy as this will occur in the future.

I confess that I am shocked by the statements of Dr. Benjamin Spock, recently reported in the press. At the funeral of one of the people who died at Kent, Dr. Spock is reported to have said that that young man's death was "the best thing" that ever happened for the antiwar movement in America. That statement is a new low even for Dr. Spock, who in the last few years has made a practice of coming out with outlandish and incredible statements.

While I very much sympathize with the families of the students who lost their lives in this tragedy, I am constrained to observe that it is not sufficient simply to brand the National Guardsmen as reckless and mark the file closed.

Kent State, in the days preceding the tragedy, was in a riotous condition. The building which housed the Reserve Officers' Training Unit had been burned. The hoses of the firemen who tried to put out the blaze were cut, and the firemen themselves were stoned. This is hardly the work of a band of youthful idealists. Bands of roving students had descended on the town of Kent, breaking windows and committing mayhem.

All the facts are not yet in: We do not know whether the troops were fired on, or if they were, by whom. It is not, as I say, an open-and-shut case of brutality and irresponsibility on the part of the National Guard. Ohio is not a police state. The view that these students are martyrs whose deaths are attributable to President Nixon or Vice President Agnew, is a simplistic view and a wholly false view.

I suggest that were Mr. Agnew to give

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up public speaking for the duration of his term in office, the revolutionaries would still be with us on our campuses. So far as the revolutionaries are concerned, Cambodia is an excuse, a cause which they can rally around and exploit. Genuine criticism of President Nixon's Cambodian decision is acceptable and, to a degree, even understandable. But I suggest that the revolutionaries have bigger things in mind, and they are using the admittedly sincere dissent of many young people to further their revolutionary aims. In the process, they are willing and indeed anxious to intimidate other students and faculty members who disagree with them. They resort to intimidation, assaults, vandalism, and arson to prosper their sinister notions of virtue.

While I will continue to defend the right of students to dissent from official Government actions and to protest those actions peaceably, I must and will continue to resist the idea that violence is a necessary or proper form of protest. Criminal conduct is criminal conduct whether it is committed by a student or anyone else. We cannot tolerate arson or felonious assault on policemen simply because those depredations are committed by students who assure us that they are idealists or pacifists. Criminal conduct must cease on the campuses. To stop it, we must recognize that those responsible for criminal conduct are in fact criminals.

We must make no mistake about it: The revolutionaries are working for violent revolution. They are seeking to enlist the decent young people who are sincerely exercised about Vietnam and Cambodia. The revolutionaries are looking for violent confrontations, provoking them, contriving them. I suggest that the revolutionaries are utterly without compassion and have not the slightest feeling of guilt or sorrow for the deaths which in no small measure are and will be attributable to their madness.

It is, of course, a mistake to put all college students in the category of radicals; similarly, we cannot correctly classify them all as youthful zealots and idealists. Like most human institutions, we have good and bad. In my estimation the vast majority are reasonable and reasoning youth. In the months to come, we should try to separate and isolate the criminals and the advocates of violent revolution from the mass of responsible and thinking students.

The New York Times for May 21 reports that rampaging students at Fresno State College, Fresno, Calif., firebombed a building housing a new $1 million computer center, causing $750,000 worth of damages.

At Antioch College, in Yellow Springs, Colo., plateglass windows were smashed and other damage done after the college administration rejected striking students' demands for a $50,000 contribution to the Black Panther defense fund. Each day we read of similar depredations, violence, arson, and mayhem.

In my judgment, college administrators must begin now to restore order. For openers, I would suggest the immediate expulsion of any student who engages in violence, arson, or unlawful physical occupation of any campus or portion thereof. Similarly, students who disrupt classes, threaten, or intimidate their fellow students must be disciplined. There is nothing new or extraordinary in this proposal: the power of expulsion as a sanction and a means of enforcing order is as old as university life, dating at least from the 12th century.

Furthermore, criminal acts by students must be prosecuted as criminal acts. Additionally, offending students should be made to answer civilly for the harm they cause as individuals and by this I mean the payment of money damages.

AMERICAN ASSOCIATION FOR HIGHER EDUCATION GIVES ITS VIEWS ON CAMPUS UNREST AND THE WAR IN INDOCHINA

Mr. YARBOROUGH. Mr. President, the American Association for Higher Education is an independent organization, of faculty members, students, administrators, trustees, and others concerned with matters affecting the welfare of the academic community. Recently, the board of directors of this organization adopted a statement on campus unrest and the war which merits the attention of all of us. A key sentence in this statement, lucidly points out the central cause of current campus unrest; it reads in part:

> The basic causes of these tragedies lie in the continuing war in Indochina and the lack of equal opportunity and full justice for individuals in our society.

Mr. President, I ask unanimous consent that the statement by the board of directors of AAHE on the war and campus violence of May 19, 1970, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE BOARD OF DIRECTORS OF AAHE ON THE WAR AND CAMPUS VIOLENCE

The death of students at Jackson State College, following so closely similar violence at Kent State University, fills us with horror and revulsion and with foreboding about the future of colleges and universities. It is too late to save the lives of the young people who died on these campuses but it may be possible to prevent further tragedy and it is that possibility to which we speak.

Although we recognize and deplore the actions of lawless and irresponsible persons on some of our campuses, we believe that the basic causes of these tragedies lie in the continuing war in Indo-China and the lack of equal opportunity and full justice for individuals in our society.

Until the war in Indo-China is ended and the nation turns its will and its resources to a reordering of its priorities toward eliminating social injustices, the possibility of further disasters looms large, a prospect which must be avoided lest further destruction come both to the nation and to higher education. This Board therefore calls upon the President and the Congress to bring to an early end American participation in the war in Southeast Asia and to commit the nation to pursue the cause of human justice and equal opportunity.

DR. ROBERT McCAN'S PLANS FOR A NEW COLLEGE IN COLUMBIA, MD.

Mr. MATHIAS. Mr. President, in the fall of 1971, it is anticipated that a unique college will open in Columbia, Md. It will be an institution founded with the stated purpose of promoting peace and understanding in the world.

Its opening will be the result of the extensive planning of Dr. Robert McCan, who first conceived the idea in 1963 while a postdoctoral student in international higher education at Harvard University.

His hopes for an institution to aid in the promotion of peace have taken the shape of a college with an international faculty and student body. In his words, the school will "put considerable emphasis on learning rather than on teaching" in that it will rely on the students' own initiative to provide a maximum understanding of other cultures.

The new city of Columbia, Md., a planned "total environment," has been specifically selected as the site for Dag Hammarskjöld College. This city, designed by the Rouse Co., is seen as an exciting place for a new college because of its location near Washington, D.C., as well as its own creative nature.

Dr. McCan's plans for Dag Hammarskjöld College were discussed in an interview with the Reverend Wesley Yamaka in a recent issue of Columbia Today, a publication of the Rouse Co. The U.S. Information Agency chose to reprint the article in its own magazine, Topic, which is published each month for distribution in Africa.

I ask unanimous consent that the interview be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NEW KIND OF COLLEGE

Following World War II, Dr. Robert McCan began thinking that a lot had to be done to promote peace and understanding in the world. It was not until 1963, however, that he decided a college would be one of the best ways to accomplish this. Since that time, the 43-year-old former Baptist minister has been working to establish Dag Hammarskjöld College in Columbia, Maryland. In the following interview, conducted by the Rev. Wesley Yamaka, Dr. McCan, president of the innovative new college, answers questions about its structure and purpose.

YAMAKA. What can we anticipate about the styles of academic and campus life at Dag Hammarskjöld College when it opens its doors in autumn 1971?

McCAN. There are many facets to the question, but basically we will be a four-year, co-educational, liberal arts college. Students from various parts of the world with many backgrounds will be living together on a campus and we will be teaching and learning from each other. We want to have a strong relationship with, and involvement in, the community of Columbia, Maryland.

For example, we are projecting the possibility that, for the first month students are in our college, they would live with families in the community. During this month, his community family would introduce the student into the life of the city and then, hopefully, serve as his family away from home. Also, we are hoping that at various times, students will have jobs in the community. We will have a strong academic program and a deep concern for aesthetic sensitivity and commitment to social purpose and social responsibility.

YAMAKA. How did you decide that this would be the style of college life you wanted to offer?

McCAN. This grows out of a long period of

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study, evaluation and planning. The inception of the idea for this college began when I went back to Harvard University in 1963 for two years of post-doctoral study in international higher education specifically to plan for this college.

Then I moved to Boston University and became a professor in the philosophy of higher education, comparative education and cultural foundations of education. There, many students prepared doctoral thesis and term papers and other projects on particular aspects of the college.

More recently, since coming to Washington, D.C., to organize under the sponsorship of the Church of the Saviour (Ecumenical), we've had 30 to 40 professional education consultants contribute to developing the design. Some 70 to 80 persons, whom I would call non-professionals in other fields, have also contributed on a regular, intensive basis to the planning. A large prospectus was developed and we sent it out to consultants for evaluation and suggestion. We studied creative colleges all over the world and selected facets of these colleges that we felt would fit into this design.

Yamaka. Why did you chose Columbia as the site for Dag Hammarskjold College?

McCan. We decided that the most exciting and significant place for the new college to be near would be Washington, D.C. The new city of Columbia, just 25 miles from the capital, offered additional exciting prospects. We had the international community of Washington close at hand with all of the embassies and international associations and organizations. But in addition, Columbia is a new town, planned by architects and urban specialists in the context of "total environment." We could participate in all the creative structures of the new city, and we could use it as a teaching mechanism for our students. They would have the opportunity of dealing with and being involved in the problems of urbanization, new patterns and ways of living.

Yamaka. In the past, you have spoken about Dag Hammarskjold College having more of a "learning" environment than a "teaching" environment. What exactly do you mean by that?

McCan. We plan to put considerable emphasis on learning rather than on teaching. We're saying first that students will use their own initiative in the learning experience—they will set their own goals and objectives regarding what they want to accomplish.

All students will be required to take courses in four general areas during their first year. The second part of their study will be aimed at vocational preparation. The final year is made up of completely independent study, so that during the final year, the student simply has a faculty advisor and tutor. He studies on his own. Then, it is almost completely a learning process as opposed to a teaching process. Higher education is moving in this direction rather rapidly.

Yamaka. Students and faculty members will be coming from many countries. We understand these countries have been selected. On what basis were they chosen, and would you list them?

McCan. We have chosen countries in widely scattered geographical areas. We are in the process, as a matter of fact, of re-evaluating the criteria for the selection of the countries, which means we may conceivably also re-evaluate some of the countries themselves and decide to change to others. We want to concentrate on a few countries in the beginning simply because we don't have the resources to be related to every country. We want to study their languages, their cultures and their histories. We want to have centers in these countries for our students to go to for study, travel and work.

What were the criteria for selection? We have looked for widely scattered, representative countries that are world leaders and have a great sense of influence and power. We want others to be in the developing parts of the world. We looked to countries which had universities that were adequate for cross-exchanges of various kinds. As of the moment, the following countries are on our list: Colombia, Germany, Sweden, the Soviet Union, Yugoslavia, Nigeria, Israel, the Pan-Arab countries as a group, India and Japan. Forty percent of the students will be from the United States.

Yamaka. Tell us more about the cross-cultural aspect of education.

McCan. First, a cross-cultural life will immediately derive from the fact that 60 per cent of the faculty and students are from countries outside the United States. The whole structure of the curriculum and the co-curricular activities—work, travel and study-abroad programs—is designed to provide a maximum understanding of other cultures. Each student will be able to study about the problems and needs of his own culture and not simply that of American problems and needs. We expect that biased, ethnocentric ways of thinking will begin to disappear.

Each student will concentrate on understanding one culture in addition to his own. To do this, he will learn the language of that culture, live in a house on campus which will be designed and lived in by people from the other culture. There will be a Japanese house, for instance. A student who wants to concentrate in Japanese culture will live in this house, where Japanese students are hosts. He will have time there, before living in Japan, to absorb a great deal of the cross-cultural emphasis. On the other hand, there are specific courses designed to ground one in his own culture.

Yamaka. Who are the students who will be attending and in what areas will they be studying?

McCan. This is very much a liberal arts college, and we're proposing that every student would get a bachelor of arts degree. We also have two fields of vocational preparation: one is public-private management, which might be called business administration, and the other is education.

What kinds of students will come? Generally, those in the upper fourth of their graduating classes in secondary school, but not necessarily. We want a cross-section and we will expect some students to have lower academic standings.

Yamaka. How is Dag Hammarskjöld College going to be financed?

McCan. We've had, do date, a very impressive core of volunteer workers—professional and non-professional—who have given several thousands of hours of time over the last three years in bringing the school this far at a minimum of financial cost. We are projecting a capital gifts campaign which will operate over a two-year period and for which we have a goal of $6.5 million. We are very confident that we can raise the money that is required.

Yamaka. We understand that the goal is to open the school in the fall of 1971. Is that right?

McCan. Yes. We are proposing to open in September 1971 with a class of 120 first-year students. Each of the permanent faculty members will specialize in one general area of study—communications, social relations, natural sciences and the humanities. Their work will be supplemented by other part-time faculty members and by outstanding guest speakers who will visit and lecture.

Yamaka. How do you see the problem of student unrest, and are you planning any built-in processes whereby students will actively participate in policies affecting the school?

McCan. We believe that we are planning a school that deals with the basic causes of student unrest. On the other hand, the moods of a volatile society may very well affect our campus. There will be a strong degree of student participation in the life of the school. We will have an evaluation annually in which the students will participate and in which they can have an input into the way things are going and how they need to be changed.

We're deliberately building an academic community which will avoid the mass impersonal school. We believe the curriculum is relevant to real life and the interest of each of the students. They will have a large share of participation in policy and planning of our life together. Community will be important to us and we hope to deal with the problems of identity which are very important to students now as they seek to know who they are and what their role in our world is.

There will be work experiences related to the world beyond the college and we'll use creative educational techniques which are wide-ranging and personalized to help meet the particular needs of students. I am sure we will make some mistakes and there will be some unhappy students, but we do believe that this model which we have developed is extremely relevant in terms of student unrest.

Yamaka. One final question. Why did you choose "Dag Hammarskjöld" as the name of your college?

McCan. Dag Hammarskjöld's life was based upon a strong emphasis on his inner being, his personal inner resources, his spiritual strength, his at-homeness with himself, and, of course, he had a strong sense of public responsibility. We want to epitomize that style in our college.

GENOCIDE CONVENTION REMAINS AN ISSUE OF CURRENT IMPORTANCE

Mr. PROXMIRE. When the section of individual rights and responsibilities of the American Bar Association was working last year on various aspects of the Genocide Convention, it addressed the question of whether the convention was any longer of significance. The section concluded that, indeed, it was of current importance. The section included in its report a statement pointing out that although the Convention grew out of the international reaction to the Nazi atrocities, man's inhumanity to man did not cease with the cessation of World War II. Unfortunately, we cannot be assured that acts of "genocide," even though on a lesser scale, will never again be committed.

The statement goes on to point out that ratifications and accessions continue to be received in the United Nations, and lists the latest accession in early 1969. To bring the list of accessions up to date, yesterday I placed in the Record the listing of 75 nations which have now acceded to the Convention.

I ask unanimous consent that the statement of the committee, which highlights the reasons for the continuing importance of the Convention, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

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The Genocide Convention Remains an Issue of Current Importance

There may be some temptation to say of the Genocide Convention that it is "fighting the last war". It is, after all twenty years old, and it was stimulated by the atrocities of World War II. But both in political terms and in terms of the substance of the Convention, the issues are very current. * * *

Ratifications and accessions keep coming in all the time—Nepal was the latest in January of 1969. America's friends ask, "Where are you?"; America's foes say, "You see what we mean. * * *"[1]

More important, more tragic, is the fact that threats and acts of genocide are in no sense remote. In Africa, in the Middle East, Southeast Asia, in the Mediterranean, and the Caribbean, it is clear that ethnic hatreds, war and hunger and depredation as weapons, brain-washing and torture are not of the past. If the excesses of World War II have not quite been repeated, the Genocide Convention may have had a part to play. No one can say that the concerns of that treaty are not the concerns of today and tomorrow.

It may well be that the Genocide Convention has already been violated, even by those who have joined it. Magna Carta was violated many times in English history; the American Bill of Rights was violated many times—indeed continues to be violated all too often. So are the Fourteenth Amendment and the Fifteenth Amendment. But none could gainsay their importance, and their overall effectiveness.

It is too early to tell whether the Genocide Convention will take its place alongside the Magna Carta and the Bill of Rights. It is too late to pretend it does not matter.

AMERICAN FOUNDATION FOR AUTISTIC CHILDREN

Mr. MATHIAS. Mr. President, we seem to live in an age when far too many people are prepared to rely more and more on others for the answer to their problems. But Mrs. Leslie A. Grant of Somerset, Montgomery County, Md., has set an example which merits the attention of each of us.

She was faced within her own family with the challenge of helping two autistic teenage daughters. Instead of transfering the responsibility to someone else, she sought to aid her own children. Her efforts led to the founding of the American Foundation for Autistic Children, a nonprofit organization dedicated to promoting research and education for children with infantile autism.

Through the efforts of the foundation, the community of Somerset, and Mrs. Grant, a center for the treatment of a mental illness which has been called "the most severe and difficult to treat of all childhood disturbances" will soon be completed.

Recently, the Sentinel, of Montgomery County, Md., published a story on the progress to date of the American Foundation for Autistic Children. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Montgomery County (Md.) Sentinel, Apr. 23, 1970]

Mother Faces Challenge of Autistic Children

"What is more challenging than trying to create a human being?"

Mrs. Leslie A. Grant of Somerset, mother of two autistic teenage daughters, has spent her maternal lifetime responding to that challenge. A painter, musician and lover of beauty in all forms, she put aside these interests to harness her creativity into one mammoth undertaking: to make her daughters as close to normal as possible.

In helping Mooza, 19, and Lynda, 16, to learn to talk correctly and behave in a socially accepted way. Mrs. Grant has opened the door to hope for parents of similarly afflicted children.

Two years ago she founded the American Foundation for Autistic Children, a nonprofit organization dedicated to promoting research and education for children with infantile autism. This mysterious form of mental illness has been called "the most severe and difficult to treat of all childhood disturbances." The National Association for Mental Health estimates that some 500,000 children in the United States suffer from the syndrome which it classifies along with childhood schizophrenia and psychosis.

The foundation has established a center, which operates in rooms donated by the North Chevy Chase Christian Church. Here youngsters are given therapeutic training, parents are counseled and trained, research is accumulated and personnel are instructed in working with autistic children.

The Town of Somerset has recently made available to the center a house and grounds, strategically situated just two blocks from the National Institute of Mental Health. Before the program can become operational, funds are needed to complete repairs to the house.

"Our greatest need," said Mrs. Grant, "is a place to diagnose and service the child. Our hope is to establish a residential research clinical center patterned after the Warm Springs Center of the March of Dimes."

An additional $8000 is needed to complete the cost of house repair. Persons interested in aiding this cause should contact Ann Brewer, assistant director, 966–6849.

"You must impart a sense of confidence to these children," Mrs. Grant declared. "At the Center we never raise our voices, get angry or use the word 'no'. A sense of composure plus optimistic thinking is the key to successful treatment."

But progress is so minute in working with autistic children that it discourages people. "There is always development . . . but it is like grass growing. You just don't see it," she explained.

The center admits children who are refused admission to other schools or expelled from private schools because of behavior problems.

The difficulties in finding help in caring for her autistic children led Mrs. Grant on her ceaseless quest for answers to the problem. "In the early years some pediatricians refused to take my children into the waiting room. We had to go through the back door after hours. Even when treating your child they often gave you the feeling that you were wasting your time. I went from pillar to post and worked with them at home, in the dark, intuitively."

Desperate for help and forced to face the problem alone, for local schools and agencies provided neither aid nor schooling for the girls, she took them to the Menninger Clinic and there they told her, "You are doing such a good job, why don't you go home and set up a school?"

Mrs. Grant served for two years as radio and TV chairman of the President's Committee on Mental Retardation. Dr. Leopold O. Walder, formerly of the University of Maryland, now professor of psychology at American University, saw her on a TV program and volunteered his services. For one year he worked with the girls and their mother, teaching them behavior modification. This comprised learning academics, socialization and occupations such as knitting, cooking, sewing and cleaning.

Somerset House is the setting within which these principles of behavior modification can be practiced and learned so that each disturbed child may reach the full fruition of his capabilities. "Through these techniques," said Mrs. Grant, "we hope that other less handicapped children will be helped as well."

PRESERVING THE MODEL CITIES PROGRAM

Mr. GOODELL. Mr. President, the successful redevelopment of our Nation's cities, particularly the older ones, depends largely on the input of Federal funds.

Clearly, the epidemic blight in our cities can only be cured with a commitment of more financial resources and human energies, not less.

In fact, our cities, as never before, need massive help.

For that reason, I was most gratified to learn that the administration has decided against siphoning funds away from model cities and other urban programs.

The model cities program was conceived by the Congress in 1966 in an effort to improve the quality of life in urban areas of this country. The objective of the program was to provide block grants to local governments for alleviating urban blight and upgrading urban neighborhoods.

Despite my own initial reservations about the program, I have become convinced that model cities is working and has become an essential tool for upgrading our core cities.

Unlike other urban improvement programs, model cities requires community participation in the planning and action phases of the program. This new ingredient gives the residents of the target areas a "piece of the action"—an effective voice in the development of their own neighborhoods.

I believe strongly in this concept of decentralization. In fact, I sponsored in the House the Community Self-Determination Act, which provided for new, locally controlled community development corporations to promote the self-development of low-income urban and rural areas. The model cities program utilizes the same concepts of decentralized government—community action, popular control, local leadership and effective community choice.

No one can deny that the model cities program has met with delays in program planning and funding since its passage. The delays, however, have not been caused by any basic flaw in the program concept. Rather, they have been the result of unrealistic program deadlines. They have stemmed from a lack of coordination among the Federal agencies which contribute resources to the pro-

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[1] In June of 1969 the Economic and Social Council of the United Nations adopted a new resolution which invited all states which are parties to the Genocide Convention to transmit information regarding implementing measures, and calling upon states which have not yet become Parties to the Genocide Convention to do so as soon as possible. U.N. Doc. E/Res./1420/XLVI (June 17, 1969).

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gram and bureaucratic redtape on all governmental levels.

Former Under Secretary of the Department of Housing and Urban Development, Dr. Robert Wood, reported after some study that model cities would be a 6-year program—one planning year and 5 years of implementation. Although a time limit was not included in the legislation, HUD subsequently promulgated regulations requiring a 5-year comprehensive plan. Although one planning year is normally sufficient for an urban renewal program, it is insufficient for the planning of a brandnew program involving the untried concepts of block grants and community participation. In New York City for example, the planning phases took between 1½ to 2 years to complete.

Despite these delays, the model cities program has served several critical functions since its inception. The program has succeeded in creating a new social institution to link the neighborhood to the city government. For the first time, the local community and the local government cooperatively decide on a plan for community services and development.

Equally important, the program has also provided the marginal dollars for services to the poor that cannot otherwise be provided by the city because of a decreasing municipal tax base.

As my colleagues know, many communities spent considerable time formulating comprehensive planning applications and State and local governments have committed considerable funds to the program. In New York City, for example, the Federal-State-local commitment for three model city neighborhoods totals $390 million, of which $90 million has already been committed by the city government.

I expressed my grave concern to HUD officials about the proposed diversion of funds from model cities. I felt that such an arbitrary shift of policy would have undermined the efforts of many people on the local level to make this meaningful program work in the cities. It would have undermined the constructive dialogue now going on between city hall and local communities. Furthermore, it would have undermined and eroded the credibility of the administration's commitment to urban programs.

The President and his staff are to be commended for their decision to preserve model cities and other urban programs.

BILINGUAL EDUCATION: TEACHERS COLLEGE RECORD REPORTS

Mr. YARBOROUGH. Mr. President, the May issue of the Teachers College Record of Columbia University contains an impressive account of the history and growth of bilingual education.

It was written by a prominent authority in the field of language and education. He is Francesco Cordasco, at present professor of education at Montclair State College, in Upper Montclair, N.J. Mr. Cordasco is also an educational consultant to the Commonwealth of Puerto Rico, and is author of several books in this field. Most recent among them are "Minorities in the American City," published in 1970, "School in the Social Order," also published in 1970, "Puerto Rican Children in Mainland Schools," published in 1968, and "Jacob Riis Revisited: Poverty in the Slum in Another Era," published in 1968.

Mr. Cordasco's article is entitled: "Educational Enlightenment Out of Texas: Toward Bilingualism." The writer is principally interested in the difficulties encountered by children of Puerto Rican ancestry, but his observations and emphasis on the importance of bilingualism in teaching apply to every child from a non-English speaking home.

I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EDUCATIONAL ENLIGHTENMENT OUT OF TEXAS: TOWARD BILINGUALISM

(By Francesco Cordasco)

It has long been an ethnocentric illusion in the United States that, for a child born in this country, English is not a foreign language and virtually all instruction in the schools must be through the medium of English. Some of our states (New York included) have mandated this ethnocentrism in a plethora of statutes which expressly forbid instruction in any language but English. Of course this is not difficult to understand. Despite the ideals of a democratic society in which the schools were to serve as a basic vehicle of cohesion, the schools instead became the agencies of social disaffection, cultural assault, and enforced assimilation. How could it have been otherwise, since the schools had to minister to children who brought with them myriad cultures and a multiplicity of tongues? More often than not (almost always in the urban immigrant citadels) the American schools found their children in poverty and neglect. If there is a common denominator which must be sought in the millions of American children who presented themselves to a society's schools, it is poverty. And its ingredients (within the parameters of this poverty) were cultural differences, language handicaps, social alienation, and disaffection. In this sense, the Negro huddled in the urban ghettos, the Puerto Rican poor in search of economic opportunity on the mainland, and the Mexican-American poor, largely an urban minority, are not newcomers to the American schools, nor do they present American educators with new problems. The American poor, traditionally, are the ingredients out of which our social institutions have fashioned the sinews of greatness.

In its efforts to "assimilate" all of its charges, the American school assimilated (and in consequence very often destroyed) the cultural identity of the child; it forced him to leave his ancestral language at the schoolhouse door; it developed in the child a haunting ambivalence of language, of culture, of ethnicity, and of self-affirmation. It held up to its children mirrors in which they saw not themselves, but the stereotyped middle-class, white, English-speaking child who embodied the essences of what the American child was (or ought) to be. For the minority child, the images which the school fashioned were cruel deceptions. In the enforced acculturation there were bitterness and confusion; but tragically, too, there was the rejection of the well-springs of identity, and more often than not, the failure of achievement. The ghettoization of the European immigrant is, in substance, exactly analogous to the ghettoization of the Negro, Puerto Rican ,and Mexican-American poor. Louis Wirth, a long time ago, called attention to the vitality of the ghetto in its maintenance of the life-styles, languages, and cultures of a minority people assaulted by the main institutions of a dominant society.

When the Congress discovered poverty in the enactment of the Economic Opportunity Act of 1964, and fashioned the cornucopia out of which the schools have plucked endless "goodies," the schools largely fashioned programs born out of this new federal largesse which reflected their continuing pursuit of the stereotyped middle-class, white, English-speaking child in whose image all of our children were to be cast. And so Head Start taught its children middle-class table manners; the Neighborhood Youth Corps took its social adventurers to museums and opera houses whenever they could be found; Upward Bound, too, became preoccupied with the cultural refurbishing of its charges and took for granted miraculous cognitive blossoming; and Title I Programs of the Elementary and Secondary Education Act did a whole host of things which were designed to elevate "culturally deprived" children to levels of middle-class conformism, *de rigueur.*

THE NON-ENGLISH SPEAKING CHILD

Those of us who have been concerned with Puerto Rican children in our major cities have for some time struggled with what was actually a very old problem. If all children presented themselves to the American schools with many differences, how graphic was the immediate difference epitomized in the non-English speaking child. The history of the American school has not been the evangelical triumph which the New England sage and historian Ellwood Cubberley sketched in such bold relief; rather, the non-English speaking child (almost inevitably in a context of poverty) was the easy victim of cultural assault, and his ancestral language was at once a target against which the school mounted relentless resources.

Against this tragic background and quixotic effort, largely unnoticed, has been a "sleeper" amendment to the Elementary and Secondary Education Act which in essence would propose that we wash away the haunting ghosts of ethnocentrism and cultural affection, and turn to the meaningful cultivation of individual differences which better reflect the pluralistic base out of which the children of an open society truly come.

THE SLEEPER AMENDMENT

The history of this "sleeper" amendment is a good illustration of what Kenneth Clark has characterized as "the dilemmas of power." Where would one have sought the power in the Congress to recognize the particular needs of Puerto Rican children, if previous Congresses had chosen largely to ignore those millions of children who were non-English speaking who had passed through the portals of the school? The tactic here was obviously to relate the Puerto Rican child to the needs of another group long indigenous in our society but equally long disenfranchised, and for whom English was not the native language. In the five state area of the Southwest (Texas, New Mexico, Colorado, Arizona and California) there are at least 1.75 million school children with Spanish surnames, whose linguistic, cultural and psychological handicaps cause them to experience, in general, academic failure in our schools, or at best limit them to only mediocre success. The Mexican-American child classically demonstrated that an almost inevitable concomitant of poverty was low educational achievement. Thus, it was out of unlikely Texas that an extraordinary amendment to the ESEA was proposed: an unlikely provenance, since one would have expected that the provisions of this liberal and enlightened amendment would have been born in the great egalitarian citadels of the North.

On January 17, 1967 Ralph Yarborough (D.-Texas) introduced in the Senate of the

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United States S. 428, which proposed "To amend the Elementary and Secondary Education Act of 1965 in order to provide assistance to local educational agencies in establishing bilingual American education programs and to provide certain other assistance to promote such programs." At long last the Congress had before it legislation which would legitimatize the cultivation of individual differences in our schools. Understandably, Senator Yarborough was concerned with the problems of his Mexican-American constituents, but his bill explicitly noted that: "For the purpose of this Title, Spanish-speaking elementary and secondary students means elementary and secondary school students born in, or one or both of whose parents were born in, Mexico or Puerto Rico, and, in states for which such information is available, other students with Spanish surnames." The very proposal of the bill was tantamount to the recognition that Mexican-American children had been neglected by American schools. But Senator Yarborough's legislation went far beyond this elemental recognition. It proposed (1) bilingual educational programs; (2) the teaching of Spanish as the native language; (3) the teaching of English as a second language; (4) programs designed to impart to Spanish-speaking students a knowledge of and pride in their ancestral culture and language; (5) efforts to attract and retain as teachers promising individuals of Mexican or Puerto Rican descent; and (6) efforts to establish closer cooperation between the school and the home. What extraordinary proposals! Those millions of children who had been denied what a mature society was now proposing might well have served as a Greek chorus intoning social amens.

As was to be expected, Senator Yarborough's bill (which had as co-sponsors both Mr. Javits and Mr. Kennedy of New York) created a flurry of activity in the House (though largely unnoticed outside the Congress) and a veritable spate of companion House bills were proposed, chief amongst which was H.R. 9840 mounted by James H. Scheuer (D.-New York). Congressman Scheuer would have everything that Senator Yarborough had proposed, but he chose not to accept the Yarborough bill's limitation of its provisions to Spanish-speaking students. For Congressman Scheuer the school would respond in much the fashion that Yarborough proposed, no matter what the student's native language might be, and Congressman Scheuer simply chose to increase five-fold the allocations which Senator Yarborough had proposed ($25,000,000 as against $5,000,000 for fiscal 1967–68), and further to allow participation by full-time nonpublic school students (children in parish schools).

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TOWARDS BILINGUALISM

There are of course some objections which have been raised against the legislation. Some linguists have objected to the pegging of the bill to the poverty context, and have been adamant in proposing that the bill be unrestricted in its provisions and allow the cultivation of a vast bilingual resource. But this is truly another problem. What the legislation has really proposed (no matter how awkwardly, and with full cognizance of all the programming intricacies which will have to be worked out) is that the social institution which is the school and which serves the children of an open society must build on the cultural strengths which the child brings to the classroom: to cultivate in this child ancestral pride; to reinforce (not destroy) the language he natively speaks; to cultivate his inherent strengths; and to give this child the sense of personal identification so essential to his social maturation. We can only lament the lost opportunities of other eras. The legislation proposes that there is no excuse for failure at this juncture in our society. Senator Yarborough's "sleeper" legislation will have thrust greatness upon him, and Texas will have become in educational history as illustrious as Massachusetts. In August, 1967 his Senate Bill 428 was unanimously reported out of the Senate Sub-Committee on Education, and in the closing sessions of the 90th Congress became law. In the long interim which followed, a reluctant Congress finally authorized $7.5 million for fiscal 1969.

Secretary of Health, Education, and Welfare Robert H. Finch said on February 12, 1969, that he considered prompt, massive upgrading of bilingual education one of the major imperatives confronting HEW. He announced at the same time that he was establishing a new post, Special Assistant to the Commissioner of Education for Bilingual Education, as a first step in meeting this challenge. Proposals requesting some $47 million were received prior to the December 20, 1968, deadline from local agencies in 40 states, the District of Columbia, and Puerto Rico. Following review of the proposals by a panel of outside experts, selected applicants were asked by the Office of Education to submit formal proposals by May 5, 1969, for final evaluation. From a $7.5 million budget for the program for fiscal 1969, direct grants are to be made to those agencies that propose programs and activities which present innovative solutions to bilingual educational problems. Projects must focus on schools that have a high concentration of children of limited English-speaking ability and who come from families earning less than $3,000 per year. Emphasis may be on planning and developing research projects; conducting pilot projects to test the effectiveness of plans; developing special instructional materials; and providing training for teachers, teacher aides, and counselors. Bilingual educational activities may be designed to impart to students a knowledge of the history and culture related to their languages; establish closer cooperation between the school and the home; and provide preschool and adult educational programs related to bilingual education.

Seventy-seven public school agencies in 27 states have been invited by the U.S. Office of Education to prepare formal proposals for grants under the authority of the $7.5 million Bilingual Education Program, Title VII of the Elementary and Secondary Education Act, as amended. These education agencies were selected from 312 which submitted preliminary proposals to the U.S. Office of Education by the December 20, 1968 deadline. Approved projects will be operating during the 1969–70 school year.

COMMENCEMENT ADDRESS BY THE COMPTROLLER GENERAL

Mr. PEARSON. Mr. President, I recently had the opportunity to read the commencement address delivered at McPherson College, McPherson, Kans., on May 24, 1970, by the Comptroller General, Elmer B. Staats. It is an excellent statement. It deserves the attention of Senators.

Addressing the graduation seniors, Mr. Staats makes a very fundamental point:

> The question is not where do *you* go from here—this day, from this campus—but where do *we all go*—as a people and as a nation.

This is a simple, but at the same time a profound observation. Youth too often think they must create a world which is somehow separate from their elders. Adults too often think of youth as being concerned with problems which are somehow unrelated to their own. We are all in the same boat, so to speak. We are all confronted with the most important and fundamental question: Can we, indeed, as Mr. Staats inquires, "govern ourselves—rationally, efficiently, and effectively"? This question is being tested as never before.

Mr. Staats' observations on the nature of this challenge and what we may do to meet it are appropriate and penetrating.

I ask unanimous consent that the address, entitled "Where Do We Go From Here?" be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHERE DO WE GO FROM HERE?

I appreciate the invitation to be here this afternoon, but I must confess to a slight element of surprise. I suppose I would have to be categorized these days as a member of the Establishment, coming as I do from Washington; being the head of an agency; being a member of the Board of Trustees; and, most important, being past the half-century mark, age-wise.

McPherson College is fortunate in having as its President a progressive, dedicated, and energetic leader. Come to think of it, *any* college is pretty lucky to have *a* president these days!

It's "in"—or should I say "Mod"—these days to criticize the college president if not actually to physically oust him from his office. That happened at the American University in Washington recently. Dr. Wesley Posvar, Chancellor of the University of Pittsburgh, remarked on this point, saying that it is easy for any college president to be criticized by the far left or the far right, for that matter. "If he is particularly adroit," Dr. Posvar added, "he can even manage to be criticized by both of them—simultaneously."

There may of course be no such thing as a typical college or a typical college president. But, if college presidents are restless these days, it is because they have a variety of publics and constituencies, nearly all of whom are restless: disturbed students, alarmed faculty, inquiring trustees, concerned alumni, annoyed parents, critical politicians, scolding news media, and a worried public which wonders—to put it mildly—what is going on out there on the American campus.

I suppose this is why one college president's wife recently stated: "The only people who should be university presidents are the friendless, the orphaned, and bachelors."

The traditional commencement address designed to inspire, to congratulate, and to bid bon voyage has no place in this year—the beginning of what may be the most fateful decade in our Nation's history. President Kennedy once remarked that this generation—your generation—has within its power to be the best generation of all time or it can be the last generation. He was, of course, referring to the tools we have to create a great society if we will but find the way to use them.

These are puzzling, difficult, and sobering days for all of us. They seem to defy explanation, description, or rational analysis. Each day we are confronted with new evidence—carried in the press, on the radio and television, and even in the theater and arts—that not all is well, to put it mildly. Protests, riots, growth of crime and drug addiction, and the thwarting of mores of society have become familiar and almost standard daily news items, providing a subject of endless debate among commentators, psychologists, psychiatrists, sociologists, and commencement speakers, end on end.

It would be simple if we could explain all of this because of our frustration with the war in Vietnam. Vietnam is certainly a major factor, but similar unrest among younger people has extended to Japan, Mexico, Canada, Europe, and elsewhere—countries which are only remotely if at all involved with Vietnam.

Some would say that the explanation lies with concern over a possible nuclear confrontation, a threat made more real because of the proposed deployment of the antiballistic missile. Yet, why should youth feel that it has a monopoly on this concern? Youth is joined in this audible concern by an estimated half of the United States Senate, led by men in their 60's—Fulbright of Arkansas, Gore of Tennessee, Symington of Missouri, and Cooper of Kentucky. And what about the President and faculty of McPherson College? And what about your parents? And what about the deep concern of the vast majority of the American people?

You on the college campus of today are of a different time and a different world. You were born and are being reared in the atomic age where science can be our salvation or our destruction. We are all in this highly complicated and technical age together. Your speaker is in it with you. Your parents and your friends are in it with you. Here we all are, together.

The question is not where do *you* go from here—this day, from this campus—but where do *we all go*—as a people and as a nation?

The ubiquitous atom knows no such thing as a generation gap. This point was well illustrated by the late Senator Robert F. Kennedy in his memoir of the Cuban missile crisis called "Thirteen Days." He recalls that when President Kennedy called together a group of advisors at the start of that crisis, General Shoup, then Commandant of the Marine Corps, said: "You are in a pretty bad fix, Mr. President." President Kennedy—who was then 45 years old—responded to the older man: "You are in it with me."

Perhaps some would blame today's wide unrest on the role of the news media—especially television—saying that the problem is that two much publicity is given to a fringe minority which, if ignored, would probably grow tired of what appears to a majority as senseless, juvenile acts designed to attract attention by rebellion against authority and encouraged to continue by the attention given by the mass media and the endless pictorial parade of these antics.

Still others would say that we are caught up in a generation gap and that the solution lies in placing students on advisory boards of universities, providing more opportunities for dialogue, and finding ways to make social improvement more responsive against the impersonality and unweildiness of big government, big universities, and just plain bigness, generally, which make democratic institutions slow to respond to change.

There are others who would explain the phenomena as stemming from the influences arising from the revolution in communications that has taken place since the close of World War II, and particularly the role of television. Former President James Perkins of Cornell, who was one of the first college presidents to experience the direct effects of unrest firsthand—commented sometime ago that today's student "has grown up eyeball to eyeball with the world through TV." It is easier to focus on what is happening in Chicago, Berkeley, Tokyo, or Paris than what is going on in our own communities. It is easier to listen to the philosophy of Martin Luther King or Eugene McCarthy or Abbie Hoffman firsthand on television than to concentrate on the writings of Socrates, Rousseau, or Thomas Jefferson. And don't minimize the influences that arise from the fact that we are more and more an urban society. This interpretation takes place when groups organize or come into conflict, frequently quite separate and apart from, and possibly having far more influence than, those influences of traditional institutions of family, church, bosses, or teachers.

Some or all of these explanations may be in order, and I have no clear-cut answers to give; but answers—and action—are essential. All of us are involved. And so must we all be involved in seeking solutions.

The experience of one group which became involved is revealing—all members under age 30—serving as assistant city managers in northern California. Now age 30 may strike some of you as a pretty ancient age; it seemed so to me when I was in college. Interestingly, in a survey of 76 members of this group—all only 3 or 4 years off the campus—of the priority problems and issues heading their list as needing attention, what do you suppose was the subject selected? You guessed it: the difficulty in fully comprehending what seems to be a change in the values and conditions of behavior of the "now" generation.

We all know that dissent is an American heritage running back to our 17th and 18th century beginnings. At the risk of oversimplification, let me mention that two of the most popular characteristics in American fiction, Tom Sawyer and Huckleberry Finn, were dissenters in their own ways—especially Huckleberry. Tom frequently ran away from his mentor, Aunt Polly. And Huckleberry had no use for Hannibal, Missouri, the Establishment of his day. Huck's enemy was civilization itself as is the case with some young people now.

And, of course, it's just possible you have heard of the Boston Tea Party, the Whisky Rebellion, and the labor riots of the 1870's. Sound familiar?

Dissent and protest have been present throughout history, going back to the reaches of time. Witness the following:

"Our youth now love luxury. They have bad manners and contempt for authority. They show disrespect for their elders and love idle chatter in place of exercise. Children now are tyrants—not the servants of the household. They no longer rise when elders enter the room. They contradict their parents, chatter before company, gobble up their food and tyrannize their teachers."

Yes, very familiar indeed! They are words attributed to Socrates about 450 B.C.

I was born in a world that never dreamed of space satellites, that would have never thought of a flight to the moon as even a remote possibility. Lindbergh's flight to Paris which seemed the acme of achievement took place when I was age 14, and only in books like George Orwell's "1984" was it imagined that pictures might be sent through the ether. No one conceived of a computer in a more advanced stage than a hand-operated adding machine or a Chinese abacus.

But you have never known a world without these things. In that sense you did not have to make radical adjustments in your acceptance of things that are. They were here when you got here. They are normal to you. You are making use of them already. You will make much greater use of them as your futures unfold. And those of your generation in the world community will, I predict, find ways to live in a world of nuclear weapons by keeping them in storage or by rendering them obsolete.

In this sense we all share the theme underlying Dr. Martin Luther King's "I have a dream" speech of 1964, for that was a speech about the future, too. We all place our hopes on our children and on youth. Those of us who have spent our lives working, whether in business, in Government, or in the universities, can never stop working for a better future.

So the real gap and the main thesis of my remarks this afternoon is not so much the generation gap as it is a "value" gap or an "institutional" gap. We have not yet found the counterpart to the Salk vaccine, the transistor, and the computer in our social institutions. We have learned how to transplant human hearts; we have not learned to transplant new social values into obsolete forms of local government and rigid institutions.

It seems to me that the key must somehow rest not with *protest*, but with *participation* through organized society—Government and nongovernment—if we are to have a reasonable chance of defining our objectives acceptably for the diverse interests of society. There is a corollary, and that is a willingness to accept responsibility and a self-discipline both of individuals and of groups to work toward constructive solutions. Alexander Hamilton said in 1794 that "Government is that power by which individuals in society are kept from doing injury to each other, and are brought to cooperate to a common end." This is equally true—especially true—today.

For those who say that youth should work through established channels to achieve change, I say let's give the 18-year-old the right to vote.

And for those of us who have the right to vote, I say let's use it rather than having candidates nominated and elected by a small handful of voters.

And for those who want to get involved—there are places for volunteer hospital aides, social workers, assistants in juvenile courts, and literally thousands of other places where those with a sense of purpose can build—not destroy—a free society.

In the critical days of World War II, in May 1944, a vast "I am an American Day" ceremony was held in Central Park in New York City. The thousands there included many new citizens—escapees from Nazi Germany and Communist Russia. The speaker was Justice Learned Hand, who served for 40 years on the Federal Bench and who came to be known throughout the world for his defense of the principles of freedom and of the rights of individual citizens.

Mr. Justice Hand's comments on that occasion need to be reread by all people, but most of all by those who are engaging in the open dissent so prevalent today. He said in part:

"What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it. And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few, as we have learned to our sorrow."

The liberty that Mr. Justice Hand describes will require better management of governments than anything the world has known in the past. If man can improve his circumstances through technological invention, it is logical to believe that he can—if he wishes and as he wishes—improve his capabilities in the art of government. The famous English poet and historian Samuel Coleridge wrote many years ago that "experience is like the stern lights on a ship. It illuminates only the past." We must understand where we have been if we are to know where we plan to go. Someone has said that we must look back to see the longer view when going uphill.

Many would agree that President Kennedy was not a great political leader and certainly not an experienced Government executive. Rather, his great contribution was that he symbolized and articulated a sense of dedication and of purpose not only for the United States, but also for the entire world. When he said in his inaugural address on that cold

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day in January 1961, "And so, my fellow Americans, ask not what your country can do for you: Ask what you can do for your country," he voiced a goal for those who would build and not destroy. Out of this goal came the Peace Corps which now numbers more than 11,000, serving in 57 nations, nearly 450 of these young people, incidentally, came from the State of Kansas. Listen to the words of the head of a newly independent nation in Africa:

". . . When I read and hear of the growing disenchantment in the developed nations over external aid and technical assistance, when I learn of the international resources which are being consumed in military confrontations, I cannot help wishing that there were a few more people who could recognize the impact which fifty-two young men and women are capable of making in a country such as mine . . ."

Testimonials, such as this, can be testimonials for those of us here at home in our communities, cities, and counties. Define these goals we must, because the problems of our society can only increase as we become more densely populated, more urbanized, more industrialized; and along with these go a need for mass transportation and better communication. These, in turn, create powerful forces that tend to weaken the traditional roles of family, church, and town hall as constructive disciplinary units in society.

In 1940, not long after I completed college, the population of the United States was about 130 million people. We are now a nation of 200 million. In the year 2000 we will have a population of nearly 340 million.

Accent on the positive that is a part of our national character will continue to create new products and new foods to meet the living requirements of some 200 to 300 million men, women, and children in the final decades of the 20th century. Our economic system can provide not just the necessaries of life for so many people but also a satisfying degree of abundance as well.

Yet even in the United States with the highest average income in the world, more than 20 million people are living in poverty under the income definition used by the United States Department of Labor—40 percent of whom are children under age 18.

We must take action to limit population growth. The world's population of 3.5 billion will double in about 30 years unless drastic new and additional steps are taken. About one third of this total is already undernourished. One gloomy writer concludes from that: "the human race has, maybe, thirty-five years left. After that people will start eating plankton—or people."

The prospect and promise for more goods and services, less polluted rivers, fewer high-school dropouts, less racial tension, less-crowded cities, and better health are based on more than the explosion of science and technology symbolized by the success of the space program. They are related also to the phenomena noted by Alexis de Tocqueville, the French political observer of the American scene 130 years ago. He saw in it the pattern he called "political diffusion" and predicted that in the United States the many would demand what in other countries was reserved for the few. His prediction has been validated in mass prosperity, universal suffrage, mass literacy, and mass higher education.

Alfred North Whitehead, one of the great philosophers of our time, once remarked that science as we know it could have arisen only in the matrix of centuries of Christian civilization, since only a profound faith in the values of the natural order could have provided the motivation for its dedicated and total commitment to the elucidation of that order.

But I remain deeply concerned about our ability to govern ourselves—rationally, efficiently, and effectively. This is the more difficult problem. It will take all the excellence that we can accumulate to meet the challenge of mass society by maintaining sound and solvent governments—Federal, State, and local—capable of using our modern technology to meet our pressing social needs.

As John Gardner, Chairman of the National Urban Coalition, said the other day in a speech he was not allowed to deliver before the Illinois Constitutional Convention:

"But there is in us as Americans something better than fear and anger and prejudice, something better than selfishness, something better than the lazy, comfortable inclination to blame others.

"There is in us, if our leaders will ask for it, the courage and stamina to face our problems honestly, to admit that we ourselves are partly to blame for them, and to identify paths of constructive action.

* * * * *

"It is essential that we bring about a renaissance of politics in this country. We must open up clogged channels. We must bring a vitality to political life that will attract good men and women. We must repair rusty and outworn machinery. We must renew the system."

Against this kind of background it is only natural that we think about the role of the public service and the public servant—not only the mayor, the governor, and the legislator, but all those in Government who hold particular responsibilities and have, therefore, a special opportunity to deal with the problems which have given rise to the unrest in our Nation.

Some of you undoubtedly will enter some branch of the public service. You may do so as administrators or in some technical or professional capacity. One of the areas of greatest need in the next decade will be in the expansion of professional and technical skills needed by Government. As we extend and improve as rapidly as possible urban renewal efforts, as we create new ground transportation systems to handle the growing population, and as we develop our ocean resources for new foods—as we do all these and many more things on expanding scales—there will be continuous and rising need for trained professionals.

There is a story told by Brooks Hays, the former Congressman from Arkansas, about President Lincoln, which illustrates the change in role of the Government employee. Lincoln told of the king in Africa who had a court minister whose main job was to forecast the weather. It was important to know what the weather would be when the king wanted to go hunting.

One day the king wanted to go hunting, and the minister told him it was a good day to go. They got down the road a little ways and came across a farmer. The farmer said, "King, I wouldn't advise you to go hunting today because it's going to rain." The king turned to the minister and said, "Is that right?" "No," the minister replied, "It's going to be a fine day." He got down to the hunting area and it started to rain. It was a terrible storm.

On the way back, the king found this farmer and said, "Look, how did you know it was going to rain? My minister was so sure it was going to be a good day." "Well," the farmer replied, "don't give me any credit. It was really my jackass who always forecasts the rain." "How can he tell?" "Well, whenever he's got those ears up forward, you know it's going to rain." The king thought about this for a while and decided he would dismiss his minister and hire the jackass as his weather forecaster.

Lincoln said that the moral of this story is that the king made a great mistake. Ever since that time, every jackass in the country has been looking for a Government job!

Having been in the public service 30 years, I know how necessary it is that the Federal Government be served by highly trained public servants. I don't want to suggest that Washington has or should attempt to monopolize talent. There must be able, devoted people at all governmental levels.

The problems and challenges of Government are legion. They require the talents of virtually all professional fields:

Conducting medical research at the laboratories at the National Institutes of Health, Bethesda, Maryland;

Controlling jet aircraft noise at NASA's Lewis Laboratory in Cleveland, Ohio;

Supervising the development of a giant air transport manufactured by the Lockheed Aircraft Company at Marietta, Georgia;

Supervising Peace Corps staff in a remote point in Africa;

Conducting operations research for a mass transportation program for the corridor between Boston and Washington;

Reviewing research grant applications for the National Science Foundation;

Developing experimental education programs for underprivileged children;

Providing nursing care in a veterans' hospital in Denver;

Teaching in an Indian school in Montana; or

Serving as a Forest Ranger in Idaho.

Each year the Junior Chamber of Commerce of the United States, more popularly known as the Jaycees, makes 10 awards for the outstanding young men in the Federal Government. I was pleased that one of the young men in our Office received the award this past year for the outstanding work that he did in a study of the effectiveness of the Government's anti-poverty programs. He is a graduate of Creighton University in Omaha and later earned a law degree.

Another winner, Robert Jordan, aged 33, Special Assistant to the Secretary of the Army, has responsibility for the administration of civil liberties within the Army. As if that isn't enough, he is responsible for supervising the work of the Corps of Engineers for the entire country.

Eugene Kranz, aged 33, is the Chief of the Flight Control Division of the space program.

Richard Deslattes is a young physicist who designed and constructed a device for measuring the distance between atoms and is one of the leaders in the field of X-ray spectroscopy.

Records such as these could be listed in the thousands—people doing important work, interesting work, and—above all—work which they find satisfying because they are involved in the *solution* of problems, the acute and difficult problems which we have been discussing.

All these illustrations involve the Federal Government, but the same challenges and problems exist in State government and local government, and a growing number of not-for-profit, voluntary, and industrial organizations are concerned with programs formerly reserved exclusively to Government.

Over the next 4 years, the Federal Government will need 30,000 more scientists and engineers and 6,000 more specialists in health, technology, and education.

Each year over the next decade, our Nation will need 200,000 new public school teachers to keep up with the growing population.

Whether we are concerned with Federal Government, State government, local government, or participation in nongovernmental agencies, we must have highly trained people and dedicated people.

These should be people who will work to improve society, not destroy it; they should be committed to the change of institutions by making them better and more responsive to the needs of people served by Government.

The meaning of what I have been trying to say today is nowhere better expressed than by John Gardner whom I quoted earlier. Here are his words from a recent commencement address:

"We now know beyond all doubt that nations die from within, and they are attacked less often by traitors within the gate than by traitors within the heart—complacency, apathy, cynicism, intolerance, self-deception, and an unwillingness on the part of the individual to lend himself to any worthy common purpose."

H. G. Wells wrote in 1906 that Americans were addicted to "a sort of optimistic fatalism." He was saying that Americans looked upon difficulties and challenges as opportunities and not as obstacles.

This healthy philosophy is in sharp contrast to fatalistic statements heard too frequently today. One nuclear physicist recently defined an optimist as "someone who still believes the future is uncertain."

The responsible citizen is one who is willing to admit that he does not comprehend the future in this dangerous era, yet he knows he is called upon to deal with and solve what he may not fully understand. We can join, perhaps, with Charles Dickens in his more balanced, although seemingly paradoxical, opening lines of "A Tale of Two Cities":

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness; it was the epoch of belief, it was the epoch of incredulity; it was the season of light, it was the season of darkness; it was the spring of hope, it was the winter of despair."

Perhaps even more appropriate for you graduates is a quotation attributed to a Frenchman named de Grellet who died more than 100 years ago:

"I shall pass through this world but once. If, therefore, there be any kindness I can show, or any good thing I can do, let me do it now; let me not defer it or neglect it, for I shall not pass this way again."

In these days of discouragement and strife it is worth recalling an inscription on the wall of a bomb shelter, deep below the Cologne Cathedral in Germany, carved during the height of the allied bombing:

"There is love in this world though it cannot be shown;

"There is a yearning for peace if we can but find a way to express it;

"God is in the world even when He is silent."

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether the list grows longer or shorter depends on Congress.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO GEORGE WASHINGTON COEDS RAPED, ROBBED

Two George Washington University coeds were raped and robbed at gunpoint early yesterday by four men who approached them at their home in Northwest Washington, police reported.

One of the victims, a 22 year old, told police the men began talking to her and a friend while they were sitting on the front porch of the house shortly after 1 a.m. yesterday.

One of the men pulled out a gun and ordered, "Take us to the bedroom," according to police. The woman led them to the bedroom where her 21-year-old roommate was in bed.

After forcing her friend to lie face down on a bed and covering him with a blanket, each of the four men raped the 22 year old, police said. One of them then raped the other coed, they said.

The victims told police their assailants looted their pocketbooks and took a hair dryer, a clock-radio, jewelry and other items.

In other serious crimes reported by area police up to 6 p.m. yesterday:

STOLEN

A man's wallet containing $180 in cash and a pocketbook containing $70 in cash and $500 in traveler's checks were stolen sometime between 2 and 7 a.m. Sunday from a room at the Statler Hilton Hotel, 16th and K Streets NW., which was registered to Arthur Joseph and May Fox, of New York.

A cash register and a quantity of ice cream were stolen between 1 p.m. Saturday and 7 a.m. Sunday from Rabault Junior High School, Kansas and North Dakota Avenues NW., when the first-floor cafeteria was burglarized.

A $1,150 gold chain with a ruby and diamond, a $400 gold bracelet, three gold chains each worth $150, a gold watch, an $800 gold pendant, a $350 diamond pin, an $800 diamond ring and a $1,000 diamond ring, with a total value of $4,970, were stolen from the dresser in the upstairs bedroom at the home of Jerome Howitz, 3008 Corland Pl. NW.

Approximately $515 in cash was stolen sometime between 11:30 p.m. Saturday and 5:30 a.m. Sunday from Lucia and Anthony Favuzzi, of Union City, N.J., when their room at the Lafayette Hotel, 16th and I Streets NW., was burglarized.

A television set and an adding machine were stolen between 1 p.m. Friday and 7:30 a.m. yesterday from Langston Elementary School, North Capitol and P Streets NW.

An amplifier and a tape recorder with a total value of $900, were stolen sometime between 3:15 a.m. and 10 p.m. Sunday from Bixby's Warehouse, 1211 Connecticut Ave. NW.

A wall safe was looted, an office ransacked and the metal craft shop broken into sometime before 6 a.m. yesterday when burglars entered Hine Junior High School, 7th Street and Pennsylvania Ave. SE.

STABBED

James Richardson, of Washington, was treated at Freedman's Hospital for arm wounds he suffered during a fight with two young men about 11:50 a.m. Saturday in the 400 block of Neal Place NW. Richardson was wounded when one of the men held him while the other stabbed him with a razor.

ASSAULTED

Anthony Love, of Washington, was admitted unconscious to Hadley Hospital after he was hit in the face and head during a fight about 2 a.m. Sunday on Rte. 295 with a man who knocked him to the ground.

James S. Watkins, of 122 Tennessee Ave. NE. was admitted to Rogers Memorial Hospital with facial wounds he suffered when he was struck in the head by two women wielding an unidentified object during a fight about 3:05 a.m. Sunday at his home.

John Black, of Washington, was treated at Washington Hospital Center for injuries he suffered during an argument with a man shortly after 1 a.m. at the intersection of 3d and H Streets NW. Black was injured when a man with whom he was discussing a traffic accident struck him in the face and fled west in the 300 block of H Street.

Arthur Moore, of 1925 13th St. NW., was struck over the head with a pipe during a fight with a young man in his apartment shortly after 4 p.m. Sunday.

ROBBED

Tuesday's American gas station, 2501 Nichols Ave. SE., was held up about 5:30 a.m. by two youths. The pair approached the attendant and one of them drew a handgun demanding, "This is a holdup. Give me the money." The youths escaped with the cash.

Clyde Cecil Cassidy, of Washington, was robbed about 1:20 a.m. by three teen-agers who yoked him at 7th and O Streets NW. While they held Cassidy, one of the youths forced him to surrender his cash and radio, then they all fled on foot.

Joseph Borzi, of Washington, was held up shortly after midnight Sunday as he was standing at 25th and R Streets SE. Seven men surrounded Borzi, took his pants containing his wallet, money, papers and keys, and escaped.

A woman in the 1400 block of Kanawha Street, Langley Park, was robbed yesterday by a man who entered her apartment at 10:15 a.m. and attempted to rape her before fleeing with money from the apartment, Prince George's County police said.

Raymond S. Melvin, of Bradbury Heights, was beaten and robbed when he tried to escape from two bandits. The men approached Melvin from behind as he was walking in the 2400 block of Nichols Avenue SE and asked for his money. As Melvin tried to flee, the pair chased him and, when they caught him, began hitting him over the head. One of them drew a knife and forced Melvin to hand over his wallet. The pair then fled.

Donna Lombardo, of Landover, was held up about 7:15 p.m. Sunday as she was waiting for a traffic light at 6th and H Streets NE. Five men approached her and three of them stood in front of the car, blocking her path. The others reached through the car window and forced her to surrender her pocketbook.

Augustus Edwin Rogers, of Washington, was beaten and robbed by two youths who confronted him as he was walking west in the 300 block of E Street NE. One of them hit him across the back with a club and demanded his money and watch. The pair then fled on foot, heading north on 4th Street.

Lourdes Triana, of Washington, was held up about 6:30 p.m. Sunday by a youth brandishing a knife who approached her as she was walking in the 1100 block of 20th Street NW. The youth forced her to give him the bills she was carrying then fled into an alley in the 1000 block of 20th Street NW.

Roosevelt Morgan Hubbard, of Washington, a taxi driver for Eastern Cab Co., was held up by a man who hailed his cab about 4:30 a.m. Sunday at Minnesota and Deane Avenues NE. After the driver took him to the 1100 block of Neal Street NE, the passenger held a hard object at the back of the driver's head. He then removed the bills and change from Hubbard's pocket and the watch from his arm and escaped on foot.

John M. Schlabach, of Washington, was held up about 1:45 a.m. Sunday in the unit block of 9th Street NE by two young men who asked him for a match and then for directions. One of the men then drew a revolver and said, "Wait a minute," while two more men grabbed Schlabach from the rear and knocked him to the ground. After removing his wallet, the four fled on foot.

Bill Milton Shaw, of Washington, was treated at Rogers Memorial Hospital for injuries he suffered during a robbery shortly after midnight Sunday. As Shaw was removing clothes from the rear of his car at 3d and A Streets NE., two men jumped him from behind. After hitting Shaw in the face, his assailants took his wallet, money, travelers' checks and watch.

Willie Beard, of Washington, was held up about 9:40 a.m. by two young men who approached him from behind as he stepped off a bus at Nichols Avenue and Mellon Street SE. One of them pulled out a handgun and said, "Hold it right there and give

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me all your money." While the gunman held Beard at bay, the other man took the cash from his pockets. Both men escaped into an alley off of Mellon Street.

Beatrice C. Haxton, of Washington, was treated at Providence Hospitals for injuries she suffered during a robbery about 5:15 p.m. on May 15. Two teen-agers approached her at 14th and Emerson Streets NW and tried to grab her pocketbook. When she resisted, one of them struck her over the head with an unidentified object.

Vincent Penna, of New York, was held up shortly after 3 a.m. by a youth concealing a gun under his sweater. The youth confronted Penna outside a building in the 1300 block of 10th Street NW, forced him into the building and led him to the second floor, where he was robbed of his cash and travelers' checks.

Hubbard House, 1900 M St. NW, was held up about 5:10 a.m. by four youths who ordered ice cream from the clerk. When he replied that he had none, one of the youths asked for change for a $10 bill. As the clerk opened the cash drawer, the youth pulled out a handgun and said, "Give me the cash." The employee handed him the money, then the four entered a car occupied by two other youths and drove off.

Elizabeth Jane Connell of 240 M St. SW, was beaten and robbed Sunday by three boys who surrounded her near her home. One of them yoked her and knocked her to the ground. As a second assailant reached for her pocketbook, Miss Connell asked him to take the money but leave her wallet. Taking only the cash, the trio fled into the courtyard of a building in the 300 block of M Street.

Rosebud Mack, of Washington, was robbed about 10:45 p.m. Sunday as she was walking home from church in the 1100 block of Clifton Street NW. Two youths stopped her and forced her to hand over her pocketbook and Bible, then fled on foot.

BIG THICKET OF SOUTHEAST TEXAS INSPIRES FILMMAKERS

Mr. YARBOROUGH. Mr. President, the Big Thicket of southeast Texas is the subject of a movie being prepared for the Texas State Historical Association. Two young men, Jim Seymour and James Vowell of Seymour Associates of Austin, Tex., are preparing the film under grant from the Moody Foundation of Galveston, Tex.

This film will be available for television, to schools, and nature, conservation, travel, and civic groups. This is certainly a commendable project, capturing the beauty of the Big Thicket on film for the enjoyment of all citizens. Seeing a film of the area is the next best thing to being there. With my bill, S. 4, to establish a 100,000-acre Big Thicket National Park, the area will be preserved so that people can enjoy this beautiful and unique part of America in person.

This film of the Big Thicket will inspire even more interest in this outstanding area. The makers of the film have caught the enthusiasm for the Big Thicket. A recent article in the Beaumont Enterprise describes this film project.

Mr. President, I ask unanimous consent to have printed in the RECORD the article by Kim McMurray, published in the Beaumont Enterprise of May 10, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THICKET IS APTLY NAMED PAIR FILMING PICTURE FOR HISTORY UNIT FIND OUT

(By Kim McMurray)

SOMEWHERE IN THE BIG THICKET—Two Austin men have found out in recent months that the Big Thicket is very aptly named.

The pair, Jim Seymour and James Vowell of Seymour Associates, are making a motion picture about the Thicket for the Texas State Historical Association under a grant from the Moody Foundation in Galveston.

SPENT WEEK

They have spent about a week and a half in recent months thrashing about in the wilderness filming flowers, birds, creeks and bayous and people and places.

It doesn't take anyone who accompanies them long to discover that film-making, especially of the Thicket, is a very tedious procedure.

It also creates sticky situations—especially when Seymour has to lie on the briar-covered ground to get just the right angle on a jack-in-the-pulpit or some other uncommon flower.

CAMERA, SOUND

Hauling 75 pounds of camera and sound equipment into the dense woods doesn't make things any too easy either, but it hasn't dampened their enthusiasm.

Seymour does the filming and Vowell the producing. The former is president of Seymour Associates and Vowell is vice president.

They have about two and one-half weeks of filming left, and release date for the film is tentatively set for Oct. 1. The movie will be available for television syndication, and to schools, nature, conservation, travel and civic groups.

As an example of how tedious the filming is, it takes five days to put 60 minutes on film. That 60 minutes will be cut to about 10 minutes in the final editing. The film will be 50 minutes long.

OLD DRAWINGS

Besides capturing the human, plant and animal life in today's Thicket, an important part of the film will also be a montage of old drawings and pictures dating from the early days of the Thicket up through the 1930s and 1940s.

The pair is very impressed with the Thicket. Seymour says, "It's an incredible place. It's hard sometimes to separate the lore and legend from the facts, but it is clear that the Thicket is a kind of ecological anachronism—a patch of wilderness that's unique in the U.S."

Although the film won't get embroiled in the park-size controversy, Seymour is inclined to go along with conservationists who favor one large park. "One large, contiguous area could be kept, or restored, as a wilderness; it's better ecology. But how big should the park be? Our film is not going to take sides on that."

What the film will be concerned with is the urgency for saving the Thicket, and there is little argument on that point.

BETHESDA-CHEVY CHASE RESCUE SQUAD

Mr. MATHIAS. Mr. President, the Bethesda-Chevy Chase Rescue Squad is considered one of the outstanding volunteer units in the United States. Their story was carried in a recent issue of the U.S. Information Agency's magazine, Topic, which is published each month for distribution in Africa in English, French, and Arabic editions.

Far too often, the efforts of volunteers, working virtually an extra workweek to serve others, remain unnoticed. I am pleased that the debt of recognition can be paid to this group, which represents thousands of similar squads throughout the country.

In a story which I commend to every Senator, James W. Baker, of the USIA, follows the men on a rescue mission, traces the history of the Bethesda-Chevy Chase Rescue Squad, and describes the 10-year career of the group's chief, W. Donald Sheaffer.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RESCUE SQUAD: VOLUNTEERS REMAIN ON CONSTANT CALL TO HELP THEIR FELLOWMEN

(By James W. Baker)

It was a hot summer night in Bethesda, Maryland, a suburb of Washington, D.C. In the second floor bunk room of the Bethesda-Chevy Chase Rescue Squad building on Auburn Avenue, five young men slept. The hands on the big clock on the wall showed 12:48 A.M. That's when the call came into the switchboard downstairs.

Lights in the bunk room flashed on. The switchboard operator's voice boomed out over the intercom set: "Automobile accident with injuries! Southbound lane of Route 270 at Route 495."

Within seconds the five young men had scrambled into their clothes. Racing across the floor of the bunk room they slid in swift file down the big brass pole in the corner of the room, plunging in rapid succession to the emergency vehicle garage below.

David Dowling, 23, who works as a draftsman by day, ran to an ambulance and jumped in behind the steering wheel. He was quickly joined by Bill Eberlin, a stocky college student home for the summer, and Stanley Dameron, an off-duty sailor who is stationed in Washington.

Meanwhile, John Pearson, a tall, rangy county policeman who does volunteer duty with the rescue squad on his nights off, had climbed into the driver's seat of the 15-ton, heavy-duty squad truck. Joining him in the larger rescue vehicle was Leo Rosetta, a heavy-set young man who just three weeks earlier returned from Viet Nam where he served as a medical corpsman.

Rubbing the sleep from his eyes, Dowling touched the siren button on his ambulance, as the two emergency vehicles wheeled onto the avenue and headed at top speed northward toward the area of the accident.

Less than five minutes later, the five rescue squad volunteers surveyed the grisly scene at the intersection of two highways. An automobile was overturned on a grassy embankment, balancing precariously at a 45-degree angle. One man, who had been thrown clear of the vehicle, lay on the ground 10 feet away, his jaw, his right leg—and possibly his skull—fractured. His breathing was extremely labored.

John Pearson and Leo Rosetta, working silently and efficiently, inserted an airway in the man's throat and began administering oxygen. They splinted his leg, treated him for shock, and then gently eased the half-conscious victim onto a plywood backboard used for moving persons with fractured bones.

By this time, huge floodlights on the heavy-duty squad truck, operated by a generator with power enough to light a soccer field, were illuminating the scene of the accident.

An ambulance from another volunteer rescue squad in the area had arrived on the scene and roared off to Suburban Hospital, three miles away, with the first casualty.

Meanwhile, David Dowling and his two aides had been busy with the second injured man who was pinned beneath the tilted and overturned car, his arm crushed beneath the car's fender. In a few harrowing minutes, Dowling and the other two rescue squadsmen gentley edged the victim from under the auto as police and other rescuers on the scene lifted the teetering car, which threatened to tumble down the embankment.

Dowling discovered immediately that the man's breathing had stopped and began resuscitation. This was made doubly difficult by the fact that this man also had a fractured jaw. The rubber resuscitation mask had to be applied very carefully to his face. Once the victim's breathing was restored, Dowling noted his other injuries—broken right arm, broken right leg, a possible concussion—and decided it best to get him to the hospital without further on-the-scene first aid. The rescuers eased him into the ambulance and because there was practically no traffic at this time of morning, raced to the hospital at 90 miles an hour.

At the hospital emergency room, the rescue squadsmen remained on the scene for more than an hour, assisting the doctors and nurses. It was 2:54 a.m. when the five rescuers signed in back at the squad's headquarters building, hosed down their vehicles, drank coffee and went back to bed to catch about three hours' sleep before the hot midsummer sun streaked through their windows.

"I suppose you could call this a typical call, although many we get are much less serious than this one," says 26-year-old W. Donald Sheaffer, chief of the Bethesda-Chevy Chase Rescue Squad. And Sheaffer is more or less typcal of the thousands of men from all walks of life who voluntarily serve in rescue squads throughout the United States. A plumber who says he does "a little bit of everything" for a local tile company, Shaffer joined the Bethesda squad in 1959, when he was 16, by giving a false age. (Normally the minimum age limit is 18.)

"My older brother was in the rescue squad and I sort of grew up hearing about the squad," he recalls. "There was never any question about my joining when I got old enough. I knew a lot of the boys in the squad. And they were short of members then. So I didn't wait until I was 18. By the time I completed my six-month probationary period, they discovered I was underage. I guesss they figured it was too late then to kick me out."

During those six months of probation, Sheaffer, like all members of the Bethesda outfit, stood duty at least one night a week, going on scores of calls, both routine and emergency. But he did little at the scene other than observe the more experienced men and occassionally help them with some routine task. There were first aid and rescue training sessions every duty night. After six months, he completed his probationary period and was elected a private in the rescue squad.

As the months rolled by, Sheaffer completed the advanced first aid courses. As he developed more experience, he found himself involved in rendering first aid and filling other useful assignments when he went on rescue calls. By July 1962 he had qualified to drive a rescue vehicle and lead a team of less experienced men on emergency calls. It was then he was elected sergeant. Sheaffer found he was putting in more and more time at headquarters during his off hours, accompanying the squad members on more and more calls. As his proficiency and interest increased, he was elected to higher offices. Then, in 1968, he was elected chief of the 100-man rescue squad.

As Chief, Sheaffer finds he has little time to answer rescue calls. Leaving this aspect of the job to the younger, newer members of the squad, he devotes an increasing amount of his time—about 25 hours a week—to administrative matters.

Before he was elected head of the organization, Sheaffer figures he roared out of the garage in an emergency vehicle approximately 4,000 times, answering calls ranging from the routine transport of an invalid to a major disaster such as a plane crash. In between there were calls to rescue children from a raging river, give first aid to injured fire fighters, provide emergency treatment to auto accident victims, deliver babies and even rescue an occasional kitten from a tree. Over the years, most of the calls Sheaffer has responded to have merged in his mind, but a few experiences still stand out.

His most satisfying call?

"About seven years ago I answered a call to aid a man who had had a heart attack," he recalls. "We got there about 11 o'clock at night and began administering oxygen. When the doctor arrived he said the man was too ill to be moved. Two other squadsmen and I stayed with the man until 7 o'clock the next morning, administering oxygen constantly. We had to send the ambulance back to headquarters several times for more oxygen. After eight hours the doctor said the man could be moved safely. We took him to the hospital then—and we got him there alive. We all felt pretty good about that."

Not all calls are so harrowing. Sheaffer said he once answered the telephone at the squad building and heard a woman say breathlessly: "Come quick! It's my baby!" Realizing that a choking baby can live only a few minutes without first aid, Sheaffer and two other squadsmen raced to the home at breakneck speed. There they found the elderly mother with her "baby," a six-foot-two-inch, 30-year-old man with a nosebleed.

The rescue squad Sheaffer heads is considered one of the outstanding units in the United States. The Bethesda-Chevy Chase unit was formed right after World War II—in 1945—by a handful of veterans returning from the military service who saw the need for such a service in the rapidly-growing suburbs around America's capital. The squad started with two secondhand station wagons for ambulances and 10 volunteers. Today the unit has its own two-story brick headquarters building, seven fully equipped ambulances, two heavy-duty squad trucks, a mobile kitchen, a boat for river rescues, the loan of a helicopter and 100 volunteers.

The squad is run with military precision. Ranking officers give commands that are followed without question. The second-floor squad room is spotless. Work details are posted on the bulletin board. Duty rosters are prepared and a crew of five to 12 men is on duty each night from 7 p.m. until 7 a.m. (During the day two paid men are on duty and volunteers are on call at their jobs if needed; the squad recently mobilized 60 men at 5 a.m. when a fire broke out in an office building next door to the rescue squad headquarters. "Also," says Sheaffer, "we have salesmen, students and others with irregular hours who can take duty during the daytime when most people are at work."

Despite the fact that practically all the manpower is volunteer work, it still costs the squad about $150,000 a year to operate and maintain its building and fleet of vehicles. (Last year the squad answered 6,641 calls, an average of 127 a week, or about 18 a day, 365 days a year.) The entire budget of the rescue squad comes from contributions from residents of the community, some who have utilized the services of the squad, others who may someday, without warning, have to call upon them. Some donations are as small as $1. Others run into the hundreds. Each is acknowledged.

Why do men choose to volunteer their time and energy to work with the rescue squads?

No doubt some are attracted by the promise of excitement. But most, although they're reluctant to discuss it, have a more deep-seated, sometimes personal, reason for lending a hand to their fellowman in time of crisis.

One of the volunteers, David Dowling, says: "One afternoon, at a practice session when I was playing football for Walt Whitman High School in the fall of 1961, I was running out for a pass. I had my head turned, looking over my shoulder for the ball," he said. I didn't see the football sled (a piece of practice equipment) off to the side. I crashed into it running at full force. My face and head got cut up pretty badly."

Within a few minutes three members of the Bethesda-Chevy Chase Rescue Squad were on the scene. They gave first aid, stopped the bleeding and took him to the hospital to have his cuts sewed up.

"After I left the hospital, I kept thinking about those fellows from the squad," he said.

In December he walked into the squad headquarters on Auburn Avenue and said he'd like to join the unit. Today, eight years later, he's still answering the calls for help.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a summary of the results of the Cambodian operation as of 8 a.m. June 2, 1970, be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Total operations	Number	24-hour change
Individual weapons	15,199	+97
Crew-served weapons	2,106	+23
Bunkers/structures destroyed	8,193	+100
Machinegun rounds	3,267,752	+30,910
Rifle rounds	6,910,336	+11,211
Total small arms ammunition (machine gun and rifle rounds)	10,178,088	+42,121
Grenades	34,768	+101
Mines	3,925	+33
Satchel charge	500	(1)
Miscellaneous explosives (pounds)	72,000	(1)
Anti-aircraft rounds	133,721	(1)
Mortar rounds	45,520	+48
Large rocket rounds	1,515	[2] −39
Smaller rocket rounds	25,435	+250
Recoilless rifle rounds	21,555	+5
Rice (pounds)	10,938,000	+50,000
Man months	240,636	+1,100
Vehicles	358	+10
Boats	40	(1)
Generators	36	(1)
Radios	185	(1)
Medical supplies (pounds)	39,600	(1)
Enemy KIA	9,006	+62
POW's (includes detainees)	1,900	+19

[1] Unchanged.

[2] Field adjustments.

RUBELLA AND OTHER COMMUNICABLE DISEASE CONTROL—WALL STREET JOURNAL WARNS OF DANGER

Mr. YARBOROUGH. Mr. President, the Wall Street Journal of May 25, 1970, contains an excellent article written by Mr. Elliott Carlson, concerning the tragic consequences of the 1964 rubella epi-

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demic. Rubella is a common, usually harmless, communicable disease. However, if contracted by a pregnant woman, particularly during her first trimester, it can produce catastrophic results. The fetus may be aborted, or be born with crippling mental or physical disorders, the most common disability being deafness.

The incidence of rubella peaks on roughly a 7-year cycle. This means that during the next year, unless action is taken by all concerned, we will be faced with a repeat of the 1964 epidemic which saw more than 20,000 children born with congenital abnormalities. In addition to deafness, these abnormalities include heart defects, blindness, and mental retardation. Approximately one-fourth of those pregnant women who contract the disease either abort the fetus or bear infants with these congenital anomalies. It goes without saying that the human suffering as well as the very special and expensive burden that these children place upon their families and society in terms of their education and rehabilitation are incalculable.

Mr. President, in 1964 there was little we could do to prevent what happened. That unfortunate circumstance no longer obtains. In the intervening years a vaccine has been developed which, if comprehensively and systematically administered to the prepubertal youngsters of this Nation, can create what the medical people call a "herd-immunity," which will all but wipe out rubella and thereby prevent a repetition of 1964. However, let me sound a caution. Rubella, like any communicable disease, knows no geographic boundaries. In a highly mobile society such as ours we cannot rely upon a hit-or-miss program. To have an effective vaccination program in one State, city, or county, but not in another, will not suffice. In order to insure a coordinated, national attack on rubella, as well as other communicable diseases, special Federal assistance will be required.

Both Houses of Congress have recognized this responsibility. Last October, the Senate passed S. 2264, the Communicable Disease Control and Vaccination Assistance Amendments of 1969, which would enable the States and localities to conquer rubella. Additionally, it would enable them to continue or initiate, as the case may be, programs to combat measles, polio, diptheria, tuberculosis, venereal disease, tetanus, whopping cough, and hemolytic or RH disease. The Vaccination Assistance Act, under which many of these programs had been supported in the past, expired in the middle of 1968. Expectations that the States and localities would comprehensively and systematically continue those programs under the permissive partnership for health legislation has proven to be but a vain hope.

Mr. President, I understand that the House Committee on Interstate and Foreign Commerce has reported favorably a bill which is essentially similar to S. 2264. Their bill now awaits action by the Rules Committee, prior to being considered by the full House.

I am hopeful that the House will act expeditiously and favorably on the measure before that body. We can then quickly resolve any technical differences between the bills and thereby enable the appropriate public officials and health professionals to do their job. It is abundantly clear to me that the saying, "an ounce of prevention is worth a pound of cure," certainly applies in combating communicable diseases. And we in the Congress would be remiss if we were to not capitalize on this opportunity to both prevent disease and enhance the quality of life.

Mr. President, I ask unanimous consent that Mr. Carlson's article, entitled "Deaf Children, Born in Rubella Epidemic, Taxing Special Schools," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 25, 1970]

MEASLES AFTERMATH: DEAF CHILDREN, BORN IN RUBELLA EPIDEMIC, TAXING SPECIAL SCHOOLS; LIPREADING, SIGN LANGUAGE ADVOCATES DIFFER ON BEST WAY TO TEACH YOUNGSTERS; SOME HELP FROM TINY TIM

(By Elliott Carlson)

Mrs. Barbara Tommasi's kitchen sometimes sounds more like a boiler factory. She often bangs pots and pans and slams lids just to see how much noise she can make. There is, of course, a reason. Mrs. Tommasi is trying to teach her deaf four-year-old daughter to recognize a variety of sounds.

"I sit Diana near the sink while I clang the pans-—anything to make her aware of common, ordinary noises," says the Nashville mother. By teaching Diana to connect sounds with their objects, Mrs. Tommasi is trying to give Diana a learning experience that most deaf youngsters miss.

Diana Tommasi is one of 16,000 youngsters born with hearing impairments resulting from their mothers' contracting German measles while pregnant during the measles epidemic of 1963 to 1965. These children are now of school age, and their education, at home and in public and private schools, is posing problems. Parents are sometimes unable to cope with the problems and, worse, even to recognize in time that their children have hearing problems. Public schools are by and large ill-equipped to deal with a deaf child, and private schools are finding it difficult to handle the large numbers resulting from the epidemic of German measles, or rubella.

Complicating the situation, the experts in education of the deaf are divided into two camps. There is a bitter controversy among them about the best way to teach the deaf. Some say the youngsters should be taught only to lipread; others insist the deaf should be taught sign language also.

A VACCINE FOR RUBELLA

Rubella itself is now preventable. A vaccine has been developed that is highly effective, and drives are under way in many communities to wipe out the disease completely. Deafness won't be wiped out, of course—rubella is a big cause but not the only cause of deafness—but the strain on the schools for the deaf probably will never again be what it is now.

Health officials warn that there may be another epidemic of rubella next year unless the vaccination program is broadened. But even if deafness does again increase, the parents of the children will have an advantage that parents of the 1965 rubella babies didn't have. Hospitals now routinely test the hearing of the newborn with various electronic devices. If that had been done during the last rubella epidemic, many of today's children would be far better off.

"There are critical time periods. Unless you reach a deaf child when he is very young, you may further limit his capacity to learn and fit into society," says Kay Horton, chief of the language department of the Bill Wilkerson Hearing and Speech Center in Nashville. She and other experts say parents of some of the rubella babies didn't know the children were deaf until they were two years old or older.

RISING ENROLLMENT

The rubella babies' hearing impairments range from moderate to severe. The thousands of these children with serious problems are now enrolled—or trying to enroll—in the nation's 1,180 schools and preschool facilities for the deaf. In all, these schools enrolled about 44,000 students in 1969, up from 32,000 in 1964.

At some schools, enrollment has risen nearly tenfold in recent years as a result of the rubella children. This year, for instance, the number of preschoolers at the San Francisco Hearing and Speech Center soared to 107, up from an average of 12 children before the epidemic. The New York City School for the Deaf, where preschool enrollment has jumped to 193 from 65 in 1965, recently introduced half-day, double sessions.

Once a child is admitted to a special school, he is hooked up, plugged in and turned on with various science fiction-like devices. The wealth of new electronic equipment is one of the few advantages that the young rubella children have over deaf youngsters of the past. They are given new hearing aids that can be worn in all kinds of situations—on the playground, for instance—and that also bring them a wider range of sound. Oscilloscopes enable them to watch sound gradations on TV-like screens and thus better control their voices. Videotapes enable them to watch themselves when they speak and thus better control their sometimes wild gyrations.

DANCES AND BASKETBALL GAMES

Typical of the schools is the Clarke School for the Deaf, a private, residential school founded 103 years ago in Massachusetts. A close look at Clarke reveals much about the problems of educating the deaf.

Situated on a bucolic 30-acre hillside overlooking Northampton, Clarke tries hard to resemble a school for ordinary children. The 220 children, once totally isolated, now mingle freely with townspeople. Students participate in sports and cultivate the social graces. Clark's basketball team regularly plays teams from local high schools (breaks are indicated by unusually loud buzzers and by flashing red lights). Older students attend dances. (They can't hear the music but pick up the vibrations.)

Most of Clarke's students are between six and 17 years old. They were lucky to get in—the school has room for only about 50% of the applicants—and their education is costing $4,000 a year. (The students come from around the country, and their home states often pick up part or all of the bill; the school has scholarship funds that help students, too.) The fee is rising to $5,000 next fall. When the Clarke students graduate at age 17, it is hoped their speech will be good enough to let them enter normal high schools as freshmen.

Clarke founded oralism—the lip-reading movement—for the deaf in America. School officials feel strongly that lip-reading is the best way for deaf people to get along in the world. "Our job is to equip deaf youngsters for the hearing world. You can't do this with manual techniques, which tend to isolate deaf persons from outside contacts," asserts George T. Pratt, president of the school. (Mr.

Pratt is not deaf and neither are any of the 50 teachers at the school.)

Most schools for the deaf favor the oral approach, in which youngsters first learn to read lips and then to mimic the action and try to speak like normal children. But critics say this deprives the deaf of their "natural and normal" language—sign language. Also, critics cite a 1969 study at Chicago hospitals that blamed the heavy emphasis on lip-reading for poor scholastic achievement among the deaf.

McCay Vernon, professor of phychology at Western Maryland College in Westminster, contends that few deaf persons can truly master lip-reading and speaking. Those who can't, he asserts, remain "social isolates" all their lives because of their inability to communicate. He maintains that "most deaf youngsters drop out of school at ages 14 to 17, functionally illiterate and unable to speak or use the language signs." He says the main problem is that so many English sounds look alike that accurate lip-reading is almost impossible.

LEARNING TO SPEAK

Most critics favor combining all methods in a single program, an approach already followed by some schools. In Washington, Gallaudet College, the only college for the deaf in the world, practices "total communication" in which sign language and oral techniques are used together.

But advocates of oral training, such as the people at the Clarke school, argue that the combination doesn't work because youngsters tend to become dependent on the simpler manual methods, and, as a result, never learn to speak. The oralists reject the criticism of their methods and contend that their technique is getting better all the time as new equipment becomes available to help children learn to read lips and speak.

Normal children learn to speak by imitating the sounds of others. Deaf children, of course, can't hear these sounds, so at Clarke and other schools that believe in oralism the deaf children rely on powerful earphones or hearing aids. These still don't enable most youths to hear normally—or even close to normally—but they do at least let them hear some sounds. The teacher then tries to get the youngsters to watch the lip movements and facial expressions of those about him. Eventually, the teacher hopes, the child will begin to imitate, however, imperfectly, the movements in an attempt to express himself.

To speed the process, some schools use phonetic symbols. They also use cards that illustrate the manner and production of various sounds and models and diagrams that show the position and movement of speech organs. In time, children are taught vocabulary, multiple meanings of words and abstractions that are difficult to illustrate, such as hate and love.

Even when youngsters emit sounds resembling speech, they have a long way to go "Many deaf children mimic their teachers in an exaggerated way. They try so hard to emphasize their words, they inadvertently wave their hands and bob their heads a lot," says Ralph White, audiovisual director at the Clarke school. Clarke has solved this problem by installing videotape machines that enable youngsters to see themselves making the unnecessary, wild gesticulations.

Many schools hope to motivate youngsters to improve their oral performance through closed-circuit TV shows in which the students star. At Clarke, students recently wrote and acted out a Walter Cronkite-type newscast, complete with an anchorman and roving reporters. At 10 o'clock one recent morning, classes were interrupted for the five-minute newscast, which brought a roundup of local news, weather and sports and even a commercial for a fictitious hearing aid.

"Reporters will have to do well or the students viewing won't be able to read their lips," says Mr. White, "So you can bet they'll be motivated, because if they do poorly they'll get a terrible ribbing."

HELP FROM TINY TIM

One big problem after the youngsters learn to speak is that they tend to talk in a falsetto that is unpleasant to the ears of normal hearers. To get youngsters to speak in a more natural way, the Lexington School for the Deaf in New York uses a variety of techniques. Among other things, it has a youngster speak in front of a contraption in which 12 light bulbs are placed in a vertical row. As the voice ranges, different numbers of lights light up; if he lights up nine, he knows he is speaking properly.

But just getting some youngsters to speak at all can be the biggest problem. This year Lexington discovered it could spark chatter by mixing deaf preschoolers with normal children from the neighborhood. The preschoolers quickly acquired words like "hey" and "yeah" and, according to a teacher, sounded a lot more like typical kids. Another teacher found that deaf preschoolers became downright gabby after listening to highly amplified records of the Beatles and Tiny Tim.

"Tiny Tim is good because his voice has so many variations," says Marjorie Held, a Lexington teacher. "After hearing him, even babies begin making bubbly sounds of their own."

TRICENTENNIAL DEDICATION OF HUDSON'S BAY TRADING POST, GEORGETOWN, MINN.

Mr. MONDALE. Mr. President, on May 2, I had the privilege of participating in the tricentennial dedication of the Hudson's Bay Fur Trading Post at Georgetown, Minn.

Several hundred persons from Clay County and the surrounding area joined that day in recalling the colorful days of Clay County's past. Fur traders, steamboats, and the historic Red River oxcart trails—they all played a part in the development of this rich and beautiful farming area in the famed Red River Valley. The remarks appearing on the historical marker which was unveiled at the dedication give us a brief summary of Georgetown history, and I am asking that those remarks be printed in the RECORD.

The Clay County Historical Society, under the leadership of Mr. Glenn E. Johnson, has done a remarkable job of researching and preserving the history of this area. This is exemplified by the fine brochure Mr. Johnson prepared for the tricentennial dedication. I would also like to call attention to the remarks made at the dedication by Mrs. Evelyn Probstfield Gesell. Mrs. Gesell is the granddaughter of Mr. Randolph Probstfield, who in 1864 became the first postmaster in Clay County. Her statement gives us an exciting glimpse into the flavor of life in early Georgetown. I ask unanimous consent that Mrs. Gesell's remarks, the message on the historical marker and the tricentennial dedication brochure be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS ON HISTORIC MARKER: HUDSON'S BAY FUR TRADING POST, GEORGETOWN, MINN.

Hudson's Bay Company was chartered by King Charles II of England on May 2, 1670 on its agreement to pay "two Elkes and two Black Beaver" in rent for rights of trade, commerce, and governmental powers over the territories lying within the entrance of Hudson Strait. The region encompassed the drainage basin of the Red River of the North, an area equal to ⅓ North America. Rents were to be paid whenever the reigning sovreign of England set foot on "Rupert's Land." First immigrants to Minnesota were Scotchmen from Red River Settlement established near present day Winnipeg in 1812.

Fur trading and barter were the way of life of the territories. Five trading posts were built on Red River, the one on this site being erected in 1859. Reconstructed around this marker is the warehouse in which furs were stored for transportation by dog team, oxcart, piroque to York Factory on Hudson Bay and shipped by sailing vessels to London.

Georgetown was named after Sir George Simpson, Governor-in-Chief of Rupert's Land. It marks the confluence of the Red and Buffalo Rivers and a crossing of the first overland highways in Minnesota—the Red River Oxcart Trails.

REMARKS MADE AT THE TRICENTENNIAL DEDICATION OF THE HUDSON'S BAY FUR TRADING POST AT GEORGETOWN, MINN., MAY 2, 1970, AT THE UNVEILING OF THE COMMEMORATIVE TABLET IN THE RESTORED WAREHOUSE SHELTER

Mr. Chairman, Honorable Senator Mondale, Mayor Paseka, Mr. Johnson, Members of the Clergy, Pioneer Sons and Daughters and Distinguished Guests: About 40 years ago, I was privileged to help dedicate a monument to the memory of three men, who played an important role in the development of the early days of the Hudson Bay Trading Post here at Georgetown. The inspired concept for this granite monument with the engraved plaque upon it originated with Mrs. Alice Eastwood whose dream it was to perpetuate the memory of these three courageous, gallant pioneers and all the other valiant men who followed after them.

Picture, if you can, a vast area of prairie land inhabited by only a handful of settlers, Indians, French Canadians and oxcart trainmen—with buffalo grass as far as the eye could see—with the only man made sounds, the occasional squeaking of ox cart wheels or an infrequent river boat whistle—then gradually, when the terror of possible Indian attacks had subsided—the coming of the settlers—some of whom along with the United States Government were not as kind to the Indians as they should have been.

The three men whose names appear on that historic plaque are Edwin Hutchinson, Adam Stein, and Randolph Probstfield. All of them came to the territory of Georgetown during the early part of 1859. Mr. Hutchinson was a ship builder and he did much of the constructing of the first steam boat on the Red River—the *Anson Northrup* and he helped to build a number of other steam boats. He was also employed by the Hudson Bay Company in various capacities at various times as late as 1871. Mr. Probtsfield was with the party which brought the steam boat boilers to Lafayette City—at the mouth of the Sheyenne in the early winter of 1859. The Sheyenne was where the *Anson Northrup* was assembled. Mr. Probtsfield was the first Postmaster of Georgtown and the Postoffice Desk which he built out of an old shipping crate is on display here today along with some of his records showing shipment of goods through the Company when he was in charge of the Company during the years 1865–1868. Adam Stein helped to build the first Hudson Bay Company Ware House and he assisted in cutting and fashioning the logs which are now incorporated in our present restored Hudson Bay Building.

Much could be said about the early days at the Post concerning these three men who faced danger and hardship—shoulder to shoulder during those trying years. It was a

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case of dedicated togetherness for survival. For example, during the Indian uprising in 1862, Mr. Hutchinson came late at night with a horse and wagon to move the Probtsfields to the Post as he had been tipped off by an Indian that the Indians were planning an attack on the settlers. In addition to these three, there were many brave and stalwart pioneers who paved the way to the development of this great valley and their trials and accomplishments are a matter of History.

So 40 years later, continuing with that initial dream of Mrs. Eastwood, we find outserves at the culmination of that dream—celebrating and commemorating the 300th anniversary of the establishment of the Hudson Bay Company in Canada and in the Red River Valley.

It was the policy of this great company to instill honesty in all of its employees regarding its dealings with the Indians whose confidence they gained by keeping their word in all transactions with them. It was because of this policy that Georgetown though threatened by Indians was never attacked by them.

What a wonderful accomplishment it is that the people of Georgetown together with the Clay County Historical Association under the leadership of Mr. Glenn Johnson, the Clay County Commissioners and the State of Minnesota have had the foresight to establish this park—the Hudson's Bay Fur Trading Post at Georgetown—in order to preserve, to honor and to perpetuate the Trading Post of those early days. The people of Georgetown are to be commended for all the work they have done in making this Tricentennial Celebration a reality.

The spirit of those indomitable and intrepid pioneers is *within* us to-day. May that spirit remain with us to inspire and guide us in the years to come.

I think that our American poet, Henry Wadsworth Longfellow has expressed how we feel so well in the following words:

> "Lives of great men all remind us
> We can make our lives sublime
> And departing leave behind us
> Footprints on the sands of time,
> Footprints that perhaps another
> Sailing o'er Life's solemn main
> A forlorn and shipwrecked brother
> Seeing shall take heart again"

GEORGETOWN

(By Glenn E. Johnson)

PREFACE

The design and purpose of this brochure is to accurately describe the origin, development, and place Georgetown, Minnesota occupied in the fur trading industry of Hudson's Bay Company and the development of the Red River Valley in Minnesota. In addition to the sources of information listed in the bibliography we have derived considerable knowledge from the records and biographies of early pioneers and settlers in Clay County.

In the preparation of this history of Georgetown, our efforts have been neither to state false things nor suppress the truth. To have done so would defeat the purpose for which Hudson's Bay Fur Trading Post Park at Georgetown, Minnesota is being dedicated.

GLENN E. JOHNSON,
President, Clay County Historical Society.

SITE AND NAME

Minnesota was organized as a territory in 1849 and admitted into the Union May 11, 1858. Hudson's Bay Fur Company with proprietary powers over its administrative officers and all the people living in "Rupert's Land," an area covering ⅓ of North America, was chartered by King Charles II of England May 2, 1670. The site at the confluence of the Buffalo and Red Rivers in Minnesota was chosen by James McKay, a representative of Hudson's Bay Company in St. Paul. He established the post on August 12, 1859 and named it Georgetown after Sir George Simpson, Governor-in-Chief of Rupert's Land from 1821 until his death in 1860. Previous to having been named Georgetown, the area was referred to by the English as "Shayenne" and "Chienne Riviere." Mr. McKay was the named agent at the post. A year later, he was succeeded by Alexander H. Murray.

PURPOSE OF POST

Alexander Grant Dallas became Governor-in-Chief on Mr. Simpson's death. He arrived at Fort Garry (Winnipeg) on horseback from Georgetown on Sunday afternoon May 18, 1862. His family and servants came down the river later on a steamboat. One of the first administrative acts of Governor Dallas was to issue orders to his subordinates in the service directing them to discontinue the system of paying cash for "country produce." The latter was the general term used for all meat, agricultural produce, and other articles produced in the colony, with the exception of furs. Instead of cash, articles of English or American manufacture, imported by the Company and exposed for sale in their shops, were to be bartered. As the Company's notes composed the grand medium of local circulation, and had, till then, always been paid in exchange for the produce indicated, a vast quantity of which was annually bought, an immediate outcry from the settlers followed the promulgation of the new edict.

Up to the effective time of Governor Dallas' order Hudson's Bay Company post at Georgetown was "used as a storing place for their goods in process of transhipment from the carts running between it and St. Paul, on the one hand, and the steamer running on Red River, between it and Fort Garry, on the other". Mr. Murray was succeeded as agent for the post at Georgetown by Norman W. Kittson in June 1862. When Mr. Kittson moved to St. Paul in 1863, R. M. Probstfield was appointed agent in his stead and served continuously until 1870. W. J. S. Traill was placed in charge of the post in 1870 and so served until instructed to close the store in April 1875. The property belonging to the fur trade was transferred to Grand Forks and about a year later to Fort Gary.

It is said McKay selected the location for the post at the confluence of the Buffalo and Red Rivers because it was the place where the timber belts of each of the rivers joined. The trees protected the point from the west and south winds while to the north and east one could look over endless pasture and hay grounds for horses, cattle, and sheep. The fresh, cool waters from the Buffalo seemed pure, refreshing, and plentiful for both man and beast.

In 1817, Lord Selkirk who had acquired about 74,000,000 acres of land in the heart of America from Hudson's Bay Company visited the Red River Settlement near Fort Garry. He was particularly interested in extinguishing the Indian titles on that part of his property intended for immediate use as the American free trader was encroaching upon these territories. The areas in question belonged to the Chippewa and Cree Nations. On July 18, 1817 these nations through 5 chiefs signed a treaty with King George III of England for the benefit of Lord Selkirk ceding their rights to a long strip of country, 2 miles back from each bank of the Red and Assinniboine Rivers. The land ceded was from the mouth of the Red River to its confluence with the Red Lake River in the United States and on the Assinniboine from Fort Garry to Muskrat River.

Following Lord Selkirk's death April 8, 1820, his estate became involved in litigation over the ownership of the property with the American Government. In reports of 1872 and 1874 Hudson's Bay Company claimed 1133 acres of land surrounding the Georgetown Post in "Chienne Riviere" country. There is no record of title to land in the name of Hudson's Bay Company in the Clay County Register of Deeds office. The company however, was assessed and paid a personal property tax of $148.08 in 1873.

The idea of distance of 2 miles extending back from each bank of the rivers was impressed upon the 5 Indian Chiefs who signed the treaty in 1817 by describing it as "the greatest distance at which a horse on the level prairie could be distinctly seen or daylight seen under his belly between his legs."

PRAIRIE DU CHIEN TREATY

Despite the physical location and the financial interests of Hudson's Bay Company in "Chienne Riviere", Mr. McKay was principally influenced in establishing the post at Georgetown on the east side of the Red River and the north side of the Buffalo by the Prairie du Chien treaty in which well defined boundary lines were established to prevent encroachment of 9 Northwestern Indian tribes upon each other's hunting ground. The treaty was entered into on orders from Washington, D.C. at Prairie du Chien August 19, 1825. Governor Clark of Missouri and Governor Cass of Michigan presided at a grand congress of the Dahkotahs, Ojibways, Sauks, Foxes, Menomonies, Ioways, Winnebagoes, Pottawattamies, and Ottawas. The Dahkotas (Sioux) and Ojibways agreed the line dividing their respective countries should "commence at Chippewa River half a day's march below the falls—to the portage of Otter Tail Lake; thence to the outlet of said lake; thence to the Buffalo River, midway between its source and mouth, and down said river to Red River, and down Red River to the mouth of the Outard Creek." The Sioux nation was a powerful confederation of North American Indians living on the Dakota prairies. They were hostile towards the white immigrant and settler. The Sioux occupied the territory south of the Buffalo and west of the Red River. The Chippewa were woodsmen living north of the Buffalo and east of the Red River as far as Lake Superior. They were friendly towards the early pioneers.

The Trading Post at Georgetown when established, was on the Ojibway (Chippewa) side of the Buffalo and Red Rivers. The boundaries were patrolled and protected by both the federal and state governments. During the war of 1812, the Sioux, Ojibways and Winnebagoes under the lead of hostile traders joined the British. There was no government in Dakota Territory on the west side of Red River when the post was established. The Prairie du Chien treaty in 1825 made the geographical location of Georgetown a landmark and as such is the village's rightful and greatest claim for recognition in our nation's history.

Interestingly, the Chippewa name for Red River is Miswagunmewesebee. Henry Kelsey called it the "River Mith", a contraction and corruption of the Chippewa name, in reporting his exploits to Hudson's Bay Company August 6, 1961: "Now, ye water wch runneth down this river is of a blood red colour by description of those Indians wch hath seen it, wch makes me to think it may run thru some mine or other".

FIRST PUBLIC ROADS IN MINNESOTA

The first public highways in the State of Minnesota were the historic Red River oxcart trails. In July 1823 Major Stephen Long, on orders from the government to locate and mark the boundary between Canada and the United States at Pembina, came upon 6 two-wheel carts each drawn by an ox at Lake Traverse. He joined the train and travelled with it on the east side of the Bois de Sioux and Red Rivers to Pembina. The site of of Geogetown was then marked by a huge oak tree. Its story is told in the poem by Alice Eastwood written shortly after the tree died in 1911.

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THE GEORGETOWN OAK

This old oak tree stood for years
Marking a place where smiles and tears
Have mingled together side by side
Overshadowing the joys of a lowly bride
Bending low as a mother weeps
For the soldier boy who nearby sleeps.
Its welcome shade, a memory dear
To those who crossed its path each year;
Long since they went to their earthly rest
While the brave old oak still did its best.
Now it stands a leafless tree
A last lone mark of history.
The Hudson Bay Post within its gaze
The log Post Office of early days
Even the old trail runs north no more
Do you wonder the old oak at heart grew sore?
When no one loved it any more?
Good old oak tree what you could tell of men
Who struggled for our valley then,
We wonder if you and they a vision could see
Of what our valley soon would be
With lovely homes and fertile fields
Which year by year a blessing yields.
We bow our heads as we pass you by
'Tis sad old oak that you should die.
We should mark the spot as your beauty wanes,
We should embellish the place with stones and names;
The names of men whom history made
As they stood beneath your welcome shade,
We should plant a vine with leaves of green
To cover the place where yours have been,
In loving memory of your life so great
And the Pioneers of our North Star State.

ALICE EASTWOOD,
Georgetown, Minn.

A bronze marker imbedded on a boulder alongside the drive-in to Glen Gilbery's farm approximates the place where the oak tree stood in 1825. A portion of this trail still can be ridden over along the north bank of the Buffalo River from new Georgetown to Hudson's Bay Fur Trading Post Park.

DEVELOPMENT OF WHEAT IN RED RIVER VALLEY

Under the patronage of Lord Selkirk, seventy emigrants from Scotland arrived at a point about 5 miles below present day Winnipeg and started the Red River Settlement on September 4, 1812. German and Swiss immigrants followed. There were endless trials, hardships, and sorrows for these settlers the next 8 years. In the summer of 1819 grasshoppers ate everything that grew above the ground at the settlement. Desperate, several men on snowshoes left the colony in January 1820 to buy wheat at Prairie du Chien. They returned six months later with 250 bushels of wheat in flat bottomed boats. They paid 10 shillings per bushel. The wheat was planted late but produced a plentiful crop in the autumn. The settlement was never without wheat for bread from that time. It was the first wheat successfully grown in the Red River Valley. The trip also established the possibility of navigation during high water between the Red River settlement and St. Paul on the Minnesota and Red Rivers.

Many of the Swiss could not stand the rigors of the cold climate. Five families emigrated to Fort Snelling in 1821 which had been established as a military post in 1819. Several more of the families followed the first group over the next five years taking their cattle with them.

These families were the first pioneers and agriculturists to settle in Minnesota. They entered the territory over the three ox cart trails, the one through Georgetown being the shortest. There was a ferry cross-over from the trail on the west side of Red River to the east side at Georgetown.

OX CART AND OXEN

In 1820 Alexis Bailly, a metis, drove a herd of 300 range cattle from Prairie du Chien to Fort Garry where he sold them at a high price. Until that time the only cattle in the Red River settlement were an English bull and two cows purchased from the Northwest Fur Company. Milk cows in the herd sold for thirty pounds each and oxen broken for yoke for eighteen pounds per head. Oxen from this herd were the ones in use when Major Long came upon the ox cart train at Lake Traverse. Prior to that the ox carts were pulled by horses and Indian ponies. Alexander Henry wrote in his diary while on a buffalo hunt near Pembina, November 15, 1801, "Men now go again for meat with small carts, the wheels of which are of one solid piece sawed off the ends of trees whose diameter is three feet. Those carriages we find more convenient and advantageous than it is to load horses, the country being so smooth and level that we can use them in every direction". An ox was a castrated bull 3 years of age or more.

"ANSON NORTHUP" STEAMBOAT

The Chamber of Commerce of St. Paul made a bonus offer of $2,000 to anyone who navigated the Red River by steamboat. Captain Anson Northup decided to try for it. In the fall of 1858 he purchased the "North Star" from Governor Alexander Ramsey and piloted it up the Mississippi to Crow Wing, Minnesota. He had the boat dismantled and hauled overland with the help of 40 men and 34 yoke of oxen to Lafayette, a paper townsite on the Red River opposite the mouth of the Sheyenne River laid out by prospectors in 1857. After rebuilding the hull of the ship at Lafayette, Anson Northup renamed the ship "Anson Northup" and steered it up river to McCauleyville. After a cabin was built, the Anson Northup left McCauleyville for Fort Garry on May 17, 1859. The boat arrived at the Fort June 5. On its return to McCauleyville the ship was tied up and not put into use until purchased by J. C. Burbank who with his associates had secured a contract to carry the mail by stage between St. Cloud and McCauleyville in 1858. The stage line had been extended to Lafayette and Georgetown in the spring of 1859. The mail line was extended further from Georgetown to Pembina in 1869, the mail being transported by ox cart in the summer; dog train in the winter.

Mr. Burbank and his associates under the name of Minnesota Stage Coach Company was given a contract by Governor-in-Chief Sir George Simpson of Hudson's Bay Company in the spring of 1860 to transport 500 tons of freight annually over a period of 5 years from St. Paul to Fort Garry. After refitting the Anson Northup, Mr. Burbank christened the ship "Pioneer" and put it on regular schedule hauling freight and passengers between Georgetown and Fort Garry. Ultimately the boat was purchased by Hudson's Bay Company, dismantled and its engines used to run a saw mill.

The "Anson Northup" was the first steamboat placed on the Red River of the North. It was a small vessel with four staterooms and two berths in each. Passengers in excess number of those accommodated in the staterooms slept in open berths along the main saloon separated only by curtains. The two log cabins at Lafayette when Anson Northrup and his crew arrived with the machinery of the North Star were owned and occupied by R. M. Probstfield and Adam Stein. The land is presently farmed by Lloyd Fossum in Kragnes Township.

"INTERNATIONAL" STEAMBOAT

The second steamboat on Red River was the International. Originally it was a flatbottomed, square boat craft that had been run up the Minnesota River in the spring of 1859 by its captain on his way to seek his fortune in a reported gold strike in Saskatchewan. Unable to get the boat over land from Big Stone Lake to Lake Traverse, the Captain sold the ship on a sheriff's sale to J. C. Burbank in 1860. In the fall of that year the machinery and boilers of the Freighter were hauled overland by oxen to Georgetown and installed in the International, the construction of which was done in the cleared area beneath the bridge between the Red River and the entrance road into Hudson's Bay Fur Trading Post at Georgetown. The International was 137 feet long; 26 feet wide, and rated at 133 tons capacity. It made irregular trips between Georgetown and Fort Garry. Hudson's Bay Company bought the boat from the Minnesota Stage Company in the summer of 1861 naming Norman W. Kittson its captain "as he could speak with the Indians in their own language". After all Hudson's Bay Company was in the fur business and the Indians and halfbreeds were still the best trappers, hunters, and traders in the Red River drainage basin.

The International was anchored at the Georgetown landing on the night of August 22, 1862 when the post heard of the Sioux outbreak and Indian Massacre of early settlers at Breckenridge. Captain Kittson was in charge of the ship. When the people at Georgetown decided to evacuate the area and seek protection for their families elsewhere, the women, children, and their personal belongings were loaded on the International September 5, 1862, and taken to Fort Garry. They returned to Georgetown in the middle of October. When the group returned, they found the Indians had not molested any of their belongings although they had entered the post. Apparently the Sioux raiders respected the territorial boundaries set out in the Prairie du Chien treaty.

At the time steamboating on the Red River ended for practical purposes in 1886, the International was purchased for use in Canadian waters.

DEVELOPMENT OF MAIL CARRIER SYSTEM IN VALLEY

The first postoffice in Clay and Wilkin counties was established at Georgetown on May 20, 1864 with Randolph M. Probstfield, postmaster. The first postoffice in Wilkin County was established at McCauleysville June 4, 1867 with Judson Parker, postmaster.

In 1857 the American government established a postoffice at Pembina. Mail delivery was made once a month between Pembina and St. Paul until 1862 when a bi-weekly system was started. Letters and other mail matters arriving by sail and steamship from abroad at Fort Garry were bundled and dispatched by Hudson's Bay Company to the outlying posts for delivery. Outgoing mail forwarded to points in America were stamped with American postage and post-marked as having been sent from Pembina.

The mail was delivered by carrier, horseback and steamer in the summer; ox cart and dog sled in the winter. Mail carried by the stage coaches arrived on alternate days at Georgetown from St. Paul. The mail gig between Georgetown and Pembina was followed by a military escort of three soldiers to protect the mail against the Sioux. The journey from Georgetown to St. Paul made by stage coach was escorted by three soldiers from McCauleyville to "Old Crossing". The distance from Georgetown to St. Paul was transversible in five days when accomplished by relays of horses stationed in postal establishments situated at places 15 to 25 miles apart along the trail. Early maps of Minnesota show Sitomonee, Thompson, Burlington, Burbank, and Shayenne City as relay stations between McCauleyville and Georgetown, Minnesota, a distance of 45 miles.

A description of the night spent at Burbank (Moorhead) on Friday, November 3, 1865 by one of the four men enroute from McCauleyville to Georgetown is interesting: "—the morning we started thence, a bitter north wind began to blow and our party made very poor travelling. In the afternoon

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the breeze increased and the weather got perceptibly colder. After a very poor day's ride of about 30 miles we encamped close to a deserted house (log cabins were called "houses" thoughout the writers diary), untenable and lonely since the Sioux Massacre about eighteen miles from Georgetown. I remembered it as one where we had stopped to change horses—July 11, 1861—".

The stage coaches between St. Paul and McCauleyville had springs and were drawn by four horses. Those used between McCauleyville and Georgetown had no springs and drawn by two horses. Since there were no regular seats, passengers used their trunks.

The St. Paul Dispatch reported the arrival of fast mail from Pembina and Georgetown in 1864: "The fast mail arrived from Pembina this week. The train consisted of a single board, ten feet long and twelve inches wide, turned up at the end similar to a sleigh runner. To this three dogs were harnessed tandem". One man walked before, there being a strap fastened to the hindmost end for the purpose of holding back while descending a hill. In this way the two hardy voyageurs traveled 600 miles in eight days, carrying a heavy mail, guns, provisions, blankets, camp equipage, etc. They will leave for the north early next week, taking back a mail sack with them".

Prior to the establishment of its postoffice October 6, 1871, Moorhead mail was brought from Georgetown by James H. Sharp, a civil war veteran and an early settler in Clay County.

CLAY COUNTY'S PARTICIPATION IN CIVIL WAR OF 1861–65

Adam Stein was the only enlistee from Clay County to serve in the civil war. At the time of his enlistment he was a resident of Georgetown having pre-empted land there in December 1861. He enlisted December 1861 serving in Company G; 4th Regiment Minnesota volunteers until he was transferred to the Veteran Reserve Corps June 1, 1864. At that time he returned to his claim at Georgetown and remained there until his death. Mr. Stein was 39 years of age when he enlisted.

RELOCATION OF GEORGETOWN

The Moorhead and Northern Railway from Moorhead to Georgetown was built in 1884. When the Hudson's Bay Company abandoned its post in April 1875 it removed the property belonging to the Fur Trade, abandoning the buildings sketched and described in this brochure. Over the years all have disappeared except the warehouse and guard house. The warehouse was dismantled in 1964 and the salvage used in the construction of a pole type shelter erected over a bronze marker in Hudson's Bay Fur Trading Post Park which is to be dedicated on May 2, 1970. The date is the tricentennial anniversary of the signing of the Hudson's Bay Charter at London, England.

After "Old Georgetown" was abandoned in 1875 the postoffice was moved to "New Georgetown" platted on the Moorhead and Northern Railway 1¾ miles southeast from its original site. The village plat was completed October 18, 1883. C. B. Hill was the first postmaster in New Georgetown. The village was incorporated in 1904. Its elected officials for 1970 are. Leo P. Paseka, Mayor; Frank Mills, A. J. Wambach and Anton Sebestl, Trustees; John Stein, Village Clerk; Mrs. Don Miller, Treasurer; Mrs. Robert Quam, Assessor.

The Georgetown Community Club was organized to celebrate and help commemorate the tricentennial dedication of Hudson's Bay Fur Trading Post at Georgetown on March 24, 1970. Officers elected were: Robert Ziegler, President; Mrs. Morton (Janice) Brendemuhl, Secretary and Mrs. Milton (Sylvia) Oberg, Treasurer.

Officials of the Village and the Community Club are assisting three committees of the Clay County Historical Society in dedicating Hudson's Bay Fur Trading Post at Georgetown as an Historical Recreational and Educational Park on May 2, 1970. These three committees are: Budget and Finance of which Robert N. Litherland, assisted by Norman A. Nelson and Mrs. E. J. Murphy, is chairman; Park Grounds and Buildings of which Edgar E. Wright assisted by William Ziegler, Glen R. Gilbery, Agnes Stensrud, and Bennie Gunderson, is Chairman; and Name-Memorial-Dedication of which Maxine Fawbush assisted by Alice Corneliussen, Wilmer Bjorndahl, Harold Helmeke, Mrs. Leon (Anne) Hammett, Alfred Wiger, and Mrs. Ethel Hoefling, is Chairman.

Early settlers at Georgetown were E. R. Hutchinson, Adam Stein, R. M. Probstfield, Edwin Griffin, Jacob Wambach, J. M. Wilson, Hugh W. Green, Isaiah Farier, J. C. Corbitt, Sam H. Nichols, R. O. Underdal, Charles Peterson, M. C. Lamb, John Lamb, George Dewey, George Eastwood, Horatio F. Wilson, E. F. VanDoosen, Isaac Farier, John P. Johnson, Andrew S. Dalen, Andrew Floberg, C. B. Hill, and Andrew E. Hoveland.

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WALTER REUTHER ON THE CRISIS IN HEALTH CARE

Mr. KENNEDY. Mr. President, one of the lasting gifts of Walter Reuther to the people of America was his dream of a better system of health care for the Nation. Although his voice is now suddenly and tragically stilled, his many fertile ideas for improving health care in America will be an incentive far into the future for all of us who seek a better health system for our citizens.

Two months ago, in a major address to the annual meeting of the New England Hospital Assembly in Boston, Walter Reuther very clearly set out his view of the inequities and waste of the existing system of health care, and his vision of a better system under a program of comprehensive national health insurance. Perhaps the most significant aspect of his address was his identification of a few of the areas of waste that are legion in our present $60 billion health system—areas like the administrative costs of hundreds of separate health insurance carriers, expensive reliance on acute hospital care, unnecessary surgical procedures, our failure to encourage group practice programs, unreasonable physicians' fees, and overlapping and competing public health programs. Together, the waste from these and similar current sources in the existing health system totals about $14 billion, or 23 percent of the overall annual expenditures for health care in the United States.

Walter Reuther was among the first to recognize that the best way out of our current health crisis was through the adoption of a national health insurance plan that would stimulate the sort of improvement and greater efficiency that are urgently required if we are to meet the health needs of our people. Thanks to giants like Walter Reuther, we are well on our way to reaching this goal.

Mr. President, Walter Reuther's address to the New England Hospital Assembly will be of interest to all of us concerned with the quality of health care in America. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

UNIVERSAL HEALTH INSURANCE—A CONSTRUCTIVE APPROACH TO MEETING AMERICA'S HEALTH CARE CRISIS

(By Walter P. Reuther, President, International Union, United Auto Workers, Chairman, Committee for National Health Insurance)

I appreciate very deeply the kind invitation to participate in the 49th Annual Meeting of the New England Hospital Assembly. I should like first to commend you for the leadership which your group has provided over the years in the struggle to bring better health care to all Americans.

I come to you this afternoon with no professional credentials in the field of health care. I come rather as a spokesman for large numbers of consumers who have been paying for and using health services for years and who through the collective bargaining process and in the legislative halls have worked to strengthen these services. I come to express what I believe to be a deep and growing concern among Americans with the crisis in health care delivery. But first, I want to discuss some broader problems, because we cannot solve the crisis in health care in a vacuum. We must find the answers to this problem within the broad framework of dealing with other very real and very urgent human and social problems.

We live in a time of revolutionary change and challenge. This is, indeed, a time of testing for our free institutions. The central and overriding question before the human family is, "To what purpose are we going to commit the power and potential of the 20th Century Technological Revolution?" Are we going to continue to use our new knowledge for the insane escalation of the nuclear arms race and ultimately man's total destruction? Are we going to use its power and potential to pollute and destroy man's living environment? Or can we build a rational and responsible world community to harness the rising star of science and technology onto man's peaceful goals, to extend the frontiers of human progress and human betterment, and to open up new and exciting opportunities for human development and human fulfillment?

But the problem is not science and technology—the problem is man. For science and technology are neutral in the affairs of man; they have no ideology and no sense of morality. Science and technology have expanded man's wealth, but not his wisdom. They have

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broadened man's power but not his understanding of man, his sense of compassion, or his sense of human solidarity and brotherhood. These are the essential elements out of which we must weave the fabric of man's survival.

In America, more than in any other nation in the world, we continue to make fantastic progress in the physical sciences, in the art of working with things; but we fail to make comparable advances in the human and social sciences, in the art of working and living with man. It is this growing moral and cultural lag between increasing scientific and technical know-how and our failure to achieve equal human and moral know-why that creates the source of our basic problem. We have been too concerned wtih the quantity of our goods and too little with the quality of our goals.

We desperately need to re-order priorities. We must commit ourselves and our resources in a measure equal to the dimensions of the difficulties so we can complete the unfinished agenda of American democracy.

As we approach the 200th anniversary of the birth of our republic, we are faced with greater instability than at any other time in those 200 years. The affluent and advantaged are calling for order in America; the poor and the disadvantaged are crying for justice. Unless we achieve both, we shall achieve neither.

Looking at today's troubled time, I am reminded of the troubled times in which Abe Lincoln, one of the great political thinkers, sat in the White House. He watched this nation in its time of testing, saw it being torn asunder, and said,

"The dangerous dogmas of the quiet past are not adequate to the stormy present. Our cause is new and we must act anew."

In the present time of testing our cause is new; we, too, must think and act anew. We cannot solve tomorrow's problems with yesterday's obsolete concepts.

It is within this broad context that we must look upon the crisis in the field of health care, a crisis which worsens daily. It is not that we lack the scientific knowledge or medical competence, nor do the people in your field lack the capability to administer hospitals. It is not because we lack the resources—we are already spending more money for health care than any nation in the world. We are in trouble on the health care front because we remain wedded to an obsolete, disorganized non-system that stands in the way of developing a modern rational health care system.

I don't have to tell you what is happening to health care costs. They are skyrocketing at more than twice the rate of an otherwise inflationary price index. We spend in excess of 60 billion dollars a year for health care services, a figure second only to expenditures for military purposes in the gross national product. If we were spending 60 billion dollars a year and the costs of health care were going up, and the American people were getting the kind of services that they have a right to expect, one could say, "Well, the cost of everything is going up, and that's the price we must pay." But we are spending 60 billion dollars a year on second-rate, unacceptable health care services.

Therefore, I believe that the choice before the American people is clear. They have a decision to make, and that decision will be made in the immediate future, because they will not be willing to continue to pump billions and billions of dollars into subsidizing the waste and the inefficiencies of the present non-system. Americans must decide if they want to subsidize a system that has demonstrated such a total lack of ability to deal satisfactorily with health care, or to organize an up-to-date health care system that would eliminate the waste and provide comprehensive high-quality care to all Americans as a matter of right.

We are the only democratic nation in the world that continues to rely upon the marketplace to provide our essential health care services. The marketplace has the capacity for doing many exciting things in producing a volume of unprecedented gadgets, but it is not responsive to human needs, nor is it capable of providing essential services such as quality comprehensive health care at reasonable cost.

Let me state immediately that I do not believe money alone can solve our problems in this field. But the Committee for National Health Insurance which I have the honor of chairing, with Dr. Michael DeBakey, Mrs. Mary Lasker and Mr. Whitney M. Young Jr., as Co-Chairmen, and Senator Kennedy, who is with us today as one of our distinguished Committee members, believes in a higher national priority for health. We are convinced the creative use of finances can open new directions toward organized patient care. Money, by itself, cannot solve our problems. But money can give us the leverage to effect change. The changes that we see possible through national health insurance would create savings. More importantly, they would help bring good health care to all Americans.

The value of dollars lost to the family or to the national economy may be incalculable. But we can begin to identify the amount of sheer waste in the more than $60 billion we spend annually for health purposes.[1] We estimate it exceeds $14 billion.

That is a lot of money and I plan to go into detail and spend some time on the waste problem. Our estimate would mean that 23 percent[2] of all the billions spent for health last year was wasted in the sense these dollars were spent uneconomically, that they contributed to the escalation of costs and to inferior quality health service.

In recent months people of America have been profoundly, and frequently, shocked by the acute symptoms of the non-system in health care. Congressional committees, one after another, are reporting the symptoms. Their reports and our studies show the waste in the health field extends beyond inefficiencies invited by cost-plus over-rides or cost-reimbursement; beyond over-charging and under-control. People want to know why hospitals charge $100 a day. And, why do most hospitals still run on a five-day week,[3] with patients admitted on Fridays to waste a week-end? And why don't the hospitals and doctors work together as teams? The people feel the physicians who found a quick way to rich new incomes in the Medicare and Medicaid programs ought to be called to account.

But the short hospital work week, the lack of teamwork in the hospital, and the relatively few big cheaters, though deplorable, are not the real problem. It is clear the real problem is the antiquated, semi-functional, non-system which is incapable of dealing with disorganization and disarray. And disorganization and disarray are synonymous with waste.

My thesis is that, properly applied, the funds we spend unwisely and self-defeatingly could go a long way toward meeting the costs of truly comprehensive health care for all. If we continue to subsidize the present non-system we will waste additional billions each year—billions of dollars that could expand and strengthen our capacity for better health care services.

We have long agreed that no single system of health service delivery is apt to satisfy all consumers. But we also agree that a system of national health insurance must be primarily directed toward creating organized programs of patient care. In this struggle to organize the best delivery system, the age of discovery has hardly begun. We need to develop and evaluate various models.

However, there do exist some models of what better systems look like. These are in the group practice prepayment plans, which, unfortunately, are still relatively few among the great number of solo practitioners. And our estimates of the savings potential in the field of health rely heavily on the development of more group practice arrangements, particularly hospital-based programs.

THE SOURCES OF WASTE

We need to free ourselves from the mythology that solo practice and fee-for-service are divinely-conceived, divinely-inspired and therefore eternal. We need to recognize that the present mix and usage of health resources is not the most perfect configuration that man can achieve. There is much evidence that relying primarily on the solo, fee-for-service practitioner to decide and direct how we spend the bulk of $60 billion a year results in substantial waste of resources. If the results were superb care or even average care for all, perhaps this waste of scarce resources and money would be tolerable.

But it isn't even true that at least the rich and the poor get good care. The poor often get poor care under demeaning conditions unless they have some exotic disease, and the rich get episodic care, perhaps luxuriously provided. The size, complexity and disorganization of the institutions of health care—the specialists and super-specialists as well as the facilities and their control agents—defeat the middle-income families attempting to deal with them. Freedom of choice of physicians assures high quality and economy of services to the same extent as freedom of choice of plumbers or used-car dealers.

The waste begins even before any money reaches the providers of services: it starts with the pluralistic financing system. Nobody has ever explained to my satisfaction the logic of having hundreds of insurance carriers providing thousands of different types of benefits, all for the same services. But if there is some value to all this, let me tell you we pay plenty for it. We channeled $13.5 billion into the hands of the private insurance companies in the last fiscal year.[4] The benefits administered by all private carriers cover little over one-third[6] of all personal health care expenditures. Because these programs are primarily designed to pay for hospital related costs, they provide ballooning cost fragmented sickness insurance rather than comprehensive health insurance which our people require.

Private insurers took over $1.7 billion as their costs of doing business.[5] Their business, to no significant extent, involved the development of programs leading to improved health care, and to longer life and reduced morbidity. The total administrative and acquisition costs of private health insurance—the $1.7 billion annual take-out by the carriers—provides us with the most expensive mechanics of administration in the world.

I have worked with employers at the bargaining table and with the private insurers where we have negotiated billions and billions of dollars for increased resources to purchase health care programs. We have been privileged to initiate many of the new programs of coverage through the collective bargaining process. We have tried to help the insurance industry find more adequate answers to this problem of coverage and benefits. Our Union has pioneered in obtaining fully paid benefits on a national basis, in obtaining out-of-hospital psychiatric care, pre- and post-natal care, liberal skilled nursing home benefits and a national prescription drug program. But I think we have reached the point where we must recognize that despite all that has been done the dimensions of the health care crisis are beyond the capability of a fragmented private insurance industry.

We can do better under the right kind of national health insurance program. We could provide universal comprehensive coverage to the entire population, with built-

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in quality and cost controls. And we could operate such a program with no greater outlay for administration than is now required to cover part of the population for what are basically only hospital and surgical benefits. Selling costs, eligibility determinations costs, and surveillance of exclusions, limitations and hesitation clauses would all become unnecessary.

Alternatively, we can continue to increase waste by subsidizing the private carriers even further as some proposals for national health insurance invite us to do. *Last year we estimate $1.1 billion of the $1.7 billion I quoted earlier was wasted in unnecessary acquisition and administrative costs of health insurance.*

POSSIBLE SAVINGS IN HOSPITAL COSTS

The pluralistic financing system produces a waste factor threefold greater than the administrative costs alone. The competition among the hundreds of carriers does not serve to hold down the costs of health services; it drives them upward and puts greater pressure on the hospital system.

And the forms, forms, forms—the number of different types of forms that you people fill out must be about as welcome as used throwaway bottles at the Coca-Cola plant.

An effect of our existing types of health insurance has been to limit availability of lower cost facilities and programs while overloading the hospitals. This results in unnecessary construction of acute care beds and under-development of hospital-operated extended care facilities, skilled nursing home care, home health services and other forms of care for the chronic disease patients.

Our people estimate about $6 billion in annual hospital costs and surgeons' fees could be saved by proper building programs and by having in effect a system that puts the right patient in the right bed at the right time. Obviously operating costs in the acute care hospital would be somewhat higher daily than at present since the care would be more intensive. But even with the added operating costs, and even with the development of the hospitals' extended care capacities, total costs to the system would be considerably lower in such systems of organized patient care.

And savings in capital expenditures achieved by matching each patient's intensity of care need with the appropriate health facility would be considerable.

The government estimates our capital needs for modernization of hospitals to exceed $16.7 billion. We all know the most pressing needs are in the urban hospitals. The per bed costs of new hospital construction in the cities runs to about $50,000 today. Modernization can exceed $35,000 per acute bed. It is forecast by people close to the situation that we will have to build or replace three-quarters of a million acute care beds by the end of the century.

But why should we necessarily replace every outdated acute hospital bed with the same kind of bed? Or add acute beds where other kinds of beds would do better? Studies that we have examined indicate that one-fourth of the hospitals' patient days could be transferred to ambulatory facilities, extended care facilities or skilled nursing homes, and that 5% of patient days could be reduced by transferring patients to adequate home health programs.

We estimate *we could save an average of $575 million annually in construction costs by building an appropriate number of ambulatory care facilities, extended care facilities and services in place of acute beds.*

This nation must come to some decisions rather quickly about planning and financing the urgent capital and service needs of hospitals. National health insurance can strengthen and support planning—not for the purpose of whittling down budgets and reducing essential services, but toward the goal of a better mix of nonduplicating facilities and services, teamwork in and between hospitals, preservation of scarce resources and rationalization of capital and service requirements.

In our program we want to work with you and to encourage and support the hospitals in becoming focal points for comprehensive patient care services, including extended care and home health services where appropriate. Not only will this serve the interests of continuity and quality of care, but also of greater economy.

We believe that improved programs and services are compatible with various types of cost savings.

And the development of more comprehensive services will increase the opportunities for patients to be admitted earlier to hospitals when that is required. There are four specific areas of potentially large savings in hospital operating costs.

1. The hospital that is in full operation seven days a week rather than five has been able to reduce the average stay by half a day, *a $700 million saving.*[7]

2. Ambulatory testing for surgical patients prior to admission has shown it can save 118 hospital days per 100 patients, for *a saving in excess of $300 million each year.*

3. The inappropriate design of insurance programs, with premiums placed on in-hospital care combined with ineffective utilization review results, our advisors tell us, in longer than necessary and inappropriate hospital stays. By reducing average hospital stays only one day, savings of *approximately $1.8 billion could be realized* in this segment alone.

4. Another matter of waste at the additional price of inferior care has long been obvious. In communities all over the country, our maternity and pediatric services should be consolidated into fewer hospitals. Our economists and medical people all agree on this: the quality of care would be enhanced and the space now taken up by under-occupied services could be converted to adult beds. We believe at least 8,000 beds could be converted, if this kind of community planning for the delivery of services were actually functioning. There would be savings both in construction and staff costs. Even the obviously under-utilized maternity and pediatric services require constant staffing. A study by the Public Health Service of the Department of Health, Education and Welfare, indicated that *as much as $250 million could be saved* by a consolidation of maternity and pediatric services wherever possible.

POSSIBLE SAVINGS IN HOSPITAL COSTS AND PHYSICIANS' FEES IN SURGERY

There are additional and substantial savings having to do with surgery. I imagine many of you have read Dr. John Bunker's article in the *New England Journal of Medicine* for January 15, 1970. He has pulled together a great deal of evidence that indicates we may well be a country providing luxurious accommodations but often unnecessary surgery for the well-to-do—while we cannot provide basic medical care for the indigent.

Our people have been doing some calculations. And if Dr. Bunker is correct that surgery could be reduced by 25 percent—or nearly four million operations—*we could have lowered our national payments to surgeons last year by $740 million and reduced our hospital bed requirements by an additional 26 million days, or another $1.6 billion in savings or waste* depending on your viewpoint.[8]

We would be upgrading the overall quality of surgical services as well.

The differences in the rates of surgery in the United States and England, 74 per 1,000 population versus 38 per 1,000 population, certainly point to some impact from that large segment of surgeons not certified by a surgical board who do 50 percent of the surgery in our country. These differences support the thrust of Dr. Bunker's conclusions.

SAVINGS IN PHYSICIANS SERVICES THROUGH GROUP PRACTICE

It is generally recognized from studies of the Federal Employees Health Benefits Program and other programs that members of group practice prepayment plans use as little as 50 percent of the number of hospital days as other consumers covered by commercial insurance or the Blues. The savings thus effected, however, will not be taken into account in this section, which concerns possible savings in physicians' costs through the development of group practice.

As a nation we currently spend $9.2 billion privately and $2.7 billion through public programs for the services of private physicians.[9] That's a total of nearly $12 billion. Economists have expressed a number of ideas about increasing the efficiency of the nation's doctors. As our most valuable and scarcest form of health manpower, they are gatekeepers to most health services. They should be employed at their highest levels of skill, and not spend time on tasks equally well performed by less highly trained people. Professor Rashi Fein of Harvard University has demonstrated that a four percent increase in physician productivity can add the equivalent of one year's medical school graduating class to the medical market. It follows that if, by organizing the delivery system in which physicians work, we increased the capability for seeing patients, we would be stepping up physician productivity and saving a great deal of money.

We estimate the effective *development of group practice programs would save $3.6 billion annually,* based on a per capita saving of $60 for 60 million enrollees in group practice programs. By that I mean, if we could develop 2,000 group practice programs in the next five years and staff them with an average of 20 physicians, along with other members of the health team, they could serve a population of 60 million. The same 40,000 physicians in solo practice serve only 30 million people. Under a dual system of solo practice and expanding group practice programs, we could at least maintain the present ratio of physicians to patients until the population had increased by an additional 30 million.

Group practice produces other forms of savings that are not as readily measured—such things as available consultation when doubts exist about the need for hospitalization or surgery, and in the better use of medically-trained manpower.

PHYSICIAN SHORTAGES

We all know that there is a serious shortage of manpower in the medical professions. This occurs for the same reasons that create a shortage of manpower in the building trades in some parts of the country—both groups have worked on the theory that you can make more out of the economics of scarcity.

As the president of one group practice prepayment plan, I can testify that group practice does not provide cheaper care than solo practice. It does provide more comprehensive and better care. It makes more effective use of medical manpower. The hands and the skills of the physician are lengthened, and he is therefore more productive and able to serve nearly twice as many patients as the solo practitioner. Even so radical a publication as Fortune Magazine has recently concluded that health care teams offer the brightest opportunity for improvement of productivity. And the organized patient care program does result in better health for the patients.

Footnotes at end of article.

The alternative to increasing productivity of physicians would be a more costly and unattainable goal of doubling or even tripling the number of physicians. At this time there is absoluately no evidence that the Federal Administration is prepared to seek the necessary resources to attempt to achieve their own stated objective of training an additional 50,000 physicians in the next ten years.

In Michigan alone, there are over 200 communities with populations over 1,000 who ore looking for doctors and can't find them. Across the country entire counties are without the services of local physicians. The planned supply of physicians will not alleviate this crisis.

Organized medicine has proposed developing and using fee-for-service nurse-practitioners. Well, they forgot to ask the nurses. And they didn't seem to know something everybody else knows: the nurses are in even shorter supply than the doctors. And they choose to ignore the dissatisfaction with fee-for-service payments even to doctors. Half a dozen congressional committees already are having their say about things like fee-for-service, and "usual and customary," and I won't dwell on those matters. But the waste is obvious when you put out a barrel of money and tell the doctors to help themselves to as much as they want, and then fill it up again when they've emptied it.

PHYSICIANS' FEES

We estimate that *$1.2 billion annually could be saved on physicians' fees* even under the present fee-for-service system by establishing controls that assure reasonable rather than "usual and customary" fees that rise faster than the consumer price index. You don't get reasonable fees through monopoly pricing, and the data indicate that physicians' costs have climbed 10% higher than the amount of inflation in the overall consumer price index [10] since the passage of Medicare.

REMOVING OBSTACLES TO GROUP PRACTICE

A dual system of organized group practice and solo practice should have been well-established by now. But there are still laws on the books which prevent the development of group practice prepayment plans in 20 states. Medical society opposition is a deterrent even in states with no restrictive legislation.

If people in powerful positions continue to discourage the development of organized groups we will waste untold additional billions on unnecessary hospitalization, unnecessary surgery, unnecessary utilization of physicians and unfortunate neglect of the health needs of our people.

The opposition continues today, perhaps in more subtle forms than in the past. People give lip service to the idea of improved organization for the delivery of services, and for increasing the supply of medical practitioners. But they contribute little to either effort.

NEED FOR EXPANDING MEDICAL EDUCATION

Even today, there are no places available for half of the fully-qualified students applying for medical school admission.

By the thousands, American students are enrolling in foreign schools. Though we desperately need more physicians of various types, the sorry history of the 1970 Federal appropriations for medical education and for medical research again reminds us that the medico-politicians are less interested in the intolerable inadequacies of medical education than they are in preserving the inviolability of fee-for-service payments to practitioners. Meanwhile, we should bow our heads in shame that we must import physicians from underdeveloped countries where they are far more desperately needed. But you know we could not run our hospitals without them.

WASTE IN THE DUAL OR TRIPARTE SYSTEM

Up to this point in our discussion, we have not touched on the waste resulting from our dual private and public systems of health care. Twenty-five Federal departments or agencies run health programs of one kind or another, often competing with each other and with the private sector in their demands on scarce manpower and resources. In the Medicaid program alone, federal-state-and-local governments spent $4.4 billion [11] for medical care last year, employing thousands to administer its provisions. More personnel time and energy was expended in checking on peoples' eligibility for care than on surveillance of the quality of the care or the reasonableness of the charges. Often too, where there was any surveillance of charges or quality, the effort duplicated rather than augmented similar activity under Medicare or in the private sector. Having already stated that the current administrative costs paid to private insurers would be ample to administer a comprehensive national health insurance program, there would be savings of at least $400 million resulting from a unified system in which no one's eligibility for the national benefits had to be determined or redetermined every few months.

That means *we wasted at least $400 million* on Medicaid administrative costs last year.

Rather than all the separate governmental programs, we propose a consolidation of programs wherever possible, so that the consumers served will have equal access to services of equal, adequate quality. This, in our opinion would save us at least another billion dollars a year.

For example, as a nation, we spent $9.2 billion privately and $2.7 billion through public programs for the services of our limited number of physicians. There was no program to coordinate the purchase of physicians' services or to provide them with incentives to increase their productivity. This is a costly way for the purchasers of services to do business.

The separate, often unequal and virtually uncoordinated systems of private and public hospital and medical care, results in a great many wasted dollars, both of taxpayers and of private patients, or, really, dollars extracted from separate pockets of the same individuals. The absorption into a national health insurance program of many of the existing governmental programs—such as Medicare, much of Medicaid, the civilian portion of Defense Department health programs, the maternal and child health programs, and so forth, could we estimate, save as much as ten percent of current Federal expenditures [12] under those public programs, which now run to about $10 billion. The programs would not be competing with each other in their demands on limited resources but rather there would be a coordination, and the efforts for coordination with such separate systems as those of the Veterans Administration would be possible as well. *We estimate such coordination would equal a saving of $1 billion.*

DRUGS, MEDICINES, AND APPLIANCES

Certainly, improvement of the delivery system along with the coordination of public and private programs, as appropriate, could be expected to reduce the costs of drugs and medicines as well, separate and apart from the debate over brand names versus generics. We estimate that our failure to act along the lines of organized patient care, caused a waste of between 7 and 10% of our personal care expenditures for medicine and appliances, *or between $550 million and $750 million.*[13]

DENTISTS

The outstanding dental leaders associated with our efforts on the Committee for National Health Insurance tell us that the failure to apply the knowledge we now have in the use of hygienists and Dental Assistants is depriving millions of people of necessary dental services. Restrictive laws on the use of these para-dental personnel are costly both in terms of lower productivity and higher rates of edentulousness due to diseases of the mouth that could have been neutralized. *We estimate the dollar waste in lowered dental productivity to be $200 million.*

Another $200 million in sheer waste represents, in our estimation *our failures to move ahead in the coordination of mental health services with other health services.* Everything we know about the treatment of the mental diseases of our times demands that the mentally ill receive treatment as part of their needs for comprehensive health services. We still insist on categorizing and compartmentalizing most of the mentally ill.

It is therefore our overall estimate that *at least $14 billion* was wasted in the health field last year. And the future could be worse unless we act now to change our direction.

THE BRIGHTER SIDE

It is a risky business to try to predict what lies ahead in medicine. The inscription at the National Archives tells us the "Past is Prologue," and we hope so for we need to benefit from its mistakes.

I do not think it is nearly as important to have precise estimates of how much waste we might expect in the future as it is to do what we can to expand the brighter side of the picture. And there is a brighter side. Planning has lost what once may have seemed an unsavory quality to some of you. Now we need to strengthen the planning councils, create others where they do not exist, and back them up through legal franchising or some similar system. Prospective budgeting by hospitals and for physicians and other services are rapidly-emerging concepts, and none-too-soon. Particularly, your hospitals throughout most of this region, I know already are moving ahead on the design and acceptance of budgeting and not fighting rear guard actions. Utilization review and quality review activities have begun in most places, and can be made progressively more meaningful. A sense of economizing is overtaking the idea of muddling along while hoping for financial windfalls from the government or somewhere else, at least on the part of many hospital administrators and boards. Unfortunately, others still believe the absence of a sense of economy can be camouflaged by low salaries for some or can be made acceptable by cost reimbursement from whatever sources.

I recognize there is a great deal of joint purchasing by hospitals. Recovery rooms, intensive care units, electronic monitoring and other nurse-saving activities are becoming common where useful. All is not dark.

But are we ready to adjust to really dynamic change? Are we ready to work together to create systems of health services from the present non-system? Do we even all agree that adequate health care should be available to all as a matter of right?

These are the real questions we must ask ourselves.

In our opinion, real improvement is possible if we can work together to structure and organize health care for people in all communities . . . when the health system is integrated with education, recreation, employment, human relations—when our common goals have eliminated sheer hunger and malnutrition, and deplorable housing, and reversed environmental pollution . . . when we have reordered our priorities and begun to accomplish what we are capable of doing.

Footnotes at end of article.

NATIONAL HEALTH INSURANCE: A BOON TO PROVIDERS AND CONSUMERS

In the Committee for National Health Insurance, we are convinced that the program we are developing sets forth the broad structure which can close that gap and create a uniquely American system for better service to consumers and more stable support to providers. By its very nature, our program is a health program and not just an insurance program. We want to move forward in health, not get bogged down in debates over old prerogatives that are hurting us all.

Doctors are entitled to the orderly arrangement of their family lives as well as their practice. Hospitals should be supported in reaching into greater community service, including opportunities in extended and ambulatory care. Medical schools are due relief from the intolerable debt in which, one after another, they find themselves. Those who pay for health insurance should be assured of effective cost and quality controls.

The national health insurance approach we are supporting would accept the challenge of creative changes. Many of the other health insurance proposals already publicly announced deal with the payment mechanism but not with how the services are delivered. They would only inflate further the costs of medical care.

We are not aiming to tear down. We want to salvage and use the best features of health care that are already available. But we want also to structure a new system that overcomes the present built-in waste and duplication and inefficiencies.

I would suggest there are five essential criteria of a viable health insurance program:

1. It must deal with the central fact—the disorganization and fragmentation of our non-system. To work, a health insurance plan must lay the foundation for creating organization out of disorganization.
2. It must provide for comprehensive benefits from prevention to diagnosis, to treatment, to rehabilitation.
3. It must control costs.
4. It must provide for control of quality.
5. Its programs and services must have built-in democratic controls.

National health insurance offers a new opportunity to eradicate the financial barriers to good health care and thus to reduce illness, disability and suffering. It offers to stimulate new efforts to focus health services on preventive care, early diagnosis and treatment. We believe that any national health insurance program should emphasize protection of health rather than merely payment for sickness.

We can save 14 billion dollars a year if we adopt a national health insurance program which restructures the delivery of health care and replaces the present non-system.

The figures cannot be arrived at with the precision of a slide rule or the delicacy of a surgeon's knife. They are cited, however, to give productive understanding of the dimensions of the present waste or possible savings in a properly structured system of health care in this country.

We are spending in wasteful ways about $6 billion for hospital construction and care. Approximately $3.6 billion could be saved in the more appropriate use of physicians through adequate use of organized modern group practice delivery methods. $1.2 billion could be saved by controlling increases in physicians' fees so that they do not exceed the BLS increases in cost of living. $400 million could be saved in needless Medicaid administrative costs and a billion dollars through effective coordination in use of physician services.

Over a billion dollars could be saved by eliminating wasteful practices in purchasing drugs, medicine and appliances and in the ways in which dental care and mental health services are offered to our people.

Finally, we should be able to administer such a program in a manner to save $1.1 billion now clearly wasted.

I realize that all these savings cannot be achieved overnight. The waste in the present programs can however largely be eliminated on a rapidly progressing basis if we make the necessary changes in national financing and structure these changes to bring about better organized service delivery.

I feel strongly that all men and women of good will can and will harmonize their efforts to overcome the present shortcomings in the health care field and find adequate and acceptable answers to this very serious basic human need in America.

We recognize the inefficiencies and wastes in our present non-system and will weed them out of the garden. In their place, we need to plant a new and improved species, and give some of the better but undernourished clusters a chance to grow.

FOOTNOTES

[1] *The Size and Shape of the Medical Care Dollar*. Department of Health, Education, and Welfare. Chart Book, 1969. Superintendent of Documents. p. 5.

[2] $14 billion=23% of $60 billion.

[3] *Medical News Report*. Vol. 2, No. 6. February 9, 1970. p. 2.

[4] *Research and Statistics*. Department of Health, Education, and Welfare. Note # 18, 11/7/69.

[5] *The Size and Shape of the Medical Care Dollar*. p. 15.

[6] *Facts of Life, Health and Health Insurance*. Committee for National Health Insurance. November, 1969. p. 22.

[7] *Medical News Report*. p. 2.

[8] Bunker, John, M.D. "A Comparison of Operations and Surgeons in the U.S. and England and Wales." *New England Journal of Medicine*. Volume 282, January 15, 1970. pp. 135–144.

[9] *Research and Statistics*. Note # 18.

[10] *The Size and Shape of the Medical Care Dollar*. p. 11. *Research and Statistics*. Department of Health, Education, and Welfare. Note #2, 2/23/70.

[11] *Research and Statistics*. Note # 18.

[12] *Ibid.*

[13] *Ibid.*

How the development of a national health service delivery system under national health insurance could save as estimated $14 billion wasted last year

CAPITAL SAVINGS

	Beds
Acute general hospital beds as a result of—	
(1) Ambulatory diagnosis (10-million days)	37,000
(2) Consolidating maternity and pediatric beds (1.5 million days)	8,000
(3) Shortening stays by use of extended care and skilled nursing home beds, home health services and 7-day operation of hospital (16% of acute days) (35 million days)	126,000
(4) Less surgery: 3.7 million fewer operations performed, 26 million fewer bed days required	87,000
Number of acute beds unnecessary and therefore not needing to be replaced or modernized over 30-year period under a new system	258,000

Annual Savings (*Current Waste*).—Capital cost for 258,000 unnecessary beds based on $9 billion expenditure spread over 10 to 40 years. (Assumed 35,000 cost per bed, $50,000 less cost of an equal number of skilled nursing home or ECF beds at $15,000 construction cost), $575 million.

OPERATING COST SAVINGS

(In millions of dollars)

By reduction of 25 perecnt in surgery—	
(a) Hospital bills (25 percent fewer surgical admissions and stays; 3.7 million cases)	1,600
(b) Surgeons' bills (average bill $200 × 3.7 million unnecessary surgical procedures)	740
(c) Net savings by adopting 7-day week (half a day per admismission times $50 per day)	700
(d) Increase physician productivity through expanded group practice (develop groups serving 60 million consumers)	3,600
(e) Control fees of physicians (10 percent of $11.9 billion expenditure for private physicians)	1,190
(f) Reduction of hospitalization by ambulatory testing (5 percent of 27 million short-term days at $70 per day)	400
(g) Reduce hospitalization by shortening of stays (1 day per admission for all admissions) by redesign of benefit structure, and effective utilization review to include ECF and home health services	1,800
(h) Unnecessary administrative-overhead expense of private health insurance	1,100
(i) Improve selection and delivery of drugs and medicines	600
(j) Systemize maternity-pediatric services	250
(k) Extend paraprofessional support of dentists	200
(l) Coordinate mental health with other health services	200

SAVINGS RESULTING FROM COORDINATION OF TRIPARTITE SYSTEMS

(In millions of dollars)

Medicaid administration improved	400
Reduction in uncoordinated demand on physicians	700
Reduction in uncoordinated use of facilities	500

REA'S STARVATION DIET ADDS TO ADMINISTRATION'S DISMAL RURAL RECORD

Mr. MONDALE. Mr. President, I recently joined with 26 Senators to send a letter to President Nixon urging the release of $20 million which the Congress appropriated for loans to rural electric cooperatives.

The need for these funds is reaching the crucial stage. The entire Nation is currently faced with the distinct possibility of electric blackouts and brownouts this summer and beyond.

As of April 1 of this year, there was a backlog of REA loan applications of some $377 million, and another $182 million in applications are anticipated to be submitted by June 30, 1970. During fiscal year 1971 an additional $464 million in applications will be submitted.

In Minnesota our figures include a current loan backlog of $2 million; an additional $18.6 million in applications will be submitted by June 30; and a State high of $76 million in applications are to be submitted during fiscal year 1971.

Thus, Minnesota's total backlog through next year will be $96,556,800—second only to the State of Kentucky.

Yet the administration continues to hold back $20 million which could help

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to alleviate this problem—$20 million, I must repeat, which Congress has appropriated.

To underscore the seriousness of the situation, I ask unanimous consent that a table prepared by the National Rural Electric Cooperative Association be printed in the RECORD. Also, to reflect the Minnesota situation, I ask unanimous consent that a series of letters which I have received from various rural electric cooperatives be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Anticipated backlog of loan applications on June 30, 1970, and June 30, 1971

[In millions of dollars]

Backlog of loan applications, April 1, 1970	377
Applications to be submitted April 1, 1970, to June 30, 1970	182
Total to be considered, last quarter of fiscal year 1970	559
Less—Balance of loan funds available from $345 million loan program	−126
Backlog of loan applications, July 1, 1970	433
Applications to be submitted, July 1, 1970, to June 30, 1971	464
Total applications to be considered in fiscal year 1971	897
REA loan fund budget request, fiscal 1971	−345
Backlog of loan applications, July 1, 1971	552

BREAKDOWN OF LOAN REQUESTS BY STATE

State	Loan backlog Apr. 1, 1970	Applications to be submitted Apr. 1, 1970 to June 30, 1970	Applications to be submitted July 1, 1970 to June 30, 1971	Total
Alabama	$2,165,000	$2,635,000	$16,467,000	$21,267,000
Alaska	11,284,000		10,090,000	21,374,000
Arizona	1,034,000	10,030,000	19,370,000	30,454,000
Arkansas	34,639,000	5,509,900	12,276,100	52,452,000
California	130,000		981,000	1,111,000
Colorado	8,428,000	13,825,100	30,719,895	52,972,995
Florida	8,004,000	7,418,300	13,538,000	28,960,300
Georgia	1,684,000	9,009,104	12,049,705	22,742,809
Idaho	920,000		2,030,000	2,950,000
Illinois	2,183,000	1,592,800	10,550,000	14,325,800
Indiana	3,848,000	450,000	5,123,450	9,421,450
Iowa	41,645,000	3,188,340	4,196,700	49,030,040
Kansas	2,031,000	1,589,347	4,411,600	8,031,947
Kentucky	90,867,536	8,782,464	11,662,400	111,312,400
Louisiana	1,390,000	3,000,000	9,517,266	13,907,266
Maine	17,000	2,316,000		2,333,000
Maryland		2,010,000		2,010,000
Michigan	10,179,000	3,584,000	13,648,000	27,411,000
Minnesota	2,057,000	18,617,000	75,882,800	96,556,800
Mississippi	2,917,000	1,158,000	18,785,193	22,860,193
Missouri	13,969,000	5,665,400	15,991,410	35,625,810
Montana	$2,891,000		$3,205,000	$6,096,000
Nebraska	3,395,000	$11,629,903	5,004,368	20,029,271
New Mexico	4,077,988		8,005,000	12,082,988
New York		800,000	500,000	1,300,000
North Carolina	14,542,000	6,026,000	13,788,000	34,356,000
North Dakota	700,000	12,169,000	23,991,000	36,380,000
Ohio	4,265,000	2,502,000	3,610,000	10,377,000
Oklahoma	52,723,000	4,983,685	7,096,000	64,802,685
Oregon	667,000	2,016,000	3,298,800	5,981,800
Pennsylvania	1,710,000	2,885,000	2,452,000	7,047,000
South Carolina	19,507,000	3,356,000	5,630,000	28,493,000
South Dakota	459,000	3,458,000	8,616,784	12,533,784
Tennessee	2,625,000	550,000	9,168,000	12,343,000
Texas	22,286,736	15,362,815	48,854,500	86,504,051
Utah	2,276,000		1,460,000	3,736,000
Vermont	1,365,000	2,000,000	3,000,000	6,365,000
Virginia	2,837,000	1,600,000	10,090,327	14,572,327
Washington	596,000	5,243,000	2,796,700	8,635,700
West Virginia			100,000	100,000
Wisconsin	630,000	3,946,733	12,000,000	16,576,733
Wyoming		2,670,000	4,059,000	6,729,000

BLUE EARTH-NICOLLET COOPERATIVE
ELECTRIC ASSOCIATION,
Mankato, Minn., May 12, 1970.
Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am writing to ask your support for an increase in the appropriations for the Rural Electrification loan program.

We have not had a loan for 17 years. We have had an application in for one for more than a year but none has been granted as yet because of the shortage of funds.

Our reserves are being depleted quite rapidly. We have in our office right now several plats of developments totaling 980 lots. There is also a 7-up bottling plant, a large high school, a small factory, two industrial sites and in addition 350 acres have been taken into the city limits with water and sewer now being put in. This area could have a lot of development and all of it is in our service area.

All of the above takes a lot of investment on our part. Orders for material have to be placed months in advance because of the long delivery problem. These materials are being delivered now, making considerable inroads on our cash reserves. Still there is no loan in sight and it would appear we will have quite a problem.

We are therefore hopeful you might look favorably on increasing the REA appropriations and the immediate release of the $20 million now frozen by the Bureau of the Budget.

Sincerely,

CAL PALMERSTON.

TODD-WADENA ELECTRIC CO-OPERATIVE,
Wadena, Minn., May 15, 1970.
Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: We are enclosing a copy of our letter which was sent to the President requesting his support for the rural electrification program.

We know that you have always supported our program in the past and are deeply appreciative of it. If there is anything that you can do for us in this particular situation, we know that we will have your support.

Best personal regards.

Cooperatively yours,

PAUL RICHTER,
General Manager.

TODD-WADENA ELECTRIC CO-OPERATIVE,
Wadena, Minn., May 15, 1970.
The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: This letter is being written to ask your Administration's support in meeting the needs of the Rural Electrification Administration for adequate funds for an expanding rural electrification program.

Monetary requirements in the immediate years ahead will far exceed the demands of the past. Our own electric cooperative is a typical example. Since 1941 we have received loans totalling $2,824,000. The last loan was made in 1959. Since 1959 our cooperative has invested $723,000 of its earnings in its electric plant to meet the electric needs of its members.

Our most recent studies show that we will need $666,000 to be invested in electric plant in 1970–71. An additional $1,445,000 will be needed by January 1, 1979. These funds are needed for normal growth of the system—any unusual developments would increase the need sharply.

We request that immediate attention be given to two very important matters involved now in the rural electrification program:

1. Authorize release of $20,000,000 which has already been authorized for fiscal 1970 but which is being retained by the Budget Bureau. While the retained amount is a small percentage of the total, its release would certainly help fill some of the critical loan requirements existing now.

2. We request support for the request now before Congressional Appropriations Committees for $745 million for fiscal 1971. While this is a substantial increase over 1970 authorizations, it is not unreasonable when it is considered that total loan applications for 1971 will be $897 million. Increased loan authorizations are particularly needed for fiscal 1971. It is expected that loan requirements after fiscal 1971 will be partially supplemented with funds from the newly formed Cooperative Finance Corporation.

Our nation's urban problems are directly intertwined with progress in rural America. If there be a revitalization in the country then a viable rural electrification program is essential to the progress and development of the rural areas.

We believe that your support for adequate loan funds as outlined in this letter will help relieve some of the pressures on our cities and also make possible a better life in rural America.

Thank you for your consideration.

Cooperatively yours,

PAUL RICHTER,
General Manager.

ANOKA ELECTRIC COOPERATIVE,
Anoka, Minn., May 12, 1970.
Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: My purpose in writing you is to express my concern about Rural Electrification appropriations and give you some information that may be helpful in making a decision on the current appropriations bill.

The Anoka Electric Cooperative, of which I am General Manager, serves an area north of the twin cities generally from Anoka west to St. Cloud and east to the St. Croix and this includes several suburban communities.

We are in a rapidly growing area where the electrical load has been doubling every five years and it takes a considerable amount of capital and construction to meet the needs.

It is difficult to make an explanation in a few words so I am enclosing a copy of the talk I made to our members at the annual meeting in March which shows several of the points of concern. Also find enclosed a copy of our Annual Report.

Our projections show that it will be necessary to apply for an REA loan in about December of 1970 and it will be for about $2,000,000.

Information that we get from REA in Washington and from surveys taken by NRECA show that there will be a backlog of loan applications on July 1, 1970 of over $400,000,000.

Indications are that Congress is considering an appropriation of $345,000,000 for fiscal year 7/1/70–6/30/71 and this will not be enough to meet the needs. Enclosed is an NRECA summary of the anticipated needs.

There is considerable emphasis on trying to cut down the trend of people moving to the cities and to encourage rural development and it doesn't seem consistent to have the people either stay in or move to the rural areas if we aren't able to take care of their needs in these areas. Electricity is an essential need.

As you know, the REA's have been working on a self financing plan which is progressing. We expect to obtain a request soon to make our initial investments in this organization. However, it is apparent that this supplemental financing will generate only about $30,000,000 in the next fiscal year. Further, it is doubtful that there will be any money available for generating facilities. We purchase our electricity from Rural Cooperative Power Association at Ell River and estimates show that a new plant will be needed in 1976. Commitments to build this plant should be made during the next year. Every possible avenue of how to obtain the necessary capital is being explored, but so far a solution has not been found.

We are fully aware of the fact that there are many demands on the Federal Treasury and that priorities must be established. We know that it is difficult for you to determine where these priorities should be.

We are grateful for the loans and services we have received from REA. However, I felt that I should write and express our concern for the future.

A solution would be to influence the Bureau of the Budget to release a $20,000,000 contingency fund appropriated for this present fiscal year and to increase the budget request of $345,000,000 for next year.

I know that your attention and help on this will be appreciated.

Very truly,

MILTON S. OLBERG,
General Manager.

ROSEAU ELECTRIC COOPERATIVE INC.,
Roseau, Minn., May 14, 1970.

Subject: Rural Electrification Administration Loan Funds

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Rural Electrification program is in serious need of additional funds, to be loaned to the electric cooperatives, throughout the nation.

Our own cooperative is in need of $418,000, for which we expect to file application in the last half of 1970. Because of the large backlog of loan applications, new applications and limited funds available, REA will be way short in being able to take care of all of the needs.

I would therefore appreciate any assistance possible in releasing the $20 million, which has been approved by congress and is now held up by the Bureau of the Budget. Also, your assistance will be appreciated for increased appropriations for fiscal year of 1971 to $745 million.

Sincerely,

M. A. HASLERUD,
Manager.

RED LAKE ELECTRIC COOPERATIVE INC.,
Red Lake Falls, Minn., May 13 1970.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: We are enclosing a copy of a letter mailed to the President regarding the status of REA loan funds. We urge your support in appropriating adequate funds for the program.

Yours very truly,

CHARLES M. KLEVEN,
Manager.

MAY 12, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Being a Rural Electric Cooperative, which serves 3500 rural member consumers with rural electric power in a 4 County area in northwestern Minnesota, we are vitally concerned with the current status of Rural Electrification loan funds. It is our understanding that only 345 million is being recommended for REA for 1970–71, whereas the NRECA indicates through their survey, that applications for loan funds for the fiscal year will exceed 550 million.

In our particular case we are at a point where we are forced to use our reserve funds and our advance payments to meet our quarterly loan payments. How long we will be able to continue to do this is questionable. REA has a regulation that Rural Electric Cooperatives whose liquidable reserve funds excess 8% of plant are not eligible for loan funds. This, we understand, is forced on the Rural Electrification Administration due to the shortage of loan funds. We do not feel that our reserve funds are excessive. In fact, at the 10% level, which is our liquidable reserve at this time, there is a question in our mind if this is adequate far from being excessive.

We are in and serve an area that is much in need of development, having been declared a distressed area for a number of years and now with the economic situation improving we must be in a position to offer service to these people as they move into our service area.

Our current supply of adequate wholesale power is not questionable at the moment, however our future power supply will be in question if adequate funds are not appropriated for generation and transmission installations as well as distribution.

The records of the Rural Electric Cooperatives have been unmatched for payback to the Government. There are a number of Government programs that are outright grants and subsidies. However, the rural electric program is a payback program with *interest*. The records will show that the element of risk as far as the Government is concerned, is practically non-existent. We know of few Rural Electric Cooperatives who are in any way delinquent in their payments. However, if adequate loan funds are not appropriated you can see where this could become a serious problem with many of us.

May, we, therefore, as a Rural Electric power supplier, urge your support in recommendation that loan funds for the rural electrification program be increased to me at the coming needs of the rural electric program.

Yours very truly,

CHARLES M. KLEVEN,
Manager.

RED RIVER VALLEY COOPERATIVE POWER,
Halstad, Minn., May 12, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: I am writing to you regarding the dire need for additional loan funds in our area and over the United States as a whole.

The Board of Directors of Red River Valley Cooperative Power Association have delayed making any additional requests for loans from REA during the past twelve years. We have been able to do this by investing as much as possible of our own funds and also delaying as much as possible, expansion and proper maintenance of our system.

We are very shortly approaching the point where we will have to ask REA for additional loan funds to serve our present consumers and others who decide to build homes in the rural areas. I would like to encourage you to release the twenty million dollars in loan funds appropriated by Congress for the current fiscal year, but frozen by bureau budget at the present time.

I would also like to request your support of the important power supply program for electric cooperatives, who at the present time, generate a very small percentage of their needed capacity through the lack of these loan funds to build facilities.

I want to thank you for your consideration of these requests.

Sincerely yours,

JAMES S. OGARD,
General Manager.

STEARNS COOPERATIVE
ELECTRIC ASSOCIATION,
Melrose, Minn., May 18, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: As the general manager of a rural electric distribution cooperative, I would like to express my views on the vital need for the continued financial support of the cooperatives.

We all realize that government expenditures are of the utmost importance, and that they are continually growing, as are the problems of rural life. But consider what rural life would be like today, if it were not for the many rural electric cooperatives that serve the people in the rural areas. Therefore, I find it imperative that I ask for your assistance in obtaining the necessary funds, which have been appropriated, in order that we may keep up with the demand for electric service, which is growing so rapidly. In our local area there are numerous housing developments under construction, or they are in the process of being developed. The acquisition of funds, in order to keep up with these needs, is putting us in a very difficult situation.

NRECA has pointed out to the congressional committees that an appropriation of Seven Hundred and Forty-Five million is needed for the fiscal year of 1971, in order that the level of REA loan application backlog become more manageable.

In view of the fact that the REC's have made their loan and interest payments on time, in addition to advance payments on their loans, do you not think that the investment in the future of rural people is one which should merit your serious consideration?

In these times, when there is so much unrest among the young people of our country, the REC's are trying to get them back on an even keel, to educate them in the operation of the government of our country, and stop the strife which seems to be tearing our society apart.

We fully realize that we are but one spoke in a large wheel, but as in any wheel, each spoke strengthens the wheel. Thus, we believe it is a requisite that favorable consideration be given to the granting of loan funds, which will greatly help in the needs of the people of the rural areas.

In closing, I have one more request to make, and that is that the Bureau of Budget be instructed to immediately release the Twenty Million appropriated by Congress for the fiscal year, which has been frozen, and is so desperately needed by the rural electric cooperatives.

Yours respectfully,
Bernard W. Feierabend,
General Manager.

Southwestern Minnesota
Cooperative Electric,
Pipestone, Minn., May 20, 1970.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: Your help and support is most urgently needed for increased appropriations for the Rural Electrification program for fiscal year 1971.

The backlog of electric loan applications is expected to be $433,000,000 by the close of the current fiscal year 1970. It is anticipated that rural electric systems will be submitting loan applications totaling another $464,000,000 during fiscal 1971. The President's budget requests a program of $345,000,000 for the coming year. If REA has to consider applications totaling almost $900,000,000 by the end of fiscal 1971, the backlog of applications will exceed $550,000,000, leaving many cooperatives out of funds and facing the prospect of having to delay maintenance or postpone needed system improvements or delay new construction.

The immediate and long-term consequences of the shortage of REA loan funds could be disastrous to the nation as a whole. A rebuilding of the rural areas is vital if the migratory flow to the cities is to be slowed or reversed. Adequate and dependable electric power is a prime necessity in order to attract and hold the rural population.

Generation loans will be needed to ease the severe power shortages that will be facing the industry shortly. The restrictions placed on power supply loans is severely limiting the ability of power supply systems to adequately plan for meeting the growing needs of the distribution co-ops they serve.

We will appreciate assurances of your support in obtaining adequate loan funds for fiscal year 1971 and recognition of the Rural Electrification program needs.

Thank you.

Sincerely yours,
Marvin Beyers,
President.

Mr. MONDALE. Mr. President, a review of this correspondence reveals that the release of the frozen $20 million is not the only problem facing rural electric cooperatives. The current administration has placed them on a starvation diet with other policies as well.

During the previous administration the Rural Electrification Administration tackled the crucial bottleneck of wholesale power supply.

The REA Administrator issued REA's "Third Criterion" on generation and transmission policy. This made clear that REA would fund G. & T. facilities in those situations where the co-ops needed their own wholesale power sources to protect their "security and effectiveness" as permanent parts of the electric utility industry to serve rural America.

In the 8 years of the Kennedy-Johnson administration the REA approved G. & T. loans totaling $1,300,000,000—30 percent more than had been loaned for such purposes during the entire 25 previous years of REA's history.

These loans nearly doubled the total generating capacity of REA-financed rural systems. Thirteen new power supply systems were financed for rural electric cooperatives.

Now we have an REA which has rescinded the "Third Criterion," and which has not approved one single generating loan of any significance. There are pending in REA today more than $260 million in G. & T. applications.

The administration is also stretching loan dollars by various devices including drastically cutting back on the amounts of loan applications and by the imposition of extremely restrictive financial policies on borrowers.

As an illustration, one Minnesota loan application of $560,000 was approved for only $300,000, and two loan applications of $490,000 and $457,000 were simply dropped from the Rural Electrification Administration's listing.

Mr. President, despite the growing need for capital brought on by the constant rise in demand for electric service, the administration is severely cutting its loan fund authorization. These reductions, on the top of damage done by uncontrolled inflation, are threatening the very existence of some rural electric systems.

The Nixon administration is forcing rural electric systems to deplete their financial resources to dangerously low levels. This restrictive policy is forcing more and more systems to delay construction, postpone the heavying up of facilities, turn away new consumers, use hand-to-mouth operations which threaten credit rating, and pose problems in meeting payrolls.

The continuation of these practices will eventually bring about an erosion of the capability of rural electric systems to carry out their utility responsibilities in their service areas.

Mr. President, this entire situation is just another example of the Agriculture Department's retreat from its former leadership in the field of rural area development.

This is not an idle statement. The REA Administrator has announced, for example, that as a matter of policy, REA will no longer consider section 5 consumer loans for electrically operated machinery and equipment used for industrial purposes.

While this authority has always been used sparingly and only in cases of crucial necessity, it has been used to make possible significant industrial projects in the rural service areas of the REA-financed cooperatives.

All of the aforementioned is most disturbing to me since I know the value of rural electrification to the future well-being of rural America. I await the President's reaction to our letter with great interest since it might well set the record straight on his intentions for rural America.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate, Committee on Government Operations,
Washington, D.C., May 11, 1970.

The President,
The White House,
Washington, D.C.

Dear Mr. President: Congress last year appropriated $365 million for fiscal year 1970 for REA loans to rural electric cooperatives. It has been brought to our attention that $20 million of that appropriation has not yet been released by the Bureau of the Budget.

Inasmuch as the total appropriation for fiscal year 1970 for the rural electric program falls roughly $400 million below the amount needed in order for the nearly one thousand rural electric cooperatives to meet growing demand for service, we feel that the release of the additional $20 million appropriated by Congress is urgently necessary. The rural electric cooperatives, in an effort to meet their needs for additional growth capital, have undertaken the establishment and operation of the National Rural Utilities Cooperative Finance Corporation. It is anticipated that some funds will be available for lending by this corporation early next year. However, CFC is presently still in its formative stages and cannot contribute significantly to the capital requirements of rural electric cooperatives at the present time.

Because of the present shortage of loan funds, many rural electric systems throughout the United States are being forced to reduce their work force or cutback to a four-day work week, the result of which will be that residents of rural areas are not going to get the type of electric service to which they have become accustomed and to which they are entitled.

The release of the additional $20 million now being held by the Bureau of the Budget certainly will not solve all of the capital requirements of these cooperatives. It will, however, allow the REA to make loans in those instances of pressing need. We, therefore, respectfully urge you to release this $20 million at the earliest possible date before the close of this fiscal year.

Sincerely yours,
Philip A. Hart, Joseph M. Montoya, Fred R. Harris, Ralph Yarborough, Quentin N. Burdick, Daniel K. Inouye, Vance Hartke, Herman E. Talmadge, Harrison A. Williams, Jr., J. W. Fulbright, Warren G. Magnuson, Frank Church, Thomas F. Eagleton, Walter F. Mondale, Mike Mansfield, Edmund S. Muskie, Frank E. Moss, Eugene J. McCarthy, Thomas J. McIntyre, Mike Gravel, Albert Gore, Henry M. Jackson, Gale W. McGee, Birch Bayh, George McGovern, Stuart Symington, William Proxmire, *U.S. Senators.*

TUCSON DAILY CITIZEN THIRD ANNUAL HIGH SCHOOL OPINION POLL

Mr. GOLDWATER. Mr. President, the Tucson Daily Citizen recently sponsored its third annual high school opinion poll. Once more the turnout of participating students was nothing short of phenomenal.

Nearly 12,000 ballots were cast by students from 15 Metropolitan Tucson high schools. These students represent almost 60 percent of the total student population in Tucson. This is an overwhelming response as anyone who studies polls will know, and I want to express here and now my great pride in the youth of Tucson for displaying such a mature interest in significant local, national, and international matters.

Their active and responsible participation in the Daily Citizen poll gives the lie to the distorted image of young Americans which the major TV networks and liberal eastern newspapers are feeding us. Mr. President, the answers given in response to this poll show that our young Americans do a pretty good job of thinking for themselves. There seems to be a fair distribution of opinion expressed by the students, and I fail to see any signs that these young people would flock to the polls in one mass block.

The questions asked are quite probing. They range across the board from inquiries that stay close to home to ones that explore leading national issues.

For example, the poll asked students:

> Do Tucson area police enforce the law fairly?

Senators may be interested to know that 84 percent of the Tucson high school students responded that the police do carry out their duties fairly all the time or most of the time.

Another locally oriented question sought the students' opinions on what they believe might "be a sensible approach to future traffic problems in Tucson?" This is clearly a question which citizens in all cities should be asking themselves and again the students' varied responses indicate their awareness of the most important, contemporary issues.

On the national level, the Tucson students gave their views on such matters as what "poses the greatest threat to our natural environment," what is "the major factor leading to crime today," and "whether American courts are too easy or too hard."

One response, which holds enlightenment for those who doubt the feasibility of the voluntary military, bears out what I have long been saying to anyone who will listen. There is a sufficient number of civic-minded and patriotic citizens who are ready to serve in the defense of their country, voluntarily, so that our national security would not be weakened by establishing a fully voluntary military service.

Twenty-eight percent of the young men who answered the Daily Citizen poll said that they felt "the best way to serve your country" is in the military. It is this kind of thinking that I believe will motivate enough men to volunteer for service in our military forces to maintain a force of some 2.5 to 3 million members. All that is called for, and indeed is demanded by reasons of equity, is that reasonable improvements in pay and conditions of service be put into effect to increase the attractiveness of a military career as compared with civilian opportunities.

Another response that is revealing to me is the fact that 67 percent of the students registered their lack of "sympathy with the SDS, Black Panthers, and other militants." Only 17 percent claimed to hold any sympathy with these groups.

Once again the reply repudiates the false picture which liberal reporters have created by their endless overexposure of the antics and anarchy committed by a small minority of young Americans. This response shows that the great majority of our young people refuse to be led along by demagogs.

The way our students in Tucson answered this question and the several others contained in the poll confirms my belief that this generation of young people is the finest one that has ever come along.

Their challenging, probing minds serve them well in being able to analyze issues and to think things through for themselves. Unlike many of their elders, these students are obviously willing to question what they read and what they watch in the mass media.

In fact, their independent thinking goes so far that 38 percent of the students replied "no" to question No. 19, which reads:

> "Will this poll accurately reflect the opinion of high school students in Tucson?"

With this kind of perceptiveness, I do not think anyone will be able to pull the wool over the eyes of these future voters.

Mr. President, at this point, I am ready to reveal that the questions used in the poll were prepared by and submitted to the paper by the students themselves. To my mind, this underscores the intense interest and concern with vital matters that students have today. It reveals a mature grasp of complex national issues and makes me have a great deal of confidence in our American educational system.

In summary, I want to commend the Tucson Daily Citizen for sponsoring the high school opinion poll and to express my gratitude to the many thousands of students who have let us in Government know of their positions on matters of vital interest.

Mr. President, in order that the Tucson poll may receive the wide audience that it warrants, and so that the general public might better be able to see the way responsible young citizens choose to express themselves, I ask unanimous consent that the poll be printed in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

XUM

FINAL RESULTS—TUCSON DAILY CITIZEN'S 1970 HIGH SCHOOL OPINION POLL—11,769 BALLOTS CAST

	Total		Boys		Girls	
	Votes	Percent	Votes	Percent	Votes	Percent
1. Which do you think poses the greatest threat to our natural environment?						
Industry	2,303	19.99	1,321	23.07	982	16.95
Irresponsible citizens	3,629	31.51	1,678	29.31	1,951	33.69
Overpopulation	3,759	32.64	1,856	32.41	1,903	32.86
Automobiles	1,040	9.03	563	9.83	477	8.23
Uncertain	785	6.81	307	5.36	478	8.25
2. Do you have confidence in the integrity and competence of our city officials?						
Yes	3,355	28.97	1,579	27.37	1,776	30.55
No	5,741	49.58	3,056	52.99	2,685	46.19
No opinion	2,483	21.44	1,132	19.62	1,351	23.24
3. What is the best way to serve your country?						
Education	3,726	32.35	1,625	28.36	2,101	36.31
Military	2,423	21.04	1,597	27.87	826	14.27
Vista	1,093	9.49	411	7.17	682	11.78
Peace Corps	1,070	9.29	395	6.89	675	11.66
Business/industry	924	8.02	549	9.58	375	6.48
Civil service	672	5.83	342	5.96	330	5.70
No opinion	1,607	13.95	610	14.13	797	13.77
4. If you witness a crime or illegal act, including use of drugs, would you call Crime Check?						
Yes	5,572	48.12	2,662	46.16	2,910	50.06
No	3,871	33.43	1,990	34.51	1,881	32.36
No opinion	2,135	18.44	1,114	19.32	1,021	17.56
5. Do Tucson area police enforce the law fairly?						
All the time	673	5.80	422	7.32	251	4.30
Most of the time	9,064	78.13	4,412	76.53	4,652	79.72
Never	802	6.91	439	7.61	363	6.22
No opinion	1,061	9.14	492	8.53	569	9.75
6. Do you believe that Awareness House or other drug rehabilitation centers are of any value to teenagers?						
Yes	9,235	79.45	4,486	77.59	4,749	81.29
No	1,522	13.09	803	13.89	719	12.30
No opinion	866	7.45	492	8.51	374	6.40
7. Which one of these political figures do you admire the most?						
George Wallace	486	4.19	339	5.87	147	2.52
Richard Nixon	2,243	19.34	1,154	19.99	1,089	18.70
Ted Kennedy	3,587	30.93	1,527	26.45	2,060	35.37
Hubert Humphrey	1,111	9.58	561	9.72	550	9.44
Spiro Agnew	479	4.13	311	5.38	168	2.88
None	3,688	31.80	1,879	32.55	1,809	31.06
8. Are American courts:						
Too easy	3,707	31.95	2,021	34.98	1,686	28.94
Too hard	1,763	15.19	930	16.10	833	14.30
About right	4,125	35.56	1,929	33.39	2,196	37.70
No opinion	2,005	17.28	896	15.51	1,109	19.04
9. Do you sumpathize with the S.D.S., Black Panthers, and other militants?						
Yes	2,050	17.66	1,020	17.66	1,030	17.66
No	7,787	67.10	4,030	69.85	3,754	64.36
No opinion	1,768	15.23	720	12.47	1,048	17.96
10. Do you think public employees (postal, garbage workers, teachers, police) should have the right to strike?						
Yes	7,900	67.99	3,943	68.19	3,957	67.80
No	2,976	25.61	1,500	25.94	1,476	25.29
No opinion	742	6.38	339	5.86	403	6.90
11. What do you believe to be a sensible approach to future traffic problems in Tucson?						
Freeway	2,287	19.70	1,086	18.81	1,201	20.58
Monorails or subway	4,269	36.78	2,305	39.93	1,964	33.67
1-way streets	1,014	8.73	559	9.68	455	7.80
Public transportation	1,609	13.86	790	13.68	819	14.04
Limited access streets	659	5.67	346	5.99	313	5.36
No opinion	1,767	15.22	686	11.88	1,081	18.53
12. The major factor leading to crime today is:						
Poor police protection	678	5.91	411	7.20	267	4.63
Too lenient courts	1,523	13.28	918	16.08	605	10.51
Poverty	2,122	17.51	1,164	20.39	958	16.64
Gun laws	249	2.17	130	2.27	119	2.06
Drugs	2,430	21.19	1,003	17.57	1,427	24.79
Unconcerned citizens	4,462	38.92	2,082	36.47	2,380	41.34

FINAL RESULTS—TUCSON DAILY CITIZEN'S 1970 HIGH SCHOOL OPINION POLL—11,769 BALLOTS CAST—Continued

	Total		Boys		Girls	
	Votes	Percent	Votes	Percent	Votes	Percent
13. Should high schools place more emphasis on intramural sports and less on interscholastic sports?						
Yes	2,624	22.68	1,321	22.97	1,303	22.39
No	6,139	53.06	3,255	56.61	2,884	49.56
No opinion	2,805	24.24	1,173	20.40	1,632	28.04
14. Should the schools take the lead in a movement to beautify America by controlling litter?						
Yes	9,432	81.22	4,527	78.32	4,905	84.10
No	1,332	11.47	774	13.39	558	9.56
No opinion	848	7.30	479	8.28	369	6.32
15. In the Mideast crises, the United States should support—						
Arabs	232	1.99	140	2.42	92	1.57
Israel	2,248	19.37	1,494	25.88	754	12.93
Stay neutral	7,051	60.77	3,378	58.53	3,673	62.99
No opinion	2,071	17.85	759	13.15	1,312	22.50
16. Should the United States, to prevent Laos or Cambodia from being overrun by Communist forces, intervene with its ground forces in those countries?						
Yes	3,608	30.94	2,093	36.03	1,514	25.88
No	5,008	42.95	2,568	44.21	2,440	41.70
No opinion	3,043	26.10	1,147	19.74	1,896	32.41
17. How many children do you plan to have when you get married?						
0	1,033	8.95	617	10.77	416	7.16
1	431	3.73	218	3.80	213	3.66
2	4,659	40.38	2,413	42.13	2,246	38.66
3	2,353	20.39	1,171	20.44	1,182	20.34
4	1,570	13.60	620	10.82	950	16.35
Or more	1,490	12.91	688	12.01	802	13.80
18. Has the past generation been hypocritical, as a group?						
Yes	6,501	55.87	3,201	55.30	3,300	56.43
No	3,081	26.48	1,550	26.77	1,531	26.18
No opinion	2,053	17.64	1,037	17.91	1,016	17.37
19. Will this poll accurately reflect the opinion of high school students in Tucson?						
Yes	5,602	48.06	2,828	48.79	2,774	47.35
No	4,451	38.19	2,136	36.85	2,315	39.51
No opinion	1,601	13.73	832	14.35	769	13.12
20. Is organized religion meaningful to the needs of youth?						
Yes	5,283	46.43	2,450	43.24	2,833	49.60
No	4,542	39.92	2,418	42.68	2,124	37.19
No opinion	1,551	13.63	797	14.06	754	13.20
Number of students in opinion pool who are:						
Female	5,849	50.23				
Male	5,795	49.76				

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore (Mr. METCALF). Under the previous order, the Senator from New York (Mr. GOODELL) is recognized for a time not to exceed 30 minutes.

Mr. SCOTT. Mr. President, will the distinguished Senator from New York yield to me briefly?

Mr. GOODELL. I am happy to yield to the Senator from Pennsylvania.

OPEN LETTER TO PRESIDENT NIXON FROM MILLER UPTON, PRESIDENT OF BELOIT COLLEGE

Mr. SCOTT. Mr. President, the President of the United States has made available to me a copy of an open letter written to him by the president of Beloit College in Beloit, Wis., Dr. Miller Upton states in the letter that he has been a conscientious objector and that his views on the ending of the war are similar to those of many in the academic community. However, in concluding his letter, he writes:

> Last fall I joined with a number of other college presidents to urge your rapid withdrawal of troops from Vietnam. I reaffirm this plea. But when I consider the whole matter fully and objectively, I have to concede that you have been more faithful to your leadership responsibilities than we in Academe have been to our own.
>
> With respect for the tremendous burdens you must bear for the rest of us and the conscientious way you are bearing them and with apology for the cruel injustices that have been foisted upon you by the professional community of which I am a part, I remain,
>
> Respectfully yours,
>
> MILLER UPTON.

ORDER FOR RECOGNITION OF SENATOR FULBRIGHT TODAY AFTER REMARKS OF SENATOR GOODELL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the able Senator from New York (Mr. GOODELL), the able Senator from Arkansas (Mr. FULBRIGHT) be recognized for not to exceed 15 minutes, beginning at 12:30 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE USE OF THE FRANKING PRIVILEGE

Mr. GOODELL. Mr. President, I have taken this time today because I am deeply troubled by the impact upon one of our colleagues over a situation which has largely been misunderstood by the public.

Each of us has deep views on the questions facing this country today—deep issues which divide our people. This is particularly true on the issue of the war in Vietnam, Cambodia, and Laos.

I am one of the five Senators who originally cosponsored the amendment to end the war.

Having cosponsored that amendment, we were inundated with mail and requests from all over the country for information with reference to the amendment to end the war.

My colleague from Oregon (Mr. HATFIELD) was asked if he would make available his frank in order to answer with a form letter, giving information with reference to the amendment to end the war, with specific details regarding the amendment.

The five Senators—myself, Mr. HATFIELD, Mr. MCGOVERN, Mr. HUGHES, and Mr. CRANSTON—signed the form letter which was to be enclosed in the mailing under Senator HATFIELD's franking privilege, answering the letters that had come to each of us, and, in some instances, to all of us, asking for information with reference to this legislative issue.

Subsequent to permission being granted by Senator HATFIELD on the proper use of the franking privilege, two individuals, who were working as volunteers, inserted in the letter as an enclosure an appeal for funds to support the amendment to end the war.

This action was taken without the knowledge of Senator HATFIELD or any of the other four Senators who had authorized proper use of the frank.

As soon as the situation came to the attention of Senator HATFIELD, he stopped the procedure. He felt that it might be legal but, in his view, there was questionable propriety as to use of the frank for those purposes.

On May 21, 1970, the distinguished Senator from Nebraska (Mr. CURTIS) properly raised the question of the use of the frank.

This is a blurred area which has not been well defined.

In the past, there have been allegations of abuse of the franking privilege. The Post Office Department is charged with responsibility for enforcement. Several years ago, the Post Office Department declared that it was a matter of individual conscience, and was a matter for enforcement by Congress itself and, thus, the Post Office Department no longer attempts to pass upon the propriety of use of the franking privilege by Members of Congress.

When the distinguished Senator from Nebraska (Mr. CURTIS) raised the point, he made it very clear that:

> I directed my remarks not at whose frank was involved nor at the other parts of the communication. I directed my remarks entirely to the communication signed by Sam Brown and David Hawk and primarily to the request for funds.

He went on to say:

> The RECORD will show that I have singled out no Senator. I have not mentioned any Senator. My remarks were directed primarily at these outsiders and at the raising of funds behind the cloak of secrecy of a post office box.

Mr. President, when matters of this kind are raised—and properly so—there is the danger that they will be misinterpreted.

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I believe that I speak for all my colleagues in the Senate when I say that Senator HATFIELD is a man of signal honor and probity. There is no other Member of the Senate who has a greater reputation for integrity, rectitude, and for conducting himself is an upright manner.

It is alien to his spirit and his lifetime in politics to say very much in his own defense.

When this matter came to his attention, he asked the Committee on Rules and Administration to give a clear rule. The committee declared that in its opinion an unauthorized use of Senator HATFIELD's frank was illegal. That decision was made by the Committee on Rules and Administration, at the request of Mr. HATFIELD, in an open and direct manner.

Mr. HATFIELD has since paid the postage involved in that mailing.

The fact that he is blameless, so far as his own intent and his own activities are concerned, is obvious.

His good offices were used in a manner that neither he condoned, nor would ever condone.

Mr. President, we must see to it that the RECORD is made clear. A mistake was made inadvertently by volunteers. The enclosures which should not have been included were mailed with a perfectly proper letter signed by five Senators, at a terribly busy time when great demands were being made upon us, including our staffs. It is a natural process that the mailing went out in that fashion.

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Mr. HATFIELD's career in public life spans 18 years in elective office, including 8 years as Governor of Oregon. One can only think that the sense of decency and honor that he has brought to politics, but beyond the sense of decency and beyond the honor he has brought to politics, makes it a matter of great conscience here.

He has been a courageous public official, speaking out early as a lone voice upon his own conviction against the war.

I remember well his keynote address to the Republican National Convention in 1964 when he gave a courageous speech amid considerably hostile surroundings.

In 1966, the Senator from Oregon (Mr. HATFIELD) was the only Governor who refused at the National Governors Convention to join with the other 49 Governors in pledging his support in behalf of President Johnson's Vietnam policy.

He refused because as a matter of conscience and conviction he felt that the war was immoral and that regardless of the political thoughts involved, he could not speak out in support of policies which he felt were so greviously unjust and not in the American spirit.

The issue here, however, is not the war itself. I do not suppose that there is any other Senator in whom I would place greater trust than in Senator HATFIELD. His integrity is beyond question. He has brought a great deal to politics and asks for little in return.

I believe that we owe it to him to see that his integrity is recognized in this august body and that this message is carried to the American people and particularly to the people of Oregon that he so ably represents.

Mr. President, no one in the U.S. Senate, no action of any committee of the U.S. Senate, has in any way impugned the integrity of our colleague, Senator HATFIELD. That point should be made abundantly clear. What happened could have happened to any of us. Inundated by mail, with volunteers zealous, committed, idealistic, making a mistake unbeknownst to any of us, we could have been put in the same position.

Titles do not reflect honor on men, but, rather, men reflect honor on their titles. It can truly be said that Senator MARK HATFIELD has reflected honor upon all of us and on the U.S. Senate. His heart is as far from fraud as heaven from earth.

Mr. SCOTT. Mr. President, will the Senator from New York yield?

Mr. GOODELL. I yield.

Mr. SCOTT. Mr. President, I thank the distinguished Senator from New York very much. I want to affirm what the distinguished Senator has said about our great and beloved colleague from Oregon.

His probity and his keen sense of what is right and proper are well known and thoroughly recognized by all of us. And I suppose that there is no Senator whose confidence has not at one time or another been in some way betrayed by those who may have been overenthusiastic or overzealous or so devoted to a cause that they failed to see the implications of their efforts. That may have been the case with the young people who brought about this insertion of material in what was otherwise a perfectly proper and normal means of advising one's constituents.

Even though the subject matter of the letter had to do with an amendment which I have not indicated I could personally approve or accept, nevertheless the action taken by the distinguished Senator from Oregon was entirely proper in the first instance. He had every right to do what he did. And the fact that someone thereafter intervened to create a situation in what the Senator from New York has quite correctly called a gray area could hardly be the fault of the Senator from Oregon.

I can indeed also affirm his courage, his independence, and his willingness to stand alone if need be.

I remember the Republican convention to which the Senator refers. And I remember the time when the great roar rose from that convention of anger and indignation against the press of this country. It was one of the ugliest animal roars I have ever heard in public. It was a shocking thing. I could not applaud that demonstration. And I was on the platform in full view, and so were many others, including the then-Governor HATFIELD.

The then-Governor HATFIELD refused to applaud that demonstration. And I must say that I walked over to him and shook his hand. I said, "It looks like there are just two of us."

I am sure that there were many others. But if I can, to a modest degree, I associate myself with the remarks attesting to the courage under pressure of Senator HATFIELD. He has already exhibited this trait here, I believe very strongly, in something with which I happen to disagree. But he certainly acted with the utmost propriety. And what he did was proper. It was relevant. It was timely in the cause he was pursuing.

I want to make it extremely clear that any action taken by any Senate committee would have reference only to something that was done without his knowledge, approval, or consent, and something which he took prompt measures to stop.

Therefore, I am happy to join in a tribute to the probity, integrity, and the courage of the distinguished Senator from Oregon.

I thank the Senator from New York.

Mr. GOODELL. Mr. President, I thank the Senator from Pennsylvania for his very timely and, I think, very accurate comments with reference to our colleague.

Mr. President, I yield now to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I too, wish to join with the distinguished Senator from New York (Mr. GOODELL) in publicly stating that I have the highest personal and professional confidence in the industry, intelligence, and integrity of our colleague, the Senator from Oregon (Mr. HATFIELD). As the Senator from New York (Mr. GOODELL) has pointed out, the whole question of the use of the frank is in a "gray area."

When the Senator from Oregon (Mr. HATFIELD) first learned that there might have been a questionable use of his frank, he stopped it immeditely and asked the Committee on Rules and Administration to decide the issue.

The fact that a mistake was made by a volunteer worker without the knowledge of the Senator from Oregon should in no wise tarnish Senator HATFIELD's unchallenged reputation for decency, integrity, and courage.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. YOUNG of Ohio. Mr. President, very shortly following the election of MARK HATFIELD in 1966 by the people of Oregon to be their U.S. Senator, it was my good fortune to become personally acquainted with him. His first office, as well as his present office, have been on the same floor close to my office and we have frequently talked together not only in the Senate Office Building but in the Senate Chamber. Since I first made the acquaintance of Senator MARK HATFIELD, I concluded that he is an outstanding public servant who has over the years achieved a magnificent record in the service of his country in time of war and in the public service in Oregon as a State representative, State senator, secretary of State of Oregon and Governor of that sovereign State from 1959 to 1967.

Mr. President, I hold Senator MARK HATFIELD in the highest admiration and respect. I regard him as a very great American and personally I yield deference and devotion to him as a fine man and an excellent, personable individual and a Senator of great ability and unquestioned integrity. I know in my heart that Senator HATFIELD would never indulge in anything unethical.

Mr. President, a few weeks ago it became known that certain individuals had been making unauthorized use of Senator HATFIELD's franking privilege. As soon as he discovered this, Senator HATFIELD halted the action immediately, made clear to the persons involved such activity was unauthorized, and came before the Senate to explain what had happened. He pledged himself to stand by whatever decision the Senate should make regarding the incident and even promised to reimburse the cost of the frank, should that course be deemed necessary—which, of course, it was not. It did not amount to a great deal.

Mr. President, the distinguished senior Senator from Oregon showed by his respect not only for the letter of the law, of which there was no actual infraction, but also for the spirit of the law, the integrity and honesty for which we have long known him. His open and candid presentation of this incident as well as his rapid handling of the matter are only two small examples of the character of this fine Senator. My colleague from Oregon has always stood out as a man of unassailable and admirable honesty. I hold him in the highest admiration and respect. The distinguished senior Senator from Oregon (Mr. HATFIELD) has demonstrated his courage and integrity time after time in this Senate Chamber.

Mr. President, there is much unrest in the country today, much talk of a "generation gap," a talk of a crisis of confidence and credibility being suffered by leadership, a questioning of the validity of our political system. Much is being demanded of us in the Senate and in the country. This is a time for the testing of leadership.

Mr. President, if one test of the quality of a political system is the leadership it generates, a system which could produce a man such as our distinguished colleague from Oregon surely has enduring value. Time and time again he has proven himself to be a man of unimpeachable integrity and impeccable honor. It is with men like the senior Senator from Oregon that the hopes of our country lie; it is to leaders such as he is that our youth will turn their eyes for example and help. I consider it an honor and a privilege to have served these past 3 years with him.

Finally, I wish to express my gratitude to the distinguished Senator from New York for yielding to me. I associate myself with the splendid statement he has made today regarding our colleague, Senator MARK HATFIELD of Oregon.

Mr. GOODELL. I thank the Senator very much.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. GOODELL. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I regret that I was not in the Chamber to hear all of the statement made by the distinguished junior Senator from New York. But I am very glad I did hear the statements by the distinguished minority leader (Mr. SCOTT), by the distinguished Senator from Missouri (Mr. EAGLETON), and by the distinguished senior Senator from Ohio (Mr. YOUNG).

Although my views concerning President Nixon's decision to send American troops into Cambodia temporarily, and my views concerning some of the amendments and resolutions relating to the war, differ from those of the Senator from Oregon as well as those of the junior Senator from New York, I am very pleased to be associated and do associate myself with what has been said here today concerning the Senator from Oregon (Mr. HATFIELD).

I know of no one who is more able and more courageous than the Senator from Oregon. He is a man of principle and a man of absolute integrity.

In addition to all that has already been said about the senior Senator from Oregon, I wish to focus attention on the fact that he is one of the Nation's most distinguished lay religious leaders. Here in the Washington area, my wife and I are privileged to attend the same church, the Fourth Presbyterian Church, attended by Senator and Mrs. Hatfield.

The words spoken here on the floor today are unnecessary, so far as the distinguished senior Senator from Oregon is concerned, but I believe it was very thoughtful and commendable of the junior Senator from New York to take the floor and lead this discussion. The tributes paid to the senior Senator from Oregon come from the bottoms of our hearts.

I thank the Senator from New York for yielding.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. HUGHES. Mr. President, I wish to associate myself with the comments of the distinguished junior Senator from New York and the statements I have heard made previously on the floor of the Senate this afternoon in support of the senior Senator from Oregon in this particular instance.

In the last few weeks since the introduction of amendment No. 609 in the Senate, all of us who are the original sponsors of this amendment have been simply inundated with mail, and all of us have had to rely to a great extent on volunteers in handling the mail. I think this is responsible for the incident here. In my opinion it bore no reflection on the distinguished senior Senator from Oregon.

I would like to recall just for a moment my earlier years in political life after I entered the office of Governor of the State of Iowa and first attended the National Governors' Conference. During that time we were in the heat of debate on the war in Vietnam also, under a different President of a different political party. At every Governors' Conference there were resolutions to endorse the position of the administration, and they were unanimously endorsed with the exception of one man—then-Governor HATFIELD of Oregon, who in those days was standing with the dictates of his conscience against the tide of opinion in America and almost every Governor on this issue. I, too, was on the other side of the issue from the then-Governor HATFIELD in those days.

Mr. President, I join Senators in paying tribute to a man of honesty, integrity, and, as the Senator from Michigan pointed out, religious depth. It is vital to remember that inquiries into this matter by committees of this august body have brought about by the request of the Senator from Oregon himself.

Although it is unnecessary that I say anything here today, I am pleased to have this opportunity to join on a bipartisan basis in stating my personal beliefs about the distinguished senior Senator from Oregon.

I thank the Senator from New York for yielding.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. STEVENS. Mr. President, I am sure we all feel grateful to the Senator from New York for raising this subject on the floor of the Senate. I serve on the Committee on Interior and Insular Affairs, as does the present Presiding Officer (Mr. METCALF), with the distinguished senior Senator from Oregon. It is my understanding that letterheads and envelopes of that committee were used in this instance.

Knowing Senator HATFIELD as I do, I am confident that he was not a party to even trying to test the gray area as it has been tested, and I think he was correct to refer the matter, as he did, for a ruling.

The Senator from Oregon has been very prompt in meeting what he considered his obligation to make payment for use of the frank, and, in fact, he has gone further in this regard than anyone did in the past.

I would say those of us who happen to be on the other side of some of these issues are slightly envious of you who have all these volunteers who can get you into this kind of situation. I find those who support the President are in the situation of trying to answer the mail with the small staffs that small States are given. If you have an abundance of volunteers I would like to put them to work.

In all the years I have known the senior Senator from Oregon, as a westerner. I have attended conferences in his State, and I have known him or about him for many years. I am certain he deserves the support he is getting today on the floor of the Senate from all of us who work to reassure the country of our faith in his honesty and integrity.

I would hope that he would be one of those who is in the forefront of reuniting the Senate because, as I have said before, I do not see how we can reunite the country if we do not get the Senate back together.

Mr. BAYH subsequently said: Mr. President, recently there has been some criticism of the distinguished Senator from Oregon (Mr. HATFIELD) over the use of his franking privilege. Senator HATFIELD and I do not agree on all issues. But, Mr. President, I have known the Senator from Oregon and I have always known him to be a man of highest integrity. I must admit that I am not familiar with the facts surrounding the instant frankling incident, but I am certain that if there has indeed been any misuse of the Senator's frankling privilege it has been inadvertent and unintentional. I know, from my association with the Senator from Oregon over the years, that he has always had the highest respect for the rules of the Senate and has conducted himself in the best tradition of the Senate.

Mr. FULBRIGHT. Mr. President, before I make my own remarks, I would like to associate myself with the comments of the Senator from New York about the Senator from Oregon. There is no man in this body for whom I have a greater respect. Certainly, if a mistake at all, it was an inadvertent one. It is my opinion that if this type of material had been inserted in the CONGRESSIONAL RECORD by unanimous consent, it would have obviated any question. I think it is a technical infraction of the rules which is of minimal consequence. It has not the slightest reflection on the integrity of the Senator from Oregon. I do not know of any man who deserves respect and trust more than does the Senator from Oregon. I commend the Senator from New York for the comments he has made.

EQUAL TIME FOR EQUAL PARTNERS

Mr. FULBRIGHT. Mr. President, within the last year or so Senators have become increasingly concerned with the growth of Presidential power at the expense of the other, constitutionally coequal branches of our Government. That concern was expressed in the national commitments resolution, adopted by the Senate last year by the vote of 70 to 16. Despite that overwhelming vote and an unassailable constitutional basis, the national commitments resolution has had no discernible effect upon the Executive and, as a result, we are compelled to grapple with the issue once again, now under more urgent and agitated circumstances. The initiation of a constitutionally unauthorized, Presidential war in Cambodia has brought the issue to a crisis, compelling the Congress to act in defense of its constitutional war powers. That is the principal significance of the Cooper-Church amendment and of other pending legislative proposals.

Unfortunately, the Congress is at a great disadvantage in the war powers debate, as it is in discussing most issues, because the Executive has a near monopoly on effective access to the public attention. The President can command a national television audience to hear his views on controversial matters at prime time, on short notice, at whatever length he chooses, and at no expense to the Federal Government or to his party. Other constitutional officeholders are compelled to rely on highly selective newspaper articles and television news spots, which at most will convey bits and snatches of their points of view, usually selected in such a way as to create an impression of cranky carping at an heroic and beleaguered President.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MUSKIE. Mr. President, I think the Senator from Arkansas is making a most important speech on a subject that is of increasing concern to many Americans. I have had an opportunity to read the Senator's speech in advance of its delivery this morning. It places the emphasis on a most valid premise not on the question of equal time as between the major political parties but on the impact that television has on the checks and balances that were contemplated by the framers of the Constitution. On the important national issues, it is important that more than the Presidential view be presented to the country. The institution of Congress was intended by the constitutional founders to play at least an equal role in setting the policy of our Government. With the use of television by the executive branch almost exclusively, there exists no truly national dialog on the critical issues of our times.

If the Senator would pardon my reference to a later paragraph in his speech where he makes this point so very well, I read:

> There is nothing in the Constitution which says that, of all elected officials, the President alone shall have the right to communicate with the American people. That privilege was a gift of modern technology, coming in an age when chronic war and crisis were already inflating the powers of the President.

That is a most important point. The critical issues of our times deserve a thoughtful national dialog. They do not lend themselves to easy and summary conclusion. Issues that deserve national attention usually are not one-sided questions. Actually most questions have more than two sides—which I think highlights the need of presenting the full spectrum of viewpoint on controversial questions, especially on those issues which have a capacity for dividing the country. The Nation should be permitted to understand not only the Presidential point of view on controversial national issues but also any prevailing and substantial point of view of elected members of the legislative branch.

Before the full development of television as the primary means of national communication on public issues, there was a tendency on the part of citizens, especially in the field of foreign policy and national security, to assume that the President, and perhaps key Members of Congress, were settling these issues and shaping the country's policies in a manner consistent with the constitutional process of checks and balances. Today, because of the direct exposure of our citizens to these vital national and international questions on television, the people rightfully believe they should be informed fully on these issues in order to have sufficient knowledge and information to form these judgments for themselves. That being the case, it seems to me that the television and radio media have a great responsibility for taking the initiative to insure that what the people hear and what they are told and the information they are given has, indeed, a broad and deep basis for the people to form their own judgments.

I think that technological fact of modern life highlights the institutional point which the Senator is making so very well in his speech this morning.

As the Senator knows somewhat accidentally, I was appointed by the majority leader as chairman of an ad hoc committee, of which the two other members are Senator JACKSON and Senator PROXMIRE, to develop approaches to this problem. I want to say to the Senator from Arkansas, and to the Senate through means of this comment, that what we are concerned about is not simply the division of time between the two political parties for partisan purposes, but about the proper role of the Congress as an institution established by the Constitution to contribute to the determination of national policy jointly with the President. The President and the Congress share the responsibility of assuring that each citizen be afforded a true dialog on the national issues.

I want to take this opportunity to compliment the Senator on what I believe is a very important speech, and to assure him that our subcommittee is working in the same direction.

Mr. FULBRIGHT. I thank the Senator for his comment, and I am glad to know that they are working on it.

The problem for a Senator or Senate committee is not simply one of being heard. Anything that has the color of scandal, accusation, or prediction will command eager attention from the media. What you cannot easily interest them in is an idea, or a carefully exposited point of view, or an unfamiliar perspective, or a reasoned rebuttal to a highly controversial Presidential statement. In recent weeks, for example, the Foreign Relations Committee has heard thoughtful and significant statements on the war by eminent businessmen, political and military leaders, and theologians, but, owing to the lack of interest of the media, these proceedings have remained a well-kept secret between the witnesses and the members of the committee.

This morning we had the chairman of the board of one of the greatest industrial concerns in the world, the International Business Machines Corp., which does business in more than 100 countries, who gave extremely pertinent testimony, but I doubt that there will be anything in the press about it, or on the television, other than perhaps a short minute, or half minute or 40 seconds excerpt.

Why this is so is beyond my understanding. All I do know is that the only reliable way of getting the media to swallow an idea is by candy coating it with a prediction or accusation.

Take for example the issue now under discussion about the war powers of the Congress as against the President's authority as Commander in Chief. The whole country heard the President hold forth in his recent press conference about how he alone—and I emphasize he alone—as Commander in Chief was responsible for the conduct of the war, the expansion of the war into a neutral country, and the safety of our fighting men. The very words "Commander in Chief" are intoned with a reverential awe appropriate to 18th century courtiers speaking of "His Most Christian" or "Britannic" or "Imperial and Apostolic Majesty." Millions of people heard the President expound his inflated concept of

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his role as Commander in Chief, but virtually no one outside of this Chamber has heard the thoughtful and learned expositions of Senators on constitutional doctrine and the intent of the framers. The result is that the country is suffused with the constitutional theories of Lyndon Johnson and Richard Nixon, while the contrasting views of Jefferson, Hamilton, and Madison remain buried in history. As fast as they are called up by Members of this body, they are laid again to rest in the pages of the CONGRESSIONAL RECORD.

There is nothing in the Constitution which says that, of all elected officials, the President alone shall have the right to communicate with the American people. That privilege was a gift of modern technology, coming in an age when chronic war and crisis were already inflating the powers of the Presidency. We all remember F. D. R.'s fireside chats on radio and his use of these to win the people to his viewpoints. I am not sure anyone ever did find out whether that battleship really was sent up to Alaska to pick up the President's "little dog Fala." No one cared after the President's skillful use of radio to ridicule the allegation.

Communication is power and exclusive access to it is a dangerous, unchecked power. If Roosevelt had had television, he might have been proclaimed emperor by acclamation. None of F. D. R.'s successors have matched his genius for mass communication, but each one has found television to be a powerful tool in the service of Presidential policies and opinions. Television has done as much to expand the powers of the President as would a constitutional amendment formally abolishing the coequality of the three branches of Government.

Because the Presidency is institutional and the political parties are not, the networks have not only denied the opposition equal time to reply to Presidential statements, but will not even permit the Democratic National Committee to purchase broadcasting time at commercial rates. CBS has said that it has a general rule against selling time for the presentation of controversial views except during election campaigns. The network of course sets itself up as the sole judge of what is "controversial." In my opinion the moon flights are controversial—I think them an extravagant waste—but the networks provide millions of dollars worth of time to permit us to view every last boring detail of these space flights in living color.

Whatever justification there may be for denying broadcast time to political parties, there can be no justification for denying equal time to the coequal branches of Government. Under our Constitution there is no paramount branch of the Federal Government; if indeed the framers regarded any branch as primus inter pares, it was not the executive but the Congress, whose powers are spelled out in the Constitution at greatest length and in the greatest detail. If the President is regarded as having the right to communicate with the people through the mass media whenever he wishes, the spirit and intent of our Constitution require that no less a privilege be accorded to the Senate and the House of Representatives, or, if it should claim it, to the judiciary.

With these thoughts in mind, Mr. President, I have recommended to the distinguished chairman of the Committee on Commerce (Mr. MAGNUSON) that he and his colleagues consider legislation which would require all television stations licensed by the Federal Communications Commission to provide broadcasting time on demand both to the Congress and the President. The current practice is that the networks provide free time to the President whenever he wishes it, but no staute or FCC regulation requires them to do so. Appropriate legislation might require the networks to provide broadcast time to the President whenever he wishes it and might give the same right to Congress, perhaps to be divided equally between the two Houses and the two parties.

The details of this proposed legislation might best be worked out by the Commerce Committee should they judge that it has merit. My purpose today is to develop and commend the general principle of a congressional right of access to the mass media. No less than the Executive, the Congress has the right—indeed, one could say the responsibility—to report to the Nation on matters that affect the national interest. The means of exercising that right should exist along with, but entirely independent of, the parallel Presidential right. Broadcast time should be available to the Congress at all times and not simply in order to reply when the President speaks to the Nation. The purpose is not to facilitate the expression of partisan views on national issues but to guarantee the right of the people to hear diverse and opposing views regardless of party.

Television is the most potent information medium in our country today. No other medium of communication in history has permitted the transmission of ideas and viewpoints to so many people simultaneously, so graphically and convincingly, whether the idea concerns environmental pollution, the war in Indochina, civil rights, poverty, or student dissent. According to recent surveys, the American public has more faith in the information it gets from television than from any other source, and it goes to this source more frequently and for longer periods of time than to any other. By latest count there are nearly 60 million television homes in the United States, and their sets are tuned in for an estimated average of 6 hours a day—which means approximately 360 million man-hours per day. This is too powerful and dangerous an instrument to be left to the exclusive use of the Executive.

Mr. HUGHES. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. FULBRIGHT. I ask unanimous consent that I may have 3 additional minutes to yield to the Senator from Iowa.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I have listened with a great deal of appreciation to the comments of the distinguished Senator from Arkansas.

I have been increasingly concerned, myself, about the very problems that he is setting out today on the great issues that the people of this Nation face—war and peace, poverty, hunger, education, health, or whatever the issue might be.

We are not talking from partisanship, nor do I think the distinguished Senator is saying that the President of the United States is not entitled to command the full facilities of the media of this country whenever he feels it is important to bring a message of magnitude to the American people; and I doubt that any Member of this body would have any part in considering anything that would greatly diminish that privilege.

But I do feel it is exceedingly important—and I agree with what the distinguished Senator has said—that this situation has come into being since television, with its ability to move into the living rooms of a majority of the homes in America during what is called prime listening and viewing time. To put forth in such circumstances a message on which there can be two points of view, or perhaps three or four, and to shut off one of those sides from the American viewing and listening public, so that they can only gets bits and snatches, is to deny the American people a full basis on which they can make a valid judgment as to what the importance of the issue really is. I think, in retrospect, we can even see the critical importance of debate in campaigns, where we demand equal time to present the views of the various candidates. That is well considered on a partisan basis, though the issue may not be partisan at all, as the war is not.

I think that right now, with respect to many of the critical problems we are facing, the people of the country are unable to get a full and clear message from the other side, whatever that might be and whether I may agree with it or disagree with it.

So I express my appreciation to the distinguished Senator for focusing on what I feel is a critical problem which has recently arisen. I do not believe that anyone properly wants to deny the people of the United States the opportunity to get both sides of critical issues. I do not believe there is any sinister intent in the existing situation. I think it is a matter of a growth problem that, until now, we have refused to challenge or focus on. I think the Senator is proper in focusing on this problem and considering the possibility of requesting hearings on it.

Mr. FULBRIGHT. I thank the Senator. I have spoken to the Senator from Washington, and the staff is preparing a bill which I am informed they will consider. I thank the Senator from Iowa for his comments.

Certainly, the last thing I am suggesting is that the President not have access. All I am saying is that, in order to preserve our constitutional system, Congress, as a coequal branch, must have access.

This matter was never considered at

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the time the FCC was set up. No one contemplated just how important television would become, and no one thought about this. Now that we see what has happened, it seems to me eminently in the public interest that this means of communication be made available to Congress as an institution—not to any individual or to any party. How that time is to be used is a matter for the Senate to work out internally.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may continue for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FULBRIGHT. I ask unanimous consent to have printed at this point in the Record an editorial entitled "Fair Access to TV," published in the New York Times of Tuesday, June 2, 1970.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

FAIR ACCESS TO TV

The President of the United States can rightly call upon the television networks whenever he wishes to speak about the Vietnam war or any other major matter. Tomorrow evening he will make an interim report on the Cambodian operation; another one is promised at the end of the month when all American troops are scheduled to have returned to South Vietnam.

It is in the interests of an informed public that the President be seen and heard, whether or not his speech or news conference has political overtones. Indeed there is often reason to regret that he does not make more frequent use of television to explain the Administration's policy to the American and world public.

Now a tough question has been placed before the Federal Communications Commission by a group of Yale law professors, calling themselves the Committee for Fair Broadcasting of Controversial Issues. It is: Does the venerable fairness doctrine apply to responsible opponents of Administration policy who seek TV time, without cost, to answer Presidential speeches on Vietnam? Under this doctrine—which was unanimously upheld by the Supreme Court last June—publicly licensed stations must afford a reasonable opportunity for the presentation of contrasting views on controversial issues of public importance. The doctrine applies only to issues; it is broader than the political "equal-time" requirements which only concern candidates.

The F.C.C. is being petitioned for a ruling in the wake of Presidential speeches which of course are on free time as well as prime time, and the refusal by the networks to allow five dissenting Senators—three Democratic, two Republican—to dispute Mr. Nixon's views on prime time. After being turned down by two networks, the Senators raised over $70,000 to buy a half-hour in a less desirable 7:30 P.M. time slot on one network.

Supreme Court Justice Byron White wrote last year about the fairness doctrine: "[Its] rules enhance rather than abridge the freedoms of speech and press protected by the First Amendment . . . it is the right of the viewers and listeners and not the right of the broadcasters which is paramount." Admittedly, the Yale petition, calling for "access to the same wide audience during a substantial bloc of uninterrupted time" under the fairness doctrine, is a difficult matter to resolve; but it requires resolution, and the F.C.C. cannot afford to duck the issue.

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Mr. FULBRIGHT. I also ask unanimous consent to have printed in the Record an article by Mr. Mankiewicz and Mr. Braden, published in this morning's Washington Post.

There being no objection, the article was ordered to be printed in the Record, as follows:

NIXON WILL TRY, BUT CAN'T DISGUISE THE FAILURE OF CAMBODIA OPERATION

The President could not wait until the troops were out of Cambodia—he opted for an "interim report" this week. It will confirm that the purpose of the Cambodian invasion has become, not to save the lives of American soldiers but the face of American generals and the seats of Republican congressmen.

Mr. Nixon will list the weapons, the ammunition and the rice we have taken and destroyed. But the weapons and the ammunition can be replaced by the Russians if necessary. The hundreds of Americans who will have died in Cambodia cannot. What cannot be avoided, once all the "success" language is cleared away, is that Cambodia was not only a political setback of major consequence for the administration, but a military failure as well.

Item: We do not even claim that the "central headquarters" for the Vietcong has been captured. On earlier offenses, such as Operation Cedar Falls and Operation Junction City in 1967, we reported it overrun, bunkers, communications equipment and all. This time, it seems to have passed to the control of the Scarlet Pimpernel and eluded us. No matter—six months after the last time we captured it the enemy launched the Tet offensive.

Item: Simultaneous leaks from what seems to be the same Pentagon source to selected newsmen last week indicate a major effort to mask the failure of Vietnamization which the Cambodian campaign revealed. In the first two weeks, while our casualties went sharply up, those of the South Vietnamese went as sharply down. Morale in the ARVN, it is reported, has never been higher. It is, apparently, an army which prefers bullying Cambodian civilians to fighting the Vietcong at home. It is no wonder that Thieu and Ky want to stay indefinitely.

Item: High South Vietnamese sources now say that the cost of remaining to "assist" the Cambodian army will run at the rate of $200 million. This is a heavy cost for the American taxpayer, who may not understand why he must pay the South Vietnamese to Cambodianize one war while still paying something on the order of $30 billion to Vietnamize the first one.

Item: Our military planners—anxious to take advantage of Prince Sihanouk's overthrow—ignored the historic hatred between the Vietnamese and the Cambodians. The report that Thai "volunteers" will defend Phnom Penh merely increases the problem. Thais are also unwelcome in Cambodia. Furthermore, one wonders how much we will pay to provide the Thai volunteers.

Item: The new Cambodian government has imposed martial law and will crack down on its own citizens, understandably restive over the presence of the South Vietnamese and—more important—over the fact that since the invasion the North Vietnamese have taken over a number of provincial capitals and have tightened their grip in their areas they already held.

Item: The ease with which the enemy seized and briefly held Dalat, South Vietnam's ninth largest city, over the weekend suggests just what Vietnamization has come to. Areas once thought pacified have fallen again to the Vietcong, now that the South Vietnamese are off in Cambodia improving their morale by fighting women and children.

Item: Since the fighting began in Cambodia, American casualties in South Vietnam have remained above the earlier "tolerable" level.

Item: The Vietcong now control more of Laos than they did before the Cambodian invasion.

The President's interim report may boost his popularity for a while. It may even nudge a senator or two to vote against the Cooper-Church amendment to stop funds for more operations in Cambodia. But the facts remain. "Vietnamization" was always doubtful—an army which would not fight with Americans was a poor bet to fight without them. Now, the failure is plain through all of Indochina. The generals have never known what this war was about, and the President—like his predecessor—had no reason to believe that they did.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator from Arkansas may have 3 additional minutes, so that I may comment on his statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I am glad to yield.

Mr. GRIFFIN. I have listened with great attention to the statement made by the Senator from Arkansas. I must say I find it rather interesting that he is joining hands with the Vice President of the United States, Mr. Agnew, in directing criticism at the television networks and the fairness of their coverage.

Of course, each person is entitled to his own judgment concerning the extent to which television viewers have the opportunity to see and hear both sides of an issue. A good many of my constituents—I know the Senator from Arkansas will be surprised to hear this—write me or stop me on the street from time to time and say:

> I'm always turning on my television set to find Senator Fulbright, criticizing the President of the United States. Can't they get somebody on the other side of the issue?

So, apparently, there are some who think that the Senator from Arkansas and his point of view receive a good deal of television coverage.

In some respects, I have shared the view of the Senator from Arkansas concerning television coverage available to the President—and I felt very strongly about it throughout the years of the Kennedy and Johnson administrations. I felt then that the Republican Party did not always have an opportunity to present its case. But, during that long 8-year period, when the party of the Senator from Arkansas controlled the White House, I do not recall hearing the Senator make the argument that he is making today.

Furthermore, allow me to say that one reason important speeches and debates in the Senate are not carried on television is because the rules of the Senate prohibit it. Of course, we could do something about that if we wish to change the rules of the Senate. As one Senator, I have favored changing the rules to allow proceedings in the Senate to be televised. I submit that would be the fairest way to make sure that this branch of the Government, particularly the Senate, received adequate exposure on television.

Unlike the House, we do have a Senate rule which allows committee hearings to be televised. I think it is to the credit of the Senate that we have such a rule. As a result, many people have had the opportunity to view hearings held by the Foreign Relations Committee, of which the distinguished Senator from Arkansas is chairman. Many have watched the proceedings of his committee, have listened to the witnesses, and have learned a great deal about what the views are of various Senators who are members of that committee. However, I suggest that an expansion of the Senate rules so that debates and proceedings on the Senate floor might be televised would be a most constructive step to take, in line with the views expressed today by the Senator from Arkansas.

I thank the Senator for yielding.

Mr. FULBRIGHT. Mr. President, I wish to comment on the remarks of the Senator.

The ACTING PRESIDENT pro tempore. The time of the Senator from Arkansas has expired.

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senator may have 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FULBRIGHT. I wish to comment on the remarks of the Senator from Michigan.

I appreciate that the Senator from Michigan is sympathetic to the objective. I regret that he has, in a very deft manner, seemed to turn this around as a partisan matter. What I have said here is not for the Democratic Party. It is for Congress as an institution.

I also wish to reject the idea that I had no criticism to offer of the Democratic President, President Johnson. If the Senator is at all aware of that period, he will recall that I had a good deal of criticism to offer about not only President Johnson's access to the public mind but also, because of his extreme skill and knowledge of the Senate, about how he subverted the Senate itself. I have said this many times publicly. There is nothing new about that.

I assure the Senator that this is not intended and should not be interpreted as a partisan matter.

Obviously, it is not going to take place tomorrow. If it is done at all, it will be permanent legislation which will apply in the future to all situations, regardless of who may control the Senate or the House. Of course, I am certain the Senator from Michigan has great hopes of controlling the Senate this fall. So, by the time this measure is enacted, he may be the one who will determine it. I do not care who is the spokesman for the Senate or the House or how that part of it is arranged. The legislation I am recommending does not attempt to decide the internal allocation of time. That is a highly complicated matter. I foresee that the most difficult part of this will be for the Senate to determine how the time at its disposal is to be used. I can think of many alternatives, but I do not want to take the time now to go into them. I have thought about them, but have not resolved them. This is a matter that the Senate, as a whole, will decide at any given time, and it is very complicated. It will not be easy.

The question of televising the debates is another matter. It is extremely difficult to say we are going to televise them when only two or three Senators are in the Chamber. There are great difficulties about that.

Actually, committee meetings, except the highly controversial ones, are rarely televised in that manner. Very few have been televised, in my knowledge. I think that what the Senator has reference to are a few news excerpts, when a minute or two of the proceedings is shown on the newsreels. I am excluding the highly controversial hearings involving crime and the McCarthy hearings and two or three of my committee at the very beginning, which are the only ones I can recall that were televised in that manner—and not at prime time in every instance.

ORDER FOR CONTINUATION OF MORNING BUSINESS PAST THE EXPIRATION TIME OF 1 P.M.

Mr. BYRD of West Virginia. Mr. President, notwithstanding the fact that now, at 1 o'clock p.m., the morning hour has expired, and that under the rule the unfinished business would be laid before the Senate, I ask unanimous consent that the period for the transaction of routine morning business be continued for a short time, with statements limited therein to 3 minutes; and that then, at the conclusion thereof, the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

EQUAL TIME FOR EQUAL PARTNERS

Mr. FULBRIGHT. Mr. President, I would conclude by saying that this is a matter to be handled by the Commerce Committee, with both parties participating if they think well of it. The authorization does not require the Senate to do anything, if it does not want to take advantage of it. All I am saying, in effect, is that we have come to the realization recently that television is the only way to communicate directly with the American people. It is a new development. It is a technology, whose impact no one anticipated. Therefore, all we are trying to do is to update our own relationship to the public.

Personally, I feel that this move is entirely sympathetic and consistent with the commitments resolution. There again, the Senate was, in effect, expressing itself through the constitutional system under which we operate, that the Senate should play a role in the formulation of foreign policy, and that it should not be turned over entirely to any Executive.

I can assure the Senator from Michigan that this is not directed at this administration. The resolution was introduced by me before this administration came in. It is not directed at this President at all. I made that clear last year. This arose out of the frustrations engendered by the previous administration—under a Democratic President.

Thus, I do not believe that the Senator from Michigan is fair in intimating or insinuating that this is a Democratic Party partisan move, in some way to inhibit President Nixon. We are in no way offering to inhibit the President. No one, as the Senator from Iowa suggested a moment ago, argues that the President should not have access to the public. Not at all. I can only say that, in order to keep some balance in our constitutional system, Congress should have that access, too.

It will be a difficult thing to work out. I do not minimize the practical difficulties of working it out. But it should be done, is all that I am saying.

FEET ON THE FLYPAPER

Mr. FULBRIGHT. Mr. President, a perceptive and straightforward editorial was published in the magazine Aviation Week and Space Technology, May 11. I do not agree with all the conclusions of the editorial. However, I believe that its major points are highly important and convey a sense of the feeling of many Americans today.

I think it is an editorial which should be widely circulated and closely read by those who are interested in the welfare of this Nation.

Mr. President, I ask unanimous consent that the editorial, "Feet on the Flypaper," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FEET ON THE FLYPAPER

President Richard M. Nixon put his feet firmly on the flypaper of Southeast Asia by authorizing U.S. military forces to invade Cambodia. Like his predecessor in the White House, he will find it far easier to get into this fray then to extricate himself.

Until then, the President had billed himself as firmly committed to a policy of extricating U.S. troops from Southeast Asia and had in fact reduced the troop strength in that area. His decision to widen the war, invade Cambodia, sent seismic political shock waves throughout the country, not only because of the Cambodian policy but also from the sense of betrayal that this shift conveyed.

It was natural that the deepest shocks were felt on the college campuses. There, after all, are the age groups who are being asked to do the dying in Southeast Asia. And asked without any attempt whatsoever to explain to them why their dying is deemed necessary and sneered at with epithets from both the President, who is ordering the dying, and his vice president. And so the college campuses across the nation were illuminated by burning ROTC buildings, and National Guardsmen killed four students at Kent State University in Ohio—two of them girls.

The war in Vietnam has become a thoroughly unpopular venture in this country, and President Nixon owes his election, in large measure, to his pledge to end U.S. participation. There seems to be no logical basis for supposing that its extension into Cambodia, Laos or elsewhere would broaden its public appeal at home.

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The President accompanied his order sending U.S. troops across the border into Cambodia with assurances on the limitations of this effort that were later expanded by his aides to such precise dimensions as only 18.7 mi. penetration and withdrawal in seven weeks, et cetera, ad nauseum. Unfortunately for Mr. Nixon, the American people had heard the same type of reassurance from his predecessor, Lyndon B. Johnson, only a few years ago when he took them into a war that has now drained more than $100 billion from their pockets directly, siphoned infinitely more with the galloping inflation it stimulated, and killed more than 41,000 of their sons and wounded more than 200,000 more.

Thus President Nixon's credibility on Cambodia hardly survived for 24 hr. after his television appearance. The reasoning he offered was the same as that of ex-President Johnson on the Tonkin Gulf incident. Even his language was horrifyingly similar.

The glare of historical hindsight on the 1964 Tonkin Gulf incident reveals no solid evidence that any North Vietnamese torpedo boat attack was made on U.S. destroyers that night nor any justification for the disastrous policy to which President Johnson so hastily committed this nation's blood and treasure. For a detailed examination of the flimsy facts on which the Tonkin Gulf incident was based and the elaborate fabrication of official lies later woven to justify it, we recommend a reading of Joseph Goulden's recent book "Truth is the First Casualty." Among other things, it contains a particularly perceptive and detailed analysis of the technique used by former Defense Secretary Robert S. McNamara to avoid the truth before congressional committees without actually lying.

The Nixon Cambodian policy has had an even sharper impact on Capitol Hill than in the academic groves. Combined with the rising inflation, unemployment and the slumping economy, it has cost the Republican Party any hopes it may have had for congressional victory in the fall elections. But, as President Nixon himself noted, that is an inconsequential result in the total tragedy.

Congress has more effective means of protesting what it believes to be executive perfidy than college students. It can cut off the President's money. What is being organized on the Hill right now is the most effective attack on the defense budget since before World War 2. The defense budget can always stand judicious pruning. But the assault with broad ax and butcher knife that is now in prospect could leave it in a dangerous condition indeed in meeting the growing Soviet technological threat (AW&ST Apr. 27, p. 13; May 4, p. 11).

The five-year war in Southeast Asia has already drained so many defense dollars from the research and development effort that this country has lost nearly a decade of technical progress at the same time the Soviet Union has pushed the most massive new weapons development program in its history. If the increased involvement in Cambodia and elsewhere in Southeast Asia continues to siphon the lion's share of a badly chopped defense budget, the crisis will become acute during the mid-1970s.

But perhaps the biggest tragedy of all, thrown into sharp relief by the events of the past week, is the growing division between the elected leaders of this nation and the people who elected them and the growing unresponsiveness of the government policy-making bureaucracy to the needs and wishes of the inhabitants of this land.

We are coming dangerously close to a breakdown in the machinery of government and dangerously close to the end of the voters' and taxpayers' patience with the calloused, cumbersome inefficiency of the system.

John Glenn is a man who has served his country faithfully and well. He cannot be labeled a campus "bum" or an "effete snob." We think he expressed the current malaise of these United States as well as anybody can. Tired, sad and perceptive after a tough election campaign among the people of that same Ohio where the Kent State students were shot, he noted:

"Everyone is losing confidence is everything, our foreign policy, our universities, our electoral system—all because we haven't told the people the truth."

HOUSE JOINT RESOLUTION 1117—UNANIMOUS-CONSENT REQUEST TO PLACE ON THE TABLE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that House Joint Resolution 1117, to establish a Joint Committee on the Environment, which came over from the House on yesterday, be placed on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia subseqently said: Mr. President, I ask unanimous consent that the previous order, placing on the table House Joint Resolution 1117, be negated for the present time.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1970

AMENDMENT NO. 669

Mr. JAVITS. Mr. President, I submit today (for myself and Senators BAKER, BROOKE, CRANSTON, EAGLETON, GOODELL, KENNEDY, MONDALE, MCGOVERN, NELSON, PACKWOOD, PELL, WILLIAMS of New Jersey, SCOTT, STEVENS, and TYDINGS) an amendment to H.R. 17399, the second supplemental appropriations bill, designed to provide an additional $100 million for the Neighborhood Youth Corps summer jobs programs.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, the amendment will be received and printed and appropriately referred.

The amendment (No. 669) was referred to the Committee on Appropriations and ordered to be printed.

Mr. JAVITS. Mr. President, under the proposed amendment the $100 million would provide an additional 227,173 summer job opportunities which the U.S. Conference of Mayors has documented as the number which still could be effectively used this year if funds were made available. The opportunities provided by the amendment would supplement the 328,000 summer jobs projected under the current total allocation of $146,412,000 now planned for the program.

Mr. President, an additional appropriation of the magnitude proposed is clearly warranted in terms of the documented needs of the cities stemming from the very crucial unemployment situation in which we find ourselves this summer.

So urgent is the need that I believe that the administration should promptly send a budget estimate to the Congress increasing the funds for summer jobs for the Neighborhood Youth Corps by $100 million and reallocating that amount from other programs which are not of as high priority. I hope that the President, and the Vice President, as chairman of the President's Council on Youth Opportunity will review the situation and act accordingly.

The Neighborhood Youth Corps summer program is administered by the Department of Labor, subject to strict administrative controls and was developed to enable 14- to 21-year-old disadvantaged youths to work with public and private nonprofit organizations during the summer months. A major purpose of the program has been to assist such youths to remain in high school by providing them with on-the-job training and useful work experience, enhancing their chances for later employment.

Since 1965 this vital program, which is funded under the authority of the Economic Opportunity Act and the Manpower Training Act of 1962, has provided more than 971,000 opportunities for disadvantaged youths.

We face a particularly serious situation in our cities this summer as a result of the special impact of high national unemployment in poverty areas. While the overall unemployment rate was 4.8 percent in April, the teenage jobless rate was 15.7 percent, compared with 13.9 percent in March.

And perhaps most critically, Mr. President, the unemployment rate among black teenagers during the first quarter of this year was 32.7 percent—or approximately one-third—compared with 20.9 percent in the first quarter of last year.

It is quite clear, then, that the "target group" for the Neighborhood Youth Corps program—which the Department of Labor indicated included 1.4 million youths last summer—will be substantially greater in the coming months in light of the overall unemployment situation.

While the Neighborhood Youth Corps summer program is not the only program that exists to meet this need, it is the largest. It is clear that the other programs will at best merely maintain last year's effort and will not be able to assume responsibility for the youth who could benefit from a summer program.

First, the Neighborhood Youth Corps summer program has been supplemented in recent years by the voluntary efforts of the National Alliance of Businessmen. Since the inception of that program in 1968, it has provided more than 300,000 opportunities in the private sector during the summer months. For this summer, the National Alliance of Businessmen has set a goal of 180,000 opportunities, just

2,000 positions above those actually provided last year. Hence, it is clear from experience that while the general unemployment situation will require more summer jobs for youth than in 1969, the private sector will not be able to absorb any appreciable numbers of disadvantaged youths this summer beyond the number employed last year; and this is not enough.

Second, the Office of Economic Opportunity summer youth programs—which once emphasized summer recreation, education, and employment, have been given a new direction for this year. Under a policy announced early this year by the Office of Economic Opportunity, the focus will be upon programs that are integrated into annual programs, and there will be a direct prohibition on the funding of programs devoted exclusively to recreation, camping, and cultural enrichment for the summer. While the desirability of this change may be debated, it is clear that resources from this program—approximately $35 million—will accrue less to summer programs, as such, with the result that more youths will have to look to other programs, such as the Neighborhood Youth Corps summer program.

Mr. President, despite these factors—the excessive unemployment rate in the group affected, and the inability of other programs to meet the additional need—funding for the Neighborhood Youth Corps summer program has been set at $146,412,000—which is less than last year's total funding level of $147 million.

Moreover, the cost of an "annual training slot"—which would provide—as in the past years—for 10 weeks' work experience for 26 hours per week—has risen from $413 in summer, 1969, to $445 for this summer.

As a result of these two factors, the program will fall some 17,000 annual training opportunities short of even last year's level.

If we were to completely meet the needs of even last summer's "target group" of 1.4 million youths, an additional appropriation of more than $500 million would be required.

But obviously, as an administrative matter, such funds could not be put to effective use by the time that the program commences in most localities—in the second week of June.

Accordingly, I ask the U.S. Conference of Mayors—which represents more than 600 cities in our Nation—to survey the situation and determine the number of additional slots that the cities could effectively utilize this summer if additional funds were made available.

On May 7, 1970, the U.S. Conference reported that the 227,173 additional slots could be used nationwide.

The survey indicated that the Nation's 50 largest cities alone can effectively use 165,298 slots.

For example, in my own city of New York, more than 37,081 additional slots over and above the 25,419 now proposed, could be put to effective use for this summer.

But it is not just a "big city" matter. The Conference of Mayors has indicated that in our smaller cities an additional 61,875 slots are required.

For example, in Little Rock, Ark., 200 additional slots are needed; New Haven, Conn., 550 slots; Des Moines, Iowa, 100 slots; and in Charleston, S.C., 300 slots are needed.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD, a copy of a letter dated May 7, 1970, from the Conference of Mayors, indicating the needs, together with a detailed table indicating the number of "slots" allocated to date and the additional number that could be effectively used in each of our major cities.

There being no objection, the letter and table were ordered to be printed in the RECORD, as follows:

U.S. CONFERENCE OF MAYORS,
Washington, D.C., May 7, 1970.

Hon. JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1970 needs for the summer Neighborhood Youth Corps slots beyond those allocated to them to date. The information we have received from the fifty largest cities shows that the total number of additional slots that these cities could effectively utilize this summer is 165,298.

On the basis of our contacts with a sample of the smaller cities, we estimate their need and capacity to utilize additional slots to be approximately 30 percent above their present allocation. This would mean an additional 61,875 slots needed by the smaller cities.

Combining these figures, the present real need for summer 1970 is 227,173 additional slots nation-wide.

I trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps program.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

1970 SUMMER NEIGHBORHOOD YOUTH CORPS PROGRAM: THE NEEDS OF THE 50 LARGEST CITIES

City	1969 total need	1970 allocation	Total city needs 1970	Additional required
Akron	612	378	765	387
Atlanta	2,267	1,460	2,840	1,380
Baltimore	7,000	4,255	8,000	3,745
Birmingham	1,390	894	1,738	844
Boston	2,200	1,588	2,750	1,162
Buffalo	2,845	1,750	3,557	1,807
Chicago	31,000	19,676	38,750	19,074
Cincinnati	1,935	1,198	2,419	1,221
Cleveland	6,900	4,211	8,000	3,789
Columbus	1,100	675	1,378	703
Dade County (Miami)	2,150	1,592	2,688	1,096
Dallas	1,520	986	1,900	914
Dayton	620	453	775	322
Denver	800	522	1,000	478
Detroit	7,780	5,873	9,725	3,852
El Paso	719	427	900	473
Fort Worth	785	499	981	482
Gary	1,380	1,073	1,725	652
Honolulu	1,461	889	1,826	937
Houston	2,844	1,739	3,555	1,816
Indianapolis	650	481	812	331
Jersey City	1,275	853	1,594	741
Kansas City, Mo	1,400	989	2,225	1,236
Los Angeles (including Long Beach)	12,828	9,629	16,000	6,371
Louisville	2,605	1,574	3,256	1,680
Memphis	1,500	993	1,875	882
Milwaukee	1,925	1,317	2,406	1,089
Minneapolis	1,750	1,080	2,188	1,108
Newark	4,180	2,707	12,000	9,293
New Orleans	8,490	1,136	10,613	9,477
New York	50,000	25,419	62,500	37,081
Norfolk	1,750	1,148	2,188	1,040
Oakland	3,857	2,407	4,821	2,414
Oklahoma City	1,270	782	1,588	806
Omaha	1,455	886	1,819	933
Philadelphia	41,050	3,380	12,500	9,120
Phoenix	3,285	2,005	4,106	2,101
Pittsburgh	3,915	3,366	4,894	1,528
Portland, Oreg	1,006	777	1,328	551
Rochester	1,225	744	1,531	787
St. Louis	1,834	1,335	4,000	2,665
St. Paul	683	324	854	530
San Antonio	3,742	2,297	4,678	2,381
San Diego	2,689	1,679	2,616	937
San Francisco	2,625	1,663	3,291	1,618
Seattle	1,496	1,048	1,500	452
Tampa	1,925	1,523	2,406	883
Toledo	700	432	825	393
Tulsa	420	261	525	264
Washington, D.C	12,805	8,530	30,000	21,470
Total	214,758	130,903	296,201	165,298

Mr. JAVITS. Mr. President, at an approximate cost of $445 per opportunity, meeting this total need of 227,173 documented by the U.S. Conference of Mayors would require an additional supplemental appropriation of $100 million.

I ask unanimous consent that there be printed in the RECORD also a copy of a letter dated May 25, 1970, from Secretary of Labor George Shultz, indicating that on the basis of the Department's own survey made through its regional offices, 76,036 more slots could be utilized at an additional cost of $33,952,651 above the amounts already allocated to these programs.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LABOR,
Washington, May 25, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in reply to your letter of April 28, 1970, concerning the funding level of the summer Neighborhood Youth Corps (NYC) program.

The authorized NYC summer slot level for FY '70 of 328,000 slots is greater than the initial FY '69 level of 291,000 authorized slots.

In late May 1969, funds from the Job Opportunities in the Business Sector (JOBS) program were reprogrammed to NYC resulting in additional summer slots. Later in the summer, there was a Manpower Development and Training Act supplemental appropriation which provided for more summer NYC slots but only for a period of four weeks or less.

The unit cost in FY '69 was $413 per slot. In FY '70 with rising costs, the unit cost rose to $445.

In FY '69 with the availability of additional funds mainly from JOBS, it was decided that, in view of limited time, the additional funds were to be distributed to the 50 largest cities only. This gave cities a proportionately larger amount of money. In FY '70 with time for advanced planning, additional funds (12 percent increase or $26 million) were distributed to all 50 States and the 50 largest cities. The general guideline for distribution was that all States and the 50 cities were to receive at least their FY '69 initial summer NYC allocation plus a 6 percent increase. The remaining 6 percent of funds available for distribution in FY '70 was distributed only to those States which are below their equitable distribution allocations in FY '69. Therefore, in some areas there may be a net gain and in others a loss over FY '69.

Regional offices were requested recently to provide us with estimates of how many additional youths could be served this summer through the summer NYC program if more funds materialized. In addition to current level, 76,036 more slots could be utilized at an additional cost of $33,952,651.

We trust this information will be useful and appreciate your continued interest in NYC.

Sincerely,

GEORGE P. SHULTZ,
Secretary of Labor.

Mr. JAVITS. Mr. President, it is clear from these figures of the U.S. Conference of Mayors on the one hand, and from those provided by the Secretary of Labor on the other, that we face a very serious situation of a substantial magnitude this summer.

This is apparent from the fact that the Department indicated an additional supplemental need of $7.5 million at this time last year—only one-quarter of the amount which they indicated this year as a necessary adjunct to funds which have already been allocated.

We face levels of high unemployment among the most frustrated group in our cities.

As we listen to the needs of the youth on our campuses, let us not forget the disadvantaged youth in our cities who will face these difficult domestic times with the anticipation of spending their summer on the streets instead of in meaningful employment.

Mr. President, although it is clear from the statement of the U.S. Conference of Mayors, that an additional $100 million can be put effectively to work in this vital program if it would be forthcoming in the supplemental process, it is clear that the sooner such funds are made available, the greater the chance of the cities putting them to use in reaching disavantaged youth.

It is for this reason that I hope that the administration will take the action which I have requested, of promptly sending a budget estimate to the Congress for the amount indicated as essential.

Mr. President, I ask unanimous consent that the text of the proposed amendment be printed at this point in the RECORD.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 669

On page 10, after line 22, insert the following:

"MANPOWER ADMINISTRATION, MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

"For an additional amount to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, $100,000,000 to remain available until September 30, 1970."

Mr. BYRD of West Virginia. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. The Senator from New York performed a very great service by appearing before the Appropriations Subcommittee of which I have the honor to be chairman. He presented an excellent statement in support of the Neighborhood Youth Corps program.

I merely want to say to him that the subcommittee has now acted and has recommended an appropriation which, of course, is not budgeted. But, on the strength of the Senator's presentation before the subcommittee, the subcommittee has submitted to the full committee a figure which I am not at liberty today to reveal—and it will not be revealed until such time as the full committee has reported the supplemental appropriations bill—but I wanted the distinguished Senator from New York to know that his actions have already borne fruit.

Mr. JAVITS. Mr. President, the Senator is most gracious. No Senator could ask for more courtesy, consideration, and sympathy than that expressed by the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator.

AMERICA'S TRADE CHALLENGE FOR THE 1970'S: RESISTING PROTECTIONISM

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed as part of my remarks a speech on the U.S. tariff policy delivered by me at the 49th annual luncheon of the American Importers Association in New York. The speech is entitled "America's Trade Challenge for the 1970's: Resisting Protectionism."

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AMERICA'S TRADE CHALLENGE FOR THE 1970'S: RESISTING PROTECTIONISM

The economic and political crises facing this nation are certain to effect our foreign economic policies. As our own focus as a nation and as a people turns increasingly inward in search of solutions to the growing national neurosis over Vietnam, other major trading areas of the world are turning outward; and western Europe, in particular, is entering a new era. There is a real danger that these major trading areas of the world——as they view both the inner turmoil of our nation and our unclear stance in the field of foreign economic policy—may decide to go their own way without giving appropriate consideration to the legitimate trade interests of the United States.

This Congress, if it passes an inward-looking, protectionist trade bill, could accelerate this process and could shape the world into warring trade blocs, rebounding to the detriment of all. The Congress and the Administration face a tremendous responsibility to insure that the United States does not turn its back on the liberal trade policies which have proved to be of such benefit to us and to the trading world during the past 25 years. Our seriously declining economy and rising rate of unemployment buttress already existing protectionist pressures—enormous pressures that are being brought to bear on the Congress and the administration in this election year.

Historic discussions soon will convene on the United Kingdom's renewed bid to enter the Common Market. Ireland, Denmark and Norway also will participate directly in these discussions. All the countries of the Commonwealth, in turn, have a direct interest in these talks as does the United States. If the talks proceed smoothly, a new trading bloc encompassing some 300-million people will be in place in Western Europe by early 1973. The omens for successful talks appear promising. On July 18, approximately two weeks before the talks are scheduled to open, the United Kingdom either will have elected a new Government or extended the mandate of the Wilson Government. In any case, it will not be a lame-duck Government negotiating for the United Kingdom. The public position of the six member-nations of the present Common Market is in support of British entry, as is the public position of the United States.

Our interest in these talks can be rather simply stated: It is in the interest of the United States that the expanded Common Market maintain outward-looking policies. This is doubly important since the United States now gives every sign of turning inward. Europe should be urged to stand by the United States in this period of crisis just as we stood by Europe in the crisis of and after World War II.

As the negotiations progress and as the Common Market Expands, the United States will have a key interest in the policy decisions in at least four areas:

1. The conclusion of preferential trading agreements between the EEC and the countries bordering on the Mediterranean, as well as the renewal of preferential arrangements with African states. Both of these developments are not in the interest of a freer trading world.

2. The EEC's Common Agriculture Policy (CAP) which must be modified since such modification is not only in the interest of the European states themselves. Clearly, the CAP is the most crucial topic that the United Kingdom will face in the upcoming negotiations. The interest of the United States in maintaining market access for our agricultural products is clear and such access would lower European food prices. In this respect, the two major economic problems facing Europe and particularly a united Europe are the United Kingdom's sterling-debt problem and the EEC's Common Agriculture Policy. It would not be specious to suggest that the forthcoming negotiations could somehow link these problems and that the forthcoming heavy payments that the United Kingdom will be required to make to the Common Agricultural Fund—in addition to the higher food prices that would result from the United Kingdom's accession—could be partially offset by the absorption by the Common Market of the United Kingdom's sterling balances debt. This suggestion is made in the recognition that moves toward a common European Reserve Fund and an eventual common European currency are presently under discussion.

3. Unnecessary barriers should not be placed on capital and investment flows. In the coming decade, it is not at all inconceivable that "Le Defi Americain" will become "Le Defi European." We must not close out this possibility, as it would be a distinct benefit to our deteriorating balance of payments position.

4. The industrial countries of the world should extend meaningful global, non-discriminatory tariff preferences to the countries of the developing world. As the negotiations go forward in the OECD on this matter, the parties concerned should take cognizance of the fact that it is unlikely that the United States Congress would pass a scheme more liberal than the countries of Western Europe and Japan are willing to accept. It would be desirable for all industrialized countries to agree on a common or comparable scheme, and hopefully this would contain the liberal approach along the lines put forward by the United States. Failure to agree on such a common or comparable scheme in the OECD could have additional adverse effects in terms of U.S. Congressional action. In this regard, Congress should be reassured by Undersecretary Samuels' statement last week upon reaching a compromise within the OECD that "we all will strive to adopt systems of preferences which are harmonized as much as possible and can be expected to yield comparable results, but that they need not be uniform in all their technical elements."

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Having given this brief overview, I would like to turn my attention to two specialized trade problems—textiles and East-West trade.

TEXTILES

The textile problem unfortunately occupies center stage, and much depends on the way this problem is resolved. In my view, the textile problem centers not on the question of whether textile imports into the United States should be further restricted. They should be further restricted. The central problem is what form these restrictions should take.

I have argued that restrictions on imports of woolen and man-made fibers and fabrics should be based on injury criteria. It is beyond any shadow of doubt that increased exports to the United States in certain categories are causing such injury and should be voluntarily restrained. However, I cannot support the position of the textile unions and the textile industry that the agreement be comprehensive, i.e., cover all items in the woolen and man-made field regardless of injury criteria. It is for this reason that I have supported the proposal submitted by Donald Kendall of the Emergency Committee for American Trade—a one year freeze on all textile imports at current levels while a special Presidential Commission makes determinations as to injury. I also have proposed that a standing committee be appointed—comprised of the United States, Japan and perhaps other supplier nations—continually to review developing trends in the textile trade and to negotiate restraint agreements on additional categories of imports as needed. The line between a "comprehensive mechanism" and a "comprehensive agreement" is a sophisticated one, but one well worth pursuing.

In making these proposals during the early months of this year for the defusing of the textile issue, my primary concern was that established principles of international trade should not be abrogated by unilateral action.

In some ways, the situation is made more difficult by the fact that Japanese exports lie at the root of our textile problem, because I have little sympathy with Japanese trade policies. The continuing Japanese surplus is a source of disequilibrium to the trading world and is directly attributable to the failure of Japan's trade liberalization policies to keep pace with the phenomenal rate of its economic growth over the past decade. Also, since Japan maintains residual import restrictions on 98 categories of products without *any* regard to "injury criteria," it is difficult to take seriously Japan's negotiating position that there should be proof of injury before textile exports are restrained.

But the textile issue involves our relations with many more nations than just Japan. It involves important principles of international trade and thus serves as the weathervane for American foreign economic policies in the 1970's. On these grounds, the United States cannot afford to pass a rigid quota bill; rather, we should continue to seek a negotiated agreement.

EAST-WEST TRADE

I have been interested in the implementation of the new legislation covering East-West trade, and I have been hopeful that the liberalization of the Export Control Act—passed last December despite the Administration's objection—would have a material effect in expanding our East-West trade. Unfortunately, Administration policy to date does not fully recognize the Congressional intent in passing this law: namely, Congress was authorizing an increased two-way trade with the Soviet Union and Eastern Europe.

Assistant Secretary of Commerce Davis has been kind enough to provide me with a statistical breakdown of the trade effect of the law to date. In citing these figures, I agree with Mr. Davis' contention that "there has not yet been sufficient time to judge its future general effect on U.S. exports to Eastern Europe and the Soviet Union." During the first quarter of 1970, license applications valued at $73.1-million were approved for export to Eastern Europe, compared with $61.5-million approved in the previous quarter, and $36.5-million approved in the first quarter of 1969. Mr. Davis goes on to state that "on the basis of inquiries received by Commerce since January 1, the effect of the Act on U.S. exporters has been to stimulate some additional interest in exporting to Eastern Europe and has elicited comments that are generally favorable."

This is not an entirely discouraging picture, but against it I must place the letters that I have received from constituents which indicate that what is law is perhaps not yet policy. In a recent letter, a constituent wrote that "we find ourselves in the position of being prohibited from offering equipment to the same Eastern European countries which is being offered them by European firms." It was the intent of the Congress in passing the new liberalized law to do away with such an unnecessary penalization of U.S. exporters. Our balance of trade position, let alone our seriously deteriorating general international balance of payments, no longer permit this nation the luxury of such a policy.

It is also time for the Administration and the Congress to review the Dirksen-Fino amendment which makes it impossible to utilize the facilities of Export-Import credit for financing U.S. exports to Eastern European countries. Again, our deteriorating balance of payments position makes the maintenance of this law on the books a luxury that we as a nation can ill afford. In relaxing this law, we certainly would not be playing a pioneering role. For example, West Germany is prepared and does extend export financing to the countries of Eastern Europe.

A similar review is required of our policies concerning the wholesale denial of MFN treatment to the countries of Eastern Europe. The perpetuation of policies of the past does little to promote the real economic interests of our nation in the 1970's.

Regrettably, as in so many other areas of our national policy, the possibility of liberalizing our trade policies with Eastern Europe is apparently tied by the Administration to the Indochina war. In the years to come, I think historians will find vast amusement as they contemplate how American political leaders allowed the tail of tiny Vietnam to wag the dog—which also happened to be the most powerful nation this world has known.

The steps that have been taken toward liberalizing trade with Communist China are encouraging. Again, it would be unrealistic to expect American subsidiaries in third countries to take full advantage of liberalization in the regulations which permit them to sell to Communist China so long as the Vietnamese war continues. However, in saying this, it is encouraging to note that we are taking limited steps now that could be built upon in the future—assuming, of course, that the United States soon can enter a saner and less troubled age.

In my opening remarks I referred to the somewhat unclear stance of the United States in foreign economic relations. I share the publicly expressed concern of Commerce Assistant Secretary Davis that the Administration often does not speak with one consistent voice in the area of trade policy. At times, the cacophony of different Administration voices reminds one of a warm-up session of the New York Philharmonic before the conductor arrives on the scene.

In my view, the Office of the Special Representative for Trade Negotiations lacks the strong voice and coordinating role that it played in past Administrations. I do think it vital that this trade office of the President be strengthened. The recommendation of the Ash Committee on Government Reorganization approximately to double the STR's meager staff should be adopted. The coordinating role of STR also should be strengthened toward the end of insuring that public statements on trade reflect our overall national interests.

When the Administration puts its mind to it, it does very well in this area—as witnessed by the opening parade of Administration witnesses before the House Ways and Means Committee on the Administration trade bill. But one gets the impression that the Administration seldom puts its mind to problems in the trade area until a crisis is imminent. Our political relations with another country or bloc of countries could be seriously damaged because of the malfunction of trade policy. This already has happened in the textile area and may be happening in the preferences area where the Administration may be underestimating the lack of Congressional support for this proposal.

Looking over the Administration's record in the trade area to date, I applaud the President's rhetoric. It has been very good indeed. However, if one looks at what has been done rather than what has been said, particularly in the area where trade policy collides head on with special interest groups, the record is less clear. Actions to date do not fully support the words. For example, the oil-import policies of this nation are in desperate need of review. The present policies not only contribute to higher fuel and gasoline prices in many of our States, but also give rise to increasingly severe supply problems. The blueprint for changing these policies—prepared by members of his own cabinet—has been on the President's desk for some time now, but we have yet to see a policy decision liberalizing the present, archaic oil-import system.

In the textile area, the Administration to date has abjured accepting and acting on compromise proposals. The Administration shares the blame with certain textile exporting nations that this matter has been allowed to drag on for so long at such high cost to our political relations with other countries and at such high cost to our domestic textile industry.

A third area concerns our meat-import policy. The consumer interest—which is not adequately represented in the high Government councils that make our decisions affecting trade—clearly dictates that our meat-import policies be liberalized, particularly as they affect second-grade meats such as hamburger meat. Our relations with Latin America similarly dictate that such liberalization be affected, as does our fight against inflation. But again, a negative decision apparently has been made.

In citing these three examples, I do not contend that they are necessarily a true indication of the President's intentions; but they do begin to set a pattern that should be closely watched.

It seems clear that 1970 will be a critical watershed year in terms of the foreign economic policy of the United States. The omens are most certainly mixed. It is ironic that as Congress now stands at the threshold of passing protectionist legislation, Western Europe is entering a new era of partnership and community. It is important to all of us that our foreign economics policies continue to move forward toward a freer, fairer, continued open-trading world. This is particularly vital in the context of the inflation that we and other industrialized nations are facing. Moreover, it is the key element in the leadership role of the United States in the free world.

SOVIET MIDEAST THREAT

Mr. JAVITS. Mr. President, Near East Report, a biweekly journal which comments on developments in that troubled

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portion of the world, recently ran an article which I feel provides great insight into Israel's increasingly desperate situation at the hands of its radical Arab enemies and the U.S.S.R. The article, "May 1967–May 1970" points up the tragic similarity between the Soviet menace now and as it existed at the outbreak of the 6-day war 3 years ago this month. The only difference now is that the Soviet presence in the Middle East today is felt not simply in terms of Soviet arms provided without cost to the radical Arabs, but in terms of men—Soviet fighting men, not "technicians." Above all, this article focuses on Israel's growing deplorable sense of isolation in a world community that offers no treaties or alliances, no assistance except in the form of occasional sales of arms, no hearing of its grievances except the counsel of the United Nations. This article makes a brief but eloquent case for the United States to provide Israel with the jet fighters it needs for survival, and as such, I wish to call it to the attention of my colleagues. I, therefore, ask unanimous consent that the portion of the article I have just described be printed into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAY 1967–MAY 1970

We must not shrink from the terrifying reality.

For all practical purposes, the Soviet Union has enlisted in the Arab war against Israel.

Russian pilots now fly the MIGs which Moscow has supplied to the Egyptian air force. Russian soldiers operate the new SAM–3 missile sites. They defend the Egyptian heartland and they provide air cover so that Egyptian artillery and planes may prosecute the War of Attrition against the outnumbered and outgunned Israel forces along the Suez Canal.

What is Moscow's purpose? Is it to destroy Israel? Is it to force her to her knees? Is it to compel the Israel army to withdraw so that Egyptian tanks may again roll across the Sinai desert to menace Israel cities—Jerusalem and Tel Aviv—as in May 1967? Is it to enhance Soviet prestige and power, to force open the Suez Canal, to undermine pro-Western governments in the area. to control the valves which regulate the flow of oil to Europe?

A tiny country of less than three million people now confronts not only the Arab armies but the mighty power of the Kremlin. The interests of hundreds of millions of people in Europe and on this continent are vitally affected by the bravery and skill of Israel's fighting men and women.

ONCE AGAIN, ISRAEL STANDS ALONE

Yet at this moment this little country stands alone.

She has no allies to come to her assistance. She has no treaties to invoke. There is no international tribunal to intervene; the machinery of the UN Security Council is geared and warped against her by the Soviet veto. The Great Powers are again strangely silent. No eloquent voices are raised in the foreign offices of Western capitals.

The only hope is for swift action by the United States.

Israel has not asked for the intervention of American soldiers. In a message to President Nixon, Premier Golda Meir renewed Israel's request for military and economic aid.

In the light of the new and shattering Soviet threat to the peace, the United States must move swiftly to grant Israel's requests. When the United States rejected them in March, it was explained that if there were a change in the military balance, the Administration would reconsider.

Well, the balance has certainly been changed.

Israel has been compelled to suspend her deep penetration raids which had served to blunt the Egyptian offensive across the Suez Canal. Israel has refrained from bombing the SAM–3 sites which are now protected by Soviet pilots and there has been a sharp increase in Israel casualties because of heavy Egyptian bombardment. (*27 dead, 63 wounded at the Canal in April.*)

The **PRESIDING OFFICER**. What is the pleasure of the Senate?

Mr. **CHURCH**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

GROWING SUPPORT FOR INCOMES POLICY

Mr. **PROXMIRE**. Mr. President, last Thursday I introduced in the Senate a bill to bring informed public opinion to bear upon price, wage, and income behavior—a so-called wage-price guidelines bill.

Such an incomes policy is not a cure-all, but it can help. With the favorable action last week on the companion measure, I introduced Thursday—the Reuss bill—by a House subcommittee, the Congress seems now ready to move.

Both this year and last year the Joint Economic Committee has supported and urged the institution of wage-price guidelines. Both Arthur Burns, the Chairman of the Federal Reserve Board, and Secretary George Romney of HUD, have urged similar action.

But others have urged such a policy too. In the Washington Post for Sunday, May 31, 1970, Hobart Rowen quotes a number of economists, businessmen, and domestic and international organizations which have urged an "incomes policy" now.

In addition to myself, Representative REUSS, Chairman Burns, and Secretary Romney, Mr. Rowen details the views of the others. These include Gardner Ackley, Chairman of the Council of Economic Advisers from 1964 to 1968. The list includes Donald S. MacNaughton, president of the Prudential Insurance Co. of America. We find Fortune magazine, the Lionel D. Edie Co., a business advisory group in New York, the Organization for Economic Cooperation and Development—OECD—and many, many others, including the Republican minority members of the Joint Economic Committee.

This morning, in a most interesting turn of events, Mr. Murray Weidenbaum, the Assistant Secretary of the Treasury, testified before my Subcommittee on Economy in Government that he had been urging an "incomes policy"—unsuccessfully it would seem—on the Secretary of the Treasury and the administration.

If there was ever almost universal support for a policy, there is now for an incomes policy. Almost everyone but the President and his key advisers are convinced it should happen.

I ask unanimous consent that Mr. Rowen's interesting and informative article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INCOMES POLICIES GATHER BACKERS

(By Hobart Rowen)

It's often said that one of President Nixon's arguments against wage-price guideposts, or "incomes policies," or even jawboning is his memory of the horrible mess created by the formal controls administered by the Office of Price Administration during World War II.

Mr. Nixon was an OPA lawyer, and he recalls vividly, it is said, the mass of red-tape, the black markets, the inadequacy of regulations—and their basic interference with the free market mechanism. His fear, apparently, is that if he backs voluntary methods and they fail, there then would be a back-sliding into formal controls.

But another ex-OPA lawyer, equally aware of the hazards of a formal wage-price control system, takes a different view. Gardner Ackley, Chairman of the Council of Economic Advisers 1964–1968 said in a recent speech:

"Both business and labor know by now that they are caught up in an inflationary rat race that's getting them nowhere; they want and need some leadership in slowing down the treadmill they're on, and eventually getting off it."

At his meeting the other night with financial leaders—an outgrowth of the stock market slide—Mr. Nixon indicated that he may finally be relaxing his opposition to a mild form of pressure, as suggested by Federal Reserve Chairman Arthur F. Burns.

In fact, there is a growing and impressive list of supporters for some kind of action on the wage-price front:

Donald S. MacNaughton, President of the Prudential Insurance Co. of America, suggested that the President should declare as a national objective that the rate of inflation "as measured by the broad GNP price index, should not exceed 4 percent by the end of 1970 and 2 percent by the end of 1971." The President would then bring public pressure to bear on business and labor by announcing a set of guidelines.

Fortune Magazine, "warily and reluctantly" would set up voluntary guideposts, similar to those of the early 1960's, built around a 5.5 percent figure for wages. This is designed to cover a partial catch-up for the previous year's inflation, plus a 3 percent productivity factor. Under the Fortune formula, the wage guidepost would edge down as inflation subsides. Price guidelines would not eliminate price increases, but force producers to absorb some part of their increased costs out of profits.

The Organization for Economic Co-operation and Development, in its annual assessment of the U.S. economy, politely suggested that an incomes policy might enhance "progress towards price stability and an earlier return to fuller employment."

The Lionel D. Edie Co., a business-oriented advisory company in New York, argued for selective controls, even if difficult to enforce. "At this time," the company says, "controls appear preferable to highly disruptive inflation, a confidence crisis and anarchy in the money markets."

Both Democrats and Republicans have come forward with specific proposals. One by Rep. Henry S. Reuss (D-Wis.) would require

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the CEA to promulgate a set of guideposts. Another, by Senators Jacob Javits (R-N.Y.), Jack Miller (R-Iowa), and Len Jordan (R-Idaho) would direct the CEA to issue biweekly reports on the implications of important price decisions and wage agreements. For the first time, support of the Javits-Miller-Jordan proposal was offered within the Administration, in the person of Under Treasury Secretary Charles E. Walker.

Bitter and emotional arguments against any such proposals have been made by Labor Secretary George Shultz. The most reasoned case against plunging back into wage-price guidelines has been developed by Economic Council Chairman Paul W. McCracken. His position is that in the Johnson era, the strong-arm approach, so far as industry was concerned, was "discriminatory and inequitable." Moreover, he suggests, the guidepost approach has no impact on the area of prices where there has been the biggest inflation—services.

On the question of equity, most proponents of wage-price guideposts suggest that the consequences of the alternatives must be considered. Wilfred Lewis Jr., economist for the National Planning Association, puts it this way: "When unemployment increases from 4 to 4½ per cent because of fiscal and monetary policy . . . it's not as though everyone in the country went home from work a few minutes early and took a small cut in pay.

"Rather, some will be laid off altogether . . . while others are as busy as ever and even enjoying pay increases. Similarly, what's equitable about people on fixed incomes having their purchasing power and standards of living eroded by inflation while others are making out like bandits and repaying their debts in deflated currency?"

McCracken's insistence that an incomes policy is ineffective is contested by others. Walter Heller, for example, says: "I just plain and flatly disagree with his conclusion that guideposts didn't have a real impact from 1963 to 1966." Heller says that a study by George Perry "while not conclusive, is pretty damn persuasive."

But how, the McCracken supporters say, do you propose to handle the rising price of such things as doctor bills, haircuts, or dry-cleaning? Ackley responds that this argument misses the point: "The inflationary bias in our economy does not arise from such prices as these, which mainly *reflect* cost and price increases that have already occurred elsewhere. The bias arises from the decisions on wages and prices made by those who have a modicum of economic power—that is, some freedom from dictation by the general state of the market. Such firms and unions possess a degree of discretion as to their wage and price policies that can be exercised for good or for ill. Individually, this discretion is not great. Cumulatively, it is significant."

The Edie company's assertion that controls in fact can and do work seems convincing. Comparing consumer and wholesale prices during the Korean war period and recently, the difference is startling.

From 1951 to 1956, the consumer price index rose 4.6 per cent; from 1965 to 1970, the CPI jumped 22.8 per cent. From 1951 to 1956, the wholesale price index actually fell 0.5 per cent; from 1965 to 1970, it soared 14.1 per cent.

During the Korean war period, of course, prices and wages were frozen, taxes were raised, and consumer credit controls were applied. "Controls put a lid on inflation during the Korean war," Edie sums up. "There is no reason to doubt their effectiveness, although one would expect milder, more selective and perhaps only voluntary controls today."

The final "standard" argument against guideposts is that they don't get to the root of the inflation problem: the only true way, this argument goes, is through a tough monetary and fiscal policy.

No doubt about it—by applying a crunch, we can lick inflation. But in the process, we will produce an unemployment level unacceptable in today's society. As Peter Kenen, Columbia University Provost, told the American Bankers Association some days ago, a 6 per cent unemployment rate this summer can mean a black teen-ager rate of 30 per cent. Do we want to face that?

Very sensibly, Arthur Burns has come around to an incomes policy instead of the crunch; perhaps the President will go along. He would have powerful support on Capitol Hill, and increasingly in the business community. One mutual fund manager here for the meeting with President Nixon says flatly that a wage-price guidepost policy "would be worth 100 points rise on the Dow-Jones index."

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be permitted to continue for 2 additional minutes in the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO ACTION BY JUSTICE DEPARTMENT AFTER 190 DAYS IN THE CASE OF A. E. FITZGERALD

Mr. PROXMIRE. Mr. President, over the entrance to the Supreme Court there is a motto which we all know, "Equal Justice Under Law." But at this time the law appears to be—in the words of George Orwell—more equal for some than for others.

One hundred and ninety days ago I wrote to the Justice Department asking for an immediate investigation into the case of A. E. Fitzgerald—the Air Force efficiency expert who was "fired" by the Air Force because he revealed the huge cost overruns on the C–5A airplane.

Everything Fitzgerald told my subcommittee was true. The overrun was $2 billion—or more. The plane has failed to meet its specifications. They have not only been degraded but now there appears to be a major defect in the wing which may jeopardize the entire project.

But A. E. Fitzgerald was harassed, ostracized, investigated, and fired. The way the Air Force acted was like some primitive society where the man who told the truth or brought bad news was sacrificed for stating it. If the Air Force and society as a whole follow such a course, the medical profession will soon vanish. Each time a doctor diagnoses a fatal disease, he will be charged with the responsibility for causing it.

Now the Justice Department has failed to act after 190 days. Yet there was a clear violation of the law on the face of it. A man was fired for testifying before a congressional committee. It is a crime to injure a witness because of his testimony. But still there is no action.

This Justice Department apparently holds a double standard. There is one standard for private citizens who do wrong. But there is another standard, apparently, for the bureaucracy or the heads of agencies and departments who break the law.

When will the Justice Department act? When will that Department begin to apply law and order to the Defense Department? Are not 190 days long enough even for the machinery of the Justice Department to move?

When I learned that Mr. Will Wilson, the Assistant Attorney General was to appear before the Senate Banking Committee on June 8 on the issue of Swiss bank accounts, I wrote him a letter advising him that I intended to pursue the matter of the Fitzgerald investigation and the lack of action on it when he appeared before the Banking Committee.

I ask unanimous consent that the text of my letter to Assistant Attorney General Wilson be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HON. WILL WILSON,
Assistant Attorney General, Department of Justice, Washington, D.C.

DEAR MR. WILSON: It has now been 190 days since I first wrote to Attorney General Mitchell asking the Justice Department to take action against those who violated the Federal criminal code in connection with the firing of Mr. A. Ernest Fitzgerald. It has also been three months since I wrote you personally concerning this case. To date, no action has been taken. I have not even had the courtesy of a substantive reply to my letter of March 2, 1970.

Mr. Wilson, I do not take this matter lightly. There is no question that the statute (15 USC 1505) has been violated. Other than political considerations, I can think of no reason why the Justice Department has been so dilatory in bringing prosecutions in this case.

I look forward to your appearance before the Senate Banking and Currency Committee on June 8, 1970.

I hope we can pursue this further then.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

MR. O'BRIEN SHOULD APOLOGIZE

Mr. CURTIS. Mr. President, the war in Vietnam did not start yesterday. It did not start on January 21, 1969. The war in Vietnam had been building up for 8 long years when President Nixon took office.

When the din and confusion which is enjoyed so thoroughly by Mr. Nixon's critics dies down, and a reasonable amount of time has elapsed, historians will then record what happened in 1969 and 1970. We do not know what the final verdict of the historians will be. There are some things about which we can be certain.

History will record the fact that after 8 years of sending more and more men to Vietnam, under President Nixon's leadership 115,000 of our troops have been brought home. It will further record that as of this date President Nixon has announced plans for a further withdrawal of 150,000 troops.

In order to carry on this withdrawal of troops from Vietnam, it became necessary for President Nixon to order the crossing of the Cambodian border to save the lives of Americans and to continue our troop withdrawal from Vietnam. The success of that venture will have to be recorded by the historians, based upon the facts as they develop in the future. I believe that that verdict of history will be in Mr. Nixon's favor. What he did involved a risk. We must keep in mind, however, that to do nothing under the circumstances would involve a greater risk to American lives.

I know that history will credit Mr. Nixon with courage and will show that he acted with honesty and in the full belief that what he was doing was necessary to save the lives of American troops now in Vietnam. Can any reasonable person ask anything more?

History will record some other things too. It will record the fact that some of President Nixon's critics were unfair, unjust, harsh, and cruel. It will record the fact that some of Mr. Nixon's critics never once raised their voices in condemnation or criticism of North Vietnam, the Vietcong, or Communists generally. They found no fault with them. It will also be recorded that some of Mr. Nixon's critics continued and continued in their tirades without having one word of praise for the United States of America or for any President of the United States.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **CURTIS**. Mr. President, I ask unanimous consent that I may proceed for 10 additional minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **CURTIS**. Mr. President, at this point I would like to read an editorial which was broadcast in the public interest by radio station KFOR of Lincoln, Nebr., on May 18, 1970:

EDITORIAL

Like Brothers we fight among ourselves. Not over the war . . . for we all want to end the war. But we fight over how the war should be ended. Like Brothers we fight, but let no outsider try to intervene for we'll turn on him and fight our enemy with unity. We all agree that the war in Indo-China should be brought to a complete halt as quickly as possible. We all believe there should be peace . . . not only in the Far East, but the Middle East and all the rest of the world. And we believe that all men should not only be born equal, but have equal opportunities. We express our differences in achieving these goals in many ways . . . some vocally, some demonstratively, and some violently. But all of our attention is centered on what the United States should do. We argue that the United States should get out of Cambodia and Vietnam. Yet we are there because of an aggressor . . . a Country that wants to capture and dominate all of Indo-China by whatever means necessary. Let us all unite as Brothers should, and instead of shouting about our differences so that our enemies can gloat and take comfort from them, let us call attention to the very reasons we are fighting among ourselves. Let us all raise our voices in unison and shout to the world what the real problem is. Then our enemies will note with different feeling than they have noted our headlines in the past. The world will point an accusing finger at them and tell them to withdraw their troops back to their own country. Let us unite as Brothers should and shout to all the world . . . Stop the War. North Vietnam get out of Cambodia. North Vietnam get out of Laos. North Vietnam get out of South Vietnam. Stop the War. Stop the Invasions. Let there be peace in all the World.

A KFOR Viewpoint written and recorded by John Hanlon.

Mr. President, if some historian has time to write in detail concerning the remarks of the critics of President Nixon, it will provide some interesting reading. It will show that there were some who talked long and loud, preaching disunity and discord, and thereafter they grieved over the fact that the country was being torn apart.

Such remarks as "There is no end in sight" and the cry, "Disaster is overtaking us," have been made. Another pronouncement was, "This blood bath which is here now must be stopped." Mr. President, could it be that these modern Rip Van Winkles have been asleep for 8 solid years? Could it be that those who inflame with oratory honestly believe that they have a monopoly on the desire for peace?

Mr. President, substantially all Americans want America's involvement in the fighting in Vietnam to come to an end. The country is not divided on that. There is a difference of opinion on some details of how best to end America's participation in the war in Indochina. Now is the time for tolerance and unity. In times of trial for our nation, Republicans have faithfully stood by Presidents who were Democrats. In time of trial, Democrats have loyally supported Republican Presidents. The unreasonable and vicious attacks have been exceptions. The fact that they are exceptions does not render them harmless in the least. Mr. President, I wish to call the attention of the Senate and the country to the words and the acts of one who is such an exception. I refer to Democratic National Chairman Lawrence F. O'Brien. Mr. O'Brien's words are false, uncalled for, and dishonest. Mr. O'Brien has resorted to misrepresentation and mudslinging.

Lawrence F. O'Brien has gone so far as to say:

> I can only speculate in sorrow whether these young people (at Kent) would have been killed were it not for the Nixon-Agnew-Mitchell inflammatory rhetoric—the rhetoric that appeals to the fears and prejudices and darker impulses that lurk within mankind.

In making this utterance, Mr. O'Brien was speaking without any foundation of fact whatever. He submitted no facts. He proved himself to be devoid of honesty and decency and truthfulness. He contributed nothing to the solution of our problems. It is evident he did not intend to do so. It is not any wonder that the Omaha World-Herald said editorially on May 22, "By any test that O'Brien statement is swinish."

Mr. O'Brien may be the Democratic National Chairman. I know a lot of Democrats and Larry O'Brien does not speak for any of them. I do not believe that Lawrence O'Brien spoke for the Democrats in the U.S. Senate or the Democrats in the House of Representatives. They are patriots. They have a sense of fairness. They abhor untruths and slander.

Mr. O'Brien should take a lesson from a very great statesman from Massachusetts. I refer to the distinguished Speaker of the House of Representatives who is retiring this year after a long and distinguished career. Speaker JOHN McCORMACK is deserving of all the praise that he receives. He is a patriot in every sense of the word. He always places his country first. At the reception that was held honoring Speaker McCORMACK but a few days ago, the Speaker responded to the kind words of his colleagues in the House and the Senate and to the tribute paid to him by former President Johnson and by President Nixon with some very appropriate remarks. Among other things he said that he had served under many Presidents—some of them Democrat and some of them Republican; that he did not always agree with his President but that he always tried to so conduct himself that he didn't add to the burdens of the President.

Mr. President, Mr. O'Brien ought to apologize not only to President Nixon but to the country. This country is our country. It belongs to all the people. President Nixon is our President. He is President of all the people.

The **PRESIDING OFFICER**. What is the pleasure of the Senate?

RESIGNATION OF CLARK R. MOLLENHOFF AS DEPUTY COUNSEL TO THE PRESIDENT

Mr. **WILLIAMS** of Delaware. Mr. President, according to press reports over the weekend our friend, Clark Mollenhoff, has tendered his resignation as counsel to the President. As one who has had great respect both for Mr. Mollenhoff and the job he has been doing at the White House I state my regrets at news of his resignation. I think we are losing a great public servant. At the same time I hope whoever takes his place will exercise the same hard rules of fairness and the same discretion in the administration of this office as have been laid down by Mr. Mollenhoff. I have particular reference to his insistence that anyone holding this position with the White House who examines tax returns must file a written request stating why those tax returns are requested and why they are necessary. This rule applies whether it is in connection with prospective Government employment, or a charge of fraud involving an employee of the Government. By placing all requests for tax returns in writing, as has been done under Mr. Mollenhoff's administration of this office, it would be a matter of record, and if in later years it were shown that there had been abuse of this power both the public and the Congress could ascertain the extent and who was responsible for such abuse.

Prior to the initiation of this hard rule by Mr. Mollenhoff, loose practices under previous administrations made it possible for anyone in the White House who had curiosity to examine the tax returns of any John Doe or John Smith, and no records were kept. We were surprised to learn that no records had been kept by either the Kennedy or the Johnson administrations as to who had asked for tax returns or which returns had been requested. That was a rather haphazard method of operation and one which could be highly dangerous, and I am glad that Mr. Mollenhoff with the support of President Nixon corrected this loose procedure.

I emphasize that fact because I noticed that some of the persons who criticized Mr. Mollenhoff were a part of the previous Democratic administrations which had condoned that haphazard procedure. I wonder whom they were trying to protect when they criticized Mr. Mollenhoff.

Nevertheless, I want to express the hope that whoever holds this position under this administration or in subsequent administrations will insist that from this day on he will continue the rules which were laid down by Commissioner Thrower and Mr. Mollenhoff as they worked them out together, that any tax return which is examined will be examined only after a signed request, stating all the reasons for the request and making it a matter of record.

I again compliment Mr. Mollenhoff for the job he has done and extend to him my very best wishes as he returns to journalism. I again express the thought that our Government is losing a distinguished public servant.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. Mr. President, I want to associate myself with the remarks of the distinguished Senator from Delaware (Mr. WILLIAMS).

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. I wish to add a word of praise to Clark Mollenhoff, who has displayed honor, integrity, and great ability. I hope the time comes when he will again consent to serve in public office. As a reporter, he was a diligent and thorough investigator. He is fair and he is honest. He would be a credit as an employee in any office, and I hope the time comes when his situation will be such that he can again render service within Government. I know the service he will render as a journalist will be in the interest of America.

I commend the Senator from Delaware for his remarks of praise of Mr. Mollenhoff.

Mr. WILLIAMS of Delaware. I thank the Senator.

I want to add further that I remember the suggestion was made that there would be those in certain quarters who would be glad Mr. Mollenhoff was leaving this position because they feared him. I have known Clark Mollenhoff for a number of years. I will state that no man in America need have any fear of Mr. Mollenhoff unless—I emphasize, unless—he had heretofore done—or had contemplated doing—something that was unethical as far as Government is concerned. In that instance Clark Mollenhoff would be a most dangerous man to have in public office because he would expose such activities, regardless of who or what political party would be involved. Yes, Clark Mollenhoff would not be feared by those who are honest and trying to do a good job in Government, but he would be feared by those who had done or who planned to do wrong.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator wish the unfinished business to be laid before the Senate?

Mr. CHURCH. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

CONCLUSION OF ADDITIONAL MORNING BUSINESS

The PRESIDING OFFICER. Without objection, morning business is closed.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The Senate resumed the consideration of the bill.

DOLE AMENDMENT ON PRISONERS IN CAMBODIA, NO. 662

Mr. CHURCH. Mr. President, the Dole amendment is a travesty. Its adoption would not help a single American prisoner of war.

On the contrary, the passage of this amendment could only have the very opposite effect. By authorizing the President to keep U.S. forces in Cambodia indefinitely, or send troops back whenever he chooses as long as U.S. prisoners are held there, the amendment would be more likely to add to, than help reduce, the list of captured American soldiers. It would also arouse false expectations by the families of prisoners, hopes which simply cannot be fulfilled merely by passing a bill.

The truth is that the longer our forces stay in Cambodia the more vulnerable they will be to capture—and to being killed—by the enemy. We should insure that our forces get out of Cambodia by the deadline laid down by the President. Passage of this amendment will only encourage those in the bureaucracy who would like to see the United States stay in Cambodia indefinitely in order to prop up the Lon Nol government.

If the Senator from Kansas proposes waging war in Cambodia until American prisoners are freed, I wonder if he would suggest that we also invade North Vietnam or Laos to free the prisoners there? The number of Americans held prisoner in Cambodia is minuscule compared with the number held in North Vietnam.

I believe the Senator from Kansas voted for the amendment last December—supported by the White House—which prohibited the sending of ground troops to Laos or Thailand. He did not propose then, if my memory serves me correctly, that the prohibition not become operative until all U.S. prisoners in Laos were released. The principle involved here is the same.

I wonder also if the Senator from Kansas wishes to delay the withdrawal from South Vietnam of the 150,000 troops, as announced by the President on April 20, until the prisoners in Cambodia are released? If he is concerned about keeping the pressure on the enemy to force the release of prisoners, it would be logical for him to seek to delay the departure of any U.S. troops from Southeast Asia. Would the Senator consider revising his amendment along those lines?

The Senate should not endorse the theory that we should wage war in Cambodia indefinitely in order to try to bring about the release of U.S. prisoners held by the enemy. The best way to get U.S. prisoners released is to reach a political settlement in Paris.

Earlier this year, the Senate passed unanimously House Joint Resolution 454, which expressed the concern of the Congress over the treatment of U.S. prisoners of war and called for their release. There is no division among us when it comes to how we all feel about American prisoners of war—whether in Cambodia, Laos, or North Vietnam. But prisoners will not be released under threat of widening the war. There should be no illusions about that.

I urge that the amendment offered by the Senator from Kansas be defeated.

AMENDMENT NO. 670

Mr. BAYH. Mr. President, listening to our distinguished colleague from Idaho, I am reminded, if indeed any of us need to be reminded, that for some time now the pending order of business before the Senate has been the Cooper-Church amendment to the Foreign Military Sales Act. The amendment, as revised by its sponsors and the Senate provides that "In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970"—a date set by the President himself—no funds may be spent after July 1 for the purpose of retaining U.S. forces in Cambodia; paying the compensation or supporting any American personnel furnishing military instruction to Cambodian forces or supporting Cambodian forces; contracting for military instruction in Cambodia or providing persons to support Cambodian forces; and conducting any air operations in support of Cambodian forces.

As the distinguished Senator from Kansas (Mr. DOLE) has said on a number of occasions during the past 2 weeks, the issues involved here are weighty ones. The Cooper-Church amendment raises important constitutional questions about the relationship between powers of Congress to declare war, to raise and support armies and to make rules for the regulation and governing of these forces

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and the President's powers as Commander in Chief. I concur wholeheartedly with my colleague from Kansas on the need to debate these questions so that we in the Senate—and the American people—are fully aware of the meaning of the Cooper-Church amendment. But I do not believe that it should be debated to death.

Mr. President, a majority of Senators appear ready to support the Cooper-Church amendment. I support it. I believe the Senate of the United States should have an opportunity to express itself and to exercise its constitutional authority.

In the midst of the debate on the Cooper-Church amendment, the Senator from Kansas has introduced an amendment, which is certainly his right, that would nullify the effect of the Cooper-Church amendment whenever the President determines that any American is being held prisoner in Cambodia. Thus the issue of the treatment of American prisoners of war has been thrust into the midst of the debate over whether the expansion of the conflict into Cambodia is in the best interest of our country and a right and proper exercise of Presidential power.

I share the Senator from Kansas' concern about the inhumane treatment of U.S. prisoners of war. On a number of occasions in the past I have publicly expressed that concern. Last August, for example, I introduced a resolution expressing the sense of the Senate that our Government take appropriate action to insure that North Vietnam abides by the terms of the Geneva Convention of 1949.

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I must admit, however, that the logic of interjecting the Dole amendment at this time in the debate escapes me. The Dole amendment does nothing to ease the plight of American prisoners of war. In fact, by sanctioning continued excursions into Cambodia we are likely to increase the number of Americans held prisoner by the North Vietnamese. Thus the amendment is self-defeating.

I fail to see how the amendment proposed by my colleague from Kansas (Mr. DOLE) can in any way contribute to better treatment for American prisoners of war or hasten the release of those prisoners. To my knowledge, the President has not indicated any intention of returning U.S. forces to Cambodia after his self-imposed July 1 deadline in order to free American prisoners in Cambodia. And I think it would be short sighted to nullify the healthy effects of the Cooper-Church amendment by holding out this false hope.

Passage of the Cooper-Church amendment, is designed to prevent an expansion of the war and prevent an increase in the number of American prisoners. I believe passage of the Cooper-Church amendment would indeed contribute to an end to our involvement in Southeast Asia. If we can stop the war, we can secure the release of those Americans who have suffered so long as prisoners of war.

Mr. President, an end to the war does not appear to be in sight. As much as we dislike it, we must be realistic, and recognize that it is not going to end tomorrow. But regardless of the outcome of this debate over the Cooper-Church amendment, or indeed over the Dole amendment thereto, it seems to me that all of us need to speak out forcefully, saying that we are unalterably opposed to any attempt to make American prisoners of war a political issue in an effort to influence the policy of the United States toward the conflict in Southeast Asia. I am as opposed to this as I am opposed to Hanoi's policy of using American prisoners to bargain for political concessions, a practice specifically condemned by the Geneva Convention. It is important for the leaders of North Vietnam to know and for the entire world to know that the citizens of this country and the member of this body may differ over the direction of the war in Southeast Asia and the best means of bringing that war to a speedy and satisfactory conclusion, but in our concern for the welfare of those of our countrymen held prisoners of war whether in Laos, Cambodia, or North Vietnam, we are united. We stand firm in our insistence that North Vietnam abide by the Geneva Conventions in its treatment of prisoners of war.

Although the Hanoi government insists that American prisoners of war receive adequate and proper care they have not permitted impartial inspection which would substantiate and verify such claims. This is but one transgression on the part of North Vietnam which continues to violate the requirements of the Geneva convention. North Vietnam also refuses to release sick and wounded captives or to permit a regular flow of mail. It even refuses to provide a list of those being held captive. As a result, American families have lived in uncertainty and anguish for months and years, not knowing whether their loved ones are dead or alive. This callousness on the part of North Vietnam is the epitome of barbarism and absolutely inexcusable, it seems to me, under any rules which civilized men would normally abide by.

There has been evidence that those imprisoned in North Vietnam and in the jungles of Laos and South Vietnam by Pathet Lao and the Vietcong have frequently been subjected to torture. They have been deprived of sleep, refused food, hung from ceilings, tied with ropes until they developed infected sores. They have been burned with cigarettes and beaten. Some have been kept for months in solitary confinement and subjected to vicious techniques of psychological as well as physical abuse. Others have been held in bamboo cages and taunted like animals. Many suffer from malnutrition and are afflicted with intestinal parasites, particularly those held in jungle prison camps by the Vietcong and the Pathet Lao.

Mr. President, such inhumanity is unconscionable. I feel certain that I speak for all of us in the Senate when I urge our negotiators in Paris to do everything in their power to influence Hanoi to abide by the Geneva convention; when I urge all foreign governments, including the Soviet Union, to lend their assistance to the demands of the United States. I urge that the American public voice its concern more loudly than ever in demanding that the North Vietnamese behave in a civilized manner toward prisoners. And I urge the North Vietnamese Government, the Vietcong, and the Pathet Lao to terminate their lack of concern for the welfare of prisoners and for the anguish of their families. I urge them to cooperate in an exchange of prisoners of war with South Vietnam and the United States and other parties to the conflict. Humanity demands nothing less.

The prisoner of war issue is not political, but humanitarian. It is an issue on which Americans are, I believe, of one mind, regardless of whether they support or oppose our current policy in Southeast Asia. Efforts to help our servicemen held by North Vietnam have been pursued vigorously by both Democratic and Republican administrations. There have been repeated efforts to obtain compliance with the provisions of the Geneva Convention. In particular, both Democratic and Republican administrations have urged such basic measures as the repatriation of sick and wounded prisoners as called for in article 108 of the Geneva Convention. There have been repeated attempts to persuade the North Vietnamese and the Vietcong to observe the convention's provisions for humane treatment of prisoners and to allow this to be verified by impartial international inspection. Attempts have been made again and again to get our adversaries to, at the very least, release the names of those held prisoner so wives, mothers, children and other loved ones of the more than 1,500 men listed as "missing" will not suffer the agony of not knowing whether they are dead or alive.

Mr. President, I have made no secret of the fact that I am opposed to the course being followed by the administration in Southeast Asia. But I have also made clear my concern for U.S. servicemen held prisoner in Southeast Asia and several other Members of this body have done so as well. On August 4, of last year, I expressed my deep concern about the welfare of American prisoners of war in a speech on the floor of the Senate. I subsequently introduced Senate Resolution 243, calling on the President to request the United Nations to take such steps as might be appropriate to bring about compliance by the Government of North Vietnam with its obligations under the Geneva Convention of August 12, 1949, relative to the treatment of prisoners of war.

Many other Members of this body have pursued a similar course of action, and I am certain that each Member of this body shares my concern for the welfare of U.S. prisoners of war regardless of whether or not they agree with our policy in Southeast Asia.

The question is, What can we do as individuals to ease the plight of these unfortunate men? Admittedly, our alternatives are limited. But today, Mr. President, I suggest that there are positive steps we might take. I am today proposing, therefore, one positive step—a small step—we should take immediately. I am submitting an amendment to the Foreign Military Sales Act, H.R.

15628, which would extend the War Claims Act of 1948 to American fighting men and civilians held as prisoners of war by the North Vietnamese, and to those held by the North Koreans as a result of the capture of the U.S.S. *Pueblo*. This amendment provides cash benefits to these prisoners at the same rates and under the same conditions as applied with respect to members of the Armed Forces held prisoner during the Korean conflict. I hasten to point out that these cash benefits are small. Indeed, even if they were much larger, I am sure they could never provide adequate compensation for the hardships suffered by these men. But I think that this measure is still needed, if only as a signal to our soldiers—and to all people around the world—that we accord our fighting men the highest esteem and respect, and of our determination to do everything in our power to see that they are released and sent home to their loved ones.

This amendment was originally proposed by Representative Rogers of Colorado, and was adopted in the House on May 28, 1969. It has been languishing here in the Senate for over a year. If we really mean what we say about our prisoners of war in Vietnam, here is a positive step we can take—and we should take now. I would like to see the Senate make an affirmative gesture to help these brave men and their families, and I hope this amendment will be successful.

The amendment's provisions are woefully inadequate and I feel certain Congress will want to move vigorously to provide more substantial benefits to our prisoners of war. But this amendment has been passed by the House and by passing it now in the Senate it can go into effect without further delay and serve as an admittedly inadequate symbol of our concern for the welfare of our prisoners of war until more meaningful legislation can be enacted.

Mr. President, I ask unanimous consent that the amendment be printed in its entirety in the Record, along with an excerpt of House Report No. 91–249, which accompanied H.R. 4204, the identical bill already enacted by the House.

The PRESIDING OFFICER (Mr. Cranston). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and report will be printed in the Record.

The amendment (No. 670) is as follows:

Amendment No. 670

At the end of the bill, add the following new sections:

Sec. 14. Section 6 of the War Claims Act of 1948 (50 App. U.S.C. 2005) is amended as follows:

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting immediately after subsection (e) the following new subsection:

"(f)(1) As used in this subsection—

"(A) the term 'Vietnam conflict' relates to the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

"(B) the term 'prisoner of war' means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time during the Vietnam conflict by any force hostile to the United States, except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with, or in any manner served, such hostile force.

"(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of $1 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

"(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

"(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under chapter VIII, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

"(B) for inhumane treatment of by the hostile force by which he was held, or its agents. The term 'inhumane treatment' as used in this subparagraph shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more the provisions of article 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Convention of August 12, 1949.

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of $1.50 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) of this paragraph or the inhumane treatment described in subparagraph (B) of this paragraph. In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of $1.50 with respect to any one day.

"(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in the case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the person specified, and in the order established, by subsection (d)(4) of this section.

"(5) Each claim filed under this subsection must be filed not later than three years from whichever of the following dates last occurs:

"(A) the date of enactment of this subsection;

"(B) the date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

"(C) the date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

"(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

"(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses."

Sec. 15. Section 6(e) of the War Claims Act of 1948 (50 App. U.S.C. 2005(e)) is amended as follows:

(1) In paragraph (1), strike out "except any such member" and insert in lieu thereof "or any person (military or civilian) assigned to duty in the U.S.S. Pueblo who was captured by the military forces of North Korea on January 23, 1968, and thereafter held prisoner by the Government of North Korea for any period of time ending on or before December 23, 1968, except any person".

(2) At the end of paragraph (5), add the following new subparagraph:

"(D) In the case of any person assigned to duty in the U.S.S. Pueblo referred to in paragraph (1) of this subsection, one year after the date of enactment of this subparagraph."

Sec. 16. Section 5 of the War Claims Act of 1948 (50 App. U.S.C. 2004) is amended—

(1) by striking out in subsection (e) "subsection (g)" and inserting in lieu thereof "subsections (g) and (i)"; and

(2) by adding at the end thereof the following new subsection:

"(i)(1) As used in this subsection—

"(A) the term 'Vietnam conflict' relates to the period beginning on February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

"(B) the term 'civilian American citizen' means any person who, being then a citizen of the United States, was captured in Southeast Asia during the Vietnam conflict by any force hostile to the United States, or who went into hiding in Southeast Asia in order to avoid capture or internment by any such hostile force, except (i) a person who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (ii) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

"(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to February 27, 1961, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid capture or internment by any such hostile force.

"(3) The detention benefits allowed under paragraph (2) of this subsection shall be at the rate of $60 for each calendar month.

"(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the civilian American citizen entitled thereto, or, in the event of his death, only to the following persons:

"(A) the widow or husband if there is no child or children of the deceased;

"(B) the widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

"(C) the child or children of the deceased in equal shares if there is no widow or dependent husband.

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"(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid to the person entitled thereto, except that if a person entitled to payment under this section is under any legal disability, payment shall be made in accordance with the provisions of subsection (e) of this section.

"(6) Each claim filed under this section must be filed not later than three years from whichever of the following dates last occurs:

"(A) the date of enactment of this subsection;

"(B) the date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or

"(C) the date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States.

The Commission shall complete its determinations for each claim filed under this subsection at the earliest practicable date, but not later than one year after the date on which such claim was filed.

"(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses."

The excerpt of the report, presented by Mr. BAYH, is as follows:

EXCERPT FROM HOUSE REPORT No. 91-249

PRINCIPAL PURPOSE OF THE BILL

The reported bill would authorize payments under the War Claims Act of 1948 to members of the Armed Forces captured and held prisoner by the forces of North Vietnam, and to persons captured by North Korea while assigned to duty on board the U.S.S. *Pueblo,* for the period of their captivity at the same rates and under the same conditions as applied with respect to the members of Armed Forces held prisoner during the Korean conflict. In general, benefits are paid at the rate of $2.50 for each day of captivity. In addition, the bill provides for payments to civilian American citizens held by the forces of North Vietnam at the rate of $60 per month, in the same manner as was provided for civilians interned by the forces of North Korea.

HEARINGS; AGENCY REPORTS; COST

Hearings were held on this legislation on March 5, 1969. Testimony in support of the bill was received from the Foreign Claims Settlement Commission and the American Legion. No testimony adverse to the bill was received.

In their reports on the bill, the Foreign Claims Settlement Commission recommended enactment of H.R. 4204 with amendments, and the report of the Department of Defense recommended similar amendments, but also suggested that consideration of the bill be deferred. The report of the Department of Justice defers to the views of the Commission.

Subsequently, the Bureau of the Budget submitted a report stating that, subject to the committee's consideration of the points raised in the reports of the Commission and the Department of Defense, the Bureau of the Budget would not object to enactment of the bill.

The committee has considered the recommendations of the Commission, and has amended the bill appropriately; and has also considered the recommendation of the Department of Defense that enactment be deferred. The committee feels it is appropriate for this legislation to be enacted at this time.

The United States has received considerable information through escaped prisoners and through prisoners released by the North Vietnamese forces, concerning the treatment of persons held prisoner by the North Vietnamese. Although North Vietnam has subscribed to the Geneva Convention of 1949, the consistent showing by escaped and released former prisoners has been one of inhumane treatment and treatment of prisoners in flagrant violation of the Geneva Convention. Under the circumstances, the committee sees no justification for delay in payment of the token sums prescribed in this legislation to those prisoners who have been released. With respect to members of the crew of the *Pueblo,* it is also clear that the forces of North Korea followed a similar pattern of mistreatment of those members of the Armed Forces.

It is impossible to determine the exact cost of the legislation at this time; however, based upon experience with the similar program established for members of the Armed Forces held prisoner in Korea, it appears likely that the cost of the bill will not exceed $500,000. The costs of the bill are discussed in more detail hereafter in this report.

BACKGROUND

At the conclusion of World War II, the Congress provided through the War Claims Act of 1948 for payment out of the proceeds of vested German and Japanese assets in the United States of a number of categories of war claims. A major category of claims provided for under this legislation was claims of members of the Armed Forces in the amount of $1 per day for each day on which the member was furnished an inadequate quantity or quality of food during the period of his imprisonment. Subsequently amendments in 1952 provided for payment of an additional $1.50 per day to members for each day with respect to which they established that they were required to engage in forced labor or received inhumane treatment, defined generally as treatment in violation of specified articles of the Geneva Convention of 1929 relating to treatment of prisoners of war. Payments under these two programs to 179,578 World War II prisoners of war totaled $123,397,604.

In 1954 the Congress amended the War Claims Act of 1948 to provide for the establishment of a similar program providing compensation to members of the Armed Forces held as prisoners of war by the forces of North Korea. The amounts and conditions for payment were the same as had been provided earlier for persons held prisoner during World War II, except that payments were to be made out of appropriated funds, since there were virtually no assets of North Korea in the United States available for this purpose. In addition, the 1954 amendments provided that no payments would be made to any individual who "voluntarily, knowingly, and without duress, gave aid to, collaborated with, or in any manner served" the forces of North Korea during his imprisonment. Payments were made under this program to 9,460 prisoners, or their survivors, totaling $8,886,473.

With respect to civilian internees, the World War II claims legislation provided for the continuation of the pay and allowances of contractors' employees during the period of their captivity, authorized medical care for these employees for physical disabilities incurred as a result of their captivity and provided for payment of detention benefits in addition at the rate of $60 per month for adults and $25 a month for children for the period of their captivity. 11,652 internees were paid a total of $18,092,461 in detention benefits under this program.

Subsequent amendment to the Missing Persons Act and the War Hazards Act authorized continuation of pay, and provided other benefits, for employees of the United States, and for employees of contractors with the United States captured after World War II in zones of military hazard. Therefore, the 1954 amendments to the War Claims Act provided only for payment of detention benefits to civilians who were captured in Korea of whom seven received payments under the 1954 act totaling $16,774.

PROVISIONS OF THE BILL

The reported bill would provide for payment to members of the Armed Forces held prisoner by the forces of North Vietnam at the rate of $1 per day for each day on which the member received an inadequate quantity or quality of food during his captivity and $1.50 per day for each day on which he was required to perform forced labor, or was subjected to inhumane treatment (defined generally as treatment in violation of the Geneva Convention of August 12, 1949, to which North Vietnam is a signatory). The bill also provides for payment to all civilian American citizens who are held captive by the North Vietnam forces at the rate of $60 per month, which is in addition to any payments they may receive under the Missing Persons, Defense Base, or War Hazards Acts.

The committee recognizes that the amounts provided by the bill for members of the Armed Forces and for civilian American citizens held captive are inadequate compensation for the hardships they have suffered; however, since in general no monetary payment can actually be adequate compensation, the committee feels that the payments provided in the bill serve as a symbolic gesture on the part of the United States expressing recognition of the hardships suffered by the beneficiaries in keeping with the procedure established under the World War II and Korean conflict claims program.

In addition, the bill provides for payment, at the same rates and under the same conditions as applied under the Korean conflict claims program, to all persons captured while serving on board the U.S.S. *Pueblo.* The committee feels that the circumstances under which these individuals were captured and held are essentially the same as apply to members of the Armed Forces captured and held by the forces of North Vietnam, and by the forces of North Korea during the Korean conflict, so as to justify treatment of these persons in the same fashion as applies to persons captured while serving in other zones of hostilities.

PROCEDURES OF THE COMMISSION

The 1954 Korean conflict claims legislation dealt with the deeply troublesome problem of collaboration by some members of the Armed Forces with their captors during the periods of their captivity in Korea. As a result, the 1954 legislation provided that no payments would be made to members of the Armed Forces, or civilians, who "voluntarily, knowingly, and without duress, gave aid to, collaborated with, or in any manner served" the interests of North Korea during their captivity. The reported bill applies the same test with respect to members of the Armed Forces and civilians held prisoner by the forces of North Vietnam and to persons serving on board the U.S.S. *Pueblo.*

The test obviously excludes persons who voluntarily defect to the enemy, but does not exclude persons who surrender when faced with overwhelming odds. In addition, the legislation recognizes that through torture, whether physical or mental, and through deprivation of food, the will to resist of many, if not, most, men can be broken. Therefore, the legislation provides that, in order for benefits to be denied, the aid, collaboration, or service of the interests of the captors of the individual must have been

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performed by the affected person voluntarily, knowingly, and without duress.

A procedural problem arose during the consideration of the Korean claims program which made the work of the Foreign Claims Settlement Commission particularly difficult. The Commission was required to grant a hearing to each person who requested such a hearing upon denial of benefits. The Commission was furnished a substantial amount of information by the Department of Defense bearing upon the question of collaboration of individual members of the Armed Forces while held prisoner. Although this information in the hands of the Department of Defense was well known to the forces of North Korea, and presumably the remainder of the Communist world and, if accurate, was also well known to the individual claimants, the information was generally classified as "Top Secret." The Commission was therefore placed in the dilemma of having to deny benefits to individuals on the basis of top-secret information which could not then be disclosed to the individual about whom the information related, except in general summary form which of necessity was so vague as to make it virtually impossible for the person charged with collaboration to rebut precise charges made against him.

During the hearings, this procedural problem was discussed with the Chairman of the Foreign Claims Settlement Commission. The committee expects that in the adjudication of individual cases arising under this legislation where benefits are proposed to be denied to an individual on the basis of information that he gave aid to, collaborated with, or served the interests of North Vietnam or North Korea, as the case may be, the Commission's procedures will provide that the individual will be furnished a precise statement of facts indicating such activity. If the information is classified, and therefore cannot be disclosed to the claimant or his counsel, the committee expects that the Commission will seek to obtain declassification of this information. Where the information is already known by the North Vietnamese or North Koreans, as the case may be, and is also presumably known by the claimant, it would seem rather useless to the committee to retain a security classification on such information. If the Commission is unable to obtain declassification of such information, the committee expects that this information will be disregarded by the Commission in its adjudication of the individual case, and the Commission's decision will be based entirely on the record made at the hearing.

SECTION-BY-SECTION ANALYSIS

The first section of the reported bill would amend section 6 of the War Claims Act of 1948 by adding a new subsection (f) defining that terms "Vietnam conflict" and "prisoner of war." Paragraphs (2) and (3) of the new subsection (f) would prescribe the amounts of payment to individuals, and the conditions for payment of such benefits.

The subsection also provides for payments out of appropriations and requires that claims must be filed within 3 years from whichever occurs last, the date of enactment of the bill, the date of return of the prisoner to the jurisdiction of the United States, or in the event of death claims, the date of death as determined by the Department of Defense.

Section 2 of the bill provides for payment of war claims benefits to persons serving on board the U.S.S. *Pueblo* who were captured and held by the forces of North Korea during 1968. This covers not only the assigned members of the crew, but marines and civilians assigned to duty on board that vessel. Claims under this section must be filed within 1 year after date of enactment of the bill.

Section 3 of the bill provides for payment to civilians captured in Southeast Asia during the Vietnam conflict, who are held prisoner by the forces of North Vietnam. Benefits are to be paid at the rate of $60 per month, and are to be paid out of appropriated funds. Claims must be filed within 3 years from the date of enactment, the date of return to the jurisdiction of the United States, or the date determined to be the date of death, whichever last occurs.

DISCUSSION CONCERNING THE COST OF THE PRISONER-OF-WAR CLAIMS PROGRAM AS PROPOSED UNDER THE BILL

The total number of civilian internees and prisoners of war which will be covered under H.R. 4204, of course, will not be known until the end of the Vietnam conflict. Accordingly, the exact cost of the program cannot be estimated at this time.

The average number of prisoner-of-war days per prisoner during the Korean conflict was 556 days (approximately 1 year 6 months). Assuming 333 out of the 1,275 American military personnel who are classed as prisoners or missing were actually held as prisoners of war for the same number of days (556), the total number of prisoner-of-war days would be 185,148. Based on the foregoing figures, the estimated amount required to pay awards would be $462,870.

With respect to the *Pueblo*, 81 members of the Armed Forces (of whom one died while in captivity) and two civilians were held prisoner for 11 months. The total cost of claims arising out of this incident should approximate $68,675.

The Department of Defense listed a total of 8,818 members of the Armed Forces of the United States as having been originally reported as "missing in action" during the Korean conflict. Of this total, a determination of death was made in the case of approximately 7,000 individuals by the Department of Defense under the Missing Persons Act. Approximately 50 percent of the 7,000 presumptive death cases, or 3,500 military personnel, were determined to have died while in the hands of the opposing force. It was ascertained that virtually all deceased prisoners would have at least one survivor eligible to assert a claim authorized in the Korean conflict claims program.

In addition, the Department of Defense listed 4,953 members of the Armed Forces as having been captured or interned during the Korean conflict. Accordingly, the potential claim load was estimated at 8,500 eligible claimants. The average number of prisoner-of-war days per prisoner was estimated at 556, making a total of 4,723,000 compensable days at $2.50 per day. The cost of the claims was estimated, therefore, at $11,817,500.

Upon completion of the program, however, 9,460 awards had actually been made to prisoners or their survivors in the total amount of $8,886,473, an amount approximately $3 million less than had been previously estimated. The total amount included seven civilian internee claims amounting to $16,774. The increased number of awards was due to the larger number of claims involving more than one survivor for deceased prisoners which had not been previously estimated.

Whether claims of prisoners of the Vietnam conflict will follow a similar pattern cannot be estimated at this time. Undoubtedly more detailed information concerning these prisoners will become available at some future date.

AGENCY REPORTS

FOREIGN CLAIMS SETTLEMENT, COMMISSION OF THE UNITED STATES,
Washington, D.C., March 5, 1969.

HON. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Further reference is made to your request of February 12, 1969, for a report by the Foreign Claims Settlement Commission on the bill H.R. 4204, 91st Congress, to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict.

In effect, the bill would provide for the payment of compensation at the rate of $2.50 per day for every day a member of the Armed Forces of the United States was held as a prisoner of war by a hostile force from August 5, 1964, to some future date to be designated by the President or by the Congress.

In order to carry out the purpose of the bill certain amendments are proposed to subsection (e) of section 6 of title I of the War Claims Act of 1948, as amended, Subsection (e) of section 6 was added to the act by Public Law 83–615, approved August 21, 1954. Subsection (e) of section 6 authorized the Foreign Claims Settlement Commission to receive and determine the amount of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war during the Korean conflict, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war as prescribed under the terms of the Geneva Convention of July 27, 1929. Compensation is payable at the rate of $1 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

Subsection (e) also provided an additional $1.50 per day for each day on which he was held as a prisoner of war based on the failure of the hostile force to meet the conditions and requirements prescribed under the Geneva Convention of 1929 relating to the labor and treatment of such prisoners.

In case of death or determination of death of the person entitled to compensation, such compensation would be payable to certain specific survivors, including the widow, children, and parents of the deceased prisoner of war in that order of priority.

A "prisoner of war" is defined under the present provisions of subsection (e), paragraph (1), as "any regularly appointed, enrolled, enlisted or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time subsequent to June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to the data of enactment of this subsection, except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force."

Payment of claims under subsection (e) of section 6 of the War Claims Act was authorized to be made out of appropriated funds.

The bill, H.R. 4204, proposes to amend the definition of a "prisoner of war" under subsection (e)(1) by making a technical change in the dates of coverage under the completed Korean prisoner of war program and those prisoners to be covered during the Vietnam conflict. Technical amendments are also proposed under subsection (e)(5) of the act to update the claims filing and completion provisions for the Vietnam prisoner-of-war claimants. In this connection, the Commission is required to complete its determinations with respect to each claim filed no later than 1 year after the date on which such claim was filed.

The Commission, after a study of the material contained in the State Department's so-called white paper on Vietnam prisoners of war ("Vietnam Information Notes," Office of Media Service, Bureau of Public Affairs, Department of State, No. 9, August 1967), the research material prepared by the Foreign Affairs Division, Legislative Reference Service, Library of Congress, as published in the CONGRESSIONAL RECORD, vol. 113, pt. 16, pp. 22041–48, and subsequent material, is of the

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opinion that there has been a gross mistreatment of American servicemen who were captured and held as prisoners of war in Vietnam and that such servicemen be provided some measure of relief over and above their regular pay and allowances. Accordingly, the Commission would recommend that some measure of relief be provided to these individuals.

The Commission understands that there are estimated to be approximately 1,275 American servicemen who are either classed as prisoners of war or missing in North and South Vietnam. The total number of prisoners is not known because, generally, there has been no identification of such prisoners despite the provisions of the Geneva Conventions of 1929 and 1949 which require the detaining power to make such identity. It is known, however, that in addition to at least several eligible survivors, a few prisoners have been released or escaped their captors and they, therefore, would be in a position to file claims for benefits within a short time after the enactment of H.R. 4204.

The attention of the committee is also invited to the fact that a number of civilian American citizens have been stationed in Vietnam during the past 7 or 8 years. Although the Commission has no specific information concerning the approximate number of these civilians or their present status, it is known, however, that some of these civilians have been, or are being, held by hostile forces in Vietnam as well as in other areas in Southeast Asia.

Claims of civilian American citizens who were captured by the Japanese on U.S. territories and possessions and interned during World War II were provided for under section 5 (a) through (e) of title I of the War Claims Act of 1948, as amended. Section 5 (g) of the act also provided compensation to civilian American citizens who were captured in Korea on or after June 26, 1950, by a hostile force. Compensation for both the World War II and Korean conflict civilian internees was payable at the rate of $60 for each calendar month during which a civilian American citizen was at least 18 years of age and at the rate of $25 per month for each calendar month during which such citizen was under 18 years of age.

Precedents for these claims have long been established by the Congress. Accordingly, the Commission recommends that consideration be given to the inclusion of the claims of civilian American citizens under the bill.

The Commission also recommends to the committee that reference be made to the Geneva Convention of August 12, 1949, instead of the Geneva Convention of July 27, 1929. In this connection, the Commission understands that the Government in North Vietnam is a party to the Geneva Convention of August 12, 1949, having acceded to it on June 28, 1957. Consequently, the bases for payment would be violations of the convention of 1949 instead of the failure of a hostile force to meet the conditions and requirements prescribed in the 1929 convention as is presently provided under subsection (e) of section 6 of the act. The recommendation, therefore, would be to substitute language similar to that contained under subsections (d)(2) and (d)(3) of section 6 for subsection (e) of section 6 as well as the substitution of the 1949 convention for the 1929 convention. This would also require certain changes in the act to include the appropriate articles of the later convention.

The committee may also wish to consider the fact that the date of February 28, 1961, has been used in other legislation as the beginning date of the Vietnam conflict and marks the appropriate date when American military advisers began to accompany their Vietnamese counterparts on military operations. Accordingly, it is recommended that the date of "February 28, 1961" be substituted for the date of "August 5, 1964" as it appears on line 1, page 2 of the bill.

The committee's attention is also invited to the bill, H.R. 6295, which was introduced on February 5, 1969, by Representative Tunney. This bill proposed a payment of $16 for each day a member of a uniformed service is in a "missing status." This would include members who were captured, beleaguered, or besieged by a hostile force, who were in such "missing status" before and after August 23, 1964. The bill which is presently pending before the Committee on Armed Services, would amend title 37 of the United States Code (Pay and Allowances of the Uniformed Services) to provide such compensation. Whether this bill would duplicate the purpose of H.R. 4204 the Commission cannot determine at this time.

While the Commission is in full agreement with the intent and purpose of H.R. 4204 and would recommend its enactment, it nevertheless favors a broader coverage of these claims as reflected in its recommendations outlined above.

Whether the committee may wish to consider the inclusion of these recommendations in the bill is, of course, a matter within the prerogative of the committee.

The committee is informed that time has not permitted securing advice from the Bureau of the Budget as to the relationship of the pending legislation or the report to the program of the President.

Sincerely yours,

LEONARD V.B. SUTTON,
Chairman.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., March 5, 1969.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense on H.R. 4204, 91st Congress, a bill to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict.

The bill, if enacted, would grant any member of the Armed Forces of the United States who was held a prisoner of war for any period of time between August 5, 1964, and the official ending of the Vietnam conflict, the same benefits granted to authorized prisoners of war captured during World War II and the Korean conflict. Benefits under this bill would consist of $1 per day of captivity for inadequate food and $1.50 per day of captivity for forced labor or inhumane treatment contrary to the Geneva Convention. The prisoner must have been captured by a hostile force with which the United States was actually engaged in armed conflict.

The date of August 5, 1964, and the provision that the prisoner of war must have been captured "by a hostile force with which the Armed Forces of the United States were actually engaged in armed conflict" would exclude a number of men now prisoners of war and some of those who have returned from captivity who were captured prior to August 5, 1964. In the view of the Department of Defense, this would be unfair. It is understood that the Foreign Claims Settlement Commission is recommending the insertion of the date, February 28, 1961. The Department of Defense concurs in this recommendation.

The benefits of $1 and $1.50 per day (maximum total $2.50 per day) under this bill would be the same as those authorized for World War II and the Korean conflict. These rates are relatively low by today's standards.

Payments such as these to prisoners of war of World War II and the Korean conflict were not authorized by law until after the cessation of hostilities. This bill, if enacted now, would alter this precedent in that it would provide for payment before the hostilities in Vietnam are terminated. It is noted further that the bill does not cover civilian internees as has been the case in the past. It is believed that the procedure noted above; that is, enactment of such legislation after cessation of hostilities in Southeast Asia would be more appropriate. Accordingly the Department of Defense recommends that enactment of the proposed legislation be deferred.

The fiscal effects of this legislation cannot be calculated by the Department of Defense at this time.

The Bureau of the Budget advises that time has not permitted determination of the relationship of the proposal to the administration's program.

Sincerely,

L. NIEDERLEHNER,
Acting General Counsel.

EXECUTIVE OFFICE OF
THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., March 12, 1969.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your February 12, 1969, letter requesting a report on H.R. 4204, a bill to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict.

In reporting to your committee, the Foreign Claims Settlement Commission stated that while in full agreement with the bill's intent and purpose, it favors broadening its coverage to include American civilians captured in Vietnam, and recommends that the effective date of the bill's coverage be February 28, 1961, rather than August 5, 1964, as in the introduced bill. The Department of Defense, in its report to your committee, held the same view as FCSC on a desirable effective date for the bill's coverage, questioned the appropriateness of the $2.50 per day benefits rate, and noted that the bill does not cover civilian internees as in the past. Defense further stated that such payments in the past have not been authorized by law until after the cessation of hostilities, that such a procedure would be more appropriate with respect to the Vietnam conflict than enactment at this time, and the Department therefore recommended that the bill's enactment be deferred.

Subject to the committee's consideration of the points raised in the Foreign Claims Settlement Commission and Department of Defense reports, the Bureau of the Budget would not object to the enactment of H.R. 4204.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

OFFICE OF THE DEPUTY ATTORNEY
GENERAL,
Washington, D.C., March 17, 1969.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 4204, a bill to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict.

Section 2005 of the War Claims Act of 1948 authorizes the Foreign Claims Settlement Commission to receive and adjudicate the claims of prisoners of war for compensation at the rate of $1 a day for the violation by enemy governments of their obligation to furnish such prisoners of war with the quantity or quality of food to which they are entitled under the terms of the Geneva Convention of July 27, 1929. By definition, the term "prisoner of war" is limited to members of the military and naval forces of the United States who were held as prisoners of war by enemy governments during World War II and the Korean war. The proposed bill would extend the benefits of section 2005 to members of the Armed Forces of the United States who have been held as prisoners of war at any time during the Vietnam conflict.

Whether this legislation should be enacted involves questions as to which the Department of Justice defers to the Foreign Claims Settlement Commission.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

APPENDIX A

GENEVA CONVENTION OF AUGUST 12, 1949

For the information of the Members of the House, some of the relevant provisions of the Geneva Convention of August 12, 1949, referred to in this legislation are set forth below:

GENEVA CONVENTION OF AUGUST 12, 1949

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Convention concluded at Geneva on July 27, 1929, relative to the Treatment of Prisoners of War, have agreed as follows:

PART I

GENERAL PROVISIONS

ARTICLE 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

ARTICLE 2

In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ARTICLE 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(*a*) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(*b*) taking of hostages;

(*c*) outrages upon personal dignity, in particular, humiliating and degrading treatment;

(*d*) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

ARTICLE 4

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

(1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following conditions:

(*a*) that of being commanded by a person responsible for his subordinates;

(*b*) that of having a fixed distinctive sign recognizable at a distance;

(*c*) that of carrying arms openly;

(*d*) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

* * * * *

PART II

GENERAL PROTECTION OF PRISONERS OF WAR

ARTICLE 12

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless, if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such request must be complied with.

ARTICLE 13

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concernd and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

ARTICLE 14

Prisoners of war are entitled in all circumstances to respect for their persons and their honour.

Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men.

Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

ARTICLE 15

The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

ARTICLE 16

Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria.

PART III

CAPTIVITY

SECTION I—BEGINNING OF CAPTIVITY

ARTICLE 17

Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information.

If he wilfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status.

Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname, first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature or the fingerprints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure 6.5 x 10 cm. and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him.

No physical or mental torture nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleas-

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ant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand.

ARTICLE 18

All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners of war, likewise their metal helmets and gas masks and like articles issued for personal protection. Effects and articles used for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment.

At no time should prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none.

Badges of rank and nationality, decorations and articles having above all a personal or sentimental value may not be taken from prisoners of war.

Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64.

The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply.

Such objects, likewise sums taken away in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owners, shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

ARTICLE 19

Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger.

Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone.

Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

ARTICLE 20

The evacuation of prisoners of war shall always be effected humanely and in conditions similar to those for the forces of the Detaining Power in their changes of station.

The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during evacuation, and shall establish as soon as possible a list of the prisoners of war who are evacuated.

If prisoners of war must, during evacuation, pass through transit camps, their stay in such camps shall be as brief as possible.

SECTION II—INTERNMENT OF PRISONERS OF WAR

Chapter I—General Observations

ARTICLE 21

The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned, or if the said camp is fenced in, of not going outside its perimeter. Subject to the provisions of the present Convention relative to penal and disciplinary sanctions, prisoners of war may not be held in close confinemet except where necessary to safeguard their health and then only during the continuation of the circumstances which make such confinement necessary.

Prisoners of war may be partially or wholly released on parole or promise, in so far as is allowed by the laws of the Power on which they depend. Such measures shall be taken particularly in cases where this may contribute to the improvement of their state of health. No prisoner of war shall be compelled to accept liberty on parole or promise.

Upon the outbreak of hostilities, each Party to the conflict shall notify the adverse Party of the laws and regulations allowing or forbidding its own nationals to accept liberty on parole or promise. Prisoners of war who are paroled or who have given their promise in conformity with the laws and regulations so notified, are bound on their personal honour scrupulously to fulfil, both towards the Power on which they depend and towards the Power which has captured them, the engagements of their paroles or promises. In such cases, the Power on which they depend is bound neither to require nor to accept from them any service incompatible with the parole or promise given.

ARTICLE 22

Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned in penitentiaries.

Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favourable climate.

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.

ARTICLE 23

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the Air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

ARTICLE 24

Transit or screening camps of a permanent kind shall be fitted out under conditions similar to those described in the present Section, and the prisoners therein shall have the same treatment as in other camps.

Chapter II—Quarters, Food and Clothing of Prisoners of War

ARTICLE 25

Prisoners of war shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health.

The foregoing provisions shall apply in particular to the dormitories of prisoners of war as regards both total surface and minimum cubic space, and the general installations, bedding and blankets.

The premises provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them.

ARTICLE 26

The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners.

The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed.

Sufficient drinking water shall be supplied to prisoners of war. The use of tobacco shall be permitted.

Prisoners of war shall, as far as possible, be associated with the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing, themselves, the additional food in their possession.

Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

ARTICLE 27

Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall make allowance for the climate of the region where the prisoners are detained. Uniforms of enemy armed forces captured by the Detaining Power should, if suitable for the climate, be made available to clothe prisoners of war.

The regular replacement and repair of the above articles shall be assured by the Detaining Power. In addition, prisoners of war who work shall receive appropriate clothing, wherever the nature of the work demands.

Chapter III—Hygiene and Medical Attention

ARTICLE 29

The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics.

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.

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Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

ARTICLE 30

Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as appropriate diet. Isolation wards, shall, if necessary, be set aside for cases of contagious or mental disease.

Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civilian medical unit where such treatment can be given, even if their repatriation is contemplated in the near future. Special facilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation, pending repatriation.

Prisoners of war shall have the attention, preferably, of medical personnel of the Power on which they depend and, if possible, of their nationality.

Prisoners of war may not be prevented from presenting themselves to the medical authorities for examination. The detaining authorities shall, upon request, issue to every prisoner who has undergone treatment, an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency.

The costs of treatment, including those of any apparatus necessary for the maintenance of prisoners of war in good health, particularly dentures and other artificial appliances, and spectacles, shall be borne by the Detaining Power.

ARTICLE 31

Medical inspections of prisoners of war shall be held at least once a month. They shall include the checking and the recording of the weight of each prisoner of war.

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ARTICLE 40

The wearing of badges of rank and nationality, as well as of decorations, shall be permitted.

ARTICLE 41

In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, in places where all may read them. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

Regulations, orders, notices and publications of every kind relating to the conduct of prisoners of war shall be issued to them in a language which they understand. Such regulations, orders and publications shall be posted in the manner described above and copies shall be handed to the prisoners' representative. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand.

ARTICLE 42

The use of weapons against prisoners of war, especially against those who are escaping or attempting to escape, shall constitute an extreme measure, which shall always be preceded by warnings appropriate to the circumstances.

Chapter VII—Rank of Prisoners of War

ARTICLE 43

Upon the outbreak of hostilities, the Parties to the conflict shall communicate to one another the titles and ranks of all the persons mentioned in Article 4 of the present Convention, in order to ensure equality of treatment between prisoners of equivalent rank. Titles and ranks which are subsequently created shall form the subject of similar communications.

The Detaining Power shall recognize promotions in rank which have been accorded to prisoners of war and which have been duly notified by the Power on which these prisoners depend.

ARTICLE 44

Officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

In order to ensure service in officers' camps, other ranks of the same armed forces who, as far as possible, speak the same language, shall be assigned in sufficient numbers, account being taken of the rank of officers and prisoners of equivalent status. Such orderlies shall not be required to perform any other work.

Supervision of the mess by the officers themselves shall be facilitated in every way.

ARTICLE 45

Prisoners of war other than officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

Supervision of the mess by the prisoners themselves shall be facilitated in every way.

Chapter VIII—Transfer of Prisoners of War After Their Arrival in Camp

ARTICLE 46

The Detaining Power, when deciding upon the transfer of prisoners of war, shall take into account the interests of the prisoners themselves, more especially so as not to increase the difficulty of their repatriation.

The transfer of prisoners of war shall always be effected humanely and in conditions not less favourable than those under which the forces of the Detaining Power are transferred. Account shall always be taken of the climatic conditions to which the prisoners of war are accustomed and the conditions of transfer shall in no case be prejudicial to their health.

The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter and medical attention. The Detaining Power shall take adequate precautions especially in case of transport by sea or by air, to ensure their safety during transfer, and shall draw up a complete list of all transferred prisoners before their departure.

ARTICLE 47

Sick or wounded prisoners of war shall not be transferred as long as their recovery may be endangered by the journey, unless their safety imperatively demands it.

If the combat zone draws closer to a camp, the prisoners of war in the said camp shall not be transferred unless their transfer can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

ARTICLE 48

In the event of transfer, prisoners of war shall be officially advised of their departure and of their new postal address. Such notifications shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of transfer so require, to what each prisoner can reasonably carry, which shall in no case be more than twenty-five kilograms per head.

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp commander shall take, in agreement with the prisoners' representative, any measures needed to ensure the transport of the prisoners' community property and of the luggage they are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph of this Article.

The costs of transfers shall be borne by the Detaining Power.

SECTION III—LABOUR OF PRISONERS OF WAR

ARTICLE 49

The Detaining Power may utilize the labour of prisoners of war who are physically fit, taking into account their age, sex, rank and physical aptitude, and with a view particularly to maintaining them in a good state of physical and mental health.

Non-commissioned officers who are prisoners of war shall only be required to do supervisory work. Those not so required may ask for other suitable work which shall, so far as possible, be found for them.

If officers or persons of equivalent status ask for suitable work, it shall be found for them, so far as possible, but they may in no circumstances be compelled to work.

ARTICLE 50

Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes:

(*a*) agriculture;

(*b*) industries connected with the production or the extraction of raw materials, and manufacturing industries, with the exception of metallurgical, machinery and chemical industries; public works and building operations which have no military character or purpose;

(*c*) transport and handling of stores which are not military in character or purpose;

(*d*) commercial business, and arts and crafts;

(*e*) domestic service;

(*f*) public utility services having no military character or purpose.

Should the above provisions be infringed, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 78.

ARTICLE 51

Prisoners of war must be granted suitable working conditions, especially as regards accommodation, food, clothing and equipment; such conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work; account shall also be taken of climate conditions.

The Detaining Power, in utilizing the labour of prisoners of war, shall ensure that in areas in which such prisoners are employed, the national legislation concerning the protection of labour, and, more particularly, the regulations for the safety of workers, are duly applied.

Prisoners of war shall receive training and be provided with the means of protection suitable to the work they will have to do and similar to those accorded to the nationals of the Detaining Power. Subject to the provisions of Article 52, prisoners may be submitted to the normal risks run by these civilian workers.

Conditions of labour shall in no case be rendered more arduous by disciplinary measures.

ARTICLE 52

Unless he be a volunteer, no prisoner of war may be employed on labour which is of an unhealthy or dangerous nature.

No prisoner of war shall be assigned to labour which would be looked upon as humiliating for a member of the Detaining Power's own forces.

The removal of mines or similar devices shall be considered as dangerous labour.

ARTICLE 53

The duration of the daily labour of prisoners of war, including the time of the journey to and fro, shall not be excessive, and must in no case exceed that permitted for civilian workers in the district, who are nationals of the Detaining Power and employed on the same work.

Prisoners of war must be allowed, in the middle of the day's work, a rest of not less than one hour. This rest will be the same as that to which workers of the Detaining Power are entitled, if the latter is of longer duration. They shall be allowed in addition a rest of twenty-four consecutive hours every week, preferably on Sunday or the day of rest in their country of origin. Furthermore, every prisoner who has worked for one year shall be granted a rest of eight consecutive days, during which his working pay shall be paid him.

If methods of labour such as piece work are employed, the length of the working period shall not be rendered excessive thereby.

ARTICLE 54

The working pay due to prisoners of war shall be fixed in accordance with the provisions of Article 62 of the present Convention.

Prisoners of war who sustain accidents in connection with work, or who contract a disease in the course, or in consequence of their work, shall receive all the care their condition may require. The Detaining Power shall furthermore deliver to such prisoners of war a medical certificate enabling them to submit their claims to the Power on which they depend, and shall send a duplicate to the Central Prisoners of War Agency provided for in Article 123.

ARTICLE 55

The fitness of prisoners of war for work shall be periodically verified by medical examinations at least once a month. The examinations shall have particular regard to the nature of the work which prisoners of war are required to do.

If any prisoner of war considers himself incapable of working, he shall be permitted to appear before the medical authorities of his camp. Physicians or surgeons may recommend that the prisoners who are, in their opinion, unfit for work, be exempted therefrom.

ARTICLE 56

The organization and administration of labour detachments shall be similar to those of prisoner of war camps.

Every labour detachment shall remain under the control of and administratively part of a prisoner of war camp. The military authorities and the commander of the said camp shall be responsible, under the direction of their government, for the observance of the provisions of the present Convention in labour detachments.

The camp commander shall keep an up-to-date record of the labour detachments dependent on his camp, and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross, or of other agencies giving relief to prisoners of war, who may visit the camp.

ARTICLE 57

The treatment of prisoners of war who work for private persons, even of the latter are responsible for guarding and protecting them, shall not be inferior to that which is provided for by the present Convention. The Detaining Power, the military authorities and the commander of the camp to which such prisoners belong shall be entirely responsible for the maintenance, care, treatment, and payment of the working pay of such prisoners of war.

Such prisoners of war shall have the right to remain in communication with the prisoners' representatives in the camps on which they depend.

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CHAPTER III

PENAL AND DISCIPLINARY SANCTIONS

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ARTICLE 84

A prisoner of war shall be tried only by a military court, unless the existing laws of the Detaining Power expressly permit the civil courts to try a member of the armed forces of the Detaining Power in respect of the particular offence alleged to have been committed by the prisoner of war.

In no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the right and means of defence provided for in Article 105.

ARTICLE 85

Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

ARTICLE 86

No prisoner of war may be punished more than once for the same act or on the same charge.

ARTICLE 87

Prisoners of war may not be sentenced by the military authorities and courts of the Detaining Power to any penalties except those provided for in respect of members of the armed forces of the said Power who have committed the same acts.

When fixing the penalty, the courts or authorities of the Detaining Power shall take into consideration, to the widest extent possible, the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will. The said courts or authorities shall be at liberty to reduce the penalty provided for the violation of which the prisoner of war is accused, and shall therefore not be bound to apply the minimum penalty prescribed.

Collective punishment for individual acts, corporal punishment, imprisonment in premises without daylight and, in general, any form of torture or cruelty, are forbidden.

No prisoner of war may be deprived of his rank by the Detaining Power, or prevented from wearing his badges.

ARTICLE 88

Officers, non-commissioned officers and men who are prisoners of war undergoing a disciplinary or judicial punishment, shall not be subjected to more severe treatment than that applied in respect of the same punishment to members of the armed forces of the Detaining Power of equivalent rank.

A woman prisoner of war shall not be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a woman member of the armed forces of the Detaining Power dealt with for a similar offence.

In no case may a woman prisoner of war be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a male member of the armed forces of the Detaining Power dealt with for a similar offence.

Prisoners of war who have served disciplinary or judicial sentences may not be treated differently from other prisoners of war.

II. Disciplinary Sanctions

ARTICLE 89

The disciplinary punishments applicable to prisoners of war are the following:

(1) A fine which shall not exceed 50 per cent of the advances of pay and working pay which the prisoners of war would otherwise receive under the provisions of Articles 60 and 62 during a period of not more than thirty days.

(2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.

(3) Fatigue duties not exceeding two hours daily.

(4) Confinement.

The punishment referred to under (3) shall not be applied to officers.

In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.

ARTICLE 90

The duration of any single punishment shall in no case exceed thirty days. Any period of confinement awaiting the hearing of a disciplinary offence or the award of disciplinary punishment shall be deducted from an award pronounced against a prisoner of war.

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the same time when he is awarded punishment, whether such acts are related or not.

The period between the pronouncing of an award of disciplinary punishment and its execution shall not exceed one month.

When a prisoner of war is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

* * * * *

ARTICLE 97

Prisoners of war shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

All premises in which disciplinary punishments are undergone shall conform to the sanitary requirements set forth in Article 25. A prisoner of war undergoing punishment shall be enabled to keep himself in a state of cleanliness, in conformity with Article 29.

Officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

Women prisoners of war undergoing disciplinary punishment shall be confined in separate quarters from male prisoners of war and shall be under the immediate supervision of women.

ARTICLE 98

A prisoner of war undergoing confinement as a disciplinary punishment, shall continue to enjoy the benefits of the provisions of this Convention except in so far as these are necessarily rendered inapplicable by the mere fact that he is confined. In no case may he be deprived of the benefits of the provisions of Articles 78 and 126.

A prisoner of war awarded disciplinary punishment may not be deprived of the prerogatives attached to his rank.

Prisoners of war awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, on their request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the camp infirmary or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of the punishment; they shall meanwhile be entrusted to the prisoners' representatives, who will hand over to the infirmary the perishable goods contained in such parcels.

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APPENDIX B

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTIONS 5 AND 6 OF THE WAR CLAIMS ACT OF 1948 (50 APP. U.S.C. 2004 AND 2005)

INTERNEES

SEC. 5. (a) As used in subsections (b) and (f) of this section, the term "civilian American citizen" means any person who, being then a citizen of the United States, was captured by the Imperial Japanese Government on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or any Territory or possession of the United States attacked or invaded by such government, or while in transit to or from any such place, or who went into hiding at any such place in order to avoid capture or internment by such government; except (1) a person who at any time voluntarily gave aid to, collaborated with, or in any manner served such government, or (2) a person who at the time of his capture or entrance into hiding was a regularly appointed, enrolled, enlisted, or inducted member of any military or naval force.

(b) The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to December 6, 1941, during which he was held by the Imperial Japanese Government as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid being captured or interned by such Imperial Japanese Government.

(c) The detention benefit allowed to any person under the provisions of subsection (b) shall be at the rate of $60 for each calendar month during which such person was at least eighteen years of age and at the rate of $25 per month for each calendar month during which such person was less than eighteen years of age.

(d) The detention benefits allowed under subsection (b) shall be allowed to the person entitled thereto, or, in the event of his death, only to the following persons:

(1) Widow or husband if there is no child or children of the deceased;

(2) Widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children in equal shares;

(3) Child or children of the deceased (in equal shares) if there is no widow or husband and;

(4) Parents (in equal shares) if there is no husband, or child.

(e) Any claim allowed by the Commission under this section (except under [subsection (g)] *subsections (g) and (i)*) shall be certified to the Secretary of the Treasury for payment out of the war claims funds established by section 13 of this Act, and shall be payable by the Secretary of the Treasury to the person entitled thereto; except that where the person entitled to payment is under any legal disability, any part of the amount payable may, in the discretion of the Commission, be paid for the use of the claimant, to the natural or legal guardian, committee, conservator, orcurator of the claimant, or, if there is no such guardian, committee, conservator, or curator, then the Commission may, in its discretion, make payment to any other person, including the spouse of such claimant, whom the Commission may determine is vested with the care of the claimant or his estate for the use and benefit of such claimant or estate; and if such person is a minor, any part of the amount payable may, in the discretion of the Commission, be paid to such minor.

(f)(1) Except as otherwise provided in this subsection, the provisions of titles I and II of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes", approved December 2, 1942, as amended, are extended and shall apply with respect to the injury, disability, or death resulting from injury of a civilian American citizen occurring while he was held by or in hiding from the Imperial Japanese Government, to the same extent as if such American citizen were an employee within the purview of such Act of December 2, 1942, as amended.

(2) For the purpose of determining the benefits extended and made applicable by paragraph (1)—

(A) the average weekly wage of any such civilian American citizen, whether employed, self-employed, or not employed, shall be deemed to have been $37.50;

(B) the provisions of such Act shall be applicable whether or not any such civilian American citizen was employed;

(C) notice of injury or death shall not be required; and limitation provisions with respect to the filing of claims for injury, disability, or death shall not begin to run until the date of enactment of this section; and

(D) the monthly compensation in cases involving partial disability shall be determined by the percentage the degree of partial disability bears to total disability and shall not be determined with respect to the extent of loss of wage earning capacity.

(3) The following provisions of such Act of December 2, 1942, as amended, shall not apply in the case of such civilian American citizens: The last sentence of section 101(a), section 101(b), section 101(d), section 104, and section 105.

(4) Rights or benefits which, under this subsection, are to be determined with reference to other provisions of law shall be determined with reference to such provisions of law as in force on January 3, 1948.

(5) The money benefit for disability or death shall be paid only to the person entitled thereto, or to his legal or natural guardian if he has one, and shall not upon death of the person so entitled survive for the benefit of his estate or any other person.

(6) The benefit of a minor or of an incompetent person who has no natural or legal guardian may, in the discretion of the Federal Security Administrator, be paid, in whole or in such part as he may determine for and on behalf of such minor or incompetent directly to the person or institution caring for, supporting, or having custody of such minor or incompetent.

(7) No person, except a widow or a child, shall be entitled to benefits for disability with respect to himself, and to death benefits on account of the death of another.

(8) If a civilian American citizen or his dependent receives or has received from the United States any payments on account of the same injury or death, or from his employer, in the form of wages, or payments in lieu of wages, or in any form of support or compensation (including workmen's compensation) in respect to the same objects, the benefits under this section shall be diminished by the amount of such payments in the following manner: (A) Benefits on account of injury or disability shall be reduced by the amount of payments to the injured person on account of the same injury or disability; and (B) benefits on account of death shall be reduced by the amount of payments to the dependents of the deceased civilian American citizen on account of the same death.

(9) This subsection shall take effect as of December 7, 1941, and the right of individuals to benefits shall be held to have begun to accrue as though this subsection had been in effect as of such date.

(10) No benefits provided by this subsection for injury, disability, or death shall accrue to any person who, without regard to this subsection, is entitled to or has received benefits for the same injury, disability, or death under such Act of December 2, 1942, as amended.

(11) No benefits provided by this subsection shall accrue to any person to whom benefits have been paid, or are payable, under the Federal Employees' Compensation Act, or any extension thereof, by reason of disability or death of an employee of the United States suffered after capture, detention, or other restraint by an enemy of the United States, when such disability or death is deemed, in the administration of the Federal Employees' Compensation Act, to have resulted from injury occurring while in the performance of duty, under subsection (b) of section 5 of the Act entitled "An Act to amend the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', as amended", approved July 28, 1945, as amended.

(g)(1) As used in this subsection, tne term "civilian American citizens" means any person who, being then a citizen of the United States, was captured in Korea on or after June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to the date of enactment of this subsection, or who went into hiding in Korea in order to avoid capture or internment by any such hostile force; except (A) a person who at any time voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (B) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to June 25, 1950, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remaining in hiding to avoid being captured or interned by any such hostile force.

(3) The detention benefit allowed to any person under the provisions of paragraph (2) of this subsection shall be at the rate of 60 for each calendar month during which such person was at least eighteen years of age and at the rate of $25 per month for each calendar month during which such person was less than eighteen years of age.

(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the person entitled thereto, or, in the event of his death, only to the following persons:

(A) widow or husband if there is no child or children of the deceased;

(B) widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

(C) child or children of the deceased (in equal shares) if there is no widow or dependent husband.

(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid by the Secretary of the Treasury to the person entitled thereto, except that where any person entitled to payment under this subsection is

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under any legal disability, payment may be made in accordance with the provisions of subsection (e) of this section.

(6) Each claim filed under this subsection must be filed not later than one year from whichever of the following dates last occurs:

(A) The date of enactment of this subsection;

(B) The date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or

(C) The date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no vent later than one year after the date on which such claim was filed.

(7) (A) There are hereby authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

(B) The Commission shall determine, from time to time, the share of its administrative expenses attributable to the performance of its functions under this subsection and make the appropriate adjustments in its accounts, and determinations and adjustments made pursuant to this subparagraph shall be final and conclusive.

(h) In the case of any Guamanian killed or captured by the Imperial Japanese Government on or after December 7, 1944, at Wake Island, benefits shall be granted under subsections (a) through (f) of this section in the same manner and to the same extent as apply in the case of civilian American citizens so killed or captured. Claims for benefits under subsections (a) through (e) of this section must be filed within six months after the date of enactment of this subsection, and the time limitation applicable to any individual by subsection (f) shall not begin to run until the date of enactment of this subsection, with respect to any individual who is entitled to such benefits solely by reason of this subsection. The preceding subsection shall not be construed to affect the right of any individual to receive such benefits with respect to any period prior to the date of enactment of this subsection.

(i) (1) As used in this subsection—

(A) the term "Vietnam conflict" relates to the period beginning on February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

(B) the term "civilian American citizen" means any person who, being then a citizen of the United States, was captured in Southeast Asia during the Vietnam conflict by any force hostile to the United States, or who went into hiding in Southeast Asia in order to avoid capture or internment by any such hostile force, except (i) a person who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (ii) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to February 27, 1961, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid capture or internment by any such hostile force.

(3) The detention benefits allowed under paragraph (2) of this subsection shall be at the rate of $60 for each calendar month.

(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the civilian American citizen entitled thereto, or, in the event of his death, only to the following persons:

(A) the widow or husband if there is no child or children of the deceased;

(B) the widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

(C) the child or children of the deceased in equal shares if there is no widow or dependent husband.

(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid to the person entitled thereto, except that if a person entitled to payment under this section is under any legal disability, payment shall be made in accordance with the provisions of subsection (e) of this section.

(6) Each claim filed under this section must be filed not later than three years from whichever of the following dates last occurs:

(A) the date of enactment of this subsection;

(B) the date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or

(C) the date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States.

The Commission shall complete its determinations for each claim filed under this subsection at the earliest practicable date, but not later than one year after the date on which such claim was filed.

(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

PRISONERS OF WAR

SEC. 6. (a) As used in subsection (b) of this section, the term "prisoner of war" means any regular appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States who was held as a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which the United States has been at war subsequent to such date.

(b) The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any prisoner of war for compensation for the violation by the enemy government by which he was held as a prisoner of war, or its agents, of its obligation to furnish him the quantity or quality of food to which he was entitled as a prisoner of war under the terms of the Geneva Convention of July 27, 1929. The compensation allowed to any prisoner of war under the provisions of this subsection shall be at the rate of $1 for each day he was held as a prisoner of war on which the enemy government or its agents failed to furnish him such quantity or quality of food. Any claim allowed under the provisions of this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this Act.

(c) Claims pursuant to subsection (b) shall be paid to the person entitled thereto, and shall in case of death of the persons who are entitled to be payable only to or for the benefit of the following persons:

(1) Widow or husband if there is no child or children of the deceased;

(2) Widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children of the deceased in equal shares;

(3) Child or children of the deceased (in equal shares) if there is no widow or husband; and

(4) Parents (in equal shares) if there is no widow, husband, or child.

(d) (1) As used in this subsection the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States who was held a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which the United States has been at war subsequent to such date.

(2) The Commission is authorized to receive, adjudicate according to law, and to provide for the payment of any claim filed by any prisoner of war for compensation—

(A) for the violations by the enemy government by which he was held as a prisoner of war, or its agents, of such government's obligations under title III, section III, of the Geneva Convention of July 27, 1929, relating to labor of prisoners of war; or

(B) for inhumane treatment by the enemy government by which he was held, or its agents. The term "inhumane treatment" as used herein shall include, but not be limited to, violation by such enemy government, or its agents, of one or more of the provisions of articles 2, 3, 7, 10, 12, 13, 21, 22, 54, 56, or 57, of the Geneva Convention of July 27, 1929.

(3) Compensation shall be allowed to any prisoner of war under this subsection at the rate of $1.50 per day for each day he was held as a prisoner of war on which he alleges and proves in a manner acceptable to the Commission—

(A) the violation by such enemy government or its agent of the provisions of title III, section III, of the Geneva Convention of July 27, 1929; or

(B) any inhumane treatment as defined herein.

Any claim allowed under the provisions of this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this Act. In no event shall the compensation allowed to any prisoner of war under this subsection exceed the sum of $1.50 with respect to any one day.

(4) Claims pursuant to subsection (d) (2) shall be paid to the person entitled thereto, or to his legal or natural guardian if he has one, and shall, in case of death of the persons who are entitled be payable only to or for the benefit of the following persons:

(A) widow or husband if there is no child or children of the deceased;

(B) widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children of the deceased in equal shares;

(C) child or children of the deceased (in equal shares) if there is no widow or husband; and

(D) parents in (equal shares) if there is no widow, husband, or child.

(e) (1) As used in this subsection the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time subsequent to June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to the date of enactment of this subsection, [except any such member] *or any person (military or civilian) assigned to duty in the U.S.S. Pueblo who was captured by the military forces of North Korea on January 23, 1968,* *and thereafter held prisoner by the Government of North Korea for any period of time ending on or before December 23, 1968, except any person* who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of July 27, 1929. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of $1 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under title III, section III, of the Geneva Convention of July 27, 1929, relating to labor of prisoners of war; or

(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term "inhumane treatment" as used herein shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more of the provisions of articles 2, 3, 7, 10, 12, 13, 21, 22, 54, 56, or 57 of the Geneva Convention of July 27, 1929.

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of $1.50 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) or the inhumane treatment described in subparagraph (B). In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of $1.50 with respect to any one day.

(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the persons specified, and in the order established, by paragraph (4) of subsection (d) of this section.

(5) Each claim filed under this subsection must be filed not later than one year from whichever of the following dates last occurs:

(A) The date of enactment of this subsection;

(B) The date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

(C) The date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

(*D*) *In the case of any person assigned to duty in the U.S.S. Pueblo referred to in paragraph (1) of this subsection, one year after the date of enactment of this subparagraph.*

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

(7) (A) There are hereby authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

(B) The Commission shall determine, from time to time, the share of its administrative expenses attributable to the performance of its functions under this subsection and make the appropriate adjustments in its accounts, and determinations and adjustments made pursuant to this subparagraph shall be final and conclusive.

(f) (1) As used in this subsection—

(A) the term "Vietnam conflict" relates to the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

(B) the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time during the Vietnam conflict by any force hostile to the United States, except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with, or in any manner served, such hostile force.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of $1 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under chapter VIII, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term "inhumane treatment" as used in this subparagraph shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more of the provisions of article 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Convention of August 12, 1949.

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of $1.50 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) of this paragraph or the inhumane treatment described in subparagraph (B) of this paragraph. In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of $1.50 with respect to any one day.

(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in the case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the persons specified, and in the order established, by subsection (d)(4) of this section.

(5) Each claim filed under this subsection must be filed not later than three years from whichever of the following dates last occurs:

(A) the date of enactment of this subsection;

(B) the date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

(C) the date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

⟦(f)⟧(*g*) Where any person entitled to payment under this section is under any legal disability, payment may be made in accordance with the provisions of subsection (e) of section 5.

Mr. BAYH. Mr. President, I should like to reemphasize my main purpose for rising, and that is to make clear that, regardless of our position on the amendment of the distinguished Senator from Kansas or, indeed, our positions on the direction in which the war has headed since the expansion into Cambodia, it would be folly for those in North Vietnam or in Moscow or any place else to misinterpret this expression in the traditional and best manner of free speech in this country as anything less than an expression of determination on our part to take whatever steps necessary to obtain the release of these prisoners. That is why I have spoken this afternoon. I am hopeful that many other Members of this body will express a similar concern about the future safety and well-being of those young men who have given so much for our country in North Vietnam.

Mr. CRANSTON. Mr. President, I came to the Chamber to join in this discussion of the pending amendment and the prisoner of war situation facing our country because of the deep concern all of us have over this unhappy matter. I am certain that virtually every Senator—if not all Senators—has constituents who are prisoners of war. I am certain that among our constituents are wives, mothers, children, or other loved ones who are deeply concerned over the fate of American prisoners of war in Southeast Asia.

So much has been so eloquently said by the Senator from Idaho and the Senator from Indiana that there is little that one can add, except to say that all of us here, of course, share this concern. All of us are appalled at the incredibly awful treatment accorded prisoners of war by our enemy, most of all by their use of those prisoners for political purposes, and the heartless withholding of the names of those held, so that loved ones here are left in doubt as to whether people missing in action are alive or dead.

I support the efforts of this administration to deal with this problem in appropriate ways. I do not think that the pending amendment is an appropriate way. It collides not only with the spirit and intent of the Cooper-Church amendment but also, in effect, with the policy of the President, which the Cooper-Church amendment is designed to support and to share responsibility with, because the President has stated that he will not have American troops go more than 20 miles into Cambodia, that he will have them out by July 1. The implication of this amendment is that he should be free to go anywhere at any time in Cambodia as long as prisoners of war are there or elsewhere in Southeast Asia.

It is rather plain that the way to get American prisoners of war home is to first get our troops out of Southeast Asia. The developments will then make it quite possible to get all our prisoners home, also. The Cooper-Church amendment—and other moves afoot on Capitol Hill—are designed to bring that war to an end in a way consistent with the safety and systematic removal of American troops from Southeast Asia; and I believe that will be followed by the safe and systematic return to America of prisoners of war.

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Therefore, I join with those who oppose the pending amendment.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. DOLE. I have listened with interest to the Senator from California, the Senator from Idaho, and the Senator from Indiana, and I understand their concern—everyone's concern—for American prisoners of war and Americans missing in action. I applaud the statements by the Senator from Indiana, the Senator from California, the Senator from Idaho, and others who may speak this afternoon about prisoners of war or those missing in action. But I would suggest to my friend from California that I fail to see how we have any leverage if we wait until troops are withdrawn and then go to the enemy and say, "Please release our prisoners." If we have any leverage it is because we have some impact in that area and some strength. My amendment would give the President the right to rescue prisoners.

Would the Senator from California agree if the President had an opportunity to rescue prisoners he should take advantage of such an opportunity?

Mr. CRANSTON. We have been applying a great deal of leverage for a long time in Southeast Asia without achieving the results we are entitled to expect to achieve by that leverage, particularly when that leverage involves the deaths of Americans, the maiming of Americans, and the spending of billions of dollars in that fruitless effort. We will have more prisoners of war to be concerned about as long as the war continues. I believe that the surest way to end the increasing numbers of prisoners of war is to get those back who are there now, and to turn in the direction of getting out of Southeast Asia.

Mr. DOLE. Does the Senator believe that the President, whoever he might be, has the right to rescue American prisoners, American newsmen, or any other American citizens, or should he be denied that right?

Mr. CRANSTON. I believe the soundest way to rescue those people from their very unhappy fate, those presently alive there, is to find a way to end the hostilities that presently divide us and make it possible, through a negotiated settlement, that we will include the release of our prisoners.

Mr. DOLE. Well, I do not want to belabor the point, but it appears that the Senator from California has not responded to the question of whether the President, whoever he may be, has the right to rescue American prisoners or Americans missing in action, whether they be members of the Armed Forces, newsmen, or civilians. Does the Senator believe that is a right the President should have, or should we in Congress tie the President's hands?

Mr. CRANSTON. I believe that the President has that right but I do not believe the way to achieve that right is to have open-ended, everlasting war, with the President permitted, without consultation with Congress, or proceeding without consultation with Congress, to send ground troops in all directions into any new land, without any invitation from those governments, and involving ourselves in invasion, unprecedented in American history, leading to more prisoners of war, more dead, more wounded, with no end in sight.

Mr. DOLE. Again I do not quarrel with the Senator from California. I understand his good intentions, but would say that if any measure would require the President, whoever he may be, to consult first with the Senate or Congress before he could take any action to rescue prisoners of war, I would not want to be a prisoner while the matter was being debated in Congress, not knowing how long it would take—2 or 3 weeks, a month, or longer. I believe that when Americans are imperiled and are in immediate danger, someone in this country should have the right to rescue them.

Why should we shackle the President? We have never done so in the past.

Mr. CHURCH. Mr. President, a false issue is being raised in this debate.

No one is questioning the right of the President of the United States, acting as Commander in Chief, to come to the rescue of captured Americans if he feels that a quick, surprise rescue operation is feasible.

We are all grown men. I cannot conceive of anyone standing here on the floor of the Senate and questioning the right of the President to order such a rescue mission if the opportunity presented itself; I cannot conceive of a serious challenge being raised to the President's inherent authority, as Commander in Chief, under such circumstances.

One can attempt to distort the Cooper-Church amendment, to read into it some imaginary prohibition that is not there. But if the amendment offered by the Senator from Kansas is affixed to the Cooper-Church amendment, it will have only one effect, and that will be to render meaningless the attempt on the part of the Senate to set the outer limits of American involvement in Cambodia.

What is the logic of the argument offered by the Senator from Kansas?

He argues that, as long as a prisoner of war is held in Cambodia, we should legislate what, in effect, is congressional consent to leaving an American Army in that country indefinitely.

The logic is that by applying relentless and unceasing military pressure, we somehow serve the interests of those Americans captured by the enemy and held in Cambodia.

If there is any sense to that proposition, then it is as sensible to apply it to North Vietnam or Laos as to Cambodia.

There are only a handful of American prisoners—if any at all—in Cambodia. But there are many hundreds of American prisoners in North Vietnam.

If the Senator is really serious about his amendment, if he actually believes that a continued American military presence helps our prisoners of war, then why does he not expand the amendment to include Laos and North Vietnam?

Mr. DOLE. Would the Senator from Idaho support it, if I made that addition?

Mr. CHURCH. I would not support it under any circumstances, because the whole proposition on which it rests is invalid. But anyone who believes the proposition, could hardly contend that the amendment should be restricted to Cambodia, if its purpose is really to serve the cause of American prisoners of war.

If one were to accept the logic with which the amendment is pressed, it would also follow that we should not withdraw another 150,000 American combat troops from South Vietnam, in the interest of helping American prisoners of war in North Vietnam.

Let the Senator from Kansas show me a logical distinction between the argument he makes on behalf of his amendment as it applies to Cambodia, and the application of the same argument as it would apply to the bulk of American prisoners in North Vietnam.

Yet, he does not come here to ask that we write into law some prohibition against the withdrawal of 150,000 American troops from South Vietnam.

What is really intended is to gouge out the substance and the core of the Cooper-Church amendment by playing on our deep concern over American prisoners of war.

Let the Senator from Kansas show how a single American prisoner of war will be helped, whether imprisoned in Cambodia, Laos, or North Vietnam, with the passage of his amendment.

It cannot be shown.

The only effect of the amendment, if

the President were ever to take it seriously—and one would assume that he would not—would be to keep us indefinitely engaged in Cambodia, where the number of American dead would continue to grow with each passing week, along with the number of Americans maimed and wounded, and where the list of American prisoners of war would also grow larger and larger.

The longer we stay in Southeast Asia, the more Americans there will be who will be imprisoned and mistreated.

I submit, Mr. President, that the real impact of the amendment would not be to help American prisoners of war in any way but, rather, if taken seriously by the President, to create a situation in which the numbers of Americans captured would increase with every passing day.

Mr. BAYH. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. BAYH. I would like to emphasize what the Senator from Idaho has said, that we do not know of any specific numbers of prisoners who are presently captured in Cambodia, but we do know of large numbers who are missing in action and presumed captured elsewhere.

And I would again like to return to the focal point, the fact that these men are being held contrary to the principles of the Geneva Convention that all civilized nations adhere to. Their names are not even published so that their loved ones will know whether they are alive and well. They are denied mail. They are denied proper physical and medical attention.

If this were not so, why would they not let the International Red Cross have an opportunity to inspect these camps so that the whole world would know they are being treated properly?

We are equally concerned, if not more concerned, with the barbarous manner in which they are treating prisoners of war.

Mr. President, I think this is adequately described in an editorial published in the May 5, 1970, issue of Look magazine entitled "What about the POW's?"

I ask unanimous consent to have this editorial printed at this point in the Record so that those who may not have seen it prior to this time will have an opportunity to read it.

There being no objection, the editorial was ordered to be printed in the Record as follows:

[From Look magazine, May 5, 1970]

What About the POW's?

The plight of American prisoners of war in Southeast Asia, as Diana O'Grady said on the preceding page, cannot be "a closed book." More than 1,500 men are missing or presumed captured: some 800 in North Vietnam, 500 in South Vietnam, and 200 in Laos. Their fate should concern every one of us, however we may feel—or differ—about U.S. intervention in Vietnam.

North Vietnam has never extended the POW's their rights under the Geneva Convention on Protection of Prisoners of War, which it signed in 1957. It has evaded this pledge through the fiction that the downed American pilots are criminals. Were this so—and we at LOOK do not believe it is—the men would still be entitled to humane treatment.

But the few returning POW's have told of Americans isolated, beaten, and humiliated in North Vietnam, hung by their wrists in Laos, led about like animals or summarily shot in South Vietnam. Such reports gain credence from North Vietnam's complete unconcern for its own prisoners held in the South and in Laos.

Nor can there be any justification for tormenting the wives and children of American prisoners. Why should a woman have to plead for the right to know if her husband is alive? Not until Diana O'Grady got tough did she get an answer. After months of despair, other wives have had to endure propaganda lectures. They have been told they will only get their husbands back if they demonstrate at home against the war. They have been promised information that has then been withheld or leaked only for propaganda purposes.

In 1968 and 1969, LOOK editorials called the Vietnam war a tragic and costly mistake—one that we should end as soon as possible. This does not diminish our concern for the Americans held captive.

That is why we now ask North Vietnam to disclose the names of all the POW's it holds and to urge the National Liberation Front and the Pathet Lao to do the same. We ask for assurance of proper detention facilities, food and medical care for the POW's. We ask for unhampered correspondence with their families. We ask for the repatriation of sick or wounded who might not survive captivity. In short, we ask that North Vietnam honor its legal obligations under the Geneva Convention.

We ask that the International Red Cross or International Control Commission be permitted to inspect the prison camps in North Vietnam, as has been done in the South. Refusal can only mean that North Vietnam is ashamed of the way it treats American POW's.

In addition, we have written the Hanoi government requesting that a LOOK team be allowed into North Vietnam to report directly on the condition of the POW's.

We now ask the American people, alone or in community groups, to express their concern for our men missing and captive in a letter to North Vietnam's Premier, Pham Van Dong. Letters sent to: *What About the POW's?*, c/o LOOK, P.O. Box 1, Des Moines, Iowa 50301 will be forwarded to Hanoi.

The welfare of these unfortunate men and the feelings of their families are matters of simple humanity—not politics.

North Vietnam has said in the Paris peace talks that discussion on the POW's cannot begin until the other issues of the war are resolved. This completely misreads the mood of the American people. Yes, we want peace in Vietnam, as much as anyone and as quickly as possible, but first we want assurance about the well-being of all our servicemen in captivity. The sooner Hanoi understands this, the easier it will be to end the war.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HUGHES. Mr. President, I endorse the statement of the Senator from Idaho in his colloquy this afternoon with the Senator from Indiana.

I think that North Vietnam undoubtedly does misread the intention of those of us who oppose this war in Vietnam and the incursion into Cambodia.

I am afraid that perhaps the Senator from Kansas might misread our intent also, although I do not believe that he does.

Certainly none of us would wish to prohibit the President of the United States from taking whatever steps he feels are necessary to negotiate and secure the humane treatment and the return of those American soldiers who are being held by the enemy.

I agree with the Senator from Idaho that this amendment may actually inhibit the negotiations that would bring about a release of these prisoners. I think that although none of us likes it, undoubtedly our invasion of Cambodia has increased the danger to those men being held prisoner in Vietnam as well as to those being taken prisoner now in Cambodia.

While certainly the North Vietnamese have defied all rules for handling prisoners of war and have refused to admit that our men are entitled to proper treatment, they have not conducted the public trials which they threatened to carry out in the early days of this war.

I believe that the proper and most efficient way to secure the release of these men is through the Paris peace negotiations. If the President would appoint a man of proper status to represent the United States in those talks, there would be a greater hope that we could obtain their release.

I certainly subscribe to the statement of the Senator from Idaho and the Senator from Indiana that those of us who oppose this war would hope that those in Peking, Moscow, or Hanoi would not misread our intentions. We desire to secure proper and humane treatment, exchange of those who are seriously wounded and ill, and negotiations for a general exchange of all prisoners of war.

I want to lend my voice, for whatever it is worth at this particular time, to the viewpoint expressed that the amendment of the Senator from Kansas would inhibit those negotiations rather than increase the prospects for such negotiations.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. McGOVERN. Mr. President, I came to the floor originally to speak in support of the concern expressed by the Senator from Indiana (Mr. Bayh) and also to say a word in opposition to the amendment offered by the Senator from Kansas (Mr. Dole).

I think the difficulty with that amendment is that it leaves the impression that the keystone of the policy in Cambodia is the welfare of the American prisoners of war, which is of course not the reason that we entered Cambodia. Our staying there only prolongs the release of any prisoners of war who might be held by the enemy forces.

I think that what we have to keep in mind, whether we are talking about the prisoners of war in North Vietnam, where the main force of American prisoners are being held, or the prisoners who might have been taken in Cambodia, is that in all probability no matter how many speeches we make on the Senate floor or how many resolutions of concern we author, those prisoners will doubtless be held until hostilities cease.

The purpose of the basic amendment offered by the Senator from Idaho (Mr. Church) and the Senator from Kentucky (Mr. Cooper), as well as the so-called amendment to end the war offered

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by me and other Senators, is to bring the hostilities to an end, but to do it with an eye on the safety of our troops in Southeast Asia, and also to make what efforts we can to bring about a release of our prisoners of war.

If I were an American GI sitting in a prisoner of war camp, either in North Vietnam or in Cambodia, or if I were an American fighting man involved in this war, I think I would be praying every night that this amendment to make sure that our forces are taken out of Cambodia, as indicated by the President, and the additional amendment to bring the war in Vietnam to an early end, would pass.

I see no other way in which Congress can really be effective in serving those prisoners and effecting their release at an early date.

I want to add one final word. We need to keep in mind that if there is any one reason why the war continues in Southeast Asia, it is because of the opposition of the enemy forces to the government in Saigon and our insistence that we are going to sustain that government and maintain whatever forces are necessary to sustain it.

That really is the keystone of our policy, rather than the matter of prisoner exchange.

I suggest that as long as that policy is carried out, the war will continue.

We need to keep in mind at a time when we are shedding American blood to save the regime in Saigon that the record of that regime on the treatment of prisoners has not been entirely pure.

The military reports of the torture of prisoners on the part of our forces, on the part of the South Vietnamese Government, are not reassuring to me, considering our sacrifice in blood and treasure to safeguard and sustain that regime in Vietnam.

I think we would be in a stronger moral position to protest the objectionable treatment of our own prisoners of war on the part of North Vietnam and the North Vietnamese if the record of our own ally, South Vietnam, were somewhat better.

I conclude simply with another appeal for us to recognize that the only way to make sure that our prisoners are released and our fighting men saved is to bring this war to an orderly end.

And that, I know, is what the Senator from Idaho is trying to accomplish.

Mr. CHURCH. Mr. President, I concur with what the Senator has said. If this war were comparable to the kind of wars we have fought in the past, if our purpose were to conquer North Vietnam and impose unconditional surrender upon the enemy, it would then be possible to make, at least, a rational case for the amendment offered by the Senator from Kansas.

This is not, however, that kind of war. Nor was it ever intended to be, either on the part of the present occupant of the White House or any of his predecessors. No President, at any time, has indicated that our purpose in this war was to invade, conquer, or force the government in Hanoi to an unconditional surrender.

President Nixon has repeatedly explained to the American people that our participation in Vietnam is for a limited purpose. He has emphasized that our purpose is only to help the government in Saigon put down the insurrection against it.

Under these circumstances, it makes no sense to argue that by applying military pressure we can somehow come to the rescue of American prisoners of war. How can we possibly reach them if our military objective does not involve the occupation or conquest of the enemy's territory? There is no way, by military means, to serve or save American POW's in a limited war of this kind.

Moreover, as the Senator from South Dakota wisely pointed out, this is a war of deep hatreds; it entails the kind of bloodletting which occurs only in civil war situation, where brother turns against brother, where families split apart. Only once in our history have we suffered such a bloodletting in this country, and that occurred in the great War Between the States from 1861 to 1865, our Civil War.

But even if, under some unforeseen circumstance, the President were to cast aside all the limits we have imposed on this war, and suddenly were to declare that the United States had decided to conquer North Vietnam, even then I doubt that our prisoners of war would be well served by the more forcible application of our military might. For I am sure that, given the character of this war, by the time we finally reached the camps where our men are being held captive, we would never find them left alive.

No, Mr. President. There is only one way to serve the American prisoners of war. That is the way suggested by the distinguished Senator from South Dakota: To begin to set the outer limits of our involvement in this widening war by the adoption of the Cooper-Church amendment, and then to proceed to extricate the United States from its involvement in Southeast Asia through the adoption of the end-the-war amendment which the Senator from South Dakota, the Senator from Idaho, and others are urging. This would set into effect a train of events that would lead to the release of American prisoners of war and their safe return home.

Those of us who have opposed this war through the years have felt every bit as much compassion for American prisoners of war as those Members of the Senate who have constantly favored the war.

Mr. President, I went back over the RECORD to a time long before the Senator from Kansas was a Member of this body, back to July 15, 1966, when opinion in support of the war was nearly monolithic in the United States, when only a few of us in the Senate had spoken out against it. At that time, a very serious threat was posed to American prisoners, mostly airmen, who had been shot down while bombing North Vietnam. The threat took on a particularly ominous character, because the Hanoi government had announced it would treat the prisoners as common criminals. The North Vietnamese intended to proceed to their trial and public execution.

It was suggested to me, at that time, that I might, with the assistance of others in the Senate who had spoken out against the war, be of help to those American airmen.

Spokesmen for the previous administration, charged with the conduct of the war, admitted to me that their own appeals had fallen on deaf ears in Hanoi. They said, however, that if those Members of the Senate who had opposed the war would speak up, it might prove possible to save the American airmen who were faced with trial and execution.

On July 15, 1966, joined by 18 other Members of the Senate, I entered in the CONGRESSIONAL RECORD a statement entitled "A Plea for Sanity." That statement was translated into Vietnamese and brought to the attention of the Hanoi government. It read as follows:

> A PLEA FOR SANITY
>
> We, the undersigned, have previously protested the relentless escalation of the war in Vietnam. We have deplored those decisions, taken on both sides, which have steadily extended the dimensions of the war and intensified its fury.
>
> The struggle in Vietnam now approaches a peril point of no return. Violence begets more violence; the fever of reprisal rises, feeding upon itself; reason is in danger of falling prisoner to blind passion. Then the war becomes a raging inferno, burning away the last barriers of restraint.
>
> We apprehend that the execution of American prisoners, as threatened by the government of North Vietnam, would provoke the gravest reprisals, and further blacken the hopes for peace.
>
> In the past, we have worked for an honorable settlement of this tragic war. We have publicly criticized the mounting involvement of our own country, and have sought to keep open the path of moderation that could lead to a negotiated peace.
>
> So, before the last remnants of reason are irrevocably abandoned, we call upon the Hanoi government to refrain from any act of vengeance against the American airmen. They are prisoners of war, fully entitled to the protection extended to men in uniform when captured in the performance of their duty. Their execution would drastically reduce the influence of all those in the United States who have tried to curtail the fighting. It would incite a public demand for retaliation swift and sure, inflicting new levels of suffering and sorrow, and fixing more firmly still the seal of an implacable war.

Mr. President, that statement was signed by the following Senators, in addition to myself: GEORGE MCGOVERN, GAYLORD NELSON, E. L. BARTLETT, LEE METCALF, EUGENE J. MCCARTHY, MAURINE B. NEUBERGER, J. WILLIAM FULBRIGHT, QUENTIN N. BURDICK, FRANK E. MOSS, ERNEST GRUENING, STEPHEN M. YOUNG, VANCE HARTKE, WAYNE MORSE, WILLIAM PROXMIRE, ABRAHAM RIBICOFF, JOSEPH CLARK, HARRISON A. WILLIAMS, JR., EDMUND S. MUSKIE.

Following the printing of the statement in the RECORD, there occurred a floor colloquy in which other Senators, who were not themselves signatories to the statement but nonetheless supported it in spirit, joined in a common expression of concern for these prisoners of war. They, too, entered statements of their own.

One such Senator is now our esteemed whip, the Senator from Massachusetts (Mr. KENNEDY), one was the Senator

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from Ohio (Mr. YOUNG). One was the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD). And still another was the late Robert Kennedy, of New York.

Mr. President, I ask unanimous consent that the statement appearing in the CONGRESSIONAL RECORD of Friday, July 15, 1966, together with the colloquy to which I have referred, may appear at this point in the RECORD.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

AMERICAN PRISONERS IN HANOI—A PLEA FOR SANITY

Mr. CHURCH. Mr. President, I have been gravely disturbed at persistent reports that the government in Hanoi has threatened to execute, as common criminals, American airmen who are now prisoners of war.

Accordingly, I have prepared a statement, "A Plea for Sanity," in which I am joined by 18 other Members of the Senate.

This declaration has been just released to the press, and I shall, at this time, read it into the RECORD.

"A PLEA FOR SANITY

"We, the undersigned, have previously protested the relentless escalation of the war in Vietnam. We have deplored those decisions, taken on both sides, which have steadily extended the dimensions of the war and intensified its fury.

"The struggle in Vietnam now approaches a peril point of no return. Violence begets more violence; the fever of reprisal rises, feeding upon itself; reason is in danger of falling prisoner to blind passion. Then the war becomes a raging inferno, burning away the last barriers of restraint.

"We apprehend that the execution of American prisoners, as threatened by the government of North Vietnam, would provoke the gravest reprisals, and further blacken the hope for peace.

"In the past, we have worked for an honorable settlement of this tragic war. We have publicly criticized the mounting involvement of our own country, and have sought to keep open the path of moderation that could lead to a negotiated peace.

"So, before the last remnants of reason are irrevocably abandoned, we call upon the Hanoi government to refrain from any act of vengeance against the American airmen. They are prisoners of war, fully entitled to the protection extended to men in uniform when captured in the performance of their duty. Their execution would drastically reduce the influence of all those in the United States who have tried to curtail the fighting. It would incite a public demand for retaliation swift and sure, inflicting new levels of suffering and sorrow, and fixing more firmly still the seal of an implacable war.

"FRANK CHURCH, GEORGE MCGOVERN, GAYLORD NELSON, E. L. BARTLETT, LEE METCALF, EUGENE J. MCCARTHY, MAURINE B. NEUBERGER, J. WILLIAM FULBRIGHT, QUENTIN N. BURDICK, FRANK E. MOSS, ERNEST GRUENING, STEPHEN M. YOUNG, VANCE HARTKE, WAYNE MORSE, WILLIAM PROXMIRE, ABRAHAM RIBICOFF, JOSEPH B. CLARK, HARRISON A. WILLIAMS, JR., EDMUND S. MUSKIE, U.S. Senators."

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. of Massachusetts. As the Senator is probably aware, yesterday morning the Subcommittee on Refugees and Escapees, which is conducting a series of hearings on the various refugee programs, heard testimony by the Secretary of State.

In the course of that hearing I asked the Secretary of State directly what the attitude of the U.S. Government would be if these trials scheduled for the end of next week took place. The Secretary made an extremely forthright, strong, and vigorous policy statement. He indicated, first of all, that if these trials took place, that we, as a nation, would look upon such behavior by the North Vietnamese with the greatest degree of horror and revulsion. The Secretary stated that every effort was being made by the United States, by third countries, as well as by prominent individuals, to bring our very strong position on this matter to the attention of those in responsible positions in the Hanoi government. I was very much heartened by the Secretary's statement. I am sure that he is aware that we are all relying upon the administration's activities on this problem and hopeful that they will spare no effort to assist the prisoners.

Mr. President, the war in Vietnam is perhaps one of the most impersonal of conflicts undertaken by nations. I have had serious questions in the past concerning our activities in Vietnam and its effects upon the civilian population. On the other hand I have been appalled by the incidents of terror and assassination that the Vietcong have used to achieve their ends in this struggle. The possibility that prisoners of war will now be used to satisfy the frustrations of the north or in a vain attempt to affect our future military decisions is only a further reflection of the absence of considerations for the innocent and those now removed from this conflict. But this prospect of violence against helpless men, in violation of all traditional international agreements, is uppermost in the minds of all Amerians today, regardless of their views of the overall conflict. I know of two American fighting men from my own State, Comdr. James Mulligan and Lt. Edward Brudno who, having faced and met their military obligations now find themselves the victims of retaliation in the larger political and ideological struggle of our day.

So I wish to join the Senator from Idaho [Mr. CHURCH] in his very strong declaration and statement of concern for the welfare and the well-being of the American servicemen who are being held as prisoners.

During the testimony by the Secretary of State we asked him about the South Vietnamese Government's observing the Geneva agreements on prisoners of war. He indicated that the names of prisoners in the hands of the South Vietnamese are now being turned over to the International Red Cross, that the Red Cross has access to all prisoners, and that the South Vietnamese Government is now in full cooperation with the International Red Cross.

I recall that on two occasions when I was in Geneva talking with the International Red Cross, they were, as of December of last year, expressing criticism of the South Vietnamese Government for their reluctance in turning over the names of the Vietcong and North Vietnamese prisoners that the South Vietnamese had taken. These lists were not available and the Red Cross indicated to me and the other members of the delegation who were at Geneva at that time their strong feeling that the United States should utilize its good offices with the South Vietnamese to have the South Vietnamese observe to the fullest extent the Geneva Convention.

The Secretary indicated on yesterday that he was firmly convinced that we are now observing these conventions in the fullest. This development, though late in coming is a source of satisfaction to those of us who have been concerned with prisoner indignities.

I also feel that the people of the free world have recognized the very strong effort recently made by the United States in attempting to insure that all in the south were respecting these Geneva agreements. On this basis, we have every right to expect the north to act in accordance with the norms of civilized men. So little of human dignity survives war that we are justified in abhoring such regressive actions as contemplated by the north and to remind them that the beginnings of peace are found in civilized behavior toward their fellow man. I therefore want to say to the Senator from Idaho that he has performed a very useful service today, one for which he deserves great commendation.

Mr. CHURCH. I thank the Senator very much.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, this afternoon, in this Chamber, let me attest to my admiration for the distinguished Senator from Idaho [Mr. CHURCH] for the real public service he has rendered in presenting his statement today before the country and the world.

Earlier today, I was glad to be associated with him when he and I talked over the statement he was going to make.

Surely, the heads of state of the nations of the world, including those in Hanoi, Red China, and all other Asiatic countries, whether they be somewhat neutral in this matter or extremely hostile toward the United States because of its involvement in Vietnam, must know—and they should know—that all Americans regard the lives of their airmen who are now prisoners of war as precious lives. All Americans hold to the view that these airmen are prisoners of war. As fighting men in our Armed Forces, they were flying over the areas where they were shot down in North Vietnam pursuant to orders given them. They must, therefore, be treated as prisoners of war.

If the horrible act which is being threatened by the Hanoi regime against our airmen is carried out, let the rulers of the world know that all Americans will be united, because we regard those lives as so precious.

Let me repeat, I was glad to join with other colleagues in the statement of the Senator from Idaho. We want the rulers of the world over—friendly or unfriendly—to know our views and our determination.

Mr. CHURCH. I thank the Senator from Ohio, and fully share his sentiments. I appreciate the fact that he has joined in signing the statement which I have just read into the RECORD this afternoon.

Mr. MANSFIELD. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I commend the Senator from Idaho for the initiative he has just shown. and the initiative the other Senators have shown in signing the plea for sanity.

I would say that the sentiments expressed in the statement which has just been read would apply not only to the 18 signatories but also to the 100 Members of this body.

The Senator from Idaho has once more performed a public service on the question of Vietnam. I would express the hope that this plea for sanity would be a plea for sanity on all sides.

As Senators know, the Prime Minister of India, Mrs. Indira Gandhi, is just completing an official state visit to the Soviet Union. She will be leaving shortly, but during the course of this meeting she has placed before Messrs. Kosygin and Brezhnev the possibility of a seven-point peace program which could possibly lead to the negotiation table.

Mr. MANSFIELD. Mr. President, I know that there are those who find fault with anyone who uses the word "peace," or repeats the word "negotiations." However, somehow, some way, some time, the situation in Vietnam will be settled at the conference table through negotiations. It is just not going to peter out. I would hope that in view of the proposal made by the Prime Minister of India, Mrs. Indira Gandhi, and tied in with the fact that the Prime Minister of the United Kingdom, Mr. Harold Wilson, will, next week, be visiting the Soviet Union, when Mr. Wilson and Messrs. Kosygin and Brezhnev meet, they will recognize their responsibilities as cochairmen of the Geneva Conventions of 1954 and 1962, and that they will exercise their authority and assume their responsibilities, and on their own initiative reconvene the Geneva Conference for the purpose of getting the situation in Vietnam to the negotiation table.

I think it is imperative. I know that so far as the President of the United States is concerned, no man is more eager to reach that table, to sit down with whoever may be there, and to arrive at a reasonable and an honorable settlement—a settlement which will give some degree of assurance to all of southeast Asia—not just Vietnam—a settlement which will be guaranteed by all the great powers, a settlement which will allow us to get out of Vietnam, not to withdraw hastily, and a settlement which will make it very apparent that we have no desire for bases such as Cam Ranh and others by means of which we could maintain a foothold for years and decades to come.

Every word I have stated, I am sure, fits in with what the President has been trying to do over this past year or more to bring this matter to a conclusion.

Accordingly, I hope that Mr. Wilson and Messrs. Brezhnev and Kosygin will take up the proposals laid down by Mrs. Indira Gandhi, Prime Minister of India, and that out of this meeting in Moscow next week will come some small ray of hope which will bring this matter to a conclusion and bring back to the world—especially to the Far East, and most especially to southeast Asia—a degree of stability and peace which it has not had for more than two decades.

So, again, I commend the distinguished Senator from Idaho and his colleagues for taking this initiative and express the hope that his efforts, which have been persistent, and accomplished under difficulties—because he has received his share of criticism—will continue.

I am delighted that this statement has been made, and again extend my commendation and thanks to him.

Mr. CHURCH. I thank the able Senator very much. I would only mention that nearly all of the Senators who have joined in the signing of this plea previously joined in a letter to the President, last January, expressing the hope that the suspension of the bombing, then in effect, would be continued, and that the new round of bombing would not be renewed.

Some Senators who joined in the signing of this plea were not parties to that letter, but are nonetheless identified as Senators who have resisted the acceleration of the war, who have sought to further the efforts for peace, and who have worked to keep open the path of moderation which might lead to negotiations.

As to the threatened execution of these American prisoners of war, we hope to make it unmistakably clear that the consequences of such an atrocity will be very grave. By adding our voices in timely warning, we seek to contribute to the saving of these lives, and to prevent further escalation of the war in southeast Asia, with all the dire results that could follow.

I yield now to the Senator from New York [Mr. KENNEDY].

Mr. KENNEDY of New York. First, Mr. President, I wish to commend the Senator for his efforts, and that of his fellow Senators.

Mr. President, regardless of one's opinion of the war, or of the bombings of North Vietnam, there is no justification and no excuse for the personal reprisals now threatened by Hanoi against individual American pilots. These men, in the oldest tradition of war, were following the orders of superior officers to attack targets which to the best of their knowledge were military involving no loss or damage to civilian life. They were doing their duty for their country—just as the soldiers of North Vietnam are acting according to their duty as defined by their leaders.

I have dissented at many points from this war and its conduct. But I am at one with all Americans in regarding any reprisals against these young men and indirectly against their families, as an intolerable act—contrary to the laws of war, contrary to all past practices in this war, a plunge into barbarism which could serve the interest of no man and no nation.

Moreover, such reprisals would do terrible damage to the possibilities of reasoned discussions between our two countries—which is the only way to a peaceful solution of this conflict. Within our own countries, in international bodies, and in the world at large, the new bitterness and meanness which such reprisals represent would inevitably stifle debate and discussion and, perhaps, place our countries on a course of even-greater escalation, a course from which there is no return.

Mr. CHURCH. Mr. President, I appreciate the eloquent statement made by the distinguished Senator from New York and the general support he has given to the effort by this group of Senators for whom I have spoken. We hope the message will be very clear that the threatened execution of American prisoners of war may well carry this cruel conflict beyond the point of no return.

As one who has constantly sought to find an honorable settlement, who can speak with some measure of independence and objectivity, as one who has frequently disagreed with our own Vietnamese policy, I hope this message will get through.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. CHURCH. Yes; I am very pleased to yield.

Mr. BAYH. I would like to salute my colleague from Idaho for the courageous position which he took. At that particular moment, it was not the most popular thing to do. Neither was it, politically, the most advantageous thing to do. The record will show that the Senator from Idaho and some others who were deeply concerned about the policy of our country at that time did in fact speak out about the callous attitude of the North Vietnamese in regard to the lives of our fliers, and that it had more to do than anything else with the fact that they were not executed as the North Vietnamese had threatened. I salute him for the tremendous contribution he made.

I would hope that perhaps other Senators might join in broadening this colloquy and that this might persuade the North Vietnamese, once again, of the error of their ways concerning the terrible manner in which they are treating American prisoners of war.

Mr. CHURCH. I fully share the sentiment of the Senator.

A few days after the statement to which I referred was released, the government in Hanoi decided against the trials. It did not proceed either to try or execute the American airmen. I was told later by spokesmen for the State Department who were close to the situation that they thought our timely statement had proved very effectively in Hanoi.

Now is another time for us to speak out, as the Senator from Indiana has done today, to let Hanoi know of our heartfelt concern for American prisoners of war, and the outrage we feel that these men have not received the kind of humane treatment to which they are entitled under the conventions that should govern the conduct of all civilized nations.

Regarding the earlier statement, and in order to make the RECORD complete, I ask unanimous consent that an article dealing with that statement, which appeared in the Boston Sunday Globe on July 17, 1966, may appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PHONE RANG, WITH URGENT PLEA

(By Martin F. Nolan)

WASHINGTON.—The most dramatic, ironic hours in the administration's latest overture to Hanoi began last week when the phone rang in the Bethesda home of Sen. Frank Church of Idaho.

George Ball, the Undersecretary of State, was calling with an urgent plea. It was Thursday night, with the lives of American airmen hanging in the balance and what Church later called "a peril point of no return" approaching the Viet Nam war.

The North Vietnamese government reported ready to announce the trials and expected executions of downed fliers. Ball's message was desperate, acknowledging that all appeals from the President and the State Department through normal diplomatic channels had failed to convince Hanoi that the executions would further escalate the war; the administration's "credibility gap" had stretched across the Pacific.

Since Hanoi had always believed that internal political dissension in America had aided the cause, only a plea from Senate "doves" might save the airmen.

For Church, a member of the Foreign Relations Committee and one of the earliest advocates of de-escalating the war, Ball's telephone request represented supreme irony. Since late 1964, when he first criticized American policy in Viet Nam, the Idaho Democrat had been snubbed by the White House and ridiculed at the State Department. Now he was being asked to help rescue some of the administration's most agonizing chestnuts from a perilous fire.

Had the advice given by Church and other Senate critics been followed, the "very, very grave development"—as Secretary of State Dean Rusk called it—might not have been a threat today. Church and others had opposed bombing the north, claiming it would lead to unforeseen escalation and needless loss of life.

But now, with the deadline in Hanoi approaching, the situation was critical. Church agreed to make a statement and to ask other senatorial critics of the administration to join him.

The 41-year-old senator called several senators for advice and began writing his statement. A press conference was called for Friday afternoon at 2 p.m. for the widest possible "exposure". A special effort was made to get Communist country correspondents to attend; a reporter for Izvestia showed up.

After calling several senators, including Joseph S. Clark (D-Pa.), vacationing in Wyoming. Church was advised on the statement's preparation. He was advised to keep it short and easily translatable into French for Hanoi's benefit. The word "atrocity" was crossed out to avoid any provocative inference.

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Most of the five-paragraph statement was Church's own, ringing with mountain-state Old Testament rhetoric: "Violence begets violence; the fever of reprisal rises, feeding upon itself; . . . then the war becomes a raging inferno, burning away the last barriers of restraint."

At 9 a.m. Friday, Church began to call as many senators as he could. He had to do it himself, since the scope of the subject was beyond the area of staff aides. Few Republicans were reached in the four-hour period although Sens. George Aiken of Vermont and John Sherman Cooper of Kentucky were certified "doves."

Church began with the most severe critics and worked down a list of 15 senators who had signed a request to President Johnson early this year asking a continued suspension of bombing North Viet Nam. He added three new recruits including Sen. J. William Fulbright.

The two Kennedy brothers and Majority Leader Mike Mansfield were reached less than an hour before Church's announcement. They later joined the appeal in spirit with separate statements.

Mr. CHURCH. Mr. President, also I ask unanimous consent that an editorial published in the Lewiston, Idaho, Tribune on July 27, 1966, may appear here in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHURCH'S ROLE IN THE PILOT TRIALS

Idaho Sen. Frank Church played a key and perhaps decisive role in convincing North Viet Nam that American pilots should not be placed on trial as war criminals, according to a behind-the-scenes story in the *Boston Sunday Globe*.

The story goes a long way to explain why Church suddenly came forward with a statement from himself and fellow Senate doves against a threat from Hanoi that few Americans knew existed.

The *Globe* reports the Johnson administration had known about the threatened trials and probable executions and had been unable to dissuade Hanoi through normal channels. Assuming that the North Vietnamese leaders place too much stress on American dissenters as verbal allies, the administration sought to demonstrate that pilot trials would be harmful to Hanoi's cause.

Undersecretary of State George W. Ball called Church and enlisted his help. The *Globe* says this is what happened:

"The 41-year-old senator called several senators for advice and began writing his statement. A press conference was called for Friday afternoon . . . for the widest possible exposure. A special effort was made to get Communist country correspondents to attend; a reporter for Izvestia showed up.

"After calling several senators, including Joseph S. Clark, D-Pa., vacationing in Wyoming, Church was advised on the statement's preparation. He was advised to keep it short and easily translatable into French for Hanoi's benefit. The word 'atrocity' was crossed out to avoid any provocative inference. Most of the five-paragraph statement was Church's own, ringing with mountain-state Old Testament rhetoric: 'Violence begets violence; the fever of reprisal rises, feeding upon itself; . . . then the war becomes a raging inferno, burning away the last barriers of restraint.'

"At 9 a.m. Friday, Church began to call as many senators as he could . . . Church began with the most severe critics and worked down a list of 15 senators who had signed a request to President Johnson early this year, asking a continued suspension of bombing North Viet Nam. He added three new recruits including Sen. J. William Fulbright. The two Kennedy brothers and Majority Leader Mike Mansfield were reached less than an hour before Church's announcement. They later joined the appeal in spirit with separate statements."

There is no way of knowing whether the statement by Church and his fellow doves was the persuading influence, but it didn't hurt anything, and it probably was a key factor.

Hanoi has been encouraged by the dissent on the war in America and has remained inflexible in the hope that the U.S. would—at the prodding of the dissenters—grow weary of the conflict. But there are signs Hanoi has placed the wrong emphasis on the dissent—somehow taking it as support for North Viet Nam, somehow equating Church and other senators with that insignificant band of radicals who wave the Viet Cong flag at protest rallies.

Church and the others have never excused the presence of North Vietnamese troops in South Viet Nam, nor do they believe Hanoi is right and America wrong. In the long run, they are unyielding enemies of international communism, especially the Red Chinese variety.

Church and his fellow critics question whether America's best interests are being served by becoming involved in an Asian land war. Certainly, the Red Chinese seems to be delighted by the presence of American troops in Asia as some sort of a confirmation of their propaganda.

In the long run, Church and the others may be wrong. It may be possible to prove something in Viet Nam. But it would be important for Hanoi and the hawks at home to remember that Church and other critics of the war are not taking sides in a struggle between America and international communism. They represent, instead, a third point of view. But when the chips are down and Hanoi or anyone else does force them to take sides, as it did in the case of the pilot trials, Church and the other critics will side with Washington over Hanoi any day.—B.H.

Mr. CHURCH. Mr. President, I also have news releases issued subsequently, which bear out the continuing concern I have felt for American prisoners of war. On May 1, 1970, I joined the distinguished Senator from Kansas as one of the cosponsors of a resolution he introduced, which had, so far as I know, the unanimous support of the Senate, in which we expressed our strong feeling that these prisoners are entitled to better treatment than they have received from the North Vietnamese. I said at that time:

> I hope that this latest Congressional resolution will focus additional attention upon the situation of American POW's and help to assure both humane treatment for them and speed the day of their safe return home.

I ask unanimous consent that the news release dated May 1, 1970, may appear at this point in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

NEWS RELEASE FROM FRANK CHURCH

WASHINGTON, May 1, 1970.—Senator Frank Church has co-sponsored a Senate concurrent resolution designating today—May 1—as a day for an appeal for international justice for American prisoners of war and servicemen missing in action in Southeast Asia.

Church noted that American prisoners of war or those missing in action now number 1,500, including several from Idaho.

In remarks prepared for delivery in the Senate, Church said that "The treatment of American POW's in Southeast Asia has been a concern of mine for many years." The Idaho Senator noted that in 1966, he drafted a statement—in which he was joined by many other Senators—which warned the Hanoi government against treating American prisoners as war criminals. As a result, Hanoi dropped its criminal charges against captured American pilots.

More recently, Church co-sponsored and helped move through the Foreign Relations Committee a Senate resolution calling on the United Nations to intervene on behalf of American prisoners to insure that the Geneva Convention covering treatment of POW's is obeyed and that prisoners received humane treatment.

"I hope," Church said, "that this latest Congressional resolution will focus additional attention upon the situation of American POWs and help to assure both humane treatment for them and speed the day of their safe return home."

Mr. CHURCH. Mr. President, again last year, in October of 1969, I issued another public statement calling the treatment accorded American prisoners of war by North Vietnam "indefensible." I described it as still another barrier to a successful settlement of the war. I said at that time:

> As a Senator who has long objected to our involvement in Vietnam, I call on the North Vietnamese and the National Liberation Front to observe the canons of morality and international law.

I said further that:

> No legalisms can absolve any government of its obligation to accord humane treatment to prisoners of war.

And I noted that the cruelty of the North Vietnamese policy:

> Is felt most deeply by the prisoners' wives and families. For many, the pain of separation is worsened by the terrible uncertainty about whether their loved ones are alive.

I concluded with:

> The obstinacy of the government of North Vietnam and the NLF increases bitterness and suspicion, and raises still another barrier to a successful settlement of the war. Without producing any military or diplomatic advantage, it multiplies grievances, spreads distrust and has much the same effect on progress toward peace as escalation on the battlefield.

Mr. President, I ask unanimous consent that the full statement, issued on October 1, 1969, appear in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

NEWS RELEASE FROM FRANK CHURCH

WASHINGTON, October 1, 1969.—Senator Frank Church said today that the treatment accorded American prisoners of war by North Vietnam is "indefensible" and still another barrier to "a successful settlement of the war."

In remarks prepared for delivery in the Senate, the Idaho Senator said it is time "for Hanoi to recognize that its treatment of prisoners of war is morally repulsive to people of all shades of opinion in the United States and the world.

"As a Senator who has long objected to our involvement in Vietnam, I call on the North Vietnamese and the National Liberation Front to observe the canons of morality and international law."

Hanoi and the NLF, Church said, "should identify the prisoners of war, allow the free flow of mail, permit inspection of the detention facilities by the International Red Cross, and give real evidence that the captives are receiving adequate care. In the name of our common humanity, they should do so now."

At the same time, Church reiterated his

support for a pending Senate resolution urging the United Nations to act on behalf of American prisoners.

Noting the continued refusal of Hanoi and the NLF to abide by the Geneva Conventions of 1949 concering treatment of prisoners, Church said that "No legalisms can absolve any government of its obligation to accord humane treatment to prisoners of war."

The cruelty of the North Vietnamese policy, the Idaho Democrat continued, "is felt most deeply by the prisoners' wives and families. For many, the pain of separation is worsened by the terrible uncertainty about whether their loved ones are alive."

And, Church said, "The obstinacy of the government of North Vietnam and the NLF increases bitterness and suspicion, and raises still another barrier to a successful settlement of the war. Without producing any military or diplomatic advantage, it multiplies grievances, spreads distrust and has much the same effect on progress toward peace as escalation on the battlefield."

In 1966, in an effort led by Church, several Senate opponents of the war in Vietnam warned the North Vietnamese against going ahead with their threat to execute captured American flyers as war criminals. A few days later, Hanoi dropped its plan for the war criminal trials.

Mr. CHURCH. So, Mr. President, I would hope that no one is led to conclude that those of us who oppose this amendment have any less feeling for the plight of American prisoners of war than those who vote for the amendment.

Mr. DOLE. Mr. President, will the Senator yield briefly?

Mr. CHURCH. I yield.

Mr. DOLE. I just want to underscore the Senator's last statement. Certainly, as I tried to make it clear, I applaud those efforts of the distinguished Senator from Idaho and others who have spoken on the floor today. I do not question the motives of anyone. I do not question anyone's patriotism. I do not agree with the Senator from Idaho's assessment of this amendment but certainly do not intend to make an issue of anyone's patriotism, whether he opposes or supports the amendment offered by the Senator from Kansas. I believe it is an appropriate amendment and will speak to that later this afternoon. I have high regard for the Senator from Idaho and recognize his long and continuing interest, not only in opposition to the war, but in the status of American prisoners of war and those missing in action in Southeast Asia.

I hope the Senate will deal with the amendment, on its merits and not by way of some parliamentary procedure to table it. At least we should have a vote on the merits of the amendment.

Mr. CHURCH. I thank the Senator for his personal references.

I yield now to the Senator from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. President, a great deal has been said and done in recent years regarding the young Americans being held as prisoners of war by the North Vietnamese and the Vietcong. Our own Government and others, private groups and individuals, Members of Congress, and the relatives of the prisoners themselves, have gone to extraordinary lengths and pursued every channel in the hope of at least finding out the names of the prisoners held.

My personal efforts in this regard go back to the fall of 1965, and have continued until the present time. In addition to a number of visits to the International Committee of the Red Cross in Geneva, and conversations with representatives of various governments and the United Nations, on three separate occasions, I have addressed letters to the President of North Vietnam. My primary concern was merely information on the identity and condition of the prisoners, and arrangements for the free flow of mail between these men and their families in the United States. The first letter, sent in 1966, was never answered. The second letter, sent in 1967, was acknowledged through an aide to the President of North Vietnam. The third letter, sent last year, was answered by President Ho Chi Minh's successor, Ton Duc Thang.

The negative response to my personal efforts are a matter of record—so I share the deep frustration of all Americans, on the lack of any meaningful progress relating to the prisoners of war issue.

Our duty to these men, of course, and to their families, is basically humanitarian. And I strongly feel, that if we are to successfully obtain humane and fair treatment for them, we must stop tying their rights to unrelated political controversies, both foreign and domestic. We must stop exploiting their helpless plight to beat the war drums in Southeast Asia. We must stop using them as pawns in the Paris talks, thereby evading the real issues involved in reaching a political settlement—a negotiated settlement—that will end the violence and war in Indochina.

It is this increasing politicization of the prisoners of war issue that concerns me today. And so I say, as I have said in this Chamber before, let us remove the political pressures from the prisoner issue. Let us give credibility to our legitimate humanitarian concerns. Let us stop the shouting and denunciations, and begin the quiet, private international initiatives necessary, I feel, to accomplish the objectives all of us seek.

A few months ago—in February—the American National Red Cross began such an effort. Chairman E. Roland Harriman wrote letters appealing for the help of Red Cross societies throughout the world. On April 9 I reported to Senators some progress on responses to his letters. Today I can report additional progress, but I also want to urge those National Red Cross societies that have not responded positively to do so now.

It is my understanding that at least 45 of the societies have communicated with Mr. Harriman. At least 30 of these have responded positively. Only three societies have been negative so far—those in the Soviet Union, Mainland China, and East Germany.

I would certainly hope and urge that other societies—the Red Cross being perhaps the most universal of humanitarian agencies—would respond positively to the pleas for help from their counterpart in their country, and in turn work together to generate some program on an issue of vital concern to the American people and humanitarians throughout the world.

It is my hope that other American voluntary organizations, with essentially humanitarian concerns, will support and join this effort of the Red Cross. I appeal to these other organizations—in the religious community and elsewhere—to encourage their counterparts and related agencies overseas, to raise the prisoners of war issue in other countries.

The fact remains, Mr. President, that there are a number of international agencies which have shown themselves to be interested in humanitarian efforts and concerns involving disadvantaged peoples—in Nigeria and elsewhere. Some are concerned with such things as the past massacres in Indonesia or political prisoners in Brazil, for example. I do not feel that these organizations have been sufficiently activated to this issue of prisoners of war, and I would certainly be hopeful that all the information that we have, that is available to the Government, could be presented to these groups, religious groups and others, and that we could actively implore the use of their good offices in trying to reach a solution to this very compelling humanitarian issue of the American prisoners in North Vietnam.

Perhaps such an internationalization of the prisoners of war issue, within the humanitarian context of these private organizations, will persuade Hanoi that even modest steps to ease the anguish felt in the hearts of so many Americans would be gratefully welcomed by people throughout the world as a measure of respect for the dignity of man and a meaningful contribution toward peace.

Mr. President, I want to commend the distinguished floor leader, the Senator from Idaho (Mr. CHURCH), the distinguished Senator from Indiana (Mr. BAYH) and a number of others for their statements this afternoon. I think they have reflected, as shown by their past efforts, a very true, deep, and passionate concern for the welfare and the well-being of these prisoners.

I think all of us feel the sense of frustration from the fact that even efforts made by well-intentioned people have failed to bring about the kind of solution to this problem which all of us in this body would like to see achieved.

The prisoner of war issue, in its real humanitarian aspects, has to be brought home even further throughout the world community. I think we have to be unrelenting in our efforts to achieve the aims which all of us would like to achieve. I think we can see that in the very recent months, there have been some very slight rays of light occasioned by the exchange of some mail and packages. Certainly this is not the whole story, but there have been certain kinds of indications which are a good deal more hopeful than we ever expected in the past.

So I would hope that if we can get international humanitarian agencies to make the necessary effort, we will have at least provided some additional and meaningful channels to meet what I know concerns every Member of this body.

I thank the Senator for yielding.

Mr. CHURCH. Mr. President, I express my gratitude to the Senator for the persuasive argument he has made.

I yield now to the Senator from New Jersey (Mr. CASE).

Mr. CASE. Mr. President, I thank my colleague for yielding. I asked him to do so only for the purpose of adding a little cumulative weight to what has been said already.

Those of us who do not believe that the pending amendment is the best way to proceed in the matter of helping prisoners of war are very much concerned that our opposition to it should not in any way be misunderstood. As the Senator from Idaho and other colleagues who have just spoken have clearly indicated, our concern for these men—and women, if there be any—who are in the hands of the enemy is in no way diminished by the action that we expect to take in regard to this amendment, and we do not want anyone to misunderstand this. We shall continue as strongly as we can in all the various ways that have been pursued, and in others, too, if they can be found, to ameliorate this situation and to bring, if it is possible in any way to do it, the force of world opinion to bear upon the North Vietnamese and upon the people who are holding Americans as prisoners of war in circumstances that are not tolerable.

I commend my colleague for having raised this issue, and other Senators as well.

Mr. PELL. Mr. President, I rise to say a word in support of the Senator from Idaho and other Senators who would not want what we say here to be construed as a message to Hanoi that we in any way sympathize with or excuse or condone their obnoxious treatment of our men who are prisoners of war.

I am reminded of World War II, when the Germans had two kinds of prisoners of war—those from nations that had signed the Geneva convention and those from nations that had not. The prisoners from nations that had not signed the convention were treated as nonprisoners and were treated very badly. I am thinking specifically of the Russians who were German prisoners of war. But even in that case, their treatment was better than the treatment that is accorded the prisoners of war held by North Vietnam. In World War II, the prisoners were not called criminals, they were not brutalized, and they were not brainwashed.

I think it is very important for Hanoi to recognize that those who oppose the war find far more obnoxious, from an individual viewpoint the treatment the North Vietnamese are according to American men held as prisoners of war.

I commend the Senator from Idaho for his statement.

Mr. CHURCH. Mr. President, no one abhors war more deeply than the Quakers. Those who devoutly believe in the Quaker faith must feel deep compassion toward American prisoners of war, and the condition in which they now find themselves.

I received today a letter from Mr. Edward F. Snyder, of the Friends Committee on National Legislation. It is an eloquent statement in opposition to the enactment of the amendment offered by the Senator from Kansas. The letter points out how the adoption of this amendment could not possibly help our prisoners of war, indeed it might have the opposite effect.

Mr. Snyder concludes his letter with this statement:

> If we are truly concerned for the welfare of prisoners of war in Vietnam, Cambodia and Laos, it seems to me the best way to secure their release is in the context of a general agreement to end the war in Indochina.

I ask unanimous consent that the full text of this letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FRIENDS COMMITTEE ON NATIONAL LEGISLATION,
Washington, D.C., June 2, 1970.

Senator FRANK CHURCH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CHURCH: During the early months of 1968 as Quaker International Affairs Representative in Southeast Asia I had occasion to talk with representatives of the DRVN and the National Liberation Front about the question of prisoner release. This was done in the context of seeking the release of one of our Quaker doctors taken prisoner at Hue during the Tet Offensive and of her friend who worked with International Volunteer Services. We also urged the release of other civilians and government personnel.

In the course of these conversations I had the opportunity to form some opinion regarding the possibilities for releasing such prisoners and the conditions under which a general release might occur.

Having had personal friends who were or are now thought to be prisoners, I can sympathize deeply with the desire of those who seek to obtain their release. It does seem to me, however, that proposals such as those offered by Senator Dole of Kansas will be completely ineffectual in achieving that goal.

Two references arise from Senator Dole's proposal that the Church-Cooper Amendment ". . . shall be inoperative during any period that the President determines that citizens or nationals of the United States are held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front."

One inference is that there is an implied threat to continue or escalate the military action in Cambodia if the North Vietnamese or the forces of the National Liberation Front hold U.S. prisoners of war there. Threats or the actuality of much stronger action such as massive bombing of North Vietnam have had no such effect and it seems practically inconceivable that the threat that U.S. troops will remain in or return to Cambodia will persuade them to release prisoners.

There is also an implication which may be unintended that, by leaving the way open for U.S. forces to remain in or return to Cambodia, some sort of armed column rescue operation might be carried out. Even if it were possible to locate the place where prisoners were being held in Cambodia, the risk to the lives and safety of the prisoners themselves in the course of such an operation would be, in my opinion, so great that this course of action is extremely difficult to justify.

The only real hope for securing a general release of prisoners lies in achievement of a final settlement such as occurred in the Geneva Accords of 1954. As you recall, Article 21 of the Agreement on the Cessation of Hostilities in Vietnam of July 20, 1954, states:

"The liberation and repatriation of all prisoners of war and civilian internees detained by each of the two parties at the coming into force of the present Agreement shall be carried out under the following conditions:

"(a) All prisoners of war and civilian internees of Viet-Nam, French and other nationalities captured since the beginning of hostilities in Viet-Nam during military operations or in any other circumstances of war and in any part of the territory of Viet-Nam shall be liberated within a period of thirty (30) days after the date when the cease-fire becomes effective in each theatre.

"(b) The term 'civilian internees' is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities.

"(c) All prisoners of war and civilian internees held by either party shall be surrendered to the appropriate authorities of the other party, who shall give them all possible assistance in proceeding to their country of origin, place of habitual residence or the zone of their choice."

If we are truly concerned for the welfare of prisoners of war in Vietnam, Cambodia and Laos, it seems to me the best way to secure their release is in the context of a general agreement to end the war in Indochina.

Sincerely yours,
EDWARD F. SNYDER.

Mr. CHURCH. I yield now to the distinguished Senator from Indiana.

Mr. BAYH. I thank the Senator from Idaho.

In talking with a number of citizens of this country and other countries who have been in direct communication with the North Vietnamese, it appears that it is difficult for the North Vietnamese leaders to understand our system of government.

The Senator from Indiana wonders whether there is anything we can do, other than this type of colloquy, to try to drive this message home: that in our system it is entirely possible for the Senator from Indiana and the Senator from Idaho and some of the rest of us to disagree with vigor, but with respect, as to the proposition of our friend and colleague the Senator from Kansas, and yet, with equal fervor, to agree on a somewhat related point such as the prisoners of war.

The Senator from Idaho asked a moment ago whether there was anything else we could do. The Senator from Indiana is at a loss to suggest anything that can guarantee the return of our men.

It has been suggested by some that perhaps something dramatic might be done, a joint session of Congress, for example, for the purpose of dealing with the problems of prisoners of war. The Senator from Indiana feels that perhaps this should be explored with the Presiding Officer, the Vice President, or with the officials of the other body.

I ask the Senator from Idaho and the Senator from Kansas whether a message I just have penned might profitably be sent to the premier of the Democratic Republic of Vietnam, the North Vietnamese, to which we would try to get the

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signatures of all Members of the Senate, indicating that we are deeply concerned. I am not wed to this language, and I am not certain it will do anything, but anything we can do to get the North Vietnamese to better understand the deep concern that the people of this country have, and that we as their representatives have, might be of some assistance. It could read as follows:

> We the undersigned members of the United States Senate feel compelled to personally express our sense of outrage at the continuing inhumane treatment of United States prisoners of war held captive by the government of North Vietnam and National Liberation Front.
>
> As a signatory to the Geneva Prisoner of War Convention of 1949—

Which I understand North Vietnam signed in 1957.

> North Vietnam is bound to identify the persons held prisoner, release those who are ill or wounded, permit the regular flow of mail to and from the prisoners, and permit inspection of the prisoner of war facilities. In blatant disregard of these basis humanitarian requirements, the government of North Vietnam continually has refused to adhere to the terms of the Geneva Convention.
>
> While we are not of one mind on the past and present policies of our government in Southeast Asia, we think it is important for North Vietnam to know that we are of one mind in insisting on the immediate release and proper treatment of our prisoners.

I suggest that we might pursue this. I further suggest to the Senator from Kansas that together—all of us on both sides of this issue—that this would be a telling point. If a message such as this, which could be drafted jointly by us, could arrive in North Vietnam with the signatures of 100 Senators affixed to it, it might have an impact.

It would seem to me that this would at least show a unanimity of purpose in this country relative to what is happening to our young men.

Mr. CHURCH. I would be proud to add my name to such a message. The unanimous endorsement of the Senate of such a message, conveyed to the Government of North Vietnam, could very possibly have a helpful effect.

I want to do anything I can that has some chance of being effective in helping our prisoners of war who are now held principally in North Vietnam—not Cambodia.

As the Senator himself has so well said earlier in this debate, the pending amendment offered by the Senator from Kansas cannot possibly be effective in helping American prisoners of war. By retaining American forces in Cambodia beyond the date the President himself has set for their withdrawal, our POW's in Indochina are not helped at all.

One cannot believe, even if the Dole amendment were adopted, that the President would ever invoke it.

I thus commend the Senator for his suggestion. I want to do something that could help. Yet, we must not raise false expectations, which would be the case if we adopted an amendment of the character offered.

Mr. BAYH. It seems to me—I see our distinguished colleague from Kansas rising so I shall be brief—that one thing that certainly could do no harm and might, as the Senator from Idaho has suggested, drive home the point that we are united on the issue of the humane treatment of U.S. prisoners, is a telegram from the 100 Members of the Senate.

I appreciate the Senator's yielding to me.

Mr. CHURCH. Mr. President, I yield the floor.

Mr. DOLE. Mr. President, let me say, first of all, in response to the suggestion of the Senator from Indiana, it is a good one. Certainly, I would be pleased to participate.

With reference to the debate this afternoon, if nothing else, my amendment has been successful, in that it has at least spurred some debate.

I do not impugn the motives of anyone but, to the contrary, applaud the statements made. I recognize the interest of many Senators in American prisoners of war and those missing in action extending back before I became a Member of this body.

Thus, to my friends who have risen to express their views, perhaps this activity in itself will be meaningful to the wives and children and mothers of Americans missing in action and our prisoners of war in Southeast Asia.

I have been told many times by the wives and parents of Americans missing in action, and prisoners of war, that any interest expressed on the Senate floor or on the floor of the House, or by the President is meaningful, because it may result in some way in better treatment for their husbands and sons.

Thus, I would hope that the debate today will have that meaning, notwithstanding the fate of my amendment, which will be voted on tomorrow at 11:30 a.m.

I would say to my friends from Idaho and Indiana that tomorrow, rather than moving to table the amendment, that we should have a vote on its merits.

I happen to believe this is one way we can express ourselves. I happen to believe that this is a responsible amendment. I do not consider it a travesty, as has been suggested by the Senator from Idaho. It says merely that—

> (b) The provisions of subsection (a) of this section shall be inoperative during any period that the President determines that citizens or nationals of the United States are held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front.

All it says, in effect, is, if the President determines there are prisoners there, American citizens, or American nationals, that the sections are inoperative and American troops could go into Cambodia without the President first consulting or obtaining the consent of Congress.

Mr. CHURCH. Can the Senator from Kansas tell us how many prisoners of war there are in Cambodia?

Mr. DOLE. Not precisely. I think there are reports of 20 or more.

Mr. CHURCH. Can the Senator tell us how many prisoners of war there are in North Vietnam?

Mr. DOLE. Again, not precisely. I think perhaps as many as 400—known prisoners.

Mr. CHURCH. Then why does not the Senator extend the amendment to cover North Vietnam and provide that there shall be no withdrawal of troops from South Vietnam as long as there are prisoners of war in North Vietnam?

Mr. DOLE. I would be very happy to add North Vietnam, Laos, and Thailand, but would not add the last section. I believe the President would exercise the right of rescue, notwithstanding the amendment, as has been expressed by the Senator from Idaho and many others. That is why I feel this amendment would be a positive step by the Senate, that the President should have that right. It underscores what has been said by every Senator speaking today, that we are concerned about our prisoners of war and those missing in action.

Why do we not say so in so many words? I would be very happy to accept the amendment, to include Laos, Thailand, and North Vietnam.

Mr. CHURCH. Last December, the Senator supported an amendment here that prohibited the introduction of American ground forces into Laos. At that time he did not raise any question concerning American prisoners of war held in Laos. Is that not true?

Mr. DOLE. That is true. It was a mistake, but I did not raise that question at that time.

Mr. CHURCH. Is not the principle involved in this amendment, as it applies to Cambodia, equally applicable to Laos and North Vietnam?

Mr. DOLE. There is no question about it. In fact, there are other amendments pending. They will all be offered in due course, some much broader than mine. I restricted mine to Cambodia because the Church-Cooper resolution was restricted to Cambodia. There are some 16 or 17 amendments pending. This is only the beginning. There will be others following this one. The Senator from Arizona (Mr. GOLDWATER) has an amendment which deals with prisoners of war in the entire area of Southeast Asia. I confess that I voted last December 15 for the Laos-Thailand amendment and perhaps at that time there should have been some recognition, that the President had that power in any event. Again, as has been stated by the Senator from Idaho, I feel the President has that right and he has that power. Thus, I hope the Senator from Idaho might agree to some language in the Church-Cooper resolution itself.

Mr. CHURCH. Whatever constitutional power the President has, irrespective of what language we put in the Cooper-Church amendment, he will retain.

Mr. President, I have here a tabulation from the Department of Defense on the prisoner of war situation as of May 26, 1970. I call it to the Senator's attention because it is highly pertinent to his amendment.

This compilation shows that of those Americans missing in action, 481 are listed as missing in action in South Vietnam, 405 are listed as missing in action in North Vietnam, 219 in Laos, none in

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Cambodia—for a subtotal of 1,105. Of those believed to be captured by the enemy, 75 are believed to be in South Vietnam, 375 are believed to be in North Vietnam, three are believed to be in Laos, and none are believed to be in Cambodia. The total, 1,558, is the latest compilation furnished us by the Department of Defense.

Mr. President, I ask unanimous consent that this compilation be printed in the Record.

There being no objection, the compilation was ordered to be printed in the Record, as follows:

American servicemen missing in action or believed captured—Southeast Asia, as of May 26, 1970

1. Missing in action (location):	
a. South Vietnam	481
b. North Vietnam	405
c. Laos	219
d. Cambodia	---
Subtotal	1, 105
2. Believed captured (location):	
a. South Vietnam	75
b. North Vietnam	375
c. Laos	3
d. Cambodia	---
Subtotal	453
Total	1, 558

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. GOLDWATER. Mr. President, there are 18 or 20 American newsmen missing in action. They could be assumed to be prisoners of war in Cambodia.

Mr. DOLE. Mr. President, at this point in the Record, I ask unanimous consent to have printed a number of telegrams from the wives and mothers of American prisoners of war and Americans missing in action with reference to the amendment I have offered, and with reference to the other amendments dealing with prisoners of war and Americans missing in action, and the so-called Cooper-Church amendment.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Lewiston, Idaho,
May 30, 1970.

Senator Robert Dole,
Senate Office Building,
Washington, D.C.

Dear Senator Dole: My son, Lt. Roderick Mayer, U.S.N., has been a prisoner of war in North Vietnam since Oct. 17, 1965.

If President Nixon withdraws our troops from Vietnam before Hanoi releases our men, I will never see my son again.

Please use your influence to convince the President that he must negotiate the release of our prisoners of war by North Vietnam and the Vietcong before he withdraws any more troops from Vietnam.

Sincerely,

Mrs. Joe Mayer.

Fort Madison, Iowa,
June 1, 1970.

Senator Robert Dole,
Senate Office Building,
Washington, D.C.:

We urge support of prisoner of war amendment to bill 609.

Mr. and Mrs. Darwin Cuthbert.

Seattle, Wash.,
May 30, 1970.

Senator Robert Dole,
Senate Office Building,
Washington, D.C.:

We strongly commend and support your proposed POW amendment to the Church-Cooper bill.

Mr. and Mrs. R. W. Balcom.

Spokane, Wash.,
May 30, 1970.

Senator Robert Dole,
Senate Office Building,
Washington, D.C.:

Mrs. Jeanette Shively, Mrs. Faye Schierman, and Mrs. Marie Bossio from Spokane, Wash., left this morning for Europe to seek information of their loved ones who are MIA POW. They join with me in gratitude for your constant concern of our POWs and in commending you on the recent amendment to the POW resolution.

Sincerely,

Joan Vissotzky.

Puyallup, Wash.,
May 30, 1970.

Senator Robert Dole,
Senate Office Building,
Washington, D.C.:

I commend you on your POW amendment to Church-Cooper bill. Now is the time for expanding war legislation to include the prisoners and missing held by North Vietnam, Loas, and the National Liberation Front. We must be sure money and troops are not withdrawn before satisfactory negotiations of the prisoner question. We cannot abandon the 1,500 in Southeast Asia as we did the 389 in Korea.

Best personal wishes.

Mrs. Robert Hagerman,
Washington Families Prisoners of War.

Walla Walla, Wash.,
May 30, 1970.

Senator Robert Dole,
Senate Office Building,
Washington, D.C.

Dear Senator Dole: We the parents of a son who is missing in action in Southeast Asia want to commend you on your amendment of the return of Americans including all prisoners of war in Southeast Asia. Your efforts are greatly appreciated.

Sincerely yours.

Florence M. Kleinknecht.

Tacoma, Wash.,
May 30, 1970.

Senator Robert Dole,
Senate Office Building,
Washington, D.C.:

I commend you for your amendment to the Church-Cooper bill with consideration for the prisoners and missing in action. The families and loved ones of these men support you in your endeavor to show concern and are placing our confidence in you that the men in Cambodia and also those held as prisoners and missing in action category in the other areas of Southeast Asia shall not be forgotten in haste to withdraw funds and troops before these brave captives are returned home and a just peace is realized.

Joyce Knisely.

Laguna Beach, Calif.

Senator Robert Dole,
Senate Office Building,
Washington, D.C.:

I support you in your amendment to the Church-Cooper bill which would prohibit the the cutting off of funds to Cambodia until our prisoners of war are released.

Mrs. Lillian N. Smith.

Laguna Beach, Calif.,
June 1, 1970.

Senator Robert Dole,
Senate Office Building,
Washington, D.C.:

You have of full support on your amendment to the Church-Cooper bill.

Mary A. Waters.

St. Louis, Mo.,
May 30, 1970.

Senator Robert Dole,
Senate Office Building,
Washington, D.C.:

We back your move to reenter Cambodia if necessary to release American prisoners.

Mr. and Mrs. Richard Vasel.

Oak Harbor, Wash.,
May 29, 1970.

Senator Bob Dole,
Washington, D.C.:

Strongly support your stand for prisoner release on Cambodian bill. Vitally concerned citizen.

Alice L. Kane.

Olympia, Wash.,
May 29, 1970.

Senator Robert Dole,
Senate Office Building,
Washington, D.C.:

I commend and support your efforts on the POW's amendment to the Church-Cooper bill. We must not withdraw from Cambodia for it may mean leaving prisoners of war behind. I am one of many heart broken loved ones of those missing in action and our prayer is that men like you help for the return of all prisoner of war men all over in Southeast Asia. Thank you again for your every effort to help and our prayers are with you.

Mrs. Paul L. Vraffee.

Mercer Island, Wash.,
May 29, 1970.

Senator Dole,
Washington, D.C.:

Commend and support your efforts. Behalf of prisoner of war amendment to Church-Cooper bill.

Melitta Johnson.

Seattle, Wash.,
May 29, 1970.

Senator Dole,
Senate Building,
Washington, D.C.:

We are for our President and concur in his Cambodia action please support amendment to Church-Cooper bill our prisoners of war and missing in action must not be left behind and uncounted.

Mr. and Mrs. George A. Jensen.

Oak Harbor, Wash.,
May 29, 1970.

Senator Bob Dole,
Washington, D.C.:

Strongly support your stand for prisoner release on Cambodian bill.

Gail Orell.

Laguna Beach, Calif.,
May 31, 1970.

Senator Robert Dole,
Senate Office Building,
Washington, D.C.:

I support you in your amendment to the Church-Cooper bill which would prohibit the cutting off of funds to Cambodia until our prisoners of war are released.

Mrs. Lillian N. Smith.

Piqua, Ohio,

June 1, 1970.

Senator Robert Dole,
Washington, D.C.:

We support the POW amendment.

Mary Baugh.

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LAGUNA BEACH, CALIF.,
June 1, 1970.

Senator ROBERT DOLE,
Senate Office Building,
Washington, D.C.:

You have our full support on your amendment to the Church-Cooper bill.

VIRGINIA DAILEY.

OAK HARBOR, WASH.,
May 30, 1970.

Senator ROBERT DOLE,
Washington, D.C.:

As the wife of a navy lieutenant who is missing in action in Vietnam I heartily support your amendment to the Cambodian bill. I'm glad we have one very concerned Senator in Washington.

Mrs. BARBARA HUNT.

OAK HARBOR, WASH.

Senator ROBERT DOLE,
U.S. Senate,
Washington, D.C.:

I am the wife of Cdr. W. P. Yarbrough, Mia, North Vietnam, January 1, 1967. Before Congress considers the people who scream what can the United States do for them consider the people who said what can we do for the United States, the men who are missing in action and prisoners of war in Southeast Asia. The first have the voting power but the second have the courage. Stop the Cooper-Church bill from passage by the Senate. First make North Vietnam return all missing in action and prisoners of war.

BETTY E. YARBROUGH.

CHICAGO, ILL.
June 1, 1970.

Senator ROBERT DOLE,
Washington, D.C.:

We support Robert J. Dole, Republican from Kansas, amendment for the POW.

Mr. and Mrs. GEORGE STARK.

PIQUA, OHIO,
June 2, 1970.

Senator ROBERT DOLE,
Senate Office Building,
Washington, D.C.:

I support Senator Dole POW amendment.

Mr. and Mrs. EARL BAUGH.

Mr. DOLE. Mr. President, at the hour of 11:30 tomorrow morning, there will be a vote, hopefully, on the merits of the amendment I have offered, to page 5, lines 18 and 19 of the Military Sales Act.

I have no control over what motion might be offered ahead of any vote on the merits, but would assume and presume that there will be a motion to table. But I hope in view of the thoughts expressed by a number of distinguished Senators this afternoon that we will vote on the merits of the amendment and that the amendment will be adopted.

It is not very complicated. It is rather simple. It merely says that if the President determines that Americans are captives of the enemy in Cambodia, the provisions of the Cooper-Church amendment shall be inoperative.

The Senator from Idaho said and almost every other Senator believes, that the President has this right and power to effect the rescue of prisoners under the Constitution in any event, although it is not delineated clearly in the Constitution.

Some raise doubts about the powers that the President has under the Constitution. That is the sole and only purpose of offering the amendment, to make it crystal clear that if the President should determine that citizens or nationals are held prisoners of war in Cambodia, the so-called Cooper-Church amendment would not be operative.

As the Senate has proceeded in its consideration of the Cooper-Church amendment, initial doubts held by many as to its timeliness and propriety have been confirmed, and other weaknesses have been disclosed.

The first flaw which was noted, and one which has remained unrepaired, is the amendment's imposition of legislative initiative in a situation where the President has taken action and is pursuing a well-defined and delimited objective, this legislative action is no less than an attempt to second-guess the President in his conduct of the Cambodian operations. Furthermore, despite assertions to the contrary, this legislative action amounts to a declaration of lack of confidence in the President's ability or intention to fulfill his timetable for termination of the Cambodian operations.

Although the amendment has been modified to take effect after the President's deadline for withdrawal of U.S. forces and to express the intent of acting in concert with the President's objectives, the underlying implications of the amendment have not been altered to any meaningful extent.

Another objectionable aspect of the Cooper-Church amendment, aside from the present considerations of Cambodia, is the actual or apparent limitation which would be placed on the President's Commander in Chief powers. As a matter of constitutional law and realistic understanding, the Congress cannot place limitations on any of the President's exclusive powers. However, in world politics, just as in the domestic variety, appearances, and impressions are often of equal importance with actuality. While we in the Senate and the American public would likely understand the boundaries of any legislative expressions in this field, we could not count on similar understanding by peoples of other countries, friends and enemies alike. If it were believed—falsely or not—that the President, in the conduct of this Nation's foreign policy and in the command of our troops throughout the world, was operating under legislatively directed limitations on his exclusive powers, the ramifications would be profound.

Our capacity and dedication to meeting our treaty and mutual security obligations would be subjected to considerable question. If the Congress were believed to have restricted the President in Cambodia what would allay suspicions that limits might not be imposed in situations which might arise in Korea, in Europe, or in Israel?

Our treaty partners throughout the world would be forced to reevaluate their positions within our alliances. If they could no longer place their firm reliance in our resolve to meet the spirit as well as the letter of these obligations, they could be expected to take fundamentally different views of their roles in world affairs. In pursuit of their own self-interest, they would have to seek accommodations with other powers and interests—perhaps against the wishes and positions of the United States.

Even those nations who are not bound to us by treaties would have to study their positions in the light of an apparently fettered U.S. President and restricted U.S. capacity to influence world events, and honor commitments.

Our enemies, too, would be given cause to consider what new ventures and policies they might undertake believing U.S. response to be encumbered by legislative directives.

As I said, Mr. President, in reality, the President's and the country's ability and intention to wield power and fulfill obligations would not be impaired by the Cooper-Church amendment. But if our friends, our enemies, and noncommitted peoples believed otherwise, the reality would be irrelevant.

Another objectionable aspect of any attempt to restrict the President's Commander in Chief authority has to do with the men he commands. As Commander in Chief the President has the immense burden and responsibility of protecting his troops to the utmost of his abilities. He is, of course, required to order them into hazardous duty. But to the maximum extent possible, he is charged with insuring their safety—and the safety of all Americans.

Mr. President, as I have done so many times before, let me indicate, underscore, and emphasize that President Nixon has kept his word to the American people. President Nixon has kept faith in the American people. President Nixon has reduced the troop level in South Vietnam by 115,500.

Every withdrawal announced by President Nixon has been on schedule or ahead of schedule. He has also announced the withdrawal of another 150,000 troops to be completed by next spring.

As I have stated before, I do not question the motives of the sponsors of the Cooper-Church amendment, but I question the timing of it.

Had President Nixon announced he would withdraw troops and then not followed through, we would have had occasion to question his credibility and integrity.

President Nixon has stated time and time again that all American troops would be withdrawn from Cambodia by June 30. I have faith in President Nixon. I believe President Nixon when he says the troops will be withdrawn from Cambodia on or before June 30.

I believe President Nixon when he says 150,000 additional American troops will be withdrawn by next May 1 or before.

I believe President Nixon when he says that the incursion into Cambodia was necessary for two purposes and two purposes only—first, to protect our American forces remaining in South Vietnam and, second, to keep our Vietnamization program on schedule or perhaps even ahead of schedule.

Mr. President, we are faced tomorrow with the initial vote, not a test vote by any means, but the initial vote on a series of amendments, many of which would improve the so-called Cooper-Church amendment.

Let me emphasize again that my

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amendment is not intended to gut the Cooper-Church amendment. My amendment is not intended to delay consideration of the Cooper-Church amendment.

My amendment is intended to protect the lives of Americans who may be captives or prisoners of war in Cambodia.

I suggest to my friends who spoke today of their concern, and I have no doubt that their concern is real and sincere, that another way to express their concern is to vote for the amendment and against any motion to table.

This would be meaningful. It would be a signal to Hanoi and to the National Liberation Front that Americans do care, that Americans will not take these rights away from our President to protect the American prisoners.

It would be a signal of hope to American wives and mothers who have husbands and sons who are now prisoners of war in North and South Vietnam, Laos, and Cambodia.

Mr. President, I conclude by requesting that those who have spoken today in opposition to the amendment read it carefully, read it in its entirety. Read it as an effort to strengthen the Cooper-Church amendment, read it as an effort to strengthen the hand of the President, read it as an effort to give hope to those Americans who may be prisoners of war or who may be Americans missing in action anywhere in Southeast Asia.

Mr. President, I share the view expressed by the Senator from Idaho that perhaps the amendment should be broadened. Other amendments will be offered, one by the Senator from Arizona with reference to American prisoners of war and Americans missing in action in North Vietnam, South Vietnam, Laos, and other countries in Southeast Asia.

If we are truly concerned about American prisoners of war, wherever they may be in Southeast Asia, I know of no better way to express that concern than by voting for my amendment tomorrow.

Mr. GOLDWATER. Mr. President, in the past 10 days it has been my privilege to visit several widely separated sections of the country and to talk with the people in those areas. And during this time I made it a special point to ask for opinions on the Cambodian operation about which there has been so much discussion since the President moved to take forthright action to wipe out sanctuaries from which American fighting men were being attacked.

I have discovered, Mr. President, what I believe to be a rather interesting phenomenon. When I first began my questioning 10 days to 2 weeks ago, I encountered a large degree of confusion, a heavy percentage of doubt and a very, very large degree of total and almost complete misunderstanding of the problem and the geography of the part of the world with which we are so intimately and intricately concerned today.

During the latter part of my trip, however, I began to detect a change. I began to discover a new and better understanding of just what the situation is in the Far East. People seemed to be gaining a better grasp of just what it is that we are involved in in Vietnam and Cambodia at the present time. By the same token, my mail is reflecting a similar change. Several weeks ago it was running about 5 to 2 in favor of the President's position. Now the ratio is more like 9 to 1 in the President's favor.

Mr. President, I believe that the people of this country are beginning to grasp the fact that they, at long last, have in the White House a President whose intentions and whose purpose is to bring the war in Southeast Asia to an honorable conclusion. I believe the people of this country are now beginning to understand that they finally have a President with the courage and the determination to overcome all obstacles and withstand all types of public criticism for the good of his country and for the good of peace. Heaven knows our President has been showered with plenty of abuse and criticism from all directions since his decision to move forthrightly in Cambodia and take advantage of a political situation in that country which could do nothing but help terminate the war in Southeast Asia and facilitate the withdrawal of more and more American troops.

Mr. President, it is my belief that we owe a debt of gratitude at this time to the advocates of peace, the so-called doves in our midst, who brought about this very, very vehement discussion of the situation in Southeast Asia. I believe that we owe them a debt of gratitude because without their criticism we could not have reached this point of understanding, generally speaking, with the American people. I do not believe that we could have, in so short a time, brought the people to a point where they more thoroughly and completely seem to understand just what it is we are attempting to do. I believe that many events have aided in this process. I believe that the "hard hat" demonstrations in New York were a large part of what went on. I believe these patriotic and determined men were able to open the people's eyes, figuratively and literally. I believe it amazed the American people over the length and breadth of this land to see and hear about 150,000 laboring men demonstrating in the streets of New York for a public position in support of their President. I believe it was a shock for many to find unionized working men out demonstrating for a Republican President on any issue. You will understand, I am sure, that for the past 30 years, Republicans were supposed to have been the enemy of all those people who worked with their hands.

This, of course, was a fallacy promulgated in the days of the depression and the days of F.D.R. and the days of the WPA and so forth. These were the days when it was popular to downgrade and to cast reflections on anybody and anything that stood forthrightly for the free enterprise system, who believed capitalism could still work, or who felt patriotism was not beneath them. These were the days, of course, when we began formulating the permissiveness and the intellectual approach to foreign affairs which has encouraged some people to believe that they themselves, if possessed of a college degree or several college degrees, could formulate foreign policy much better than anybody elected to do that job or anyone appointed and trained to do that job for the Government of the United States.

Now, Mr. President, today we find ourselves in a situation where a full-blown war exists in Southeast Asia and the United States of America is deeply involved. And I might add, again, we are involved through no fault of any Republican President. But we are involved and we are involved deeply and tragically. The problem is to become uninvolved in a way which will serve freedom best. I believe the President of the United States is doing this. I believe he is making progress at this, and I believe the war in Southeast Asia shows more signs of progress toward a successful conclusion, as far as we are concerned, than ever before. But at this very time, Mr. President, we find the Senate of the United States engaged in a heated, even a bitter, controversy and debate over whether or not we should pass legislation to restrict the President's actions in the field of foreign affairs; whether we should take action, legislative action, that is, to actually usurp Presidential and executive powers in this field because some people in the Senate of the United States disagree with the way the President is handling things.

Now, I am not a lawyer and I am not an expert on the Constitution. However, I do revere that document and have spent considerable time as a layman studying it and trying to make myself familiar with its various provisions. In that document the Congress of the United States is entrusted with the authority to declare war. Now, we seem here today to be trying to clarify, if you will, in a legislative fashion, just where congressional powers begin and leave off and where executive powers begin and leave off in the field of foreign relations generally. This whole area has been described by experts as a "twilight zone" in a legal sense; as a zone which is not carefully defined or exactly laid out.

I have an unhappy feeling when we approach this particular subject in anything but a constitutional sense. We keep hearing the charge that the President has usurped congressional warmaking powers under the Constitution. We keep hearing the statement that this is an undeclared war. We keep hearing the charge that the President has overreached his power and that action by Congress is necessary to put the record straight.

Mr. President, let us assume for a moment that such is the case and that a clarification of the duties and responsibilities of the President under the Consitution for the conduct of foreign affairs is needed. Then I propose, Mr. President, that we forget this business of passing amendments and tacking things on to other bills and proceed in a forthright fashion. If people in this body believe that the President of the United States is acting in a questionable fashion, why do they not propose a constitutional amendment which will forever clarify where the powers of Congress begin and leave off and where the powers of the Executive begin and leave off in this very,

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very important field—a field of vital concern to the very security and future of the United States as well as to the cause of freedom throughout the world? Why do we not have a constitutional amendment in this field, a constitutional amendment which can be submitted to the people of this country through their legislatures and assemblies?

As I said earlier, Mr. President, I get an unhappy feeling when I see us approaching legislatively the whole question of the conduct of foreign policy in an area where an actual state of a war exists. I get an unhappy feeling that we are here not only limiting or attempting to limit the power of the executive, but we are in effect announcing to the whole world that we question the wisdom of this policy and the course of action being followed by the United States of America.

Mr. President, I do not believe that this is the time or that it is ever the time when we are conducting armed conflict with an enemy to go about in a legislative fashion to question the actions of our President or the course of our Government. But for those who insist on some kind of action, I say to them the only kind of action which this body can take in the best interest of the American people and the American fighting men is an action which will have the effect of announcing to the world that we in the Senate of the United States and the Congress of the United States underwrite and support the Executive in everything he has done. This cannot be accomplished, I do believe, in the adoption of the Cooper-Church amendment. Nor do I believe it can be done through the more stringent McGovern-Hatfield amendment to end the war in Southeast Asia, or through any of the proposals to repeal the Gulf of Tonkin resolution.

No, Mr. President, I feel that only something that would underscore the President's action with approval and then try and accomplish some other objective connected with the war can perform properly the purpose which we have before us today. Therefore, I believe the amendment introduced by the gentleman from Kansas (Mr. DOLE), to the effect that no limitation upon the President voted by this body or this Congress shall be operative during any period when the President determines that U.S. nationals or citizens are being held prisoners by the North Vietnamese or Vietcong forces in Cambodia.

Mr. President, in that respect I listened to the distinguished Senator from Idaho (Mr. CHURCH) question the Senator from Kansas (Mr. DOLE) as to why he did not include the North Vietnamese, the Vietcong, or Laotians. I was satisfied with the Senator's explanation that we are talking about only Cambodia at the present time; but at the proper time in the course of this debate I shall call up my amendment to H.R. 15628 which states in effect that—

> The provisions of subsection (a) of this section shall become effective as soon as the President (1) obtains the release and safe return to the jurisdiction of the United States of every United States prisoner of war held by the North Vietnamese and the forces of the National Liberation Front, and (2) notifies the Congress that the provisions of clause (1) of this subsection have been satisfied.

Getting back to my discussion of the question on Senator DOLE's amendment, in this I believe we would, in effect, be telling the world that we would leave the area of Cambodia at a specific time provided we were assured that there were no American prisoners of war being left behind—and I include in those prisoners the 18 to 20 who, the morning papers told us, had disappeared in Cambodia.

This would have the effect, Mr. President, I believe, of hastening that time when we can get some kind of honest and humane action from our Communist enemy in Southeast Asia on the 1,500 American soldiers and fighting men who are held prisoners in that area of war, those prisoners about whom we can obtain no information on ways and means of obtaining their release and about whom we can get no details on their physical well-being, which are so important to their loved ones and parents and relatives.

Therefore, passage of the Dole amendment, it strikes me, would accomplish at least a step in the direction of impressing further upon our Communist enemy the fact that we hold the welfare of those 1,500 American prisoners as a very important factor in the conduct of the war.

I believe, therefore, that the Dole amendment, if it were passed, could completely alter the appearance of action taken in this body as it relates to the President and his authority in the field of foreign affairs.

Now, I understand, Mr. President, that if this particular amendment, about which I feel very personally involved, should happen to fail, an amendment will be proposed by Senator BYRD, my esteemed colleague from West Virginia, which states that nothing in the Cooper-Church amendment shall preclude the President from taking any action that may be necessary to protect the lives of U.S. forces in South Vietnam or to hasten withdrawal of U.S. forces from South Vietnam.

While I would prefer the Dole amendment, I would not object to the Byrd amendment, Mr. President, because I believe that the Byrd amendment would be one way of saying we hope the President can obtain the withdrawal of all American troops on the June 30 deadline which he fixed himself, but that if he cannot do that he may take any action that may be necessary to protect the lives of U.S. forces in South Vietnam or any action he may see fit to hasten the withdrawal of U.S. forces from South Vietnam.

In effect, I say the Byrd amendment would nullify the Cooper-Church amendment, and that, to my way of thinking, would be all to the best. However, suppose that both of these amendments fail, Mr. President. Where does that leave us? That leaves us confronted with a legislative proposal which would limit the options of the President in a specific field of foreign relations; namely, Cambodia. This proposal does not serve the cause of freedom. On the contrary, I believe either adoption would be injurious to our national interest.

Now, I have discussed previously the Gulf of Tonkin resolution, which I like to think of in my own mind as the Fulbright resolution, giving it the name of its author, giving it the name of the Honorable Chairman of the Senate Foreign Relations Committee who sponsored the resolution, who steered it through the Senate Foreign Relations Committee and who insisted in its adoption on the floor of the Senate at the behest of a Democratic President.

Mr. President, it has been said, and I am one of those who believe it could be the case, that the Gulf of Tonkin resolution was, in effect, a contingent declaration of war. What the Gulf of Tonkin resolution did was place the Congress of the United States on record as approving any steps the President felt necessary to take to protect American forces in Southeast Asia. This, in effect, handed the President all the powers that he needed to do whatever is necessary in the Indochina war. It certainly covers the action which has been taken with respect to Cambodia. Now, before we begin tampering too seriously with the President's powers in Southeast Asia, I believe that we ought to ask ourselves a number of important questions. The most important of these to my way of thinking is that: Given the seriousness of the Gulf of Tonkin resolution and given the authority which it contains for Presidential action, I believe it behooves us to ask, "Has the Congress of the United States ever repealed a declaration of war?" Now, while we are thinking that one over I have another question, Mr. President, and it is this. Has the Congress of the United States ever declared war without a recommendation from the Executive?

Any way you figure it, Mr. President, the man who is elected Commander in Chief of the Armed Forces of the United States must necessarily have the authority to act in such a situation, must have the authority to do things to protect the entire Nation as well as our fighting men without the necessity of going through the congressional process.

Mr. President, I may not be an expert in this particular field but I have an interesting and authoritative source of reference for my last statement. I am speaking of Chairman FULBRIGHT of the Senate Foreign Relations Committee, who claimed in an article in the Cornell Law Quarterly, fall, 1961, that "the source of an effective foreign policy under our system is Presidential power."

I believe it might serve us well to consider more fully the Foreign Relation chairman's attitude on this important question in 1961. I quote him directly:

> The pre-eminence of Presidential leadership overrides the most logical and ingenious administrative and organizational schemes. The essence of our "policymaking machinery" and of the "decisionmaking process"—concepts of current vogue in the academic world—is the President himself who is neither a machine nor a process, but a living human being whose effectiveness is principally a function of our own knowledge, wisdom, vision, and authority. It is not within our powers to confer wisdom or perception on the Presidential person. It *is* within our power to grant or deny him authority. It is my contention that for the existing requirements of American foreign policy

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> we have hobbled the President by too niggardly a grant of power . . .

Senator Fulbright went on to explain that it is difficult, if not impossible, to devise policies oriented to a clear and definite conception of national interest "through a system in which power and responsibility for foreign policy are 'shared and overlapping.' "

Mr. Fulbright continued:

> Policies thus evolved are likely to be ill-coordinated, short-ranged, and often unsuccessful, while the responsibility for failure is placed squarely on the President, neither "shared" nor "overlapping."

Further on in this same article Chairman Fulbright pointed out that while Congress has many powers under the Constitution having to do with foreign affairs, they do not enable the Congress to initiate or shape foreign policy.

And now, in conclusion, let me answer one of my earlier questions. While under the Constitution Congress alone has the power to declare war, it has never exercised this power except as a consequence of a President's acts or recommendations.

And, according to the Historical Studies Division of the Department of State, the President, historically and without the prior approval of Congress, has repeatedly utilized the Armed Forces of this country in response to an immediate military situation.

In fact, if my memory is right, this country has had 137 military engagements which ranged from that to war, and we have had five declarations of war—The War of 1812, the Spanish American War, World War I, the declaration against Germany and another declaration against Japan in World War II.

As Commander in Chief, he has full control over the use of American Armed Forces, and he may on his own authority commit them to action beyond our borders to protect the national interests of this country. That at least is the way the State Department views the twilight zone in constitutional powers. I suggest that Members of Congress who want to alter that concept would do well to pursue their objective through an amendment to the Constitution. That is the proper way to proceed.

Mr. President, I yield the floor.

ESTABLISHMENT OF A NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1519.

The PRESIDING OFFICER (Mr. Bellmon) laid before the Senate the amendment of the House of Representatives to the bill (S. 1519) to establish a National Commission on Libraries and Information Science, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "National Commission on Libraries and Information Science Act."

Sec. 2. The Congress hereby affirms that library and information services adequate to meet the needs of the people of the United States are essential to achieve national goals and to utilize most effectively the Nation's educational resources and that the Federal Government will cooperate with State and local governments and public and private agencies in assuring optimum provision of such services.

Sec. 3. There is hereby established as an independent agency within the executive branch, a National Commission on Libraries and Information Science (hereinafter referred to as the "Commission").

Sec. 4. The Department of Health, Education, and Welfare shall provide the Commission with necessary administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Commission and the Secretary of Health, Education, and Welfare.

FUNCTIONS

Sec. 5. (a) The Commission shall have the primary responsibility for developing overall plans for, and advising the appropriate governments and agencies on, the policy set forth in section 2. In carrying out that responsibility, the Commission shall—

(1) advise the President and the Congress on the implementation of national policy by such statements, presentations, and reports as it deems appropriate;

(2) conduct studies, surveys, and analyses fo the library and informational needs of the Nation, including the special library and informational needs of the economically, socially, or culturally deprived, and the means by which these needs may be met through information centers, through the libraries of elementary and secondary schools and institutions of higher education, and through public, research, special, and other types of libraries;

(3) appraise the adequacies and deficiencies of current library and information resources and evaluate the effectiveness of current library and information science programs;

(4) develop overall plans for meeting national library and informational needs and for the coordination of activities at the Federal, State, and local levels, taking into consideration all of the library and informational resources of the Nation to meet these needs;

(5) promote research and development activities which will extend and improve the Nations library and information-handling capability as essential links in the national communications networks;

(6) submit to the President and the Congress (not later than January 1 of each year) a report on its activities during the preceding fiscal year; and

(7) make and publish such additional reports as it deems to be necessary, including, but not limited to, reports of consultants, transcripts of testimony, summary reports and reports of other Commission findings, studies, and recommendations.

(8) The Commission is authorized to contract with Federal agencies and other public and private agencies to carry out any of its functions under subsection (a) and to publish and disseminate such reports, findings, studies, and records as it deems appropriate.

(c) The Commission is further authorized to conduct such hearings at such times and places as it deems appropriate for carrying out the purposes of this Act.

(d) The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the Commission in carrying out the purposes of this Act.

MEMBERSHIP

Sec. 6. (a) The Commission shall be composed of fifteen members appointed by the President, by and with the advice and consent of the Senate. Five members of the Commission shall be professional librarians or information specialists, and the remainder shall be persons having special competence or interest in the needs of our society for library and information services. One of the members of the Commission shall be designated by the President as Chairman of the Commission. The terms of office of members of the Commission shall be five years, except that (1) the terms of office of the members first appointed shall commence on the date of enactment of this Act and shall expire three at the end of one year, three at the end of two years, three at the end of three years, three at the end of four years, and three at the end of five years, as designated by the President at the time of appointment, and (2) a member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(b) Members of the Commission who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Commission or otherwise engaged in the business of the Commission, be entitled to receive compensation at a rate fixed by the Chairman, but not exceeding the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Commission away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, and authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(c) (1) The Commission is authorized to appoint, without regard to the provisions of title 5, United States Code, covering appointments in the competitive service, such professional and technical personnel as may be necessary to enable it to carry out its functions under this Act.

(2) The Commission may procure, without regard to the civil service or classification laws, temporary and intermittent services of such personnel as is necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Commission away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

AUTHORIZATION OF APPROPRIATIONS

Sec. 7. There are hereby authorized to be appropriated $500,000 for the fiscal year ending June 30, 1970, and for each succeeding fiscal year such sums as may be appropriated by the Congress for the purposes of carrying out the provisions of this Act.

Mr. YARBOROUGH. Mr. President, I move that the Senate disagree with the amendment of the House of Representatives on S. 1519 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Pell, Mr. Yarborough, Mr. Randolph, Mr. Williams of New Jersey, Mr. Kennedy, Mr. Mondale, Mr. Eagleton, Mr. Prouty, Mr. Javits, Mr. Dominick, Mr. Murphy, and Mr. Schweiker conferees on the part of the Senate.

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ORDER AUTHORIZING STAR PRINT OF S. 3848

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that a star print be made of S. 3848, to correct certain inadvertent typographical errors and omissions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 614. An act for the relief of Franz Charles Feldmeier; and

S. 1786. An act for the relief of James Harry Martin.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3339) to authorize the Public Printer to fix the subscription price of the daily CONGRESSIONAL RECORD.

COMMENCEMENT AT THE UNIVERSITY OF WYOMING

Mr. HANSEN. Mr. President, it was my privilege and distinct pleasure to be on the campus this past weekend for commencement exercises at the University of Wyoming at Laramie.

The message given to the graduating class of 1970 by Wyoming Governor Stanley Hathaway was most important and significant. I take this means, by asking unanimous consent that it be printed in the RECORD, to share it with Senators and other interested persons.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

ADDRESS BY GOV. STANLEY HATHAWAY

A renowned student of youth, Erik Erikson, has noted that young and old alike achieve mutal respect when, as Erikson put it, "Society recognizes the young individual as a bearer of fresh energy, and the youth recognizes society as a living process which inspires loyalty as it receives it, maintains allegiance as it extracts it, honors confidence as it demands it."

I don't believe we can truthfully say that our society today follows that philosophy.

In the existing atmosphere of polarization and alienation across this country, youth, all too often is suspect—and conversely youth too often fails to lend loyalty and allegiance to society or inspire society to reciprocate. That, of course, is the result of polarization.

In recent times this alienation and polarization has had a very real—and, at times, very tragic impact upon American universities.

Student, and, often, faculty revolt against authority—the so-called "establishment"—or to use the currently popular phrase, the "system" which dissidents believe rule academia—is not a problem confined to the campus.

Student unrest—like the dissatisfaction found everywhere in our society, cannot be categorized as the result of any one cause—nor is there any single solution.

The disruptions scarring America today are symptomatic of deep-rooted problems within a society which has reached the heights of technology and come face to face with a situation which may be analagous to that of the agriculturist whose fields and crops win blue ribbons—but who has difficulty cleaning and improving his own backyard.

And this applies too, I think, to our institutions of higher learning—in their capacity as vital extensions of our total society.

From the very beginning of nationwide student activism the question of academic freedom has been debated.

As with all matters—there are various answers proferred. I do not propose to offer any concrete definition of academic freedom.

However, I do feel that in pursuing their historic role—one which has resulted in many benefits to mankind—as critics, thinkers, activists—pioneers, if you will—students and some members of university and college faculties have contributed to and are participating in the polarization threatening to split this nation into opposing camps.

And—they are certainly not deserving of the entire blame for this.

Americans everywhere must renew their support for and acceptance of peaceful dissent—acknowledge the right of students—of every American—to pursue this peaceful course in attempting to bring about constructive change. All of us—whether or not we are or consider ourselves to be numbered among the so-called "silent majority"—must call upon our abilities to distinguished between the type of dissent successfully utilized from the first days of this nation as a means of gaining support for necessary change—as opposed to violent, deliberately destructive disruption.

It is as vitally important that—for their part—students accept the validity of the basic structure of the American political system—that in their desire to improve its ability to activate performance of its professed ideals, they avoid violent tactics which will only prove again that violence feeds upon itself—and grows.

If the academic offerings of universities and colleges must be made more relevant to today's world—as many campus spokesmen maintain—and, I think, as many university administrations and faculty are endeavoring to achieve—by the same token dissidents must recognize that a burned-out campus complex is relevant to nothing progressive or beneficial to humanity—that a university, should it be allowed to fill the role of sanctuary for violent individuals of any political or philosophical persuasion, would be relevant only to violence, death and destruction. The relevancy of our educational system should be to the America we are determined to build and maintain—agreement on the kind of country we should be determined to build can be accomplished only through the kind of debate and reasonable demonstration of worth our universities have been noted for.

Academic freedom is not going to be preserved—nor can it be purchased by—gasoline bombs and rocks and riot squads.

Academic freedom is, in my opinion, the freedom of faculty and students to teach, learn, think new thoughts, innovate and experiment, dissent constructively against established or existing local, state, national and world policies and conditions, and to take non-violent action through educational, legal, political or civic or religious channels to achieve beneficial change. This has been done before—it can be done again.

Communication—sincere, consistent, objective liaison between youth and the older generation—universities and local and state government—can, I believe, contribute to the challenge we face in protecting the processes which we describe as academic freedom—to achieve the goals set forth in the statement by Erik Erikson with which I opened these remarks.

Government officials can do much to aid the public in recognizing the difference between peaceful opposition and dissent and violent disruption—between the non-conformity of those opposed to what they view as the inability of the system to "practice what it preaches"—and the terror tactics of extremists.

In the meantime—and I address this to all of us here today—I believe an effective way for us to help reduce unrest on the campuses and in the streets—as stated by the President's Special Commission on Violence in America—is to focus on the unfinished task of striving toward the goals of human life that all of us share and that young people—and, I might add—any truly concerned individual—admire and respect.

THE AMERICAN LEGION, THE VETERANS OF FOREIGN WARS, AND THE SILENT MAJORITY

Mr. HANSEN. Mr. President, I speak today to again briefly commend the members of the American Legion and the Veterans of Foreign Wars, for their service as patriots to this country, both while they wear the uniform of the United States and in their effective veterans' organizations.

The Legion and the VFW, through statements by their respective commanders, J. Milton Patrick and Ray Gallagher, have strongly supported President Nixon's wise and courageous decisions concerning Cambodia, and the American troops who are serving our country in Indochina.

Mr. President, the Wyoming State Tribune, in an editorial of May 21 entitled "Senator McGovern's Outburst," defended the right of these veterans' organizations to support our President. The editorial points out that it definitely is the right of "the representatives of this country's two biggest veterans' organizations to speak out on this issue that affects the entire country."

It further states that the two commanders "both were given the mandate for their declarations of policy by their national executive committees."

The article notes that—

> It is incumbent on the veterans' groups to speak out on these issues and not relegate their roles in the nation's life merely to begging handouts from Confgress.

Mr. President, some have chosen to doubt that there is a silent majority in the United States that supports our President, this Nation, and what it stands for. Some have criticized the majority because it has been silent, and now that the voices of the so-called silent majority

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are beginning to be heard, and heard clearly, I believe that this is highly commendable and that these voices are due praise rather than criticism.

Mr. President, I ask unanimous consent that the Tribune editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR MCGOVERN'S OUTBURST

The indictment by the American Legion and Veterans of Foreign Wars national commanders of those senators seeking to tie President Nixon's hands in the Cambodian operation apparently hit the bullseye.

One of the targets, Sen. George McGovern, D., S.D., denounced Legion Commander J. Milton Patrick and VFW Commander Ray Gallagher in a Senate floor speech and demanded that they "quit playing politics with the veterans organizations and betraying the best interests of U.S. veterans."

McGovern especially singled out Gallagher in his attack, which was an ironic development because Gallagher campaigned for the senator in the latter's successful re-election effort two years ago.

Said McGovern: "These fellows claim to be speaking for more than 6,000,000 members of the American Legion and the VFW. I have been a member of both of these organizations for 25 years, and neither Patrick nor Gallagher speaks for me. Nor do they speak for large numbers of combat GI's who have communicated their views to me and other senators.

"I regard the views of these self-styled foreign policy experts as nonsense that no reasonable person would give a second thought," said McGovern. "Let them extol the virtues of the Nixon foreign policy if they wish. Let them distribute their political propaganda in the Senate Press Gallery escorted by the Republican floor leader, if they wish. But they ought to take off their veterans organization caps when they stop speaking for veterans and begin playing politics."

McGovern also hinted that if the two veterans organization leaders didn't "stop playing politics" their organizations might suffer in efforts to "secure bipartisan support for veterans programs."

In his and his fellow senators' efforts to impede the Vietnam war effort, however, Senator McGovern along with Senators Church, Cooper, Fulbright and others presume to speak out not only for their own constituencies but also all of the American people; it is proper, in McGovern's one-sided views, for himself and for the other senators to "play politics" with the war, but it is somehow wrong for the representatives of this country's two biggest veterans' organizations to speak out on this issue that affects the entire country.

This suggests McGovern believes no one has the right to speak on foreign policy but these senators; that he would deny the Legion and VFW leaders the right to enter the nation's debate on Vietnam and Cambodia. He says the two commanders speak only for themselves but he either does not know or refuses to recognize that both were given the mandate for their declarations of policy by their national executive committees. In the Legion's case, so we are told by one of this state's two representatives on this board, this involves 106 members who unanimously voted their approval of resolutions from which Commander Patrick spoke when he and Gallagher uttered their charges against McGovern and the other senators whom they listed.

McGovern has said that as a member of both the Legion and VFW neither of the two national commanders speaks for him; but it must be presumed that in his and the other dove senators' attacks on the Nixon Administration's Vietnam policy, these senators do not speak for a majority of Americans including many of their constituents in their respective states.

It is these senators who have been recklessly playing politics, not the Legion and VFW commanders, and they have been doing so with the life of this country; it is incumbent on the veterans' groups to speak out on these issues and not relegate their roles in the nation's life merely to begging handouts from Congress, as McGovern so contemptuously suggests.

It is probable that in his bitter, emotional outburst, McGovern betrays the fear that he has alienated himself from the people who elected him.

There ultimately must come a day of reckoning for these senators and it is then that we will see who really plays politics.

GREETINGS FROM FORMER SENATOR CARL HAYDEN

Mr. GOLDWATER. Mr. President, for the information of the Senate, it was my pleasure this past weekend to have paid a visit to our former colleague, Senator Carl Hayden, and I wish to report that he is in fine health. He comes to his office at Arizona State University, in the Hayden Library, 4 days a week, and spends the afternoon working. He asked me to convey to all his former colleagues in this body his very best wishes and his continued interest in what we are doing here.

REVENUE SHARING

Mr. BAKER. Mr. President, on Sunday, May 17, the Los Angeles Times published an editorial entitled "Time for U.S. Revenue Sharing." The editorial is an excellent statement in support of the concept or revenue sharing.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TIME FOR U.S. REVENUE SHARING

(Issue: Given the taxpayers' revolt at local and state levels, has the time come for action on federal revenue sharing?)

In California as in the rest of the nation, the taxpayers' rebellion has reached the point that a high proportion of proposed bond issues and tax overrides are being shot down by the voters.

It is not that there is any lessening of demand for public services.

People want better schools and transit systems, and they are beginning to insist on more urgent attention to environmental problems. They balk, however, at paying the freight in the form of higher taxes.

Resistance is particularly strong to further increases in the property tax, which is the chief source of revenue available to local governments.

Obviously, the answer to the growing crisis in state and local government must be sought primarily at the state and local level. But there is a lot that Congress can do to help—and it is high time that it did so.

The first step should be enactment of President Nixon's welfare reform proposal.

Under this measure, which is now stalled in the Senate Finance Committee, the federal government would take over a greater share of the welfare burden. And it is soaring welfare costs, remember, which are the main reason for the prospective jump in Los Angeles County's property tax rate.

Even more imperative, however, is favorable congressional action on federal revenue sharing.

Under the proposal submitted last fall by the Administration, a certain percentage of federal income tax collections would automatically be transferred each year to the states. The states, in turn, would be obligated to pass on a substantial chunk to local governments.

Only $500 million would be involved the first year. But by mid-1975 the appropriation for revenue sharing would reach $5 billion—of which approximately 11% would come to California, by current estimates.

There is no reason, as Administration spokesmen have pointed out, that far greater resources could not be transferred if the plan lives up to expectations.

John G. Veneman, Undersecretary of Health, Education and Welfare, observes that education, which consistently takes more than two-fifths of all state and local revenues, should be "the major beneficiary of the new funds."

The case for revenue sharing is built on the proposition that we currently have a "fiscal mismatch." Our gravest and most expensive problems tend to be at the local and state level, while our most efficient revenue-producing machinery is at the federal level.

Washington has not been oblivious to the problem. Federal assistance to local and state governments, through grants-in-aid for specific purposes, is now running $28 billion a year—more than a quarter of all domestic federal spending.

These programs, however, are threatening to strangle in their own red tape and inefficiency.

Instead of going farther down that road, there is strong support among the nation's governors and mayors (Republican and Democrat) for a system of revenue sharing which would allow state and local governments to decide for themselves how the money should be spent.

Mr. Nixon's approach seems eminently sensible; Sen. Edmund Muskie of Maine and other Democrats have introduced legislation which they believe would be better.

It is the job of the House Ways and Means Committee to look at alternative approaches and come up with a bill which will embody the best features of each.

Unfortunately, despite the strong support for revenue sharing in the country as a whole, the committee shows no interest in the matter.

Partly this is because of an overloaded calendar. But mostly it is because of a distinct lack of enthusiasm on the part of Chairman Wilbur Mills (D-Ark.) and Rep. John W. Byrnes of Wisconsin, the committee's ranking Republican.

The truth seems to be that they, and a lot of other congressmen, see no point in letting governors and mayors get the credit for spending money raised by Congress.

This may make political sense of a sort, but it is in sharp contradiction to the public interest.

Californians should let their elected representatives know they expect their help in persuading the congressional leadership that federal revenue sharing is too urgent a matter to be left on the back burner.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. WILLIAMS of Delaware. Mr. President, I have an amendment which we could dispose of this afternoon. I would be willing to agree to a time limitation if the leadership wants to act on it, with no vote today. I will be guided entirely by their reasoning.

The Senator from Kansas (Mr. DOLE) has indicated he would have no objection, with the understanding that we would be able to dispose of the amendment this afternoon.

Mr. KENNEDY. Yesterday the Senator submitted the amendment. He indicated that he was willing to agree to a unanimous-consent agreement. The Senator's amendment would strike at the heart of the bill itself. The Cooper-Church amendment which is now pending, is one of the most important and basic amendments that could come up. Although the leadership is in favor of an early vote on the amendment to be offered by the Senator from Delaware, since it is such a basic and fundamental amendment there are those who have indicated that they need time to study the Senator's proposal and objection would be made if a unanimous-consent agreement were to be propounded to vote this afternoon.

Since the Senator from Delaware's amendment is so basic and fundamental, I know that Senators would be interested in studying it first. I am sure that if the Senator wanted to comment on it today and put information in the RECORD on it, it would be helpful to those who wish to give it serious consideration.

Mr. WILLIAMS of Delaware. I discussed this amendment at some length the other day. I understand there is some agreement as to what comes after the vote on the Dole amendment on tomorrow. The Senator from West Virginia and the Senator from Michigan have joined in an amendment, and after that is disposed of, perhaps we could have an agreement that my amendment would be taken up in order at that time.

Mr. KENNEDY. Well, it is my understanding, in conversation with the Senator from West Virginia, that he expects it would take some time for disposition of his amendment. I would feel at least that we should get started on that.

There are a number of other amendments that I am aware of. There are at least 12 to 15. A number of them which have been introduced will be called up.

I suggest we follow the usual procedure. I do not feel that tonight we could enter into any additional unanimous-consent agreement. Certainly, not without the Senator in charge of the bill being present in the Chamber.

Mr. WILLIAMS of Delaware. I will not press the amendment. I merely am trying to expedite the business of the Senate. We have been here for 2 days now with no action taken on any amendments. I was hoping, and other Senators were hoping, that we could have a vote on this and clear up the amendments. I shall be guided by the desires of the leadership, if he wishes to carry it over another day with no votes.

The PRESIDING OFFICER (Mr. BELLMON). What is the will of the Senate?

Mr. KENNEDY. Mr. President, we had hoped we could accept the committee amendments first which is the regular order. This was originally proposed by the leadership, but it was obejcted to. So we voted separately on the first two sections and are now considering the third. Disposing of the committee amendments in an orderly fashion is the best procedure to be followed. The leadership on this side has been hoping that we could get early action on the Church-Cooper amendment—on the whole bill, for that matter, and we will take every step we can to bring about early action.

Mr. WILLIAMS of Delaware. I shall cooperate with the leadership. I realize, since the amendment I have deals with the major bill itself that, generally speaking, the committee amendments take priority and that it would take unanimous consent to proceed out of order. I would hope that such unanimous consent would be granted so that we could expedite the business of the Senate. However, we will proceed later.

I will say now to the acting majority leader that the rules of the Senate do provide many ways to accomplish our objective. There is a way I can get this to vote even before the committee amendments, although it would be more orderly to do it the other way. But we are going to vote.

Mr. KENNEDY. The rules are available, certainly, to the distinguished Senator from Delaware as they are to all Senators. There has been objection filed. Since there has been objection filed I would have to object to a unanimous-consent agreement to proceed now to consideration of the proposed amendment of the Senator from Delaware.

Mr. COOPER. Mr. President, I had the opportunity to read the record of the proposed measure my friend from Delaware (Mr. WILLIAMS) will offer, and I would suggest that he make his statement at the time we meet here on tomorrow and perhaps after the vote is taken.

A great many Members are away. Some of them are away in their States, where they are candidates for reelection. I know that the distinguished majority leader, who is a sponsor of the amendment, is away today, but he will be back tomorrow. The Senator from Vermont (Mr. AIKEN) is coming back from Vermont.

I, therefore, believe that tomorrow we will be able to have some debate on the amendment that has been offered by the Senator from Kansas. As it is the first vote of significance, I believe it would be better if we used tomorrow morning for debate upon that subject. I say that with all deference to and with great respect for my good friend from Delaware.

Mr. WILLIAMS of Delaware. I agree with the Senator. I was only suggesting that we bring it up this afternoon and dispose of it this afternoon. I will say that the amendment which I have offered, to make the record straight, does not in any way affect adversely, nor does it support the Cooper-Church amendment. It is nothing whatever to do with it. It does not deal with that subject at all.

I think that the leadership—some of it on the other side—I am not too sure—I understand that the Senator in charge of the bill would have no objection to doing this. But I will take this up tomorrow and see if we can reach agreement.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 7 minutes p.m.) the Senate adjourned until Wednesday, June 3, 1970, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 2, 1970*

The House met at 12 o'clock noon.

Rev. William Gillies Kalaidjian, the Bedford Park Congregational Church, Bronx, N.Y., offered the following prayer:

Eternal God, in our abundant and beautiful Nation, we pause in prayer to recognize Thy presence. We have so much to be grateful for and yet we have not shown enough respect for You nor enough reverence for life.

Recognizing that we are all made in Your image, we have not lived up to the trust and faith You placed in us, making us different from all other living things.

We have fallen short of the purpose of spiritual ecology. Failure to understand the relationship of the human soul to its spiritual environment and motivation has all but destroyed our national purpose.

We pray this House of Representatives will bring this Nation together in a new unity of purpose, placing the total welfare of the Nation above each and every group that seeks a lesser purpose. We pray O God, that no man or group will be above the law nor beneath it. Help this Congress to recognize that our Nation's basic problem is conduct, not color, and it is seen in crime rates, the family life crisis, the educational crisis, the high death rate on our highways, the tragic problems of alcoholism, drug

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abuse, and child abuse, and the dreadful failure of our correctional institutions to change lives.

Help Congress with Thy help O God, to heal America. Help them to work for unity, for mutual respect, for self-discipline, for respect of persons as well as respect for property, and above all, help the adult world of every race and creed to give our youth an example of good stewardship in a mature and responsible fashion. We ask this in the name of the Lord of life. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On May 21, 1970:

H.R. 9477. An act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation;

H.R. 10106. An act to amend title 38, United States Code, to revise the definition of the term "child" to recognize an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree, to increase the rates of dependency and indemnity compensation payable to dependent children of deceased veterans, and for other purposes; and

H.R. 15694. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

On May 22, 1970:

H.R. 4869. An act to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona;

H.R. 10105. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes; and

H.R. 15980. An act to make certain revisions in the retirement benefits of the District of Columbia public school teachers and other educational employees, and for other purposes.

THE REVEREND WILLIAM J. KALAIDJIAN, PASTOR OF THE BEDFORD PARK CONGREGATIONAL CHURCH IN THE BRONX

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the opening prayer in the House was offered today by my close and highly respected friend, the Reverend William J. Kalaidjian, pastor of the Bedford Park Congregational Church located in my district in the Bronx.

I am particularly proud and happy that Reverend Kalaidjian accepted my invitation to come to our Capital on this occasion for several reasons.

First, I am proud because Bill Kalaidjian is a truly outstanding human being who is well known in New York for his sincere dedication to community civic and humane causes as well as for his spiritual guidance and leadership. For more than 13 years, while tending to the needs of his own congregation, he has served in the New York City Police Department as official chaplain with the rank of inspector.

Mr. Speaker, I need not repeat the enormous responsibility Reverend Kalaidjian assigned himself when, in 1957, he accepted this sensitive position. Ever since, the demands made upon a New York City Police Department chaplain have multiplied many times over. The spiritual drain on our policemen in New York City and, indeed, throughout the Nation, has been of serious concern to Reverend Kalaidjian.

He is devoting a good portion of his time maintaining the faith of our beleaguered policemen. While this is no small task, his inspiring efforts have been rewarded many times over by the spiritual and moral response of our police officers in New York City especially in times of serious crises. I am grateful to Reverend Kalaidjian for his dedication to the men who, of late I am sorry to say, have been looked upon by many as mere automatons in our society. As head of the National Association of Police Chaplains, he is promoting the same kind of spiritual leadership for police organizations across the Nation and the police institutions of America will be significantly enhanced by his influence.

Reverend Kalaidjian's civic involvement has also caused him to be an effective leader in the field of prevention of cruelty to children—an area that unfortunately must be maintained and strengthened in our modern yet sometimes morbid world. As the president of the Bronx County Society for the Prevention of Cruelty to Children, Reverend Kalaidjian has come to know the many numbers and kinds of child tragedies wrought by human frailties. His work with the society has earned him a reputation that exemplifies his deep concern for his fellow man. Programs developed under his strong guidance and direction have been tremendously effective in preventing child maltreatment and abuse from running rampant in our community. Because of his experience and expertise in this field, I personally welcome his counsel in the further development and refinement of my own child abuse legislation now before this Congress.

Mr. Speaker, Rev. William J. Kalaidjian is not a newcomer to our House nor to the Senate. In 1967 he delivered the opening prayer here at the invitation of my colleague from New York City, Congressman BINGHAM. In 1968, Bill Kalaidjian delivered the prayer in the Senate at the invitation of the late Senator Robert Kennedy. Today, I am honored by Reverend Kalaidjian's appearance and I extend to him my own grateful thanks and the warm welcome of the New York City congressional delegation.

TRIBUTE TO THE REVEREND WILLIAM G. KALAIDJIAN

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, I simply want to associate myself with the remarks of my colleague, the gentleman from New York (Mr. BIAGGI), in regard to the Reverend William J. Kalaidjian. He has been a constituent of mine, and I am sorry to lose him. My loss, however, is Congressman BIAGGI's gain.

Reverend Kalaidjian has indeed done great work for our city and many of its citizens, especially for our police and our children. It is a pleasure to have him with us here in the House once again.

TRIBUTE TO REV. WILLIAM G. KALAIDJIAN

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, I take this opportunity to join with my colleagues the gentlemen from New York, Mr. BIAGGI and Mr. BINGHAM, in welcoming the Reverend William G. Kalaidjian, pastor of the Bedford Park Congregational Church, who delivered the prayer this morning.

Reverend Kalaidjian is an outstanding citizen of our community in New York, and we are delighted to have him here.

Reverend Kalaidjian has served as a spiritual leader in the Bronx for many years and is presently pastor of the Bedford Park Congregational Church, United Church of Christ. In addition, he has been the chaplain of the New York City Police Department for the past 13 years.

In addition to his religious activities, Reverend Kalaidjian has made a major humanitarian contribution to New York City through his social service activities. At this time he is serving as president of the Bronx County Society for the Prevention of Cruelty to Children.

The Reverend Kalaidjian is an example of an involved American, campaigning against social ills, and active in community affairs. I hope he will visit us again in the future.

THE 27TH ANNIVERSARY OF THE ELECTION OF LESLIE C. ARENDS AS HOUSE REPUBLICAN WHIP

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I rise today to pay tribute to one of the most capable men ever to occupy a seat in this Chamber, the Honorable LESLIE C. ARENDS, Representative of the 17th Congressional District of Illinois.

Today, Mr. Speaker, marks an anniversary for LES ARENDS for it was exactly 27 years ago, June 2, 1943, that LES was first elected House Republican whip.

It so happens, Mr. Speaker, that LES

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ARENDS has been a party whip longer than any other Member of the Congress—of either party.

This is not surprising when we consider the great talents that LES ARENDS has brought to the job of whip and the magnificent record he has compiled in achieving party unity among House Republicans during the 27 years that he has headed up the House Republican whip organization. I would particularly call attention to his accomplishments during the 87th through 90th Congresses. He is, of course, continuing his stellar performance as whip in the present Congress.

I would like to mention at this point that LES has always shown me, personally, tremendous loyalty in his role of party whip during my tenure as House Republican leader, and for that demonstration of loyalty I am truly grateful.

But we honor LES ARENDS for far more than his ability and his long service as a party whip.

We all know him to be an exceptionally skillful legislator as well, an ability he has demonstrated ever since he first came to Congress in 1934. LES was named to the House Committee on Military Affairs, which was merged with the House Committee on Naval Affairs in 1946 to become the House Armed Services Committee. From 1957 through 1964 and again from August 11, 1969, to the present time, LES served as senior Republican on the Armed Services Committee and showed himself to be one of the most knowledgeable men in the House on military matters and national security questions.

Mr. Speaker, the good people of the 17th District of Illinois have repeatedly shown good sense and have thus far elected LES ARENDS to 18 terms in the U.S. House of Representatives. For that I congratulate them and him. Only four other men now serving in this House have been here longer than LES ARENDS. It is fitting that we join today in saluting a man we all love and respect, our capable, articulate and witty friend, the Honorable LESLIE C. ARENDS of Illinois.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I can say without equivocation that the minority leader has spoken for me in every sentiment he has expressed about a very great Member of the House, a warm personal friend of mine, an outstanding leader, and a great American, LES ARENDS. He is, of course, one of our most distinguished Members. He has set high standards of leadership for 27 years. He fights hard for what he believes is right, but he is always a gentleman. We all love LES ARENDS.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

Mr. McCORMACK. Mr. Speaker, I rise to join with my dear friends, the gentleman from Michigan, the minority leader (Mr. GERALD R. FORD), and the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT), in paying my respects to one of the most dedicated Members I have ever served with, and one who has been a bulwark of strength in the support of our country's national defense and of a firm foreign policy, on the occasion today of his length of service as whip of the minority party, my dear and valued friend, the gentleman from Illinois (Mr. ARENDS).

LES ARENDS is one of the most highly respected Members of the House, a respect which he has earned because of his dedication to his duties and also because of his wonderful personality and because of his broad and understanding mind.

I could not let this occasion pass without taking the floor to convey to this close and valued friend of mine and my colleague of many years, the profound respect and friendship I have for him.

You have heard me say repeatedly that the middle aisle means nothing where friendship is concerned. That has been a fundamental thought of mine not only during my service here but throughout my life, and the friendship that exists between LES ARENDS of Illinois and JOHN McCORMACK of Massachusetts is one I have always valued and which I shall always treasure.

Mr. ANDERSON of Illinois. Mr. Speaker, I was not aware until I reached the floor a moment ago that we were celebrating what is truly a momentous occasion in the history of the House of Representatives.

I would certainly not want this opportunity to pass without also adding my congratulations to my colleague, the distinguished gentleman from Illinois, the minority whip, Mr. ARENDS.

I was present at the White House the other day when the distinguished Speaker of the House of Representatives who is now in the well was honored, and when comments were made that upon his retirement he will have achieved the very enviable distinction of having served longer for a consecutive number of years than any other Speaker in the history of our Republic.

I feel equally sure that no one will ever equal the record that has been compiled in this respect by the gentleman from Illinois (Mr. ARENDS) and I congratulate our colleague and hope he will continue to serve us for a long time to come.

Mr. PEPPER. Mr. Speaker, I would like to join in the tributes being paid to our distinguished colleague, the gentleman from Illinois, Hon. LESLIE ARENDS, for the long service, with a distinguished record, he has rendered in this House. He has always been a gracious gentleman. While dedicated to his party and his principles, he has never treated with disrespect or disdain the honest views which have been entertained by other Members of the House while he has adorned the House with his presence here. He is a fine gentleman, respected for his intellectual and political astuteness by all Members of this House, and he is one who can always be depended upon to be a gracious and a kind friend.

I would like to wish him many, many more years of successful performance of his important duties in this House.

Mr. SMITH of California. Mr. Speaker, I concur in the fine remarks of my colleague and all the other remarks that have been made here today about our great friend, a wonderful gentleman, and a fine legislator, LES ARENDS.

Mr. BETTS. Mr. Speaker, I have served under LES ARENDS as regional whip and I can testify to all the fine things the minority leader has said about him.

To observe LES in his position as minority whip is to see a dedicated, hardworking, conscientious servant of his party and his country. The many years in which he has served in this capacity are an indication of the effective work he has done.

LES is admired and respected not only by those who serve under him but also by the Members of the minority who have felt the lash of his whip which has always been applied firmly but fairly and in an understanding manner.

I associate myself with the remarks of our distinguished leader and congratulate and extend best wishes to LES ARENDS.

Mr. ADAIR. Mr. Speaker, it gives me great pleasure to join my colleagues in congratulating our friend and colleague, LES ARENDS, on the 27th anniversary of his service as Republican whip. This is a record unmatched by any other Member of the House of Representatives of either party and it is not likely soon to be matched again.

During this period, he has served efficiently and well yet with an everready friendly smile which contributed to his success.

I wish him many more years of service to our party and to the Nation.

GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Michigan ?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

APPOINTMENT OF DELEGATES TO ATTEND ILO CONFERENCE IN GENEVA, SWITZERLAND

The SPEAKER. Pursuant to the provisions of House Resolution 1033, 91st Congress, the Chair appoints as delegates to attend the International Labor Organization Conference in Geneva, Switzerland, between June 3, 1970, and June 25, 1970, the following members of the Committee on Education and Labor:

Mr. Dent, of Pennsylvania; and Mr. Ayres, of Ohio.

And as alternates to attend said conference the following members of the Committee on Education and Labor: Mrs. Green, of Oregon; Mr. Daniels, of New Jersey; Mr. Ashbrook, of Ohio; and Mr. Erlenborn, of Illinois.

REPORT OF COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1969—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress, I transmit herewith for the information of the Congress the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1969.

Richard Nixon.

The White House, *June 2, 1970.*

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first bill on the Private Calendar.

FRANZ CHARLES FELDMEIER

The Clerk called the bill (S. 614) for the relief of Franz Charles Feldmeier.

There being no objection, the Clerk read the bill as follows:

S. 614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Franz Charles Feldmeier may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Raymond Feldmeier, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act: *And provided further,* That the provisions of section 245(c) shall not be applicable in this case.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSE LUIS CALLEJA-PEREZ

The Clerk called the bill (H.R. 1747) for the relief of Jose Luis Calleja-Perez.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DR. ANTHONY S. MASTRIAN

The Clerk called the bill (H.R. 15760) for the relief of Dr. Anthony S. Mastrian.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. MARGARET M. McNELLIS

The Clerk called the bill (H.R. 8573) for the relief of Mrs. Margaret M. McNellis.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ATKINSON, HASERICK & CO., INC.

The Clerk called the bill (H.R. 10534) for the relief of Atkinson, Haserick & Co., Inc.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

WILLIAM HEIDMAN, JR.

The Clerk called the bill (H.R. 12128) for the relief of William Heidman, Jr.

There being no objection, the Clerk read the bill as follows:

H.R. 12128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Heidman, Junior, of Grand Rapids, Michigan, the sum of $25,000 in full satisfaction of all his claims against the United States arising in connection with the infringement, by the United States Air Force, of his patent (United States Patent Numbered 2,693,980) covering an automatic parachute cargo disconnect.

Sec. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike "$25,000" and insert "$15,000".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. FRANCINE M. WELCH

The Clerk called the bill (H.R. 12173) for the relief of Mrs. Francine M. Welch.

There being no objection, the Clerk read the bill as follows:

H.R. 12173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Francine M. Welch, Torrejon Air Base, Spain, is relieved of liability to the United States in the amount of $5,561.32, representing the total amount of living quarters allowance paid to her by the Department of the Air Force during the period of July 1964, through March 9, 1969, as a result of erroneous payment without fault on her part. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

Sec. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Francine M. Welch, an amount equal to the aggregate of the amounts paid by her, or withheld from sums otherwise due her, on account of the liability to the United States referred to in the first section of this Act. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike "$5,561.32" and insert "$5,568.74".

Page 1, line 7, strike "July 1964" and insert "July 20, 1964".

Page 1, line 7, strike "March 9, 1969" and insert "March 8, 1969".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN RETIRED OFFICERS OF THE ARMY, NAVY, AND AIR FORCE

The Clerk called the bill (H.R. 13676) for the relief of certain retired officers of the Army, Navy, and Air Force.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

CLAUDE G. HANSEN

The Clerk called the bill (H.R. 13807) for the relief of Claude G. Hansen.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LT. COL. ROBERT L. POEHLEIN

The Clerk called the bill (H.R. 13810) for the relief of Lt. Col. Robert L. Poehlein.

There being no objection, the Clerk read the bill as follows:

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H.R. 13810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert L. Poehlein (Lieutenant Colonel, United States Air Force, serial number FR 41288) of Alexandria, Virginia, is relieved of liability to the United States in the amount of $4,852.70, representing per diem payments made by the said Robert L. Poehlein during October and November 1962, pursuant to his duties as the Accounting and Finance Officer at Ellsworth Air Force Base, South Dakota, to military personnel involved in the relocation of aircraft from Ellsworth Air Force Base while runway repairs were being made at the base. The said Robert L. Poehlein made such payments, to which the Comptroller General of the United States has taken exception, only after being advised at intermediate, command, and departmental levels that such payments were properly payable.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Robert L. Poehlein an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 5, at the end of the sentence, add the following: "The relief herein authorized shall not bar recovery from the payees of the amounts improperly received by them."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES HARRY MARTIN

The Clerk called the bill (S. 1786) for the relief of James Harry Martin.

There being no objection, the Clerk read the bill as follows:

S. 1786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the World War Adjusted Compensation Act, approved May 19, 1924, as amended, limiting the period within which claims may be filed thereunder, the Secretary of Defense is authorized and directed—

(1) to receive and consider any application of James Harry Martin, of Phoenix, Arizona, filed within six months after the date of enactment of this Act, for benefits under the adjusted compensation program, the said James Harry Martin having served honorably in the United States Army during World War I while he was under age, but not having been eligible to file for benefits under the original World War Adjusted Compensation Act because he had concealed his minor age when he had enlisted for military service; and

(2) to certify to the Secretary of the Treasury his determination as to the amount of any such benefits to which the said James Harry Martin would have been entitled on the basis of such application if it had been filed within the time and in the manner provided in the World War Adjusted Compensation Act.

Sec. 2. Upon receipt by the Secretary of the Treasury of the certification described in the first section of this Act, the Secretary shall pay, out of any money in the Treasury not otherwise appropriated, to the said James Harry Martin, the amount of any benefits so certified by the Secretary of Defense. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim referred to in the first section of this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ELEANOR D. MORGAN

The Clerk called the bill (H.R. 9497) for the relief of Mrs. Eleanor D. Morgan.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

JOHN R. GOSNELL

The Clerk called the bill (H.R. 13469) for the relief of John R. Gosnell.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 969 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 969

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 746) to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the five minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

(Mr. PEPPER asked and was given permission to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, House Resolution 969 provides an open rule with 1 hour of general debate for consideration of House Joint Resolution 746 authorizing appropriations for the Pan American Institute of Geography and History.

The Institute is one of the six specialized organizations of the Organization of American States and is composed of 21 member countries of the OAS and Canada. The Institute operates through a general secretariat, three commissions, and a number of committees and working groups, and draws together the efforts of over 400 geographers, cartographers, and historians in the Western Hemisphere. At the present time the chief geographer of the U.S. Geological Survey is president.

In 1965 the Institute's annual budget was increased and a formula for payment was adopted, based on ability to pay, calculated on the basis of net national income statistics. Under that formula the U.S. share of the budget is 66 percent. Thus, in the 89th Congress the dollar ceiling on U.S. contributions was raised from $50,000 to $90,300. Under the Institute's new budget authorization, however, this increase was insufficient to meet the full U.S. assessment of $151,350 and by the end of fiscal year 1969, the United States was in arrears in the amount of $386,050.

In order to meet the obligations of the United States as a member of the Institute, House Joint Resolution 746 authorizes to the Department of State not to exceed $200,000 annually, as may be required for payment of its share of expenses; such additional sums as needed for payment of necessary expenses incident to U.S. participation in the Institute; and $386,050 for payment of its assessed annual contributions for the period beginning July 1, 1964, through fiscal year 1969.

Mr. Speaker, I urge the adoption of the rule.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Iowa.

Mr. GROSS. Did the gentleman say that the increased assessment is based upon the ability of the United States to pay?

Mr. PEPPER. Not necessarily on the ability of the United States, but it would take into account the income of the United States as compared, I believe, to other countries. My able colleague, the gentleman from Florida (Mr. Fascell)

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will go more into detail into this matter when the bill comes up for consideration if the rule is adopted.

Mr. GROSS. I just wondered what is the ability of the United States to pay.

I understand we have a bill coming up this week to further increase the Federal debt ceiling by $15 billion. I am just wondering if the gentleman can give us some indication about ability to pay, as he calls it. I question our ability to pay.

Mr. PEPPER. Mr. Speaker, I would say that a country that has a gross national product of about a trillion dollars a year is pretty well able to pay this kind of money. A few hundred thousand dollars.

Mr. GROSS. Since the gentleman has gotten into the subject of the phoney gross national product, does the gentleman know what the public and private debt of the country is at this time?

Mr. PEPPER. I do not know the exact figures. I imagine it is considerable, but it is very much less than our ability to pay in terms of the value of all the assets of this country, and its people, and the gross national product of this country.

And, incidentally, the relationship of the national debt to our gross national product from the 1950's through the 1960's on percent has been reduced to 29 percent at the present time as compared to 69 percent in the early fifties.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, we have had an occasion to look into the question of the total debt recently, and the best estimate that we can get is that it was about $1,650,000,000,000 as of January 1, 1970. We also looked into it on June 9, 1969, was when one of the large banks, Bankers Trust Co. of New York announced that hereafter the prime rate would be, not 7.5 percent, but 8.5 percent. The debt at that time was about $1.5 trillion; so that that 1 percent increase meant that the increased interest on the total debt was $15 billion per year. A $15 billion increase because of the prime rate increase. That is the reason we looked into the function of the total debt at that time.

Mr. GROSS. Mr. Speaker, will the gentleman from Florida yield to me?

Mr. PEPPER. I yield to the gentleman from Iowa.

Mr. GROSS. I would say to the gentleman from Texas that the public and private debt of this country as of January 1, this year, according to the President's economic report to the Nation, was $1,568,500,000,000.

That was for calendar year 1968. For the first time in many years the figure for the last full year is not shown; that is, the estimated figure, for the year 1969. Therefore I called the Treasury Department. They were reluctant to give me the figure for 1969, but they said they would estimate the increase in the public and private debt of this country in 1969 at $100 billion. If this figure is correct, on January 1, 1970, this country had a public and private debt of $1,668,500,000,000.

I thank the gentleman for yielding.

Mr. PEPPER. Mr. Speaker, may I just say to the able gentleman from Iowa that if he could induce his administration to roll the interest rate back to where it was when that administration took office in January of last year, we would save from $9 to $10 billion a year in the current national debt. I would ask the gentleman from Texas if that is not correct?

Mr. PATMAN. I would not know about the exact amount, but we would save a considerable sum.

Mr. PEPPER. Yes.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman.

Mr. GROSS. If from 1961 to 1969 we had not rolled up so much debt in this country under the gentleman from Florida's Democrat administrations, we would not be confronted with the interest rates we now have.

Mr. PEPPER. Thank you very much. I believe that if it were not for the inheritance of the great depression under the gentleman's party, conditions would have been very much less exacting under the subsequent democratic administrations.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, this resolution, House Resolution 969, provides for an open rule with 1 hour of general debate for the consideration of the joint resolution, House Journal Resolution 746, the Pan American Institute of Geography and History.

Mr. Speaker, the legislation and the rule have been adequately explained by the gentleman from Florida (Mr. PEPPER).

The purpose of the resolution is to increase the ceiling on U.S. contributions to the Pan American Institute and also to provide payment of U.S. arrears over the past fews years.

The Institute was created in 1928. It draws together the efforts of over 400 geographers, cartographers, and historians in the Western Hemisphere. It does not duplicate the work of any other body.

At its 1965 meeting, the Institute determined that the budget needed to be increased in order to continue its operations. The budget figure was set at $250,000 per year, with the U.S. share set at 66 percent based on a formula of net national income. The 89th Congress increased the ceiling on U.S. contributions from $50,000 to $90,000. However, our budget share per year is actually $151,350. As of the end of 1969 the United States is in arrears in the amount of $386,050.

The joint resolution authorizes a new U.S. ceiling on contributions of $200,000 annually, and also authorizes the payment of U.S. back-due obligations.

The legislation is supported by the State Department and the Bureau of the Budget.

There are no minority views.

Mr. Speaker, I urge adoption of the rule.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 148]

Addabbo
Anderson, Calif.
Andrews, Ala.
Ashbrook
Aspinall
Baring
Bell, Calif.
Berry
Bevill
Blatnik
Brasco
Bray
Brock
Broomfield
Brown, Calif.
Byrne, Pa.
Cabell
Camp
Carey
Casey
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cohelan
Conyers
Corman
Cunningham
Daddario
Daniels, N.J.
Dawson
de la Garza
Delaney
Dent
Dorn
Dowdy
Eshleman
Evins, Tenn.
Fallon
Farbstein
Feighan
Fisher
Flowers
Ford, William D.
Fuqua
Gallagher
Garmatz
Gaydos
Gilbert
Goldwater
Gray
Gubser
Hanna
Hansen, Idaho
Hansen, Wash.
Hawkins
Helstoski
Holifield
Hosmer
Howard
Jones, Ala.
Keith
Kirwan
Leggett
Long, La.
Lujan
Lukens
McCarthy
McCloskey
McCulloch
McEwen
McMillan
Mann
Mikva
Miller, Calif.
Mizell
Morton
Nichols
Nix
O'Hara
Olsen
O'Neal, Ga.
Ottinger
Patten
Pelly
Pettis
Pickle
Podell
Powell
Price, Tex.
Rees
Reid, N.Y.
Reifel
Riegle
Rogers, Colo.
Rooney, N.Y.
Roudebush
Roybal
Sandman
Scherle
Scheuer
Schwengel
Smith, Iowa
Stuckey
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Waldie
Watson
Whitten
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Wydler
Young
Zablocki

The SPEAKER. On this rollcall 309 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

Mr. FASCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 746) to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History.

The SPEAKER. The question is on the motion offered by the gentleman from Florida.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 746) with Mr. ALEXANDER in the chair.

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The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. Fascell) will be recognized for 30 minutes, and the gentleman from California (Mr. Mailliard) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. Fascell).

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the joint resolution, House Joint Resolution 746, proposes to amend the statute which governs U.S. participation in the Pan American Institute of Geography and History.

It would amend the statute in two respects:

First, it would increase from $90,300 to $200,000 the ceiling on assessed annual U.S. contributions to the Pan American Institute of Geography and History. The new ceiling represents a maximum that could be appropriated and is intended to provide room for orderly and moderate growth within the organization's budget for the next 4 to 5 years. The U.S. assessed annual contribution to the Pan American Institute of Geography and History amounts to $151,350.

The second proposal embodied in House Joint Resolution 746 is an authorization of an appropriation in the amount of $386,050 for payment by the United States of the arrears in its contributions to the Pan American Institute of Geography and History.

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I should like to mention that these arrearages arose during the period beginning July 1, 1964. They represent a cumulative deficit in the discharge of U.S. obligations to the Pan American Institute of Geography and History.

Mr. Chairman, the Pan American Institute of Geography and History is a small but very important member of the Inter-American system. It is the interhemispheric instrument which is concerned with international collaboration in the fields of cartography, geography, history, and in the geophysical sciences. The Institute does not duplicate the work of any other agency and U.S. membership in this organization has been acknowledged to be in the interest of U.S. foreign policy over the period of some 35 years.

Mr. Chairman, the Subcommittee on Inter-American Affairs and the full Committee on Foreign Affairs have considered this legislation very carefully. The printed volume of the hearings held before our subcommittee supplies in detail the past activities of the Pan American Institute of Geography and History, the proposed use of the arrears owed by the United States and the key projects which loom in the Institute's program horizon.

In concluding these introductory remarks, Mr. Chairman, I would like to point out that the Congress of the United States frequently expresses its concern when other countries, members of international organizations, fall behind in their dues to such multilateral institutions. That is only proper. I would be remiss, however, if I did not point out that the United States has been negligent in failing to pay its assessed contributions to the Pan American Institute of Geography and History for something like 6 years. I would hope, therefore, that the resolution before the House would be adopted promptly so that that deficiency could be rectified.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I am happy to yield to the distinguished gentleman.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding, and I think I understand his statement.

I am a little bit chagrined that we should "poor mouth" or whip ourselves—the U.S.A.—about being in arrears in our dues assessed by someone else, even though we assisted in its creation, and do perhaps profit from its findings, teachings, or actions.

I am fully aware of the PAIGH and its prior existence including IAGS, and so forth. I am fully aware of the value of the coastline geodetic survey work and the cartography and the value of sharing this information with our sister nations of the OAS.

I notice that this assessment or budgetary formula that is applied, just as in some of the other international organizations, is more or less mandatory, and I question very much in view of Public Law 89-646, and others, whether we should even at this stage admit that we are in arrears. In fact, I noticed in the hearings that an exception was taken by some of the members of the subcommittee to the fact that we were in arrears, and at least for a legislative record, I wonder if we are doing the right thing, first, in raising the ceiling in the amount that we can participate each year, other than letting that be a matter of negotiation, and, second, in picking up the so-called arrearage in one fell swoop. I fail to see that there is an obligation or an indebtedness or any pressure on the part of the United States of America in this regard. I wonder if the gentleman would enlarge upon his statement and his personal feeling, perhaps, Mr. Chairman, with regard to these two vital items affecting the U.S. taxpayers' pocketbooks.

Mr. FASCELL. I shall be very happy to do so. The fact is that we are behind in our assessment. I do not particularly want to whip it. I am not castigating the United States one way or the other; I am only endeavoring to be objective. The fact is we owe the money based on the vote of a governing body of which the United States is a member. While I agree with the gentleman about differences of opinion that may exist, the fact is that starting with the fiscal year 1965, the United States has not paid any money into this organization, regardless of how you characterize it, and it is an obligation. We are a member of the OAS, and this is a specialized agency.

We are always faced with this question with U.S. participation in many organizations. I might say to the distinguished gentleman this is in the nature of a treaty obligation. You can vote against this measure, I suppose, with a clear conscience, but it seems to me that the basic issue really is: Do we want to belong to the OAS? If we do, then do we want to meet the obligations that are incurred through the regular processes of the OAS? That seems to me to be fundamental. You might consider PAIGH individually or any other special agency, and you can make a case for or against any one of them. But the fact is that the United States is a member of the OAS and we do participate, and as long as we do, we should pay our share.

The assessments are fixed according to rules to which we have agreed. That is what has happened here in the case of the Pan American Institute of Geography and History.

The Congress has not in the past 6 years acted on an authorization bill. We have therefore built up this—call it a deficit or arrearage or whatever you want to call it. We just have not attended to it. That is all. And the Institute has just barely managed to stay alive.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, this so-called assessment is fixed by the Organization much like the assessment of the U.N. is fixed upon us. But it is 66 percent, and if I understand correctly the gentleman's own committee hearings, page 33, there are many of these countries which are also in arrears. Finally, this limitation on U.S. participation was established in Public Law 89-465 as having a top limit. Is that not correct?

Mr. FASCELL. The gentleman is correct on these counts: One is that the U.S. assessment is approximately 61 percent. It is actually 60.5 percent. In other OAS activities it is 66 percent, but with Canada joining in PAIGH, U.S. assessment has dropped to approximately 61 percent.

There are other countries in arrears, as shown on page 33 of the hearings. As of that date, January 1, 1969, there was $137,179 of other arrearages. We would hope that we could make a strong effort to get those arrearages in also and continue the effective work of this Institute.

Now, the other question. This bill is a limitation by way of authorization beyond which the appropriation cannot go. We did fix it above the estimated budget simply to provide for orderly increases over the next several years.

Mr. HALL. If the gentleman will yield further, I presume when we placed that ceiling on the limitation, it was after due debate, and it was the will of the House as expressed, but in spite of that, this organization went ahead and increased the assessment based on this formula.

My real question is, Was proper representation made by the U.S. delegation that we had a limitation placed by this sovereign body of this sovereign Nation, before those burdens were placed by assessment on the U.S. taxpayer?

Mr. FASCELL. As the gentleman has pointed out—and the gentleman is probably correct in making the distinction about the arrearage. We had a discussion in the subcommittee on this very point. The fact is that the U.S. member did not vote on the increased budget because he could not, but nevertheless the governing body did approve it, and it is binding on the United States and we should approve this authorization or get out of the organization.

Technically I think the gentleman is correct, and we could say that this is not in arrearage, because we had made no specific commitment on amount, but it is an arrearage in the sense that it is a general commitment, because we do belong to the OAS. It is a technical difference, but we just called it an arrearage.

Mr. HALL. I appreciate the gentleman's explanation. It is simply more of the same old story where we get caught and get the business put to us. It seems to happen regularly to Uncle Sam.

In order to change the subject, I wonder if the gentleman would comment to the Members about the arrearage of $33 million by the Communist country of Cuba. Is there any effort being made to obtain that arrearage payment and update it? And, if not, is it expected we will ever do anything about it? And again, if not, do they participate in the benefits and the largesse of those who pay?

Mr. FASCELL. First of all, it is $32,000, and, second, Cuba does not participate and gets no benefit.

Mr. HALL. Mr. Chairman, I thank the gentleman from Florida.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, I wish to join my friend from Florida in support of House Joint Resolution 746, which would authorize appropriations for the U.S. share of the expenses of the Pan American Institute of Geography and History.

This resolution would authorize an annual appropriation of up to $200,000 for the Institute. It also would authorize the sum of $386,050 for payment of arrearages that have accumulated since 1965, when the budget was increased and the U.S. assessment was raised to bring it in line with the system of assessments of the Organization of American States.

As noted in the committee report, the United States has played a leading role in the Institute since joining in 1935. The current President of the Institute is the Chief Geographer of the U.S. Geological Survey.

The Institute's activities encompass the Western Hemisphere, and many of the technical projects have been of direct value to the United States. Various U.S. agencies, with responsibility for topographic maps, air navigation charts and hydrographic charts, have found the Institute to be especially helpful in facilitating the exchange of information.

For example, the Institute served as the vehicle through which Argentina provided the United States with geodetic data that makes it possible, for the first time, to establish a Datum Point to serve as the point of origin for all the geodetic triangulations of the continent. This work provides information on the shape of the earth of direct value to our space program.

The Institute also initiated creation of, and has facilitated operations of the Inter American Geodetic Survey, which has expedited cooperative mapping of 18 of the Institute's member countries, much to the benefit of hemispheric defense plans of the United States.

The Hispanic Foundation in the Library of Congress has also found publications issued by the Institute to be extremely useful to the reference services provided by the Library.

Of course, much of the Institute's work concerns projects in which the Institute works directly with countries of Latin America, such as the geodetic network tie between Argentina and Chile described in the committee report.

While the results of its work extend throughout the Western Hemisphere, the Institute operates with a small staff of only 19 in the headquarters in Mexico City plus 17 people—some of whom are part time—in three Commission offices. Its General Secretary's salary of only $12,000 per year is typical of its modest budget.

Mr. Chairman, the Institute is carrying forward its work in a quiet and effective manner. The authorization request is modest and well justified. I urge approval of this resolution.

Mr. FASCELL. Mr. Chairman, I have no further requests for time.

Mr. MAILLIARD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.J. RES. 746

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 89-646, Eighty-ninth Congress, approved October 13, 1966, is amended by striking out "$90,300" and inserting in lieu thereof "$200,000" in section (1), and adding "(3) the sum of $386,050 for payment by the United States of its assessed annual contributions for the period beginning July 1, 1964, and extending through the fiscal year expiring June 30, 1969."

Mr. FASCELL (during the reading). Mr. Chairman, I ask unanimous consent that the joint resolution be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

"That Public Resolution 42, Seventy-fourth Congress, approved August 2, 1935 (22 U.S.C. 273), is amended as follows:

"(1) In paragraph (1)—

"(A) strike out '$90,300' and insert in lieu thereof '$200,000'; and

"(B) strike out 'and' at the end thereof.

"(2) Strike out the period at the end of paragraph (2) and insert in lieu thereof '; and' and immediately after paragraph (2) add the following new paragraph:

" '(3) the sum of $386,050 for payment by the United States of its assessed annual contributions for the period beginning July 1, 1964, and extending through the fiscal year expiring June 30, 1969.' "

Mr. FASCELL (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, this Pan American Institute cannot be a very important operation, since this Government was not concerned enough to meet its obligations to it for 5 or 6 years. I wonder why we continue in this? What benefits have we obtained from this organization through the years? What are the benefits? Does anyone care to answer that question?

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes; of course I yield to the gentleman from California. I am trying to get some information as to the value of this outfit.

Mr. MAILLIARD. The gentleman is a member of the subcommittee, and heard the hearings.

Mr. GROSS. I will say to the gentleman, that I was too busy in another committee trying to head off a postal corporation bill to attend the hearings on this resolution.

Mr. MAILLIARD. I am sorry about that.

My recollection is that for many years this was basically a clearinghouse for information, so that all members of the OAS plus Canada, and including the United States, would have available the technical information in this survey type of work that has been carried out. More recently they have gone into some projects to fill in some blank spaces in our knowledge of geography in certain parts of the hemisphere. All of this is useful information not only to us but I would think to the world in general.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes; I shall be glad to yield in a minute.

I imagine we have all kinds of commissions, councils, advisory boards and anything we want to name dealing with the geography of the Western Hemisphere. We undoubtedly have books and publications, studies and reviews in unlimited quantities. I imagine we have hired consultants and researchers for the past 50 years to look over the geography of the Western Hemisphere.

I am glad to yield to the gentleman from Florida.

Mr. FASCELL. I will say that the subcommittee in the consideration of this particular authorization, under all the circumstances involved, probably went into this more thoroughly than any other I can recall recently, and I am speaking specifically in terms of budget, line items, and so forth.

On page 41 of the hearings is a rather detailed listing of the accomplishments of the Institute, the projects and the programs.

I must say that some of the interrogation was rather sharp in the subcommittee with respect to the very ques-

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tion the gentleman has raised as to duplication. Like the gentleman, we were rather amazed to find out this is a unique organization. In fact, there is very little duplication, if any, with respect to the work it carries out in this particular field of geography and history.

Some of the recent accomplishments are the completion of the geodetic network between Argentina and Chile, and advisory service to the Dominican Republic on resources development. We could go on and on.

Mr. GROSS. The answer to the gentleman is, why not let the Latins take care of the Latins for a little while? Why do we not save the taxpayers in this country just a little of money and let them take care of their own geography? Could they not do that?

Mr. FASCELL. I suppose they could. The gentleman from Iowa knows that international cooperation is always subject to various interpretations. One might say that everybody could take care of himself. The truth of the matter is it is a kind of two-edged sword.

As the gentleman knows, for example, in promulgating standards of accuracy with respect to mapping and geodetic work, and other work of that kind, it is as much in our interests as it is in their interest. Perhaps one could make a case even more for our side, so to speak, than for the Latins, in respect to trying to get uniform standards worked out with respect to mapping and geodetic work. It is because we seek to stimulate this kind of activity on a professional level, both academically and professionally, that we belong to the Institute. Otherwise, in the normal course of events, we might never get standardized measurements, standardized rules, or anything we could understand that would be useful to us.

Mr. GROSS. So a group of these people went down to Guatemala and raised our dues to the club from some $90,300 a year to $200,000. Is that correct?

Mr. FASCELL. Yes. But I must I remind the gentleman of something.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. FASCELL. Will the gentleman yield further?

Mr. GROSS. Yes.

Mr. FASCELL. I would say this: This organization, in our examination of their budget, showed it was very, very careful and scrupulous particularly in the sums of money it spends. For example, the Secretary General only gets $12,000 a year and their personnel are kept to a very bare minimum. Administrative costs and facilities for the Secretariat are provided in Mexico by the Mexican Government. Its functional commissions operate at a minimum cost to the organization. The travel of delegates and members who participate in meetings and conferences is paid for by the participating countries.

Mr. GROSS. Let me stop the gentleman right there. He says the Secretary General gets only $12,000 a year. Could the gentleman tell me what the $11,000 annual family allowance might represent? Why is there a $11,000 annual family allowance in among the disbursements?

Also, I would ask the gentleman why are income taxes paid for some people out of this fund? Do you suppose that an employee getting $12,000 a year has his income taxes paid and does he also get a family allowance of $11,000 a year?

I had time to examine only a few of the expenditures that they have listed in the hearings.

Does he get his income tax paid along with the $12,000 a year?

Mr. FASCELL. The secretary general is a Chilean and is stationed in Mexico. He is not an American, and the institute is not an American institute. Therefore, it is not subject to the rules and regulations of the United States as such. That answers one of the questions of the gentleman.

The other question he raises, regarding the family allowance, it is my understanding that it is an acceptable practice in Latin America and Europe to pay a differential to employees on the basis of the number of their family members. This is what is done in this case.

Mr. GROSS. I note the spending of some $3,000 a year for representation allowances. My friend from New York, Mr. ROONEY, calls that the "tools of the trade." I assume it is the same old wine-and-dine operation. How are these meetings of this institute? Are they pretty lively?

Mr. FASCELL. I am not sure that geographers and historians have a swinging time on $3,000 a year where there are 400 members of the organization.

Mr. GROSS. I wish the gentleman at some time in the future would join me in abolishing a few of these miscast institutes, because I cannot find where they make any contribution at all to this country. We are putting up 60 percent and better—60 percent and better—of the support for this organization.

I would not find it possible to go out and explain that kind of business to the taxpayers I represent. Perhaps, some of the rest of you can, but I could not explain why we put up 60 percent, and better, of the contribution to this of any other international organization.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman but first let me say that it might be done in California but not in Iowa.

Mr. MAILLIARD. The input from this organization to both the Army, the Navy and, well, the Air Force, to our defense and to our civil aviation charting services, I suspect that the input from this organization is a relatively small amount of money compared to what it would cost us if we had to do it ourselves, possibly millions of dollars.

Mr. GROSS. Well, on the score I would like to hear some testimony from the Defense Department as to the great benefits they receive from this program.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

(By unanimous consent Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. GROSS. I think we ought to get before the subcommittee some of our military representatives to tell us—in view of the fact that we have not contributed anything for 5 or 6 years to the support of this organization—we ought to get representatives of the Department of Defense over to tell us how important it is that this Institute provide the United States with information concerning Latin America.

Mr. MAILLIARD. Mr. Chairman, if the gentleman will yield further, we have paid over the years but have not met our full contribution.

Mr. GROSS. Yes, it has been insufficient; has it not? That is what the Latins say. It has been insufficient and you cannot do the kind of job the gentleman seems to want to tell us we are doing down there with less money. If so, why do we genuflect to these people and give them this arrearage, plus an increase from $90,000 to $200,000?

Mr. MAILLIARD. I think the gentleman will find that figure to be $151,000.

Mr. GROSS. I am taking the figures from your hearing record. If they are incorrect, then the hearings are incorrect.

Mr. Chairman, this is but one more instance of representatives of foreign countries meeting somewhere in the world—in this case Guatemala—and telling the taxpayers of the United States what they must contribute to an international organization.

I am fed up with this procedure as well as contributing anything at all to international outfits that contribute nothing to the general welfare of this country.

If there is not to be a rollcall vote on the resolution, let the record show that I am opposed to it.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair. Mr. ALEXANDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 746) to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History, pursuant to House Resolution 969, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

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The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

INQUIRY INTO THE ADMINISTRATION OF THE SUBVERSIVE ACTIVITIES CONTROL ACT AND FEDERAL EMPLOYMENT SECURITY PROGRAM

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, I wish to advise the House that the Committee on Internal Security which I chair has undertaken a broad inquiry into the operation and administration of the Subversive Activities Control Act of 1950, and the operation and administration of laws and procedures relating to Federal employment security. These will be oversight hearings. We propose to inquire particularly into the present status of the Subversive Activities Control Board and Federal employee "loyalty oaths" program.

Faced with a host of problems, including those created by adverse court decisions, it is apparent that the operation of the Subversive Activities Control Board has been brought virtually to a halt. The question arises as to the advisability of the further maintenance and funding of a board which has little or no work to do. The Federal employee security program has likewise experienced a number of difficulties, including constitutional and procedural problems, which have impaired its operation in certain aspects. Even upon cursory examination it must appear that the time has come for the Congress to take another look at the operation of these programs and to determine whether the underlying statutes have continuing vitality and validity, or whether there is a need to amend or repeal pertinent laws, or to take other remedial measures.

Recent court decisions have brought these matters to a head. On December 12, 1969, in the case of Boorda and others against Subversive Activities Control Board, the U.S. Court of Appeals for the District of Columbia Circuit invalidated important provisions of the Subversive Activities Control Act.

This court held that the provisions of the act authorizing determinations with respect to membership of individuals in Communist-action organizations was unconstitutional on the basis that the disclosure of Communist Party membership is "constitutionally protected" by the first amendment, "except for those who join with the 'specific intent' to further illegal action." An application for certiorari to the Supreme Court to review this decision was denied on April 20, 1970. Since the major business before the Board within recent years has been precisely the determination of membership of individuals in the Communist Party, an organization previously determined to be a "Communist-action" organization, the effect of the decision has been seriously to undercut the jurisdiction of the Attorney General and the Board under the act.

On June 4, 1969, in the case of *Stewart* v. *Washington* (301 F. Supp. 601), a three-judge Federal District Court for the District of Columbia invalidated those provisions of the Federal loyalty oath statute—5 United States Code, sections 3333 and 7311—which required that an individual be denied office or employment in the Government of the United States or the District of Columbia unless he executes an affidavit that: First, he does not advocate "the overthrow of our constitutional form of government," and second, is not "a member of an organization that he knows advocates the overthrow of our constitutional form of government." The court so held on the ground that clause (1) was not limited to "violent overthrow," and clause (2) applies to "passive and inert" members and even to members who may not share the views of the group on this advocacy. No appeal was taken from this decision.

These decisions obviously raise some serious questions. What is the consequence of the impairment of the operation of these statutes in relation to the congressional program to protect this Nation and its Government against internal subversion? Is the legislation vital and essential? Are the assumptions underlying these statutes still valid? What should we do about it? What can we do?

In enacting the Subversive Activities Control Act, the Congress proceeded on the basic and, I believe, valid premise that an informed public is essential to the "effective, free functioning of our national institutions"—Mr. Justice Frankfurter, *Communist Party* v. *SACB*, 367 U.S. 1, at 97. Specifically, the act was adopted to counter Communist techniques of deceit and concealment. It sought to do so by establishing a system of public disclosure and identification of Communist organizations, characterized as "action," "front," and "infiltrated," and of membership in Communist-action organizations. By the terms of the act, the Subversive Activities Control Board is established as a quasi-judicial agency for the purpose of making determinations, on petition of the Attorney General, of the character of Communist organizations—whether action, front, or infiltrated—and for determining the membership of individuals in Communist-action organizations. The hearings and determinations of the Board are incorporated in records maintained by it which are open to public inspection.

In addition to the bare disclosure purposes of the act, determinations with respect to organizations and individuals have certain collateral consequences set forth more fully in other sections of the act, including sections 4, certain prohibited acts; 5, employment in Government, defense facilities, and labor organizations; 6, denial of passports; 10, use of mails and other instrumentalities in commerce; and 11, denial of tax deductions and exemptions. Some of these provisions have likewise been voided by decisions of the courts. Section 5(a)(1)(D), making it unlawful for members of Communist-action organizations to engage in employment in any defense facility, was voided in *U.S.* v. *Robel*, 389 U.S. 258 (1967), as "an unconstitutional abridgment of the right of association protected by the first amendment."

This decision has also had the effect of casting serious doubts on the validity of other provisions of section 5, including those related to the Federal employee security program, which prohibit a member of a Communist-action organization from seeking or holding nonelective office or employment under the United States. Section 6, making it unlawful for a member of a Communist-action organization to apply for or to use a passport, was voided in *Aptheker* v. *Secretary of State*, 378 U.S. 500 (1964), on the ground of overbreadth. It was said that the section unduly restricted the right to travel and thereby abridged the liberty guaranteed by the fifth amendment.

In other respects as well, the constitutionality and procedures of the act have been extensively litigated over the years by organizations and individuals brought within its purview. Much of this history is considered in House Report No. 733 of the 90th Congress which formed the basis for the January 2, 1968, amendments—Public Law 90–237—to the act which was the latest occasion on which the Congress endeavored to relieve the act of major deficiencies which had appeared in its administration. It was evidently the hope of the Congress that with those amendments the Attorney General and the Board could proceed with their mandated business. However, this expectation has not been fulfilled.

In the period following the enactment of Public Law 90–237 on January 2, 1968, and the Boorda decision of December 12, 1969—a period of approximately 2 years—only 22 petitions were filed by the Attorney General for determinations of individual membership in the Communist Party. Of these, seven were filed in 1968 by Attorney General Clark, and 15 in 1969 by Attorney General Mitchell. Boorda has now foreclosed any further exercise of jurisdiction on this subject. Nevertheless, for the period of 20 years during which the act has been in effect, a total of only 66 petitions have been filed for determinations of individual membership in the Communist Party, a party whose membership numbers in the several thousands, presently estimated at 15,000.

Nor has the act proved effective with respect to the disclosure of those Communist organizations—action, front, and infiltrated—which were within its scope. In the years of the existence of the act only one organization, the Communist Party of the United States, has been determined to be a Communist-action organization. Moreover, in reaching this single, although important, determination the Attorney General was involved in 10 years of litigation. *Communist Party* v. *Subversive Activities Control Board*, 361 U.S. 1 (1961). Likewise during this period, of the hundreds of Communist-front and infiltrated organizations which we have reason to believe were in existence, only 26 petitions for their determination were brought before the Board. Following the 1961 determi-

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nation of the Supreme Court, that the Communist Party was a Communist-action organization, only three petitions have been filed by the Attorney General for determinations of Communist-front and infiltrated organizations, and no single petition on this subject has been filed since the 1968 amendments.

The fact that the disclosure purposes of the act have not been effectively fulfilled seems apparent on the face of the record. We are thus bound to inquire whether the amounts being expended in the administration of the act can continue to be justified in the light of its limited product. What are the reasons for such obvious failures in accomplishing the disclosure objectives of the act? Can these failures be remedied? Are the underlying assumptions of the act still valid? Should we adopt a new approach to the problem? We expect to find at least some of the answers to these questions in the course of the committee's investigation.

As indicated, there is also the related problem of deficiencies in the execution of the Federal employee security program, particularly that aspect of the program which is directed toward preserving and maintaining the integrity and efficiency of the Government itself against the damaging infiltration of subversive elements. The Federal employee loyalty oath statute, to which I have adverted, had undoubtedly formed an integral part of the congressional program. The invalidation of important provisions of this statute in the Stewart case has stimulated a great deal of public interest and concern. This has been reflected in the large and growing correspondence on this subject received by Members of Congress.

It was 15 years ago when the Congress initiated its last comprehensive study of this subject. Then, in 1955, the 84th Congress by Public Law 786 established the Commission on Government Security, also known as the Wright Commission. This Commission was established to fill what was then felt as an urgent need for an objective, nonpolitical and independent study of the innumerable laws, executive orders, regulations, programs, practices and procedures for the protection of the national security. It made its report to the Congress in 1957. A great deal of water has flowed under the bridge since that time. It may be that much of what was then said continues to be valid. However, a host of subsequent and novel decisions revising the boundaries of appropriate congressional action and further practical experience have raised more questions than were then thought to be answered.

As was then said, the concept that the Government should employ no disloyal citizen was thought to be universally accepted, although then—as now—the methods and standards used by the Government to rid itself of these persons had raised some of the most controversial issues of the times. Since that statement was made, I am impelled to add that even that basic concept may now be questioned. Are we still agreed that disloyalty should bar employment in the Government of the United States? Surely, we are not all in agreement as to precisely what that term means. Moreover, as we examine recent decisions of the court on this subject, as well as the administration of employment policies and practices, it is evident that the former concept of loyalty has been limited and refined, if not abandoned.

The civilian employee loyalty-security program is generally considered to have begun with the Hatch Act, enacted August 2, 1939, which made it unlawful for a Federal employee to have membership in an organization advocating overthrow of our constitutional form of Government and penalized such misconduct by removal from service. This act was subsequently revised and ultimately reenacted in the act of 1968, 5 U.S.C. sections 3333 and 7311, the provisions of which were invalidated in the Stewart case as hereinbefore noted. Prior to 1939, Civil Service investigations were limited to questions of character and general suitability. Although during World War I, pursuant to Executive order, the heads of departments and agencies were authorized to remove any employee believed to be "inimical to the public welfare by reason of his conduct, sympathies, or utterances, or because of other reasons growing out of the war," questions of "political" beliefs and activities were generally considered outside the legal competence of the Civil Service Commission. Following the end of World War I, the loyalty issue became dormant until the 1930's when the dangers posed by the Fascist and Communist movements became apparent. Thus, in 1939 the Hatch Act was passed. In February 1940, for the first time, an application for Government employment embodied the language of the Hatch Act.

During World War II, President Roosevelt by Executive order instituted War Services regulation II which disqualified for civil service examination or appointment any person whose loyalty to the U.S. Government was in reasonable doubt. Under this regulation, preappointment investigations of applicants for the classified civil service employment were made, and the Civil Service Commission refused employment to people actively associated with Nazi, Fascist, and Japanese groups, or who were members of the Communist Party. Applications for employment contained an inquiry specifically mentioning Communist and Fascist organizations.

In light of the fact that the standards and procedures of the Government were not uniform in the conduct of the loyalty program, President Truman, in 1946, appointed a Temporary Commission on Loyalty to make a study of the problem. The Temporary Commission reported a wide disparity in standards for judgment of employee loyalty in both preemployment and removal procedures, and as to the character and scope of desirable administrative or legislative remedies. Moreover, several agencies in their replies had indeed stated that they had no established procedure designed to substantiate allegations of disloyalty. In view of the fact that the Civil Service Commission could investigate only a limited number of the thousands of applicants for Government employment, the Commission found that the agencies had relied almost exclusively on the veracity attributed to the oath of office and affidavit executed by the new appointees, and signature to these two instruments was taken as prima facie evidence of loyalty.

Following the Temporary Commission's study, President Truman on March 21, 1947, promulgated Executive Order 9835 which substantially embodied the Commission's recommendations. It required "a loyalty investigation" of every person entering civilian employment in the executive branch. The investigation of those entering the competitive service was to be conducted by the Civil Service Commission and of other persons by the employing agency. The order placed responsibility for a program of dismissal of disloyal employees upon the head of each agency, and for this purpose provided for the creation of a Loyalty Board in each agency to make recommendations with respect to the removal of any officer or employee on grounds relating to loyalty. A Loyalty Review Board was established in the Civil Service Commission with authority to review cases involving persons recommended for dismissal by the Loyalty Boards of the agencies, and to make advisory recommendations thereon to the head of the employing agency.

The standard for refusal of employment, or the removal from employment, on grounds relating to loyalty was that "on all of the evidence, reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States." In view of the fact that this standard required proof of actual disloyalty, the President, in 1951, amended it to a standard of "reasonable doubt as to the loyalty of the person involved." It should be noted, however, that the terms "loyalty" and "disloyalty" are nowhere specifically and directly defined in the provisions of the order. The content of these terms must be inferred from the context in which they appear. Activities set forth in the order which may be considered in connection with the determination of disloyalty are related principally to sabotage, espionage, treason, sedition, "advocacy of revolution or force or violence to alter the constitutional form of Government of the United States," and membership in, affiliation, or sympathetic association with, any foreign or domestic organization "designated by the Attorney General as totalitarian, Fascist, Communist, or subversive," or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or as seeking to alter the form of Government of the United States by unconstitutional means.

To assist the Loyalty Review Board in the performance of its function, a duty was imposed upon the Department of Justice to furnish the Board with information—and the Board, in turn, was required to disseminate such information to the agencies—with respect to the name of each foreign or domestic organization which the Attorney General, after appropriate investigation and determination, designates as above. For the period following the promulgation of the order until its revocation on April 27, 1953, approximately 192 organizations were, without hearings, thus designated by the Attorney General.

It is evident that in this period the governmental interest focused principally on the question of employee "loyalty," a subject embraced within—but not coextensive with—the broader concept of "security" and, as we can see, often not clearly distinguished from the latter, or from the related concept of "suitability." Nor was the area to be embraced within the concept of "loyalty" clearly defined. In contrast, the framers of the Constitution, by article VI, required that "all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution." This, of course, is a type of "loyalty oath," but one which is limited to affirmation of loyalty to "the Constitution" and, by reason of article V, which permits amendments to the Constitution, thereby necessarily and consistently with its terms renders permissible advocacy by lawful means of its abolition as well, which is something less than an affirmation of loyalty "to the country" or to the Executive.

This is a matter, I believe, of some significance to the issues before us. Testimony before President Truman's Temporary Commission on Loyalty indicated general agreement that investigations intended to exclude advocates of "violent revolution" from employment by a government they would overthrow are essential, but nevertheless, there were cautioning voices heard which pointed out that such investigations must be conducted "with extreme care and wisdom" less they should bar employment to those who "conscientiously" advocate constitutional and peaceful changes in forms and methods of government. Surely, however, the Government may be "overthrown" by other than violent or forceful means—as, for example, by deceit, treachery, or even indifference—and perhaps just as effectively. Moreover, such means may in certain instances be contrary to law, although not violent or forceful, and other means may be adopted which the law may declare unlawful but which have not been expressly proscribed.

But this is not an end to the problem. The question of the propriety of barring government employment on the basis of "peaceful" advocacy in relation to the loyalty concept must also be distinguished from, and is perhaps offset by, the concept that a reasonable freedom naturally belongs to the Executive and heads of departments and agencies to select employees sympathetic to, and zealous for, the ideals and plans of the existing administration. This is not a question of loyalty or attachment to the "Constitution" or "country," but of administrative efficiency and of freedom of political expression by the party in power which is wholly consistent with our concept of the democratic process. This does not necessarily mean that the Congress can constitutionally require an affidavit of loyalty to a particular administration and its policies, but it is a question of tenure and congressional policy in the maintenance of a civil service program.

It is no wonder that some considerable confusion existed in this period and even now. Indeed, following the promulgation of Executive Order 9835, a number of unhappy reports were brought to the attention of President Truman with respect to the lack of uniform standards and procedures followed by the different departments and agencies in the administration of the order. As a consequence, the President asked that the interdepartmental Committee on Internal Security of the National Security Council, with the participation of the Civil Service Commission, investigate the way in which the program was being administered, and to advise him what changes were believed to be required. The committee recommended a consolidation of the loyalty, security, and suitability programs, and in 1952 the President directed the Chairman of the Civil Service Commission to take necessary steps to provide him with a plan for combining them. Pursuant to this request, the Chairman established a committee to study the matter, but it was disbanded in February 1953, its work unfinished because of the change in administration. It did, however, draft a proposed Executive order which to some extent formed the basis of Executive Order 10450 promulgated by President Eisenhower on April 27, 1953, by which he revoked Executive Order 9835 and established the program presently in effect.

Meanwhile, along with expressions of executive concern, the Congress likewise applied itself to the question of employment security. The 81st Congress, on August 26, 1950, enacted Public Law 733 (5 U.S.C. 7532, as revised). At the time of its enactment, this statute gave to the heads of certain specified agencies directly concerned with the national defense summary suspension and unreviewable dismissal powers over their civilian employees when deemed necessary "in the interest of national security," and further provided that its provisions shall apply to such other departments and agencies as the President may, from time to time, deem necessary "in the best interests of national security." General personnel laws, the Lloyd-LaFollette Act (37 Stat. 55, as amended), and the Veterans' Preference Act (58 Stat. 390, as amended), which provided that preference eligibles may be discharged only "for such cause as will promote the efficiency of the service," and among other procedural rights granted the right of appeal to the Civil Service Commission, were thus directly affected by Public Law 733.

Moreover, it is to be observed that in this case the Congress abandoned the use of the expression "loyalty" and applied in lieu thereof the concept of "national security." To this extent it departed from the narrower loyalty concept which formed the basis of Executive Order 9835 promulgated by President Truman in 1947. In utilizing the concept of "national security," it appears that the Congress was influenced by testimony received by it which emphasized that security risks are not necessarily disloyal and that the procedures of Executive Order 9835 were often ineffective in removing employees who were a potential danger to the national security, but who could not necessarily be proved disloyal. This included such persons as alcoholics, those with unsatisfactory associations and subject to blackmail, and others who were simply overly loquacious. On the other hand, it was agreed that those who are disloyal are of necessity security risks.

This public law formed, at least in part, a statutory basis for Executive Order 10450 which, as noted above, was promulgated by President Eisenhower on April 27, 1953, and by which he sought to combine loyalty and security programs in accordance with a recommendation made by the Truman committee prior to its disbandment in 1953. Indeed, President Eisenhower adopted much of the language of the committee's recommended order as to subjects for investigation and factors to be considered in determining eligibility for employment and retention in employment. However, he did not adopt the precise language of the standard recommended by it; namely, that denial or removal from employment should rest on grounds of fitness or suitability to promote the efficiency of the service. Instead, he employed a standard of "clearly consistent with the interests of the national security." However, although both Public Law 733 and Executive Order 10450 departed from the limited concept of "loyalty," neither defined the precise sense in which the term "national security" was employed. Nevertheless, it was not long before the concept, as applied in the act, was given content by the courts in a case which arose on the dismissal of a preference eligible who held a position in the Department of Health, Education, and Welfare, to which the act had been extended by the President in the provisions of Executive Order 10450. That was *Cole* v. *Young,* 351 U.S. 536 (1956).

Cole was dismissed in proceedings pursuant to the act on the grounds of alleged close associations with Communists. In holding his dismissal improper, the court concluded that while the term "national security" is not defined in the act, they thought it clear from the statute as a whole that the term was intended to comprehend only those activities of the Government that are directly concerned with the protection of the Nation from internal subversion or foreign aggression, and not those which contribute to the strength of the Nation only through their impact on the general welfare.

Hence, it was required that a determination should have been made that Cole's position was affected with the national security as that term was used in the act. The court was of the view that had the Congress considered the objective of insuring the unswerving loyalty of all employees, regardless of position, as a matter of "national security" to be ef-

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fectuated by the summary procedures authorized by the act, rather than simply a desirable personnel policy to be implemented under the normal civil service procedures, it surely would not have limited the act to selected agencies. Noting that dismissals under the Lloyd-LaFollette and Veterans' Preference Act for "such cause as will promote the efficiency of the service" permitted dismissals on grounds of reasonable doubt as to loyalty, the court held that the act of 1950 must be limited in its application to employees who are in "sensitive" positions.

This decision, of course, had the effect of defining the term "national security" as used in the act, but not as used in the order. It is evident, however, that in the context of Executive Order 10450 the term is clearly meant to embrace the concept of loyalty within the comprehensive concept of security, and to form the basis for employment and retention in employment of all civilian officers and employees in all agencies. While requiring the designation of "sensitive positions," the order does so only as a basis for determining the scope of investigation of persons seeking Government employment. The effect of the construction given to Public Law 733 in Cole against Young is thus only to limit the procedures for dismissal but not the right to dismiss on loyalty grounds from all positions in Government irrespective of their alleged sensitivity.

The order likewise continued the duties of the Attorney General to supply the heads of departments and agencies with information necessary to the maintenance of the loyalty-security program. Under this provision of the order, the Attorney General continued to furnish information concerning "totalitarian, Fascist, Communist, or subversive" organizations. The list of organizations previously designated under Executive Order 9835 were redesignated and consolidated with other organizations pursuant to Executive Order 10450. However, the last designation was made on October 20, 1955. Since that date no organizations have been designated pursuant to the order and this aspect of the program appears to have been abandoned.

In the designation of organizations under executive order and the determination of Communist organizations under the Subversive Activities Control Act of 1950, the Attorney General was obviously involved in some overlapping of functions. It is also apparent that in recent years some reliance was placed on the determinations of the Subversive Activities Control Board for the listing of subversive organizations, not only in relation to the Federal employee security program, but likewise in relation to other security programs, including the port security program, hitherto maintained under the Magnuson Act of 1950 (50 U.S.C. 191), and the industrial security program, maintained pursuant to Executive Order 10865. In light of the at least partial overlapping of functions and duties imposed upon the Attorney General by Executive Order 10450 and the Subversive Activities Control Act, it is evident that these relationships must be clarified.

Moreover, the ultimate failures of the Attorney General under both procedures undoubtedly rest on similar causes. The program under Executive Order 9835, after an apparently successful beginning, subsequently deteriorated following a decision of the Supreme Court in *Joint Anti-Fascist Refugee Committee* v. *McGrath*, 341 U.S. 123 (1951), which enjoined the Attorney General from designating relevant organizations without hearings. On the other hand, at its inception, the program under the Subversive Activities Control Act of 1950 required full trial-type proceedings in the determination of Communist organizations, and little progress was made in its execution. It has been indicated that the problem of exposing FBI informants to be used as witnesses has been a principal, but not sole, obstacle to the effective administration of pertinent provisions of the executive orders and of the act.

In short, we are faced with the fact that two related programs having differing objectives—the one serving a disclosure purpose ancillary to the administration of an employment security program, and the other a disclosure purpose serving broader aspects of the national interest—have been brought virtually to a halt. We thus have not only the question of the necessity for the revival and maintenance of these programs, but whether, in light of the weaknesses in the program, either or both should be maintained at all.

With this introduction, I shall not further prolong my remarks I have endeavored only to give the Members some statement of the nature of the present inquiry and the issues to which we shall necessarily direct our attention. It is apparent that there are many practical problems which will be difficult to resolve. Moreover, in the balancing of the ostensible requirements of national security with individual liberties, particularly in the context of the ideals and basic premises of a libertarian society, we shall be faced with issues of profound constitutional and philosophical import. We shall need, and we shall seek, the assistance of our best minds and most informed experts in fulfilling the urgent task before us. I hope that the Members interested in the difficult problems in this field will give us the benefit of their views.

COMPROMISE VIETNAM-CAMBODIA RESOLUTION AIMED AT REESTABLISHING CONGRESSIONAL RESPONSIBILITY

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, today the gentleman from Missouri (Mr. SYMINGTON) and I are introducing a compromise Vietnam-Cambodia resolution aimed at reestablishing congressional responsibility in the determination of U.S. war policy without unalterably tying the hands of the President.

This resolution would, consistent with the establishment of satisfactory arrangements for the release of American prisoners of war, establish a deadline of April 30, 1971, for the removal from Vietnam of all combat troops, and October 31, 1971, for the removal of all support and advisory personnel unless both Houses of Congress by joint resolution grant a Presidential request for a specific extension of time.

It would limit the expenditure of funds in South Vietnam to only that amount required for:

First, financing such release and return of American prisoners of war;

Second, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress; and

Third, carrying out the safe and orderly withdrawal of American military personnel from South Vietnam by the specified dates.

The resolution also provides for an end to American involvement in Cambodia and Laos by June 30 of this year, unless an extension is specifically approved by the Congress. It is an attempt to end the impasse between supporters of the administration and sponsors of House Resolution 1000, the House resolution similar to the McGovern-Hatfield amendment which would impose a June 30, 1971, withdrawal deadline for all U.S. military personnel from South Vietnam.

We believe it is important to restore public confidence in the Congress as an institution capable of asserting its appropriate responsibilities in the conduct of international affairs. But we believe it is possible to do so without irrevocably tying the hands of the President in the process.

This resolution is an attempt to strike a compromise in two broad areas of disagreement:

First. The administration prefers the establishment of no congressionally imposed deadline for American military withdrawal from Vietnam and Cambodia. The authors of House Resolution 1000 propose a withdrawal deadline of June 30, 1971, from Vietnam and June 30, 1970, from Cambodia.

This resolution proposes a withdrawal deadline from Vietnam of April 30, 1971, for combat troops and October 31, 1971, for support and advisory personnel, and an end to American involvement in Cambodia and Laos by June 30, 1970.

Second. The administration opposes having its hands tied by the congressional imposition of any definite deadline for American withdrawal.

The sponsors of House Resolution 1000 feel the imposition of a definite deadline is necessary to reestablish congressional authority over war policy.

This resolution establishes congressionally imposed deadlines but spells out the willingness of the Congress to consider establishing new deadlines if the President at some future time finds them to be too restrictive. By so doing, it clearly establishes the principle of congressional authority on a continuing rather than a one-shot basis, and that is as it should be.

Some honest and thoughtful people will question establishing a definite dead-

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line for American withdrawal, fearing that it will provide disincentive for Hanoi to engage in serious negotiations. It should be apparent, however, that Hanoi at the present time, in the face of present policy, sees no incentive to negotiate.

It is our belief that the most direct American interest in this conflict is in obtaining the release of American prisoners of war. We feel the establishment of a definite plan for an end to American involvement should and could be used as a basis for obtaining an arrangement for the release of American prisoners.

And we further believe that when it becomes unmistakably clear that America intends to end its involvement in Vietnam, all contending political factions in South Vietnam will have great incentive to make the accommodations necessary for negotiating a political compromise.

For too long the office of the Presidency has had to bear the full burden of the conduct of this war. That is not good for the Congress. It is not good for the Presidency, and it most certainly is not good for the country.

This resolution is an attempt to again establish the principle of cooperative responsibility between two branches of government, and, it is hoped, in the process, suggest a way to obtain release of American prisoners of war, end American involvement in the Indochina war, and provide incentives for a compromise settlement by all parties within South Vietnam.

The text of the resolution appears below:

H. Res. 1056

Resolved, That in the absence of a declaration of war, it is the policy of the House of Representatives that, consistent with the establishment of satisfactory arrangements for the release of American prisoners of war, defense expenditures in South Vietnam should be limited to only that amount required for such release and return of prisoners of war, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, and the carrying out of the safe and orderly withdrawal of all American combat troops from South Vietnam by the end of April 30, 1971, and all support and advisory personnel by October 31, 1971, unless the Congress by joint resolution approves a finding by the President that an additional stated period of time is required.

Resolved, That in the absence of a declaration of war, no funds in the Fiscal Year 1971 defense budget are to be used to finance the operation of any American combat or support troops in Cambodia or Laos, unless the Congress by joint resolution approves a finding of the President that such operations are necessary.

PRISONERS OF WAR

(Mr. TALCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, this is primary election day in California and many other States. As we think about free elections in an open society in compliance with law under a written constitution which provides a representative parliamentary system of government under God with certain inalienable rights, we should also think about our prisoners of war, our fellow citizens who are missing in action and either mercifully dead or languishing in Communist prisons. We should think about their families and the torment of their separation. We should think about our obligation to these men and their families.

Recently at the annual convention of the American National Red Cross at Chicago, Ill., the chapters of the Red Cross reaffirmed the resolution of the board of governors by the following "Resolution II, Prisoners of War."

Resolution II—Prisoners of War

Whereas, civilized decency and international law embodied in the Geneva Convention for the Protection of Prisoners of War demand that captives in armed conflicts be identified and accounted for, humanely treated, permitted to communicate and, if seriously sick or wounded, repatriated or placed in neutral hands, and

Whereas, the fate of hundreds of American servicemen captured in the Southeast Asian war is unknown except to their captors, and

Whereas, some of these helpless men have been held captive more than five years, some may be seriously sick, wounded or deceased, without the knowledge of their loved ones, and

Whereas, this cruel, intolerable and prohibited secrecy serves no purpose but to increase the revulsion felt for it by millions of people the world over who understand the grief of parents, wives and children of those imprisoned or whose fate is unknown, and

Whereas, the XXIst International Conference of the Red Cross at Instanbul in September 1969, after noting the historic role of the Red Cross as a protector of victims of war, adopted, without dissent, a resolution calling upon all countries involved in armed conflict to ensure that all prisoners of war be afforded the treatment and full measure of protection prescribed by the Geneva Convention Relative to the Treatment of Prisoners of War, and

Whereas, in the realization that the Red Cross has the potential to arouse the conscience of humanity on behalf of these prisoners, the Board of Governors on February 16, 1970 reaffirmed the resolve of The American National Red Cross to pursue every effort to assure their humane treatment and has urged similar action by every other member of the International Red Cross,

Now, therefore, be it resolved that the chapters of The American National Red Cross, united in the resolve to do all in their power to promote respect for the rights of prisoners of war, do hereby endorse the February 16, 1970 resolution of the Board of Governors, and

Be it further resolved that each chapter should accept the continuing commitment within its own community to mobilize ever-increasing support in the demand for the identification and humane treatment of the prisoners, the fulfillment of their right to communicate, the repatriation of the sick and wounded, the accounting for any who may be deceased and ultimately the freedom of all of the prisoners.

Messages were received at the Red Cross convention from President Nixon, every Governor of every State and territory, and several other national organizations.

I include these messages in the RECORD at this time:

Messages

President Richard M. Nixon: Along with all other Americans I have noted with pride and with confidence the dedication of your Convention to unremitting efforts to obtain for American prisoners of war in Southeast Asia the humane treatment of which they are entitled under the dictates of decency and which their captors are obligated to provide under the Geneva Conventions. You have the support and the prayerful hopes for success from all men of goodwill.

EASTERN AREA

Governor of Connecticut, John Dempsey: Continued efforts by American Red Cross to secure improved treatment our prisoners of war in North Vietnam heartening and commendable. People of this State one of whose citizens interned many years in Red China, keenly aware protection given him and his family by adherence to articles of Geneva Conventions. Speaking their behalf and my own, I urge delegates to annual meeting of American National Red Cross now in session, take every appropriate step to demand the adherence signified by Government of Democratic Republic of Vietnam when signing these Conventions. All future actions initiated by your organization to bring about humane treatment of prisoners of war have my full support.

Governor of Delaware, Russell W. Peterson: I am writing to commend the American Red Cross and its efforts in encouraging Americans to write to the President of North Vietnam on behalf of American prisoners of war. These efforts are proving effective, and I urge the American Red Cross to continue supporting this program. On behalf of all Delawareans, especially those who have kin and friends in POW camps, I thank the American Red Cross for its work to promote humane treatment of those prisoners.

Governor of Maine, Kenneth M. Curtis: I strongly endorse the "Write Hanoi" Campaign of the American Red Cross. We must do everything possible to insure the humane treatment of United States prisoners of war in North Vietnam. I share your hope that letters from thousands of concerned citizens in this country will touch the conscience of Hanoi and move them to honor the provisions of the Geneva Convention.

Governor of Maryland, Marvin Mandel: As Governor of the free State of Maryland, may I commend the American National Red Cross for its continuing efforts to obtain more humane treatment for U.S. prisoners held by North Vietnam, it is my hope that every citizen of Maryland will participate in the Red Cross "Write Hanoi" Campaign by letters calling upon the President of North Vietnam to adhere to the Geneva POW Treaty. Best wishes to you and Convention delegates for success in this humanitarian endeavor.

Governor of Massachusetts, Francis W. Sargent: As Governor of the Commonwealth of Massachusetts, I am pleased to endorse the American National Red Cross "Write Hanoi Campaign" and urge the people of Massachusetts and all Americans to cooperate in this effort to write the North Vietnamese Government regarding the treatment of prisoners of war in accordance with the Geneva Conventions. My hopes for the success of this project.

Governor of New Hampshire, Walter R. Peterson: Strongly endorse continuing efforts of American National Red Cross to obtain humane treatment of the United States prisoners of war held by Government of North Vietnam; am encouraging citizens of New Hampshire to support the Red Cross "Write North Vietnam" Program to prevail on the President, Democratic Republic of Vietnam to honor his nation's signature to the 1949 Geneva Convention.

Governor of New Jersey, William T. Cahill: On behalf of the citizens of the State of New Jersey, I want to express deep concern and wholehearted support for the humanitarian efforts of the American Red Cross in its campaign to impress upon the Government of North Vietnam its responsibility for the welfare and treatment of American servicemen held prisoner by Hanoi. In your role as a non-partisan organization, committed to the service of all in need, we sincerely hope that Red Cross will succeed in arousing the world's conscience and stirring it into action so that sensitive, justice seeking people of every race will influence the North Vietnamese to abide by the Geneva Conventions.

Governor of New York, Nelson A. Rockefeller: The American National Red Cross drive to urge Americans to write to Hanoi to secure humane treatment of prisoners of war as guaranteed by the 1949 Geneva Convention has my wholehearted support. I am pleased to join in endorsing this all-out effort to assure that war prisoners in North Vietnam receive all rights and privileges to which they are entitled. The commendable work you and your associates are doing in behalf of prisoners of war and their families merits the widest appreciation.

Governor of Ohio, James A. Rhodes: As Governor of Ohio, I endorse the "Write Hanoi" Campaign being sponsored by the American Red Cross.

Governor of Pennsylvania, Raymond P. Shafer: Strongly endorse efforts of American Red Cross in attempting to encourage expressions to Hanoi urging their compliance with Geneva Conventions with respect to persons held as prisoners of war. I am urging local citizens and groups in the Commonwealth of Pennsylvania to join in this effort being promoted by the 94 local Red Cross Chapters in Pennsylvania and implore your continued efforts.

Governor of Rhode Island, Frank Licht: I heartily support the efforts of the ARC in its activities in behalf of American prisoners of war. As a result of ARC initiative, coordinated attempts to increase communication to and from prisoners, and to encourage adherence by the Hanoi Government to the terms of the Geneva Convention have been effective. It is my hope that during these difficult days, the ARC will continue its actions, will receive the support of all the people, and will be successful in achieving positive results.

Governor of Vermont, Deane C. Davis: I wish to voice my strong endorsement of the continuing efforts of the American Red Cross in opening the channels of communications regarding the treatment of the POW's held by North Vietnam. I share with you the humane concern for the welfare of the men and urge intensified efforts to prevail upon North Vietnam to honor its signature to the Geneva Conventions.

Governor of Virginia, Linwood Holton: As Governor of the Commonwealth of Virginia, I wish to express my support of the efforts being made by the American National Red Cross to effect compliance of the Geneva Conventions, in the treatment of prisoners of war in North Vietnam. Regardless of political views, all Virginians are united in concern for humane treatment of American captives in Southeast Asia. Our wholehearted support goes to the efforts of all concerned citizens and to the endeavors of the American Red Cross in your "Write Hanoi" Campaign.

Governor of West Virginia, Arch A. Moore, Jr.: I have issued an official proclamation requesting West Virginians to write North Vietnam urging Hanoi to comply with the Geneva Convention pertaining to the treatment of prisoners of war. I commend the Red Cross for its stand in this matter and assure you I am solidly behind your efforts to gain humane treatment for Americans being held as prisoners of war by North Vietnam and to gain entry for ICRC representatives to inspect prisoner of war facilities and prompt repatriation of sick and wounded prisoners.

SOUTHEASTERN AREA

Governor of Alabama, Albert P. Brewer: Please be assured of my deepest appreciation of your actions to secure humane treatment for American prisoners of war in North Vietnam. I am personally urging the citizens of Alabama to join in the Red Cross "Write Hanoi" Campaign to show North Vietnam that Americans are united in their efforts to insure that their sons and husbands in North Vietnam prisons will be treated like human beings and their families here at home will be able to hear from them.

Governor of Arkansas, Winthrop Rockefeller: Please be assured of my deepest appreciation of your actions to secure humane treatment for American prisoners of war in North Vietnam. I am personally urging the citizens of Arkansas to join in the Red Cross "Write Hanoi" Campaign to show North Vietnam that Americans are united in their efforts to insure that their sons and husbands in North Vietnam prisons will be treated like human beings and that their families here at home will be able to hear from them.

Governor of Florida, Claude R. Kirk, Jr.: Floridians appreciate your efforts to secure humane treatment for American prisoners of war in North Vietnam. I am urging the people of Florida to join in the Red Cross "Write Hanoi" Campaign to demonstrate to North Vietnam that we are united in our efforts to insure that our fighting men in North Vietnam prisons will be treated like human beings and that their families here at home will be able to hear from them.

Governor of Georgia, Lester Maddox: This is to assure you that I sincerely endorse the actions taken by the American Red Cross in support of Humane treatment of American prisoners of war in North Vietnam. As Governor of the State of Georgia, I am personally urging all citizens of this State, irrespective of individual feelings regarding the conflict in Southeast Asia, to join together unanimously in the "Write Hanoi" Campaign. This effort is to let North Vietnam know that Americans are united in their pleas to treat their sons and husbands in North Vietnam like human beings and to live up to the Geneva Conventions signed by that Government.

Governor of North Carolina, Bob Scott: I express my appreciation to American Red Cross for its actions to secure humane treatment for American prisoners of war in North Vietnam. I urged citizens of North Carolina to join the Red Cross "Write Hanoi" Campaign to show North Vietnam Americans are united in their effort seeking treatment for their sons and husbands that is consistent with the Geneva Conventions and seeking contact with them.

Governor of Kentucky, Louis B. Nunn: Please be assured of my deepest sympathy of your actions to secure humane treatment for American prisoners of war in North Vietnam. I am personally urging the citizens of Kentucky to join in the Red Cross "Write Hanoi" Campaign to show North Vietnam that Americans are united in their efforts to insure that their sons and husbands in North Vietnam prisons will be treated like human beings and that their families here at home will be able to hear from them.

Governor of Louisiana, John J. McKeithen: As a Veteran of World War II, I can sincerely appreciate the actions of the American Red Cross in their efforts to secure humane treatment for American prisoners of war in North Vietnam. The results to date on this campaign are worth the effort put forth thus far, and to attempt to obtain further results, I am urging the citizens of Louisiana to join the Red Cross "Write Hanoi" Campaign to show North Vietnam that our people from Louisiana and America are united in our efforts to insure that our fellow Americans being held prisoners in North Vietnam are treated like human beings and that their families here at home will be able to hear from them. Two young ladies here in Baton Rouge just received letters from their husbands who are prisoners of war. This campaign is picking up momentum and seems to be reaping the desired results. Keep up the good work.

Governor of Mississippi, John Bell Williams: I wish to express my appreciation for and support of your efforts in attempting to secure humane treatment for American prisoners of war being held captive in North Vietnam. I have personally appealed to the people of Mississippi to participate in a letter writing campaign to convince North Vietnam that the American people stand united in their determination that their husbands and sons be treated as human beings while held as prisoners in North Vietnam and that these Americans be accorded the privilege to communicate with their loved ones.

Governor of South Carolina, Robert E. McNair: I am pleased to indicate by this correspondence that I am personally urging all South Carolina residents to join in the project of the American Red Cross, "Write Hanoi". We feel it is necessary for the Government of North Vietnam to know that all Americans are at war and that we stand firm in our insistence that they be allowed to communicate with their families at home.

Governor of Tennessee, Buford Ellington: Please be assured that we in Tennessee are deeply appreciative of the Red Cross actions to secure humane treatment for American prisoners of war in North Vietnam. I am personally urging the citizens of Tennessee to continue their support in the Red Cross "Write Hanoi" Campaign to show North Vietnam that Americans are united in their efforts to insure that their sons and husbands in North Vietnam prisons will be treated like human beings and that their families here at home will be able to communicate with them.

MIDWESTERN AREA

Proclamation by Governor Richard Ogilvie of Illinois:

More than 1700 United States servicemen are missing in action or detained as prisoners of war as a result of the armed conflict in Southeast Asia.

Each of the governments with armed forces involved in the conflict are signatories to the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.

Nevertheless, the government of the Democratic Republic of Vietnam has refused to observe the terms of the Convention and abrogated its obligation under the agreement.

The American Red Cross, which has been striving to ensure that the government of North Vietnam affords prisoners of war the protection and benefits to which they are entitled under international law and the dictates of human decency, is meeting in Chicago May 18–20.

Therefore, I, Richard B. Ogilvie, Governor of the State of Illinois, proclaim May 20, 1970, as a Day of Dedication for the relief of American prisoners of war and their families, and urge all Illinoisans to join in the humanitarian efforts to guarantee our imprisoned servicemen and their families the protection and the benefits to which they are entitled under international law and the dictates of human decency.

Governor of Indiana, Edgar D. Whitcomb: I wholeheartedly endorse the actions of the American Red Cross in behalf of the American prisoners of war being held captive by the North Vietnamese. I commend your organization for its efforts in this regard and urge that you continue despite whatever roadblocks may be encountered. In accordance with the Red Cross "Write Hanoi" Program, I call upon Hoosiers to send a letter to the President of the Democratic Republic of North Vietnam and urge to: (1) Identify the prisoners being held, (2) allow regular mail between prisoners and their families and (3) admit International Committee Red Cross representatives to inspect prisoner of war facilities and allow prompt repatriation of sick and wounded prisoners. I believe as

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do all Americans that prisoners should be afforded the treatment and protection that North Vietnam is obligated to extend under the prisoners of war Convention. I realize the urgency of this effort and its importance not only to the captured American soldier, but also to his family.

Governor of Iowa, Robert D. Ray: As Governor of the State of Iowa, I am especially concerned about Iowans presently being held captive by the forces of the Democratic Republic of North Vietnam and would encourage the efforts of the American National Red Cross in its letter writing campaign to encourage the other side to observe the Geneva Conventions concerning the treatment of prisoners of war.

Governor of Kansas, Robert Docking: In behalf of all Kansans and personally, I join those governors of all States and all Americans in urging the Government of North Vietnam to adhere to the Geneva Conference in their treatment of American men who have become prisoners of war in Southeast Asia, we pray they will be treated fairly and humanely.

Governor of Michigan, William .G. Milliken: As Governor of the State of Michigan I endorse the efforts of the American National Red Cross to influence the Hanoi Government to identify the American prisoners. To accept an exchange of mail between the prisoners and their families and to accept representatives of the International Red Cross into their prison camps.

Governor of Minnesota, Harold Levander: I respectfully request you to continue expending maximum effort on behalf of the American prisoners of war being held in North Vietnam and commend you for your past efforts in this regard.

Governor of Missouri, Warren E. Hearnes: I am pleased to urge public support for the Red Cross program of having individual Americans write letters to the officials of North Vietnam requesting humane treatment of prisoners. The release of names of prisoners and the granting of permission for them to receive mail and parcels from their families. Such a campaign at least offers hope of obtaining more information about American prisoners and better treatment for them as was promised by North Vietnam in signing the Geneva Accords.

Governor of Nebraska, Norbert T. Tiemann: I hereby endorse the actions taken by the American Red Cross in their effort to encourage expressions to Hanoi, urging their compliance with the Geneva Convention with respect to persons held as prisoners of war. We in Nebraska are taking up this campaign and I will personally be encouraging Nebraska citizens and groups within our state to write the President of the Democratic Republic of North Vietnam, urging compliance.

Governor of North Dakota, William L. Guy: I heartily endorse the "Write Hanoi" Campaign of the American National Red Cross and your organization efforts to secure more humane treatment for the U.S. prisoners of war in Vietnam. North Dakota citizens will make a concerted effort through letter writing to assist you in this current drive to persuade the Democratic Republic of North Vietnam to adhere to the Geneva Prisoner of War Convention which they signed in 1949.

Governor of Oklahoma, Dewey F. Bartlett: Dear Mr. Harriman: As Governor of Oklahoma, I endorse actions taken by the American Red Cross in calling on all Americans and all nations to write Hanoi and demand that prisoners of war be afforded the treatment and protection as agreed to at the Geneva Conventions. Regardless of a persons feelings about the war, the treatment of prisoners of war should be uniform as provided for under the Prisoners of War Convention.

Governor of South Dakota, Frank L. Farrar: Mr. Harriman: I endorse your "Write Hanoi" Campaign for the benefit to not only our men who are prisoners of war, but for all their loved ones in the free world. It is time that North Vietnam Government identify all prisoners of war; allow mail between families and prisoners, allow the International Red Cross to inspect the prisoners of war facilities; and allow the sick and injured prisoners to return to their families. Let us all pray for humane treatment of American prisoners of war and for peace.

Governor of Texas, Preston Smith: As Governor of Texas I congratulate the American Red Cross for undertaking another "Write Hanoi" in continuation of your outright efforts to gain more humane treatment for the United States prisoners of war and the missing in action in Southeast Asia. All Americans are concerned about the failure of the North Vietnamese to honor the provisions of the Geneva POW Conventions. I know citizens of Texas will join in support of your campaign.

Governor of Wisconsin, Warren P. Knowles: Urge strongly continuing all-out effort to gain more humane treatment for United States prisoners of war in Vietnam and "Write Hanoi" Campaign.

WESTERN AREA

Governor of Alaska: I would like to take this means of expressing my wholehearted support of American Red Cross efforts to obtain humane treatment of American personnel imprisoned by the North Vietnamese, Americans are unified in their belief that prisoners held in North Vietnam should be afforded the treatment and protection that North Vietnam is obligated to extend under the Geneva Convention provisions and the American Red Cross to continue its splendid efforts.

Governor Arizona, Jack Williams: A number of Arizonians are being held prisoner by North Vietnam. Please accept my thanks and congratulations for your efforts to get North Vietnam to observe the Geneva Conventions. We endorse your actions and urge you to continue your efforts which seem to be having some impact.

Governor of California, Ronald Reagan: Early this month I urged all Californians to join in the observance of a national day of prayer on Sunday, May 3, for the humane treatment and safe return of American prisoners of war and servicemen missing in action in the Southeast Asia. I heartily commend the American Red Cross for its actions to encourage all Americans to write Hanoi to express indignation at their failure to adhere to the Geneva Conventions. I am hopeful your efforts on behalf of our men being held prisoner will provide the impetus that is needed to focus worldwide attention of this matter.

Governor of Colorado, John Love: Governor John Love, State of Colorado, wholeheartedly endorses the American Red Cross resolution and urges the leaders of Hanoi abide by the Geneva Convention.

Governor of Idaho, Don Samuelson: I am vigorously in support of the American Red Cross effort to encourage Hanoi to comply with the Geneva Convention with respect to persons held as prisoners of war. We are deeply concerned about the treatment of these persons who include Idahoans in the military service. My office extends strongest hopes for your early success in this endeavor. Best wishes for a productive Convention.

Governor of Montana, Forrest H. Anderson: I fully support the humanitarian objectives of the "Write Hanoi" Campaign being sponsored presently by the American Red Cross. Humane treatment of American prisoners in Vietnam under the provisions of the Geneva Convention is something that all Americans must work to achieve. Moral pressure must be brought to bear upon the leaders of North Vietnam to convince them of their responsibilities under the Convention. American must not forget these men. I only hope that this campaign is successful in easing some of the hardships these men and their families are enduring.

Governor of Nevada, Paul Laxalt: I would like to commend the American National Red Cross for their program in calling upon all nations to treat prisoners of war in accordance with the Geneva Convention. We must continue to encourage everyone to subscribe to your efforts by participating in the "Write Hanoi" Campaign. The success of this endeavor rests with the American people.

Governor of New Mexico, David F. Cargo: Please add my endorsement to the American National Red Cross effort toward freeing American prisoners of war in Vietnam.

Governor of Oregon, Tom McCall: Greetings to you from the State of Oregon. On the occasion of your National Convention, I commend the American National Red Cross on their efforts they have made toward asking Americans to protest to Hanoi on the treatment of U.S. prisoners held by North Vietnam. As you map your reactions for the ensuing year, May I encourage continuation of such efforts. Irrespective of individual feelings about the Vietnamese conflict, I believe there is an absolutely unanimous opinion in Oregon, as there must be throughout the nation, that prisoners should be afforded the treatment and protection that North Vietnam is obligated to extend under the Geneva Prisoner of War Convention. Evidence of such unanimity of opinion, as can be accomplished by a massive compliance with your "Write Hanoi" Campaign, may influence North Vietnam. Last month, Captain James Sehorn of Forest Gove, Oregon, who was shot down in Northern North Vietnam 16 months ago, was finally identified as a prisoner of war. Mrs. Sehorn attributes this notification to the efforts made by fellow Oregonians and others who "Write Hanoi."

Governor of Washington, Daniel J. Evans: I support the efforts of the American National Red Cross to gain more humane treatment for the release of the U.S. prisoners in Vietnam. These prisoners of war are entitled to humane treatment under the statutes of international law and the dictates of moral decency. I hope that the following provision of prisoner of war Convention will be honored by North Vietnam: Prompt identification of prisoners; adequate food and clothing and medical care, communication with other prisoners and their families at home. Prompt repatriation of seriously sick or wounded prisoners; protection from abuse or reprisals and free access to prisoners and their place of detention, by such a neutral intermediary as the All-Swiss International Committee of Red Cross.

Governor of Utah, Calvin L. Rampton: Please accept my endorsement of ARC efforts to obtain humane treatment of American prisoners of war in North Vietnam. I add my voice to those urging Hanoi to follow strictly the standards set by the Geneva Convention.

State of Wyoming, Gov. Stanley K. Hathaway: Proclamation:

Whereas, Red Cross has become the traditional neutral intermediary in time of conflict; and

Whereas, the American Red Cross has asked the world Red Cross Societies and the American people to form a solid front in demanding that the North Vietnamese meet humanitarian standards in the treatment of American prisoners; and

Whereas, the United States Senate and House of Representatives have passed a resolution demanding compliance with the Geneva Conventions on treatment of prisoners of war and calling for the United Nations and the International Red Cross to obtain humane treatment and release of American prisoners; and

Whereas, the American Red Cross is asking the American people to exert more pressure on the North Vietnamese by increasing participation in its "Write Hanoi" campaign;

Now, therefore, I, Stanley K. Hathaway, Governor of the State of Wyoming, do hereby proclaim the month beginning May 17, 1970, as "Support our Prisoners in Vietnam Month," and urge the citizens of the state to participate in the "Write Hanoi" campaign to demand that the North Vietnamese honor the Prisoner of War provisions of the Geneva Conventions.

State of Hawaii, Gov. John A. Burns: As Governor of the State of Hawaii, whose spirit of aloha is often the last contact that our servicemen have with their country before giving honorable military service in Southeast Asia, and which, through its vast military resources gives support to those operations, I offer my full endorsement of the efforts of the American Red Cross in seeking humane treatment for American prisoners of war held by North Vietnam, the Viet Cong and Laotian forces. Irrespective of any personal feeling about the Vietnam conflict, it is God's will and the heartfelt desire of all Americans that prisoners of war be afforded the treatment and protection that North Vietnam is obligated to extend under the Geneva Prisoner of War Convention. In Hawaii, Sunday, May 24 will be recognized in churches throughout the State as Prisoner of War Prayer Day with the attendant request that our citizens participate in the National Write Hanoi Campaign initiated by the American Red Cross. With our previous similar effort having its effect with some easing by North Vietnam of its stand, I support your continued dedication of this worthy task. May God be with you in your earnest endeavors in behalf of all American prisoners of war. Aloha.

TERRITORIES

Mr. Leber, Governor of the Canal Zone: I sincerely endorse the resolution adopted at the 21st International Conference of the Red Cross calling on all nations to ensure humane treatment of prisoners of war and fully support the American Red Cross in its continuing world-wide efforts to encourage compliance with the Geneva Conventions extending protection to such prisoners.

Governor of Puerto Rico, Luis A. Ferre: The people of Puerto Rico join me to express our support of the action taken by the American Red Cross on behalf of prisoners of war in North Vietnam and willfully cooperate with the Write Hanoi Campaign the continuation of these efforts is the responsibility of all nations.

Governor of American Samoa, John M. Haydon: Please be advised that I as Governor and the people of American Samoa wholeheartedly support and appreciate Red Cross efforts to encourage humane treatment of Prisoners of War. A good number of our young men are involved in the Vietnam conflict, and several have lost their lives in support of our countries' principles. We recognize diversifications of nationalities, cultures, and customs in the world, but we believe that kindness and decency unite or should unite all men and it is incumbent on the United States and Allied countries and likewise the Government of North Vietnam to treat their prisoners of war with humane decency. Your efforts toward the accomplishment of this objective will continue to encourage better treatment of prisoners regardless of race, color, or creed and will in the long run help to bring all men together in a spirit of harmony and love. Again our sincere appreciation.

Governor of Virgin Islands, Melvin H. Evans: People in government of Virgin Islands highly endorse the role and activities of the American Red Cross on behalf of prisoners of war. Your write Hanoi campaign carried out by via Red Cross Chapters. Sincere wish for success this and similar projects.

ORGANIZATIONS

Mrs. James B. Stockdale, National Coordinator for the National League of Families of American Prisoners in Southeast Asia: Please extend to every delegate at your Convention the heartfelt gratitude of the wives and families of captured and missing American servicemen for the help you have given our men in the past. We deeply appreciate your continuing interest and efforts toward insuring humane treatment for our loved ones and wholeheartedly support and encourage renewed appeals for your "Write Hanoi" Campaign. Our burden seems lighter knowing you are continually increasing your efforts to get help to our men. We thank you most sincerely.

Mrs. Erwin Frees Seimes, President General, National Society Daughters of the American Revolution—Dear Mr. Collins: Your letter of May 13 has been read with interest and appreciation. We are enclosing a copy of the resolution adopted at the 79th Continental Congress entitled "Prisoners of War," which we feel is in line with your "Concurrent Resolution."

Also, for your information, the following paragraph appeared in the last Circular Letter sent by me to my National Board: "We have been asked by the Committee of United We Stand, Inc. (H. Ross Perot's Mission to bring relief to POW's in Vietnam) to write as individuals to express their concern to 'H. Ross Perot, Post Office Box 100,000, Dallas, Texas 75222.' Please transmit this word to your Chapters in order that they may express their feelings on this subject."

Best wishes for a most successful Convention.

Prisoners of War Resolution, 79th Continental Congress, April 1970:

Whereas unknown numbers of servicemen have suffered long terms of imprisonment or the ambiguous status of "missing in action" in North Viet Nam; and

Whereas apparently nothing stronger than the usual words and platitudes from responsible United States officials and United Nations headquarters have led Hanoi to the belief that they have nothing to fear from the United States of America in their treatment of American prisoners; and

Whereas it is known that numbers of the Armed Forces of the United States of America have been murdered or allowed to die from malnutrition, disease or wounds; and

Whereas the North Vietnamese have stated that all captured Americans are regarded as war criminals and they will be tried by the "People's Court"; and

Resolved, That the National Society Daughters of the American Revolution express grave concern for the treatment and fate of United States prisoners of war and other Americans wrongfully held;

Resolved, That the National Society Daughters of the American Revolution believe that we must take all necessary steps to obtain the release of these American prisoners of war and in no circumstances abandon these brave men.

The American Legion, national headquarters, J. Milton Patrick, National Commander: The American Legion shares your concern for the well being of American prisoners of war held by North Vietnam. Our resolution No. 8, adopted May 6–7, 1970, joins with you in assuring the compliance with the Geneva Convention regarding the treatment of prisoners of war and cooperates with you in your "Write Hanoi" campaign.

Ex Prisoners of War, Stalag Luft III: Strongly applaud your Red Cross National Convention's commitment unrelentingly to pursue every possible course to ensure that American prisoners of war in Southeast Asia be afforded all the protection and benefits to which they are entitled and their captors are obligated to extend under the Geneva convention. Our organization which consists exclusively of former American prisoners of war, many of whose lives were saved by Red Cross efforts on their behalf, has unanimously endorsed your efforts and assures you of our unqualified support.

Every Red Cross chapter in the United States and throughout the world, every individual citizen of this country and all free countries of the earth, should accept a continuing commitment to mobilize world opinion to obtain humane treatment for all prisoners of war.

Please join your President, your Governor, your Red Cross and your fellow citizens in helping to arouse the conscience of humanity on behalf of these prisoners.

PRESIDENT URGED TO CALL UPON SOVIET UNION TO WITHDRAW RUSSIAN PERSONNEL FROM MIDDLE EAST

Mr. BRADEMAS. Mr. Speaker, today I am introducing, on behalf of myself and the gentleman from New York (Mr. REID), as well as 55 other Members of the House of Representatives of both parties, the following resolution, which is identical to a resolution being introduced today in the other body:

> Resolved that it is the sense of the House of Representatives that the introduction of Russian pilots and the manning of missile sites by Russian technicians in the United Arab Republic is contributing to the increasing tension in the Middle East and the President is strongly urged to call upon the Soviet Union to withdraw all Russian personnel as a major step toward encouragement of peace in the Middle East.

Mr. Speaker, with the introduction of Russian pilots, missile bases, and technicians into Egypt, the Soviet Union has dangerously escalated the Middle East crisis.

This ominous development seriously jeopardizes our hopes for stabilizing the Middle East situation, and may well undermine any prospect of securing an effective cease-fire. It was a cease-fire which President Nixon stated on March 21 as his "first" goal for the Middle East.

The step-up of Soviet military aid threatens both United States security interests in the Middle East and the very survival of Israel, the area's only genuine democracy.

The actions of the Soviet Union represent a significant shift in the balance of power in the Middle East, a balance necessary for a final settlement of the Arab-Israeli dispute.

Rather than exercising reciprocal restraint when President Nixon in March deferred the sale of additional jet combat aircraft to Israel, the Soviet Union has taken a step unprecedented in the Middle East crisis—overtly involving an increasing number of its own military personnel in Egypt.

Mr. Speaker, I urge President Nixon to press the Soviet Union to reconsider this highly dangerous action and to urge the Soviet Union to withdraw its military personnel from Egypt.

Mr. Speaker, in January of this year, I was privileged to chair a bipartisan congressional subcommittee visiting Israel to study the Israeli educational system. While in Israel, our subcommittee had an interview with Foreign Minister Abba Eban.

During our interview, Mr. Evan said:

> It is . . . unrealistic to think that Israel is going to move one inch except with a negotiated settlement.

Mr. Speaker, I believe that a negotiated settlement of the Arab-Israeli crisis remains the only way to peace and stability in the Middle East. The involvement of Russian military personnel there is a grave setback to reaching such a settlement.

I hope this resolution will win wide support from Members of the House on both sides of the aisle.

THE LATE HONORABLE EDWIN CARL JOHNSON

(Mr. BROTZMAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BROTZMAN. Mr. Speaker, last Saturday the Nation lost one of its most distinguished elder statesmen—Edwin Carl Johnson, Member of the U.S. Senate from 1937 through 1954 and three times Governor of my State.

"Big Ed," as he was affectionately called, is being buried today near the Rocky Mountains which he loved so much.

The passing of Ed Johnson saddens me in the sense that I have lost a close, personal friend who has given me the benefit of wise counsel for nearly two decades.

However, my sense of loss is tempered by the knowledge that this was one of the most complete men who ever lived—a man who, during his lifetime, served in the highest councils of his State and his Nation and yet who somehow found the time to live a full life as an individual human being.

This is a rare achievement.

I first met Ed Johnson as a teenager in Sterling, Colo. He was Governor of our State at that time. I was mightily impressed.

Later, I was to get to know this man very well, indeed, when he returned from the Halls of Congress for his valedictory political campaign for a third term as Governor. That was 1956.

We became good friends and—until his doctor finally intervened—he frequently came to my office in Washington to discuss western water problems and a hundred other matters which were of concern to his beloved Colorado.

He was the very essence of the elder statesman. There will not soon be another like him.

THE BLACK PANTHERS

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, a valid measure of a legal system is the manner in which it treats its unpopular minorities. In recent years, largely through the good work of the Warren Court, the United States has had an improving record. The recent revelations concerning the Chicago Police raid on the Black Panthers on the night of December 4, 1969, are therefore all the more disturbing, and I wish to express my deep concern.

It will be recalled that on the night in question a squad of police engaged in what was called a gun battle with Black Panthers in their Chicago headquarters. Two Panthers were killed, and at least one officer wounded. The official version was that the Panthers fired first, and that the police acted in self-defense. We were assured by Illinois State's Attorney Edward V. Hanrahan and others that public criticism of the police represented "an orgy of sensationalism in the press and on TV" and that the police had acted responsibly in the face of a brutal Panther attack.

We now know that this version is false. Although the Illinois authorities made a full investigation, they could not find sufficient evidence to bring charges against the surviving Panthers. And a U.S. grand jury, which has made the fullest investigation to date, sharply criticized the Chicago police and suggested that they had falsified evidence. According to some observers one reason that no policemen were indicted was that Panther leaders, scornful of our criminal justice, refused to appear before the grand jury.

In the past I have criticized the Panthers for their violent rhetoric, and if proof reveals Panther violence I shall immediately condemn it. Accordingly, I feel an obligation in all fairness to protest against what now appears to be police violence and official coverups. The American system cannot survive if such machinations are permitted by those sworn to uphold the law.

We are now in a period of public crisis. It is therefore vital that public servants, perhaps even more than private citizens, act with responsibility and restraint, and above all with fidelity to the rule of law. It appears that this high standard was not met by the Chicago authorities in this case.

NEWER MEMBERS SHOULD JOIN IN CRUSADE FOR LOWER INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 60 minutes.

Mr. PATMAN. Mr. Speaker, in recent months many of the newer Members have indicated a desire to participate more fully in the major programs and decisionmaking processes of the House of Representatives. A new Member of Congress, either of the House of Representatives or of the U.S. Senate, should not feel deterred in his efforts to help his constituents and the Nation because of the seniority system.

A new Member can be useful commencing the very first day of his service. Let me urge to you newer Members, who desire more action, to join a crusade that can do more than anything else for all the American people, of all income groups and of all political persuasions.

That crusade, Mr. Speaker, is for a monetary reform and lower interest rates.

The person who desires to buy a house now that costs $20,000 will be required to sign papers calling for an effective 9 percent interest.

The interest rates over a period of 30 years on the mortgage will amount to $38,000, on the $20,000 home.

So that means that one purchasing a home under the present interest rates and terms is required to pay $58,000 in order to get a $20,000 home . . . $38,000 in interest.

Now just these facts alone are sufficient to indicate that there is something wrong in our country when a person must pay almost twice as much interest as the cost of a house. It just does not make good sense.

I would like to see 100 Members of the House join in a firm alliance behind programs to bring about lower interest rates and an allocation—and this is very important—an allocation of the Nation's credit resources to the areas where this credit is needed the most.

I can give you a very simple illustration of what I mean. During World War II there was a scarcity of steel and in order to make steel available only for the most needed purposes, laws were passed that you could not use steel for certain purposes which were not considered the most useful. For instance, it was considered illegal to use steel to make a slot machine or a gambling device because we needed steel for wheel bearings and machines and things like that.

Today we need a priority system that will put housing right up at the top. There is a scarcity of adequate homes. We are behind in our residential construction—way behind.

Mr. Speaker, many individual Members of the House have done an excellent job on the monetary issue of the past 30 years, but more help and broader help is needed if we are to overcome the great pressure to maintain the status quo in monetary affairs.

The reason I suggested 100 Members out of 535 Members of the House and Senate is that at least 100 Members should be working just on this one subject of monetary affairs and lower interest rates. It is to my mind the most important area in our entire economy.

Mr. Speaker, I call on the younger Members of the House who are sincere—and I know that they are all sincere in their desire to do something for the American people—to get behind these efforts to bring about lower interest rates. This must be a day to day fight, a day to day effort to get the facts over to the other Members of the Congress and the American public. It must be undertaken with the full realization that Members will come under attack by the giant lobbying and pressure groups who profit so greatly from the present, business as usual monetary policies. By joining this crusade the newer Members can strike a blow for decent housing, small businessmen, the consumer, the farmer, as well as others, and he can strike a blow for lower prices and for a stable economy without rising unemployment.

High on the agenda of this crusade must be the critical problem of housing, particularly housing for the low- and moderate-income families, who have been priced out of the market by the Nixon administration's high-interest, tight-money policies.

When Mr. Nixon was elected President of the United States in November 1968, less than 2 years ago, the prime interest rate was then 6 percent. Now it is 8½ percent. On June 9, 1969, one of the biggest bankers in the United States, on Wall Street in New York, came out on the front steps of his great institution and announced that the interest rate, at that time 7½-percent prime rate, is hereby raised by his declaration to 8½ percent. He is not a member of the Government. He was never elected by the people. He was never appointed by anybody as a part of our democracy or our Government, as a part of this great Republic—I choose to say a democracy in a republic.

But under an agreement—it is bound to be an agreement over a long period of time, 40 years or longer—the bankers have all agreed, all big bankers, that if a big banker like a Wall Street banker announces that the prime rate is raised, they all follow, and it is raised immediately.

In this case the big bank raised the prime rate 1 percent.

The gentleman from Iowa (Mr. GROSS) asked the question before about the national debt and all debts, public and private, and we had a colloquy. I am glad he raised the question. At the time the prime rate was raised, 1 percent, never before had it been raised that much before. Theretofore it had always been raised, except in two instances, one-half percent—it had always been raised one-quarter of 1 percent, but for some reason it was raised a whole 1 percent at that time. That whole percentage point means this: You can take your book and pencil and figure it out for yourself. At the time, net public and private debt was about $1,500,000,000,000, and a 1 percent increase on this debt would amount to $15 billion a year—$15 billion a year.

That action meant that the 55 million families in this country would have to pay $15 billion a year every year hereafter as interest on their borrowed money, just because that banker said so. Well, the prime rate has been raised 2.5 percent since Mr. Nixon came into office, so that means the people are paying $37.5 billion a year in extra interest over and above what they were paying.

It was arbitrarily raised. Does it not seem unusual that anybody could raise the rates that way?

I asked the Attorney General of the United States to investigate it. It appears to be an agreement or a conspiracy against the people, using power that for the purpose of making more money for the banks at the expense of the poorest and most deserving people of this entire Nation.

I suggested to the Attorney General that many people believe—and I was one of them—that anybody who could track an elephant in the snow could prove an agreement of conspiracy in this particular case, because it has been done for 50 years.

One time I was investigating, as district attorney in the State where I live, an increase in the gasoline rates. They went up an abnormal amount. I was investigating it through a grand jury. Nobody seemed to know how the agreement was arranged. They all just raised the rate at one time. Finally one person told me:

> Well, we did not have any actual agreement. We just had what was known as an unconversational understanding that when so-and-so raised the rates, all the rest of us would raise the rates.

That is being done on Wall Street, and nothing is being done about it.

Therefore, we should do something to lower these interest rates, and 100 Members of Congress are not too many. We ought to have that number working on this important thing all the time.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, is the gentleman's committee making any effort or any study to ascertain what has been the increase in profits and the increase in earnings of the banks of this country in 1969?

For the first 6 months of 1969, I have placed in the RECORD of last year an analysis which showed that the increase in earnings across the board from coast to coast, from water to water, for all the banks of the country was 20 percent over last year. We took 50 banks which we selected at random around the country and found that for the first 6 months of 1969 the increase in these 50 banks ranged from 49 percent for one bank in Detroit to 11 percent for one bank in Chicago.

It seems to me we hear a great deal of talk about price controls and wage controls, but I have not heard anybody in the White House or in the Treasury Department or in the Federal Reserve or any place else suggest that perhaps the time has come to put some kind of ceiling on the profits of the moneylenders of this country.

The statement the gentleman is making here is most astonishing. Here is the distinguished chairman of one of the most important committees of this Congress, the Committee on Banking and Currency, who is suggesting that some sort of conspiracy exists. I am sure that warning is going to fall on deaf ears, just as did the warning on the increase in profits which I raised last year.

If the average businessman could increase his earnings by 6 percent or 8 percent a year, he would be happy, but here we see the banks registering the huge increases in earnings when everybody else is registering losses or decreases in earnings. Yet I do not see anyone suggesting that in this great effort to do something about inflation we address ourselves to the problem of the runaway interest rates and the runaway profits in the banking community.

I ask the gentleman in the well who is making the statement today, if he could venture a guess as to how wide attention his statement will receive among the American people.

Does the gentleman have any statistics or figures to indicate what is the earning picture for the whole year of 1969?

I addressed myself to the first 6 months, because that was the only figure we had, but does the gentleman know the earnings of the banks of this country for the whole year 1969, and does the gentleman have those figures now?

Mr. PATMAN. Yes. We have those figures.

I commend the gentleman for placing in the RECORD the figures for the 6 months. I observed them. They are most impressive. I hope the gentleman keeps up that information for the Members.

I appreciate the fact that the gentleman is always working in the public interest and for the middle- and lower-income groups, and the poorer people.

I am not against the big, rich people. I am not against the big corporations. They just do not need me. They have the very best lawyers in the world. They have the finest public relations men.

There is not a floor in the House Office Building or in the U.S. Capitol today that is not just covered with lobbyists from the big banking interests, for instance. They have plenty of people to represent them. They do not need me.

But the poor people do, and the middle-income groups and the people who are disadvantaged do. Therefore, I am trying to do something I believe will be in their direction.

Mr. PUCINSKI. I agree with the gentleman.

I also do not have anything against the banks or lending institutions. We need them. They are an integral part of our economy. They are the backbone of the American economy. Without these people this country could not survive.

But I believe there should be tremendous concern, enormous concern by every American when we ponder what the gentleman said here the other day, when he pointed out to this House that it is costing an American today $58,000 to buy a $20,000 house. It seems to me that kind of situation is absolutely incredible and indefensible.

So when we talk about high interest rates we look at these figures, and then we see the enormity of the problem.

Mr. PATMAN. I thank the gentleman. I hope that he becomes a member of this group, and I am sure he will. We should have a group like a steering committee to elect its own officers to serve a certain length of time, and to take issue with certain programs and to do certain things. I know the gentleman would be one of the most useful members.

Today the Nation is building houses at an annual rate of 1.1 million units. That is 1.5 million below the minimum goal set by the U.S. Congress. Why? High

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interest. Extortionate interest. Usurious interest. Interest that almost would be considered robbery. That is what has caused these housing unit numbers to go down.

We are way below what is necessary to furnish a decent home for every family.

We hear people talk about environmental quality. I am strong for the phrase "environmental quality."

Today our country has more than 55 million families. They are our principal obligation. Whatever we do in the Congress by way of making laws and policies that will make it better for these families to exist, to educate their children, to have a good living with proper food, clothing and shelter, the better off the country will be. And we will have the satisfaction of doing something to perform this kind of service that will help our constituents the most.

In order to have environmental quality one must have not only proper food for those families but also proper clothing and shelter. We must provide a house that is a decent house, that is satisfactory for the children of the family to be reared in and educated. That being true, we will have good environmental quality.

Today we are going down the road toward less housing and less environmental quality instead of going up the road toward better environmental quality. Millions of American families are going without decent housing and millions of others are paying fantastic prices for inadequate dwellings.

Our housing situation is a national disgrace and all of it can be traced back to high interest rates and sadly-mistaken monetary policies. We must deal with the current housing crisis on an emergency basis.

Mr. Speaker, I urge my colleagues to join in an effort to keep title 5 in H.R. 17495 the Emergency Home Financing Act—which will be coming to the floor in the near future. This provision was stricken from the bill on a close vote in the Banking and Currency Committee 2 weeks ago.

The committee's action was a serious mistake and it is one which must be corrected on the floor of the House of Representatives.

DEVELOPMENT BANK FOR HOUSING

Title 5 of this bill provides for the establishment of a National Development Bank which would provide home loans to low- and moderate-income families. The loans would be at an interest rate not exceeding 6½ percent to families with incomes below the median level in their local communities.

Loan funds for the bank could be provided from a number of sources. Congress could appropriate funds. The Treasury could purchase bank obligations. Obligations of the bank could be sold in the open market. When necessary to achieve adequate loan fund levels, tax-exempt private pension funds and virtually tax-exempt privately controlled foundations having assets of $4 million or more could be required to purchase bank obligations in annual amounts not exceeding 2.5 percent of the total value of such assets. Obligations of the bank would be negotiable, fully and unconditionally guaranteed by the Government, and have yields comparable to similar obligations marketed by Federal agencies.

Mr. Speaker, the beauty of this approach is that it need not rely on appropriations for loan funds. It could be financed solely on investments by pension funds and foundations. Thus it would not require the Congress to appropriate huge additional sums to provide housing. It does not impose any risk or require any sacrifice on the part of the pension funds and foundations since the obligations of the National Development Bank would be fully backed by the U.S. Government. The pension funds and foundations would be paid the market rate for their investments in the bank.

The National Development Bank would be funded at a $4 billion level immediately and would provide funds sufficient for home buyers to purchase a minimum of 200,000 housing units each year.

Mr. Speaker, the National Development Bank provides the only ingredient which will bring about more housing—a new source of funds. Without a new source of funds, we are just deluding the American public about Congress' willingness to do something about the housing crisis. A new source of funds is the answer; it is the only answer which will build housing.

The National Development Bank represents an allocation of credit resources into an area of great need. We must insist, as Members of Congress with a public responsibility, that the people's credit resources be allocated in areas that will reach and aid the people.

Mr. Speaker, we face the housing crisis as an emergency, but this does not mean that there are not other areas which are also in great despair because of high interest rates and tight money and mistaken monetary policies.

ALLOCATION OF CREDIT

Mr. Speaker, the solving of our credit crisis in the housing field should be considered as a first step—an opening shot—in the fight to bring about better monetary policies and a more equitable allocation of credit in the economy at reasonable interest rates.

It is unfortunate that the Federal Reserve System, as the Federal Government's principal monetary mechanism, has not seen fit to allocate credit and to take steps which would bring about lower interest rates. The Federal Reserve is the root of the problem. It is the nerve center around which our monetary problems move. And as a result, any suggestions for a change in the System's operations invariably bring a hue and cry from the bank and big business lobby.

But any crusade to do something about housing, small business, agriculture, or the consumer, must include a firm resolve to do something about the mismanagement of our present Federal Reserve System.

Most other industrialized nations, directly or indirectly, require that its central banks allocate funds to useful purposes. Only the Federal Reserve System of the United States refuses to operate in accord with the economic needs of the people who created it.

In the country of Mexico to the south of us, across the Rio Grande, their central bank requires commercial banks who have this great responsibility of issuing money upon the sovereignty of the country of Mexico, to make at least 30 percent of their loans for housing to the low-income people, to the people in the low-income group. That is a wonderful thing. That example is in existence in other countries of the world but in a different form. Mexico, our neighbor, is doing that. It is a success. They are getting a lot of houses for the low-income groups. It is a very commendable step.

Mr. Speaker, there is not a major country in the world with a central bank that does not require that central bank to have a social responsibility as well, except the United States where it is not required. The earnings of the banks, of course, are tremendous. I want to see them make money because that is the way that they can better serve their areas that they represent, they being profitmaking institutions and I am all for that—but I am against more than a fair profit. I am against these exorbitant interest rates or excessive interest rates. They are not necessary. The banks are making plenty of money. I am not objecting to them making plenty of money, but I want them to help serve the public interest too as well as their own interest. That is their obligation. But, we should at least follow the policy set by Mexico or some similar policy to require a certain amount of bank loans be used for housing for the low-income groups. This is not unreasonable.

The Federal Reserve System has the power to peg the rates at any level that it so desires. There is no free market in interest rates as many claim. It is an administered—listen to this, my friends—it is an administered market, administered by the money managers of the Federal Reserve System operating in conjunction with a handful of bond dealers appointed by the Federal Reserve System.

Mr. Speaker, time after time I have questioned Federal Reserve officials and time after time they have agreed with me that interest rates are fixed. They are pegged because of the massive national debt and control, therefore, the Federal Reserve purchases the sales of Government securities in the open market.

Mr. Allen Sproul, a former president of one of the biggest of the 12 banks in the United States—the Federal Reserve System—and that is the Bank of New York, made a comment and let me quote to you a comment from Mr. Sproul's statement. This is, of course, what the Federal Reserve believes. He said:

> So far as "free markets" are concerned, I think we are all attracted by the phrase. It suits our habit of mind. But we haven't had a free market in money and credit, at least since the Federal Reserve System was established, and we haven't had a free market in Government securities, and therefore a wholly free securities market, since the Government debt climbed to the higher magnitudes, and open market operations by the

Federal Reserve System came to be used as a principal instrument of credit policy.

Now, take it from the mouth of the person who knew and knows what the Federal Reserve is. He says interest rates are fixed. Of course they are fixed. They are fixed by the people who have the power, who run the big banks, and who can make more money by fixing them higher. It is certainly not understandable to people, and not to me, that we would even permit people who are able to make a profit themselves on manipulating the money and credit and interest rates to have anything to do with the fixing of rates.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the distinguished gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished and illustrious chairman of the Committee on Banking and Currency of the House for yielding to me.

The gentleman comes from Texas, and those of us coming from Texas have learned over the course of the years to respect and be very grateful to the chairman, the gentleman from Texas (Mr. PATMAN). His has been a very lonely voice over the course of the years on this most vital subject. I have a question to direct to the chairman.

Is it true that the Open Market Committee of the Federal Reserve System actually has the power to determine the fate of any administration in power through its control of the prices that it will dictate to be paid for Treasury bills and the like?

Could the chairman enlighten me on that?

Mr. PATMAN. I can say this: That the Government bond dealers—and there are 21 dealers in the whole country located mostly within a rock's throw from the Federal Reserve Bank in New York. Just recently they have permitted one dealer in Chicago and one in Boston, which is beyond a rock's throw—but they are all on the same telephone line; just like an old-fashioned telephone, every one of them is on that same telephone line, and they fix rates that way. I do not think it takes much imagination to come to a conclusion as to what they will do.

Mr. GONZALEZ. Now, the Federal Reserve open market committee is really the reverse of what goes on. It is a closed operation, is it not?

Mr. PATMAN. It is a closed operation. They are not even audited by the General Accounting Office. The books of the Federal Reserve have never been audited by the General Accounting Office.

Now, the General Accounting Office, of course, is an agency of the Congress, charged with the duties of auditing all the agencies of the Government, but for some strange reason the Federal Reserve has been exempted. The Comptroller of the Currency, the Administrator of the National Bank is exempt, so in large part is the Federal Deposit Insurance Corporation, and the Administrator of the other banks is exempt; they are not subject to being audited, and have not been audited.

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Now, the Federal Reserve should come before the Congress to get their appropriation, but one of the first things they did was to find a way to get around that, and here is the way they did it—you see, if they were to come before a congressional committee, Members of Congress would find out what they are using the money for.

Now, it would be very embarrassing for the Federal Reserve to tell the Congress they are contributing over $100,000 a year to the biggest banking lobby in the United States, the American Bankers' Association. So they have become dues-paying, card-carrying members of the biggest banking lobby in the world.

Do you expect them to do anything for the poor people and the moderate-income group under those circumstances and conditions?

Furthermore, let me say to the gentleman that it certainly is not fair to say to the poor man who wants to buy a home—and there are many people in this country, hundreds of thousands of them, who are saving their pennies and their quarters and dollars, saving their money every month hoping for the day when they will have enough to make a downpayment on a home.

Then about the time that many of these couples have enough money and they are able to make a contract to buy a home, then the announcement is made that the interest rates are raised.

They have to tear up the contracts and start all over again. Then they build up again and get more money and finally make a contract for a home and an announcement comes out that interest rates are raised again.

They have been doing that for years and it is a terrible thing, but it actually happens in broad daylight here in the United States of America by the fixing of interest rates and, I can charge, by conspiracy—yes, by conspiracy against the public interest.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield further?

Mr. PATMAN. I yield to the gentleman.

Mr. GONZALEZ. I would like to bring out this matter which is of deep concern to me.

In connection with this interest rate business, I notice in your newsletter where you report that $112 billion was paid in interest; is that figure correct?

Mr. PATMAN. Well, it is understated just a little bit—it is $120 billion a year now.

Mr. GONZALEZ. $120 billion?

Mr. PATMAN. $120 billion, that the American people are paying every year or at least last year, for interest alone. It has not been long since a lot of people believe that you should not pay any interest at all. Nobody objects to paying reasonable interest, but I think everybody objects to paying extortionate and usurious interest rates. But that is the amount.

If you would compare that with what the Government has traditionally paid for interest over a long period of time commencing before World War II and during World War II and during the Korean War and after it—if you compared the rates we paid during the most trying times in our country—during that 14-year period and compare it with now, instead of the Federal Government paying $20 billion a year interest on the national debt, we would only be paying $7 billion a year.

Now when you can point out such things as that, you know that there is something wrong. It ought to be corrected and it ought to be corrected now.

We ought to have people talking about that every day on the floor of this House and on the floor of the other body. We should have 100 Members to put on this crusade. They have to remember that there is going to be an attack and they have to have the courage and stand up and fight although there are attacks.

I know the gentleman from San Antonio, Tex., is of that type and I know he stands up and fights under similar and like circumstances.

Mr. GONZALEZ. May I say one thing further. I certainly am enlisted in the good fight under the great leadership of my chairman, the gentleman from Texas, the honorable WRIGHT PATMAN.

I want you to know I am enlisted right there as a private in the ranks and I will do anything that is possible within my capacity to back you up.

I will conclude my statement by saying that everyone of us has a deep obligation to you, Mr. Chairman, for this very lonely but what I consider to be inevitably successful fight. Certainly, the least anyone of us can do is to join you in this fight.

Mr. PATMAN. I thank my colleague.

Then with reference to this section, title V of the Emergency Financing Act that we will attempt to restore here, that will really be something that could be called a reconstruction finance corporation for housing. That is what it could be. It would be using pension funds and foundation funds. But you cannot take property without just compensation, even for the public interest. But this title provides that they receive as compensation the going rate of interest on comparable Government securities. So that is not taking anything away from them. It is helping the beneficiaries of those funds.

It is a wonderful deal, and it is the only way we can get a source of funds right now. We have not been able to get a source of funds in any other way. You can talk until doomsday about housing, but unless you can get a source of funds at reasonable rates you are just wasting your time. We have suggested a source of funds here, and we hope the House will approve the bill when it comes up with that title V that provides a source of funds.

Mr. Speaker, we will never have a monetary policy in the public interest until the Federal Reserve System is required, without any if's, and's, and but's, to comply with the directives of the elected Representatives of the people. We really have two governments in the U.S. Government. We have one government that is elected by the people, 435 Members of the House of Representatives, 100 U.S. Senators, and we have the President of the United States in the executive branch. Under the Constitution, which I think is the finest and best Constitution in the world, it is the duty of the Congress to make the laws and it is the duty of the Executive to enforce the laws.

But I think that the people of this country expect their Representatives who are elected, like those of us here today, to represent them and to stand up for them and to do what is necessary and proper. I think every Member accepts that duty and wants to carry it out. I have never served among more honorable people in my life than those in the Congress of the United States. I know oftentimes different things in a Member's district among his constituents influence him. Of course, they influence me. Naturally they would, just like they would anyone else. Sometimes those cross currents interfere. But we should have our laws made and executed by Representatives of the people, elected by the people, like the President and the Members of the Congress.

But we for some unknown reason—it is not unknown to me and it is not unknown to some others—but generally it is unknown, that we have an unelected government in this country that has just taken over, just like Castro took over Cuba, in some way. I am not saying it is comparable, but they are doing what they want to do to help their own private selfish, greedy interests, irrespective of and regardless of the interests of the people of the country. That should not be permitted. But there are people making the main decisions in this country on monetary matters and interest rates who have no power on earth to do so. They have assumed the power and they have not been challenged by those in trusted positions, placed there by the people's votes at the election box at election time.

We have got to correct this. We will never have a decent monetary policy until the Federal Reserve has been required to come to Congress for appropriations and an annual review and to face a full audit by the GAO.

Let me tell Members how the Federal Reserve got around this coming before the Congress. That is rather a cute way and rather a meaningful way that they had of making an end run around that provision in the Constitution. But the Federal Reserve found out that in the original act they could create money. Nobody doubts that they can. The banks create money and I am not opposed to it if they keep in mind the public interest and do it for the public interest. But if they do it for some sordid reason, we would be opposed to it.

First, the Federal Reserve bought some Government bonds using the country's credit. Their first open market transaction in the history of this Nation was with the city of New York. They bought city of New York bonds and created some credit to do it. They created the credit to buy those New York bonds and received interest on them. That was a sweet deal for them, because why should they not use that method to stay away from Congress? They did not want to come before Congress and explain their activities. So they began to buy Government bonds by the millions, and they would clip the coupons, and they had enough money to operate so they did not have to come before Congress. They did not have to. They have never to this good day come before Congress. They get their money another way.

At first it was only a few million dollars, which was enough to keep them going, and they did not have to assess the banks. That was a sweet deal from their standpoint. Then they began to accumulate more. In 1959 they had about $30 billion in Government bonds. They tried to get a law through here that would enable them to let the commercial banks buy these bonds from the Federal Reserve, using a low reserve fund which was given to them too, and it would not cost them a penny.

I discovered it, and other members of our committee discovered it, although it passed the other body unanimously. We found out what was in it, and we stopped it. But in their report they said the commercial banks need these bonds, and they need the revenue from them, and the Federal Reserve does not. They were recommending that the bonds be transferred without cost to the commercial banking system. We stopped it. But remember now, that is not just $30 billion in those bonds. It is $57,300,000,000 in the Federal Reserve Bank of New York, and every one of the bonds has been paid for once.

If Members want some documentation on that, I have interrogated the principal officials of the Federal Reserve System over a period of 40 years. I do know a little something about what their answers will have to be. If we were to ask any of them today, they would have to tell us the bonds have been paid for with good old coin of the realm, with Bureau of Printing and Engraving money that is issued and with credit.

My friends, this is a subject that demands the constant attention of 100 Members of the U.S. Congress all the time. The banks who have such wonderful privileges of manufacturing money and credit and raising rates and charging every kind of fee for services they do not deserve sometimes, must have our attention—although I am for their earning everything they can honorably and legitimately earn.

I am not opposed to the profit system. I am all for it. At the same time, when they go beyond that they should be stopped, and we should build some houses in this country.

Mr. Speaker, in the coming days I shall speak more fully on ways in which the Federal Reserve can and should be changed to bring it in accord with the wishes of the American public. In the meantime, I hope that the newer Members of the House will give consideration to joining in this effort on a full-time basis.

Again I say, Mr. Speaker, that nothing could bring broader benefits to the American public than a top-to-bottom reform of our monetary policies and a lowering of the present usurious interest rates.

LEGISLATION TO PARTIALLY REPEAL THE GUN CONTROL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, Mr. PRICE, is recognized for 10 minutes.

Mr. PRICE of Texas. Mr. Speaker, I rise to introduce a bill to remove the statutory restrictions on the sale of .22-caliber ammunition.

As will be remembered, last fall Congress repealed the burdensome and ill-conceived registration requirements for shotgun and rifle ammunition appearing in the Gun Control Act of 1968. The bill I am introducing today would remove the remaining vestiges of Federal control over this type of ammunition.

I have long been opposed to Federal gun regulation. Early in this Congress, I introduced H.R. 9766, a bill to repeal the Gun Control Act in its entirety. In addition, I tried to whittle away at some of the most objectionable features of the act by introducing H.R. 8628, a bill to eliminate the recordkeeping requirements for shotgun and rifle ammunition. It was this proposal that was enacted into law during the first session of the 91st Congress.

While this congressional action did not go far enough, it certainly marked the beginning of a process which I fervently hope will culminate in the repeal of the Gun Control Act. This act was ill conceived. It was passed in the heat of national passion and sorrow of a rash of fatal shootings. Insufficient attention was paid to the workings of the act and its implications, a fact that subsequent events have borne out quite clearly.

Mr. Speaker, while I look forward with great anticipation to the day when the Gun Control Act is finally repealed, I am realistic in my knowledge that Congress will not probably act with dispatch on this matter. Consequently, I believe a productive approach is to move on the most objectionable portions of the act, a piece at a time. This is why I am introducing legislation to remove the statutory restrictions on .22-caliber ammunition—it would free millions of law-abiding Americans who enjoy shooting .22-caliber weapons from a particularly burdensome bit of Federal regulation.

SGT. STEPHEN VELTRI—HE WAS THERE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Florida. Mr. Speaker, with all the division and turmoil that has resulted from the Vietnam war and the emotion and demands that have been made because of President Nixon's commitment of troops to Cambodia, it seems only fair that we listen to those who are in the know.

Mrs. Frank Veltri, who is a resident of Plantation, Fla., which is in the 10th Congressional District which I am privileged to represent, is like so many other American mothers. She is a war mother; and she, like all of us, must make a choice between protest and responsibility. She does not like war, nor does her son, who is an American soldier presently in Cambodia, like war. Her son, Stephen, does not especially like the Army. He is 24 and a sergeant in the Green Berets in the Fishhook area of Cambodia. He is not a "career killer." He is not what you would call too young, nor is he too old to die. He does not feel that he is too old to serve his country, and he admits to being scared to be where the action is.

His mother, too, has her fears. For she realizes that if one is in an area where danger exists one can easily be hurt, and she knows that her son could easily be a casualty in the war today. However, she felt, nevertheless, the need to have the benefit of her son's feelings known and she sent me a copy of her son's letter, which I have not only sent to President Nixon, but which I would like to share with my colleagues in the Congress of the United States.

Mr. Speaker, Sgt. Stephen Veltri has written home indicating support for our President's decision in moving U.S. troops into Cambodia in an effort to save American lives. He gives a firsthand view of the supplies and the materiel that was captured, and he gives his views of what might happen if these supplies had not been captured. We in America should be proud of Sgt. Stephen Veltri and we should be proud of all of his fellow soldiers who are standing up before the enemy in Asia while facing those at home—no matter how well meaning they may be—who are demanding his surrender in Vietnam.

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Incidentally, I want to take this opportunity of expressing with pride the conversation and the manner of so many of the young people, including college students, who have visited with me in my office in recent weeks to express their views—whether pro or con—concerning Vietnam. The great majority have indicated to me, and I am convinced they are well meaning and we can say Thank God, that while they may protest the war in Vietnam they do not condone the anarchist element who would tear our country asunder with false promises.

Certainly patriotism is something all of us in America need just a little more of. Patriotism, however, does not mean the blind following of those that would destroy our country, be they on the campus or be they in government.

It is true that none of us have a crystal ball but in completely reviewing the big picture I have confidence that the President's move in Cambodia was a wise one and that history will show that this decision may well have been the turning point in the road to peace with honor in Vietnam.

It is, indeed, with sincere pride that I offer Sgt. Veltri's letter to his mother and dad, which I hope that my colleagues here in the House as well as in the other body, will take the time to read—I am sure the President will be proud when he reads the letter, if he has the opportunity of receiving in person, the letter I forwarded to the White House over my signature.

The letter of Sgt. Stephen Veltri reads as follows:

SOMEWHERE IN VIETNAM,
May 18, 1970.

DEAR MOM AND DAD, like I told you before the letters might get erratic. I just got back from a week and a half in Cambodia a few days ago. We did real fine. Four of the team members took 140 of our troops in. Once there, we split up into two 70-man groups. In the week and a half there, we made the Americano Units look kind of bad. In 10 days, our CIDG killed more NVA and VC than an American Battalion has done in three weeks. We also found quite a few caches and three anti-aircraft machine guns of a new type. Turned out that they are the first ones of that type ever found in the war. We did all this without taking a casualty until three days before we left and then it wasn't Charley that did it. The other unit had gotten into a fight with a platoon and helicopter gunships were called in to help. On one of his rocket runs, something went wrong, either pilot error or erratic rockets, but two rockets landed in the middle of our people. It killed two CIDG, wounded nine more plus both of our team members were wounded. They weren't too bad, though, and one is already back out here. I guess it's one of those things that happen and we are just glad that the Americans weren't more seriously wounded.

I can't understand the way the students and even the Senate is thinking over the move to Cambodia. By doing that we will save a lot of lives. We have really hurt Charlie. In our area that we were in we have gotten enough arms and materiel to outfit a unit that could overrun any installation in Vietnam. We got this stuff with only light resistance which is a lot better than waiting on Charlie to use the stuff against you at his convenience.

The more that Fulbright and Mansfield say the madder I get. It's almost to the point where I am getting ready to write them a letter telling them where to go. I am glad Nixon had the guts to give the okay and I hope he sticks by it although I don't like seeing him persecuted for making what most everyone that is involved directly in the fighting here thinks is the right move.

You know it's really ironical about my feelings. Here I sit in a country that is not ours and watch how everyone works together and looks out for each other because they are fellow Americans. Personal feelings or opinions are expressed and like everywhere else, everyone does not agree on things or get along, but still everyone works together when someone needs help against the people who are out to get you.

Then I look at the situation in the States where there is no common foe so everyone has time to start trouble with anyone who disagrees with them. I don't like to say it, but what the U.S. people need is a good slap in the face by someone to bring them around. Let some fear and terror involve the protestors directly and they would probably be the first ones screaming for the U.S. to stick up for them. I only hope that when I get home I can manage to avoid any encounters with the trouble-makers. I don't know the answer to the problem but I guess if I did I would be the smartest or luckiest person on earth.

I go to Australia the 26th. In some ways I don't want to go but I can't seem to pass it up. It's going to seem funny walking around where nobody is trying to shoot you. Incidentally, while in Cambodia an Australian news team filmed us and our CIDG and interviewed us for a special on the work we are doing here, so maybe I'll be a TV star by the time I get there. It ought to be good for a few laughs anyhow.

Well, I have about exhausted my knowledge for the present. I am sorry I forgot Mother's Day but I have been here and there running around and it slipped my mind.

Give everyone my regards and tell them to watch out for the kid is going to be home in 57 days. Hope you are feeling better.

Love,

STEPHEN.

A FACT SHEET ON AUTOMOTIVE AIR POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN), is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, the House of Representatives' commitment to doing something about air pollution will receive its first real test when H.R. 17255, the Clean Air Act Amendments of 1970, reaches the floor of the House in the next week or two.

I intend to introduce a package of five amendments to the bill, which if adopted will demonstrate that the Congress's commitment to the environment goes beyond Earth Day speeches and establishing joint committee and new Presidential boards. This package of amendments enjoys strong bipartisan support.

Among the most far reaching of the amendments is one that would establish automotive emission standards beginning in 1975 based on the cleanest feasible propulsion system, and leave it to the auto industry to carry out these standards with the internal combustion—IC—engine or any other engine.

The automobile is responsible for over 60 percent of all air pollution in this country. It thus stands as the logical target of those who would like to be able to breath fresh air.

An excellent and very revealing article on the internal combustion engine written by John Wicklein, a former reporter for the New York Times and a producer of television public affairs documentaries, appears in the June issue of the Washington Monthly.

In the article, Mr. Wicklein explores the capability of the internal combustion engine to be cleaned up. Some of his observations are most interesting and pinpoint avenues which will and will not lead to cleaner air.

First. The auto industry he says has decided to attempt to save the IC engine, and will rely on devices attachable to the IC engine to clean up the pollution the engine emits. The result, he quotes a General Motors lab supervisor as saying is that each year a new valve or device is added which makes the engine more and more complicated with more and more gadgets to go wrong. The GM supervisor goes on to suggest that developing a simpler engine which does not pollute would be far better.

Second. While the auto industry claims these devices are effective in reducing pollution, Wicklein suggests the technical experts outside of Detroit are extremely skeptical.

They find that anti-emission attachments haven't been living up to their promise, and there's no evidence that they will do so in the future.

National Air Pollution Control Administration tests of 600 Hertz and Avis 1968 cars with mileage ranging from 2,800 to 16,000 miles found that between 75 and 80 percent of these cars released more pollutants than permitted under the regulations.

Third. Since these devices are ineffective, Wicklein suggests that the industry needed to demonstrate a scientific breakthrough, and thus has hit upon catalytic devices, which can only operate if lead is removed. This permits them to shift the blame from themselves to the oil industry and to preserve the IC engine unscratched for several more years.

> They have put the onus on the back of the oil industry to give them the time to accomplish what apparently they haven't accomplished today in the area of the catalytic muffler.

Fourth. Even with all of these add-on devices and the added cost to the consumer involved, the IC engine cannot be appreciably cleaned up much beyond the level of the 1975 emission standards recommended by the administration.

Wicklein quotes John Maga, head of the California Air Resources Board as saying that there will be a point beyond which the IC engine will no longer be able to meet increasingly strict standards.

Wicklein also quotes Dr. Lee DuBridge, the President's Science Advisor as concurring:

> We know the auto manufacturers can't clean up auto pollution without going to an alternative engine, and that they are lying when they say they can clean up the IC engine. And they know we know, and we know they know we know.

Fifth. Current air pollution laws are not designed to insure that the auto pollution laws are being observed; they are designed so they do not offend the auto industry.

Wicklein quotes S. Smith Griswold, HEW pollution control officer between 1965 and 1967 that to be effective the air pollution laws presuppose effective enforcement which is not now or in the future likely to be achieved. He says:

> HEW has a phony industry oriented program from the word go. The standards are phony because the federal government doesn't enforce them.

Griswold wonders "if they can't make—a relatively low-quality—attach-on—device work, one that doesn't have to meet any severe standards now, then how do you expect them to make a device that will work when the standards get tough?"

Sixth. "Expert after expert tells you the same thing—piecemeal, gimmicky half-measures will fail; what is needed is a new start, with an inherently clean engine."

Seventh. The auto industry has a vested interest in maintaining the IC engine—an investment of around $5 billion; in know-how, tooling, facilities, and so forth in the IC engine—which means it will attempt to stay with it as long as it can.

Eighth. The technology exists to produce a pollution free engine. He says:

> Steam and Gas turbines have been the chief alternatives considered as the search progresses. They seem to promise the performance the industry has educated the public to demand in its individual transportation, speed, power acceleration, ability to drive long periods without refueling, ability to run auxiliary equipment such as heaters, radios and air conditioners.

Wicklein cites the 1969 staff report of the Senate Commerce committee that a steam engine is feasible now and is a far superior system in terms of emissions:

> It gets better gas mileage, using less expensive fuels, and its acceleration, auxiliary operation and braking character are superior to those of the IC engine.

Wicklein also cites inventor William Lear's assessment of the gas turbine as cheaper to build than an internal combustion engine. Developing such an engine, he said, would cost about $25 million. Retooling to market a million a year, the number necessary to make it economically feasible, would cost $300 million, he estimated.

Ninth. Wicklein says that the auto industry's excuses for not switching to alternative pollution free alternatives just do not make sense.

> Chrysler officials in analyzing why they did not want to go into production of gas turbine cars, estimated it would cost the entire auto industry $5 billion to retool all its production lines to produce the gas turbine. The figure looks tremendous until you discover from other industry figures that Detroit normally spends about $2 billion each time it accomplishes a complete model changeover. Ralph Nader reported to a Congressional committee that GM spent $250 million to change its advertising sign to read "GM—Mark of Excellence"—yet spent only $8 million the same year for pollution control research. Still other figures indicate that the industry will charge customers $2.64 billion over the next five years to install emission-control devices without any guarantee of their effect on air pollution.

Tenth. Change in this case, Wicklein concludes will come only through governmental action. He agrees with William Lear that "Congress should set a goal for the return of pure air, then decree standards and enforcement to insure that return. Such a standard cannot be met by the present engine with tack-on control devices; therefore, the industry would have to come up with the alternative nonpollution power source."

I insert at this point in the RECORD the full text of this article and articles describing a foreign car firms development and possible marketing of pollution-free alternatives to the IC engine, and former Justice Arthur Goldberg's endorsement yesterday of a legislation ban of the IC engine:

[From the Washington Monthly, June 1970]

WHITEWASHING DETROIT'S DIRTY ENGINE

(By John Wicklein)

Three little models in miniskirts, dancing around a Camaro. It's opening day at the 1970 International Automobile Show in the New York Coliseum. A girl in a deep-veed, Grecian gown coos into a microphone. "Beauty is an expression of the truth, in a woman, in an automobile. Beauty is integrity . . . beauty is character . . . beauty is that unique, one-of-a-kind quality, and the Monte Carlo is like no other car Chevrolet makes."

Women shrouded in black, marching silently by in gas masks. Behind them, strung out from the General Motors building to the Coliseum, thousands of men and women, carrying signs, protesting pollution from auto exhausts: "Cars Cause Cancer . . . The Internal Combustion Engine Kills . . . Make GM Responsible . . . Ban the IC Engine."

Inside the show, a commercial television crew interviews Edward N. Cole, president of General Motors, on the merits of the new cars. From a loudspeaker, the bouncy voice of the Escape Girl, a go-go in her cage: "Escape from the ordinary . . . Get away in an Oldsmobile Escape Machine."

In the protest march outside, a Congressman tells a reporter, "It's basically a dirty engine . . . there's no way to clean it up. . . . You've got to get rid of it."

Auto buffs, queued up at the entrance, surge into the show and mill around the cars. Chromium-plated, enameled in green and orange and red and gold, power-packed internal combustion engines turn on their display stands.

Across the way in Central Park, Bess Myerson Grant, Mayor John V. Lindsay's adviser on consumer affairs, tells the auto pollution rally:

"The auto makers, the worst offenders, continue to roll merrily along . . . dirty business as usual, profits without honor. Declare another dividend and bury the dead, and why don't those trouble-making consumers patriotically shut up? Obviously, obviously, we are on a collision course."

Between the auto promoters inside and the protesters outside, there was no communication opening day of the Auto Show. But symbolically, the national battle to eliminate the internal combustion engine had been joined.

The battle has been brewing 20 years—since the day in 1950 that Dr. A. J. Haagen-Smit, professor of biochemistry at California Institute of Technology, announced his discovery that the main ingredients of Los Angeles's smog were exhaust gases from automobiles. Until Haagen-Smit, Angelenos had thought stationary polluters were the chief culprits. But the biochemist, testing the polluted air, showed that when hydrocarbons and oxides of nitrogen are mixed in the presence of sunlight, irritating compounds are formed to cause photochemical smog. The chief source of hydrocarbons and nitrogen oxides in the air, he found, is the auto exhaust pipe. Two other poisons, carbon monoxide and lead, are also discharged into the air by the explosion of gasoline in an internal combustion engine.

Since the discovery, medical researchers have found that lung cancer, heart ailments, respiratory diseases, and eye infections increase in proportion to the increase of automobiles. Smog causes death to plant life, too. Last year the United States Forest Service estimated that 1,300,000 trees in the San Bernadino National Forest near Los Angeles will die in the next five years, because of smog on the freeways.

The health problem, it's coming to be realized, is no longer a phenomenon peculiar to Southern California. Researchers find auto pollution a growing menance in every city with a population of 50,000 or more. Air pollution caused by cars ranges from 60 per cent in the small cities to 90 per cent in the large. Compared to the complexities of water pollution, the problem of air pollution from this source is fairly easy to solve; but so far, government and industry have refused to interrupt business-as-usual to get it done. The lesson to environmentalists is simply this: as of today, the movement does not have enough power to win even the easy battles.

Until very recently, the auto industry was unperturbed. In 1953, a Ford Motor Company executive told Los Angeles pollution control officials "these vapors are dissipated in the atmosphere quickly, and do not produce an air pollution problem." GM assured them that carbon monoxide was not present in harmful amounts in the L.A. area, "and

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so we have not been concerned with the imminence of a serious health problem from this source."

S. Smith Griswold, who served many years as director of air pollution control in L.A. and later in the equivalent federal office, says that until the evidence became inescapable, the auto industry was unwilling to admit it was responsible for aid pollution. Griswold, now a pollution control consultant in Washington, D.C., told me:

"We had to clean up every other source to the limit of engineering science—and still have a smog problem—before the industry would concede that their product was responsible. We decided we had to make the manufacturers control emissions. The companies said it couldn't be done. So we got independent companies to design emission control devices and ordered the auto makers to put them on their cars. Then we discovered the auto makers *had* the devices, and finally, when they were forced to, they put them on."

This was the basis of a court suit against the auto industry brought by Griswold and the Justice Department in the Johnson Administration. Instituted in the U.S. District Court in Los Angeles January 10, 1969, the suit charged the Automobile Manufacturers Association and the four largest auto makers—General Motors, Ford, Chrysler, and American Motors—with conspiring for 15 years to limit the development and installation of auto-exhaust pollution control devices. Privately, industry people had expressed reluctance about installing the devices because they raised the cost of cars and reduced gas mileage—they were something of a drag.

To the disgust of Griswold and others fighting auto pollution, the Nixon Justice Department decided not to take the case to trial. They let the industry off the hook with a consent decree signed September 1, 1969. In the agreement, the manufacturers neither admitted nor denied the allegations, but agreed not to engage in the future in the practices specified in the suit.

California, exasperated by the industry's foot-dragging, became the first state to adopt legislation requiring controls on exhaust emissions. The legislature has now set standards at a level which it hopes will drastically reduce pollution from exhausts by the middle of this decade. Early in the '60's the state set a goal of 80 per cent reduction in the average emissions from motor vehicles. But it was not until 1966 that it was able to get the manufacturers to attach devices that brought about such a reduction and then only for hydrocarbons. Standards have since been set for carbon monoxide and oxides of nitrogen, but only for new cars sold in the state. No practical way has been found to control emissions from cars marketed before the devices became mandatory. So there is a built-in time lag before even the partial clean-up provided by the current standards can be achieved. It will be about 10 years before pre-control cars drop off the roads. After California, the federal government, acting under the Clean Air Act of 1967, began setting emission control standards. They were not, however, as rigid as California's.

Once the auto industry accepted the fact of control devices, it began crowing about their benefits to the public. In April, 1969, Charles M. Heinen, Chrysler's Chief Engineer for Emission Control, told the Society of Automotive Engineers: "We've done the job—the main battle against automotive air pollution has been won." Other industry executives have become loud in their praise of emission control devices.

The reason is that today a far more drastic remedy to the air pollution problem—it hasn't been solved yet—is being proposed, and it is scaring the auto makers silly. While the hullabaloo over control devices for the internal combustion engine was rising in California, other scientists, government agencies, and legislators began looking into the promised benefits of this "new" technology. They found that on every projection of pollution drawn by someone outside the auto industry, an ominous curve appears. As devices are installed on new cars, air pollution begins to level off. That would seem logical, because, with effective devices, emissions from individual cars should drop off 40 to 60 per cent. But the fact glossed over by the industry is that the number of cars in the country is increasing rapidly—by the end of the decade, there will be twice as many on the roads. At that point, the pollution line takes a sharp turn upward once more.

But, as the technology improves, won't we have better and better control over emissions from conventional engines? Apparently not. The opinion of almost every researcher outside the auto industry is that the standards being promulgated for 1975 by California and HEW represent the technical outer limits for cleaning up the IC engine. After that, improvements are small, and methods of accomplishing them extremely costly. To many scientists, and one legislator, the remedy was obvious—force the automobile industry to give up its internal combustion engine and adopt another, nonpolluting means of propulsion for its cars.

The legislator was state senator Nicholas Petris of Alameda, California. Petris, a vigorous, gray-haired man with a penchant for bright shirts and colorful ties, had spent years advocating electric cars as an answer to California's smog problem.

In 1965, he became fed up with the industry's lack of concern and launched a head-on attack. He introduced a bill to ban the sale of cars with internal combustion engines. The legislators laughed. He introduced it again in 1967 and 1968. The auto industry laughed. But smog kept getting worse, and that was not funny. Last year, Petris tried again. His bill passed the senate, 26 to 5. If approved by the assembly, the new law would have ended the sale of conventionally powered cars in California by 1975. California buys 10 per cent of Detroit's output. The auto industry stopped laughing. It sent in money and lobbyists. The bill was referred to the assembly's Transportation Committee, usually friendly to the manufacturers. An industry spokesman told the committee that Detroit had no alternative available, so they would be, in effect, banning the sale of cars in a car-dependent state. "The know-how isn't there to do the job," he said. And so the committee killed the bill—by one vote. A week afterward, a reporter asked the same industry spokesman if Detroit would have been able to market a car with another type of engine by 1975 if the IC engine had been banned. "We would have complied," he said, "and of course we would have remained in the business of producing automobiles."

Senator Petris feels he has made a point. "There's a remarkable change from ridicule to belief," he told me. On the walls of his office are several mea culpa bumper stickers:

"This car may be a hazard to your health."

"See it like it is—fight air pollution, quit smoking—walk."

"I'm determined to continue the fight until the IC engine is eliminated. The industry has never volunteered to do anything that will favorably affect the health of the people. You have to club them with governmental action. I'm sorry to say this. I'd much rather go to them and say, 'Look, fellas, you're ruining our health and you are going to kill us off—would you mind changing that internal combustion engine?' "

People in other states are beginning to agree with Petris. A bill in Hawaii would ban the engine by 1974, one in Washington state by 1980. ("I think that's quite late," Petris says.) In New York state, a bill introduced this year with bipartisan sponsorship would provide a flat ban on sales by 1975. "We want to scare hell out of the industry," a Republican pushing the legislation told me over the phone. "We want them to come up with a clean alternative, now." Maryland, Massachusetts, New Jersey, Delaware, New Mexico, Arizona, Connecticut, and Illinois also have "ban" bills in their hoppers.

In Congress, legislation to get rid of the IC engine was introduced by Representative Leonard Farbstein, a Democrat whose polluted district in Manhattan has a large stake in the outcome. The ban is also backed by Representative Alfonso Bell, Republican of California. In the Senate, Gaylord Nelson, a Wisconsin Democrat active in the pollution fight, has sponsored a similar proposal.

The Farbstein bill doesn't propose a flat ban, but the intent is the same. It starts with the premise that exhausts should be virtually free from pollutants. Rather than key the standards to the best the IC engine can achieve, it sets limits on emissions that can be met only by engines that are inherently clean—steam, gas turbine, or electric. These standards, in effect eliminating the conventional engine, would go into full force by 1978. IC engines would be phased out over four years, dropping the largest in 1975 and all by the end of 1977. The plant would permit the industry to introduce cars with alternative engines a few lines at a time.

Public support for a ban is building across the country. In California, the People's Lobby, headed by Ed Koupel of Los Angeles, has collected 425,000 signatures to put a referendum phasing out the engine on the ballot this fall. Koupel was the man who led the petition drive to recall Ronald Reagan as governor. Reagan's attorney general has challenged the validity of a third of the auto referendum signatures, in an effort to keep the question off the ballot. Nationally, the ban got a boost from environmental activists working toward Earth Day demonstrations. The Nader-sanctioned "Campaign GM" has made the elimination of the IC engine one of its aims.

But the industry tide is still running against the air pollution activists. "The Industry" is 50 per cent General Motors, and this one company, according to Nader, contributes 35 per cent of the nation's air pollution, by tonnage. In an interview at the General Motors Technical Center in Warren, Michigan, GM President Edward Cole told me his company has no intention of abandoning the internal combustion engine. "We believe that the internal combustion can be made more pollution-free than any of the alternative power sources that we are working with," he said. "And so we are betting heavily that as far as the public good is concerned—that is being able to own and operate individual transportation—we can do it most easily at the lowest possible cost by the employment of an internal combustion engine."

I must have struck Cole as overly concerned. After several questions about GM's efforts to stop pollution, he took me by the arm and said, "John, what I am saying is that *it is going to be all right*. We are going to take the automobile out of the pollution problem, and we expect to do it by 1975."

William G. Agnew of the GM Research Laboratories told me GM thought it was more productive to refine the IC engine by adding emission control devices than to go to an alternative "for the foreseeable future." Still, an executive who supervises this refinement at the labs was clearly pained that so much effort must go into tinkering with the standard engine to improve its pollution characteristics. Every year, he said, a new valve or device is added, making the engine more and more complicated, with more and more gadgets to go wrong. "You need a simpler engine, really," he said.

I talked to Herbert Misch, vice president—engineering, of Ford Motor Company, after he had testified at a hearing of the California Air Resources Board in Sacramento. I asked him if Ford thought the best way to meet the public demand for an end to pollution from

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automobiles was by trying to clean up the IC engine. "Look where we are spending our money—that's the answer to that," he said. "If we didn't think the IC engine was a better bet, we wouldn't be doing that."

Charles Heinen of Chrysler told the Air Resources Board the same thing. The Chrysler Corporation had developed and tested a gas turbine for cars over an 11-year period, from 1954 to 1966. It proved practical to build, and virtually pollution-free. It rated high with 203 users who tested it under normal driving conditions. But Chrysler decided against marketing it. The cost of the changeover was considered too great, and the chief reward—less poison—not enough to justify the cost.

In sum, the Big Three said, stop worrying; we can clean up our mess with the very engine that made it. True, the IC engine does dump poisons into the air you breathe, but now we will sanitize it by attaching catalytic mufflers to the exhaust pipe to catch the poisons before they can get out.

Technical experts outside the industry are extremely skeptical. They find that anti-emission attachments haven't been living up to their promise, and there's no evidence that they will do so in the future. Since 1967, the National Air Pollution Control Administration (NAPCA) of HEW has been issuing standards for emissions that are supposed to be met by prototypes of vehicles to be marketed by the auto makers. The cars have control devices, put on at a cost of $50 to each purchaser. Not surprisingly, the prototypes offered to NAPCA for certification have met the standards, which aren't too rigid in any case. But recently NAPCA made tests on 600 Hertz and Avis 1968 cars with mileage ranging from 3,800 to 16,000. Although they had the devices, between 75 and 80 per cent of these cars released more carbon monoxide and hyrocarbons than permitted under the regulations. (Another dangerous component, oxides of nitrogen, is not yet covered by HEW.)

Now it was time for the industry to make its own scientific discovery. You are right, says its spokesman. Our catalytic mufflers do get clogged up after they have been in use for 8,000 to 10,000 miles. But that's because there is lead in the gasoline! If you take the lead out of gasoline, we can provide our IC engine with an emission control device that will function properly for 50,000 miles!

Early last year, when environmentalists began pressing to take lead out of gas because lead spewed into the atmosphere is a deadly poison, as well as a hindrance to controlling other poisons, the auto manufacturers had stood staunchly beside their allies, the oil companies. They could never agree to move away from lead in gasoline because it would cost the users $2 billion a year for a gas without lead in it. Lead, they asserted, was put into gasoline originally to increase its octane—or power—rating. The public will never stand for a reduction in power of its automobiles, the industry spokesmen said.

But now the situation is changed. California has adopted standards calling for a drastic reduction in emissions of the three main pollutants by the 1975 model year. Lead, however, is not included. In February, HEW announced it intended to set new standards for 1975 that will be essentially the same as those for California:

	Grams per mile
Carbon monoxide	11.0
Hydrocarbons	.5
Oxides of nitrogen	.9

(An internal combustion engine, uncontrolled, puts out 80 grams of carbon monoxide, 11 grams of hydrocarbons and four grams of nitrogen oxides per mile. In grams, this seems small, but in gross tonnage of poisons, it bulks large. Estimates for Los Angeles, in ton per day are: hydrocarbons, 1,800 tons; carbon monoxide, 10,000 tons; oxides of nitrogen, 570 tons.)

The auto industry executives took a look at the 1975 standards, consulted their technical research people, and decided they could not meet them without removing the lead that clogs control devices. So, to save their technology, they jettisoned the oil industry. "Besides, that gets the monkey off *our* backs," one auto executive remarked to a reporter. The oil industry, which would have to revise its technology, understood what was happening. In March, at a hearing of the California Air Resources Board (ARB) to consider removing lead from gasoline, one of its spokesmen remarked that the oil industry was being asked to eliminate lead to accommodate the auto industry. "They have put the onus on the back of the oil industry to give them the time to accomplish what apparently they haven't accomplished today in the area of the catalytic muffler." It's the only way we have to meet your requirements, Detroit's Big Three told the ARB. The board bought the argument, and recommended to the legislature that lead be banned from gasoline by 1977.

The Nixon Administration, apparently, has also bought the argument. It has asked Congress for legislation to set control of additives, such as lead, in gasoline. Now this has a good image with the public. The appearance is: We are getting tough; auto pollution is being solved. But what it does, in essence, is give the industry more time to delay the drastic step that inevitably will be needed: abandonment of its pride and joy of 60 years and the technology and tooling that goes with it.

The 1975 standards mark the best that can be expected of that engine, and yet, when you project the rise in cars at 10 million a year, they are not good enough. Gnawing at the minds of politicians, even those inclined to go along with industry as far as they can, is the feeling that, by the end of the decade, we will have to be doing something else. John Maga, head of the California ARB, while saying that the technology might still be found to get very low emissions from the IC engine, concedes "there will obviously be some point at which they won't be able to meet the standards if they are made increasingly strict."

California air pollution officials, smog projection chart in hand, are already calculating even more rigid standards to be met by 1980; so are air pollution researchers at HEW. But the Nixon Administration is not ready to face the issue. The pressures from its constituency aren't strong enough yet. The people most harmed by air pollution—city dwellers who tend to be poorer and blacker than the Silent Majority—are not part of its constituency. However, even some suburbanites are breaking silence to complain about being gassed to death by Detroit.

Such expressions of concern are causing the President to move forward slowly. Last September he and his science adviser, Dr. Lee DuBridge, were saying that obtaining a low-pollution vehicle was a job that would take well into the 1990's to achieve. But recently, as the environment took on more political importance, DuBridge and the Administration said change might have to come about in the '80's. In February, the President included in his message on the environment the proposals to set stricter HEW standards for 1975 cars: require the testing of assembly-line models, rather than prototypes, for compliance with these standards, and authorize HEW to regulate polluting additives in gasoline. He praised the auto industry for developing emission control devices and for preparing "on its own initiative" to put on the market by 1972 automobiles that will not use leaded gasoline.

He then made a bow to the projection that shows pollution rising again by 1980: "I hope that the auto industry's present determined effort to make the IC engine sufficiently pollution-free succeeds. But if it does not, then unless motor vehicles with an alternative, low-pollution power source are available, vehicle-caused pollution will once again begin an inexorable increase."

If that's the case, what should the federal government do? I asked this of a Presidential assistant who helped draft the pollution message. Would President Nixon support setting emission standards so low that the industry would be forced to go to an alternative engine? "I know what the President would say to that—that's absurd," he replied. "We know the auto manufacturers can't clean up auto pollution without going to an alternative engine, and that they are lying when they say they can clean up the IC engine. And they know we know, and we know they know we know. But we don't think we should tell the industry they have to get rid of the IC engine and go to an alternate source."

Then how are you going to make it happen? I asked him.

"We think the best way to do it is to produce one of these alternate engines publicly. Then if we find it is practical and that we have a perfect engine, we think the public pressure is going to be impossible for the manufacturers to resist, and they will have to start marketing a nonpolluting car."

To carry out this line of reasoning, the President asked funds for an extensive research and development program in unconventional vehicles, to be conducted by public and private agencies over the next five years. He proposed spending $9 million the first year. He also backed a bill, now passed by the Senate, that would authorize the federal government to offer premium prices for purchasing low-emission vehicles for its own use, thus creating a potential market for cars with unconventional engines. When the Senate Commerce Committee unanimously reported out the bill, introduced by Chairman Warren G. Magnuson (D-Wash.) it commented:

"The federal government's policy of adopting national hydrocarbon and carbon monoxide emission standards for automobiles and light trucks is inadequate. Nor will the present industry approach of adding emission-control devices to the internal combustion engine solve the air pollution "epidemic." The best solution is to develop a new propulsion system which produces few pollutants, and which performs at least as well as present propulsion systems."

When I mentioned the Nixon approach to bringing about a change in engines to Nick Petris, he snorted. "I think this shows the kind of thinking which places danger to the public behind the desire not to offend industry. Now, we've done that too many times. We've had the public pay the bill to repair damage that's been done by some element in private industry." Industry has made its money on a polluting machine, he said, and it should be made to use this money in producing a nonpolluting machine.

Which of course is far from the Nixon thinking, and, for that matter, the thinking of most of those in Congress—Democrats and Republicans alike—who feel constrained to deal with pollution. Congress is concentrating on legislation that falls well short of the Farbstein-Nelson proposal. Senator Edmund S. Muskie (D-Maine), for example, is pressing to extend Section 104 of the 1967 Clean Air Act to increase research and development on emission controls and to authorize HEW to set emission standards for production-line vehicles.

To have any effect in cleaning up the air we breathe, these legislative proposals presuppose effective enforcement of their provisions by the federal government. Smith Griswold thinks this is a forlorn hope. From 1965 to 1967 he served as control chief at HEW's Office for Air Pollution Control, and resigned when he found his program for enforcement of the federal standards was being ignored. "I think HEW has a phony, industry-oriented program from the word go," he

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said. "The standards are phony, because the federal government doesn't enforce them."

Griswold hoots at auto industry claims for attach-on devices. "On the basis of past performance, with General Motors or any of the others, I think this is so much hot air," he remarks. "If they can't make this relatively low-quality device work, one that doesn't have to meet any severe standards, then how do you expect them to make a device that will work when the standards get tough?"

Expert after expert tells you the same thing—piecemeal, gimmicky half-measures will fail; what is needed is a new start, with an inherently clean engine.

One engineer planning to develop such an engine is William Lear, the entrepreneur who had a great success in developing the Lear Jet airplane a few years back. He has taken over an abandoned Air Force base outside Reno and set up Lear Motors to try to bring it off. I asked him what he thought about the assertion by auto executives that they could clean up the IC engine.

"Well," Lear said, "I think the nicest thing to say is, that's fantastic." (Later he remarked that "fantastic" was the word he learned in Sunday school to replace the word "———.")

The auto companies know they will ultimately have to go to a different engine, he said. "I think they all will admit, probably not publicly, but secretly, that the gas turbine engine is the ultimate engine they will have to go to. But in the meantime, they have an investment of somewhere around $5 billion, in know-how, tooling, facilities, and so forth, for manufacturing the IC engine, and come hell or high water, they're going to stay with that engine as long as they can."

They will go to an alternate engine only when they are forced to do it by the government, Lear said. "The government will have to take a very stiff attitude and say 'Believe me, you will not be able to deliver cars unless you make a low-emission car; if you don't, you go out of business.' Now, they won't go out of business. They will then decide to quickly get into gas turbines. And it will take them six years, if they decided today to go into gas turbines, before cars came rolling off the lines."

When I asked Edward Cole what alternatives GM would go to if the government did ban the conventional engine, he said, first, that he didn't think the government would ever do such a thing, because it would not be in the public interest—but that if it did happen, "probably down the road the best alternative would be the gas turbine engine." Lear, on the other hand, is betting the government *will* do it, and wants to be there first with a marketable engine when it does. It could be a good race, should the government insist it be run. Both GM and Ford intend to come out next year with gas turbine engines for trucks. Although they say now the engine is not commercially feasible for cars, their experience with the larger engines should bring them within striking distance of the technological capability Chrysler developed while testing out a gas turbine for passenger cars.

Lear first placed his own chips on the steam—or Rankine cycle—engine. He spent several million dollars developing a steam engine for a car to be tested out by the California Highway Patrol, and a larger engine for a bus to be tried out by the city of Oakland. Both experiments are being conducted by the state of California with funds from the U.S. Department of Transportation. In doing this, Lear proved to himself that a steam engine could provide very low emissions, but also that it had too many complications to make it practical in the family car. Now, although he intends to complete the California contracts, he has shifted his plans for the future to the gas turbine.

"The gas turbine is such a simple device," he said. "By comparison with the steam engine or the IC engine, it has about 15 per cent of the parts. It really has only one moving part, and that's the turbine." The advantage of the gas turbine, from an antipollution standpoint, is that it is by its nature a clean-burning mechanism that needs no afterthought attachments to its exhausts. The gas turbine burns its fuel—kerosene—evenly in the air, outside the engine. External burning provides much more complete combustion, and fewer emissions, than burning gasoline vapors inside a cylinder. In internal combustion, the exploding gases burn unevenly, and the resulting poisonous residue must be dumped out of the cylinder into the air.

Steam and gas turbines have been the chief alternatives considered as the search progresses. They seem to promise the performance the industry has educated the public to demand in its individual transportation; speed, power, acceleration, ability to drive for long periods without refueling, ability to run auxiliary equipment such as heaters, radios, and air conditioners. There are two other alternatives which are talked about but appear to have greater drawbacks: (1) Modifying the present IC engine to burn natural gas. This can be done fairly easily—in fact, it has been done for some gas utility fleet cars and for a number of California state vehicles. Emissions from natural gas are very low. The drawback here is that such cars can drive only 40 to 60 miles on gas cylinders equal to the size of a conventional gas tank. (2) Electric—battery-powered—cars. They have no emissions but, to date, provide very limited range and speed.

Other technical researchers are not yet ready to write off the steam engine as the car engine of the future. It burns its fuel externally, too, and it has been under development by a number if experimenters for a longer period than the gas turbine engine—though not nearly so intensively. After studying various alternatives last year, the staff of the Senate Commerce Committee concluded in a report that "the Rankine cycle (steam) propulsion system is a satisfactory alternative to the present internal combustion engine in terms of performance and a far superior engine in terms of emissions." It gets better gas mileage using less expensive fuels, the report asserts, and its acceleration, auxiliary operation, and braking characteristics are superior to those of the internal combustion engine. The report, called "The Search for a Low-Emission Vehicle," criticized HEW for spending most of its research funds on IC engine emission control studies and very little on researching alternatives.

Among the alternatives, the gas turbine seems to be swinging into the lead as the system closest to being perfected for assembly-line production. William Lear concludes that, once in production, this engine would be cheaper to build than an internal combustion engine including the clean air devices that must now be added to the exhaust side. Developing such an engine would cost about $25 million, he believes. Retooling to market a million a year, the number necessary to make it economically feasible, would cost about $300 million, he estimates.

"I think," he said with a wily smile, "that if the government would underwrite our research and development, it would be the greatest catalyst the government could use to get Detroit off its tail and going."

There are probably more direct ways to accomplish it. The toughest, but most effective, would be for Congress to set a goal for return to pure air, then decree standards and enforcement to insure that return. Such a standard cannot be met by the present engine with tack-on control devices; therefore, the industry would have to come up with the alternative, nonpolluting power source. The manufacturers could be required to provide such an engine on an increasing percentage of cars produced, reaching 100 per cent by the end of the 1970's. Meantime, the lame duck IC engines being marketed during the phase-out period should be made to meet, through emission-control devices, standards that approach the technological limits of their capabilities.

Federal funds should be provided for assembly-line testing of these vehicles and for states to conduct spot checks of private cars to see that the certified vehicles meet the standards after prolonged use on the highways. Increased research funds should be provided to the National Air Pollution Control Administration to develop alternate engines on its own, as a check on the industry's effort to comply with the tough standards set in the basic legislation.

It is reasonable to goad Detroit into the change, considering the costs involved, just to make certain the pollution curve will not begin to rise again? That's like asking, "How much is the quality of life worth?" If we look at some industry figures, we may not have to ask the big question.

Chrysler officials, in analyzing why they did not want to go into production of gas turbine cars, estimated it would cost the entire automobile industry $5 billion to retool all its production lines to produce the gas turbine. The figure looks tremendous until you discover from other industry figures that Detroit normally spends about $2 billion each time it accomplishes a complete model changeover. Ralph Nader reported to a Congressional committee that GM spent $250 million to change its advertising signs to read "GM—Mark of Excellence"—yet spent only $8 million the same year for pollution control research. Still other figures indicate that the industry will charge customers $2.64 billion over the next five years to install emission-control devices without any guarantee of their effect on air pollution.

Representative Farbstein, in a report on an ad hoc hearing he and other New York Congressmen held on the question, said the costs of changing to an alternative engine are manageable, and could be made even more so if the industry changed over a line at a time. Compared to the cost of cleaning up water pollution, he pointed out, cleaning up air pollution is relatively cheap.

By any logic, the costs of the change would be small compared to the costs to society of continuing or increasing pollution caused by the present engine. Polluted air is estimated to cost the American people $20 billion annually in cleanup and material repairs. In the Los Angeles area alone, studies show pollution from exhausts is costing $132 million a year in damage to crops. The money costs of medical bills and days lost from work are difficult to estimate, although guesses put these in the billions. The cost in anguish—from sickness and premature death—should alone be enough to force a change.

I agree with Lear that change, in this case, will come only through governmental action. And in our free enterprise society, the government itself must be prodded to resist its natural inclinations to ride along with the industrial managers and their money, status, and technological "know-how." It's hard to tell whether the people have become worried enough to make them want to apply the goad. The generation that has arrived at an age of political clout grew up with the idea that the smells from auto exhausts were inevitable. Except when we took in a lung-cutting whiff from a bus we got caught behind, the nuisance seemed tolerable, considering the benefits gained from having our individual transportation. Can the promoters of change whip up the public to take on an industry that provides an Escape Machine for so many? Or will it take a health crisis, with people clearly dying from atmospheric inversions caused by auto exhausts?

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If we don't start now to force the change, we are doomed to live, at the end of this decade, in a world of increasingly foul air. With no measures beyond those envisaged for 1975, the amount of poisons in the air will double within the next 30 years.

But suppose we do force a technological change. Won't the dislocations in the auto industry and the oil industry and the garage industry be too much for our economy to bear? Nick Petris has an interesting answer to that:

"People are going to insist on being dislocated when they realize it's a matter of life or death. Who's going to be dislocated—the man who sells IC engines? Even if we adopt a rubber band and wind it up behind the car, he's going to sell it. Now, the service station operator? Okay—he's going to have to do somewhat of a different kind of service. But he'll be alive to do it."

[From Ideas, May 1970]

KINETICS CORP. INSTALLING RANKINE ENGINE IN DATSUN

As a further development of their previous work, Kinetics Corp. of Sarasota, Florida (Wallace Minto, president) has been installing a screw-type ion entropy expansion engine in a Datsun station wagon. The engine has been used previously as an air compressor, but is now being used as an external combustion engine for vehicular propulsion. It burns kerosene, and is using Freon 113 as the working fluid. (The company has been experimenting with F-113 and with F-114 and F-216, and has found these three to be the best fluids in terms of their thermal characteristics.) The engine for the Datsun has been tested with a dynamometer, and has achieved a 70 bhp at 5000 rpm and also has run at 12,000 rpm producing 140 hp. Emissions from the vehicle are claimed to be extremely low: less than 1 ppm CO, less than 0.1 ppm HC, less than 0.01 ppm NOX, and less than 0.01 ppm particulates.

The developers at Kinetics expect to have the car ready for road testing in September of this year. They have had "serious discussions" with a Japanese automotive firm concerning more widespread production of such vehicles. Under mass production, they estimate that the cost of the car would run $125 to $130 less than the comparable ICE version. The car will be a general purpose vehicle, with less noise and higher performance than the conventional Datsun. Since the engine has only two moving parts, the maintenance and fabrication costs are expected to be considerably less than average. (For previous stories on Kinetics Corp, see Ideas 1, 1, 4 October 1968, and 1, 6, 39 March 1969.)

[From the New York Times, June 2, 1970]

CAR POLLUTION SCORED—GOLDBERG ASKS BAN ON SOME ENGINES

(By William E. Farrell)

Arthur J. Goldberg, who is seeking the Democratic nomination for Governor, said yesterday that if at least 90 per cent of the air pollution caused by automobiles was not eliminated by 1975, the state should ban the internal combustion engine.

"Removing 90 per cent of the pollution is within the scope of what the Detroit automakers can achieve," Mr. Goldberg said in proposing an 11-point air-pollution control program. "What we need to do is to nudge them along. We have to be prepared to back up the nudge we give with the full authority of the State of New York."

He termed the proposed ban "the ultimate weapon," but added that "to call for a ban and to do nothing else would be meaningless demagoguery."

Mr. Goldberg's position paper on air pollution was a companion to one he issued Sunday on water pollution. In the earlier one he proposed a $1.6-billion clean-waters bond issue and controls on atomic power plants stricter than those currently enforced by the Federal Government.

BILL GAINING IN CALIFORNIA

One house of the California Legislature has already passed a bill banning the internal combustion engine by 1975. A similar bill was introduced in the 1970 New York Legislature but never got out of committee.

Mr. Goldberg said that such a prohibition was "a drastic action."

"Leadership means that New York will not make a threat to ban the internal combustion engine—and do nothing else," the paper read.

Contending that Governor Rockefeller had "come as close as possible to total lack of action on the problem of auto pollution as is humanly possible," Mr. Goldberg offered a series of proposals "to create alternatives, to establish markets and to enforce standards that will have the effect of getting the job done."

PROGRAM DETAILED

They included the following things:

A requirement that the state purchase "low-emission vehicles for up to 25 per cent more than regular-emission vehicles" for use in high pollution areas. Such a state program, he said, "could add several thousand additional vehicles, each year, creating a powerful incentive for the automotive manufacturers to create a pollution-free vehicle to supply this market."

The establishment of a State Pollution Research Institute to find ways of eliminating or reducing pollution caused by motor vehicles.

A concerted attempt by the state to strictly enforce Federal antipollution standards. He suggested that after Jan. 1, 1972, the State Department of Motor Vehicles be required to refuse to register vehicles unless they had "a valid certification" indicating compliance with Federal norms.

The banning of the sale of leaded gas in the state by Jan. 1, 1972, and a requirement that all new gasoline stations offer unleaded gasoline for sale by Jan. 1, 1971.

Pressuring the Federal Government to require airplane manufacturers to reduce noise.

Greater control of the use of sulphur in fuels and the phasing out by 1973 of "on-site incinerators," which Mr. Goldberg said were "small, obsolete and dirty."

Mr. Goldberg also announced yesterday the formation of a Citizens Committee for Goldberg-Paterson. State Senator Basil A. Paterson, a Manhattan Democrat, is seeking the nomination for Lieutenant Governor.

The members include former Gov. W. Averell Harriman, former Attorney General Ramsey Clark, Lena Horne, the entertainer; Theodore W. Kheel, the labor mediator; Bayard Rustin, the civil rights and labor leader; Victor Gotbaum, the labor leader, and Arthur Schlesinger Jr., the historian.

Mr. Goldberg did not campaign yesterday but today he begins a two-and-a-half-day tour upstate that will take him to Binghampton, Elmira, Olean, Salamanca, Jamestown, Buffalo and Niagara Falls.

THE COPPER INDUSTRY'S TWO-TIER PRICING SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. YATRON) is recognized for 10 minutes.

Mr. YATRON. Mr. Speaker, a few large copper companies with mining interests today wield a disproportionate influence within that industry. The net effect has been to place the independent copper fabricators at a competitive disadvantage, and indeed to force them out of business.

Three such firms in my congressional district, employing some one thousand workers, have been adversely affected by this intolerable situation. The large companies control nearly all of the virgin refined copper coming from mines in the United States. They process most of this copper through their own fabricating subsidiaries, setting prices the independent fabricators simply cannot afford.

The flow of South American copper to other markets has produced a severe shortage in the United States. To complicate this problem, the large American copper companies are profiting handsomely from these foreign sales and in effect have vested interest in perpetuating the domestic shortage.

In addition, some large producers have entered the scrap market, bidding up the price to a point that the independents can no longer afford to purchase even scrap copper. Thus the monopolistic cycle is completed, and the independent finds himself in an untenable position.

Several months ago, the President appointed a Cabinet Committee to study the copper situation. This group in turn selected Hendrik S. Houthakker, a member of the President's Council of Economic Advisers, to chair its investigative subcommittee.

On March 22, the Houthakker panel released its report. Although the committee rejected several courses of action—such as a pool of domestic copper to be distributed to hardship cases by the Government, a requirement that domestic producers make tonnages available to competitive bidding, Government subsidies for expansion programs, and tax incentives—it did seem amenable to a proposal to relax copper export quotas so that ore concentrates could be shipped abroad for processing to help relieve a shortage of American smelting capacity. It also left open the possibility of antitrust prosecution.

Mr. Speaker, I find it difficult to accept Chairman Houthakker's explanation of why his subcommittee failed to propose any remedial action. He seems to feel that the situation will correct itself, since the gap is narrowing between the American producer price and the world price and the supply appears to be expanding.

I wish I could share Dr. Houthakker's optimism, but from my perspective the situation remains essentially unchanged and the problem unsolved. I seriously doubt whether market conditions will be able to correct themselves when in fact the dynamics of free enterprise have not been permitted to operate. Can we reasonably expect a monopoly to yield to the legitimate needs of the independent fabricators without Government action?

The distinguished gentleman from California (Mr. Moss) and my able colleague from Tennessee (Mr. BLANTON) have introduced legislation to restrict the copper industry's two-tier pricing system. Under their bill, H.R. 17657, the Federal Trade Commission would prohibit the sale of refined copper "at a price which the Commission determines is significantly below the world market price."

I would like to commend the sponsors of the vitally important legislation and associate myself with the philosophy embodied in their bill.

I sincerely hope that Congress will act favorably upon the Blanton-Moss plan. In addition, I urge the Department of Justice to study carefully the two-tier pricing system and the applicability of the antitrust laws. If the large copper companies are acting in restraint of trade, I would expect swift and vigorous enforcement of these statutes.

CRITICAL PROBLEMS OF DOMESTIC COPPER INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. BLANTON) is recognized for 10 minutes.

Mr. BLANTON. Mr. Speaker, several times during this session I have made statements in this Chamber concerning the critical problems facing the domestic copper industry. Many of my colleagues have expressed an interest in the situation, and I am pleased with the support shown for my most recent piece of copper legislation, H.R. 17657, which was referred to the Interstate and Foreign Commerce Committee on May 18. I am hopeful that we will move to consideration of this bill in August.

Of prime importance at this time is a continuation of the suspension of certain import duties on certain items of copper. We have had a suspension of duties on certain items since February, 1966, under Public Law 89–468, and it was continued under Public Law 90–615. Unless the new legislation embodied in H.R. 17241 is passed by the Senate before June 30 of this year, a 1.1 cents per pound duty will be reimposed on a number of copper items which could seriously affect the domestic copper market, and could cause critical problems to independent fabricators and small businesses who have been forced to buy off the world market or scrap market by the virtually monopolistic control a few domestic producers exert over the domestic production and sale of the metal.

The United States has been in recent years a net importer of copper, and this suspension of duties is absolutely necessary.

The House passed H.R. 17241, introduced by my esteemed colleague from Michigan (Mrs. GRIFFITHS) on May 19. It is now in the Senate Finance Committee. I urge all my colleagues, and especially the many who have contacted me in support of my previous interest in copper matters, to contact members of the Senate Finance Committee and stress the importance of the passage of this bill.

A list of the duty on certain copper items which will be reimposed if this law is not renewed is as follows:

Item No. 612.10.—Copper waste and scrap: Duty 1.1 cent per pound on 99.6 percent of copper content.

Item No. 612.02.—Copper precipitate, cement copper: Duty 1.1 cents per pound.

Item No. 612.03.—Black copper, blister copper annode copper: Duty 1.1 cents per pound on 99.6 percent of copper content.

Item No. 612.06.—Other unwrought copper: Duty 1.1 cents per pound on copper content.

Item No. 602.30.—Copper bearing ores and materials: Duty 1.1 cents per pound on copper content.

Item No. 603.50.—Other metal bearing materials other than foregoing, over 10 percent copper content: 1.1 cents per pound on copper content.

CAMBODIA—THE ARROGANCE OF IGNORANCE

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, for the past several weeks, I have been receiving a good deal of mail and many visitors concerning the Presidential decision to enter Cambodia. At the present time my mail count is 376 in favor of the decision and 1189 in opposition. Most of the more than 400 people who have visited me, either singly or in groups, to voice their opinions on President Nixon's decision have been in violent opposition.

Much of my mail and many of my visitors have been constructive. Some however, have impressed me as being excessively emotional and featured by "arrogance founded on ignorance," as described with refreshing perspective by C. L. Sulzberger in last Sunday's New York Times.

Because I am sure that many of my colleagues have been receiving similar mail and visitors, I would like to share with them and other readers of the RECORD, Mr. Sulzberger's very pertinent and refreshingly candid comments.

I hope that people who have found themselves in sharp disagreement with the President will read this article and heed Mr. Sulzberger's suggestion that Hanoi may well be counting heavily on vociferous U.S. opinion swayed by emotion. The attitude of many Americans in opposition to President Nixon's decision to attack the Cambodia sanctuaries is in interesting contrast to foreign reaction. As one who has supported the Presidential decision to attack the sanctuaries, I of course take considerable comfort from Mr. Sulzberger's comments. I have read my mail carefully and have listened with much interest and patience as time permitted to those who have visited me. Mr. Sulzberger's observation that the general level of debate has often been more marked by fevered vituperation than by cool intellectuality or exactitude is in my opinion well founded and distressingly so.

His article follows:

FOREIGN AFFAIRS: THE ARROGANCE OF IGNORANCE—I

(By C. L. Sulzberger)

PART 1—Just a month ago the President announced that American ground forces had been ordered into Cambodia. At that time I wrote: "If Nixon can swiftly smash the sanctuaries outside Vietnam without dangerous escalation or confrontations elsewhere, he will ultimately emerge triumphant at home as well as overseas. Nothing succeeds like success but, if he fails; nothing fails like failure."

It is too soon to assay this move but, half way to the June 30 terminal date, it seems that from an Indochina battlefield viewpoint the President's decision was sound but from an internal American viewpoint unsound. Hanoi aims its most crucial thrust of American public opinion rather than territorial South Vietnam. Nixon's primordial problem therefore has been at home, not abroad.

NO ASIATIC BELGIUM

Outside the United States there is little fevered contention that Cambodia was an Asiatic Belgium whose independence was violated by Uncle Sam. Even the French, who aren't with us on the war, remember that forty thousand Communist Vietnamese were based in Cambodian safe havens. Public opinion has excoriated the American move in line with fundamental disapproval of the entire war but President Pompidou hasn't allowed his ministers to go overboard publicly.

China has shown circumspection. Chou En-lai said his people would be "modest and prudent and guard against arrogance." Prince Souphanouvong, head of the pro-Communist Laotians, paid tribute to China's "disinterested" support, "both morally and materially."

Likewise, Moscow has decided to adopt a wait-and-see attitude. Kosygin reportedly listened sympathetically to Prince Sihanouk's complaints but advised him to do nothing until the Indochina war is over.

BRITISH OPINIONS

K. S. Karol wrote in London's New Statesman on May 22: "The Russians obviously saw the Cambodian coup as something irreversible, like the military putsch in Indonesia five years ago." One might append to to this comment that of the London Economist's "Foreign Report."

"Although men like Senator Fulbright and Senator Kennedy have predictably denounced the Cambodian operation as a folly and a failure, the Russian leaders seem to take a different view. They fear that the operations will be all too successful (from the Americans' standpoint) and be a turning-point in the Indochina war. . . .

"The Russians never want to back a loser; and they are deeply afraid that in both Vietnam and Cambodia the Vietcong—and by extension Prince Sihanouk, who is now totally committed to the Communist side—are going to prove the losers. Militarily, the Russians attach the greatest importance to the Cambodian sanctuaries."

There is obviously no doubt that the attack against the Vietnamese Communist sanctuaries in Cambodia ruined Hanoi's plans for any imminent military initiative. Brigadier W. F. K. Thompson, military correspondent of the London Daily Telegraph, writes:

"The American and South Vietnamese operations in Cambodia have certainly achieved their primary aim—to destroy the Communist ability to open a general autumn offensive against Saigon and the Mekong Delta."

These are cold, factual analyses. Of course, they have nothing to do with the main "front" as defined by Hanoi's strategy—U.S. public and political opinion. This area, clearly misjudged by the President and Kissinger's White House staff, produced enormous uproar.

Nevertheless, one must question the basis of this violent objurgation. There is a manifest trend to decry anything advocated by Saigon as evil and to imply goodness to anything advocated by Hanoi. President Thieu of South Vietnam is lambasted as wholly nondemocratic in blissful unawareness of the fact that there has never been a democratic government in all East Asia since the dawn of time—least of all in Hanoi.

Many pontificaters on these issues have

taken little trouble to check their opinions against the facts, much less to think dispassionately. The general level of debate has often been more marked by fevered vituperation than by cool intellectuality or exactitude.

CABALISTIC CATCH-ALL

Clearly "Indochina" has come to symbolize some cabalistic catch-all which transcends anything involved in the horrid war and which was unhappily minimized by Nixon's personal staff. Internal U.S. opposition includes those obsessed with questions only tangentially related to Vietnam and going from race to pollution in illogical progression.

One cannot forget that Euripides cautioned: "Whom the gods would destroy, they first make mad." The essence of the American problem, on which Hanoi counts so heavily, is this vocative U.S. opinion swayed by emotion. Much of this emotion is featured by arrogance founded on ignorance.

THE ECONOMY MUST BE PROTECTED

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the time has long since passed for this administration to stop issuing reassuring statements about the economy and to start taking action to halt inflation, the drop in real production and rising unemployment.

In April alone, cost of living rose six-tenths of 1 percent. This amounts to 6 percent annually on a seasonably adjusted basis. In the same month industrial production fell eight-tenths of 1 percent. Unemployment rose four-tenths of 1 percent to a new high of 4.8 percent.

While the economy declines and prices and unemployment continue their upward spiral, the President recommends a continuance of the same old policies which are described as a mixture of monetary and fiscal restraint.

Unfortunately, Mr. Speaker, there is all too much monetary restraint and all too little fiscal restraint. Since mid-April, interest rates have risen sharply despite predictions to the contrary. These high interest rates are continuing the depression in the housing market and depriving thousands of American families of the opportunity to own their own homes. In the last 4 weeks, the stock market has hit a new 7-year low and in the last 4 weeks the administration admitted that it will not have a balanced budget this fiscal year. Instead, there will be a $1.8 billion deficit, an amount equal to $11 billion on the budget basis used until a few years ago. Clearly, the President's policies are not working.

Mr. Speaker, on May 28, the Miami Herald, in an editorial entitled "Time To Be a Leader and Protect Economy" issued a call for Presidential action. I support that call and I urge the President to immediately take two steps which at least in the short run, will help prevent our financial crisis from becoming an economic crisis.

First, the President should utilize the authority given him in Public Law 91-151, to impose selective credit controls. Use of this authority would permit the channeling of credit into activities which national policy requires such as the construction of low- and moderate-income housing. Further, it would permit a sharp curtailment of other forms of credit, such as commercial paper, which are far more inflationary. This measure received almost unanimous approval in the House by vote of 358 to 4, yet the President, when signing the legislation, stated he would never exercise the authority. Surely the time has now come to change that decision.

Second, the President should at once abandon his opposition to so-called jawboning and establish national wage price guidelines. At a time when demand inflation is changing to cost push inflation, such guidelines could be particularly useful.

Over the long run, there can be no substitute in the fight against inflation for a responsible fiscal policy. Both the President and the Congress will have to face up to this problem. Either we must reduce expenditures, particularly military expenditures, or we will have to increase taxes. Mr. Speaker, to date there has been a basic failure to achieve a proper balance between fiscal and monetary policies. We must change these policies if we are to avoid economic chaos. Because of its timeliness, I recommend to my colleagues the Miami Herald editorial of May 26, and I include it at this point in the RECORD:

TIME TO BE A LEADER AND PROTECT ECONOMY

Weeks of stop-and-go negotiation and production slowdowns have ended for the nation's third largest and best known newspaper, The New York Times. It has come to terms with its printers' union calling for wage and benefit increases of 41.6 per cent over a three-year period.

The settlement is not distinctive of newspaper journalism but rather of much of American industry. The construction workers got even more. It is hard, then, to regard these excessive arrangements, most of which do not concern a justifying boost in productivity, as anything but inflationary—and dangerously so.

What many are now calling a mini- to midi-recession is one consequence.

The stock market, which appears to lack confidence in the economy, is off nearly 300 points. Unemployment is spiraling. Prices rose 0.6 per cent for consumers in April. Profit levels for American corporations fell more than 10 per cent for the first quarter of the year as compared with 1969. Money is at the dearest point in a century. Budget surpluses, once full of bright promise in stabilizing private investment, are lost for 1970 and 1971.

These are dreary facts underscored by yet another inflationary wage settlement. While they concern the Nixon administration, which has a proper reluctance to indulge in severe corrective measures, there is still no evidence that, thoroughly concerned, the administration will as concernedly act.

Perhaps this will appear in Mr. Nixon's forthcoming address on the nation's economy.

If so, we urge the President to go the full limits of public acceptance in measures to combat recession. No "guidelines" remain to instill restraint. The public simply must sit and watch while the value of its spendable dollar is pared by seven cents every year.

We hope that the President will not be loath to turn to the "jawboning" used effectively by John F. Kennedy (who had a recession of his own.) Aimed at both labor and management, it could decry if it did not eradicate the greed which has gripped the marketplace.

All the polls indicate that the public is impressed with Mr. Nixon's domestic performance. He has avenues which he may safely follow if lecturing the economic antagonists does not work.

Recessions eat away at the economy and erode confidence in the most successful of all economic systems. It is President Nixon's time to lead, and he is well equipped for leadership. The hour has come to hear from him.

VOTING AGE—A COMMENTARY ON REPRESENTATIVE GOVERNMENT BY THE CONCORD MONITOR

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, I have long been an active advocate of lowering the voting age by State action. Last year, in fact, I was on record as having disagreed with the majority of those people who answered my annual questionnaire on the question of the 18-year-old vote. Presumably, on the basis of the attached editorial, at least one editorial writer of the Concord Monitor was among the majority which then opposed a lower voting age.

However, on May 18, 1970, the Concord Monitor, a major newspaper in my district, printed an eloquent editorial advocating enfranchisement of 18-year-olds. This statement is one of the more reasoned and logical that I have seen on the subject. I particularly agree with the Monitor's belief that the capacity for responsive change is a necessary and vital part of our system. Our Government was founded with the premise that sound, necessary, and even revolutionary change should be permitted to occur within its framework. It must continue to reflect changes in our society if it truly is to remain a government of the people, by the people, and for the people.

As the editorial points out, and as I have long maintained, our Government was designed to be responsive to ideas, movements, and pressures—and to contain, absorb, and reflect changes in society, both good and bad. This is something that all too few of the student and intellectual protesters seem to understand. Our Government truly is responsive. Because the Government has not adopted the viewpoint of its critics, it is accused of being unrepresentative of the views of the people. This is just not so. The greatest strength of our system is that it is able to change, and does change.

It is unfortunate that so few seem to have been taught this truth. They also have not been taught to understand that change takes time and may not, and indeed cannot, always be in exact conformity to their precise wishes of the moment.

The editorial follows:

[From the Concord Monitor, May 18, 1970]

RIGHT TO VOTE SHOULD BE EXTENDED

At least as far back as World War II, there have been periodic appeals that 18-year-olds be permitted to vote in national elections.

Arguments supporting the appeals generally have begun with the contention that someone old enough to die for his country is old enough to vote for its leaders.

XUM

So basic to the drive is this argument that fresh efforts always erupt when we are at war, first in Korea and now in Indochina.

We long have opposed giving the vote to 18-year-olds, even when we ourselves were 18.

The connection between dying for the United States and voting always seemed a specious one. Though its emotional appeal was undeniable, we never have been able to accept its logic.

Our opposition to extending suffrage was based on some of the following beliefs:

An 18-year-old is immature intellectually and practically. He has lived under the protective wings of parents and schools all his life. The world at large assumes a benevolent attitude toward youth that it does not apply to all mankind.

The 18-year-old has not supported himself or someone else; he has not provided clothing or shelter for anyone. His dealings with money have been limited and simplistic.

His understanding of this society and of the world is superficial, narrow and tentative.

The 18-year-old is idealistic to a fault and his mind, still at a formative stage, can more easily be seized by passion and by concepts that are nice only in the abstraction.

Most seriously, the 18-year-old is free. With no one's welfare but his own dependent on his judgment, it lacks the discipline of responsibility. Moderation is an abstract value, not a daily necessity.

Moreover, because of his freedom, he would not immediately shoulder the consequences of his vote. Higher taxes would be paid by others; economic or industrial disruption would affect others disproportionately. He would influence the workings of a community in which he is neither prepared nor willing to take a full role.

We still believe these and other reasons for denying 18-year-olds the vote have merit, in varying degrees.

But, we have come to believe that despite the profound consequences for our nation, 18-year-olds should vote in national elections.

Our republic has endured unchanged longer than any other not because the Founding Fathers were more God-fearing or penned more inspiring documents, but for one simple and basic reason: The structure of our government was so contrived as to permit revolutionary change to occur within the framework of that structure.

It was designed to be responsive to ideas, movements and pressures—to contain, absorb and reflect changes in society, both good and bad.

The system works so long as it has the capacity for change. It fails when widely-supported pressures for change are thwarted, when a large segment of the population is denied its voice within the system.

Today's youth speaks with a uniformity and an awareness unknown in the past. To deny youth a hearing within the system is to drive it into the streets.

We believe enfranchisement of young adults is crucial to the continued viability of our democracy.

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THE SISTER CITY PROGRAM

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, in recent years it has become more and more obvious that the concept of "traditional diplomacy" is not always the most successful in establishing a broad base of support for friendly relations among foreign nations.

With this in mind, the people-to-people program was established in 1956. Of the original committees established in that year, the principal purpose of the civic committee of people-to-people was to establish town affiliation relationships. The town affiliation—or sister city—program has proved to be one of the most viable, far-reaching and effective in its impact.

In 1957, the U.S. Information Agency asked the National League of Cities, because of its broad-based membership throughout the United States, to serve as a clearinghouse and in an administrative capacity to help expand the program. Today, more than 300 American communities maintain affiliations with cities spread through five continents.

Mr. George G. Wynne, Public Affairs Advisor at the U.S. Mission to International Organizations in Geneva has written an outstanding account of the role the sister-city program plays today. In his article, Mr. Wynne also outlines the role foreign service officers can play in U.S. communities as advisors to sister city committees.

Mr. Speaker, in 1968, as chairman of the International Organizations and Movements Subcommittee of the House Foreign Affairs Committee, I held hearings on the future of U.S. public diplomacy. In the report issued last year the subcommittee made the following observation:

> Today, the success or failure of foreign policy undertakings may be affected more profoundly by what particular groups of people think and say than by the workings of traditional diplomacy.

The town affiliation program establishes the greatly needed lines of communication with individuals and groups of people. This program deserves the strong support of the Congress and I commend Mr. Wynne's article to the attention of all Members of the House:

URBAN(E) DIPLOMATS JOIN CITY HALL

(By George C. Wynne)

"If war is too important to be left to the generals then peace is too important to be left to the diplomats," a saying used to run that was popular ten years ago among the pioneers of "People to People" diplomacy. After considerable trial and error, the People to People concept launched in 1955 by the late President Eisenhower, has now found its most organized form in the sister city program sponsored by the National League of Cities.

Some 300 American communities are already maintaining affiliations with cities spread through five continents in direct exchanges of ideas, goods and visits that focus local interest and goodwill on a clearly-defined foreign group. These experiments in urban diplomacy offer residents of American communities the most direct participation yet in foreign affairs—because they bring continuing contacts with visitors and ideas from the same foreign city. While many commendable activities in foreign affairs compete for active and passive participation of internationally-minded Americans—from the Peace Corps to membership in the UN Association—sister city programs focus goodwill in a manageable and meaningful way on one palpable group of people and institutions who are likely to devote comparable enthusiasm to cultivating their American relations.

Foreign Service officers on home leave or those who have retired from the service can lend a helping hand by talking to U.S. sister city audiences about the country in which their overseas sister city is located. If their retirement location or a nearby city happens to have a foreign affiliation, all the better.

They could use their tact and experience acquired abroad to insure that the local affiliation goes beyond an occasional handshake between mayors and a willingness to entertain or be entertained by quaint people from halfway around the world. To this end the Town Affiliation Department of the National League of Cities could put to good use the retired address list of the Foreign Service Association with the retired officers' last post of assignment. At the same time the current Foreign Service list broken down and distributed according to countries to the pertinent sister city committees could help local planners in keeping track of home leave plans to invite some returning officers for speaking engagements.

Conversely, Foreign Service officers should keep a benign eye on the list of currently active affiliations which follows this article. A few of these are mentioned below to illustrate the more popular types:

The oldest might well be the sporadic relationship, more active in recent days, that has existed for about 250 years between Bern, the capital of Switzerland, and the township of New Bern, N.C. Baron Christopher de Graffenried, with a party of his compatriots principally from the Canton of Bern, founded New Bern in 1710 but there was relatively little organized contact until the 1960s when New Bern celebrated the 250th anniversary of its founding. Correspondence established that a direct descendant of the city's founder, Baron Roland de Graffenried, lived in Lausanne. Relations between the old world capital and N.C. center received a new impetus when Roland de Graffenried attended the anniversary ceremonies. There are now frequent exchanges of letters and New Bern citizens make it a point to stop off in Bern where they are assured a specially hearty welcome during a trip to Europe. A direct result of the re-activated contact is the adoption of the walking bear, traditional symbol of the Swiss capital, by the North Carolina township. The Bern Bear now appears on all items of city equipment, on letterheads, buildings and the signboards of local business concerns.

Not quite as venerable, though dating back well over a hundred years, are the relations of prosperous agricultural centers in Michigan, Minnesota, and Texas settled by German immigrants early in the last century with their home communities in the old country. Citizens of Frankenmuth, (Mich.), founded in 1845 by 15 German settlers from Franconia, led by Rev. August Craemer, sponsor exchange students from southern Germany, annually celebrate a Bavarian Festival, carry on the old customs and costumes and stage group visits to their sister city with whose people they are in active and continuing contact. The same is true of New Ulm (Minn.) and its historic mother city on the banks of the Danube in Bavaria (Germany). Ulm's cathedral is one of the wonders of the medieval world. It was already several hundred years old when a group of young men who grew up figuratively in the shadow of its spires set out to make their fortune in the new world and founded New Ulm.

Personal contact maintained in one form or another by succeeding generations has lately been formalized in a going affiliation with committees appointed in both cities to select exchange students, arrange group visits and carry an active correspondence. The German influence is also cultivated assiduously in New Braunfels (Texas), founded on Good Friday 1845 by an eccentric German nobleman, Prince Carl zu Solms-Braunfels, leading a group of 200 immigrants. The swashbuckling prince, who held court in a hilltop fortress and received Indians in a fancy full-dress uniform of his own design, lasted only a year. When the annexation of Texas foiled his plan to make parts of Sam Houston's young republic the private reserve of European aristocrats, he returned to Germany, but the community he founded survived bouts with disease and the elements to become a thriving city of 12,000. To this day, lively relations are being maintained with Braunfels near Frankfurt, home of some of the original settlers. German is still taught alongside of English in the public schools and German signs are common on shops and billboards.

Three more examples from different parts of the world bring evidence that relations founded merely on namesake can bring two-way rewards and genuine friendship even without the cement of ethnic ties such as prevail in the German and Swiss cases cited earlier:

The schoolchildren of Southampton, (England) collected and handcrafted a large assortment of gifts, packed them in a chest handtooled in their vocational school and sent them to the children of Hampton, (Virginia) aboard the Mayflower II which duplicated her predecessor's 1620 voyage. The chest reached Hampton safely and the gifts were displayed throughout the city's school system, then were placed on permanent exhibit in the municipal museum. In 1959, as Hampton prepared to celebrate its 350th anniversary as America's oldest continuous English-speaking settlement, it received a visit from Southampton's Alderman Ronald Pugh which led to an exchange of resolutions and the formal initiation of a sister city program which has since seen a frequent exchange of visits by city officials and businessmen and the exchange of local products flown across the Atlantic by an Air Force jet from Hampton's Langley Air Base.

The sister city link between Toledo (Ohio) and Toledo (Spain) dates from 1934 when the municipal government of the Spanish Toledo, aided by provincial and central governments invited a delegation from Toledo (Ohio) to spend a week as official guests of the Spanish city. Committees set up in both Toledos to maintain the friendly inter-city contact established by the visit foundered after 1936 when unsettled international conditions including the Spanish Civil War and World War II interrupted the work of the two groups. Contact was tentatively resumed in the early fifties and in 1958 both committees were formally re-activated to carry out exchanges of exhibits, student art work and products of local industry. The most ambitious recent project of the Toledo (Ohio) committee was the financing of a reciprocal visit by a nine man delegation from the Spanish Toledo, headed by Don Luis Montemayor Mateo, mayor of the Spanish city. The visitors spent two weeks in this country including eight days in Toledo where they took part in the 125th anniversary observance of the city's founding and represented the Spanish Toledo on the traditional "Day of the Two Toledos," celebrated annually on May 25th. The formal and official part of their visit included a gala banquet attended by the Governor of Ohio and some 200 local civic and cultural leaders at which gifts were exchanged between the two cities. But beyond the formal and symbolic, the delegation had plenty of time to exchange ideas and make plans in working meetings with the Toledo (Ohio) committee for exchange projects that have now reached the young people in both cities and have built up interest in continuing contacts. To this end student and teacher exchanges are already in progress between the two Toledos.

In the case of Montevideo (Minn.) and its big sister, Montevideo, the capital of Uruguay, it was the initiative of the two mayors that lighted the spark back in 1946. The fire is still going and every year it creates more warmth and friendship. This despite a difference in size that would have doomed most similar projects. The Uruguayan capital has more than a million, the Minnesota community barely 7000 people. But by concentrating on one big event a year which mobilizes the city's entire resources, the Montevideo committee has been able to bridge the 7000 mile gap between the two cities effectively. Every year in June the "Montevideo Fiesta Days," saluting the sister city, serve as a community celebration that has attracted national and international attention. Dozens of Uruguay's leading citizens, informed by an active exchange of newspaper articles of happenings in their distant sister city have made it a point to visit Montevideo (Minn.), usually during the Fiesta Days. But friendship between the cities is not a one week a year affair. Throughout the year the welcome sign is out in Montevideo (Minn.) homes for exchange students and visitors from Uruguay. Former mayor Ronald Aaker, who started the exchange while in office and is now the committee's honorary chairman writes about Uruguay's response: "one year in the early fifties, the Uruguayan generosity went so far as to have the school children collect pennies and metals from which was cast a large statue of the nation's hero Jose Artigas, which was shipped up to us and today overlooks our busiest square.'

Bruyeres, in the North of France, was liberated October 18, 1944 after several days of heavy fighting by the 100th Infantry Battalion of the 442th Infantry Regiment, the first Hawaiian Nisei unit to fight in Europe. The famous "Go for Broke" outfit suffered 2600 casualties in the battle for control of an important communications center. Every year since the war Bruyeres citizens conduct memorial services for the men of the 442nd who are buried in the U.S. cemetery just outside town.

With this background, Honolulu, home town of many of the soldiers who fought and died at Bruyeres, entered into an affiliation with the French city several years ago. A Hawaiian-born serviceman stationed in France started the ball rolling by calling Honolulu Mayor William Blaisdell's attention to the annual memorial services. By the time Mayor Blaisdell and Councilman Yoshiro Makamura arrived to take part in the observances, Master Sergeant Wilbert Holck had brought together a group of Hawaiian musicians stationed in Germany to entertain the townspeople. Bruyeres reciprocated with a program of local songs and dances. A pen pal program and exchanges of exhibits are now in full swing.

When Sacramento (Calif.) negotiated its sister city link with Manila capital of the Philippines, a logical choice because of the ten thousand Americans of Philippine origin living and farming in the Sacramento valley, a little research established:

1. that Dr. Jose Rizal, national hero of the Philippines visited Sacramento in 1888 while in exile from his homeland then under Spanish rule. Rizal was impressed by the harmony that existed among national groups in Sacramento and later referred to American democracy as practiced in that city as ideally suited to the Filipino people.

2. that in 1938 Sacramento was the site of a Philippine National Convention which brought together Americans of Filipino origin from all over the United States.

The affiliation established in mid-1961 has grown into one of the most active and imaginative on the roster of the NLC.

New Haven's association with Madras (India) is a practical matter stemming from a desire of Madras officials to exchange information on town planning and municipal problems. But by a quirk of history, Madras, now linked with Connecticut's famous university town, was once governed by a man named Eli Yale.

Captain Matthew Perry of Newport (Rhode Island) landed at Shimoda (Japan) in 1853 ending the isolation of the island Empire from the nations of the west. Today Newport and Shimoda are sister cities.

Besides historical ties, similarities and opposites in climate or location sometimes make effective points or departure for sister city programs. The two Glastonburys in Connecticut and old England not only share a name, they're both health spas. For centuries the reputed curative waters of the Chalice Well Spring have been prized highly in the English countryside. Legend has it that Joseph of Arimethia and his followers settled there during the first century AD to bring Christianity to England. On the other hand Trondheim, the sister city to sunny Vallejo (Calif.), is located in North Norway just below the arctic circle.

The best insurance for an active program are existing trade ties between local firms and business contacts in the sister city. Where there is a natural traffic of goods, people and services, sister city efforts are likely to have smooth sailing and the benefits of the relation are easily seen and appreciated in both cities. Some good examples are provided by the linking of Japanese ports with coastal cities in California and the State of Washington, San Diego (Calif.) and Yokohama (Japan), pioneer cities of the affiliation movement are terminal points of ocean traffic between the two countries as are Stockton and Shimizu, another effective affiliation. The port director of Stockton notes that all of the iron ore and most of the bulk grain shipped from Stockton is destined for Japan. Public relations and commerical interest combine to make port authorities bring about the active participation of port authorities in sister city activities. Material assistance and valuable shipping services ranging in order of magnitude from packages of greeting cards to twenty ton statutes have been the result. The Japanese Trade Center in San Francisco is partly the result of that city's affiliation with Osaka, site of the 1970 Worlds Fair, and it holds the branch offices of numerous Osaka firms together with an Osaka information center.

To date foreign relations have been almost the exclusive preserve of national governments, but recent history bears witness to the fact that traditional diplomacy has not always excelled at the task of winning and keeping friends abroad.

It may be time for cities to get into the act. As they set about to solve their problems, other cities, especially their affiliates abroad, may engage a helpful and mutually-stimulating dialogue.

With more people traveling more widely, more often, more quickly than ever before in human history, the world is gradually turning into a city. The sister movement might help turn it into a better city.

THE MIDDLE EAST ARMS IMBALANCE

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am today joining 51 of my colleagues in the House in making yet another appeal to the President to honor America's longstanding policy of support for Israel and peace in the Middle East. The resolution we are introducing urges the President to call upon the Soviet Union to withdraw all Russian personnel from the Middle East as a major step toward peace in the area.

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Mr. Speaker, such action by the President has been needed for a long time. On August 3, 1967, I initiated a bipartisan effort urging the President to seek United Nations agreements to restrict the sales of armaments to developing nations and to establish a procedure for full public registration of all transactions of this character. This action is still needed.

However, faced with the reality of expanding Soviet involvement in support of the announced Arab goal of wiping Israel off the map, the President must reconsider his decision not to send jet planes to Israel. I called upon the President to reverse his decision in a statement issued immediately after he made his decision known. Again, on April 30, after it became known that Soviet pilots were flying Russian Mig's in the service of the Egyptian air force, I sent a telegram to the Secretary of State urging that the United States see to it that Israel has the means for her own defense.

Mr. Speaker, it is in the vital interest of the United States to do all in its power to maintain peace in the Middle East. We will greatly endanger that peace if we allow the military balance to swing in favor of the Arab nations who openly seek a military victory over their neighbor.

FEEDING THE MILITARY PROPAGANDA MACHINE: HOW MUCH IS ENOUGH?

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I have been concerned for some time about spending by the military for "public relations" and "public information." The military's own figures indicate that expenditures to "inform" the public of military actions and activities have recently increased out of all proportion to increases in the total military budget, and I have obtained new information which suggests that total public relations and public information spending by the military may be much higher than the Pentagon has ever admitted.

According to DOD figures, which I placed in the RECORD during debate last December on the fiscal year 1970 defense appropriation bill, the amount of military spending on public information and relations over the last decade increased by about 1,000 percent—from $2,755,000 to $29 million—as compared with a 65-percent increase over the same time span in the Defense Department's total budget—from $43 billion to $76 billion.

Just recently the Department of Defense revised its procedures for computing expenditures in this area. As a result of this revision, the Department now admits it spent $40.447 million on public affairs in fiscal year 1970 and is proposing to spend $37.675 million during fiscal year 1971. These amounts are reported on page 65 of volume III—Operation and maintenance—of the hearings before the Defense Subcommittee, House Committee on Appropriations, on the fiscal year 1971 defense appropriation bill.

These figures alone indicate that this situation is out of hand. I recognize that the military must maintain a sufficient public relations and information program, but when the amount for that purpose has increased at almost 20 times the rate of the total military budget, it is clear that something must be done.

Last December, I proposed an amendment to the Defense Department appropriation bill which would have limited spending for public affairs to $10 million. Although that amendment was defeated, it attracted substantial support. Concern was expressed by a number of Members over the DOD's burgeoning public relation activities. I hope that the Appropriations Committee will insist on extensive reductions in the $37.675 million the Defense Department proposes to spend on public affairs in fiscal year 1971. If the committee does not do so, I shall at the appropriate time offer an amendment to set a limit on expenditures for this purpose comparable to the amendment I offered last year.

Even in light of the revised DOD figures, the magnitude of the total problem is not clear from the amounts the DOD admits are being spent for public information purposes. In the course of my continuing investigation of this matter, I requested budget figures of certain Defense agencies which were not included by DOD as public relations and information agencies, but which appear to have responsibilities in this area. I submit herewith for the RECORD a fact sheet supplied by Assistant Secretary Moot in response to a letter from me. This fact sheet shows a breakdown of the expenditures of those specific agencies about which I inquired, together with the official responsibilities of each:

FACT SHEET

In response to your request for information concerning DoD Public Information functions, the following data is submitted:

Public information, estimated fiscal year 1970 level of funding:

Army	$4, 931
Navy and Marine Corps	12, 064
Air Force	9, 000
Defense agencies	3, 443
Total	29, 438

It should be pointed out that none of the Departments accounting systems record costs in these categories; the above figures represent a headquarters' estimate of the amounts.

Data on the following items are provided in response to your specific mention of them. The Department of Defense does not consider them to be public information activities.

	Army	Navy and Marine Corps	Air Force	Defense agencies	Total
Legislative liaison	244	242	376	218	1, 080
Legislative affairs	1, 095	684	1, 442	284	3, 505
Office of Information; director's office, information program and media operations				[1]2, 144	2, 144
American forces radio and TV services	7, 955	1, 484	5, 036	4, 498	18, 973
USAFI				6, 522	6, 522
Aerospace audio-visual services			24, 504		24, 504
Total	9, 294	2, 410	31, 358	13, 666	56, 728

[1] The term Armed Forces information and education includes the U.S. Armed Forces Institute ($6,522,000) and the Office of Information for the Armed Forces ($6,642,000) of which the American Forces Radio and Television Service ($4,498) is a part.

FUNCTIONS OF THE AEROSPACE AUDIO VISUAL SERVICE—AAVS

The AAVS is a motion picture still photograph production agency. If the Air Force requires a film, it is the responsibility of this organization to produce it. For example, if the Strategic Air Command needs a film to explain its mission, AAVS will be contacted. These are used by the Air Force only; however, should a Congressman or a qualified civic organization (such as the Kiwanis Club) desire to show a particular film which has been cleared for public exhibition, a request may be made through Air Force Headquarters to the Office, Secretary of Defense for Public Affairs Security Review. The AAVS has no authority to release materials to the national press or public media.

OFFICE OF INFORMATION FOR THE ARMED FORCES

MISSION AND RESPONSIBILITIES

The basic mission of the Office of Information for the Armed Forces (IAF) is to provide:

1. An Armed Forces Information Program (AFIP) in support of the Military Services and their internal information functions. This program provides information products of common usage by the Services so that U.S. military personnel:

Comprehend the values of our Government and our National Heritage;

Understand both the freedoms they are called upon to defend, and other ideologies inimical to the free institutions upon which the U.S. is founded;

Are fully aware of the threat of Communism;

Realize the responsibilities and objectives of the individual military citizen through the use of all communications media, including the production and distribution of motion pictures, publications, posters and support materials for Armed Forces newspapers for use by the Military Departments in their respective internal information programs. This program is developed in conjunction with the Military Departments and includes such areas as Democracy/Communism, World Affairs, U.S. and Friendly Military Forces, Citizenship (including voting), Code of Conduct, Orientation for Overseas Duty, and Personal Affairs.

2. Continuous coverage of international, national and local U.S. news, seat of government, military and sports news and special events to U.S. military personnel overseas.

3. General radio and television program materials for use by American Forces Radio and Television stations representing the best from American networks and industry.

4. Policy and technical guidance governing Armed Forces newspapers, Civilian Enterprise publications and American Forces Radio and Television outlets and networks.

5. For the evaluation of information materials for use in, and support of, the Military Departments' internal information programs.

6. Policy and operational guidance to all components of the Department of Defense to assure a free flow of information to military personnel.

7. For the development of long-range plans supporting the objectives of the Armed Forces information Program.

OPERATIONAL ELEMENTS AND SCOPE OF ACTIVITIES

A. American forces radio and television service

1. AFRTS—Los Angeles—Provides the basic program materials which are used by the AFRTS outlets overseas. The weekly AM program packages provide 80 hours of music, drama, fine arts, and information material, and a five-hour library of latest hits and specials. A 12-hour package is produced for FM stereo automated outlets. The weekly 55-hour television package contains programming received from the major commercial broadcast networks, feature films, film syndicators, and filler materials. The activity annually produces 1,000 radio and 300 television spot announcements supporting military information themes. Over 50,000 slides and 50 filler programs are produced annually for television outlets. The worldwide AFRT system includes approximately 350 radio and 90 television overseas stations.

2. AFRTS—Washington—Provides continuous transmittal of international, national, seat of government, military and sports news and special events. This news, gathered from the major U.S. commercial networks, wire services and military correspondents, is transmitted 24 hours a day, seven days a week, by shortwave, direct voice cable and teletype to all American Forces Radio and Television networks and outlets worldwide. Provides facsimile photo service to American Forces Television stations worldwide.

B. Armed forces information programs and media operations

1. *American Forces Press Service* produces the following publications for the Armed Forces newspapers:

(a) *Commanders Digest* distributed weekly to military commanders of all the Services, the Reserves, and ROTC components. It is designed to provide commanders and their staffs with authoritative information of National and Department of Defense policies and goals and other events of significance.

(b) *American Forces Press File* distributed weekly to military editors in the field to assist in publishing their newspapers. Copy and photographs are sent to all Armed Forces newspapers throughout the world. Currently these number more than 1,800.

(c) *Galley Guide*. A monthly four-page publication of instruction and professional comments advising newspaper editors and military journalists on how to write, edit, print and publish their newspapers.

2. *Armed Forces Motion Pictures Service* includes the annual production and distribution of films for Service information programs, distributed in quantities of up to 1,000 prints, depending on Service requirements. In the production of films, this office works with commercial film companies and service production agencies.

3. *Armed Forces Publications Service* provides for the editing and preparation of information publications printed by the Government Printing Office and used by all Military Departments. Approximately 100 publications a year are produced; half of these are contracted and half produced in-house. These materials take the form of pamphlets, fact sheets, pocket guides, brochures and similar printed materials.

4. *Visual Communications Service* produces 12 or more original posters annually; produces 4 or more *Art Files* annually for use by Service newspaper editors; provides art support—including design, layout and original art for all IAF publications printed by GPO—and monitors GPO for printing phase; supports Production Service's twice-weekly programing; provides support for briefings; and handles the reprint program of the Military Services.

5. *Armed Forces Production Service* produces and distributes approximately 100 video taped programs for dissemination to American Forces Television stations and other Military Services for direct viewing. These include *Television Journal*, a half-hour news program produced weekly on activities in Vietnam and other areas around the world of general interest to military audiences; *Pentagon Forum*, a discussion series covering topics of general military and command interest such as drugs, Cost Reduction, Military Compensation, and Medical Programs, also produced weekly in a half-hour format; and selected variable length *Television Journal* "Special Reports" produced as sound-on-film interviews.

Assistant to the Secretary of Defense—Legislative Affairs

The Assistant to the Secretary of Defense (Legislative Affairs) is the principal staff assistant to the Secretary of Defense for Department of Defense relations with the Congress. He performs functions in his assigned fields of responsibility such as: (1) advising and assisting the Secretary of Defense and other officials of the Department on congressional aspects of Department of Defense policies, plans, and programs; (2) coordinating Department of Defense actions relating to congressional consideration of the legislative program of the Department; (3) coordinating the development, clearance, and furnishing of information in response to requests received in the Defense Staff Offices from members of Congress and the committees of Congress and their staffs; (4) arranging for the designation and appearance of witnesses from the Department of Defense at congressional hearings on Defense matters; and (5) maintaining direct liaison with the Congress, the Executive Office of the President, and other Government agencies with regard to legislative investigations and other pertinent matters affecting relations of the Department of Defense with the Congress.

These agencies account for $56.728 million in expenditures. Of that amount $48.062 million—the fiscal year 1970 expenditures for legislative liaison, legislative affairs, the Armed Forces radio and TV services, and the aerospace audio visual services—is not reflected in the $37.675 million the Pentagon is now requesting for spending in this area. While it is clear that not all the expenditures of these agencies are devoted to public information and relations, an examination of the official descriptions of their responsibilities, and the types of materials they produce, make it clear that a significant portion of the funds they expend are, in fact, used for public information and public relations.

From this information, it appears that the figure of $37 million stated by the Defense Department as the level of its public information and public relations expenditure is far too low. The true figure could run as high as twice that amount.

Accordingly, I am asking the General Accounting Office to investigate the expenditures of these agencies in question and determine exactly how much is being used for public information. I hope to have this material available when the defense appropriation bill comes before the House.

Last year the Congress expressly prohibited DOD propaganda unless specifically authorized by Congress. However, it appears that more stringent restrictions will have to be placed on the Pentagon's tendency to advertise its own actions and to promote its own causes.

WILMINGTON, N.C.

(Mr. LENNON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LENNON. Mr. Speaker, the All-American and port city of Wilmington, N.C., was recently featured in an article appearing in Generator, an employee publication of the Babcock & Wilcox Co.

I am proud of the history, progressive development, and attractions offered by my hometown, and I wish to share the article with our colleagues and other readers of the Record:

Wilmington, N.C.: All-American City

Midway between New York and Florida on a peninsula bounded by the Atlantic Ocean and the Cape Fear River sits Wilmington, N.C. Population: 75,000. Climate: mild. Industry: diversified. Seaport: fastest growing in the East. Historical sites: respectfully maintained. Parks and gardens: literally flourishing. Tourism: naturally. Way of life: relaxed and gracious.

If this sounds like an ideal All-American city, that's just what *Look* magazine decided when it awarded Wilmington that coveted title. *Look* bestows its "All-America" honor on cities which "have made notable improvements in community living, brought about by civic action." Wilmington shares the title with such cities as Seattle, Wash.; San Diego and Fresno, Calif.; Detroit, Mich.; and Louisville, Ky.

Water is a source of enjoyment as well as an important economic factor to Wilmington residents—among them 756 Power Generation division employees. When not turning out package boilers at the rate of about one a day in addition to other steam generating equipment, the B&W people can take a short ride to some of the best beaches on the East Coast, or enjoy water activities along the Cape Fear River. Just behind the ocean beaches lies the Intercoastal Waterway which stretches from New York to Florida. Pleasure yachts are seen daily stopping at the area's many marinas.

The city's economics are also closely related to the river. Through the Port of Wilmington pass ships of almost every nation, carrying to the city and the entire region raw chemicals for growing industries, woodpulp, paper products, and other materials. On their departure, the ships transport Wilmington-made goods around the world. B&W's package boilers destined for foreign ports account for part of the 857,000 tons of goods that pass through the port each year.

Wilmington lays claim to an extremely mild climate, with winter months that are the sunniest of any location along the Atlantic coast, except for southern Florida. Good weather contributes to the area's long growing season and famous flower gardens, and also enables the Wilmington works to carry on some of its activities, such as painting, in the open air at the facility.

Because of the moderate climate, golf, fishing, tennis, sailing, motorboating, hunting and other outdoor sports are enjoyed almost all year round. Tourists are attracted to these activities, as well as to the carefully maintained relics of the southern, pre-Civil War way of life. Settled in 1732 as New Liverpool, the town was later renamed for the Earl of Wilmington. The city boasts its own "te

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party," the result of armed resistance to the British which began more than eight years before the Boston affair. In the 19th century Wilmington became the most populous and commercial town in North Carolina, and was the last surviving port of the Confederacy. The fall of Fort Fisher, now a national monument, helped seal the Civil War fate of the South.

Today, for visitors, Wilmington has a well-defined historic section and has officially preserved an area rich in architecturally and historically distinctive homes and pre-Civil War churches. The Cornwallis House, which served as Lord Cornwallis' headquarters during the Revolutionary War, is open to visitors. Equally noteworthy are St. John's Art Gallery and the gracious ante-bellum home known at the Bellamy Mansion. Two fine old churches in the historic area are St. James Episcopal and First Baptist Church.

The *U.S.S. North Carolina*, a World War II battleship, is a reminder of more recent history. It is permanently berthed at the port of Wilmington, and each summer evening is the scene of a sound and light production which recreates the ship's eventful past.

Wilmington is famous for its Greenfield Gardens, with its moss-laden cypress trees and five mile Lakeshore Drive, and for its annual Azalea Festival. In the realm of sports, Wilmington is proud of its two professional quarterbacks—Roman Gabriel of the Los Angeles Rams and Sonny Jurgensen of the Washington Redskins. The city's PGA-sanctioned Azalea Open Golf Tournament adds to the long list of attractions for tourists. They come all year to enjoy the beaches, the city and surrounding countryside, and along the way discover what citizen action can accomplish. They find an area with fully developed educational and medical resources and a progressive attitude. When they leave, they have a better idea of what an All-American city is like.

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STATEMENT ON NATIONAL PRIORITIES OF CHARLES L. SCHULTZE, SENIOR FELLOW, THE BROOKINGS INSTITUTION, BEFORE THE JOINT ECONOMIC COMMITTEE, JUNE 1, 1970

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, one of the most able and thoughtful analysts of public policy in the country is the distinguished former Director of the Bureau of the Budget, now a senior fellow at the Brookings Institution, Charles L. Schultze.

Mr. Schultze, together with Edward K. Hamilton and Allen Schick, has recently authored a most valuable book entitled, "Setting National Priorities: The 1971 Budget," which was published by the Brookings Institution.

On June 1, 1960, Mr. Schultze testified before the Joint Economic Committee on the general subject of national priorities.

Because I believe Mr. Schultze's analysis of this question, especially as it relates to the composition and determination of the Federal budget to be exceptionally useful, I insert the text of his testimony at this point in the RECORD.

I also call to the attention of Members of the House the recommendations of Mr. Schultze for improving the procedures of Congress in establishing priorities:

The testimony follows:

TESTIMONY OF CHARLES L. SCHULTZE, SENIOR FELLOW, THE BROOKINGS INSTITUTION[1] BEFORE THE JOINT ECONOMIC COMMITTEE, JUNE 1, 1970

The term "priorities" has become, in the last year or so, an "in" word. Calling for a reallocation of national priorities is now a standard theme in the rhetoric of both the establishment and the student activists. What is often forgotten is that the term "priority" implies a choice. To have more of one thing, we must give up something else. If we could achieve all our objectives simultaneously, there would be no need to set priorities, no need to make difficult choices. Reallocating national priorities, therefore, is a double-edged concept—it not only involves a decision about what we want most, it also involves a decision about what we want least.

Insofar as the public sector of the economy is concerned, setting priorities has two aspects: *First,* we must decide between public goods and private goods. To increase the share of national income going to *public* purposes—education, pollution control, income maintenance and the like—we must decrease the share going to *private* purposes. In turn this involves a decision about taxes; it is through tax policy that we make a choice between public and private goods. *Second,* within the public sector we must choose among alternative patterns of public spending, among agricultural subsidies, military budgets, aid to education, SST's, manpower training, and so on. The more we devote to meeting one objective, the less we have to meet others.

Establishing national priorities, therefore, is a painful exercise, for it requires us not only to determine those things we need and want as a nation, but what we must do without to get them.

There are several different ways in which we can set national priorities, one clearly superior to the other. The patterns of public spending can grow like Topsy, as the unintended result of individual decisions taken piecemeal. Most decisions in the area of public spending have their major budgetary consequences long after the decisions themselves are taken. As a consequence, we can vote $100 million for the nuclear reactors of an attack carrier without realizing that this decision carries with it more than $1½ billion of additional future outlays for the carrier itself, the planes on its deck and the escorts to protect it. We can begin new public works projects, paying attention only to the miniscule first year costs and ignoring the much larger costs in future years. More generally, the way we set priorities in 1975 will be partly determined by what we do in 1970 and 1971. And without a major effort to develop proper information and analysis, we can unconsciously preempt our future freedom of action and set priorities we do not really wish to live with.

The alternative means of setting priorities involves a deliberate attempt to inform ourselves of the future consequences of current decisions, to act in full knowledge of the fact that choosing one course of action today forecloses other possibilities tomorrow. More specifically, this form of priority setting requires that we estimate the future resources available to the public sector under current tax laws and the expenditures we are already committed to under current policies and programs. Each new proposal would also be accompanied by an estimate of its future costs. We could then explicitly compare alternative courses of action and make explicit rather than implicit priority decisions. We could review alternative changes in current policies—for example, in military posture or in agricultural price supports—in the context of how such changes would affect the resources available for other programs. We could similarly evaluate long-term changes in the tax laws. Had it been quite clear in 1969, for example, that the so-called tax reform bill would preempt some 40 percent of the free budgetary resources otherwise available in 1975 for expanding public education, pollution control, health services, and similar programs, I suspect the final action of the Congress may have been quite different.

Making decisions with full information about their long-term budgetary consequences, and with full knowledge of how one choice forecloses others, will not necessarily guarantee that decisions will be wise or just or rational. But at least it would mean that national priorities could be established consciously and explicitly rather than growing randomly and inconsistently out of piecemeal actions.

Some beginnings have been made recently in providing the framework of information within which *explicit* priority decisions can be made by the Executive and the Congress. The 1970 Report of the Council of Economic Advisers and the 1971 Budget document contained, for the first time, a five-year projection of budgetary resources and claims upon those resources. About a month ago, several of us at the Brookings Institution made a similar projection, in somewhat more detail, and accompanied by some examples of how the projection would be affected by the adoption of alternative military postures and agricultural price support policies. In this testimony I should like to summarize briefly the results of that projection and then suggest, a bit presumptuously perhaps, several ways in which the Congress might improve upon and utilize such projections as an aid towards a more conscious establishment of national priorities.

PROJECTION OF FUTURE BUDGETARY CONDITIONS

The first step in creating a framework within which to make priority judgments consists in estimating the free budgetary resources becoming available for discretionary use in future years under current tax laws and expenditure policies. More specifically, this requires a projection of (1) federal revenues under current tax laws and (2) the expenditures which would be forthcoming under current and Administration-proposed programs, allowing for increases in prices, wages, workloads, rising numbers of people statutorily eligible for benefits under social security and other programs, and similar relatively "built-in" elements making for changes in expenditures. The difference between the revenues and expenditures so projected is the *fiscal dividend,* the amount available for discretionary use in expanding existing federal programs, creating new ones, retiring the debt, or reducing taxes.

In these projections the following assumptions were made:

1. Economic growth would resume at a 4 to 4½ percent annual rate after the present pause, with the unemployment rate returning to slightly below 4 percent sometime in 1972. Inflation would continue but at a moderated pace, tapering off gradually from the current 5 to 6 percent to 2 to 2½ percent in 1972 or 1973.
2. Current tax laws would not be changed.
3. All major Administration-proposed programs (family assistance, revenue sharing, urban mass transit, etc.) would be adopted.
4. The Vietnam war would be terminated, so that by fiscal 1975 the only expenditures would be some $1 billion for economic aid or a combination of economic and military assistance.
5. The armed forces would return to their basic pre-Vietnam level of 2.7 million men.

The budgetary consequences of these assumptions are shown in Table 1.

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[1] The views expressed in this testimony do not necessarily represent the views of the trustees, officers or other staff members of the Brookings Institution.

Revenues under existing tax laws would have risen to about $284 billion by 1975. However, the tax reform bill of 1969 provided for a host of tax cuts, scheduled to phase in over the next several years. By fiscal 1975 the net revenue loss from that bill will be $8 billion, leaving $276 billion in revenues.

A return to the pre-Vietnam military structure and pace of modernization would mean a defense budget of about $62 billion in today's prices and $74 billion in the prices likely to prevail in 1975. (Rapidly rising numbers of retired military personnel will also add substantially to the budget over this period, a fact which has been taken into account in the estimates.) The projection also assumes a residual expenditure of $1 billion in Southeast Asia.

On the civilian side the "built-in" growth of current and Administration-proposed federal programs would add some $50 billion to federal outlays in the four-year period between 1971 and 1975—a rise of about $12½ billion per year.

TABLE I.—THE FISCAL DIVIDEND

[Fiscal year; billions of dollars]

	1971	1975
Revenues: Before allowing for 1969 tax reform	202	284
Less cost of tax reform		−8
Total revenues	202	276
Expenditures (built-in):		
Military	72	75
Vietnam	(12)	(1)
Civilian	129	178
Total expenditures	201	253
Difference between revenues and expenditures	1	23
Less budget surplus needed to reach national housing goals		10
Fiscal dividend		13

Source: Adapted from Charles L. Schultze with Edward K. Hamilton and Allen Schick, "Setting National Priorities: The 1971 Budget" (Brookings Institution: 1970), table 6-5, p. 186.

There will be, then, on the basis of these projections, a residual of about $23 billion—the gap between revenues and already committed expenditures. But not all of this will be freely available to pursue high priority domestic programs of the federal government or for tax reduction purposes. In 1968 the Congress, after examining the data on the rate of new family formation and on the condition of the housing stock, set out as a goal for the nation the construction of some 26 million housing units in the decade of the 1970's. The Nixon Administration has adopted the goal, with some modifications. But it is most unlikely that this goal of building 2.6 million housing units a year can be met unless the federal government, under conditions of high employment prosperity, runs a substantial budget surplus, which I have put conservatively at $10 billion per year. Under economic circumstances likely to exist during prosperity in the next five years, failure to run a budget surplus would generate such tight money and high interest rates that housing construction would not reach the 2.6 million per year goal. On the basis of the projections in its latest Economic Report, President Nixon's Council of Economic Advisers appears to agree with this conclusion.

Granted the need for a budgetary surplus of this rough magnitude, then, the fiscal dividend available to meet high priority domestic needs by 1975 will total only $13 billion. This is less than one percent of the gross national product projected for that year. Or to put it another way, although the federal government disposes of 20 percent of the national income, built-in commitments and the cost of the defense program—assuming a return to the pre-Vietnam pattern—will absorb 19 percent of that, leaving only 1 percent freely disposable by the President and the Congress. This is hardly a large sum to look forward to four years from now, even after assuming that Vietnam hostilities are ended.

ALTERNATIVE FISCAL DIVIDENDS

The conclusion that even by 1975 only 1 percent of the nation's income will be freely available for discretionary use by the federal government depends, of course, on the assumptions used in the projection, in particular the maintenance of existing tax laws and the inviolability of current programs and policies in both the defense and civilian sectors of the budget. Taking into account both the assumptions and the conclusions, the projection suggests three possible courses of action with respect to the establishment of national priorities.

First, we can accept the conclusion as it stands and carefully ration any expansion of existing social programs or initiation of new ones to the point where they fit into the slim resources available. This course of action would imply the view that all current spending programs have higher priority than potential new ones and that the priorities in the public sector are not high enough to warrant a shift of resources from private to public purposes.

Second, we can make the judgment that pressing social problems take priority, at the margin, over private spending. This judgment would call for an increase in tax rates. If taxes were increased sufficiently to raise the federal government's share of GNP from 20 to 21 percent, an additional $14 billion would be added to the fiscal dividend in 1975, more than doubling it. This would not imply an absolute decline in private spending it would simply grow a bit more slowly than would otherwise be the case. (In the original projection, federal revenues would absorb about $70 billion of the $350 billion rise in GNP from 1971 to 1975; the remaining $280 billion would be available for private and state and local spending. With tax rates increased to raise the 1975 federal share to 21 percent of GNP, federal revenues would absorb $84 billion of the $350 billion increase, still leaving $266 billion for other uses.)

Third, we can decide that some current programs serve lower priority needs or fulfill those needs inefficiently and reallocate budget resources from those programs to higher priority purposes.

As an illustration of this last possibility, the study we published last month included a number of alternative military budgets, based on several different sets of possible defense postures. I will not attempt to spell those out in detail but will summarize one particular alternative as an example of the way in which questions of priorities can be posed.

Given the price and wage assumptions included in the projection and assuming a complete phase-out of the U.S. military presence in Vietnam, the military budget in 1975 should be in the neighborhood of $74 billion, barring major changes in strategy and force levels. This compares with a projected budget of $72 billion for fiscal 1971. In other words, rising prices, wages and military retirement costs will roughly offset the decline in outlays due to a phase-out in Vietnam.

One set of alternative military policies could produce a reduction in the military budget of some $14 billion in today's prices and $17 billion in prices expected to prevail in 1975. There are two major elements of these changes:

1. The *conventional* forces of the United States were, pre-Vietnam, built to provide the capability of carrying on simultaneously the initial, pre-mobilization, stages of 2½ wars: a major NATO war, a Chinese attack on our allies in Asia, and a minor contingency in the Western hemisphere. The budgetary cost of maintaining and modernizing those forces, excluding any costs attributable to Vietnam, is about $44 billion per year. In recent months both President Nixon and Defense Secretary Laird have stated that future force planning would be based on the contingency of having to handle simultaneously only 1½ wars—we would not prepare in peacetime to fight simultaneously both a NATO war and an Asian war. If this change in planning assumptions is taken literally, it would imply the possibility of a $10 billion reduction in the annual cost of our conventional forces, as we scaled them down from a 2½ war to 1½ war planning basis. The military will undoubtedly argue that our forces were never capable of handling the 2½ war contingency and that the new planning guidelines do not imply a reduction in forces or budgets. It seems to me, however, that at a minimum the burden of proof is on those who would maintain the budget in the face of a radical change in planning guidelines rather than vice-versa. A $10 billion reduction is certainly a major possibility to be examined in any overall establishment of national priorities.

2. In the case of our *strategic nuclear forces,* the adoption of a more restrained, yet still awesomely powerful, posture could produce budgetary savings of perhaps $4 billion per year, reducing the annual cost of those forces from $18 to $14 billion. Such a posture would accept *assured destruction capability* as the essential requirement that our forces must meet—the capability of absorbing a Soviet first strike and retaliating devastatingly against the Soviets. This is the essence of nuclear deterrence. But the more restrained posture would, unlike current policy, not seek to go beyond assured destruction capability and would estimate the forces needed for such capability in somewhat more reasonable terms. In particular the alternative posture would reduce the ABM to a research effort, stretch out but not cancel the deployment of MIRV's, postpone indefinitely the procurement of a new manned strategic bomber, and substantially reduce the continental air defense system as a weapon directed against a nonexistent threat. The United States would still be left with an awesome nuclear deterrent: more than 4,000 deliverable nuclear warheads, carried on three distinct delivery systems—1,054 perhaps vulnerable land-based missiles; 656 partially MIRV'd and invulnerable submarine systems; and 300 B-52 bombers.

These changes in defense posture represent only a few of the possibilities. But they illustrate the kind of tradeoffs between the defense and civilian budgets which are involved in the priority-setting problem. The particular changes, for example, would add $17 billion, or 150 percent, to the fiscal dividend in 1975.

More generally, a projection of budget revenues, expenditures, and the fiscal dividend simply provides a framework within which the three basic types of priority decisions can be debated:

Deciding the division of national resources between the public and private sector, which basically comes down to making tax policy;

Comparing the merits of maintaining current spending programs against the potential expansion of selected social programs;

Making priority judgments about the use of the fiscal dividend which finally emerges from the first two sets of decisions are made.

CONGRESSIONAL PROCEDURES FOR ESTABLISHING PRIORITIES

In a democratic form of government, the setting of national priorities must always remain an essentially political process and emerge from the advocacy, bargaining, and compromise which characterize political decision-making. Choosing among alternative objectives and deciding how much of the nation's resources to allocate to each is not something which can, or should, be done by formula or by consensus among experts. At the same time, however, the political bargaining process can either be an informed one, in which choices are hammered out with knowledge of their consequences, or it can operate in the dark, implicitly setting priorities which none of the participants consciously intended. The kind of budgetary projections and presentation of major alternatives which I have described can, I believe, contribute to a better informed, more conscious, and more explicit exercise of the political process in establishing national priorities. I should like to examine, therefore, some ways in which the Congress can itself provide and take advantage of this kind of information. Not having served in either body, my suggestions may seem presumptuous. Nevertheless, let me run that risk and plunge ahead.

In the first place, insofar as the consideration of particular issues is concerned—the development of a specific public program or the appropriation of funds to an individual activity—the committee system of the Congress has much to recommend it. Members become quite familiar with particular subject areas. Both formal hearings and informal contacts provide opportunity for experts and interested parties to be heard. In my own view, given the complexities of modern legislation, the staffing of individual committees is inadequate and increases in staff resources would improve the process. Nevertheless, this is an improvement which requires no fundamental restructuring or major innovation, but simply a decision on the part of the Congress to take action.

There is another large area, however, where congressional procedures are quite weak and indeed outmoded. There are no existing means of relating a wide range of individual decisions to each other in a consistent way. As I have repeatedly stressed, setting priorities is primarily a matter of making choices. And given limited resources, choosing one course of action precludes others. Each choice—including the choice of leaving existing programs and tax laws intact—has a cost in terms of opportunities foregone. Only in the light of overall resource availabilities and alternative patterns of resource use can individual decisions be interpreted from a priorities standpoint.

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I believe there are a number of ways the Congress can provide an overall priorities-oriented information system, as an aid both to its individual committees and to itself when acting as a whole.

First, the Joint Economic Committee should undertake to develop its own long-run budgetary projections. These projections could be developed, in part at least, out of hearings devoted to the projections which have begun to be published in the Economic Report and the Budget. The Committee could also refer to outside projections, such as those I presented earlier in this testimony. While the Committee's projections would probably not, in the aggregate, differ sharply from those presented by the Administration, the Committee could provide for the Congress a critical review of the key assumptions being made. Even more importantly, the Committee could, in its projections, emphasize several points: (1) the five-year cost of the legislative package being presented by the President and its relationship to the overall totals; (2) an analysis of the priority evaluations implicit in the President's program, both in terms of areas he is stressing and those he is ignoring; and, (3) a presentation of alternative possibilities, including the impact of higher or lower tax rates and major changes in certain areas of spending policy, such as the military budget. In addition the Committee could incorporate into the projections and analyses, as the opportunity arose, the implications of some of its studies and hearings conducted during the prior year, insofar as they are related to matters of priorities in public spending.

I do not suggest that the development and presentation of alternative projections by the Committee would prove to be any panacea. But it would provide a much needed source of information and an overall framework for congressional committees in their work during the year.

Second, because the foreign policy commitments and military posture of the United States have such a major effect on the establishment of priorities, I would like to repeat a suggestion I made before this Committee in testimony a year ago. I believe there should be established within the Congress a non-legislative committee which, each year, would review the nation's basic military posture, force levels, and planning assumptions in the context of our evolving foreign policy interests and overseas commitments. This committee would not, by any means, be designed to absorb the work of the Armed Forces and Foreign Relations Committees of the two Houses of Congress. Rather, it would review the fundamental interrelationships of our foreign and defense policies, provide a critical analysis of those policies, and seek to present for the Congress the major alternative courses of action open to the nation. This new committee should also seek to translate the alternatives into budgetary terms, at least in rough orders of magnitude, and it works could form an input into the long-range budgetary projections which I have suggested that the Joint Economic Committee undertake.

Third, the Congress should require that Public Law 801 be more strictly observed and, if necessary, modified. Public Law 801 requires that each piece of new legislation be accompanied by a statement of its budgetary costs over a five-year period. In most cases, however, this information does not now accompany the submission of new legislation. To be sure, it is difficult to know on exactly what grounds the projection of five-year costs should be made. Basically, the cost estimate should indicate what level of outlays the government is committing itself to. It need not be a forecast of how the program might grow by future action of Congress. Only the future implications of *current* decisions are relevant. And, if the program is to be authorized for less than five years, the five-year projection can, barring specific reasons to the contrary, assume that the program will continue at the level reached in the last year of the authorization period.

If each new program were accompanied by a five-year estimate of budgetary costs, it would then be possible to relate those costs to the overall five-year projections prepared by the JEC. In this way the Congress would be in a better position to evaluate the impact of each of its actions on others and on the emerging patterns of public spending.

The suggestions I have made are in one sense quite limited. They do not provide a means for guaranteeing that priorities are wisely chosen. But they would, I believe, help to insure that decisions are taken with fuller knowledge of their consequences. And this is at least a small step toward more rational decision-making.

YOU BETTER BELIEVE IT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, there are those who fail to see anything except the prestige of the accomplishment and the significant experience of our landing men on the moon and getting samples of the moon and perhaps the intriguing interest of the earth from a distance in space, as benefits derived from our space program, which has cost many billions of dollars. Those who are informed know that, in addition to these and, to the gains which are well known from the space program, much other knowledge of immeasurable significance has been derived from our space efforts—knowledge which will be of incalculable value to our country and to mankind.

An interesting statement of such additional benefits was given in an address made to the Society of Technical Writers and Publishers and Artists at Huntsville, Ala., October 21, 1969, at their annual convention by a very capable and lovely lady, a devoted friend to Mrs. Pepper and me, Mrs. Ruth E. Giller of Cocoa, Fla.

Mr. Speaker, I include her speech, together with an excerpt from the Orlando Sentinel of May 3, 1970, in the RECORD immediately following these remarks:

YOU BETTER BELIEVE IT

(By Ruth E. Giller)

Ladies and Gentlemen, you've heard the story about the doctors: they're always saying that whenever a woman who comes up to them tells them, "Oh, you know doctor, I would just love to have been a doctor, something I've always wanted to do all my life." Well, I'll tell you a secret, I would like to be a technical artist, but I've been thwarted in my ambitions. In fact the last time I tried, they told me they didn't have any money to pay me. Through the centuries man's greatest scientific efforts and advances have come through military means. We've responded to the pressures of war. World War I served to get aviation off the ground. World War II gave us the growth of electronic equipment, computers, radar, sonar. In fact, the only thing which comes to mind as not having needed wartime impetus is the development of the automobile industry, because they tell me that it was the necessity for a truck which could go faster than 10 miles per hour to outrun the revenue officers during prohibition which got the automobile industry off the ground. Another thing, penicillin—it had been gathering dust on the laboratory shelves for years until the necessity for something to control battle wounds, the infection from battle wounds in World War II. But, what has come from nonwarlike events? As a matter of fact the space effort is the only thing which has come to us in recent years that was promoted by neither war-making nor law breaking. And this is where we are today.

Thirty-two billion dollars and 42 pounds of rock—Is that the sum total of the space program? Now I know there isn't one of you in the room who feels that way, but did you know that Mr. John Q. Public thinks so? The man in the street thinks that this is the case. Are you, even as professionals, involved with your own little slot in aerospace? Do you know what's happened to the thing that you produced for aerospace when it got down to the general public? This is where we have all been lacking. This is our biggest problem to date, telling the general public about the spinoffs of the space program. In fact one of the most popular games nowadays is the game of completing the following sentence: If we can put a man on the moon, why can't we? Did you ever do that? The answers range from "solve the problems of our cities" to "get my shirts back from the laundry on time." We can do both we can get everybody's shirts back from the laundry on time and we can solve the problems of our cities. And it's going to be the discipline of aerospace technology that is going to do both.

One of the greatest products that has come out of the space program is the marrying of engineering, of medicine, of technology, and of management into a single working unit to produce the space program. And if we don't do something about it those teams which made up the space program are being broken up and they are going to be scattered into other industries, and heaven knows when we can put them together again. In the Cape Kennedy area alone, we are losing 5,000 jobs. And the general trend among those men is to say good-bye to aerospace and when we need them again, when there's some spectacular breakthrough, it's going to be hard.

This afternoon I am going to try and make you believe in the necessity of informing the public, to use your skills as writers and illustrators to get down to the man in the street—not just fellow engineers, because even though he may be a civil engineer working in your state road program, he is still an engineer and he is interested. I am talking about the man in the street, who's worried about where his tax dollar is going. Every morning and every evening I drove across the Indian River bridges, across the waterways, and looked across at the Vertical Assembly Building. The largest building in the world, and it is familiar to a lot of you who have passed through that area. That building symbolizes something of the space program, and is this type of endeavor to be allowed to just crumble away, and millions of dollars in installation and technology allowed just to rust under the Florida sun, Alabama sun, California sun; wherever you happen to be?

What Mr. Average Citizen does not realize is that this technology is the key to research for our cities and our social programs. Now it's quite understandable that while the job was being done, that there was not time for the aerospace companies to get out and inform the public. But that time has come now. What I will attempt to do, in the language of the modern television screen, is to tell you, "You'd better believe it" because this is the hour. There are innovations already in use that perhaps even you and certainly Mr. Average Citizen does not realize are a part of the space program.

Let's take Mr. Average Citizen to the hospital. He walks down the gleaming white corridor, he sees a nurse sitting at the console in the hall; she's playing with dials and there are flashing buttons, and in his mind, it looks surprisingly familiar and he realizes that the last time he saw this was in a television broadcast reporting on a manned space flight. So it is just that—by a system of sensors implanted first on the body of every patient on this floor—that a nurse sitting at her console in the hall can monitor the vital body functions of every single patient on the floor. In fact the very same apparatus that watched Armstrong, Aldrin, and Collins in moon flight is watching Grandma as she lies on her hospital bed. And he feels quite a lot better about it, knowing that in any emergency a nurse can be there in two seconds. It has the very same blinking lights and same buttons as that equipment.

Mr. Average Citizen then saw a little boy playing in the hall wearing a space helmet. And he smiled and said to himself, "How nice of the hospital authorities to give him a real space helmet to play with, but isn't it a little extravagant?" Then he discovered that the helmet was actually in use and that instead of all that complicated equipment that one used to have to wear to get a basal metabolism test, this is now checked through an absolute replica of an astronaut helmet. And you can be certain that child who would have kicked and screamed and fussed about equipment being placed over his face is going to relax and be perfectly happy wearing a helmet with Glenn, or Aldrin, or Armstrong stenciled on the front of it—a good deal of psychological benefit about that one.

In medicine is where some of the most spectacular advances of the space program have come, not the least of which has been the benefit to doctors to study the healthy human body. How often did doctors in the past have the chance to see a normal excessively healthy human in his normal daily habits? We don't go to the doctor until we are pretty sick and if we go in for an insurance physical, the quicker we can get through the better; we don't say more than yes or no to the doctor when he asks us how we are feeling, you can be sure of that. But this opportunity to actually sit down and study has been tremendously important. And not the least discovery was the seasick remedy that didn't make you sleepy—a very small thing perhaps for you and for me. But imagine that you are an aircraft pilot who all of a sudden has developed air sickness. He certainly couldn't go around taking dramamine. Your job was finished, but the space program forced the necessity for the manufacture of a seasick remedy which didn't make you sleepy. It's on the market now, but it doesn't say on it anything about having come out of the space program, because I looked.

In fact perhaps you have been in your doctor's office, especially if your doctor happens to be an internist or cardiologist, and seen attached to his telephone a dial, rather like the things they record earthquakes on, and all of a sudden the bell rings and it starts writing. You know that he is recording a cardiograph that is being sent him by another doctor from miles across the country, perhaps, for his analysis. And this, too, is such a terribly important thing because it gives doctors the chance to tap the brains of the most eminent men in the field.

Have you, Mr. Parent, Average Citizen, tried to push a baby carriage through the sand, or across the sand lot to the play ground? It's quite a job. But you know that your child is going to grow up, that this is a temporary thing. But what of the parent of the invalid child, of the child who is condemned to a life in a wheelchair. Out in California now they are working with, and it is already in use in several crippled children's homes, a walking wheelchair. Now this chair does do just that—it walks. It has large flat feet and legs that walk and this thing can be operated by the most crippled child. It goes up and down flights of stairs; it walks on the beach; it can walk across rocks. The child becomes completely mobile, and the feet and legs for this equipment were developed for an unmanned lunar walker which carried instruments. It's a direct transposition from the space program to the public, and this is a tremendous breakthrough. The equipment can be operated by a chin strap, and also there is another type of equipment which came out of the space program and that is the sight switch. They decided, they being the aerospace powers that be, that there was a possibility that astronauts under the conditions of extremely high gravity would lose the power of their arms and legs and be flung backwards immobile, but switches were developed which are controlled by the voluntary muscles of the eye. If you want the details of how they work, ask someone more scientific than I. I just know that they work, and I've seen a demonstration of a man completely crippled, in a wheelchair, maneuvering this wheelchair around a course of obstacles controlled only by the muscles of his eye. Now it may be a small thing, but the mobility that it gives the crippled patient is tremendous. And think of the patient flat on his back in the hospital, who couldn't even turn the pages of his book. You know they have these overhead readers, but he can now turn pages, turn on switches, turn on the television; it puts mobility back into his life. These are small things but each individually is very important.

When the metallurgists were given the challenge of finding new alloys for space capsules, they came up with these new metals. Then applying them to human medicine they found that they were better accepted by the human body for the replacement of parts than anything that has been used before. So the fact that Grandma is walking now after her broken hip, and that Mr. Average Citizen's son is playing football again without a limp, may in part be due to the space program.

There are those who predict that within our own lifetime our cities will be covered with a ton of rotting garbage; that our rivers and our ponds will be contaminated beyond belief; and that our air will be full of contamination. And they would direct space funds for this purpose. What they don't realize is that this challenge has already been met; the challenge of producing a clean environment for three men for 10 days in a space the size of an elevator, not a very large elevator, has already been done. It's a test which challenged the ingenuity of any sanitary engineer; and they did it. They did it with a system of filters and even produced water from the system by a combination of the battery water and by-products of the waste system, returning drinking water to the capsule. Now if they can do that, those men would just love to be let loose on city programs. And Mr. Average Citizen doesn't know it.

In a two-page ad in a national magazine recently, a company, not an aerospace company, indicated how they had solved the problem of a downtown motel in one of our industrial cities which was being put out of business by a chemical factory next door. They used the same kind of filters; the motel stayed in business and the chemical company stayed in business, and they both have a happy partnership today.

Mr. Average Citizen is seeing these items in action and he doesn't realize it. He doesn't realize the innovations and the details which have already come from the program. Miniaturization is not the least by any means of the products.

Does Mrs. Average Citizen realize when she takes her casserole straight from the freezer and puts it in the oven, without it cracking, does she realize that the product was developed for nose cones to take them from the tremendous cold of outer space through the searing heat of reentry and then to a splashdown in the temperate water? Of course she doesn't—she just thinks, "What a nice new product it is." And does she realize that when she fries eggs in her nice Teflon-lined frying pan, being careful not to scratch it, that this product was devised for sealing gaskets in the Titan missile? Of course she doesn't. And she doesn't know also that the next development of the same product was in remolding the eardrums in surgery; that people who were completely deaf have had their hearing restored by a complete remodeling of the inner ear; that this was done with plastic teflon, which is not rejected by the human body.

Mr. Average Citizen doesn't know yet about the new silicone paints, the silicone-based paints, developed to coat aerospace equipment which are coming onto the market. They are still expensive but they are available and they will absolutely revolutionize the paint industry.

How many times have you bought a beautiful new refrigerator, new washing machine, or a dryer, and they worked perfectly in the store; perhaps a television set, and it was working beautifully and the color was magnificent, and you brought it home in the back of an open truck, dumped it in your living room, and of course, needless to say, it's fairly delicate equipment, and it didn't work. That's going to be past because in a very short time all equipment is going to be produced with an air pocket on the bottom, and this air pocket will be filled from

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the back end of a normal vacuum cleaner and the stuff will ride in on a cushion of air; it will go into the truck on a cushion of air, come off on a cushion of air, it will be placed, and then the air will be let out. And this is a means which is used today for moving missiles around. You can't have delicate equipment traveling across the Alabama countryside or Florida countryside with its rocks and bumps—the air cushion is the answer.

Are any of you from the farm country? Well, I am originally and I've had my equipment stuck in the mud many a time and have had to get out and push. The aerospace industry has revolutionized the wheel with a type of plastic wheel which gives and flows with the travel, like something out of a Dali painting. These new wheels will soon be available for tractors and go into production. I read that they were on the lunar crawler but fortunately I showed it to someone ahead of time and he said, "Oh dear, no dear, not the lunar crawler." So I still have to find out exactly what it is used on and I think it's lunar equipment, not the crawler itself.

In the National Geographic magazine in the October issue, there was a statement that I liked very much. They said, telling the story of the floods in the midwest, "Not since Noah has man had such authoritative warning of high waters to come." And I like that. The satellites watched the snow buildup, photography and meteorological service offered by the weather satellites. And in this the warning given to these areas of the midwest last year resulted in no deaths at all. The statellites watched the snow buildup, photographed, and sent the results back to computers which actually computed the damage to come. And as I said no deaths, compared to many deaths in previous years with similar floods, because they knew when they were coming and they were able to prepare against them.

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The communication satellites are going to open up the world. They end the ages of isolation for many people and hopefully the dawning of the age of instant communications to produce world peace. Pope Paul has said that development is the new name for peace. Communications satellites have a role too in safety. Did you have any problem getting here from your home city, if you are from out of town? Did you have problems on the highway, delay in your plane taking off the ground; perhaps you did and the answer lies in communication satellites. Because in time to come, pilots will be able to radio through a communications satellite to the airport when they are hundreds of miles away and not just when they are coming into the approaches as they have to do today. This will create safer and better landing equipment and definitely better conditions for those who fly.

When I came to America close to 20 years ago, and I wanted to place a telephone call to Europe, I booked my call and I sat by the telephone and waited until it came through. And Heaven help me if I wasn't on the phone when it came through because I would have lost my turn. Nowadays if I want to make such a call, I make it as easily as if I were calling New York or California. That's a graphic demonstration of our communications age. It's not just for personal calls that is important; it's important for business, for industry, for science, for medicine, and for world peace just as much.

Satellites are also used for solving problems. As an example, in the case of the tuna in California. They knew that warm silted water flowed into the Gulf of Mexico from the mouth of the Colorado River and it was also known that tuna live in clear water but swim into the silted water to feed. But they were not quite sure where the shrimp were in the silted water and the tuna were swimming after. Aerial photographs from satellites outlined the silted areas which couldn't be seen from above. Fishermen went into those areas and the catches have increased tremendously. Now this was great for the fishermen but hard on the tuna.

Manufacturers are excited about the possibility of making things in the weightless environment of the space station. I believe that Mr. Average Citizen fully believes that the Russian beginnings of a space platform were in the nature of some Buck Rogers science fantasy exploit; they were nothing of the sort. They are the beginnings of the setting up of space platforms. The idea to industry of making perfect ball bearings, perfect optical instruments, the use of totally clean environment these are things which fascinate them. Some time ago I heard Dr. Paine speak on this very subject with tremendous animation; the idea of being able to manufacture under these conditions is very very close to his heart.

Manned observations from outer space will offer major earthquake forecasts, weather forecasts two weeks in advance, precise gaging of agriculture inventory (this is the counting of diseased trees and things of this nature), global navigation and full traffic systems for ships at sea, and do away with the radio on ships. They radio and then they drift another hundred miles before anyone gets there and it's hard to find them. This way they would be precisely pinpointed.

And so, ladies and gentlemen, I feel as you should feel, that America is getting more than its money's worth. This investment pays dividends in national well-being and in security. If we heed history's lesson, we can learn that the nations that had ambition to develop their techniques were world leaders as long as they kept looking outward. When countries began to turn inward to their own problems, they let their technology slip. And these empires toppled. We can't even grasp the practical results of the expansion of knowledge. If you will recall, the ancient Greeks developed mathematics as an abstract intellectual exercise with no knowledge of what could come, and today we have an entire mechanical civilization founded on their mathematical theories—the same mathematical theories of Archimedes and of Euclid.

Who can dare to say that this is a waste of time or money to learn about the universe? The expansion of knowledge is the main product; the spinoffs are the benefits to justify the expense. Those well-meaning humanitarians who would sacrifice the space program for social justice on earth should be reminded over and over that it takes more than good intentions to bring about social reform. It's the hard cost, as the American taxpayer knows; it takes money, more and more dollars. And tax dollars in this country come from one source—gainfully employed American workers.

It isn't generally known how many companies up and down the United States are involved in the space program. For example, there's a tiny little factory in a barn, growing crystals, which is just as much a part of the space program as the giant aircraft companies of California. And the public doesn't know this. Many employees don't even know that their own companies are involved in the space race. I use the word race because it is a race; there's no getting away from the fact. How many workers at Ford, the automobile part of Ford, know that Ford is part of the space program. How many of Chrysler's automobile workers know that Chrysler is part of the space program. I venture to say not too many.

Ninety-nine percent of the space program money has been spent in the United States. And 93 percent of that went to private industry. This is the message that I want you to take back and tell America, including the poverty stricken, that employment and security and progress lie with the space program. That space technology has forced the development of new devises, new materials, and new methods, because the space program forces the demand for the never-done-befores.

I said before, "You better believe it." Do you? Please take it home with you for this is the age of the 70's, the space age is the age of the 70's, and communication is going to be the by-word. As we reach out into the vast distances of space we create a greater ability to do things here on earth. We are creating a competence which is essential if this country is to lead the world in human dignity and in human wealth. Please help us, for it's with your ability that we could all succeed.

Nearly 3,000 products, space technology innovations, have come out of the space program.

[From the Orlando (Fla.) Sentinel, May 3, 1970]

Space Research Helps All

Editor: The lady who wrote from Daytona Beach, "Why won't our government spend just as much money on cancer research as it has on space research?" has not heard the latest news.

The head of NASA's Langley Research Center, Clarence Cone Jr., has made some important discoveries concerning the effects of radiation on abnormal cell division such as cancer. These discoveries, indicating the connection between the electrical voltage on the surface tissue of cells and the two pathological features of cancer—uncontrolled growth of cells and the spread of the disease in the body—may be the great breakthrough necessary in the development of a cure and treatment of this disease.

This discovery is a by-product of NASA's research on the effect of radiation in the Van Allen Belt in outer space on human beings. To all who question the value of money spent on space research, this discovery would not have been made if NASA had not been conducting research to determine the safety of astronauts in space exposed to radiation from the Van Allen Belt.

If a cancer cure comes from this, it will still be only one of many thousands of benefits already being enjoyed by humanity as a result of space research. There are other tremendous "spin-offs" already in use in medicine, in domestic use and in industry.

If clubs and organizations wish to know more about this subject, please call my office at the Cape Kennedy Area Chamber of Commerce, 632-1411, and the space education committee will endeavor to have a speaker available for you.

Ruth E. Giller.

Merritt Island.

COST OF MEDICAL CARE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, all of us are concerned about the increasing cost of hospital and medical care and especially the manner in which these high costs affect the recipients of medicare. While there are some doctors, as there are some in every profession, who sacrifice their principles to greed, the overwhelming number of the members of the medical profession faithfully observe the ethics of that profession and serve their patients, whether private or under some public program, faithfully.

We all realize that one of the challenging problems facing the country today is to find a way by which rising medical costs can be reduced or properly met. The high cost of hospital and medical care today is, without attaching fault to anyone, having the effect of denying proper health care to millions of our fellow countrymen.

The Florida Medical Association has prepared a position paper on the cost of medical care and medicare which goes into this important subject from the viewpoint of the medical profession and, I believe, will be of interest to my colleagues and to my countrymen.

Mr. Speaker, I include this position paper in the RECORD immediately following my remarks:

POSITION PAPER ON COST OF MEDICAL CARE AND MEDICARE FLORIDA MEDICAL ASSOCIATION

Trust is a vital element in the practice of medicine and a necessary adjunct to successful therapy. Trust is a relationship with patients held firm by confidence in the physician's abilities, honor and character in an environment of cordial relations. The physician who is unable to inspire trust on the part of his patient only rarely is able to help that patient.

Innuendoes of wrongdoing destroy trust. If the present program of vilifying the entire profession of medicine continues, leading people to believe their individual physician is not to be trusted, the misguided efforts of a few people will destroy not only the profession's reputation but also good medical care.

On the basis of the small number of proven cases, it appears inconceivable that the entire profession of medicine could be suspected of overcharging, even fraud and other abuses, in connection with publicly supported medical and health care programs. Yet, suspicion has been allowed to spread in a manner which condemns many for the misdeeds of a few. Physicians are said to be reaping rich rewards for administering care to older people—their patients who have felt pride, since advent of the programs, in being able to pay their way as far as their doctors were concerned.

COSTS AND THE PHYSICIAN'S INCOME

The cost of medical care, provided only by physicians, has been confused with total health care and the claim made that physicians caused increases in the cost of the Medicare program. The truth of the matter is that in Florida 13% of the Medicare dollar goes to the doctor; the remainder pays for hospitalization, dentists' services, fees and salaries for technologists, prescriptions, nursing homes and government health projects. In the three years since beginning of the program, the physicians' fees increased 21.5 per cent. For all practical purposes, a freeze has been in effect for fees under Medicare for more than a year.

The monetary rewards of practice can seldom make the physician a wealthy man. Out of each dollar he earns, 20 cents go for taxes, 5 cents for rent, 15 cents for office assistants, 5 cents for supplies and equipment and 17 cents for miscellaneous necessities. Only 38 cents remains; no more than for others engaged in the professions requiring similar expenses who devote a like number of hours each day to their vocations.

FEW PHYSICIANS SUSPECT

The overwhelming majority of physicians are honest and straightforward and are doing their best to make the medical and health programs work for their patients benefit. In Florida this encompasses a little more than 97 per cent of the 6,654 licensed Doctors of Medicine. Members of few professions have had their daily activities subjected to closer scrutiny within the past few months, and it is a source of pride that the practice procedures for less than 3 per cent have come under review for even possible misuse of the Medicare program.

Social Security Commissioner Robert M. Ball has stated: "Medicare pays about 30 million doctors' bills and 12 million bills from institutional providers of services each year. It is clear from our investigations that the number of attempts at fraud or abuse is relatively very small." The profession deplores these isolated instances of misconduct and pledges itself to take every vigorous action within its power to remedy the situation.

The existence of government programs is not to blame for this dishonesty. Ethical physicians do not defraud patients; yet they, who form the core of the profession, have never maintained that all are above reproach. In organized medicine, there always have been a few who had to be dealt with by their colleagues; those outside the medical society's jurisdiction eventually face the appropriate legal authorities.

Since early in 1968 when accusations began coming from SSA, the American Medical Association requested the names of those physicians suspected of abusing the program. The requests were refused. Previously, leaders in government, at the policy-making level, had indicated that cooperation between persons responsible for implementing the publicly-financed programs and physicians would be necessary to make the programs workable. Yet, official actions have shown this statement to be unfounded. The present ethical powers vested in medical organizations are sufficient for adequate investigation of these physicians and their methods of practice, and subsequent discipline, if warranted.

EFFECTIVE, POSITIVE ACTION

The entire profession has been drawn into the present controversy due to the manner in which a few misdeeds were exposed. At the same time, it is admitted that "The key to making the present system workable and acceptable is the physician and his medical society."

The Senate Finance Committee staff report continues in the introduction of its report, "Medicare and Medicaid—Problems and Issues, and Alternatives:" "We are persuaded that at this point in time neither the Government nor its agents have the capacity for effective audit to assure that a given physician functions responsibly in dealing with the publicly financed programs.

"While there is growing awareness among many physicians of the need for the profession to effectively police and discipline itself, performance has been spotty and isolated so far. Prompt action is necessary by organized medicine (and other health care professions) to do what is required with respect to monitoring care provided and charges made for the care. In the absence of such constructive effort, we fear that virtually insurmountable pressures will develop for alternative control procedures which may be arbitrary, rigid and insensitive to the legitimate needs of both the patient and his physician."

The Committee is suggesting an action which already has been taken by organized medicine in Florida. The scarcely concealed threat contained in the statement has not been clarified.

Medical Peer Utilization Review Committees have been established at county and state levels to deal with these problems as they arise. The county medical societies were urged to appoint or designate an existing committee to serve in this capacity at the local level since only physicians practicing in the community can provide adequate peer review.

Questionable matters regarding the individual physician's practice patterns are carefully screened by a state utilization committee of physicians in private practice before referral by the Florida Medical Association to the county committee. The local group reviews the profile and practice patterns and makes specific recommendations.

The most effective mediation is that between patient and physician, and this has been fostered and encouraged. When this negotiation fails, the patient has recourse in the mediation committees which have existed at county and state levels for more than three decades. Self-appraisal of professional activities in hospitals has long been an established procedure through audit committees of the medical staff of each hospital. This has helped insure the delivery of the highest type of medical care to all patients.

CONCLUDING REMARKS

Thoughtful consideration of the data, documents and public statements arising from recent events in the controversy regarding overcharging by physicians leads to the conclusion that indiscretion of a few is being laid deliberately at the feet of the entire profession. At a time then when his honesty and good faith are being challenged, the task of the individual physician is to maintain his reputation for providing the best medical care at fees that are fair to his patients.

THE ADMINISTRATION MUST RECOGNIZE ISRAEL'S NEED FOR AIRCRAFT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the administration has again an opportunity to face the realities of the situation in the Middle East and heed the urgings of the Congress of the United States by allowing Israel to purchase the military equipment, including Phantom and Skyhawk jets, she may need to deter aggression, to maintain a balance of power in the face of increased Soviet intervention, and to assure peace in the Middle East—all of which is in the best interests of the United States.

On the occasion of his visit here recently, Israel Foreign Minister Abba Eban warned that the requested additional aircraft are "physically essential to our security—not just in a symbolic sense." I and many of my colleagues have repeatedly called for resuming sales to Israel of aircraft and defense equipment but our pleas have fallen on deaf ears. Even the confirmed reports of Soviet pilots in Egypt have not seemed to lessen the unbending line the administration has adopted toward Israel. After several days of talks, Mr. Eban went home with little to cheer beleaguered Israel.

A strong Israel is the only deterrent to full-scale war. If the President is not prepared for the eventuality that will ensue if he continues his present policy, if he is not prepared for another war in that part of the world, this time with Soviet involvement and perhaps with a different outcome, then he must reassess this policy.

I do not believe the President can continue to ignore the military buildup of the Arab countries, the increased Soviet intervention, and the continued hostilities of the Palestine guerrillas. He cannot ignore a schoolbus full of massacred children or a bomb in a marketplace. He cannot ignore our most stanch friend and ally. The time has come when be

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must, in the interest of peace and in the best interests of the United States, allow Israel to purchase the military equipment necessary for her survival—now, before it is too late.

PROPOSAL TO CUT OFF ECONOMIC AND MILITARY ASSISTANCE TO COUNTRIES PRODUCING ILLEGAL NARCOTICS

(Mr. RODINO asked and was given permission to extend his remarks at this point in the Record.)

Mr. RODINO. Mr. Speaker, for sometime now I have been strongly advocating that the Federal Government face the agonizing facts that narcotic addiction has become a national epidemic and that strong measures are needed if this epidemic is to be abated.

One of the most effective means of dealing with the narcotic problem is to attack the problem at its source by drying up the supply of illegal narcotics entering the United States from abroad.

Today I am introducing a proposal which has been long overdue. For many years our Government, mostly through our State Department and through international organizations, has been attempting to persuade foreign governments to curb the illegal growing of opium poppies and the illegal production of heroin, morphine, and cocaine. The little progress that has been made has been more than offset by a rapidly growing increase in the flow of narcotics into the United States. In my judgment, humanitarian appeals for the cooperation of foreign governments simply do not suffice. It has become necessary for us, instead, to impose meaningful economic sanctions on governments that do not cooperate.

Under the bill which I am introducing, the President is directed to suspend economic and military assistance to any country which fails to take appropriate steps to prevent the ingredients of such drugs as heroin, morphine, and cocaine produced in that country from entering the United States.

Under the Foreign Assistance Act of 1961, the Foreign Military Sales Act, and the Agricultural Trade Development and Assistance Act, we are now providing millions of dollars of assistance to foreign governments. Countries which receive this assistance should not be permitted to allow illegal narcotics production to grow unchecked. The American people cannot be expected to provide aid when, in return for American dollars, foreign narcotics producers reap vast profits by preying on America's youth.

One of the most outrageous examples involves the illegal growing of opium poppies in Turkey. About 80 percent of all the heroin smuggled into the United States is made from opium grown in Turkey, where farmers have been cultivating poppy fields for hundreds of years. According to reliable information, the illegal supply of opium is so plentiful in Turkey that the amount necessary to produce a kilo of heroin can be purchased for about $350. The price to narcotic addicts in the United States purchasing 1 kilo of heroin is about $225,000.

The only way in which we will be able to deal effectively with this problem is for the Congress to enact a law which will impose sanctions and which will have teeth. The bill that I am introducing today will provide such a law.

Mr. Speaker, on April 27, 1970, I introduced another proposal which will also contribute to curbing the narcotic epidemic. That bill, H.R. 17269, the Narcotic Addict Rehabilitation Act of 1970, permits Public Health authorities to initiate the medical commitment of any person known to be a narcotic addict. It also gives the President broad powers to utilize any facility of the Federal Government to deal with the narcotics problem. Subcommittee No. 4 of the House Judiciary Committee will commence hearings on this proposal on June 17, 1970.

Each of these proposals is part of a three-pronged attack on the narcotic problem. First, by using Public Health authorities to remove addicts from the streets, we can dry up the demand for narcotics. Second, by placing the control of the addict in the hands of the public health officials, we can free law enforcement officials to concentrate on cracking down on the narcotic pusher. Third, by cutting off economic and military assistance to countries which do not control the illegal production of narcotics, we can reduce the supply of narcotics entering the United States.

I believe each of these steps are imperative and I urge my colleagues in the House of Representatives to give these proposals prompt and favorable consideration.

HOW RELEVANT IS THE U.N.?

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the U.N. Organization will celebrate its 25th birthday this year and many people are taking advantage of this occasion to take a fresh look at the Organization, its accomplishments and its prospects for the future.

A very thoughtful editorial on this subject entitled "How 'Relevant' is the U.N.?" appeared in a recent issue of Life magazine and I would like to place it in the Record and commend it to the attention of my colleagues.

I should like to add that the need for reviewing the operations of the U.N. system and for making some basic decisions regarding future U.S. participation in the U.N., is most pressing.

Over the past quarter century, the U.N. system has grown tremendously and has accomplished many things. At the same time, the weaknesses of its present structure have become highlighted. In a report filed with the House after our service as members of the U.S. delegation to the 24th United Nations General Assembly, Congressman J. Irving Whalley and I have attempted to identify some of the U.N.'s shortcomings and to suggest the direction of possible reforms.

Entitled "To Save Succeeding Generations," our report, House Report 91-837, 91st Congress, 2d session, has been made available to all Members of the Congress.

I would also like to mention that beginning on February 18 of this year, the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs, headed by the Honorable Cornelius E. Gallagher of New Jersey, undertook a thorough review of U.S. participation in the United Nations.

During the first set of hearings, which have been published already—25th Anniversary of the United Nations, hearings before the Subcommittee on International Organizations and Movements, 1970—the subcommittee received testimony from a distinguished group of witnesses which included all of the live past U.S. representatives to the U.N. as well as well as Ambassador Charles W. Yost, who is presently serving in that position.

The thoughtful appraisals of the United Nations, its past activities and its possible role in the future, provided by those witnesses deserve careful study from all Members of the Congress.

I am happy to say that the Subcommittee on International Organizations and Movements is continuing the hearings and has invited interested private individuals and organizations to present their views.

The Life editorial follows:

It's hard now to recall the high hopes that attended the United Nation's birth in San Francisco 25 years ago next month. The U.N. economic and social agencies plod earnestly through their good works, the Assembly suffers the annual fall rites of the East River Debating Society, the Security Council and Secretary-General await peacekeeping summonses that somehow never come. Has the U.N. lost its relevance, has it no better future than that? The silver jubilee is a good time to assess the U.N.'s first quarter-century and what the prospects are for its second one.

Too much was always expected of it. Perhaps the "One World" mood of the 1945 San Francisco Conference—which the New York Post actually described as "the most important human gathering since the Last Supper"—was heady enough to create the illusion that peace and justice under international law was an ideal whose time had come. It wasn't, and still isn't. National self-interest is still the common denominator of international politics, and real power resides where it always has—with the governments and military forces of great powers.

There are important things wrong with the U.N., more than merely disappointed hopes; nonetheless, its accomplishments and assets at the end of 25 years are impressive indeed. The organization has directly touched the lives of millions, bringing them everything from literacy and decent health to political independence—and even, in a half dozen or more instances, peace. Though it can't be proved that the U.N. has prevented any wars, it did have a central role in shortening some, and in heading off some potential big-power confrontations. The U.N. acts as a decompression chamber for major disputes, provides face-saving neutrality for settlements of minor ones and maintains the most frequently used site for inconspicuous, high-level negotiation in the history of diplomacy.

Even those hortatory General Assembly debates have introduced a new element of accountability in the world. True, justice may sometimes suffer because dictatorships are less responsive to suasion than democracies.

But the U.N. "forum of world opinion" *has* influenced what nearly all nations say and—who knows?—ameliorated at least some of what they do. Perhaps the most impressive example of that has been the U.N.'s supporting role in the largely peaceful and surprisingly swift transformation of one third of the earth's population from colonial subjection to legal independence. Because there is a U.N., new nations have felt able to join the international community without joining (or getting swallowed by) the big-power blocs.

In recent years, the U.N. has been buffeted by assorted crises, its triumphs have grown fewer and farther between. Partly, this is because the most publicized conflicts of the day seem beyond the U.N.'s reach. Cambodia is the latest example. In Indochina and Czechoslovakia, we've been grimly reminded that the U.N. cannot act in major conflicts unless the major powers want it to; in Nigeria-Biafra, that member governments are more dedicated to "national sovereignty" than to human rights. (The Jews and Arabs, of course, seem beyond anyone's reach.)

But there is another source of malaise—within the U.N. The organization has not yet come to grips with fundamental developments of the past decade—the proliferation of relatively weak new nations and the fading of the cold war. Most reform proposals for the U.N.'s second quarter-century are not even effectively addressed to these key problems.

One frequent proposal is that the U.N. involve itself in "relevant" new international concerns such as space exploration and pollution control. But the U.N. is not an ideal vehicle for either of these complex and expensive tasks, where international cooperation is likely to be most fruitful among nations with sophisticated capacities in the fields concerned.

Some Western diplomats believe that the U.N.'s most urgent problem is to anticipate an expected "flood" of membership applications from 50 or so new or soon-to-be-independent. Third World ministates like Nauru (pop. 6,000) and Pitcairn Island (pop. 92). To make the U.N. more responsive to the realities of power in the world, it is argued, a system of weighted voting must be introduced, or new nations with populations of under one million must be excluded from voting membership altogether.

This is a highly unpromising idea for reform. Many of the new Lilliputian states are expected to seek nonvoting association with the U.N. But there already are 17 members with populations under one million and a solid Afro-Asian Assembly majority. Since the principle of universality of membership is on the whole a good one, the U.N. should be finding ways to get *into* the organization such divided but important nonmember states as Germany, Korea and Vietnam—to say nothing of mainland China.

The real "new-member problem," we suspect, has less to do with size than with older members' impatience with the ascendancy in the U.N. of Afro-Asian states—whatever their size. But it is not a bad thing to have a General Assembly where Dahomey theoretically has the same standing as the United States. The West should highly value rather than resent an international organization which manages to educate (however abrasively) old and new nations to each other's ways, and which tries to grapple (however falteringly) with such potentially explosive Third World grievances as white racism in southern Africa or international trade imbalances.

The real difficulty with the U.N.'s expanded membership is that the U.N. has not accommodated institutionally to the sheer number of new members. As Canadian External Affairs Minister Mitchell Sharp suggests, the U.N. is in danger of "drowning in a sea of words." In 1968 the organization and its agencies held 2,580 meetings in New York and 4,137 abroad. It printed 739,507,676 pages of documents and speeches. There are simply so many committees with so many members presenting so much business that even the largest nations have difficulty consistently providing competent, responsible representation. The number, size and life span of U.N. committees has to be cut down, needless meetings weeded out, and streamlined procedures and perhaps new ground rules set to curb speechifying.

Only by such measures can the U.N. begin to take advantage of what seems to be a trend to relatively low profiles among the big powers. For example, President Nixon recently endorsed a White House study recommending that most aid be channeled abroad through multilateral organizations. But the U.N. development system, through rapid growth and administrative neglect, has become a tangled, monstrous nonsystem. It groups 30 politically competitive governing boards which lack any effective coordination, agreed priorities or sound evaluation procedures, and 90 client states scrambling to commandeer easy credit for often imprudent prestige projects. The U.S. and other donor nations simply will not be willing to channel more funds through the U.N. until this snakepit of a development system is cleaned out.

A new initiative is also needed to establish peacekeeping machinery on a permanent basis. The military units (25,000 troops have been suggested) should come from white and nonwhite "middle powers" experienced and trusted as U.N. peacekeepers. These nations—not the big powers—should have the major responsibility for planning and tactical command of the force.

With big-power agreement—and there are signs the U.S. and Russia seek accommodation in a number of areas—a small initial U.N. standby force in the next year is attainable. It would be a worthwhile improvement for a world organization which, liabilities notwithstanding, has proved itself consistently useful—and occasionally vital—in its first 25 years, and is well worth sticking with and strengthening now.

THE 24TH ANNIVERSARY OF THE ITALIAN REPUBLIC

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today the people of Italy celebrate the 24th anniversary of the founding of their Republic. Today they can look back on 24 years of unbroken progress and accomplishment. Today they can look forward to a future filled with promise.

On June 2, 1946, the Italian people went to the polls and voted out of existence the bankrupt Fascist regime which had led the country astray on the road to war and devastation. The war-weary Italians yearned for a new beginning, and on that day they expressed their faith in parliamentary democracy as the form of government best suited to lead Italy on the road to recovery, peace, and prosperity.

The remarkable achievements of the Italian Republic in the ensuing 24 years have amply demonstrated that the Italian people made the right choice. What had been in 1946 a backward, mainly agricultural country has been transformed into one of the world's leading industrial nations with the highest growth rate outside Japan over the past decade. Fiat is one of Europe's largest automobile producers; the Italian electric appliance industry has outdistanced all its European rivals; Italy is one of the most outstanding and active members of the Common Market; booming exports give Italy a comfortable trade surplus; the lira is so strong that the Government is under some pressure from abroad to revalue the currency upward; and the economy is headed toward a 7-percent growth rate this year.

But the transformation from a basically agricultural country to a largely industrial nation has not been easy. The flight from farm to factory and from the impoverished South to the bustling North has taken place much faster than expected. The result has been high unemployment in the South and a housing shortage in the North—but great efforts are being made to close the gaps.

The Cast per il Mezzogiorno, or Fund for the South, was established 18 years ago to help remedy the disequilibrium between the North and the South, and aid in the billions has already been poured into the region to help finance public works and agrarian reform, establish new industries, and create vocational and technical schools. Much remains to be done, but the results already are impressive.

Italian vitality and ingenuity have not been confined to economic development and political reform. The postwar era was also a new beginning for the arts. The literary contributions of Ignazio Silone, Cesare Pavese, Salvatore Quasimodo, Carlo Levi, to name only a few writers, have been acclaimed around the world. In the field of music, such luminaries as Luigi Dallapiccola, Luciano Berio, Goffrado Tetrassi, and Luigi Nono immediately come to mind. Additionally, Italian movies have merited many prizes at international film festivals—and Rome and Florence rival Paris in the fashion world.

Mr. Speaker, not only since the birth of the Italian Republic, but through the centuries, Italy has maintained an advanced civilization and a magnificent culture. The contributions of the Roman Empire, the Italian Renaissance, and the Risorgimento have received worldwide recognition.

In recent years, the Congress of the United States has given special recognition to the contributions of the Italians by designating Columbus Day a national legal holiday; by placing a marble bust in the U.S. Capitol of Constantino Brumidi, the great Italian artist who labored for more than a quarter century to beautify our Capitol Building; and by the decision to name the nuclear accelerator at Weston, Ill., in honor of the late Dr. Enrico Fermi, one of the greatest physicists of our times who was responsible for the first self-sustaining nuclear chain reaction ever to take place.

This special recognition of Italian contributions to the advancement of world culture which has been extended by our Congress has indeed enhanced the genuine feelings of affection and friendship that the people of America have for the people of Italy. I know that this friendship shall continue to flourish, and today

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I want to congratulate His Excellency, Egidio Ortona, the Ambassador of Italy to the United States, for the part he has played in perpetuating the friendship which exists between Italy and America.

On this anniversary celebration, I commend the Italian people and their outstanding leaders for the unparalleled record of achievements they have compiled during the 24-year existence of the Republic of Italy. I want to extend my best wishes to the people of that great Republic, as well as to the Italian-Americans in my own Seventh Congressional District of Illinois and throughout America who are joining in celebration of this occasion. May the Republic of Italy continue to enjoy peace and prosperity in the years ahead.

FIGHTING POLLUTION—TWO VIEWS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the need to improve the environment is one subject on which there is general agreement in these times of controversy. Most of us are familiar with the administration's proposals but I would like to call the attention of our colleagues to the programs of two States which have not waited for the Congress to act on administration antipollution plans. These are California and New York, the Nation's most populous States.

I submit for your examination and study, two articles from the June 1 issue of the Republican Congressional Committee's weekly newsletter. The first is by Gov. Ronald Reagan of California and the second is by Gov. Nelson A. Rockefeller of New York.

The articles follow:

CALIFORNIA'S ENVIRONMENTAL PROGRAM

(By Ronald Reagan, Governor of California)

Among the several domestic challenges facing America in the 1970s is the urgent need for environmental protection. Although it has taken decades to reach the present crisis point, we do not have that long to act. The time for decisions is now.

We are making those decisions in California.

We have enacted the strictest water and air pollution controls in the Nation. Last year, we adopted a pioneering program to control pollution from jet aircraft. We are putting into effect noise controls. California was ahead of the Federal Government in starting to phase out the use of DDT and in enacting tighter regulations on all potentially harmful pesticides.

The California Environmental Quality Study Council is looking into every aspect of environmental control.

Our automobile emission standards are now the toughest in the Nation and they already are scheduled to be even stricter.

Earlier this year we asked all auto manufactures and oil companies to examine the possibility of producing lead-free gasoline and modification of engines to use it. They responded in the affirmative.

Experiments are being conducted with steam and electric-powered vehicles, and with modification of the internal combustion engine. We plan, on a gradual, program basis, to convert the State-owned fleet of 28,500 vehicles to a dual-fuel system using smogless compressed natural gas.

We are moving this year on programs to control stationary sources of air pollution as well.

In addition to updating our smog laws, California last year completed a comprehensive Water Quality Control Act that the *Los Angeles Times* called the "strongest State water-pollution control bill in U.S. history."

This bipartisan program, the first major revision of our State water-quality laws in 20 years, provides for fines up to $6,000 a day for violations, improves enforcement procedures and requires violators to pay clean-up costs.

San Francisco, for example, is just now working to provide adequate treatment facilities for its sewage. Action by the city followed a crack-down on offenders under provisions of our new State regulatory program.

In addition to the pollution threat, San Francisco Bay, one of the world's most beautiful natural harbors, has been in danger of being slowly swallowed up by land-fill projects around its declining shoreline. Last year, with strong bipartisan support, California completed action on legislation to protect the Bay from such a fate.

The bulldozer mentality of the past is a luxury we can no longer afford. It may cost more to reroute a highway around a grove of beautiful trees, but we must begin considering this extra expense a necessary part of the over-all cost.

We have formed an Environmental Policy Committee to insure policy coordination throughout the executive branch.

Emphasis has been placed on strengthening the State's conservation education program. Beginning with first grade, all students in California schools receive instruction in man's relations to his human and natural environment.

Currently, we are establishing a unified solid-waste planning and regulation program. It is absolutely essential that we learn to "recycle" what we discard.

There is no reason why we cannot achieve closer coordination between the Federal Government and the States on matters of such urgent public concern as pollution controls. Government, working closely with the private sector, can win the battle to protect and preserve America's environment. We are doing just this in California.

NEW YORK STATE'S ENVIRONMENTAL PROGRAM

(By Nelson Rockefeller, Governor of New York)

In New York State, we have been fighting—and winning—the battle to save our environment.

The Pure Waters program I proposed five years ago has provided the enforcement powers, research and State aid for sewage-treatment construction that is achieving dramatic results. Today, 117 sewage projects are built and operating, 83 are under construction, 139 are nearing building stages. Also, every major polluter is under an enforcement timetable.

Key to this water clean-up program has been a $1 billion pure-waters bond issue that provides 30 percent State aid and prefinances up to 30-percent Federal aid for communities. The single biggest problem has been the lagging pace of Federal aid, which promises up to 55 percent of costs but has delivered only 7 percent because Federal appropriations have not matched anywhere near what Congress has authorized. This year, I have asked our State legislature to approve a $750 million first-instance appropriation so that the State's pace-setting program may continue without any delay because of the lag in Federal funds.

A clean-air program I launched in 1966 has also had momentous impact. We have been the first State to create an air zoning system spelling out standards for air purity; adopted no-nonsense enforcement powers and set cleanup deadlines for industry, power utilities, communities, and open burning sources. Industries can qualify for tax incentives for building approved air-pollution control systems.

Disease-spreading open dumps were outlawed early in the '60s, and a program to get communities to use the sanitary-landfill method instead has resulted in significant improvements. We also have meaningful programs to rescue wetlands, make wiser use of flood plain areas and preserve the natural beauty areas of our State.

This year, I am proposing legislation to provide State aid to help communities plan and design sanitary landfills, train landfill personnel, operate solid-waste demonstration projects, control the use of pesticides and curb exploitation of endangered wildlife species. We have also moved to curb thermal pollution of water from power plants and set up measures to ensure citizens a voice in the selection of future power-plant sites.

I am convinced that, if we are to preserve our environment and enhance the quality of life, a more integrated and comprehensive approach to the problem is required by government. Accordingly, I have submitted a major proposal this year to bring together all our State's existing environmental control programs into a new Department of Environmental Conservation. This agency would also have important new responsibilities to develop an over-all environmental plan, identify emerging problems and deal with them promptly and foster research in ecology and the recycling of wastes. Environmental quality standards would be set by an interagency State Board. A Council of Environmental Advisers from outside State government would weigh priorities, review policy and make recommendations to me.

These measures represent a bold new commitment by New York State to preserve our environment. The programs we began in the 1960s to clean up water, air and land are putting an end to the era of permissible pollution. But something more is required for the 1970s and beyond. From now on, we must become managers of the environment, learning to mediate the requirement for a livable environment with the continuing need for human progress and economic growth.

This can—in fact must be—the turnaround decade for our environment. At stake is a livable world for everyone—city dweller, suburbanite and rural inhabitant.

I AM PROUD TO BE AN AMERICAN

(Mr. McCORMACK (at the request of Mr. ALBERT) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, I am particularly pleased to include in my remarks an inspiring column, "I'm Proud To Be An American," written by Mrs. Mara Murphy, of the Dorchester section of Boston, that appeared in the May 28, 1970, issue of the Dorchester Argus-Citizen of Boston, Mass.

Mrs. Murphy was born in Italy prior to World War II, and when she was 14 years old, in 1946—her maiden name Mara Granchi—came to the United States with other members of her family. What an example of patriotism and love of America this Italian-born lady sets for all Americans to follow.

Her views, as expressed in her wonderful column should be carried as widely as possible. The press of this country should reprint her inspiring column. Will they?

The column follows:

I'm Proud To Be An American!

(By Mrs. Mara Murphy)

The flag of the United States has been dragged through the streets, used for patches on pants, burned, and lowered at halfmast to the demands of so-called peaceful demonstrators amidst pretty speeches full of great promises. This is the in-thing for these demonstrators who say that the flag is a worthless piece of cloth, and many of whom I have heard admit they do not know or are unaware who their leaders are. Meanwhile the enemy congratulates them and encourages them to go on doing their "thing." This has infuriated me to the point I can no longer keep silent.

I have seen demonstrations and peaceful marches, I have heard pretty speeches full of great promises, and I, too, didn't know who the leaders were. I saw the results of such speeches and promises. They turned brother against brother, children against parents, neighbor against neighbor, and caused indescribable destruction. And when the speeches and promises had accomplished their well-planned purpose, the leaders emerged triumphant, and I knew then who they were.

I know only too well what war is, I've known hunger and thirst, I've felt the bitter cold, and went many days and nights without sleep. I've seen the dead men on the battle fields, I know what they look like, I've known how the enemy acts and learned to recognize it; I've seen the enemy's tactics and the remnants of war.

I heard, I saw, I learned as a child, and the horror of that time is burned deep in my memories which I chose to set aside.

But there are other memories which I chose to proudly think of very often. Memories like the first act of kindness shown towards me in a long time, the first decent meal in many months, the shelter against the cold where I slept for the first time in days, and finally the freedom which I now have and hold dear.

The American servicemen gave me all this while the flag of the United States waved high above our heads, and I knew then who my friends were. I saw the flag as a symbol of compassion toward an alien creature, of welcome to the tired and hungry, and of shelter to the homeless.

When I see Old Glory, I think of those days, of the founders and settlers of America, of the many battles they fought in the name of freedom in which they carried the flag, and in which they died to preserve that freedom. I think of the great legacy they left behind for generations to come. I think of the men who died to give me my freedom and I cry inside, but at the same time I feel terribly proud of them for they were truly courageous. They, too, carried Old Glory—a sight to be remembered and honored to the end of time.

May I always be worthy of their unselfish sacrifice and the legacy they left behind for me and mine to inherit. And may I always be free to proudly salute The Flag of The United States as a tribute to all the men who died to preserve my freedom.

I'm proud to be an American. I'm proud of my flag, and I'm wide awake. Are you?

THE CRISIS OF CONFIDENCE

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, it was with some amusement that I read that the Democratic national chairman is trying to blame the Republican Party for the "crisis of confidence" in America. If there is a crisis of confidence abroad in this land today it is because successive Democratic administrations over the last 35 years have deluded the American people into thinking that the Federal Government has all the answers to all our problems. This approach has not only generated more problems than it has solved, but has raised false expectations among the people and discouraged them from tackling these problems on their own. But more tragically, it has shaken public confidence in our institutions.

The Democrats should realize by now that they cannot solve the problems of the seventies using the tired tactics of the thirties. If there is one thing we should have learned from this sad experiment, it is that there is a limit to what the Federal Government alone can do. And if we are to make our system work effectively and responsively, we must decentralize and revitalize our Federal structure. That is what President Nixon's New Federalism is all about. Unfortunately, the Democrats are not taking the New Federalism seriously. Instead, they are still trying to handle the entire problem-solving burden at the top. They should recognize that any top-heavy structure is in a very precarious position and that its weight must be redistributed if it is to remain stable. This applies with equal force to government.

I, therefore, challenge this Democratic Congress to give top priority to the administration's proposal to share Federal revenues with the States and municipalities. This is an essential first step in decentralization, and it must be taken now.

TAX DEDUCTION FOR NOISE ABATEMENT DEVICES

(Mr. PUCINSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, it is becoming increasingly clear that noise is an environmental pollutant comparable to air and water pollution, yet the United States has no general antinoise legislation. Surveys indicate that the rush into the age of technology has raised the average noise level by a decible each year over the past 25 years.

Even more disturbing is a recent study which shows three out of every 10 Americans suffer some form of emotional instability and noise is proving a serious contributing factor.

Today, I am introducing legislation to deal with the problem of noise pollution, the forgotten member of the environmental triumvirate. My bill provides that any taxpayer would be allowed at his election to amortize any certified noise control facility or equipment at an accelerated rate over a period of 60 months. As indicated, the accelerated amortization deduction would be available only with respect to a noise control facility which is certified by the appropriate authorities. Normally, it would take 15 years for such amortization.

The authors of the Tax Reform Act of 1969 recognized the serious challenges posed by environmental pollution, and provided a 5-year accelerated amortization for pollution control facilities. My bill would amend section 169 of the Internal Revenue Code and provide private industry with the same incentive to develop and install antinoise equipment.

Preventing noise is far better than blocking it out, which means that quiet operation of any product or machine must be an important feature. A start in this direction has been made by a Bethlehem Steel Corp. noise-control engineer, who has developed a steel garbage can that makes a thud instead of a clang when it is dropped. There are even quiet piledrivers that work by humming vibration rather than by the banging of a steam hammer. There are now on the drawing boards designs for quiet jet engines, vacuum cleaners, and quieter powermowers, but these will probably not be marketed until the public demands them.

It costs much less to reduce the decibels in the early stages of design than it does once a machine is built. A prime example is the jet engine. No attempts were made to deal with the noise problem created by these machines until the 1960's, when the noise of jets overhead became so unbearable that many people began to take their complaints to court. Engine makers responded by adding noise suppressors, but these reduced the thrust of the engines so much that pilots had to add power to compensate and this brought the noise level back to what it would have been anyway. It is probable that more adequate silencers could have been developed had the engineers worked on the problem in the early days of jet engine development. I believe my proposal will be an enormous incentive to airlines to install quieter jet engines much quicker.

Virtually all manmade noise, whatever its source, can be suppressed. While some major problems, such as insulating multiunit dwellings and the roar of subways, would cost large sums of money to correct, many of the most irritating noises could be reduced at negligible cost. The screech of truck tires on pavement, for example, can be reduced at no extra cost of efficiency loss by redesigning the tread, and a quiet home lawnmower costs only about $15 more than the usual ear-jarring model. Some other examples of added costs: a garbage truck $2,400—on top of an original cost of $15,600—a small air compressor $500 over the initial cost of $5,300; and on most machinery, an additional 5 percent atop the original cost. In most cases there is a relatively small loss in efficiency caused by antinoise modifications.

The expense becomes even less formidable when measured against the savings from noise suppression. The World Health Organization estimates that industrial noise alone costs the United States today more than $4 billion annually—in accidents, absenteenism, inefficiency, and compensation claims. The human costs of sleepless nights, family squabbles, and mental illness are beyond measure, but they surely must be enormous.

Society's noisemakers are predominantly privately owned machines and plants, and in effect, private industry is being asked to make an investment which is a part for the benefit of the

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general public. Moreover, quite often it costs relatively more to deal with the noise problem in the case of an existing plant or machine than to design a new one in such a way as to reduce the level of noise. Moreover, expenditures for noise control equipment generally do not result in any increase in the profitability of a product.

Aside from the financial aspects of noise pollution and its control, the medical aspects are equally as alarming. Clinical evidence has established conclusively that excessive exposure to noise constricts the arteries, increases the heartbeat, and dilates the pupils of the eye. One recent French study goes so far as to suggest that noise is the cause of 70 percent of the neuroses in the Paris area, and surely New York and Chicago are not dissimilar. John M. Handley, a New York authority on industrial acoustics, recently wrote:

> Symptoms of hypertension, vertigo, hallucination, paranoia and, on occasion, suicidal and homicidal impulses, have been blamed on excessive noise . . . Noise pollution may be one of the reasons why the incidence of heart disease and mental illness is so high in the United States.

Other authorities have suggested that noise may be related to stomach ulcers, allergies, enuresis, spinal meningitis, excessive cholesterol in the arteries, indigestion, loss of equilibrium, and impaired vision.

Death by deafness is no joke and the most effective approach to governmental action lies in Federal regulation. At the same time, State and local governmental action against noise, as well as support from enlightened citizens, could go a long way in reducing the problem, and perhaps in setting a trend as Chicago and Memphis have in their noise ordinances.

My bill provides the needed incentive to encourage private industry to deal with the problem of noise pollution. The need for broader and more effective noise control standards remains. The amortization deduction provided by my bill, however, should be a useful component of the Nation's total efforts to deal with the problem of environmental noise. I urge all my colleagues to tune in on this problem and support passage of this urgently needed legislation.

A copy of my bill follows:

H.R. 17882

A bill to amend the Internal Revenue Code of 1954 to allow an amortization deduction for noise abatement devices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 169 of the Internal Revenue Code of 1954 (relating to amortization of pollution control facilities) is amended by striking out "certified pollution control facility" wherever it appears and inserting in lieu thereof "certified pollution or noise control facility or equipment".

(b) Subsection (d)(1) of such section (defining certified pollution or noise control facility or equipment) is amended by inserting before "a new identifiable treatment facility" the following: "either certified noise control facility or equipment or a certified pollution control facility. For purposes of this paragraph, the term 'certified pollution control facility' means".

(c) Subsection (d) of such section (relating to definitions) is amended by adding at the end thereof the following new paragraph:

"(5) Certified noise control facility or equipment. The term 'certified noise control facility or equipment' means noise control equipment or a noise control facility which under regulations of the Secretary of Health, Education, and Welfare (or, in the case of aircraft or equipment affiliated thereto, the Federal Aviation Administrator) as meeting advisory standards prescribed by him for purposes of this section. Such advisory standards shall be prescribed and from time to time revised by regulation, and shall limit noise emissions to medically accepted levels. The regulations of the Secretary or his delegate under this paragraph shall contain rules similar to the provisions of the second sentence of paragraph (1) and of paragraphs (2) and (4) of this subsection."

SEC. 2. The amendments made by this Act shall apply with respect to taxable years ending after December 31, 1969.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Corman, for Tuesday, June 2, 1970, on account of official business.

Mr. Patten (at the request of Mr. Albert), for today, on account of official business.

Mr. Baring (at the request of Mr. Albert), for today and the balance of the week, on account of official business.

Mr. Whitehurst (at the request of Mr. Gerald R. Ford), for June 3, 1970, through June 8, 1970, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Burlison of Missouri) to revise and extend their remarks and include extraneous material:)

Mr. Farbstein, for 20 minutes, today.

Mr. Yatron, for 10 minutes, today.

Mr. Pryor of Arkansas, for 60 minutes, June 10.

(The following Members (at the request of Mr. Lloyd) to revise and extend their remarks and include extraneous material:)

Mr. Price of Texas, for 10 minutes, today.

Mr. Burke of Florida, for 10 minutes, today.

Mr. Patman, for 30 minutes, on Thursday, June 4, 1970, and to revise and extend his remarks and include extraneous matter.

Mr. Blanton (at the request of Mr. Gray), for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Rodino and to include extraneous matter.

Mr. Zablocki in three instances, and to include extraneous material.

(The following Members (at the request of Mr. Lloyd) and to include extraneous material:)

Mr. Brown of Michigan.
Mr. Burke of Florida.
Mr. Keith.
Mr. Scherle in five instances.
Mr. Gerald R. Ford.
Mr. Duncan in two instances.
Mr. Snyder.
Mr. Steiger of Arizona.
Mr. Kleppe.
Mr. Shriver.
Mr. Harsha.
Mr. Quie.
Mr. Bush.
Mr. Whitehurst.
Mr. Michel.
Mr. Wyman in two instances.
Mr. McDade in two instances.
Mr. Robison in six instances.
Mr. Fulton of Pennsylvania in five instances.
Mr. Ashbrook in two instances.
Mr. Hunt.
Mr. Hogan.
Mr. Minshall in two instances.
Mr. Widnall.
Mr. Price of Texas.
Mr. Hall.
Mr. Halpern.
Mr. Derwinski in five instances.

(The following Members (at the request of Mr. Burlison of Missouri) and to include extraneous material:)

Mr. Friedel in two instances.
Mr. Mahon.
Mr. Kyros.
Mr. Addabbo in two instances.
Mr. Farbstein in five instances.
Mr. Dingell in three instances.
Mrs. Griffiths in three instances.
Mr. Pucinski in six instances.
Mr. Fraser in eight instances.
Mr. Ottinger in two instances.
Mr. Murphy of New York in two instances.
Mr. Brooks.
Mr. Obey in 10 instances.
Mr. Gilbert.
Mr. Hébert.
Mr. Rarick in three instances.
Mr. Culver.
Mr. William D. Ford.
Mr. Patten.
Mr. Kluczynski in two instances.
Mr. Fountain in two instances.
Mr. Shipley.
Mrs. Mink in two instances.
Mr. Dulski in eight instances.
Mr. Minish.
Mr. Byrne of Pennsylvania in three instances.
Mr. Pickle in five instances.

(The following Members (at the request of Mr. Gray) and to include extraneous matter:)

Mr. Stokes.
Mr. Blanton.
Mr. Kee in two instances.
Mr. Udall.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 11628. An act to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress; and

H.J. Res. 1069. Joint resolution extending for 4 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3339. An act to authorize the Public Printer to fix the subscription price of the daily Congressional Record.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on June 1, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 4813. To extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes; and

H.R. 13816. To improve and clarify certain laws affecting the Coast Guard.

ADJOURNMENT

Mr. GRAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 3, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2098. A letter from the Secretary of the Treasury, transmitting the report of the National Advisory Council on International Monetary and Financial Policies on proposed U.S. participation in a replenishment of the resources of the Inter-American Development Bank (H. Doc. No. 91–344); to the Committee on Banking and Currency and ordered to be printed.

2099. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Army Reserve subsequent to June 30, 1970, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2100. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Inter-American Development Bank Act to authorize the United States to participate in increases in the authorized capital stock and resources of the fund for special operations of the Inter-American Development Bank, and for other purposes; to the Committee on Banking and Currency.

2101. A letter from the Administrator, Small Business Administration, transmitting a report for May 1970, on the Administration's implementation of section 301 of title III of Public Law 91–151; to the Committee on Banking and Currency.

2102. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of April 30, 1970, pursuant to the provisions of section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

2103. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 23, 1969, submitting a report, together with accompanying papers and illustrations, on Manchester Harbor, Mass., requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 5, 1966; to the Committee on Public Works.

2104. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 3, 1970, submitting a report, together with accompanying papers and illustrations, on Ogdensburg Harbor, N.Y., requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 13, 1947; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GIBBONS: Committee on Ways and Means. H.R. 16745. A bill to exempt shrimp vessels from the duty imposed on repairs made to, and repair parts and equipments purchased for, U.S. vessels in foreign countries, and for other purposes; with an amendment (Rept. No. 91–1136). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 2499. A bill to amend title 10, United States Code, with respect to the Academies of the military departments, with amendments (Rept. No. 91–1137). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 8663. A bill to amend the act of September 20, 1968 (Public Law 90–502), to provide relief to certain former officers of the Supply Corps and Civil Engineer Corps of the Navy; without amendments (Rept. No. 91–1138). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 16298. A bill to amend section 703 (b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas (Rept. No. 91–1139). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 15112. A bill to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code; without amendments (Rept. No. 91–1140). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 16732. A bill to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status (Rept. No. 91–1141). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 17869. A bill to authorize the construction of a dam on the Northwest River, Va.; to the Committee on Public Works.

By Mr. ANDREWS of North Dakota:

H.R. 17870. A bill to provide for orderly tade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BUTTON:

H.R. 17871. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

By Mr. COUGHLIN:

H.R. 17872. A bill to amend section 521 of title 38, United States Code, to exclude from consideration as income, for the purpose of determining eligibility for pension, all payments of any kind or from any source, including salary, retirement or annuity payments, endowments or similar income, which a veteran receives or is entitled to receive after attaining age 72; to the Committee on Veterans' Affairs.

By Mr. CULVER:

H.R. 17873. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; to the Committee on Government Operations.

By Mr. WILLIAM D. FORD:

H.R. 17874. A bill to provide for the elimination, over a 10-year period, of the mandatory oil import control program; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 17875. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HATHAWAY:

H.R. 17876. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. KLEPPE:

H.R. 17877. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 17878. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax the first $1,000 of interest on deposits of individuals in savings and loan and mutual savings institutions; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself; Mr. Brasco, and Mr. Fraser):

H.R. 17879. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by requiring the designation of certain water and submerged land areas where the depositing of certain waste materials will be permitted, to authorize the establishment of standards with respect to such deposits, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PATMAN (for himself, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Moorhead, Mr. Gonzalez, Mr. Minish, Mr. Hanna, Mr. Annunzio, Mr. Rees, Mr. Brasco, and Mr. Harrington):

H.R. 17880. A bill to amend the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Currency.

By Mr. PRICE of Texas:

H.R. 17881. A bill to amend section 4182 of the Internal Revenue Code of 1954, to remove statutory restrictions on the sale of .22 calibre ammunition; to the Committee on Ways and Means.

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By Mr. PUCINSKI:

H.R. 17882. A bill to amend the Internal Revenue Code of 1954 to allow an amortization deduction for noise abatement devices; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 17883. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced in such country from entering the United States unlawfully; to the Committee on Foreign Affairs.

By Mr. ROTH (for himself and Mr. COUGHLIN):

H.R. 17884. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 17885. A bill to amend section 236(i) of the National Housing Act; to the Committee on Banking and Currency.

By Mr. SNYDER:

H.R. 17886. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. TEAGUE of Texas (by request):

H.R. 17887. A bill to amend section 1682 of title 38 of the United States Code to define "established charge" for the purpose of computing veterans' educational assistance allowances for correspondence courses; to the Committee on Veterans' Affairs.

By Mr. ULLMAN:

H.R. 17888. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. WEICKER:

H.R. 17889. A bill to provide for orderly trade in scissors and shears; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mrs. HANSEN of Washington, and Mr. BUTTON):

H.R. 17890. A bill to prohibit the use of any nuclear weapon in Southeast Asia unless Congress first approves such use; to the Committee on Armed Services.

By Mr. BROTZMAN (for himself, Mr. BROOMFIELD, Mr. COWGER, Mr. BOW, Mr. CHAPPELL, Mr. DERWINSKI, Mr. CLEVELAND, Mr. LEGGETT, Mr. WILLIAMS, and Mr. COLLIER):

H. Con. Res. 652. Concurrent resolution expressing the sense of Congress that the question of the maintenance of the neutrality and territorial integrity of Cambodia and the human rights of the Cambodian people be referred to the Security Council of the United Nations; to the Committee on Foreign Affairs.

By Mr. BUSH:

H. Con. Res. 653. Concurrent resolution expressing the sense of Congress that the question of the maintenance of the neutrality and territorial integrity of Cambodia and the human rights of the Cambodian people be referred to the Security Council of the United Nations; to the Committee on Foreign Affairs.

By Mr. CULVER:

H. Con. Res. 654. Concurrent resolution expressing the sense of the Congress with respect to the establishment of a United Nations international supervisory force for the purpose of establishing a cease-fire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Con. Res. 655. Concurrent resolution expressing the sense of Congress that the United States should sell Israel jet aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. BRADEMAS (for himself, Mr. REID of New York, Mr. GERALD R. FORD, Mr. ADAMS, Mr. ANDERSON of California, Mr. BARRETT, Mr. BINGHAM, Mr. BLACKBURN, Mr. BOLAND, Mr. BRINKLEY, Mr. BURKE of Massachusetts, Mr. BURTON of California, Mr. BUTTON, Mr. CONTE, Mr. CONYERS, Mr. CRAMER, Mr. DADDARIO, Mr. FRASER, Mr. FULTON of Tennessee, Mr. HANLEY, Mr. HANNA, Mr. HATHAWAY, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, and Mr. JACOBS):

H. Res. 1052. Resolution urging withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

By Mr. KYROS (for himself, Mr. MACGREGOR, Mr. TAFT, Mr. ROYBAL, Mr. OBEY, Mr. OTTINGER, Mr. McDADE, Mr. MEEDS, Mr. MESKILL, Mr. MINISH, Mr. MOLLOHAN, Mr. MORSE, Mr. PIKE, Mr. PODELL, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. SCHEUER, Mr. STEIGER of Wisconsin, Mr. THOMPSON of Georgia, Mr. WEICKER, Mr. WILLIAMS, Mr. CHARLES H. WILSON, Mr. WOLFF, Mr. WYDLER, and Mr. WYMAN):

H. Res. 1053. Resolution urging withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

By Mr. MIKVA (for himself, Mr. YATRON, Mr. CONABLE, Mr. DON H. CLAUSEN, Mr. EDWARDS of California, Mr. BRASCO, Mr. REES, and Mr. RYAN):

H. Res. 1054. Resolution urging withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

By Mr. FRASER:

H. Res. 1055. Resolution to call upon the Soviet Union to withdraw its pilots and missile technicians from countries in the Middle East; to the Committee on Foreign Affairs.

By Mr. OBEY (for himself and Mr. SYMINGTON):

H. Res. 1056. Resolution to reestablish congressional responsibility in the determination of U.S. policy in Indochina; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself and Mr. WOLFF):

H. Res. 1057. Resolution expressing the sense of the House on the growing threat posed by Soviet pilots and technicians in the Middle East; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Res. 1058. Resolution urging the withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EVANS of Colorado:

H.R. 17891. A bill for the relief of Jose Becerra; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 17892. A bill for the relief of Bruce M. Smith; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 17893. A bill for the relief of Peter Thomas, his wife, Vasilike Thomas, and their minor children, Georgia Thomas, Andreas Thomas, Mary Thomas, and Bobby Thomas; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXI,

396. The SPEAKER presented a memorial of the Legislature of the State of California, relative to flood control projects on the San Joaquin-Kings River Interstream Group, which was referred to the Committee on Public Works.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

501. By the SPEAKER: Petition of the Association for Grand Jury Action, Inc., Rochester, N.Y., relative to the Organized Crime Control Act; to the Committee on the Judiciary.

502. Also, petition of the Common Council, Buffalo, N.Y., relative to amending the Merchant Marine Act of 1936 to include the Great Lakes; to the Committee on Merchant Marine and Fisheries.

EXTENSIONS OF REMARKS

THE CAMBODIAN SITUATION

HON. EDWARD J. GURNEY

OF FLORIDA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 2, 1970

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD remarks I made recently on the Cambodian situation, the President's conduct of the war, and the Cooper-Church amendment.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE PRESIDENT AND CAMBODIA

Mr. GURNEY. Mr. President, we are engaged in debate here in the Senate on the so-called Church-Cooper amendment to the Foreign Military Sales Act. I do not doubt that historians in years to come will look upon this debate, and the vote here in the Senate upon this matter, as one of the most important debates and one of the most significant decisions to come before this body in the long history of this Republic.

Why is this matter of such grave importance to this Nation? Because it involves the fundamental constitutional war responsibilities of the Presidency as well as what role should be played by the Congress in general and the Senate in particular during wartime. The words here said and the vote here taken are also of tremendous significance because it will have a direct effect upon the war effort, favorably or unfavorably. It has become the longest war in the history of the country. It has become one of the most controversial. It has become one of the most unpopular. It has become one of the most expensive. Not only has it aroused great controversy at home, but it has precipitated similar division of opinion abroad.

The President of the United States, under the Constitution, is the Commander in Chief of the Armed Forces of this Nation.

In World War II, it was President Roosevelt who ultimately had to make the decision to land troops in North Africa and then in Sicily and Italy, and then on the beaches in Normandy. It was he who made the decision to begin the war in the South Pacific on the Island of Guadalcanal, to make the at-attack on Iwo Jima, Saipan, and Okinawa.

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It was President Truman who made the decision to drop the bomb on Japan.

Under the Constitution, and according to the way that government was devised in this Nation by the Founding Fathers, one man and only one is the boss during wartime and that is the President of the United States.

As Mr. Truman so aptly put it, speaking of his desk in the White House, the buck stops here. The President can pass it to no one.

The buck was passed on the war in Southeast Asia to President Nixon a year ago last January upon his inauguration as the 37th President of the United States. The heavy commitment in Vietnam which was begun by President Kennedy and broadened by President Johnson into one of the Nation's largest wars, became the biggest problem of the Nixon administration. I do not put it this way in any attempt to shift the responsibility for Southeast Asia now on Mr. Nixon's predecessors. Mr. Nixon ran for the Presidency well knowing that from the moment of his inauguration he would have a tiger by the tail which would be solely his to tame and cage.

Nor did he duck his responsibility. He set about doing something about it.

There were several alternatives open to the President. I am sure that he considered all the alternatives, listening to his advisors, both military and civilian, weighing all the factors, finally making his own judgment after long thought and careful analysis. This has always been his way of solving a problem, his conception of the presidency.

What were the alternatives? He might have continued the war in the same manner as the preceding administration, fighting the enemy pretty much on his own terms, in an effort to out fight and out last him and convince the enemy that the war was too costly for him to win and hoping that he would decide to call it quits. This obviously was no course to follow. It had been tried for years and it had failed. The Communist enemy is tough and determined and resolute, a first-rate fighting man, backed up by unlimited supplies from Communist Russia and China, and entirely intent to continue the fighting without regard to his very heavy losses in the field. This method of warfare in Southeast Asia had not worked and it would not work. The President rejected this alternative.

There was the so-called enclave theory proposed by General Gavin and some others. Here the proposal was that the United States forces would withdraw to strong points where they would be secure and incapable of dislodgment. The rest of the country would be defended by the South Vietnamese. For the life of me I have never been able to see any sound reasoning behind this theory. When it was first proposed and certainly when the President took office, it simply would have meant that all of South Vietnam, except for the enclave strong points, would have been run over by the Communists in point of time and probably in fairly short time. We would then be in a position of hanging on permanently by our toenails in tiny clearings in a Communist jungle.

It would have meant complete abandonment of our purpose of being in Vietnam in the first place, and that was and is to protect a free government, and would have pinned us down permanently at least for as long as we elected to be pinned down. The enclaves would have served as a permanent irritant to the Communist enemy, and have been a continual source of certain involvement for the United States in armed conflict in Southeast Asia in the future. This solution was rejected by the President and rightly so.

There was the solution of trying to win the war which would have involved resumption of bombing of the North and hitting targets which had been off limits before. Targets such as Haiphong Harbor, the capital of Hanoi, all airfields, the irrigation dykes and so on. The President rejected this, probably because he felt the domestic situation at home would not support it. The furor over Cambodia would tend to support this motion.

There was the alternative of withdrawing from Vietnam completely. Many people wanted this done especially here in the U.S. Senate and many of this opinion are backing the present pending amendment. The President surely must have weighed this alternative very seriously, for it seems to me that he had but two choices, either to get out of Vietnam completely and as quickly as possible, or to pursue the course of action that he finally decided upon.

The alternative of pulling out of Vietnam completely must have been a very tempting one. By the time President Nixon took office, the war was surely unpopular. Americans everywhere, hawks and doves, were fed up with it and wanted out. Above all, it would have stopped the loss of American lives. It would have saved enormous amounts of American dollars going down this Asian rathole drain. It would have been a popular thing to do. At least for a sizable segment of our population and certainly for a short period of time surrounding such a decision it would have been hailed worldwide, first of all by all the Communists and Socialists nations and those sympathetic to this way of life. This is what they have wanted all along. It would have been hailed by large numbers in nations friendly to the United States, our so-called allies, for it would have freed the U.S. commitment of troops and money in Southeast Asia to make them more readily available in Western Europe.

But this solution, while it had many attractive features, also had some very serious drawbacks. In the eyes of the world, and in Asia particularly, pulling up stakes in Vietnam would certainly have meant defeat for the United States. We would have been run out of Indochina, just as the French had been run out by the same foe 16 years ago. If the defeat of the French was humiliating, and it certainly was, I think it would have been catastrophic for the United States. If a tiny, new nation, North Vietnam, in size a little larger than my home State of Florida and in population a little less than New York, could prevail over the United States of America, the leaders of the world, and the most powerful Nation in the history of the world, what would be the significance of this in geo-politics?

Of course, it would give courage and strength and sustenance to every Communist trouble-maker everywhere. By following the same Communist guerrilla tactics of Ho Chi Minh, backed up by Russian supplies, similar Vietnams could be staged on any continent at any time. Bit by bit, the whole uncommitted world could be picked up in this fashion. And if the United States lacked the will, because it does not lack the strength, to carry out this test of the free world against communism, then the reasoning of the Communist leaders would most certainly be that the United States would lack the will to stand firm elsewhere in closer areas of much more strategic importance to the United States.

Precipitate and complete withdrawal from Vietnam posed many other problems also. It would be the first time in the history of this country that we had been defeated in warfare. The people who want to withdraw from Vietnam right now brush aside this argument as though it were inconsequential. They say that it takes a big man or a big nation, a wise man or a wise nation, to admit that it has made a mistake, and correct such an error. They say that to admit defeat in Vietnam would make us a bigger, better nation and raise our prestige in the eyes of the world.

I regard this argument as wishful thinking of the most dangerous variety. I cannot see how defeat by Communist North Vietnam can raise the prestige of America, or even preserve it, in the eyes of the world. As a matter of fact, I think we have paid too much attention in this whole Vietnam thing to world opinion. I think we should have gone about the job of fighting the war in Vietnam without regard at all for world opinion.

But let us turn from that argument to another thought. To me, the consequences of defeat of the United States at the hands of tiny North Vietnam would be catastrophic here at home. It is domestic opinion that I am concerned about, not what the other nations of the world think about us. To be sure, such a decision might have pleased a segment of our population, but a very sizable percentage of the people in the United States would have deplored any such course of action. As a matter of fact, even today in the midst of the almost hysterical atmosphere generated by the news media over Cambodia and the college campus uproar, those who want to withdraw now and completely are still in the minority.

It appears to me that immediate and complete withdrawal might well have split our Nation as badly, or perhaps even worse than it is now split. It surely would have done something else, far more damaging. It would have completely shaken the confidence of the citizens of the United States, in themselves as a nation and themselves individually. I seriously doubt if in the forum of the world arena, in the field of foreign policy, and in our role as a leader of the free world, that we could have retained the confidence in ourselves to satisfactorily perform this role. I might point out that this leadership position is not one we sought out or seek to retain for prestige purposes. We are the free nation leader by necessity. There is no other nation available for this role. It has been thrust upon us—the stakes are high, no less than the survival of the free world, but of much greater importance, survival of ourselves as a free nation.

We would have welched on a commitment. We made a commitment to the Government of South Vietnam to help it survive as a free nation. Withdrawal from Vietnam would have been to renege of that commitment. The repercussions of that action around the world would have been catastrophic. Obviously no nation could afford to cast their lot with the United States because we would have proved by the Southeast Asian example, that we neither had the will to do what needed to be done nor the staying power to see a nasty business through to the end. The Communists would have made a tremendous gain in the eyes of the world and we would have suffered a correspondingly severe loss.

Then too, there would have been wholesale slaughter in South Vietnam. There has been wholesale slaughter in South Vietnam of government leaders all during the years that the struggle has prevailed, even with the U.S. commitment. I shudder to think what would have happened if we had pulled out, or if we do now.

Some of our theorists who suggested that course of action, also suggested that we take care of the slaughter problem by opening our arms to unlimited immigration from Vietnam. This course of action is about as realistic as some of the adventures of Alice in Wonderland. It is so ridiculous that one would not even waste time in talking about it as a practical solution.

Thus with these arguments against precipitate withdrawal from Vietnam, the President rejected this course of action, also.

He chose the fourth alternative, to Vietnamize the war. That was to advise the Government of South Vietnam that this was their war of independence and freedom; that although the United States had a commitment, it was not a blank check and that we could not go on fighting in Southeast Asia indefinitely; that it was high time and long

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past time that the South Vietnamese begin to take over the majority of the fighting now and, as soon as humanly possible, all of the fighting. It should be pointed out here, this course of action should have been taken long before, but at least President Nixon was inaugurating it as soon as he took charge.

Now, along with turning over the war to the South Vietnamese, the President at the same time adopted a course of withdrawing American troops as rapidly as possible. At this date, he has already withdrawn 110,000 troops, most of these combat troops. He has scheduled withdrawal over the next fiscal year of 150,000 more troops. The American casualties in the war have dropped off considerably. President Nixon has adopted an entirely new course of action in Southeast Asia. He is embarked on an entirely different course of disengaging the United States from that war just as rapidly as possible. The best part of the Nixon policy, is that it is succeeding. The hard factual evidence is there, in the United States troops withdrawn, in South Vietnamese troops taking over more and more of the fighting, in the greatly reduced casualty rates of U.S. soldiers, in the general success of the Vietnamization process.

THE CAMBODIAN OPERATION

Now we come to the events of April 28, President Nixon, as Commander in Chief, ordered U.S. troops, accompanied by South Vietnamese troops, into Cambodia in an attack upon the Communist sanctuaries.

What prompted the President to pursue this course of action?

Was it necessary? And what positive results will flow from this action?

First of all, there can be no doubt in the minds of the Communist enemy, either Hanoi or Russia or Red China, all partners in the cruel business of invading South Vietnam, that the United States wants peace. President Nixon has not only stated this objective on countless occasions but every action he has taken since he has been in office has backed up this goal. Just about every conceivable offer and proposition has been made to the Communists, that mind of man can think of, to indicate that the United States wants out of Vietnam and wants peace. We have done everything to convince the enemy of our peaceful intentions, including mass troop withdrawal, except the one act to cut and run and abandon the South Vietnamese.

Now what has been the answer of Hanoi? The Communist answer to our peaceful intentions has been to step up activity on the Ho Chi Minh Trail on the north and through the port of Sihanoukville on the south, pouring soldiers and supplies into the enemy sanctuaries located on the Cambodian border, hard up against the boundary lines of South Vietnam. From these sanctuaries the enemy feeds his soldiers, and caches his weapons and his ammunition and his supplies of all kinds, to feed his war machine within South Vietnam itself. He also rests his troops in this area where they are entirely free from harassment by United States and South Vietnamese troops. Swift and destructive and killing sorties are made out of these sanctuaries into South Vietnam, and after our troops have been sorely hurt, there is no time for retaliation, because the enemy has faded back across the border into these off-limit sanctuaries. In recent months there has been evidence of further buildup of these sanctuaries, undoubtedly in preparation for further attacks before the monsoons, and, of course, to build up supplies to last through the rainy monsoon season when it is difficult to get supplies down over the Ho Chi Minh Trail.

These sanctuaries have been a source of deep and lasting trouble for United States and South Vietnamese forces for years and all during the war in Southeast Asia. Anybody who knows anything about the war in Southeast Asia, who really wanted to wage it as it should have been waged, has been advocating that these sanctuaries be wiped out. I, myself, have repeatedly urged attacks upon them for as long as the last 4 years.

I cannot think of a single incident in history where this Nation has been engaged in a serious war that we permitted this state of affairs to exist.

Let us go back to World War II, when we were engaged in fighting Germany. To draw a parallel, this Senate would have said in the 1940's to President Franklin Roosevelt, "you can not invade Europe using the Normandy beaches because our fight is with Germany and not with France." I suppose the supporters of this Church-Cooper amendment would reply, "but that was a different situation. France was occupied and was as much a part of Germany as Germany itself," I say, there is no difference, Cambodia was occupied by the Communists and has been for years. At least, so far as the border sanctuary areas are concerned, they were as much a part of enemy country or enemy held territory as France was to Germany.

For the life of me, I cannot understand the reasoning behind some of the supporters of the Church-Cooper amendment who generally agree with the President in his conduct of the war in South Vietnam, but disagree with this business in Cambodia. They would confine all of the fighting to South Vietnam. It is true that our main objective is to preserve the government of South Vietnam from Communist invasion. But it is equally true, and everybody knows it, that the war is indeed a Southeast Asian war and operations for years have gone on not only in South Vietnam but also in Laos and Thailand.

For the life of me I can not understand what the uproar is all about in hitting these Communist sanctuaries in Cambodia. This is no broadening of the war. It is the same war, against the same enemy, involving precisely the same areas—that is, the base areas that have been used for years and years by the Communists to sustain their war machine in Vietnam.

How in the world the President can be accused of broadening the war by stepping across an imaginary line in the jungle for a few miles, for the few weeks time that it takes to wipe out these sanctuaries, is more than my mind can understand at all. And I must say, that millions of Americans, in fact a majority of Americans, can neither understand the fine legal reasoning behind the authors and cosponsors of the Church-Cooper amendment.

At any rate, the President, advised of the build-up of the Cambodian sanctuaries, and the concrete evidence of increased Communist aggression against South Vietnam from these areas, decided that he must move against them and wipe them out.

The decision to move against the sanctuaries was in complete support of his plan of disengagement in South Vietnam. The President has never said during the time of disengagement of American troops, and the replacement in the line of South Vietnamese troops, that all fighting was going to stop. The President has never promised that U.S. troops during this interval of time would not be permitted to fire their weapons at the enemy, to bomb the enemy with our aircraft, to attack the enemy where needed, and to set him back and gain a tactical advantage. I have never heard anybody express the thought that our troops should stop the fighting, as long as it was U.S. policy to have troops in Vietnam and the Communists were shooting at them and making war upon them. To shackle our troops in the field, to set guidelines of what they cannot do and advertise these guidelines by Senate debate, is like sending a boxer into the ring with instructions to keep his hands at his side.

Time, as I see it, and I am sure as the President saw it, the move into Cambodia against the Communist sanctuaries was purely and simply a tactical move needed to be made to gain advantage over the enemy. That is all it was, and it should have been done years ago.

What has been the result so far of the Cambodian operation? It has succeeded beyond the wildest expectations of the President and his advisers, and, I think, probably beyond the expectations of anyone in the Senate, either for or against the Church-Cooper amendment.

The following are the latest totals as of May 21 of captured enemy supplies in Cambodia:

TOTAL OPERATIONS

	Number	24-hour change
Individuals weapons	11,064	+122
Crew-served weapons	1,846	+228
Bunkers/structures destroyed	6,643	+13
Machinegun rounds	2,689,724	+97,220
Rifle rounds	5,126,838	+32,550
Total small arms ammunition (machinegun and rifle rounds)	7,816,562	+129,770
Grenades	12,574	+265
Mines	2,966	+140
Satchel charge	500	(1)
Miscellaneous explosives (pounds)	72,000	(1)
Antiaircraft rounds	130,567	+3,214
Mortar rounds	29,311	+2,562
Large rocket rounds	1,090	(1)
Smaller rocket rounds	15,061	+262
Recoilless rifle rounds	19,565	+1,013
Rice (pounds)	9,120,000	+86,000
Man-months	200,640	+1,892
Vehicles	305	+41
Boats	40	(1)
Generators	38	(1)
Radios	179	(1)
Medical supplies (pounds)	36,000	(1)
Enemy KIA	8,044	+187
POW's (includes detainees)	1,773	+3

[1] Unchanged.

Now all this operation has been carried out at a minimum loss of American life. So far American casualties have amounted to 166 servicemen killed in action in Cambodia.

The enemy has been grievously hurt in this Cambodian operation. There is no telling how much he has been set back. In time the shortest estimates are 6 months, but some experts familiar with the supply apparatus of the enemy and the demands of his war machine in South Vietnam estimate that it may be nearer to a year. The Monsoon season is near at hand and during this period it is virtually impossible for the enemy to get in more than a trickle of supplies, not even enough to sustain his troops in the field with food and medicine, to say nothing about weapons and ammunitions he needs for fighting. This means that after the Monsoon season is over it will take many more months for the supplies to be brought down the Ho Chi Minh Trail to rebuild other bases in other areas.

During this valuable time that the Cambodia operation has gained, many more South Vietnamese can be trained and placed in the fighting lines to substitute permanently for United States troops.

There is no question that this Cambodian operation has saved American lives over the months ahead and that it will insure and speed up the withdrawal of American forces in Vietnam.

The President's action was bold, courageous and wise. It is the kind of action expected from a President of the United States in the most perilous times of all that face the Nation during wartime. In my view, President Nixon has displayed the quality of a truly great leader in the Cambodian affair.

This is a time that Members of this great body, the U.S. Senate, should be standing up in this Chamber and singing the praises of the President, rather than concocting Church-Cooper amendments that shoot him down. Now do not misunderstand me. I do not doubt the good intentions of the authors of this amendment, nor do I question or doubt their patriotism, their love of country, their respect for the Office of Presidency, or their deep sincerity and concern for the ending of the war in Vietnam.

Nonetheless the practical effect of this Church-Cooper amendment is a rebuke to the President for his courageous and highly successful action in Cambodia. It is an advertisement to the whole world, and especially to the Communist enemy in Hanoi and Moscow and Peking, as well as their clients and friends the world around, that at the very least there is deep division in the U.S. Senate concerning the President's conduct of the war in Southeast Asia, and at the most there is distrust and suspicion of his actions.

It will say to the enemy, "do not worry we would not let President Nixon make any more moves that will hurt you and shorten the war."

There is another thing that it does that makes this amendment unsound. Here we are engaged in a big war. Everybody admits that because everybody wants to get it over with, although we disagree on how we are going to do it. But the fact of the matter is that we are in a big war. Now if we pass this amendment, what we are doing is running this war by a committee of 100. Instead of having one Commander in Chief, one overall general, we are going to have 100 generals, two from Kentucky, two from Idaho, two from Florida, and two from all of the other States in the Union. Well, gentlemen, I do not know how others here fancy themselves as generals. But speaking for this Senator, I do not consider myself to either have the ability, and certainly not the inclination, to serve on a committee of 100 generals to decide in this Chamber the tactical moves we are going to make in Southeast Asia.

Now let me say, that I agree with the authors of the Church-Cooper amendment and their supporters when they state that we need to clarify the war-making powers of the President of the United States in the year 1970, and beyond, and when they also say that we should debate and explore the roll of the Congress of the United States in warmaking decisions of this Nation in the year 1970 and beyond. It is a fact that times have changed drastically since the Founding Fathers wrote the language in the Constitution designating the President as Commander in Chief and giving the Congress the power to declare war.

It is quite obvious that the Founding Fathers never had in mind a world of the 1970's where a nuclear war could be over indeed in a few hours, and where the swift changing pace of foreign affairs makes it necessary for the Commander in Chief to make daily reassessments of what the enemy is up to, where his troops and planes and ships are and where ours should be in order to meet any possible threat. They were not thinking of the time when there was constant danger of armed erruption on every continent at any time, involving American lives and property. So I agree with the authors of the Church-Cooper amendment that we should discuss these things and we should clarify the role of the President and of ourselves in this most drastic of the Nation's affairs, warmaking, involving the risks and the loss of lives of our young men.

But I earnestly make the point that the Church-Cooper amendment is not the way to go about this. The Church-Cooper amendment speaks directly to the actual and technical conduct of a war, the movement of troops, at a time when we have been engaged in war for many years. This is not the business of the U.S. Senate. This is purely and solely the business of the President, the Commander in Chief, under the Constitution.

We should discuss the respective roles played by the President and the Congress in warmaking. As a matter of fact, the time to have discussed this was at the time of the Gulf of Tonkin resolution. We did not discuss it at that time at any great length.

As a matter of fact, I suppose if we had been latter day oracles of Delphi and been able to look into the future and see the Nation and its involvement in Southeast Asia in 1970, we would have never authorized the President to go ahead in Vietnam as he did in the Gulf of Tonkin resolution. But the fact of the matter is that we did not have the vision of prophets. We thought we were going to take care of this little upstart Communist country of North Vietnam with the greatest of ease. It did not turn out that way. They proved a much tougher nut to crack than we thought and certain people around the country had second thoughts, and decided that this was a bad deal and knew the thing to do was to pick up the cards, put them back in their packet and maybe wait for a a fresh deal somewhere else at some other time. Well, picking up the cards and walking away with them and waiting for another day is not quite that easy as all of us know.

THE REACTION OF THE PRESS AND MEDIA

Every so often, when a week passes in which there is no momentous Presidential action, some editorial writers come to the conclusion there is a "crisis of leadership."

Presently, when the President took strong and decisive action to protect the lives of our fighting men in Vietnam, the same writers were out again with the same cliche—a crisis of leadership.

To them, it seems the President is damned if he does and damned if he doesn't.

I suggest that the writers of instant history are themselves suffering a "crisis of readership"—becoming more and more estranged from the sober judgments of their readers, who are beginning to see through these hackneyed attacks on the President and broken record type criticisms of the war.

Furious activity is no substitute for action. Careful restraint is not evidence of inaction. A genuine leader does not manage the news—he manages the country and in his management tries to shape events in the light of the Nation's goals.

That is why it is important to go to the heart of the matter on the President's Cambodia decision. Not whether it stirred a storm of protest, not whether it will have a short- or long-range political effect, and not which adviser said what to whom—but basically, did the President do the right thing? Did he act in the national interest of the people of the United States?

In the final analysis, that is all that counts. In the final analysis, the critics can revise their criticism, all the advisers—as President Kennedy once so aptly said—can go on to new advice, but the President is responsible for doing what is right for the country and ultimately responsible for the results of his decision. That is what he was elected for.

The President's warnings to the North Vietnamese about escalating the conflict and endangering the American troop withdrawal program went unheeded. His expression of grave concern to the Soviets about escalating the conflict in the Middle East went unheeded. A moment of truth was at hand.

He did not act out of anger or impatience or pique. He consulted his advisers, and listened to a range of opinion as to the choices open to him. He consulted the National Security Council, which he had set up for the orderly presentation of views in situations such as these. There were no "votes" taken—the American people do not elect a committee to be President—but every alternative was explored, and the likely consequences, both at home and abroad, were taken into consideration.

Then we saw why the Presidency is called "the loneliest job in the world." The President determined what he felt was right for America, and right for the cause of peace and freedom in the world. Aided by the best advice of the men he trusted most, he faced the responsibility that was his alone—and he made his decision. He exercised the leadership he was elected to exercise.

As had been expected, the storm of criticism broke. The sins of omission and commission of the past were all visited on him. But not all the voices raised were critical. Even some of those voices which we do not hear in America, spoke out for his courage and his wisdom.

Under the headline, "No White House Weakling," A columnist in the London Sunday Telegraph put it this way:

"Even if his character did not incline him to be tough, the situation forces him to be so. For a second President to allow his foreign policy to be shaped by campus pressure would turn America into a kindergarten state . . . can the Anglo-American liberal establishment not realize that the man now in the White House is a formidable figure, who has to be taken seriously—a President who believes in his cause just as passionately as they believe in theirs?"

The President's strong stand is being carefully observed abroad—and not just by newspaper columnists.

The President's stand is being watched by those who have sent Russian combat pilots into action in Egypt.

The President's stand is being watched by those in Hanoi and in Peking who have been saying that the United States is a paper tiger, too worried about protest at home to take the course necessary for peace and freedom around the world.

THE CHURCH-COOPER AMENDMENT

As I said before, I do not dispute the sincerity of my colleagues who have offered it or who intend to support it. But, I suggest most strenuously that it is the wrong action to take at this time and I intend to oppose it.

The question is not whether Congress has the power of the purse; of course it does. The question is whether Congress should use that power and how it should use it.

Congress does have a role in the conduct of the Nation's foreign affairs. No one can rationally dispute that as a matter of principle. The question is how Congress shall use its undoubted power and discharge its vital role at this time.

As Members of the Senate, we are being counseled now, in the press and in the media, to undercut the President in this time of crisis, to repudiate him, to isolate him. We cannot and we must not do this.

In recent weeks, Mr. Joseph Alsop has returned three or four times in his very ably written column to the theme of the Oxford Peace Pledge of the thirties. The Oxford undergraduates asserted categorically and emphatically that they would not fight "for king and country". The question was not so much whether they meant it—they did not. Most of the signers fought—and many of the signers died I regret to say, for their country, England, when it was imperiled by Hitler in the forties. The real significance of the Oxford pledge was how it was viewed by England's enemies and potential enemies. Hitler took it to be a sure sign of the decadence and sickness of England. Again and again, in the thirties, as his homocidal war machine took form, Hitler referred to the Oxford pledge and his scorn for England because of it. He miscalculated and his interpretation of it was wrong, but at least part of Hitler's strategy was based on that pledge—and one of the reasons he was so aggressive and so ruthless was because he thought England lacked the will to defend itself and its interests.

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Perhaps the Cooper-Church amendment is the Oxford pledge of our generation. It is really too early to say. But if it is or if it can be, I would suggest that we remember that we are not undergraduates. What is forgivable of unseasoned youth is inexcusable in experienced men of affairs. This is not the time to be sophomoric—the stakes are too high and the potential for disaster is too great.

I suggest, Mr. President (Mr. GRIFFIN), that the debate we are now engaged in is one of the most significant since World War II, possibly as significant as any we have had this century. I suggest that it is being monitored very carefully by our enemies. I am sufficiently old fashioned to think of the Soviet Union as an enemy, to think of Communist China as an enemy, and to think of Hanoi as the enemy. Our enemies, as I say, are watching and listening.

As Tom Wicker pointed out in the New York Times last week, the real thrust of the Cooper-Church amendment is psychological, not legislative. Presuming for a moment that it or something like it should pass in the Senate, it could very easily be killed in the House; if it passed the House, the President could veto it.

So what we are now being asked to do really is not to simply vote on an amendment. We are being asked to repudiate the President; to abandon him—to tell the world that we have no confidence in his word, no trust in promises, no faith in honor or ability. I say we cannot do this and he should not do this.

And I am not thinking of President Nixon's pride or self-esteem, or his personal feelings. I am thinking of the country and the effect such a slap in the face to the President by the Senate would have at this point, from the point of view of our foreign relations.

I suggest that if such a resolution or amendment were to pass now, he would see an immediate increase in tensions in the Middle East. The Soviet Union, playing on the passions of its Arab allies—confident that the division within the United States was real and deep, to such an extent that the President could not or would not assist Israel—will feel free to move against Israel with impunity. We have already seen a significant change in Russian policy there in recent weeks. The hard and fast rule of the Kremlin since 1945 has been aid and material to all allies, but no troops outside the Soviet Empire. The significant thing is, the rule has been broken now—and Russian troops—pilots are now on duty in Egypt flying MIG's.

Israel has demonstrated its ability to withstand superior Arab numbers—on three occasions since 1948. It can match Russian weapons and still come out on top. But can Israel in the future match Arab numbers. Russian weaponry and Russian field personnel? The pressure of Russian military men in number in the Middle East adds a new dimension to the war of nerves. I suggest that our actions here in this chamber in the next few days will be a major factor in the Middle East within the next few months.

I also suggest that Communist China will be making more outrageous and aggressive demands of its neighbors. I think the war in Vietnam is more than a simple land grab or a simple territorial war in Asia. I think we recognized that truth at the beginning, but many Americans are willing to overlook that truth now in their frantic efforts to get us out of it.

I want to get out of it, too. Every Member of this body wants to get out of it. The question is "How to get out"—not "If we should get out." I suggest that in how we get out, the circumstances and timing of our withdrawal is infinitely important. We are being urged to cut and run—you can dress up that phrase, and call it a phased withdrawal, or what you will but the meaning is clear, whatever the phrase—if we cut and run, it will haunt us. Instead of winning the peace we all want, it could very likely put us in greater danger of a quicker and more deadly confrontation with Communist aggression everywhere.

Take Red China for an example. When we talk about Red China we are talking about another Asian power. When we talk of Red China's leaders, we are not dealing with an ordinary set of individuals. We are dealing with people who know what power is and how to use it. We are dealing with tough, seasoned men, most of whom have been fighting for their cause for their entire adult lives, men who are ruthless and able and dedicated; men who have used murder and violence to achieve their station—who have exterminated untold thousands of their countrymen in recent years in consolidating their power. We are dealing with the most populous nation on earth, one that has developed a nuclear capability and is on the way to perfecting a ballistic missile capability of its own. Our debate and our disposition of this amendment and others like it is bound to influence Peking's thinking about our Nation.

Like the Oxford undergraduates of the thirties, some of our people are indulging now in a lot of emotional talk, a lot of florid prose. Every day, editorial writers are verging on hysterics. That is true of the Washington Post.

I suggest that the Washington Post's hopes are going to be dashed again. I think the Cambodian episode will be a major American victory. If it is—and it shows signs of being just that and more—I wonder whether those editorial writers, especially those of the Washington Post, will acknowledge their error or apologize for their intemperate language. I would not hold my breath waiting for such a development. No. I would say that, the Washington Post, whatever the outcome, they will go on excoriating President Nixon and proclaiming their own infallability.

Let me resume with the Oxford pledge analogy. I have suggested certain historical parallels. I have suggested that some of the rhetoric we are hearing now is akin to peace talks at Oxford in the thirties in this sense. It may be the basis for precipitate action by our Chinese and Russian adversaries. If our enemies think us weak and indecisive, they very well may test that hypothesis by future probes and offensives. If we appear divided and irresolute now, they may risk greater and more aggressive thrusts against us. In the end, we will have to stand up against them; we all know that. Could it be that in the interest of peace now in this area, we are risking greater and more ominous confrontations elsewhere? It is not beyond the realm of possibility.

It has been suggested that President Kennedy's lack of decision at the time of the Bay of Pigs made Khrushchev bold enough to try to place his missiles in Cuba. Students of world politics said that Khrushchev could not understand President Kennedy's behavior at that time. They say that Khrushchev was prepared to accept a full-pledged, openly supported invasion of Cuba. He could understand why such a decision would have been in America's best interest. He could also have accepted a complete hands-off policy by the United States, an invasion force manned entirely of exiles who would sink or swim on their own. But Khrushchev reportedly could not understand why the United States initially supported, planned, and encouraged the Cuban invasion and then at the last moment withdrew the air cover which was necessary to its success. He saw that as weakness and vacillation on the part of President Kennedy and sought to exploit that weakness by putting offensive missiles into Cuba in 1962.

President Kennedy faced him down later in the Cuban missile crisis and in what we all, I think, recognize as his finest hour, forced Khrushchev to pull out the missiles. I mention these episodes at this time not to denigrate President Kennedy—or to sing his praises for that matter—but to emphasize that our adversaries constantly look for our weaknesses, real or imagined, to exploit them, to their advantage and to our detriment. They look for and respect our actions of strength.

I do not think we should precipitate a constitutional crisis or reject the leadership of the President—this President or any other President—when our actions over the long haul would inevitably operate to our national disadvantage.

I urge the rejection of this amendment. I think it is ill-timed and by its language and intent, if passed, would tend to weaken the confidence of the people in our presidency. The presidency, it seems to me, is something more important than the President or the person who occupies the White House at any particular time. I suggest also the passage of this amendment at this time would hurt us internationally—how much, I confess I do not know; how seriously, only time will tell. But in my view, it will hurt us, and very conceivably hurt us quickly and severely.

Mr. President, we are at war. How we got there and who made what mistake does not concern us today. We all want to end that war—we all agree on that. This amendment, in my view, however well intentioned, will not help.

President Nixon's action against the Communist sanctuaries will help, in my view, to end American involvement in that war.

The Senate should support the President in this action, as indeed a majority of the Nation is supporting him, and reject the pending Cooper-Church amendment.

XUM

MODERATION IN DIFFICULT DAYS

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. FRIEDEL. Mr. Speaker, in the recent days of domestic turmoil there have been far too few occasions of moderation. I believe we in the Baltimore-Washington area were most fortunate to be witnesses to a significant series of moderate acts by law-enforcement officials during the period of disturbances at College Park, Md. I want to commend the Baltimore City Police, the Maryland State Police and National Guard leadership and personnel who participated for their restraint.

On this subject, I commend to all my colleagues the recent well-reasoned editorial of WJZ-TV, channel 13 in Baltimore, on this matter:

MILITARY RESTRAINT AT COLLEGE PARK

(Presented by Paul D. Coss, program manager, WJZ-TV, Baltimore, May 19, 1970)

To be challenged and provoked and still refuse to fight may not be the code of the Old West, but for the Maryland National Guard at College Park this is an essential rule of conduct. In fact, the only real victory for these civilian soldiers guarding the University of Maryland is in avoiding a battle.

WJZ-TV has, from time to time, presented editorials expressing sympathy with many aspects of student protest. We believe there are things happening in the world that justifiably make students angry, and that the students have a right to join in active protest. We draw the line, however, at protest that turns into mindless destruction or interferes with the rights of others of a different point of view.

It was over-inflamed student passions that forced Governor Mandel to call first the State Police and then the National Guard to the College Park Campus of the University of Maryland. We believe both the police and the guardsmen have thus far performed with commendable restraint. They are, after all, human beings with their own private opinions on what is happening. As military men, however, they must submerge their feelings and concentrate on keeping peace and protecting property.

It is significant that in the case of the National Guard, the men are still governed by a booklet on rules of conduct edited by the late Major General George M. Gelston, predecessor of Major General Edwin Warfield, as Adjutant General of Maryland. General Gelston won a national reputation for his depth of understanding of social problems. He applied this understanding to military conduct in dealing with demonstrations and crowd control.

The State policemen and National Guardsmen seem to be carrying out this tradition of moderation in their operation at College Park. The people of Maryland owe them sincere thanks.

THE FAILING WISDOM OF JUSTICE DOUGLAS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. HUNT. Mr. Speaker, the House Judiciary Committee is continuing its investigation of the off-the-bench conduct, activities, and public writings of Supreme Court Associate Justice William O. Douglas pursuant to an impeachment resolution.

In connection with his most recent contribution to American literature, Points of Rebellion, Life magazine's May 1, 1970, "Comment" column by David Seligman reaches the conclusion:

> Maybe it is, as Douglas' critics contend, a very serious matter indeed when a member of the highest court in the land suggests that violent revolution is appropriate in the United States today. But I suspect that many readers will find it impossible to take anything in *Points of Rebellion* very seriously.

To be sure, such ranting and raving against the processes of orderly and lawful change ingrained in the very institutions of our society may be so deficient in substance as to lose credence. But the significant point to be made is whether public confidence and justice can be served when one of the nine Supreme Court Justices openly subscribes to the belief that we are a nation of men and not of laws. In this light, the failing wisdom of a man who subverts the law to advance revolution is indefensible when the only real force behind his personal views is the fact that he is an Associate Justice of the highest court in the land. Abuse of a position requiring such a high degree of public trust is, in my estimation, the gravest injustice.

Mr. Seligman's column follows:

REVOLUTION, RANT, AND JUSTICE DOUGLAS

I picked up a copy of *Points of Rebellion* the other day to see if its author, Supreme Court Associate Justice William O. Douglas, had actually been promoting revolution as strenuously as his critics, some of whom want to impeach him, allege. I discovered soon enough (you can read the book in an hour) that his views on revolution are not what's mainly interesting about Douglas these days.

The real news is that he seems unable to think straight about *any* subject he brings up. He has become a ranter. His life-long concern for the rights of dissenters has now been translated into a near-paranoiac insistence that we have already lost our basic freedoms to an omnipotent and malevolent Establishment. According to Douglas, this Establishment demands conformity from all citizens; it relentlessly searches out "the ideological stray." It controls both major parties and makes independent political action difficult. It is itself controlled by a few insiders. At one point Douglas quotes from a letter sent him by a GI in Vietnam, who says that we have "moved from a government of the people to a government of a chosen few." These have achieved their position "by birth, family tradition or social standing"; they now have "all the wealth and power" and they "control the destiny of mankind." Douglas soberly characterizes all this foolishness as "bald truth." What his numerous fans, who have praised him for helping to preserve American freedoms, will make of his view that we've lost them I cannot imagine.

He has also stopped bothering to get facts straight: *Points of Rebellion* is a treasure trove of astounding statements that turn out to be quite untrue. Part of the problem seems to be that the author is living in the past. Carrying on about "goose-stepping and the installation of conformity as king," he refers to the loyalty and security hearings instituted by President Truman in 1947, and observes that: "anyone who works for the federal or for any state government must run the gauntlet." But these procedures, which were never adopted by most state governments, ended in 1953! As a current instance of the Establishment's ability to "brainwash us about Asia," he cites the activities of "the China Lobby, financed by the millions extorted and extracted from Americans by the Kuomintang." For younger readers it is perhaps necessary to add that the lobby in question, which supported Chiang Kai-shek's Nationalist government, has been stone cold dead for years.

Even in talking about problems that are still real and still serious, Douglas does not use the current figures. He says that "two out of three Negro families have earned less than $4,000 a year" (the current proportion is about one out of three); and that "only one out of five Negro families has made $6,000 or more" (current figures suggest that almost half of Negro families make $6,000 or more). In talking about "the specter of hunger that stalks the land," he says that 11 million American families make less than $2,000 a year (the correct figure is 2,600,000 families) and that five million families make less than $1,000 (the correct figure is under a million).

By way of showing how easy it is for the Establishment to push us around, he says, "The electronics industry is firmly entrenched in the Pentagon and that industry will reap huge profits from ABM which started as a $5 billion item, quickly jumped to $10 billion and $200 billion and even $400 billion." This passage is one of several in which Justice Douglas uses language that blurs the difference between what has actually happened and what some people—in this case the most extravagant critics of ABM—say *might* happen in the future. In the course of demonstrating that the concerns of the young are legitimate, he notes: "German students are inflamed at our use of napalm in Vietnam, putting to us the embarrassing question, 'It's a war crime, isn't it?'" Now whatever one thinks about the use of napalm, the term "war crime" has a precise legal meaning. It refers to a variety of specified actions that were held, at Nuremberg, to violate the customs of war. And using napalm was not one of the actions specified.

The young, oozing relevance at every pore, are the heroes of Douglas' exercise. We have all, by now, been exposed to heavy doses of sentimental nonsense about the nobility of youth, but I can't recall reading anyone who lays it on as thick as Douglas does. The following is a fair specimen of the patty-cake prose and tone of voice he brings to the subject:

"Yet another major source of dissatisfaction among our youth stems from the reckless way in which the Establishment has despoiled the earth. The matter was put by a 16-year-old boy who asked his father, 'Why did you let me be born?'

"His father, taken aback, asked the reason for the silly question.

"The question turned out to be relevant, not silly.

"At the present rate of the use of oxygen in the air, it may not be long until there is not enough for people to breathe."

Douglas has a ready answer to those who inquire what the young really want. They want an end to the repression they suffer at the hands of the Establishment. They want a return of freedom—"the freedom of choice that their ancestors lost."

If they don't get it peacefully, they may of course be compelled to take it violently. The notion that those who use violence really have no choice about the matter recurs a number of times in *Points of Rebellion*. About violence in the schools, for example, it appears that "much of modern education fills young, tender minds with information that is utterly irrelevant. . . . Students rightfully protest; and while all their complaints do not have merit, they too should be heard, as of right, and not be compelled to resort to violence to obtain a hearing." There is also an implicit argument for violent revolution in Douglas' analogy between today's Establishment and George III. ("We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution.") And there is again the notion that the outcome depends, not on the prospective revolutionaries, but on the Establishment: if it acts wisely and accedes to the just demands of the young, there doesn't have to be any trouble at all. What could be fairer than that?

Maybe it is, as Douglas' critics contend, a very serious matter indeed when a member of the highest court in the land suggests that violent revolution is appropriate in the United States today. But I suspect that many readers will find it impossible to take anything in *Points of Rebellion* very seriously.

NORTH DAKOTA POLL BACKS PRESIDENT ON CAMBODIA

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. KLEPPE. Mr. Speaker, the Grand Forks Herald published a questionnaire inviting its readers to express their approval or opposition to President Nixon's Vietnamization program and the action he has taken in Cambodia.

XUM

Mr. Jack Hagerty, executive editor, has forwarded to me the tabulation covering the first 1,000 responses.

One statement, signed by 769 readers, said:

> We support President Nixon's Vietnamization policy and the steps he has taken in Cambodia.

The other statement, signed by 263 readers said:

> We are opposed to the steps President Nixon has taken in Cambodia and urge an immediate withdrawal from Vietnam.

Some modified the last portion of the statement to indicate they support the McGovern proposal or favor early, orderly withdrawal, Mr. Hagerty said.

The Herald's circulation area is in North Dakota and Minnesota. A further breakdown showed that among North Dakotans there were 605 pro-Nixon and 219 anti-Nixon signatures. The Minnesota count was 164 pro and 44 anti.

It should further be pointed out that the University of North Dakota is located at Grand Forks and that students and staff make up a very considerable part of the city's population. The results of the Herald poll would seem to shake somewhat the widely-held view that sentiment in university centers is overwhelmingly against the President's policies in Southeast Asia. I might note further that the violent protests which occurred on many college campuses this year were not duplicated at the University of North Dakota. The school term was not interrupted.

I applaud the students at the University of North Dakota and our other State institutions of higher learning for the restraint and good judgment they displayed during a time of distress for all Americans, especially for our younger people who are understandably deeply concerned not only with foreign policy but with serious domestic problems, as well.

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ITALIAN NATIONAL DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. RODINO. Mr. Speaker, I wish to extend my warmest greetings on the occasion of Italian National Day to Premier Mariano Rumor and the Italian people through Italy's gracious and respected American Ambassador, His Excellency Egidio Ortona.

The Italians are a sensitive, warm, and genuine people who have contributed genius in measure beyond Italy's geographical size—the great civilization of the Roman Empire, the concept of the city state. In the fields of architecture, sculpture, painting, music, and science they have given us the colossal creative talents of Michaelangelo, Rafael, Modigliani, Brumidi, Paganini; of da Vinci, Galileo, Marconi, Eustachio and Falloppio; of Puccini, Botticelli, Monteverdi—the list is virtually endless.

The artistic world indeed would be poorer without such magnificent and extraordinary accomplishments, not to mention the culinary arts which have become common the world over.

Truly, Italy's impact on modern civilization is measureless. In the words of former Columbia University president and educator, Nicholas Murray Butler:

> The place of Italy in civilization is best shown by trying to subtract that place from world history. . . . Take away her scientific accomplishments, her statesmanship, her leadership of the world for many years and what have you left? The world looks badly decapitated. . . . You can subtract Italian culture from civilization only by destroying that civilization.

Italy as a modern democracy has been a stanch American ally. Our people share a common bond of love of freedom and devotion to justice. We congratulate her on the occasion of Italian National Day for her past endowments and we look forward to a continued and productive alliance among our peoples.

ROTC: THE UNIVERSITIES' STAKE IN NATIONAL DEFENSE

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. HÉBERT. Mr. Speaker, ROTC is incurring the wrath of college leftists, and gutless administrators are succumbing to every demand.

But I am determined that ROTC will remain productive and strong, as I am sure all loyal Americans are.

I want to enclose in the RECORD a statement, which has come to my attention, written by Mr. John W. Bitner, chairman, Princeton University Joint Army-Navy-Air Force ROTC Advisory Council.

The statement speaks for itself and is both timely and appropriate:

ROTC: THE UNIVERSITIES' STAKE IN NATIONAL DEFENSE

(NOTE.—A statement on the importance of an improved relationship between the ROTC and the universities. By John W. Bitner, Chairman, Princeton University Joint Army-Navy-Air Force ROTC Advisory Council.)

It is time for Americans—*all* Americans—to take a close look at what is happening to the Reserve Officers Training Corps: the downgrading, even the elimination of the program in some of the nation's leading universities. The results can be far more serious than most citizens realize.

The roots of concern go deep into the American's attitude toward the military. National defense is, of course, essential; and it had better be in the hands of intelligent, well-trained men. But the nation has no place for a dominant military elite. Its defenders must understand the aspirations and peaceful pursuits of a free, self-governing people. And it is precisely in this light that the ROTC provides a sensitive balance.

For more than fifty years our country's ROTC program has leavened our officer corps, contributing to the strength of the civilian community and maintaining a bridge between civilian and military life. It is, and has traditionally been, the largest single producer of officers for our armed forces.

Since national security requires a well-trained officer corps, the nation is better off by far if much of that corps is composed of men with the sound academic training, disciplined individual thinking and the understanding social outlook that our foremost colleges and universities can contribute.

The truth of this was significantly underlined by a recent special committee of civilian educators and military officers, commissioned by the Secretary of Defense Melvin R. Laird to study problems of the ROTC program. The committee and its advisory panel included not only two generals and an admiral, but also nine university presidents or chancellors and other men of considerable academic and administrative stature representing leading universities in all sections of the country. The members of this committee advised Secretary Laird a few months ago: "Most American colleges and universities do have a responsibility to share in the defense of the free society of which they are a part. It is in their institutional self interest to contribute to the leadership of the armed forces". The committee also unanimously agreed that "If ROTC were to be removed from the nation's campuses there would be grave danger of isolating the services from the intellectual centers of the public which they serve and defend."

That grave danger is here and now. Faculty and administrative actions have already caused ROTC to be terminated at a number of leading universities. Several other universities are making it increasingly difficult—in some cases perhaps impossible—for the services to remain on campus. Last year Princeton reduced ROTC from departmental status, removed academic credit for course offerings, reduced the status of ROTC instructors, and imposed restrictions on them and their families with respect to schooling, housing and other matters. Here, as in certain other schools, the conditions imposed seemed to make the situation untenable for ROTC.

It is disturbing that the attacks on ROTC have originated mainly within the very intellectual centers that provide its relevance to the national civilian-military balance. These attacks are spearheaded by sincere but emotional individuals who use the ROTC as a symbol against which to demonstrate their moral aversion to the Vietnam war without seeing the program in its larger context; and by groups bent on generating mass disruption through the use of force to block and wreck the actions of all those with whom they disagree. They seem to disregard the possibility that there might come a time once again when the United States would be called upon to defend itself or perish—or to defend an ally whose cause they considered just. For these people, as for all of us, to eliminate ROTC is to deliver a hostage to fortune.

Since such opponents of ROTC may not regard themselves as shareholders in the university's responsibilities to our Nation's defense, the burden of these responsibilities falls rather upon the trustees, the administration, and a fully informed faculty—and, perhaps, dedicated alumni. It is to these groups that we must look for the assurance that decisions are made in mature and broad perspective, and only after full consideration of all relevant factors.

In military service, as in other professional disciplines, sound fundamental training and leadership qualities should be acquired early in life from experts; and for a career officer corps, these qualities are best acquired at a time when the young man's understanding of his world is being broadened in all directions: in the arts of living and thinking as well as in the skills of command. This is the unique function of the ROTC on the college campus.

To the extent that a school rejects ROTC, the school shrugs off the challenge of that unique function. Even more disturbing: it abandons a significant area of academic freedom: the right of a student to choose whether or not he will train for a military career at the same time he proceeds with his liberal academic education.

Thus may a university help to defeat its own purposes. The erosion of ROTC is a threat not to the military, but to those Americans who fear and distrust the control of our Armed Forces by a narrow military point of view.

It is in the Ivy Group universities that the chipping away at ROTC is most alarming. No man is an island; nor is any intellectual center an island unto itself. The policies and decisions of such schools as those in the Ivy Group are watched by other schools, both large and small, all over the nation. When ROTC is shackled or banished by one institution, it becomes easier for other institutions to rationalize similar action, and to hasten the day when ROTC may be finished at the bellwether schools—and at others.

Officer Candidate Schools do not offer a satisfactory alternative to ROTC. Such commissioning programs are very useful when rapid expansion is needed in a national emergency. But the environment is not conducive to academic pursuits; the courses are brief; and in emergencies the faculties, quickly assembled, have no opportunity to relate the candidates to more than the restricted immediate objectives.

ROTC, on the other hand, embodies the strong asset of continuing contact between highly motivated military teaching staffs and critically-thinking, civilian-oriented faculties. Both bodies benefit from continued exposure to one another. None of the Services believes that the OCS concept alone could satisfy the continuing officer procurement requirement.

The trend against ROTC programs can still be reversed. Early in 1970 Princeton, after new discussions with Army ROTC officials, relaxed some of its restrictions; and—as this is written—the Army will probably stay. The future of Air Force and Navy programs at Princeton is still in doubt; but there is at least an opening for reconsideration and negotiation by all the concerned parties.

This is the direction that all colleges and universities should be taking now: not capitulation to minority demands, frequently based on motives that are emotional though sincere; but a new examination of the function and the challenge of ROTC in the American pattern of freedom, security, and intellectual elbow-room.

Certainly there is ample room for re-examination of campus-ROTC relationships by men of good will representing both points of view. Let us then have new in-depth discussions between the colleges and universities where there has been a deterioration or cessation of ROTC on the one hand, and appropriate military department officials on the other: discussions which, with the best overall interests of our nation in mind, should be aimed at re-evaluation of how the academic world and our armed services can best relate in meeting the Nation's defense training problems of our armed services. And let's have these discussions before more damage—possibly irreversible damage—is done.

HON. JOHN W. McCORMACK

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. RHODES. Mr. Speaker, it has been a privilege to serve under your distinguished leadership as Speaker for the past 8 years, and as a colleague of yours in the House for the past 18 years. Over these years, I have taken pride in your friendship. I still do. As have all other Members, I have become well aware of your ability, thoughtfulness, and dedication to the right and the good. Certainly, the traits of honesty, integrity, and dignity which are exemplified in your actions in public and private life, and the affection and esteem in which you are held by your colleagues on both sides of the aisle prove your fairness and understanding. Your contributions to our country are too varied to list, but probably the greatest of them is the wisdom with which you have met problems and made decisions benefiting the lives of all citizens. America can be grateful for your contributions—in your public and private life. We all live in a world made better by your personal code of life.

Congratulations on the great honor of serving longer continuously as Speaker of the House of Representatives than any other person since the founding of our Republic. You deserve the honor, for you have discharged your duties nobly.

ADDRESS OF CONGRESSMAN RAY J. MADDEN OF INDIANA

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, I am proud and honored to include in the RECORD the very impressive speech delivered by our able, distinguished colleague and my good friend, the Honorable RAY J. MADDEN of Indiana, who was the principal speaker at the Polish American Congress Convention in Philadelphia on Memorial Day 1970. The Congress was cosponsored by the Polish American Congress, Eastern Pennsylvania District, and the Polish Army Veterans of America, 17th International Convention Committee.

The speech follows:

ADDRESS OF CONGRESSMAN RAY J. MADDEN OF INDIANA, BEFORE THE POLISH AMERICAN CONGRESS CONVENTION IN PHILADELPHIA, MEMORIAL DAY 1970

On this Memorial Day, 1970, it is, indeed fitting and proper that the Polish American Congress of this area and its other divisions throughout the nation are holding ceremonial meetings to pay tribute to the heroic Polish Heroes who sacrificed their lives in the Katyn Forest 30 years ago.

During the intervening 30 years since the barbarous international crime was inflicted on approximately 14,000 leaders of the then free Polish Nation, many changes have taken place internationally, geographically, scientifically, and progressively not only in our nation but throughout the world. One thing has not changed and that is the brutal acts of the international Communist conspiracy in resorting to all methods of exterminating humanity in order to seek its ultimate desire of world domination and enslavement.

As time marches on, millions throughout the world possibly forget the magnitude of the barbarous murders and crimes committed by Communist tyrants since the days when Lenin first organized his program of international communism. It is estimated that over 40 million humans have been exterminated, starved, killed, and massacred by Communist armies, police, and other authorities since the World War I period. Their uncivilized policies have not changed or been reduced as has been evidenced in similar Communist barbarities in enslaved nations and revealed in Vietnam, Korea, and Southeast Asia generally.

My remarks today are primarily being directed to the younger generation—not only to the Polish youth, but to all the young folks throughout America—who have not learned the true facts of their methods and of their tyrannical domination.

COMMUNIST DUPLICITY

The Katyn massacre has been the only international crime in the world's history where the leaders of one nation (the Soviets) accused the leaders of another nation (the German Nazis) of guilt in the commission thereof and vice versa. The Nazi leaders (Hitler) accused the Soviet leaders (Stalin) of guilt for the Katyn crime.

For almost 10 years after the discovery of the Katyn bodies, the Soviets poured out misleading propaganda declaring their innocence of any connection with the Katyn massacre or the murder of over 14 thousand Polish leaders who disappeared from 3 Soviet prison camps in the spring of 1940.

POLISH-AMERICAN CONGRESS

It was by reason of the concentrated efforts and insistence by the members and leaders of the Polish-American Congress of the United States that public opinion not only in America but throughout the globe, desired an official determination and investigation of the true facts concerning guilt of the Katyn murderers.

In 1951 I filed a resolution asking Congress to approve a special investigating committee to determine for posterity and future generations the guilt for the Katyn international crime. On September 18, 1951, House Resolution 390 was enacted by the Congress. This resolution called for a complete congressional investigation in order to determine officially the guilt for this atrocity against humanity.

HEARINGS AND TESTIMONY

Our committee held hearings not only in the United States but also in England and Europe. During the progress of these hearings, over 250 witnesses testified. This number included government officials of various nations, military leaders, physicians, international lawyers and persons from various nations, including Russia, who had direct and personal information on the international crime. Special invitations were sent to Stalin and other leaders of the Soviet Republic to appear at our hearings in London or Frankfurt, Germany. The Soviet leaders ignored and failed to respond to our invitations to testify and clear up the misinformation concerning the Katyn murders. During our hearings in Europe, the Soviet leaders, through radio, television, Pravda, and other propaganda sources continued a barrage of lies and false charges against the work of our congressional committee. A group of European newspaper experts stated at the time of our Frankfurt, Germany hearings that the Katyn Congressional Committee for the first time placed the Soviet propaganda machine on the defensive. They had no answer to the testimony and the factual revelation of the evidence that the Soviet Communists were guilty of the Katyn Forest massacres.

STALIN, KHRUSHCHEV, HITLER, MUSSOLINI

Our committee publicly announced that the hearings should not take the spotlight away from the barbarous mass murders and pogroms committed by the Hitler Nazis during and before the period of World War II. Our committee found that the Communist atrocities committed on other captive nations such as Lithuania, Hungary, Rumania, the Balkan States, and Korea, all had a striking similarity to the crimes committed against the Poles at Katyn.

The worldwide publicity given the testimony secured by our committee concerning the methods, strategy, and barbarity of the Communist tyrants alarmed millions of people of all nations as to the true facts of Communist enslavement. Our testimony, exhibits, and the facts and knowledge it gave the world contributed greatly to building up resistance by many nations and races against Communist aggression.

Since the Congressional Katyn Committee filed its final report in December 1952, hundreds of thousands of copies of this factual verdict and our official Katyn report of Communist methods and criminal acts have been requested by all non-Communist nations on the face of the globe. Thousands of organizations and individuals all over the world have, during the last 18 years, written to Congress and my office for the Report on the Katyn massacre hearings. Many requests come to my office in Washington from folks living in different parts of the world asking for information and copies of the final report of the Congressional Katyn Forest Massacre Committee.

Oftentimes I think that it would be, indeed, a worthwhile and valuable project if our Government or the United Nations would foster the expense of reprinting the Katyn Congressional Report exposing the Communist brutality, barbarity, and methods of enslaving peoples under its domination. These reports could be printed in various languages and placed in the homes of all peoples in nations threatened with Communist domination and subjection.

SOVIETS COULD NOT HIDE GUILT

Throughout all our entire hearings proceedings there was not one scintilla of proof or even any substantial evidence presented that could remotely indict any other nation but Soviet Russia for this deplorable international Katyn crime. The Soviets, in order to clear themselves in world opinion, refused to allow the International Committee of the Red Cross to make a neutral investigation of the Katyn massacre.

The overwhelming testimony of prisoners, formerly interned at the slave camp near the Katyn Forest, and of medical experts who performed autopsies on the massacred bodies and also of observers taken at the scene of the crime, conclusively confirmed our committee findings. Stalin, Molotov, Beria (the NKVD chief) refused to answer the Polish Government leaders and military men when in 1941 and 1942 they demanded the whereabouts of the disappeared Polish prisoners. Complete proof was presented that the Soviets purposely misled the Poles in denying any knowledge of the whereabouts of their leader and officers when, in fact, Stalin and his murderous conspirators already knew the Poles were buried in mass graves at Katyn.

SOVIET PROPAGANDA ON DEFENSIVE

The Soviet leaders made every effort through their highly organized propaganda machine to hide from the Polish people and the people of the world the real truth about Katyn. Evidence brought out by our investigation convinced the members of the committee that the Katyn massacre barely scratched the surface of the numerous crimes against humanity perpetrated by the totalitarian powers.

I know of no organization on either side of the Atlantic that has done more to keep the fight against aggression and expose Communist barbarity and enslavement more than the Polish-American Congress. Your great national organization was responsible for the Katyn Congressional Investigations in the 82nd Congress.

VIETNAM, KOREA, CAPTIVE NATIONS

If the free nations of the world would only join in concentrating the fight to expose the true facts against communism and educate the so-called backward nations concerning the criminality of Communist enslavement methods, and the true living conditions under their domination, there is no doubt but what the collapse of the Communist goal of world enslavement would take place in a short time. Too many of the new and backward nations have been victims of Communist misrepresentation and also of the so-called free world.

Communism has been one of the greatest, most powerful, well-organized international threats to human freedom in world history. Our Government has spent billions of dollars fighting this international menace. There is no doubt in my mind that the Communist threat today is not as dangerous and as imminent as it was 20 or 30 years ago. The greatest evidence of this fact is that their economic system has been a total failure.

Stalin's government was an economic failure and at his death great discontent was rampant in not only the Soviet realm but the satellite nations. He was succeeded by Khrushchev, and his economic government was a total failure as was evidenced by his overthrow and collapse from forces within his own government. If the present opposition to Communist aggression continues by the free nations, the rulers of today's Soviet tyranny will be overthrown and that will end the Communist myth of world domination. Communist China's economy has always been a failure and millions of its population are existing in starvation conditions at the present time. The free nations have the ability, the education, the defense machinery, and the assets to curtail the further spread of the Communist menace and we must continue our fight.

History has revealed over the centuries that dictators cannot stay in power long when they must rule their people by the sword, guns, slave-labor camps, and mass murders.

EDUCATION

Education and presentation of fact on communist enslavement to the world's uninformed are the greatest weapons democracy possesses against the destruction of the Communist menace.

The free world must continue this fight. Someday this victory will be won and the Communist enslavers will become extinct. Poland and other captive nations will regain free and independent government.

Over a month ago the Polish Government in Exile held a 30 Year Memorial for the Katyn dead in the City of London. I will conclude my remarks by quoting verbatim the last paragraph of President Zaleski's tribute on that occasion:

"Recalling now this painful anniversary of the Katyn massacre, I call on all those present to rise and honor the memory of all our innocent countrymen who met a martyr's death in Soviet Russia in 1940 by a minute of prayer for the Katyn dead."

Please stand. Thank you.

REV. WILLIAM G. KALAIDJIAN

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. ADDABBO. Mr. Speaker, it is a privilege to welcome Rev. William G. Kalaidjian, pastor of the Bedford Park Congregational Church, United Church of Christ in the Bronx, N.Y., to the House of Representatives. Reverend Kalaidjian has delivered the opening prayer in the Chamber before and we therefore welcome him with particular appreciation.

Our distinguished colleague the gentleman from New York (Mr. BIAGGI) is to be thanked for acting as host Congressman to his clergyman and for extending the invitation which brought Reverend Kalaidjian here. The Reverend's career has been a distinguished one and he presently serves as chaplain to the New York City Police Department, a position he has served in since 1957. That service has also earned him the position of president of the National Association of Police Chaplains, Inc.

I am pleased to join with Representative BIAGGI in expressing the thanks of this Chamber to Reverend Kalaidjian.

THE NEW ZOOS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. WHITEHURST. Mr. Speaker, in the June 1, 1970, issue of Newsweek magazine, there appeared an article entitled "The New Zoos." This article outlined the goals and accomplishments of some of the new young zookeepers.

I found the article extremely interesting and to the point in its presentation of some of the problems which confront our zoos. It also described some of the innovative solutions to these problems.

The overriding theme came through quite clearly: Many zoos animals are forced to live under unfortunate conditions, primarily because of the lack of financial assistance for the zoos.

Mr. Speaker, on September 23, 1969, I introduced H.R. 13958, which is aimed at precisely this problem. The legislation will create a Federal corporation which will be able to make loans and grants to zoos for research and construction. Aquariums will also be included in this program. Voluntary accreditation standards will be set up, and zoos and aquariums that meet these standards will be eligible for grants; others may obtain loan assistance in order to meet the standards.

This corporation will not be a drain on the Treasury, because it will be self-financing.

Too long have we permitted not only roadside parks but some of our major zoos to maintain conditions and facilities that have become prisons and the sources of unlimited tales of horror.

"The New Zoos" is short and to the point. It indicates what can be done with even minimal financing and some imagination. It also points out what lies ahead if something is not done.

Mr. Speaker, I am including this article in the RECORD for the benefit of my colleagues who may not have seen it:

THE NEW ZOOS

At one New York City zoo, vandals poured deadly lye down a hippopotamus's throat, killed two rare flamingos by hurling garbage cans into their exhibit and stoned to death more than 40 birds. At Boston's Franklin Park Zoo, which is supervised at night by one lone watchman, dogs ran seven antelope to death and a tiger, panicked by the explosion of a cherry bomb inside its cage, smashed it skull against the tile wall. In the Seattle zoo, three black leopards are penned in a cage that measures less than 6 feet by 6 feet; one of them recently went mad. In the Philadelphia zoo, medical examinations of the inmates have uncovered a high incidence of emphysema caused by air pollution.

There seems almost no end to such current horror stories and, as a result, zoological societies and conservationist groups in almost every major U.S. city are engaged in a hard-eyed reappraisal of just how their zoos should be operated. In the process, the traditional image of the zoo—that dankly cheerless place of cages, smells, litter and lost children—is being recast into something decidedly more humane to the creatures on both sides of the bars. "We are witnessing a zoo renaissance whose end is nowhere in sight," says George Speidel, director of the new Milwaukee zoo.

Perhaps the most important feature of that renaissance is the presentation of animals in settings that simulate their native environments and at the same time protect them from *Homo sapiens*. Thus a visitor to Milwaukee's recently completed $14 million zoo can observe an African veldt inhabited by lions, antelope, zebras and pelicans or a South American plain teeming with jaguars, llamas and Chiliean flamingos (the predators and their nominal prey are separated by concealed dry moats). Other cities are adopting the ride-through technique employed in African game preserves. At the Busch Gardens in Tampa, Fla., a monorail system carries gawkers through 186 acres of man-made mountains and rivers—all inhabited by more than 550 free-roaming animals. Even larger preserves are on the drawing boards in San Diego, Dallas, Los Angeles and near Minneapolis. At Los Angeles, visitors will be able to paddle down a river that cuts through a veldt, observing the wildlife on shore as they circumnavigate hippos and alligators.

NOCTURNAL

Another aspect of the new-zoo movement is the adaptation of recent scientific research to methods of display. To give diurnal humans a rare glimpse of the activities of nocturnal species, for example, the designers of the Bronx zoo's new, $600,000 "World of Darkness" building have employed special lighting to trick the resident sloths, aardvarks, bats and bush babies into reversing their life cycles. During the day, the interior lighting is blue, dim green and soft red—all of which the color-blind animals interpret as "darkness" and accordingly set about their nocturnal activities. At night, the building is suffused in bright light and the animals go peacefully to sleep.

Most cities, of course, are too financially strapped to put together anything so elaborate for their nonhuman populations. But as the new breed of creative young zookeepers is demonstrating, a little imagination can work wonders. Ken Dills, the 45-year-old exhibit director at the Philadelphia zoo, applied his talents to fashioning amazingly natural effects out of synthetic materials. After it was discovered that the zoo's elephants could find no way to scratch their backs, Dills spent a winter building a 9-foot-high, fiber-glass replica of an African termite mound—just the sort of back scratcher that elephants like to sidle up to back home. And to keep the often somnolent crocodiles moving around for visitors, Dills will stage fake tropical storms in the zoo's new reptile house. Every hour lightning, thunder and waves will send the crocs scurrying from their pools into a fiber-glass forest.

BREEDING

Dills and his colleagues are also convinced that the function of zoos must be enlarged to encompass the scientific breeding of vanishing species. They point out that one species of animal has disappeared every year for the past five decades. Practically every major zoo is working on at least one breeding project (e.g., the gold marmoset in Milwaukee, the maned wolf in Cincinnati), and some feel such activities may eventually overshadow the zoo's traditional exhibition role. In New York's Central Park Zoo, a polar bear couple named Scandy and Snowball were launched on a courtship last week, but so far the only love play officials have seen has been with a beer keg.

In the meantime, the more forward-looking zoos are emphasizing ecological education in the belief that the ultimate decision on conservation measures will be made by the mass of urban voters (and zoo-goers). Today, for example, the 2.5 million annual visitors to the Bronx zoo hear recorded messages about the perils to wildlife from 40 "talking boxes" activated by the turning of a key. The warnings are driven home in lectures and courses by zoo staffers before more than 300,000 New York students each year. In Chicago and elsewhere, bus-size "zoo mobiles" with animal exhibits and lecturers visit schools and playgrounds—perhaps the first instance in which the zoo goes to see the people.

No matter what the scope of their respective educational programs, practically every major zoo now has at least one ecologically oriented message displayed somewhere on the grounds. The message consists of a large mirror. Beneath it is a sign that reads: "The most dangerous animal in the world."

STATUS REPORT—THE COASTAL STATES ORGANIZATION

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. SHIPLEY. Mr. Speaker, at a recent meeting of the American Oceanic Organization, we were privileged to have as speaker Dr. John Mock, director pro tempore of the Coastal States Organization. I would like to share with my colleagues his report on the Coastal States Organization.

Dr. Mock's remarks follow:

STATUS REPORT—THE COASTAL STATES ORGANIZATION

(By Dr. John E. Mock)

I. INTRODUCTION

It is a great pleasure for me to be back in Washington today—it's almost like coming home. And this visit is doubly pleasurable in providing an opportunity to speak to you on a dynamic new organization which is just coming into being—the Coastal States Organization. In fact, the first meeting of the formally-constituted organization is scheduled to be held here in your fair city next week, on June 4th and 5th.

But I am getting ahead of my story. To put my story in suitable context let me remind you of some well known facts. Thirty States, with more than 75 percent of the Nation's population, lie along the coasts of the Atlantic and Pacific Oceans, the Gulf of Mexico, and the Great Lakes. More than 45 percent of our urban population lives in coastal counties, and almost all of the gigantic urban complexes now projected for the year 2000 by Herman Kahn and other visionary futurists are in the Coastal Zone—the margin where the land, the sea, and the people meet and interact.

This region obviously has tremendous value for man. The Coastal Zones of the world historically have been the important sites of industry and commerce. The development of great port cities has provided springboards of national culture. Increases in coastal population and attendant demands for land, food and water, energy and recreation are giving rise to greater pressures for intensive and often conflicting uses of the coastal regions.

Longfellow's statement that "the dim, dark sea . . . divides and yet unites mankind" is only too true. We are divided by the weight of the serious problems created by our mis-use of the sea, by conflicting uses of the sea, and by jurisdictional problems; we are united by the challenges, opportunities, and economic benefits offered by the proper utilization of the seas.

We in State government firmly believe that the coastal states have a grave responsibility and a great opportunity to enhance the general welfare throughout this great land of ours by proper utilization of our coastal resources. To solve many of the complex multi-use and pollution problems it will be necessary for the States to work in harmony in establishing common policies, cooperative plans and programs, and in developing an effective dialogue with the federal government with respect to the national oceanographic program. It is my belief that the formation of the Coastal States Organization will be the catalytic mechanism whereby the States will rise to the timeless challenge offered by the sea.

II. NEED FOR THE ORGANIZATION

Oscar Wilde once stated: "Discontent is the first step in the progress of a man or a nation." And we in State government are discontented—both with our own performance and progress in managing our coastal and marine resources as well as with the national program.

At this point you may well query: "But why another organization? What is the need for a new power structure?"

Let me answer by citing the following facts. The people of the thirty coastal states are the prime owners of the most important parts of the oceans—the coastal zones and territorial seas. The States (which represent the people) are therefore the most important political entities in terms of rights and responsibilities and control over these important parts of the sea. Due to increasing demands for multiple uses of the resources of the coastal zones (some of which are competitive or destructive and partially or wholly exclusive), pressures on state governments for effective planning and management of this segment of their natural resource systems are mounting and becoming more acute. States, therefore, must develop effective mechanisms for planning and management (using, developing, and conserving) of their marine resources and marine environment.

Since many of the estuarine systems in our coastal zone are shared by more than one state, there is a need for the development and refinement of effective interstate or regional marine resources or coastal zone planning and management mechanisms.

Because the federal government is responsible for navigation, commerce, defense, and certain other activities which directly or indirectly affect the resources of the territorial and inland seas, it, too must be involved in some of the planning and management activities needed. This involvement is justified further by the interstate nature of many of the resources and their uses and problems. This multistate feature along with the defense, commerce and navigation responsibilities justifies federal expenditures in marine resource research, planning, and management activities.

Inasmuch as these problems require constant attention and a continuing dialogue between state and federal officials, it would appear that a Coastal States Organization

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would be extremely valuable in assisting the States to carry out their responsibilities. Such an organization could: (1) help solve common state problems such as the establishment of seaward lateral boundaries, control of pollution, and the resolution of multiuse problems pertaining to recreation, navigation, mining, and sports and commercial fishing; (2) act as a clearing house for all information relative to marine activities in these states; and (3) act as a spokesman for the coastal states vis-a-vis the federal government with respect to the national oceanographic program.

Such action would, of course, in no way preclude individual States from taking independent stands best serving their own interest. Being a creature of the state gover- operate most effectively in bringing crucial problems to the attention of the Governors, providing them with background information and suitable options, and then supporting them whenever a consensual position develops.

III. HISTORY OF THE ORGANIZATION

Organizations have a life of their own, with their gestation period usually being a most trying time. The Coastal States Organization proved to be no exception in this regard.

In the fall of 1968, Governor Kirk of Florida invited the Governors of the coastal states to send representatives to a meeting held in Miami, November 21–23, to discuss: "The Sea and the States: Mutual Problems and Their Solutions." One of the conclusions of this meeting was that the States should have a better mechanism for handling those coastal zone and marine problems common to all states. At that time it was not clear as to what type of mechanism would be most effective. Therefore, an Ad Hoc Committee of the Council of Maritime States, Commonwealths and Territories was established with Dr. William Hargis, Director of the Virginia Institute of Marine Science, as Chairman.

The next major step evolved in February, 1969 when I had the privilege of representing Governor Maddox at the National Governor's Conference and preparing position papers on oceanography for the Committee on Natural Resources, Environmental Management, and Agriculture. These position papers were approved in September, 1969 at the National Governor's Conference held in Colorado Springs.

Position No. 6, as approved by the Governors, reads in part: "Inasmuch as coastal zones and waters require constant attention and a continuing dialogue between state and federal officials, it is recommended that the coastal states form a Maritime States Organization to assist them in carrying out their responsibilities."

In Position No. 7, also endorsed by the National Governor's Conference it was further recommended: "(1) that the federal government should take the initiative in establishing means whereby the states can provide a direct input and have a significant role in the formulation and implementation of the national marine science programs, and (2) that a marine education extension program be instituted to accelerate the transfer and utilization of marine information."

In the meantime, Dr. Hargis and Mr. Dover, as members of the Ad Hoc Committee (which was established at the Florida meeting) were working on a charter for the organization. This Ad Hoc Committee held an evening meeting in conjunction with Congressman Alton Lennon's excellent conference on Coastal Zone Management which was held in Washington on October 28 and 29, 1969.

At this point, the time appeared to be propitious to hold an organizational meeting. Therefore, in early November, 1969, Governor Maddox issued invitations to the Governors of the thirty Coastal States to send representatives to Savannah on January 15–16, 1970 "for the purpose of reviewing the work accomplished by Dr. Hargis's Committee, and to prepare a charter for submission to the appropriate governmental bodies for formal consideration."

The resulting meeting was most successful. Over 45 participants representing 22 of the 30 coastal states were present. After 2 days of deliberations, a resolution was passed which states:

Whereas, public interest and concern in maintaining the quality of the environment and wise use of marine and coastal resources is mounting at both state and national levels, and

Whereas, the national program regarding the oceans and coastal zones is now being developed, and

Whereas, increasing attention is being given to the problems of the coastal zone and society's interactions with that marine environmental system, and

Whereas, the interests of state and territorial governments have not been adequately represented in the emerging National Programs, and

Whereas, the states and their citizens are the principal owners, planners, managers and users of marine and coastal resources, which primarily lie within or under the territorial seas, and

Whereas, states must normally provide the land bases for ocean and coastal activities, and

Whereas, the Governors of the states attending the 1969 Colorado Springs Meeting of the National Governors Conference in Position No. 6 urged greater participation by and coordination of the states through a suitable organization, and

Whereas, the state governments can increase their ability to contribute to development and operation of the National Oceanographic and Coastal Zone Management Programs and other related programs by forming an organization to achieve these purposes

Therefore, be it resolved that a majority of the duly appointed representatives of the 22 coastal states attending the Savannah, Georgia meeting of January 1970 do hereby approve the Provisional Articles of Organization of the Coastal States Organization and recommend their submission to our respective states for adoption.

IV. ARTICLES OF ORGANIZATION

Under the provision of the Coastal States' charter, the organization will consist of a Governing Board consisting of one delegate from each Coastal State appointed by the Governor of that State. No action purporting to represent a policy position of the Organization shall be taken by an agency or body other than the Governing Board.

An Executive Committee, consisting of the Chairman of the Organization and eight other members, shall be elected from the delegates at each annual meeting. This Committee has authority to act for the Governing Board in the interim between meetings.

The heart of the Charter lies in Article IV which delineates the functions of the Organization. Section 1 of Article IV reads: ". . . the Organization shall:

(a) Gather, analyze and disseminate information on marine and coastal affairs of interest to the States in the management, development and regulation of their marine and coastal resources.

(b) Identify problems of mutual concern with marine and coastal resources.

(c) Develop programs to improve cooperation among the States and between such States and the Federal Government relating to the use and conservation of marine and coastal resources, and to marine science and engineering.

(d) Provide a means by which the States may be adequately involved and represented on a continuing basis in the formulation, development, and implementation of national marine and coastal resource programs and policies."

According to the Charter, within forty-five days after the Governors of at least ten States have approved membership in the Organization, the delegates will meet and select their initial Chairman and Executive Committee.

In the interim period, Dr. Hargis from Virginia and Mr. Willard Dover from Florida have been elected Co-Chairmen of the provisional organization and I have been selected as the Director Pro Tem. We have already established operations as a central contact point and as a distribution center for information pertaining to coastal zone management.

A great poet once wrote: "In dreams begin responsibilities." Our dream of an effective Coastal States Organization has now become a reality. As of last week the tenth and eleventh states have formally joined, and three others have notified us of their intent to join. Our responsibilities to our respective states and to the nation now begin. We willingly accept these responsibilities and associated challenges and dedicate our efforts to helping the states and the nation make maximum feasible utilization of our coastal and marine resources.

The eleven states which have now officially joined the Coastal States Organization are: Alaska, California, Delaware, Florida, Georgia, Virginia, Massachusetts Mississippi, New York, Pennsylvania, and South Carolina. Delegates from these eleven states (and others which soon join the Organization) will meet here in Washington on June 4–5, 1970 in order to elect officers and to prepare a program responsive to state interests and needs. As one specific item to be considered, the Organization has already been asked to assist in the drafting of legislation pertaining to coastal zone management and coastal zone research. In this endeavor, we will be working closely with the Council of State Governments.

V. STATE ACTIONS

Now that the Organization has been formally approved, we hope to establish an action-oriented program that will permit the Coastal States to meet their responsibilities in the management of their marine and coastal zone resources.

Although the States have been slow in meeting the challenge of the sea, they are now beginning to enter a new phase of coastal zone and marine resource development.

For example we in Georgia in the past three years have created the Ocean Science Center of the Atlantic Commission and the Skidaway Institute of Oceanography—all with several million dollars of state, local, and private funding.

The primary purpose of developing this oceanographic complex is to help Georgia manage its coastal zone resources, to stimulate the lagging economy of the coastal region, and to develop an adequate source of scientists, engineers, and technicians, competent in all facets of oceanography.

If I may, I would like to take just a moment or two to describe how state and local governments working together with the help of the private sector can develop a high technology complex of benefit to all.

In January, 1967, the Georgia Science and Technology Commission reported to the Governor and the General Assembly on the feasibility and desirability of establishing the Ocean Science Center of the Atlantic with the responsibility of planning, promoting, and developing an oceanographic complex on Skidaway Island near Savannah. In March, 1967, OSCA was created, its facilities destined for Skidaway—one of the famous and historic Golden Isles of Georgia—an Island of great and unspoiled natural beauty.

Major portions of Skidaway Island were donated through the generosity of the Roebling family and the Union Camp Corpo-

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ration for the oceanographic center—which will have approximately 2000 acres of land—all devoted to oceanographic pursuits.

The Center will house the Skidaway Institute of Oceanography, a research park for private industry and government agencies, and a light oceanographic production park. Here on Skidaway Island, private corporations and government agencies will reap the benefits from the joint use in one complex of deep water maintenance and docking facilities, light oceanographic production sites, research park sites, and a research institute specializing in ocean engineering with libraries, computers, reactors, and other equipment involved in today's pursuits of the ocean sciences. Under the progressive leadership of Mr. Laurie Abbott, Chairman of the Ocean Science Commission, and Captain Tom Suddath, its Director, we in Georgia are looking forward to playing a significant role in programs pertaining to coastal zone management and effective use of marine resources.

Because the research institute established by the Regents of the University System of Georgia is playing such an important role in helping us define and manage our coastal and marine resources, let me digress for just a moment to discuss its activities. The Skidaway Institute of Oceanography, under the very able guidance of Dr. Thomas Jackson, has moved out rapidly in many areas of research.

In its Physical Sciences Division, the main emphasis has been placed on the study of the chemical, physical, and geological processes occurring in the coastal and continental shelf waters. The estuaries of the Altamaha, Ogeechee, and Satilla Rivers are being studied to see what chemical changes are taking place at the salt water-fresh water interfaces. The Ossabaw and Wassaw Sounds are being studied to establish the seasonal circulation and heat transfer in these areas. These studies will help to establish what effects chemical and thermal pollution may have on the Georgia coast.

The mouth of the Savannah River will be studied to establish the pollution effects of this river on the adjacent areas. In addition, the sediments of the continental shelf are being studied to determine their chemical and mineralogical composition. These studies will be expanded to incorporate a complete survey of Georgia's offshore mineral resources.

The Engineering Division has conducted experiments in the use of different types of material for underwater combustion and marine power sources. Studies on marine and submarine propulsion systems have resulted in a prototype submersible which is capable of carrying one man on or beneath the sea with equal maneuverability and ease.

The Life Sciences Division has been specializing in aquaculture, and especially in the study of the nutritional, physiological, and economics requirements for intensive running-water culture of channel catfish. The results of this research could be of great economic benefit to the State and may accelerate the expansion of the now fledgling catfish industry.

The importance of the exploration and development of the oceans and the Skidaway complex was best described by Senator Richard B. Russell:

"The State of Georgia has taken a giant stride forward in the field of technology and research in the development of the Ocean Science Center at Skidaway Island. The world's greatest store of untaxed resources lies beneath the sea, and the importance of exporting these resources for the well-being of mankind is incalculable. In my career as a public servant, I have been convinced time and again of the wisdom of finding ways to make the gifts of providence serve us through the establishment of research facilities. I am, therefore, filled with pride in the knowledge that the Ocean Science Center makes Georgia a pioneer in oceanic research."

This represents, then, the beginning of Georgia's efforts to develop its coastal and marine resources for the benefit of all its citizens. But it is by no means the end. Just last month, the Science and Technology Commission established a Center for Technology Forecasting and Technology Assessment to help spot new technological (e.g., oceanographic) opportunities, to assist Georgia in accomodating to rapid technological changes, and to help control or ameliorate the social and environmental consequences of new scientific and technological developments. I believe that this step is one more indication that Georgia is on the move.

Now if you will multiply these efforts by a factor of thirty you will gain an appreciation of State efforts in the field of oceanography. From Maine to Alaska, from Florida to California, from Virginia to Washington, and a multitude of State programs designed from Texas to Hawaii there is new interest to explore and manage our coastal and marine resources.

VI. PROBLEMS

Peter Drucker has pointed out that "every problem is nothing more than a carefully camouflaged opportunity." In this context I would like to briefly highlight several problems with which the Coastal States Organization will be concerned. For convenience, I have divided these problems into two types: the substantive problems and the procedural problems.

By substantive problems, I mean those problems having a direct bearing on the technical management of coastal and marine resources. Let me cite several of these:

Waste Management and Water Pollution—Cooperative efforts are needed to identify pollutants and their effects on the natural environment, to establish acceptable practices of handling or processing waste materials; and to establish standards of acceptable levels of thermal and chemical pollution of estuaries and near-shore ocean waters.

Aquaculture—Some persons have challenged the feasibility of aquaculture but others maintain that properly directed research and development can successfully establish this activity as commercially feasible. Japan, for example, has apparently already been quite successful.

Ocean Law and Legal Issues—Problems of property titles, regulations, and legislation are sufficiently complex in the coastal area to require the attention of the best legal talent from each of the coastal states. Such problems involve the fishing industry, property development of various types, and environmental problems. To give a quaint example of a legal issue facing the development of aquaculture, I am told that in most states it is only a minor offense to steal a pond full of fish. Perhaps laws protecting aqua-farmers must be brought in line with those protecting poultry-farmers.

One success the Coastal States Organization already has to its credit falls under this category, viz., the definition of seaward lateral boundaries between coastal states. In the November, 1968 meeting in Miami, steps were taken to define the Florida-Georgia and the Georgia-South Carolina seaward lateral boundaries. As a result, on April 26, 1969, Governor Maddox and Governor Kirk met aboard ship at St. Marys, Georgia, to sign bills defining the Georgia-Florida seaward boundary. H.J. Res. 992 is currently before the House Judiciary Committee for Congressional approval of this action.

Multi-use Problems—In view of the growing demands for multi uses of the resources of the coastal zones (e.g., commercial fishing, sports fishing, aquaculture, recreation, tourism, off-shore and coastal mining, and waste disposal) the States individually and jointly must establish policies and plans to bring order out of chaos.

Procedural problems

By procedural problems I mean that set of problems pertaining: (1) to the determination of which political or social group has the primary responsibility for solving the substantive problems, and (2) to the procedures whereby these various groups can best mesh their efforts with a minimum of social friction. Let me cite a few of these problems.

Federal-State Relations—Several bills are now being considered in Congress pertaining to coastal zone management and coastal zone research. It is encouraging to see the opportunity given to the States by individual Congressmen to participate in the drafting of these bills.

I am also encouraged by policies expressed by the Administration. In a recent speech made by Dr. DuBridge at the Western Governors' Conference he pointed out the need for greater cooperation between the federal and state governments in all matters pertaining to science and technology. Dr. DuBridge quoted the President:

"An inevitable result of the proliferation of Federal programs has been a gathering of the reins of power in Washington. Experience has taught us that this is neither the most efficient nor effective way to govern. Certainly it represents a radical departure from the vision of Federal-State relations the nation's founders had in mind. Our ultimate purposes are many: To restore to the states their proper rights and roles in the Federal system, with new emphasis on and help for local responsiveness, to provide both encouragement and necessary resources for local and state officials, to exercise leadership in solving their own problems; to narrow the distance between people and the government agencies dealing with their problems; to restore strength and vigor to local and state governments."

Dr. DuBridge went on to emphasize in his talk that: "While the Federal Government promotes the technology of defense, of space, of nuclear energy, and many other areas, it does not promote the technology which builds local industry, improves the quality of our cities, or develops the technology required to stop the degradation of the environment. These are local problems and need to be addressed at the local level where the needs as well as the expertise and understanding exists." It is in the context of this philosophy, so well expressed by Dr. DuBridge, that the States participating in the Coastal States Organization hope to fulfill their responsibilities in meeting the challenges offered in the effective management of their coastal and marine resources.

A wise man once said: "The greatest discovery of science in the United States was the discovery of the U.S. treasury." It is not the intent of the Coastal States Organization to rediscover the U.S. treasury. Our primary objective in establishing a strong, viable working relationship with the federal government is to make sure that the position of the coastal states is adequately represented on those national councils which establish the national oceanographic program, and in the hallowed halls of Congress when legislation is considered pertaining to coastal zone and marine matters.

State-Local Relations—Looking through the other end of the telescope we perceive the need of building up mechanisms and strengthening relationships with counties, cities, towns, and citizen groups—all keenly interested in and affected by coastal zone policies and programs. In general, these problems will be treated differently in each State in order to accommodate specific local conditions. However, it is believed that there will be a sufficient commonality of objectives and policies within which the Coastal States Organization will be effective in providing information and options to the governmental units concerned.

Coastal Research Laboratories—I believe most people concerned with coastal matters feel that new mechanisms and greatly increased efforts are needed to carry out effectively coastal and marine research. Whether or not new laboratories are needed is an interesting and debatable issue. Within the thicket of questions surrounding this issue we must face up to the separate and joint roles to be played by federal agencies, state and local governments, industry, and the universities. There is no pat answer to these questions. However, there is one factor which must be incorporated in any solution: the state and local governments must have a major role in determining the significance, priority, and urgency of those problems to be worked on, and in selecting the appropriate group to be funded to solve the problem. In my view, a solution which bypasses any level of government will not be acceptable.

VII. CONCLUSION

In conclusion, let me state that the formation of a Coastal States Organization is most timely in view of recent events. In his State of the Union message the President called for increased efforts to solve the vexing problems of environmental pollution. In addition, the President has stressed the twin concepts of (1) *New Federalism*—"to return a greater share of control to State and local governments" and (2) *revenue sharing* so that "States and cities will have a far greater share of power and responsibility for solving their own problems." It is obvious that if the Coastal States are to participate fully in these new and exciting opportunities, they must marshal all resources and talent available to them. It is in this light that I view the Coastal States Organization as an important step in a multi-faceted program to strengthen the inherent capabilities of the Coastal States.

Oliver Wendell Holmes once said: "We must sail sometimes with the wind and sometimes against it—but we must sail, and not drift, nor lie at anchor." I believe that the formation of the Coastal States Organization indicated that the coastal states are not drifting, neither are they lying at anchor. We have set our sails and plotted our course by the stars as we enter uncharted waters. Our destiny lies before us.

SUN CITY, ARIZ.: A PLEASANT COMMUNITY

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. STEIGER of Arizona. Mr. Speaker, a resident of Sun City, Ariz., is justly annoyed at the largely erroneous, unbalanced portrayal of that community in a recent magazine article. In my view the following letter to the editor more accurately depicts Sun City and the quality of life there.

LETTER TO EDITORS OF LIFE

SIRS: Can LIFE afford to publish an article that ridicules a sizable segment of the nation's most law abiding and responsible citizens? I refer to the article by Paul O'Brien (A World of Their Own—May 15, 1970). Since it affects, indirectly or directly, upwards of twenty million Americans living in retirement towns, it is not an insult for LIFE editors to shrug off.

"How could the author have missed the priceless ingredients of the story of this unique town?" I asked a friend. The reply was, "He didn't. He interviewed enough people, but didn't write up the truth." Today, a man who spoke with the author related to me this private comment of O'Brien: "This is a fabulous place, but if I wrote it up as it is, my article wouldn't sell." In the name of peace in America, Sirs, why is truth unsalable in America?

So what did O'Brien do? Ignoring the good, he portrayed us as the "live-it-up", drink-'er-up," self-loving, child-hating, world-rejecting individuals that the majority of us are not—in short, the exact opposite of what we are.

Although Paul O'Brien shows a decided aptitude for writing, he has not mastered the craft or he has ignored the basics of the craft. Perhaps he should switch to fiction, where his imagination could have full play. His article reveals also the man as well as the writer. His distortion of the truth is offensive. His ungallant comment about women who have had the misfortune to lose their mates is loathsome. His remarks about our slower pace, comfortable dress, and the forms of our physical fitness exercise show no empathy for the elder generation, his admiration is all for the two who down a quart of whisky apiece every day; and his hero is the town foul-mouthed crank whose very name is anathed to most Sun Citizens.

We are not impressed with his show-off use of big words (some used incorrectly), instead of simpler, more direct ones. His lines read as if he is not dry yet behind the ears, journalistically. He told how "old people have always felt." No one knows how a person feels but himself. And did he make a survey of our political affiliations, our attitudes about children?

What Paul O'Brien did not write are the things that make Sun City the "fabulous" place he knows it to be—a place of friendly residents cooperating in many and varied benefactions to lesser privileged folk of neighboring communities, of men serving on the school board and in the state legislature, of optimism in our declining years, of helpfulness to each other, and a religious life that O'Brien did not mention at all. Why?

Here is the real Sun City, Arizona, Sirs:

Church groups, service clubs, and other groups have donated large sums of money, labor, and volunteer hours to help establish Dysart Center near by, to which migrant workers and low income families go for many kinds of help. Continued contributions and work of volunteers help maintain it. Volunteers teach English by the Laubach method to Mexican-Americans, instruct the women in cooking (especially commodity foods), sewing, better management of their incomes, and help with a clothing thrift shop. A nursery is conducted for tots, to release mothers for class attendance. There are handicrafts for children, and they have even monitored some of their school evening study sessions. They assist with youth groups, and provide campships. Help is given adults in securing jobs. Dental and medical care is provided.

This is a year-round program, enhanced by generous gifts of staple and fancy foods, toys, and clothing at Christmas-time. A never-ending project to provide clothing at a minimum cost (by dint of much sewing by Sun City women) is carried on by church groups and others. Generous contributions to aid children of low income families are made by Kiwanis, two Lions Clubs, Rotary, the Puppet Club, Dress A Living Doll, Stitch and Knit Club. Without the efforts of these clubs, many children of the impoverished area would not be able to attend school.

Kiwanis of Sun City also aids the Dysart Little League, Boys Ranch, Girls Ranch, a home for delinquent girls, and Indian schools (the last four-named being in Phoenix). They sponsor citizenship and patriotism essay contests in the Peoria high school. They financed a defensive driving course for Youngtown and Sun City residents. They are currently banding their efforts in behalf of drug-hooked young people of Phoenix.

The Lions Clubs of Sun City buy eyeglasses for both adults and children who cannot afford to buy them. They are involved in the Melvin Jones Blind Center of Phoenix, and contribute to the State Blind Library. They help maintain a camp for handicapped children and pay expenses for a camp session for handicapped adults as well.

Rotary Club of Sun City provides scholarships to Glendale Community College for graduates of Peoria and Dysart high schools. They have paid for a dental chair and equipment for Dysart Center, and for concrete tennis courts for El Mirage elementary school. Like the above named service clubs, Rotary Club gives aid where and when it is needed.

Members of a large Shriners' Club of Youngtown and Sun City participate, as in pre-retirement years, in support of hospitals for crippled children.

It might be well to mention that the schools of the Peoria district have benefitted enormously by the addition of Youngtown and Sun City retirement towns.

Sun City's concern for humanity reaches to children of far away places, and to the leprosariums of India for which women's church groups knit or roll cotton bandages. Yet Paul O'Brien has represented us as having rejected the outside world and being child-haters. What do you think?

We also take care of our own. Early in the town's existence, Sunshine Service was as yet headed by the Rev. Mr. Duane Thistlethwaite, financed by donations and memorial gifts of appreciative Sun Citians. It gives aid in emergencies and prolonged illnesses to residents, by loan of hospital beds, wheel chairs, crutches, et cetera. It even loans baby furniture to grandparents of small visitors.

A resident-initiated, church-sponsored, government-owned facility, underwritten by $100 donations of many Sun Citians, called Sun Valley Lodge, provides housing, sheltered care, and infirmary care for those of us who can no longer maintain our own homes. Dedicated and faithful volunteers assist registered nurses to make life happy for its residents. A committee from Kiwanis visits lonely old men there on a regular basis, taking them for rides, playing checkers, or just visiting.

The Walter C. Boswell Memorial Hospital, under construction on a $265,000 plot of ground donated by Del Webb, has been financed in part by donations in excess of one million dollars from Sun City individuals and clubs. An auxiliary, organized well in advance, operates the Resident Gallery, where a percentage from sales of much fine craftwork done by Sun Citians is building a fund for their service to the hospital when it opens next November.

The seemingly unlimited talent of residents shows in oils, watercolors, photography, jewelry, ceramics, leathercraft, lapidary gems, woodworking, and needlework. The Puppet Club sells its hand-made articles in booths and sidewalk bazaars, and has realized $35,000 within eight years, all of it used for charitable purposes.

Our local directory—with biographical statements—reads like a WHO's WHO of Successful Men and Women. It includes people of all walks of life, who helped make this country great when they were at the helms of governmental departments, school management, businesses, and civic responsibility. We have a symphony orchestra, dance bands, a drama group, bell ringers, art and ceramics classes, a society for rosarians and gardeners, weavers, and craft shops. Nothing in appearance or manner toward others distinguishes farmers from industrialists, merchants from movie producers, railroad men from high ranking military officers. Most of them want the same thing—to live simply, without

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ostentation, in their pretty Sun City houses (*not all alike*, but expressive of their varied personalities.)

That Sun City chooses the better way of life is evidenced by the sixteen religious groups, eight of which have already erected sanctuaries and fill them to capacity every Sunday morning, attendance making two consecutive services necessary at several. Much social life is centered in church halls, also—concerts, lectures, slide shows, book reviews, pot luck suppers, 4th of July and Labor Day picnics, men's breakfasts, New Year's Eve parties. Loneliness of single ones is taken into account, and lessens by activities of a Singles Club and the Dutch Treat Club. Many of the hundreds of widows find companionship at fellowship meetings, in circle work or volunteer service.

If Paul O'Brien did not attend a service at one of the churches, he missed the opportunity to feel the heartbeat of Sun City. But the only contact that he and his insensitive photographer seem to have made was the disgraceful confusion created on a church patio between services on Easter Sunday. The congregation, emerging from the sanctuary following a beautiful and impressive service, were greeted by strident shouting of the photographer atop the bell tower, ordering people to outline the map of the United States marked on the patio. The sounds shattered the echoes of that lovely service, and so shocked the congregation that it dispersed as quickly as possible. The picture was published with the article, without identifying the site in the caption. Why?

Had O'Brien attended the service in that sanctuary he would have observed a smartly dressed congregation literally pouring down the aisles to fill every seat in that 1000 seat church. He could have noted their reverent silence and close attention to the words of the minister in the pulpit (the staff numbers four) and obvious appreciation of anthems sung by the choir. As visitors usually do, he might have expressed surprise at the excellence of that choir's tonal quality—a group of fifty retirees' voices, many with professional backgrounds, the eldest soloist of which is a man of eighty-five years. If Mr. O'Brien denied himself this rare experience, what a pity for his own soul's enlargement as a writer, as well as for the information of Life's readers.

Aside from the fact that a population nearing 15,000 itself denies O'Brien's portrayal (there couldn't be that many idiots choosing to live in such a place as he describes), there seems something sinister and foreboding in this article, coupled with his off-the-cuff comment as to why he turned away from the truth. But we do not hold him more to blame than the editors who permitted his copy to go to press. Is it linked with a plot to destroy everything good in America? People of Sun City are asking the question: "Just how far to the Left does Life Magazine lean?"

Sincerely,

LILIAN STEELE MUNSON.

PRESIDENTIAL SCHOLARS

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. MOLLOHAN. Mr. Speaker, this Wednesday, June 3, 1970, it will be my distinct pleasure to welcome to Washington the two Presidential Scholars representing West Virginia. Coincidentally, they are both from my First Congressional District.

They are Miss Therese Schmitt and Mr. Thomas M. Cunningham, both of Wheeling.

These two young people were selected from among all high school graduates in West Virginia to be named Presidential Scholars and in viewing their competition, it was indeed a great honor for them to be chosen.

Mr. Cunningham attended Wheeling High School and Miss Schmitt attended Central Catholic High School, also in Wheeling.

The distinction of being named a Presidential Scholar is the highest honor we can pay high school graduates. They are chosen with great care, representing the highest achievements of leadership and scholarship among 3 million 1970 high school graduates.

To Miss Schmitt and Mr. Cunningham, as well as to the other 117 Presidential Scholars, I take this occasion to extend to them a warm welcome to their Nation's Capital and sincere congratulations on their selection as Presidential Scholars.

CONFIDENCE, UNITY NEEDED

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. SHRIVER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following editorial column written by Mr. John H. Colburn, editor and publisher of the Wichita, Kans., Eagle and Beacon. It is a thought-provoking column which touches upon the problems facing our Nation, but emphasizing the strengths of the country. The column follows:

CONFIDENCE, UNITY NEEDED

(By John H. Colburn)

Our mail and phone calls reflect considerable disturbance among people about the state of national affairs. They see official Washington divided, uncertain and confused. Many are appalled at the slaying of the Kent State Four, the wanton killing of two at Jackson State College in Mississippi and the racial strife that took six lives in Augusta, Ga. Others applaud what the Hard Hats do in New York and think that authorities should use more police and National Guardsmen to suppress disorder.

Those aspects are only one portion of the picture. Our economic structure continues to be rocked by inflation and Wall Street is now discounted as a barometer at business trends. Why? Because industry continues to expand, new buildings are going up everywhere and there's plenty of spendable income available. The jobless rate is rising, but our want ads show there are openings for positions for people who can switch job skills. Resort and tourist bookings are not at the record levels of recent years, but they're still high compared to 10–20 years ago.

One school of thought holds that if we could divorce ourselves from the military involvement in Indochina, we could return to the good, carefree, affluent days of the early 60's. I doubt that this is so. My doubts are based on observations during the past six months in trips that have taken me from New York to Honolulu, Canada to the gulf, to Washington, and various state capitals.

People are disturbed. But I get sick about the talk of this being a sick society. Our society is vibrant. Its people, business and industry and its social structure are throbbing with activity, trying to adjust to changing conditions. People are confused—and who wouldn't be confused by the avalanche of change that has engulfed us in this generation?

The Nixon Administration must extricate itself from Indochina militarily and help devise a political solution to a problem that now is 25 years old. Such a step will not end all of the campus dissent. It involves revolt among students who are neither pro nor anti-Vietnam. They deplore what they regard as crass materialism in society, a superannuated bureaucracy both in government and business and an obsolete system of higher education.

But military disengagement from Indochina is vital. A political settlement will require continued financial aid, but curtailment of wasteful military expenditures would permit an adjustment to more sensible budget priorities. It won't mean lower taxes. Still higher taxes are inevitable at the federal and state level to cope with higher social security payments and other services that people demand from their government.

Part of the irrationality that exists in the country is an illusion that we can solve all of our social ills, clean up crime, extend superhighways, provide new parks and schools and it won't affect our pocketbooks. This is part of a political self-deception that we can solve all of the world's problems because of our economic and military might. Korea and Vietnam have proved the falsity of that conception.

These are perilous times, indeed. They are times of divisiveness, even within the Nixon cabinet and within our own households. But they are not times of weakness. The nation is strong economically, most people still subscribe to high principles of morality and integrity—despite the influx of all-nude go-go girl shows in a few cities and the preference of some people for erotic movies.

Our political leadership has been wobbly, largely because the nation itself has been on a wobbly course, buffeted by the winds of change. Today the political trends are foggy and uncertain. Neither major party has come forth with a personality who can mobilize the confidence of the people. Confusion brought on by change and lack of confidence in our goals and objectives has sidetracked our progress as a nation.

Events in Indochina will determine if President Nixon has written his own political obituary. However, as he currently reappraises his own unpersuasive rhetoric regarding our Vietnam policies, he must set a new course to unite the nation and restore the peoples' confidence. This will not dissipate all of the disturbance or confusion. With confidence in national goals though, we can better cope with the vast changes that lie ahead in a society which still is undergoing a technological and sociological revolution.

SALUTES SPEAKER McCORMACK

SPEECH OF

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. MILLER of California. Mr. Speaker, as a relative newcomer to Congress, I have not had the privilege of a long association with Speaker MCCORMACK as many of my colleagues have had. However, it does not take long to gain an appreciation for this exceptional man.

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Blessed with a keen mind and a wry humor, John McCormack has brought to his job as Speaker an insight and ability of the highest order. His perceptive and able manner, combined with an uncanny insight into the workings of the Congress, have won him the admiration of all who know him. Long instrumental in getting enacted measures that would have otherwise been buried in the legislative process, he has been the force that got things done.

Today I join my colleagues in saluting Speaker McCormack for his long and outstanding service to the Congress and to our Nation, and extend to him my personal thanks for a job well done.

THE REAL F-111

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. PRICE of Texas. Mr. Speaker, in recent weeks, the F-111 has been scrutinized on both sides of the Congress. The inquiries, although searching, have not generally been marked with the dispassion notable in discussions of many other vital issues of the day. Certain individuals and interests have unfairly and prejudicially attacked the F-111 with such regularity that on balance, I would say more heat than light has been shed on the subject.

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A few Members in both bodies have attempted to inject a note of objectivity in these discussions. We have tried and still are trying to raise the fundamental questions that must be considered when the value and effectiveness of any airplane is being evaluated.

As I have reminded my colleagues on an earlier occasion, I am one of the few Members who has actually flown the F-111 and put it through its combat paces. Accordingly, when I state that the F-111 has remarkable and unique characteristics which make it the most advanced and most capable aircraft possessed by any nation, I do so from an informed perspective.

In an effort to facilitate my colleagues' better understanding of the merits of the F-111, I commend to their attention an outstanding statement made by the distinguished gentleman from Texas (Mr. Wright). His thoughts in a recent issue of the Washington Post, in an article entitled "The Real F-111."

Those who are interested in achieving, at a reasonable cost, maximum utilization of U.S. technical and productive resources for national defense purposes should consider the gentleman's statement most carefully. Dollar for dollar, the F-111 is the most effective and most versatile plane in the air today.

The article follows:

The Real F-111

(By Jim Wright)

Lest I appear to fly under false colors, let me acknowledge in all candor that I have a legitimate parochial interest in the F-111. It is built in my district and some 20,000 of my constituents are employed in its production. It galls hell out of me to see them and their product made the whipping boy of demagogues and the butt of street corner humor.

Like Dr. Jekyll and Mr. Hyde, there are two F-111s.

One is the real, honest-to-goodness, nuts and bolts machine. By any measure, it is one of the most extraordinary warplanes ever fashioned. It can do more things better than any other aircraft our defense industry has built. This real F-111 is little known outside the Air Force.

The other F-111 is the monster of popular fantasy, well known to the public—conceived in the mind of a senior senator fabricated in a stormy set of hearings, flight tested on page one, and sent shivering into combat on the Huntley-Brinkley report.

For whatever reason, the substantial array of important and affirmative facts has escaped general publication. The facts are far from unimpressive.

Forgive me, then, if in the interest of balanced coverage I spend a few paragraphs accentuating the positive.

(1) Contrary to popular misconception, the F-111 has the best safety record (number of accidents per hours flown) of any new military aircraft built in this country since the early 1950s.

(2) It surpasses more of its original specifications than it fails, meets fully 99 per cent of them including the most important ones.

(3) The F-111 can carry three times the bomb load for better than twice the distance as the next best tactical bomber in our inventory.

(4) Before the bombing of North Vietnam was discontinued, an F-111 detachment flew more than 50 combat missions there—all of them at night, 80 per cent in weather so bad no other aircraft were operating. Bombing accuracy was better than our other planes were achieving in daytime.

(5) Air Force pilots who have flown the F-111 are enthusiastic about it. The Russians apparently are impressed by its capability. It is the only American aircraft over which Soviet representatives have expressed specific concern in the SALT conferences.

(6) The House Armed Services Committee last week reported that no other aircraft in our inventory can "adequately substitute" for the F-111 and officially invited the Defense Department to order more.

Each of the above facts is part of the record, undisputed and clearly verifiable. Yet, most Americans have never read them. Professional viewers-with-alarm continue to refer to the swing-wing plane by such unfactual terms as "dangerous," "defective," and "subpar."

Take the question of safety. Many Americans, intelligent and otherwise well informed, understandably think that the F-111 has a bad safety record—not just bad, but very bad.

The facts reveal the exact opposite. It has the best safety record of any aircraft in the Century Series—nine of them, beginning with the F-100. This has been true at every stage of its development—for the first 5,000 hours of flight, for the first 25,000 hours, for the first 40,000—and it's true today.

The F-111 has had a total of 18 serious accidents—21 if you count the three lost in Vietnam. Each of these has been headline news throughout the nation. What isn't commonly realized is that, for the comparable number of hours in flight—and none of this in combat—the F-106 had 22, the F-105 had 34, the F-102 had 40, the F-104 had 51 and the F-100 had 59, more than three times as many as the F-111!

Or consider the matter of performance. Air Force experts say the F-111 is the best aircraft in the world today for delivering a payload on a heavily defended target, at night as well as daytime, and in the very worst of weather.

A revolutionary terrain-avoidance system, one of the F-111's numerous leaps forward in technology, permits the plane to fly in "on the deck" under enemy radar, avoid mountains or structures not visible to the pilot, and be gone before defending anti-aircraft can zero in on it.

The value of this unique all-weather capacity? In Asia, targets are weathered in as much as 70 per cent of the time in certain seasons. In Eastern Europe they may be protected by weather as much as 40 per cent of the time. The Battle of the Bulge in World War II was mounted during 19 straight days of weather so bad that Allied planes were grounded.

Or think about cost effectiveness. Four F-111's, on a 1,000 mile trip without refueling, can drop a given number of bombs on an enemy target. The exact figure is classified. But to deliver the same bomb load to the same distance, without F-111's, would require a total of 31 different aircraft including tankers, radar scramblers and fighter escorts.

The four F-111's can be maintained and operated for $5.2 million a year. The retinue necessary to perform the mission otherwise costs $37.8 million in annual operation and upkeep—seven times as much.

This plane has cost a lot of money to develop, no question about it. The aircraft now being delivered are running about $8.7 million each. If you go back and calculate all that we've invested from the inception of the program and divide it by the number of delivered aircraft, the average unit cost to date comes out at a lot more.

The basic fact is that the big cost in any new airplane embodying sophisticated technology is in the research and development phase and in the tooling up. Witness the C-5A. Let's face it, there just aren't going to be any more cheap new airplanes.

The only way this nation can realize cost effectiveness in any aircraft procurement program is by building enough to do the job for which the program was devised. The early estimate of $3.8 million a copy, on which the McClellan Committee harps, was based on a buy of 1,700 planes to be delivered at the rate of 24 a month. We're currently buying at the rate of eight a month.

With the F-111, we're just now approaching the pay-off stage on our investment. For an additional $1.5 billion—less than one-fourth the amount we've already put in the program—we can secure the additional 324 planes which the Air Force considers necessary. Average cost: $4.6 million, which compares favorably with unit cost on older aircraft of substantially less capability.

As for the investigation, it must be obvious to all who've followed it closely that Senator McClellan shot his arrow seven years ago before the first F-111 was even off the drawing board. Ever since, he's been trying doggedly to paint a target around the spot where the arrow hit. He reached his conclusion and then went searching for facts to support it.

His real target, of course, is Bob McNamara. The Senator is determined to crucify the former Secretary upon the gavel. If a needed warplane gets in the way, well, *C'est la guerre.*

Recent F-111 criticism centers around selective comparisons between actual performance and the optimistic goals originally set by DOD sponsors. That's like measuring one of us mature mortals against the man his mother hoped he'd be. I'd hate for Senator McClellan to gauge me by that yardstick!

More to the point, every aircraft ever built would suffer by the same comparison. None has met all its design objectives. The farther we set out to stretch untried technology, the bigger the expected "short-fall." The amazing fact is that the F-111 meets more of its design specifications than any other modern aircraft.

In the real world we judge an article's worth by comparing it with similar things, not with what its inventor first hoped to achieve. We are balefully told, for example, that an F-111 requires about 770 more feet for take-off than its planners hoped. But the gloating detractors gloss over the more significant fact. The F-111 requires only one-half—repeat, one-half—the take-off distance consumed by any other combat aircraft with the single exception of the F-4, and less than the F-4.

And the landing distance, equally significant but never mentioned in any news account I've read, is 19 per cent better than the specifications called for!

On balance, the F-111 is a damn fine airplane. It's time this fact were more generally recognized.

CBW: THE SCIENTIFIC COMMUNITY AND PUBLIC POLICY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. McDADE. Mr. Speaker, our colleague JOHN DELLENBACK has presented to this Congress several facets of the problems associated with chemical and biological weapons. I commend his most recent perspectives, presented in an address to the Scientists' Committee on CBW in Atlantic City on April 15 to the attention of my colleagues:

CBW: THE SCIENTIFIC COMMUNITY AND PUBLIC POLICY

In thinking and speaking of the relationship between the scientific community and our federal government, we have too often neglected the role of the individual scientist in the policy making process, yet that role can and should be very important. On occasions in the past it has been vitally important. It is my personal hope that the future will see it become more frequently so. I would like to elaborate a bit tonight on that relationship and involvement—both in general and to a degree in connection with the critically important subject of CBW policy.

It is worthy of reflection that in our early history, when American society was much less specialized, many of the founding fathers were presumably quite familiar with the world of scientific thought. A good many of the statesmen of those days were favorably deeply involved in scientific inquiry and had a great interest in the development of technology. They assumed that scientific and technical advancement would be basic to a better life for our people. Familiar are the scientific and political works of Ben Franklin, Thomas Jefferson, and even George Washington. John Adams, you will recall, organized the American Academy of Arts and Sciences in 1780, and it is his son, John Quincy Adams whose words dominate the entrance to the new History and Technology building of the Smithsonian Institution. For these men the incorporation of technological developments in political decisions was a relatively easy process, for they were familiar with both milieus.

A second period, which began after the War of 1812, is only recently drawing to a close. American scientific thought emphasized technology. Basic research was not pragmatic enough for the taming of the frontier; scientific energies were geared toward practical application. The Congress, which in the 19th century was busy expanding American territory and healing the wounds of the Civil War, allowed technology to develop unimpeded.

So, as industrialization gained momentum, the specialization of our leaders resulted in their far greater separation. Scientists went one way; politicians another.

Today, it is popular to speak of a scientific society. Yet only a relative few of our political decision makers have either the training or the time to master the implications of scientific developments for policy formulation. Perhaps things are not as they should be when among the 535 Representatives and Senators, *not one* has any professional graduate scientific training.

We need the assistance of our friends in the scientific community in coping with the technical issues of the future. Already many encouraging steps have been taken. The subcommitee on Science, Research and Development of the House Committee on Science and Astronautics has established an advisory council which includes some of America's leading industrial and academic scientists. This same committee has elaborate communication links with the National Academy of Science, the National Association of Engineers, the American Association for the Advancement of Science, and the American Chemical Society.

As Congressmen, we respect and need the advice and opinions of individual scientists and groups such as your *ad hoc* Scientists' Committee on CBW—as well as your more permanent professional associations. And we need your opinions both as scientists and humanitarians. Perhaps as one of the tragic results of the Oppenheimer trial, many American scientists until recently have seemed reluctant to advocate more than simply what was technically possible. The development of weapons systems, for example, was often conducted without a public discussion of their consequences. "You don't solve the problems of nuclear weapons and their relation to the world," McGeorge Bundy wrote, "by saying, 'Here is a nuclear core—that's scientific; here is a nuclear weapon—that's military; here is a treaty—that's political.'" Obviously and to the contrary, while there might be certain elements that can be neatly placed in scientific, military, technological or political categories, sound and effective judgment and action will result only from a careful and balanced consideration of all the related aspects of major national issues.

We now are at the dawning of the third era in the relationship in America between science and technology and political decision-making and I am hoping for more mutual understanding and closer working relationships between scientific experts and political experts.

There are those who look upon all gifted scientists as otherworldly, lost and not equipped to speak authoritatively outside the laboratory or the classroom. There are others who look upon all elected public officials as bumbling backslappers, incapable of thinking soundly on any subject more academic or esoteric than how to win the next election. Both lines of thought are frighteningly and appallingly erroneous.

I hope very much that I am right in viewing a recent development, one in which I have had some slight involvement, as portentous of a general direction. In the case of chemical and biological weapons, scientists—some of whom had helped develop the weapons about which they spoke—spoke out on the potentials of those weapons and expressed concerns which politicians were then able to translate into effective political decisions.

The history of CBW in the Congress is that of challenging a weapons system, not on grounds of technical possibility, but on grounds of political and strategic utility. The challenge has been and remains bipartisan. Members of Congress have reconsidered chemical and biological warfare from two distinct angles—strategic necessity and safety—with very similar conclusions: Namely—no useful purpose is served by running the risks of maintaining a chemical and biological weapons arsenal.

One of the first Congressional rumblings about the use of chemicals on the battlefield came in March, 1965. In a letter to President Johnson, six Republican Congressmen deplored the reported use of noxious but non-lethal gas in Vietnam. Included in the letter were eight specific reasons why the use of this gas in Vietnam directly countered the purpose of American policy in Southeast Asia. Briefly stated, these reasons included:

(1) Gas warfare, regardless of its intensity, is so abhorrent to all peoples that its introduction inevitably will help turn world public opinion against the United States.

(2) The use of gas in Vietnam against innocent civilians, as well as Viet Cong, makes it difficult for the village peasant to develop any sense of allegiance to, or feeling of security in, U.S. or South Vietnamese forces.

(3) The use of non-lethal gas under U.S. supervision invites retaliation in the use of gas against American troops.

More than a year ago Democrat Congressman Richard McCarthy began an investigation in depth of the safety implications of the use of chemical weaponry. Seeing on network T.V. the results of a gas accident at Dugway Proving Grounds, Congressman McCarthy realized that neither he nor any other member of Congress had been adequately briefed on America's CBW arsenal. Launching an immediate inquiry, the results of which are detailed in his book *The Ultimate Folly*, McCarthy concluded that there was no cause for the U.S. to continue to stockpile chemical or biological weapons. Even though the military insisted that they could be produced and stored with absolute safety, the risks involved, the accidents that occurred, and the thought of using these weapons convinced McCarthy that they should be eliminated completely. Congressman McCarthy has performed an extremely valuable public service, both in the substantive information yielded by his investigation and in arousing and focusing public attention on this critical issue.

Later in 1969, three Republican colleagues and I—later joined by an additional 12 colleagues—sponsored a study entitled *CBW and National Security*. The controversy over the safety procedures in the handling of CB weapons convinced us that a complete re-examination of the strategic purposes of these weapons was in order. The Congress, we concluded, should not appropriate funds for these weapons without reappraising their usefulness, both in all-out war and in limited war. Were chemical and biological weapons really a valuable or even worthwhile addition to our nuclear and conventional arsenal? Or, were they being developed because of their technical feasibility and because we knew or felt potential enemies were developing them? We immediately rejected the premise that the U.S. must develop a CBW potential simply because some other country may be engaged in CBW production. We wanted to know specifically just what were the advantages of a chemical and biological weapons system.

As a result of our inquiry, we questioned whether chemical and biological weapons added significantly to our security. The risks of maintaining or using a CBW stockpile seemed to outweight the dubious advantages offered by these weapons.

As deterrents to all-out war, CBW, we concluded, was neither more cost-effective nor more certain than our nuclear deterrent. The potential effectiveness of this weapons system could be blunted by extremes of weather or unpredictable biological reactions. Biological epidemics recognize no national boundaries, and when a weapons system is as potentially dangerous to both the attacker and the attacked, retaliatory threats lack sufficient credibility.

We also questioned the contention that CB weaponry is humane. While certain of these weapons might seem more humane than other weapons, those very weapons could actually be used to increase casualties. In addition, the potential ecological damages caused by these weapons may be extensive, with profound effects on future generations.

We suspect that the use of CBW, like that of tactical nuclear weapons, would be highly escalatory in limited war, conceivably triggering unintended levels of conflict.

Finally, the mere possession of chemical and biological weapons increases the likelihood of their engagement. An international epidemic of unknown origin could provoke charges of a secret biological attack.

Because the logic of our study suggested that the disadvantages of CBW far outweighed their marginal advantages, we recommended careful consideration of the following actions:

(1) Eliminating all stockpiles of chemical and biological weapons, including any low-level chemicals designed for military use. This does not include riot control agents for crowd control in the U.S.

(2) Publicizing the results of future research in the field of CBW.

(3) Encouraging international agreements on the prohibition of chemical and biological production and usage.

(4) Ratifying the 1925 Geneva Protocol.

(5) Declaring that the United States will not use such weapons but will respond to their use by adversaries with appropriate conventional or nuclear force.

On November 25th, President Nixon, advised by the National Security Council, which, in turn, was greatly influenced, I am sure, by your colleague Dr. Meselson, heartened us all with his historic statement on CBW. In the message, the President outlined six steps he was about to take which included:

(1) Renouncing the use of lethal biological agents and weapons, and all other methods of biological warfare;

(2) Re-affirming the renunciation of using lethal chemical weapons on a first use basis;

(3) Extending this renunciation to incapacitating chemicals;

(4) Calling for the ratification of the 1925 Geneva Protocol;

(5) Limiting biological weapons research to defensive measures;

(6) Ordering the destruction of biological war stockpiles.

Soon after the President's announcement, controversy over the use of toxins arose. Were they to be considered biologics and thus subject to the prohibition or were they chemicals and therefore permissible? Dr. Richard Novick of your organization immediately addressed a complete and penetrating letter to me in which he outlined nine questions concerning the direction of American CBW policy. With this follow-up, you scientists entered very usefully a second phase of our common policy concern. Opinions were not based on what was technically possible; instead, you were looking beyond the technically possible to the politically desirable, if not indeed necessary.

On February 14th, President Nixon took a giant step to solve many of these problems by extending the November 25th ban to include toxins. By this action our country did much to reduce apprehension that the U.S. might use disease as a weapon of war. We have accordingly diminished the hazards of domestic production, while bringing American policy a step closer to the British draft convention on biological and chemical warfare proposed at Geneva.

I applauded, Mr. Nixon's statement as I am sure you did, and I take some real satisfaction in hoping that our contributions helped to shape this significant policy decision.

Scientists are beginning to understand what Carl W. Fisher described as their third-dimensional role—their role as "non-experts" in the process of policy formulation. Historically, the Congress has been influenced in the areas of scientific development of weapons primarily by bureaucrats and the military. In the production of weapons systems, for example, what was politically possible was too frequently determined by what was technically feasible, not what was politically sound or desirable.

To be sure, many argue that for the scientist to advise society on whether or not to undertake certain projects would be transcending their discipline. One can easily hold that scientific research depends upon unbiased neutrality and that a scientist who becomes emotionally involved in his work would violate cannons of scientific research. Yet purely technical assessments have been, in the past, often unconcerned with the undesirable side-effects of the new technology.

Again, in the words of McGeorge Bundy, "It is madness to assume, as very many people habitually do, that there is somehow an act of trespass if the scientist shows himself alert to a problem which stretches beyond the purely technical . . ."

I close with a word of caution, however, about our specialized relationship as we increasingly work together—as we have to date so frequently on CBW. And as we must continue to do in connection with our still unfinished struggles in this field. I welcome the emerging partnership. I submit that we have mutual obligations. Yours, of course, embrace first determining what is scientifically and technically possible, but they go beyond that to include elaborating *all* the *potentialities* of that which you have determined to be possible. Ours in Congress embrace careful examination and analysis of *all* the facts and projections which you have given to us, but they go beyond that to include blending what is scientifically and technically possible both with what is politically possible and with what is desirable and attainable.

The resultant of a sound mix of the best of our disciplines can put into the process will be—I am convinced—another example of the whole being greater than the sum of its parts.

INNOCENT VICTIMS?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. ASHBROOK. Mr. Speaker, a great amount of my mail refers to the "innocent victims" at Kent State. While anyone can sympathize with the tragedy which resulted in the deaths of the four students, it is not entirely accurate to refer to "innocent" victims.

In the first place, students confronting the National Guardsmen on that tragic day were there in violation of proper, legal orders against their congregation. On top of that, they were specifically and repeatedly ordered to disperse. Instead, under mob instincts many attacked the National Guardsmen with rocks and bottles.

Initial investigation indicates a possibility that one student, not a part of the mob, was hit by a ricocheting bullet and another one of those shot may have been on the way to a class. However, for the most part, the students involved were associated in the mob that was acting in an illegal manner. You might say they were foolish, unfortunate, or ill advised, but you could not honestly say they were innocent. The innocent people by and large were respecting the laws, remaining in their dormitories and not conducting an illegal and violent confrontation.

A good example of the "innocent" crowd was Miss Mary Ann Veccio, the so-called photo girl whose picture, crying out over one of the fallen students, appeared everywhere in the Nation. Without knowing the facts, most news service reports even referred to her as a coed. Some coed. She was a runaway who, by her own admission, was a part of a hippy group which went to Kent State because she heard "there was going to be an antiwar protest." The nonstudent radicals who gravitate to the storm centers throughout the United States are a major part of the campus problem. The "action" was at Kent State so that is where she went.

But when you go where the action is, you are likely to get caught up in it. That common human trait, curiosity—the desire to see what is going on—can be fatal when violence breaks out. Onlookers are not immune.

So, it is inaccurate to refer to those students and youths who congregated there that tragic day as innocent. Duped, stupid, foolish, unfortunate, curious, cynical, dedicated, revolutionary—one of these descriptive adjectives or a score of other ones might fit them individually but, perhaps with one or two exceptions, certainly not the word "innocent."

MADISON: AN EARLY NIXON?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. MICHEL. Mr. Speaker, those of us who are privileged to serve in the Congress are acutely aware of the fundamental truth in the old adage that "history repeats itself" and I am referring, of course, specifically to the history of government and politics.

We find that very often laymen and others who are not students of history are inclined to believe that conditions and circumstances of the present are new and unprecedented and thus fraught with danger since there is no apparent method or formula for dealing with the many problems confronting the country.

An editorial appearing in the May 20, 1970, edition of the Peoria Journal Star sets forth a comparison of conditions in the administration of President James Madison and those facing President Nixon today. The editorial presents a classic example of history repeating

itself, and I ask that the text of the editorial be placed in the RECORD at this point:

MADISON: AN EARLY NIXON?

If his name had been Richard, they would have called him "Tricky Dicky."

His name happened to be James Madison, and the Federalist party leaders referred to him constantly as "devious", "insidious", "prevaricating", "Machiavellian" and occasionally in plainer terms as a "little sneak."

When we became involved in a "cold war" or undeclared war with Great Britain, Congress called up some militia in accordance with his request, but an amendment was added restricting them from crossing any foreign borders.

When the war was declared, they immediately named it, "Mr. Madison's War", and the Eastern Establishment (New York and New England which was the power base of the Federalist party) erupted with violent criticism of war with England, blamed Madison, called for his impeachment, and accused him of being a French puppet.

The Eastern press, pulpit, and political leaders blasted him unmercifully, and their congressional contingent hamstrung him at every turn as they had done from the start.

He was belabored by ruthless opposition politicians, and by a bitter enemy in his own party, Senator John Randolph, and a clique led by Randolph. Indeed, at the outset he was frustrated in his first two choices to fill a Supreme Court vacancy.

Never in history before nor again until these days did the politicians interfere in military matters, present crippling restrictions, and kibitz on tactics and maneuvers as during "Mr. Madison's war."

By all logic, we should have enjoyed an easy victory on land. The growing country dominated this end of the world in military manpower, and next door was the available "hostage" of the colony of Canada, with only a handful of people by comparison—and many of them anti-British.

However, by the time Congress unravelled its militia restrictions, the British had used the interval to powerfully garrison the key border fortresses.

THE WAR A FIASCO

The war on land, in which we were supposed to enjoy all the advantages, was a fiasco of mismanagement and defeats, climaxed by the landing of the British and burning of Washington.

At sea, we weren't supposed to have a chance in the first place. England was at the height of her power, with more warships than we had naval guns. Our sailors had one advantage over our soldiers. Once at sea, they were free from political interference largely.

They proceeded to present the nation with a series of spectacular victories in single-ship combats that had a shattering effect on the British attitude, and also on this commerce.

With the archives now available to us, we know that England was ready to make peace and respect our rights as demanded long before the war actually ended. She changed her mind, the British records show, because of such activities as the slanderous speeches in Congress against Madison and the war, and the "Hartford convention" called by the same state governments to assemble the states for a "peace" convention.

Their conquest of Napoleon, the control of the lakes by U.S. ships and our success at sea began to convince the British of the error of their ways—in spite of the continued encouragement of American Federalists whose attacks on Madison reached a crescendo of desperation.

HISTORY VINDICATED HIM

They accused Madison of so dividing the country as to wreck the union. Massachusetts and Maine refused to call up their state militias, even when the British were devastating the Maine coast.

Meanwhile peace negotiators met on neutral ground on the European continent at Ghent while the fighting continued. The negotiations opened with outrageous new demands by Great Britain.

These negotiations had gone on for some time and seemed fruitless, until there was an abrupt change in the British government control and a complete about face and a quick agreement.

In those days the agreement took some time to be transmitted across the sea, and in those latter days, after all our previous fumbling we, finally made a decisive military effort—as Andrew Jackson clobbered Wellington's veterans at New Orleans.

The peace was that which was the purpose of the war—status quo, no conquests on either side, but an end to British aggressions, abuses and intimidations on our borders and at sea. And never again did Great Britain perform those ruthless acts of looting our ships, and kidnapping our seamen.

And what following in the United States where such horrid and violent division had developed, with riots, peace conventions, impeachment demands, burning in effigy, and constant damnation of "sneaky," "devious" and "dishonest" Little Jeremy Madison"?

The ten succeeding years are known to U.S. history as "The Era of Good Feeling" (during which the Federalist party quietly dissolved.)

Madison stands in the Pantheon of the half dozen "great presidents." John Randolph is known to history as a petty, vicious, wrong-headed vengeance-seeker, and the Federalist "peace" shriekers as semi-traitors whose misinformation and encouragement to the enemy both caused the war and kept it going.

Indeed, in the light of historical research, Madison, himself, emerges with a special reputation for honesty and good character.

This is but a small part of Madison's career as unfolded on a ponderous but lively work of intimate research concerning every political move since he was the youngest member of the Continental Congress at age 29.

It is called "The Fourth President" by Irving Brant.

Not once does Scholar Brant fall for the temptation to say, "History repeats itself," or "We need to study the lessons of history lest we condemn ourselves to repeat them."

But I am not so restrained.

LOWERING THE FLAG

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. WYMAN. Mr. Speaker, most Americans take a dim view of lowering the American flag to half-mast except for State occasions and at the direction of those in positions of recognized authority or command. It is particularly disturbing to see certain officials, whether elected or appointed, lower the flag on demand of a mob. Some claim this is to avoid a confrontation and hence possible violence. More often it is to avoid an open rejection, and evidences more of the same weakness within America that has brought us to the abyss of domestic chaos that seems to threaten the country from all sides these days.

In this connection, I commend the reading of an interesting column by Mr. Jay Hanlon, appearing in the Manchester Union Leader of June 1, 1970:

JAY HANLON'S NOTEBOOK

I have a friend, a quiet, self-respecting and law-abiding friend whose got a gripe, a long-standing gripe that has been eating at him for a number of years. But because he happens also to be an appointed public official he is, understandably, reluctant to skip hither and yon willy nilly kicking sleeping dogs, sacred cows or, to be more specific, acquiescent politicians in high public office.

That's why he came to me with his gripe, although I am not completely sure why, since it is well known that I willingly cross the street in a driving rainstorm to avoid sleeping dogs, sacred cows and lofty politicians.

But no matter, the point of all this is to present herewith my friend's long-smouldering gripe; not, mind you, that either of us expects to redress the wrong by mere publication. Our purpose then, is to set the record straight.

My friend's gripe concerns gross misuse of the American Flag by those city and state politicians who lower it to half mast at the drop of the proverbial hat.

The American Flag is, by federal law, the National Emblem of the United States of America and no one, other than the President of the United States may declare that this nation is in "national mourning." The law further provides that the Flag may not be flown at half mast unless we are in national mourning.

What this means, in effect, is that the American Flag should not be lowered to half mast for local officials or state officials, no matter what their rank, unless the President so decrees.

Nor should the Flag be lowered to half mast for national figures, no matter how beloved, unless and until the President declares a period of national mourning.

It should not be necessary, then, to point out that governors and mayors and selectmen cannot, under law, lower the Flag upon the death of public or private individuals, no matter how tragic the loss. By the same token, it should not be necessary—although it seems to be—to point out the utter travesty committed upon our national honor when acquiescent public officials lower the Flag in the face of threats of violence by street mobs.

Yes, as you look about today at the misuse of our national emblem, you may come to realize that my friend does indeed have a substantial gripe. For clearly it is nothing less than a travesty to the memory of those brave men who gave their own lives solely to keep our American Flag at full staff.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

AN EDITORIAL LOOK AT THE SST

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. OTTINGER. Mr. Speaker, on May 27 in the House we narrowly missed eliminating funds for the supersonic transport in the fiscal 1971 appropriation for the Department of Transportation. The vote was 176–162, and it is my hope that the Senate, with more time to deliberate the effects on the economy and the environment of this giant aircraft, will reverse the House action and give us another chance to vote to defer Federal funding of this project. I wish to insert in the RECORD a recent New York Times editorial by Anthony Lewis detailing the case against the SST:

> VAINGLORY ON THE CIVILIAN SIDE
>
> LONDON.—The cause of the environment, for all its deep significance, has seemed something of a distraction in recent months. The moral disquiet of Americans about the Vietnam war was channeled into environmental protest—too often into rather empty, abstract gestures instead of the specific, difficult, controversial programs really required to reduce the destruction of our surroundings.
>
> Any thought that vague environmental cheerleading could be a substitute for political action and protest against the war has been dispelled by Cambodia. It is hard for even the person most worried about clean air or water to keep his mind on that subject while Americans are widening the war in Southeast Asia and shooting each other at home.
>
> But there is one issue related to the environment that now requires urgent public attention—the development of supersonic transport planes.
>
> All along, the arguments for supersonic transports have been of a mystical kind—the urge to the ultimate, the irrepressible human desire for bigger and faster machines, the challenge of design.
>
> Those are understandable motivations. When the first Concorde lifted its odd-shaped beak off the runway, there were doubtless feelings of pride among Englishmen and Frenchmen apart from the engineers and politicians who feel their prestige so directly engaged.
>
> LIKE CLIPPER SHIPS
>
> But the Concorde and the projected SST are a little like the American clipper ships of fond memory: beautiful in their way, adventurous—and utterly uneconomic. Most people forget that those lovely sailings ships were never competitive with tubbier competitors. And the clippers were a burden only on venture capital, not on the public purse, public health and public tranquillity.
>
> Professor R. E. Newell of the Massachusetts Institute of Technology estimates that 400 supersonic transport planes—a moderate projection of the sales targets of the Concorde and SST—would inject about 150,000 tons of water vapor into the stratosphere every day. That, he says, would increase the natural intake of water by a third.
>
> The result could be to increase cloud cover, reflect more of the sun's heat away and reduce the earth's temperature. Members of President Nixon's Council on Environmental Quality have said that there might be "serious consequences on climate."
>
> Then there is noise. So far attention has been focused on the sonic boom. Prince Charles reflected the concern of many Britons when he remarked the other day that the Concorde's worth would be questionable if it damaged ancient churches, as some fear it will on the forthcoming first supersonic flights over Scotland and England.
>
> But engine noise may be a more painful and destructive fact of supersonic life than the boom. The chairman of the President's Council, Russell E. Train, has just testified that the planned SST would be "three to four times louder" than the present legal limits on aircraft engine noise. The Economist, the British weekly, speaks of "the noise of fifty jumbo jets at take-off."
>
> MARGINAL BENEFITS
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> For a society willingly to undergo pain of that kind, one would assume that it expected in return an enormous increase in efficiency and convenience of air transportation. But in fact the supersonic planes, by the most optimistic accounts of their boosters, would provide only marginal benefits if any.
>
> The actual cabins would be less spacious and comfortable. Assuming that SST's would be bearable at present urban airports and that ground time would not increase—doubtful assumptions—the trans-Atlantic traveler might save two hours. To do so he would have to pay a premium fare. Even then, the aircraft would probably not be economic to operate; airline executives are saying that they would have to be subsidized from other operations.
>
> All airline passengers, then, would be paying for the doubtful time-saving of a handful of travelers in SST's. So would the public, of course; billions of dollars in development costs are being paid by the British, French and American Governments.
>
> "BALANCE OF PAYMENTS"
>
> In the light of this grotesque imbalance of costs and benefits, why should governments press on with the adventure? The latest American answer is that otherwise airlines might buy supersonic planes elsewhere and injure the balance of payments. And the Nixon administration put that argument forward, The Economist says, "largely because it could find no other sensible reason."
>
> In short, the SST is a civilian version of our society's tendency toward vainglory and official self-deception. And here, as on the military side, it will take an aroused public to end the illusion and the waste.

GUAM DOCTRINE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. BUSH. Mr. Speaker, in July 1969, President Nixon emphasized the importance of encouraging Asian nations to assume a greater defense responsibility for their corner of the world. This policy, known as the Guam doctrine, is the policy of this country in dealing with the turmoil in Southeast Asia.

The presence of substantial numbers of American troops in South Vietnam places upon this country a certain responsibility for the events that take place in that country. Every effort should be made to insure that the United States does not find itself in a similar position in another country. From personal conversation with President Nixon, I know that he does not want to see this happen. The way to prevent this is not by "tying the hands" of the President with amendments that will limit the expenditure of American funds in Laos, Cambodia, and Thailand. The way to prevent another Vietnam is to encourage Asians to become their own policemen—that is, the Guam doctrine.

The Jakarta Conference, which met 2 weeks ago, was a big step in accomplishing this Asian consortium. Called by Indonesia to discuss the Cambodian situation, it was the first time the 12 countries which attended had ever sat down and talked over a mutual problem. The result was a call for the withdrawal of all foreign forces from Cambodia and the recommendation that the International Control Commission be reestablished.

In the absence of any neutral force attempting to bring about a cessation of hostilities in Cambodia, the governments of South Vietnam and Thailand have agreed to aid Cambodia in their efforts to rid their country of 40,000 North Vietnamese infiltrators.

I think every one in this House Chamber would like to see all forces—North Vietnamese, South Vietnamese, Thai, and American—removed from Cambodia. The International Control Commission is one method of achieving this. But, it is not the only avenue open.

The Charter of the United Nations gives that organization the responsibility to maintain international peace and security. So today, Mr. Speaker, I am introducing a resolution expressing the sense of Congress that the question of maintenance of the neutrality and territorial integrity of Cambodia and the human rights of the Cambodian people be referred to the Security Council of the United Nations. Perhaps the United Nations will refuse to take it up. Frankly, I have not been too pleased with their peacekeeping ability in the past; but, this approach should be tried.

BIOGRAPHY OF JERRIS LEONARD

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mrs. GRIFFITHS. Mr. Speaker, at various times, I have had occasion to remark that women have never been protected by the courts of this country, never accorded the equal protection clause of the 14th amendment, and never really aided by the Justice Department; and now I have found one of the reasons why. In the official biography of Jerris Leonard, Assistant Attorney General, Civil Rights Division, put out by the Department of Justice, it states:

> The Assistant Attorney General, Civil Rights Division, Department of Justice is charged with the responsibility of enforcing Federal Legislation relating to constitutionally protected rights of the individual, as well as carrying out the Court's mandates in this area. Specifically, this includes protection *against discrimination, because of color, race, creed or national origin* in education, employ-

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ment, housing, public accommodations and facilities, and voting. It also includes protection against unlawful acts rendered under the color of law.

Apparently Justice Department is so uninformed on the law that they have not even bothered to inform their own employees that the Civil Rights Division should specifically protect against discrimination because of sex.

No wonder women are getting a bum deal. Mr. Leonard's biography follows:

BIOGRAPHY OF JERRIS LEONARD, DEPARTMENT OF JUSTICE, ASSISTANT ATTORNEY GENERAL—CIVIL RIGHTS DIVISION

Born: January 17, 1931, Chicago, Illinois.

Education: Marquette University, Milwaukee, B.S., 1952 and Doctor of Law 1955.

Experience: 1955–1964 Practitioner in Milwaukee; 1964–1969 member of the firm of Michael, Best & Friedrich.

1957–1961 Member of the Wisconsin State Assembly; 1961–1969 Member of the State Senate. Served as Senate Majority Leader, 1967–1969; Chairman of the Wisconsin Legislative Council, 1967–1969.

Organizations: American, Federal, National, Wisconsin and Milwaukee Bar Associations; American Trial Lawyers Association; corporate member Milwaukee Boys' Club.

Family: Wife, Mariellen Mathie Leonard; children, Mary Alice, Jerris G., John E., Kathleen Ann, Francis X. and Daniel J.

Honors: President, Marquette Student Senate 1954–55; Alpha Sigma Nu, National Jesuit Honor Society 1955; President, Sigma Nu Phi Legal Fraternity 1954–55; selected as one of Wisconsin's five outstanding young men in 1965.

The Assistant Attorney General, Civil Rights Division, Department of Justice is charged with the responsibility of enforcing Federal Legislation relating to constitutionality protected rights of the individual, as well as carrying out the Court's mandates in this area. Specifically, this includes protection against *discrimination, because of color, race, creed or national origin* in education, employment, housing, public accommodations and facilities, and voting. It also includes protection against unlawful acts rendered under the color of law.

Legislation that is involved includes: The Civil Rights Acts of 1866, 1870, 1957, 1960, 1964 and 1968; as well as the Voting Rights Act of 1965.

Additionally, Mr. Leonard has been designated by Attorney General Mitchell to administer the Justice Department's Civil Disturbance Group which monitors civil disruptions throughout the nation.

POSTMASTER GENERAL BLOUNT AGREES THAT "RIGHT TO WORK" NOT AN ISSUE IN POSTAL REFORM

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. UDALL. Mr. Speaker, last week I inserted into the RECORD a statement dealing with the labor-management provisions of the postal reform proposal which the Post Office and Civil Service Committee has favorably reported for floor action.

I am pleased to inform my colleagues that Postmaster General Winton M. Blount has just sent me a letter and statement which outlines the Nixon administration's view on this important matter. That position supports the contention that I originally made last week; namely, that "right to work" is not an issue in postal reform.

I find it extremely hard to believe that Postmaster General Blount, an ex-president of the U.S. Chamber of Commerce and former head of a huge construction company in Alabama, would be a crusader against the "right to work." And yet, those who insist on speaking against postal reform are so labeling our Postmaster General. At this point, Mr. Speaker, I am pleased to share both the letter and a supporting statement sent me by Mr. Blount:

THE POSTMASTER GENERAL,
Washington, D.C., May 26, 1970.

Hon. MORRIS K. UDALL,
House of Representatives,
Washington, D.C.

DEAR MO: During recent weeks, concern has been expressed over the issue of "compulsory unionism" for postal workers. Neither the Administration nor the Post Office Department has ever proposed that there be a union shop in the Postal Service. We have simply proposed, as one phase of a broad plan for dealing with the unique problems faced by the Post Office Department, that postal labor-management relations be governed generally by the same laws that apply to the private sector—including the Taft-Hartley and Landrum-Griffin Acts—with the major exception that strikes by postal employees would continue to be banned.

It is obviously not feasible to use the postal reorganization bill as a vehicle for reforming the Taft-Hartley Act. Accordingly, one consequence of putting the Postal Service under Taft-Hartley would be that postal management—like management in the private sector—might be required to bargain over union shop arrangements in states other than those having the right-to-work laws. (The obligation to *bargain* would, of course, impose no obligation to *agree* to a union shop arrangement.)

In order to avert a misunderstanding of this aspect of the bill, I am enclosing a statement on this issue which I hope will assist you in responding to inquiries from your constituents.

We believe that the basic policy issues involved in the union shop question should only be considered in the context of an appraisal of the general labor law. The need for postal reorganization is too urgent, in my opinion, to await the outcome of any such appraisal.

Sincerely

WINTON M. BLOUNT.

STATEMENT ON COMPULSORY UNIONISM

During the past several weeks, a question has been raised as to whether nationwide "compulsory unionism" would be sanctioned by H.R. 17070, the postal reorganization proposal that is being jointly sponsored by the Administration, the AFL–CIO, and the seven postal employee organizations holding national exclusive recognition.

By way of background, it should be noted that one of the premises underlying the postal reorganization bill is that the postal service, which is essentially a materials handling operation, resembles in many respects, the services furnished by major public utilities, and the postal establishment can better carry out its responsibilities to the American people if it is given the authority to operate in a way similar to that in which well managed service enterprises operate in the private sector. This concept is reflected in each of the major portions of the proposed Postal Reorganization Act.

With respect to labor-management relations, we have recommended that the Postal Service and its employee organizations be subject generally not only to the Landrum-Griffin Act, but also to the National Labor Relations Act, as amended by the Taft-Hartley Act. With but few exceptions—the main one being that strikes by postal employees would continue to be against the law—labor-management relations in the Postal Service would be conducted under the same statutory ground rules that are applicable to large enterprises in the private sector.

By adopting the National Labor Relations Act, as amended, the proposed legislation would make it an unfair labor practice for the management of the Postal Service to refuse to engage in collective bargaining with recognized representatives of its rank and file employees over wages, hours, and, in general, other working conditions that are subject to collective bargaining in the private sector. To the extent that union security provisions are bargainable in private industry, therefore, they would be bargainable in the Postal Service. It is important to recognize, however, that a statutory duty to *bargain* over a union demand does not imply the existence of a statutory duty to *agree* to that demand.

Under the bill, labor-management relations in the new Postal Service would be governed for most purposes by the provisions now codified in Subchapter II of Chapter 7 of Title 29, United States Code, among which is included Section 14(b) of the National Labor Relations Act as added by the Taft-Hartley Act.

Subchapter II would explicitly make it an unfair labor practice for the reorganized Postal Service "to encourage or discourage membership in any labor organization," whether "by discrimination in regard to hire or tenure of employment or any term or condition of employment." 29 U.S.C. 158(a)(3). If this provision stood alone, union shop contracts would not be bargainable anywhere. In this connection, however, two other provisions of Subchapter II must also be considered. The first is a proviso stating that nothing in the Subchapter bars an employer from making an agreement with a labor organization to require union membership as a condition of employment after the thirtieth day from the beginning of such employment (29 U.S.C. 158(a)(3)), and the second is the provision contained in section 14(b) which reads as follows:

"Nothing in this subchapter shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory where such execution or application is prohibited by State or Territorial law." 29 U.S.C. 164(b).

The effect of the quoted language is to cancel out—in those states or territories that have right-to-work laws—the proviso saying that an employer is not barred from making union shop agreements. Any such agreement entered into by the Postal Service would thus be inapplicable—as a matter of Federal law—in a state or territory having a right-to-work statute.

It has been suggested that a Federal law prohibiting Federal agencies from executing or applying union shop agreements in states having right-to-work laws would not be effective on "enclaves" over which the Federal Government exercises exclusive legislative jurisdiction. In the opinion of the Post Office Department's General Counsel, this suggestion is simply not correct.

The Post Office Department does, to be sure, have some facilities located on property that the United States purchased "by the consent" of the legislature of the state in question. (See Article I, Section 8, Clause 17 of the United States Constitution, which gives Congress the power "To exercise exclusive Legislation . . . over all Places purchased by the Consent of the Legislature of

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the State in which Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings . . .") The better part of the space presently occupied by the Department does *not* fall in this category, but this is a purely fortuitous circumstance that has nothing to do with the scope of the proposed legislation. Congress clearly has the power to enact a statute forbidding an executive agency of the Federal Government from making or applying a union shop agreement in any state or territory where such agreements are prohibited by state or territorial law, whether or not the agency's activities are conducted on Federal enclaves. As stated by the House Post Office and Civil Service Committee in its report on H.R. 17070, the postal reform legislation that the Committee voted to report out on May 19 of this year:

"From a constitutional standpoint, there is no reason whatsoever why the Congress, by duly enacted statute, may not 'give the right of way' to State right-to-work laws insofar as employees of a Federal instrumentality are concerned, *whether such employees work in an enclave over which the United States has exclusive legislative jurisdiction* or whether they work in an area over which the State government has jurisdiction. *This is precisely what H.R. 17070 does.*" House Report No. 91-1104, 91st Congress, 2d Session, May 19, 1970 at page 16. (Emphasis supplied.)

It might be added that the Federal Assimilated Crimes Act, codified at 18 U.S.C. 13, is a good example of another Federal statute that draws state law into the body of Federal law applicable on Federal enclaves.

The right-to-work statute of one state—Georgia—specifically excludes the United States from its definition of an "employer." Here again, however, the postal reorganization bill would put the Postal Service in the position of a private employer, for these purposes, and Georgia is unquestionably a state "in which . . . execution or application [of union shop contracts] is prohibited by State . . . law," [29 U.S.C. 164(b)]. It is clear that the bill would bar the reorganized Postal Service from enforcing a union shop agreement in Georgia.

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This conclusion is supported by the opening paragraph of the section of the House Report dealing with the matter of union security, which declares flatly that the postal reform bill:

". . . would not permit the Postal Service to enter into or attempt to enforce a union shop agreement in *any* State having a law that prohibits the execution or application of agreements requiring membership in a labor organization as a condition of employment." House Report No. 91-1104, 91st Congress, 2d Session, at page 15. (Emphasis supplied.)

The need for a workable postal reorganization bill is acute. It would be unfortunate if Congressional consideration of this vital measure were beclouded by public misunderstanding of the labor-management provisions of the bill, and it is hoped that this statement may be of some assistance in that regard.

SPEAKER JOHN W. McCORMACK

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. WHALEN. Mr. Speaker, we pause to honor today the illustrious Speaker of the House whose length of service in that position is surpassed only by the late Sam Rayburn. His years of service to his district, his State, and the Nation have spanned many of our lifetimes.

Since I have served in this body only 4 years, I cannot compare the gentleman from the Ninth District of Massachusetts to other Speakers. Nevertheless, I believe it would be difficult for others to surpass him in the quality of the service he has rendered during his speakership, particularly in his dealings with the newer Members of this body. He has always protected the interests of those of us who are serving our first terms and who are not familiar with the parliamentary procedures of the House. Never has he taken advantage of our inexperience in this area. Rather, he has been most courteous and helpful, regardless of the side of the aisle on which we sit. I believe that his desire to be remembered as a Member's Speaker certainly will be a fact of history.

In commenting on the late President John F. Kennedy, the Speaker reminded us that throughout his public life the late President "exemplified the basic tradition upon which our American political process is grounded, that men can disagree, yes, disagree very strongly, over public issues, yet never be disagreeable." I think we can surmise that when President Kennedy came to the House in 1947, he was grooved in this tradition by his senior colleague from Massachusetts. Certainly, it is one precedent of the House which all of us should, and I am sure, do, endeavor to continue.

As he nears retirement, I wish him and Mrs. McCormack the quiet contentment to which their years of consideration of others so deservedly entitles them. May God bless them both.

PROBLEMS INVOLVED IN NEW YORK WATER PURIFICATION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. ROBISON. Mr. Speaker, water quality is a concern of us all, but very often we feel as if our efforts in this important area are not producing the wanted—nay, the needed—results. The article which follows, written by William H. Kincade, stresses some of the roadblocks which lie in the path to pure water. Although the article addresses itself to New York problems, I would suggest that many States face similar difficulties. Therefore, I would like to bring to the attention of my colleagues Mr. Kincade's article, "Three Major Problems Face New York in Cleaning Up Water."

The article follows:

THREE MAJOR PROBLEMS FACE NEW YORK IN CLEANING UP WATER

(By William H. Kincade)

State pure waters officials like to tell a story about the mayor of a small New York community who, when served with a water pollution abatement order, offered to let himself be arrested. Not only too poor to install the necessary sewage facilities, his community couldn't even afford the penalty payments for not complying with New York State Health Department standards.

The story illustrates three major problems faced by the state in water clean-up efforts: lack of money, a local government structure that hinders efficient regional approaches to pollution control, and an enforcement system that, according to a report prepared by a state senator, doesn't enforce.

In 1965 New York voters approved a billion dollar bond issue to finance the Health Department's frontal assault on the major water polluters—primarily municipalities with inadequate sewage treatment facilities and, secondarily, industries with similar problems.

With this money, which the Health Departmen's Division of Pure Waters expects to be fully obligated by the end of this year, the state provides outright assistance to cover 30 per cent of the construction costs of new treatment plants and, sometimes, of trunk sewer systems.

Out of the same funds, the division also can advance an additional 30 per cent in anticipation of federal reimbursement from funds authorized by Congress in 1966.

The cost of these facilities runs high and is boosted by inflation, but frequently the cost of building the collection systems, miles of smaller, tributary sewers, equals or exceeds the major facilities.

The costs of these feeder systems must be met by local governments, which also must pay 40 per cent of the expenses in building the treatment plants.

For many of the state's 1,610 communities, relying chiefly on septic tanks, finding the capital for expensive sewer projects poses major problems, further aggravated by shrinking local revenue sources, and high interest rates for borrowed money.

Only partial solutions exist for these problems.

In 1967, Gov. Rockefeller proposed and the legislature approved the creation of the Pure Waters Authority to provide technical, financial, engineering, construction, and managerial services to communities on a contractual basis for fees of about one or two per cent of project cost.

The PWA, however, operates by invitation only. Unlike the Pure Waters Division, which sets and enforces standards, monitors pollution and pollution control, provides technical assistance, and administers aid programs, the PWA must sell its services.

The expected rush of business did not materialize, an authority spokesman says, partly because local governments lacked confidence in the new agency. Only recently has the PWA been successful in getting contracts.

The second solution recognizes that technically as well as financially the most efficient approach to water pollution is on a regional basis.

The belief is that by controlling the type and drastically reducing the amounts of pollutants, nature can effectively resume its own purification process and—in some cases at least—clean up the backlog of existing filth.

Water experts agree that the best way to carry out this program—called abatement—is on a river basin by river basin basis. There has been talk of setting up authorities which could treat each river basin and its surrounding watershed as a single unit, so that downstream efforts would not be retarded by upstream polluters.

In the meantime, the Pure Waters Division is pushing master regional sewer plans, whereby communities share construction costs.

Paul Eastman, who has headed the division since last year, points to the successes of the Oneida County Sewer District or the Monroe County Pure Waters Agency. The latter is a three-year-old organization which complied with division specifications before they became law, and tries to encourage local leaders to follow its example.

Despite the fact that the state will pay all costs associated with formulating regional plans and despite an additional 10 per cent federal grant for regional sewer projects, eight upstate counties still have not begun regional studies.

In a progress report on pure waters, Democratic state Senator Samuel L. Greenberg stated, "The delay in completion of the studies results from the State's inability to directly initiate the planning process."

Eastman, on the other hand, attributes the delays to the difficulty of getting local governments of varying sizes and types to cooperate. He pointed out that the successful Albany County Sewer District required the coordination of 14 separate governments and had "an unusual asset in the high degree of local cooperation."

Finally, enforcement problems also have hampered the clean-up drive. Eastman is frank to admit that "large volumes of raw or inadequately treated sewage still are flowing into New York State waters."

In its criticism of the pure waters program, the Greenberg report gives primary emphasis to compliance and enforcement, charging that "the Rockefeller administration has not sought to prosecute violators."

Although officials connected with the PWA and the Pure Water Division are reluctant to discuss enforcement measures, which many of them feel are inadequate or counterproductive, they note that the body of new anti-pollution law remains largely untested in the courts.

The Pure Water Division now has abatement orders pending against some 500 local governments and industries, of 1,678 originally identified as major polluters, but few of the offenders, the Greenberg report notes, have been brought to court. Nor has action been taken against polluters who have been slow to meet abatement schedules.

One state official notes that most of the cases prosecuted by the Water and Air Resources Bureau in the Attorney General's office are based on individual complaints of specific harm that are relatively easy to win but do little to test the validity of general anti-pollution law.

Penalty assessments, on the other hand, frequently are small enough—$600 is the current average—to be shrugged off, while larger payments would only aggravate the situation of many municipalities and small industries, whose reason for noncompliance or slowness is lack of money.

And for the industrial polluter neither the Pure Water Division nor the PWA have much to offer in the way of incentives and thus the program must rely on enforcement or persuasion.

Though the state provides write-offs on the state franchise tax and local real estate tax exemptions for abatement facilities certified by the division, these benefits generally are far from compensating for the expense of industrial waste treatment facilities, which, Eastman notes, "eat up profits."

Industries also may benefit indirectly from the program in that they may contract with municipalities to have them treat industrial waste in new facilities being constructed.

While Eastman says that very few industries are "do-nothings" many have been slow to act.

Notable exceptions are Bethelehem Steel, which claims it will spend $30 million on water pollution control facilities at its Lackawanna plant, and International Paper, which recently gave Corinth on the upper Hudson the land for a new sewage plant. The paper company also is constructing a new paper mill with built-in abatement devices at Ticonderoga to replace a mill that had been a major polluter of Lake Champlain.

But New York's paper industry generally reflects the problems faced by many small manufacturers. New York has some 80 pulp and paper mills, nearly twice the number of any other state, and many are old, single-plant operations with a small margin of profit.

Papermaking requires a high quality of water but disgorges a particularly harmful waste called "black liquor," a residue of chemicals and other matter resulting from the wood digestion process.

For many companies moving to another state or simply selling out may be an easier course than risking capital to put expensive abatement equipment in a plant showing marginal profit.

Hence, a conflict in priorities: the state wants pure waters, but it does not want to lose industries or jobs.

GEN. WLADYSLAW ANDERS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. DERWINSKI. Mr. Speaker, in conjunction with the recent death of Gen. Wladyslaw Anders, former Commander in Chief of the Polish armed forces in Italy, I am pleased to insert for the RECORD statements made by two former NATO Supreme Commanders, Gen. A. M. Gruenther, and Gen. L. L. Lemnitzer, and by Gen. Mark Clark and Gen. J. L. Devers.

All of these officers fought with General Anders and knew of his great qualities and the efforts that he and his men made in the cause of world freedom:

STATEMENT BY GEN. LYMAN LEMNITZER

General Lemnitzer, Deputy Chief of Staff of Supreme Allied Command in the Mediterranean Theater during World War Two, and former Supreme Commander of NATO Forces in Europe—statement with the death of Polish General ANDERS. Gen. Lemnitzer said:

"It was with profound sorrow that I learned of General ANDERS recent death. With His passing, I have lost a close personal Friend, and the free world has lost one of its outstanding military leaders of World War Two. It is tragic indeed that his death occurred before His dreams of returning to His beloved free Poland was realized. It was my privilege to have been closely associated with General ANDERS throughout the Italian campaign, from 1943 through '45, and during the post-war years, during which I visited Him frequently in London. General Anders was regarded and respected by all of His allied associates. He was a great allied leader and a great national military leader. His accomplishments during world war two are well known and will go down in history for their extraordinary character and diversity. His recruiting and building up of the Polish forces in Italy from a brigade to the second Polish Corps, numbering more than 100,000 Men, has no parallel in modern military History. I consider it one of the miracles of world war two.

He and his Polish Corps will long be remembered and His name closely linked with the verry bitter struggle for the abbey of Monte Casino, which was captured by the Second Polish Corps during the Great Offensive of 11 May 1944, which culminated in the capture of Rome on the 4th of June of that year.

Under his brilliant leadership, the second Polish Corps ably accomplished its assigned missions throughout the remainder of the Italian campaign, which ended with the German surrender on the 2nd of May 1945.

General Anders was a courageous, able and brilliant military commander but he was also a great human being, a great national leader, devoted to the cause of free Poland—and he was beloved by the officers, men, and their families, many of whom closely followed the Polish Second Corps throughout the Italian Campaign.

After the war he was tireless in his efforts to insure that the members of his Second Corps and their families were properly settled in various parts of the World. He has maintained close touch with them and was always ready to assist them in obtaining employment and improving their conditions, wherever they were located.

My Commander during the Italian Campaign, who was the supreme allied commander in the Mediterranean, Field Marshal Alexander, and who, unfortunately, died in England last June, and whom I regard to be one of the great soldiers of our time, considered General Anders to be one of the greatest national leaders and an outstanding military commander, equally able in the fields of leading his people, as well as leading his military forces.

I send my profound sympathy and condolences to the member of his family and to the Polish people.

It is most appropriate that he will be buried with his officers and men in the beautiful Second Polish Corps Cemetery in Monte Cassino. It is so appropriate, because he fought with these men for Free Poland—and after the war he spent much of his time in designing and played a major role in the construction of that beautiful cemetery at Monte Casino".

STATEMENT BY GENERAL MARK CLARK

It was my great privilege to have the Polish Corps of over a hundred thousand men, commanded by General Anders, serve in my Fifth Army during the Italian campaign.

He was a great battle leader and could always be counted upon to inspire his troops to accomplish their assigned mission. I knew him personally, and I knew the great problems which were his and which worried his men—because they had no chance to ever go back to the Poland that they loved. Yet, they fought tenaciously for the allied cause and wrote very brilliant records, by their accomplishments in Italy.

He was assigned—General Anders was assigned the mission of capturing Monte Cassino. It had been attempted before, during World War Two, and had failed. But his troops accomplished this great achievement, and it was largely due to his leadership.

I then saw him the day his troops captured Bologna in Italy. And he presented to me the flag—the German flag—which they had pulled down from the City Hall.

I'm distressed to learn of his passing.

We've lost another great leader of World War Two. And I don't think any commander—particularly an American commander had ever had anything more to be proud of than I, in having been associated with General Anders and his gallant Poles.

His wife and members of his family have my deepest condolences. Upon learning of Gen. Anders death Gen. Gruenther said: Quote: It was my pleasure during World War Two to see General Anders frequently.

All of us in General Mark Clark's 15th Army Group Headquarters in the Italian Theatre had a very high regard for him and for his fine polish troops.

I am deeply distressed to hear of General Anders death.

The free world owes him a deep debt of gratitude.

We shall pray for him.

Upon hearing of General Ander's death General Jacob L. Devers—very deeply moved made the following statement:

Anders was one of the greatest heroes

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of the war. I had worked with him closely. He had the finest personality, very cooperative for a man who had gone through all that.

When he came out of the Soviet Union with his troops he formed two divisions, one corps. We didn't think he could keep them supplied with replacements but Anders in a magnificant, emotional statement told us: "Just put me in the line. We will get enough replacements from the other side".

Gen. Devers was with Gen. Anders at Monte Cassino.

CHEMICAL OVERUSE, A BIG RISK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. DINGELL. Mr. Speaker, radio station WXYZ and television station WXYZ in Detroit recently broadcast three editorials relating to the great threat posed by the growing use of pesticides, herbicides, and fertilizers.

So that my colleagues may be aware of the content of these editorials, I insert their texts at this point in the CONGRESSIONAL RECORD:

CHEMICAL OVERUSE, A BIG RISK

There is a growing problem with pesticides, herbicides and fertilizers, that can no longer be ignored. It's all part of the overall pollution problem. Each year thousands more new chemicals come on the market. Each year we flock to supermarkets and garden centers to buy something that will eradicate weeds, give us greener grass and perkier flower beds. The problem is we overdose. If one application is good for the lawn, then two should be even better. Out in the farming areas of the state, overuse of a chemical is a small problem, few people are involved. In a densely populated area like metropolitan Detroit, however, there are more people, more lawns, and more danger. Few of us really know much about chlorides, phosphates or nitrates.

Experts tell us there are really only five safe chemical pesticides. The rest are, in varying degrees, dangerous to swallow, to get on your skin, or to inhale. Warnings on the packages are seldom read. It should be the responsibility of the seller to point out the danger of the product. The buyer should be told that certain mixtures are especially harmful to infants and family pets.

Too much is left for the user to find out, and the risk is too great. Anything that will kill weeds, can also kill people.

This is WXYZ's viewpoint.

WARNING LABELS ARE FOR READING

Anything that will kill weeds, can also kill people. We don't think of that when we're laying down our favorite lawn fertilizer or spraying a rose bush. But, now we're right at the beginning of that season when we start pumping chemicals on the ground and into the air.

Experts tell us that we overdose our lawns with chemicals. They tell us we're so oblivious to the dangers of pesticides and herbicides, that we shop for them at supermarkets and pack them right in with the meat and potatoes. We should know better. The fertilizer companies print little warnings on the bags and tell us to use caution in handling and storage, but we don't read.

All of us aren't aware that some lawn fertilizers are especially dangerous, even fatal, to infants and family pets. We don't all know that organic phosphates like malathion act through the nervous system or that pesticides like chlordane and dieldrin can cause brain damage. All we know is they make greener grass or they keep the bugs away.

You must read the labels, understand what chemical you're dealing with, recognize the potential danger, and act accordingly.

ANYTHING THAT CAN KILL WEEDS . . . CAN KILL PEOPLE

Supermarkets used to sell meat and potatoes, bread and milk. Now they also sell pesticides, herbicides and fertilizer. It's a good deal for the chemical manufacturers who are turning out thousands of new products each year. Supermarkets make ideal retail outlets. But, if food chains and independent grocers are going to continue this practice, they need better control.

Some large chains already are warning their customers about packing fertilizers in the basket with other groceries. A lot of them, however, are not warning their customers. Lawn and garden chemicals are not supposed to be inhaled, ingested, or stay on the skin. They are definitely not supposed to be mixed with food. If a package breaks in your shopping basket or in the supermarket, there is obvious danger that the chemical will contaminate the food. Supermarkets should take every precaution to see that the chemicals and the food are nowhere near each other. Separate storage, in separate buildings, away from the food and away from the checkout lines, makes the danger a little less. Warning signs should be visible to all shoppers. Anything capable of killing weeds, can also kill people.

HON. JOHN McCORMACK

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. SISK. Mr. Speaker, I join my colleagues of the House in paying deserved tribute to that great American, the Honorable JOHN MCCORMACK who has served longer consecutively as Speaker than any other person in the history of our Nation.

Not only is he to be congratulated on this historic accomplishment, but he is due our thanks for his unequaled contribution as a legislator to the development of strength and growth of freedom of our beloved country.

All of us who have had the opportunity to serve in the House with Mr. MCCORMACK have enjoyed a great privilege indeed. To me this privilege has been one of the great experiences of my life.

As a Speaker, while the epitome of a loyal Democrat, he has been fair and just in his rulings, and is impartial at all times while presiding. In addition, he has shepherded through the House the most beneficial progressive legislation ever enacted on behalf of all of the citizens of this country. With his leadership the progressive highlights of the administrations of John F. Kennedy and Lyndon B. Johnson became law.

All of us, as Members of this body but more importantly as Americans, have been the beneficiaries of that spirit as exemplified by our distinguished colleague from Massachusetts. It is a great pleasure to join today in these ceremonies of well-deserved tribute to his unparalleled public service.

ENFORCEMENT OF CONSUMER RIGHTS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. CULVER. Mr. Speaker, recently I introduced legislation which will greatly increase the ability of American consumers to defend themselves against fraudulent or deceptive business practices. For a number of years laws have existed at both the State and Federal levels designed to prohibit commercial fraud and to insure the consumer's right to know. The fact remains, however, that these laws are often flaunted because of the lack of effective means of enforcement. Neither Federal regulation through the Federal Trade Commission nor State legislation provide adequate vehicles for the enforcement of consumer rights.

What is required is an effective means of allowing individual consumers to take their claims to court and obtain a judicial determination of their claims.

At the present time, a single individual simply does not have the resources to gain reparation for violations of his rights. Since the damage done to any one person rarely exceeds a few hundred dollars, he finds that his legal expenses would be much greater than the amount of his claim and that lawyers are unwilling to take his case. Even if a group of injured consumers wish to join together and share the cost of a court action, they are likely to find that their State law does not permit a group to sue as a class under these circumstances.

As a result, clearly illegal practices continue unchecked. In one classic case, for example, the Holland Furnace Co. employed high-pressure tactics and made fraudulent representations for 29 years before the Federal Trade Commission was able to bring it to task. In many cases, abuses remain completely unchallenged because the amounts involved are small and widely diffused.

The legislation which I have introduced would allow individual consumers to use the class action vehicle in the Federal courts to enforce the rights given them by either State or Federal law. This class action proposal, to the advantage of the consumer and businessman alike, incorporates procedures with which to protect two constitutional values—the right of an aggrieved party to a judicial hearing on his claim and the right of the businessman to concrete standards by which to guide his conduct.

It makes a forum available regardless of the individual class member's claim, and by permitting aggregation of claims, facilitates the hiring of competent counsel on reasonable terms.

In addition, by expressly incorporating the Federal and State law that the honest businessman is already following the proposal gives the business community clear and certain standards by which to plan its conduct.

This legislation will not require new

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and cumbersome Government machinery or a further expenditure of Federal funds.

The consolidation of the claims of many parties into one case is an effective means of conserving judicial resources.

The proposal not only allows but also encourages State regulation and control of local business through State consumer protection legislation.

The text of the bill follows:

H.R. 15543

A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that Act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Class Action Act".

SEC. 2. Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following:

"(m) Consumers who have been damaged by unfair or deceptive acts or practices in commerce are hereby authorized to bring consumer class actions for redress of such damages. Such actions shall be brought as consumer class actions in accordance with section 4 of the Consumer Class Action Act."

SEC. 3. (1) Congress hereby declares that the protection afforded under the existing Federal Trade Commission Act is not sufficient to prevent unfair and deceptive acts perpetrated against consumers and that consumers should be allowed to sue directly for redress in the case of such practices. Congress therefore finds and declares that class actions are the most effective machinery for redress of consumer rights.

(2) Congress further finds and declares that many substantive rights to protect consumers are established in laws of the States, but there is no remedy by which many persons, each having a small claim, can obtain effective redress under State law. Therefore, it is in the public interest to embrace as Federal law certain State recognized rights and afford a uniform Federal process, by consumer class actions, as an effective remedy.

(3) Congress further finds that the lack of an effective process and remedy in these respects impairs the free flow of consumer goods in commerce and that there is an overriding Federal interest in achieving candor and fair dealing in the marketplace, an interest which, if not protected, clogs the entire economy.

SEC. 4. (a)(1) An act in defraud of consumers which affects commerce is unlawful and the district courts of the United States shall have original jurisdiction without regard to the amount in controversy to entertain civil class actions for redress of such unlawful acts.

(2) For the purposes of this section an "act in defraud of consumers" is—

(A) an unfair or deceptive act or practice which is unlawful within the meaning of section 5(a)(1) of the Federal Trade Commission Act, or

(B) an act which gives rise to a civil action by a consumer or consumers under State statutory or decisional law for the benefit of consumers.

(3) A "consumer" is any natural person who is offered or supplied goods, services, interests in land, or intangibles primarily for personal, family, household, or agricultural purposes.

(b) In the case of any class action brought upon the basis that a deceptive act or practice which is unlawful within the meaning of section 5(a)(1) of the Federal Trade Commission Act has violated consumer's rights, the court shall in construing the terms "unfair or deceptive", give great weight to the interpretation given such terms by the Federal Trade Commission and by the Federal courts in applying section 5(a)(1) of the Federal Trade Commission Act; except that nothing in this Act or the amendments made by this Act, shall be construed to require the court to await administrative action by the Federal Trade Commission before applying Federal law to the facts of the case.

(c) In the case of any class action brought upon the basis of a violation of consumers' rights under any State law the court shall, in deciding such action, apply the following criteria:

(1) State law relating to consumers' rights under State statutory or decisional law is adopted as Federal law.

(2) Federal law applicable to each class shall be fashioned upon the law of the State and State statutory and decisional construction shall be applied as if jurisdiction of the Federal court were based on diversity of citizenship.

(3) In cases of conflict between State statutory and decisional construction and Federal law the latter shall prevail, and Federal law governing the case shall be fashioned from State law not in conflict, as near as may be, and from Federal law.

(4) If, prior to the date of enactment of this Act, a cause was not subject to removal under section 1441 of title 28, United States Code, the adoption of State law as Federal law by this Act shall not authorize the removal of such a cause on the jurisdictional basis of a Federal question.

(d) Whenever a class of consumers prevails in a class action under this Act, including the amendments made by this Act, the court shall award to the attorneys representing such class a reasonable fee based on the value of their services to the class. Attorneys' fees may be awarded from money damages or financial penalties which the defendant owes to members of the class who cannot be located with due diligence except that an attorney's fee may be awarded from damages or relief that the defendant owes to members of the class who cannot be located with due diligence. Such attorneys' fees awarded by the court shall not exceed 10 per centum of the total judgment unless failure to award a greater amount would be manifestly unjust and not commensurate with the efforts of counsel.

CONSERVATION PROFESSIONALS

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. QUILLEN. Mr. Speaker, we must have a planned management of our natural resources to avoid exploitation, destruction, and simple neglect.

Significantly, our conservation professionals are seeing that this goal is accomplished. Through their professional skills, these men and women, both on the State and National level, are exerting every effort to preserve our natural resources, and they are succeeding.

However, every citizen must also contribute to this effort if we are to succeed in the protection of our natural environment.

A great deal of attention is now being devoted to the preservation of our environment and I wholeheartedly support this interest. In the hope I could contribute significantly to this cause, I joined in cosponsoring seven antipollution bills earlier this year.

A very outstanding editorial appeared in one of the fine daily newspapers in the congressional district which I represent. I feel the statements contained in this material published in the Greenville Sun, is certainly worthy of a wider readership than it has already received. Therefore, I would like to offer it to readers of the RECORD:

CONSERVATION PROFESSIONALS

It has now, finally, become respectable to be concerned about the protection of our natural environment. Thank God. It was a long time coming.

But there have been others who have been working to conserve the nation's natural resources—our fields and land, our forests, our water and wildlife—for many years. These are the men and women who find their life's work in such agencies as the U.S. Soil Conservation Service, the U.S. and State-level Forestry Services, the Game and Fish Commission, in addition to other conservation-related agencies and private individuals who have been talking conservation for decades.

One of the most interesting and powerful statements on pollution and environment that we have read appeared in a recent issue of Soil Conservation Magazine. It provides an insight into the reasons why, thanks to our conservation professionals, our environment problem is not a great deal worse:

Whose world is it?

Everybody's, of course.

Whose responsibility? Everybody's. And all of a sudden, a lot of Everybodies are interested in the environment.

They look around at degraded landscapes and polluted rivers. They watch orchards turn into unplanned slurbs, and they wrinkle their noses at "garbage can" air. When they can, they escape into the countryside.

Many of the Everybodies think that the land "out there" stays productive and beautiful all by itself. Some of them remember those years when the countryside, too, was ravaged; when streams were "too thick to drink and too thin to plow;" and, in the Dust Bowl area, the air was often filled with choking, blinding dirt. And remembering, they may realize that almost behind their backs, conservation has been steadily going on.

Who are the new "Everybodies"—the people among whom concern for conservation, ecology, and the environment is growing?

A few of them wring their hands and cry a lot. A few more slam around and stop there. But most of them are seriously concerned men and women who are willing to get involved. The problem is, they don't know where to turn; what doors to knock on, what phones to ring, what conservation programs are available to work in.

Many of the newly aroused are young people—students, housewives, young workers. Listen to a few of their remarks about conservation and the environment from a recent issue of the magazine, Cry California:

"People are afraid, very afraid."

"When I was little, the water was clean and we could go swimming. But . . . I've seen the pollution grow and destroy. So this week I'm switching from an art major to biology. I want to be able to do something."

"I'm aware that we've got problems, but I'm stymied and don't know what to do about them."

And, over and over, the interviewer heard variations of this thought.

"I'd stand behind anyone who had a good plan. I really would."

Conservation districts have had a positive action program to improve the environment

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for years. A once-scarred, now-beautiful countryside is their monument.

Conservation district supervisors have held the line in many areas when the conservation idea was out of sight, out of fashion, and almost out of funds. They've worked hard and effectively. But five men in a community, no matter how hard-working, cannot meet the widened conservation demands of today. They deserve more help.

Isn't there a tremendous opportunity to match the people who want to be actively involved with the districts which seek help? Aren't there conservation jobs in every district to challenge the energy and thinking of businessmen, bus drivers, housewives, retirees, and young people? Can't we, particularly, work to enlist the talents of the young?

Working with young people is a two-way street. Are they impatient? Perhaps. Inexperienced? Sometimes. Necessary? Absolutely.

District supervisors and professional conservationists can show them the "why" of patience when working with Nature. We can help change inexperience into knowledge. We can benefit from their energy and idealism. And, we can listen to them; to their ideas, their feelings, their hopes for the future. It's their world, too—and for longer than it is yours or mine.

The essence of conservation is renewal. Conservation movements, too, need the renewal that comes from new people and infusions of fresh energy. Conservation districts have a vitally important job to do, and there are people willing to help. Let's help get the two groups together.

CONGRESSIONAL REPORT TO NINTH DISTRICT RESIDENTS—MARCH 2, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

VIETNAM AND PARIS PEACE TALKS

The Paris Peace Talks have failed to produce meaningful negotiations on Vietnam. Consequently, the United States has turned to Vietnamization—phased withdrawal of U.S. troops and their replacement by South Vietnamese—to end this country's involvement in that conflict. We seek to convince North Vietnam that its designs on South Vietnam will be much more difficult if the South Vietnamese government is strengthened, militarily and politically.

The concensus in Washington is that the easy part has been accomplished and that we are in a critical year in the Vietnamization process. As we reduce our troop commitments, the performance of the South Vietnamese Army becomes crucial. If it fails to maintain stability, the U.S. will be forced to choose between re-escalating the conflict or acknowledging defeat.

The South Vietnamese Army now stands at about 400,000 men. Its officer corps has improved, demonstrating more aggressiveness and effectiveness. The 33,000-man Navy has made good progress and the Air Force is improving—about 1,200 pilots are undergoing training in this country. The South Vietnamese militia—also about 400,000 members—has taken over much of the responsibility for maintaining security in the rural villages.

Despite the major mobilization in the last year and a half, serious problems remain. Most of the South Vietnamese units are untested, not having fought without American battlefield guidance and assistance. An initial test of the army's capability may come in the Mekong Delta, the rice-producing area of South Vietnam. U.S. troops which controlled the area have been pulled out and South Vietnamese units now face reported build-ups of North Vietnamese and Viet Cong troops in the area.

The U.S. is continuing to withdraw its forces without a pre-announced timetable. In January, 1969, we had 549,000 troops authorized for South Vietnam. By next April, the U.S. force will number about 434,000. So far, our withdrawal has not had a large impact militarily, psychologically or economically. The South Vietnamese have not yet felt the pinch.

Complicating the prospects for Vietnamization is the critical economic situation in South Vietnam. With the mobilization of South Vietnamese troops, the country's budget deficit has increased and inflation accelerated, running at about 30 percent a year. The U.S. has tried to counter inflation by a commodity import program designed to absorb excess purchasing power, but it is obvious much more will have to be done to achieve economic stability in South Vietnam.

Another imponderable is the Vietnamese political process. The President, Vice-President, Prime Minister and the Province and District Chiefs all are military officers. Although President Thieu is solidly entrenched with the powerful generals, the top bureaucrats and big businessmen, and has achieved a surface stability, he has steadfastly refused to enlarge the narrow political base of his government. The most important point about the South Vietnamese government today is its strong military complexion.

As the military situation improves, the pressure for political unity in South Vietnam is reduced. Under Vietnamization, however, it is important that the South Vietnamese government become more effective. The more effective the government becomes, the quicker the U.S. will be able to withdraw.

The reaction of Hanoi to the Vietnamization program is worth noting. Infiltration has been cut down sharply. The level of violence has decreased. North Vietnamest units have pulled back across the border in several areas. The pacification program in South Vietnam has become more effective.

At this point, Hanoi has several alternatives, among them (1) a major—but costly—military thrust similar to the Tet offensive of 1968; (2) a dramatic move at the Paris Peace Talks designed to strain U.S.-South Vietnamese relations, or (3) stay low, play for the breaks and enter into a protracted war.

It would appear that the North Vietnamese have elected the third option as they work to rebuild the infrastructure of the Viet Cong. The outlook is for low-level military activity with continued confrontations, as both sides maneuver for control of the countryside, particularly in the Mekong Delta and the area just below the demilitarized zone.

The Vietnamization program stands a fair chance of success, but at the present, it must be concluded that the issue is in doubt.

ITALIAN NATIONAL DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. MINISH. Mr. Speaker, on June 2, 1946, the people of Italy held their first election following the Second World War, and thereupon replaced their monarchy with a republic.

Italy thus began her return back to the cultural and political importance she had previously enjoyed. Italy, since the time of the Roman Empire, has been known for her economic, cultural, scientific, educational, and commercial success. Today, she is one of the world's top trading nations. Her goods are internationally known, and include motor vehicles, tires, typewriters, textiles, and leather goods. Moreover, Italy's creativity includes an impressive list of accomplishments in literature and art, music and dance, film and fashion.

The present success of the Italian Republic is awesome proof that the courage and potential greatness of her people are unmatched. We in the United States appreciate the versatility of Italian industry and creativity, for they are characteristics which her immigrants brought with them to our own shore.

On the historic occasion of the 24th anniversary of Italy's democracy as a Republic, we in the U.S. Congress pay homage to this great Nation whose legacy has enriched the world.

WHAT A DIFFERENCE 3 YEARS CAN MAKE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. BIAGGI. Mr. Speaker, the obstacles to a sound education for our children are many, but one of the most widespread is the language barrier facing thousands of schoolchildren throughout the country.

I would, therefore, like to bring to the attention of my colleagues an editorial published in the May 29, 1970, issue of the El Diario-LaPrensa newspaper which describes the early efforts of Congressman Jacob H. Gilbert of New York in solving this problem.

The editorial follows:

WHAT A DIFFERENCE 3 YEARS CAN MAKE

It is almost three years ago to the date that Rep. Jacob H. Gilbert (D-22nd C.D., Bronx) introduced his bill to create bilingual education facilities throughout the United States.

Since that time the Congress has adopted the idea and it was passed into law January 1968. Today thousands of youngsters across this nation learn their lessons not only in English but in their native tongue.

The result of this has been that thousands of students who before were virtually driven away from the schools today are making progress toward a better life. They not only learn during their formative years in their own language but they learn to properly use English at the same time.

In New York City alone there are an estimated 230,000 Spanish-speaking pupils in the school system. Until the bi-lingual program was begun, these students had almost no chance whatsoever of competing on an equal basis with their English-speaking peers. As a consequence, they dropped out of schools in large numbers and were resigned to a life of poverty away from the mainstream of America.

Today, these same students are in school learning the skills that will make them taxpayers in their adult years rather than tax-burdens. Rep. Gilbert, and the many Congressmen who supported this measure should be commended for their foresight.

In a study recently completed, the U.S. Department of Education concludes that on a national basis the bi-lingual concept has proved effective. We quote: "Our past methods of educating children suffering linguistic handicaps in English have clearly been ineffective. The chief reasons for this seem to be that we have not taken advantage of the child's best instrument of learning—his mother tongue—and that we have failed to create in him a sense of dignity and confidence. In a word, we have not put first things first. We have thought it more important from the outset to teach the non-English-speaking child English than to educate him. We have, in short, been more interested in assimilating than in educating."

Today, that concept has been abandoned, thanks to Rep. Gilbert's proposal made three years ago. We quote again from the report. "If the hopes extended by the Bi-Lingual Education Act are realized, our ethnic children cannot only maintain and develop their mother tongues but can learn English better than they have in the past.

"Results of early bi-lingual schooling demonstrates that, when a child's learning is properly guided by competent teachers, he can acquire in both languages unaccented spoken command, grade level literacy, and the means of continuing his education toward the farthest edge of his talents and dreams."

It is easy after programs have been in existence for a while to forget just how difficult it was, in the beginning, to bring them about. It is good, as this school years ends, that we do not forget just how difficult it was, in the beginning, to bring them about. It is good, as this school year ends, that we do not forget how important it was that our Representatives in Congress had the vision and the courage to fight for this basic, though controversial at the time, program that means so much to so many students. We do not fully appreciate the program yet but in ten and twenty years, the full benefits of this new, exciting program, should be evident to even the most cynical eye.

THANKS TO MAINE STUDENTS

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. KYROS. Mr. Speaker, I would like to bring to the attention of my colleagues a truly fine example of the concern for human life which was recently demonstrated by students at the University of Maine. As part of their efforts to express their concern over the continued bloodshed in Indochina, several thousand Maine students recently volunteered to donate blood to our servicemen in Vietnam. By their actions, these students have manifested not only their expressed desire to bring the war to an end, but have also shown their dedication to our Nation.

Mr. Ted Dyer, whose weekly column "The Biddeford Saunterer" appears in the York County Coast Star in my State, has effectively expressed the gratitude which all of us should have toward these University of Maine students. I am, therefore, hereby inserting Mr. Dyer's column of May 20, 1970, in the RECORD. I am also inserting a letter which appeared in the Portland Press Herald of May 26, 1970, which expresses the thanks of our men in Vietnam:

THANKS TO MAINE STUDENTS

My hat is off to the men and women of the University of Maine, who in giving their blood for our fighters in Vietnam—while protesting the war that keeps them there—"communicated" as have no other collegians in this current era of chaos.

Loud and clear by their action they shouted a hopeful "Dirigo", hopeful that other protesters may hear of another way to protest—and perhaps to bring home some men who might otherwise die there of wounds. More than 2,000 of them stepped forward to volunteer their blood, and some were protesting the war as they did; more than 800 pints of blood were taken. The magnitude of the volunteer movement exceeded all expectations, and facilities for taking the blood were overwhelmed!

Long-haired, short-haired and some with scanty hair, without any generation or other "gap", went into the action together and achieved new honor for the Pale Blue of the University of the "Dirigo" state. They showed by action, as Americans have since the 1770s, their willingness to give their blood in support of the wounded. Who can question their love and their loyalty?

What a contrast with the protest folk who find no other means but "burn, Baby, burn"; breaking glass; looting; painting on monuments; desecrating the flag; destroying while really giving nothing of themselves!

For the message it sends I hope that every recipient of this blood will know from whence it came. For the man whose body got filled with hot metal and leaking holes in battle it has been hard to respect the demonstrators back home.

University of Maine can chant "We're Number One" in the new field of communication. An example has been set; a challenge delivered that others now show they have heart and blood dedicated to their country, not merely loud mouths and plenty of rocks and matches.

Some chose to say they were "writing their protest" in blood. Actually most of them were doing that. And by the means they chose, and the coordinated manner of their doing it, they endorsed the law and order manner of action which always has and seemingly always must exemplify democracy.

THANKS FROM VIETNAM

I would like to publicly commend the Student Protesters of the University of Maine in their recent blood donations.

There are many of us over here caught in the web of not having sympathy with this war but, at the same time, giving to it all our energies.

Many of us feel that we have been forgotten by many of the protesters who at times seem to be looking selfishly inward. It is the unselfishness of the students of the University of Maine which I commend. Their protest was recorded and publicized, but more than that, it has been physically felt by men who needed its life giving hope.

Sp5 Richard H. Annis.

Minh Long, So. Vietnam

PERSONAL ANNOUNCEMENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. CONYERS. Mr. Speaker, due to a longstanding commitment to my constituents in Detroit on May 27 I was unable to vote on rollcall No. 146. Had I been present I would have voted "nay."

MINE WORKERS CHIEF LIKENS TODAY'S MINER TO ASTRONAUT

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. KEE. Mr. Speaker, it is my pleasure to bring to the attention of my Colleagues a timely, thought provoking article written by President W. A. Boyle, United Mine Workers of America for the May 1970 issue of the West Virginia Hillbilly. Mr. Boyle gives an optimistic report on what the future holds for the coal industry, but he also warns that certain problems, such as air and water pollution, management and manpower must be solved before there will be a light at the end of the tunnel.

As Mr. Boyle so aptly stated:

> We need young people in the mining industry. We must have them if our industry is to survive. But, to get them—and to keep them—we must offer something. We must offer Challenge.

This he proposes to do. His article follows:

MINE WORKERS CHIEF LIKENS TODAY'S MINER TO ASTRONAUT

(By W. A. Boyle, President, United Mine Workers of America)

From all indications the coal industry should boom during the coming decade. Several factors underlie this bright promise.

Electric utility demand for energy will continue to grow at a fantastic rate. During the decade of the 1960's coal consumption by electric utilities grew from 176 million tons to approximately 300 million tons. Projections for the 1970's indicate a continuation of this trend. Electric utility consumption should reach almost 450 million tons by 1980.

These projections take into account competition from nuclear energy. The atom has not lived up to early promises made for it by its proponents. Nuclear power plants have been late coming on line. Costs have sharply escalated. Public awareness of the hazards associated with atomic development has sharpened and with such awareness has come increasingly vocal opposition to the construction of atomic energy plants.

The economic and technical feasibility of gasification and liquefaction of coal has improved. Strides have been made in technology which will permit the conversion of coal to a liquid or gaseous fuel. This improved technology comes at a time when the reserves of oil and, more especially, natural gas are shrinking ominously. Recent statements by representatives of the gas industry and concerned Federal officials underscore the need to supplement our dwindling natural gas reserves through the conversion of coal.

Exports of U.S. coal continue to expand as more and more foreign consumers come to recognize its quality, economic feasibility and dependability. Currently, more than 50 million tons of U.S. coal are exported, with a value in excess of $500 million. One graphic indication of the future in this field is a commitment of $25 million by Japanese interests for the development and operation of a major mining complex in the Appalachian region of the United States.

Finally, there seems to be a belated recognition by Government officials of the value of coal research to the nation's welfare. This recognition has not yet been translated into a sound, well-financed and long-range program. But, there is reason to hope that it will be. Such research is vital to the future of the coal industry. Proper research and development programs will make coal more

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competitive and also help to provide the huge quantities of low-cost pollution-free energy which America will need in the future.

But, as we look to the bright promise of the decades ahead we must also be aware of its problems. As we view these problems they fall into three major categories.

First, there are problems relating to both air and water pollution. Stringent pollution abatement regulations are being implemented all across the nation. Little fault can be found with the objectives of these regulations or with the desire of every American for a pollution-free environment. In fact, the United Mine Workers of America has sponsored legislation aimed at reducing gob piles in coal areas. These refuse banks represent a major solid waste disposal problem and represent both a health hazard and an eyesore to coal areas. Unfortunately, however, some pollution abatement activity has curtailed the use of coal without clear evidence that such curtailment was in the public interest.

Northern West Virginia has been particularly hard hit in this regard. Coal there is of relatively high sulphur content and much of it is used for electric utility or industrial purposes. Regulations of the type recently put into effect in New Jersey, for example, have served to force coal from its traditional market and pose a long-term danger to the economic future of this part of the state.

Second, the coal industry itself has undergone a management and ownership revolution. For all practical purposes there is no coal industry as such anymore. In its place there are oil, copper and metal mining conglomerates which own coal companies. Very often the management of these companies are lawyers or financial men with little practical knowledge of mining or contact with mining communities. They demand maximum return for corporate investment, a requirement which pits each of the several corporate divisions against every other in competition for capital investment dollars. Thus, to the competition of the marketplace has been added the competition of the Board Room. The impact of this is not yet clear, but it is certain to be significant.

Third, and most importantly, there are serious manpower problems looming for the decade of the 70's. Included in this category are issues relating to health and safety, black lung. wage policy, recruitment procedures and all of the other factors which touch upon the ability of the industry to attract, hold and motivate the highly skilled men which it will need in the coming years.

There have been various projections made on manpower requirements for the 1970's. All of these indicate that the manpower task will be one of substantial proportion. They underscore the need for an enlightened industry policy on wage scales, working conditions, health and safety matters and on the methods employed in supervision, especially at the mine level.

The coal miner of today is a different breed of man than was his father or his grandfather. He is highly skilled, better educated and more in tune with the mood and temper of the times. He is quick to recognize the unwillingness of the industry to treat him with the respect and the dignity to which his work entitles him. He is quick to resent those artificial barriers which have been used to separate the working coal miner from active participation in things which affect his income, security, health and safety.

Properly motivated and led the American coal miner is the world's most efficient worker. We suggest that our industry must provide a working environment designed to provide the conditions necessary for the miner to function effectively. To date, with few exceptions, it has not done so.

The United Mine Workers of America has recognized the changing characteristics of our membership. We have instituted a manpower development program aimed at developing the skills of both our present and future representatives in order to permit them to serve the membership better and to draw into official positions young men with intelligence, ambition and a desire to serve the

* * * * *

The recently passed Federal Coal Mine and Safety Act of 1969 will be a test of the industry's ability and willingness to respond to the new era in manpower requirements. If industry responds affirmatively—if it is willing to meet the challenges of the law head-on—if it is ready to do what is necessary to reduce death, injury and disease in coal mining—it will have done much to assure that its future manpower needs will be met. But, if it takes the course of obstructionism, if it tries to block the current efforts to improve health and safety conditions, it must be prepared for a continuation and intensification of the manpower crisis. For, not only will it not be able to attract new men, but it will face the departure of many of its present employees and a sharp drop in efficiency from those remaining.

Coal miners are much like astronauts, or explorers, or scientists. Each day they face the challenge of a hostile nature. Each day they lay their lives on the line, they gamble their skills against the environment in which they work.

Such men are a rare breed. They are a scarce resource which must be husbanded and cared for. They must be recruited, trained and kept at a high level of performance. Their worth must be recognized, not only through pay or fringes, but also, through a clear and open manifestation of their value to the company, the industry and the nation.

Coal operators must come to take this view of their men. They must begin now to recognize that without the coal miners, the coal industry will never fulfill its bright promise. They must order their corporate priorities so that the man stands at the center—the man—not the machine.

Today too many of our bright young people are looking to other industries for work opportunities. Too many of our youths are leaving West Virginia to seek their fortunes in other areas. All too often our high school counselors and teachers are either passive about the coal industry, or hostile to it.

This attitude must be changed. We need young people in the mining industry. We must have them if our industry is to survive. But, to get them—and to keep them—we must offer something. We must offer challenge. We must offer opportunity. And above all, we must offer dignity—the feeling of importance to which a coal miner is entitled. We of the United Mine Workers of America, are committed to the pursuit of these objectives. We hope that industry will recognize the validity of our statements, so that the future of coal and the men who mine it will be secure.

THE SUBVERSION OF LEBANON

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. DERWINSKI. Mr. Speaker, as the situation in the Middle East intensifies, our attention must be directed to Lebanon whose people and Government are truly victims of the complications in their geographic area. This fact is spelled out very effectively in an editorial commentary in the Saturday, May 30, Chicago Tribune which succinctly discusses the complications facing the people of Lebanon.

The editorial follows:

THE SUBVERSION OF LEBANON

The intensified fighting on the border between Israel and Lebanon is a double tragedy first because both countries are our friends and second because neither the governments nor the people of Israel or Lebanon want to fight the other. The two countries are being turned against each other by the clever and deliberate strategy of Yashir Arafat's extremist Al Fatah guerrilla organization.

Until last fall, Lebanon held itself aloof from the middle east war, partly for its own self-interest and partly because of its friendly relations with the United States. Then, last October, Al Fatah forces invaded Lebanon from their Syrian bases and plunged the little country into turmoil. The Lebanese people were frightened into thinking that to be anti-Al Fatah was to be anti-Arab, and on Nov. 3, under the not-so-benevolent eye of President Nasser in Cairo, Lebanon agreed to let the guerrillas conduct raids against Israel from Lebanese territory. The Lebanese government fell, and a new cabinet was formed with no right-wing representation.

Al Fatah raids naturally brought Israeli retaliation against Lebanese bases. Periodically, the Lebanese government has tried to restrain the guerrillas, but always in vain; last week the raiders killed 12 Israeli children and adults in a school bus. Stiffer Israeli retaliation has tended to solidify Lebanese opinion in support of the guerrillas. Lebanon is now considering asking for help against Israel from two other relatively neutral Arab countries, Morocco and Tunisia.

This is the way communist-backed strategists can turn a nonbelligerent country into an ally—even against its own will. They almost did it in Cambodia, and may still.

OTTINGER LAUDS THE COMMITTEE FOR ECONOMIC ACTION TO END THE WAR

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. OTTINGER. Mr. Speaker, I wish to include in the RECORD a circular from the Cornell University Committee for Economic Action To End the War calling for sanctions against corporations which continue to reap profits from our deepening involvement in the Indochina war.

I would like to call the attention of my colleagues to the potential effectiveness of this type of peaceful, nonviolent means of protesting the policies of public or private organizations, a practice with a long tradition in this country, and I foresee an increase in such movements on a nationwide basis as an effective conduit for legitimate protest. Such actions accord with my own recent call for the levying of excess war profits taxes, and I salute the campaign of the Committee for Economic Action To End the War as another lawful means of bringing to bear the type of pressures that will affect those who continue to profit off the sacrifices of others in a tragic war.

COMMITTEE FOR ECONOMIC ACTION TO END THE WAR

The students of this country must realize the limitations of the present strike. This action can only be effective as a catalyst for future change. We must channel the present dissent into wider protest.

We are proposing a nation-wide boycott of Esso, Enco, and Humble service stations (i.e. Standard Oil of New Jersey), which have the ability to exert direct pressure on our government and its policies.

WHY AN ECONOMIC BOYCOTT?

Most large corporations have refused to commit themselves to ending the war, but rather have tended to benefit from its continued existence. An economic boycott will induce these companies to abandon their neutral or pro-war positions.

WHY BOYCOTT STANDARD OIL OF NEW JERSEY?

The petroleum industry has a major lobby in Congress, i.e. the continuation of the oil depletion allowance. Through the pressure of an economic boycott, the political influence can be redirected toward ending the war in Indochina.

Standard Oil of New Jersey has been involved in refining and marketing arrangements in Indochina.

WHAT TO DO?

1. Immediately mail your Esso, Enco, Humble credit cards (break them first) to: News Department, CBS, 51W.52, New York, N.Y.
2. In order not to hurt the individual dealer, use the other service station facilities, but do not purchase Esso, Enco, and Humble gas and oil products.
3. Talk to other people regarding this boycott.

This boycott shall go into effect May 13, 1970, and will cease only when Standard Oil of New Jersey declares absolute opposition to the war in Indochina by using its political influence to work toward this end.

BREAKTHROUGH IN BANNING THE USE OF DDT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. OBEY. Mr. Speaker, victories for those of us who have been working for some time to ban the use of DDT in this country have been few and far between. Last week, however, after many months of work a breakthrough was finally made.

Last November, the USDA announced that the use of DDT would be prohibited for a number of uses, including its use on tobacco, on shade tree pests, for house and garden pests, and for pests in aquatic areas. At the same time, the USDA announced that all uses of DDT would be phased out by December 30, 1970, except for essential uses for which no alternative is available.

Mr. Speaker, if one ever needed an example of a gap between publicity and performance, that November announcement has provided it. For, despite that well-publicized announcement, the use of DDT has not been curtailed because of a long and complex series of advisory committees, public hearings, and judicial procedures which allows manufacturers of DDT to continue to sell this pesticide in interstate commerce.

According to the present regulations, if the USDA cancels the registration for a pesticide as they did with DDT, the manufacturer has 30 days to request the appointment of an advisory committee or a public hearing to hear his appeal against the USDA decision.

The Secretary of Agriculture then is required to appoint the members of that advisory committee, but there is no set time in which he must do so. Once appointed, the advisory committee has 60 days to issue a report of their findings to the Secretary of Agriculture. The Secretary then has 90 days to issue a report based on the evidence presented to the committee.

The manufacturer has an additional 60 days to file an objection to the Secretary's decision, and he can then request a public hearing. After the public hearing is held—and there is no time limit on how soon it must be held or how long it can last—the Secretary of Agriculture has 90 days to issue an order granting or rejecting the registration for the pesticide.

After these drawn out procedures, the manufacturer can then ask for judicial review of the matter which would again delay any decision on when the pesticide will be banned. These lengthy procedures can take up to 2 years, and provide an obvious advantage to polluters.

With regard to the specific cancellations of DDT which were announced in November; for example, six manufacturers of DDT appealed the decision of the USDA under these provisions. Three asked for an advisory committee, and three asked for a public hearing. Since that time, two of the three which asked for an advisory committee have changed their minds, willing to settle for a public hearing. The other manufacturer has not done so.

Unfortunately, it is now almost 6 months since the decision was made to ban the use of this pesticide, and not even the first step in the appeal procedure has yet been carried out by the USDA. You can understand how frustrating this procedure is to those of us who are trying to end the use of this lethal pesticide.

Among those who were frustrated by the lack of action by the USDA was a group of five conservation groups who decided to take their case—our case—to court. For there is a section of the law which says that DDT can be suspended immediately if it presents an "imminent hazard to the public." While the USDA chose not to act under this section of the statutes, the conservation groups concerned about DDT and its adverse effect on our environment contended that the USDA could have done so. A decision last week now gives hope that this action will be done.

In that decision the court ruled that the USDA must either suspend the use of DDT immediately or explain to the court within 30 days why it should not do so.

Mr. Speaker, those who are concerned about the effects DDT has on our environment are heartened by this decision. The slow action of the USDA over the past 6 months in this matter has been a misreading of present concerns by the Congress and the administration with regard to the hazards to our environment from pesticides. With much evidence available to show that DDT is a serious hazard to our birds, fish, wildlife, and even to man himself, manufacturers of DDT have a responsibility to show that this product is safe for our environment before its continued use is allowed.

But, while we can take temporary joy in the victory that has been won, we must do so in the full knowledge that our task of banning the use of DDT once and for all is far from over.

Mr. Speaker, articles from the Washington Post, the Washington Star, and the New York Times on the court of appeals decision appear below:

[From the New York Times, June 1, 1970]

CONSERVATIONISTS WIN TWO KEY BATTLES IN THEIR WAR AGAINST THE USE OF DDT

(By E. W. Kenworthy)

WASHINGTON, May 31.—Ever since the publication of Rachel Carson's "Silent Spring" in 1962, conservation groups, with the help of allies on Capitol Hill, have tried to get the Federal Government to ban the use of DDT.

Last week they won two legal skirmishes that they believe might prove to be the turning point in their oft-frustrated campaign. In the process, some observers here believe, they demonstrated how new aroused citizens can force Federal agencies to take action—called for under law—that the agencies had resisted.

On Friday the United States Court of Appeals for the District of Columbia ordered Secretary of Agriculture Clifford M. Hardin to suspend within 30 days the registration of DDT for interstate shipment, or give the court reasons "for his silent but effective refusal to do so."

In effect, this order means that Mr. Hardin must ban the use of DDT or convince the court that a ban would be a mistake.

On the same day another panel of the same court ordered Robert H. Finch, Secretary of Health, Education, and Welfare, to publish in The Federal Register a proposal by an environmental group that the Secretary set a "zero tolerance" for DDT residues on raw agricultural commodities such as milk, fruit, vegetables and hay.

STUDY IS LIKELY

Publication of such a proposal, which is provided for in the Food, Drug and Cosmetic Act, will precipitate administrative procedures also provided in the act, including a study of the proposal by a specially appointed scientific panel and public hearings. Earlier, Mr. Finch had refused the conservationists request to publish their proposal.

The proceedings were regarded by conservation groups and congressional environmentalists as significant for two reasons.

First, in their view, the cases supported a contention they have long advanced—that Federal agencies tend to become the apologists and protectors of industries they are supposed to regulate and that, therefore, administration and enforcement of environmental programs should not be lodged in the same agency.

Second, the court rulings seemed to demonstrate that federal agencies out the law, including enforcement provisions, if citizens' groups, with the help of dogged and skilled counsel, would resort to the courts.

In the suit against Secretary Hardin, the petitioners were the Environmental Defense Fund, Inc., the National Audubon Society, the Sierra Club, the West Michigan Environmental Action Council and the Izaak Walton League of America.

XUM

FIVE MOTHERS BRING SUIT

In the suit against Secretary Finch, the petitioners were the Environmental Defense Fund and five young mothers who wanted to breastfeed their babies. They sought elimination of DDT because, mothers' milk now contains DDT residue that is twice the maximum average daily intake recommended as safe by the United Nations World Health Organization.

The suits were handled by young lawyers from the center for law and social policy here—James W. Moorman, Charles B. Halpern and Edward Berlin.

This is the background, argument and decision in the suit against Secretary Hardin:

Under the Federal Insecticide, Fungicide and Rodenticide Act of 1947, the Secretary of Agriculture is required to register "economic poisons" for shipment in interstate commerce. The poisons must have labels setting forth certain information and warnings.

Until 1964, the act was largely a labeling measure. If the Secretary of Agriculture wanted to cancel a registration, he had to go to court, and the burden of proof was on him that a pesticide could not be rendered safe by labeling.

Amendments in 1964, however, allowed the Secretary to give notice of cancellation, and the burden of proof as to safety was shifted to the manufacturer. However, the notice set in train a lengthy statutory procedure that could take two years before actual cancellation.

SECRETARY GIVEN AUTHORITY

Therefore, the 1964 amendments also gave the Secretary authority to suspend registration during cancellation proceedings if he found such action "necessary to prevent an imminent hazard to the public."

Until last year, however, the department did not use the cancellation and suspension authority provided by Congress. It continued to register hundreds of economic poisons.

On Oct. 31, 1969, the conservation groups filed a petition with the Secretary of Agriculture on the basis of extensive scientific findings of the harmful effects of DDT on human, animal and plant life. They asked the Secretary to issue notices of cancellation of registration of all products containing DDT, and to suspend registration pending the conclusion of cancellation proceedings.

On Nov. 20, Mr. Hardin issued notices of cancellation for four uses of DDT—on shade trees, tobacco plants, in or around the home except for control of disease carriers, and in marshes, also except for control of disease carriers as determined by public health officials.

Left untouched by the notice was the spraying of cotton plants, fruit trees, berries and vegetables, and many other uses. And the department took no action on the request for suspension.

PUBLISHED IN FEDERAL REGISTER

On Nov. 25, the Department of Agriculture published notice of its intended action in the Federal Register, stating that it was considering cancellation of other uses unless a showing could be made that certain uses were essential to the protection of health and welfare.

On Dec. 11, the department sent a letter to the environmental Defense Fund, stating what it had done and contending that its action was responsive to the petition. Thereupon, on Dec. 29, the conservation groups filed an appeal with the Court of Appeals asking that the case be advanced on the docket and expedited.

Agriculture and Justice Department lawyers for Mr. Hardin, moved for dismissal.

The petitioners, they argued, were not pesticide manufacturers and had no standing to complain of the Secretary's failure to act, and the court could not take an appeal until after cancellation proceedings were completed. Since the Secretary had issued no final order on DDT, his response to the conservationists' had not yet ripened into a reviewable order.

Chief Judge David L. Bazelon said in his opinion that the law sought to protect not only the "economic interests" of the manufacturers but "the interest of the public in safety." The petitioners had standing if they alleged sufficient injury to create a justiciable case, he said and the alleged injury was "the biological harm to man and to other living things resulting from the secretary's failure to take action."

"Consumers of regulated products and services have standing to protect the public interest in the proper administration of a regulatory system enacted for their benefit," the judge said.

In the light of the urgent nature of the petitioners claim of imminent danger and the fact that Mr. Hardin had taken no action on their request for suspension, Judge Bazelon said, "The controversy is ripe for judicial consideration as it ever can be."

Therefore, Judge Bazelon ordered Mr. Hardin either to supend the registration or to come back with reasons for not doing in sufficient detail to permit "prompt and effective review."

As for the petitioners' request for cancellation of registration, the judge said that Mr. Hardin had made "a few feeble gestures" toward compliance. Here, too, he said, the Secretary should "decide on the record" to issue the remaining notices of cancellation or explain why he was deferring a decision.

[From the Washington Star, May 30, 1970]

COURT SAYS JUSTIFY OR BAN DDT

(By Fred Barnes)

The U.S. Court of Appeals has ordered Agriculture Secretary Clifford M. Hardin to halt the use of DDT within 30 days or justify to the court why he chooses not to do so.

In one of two DDT-related cases it ruled on yesterday, the court sided with a group of conservationists who want Hardin to immediately suspend use of DDT.

The conservationists originally asked Hardin to issue the suspension last October. When he failed to act on their request they turned to the appeals court.

If Hardin now declines to suspend DDT use within the 30-day period, he must spell out the basis of that decision to the court, which then will review the decision.

FIRMS APPEAL CURBS

Hardin has already moved to ban all nonessential uses of DDT by 1971. However, that measure did not satisfy the conservationists and was later temporarily reversed on appeal from pesticide companies.

Chief Judge David L. Bazelon, who wrote the opinion in which Judge Spottswood W. Robinson III joined, made it clear that the court was impressed by the evidence about the harmful effects of pesticides with DDT. He referred to the whole DDT question as an "emergency" matter.

The court rejected the government's contention that the conservationists had no right to challenge Hardin's action, or lack of option.

They could contest Hardin as consumers who digest "the pesticide residues permitted by the secretary to accumulate" or as conservationists "with a demonstrated interest in protecting the environment from pesticide pollution," the court said.

According to the group's lawyers, this part of the ruling could pave the way for other citizens to challenge the agriculture secretary's decisions concerning the use of pesticides.

The suit against Hardin was filed by the Environmental Defense Fund, Inc., of Stony Brook, N.Y., a group of scientists and others interested in opposing environmental damage. It was joined in the court test by the National Audubon Society, the Sierra Club and the West Michigan Environmental Action Council.

The conservationists had also asked the court to order Hardin to seek a permanent ban on all uses of DDT, not merely a ban on nonessential uses. But the court declined to act here, at least until Hardin acts on the suspension matter.

In the other case involving DDT, another appeals court panel ordered Robert H. Finch, secretary of Health, Education and Welfare, to begin a study of a proposal to prohibit any DDT residue on agricultural products. The proposal, filed with HEW in October by the Environmental Defense Fund, will now be published in the Federal Register.

The HEW secretary has the authority to set a "tolerance," or maximum permissable amount, of harmful chemicals on agricultural commodities. The conservationists want Finch to set a "zero tolerance" for DDT, but the court ordered HEW only to study the proposal.

[From the Washington Post, May 29, 1970]

U.S. TOLD: JUSTIFY OR BAR DDT

(By Peter Osnos)

The U.S. Court of Appeals yesterday gave the Department of Agriculture 30 days to suspend the use of DDT or come back to the court with its reasons for not doing so.

The court acted on a suit brought by five conservationist groups seeking to bring an immediate halt to the use of DDT until the question of whether the pesticide should be banned permanently is resolved.

Last November, Agriculture ordered that all but essential uses of DDT be phased out by 1971. But that ruling was nullified—at least temporarily—when it was appealed by six major pesticide companies.

Agriculture has refused to take action on the suspension request from the conservationists. The department claimed, among other things, that the groups did not have standing to complain about the agency's failure to act.

In his opinion yesterday, Chief Judge David Bazelon turned aside this argument, saying that "the interest of the public in safety" is as much a ground for seeking action as the "economic interest" of the pesticide industry.

James W. Moorman, lawyer for the conservationists, said that the Bazelon finding opens the way for citizen complaints against other pesticides.

On the question of halting the use of DDT, the opinion states that if Agriculture Secretary Clifford Hardin "persists in denying suspension in the face of the impressive evidence presented by the petitioners, then the basis for that decision should appear clearly on the record."

Terming the conservationists' claim of an emergency nature, the court said that Agriculture should come back within 30 days with its conclusions in detail. Joining Bazelon in the finding is Judge Spottswood W. Robinson III.

On the issue of a permanent ban on DDT, the court said that "the secretary has made a few feeble gestures in (this) direction and further action is apparently under consideration."

Consequently, the opinion does not require Agriculture to explain any delay in pressing procedures for a permanent ban.

The conservation groups in the case are the Environmental Defense Fund Inc., the National Audubon Society, the Sierra Club and the West Michigan Environmental Action Council.

In a related finding, a separate appeals court panel ordered the Department of Health, Education and Welfare to begin the steps that could lead to a prohibition of all DDT traces on raw agricultural goods.

XUM

THE POLICE CHAPLAIN

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. MURPHY of New York. Mr. Speaker, you and my colleagues had the privilege of commencing our proceedings today with a prayer and invocation by the Reverend William G. Kalaidjian. Among his many achievements, Reverend Kalaidjian is pastor of the Beford Park Congregational Church, United Church of Christ, in the Bronx, and is also an official chaplain of the New York City Police Department. He is the founder of the National Association of Police Chaplains on an interfaith basis so that the quality of spirit, the sacred values of religion, and the confidence of faith may be brought to bear in training and service where policemen face the most difficult experiences that challenge the mind and test of man's faith. I would not only like to pay tribute to my friend William G. Kalaidjian but to include, under the leave to extend my remarks in the RECORD, this dedicated clergyman's own outline of what a New York City police chaplain does, based on his actual experience.

POLICE CHAPLAIN POSITION

A Police Chaplain has the assimilated rank of Inspector. He is authorized to visit station houses and department offices and to converse with any member of the department. He shall:

(a) Visit the sick members of the department. Visit the injured, responding to emergencies and when a man is killed, make proper notification to the family and help in any way possible regarding funeral arrangements and the tribute extended by the department, arranging pallbearers, etc.

(b) Do all in his power to strengthen the spiritual welfare of the members of the department, working with the men individually and in groups. Many departments have religious organizations with specific programs and opportunities for religious and social contact.

(c) The Chaplain may be attired in the prescribed uniform of his department or in his public clerical garb of the church to which he belongs, and wear the insignia of his office when appearing in his official capacity upon any public occasion. Policemen prefer to meet with the Chaplain in a non-departmental posture where rank and position are played down.

(d) The Chaplain may perform such other duties as may be assigned by the Police Commissioner or the Police Board of Commissioners or Department Chief, depending upon the organizational structure of the particular department involved.

I. DUTIES AND RESPONSIBILITIES

1. Visit the sick, injured, and the dying.
2. Minister to the spiritual welfare of the members of the department and their families.
3. Counsel the men with job difficulties, marital or other family difficulties.
4. Instruct and interview the recruits.
5. Give formal lectures at the Police Academy. Give instruction in moral and ethic responsibilities, the image of a policeman and his motives and basis for service to the community.
6. Help make Police-Community relations a reality in various areas of the community; the home, the Church, the Public, Parochial and Private School student bodies, the various Civic and public groups—meeting with them, speaking, discussing and bringing knowledge not otherwise understood. This also helps recruitment in a natural manner.
7. Interview and counsel men who have received departmental discipline for infraction of the department rules and regulations. In some cases when an officer is placed on probation for *one* year as part of the penalty for wrong doing, the officer reports monthly to the Chaplain of his particular faith and the Chaplain acts in the capacity of Probation Officer.
8. The Chaplain takes active participation in the spiritual and social activities of the Department. He offers Invocations and Benedictions at affairs, often is called upon to speak and helps to keep the outlook one of positive faith and high-mindedness.
9. The Chaplain can, if one does not exist, organize and develop a spiritual organization for the purposes of a Communion breakfast, a Police Memorial Service, a Scholarship Program for Policemen's Children, a Welfare and Sick Committee to aid the ill. In the New York Police Department, religious organizations are as follows:

Holy Name Society (Roman Catholic)
St. George Association (Protestant of all denominations)
Shomrim Society (Jewish)
St. Pauls Society (Greek Orthodox)

II. AVAILABILITY (HOURS OF WORK)

1. Indefinite, as may be seen from the list of duties as stated: a great deal of time is consumed in these duties and responsibilities.
2. The Chaplain is on call twenty-four hours a day, seven days a week. This is necessary to answer emergencies such as members of the force injured, wounded or killed. The Chaplain is called upon any hour night or day in such emergencies.
3. A Chapalin in the Police Department should be prepared to answer a call at any time and never can call any time his own. It is advisable that he have a two-way radio in his car and that he leave a phone number where he can be reached when not in his car.
4. Police funerals may be in the morning, afternoon or evening as requested by the family, their wish is always upper most in consideration. Interviewing the men with domestic and spiritual troubles as schedules allow and meeting with Police Officials upon request are all part of the available services rendered.

III. SALARY AND INCREMENTS

1. Salary and increments are to be set according to professional standards of other comparable professional men in the department such as Police Surgeons etc.

MYLAI 4 AND ITS BENEFACTOR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. RARICK. Mr. Speaker, Seymour M. Hersh, the controversial yellow-journalist and promoter of the Mylai 4 project was recently interviewed by Mr. Jeffrey St. John for "Opinion Plus," a television interview program.

Mr. Hersh's interview should prove to be of interest to the interpretative commentators and reviewers of his expose on alleged war crimes at Mylai. Hersh, who claims credit for uncovering the massacre story reveals his real intent was to "change" U.S. policy in South Vietnam.

He denies he was out to sabotage U.S. policy—only to "change" it. His prejudices toward U.S. fighting men and his revulsion with fighting communism are clearly exposed.

Mr. Speaker, I commend the Hersh interview to all our colleagues for a better understanding of the purposes and motivations behind the massacre hoax:

MYLAI 4 AND ITS BENEFACTOR

Transcript of appearance by Seymour M. Hersh, Pulitzer winning reporter and author of "My Lai 4" on Opinion Plus, produced and moderated by Mr. Jeffrey St. John, and broadcast May 25 over Metromedia station WTTG, Washington, D.C. (Mr. St. John is a Newsday columnist and author of "Countdown to Chaos.")

ST. JOHN. I would like to begin with essentially this question: What purpose has your book and expose served in your judgment?

HERSH. Not as much as I initially thought. When I first stumbled on to the story I thought 'my god, this could be the end of it,' we could demonstrate to the American people what is going on in Vietnam. In a very real sense, of course, I think what happened at My Lai has been happening in other villages in South Vietnam, but here was a case to really take the infected finger and show it up for everybody to see. And I thought the revulsion I was correct about in terms of sweeping the country would force a change in policy.

ST. JOHN. So you started out with the idea of trying essentially to sabotage American war policy?

HERSH. Absolutely and categorically not. I started with the idea of getting as many facts as I could about this particular story, with the assumption that if the story, if what I assumed to be true and could be documented carefully and thoroughly, that enough people would be upset about it that perhaps we could get a change in policy. The word 'sabotage' is so silly. But the fact was there was no attempt. . . .

ST. JOHN. Would you like to use another phrase, like 'abort' America's presence in Vietnam?

HERSH. Or change it, sure. Well, the idea simply was, I wasn't going to mess around with a fact or change a fact or do anything like that; I thought if we could get it out, of course that's why I worked so hard on it to expose the information. I thought it would have some impact on the war. I don't like the war. I see it as my function as a journalist who doesn't like the war, when he can write a story that may have a significant impact on the future of the war, write it.

ST. JOHN. In "My Lai 4" you talked about, you felt that the military tried to cover this up. Why do you hold that conviction?

HERSH. Well, because they did, that is they did try to cover it up.

ST. JOHN. But you said in the book that Col. [Oran] Henderson [brigade commander], for example, did conduct a preliminary investigation and he found what he felt was inconclusive because none of "Charlie" Company would talk—that is the unit involved.

HERSH. Yeah, the fact is that Colonel Henderson, the battalion commander of this particular unit that went into the village of My Lai 4, he was on the ground that day he saw what happened. He has told at least three or four different stories. He had eye witnesses come in and tell him about it and yet he persisted in reporting that nothing happened. At least he interrogated people and learned nothing. The point is, I am more interested—you can always criticize one individual—but I think the Army as an institution failed terribly. I think the fact they had their own investigation later and named fourteen officers, including two generals, in terms of covering up indicates that there was a massive failure.

St. John. But didn't you, Mr. Herah, first discover what was going on at My Lai from a tip that someone had gotten by reason of the Army releasing the fact that Lt. Calley, the alleged perpetrator of the murder of countless civilians, was on trial? In other words, you came into the story at the time the investigation and prosecution was then underway. Correct?

Hersh. Yes.

St. John. Then how can you say in effect that there was an attempt to cover up?

Hersh. Well, I think actually it's pretty clear; the Army did announce in September 1969, 18 months after the incident, that an officer had been charged with murder in connection with some Vietnamese deaths. And obviously that's just another story, you can wonder why the press didn't pursue it. But in fact [though] at that point he was charged with 109 deaths, there as no hint in the release; let's say it was technically true but not very honest of the Army to put it out that way. And the guy who did tell me was somebody who did learn about it obviously from a military source, somebody inside the Pentagon who was upset at the fact the public didn't know that down at Fort Benning, Georgia, there was a case of this magnitude going on. He [Lt. Calley] was not actually being court martialed, by the way, he was just under investigation.

St. John. Well, he was under investigation and subsequently charges were preferred. You seem to believe, in "My Lai 4" you tend to give the impression—although I must say there is an attempt to be objective, I think the context is very narrow—you seem to give the impression that the military somehow made this a kind of standard policy, that it condoned the murder of innocent civilians. Now the reason I find this so incredible is that the Congressional Quarterly of December 5 of 1969 remarked that since 1961 U.S. servicemen in Vietnam have been tried and convicted—prior to My Lai now—have been convicted for offenses ranging from murder of civilians to rape and mutilation. Let me read you the record: Army, 51 men were tried, 27 were convicted; Marines, 28 were tried, 17 were convicted; Navy, 4 were tried, 3 convicted; Air Force, 1 tried, not convicted. Now I don't understand how you could leave the impression, perhaps unintential, that somehow My Lai 4 represented a continuing kind of policy.

Hersh. You know what it is like for us in there, we're like the big shaggy sheep dog rooting around. Really we're so cumbersome, we have General Motors in there waging war on our side. I agree we did not have a specific spelled-out policy of genocide in Vietnam, of course not. In fact, the Viet Cong and the Army of the North Vietnamese actually are probably much tougher in this regard of specifically going to a village and killing some people.

St. John. You concede this is an instrument of their policy?

Hersh. Oh yes, definitely. And it's not theoretically an instrument of our policy. What happens, in fact of course, is that we get soldiers who are not particularly well trained, know very little about South Vietnam and its customs, learn about racism from the very first day in the Army, particularly toward the "gook" and "dinks" and what you will in South Vietnam.

St. John. You mean like we called the Japanese "Nips" and we called the Germans "Krauts" and we called them "Hienes" and lot of other things?

Hersh. The same sort of thing, right.

St. John. You consider that racism?

Hersh. I would say in South Vietnam it becomes racism, sure very excessive racism. You begin thinking, for example, in the case of My Lai 4 it was an area it called the Quang Ngai district, which is a free fire zone into which we could bomb at will, throw artillery at will. One of the kids said, "How much can they be worth if you can do this any time you want." People got the impression, the GIs got the impression, that Vietnamese lives didn't mean very much. And there was a big difference in World War II, because in World War II shooting women and children was not part of the game.

St. John. Would you consider the Dresden raids in which saturation bombing against the city of Dresden (Germany, during World War II) were calculated for the purpose of killing and making war on civilian populations, would you consider that analogous with My Lai although it was from 30,000 feet?

Hersh. It's a tough question, I tell you why. Because we are dealing with a terrible double standard here, we're jumping on this particular group of GIs because they went in face to face, they saw the people they killed and they shot them. Whereas we're not condemning pilots who drop napalm. As you know, even if we get a rifle shot from a village, we'll destroy it. That wonderful quote put out by the Associated Press a couple of years ago, "We had to destroy the village to save it." So sure, we're operating in a double standard. But for the obvious purposes of journalism, it's a sophisticated point to start talking about the bombing of mass civilians. And I think My Lai is a very handy point there.

St. John. No, it drives right to the heart of what we're really discussing, Mr. Hersh. War is not a very sane and rational way of settling problems. And the character of the Vietnam war may be different, but essentially the tragedy of civilians being killed is the same. Would you agree?

Hersh. No. I think there is a difference though, because in the case of My Lai 4 the boys actually went into a village and actually saw the people, actually slaughtered them first hand and they accumulated instant guilt. An instant feeling of shame. That really isn't always prevalent among the pilots. We're dealing with people actually, even in war too. So we have a different sort of level of operation there. In terms of brutality, I think it's more brutal, even though this makes no sense logically or metaphysically. I think it's more brutal to go into a village and shoot a two-year-old boy and perhaps behead him than to drop a bomb on him; we're killing him obviously. I did a lot of stuff on chemical and biological warfare and the argument always was what's the difference whether you gas 'em or shot 'em. Well, there is a difference. I think there is a difference between bombing somebody and going into a village, but a subtle difference in terms of brutality, only in terms of what we're doing, only in terms of what we are exposing people to, soldiers too, GIs too, the "Grunts." And that's the difference I think, that's a very critical difference.

St. John. But the Viet Cong strategy is calculated to use civilians and thereby the onus of My Lai is on the VC for the character of the war they have cast in the Viet Cong conflict. In other words, my whole conviction is that because the Viet Cong are using the "people's war" strategy, of using civilians, that the onus of things like this must rest ultimately, morally, with them. You agree or disagree?

Hersh. I think undoubtedly that's a factor, the fact they are waging that particular kind of war. But actually when you think about it this is a group of men who went into a village believing that the VC were there, they got in there and realized there were no VC there. And then they systematically shot 450 men, women and children, about 110 of them were children. And in talking to them, and I talked to more than fifty for the book, they knew what they were shooting at, they knew they weren't VC. You get into a question: Is a child up to "here" [indicating height] perhaps a Viet Cong? Well maybe he is and maybe he deserves to die then. But I don't think that's a terribly strong moral position. Going back to your comment on statistics on the courts-martial. What happens in most of those cases when they do find somebody guilty, in some of the cases let's put it that way, they have found them guilty, reduced them in rank and sent them back to their unit for murder. Or else they have given them six months or a year. The lesson is very clear.

St. John. According to the Congressional Quarterly, Mr. Hersh, there were a number of them sentenced to hard labor for an extensive period of time, particularly for the killing of a civilian, a woman. It also dealt with a Viet Cong prisoner.

Hersh. Sure they may have done that, the point I am trying to make is that many people may be sentenced to six years at hard labor, it's immediately reviewed, reduced, reviewed again and reduced, and they don't end up serving at all. The point is there hasn't been a real effort to stop this sort of practice. After My Lai, as you know, there's some Marines being charged with the murder of 16 people in South Vietnam. Another thing that really bothers me about the war is this notion that women and children are constantly going around with machine guns setting land mines. Of all the kids I talked to, and I quote this in the book, I asked each one if they ever saw either a woman or child do anything against them—admittedly we are talking about a marginal little sample here, forty or fifty people. Although they would tell them that women and kids were bad, none of them had even seen it happen. I suggest it may not happen as much as you think, that the women and kids actually become active participants.

St. John. Mr. Hersh, you must know as someone who has covered military affairs that a lot of what is done by the Viet Cong, and its participants, men and little children, is done at night. So it would be difficult, don't you think, for them (the GIs) to be able to verify that some Viet Cong sympathizer, be it a child or a woman, would set the trap?

Hersh. Well, there's another point though. You can always question the kind of war you want to get America into. When the fact is that the Viet controlled this particular area, of course, at night and every day we would mount operations, sort of go rolling around, this company would go rolling around into a village and never find the Viet Cong.

St. John. So we are going to find an area of agreement, the way the war is being waged I profoundly disagree with. I believe in the principle of the war; you don't, right?

Hersh. Of course not.

St. John. You agree that Quang Ngai, the province in which the hamlet My Lai 4 is in, that it had been controlled by the VC for twenty-five years. Did you ever question why the VC never made a stink about My Lai 4?

Hersh. They did make a stink about it.

St. John. They passed out leaflets.

Hersh. They also raised it in Paris and in fact when they passed out leaflets a lot of people who know something about the Viet Cong were stunned because it was the first such propaganda of its kind dealing with that kind of number, talking about 450, 500 people dead. Which should have made most of the American military look at it at least a little harder. And they managed to just pass it off as propaganda, which it was up to a point—the point being, of course, they were right about the massacre.

St. John. But I think my suspicion and the suspicion of a lot of people who are naturally horrified, my own position—I would like to make it clear, I think anyone who shoots civilians should be court martialed. I do think, however, there is a certain impropriety when what you've done has been used as propaganda for the Communist grist mills. Now I don't get into this "red herring" thing, that you're consorting with the Com-

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munists, no, of course not. I am merely saying that there were journalistic ethics involved here which you kind of ignored by reason of your passion to, shall we say, get the troops back home.

Hersh. The only ethic was, of course, to do everything I could to write this story that everyone had passed for which, as you know, I have four major journalism prizes. I would suggest you may be in the minority here.

St. John. I might be in the minority in what respect, Mr. Hersh?

Hersh. In terms of what you consider to be the proper ethics. I think really proper ethics in this case was to get the story out before the people.

St. John. You're not saying because everybody agrees with you and I happen to be in the minority that somehow makes it ethical and right? In other words, you're not saying that majority rules in cases of morals? Right?

Hersh. Well, that's another question for another TV show. I am just saying I disagree with you on the question of ethics.

St. John. My whole suspicion about the Viet Cong and those children, as well as young women who were in fact murdered by American troops, is the fact that a photograph appears a number of weeks after the My Lai incident, in which it showed a Viet Cong unit that was stationed in My Lai. And there was in that photograph, there were children and a number of women.

Hersh. You're talking about a photograph that mysteriously appeared in a newspaper near the base, Fort Benning, Georgia, the local Columbus paper.

St. John. The Columbia Ledger, right.

Hersh. And it cited in its caption for the photograph, "This was supplied by a soldier in the Americal Division," which of course was in the area and allegedly taken at the time of the My Lai massacre. Well, I just don't believe that. I don't think that is very persuasive and I don't think you're going to make a case . . .

St. John. I don't think it's persuasive, but it is indictative . . .

Hersh. The fact is, Mr. St. John, the fact is simply we murdered those people for no reason, we knew they were not Viet Cong. Perhaps they were relatives of VC, but they weren't VC.

St. John. That is a question which is still very much in doubt, Mr. Hersh.

Hersh. The real sad tragedy for me in this thing is that the argument for going into Vietnam was to save the people of South Vietnam from a totalitarian end, an awful fate that would happen if the Viet Cong and the North Vietnamese moved in. And to save them, here again the same old line, we "have to destroy them to save them."

St. John. I would go back to the original disappointment that you expressed, in which you said you were quite surprised there wasn't as much revulsion and indignation . . .

Hersh. No, there was plenty of revulsion. I was surprised that it didn't affect policy. Let me tell you how it affected policy. President Nixon on November 3 [1969] talked about the tremendous genocide that would take place if the North was allowed to come over and run the South. My stories first began appearing on November 13; he stopped using that particular little bit of philosophy. And it wasn't until just about three weeks ago in one of his TV speeches [the President's April 30 TV broadcast] that he raised that specter again, of this tremendous massacre of people in the South. So it's amazing to me . . .

St. John. It did happen in the North, didn't it?

Hersh. No, it really never was a . . .

St. John. Yes it did, there's enough documentation . . . but I am sorry go ahead . . .

Hersch. 10- or 15-thousand people, basically a question of land reform, not really a question of Ho Chi Minh going to his rule in '54, '55. But anyway, again, that's another show—we've now got three more shows coming up. Well anyway, I'll leave it at that.

St. John. No, my whole belief is that I think the problem My Lai presented to the country, was a problem which you didn't really tackle in your book. You tended to ignore—you have a certain amount of objectivity in the book—but you tended to ignore certain circumstances. For example, the issue that I raised about the character of the war, you sort of sluffed it off. You also sluffed off the question of the Hue massacre [January-February 1968] which happened before My Lai.

Hersh. I still am a little nasty about that . . .

St. John. You *were* nasty about it . . .

Hersh. I am not convinced that four or five thousand were shot in cold blood, there's not that much documentation.

St. John. As a matter of fact, the foremost expert on the Viet Cong, a fellow by the name of Mr. Pike [Douglas Pike, author of "Viet Cong Strategy of Terror"] has now turned in a report in which he says the massacre may have reached five thousand. [AP of May 16 reports Pike as saying 2,810 bodies have been exhumed and 1,956 are still missing.]

Hersh. Well, you get your experts and I'll get mine . . .

St. John. Not necessarily experts, just people who have conducted an investigation.

Hersh. No, I'll tell you, Townsend Hoopes' [former Under Secretary of the Air Force under President Johnson and author of "The Limits of Intervention"] book is sort of interesting because he of course was in the Air Force at the time and got pretty good information, I assume, and he talks about 300 people being killed by the Viet Cong. Again, what is really the difference, three hundred or three thousand, except that the Army seemed to make a great difference out of it, the Army has pushed about many thousands being killed. There's also a lot of evidence, certainly they killed people, the Viet Cong in Hue—but there also is a lot of evidence that a lot of people were killed in crossfire because of artillery.

St. John. But you're disputing numbers. Right?

Hersh. Oh, very much. I don't think this two- or three-thousand, five-thousand business has any relevance to the number of people who were shot in cold blood. You can't condone any of it. But certainly to play a numbers game with the short of thing is not very responsible.

St. John. What would you have done if you had been a company commander, and you essentially found men slaughtering innocent civilians? What would you have done as an individual?

Hersh. I think a better question would be, what would I have done if I had been the division commander—the head of the Americal Division? Well, I think that's really the important question, what the captain would have done or what he didn't do isn't important. The fact is he did it, the fact is this information was made known to the two-star general who ran the outfit, who by the way later became Superintendent of West Point, Samuel Koster. The fact is that nothing happened. The fact is that there was no investigation, the fact is Koster was later named by the Pentagon's own investigation. Which, I might add, I think the investigation the general who headed it, fellow by the name of Peers [Lt. General William R. Peers, head of the Army investigation] did a marvelous job and saved the Army and its credibility.

St. John. You did get a lot of your information, by the way, from the Army didn't you?

Hersh. Certainly! I got access to a lot of records.

St. John. So the Army wasn't trying to cover up anything.

Hersh. No, this was all leaked to me. I'm sure there was a great scandal and stink how I got this information. I had to travel 2,000 miles with Richard Dudman of the St. Louis Post Dispatch who is now caught in Cambodia [held captive with two other American newsmen by the Communists]. I traveled with his portable typewriter to a little hotel room somewhere in the deep south and I sat there for two days typing away.

St. John. I don't understand why in your book you didn't acknowledge the fact that the Philip Stern Foundation gave you the $1,000.

Hersh. I also didn't acknowledge, I didn't say anything about my wife either. I'd like to thank my wife and two children for being wonderful and so patient.

St. John. I wish you had done this on your own, because the foundation which helped you foot the bill has been pretty well involved in a lot of radical causes.

Hersh. Well, they gave me $2,000 and my overall expenses were about $16,000 of which Random House [Hersh's publisher] picked up and, of course, I made money. I think the Stern Foundation did a great job early on and I'm proud of the fact they gave me money. And I think the causes they're putting money into are very worthwhile.

St. John. Very briefly, we only have a few seconds. Sum up what you are trying to do with this book: "My Lai 4."

Hersh. I think I am reporting an atrocity. I think Americans should know that the war in Vietnam often leads to these kinds of events and they often don't get reported because of very serious problems in the military.

KENYON COLLEGE'S SENSIBLE APPROACH

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. HARSHA. Mr. Speaker. In view of the considerable disruptive protest activity on the Nation's college and university campuses during recent weeks, I would like to call particular attention to a newspaper column written recently by Rowland Evans and Robert Novak. The article was entitled "Notable Victory Scored at Kenyon College For Cause of Academic Freedom." The following is the text of that article:

NOTABLE VICTORY SCORED AT KENYON FOR CAUSE OF ACADEMIC FREEDOM

Gambier, Ohio.—Tense and dramatic days last week on the normally pastoral campus of Kenyon College here revealed the extent of the crises for liberal education in America under even the best of conditions.

What happened at Kenyon was a signal triumph by administration, faculty and students against politicizing the campus despite the volatile atmosphere. While some 450 colleges were shutting down, Kenyon not only remained open but displayed some unfashionable virtues: Civility, an appreciation of academic freedom, and mutual respect between faculty and student body.

Yet, even at Kenyon with less than 1,000 students and physically isolated in rural Ohio, worried professors and student leaders warily approach the future—fearing the barbarians are at the gates. They wonder how long sanity can survive here while student fury, often abetted by faculty, engulfs Harvard, Michigan, and Berkeley. "How long can

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we stay quiet when all hell is breaking loose around us?" asks one Kenyon professor.

Every campus has its own peculiarity, and Kenyon's conspicuous success is no prescription for restoring liberal education nationwide or even a surefire formula for saving it here. What the Kenyon story underlines is that a firm stand by the faculty in the interest of intellectual civility is the one essential for survival of the American university.

Following the pattern of every campus today, students and faculty at Kenyon are emotionally opposed to the Vietnam war. Nor were they immune from the campus frenzy over the Cambodian operation and the killing of four Kent State University students. When Kenyon's students watched fellow students elsewhere man the barricades via the evening television news, they started planning their own student strike.

Where Kenyon differed from most other campuses was the reaction of the administration and faculty. Instead of submitting to student demands, Kenyon's professors persuasively argued with the students that closing down the campus would accomplish nothing and that a planned student march on the State Capitol might only lead to more tragedy.

The appeal to reason succeeded. After a long meeting last Thursday night, the students voted not to participate in the Columbus march and to recommend that the college stay open. But they also recommended cancelling final examinations. Instead, they wanted "symposiums, open forums, and teach-ins" on the Indochina war, on violence and dissent, and on the use of force on the campus.

At most campuses, the administration would have eagerly gobbled up this seeming panacea. Indeed, a proposal for teach-ins, passe to student radicals, departs from the present collegiate principle that important matters should be settled by conscience instead of intellect.

Remarkably, however, the Kenyon faculty did not accept that easy way out. Realizing that cancellation of final examinations would open the door to disruption of education whenever external political developments intrude, the faculty voted to hold examinations as scheduled but to arrange three days of "convocations and seminars" on transcendent political events.

Even more remarkably, the students overwhelmingly endorsed that decision at a meeting Saturday night. There was no hissing or booing. When a student actually referred to the faculty as "honest men and good men," there was sustained standing applause. This was possible only because the Kenyon faculty has consistently opposed politicization of the campus and had implanted that principle with a significant number of students.

Moreover, when a few students at Saturday night's meeting proposed a student voice in determining curriculum and faculty selection, they were politely but firmly rebuffed. President William Caples, a non-academician who retired as a vice president of Inland Steel to run his alma mater, will not permit any such trampling on academic freedom. The fact that speakers will actually be permitted to defend the Cambodian operation during the Kenyon seminars proves that devotion to academic freedom is no mere slogan here.

Yet, there is no reason for blind optimism about the future of this small, select liberal arts college. A minority of faculty members has been haranguing students charging they were bullied by the administration and sold out too easily.

The tenuous nature of academic freedom was apparent at Saturday night's meeting. When some students started probing for decision, Provost Burce Haywood urged them not to pressure individual professors to cancel examinations. As Haywood put it: "Academic freedom is a very delicate flower."

Mr. Speaker, if more students and faculty members would adopt the rational, civil attitudes that were apparently displayed by most at Kenyon College, it could well be that much of the violence and turmoil through which we have suffered would not have occurred. I am extremely proud that Kenyon College, my Alma Mater, was able to institute such plausible procedures in dealing with diversity of opinion. I believe the students and administration at Kenyon deserve commendation for their intelligent behavior, and I hope other colleges and universities around the country will take note of the soundness of judgment exhibited there and utilize similar rationality should they be confronted with comparable dilemmas.

QUESTIONS ON VIETNAM: III. VIETNAMIZATION HAS BEEN TRIED AND FAILED

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. FRASER. Mr. Speaker, the American public has a confused and vague view of the administration's Vietnamization policy. Part of the confusion has been created by President Thieu. For him "Vietnamization" is a policy which permits continued American presence in Vietnam and continued fighting toward the goal of winning a military victory. See Newsweek interview of May 11, 1970. This question answered by the Committee of Concerned Asian Scholars at Cornell University interprets the administration's policy at face value and gives a frank assessment of its prospects for success.

The question and answer follows:

QUESTION ON VIETNAM?

5. What is Vietnamization?

Vietnamization is the training and equipping of the South Vietnamese army (ARVN) by the U.S. to enable that army to fight the war on its own so that the U.S. can withdraw its ground combat troops.

What are the prospects for the success of Vietnamization?

The idea of Vietnamization is very old. It became official policy of the French in January 1947. Eight years later, with the withdrawal of French advisers according to the provisions of the Geneva Agreement, the United States began to train the South Vietnamese Army. The failure of this army to cope with the growing insurgency in the south led to an increase in U.S. advisory personnel in 1961 and the massive introduction of U.S. ground combat troops in March 1965. Fifteen years after the U.S. got into the business of training the South Vietnamese army to defend itself, that army, even with the aid of 550,000 Americans and other allied troops, was unable to impose a military defeat on the Viet Cong and North Vietnamese forces. Given this record, it seems dubious that the ARVN will be able to fulfill within the next year, the task which it has signally failed to do over the last twenty years.

Perhaps in tacit recognition of the implausibility of the success of Vietnamization, the Administration is committed to withdraw only ground combat troops. Approximately 300,000 other military personnel (artillery, logistics, and air support) will still remain in Vietnam.

The dangers of this policy are very clear. With the withdrawal of U.S. combat troops the protection of the remaining U.S. forces will become the responsibility of the South Vietnamese Army. Should the ARVN prove incapable of shielding these non-combat U.S. forces, it will be difficult for President Nixon to avoid re-escalating the war to protect them—and we will be back where we were in 1965. In fact, a number of high U.S. military officers have already indicated their profound scepticism as to ARVN's ever being able to provide this protection on its own; and thus these American officers continue to argue that some U.S. combat troops will have to stay on (for protective purposes) so long as noncombat U.S. forces remain on in Vietnam.

KEEPING PENSIONS IN STEP

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. GERALD R. FORD. Mr. Speaker, the House of Representatives took hisoric action on May 21 when it adopted an amendment tying social security benefits to the cost of living. Of all the newspapers making editorial statements on House approval of the amendment, the Christian Science Monitor made the most cogent comment. The Monitor described the cost-of-living social security amendment—a Republican amendment of several years standing—as "one of the greatest social and economic milestones in recent years." According to the Monitor, the social security cost-of-living amendment should have a salutary effect on private pension plans as well and thus will prove a boon to the pensioner. I commend a reading of the Monitor editorial to my colleagues. The editorial follows:

KEEPING PENSIONS IN STEP

The House of Representatives has taken a historic step and President Nixon has won a historic victory. The House's decision to grant all social security recipients automatic raises in line with increases in the cost of living beginning in 1972 will almost certainly turn out to be one of the greatest social and economic milestones in recent years. For it can be expected to eventually affect most if not all of the pension plans operating in the United States.

It has grown increasingly apparent in recent years that something must be done to help those who, having retired through age or disability, find themselves steadily poorer through rising costs. Some private concerns, kinder hearted than others, from time to time review the situation and free-willingly raise pensions. But in many cases such voluntary rises do not keep pensioners abreast of inflation. Thus there are large numbers of the elderly and the handicapped who are growing poorer in this richest of lands.

It is only common justice that a person who has worked a lifetime and retires be enabled to maintain for the rest of his days the same standard of living which became his upon retirement. He should not be subject to a worrying erosion of that standard.

It is, also, only common economic and social sense to prevent a sizable segment of the population from sinking under inflation. An adequately provided for stratum of older citizens can be an immensely stabilizing force, both socially and economically.

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True, there have been several major federal steps which have lightened the burden of inflation on many pensioners. There have been, for example, both medicaid and medicare. Congress has also—usually in an election year—lifted social security payments when inflation is rife. But this latter method of meeting inflation is neither scientifically exact nor politically desirable. It is both hit-or-miss and tailored more to votes than to needs.

With the House's having taken this momentous step, and with the Senate expected to follow suit, great pressure is sure to develop on all private and public pensions to do the same. Organized labor will almost certainly make this a major goal. Candidates for office will find it an issue hard to resist. Thus one of the great changes in the country's after-working protection for its citizens apparently lies in the offing.

As for the political repercussion from the House's vote, President Nixon's sponsorship of this measure nearly a year ago will give him a powerful vote-getting issue.

MYASTHENIA GRAVIS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. HOGAN. Mr. Speaker, in our time of mass communication, most of us are familiar with the names of many diseases that strike down and cripple. We are aware of those afflictions and of the efforts to find cures through pleas for support by foundations and research councils.

There is a disease that most Americans know little or nothing about. It strikes one of every 300,000 Americans in all age groups.

It is called Myasthenia Gravis.

It disables its victims through a chemical imbalance in muscle tissues causing rapid fatigue. It can leave victims in a state where they are unable to perform the simplest functions. Swallowing, raising an arm, moving a finger, or even smiling, is impossible for some Myasthenics without the aid of drugs. For others, Myasthenia Gravis attacks involuntary muscles. They are unable to even breathe unassisted.

New and concerted research into the causes and cures of this little known disease are needed.

I would like to call to the attention of my colleagues the recent remarks of Dr. James R. Therry, president of the Potomac Valley Chapter Myasthenia Gravis Foundation at a chapter meeting set to honor the group's founder and open an MG campaign. Dr. Therry is a history professor at the Prince George's Community College in my district. I was honored to serve as honorary chairman of Myasthenia Gravis Week. Dr. Therry's remarks follow:

REMARKS OF DR. THERRY

Almost 300 years ago, in 1672, Mysathenia Gravis was first clearly described. And yet, only within the past 30 years has effective treatment for this disorder been possible. Today, appropriate medical care can enable some Myasthenics to continue productive and normal lives.

The Potomac Valley Chapter of the Myasthenia Gravis Foundation has a much shorter history. Approximately ten years ago, a young man was diagnosed as a Myasthenic. Dejected at first, he refused to sit back and feel sorry for himself. Instead, he organized a chapter to help those who were suffering from the same affliction. Rudolph G. Schuetzler, the founder of our organization, deserves the praise we give him. Without him, there would be no organization in the Potomac Valley working for the relief of Myasthenics and the eventual eradication of this terrible and mysterious disease.

Honoring Rudy and all who have sustained us in our work is most appropriate.

However, there is another reason for being here, which I feel is even more important. This is the beginning of a concerted effort to establish a public awareness of Myasthenia Gravis.

We have tried to pin our "MG" button on everyone we come in contact with, and also give them our information booklet.

Meeting one of my colleagues on the campus, I asked him to wear our button. He remarked that he could see no reason to do so, and said, "What will this accomplish?"

I told him that we hoped to bring the word of MG to the public and to familiarize it with this disease.

"It will never work," he told me. "Instead," he said, "you should go to the Government for aid."

Certainly, we should accept aid from the Government, or anyone else who would help us. But, there is little Government aid to be had.

We have found no angel, no philanthropist. And because there are no gifts to be had, does this mean we cannot continue our work?

We reject the philosophy that continually calls upon the government to do for us what quite often we can do for ourselves. This is merely conjecture, because there is no government aid, there is no great philanthropic host. There is only us, you and me, and others that we can enlist, to do the work.

Ours is a completely volunteer organization. Men and women freely giving of their time, energy and money have been able to sustain the program of bringing relief and comfort to the Myasthenic. These same people have contributed the money to maintain the research into the cause and hopefully the cure for this affliction. But has it been enough?

Unfortunately not. There is still too much to be done. For one, established chapters like ours have to contribute more to see that the Myasthenia Gravis Foundation has representation in every city of the country. Without chapters in Detroit, Chicago, St. Louis, and other large metropolitan areas, the thousands of Myasthenics living there must live bleak lives having very few to commiserate with, feeling alone, neglected, and ignorant of the hope that could be theirs if they were part of an organization like ours.

There is much to be done. The day that an MG patient can go to an emergency ward of any hospital, large or small, and obtain immediate and intelligent treatment of their disease, is the day we work for; the day that every Myasthenic in the country can obtain his medication at greatly reduced prices from a Chapter Drug Bank is the day we work for; the day that any Myasthenic who cannot afford drugs can receive them free from a Chapter Drug Bank is the day we struggle for. The day that a Myasthenic's discomfort and suffering is understood by all in the medical profession, doctors, nurses, nurses' aides, is the day we hope to reach. And ultimately the day that the name Myasthenia Gravis becomes an historical curiosity, studied only because it once had no cure, is the day we work for and pray to somehow realize.

That we need help to reach these goals is all too apparent. An estimated 4 to 5 hundred myasthenics, we are told, reside in the boundaries we serve in Maryland, Virginia, and the District of Columbia. And yet, we have only 92 members as patients to serve, and thus can offer assistance to only one-fifth of those so afflicted.

Why? Perhaps they have not heard of us. How then, can we alert them to the fact that an agency such as ours does exist for their benefit?

We are in the process of writing to every doctor in our area asking him to pass on the information that we exist to every one of his Myasthenic patients. We have enlisted the help of Honorary Chairman of our Week, Representative Larry Hogan from the Fifth District of Maryland.

How can we help? Wear your button, and when someone asks you what it means, tell them. Read our brochure. It tells what MG is. Pass this information on to someone else.

How else can you help? Join us.

Part of the American tradition was helping one another. Years past on the frontier, Americans helped one another through such combined efforts as "barn-raisings." They cooperated with one another and accomplished their goal without asking for government help. In that spirit, I ask you to help us raise our barn.

POSITIVE STEP TO WIN WAR

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. DUNCAN. Mr. Speaker, in a recent letter to President Nixon a young east Tennessean who is serving in Vietnam said:

> Everyone here is behind you 101 per cent. I am referring to your decision to move U.S. troops into Cambodia.

Last year Lt. William H. Goddard was a University of Tennessee student. This year he is at Nha Trang, Vietnam, doing his part "to defend freedom in a very mixed up war."

He is bringing honor to his family and to his country, and personally I think we owe him the "thank you." Here is his letter:

MOVING TROOPS INTO CAMBODIA: SERVICEMAN SAYS NIXON'S ACTION IS POSITIVE STEP TO WIN WAR

(EDITOR'S NOTE.—The enclosed letter is from Lt. William H. Goddard, a first lieutenant in the infantry stationed at Nha Trang, Vietnam. The letter was addressed to President Nixon. Lt. Goddard is the son of Mr. and Mrs. Paul D. Goddard of Dandridge. Mrs. Goddard is chairman of the guidance department at East High School here. Lt. Goddard is a graduate of Maury High School and the University of Tennessee. He has been active in 4-H work, active in student affairs at U-T where he was a Torchbearer. He is the husband of Libby Mays Goddard of Knoxville.)

MR. PRESIDENT: I am presently serving in Vietnam. I don't particularly like spending a year of my life over here away from my wife and family, however I want to do my part to defend freedom. This is a very mixed up war to say the least. Yet if we are going to fight a war, the only way to do it is to fight to win. At last a positive step has been made to do just that. I am referring to your decision to move U.S. troops into Cambodia. Everyone here is behind you 101 per cent.

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I heard news reporters asking you yesterday what good our troops are doing there. These people are either ignorant or are unable to read statistics. When I see all the supplies and arms that have been uncovered in such a short time, it astounds me. I guess these so called peace demonstrators in the U.S. cannot understand that for each rocket we capture in Cambodia, that is one less Charlie can shoot at me. Well, believe me, I can certainly understand that reasoning. My brother was here as a platoon leader in '68 when the bombing halt was called. He said that it was like stabbing our own people in the back because of the increased amount of supplies. I hope loud minorities in the states do not cause similar decisions in the future.

A year has passed since I was last on a college as a student. I really hope things have not changed as much as the news media would lead us to believe. The recent events are indeed tragic and I hope never occur again, however these students don't know how it is here.

From personal experience I know that many young impressionable students are greatly influenced by non-student agitators. Recently, statements from some of our so called responsible Senators have only added fuel to this fire. When I read Senator Mansfield's statement that students were placing "a lot of reliance on the Senate" and "We shall do our best to live up to their expectations" I thought is this man really the Senate Majority Leader. I hope someone in Washington realizes that a few hundred thousand G.I.'s in Southeast Asia are placing their lives not just some idealistic expectations in their hands.

I place a great deal of faith in you, my representative—Jimmy Quillen, my senator—Howard Baker, and certainly Mr. Agnew. I cannot say the same for the other senators from my state. Once again I am behind you 100 per cent. There may be a lot of loudmouths saying "Get out of Cambodia" but those of us over here say thank-you because we know that as a result of your decision we won't have to run for the bunkers nearly as often, and we won't have to pick up the pieces of our buddies because many rounds that would have landed here in the coming weeks will never make it. Thank you.

1st Lt. William H. Goddard.

CAMBODIA ACTION VITAL TO VIETNAMIZATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. ASHBROOK. Mr. Speaker, much concern has been expressed in recent weeks about the President's decision to deploy U.S. troops in Cambodia. Many, who might have supported this move from a strategic and tactical standpoint, are dismayed because our troops were sent in without prior congressional approval. I would number myself among those who see this incursion into Cambodia as vital to the success of our Vietnamization program, but I, too, view with alarm the increasing tendency of the Executive to dispatch troops abroad without prior consultation with the Congress.

I feel that troops should not be sent into any foreign country—particularly to fight—without prior authorization from Congress. Long before the recent events in Cambodia highlighted this issue, I pointed out the hazards of "presidential wars" and escalations. The public outcry and demonstrations following the President's unilateral decision to send our men into Cambodia warns us that many of our citizens will no longer tolerate engaging our country in war by Executive fiat. I believe the President's action sets a bad precedent. He should have come to the Congress first and obtained approval.

Nevertheless, although the President's action continues a bad precedent, it appears to be a necessary step to cut off the logistic support of the guerrillas and the Communist invaders who had been operating with impunity for nearly 5 years from Cambodian sanctuaries.

I have received many letters, as have my colleagues, urging me to support amendments which would use the spending power of Congress to cut off funds for prosecution of the war. Like the writers of those letters, I would like to see the war in Vietnam terminated as soon as possible. I sympathize with and share their frustration. Nevertheless, I could not support any move to arbitrarily cut off funding for the war. The effects of abruptly cutting off appropriations could be disastrous and gravely imperil the safety and lives of our men at the fighting fronts. I think this would be a reckless course of action. You cannot end a war overnight by a denial of money. With our men still facing an enemy in many different areas of Indochina, it would be foolhardy for the Congress to tell them to fight no more at this point.

I also believe that efforts to set a cutoff date at some fixed time in the future are irresponsible. It is unrealistic and dangerous to impose such limitations on the flexibility of the President. So, as strongly as I believe the President should have brought the Congress in on the "takeoff" rather than having us receive a report on the "landing" in Cambodia, I maintain that we cannot pull the rug out from under him as some of my colleagues have recommended.

COURSE OF WAR REVERSED

I have always opposed fighting a "no-win" war. If we have a valid reason for being there, we have a valid reason for taking those steps necessary to win. If it is impossible to win or we do not have victory as our goal, there is little justification for placing our men in the position of fighting a "cannon fodder" war—we should get out. The course of action in the middle—being there and not winning—has been very devastating.

I well recall when former President Johnson stated unequivocally that his administration was not going to send American boys to fight an Asian war in South Vietnam. That promise started L.B.J. down the road to defeat. More than 525,000 American boys have been sent to South Vietnam and more than 40,000 will never come home.

And I remember also that while serving as Secretary of Defense, Robert McNamara would periodically report to the Armed Services Committees of the Congress that we were turning the corner toward victory in South Vietnam. The soothing predictions never materialized as the victory became more and more elusive.

I think the President and his Secretary of Defense have kept faith with the American people, in contrast to their predecessors. While we had a continual escalation before, the President has reversed the course of the war, the Defense Department has been receiving less rather than more in congressional appropriations and the overall direction of our effort in Southeast Asia appears to be correct.

There is a definite phasing out of our activities, consistent with our goal of gradually turning over to the South Vietnamese the chief burden for their own war. President Nixon is going about as far as anyone can realistically expect in this regard. Many of the problems in Vietnam and now Cambodia do not reduce to simple answers. The overriding factor is the aggression by the Communists against a neighbor and free nation, South Vietnam. Unquestionably, the intransigence of the Communists prevents a peaceful settlement to this conflict.

Short of taking the necessary steps to win, I believe that following the present policy will be more apt to lead to an ultimate solution than a withdrawal policy. Unilateral and immediate withdrawal would not only assure the communization of South Vietnam and the rest of Southeast Asia, but also the slaughter of possibly millions of South Vietnamese—unless the Vietnamese are able to assume more, if not all, of the combat.

A NEW CONSTITUTIONAL AMENDMENT IS NEEDED

The central issue in the growing debate over the extent of American involvement in Southeast Asia is whether the executive branch of our Government has the right to dispatch U.S. troops abroad to fight a war without the consent of Congress. Without question, I believe and have been saying for some time that the Congress should be a partner in the making of such monumental decisions.

During the last decade the Congress has failed to serve as a strong source of examination and advice on the basic philosophy and direction of U.S. foreign policy. We now have a concentration in the Executive of virtually unchecked power over foreign relations, particularly over the disposition and use of the Armed Forces.

The periodic incursions by the Executive upon congressional prerogative and the uncritical and sometimes unconscious acquiescence of the Congress in these inroads has resulted in a constitutional imbalance in which the Executive has acquired supremacy over the making as well as the conduct of the foreign relations of the United States.

The Congress is just as much to blame as the Executive for letting itself be divested of the war power, a power which the framers of the Constitution vested not in the Executive but rather almost exclusively in the legislative branch.

Congress must reclaim its historic

power to declare war. It is for this reason I proposed in March of 1968 and have reintroduced in this Congress an amendment to the Constitution which would require either prior or subsequent congressional approval of the Presidential dispatch of U.S. troops abroad. If our country were directly attacked, for example, the President would make an appropriate and immediate response, but subsequent consideration by Congress of his action would be mandatory.

I am appending the remarks I made on March 14, 1968, discussing the need for legislative action in this area and explaining my proposal. The text of my resolution is also included.

One of the greatest dangers our country faces—in both foreign and domestic affairs—is the erosion of legislative authority and oversight and the growth of a vast pyramid of centralized power in the executive branch of the Government. In foreign affairs particularly this threat to our people and their welfare will become more acute for this new decade is unlikely to see any great reduction in the extent of American involvement in international affairs or any relaxation of global conflict.

It therefore behooves the Congress to stake out its position of responsibility and domain in order to make it perfectly clear that no executive commitments of American forces can or should be made without consultation of the body vested with the constitutional right to declare war.

The remarks referred to follow:

A NEW CONSTITUTIONAL AMENDMENT IS NEEDED

Mr. ASHBROOK. Mr. Speaker, I do not think I exaggerate when I state that few issues concern the American people any more than this whole matter of brush-fire wars, escalation and commitment of troops to virtually every struggle throughout the world. Korea, Berlin, and Suez. Lebanon, Vietnam, and the Domincan Republic. Once we get in, how do we get out? What do we hope to achieve? What are our policies? Is secret diplomacy involved? These are the questions we hear every day of the week, and most Members of this body readily admit we know few of the answers.

In a troubled world with a cold war which seems to turn hot with growing frequency, Presidential decisions, Pentagon decisions, and diplomatic decisions are arrived at, and executed, with little or no debate. As Congressman CHARLES HALLECK pointed out a few years ago, we are usually brought in for the landing but rarely for the takeoff. This observation always stuck with me, Mr. Speaker, and it was never truer than in our current Vietnam involvement.

I believe that the whole matter of troop commitment for actual hostilities should come under strict constitutional cover. I have proposed House Joint Resolution 1162, which would amend the Constitution relating to the authority of the President to dispatch the Armed Forces of the United States outside of the United States.

The preamble to House Joint Resolution 1162 should be closely noted. I have used the word "dispatch" because there is a basic difference between sending troops and merely committing troops. There is no doubt that under many constitutionally proper treaties we have made commitments that attacks on signatory nations will be deemed as attacks upon ourselves. It should be clearly noted as intent that this proposed amendment would refer to the sending of troops under any circumstance except the mere stationing of them in "non-combative duties" as provided in section 4. I have used the words "outside of the United States" because there is no effort to become involved in the matter of how, when, and where the President should use troops or National Guard units throughout the United States in matters involving domestic disorder.

There are two basic situations which this amendment covers. First, there are events such as "military aggression, conflict, combat, uprising, or incidents" which might or might not be serious enough to "threaten the national security." There are also situations which might threaten the national security that are not the result of any specific event but, rather, involve a volatile emergency which might affect our security. The situation in Lebanon in July 1958 would be of this type and, incidentally, would be fully covered by this amendment.

Second, there are situations where we may have been directly attacked and immediate retaliatory force is needed. No reasonable person would suggest that Congress should be assembled and, as provided in article I, section 8, of the Constitution, declare war. The same might be necessary in direct attacks against nations with whom we have treaties. A direct attack against Canada, England, or Germany, for example, might require immediate response.

In drafting the amendment, I feel these situations have been adequately covered. In the first situation, there is a difference between the event or situation and the time at which it might be deemed to threaten our national security. If there is a serious international incident—say the assassination of an Archduke Ferdinand—and at the time it does not appear as a great threat but, as often happens, conditions deteriorate and it becomes a threat, this amendment clearly states that—

"Within twenty-four hours after the President deems any military aggression, conflict, combat, uprising incident or situation to threaten the national security, the President shall report such event or situation to the Congress with specific recommendations for the dispatch of troops or other specific measures which he deems necessary and desirable."

Thus in section 2, the significant factor is not the event itself, but when the President deems the event to threaten our national security. At that point, he must transmit to the Congress his report and appraisal of the event or situation and outline specific military steps which will be taken. If the matter can be solved by diplomatic channels, this will obviously be done and no report will be necessary under this amendment. At this key point is where the brushfire wars with their threat of future escalation commences. It is here the Congress should be brought in on the "takeoff" rather than receiving a report on the "landing." If troops are to be committed for combat, we should know at that point, If they are merely being sent to stabilize the situation, we should know that, too. It will be argued that this might restrict the President in his chess games of military diplomacy. Yes, it will; and that is precisely what we want. I am not speaking of President Johnson alone. This concern is for any future "Presidential wars" and escalations.

The Congress shall vote on these recommendations within 10 days. Obviously, if the situation is imminently dangerous, we would probably act sooner. If Congress does not act, and the President acts without authorization, other remedies still avail themselves. If Congress is not in session, the President shall summon the Congress within 48 hours after he deems such event or situation to threaten the national security.

In the second situation, one in which immediate responsive retaliatory measures are needed to repel an attack against the United States or a nation with which we have treaty obligations, a different procedure is involved. Section 3 clearly states that this amendment shall not preclude the use of necessary force by the Armed Forces of the United States to immediately repel any direct attack. However, here the President has no discretion, as he does in section 2 type situations, to deem the event or situation constitutes a threat to our national security. Any action under section 3 situations automatically makes it a threat when such retaliatory force is used, and the President must report as provided in section 2. The Congress then evaluates and votes in the same manner.

No amount of drafting can cover every situation. However, this amendment makes good sense, and certainly will act as a restraint on becoming involved in Vietnam type wars and the problems intrinsic in those operations. When we do not have a declared state of war, the problems seem to escalate, too. With a Korean war and Vietnam war behind us we certainly should have learned something. Neither were declared wars, yet 30,000 men lost their lives in Korea and we have passed the 20,000 mark in Vietnam. I feel that the American people, indeed, the Congress, would look upon such an amendment with a feeling of security. Agreed, the Congress and the President can collectively make tragic mistakes. Delineating actions which can be taken in cold war type situations can at least be a step in the right direction.

The whole challenge of covering the escalation of minor wars was groped with for many hours in preparing this amendment. It is difficult, if not impossible, to cover. What is escalation? Sending 100 more troops or 100,000? Section 2 calls for a report on the event or situation with specific recommendations for the dispatch of troops or other specific measures. This is about the best that can be done, I believe. If the Congress is foolish enough to pass another broad Tonkin type resolution, I suppose there is little that can be done to prevent it. Going back to what I just said, however, if we have not learned anything from the Korean and Vietnam wars, then there is very little hope.

At the time when the report is received with specific recommendations, it would be hoped that the Congress would nail things down exactly at that point. This can be done if there is the will to do it. Then if the situation alters, the President might be required to report again and the Congress would again vote. It would be hoped that in the matter of troop commitment or dispatch, the House and the Senate would be smart enough to not give carte blanche as it now seems we have done in Vietnam.

Mr. Speaker, there is a side effect, too. The minute this resolution passes the Congress—long before it is even ratified by the States—there would be a "sense of Congress" built in. The President, the Secretary of State, and the Secretary of Defense would quite properly read into congressional action on this amendment a new policy line which most of us believe is badly needed. In fact, that might be as valuable as the ultimate passage of the amendment itself. It would operate as a restraint on future actions before adopted, and this would make many Americans sleep a little better at night. More than that, it offers a responsible, affirmative answer to what is sure to be a recurring dilemma. Rather than just criticize, let us resolve to act.

H.J. RES. 1162

A resolution proposing an amendment to the Constitution of the United States relating to the authority of the President to dispatch the Armed Forces of the United States outside of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. The President shall not dispatch the Armed Forces of the United States in response to any military aggression, conflict, combat, uprising, incident, or situation without the prior approval of the Congress, except as herein provided.

"SEC. 2. Within twenty-four hours after the President deems any military aggression, conflict, combat, uprising, incident, or situation to threaten the national security, the President shall report on such event or situation to the Congress with specific recommendations for the dispatch of troops or other specific measures which he deems necessary and desirable. Thereupon, the Congress shall vote on the recommendations made by the President within ten days.

"If not in session, the President shall convene the Congress within forty-eight hours after he deems such event or situation to threaten the national security.

"SEC. 3. This article shall not be so construed as to preclude the use of necessary force by the Armed Forces of the United States to immediately repel any direct attack made upon them or against the United States, its territories, or possessions, or against any nation with which the United States has treaty commitments. It shall be deemed to threaten the national security whenever such retaliatory force is used, and the President shall report to Congress as provided in Section 2. The Congress shall vote on the recommendation of the President within ten days.

"SEC. 4. This article shall not be so construed as to preclude the stationing of American troops throughout the world in noncombative duties. It shall be operative only in those situations where troops so stationed become involved in actual military hostilities or in those situations where troops are dispatched for the specific purpose of responsive or offensive military actions."

CITY COUNCIL OF PHILADELPHIA ADOPTS RESOLUTION 258

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, the Honorable Paul D'Ortona, president of the City Council of Philadelphia, has brought to my attention Resolution No. 258, which was adopted by the council on May 7. I am in hearty agreement with the sentiment expressed in the following resolution and feel it is of vital importance to call this important document to the attention of my colleagues:

RESOLUTION NO. 258

Memorializing the President of the United States to authorize the immediate and safe withdrawal of all American forces from Southeast Asia

Whereas, America's growing involvement in the Southeast Asian War is draining us of the resources needed to combat social ills at home, is alienating massive segments of our population, is breeding disrespect for the processes of law and government, and is impairing our international prestige; and

Whereas, The escalation of the War into Cambodia is reinforcing this situation; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the President of the United States to exercise the awesome power and prestige of his elected office to authorize the immediate and safe withdrawal of all American forces from Southeast Asia.

Resolved, That certified copies of this Resolution be forwarded to the President of the United States, Vice-President, Speaker of the House, President Pro Tempore of the Senate, United States Senators from Pennsylvania and Congressmen from Philadelphia, as evidenced of the strong sentiments of this legislative body.

Certification: This is a true and correct copy of the original Resolution adopted by the Council of the City of Philadelphia on the seventh day of May, 1970.

PAUL D'ORTONA,
President of City Council.

Attest:

CHARLES H. SAWYER, Jr.,
Chief Clerk of the Council.

Sponsored by Councilman Isadore H. Bellis (on behalf of the majority members).

STARVATION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. STOKES. Mr. Speaker, there are starving people all over the world and as we too well know, that world includes sections of our own bountiful United States of America. Government at all levels—Federal, State, and local—has set up agencies to help alleviate this critical situation. Millions of dollars have been spent and much good has resulted.

Yet, as in almost all programs of assistance from a governmental body, the best results are not achieved unless selfless, dedicated, sincere individuals, themselves well aware of the problem through either direct exposure or direct involvement with the needy, devote their own time and energies to alleviating an unhealthy situation.

Jim Brown is such an individual.

My colleagues who have followed football over the past few decades know Jim Brown as the greatest ground-gaining running back in the history of the National Football League.

Since leaving the gridiron to carve a very successful niche in the world of motion pictures and television, Brown has never been unaware that many people in his country are not blessed with the same God-given physical and mental attributes to financial and social gain.

A few years ago, Jim Brown organized the Black Economic Union, a self-help program which was designed to aid those who wished to help themselves. It was founded by Brown to provide a central organization for the direction of capital and specialized assistance into black business enterprises.

But Jim Brown, above all else, is a realist, and as such, he knows one cannot think of improving one's position when he is starving.

Starvation is not a subject for negotiation—it requires immediate attention.

Brown and the BEU heard of a destitute community of fellow blacks in Holly Springs, Miss., and putting action to words organized, within the BEU, a program called food first. It was not a very fancy program or a fancy goal—get food to starving people and get it there fast.

Accompanied by such renown football stars as Leroy Kelly and Paul Warfield of the Cleveland Browns; Mike Garrett and Curtis McClinton of the world champion Kansas City Chiefs; Mike Taylor of the New Orleans Saints; Ray May of the Pittsburgh Steelers and Willie Richardson of the Baltimore Colts, Brown went to Holly Springs armed with food, clothing, and hope.

Mr. Brown reported:

> The first thing we did was feed the people. We put meat on their tables and supplied milk for their kids. But I think the idea of a small, starving, destitute community knowing that healthy, prosperous, concerned members of their own race would take the time not only to supply the staples of existence but actually delivered the goods in person, meant more to them than the actual food itself.

Since that initial visit, truckloads of food, clothing, books, and medical equipment have rolled into Holly Springs on a basis of need.

Just recently Brown returned to Holly Springs to find that "his people," with enough of the basics to stave off starvation, now looked for an opportunity to work themselves back into the mainstream of society.

Brown, a man of action, acted. His BEU set up a food-drink distributorship that the people eventually operate themselves under aegis of the BEU. The project is giving more jobs and better jobs to the people of the community.

Jim Brown is a man of many accomplishments. As a football star his feats are legendary. In the few short years since he began an acting career, he has starred in 11 motion pictures including "Rio Conchos," "The Dirty Dozen," "Dark of the Sun," "Riot," "100 Rifles," "Kenner," "Ice Station Zebra," "Tick—Tick—Tick," "The Split," "El Condor," and "The Grasshopper."

Through all his busy schedule, he still finds time to help those who need help. He presently is taking time off between filming and the food first program by speaking in all parts of the country for the Black Economic Union. As he does for the food first program, he pays all his own traveling expenses and any other expenses he might incur in helping others.

XUM

It is indeed an honor to pay tribute today to this great American man who has done so much to help others and will continue to do so the rest of his life.

TRIBUTE TO THE MILFORD GARDEN CLUB, MILFORD, PA.

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. McDADE. Mr. Speaker, on Saturday of this week, at a luncheon at the Tom Quick Inn, Milford, Pa., the Milford Garden Club will receive an award of $750 for placing second in the better community contest sponsored by the Pennsylvania Chamber of Commerce. This is the 11th consecutive prize received by the club, and the money will be invested in carrying on and expanding the community service program.

The award ceremony will be a quiet one. It will receive the attention of the local press, but certainly not the attention of the national news media. Yet, it seems to me that there is a significance which all of us should note in the work of this small community in the northeastern section of Pennsylvania.

Here are some people who are not only determined to preserve a beautiful community. They are determined, through intelligent planning, to lay down long-range guidelines to protect the natural resources and beauty of this extraordinary scenic area for many generations to come. And what seems to me to be most significant about their effort is the fact that this whole program has been carried on, not through seeking the help of the State and Federal agencies, but through the work of the people of that community themselves, using the brain power and good will that can be found in any community in America.

In a letter to me commenting on the award, Mrs. Marcel Van Lierde, chairman of community development, summed up some of the strength of the program:

> Our emphasis, as recorded in our "Record of Achievement" was on "Beautification"—this is a resort area—and "Community Planning." The Community Planning Program has been carried out by the Penn State Extension Service of Pike County, an existing agency.
>
> Being in the Tocks Island and National Recreation Areas, planning is very important if we are to preserve the natural resources and beauty of this area. Extension's flexibility in programing has enabled it to meet this pressing need, and has accomplished this thru an educational "grass roots" program. That it has been accepted by the people of the county is a tribute, because they are all rugged individualists.
>
> In an era when government is looking to cut back, and when people and local governments have been used to looking for handouts, I believe our approach to community planning is unique. The fact that this has been recognized thruout the state will give added importance to this program . . .
>
> The Environmental Day Program used the facilities of the Pinchot Institute for Conservation and five Penn State Specialists—the first of its kind in the state. Students, in turn, then lectured the entire student body on Earth Day.

Mr. Speaker, I know the entire Congress will join me in saluting Mrs. Van Lierde and all of the other splendid people in the Milford area who worked to achieve this award. There is, indeed, rugged individualism among the people of Pike County, and this is certainly rugged individualism at its best.

SOUTHEAST ASIA SITUATION

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. KEITH. Mr. Speaker, there is no doubt that the Southeast Asian situation is the foremost problem facing this country today. To further contribute to the discussion and debate on this matter, I would like to bring to the attention of my colleagues, a speech by Mr. Edward F. King, of Massachusetts.

Mr. King's relevant arguments and cogent remarks are well worth a close perusal by all interested in a full and frank discussion of this vital national issue. The remarks follow:

ADDRESS BY EDWARD F. KING

In view of the recent events in Southeast Asia and on the college campuses of America, any speaker who came here and spoke on any other subject would deserve to lose your attention immediately.

All of our other problems—inflation, crime, air and water pollution—all of these pale into insignificance when measured against the stakes in Viet Nam, Cambodia, Laos, and Thailand.

There can be no doubt that of all the legacies inherited by President Nixon, Southeast Asia was by far the cruelest.

When the President took office, he was confronted immediately by an ugly and unprecedented polarization of the American people.

There were those who said we should use all of our military power, including nuclear weapons, to end the war with total victory. Wisely, the President rejected this insane suggestion. In addition to the mass murder which we would be committing, there would have been the awesome risk of provoking the Soviet Union into nuclear retaliation and armageddon would be upon us.

There were those who said, and still say "Get out". "Withdraw completely, unconditionally, unilaterally, and now."

This non-approach has had appeal to many Americans and understandably so. We are tired of war, tired of casualties; we are frustrated and impatient. But the President rejected appeasement and surrender for a number of reasons:

First of all, he knew that if we withdrew all our troops precipitously, the Communists would take over all of South Viet Nam within a short time. And judging from the past history of Communist takeovers in Cuba, Tibet, China, and the Soviet Union, and judging from the actions of the Viet Cong, the North Viet Namese, and the North Koreans in more recent years, we can safely predict what would happen.

There would be a massacre and a blood purge which would hang over the American conscience forever. The Catholics, the military, the civil servants, the teachers, the lawyers—anyone who might conceivably have been involved with the Americans or the present Saigon government would be lined up and shot. There can be no doubt of this.

At the time of the Communist takeover of North Viet Nam after Dien Bien Phu, Ho Chi Minh and his friends executed 50,000 of their fellow countrymen and condemned another 100,000 to forced labor. Those figures come from a book by the late Bernard Fall who was a Ho sympathizer—and he got the figures from Ho himself.

There is absolutely no evidence that the North Vietnamese and the Viet Cong have mended their ways. Terrorization of civilian populations is still standard operating procedure. The experience of Hue, the former imperial capital, is proof of this. During the TET offensive of 1968, Hue was occupied by invaders from the north for about a month. During that period, some 3,500 persons were murdered and 1,000 were abducted. Almost 1,200 bodies were found in mass graves in and around the city. Some had been buried alive; others had been shot in the back of the neck, and pregnant women were impaled with bayonets through their stomachs.

I often wonder if the so called doves in this country are really serious about turning the South Vietnamese people over to the tender mercies of the Red Lords from the North. Have we become a nation of Pontius Pilates? Are we to just wash our hands as he did, look the other way, and permit the horror to go on? If we do that, the blood is on *our* hands. History will record for all time that America looked the other way.

Six million European Jews died in concentration camps, and World War II was unleashed because we failed to stand up early to the horror of Naziism. Must it happen again before we open our eyes? Heaven help us to learn our lesson.

I sometimes think that our entire nation is becoming afflicted with what I call the Kitty Genovese Syndrome. Do you remember Kitty Genovese? She was the girl who was stabbed 87 times in a New York apartment house parking lot while over a hundred people watched and did nothing.

Miss Genovese fought with her attacker and screamed loudly for help for nearly 45 minutes. Three times her assailant, frightened by her screams, ran away. Three times he came back to finish his deed. Peering from windows, the apartment dwellers watched the horror with detachment. No one even bothered to call the police.

And that was not an isolated incident. Not long ago, right here in Brockton, a young woman gave birth to a child in the doorway of a store. Hundreds of people passed her by and did nothing.

Have we forgotten the Christian-Judeo ethic? *We are our brothers keepers.*

We must rid ourselves of this mania for "not getting involved." We are involved! This is our world!

Intervention is *not* wrong when the forces of evil are prevailing.

The President believed on taking office (and recent events have proved him right) that if South Viet Nam fell, then all of Southeast Asia would be the Red goal.

Rejecting the two extreme solutions, the President chose a middle course.

He reversed the previous administrations policy of mindless escalation. The first troop withdrawals in five years became reality. He traveled to Southeast Asia in his search for peace. But peace has not come.

We have every right to ask—what is wrong? Why does this seemingly endless war drag on and on?

Travel back in time with me for a very brief history lesson and let us see if we can find the answers.

Let us go back to December of 1967 and through January, February, and March of 1968. Senator McCarthy was running for President and the cry of the doves in this country was "stop the bombing!"

"Just stop the bombing and meaningful peace talks will begin."

On March 31st, President Johnson stopped all bombing of North Viet Nam except for the area just north of the DMZ.

The answer from Hanoi was infiltration, invasion, and rocket attacks on the cities of South Viet Nam.

So the doves in this country said "We have to stop all bombing—we must have an unconditional cessation to all bombing. Then we'll have peace talks that are meaningful."

In early November, just before the election, President Johnson ordered a total halt to *all* bombing raids of North Viet Nam.

The answer from Hanoi was infiltration, invasion and rocket attacks on the cities of South Viet Nam.

So then the doves in this country said, "Well, we really haven't done anything because we shouldn't have been bombing in the first place. What we need now is a token troop withdrawal. That will prove our peaceful intentions."

In the spring of 1969, the new President announced a troop withdrawal of 25,000 men. The response from Hanoi was infiltration, invasion, violence, and rocket attacks on the cities of South Viet Nam.

Undaunted, the doves said "that was just a token withdrawal. Besides, most of those men were cooks and medics, and support troops. What we need is to withdraw some combat troops. Then we'll have peace."

In late summer of 1969, the President announced the withdrawal of 60,000 combat troops.

The response from Hanoi was infiltration, invasion, and rocket attacks on the cities of South Viet Nam.

And the doves in this country said "sure we've withdrawn troops. But our remaining men are still attacking villages and tracking down the enemy. If we would stop instigating violence, we'd have peace."

Late in 1969 the President ordered our forces in Viet Nam to cease all search and destroy missions. He further ordered them to fire only when fired upon—to adopt a posture of retaliation only.

The response from Hanoi was infiltration, invasion, rocket attacks on the cities of South Viet Nam. And the establishment of large bases in Cambodia, from which they could launch attacks and kill Americans.

The doves in this country said that these sanctuaries were being set up because of the massive American presence. All we had to do was announce a major troop withdrawal and we would have peace.

Three weeks ago President Nixon went on television and said that 150,000 American troops would be brought home by next April. The response from Hanoi was an overt and naked invasion by 105,000 troops into Cambodia.

I cannot resist asking my dove friends—you got us this far! What do we do now? Send care packages to North Viet Nam? How much more grovelling should we do?

I say enough! We have made every feasible step toward peace. We have de-escalated the war. Our men in Paris have presented workable peace plans. And we have been rejected at every turn.

The President has wisely set out to eliminate the sanctuaries in Cambodia from which ruthless and deadly attacks have been launched to kill Americans. *He had no choice.*

Still—we have protestors in this country. People who are understandably tired of war. And we *should* protest this war.

We should protest to Hanoi, whose government has rejected every peace move at the conference table. We should protest the Viet Cong's slaughter of thousands of South Vietnamese whose only sin was their ability to teach and heal. We should protest the inhuman treatment of prisoners of war. We should protest the invasions of Cambodia and Laos by over 100,000 Red troops.

Yes, there is plenty to protest. But we must aim at the right targets.

And speaking only for myself, I must say—I am growing increasingly weary of professors who tell the President of the United States how to make peace in the world when they cannot even keep the peace on their own campuses.

And I am just plain sick and tired of students who make the peace symbol with one hand and carry a brick with the other.

We must not allow criminals and rabble to destroy our system of higher education under the guise of a desire for peace.

Administrators should stand firm. Classes and exams should be held as scheduled. Faculty members who don't show up should have their pays docked. Students who are absent without reason should be flunked. Period!

Violence cannot be tolerated!

I believe that it is small consolation to a business man who has had his store burned to the ground to watch a farcical trial and a series of appeals lasting several years, to watch the defendants, out on bail, getting rich speaking and inciting more riots, and then finally, a slap on the wrist or an out-and-out acquittal.

The time to stop violence is before it starts. If someone cocks their arm to throw a brick, they should have that arm broken if necessary. We have a right to expect the police to protect us from violence, not to make arrests after violence has occurred.

Students and their parents should sue any school that is not open to give them their full rights to an education. If it is a public school, the parents and other taxpayers should demand a rebate, if it is a private school, tuition adjustments should be made.

We must stop coddling those who would destroy America. It would be ironic indeed if the haters and hoodlums were to triumph under the pretext of peace.

Ladies and gentlemen, we have problems. Let no one doubt the crisis of the day.

But I have faith in Americans. The vast majority of fair-minded patriots, democrats and republicans, liberals and conservatives, black and white, rich and poor—will do what good Americans have always done in time of trial.

We will unite behind our leaders. We will pray that their efforts will succeed.

Thank you very much.

MAN'S HOPE FOR PEACE—A WEAPON OF WAR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. RARICK. Mr. Speaker, the Bolsheviks have clearly proven that man's eternal quest for peace can be exploited as a weapon of war. Witness the present so-called antiwar demonstrations and violence provoked in the name of peace.

Brig. Gen. Clyde J. Watts, USAR, ret., has prepared a most explanatory paper on fourth dimensional warfare, a nonconventional military operation having as its objective "destroy the will to fight and your enemy will cooperate in his own destruction."

The Communist enemy's most destructive fourth dimensional weapon, "peace," has infiltrated our society and the self-destructive operational forces are engaged in battle all around us. Never before has any nation accepted the enemy's military propaganda as a program of national protest. But, we cannot blame the people because our historic lines of public communication are silent—perhaps victims of fourth dimensional welfare.

I include General Watts' paper, an article from the Washington Sunday Star, the Herald of Freedom story on "The Well Organized Minority," and a report by Gary Allen from American Opinion:

[From Task Force, April 1970]

FOURTH DIMENSIONAL WARFARE—WE ARE AT WAR

(By Clyde J. Watts)

For more than two decades, America has been enmeshed in the fourth dimensional warfare phase of what could develop into world war III unless our people are able to develop a comprehension of the Objectives, Strategies and Tactics of this sophisticated and shadowy Space Age conflict.

In the Conventional Elements . . . Land . . . Sea and . . . Air . . . the productive genius and the selfless devotion of Americans to the Cause of Freedom have always brought Victory. Motivated by a sincere desire to Establish Justice and Secure the Blessings of Liberty for the whole world, the American people have willingly made the supreme sacrifice in two World Wars, in Korea and now, in Viet Nam.

In Conventional Warfare the Objective has been simple and identifiable . . . Destroy the totalitarian enemy and his Will to Fight.

In fourth dimensional warfare, however, the Objective is more subtle . . . Destroy the Will to Fight; and your enemy will cooperate in his own destruction.

The initiative in selecting the most desirable type of Warfare obviously lies with the aggressor.

If the aggressor is strong, Conventional Warfare will suffice to accomplish his Objectives. If the aggressor is weak, however, fourth dimensional warfare is a necessity, with the early phases devoted to a study of the enemy, his capabilities, reactions and motivations.

The next phase will involve primarily an ideological conflict . . . Political . . . Social . . . Psychological . . . Economic . . . and, in limited areas . . . Military.

As the original disparity in Military Power proceeds to equalize itself, with the stronger extending increasing assistance to appease and expand the Military Power of the weaker, the aggressor can pursue an intermediate Objective to expand his Military Power, first, to Equality and then, to Supremacy . . . using his most effective strategy . . . Man's Hope for Peace as a Weapon of War!

Throughout this phase of the conflict, it is vital that the weaker aggressor avoid confrontation with Principles of Conventional Warfare, as developed by the Great Prussian Military Scholar, Clausewitz:

Mass . . . Confront the enemy with an overwhelming force, at a decisive place, at a critical time.

Economy of Force . . . Conserve resources until mass can be accomplished.

Mobility . . . Move, shoot and communicate, to place the right force in the right location at the right time.

Simplicity . . . In formulating a Power of Operation be sure that what can be misunderstood will be misunderstood.

Security . . . Deny to your enemy knowledge of your capability, disposition of forces and intentions.

Surprise . . . Develop mass at time and place where least expected.

Command . . . Final responsibility must ultimately rest on one Commander.

Objective . . . Identifiable. On ground, on map, in minds of Troops. Decisive. Will destroy the enemy and his Will to Fight. Attainable. Within available time and resources. Facilitate future operations.

Offensive . . . By proper employment of above Principles, carry the fight to the enemy.

XUM

So successful has been the Communist employment of the Strategy of fourth dimensional warfare in the protracted, so-called "Cold War" conflict, from Korea through the present phase of Viet Nam, that the United States has not only ignored the basic principles of war, but we have even denied to ourselves the stark reality of the War's existence. We have refused to recognize that we have an enemy.

In short, America has rejected General von Clausewitz and his Principles of Warfare for Dale Carnegie . . . flitting around the periphery of the globe, seeking "to make friends and influence people," in flagrant violation of Economy of Force.

We have an enemy whose Objective is:

TO RULE THE WORLD

Our Objective is to live with him in Peaceful Co-existence, which has been recognized as a Strategy to carry forth the Communist Revolution to final overthrow of the Free World!

Never before has one nation accepted the enemy's propaganda slogan as its National Objective.

With the final phase of the protracted conflict emerging through increasingly violent "Wars of Liberation", there is grave danger that the United States is caught between the two prongs of a giant Offensive, with a shooting War in Southeast Asia (the most adverse area on the globe for commitment of our Strategic Reserve) and subversion implemented by the Soviet Enemy under a smokescreen of "Peaceful Co-Existence".

Whether the two prongs of the Offensive are under a camouflaged bilateral agreement between Moscow and Peiping is unknown; but the accomplishments of fourth dimensional warfare strategy must exceed the wildest hopes of the original planners.

Two backward and inept Powers have expanded their Evil Dominion to the point where final world domination could be within their capability, an accomplishment that would have been unattainable . . . without the cooperation and support of the United States of America, especially in making possible the Communist take-over of China, which has directly resulted in the Wars in Korea and Viet Nam.

Before the conflict escalates into its final and violent phase it is imperative that the people of the United States develop an understanding and awareness of the Objectives, Strategies and tactics of fourth dimensional warfare.

[From the Washington Star, May 31, 1970]

TESTING "THE SYSTEM"—ANTI-WAR LOBBY HITS HIGH GEAR

(By Barry Kalb)

Soon after the announcement of the U.S. drive into Cambodia, Washington was swarming with students and adults lobbying in support of legislation to cut off funds for the Indochina war.

This largely spontaneous display was gratifying, anti-war leaders said at the time, but completely disorganized.

Many of the arrivals had little idea of where to find their congressmen, let alone how to make their point effectively. There was much duplication of effort.

Now, after barely a month, two dozen organizations here are engaged in a cooperative anti-war effort. Some concentrate on efforts to win passage of "the amendment to end the war" and similar legislation. Others focus on helping anti-war candidates.

OLDER GROUPS HELP

Half are established organizations, such as the Americans for Democratic Action, the Committee for an Effective Congress, SANE, the Coalition on National Priorities and Military Policy, the Council for a Liveable World and the World Federalists, USA.

Others are newer, but professional, such as the New Democratic Coalition and Referendum '70, a group with strong Democratic party ties that will lend campaign expertise to selected candidates over the summer.

The rest, largely student-run and partially student-oriented, have set up shop within the last three weeks. Most of these are concentrating on what has become known as the McGovern-Hatfield amendment.

Conspicuously absent from the list are two of the major anti-war groups, the New Mobilization Committee to End the War in Vietnam and the Student Mobilization Committee. Neither plans to participate in electoral politics this summer.

ACTIVISM EXPECTED

The New Mobe, which is meeting in Philadelphia this weekend to discuss strategy, and the SMC are expected to opt for more direct action, such as sit-ins and civil disobedience aimed at disrupting "business as usual."

The participants in the other, newer groups project a different image.

The four co-directors of the defunct Vietnam Moratorium Committee—Sam Brown, David Hawk, David Mixner and Marge Sklencar—agree that many of those coming to the campaigns are those who were too young to be involved before.

Furthermore, they say, the new arrivals are a new kind of person as well.

"The last time (the McCarthy campaign in 1968), you had Young Democrats, people who were semi-hip, coming over," said Mixner recently. "This time, you're getting the jocks (athletes) and cheerleaders. Everyone has been pushed a little to the left by Cambodia and Kent State."

The new anti-war groups say they are not lacking for supporters. Steven Cohen, an organizer of Project Pursestrings, which is concentrating on the McGovern-Hatfield amendment, echoes spokesmen for other groups when he says, "There's so much spontaneous feeling across the country that there's more than enough for everyone to do."

ANNOUNCEMENT MADE

Project Pursestrings, which has taken over the Washington Metropolitan Board of Trade's old four-story headquarters at 1616 K St. NW, was one of the few new groups to announce itself with a full-scale press conference.

The conference, with familiar names present, was a big draw. Pursestrings was organized largely by Sam Brown. He was aided by David Hawk and members of the Ripon Society, a liberal Republican group. (Cohen, a Moratorium organizer in New England, knew Hawk and Brown in the McCarthy campaign.)

The sparsely furnished K Street offices retain much of the flavor of the Moratorium: It's a blend of young people, anti-war posters on the walls, rock music, regional coordination, and a strong emphasis on eliciting anti-war support among nonstudent groups.

Like the Moratorium, Pursestrings and the other new oragnizations are funding their activities through private donations, depending on both large contributions from wealthy liberals and small ones from students, housewives and others.

ADULTS EMPHASIZED

Pursestrings has left the student coordination to student groups, and is concentrating on special interest groups. Two weeks ago, for example, Pursestrings brought in delegations of Boston lawyers, New Jersey psychiatrists, and Scarsdale businessmen and their wives to lobby for the McGovern-Hatfield amendment. It also is actively coordinating petition and letter drives in support of the measure.

The amendment they are backing was introduced by Sens. * * *

The sponsors want to attach it to the House-passed military procurement appropriations bill. It would cut off all funds for U.S. military operations in Southeast Asia by January and would allow only as much money spent as is needed for safe withdrawal of American troops by June 30, 1971.

The five senators have assigned staff members to the Congressional Committee for a Vote on the War, which has a small, wood-paneled office at 100 Maryland Ave. NE.

The committee's purpose, according to Ken Bode, a McGovern aide, is to answer questions about the amendment, and to keep congressional supporters informed of each senator's stance. Bode claims 36 to 3r firm supporting votes.

Another office, the House Committee for a Vote on the War, has been opened in an attractive townhouse at 213 C St. NE. An entire wall has been covered with a chart bearing the name of each House member and comments on his views.

This office, directed by James Hightower, a former aide to Sen. Ralph Yarborough, D-Tex., is keeping a running count of support for a House resolution similar to the Senate amendment.

The resolution has some 90 co-sponsors, according to a committee list. A formal amendment is being drafted by the four congressmen.

Student lobbying is coordinated mainly by four groups: Continuing Presence in Washington established by students from Dartmouth College; Law Students Against the War, established by students primarily from East Coast law schools; Virginia Students Legislative Coordination Committee, a coalition of Virginia Colleges and universities; and a delegaton from Cornell University.

In the basement of the Community of Christ Lutheran Church, 2107 N St. NW, an organization known as Community for Peace acts as a major mimeographing center.

The job of keeping everybody in touch with each other is aided by the Bipartisan Congressional Clearinghouse which communicates regularly with both the new groups and those such as SANE and Referendum '70.

CANDIDATES GRADED

Of the organizations helping peace candidates, one is giving key help—money. The Congressional Action Fund, which shares part of the Transportation Building, 815 17th St. NW, with other anti-war groups, has a board which grades candidates in respect to a list of liberal issues—civil rights, pollution, welfare rights, hunger, military spending as well as the war—to decide who should be endorsed.

Those endorsed are eligible for funds from contributors lined up by another section of the organization.

The reviewing of candidates is being done by big names in liberal politics, including former Sen. Ernest Gruening, D-Alaska; former Atty. Gen. Ramsey Clark; David Mixner, of the defunct Moratorium; Charles Evers, mayor of Fayette, Miss.; and Yale chaplain William Sloane Coffin Jr.

Despite all the enthusiasm and energy being expended, those involved like to stress a few points. First, they say, reports of the rebirth of the McCarthy "children's crusade" have been greatly exaggerated.

IMPRESSION DENIED

"The impression is being created that everybody's going out to hit the campaign," says Charles Palmer, president of the National Student Association. "I just don't have a sense from my vantage point that this is something 'a lot' of people are doing."

And Ron Young, New Mobe coordinator, expressed reservations about election activity to William C. Harsh Jr. of the Chicago Sun-Times News Service. "The danger is that, by putting your energies into the elections, you are reinforcing one great weaknes of the

American political system, which is the belief that you can let someone else do your work for you," Young said. "You settle for working to elect a congressman who might do something to end the war."

FUTURE ASSESSED

Students from campuses around the country who testified before a special House panel two weeks ago professed a continuing faith in "the system," but said, in effect that "this is the last chance." What will happen to these young people if their campaign for the McGovern-Hatfield amendment fails?

Pursestrings Cohen offers this assessment: "It's important how it loses. If a majority (of senators) feel the war should continue, that's not really as damaging as if many want the war to end but are not willing to put themselves on the line for it.

"That, in effect, says, 'We agree with you (students) that the war should end, but there's nothing in the system for you.' That would be disastrous. If at least the Senate takes action, it will renew people's faith in the political process."

[From the Herald of Freedom, May 29, 1970]

THE WELL ORGANIZED MINORITY

The faculties of many American universities and colleges are finally emerging from their smokescreen of "student protesters" to come out in their true colors and try to offset the influence of that "silent majority" of ordinary Americans who don't "demand," "protest" and "march." Their decisions to suspend classes, eliminate final exams, abolish or remove credit from ROTC courses, as well as to take an official, positive and active stand against our involvement in the War in Vietnam merely confirm their bias which has been obvious because of the kind of student they have been turning out. Of course these faculty decisions were not unanimous but opposition was quite cavalierly squelched. One of their number has the good fortune to have a forum from which to protest, a column appearing in American newspapers, and in his column, John P. Roche discusses the "Witless anti-Americanism" of those to whom we have been entrusting our children.

Describing a faculty meeting in which his colleagues called the United States the most "repressive society" in the world and a "reactionary, historical monstrosity," Prof. Roche states: "Those of us who rose in opposition were put in a neat (and nasty) rhetorical corner . . . anyone who would try to deny that we are savagely oppressive must "justify" the deaths in Kent, Ohio . . . the killing of various Panthers, and every act of every policeman in the country. This is both impossible and preposterous, but it served to intimidate a number of individuals." It is evident that, if these left-wing professors are able to cow their peers, their immature and impressionable students stand no chance at all against their arguments. Foolish indeed the students who would use their "right to dissent" against their professors who can fail them unless they parrot the proper "liberal line."

Now that the campuses have been thoroughly "radicalized" by such subversive groups as the Students for a Democratic Society (SDS), the next step is to "politicize" the students and turn them loose upon the community to work for "peace" and "peace candidates." As the "revolution" came to Columbia in 1968, Harvard in 1969, it has come to Princeton in 1970, according to a special article in the N.Y. Times by Michael Stern, but it is taking the form of "within-the-system" activities. Two new anti-Administration organizations were formed at Princeton, one to get "peace candidates" in Congress and the other to keep "peace-lovers" out of the service of their country's Armed Forces.

The Movement for a New Congress with Gary Orfield, an assistant professor of politics at Princeton as faculty coordinator, already has hundreds of persons working in election campaigns around the country. The Union for National Draft Opposition plans to develop a program of legal obstructions and challenges to the Selective Service System, thus denying the Government manpower to continue the war. Other students are scooting around the countryside with petitions supporting anti-war bills now pending in Washington; some of them become quite obnoxious to those who refuse to sign, it has been reported. These have not been properly trained as their purpose is to cajole and convince, coercion being a radical tactic which the new respectable activists must eschew. The public has soured on violence.

In Cambridge, Mass., a national antiwar fund was created to raise money for "peace candidates" and every college professor in the country will be asked to contribute at least one day's salary. The organization is called the Universities National Antiwar Fund and Prof. Jule Charney of M.I.T. is chairman of the organizing committee. Other initial sponsors include Konrad Bloch, Owen Chamberlain, Salvador E. Luria, Harold C. Urey, George Wald, James D. Watson, Mary I. Bunting, Jerome B. Wiesner, Albert Ullman, Lionel Trilling, Prof. Abram K. Chayes, John T. Edsall, Bernard Feld, H. Stuart Hughes, Dr. John H. Knowles, David Reisman, Allan Robinson, Bruno Rossi, Albert M. Sacks and Victor F. Weisskopf.

While this group is trying to finance a change in the membership of the Senate and the House of Representatives of the U.S., another group of professors has been organized to lobby among the lawmakers already there. Dr. Cyrus Levinthal, head of the Columbia University biological sciences department, and Dr. James Darnell, a professor in that department, joined with about sixty other Columbia faculty members and teachers from other universities to form an organization called the Academic and Professional Lobby for a Responsible Congress.

Another "responsible and respectable" group of citizens who banded together to "urge immediate withdrawal from Indochina" are one thousand New York City lawyers who traveled to Washington on May 20th to split up into groups to go to work on every Senator and as many of the Representatives as possible. Plans for the Washington project were announced by Francis T. P. Plimpton, president of the Association of the Bar of the City of New York, and Ramsey Clark, former U.S. Attorney General. Robert J. Dryfoos was spokesman for the group which calls itself the Joint Project of the Lawyers Convocation on Vietnam and the Lawyers Committee for Effective Action to End the War. Sources stated that many of the lawyers, who are members of major Wall Street law firms, were moved to take this step by the action of the "labor facists" in Wall Street. This was their term for the construction workers who have been opposing the student radicals and supporting the U.S. action in Vietnam, while carrying American flags. This pro-American demonstration was the "last straw," according to the N.Y. TIMES, for many members of major law firms. It was from Mr. Plimpton's law firm that the Johnson Administration selected Stanley Resor to be Secretary of Defense.

Mayor John Lindsay was also one of the sponsors of the lawyers trip to Washington as were Morris D. Abram, former president of Brandeis University; Arthur Goldberg; Paul O'Dwyer; Theodore Sorenson; Michael Sovern, dean-designate of Columbia Law School; William C. Warren, retiring dean of Columbia Law School; Robert B. McKay, dean of N.Y.U. Law School and Cyrus Vance, former Paris peace negotiator. Former Chief Justice Earl Warren journeyed to New York to address this new group of peace demonstrators on the eve of their departure for Washington. He praised their plans as a "rebirth" of lawyers' involvement in public problems. Other speakers were Mayor Lindsay and Sen. George McGovern.

A similar group of lawyers made the trip from Washington to New York to set up "task forces for a long-range lobbying effort against the war." The group which calls itself Lawyers Against the War (LAW) plans to organize lawyers in other states. The poor "silent majority" is going to have tough sledding against all these high level organized propaganda activities. For those who have been wondering exactly what form the take-over of the U.S. would take, the signs seem to be shaping up. Parliamentary procedure rather than violent revolution would seem to be what is planned. This technique is described in the booklet "And Not a Shot is Fired, The Communist Strategy for Subverting a Representative Government." In the introduction John Howland Snow stated:

"The delicately balanced mechanism of self-government is employed, cleverly and with deliberation, to destroy its character and itself. And not a single move need be identifiable as communist inspired.

"Is there 'force and violence?' Yes, it is there; but only in reserve. It is not essential. . . .

"The revolution develops quietly, with every apparent deference to legal form, often with the very finest of people in earnest cooperation. And not a shot is fired."

There can be no doubt that, with pressure from college students (even last year's freshmen will be voting in 1972, if not sooner if the voting age is lowered), professors and lawyers, American politicians are going to be pushed further and further to the left. Conservative attempts at pressure always bring on a howl of "Fascism!" Left-wing pressure is simply "Democracy in action—the voice of the people!"

The most important event which has helped turn the tide of public opinion and which has swelled the ranks of the student shock troops is the killing of four students at Kent State University by the Ohio National Guardsmen who had been called in to attempt to keep order and protect the people of the town from rampaging students, who were creating a reign of terror, not only on the campus but in the town. These four were presumably "innocent" bystanders, wantonly "murdered" by "trigger-happy" soldiers. This is the same guerrilla type situation that exists in Vietnam where the legitimate soldiers are faced with groups of people in which their enemies are hiding, using "innocent civilians" to protect themselves from harm. They all look alike, as the Viet Cong look like civilians rather than soldiers, and can be identified only by their actions. Secret movies of college militants in action show how they get the violence started and then slip away into the background, leaving their dupes to take the punishment.

Kent State University can be considered a perfect example of what a few radical students can accomplish in a very short time. The SDS had been active there as they try to be in all the colleges and even the high schools. As a result the Committee on Internal Security of the House of Representatives sent an investigator to look into the activities of the SDS on the Kent State campus. In the Committee report on "Investigation of Students for a Democratic Society, Part 2 (Kent University)" is the testimony of that investigator, Neil Wetterman, who described the Communist background of two of the Kent members of the SDS (P. 568):

". . . in 1961 I was assigned to investigate the activities of the Communist Party in the Cleveland, Ohio, area. In June of 1962 we had hearings.

"Our witness was a Mrs. Julia Brown from Cleveland, Ohio. During the course of that hearing she identified a Ruth and Jack Emmer as being members of the Communist Party. As soon as I heard the name Howie Emmer, I further investigated and ascertained that he is the son of the Ruth and Jack Emmer.

"In addition, the name Mark Lencl, who was very familiar to me—the name Lencl was familiar—on further investigation I ascertained that he is the son of the Ruth Lencl, who also was identified as a member of the Communist Party in that same hearing . . . . I might add that the current residence of Ruth Lencl is 1652 Belmar, which is directly across the street from the Ohio regional office of the SDS."

A report on the SDS (Weatherman) Riots, October 8–11, 1969 in Chicago, Ill. was prepared by the Illinois General Assembly and it lists several Kent State students as having been arrested at the time, among them Howie Emmer and Mark Lencl, children of Communists:

(P. 191–3) "Howard J. Emmer. Aged 22, 3133 Sycamore Avenue, Cleveland, Ohio, he was arrested on October 8, 1969 on charges of mob action and battery. He claimed to be a laborer.

"He failed to appear at this scheduled court date on November 5, 1969, and his $2,500.00 bond was forfeited. A warrant was issued for his arrest. In December his bond was increased to $5,000.00.

"Although he claimed to be a laborer, our records indicate that he is a known SDS member at Kent State University in Kent, Ohio.

"His father, Jack Emmer, is a social worker at Case Western Reserve University in Cleveland. He teaches as a sub-professional on a Federal grant and was named by a Government undercover agent as a Communist.

"Howard Emmer appears on a list of persons who expressed opposition to United States involvement in Vietnam, published in the Daily Kent Stater, dated June 1, 1967, the student newspaper at Kent State University.

"On December 13, 1967, he was arrested in Kent, Ohio on the charge of possession of narcotics. . . .

"On February 23, 1969 he was allegedly a traveling national and regional recruiter for SDS."

(P. 225) "Mark Gregory Lencl. Aged 23, 1652 Belmar Road, Cleveland, Ohio, he was arrested on October 11, 1969, on charges of aggravated battery, mob action, and resisting arrest. He was released on $2,000.00 bond. On December 1, 1969, he was indicted by the special SDS grand jury. His bond was increased to $40,000.00.

"He was a Kent State University SDS member but lost his G.I. Bill financial benefits, and withdrew from Kent State when involvement in subversive activities was revealed by an investigation conducted by the U.S. House Committee on Internal Security in April 1969."

Other Kent State students arrested during the Chicago SDS "Days of Rage," according to the Illinois Crime Investigating Commission, were Betsy Ann Kline, aged 20, 228 West Maint Street, Ligonier, Pennsylvania; Dale Gerald Nichols, aged 20, 2249 Tyrone Street, Akron, Ohio; Jeffrey David Powell, aged 19, 1037 Northwest Avenue, Talmage, Ohio or 3553 Adeline Drive, Stow, Ohio; Marshall S. Tack, aged 21, 375 Lincoln Street, Lexington, Massachusetts. Of this last "student," the report states:

"He is a student of Kent State University of Ohio. On May 23, 1969 he was arrested by the Ohio State Police in Warren, Ohio on charges of disrupting a lawful assemblage. He was a member of the first contingent of the Venceremos Brigade that went to Cuba for six weeks to cut sugar cane for Fidel Castro's Communist Regime. His name was on the passenger manifest of the Cuban freighter vessel Luis Arco Bergnes that disembarked 219 persons at Saint John, New Brunswick, Canada when it arrived there on February 13, 1970, from Cuba."

J. Edgar Hoover, testifying recently before the House Appropriations Committee, stated:

"We have learned that brigade participants, when they return to the United States, are to be assigned to direct work in bringing about a revolution in this country."

Testimony before the House Internal Security Committee revealed that SDS agitators Mark Rudd and Bernadine Dohrn had visited the Kent State campus and an SDS pamphlet, entitled "The War at Kent State," was placed in the record. It stated:

"The war is on at Kent State University. Two weeks of intense struggle have seen SDS lead several major actions, rallies, marches, and raise the political consciousness of thousands on the campus.

"The situation at this point in the struggle is very mixed. On the one hand, the repression has clearly hurt us; over sixty of our people have been banned from the campus. . . On the other hand, SDS has made several key advances . . . We have demonstrated tactical flexibility, using confrontations, rallies, dorm raps, wallposters, etc.—all geared to increasing the possibility or reality of struggle in a given tactical situation. And we have clearly raised the political consciousness of almost the entire campus, winning over many new people, and making it possible to win many more in the future. . . .

"But, most important of all, through struggle, we have made it absolutely clear that the war being waged in Vietnam, in Guatemala, in the black colony in America, will be fought as well at Kent State University."

And, just as the SDS had planned it, the war did come to Kent State University, leaving four students dead and ten wounded. Pictures of a horrified "student" bending over one of the casualties filled the newspapers and magazines. This picture of a girl in bellbottoms and sandals, looking up in agony from the fallen student, aroused pity all over the country; it also aroused the interest of Mr. and Mrs. Frank Vechio of Opalocka, Florida, who recognized the girl as their fourteen-year-old daughter, Mary, who had run away from home March 10th, and definitely not a "student" at Kent State University.

As the Mylia "massacre" publicity has been used to undermine confidence in the Armed Forces and the Black Panther charges of "genocide" have been used to undermine the police, so the tragedy at Kent State is being used to attack the National Guard, and as a side effect—the ROTC. Guardsmen will be sent in to face rioting students without ammunition for their weapons, or if they do have loaded guns will have to have special orders before they are allowed to use them. Brig. Gen. Felix L. Sparks, commander of the Colorado Army National Guard which was called in to the University of Denver campus, took personal charge of the move and a spokesman said only platoon leaders carried loaded weapons. Sparks said that "If we have to sacrifice lives of Guardsmen to avoid indiscriminate shooting, we will." Thus, in all these cases, the side of law and order suffers, while the radicals grow more confident. Several college faculties have already voted to abolish their ROTC program or to cut off academic credit which amounts to the same thing.

At Rutgers University, after the faculty voted to abolish the ROTC, the Board of Governors voted to keep it and students petitioned that it be kept. The faculty, defying the Board of Governors, then voted to cut off academic credit for ROTC courses, thus accomplishing the same purpose. They based their action on the fact that "determination of the curricula has been traditionally a faculty matter since medieval times." The result of eliminating ROTC will be the loss of a prime source of trained, disciplined and intelligent officers for the Armed Forces which the left-wingers are seeking by all possible means to cripple.

Little by little the effectiveness of our defense forces is being eroded-Armed Forces, National Guard and Police. The "intelligentsia" is at work here, as in Russia before their "revolution," seeking to undermine public confidence in their form of government and all its means of defending itself and its people. "Power to the People" is a joke for when the people really rose up to make their voices heard, as did the "hard hat" construction workers in New York, they were called "fascist labor." The "effete snobs" are baring their fists and showing their true colors; let us hope the American people will send their trained-seal puppets back to the campuses along with their "peace candidates" and their "peace causes." Let us not forget, however, that in spite of all the publicity, less than half the colleges became involved in the "strike" movement and only a small percentage of the students in the "striking" colleges actually participated.

An important question arises concerning the loss of their tax exempt status by the universities and colleges now becoming openly involved in political activity. There is also the loss of their civil rights by the students who have been prevented from getting the education they paid for when their professors ceased teaching classes. The students who have been traveling around the country stirring up trouble on every college campus they visit should be held responsible for crossing state lines to incite to riot when the "protests" they encourage get out of hand. Kent State students instantly descended upon even the most obscure of college campuses with the "true story" of the Kent "massacre," while those experience riot-inciters, the convicted Chicago Conspiracy group, as well as their lawyer, Kunstler, have never ceased their activities. The well organized minority plays upon the emotions of the masses and the government refuses to act.

[From American Opinion, June 1970]

Disarmament—They Are Promoting the Peace of the Grave

(By Gary Allen)

"After a period of confrontation, we are entering an era of negotiation," President Nixon proclaimed in his Inaugural address. "The greatest honor history can bestow is the title peacemaker. . . . Where peace is unknown, let us make it welcome; where it is fragile, make it strong; where it is temporary, make it permanent," he continued. "The peace we seek," the new President emphasized, "is not victory. . . ."

Having introduced this new "era of negotiation," Mr. Nixon soon made it clear that he would give top priority to meeting with the Soviets in an effort to scrap supplies of strategic arms. When its was announced at last that the U.S.S.R. would respond to his "plea" for disarmament talks, the Establishment media in America wept electronic tears of joy. Soon we were being treated to glowing tales of how sweet reason would blow away the mushroom clouds of strontium-90—making all women beautiful, all men virile, and improving the behavior of rowdy children. Although such hosannas were qualified with warnings that wicked militarists in either country might torpedo meaningful agreements, our oracles of illuminated wisdom began announcing the approach of the millennium—which, it is said, will follow the Strategic Arms Limitations Talks (S.A.L.T.) now under way in Vienna.

"The fate of humanity hangs in the balance" we have been told . . . and told, and told. The American public probably would have been more excited if it had not a thousand times before been asked to believe that "this is the last chance before nuclear vaporization." Americans have almost reached the

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point where they'd rather be vaporized than listen to one more vapid cliché from the peaceniks and disarmers—preferring, if they must go, to do it not with a whimper but a bang.

It is, nonetheless, considered "poor form" in the most fashionable circles to question the rise of the peace balloon. But the fact is that this whole disarmament game is the biggest con since Herman Pheester arrived in New York atop a wagonload of pumpkins and traded them for ownership of the Brooklyn Bridge and a half interest in the Staten Island Ferry.

"Era of negotiations," indeed! As Mr. Nixon well knows, we haven't had a confrontation with the Russians since the carefully staged "Cuban missile crisis" in the early Sixties. The intervening years have brought a constant flow and flush of meetings. In fact, since the end of World War II, we have sat down with the Soviets over five thousand times [1] to discuss limitations on armaments. We have been in an "era of negotiations" with these same Soviets since the Cairo Conference of 1943. To say our success has been exceeded by our naïveté is to understate the obvious. By comparison, Herman Pheester was a shrewd operator.

Anyone at all familiar with what the Communists call treaty warfare could have predicted the shabby results. As V. I. Lenin postulated long ago: "It is ridiculous not to know . . . that a treaty is the means of gaining strength." [2] In another dictum, Lenin phrased it even more colorfully: "Promises are like pie crusts made to be broken." [3] Stalin was equally blunt:

"A diplomat's words must have no relations to action—otherwise what kind of diplomacy is it? Words are one thing, action another. Good words are a mask for the concealment of bad deeds. Sincere diplomacy is no more possible than dry water or iron wood." [4]

The Soviets are ideologues—and they practice what Lenin and Stalin preached. As the Senate Internal Security Subcommittee has reported:

"The staff studied nearly a thousand treaties and agreements of the kinds described above, both bilateral and multi-lateral, which the Soviets have entered into not only with the United States, but with countries all over the world. The staff found that in the 38 short years since the Soviet Union came into existence, its Government had broken its word to virtually every country to which it ever gave a signed promise." [5]

In 1959, Congressman Craig Hosmer updated the above findings of the Senate Internal Subcommittee to include Soviet agreements between 1955 and 1959. Mr. Hosmer discovered:

"In the 40-year history the Soviet Union has executed over 2,000 agreements with non-Communist governments. It is safe to say that those remaining unviolated by the Kremlin are only those which it has not yet appeared expedient to break." [6]

The Senate Internal Security Subcommittee concluded that the breaking of treaties is an instrument of Soviet national policy. A treaty with the Communists is not worth the paper on which it is printed. Take the recent invasion of Czecho-Slovakia. Soviet troops invaded Prague only two weeks after Russia had signed the Declaration of Bratislava guaranteeing Czech independence. Moscow violated four other pacts at the same time. They were, notes the *Indianapolis News* of December 17, 1969, "the 1928 Kellogg-Briand Treaty outlawing the use of force in the settlement of disputes, the Atlantic Charter, the United Nations Charter and the Warsaw Treaty of 1959."

In the superbly researched "Theory, Law And Policy of Soviet Treaties, Robert Slusser and Jan Triska analyzed over 2,500 treaties made by the U.S.S.R. in the past forty years. Their scholarly examination revealed that the more important the subject of a treaty, the more likely the Soviets are to break it. Slusser and Triska conclude that in the light of forty years of Communist duplicity in negotiations, the Soviets deceive only those who wish to be deceived. If the Communists had not already broken the treaties previously signed, there would be no excuse for negotiating with them to acquire their signature to promises they have already made and broken! Even a Herman Pheester might see that, to negotiate under such circumstances with a Conspiracy whose stated purpose in signing treaties of any kind is to deceive an intended victim, is absolute madness.[7]

In the matter of a treaty calling for disarmament, it is double madness!

Every would-be aggressor from the dawn of time has tried to disarm his enemy. Disarmament agreements have been made and broken since Cain rocked his brother Abel into a deep sleep. None has ever been kept. Of course, the mere lesson of all recorded history does not daunt our "Liberals." They elect to ignore the fact that, just as with treaties in general, the Communists look upon disarmament as a means of conquering the "bourgeois" States. The Reds have been advocating "total disarmament" since 1916, when Lenin proclaimed:

"Only after the proletariat has disarmed the bourgeoisie will it be able, without betraying its world historical mission, to throw all armaments on the scrap heap." [8]

On November 30, 1927, Maxim Litvinov introduced Soviet proposals before the League of Nations calling for "Immediate, Complete and General Disarmament." That exact phrase is today used in the propaganda of both the Communists and our own government. There is little new in this ancient con game.

For example, a policy statement adopted in 1928 at the Sixth World Congress of the Communist International declared: "The aim of the Soviet proposals is . . . to propagate the fundamental Marxian postulates that disarmament and the abolition of war are possible only with the fall of capitalism." At the same meeting the Communists directed:

"There is a glaring contradiction between the imperialists' policy of piling up armaments and their hypocritical talk about peace. There is no such contradiction, however, between the Soviet government's preparations for defense and for revolutionary war and a consistent peace policy . . .

"The disarmament policy of the Soviet government must be utilized for purposes of agitation . . . for recruiting sympathizers for the Soviet Union—the champion of peace and Socialism." [9]

Thus the Communists' objective at successive disarmament conferences has been to disarm non-Communist nations while leaving the Soviet Union free to employ arms in the interest of world conquest. As former Soviet Premier Nikita Khrushchev declared on January 16, 1963:

"Disarmament, primarily means dismantling the gigantic war machines of the highly developed countries. . . . General disarmament does not mean disarming the [Communist] peoples fighting for national liberation. On the contrary, it would deprive the imperialists of the means to halt progress and crush the struggle for independence." (Los Angeles Herald-Examiner, August 24, 1963.)

Three years earlier, in 1960, the Communists had begun to accelerate their phony "peace" propaganda. That year, at an international meeting in Moscow of the leaders of the world's eighty-one Communist Parties, the Comrades issued a "peace" directive to their cadre and fellow-travelers. Called the "Communist and Workers Parties' Manifesto," it provided:

"In each country it is necessary to promote a broad mass movement for the use of the funds and resources to be released through disarmament for the needs of civilian production, housing, health, public education, social security, scientific research, etc. Disarmament has now become a fighting slogan of the masses. By an active and resolute struggle, the imperialists must be made to meet this demand." (Transcript from the Communist magazine Political Affairs, January 1961.)

One can hardly deny the fact that this is precisely the line which the "Liberal" media in America have been pushing for the past ten years. But note that in the very next paragraph the Reds made it clear that they intend to continue to arm as they arrange the disarmament of America. There is no effort to hide it! The "Manifesto" directs the Comrades to "vigorously strengthen the might and defensive capacity of the entire socialist camp. . . ." You see it is not nuclear weapons which are dangerous, but nuclear weapons in the hands of the United States.

Yet many good Americans ignorant of Communist designs and the lessons of history have been drawn into this disarmament business. There is little excuse for such errant nonsense. Men of greatness have warned again and again of the danger to peace presented by disarmament. Dr. Luke quotes Jesus of Nazareth (Luke 11: 21) as having admonished, "When a strong man armed guards his palace, his goods are in peace. . . ." George Washington advised: "If we desire to secure peace . . . it must be known that we are at all times ready for war." J. Edgar Hoover, Director of the F.B.I., phrased it this way: "Beware of those who preach that America should never be first at anything but disarmament and demobilization. The greatest guarantee that America will remain free is to be well prepared, as were the Minute Men of our infant nation." (Los Angeles Herald-Examiner, May 30, 1963.)

As the Senate Internal Security Subcommittee has noted:

"acceptance of any precipitate program the West a strategic defeat of enormous magnitude, leaving an irrosolute Western world only the recourse of seeking accommodation with an aggressive movement which is dedicated to achieving mastery of the globe." [10]

Of course, all of this runs counter to the official "Liberal" line. We are assured by "Liberals" that the Communists no longer seek to use treaties in general, and disarmament treaties in particular, to facilitate world conquest. We are told that we face a new generation of Communist leaders who are not nearly as suspicious of Western motives as were their predecessors. These men have not only brought "new leadership" to Russia (so the Line goes), but they realize that both traditional capitalism and monolithic Communism have been so modified that we might soon be able to merge our two systems in a unifying democratic socialism. That is: We can now have détente, disarmament, and the millennium, because the Communists are "mellowing."

Before we bite into that bit of bait we should ask ourselves some hard questions. After all, didn't the current Soviet leaders rise through the ranks of the Communist apparatus during the era of Joseph Stalin? Are lovers of peace likely to climb to the top under the rule of blood-thirsty dictatorship?

Who say the Communists are mellowing? Certainly not the Communists. Every one of their publications—from "Political Affairs and World Marxist Review" to New World Review—stresses again and again that the goal is a total Communist victory. As Communist Party boss Leonid Brezhnev put it on April 21, 1970: "The world revolutionary process is developing inexorably. The ultimate outcome of the struggle between the two world systems—victory of communism on a worldwide scale—is becoming

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obvious. . . " The Communists consistently name the United States as The Enemy

Why, then, do our Establishment media continue to report that the very opposite is true? Experts estimate that the Communists have killed as many as 100 million human beings in their drive for world government; but our "Liberal" intellectuals tell us not to consider Communism a monumental threat. It is nothing, they say, compared to air pollution or the unrestricted birth rate of the middle-class American. One "Liberal" who apepars to be at least moaning under the ether is columnist Joseph Alsop. Mr. Alsop writes:

"Among the scientists, and in the academic community in general, these illusions [that the Reds are mellowing] are almost universally cherished. . . .

"Illusion number one is so childishly wishful that it is almost painful to attack. Ten years ago, there were indeed some hopeful signs of progressive liberalization [Self-justification Mr. Alsop?] in the Soviet Union. The belief that this liberalization process would continue, somehow or other, by some miracle or other, has survived for 10 years against all the ugly evidence to the contrary.

"You would think the invasion of Czechoslovakia (where the prison camps are now opening again), would have been contrary evidence enough. You might suppose that the now-total suppression of every liberal and dissenting voice in the Soviet Union would have had a certain impact.

"Yet so far as one can judge, these tragic developments have had no impact whatever."[11]

One would think that all Americans recognize that the Communist "peace" campaign is pure semantics. In the Communist lexicon, "peace" means something quite different than it does to Americans. Dr. Stefan Possony points out that the Communists define "peace" as the absence of opposition to Communist domination of the world. To most Americans "peaceful co-existence" is a pleasant phrase which implies peacefully minding one's own business; to the Communists, it is a formal strategy designed to defeat the Free World. As former Premier Khrushchev declared on January 6, 1961:

"[Peaceful co-existence] helps . . . the forces struggling for socialism, and in capitalist countries it facilitates the activities of Communist parties . . . it helps the national liberation movement to gain successes.

"[Peaceful co-existence] implies intensification of the struggle of the working class, of all the Communist parties, for the triumph of Socialist ideas . . . [It is] a form of intense economic, political, and ideological struggle of the proletariat against the aggressive forces of imperialism in the international arena.

"Peaceful co-existence of states does not imply renunciation of the class struggle . . . the co-existence of states with different social systems is a form of class struggle between socialism and capitalism.

"The policy of peaceful co-existence is a policy of mobilizing the masses and launching vigorous action against the enemies of peace."

Mr. Khrushchev openly tied "peaceful coexistence" and disarmament to war against non-Communists, declaring:

"The slogan of the struggle for peace does not contradict the slogan of the struggle for communism . . .

"The struggle for disarmament . . . is an effective struggle against imperialism . . . for restricting its military potentialities."

The Soviet Premier made no bones about being locked in mortal combat with the United States. "A fight is in progress between these two systems," he explained, "a life and death combat. But we Communists want to win this struggle with the least losses . . ." That, in essence, is what the Communists mean by "peaceful co-existence." The idea, as Tom Anderson has put it, is "Let's you disarm." Our "Liberals," meanwhile, refuse to take the Communists at their word, persisting in the (possibly complicitous) delusion that the Reds are but clumsy and rambunctious bear cubs who will, with maturity, grow into pussy cats.

While our leaders dream of détente with the barbarians, the barbarians sneer at us. They know that World War III is already raging. They know that it is a political, economic, psychological, and military war—but that of all the aspects of this conflict, actual military combat is by far the least important. The Communists do not want to throw around nuclear warheads any more than we do. They are already winning by fighting guerrilla and proxy wars, employing subversion and staging coup d'etat, using terrorism and espionage—all under the guise of anti-imperialism.

Meanwhile our leaders keep America's attention riveted on highly exaggerated prospects for imminent nuclear warfare. The idea is to reduce America's military options while persuading the American public to demand disarmament as a means of ending both the nuclear threat and the necessity of fighting interminable "no-win" wars.

It is extremely difficult for most Americans to believe that officials high in our government, who have complete access to the incontrovertible evidence that this disarmament business is a Communist trap, would not only fail to inform the public of the facts concerning this Kremlin strategy, but would actually promote the Communist Line on disarmament. Yet that is precisely what has been happening.

On September 23, 1960, the Soviets presented to the United States a plan for "total and complete disarmament" calling for a systematic reduction in arms by the major powers of the world. The Soviet plan immediately became the beneficiary of extremely influential American support when a group of powerful proponents of disarmament within the New York-based Council on Foreign Relations (C.F.R.) lent the scheme immediate support.

Although the fourteen-hundred-member C.F.R. is one of the most important and influential organizations in the United States, it so shuns publicity that most Americans have never heard of it. Libraries are full of books published by the Council on Foreign Relations but very little is permitted to appear in print about the C.F.R. This despite the fact that many of America's most prominent and wealthy men are members—including more than seventy key appointees of the Nixon Administration. On one of the rare occasions that it has been mentioned in the national Press, the New York Times of December 2, 1969, said of the Council on Foreign Relations:

"The private, nonpartisan organization, which has offices in an ornate mansion at 58 East 68th Street, is composed of prominent bankers, industrialists, diplomats and academic figures. Most of the meetings are off the record [i.e., secret]. . . .

"The council . . . has been described as representing the American Establishment. . . .

"The council's reputation and influence on foreign policy is owing to the prominence of many of its members."

This Council was established after World War I by a group of international financiers and operators, a number of whom had been instrumental in bank-rolling the Communist Revolution in Russia. They had hoped to establish a world government under the League of Nations, which would allow them control of the world's natural resources and trade. But the American public would not buy world government, and the Senate refused to permit U.S. membership in the League. The C.F.R. continued to promote political internationalism, leading America toward the world government of the future.[12] The Council recognized early that the key to such a world government is disarmament of sovereign nations.

An official C.F.R. program entitled "Study No. 7" is presented in *Strategy For The Sixties*, edited by Jay Cerf and Walter Pozen. "Study No. 7," which was prepared for the Senate Committee on Foreign Relations, argues that the United States must strive to "build a new international order." It says:

"Rather than seeking to maintain the status quo, [this world government] must be responsive to world aspirations for peace, for social and economic change, and for liberation from alien domination. To accomplish this the U.S. must: (1) search for an international order . . . in which many policies are jointly undertaken by free world states with differing political, economic and social systems, and including states labeling themselves as 'socialist'."[13]

In order to build such a "new international order," the C.F.R. says we must "maintain and gradually increase the authority of the UN," and "conduct serious negotiations to achieve international agreement on limitation, reduction and control of armaments." If necessary, it says, the U.S. Government should "negotiate on these problems directly with the USSR in secret." In other words, it should be recognized that affairs might be so arranged that the President could establish by Executive Order a treaty disarming the United States—and the Senate and the American people would be presented with a fait accompli.

Now, here's the clincher: This C.F.R. position paper preceded the Soviet proposal of Septemebr 23, 1960, by nearly a year. Yet the two schemes are almost identical!

The question is: Who is running whom? Founders of the C.F.R. helped promote and finance the Bolshevik Revolution. Members of the C.F.R. have since 1919 been leaders in promoting American "aid and trade" with the Soviet Union, and were instrumental in the construction and outfitting of much of the Soviet's heavy industry.[14] The C.F.R. has dominated State Department policy for thirty years, and has always promoted "co-existence" with, and support of, the Soviet Union. Whether the dog wags the tail or vice-versa makes little difference from the standpoint of the threat presented to America.

Especially disturbing is the fact that the father of the current S.A.L.T. disarmament talks is Walt Whitman Rostow, a prominent member of the Council on Foreign Relations. In 1960, President-elect John F. Kennedy (C.F.R.) dispatched Rostow and Professor Jerome Wiesner (C.F.R.) to attend the Sixth Pugwash Conference on Disarmament and World Security in Moscow. The so-called Pugwash Conferences, a device to bring together American and Soviet scientists and political scholars, were a project assigned to Soviet apologist Cyrus Eaton. As a 1961 Staff Study by the Senate Internal Security Subcommittee noted:

"The financier of the First Pugwash Conference was American industrialist Cyrus S. Eaton, a self-proclaimed personal friend of Soviet dictator Nikita Khrushchev. Apparently Mr. Eaton also bore most of the cost for the first five conferences, after which a number of tax-exempt foundations began to foot the bills. The name "Pugwash" derives from the fact that the first of the conferences was held in Mr. Eaton's home in Pugwash, Nova Scotia.

"Mr. Eaton's attacks on the FBI and the American courts for their handling of Communist spy cases have been, if anything, more vicious than those of Bertrand Russell. In addition, he has . . . denounced American military leaders as warmongers, and condemned the U.S. Government repeatedly for conducting nuclear tests, while giving un-

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qualified approval to Soviet atomic policy, Soviet propaganda agencies have made extensive use of Mr. Eaton's anti-American speeches, including translations for broadcast both within and outside of the Iron Curtain."[15]

Walter Rostow was an odd choice for an American President to send on a mission of any sort, let alone one so fraught with peril for American security as the Moscow Pugwash Conference. During the Eisenhower Administration, he had twice been refused security clearance. Subsequent to his return from Moscow, President Kennedy tried to appoint him to a key position in the State Department, but State Department Security Officer Otto F. Otepka refused to grant a clearance based on F.B.I., C.I.A., and Air Force Intelligence data indicating that Rostow was, in fact, a security risk. In his The Ordeal of Otto Otepka, William J. Gill brings out some of the background:

"[Rostow] had a long history of close association with a number of individuals who were known to be members of the Communist Party. Several of these people had been identified as active Soviet espionage agents.

"Two of the man's [Rostow's] aunts were definitely identified, by reliable informants and undercover agents, as members of the Communist Party in the late 1940's. So far as Otepka knew they were still members in 1955 [when Rostow's first security clearance was sought]. The aunts were by no means remote relatives. They had been intimately close to the man's family, and the family had never repudiated them.

"The man's father, a native of Russia, had been an active Socialist revolutionary in his homeland just before the Socialists split into Bolshevik and Menshevik factions. He had continued, ostensibly, as a Socialist activist after migrating to the United States in 1905, the year of the abortive Leftist revolt in Russia.

"CIA had deftly dropped this individual from a sensitive contract with a private organization and CIA was not, even then, known to have any great aversion for innocent Liberals.

"Air Force Intelligence, which had investigated him thoroughly in connection with another contract he was to have been involved in for the Air Force, flatly declared the man a security risk—a term not used lightly anywhere in the Intelligence community."[16]

Not wishing a direct confrontation with Otepka at that time, Kennedy bypassed him and appointed Rostow as Deputy Special Assistant to the President. Later Otepka was removed from his position for revealing the truth about Rostow to a Senate Committee and Walt Whitman Rostow was made Chief of the State Department Planning Division.

Thomas Ross of the Chicago Sun-Times reports that, while in Moscow at the Pugwash Disarmament Conference, Rostow met with Soviet Deputy Foreign Minister Vasily Kuznetsov, "to get a reading on the current Russian attitude on disarmament and defense and report back to Mr. Kennedy." In essence, Kuznetsov said the Soviets found U.S. planes and advanced missile bases worrisome because they had first-strike capability. He wanted them removed. Based on Rostow's recommendations, bombers and missiles were pulled out of bases ringing Russia, the B–70 program was cancelled, the Skybolt air-to-ground missile program was cancelled, and no more B–52s or B–58s were produced. This was to prove to the U.S.S.R. that we were serious about disarmament.

The late Congressman James B. Utt, commenting on Rostow's influence in promoting the disarmament of America, wrote in his Congressional Report of September 24, 1969:

"In January 1962, there was the secret Rostow-Moscow Report, which called for implementation of the 'no-win policy' through the following five points: 1. Abandon first strike weapons; 2. Refrain from encouraging revolts behind the Iron Curtain; 3. Refrain from criticizing satellite countries; 4. Deny foreign aid to countries which refuse coalition governments [as we did in Laos]; 5. Work toward general and complete disarmament."

The Kennedy Administration began gearing up to beat the drums for the Rostow-Moscow disarmament plans, of which the current S.A.L.T. talks are but the latest manifestation. On March 23, 1961, a "briefing session on disarmament" was held at the State Department attended by about seventy-five persons representing such radical propagandists as the United World Federalists, Americans For Democratic Action, Women's International League for Peace, American Association for the U.N., and the U.A.W.-C.I.O. The State Department's E.A. Gullion (C.F.R.) conducted the session and urged these groups to promote the establishment of a permanent Disarmament Agency under control of the State Department. Mr. Gullion noted that such an Agency in the Executive branch of our government, and hence free of Congressional controls, would have maximum latitude for doing what it felt necessary in the field of disarmament. Mr. Gullion added that it is "difficult to work under the Eighteenth Century Constitution."

On June 23, 1961, John J. McCloy, Special Advisor to the President on Disarmament, sent Mr. Kennedy a draft of a bill to create this new Agency. Mr. McCloy was Chairman of the Board of the Council on Foreign Relations. In his letter of transmittal to the President, he revealed that the fundamental purpose of the Disarmament Agency is to bring about world government.[17]

In September 1961, Congress passed the Arms Control and Disarmament Act conferring on the director of the new Disarmament Agency broad authority (under the general supervision of the President and the Secretary of State) to do just about anything the director might believe to be in the interest of "peace." Congress was, however, concerned. It wrote the following safeguard into the Act, requiring:

"that no action shall be taken under this or any other law that will obligate the United States to disarm or to reduce or to limit the armed forces or armaments of the United States, except pursuant to the treaty-making power of the President under the Constitution or unless authorized by the Congress of the United States."

The provision is meaningless, however, because the Supreme Court had by then determined that the "treaty making power of the President" includes the power to enter into Executive Agreements with foreign nations without the advice and consent, or even knowledge of the Senate.[18]

Many Congressmen supported creation of this Disarmament Agency because they were afraid of being accused of opposing peace. Not all, however, withered under "Liberal" pressure. Congressman John Ashbrook of Ohio referred to it as "The Surrender Agency," and declared: "The testimony is replete with evidence which indicates this Agency may well be the back door from the one-wonders to accomplish their goal. . . ." The late Congressman James Utt commented: "The law is almost a word for word duplication of a disarmament proposal advanced by Khrushchev in 1959."

The man appointed to head the new Disarmament Agency was William C. Foster, a member of the Council on Foreign Relations. His pay was set at $52,500 per year—a salary larger than that of a U.S. Senator. Such a salary suited Mr. Foster's capacity for acting in a big way. Only forty-eight hours elapsed between the creation of the Disarmament Agency and the presentation to the U.N. of a U.S. program for disarmament.

This formal disarmament proposal was later published in a nineteen-page pamphlet entitled *Freedom From War: The United States Programs For General And Complete Disarmament In A Peaceful World—State Department Publication 7277*. It calls for transferring control of U.S. nuclear weapons to the United Nations, restricting the American military to the role of an internal police force, and establishing an all-powerful U.N. Army. The U.S. disarmament plan further provides: "The Parties to the Treaty would progressively strengthen the United Nations Peace Force . . . until it had sufficient armed forces and armaments so that no state could challenge it."[19]

The scheme bore the heavy imprint of Walt Whitman Rostow. As Professor Rostow has written:

"It is a legitimate American national objective to see removed from all nations—including the United States—the right to use substantial military force to pursue their own interests. Since this residual right is the root of national sovereignty . . . it is, therefore, an American interest to see an end to nationhood as it has been historically defined."[20]

A world government has long been the goal of both the Communists and of the *Insiders* who created and operate the C.F.R. The pitch used by both groups is that it is either World Government or The Bomb! Take your choice. The Communists have been very explicit about *their* plans for world government. As Communist Party leader William Z. Foster wrote in *Toward a Soviet America:*

"A Communist world will be a unified, organized world. The economic system will be one great organization. . . . The American-Soviet government will be an important section in this world organization, and one of the revolutionary achievements of victorious world Communism will be the ending of war."

The official Communist publication International Affairs commented as follows in November of 1963:

"The concept of a future in which capitalism and communism will 'converge' on an 'equal footing' is utopian through and through [merely bait for American 'Liberals']. The time will come, of course, when there will be a world government, but it will be the government of a world Socialist (Communist) community."

If you are going to have a world government, you must have a World (Supreme) Court. One of the first recommendations made by "our" Disarmament Agency was that the U.S. repeal the Connolly Amendment which limits the jurisdiction that the World Court is permitted over U.S. affairs. It says that what is or is not a domestic affair of the United States will be determined by the United States alone, and not by other nations or by the World Court.

And if you are going to have a World Government you must have a World Army to back up its edicts. As the New York Times (owned by members of the C.F.R.) commented editorially on June 29, 1963:

"The difficulty is that the essence of law is not only justice; it implies command. To be binding, world law needs a supranational body with power to enforce the international laws that are agreed upon. Otherwise, they are not "law"; they are principles and practices that would be "obeyed" only by those nations which have accepted the laws."

We have had numerous hints about what powers the U.N. World Army would have, from both private groups and special "Think Tank" studies paid for by the Disarmament Agency. The World Association of Parliamentarians for World Government, for example, has recommended that the entire globe be carved up into regions "policed" by troops from other "nations." According to this plan, the United States would be policed by Irish, Belgians, Colombians, Venezuelans, Mongolians, and Russians.

The United World Federalists (U.W.F.), an

Footnotes at end of article.

organization often praised and supported by President Richard Nixon, has already made public its plans for the U.N. World Army. In their grand design, the United World Federalists recommend:

"U.N. Police Force to have chemical and psycho-chemical weapons as well as nuclear and conventional. Choice of weapons applicable to the situation.

"U.N. Police Force to be so strong that "cheating" would be foolhardy. Strength to be greatest during period of actual destruction of weapons."

What makes the U.W.F. scheme so important is that it is backed by such powerful organizations as the World Parliamentarians, the Bilderbergers, the Atlantic Unionists, the Euramericans, the Foreign Policy Association, and the Council on Foreign Relations. More important, commitment to such a plan of disarmament has already been incorporated as a part of the legal and official policies of our own government, and the laws permitting its institution are already on the books. For specifics, see the Federal Register and the U.S. Government Organizational Manual.[21]

Of course, what we are talking about here is not disarmament but a *transfer* of armaments to a monopoly U.N. Army. Who would control such a U.N. force? Why, the United Nations. And even a cursory examination will reveal that the United Nations is controlled by the U.S.S.R. and her satellites, supported by the "Third World" Afro-Asian block. As Senator Strom Thurmond has warned:

"Since the United States can no longer command a majority in the United Nations, there would be no way to prevent the very nuclear weapons we might surrender to the United Nations control being used against the United States of America to enforce submission to its rule."

Under the Charter of the U.N., this International Peace Force, with its (our) nuclear weapons, would be under the command of the Under Secretary General for Political and Security Council Affairs, who has control over all U.N. military affairs. Except for one two-year term, when it was occupied by a Yugoslav Communist, this post has by agreement always been held by a Soviet national. Trygve Lie, Secretary General of the United Nations from 1946 to 1953, writes in his autobiography *In The Cause of Peace:*

"Mr. Vyshinsky did not delay his approach. He was the first to inform me of an understanding which the Big Five had reached in London on the appointment of a Soviet national as Assistant Secretary General for Political and Security Council Affairs. . . . Mr. Stettinius confirmed to me that he had agreed with the Soviet Delegation in the matter." (Pp. 45–46.)

Despite the fact that this agreement was to be binding for only five years, a Russian continues to occupy that key office today. And, of course, neither Mr. Nixon nor U.S. Ambassador to the U.N. Charles Yost (a member of the C.F.R.) has been so rude as to suggest the position be given to someone other than a Communist.[22] As former Congressman Donald Jackson observed:

"Quite clearly, it is ridiculous to assume that the Russians are going to disarm themselves unless they are positive of continued control over military policy [in the U.N.]—a control which they now hold and have held for many years.

"The great danger at present is that the Russians—crafty, hardbitten, tough negotiators, may one day soon find a balance in the disarmament scales which will insure them control of the entire program—policy decision and military implementation. On that day the Russians will sign, and our negotiators with happy smiles and trembling fingers may dash off the signature that will bind the United States of America and its people to hardship, indignity and eventual subjugation."

The conspirators' original plan for the disarmament of the United States and the transfer of our weaponry to the U.N. called for its completion by 1972, but American Conservatives gave the plan such exposure that the timetable had to be altered. Conservatives ordered and distributed to their alarmed friends so many copies of the State Department Document 7277 that the Department was forced to let it go out of print. It was back to "patient gradualism." An article in the Communist World Marxist Review emphasized the need for patience, advising the Comrades: "Communists do not adhere to the 'all or nothing' principle. Anything that brings disarmament nearer is a step forward . . . "[23]

Americans were not sufficiently fed up with protracted no-win wars, nor were they sufficiently frightened by nuclear propaganda, to swallow disarmament. A Gallup Poll in 1961 determined that eighty-one percent of Americans would rather fight an all-out nuclear war than live under Communist rule. (New York Herald Tribune, November 3, 1961.) More time was needed for anti-military and defeatist propaganda. As Walt Rostow might well have supposed, the Vietnam War has provided the excuse for an enormous escalation of that propaganda. Creation of the mood for acceptance by America of the 7277 program has obviously been a high priority of the International Communist Conspiracy.

Meanwhile, disarmament talks have been going on with the Russians for nearly eight years. During that time we have negotiated with them the Nuclear Test-Ban Treaty (with no inspection, of course), the Outer Space Treaty, the Non-Proliferation Treaty, and the Seabeds Treaty. All of these were steps toward S.A.L.T.—and S.A.L.T. will be another step toward complete disarmament and world government. The objectives laid down by the Insiders in State Department Document 7277 have not changed. In 1968 an Arms Control and Disarmament Agency publication called Arms Control And National Security explained what has been happening:

"Since 1959 the agreed ultimate goal of the negotiations has been general and complete disarmament, i.e., the total elimination of all armed forces and armaments except those needed to maintain internal order within states and to furnish the United Nations with peace forces. U.S. and Soviet plans for general and complete disarmament were proposed in 1962 and they are still 'on the table.' Some basic differences between the two plans are brought out by the key issue of timing and verification of reduction of nuclear delivery vehicles." (Page 14.)

So you see, it is only a matter of "timing." In the meantime, the *Insiders* have been working to disarm America unilaterally. Included in this disarmament program have been:

"(1) Cutbacks on production of the Atlas I.C.B.M. (2) Phase-out of the B–47, B–52, and B–58 long-range bombers. (3) Sharp reduction in the plans for construction of 2,000 Minuteman missiles. (4) Withdrawal of our Thor and Jupiter intermediate-range missiles in Greece, Turkey, and Great Britain. (5) Cancellation of the Skybolt missile program which would have given our Air Force and that of Great Britain a 1,000-mile air-to-ground firing range. (6) A Presidential order drastically reducing the production of fissionable nuclear materials and shutting down key nuclear reactors. (7) Shelving of plans for additional nuclear aircraft carriers. (8) Refusal to develop high-yield nuclear weapons. (9) Cancellation of the M.O.L. (Manned Orbital Laboratory) which would have given the U.S. enormous military capabilities from space. (10) Unilateral renouncement of the use of all bacteriological weapons."

Our defense now rests primarily on the relatively small Minuteman and Polaris missiles which are supposed to receive M.I.R.V.'s (multiple warheads) in June and January respectively. Yet our negotiators at S.A.L.T. have announced that these, as well as the purely defensive A.B.M. anti-missile system, are completely negotiable.

Walt Rostow and the Disarmament Lobby assured us during the Sixties that if we would just show good faith by cutting back on our weapons development, the Communists would do likewise. We have cut back, and the Communists have done just the opposite. While their actual military capability is open to dispute, and although it has long been a tactic of the Communists to exaggerate their strategic capacity in order to promote fear in America, there is little doubt that the Soviets are going all-out to build a formidable military machine. The object, however, is to stampede America into accepting disarmament and its corollary of world government. And this objective is best supported by arranging for our mass media to credit the Communists with having vast stores of super weapons. Still, the fact is that as America has slowed development of her weapons technology, the Soviets have been doing just the opposite. Where mere prudence would require that we keep our powder dry, we have been turning the garden hose on it and doing our best to dispose of what remains operational.

The Disarmament Lobby squeals about the enormous expense of the "arms race." Yet, only seven percent of our 1970 military budget has been earmarked for strategic arms. While the Left prattles about our "misguided priorities," the Soviets have been increasing military spending by fifteen percent a year. We must have a nuclear capacity to defend America that is superior beyond question, but we must not lose sight of the fact that our primary problem is internal. Our chief danger comes from the policies of disarmament and surrender being hatched in New York and Washington.

Many Americans have been tempted to rationalize away the threat of the S.A.L.T. talks resulting in another step toward surrender, feeling that tough, pragmatic Richard Nixon would not send the same sort of men to negotiate with the Communists as have his Democrat predecessors. The facts are otherwise.

The tiger Mr. Nixon appointed to head the Disarmament Agency and act as our chief negotiator at S.A.L.T. is Gerard Smith. By the merest coincidence Mr. Smith happens to be a member of the Council on Foreign Relations. President Nixon credited Smith with helping to originate proposals for the Nuclear Test-Ban Treaty which the Soviets have broken with impunity. *Human Events* reports that Smith is even opposed to deployment in America of the purely defensive A.B.M. system.

The second member of this team is the radical Paul Nitze (C.F.R.), a chief target of Republicans during the J.F.K. regime. Even in the Eisenhower Administration he was named to be Assistant Secretary of Defense for International Security Affairs, but because of his radicalism was rejected by the Senate. In 1960, he became J.F.K.'s chief advisor on national security policy. On April twenty-eighth of that year, Mr. Nitze had formally and publicly proposed that our Strategic Air Command be turned over to N.A.T.O., and that S.A.C. and N.A.T.O. subsequently be placed under the authority of the United Nations.

A third member of President Nixon's team at the S.A.L.T. talks is Llewellyn Thompson (C.F.R.), a man whose career in the State Department has produced a won-lost record with the Communists that would have made the Mets of a decade ago blush. He served as U.S. Ambassador to the Soviet Union where he was very popular. During the past three Administrations Thompson has persistently

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advocated increased economic and political accommodation with the Soviets.

The fourth member of "our" team is Dr. Harold Brown (C.F.R.), a protégé of former Secretary of Defense McNamara. According to *Human Events* of July 5, 1969, he served as Robert McNamara's "chief scientific advisor during McNamara's disastrous reign in the Pentagon. Brown himself is considered a chief architect of the Defense Department's theory that it was all right to permit the Soviets to 'catch up' to the U.S. strategic force level." Dr. Brown, adds *Human Events*, is considered "trusting of the Soviets." When informed by Military Intelligence that the Russians were testing orbiting missiles, Brown replied: "The Defense Department does not believe any of this . . . . there is now a UN ban against it." (*Indianapolis Star*, December 16, 1969.)

Yes, President Nixon has *quite* a disarmament team. And not only are S.A.L.T. negotiators Smith, Nitze, Thompson, and Brown members of the C.F.R., but the General Advisory Committee of Mr. Nixon's Arms Control and Disarmament Agency includes C. Douglas Dillon, William C. Foster, Kermit Gordon, James R. Killian, John P. McCloy, and Cyrus Vance—all, as it happens, members of the Council on Foreign Relations.

Mr. G. W. Rathjens, a member of the C.F.R. and leader in the Disarmament Lobby, writes in the January 1970 issue of *Scientific American* concerning President Nixon and these S.A.L.T talks:

"Exercising broader judgment, the President can reject such advice [from the military] and . . . draw on very substantial nationwide support for an agreement. Should he choose to do so, he will be in a better position to make his decision politically acceptable than would have been the case for any of his recent predecessors, or for that matter for his opponent in the last election. There is almost certainly a sizable segment of the American body politic that could accept a decision by President Nixon to conclude a very far-reaching agreement as a result of SALT that would not accept a similar position were it offered by, say, a liberal Democratic president." (Page 21.)

This fact is being widely commented upon by "Liberal" columnists. As Roscoe Drummond noted in his nationally syndicated column for February 6, 1970:

"Think of the Richard Nixon of the Khrushchev kitchen debate. Think of his efforts to embarrass the Soviet leaders with the Captive Nations resolution while on his 'courtesy' visit to Moscow in 1960. Is this the man in the White House today? He's there all right—but it is not the Nixon of 1960. . . . The most significant fact today is that the world has radically changed Nixon and that Nixon is pursuing a substantially new course in crucial areas of foreign policy. It is nearly a 180-degree shift. . . . Today he sees the U.S.-Soviet nuclear arms talks as meaningful, urgently desirable."

As the President entered his "era of negotiations" he also altered his views on military preparedness. Lt. General Ira C. Eaker, U.S.A.F. (Ret.), commented in his nationally syndicated column of January 1, 1970:

"Mr. Nixon, during his campaign, often expressed deep concern about our diminishing defense posture. Strangely, our defense capability has deteriorated at an accelerated rate during his first year in the White House. As a result, Mr. Nixon is the first President to negotiate with the Soviets from a position of military inferiority. . . .

"If the budget for 1971 indicates that Mr. Nixon continues to be satisfied with military inferiority vis-a-vis Russia, he may be headed for his seventh crisis. Every U.S. citizen will share that one with him."

But, of course, Mr. Nixon was an avid internationalist from the start. Although he never dared openly to join the radical United World Federalists, he sponsored their legislation in Congress and regularly championed their One World schemes.[34] During the last campaign, the World Federalists mailed to their members a form letter showing that both Hubert Humphrey (C.F.R.) and Richard Nixon (ex-C.F.R.) were supporters of the cause of world government. The letter quotes the following endorsement of the subversive United World Federalists by Mr. Nixon:

"Your organization can perform an important service by continuing to emphasize that world peace can only come through world law ["World Peace Through World Law" is the slogan of U.W.F.]. Our goal is world peace. The instrument for achieving peace will be law and justice. If we concentrate our energies toward these ends, I am hopeful that real progress can be made. . . .

"The President has said about world government: 'There are some today who believe that the prospect of the use of atomic weapons to settle international disputes is so terrible that we should set up a new, all-powerful world organization which would have jurisdiction over disputes between nations.' I disagree with this approach. I believe that we have to begin to use the one we already have [the U.N.]."

On December 17, 1968, President-elect Nixon journeyed to the U.N. to, as he said, show "our continuing support of the United Nations and our intention in these years ahead to do everything that we can to strengthen this organization. . . ." How does Mr. Nixon want to strengthen the U.N.? Well, as we have noted, world government requires a World Court. Mr. Nixon has long supported repeal of the Connolly Amendment, which would give us a World Supreme Court with jurisdiction over Americans. Praising Mr. Nixon's stand on an all-powerful World Court, the New York Times commented on April 14, 1969:

"The ideal . . . is to establish a peaceful world in which the rule of force will be replaced by the rule of law.

"To that end Mr. Nixon proposed to elevate the International Court of Justice at The Hague to a real Supreme Court of the world with far wider jurisdiction and employment in international disputes."

And, as we are told in State Department Document 7277, a world government must have an all-powerful World Army to keep the disarmed nations in line. Mr. Nixon has long advocated such a military force—which, in this case, would serve under a Russian national at the United Nations. As the Los Angeles Examiner reported on October 28, 1950:

"A strong effort to obtain approval of his resolution calling for establishment of a United Nations police force will be made by Congressman Richard Nixon when Congress reconvenes November 27th, the California Senatorial nominee said today. . . . Nixon's resolution suggests that a UN police authority be set up on a permanent basis, to consist of land, sea and air forces. It would swing into action against aggression under decision of a simple majority vote of the police authority."

That is what S.A.L.T. is all about. It is the old 7277 game all over again—disarmament, World Court, U.N. Army, and the whole ugly works. Only a Fabian Republican could get away with it.

Despite the fact that drawing intended victims into a treaty trap is an admitted Communist strategy; despite the fact that disarmament is a proclaimed instrument of conquest by the Communists; despite the fact they have not changed or "mellowed"; despite the fact that we were drawn into this series of disarmament talks by Kremlin agents in Pugwash acting through security risk Walt Rostow; despite the fact that the State Department, the Disarmament Agency, and the National Security Council are larded with leftover cohorts of Robert McNamara and Walt Whitman Rostow; despite the fact that we are "represented" in Vienna by members of the seriously dangerous C.F.R.—despite all of these things—President Nixon is leading America into the briny deeps of S.A.L.T. No "Liberal" Democrat could have marched America into such a sea of madness, because too many people know just enough to be suspicious. But a Republican in a Conservative suit could very well be setting us up for a dive that could prove fatal.

FOOTNOTES

[1] *Congressional Record*, November 11, 1969, Page S14120.

[2] "Reply on Debate On War and Peace," 1918, *Selected Works*, International Publishers, New York, 1943, Volume VII, Page 309.

[3] *Peace And Freedom*, American Security Council, Washington, 1964, Page 109.

[4] "Elections In Petersburg," *Sochineniya*, Gospolitizdat, Moscow, 1946, Volume II, Page 277.

[5] *Soviet Political Agreements And Results*, Report of the Senate Internal Security Subcommittee, 1955, Page viii.

[6] *Soviet Political Agreements And Results*, Report of the Senate Internal Security Subcommittee, third revision, 1959, Volume II, Page 1.

[7] On December 8, 1969, Congressman Lee Hamilton wrote Secretary of State William Rogers asking for a rundown on whether the Communists have broken past treaties with the United States. Rogers (praised by Senator Fulbright in April of 1970 because he "does not believe in any sort of a Communist conspiracy") asked an assistant to reply that the Soviets had kept only such treaties as those concerned with auto traffic, fisheries, meteorology, seals and whales. (*Congressional Record*, January 22, 1970.)

[8] "The Test Ban: An American Strategy of Gradual Self-Mutilation." Dr. Stefan T. Possony, *Congressional Record*, March 21, 1963, Pp. 4358–4370.

[9] "Thesis Resolutions of the VIth World Congress of the Communist International," *International Press Correspondence*, Volume 8, Number 84, November 28, 1928, Pp. 1590, 1597.

[10] Quoted by M. Stanton Evans, *The Politics Of Surrender*, Devin-Adair, New York, 1963, Page 193.

[11] *Los Angeles Times*, March 3, 1970. M. Stanton Evans, the thoughtful Editor of the *Indianapolis News*, observes: "He [*the "Liberal"*] is suffering from something which might be described as 'reverse paranoia'—a congenital inability to grasp the notion of conspiracy, to observe the impact of human striving upon the course of events, to perceive that ideological maunderings are no match for purposeful effort. The Liberal tries to foist off on 'history' the residue of his own omissions and vacuities. He is hiding behind the History Theory of Conspiracy." (M. Stanton Evans, *The Politics Of Surrender*, Page 523.)

[12] For details on the C.F.R., see my lengthy article in *American Opinion* for April 1969; Dan Smoot's *Invisible Government*, Western Islands, Boston, 1965; and, Pheobe Courtney's *The C.F.R.*, Free Men Speak, New Orleans, 1968.

[13] *Strategy For The Sixties*, Jay Cerf and Walter Pozen, Praeger, Inc., New York, 1961, Pp. 95, 97.

[14] See Antony Sutton's *Western Technology And Soviet Economic Development*, Stanford University, 1969. Two more volumes are in preparation.

[15] Quoted in Duane Thorin's *The Pugwash Movement And U.S. Arms Policy*, Pp. 11,12. Eaton, who began his career as an employee of John D. Rockefeller Sr., became a partner in Nelson Rockefeller's International Basic Economics Corporation, to build factories

behind the Iron Curtain. I.B.E.C. will also be the official representative of the Soviet Union for obtaining patents in the United States. See the *New York Times*, January 15, 1967.

[16] William J. Gill, *The Ordeal Of Otto Otepka*, Arlington House, New Rochelle, 1970, Pp. 16–17.

[17] *Documents On Disarmament, 1961*, U.S. Arms Control and Disarmament Agency Publication Number 5, August 1962, Pp. 151–161.

[18] *The Constitution Of The United States Of America, Analysis And Interpretation*, prepared by the Legislative Reference Service, Library of Congress, U.S. Senate, Document Number 170, 1953, Pp. 434–445.

[19] *Blueprint For The Peace Race*, Arms Control and Disarmament Agency Publication Four, Page 33.

[20] Walt Rostow, *United States In The World Arena*, Harper and Row, New York, 1960, Page 549. Rostow was a key man in the formulation of other policies which, like disarmament, President Nixon has continued. William Gill writes in *The Ordeal Of Otto Otepka:* "He [*Rostow*] remained at State . . . until another President, Lyndon Baines Johnson, summoned him back to the White House in April 1966. This time he was *the* top Presidential Advisor on all national security matters, playing a major role in charting the increasing troop buildups in the Vietnam War. By so doing he won the reputation in Administration and military circles as 'a real hard-liner.'

"In 1967 he was described in an adulatory article in *Business Week* magazine as 'the principal conduit and point of contact between Johnson and the vast bureaucracies of State, Defense, the Central Intelligence Agency, and other operating agencies as they become involved in foreign affairs' . . . .

"In addition he headed up the staff of the National Security Council [*almost all of the members of which were retained by President Nixon*], to which a decade earlier, he had been denied a security clearance in merely a consultant-advisory role.

"Lyndon Johnson summed up this man's position succinctly in 1967: 'He has,' said the President, 'the most important job in the White House, aside from the President.' " (Gill, Pp. 19–20.)

The fact that a successful public relations job could be done to build 'security risk" Rostow into a "hawk" shows how phony the idea is that successive Administrations have been trying to defeat the Communists in Vietnam or anywhere else. Yet, so successful has the buildup been that elements of the New Left at M.I.T. would not permit Rostow to return to that school at the conclusion of the Johnson Administration.

[21] At the Second International Arms Control and Disarmament Symposium, held at Ann Arbor, Michigan, in January 1964, it was revealed that a "joint Statement of Agreed Principles For Disarmament Negotiations by the Union of Soviet Socialist Republics and the United States of America" was announced to the U.N. on March 30, 1961, several months before the creation of the Disarmament Agency. This agreement commits both the U.S. and the Russians to disarmament, and the turning over of arms to a U.N. Army.

[22] If you write the State Department to ask why the Communists control the military arm of the U.N., you will likely receive a reply explaining that this particular office is held by a Russian as a matter of "custom," just as Americans by "custom" always hold other offices. As long as they control the guns, the Russians are willing to let us have charge of the paper clips.

[23] Quoted in Constantine Brown's "Negotiating With A Sworn Enemy," *Washington Evening Star* August 14, 1962.

[24] See *World Government News*, May 1951.

GREAT LAKES POLLUTION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. DULSKI. Mr. Speaker, on May 15, at page 15752 in the RECORD, I called the attention of Members to the action of the Department of the Interior in reducing its antipollution research activities in the Great Lakes at a time when concentrated effort is needed more than ever.

There is only one major fresh water research facility in the country, and the Interior Department's Bureau of Commercial Fisheries intends to cease operation of the laboratory located at the University of Michigan.

The vital work of this laboratory was very carefully outlined in the article from the Michigan Journalist which I included with my May 15 remarks.

In the meanwhile, the legislature of Erie County, N.Y., my home county, has adopted two resolutions on this same subject.

The closing of this laboratory clearly is an action in direct conflict with the administration's claim of concern for our environment.

The text of the resolutions adopted May 19, follow:

A RESOLUTION

Whereas, a recent article in the *Michigan Journalist*, published at the University of Michigan, has pointed out that because of budget reductions, the United States Bureau of Commercial Fisheries intends to cease operation of the Great Lakes Fishery Laboratory at the University of Michigan; and

Whereas, said laboratory is the only major fresh water research facility in the Country; and

Whereas, the Bureau of Commercial Fisheries has issued dismissal notices to 19 of the 82 people on its Research Staff, including notices to nine professional biologists; and

Whereas, the Bureau of Commercial Fisheries intends to transfer its responsibilities in the Great Lakes area to the Bureau of Sports Fisheries and Wildlife, which is not staffed with total environment research teams and will have only $350,000 a year to run what has been a million dollar a year operation; and

Whereas, the preservation of the Great Lakes and the restoration of its vitality is absolutely necessary for the health and economic well being of the millions of people who reside in the areas served by the Great Lakes; and

Whereas, competent, continuous research to develop programs to combat the lamprey and alewife threat to fish life in the Great Lakes and the health of millions of Americans residing along their shores and to seek out and initiate programs to eliminate the pesticide poisoning of the Great Lakes should be considered a matter of the highest priority; and

Whereas, unless the budget for the Bureau of Commercial Fisheries is restored and it continues its entire environment research projects concerning the problems of the Great Lakes, the opportunity to improve the condition of the Great Lakes will be tragically crippled,

Now, therefore, Be It Hereby

Resolved, that the Erie County Legislature hereby memorializes the President and the Congress of the United States to restore the necessary funds to the Bureau of Commercial Fisheries to enable it to continue its projects in the Great Lakes and direct that it continue its responsibilities in the Great Lakes; and be it further

Resolved, that the Erie County Legislature does hereby memorialize the Governors of the States of New York, Pennsylvania, Indiana, Ohio, Michigan, Wisconsin and Minnesota to do all in their power to bring about the restoration of such funds and to assure the continuation of such projects; and be it further

Resolved, that a copy of these resolutons be sent to President Nixon, United States Senators Javits and Goodell; Congressmen Smith, McCarthy and Dulski; the Chairman of the Ways and Means Committee, Congressman Mills; Congressman Marvin Esch of Ann Arbor, Michigan and to the Governors of each of the States that bound on the Great Lakes.

A RESOLUTION

Whereas, reliable reports indicate that the Secretary of Interior has stated his intention to reduce funds for the Great Lakes Laboratory of the United States Bureau of Commercial Fisheries and since such reduction of funds would adversely affect the fishing and related industries in the western New York area, and

Whereas, among the programs which will be adversely affected by reduction in funds is a County sponsored program to develop fish protein concentrate, and

Whereas, such reduction in funds will also produce a great disservice to the sport-fishermen of the area, and

Whereas, such reduction of funds is extremely untimely in view of the recent discoveries concerning the dangerous pollutants which have been introduced into the Great Lakes during the past, and

Whereas, since the highest ranking officers of the Federal Government have repeatedly expressed a desire to hasten the war on pollution in the Great Lakes area, it would seem ambiguous at this time for any cut-back in funds to the Great Lakes Laboratory of the U.S. Bureau of Commercial Fisheries;

Now, therefore, be it

Resolved, That this Honorable Body take appropriate action to inform the Secretary of the Interior of its opposition to this reduction, and be it further

Resolved, That the clerk of this Legislature forward a certified copy of this resolution to the Secretary of the Interior, and to the President of the United States, and to the senators and congressmen representing this area.

WATER SAMPLES TAINTED

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. OBEY. Mr. Speaker, while the Congress will shortly vote on an appropriation to finance the Clean Water Restoration Act, preliminary statistics from a survey of public water supplies recently announced by Mrs. Virginia Knauer indicate that even our drinking water supply is far from acceptable.

The following article, which indicates the results of that survey, once again emphasizes the need for rapid upgrading of our attack on future pollution, not only through the construction of adequate sewage treatment facilities, but also

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through regulations designed to prevent invasion of our water systems by arsenic, mercury, pesticides and other compounds of potential danger to the human organism.

The article follows:

FEDERAL WATER SUPPLY SURVEY SHOWS 30 PERCENT OF SAMPLES TAINTED—NIXON AIDE VOICES CONCERN

PHILADELPHIA, May 20.—Mrs. Virginia Knauer, Presidential assistant for consumer affairs, said today that 30 per cent of public water supply samples taken in a Federal survey had shown excessive amounts of germs and chemicals.

In a speech prepared for the Franklin Institute here, Mrs. Knauer said that nearly all of the samples had shown traces of pesticides, and four-tenths of 1 per cent had contained arsenic in excess of Federal standards.

"Those are just a few of the facts contained in the survey," she said. "There is cause for deep concern, if not for alarm."

Mrs. Knauer drew her statistics from preliminary drafts of a survey taken in nine areas of the United States by the Environmental Control Administration beginning last February.

In Washington a spokesman for the E.C.A., an arm of the Department of Health, Education and Welfare, confirmed the statistics reported by Mrs. Knauer.

"There is cause for concern in certain places, but certainly not nationwide," the spokesman said, but he declined to make public the entire report until it was finished. The final report is expected in six to eight weeks.

The spokesman said the survey had taken 3,563 samples from the water supplies of the State of Vermont and the following metropolitan areas: New York City, including Westchester County and Long Island; Cincinnati, Ohio; Charleston, W. Va.; Charleston, S.C.; Kansas City, Mo.; New Orleans; Pueblo, Colo., and San Bernardino and Riverside counties in Southern California.

FIRST COMPREHENSIVE STUDY

The survey was the first comprehensive study of the nation's public water supply by Federal Government.

Mrs. Knauer noted that the arsenic residues did not sound like much, "but it can be serious to people who have been drinking it for years."

The Environmental Control Administration spokesman said the human body did not rid itself of arsenic, and it builds up in volume. It can cause cancer of the skin and liver.

Mrs. Knauer said laundry detergents were one source of arsenic. It is also present in some pesticides.

But the E.C.A. spokesman said that nearly all of the arsenic found in the survey was the result of the chemical's natural occurrence in rock and soil.

He said officials were surprised at the prevalence of pesticides in drinking water, but noted that the amounts found were below toxic levels.

However he said the residues were a warning of possible trouble in the future. Most water purification systems are not equipped to eliminate chemical impurities.

The spokesman said most of the 979 samples that showed violation of at least one Federal purity standard were from smaller water supplies.

The Federal Government sets standards for drinking water supplies, but implementation and enforcement is the responsibility of individual municipalities.

The Environmental Administration spokesman said local officials had worked with the Federal surveyors and apparently were aware of any violations found in their areas.

FBI ACADEMISTS SEEK THE IMPOSSIBLE DREAM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mrs. MINK. Mr. Speaker, it is with a great deal of pleasure that I take note of the stirring remarks delivered by Police Capt. George Iranon of Hawaii, at the graduation exercises of the 85th session of the Federal Bureau of Investigation National Academy on May 27, 1970.

Captain Iranon has compiled a distinguished record as commander of the Kona District of the city and county of Hawaii police department. He has been a policeman since 1956, and was honored by being elected as the president of the 85th session of the FBI National Academy.

As president of his class, he addressed the graduates at the conclusion of their 12 weeks of study on how to improve the effectiveness and professionalism of law enforcement. I believe that his remarks stressing "an impossible dream—the answer desired by all law enforcement—the elimination of crime"—are of general interest to all.

Accordingly, I request permission to insert Captain Iranon's remarks at this point in the RECORD:

FBI ACADEMISTS SEEK THE IMPOSSIBLE DREAM

Mr. Hoover, distinguished guests, families and friends, and members of the 85th session of the FBI National Academy.

Several weeks ago one of our instructors recited to our class the words of the song "The Impossible Dream" from the musical play "Man of La Mancha." The theme of this song may well have become the theme of this class; "To Dream—the Im-pos-si-ble Dream,—to fight—the un-beat-a-ble foe,—to bear—with un-bear-a-ble sor-row,—to run—where the brave dare not go." We came here to the "West Point of Law Enforcement" seeking an impossible dream—the answer desired by all law enforcement—the elimination of crime.

We came from every State in the United States, from the Nation's Capital, the Canal Zone, Puerto Rico, and seven foreign lands. We came determined to dedicate ourselves—to concentrate our efforts together—to prepare ourselves for the realization of our dreams, for the future of mankind. As we now prepare to return to our own departments—as we gather for the last time under one roof—I have the singular honor and with humble pride—speak for the 99 members of this 35th anniversary class.

We leave today with a deep regard for the Federal Bureau of Investigation and the National Academy. The wisdom of Mr. Hoover in establishing this fine academy is self-evident in the exceptional contributions those graduates before us have made to law enforcement all over the world. To you, sir, we say with deep affection, "Thank you"! We urge that you continue for many years as the spokesman of law enforcement. May I commend to you the high quality of instruction and administration we received for the duration of the course. The professional attitude of your staff, the honor and respect in which you and the Bureau are held, was evident in their every word and deed. The courtesies, patience, understanding and assistance, day or night, of the counselors who receive diplomas with us today could never be adequately acknowledged.

We must convey to our administrators who made our attendance here possible, our deep appreciation, and assurance it will prove to be well worth the time and effort.

It is not possible to properly thank our wives and families who kept things moving at home. Especially, we are aware of the endurance, spirit, courage and understanding demanded of the families of law enforcement officers. We are as proud of you today as we can ever be; for any accomplishment of ours is equally yours.

We have been called the finest national academy class ever. This is as it should be. I have witnessed an interchange of ideas and knowledge and an insatiable desire for learning that I would not have thought possible. I have never associated with a group of any kind so intent on self-improvement for the express purpose of better serving mankind.

There is no doubt that the exposure to men of all levels of law enforcement from many different agencies has broadened our horizons of knowledge, reinforced our courage and strengthened our integrity—the motto and the promise of the FBI National Academy.

As we leave here today to join with great pride the distinguished alumni of the FBI National Academy, each of us accepts the quest of the "Man of La Mancha" as our pledge: "To reach—the un-reach-a-ble star! This is my quest,—to fol-low that star,—no mat-ter how hope-less,—no mat-ter how far;—to fight for the right—with-out question or pause,—to be will-ing to march in-to hell for a heav-en-ly cause! And I know,—if I'll on-ly be true—to this glo-ri-ous quest,—that my heart—will lie peaceful and calm, when I'm laid to my rest and the world will be bet-ter for this."

Aloha!

A LEGISLATIVE STRAITJACKET?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. WYMAN. Mr. Speaker, frequently comment by House Members upon the goings-on in the other body are inappropriate and unwelcome. At the current juncture in American history, however, it distresses many Members of the House that the role of the House in foreign affairs is somewhat removed from current happenings. This distress mounts in proportion to awareness that the lower body is clearly closest to the people.

Public distress over Vietnam and the general condition of American involvement in Indochina ought never to be translated into the imposition of a legislative straitjacket upon the Commander in Chief. Let us get out of Vietnam, but let us do it the right way, the safest way for our troops, and the honorable way with reference to our commitment to South Vietnam. On this the President is not only outstandingly knowledgeable but doing probably the only thing he can do in the situation he inherited, undertaking to turn over the defense of South Vietnam to the South Vietnamese where it belongs.

In this connection the lead editorial in today's Wall Street Journal is of interest. It follows:

THE COOPER-CHURCH AMENDMENT

As the Senate debates the Cooper-Church amendment to cut off funds for certain types

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of military operations in Cambodia, our biggest headache is trying to figure out what its words mean. Its passage would do more harm than good unless something is done to clarify what it says, first, about the President's power to strike into Cambodia in protection of American troops already in the field, and second, about policies intended to bolster the non-Communist government in Cambodia.

On its face the amendment seems to say that despite the President's powers as Commander in Chief he cannot undertake military operations in Cambodia even if enemy forces there are attacking or about to attack American troops already in South Vietnam. Either the amendment means this or it means nothing at all with regard to this question; its sponsors seem confused as to which is the case. Witness Senator Church on the Senate floor:

"We do not raise into question here the power the President has as Commander in Chief. He derives that authority from the Constitution itself. We could not deny him his powers under the Constitution if we tried. Nothing in our amendment would interfere with his right to protect American troops in the field or to provide for their immediate needs."

If the amendment does fully preserve the President's right to protect American troops, then it does not change his right to act within Cambodia if his purpose is to protect American troops, as it is in the current operations. If the amendment denies him the right to act in Cambodia regardless of his purpose, then it interferes with his right to protect American troops in ways the Commander in Chief deems necessary. The amendment's sponsors cannot have it both ways.

Both the Constitution and common sense dictate that Congress cannot act as Commander in Chief of troops actually in the field, as it would be doing when it draws lines of military maps in a theater long since drawn into the war by the enemy. It does not wish to say it's different because international boundaries are involved when the enemy constantly violates these boundaries and when the nation involved does not object. Nor does it wish to say Congress is only formalizing limits the President himself has established, since limits are one thing when drawn by the Commander in Chief and another thing when etched into law.

At the amendment's second level, we find another set of considerations. We think it entirely appropriate that Congress concern itself with the broad question of American policy toward the Cambodian government, and in fact we think the Administration should seek to involve Congress here. But once again we are left unsure what policy the Cooper-Church amendment seeks to promote. There is quite a difference between a policy of "no American troops" and a policy of "let the place sink."

The general thrust—and the ostensible defense—of the amendment is to implement a policy of no American troops. It has a sleeper section, however, that could undercut any effort whatever to aid Cambodia in its self-defense. This section prohibits U.S. participation in any agreement to provide military instruction in Cambodia. In other words, the U.S. could not provide technical or financial assistance if the South Vietnamese, Indonesians, Thais, Koreans or others undertook to help Cambodia train its army.

It's difficult to conceive a more wrongheaded provision. If we want to reduce our presence in Asia, regional cooperation is what we should try to promote, not inhibit. Also, the section makes hash of the sponsors' arguments that they only want to help the President follow the policy he has already set, for nothing could be more contradictory to the Nixon doctrine.

Despite all this, the Cooper-Church amendment is directed at a concern with which we sympathize—that Congress be more involved in foreign policy. What is needed is the type of Congressional-Executive consultation that helped prevent an Indochina expedition in support of the French during the Eisenhower years. But it is not a matter of writing a law but of building an ongoing process; a specific piece of legislation is important only to the extent it helps build the basis for a continuing process. As it now stands, casting an ambiguous shadow both on the President's powers as Commander in Chief and on the Nixon doctrine of U.S. assistance for self-help, the Cooper-Church amendment will not build but undermine the process.

Yet it could conceivably be turned into something else if the Senate and the Administration can work together to clarify what it says about the Commander in Chief's powers and to remove the sleeper section. In the process of working out those problems, perhaps the two branches could make a small start toward the trust, understanding and cooperation necessary to truly meaningful consultation on future policy.

A TRIBUTE TO SPEAKER JOHN W. McCORMACK

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. FRIEDEL. Mr. Speaker, at the beginning of the 83d Congress, in 1953, it was my privilege to sit with my colleagues in this great legislative body as one of the Representatives of the Free State of Maryland, to personally become acquainted with our illustrious Speaker. I shall never forget how I was impressed by him; at that time he was the Democratic whip of the House and in that capacity he showed his ability and friendship.

It was the result of JOHN W. MCCORMACK's outstanding contributions to the cause of landmark legislation that he was elected majority leader during the first session of the 87th Congress and, in the next session of that Congress, the Speaker of the House of Representatives. More vital and helpful laws were enacted to make this great Nation of ours an even better place to live than ever before because of the compassion and superb qualities of the heart and mind of the man we honor.

Sharp against the skyline of beautiful Washington on a hilltop height, stands the Nation's Capitol, citadel of democracy epitomized in the words of Alexander Hamilton:

"Here, sir, the people govern."

In this historic Hall of the House of Representatives, where "the people govern," we are indeed fortunate to have as our presiding officer a great and good man. The Speaker is frequently described as the second most powerful figure in our Government, standing next to the President. The position has attained that eminence through a long evolutionary process over the span of our country's existence.

JOHN W. MCCORMACK's long tenure in the House, comparable to those who have served here for the greatest number of years, is a political fact that everyone interested in Government must admire. He has served his native Commonwealth of Massachusetts and the Nation very well indeed. Our great country has benefited greatly because of JOHN MCCORMACK.

The true measure of his leadership as Speaker can be found in the respect and affection accorded him on both sides of the aisle. He has at all times been eminently fair and impartial to all, whether they be of his own Democratic Party, the Republican, or a third party.

In the life of JOHN W. MCCORMACK we see the well-known Horatio Alger story come true. Coming from humble and poor beginnings and largely self-taught, he achieved his present exalted office by his native ability and intellect. This can only happen in the United States of America and is an inspiration to all. He, more than anyone I know, typifies the hopes and aspirations of patriotic Americans.

Speaker MCCORMACK who voluntarily announced his retirement when the 91st Congress adjourns, has very many admirers and stanch friends in every part of our vast country and I have the privilege to be among them. With the passage of the years, my esteem, respect, and genuine affection for this great leader has grown. His lofty ideals, patriotism, great spiritual faith, and kindliness to all has endeared him to all his colleagues.

JOHN W. MCCORMACK's impending departure from the Congress will leave a great void that no other man can quite fill. May the years ahead be kind so that he shall be long able to continue to exercise his wise counsel on behalf of America and may his life and that of his wonderful wife be filled with happiness.

WALT ROSTOW—INSIGHTS ON COLLEGE EDUCATION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. PICKLE. Mr. Speaker, the University of Texas at Austin has had many distinguished men serve as professors. We are now especially honored to have Mr. Walt Rostow, former Special Assistant to President Lyndon Johnson, on our campus. This famous educator has returned to his first love, teaching, and he brings with him the invaluable wisdom that can be learned at but one place in this Nation—the White House.

Mr. Rostow is now a professor of economics and history at the university and brings to this post his many years of experience in the business and academic worlds. His achievements are far reaching and to each position he has given a degree of excellence rarely attained. His keen mind perceives a realm of judgment that is both perceptive and keenly observant.

The Addendum, a new publication issued by the University of Texas, deals with subjects of interest to faculty and staff members. Their March issue featured an adaptation of an address given by Mr. Rostow. Mr. Rostow's remarks concerning higher education are highly thought provoking and the ideas which he sets forth could well be taken as building blocks for our society today and for the development of our leaders of tomorrow. He sets forth five proposals that I would headline for you. First, the currently relevant is not likely to prove relevant in the future. Second, education is a mysterious process that takes time. Third, the heart of education is learning what it is to be first-rate. Fourth, in the end education is a private affair—a proposition I almost took as my title. Fifth, contemporary problems can be highly relevant to education.

I insert these thought-provoking remarks in the RECORD:

THE IRRELEVANCE OF THE RELEVANT

(By Walt W. Rostow)

The news every day underlines that university administrators are in the front line of national life, as we move forward to reshape our educational institutions to the nation's hopes and dreams and purposes.

If there is a single theme that runs through the observations I have to make, it is that, ultimately, education is an intimate, complex, and highly personal human experience.

My formal title is "The Irrelevance of the Relevant." In choosing that title, I was, of course, aware that a good many students and others are pressing hard to reshape the subject matter of teaching in our universities around "relevant" subjects and materials.

But, despite my title, I am not engaging in confrontation politics. I share many of the concerns of those who are now critics of our educational policies and who advocate change. I believe that we in the United States—and peoples in almost every part of the globe—are undergoing an educational revolution.

This is a time in history when societies are moving forward on every continent, conscious that their future will be different from the present as well as the past. They are trying to estimate—to guess—what kind of educational system will best prepare citizens for those futures. And that means debate and change. Since 1965 we in the United States have seen the most massive and far-reaching legislation passed by the Congress, under President Johnson's leadership, in all our history.

Last summer I traveled with my family around the world from Tokyo to England. We visited nations whose gross national product per capita ranged from, say, $100 in Indonesia to over $2,000 in Western Europe. But whether we were in the midst of the roaring automobile age of Japan or the exciting take-off in Korea; in the early drive to technological maturity of Iran; or the late automobile age atmosphere of comfortable Paris or London—wherever we went university problems were an inevitable and major subject of conversation. And this was true not merely of fellow academics but of prime ministers.

The Koreans, for example, are confident that by the turn of the century they will probably be as advanced as Japan is now; the Iranians are confident they will, by the year 2000, be at least up to the level of contemporary Europe. They are striving to adjust their educational institutions to those confident hopes. The fundamental problems of education in modern society are being rethought and the institutions of education being reshaped as each nation takes stock of what it has inherited from the past and what it thinks it will need in the future.

And that is also true of us here in the United States. But we know less about our future than South Korea or Iran, because right now we're out in front. We must be pioneers in education as we are in space—and as we once were in this part of the West. The adventure of building a satisfying and humane, decent and orderly life in the world of mass affluence, modern technology, and bureaucratic organization is as challenging a task as our society has faced from its beginning. And what we do or fail to do in education will have a great deal to do with the outcome.

In our country we are all aware that we have experienced a most extraordinary expansion in the scale of higher education. The figures are familiar, but are worth repeating: in the school year 1939–40, about a million and a half students entered colleges and universities; in 1968–69 the figure was about seven million. More than 40 per cent of all Americans of an age to attend college now enter college; that is, more than a half of all high school graduates.

We have carried out this revolution for the reason that we Americans have done most big things in our history: because idealism and practical self-interest converged. As children of Jefferson still, we have continued to act in gradual fulfillment of the idea which underlies so much in our society; namely, the principle of equality of opportunity. And a college education is increasingly a basic human opportunity for those capable of qualifying for it. But we have also acted to expand college education because the kind of highly technological society we have created requires for its working force a vast corps of men and women who command tools and perspectives and habits of mind which a college education almost uniquely can provide.

Some have achieved these qualities without a formal college education. Some who complete a college education never acquire them. But a college education is the best device we know in our society to impart these qualities.

It was, perhaps, Adam Smith who, in criticizing the irrelevant curriculum at 18th Century Oxford, first formally linked the right kind of education with economic development—or The Wealth of Nations, as he put it. No single act of legislation in our history did more for the economic and social development of our nation than the Morrill Act of 1862 which launched so many schools devoted to training in agriculture, mining, and engineering—many of which are now the kind of wide-ranging, complete universities our society requires, a century later. And education has always been the underlying basis for hope and faith that democracy could work. No contemporary study of economic or political development, past or present, would be judged complete without references to the educational system.

I start, then, by assuming that education is a fundamental determinant of the kind of society we are and shall become, and a legitimate object of public policy.

But education is also what happens to unique human beings at a sensitive and critical phase of their lives.

Legislation and adequate financial resources are essential. They provide the necessary framework within which education can happen. But they do not educate. For example, we are only beginning to face the simple fact that it is easier to take in students and to build buildings than it is to provide first-rate teaching. That is one of the central problems that we confront in making good the historic new commitments to education in the United States of recent years.

When, in February 1969, I returned to teaching, I was anxious to lay out a set of ideas on which I had been working for 10 years and more. But I was not yet ready to lecture to a large class. I first needed the give and take of an intimate seminar. But, haunted by the statistics of growth in the student population, I decided I simply could not lay out the new set of ideas to a dozen students. So we set up the seminar table in The University of Texas television studio and put the whole affair—warts and all—including the seminar discussion and the presentation of student papers—on videotape so they would be available immediately and for the long pull to a wider audience.

I cite this limited exercise not because it was unique or revolutionary, but because all of us—trustees, administrators, and students alike—will be thinking and acting in somewhat new ways in the time ahead.

II

My underlying judgment, then, is that education is both an affair of public policy and an intimate individual experience. I shall now turn to the lessons that one student and teacher has drawn, after 30 years, about education in the narrower sense—about education as a matter of individual learning and what there is to learn.

My propositions are these:

First, the currently relevant is not likely to prove relevant in the future.

Second, education is a mysterious process that takes time.

Third, the heart of education is learning what it is to be first-rate.

Fourth, in the end education is a private affair—a proposition I almost took as my title.

Fifth, contemporary problems can be highly relevant to education.

III

My first proposition is: The currently relevant is not likely to prove relevant in the future.

Let me immediately explain the particular sense in which I think that proposition is true.

In the early 1950's at M.I.T. we were engaged in preparing the way for the Sloan School of Industrial Management. A group of the faculty interviewed systematically the presidents of a number of major American corporations. In a series of informal lunches, which stretched into long afternoon conversations, the following central question was put to them: What would you like us to teach men who, in time, might be your successors?

These men were interviewed one by one, but there was an extraordinary convergence in their answers.

As I recall, they all agreed on this: "Don't try to teach them how to run a business. Leave that to us. They will have to unlearn what you teach them when they go to work for us."

Next, they urged: "Try to teach them something about history and the process of change." These responsible business leaders explained that industrial life was changing so fast in relation to our society that some feel for where we had come from and where we might go was essential.

Then they pleaded: "Try to teach them to write." It emerged that one of the greatest weaknesses they felt was the lack of men who could write clearly, tersely, to the point.

Finally, they advised: "Try to teach them something about human beings. We doubt that you can, but try." As they talked of life in great industrial organizations, with their links to government and stockholders, labor unions, and the mass media, they were conscious that the heart of their job lay in dealing successfully with people rather than with machines.

Now these men did not expect us to abandon the notion of a school of industrial management and return, let us say, to a curriculum like that of Oxford Greats—which did, indeed, through the study of classical times, teach men something about history, writing, and people. They knew we were

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going to proceed with a mixture of engineering and the social sciences. But they pierced through and identified—I believe correctly—what, ultimately, students entering the world of affairs should acquire from their training, whatever its technical subject matter.

Educational experience is designed, after all, to provide men and women a foundation for at least 40 years of work in the active world. If there is anything we know about the world in which we live, it is that the problems that will be confronted over that span of 40 years will be very different from the problems that immediately surround us. (Economists of my generation, for example, were trained in an environment obsessed with the problem of unemployment and business cycles in the United States but have spent a great deal of their working lives on problems of inflation, in war and peace, and on problems of growth in distant continents.) University training should prepare students to cope intelligently and effectively with the process of change over the span of their lives; but obviously in a fast-moving world like ours, it is, in the end, the fundamentals that count, even if those fundamentals can only be taught by rigorous attention to whatever materials find their way into the curriculum.

And there are fundamentals—in intellectual life, in public life, and in man's relations to his fellow men—which, over the centuries, have withstood the test of time.

IV

My second proposition: Education is a mysterious process that takes time.

In the summer of 1948 I was working in the secretariat of the United Nations Economic Commission for Europe at Geneva. I was sent to talk to the Yugoslav government about a new committee we were setting up, devoted to industrial problems. In Belgrade I found the government trying rapidly to increase the number of engineers and technicians. During the German occupation men with technical training had been decimated. It was necessary, in a nation with industrial ambitions, to replace rapidly those lost skills. Government officials worked long hours. But those with an engineering training were also teaching at night.

The method then adopted by the Yugoslavs to make up their loss was to break down the various specialized fields into narrower sub-fields in which men might be given short, intensive courses. For example, they were not training coal-mining engineers. They were training coal-face engineers, underground coal transport engineers, pit-head managers, and so on.

Some years later, one of the officials who had been engaged in this double duty visited me in the United States. I told him I remembered with admiration the effort I had observed in 1946 and asked how it had come out. Had it been successful?

He said he was then a member of a government commission reviewing the whole experience. "Bluntly," he said, "the effort failed. We found that men with narrow, specialized training in short courses were not useful. We concluded that to make a good coal-mining engineer a man had to spend a certain number of years in an academic setting before he could be effective."

I remember that my Yugoslav friend and I then probed for a while at the mystery: What is it that, apparently, only a sustained period in the environment of a university could provide? What is it that distinguishes those who have absorbed a full university training from those who have not?

We didn't solve the mystery then, and I cannot give you a confident answer now. But the nearest thing to an answer I know is my third proposition.

V

The heart of education is learning what it is to be first-rate, for there are abiding values in intellectual life, and there is such a thing as academic excellence. Learning what those values and standards of excellence are and, for a time, setting your own unique capacities against those standards is, as nearly as I can perceive, the essence of education.

President Kennedy used to recall often—it was perhaps his most fundamental judgment about life—the old Greek definition of happiness as the maximum exercise of a man's capacities against standards of excellence. There are, of course, standards of excellence to be perceived and upheld in many other dimensions of life beyond the university: in business and sport, drama and music and painting, and in politics, too. Our religious and moral codes even tell us a little of what excellence is like in man's relations with other human beings. In wandering through history and various parts of the contemporary world, I have found that a good man is identified at different times and places in rather similar ways, despite differences of culture and environment. And elements in university life as a whole may touch on all these dimensions of life and excellence, but the university mission, at the core, is to provide a glimpse of what it is to be excellent in terms of the pursuit of truth, by academic standards, in the world of ideas.

This proposition immediately raises the question: "Assuming you are right, where are we going to glimpse this firstrateness: in our routine classes, pressing for the high grades we need for graduate school? In our text books? How do we students bring ourselves in touch with this intellectual grandeur?" Some may even add: "That is why we are trying to retrieve our professors from Washington and from other irrelevant diversions."

My answer is: Look for it and you will find it.

I am sure distinguished professors should be about the campus a good deal of the time, and students should have access to them. But the educational process is not built merely out of administrative rules and formal curricula—although both are, evidently, necessary and important. It is built out of a student's total intellectual experience in a university environment.

I have asked many men: What do you most remember from your education? What was truly important in your university experience, in shaping your life and your ideas? Without exception, the answer centered on powerful moments that happened—moments which no faculty, no matter how wise and strengthened by student participation, could have truly anticipated.

Often, it is a conversation with a teacher which suddenly broke through the mechanics of college routines and revealed the depth of the teacher's quality and commitment to the life of the mind and the university; or which opened, unexpectedly, a door through which the student then passed. President Johnson, for example, tells the story of how C. E. Evans, distinguished president of Southwest Texas State College, once dispassionately laid out for him the challenge of public life versus those of teaching, and this single exposition helped lead him to his final choice. Sometimes it was a lecture that lit a bonfire in a student's mind—or a passage in a book or article that happened to come at the right moment.

For example, I studied English history as an undergraduate at Yale. As a sophomore I joined a seminar in formal economic theory, given for four undergraduates by a friend—a graduate student, Richard Bissell, just back from the London School of Economics. We gathered once a week in his rooms at night, after which we repaired to a hamburger joint.

The first lecture was by another graduate student, a philosopher named Julian Ripley—its subject: the scientific method.

To this day Ripley's talk in 1933 remains clear in my mind—as clear as his dropping his cigarette ashes in the cuff of his trousers. But Bissell's seminar, as a whole, was the occasion for my posing the key intellectual issues at which I have since worked down to the present day; that is, the linking of economic history and the relation between economic factors and politics

The body of modern economic theory expounded in the Bissell seminar was itself important, because it was not then taught at Yale. But it was the excitement of the seminar as a whole—and what it stirred in each of us—that finally mattered.

There was another happening in my time as an undergraduate. Professor Henri Foçillon came from Paris to lecture at Yale. He was an historian of mediaeval art. A number of us went to hear him out of curiosity. I had to tune up my best New Haven High School French for the occasion. What we heard was a superb example of formal French academic exposition. Foçillon was also, clearly, a master of his materials. The combination of this mastery and the elegance of his presentation was a striking experience for all of us—a glimpse of true excellence in a field in which none of us was engaged. (But I should add that Foçillon's magnetism was such that two of my friends became art historians.)

The case of Foçillon is worth pondering. He left a permanent mark on a good many men not because he spoke in a field in which they worked—or most of them would work. He spoke formally. I don't believe I ever shook his hand. What he said about flying buttresses I cannot recall. But no man left his lectures without being better educated than when he had entered.

Education ought to include learning a great deal about something, but also learning something about a good many subjects which may never play a part in your professional life.

Where, then, does the regular faculty fit? Is education to be achieved only through black market mutual education and visiting Frenchmen?

In my own case, for example, a whole group of history teachers at Yale spurred me on: Sidney Mitchell, David Owen, Stanley Pargellis, Wallace Notestein. None pretended to knowledge of—or even interest in—the rather curious kind of economic history which appeared to attract me. But in telling me of their work, guiding me to books and courses and people, making sure my enthusiasm was matched by the technical quality of my work—they were invaluable, especially David Owen who helped me along in a hundred ways but then decided, when I was a senior, that I had done enough economic history for the moment and made me write a paper on the reception initially accorded by the British public to Gilbert and Sullivan.

I do not believe there is a faculty in the United States which lacks men capable of opening the door to the inner qualities of intellectual life: its rigors and its excitement, its frustrations and triumphs—and the nature of academic excellence.

In the end teacher and student are in a curious relation: They meet and do important business together, but they are and must remain on separate tracks.

The teacher—out of his personality and experience—chooses a path to pursue in academic life. Out of all that he has achieved and experienced, the student can acquire much, directly and obliquely.

One of the glories of being a teacher is to see a student absorb in an hour a set of ideas you have spent 20 years developing, and go briskly beyond. You can feel the weight of his feet on your shoulders as he climbs up, and it is good.

But basically the student is in the process of deciding what he will do, and it can never be what his teacher did, given the uniqueness of personalities and the passage of time.

What the teacher owes the student is a combination of respect and loyalty to the

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standards of university life. And simple affection easily finds its way into that equation.

What the student owes the teacher is respect for the path the teacher has chosen, as the student seeks, in the best sense, to exploit to the hilt all that the teacher can offer him.

What can never work is for students to decide what the teacher should teach and say, for the most important asset the teacher has to contribute to education is the integrity of what he has done, what he perceives, what he stands for.

Equally, the teacher should never look for disciples, for the integrity of the student's track must be protected and encouraged as much as the teacher's.

VI

My fourth proposition follows, I believe, from the third: In the end, education is a private affair.

Pope John XXIII made one of the most profound observations I know about the process of development in underdeveloped areas, which bears, as well, on the struggle against poverty in our own society. He said:

"Special effort . . . must be made to see to it that workers in underdeveloped areas are conscious of playing a key role in the promotion of their personal socioeconomic and cultural betterment. For it is a mark of good citizenship to shoulder a major share of the burden connected with one's own development."

In the best sense a student is in the process of development, and, finally, that development will take place within him, out of his own effort and private struggle. The purpose of a school—like a good foreign aid or poverty program—is to create an environment which will maximize the chance that inner effort and development will occur.

It may seem heresy, but perhaps the most important thing a university offers a student is a library and a brief phase in his life when he has time to read books, if he fights for that time.

I have no doubt, for example, that the stacks of the Yale library did more than anything else to draw me into academic life. As a freshman, I made my way quite illegally into them while writing a paper on a dreadful French revolutionary journalist named Jean-Jacques Hébert. Before I was finished I had read not only the files of his yellow journal, La Pére Duchêne, but all the histories of the French Revolution, and the files of Le Moniteur Universel, Paris' New York Times of the period. In fact, I had assembled most of this material on a long desk for graduate students in the reserve book room. I would guess the row of books stretched about 75 feet.

This provided too much even for the benign and charming lady who presided over the reserve book room.

In the ensuing crisis, my brother, a distinguished senior, was called in to consult on the aberrant behavior of his sibling. Despite his embarassment, he was firm but statesmanlike on my behalf. And a compromise was reached: I could assemble no more than 100 books at a time.

But the excitement of staring at all there was—all the documents and pamphlets, journals and passionate histories—each geared to the historian's current politics—in fact at much of all the written word that bore on the French Revolution—this was an enduring experience.

There is a marvelous challenging loneliness in the stacks of a good library. There you are; there is all you must absorb and master before you have the right to state your own view, but, with the help of God and many hours of labor, you're going to do it. In the end, what you say will be yours, but along the way the insights of others will have left their mark on you.

The resource and the stimulus of the faculty and the library may be great, but in the end, what you finally draw and learn from all this happens when you are alone. And it happens from your own effort.

In a memorable piece of light verse on the classical theory of taxation, Stephen Leacock evokes a masochistic character, representing the taxpayer who wanders around saying from time to time:

All Incidence falls on me, as it must
Hit me again,
Amen.

In education it is, in fact, not quite that bad. The student is in a somewhat better position than the taxpayer. The incidence—the burden—of education is more evenly spread. There are teachers and text books, classes and the benign foundations. But in the end, education is a lonely, private affair: one unique individual coming to grips—and ultimately to terms—with what we think we know; how we think we know it; and where the areas of darkness lie which are most worth trying to push back a little.

It is essentially the same whether the occasion is an undergraduate term paper, a doctoral thesis, or the latest book of a well-known professor.

In education there is no Santa Claus.

VII

Now my fifth proposition: Contemporary problems can be relevant to education.

By this time, I suspect you understand what my title really means. So far as one man's experience as a student and teacher is concerned, the critical issues of education have little to do with what are currently called "relevant" matters.

One can have an excellent college education without spending one classroom moment, one homework assignment, writing one term paper—on Vietnam or NATO; the missile balance or techniques of guerrilla warfare; on urban problems or race conflicts, or African history. There are ample bodies of material whose study can yield all that education can provide.

On the other hand, there is not the slightest reason that these and other contemporary problems cannot be the legitimate subject of academic research and teaching—if the research and teaching are conducted by reputable academic standards.

We know two things about curricula in universities.

First, they are always in the process of change in the direction of more relevance to problems of contemporary society, but with a considerable time lag and much impassioned debate, because universities tend to be conservative institutions. (In British universities, where only M.A.'s can vote on such matters, protectors of the status quo used to bring in the nearby country parsons—usually university M.A.'s—to defeat or slow down new proposals.)

Second, we know with hindsight that these famous battles turn out to have been not nearly as important as they looked at the time. They have to be fought, but modernizing the curriculum is no panacea.

And I say these things as one who regularly lined up in university life—and line up today—on the side of modernizing the curriculum and drawing contemporary problems into the stream of academic life. For example, in giving my Inaugural Lecture at Oxford in 1947, I put aside "Method in Economic History" and chose "The American Diplomatic Revolution." At M.I.T., in 1951, I helped set up the Center for International Studies, an institution devoted to research and analysis bearing on the nation's problems in the world. About half my time in the 1950's was devoted to writing books about such contemporary problems. And from time to time I have contributed what I could offer to public service—experiences for which I shall always be grateful.

Surely I cannot argue that contemporary issues of policy are irrelevant to academic life. And I would not so argue. But I do believe this: What matters in education is not the subject matter but how it is approached.

I recall vividly in 1951, when we were setting up the Center for International Studies, a discussion with Julius Stratton, then the provost of M.I.T. He said he would support our effort if the standards we set and upheld matched those that would be applied at M.I.T. to less contemporary problems.

He recalled that science and technology were not developed over the centuries in an ivory tower vacuum. Much of it began with such problems as the control of flooding on the Nile or how to navigate accurately at sea.

In economics, for example, the great classics, almost without exception, were addressed to real problems of the active world—from Adam Smith, Malthus, and Ricardo down through Marshall, Pigou, and Keynes. But these works were classics not because they were addressed to contemporary problems. The libraries are filled with books and pamphlets, written at the same periods on the same problems which have left little heritage. Their works were classics because, in seeking to understand and to solve contemporary problems, these men brought the highest order of intellectual discipline and creativeness to their tasks, and reshaped the basic concepts of their science—concepts which changed the way, first, economists and, then a wider circle, including politicians, looked at the world around them.

Of course, those so minded in a university should by all means not deny themselves the study of questions which they judge of burning importance in the life of their society or of the human race. But if their products are to be part of university life, there are standards of discipline—and self-discipline—and creativity—to be met.

VIII

And now, if I may, a final word.

I would hope that in the course of a college education students would all come to sense, at least a little, the character and variety of what is involved in pursuing the truth by academic standards through intellectual disciplines. Relatively few of those who experience a college education will, in fact, devote their lives to university teaching and research. But there is a special quality in this flow of human endeavor designed to push back the ignorance with which man is surrounded.

Vannevar Bush once described what goes into building the world of ideas and knowledge in natural science, but his image holds for academic life as a whole. He said:

"There are those who are quite content, given a few tools, to dig away unearthing odd blocks, piling them up in the view of fellow workers, and apparently not caring whether they fit anywhere or not. Unfortunately there are also those who watch carefully until some industrial group digs out a particular ornamental block, whereupon they fit it in place wtih much gusto and bow to the crowd. Some groups do not dig at all, but spend all their time arguing as to the exact arrangements of a cornice or an abutment. Some spend all their days trying to pull down a block or two that a rival has put in place. Some, indeed, neither dig nor argue, but go along with the crowd, scratch here and there, and enjoy the scenery. Some sit by and give advice, and some just sit.

"On the other hand there are those men of rare vision, who can grasp well in advance just the block that is needed for rapid advance on a section of the edifice to be possible, who can tell by some subtle sense where it will be found, and who have an uncanny skill in clearing away dross and bringing it surely into the light. These are the master workmen. For each of them there can well be many of lesser stature who chip and delve, industriously, but with little grasp of what it is all about, and who nevertheless make the great steps possible.

"There are those who can give the structure meaning, who can trace its evolution from early times, and describe the glories that are to be, in ways that inspire those who work and those who enjoy. They bring the inspiration that all is not mere building of monotonous walls, and that there is architecture even though the architect is not seen to guide and order.

"There are those who labor to make the utility of the structure real, to cause it to give shelter to the multitude, that they may be better protected, and that they may derive health and well-being because of its presence.

"And the edifice is not built by the quarrymen and the masons alone. There are those who bring them food during their labors, and cooling drink when the days are warm, who sing to them, and place flowers on the little walls that have grown with the years.

"There are also the old men, whose days of vigorous building are done, whose eyes are too dim to see the details of the arch or the needed form of its keystone; but who have built a wall here and there, and lived long in the edifice, who have learned to love it and who have even grasped a suggestion of its ultimate meaning; and who sit in the shade and encourage the young men."

The pursuit of truth—which none of us will ever find—by fallible men, gripped in the continuity of intellectual life, building on each other's work, debating contentiously as they strive to go forward—this is one of man's finest efforts.

Even in a world of modern buildings—of IBM cards and computers, of debates on relevance and participation—it requires exactly the same qualities of stubborn, questing integrity that it did more than 2,000 years ago when Socrates got himself into trouble.

THE RIGHT TO REFRAIN

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. HALL. Mr. Speaker, can anyone who really proposes or intends collective bargaining and a closed shop for all public servants be truly interested in the future of this Republic?

Have we forgotten the unions in the French Army prior to the "blitzkrieg" in World War II?

I certainly concur that the right of a U.S. citizen to work for his own government as a public servant and in the public trust approaches an absolute right, but the Government and its management must also have the right to fire or not employ—a responsibility of good government which seems to be long since forgotten.

There is certainly a difference in collective bargaining and compulsory unionism, the last of which until recently was considered illegal among public servants, as well as the right to strike.

James J. Kilpatrick, a writer of considerable renown, says it even clearer in a recent article that appeared in the Washington Evening Star, entitled "Compulsory Postal Union Plan Bodes Ill for All."

Mr. Kilpatrick appears to have a built-in editorial radar that gives him an uncanny ability to "bracket in" on the truth and "lay it bare" for all to behold.

I offer his June 2, 1970, column, to be followed by further thoughts of mine which I set down in Shell Knob, Mo., at a dedication of a new post office building in that city.

The article and speech follow:

COMPULSORY POSTAL UNION PLAN BODES ILL FOR ALL

(By James J. Kilpatrick)

Responsible reform of the U.S. postal system merits high priority on Capitol Hill, but the pending "compromise" bill is worse than no bill at all. This is no compromise, this is a sellout—and reforms the bill offers are not worth the price.

In the nature of things, primary attention has been focused on a raise for postal workers: How much of a raise and when would they get it? A great deal also has been written of a corresponding increase in postal rates: How much of an increase and who would fix it?

These issues are important, but they obscure the fatal precedent sleeping in this bill. Under the deal worked out between the Nixon administration and the AFL–CIO, it is proposed—fantastic as it seems—simply to sell out the freedom of thousands of non-union postal workers. The bill permits the writing of a union shop contract between the government and the postal unions. Under such a contract, every worker would have to join a union within 30 days or lose his job.

It beggars belief that a Republican administration could have made itself party to this deal. The Republican platform of 1968 expressly reaffirmed the GOP's commitment to a right to join, or a right to refrain from joining, a union of public employes. The concept of a union shop in public employment was repudiated by President Kennedy in his day. Labor Secretary Shultz opposed the idea as recently as last November. Former Labor Secretary Goldberg once told a union convention, "I know you will agree with me that the union shop and the closed shop are inappropriate to the federal government."

Why did Postmaster General Blount surrender? He was told, in so many words, that organized labor would throw its weight against any postal reform unless a union shop were authorized. He also was told that unless the impatient clerks and carriers got their raises, and swiftly, he could expect the postal strike to be resumed. Looking down this double-barreled shotgun, Blount caved in.

But one of the enduring facts of political life is that, while a president proposes, Congress disposes. The agreement between Blount and George Meany, president of the AFL–CIO, is not binding upon members of the House and Senate. They are free to reject this high-handed proposal not only on its merits but also for its effect on public employment everywhere.

Meany, to his credit, has been utterly frank about his intentions. He told the House Post Office Committee in April that he views the pending bill as "only the beginning." If he can win a union shop in the Post Office Department, with its 750,000 workers, he will seek the same kind of collective bargaining "for all civilian workers of the federal government."

The AFL–CIO News added the obvious echo: "What's good enough for Uncle Sam ought to be good enough for every state, county, and city."

It is one thing for a private corporation to negotiate a union shop contract binding its workers to union membership. Such contracts are forbidden in right-to-work states, but Taft-Hartley permits them elsewhere. In any event, a right to work for U.S. Steel is a qualified right.

But the right of a United States citizen to work for his own government approaches an absolute right. It cannot be conditioned upon the payment of union dues. If a man is otherwise qualified to carry the mail, it is simply none of the government's business whether he wishes to belong or not belong to a labor union.

Amendments to delete this intolerable provision from the bill were offered in committee, on both the House and Senate sides. The amendments were defeated, but they will be back on the floor. Members will want to understand clearly the magnitude of this issue. They will be voting on compulsory unionism in the government of a free society. The postal workers are first, but if the bill is passed, they will not be the last.

REMARKS BY CONGRESSMAN DURWARD G. HALL FOR DEDICATION OF NEW POST OFFICE IN SHELL KNOB, MO., MAY 17, 1970

I am not certain of either the source or authenticity but a story making the rounds of the Nation's Capital, shortly after the inauguration of President Nixon, would have us believe that when the Nixon family moved into the White House at 1600 Pennsylvania Avenue, the first piece of mail they received was marked "occupant."

If the story was true, which is most doubtful, it could have been the reason why the President, on May 27th, almost a year ago today, sent to the Congress a message in writing stating in part that "total reform of the Nation's postal system was absolutely essential."

The President's message also said that the "post office is encumbered by obsolete facilities, inadequate capital, and outdated operation practices."

The words of the President kept ringing in my ears as I began to prepare my remarks for today's dedication ceremonies. I went to my files and dug out all the back correspondence that had transpired between Postmaster H. O. Williamson and myself, as the two of us tried to "pry loose" this nice and brand new structure from the bureacratic hands in Washington, D.C. Brother Williamson had first asked me about it at one of our golden eagle meetings near this same spot!

Upon rereading one of the early epistles from H. O., I came to the conclusion that it was he, who had secretly written that postal reform speech for President Nixon. For example: in a letter dated March 16, 1968 he wrote:

"Dear Congressman Hall: The real estate officer for the Post Office Department was here Friday. He said he was going to try and get us a new post office. He said sometimes he could get it within three months, other times it took longer. The main thing I am interested in is working-space and equipment for better quality of service to the people."

The correspondence continues:—

"August, 1968.—Memo to Real Estate Officer.—Have you any information on space and equipment for this office? I have had to move my canceling machine into another room, in order to have space to work. We are handling 10,000 to 15,000 pieces of mail each week in 90 degree temperature. We are beginning to get into something of a bind."

"August 11, 1968—Dear Congressman: Attached is a copy of a memo I sent to the real estate officer. As of now we have heard nothing, but a few months back he said we would be in a new building in time for the Christmas mail."

One year later:

"March, 1969—Dear Congressman: I need some help in getting working-space for the mail here at the post office in Shell Knob. I have been waiting over a year for the department to act. A sheet metal company wants to rent the room where the canceling machine is located."

"May, 1969—Dear Congressman: received your telegram and letters in regard to the

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new post office building. The real estate officer from Little Rock was here last Thursday. He seemed to think he could get things underway before long."

"June 1969—Dear Congressman: As far as I know the Post Office Department is still dragging its feet. The real estate officer was here, took some pictures, and assured me something would be started within 20 days. Forty days have now passed and there has been no word or action of any kind."

"June 11 (two days later)—Dear Congressman: received a phone call from the real estate officer. It looks as if they have begun to move at last. If you haven't done anything about the matter since I wrote last, disregard that letter. We'll wait awhile and see what happens now."

Finally after more than two frustrating years, and enough mail to fill a "Dear Abby" column, we received word from the Postmaster General that a contract would be awarded, and a new facility builded; but even that announcement resulted in confusion. The real estate officer had made a mistake and platted the location in *Stone* County. It took some frantic telephoning, cooperation from both parties and the Postmaster,—plus much behind the scenes maneuvering before we finally got the right location established. Now,—a few red faces, and some hard labor behind us, we consider it a privilege to stand in front of this fine facility!

When President Nixon announced that he would attempt to reform and reorganize the Postal Department he called for seven basic changes,—

1. Removal of the Post Office from Cabinet status.

2. Creation of an independent postal service wholly owned by the Federal Government.

3. New and extensive collective bargaining rights for postal employees.

4. Bond financing for major improvements.

5. A fair and orderly procedure for changing postage rates,—subject to Congressional review.

6. Regular reports to Congress to facilitate Congressional oversight of the postal system,—(what a paradox!)

7. A self-supporting postal system.

There is much good to be said about reforming the system, and the President has offered some timely suggestions for accomplishing same. However, it should be pointed out that some sections of the proposal just won't "jell" and could result in "undoing" all the marvelous accomplishments of the U.S. Postal System to date. First the new Postmaster General has learned the hard way, that you just can't tell the people's representatives what to do, by fiat, before you request and get changes in basic laws such as Postal, Civil Services and Veterans' preference.

I refer specifically to the section that calls for new and extensive bargaining rights for postal employees. This section has been interpreted to mean that the postal reform bill will call for compulsory unionization, a fact *not* denied by the Postmaster General. This has caused great concern among Members of Congress who recall the 1962 Executive Order of then President Kennedy which stated: "Employees of the Federal Government shall have and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization, or to refrain from such activity."

In 1969, President Nixon, with his own executive order, reaffirmed that right of Federal employees, including 750,000 Postal workers, to engage in union activities or refrain from such activities.

The right of personal choice was clear!

However, to date, every Postal reorganization plan that has been offered to the Committee, (and there have been four), contain sections calling for compulsory unionism. And if anything stops the legislation from being enacted, it will be that very section. I just don't think the Congress will approve it, at least without a fight.

We have just recently emerged from a most serious, illegal Postal strike. Although short in duration, it points up the chaos that can occur when important government or public services break down. It emphasizes the tradeoff in negotiations based on fear and, greatly increased demands for services by the public.

Let me make it clear, that I'm using the Post Office as just one example. I also deplore strikes by teachers, doctors, FAA Aircraft Controllers, railroads, and policemen and, especially, "wildcat" truck strikers. But there's a difference!

Strikes such as the recent Postal one, and other Government employees, are illegal! They affect business and individuals alike. They violate the public trust! They involve an oath of office and dedication to service. The serviceman in Vietnam waiting for a letter from home. The businessman anticipating a sales order. A "senior citizen" expecting and needing a social security check. A pharmacist and his patients waiting for the parcel delivery of medicine.

I couldn't help but wonder how the striking postal workers would have felt, had they become ill, went to a hospital and found that the doctors and nurses were on strike!?

There are now 3 million government employees, not counting those in the armed services (too many I'll admit) but all potential targets for compulsory unionization if the door is opened in the postal reorganization legislation. Add to that 9 million more state, county, and municipal employees, a total of 12 million, and you find a human "blackjack" that could be held over the head of the Congress to force them into acceding to any union demand.

Think for example, how much of a "kitty" could be made up by taking just a dollar a year in dues from such a huge potential union. Did you know that such a "check-off" system is in the bill, now in committee? It is! Unions and administration have testified that they'll accept no amendments.

Last fall, I mailed a questionnaire to 170,000 homes in the Seventh Congressional District. One question that I asked was, Do you approve of the attempt to reorganize the postal system? Sixty-five percent answered yes. Another question that was asked was, Do you think that public employees should be prohibited from striking? The answer, 62 percent said yes. I think it is obvious how the people feel. I respect their opinions and will conduct my voting accordingly.

I want to make it clear, that I did not come here today to spread "doom and gloom"! We are assembled for the purpose of dedicating a fine new building. One that will perform a much needed and deserved service to the people of this growing area. Some of us natives have known from the beginning that mail service here should be based on Tourism and Retirement not just census.

It should be remembered that the Post Office Department has a gigantic job to do. It is big business. The figures are staggering: 84 billion pieces of mail a year, with an $8 billion budget to operate on. 31,000 post offices deliver mail to more than 56 million addresses.

The service is often and traditionally taken for granted. People ship live chicks, fresh grapefruit, birthday cakes, and exhaust pipes through the system. Sometimes the mail moves too slowly, but if it does, it is because of our own national transportation problems. I've lived, worked in, or visited nations with real mail problems based on private postal organization ownership. Special messengers, much pilfering and usually use special messengers.

Americans mail 40 percent of the world's total volume, although we have but 4 percent of the world's population. New York City alone handles more mail than the British Isles. It is true that the English may have several deliveries a day, but remember, that island is only as big as the State of Montana. Russia and Australia have vast spaces to cover for mail delivery, but Russia does not come close to our volume, and Australia does not have the population to compare with the U.S.

It all adds up as another example of American initiative, free thinking, and aggressive action. And, typical Americans that we are, we continually try to improve and to upgrade, and usually succeed.

I am hopeful that attempts to bring better mail service will soon be a reality, but not at the expense of the right of any American to freedom of choice, to or from participating in any activity as he chooses! My mail indicates no dearth of or trouble in recruiting for these positions and attached benefits. I guess I shall always believe public servants have voluntarily assumed limited rights, and have no right to strike and disrupt the public's best interest—whether in Congress, public hospitals, corps of engineers, U.S. Navy, and allied services, or Post Office Department—there is no right to strike, and although I'd fight for the right to bargain, I emphasize the public must be served. Let's get on with the job!

QUESTIONS ON CAMBODIA: IV. THE WIDENED WAR AND ITS THREAT TO THE SECURITY OF THAILAND, LAOS, AND SOUTH VIETNAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. FRASER. Mr. Speaker, with the invasion of Cambodia, a country as large as the whole of South Vietnam, the United States seems to be embarking on another Vietnam. It is questionable whether the Cambodian intervention will serve to reduce the threat of Cambodian sanctuaries being used against our forces in South Vietnam. Prof. George Kahin of Cornell University deals with this in the following questions:

QUESTIONS ON CAMBODIA

7. The Administration's Question: Do we really know what we are getting into in widening the war to Cambodia? Is this not another Vietnam, which we all know this Administration wants to avoid?

The Administration's Answer: The question of "what we are getting into" goes to the heart of what is happening now in Cambodia. We should be absolutely clear here on matters of sequence and consequence. Communist aggression, blatant and determined, is not only threatening the overthrow of a neutral government, but also posing a significantly growing danger to the security of our forces in South Vietnam.

The events in Cambodia, therefore, are certainly part of a larger pattern of aggression as conceived in Hanoi.

There is just no question that increased Communist activities in Cambodia threaten U.S. forces in South Vietnam and could have a significant effect on the course of the war. Our considerations here run from psychological to purely military. Our judgment has been that—far from widening or lengthening the war—firm and decisive action now in Cambodian base areas was necessary to demonstrate to the enemy that we will now [sic! not presumably] allow the war to be carried beyond its present bounds, nor allow the enemy to use Cambodia with impunity in attacking Vietnamization.

I therefore find it paradoxical to call this a "new war". In the most realistic sense, this is an effort to contain the "old war" and bring it to a speedy end.

Our Answer: Part of this question has been answered in the previous answers. (Moreover, one should note that the chronology provided by the White House (which accompanied its release of questions and answers) is seriously imbalanced and lacks mention of some of the most essential events directly pertinent to any understanding of these developments.)

In addition, the following points are directly relevant to the account provided by the Administration's answer.

With the invasion of Cambodia, the United States is expanding the battleground into an area as large as all South Vietnam. President Nixon has promised that all American forces will be pulled out of Cambodia by the end of June—but has yet refrained from saying that they will not be sent back again in July or succeeding months. Our ally, General Thieu, however, has made explicit that for at least the next six months—through the American elections of November as he so candidly put it—the South Vietnamese army will have the responsibility of sustaining the government of General Lon Nol, training his army, and providing it with military support in at least the eastern half of Cambodia.

President Nixon's invasion of Cambodia has had its impact not merely on the border base areas, but has served to upset the whole political balance within that country. Cambodia as a state no longer provides the United States with a neutralist flank, flawed only by communist border sanctuaries. Today a whole nation is torn apart by a civil war—where areas of fighting alternate with areas of political and military vacuum. What was once a state whose presence helped contain the war in Vietnam is now a political and military battlefield dominated not by Cambodians, but by American, South Vietnamese, Vietcong and North Vietnamese forces.

The overthrow of Prince Sihanouk and the American-Vietnamese invasion have irremediably shattered the precarious internal peace and balance of political forces in Cambodia. Washington's and Saigon's support for General Lon Nol has forced Sihanouk to seek an alliance with the Cambodian left and the NLF and North Vietnamese. The narrow elite base of the Lon Nol government means it lacks the legitimacy among Cambodians to exercise effective authority on its own. One of the initial steps taken to defend it involves the dispatch to Phnom Penh of American-trained and financed Cambodian mercenaries serving with the South Vietnamese Special Forces, a first contingent of 4,000 arriving a few days after American forces crossed the Cambodian frontier. Subsequently, President Thieu has made clear that one of the major missions of the South Vietnamese army is to sustain the Lon Nol government; and this, of course, means to fight those substantial elements loyal to Sihanouk. (By May 11, South Vietnamese forces were already engaged well to the west of the Mekong River.)

A government which has no better way of establishing nationalist credentials than by perpetrating massacres of defenseless Vietnamese civilians is not likely to endure. Sihanouk's powerful nationalist appeal is now united with those radical appeals of the Cambodian communist insurgents which relate to the widespread social and economic grievances of the Cambodian peasantry. President Nixon has contributed to the creation of a formidable anti-American alliance in Cambodia, making a long civil war in that country inevitable.

By proxy, then, through its client, South Vietnam, the U.S. has moved into Cambodia politically as well as militarily to support a narrowly based regime that could never be viable on its own. And if the unrepresentative regime in Saigon were to collapse, this would certainly bring about the collapse of a second and equally unrepresentative regime in Phnom Penh.

The escalatory response to the American invasion of Cambodia has already extended beyond developments in that country. It threatens American sanctuaries in Laos. There, North Vietnamese forces have undertaken to compensate for loss of their Cambodian bases by expanding their control in southern Laos, taking the town of Attopeu, and now threatening Saravene—both major strategic centers. This alters the geographical and military balance in southern Laos (an area fronting on both Cambodia and South Vietnam), quite as dramatically as did the powerful North Vietnamese response a few months ago to the Administration's initiative in upsetting the previous precarious balance in central Laos by attempting to seize the Plain of Jars.

The North Vietnamese actions at that time also exposed the fragility of the Administration's Vietnamization policy; for if Hanoi could so rapidly augment its military power in Laos and drive U.S.-supported Laotian troops back far beyond the point from which they launched their attack, it clearly retains the capacity for an equivalent augmentation of its forces in South Vietnam (or in Cambodia) whenever the time seems most propitious.

In addition, U.S. intervention against the NLF sanctuaries in Cambodia, in conjunction with the developing power vacuum there, invites NLF and North Vietnamese movement against American sanctuaries in eastern Thailand and the Mekong River valley areas of western Laos. As U.S. and South Vietnamese forces penetrate further into Cambodia, the communists can no longer be expected to confine their operations in that country to areas along the Vietnamese border. They will feel no constraints against establishing bases anywhere in Cambodia, including districts opposite the Thai frontier. Consequently, the Thai government is likely to find its own security increasingly threatened. Its defense forces, largely committed in recent years to the defense of its northeastern frontiers, will now have to be extended to cover Thailand's open southeastern flank, whose security had hitherto been taken for granted because of the existence of an effective neutralist government in Phnom Penh. In effect, Thailand will now have to guard both its Laotian and its Cambodian frontiers, and its security will have appreciably diminished.

8. The Administration's Question: The operation which is now beginning (the Cambodian intervention) is a very large operation. What do we hope to accomplish?

The Administration's Answer: Our basic objective is materially to reduce the new threat which the sanctuaries pose to our forces in South Vietnam. We expect to accomplish this.

We have the following specific goals:

To disrupt enemy plans for operations against South Vietnam, thus supporting our Vietnamization program and helping to shorten the length of the war.

To force the enemy to pull forces out of South Vietnam to protect the sanctuaries.

To find and destroy arms caches and headquarters areas.

To impede the enlargement of areas under Communist control in Cambodia.

Our Answer: Our attacks on the Communist border bases in Cambodia can have no lasting effect on the security of South Vietnam's western frontier. Substantial amounts of rice, arms and other military equipment have been captured or destroyed in these operations; but search and destroy missions against major enemy bases outside of South Vietnam can achieve no more than those previously undertaken within that country. It is not clear whether an "authoritative" administration source was correct in reporting on April 2 that COSVN (enemy headquarters) had been moved from Cambodia to South Vietnam in late March. (See New York Times, April 3, 1970.) However, it is clear that the President's expectation that "American and South Vietnamese units will attack the headquarters for the entire communist operations in South Vietnam" has not been realized.

As in previous major sweeps in South Vietnam itself (such as operation Junction City in 1967) the headquarters of the communists has eluded the most powerful force the U.S. could assemble. Enemy force levels have not been significantly affected, and in fact few enemy forces have as yet been committed to combat. Nothing prevents the enemy from returning to the border base areas once American and South Vietnamese troops have departed. The small and inexperienced Cambodian army lacked the capacity to control these frontier enclaves before and will clearly be unable to do so in the future, especially given the enormity of its new problems elsewhere in Cambodia. Enemy troops have simply moved back from border districts deep into central Cambodia, placing Phnom Penh and General Lon Nol's government in greater jeopardy and making it even more dependent on outside assistance. (See also answers to previous questions relating to Vietnamization.)

NATIONAL GALLERY OF ART CALENDAR OF EVENTS, JUNE 1970

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the Congressional Record the Calendar of Events for the month of June 1970 of the National Gallery of Art. The events scheduled for June are outstanding, and I urge my colleagues and the American people to visit the National Gallery and see its excellent presentations.

National Gallery of Art Calendar of Events, June 1970

SELECTIONS FROM THE NATHAN CUMMINGS COLLECTION

As its summer exhibition, the National Gallery will show 80 paintings and sculptures from the collection of Nathan Cummings. The selection, spanning a hundred years, includes important works from different periods in the careers of such painters as Degas, Gauguin, Braque, Picasso, Kandinsky, Léger, and Rouault and the sculptor Giacometti.

Five watercolor panels by Duffy (the original working models for his gigantic "Fée Électricité" painted for the Paris International Fair of 1937) will be installed together. One monumental sculpture by Henry Moore, weighing over six tons, will be on view outdoors at the Constitution Avenue entrance to the Gallery.

Ranging from the Impressionists to contemporary abstract sculpture, the selection was made jointly by the National Gallery and The Metropolitan Museum of Art, where the exhibition will go on view during the summer of 1971.

Particularly notable among individual examples in the collection are Monet's "Mount Kolsaas," one of the artist's few Norwegian works: Légen's dynamic "Les Belles Cyclistes"; a large Vuillard garden scene; Picasso's joyous "Woman with a Flower"; a scene of the artist's model in the garden, by Berthe Morisot; the familiar picture of Jean Monet on his tricycle, painted by his father; a Maillol terracotta of the sculptor's favorite model, recently acquired from the model herself, Mme. Dina Vierny; three Braques of different periods, including one from his brief *Fauve* period; and one of Degas' important last works entitled "Bathers." The earliest work is a Daumier theater scene painted about 1862.

Mr. Cummings, whose generosity over more than twenty-five years has been shared by museums, universities, and colleges throughout the country, is also a patron of the living sculptor. His help began with Giacometti and continues today through the encouragement of Antoine Poncet, grandson of *Nabis* founder, Maurice Denis. Two large marble sculptures by Poncet will be shown in the exhibition.

A fully illustrated catalogue with 14 color plates will include an introduction by noted British art historian Douglas Cooper, who acted as a consultant in selecting this exhibition. The exhibition will close on September 7.

CIVILISATION

The spring series of "Civilisation" concludes Saturday, June 20. The films will be shown again during the summer, with evening programs, according to a schedule to be published in the next *Calendar*.

CONCERTS

The season of Sunday evening concerts in the East Garden Court concludes June 28. Concerts will resume September 27.

EXTENDED GALLERY HOURS

For the summer, the Gallery remains open until 9 p.m. weekdays and Saturdays. It opens as usual at 10 a.m. on those days. Cafeteria hours are also extended on weekdays and Saturdays from 10 a.m. to 7:30 p.m.; luncheon service from 11 a.m. to 2:30 p.m.; dinner service from 5 p.m. to 7:30 p.m. There is no change in the Sunday hours, when the Gallery is open from noon to 10 p.m. and the Cafeteria from 1 p.m. to 7 p.m.

Monday, June 1, through Sunday, June 7

Painting of the week: [1] Panini. "The Interior of the Pantheon." (Samuel H. Kress Collection) Gallery 36. Tues. through Sat. 12:00 and 2:00; Sun. 3:30 and 6:00.

Tour of the Week: *Vermeer, Chardin, and Degas*. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 and 3:00; Sun. 5:00.

Sunday lecture: *Whistler: America's First Avant Garde Artist. Guest Speaker:* Donald Holden, artist and critic, New York. Auditorium 4:00.

Sunday concert: Richard McKee, *Bass-Baritone*. Jane Whang, *Pianist*. East Garden Court 8:00.

Monday, June 8, through Sunday, June 14

Painting of the Week: [1] Annibale Carracci. "Landscape." (Samuel H. Kress Collection) Gallery 36. Tues. through Sat. 12:00 and 2:00; Sun. 3:30 and 6:00.

Tour of the Week: *Hals, Velaquez, and Manet*. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 and 3:00; Sun. 5:00.

Sunday lecture: *Portraits by Gainsborough. Speaker:* Ross Watson, Curator, National Gallery of Art. Auditorium 4:00.

Sunday concert: Howard Bass, *Guitarist*. East Garden Court 8:00.

Monday, June 15, through Sunday, June 21

Painting of the Week: [1] Pissarro. "Boulevard des Italiens, Morning, Sunlight." (Chester Dale Collection) Gallery 90. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week: *El Greco, Delacroix, and van Gogh*. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture: *Thoughts on El Greco and His Philosophy. Guest Speaker:* Herbert P. Weissberger, Director, Anderson House Museum, Washington, D.C. Auditorium 4:00.

Sunday concert: To be announced.

Monday, June 22, through Sunday, June 28

Painting of the Week: [1] Lancret. "The Picnic after the Hunt." (Samuel H. Kress Collection) Gallery 54. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week: *Raphael, Poussin, and Cézanne*. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Art Collecting. Guest Speaker:* Nathan Cummings, Collector and Industrialist, New York. Auditorium 4:00.

Sunday concert: To be announced.

(Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to (202) 737–4215, ext. 272.

(For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue entrance.

(All concerts, with intermission talks by members of the National Gallery staff, are broadcast by Station WGMS–AM (570) and FM (103.5).)

APPOINTMENT OF ED HUTCHINSON TO SPECIAL SUBCOMMITTEE—A PROFOUND MOVE

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. BROWN of Michigan. Mr. Speaker, the selection of Congressman Edward Hutchinson as a member of the special Judiciary Subcommittee studying the matter of the impeachment of Associate Justice William O. Douglas was a source of real satisfaction to me and to other Members of the Michigan delegation.

Most of us have served with Ed Hutchinson in another public body or capacity. Several of us served with Ed in the Michigan Legislature; Congressman William Ford and I served with Ed at the 1961–62 Michigan Constitutional Convention, of which Ed was a vice president; and, though not serving with Ed Hutchinson in the legislature, many of us who followed him there became well acquainted with the rich heritage he left to us and from which we benefited. It, therefore, is much more than mere acquaintance which causes us to appreciate the wisdom of his selection for this critical and momentous task.

Another Michigan resident who applauded the appointment is Will Muller, a highly respected columnist for the Detroit News. Will Muller—as a reporter for the News both in Washington and in our State capital at Lansing—has had considerable opportunity to observe Ed Hutchinson at work.

In his April 27 column on the editorial page of the Detroit News, he commented at length on Hutchinson's appointment to the subcommittee, and as is usually the case, I concur with all that Will Muller has said. And, in case Will Muller is in doubt as to whether Ed Hutchinson is still doing his homework in Washington the way he did in Michigan, let me assure him that Ed Hutchinson is—even more so. Ed Hutchinson and I may approach things on occasion from a slightly different philosophical viewpoint, but whenever I have asked Ed about a bill in his Judiciary Committee, I never have any doubt but what I will receive a straightforward, unbiased, and practical analysis of the issue and an uncolored version of the arguments for and against its passage. The information isolation that sometimes occurs because of our committee system makes an Ed Hutchinson a most valuable Member.

Since I am sure my colleagues will want to read and concur with Will Muller's comments, I am inserting them at this point in the Record:

Ed Hutchinson

(By Will Muller)

Republican Congressman Edward Hutchinson is as philosophically opposed to Justice William O. Douglas as any conservative likely to be found in the House.

Despite that, the choice of the Michigan fourth termer as one of a panel of five from the House Judiciary Committee to hear impeachment pleas against Douglas may be a comfort to the 71-year-old jurist.

Hutchinson may be a conservative but he's not a hollering and shoving one. Douglas is a Democrat and Hutchinson is of opposite partisanship. But Hutchinson first of all is a lawyer.

He served four years in the Michigan House and 10 in the Michigan Senate. He was a precisionist who went by the book, impatient of sloppy legislation, and, though possessed of a wide assembly of opponents within and without his party, trusted by most.

There is a story of the time the Legislature was adopting an FEPC act. Hutchinson fought its passage unsuccessfully but insisted it be strengthened and clarified with several amendments "since it's going to be passed anyway."

Officials of the Michigan CIO recognized Hutchinson's contribution to the FEPC program and acknowledged it in a circulated bulletin.

If there was a complicated measure before the State Senate, Hutchinson would be one of those who understood it. His explanation of its terms often would be taken on faith by his colleagues.

In all he does, Hutchinson more perfectly represents the thinking of his people than almost any other Michigan House member. His 4th District lies in Southwestern Michigan and comprises seven counties. He lives at Fennville.

Hutchinson was one of those Republican conservatives who joined with many liberal Democrats in opposing the call for a Michigan Constitutional Convention. When it was called, he ran as a delegate, won, was made a Convention vice-chairman and worked endlessly and tirelessly at shaping the convention's final product.

XUM

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[1] 11"x14" reproductions with texts for sale this week—15 cents each. If mailed, 25 cents each.

His almost undiluted conservatism kept Hutchinson from being a statewide power within his party. It endeared him for many past years and endears him now to a district which believes in the old ways and the old commandments.

His personal appearance in Lansing contrasted oddly with his political philosophy. He always was impeccably dressed, enjoyed a cherubic complexion and for years was considered the Senate's most eligible bachelor. He finally captured a state official's secretary for a wife.

The reaction of Hutchinson to the charges against the conduct of Justice Douglas may well be an indicator of whether they arise from politics and emotion or require serious consideration. That is, if Hutchinson is still doing his home work in Washington the way he did in Michigan.

Hutchinson can be as partisan as anyone in politics up to a point. That point is blindness. His mind is analytical and judgmatical. For what it's worth, he was considered during his years there to be the best constitutional lawyer in the Legislature.

He will be one of two Republicans on the committee chosen by Rep. Emanuel Celler, chairman of the Judiciary Committee, to examine the complaints against Justice Douglas. Celler is to preside.

There will be complaints that Hutchinson is of too conservative convictions to fairly analyze charges brought against a liberal of Douglas' cut. To the contrary, Celler, who obviously is opposed to the idea of impeachment, may have been making a proper choice.

EDDY SCURLOCK—BUSINESSMAN OF THE YEAR

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. BROOKS. Mr. Speaker, everyone is familiar with the scenario depicting a young man of humble beginnings rising on his own efforts and merit to amass a vast fortune. This fictional character then uses his wealth to promote the well-being of his fellowmen and maintains a great concern for them. With today's cynicism, such a plot would undoubtedly be rejected summarily as being too unreal.

It may be too unreal for fiction but it could be a synopsis of a biography of Eddy Clark Scurlock. This reality will be recognized later this month when the Religious Heritage of America presents him its Business Man of the Year Award for his "practical application of religious principles to daily, business activities."

The awards committee has made a sound choice and I know my colleagues will be interested in learning how this young man from east Texas rose to his present position of distinction:

EDDIE SCURLOCK

Born January 13, 1905, in Newton, Texas. Raised in Tenaha, Shelby County, in East Texas.

Went to work immediately after graduation from high school for Standard Pipe Line Company at Smackover in Arkansas. Worked in construction gang as time keeper, scout and gauger during his four years with Standard. He then went to Houston, first becoming a service station attendant to learn service station business, and purchasing a station of his own six months later. He next became a commission agent for Pierce Oil Company and later for Humble Oil & Refining Company in Seguin and Gonzales, Texas.

In 1927, Scurlock married the former Elizabeth Belschner of Seguin. They have one daughter, Laura Lee Blanton, who is married to Jack S. Blanton. The Blantons have three children and reside in Houston.

In 1932, Scurlock joined Cooper Petroleum Company, an oil broker operating in the Southeastern states and in the Middle West. In 1933 he was made manager of Cooper's Minneapolis office that served the Middle West and Western Canada.

In 1936 Scurlock formed Scurlock Oil Company as a marketer of petroleum products. Since that date, Scurlock Oil Company has grown into a substantial independent transporter and marketer of crude oil and condensate, as well as a producer of oil and gas. In 1946 Scurlock purchased a small refinery in Houston and named it the Eddy Refining Company. Over the years Eddy Refining Company has become an important refinery of independent gasolines and through an affiliated company, a distributor and retailer throughout the Texas Gulf Coast. Scurlock is today Chairman of the Board and chief executive officer of both Scurlock Oil Company and Eddy Refining Company.

Other business associations of Scurlock's are: Director, Texas Commerce Bank; Advisory Director, Chemical Bank & Trust Company; Director, Benjamin Franklin Savings Association; Director, Missouri-Kansas-Texas Railway Company. Scurlock is also a member of the Board of Michigan Seamless Tube Company and a member of various industry associations on both a state and national level.

Scurlock's civic and other outside activities are varied, but most center around church and church-related institutions of higher learning. He is past Chairman of the Board of Stewards of St. Luke's Methodist Church and has been active in all phases of its life for many years. He is a Trustee and Chairman of the Building Committee of Lon Morris College and has had an active hand in the construction of all new buildings at that school. He is on the Board of Trustees of The Methodist Hospital and has been active during its period of growth and construction. He is a member and past President of the Board of Trustees of the Institute of Religion located in the Texas Medical Center. Scurlock is past President of the Houston Methodist Board of Missions and is presently a Trustee of the Texas Methodist Foundation. Scurlock is a former member of the Board of Regents of South Texas Junior College and a member of Rice University Associates. He is a member of the Board of Trustees of Holly Hall, Home for the Aged, and is on the Engineering Foundation Advisory Council of the University of Texas. He is a member of the Board of Trustees of the Baylor College of Medicine and the National Space Hall of Fame. In addition, he has made substantial financial contributions to many other church-related institutions throughout Texas. Scurlock's civic associations include former membership on the Board of Directors of the Houston Chamber of Commerce, member of the Board of Directors of the United Fund of Houston and Harris County, a member of the Texas Law Enforcement Foundation, a member of the Executive Committee of the Houston Livestock Show & Rodeo, and a member of the Board of Directors of the Pin Oak Horse Show. He is currently Chairman of the Board of Variety Boys' Club, affiliated with the Boys' Club of America.

In June of 1965, Mr. Scurlock was presented with an honorary degree of Doctor of Humane Letters (L.H.D.) by Southwestern University of Georgetown. In June of 1966, he was presented with the City of Hope Humanitarian Award, and in his honor the Eddy C. Scurlock Research Foundation was established in Los Angeles.

In March of 1966, Eddy Scurlock was official host in Houston to Prince Philip of England when the Prince visited several cities in the United States, sponsored by the Variety Clubs International. In June of 1969, Mr. Scurlock was presented with the Variety Club "Man of the Year" Award.

Eddy Scurlock serves as an inspiration to all Americans. I commend the Religious Heritage of America, Inc., for its judicious selection of a man whom I am proud to call my friend.

RESOLUTION CRITICIZING UNESCO AND HUMAN RIGHTS COMMISSION OF THE UNITED NATIONS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. DINGELL. Mr. Speaker, the Detroit-East and Hamtramck Branch of the Ukrainian Congress Committee of America, Inc., on April 25, 1970, adopted a resolution criticizing the action of UNESCO and the Human Rights Commission of the United Nations honoring Vladimir Lenin.

I insert the text of the Detroit-East and Hamtramck Branch's resolution at this point in the RECORD:

RESOLUTION

Adopted by members of the Ukrainian Community in Detroit, Michigan on April 25th 1970.

We, Americans of Ukrainian descent hereby express our indignation at the action of UNESCO and the Human Rights Commission of the United Nations honoring Vladimir Lenin as a great humanitarian of the 20th century. Having heard Dr. Zenon Melnyk, Professor of Economics at the University of Cincinnati, speaking on the economic exploitation of Ukraine, and Mr. Wasyl Szcherbey on the political oppression of Ukraine and other Soviet republics, we hereby declare that:

Lenin ordered the destruction of independent Democratic Republics formed after the fall of Czarist Russia, and forcefully integrated them into a new prison of nations, in the form of the Soviet Union.

Lenin created the infamous Cheka, which brutally put to death many millions in the years immediately following the Russian Revolution.

Lenin's followers furthering his political policies were responsible for the deaths of six million people as a result of forceful collectivization in Ukraine. The Soviet State, established by Lenin, physically eliminated thousands of the Ukrainian intellectual class. In 1930 the Soviet Regime, established by Lenin, destroyed the Ukrainian Orthodox Church and in 1946 Ukrainian Catholic Church.

Using Lenin's teachings, present day Russia enslaves nations, forbids them basic national rights, mocks their natural rights of religion, press, speech, and assembly, and carries on a relentless program of Russification.

In the name of Leninist "humanitarian" ideology the Kremlin oppresses the peoples of Ukraine, Byelorussia, Georgia, Armenia, Kazakhstan, and other states. Leninist ideology was used to justify the intervention of Russian Army's in Eastern Europe—their suppression of freedom in Poland, East Germany, Hungary and Czechoslovakia.

On the basis of these facts Lenin cannot be classified as a great humanitarian of our century. Lenin's actions are comparable to the worst deeds of Hitler and Stalin. The decision of the United Nations to honor Lenin is a mockery of the ideals of justice and true humanism.

QUESTIONS ON CAMBODIA: III. THE INVASION AND ENEMY ACTION SHOW LACK OF UNDERSTANDING BY ADMINISTRATION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. FRASER. Mr. Speaker, George McT. Kahin has responded to recent statements by the administration on Cambodia by proving the fallacy of the administrative position on the necessity to invade Cambodian bases and sanctuaries; and the significance of current enemy action along the Cambodian border.

The material follows:

QUESTIONS ON CAMBODIA

4. The Administration's Question: What has made you suddenly decide that these bases and sanctuaries represent such a serious threat that we have to invade a neutral nation? After all, the President on April 20 did not allude to the situation in terms which would have suggested such a serious concern.

The Administration's Answer: On April 20 the President did not allude to the Cambodian situation. He said the North Vietnamese would be taking "grave risks" if they jeopardized the security of our forces in Vietnam by increased actions in Vietnam, Cambodia, or Laos.

The actions which Hanoi has taken over the last ten days have shown that Hanoi is taking new actions in Cambodia, which will jeopardize our remaining forces in South Vietnam. It is securing and expanding the Cambodian bases and trying to establish a hegemony in Cambodia which would give North Vietnam and Viet Cong forces full freedom to operate in South Vietnam and resupply themselves.

Let me cite some of these recent actions, though I am sure you can get a fuller accord from DOD or from reading the press. For example, on April 20 Communist forces attacked two provincial capitals, Snoul and Takeo, one north and one south of Phnom Penh. They also attacked Mimot—another provincial capital, as well as an important bridge linking the provincial capitals of Snoul and Kratie on Route 13. The next day, they attacked the port city of Kep. Two days later, they attacked some ships on the Mekong. They also occupied the town of Angtassem a few miles north of Takeo. They have in the past two weeks fired on foreign vessels in the Mekong River and have cut virtually every major road leading north, south and east out of Phnom Penh. These actions clearly go beyond securing former base areas. They are aggressive expansion of Communist control over large parts of the country, to blackmail and threaten the government, and to try to gain much greater control of Cambodia than they have had to date.

Our Answer—The Recent Record: This question here asked is a pertinent one, but it is not answered accurately. The record suggests the U.S.-Saigon invasion was in considerable measure prompted by a desire to save the military regime in Phnom Penh from the consequences of its own actions.

New Communist actions in Cambodia have clearly been primarily responses to new pressures from the Cambodians and the allied forces of the United States and South Vietnam; they can hardly be explained as "aggressive expansion of Communist control" for the sake of gaining "greater control of Cambodia." Communist actions cited above have thus far been of a primarily defensive nature and relate to major shift among Cambodian political forces and the South Vietnamese army's invasion of Cambodia. (Later followed by the U.S. invasion). From the Communist perspective the South Vietnamese and American invasion was provocative and invited as escalatory response. This has already begun, as evidenced by their recent moves against Attopeu and Saravane in Southern Laos.

New actions by Hanoi and the NLF in Cambodia are primarily a *response* to the new and hostile Lon Nol coup group in Cambodia and are no indication of being an aggressive move against South Vietnam. North Vietnamese and NLF forces in Cambodia have taken new action in Cambodia, but these have been to a significant degree in response to the decision of Lon Nol's regime to terminate previous arrangements for securing food and military supplies. In its background paper attached to these questions the Administration itself admits that this move has "induced the Communists to drive Cambodian authorities entirely out of large sections of the country so that the Communists can then draw directly on the civilian population for their food supplies."

As regards the beginning of fighting, the chronology is instructive. The attacks on Snoul and Takeo occurred nearly one month after Lon Nol's figurehead Chief of State, Cheng-Heng, pledged to oust Communist troops from Cambodia's borders. After a period of talks with U.S. and South Vietnamese officers, the Cambodian army attacked North Vietnamese and NLF forces on March 22. This attack was followed by the first allied offensive on border bases on March 27, 1970. On April 11, the first large massacre of Vietnamese civilians conducted by the Cambodian army was reported. Two days later, April 13, the NLF took the town of Prasot. On April 18, the Cambodian army was involved in the massacre of 100 Vietnamese civilians in Takeo. The V.C. moved on Takeo and Saang two days later.

5. The Administration's Question: What is the real significance of recent enemy actions in the base areas along the Cambodian border?

The Administration's Answer: Enemy forces have long operated from these base areas against U.S. and allied forces in South Vietnam. Their aggressive strikes from these sanctuaries were limited by marginal supply levels and irregular access to the Port of Sihanoukville. We now know the Sihanouk Government regulated use of this key port with rules ranging from acquiescence to loosely and erratically enforced controls.

From the outset, it has been obvious that the new Cambodian Government would close the Port of Sihanoukville to communist traffic, thus forcing Viet Cong and North Vietnamese troops to move from their remote base areas in search of supplies. When they spread into the countryside, it became clear that they intended to sieze de facto control of the life lines to the sea. Should they succeed we would be exposed to an enemy with far greater resources. We have no choice but to act in a manner to protect the lives of American and allied forces in Vietnam.

Our Answer: Even if the Viet Cong and North Vietnamese were about to open a corridor to the sea east of Sihanoukville, it could not become a significant supply route. Any attempt to unload oceangoing ships by lighters or launches to take supplies ashore would be every bit as vulnerable to American and South Vietnamese air activity as similar blockade operations along the Vietnam coast, such as the United States has carried out for years. Sihanoukville is the only Cambodian port which can be utilized by seagoing ships. There are no possible life lines to the sea except through Sihanoukville, and that is in the hands of Lon Nol who is even more disposed to deny it to the communists than was Sihanouk.

Should the port of Sihanoukville with its international shipping fall to the communists, is the United States prepared to run the same risks as would be the case if it were to bomb Haiphong—with its concentration of Soviet, British, and other shipping?

THE REMARKABLE ZITA POTTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

[From Look magazine, June 16, 1970]

THE REMARKABLE ZITA POTTS: SHE FIGHTS POVERTY

The day they married, Dick and Zita Potts worked their usual hours. He picked tomatoes in the fields, and she sweated in the cannery. They washed up, found a justice of the peace, and moved to the old house near Crothersville, Ind. It leaned on the land Dick got from his father.

The house burned in 1938, and their team harnesses and stock of soybean and corn seed with it. They started again with a $500 loan on the horses and a $150 feed-and-grain loan from the Government. They put their new house up together, both hauling on a crosscut saw, and finished raising their four children there.

In the fifties, Dick Potts' heart began to give out, and he could not work so hard. She would let the housework go sometimes then, and walk with him while he hunted squirrels in the nearby woods. "He seemed to like to have me along. I don't think he wanted to be alone."

In 1967, Dick Potts died on his feet and left Zita the land, free and clear, and $1,446 a year from his Social Security and Veterans Pension. Just like a big corporate farmer, she gets $300 to $400 more for not planting her 19 acres. With some help from the Government's Commodity Distribution Program, she gets along. She is going on 64 now, and with the children up and gone, she carries her own water from the pump in the yard. She has no particular feeling that she is a remarkable woman.

The first thing VISTA workers from nearby Columbus, Ind., tell about Zita Potts is her locally famous epigram. She husked up her baritone drawl and informed them: "Bein' poor is no shame. It's just real unhandy." She knows just how unhandy because she has lived through all cycles of rural poverty. She has seen how short rations of education feed back upon a lack of capital to stunt a man's belief in himself and his ability to provide for his family. Now, as an unpaid volunteer, she drives the dirt roads of Jackson, Brown and Bartholomew counties, drumming for the idea that poor people can solve their own problems if they will only band together.

The Stitch & Quilt Association lodges itself in an old store, rent-free the first year, in Crothersville. Local ladies whom Zita helped recruit run up ties, quilts, beanbags, dolls, tote bags, on sewing machines paid for by the Irwin Union Foundation in nearby Columbus. The co-op is a fresh, risky kind of American revolution; it proposes the radical thought that poor people can come to own their own business and cope with middle-class problems like salaries, rent and profit. Zita stands on the mud-caked front porch with the farmer and talks about hogs. The idea, she tells him, is that the Community Action Program would give him money to buy brood sows and a boar and build farrowing pens. When he raises his first pig crop, part of the money goes back to a feeder-pig cooperative that will help other farmers get started. She wheedles gently: "The way pig prices has been the last two years, it wouldn't be a bad business to be in, what with all you already know about raisin' pigs. Your boys could help out." He scuffs his big work shoes on the porch, then draws his bulk up Baptist-proud and delivers one of those small lies a man will use to hold his head up: "If I wanted to go into the hawg business, I'd do it myself, not with a bunch of other guys." They both know better—he has no spare money—but she leaves him alone with his pride to let the new idea stew. Maybe he will change his mind tomorrow.

But all is not gloom and doubt. An old lady shakes her head over the price of coal and tells Zita the last load was full of slate. The laugh lines in Zita's face crash together: "Why, I s'pose they figured you was gonna make blackboards." They share the absurdity and swerve toward talk about the possibility of a lot of people buying their coal together. That would lower the price a bit, they figure.

Zita Potts gets paid, in a way. She was 63 before she saw a plane take off the ground. She was in it, quaking, on her way to a senior-citizens meeting in Wisconsin. And she has been to Washington, D.C., to protest the Vietnam war, even though she admires the President. Now she is vice president of the Community Action Program board in Columbus, and deep into the idea that poor people must organize nationally. So Zita is getting around more, and finding out about her own possibilities along the way. "When I see some injustice, it just makes me so mad it burns through me." A very moral kind of indigestion, and bracing for a widow lady who only made it through the eighth grade.

CAMPUS DISORDERS: A PROBLEM OF ADULT LEADERSHIP

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. QUIE. Mr. Speaker, the air is full of rhetoric about campus and student dissent and disorder. Unfortunately, too much of it further polarizes the various groups involved in the conflict between the dissenters and the Establishment.

Dr. Armand Nicholi, Jr., psychiatrist at the Harvard Medical School, presented a paper on campus disorders at the annual meeting of the American Psychiatric Association which met in San Francisco in May of this year.

I commend it to my colleagues and others seriously interested in ameliorating the tensions on campuses:

CAMPUS DISORDERS: A PROBLEM OF ADULT LEADERSHIP

(By Dr. A. M. Nicholi II)

A profound crisis has gripped the world's institutions of higher learning. In the United States, universities from Berkeley to Columbia have experienced upheavals that have virtually split them asunder. In 1969 alone, demonstrations, riots, and strikes plummeted more than 300 college campuses into unprecedented turmoil; during the past few weeks, this number has escalated to frightening proportions, threatening the fabric of our nation.

As with all institutions, the efficient functioning of colleges and universities depends on the capacity of people within them to communicate and to relate to one another effectively. Psychiatry, concerned more than any other discipline with how people communicate and relate, has thus far contributed little to the understanding, let alone the resolution, of recent campus crises.

Previous studies have focused primarily on rebelling students; few, if any, on the contribution of administration and faculty to the turmoil. This paper focuses, not on the political issues—the war, R.O.T.C., Black Studies, Student Power, University Expansion—but rather on deeper *psychological* issues setting the emotional climate for the crisis.

HARVARD EXPERIENCE

The Harvard situation in many ways parallels the disturbances on a number of campuses. On April 9th, 1969, a series of events began that brought the nation's oldest university to an abrupt halt. The restlessness and discontent simmering beneath this institution's placid and tradition-bound exterior exploded into cataclysmic disruption. At 12 o'clock noon, a small group of SDS students seized a central administration building and forcibly ejected several of the deans. In quick response, the administration summoned outside help. At 5 a.m., 400 police arrived and, with military precision, cleared the building in less than 30 minutes. Some of the police lost control. The resulting bloodshed, including injuries to scores of students standing by, radicalized the rest of the university and threw the entire institution into a prolonged paralyzing strike.

Initial drafts of this paper included a certain amount of raw data—specific selected aspects of the actions and reactions of both administration and faculty before and during the crisis. Although only a small portion of the data fell within the category of confidential clinical material, the sequence of events nevertheless chronicled a series of human errors.

Discussing these errors at this specific moment in history would, it seems to me, run the risk of contributing more heat than light. The course of events during the past few weeks—the President's Cambodian decision and the campus reaction, the Vice President's rhetoric, the tragedy in Ohio—have underscored this initial conviction. Therefore, in view of these sensitive and troubled times, I have decided to present only my general observations and conclusions on campus protest and to save the raw data and its specific analysis for a later paper.

Sources of data upon which my observations are based include: (1) interviews with some members of the Harvard administration, (2) discussions with several participating members of the faculty, (3) interviews with several student leaders, (4) a 4½ hour tape recording of an emergency faculty meeting the day following the police action, and (5) reports on the crises of other campuses.

COMMUNICATION BREAKDOWN

As one explores in detail the events of the crisis of this particular university, one is struck by the prevalence of endless examples of disordered communication, occurring especially at higher administrative levels and reflecting basic disordered human relations. One dimension of the situation emerges clearly. The remoteness and invisibility of the administration contributed to the communication gap and subsequently to the crisis. This paper focuses on this invisibility and its significance for understanding the psychological determinants of the unrest.

UNINVOLVED COLLEGE ADMINISTRATION

One impression of the past year has become unmistakably clear—a remote, invisible, uninvolved college administration strikes a particularly negative note in the student of today. Why do people in authority, especially distant and unresponsive leaders, evoke such intensely negative feelings? What accounts for the deep cynicism, the implacable hostility, and the uncontrollable rage that in a few finds expression in irrational, destructive behavior? The answer to these questions may give us a clue to understanding, not only the emotional climate of the Harvard crisis, but perhaps one of the deeper psychological causes of all campus disorders. Our answer at this point can only be speculative, but speculation tempered by clinical impressions of the specific emotional conflicts of today's students.

EMOTIONAL RESPONSE

The remote, distant leader arouses in students several categories of emotional response apart from and in addition to the feelings caused by the social and political issues themselves.

First, there exists the utter frustration provoked in the student by the leader's lack of response to social and political issues. No one who spends time with youth today can deny the frustration and outrage provoked by a senseless war and the flagrant injustices of our social structure. Students feel deeply about these issues. In this paper, however, we are discussing the emotional reaction to a leader, not to the issues themselves, important as they are. When a leader fails to understand the depth of students' feelings about the war, he implies a tacit assent to what the student believes is manifestly wrong. His lack of response argues for terrifying insensitivity and moral callousness The reaction evoked in the student, always conscious, adds to the highly charged social and political situation that currently polarizes the nation.

FAMILIAL PATTERN

The distant and visibly uninvolved leader provokes, however, a second emotional response in today's student. This response relates to the characteristic emotional profile of modern youth, rooted in his early home life.

Attempting to understand this profile, one finds that many youth come from homes in which the family unit has virtually disintegrated. Uninvolved and absent parents, especially the father, give rise to repeated feelings of rejection and resentment.

The time demands on the highly successful father, or even on the many less successful fathers holding two jobs, result in homes virtually without paternal figures. In addition, the hours a mother spends at home and the quality of relationship between mother and child continues to decline. When the parents do stay home, the television set and other electronic gadgets continually interfere with meaningful personal relationships.

In addition, the failure to set limits intensifies feelings within the child that the parent is uninvolved and uncaring, and leaves a residue of poor impulse control and an inability to delay gratification. The tendency to punish by withdrawal of attention and affection merely adds to the sense of being unacknowledged and rejected.

Finally, in many of the more affluent homes, parents send the child away to boarding school, adding to the long series of traumatic experiences of rejection. (Interestingly, private school students were over-represented among those who forcibly seized Harvard's administration building.)

In short, the particular orientation of modern society produces fargmented families, with material values superceding ethical and spiritual values, and with parents confused as to limits and basic priorities. This may be related to why many of the young reject not only the materialism of our society, but the entire free enterprise system as well.

PSYCHOLOGICAL REACTIONS

Out of this background comes the specific emotional conflicts that trouble young people today. Rejection inevitably gives rise to resentment and anger. The suspiciousness and intense anger with authority—always present to some degree in this age group—has now become considerably more intense, considerably closer to the surface, and considerably more difficult to control. Secondly, clinical problems reflect, not excessive control and inhibition, as in the past, but rather an inability to control impulses and to delay gratification. Thirdly, and most important of all, today's youth possess a peculiarly intense sensitivity to remote, invisible, and unresponsive authority—a direct result of early experiences with remote, unresponsive, emotionally uninvolved (and often absent) parents.

The college administrator, burdened with raising funds and too busy to visibly interact with students, thus parallels the behavior of the busy father, who gives the child everything but himself.

The invisibility and remoteness of the uninvolved leader provokes yet a third category of response in today's youth. The key to understanding this response lies in the intensity and often inappropriateness of the negative feelings directed toward these leaders.

The leader's distance and lack of visibility subject him to a peculiar distortion and vilification of motive and character in the eyes of the student. The intensity of the hostility leads to awareness, even in some of the students, of its inappropriateness.

XUM

Intense and inappropriate feelings immediately suggest to the clinician the phenomenon of transference—the process whereby one person will experience toward another feelings and attitudes displaced from significant figures in his early childhood. Although we are familiar with transference in a one-to-one relationship, we are considerably less knowledgeable of how the process works between leaders and masses of people. It appears obvious, however, that when positive feelings and attitudes become displaced onto a leader, his behavior and his speech, no matter how negative, receive the most positive interpretation. The reverse occurs with the transference of negative feelings.

Our clinical experience also suggests that the less the doctor interacts with his patient, that is, the less "visible" he is, the stronger the transference and the greater the distortion. So too, it seems, with the college administrator: the less visible he is, the less he interacts with the students, the stronger the transference and the more subject he will be to distortion.

Thus, the invisibility of the college administrator makes him vulnerable to displacement of feelings from remote, rejecting parents. He becomes the focus, not only of the negative ambivalent feelings toward authority which we all possess, but also the target for the deep reservoir of anger peculiar to today's youth and stemming from their early life experiences.

If the remote, unresponsive leader then becomes associated with the over-reaction of police or with a senseless war, he triggers a spontaneous eruption of a vast common reservoir of unconscious anger. The intensity of the reaction may have explosive potential and may, in part, explain the highly charged emotional climate underlying current campus disorders.

SUMMARY

1. The psychological determinants of campus disorders can be, in part, understood in terms of unresponsive and inaccessible adult leaders—in the home, in the university, and in the government. The root causes of these disorders cannot be explained on the basis of social and political issues alone. The fundamental problem rests with the refusal of parents, professors, administrators, and government leaders to listen to the youth and thus to recognize and affirm their worth as human beings.

2. Uninvolved and absent parents, especially the father, give rise to repeated feelings of rejection and resentment. The failure to set limits intensifies the feelings within the child that the parent is uninvolved and uncaring, results in confusion as to right and wrong, and leaves a residue of poor impulse control and an inability to delay gratification. These early experiences, together with the experiences of being punished by withdrawal of attention and affection, create in the young adult his peculiar susceptibility to remote, unresponsive adults.

3. A remote, inaccessible, and visibly uninvolved leader, whether in university or in government, brings to the surface a deep reservoir of unconscious hostility, extremely difficult to control and, in a few, expressing itself in irrational, sometimes, violent, behavior. The alienation produced by this type of leader *adds* to the inner turmoil produced by the *real* social and political issues, which, in themselves, are sufficient to make the sensitive young person irrational.

4. The remote, unresponsive leader evokes three levels of emotional response in the student:

(a) The intense frustration and turmoil resulting from having a leader fail to acknowledge a social or political injustice about which the student feels deeply. The silence of the leader argues a terrifying insensitivity and moral callousness. The student interprets the lack of response as tacit assent to what the student believes is manifestly wrong with the nation. These feelings are always conscious.

(b) A peculiar sensitivity and hostility to the distant, uninvolved leader resulting from the leader's behavior running parallel to the behavior of a distant, uninvolved parent, especially the father. These feelings, often conscious, may also be unconscious.

(c) The displacement of feelings and attitudes from early significant figures onto the leader. These feelings, always intense and inappropriate, are sometimes conscious but *mostly* unconscious. They result in distortion of the leader's character and motives. As with all transference reactions, the more invisible the leader, the more subject to distortion he becomes. Ultimately, the leader's peculiar style of relating to youth determines whether feelings displaced onto him are positive or negative. His responsiveness, therefore, determines whether in the student's mind he becomes the good or bad parent.

5. In short, if the student perceives the behavior of the leader as unresponsive or as a senseless overreaction, the student experiences a specific sequence of feeling. He experiences not only the utter frustration and humility of not being acknowledged and affirmed as an intelligent, morally sensitive, individual, but also the reactivation of repressed frustration and anger resulting from repetitive painful early life experiences with remote, uninvolved parents.

CONCLUSIONS AND RECOMMENDATIONS

For a college administrator (and perhaps for other adult leaders as well) to relate effectively to youth today, he must include in his style of administration the following:

1. Responsiveness, visibility, and easy accessibility. Unresponsive leaders not only force students to resort to more extreme channels for expressing dissent, but also reactiviate deep unconscious feelings difficult to control. Remoteness and lack of visibility for an administrator fosters both a negative image of the person and a distortion of his message. Responsiveness does not mean giving in to every demand; the students have as much impatience and contempt for weakness in adult leaders as in their own. They do expect, however, some expression on the part of the leader that they have been heard and understood. And they do expect him to be accessible to them. A closed door—whether to a freshman or to the most prominent alumnus—spells rejection. And rejection breeds resentment and anger.

2. Continual visible interaction with moderate student leaders, a role which can never be fully relegated to assistants. The informed moderate student leaders provide him with the most effective control of "hard core" extremists. Statements and actions, therefore, must be generally geared to rally support of the informed moderates. An administrator must keep his finger on the affective pulse of the people he serves, not only by consulting frequently with his channels of communication to his constituency, but also by interacting with them personally as much as possible. In this way, he not only escapes paralleling the role of a rejecting father, but avoids becoming the focus of hostility displaced from that parent.

3. *Some limited visible confrontation with the radicals.* The radicals are part of a university and cannot be ignored. To do so may encourage their more extreme posture, motivated often by the desire to gain a hearing. One can understand the natural tendency for a sensitive, shy administrator to flee encounters with loud, rude, often obscene radicals. The necessity for such an encounter, however, lies *not* in the hope of persuading the extremists, or even to answer their questions—they often don't want answers—but to convey a visible image of involvement and concern to the large majority of moderate students and faculty. This will be one step in winning their alliance. In addition, listening to the radicals may have another advantage: the content of their message may at times have substance and, not infrequently, an element of wisdom.

4. *Handle irrational behavior by the axiom: "Do unto the children of others as you would have them do unto your own".* Irrational behavior of the *younger* members of a group—a family, a university, a nation—can be tolerated for a time, but irrational behavior on the part of adult leaders becomes excessively threatening, intolerable, and ultimately destructive to the group. Perhaps the best guidelines for controlling the irrational feelings of students are those one would use with members of ones own family. If the younger members become irrational, abusive, or even assaultive, one handles them with firm control. If outside help must be called, one exercises extreme caution that application of that control in no way harms the individual. Exchanging epithet for epithet or irrational violence for irrational violence quickly destroys the integrity of the family. Control of a family member by clubbing or shooting is unthinkable.

5. *Reordering basic priorities, with students as the raison d'etre for the university.* Until faculty see teaching, not publishing, as their main task; until administrators focus their attention on students and not on bodies external to the university; and until government leaders visibly respond to young people, not as troublesome meddlers, but as the immediate heirs to this nation's future, discontent and turmoil among youth will intensify.

6. *Dividing the role of the college president into two positions of equal prestige and authority,* one responsive to and responsible for the students and faculty (the internal constituency) and one responsive to the alumni, the government, and other elements of society (the external constituency). Unless the role of the college president undergoes immediate and drastic change, our institutions of higher learning as they now

stand will cease to exist. Hundreds of vacancies of college presidencies now exist. Current demands on a college president place him in an untenable position. The burden of fund-raising as one of his many tasks focuses his attention and energy onto his external constituency—the government, the alumni, and other sources of financial support. If year after year he marches to the music of these external sources, especially to the tune of his wealthy, more conservative alumni, he will be out of step with his internal constituency, his faculty and students. His words and actions will appear continually "out of phase" with students, thus making it difficult to rally their support in a crisis—and without their support, leading a university, or even keeping it *in tact* in these unsettled times, will become increasingly difficult. On the other hand, when he becomes involved with students, he tends to alienate many of his wealthiest alumni. He cannot continue to serve two masters.

7. *Instituting a voting, decision-making body to make important decisions in time of crisis.* This body should be visibly involved with and accessible to students, representative of all aspects of the university, and able to act quickly, to rally the support of various segments of the university, and to take the necessary precautions to prevent over-reaction on the part of those enforcing control. This group will place the power of the president within a context of checks and balances, and help relieve him of making far-reaching decisions under the intense emotional strain of a crisis.

8. *Awareness of and interest in the emotional development of students.* Curiously, the few adult campus heroes that exist today are men who, either have made the problems of youth their lifetime work, or who have devoted great quantities of time and effort to youth activities and organizations. An adult leader must be able to relate easily and effectively to students and to demonstrate some understanding of how they feel, as well as how they think. However, the young do not want adult leaders who identify with them—who adopt their characteristic dress and mannerisms. Struggling to find their own identity, they find imitation by adults threatening to the comfortable distance some find necessary to maintain.

Finally, although universities and colleges place a high premium on the discovery of new knowledge, our greatest need today may not be *new* knowledge, but rather a renewed concern with some of the most basic premises of human relations, premises known some 2000 years ago, rediscovered by modern psychiatry, and expressed most simply in terms of patience, compassion, and love.

GEORGE W. BALL SPEAKS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. ROSENTHAL. Mr. Speaker, last week the Foreign Affairs Committee had the honor and privilege of hearing Mr. George W. Ball speak on the subject of American foreign policy for the 1970's.

Mr. Ball, as Under Secretary of State and U.S. permanent representative to the United Nations has been a most dedicated and perceptive public servant.

In his testimony, Mr. Ball raises a number of critical questions about the future directions of American foreign policy, which need our careful attention. His statement follows:

STATEMENT OF THE HONORABLE GEORGE W. BALL BEFORE THE HOUSE COMMITTEE ON FOREIGN AFFAIRS, WASHINGTON, D.C., MAY 26, 1970

I

Mr. Chairman: I thank the Committee for inviting me here this morning to express a few purely personal views with regard to the President's message entitled: "Foreign Policy for the 1970's."

Ever since the Second World War the foreign policy of the United States has been guided by the central objective of preserving the peace by maintaining a precarious balance of power with the Soviet Union and, more recently, also with mainland China. To achieve this, we have felt compelled, with the help of our allies, to resist the fracturing of those *de facto* lines established by the play of forces during the early postwar period.

That has been our purpose, but, unfortunately, we have not always expressed it in such a simple and straightforward manner. For, while practicing balance of power politics, we have felt compelled to disavow it. Perhaps some of the fault should be placed on the founding fathers of the American Republic who implanted the original delusion. To them the balance of power, alliances, and spheres of influence or interest were all part of the cynical European baggage they had left behind. Then, much later, Woodrow Wilson expansively proclaimed that the world could rid itself of all such outmoded concepts if it would only embrace the new universalism of the League of Nations—and an eventful quarter of a century later Secretary of State James Byrnes said exactly the same thing about the United Nations.

We compounded these extravagances in the postwar period when we promulgated what has since become known as the Truman Doctrine. The United States, President Truman stated, would help any nation, anywhere, defend itself against aggression from whatever source, and this premise was expressed with even more rhetorical exuberance by later Presidents. Thus, we find President Kennedy in his memorable inaugural address promising that we Americans will "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty." These were stirring words, as we all remember, but they gravely overstated what we could, or even intended to, do.

Thus, we have gone steadily forward, talking one game while playing another, until, in the end, it was almost inevitable that we should confuse ourselves by our own false formulation. This is the way we blundered, step by faltering step, into the dark morass of Vietnam.

We mistook Tonkinese aggression for Chinese imperialism and, failing to scrutinize the menace in terms of its marginal relevance to the power balance, we committed the power at our command to a terrain where, for both physical and political reasons, it was impossible to use it effectively.

It was this, presumably, that led President Nixon to announce in his message of February 18, what he refers to as the "Nixon Doctrine." Since the United States, the President asserts, cannot "conceive all the plans, design all the programs, execute all the decisions and undertake all the defense of the free nations of the world," it will hereafter help nations in distress only "when it makes a real difference and is considered in our interest." This is justified on the grounds that "others now have the ability and responsibility to deal with local disputes which once might have required our intervention." Thus, for the United States "to insist that other nations play a role is not a retreat from responsibility: it is a sharing of responsibility."

II

One can have only sympathy for the President's desire to limit the future engagement of American resources and responsibility; yet, the merit of doctrines, like New Year's resolutions, can be appraised only when tested by experience. Just as the abstractions of the American constitution gained substance through decades of interpretation, so the utility of the Nixon Doctrine will be measured by its application to the actions America takes in specific and practical situations.

The first test of the Doctrine has, of course, come with the decision to send our forces into Cambodia. The wisdom of that decision is now seriously at issue; yet, it is not a question to be approached in any partisan spirit—nor do I intend to approach it in that way. I had the experience for more than six years of watching, at first hand, while two administrations made what I regarded as serious errors in South Asia; and, if I regret the decisions that the Nixon Administration has so far taken with regard to Cambodia, it is because they repeat so faithfully earlier decisions taken by its predecessors.

Certainly, the problems posed by the overthrow of Prince Sihanouk were not easy for any American Government to deal with and I am fully conversant with the military arguments for American intervention. To disrupt troublesome sanctuaries is a sound military objective and, while it was always clear that we did not have the manpower to invest those sanctuaries permanently, a military case can certainly be made for exploiting the chance to seize caches of food and military supplies.

Yet my intensive past experience leads me to doubt how long such seizures are likely to deter effective North Vietnamese actions, no matter how much is claimed for them. Again and again, to my knowledge, we refused to take proper account of the exiguous logistic requirements of the other side, thus discovering that our sweeps and air strikes, our tactics of preemption and interdiction, proved less profitable than had been hoped. Again and again we also learned that in jungle warfare sweeping an area yields only a transient benefit, since the bulk of the enemy gets out of the way, only to return once the sweep has passed through.

Nevertheless, the contention that the passage of force through the edges of Cambodia should keep the enemy off balance for a limited period is not one to be disregarded, provided such result could be achieved without serious political costs. It is here, however, that I would most seriously question the Cambodian decision, since its political consequences have already been far-reaching and grave.

III

I shall not speak this morning of the effect of that decision on the homefront, though I regard its contribution to the angry division of our country as a most lamentable development. What I do wish to underline is its probable impact on our plans for disengagement and on the future peace of South East Asia.

Whatever our official statements may say, the movement of American forces into Cambodia definitely extends the geographical area of our commitment, since it implies a pledge that the United States will defend the present Cambodian Government and people from North Vietnamese attack. Like South Vietnam, Cambodia is listed in the protocol to the South East Asian Treaty, and, to the extent that our SEATO obligations are cited to support our involvement in South Vietnam, that can be cited with equal force (or lack of it) to support our responsibility to defend Cambodia. But, regardless of legal niceties, acknowledgement of such a commitment was necessarily implicit in our decision to cross the border, for we can hardly be in the position of saying to the Government in Phnom Penh: "Thanks for letting us use your real estate without asking your permission, and for our own purposes, but understand that whatever happens to you from now on is your own problem."

Nor is it plausible to argue that the addition of Cambodia to the theatre of combat improves our military posture. Guerrilla warriors inevitably profit from the enlargement of space—the addition of a new vast area of jungle and paddy in which to hide and maneuver. What the Cambodia affair has contributed are six million more people to defend, with no real addition to fighting power, since the Cambodia Army is a pitiful military instrument that could scarcely be brought even to a minimal degree of fighting effectiveness only by months of intense training by American instructors.

Finally, I have the gravest misgivings about the announced intention of the South Vietnamese Government to keep its troops in Cambodia after our departure, and our failure to reject that announcement firmly and effectively.

I cannot make this last point to emphatically. Vice President Ky's rude dismissal of our own official statement that Vietnamese troops would be withdrawn from Cambodia along with American troops is "a silly argument of silly people" has ominous overtones. Today there are thousands of South Vietnamese combat troops in Cambodia. ARVN forces are already stretched thin at many vulnerable points in South Vietnam, and for those troops to remain after the American withdrawal would gravely weaken the South Vietnamese ability to take over the defense of their own country. Thus, it could hardly help but delay the withdrawal of American forces consistent with the commendable objectives President Nixon has announced.

More important even than that, however, are the implications of Ky's flamboyant statement in the light of the long history of suspicion and hostility between the Vietnamese and Cambodian peoples. How can one overlook the massacres of South Vietnamese at the hands of the Cambodians a few weeks ago, or the Saigon Government's feeling that it was necessary to send a marine rescue expedition to prevent the Vietnamese now in Phnom Penh from being killed, or at least mistreated.

XUM

For years South Vietnamese and Cambodians have been, for ethnic and nationalistic reasons, mortal enemies, and unquestionably, over the years, a succession of Vietnamese leaders have coveted Cambodian territory. History, thus, raises a cautionary finger when the leaders of the Saigon Government announce their intention to maintain their military forces in Cambodia, against the expressed intention of the American authorities. Quite evidently, this is one more instance where the ambitions of General Ky and his friends are not fully congruent with the interests of the United States; and, unless we are prepared to insist on the ARVN troops getting out while we still have some measure of influence over their actions—an influence that will progressively diminish as we proceed with our withdrawal from South Vietnam—we may well find ourselves a complaisant accessory to changing the map of South East Asia by coercion, to the manifest disadvantage of those Cambodian people we are purporting to help.

This, in fact, seems to me one of the fallacies in—or at least exceptions to—the assumption of the Nixon Doctrine that the combined action of regional powers can supplant United States effort. Certainly the eleven-nation conference of Asian and Pacific Missions which met last week in Djakarta showed no interest whatever in coming to the defense of Cambodia, contenting itself with the pious demand that all foreign forces should be withdrawn from that beleaguered nation without discriminating between the attackers and defenders.

Thus, I see very little promise in the notion that Cambodian independence can be secured by a combined force of South Vietnamese and Thai troops. Thailand and Cambodia have been conducting an emotional border argument for years, and there is serious danger that any Thai force sent to Cambodia might be more interested in acquiring disputed territory than in driving out the North Vietnamese.

IV

I would not feel so strongly about our Cambodian adventure if it involved only the future of South East Asia; but I think it quite clear that by broadening the theatre of combat, implicitly extending the geographical scope of our commitments, and gravely widening the fissures in our national life, we are encouraging the Soviet build-up of strength and influence in the Middle East. That is a development which poses far more danger for American interests and for the peace of the world than anything that could possibly occur five thousand miles away in Asian jungles.

How can anyone doubt that Soviet leadership is consciously factoring into its calculations about the Middle East our increasing entanglement in the gluepot of South East Asia and the rising violence of a divided and angry America? Yet any objective look at the larger interests of the United States and the West must make emphatically clear the dangers piling up from Egypt to Lebanon. For the first time since the Second World War, Soviet military personnel are flying military missions far from Soviet territory. NATO military circles report increasing concern that Soviet activities in Egypt have already so altered the military situation that Israel may not be able much longer to defend all of her frontiers, while certain of our own American military experts see the serious possibility that the Soviets may seek—and, indeed, be able—to neutralize the Israeli air force, which is the indispensable instrument by which two and a half million Israelis have so far defended themselves against ninety million Arabs.

For the United States, the implications of these possible developments are immensely serious; because, apart from the sentimental ties of the United States to Israel or the support and encouragement we have given the Israeli people—and these cannot be disregarded—the prospect of the possible destruction of Israel with Soviet assistance is not one that we could, in our national interest, accept. Such a disaster would turn the whole southern littoral of the Mediterranean into a Soviet sphere of influence; it would shift the balance of power catastrophically against the West.

Yet, I gravely fear that our continued obsessive concern with Indochina and particularly the recent enlargement of the war are rendering us indeed a "pitiful helpless giant" floundering in the mud of Scuth East Asia, while our interests are being rapidly undermined in a far more strategically significant part of the world.

V

Our most real and imminent danger, as I see it, is that in our deep absorption with Indochina we have tended to lose sight of the fundamental objective of our policy, which I stated earlier in this paper, and that this has resulted in a dangerous distortion of our interest and effort. In finding a way out of this predicament, the Nixon Doctrine, as it is now formulated, seems to me to be more an expression of mood than of substance. It is a mood with which I am basically sympathetic; indeed, I have for many years contended that we should systematically constrict our commitments. But, rather than trying to depend on anything so elaborate as a formal doctrine, I would hope that we could develop some practical guidelines that would reflect simple common sense. Thus, in approaching any conflict or threat of conflict that might call for deployment of our military forces, we should make sure that we can adequately answer a series of quite simple but relevant questions:

(1) Is the geographical area at issue vital to the United States' national interest?

(2) Does the struggle threaten to result in the extension of the power of one of the great Communist powers beyond the postwar lines and in a manner that could seriously affect the power balance on which world peace still unhappily depends?

(3) Is the physical terrain such that the military power of the United States could be effectively used?

(4) Does the political regime governing the area under attack have a sufficiently solid base to support the introduction of United States military power?

The attempt to seek serious answers to these questions—and to others, for there are many—should force us, over the years ahead, to distinguish situations reflecting primarily the forces of indigenous revolt from instances of external aggression. That is important, since I think it altogether likely that we may see more and more ambiguous situations—local wars dominated by nationalism, where the insurgent side depends for help on one or both of the great Communist powers, but where the success of the revolt would not result in a material extension of great Communist power domination.

Primarily, the discipline of such questions should enable us to distinguish the critical from the marginal, and thus avoid new chances of bogging down in endless local wars, which many of our citizens do not regard as vital to our interest. In this way, we might avoid a repetition of the critical danger we now face—that our preoccupation with the marginal may lead us to ignore the all-important, while, at the same time, encouraging our major antagonist, the Soviet Union, to undertake a brash extension of its military presence into a strategically critical area of the world, on the assumption that a distracted and internally divided United States will do nothing about it.

TIME TO REDESIGN THE SYSTEM

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. ROBISON. Mr. Speaker, there is sweeping the Nation an unprecedented concern about all types of environmental pollution. For the first time many people—both private citizens and Members of Congress—are becoming aware that this is a problem which cannot afford to take a back seat. Tomorrow may prove to be too late to save much of our environment.

And yet, in our haste to undo the wrongs of yesterday, there is the danger that our quick solutions may not solve those problems which must be solved. Some are suggesting that the seeming lack of success we are experiencing in the area of pollution may be due, in part, to the fact that improper methods are being employed. Certainly, when one considers the magnitude of the problem and the danger to the environment, we cannot afford to close our eyes and ears to the warnings and observations of those who suggest that while our aims and objectives are admirable, our solutions leave something to be desired.

One such expert who has suggested that our solutions may be less than ideal—particularly when viewed in terms of the large sums of moneys being spent and the relatively unimpressive results—is Leonard B. Dworsky, the director of the Water Resources and Marine Sciences Center of Cornell University in Ithaca, N.Y. Dr. Dworsky suggests that it is time to redesign the system with respect to water pollution. I commend to the attention of the House his paper:

Toward an Effective and Credible Program for Water Pollution Control

(By Leonard B. Dworsky)

While the public demand for water pollution control remains loud, the political response has become deafening. The responsible political leadership in both parties has avoided the temptation to engage in competitive promises. But those seeking instant solutions and those whose political response has been guided by the pressure of Earth Day have created an image about the pollution problem that is difficult for the public to understand. This is a serious matter and unless the problem is clarified and the achievements that are likely to take place during the next five to ten years are clearly explained, the American people will be disappointed and their faith in government and technology will continue to diminish. The addition of unneeded further strains on an overburdened society need not happen if we share with the public a realistic appraisal of what is possible during the 70's.

Progress has been made during the last fifteen years but it has been offset by the rising tide of public expectations. We must help the public to adjust their expectations to real world solutions; help public leaders to understand what is promisable; and work hard to help them deliver on the promises. A large part of water pollution is controllable now at an acceptable price. We can achieve control over water pollution in the not too distant future (1980+) to meet high public expectations, also at an acceptable price.

But water clean enough to meet current public expectations will not be achieved within the next five years. During the last half of the 1970's we should be able to count a number of specific gains if we make some needed changes in our approach to water pollution control. Gains can include, for example:

The removal of gross pollution from all municipal and industrial waste outlets, resulting from the installation of secondary waste treatment facilities or its equivalent.

Demonstrating the use of advanced waste treatment technologies in 15–20 percent of municipal waste systems.

Demonstrating control of total pollution on a regional-systems basis in 20 percent of the Nation's 225 sub-basin areas.

The gradual reduction of DDT and other hard pesticides, and of detergents to acceptable limits if strong measures are instituted to ban their use or provide non-polluting substitutes.

A recognizable reduction in the rate of deterioration of inland water bodies like the Great Lakes.

Substantially increased effectiveness in managing waste heat from electric power and industrial sources.

Improvement in the control over oil exploration, production, transportation and use.

In order to achieve these and other gains, marked changes are needed in the national water pollution control program. The following ten points represent some of these needed changes. The subsequent discussion includes a recommendation supported by a brief background statement.

Federal Jurisdiction Over All Navigable Waters.

A National Sewage and Waste Treatment Policy.

The Allocation of Federal Financial Aid and the Determination of Project Priorities.

Regional Water Quality Management Programs.

Planning an Effective National Pollution Control Program.

Facilitating the Use of Advanced Waste Treatment Technology.

Improved Enforcement of Pollution Control Laws.

Consolidation of Water Supply and Waste Water Service Functions in Local Government.

Water Pollution and Public Health Research.

Technology Assessment.

1. *Federal jurisdiction Over All Navigable Waters.*[1]

The Congress should enact legislation in 1970 to allow the Federal Government to enforce pollution control in all navigable waters of the United States, either in cooperation with the States or by itself.

BACKGROUND

The Congress has delayed too long in assuming jurisdiction over all the navigable waters of the United States for pollution control purposes. For thirty-six years from 1912 to 1948 the Congress refused to change national policy and accept any responsibility for Federal enforcement of water pollution control (except for the Oil Pollution Act of 1924). The shift from total state enforcement was initiated in the Water Pollution Control Act of 1948. By amendments in 1956, 1961, 1965, 1966 and 1970 the Congress has very gradually assumed a greater share of pollution control authority.

It has taken twenty-two years to bring Federal enforcement authority to its present posture. During the same period State authority has improved substantially and the concurrent authority that now prevails has strengthened water pollution control enforcement considerably. It is clear, however, that the full force of government will be required to bring water pollution under control, and it is imperative that no further delay be countenanced in developing a strong State-Federal enforcement team to bring this about.

Federal enforcement authority over all the Nation's navigable waters was proposed by President Johnson in 1966. The Clean Water Restoration Act of 1966 (The Water Pollution Control Act amendments of 1966) as passed by the Congress did not include this additional authority. President Nixon is again proposing this action in the current amendments now being considered by the Congress. This proposal should be acted upon favorably without delay.

2. *A National Sewage and Waste Treatment Policy.*[2]

Congress should adopt a national sewage and waste treatment policy which would require, as a national minimum, the installation of secondary municipal sewage treatment facilities everywhere and comparable waste treatment by industry; (also see items 3 and 6 following).

In adopting such a policy Congress would:

Allow exclusions as necessary for the achievement of water pollution control goals (e.g., added phosphate removal on the Great Lakes and in comparable situations; require other higher treatment requirements where needed; or by-pass conventional secondary treatment with new technologies which would produce equal or better results);

Establish a short range target of bringing gross pollution under control and which, upon completion, would provide an accomplishment benchmark for the American people;

Simplify the process of achieving a necessary advance in controlling gross pollution by adopting a relatively uncomplicated procedure; and reduce delaying tactics at the local and state level by recalcitrants;

Use the prestige of the Congress in enunciating a clear and unambiguous policy;

Eliminate to a large degree the great obstacle of competition among the states to protect their industries;

Bring to completion an action that is already well underway and which is an accepted policy in most states and by the Federal Government for municipal waste treatment.

BACKGROUND

The waters of the United States contribute greatly to the economic and cultural strength of the Nation. In earlier days rivers bound the Nation together as transportation routes. Later they were used to water vast acreages of land and to support industry, cities and produce power. Today, in addition to all these, we are respecting the Nation's waters more and more for their cultural and natural values. Water pollution contributes to the destruction of all these purposes and the Congress by virtue of its control over navigable waters must establish clear and unambiguous policies for protection against water pollution.

Most of the Nation's waterways are interstate in character and this fact has been one of the major obstacles to pollution control. During the 1920's, state health departments tried to reach agreement on pollution control requirements on waters flowing from one state to another but failed. Interstate compacts found during the 1930's and 1940's were helpful but were not sufficient by themselves. A major purpose of the 1948 Federal Water Pollution Control Act was to overcome the obstacle of having the quality of the Nation's waters controlled by 48 independent state programs.

A principal thesis in designing the national pollution control program has been that each river basin is different hydrologically and economically, and in other ways from other river basins. Therefore, it was thought that the development of water quality criteria, standards, treatment requirements and related control matters should be designed separately for each basin or regional unit and for each city and industry in order to achieve the best economy. This has resulted in the development of a complex national system difficult to administer.

What progress the Nation has made in water pollution control has been by incremental steps and it will not be achieved instantly, notwithstanding the loud voices that have been raised by those who, having lately perceived the problem, seek to do so. In very broad terms, primary waste treatment was initiated on a substantial basis during the 1920's and the beginning of the 1930's. From the mid 1930's through the 1960's older and obsolete plants have been renovated and new plants have been constructed, aiming toward the goal of secondary waste treatment. Increasingly industry, too, has followed this general path of development.

During this thirty-five year period much progress was made during the public works programs of the 1930's (roughly, a six year period); essentially no progress was made during the next twelve years as a result of World War II and the Korean War; and small progress was made between 1952 and 1956.

Between 1956 and 1970 annual construction levels have increased from about $200 million to over $800 million. An important part of this increase must be discounted because of inflation and increases in con-

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struction and material costs. By 1970, however, about two-thirds of the population in urban communities and about two-thirds of the community sewer systems of the Nation have been provided with secondary waste treatment facilities.

Unfortunately, the progress that has been made by industry is not known. I believe it to be substantial but in the absence of reliable information about such progress and the extent of the industrial component of the water pollution program, there is no good way to evaluate this part of the national water pollution control program. (See item No. 5 following.)

It is evident, therefore, that progress has been painfully slow. Even though a speedup in constructing municipal waste treatment works through higher appropriations is being attempted, continued delays in reaching agreement on water quality standards; court action and other enforcement timetables, development of regional systems; inter-local and industry-municipal cooperation are likely to result.

Another difficult problem, and one which is at the heart of the delays in abating industrial pollution, is the fear on the part of every state that a strong effort to control industrial pollution will place its industries at a competitive disadvantage with industries in other states. The United States Advisory Commission on Intergovernmental Relations pointed out this obstacle in a 1962 report and this basic question has not yet been met head-on by the Congress.

The design of a control program based on a detailed consideration of the problems and characteristics of each watershed has been supported for many years by proponents of a go-slow program to abate industrial water pollution. However, in recent years, under the pressure of a growing public concern and more stringent State and Federal action industrial leaders increasingly are calling for a national standard to minimize the competitive advantage that a plant in one state may have over a comparable plant in another state. These leaders are attempting to meet the public demands for an effective pollution control program and their views should be given high priority.

The President has recognized this philosophy for the national Air Pollution Control Program and has called for comparable effluent control at all point sources contributing waste to the atmosphere.

A similar policy should be established immediately by the Congress for the national Water Pollution Control Program.

3. *The Allocation of Federal Financial Aid and the Determination of Project Priorities.*[3]

The Congress should extensively revise its construction grant allocation procedure. A recommended revised allocation would provide, considering the $800 million F.Y. 1970 appropriation:

An allocation of 25 percent ($200 million) by the Congress to the states on a formula basis for use by them on projects determined to be consistent with an effective comprehensive program;

Authorization to the Secretary of the Interior to expend about 37 percent ($300 million) for an attack on major water pollution problems in the Nation;

Authorization to the Secretary of the Interior to expend about 37 percent ($300 million) to be applied to regional clean-up programs;

In addition, the Congress should:

Direct that such funds are to support and encourage the use of advanced waste treatment technology;

Develop procedures to involve itself much more directly in the process of project selection, insure a greatly improved program of reporting by the Executive Branch (Federal Water Quality Administration) on project planning and project completion. Congress, through its Public Works Committees has a long experience in this procedure. A comparable arrangement, carefully developed to avoid criticism over "log-rolling" tactics should be established for water pollution control processes.

BACKGROUND

The history of water pollution control in the United States is characterized by "piecemeal" control procedures. In very few, if any places in the Nation can it be claimed that water pollution in a significant water body has been effectively controlled even though substantial investments have been made in pollution control facilities. An analogous situation would be the construction of only half dams on river systems by dam builders.

For twenty-two years (1948 to 1970) the Congress has supported in principle this system of piecemeal development of pollution control works and for fourteen years (1956 to 1970) appropriations have been spent under this system. In providing financial aid to communities to construct pollution control works the Congress established a formula under which the monies were allocated to the states. The formula has been based upon population (50 percent) and per capita income (50 percent). Monies allocated to the states are then further allocated by the states to projects within each state, the priority of projects determined by a procedure developed individually by each state.

In theory, the Congress established a requirement to insure that the funds expended would be used in a planned manner to achieve effective pollution control. Section 8(b)(1) of the Federal Water Pollution Control Act provides "No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate state water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act." (Section 3 of the Federal Water Pollution Control Act relates to the development of comprehensive programs).

In practice the requirement of approving a project within a comprehensive program has never been effectively utilized even though resources in excess of $100 million have been spent in search of comprehensive programs since the inception of the Act. In addition state approval of projects have more usually been granted on the basis of when a project is ready to go to construction rather than as part of a logical plan to bring pollution under control in a specific region in a specific time period.

It is time to redesign this system. It has not produced the results desired and the report of the Government Accounting Office, Congress's own watchdog over expenditures, has indicated this in a report to the Congress.

The basis for a redesigned system should be to (1) effectively reduce major water pollution problems in the nation; (2) reduce the public stress over water pollution as an environmental concern by showing that success over pollution can be achieved; (3) seek the clean up of total river or sub-basin systems in an effective way; and (4) to advance the acceptance of new waste treatment technology resulting from the Federal Research and Development program.

Congress and the Administration has proposed modest changes in practice. Special recognition is being given to the problem of the Great Lakes and H.R. 16029 proposes to grant to the Secretary of the Interior authority to allocate 20 percent of the construction grant authorizations to problem areas. These changes do not go far enough and the principles they reflect should be broadened to allow the Secretary of the Interior much greater flexibility.

4. Regional Water Quality Management Programs.[4]

Congress should initiate a series of regional water quality management studies as demonstration projects.

BACKGROUND

Many river systems, sub-river systems, large metropolitan areas, estuaries and the like can perhaps best be managed as a single entity to control pollution. Political boundaries and the difficulty of achieving cooperation among large numbers of governmental bodies have been major obstacles to the development of such management arrangements. In addition, such obstacles have kept us from applying our full knowledge in science, technology and management skills to control water pollution.

An initial step in developing this process is to move toward a new type of client-engineer (planning/construction agency) relationship that can provide for the development of a model regional water quality plan by a planning agency (public, private or a combination thereof) under the authority of an appropriate client that has or can assume responsibility for the entire region.

Laws presently available in New York, Ohio and Maryland (and in Ontario in Canada and proposed in Pennsylvania) provide for the State to act as a client for a region, and to employ a planning agency for the development of a regional plan. The Federal Government under the usual planning authorization process employed by the Public Works Committees of the Congress, can also authorize a planning program for a selected region using a Federal construction agency in cooperation with the Federal Water Quality Administration. An analogous arrangement in part already has been initiated by the Congress under the North-east Water Supply Study through the Corps of Engineers. In addition, River Basin Commissions under the Water Resources Planning Act of 1965 or organizations like the Delaware River Basin Commission can be useful instruments for planning model regional water quality control agencies.

Five such demonstration programs might be authorized in various sections of the Nation during the first year, to be followed by others as experience dictates.

It must be understood that the development of a regional management plan for quality control does not by itself insure the acceptance or adoption of the plan. Appropriate negotiations will be required among the Federal Government, the affected states and the local communities concerned to reach agreement on the implementation of such a plan. Federal Government leverage can consist of the use of its construction grant funds, its technical assistance program and other powers, including enforcement. States and localities, too, will have certain leverages available for negotiation. Out of the experience of the first regional planning and development programs, appropriate devices will emerge to allow the Nation to improve its ability to establish regional water quality management schemes.

5. ***Planning an Effective National Pollution Control Program.***[5]

The Congress should authorize the Secretary of the Interior to collect information concerned with industries contribution to the national water pollution problem and data related thereto in order to effectively plan a national water pollution control program.

BACKGROUND

Planning a national water pollution control program requires that information be available about the problem in such terms as sources of pollution, location, name, number, characteristics, amounts and effects. Reasonably good information is available about municipal sewage and waste water

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contributions. Unfortunately, and nearly incredibly, in 1970 the national water pollution control program has no effective procedure to gather data on the industrial component of the national pollution problem. In the absence of such data, it is apparent that we do not now have or can we effectively plan for a well designed national program.

The fault does not lie with the Department of the Interior's Water Quality Administration. The operating program as well as its predecessor agency the Public Health Service has sought, for nearly a decade, authority to establish a procedure to gather such data. The Congress and the Executive Office of the President has full knowledge about the problem. The case for action has been extensively explored by a Committee on Government Operations Subcommittee headed by Congressman Robert Jones (Alabama). A report by the Jones Subcommittee pointed out nearly two years ago that if effective voluntary action was not taken to gather such data, the Congress should enact necessary legislation. A voluntary program is not what is called for today and the time is overdue for the Congress to act on this matter.

6. *Facilitating the Use of Advanced Waste Treatment Technology.*

The Congress should purposefully facilitate as a very high priority program the early use of improved waste treatment technology by cities, industries and by State and Federal governments.

BACKGROUND

The ultimate goal of water pollution control in the United States should be the separation of water from contaminants with the view of approaching natural water conditions. This discussion of point "2" of this paper noted the incremental nature of progress to date in treating waste waters. We are, however, approaching the time when the goal of separation of water from contaminants becomes not only desirable but possible. This is due to the developments that have taken place during the past half-dozen years involving the development of new waste treatment technologies.

Up to about 1965 substantially less than one million dollars a year was available for application to improving waste treatment technology. (From 1948 to 1956 less than $300,000 a year was available for *all* water pollution research within the Federal program. From 1956 until 1965 increased amounts became available, largely for Federally supported extramural research and demonstrations. Congress, in the Water Quality Act of 1965, finally established a substantially improved Federal research program, part of which was aimed at seeking the development of new waste treatment technologies.

The objective of this program can be aided by:

Making it more advantageous for that part of American industry that produces or would like to produce waste treatment hardware to more fully participate in the advanced waste treatment research and development program. The experience of the Departments of Defense and Transportation and of NASA in hardware development might provide a guide about how this could be accomplished;

Arranging for the wide demonstration of advanced waste technologies through a planned program so that public officials can readily see and become familiar with new developments;

Marketing techniques used to induce the use of other types of public works equipment (e.g., earth moving equipment, trucks, refuse collection and snow removal equipment etc.) by public works and other local officials should be utilized to create early acceptance of improved waste treatment technologies;

The Secretary establishing appropriate requirements and the Congress special subsidies to promote the use of new waste treatment technologies. The program goal in this effort for the next five years should be to construct a pollution control plant that includes some form of advanced waste treatment technology at convenient intervals throughout the Nation as illustrations to citizens and officials of what can be achieved with the new technologies.

7. *Improved Enforcement of Pollution Control Laws.*

The Federal Water Quality Administration should establish a largely expanded national enforcement staff, taking advantage of young law school graduates trained in environmental law.

BACKGROUND

The Enforcement Program under the Federal Water Pollution Control Act has been of great value. The chief enforcement officer of the Federal Water Quality Administration has shown great dedication and courage in carrying out his responsibilities under the Act. The program, however, has had a limited effectiveness, due partly to the limitations of professional staff and due partly to the limited way in which the Federal enforcement effort has been utilized.

An expanded Federal staff should:

Support the chief enforcement officer through continuous day in and day out efforts in the several regional offices of the Water Quality Administration;

Provide technical assistance to State pollution control enforcement authorities including the loan of trained legal personnel; provision of training of state legal personnel; the provision of specialized legal services; and other related aid;

Develop an effective enforcement program comprising a Federal-State enforcement team that will work in conjunction with scientific and technical personnel to bring about the early abatement of pollution through legal procedures.

The President and the Congress should assign great weight to the enforcement aspects of the national program to make most productive the relatively large amounts of Federal monies scheduled for the pollution control effort.

8. *Consolidation of Water Supply and Waste Water Service Functions in Local Government.*

The water supply and waste utility services of local government should undergo a program of consolidation and reorientation.

BACKGROUND

There are approximately 35,000 local water and waste water organizations in local government in the United States. In many places, primarily where a number of communities exist side by side, such organizations should be consolidated and their services reoriented to operate an essentially self-sufficient utility service comparable to the private electric, gas and telephone utility services.

State government should play a major role in this effort by:

Establishing a state regulatory agency (or strengthening an existing agency) whose responsibilities would include (1) the establishment of appropriate water and waste water service areas without regard to political boundaries; (2) the review and ultimate control over a rate structure that would provide for the maintenance of service to meet public needs, established standards of quality and other objectives including that of meeting future growth sufficiently in advance of needs;

Obligating such utility services to be legally liable to provide the services and to meet the objectives for which they are established.

The Federal Government should explore the way in which it can best contribute to these ends.

9. *Water Pollution and Public Health Research.*[6]

The National Institute of Environmental Health Sciences, Department of Health, Education and Welfare, should be given a specific and strong mandate by the Congress to bring about a better understanding of the relationship between water pollution and public health.

Specifically, the National Institute of Environmental Health Sciences should:

Determine the short and long term hazards to health of the contaminants now introduced into the Nation's water resources by society (e.g., industry, cities, agriculture); and

Play a major role in the assessment of new or exotic formulations from industrial research or operations that find or may find their way into the environment.

BACKGROUND

The mission of the Institute is to concern itself with fundamental biomedical research on the health effects of a wide range of constituents in the environment of man. The National Institute of Environmental Health Sciences is particularly concerned with the deleterious effects on health resulting from long-term exposures to low levels of chemical, physical, and biological substances, alone or in combination, in the environment.

The Institute is primarily related to the health effects of environmental agents upon man and is detached from immediate responsibility for the effect of man on the environment, interrelated as these often are. It has been freed from the immediate burden of regulation and control although it is held responsible for supplying the underlying knowledge required to make control possible and regulation realistic and defensible.

Among the regulatory agencies which will be the users of this underlying information are the Environmental Health Services of the Department of Health, Education and Welfare, Water Quality Administration of the Department of the Interior, and many other Federal departments including Labor, Transportation, Housing and Urban Development, Commerce, Agriculture and the Department of Defense.

10. Technology Assessment.[7]

The Congress should establish a program of technology assessment to insure, to the degree of currently feasible, the minimization of consequences harmful to man, plants, animals and other natural bodies as a result of the introduction of materials, machines or practices by science, industry, technology or other activities of many.

BACKGROUND

This is a problem that is receiving considerable attention by the Congress and by the Executive Branch. In relation to the national water pollution control program it is essential that a vigorous attempt be made to assess the consequences of man's actions on the water resource in order to eliminate problems such as those resulting from the use of DDT, detergents and mercury.

Unless a program of assessment is initiated it can be stated with a high degree of assurance that more situations having very grave consequences on man and the natural ecology of earth will occur. It can be accepted that a satisfactory and effective program will not be developed easily or soon to carry out such an assessment program. It is important, however, that a start be made immediately in order to provide an operating base and to initiate a program of improvement.

Footnotes at end of article.

FOOTNOTES

[1] Hearings on the Clean Water Restoration Act of 1966; U.S. Senate. Subcommittee on Air and Water Pollution, Committee on Public Works, 89th Congress, 2nd Session.

President Johnson's message To Preserve America's Heritage dated February 23, 1966. Public Papers of the President's: Lyndon B. Johnson, No. 82. "I recommend that the Secretary be given the right to initiate enforcement proceedings when pollution occurs in navigable waters, intra-state or interstate."

Clean Water Restoration Act of 1966; Conference Report (House Report No. 2289) on S. 2947, A Bill to Amend the Federal Water Pollution Control Act; 89th Congress.

H.R. 16028 embodying the Administration's proposals for 1970 legislation, 91st Congress, 2nd Session, February 18, 1970.

[2] White House Conference on Natural Beauty, May 24–25, 1965, Washington, D.C. Statement by Leonard B. Dworsky, on Panel, Water and Waterfronts. Pages 144–147.

[3] Hearings on S. 418, Committee on Public Works, U.S. Senate, 80th Congress, 1st Session, April, May 1947, pages 19–24 which became the Federal Water Pollution Control Act of 1948.

In an exchange with Senators Chavez, McClelland and Cooper about how the construction loan (at that time) monies would be allocated, Senator Robert A. Taft noted that there was no provision for a formula allocation; that the Surgeon General "shall set forth the order and sequence and priority for individual projects in accordance with their estimated importance and value in the elimination or reduction of water pollution" and "that in a thing like this you would take one river at a time".

[4] The Management of Earth-Water, Cornell Alumni Convocation, Boston, Mass., March 1969, 10 pages. Leonard B. Dworsky.

Goals and Perspectives in Water Resources Planning, given at the Water Resources Planning Conference, Boston, Mass., May 16–17, 1968, 25 pages. Leonard B. Dworsky.

[5] The Federal Water Pollution Control Act of 1956 (P.L. 84–660) establishing a water pollution control basic data collection program.

Public Health Service Publications 69, 82, 86, 87, 88, 92, 110, 111, 119, 136, 143, 150, 153, 160, 317, between 1952–1954 which *identified, located* and *named* each of the 22,000 cities and industries contributing to water pollution at that time.

The Critical Need for a National Inventory of Industrial Waste. 30th report by the Committee on Government Operations. Subcommittee on Natural Resources. Congressman Robert Jones of Alabama, June 24, 968, H.R. 1579, 90th Congress, 2nd Session.

[6] Report on a Research Program for the National Institute of Environmental Health Sciences. Department of Health, Education and Welfare. National Institute of Environmental Health Sciences Task Force on Research Planning in Environmental Health Science.

[7] Hearings on Technology Assessment: Subcommittee on Science, Research and Development; Committee on Science and Astronautics; U.S. House of Representatives, 91st Congress, 1st Session, November 18, 1969.

Also see reference to technology assessment in (6) above.

See in addition

Analysis of Federal Water Pollution Control Legislation, 1948–1966—Leonard B. Dworsky, Journal American Water Works Association, Vol. 59, No. 6, June, 1967.

Documentary History of Conservation—Water and Air Pollution in the United States, Leonard B. Dworsky, Publication date early August, 1970, Chelsea House, New York, New York, 900 pages.

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COUNCIL ON ENVIRONMENTAL QUALITY GUIDELINES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. DINGELL. Mr. Speaker, the Council on Environmental Quality recently issued its interim guidelines for statements on proposed Federal actions affecting the environment as required by the National Environmental Policy Act of 1969.

In view of the great interest in questions on the environment, I include the text of the interim guidelines at this point in the CONGRESSIONAL RECORD:

[From the Federal Register, May 12, 1970]

COUNCIL ON ENVIRONMENTAL QUALITY—STATEMENTS OF PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT—INTERIM GUIDELINES, APRIL 30, 1970

1. *Purpose.* This memorandum provides interim guidelines to Federal departments, agencies and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91–190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals.

2. *Policy.* Before undertaking major action or recommending or making a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and BOB procedures.* (*a*) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish no later than June 1, 1970, its own formal procedures for (1) identifying those agency actions requiring environmental statements, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State and local agencies, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

(b) Each Federal agency should consult with the assistance of the Council on Environmental Quality if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Bureau of the Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary material, new policies and procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or reports relating to legislation and appropriations;

(ii) Projects and continuing activities;

Directly undertaken by Federal agencies;

Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance;

Involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) Policy—and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex or projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment or serve short-term, to the disadvantage of long-term environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, the regulatory activities of Federal environmental protection agencies (e.g., the Federal Water Quality Administration of the Department of the Interior and the National Air Pollution Control Administration of the Department of Health, Education, and Welfare) are not deemed actions which require the preparation of an environmental statement under section 102(2)(C) of the Act.

6. *Recommendations or reports on proposals for legislation.* The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Bureau of the Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process.

7. *Content of environmental statement.* (a) The following points are to be covered:

(i) The probable impact of the proposed action on the environment, including impact on ecological systems such as wild life, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(ii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of Public Law 91–190).

(iii) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environmental should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vi) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, mere reference to the previous certification is sufficient.

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

8. *Federal agencies to be consulted in connection with preparation of environmental statement.* The Federal agencies to be consulted in connection with preparation of environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards". These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Department of Agriculture.
Department of Commerce.
Department of Defense.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of Transportation.
Atomic Energy Commission.

For actions specially affecting the environment of their regional jurisdictions, the following Federal agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.

Agencies obtaining comment should determine which one or more of the above listed agencies are appropriate to consult. It is recommended that the above listed Departments establish contact points for providing comments and that Departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty days for reply, after which it may be presumed the agency consulted has no comment to make.

9. *State and local review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Bureau of the Budget Circular No. A–95, review by State and local governments will be through procedures set forth under Part 1 of Circular No. A–95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by Bureau of the Budget Circular No. A–85.

(c) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the FEDERAL REGISTER (with a copy of the environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the FEDERAL REGISTER may specify that comments of the relevant State and local agencies must be submitted within 60 days of publication of the notice.

10. *Use of statements in agency review processes; distribution to Council on Environmental Quality.* (a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State, and local agencies in the legislative, and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed an environmental statement should be provided.

(b) Seven (7) copies of draft environmental statements (when prepared), seven (7) copies of all comments received thereon (when received), and seven (7) copies of the final text of environmental statements should be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved.

11. *Application of section 102(2)(C) procedure to existing projects and programs.* To the fullest extent possible the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of Public Law 91–190 on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Availability of environmental statements and comments to public.* The agency which prepared the environmental statement is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. sec. 552).

13. *Review of existing authority, policies*

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and procedures in light of National Environmental Policy Act. Pursuant to section 103 of the Act and section 2(d) of Executive Order 11514, all agencies, as soon as possible, shall review their present statutory authority, administrative regulations, and current policies and procedures, including those relating to loans, grants, contracts, leases, licenses, certificates and permits, for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of the Act. After such review each agency shall report to the Council on Environmental Quality not later than September 1, 1970, the results of such review and their proposals to bring their authority and policies into conformity with the intent, purposes and procedures set forth in the Act.

14. *Supplementary guidelines; evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1970. Such reports should include an identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

QUESTIONS ON VIETNAM: IV. EXPANDING THE WAR TO LAOS AND CAMBODIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. FRASER. Mr. Speaker, the United States has been involved in Indochina for many years. Our primary concern has been with Vietnam, but we have also involved ourselves with other countries in the area. In particular we have been active for quite some time subverting the neutral stance of Laos, and now we have extended our actions into neutral Cambodia. The following question was prepared by the Committee of Concerned Asian Scholars at Cornell University:

QUESTIONS ON VIETNAM

6. Didn't the North Vietnamese invade Laos and Cambodia? Aren't we simply responding to these moves?

In the years following the 1954 Geneva Conference, the United States undertook to undermine and topple the neutralist government of Laos, with the object of replacing it with a right-wing, anti-communist government. In the end, this effort boomeranged serving to weaken the neutralists and increase the nationalist appeal of the pro-communist Pathet Lao.

By mid-1961 President Kennedy was glad to settle for a neutralist government if he could get one, and at the 1962 Geneva Conference on Laos the American objective was to secure a coalition government wherein the neutralist element would be dominant. But the base of the neutralists had been badly eroded as a consequence of previous American support of the Laotian right wing and Hanoi's support of the Pathet Lao. Moreover, soon after the 1962 Laotian settlement the residual neutralist core of the coalition split, some leaning right and others left, so that a virtual polarization resulted.

While Hanoi began to move its troops through eastern Laos down the Ho Chi Minh trail, in response to escalating American military intervention in Vietnam, the U.S. then undertook to supply and arm one of Laos' most militant ethnic minorities—the Meo—in positions scattered through Pathet Lao territory.

Nevertheless, a reasonable stabilization had developed between the various military factions at the time the Nixon administration came to office.

But last September this administration gambled on a major military escalation in Laos, involving not only an increasing aerial bombardment of Pathet Lao areas but also a major push to the Plain of Jars in Central Laos deep in Pathet Lao territories by the CIA-armed and financed Meo mercenaries—a group which militarily has become approximately as important as the whole Royal Lao Army.

When the Pathet Lao, aided by the North Vietnamese, retook the Plain in early 1970, they destroyed much of the strength of the Meo army. Anti-communist forces in Laos today are very much weaker than before. The Pathet Lao with its North Vietnamese backers now has the capacity to seize the Laotian capital and move to the Thailand frontier whenever it chooses.

The presence of North Vietnamese and Vietcong bases inside the border of eastern Cambodia was first reported in the press in 1967, well after the major U.S. military buildup in Vietnam. The Johnson administration found it possible to resist U.S. military pressure to cross an international frontier to attack these bases. Secretary of State Rusk stated that to attack them would constitute an escalation of the conflict.

The Nixon administration for more than a year also acquiesced in the continuing existence of these bases. It was only when Lon Nol's military coup group which replaced neutralist Prince Sihanouk proved unable to cope with the consequences of its precipitate and provocative move against these bases on March 22 that this long-standing policy was changed.

The first allied offensive (U.S.-advised South Vietnamese troops) against the border bases took place on March 27. The reaction of the communist forces to these attacks was to move west deeper into Cambodia, and by April 21 they were within 15–20 miles of Phnom Penh. The record suggests, as did Defense Secretary Laird in an interview with *U.S. News & World Report,* that the invasion by the U.S. and South Vietnamese was prompted at least as much by the desire to save General Lon Nol's government as to destroy the Communist bases.

PRESS CONFERENCE BY DONALD E. JOHNSON

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. DUNCAN. Mr. Speaker, on May 25, 1970, the Administrator of Veterans' Affairs, Donald E. Johnson, held a news conference in the Veterans' Administration Central Office here in our Nation's Capitol.

The purpose of that news conference, Mr. Johnson said, was not to criticize recent articles and newscasts which were highly critical of the quality of the VA hospital and medical care program, but to ask for the help of the news media representatives "in establishing a more balanced perspective in regard to the VA medical program."

I believe that the Administrator's opening remarks at that conference constitute a thorough and reassuring evaluation of VA medicine.

Mr. Speaker, I include these remarks by the Administrator of Veterans' Affairs in the RECORD:

PRESS CONFERENCE REMARKS BY DONALD E. JOHNSON, ADMINISTRATOR OF VETERANS AFFAIRS, MAY 25, 1970

Good afternoon.

My name is Don Johnson. As Administrator of Veterans Affairs I am the head of the Veterans Administration.

I have with me several of my colleagues in the VA. I would like to introduce them at this time, and ask them to stand so you will know who they are.

Dr. Marc J. Musser, our distinguished Chief Medical Director, is the man directly in charge of all VA medical activities.

Dr. John D. Chase is the Assistant Chief Medical Director for Professional Services.

Dr. Howard W. Kenney is the Regional Medical Director who supervises medical activities in the 10-state Northeast region. Dr. Kenney has just concluded an inspection of the Bronx, New York VA Hospital.

Dr. Abraham M. Kleinman is the Director of the Bronx VA Hospital.

First of all, I want to thank you for arranging your busy schedules so you could be with us this afternoon.

Next—since it might reduce your note-taking chore—I should tell you that copies of the brief remarks I shall make before taking your questions are included in a package of material we will make available to each of you.

In this same package you will find my comments, and the comments of Dr. Kleinman on the May 22 Life Magazine article.

Also included are excerpts from just a few of the hundreds of gratuitous letters that are received each month at our VA hospitals from former patients and their families concerning the care these veterans have received in our hospitals.

I have invited you here—not to criticize—but to ask your help in establishing a more balanced perspective in regard to the VA medical program. I ask this help for the sake of the thousands of veterans who will become our patients, for the morale of our hospital staffs, and in the interest of a better understanding by a concerned public.

I ask your help for these reasons only, and not because I am trying to duck criticism. I firmly believe that every agency of government, and every public official should not only expect—but should welcome—criticism. Sincere and constructive criticism helps all of us to do a better job.

In recent days, weeks and months, however, there has been some criticism in some media so exaggerated as to lead our veterans and the public to fear that VA is practicing grossly inferior medicine with hospital staffs that have little or no concern for their veteran-patients.

We have read, seen or heard that hospitalized veterans often die unattended in their own filth . . . that critically ill patients drag themselves home to escape the horror of a VA hospital . . . that chemically drugged young patients are doomed to a lifelong stay in our mental hospitals . . . that our war wounded are forgotten and neglected in a VA hospital system that has been called a medical slum . . . and that patient's exist in squalor as they fend off invasions by rats.

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We know from the mounting number of letters and telephone calls we receive that more and more sincere Americans are becoming increasingly alarmed about these purported conditions. And well they should be if these outlandish charges were true. I want to emphasize as strongly as possible that such charges are not true, and that they provide an utterly distorted picture of VA care.

This kind of criticism does a great deal of damage. It serves to tear down the very program these critics say they are trying to strengthen. It serves to needlessly alarm the thousands of patients VA is treating, and will be privileged to treat in the future.

There is increasing evidence that it is demoralizing the competent and hard-working staffs at VA's 166 hospitals. The competition for scarce-category medical personnel is always intense, and these stories make VA staff recruitment efforts even more difficult.

It is perhaps for all of these reasons that the Council of Deans of the American Association of Medical Colleges—at a regularly scheduled meeting held here in Washington just last Thursday—unanimously went on record in two particulars.

The Council, composed of the Deans of the 101 medical schools in America that set the pace for the best there is in medicine, condemned—as completely unjustified—what that body referred to as intemperate and inaccurate attacks on the VA medical program that have recently appeared in some news media, and expressed the Council's confidence in the continuing ability of VA hospitals to render high quality medical care.

I would like now to tell you just a few general facts about the VA medical program and the resources it commands.

I have been Administrator only 11 months. Before that I was a businessman with some naturally in-built disdain for goverment operations, and was head of the nation's largest veterans service organization which frequently took sharp issue with VA policies and operations.

I have come to have a high regard for VA employees, especially those who provide medical care. I have never known—in or out of government—a finer group of Americans. I can tell you that the staffs in our medical facilities are professionally competent, and are completely dedicated to the proposition that our sick and disabled veterans shall have the finest possible care.

Medicine is a science, but the measurement of needed medical resources is not. It is so difficult that no person can say precisely how much money or staff is needed to accomplish a given mission. It is completely understandable, therefore, that reasonable and intelligent men differ as to how much is enough.

I do disagree with critics who claim VA is operating with half a budget and half a staff. On the other hand, I have acknowledged frequently that all hospitals, including those operated by the VA, probably could use more money and more personnel, and, incidentally, VA is getting more money and more staff.

The $1,541,701,000 already appropriated for VA medical care in the current fiscal year is by far the greatest initial budget VA has ever had. The President has already asked Congress for a budget going into the next fiscal year, starting next July first, that is $210-million more than even this record sum.

The proposed budget for F.Y. 1971 of $1,752,200,000 will give us the money to add 5,700 medical employees, and bring that employment to by far the highest point ever achieved.

Good patient care goes hand-in-hand with progress in medical research. VA research funds are the highest ever in this fiscal year, standing at $57.6-million, and we are asking for $59.2-million in the new budget.

The improvement of physical facilities is a constant need in a system as vast as the VA's. We have requested $59-million for construction in the new budget, and this amount, plus available carryover funds will permit us to obligate $120.4-million—the largest volume of construction placed under contract in 21 years.

Our veterans and the public should know that many of the real experts in American medicine are on VA hospital staffs. Of the over 5,100 physicians now with VA, more than 2,200 are board certified specialists as the result of three to five years extra medical training. Our veterans are in the hands of highly-talented people.

They should know, to, that every one of VA's 166 hospitals carries the stamp of approval of the highest medical accreditation board in the land. All VA hospitals are fully accredited by the Joint Commission on Hospital Accreditation sponsored by the American Medical Association, the American Hospital Association, the American College of Physicians, and the American College of Surgeons.

As a matter of fact, I think you would be interested in knowing that the Bronx VA Hospital was last surveyed by the Joint Commission in December 1969. The Commission's January 19, 1970, report on this hospital said, "The medical staff and administration are commended for the evidence shown of continued high quality care given to the patients in this facility." The accreditation was renewed for three more years.

Our staffs are determined that no veteran will suffer medical neglect, inside a VA hospital, and we have an army of volunteers from local communities who serve as a constant reminder to every hospitalized veteran that he is neither neglected nor forgotten by the outside world.

The VA has what we think is the finest organization of hospital volunteers in the world.

There are more than 100,000 citizen-volunteers across this land, ranging from teenagers to senior citizens, who give in excess of nine-million hours of their time each year to bring a touch of home into our hospitals, and perform a variety of useful services for our veterans. They serve not for money—for they receive no pay—but because of their love for their fellow men.

In addition to friendly visits, writing letters, running errands, and helping in many other ways, volunteers help with entertainment. Let me give you an example.

In the wards singled out for attention at the Bronx VA Hospital in Life Magazine's "Assignment to Neglect" article, VA social workers meet regularly with patients to plan recreational projects. Volunteers help carry out the projects desired by the patients themselves.

Last Friday, for instance, a patient quoted in the Life article and five of his buddies spent the afternoon at a horse race track in a trip arranged two weeks ago. Last Tuesday, eight of the patients had a good catch of mackerel in an ocean fishing trip. In addition to periodic trips such as these, other volunteer-assisted activities have included visits to the Auto Show and to a variety of professional athletic events as well as picnics and barbecues, and parties with music and refreshments in the hospital recreational center at least once a month.

Now I know that an afternoon at the races, or a fishing trip, or picnics and parties is not the end all, but we feel they do help some. At least, these efforts run counter to Life's indication that patients feel they have been put in jail, or are being punished.

VA medical staffs and our wonderful volunteers do try as hard as they can to ward off feelings of loneliness and neglect.

But let me emphasize this point. I do not for one minute criticize any patient who is critical of the VA. We can never do enough for those who have done so much for their country. No amount of medical care and the many other VA benefits can ever adequately compensate a veteran disabled in the service of his nation.

These veterans can do no wrong in my book. I am sure that if my war service had left me greatly disabled there would be times when I would be mighty unhappy with VA hospitals.

It is my hope that what I have said may give you a little better understanding of the VA medical program.

Certainly we are not perfect, nor will we ever be. I can promise, though, that we will keep trying to the very limit of our capabalities and endurance to constantly improve, and to give veterans the very best possible medical care.

The very finest care possible is what they deserve. VA's motivation will never wane, for our medical personnel feel just as do I that we are privileged to serve America's finest citizens—our veterans.

Now, my associates and I will be glad to respond to any questions you may have.

UNIVERSITY OF MICHIGAN BARS RECRUITING BY LAW FIRM

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mrs. GRIFFITHS. Mr. Speaker, as a graduate of the University of Michigan Law School in the days when the dean usually discouraged the entry of girls into that school and little was done about assisting even the brightest young woman to secure a job, it is indeed heartening that the University of Michigan Law School has taken steps to bar campus recruiters who will not interview women graduates. I applaud their efforts and I suggest that Secretary Rogers notify his old law firm that they are way behind times. At this point, I would like to place in the CONGRESSIONAL RECORD for everyone to read a recent article on this subject entitled, "U-M Bans Recruiting by Law Firm," which appeared in the April 17, 1970, edition of the Detroit Free Press:

U-M BANS RECRUITING BY LAW FIRM

A prestigious New York law firm has been banned from recruiting on the University of Michigan campus because of alleged discriminatory hiring practices toward women.

The faculty of the U-M Law School took the action against the firm of Royall, Koegel and Rogers, the former law firm of U.S. Secretary of State William P. Rogers.

The charges against the firm stemmed from an Oct. 27, 1969, visit to the U-M campus by a recruiter for Royall, Koegel and Rogers. The recruiter reportedly told male law students that women attorneys had "pretty slim" chances of being hired by the firm.

The law-school faculty voted unanimously Tuesday to ban the firm from all recruiting for 1970–71.

A statement issued by the law-school office said the recruiter made statements that "would lead a reasonable man to believe it is more difficult for a female law graduate to obtain employment with the firm."

Francis A. Allen, dean of the law school, invited the firm to come to U-M to discuss the charges, but the firm said it could not send a man to Ann Arbor.

U-M recruiting policy states that "placement services are not available" to companies that discriminate for reasons of sex, color, creed and national origin.

The charges against the firm were brought March 13 by Kappa Beta Pi, the U-M legal sorority. A spokesman for the sorority said Thursday that "the law school's action in barring this firm will be most effective in helping women to achieve equal-employment opportunities in the legal profession."

THE RULE OF LAW—OR POLITICAL APOLOGY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. RARICK. Mr. Speaker, in remarking that no responsible citizen disagrees with the fundamental principles of Brown against Topeka, the U.S. Attorney General has adopted the role of party apologist for the revolutionary doctrine which is the cause of the Nation's present crisis. In so doing, he has perpetuated and given personal credibility to de facto legality and blatant injustice.

No greater proof—evidence—of the tragic falsity of Brown and the Warren Court's nightmares can be found than the deterioration in education, society, and morals on our national scene today.

I say in reply to Attorney General Mitchell's rhetorical defense of Brown, agitation, riots, and violence, that no informed responsible citizen can agree with the fundamental principles of Brown. Time does not correct injustice nor tyranny. History but amplifies our mistakes.

Mr. Carleton Putnam, world renowned author, has dispatched a letter to Mr. Mitchell pointing out succinctly the flaws in Brown and the tragic consequences of misusing law as a political weapon.

One cannot place party politics over solutions. It but defeats the hope for peace through law today.

Those in responsible leadership positions seeking human solutions rather than compounding our problem must desist from defending taboos and myths. Stell against Savannah cries out for honesty and justice and the return to open discussions based on facts and truth.

Unless we who are legally trained refrain from perpetuating false doctrine and restore peace through law instead of absurd theories and bureaucratic rationalization the people will do it for us. And the people are not always wrong.

I include a letter to the Attorney General from Mr. Putnam and a news clipping, as follows:

McLEAN, VA.,
May 22, 1970.

Hon. JOHN N. MITCHELL,
Office of the Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: My attention has just been called to your recent Law Day speech in which you remark that no responsible citizen disagrees with the fundamental principles of *Brown*. Such a comment seems to me to pass the bounds of understanding.

There have been no decisions more fateful than those in the orbit of *Brown* with its basic assumptions and far-reaching consequences. One of these decisions (the refusal to grant *certiorari* in *Stell vs Savannah,* 1964) serves to point up my incredulity. Let me quote the essential paragraphs from the opinion of the trial court in the latter case:

"5. The psychometric test results have conclusively demonstrated that the differences between white and negro students in learning capabilities and school performance vary in increasing degree from the pre-school period through the completion of high school. The differences between white and negro students were consistent on all types of tests and increased with chronological age at a predictable and constant rate. The negro overlap of the median white scores dropped from approximately 15% in the lowest grades to 1–2% in the highest and indicated that the negro group reached an educational plateau as much as four years before the white group. When a special control group was selected for identity of age and intelligence quotient in the lower grades, the negro students lagged by two to four years when the entire group reached the 12th grade.

"6. The tests covered general intelligence, reading and arithmetic achievement, and mental maturity. On the last, the white average was 22 points above the negro average. The achievement tests showed major ability pattern differences. On reading comprehension and arithmetic fundamentals there was virtually no overlap between the two groups. . . .

"8. All the evidence before the Court was to the effect that the differences in tests results between the white and negro students is attributable in large part to hereditary factors, predictably resulting from a difference in the races. The evidence establishes and the Court so finds that of the twenty-point difference in maturity test results between negro and white students in Savannah-Chatham County a negligible portion can be attributed to environmental factors. Furthermore no evidence whatsoever was offered to this Court to show that racial integration of the schools could reduce these differences. Substantially all the difference between these two groups of children is inherent in the individuals and must be dealt with by the defendants [the School Board] as an unchangeable factor in programming the schools for the best educational results.

"11. The congregation of two substantial and identifiable groups in a single classroom, under circumstances of distinct group identification and varying abilities would lead to conflict impairing the educational process. It is essential for an individual to identify himself with a reference group for healthy personality development. Physical and psychological differences are the common basis of group identification, indeed they compel such self-identification. To increase this divisive tendency, it has been established without contradiction, that selective association is a universal human trait; that physically observable racial differences form the basis for preferential association and that patterns of racial preference are formed and firmly established at a pre-school age.

"12. The effects of intergroup association are reasonably predictable on the basis of that branch of psychology known as social dynamics. In the case of two identifiable groups in the same classroom, intergroup tensions and conflicts result. These become substantial when the groups have a high identification index in a situation where the difference between them is as great as that existing between white and negro children in the Savannah-Chatham County schools."

You will remember what followed: The Fifth Circuit reversed the trial court on grounds apart from the evidence, stating "We reiterate that no inferior federal court may refrain from acting as required by [Brown] even if such a court should conclude that the Supreme Court erred either as to its facts or as to the law." *Stell* was thereupon taken to the Supreme Court by petition for a writ of *certiorari*. The writ was denied.

In sum, the Supreme Court, having reached a decision in *Brown* upon a record from which all the essential evidence had been omitted, refused even to consider the record in *Stell* (a record later confirmed by the studies of Arthur Jensen and the investigations of Nobel Laureate Shockley into the academic suppression of research in racial matters) or to take any action to cure the fatal flaw in the *Brown* case. Yet here was the pivot upon which an entire era of national policy at home and abroad was turning.

I need not emphasize the relationship between *Brown* and the universal deterioration prevalent on the national scene today. The false notion implicit in *Brown* that social injustice rather than the innate variability of human capacity is the cause of all differences of status in our society is not only destroying our educational system, but feeding the revolt among the young, increasing crime, creating an illusion of guilt among our law-abiding White citizens, and permitting the appeasement of evil everywhere. To quote the phrase of a liberal columnist writing of the situation in the Washington schools "the stench of lunacy" pervades the atmosphere. In addition, by attempting to fight communism while embracing the most notorious dogma of the Marxist ideology, the Administration is dangerously weakening its leadership both as to the Vietnam war and against the overthrow of our own government.

One might suppose that men like yourself would do something to abate the general chaos instead of praising one of its chief sources. And I must say to you what I said to minority member Leonard Garment some months ago: If you majority members in the Administration keep on ignoring the roots of your problem and fail to get together with Garment's minority on a platform of realities instead of on the quicksands of fantasy, you will end with a situation in the United States that will make Vietnam look like child's play. It is not only the construction workers that are sick of fawning and apology in Washington. There is a rising tide of nausea throughout the country over the Uriah Heeps in places of authority.

Finally I would beg you to cease speaking of "principles" and "responsible" citizens as regards the Supreme Court. In the long and varied annals of Anglo-American jurisprudence there is no more cowardly and dishonest episode than the denial of *certiorari* in *Stell*.

Sincerely,

CARLETON PUTNAM.

[From the Washington (D.C.) Post, May 2, 1970]

MITCHELL CALLS FOR END OF ATTACKS ON COURT

(By John P. MacKenzie)

Attorney General John N. Mitchell, in a marked departure form past practice, called yesterday for "an end to irresponsible and malicious criticism" of the United States Supreme Court.

"Extremist critics of the court have vastly overreacted" to court decisions but "most of the basic principles enunciated by the court have proved to be the best course for the nation to follow," Mitchell said in a Law Day speech.

The speech before the District Bar Association was warmly applauded by 2,500 persons at the Sonesta Hotel. But several lawyers in the audience commented afterward on the contrast between yesterday's speech and the vigorous criticism of Supreme Court decisions by President Nixon in his 1968 campaign which was managed by Mitchell.

The attorney general listed controversial decisions of the Warren Court on school desegregation, school prayer, obscenity, reapportionment counsel for defendants and confessions and said, "I do not believe that any lawyer here, or any responsible citizen in this country, does not agree with the fundamental principles" of these decisions.

* * * * *

He added:

"It seems to me that much of the popular dissatisfaction is ill-founded or maliciously motivated and that more people, especially we who are lawyers, should point this out and come to the defense of the court."

Mitchell listed several things which he said "the Supreme Court did not say" despite popular misunderstanding of its pronouncements. "It did not say that private persons may not discriminate within the circle of their family, friends or social activities" or that juveniles may be subjected to pornographic material, he said.

SENATE—*Wednesday, June 3, 1970*

The Senate met at 10 o'clock a.m. and was called to order by Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, who hast committed to us the swift and solemn trust of life, since we know not what a day may bring forth, but only that the hour for serving Thee is always present, make us ever responsive to the claims of Thy holy will.

Be with this Nation in these crucial days. May the right determine the use of our might. Make us strong and great in the fear of God, and in the love of righteousness; so that, being blessed of Thee, we may become a blessing to all nations, for Thine is the kingdom and the power and the glory forever. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 3, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. EAGLETON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 2, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

FEDERAL FARM CREDIT BOARD

The bill clerk proceeded to read the nominations in the Federal Farm Credit Board.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

FEDERAL MARITIME COMMISSION

The bill clerk read the nomination of Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner for the term expiring June 30, 1975.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. COAST GUARD

The bill clerk read the nomination of Rear Adm. Thomas R. Sargent III, to be Assistant Commandant of the U.S. Coast Guard with the rank of vice admiral.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

POLICING OF BUILDINGS AND GROUNDS OF THE LIBRARY OF CONGRESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 899, H.R. 12619.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. H.R. 12619, to amend section 11 of an act approved August 4, 1950, entitled "An act relating to the policing of the buildings and grounds of the Library of Congress."

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-897), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

H.R. 12619 would extend the present authority of the Library of Congress for policing the Library of Congress buildings to embrace the rental space it utilizes at certain other locations in Washington, D.C. The Library's present authority, expressed in the act of August 4, 1950 (64 Stat. 412; 2 U.S.C. 167–167j), does not extend beyond the streets surrounding its permanent buildings located on Capitol Hill.

The General Services Administration was requested by the Library of Congress to supply guards for the buildings leased for Library purposes at Taylor Street NW. and 214 Massachusetts Avenue NE. locations, but was advised by GSA that it was administratively and physically unable to supply guards for the purpose. Consequently, the Library of Congress has had to recruit its own special policemen to protect the staff and contents of its leased buildings. H.R. 12619 would grant such special police the same authority exercised by the police guarding the permanent Library of Congress buildings. It also would provide for police jurisdiction in the proposed James Madison Memorial Building.

CROWD CONTROL FOR A SMALL COMMUNITY

Mr. MANSFIELD. Mr. President, in the past several years, a great deal of attention has been given to the effect and control of large gatherings of people, whether it be for spectator sports, peaceful demonstrations, or riots. It has just come to my attention that one of the most effective programs of crowd control in small communities has been developed and put into operation in Bozeman, Mont.

The plan may not be suitable for our large metropolitan areas, but it is something that I think should be brought to the attention of the other areas of the Nation.

I ask unanimous consent to have the article written by C. Ron Cutting, chief of police in Bozeman, Mont., printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CROWD CONTROL FOR A SMALL COMMUNITY

(By C. Ron Cutting)

Bozeman, Mont., was founded in 1864. It is the sixth largest city in the State with an estimated population of 15,000. Situated just east of the Continental Divide, it is the County Seat of Gallatin County and is 90 miles north of Yellowstone National Park.

The city's economic structure stems equally from agriculture, tourism, and the Montana State University. It is widely known in Montana for the annual Winter Fair and the Bridger Bowl ski resort. It is the home of the Montana State University with enrollment approaching 8,000, located on a 1,170-acre campus. A university complex includes a fieldhouse with a seating capacity of 12,500. This new and versatile building permits the staging of indoor rodeos and track meets and attracts the major sporting events coming to the State.

Bozeman's police department consists of 20 highly trained and well-equipped officers. Public support for the department is excellent. Like most other enforcement agencies, our department has a full policing workload; however, one of our main concerns is the matter of crowd control at the various events held in the university fieldhouse and, in particular, the emotion-charged athletic contests. These events attract a substantial number of people and traffic from out of town and place a tremendous amount of responsibility on our police force.

An in-depth study of our crowd-control problem was made by the department to determine its extent. The study covered such points as the number of people involved, anticipation of troubles that could occur, available men and equipment of the department, and what support other law enforcement agencies could give. This study indicated a need for special planning for the use of all personnel and equipment to the best advantage possible.

First, a command post and a chain of command were established so that all forces and efforts would be coordinated. Every officer was informed of his responsibilities and other pertinent information relating to the project. Next, a dependable communications network was established to maintain contact with all elements involved and to provide the command post with immediate and continuous information. Third, a plan was devised to use a special squad system by which personnel could be deployed in a manner where they would be most effective at the required place and time.

The initial step under this special squad system was to form and equip a 13-man squad and to train it to handle friendly or hostile crowds. Training was given in basic squad formations considered most effective to control crowds and teach the officers to act in concert rather than individually. Additional training was given in the use of police batons and in defensive tactics. The squad members soon developed a real esprit de corps and become a solid, reliable unit.

This plan was then adapted for the policing of special events on the unversity campus and specifically to control crowds attending major athletic events held in the fieldhouse. Success of the plan depended on prompt and decisive action to prevent a small disturbance from becoming a serious disorder. This necessity was emphasized throughout the training.

KEY AREAS MANNED

Key areas within the fieldhouse were designated and manned. Spotters were used to keep a continuous surveillance over the crowd to note any circumstances that might generate trouble. The plan provided for the basic squad to be broken down into teams of two men each to be stationed in the key areas. They were to move quickly into a trouble spot as unobstrusively as possible, with a second team simultaneously moving into a backup position.

A communications control center was established at the command post in the fieldhouse. The center used a control board with an overlay of the fieldhouse to show the location of the spotters and squad teams at all times. All information from the spotters was relayed either by telephone or radio to the center and recorded by its operators. Based on the information, the officer dispatcher could notify the nearest squad team of the report and location of the trouble. Periodic radio checks are made with all teams to assure the proper function of communications.

The central control desk has been equipped with communications to the Gallatin County Sheriff's Office, Bozeman, Mont., which has a horsemounted patrol readily available for security patrol of the parking areas adjacent to the fieldhouse and for traffic control to and from the parking areas. The sheriff's office is thoroughly knowledgeable of our crowd-control plan and is prepared to assist with its trained personnel whenever called upon. A special radio net to police headquarters is also maintained as well as a State radio net in contact with the Montana Highway Patrol and campus police. Each of the five divisions of the Montana Highway Patrol has specially-trained squads fully equipped and ready for immediate dispersal to assist on crowd control at any location within the State. The Montana Highway Patrol unit stationed at Bozeman, Mont., consists of a well-trained group which has been thoroughly briefed in our plan and stands ever ready for instant call.

University campus police work closely with the city force on all of the events requiring policing on campus. They, too, are included and are knowledgeable of our crowd-control plan. This force is also equipped for crowd control duty, including radio communications, portable and vehicular, compatible with the police radio system.

PLAN OF OPERATION

A log is maintained at the communications center recording any law enforcement officer on duty status who enters the fieldhouse, and he is immediately given a radio unit and a call number. This helps for direct communications for paging such officers and provides additional spotters and better support.

Each year, the State high school basketball tournament held in the fieldhouse attracts a huge crowd of exuberant fans. The first day of such events creates a great amount of activity at the control center. The few persons intent on creating disorder are soon identified and are ejected so that all in attendance may have an enjoyable time.

The crowd-control plan has been used successfully for the past 3 years, and we are confident it will continue to be effective, with such adjustments as new circumstances may dictate.

While our department in the past has been concerned primarily with crowd control, the possibility always exists that it may be required at some time in the future to stop a riot and bring a violent mob under control.

For this purpose, a set of guidelines has been established which would be used by our special police squad. A brief outline of the plan follows:

1. Purpose:

The purpose is to provide an equipped and trained unit to protect persons and property, preserve peace, and enforce the codes and statutes of the City of Bozeman and State of Montana in the control of unlawful assemblies, mobs or riots, or other similar conditions.

2. Scope of Operation:

This special unit will be under the command of the Bozeman Police Department Chief of Police or other properly designated authority.

3. Personnel:

A. This unit will be composed of trained officers of the Bozeman Police Department, equipped and readied for immediate mobilization.

The unit will be of squad size with flexibility to absorb additional trained and equipped supporting personnel. All personnel will be under direct supervision of the squad commanding officer.

B. Members of the squad will be required to be available in proper squad uniform at the designated place of assembly as quickly as possible upon notification.

C. Members of the squad will be required to report for all alerts, including training alerts.

D. Members of this squad will be held personally responsible for any acts or actions taken beyond the scope of commands and instructions of the commanding officers.

4. Field Command:

A. The commanding squad officer will be directly responsible to the operations commanding officer and will commit the squad only upon orders by the operations commander.

B. An assistant squad leader will be designated and will be responsible for the functions of the squad in absence of the squad commanding officer.

5. Supporting Units:

A. Supporting units will consist of personnel available from city street and road maintenance crewr, Montana Power Co., Mountain Bell Telephone Co., and Bozeman's local ambulance service.

B. The city street and road maintenance crews have trucks available with radio communication that can be placed into service for hauling barricades, ropes, flares, wire, etc. The Montana Power Co. mobile units are equipped with radio communications to their headquarters, which in turn would relay messages to central control and are available to maintain lighting and electrical power. The Mountin Bell Telephone Co., also equipped with radio communications, has agreed to provide assistance in such emergencies in maintaining and establishing telephone communications as needed. The Bozeman Fire Department is included in the overall plan and has available a pumper unit that can be immediately dispatched whenever called. Additionally, the Bozeman local ambulance services have agreed to place in service ambulances when called upon to transport any injured persons from a troubled area. The plan includes arrangements with the medical profession, which has furnished names of doctors in such a number that one would always be available for immediate call if the necessity required. The designated authorities for these units will be responsible for the readiness and availability of materials, equipment, and personnel, if required.

6. Procedure:

A. Immediately upon notification of an unlawful assembly, mob, riot, or threat of any of these, and the location, the desk officer will notify the commanding officer. Patrols on duty will be instructed to check the vicinity and determine the nature of assembly, attitude of crowd, size of crowd, materials or weapons being used, location, buildings and areas involved, and any other information obtainable. This information will be immediately relayed to police headquarters, properly recorded and relayed to the commanding officer. The patrols will not attempt to take any action and will not commit or jeopardize police equipment without specific instructions.

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Upon instruction of the commanding officer, the desk officer will alert all personnel of the special squad and instruct them to report to police headquarters as quickly as possible. Members of the squad will dress in proper uniform, load all special equipment into a bus, and stand by. Support forces will also be alerted.

B. Orientation of unit officers will be conducted by the commanding officer and, upon his orders, the special unit will be transported to a predetermined assembly area.

Upon arrival at the site, the headquarters officer will prepare a bus for use as operational headquarters. He will immediately put into operation all communications, roadblocks, and other devices as ordered by the commanding officer.

The squad commanding officer will assemble the squad and make inspection of squad to insure readiness.

Upon orders of operational commanding officer, the squad commanding officer will move the squad in proper formation into operational area.

C. The first phase of the squad operations will be to "contain, isolate, and disperse." Prior to any contact with riot or demonstration personnel, proper warning and announcement will be made to demonstrators, instructing them that all must disperse and leave the area in an orderly manner. Failure to comply will result in arrest. These instructions will be conveyed by the best audio method available. Proper time will be given for response, and available exit routes will be indicated.

Upon refusal to disperse, the commanding officer will instruct the squad commanding officer to commit the squad to direct action.

The squad will be committed to direct action when it can be reasonably assumed that the action will result in dispersal and control.

In the event the mob is too large to be properly handled by a squad, a holding phase will be instituted to contain and hold rather than disperse until proper enforcement support is received.

D. Upon completion of an operation, the squad will return to the assembly area and wait in a standby status until relieved or given further assignment.

CONCLUSION

Although it is recognized that a small force cannot be expected to curtail a major disturbance and can only operate within a limited scope, a well-organized unit working together under a plan stands a far better chance to handle an emergency than a large unorganized group without a plan.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken equally out of both sides.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business which the clerk will state.

The LEGISLATIVE CLERK. H.R. 15628, to amend the Foreign Military Sales Act.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The Chair would inform the Senate that the time between now and the vote at 11:30 a.m. this morning will be equally divided and controlled by the majority and minority leaders.

Mr. GRIFFIN. Mr. President, I yield 15 minutes to the distinguished Senator from Colorado (Mr. DOMINICK).

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized for 15 minutes.

Mr. DOMINICK. Mr. President, more than 1,500 U.S. servicemen in Southeast Asia are prisoners of war or missing in action. The gravity of this problem is readily apparent from a few basic statistics. Currently, only about 445 of the 1,500 men are, with varying degrees of certainty, believed to be prisoners of war. I hasten to point out, however, that this determination has been made without any official confirmation by the enemy. A few have been identified as prisoners because they have been allowed to write to their families. Others have been seen in propaganda photographs or heard in propaganda broadcasts from radio Hanoi.

Still others are thought to be prisoners because they are so identified by the few men who have been released from captivity. There remain more than 1,000 who are missing in action. At this time, there is no way of knowing whether any of these men are dead or alive. Some have been in this category for more than 5 years. Of the total who are missing or captured, almost 800 were downed in North Vietnam; 500 lost in South Vietnam; and 200 in Laos.

Around 150 of these men have been missing or captured for 4 or more years. Almost 400 have been missing for over 3½ years which is longer than any U.S. serviceman was held prisoner in World War II. Prior to 1969, little was said publicly about the prisoner issue. That approach brought no significant progress. As a result, Secretary Laird and the Nixon administration adopted a new policy of public condemnation of the North Vietnamese, the Vietcong, and Pathet Lao for their inhumane treatment of prisoners of war. This public effort started in the spring of 1969.

Today, the prisoner question is an issue at home and abroad. There are numerous indications to prove the growing alarm at Hanoi's continued inhumanity. Congress has adopted a resolution calling for proper treatment of our prisoners. I have introduced legislation to give their children GI benefits and their wives GI home loan benefits. The President, the Secretary of State, and the Secretary of Defense each have met with groups of wives and parents. Each has publicly expressed his deep concern for these men. I have met with more than 60 of these dependents in Colorado. The International Red Cross has voted without dissent in support of humane treatment of prisoners. The United Nations has debated the prisoner issue. Hundreds of organizations, service clubs, and business firms throughout the country have focused attention on this matter. Senator BOB DOLE of Kansas and I, along with five other Senators and six Members of the House of Representatives sponsored a public rally in Constitution Hall on May 1 to demonstrate public support for the families of these men. We have had continued support from the various news media including newspaper editorials, magazine feature treatment, and television news coverage.

Even those sympathetic to the North Vietnamese government, have exhibited little patience for the enemy's cruel and inhuman treatment of our men and their families.

At home, critics of the Vietnam war policies have been hard pressed to justify Hanoi's handling of the prisoner question.

To the extent that the plight of our men is an issue, I believe the U.S. Government has made progress on this important issue. However, I must state that there have been no meaningful moves by the enemy to directly resolve what is basically a simple humanitarian question. Certainly, these public efforts have served as strong encouragement to the thousands of wives, parents, and children. But the tragedy endures; most do not even know whether their loved ones are dead or alive.

At least four wives of these men have suffered accidental death. A number of others are seriously ill or even terminally ill. It is not difficult to understand the severe emotional distress that results, particularly to children. Many of these children are now 3 and 4 years old and have never seen their fathers.

The provision for the treatment of prisoners of war is prescribed in the Geneva Convention of 1949, which has been signed by more than 120 nations including the United States, South Vietnam, and North Vietnam. The humanitarian standards spelled out in that document call for the immediate release of sick and injured prisoners, impartial inspections of prisoner facilities, the complete identification of men held, and the right of prisoners to correspond freely with their families.

The North Vietnamese, the Vietcong, and the Pathet Lao have consistently violated each one of these simple international standards of conduct.

Most men have never been allowed to write. There have been no impartial inspections of prisoner facilities. The enemy has never released a list of the men whom they hold. As a result, thousands of relatives have suffered anguish not knowing whether their loved ones are dead or alive.

The North Vietnamese and the Vietcong have repeatedly indicated that they are providing humane treatment to our men, but the contrary is true. Men have been held in isolation for prolonged periods of time. There have been instances of broken bones being rebroken, fingernails removed, medical attention being denied and proper diet ignored. We are aware of at least 19 American prisoners who have been murdered by the enemy or allowed to die from malnutrition and disease.

In recent weeks there has been considerable attention given to the receipt of a few letters from a few men, but this increase must be placed in perspective. In the first place, the mail received is not directly in letter form. It is a brief, patterned and undoubtedly censored six-line message on a flimsy form.

In the 5 years our men have been held captive, mail has been received from only about 200 individuals. Their families have received about 1,300 letters, usually not more than one or two a year.

If these men we believe to be prisoners were allowed to write, as dictated by the Geneva Convention, their families should receive some 6,000 to 8,000 letters per month, as compared with 1,300 letters per year.

As you may know, several dissenters have become involved in the prisoner issue. I use the word "involved" because they have not initiated any progress on the prisoner question. Rather, they have been used by the enemy for propaganda purposes to exploit further the prisoner matter. These individuals are hard pressed to explain the inhumane actions on the part of the North Vietnamese and the Vietcong. I believe the involvement of these groups must be kept in perspective because the information which has been deliberately funneled to them has been limited indeed.

Four brave ladies circled the globe visiting nine countries in an effort to learn whether they are wives or widows. They are among the more than 100 wives and parents who have had face-to-face meetings with North Vietnamese officials in Paris and other foreign capitals. They have been subjected to the heavy propaganda treatment of the North Vietnamese and their false promises. They have not yet received any of the information or assurances which they sought when they had the meeting with those officials.

How tragic it has been that the enemy has chosen to exploit these relatives. The North Vietnamese have made their uncertainty so difficult that these wives have found it necessary to travel to Paris at considerable expense simply to ask: "Is my husband alive or dead?" We deeply appreciate the dedication of these wives to their country and their personal faith which has carried them through so many tragic months. As I am sure you recognize, we are continuing to explore every possible means to resolve the prisoner question. We seek the earliest possible release of all prisoners. We are pursuing a policy that we hope will assure that these hundreds of American servicemen are not forgotten.

At the barest minimum we will continue to press the enemy to identify immediately all the men whom they hold, to release immediately the sick and injured, to permit the regular inspection of prisoner facilities, and we seek assurance that all prisoners will be allowed to send and receive mail regularly.

In summary, we feel a heavy burden of responsibility to these missing and captured men and to their families. We are going to continue to insist that everything possible be done to insure their proper treatment in captivity, to obtain their release and while they are gone, to give every possible assistance to their wives, parents, and children. These men have served their country well. We are indebted to them for their dedication and sacrifice and they will not be forgotten.

Mr. President, as a cosponsor of the Dole amendment which we are debating this morning, I point out some of the factors which I think make this amendment particularly significant and important.

In the first place, as I have noted in my speech, over 200 men are missing in Laos. We have almost no information concerning them. We do not know whether they are being held in Laos. We do not know whether they are alive. We do not know whether they have been moved into North Vietnam or whether they have, in fact, been moved into Cambodia.

In view of the factors of interdiction which have been going on in Laos, it is not only possible that these men have been placed in Cambodia, but I might point out also that at this time some of the newsmen covering the situation in Cambodia have been either killed or captured or are being held in Cambodia.

It seems patently ridiculous to me to say that we cannot use any forces in that area if we have the opportunity to provide rescue for the people being held there, whether servicemen, newsmen, or consulate officials.

Consequently, I give strong support to the provisions of the pending amendment. It requires, as I have pointed out before, that the President must make an affirmative determination that citizens or nationals of the United States are being held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front—namely, the Vietcong.

It does not refer to any action by Cambodia. It does not refer to any action by the Pathet Lao. It refers specifically to the North Vietnamese and the Vietcong.

It seems only right to me that we should give ourselves enough flexibility in the situation in which we are now engaged to be able to provide the necessary assurance to the men themselves and to their families that the United States will take such action as might be necessary in the event the President finds that those people are, in fact, prisoners of war.

I cannot for the life of me understand why we, as Americans, with our long history of dedication to our own citizens regardless of race, creed, or color, should all of a sudden say that we are going to put on iron-tight rules which will not give us the flexibility of launching rescue missions if we feel they are justifiable.

For those reasons, among many others, I urge strongly that the Senate adopt the amendment and show that it is still thinking in terms of the American heritage and American concern for Americans held as prisoners whether legally or illegally.

We should, therefore, give ourselves the flexibility in this bill to act wherever it be necessary.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CHURCH. Mr. President, I yield 1 minute to the distinguished Senator from Missouri.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

ADDRESS BY SENATOR MUSKIE AT THE UNIVERSITY OF KANSAS

Mr. SYMINGTON. Mr. President, recently the distinguished Senator from Maine (Mr. MUSKIE) delivered a thought-provoking address at the University of Kansas, in Lawrence.

The Senator closed this address with the following comment:

> The crucial ingredient in a Democracy is the identification, the instinctual trust that flows in thousands of minute and invisible currents through a society. It is this that makes a man feel that he belongs, that allows him to live at ease with his fellows without having to be watchful, competitive and tough.

I ask unanimous consent that this support address be inserted at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SENATOR EDMUND S. MUSKIE AT UNIVERSITY OF KANSAS, LAWRENCE, KANS., MAY 8, 1970

I have come here today, not to foment violence or rebellion, but to incite political action.

I have come, not to lecture you on the disruption of college campuses, but to encourage you to pursue your convictions.

And I have come, not to offer excuses for what has been done in the past and what is being done now, but to work out with you a new basis for American politics so that we will no longer need excuses.

There was a time when students like yourselves would have been satisfied by symbolic moral expression. Winning or losing on an issue seemed less important than the symbolic outburst.

Now, this is not enough.

Moral action expressed in practical political terms, in winning votes, is the thing that counts. This is what we should talk about and this is what we should do.

In so doing, we must address ourselves to the young, the dissatisfied, the despairing—and to the powerful, the leaders, the men who make the rules: the battle for men's minds will be won with words, not stones and *the quest for a whole society will be achieved only with love and understanding, not bayonets and bullets*.

More than a century ago, there was bitter division among the citizens of this State. The question then was one between freedom and slavery. And the ensuing violence impressed the name "Bleeding Kansas" on our history.

Once again, there is division among us. The question today is between tolerance and intolerance, at all levels. And violence threatens to brand us anew in the harshest of terms.

James Russell Lowell stated a very simple truth some years ago which became terribly poignant early this week.

He said, "If youth be a defect, it is one that we outgrown only too soon."

Lowell was not speaking about youth on a campus as opposed to youth on a battlefield. He was not distinguishing between the young student and the young worker or farmer. He was not drawing a line between young people who agreed with him and young people who disagreed with him.

Instead, Lowell was telling us that *all* young people share a passion for life which should *not* be ridiculed . . . and a dedication to action which should not be maligned.

He was telling us of young people like Allison Krause . . . a young girl of 19 who, her teachers said, was "more concerned about people than causes" . . . a young girl who was herself studying to be a teacher, and who opposed the war . . . a young girl who was shot to death on Monday in the spring of her freshman year.

Disparaging political remarks have been made all too frequently in recent months about young people, especially those of college age.

The consequences of this mean rhetoric are terrible and clear. A sullen mood of alienation has settled on our campuses. And a bitter feeling of resentment has been nurtured against our students. How lamentable then, for *anyone* to accept as inevitable the nine wounded and four dead at Kent State University.

That is why it is incumbent on those who lead in political life, who preside over our universities, who direct our industries . . . to call us together rather than order us apart.

That is why it is incumbent on all of us to speak out about our convictions rather than abide in silence to raise our sights rather than lower our profiles.

It is urgent that we prove to all Americans, young and old, how they *can* move us to deliberate seriously and to act responsibly.

We cannot remake the history of recent years: a war which has distorted all our lives for at least 5 years, and which threatens to continue doing so:

A spectre of racism which has bolted our doors and emptied our streets, while spreading suspicion and fear.

But we can decide—right now, all of us to restore to our lives and to the leadership of this nation the qualities of tolerance and dignity which have been too long ignored.

And we must decide that there are no second-class young Americans . . . whether at home or abroad at school or in a distant jungle. And it is up to the majority of Americans too long silent . . . the majority which cares about young America . . . to let them know it.

It is little wonder to me that young people today are more concerned with the freedom to escape, than with the freedom to become involved . . . that they are more conscious of the liberty to oppose, than of the liberty to support . . . that they are more familiar with the right to despair, than with the right to rejoice.

We forget too often that it has been the passion and the action of young people which has made us begin coming to grips with the fundamental problems that confront us all . . . an end to war and a beginning of peace . . . an end to prejudice and a beginning of mutual respect . . . an end to pollution and a beginning of a more livable world.

I submit that we cannot afford to forget the gathering of so many young people last autumn, impoloring us to disengage from Vietnam . . . or the teach-ins across the country last month, petitioning us to save our environment . . . or the brotherhood of students at Yale last weekend, urging us to overcome the hostility between white and black.

If we forget these manifestations of young America, it is at a risk to our very existence as a vital, creative and free society. For I believe that the vast majority of our young people are simply asking that we have the decency to listen to them, and the understanding to respond in an intelligent manner.

I believe further that our young people are not the only Americans who have been shocked in the last two weeks. They are not alone in their plea to make sense out of confusion to right our wrongs, to convert our grief into that greatness of spirit and purpose which has been the American ideal.

Millions of Americans have been shaken, are confused, and are looking for some answers—for something to do and ways to do it.

We must not let these questions go unanswered. We must not let these people down.

For the dangers to academic freedom and personal freedom in this land approach from two directions . . . from those who use their temporary sanctuaries of elective office to insult and intimidate the members of academic communities . . . and from those who use these same academic communities as verbal and physical battlefields to further their *own* ambitions for personal power and notoriety.

Vindictiveness and violence, no matter what cause they allegedly serve, are unacceptable and vicious codes of conduct. The intemperate public official and the intolerant young fanatic do not merit our esteem or support. They do not affirm life, they deny it. They do not kindle liberty, they extinguish it. They do not purify an ideal, they corrupt it.

Those who express instant and false indictments of students, faculty members and administrators must be repudiated in clear and frank language, and the repudiation plainly reported. And those who turn to the deliberate destruction of property, as a way of achieving their goals, must be held responsible for their acts.

We must not let *our* passion turn to hatred, or *our* action stoop to violence. I suggest, instead, that the problems of our times require from us the exercise of a good deal more discipline, responsibility and plain sense than our detractors would have us exhibit, and that our frenzied advocates would have us possess.

"Perseverance," as Plutarch expressed it long ago, "is more prevailing than violence, and many things which cannot be overcome when they are together, yield themselves up when taken little by little."

Change . . . necessary and beneficial change . . . can come from reasoned insistence and reasoned debate. The sudden turn to violent alternatives has come about, not because reason has failed, but because it requires a courage we seem to have misplaced . . . the courage to talk sense . . . the courage to refrain from senseless rage . . . the courage to preserve domestic tranquility without fixed bayonets or live ammunition.

Clearly, we do not lack for frontiers to engage our best energies. We are trying new life styles. We are defining new realities. But the dangers of vindictiveness and violence will remain, so long as our national conscience and our personal values are subjected to a "new uncertainty" of purpose.

I urge that we exhibit a "new spirit" . . . a spirit without arrogance, and without destructive impulse . . . a spirit of courage that counsels. "Do *not* do to others that which you would *not* have them do to you."

This means that we try out diplomacy before sending troops . . . that we call people neighbors, and not pigs or bums . . . that we dignify and sanctify life and not treat it lightly.

Without that spirit . . . with flagging enthusiasm . . . we shall only grow more distrustful of our institutions, and lose all confidence in ourselves.

The vital question then becomes, not *whether* governments, universities, corporations should change . . . but rather *how* they should change.

New and welcome directions are already emerging . . . as students achieve effective representation in matters which affect their student lives . . . as university trustees express public concern at meetings of publicly-held corporations . . . as college communities improve their relationships with the larger communities of which they are a part.

Universities in particular can and should be catalysts for invigorating change in our body politic. The teach-ins during Earth Week, for example, educated not only the immediate participants, but also the many persons who read about and listen to these discussions and debates.

But such efforts are not enough. We have not yet learned the lessons of violence. We have not yet realized that killing will not heal a divided nation.

We must do more, not promise less. We must move, through hard work, toward a whole society, not, through intolerance, to a war against ourselves which we cannot win.

It seems too obvious to say that our institutions, in particular our universities, function in an atmosphere free from oppression by militant radicals and armed guards. Freedom of expression, uninhibited by threats of violence, is vital to the life of any community.

Yet increasingly, our alternatives are narrowed. In the fact of mistrust, intolerance and despair, we are told that we must choose—between more violence and more despair, between revolution and repression.

I am not ready to accept that choice, and I do not believe you are ready to accept that choice.

I do not believe most Americans are ready to accept that kind of a future for our country.

If we accept such a choice, we have given up tolerance—and we have admitted defeat in mending a broken society.

I think there is another way—a way that will work. A way in which every concerned American can help in healing the wounds of a divided America.

Bear in mind . . . there will be elections on November 3, in every State and in every Congressional district. There should be candidates, throughout this country, who are ready to listen and willing to act, in the pursuit of peace.

We have six months to convince Americans who believe in peace—at home and in Indochina—to join us. We have six months to talk and listen and persuade.

We have six months to put together a People to People Campaign to give America national leadership committed to peace and the problems of our people—leadership which will: end the war in Indochina; and the costly and endless arms race; encourage reform of our democratic institutions to make them more responsive to the people; and give priority to problems which *demand* our attention.

We have six months to assemble a coalition of concerned Americans, from all segments of society, to press for these policies.

Congress *can* remake these policies, but we must remake the Congress.

We have never focused on this electoral challenge before as we must focus on it now.

We can do it, but we cannot do it alone.

We need dearly the help of every American who is tired of war, who is sick of bitterness and hatred, and who despairs of intolerance and violence.

We need the help of every American who has faith in peace and tolerance, who is willing to talk to his fellow man, and who thinks there is a better road to peace than war and a better way for a nation to live than for its people to die.

You will recall that the preamble to our Constitution was as humble as it was eloquent . . . that it sought to offer not paradise, but a "more perfect Union."

The opportunity is still available to us, to form a more perfect Union . . . to shape a whole society. It is not, however, an opportunity easy to grasp.

A more perfect Union requires strict fidelity, by the Government and by the people, to the constitutional rights of free, open and non-violent expression. A whole society requires the healthy exercise of those American instincts of fairness, compassion, understanding and cooperation which transcend differences in age, in geography, in political persuasion.

This is a very fleeting time. People are ready to help and to work, but you must ask for their help. You must show them that you want what they want—what we all want. And that *you want their* help.

More people are ready to listen than ever before. We *must not* waste this chance. We *must not* let them down.

It has been said: "The crucial ingredient in a Democracy is the identification, the instinctual trust that flows in thousands of minute and invisible currents through a society. It is this that makes a man feel that he belongs, that allows him to live at ease with his fellows without having to be watchful, competitive and tough."

STATEMENT OF THOMAS J. WATSON, JR., BEFORE COMMITTEE ON FOREIGN RELATIONS

Mr. SYMINGTON. Mr. President, yesterday morning in the Committee on Foreign Relations we heard testimony from Mr. Thomas J. Watson, Jr., considered by many the outstanding industrialist of our time. As everyone knows, he heads that great corporation in turn known by the initials IBM.

Especially in that the thoughts and constructive remarks of Mr. Watson were comparable to the point of similarity with those presented to the same committee by the head of the nation's largest bank, Mr. Louis B. Lundborg, chairman of the board of the Bank of America, I am sure my colleagues would be interested in Mr. Watson's remarks, and I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THOMAS J. WATSON, JR.

You have asked me to discuss the economic impact of the war in Vietnam on the United States, and my views on the state of the nation and the world. This is a large order, and I shall be brief. As a matter of fact, since I received your invitation, a number of very highly qualified persons have made their views known—in the press or before this Committee—and I'm not sure there is much left to be said.

This is a personal statement which in no way reflects the policy or opinion of the IBM Company. You certainly know that I'm a layman in politics and international affairs. The only special inputs I get are from a large number of IBM installations throughout the free world.

Increasingly over the past four years, I have been concerned about our nation's course in Southeast Asia, and its effect on our country—especially young people.

The key fact, as I see it, is this: 50 percent of the population of this country is under age 25; and the longer the war continues, the more it broadens the gap between the elder generation, sometimes called the establishment, and our young men and women, who will soon be responsible for the leadership and destiny of this country. Indeed, the prolongation of the war may well set up a continuing revolution of our youth through which they may become sufficiently demoralized so that the progress of our country will be appreciably slowed.

So I have two main points for wanting a prompt end to the Vietnam undertaking. First I don't think we can afford not to heed the dissatisfaction of our youth. Second, it seems certain to me that continuing the war produces unacceptable costs: in the lives of our fighting men, in weakening of our institutions, and in the undermining of our national morale.

Furthermore, our actions in Vietnam are losing us valuable and traditional friends in the West. We present a picture of a terribly powerful, awe-inspiring nation unable to manage itself in a disciplined fashion.

Our prestige is suffering abroad. Let me illustrate the point concretely by giving you a rundown of actions against IBM properties in various parts of the world during the last six weeks. In West Berlin, nearly all the windows in one of our buildings were broken by young rioters. Then gasoline was poured about and it was set on fire. The windows in one of our Dutch facilities were broken by students. Our branch office in Cologne was attacked by protesters against the Vietnam War and the windows smashed. A powerful bomb was discovered just before it was timed to explode in an IBM Argentina office. Just a few days ago, we received bomb threats at our Amsterdam and Paris Data Centers.

And here at home, we've had many bomb threats and one actual bombing at 425 Park Avenue in New York City—our Eastern Regional Headquarters. It happened in the middle of the night and, fortunately, no one was hurt.

While I don't want to draw strong conclusions from random acts of unhappy young people around the world, I do think that if we don't draw some kind of conclusion from all of these things, we will be casting away facts which, if used correctly, can lead us to do intelligent things in the future to ameliorate the situation.

The President found this country in Vietnam and has pledged us to withdraw. I know, of course, of the deep concern and commitment he has to ending the bloodshed and the suffering. I applauded his decision for paced withdrawals as opposed to the earlier open-ended commitment. It is very important, I think, to recognize that once this policy of the President was announced to the country, the youth became quieter than at any time in the previous four years. It is significant that a plan for withdrawal brought about immediate calming and significant, too, that as soon as this timetable seemed to be interfered with by the Cambodian campaign, the violence flared up more strongly than ever before.

To continue as a great nation, our country must be drawn together again. I doubt that this can be done while we're in Vietnam. Once this is thoroughly understood, we can plan our strategy around this point.

Speaking first on the economic side, I want to make it clear that I see this country as the strongest country economically and in every other way that has ever been known to man. This is fundamentally as true today as it was a year ago or five years ago. We are just a bit out of gear. We have a crisis of confidence in ourselves. We wonder not only why we can't get out of Vietnam with dispatch, but how we ever got into it and stayed in it so long. Our children wonder about our leadership, and we wonder about their ideals.

The war in Vietnam is the major factor which has turned our healthy economy into an unhealthy one. Some years ago, many thought the United States could contain and support anti-Communist movements wherever they arose throughout the world and, at the same time, have an economy back here at home that would be almost unaffected. Obviously, this hasn't worked. The present economic prospects are discouraging. Inflation may be slowing down—though very slowly—but unemployment is up and rising, and businessmen are showing great caution and concern about the future.

Inflation always accompanies war and distorts an economy. Inevitably it must be corrected; and this brings about some difficulties for all and disasters for those of the labor force who lose their jobs and don't quickly find new ones. During the first two years of escalation in Vietnam (1965–1966), we were in a period of rising prosperity. Sales and profits were strong, and the country was reaching full employment. The war and a very strong consumer market base at home combined to overcommit us economically. This overcommitment fueled inflationary pressures, and distortions began to occur. In short, we simply overtaxed our ability to produce, and since the supply of goods could not be increased sufficiently to avoid inflation, a way of cutting down on demand had to be found. Therefore, the Administration took courageous and very necessary fiscal and monetary steps—parts of the inevitable correction process. Nevertheless, as long as the demands on our economy from the Vietnam involvement remain, it will be difficult to contain inflation fully.

When we are completely out of Vietnam, much of our economic problem will be solved. But, in the meantime, inflation may progress, and wage settlements now being made in anticipation of future inflation or in an effort to catch up with the past loss of progress build an uncertainty which is hampering a turnaround. I would, therefore, suggest on the economic side that the Administration give serious consideration to resorting at once to the guideline approach to wages and prices that worked reasonably well in the early years of the Kennedy Administration. I know this method was not successful over the long-term period, but for two or three years, I think the record will show that the approach was helpful, and it has the advantage of being able to be put into effect at once.

In summary on the economic side, as long as our involvement in Vietnam continues, it will be a major obstacle to both the short and the long-term economic health of the country.

There are important reasons other than economic for leaving Vietnam. In the past year, I have spent over one hundred hours talking to young people on college campuses and elsewhere. Just recently, I spent a full day on the California Institute of Technology campus, talking first in private with the class officers of the graduating class, and then with students in their dormitories and at various campus gatherings. I've done the same thing at Brown, at Oberlin, and elsewhere. There is absolutely no question about the sincerity and intensity of the dissatisfaction of the vast majority of these young Americans with the direction in which we are going in Southeast Asia. World War II, with which I was intimately connected welded the large majority of our country—young and old, rich and poor—together. This war has only lukewarm support from some and varying degrees of dissent from others. Most of it is fairly hot. The dissension is largely between the young and the old, so that it not only fractionates and polarizes, but does so at one of the fundamental roots of our society, the family.

Earlier this year at Oberlin in an open forum—a give and take session—I attempted to defend the United States, as so many of us do when we're talking to younger people. I said, "You young people are filled with criticism, but where on earth could you find a better country than the United States?" The answer was surprising and in some ways noble. It was simply this—"Of course the United States is the best place in the world, but do you argue with our desire and right to make it even better?"

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A young man came into my office the other day to talk to me about a "Pause for Peace." This was an idea for getting people in the United States to stop whatever they were doing for a full hour to emphasize the great desire of most of America to get out of Vietnam rapidly. He spoke with such conviction and intelligence that I asked him to come back and address the whole management committee of IBM. In the course of his discussion, he said one thing that impressed all of us profoundly. He asked us: "How would you like to have a son killed during a paced withdrawal from a war which you had decided was a bad war in the first place?" I think this chap summarizes the reason for youth's current great dissatisfaction.

This intensity of feeling is a fact—one as real as body counts and defense budgets and the GNP. And it means simply this: As long as Vietnam continues, the polarization of youth and the elder generation will undoubtedly increase.

There will be more inevitable accidents which will engender still more violence. To quell this and keep the peace, more and more National Guard and military units will have to be called out. The longer we continue, the more chaotic the nation will become. The damage we have already seen will take decades to repair, and if we continue, I believe we will soon reach a point where much of the damage will be irreparable.

For all these reasons I believe we should withdraw all of our military activities, both operational and advisory, from Southeast Asia as soon as possible.

I'm sure this Committee has been given many specific suggested dates for complete withdrawal. I won't give a date—I'll simply say that I believe that time is running out and that the situation here at home deteriorates as each month goes by. Summer vacations may produce a misleading calm. Next fall the term may open on a cooler note because of the decision of a number of colleges to recess prior to elections to permit students to campaign for the candidates of their choice. And if it looks as though we really were getting out this fall, the situation on the campuses would be a good deal more peaceful. But if we're still there actively next spring, we'll see a heightened replay of this past spring's campus disorders. And if we remain in Vietnam through the fall of 1971, the situation will become more serious.

There's a syndrome in the United States which makes it very difficult for us to cope with a situation like Vietnam—Americans are efficient and orderly; and when those with responsibility try to find strategies and moves for the future, they try to find efficient and orderly ones. We do this same thing in business. It's impossible to figure out an efficient, orderly and dignified way of getting out of Vietnam. And therefore we continue year after year to compound the situation by staying there simply because we can't find a good, orderly way of disengaging.

There isn't any comfortable way to withdraw. It's always going to be easy for the Communists to interrupt our plans, to make us look ridiculous, and to profit through our loss.

Therefore, I believe we must exhaust every possibility—however novel, however imaginative—to disengage and save as many lives as possible in the process. It seems to me that there are two places we can start. We should take a hard look once again at the Paris negotiations to make certain that in our offers we have gone to the absolute outer limit of what we can give. If we can make a compromise there and succeed, we have the possibility of some dignity as we move out. I think it's vital that the Government assure itself that the truce efforts in Paris and the concessions being offered to North Vietnam are compatible with our aims. These concessions must in fact be balanced off against what we have to lose by a continued stay in South Vietnam or by a confused and chaotic withdrawal.

Combined with our efforts in Paris, we should make major new efforts to get the United Nations involved in the work of ending the war and preserving the peace in Southeast Asia. I think this kind of third party intervention is absolutely essential if we are to have any kind of orderly departure.

We've done a lot of things outside the United Nations in the past decade and so have our opponents. There may come a time when the strength of the U.N. will be directly connected with the survival of the world. So we must help build its strength. Here is a way to let the world know that we continue to believe in the U.N. I recognize, of course, that the Security Council could reject this proposal, but I think we should initiate it.

Now, if we find a successful approach which results in real progress towards withdrawal, what will the results be? First, would be the resurgence of faith of our young people.

Second, we would have a better relationship between the Administration and Congress. I am concerned about the various legislative proposals now being considered to restrict the President's ability to move with dispatch for the security of the country. I hope that the Administration and Congress can find a common course of action so that such bills would not be necessary, and we would preserve the President's traditional freedom of action.

Third, the United States would be sufficiently united by these actions so that our governmental processes would receive the support of most of the elements in our society.

Fourth, there would be a renewal of our military flexibility—of our capacity to defend areas critical to our national security, and importantly, a regaining of national respect for our military establishment.

Fifth, a renewed respect and understanding from our oldest and staunchest free world friends and allies

In conclusion, I do not wish to criticize any of the three presidents—Kennedy, Johnson and Nixon—who have struggled with this immensely difficult problem. I have no doubt that President Nixon—like Presidents Kennedy, and Johnson before him—sincerely seeks peace in Southeast Asia. In appearing here today I wish to do just one thing: To voice one man's conviction that we stand at a crossroads of decision, with all comfortable routes closed off; that we must end this tragedy before it overwhelms us; and that we must therefore face up squarely to a tough decision and see it through with courage and dispatch.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MILLER. Mr. President, I yield myself 30 seconds.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

OPEN LETTER TO PRESIDENT NIXON FROM MILLER UPTON, PRESIDENT OF BELOIT COLLEGE

Mr. MILLER. Mr. President, yesterday the distinguished minority leader, the Senator from Pennsylvania (Mr. Scott), submitted for the Record an excerpt from an open letter to the President of the United States from the president of Beloit College in Beloit, Wis.

I ask unanimous consent that the entire text of the letter may be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Beloit, Wis.,
May 11, 1970.

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: As a college president, a past scholar-teacher, and one who has consciously devoted his whole life to the cause of higher education in the conviction that it offers the greatest hope for social progress and the elevation of man to his highest potential, I wish to apologize to you and the nation for the grotesque failure of the academic community at this hour of national trial and turmoil.

I am fully aware of how extremely presumptuous it is for one to represent himself to apologize for the many, but I am constrained to do so nonetheless for the shame I feel for the community with which I have been so intimately related for so long and in which I have placed so much confidence in the past. Those who do not agree with me will, of course, be able and willing to speak for themselves.

Let me establish a point about myself at the outset so that my position can be more accurately interpreted. I was a conscientious objector during World War II, and were I of draft age now I would be a conscientious objector again. But my moral opposition to war, however deeply and conscientiously held, does not entitle me on any ethical or moral grounds to take violent action against those who disagree. I must bear witness to truth as I see it, but I must also respect the right of the other person to do the same. Certainly, I must never hurt or demean another simply because he won't go along with my own conviction.

This commitment to respect for the individual, intellectual openness, and freedom of inquiry is the transcendent value to which an academic community must be subservient. In fact, it is the only value to which the academy can pledge allegiance if it is to be consistent with itself. To elevate any other value is to break faith with this transcendent value and it is at this point that we have violated our public trust as professional educators: we have given in to violence and threats of violence in support of a particular point of view, and in doing so we have allowed the academic integrity of our individual institutions and the academic community at large to be violated.

Being a conscientious objector to war and one who would issue such an open letter as this, I clearly am not opposed to dissent and protest. But I am vigorously opposed to violence in any form and for any reason, and most of all I am opposed to would-be leaders capitulating to intimidation and violence. Those who respect violence when used against them will inevitably employ violence when it suits their cause.

We in the colleges and universities have tolerated unspeakable intimidation and thought control on the part of radical students, faculty and others, and yet when Vice President Agnew speaks out forcefully against such the only voices that are heard from the academy are those who castigate him and you for repressing dissent. There are few college campuses, if any, where Vice President Agnew, or any member of your cabinet for that matter, could speak without disruption and even physical abuse and intimidation. But a convicted murderer, dope peddler, or one committed to the forceful overthrow of the government will receive not only a respectful hearing, but will be paid a handsome honorarium in addition. In the

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light of his high position, I have been embarrassed by some of the Vice President's intemperate language. But surely he has as much right to dissent and to be given a respectful hearing as any of the criminal element of our society.

Much of the academic community is now telling you how to settle the war in Vietnam and being critical of your effort to protect lives and shorten the war by moving troops into Cambodia. I find it highly unbecoming of us to presume to tell you how to fight the war in Vietnam when we aren't even able to settle the wars on our own campuses. Nor do I use the word *war* in this context lightly. The throwing of missiles to do physical harm, the throwing of firebombs to burn buildings, the use of guerrilla tactics via arson and vandalism, the shooting and killing of combatants and noncombatants is every bit as much war as that which prevails in Vietnam, Cambodia, and the Near East. I have often wondered sardonically how many protestors of napalm have themselves thrown fire bombs or engaged in arson.

I have also been appalled by a certain arrogance and inconsistency on our part with regard to the way we are free to tell you and others how to handle your jobs but become deeply resentful, insulted, and even hostile when there is any suggestion of your intrusion into "our" domain. I am quite sure that I am able to run Beloit College better than you, but by the same token I am sure that you are able to deal with the issues of the Presidency of the United States, including fighting the war in Vietnam, better than I. The widespread propensity of members of the "intellectual" community to make judgments without benefit of facts is one of my greatest disillusionments and embarrassments.

As a matter of fact, my early naivete led me to embrace the academic life because of my belief that members therein were committed to intellectual honesty, rational behavior and humanistic concern and compassion. Recent incidents have merely confirmed all the more what my life's experiences have suggested. Academic man is as much motivated by vested interest, is as much controlled by base emotion, and reasons as much from prejudice as any other mortal. My readings of Ecclesiastes, the New Testament and the life of Mahatma Gandhi should have prepared me for this, but they didn't.

We who work closely with young people and should know and understand them best have not been very helpful to them or to you and others of the adult community in serving as a vehicle of communication. We have too often taken sides ourselves and been critical of one group or the other and not been sufficiently discriminating in our communication role.

Maybe we can be forgiven on the grounds that the task is such a difficult one. I know that the great bulk of college students are genuinely concerned about the inhumanity and futility of war and deeply question the legitimacy of a life that sanctions and even glorifies indiscriminate killing and maiming. I also know that the great bulk of adults and members of the establishment are sincere, dedicated individuals with the same hopes and aspirations as the young. But I also know that in each group there are examples that support the worst stereotype of each. The great frustration of the day is that despite this great community of interest and concern there is a growing separation based upon the sinful tendency to judge by stereotype and preconception. We in the academic community are frequently party to this sin even though our training should particularly help us to know better.

Although my own sentiments are basically with the young people, I must admit that there is a general pandering to the young at the present time that is both disgusting and irresponsible. Disgusting because it prostitutes normal respect and affection. Irresponsible because it is creating an unrealistic cleavage between age groups.

Of course, young people on the whole are wonderful, but what's new about that? The great reward of college work is the opportunity it affords to associate regularly with this age group. This idealism, absolutism, intellectual honesty and great aspiration of the young are the eternal attributes of this age group upon which society is dependent to preserve its vital, dynamic quality. These attributes are the standards of behavior to be expected, not glorified as unique in any narrow time span of human history.

Young people are first and foremost people. Those who are young today will be old tomorrow and having to relate to those who are younger then. As people they represent all types, some taller than others, some fatter than others, some with higher IQs than others, some more criminally inclined than others, some more saintly than others, some more hostile than others, some more vocal than others, etc. There is no general virtue attributable to youth any more than there is general evil. We have done all young people a great disservice in recent years by suggesting to them that they are of a different breed from the rest of us and beyond reproach. They are nothing more than the fresh blood being pumped into the human society, just as we were in the past and their children will be in the future. We in Academe should have known this better than anyone else and not have failed them and you in your common need for understanding.

We have been quick to tell you that you are alienating the youth of America, but we seem to pay little attention to the way we are alienating our own constituencies by our failure to protect the authentic academic integrity of our institutions. Implicitly we are also alienating the youth of America over the long run by our failure to be faithful to our leadership responsibilities.

The pain that hurts most of all is the realization that I bear partial responsibility for the unnecessary deaths of four young people on the campus of Kent State University. The National Guard troops should never have been there in the first place, because we should never have permitted the conditions to develop which necessitated the presence of troops. Once this die was cast, it was simply a matter of time before tragedy would strike. If fault lies anywhere for the Kent State deaths it lies not with you and the Vietnam War but with the radical acts and excesses we have tolerated in the name of dissent.

I am sure you know, Mr. President, that I do not say these things with tongue in check to placate others, to curry favor, to advance partisan interest, or to defend your war policies. Last fall I joined with a number of other college presidents to urge your rapid withdrawal of troops from Vietnam. I reaffirm this plea. But when I consider the whole matter fully and objectively, I have to concede that you have been more faithful to your leadership responsibilities than we in Academe have been to our own.

With respect for the tremendous burdens you must bear for the rest of us and the conscientious way you are bearing them and with apology for the cruel injustices that have been foisted upon you by the professional community of which I am a part, I remain,

Respectfully yours,

MILLER UPTON.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CHURCH. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. The minority leader or his designee have 27 minutes remaining and the majority leader or his delegate have 40 minutes remaining.

Mr. CHURCH. Mr. President, I yield as much time as may be required to the distinguished Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. COOPER. Mr. President, it is clear that the adoption of this amendment would vitiate the amendment which the Senator from Idaho (Mr. CHURCH), the Senator from Vermont (Mr. AIKEN), the majority leader (Mr. MANSFIELD), and I have presented. For a moment, I want to pass from that aspect of the amendment to discuss for a few minutes the American prisoners of war.

All of us have deep concern about the plight of American prisoners of war held by North Vietnam and the Vietcong, and now, perhaps, by the Pathet Lao in Laos and the Communist forces in Cambodia.

The treatment of these prisoners defies the convention to which North Vietnam is a party; it defies all international law and flies in the face of any decent standard of morality and humanity.

This is a matter of concern to all of us, but it is a matter of much deeper concern to the families, wives, parents, and children of these men. Many of them do not know whether their husbands, brothers or fathers are dead or alive.

I ask this question of the sponsors of the amendment. Do you believe that the adoption of your amendment would hasten, would further the goal which we all seek, the release of these prisoners? The prolonged war in Vietnam has not brought about the release, or better treatment, of the American prisoners held by North Vietnam. The logic of this amendment, if followed precisely, would mean that the United States could be at war in Cambodia for as long as forces outside our control would dictate. I refer to North Vietnamese and Vietcong action. The United States participation in war could continue until the last prisoner had been released, if the President so decided. I do not think he would so decide but, nevertheless, this is what the amendment provides. Again, if its logic is followed we would continue to be at war in Vietnam until the last of the prisoners held by the North Vietnamese would be released. The continued war in North Vietnam has not only caused the capture of more American prisoners, but has rendered their treatment more barbarous.

Recently I had the privilege of talking to Mr. Perot, of Texas, who in a humanitarian effort visited South Vietnam and Laos a few weeks ago and talked to American prisoners who had been released or escaped. The informa-

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tion secured about the conditions under which American prisoners must live and the cruelty with which they are treated is very difficult to imagine.

I return to the amendment before us. If it should be adopted, is there true belief that it would cause the release of a single prisoner or improve their treatment? I do not think it would, appreciating as I do the good intentions of its sponsors. If these prisoners are to be released, they will be released because the International Red Cross and the international community persistently seek their release and bring to bear upon the North Vietnamese, if any opinion of the civilized world can be brought to bear upon them, that their treatment of our prisoners is against all standards of law and of humanity.

Perhaps if the people of the United States joined in a manifestation of concern about the prisoners as the concern for United States was expressed about the plight of the astronauts for days such concern might have some effect upon the North Vietnamese.

Finally, I see the best chance for the release of American prisoners is ending the war—a settlement of the war. With a settlement, we would hope there would be an international body, such as the International Red Cross, which would effect and supervise the release of those Americans still alive.

Do we have a right to take chances with the fate of these men in amendments upon the floor of the Senate when we know the amendments will have no effect? Do we have a right to cause a glimmer of hope to their wives, parents, and children, and then have it dashed, as it inevitably would be?

If Senators do not believe in the amendment which the Senator from Idaho and I have introduced, vote against it when the time comes, but I ask whether it is right and proper to use the prisoner of war issue in a political way, which I am afraid this amendment does, even though not intended by its sponsors, who for a long time have evidenced their concern for American prisoners of war.

Either way the Senate votes, it might have an adverse effect upon the situation of prisoners of war, and raise false hope in our country. The clearest opportunity for the release of the prisoners is a settlement, or the end of the war.

I hope very much the amendment will be defeated.

Mr. CHURCH. Mr. President, I yield myself such time as may be necessary.

I concur wholeheartedly in what the distinguished Senator from Kentucky has said. By no means can the Dole amendment help any American prisoner of war. It can only raise false expectations. It creates, in fact, circumstances which could be very cruel for the families involved, and perhaps for the POW's themselves.

Everyone here in the Senate understands that we cannot save American prisoners of war by legislating amendments of this kind. Indeed, it is unfortunate that such an emotional issue should be interjected into this debate.

Moreover, Mr. President, if we were to adopt the pending amendment, we would be taking action that is contrary to the expressed policy of the President himself. Nowhere has he so much as intimated that he has any intention to keep an American Army in Cambodia as long as an American prisoner of war might be held in that country. It would be inconceivable, even if this amendment were enacted, that he would ever invoke it. How could he stand before the world and say that he had decided to leave an American Army in Cambodia, prolonging the war on a new front indefinitely, upon the grounds that American prisoners had been taken and were being held in Cambodia?

The Senate would look ridiculous if it were to acquiesce in such a proposition.

Mr. President, yesterday, I spoke at considerable length about the Dole amendment. I do not want to reiterate today what I said then. I would like, however, to address myself to another aspect of this debate—its prolongation. The Senate needs to move with reasonable dispatch toward an ultimate resolution of this question. The President needs an act of Congress to backstop his policies. The Nation needs reassurance that our constitutional system of Government is still alive.

COOPER-CHURCH AMENDMENT—THE TIME HAS COME TO VOTE

The Cambodian operation is now being proclaimed a military success. American troops, we are told, will be leaving Cambodia on schedule, many of them returning to Vietnam even before the announced time limit of June 30. Already it is being said that because the President will have kept his withdrawal pledge, the need has evaporated for setting any legislative limits on the extent of our future involvement in Cambodia.

One line of argument holds that if all of our troops are withdrawn from Cambodia before a Senate vote is reached on the Cooper-Church amendment, events will have rendered the amendment "moot." At the opposite extreme, there are those who contend that the Senate, by its intensive debate on the Cambodian operation as a whole, deserves the credit for the early withdrawal of our forces.

I believe, however, that neither argument is valid. In fact, such arguments misconceive the purpose of the Cooper-Church amendment and distort the real reasons for our effort to enact it.

First, let me reemphasize the nonpartisan character of the principle we have sought to serve in drafting and modifying our amendment. We assumed, at all times, that President Nixon would keep his pledge not to retain American forces in Cambodia beyond June 30. The President told his press conference on May 8 that "all Americans of all kinds, including advisers, will be out of Cambodia by the end of June," and that "our logistical air support will also come out with them." We took the President at his word. That is why we made the operative date of our amendment July 1, 1970.

We also took the President at his word when he said that the Cambodian operation was purely ancillary to our position in South Vietnam; that its objective was not to support or reinforce the new Cambodian Government; and that we would not deposit in Cambodia American military advisers, instructors, or related specialists to help Cambodians fight either the North Vietnamese or the Vietcong.

In sum, the Cooper-Church amendment was drafted in such a way that, if adopted, the Congress would provide the President legislative backstopping in his expressed desire not to retain American troops in Cambodia after June 30, or to stay there in support of the Phnompenh government in the manner we have supported the governments in Saigon and Vientiane. By enacting the amendment, we would be strengthening the President's hand, helping him overcome evasions and foot dragging by his own bureaucracy and foreign allies who are already attempting to compromise his limited designs. The intention of Saigon to retain ARVN forces in Cambodia after June 30, plus the announcement that Thai militia will be sent to fortify Phnompenh, are recent steps in this ominous direction. The evidence accumulates that the Cambodian operation could easily become an involvement of open ended dimensions, reaching far beyond the limited military goals the President announced on April 30.

Clearly what is needed now is the formation of a congressional-presidential partnership in which responsibility may be shared for extricating the United States from the war in Indochina. The Cooper-Church amendment is the opening move, setting the outer limits where the President himself has fixed them, to American involvement in Cambodia. Its adoption would also signal that the Congress recognizes and stands willing to reassert its share of the responsibility for bringing the war to a close.

Those who oppose the passage of this amendment may style themselves "conservatives," but it is not the Constitution they would conserve. In their views, the President not only possesses unlimited power to commit the United States to war but, thereafter, is free, as Commander in Chief, to conduct the war as he pleases. The only role these self-styled "conservatives" assign to Congress is that of doling out the money in such amounts as the President may, from time to time, require.

Such a view of the Presidency makes a mockery of the Constitution. In the vital matter of war and peace—where the life and death of the American people hang in the balance—the opponents of the Cooper-Church amendment would concede all power to the Presidency. They would reduce the Congress of the United States to impotence, while making the President an autocrat supreme. The Constitution furnishes no pedestal upon which to build the powers of the Presidency so large.

There is still another reason why the Senate should act now to adopt the Cooper-Church amendment. Many citizens are suggesting that our form of government is too sluggish for today's world, that our political system has become irrelevant. In a recently published treatise on this subject, the conservative political scientist, Andrew Hacker, calls

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this "The End of the American Era." His conclusion, with which I disagree, echoes the famous opening of Livy's "History of Rome":

> We are now at that turning point ancient philosophers called *stasis*, a juncture at which it becomes pointless to call for rehabilitation or renewal.

To prove this thesis wrong, to rebut those who loudly claim our system is no longer working, the Senate of the United States must not permit itself to fall prisoner of its own rules, the victim of procedural paralysis. This it can avoid only by moving with reasonable dispatch toward a vote on the Cooper-Church amendment.

In conclusion, let me reiterate that the amendment rests upon the asumption that President Nixon will keep his pledge to the Nation. It looks beyond July 1, 1970, the time the President has stated that all U.S. forces will be out of Cambodia. Its purpose is not to force the President's hand, not to compel the withdrawal of our troops prior to July 1, 1970, but to preclude their return to Cambodia after July 1, 1970, and to foreclose any entangling alliance with the Phnompenh regime thereafter, unless the President seeks and receives congressional consent.

Therefore, nothing can be accomplished by prolonging the debate or postponing a vote until the end of June. By then, the amendment, far from having been rendered "moot," will actually have become more timely than ever, its importance having been increased and its urgency enhanced by the imminence of its impending operating date. Nearly 3 weeks of debate have now elapsed. The principle posed by the amendment is well known to every Member of the Senate. The time has come for us to accept our responsibility and proceed to a vote.

The **PRESIDING OFFICER**. Who yields time?

THE TRIBUTE TO POW'S AND MIA'S

Mr. DOLE. Mr. President, on May 1, 1970, Constitution Hall was filled with Americans—concerned Americans. The gathering included over 1,000 relatives of prisoners of war and servicemen listed as "missing in action" in Vietnam. But more important, the hall was also filled with thousands of citizens who, although not directly affected by the prisoner-of-war problem, understand the agonies and anxieties of the POW and MIA relatives and their missing and captured loved ones.

All who attended this convocation, an "appeal for international justice," were there to pay tribute to brave Americans—Americans who have served their country, and in so doing, have been captured by the North Vietnamese and are now languishing in prisons or are missing in action half a world away.

I would like to share with my colleagues the many meaningful remarks that were made at Constitution Hall on May 1. Hopefully, anyone who reads them will also join the concerned Americans who participated in this "appeal for international justice."

The success of the program was due to the countless hours of planning, coordination, and hard work put in by dozens of individuals and organizations.

Robert Rebein of the House Interstate and Foreign Commerce Committee, had the tremendous task of coordinating the entire program.

Col. Al Goodson, of the Office of the Secretary of Defense and Col. Robert Work of the Air Force provided invaluable assistance.

Representatives of nearly every national veterans organization also lent their assistance and support.

However, the primary motivation, inspiration, and manpower behind the effort was provided by members of the National League of Families of American Prisoners in Southeast Asia. Mrs. James B. Stockdale is the national coordinator of this fine organization.

Mr. President, I ask unanimous consent that the program and speeches delivered at the Appeal for International Justice be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPEAL FOR INTERNATIONAL JUSTICE

THE WHITE HOUSE,
Washington, April 28, 1970.

The inspirational qualities of courage and endurance have been historically associated with American servicemen. Those same qualities have been demonstrated by the families of our men who are missing in action or known to be imprisoned in Southeast Asia. I want to take this opportunity to salute these families and to wholeheartedly reaffirm this Administration's deep concern about the fate of these brave men.

Few—if any—of the evils of war are more cruel than the deliberate withholding of information concerning prisoners. As I have in the past, I call upon the leaders of North Vietnam, the Viet Cong, and the Pathet Lao, as fellow human beings, to abide by the basic provisions of the Geneva Convention Relative to the Treatment of Prisoners of War, to which North Vietnam acceded in 1957. This Administration has no more urgent goal than to secure information about and eventual freedom for these Americans who have done so much for their country.

RICHARD NIXON.

PROGRAM

Master of ceremonies, Senator Bob Dole, Chairman, Senate-House "Appeal for International Justice" Committee.

Music, United States Air Force Ceremonial Band, Captain John D. Welsh, Directing.

Invocation, Dr. Edward L. R. Elson, Chaplain, United States Senate.

Welcome, Walter Washington, Mayor, Washington, D.C.

Remarks by Senator Robert J. Dole.

Appeals for international justice, Mrs. James B. Stockdale, POW Wife, Coronado, California, Honorary Co-Chairman and National Coordinator, National League of Families of American Prisoners in Southeast Asia (Introduction by Congresswoman Catherine May).

Mrs. Bruce G. Johnson, MIA Wife, Salina, Kansas (Introduction by Senator Robert P. Griffin).

Mrs. Jerry A. Singleton, POW Wife, Dallas, Texas (Introduction by Congressman Olin E. Teague).

Music, Jack Jones, "The Impossible Dream."

Presentation of resolutions, Resolution of the Amerikanish Kriegsgefangenen. Presented to Mrs. James A. Mulligan, POW Wife, Virginia Beach, Virginia, and Mrs. Iris Powers, MIA Mother, Orlando, Florida, by Congressman Burt L. Talcott, Former POW, World War II.

Concurrent Resolution of the 91st Congress, April 28, 1970. Presented to Mrs. Charles C. Parish, MIA Wife, Alexandria, Virginia, and Mrs. James E. Plowman, MIA Wife, Arlington, Virginia, by Congressman Robert L. F. Sikes.

Faith in America, Robert Cummings, Hollywood, California.

Hope for Freedom, Lieutenant Robert E. Frishman, U.S.N., Former POW of the North Vietnamese (*Introduction by Senator Jack Miller*).

Petty Officer 2nd Class Douglas B. Hegdahl, U.S.N., Former POW of the North Vietnamese (*Introduction by Senator Peter H. Dominick*).

Message from absent dignitaries.

United We Stand, H. Ross Perot, Dallas, Texas, Honorary Co-Chairman (*Introduction by Mrs. Douglas Peterson, POW wife, Fort Walton Beach, Florida*).

Introduction of distinguished guests, Senator Bob Dole.

Challenge to America, Captain James A. Lovell, Jr., Apollo 13 Command Pilot (*Introduction by Senator Barry M. Goldwater*).

Speech by Vice President Spiro Agnew.

Music, United States Air Force Singing Sergeants, Captain Robert B. Kuzminski, Directing.

Benediction, Congressman Henry C. Schadeberg, Former Captain, U.S.N. Chaplain Corps.

SPONSORING MEMBERS OF CONGRESS

Senators: Peter H. Dominick, Barry Goldwater, Mike Mansfield, George Murphy, Edmund S. Muskie, John Stennis.

Representatives: W. C. Daniel, Martin B. McKneally, Catherine May, Richard L. Roudebush, Robert L. F. Sikes, Olin E. Teague.

SENATE-HOUSE CONCURRENT RESOLUTION

Resolved, That it is the sense of Congress

1. That Friday, May 1, 1970, be commemorated as a day for an appeal for international justice for all the American prisoners of war and servicemen missing in action in Southeast Asia;

2. That men of compassion and good will throughout the world be urged to search all peaceful avenues available to insure that these men be treated humanely and fairly in accord with the standards established by the Geneva Convention;

3. That every possible effort be made to secure their early release from captivity;

4. That the President delegate Sunday, May 3, 1970, as a national day of prayer for humane treatment and the safe return of these brave Americans; and

5. That copies of this resolution be delivered to the appropriate representatives of the United States Government to the appropriate representatives of every nation of the world.

INVOCATION: APPEAL FOR INTERNATIONAL JUSTICE; CONSTITUTION HALL—LAW DAY, MAY 1, 1970, BY THE REV. EDWARD L. R. ELSON, D.D., CHAPLAIN OF THE UNITED STATES SENATE

Almighty God, who has made and preserved us a nation, unto whom in all ages men have lifted up their hearts in prayer, we thank Thee for the heroes' valor, the patriots' devotion, the scientists' skill, the business man's acumen and the toil of hand and brain by which we have become great and strong. Spare us from avoiding the hard and hazardous responsibility. Make us now a people obedient to Thy law, spiritually and morally equipped to be a servant people to the whole world.

We remember before Thee this night our countrymen, Prisoners of War in distant lands. Grant that by drawing near to Thee we may be drawn nearer to them in faith, in love, and in the fellowship of suffering. Imbue them with grace and strength to endure separation and privation. Enable them to put their trust in Thee whose mercy faileth not.

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Be with their loved ones to give them comfort, strength and hope; and the assurance that nothing can ever separate them from the love of God.

Grant, O Lord, that their keepers may be guided by the Conventions of Geneva and by the universal laws of humanity.

Vouchsafe Thy presence to us here that we may be true as they are true, loyal as they are loyal, brave as they are brave, until the shadows flee away, and the dawn breaks and reunion comes in a new and better world of peace and justice.

Through Jesus Christ our Lord. Amen.

Welcoming Remarks of Walter Washington, Mayor, Washington, D.C.

Thank you, Senator Dole, Members of the Senate, Members of the House of Representatives, Members of the Congress all, honored Clergy, most of all, friends, families, children, wives of prisoners of war, mine is but a simple task, that would be to say welcome. Welcome to your Nation's Capitol. I would like for you all to think that I say more than that to you tonight. If there are words that can be said, I would like for you to know that you are not alone. I would like to say that all of us, as we join together in a communion within America, have a special meaning for any one who may find himself or herself in trouble. I would like to think that we built this Nation and that I try to symbolize it tonight to you by saying welcome in something that has kept us together all of these years in a common purpose. Where when one is in trouble, the other seeks to help . . . and that is out of our mutual faith in each other, our mutual faith in America and all of its principles and doctrines that from the very Earth from which we all departed. I would like to think that for those mothers and children we would say that we all have faith in the Lord, who after all the earthly things have been brought to bear, is one that we must fall on our knees and seek to bring our men back home where they should be—beside their families, and in their communities, in their neighborhoods, in their schoolyards, in their churches, in their lodges. And if we look to this kind of faith, it is my belief that they will be back, and soon. There are those who would divide us and those that would separate us and those that would tell us that our institutions are not long enduring, but I say, as I said to the Daughters of the American Revolution two weeks ago in this hall, as we looked at each other, that we must reaffirm our faith in each other, and in our America and in our Lord. And I say that tonight, because there is not a better message of communion than that message. So it is when you are here to help focus world-wide attention on the fate of the men who are prisoners at this time. I am hopeful that this drive will ensure that at least at this moment, they are treated humanely. And you must know that this District, which is your Nation's Capitol, joins you and the citizens by holding out their hands to you through me as a symbol, and say to you, we are with you because you are of us, you are one of us, and we must be together. And this city offers its warmest welcome to you, the relatives and friends of these servicemen.

Men of good will everywhere should reflect tonight as we commune on man's inhumanity to man, and this transcends anything that we could talk about in worldly terms. If I could say something to you and hope that it would reach you tonight and aid in despair, and aid in discomfort and aid in trouble, I would say it. Most of all, I would hope that you would draw strength from this mission to your Nation's Capitol, strength that will permit all of us to go on with this issue, which is our issue. It does not belong alone to the women and the families; it belongs to America because that's what we're about—a Nation united . . . that we move as one at all times in the interest of all. This is what America means to me. I would hope that those of us, who sit quietly by and let the others carry the burden, will be moved tonight to join with those who have been on the firing line, because it is not their battle alone.

My friends, since I was a little boy I have believed in this Nation, and I have believed that when we unite and come together, nothing is impossible. I want to continue to dream that way, and I want to continue to have all of our young people dream that way about America. It can be done if we move in unity and togetherness. It is in that background, that background, my friends, that I appear here tonight, symbolically, to say that you will never walk alone; America is with you, your Nation's Capitol holds its hand out. We are with you. We offer our prayers that our men will return safely to their families at the earliest possible moment. Carry with you the thought that in America no one should have to carry the cudgel by himself. We march and we travel our roads and streams and highways and byways together as a people and as a Nation, so that those of you who are here, who have wounds in your hearts tonight, must know that you are not alone. This is the message of welcome that I bring from your Nation's Capitol.

Remarks of the Honorable Bob Dole

In ancient Greece, a philosopher was once asked, "when will justice come to Athens?"

He replied, "justice will never come to Athens until those who are not injured start to become as indignant as those who are injured." Today we say that international justice will never come to Southeast Asia unless we who do not have loved ones missing or listed as prisoners of war start to become as indignant as those who do.

So we have assembled tonight to represent American indignation at the moral and legal enormity of the North Vietnamese and Viet Cong cruelty. And we call upon other nations to register their active protest, too. For today is law day—a time when we honor our belief in the rule of law. A time when we honor the common law here in America and also the law of nations in the world. Treaties and conventions are primary sources of international law. And the Geneva Convention of 1949 defines the proper treatment for prisoners of war. But, the North Vietnamese and National Liberation Front are callously violating this international law. They are mocking the treaty which they and 123 other nations signed. They refuse to identify all American prisoners of war. They refuse prisoners the right to exchange mail with their families. They refuse to give prisoners proper food. They refuse to give minimal medical treatment and to repatriate the seriously ill and wounded.

But this is more than a legal cause; it is the cause of humanity. It is not merely the rights of America, but the rights of mankind. For, every man who is unidentified has a wife, a child, or a parent frantically concerned with his fate. Every man who is denied the chance to write a letter has a despairing family. Every man who is denied proper medical care has a potential widow or orphan. We sense the anguish of these families in the repetition of the wives' question to the North Vietnamese in Paris, "Am I a wife or a widow?"

Humanitarians, even in Communist-run countries must sympathize with these families. But Americans must do more than sympathize—we must organize to demonstrate continuing American concern for captured and missing American servicemen. We must mobilize the court of world opinion against these atrocities. As patriots, we owe these 1,500 soldiers our hands as well as our hearts. We shall more than hearken to their needs. We shall answer them. We shall act.

Daniel Webster once wrote, "Heroes are the common property of all the Nation." Tonight those of us here claim these brave men for all America. As they have shown their devotion, let us show our resolution. As they stood ready to give their lives and security in support of us, the least we can do is to stand ready to give our voice and petition to support them. As they have fought the good fight, let us keep the faith.

Let us see to it that through our indignation and our voices that international justice does come to Southeast Asia.

In the words of a newspaper editor who more than a century ago spoke out against the abuses against humanity of slavery:

> We are in earnest,
> We will not excuse,
> We will not equivocate,
> We will not retreat a single inch, and
> We shall be heard.

Appeals for International Justice

HON. CATHERINE MAY: INTRODUCTION OF MRS. JAMES B. STOCKDALE

In the Spring of 1969 a rather remarkable woman from Coronado, California, founded an organization which became known as the National League of Families of American Prisoners in Southeast Asia. Mrs. Stockdale is now full-time National Coordinator of the League which has 2800 members, all families of the more than 1500 servicemen listed as captured and missing in Southeast Asia.

By way of background on Mrs. Stockdale, her husband left this country from San Diego on April 5, 1965, as the Commander in the Naval Air Wing aboard the USS Oriskany. While on a mission over North Vietnam, Commander Stockdale was shot down on September 9, 1965. He was listed as missing in action for seven months. Then Mrs. Stockdale received two letters from him confirming the fact that he was being held prisoner in North Vietnam. Commander Stockdale has since been promoted to the rank of Captain and is the highest ranking Naval Officer held in North Vietnam.

Since Captain Stockdale's capture, his fine wife, on behalf not only of herself and their four sons, but for all the families of American prisoners, has been working toward the goal of persuading North Vietnam to accord the men, listed as captured and missing, the dignity and protection of the Geneva Convention. Mrs. Stockdale and all the League members have been devoting their time in dedicated effort to the cause of letting the peoples of the world know about the desperate plight of the men being held and of North Vietnam's violations of the minimum standards of decent and humane treatment that are recognized and applied by all civilized nations. Their cause has been—as ours is tonight—support for these brave Americans and the ideals of justice under law between nations. It was obviously fitting that Mrs. James B. Stockdale, wife of Captain James B. Stockdale, United States Navy and prisoner of war in Vietnam, be an Honorary Co-Chairman of this Appeal for International Justice rally we hold tonight.

I am deeply honored to have the privilege of introducing Mrs. Stockdale to you.

Remarks of Mrs. James B. Stockdale, POW Wife, Coronado, Calif., Honorary Co-Chairman and National Coordinator, National League of Families of American Prisoners in Southeast Asia

Thank you very much. I want to begin by expressing in behalf of all the wives and families of captured and missing American servicemen, gratitude to Senator Dole and his committee and all those who have worked so hard to make it possible for all of us to pay

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tribute here tonight to our men. We also thank all of you that have come here in person to show us that you do care and to demonstrate to the North Vietnamese that the American people do not condone their inhumane treatment to our loved ones.

I think there may be some questions in the minds of many about why the wives and families of American prisoners of war and Americans listed as missing in action remained silent so long about the desperate plight of our men, and then suddenly began to let the people of America and the free world know that truth about their circumstances. Many of our men have been listed as captured or missing for four, five and six years now. Where the major portion of that time, it was Government policy to counsel the wives and families that they felt it was in the best interest of the men for us to remain quiet about their situation, hoping in that way to soften the treatment our men were receiving at the hands of the Communists. Throughout that period of time, Hanoi repeatedly said that our men were being well-treated, and because of the nature of their closed society, it has taken years for evidence to the contrary to be accumulated. I, however, began accumulating my own evidence about the cruel and inhumane treatment of our loved ones more than four years ago. I am one of the very fortunate few who has ever heard from her husband, and, therefore, I am not representative of the majority of the wives and families more than 1,100 of whom do not know tonight, and have not known for years, whether their husbands and sons are alive or dead.

My husband was shot down over North Vietnam on September 9, 1965 and listed as missing in action. On April 15, 1966, I received two long four page letters from him—one written in December, 1965 and the other in February, 1966. He told me that he would like to report on other acquaintances in his straits, but that he had never seen another American since he was shot down. He told me he was injured, needed further medical treatment, had lost 30 to 40 pounds because it took energy to keep warm, and of ways he tried to occupy his mind while he was alone. He also said he had been told that he could expect to be given one letter a month from me and perhaps could write as often. In the subsequent total of fifteen letters and notes, he has reported that all is the same with him, and in his most recent note, which I received only a few days ago, he was either only physically able to complete four lines of a seven line form, a total of 38 words, or was only allowed to write that much. To the best of my knowledge, he has only been given five or six of the hundreds of letters I have sent to him.

I knew that the wives of many of our men were suffering dreadful daily torment because our men were not being accorded the basic standards of human decency in a civilized society. As a group of wives in similar circumstances in the San Diego area, we formed a local organization in 1967 to try to help our men. Several of us concluded that North Vietnam had demonstrated that it wanted to be regarded as a respectable and civilized society in the world community, because of their oft repeated claims that our men were being well-treated. We knew that the North Vietnamese were violating even the most basic standards of human decency and we felt that America, and the people of the free world, should know the truth about what was happening to our men. We began to speak out in the press in 1968 and were grateful when the United States Government expressed concern for our men in 1969. Through chain letter and word of mouth, we joined together across the nation and around the world in our efforts to make the world aware of the desperate plight of our men. We have tried to act with the dignity which reflects that which we seek for our loved ones.

We have often asked U.S. Government officials for counsel and advice, but we have then made our own decisions independently. We have been appealing to people throughout the world by letter and in person to help us correct the deplorable situation imposed on our men and their families by the Communists. We have often paid our own expenses, and in some cases have been sponsored in our efforts by civic groups and concerned citizens who wanted to help in this way. We are far from professional in our efforts because most of us have several young children and our time and resources are severely limited. We feel that recently the North Vietnamese have begun to respond to pressure from world opinion, but the progress is painfully slow for so many who have waited so long. No one person alone can move the North Vietnamese, but through our combined efforts, hopefully, the North Vietnamese will soon see the short-sightedness of incurring world disrespect for the sake of using our men as political pawns in this conflict.

We hope that you will want to help and that you will write letters and encourage others to do the same. A vigorous letter writing campaign can be crucial in getting help to our men. We ask those who have written before to write again and again and those who have not yet written, to add their voices to those who have helped produce the progress that has been made thus far. We ask every citizen of America and the free world to let the leaders of North Vietnam know how they feel. When you ask yourself whether you have time to do this and whether it is worthy of your efforts, please remember that there may be as many as 1,500 United States servicemen who have plenty of time to spare as they languish in solitary confinement in Communist lands who are desperately dependent on your help. Thank you.

Introduction of Mrs. Bruce Johnson by Senator Robert P. Griffin

Honored guests, ladies and gentlemen. You are about to meet a wonderful woman who is a study in quiet heroism. Who is an inspiring example to many brave wives of American prisoners of war. She is the wife of Major Bruce Johnson, missing in action since June of 1965. Mrs. Johnson has not seen her husband in six years. One of their children, a seven-year-old, cannot remember her daddy at all; the other two recall him only vaguely. Mrs. Johnson has just returned from her second trip to Europe where she has been seeking information from the North Vietnamese at Paris. While her odysseys of agony have not produced the desired information, they have helped focus world attention and opinion on the unbelievable inhumanity practiced by the Communist enemy. Ladies and gentlemen, I am privileged to present a very articulate, exceedingly brave and courageous woman who is listed on the program as being from Kansas, but who happens to be from Michigan, Mrs. Bruce Johnson.

Mrs. Bruce Johnson, May 1, 1970, Appeal for International Justice, Constitution Hall

It is indeed a privilege and an honor to share with each of you here tonight—this time of tribute to America's finest men—the missing in action and prisoners of war in Southeast Asia.

As a wife of one of those missing men, I am deeply grateful to the Senators and Representatives who have, out of their deep concern for the plight of our men, made tonight's tribute a reality.

I share with each other wife, mother, father and child of these our American men, a deep gratitude also to each one of you here, who has demonstrated by his presence, that they must not and they will not be forgotten—the missing in action and prisoners of war.

I hope and I pray that this tribute tonight will serve as an effective reminder to the North Vietnamese, the National Liberation Front and the Pathet Lao, that on this issue of our prisoners of war and missing in action—the hearts, the minds and the resolve of the American people will remain united until the accords of the Geneva Convention are properly respected and until each prisoner is home again. I am deeply convinced that until that day the terrible fate of our men must remain a matter of top priority, not only within the homes where that loved one is missing but it must become a matter of top priority within our nation—from each home and heart across our land reaching even to the highest levels of our government.

I know that this problem is a unique one and a terribly difficult one for our country, but I am completely confident that America has the talent, the dedication and the abilities from within her greatest natural resources, her people, to honorably find the solution to this problem.

There has never been a difficulty or problem too great for the American people to solve—and with all America joining in prayer and action, we will not fail these our men—nor will we fail America.

Introduction of Mrs. Bonnie Singleton by the Honorable Olin E. Teague, Prisoner of War Rally, May 1, 1970

A lot has been accomplished in the last year, but not enough will be accomplished until we have all our boys home. Meanwhile we work at least toward a just and decent treatment of American prisoners of war. I would like to introduce Mrs. Bonnie Singleton of Dallas, Texas whose husband, Jerry was shot down in 1965. Bonnie and three other women from Dallas and Fort Worth journeyed over a year ago to the Veterans of Foreign Wars Convention in Philadelphia to express their desire to go to Paris and ask the question that so many of you are still asking, "Are we wives or widows?" The V.F.W. started the ball rolling and made that desire a reality. They journeyed then to Paris soon after the death of Ho Chi Minh, and after beating down the door and demanding an interview were allowed to see the North Vietnamese delegation. I think it was this effort that brought the attention of the world press and the pressure of world opinion to the plight of you American wives and families. Not to be critical of our government—I love our government—but in this matter I do not think they have done enough. Through our Ambassadors and consulates we should be contacting every other government in the world and bring to their attention this travesty of international justice and agreement. Meanwhile, the ball has continued to keep rolling through individuals such as Ross Perot and the efforts of all of you. I hope you will keep it up—your men will one day know what you have done.

Remarks of Mrs. Jerry A. Singleton, POW Wife, Dallas Tex.

Thank you, Congressman Teague, and thanks to all of you for the opportunity of coming here to meet with you. I'd like to quote for you a prayer that I say constantly, and although they may not use the same words I do, I'm sure that this is a prayer similar to the ones said by every family and every friend of every man who is listed as missing in action or prisoner of war.

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"Dear God, thank you for the miraculous gift of human life, and thank you, too, for those who concern themselves with the preservation of human life and who spend at least a portion of their lives trying to save that precious gift that only You have the capacity to grant. To our men who are now languishing in Communist prison camps, provide them, Lord, with the strength and courage you gave them in the face of combat to survive the torture, anxiety and loneliness they must constantly endure. Give them the security of knowing that although theirs has been a long ordeal, the American people for whom they have sacrificed all, are determined not to betray the devotion they have so freely given. May your blessings be upon those in the United States Government, United We Stand, The Veterans of Foreign Wars and other organizations that have worked to bring relief to the American prisoners of war. May the vision necessary for seeing the way of freedom for our men be granted and a safe return for our loved ones in the short time remaining when their strength and spirit is still strong enough to sustain the inflictions imposed upon their bodies and Minds. Amen."

Thank you.

Remarks of U.S. Congressman Burt L. Talcott—Appeal for International Justice for POW's, Constitution Hall, Washington, D.C.

Mr. Chairman, Fellow Americans:

I am privileged to participate in this appeal for international justice for Prisoners of War.

Convocations, Resolutions and letters are not new to the odyssey of Prisoners of War and loved ones.

They may seem redundant and futile, but they are necessary and probably beneficial so I commend and thank the organizers and the participants.

I speak as a private citizen and a former prisoner of war. I would like briefly to make several points which have not been emphasized enough.

First, I have served with some extraordinary Americans—including recipients of the Congressional Medal of Honor—but never have I known a more patriotic, brave or devoted group than the wives and families of our prisoners of war and those missing in Action.

Never has a nation owed so much to so few. I hope that each of you will, at this moment, commit yourselves to their cause.

Next, we can be very proud of our country's policies and practices regarding treatment of prisoners. We have always been highly humanitarian and have always complied scrupulously with the Geneva Convention. No nation has performed more benevolently. This ought to impress the news media and world opinion; but it needs reiteration. Throughout the tragic history of warfare, the military have usually conducted themselves more honorably and humanely than the politicos or the populace.

I was a captive of the much maligned Nazis whose mentality ordered thousands of human beings to be gassed in ovens—and permitted lamp shades to be made of human skins. Hitler and Himmler ordered the extermination of all prisoners of war, including Americans; but their grisly orders were contravened, at great personal peril, by the military. A similar dichotomy may prevail in North Vietnam today. If so, we ought to exploit it by appeals to the basic honor of the military.

As evil as the Nazis may have seemed, the Communists are immeasurably more demoniacal. We were confined in groups—so we could at least lean on each other. We could, within restrictions, correspond with our families. I knew within three months that my son was born. But some of the women here tonight whose husbands were shot down five years ago do not yet know whether they are wives or widows.

None of you can imagine their longing or anxiety. Some time ago an enemy photograph purporting to show an American prisoner was circulated among the wives—and 22 of them identified one man as their husband. Think of the poignancy of that episode.

Now, I have a serious message for Hanoi. If they are listening, I hope they will heed my suggestion. It is not made in rancor. Twenty-six years ago, we and the Germans were fierce diplomatic and military enemies. We bombed their cities and war plants; they shot us down and confined us. Today's rhetoric of "Gooks" and "War Criminals" is reminiscent to me; in my day the enemy were "goons" and we were "luft gangsters." But today, we and our German captors are friends. We are mutually welcome in each other's homes. This friendship is based upon individual mutual respect and appreciation because we treated each other's prisoners with dignity and humaneness. This treatment strongly influenced the free world to assist Germany in her economic and diplomatic rehabilitation.

Times and conditions change kaleidoscopically, but personal attitudes change more slowly. Twenty-six years from now, the North Vietnamese may need and want acceptance in the community of civilized and peaceful nations. The North Vietnamese government would be well-advised to emulate the United States, and other governments, who comply with the terms of the Geneva Convention and who treat their prisoners decently in spite of their diplomatic and military differences with enemy nations.

One more point—recently every rider on this planet shared the drama of the rescue from space of the crippled Apollo 13. (I salute Captain Lovel. I am honored to share this forum with such a great American serviceman.) The outpouring of prayer for the safety of the crew, and the general empathy with their families, was a splendid demonstration of the concern for which fellow human beings can hold for one another.

The fantastic rescue was possible partially because of the cool expertise of the flight and ground crews, but also because of the enormous sums of money we have spent, and the extraordinary care we have taken, to insure the safety of our Astronauts. We have, *quite properly,* "built in" redundancy upon redundancy to safeguard the men who fly in space. But the men who fly over Vietnam and Laos are also skilled, courageous, dedicated pilots—not much different from the astronauts, except that they fly under orders and out of camera range. The wives and families of both the combat pilot and the space pilot share similar risks and anxieties. If we had "built in" comparable safeguards for our combat crews; if we had cared as much for their safe return; if our news media had removed their wraps and had devoted as much attention to the plight of our combat crews, and their loved ones, as to our space program, I am certain that our prisoners would, by now, be receiving treatment in compliance with the Geneva Convention.

We must prod the news media to measure up to their responsibilities to report the POW and MIA phenomena and to help mobilize international public opinion to demand compliance with the Geneva Convention and to promote basic humaneness among all men.

I am convinced that our government, our military, and our Red Cross are doing everything possible to help our prisoners and to alleviate the torment of their families. But we can and must do more to mobilize world public opinion.

Recently at the 25th Annual Reunion of American Airforce Prisoners of War in Cincinnati we conducted a seminar on the present POW and MIA situation. It was a moving, emotional session. We cried together for these wives and families. No one left their seat for two and one half hours. We unanimously adopted another Resolution urging humane treatment for prisoners of war. But it was different, in style and trust, because former prisoners joined to plead for today's prisoners—on a basis of decency and comradeship in the military tradition. We are being joined by former prisoners of the Japanese. I hope that we will soon be joined by German, Italian and Japanese Nationals, who were prisoners of the allies at another moment in time. Our appeal is for basic humanity and universal comradeship—without regard to color, nationality, charge, or station in life.

Let me read excerpts from the Resolution.

"We, as former Prisoners of War:

Knowing first-hand the agonies of prisoners of war and their loved ones;

Realizing that individual servicemen have no authority in determining the military or diplomatic decisions of their national governments;

Believing that humane treatment should be accorded every individual regardless of his race, nationality, station in life, or charge against him;

Shocked by the knowledge that the government of North Vietnam refuses to disclose to our government or to the next-of-kin information concerning the capture, condition or location of prisoners;

Appreciating the anxiety and loneliness of wives, parents and children who are not informed concerning the locations and conditions of their missing servicemen; and

Having uncontroverted evidence that prisoners now in the custody of the North Vietnamese government, Viet Cong and Pathet Lao are being mistreated and their families subjected to unimaginable torment in clear contradiction of the Geneva Convention and the fundamental rights of men;

Now, therefore, in the interests of basic humanity and universal comradeship, we: urgently urge that all civilized persons of all nations insist on the elemental judicial privilege of Habeas Corpus—which entitled any next-of-kin to have the person of a prisoner identified or produced or his place of burial known—for themselves and for all others:

Strongly advocate that all nations and governments comply fully with the Geneva Convention pertaining to prisoners of war; and

Earnestly implore every human being in every land to make their feelings known directly to the authorities of North Vietnam.

Executed in open convention during the 25th National Reunion of the Amerikanish Kriegsgefangenen (former American Prisoners of War) at Cincinnati, Ohio, U.S.A., April 25, 1970.

Our resolution is framed only in our hearts—we want only to share its spirit.

If you care to join us, if you want to help console these gallant ladies, if you care about our men in communist confinement, please write to Hanoi, to the United Nations, to private persons or public officials in other lands, and to our own news media. An international appeal for justice may end this horrendous travail.

Mrs. James A. Mulligan, POW Wife, Virginia Beach, Va.

Senator Dole, I'd say there were a few more people here this evening than there were on February 21st at our first Rally. Thank you for all your effort and enthusiasm for our cause.

Two of our young wives in the Washington area are indeed worthy of praise. They have

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worked many long arduous hours to make this evening a reality—words cannot express our gratitude. Kathy Plowman and Candy Parish! The reason we are here this evening is not a pleasant one. Scheduling this Rally for May 1st is indeed appropriate, for it is International Law Day. But May Day has many connotations, as many of our military men know, and the one that comes to my mind is the international call of distress—May Day—May Day—Help! Help!

This is our call, a call of distress for our thousands of sons—husbands and fathers who have been detained brutally for years in South Vietnam by the Viet Cong, in Hanoi by the North Vietnamese and in Laos by the Pathet Laos.

I wonder how many of you know just how many men are involved. In North Vietnam we have 357 men listed in a prisoner category and 423 in a missing status. In South Vietnam there are 74 in a prisoner status and 454 missing. In Laos there are 3 men in a prisoner status and 200 missing, and in China there are 2 prisoners and 5 men in a missing status for a total of 1518 men. Have we become so callous that these men are going to be written off? Our President has said, "A just peace is in sight!" Yet, no commitment has been made to our men languishing in prisoner camps.

It has taken the families of these men, who have given so much already, a year to educate the world as to the true facts of the prisoner situation. Ask yourselves: Why is it necessary for those who have given so much to continue to give? Why hasn't this cause been carried on by others? People have estimated that the normal lifetime for the world's great nations has been about two hundred years. The pattern of these civilizations or nations runs something like this: From bondage to spiritual faith, from such faith to courage, from courage to liberty, from liberty to abundance, from abundance to selfishness, from selfishness to complacency, from complacency to apathy, from apathy to dependency, and from dependency back again into bondage. This sequence may seem pessimistic, but there seems to be enough truth in the fact that nations do rise and fall and that prosperity seems to carry within it the seeds of selfishness, that we should ask ourselves, what of America? What can be done by us to turn the tide is a question. But to see the problem is itself half the battle. We must not let complacency and apathy reign and ruin our nation. We beg of you hear our call—May Day, May Day! Do not turn your back on the hundreds of mothers who want their sons returned. Do not ignore the children who cry out for the love and guidance of their fathers and the hundreds of wives who have grieved for years, some for husbands who will never return! Hear our call of distress and the cry from within the walls of the prison camps—May Day, May Day!!! Help. Please help!

Remarks of Mrs. Iris Powers, MIA Mother

I'm really so overcome with emotion that it's difficult for me to say anything but thank you so much for being here.

Introduction of Mrs. Plowman and Mrs. Parish, POW Wives, by Congressman Robert L. F. Sikes

I know that you in this great and wonderful audience want to join me at this moment in an especial show of appreciation to the moving spirit behind this great meeting tonight and this great appeal which has gone over the land, the man who heads the Senate-House Committee on Appeal for International Justice, Senator Bob Dole. Will you join me?

Wives, mothers, families of America's missing servicemen, ladies and gentlemen, distinguished guests. Tonight it is my high privilege to present a resolution that has passed the Congress and which has been signed by the President; a Resolution in which you will have much interest. And it is my privilege to present it to Mrs. Charles C. Parish of Alexandria and Mrs. James E. Plowman of Arlington. And I think you will want to hear it, because this Resolution, which speaks for the Congress and has the approval of the President, was passed in record time. It says this:

SENATE-HOUSE CONCURRENT RESOLUTION

Resolved, That it is the sense of Congress

1. That Friday, May 1, 1970, be commemorated as a day for an appeal for international justice for all the American prisoners of war and servicemen missing in action in Southeast Asia;

2. That men of compassion and good will throughout the world be urged to search all peaceful avenues available to insure that these men be treated humanely and fairly in accord with the standards established by the Geneva Convention;

3. That every possible effort be made to secure their early release from captivity;

4. That the President designate Sunday, May 3, 1970, as a national day of prayer for humane treatment and the safe return of these brave Americans; and

5. That copies of this resolution be delivered by the appropriate representatives of the United States Government to the appropriate representatives of every nation of the world.

Passed by the House of Representatives and by the Senate of the United States in record time, attested by the Clerk of the House and the Secretary of the Senate, signed by the President of the United States, and the proclamation issued that Sunday is a National Day of Prayer. Ladies and gentlemen, with our hope, our prayers, our determination, yes, our determination that these men shall be freed forthwith by whatever means are required and restored to their families and our country, I present to these wonderful young ladies this Resolution from the Congress.

Appeal for International Justice

(By Mrs. Charles Parish, MIA wife, Alexandria, Va.)

Please, please carry this message to your place of worship and to your fellow human beings.

Above all, when May 3 has come and gone, we beg of you to please remember these men in your hearts, in your deeds, and in your prayers, until they are home safe.

Appeal for International Justice

(By Mrs. James E. Plowman, MIA wife, Arlington, Va.

It took 20 minutes for the Congress to pass this resolution. But when you consider the cause, it is not really such a feat.

Words cannot express my thanks to the Congress . . . especially to the Congressmen who have worked so hard to bring us together. And to their staffs and especially to Senator Dole.

Faith In America

(By Robert Cummings)

Senator Dole, distinguished leaders, Mrs. Stockdale, Mr. Perot, and families of America's captive and missing heroes.

I am proud to be with you this evening.

For I feel I have the privilege of speaking on behalf of millions of Americans who cannot be here personally.

These Americans do not have:

Missing or captive loved ones;

They do not wait and wonder;

Their children are not growing up under the question mark of their fathers' fates;

And they do not suffer the remorseless taunting of the cynical captors.

But these millions do know your men are over there, and they do care.

Surely each of you with a missing or captured son, husband or father knows people in your own community who care—who want to help—who are not apathetic.

Well, I have travelled every section of this great country, and I know these people are everywhere.

And I feel I stand here tonight to say for them: We know, we care, we shall not forget.

Your men are not unlike the ancient Spartans at Thermopylae.

Few in number and surrounded by the enemy, those warriors waited for word of aid from their home forces.

Alone they waited, and alone they hoped.

When at last—and too late—help did arrive, these words were found inscribed on the rocks where they had fallen:

"Go, passerby, and tell that we in faithful service fell."

Let us please resolve tonight:

That these words will *not* be found in the bamboo cells of *our* men;

That help will arrive; and

That the passersby of the world will know their story, not from the pathetic scratchings they left behind, but from the hearts and minds and voices of their fellow Americans.

And let us pray that God in his mercy will return them to us safe and well.

Let's make that great impossible dream really possible.

Hope for Freedom

(Introduction of Lt. Robert E. Frishman, U.S. Navy, former POW of the North Vietnamese, by Senator Jack Miller, of Iowa)

I first became, you might say, *personally,* acquainted with the prisoner of war problem when I visited Vietnam in January, 1966. After that, I went over to Khorat in Thailand and was the first member of Congress to spend the night over there. That evening I had dinner with the five Iowa pilots who were based there. The next morning I had breakfast with some 18 Iowa airmen. Within only a very few weeks afterwards, one of the Iowa boys whom I had talked to at that evening party was a POW in North Vietnam, and I might say that I ever since have thought about him and his parents in Iowa many times, and about many others, too.

I think the number one concern of most of us in the Congress is this war, and the POW problem is a very big part of that concern. And this is so because it points up the difference that stands out in a nation that is really moral.

All I can say is that my own peace of mind will never be achieved until these brave men come home. Now it is my privilege as an old Air Force man, to introduce one of our Navy heroes. Lt. Frishman comes from that great Iowa county of Long Beach, California, where his parents, Mr. and Mrs. Harry Frishman, still reside. Bob and his wife presently reside in La Jolla.

He was commissioned an ensign in June of 1964 and a Navy pilot in October of 1965. Two years later he was shot down on a combat mission over North Vietnam and became a prisoner of war.

Last August, he became one of the nine POW's to be released from North Vietnam during all of these years. You should know that his many decorations include the distinguished flying cross, the air medal, the Navy commendation medal and the purple heart.

Bob Frishman's hope for freedom came true. He is with us tonight to echo the hope for freedom for all others. Whose safe return we pray for. I present Lieutenant Robert Frishman.

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Remarks of Lt. Robert E. Frishman

Senator Miller, Mr. Chairman, ladies and gentlemen. We are here tonight asking what we and others can do to help the men languishing in Communist prison camps.

The answer is simple. Ask yourself, what he would want you to do for him. Think about it. Think about it hard. And then do it.

For these men were given a job to do by their country.

Now you must speak out on their behalf because their voices are now kept silent.

No matter what your political conviction, whether you think we should pull out of Vietnam today or bomb Hanoi tomorrow, we can all support humane treatment for prisoners of war. For these men were given a job to do by their country, and did it to the best of their ability.

They have given so much for you.

Now they need your help.

Thank you.

Introduction of PO2c. Douglas B. Hegdahl, U.S. Navy

(By Senator **Peter H. Dominick**, of Colorado)

Bob Dole, distinguished friends in the House and the Senate, along with Jack Miller, I have a real joyous occasion. We have the opportunity to present to you two of the nine people who have become free again from prisons of war.

My particular friend and compatriate comes from South Dakota; Petty Officer Hegdahl. I call it a suburb of Colorado and we're happy to claim it.

I noticed in the process of the program, and I have not had enough chance to really talk with him about it, that he lost 60 pounds when he was in prison.

Sixty pounds. As an Air Force man, I always said the Navy ate well, but I don't know if that's very good. He seems to have put it back on, or most of it.

He was assigned to the U.S.S. *Cambara*. He was lost in 1967, captured and not released for two and one-half years.

He holds the meritorious unit commendation, the National Defense service medal, the Vietnam service medal, and the Republic of Vietnam campaign medal.

Ladies and gentlemen, I give to you one of our privileged characters that we hope will be joined by so many thousands more, one of our nine releasees, Petty Officer Hegdahl.

Remarks of PO2c Douglas B. Hegdahl

Ladies and gentlemen, Senators, I am very happy to be here tonight.

I don't know what more I can say, but these men in prison have given their all for their country.

And their wives have waited for years and years.

And now it is our turn to do what we can for them.

I hope that all of us will let North Vietnam know that there will be no compromising on the prisoner of war situation.

Thank you.

United We Stand

(Introduction of H. Ross Perot by Mrs. Douglas Peterson, POW wife, Fort Walton Beach, Fla.)

Thank you. Tonight I am here with three very special people. In June, 1966, my Pete left us. August of 1969 I found out that my husband was alive. My friends here brought my husband's name back. Thank you.

There is so much hope for us. I know I was in the same category as so many of you are now. I had the privilege of going on a trip with one of the most wonderful men in the world. When Doug Frishman came back they told us they'd help us to speak out. The wives took steps and then all of a sudden there was a hand reaching out for us. . . . .guiding us. As you know, we all need this. On the trip that we took, I rode with many wonderful people from "United We Stand".

Each wife knows how precious each moment is with her family. Mrs. Perot has been most unselfish, as her children, to share with us her husband who has taken us by the hand and has helped us to help our men and to show the world that we will fight for them with your backing.

Since my husband is a prisoner of war, of course, when we went into the POW camps in South Vietnam, the first thing that I saw that I will remember for the rest of my life is the day when the families could look at one another, even though they were behind a fence. They were only three feet apart; maybe they couldn't touch, but they could talk . . . They could tell news.

I have a little boy who has not met his father as yet. I saw a father meet his son. There was a mother there who raised this very beautiful baby in her arms and showed the father his son. The others, the children could go and the father's could watch them grow. They could find out about all their families. They have religious services. I heard laughter. They ate well; they could even go and complain! Can you believe it, they had a right to sit and complain about food and many others things like not wanting to get out in the sunshine. Can you imagine it. . . . If only our men could be in the sun one second, one minute! If only they could look upon the eyes of one American. And this is what we went for . . . not asking a great deal. We went with the man who knew how to help us; one who would stand behind us. It is indeed unbelievable when I say to you that there are *no* words. . . . Many friends, many are out there, and they know I talk a lot, and that's why I said "one minute" . . . you'll have to tell me when to stop, because I get so excited.! I can't stop on this. I'm so thrilled! I'm so full of enthusiasm! And he gave it to us. He and his family. God bless this man with a gift. And this man gave us part of his gift; his knowledge, he shared it. His unselfishness and his real enthusiasm.

He wants families back together because of the love he has had in his family, the love he has had in the United States. And he says it's because of our wonderful men.

Ladies and gentlemen, from the bottom of my heart, and this is another thing, can I just add one thing? Can you imagine, me having to introduce to you, the wives, the mothers, the children of missing in action and POW's. . . . Mrs. H. Ross Perot? I do, and I'm so honored.

Remarks of H. Ross Perot, Dallas, Tex.

Thank you very much. Everything we've tried to do in the past and everything we'll try to do in the future is aimed at one point and that's the release of the prisoners.

It is important for everyone in this country to understand that a prisoner of war has no military value 48 hours after he is captured. From that point forward he becomes a burden to the enemy's economy. He's a user of food, clothing, medicine, facilities, guards and what-have-you.

So there's no military or national reason to keep these men as prisoners of war. Contrast to the attitude of the South Vietnamese who hold the North Vietnamese prisoners of war in South Vietnam. Repeatedly they have tried to give back the sick and wounded. Repeatedly they have tried to work out an exchange or release of prisoners. They have a continuing program underway at all times to return the Vietcong prisoners to their communities.

Literally, after several months in captivity, the procedure is almost as simple as a parent coming in and signing for the prisoner. So for people who say, "Well, Perot, you don't understand Asians, and Asians don't place any value on human life and what-have-you . . ."

I say, "I've been in the camps in South Vietnam; they're Asians; they're Vietnamese. And I've seen the prisoners treated humanely. I've seen them and I've talked to them about their efforts to return the men to the North."

So I consider it a realistic goal. In order to accomplish this goal you have to understand the North Vietnamese. And much of what we've done up until this point was to get to know them, and here's what we found.

We found they're tough; they're resolute. They're like a ninety-pound fighter who's lasted 15 rounds with Rocky Marciano. They're battered, and really, that's the people I just described . . . battered. The leadership is like the trainer in a boxing ring. The leadership is sitting in the corner with a towel over their shoulders. The leadership doesn't go into battle. The people don't have a voice in Vietnam. And the leadership is willing to hang on.

Now, logically, you can say, "Is this really true?" And I say, "Go to the POW camps in the south and see the age of the prisoners coming in those camps . . . 14, 15, some 12-year-olds." When you've got men, boys, that age, going into battle, that's one of the most significant signs that the enemy is in serious trouble.

But they hang on, hang on. So we can count on the fact that they're tough; they're resolute.

Now let's come down to some things that are really significant. They keenly understand our Government. I contend they are better students of our Government than most of us. They feel that our Government is inherently weak, relative to theirs. And the reasons they feel this way are interesting. They're not too concerned about our leaders They see them as transitory figures that pass in the night. They feel that our Government is inherently weak because the people select the leaders and the people select leaders who will carry out the mandate of the people. So in this inherently weak system, where the leadership is subject to change, on a fairly short cycle, they realize that the real power in the country is in the people. And that's the ticket to the release of the prisoners.

The North Vietnamese, from their cultural point of view, just can't conceive that 200 million Americans could care about 1500 men. I've talked with them on this subject in nearly every meeting we've had; my staff has, all over the world, talked to them and intermediaries that we've used confirm this. The North Vietnamese just can't believe that this could be a national problem.

Keep in mind that they place the prisoners on a very low priority. They do not consider the prisoners a significant factor. Keep in mind that they will not be moved by sentiment. They will not be moved by a concern for human life. And they will not be moved by emotion.

And if you don't believe that, look at the way they treat their own men who are prisoners in the South. They won't take their names from the International Red Cross and let the families in the North know. They won't let mail come up from the South. They don't notify the families when a man is wounded or killed on the battlefield. So if they're anything, they're consistent.

But I use that just as an example that they won't be moved by emotion or sentiment. They are among the most practical people I have ever met. At the point when the prisoners do in fact become a liability, they will not allow them to continue to be a liability. So what am I doing . . . or trying to do? I am trying to arouse and inform the American people on this subject. I'm trying to get the level of concern to such a height that the North Vietnamese will become concerned that the attention of the American people is being diverted from what they consider to be the real issue, and that's the

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war, to the concern for these 1500 men. And at the point when they see that as a distinct possibility, you are going to see big things happen so quickly because they are so practical. They will not run that risk.

Now, how do we make that happen? First, we have to go through the basic education phase. Christmas trips, the things we've done in between, were necessary to focus attention . . . the work that all of you wifes have been doing, and you've done an outstanding job.

We've gotten the American people informed. The poll we took after the Christmas trip indicated that 68% of the population not only was aware of the plight of these men but understood the details. I think we have that up to about 80% now. I doubt if we could get it over 80%. But 80% is more than enough. And so using that base, we've got to reinforce what we've done and move forward from there. The North Vietnamese learned a long time ago that if America has your arm twisted, has you under pressure, the smartest thing to do is to say, "let's talk." He immediately releases the arm and you talk and talk and talk and talk. So in what we're doing, we twist and talk. They can't stand the pressure. As a nation they have an inferiority complex. And as a people they have an inferiority complex. It's terribly important for them to be recognized as a first-class nation. They can't take the risk of having the American people learn to hate them on the prisoner issue. Not only because the consequences it could come to, but more importantly, and this almost seems like a paradox, they're counting on us to protect them from China over the long pull. So that's the risk they can't take. They never refer to your husbands as 1500 men. They always refer to them as *just* 1500 men. That's a risk they can't take over *just* 1500 men.

We testified before the House Foreign Affairs Committee today. The gentlemen on the committee repeatedly asked, "What can Congress do? What can we do here?" And I'd like to tell you again what I suggested to them today.

One of these gentlemen suggested, as the wives were talking, that certainly something that every American citizen could do would be to remember these men in their family prayers at night. And I strongly recommend that, and I assure you that my family and my children remember your men every single night.

I asked Congress today to remember these men in the opening prayer of Congress that takes place each time Congress meets.

I asked these gentlemen today to do whatever it took and to call on us to help them in any way they needed help. To call a joint session of Congress and have the House and the Senate spend a part of a day hearing what this committee has heard today.

That will have an impact on the North Vietnamese that will be staggering. Because in the history of the United States, we go back through the events that cause the House and the Senate to meet together and they are among our most historic events. And when they see the House and Senate meet to express concern and to get information about and to find out how to bring about the release of just 1500 men, that will be a signal that can literally be seen halfway across the world. The North Vietnamese are even more sensitive to the 1970 elections than the people in this country. They are watching the political winds very very carefully. They're looking for signs. So I've asked every candidate for the House and every candidate for the Senate to take a formal position and make it part of his platform on the release of the prisoners of war. And when they see these gentlemen in joint session and when they see people taking this position in their platforms, and trust me, we don't leave this to chance, as these gentlemen take this position, we'll count on you as you read about it in newspapers across the country to clip it out and mail it to Hanoi. And then I will prepare tabulations showing: "These are the men that are running, this is where they stand, here's the geographic distribution." I'll get this to the highest level in Hanoi through intermediaries. So don't worry when the positions are taken—the North Vietnamese will see it.

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Next, I requested the Congress, the Defense Department, the State Department and the Executive Office Building to allow me to put in replicas of the bamboo cages the men live in in South Vietnam; the concrete cells that the men live in in Hanoi; the holes that some of the men are placed in in Laos, and a tree with a chain around the trunk that some of the men are attached to in South Vietnam and in Laos. So as they go about their daily routine, with literally the problems of the world and this great nation on their minds, they can never forget just 1500 men.

Finally, I asked the Congress to consider very seriously asking every American citizen, asking people like me, that are unaffected by the war directly, pass the necessary legislation so that every citizen in this country has to make a personal sacrifice every day we have men on the battlefield so that we can never forget it. I feel that in our Nation, a nation that belongs to its people, it's morally wrong for so few to make such a great sacrifice for all of us and the least we can expect to have imposed on us is small by our Government so that we can never forget your men.

In closing, I would like to say that in a nation that would rise up in indignation, if we'd ask a college quarterback to play without his helmet some Saturday afternoon, certainly, we as a people and we as a nation have an obligation when we ask a young man to go into battle for this country, to do everything in the world to protect him to insure his safe return again.

Challenge to America

(Introduction of Capt. James A. Lovell, Jr., by Senator Barry M. Goldwater)

Mr. Chairman and families of the prisoners of war. I was just told that our special guest of the night will be here very shortly, so we'll speed it up. I want to apologize for being a little late, and I want to apologize, too, for having to leave as soon as I've introduced this distinguished gentlemen, but I flew back here from Seattle, Washington, and I have to fly back tonight, and if I don't get off by eleven o'clock the FAA says I'll have to wait until morning.

I first became interested in this prisoner of war situation in talking to a rather large number of wives who are stationed at Luke Air Force Base and Williams and Davis-Monthan who wanted to talk about what we could do . . . we members of Congress. And I told them then that we felt rather futile; we felt rather hopeless. But after listening tonight, I'm not of that mind anymore.

I used to run mules down to the rainbow natural bridge, and I had an old cowboy that helped me, and he could get along with mules very well. He did everything but hit them with a two by four before he tried to harness them up. And I always said, "Bill, why do you always have to be so rough with them?" "Well", he said, "you have to get their attention." And I have a hunch that's what we have to do with the North Vietnamese. I frankly think the world, and particularly North Vietnam, are very confused about America. As we listen to the radio today and watch television; as we realize that there is a pack of idiots just a few miles north of here tearing down the ROTC Headquarters and burning uniforms; when we hear about a man blowing his nose on an American flag at Yale, I'm not confused as to why the world is confused. I don't believe the world thinks America wants to win this war. And I think last night, our President hit the mule over the head with a two by four. And if that doesn't work, I have an eight by eight I'll let him use next week.

Now, it's my extreme pleasure tonight to introduce one of the outstanding young men, not only in this country, but in the world. I say young because he was born in 1928. He was born in Cleveland, Ohio. He's married to his charming wife, Marilyn, and they have four children. He has so many honors that I would take the rest of the evening to go over them, but just to mention a few, he's a member of the Society of Experimental Test Pilots and the Explorer's Club. He's been awarded the NASA Distinguished Service Medal, the Navy Distinguished Service Medal and two Navy Distinguished Flying Crosses, and some of these others I can't even pronounce. They're from foreign countries. This gentleman graduated from Annapolis in 1952 and he's now a Captain in our Navy. He served a four year tour as a test pilot at Patuxent. And I remember the other day during the hearings, when he was there, Margaret Chase Smith of Maine asked these two astronauts, "How come you kept your cool?" And Jim said, "I got mine from being a test pilot."

He was assigned as an astronaut by NASA in September of 1962, and he has flown on the Gemini 7 Mission, the Gemini 12 Mission, and he was the command pilot for the epic journey of Apollo 8. This is man's maiden voyage to the moon. He was the command pilot of the Apollo 13, and did a remarkable job, along with the other two and the great team at NASA in Houston, in getting back to Earth. He has more time in space than any other astronaut. It's my extreme pleasure to introduce to you Captain James Lovell. And Jim you have the floor.

Remarks by Capt. James A. Lovell

I thank you for inviting me here tonight. As one who has only recently felt and been made deeply aware of the concern of others, I now would like to express my own. It is a privilege to join my fellow Americans in focusing world attention to a subject of such deep importance—the returning to this country, under the accepted rules of conduct, those Americans who have been captured in battle.

It is both sobering and shocking to realize the incredible lack of humanity that is involved, and the suffering and sorrow that has been experienced not just by the men themselves, but by their loved ones. When we consider that in many cases there has been no confirmation by the enemy, and that the ultimate fate of these men has remained unknown for years, the need for action is clear. Out of 1450 missing, we do know with varying degrees of certainty that some 430 may be prisoners of war. There remain more than 1,000 who are missing in action and no one even knows if they are dead or alive.

More than 300 of these have been missing for three and a half years or more—that is longer than any U.S. serviceman was held prisoner in World War II. Some of these men have been missing for nearly six years.

We who are astronauts in the United States' space effort feel a close bond and kinship with these men. There are more than 50 of us; while we are civilians in our work today, many of us are still in the military service. A number of our group have flown in combat. We know the perils involved, but far beyond that, we appreciate and sympathize with the anxiety of loved ones at home.

The crew of Apollo 13 has good reason to appreciate these things, and I don't think I need to give any lengthy explanation why. And we know the anxiety that the wives and parents of our crew members felt when our mission suddenly worsened 186,000 miles away from home.

We prayed. Our loved ones prayed. And

we are told that people the world over prayed for our safe return.

Those of us in the space program realized long ago that prayers offered for us were not offered to us as individuals—they were offered because our endeavors were symbols of man's spirit, for no man's life can be worth more than another's.

From the many messages we have received from people everywhere, we have felt the warmth of human compassion and friendship. We cannot help feeling that for a few days the world may have been a little closer as we guided our spaceship home.

If this is indeed true, and I believe it is; if, as we have found, people can be united in these troubled times, I ask that now again the people of the world unite with prayer—and with pressure—to bring these brave Americans home.

REMARKS BY THE VICE PRESIDENT

Tonight's is an unusual gathering. The leadership of our country is divided, yet men of different opinions and of different philosophies are here to underline their common concern for the fates of hundreds of brave Americans who are prisoners of war or missing in action in Southeast Asia.

Not much more than two weeks ago, the hopes and fears of the Nation and of the world traveled back from the edge of eternity with three astronauts in a crippled space ship. The rejoicing on their safe return was nearly universal—and it came from men with philosophies infinitely more varied than the opinions represented in this room tonight.

But we are here tonight to express an identical kind of hope and fear for the lives of hundred's of America's sons who are being held captive half-way around the world.

We are at war in Southeast Asia—2 basic ideologies of man are engaged against each other. We are on notice that the Communist government of North Vietnam is intransigent, totalitarian and callous. We have seen the efforts of three presidents to end this costly war with a reasonably negotiated peace rejected and ridiculed. We see continuing fresh violations of the neutrality of other nations and an endless onslaught of propaganda to justify indefensible outrages against humanity.

Above all, we see the character of the Hanoi government in the manner in which they have treated *our* sons—*their* prisoners of war. And we see the character of the constitutional system of the United States in the anguish and concern that millions of Americans feel daily about the imprisonment and treatment of your loved ones.

I know of no stronger indictment of what the enemy fights for and what we are fighting against than the manner in which North Vietnam has treated these prisoners of war.

Officially, they have not told us who these prisoners are or where they are. Our information comes from the exploitation of prisoners for propaganda films, propaganda broadcasts, staged photos and carefully selected interviews.

We do know from the handful already released that some of those remaining in captivity have been mistreated. They have been forced to live in isolation and to survive on near starvation diets; we know they have not been given adequate medical treatment and they have undergone many forms of physical torture.

Because of the enemy's refusal to provide us with the names of the captured, the sick and the wounded, many American wives and parents have traveled to foreign countries in the hope of finding that information. Almost all have come home with nothing.

As President Nixon stated ten days ago:

"No statement on Vietnam would be complete without an expression of our concern for the fate of the American prisoners of war.

"The callous exploitation of the anxieties and anguish of the parents, the wives, the children of these brave men, as negotiating pawns, is an unforgiveable breach of the elementary rules of conduct between civilized peoples. . . ."

Let me say here tonight—we shall never forget those men and we shall never forget how they have been treated.

Officially, we have made every effort to persuade the enemy to be more forthcoming. Securing the release of our men held captive is fundamental to our negotiating position in Paris. And we have made every effort to bring the stark truth about our prisoners to the American people and to people of good will throughout the world. If you have ideas on how better your Government can act—we want them. We will hear them out, we will try them.

Some well-known spokesmen in our society say that the true heroes of this generation are those Americans who have fled to Canada or Sweden to sit out the war. They are not *our* heroes.

Our heroes are serving as soldiers; they are the prisoners of war and men separated from their units who continue to serve proudly as soldiers. These are the men to whom our prayers go out every night. They are the young men of this generation who are constantly on the mind of this administration.

My remarks are brief tonight; they are not partisan as this is not a forum where any American can be a partisan. I will only say that every decision our President makes is made in the belief that it can diminish the death and suffering in southeast Asia; that it can bring closer the day of peace when all your sons and husbands can come home again. I believe that deeply; and I ask you to believe it as well.

Good night and God bless you all.

BENEDICTION

(By Hon. HENRY C. SCHADEBERG)

May I again remind you that the President has designated Sunday, May 3rd, as a special day of prayer for our P.O.W.'s and men missing in action. Ask your friends and neighbors to join you.

Our God is not a "local" God. He is not just the God of Washington, D.C. or our home towns. He is the God over the earth—yea, the universe. He is present with our men in the prison camps and He is with us here.

When we pray to God we are with those we love and though we are removed from each other by thousands of miles for God is with them and with us. When we pray, we pray not only for them but with them. Let us pray:

God of our fathers—our God and Father, we ask that Thou wouldst dismiss us with Thy blessing.

Thou hast called us not to a life of ease, free of pain and sorrow, but to a life of service. Of ourselves we are helpless to bear our burdens but with Thee all things are possible.

Give us strength to meet the tasks of each new day; the courage to make our witness in what we believe to be Thy Will; give us the patience in suffering to know that life in the flesh is not the sum and substance of our being; give us comfort in our sorrow; but above all, Oh God, give us the determination and the wisdom and the will to use wisely to the extent of our capacity that strength, moral and spiritual and physical to bring justice and peace and freedom upon this earth, Thou hast entrusted to our care.

May we rededicate ourselves to serve the cause of the dignity of man whom Thou hast created in Thy image.

The Lord bless us and keep us. May He cause his face to shine upon us and be gracious unto us. May he lift the light of His countenance upon us and give us the peace that passeth all understanding—the peace that comes to those who put themselves into Thy hands of love.

God of the far flung battle line be with us yet—be with us yet, lest we forget—lest we forget.

Mr. DOLE. Mr. President, much has been said on both sides of the issue regarding the Cooper-Church amendment to the Foreign Military Sales Act (H.R. 15628). Distinguished men from constitutional scholars to defense experts have taken opposing positions on the amendment.

During recent weeks, most of the members of this body have taken a stand on the power of the President to protect American forces in combat. Now, 50 members of the academic community—noted professors of government and political science—have drafted an excellent memorandum which discusses the Cooper-Church amendment as well as the McGovern-Hatfield amendment in concise fashion and emphasizes the absolute necessity to uphold the constitutional powers of the Commander in Chief.

Mr. President, I ask unanimous consent that this memorandum be printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

In regard to Senate amendments 620 and 609 to the act to amend the Foreign Military Sales Act (H.R. 15628) and the military procurement authorization Act (H.R. 17123)

During the last three weeks more than fifty Senators spoke or by adding their names as co-sponsors to amendments expressed their opinion on the constitutionality and/or the political practicality of the President's decision of deploying U.S. armed forces temporarily in Cambodia for the purpose of destroying North Vietnamese sanctuaries in Cambodia threatening the safety of U.S. and South Vietnamese forces in the Mekong Delta and northwest of Saigon.

Two major amendments are pending to the Foreign Military Sales Act and Military Procurement Authorization bills. The first one, Amendment 620, already cleared the Senate Foreign Relations Committee and is offered as a Committee amendment now in the Senate.

In the debates surrounding the introduction of the two amendments the constitutionality of the President's move was challenged and it was asserted that Congress had the right and duty to cut off funds for the above purpose. If Congress should cut off funds, it would interfere with the conduct of hostilities and of foreign relations in South East Asia, prerogatives which judicial and constitutional practices were heretofore declared to be vested in the President as the Commander-in-Chief and Chief Executive under the Constitution of the United States. Of course, Congress has a role in foreign policy but it is to debate the issues and charter future course of action, not to direct specific military operations.

The author and the signatories of the present memorandum express in general their support of the President's objectives as elaborated in his April 30, 1970 message and in his May 8 press conference. They would like to call the attention of members of the United States Senate and urge the

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members of the United States Senate to reject them on the grounds that they violate the Constitution and constitute an encroachment upon the rights of the Executive by the Legislative branch of the government. We do believe in extended foreign policy debate, but we do not approve of ill-considerate, precipitate action.

1. THE COOPER-CHURCH AMENDMENT
(AMENDMENT 620)

This amendment states that—

(1) unless there is a specific legislative approval by Congress in the form of fund authorization and appropriation, the President may not retain United States ground and naval forces in Cambodia.

The above generalized ban creates both *practical* and *constitutional* problems. While President Nixon is preparing to withdraw United States forces from Cambodia by July 1 (which is probably the earliest effective date of any such amendment as it would have to pass the House-Senate conferees as well), exigencies may arise in the future in which the President may well deem necessary the use of ground and naval forces in order to protect the safety of United States forces in South Viet Nam. It could then prove an unnecessary and harmful constraint on the actions of the President.

More far-reaching is, however, the constitutional implication of the statutory restriction of the powers of the President as Commander-in-Chief guaranteed under Article II, paragraph 2, clause 1 of the Constitution.

The underlying issue had been dealt with by the courts several times in the past. With Supreme Court Justice Nelson presiding, the New York Circuit Court interpreted these powers of the President broadly in *Durend* v. *Holins,* 1860 CC N.Y. 4. Nelson stated:

"Citizens abroad must look for protection of person and property, and for the faithful execution of the laws existing and intended for their protection. For this purpose, the whole Executive power of the country is placed in his hands."

In *Russell Motor Car Co.* v. *United States,* 1923, 261 U.S. 514, 523, the United States Supreme Court held that "Executive power, in the main, must of necessity be exercised by the President through the various departments."

By denying certioraris in cases involving draftees ordered to be sent to Viet Nam who had petitioned that the war in Viet Nam was illegal (*Mora* v. *McNamara,* 389 U.S. 934), or in cases where petitioners claimed that the United States Government was violating the 1945 Treaty of London (better known as the Nuremberg Charter) and, therefore, had no right to force them to fight in an aggressive war (*Mitchell* v. *United States,* 1967, 386 U.S. 92), the Supreme Court effectively barred legal challenges to the powers of the President as Commander-in-Chief to engage United States armed forces in belligerent acts.

A well-known constitutional law authority, Bernard Schwarz, in his *Commentary on the Constitution of the United States* (New York: Macmillan, 1963), I; 196 defines these powers as follows:

"Is the Presidential power to make war dependent upon the existence of a Congressional declaration of war? Much of what has been said in sections 222–230 indicates the propriety of a negative answer to this query. The President . . . possesses the organic authority to resort to the use of force to protect American rights and interests abroad and to fulfill the commitments of the nation under international agreements. Presidential authority in this respect runs the full gamut from the dispatch of a gunboat . . . to the full-scale military intervention ordered by President Truman in Korea.

The main judicial pillar of the President's powers as Commander-in-Chief and as Chief Executive in the foreign relations field remains, however, the Supreme Court decision in *United States* v. *Curtiss Wright Corp.* 1936, 299 U.S. 304. This clearly states that in relation to acts outside of the United States i.e., international relations, "the President alone has the power to speak or listen as the representative of the nation," and that "The powers to wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have vested in the Federal government as necessary concomitants of nationality."

In view of these precedents of Court decisions and constitutional practice, the President does indeed have the power to commit the armed forces of the United States for the protection and safety of units already engaged in fighting and it must be concluded that the general ban in the Cooper-Church Amendment, even if modified by adding "except for the purposes of protecting United States armed forces from hostile acts emanating from Cambodian territory" would represent an unbearable usurpation of the President's inherent rights by Congress.

Article 2 of the Amendment impairs not only the powers of the Commander-in-Chief but also those of the Chief Executive in open contradiction of the above-cited *U.S.* v. *Curtiss Wright* decision which had clearly stated that the President is "the sole organ of the Federal Government in the field of international relations . . . The President . . not Congress, has the better opportunity of knowing the conditions which prevail, in foreign countries and especially this is true in time of war."

However, section 2 not only bars compensation payment or even in direct support payments to American military advisors or instructors, but *to any person* who acts in the above capacity to Cambodian forces. This would prevent even payments or other support to Thai, South Vietnamese, Malayan, Indonesian or South Korean instructors or advisors willing to train Cambodian forces. This is in open contradiction of the Nixon Doctrine as enunciated at Guam. It constitutes a clear and flagrant violation of the powers of the President as Chief Executive and Commander-in-Chief.

Article 3 extends the previous ban to any material to be used for the purposes of military instruction in Cambodia, or to persons ("mercenaries?") to "engage in support of Cambodian forces." The restriction, an usurpation of Executive power by Congress, would render the United States Government a helpless by-stander in regard to Cambodia while North Vietnamese invaders take over that hapless country. The President could not even help indirectly by assisting our allies who are willing to support the Cambodians.

Article 4 forms a seeming contradiction. In it the President is permitted to bomb Cambodian territory though he is not allowed to assist Cambodia. The cynicism of the supporters of the amendment is colossal, indeed. Would there be any better way to make all Cambodians hate Americans and seek refuge with the North Vietnamese Communists than abandoning them and then bomb the occupied areas?

2. THE M'GOVERN-HATFIELD AMENDMENT
(AMENDMENT 609)

Also pending is the McGovern-Hatfield amendment which calls for:

(1) ending all appropriations in Viet Nam as of December 31, 1970 except for the purposes of

(a) safe and systematic withdrawal of all U.S. military personnel;

(b) termination of United States military operations;

(c) expressedly approved Congressional assistance to South Viet Nam;

(d) exchange of prisoners;

(e) arrangement of asylum for Vietnamese endangered by U.S. withdrawal,

for a period of six months, unless Congress expressly approves a further delay at the request of the President.

The procedure suggested in (1) of the amendment constitutes an illegal interference with the rights of the President as Commander-in-Chief and as the Chief Executive under the decisions of the Supreme Court cited in analyzing the Cooper-Church Amendment.

It would also negate our previous mission in Viet Nam and the authors of the amendment logically assume the fall of South Viet Nam to the Communists and magnanimously are "arranging asylum" for those who have fought with us, as if they were our mercenaries.

(2) The provisions of this article are similar to those of Sections 2-3 of the Cooper-Church Amendment, but this time they refer to Laos. The United States should not even financially support any military operations of the Laotian or of any third governments in Laos, much less maintain any advisors or instructors. This article not only contravenes the separation of powers under the United States Constitution as elaborated in analyzing the former amendment, but also the obligations assumed by the United States Government in the 1962 Treaty of Neutralizing Laos, a treaty signed by President John F. Kennedy.

(3) The provisions of this article are almost identical with sections 2–3 of the Cooper-Church Amendment, except they are more explicit about barring even selling or furnishing Cambodia with "any defense article," so as to make sure that the people of that country should not escape Communist domination even if they were willing to fight alone.

As to Amendment 609, even the liberal Washington *Post,* in its May 5, 1970 editorial described the course advocated by those who sponsor this as "too reckless for serious consideration."

May this memorandum be concluded with the words of Senator Griffin, uttered on the Senate floor on May 5:

"President Nixon did not initiate this war; it was a fact of life when he took office. He is in the process of bringing our participation in that war to an end on an orderly basis. Up to now we have not been losing the war in Southeast Asia. But unfortunately and to the delight of the enemy, there is some danger that we could lose, in the United States, a war that the enemy has been unable to win on the battlefield in Southeast Asia.

"Surely, this is no time to pull the rug out from under the President of the United States. It would be unconscionable for the Senate to do so by following the course set forth by this resolution."

Signers of the memorandum on Senate amendments 609 and 620 to the Foreign Military Sales Act and to the Military Procurement Authorization Act

1. Professor James D. Atkinson, Dept. of Government, Georgetown Univ., Washington, D.C.
2. Professor Anthony T. Bouscaren, Dept. of History and Political Science, LeMoyne University, Syracuse, N.Y.
3. Professor Joseph Bufill, George Mason College of the University of Virginia, Fairfax, Va.
4. Professor Leonard F. Colwell, Montgomery College, Rockville, Md.
5. Professor Brutus Coste, Fairleigh Dickinson University, Rutherford, N.J.
6. Professor Maurice Czikann-Zichy, Department of Economics, Immaculata College, Immaculata, Pa.
7. Professor Borisz de Balla, Dept. of History, St. John's University, Jamaica, N.Y.
8. Professor Donald Devine, Dept. of Gov-

ernment, University of Maryland, College Park, Md.

9. Professor Joseph Dunner, Dept. of Government, Yeshiva University, New York, N.Y.

10. Professor John P. East, Dept. of Political Science, East Carolina State College, Greenville, N.C.

11. Professor Franz Michael, President-Designate, Sino-Soviet Institute, George Washington University.

12. Professor Jerzy Hauptmann, Chairman, Dept. of Political Science, Park College.

13. Professor Tibor Horanyi, Dept. of Political Science, St. John's University, Jamaica, N.Y.

14. Professor Walter Jacobs, Dept. of Government, University of Maryland, College Park, Md.

15. Professor William L. Kintner, Dept. of Political Science, University of Pennsylvania, Philadelphia, Pa.

16. Professor Joseph A. Mikus, Georgian Court College, Lakewood, N.J.

17. Professor Charles A. Mosher, Dept. of Slavic Languages, George Washington Univ., Washington, D.C.

18. Professor Nicholas Nyarady, Graduate School of International Studies, Bradley University, Peoria, Ill.

19. Professor Richard O'Keefe, George Mason College of the University of Virginia, Fairfax, Va.

20. Professor Theodore Perros, Dept. of Chemistry, George Washington University, Washington, D.C.

21. Professor Vladimir Petrov, Sino-Soviet Institute, George Washington University, Washington, D.C.

22. Professor Robert L. Pfaltzgraff, Department of Political Science, University of Pennsylvania, Philadelphia, Pa.

23. Professor Andras H. Pogany, Associate Liberarian, Seton Hall University, South Orange, N.J.

24. Professor Stephan Possony, Director of International Studies, The Hoover Institution, Stanford, Calif.

25. Professor William H. Roberts, Catholic University of America, Washington, D.C.

26. Professor O. Carlos Stoetzer, Department of History, Fordham University, Bronx, N.Y.

27. Professor Z. Michael Szaz, Executive Director, American Institute on Problems of European Unity, Washington, D.C.

28. Professor Ernest van den Haag, New York University, New York, N.Y.

29. Professor Justus van den Kroef, Department of Political Science, University of Bridgeport, Bridgeport, Conn.

30. Professor Laszlo von Gorgey, Dept. of International Studies, University of South Carolina, Columbia, S.C.

31. Professor William T. Avery, Chairman, Dairy Department, University of Maryland.

32. Professor Donald H. Ackerman, Coordinator of Research, Graduate School, State University of New York at Stony Brook.

33. Professor Sandor Balogh, Hudson Valley Community College, Department of Political Science.

34. Professor George W. Carey, Georgetown University, Washington, D.C.

35. Professor Collins D. Campbell, Department of Political Science, Dartmouth College, Hanover, N.H.

36. Professor William Y. Elliott, emeritus, Harvard University.

37. Professor Kurt Glaser, Department of Political Science, Southern Illinois University, Edwardsville, Ill.

38. Professor Dennis Brennan, Department of Political Science, Rockford College, Rockford, Ill.

39. Professor Anthony Kubek, Chairman, Department of History, University of Dallas.

40. Professor Kurt London, Director, Sino-Soviet Institute, George Washington University, Washington, D.C.

41. Professor Robert McCaulie, Department of Economics, Hudson Valley Community College.

42. Professor Henry Paolucci, Department of History, St. John's University, Jamaica, N.Y.

43. Professor Raymond Polin, Department of Political Science, St. John's University, Jamaica, N.Y.

44. Professor Thomas Remeikis, Department of Government, St. Joseph's College, Ind.

45. Professor William Scheibel, Department of Slavic Languages, Georgetown University.

46. Professor James Dornan, Catholic University of America.

47. Professor Gerhart Niemeyer, Department of Political Science, Notre Dame University.

48. Professor John Tierney, Catholic University of America, Department of Politics.

49. Professor Richard F. Staar, The Hoover Institution, Stanford, Calif.

50. Professor Frank N. Trager, Professor of International Relations, New York University.

51. Professor Goetz Briefs, Department of Political Science, Georgetown University, Washington, D.C.

52. Professor Libor Brom, Department of Modern Languages, University of Denver, Denver, Colorado.

53. Professor Alfonso Lengyel, Department of Art, Wayne State University, Detroit, Michigan.

54. Professor Robert McHenry, Department of Political Science, Montgomery College, Rockville, Md.

55. Professor Robert W. Miller, School of Business, The American University, Washington, D.C.

56. Professor Alois Nowotny, School of Medicine, Temple University, Philadelphia, Pa.

57. Professor Theresa Quinn, Department of Mathematics, American University, Washington, D.C.

58. Professor William C. Stickler, Department of Chemistry, University of Denver, Colorado.

59. Professor Emery G. Szekely, School of Medicine, Temple University, Philadelphia, Pa.

60. Professor Alexander Woroniak, Department of Economics, Catholic University of America.

61. Professor Basil Yananakis, Suffolk Law School, Boston, Mass.

62. Professor Jung-Gun Kim, Department of Political Sciences, East Carolina University, Greenville, N.C.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. GRIFFIN. Mr. President, news reports carried this morning indicated that the driver of the car in which Wells Hangen, NBC network reporter, was riding had escaped, and has reported that Wells Hangen indeed was captured by the Vietcong, and is held in Cambodia. It is well known that other TV network correspondents and newspaper reporters have been captured and are being held in Cambodia.

Unfortunately, we have less information about the U.S. military personnel who are being held captive by the enemy in Cambodia. Of course, if the Vietnamese would live up to their obligations under the Geneva convention, we would have information concerning the U.S. personnel held captive in Cambodia and elsewhere in Indochina.

I wish to indicate my strong support for the pending amendment offered by the distinguished Senator from Kansas. I do not know whether it would be wise, or under what circumstances it might be appropriate for the President as Commander in Chief to initiate an operation to rescue TV and newspaper reporters or military personnel held captive. I do not know whether it would be a practicable possibility or not. But I know I do not want to be a party to any amendment that would tie the hands of the President and preclude him from initiating such an action if, at any time, he believed it might be possible to rescue those who are held prisoners.

There are strong moral reasons, in my view, why we should make sure that the President, as Commander in Chief of our Armed Forces, has that option available. It is important, at least, that the enemy not be guaranteed we would not take action to rescue those who are held prisoner by the Communists in Cambodia.

I hope that those who oppose the Dole amendment will at least allow the Senate to vote on the merits of the issue. This is not a frivolous amendment. Senators ought to have the opportunity to vote it up or down.

I thank the Senator from Kansas for yielding.

Mr. DOLE. Mr. President, I appreciate the comments of the distinguished Senator from Michigan.

I cannot say, as others have said, that by offering such amendment, we are playing on the sympathies for the men who are captured in Southeast Asia—whether they be in Cambodia, Thailand, Laos, or North or South Vietnam. But, as I stated yesterday—yes, this may raise some hopes for wives, mothers, and children of these men. Many of these wives, mothers, and children have lived on nothing else for the past 3, 4, or 5 years. All they have had is hope. They are today looking for hope from this body.

I have asked those who are so strongly opposed to the amendment, what harm can it do to say that the President of the United States, if he determines there are American captives in Cambodia, has a right to go after them? Some would say he has that right in any event. If he has the right, what harm does it do to spell it out in the Cooper-Church amendment?

I do not believe it vitiates the amendment. That is not the intent. On the contrary it adds strength to the Cooper-Church amendment. It gives the President added strength. Yes, it does give the wives, mothers, and children some hope. And I confess to wanting to give the wives, children, and mothers some hope.

Had the Members of this body who oppose this amendment been present on the night of May 1, and had they seen 1,000 wives, mothers, and children stand, when next of kin were asked to stand—and had they talked to the wives, mothers, and children, they might better understand what hope means to these Americans.

Let me make it very clear, as I have attempted to do on many occasions, that I do not question the motives or the patriotism of anyone but do believe this is a very serious amendment. It was offered in that spirit, and I hope the Senate will consider it in that spirit, on its merits, not on some parliamentary maneuver to avoid facing up to the issue.

Let me reassert: It is not the intent of the amendment to vitiate or to nullify or to gut the Cooper-Church amendment. My intent—and the only intent and purpose—is to make it possible for the President, if he determines that Americans are in Cambodia, captives of the Vietcong or the North Vietnamese, to do what he should do. There has been some disagreement as to what the President could do, in any event, without first consulting Congress. Some say he has that right. If he has that right, why not include a statement of it in the amendment; why not adopt my amendment; why not accept the amendment? But if the President does not have that right, then arises a serious question: What happens to an American, whether he is a newsman or a GI, if he is in immediate peril in Cambodia and the President cannot act until he comes to Congress? I would guess that any President, whether it be President Nixon or his successor, would act, in any event, and then brace for the confrontation with the Senate. He would have a responsibility to act and then notify Congress.

The preamble of this resolution states that we are working in concert with the President. It has been said time after time that we are not trying to strip away any power the President may have. So, if he does in fact have the power to rescue Americans a statement of it should be included in the Cooper-Church amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield such time as he desires to the distinguished Senator from Kentucky (Mr. COOPER).

Mr. COOPER. I thank the Senator from Idaho.

Mr. President, I have heard the Senator from Kansas speak on the floor and in the news media, and I know his great interest in the issues that our amendment raises. In order to get the amendment in perspective, I ask that Members keep in mind what the amendment actually proposes, and the purpose of its sponsors, and the way the opponents look at it.

The sponsors believe that our amendment does not deny to the President of the United States the choices he may have in any situation. We say only that if the situation in Cambodia becomes so dangerous to the security of the United States, to the security of our forces that the President considers that it is necessary to remain in, or return to Cambodia—he should come to Congress. I think that is a good constitutional position.

I do not in any way challenge the motives of the opponents. I wish at times that I were in their position, because no one likes to challenge the President of the United States, his President. The amendments offered in opposition have the purpose—it is clear—to open to the President of the United States any action he may want to take, without resort to Congress, in situations where, at least we believe, it is constitutional for the President to come to Congress for support.

The pending amendment is one which appeals to our deep concern for American prisoners of war and men missing in action, but I believe it is unwise to bring this issue to the floor of the Senate when it cannot effect the release of the prisoners and when it could have an entirely different result.

If prisoners in Cambodia are in a position where they could be rescued, then the President, through the commander of our forces, can send in troops to rescue them. There is no question about that.

But I believe it is unwise to plead that adoption of the pending amendment will bring about the release of our prisoners of war held in Cambodia, or effect their release from North Vietnam.

Mr. President, the best way to secure their release is to proceed with the position of the President, that of ending the war in Cambodia and Vietnam as quickly as possible, consistent with the safety of our troops, and to remove our forces from Vietnam.

I believe the pending amendment will have no practical effect regarding the rescue of a single prisoner. The commander in the field, in the immediate area, can take action.

The purpose of the pending amendment is to establish an adverse vote and then another until we reach again the position that the President, as Commander in Chief, may take any action he believes proper, under the principle of the protection of the troops. In saying this, I do not censure the President. I simply say that the Congress has the duty to assert its joint responsibility.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum and ask that the time be equally charged to both sides.

The PRESIDING OFFICER (Mr. McGOVERN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I yield 3 minutes to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized for 3 minutes.

Mr. MANSFIELD. Mr. President, shortly we will vote on the Dole amendment which makes the provisions of subsection (a) of this section inoperative during any period that the President determines that citizens or nationals of the United States are held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front.

To the best of my knowledge, we have no prisoners of war in Cambodia at the present time. That does not mean that they could not be shifted there from Laos or from North Vietnam or from anywhere else where they may be incarcerated at the moment, shifted for the purpose of keeping us involved in Cambodia, which would go contrary to the basic tenets of the Cooper-Church amendment; shifted for the purpose of continuing to keep us entrapped in an enlarged and an extended war; shifted for the purpose of keeping us in Southeast Asia rather than getting us out as the President has indicated he would. A withdrawal of our forces could be prevented by this amendment, not only from Cambodia by the 1st of July—and it is my thought that it will be well before the 1st of July that all the Americans will be withdrawn from Cambodia—but also from Vietnam.

Mr. President, this tragic war, this mistaken war, has to be brought to a close somehow. It will not be brought to a close by giving the President additional powers beyond the superordinary powers which he asserts at the present time.

I do not recall that the President has indicated he wants an amendment of this nature. I do not recall that the military have indicated that they want an amendment of this nature.

If we put an amendment of this kind into force, why not the same thing for North Vietnam where numbers of American prisoners of war are being held or Laos where additional numbers of American prisoners of war are being held, and perhaps, who knows, there may even be a few in China.

So, I think we ought to look at this matter in a logical and reasonable way and recognize that what the Cooper-Church amendment attempts is to strengthen and underwrite the President's determination, not to give him additional powers, to make certain that there will not be a reiteration of a sudden invasion, not incursion, but an invasion of Cambodia as was the case with the present undertaking.

There are, of course, a number of newsmen, TV people, newspaper reporters, and the like who have disappeared in Cambodia. I would assume that they would come under the definition of nationals in this proposed amendment which, I think, is a late addition.

May I point out, though, that those newsmen went into Cambodia voluntarily and that as far as the soldiery of this country is concerned, they went into Cambodia at the direction of their government. Maybe they wanted to go, as I am sure some did. Maybe they did not want to go. But they had no choice, and they carried out their obligations as good citizens should.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHURCH. Mr. President, I yield 1 additional minute to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 additional minute.

Mr. MANSFIELD. So, I would hope that we could give this matter the most serious consideration. If the principle of the Senator's amendment is valid in Cambodia, it should have been offered last December to the amendment which he supported, the Cooper-Church amendment at that time, to prohibit the sending of ground troops into Laos.

Neither the Senator nor the White House then was desirous of introducing any amendment proposing to leave the option for the President to send ground troops into Laos to free United States prisoners held there.

This is a most important amendment, the whole Cooper-Church amendment, because it tries to bring back into the Senate the responsible exercise of at least some of the powers which it has under the Constitution. It will allow the

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Senate at least to express its will to the end that there will be no further sudden invasions with their additional casualties and costs, as was the case in Cambodia some weeks ago.

I hope that the pending amendment to the Church-Cooper amendment will be rejected.

Mr. CHURCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Idaho has 3 minutes remaining. The proponents of the amendment have 9 minutes remaining.

Mr. CHURCH. Mr. President, I understand that the Senator from Kansas would like to make a final argument on behalf of his amendment. At this time I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, a false issue is being raised in this debate. No one is questioning the right of the President of the United States, acting as Commander in Chief, to go to the rescue of captured Americans if he feels a quick surprise rescue operation is feasible. The rights he possesses under the Constitution, as Commander in Chief, cannot be compromised by Congress. It is, therefore, unfair to assert that Americans who may be captured in Cambodia might somehow suffer if this amendment is rejected. That is a false issue.

The truth is that the President himself set the limits on the Cambodian operation. He himself said American forces would not penetrate into Cambodia more than 21.7 miles. He himself said these forces will be withdrawn by the end of June.

If we were to agree to the amendment offered by the Senator from Kansas, the Senate would be exceeding the limits set on the Cambodian operation by the President himself. We would be authorizing him, despite his own limitations, to retain American forces in Cambodia indefinitely as long as he made a finding that American prisoners of war remained in this country.

Mr. President, if this amendment were agreed to, President Nixon would never invoke it. To invoke it would be to repudiate his own Cambodian policy. Moreover, if he were ever to invoke it, it would not be to serve the best interests of American prisoners of war. By prolonging our occupation of Cambodian territory, he would be increasing, rather than reducing the number of Americans captured by the enemy and made prisoners of war.

If the Senate wants to serve the best interests of American prisoners of war, we should comply with the policy the President himself set down. It is, thus, incumbent upon us to vote against the amendment offered by the Senator from Kansas. I trust that the Senate will reject the amendment.

Mr. MUSKIE. Mr. President, by no means the least grievous aspect of the war in Vietnam is the inhumane treatment of American prisoners of war by the North Vietnamese. Such treatment, and the continued refusal by the North Vietnamese to even identify those prisoners they are holding, is intolerable and offensive to the civilized conscience.

It is equally inexcusable for us to attempt to play politics with the feelings of anguish and despair of those related to American servicemen either missing in action or being held as prisoners of war. Such would be the effect of the Dole amendment, No. 662, to the Foreign Military Sales Act.

This amendment is irrelevant both to the substance of the Cooper-Church amendment and, more importantly, to our future success in negotiating the release of American prisoners of war.

It is an obvious attempt to eradicate any meaning which the Cooper-Church amendment might have.

I am troubled, as we all are, over the POW situation, and I recognize the need to focus concern on this issue. But I will not support a proposal which plays on the emotions of the many Americans deeply concerned over this tragic situation for the stated purpose of freeing the President's hands to continue our involvement in Cambodia.

Mr. THURMOND. Mr. President, I am pleased to take this opportunity to indicate my full support for the pending amendment, No. 662, introduced by my able friend BOB DOLE; further, I would like to commend Senator DOLE for introducing this vital measure and for presenting it so well.

As we know, Senator DOLE has long been a champion for our boys who are being held prisoner in Southeast Asia and for their families and friends who have been so frustrated in their attempts to get word of them. In offering the amendment which we will vote on shortly, the distinguished Senator from Kansas has come through again, not only for that relatively small group, but also for millions of concerned and compassionate individuals throughout the world.

Mr. President, the amendment is very simple. It states in effect that the President shall have the power to operate inside Cambodia in order to protect or rescue American prisoners of war there, notwithstanding the provisions of the Cooper-Church amendment.

Mr. President, this is only a restatement and reaffirmation of constitutional powers which the President now possesses; but considering the temper of the times, it is very necessary that such a restatement be confirmed by the Senate today. As the world watches us closely, we must show that the U.S. Senate does not intend to knuckle under to pressure and abandon our boys who have fought so valiantly for us.

Mr. President, I am proud to be a cosponsor of the Dole prisoner of war amendment, and I urge its overwhelming approval by this body.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. Mr. President, I wish to state again that the amendment we are about to vote on was offered in dead seriousness. It is not a frivolous amendment; it is not a travesty. Some say we are holding out hope to wives, mothers, and children of prisoners of war and those missing in action. Yes, we are holding out hope to the wives, mothers, and children. That is all many of the wives, mothers, and children of American prisoners of war and Americans missing in action have had.

My friends, last night most of us went home and we played with our children and we had dinner. Yes, it was life as usual in this country. It was life as usual for us, but what about the American prisoner of war? What about Americans missing in action?

I do not stand in the Senate today and say that if we agree to the amendment there will be freed one, 10, or 50 American prisoners of war tomorrow or the next day. But at least we would not deprive the President of that right. If we have faith in the President, and many of us do, the amendment provides that if the President determines that citizens or nationals of the United States are held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front, then the so-called Church-Cooper amendment shall be inoperative. That is all it provides. It would not vitiate the Church-Cooper amendment, and it would not nullify it.

It does strengthen the amendment. It says to American prisoners of war and Americans missing in action that the U.S. Senate on the 3d day of June 1970 strengthened the hand of the President.

To those who say the President has this right in any event, let me say if the President has that right it does no harm to underscore and emphasize that right and make it a part of the Church-Cooper amendment.

Mr. President, to those who say the amendment is limited and should include North Vietnam, Laos, and Thailand, I would hope that other amendments may be offered to so provide. But above all let us hold out some hope for the mothers, wives, and children of the 1,529 American prisoners of war and Americans missing in action. It is a small group and if one adds to this group the 20 or 30 news commentators and camera crews it is still a small group; it does not represent many votes, it cannot mount much pressure, nor is it a lobby organization; but they are Americans and to my friends in the Senate on both sides of the aisle today we can vote for the American prisoners of war and Americans missing in action. We can do no less.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas (Mr. DOLE). The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HARTKE. On this vote, I have a pair with the senior Senator from Alabama (Mr. SPARKMAN). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Connecticut (Mr. DODD), the Senator from Alabama (Mr. SPARKMAN), the Senator from Louisiana (Mr. LONG), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from New Mexico (Mr. ANDERSON).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from New Mexico would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Delaware (Mr. BOGGS) and the Senator from California (Mr. MURPHY) are absent on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), the Senator from South Dakota (Mr. MUNDT), and the Senator from California (Mr. MURPHY) would each vote "yea."

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The result was announced—yeas 36, nays 54, as follows:

[No. 152 Leg.]

YEAS—36

Allen
Allott
Baker
Bellmon
Bennett
Byrd, Va.
Cannon
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, Idaho
McClellan
McGee
Miller
Scott
Smith, Ill.
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—54

Aiken
Bayh
Bible
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cooper
Cranston
Eagleton
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hatfield
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith, Maine
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Hartke, against.

NOT VOTING—9

Anderson
Boggs
Dodd
Fong
Long
Mundt
Murphy
Russell
Sparkman

So Mr. DOLE's amendment No. 662 was rejected.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, yesterday afternoon I sent a news release to the West Virginia media, as follows:

SENATOR RANDOLPH OPPOSES DOLE AMENDMENT—IS AGAINST TABLING

WASHINGTON.—Senator Jennings Randolph (D-W. Va.), a supporter of the Cooper-Church amendment to the Military Sales Act calling for a pullout from Cambodia, said Tuesday night that he will oppose any motion to table amendments to the Cooper-Church proposition. This, he said, includes the probable tabling motion on an amendment by Senator Robert Dole (R-Kans.) expected Wednesday. "I want amendments voted up or down on their merit, not disposed of by an indirect procedure," Randolph declared.

Randolph said he opposes and will vote against the Dole amendment if the tabling motion is defeated or fails to materialize. The West Virginia Senator said he fears the Dole proposal to change the Cooper-Church amendment and permit the President to send armed forces across international boundaries into countries presumed to hold prisoner our country's military personnel "would be too sweeping." He remarked that it "possibly could spread the air and land war in South Vietnam beyond Cambodia and Laos even into North Vietnam and Red China. It has already gone too far—from a Vietnamese war into an Indochina war."

Mr. President, I am gratified that the amendment was voted on, without an attempt to table it. We need to face these challenging votes with our direct support or opposition on rollcalls.

THE COOPER-CHURCH AMENDMENT

Mr. MILLER. Mr. President, the Wall Street Journal today published a very timely editorial relating to the so-called Cooper-Church amendment.

The editorialist warns that—

> It is not a matter of writing a law but of building an ongoing process; a specific piece of legislation is important only to the extent it helps build the basis for a continuing process.

He concludes that the Cooper-Church amendment is not serving this purpose, that—

> As it now stands, the amendment casts an ambiguous shadow both on the President's power as Commander in Chief and on the Nixon doctrine of U.S. assistance for self-help.

He pointedly underscores that the amendment "Will not build but undermine the process."

This perceptive editorial merits the attention of the Senate, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE COOPER-CHURCH AMENDMENT

As the Senate debates the Cooper-Church amendment to cut off funds for certain types of military operations in Cambodia, our biggest headache is trying to figure out what its words mean. Its passage would do more harm than good unless something is done to clarify what it says, first, about the President's power to strike into Cambodia in protection of American troops already in the field, and second, about policies intended to bolster the non-Communist government in Cambodia.

On its face the amendment seems to say that despite the President's powers as Commander in Chief he cannot undertake military operations in Cambodia even if enemy forces there are attacking or about to attack American troops already in South Vietnam. Either the amendment means this or it means nothing at all with regard to this question; its sponsors seem confused as to which is the case. Witness Senator Church on the Senate floor:

"We do not raise into question here the power the President has as Commander in Chief. He derives that authority from the Constitution itself. We could not deny him his powers under the Constitution if we tried. Nothing in our amendment would interfere with his right to protect American troops in the field or to provide for their immediate needs."

If the amendment does fully preserve the President's right to protect American troops, then it does not change his right to act within Cambodia if his purpose is to protect American troops, as it is in the current operations. If the amendment denies him the right to act in Cambodia regardless of his purpose, then it interferes with his right to protect American troops in ways the Commander in Chief deems necessary. The amendment's sponsors cannot have it both ways.

Both the Constitution and common sense dictate that Congress cannot act as Commander in Chief of troops actually in the field, as it would be doing when it draws lines on military maps in a theater long since drawn into the war by the enemy. It does not wish to say it's different because international boundaries are involved when the enemy constantly violates these boundaries and when the nation involved does not object. Nor does it wish to say Congress is only formalizing limits the President himself has established, since limits are one thing when drawn by the Commander in Chief and another thing when etched into law.

At the amendment's second level, we find another set of considerations. We think it entirely appropriate that Congress concern itself with the broad question of American policy toward the Cambodian government, and in fact we think the Administration should seek to involve Congress here. But once again we are left unsure what policy the Cooper-Church amendment seeks to promote. There is quite a difference between a policy of "no American troops" and a policy of "let the place sink."

The general thrust—and the ostensible defense—of the amendment is to implement a policy of no American troops. It has a sleeper section, however, that could undercut any effort whatever to aid Cambodia in its self-defense. This section prohibits U.S. participation in any agreement to provide military instruction in Cambodia. In other words, the U.S. could not provide technical or financial assistance if the South Vietnamese, Indonesians, Thais, Koreans or others undertook to help Cambodia train its army.

It's difficult to conceive a more wrongheaded provision. If we want to reduce our presence in Asia, regional cooperation is what we should try to promote, not inhibit. Also, the section makes hash of the sponsors' arguments that they only want to help the President follow the policy he has already set, for nothing could be more contradictory to the Nixon doctrine.

Despite all this, the Cooper-Church amendment is directed at a concern with which we sympathize—that Congress be more involved in foreign policy. What is needed is the type of Congressional-Executive consultation that helped prevent an Indochina expedition in support of the French during the Eisenhower years. But it is not a matter of writing a law but of building an ongoing process; a specific piece of legislation is important only to the extent it helps build the basis for a continuing process. As it now stands, casting an ambiguous shadow both on the President's powers as Commander in Chief and on the Nixon doctrine of U.S. assistance for self-help, the Cooper-Church amendment will not build but undermine the process.

Yet it could conceivably be turned into something else if the Senate and the Administration can work together to clarify what it says about the Commander in Chief's powers and to remove the sleeper section. In the process of working out those problems, perhaps the two branches could make a small start toward the trust, understanding and cooperation necessary to truly meaningful consultation on future policy.

AMENDMENT NO. 667

Mr. BYRD of West Virginia. Mr. President, I call up my amendment No. 667 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from West Virginia (Mr. BYRD) proposes an amendment as follows:

On page 5, line 7, before the semicolon insert a comma and the following: "except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to hasten the withdrawal of United States forces from South Vietnam".

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, without relinquishing my right to the floor, I yield to the able assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, I shall take only a moment to commend the Senator from West Virginia for offering his amendment. I have examined it very carefully.

Mr. NELSON. Mr. President, may we have order? Senators cannot hear.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Michigan may proceed.

ADDITION OF COSPONSOR

Mr. GRIFFIN. I intend to support it. At this time, I ask if the Senator from West Virginia will kindly permit my name to be added as a cosponsor of his amendment.

Mr. BYRD of West Virginia. Mr. President, I would be highly favored to have the cosponsorship of the Senator from Michigan, and I ask unanimous consent that his name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside until after the joint meeting of the two Houses; that there be a period for the transaction of routine morning business from now until the Senate recesses to go in a body to the Hall of the House of Representatives, with statements therein limited to 3 minutes; and that following the reconvening of the Senate after the joint meeting, I be recognized immediately.

The PRESIDING OFFICER. If there be no objection to the several requests of the Senator from West Virginia, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on May 28, 1970, the President had approved and signed the following acts:

S. 19, An act to reimburse certain persons for amounts contributed to the Department of the Interior.

S. 1934, An act for the relief of Michel M. Goutmann.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. EAGLETON) laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 1971

(S. Doc. 91–88)

A communication from the President of the United States, transmitting an amendment to the budget for fiscal year 1971 in the amount of $600,000 for the Office of Emergency Preparedness (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT ON PROPOSED FACILITIES PROJECTS FOR THE ARMY RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Army Reserve subsequent to June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT ON DISBURSEMENTS OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, reporting, pursuant to law, on disbursements made by the Administration; to the Committee on Banking and Currency.

REPORT OF PROJECT PROPOSAL FROM THE ROY WATER CONSERVANCY SUBDISTRICT OF ROY, UTAH

A letter from the Assistant Secretary of the Interior, reporting pursuant to law, the application for a loan in the amount of $4,845,000 from the Roy Water Conservancy Subdistrict of Roy, Utah; to the Committee on Interior and Insular Affairs.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

REPORTS OF THE PROCEEDINGS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES, 1969, AND ANNUAL REPORT OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS, 1969

A letter from the Acting Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report of the proceedings of the Judicial Conference of the United States, 1969, and the annual report of the Director of the Administrative Office of the U.S. Courts, 1969 (with accompanying reports); to the Committee on the Judiciary.

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PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. EAGLETON):

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION NO. 14

"Relative to motor vehicle license plates

"Whereas, The law enforcement agencies of California and other states are increasingly faced with the problem of theft and misuse of automobile license plates; and

"Whereas, Law enforcement agencies rely greatly on license plates for identification of motor vehicles; and

"Whereas, The present method of each state manufacturing a separate metal license plate, with appropriate validation devices, most of which are readily detachable from the vehicle, compounds, in the opinion of most law enforcement executives, the problems of theft and misuse; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to direct an appropriate agency of the federal government, or form an ad hoc body, to study the feasibility of adopting a permanent numbering device, in the general size and shape as the current standardized motor vehicle license plate, to be permanently affixed to all motor vehicles manufactured for domestic use in the United States, with provision for validation by the several states to satisfy their licensing and registration statutes; and be it further

"*Resolved*, That the numbering system adopted be in conformance with data processing requirements of the National Crime Information Center and similar law enforcement data processing facilities; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the United States Attorney General, to the Secretary of Commerce, to the Secretary of Transportation, and to the attorney general of each state."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"ASSEMBLY JOINT RESOLUTION No. 21

"Relative to flood control projects on the San Joaquin-Kings River Interstream Group

"Whereas, During the months of January and February, 1969, Fresno County experienced record rainfall which produced heavy runoff into the streams of the San Joaquin-Kings River Interstream Group, resulting in largely uncontrolled flows into the Fresno Clovis metropolitan area, as well as other urban and farming areas, the County of Fresno; and

"Whereas, This unprecedented runoff resulted in millions of dollars of damage in the Fresno-Clovis metropolitan area, and the President of the United States has declared Fresno County a disaster area by reason of the severity of the flooding and the resulting damage; and

"Whereas, It is necessary that dams and other facilities be constructed upon the streams in the San Joaquin-Kings River Interstream Group to control such floodwaters during periods of extreme rainful, so as to avoid a repetition of disastrous floods in the future; and

"Whereas, Congress has made available funds for the conduct of studies by the U.S. Army Corps of Engineers on the need for flood control projects on the San Joaquin-Kings River Interstream Group, but the President has refused to release funds for the conduct of such studies during this fiscal year; and

"Whereas, Due to the urgent need for flood control projects on the San Joaquin-Kings River Interstream Group together with rapidly rising costs, the public interest requires that such studies concerning flood control needs be undertaken at the earliest possible time; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to release for immediate expenditure funds available for the conduct of studies by the U.S. Army Corps of Engineers on the need for flood control projects on the San Joaquin-Kings River Interstream Group; and be it further

"*Resolved, by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to release for immediate expenditure funds available for the conduct of studies by the U.S. Army Corps of Engineers on the need for flood control projects on the San Joaquin-Kings River Interstream Group; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A Senate concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Commerce:

"S. CON. RES. 27

"A concurrent resolution to urge Congress to take favorable action on H.R. 16933, which will exempt the riverboat Delta Queen from the restrictions of the Safety at Sea law, thereby enabling this picturesque reminder of bygone days to continue to cruise the Mississippi, Ohio and Tennessee Rivers

"Whereas, the Safety at Sea Law enacted by Congress in 1966 sets ship construction standards for vessels carrying over fifty overnight passengers and Congress has exempted the riverboat Delta Queen from the provisions thereof but said exemption will soon expire and unless affirmative action is taken to exempt the Delta Queen from the Safety at Sea Law, she will be retired from service in November, 1970; and

"Whereas, the Delta Queen is the only remaining riverboat that cruises the Mississippi, Ohio and Tennessee Rivers, and is the source of fond nostalgic memories for those who remember the glorious days of river travel, and also serves as an example of our historic past and American heritage to the younger generation; and

"Whereas, this vessel is solidly constructed, composed of a steel hull and a superstructure containing fine woods of oak, mahogany, teak, walnut and ironwood, and this vessel is equipped with modern safety devices, and in fact, in her forty-two years of service has never been involved in a serious accident; and

"Whereas, the continued operation of the Delta Queen will promote and encourage tourism in this state since the vessel makes more than one stop in this state, and affords passengers who would not otherwise come into this state the opportunity to view the scenic wonders of the state of Louisiana; and

"Whereas, it is within the power of Congress to preserve this living museum so that future generations will have the benefit and joy of seeing and riding on the last real overnight steamboat in America.

"Therefore, be it resolved by the Senate of the Legislature of the state of Louisiana, the House of Representatives thereof concurring, that the Congress of the United States is hereby respectfully urged and requested to take favorable action to enact into law H.R. 16933, or similar legislation proposed in the Congress to exempt the Delta Queen from the Safety at Sea Law thereby enabling this vessel to continue on the American waterways.

"Be it further resolved that copies of this Resolution shall be transmitted to the presiding officers of the two houses of the Congress, to the Chairman of the House Merchant Marine & Fisheries, to the Chairman of the Senate Commerce Committee and to each member of the Louisiana Delegation in Congress.

"——— ———,

"*Lieutenant Governor and President of the Senate.*

"JOHN S. GARRETT,

"*Speaker of the House of Representatives.*"

A resolution adopted by the City Council of the City of Philadelphia, memorializing the President of the United States to authorize the immediate and safe withdrawal of all American forces from Southeast Asia; to the Committee on Foreign Relations.

A letter in the nature of a petition from the Kelly United Methodist Church, Park Manor, Chicago, Ill., praying for the enactment of legislation declaring that each January 15, the birthday of Dr. Martin Luther King, Jr., shall be a national holiday in honor and memory of Dr. King; to the Committee on the Judiciary.

POSTAL REORGANIZATION ACT—REPORT OF A COMMITTEE—SUPPLEMENTAL AND INDIVIDUAL VIEWS (S. REPT. NO. 91-912)

Mr. McGEE. Mr. President, from the Committee on Post Office and Civil Service, I report favorably, with an amendment, the bill (S. 3842) to improve and modernize the postal service, and to establish the U.S. postal service. I ask unanimous consent that the report be printed, together with the supplemental views of the Senator from Indiana (Mr. HARTKE) and individual views of the Senator from Texas (Mr. YARBOROUGH).

The ACTING PRESIDENT pro tempore (Mr. EAGLETON). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Wyoming.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

H.R. 14306. An act to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 91-913).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

H.R. 14300. An act to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes (Rept. No. 91-914).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. McGOVERN:

S. 3912. A bill for the relief of Doan Huu Khan, Nguyen Kim Lan, Doan Kim Bao; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3913. A bill to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes; to the Committee on Armed Services.

S. 3914. A bill for the relief of Satya Haryadi Pudjanegara; to the Committee on the Judiciary.

(The remarks of Mr. INOUYE when he introduced S. 3913 appear later in the RECORD under the appropriate heading.)

By Mr. CURTIS:

S. 3915. A bill to amend the Public Works and Economic Development Act of 1965 to authorize the Secretary of Commerce to designate areas in which there has been a loss of population as redevelopment areas; to the Committee on Public Works.

(The remarks of Mr. CURTIS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TYDINGS (for himself and Mr. HRUSKA):

S. 3916. A bill to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit; to the Committee on the Judiciary.

(The remarks of Mr. TYDINGS when he introduced the bill appear later in the RECORD under the appropriate heading.)

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By Mr. JAVITS:

S. 3917. A bill to authorize assistance to the States in establishing and carrying out programs of higher education student aid; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MAGNUSON (by request):

S. 3918. A bill to promote the safety of ports, harbors, waterfront areas and navigable waters of the United States;

S. 3919. A bill to provide for the reporting of weather modification activities to the Federal Government; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the above bills appear later in the Record under the appropriate headings.)

By Mr. JORDAN of North Carolina:

S. 3920. A bill for the relief of Eduardo Borda Abastoflor; to the Committee on the Judiciary.

By Mr. MOSS:

S. 3921. A bill to authorize emergency loans under subtitle C of the Consolidated Farmers Home Administration Act of 1961 to mink farmers who suffer severe losses caused by economic conditions; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Moss when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3913—INTRODUCTION OF A BILL TO ESTABLISH THE AUTHORIZED STRENGTH OF THE NAVAL RESERVE IN OFFICERS IN THE JUDGE ADVOCATE GENERAL'S CORPS IN THE GRADE OF REAR ADMIRAL

Mr. INOUYE. Mr. President, I introduce, for appropriate reference, a bill that will amend title 10, United States Code, to increase the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral.

My bill would authorize the creation of billets for two flag officers of the Naval Reserve. Under current law, Naval Reserve judge advocates do not have any opportunity to advance further than captain because there is no provision for JAG reservists to have admiral's billets. Prior to the establishment of the Judge Advocate General's Corps as a staff corps of the Navy in 1967, officers who were law specialists could attain flag rank as a line officer. Under the operation of the old law, this opportunity was severely limited since only one reserve law specialist had been promoted as a line officer to the rank of rear admiral. Now even this possibility is foreclosed to them.

Title 10 presently authorizes medical reservists seven flag officers, supply reservists eight flag officers, chaplains one flag officer, civil engineers two, and dental reservists two. The corps with the closest authorized strength, the civil engineer reservists, has two flags; this is precisely the number which this bill will provide.

The two reserve flag officers will occupy mobilization billets in the Office of the Judge Advocate General, one as the director of personnel and reserve and the other as director of claims and litigation. In the event of mobilization, these billets will warrant flag rank for the incumbents.

The proposed legislation would correct this failure to provide the JAG Corps with flag billets, provide a career incentive for officers of the JAG Corps, and satisfy mobilization requirements. I urge the support of my colleagues for this bill that would correct this long-standing inequity.

The PRESIDING OFFICER (Mr. McGovern). The bill will be received and appropriately referred.

The bill (S. 3913) to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes, introduced by Mr. Inouye, was received, read twice by its title, and referred to the Committee on Armed Services.

S. 3915—INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF COMMERCE TO DESIGNATE AREAS IN WHICH THERE HAS BEEN A LOSS OF POPULATION AS REDEVELOPMENT AREAS

Mr. CURTIS. Mr. President, I am introducing today a bill which is important in the program for rural development. It is a bill which would guarantee that population decline be given at least equal weight with unemployment as a basis for designating Economic Development Administration assistance areas throughout the United States.

My bill would amend the Public Works and Economic Development Act of 1965.

At present, the Secretary of Commerce has authority to designate as "redevelopment areas" those areas where he deems that "there has been a substantial loss of population due to lack of employment opportunity."

By administrative regulation, however, it has been stipulated that to qualify for designation on this basis the outmigration of people from an area must reflect a population loss of 25 percent or more between the 1950 and the 1960 censuses.

I respectfully submit that census figures which are 5, 10, or more years old are outmoded as a basis for responding to economic declines. I further submit that this regulation discriminates against rural areas because of the very nature of the rural-to-urban movement of people and the resulting unemployment and welfare problems which then occur in the urban areas.

Figures on unemployment are far more readily available and much more current than those for population decline as a basis for qualifying for Economic Development Administration assistance. The requirement of a 25-percent population decline is too stiff to enable the problem to be met before an unemployment crisis is created elsewhere.

I submit, Mr. President, that population decline in rural America is the first tell-tale sign that an unemployment problem is developing in an urban area. When people are eased out of work in the small towns and rural areas, they do not stay there to wait for new jobs. They look around, and if a job is not available locally or in the immediate vicinity they migrate to the large cities. If they do not find work, or if they find only temporary work, or if they displace someone else in a job in the urban areas, they soon produce unemployment statistics which ultimately become rising welfare, crime and urban decay problems.

The Nixon administration has pledged itself to try to reverse the rural-to-urban population movement as the only logical and practical means of solving some of the immediate problems and many of the long-range problems of the cities. In order to carry out this pledge the administration, working with the Congress, must encourage the development of industry in the rural areas to provide jobs not only to hold people there but also to attract them there from the overcrowded urban areas.

My bill is a step in that direction.

The PRESIDING OFFICER (Mr. McGovern). The bill will be received and appropriately referred.

The bill (S. 3915) to amend the Public Works and Economic Development Act of 1965 to authorize the Secretary of Commerce to designate areas in which there has been a loss of population as redevelopment areas, introduced by Mr. Curtis, was received, read twice by its title, and referred to the Committee on Public Works.

S. 3916—INTRODUCTION OF A BILL TO PROVIDE FOR THE APPOINTMENT OF A CIRCUIT EXECUTIVE FOR EACH JUDICIAL CIRCUIT

Mr. TYDINGS. Mr. President, today, on behalf of myself and the senior Senator from Nebraska (Mr. Hruska), I introduce, for appropriate reference, legislation authorizing the circuit council of each of the 11 Federal judicial circuits to appoint a circuit court executive. The proposed legislation would, for the first time, provide modern managerial knowledge and experience at the operating level of the Federal courts.

Last week, Congress passed legislation that would create 61 new judgeships for the Federal district courts. These additional judgeships are needed if the Federal courts are to cope with their ever increasing workload. We should, however, be aware that a 40-percent increase in the number of Federal district judgeships since 1959 has resulted in only a 9-percent increase in the number of civil and criminal dispositions.

Clearly, the creation of additional judgeships alone will not solve the problems of backlog and delay. As cases in the Federal courts become more complex and more numerous, the need becomes ever more pressing for modern administrative techniques to assist the courts to perform their judicial functions expeditiously and thoroughly.

Mindful of that fact, in 1968, I introduced legislation similar to that which I am introducing today that would have provided the circuit councils with the aid of court administrators skilled in managerial techniques.

Similarly, last year when the Subcommittee on Improvements in Judicial Machinery, which I chair and upon which Senator Hruska is ranking minority member, held hearings on the omnibus judgeship bill, the subcommittee was receptive to the testimony of many of the witnesses, including the chief judges of

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a number of the circuits, as to the need for court executives.

Moreover, last summer in an address to the American Bar Association, Chief Justice Warren Burger spoke eloquently of the need for court administrators. Indeed in December, the Chief Justice and the president of the American Bar Association, Bernard G. Segal, jointly announced the establishment of a pilot project to train a corps of qualified executive officers.

Court executives or administrative managers are not unknown to the Federal courts. Such personnel have been used with success in a number of State courts, most prominently the Superior Court of Los Angeles County, Calif. Their utility has also been recognized by various competent legal study groups.

The court executive for the circuit can develop the information and make the suggestions necessary to vitalize the statutory powers held by the judicial councils. In addition the court executive will relieve the chief judge of the circuit of numerous administrative chores and burdens, thus enabling the chief judge to conserve his time for the exercise of the paramount judicial function; that is, judging and deciding cases. The court executive will not make judicial decisions. He will be responsible for seeing that cases are moved to a point where the judges' art can be employed to hear and decide the matter.

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Convinced of the value of court executives, the Subcommittee on Improvements in Judicial Machinery amended the omnibus judgeship bill last year to provide for court executives at the circuit level and in district courts with six or more permanent judges. The proposed amendment was accepted by the Senate, but was deleted from the bill by the House of Representatives. The report of the House Judiciary Committee, however, indicated that the House committee was not opposed to the concept of supplying the Federal courts with court executives, only with the inclusion of such a provision in the omnibus judgeship bill.

Subsequently, with the assistance of the American Bar Association, Senator Hruska, Congressman Celler, Congressman McCulloch, and I developed the legislation that we are introducing in both Houses today.

Under the proposed legislation, the judicial council of each circuit would be authorized to appoint a circuit executive from among persons certified as qualified by a board of certification. The circuit executive would be subject to the supervision of the chief judge of the circuit and would exercise only such administrative powers and perform only such duties as may be delegated to him by the council. The legislation lists a number of duties that might be delegated to the circuit executive.

To insure that those appointed to the court executive positions are well qualified to perform the functions anticipated for them, a board of certification is created to establish standards for the positions and to certify those who meet the standards. The board of certification would consist of five members, three of whom would be elected by the Judicial Conference of the United States. The other two members of the board would be the Director of the Administrative Office of the U.S. Courts and the Director of the Federal Judicial Center. A recertification procedure has also been provided.

The proposed legislation is the product of careful study and drafting. I am hopeful that it will be enacted this year.

I ask that the text of the bill be printed in the Record at this point.

The PRESIDING OFFICER (Mr. McGovern). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3916) to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit, introduced by Mr. Tydings, for himself and Mr. Hruska, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 3916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 332 of title 28, United States Code, is amended (a) by designating each of the existing paragraphs thereof as subsections (a), (b), (c), and (d), respectively; and (b) by inserting new subsections (e) and (f) to read:

"(e) The judicial council of each circuit may appoint a circuit executive from among persons certified by the Board of Certification. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated to him by the circuit council. The duties delegated to the circuit executive of each circuit may include but need not be limited to:

"(1) Exercising administrative control of all non-judicial activities of the Court of Appeals of the circuit in which he is appointed.

"(2) Formulating and administering a system of personnel administration subject to guidelines established by the circuit council and subject to limitations established by the Judicial Conference of the United States.

"(3) Preparing and administering the budget of the circuit, including coordinating the circuit budget with guidelines and controls laid down by the Administrative Office of the United States Courts.

"(4) Maintaining a modern accounting system.

"(5) Establishing and maintaining property control records and undertaking a space-management program.

"(6) Conducting studies relating to the business and administration of the courts within the circuit and preparing appropriate recommendations and reports to the chief judge, the circuit council, and the Judicial Conference.

"(7) Collecting, compiling, and analyzing statistical data with a view to the preparation and presentation of reports based on such data as may be directed by the chief judge, the circuit council, and the Administrative Office of the United States Courts.

"(8) Representing the circuit as its liaison to the courts of the various states in which the circuit is located, the Marshal's Office, state and local bar associations, civic groups, news media, and other private and public groups having a reasonable interest in the administration of the circuit.

"(9) Arranging and attending meetings of the judges of the circuit and of the circuit council, including preparing the agenda and serving as secretary in all such meetings.

"(10) Preparing an annual report to the circuit and to the Administrative Office of the United States Courts for the preceding calendar year, including recommendations for more expeditious disposition of the business of the circuit.

"All duties delegated to the circuit executive shall be subject to the general supervision of the chief judge of the circuit.

"(f) The standards for certification as qualified to be a circuit executive shall be set by a Board of Certification. These standards shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The Board of Certification shall consist of five members, three of whom shall be elected by the Judicial Conference of the United States, and at least one of these three shall be selected from among persons experienced in executive recruitment and selection. The additional two members shall be the Director of the Administrative Office of the United States Courts and the Director of the Federal Judicial Center. The members of the Board elected by the Judicial Conference shall each serve for three years except that upon appointment of the first members, one member shall serve for one year, one for two years, and one for three years. The Board shall consider all applicants who apply for certification, shall maintain a roster of all persons certified, and shall publish the standards for certification. A person's name shall be removed from the roster after three years unless he is re-certified. Three members of the Board shall constitute a quorum for purposes of fixing standards and for certifying applicants, but no action of the Board shall be taken unless three of the members are in agreement. The Director of the Administrative Office of the United States Courts shall provide staff assistance in support of the operation of the Board. Expenses of the Board of Certification shall be borne by the travel and miscellaneous expense funds appropriated to the federal judiciary. Any member of the Board who is an officer or employee of the United States shall serve without compensation. Other members shall receive the daily equivalent of the rate provided for GS–18 of the General Schedule contained in section 5332 of title 5, United States Code, when actually engaged in service for the Board.

"Each circuit executive shall be paid at a salary to be established by the Judicial Conference of the United States not to exceed the annual rate of Level V of the Executive Schedule Pay Rates (Section 5316, Title 5, U.S. Code).

"The circuit executive shall serve at the pleasure of the judicial council of the circuit.

"The circuit executive may appoint, with the approval of the council, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

"The circuit executive and his staff shall be deemed to be officers and employees of the judicial branch of the United States Government within the meaning of subchapter III of chapter 83 (relating to civil service retirement), chapter 87 (relating to Federal employees' life insurance program), and chapter 89 (relating to Federal employees' health benefits program) of title 5, United States Code.

Mr. HRUSKA. Mr. President, today I am pleased to cosponsor a bill introduced by the Senator from Maryland to provide for the appointment of a circuit executive for each of the 11 Federal circuit courts of appeals. It is my hope that the Judiciary Committee will give prompt and favorable consideration to this matter.

Court executives were once before considered and approved by the Senate during this Congress—as a portion of the omnibus district court judgeship bill (S.

952) —now with the President for signature. Unfortunately, the other body saw fit to delete this provision when it approved S. 952.

The Judicial Conference of the United States originally proposed a plan for court executives to improve the administration of the courts of appeals. The American Bar Association and the Department of Justice endorsed the proposal during hearings on the judgeship bill.

The increasing backlog of cases in our Federal courts is not caused alone by the need for additional judges. Antiquated machinery and lack of coordinated administration have meant that inefficient practices in the filing, hearing, and deciding of cases have been permitted to slow the judicial process. With the amount of judicial business increasing yearly, these practices are resulting in more serious problems with each succeeding session of the courts.

In 1969 appeals filed in the courts of appeals went above 10,000 for the first time. New cases docketed numbered 10,248, up 12.4 percent over 1968. The cases disposed of during 1969 rose to 9,014, also the highest on record, but because of the increased filings, the pending caseload reached an all-time high of over 7,800. This is an increase of 18.1 percent in just 1 year. In the last 7 years both the number of cases docketed and the number pending have more than doubled. However, almost without exception procedures for the administration of these cases have remained the same, under the supervision of already overburdened chief judges.

The bill as introduced by the Senator from Maryland and which I cosponsor would authorize the judicial councils of each circuit to appoint a circuit executive to oversee such activities as personnel management, budget, accounting, space allocation, statistical collection and compilation, and liaison with bar associations, other courts, the media, and the Administrative Office of the U.S. Courts. In other words, these executives would have responsibility for all nonjudicial activities of the circuits. The end result of the institution of such a program would be to free judicial manpower for judicial functions, and to bring to the circuits professional personnel able to institute efficient and modern procedures of court administration.

S. 3917—INTRODUCTION OF THE STATE HIGHER EDUCATION STUDENT AID ACT OF 1970

Mr. JAVITS. Mr. President, I introduce for appropriate reference the State Higher Education Student Aid Act of 1970.

This measure has two principal provisions.

First, the bill would provide student incentive grants to the States on a matching basis to assist young people from families of substantial need to obtain a higher education. This provision is designed to encourage the States to expand their present programs of grant assistance to students, and complements the administration bill and existing student aid programs of Federal educational opportunity grants, direct and guaranteed loans, and work-study. States would receive funds only when they expand their present efforts. Thus, this money would supplement and not supplant existing programs.

Second, the bill would provide for educational opportunity centers to serve areas with major concentrations of low-income population to facilitate the recruiting of disadvantaged children into higher education. These centers would provide information concerning financial and academic support available at colleges, assistance in applying for admittance to such schools, including preparing detailed documentation for use by admissions and financial aid officers, provide counselling services and tutorial help. This second part follows recent recommendations of the Carnegie Commission on Education, which has emphasized that—

> To make recruiting programs fully effective, there is an urgent need for institutions to coordinate planning and combine resources.

Thus, programs such as New York State's Urban Centers would be encouraged throughout the Nation by this provision.

For the first year, the bill authorizes $50 million for the student incentive grant program and $20 million for the educational opportunity center program.

What is being done now by my own State of New York to assist individual students to attend college serves as an example of what this measure seeks to develop. During the school year just completed, some 245,500 young New Yorkers held State scholarships and grants worth about $69.9 million, a tenfold increase over the past decade. And just as New York is being confronted with pressures due to increased enrollments and rising tuition costs to still further expand its program, so are other States similarly beset. In New York, the dollar amount of Regents Scholarships ranges from $250 to $1,000 yearly, depending upon the financial resources of the student. My bill would provide up to 750 Federal dollars for each student in equal matching funds from the State.

College enrollments, now at about 7 million and double that of a decade ago, is expected to increase 50 percent by 1976–77. Today 40 percent of young Americans enter college; a century ago, shortly after President Lincoln had signed the land-grant college law, only 2 percent were so privileged.

And while enrollments have increased, so have costs. The average amount an undergraduate pays for tuition and required fees has doubled in the past 10 years. The Office of Education indicates that the estimated average amounts for tuition and required fees, board and dormitory rooms is $1,117 in 4-year public colleges and $2,993 in private universities.

It is obvious that, if we are to achieve the goal iterated by President Nixon in his March 19 message on higher education that "no qualified student who wants to go to college should be barred by lack of money," not only must the Federal Government enlarge its efforts, but the States must also do so. This bill seeks to encourage the States to do just that.

Mr. President, I shall do my utmost, as the ranking minority member of the Committee on Education and Labor, to get early consideration of this measure.

The PRESIDING OFFICER (Mr. McGovern). The bill will be received and appropriately referred.

The bill (S. 3917) to authorize assistance to the States in establishing and carrying out programs of higher education student aid, introduced by Mr. Javits, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 3918—INTRODUCTION OF A BILL TO PROMOTE THE SAFETY OF PORTS, HARBORS, WATERFRONT AREAS, AND NAVIGABLE WATERS OF THE UNITED STATES

Mr. MAGNUSON. Mr. President, at the request of the Secretary of Transportation, I introduce for appropriate reference a bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States. I ask unanimous consent that the bill and the letter of transmittal from the Secretary of Transportation be printed in the Record.

The PRESIDING OFFICER (Mr. McCarthy). The bill will be received and appropriately referred; and, without objection, the bill and the letter of transmittal will be printed in the Record.

The bill (S. 3918) to promote the safety of ports, harbors, waterfront areas and navigable waters of the United States, introduced by Mr. Magnuson, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 3918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Ports and Waterways Safety Act of 1970.

Sec. 2 (a) To promote safe and efficient maritime transportation or to promote the safety and environmental quality of the ports, harbors, and navigable waters of the United States, the Secretary of the Department in which the Coast Guard is operating (hereinafter referred to as the Secretary) may prescribe standards, procedures, regulations, or other measures designed (1) to prevent damage to, or the destruction or loss of any vessel, structure or facility on or in such waters, or any structure or facility on land adjacent to such waters; and (2) to protect navigable waters, the resources therein and adjoining land areas.

(b) In carrying out his responsibilities under this section, the Secretary may:

(1) prescribe or approve marine traffic control procedures and methods, and establish, operate, maintain, require or approve marine traffic control services, systems and devices for commercial vessels, including but not limited to size and speed limitations, operating capabilities, and pilotage where pilotage is not required by State law;

(2) direct, regulate, and control the anchorage, mooring or movement of any vessel, including the taking of full or partial possession and control, if necessary, to prevent damage to or by the vessel or to or by its cargo, stores, supplies, or fuel;

(3) establish or approve procedures, measures, and standards for handling, loading,

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discharge, storage, stowage, and movement, including the emergency removal, control and disposition of:

(i) any explosives or other dangerous articles or substances, the transportation of which is subject to regulation by the Secretary; and

(ii) any dangerous articles for use as vessel stores, supplies or fuel;

(4) prescribe minimum equipment requirements for structures and facilities to assure adequate protection from fire, explosion, natural disasters, and other serious accidents or casualties;

(5) establish safety zones or otherwise control the use of or regulate access to vessels, structures, facilities, waters, waterfront and shoreline areas as may be necessary for their protection; and

(6) establish procedures for inspection and approval to assure compliance with standards, procedures, regulations, or other measures prescribed pursuant to this Act.

(b) For the purpose of this Act, the term "United States" means the 50 States, the District of Columbia, Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

SEC. 3. (a) This Act does not apply to foreign vessels in transit through straits used for international navigation; nor is it to be applied in other territorial seas to hamper the right of innocent passage as recognized under international law.

(b) Nothing contained in this Act is intended to supplant or modify any treaty or Federal statute or authority granted thereunder, nor is it intended to prevent a state or political subdivision thereof, in the exercise of its lawful authority, from prescribing higher equipment requirements or safety standards than those which may be prescribed for structures and facilities pursuant to section 2 of this Act.

(c) In the exercise of his authority under this Act, the Secretary shall consult with other Federal agencies, as appropriate, in order to give due consideration to their statutory and other responsibilities, and to assure consistency of regulations applicable to the vessels, structures and facilities covered by this Act. The Secretary may also consider, utilize, or incorporate regulations or similar directory materials issued by port or other state and local authorities.

SEC. 4. The Secretary is authorized to investigate any incident, accident, or willful or negligent act involving the loss or destruction of, or damage to, any facility or structure subject to section 2 of this Act, or which affects or may affect safety of, on or in the ports, harbors, or navigable waters of the United States. In any investigation under this Act, the Secretary may issue a subpena to require the attendance of witnesses and the production of documents and other evidence. In case of refusal to obey a subpena issued to any person, the Secretary may request the Attorney General to invoke the aid of any district Court of the United States to compel compliance. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States. The Secretary may prescribe such regulations as necessary to carry out this section.

SEC. 5. Whoever violates a regulation issued under this Act shall be liable to a civil penalty of not more than $1,000. The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty. Upon failure to collect or compromise a penalty, the Secretary may request the Attorney General to commence an action for collection in any district court of the United States. Any vessel used or employed in a violation of any regulation under this Act shall be liable in rem and may be proceeded against in any district court of the United States having jurisdiction.

SEC. 6. Whoever willfully violates a regulation issued under this Act shall be fined not less than $1,000 nor more than $10,000 or imprisoned for not more than 10 years, or both.

The material presented by Mr. MAGNUSON is as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., May 19, 1970.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill,

"To promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States."

The proposed bill, which would implement a recommendation set forth in the President's message on oil spills, would authorize the Secretary of the Department in which the Coast Guard is operating to institute measures and issue regulations to safeguard vessels, harbors, ports, waterfront areas, waterfront facilities, and navigable waters from loss or damage or the threat thereof resulting from the operation of vessels and facilities, and to investigate accidents and casualties occurring on or involving such facilities.

In 1950 the President, acting pursuant to the Magnuson Act, 50 United States Code 191, which authorizes him to make rules governing the movement, inspection and guarding of vessels, harbors, ports, and waterfront facilities in the United States upon a determination that our national security is endangered, issued Executive Order 10173. This order, as subsequently modified, is currently the basic authority for the Coast Guard's port security and safety programs.

During the past twenty years ports, waterways, and waterfront facilities have continued to expand and tankers and other vessels have grown in size to accommodate an increasing flow of dangerous cargoes. New and complex problems resulting from these changes have gradually made it evident that action must be taken to improve our port security programs from the standpoint of public safety and environmental protection. Although Executive Order 10173 is manifestly linked with prevention of sabotage and subversive activity in our waterfront areas, there are numerous safety functions as well which are now carried out by the Coast Guard in its port security programs and which rest solely upon that Executive Order as the source of authority. These include, but are not limited to, the supervision and control of vessel movements to prevent damage to vessels or waterfront facilities, the imposition of conditions and restrictions regarding inspection, operation, maintenance, guarding, manning, and fire prevention aboard vessels and in waterfront facilities, and the important task of supervision and control of the transportation, handling, loading, discharging, stowage and storage of explosives, inflammable or combustible materials and other dangerous articles or cargo. It is important that such functions be performed regardless of the international situation and that they be based upon permanent statutory authority which adequately reflects that need.

The draft bill is designed to provide continuing general authority to protect vessels, structures, harbors, ports, and waterways from damage or loss resulting from causes other than subversive activity. Recent incidents such as vessels grounding or colliding with bridges and other structures, with the attendant risk of release of oil or other harmful substance points up the need for the legislation. The favorable impact that more carefully supervised vessel traffic can have on the environment, specifically consonant with the recently enacted National Environmental Policy Act of 1969, Public Law 91–190, is apparent. The best possible solution to the oil pollution problem in the waterways of the United States, for example, is, of course, to prevent the oil from being discharged into the water in the first place. Reduction of vessel casualty risks through closer attention to vessel control and equipment in congested waters can make a significant contribution in that regard.

The bill would also permit the establishment of safety zones wherein vessel traffic or other activities could be prohibited or curtailed for a particular reason or purpose, and usually for brief periods. A need might arise, for example, in the area of a collision or other accident, or to assure safety at a vessel launching or in connection with other special occasions.

The draft bill contains provisions which make it clear that it will not hamper the right of innocent passage, as recognized in international law, in the territorial seas of the United States and that it would not apply in straits used for international navigation.

The proposal would also streamline present enforcement procedures by authorizing investigations and hearings (including the power to subpoena witnesses and documents) and by instituting a system of civil penalties to supplement the criminal penalties. Such investigations would not only serve to determine the causes of casualties but would also contribute to the important functions of critically reviewing existing safety regulations with a view of modernizing them as needed and of making other recommendations to enhance the overall safety posture of our port facilities.

Cities and municipalities which border on ports and harbors have placed considerable reliance on the Coast Guard's continuing ability to prevent and eliminate dangers which represent potential major disasters. This proposed legislation is necessary to insure continued justification for that reliance. At the same time, we would expect to continue to encourage greater involvement and allocation of resources by state and local port authorities. Though the regulatory authority of our proposal will assure appropriate federal coordination and general uniformity, the scope of the port safety task as well as unique local conditions and problems virtually compels local as well as federal effort. Because the Coast Guard is now involved, in varying degree, in all of the functional areas addressed, enactment of the bill would have no immediate budgetary impact. Future costs will, of course, depend on the extent of activities found necessary to implement further the port safety function defined in the proposed bill.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Bureau of the Budget has advised that enactment of this proposed legislation is in accord with the President's program.

Sincerely,

———.

S. 3919—THE INTRODUCTION OF WEATHER MODIFICATION ACT OF 1970

Mr. MAGNUSON. Mr. President, at the request of the Secretary of Commerce, I introduce for appropriate reference a bill to provide for the reporting of weather modification activities to the Federal Government. I ask unanimous consent that the letter of transmittal and statement of purpose and need be printed in the RECORD along with the bill.

The PRESIDING OFFICER (Mr. McCARTHY). The bill will be received and appropriately referred; and, without objection, the bill, letter of transmittal and statement of purpose and need will be printed in the RECORD.

The bill (S. 3919) to provide for the reporting of weather modification activities to the Federal Government, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SEC. 1. In order to provide for the acquisition and compilation of information concerning actual or attempted weather modification activities, each person, before engaging in and upon completion of any form of weather modification activity, including attempts, within the United States, including any possession or territory thereof and the Commonwealth of Puerto Rico, shall submit to the Secretary of Commerce a report at such time, in such form and containing such information as the Secretary may prescribe.

SEC. 2. As used in this Act—

(a) The term "person" includes any individual, corporation, company, association, firm, partnership, society, joint stock company, and any other organization, whether commercial or non-profit, including State and local governments and agencies thereof, who is not performing weather modification activities as an employee, agent, or independent contractor of the Federal Government.

(b) The term "weather modification" means any intentional, artificially produced changes in the composition, behavior, or dynamics of the atmosphere.

(c) The term "territory" includes the insular possessions of the United States and also any territory of the United States.

SEC. 3. The Secretary of Commerce shall maintain a continuous record of weather modification activities, including attempts, and shall disseminate summaries periodically.

SEC. 4. The Secretary of Commerce may obtain from any person by regulation, subpena, or otherwise such information in the form of testimony, books, records, or other writings, may require the keeping and furnishing of such reports and records, and may make such inspection of the books, records, and other writings and premises or property of any person as may be deemed necessary or appropriate by him to carry out the provisions of this Act, but this authority shall not be exercised if adequate and authoritative data are available from any Federal agency. In case of contumacy by, or refusal to obey a subpena served upon any person referred to in this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

SEC. 5. Any person who knowingly and willfully performs any act prohibited or knowingly and willfully fails to perform any act required by the provisions of this Act, or any regulation issued thereunder, shall upon conviction be fined not more than $10,000.

SEC. 6. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The material presented by Mr. MAGNUSON is as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., May 20, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate, U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To provide for the reporting of weather modification activities to the Federal Government," together with a statement of purpose and need in support thereof.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this legislation to the Congress from the standpoint of the Administration's program.

Sincerely,

MAURICE H. STANS.

The Statement of Purpose and Need for Legislation Providing for the Reporting of Weather Modification Activities.

The purpose of this bill is to require that non-Federally sponsored weather modification activities within the U.S. be reported to the Secretary of Commerce both before and after taking place and to give the Secretary the authority and responsibility for compiling and maintaining records of weather modification activities.

Prior to September 1, 1968, the National Science Foundation had the authority to compel reporting of non-Federal weather modification activities (42 U.S.C. 1872a(f), and other specific authority to promote weather modification activities (42 U.S.C. 1862(a) (9), 1872a). A Congressional reassessment of the function of N.S.F. resulted in enactment of P.L. 90–407 which repealed the Foundation's special authority in weather modification, including the reporting of weather modification activities. This authority was not reassigned to another Agency. The Senate Committee on Labor and Public Welfare emphasized in Senate Report No. 1137, however, "the necessity for legislation to continue elsewhere in the executive branch the development and reporting activities which N.S.F. will not have authority to support after September 1, 1968." This bill will reestablish that part of the repealed N.S.F. authority which provided for the reporting of weather modification activities to the Federal Government.

This legislation is needed in order that the Federal Government may: (1) maintain a record of all weather modification activities in the United States that might affect the public welfare or might affect on-going weather modification research projects; (2) be kept aware of all releases of pollutants in the atmosphere in connection with weather modification activities, and (3) keep the public informed regarding weather modification activities.

Section 1 of the bill establishes the authority for requiring the reporting of weather modification activities within the United States in the Secretary of Commerce. Similar requirements were contained in the National Science Foundation regulations published in the Federal Register (30 F.R. 16202, December 29, 1965).

Section 2 includes definitions of the terms "person", "weather modification", and "territory". The definition of person in subsection (a) is based on 1 U.S.C. 1. However, it is broadened to encompass State and local governments and agencies thereof in order to be more comprehensive.

Section 3 will require the Secretary of Commerce to maintain a record of weather modification activities reported pursuant to the provisions of the bill and to disseminate summaries of such information periodically.

Sections 4 and 5 are reenactments of subsections (f)(1) and (3) of the repealed Section 14 of the National Science Foundation Act (former 42 U.S.C. 1872a(f)(1) and (3)). The only significant change being that the limitation of the monetary fine in Section 4 is raised from $500 to $10,000 in order to provide a more effective sanction.

Section 6 is included in this bill to ensure that the Secretary of Commerce has sufficient funds to carry out the purposes of this bill.

S. 3921—INTRODUCTION OF A BILL TO AUTHORIZE EMERGENCY LOANS FOR MINK FARMERS

Mr. MOSS. Mr. President, the mink farmers of the country are in a financial crisis. They are in both a credit squeeze and a price squeeze. They cannot borrow money at prices they can afford, and their mink pelts are being sold at prices on the New York market far below those of previous years. If swift action is not taken, hundreds of mink operators will be out of business before the end of the year.

There are a number of bills now before Congress to limit mink imports. These will help, but will by no means solve the problems of the mink industry because much of their present difficulties arise out of our own economic conditions.

I am therefore introducing a bill which will expand the authority of the Farmers Home Administration to make emergency loans to mink farmers who suffer severe losses caused by economic conditions. My bill would amend subtitle C of the Consolidated Farmers Home Administration Act of 1961, which presently authorizes emergency loans to farmers and ranchers who have suffered severe losses caused by natural disasters, to extend the same loan opportunities to mink farmers who are in trouble because of disastrous economic conditions.

I ask that a series of questions and answers which explain how the emergency loan program for mink farmers would operate be carried in the CONGRESSIONAL RECORD at the close of these remarks.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred; and, without objection, the questions and answers will be printed in the RECORD.

The bill (S. 3921) to authorize emergency loans under subtitle C of the Consolidated Farmers Home Administration Act of 1961 to mink farmers who suffer severe losses caused by economic conditions, introduced by Mr. Moss, was received, read twice by its title and referred to the Committee on Agriculture and Forestry.

The material presented by Mr. Moss is as follows:

EMERGENCY LOANS FOR MINK FARMERS

Who would be eligible?

It would be required that an applicant must be (1) a citizen of the United States, (2) an established mink farmer having severe losses caused by serious economic conditions for fur farmers resulting from price received from the sale of pelts being substantially less than production and marketing costs, (3) of good character and with the industry, ability, and experience required to carry out his proposed mink farming operations, (4) the manager of his mink farming operations, with a reasonably successful past record, and (5) unable to supply the needed funds from his own resources or with loans from the usual sources of credit available to mink farmers. In addition, the appli-

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cant must have reasonable repayment prospects from his mink farming operations.

For what purposes would these loans be made?

For essential operating and living expenses. Also, for the purchase of essential replacement equipment and essential replacement breeding stock. These loans would not be made to pay secured debts but could include funds to pay not more than one year's reasonable interest on debts secured by liens on essential equipment and real estate.

What would be the terms of these loans?

Amounts loaned for annual operating and living expenses would be repayable from the year's income. Amounts loaned for the purchase of replacement equipment or breeding stock would be repayable over the shortest period consistent with repayment ability, generally not to exceed five years or the useful life of the purchased items, whichever is the shorter period.

What would be the security requirements?

Amounts loaned for annual operating and living expenses would be secured by first liens on the year's fur crop and the best lien obtainable on equipment and breeding stock. Amounts loaned for the purchase of replacement equipment and replacement breeding stock would be secured by first liens on the purchased items and the best lien obtainable on other equipment and breeding stock owned by the applicant. Also, these loans would be secured additionally by the best lien obtainable on real estate where necessary to provide adequate security.

What would be the source of loan funds?

These loans would be made out of the Emergency Credit Revolving Fund from which Emergency loans are made. The Revolving Fund does not receive annual appropriations.

Where would loan applications be received?

At County Offices of the Farmers Home Administration.

ADDITIONAL COSPONSORS OF BILLS

S. 1788

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 1788, to assist in removing financial barriers to the acquisition of a post-secondary education by all those capable of benefiting from it.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

S. 3671

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Texas (Mr. TOWER), I ask unanimous consent that, at the next printing, the name of the Senator from Florida (Mr. GURNEY), be added as a cosponsor of S. 3671, to remove unfair labor practices cases from the jurisdiction of the National Labor Relations Board.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

BILINGUAL MANPOWER TRAINING ACT—AMENDMENT

AMENDMENT NO. 673

Mr. YARBOROUGH. Mr. President, on behalf of myself and Senators NELSON, KENNEDY, CRANSTON, MONTOYA, and WILLIAMS of New Jersey, I submit for appropriate reference my Bilingual Manpower Training Act.

As first author and principal sponsor of the Bilingual Education Act, I spoke many times about the great disparity in educational achievement among Mexican Americans. I spoke about the tragic waste of manpower that resulted because 70 percent of the Mexican American children who entered the first grade were pushed out of school before they could graduate from high school.

The Congress acted and now the Bilingual Education Act is law, and because of this, thousands of children throughout the Nation have a greater opportunity for a better education.

However, the school children of a few years ago that provided the statistics that convinced the Congress to act, are out of school. They did not have an opportunity to take advantage of my bilingual bill. Most of them are underemployed in jobs that offer little opportunity for advancement. Many are unemployed and have a poor chance to get a good job, not because of inferior skills or lack of ability, but simply because they have difficulty with the English language. According to 1966 figures published by the Equal Employment Opportunity Commission, 70 percent of all employed male Spanish surnamed Americans were working as operatives, laborers or service workers, the lowest three occupational categories. A 1966 Department of Labor sample survey showed that 47 percent of the men in a Mexican American district in San Antonio were either unemployed, underemployed or earning less than $60 per week. Across the Nation, more than one-half of Mexican American families exist on an income of less than $3,000 per year.

The manpower programs that we have passed to alleviate poverty, unemployment, and underemployment simply do not reach the Mexican-American who needs help the most: The unskilled worker with minimal education and limited English.

Mr. President, today I submit the Bilingual Manpower Training Act as an amendment to S. 3867, which is intended to make available to persons with limited command of the English language, special bilingual programs to increase their opportunities for employment and promotion.

The great need for this amendment, Mr. President, can be illustrated rather easily. It is common knowledge that a persons does not need to speak English to be a good welder or an auto mechanic or to perform a host of other trades that are in demand and pay a good wage. However, the present manpower training programs are conducted in English, and so poor people who have the skills and the ability to learn to be good welders cannot take the training because they do not know enough English to tell what is going on in class; and the welder or mechanic does need to understand a manual written in English.

My amendment provides for the development of training courses and materials in the enrollees primary language to teach skills and occupations that do not require a high proficiency in English.

Second, my amendment provides for courses and materials to teach the specialized technical English vocabulary that is necessary for the performance of specific occupations. This is aimed at another segment of this population whose ability and skills cannot be fully utilized because in their limited education, their poverty background, and their language limitations, they have not learned the technical vocabulary which is necessary to perform certain jobs. Our present manpower programs do not provide this special English background, and consequently most of these trainees are assigned training in the very basic low paying skills.

A third gap in manpower training that my amendment aims to close is the present lack of manpower programs that assist persons to capitalize on their bilingual abilities in the job market. Presently, airline companies, travel agencies, law firms, and other international businesses recruit employees from other countries to fill their jobs that require bilingual skills. During the 6-month period July–December 1969, for example, the Department of Labor issued certifications allowing airlines to hire 258 bilingual airline stewardesses from abroad. These are jobs that should have gone to our own people.

My amendment also provides for programs to be developed in cooperation with employers to increase the English speaking ability of their employees in order to enhance their opportunities for promotion.

Other provisions of the amendment include special training for instructors and others, who will participate in bilingual manpower training and placement programs, and provides for the development of specialized supportive services to encourage employers to hire persons trained under this program and provide followup after they are employed.

Mr. President, I ask unanimous consent that the amendment be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. McGOVERN). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 673) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT No. 673

On page 6, line 18, strike out the word "For" and insert in lieu thereof "Except as otherwise provided, for".

On page 73, after line 21, add the following new title:

"TITLE VII—BILINGUAL MANPOWER TRAINING PROGRAMS

"SHORT TITLE

"SEC. 701. That this title may be cited as the 'Bilingual Manpower Training Act'.

"DECLARATION OF POLICY

"SEC. 702. In recognition of the difficulties and limitations of large numbers of persons of limited English-speaking ability in the United States in finding employment and in learning the technology required for employment today, Congress hereby declares it to be the policy of the United States to provide financial assistance to public agencies and nonprofit private organizations to develop and carry out imaginative programs to increase the employment opportunities and opportunities for promotion of persons with limited English-speaking ability who are unemployed or underemployed.

"AUTHORIZATION AND DISTRIBUTION OF FUNDS

"SEC. 703. (a) For the purpose of making grants under this title, there is authorized to be appropriated the sum of $25,000,000 for the fiscal year ending June 30, 1971, $50,000,000 for the fiscal year ending June 30, 1972, and $75,000,000 for the fiscal year ending June 30, 1973.

"(b) In determining the distribution of funds under this title the Secretary shall give the highest priority to States and areas within States having the greatest need for programs authorized by this title. Such priorities shall take into consideration the number of persons of limited English-speaking ability who are unemployed or underemployed as determined pursuant to criteria established by the Secretary after consideration of the the latest data available to him.

"USES OF FUNDS

"SEC. 704. Grants under this title may be used, in accordance with applications approved under section 705, for—

"(1) planning for and developing programs designed to meet the special manpower needs of persons with limited English-speaking ability including—

"(A) the development of training courses and materials to teach skills and occupations that do not require a high proficiency in English, particularly the development of course materials in languages other than English; and

"(B) the development of training courses and materials designed to increase the technical English vocabulary necessary for the performance of specific occupations likely to provide employment opportunities for such persons;

"(2) providing preservice training designed to prepare persons to participate in bilingual manpower training and placement programs such as instructors, interviewers, counselors, and placement specialists; and

"(3) the establishment, maintenance, and operation of programs, including acquisition of necessary teaching materials and equipment, designed to increase the employment opportunities and the opportunities for promotion of persons with limited English-speaking ability, which may include—

"(A) programs to teach occupational skills in the primary language of any such persons for occupations that do not require a high proficiency in English;

"(B) programs designed to teach specific technical English vocabulary necessary in the performance of specific skills and occupations in demand and which such persons may be reasonably expected to perform;

"(C) programs developed in cooperation with employers designed to increase the English-speaking ability of such persons in order to enhance their opportunities for promotion;

"(D) programs designed to assist any such person to further develop and capitalize on their bilingual abilities for jobs that require such skills; and

"(E) specialized placement programs including supportive services to encourage persons with limited English-speaking ability to find employment and to encourage employers to hire such persons.

"APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

"SEC. 705. (a) A grant under this title may be made to any State or local public agency or to any private non-profit organization, or to any such agency or organization applying jointly, or to any such agency or organization applying with a private employer, upon application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall—

"(1) provide that the programs and projects for which assistance under this title is sought will be administered by, or under the supervision of, the applicant and set forth assurances that the applicant is qualified to administer or supervise such programs or projects;

"(2) set forth a program for carrying out the purposes set forth in section 704 and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) provide for such fiscal control and fund-accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this title;

"(4) provide assurances that provision has been made for the maximum participation in the projects for which the application is made of persons with limited English-speaking ability who are unemployed or underemployed and who reside in the area to be served by the project; and

"(5) provide for making an annual report and such other reports as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(b) Applications for grants under this title may be approved by the Secretary only if—

"(1) the application meets the requirements set forth in subsection (a); and

"(2) the programs set forth in the application are consistent with criteria established by the Secretary for the purpose of achieving an equitable distribution of assistance under this title within each State, which criteria shall be developed by him on the basis of a consideration of (A) the geographic distribution of persons of limited English-speaking ability who are unemployed or underemployed, (B) the relative need of such persons in different geographic areas within the State for the kind of programs described in section 704, and (C) the relative ability of particular public agencies and private non-profit organizations within the State to carry out those programs.

"(c) Amendments of applications shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as original applications.

"PAYMENTS AND WITHHOLDING

"SEC. 706. (a) The Secretary shall pay to each applicant which has an application approved under this title an amount equal to the total sum expended by the applicant for the purposes set forth therein.

"(b) Whenever the Secretary, after giving reasonable notice and opportunity for hearing to a grant recipient under this title, finds—

"(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

"(2) that in the operation of the program or project there is failure to comply substantially with any such provision;

the Secretary shall notify such recipient of his findings and no further payments may be made to such recipient by the Secretary until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Secretary may authorize the continuance of payments with respect to any projects pursuant to this title which are being carried out by such recipient and which are not involved in the noncompliance.

"DEFINITIONS

"SEC. 707. As used in this title—

"(1) the term 'persons of limited English-speaking ability' means persons who come from environments where the dominant language is other than English; and

"(2) the term 'State' means each of the several States and the District of Columbia."

STUDY OF USES OF SOLID WASTES RESULTING FROM MINING AND PROCESSING OF COAL—AMENDMENT

AMENDMENT NO. 674

Mr. ALLOTT. Mr. President, I am submitting an amendment intended to be proposed by me to S. 3112, a bill that promises to strengthen our national effort on behalf of a better environment. The bill, as introduced by the Senator from West Virginia (Mr. BYRD), requires an investigation and study, including research, into possible uses of solid wastes resulting from mining and processing of coal.

In my opinion, this bill is sound, and incorporates the vital principles of cooperation between the public and the private sectors. My only purpose and concern in amending the bill is to expand its scope in order to bring these vital principles to bear on a wider variety of environmental problems. I am happy to say that Senator BYRD agrees with this observation and has consented to cosponsor this amendment.

S. 3112 requires the Secretary of the Interior to investigate and study possible uses of solid wastes resulting from mining and processing coal. As the bill stands, such investigation and study shall include, but not be limited to two vital matters. First, it shall concern the possible use of such waste as fuel, in manufacturing, industrial or chemical processes, as road building material and as fill material. Second, the study shall consider the possible acquisition of land on which such waste is located through the power of eminent domain and the subsequent use of such land for public purposes.

It is my opinion that S. 3112 should include not only coal but all forms of mining; and it should not limit the Secretary of the Interior to working through the Office of Coal Research. The Department has many experts in other relevant areas, and they should all be used as the Secretary finds necessary.

The amendment I am submitting would also include two other topics of study: the econmic recovery of mining wastes and the use of systems and processes which have been developed by private individuals or companies.

I have long been convinced that our environment problem will be solved not by more policemen, but rather by new knowledge. This is especially true if we are to make our environmental concern compatible with the workings of a strong and productive economy. Mining in its many forms is a vital part of our economic life. It is essential that we become more skillful at reducing the environmental hazards from mining.

In a series of environment statements which I delivered in this Chamber a few months ago I stressed the need for new knowledge.

I remain convinced that the great task of public policy regarding the environment is to shape a creative partnership between government and the private sector. The private sector has great reservoirs of talent and inventiveness and the Government can help elicit this. In this regard, it is the task of creative government to devise incentive mechanisms that will encourage industry to turn its inventive genius, research talents and managerial techniques toward solution of the environmental problems that are directly and indirectly related to industrial processes.

The mining industry in the United States has always been progressive as well as vital. It does have a problem of environmental costs relating to production. This does not make the mining industry unique. Many—indeed most—industries have such costs incidental to their normal operations. As the President has said:

> To the extent possible, the price of goods should be made to include the costs of producing and disposing of them without damage to the environment.

It is in all of our interests to avoid unnecessary price rises. To this end, we should welcome any advancements that make it efficient and inexpensive to reduce the monetary costs of avoiding or repairing the environmental damages of all kinds of enterprises. The kinds of study that this bill will encourage will add to the public stock of useful knowledge in this increasingly vital area.

Mr. President, this is why I hope S. 3112 will be amended as I propose, and will become law as part of a growing national drive for a better environment.

Mr. President, I ask that the amendment be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 674) was referred to the Committee on Interior and Insular Affairs, as follows:

AMENDMENT No. 674

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior shall make a full and complete investigation and study (including necessary research) of methods of utilizing wastes resulting from mining and the processing of minerals and metals recovered.

"Such investigation and study shall include, but not be limited to: (1) the possible use of such waste as fuel, in manufacturing, industrial or chemical processing, as road-building material and as fill material, (2) the possible acquisition of land on which such waste is located through the power of eminent domain and the subsequent use of such land for public purposes, (3) the possible economic recovery of such wastes, and (4) the possible use of systems and processes which have been developed or are being studied by private individuals or companies.

"SEC. 2. The Secretary shall report to Congress not later than one year after the date of enactment of this Act, the results of such investigation and study together with recommendations, as well as those of the affected States (including any necessary legislation), and to uses for, and ways and means of removing, such wastes.

"SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

Amend the title so as to read: "A bill to require an investigation and study, including research, into possible uses of solid wastes resulting from mining and the processing of minerals recovered."

FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 675

Mr. GOLDWATER. Mr. President, I submit an amendment, intended to be proposed by me, to H.R 15628, to amend the Foreign Military Sales Act, and ask unanimous consent to have the amendment printed in the RECORD.

The PRESIDING OFFICER (Mr. SCHWEIKER). The amendment will be received and printed and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 675) is as follows:

AMENDMENT No. 675

On page 4, line 25, before "In" insert "(a)".

On page 5, between lines 18 and 19, insert a new subsection as follows:

"(b) In order to clarify its purpose to support the declared policies of the President toward Southeast Asia, the Congress hereby extends to the President its high commendation and praise for the recent courageous and timely action which he has taken toward an honorable settlement of the Vietnam conflict. The Congress expressly finds that the limited action across the Cambodian border by the United States Armed Forces has been extremely successful as a means—

"(1) to destroy and remove tremendous amounts of enemy military supplies, and seriously disrupt enemy staging and supply bases, illegally located within Cambodia in violation of that nation's neutral status and territorial integrity as guaranteed in the Geneva Accords of 1954, and

"(2) thereby to advance the President's efforts to achieve an honorable peace through Vietnamization by contributing to the establishment of conditions in which (A) the President can make continued major troop withdrawals from Southeast Asia, and (B) the South Vietnamese forces can maintain speedy progress in assuming full responsibility for protecting the security of the South Vietnamese people and their right to determine their future free of outside interference."

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970—AMENDMENT

AMENDMENT NO. 676

Mr. MONDALE. Mr. President, on behalf of myself and the Senator from New Jersey (Mr. WILLIAMS), I submit the migrant and seasonal farmworker amendment to S. 3867, the Employment and Training Opportunities Act of 1970.

As a member of the Subcommittee on Employment, Manpower, and Poverty, chaired by the Senator from Wisconsin (Mr. NELSON), and as the chairman of the Migratory Labor Subcommittee, I am particularly aware of the need to develop legislation to help assure that our Nation's manpower programs are meeting the needs of migrant and seasonal farmworkers. The Senator from New Jersey (Mr. WILLIAMS), who for 10 years chaired the Migratory Labor Subcommittee, knows, as well as many of my colleagues, firsthand the need to specifically include farmworkers in the Nation's manpower programs.

The amendment that I submit today is designed to help guarantee that public service employment and training opportunities reach farmworkers, as well as to provide a focus for a comprehensive analysis of migrant and seasonal farmworker problems and needs.

The Migratory Labor Subcommittee, of which I am chairman, has been conducting a comprehensive investigation of migrant and seasonal farmworker problems during the 91st Congress. From these hearings, it is readily apparent that while the American economic system has worked reasonably well for everyone except the poor, it has abysmally failed the migrant farmworker. In fact, the migrant is practically excluded from the mainstream of our economic system. He is only a limited participant in manpower programs today, and his power to participate in, affect, or improve present manpower development and training programs is severely restricted.

My proposal deals specifically with traditional manpower and economic issues. Migrants have little or no income; their ability to earn is impaired; and their stream of earnings is sporadic and uncertain. More important, however, they lack or are denied the ability to control their income. Unemployment is high, and subemployment and underemployment are pervasive. Their ability to increase their economic power is restricted. Information about jobs is limited and faulty; skill, ability, educational, and motivational levels are low. The demand for their services in agriculture is diminishing due to developing technology and mechanization. Benefits of government programs designed to raise income and make it more certain now, and in the future, are limited or denied. Instead of controlling the economic system, the system controls them.

It is, therefore, not surprising that residents of rural areas lag far behind those in cities in employment, income, schooling, housing, and health care. The unemployment rate of agricultural workers was 6.5 percent in 1966, compared with an unemployment rate of 3.4 percent for workers in other industries. Farmworkers had a median yearly income of less than $1,000 in 1968, compared with city income of close to $7,000. Farmworkers had an average of 6.9 years of schooling in 1968, compared with 12.2 years for all men workers. The data on rural health is in like vein.

The causes of this tenuous economic position of farmworkers must be probed, and their exclusion from manpower programs to date must be corrected. There is a great need to carefully assess in detail the extent and nature of this situation and to arrive at solutions. When we know the specific causes and the scope of the economic and manpower problems of migratory farmworkers, we can better suggest remedies for improving the situation. With more complete knowledge and understanding we can hope to guarantee to migrant and seasonal farmworkers the individual sovereignty in our economy to which they are entitled.

The amendment that I submit today

will provide an opportunity for migrant and seasonal farmworkers to obtain their fair share of our Nation's efforts to permit and encourage the maximum development of our human resources. For a variety of reasons including their economic and political powerlessness, farmworkers have been excluded, explicity or implicitly, from major social and worker benefit programs, and my amendment should lead the way toward correcting this injustice. It also provides for a national council to focus manpower programs on farmworkers, as well as requiring a yearly comprehensive evaluation of the causes and possible remedies of the economic and manpower problems of farmworkers. To accomplish the evaluation, a national advisory council composed of representatives from the agricultural industry, farmworkers, experts in the fields of rural health, education, and housing, and State and Federal officials is established.

The Council is directed to investigate various aspects of migrant work and develop demographic information with which to accurately describe this class of worker, including an analysis of who are migrant workers, and what constitutes migrancy. Also, data indicative of past and projected future trends in the size and demographic composition and comparative employment and earnings data of this group will be sought. The effect of the open border policy between Mexico and the United States on farmworker economic and manpower problems will also be studied.

The Council will also identify, collect, and appraise specific information, unfortunately not yet available, necessary to effectively and comprehensively analyze the migratory farm labor market. Level and variability of earnings and hours of work, nature and location of agricultural and nonagricultural jobs, other sources of income, as well as specific unemployment, underemployment, and subemployment data, and employment patterns of migratory farmworkers are included within the scope of the Council's responsibilities.

But, Mr. President, an analysis of farmworker economic and manpower problems that consists only of a theoretical overview of the migrant's plight in relation to our economy generally, and a collection of relevant demographic data and specification of areas where data are sorely needed is not enough. Neither is a description of the so readily apparent manifestations of existent economic and manpower problems sufficient, for it is necessarily incomplete without an effort to define what the causes of farmworker economic condition might be. It is the intention of my proposal to set in motion the processes which might once and for all define what is required to bring migrancy to an end.

And finally, Mr. President, the need for directing the kind of study proposed by my amendment, in view of the severe hardships, such as unemployment, high costs, and wasteful misuse of manpower resources, is that it was conclusively shown at the Migratory Labor Subcommittee hearings in April 1970 that no such effort is yet being made by any governmental or private unit. An annual study authorized by my amendment will no doubt be valuable for the work of the Congress, as well as the public and private sector, in finding answers to the problems of seasonal unemployment in the construction industry.

Mr. President, if anything is indicative of farmworker manpower and economic problems, it is that no serious consideration has been given to a sophisticated analysis of the causes of their continued powerlessness. This explains, at least in part, why this Nation appears to have no overall economic or manpower policy to effect change in the economic condition of migrants.

Only by attempting to pinpoint and define the causes can we work toward solution of the problem. Perhaps one benefit of our effort will be to stimulate public and private resources to assign priorities to one or more causes, in order that this Nation can proclaim and implement a commitment to incorporating migrants into the mainstream of the American economic life.

It is for this reason that I submit this amendment. I think it is imperative that farmworkers, who have so long been excluded from this Nation's social and worker benefit programs, be guaranteed the employment and training opportunities provided by this important legislation. I think it is urgent that a national council be established, and that an annual study of this nature be made.

Mr. President, I ask unanimous consent that a copy of my amendment be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER (Mr. SCHWEIKER). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 676) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT No. 676

At the end thereof add the following:

TITLE VII—MIGRANT AND SEASONAL FARMWORKER MANPOWER SERVICES

STATEMENT OF FINDINGS AND PURPOSE

SEC. 701. The Congress finds and declares that—

(1) chronic seasonal unemployment, underemployment, and subemployment in the agricultural industry substantially affected by recent advances in technology and mechanization, constitutes a substantial portion of the Nation's rural manpower problem, and substantially affect the entire National economy;

(2) this severe employment pattern has led to below poverty level family incomes, with resulting hardships and adverse effects on the health, education, and welfare of families and particularly of children;

(3) much of the migrant and seasonal farmwork force is untrained, unaccustomed to, and ill-equipped for, the requirements of steady, gainful employment;

(4) there is a compelling need for the modification and adaptation of manpower training and employment programs that have heretofore not included migrant and seasonal farmworkers within their scope;

(5) because of the special nature of certain farmworker manpower problems, particularly those which are interstate in nature, such programs can best be administered at the National level.

ESTABLISHMENT OF AN OFFICE OF MIGRANT AND SEASONAL FARMWORKER MANPOWER SERVICES

SEC. 702. There is hereby established in the Department of Labor an Office of Migrant and Seasonal Farmworker Manpower Services which, under the direction of the Secretary of Labor, shall have responsibility for administering the Migrant and Seasonal Farmworker Manpower Services Program authorized by this title.

ELIGIBLE ACTIVITIES

SEC. 703. The programs and activities for which funds under this title may be expended shall include but not be limited to the programs and activities authorized under other titles of this Act, and such other programs and activities as the Secretary deems necessary to carry out the purposes of this title.

MIGRANT AND SEASONAL FARMWORKER MANPOWER NATIONAL ADVISORY COUNCIL

SEC. 704. (a) The Secretary shall appoint a Migrant and Seasonal Farmworker Manpower National Advisory Council which shall consist of—

(1) four individuals, appointed from private life, to represent the farmer who shall be individuals actively engaged in, and whose livelihoods are dependent upon agriculture, and who employ labor in connection therewith;

(2) four individuals, appointed from private life, to represent the migratory agricultural workers;

(3) four individuals, appointed from private life, who shall have a demonstrated interest in and knowledge of the problems relating to agricultural labor, including the problems of the seasonal agricultural worker, his employer, and the community;

(4) four individuals, appointed from private life, who are or have been actively engaged in activities aimed at determining and solving the health, education, housing and welfare problems of the agriculture worker and his family; and

(5) three individuals who have had experience as State officials and who are acknowledgeable of the problems relating to agricultural labor.

(6) The Secretary of Labor, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity shall be non-voting members of the Council, and are authorized to use, in connection with the Council's work, whatever technical and support personnel from their agencies as they deem necessary.

(b) From the members appointed to such Council, the Secretary shall designate a Chairman and a Vice-Chairman. Such Council shall hold not less than twelve meetings during each calendar year. The appointed members of the Council shall be paid compensation at a rate not to exceed the per diem equivalent of GS–18 while engaged in the work of the Council, including travel time and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis.

DUTIES OF COUNCIL

SEC. 705(a) Such Council or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary concerning problems and policies relating to employment and manpower and to the carrying out of his duties under this title.

(b) For the purposes of assessing and meeting migrant and seasonal farmworkers' manpower needs, developing necessary resources, and involving local citizens in the development and implementation of manpower programs authorized by this Act, the

Secretary must be satisfied, upon the basis of evidence supplied by each applicant, and evaluated and approved by the Council, that persons broadly representative of all elements of the population to be served have been given an opportunity to participate in the development of such programs, and will be given an opportunity to participate in the implementation of such programs.

ANNUAL REPORT

SEC. 706. (a) It shall be the duty of the Council to advise the President, the Secretary, and the Congress, with respect to (1) the operation of Federal, State, and local laws, regulations, programs, and policies relating to any and all aspects of agricultural labor; and (2) any and all other matters relating to agricultural labor.

(b) It shall also be the duty of the Council to consider, analyze, and evaluate the problems relating to agricultural labor with a view to devising plans and making recommendations for the establishment of policies and programs designed to meet such problems effectively. In carrying out such duty, the Council shall consider, among others, the following matters:

(1) the effect of existing laws, regulations, programs, and policies on the various problems relating to agricultural labor, including the problems of the migratory agricultural workers, his employer, and the local area in which he is employed;

(2) the effect of the open border policy between Mexico and the United States upon such problems as: (a) the labor supply; (b) the living and working conditions in border areas; (c) the need for American residents along the border to migrate north in search of better paying jobs; and, (d) the entire National farm labor and rural economy;

(3) the extent that adequate labor market information: (a) improves or limits farmworkers' opportunities to find jobs and to increase earnings; (b) alleviates the problems of underemployment and unemployment; and, (c) provides the means for improving coordination of Federal, state, county and local public and private policies and programs relating to agricultural labor;

(4) the need for more effective programs for the recruitment, transportation, housing, and full employment, on and off season, of the farm work force;

(5) the provision of a non-profit manpower corporation and other ways to help regularize the employment of hired farmworkers, particularly seasonal farmworkers, including the provision of employment opportunities in rural areas that complement the seasonal job demands of agriculture;

(6) the development of a comprehensive manpower program to train and develop workers for increased mechanization of farm jobs, for non-farm jobs in rural areas, and, for meeting urban job opportunities;

(7) the future demand for farmwork including an accurate appraisal of the changing levels of demands and requirements for employees, particularly in the face of increasing impact of mechanization;

(8) the relationship of such factors as poor worker ability, employer attitudes, low skill levels, and inadequate educational levels to the entire manpower problem;

(9) the effect of farmworkers' substantial exclusion from major social and worker benefit programs enacted into law:

(10) the means to familiarize farmworkers with program benefits, or basic civil rights, such as voting, that might be available to help them participate in the American economic mainstream;

(11) the policies that have been developed, and efforts made to implement, or that must be made to implement those policies by the government, in the area of rural to urban migration and relocation and resettlement programs;

(12) the effect of the exclusion of farmworkers from legislation protecting the right to organize and encourage collective bargaining; and,

(13) the relationship to the institution of migrancy, and those factors which cause it, to overall poverty in this country.

(c) The Council shall study, investigate, conduct research, and prepare a report containing its findings and recommendations, and shall transmit such report to the Secretary and the President no later than August 1, and to the Congress no later than October 1, of each year.

SECOND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1970—AMENDMENTS

AMENDMENTS NOS. 677 AND 678

Mr. MONDALE. Mr. President, as the national unemployment rate continues to climb, employment opportunities for youth become more and more scarce. The situation this summer promises to be particularly serious, with responsible predictions of hundreds of thousands of unemployed students. In view of the crisis in the lack of summer jobs for students, I am submitting two amendments intended to be proposed by me to the second supplemental bill of 1970 to increase funding of the summer components of the college work-study program and of the vocational education work study program by $20 and $10 million respectively.

The unemployment rate among college-aged youth in April was 10 percent, a 25-percent increase over the 7.5 percent unemployed last year at the same time. With students looking for summer work, the unemployment rate in their age group will probably go up to 11.5 percent, meaning over one million college-aged youth seeking but not finding the work often essential to their ability to return to college in the fall.

Increasing the appropriations to the college work-study and vocational education work-study programs will help to alleviate the plight of these students. Both programs have substantial summer employment components. Under the former, colleges pay students directly to work for them or to work for a public or private nonprofit institution in the community. During the school year, students may only work 15 hours per week, but during vacation periods, the program has been set up to give the students full-time employment. The $20 million for this program would go directly to the colleges and universities participating in the program, and could provide up to 30,000 jobs.

The $10 million for the vocational education work-study program would be given to the State vocational education institutions responsible for the State program, and would provide summer employment for youths participating in a vocational education program. Most of these youth would be high school age. This amount could fund well upward of 15,000 jobs.

Every effort must be made to employ our youth this summer, and the passage of these supplemental appropriations would be two more steps in the right direction. But more can and must be done, even at this late date. I am cosponsoring the amendment of the Senator from New York (Mr. JAVITS), increasing appropriations for the Neighborhood Youth Corps summer employment program by $100 million, and I will shortly introduce a bill to establish a Senate student intern employment program enabling Senators to hire students for work on projects which will have both educational relevance and public service value.

These are the efforts that we in the legislative branch can make to soften this crisis. We must also call upon the executive branch to redouble its efforts and the scale of its already significant programs to hire youth in the summer. The President can do much to increase such hiring by the executive agencies. The largest potential employer, as always, is the business sector, and I call upon the business community to join in this effort to find meaningful summer employment for college students seeking to finance their education and to gain experience in business, industry, and public service.

The PRESIDING OFFICER (Mr. SCHWEIKER). The amendments will be received, and printed and appropriately referred.

The amendments (Nos. 677 and 678) were referred to the Committee on Appropriations.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 648

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. HART), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of amendment No. 648 to H.R. 15628, a bill to amend the Foreign Military Sales Act.

The PRESIDING OFFICER (Mr. McGOVERN). Without objection, it is so ordered.

COMPREHENSIVE HIGHWAY HEARINGS WILL BEGIN JUNE 9—SENATOR RANDOLPH OUTLINES AREAS OF CONSIDERATION

Mr. RANDOLPH. Mr. President, the Subcommittee on Roads of the Committee on Public Works has scheduled 2 weeks of general highway hearings to gather information on which to base new highway legislation.

These hearings will be conducted June 9 through 12 and July 13 through 16. We anticipate receiving testimony from individuals and organizations with a wide range of experience and varying viewpoints.

The major goal of these hearings will be to reassert the concept of highways as a means by which other broader public objectives can be achieved. We shall discuss numerous aspects of the subject, but we must keep in mind the philosophy

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that highways, like so many other facilities of our country, cannot be considered in isolation but must be viewed in terms of their place in our total national life.

The Interstate Highway System, the Nation's primary roadbuilding concern for the past 14 years, is now 70-percent complete. The next few years will be important, not only with respect to completing that System but also in regard to initiating a new highway program that, with the Interstates, will have a profound effect on national transportation patterns for the remainder of the 20th century.

For these reasons, the Subcommittee on Roads is beginning to explore thoroughly the numerous aspects of current and anticipated highway requirements in the United States. We will evaluate a number of newly developed facets of roadbuilding, including social, environment, and political concerns, as well as the physical process of construction. In some instances we will examine entirely new areas, and in others we will look at problems with which we have had only modest experience in recent years.

The subcommittee has received from the Department of Transportation a stewardship report on the administration of the Federal aid highway program. In addition, there has been follow-up correspondence to seek clarification of some points in that report.

As mentioned, one of the major tasks remaining unfilled is completion of the Interstate System. The Highway Act of 1968 increased authorization for the system to its present level of $50.6 billion in Federal participation. The most recent estimate by the Department of Transportation, however, places the total cost at $69.870 billion, including $62.5 billion in Federal aid.

Obviously, a review of the Interstate expenditure and appropriations authorization is a priority matter for the subcommittee and the full committee this year. In correspondence with our committee, Secretary John A. Volpe has indicated that the cost estimate could be reduced approximately $4 billion by the elimination of certain proposed routes or segments of routes from the Interstate System.

In all but one case, these routes are in heavily populated urban areas where there has been considerable controversy over the construction of freeways.

I have requested that Secretary Volpe contact the Governors and mayors concerned to ascertain their views as to the desirability of removing these high-cost, troublesome routes from the designated Interstate System. We must remember that it is the responsibility of the States to decide, with Federal concurrence, where to build these highways. It is the responsibility of the States to recommend their deletion or omission from the system if they are not wanted.

I would expect that Secretary Volpe will have information available to present to us on these matters when he testifies before the subcommittee in July.

Relevant to the cost of the Interstate System, or any future highway program, are the social and environmental costs which we now recognize are integral parts of our roadway planning.

The 1968 Highway Act mandated the strictest environmental and social considerations in the history of highway construction. Experience since then shows that further refinement is necessary. The Congress, I believe, must be specific in declaring what it expects to be done in this area and provide guidelines as to procedure for doing it.

Urgently needed is a more precisely prescribed list of environmental factors, particularly since there is no known way to place a cost figure on some of them. The Congress should make it clear in law that the environmental factors it places on the list must be considered and that the cost of dealing with them will be included as a cost of building the highway.

To gain maximum utilization of the highway dollar, there should be increased emphasis on the use of roadways for mass transit purposes. In such a context, this means buses. As a move in this direction, I have introduced a bill, S. 3293, that would allow use of money from the Highway Trust Fund to support the development of such transportation systems, hopefully reducing the pressure for building more and more very expensive highways in urban areas. Hearings have already been held on this proposal, but I know that our witnesses will want to further discuss the whole range of problems relating to highways and mass transit.

The highway trust fund, the financing mechanism for Federal participation in highway programs, is due to expire in 1972. Numerous suggestions have been made as to the future of this fund that has provided a convenient, reliable, and efficient method of meeting highway commitments. I am sure that the subcommittee will evaluate the trust fund's performance and future in considering any new highway program.

I cannot conceive, however, of any substantial changes in the trust fund at this time or in the near future. The Congress is obligated to continue support of the Interstate program on the 90–10 matching ratio that was established in 1956 until the Interstate System is completed as authorized.

I favor a thorough review of Federal aid and the setting of a single matching ratio for all types of highways. But my view at this time is that the trust fund is too important and too successful to be abandoned.

State highway officials, through their nationwide organization, estimate that the national highway needs for the next 15 years will cost $320 billion. Financing provided through the highway trust fund must be available if we are to meet even a portion of this gigantic need.

While the highway trust fund does not fall within the jurisdiction of the Committee on Public Works, we must consider it in planning highway programs.

In recent years, I have become convinced that highway planning can no longer be carried forward without considering its relationship to other factors in the development of communities and States. Just as we now give weight to environmental considerations, so must we broaden the total planning concept.

The experience of the past 5 years with the Appalachian Regional Development Act has shown that States have the capacity for comprehensive economic and social planning and should use it more extensively.

The planning lessons learned from the Appalachian program could help make transportation a more effective tool in achieving community goals.

One possible means to achieve this would be to tie the future highway construction program in with a planning process that would require each State to devise its own master plan for development. Such plan would consider economic, social, and environmental improvement of the State.

We expect a number of witnesses to address the question of State development planning and I hope that a number of alternative approaches are suggested for our consideration.

Citizen concern with highway decisions that affect them has grown rapidly and was recognized in the 1968 act. Public involvement in highway decisions should be refined, and there should be assurances that citizen suggestions are given the attention and weight they deserve. Placing hearing responsibility with a development board instead of the State highway agency perhaps would help provide greater assurance and possibly would place more responsibility on the Governor for decisionmaking in these matters.

I am also greatly concerned about what appears to be an excessive number of uncoordinated reviews of highway plans at the Federal level. While I understand that we are striving to reach the ideal in highway construction, I am confident that a more rational review procedure can be established. Present procedures are causing undue delays in beginning construction. A result is that projects are delayed, costs rise, and public frustration increases. This is another area that the subcommittee will examine during the hearings.

I have discussed some of the major considerations affecting highways that the Subcommittee on Roads will explore with witnesses during the hearings this month and in July; namely, completion of Interstate System, the highway trust fund, environmental and social factors, mass transit, highway planning, citizen involvement in highway decisions and review procedures.

This does not mean, however, that the door will be closed. We shall not discuss other topics at the hearings. To the contrary, I expect testimony on such other highway-related topics of equal employment training programs, housing, relocation, highway-railroad grade crossings, bridge replacement, urban freeways, highway beautification, the effect of highways on population patterns and the expectation of future demands on motor vehicles.

It is my intention to defer the introduction of highway legislation until the completion of these hearings. For this reason, I hope witnesses will have the widest possible latitude to share with us

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their thoughts and suggestions on any subject that concerns highways.

Only in this manner can the subcommittee and the full committeee gain the information that it must have on producing the kind of legislation we must have for the years ahead—years of change and challenge.

ANNOUNCEMENT OF HEARINGS ON VETERANS' BILLS

Mr. CRANSTON. Mr. President, for the information of Senators, I announce that on June 9 hearings will be held on the following five bills: S. 3656, the proposed Veterans' Housing Loan Amendments Act of 1970, a bill to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans for mobile homes if used as permanent dwellings, to authorize the Administrator to pay certain closing costs for, and interest on, certain guaranteed and direct loans made under such chapter, to remove the time limitation on the use of entitlement to benefits under such chapter and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes; S. 3657, the proposed Veterans Educational Assistance Allowance Advance and Work-Study Program Act of 1970, a bill to amend chapter 34 of title 38, United States Code, to authorize advance educational assistance allowance payments to eligible veterans at the beginning of any school year to assist such veterans in meeting educational and living expenses during the first 2 months of school, and to establish a veterans' work-study program through cancellation of such advance payment repayment obligations under certain circumstances; S. 3907, a bill to amend section 3013 of title 38, United States Code, in order to provide that the effective date of any increase in a subsistence or educational assistance allowance award under chapter 31 or 34 of such title, because of a change in dependency status, shall be the date of such change without the necessity for an application if proof is timely filed; S. 3683, and an amendment thereto, the proposed Vietnam Veterans Assistance Act of 1970, a bill to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to make improvements in chapter 37 of such title; to remove time limitations on the duration of eligibility of veterans for guaranteed or direct loans, and for other purposes.

I introduced S. 3656 and S. 3657 on March 31, S. 3683 on April 7—on behalf of the Veterans' Administration—and on June 2, S. 3907 and the amendment to S. 3683—also on behalf of the Veterans' Administration.

The hearings will begin at 9 a.m., in the New Senate Office Building, with the Administrator of Veterans' Affairs as the first witness.

ENROLLED BILL SIGNED

The **ACTING PRESIDENT** pro tempore (Mr. Eagleton) announced that on today, June 3, 1970, he signed the enrolled bill (S. 3339) to authorize the Public Printer to fix the subscription price of the daily Congressional Record, which had previously been signed by the Speaker of the House of Representatives.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 3, 1970, he presented to the President of the United States the enrolled bill (S. 3339) to authorize the Public Printer to fix the price of the daily Congressional Record.

SENATOR HATFIELD

Mr. JAVITS. Mr. President, yesterday a number of Senators rose in the Chamber and stated their judgment of the character and intentions of the Senator from Oregon (Mr. Hatfield). At that time, I was unaware of their statements and did not have the opportunity to join them and, in fact, had no knowledge of the particular circumstances involved.

I have since had an opportunity to read into the matter, and wish to associate myself with the statement of my colleague from New York (Mr. Goodell)—who said he had written me about it, but the letter never caught up with me—and other Senators, as reported in the press, who affirmed their feeling with respect to the integrity and high character and standing of Mark Hatfield of Oregon. I feel exactly as they do, and wish to associate myself with them.

I ask unanimous consent to have printed in the Record an article entitled, "Hatfield Absolved of Franking Misuse by a United Senate," published in today's New York Times.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hatfield Absolved of Franking Misuse by a United Senate

Washington, June 2.—Members of the Senate—Republicans and Democrats, hawks and doves—rallied today around Senator Mark O. Hatfield, Republican of Oregon, in a rare display of unity.

They absolved him of all guilt and complicity in the use of $2,175 in free mail privileges.

Senator Charles E. Goodell, Republican of New York, said "his heart is as far from fraud as heaven from earth."

Senator Hatfield's troubles started when he became a major sponsor of an amendment to withdraw all United States troops from Southeast Asia by June 30, 1971.

He and co-sponsors of the amendment were flooded with mail. They decided to write a form reply and to use Senator Hatfield's Frank on the mail, enabling the letters to be sent without cost.

To help with the mailing, Mr. Hatfield's office used volunteers, described by Senator Goodell as "zealous, committed, idealistic."

The volunteers, however, also stuffed the envelopes with a plea for money to back the antiwar amendment. It was signed by Sam Browne and David Hawk, leader of the war protest movement.

When Senator Carl Curtis, Republican of Nebraska, brought the mailing to public attention, Senator Hatfield asked the Rules Committee to make a ruling. The commitmittee held that the frank had been illegal use, and Senator Hatfield paid $2,175.

Today, Senator Goodell came to the floor in Senator Hatfield's defense. Senator Goodell said the plea for money had been included without Senator Hatfield's knowledge and "as soon as it came to his attention, he stopped it."

The Senate Republican leader Hugh Scott, was so anxious to join in he did not even wait for Senator Goodell to finish his speech.

"His total probity and keen sense of what is right and proper is well-known," Senator Scott said.

The assistant Republican leader, Senator Robert P. Griffin, said "I know of no man in the Senate who is more able, a greater man of principle, a greater man of integrity."

Senator J. W. Fulbright, Democrat of Arkansas; Harold Hughes, Democrat of Iowa; Thomas F. Eagleton, Democrat of Missouri, and Stephen M. Young, Democrat of Ohio, agreed.

Senator Goodell summed it up by saying, "What happened could have happened to any of us."

NEWARK, N.J., GRAND JURY REPORT AND TITLE I OF S. 30, THE "ORGANIZED CRIME CONTROL ACT OF 1969"

Mr. McCLELLAN. Mr. President, on January 23, 1970, the Senate passed S. 30, the "Organized Crime Control Act of 1969." Title I of S. 30 strengthens the powers of Federal grand juries in the investigation of organized crime. Increased terms for grand juries are authorized, so that there will be time available to deal with the complexity of organized crime investigations. Provision is also made for grand jury reports on organized crime conditions, on governmental misconduct, and to make legislative or executive recommendations.

Mr. President, the passage of this act by the Senate constituted a legislative recognition that a powerful and dangerous organized crime conspiracy is operating in our country. It also underlined the stark fact that ordinary measures are not adequate to handle so widespread and so powerful a conspiracy as the Mafia and that if we are to be successful in this attempt to turn the tide of lawlessness, it will be necessary to enlist the aid and support of the community. In this connection, the new grand jury reporting power of title I of S. 30 should play an important role.

Mr. President, a recent use of a reporting procedure similar to that envisioned by title I occurred in the State of New Jersey. There, a grand jury was established to look into the enforcement of the State's gambling laws in the city of Newark. The grand jury returned no indictments, but did issue a report criticizing Newark Mayor Hugh Addonizio for evident sympathy with and tolerance of widespread gambling in that city. In addition, the grand jury called upon him to dismiss Newark Police Director Dominick Spina. Following its issuance, Mayor Addonizio sought, through judicial proceedings, to have all references to him removed from the grand jury report. The law division of the Essex County Superior Court, however, denied his request. Addonizio appealed this decision to the appellate division of the Superior Court of New Jersey, and there, in an opinion handed down April 23 of this year, Judge Victor S. Kilkenny upheld the decision of the lower court.

Judge Kilkenny stated in his opinion that—

> [O]ur Supreme Court has never doubted the power of a grand jury to make a presentment of matters of public concern unaccompanied by indictments. . . . The contents of presentments have been challenged on motions to expunge them or parts of them. But, the Supreme Court decisions have never questioned the grand jury's function in this regard.

Judge Kilkenny further noted that—

> A grand jury, by means of a presentment, may call to the attention of the public conditions within the County which ought to be remedied.

The judge did note, however, that the presentment was not to be a substitute for an indictment. The grand jury, the judge indicated, is obligated to indict, if the evidence suggests that that would be the proper action to take. He also observed:

> The condition requiring public attention, and noted in the instant presentment, was the widespread existence of gambling activities in the city of Newark and the lack of adequate law enforcement to stamp out this evil. . . . Censure of the Mayor for his public minimizing of violation of the gambling laws did not exceed the permissible censure of a public official as permitted in a presentment.

Mr. President, this State grand jury's action in censuring Mayor Addonizio, now upheld as proper by the New Jersey courts, is precisely the type of action contemplated by title I of S. 30. These reports, issued on a State or Federal level, without doubt, significantly increase public awareness of organized criminal activity in the community. State reports fit well, too, with the suggestion of the final report of the Kefauver Committee on Organized Crime in 1951. Americans should not rely, the committee concluded, solely upon the Central Government to control racketeering and organized crime, but should rather use local grand juries to attack the conditions in their own communities. The courage of this State grand jury in speaking out against crime and the conditions that led to it, therefore, is to be commended.

Mr. President, I recognize that objections were raised here in the Senate, and are being raised in the House, that public officials criticized by these reports will have been held up to public defamation by possibly false accusations carrying the weight of official findings, but made after an unfair, one-sided proceeding and that such individuals will be unable to reply effectively to such allegations. I suggest, however, that this fear for the safety of the individual, and this specter of an inquisition, cannot be justified in light of the careful safeguards incorporated in title I, safeguards, I note, that are in addition to those found in the New Jersey practice, which was sustained against these same sort of objections by Judge Kilkenny's decision.

Where grand jury reports under title I of S. 30 are critical of identified public officials, elaborate protections are afforded, including notice, opportunity to present evidence and judicial review prior to publication of the report. It is to be emphasized that reports on private individuals, possible under New Jersey law, will not be permitted under title I. To place these reports in a proper context, I note, too, that individuals appearing before the Civil Rights Commission, whose hearing and report writing power have remained largely unattacked by those who now attack title I, are not protected to an extent comparable to the protection afforded individuals under title I of S. 30. My point is that when the Senate has passed title I of S. 30, a measure designed to strengthen the ability of the forces of law and justice to deal with the frightening menace of the Mafia to our society, we wrote into the measure protections for the individual, which were neglected in the drafting and passage of the Civil Rights Act of 1957, a measure explicitly designed to protect civil rights. It is hardly consistent, I suggest, for those who supported the Civil Rights Act in 1957 to oppose now title I.

Mr. President, we are dealing with criminality on a scale that literally staggers the imagination. The cost to our society of this combine of brains, terror, business and bloodshed runs into the billions—yes, billions—of dollars each year. The Mafia has in several areas invaded the political arena and promises to expand rather than decrease this beachhead against the American public. Thus, through its great wealth, the Mafia can corrupt those public officials charged with the enforcement of the law and exist unchallenged and free of restraint to corrupt other officials, to terrorize more victims, and, increasingly, to fortify itself beyond the reach of law.

Mr. President, there is another little-appreciated effect of the Mafia on our deprived young people, especially in our great urban areas, which Congressman Poff pointed out in the House only a few days ago. The Congressman from Virginia noted that there is the natural desire on the part of the young people to emulate success, but the tragedy in these circumstances is that the most successful person whom the poor urban youth, particularly the youth of minority race or ethnic background, is likely to know will be a Mafia underling—the well-dressed pushers, pimps, and numbers runners who drive shiny new cars. The message to these young people is all too clear—crime is profitable, criminality is a successful way of life. The message and its promise of the material things offered by a career of crime provide the Mafia with willing ranks of volunteer young people. It is this corruption of our youth that may be, in the long run, the most costly aspect of the Mafia's ominous threat to our country.

Mr. President, the provisions of title I are designed to expose and help control the syndicate and its influence on our society and our daily lives. The magnitude of the Mafia's menace to our country and its institutions makes it imperative that our citizens become aware of that menace through participation and reports of grand juries as in the Addonizio case in New Jersey. I would hope that the House Judiciary Committee will move expeditiously to afford Federal grand juries the powers they need to help in this war on crime.

Mr. President, I ask unanimous consent to have the full text of the New Jersey grand jury report and of the opinion of Judge Kilkenny printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

EXHIBIT I

PRESENTMENT OF ESSEX COUNTY GRAND JURY OF JANUARY 9, 1969

To Honorable James R. Giuliano, Assignment Judge, Superior Court of New Jersey, in the County of Essex

On May 27, 1968, the 15th Grand Jury of the 1967 term was empaneled and charged. In the charge to this Jury it was made clear that one of the Jury's duties would be to determine from the evidence presented whether there has been a breakdown in the enforcement of gambling laws and specifically to inquire into the reasons for disbanding of the Special Gambling Squad established in Newark in February 1968 and disbanded in April of the same year. This jury was also charged with the responsibility for determining whether recommendations of an Essex County Grand Jury made in November 1965 with respect to enforcement of the gambling laws had been complied with by the Newark Police Department. We were further instructed that "there can be no compromise with crime or criminals. All of us charged with the administration of the law in this County must be vigilant to eradicate crime. Complacency of the community and those charged with the administration of the criminal law therein is not to be tolerated. Fair and impartial enforcement of all criminals is the keystone of preservation of order and decency. Of utmost importance, in the scheme of law enforcement, is the strenuous and vigilant enforcement of the gambling laws." For as the courts of this State have often said and as we do find, "The gambling racket is an ancient foe of society. It bilks the weak, it wrecks homes and destroys men. It spawns embezzlement, larceny, and crimes of violence. It corrupts officialdom. It is reputed to be allied with other illegal traffic. The 'easy' money it yields doubtless finds its way under cover into legitimate fields, there to continue its polluting course."

Two prior Grand Juries conducted inquiries into gambling activities in the City of Newark and into the nature and effectiveness of the enforcement of gambling laws by the Newark Police Department. Their conclusions were that gambling indeed existed in the City and further that the illegal traffic in gambling was highly organized. Those juries found the Newark Police Department lacking in organization and ill equipped to wage an effective and vigorous war against organized crime. The most telling finding of both juries was that the Department from the top to the bottom lacked the vigor and desire to effectively enforce the gambling laws. The grand jury made specific recommendations for changes in the Newark Department designed to increase the efficiency and effectiveness of the department's enforcement program. We will address ourselves to those recommendations at another point in this presentment.

Regretfully, we find that the circumstances found to exist by our predecessors with respect to enforcement of the gambling laws still exists. We are compelled to conclude that organized gambling activities in the City of Newark have increased since 1965

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to such an extent that organized gambling is open, extensive and insidious, further, those engaged in violations of the gambling laws do so with no apparent fear of being apprehended. There continues to be a lack of vigor on the part of those in the Newark Police Department charged with enforcing the gambling law and this lack of vigor still extends from the top of the department to the bottom.

These findings are not to be taken lightly! This jury has found ample evidence that as organized gambling activities increase so do its by-products of bilking the weak, wrecking homes and destroying men. As it increases, so do crimes of embezzlement, larceny and crimes of violence and result in official corruption. This increase has produced increased profits which have found their way into legitimate business through direct investment and loan shark racket.

The evidence of the enforcement breakdown in Newark is ample and clear. The total number of gambling raids for lottery and bookmaking in 1965 stood at 142. In 1966 that number dropped to 85 and in 1967 to 48. Of the total raids 8 were for bookmaking in 1965, seven in 1966 and only 1 in 1967. The effectiveness of gambling enforcement can also be measured by the amount of play and cash confiscated during raids. In 1965 the entire Newark Police Department confiscated approximately $8,000.00 in lottery and bookmaking play; in 1966 during the first three months of the year approximately $9,000.00 and for the remaining nine months approximately $6,000.00; and in 1967 approximately $4,000.00. In 1965 the department confiscated approximately $5,000.00 in cash, in 1966 approximately $2,000.00 in cash and in 1967 approximately $1,000.00 in cash.

The following chart shows the typical decline in raids on a precinct basis:

Precinct	1965	1966	1967
1st	23	11	1
2d	16	18	7
3d	19	19	11
4th	50	13	17
5th	34	13	12

It might be logical to conclude from the startling decline in the above performance figures that there had been a decline of organized gambling activities within the City. However, as we pointed out above, organized gambling activities in the City have clearly increased. Some estimates based upon evidence seized in two raids in the City by agencies other than the Newark Police Department should serve to demonstrate the extensive and organized activities in the City.

One of these raids conducted in early 1966 in the Second Precinct showed that for a lottery operation limited to approximately one quarter of the City the weekly lottery take was $130,000.00 and was collected by nearly 400 lottery writers. Thus, the yearly take from that operation alone stands at $6,700,000.00. Expert witnesses testified that this figure projected for the entire City reveals that the yearly lottery take in the City of Newark approaches $27,000,000.00. It is to be emphasized that these figures involve only lottery and do not include the yearly take and profit from the large bookmaking operations now existing in the City of Newark. Other raids that same year on the same operation by a federal agency confirmed these figures. As a result of these raids it is also clear that widely known organized gambling figures come and go in the City while trafficking in the illicit business of organized gambling. So broad is the license to operate within the City that lottery pick-up men make very little effort to conceal their activities and in one instance a pick-up man was arrested making pick-ups totaling $7,000.00 in lottery play on a busy corner in the Fourth precinct.

Further, illustrations of the breakdown of law enforcement, as testified to before the Jury, is the attitude displayed by professional gamblers. At a preliminary hearing in court one widely known professional gambler predicted to the arresting officers, members of the Special Gambling Squad, that there would be changes within a week. There were changes within a week. Another professional gambler freely stated that he takes care of the cops every month because somebody has to pay.

On February 29, 1965, the 4th Grand Jury of the 1965 term in their presentment reviewed the 13 recommendations made in a presentment by the 8th Grand Jury of the 1964 term. They commented and made further recommendations pertinent to the noncompliance by the Newark Police Department and the Director of Police with the recommendations made by the 8th Grand Jury of the 1964 term.

From the evidence submitted to this Grand Jury, it appears that the recommendation concerning the need for coordination of intelligence and efforts between investigation groups has not been complied with. An officer in the Intelligence Division testified that any information gathered by his division is submitted to the Director and to the best of his knowledge there is no communication between the Intelligence Division and the Bureau of Investigation. He testified that if the Bureau of Investigation receives any of the information received by the Intelligence Division, it would be submitted to the Intelligence Division by the Director.

It is evident from testimony given that the recommendation pertinent to selection of personnel has not been complied with. This recommendation deals with the selection and transfer of personnel being made solely by the Director, the Commanding Officer of the Division having no voice in the selection of men assigned to him or men transferred from his division. This policy was continued despite the obvious decline in performance by the men of the Investigation Division during 1966 and 1967. The responsibility for laxity and inefficiency of the division rests squarely on the shoulders of the Director and is the result of his neglect and a reflection of his policies toward enforcement of gambling laws.

In 1968, the newly assigned Deputy Chief, of the Bureau of Investigation, testified that within a month after he took command of the Bureau he analyzed the productivity of the Bureau in connection with raids and arrests relating to the enforcement of gambling laws. He testified further that he recommended that 15 to 20 detectives and 5 lieutenants be transferred out of his division. This represented approximately half of the men assigned to him. He testified that his recommendation was made orally and in writing to the director in order to beef up his squad and to more diligently enforce the gambling laws. According to the testimony, no action has been taken on these recommendations.

The observation of this jury is that such inaction on the part of the Director certainly has a demoralizing effect on any high ranking officer held responsible for enforcing law and order in the City of Newark. In contrast to this the one exception that came to our attention where there was outstanding success in the enforcement of the gambling laws was the case of the short-lived Special Gambling Squad where the Deputy Chief was permitted to select capable and dedicated men to work with him in this area of law enforcement. It is evident to this Jury that the recommendations of prior Grand Juries concerning consultation with superior officers prior to individual transfers have not been complied with.

No evidence was given this Grand Jury that the recommendation pertinent to centralization has been complied with. The Mayor testified before this Jury that the matter of housing, a centralized department, would have to be authorized by the governing body of the City. If this or any other action has been taken to move in this direction, there is no evidence that product action has been taken.

Another recommendation of the prior Grand Juries was that the Director be alert to lax methods, neglect of duty, etc. Testimony was given that the records of the Bureau of Investigation was forwarded to the Director of Police on a regular schedule. It is a matter of record that arrests by the Bureau of Investigation in connection with organized crime and gambling deteriorated from 1965 to the end of 1967. Normal review, by the Director, of reports from the Bureau of Investigation in connection with the enforcement of gambling laws, brought to his attention the laxity and inefficiency in the Investigation Division. Despite this knowledge, no personnel changes were made in the division by the Director. We conclude that tolerance of such performance constitutes neglect of duty.

It is evident to this Jury that the formation of the Special Gambling Squad in February 1968, resulted only because of embarrassing publicity which followed certain public statements dealing with the extent of organized gambling in the City of Newark. It is also evident to us, as it should have been evident to the Administration of the City and to the Director of the Police Department, that the Squad was selected and operated in accordance with recommendations made in 1965 and by Grand Juries of Essex County. This considered, the obvious success of the Special Squad should be sufficient evidence to all concerned that the recommendations made by Grand Juries of this County were indeed sound.

The Special Squad was chosen to perform a function requiring dedication and vigor. The leader of that squad was allowed to select his men according to those requirements. His success in choosing the men and the success of the men chosen by him is evident from even a cursory examination of the results of their efforts. In 26 days the Special Squad, with little previous investigative experience, made 14 raids resulting in the confiscation of approximately $15,500 of lottery and bookmaking play and in the confiscating of approximately $16,500 in cash. A simple comparison of these results to the performance of the Investigation Division with an average manpower in excess of 25 men per day, should have lead to but one conclusion when considering whether to maintain the Special Gambling Squad.

On April 16, 1968, while the Special Gambling Squad was on a raid, a teletype order was issued by the Director disbanding the Special Gambling Squad. It is further evident from the testimony of the Mayor that the director disbanded the Squad without the agreement of or notification to the Mayor of the City. The summary and impersonal manner in which this effective squad was disbanded, without explanation or personal word to the individuals involved, is, at the very least, an inept and dispiriting personnel policy.

The testimony before this Jury and public utterances reported in the press lead us to conclude that the only reason given for disbandment of the Squad was the need of the Director to assign more patrolmen to street patrol duties. This Jury cannot be satisfied that, in a department consisting of more than 1,300 men the Director was unable to retain 8 of those men in a Squad which experienced such monumental success. Such action is even less understandable in light of the fact that the Squad, in 26 days confiscated more cash than the entire Newark Police Department had in the previous three years and which confiscated more play than the entire police department had in any other of the three preceding years.

It is evident that there has been a break-

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down of gambling laws; that the Bureau responsible for the enforcement of these laws has neglected its duty; that the Director is aware of the deriliction of duty and has been negligent because he did not take positive action to see to it that the gambling laws were enforced by the Bureau responsible for such enforcement. There is no evidence that the reasons for disbanding the Special Gambling Squad were valid.

The police department in the City of Newark is sadly lacking in good organization. High ranking officers in the department have testified to a feeling of frustration because they were unable to communicate with the Director to the end that enforcement of the gambling laws could not be accomplished in accordance with their assigned responsibility.

Let it not be said that the laxity and inefficiency of the Newark Police Department in enforcing the gambling laws is the result of public apathy. We have found the public reacts favorably and energetically when they observe a vigorous enforcement program. When the Special Gambling Squad began to make arrests the public flooded the Squad with information. Other agencies are never at a loss for reliable information delivered to them by the public. We must therefore conclude that the lack of public response to the Newark Police Department is the direct result of its laxity and inefficiency.

We reiterate, it is the obligation and sworn duty of public officials as charged, to enforce *all* the laws regardless of personal feeling. It is utterly reprehensible, in in our view, for such officials publicly to make invidious comparisons between legal and illegal gambling in this State.

This Grand Jury, charged with overcoming the complacency of the community and those charged with the administration of its laws, finds the testimony and public utterances of the Mayor of Newark supporting gambling as a way of life and encouraging legalized gambling a contributing cause of his subordinate's laxity in enforcing gambling laws. A public official who decides arbitrarily which laws he will enforce becomes a model for the misguided citizen who decides which laws he will obey.

Therefore, this Grand Jury makes the following recommendations:

1. That since the Director of the Newark Police Department is either incapable or unwilling to perform his duties in such a way as to promote vigorous and effective enforcement of the gambling laws, it is in the best interest of the public that he be removed from the position of Director and that he be replaced by a man capable and willing to perform his sworn duty.

2. That the Special Gambling Squad be reconstituted under the direction of a capable and willing commanding officer who will be allowed to select the men to be assigned to his squad.

3. That the Special Gambling Squad remain active until such time as the Investigation Division has been placed under the direction of a full time commanding officer who is willing and capable to direct a vigorous and effective campaign against organized gambling in the City of Newark.

4. That those men in the Investigation Division who its commanding officers chooses to remove be removed immediately, that they be replaced by men chosen by the commanding officer from a list of qualified personnel and that the commanding officer be given full power to remove men who are not performing satisfactorily.

5. That the Director of the department establish two-way and open communications with the commanding officer of the Investigation Division so that he and other personnel of the Investigation Division are fully aware of the Director's policies in the area of gambling law enforcement.

6. That the Director and commanding officer of the Investigation Division continually review the records and performance of the men assigned to the Division and that they take appropriate action when the men fail to meet performance standards.

7. That the Director institute a system of examinations for promotion to detective and that he provide mechanics for promotion to these ranks and assignment after promotion which include consultation with the commanding officers of the various divisions of the department.

8. That the Legislature examine N.J.S. 2A:135-1 and provide legislation which will clearly define the crime of non-feasance. It should not be required that a public officer have direct or actual knowledge of existing criminal activity in order for a charge of non-feasance to prevail. To this end it is most urgently recommended that N.J.S. 2A:135-1 be amended to clearly provide that gross neglect of duty is criminal non-feasance.

9. That the Legislature examine the present prohibition placed upon the prosecution from taking appeals from directed verdicts of acquittal and provide appropriate mechanics to allow such appeals.

10. It is recommended that the Assignment Judge of this County charge a Grand Jury with the responsibility of examining the performance of the Newark Police Department in the enforcement of gambling laws.

Respectfully submitted,

——— ———,
Foreman.

It is requested that the County Clerk forward copies of this presentment to the following:

1. Governor Richard J. Hughes.
2. Attorney General Arthur J. Sills.
3. Members of the New Jersey Legislature.
4. Mayor Hugh J. Addonizio.
5. Director Dominick A. Spina.
6. All news media with circulation in the County of Essex.

EXHIBIT II

SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION: IN THE MATTER OF THE PRESENTMENT OF THE ESSEX COUNTY GRAND JURY; HUGH J. ADDONIZIO, PETITIONER-APPELLANT

Argued March 9, 1970—Decided April 23, 1970.

Before Judge Kilkenny, Labrecque and Leonard.

On appeal from Superior Court of New Jersey, Law Division, Essex County.

Mr. Bernard Hellring argued the cause for appellant (Messrs. Hellring, Lindeman & Landau, attorneys; Mr. Edwin H. Stern on the brief).

Mr. Robert L. Podvey, Assistant Prosecutor, argued the cause for respondent (Mr. Joseph P. Lordi, Essex County Prosecutor, attorney).

The opinion of the court was delivered by Kilkenny, P.J.A.D.

Petitioner Mayor of Newark appeals from an order made by Judge Giuliano, Assignment Judge of Essex County, denying his application to expunge from a presentment returned by the Essex County Grand Jury all references therein to the Mayor. He also appeals from the denial of his application to examine all the minutes of this Grand Jury, although he was given permission to examine fully all the minutes relating to him.

We have been advised by the Mayor's attorney that he has received a copy of the Mayor's testimony given on September 17, 1968 before the 15th Essex County Grand Jury of the 1967 term.

The Mayor makes a fundamental challenge as to the propriety of a grand jury making any presentment of the kind herein. We find no merit in this contention. Our present 1947 State Constitution expressly provides for the "presentment or indictment of a grand jury." *Article* I, paragraph 8. The word "presentment" therein was construed by our Supreme Court to mean "presentments of public affairs as they had been known in New Jersey from earliest Colonial times." In re *Camden County Grand Jury,* 10 *N.J.* 23, 65 (1952).

Our Supreme Court has never doubted the power of a grand jury to make a presentment of matters of public concern unaccompanied by indictments. Its 1969 *Rules* contain express provisions regarding presentments. *R.* 3:6-9. So did the prior rules. *R.R.* 3:3-9. The contents of presentments have been challenged on motions to expunge them or parts of them. But, the Supreme Court decisions have never questioned the grand jury's function in this regard. For the history of presentments, see *In re Camden County Grand Jury, supra.* For some other cases recognizing the right of a grand jury to make presentments, such as that involved herein, see *In re Messano,* 16 *N.J.* 142 (1954); *In re Monmouth Grand Jury,* 24 *N.J.* 318 (1957); *In re Presentment of Camden County Grand Jury,* 34 *N.J.* 378 (1961): *In re Presentment of Essex County Grand Jury,* 46 *N.J.* 467 (1966).

Despite all this, we are asked by the Mayor to declare it beyond the power of a grand jury to return a presentment of the kind involved herein and to declare unconstitutional the rule of our Supreme Court prescribing the procedure to be followed on the return of a presentment. Even were we free to do so—which we are not—we observe no valid meritorious basis for any such declaration of invalidity.

A grand jury, by means of a presentment, may call to the *attention of the public conditions within the county which, in its view, ought to be remedied.* All the cases and the rule of court cited above attest thereto. It may not substitute a presentment for an indictment. If the condition complained of and the person or persons involved therein ought properly be the subject of an indictment, the grand jury's duty is to indict. *In re Messano, supra,* 16 *N.J.* at 147; *In re Monmouth County Grand Jury, supra,* 24 *N.J.* at 323. A grand jury, in presentment, *may censure* a public official for some non-indictable conduct on his part. *R.R.* 3:3-9(c), now *R.* 3:6-9 (Rules of 1969), expressly so provides.

R. 3:6-9 (1969) and its predecessor is simply an expression of the rule of law theretofore recognized by our Supreme Court in the several cases hereinbefore mentioned. It provides, *inter alia*:

(a) Finding. A presentment may be made only upon the concurrence of 12 or more jurors. It may refer to public affairs or conditions, but it may censure a public official *only where* his association with the deprecated public affairs or conditions is *intimately* and *inescapably* a part of them.

The Assignment Judge shall examine the presentment. If it appears that a crime has been committed for which an indictment may be had, he must refer the presentment back to the grand jury with appropriate instructions. If a public official is censured the proof must be *conclusive* that the condemned matter is *inextricably related* to non-criminal failure to discharge his public duty.

The condition, requiring public attention and noted in the instant presentment, was the widespread existence of gambling activities in the City of Newark and the lack of adequate law enforcement to stamp out this evil. It noted that a Special Gambling Squad had been set up by the Police Director, had done very effective work for about six weeks and then, for some unknown reason, had been disbanded. It noted that the Mayor had told it that he had not been notified of the disbanding of this special squad and had nothing to do with this action. It suggested that the Mayor should seek a dismissal of the Police Director, against whom an indictment for nonfeasance had been returned, which, following a jury trial, had been dismissed by the trial judge for want of sufficient evidence. The reference in the presentment was to a "non-criminal" failure on the Mayor's part to discharge his public duty. The grand jury would have the Mayor bring about the dismissal of the Director of Public Safety.

The presentment criticized the Mayor for a public utterance in which he more or less minimized illegal gambling, in the light of the public recognition of various forms of legal gambing at racetracks and the like. In brief, he played down gambling as a grave evil. It was the grand jury's opinion that such public utterances by the Mayor could have some contributory effect upon a lack of vigorous law enforcement on the local level.

No charge of indictable conduct by the Mayor was made in the presentment. At most, there was criticism and public censure. Many people entertain conflicting views as to gambling. Some see in it no evil, while others entertain an opposite view. The broad prohibition in our State Constitution, forbidding the Legislature from enacting laws authorizing gambling (*Art.* IV, Sect. VII, par. 2), has been modified by amendments to the Constitution, approved at the polls by the people, authorizing gambling at the racetracks, bingo, raffles and boardwalk games of chance. We have presently before our Legislature a proposal to amend the State Constitution further, to convert Atlantic City, which describes itself as "The Playground of America," into the "Las Vegas of the East." The averred purpose is to gain additional State revenue.

Thus, the Mayor's admitted and publicly expressed views on gambling did not involve indictable conduct. The grand jury's expression of opinion as to the potential effect of the Mayor's admitted public utterance on police enforcement of gambling laws was legitimate criticism. There was testimony before the grand jury of illegal gambling of great magnitude in the city. The Mayor is fully aware of those assertions. Censure of the Mayor for his public minimizing of violation of the gambling laws did not exceed the permissible censure of a public official as permitted in a presentment.

We pause to note that various deletions were made by the Assignment Judge in the language of the presentment, where the language employed was deemed to exceed the bounds of propriety. These deletions safeguarded the Mayor from any adverse inference of personal involvement.

We inquired at oral argument of the Mayor's counsel as to what crime, if any, the Mayor was being charged with in the presentment. He responded: *"N.J.S.A.* 2A:135-1." This statute provides:

"A public officer who willfully refuses or neglects to perform any duty imposed upon him by law, is guilty of a misdemeanor."

When pressed for a specification of what duty imposed by law the Mayor was being charged with having willfully refused or neglected to perform, no specification was presented. In fact, the Mayor's counsel sent us a letter, *after* oral argument, in which he advised us:

"The Petitioner-Appellant did not claim below and does not claim here that the Presentment charges the Petitioner-Appellant with any indictable offense."

In brief, the response to our inquiry at oral argument should have been simply, "None."

Thus, the facts herein cannot be equated with *In re Messano, supra,* where the presentment charged an indictable offense and was improperly used by reason thereof. Ultimately, upon a remand to the grand jury in that case, a "no bill" was returned.

Here, the criticism was directed toward the Mayor's *attitude* regarding gambling in the city. But misconduct in office "is not just an *attitude.* It is an action; or it is nonaction with respect to specific incidents." *State v. Jenkins,* 136 *N.J.L.* 112, 113 (Sup. Ct.1947). (Emphasis added).

The Mayor argues that the Assignment Judge erroneously denied him a full and adequate examination of the grand jury minutes and a hearing.

The judgment under review granted the Mayor "the opportunity to examine his own testimony before the Fifteenth Essex County Grand Jury of the 1967 Term." This was the grand jury which returned the presentment, after evidence presented to it on the subject of gambling in Newark. Two prior grand juries had conducted inquiries into gambling activities in the city of Newark and into the effectiveness of the enforcement of the gambling laws. Those juries had found the Newark Police Department lacking in organization and ill-equipped to wage an effective and vigorous war against organized crime. The instant grand jury found that the circumstances referred to by its predecessors still existed. It recited a multiplicity of facts in support of its conclusions.

The thrust of the grand jury condemnation was directed toward the Director of the Police Department. It pointed to the Mayor's testimony before it that the Director's disbanding of the Special Gambling Squad was "without the agreement of or notification to the Mayor of the City." In its specific recommendations, no mention was made of the Mayor specifically. The only possible inferential reference was in that part of recommendation 1, wherein the grand jury stated, *inter alia,* "it is in the best interest of the public that he [Director of the Police Department] be removed from the position of Director * * *." There was no recital as to who would do the removing or whether the Mayor had the power, by himself and without more, to remove the director.

We appreciate that *R.R.* 3:3-9(c), now *R.* 3:6-9, provides that, if a presentment censures a public official and the Assignment Judge determines not to strike, the censured official "may examine the grand jury minutes fully, under such reasonable supervision as the court deems advisable, and be permitted to introduce additional evidence to expose any deficiency." But here, the Assignment Judge did strike those passages from the presentment deemed by him to be improper or undue public censure, if such it could be called. Moreover, he gave the Mayor the right to examine the minutes so far as they related to the Mayor. Those references were to the Mayor's own testimony and his admitted public utterance, of which he had full knowledge. No valid reason for a roving examination of all the minutes has been demonstrated.

The order under review is in all respects affirmed.

SUBSCRIPTION TELEVISION

Mr. HARTKE. Mr. President, as a member of the Communications Subcommittee of the Senate Commerce Committee I have followed closely all new developments in the communications field. CATV, public television, and educational television are just a few of the areas which have grown to provide greater program variety and improved service to the viewing and listening audience.

Now there is another new frontier on the communications horizon—one that has passed the tough tests of administrative procedure and judicial review by the U.S. court of appeals and the Supreme Court itself. It is subscription television—or STV as it is popularly called. The Federal Communications Commission has authorized STV and steps are being taken to implement that authorization. Some 90 market areas over the country will ultimately be eligible for this new service under the FCC rules. After more than 20 years of extensive research and on-the-air testing, including 6½ years of an experimental operation in Hartford, Conn., STV is ready for its public.

Nearly 25 bills have been introduced in the House of Representatives which, if enacted, would simply prohibit STV by withdrawing from the Federal Communications Commission authority to authorize such a form of broadcast service. Following the hearings on these proposals, the subcommittee met in executive sessions to determine a course of action.

It is understood the subcommittee rejected all legislative proposals which would ban subscription television and adopted a resolution, to be reported to the full committee, endorsing the FCC rule authorizing subscription under conditions designed to protect the public's vital interest in "free" television, but at the same time requesting the FCC to amend the rule in certain respects to further increase the security of "free" television.

The subcommittee's recommendations and report out a bill which would impose conditions upon subscription television. This bill was never referred to the subcommittee having jurisdiction over communications matters.

Any legislation which would deprive the American people of free choice in the type of programing they want should have a thorough hearing and the most intensive study in order to insure that there is an overriding public interest involved. In the absence of that kind of overriding public interest to the contrary, freedom should prevail in the communications market.

U.S. ARMY OFFICERS REPORT ON LOCAL ADMINISTRATIONS INADEQUACIES IN FEDERAL FOOD ASSISTANCE PROGRAMS

Mr. YARBOROUGH. Mr. President, yesterday it was my privilege to hear a fine statement by two young officers in the U.S. Military Academy on the problems of local administration of the food assistance programs currently being funded by the U.S. Government.

This report—which was presented before the Special Committee on Malnutrition and Hunger while it was being presided over by the able Senator from South Dakota (Mr. McGovern), who now occupies the chair as the Presiding Officer—was originally commissioned by the President's Council on Urban Affairs. I was most impressed by what appeared to me to be a thorough, conscientious, and thoughtful job of research in the finest tradition of the U.S. Army by these two young officers, Capt. Terrence P. Goggin, and Capt. Walter C. Hendrix, both assistant professors in the U.S. Military Academy. They point out that it will take a minimal amount of money, compared

with the other vast expenditures we make, to end hunger in America.

Mr. President, I ask unanimous consent that the full text of their fine report to the Urban Affairs Council entitled, "Final Report, Food Assistance Programs: A View From the Field," be printed in its entirety at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Final Report, Food Assistance Programs: A View From the Field, January 1970

I. SUMMARY

Origin and basis of the report

The following constitutes the final report of a field study conducted on behalf of the White House Urban Affairs Council during the months of July and August 1969. This study was commissioned to determine how food distribution systems are operated at the state and local level and to identify some of the critical administrative factors which prevent effective food distribution to the poor. To make this determination we visited fifteen counties in four states located in different areas of the country: New York in the East, Mississippi in the South, Missouri in the Mid-West, and California in the Far West. Some of the counties operated direct distribution programs; others issued food stamps. We make no claim that these fifteen counties constitute a representative national sample, but we do think that they are diverse enough in social attitudes, financial capability, industrial development, and degree of urbanization to give rough outlines of national performance.

This report attempts to analyze only the structure of the food distribution system and does not consider the many obvious problems caused solely by inadequate appropriations. The administrative problems which we discuss in this report cannot be solved by open-ended appropriations alone. To be solved they require carefully drafted legislation and vigorous Federal supervision and enforcement at the local level to insure that commodity foods or food stamps are effectively distributed to those who need them.

General conclusions

During our stay in each county we interviewed welfare officials, county commissioners and supervisors, members of local welfare rights organizations, Community Action Agency personnel, food recipients, and would-be recipients. From these interviews and our own observations we have reached the following general *conclusions:*

(1) *Parochial attitudes and prejudices* of local officials and their constituencies *directly influence the structure and operation of food assistance programs.*

(2) The *food assistance programs are vulnerable* to these parochial attitudes because the *shape and substance of the food assistance effort is determined by local decisions.*

Recommendations

In light of these conclusions, we make the following observations and recommendations:

(1) We commend the Administration's decision to establish food assistance programs in the some two hundred counties that have refused to participate in the food assistance effort; nevertheless we fear that this *reform will have minimal impact* unless strong measures are taken to deal with the problem of the "paper program" county (i.e., a program which has an absurdly low participation rate). We feel that the only feasible solution is for the Federal government to establish *minimum participation levels* which local programs must meet.

(2) We commend the recommendation of the recent White House Conference that a uniform, objective, and self-certifying national eligibility standard be adopted for food stamp recipients. However, this *national eligibility standard will not be self-enforcing.* Many communities are capable of distorting the most simplistic eligibility criteria, even those which permit self-certification. To deal with this problem the Federal government must either assume responsibility for operating the program or provide *strict on-going supervision of the local administration* by sympathetic Federal agencies.

General administrative problems

In addition to a detailed discussion of the major conclusions and recommendations mentioned above, this report will analyze a number of general administrative problems which, though not as critical as "paper programs" and "eligibility criteria," must be solved for the food assistance effort to be truly effective. These problems include:

(A) inadequate numbers of distribution points

(B) inadequate outreach capability

(C) current obstacles to the simultaneous operation of food stamp and direct distribution programs

(D) limitations on the number of commodity distribution items

(E) limitations on the willingness or ability of local governments to bear administrative costs.

II. THE "PAPER PROGRAM" COUNTY

Definition

The problem of the "paper program" county is quite easy to understand. The county either cannot or will not invest the resources necessary to meet the food assistance needs of its population. The present law requires that local funds and facilities be used to support the administrative costs of any food assistance program. It can readily be seen then, that the investment of considerable local resources is required for an effective program. In terms of a substantive impact on the problem of malnutrition and hunger, there is little difference between the paper program county and the county with no program because counties are generally reluctant to invest adequate resources. Therefore, merely requiring a county to have a program does not necessarily solve the principle problem. It may only construct a cruel facade. The same fears and hostilities that motivated a county to resist the establishment of food programs in the past will prompt that county to limit substantially the effects of a mandated program.

An example

Mendocino County, California offers an example of the paper program. With 4,000 persons on public assistance, the county provides 200–400 persons with commodity foods each month. (The Legal Aid Services Foundation of Mendocino County states that 50 persons each month would be a better estimate.)

The general situation

There are obvious difficulties in combating the paper program problem. Perhaps the most serious impediment to an effective solution is the *difficulty in determining the cut-off point between a paper program and a truly effective program.* Just as the distance between Mendocino County and a "no program" county may be small, so the gap between the Mendocino situation and the "average" program is similarly narrow. The *Interim Report* of the Senate Select Committee on Nutrition and Human Needs observes that "the average participation rate for all poor persons living in food stamp counties is 16% and in commodity counties is 22%." This is a shocking conclusion which our own field studies support.

A solution: Mandatory participation rates

The similarity between a country such as Mendocino and the average county's program makes difficult any effort to distinguish between the two. Yet this same similarity suggests that the best way to solve the problem is, in one sense, to ignore it, i.e., to propose a solution that will deal with the low participation rates in both the "paper" and "average" counties. We suggest that participation rates, like eligibility criteria, be made to conform to national standards. Naturally such a proposal will be criticized for the arbitrariness inherent in such criteria. Yet it is crucially important to set minimum participation levels. Only by defining such goals can those counties already making a good faith effort be given guidance as to how closely they approximate a minimum acceptable target. At the same time, those counties which are not really interested in a meaningful program will have their shortcoming revealed.

In the manner of specific recommendations, we suggest the following:

(a) In each county in which a Community Action Agency (hereafter CAA) is operating (and for which there exists some reasonably accurate estimate of the number of poor persons within the county) the *food assistance program* will be *required to serve,* as a minimum, a number equal to *70% of the poor;*

(b) In a county which lacks a CAA, the food assistance program will be required to cover 90% of the public assistance recipients.

Alternative Sanctions for Enforcement

If a particular county refuses to comply after a brief transition period, two alternatives could be employed:

(a) The Congress could authorize the Secretary of Agriculture and/or the Secretary of HEW[1] to discontinue all Federal aid to food assistance programs within a state in which one or more counties refused to meet the minimum participation level. [This is similar to a provision in the Nixon Administration's "Food Stamp Amendments" submitted in June 1968, Section 9.] Under this sanction, if a county failed to meet the minimum participation level specified above, it would be considered to have "no program" and the state would be in danger of losing all its food assistance programs under the "all or none" provision contained in the June 1969 Bill; or

(b) The Congress could authorize the responsible Federal agencies to assume complete funding and administrative responsibility for the program in order that the minimum participation levels might be attained. To reduce the motivation for counties to seek Federal assumption of food programs simply as a means of freeing themselves from the associated costs, the agency involved would retain the option to bill the counties for all administrative expenses incurred.

Of these two alternative sanctions, we recommend the first. On the basis of our field studies, we believe that, faced with the choice between (a) pressuring holdouts to establish programs or (b) seeing all their state's programs terminated, officials in a given state would take the former option. The political and social repercussions of Statewide termination should be seen as too damaging to risk. In Mississippi and Missouri, for example, we found little sentiment for eliminating programs already in operation. Indeed, the Missourians expressed a certain pride in the success of their programs. Even in Mississippi, the resistance we encountered was not to the programs *per se* but to any loss of program control by those wishing to promote the social status quo. The same may be said for Mendocino, California, where the county welfare department was the least sympathetic of any county we visited. The economic and social benefits of a Federally subsidized food program to California as a whole will provide the necessary incentive to state officials to keep their programs, even if it means pressuring recalcitrants such as Mendocino to conform.

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[1] While this report was being prepared, Secretaries Hardin and Finch revealed in testimony before the House Agriculture Committee that their Departments are preparing to shift the Food Stamp program to HEW at the same time that the Administration's Family Assistance program goes into effect. Although this date lies somewhere in the future, we thought it prudent to proceed on the assumption that in time both the Departments of Agriculture and HEW will be involved in the food assistance effort. In the report we will use the term "responsible Federal agencies" to denote these and other units of the national Government which have such an involvement.

At this point a cautionary note is in order. The general acceptance which we encountered is not any guarantee that state and local officials will permit significant upgrading of the programs rather than see the programs eliminated. The momentum which the programs have achieved may not be enough to insure their continuation should the first sanction be applied. Yet, on the basis of our interviews, we feel that most state officials will perceive more political and social problems in discontinuing all food assistance programs than in meeting the minimum participation levels.

The second alternative, on the other hand, could increase the bureaucratic complexity that already hampers the food assistance effort. Under this alternative some responsible Federal agency would be empowered to take over food programs where local officials refuse to comply with minimum participation levels. While the Federal agency would have the option of seeking local reimbursement for administrative costs, efforts to secure such reimbursements would almost inevitably lead to further conflict, to court actions, and perhaps to disastrous delays.

For all these reasons, therefore, we recommend that the first alternative be tried initially. If this alternative fails, i.e., if states eliminate their programs rather than coerce recalcitrant communities to comply with the minimum participation requirements, the responsible Federal agency could always utilize the second option. If this proves ineffective, the Federal government can only be prepared to assume full responsibility for operating all programs directly. Under such circumstances no other means are available to force the states and counties to implement meaningful programs.

Finally, the establishment of target figures would not mean that the counties need certify only enough persons to meet their quotas. All counties would still be liable to redressive action by would-be recipients despite the fact that they, the counties, had achieved the required level of participation.

Mandatory participation rates would help overcome a number of other problems associated with the food assistance efforts. In order to attain the required quotas, many counties would have to switch from an indifferent to an aggressive attitude in the matter of outreach. More adequate provisions for distribution would have to be made by those counties which operate bankers' hours at the commodity distribution facility or which operate an insufficient number of stamp issue points. Mandatory participation rates will not, however, insure that the commodity counties issue an adequate number of food items. In fact, some counties might attempt to economize by cutting down on the number of different items they issue. This problem should be anticipated and can be combatted by requiring each county to maintain its current level of effort when the mandatory rates take effect.

III. ELIGIBILITY CRITERIA

General

The standards by which eligibility for participation in food assistance programs is determined comprise one of the most troublesome and sensitive aspects of the whole anti-hunger effort. If the income qualifications are too low (as they seem to be in most areas of the country) some families with inadequate diets will be excluded. Eligibility criteria, moreover, are easily manipulated by local welfare departments. The more subjective the criteria, the easier it is for such manipulation to go unchecked. In our view the most effective remedies for this second cluster of problems will be (a) nationally established, objective eligibility standards and (b) vigorous and continued Federal enforcement.

Criteria manipulation: Dimensions of the problem

The rationale for a realistic income qualification level needs little explanation. However, the need for simple criteria based only on income and capable of easy and objective determination is, perhaps, not so obvious. Our field studies uncovered clear and unmistakable evidence of manipulation of present qualification criteria to exclude certain families. In some areas, such as Mississippi, adults in a family who were seen as a political or social threat would frequently be dropped from food stamp rolls for a month or so. In Natchez, Mississippi black women who refused to sit in the segregated waiting room of the local welfare office were either ignored or told that they "failed to comply" with certain "recently amended" regulations. Finally, in a personal interview, the Mississippi Commissioner of Public Welfare, Arthur Winstead, told us that his state would be happy to accept additional federal funds for food programs, but that it was mandatory that these funds come through official state channels, as opposed to OEO, so that the food programs would not be used to "disturb the social status quo." He implied that to preserve that status quo, it was necessary for the state to determine who would receive the bounty of the government and that only those who "deserved" to be recipients should qualify.

What Commissioner Winstead seemed to be saying was that state officials should be permitted subjectively to evaluate recipients and that income level was only one of many criteria that should be used to make this determination. From the practices we observed in Mississippi, other criteria would include whether a black was willing to sit in a Jim Crow waiting room in a welfare office and whether the local community perceived him or her as a "troublemaker."

In other areas that we visited such as California's Mendocino and Fresno Counties, flagrant violations of welfare and food distribution laws and guidelines exist. Mendocino County is able to exclude all but 50 people from the food distribution rolls only by an arbitrary and irrational interpretation of whether a person is employable and how much income he may have to qualify. It seems that the County Supervisors have determined that if an individual has any income at all, that in itself proves he is employable and hence cannot qualify for free food. This interpretation, of course, excludes all of the working poor and most AFDC mothers. Affidavits supporting these allegations have been filed in a recent suit brought by the Mendocino Legal Aid Society.

The motivations for county officials to violate or intentionally misinterpret regulations vary. Racial prejudice, such as we found in the South, has already been discussed. In Mendocino County the Supervisors have a nearly paranoid fear of effective welfare and food distribution programs attracting "Hippies." The poor are perceived by many officials as lazy, indolent, or otherwise unwilling to work and hence "unworthy" of assistance. But a common motivation is the necessity for these counties to bear the cost of administering the food and welfare programs. Administrative costs such as transporting commodity foods from the rail head to a distribution center, the maintenance of storage and refrigeration facilities, and the processing of applications are relatively small compared to the Federal government's burden. But these costs constitute a significant motivation for local officials to restrict the coverage of their food distribution program. If we wish to improve coverage, the motivation to violate guidelines in order to reduce administrative costs can be attacked only if the Federal Government is willing to share these administrative costs, at least in counties with a relatively small tax base.

Self certification on the basis of simple and objective criteria (as recommended by the recent White House Conference) and the minimum participation levels we have proposed will do much to eliminate the problem of manipulated eligibility criteria. But the hostility and suspicion which frequently exist within a local community toward the poor will not disappear. It seems likely that this hostility will encourage local officials to keep participation levels as low as permissible, excluding otherwise eligible recipients.

Need for "referees"

To reduce the likelihood of labor "objective" eligibility criteria being manipulated, we recommend that the Secretary of HEW, and specifically the Social Security Administration,[2] *be empowered to appoint referees who will supervise certification practices in a given community*. Referees need not be assigned in all communities. Rather, such assignments should be made when the Secretary *has reason to suspect* that systematic criteria manipulation exists. These referees need not assume the bureaucratic functions of certification; rather they would be empowered to overrule local determinations in any given case.

IV. GENERAL ADMINISTRATIVE PROBLEMS

Inadequate number of distribution points

Hopefully, minimum participation requirements will encourage local agencies to develop new and innovative means of reducing the participants' significant transportation difficulties. During our field investigations we encountered a number of situations which abundantly confirmed the frequent allegations concerning the great physical problems which recipients face in getting to the commodity or food stamp distribution point. In Tulare County, California, which is the size of Connecticut, there is but one distribution point. Mendocino County, with its 3,500 square miles, is smaller in area but its terrain is mountainous and the transportation problems are thus compounded. Yet it, too, has only one distribution point. Los Angeles County, which has more persons on food stamps than any other in the country, has less than 25% of those eligible participating. This is due to poorly placed and inadequate numbers of distribution points (banks) as well as to an inexplicable failure to publicize the program properly.

Encouragingly, some of the areas we visited have responded to the distance problem with solutions of varying creativity. Kern County, California, the third largest in the state (8,100 square miles) distributes commodities at several different locations. Distribution at the issue points is not con-

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[2] The food assistance recipients, would-be recipients, and CAA personnel whom we interviewed reserved most of their criticisms for the welfare agencies that operate the programs at the local level. However, such criticism of Federal agencies as we did encounter suggests that the USDA was perceived as less than wholly sympathetic to the food assistance effort. This rather slim bit of evidence is not the only basis for our suggestion that the SSA rather than USDA be responsible for appointing referees. The SSA will be charged with operating the Family Assistance program and should, therefore, be in a good position to make accurate determinations of aggrieved persons' income levels.

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tinuous, however. Thus, if a recipient is unable to get to the nearest issue point during the 2-3 days when distribution takes place there, he must arrange to go to some more distant location unless he is to miss that month's supply of commodity foods. Nassau County, New York is only a fraction of the size (289 square miles of the mammoth California counties. Yet even with (because of?) the 13 different bus companies operating in the county, transportation within Nassau's constricted land area is a serious problem. The county had attempted to deal with the problem in a manner similar to the method employed by Kern County, i.e., by rotating distribution to different target areas. In June of last year, fearing that state-mandated welfare cuts would increase malnutrition among the poor, the county sought to strengthen the existing delivery system by establishing a number of neighborhood distribution centers. Nassau now has 30 such centers in operation. The "stores" are open 4½ days each week. A recipient, moreover, need not pick up all the household's allotment on a particular day. A computerized record-keeping system allows the charges against the household's allotment to be maintained in so detailed a fashion that the family can pick up its complement one item at a time if it finds this more convenient.

Truck delivery of commodity food items to shut-in or housebound families is another possible response to the distance problem. This method is being utilized by the Delta Area Economic Opportunity Corporation (DAEOC), which operates a Community Action program in six counties of the Missouri "Bootheel." Under an Emergency Food and Medical Services grant DAEOC has leased nine step van trucks which together deliver commodity foods to 3600 housebound families. No effort, however, is made to deliver to all 50,000 commodity recipients in the six counties which DAEOC serves. Truck delivery is provided only to those families which have no private means of getting to the county warehouses.

To cope with the problem of distance and transportation difficulties for the poor, *we recommend that* the responsible Federal agencies be authorized to require a participating county to operate a minimum number of distribution points consistent with the local poverty population and the physical size of the jurisdiction involved. In addition, it should be realized that hours of operation are a critical factor and that the working poor are seriously handicapped when distribution points (as is the general custom) are open only from 8:00 A.M. to 5:00 P.M. Therefore, distribution points should be required to operate in the evening as well as during the day, for example, from noon to 9:00 P.M.

Inadequate outreach capability

It is a truism today that the poor are invisible and so they are, but in the vast majority of programs which we visited, the attempts to find the poor are disorganized at best and more often than not, non-existent. We did, however, see one outstanding attempt to find the poor in the DAEOC Program. There the CAA Director insisted that his 400 employees participate in a systematic survey of the six counties in DAEOC's area of responsibility. In addition the Director assigned 12 full time outreach workers, hired from the ranks of the poor, and working solely to find food recipients. But even this effort, as the Director readily admits, is far from adequate.

The DAEOC Program is the exception; the more common approach is for a CAA to have two or three part-time outreach workers assigned to find potential food recipients and no insistence that other employees aid in this effort. In counties without a CAA, the outreach program is non-existent.

The critical part that an outreach program plays in an effective food distribution system cannot be overemphasized. For example, in the DAEOC Program, outreach increased coverage by over *100%*, and the Director believes he is only scratching the surface. In addition, it should be noted that the most effective outreach is accomplished by the poor themselves, i.e., people who are known and trusted by the poverty community. *Every effort should be made to employ the poor in the outreach effort.*

An additional part of an effective outreach program is *extensive publicity* concerning participant qualification for the food program and location of distribution centers. During our visit to Nassau County, New York, we learned that the Department of Social Services had enclosed information concerning the commodity foods program in mailings sent to Medicaid participants. This sort of publicity is the exception, however. We recommend that the responsible Federal agency require local communities to include vigorous publicity efforts as part of their overall food assistance programs.

The current obstacle to the simultaneous operation of direct distribution and food stamp programs

Under current interpretation of existing law, the Secretary of Agriculture has little clear-cut authority to provide USDA support for more than one of the two basic food programs in a single county. We feel that this restriction seriously limits the effectiveness of the entire food assistance effort. The great diversity in the conditions that beset the poor renders doubtful the notion that any one program could adequately meet the needs in a given area.

The data gathered during our field trip confirm this basically intuitive judgment. In the Missouri "Bootheel," for example, the numerous housebound families would benefit little, if at all, if food stamps replaced the commodity programs because the innovative delivery system, discussed above, could not be readily adapted to food stamps. Yet there are certainly many individuals in the "Bootheel" area who could use the stamp program quite effectively.

Testimony from officials we interviewed also attest to the desirability of the simultaneous operation option. Mrs. Lena Rigby, who supervises food assistance programs for the Mississippi State Department of Welfare, observed that food stamp programs seem best suited for areas in which shopping facilities are accessible. Commodity distribution programs are more appropriate for areas which have few stores. Yet areas with adequate and inadequate shopping facilities are often found in the same county. Mr. Joseph Barbaro, Commissioner of Social Services in Nassau County, New York indicated that in his area, in which a highly innovative commodity distribution program is operating, food stamps would provide a useful complement to the existing effort. Similar sentiments were voiced by Mr. William Kiley who, until September of last year, was director of an eight-county Emergency Food Program in California's San Joaquin Valley.

In addition to diversifying the complement of weapons which local officials could employ in the fight against malnutrition, the dual operation proviso would help overcome the falloff in participation that occurs when a county shifts from direct commodity distribution to food stamps. Commonly, those who withdraw after stamps are substituted for commodities are at the extreme ends of the low income spectrum. The poorest direct distribution recipients often cannot afford to purchase stamps. (Hopefully, the liberalized stamp schedule now being implemented will help rectify this problem.) Those in the "upper income" bracket of the poverty stratum withdraw because of the small size of the stamp bonus. If such families could elect to continue in the commodity distribution program after the stamp program is established, it would mean that the latter would no longer undercut the food assistance effort among the "working" or "near" poor.

The question of where to lodge the authority to institute a second program is a difficult one. Certainly those county officials who have basic responsibility for operating food assistance programs should have the prerogative of requesting a second project from the responsible Federal agencies. However, to limit the initiative to local officials will not guarantee that second programs will be established in all counties that need them. Many local officials we interviewed expressed skepticism at the administrative feasibility of operating two programs simultaneously (a fairly predictable bureaucratic response). Only one official really seemed enthusiastic about taking on a second program in his county.

In view of this lack of local bureaucratic support for simultaneous operation, this option will be grossly under-utilized unless responsible Federal officials have the authority to initiate second programs. Such a stipulation would, however, offer a real incentive to local officials to sit back and let the Federal government undertake the project at its expense. The responsible Federal agency could relieve the dilemma by confining their simultaneous operation initiatives to the poorest counties, just as the USDA currently restricts its direct operation of commodity programs to such areas. An even more effective way would be for the Federal government simply to assume all second program costs. However, under these circumstances counties might be tempted to shift as many food assistance recipients to the second program as possible in order to reduce the local contribution to the first program. The Federal government could prevent this by requiring each county to maintain the level of support accorded the first program in order to achieve compliance with the minimum participation rates after the second program is established.

The administration's food stamp reforms specified a detailed number of specific conditions under which simultaneous operation would be possible. These include: (a) "disaster" conditions when normal food distribution "channels" were not functioning; (b) during the transition period from a direct distribution to food stamp program; (c) at the request and expense of the state/local officials. S2547, passed by the Senate on September 24, authorizes simultaneous operation during the period in which a country shifts from commodities to stamps. Operation of both programs may continue until participation in the stamp program equals participation in the commodities program prior to the start of the transition period. These proposals are certainly commendable as far as they go. However, we recommend that the Federal agencies be granted the authority to initiate second programs in areas of real need and that consideration be given to the possibility of federal funding for all second programs.

Limitations on the number of commodity distribution items

In recent testimony before the Senate Agriculture Committee, Mrs. Fred R. Harris reported that only 380 of 1400 counties in the direct distribution program offered more than 20 food items each month.[3] (At the time of Mrs. Harris' testimony, the USDA offered a maximum of 22 items.) Our investigation certainly corroborates Mrs. Harris' findings. In the twelve commodity distribution counties we visited, only two (New Madrid County, Missouri and Tulare County, California) offered recipients more than 20 items. In fairness it should be noted that prior to its switch to food stamps Fresno County, California had offered more than 20 items. Similarly, Nassau County, New York, which was distributing twelve items at the time of our visit, now offers 24.)

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[3] Senate Agriculture Committee *Hearings*, May 23, 1969, p. 235.

In order to protect the poor in counties which currently distribute only a portion of the items available, we suggest that the Federal agencies should establish some minimum number (e.g., 20) of items which a direct distribution county must offer. Those counties which fail to meet this standard will be considered as having "no program." The rest of the programs in that particular state will then be jeopardized in accordance with the all-or-none provision discussed in Section II.[4]

Our travels in California also indicated how the direct distribution program can discriminate against minority groups. The Chicano recipients reported that the absence of Spanish-language instructions on the food packages meant that for the Mexican-American poor, the difficulties encountered in preparing the commodity foods are even greater than for the English-speaking poor. Moreover, the specific components are often incompatible with the traditional Chicano diet. For example, the Chicanos are more likely to use red (pinto) beans than the navy beans which are often distributed to California counties. Moreover, the flour issued by the USDA cannot be utilized in preparing tortillas and other bread items that are central to the Mexican-American diet. The mild cheddar cheese, on the other hand, is quite well received.[5]

Limitation on the willingness or ability of local governments to bear administrative costs

As noted in Section III, the requirement that the local government bear the cost of administering food and welfare programs constitutes a significant motivation to restrict coverage and reduce the rolls. All state and county officials that we interviewed emphasized this in our discussions with them.

To assist the communities in meeting the administrative costs that effective food assistance efforts will incur and to remove a substantial motivation to exclude otherwise qualified recipients, we propose that the Federal government relax its insistence that these costs be met by the local government. In many counties the excuse that more meaningful programs are too expensive is no more than a rationalization for distorted priorities. Yet there is much evidence available concerning the serious financial difficulties which confront local governments. Therefore we cannot dismiss these pleas as wholly suspect.

While these financial burdens may be serious for a given community, they are relatively small for the Federal government. Our investigations turned up only fragmentary data on actual administrative costs. Yet the evidence we did secure indicates that Federal assistance in this area would not create a serious problem for the national budget. We were told in Mendocino County that the commodity distribution program costs the county roughly $1 per year per enrollee. The figures for the Missouri Bootheel would be closer to $2 per year per person. (This does not include the funds expended for the delivery of food to the 3,600 shut-in families.) We were given no specific data on the administrative expenses of the food stamp program, but according to one source it costs 60c to issue one enrollee's monthly allotment ($7.20 per year).

As fragmentary as these data are, however, they do indicate that the expenditures of relatively small sums by the Federal government could allow the local communities to expand significantly their food programs. For example, let us assume that the $2 per person per year expended by the Bootheel commodity program is a somewhat representative figure. On that basis we could estimate that a Federal allocation of $36,000,000 annually could underwrite the administrative costs of bringing all 18,000,000 poor Americans not currently under either food program into the commodity distribution effort. The food stamp program is apparently more expensive to administer. Nevertheless, with the expenditure of $50,000,000 the Federal government could assume the costs of adding several million more persons to the food stamp rolls. (The cost of issuing the stamps is not the only administrative expense associated with this program. Therefore, we have not concluded that $50,000,000 would be sufficient to cover the costs of an additional 7,000,000 persons, as would be the case if the $7.20/enrollee/year figure represented *all* the administrative costs.)

The Administration's food stamp reform proposals included provisions for liberalized Federal support for certain administrative costs. Because of the tremendous leverage which modest expenditure by the Federal government would provide in removing the administrative cost obstacle to program expansion we recommend that the Administration assume the administrative costs incurred when programs are enlarged. Such support would provide the local communities with powerful incentives to increase participation in their respective food assistance projects while at the same time reducing the credibility of the "we can't afford to do more" excuse.

V. CONCLUSION

The current Federal effort to end hunger and the passionless destruction of human life is limited. It is limited by two factors: (1) inadequate funding and (2) the dependence of food assistance programs on the support of local agencies and often unsympathetic bureaucrats. In this brief report we have given primary attention to the second factor, having assumed the first to be so obvious as to preclude the need for detailed discussion.[6]

It is equally obvious, however, that additional funding will not insure the success of the food assistance programs as they are currently constitued. No amount of Federal funding for the current programs is going to change the mind of the Acting Welfare Director in Mendocino County, California who feels that the needs of his county's hungry are being met, despite the fact that the number receiving commodity foods is equal, at most, to only 10% of the number now on public assistance. Similarly, increased Federal funding for the current food stamp or commodity program will not reduce a Mississippi officials' desire to harass and drive out the poor blacks or a midwestern county judge's conviction that food programs should remain a low priority item in the county budget.

The Federal government can, however, structure the programs so that they rely less on local cooperation and support for success. This, at first glance, may seem undesirable and a slap at the "New Federalism". However, by taking the steps recommended in this report, the government can create built-in safeguards against local hostility, indifference, or financial inadequacy. The revisions that we have suggested will not result in the complete federalization of the food assistance effort. Neither is there anything punitive in what we recommend. Those counties, and there are many, which have sought to operate adequate programs in the past will be given additional tools with which to do an even better job. Those counties, and again there are many, which have been laggard in their food assistance effort, will be given increased incentive and encouragement to make more adequate provision for the poor among their citizens. In the end, the effort to stop the untold physical and mental destruction caused by hunger will cost more than money. Toes must be stepped on, if the effective local barriers of hostility and indifference are to be overcome.

Throughout this report we have attempted to maintain the customary academic detachment. We close, however, on a less dispassionate note, calling attention to our sincere conviction that hunger and malnutrition are a national disgrace of the greatest magnitude. Our very ability to correct the problems with only a modest mobilization of resolve and an even more modest outlay of cash makes the scandal of hunger in America all the more intolerable. Our youth see something wrong with a society which blinds itself to hunger by lavishing millions of dollars on an aircraft that will allow its luckiest citizens to fly from Watts to Harlem in two hours, seeing only clouds, completely isolated from cities, slums and people. From a political standpoint, dramatic and *effective* action in this area would quickly demonstrate that the nation is properly reordering its agenda and is putting the concern for human beings before its concern for machines, vested interests, and old policies.

America is faced with great pressures for more orderly change, for a move livable environment. But the urgency of the hunger problem is, in our view, paramount. The problem has been caused primarily by massive economic dislocation brought about by the mechanization of rural and urban America. We have eagerly sought the benefits of that automation; we are now morally bound to bear its burdens. When America has seen what is right, she has responded with compassion, generosity, and sacrifice. To paraphrase the late Mr. Churchill, seldom in the history of social reform could so much be done for so many with so little. President Nixon has said "the time has come to put an end to hunger in America." Let us hope that we have the compassion and determination to heed this challenge.

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[4] Again, fairness requires us to note that not all shortages are the result of a particular county's unwillingness to pay for the handling of more food items. In Missouri it was reported that flour shipments to Viet Nam often affected the availability of flour for local distribution.

[5] Some CAA personnel we interviewed in California reported that the black recipients did not find the cheddar cheese congenial. We did not encounter this complaint anywhere else.

[6] At present less than one third of the poor participate in the two basic food assistance programs. It is quite true that in past years certain funds which some contend could have been used for food programs have not been spent. Yet even if all Sect 32 funds which theoretically are available for food programs were spent, the programs would still be inadequately funded. The percentage of the food stamp appropriation which was unspent last year constituted an even smaller drop in the bucket.

TWO DISTINGUISHED COLUMNISTS COMMENT ON THE WAR IN INDOCHINA

Mr. YARBOROUGH. Mr. President, on Tuesday, June 2, 1970, the Frank Mankiewicz and Tom Braden column in the Washington Post was devoted to our current invasion of Cambodia and expansion of the war in Indochina. This column makes many eloquent and forceful points about the futility of expanding war into still another part of Indochina in the same name of ending it in Vietnam. One point, however, seems to me to take precedent over all others. I quote from the column:

> Mr. Nixon will list the weapons, the ammunition and the rice we have taken and destroyed. But the weapons and the ammunition can be replaced—by the Russians if necessary. The hundreds of Americans who will have died in Cambodia cannot. What cannot be avoided, once all the "success"

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language is cleared away, is that Cambodia was not only a political setback of major consequence for the administration, but a military failure as well.

Mr. President, I ask unanimous consent that the full text of the column entitled "Nixon Will Try, But Can't Disguise the Failure of Cambodia Operation," by Frank Mankiewicz and Tom Braden, published in the Tuesday, June 2, 1970, edition of the Washington Post, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Nixon Will Try, But Can't Disguise the Failure of Cambodia Operation

(By Frank Mankiewicz and Tom Braden)

The President could not wait until the troops were out of Cambodia—he opted for an "interim report" this week. It will confirm that the purpose of the Cambodian invasion has become not to save the lives of American soldiers but the face of American generals and the seats of Republican congressmen.

Mr. Nixon will list the weapons, the ammunition and the rice we have taken and destroyed. But the weapons and the ammunition can be replaced—by the Russians if necessary. The hundreds of Americans who will have died in Cambodia cannot. What cannot be avoided, once all the "success" language is cleared away, is that Cambodia was not only a political setback of major consequence for the administration, but a military failure as well.

Item: We do not even claim that the "central headquarters" for the Vietcong had been captured. On earlier offensives, such as Operation Cedar Falls and Operation Junction City in 1967, we reported it overrun, bunkers, communications equipment and all. This time, it seems to have passed to the control of the Scarlet Pimpernel and eluded us. No matter—six months after the last time we captured it the enemy launched the Tet offensive.

Item: Simultaneous leaks from what seems to be the same Pentagon source to selected newsmen last week indicate a major effort to mask the failure of Vietnamization which the Cambodian campaign revealed. In the first two weeks, while our casualties went sharply up, those of the South Vietnamese went as sharply down. Morale in the ARVN, it is reported, has never been higher. It is, apparently, an army which prefers bullying Cambodian civilians to fighting the Vietcong at home. It is no wonder that Thieu and Ky want to stay indefinitely.

Item: High South Vietnamese sources now say that the cost of remaining to "assist" the Cambodian army will run at the rate of $200 million. This is a heavy cost for the American taxpayer, who may not understand why he must pay the South Vietnamese to Cambodianize one war while still paying something on the order of $30 billion to Vietnamize the first one.

Item: Our military planners—anxious to take advantage of Prince Sihanouk's overthrow—ignored the historic hatred between the Vietamese and the Cambodians. The report that Thai "volunteers" will defend Phnom Penh merely increases the problem. Thais are also unwelcome in Cambodia. Furthermore, one wonders how much we will pay to provide the Thai volunteers.

Item: The new Cambodian government has imposed martial law and will crack down on its own citizens, understandably restive over the presence of the South Vietnamese and—more important—over the fact that since the invasion the North Vietnamese have taken over a number of provincial capitals and have tightened their grip in the areas they already held.

Item: The ease with which the many seized and briefly held Dalat, South Vietnam's ninth largest city, over the weekend suggests just what Vietnamization has come to. Areas once thought pacified have fallen again to the Vietcong, now that the South Vietnamese are off in Cambodia improving their morale by fighting women and children.

Item: Since the fighting began in Cambodia, American casualties in South Vietnam have remained about the earlier "tolerable" level.

Item: The Vietcong now control more of Laos than they did before the Cambodian invasion.

The President's interim report may boost his popularity for a while. It may even nudge a Senator or two to vote against the Cooper-Church amendment to stop funds for more operations in Cambodia. But the facts remain. "Vietnamization" was always doubtful—an army which would not fight with Americans was a poor bet to fight without them. Now, the failure is plain through all of Indochina. The generals have never known what this war was about, and the President—like his predecessor—had no reason to believe that they did.

INDIANS IN THE BIG THICKET

Mr. YARBOROUGH. Mr. President, Texas' only Indian reservation is in the Big Thicket. The Alabama and Coushatta Indian Tribes have developed a great tourism business and conduct tours through parts of the Big Thicket.

My bill to establish a 100,000-acre Big Thicket National Park will preserve this beautiful and unique area, so rich in history and in natural wonders. There is great interest throughout Texas and the Nation in preserving the Big Thicket.

A recent article in the Amarillo Sunday News-Globe extolled the wonders of the Big Thicket. This excellent article by Georgia Swift appeared in the Sunday, May 17, 1970, issue of the Amarillo Sunday News-Globe.

This article appears in a section of the paper devoted to outstanding vacation areas. The remarkable thing about this is that the proposed Big Thicket National Park is over 650 miles from Amarillo, Tex. This indicates the tremendous popularity and attractiveness of the Big Thicket to people all over Texas and the Nation.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Texas Alabama and Coushatta Indians Make Tourism Pay

(By Georgia Swift)

Amidst the exotic flora and fauna of the Big Thicket of East Texas, and adding to the region's unique natural wonders, is this state's only Indian reservation, home of nearly 400 Alabama and Coushatta Indians.

Clinging to the woodlands they love, the Indians share the remarkable forest of cypress, magnolia, black hickory and palmetto with a great variety of wildlife including mink, otter, muskrat, coons, possums, bobcats, foxes and wolves.

And here, deep in the forest the Alabama and Coushatta Indians are developing a tourist program unlike any other.

Begun five years ago with a program of dances and demonstrations, the program has expanded to include enough activities to occupy a visitor for a full day.

A Big Thicket tour takes guests into the deep forest in four-wheel drive vehicles. Into the virgin timberland and swampland where trees are so thick one can scarcely see the sky, the driver goes through the Tupelo Swamp and points out many species of plant life.

The site where Gen. Sam Houston met with the Alabama and Coushatta Tribal Council to help them obtain their land is pointed out in a historical tour which operates into the eastern part of the reservation where the Indians used to grow corn, melons and vegetables. Known as the "Wash Springs" area because the women washed clothes along the running water from several springs, points of interest include an old grist mill, syrup mill and old farm implements. Sometimes, young Indian boys simulate an attack on the tourists as an added color event.

A mini animal kingdom is accessible on the Red Indian Chief Railroad. Buffalo, Texas longhorn cattle, deer, geese and ponies are penned along the way and the engineer lectures as the five-car-train chugs down the tracks.

A picture in a history book comes alive in the Living Indian Village, replica of the village of 150 years ago. Older Indian craftsmen demonstrate bead work, pink straw basket weaving, making of pottery, ceremonial sashes, arrowhead making, dance costume preparation, and use of the blowgun. Corn is prepared for sofkee, Indian bread, which is then cooked and offered to visitors to taste.

In the yard is a little log cabin, a smokehouse, garden and stream of water.

Largest building in the square is the combined museum, arts and crafts shop and restaurant. Tribal artifacts are housed in the museum. A night scene in the Big Thicket complete with plants and animals is featured. The arts and crafts shop offers straw baskets, weaving, beaded items, silver work and pottery. One side of the counter is reserved for items made by the Alabamas and Coushattas. The other stock items are imported from other Indian tribes to help keep pace with the demand.

A Nature Trail has been opened providing more entertainment and education for outdoor enthusiasts. Over 80 shrubs, trees, flowers and other natural wonders are identified along the scenic path.

Other entertainment offered includes an archery range where one can use bow and arrow Indian style and a pony ride. A campground is also maintained for visitors.

And, highlight of the entertainment, the Na-Ski-La dancers, who started it all, still perform in the Tribal Dance Square. To the beat of the big drum and the chant of Indian songs, boys in colorful plumes and girls in buckskin dresses perform traditional rituals in groups and in solo presentations.

Behind the creation of this fascinatingly authentic, historical and natural attraction lies a background of Indian struggle to adapt to the fast-paced, technological demands of the 20th century.

Peace-loving, woodland Indians throughout their history, the Alabamas and Coushattas suffered years of deprivation, hardship and second-class citizenship as their hunting ranges shrank and farming became harder.

Gradually driven west by the encroachment of the white man, the Indians settled in Texas about 1800. They assisted the colonists in the war with Mexico and, in gratitude, the Texas Congress granted them four leagues of land on the Trinity River during the first half of the 19th century. White settlers took the land away from them, however, and they were again homeless and landless until 1854 when, upon the recommendation of General Sam Houston, the State of Texas purchased for the Alabamas 1,280 acres of land.

For the next 74 years they lived on these acres without assistance from either state or federal government. Their pine-covered forest land was not productive for crops or grazing. Their chief means of livelihood was hunting, which became prohibited. Undernourishment, disease and deprivation hit hard and diminished the tribe by half.

In 1928, their plight became known and the federal government purchased just over 3,000 acres of land adjoining the original reservation to be held in trust for the Alabama and Coushatta Indians living on the reservation. Small frame houses replaced the log cabins and shallow wells replaced long treks to a spring for water.

In 1948, they gained the right to vote, by opinion of the Attorney General of Texas and in 1957 they were given the right to manage the timber of the reservation and to use the revenue. In 1959, a bill was passed by the legislature enabling the Tribal Council to lease for mineral rights.

Federal trusteeship was relinquished in 1954. Since 1965, the reservation has been under the joint jurisdiction of the Texas Commission for Indian Affairs, a newly created agency, and the Tribal Council, a seven-man governing body elected by the tribe from its members.

About 10 years ago, the Indian community took a long, hard look at its situation. In the heavily wooded timberland that they loved, there was no way to make farming pay. They had neither the education nor the capital to compete industrially.

Undereducated and with limited ability to speak English, they could hardly hold jobs. Many still commute daily to work in Texas Foundry in Lufkin, 65 miles from the reservation, or to Champion Paper Co. in Camden, 20 miles away.

But they were able to pick out one possible way—they were Indians, owners of Texas' only Indian reservation which included 600 acres of virgin timberland, and Texas tourist business was beginning to boom.

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Grappling with the problem, assisted by reservation superintendent Walter W. Broemer, the Tribal Council established The Tribal Enterprises to promote tourist attractions on the reservation. With some financial help from the Texas legislature, which farsightedly took the position that funds to help the Indians become self-supporting were well spent, The Tribal Enterprises began its program. It now provides employment for more than 100 members of the tribes during the busy season.

Located between Livingston and Woodville on U.S. Highway 190, the Indian reservation has begun to effect the economy of neighboring towns. The Indians themselves now have more money to spend and guests who visit the reservation often buy gasoline and food in nearby areas.

Success of the project has enabled the vision to grow bigger. Construction of an amphitheatre, a 600-acre lake and rustic cabins are planned soon, opening such attractions as canoe trips, covered wagon rides, boat docks and fishing areas.

Some 400 Alabama and Coushatta Indians have found a niche in the White Man's World.

THE GREAT CENTER OF OUR PEOPLE

Mr. ALLOTT. Mr. President, to my great regret, I was detained in Colorado by the funeral of Gov. Ed Johnson and for that reason was unable to be present on Monday when the esteemed and distinguished Senator from Maine (Mrs. SMITH) delivered her thoughtful speech on the 20th anniversary of her denunciation of McCarthyism.

I have read most of the very favorable news reports on the speech which she delivered on Monday. This country already has many reasons to be grateful to the senior Senator from Maine for the quality of her intellect, the strength of her convictions, and her unwavering devotion to our country.

I am sure there have already been a number of encomiums placed in the RECORD relative to her remarks on Monday, but one of them which appeared in the Baltimore Sun this morning is particularly appropriate. It points out the dangers inherent in the extreme polarization of politics and rightly praises Senator SMITH for having so correctly and quietly pointed out the danger.

Mr. President, I ask unanimous consent that the editorial in the Baltimore Sun for June 3, 1970, entitled "The Great Center" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE "GREAT CENTER"

Senator Margaret Chase Smith of Maine finds a national sickness in the United States, similar in its extent and pernicious effect although not in its source to the sickness of McCarthyism which she diagnosed and denounced so courageously two decades ago. McCarthyism was an ailment spread by the "know nothing" extreme right. The late Senator McCarthy of Wisconsin was a clever and unscrupulous politician who promoted himself into the status of a national figure on a wave of fear of communism but who was deflated as it became apparent that there was no substance to him or to most of his accusations. Mrs. Smith, to her lasting credit, was one of the first senators to speak out against his tactics of bluster and intimidation.

The nation's problems were never as simple as Senator McCarthy made them appear to be, although the craving for an easy cure existed then as it does today. And our national sickness is surely more complex than it was 20 years ago. The extreme left, which Mrs. Smith identifies as the chief source of the sickness, preaches and practices violence and anarchy that are new even to left-wing American politics, and in its various forms and shadings of communism it has gone far beyond even the widest thoughts of the McCarthy era.

As Mrs. Smith points out, the extreme left has been operating on some college campuses, and she is correct in declaring that "the campus cannot degenerate into a politically privileged sanctuary for obscenity, trespass, violence, arson and killing, with special immunity for participants." She is correct again in warning that the excesses of dissent on the extreme left can result in the repression of dissent, and that to most Americans rerepression is preferable to anarchy and nihilism.

Senators like Mrs. Smith can help the country now, as was the case in 1950, to keep a sense of perspective. All college students and teachers are not extremists, nor should the right of orderly dissent on the campus and elsewhere be put down because some extremists abuse it. The cure for leftist violence on the part of the young does not lie in rightist violence on the part of the supposedly mature. Those persons who try to polarize the national politics into extremes of left vs. right inflame the sickness and court disaster. The national strength is in what Mrs. Smith calls "the great center of our people." This was shown to be true in the McCarthy era and is equally true today.

DEATH OF FORMER SENATOR EDWIN C. JOHNSON, OF COLORADO

Mr. ALLOTT. Mr. President, one of the country's great citizens, Edwin C. Johnson, and certainly one of Colorado's greatest citizens, passed away last Saturday morning after an operation in Denver.

Edwin C. Johnson, of Colorado, served as Governor for two terms from 1932 to 1936. He was elected to the U.S. Senate and served from 1936 to 1954. He then returned to Colorado and was thereafter elected to his third term as Governor of our State.

It is actually his seat which the senior Senator from Colorado now occupies in the Senate.

I would be remiss not to use this opportunity to say that our State, and the whole area of that part of the country particularly have lost one of its greatest citizens.

Ed Johnson was not of my party, yet during all these years, I can say that we developed a warm and lasting friendship. No partisanship ever entered the constructive work he did for the great West which he loved so well, and his own State of Colorado which he loved equally as well.

Particularly was this true in the area of the development of our water resources, on which he was an outstanding authority.

One of the heartwarming things about Ed Johnson's life was that up until almost the last week or so, when he had to enter the hospital for surgery, he was active physically. No one can deny the great mental qualties which he retained until the end of his life, when he expired at the age of 86.

Mr. President, we in Colorado have lost a great citizen. I believe that America also has lost a great citizen. Certainly everyone in the Western States will have cause to remember Ed Johnson with gratitude for the valuable contributions he made in the development of its resources.

Today I merely wish to express on behalf of my wife and myself our deep sympathy to his wife, Fern, and his wonderful family, because here, indeed, was a great American whose contributions have probably not been exceeded in the West by any other one man.

Mr. DOMINICK. Mr. President, I wish to associate myself with the tribute my distinguished senior colleague has just paid to Ed Johnson.

He really was a warm human being, as well as a fine Senator and Governor.

I knew Ed Johnson for well over 20 years on a personal basis. I remember, I would come into my office and find a note written in green ink, saying:

> If you want a good secretary, why don't you give me a ring?

He always had a great sense of humor. He also had great humility and a sense of compassion for people.

My distinguished colleague and I attended his funeral yesterday. It was an impressive ceremony attended by Americans from all walks of life and from all parties. No partisanship of any kind was exhibited.

All I can say is that the State of Colorado will miss him. America will miss him, too.

My wife and I will miss him very deeply on a personal basis. I join my colleague in extending to Mrs. Johnson and her family our deepest sympathies and our broad feeling of the sincere warmth we feel for the friendship we had with Ed Johnson, which will always live in our hearts and minds.

Mr. HANSEN. Mr. President, I, too, join my colleagues from Colorado in paying tribute to a truly great American, who represented not only the State of Colorado and the West, but also the Nation.

It was my privilege to know and admire Senator and Governor Johnson for many years. Some of his important duties were performed in Wyoming, as my colleagues from Colorado know. He was a railroader; he was a telegrapher. He certainly knew the West very well. Because of his intimate acquaintance with the West he was able better to serve the West and to know its problems, as he served so admirably in the Senate and as a Governor in the State of Colorado.

He spoke for all the West. His understanding of the problems of water was one of the things that distinguished him most in the eyes of many of us in the West.

He was well regarded. He gave strong support to all of us as we worked together in developing the western part of the United States.

It is with a real sense of personal loss that I note his passing.

Mr. MAGNUSON. Mr. President, I associate myself with the very appropriate remarks made by both Senators from Colorado, and the Senator from Wyoming, about Ed Johnson.

It is true, he made a great contribution toward developing the natural resources of the West.

I remember another facet of Ed Johnson. For some time he was chairman of the Committee on Commerce and I literally served at his feet. He had more commonsense about transportation problems of this country than any man I know.

Railroad presidents would come to testify before the committee and they would ask him for his advice rather than testifying. They would say to him, "What do you think we should say about this particular problem?"

Ed Johnson once said to me, when I had to leave and I asked him to be my proxy for a particular bill which I knew a little bit about:

> I will tell you about this bill right now. The railroads want to strike out one section. The inland waterways are opposed to 2 or 3 words in it. The airlines want to wait a while.

He went through all the transportation modes in the country and then he said:

> You know, I think that makes a real good bill.

I will always remember that.

Mr. President, I recall a personal experience with him. I was in Denver a few weeks ago, attending a transportation meeting, and I thought I would telephone him. There were two Edwin Johnsons in the telephone book, and they both had the same initials. I took a chance and dialed the first one. I said, "Hello, Mr. Johnson?" I do not know why I did not say, "Hello, Senator," or "Hello, Governor." Then I added, "Which Johnson is this?"

He replied, "This is big Ed talking."

He must have received several calls that way, but that is the way we affectionately knew him in Colorado, as "Big Ed," and we will always remember him that way.

The people of Colorado will sorely miss him. He was a voice of reason all the time. Ed Johnson could be in a bitter controversy in the Senate and he was always a voice of reason.

I will miss him as a personal friend, and I am sure that the people of Colorado will miss him.

Mr. ALLOTT. Mr. President, I thank the distinguished Senator from Washington. I know that the Senators from Colorado and other parts of the West appreciate his remarks, as will his family.

Ed Johnson was chairman of the Commerce Committee prior to the time that the Senator from Washington was chairman. He was in fact a very good friend of us all.

I could stand here, as could my colleague, for hours and talk about the extremely interesting things that happened to him during his life.

One of the things he was very fond of doing all his life was making eternal notes in green ink, as my colleague mentioned. I received many of those green-ink notes. One would just look at the letter and know who had written it.

Mr. AIKEN. Mr. President, I want to join in the tributes being paid to Ed Johnson.

Ed Johnson and I both lived at the Carroll Arms, across the street from the Senate Office Building, for many years.

I found him to be one of the most conscientious Senators I have known during the many years I have been a Member of the Senate.

That is why I want to join in all of the tributes that have been paid to him.

Ed Johnson was one of the best men we have ever had serve in the Senate.

Mr. ALLOTT. Mr. President, I thank my distinguished colleague. Ed Johnson was indeed a unique man.

We in Colorado will always respect his memory and respect the great work which he did.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. What is the will of the Senate?

Mr. KENNEDY. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and (at 12 o'clock and 12 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 12:13 p.m. when called to order by the Presiding Officer (Mr. McCARTHY).

THE HIGHER EDUCATION AND ELEMENTARY AND SECONDARY EDUCATION ACTS

Mr. MAGNUSON. Mr. President, I would like to take advantage of the time to make an announcement.

Last year we had a great deal of trouble with the HEW appropriations bill. There was a long delay. I am not pointing the finger at anyone. It was due to a combination of circumstances—late authorizations and a veto by the President. We took the matter up again.

The result was that the school people of the United States were in a quandary. They could not make up their budgets because the bill had not been passed. They had no definitive idea as to what the Federal contribution would be on higher education.

They said that they would like to have these bills passed early so that they could make up their budgets for the following school year.

I want to report to the Senate that the Senator from New Hampshire (Mr. COTTON) and I and other members of the subcommittee and the full committee have had the bill ready for 3 long weeks. We are perfectly willing to bring it up on the floor if we can get an agreement with everyone that we will not take up too much time.

We should not require too much time on the so-called money items in the bill. However, the bill still contains the so-called Whitten amendments.

I hope that we can take care of this measure now so that the school people all over the country, both in higher education and elementary and secondary schools, can make up their budgets and sign contracts with the teachers and know the extent to which we will participate in the next year.

The Senator from New Hampshire and I held long hearings. We held the hearings early. We have had the material printed and have been ready for 3 weeks.

I want to make this announcement in the event that someone might suggest that there has been an unusual delay such as happened last year.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, I will not take much time since we have to take a recess in order to go to the other body.

I am thoroughly in agreement with everything the Senator has said. I think that it is highly imperative that we try to get an agreement to vote on this particular bill as soon as possible.

Mr. MAGNUSON. And also, this is the education part of the HEW bill. It deals only with the education features of the bill.

ADDITIONAL STATEMENTS OF SENATORS

THE SEAS' RESOURCES EXCEED THE MOON'S

Mr. HOLLINGS. Mr. President, an article entitled "Seas' Resources Exceed Moon's," written by the distinguished Senator from West Virginia, Hon. ROBERT

C. Byrd, was published in the Lewisburg, W. Va., Independent of May 7, 1970.

As chairman of the Subcommittee on Oceanography of the Committee on Commerce, I was extremely pleased to note Senator Byrd's understanding of the importance of a national commitment by the United States for the exploration and exploitation of the resources of the seas.

I commend Senator Byrd on his observations and recommended his article to the attention of the Senate.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sea's Resources Exceed Moon's

(By U.S. Senator Robert C. Byrd)

Our country has spent billions of dollars on going to the moon and relatively little to learn about the resources that exist in our oceans.

Space flight is thrilling and dramatic. But there is some strange misplacement of priorities that leads us to send men to explore a sterile Sea of Tranquility while leaving unexplored the treasure-rich seas around us on earth.

There is no food on the moon to help feed the earth's increasing millions who are hungry; yet, earth's seas teem with protein that a soaring population urgently needs.

The moon has no tides to harness for power; no water that we can tap; yet, the oceans may one day have to help us produce our power, and—through desalinization—serve as a major source of fresh water for an urban civilization.

The moon may be as rich in minerals as some say it is. However, there is no way in which we can utilize them. But we can utilize the mineral wealth known to be available in the oceans' depths.

It is perhaps the nature of man to look up instead of down. The fiery descent of a vehicle from outer space is admittedly more spectacular than the less dramatic emergence of a bathysphere from the sea.

But what we can learn from the pervasive waters which cover three-fourths of the earth—beneath which so much that is unknown to mankind lies hidden—can be far more important to the future of the human race than anything that now conceivably could come from the void of outer space.

We probably knew more about space before our moon program was even started than we have ever known about the oceans. Going to the moon gave us great national prestige, and I was as thrilled as anyone else to see American astronauts first set foot on the moon; yet, despite beneficial side effects and technological spin-off, the value of additional moon missions to the average person must be debatable. Unlocking the secrets of the seas, however, and making them more productive for the people of the earth could be a vastly significant contribution to the welfare of all mankind.

Our country should make a far greater effort to explore, research, farm, and mine the oceans. A national commitment to that end is needed. If only a small portion of the vast amount we have spent on space were diverted to oceanography, astonishing results of beneficial economic and humanitarian impact could almost surely be achieved.

Thus far the United States has spent nearly $40 billion on its space efforts. By comparison only slightly more than $3 billion has been expended on oceanographic research.

This serious imbalance must be corrected.

SENATOR RANDOLPH QUESTIONS LOGIC OF TAX ON LEADED GASOLINE; PREFERS TAX ON HIGH COMPRESSION ENGINES

Mr. RANDOLPH. Mr. President, we are in the midst of severe national economic problems. Yet the administration has demonstrated its economic confusion; its "backing and filling" on the causes inherent in a nonproductive economy; its difficulty in understanding the true silent majority—the American consumer.

The administration has asked us to add—and, I think, with a failure to assess the possible adverse results—approximately 7 percent to the cost of gasoline. This, we are told, is an antipollution tax, specifically a 2.3 cents a gallon levy on gasoline containing lead additives.

Who would pay this tax if, through some incredible lack of judgement, we were to enact such legislation?

We are told this proposed impost would not only bail the administration out of its fiscal problems, but would act also as an incentive to speed the elimination of lead from gasoline and thereby cure the pollution problems caused by automobiles.

This is highly questionable.

Automobile pollution comes from the cars on the road today—nearly 100,000,000 of them. These are vehicles with high-compression engines that must have high-octane, leaded gasoline—or they will not run with satisfactory results.

It is true that Detroit has promised us cars that will operate on unleaded gasoline next year—cars that will have lower compression engines that are predicted to be capable of performing well without lead in the gasoline they will use.

I ask this question: Who, in the name of Ford and Chrysler and General Motors, is going to be able to afford a new car in the midst of the prevailing inflationary spiral?

The answer is that fewer and fewer of the people who elected us to look after their interests are likely to be in the new-car market. Most of them are going to be driving their present cars, or, perhaps, cars bought from a used-car lot. All of these cars have high-compression engines designed to run economically on high-octane gasoline, made with lead additives.

Shall we ask these people to pay 2.3 cents a gallon more for gasoline because they cannot afford a new car? Are we going to increase inflation under the false banner of fighting pollution when that banner is flying false colors?

The administration should take another hard look at the 2.3-cent tax product of its thinking. It is today's modern automobiles with their big engines that pollute our air, our streets, our parking facilities. Why then does not the administration work to reduce pollution by going directly to the source of the problem, which is the automobile that requires high lead content, high-octane gasoline. It would be more logical to tax the high-compression engines.

I suggest that such a tax would cause the automobile manufacturers to lower compression ratios. Favorable results would be lower cost gasoline for these lower compression engines, gasoline that can be produced without the inflationary cost of new refineries. Such a gasoline of low octane does not require the addition of lead additives. So this type of tax would help the fight against pollution and would help the consumers, too.

U.S. PRISONERS OF NORTH VIETNAM

Mr. PEARSON. Mr. President, without a doubt, the most tragic aspect of this tragic war in Vietnam has been the treatment received by the American prisoners of war at the hands of their captors. The North Vietnamese and the Vietcong, defying international agreements and basic codes of humanitarianism and decency, have consistently refused to discuss the whereabouts of the missing American men. Similarly, they have dribbled out only limited and distorted information about selected prisoners in infrequent propaganda movies tailored to their own purposes.

On the shoddy pretext that U.S. captives are not prisoners of war but "criminals," North Vietnam will not allow neutral inspections of its prisons. Yet, such inspections are required under the Geneva Conventions, signed by North Vietnam in 1957 and by 119 other governments. Using the "criminal" charge to mask its defiance, Hanoi not only has rejected inspection of its camps, but has also refused to identify the prisoners it holds; release the sick and wounded; allow proper flow of letters and packages; or protect U.S. prisoners from public abuse.

More than 1,400 American families do not know whether their sons or husbands in Vietnam are dead or alive, physically well or ill. More than 300 U.S. servicemen are known to be prisoners of the Communists. More than 1,000 are missing and believed to be prisoners. Their fate remains unknown because North Vietnam continued its brutal refusal to live up to the Geneva Convention relative to the treatment of prisoners of war. At least 54 of these men have relatives in Kansas.

The families of these American fighting men live each day in uncertainty and dread. Our Government, under both this administration and the preceding one, has repeatedly protested mistreatment of prisoners and urged that those basic steps provided by the Geneva Convention be taken. But the response from Hanoi has been insolently negative. The Communist regime has refused even to identify the men held in captivity.

However, the Nixon administration has been more willing to bring this tragic problem out in the open. Under this administration, the U.S. Government has opened up some of its previously closed files of information on the imprisoned and missing men. New initiatives and a tougher approach are being exhibited, and, for the first time, administration officials are waging an open fight for the prisoners. The United States has been speaking out on this situation more vocally.

Two of President Nixon's top Cabinet officers have embarked on a strong public offensive. Both Secretary of State William P. Rogers and Secretary of Defense Melvin R. Laird have led this fight. Rallies have been held to marshal public opinion against this inhumane treatment. Resolutions condemning the North Vietnamese for this treatment have overwhelmingly passed both Houses of the Congress.

North Vietnam's consistent refusal to abide by the 1949 Geneva convention on the treatment of prisoners of war is viewed by American and world public opinion with dismay. And, it is only through further pressure brought by world opinion that there is any hope of changing the situation.

Serious indignation arises when issues are avoided rather than discussed. Serious indignation arises when prisoners of war and their families are not accorded the treatment called for by all accepted international standards.

May such indignation soon inflame world opinion so that even the North Vietnamese will be unable to withstand the onslaught. May our prisoners of war soon be granted the treatment which is theirs by right, by reason, and by international practice. And, may the time be short when all American prisoners of war are home again.

HOW IT WAS IN 1936

Mr. McGEE. Mr. President, as a member of the class of 1936 at Nebraska State Teachers College in Wayne, I was struck by the title of an article published in the Washington Sunday Star of May 31. The article, written by Rudolph Kauffmann II, was headlined "In 1936: Would We Have Done the Same?"

Indeed we would have. As Mr. Kauffmann points out, the class of 1936 and its contemporaries would have demonstrated and protested had any President in that year or any year leading up to Pearl Harbor suggested we go forth and confront Hitler, Tojo, or Mussolini. We were not asked, really, until Pearl Harbor caused the Nation's adrenal gland to respond. But we can understand why those who are the same age today as we were then are doing and saying what they are doing and saying, as Mr. Kauffmann puts it. Understanding, however, does not mean we agree, for we experienced the fruits of a policy that permitted German and Japanese imperialism to go unchecked in the thirties.

Mr. President, I ask unanimous consent that Mr. Kauffmann's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN 1936: WOULD WE HAVE DONE THE SAME?

(By Rudolph Kauffmann II)

We have to admit it to ourselves, we of the "Establishment." The details would have been different: There might well not have been a splash-in, or so much undressing, or dirty words shouted quite so publicly. We might even have kept our ties and coats on. But the embryo of protest was there.

We could remember dancing ring-around-the-rosie at pre-kindergarten to celebrate the 1918 Armistice. As kids we had tasted some of the affluence of the 1920's. That the United States had fought and won the "War to End War," the "War to Save Democracy," was an article of faith. America had paid its debt to Lafayette, and his friend George Washington's remark about avoiding foreign entanglements came often to the nation's lips. We wouldn't have to fight again, ever again.

The 1929 Crash and subsequent Depression shattered the dream of affluence. As we entered college in 1932, there was widespread disillusionment. The capitalist system, with its booms and busts, had failed once again. The then-existing "Establishment," domestically at least, had made a mess of things. We would change all that.

Civil rights weren't the "big issue" then, although, of course, the lack of them in the case of many Americans was apparent. The big issue was the right of a man to gain a decent livelihood, and acceptance of this right by the "system" as having the same validity as the right to property.

Franklin Roosevelt, however, was pointing the nation in the direction of upholding this right. Some of the "Establishment" tried to blunt his efforts, but the majority of adult Americans agreed with what he was trying to do. We were left in the position of concurring rather than protesting.

But, war? That was a problem for Europe, perhaps, or Asia—not for us. The wealth of the nation, such as it was, actually was then being used for domestic reforms. That military concerns might conflict or siphon off the funds needed to attack economic and social problems was unthinkable to us. It was also unthinkable to the majority of adult Americans. There was nothing there to protest.

Then the "victory" of 1918 began to fall apart at the seams. Hitler came to power. Mussolini announced his intention of making the Mediterranean an "Italian lake." The Japanese annexed Manchuria and attacked China proper. Germany reoccupied the Rhineland without Great Britain or France even trying to oppose. But the idea that we might send an American expeditionary force to confront German or Japanese imperialism was unthinkable. If our World War I allies, still great powers, saw no need for a confrontation, why should we?

So we watched these things happen with a certain detachment. It never occurred to us that we might be directly concerned. It wasn't our problem. Again, the majority of adult Americans agreed.

Most of us refrained from taking ROTC courses, although roommates and close friends did. But most of them didn't seem to take them very seriously, and the whole business was regarded with amused tolerance. We spoofed war by organizing a thing called "The Veterans of Future Wars," and one of our sister colleges cooperated by founding "The Future Gold Star Mothers of America." But we were trying to kid the American Legion, then lobbying for a one-shot payment of future pensions. We had no thought of being veterans of any future war.

We graduated in 1936 and went our separate ways, destined, however, to live only briefly in our fool's paradise. Anschluss with Austria, the annexation of the Sudetenland, peace at any price at Munich and the Japanese military buildup came in rapid succession. And America began, but only just began, to see the threat to American national security that these things implied.

Then Poland, France and England at war. The handwriting on the wall became clearer; but still the Draft was enacted by a single vote in the House. Then Pearl Harbor. The nation's adrenal gland responded. The rest is history.

Now let us consider some "supposes." Suppose England and France had confronted the early manifestations of German imperialism. And suppose the President of the United States, when the war clouds first began to gather and knowing full well that if he didn't act World War II also must surely come, had sent American expeditionary forces to confront Japanese imperialism, or German imperialism, or both. Would we have protested? Assuredly, we would have. Would we have demonstrated? Yes. Would this have been because we didn't understand what the stakes were? Yes.

But suppose the President had gone ahead anyway and done then what five successive post-World War II presidents have tried to do; and suppose Great Britain and France had done the same thing. Would this have prevented World War II? Yes, it probably would have. But would we have acknowledged that we were preventing World War II by going out and getting shot at? The answer, of course, is: Hell, no.

Now we are the "Establishment" and we have fought our world war and won it, at least in a military sense and thanks, in great part, to an uneasy and dangerous alliance and the atom bomb. But millions, rather than thousands, paid with their lives for what has proven once again to be fleeting victory.

Imperialism under different names now confronts us—has confronted us, whether we like to admit it or not, from the time the last World War II shot was fired. This time, however, there has been no Britain and no France, just us—the only nation capable of confronting an aggregate of power that seeks to impose its political and economic theories on other nations, including our own, by use of military force. This time the Presidents of the United States have not waited. They have not waited because they and a majority of their contemporaries see that we cannot afford the luxury of making the same miscalculations, cannot wait to be attacked ourselves, cannot pursue a policy of peace in our time, else World War III could well become reality.

Yet we understand why those who are the same age as we were then are doing and saying what they are doing and saying. In their shoes—let's be honest with ourselves—we would do the same thing. Only the details would be different.

There are many more of them than there were of us—enough, perhaps, to impose politically a change in national policy. If they succeed, they will find eventually that they, too, have miscalculated. And the price—to them—of their miscalculation may be even greater than ours was to us.

AN IMPORTANT DAY FOR SENATOR SMITH OF MAINE

Mr. MUSKIE. Mr. President, on Monday, my senior colleague from Maine (Mrs. SMITH) was involved in three noteworthy events.

The day was the 20th anniversary of her justly celebrated "Declaration of Conscience" speech.

Monday evening, she was honored at a dinner given by the American Newspaper Woman's Club.

Finally, she delivered another timely speech, pleading for "civilized public discourse."

It was a memorable day for Senator SMITH, for the State of Maine, and for the country. It is a pleasure to add my compliments and congratulations to the many she is receiving from both sides of the political aisle.

Senator SMITH has had a remarkable political career, without parallel in the annals of Maine politics.

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It is appropriate that the Record include selected news coverage of her day. I ask unanimous consent that stories from the Washington Post and New York Times be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record. as follows:

Mrs. Smith Warns of Repression—She Assails Militant Students and Their Critics in Capital

Washington, June 1.—Senator Margaret Chase Smith spoke today of a "national sickness" pervading the land, and she denounced both protesting student militants and their critics in the Administration.

It was the 20th anniversary of a speech in which the Maine Republican, speaking from the same Senate desk, attacked the late Senator Joseph R. McCarthy of Wisconsin for irresponsible political tactics, and she recalled some of that speech today.

"I spoke as I did 20 years ago because of what I considered to be the great threat from the radical right—the threat of a government of repression," Senator Smith declared.

"I speak today," she said, "because of what I consider to be the great threat from the radical left that advocates and practices violence and defiance of the law—again, the threat of the ultimate result of a reaction of repression."

While she was sharply critical of student demonstrators who commit crimes, the 72-year-old Senator indicated her belief that overreaction by Administration officials—she declined to name names—contributed substantially to the problem.

The Senator said she was "not proud of the way in which our national television networks and campuses have been made publicity platforms for irresponsible sensationalism—nor am I proud of the countercriticism against the networks and the campuses that has gone beyond the bounds of reasonableness and propriety and fanned, instead of drenching, the fires of division."

Asked after the speech if this had been a reference to Vice President Agnew, Mrs. Smith replied that she was "not going in personalities" now although she might at a later date.

"Extremism bent upon polarization of our people is increasingly forcing upon the American people the narrow choice between anarchy and repression," the Senator warned. "And make no mistake about it, if that narrow choice has to be made, the American people, even if with reluctance and misgiving, will choose repression."

"Ironically, the excesses of dissent in the extreme left can result in repression of dissent," she added. "For repression is preferable to anarchy and nihilism to most Americans."

Mrs. Smith indicated that she regarded today's conflicts and criticism just as seriously as she did the excesses of McCarthyism 20 years earlier, whatever the official stance of the Administration may be.

"The President denies we are in a revolution," she said. "There are many who would not agree with his appraisal. Anarchy may seem nearer to many of us than it really is."

The Senator said that just as in the 1950's "the Senate was silenced and politically intimidated by one of its own members, so today many Americans are intimidated and made mute by the emotional violence of the extreme left."

"It is time that the greater center of our people," she continued, "those who reject the violence and unreasonableness of both the extreme right and extreme left, searched their consciences, mustered their moral and physical courage, shed their intimidated silence and declared their consciences."

Three weeks ago at Colby College in Waterville, Me., Mrs. Smith reported today, her efforts to answer questions were greeted in some instances with hisses and obscenities.

Mrs. Smith's speech was well received by the small group of Senators on the floor to hear it. They ranged from liberals—Senators Edward M. Kennedy, Democrat of Massachusetts, and Charles H. Percy, Republican of Illinois, to conservatives, Senators John C. Stennis, Democrat of Mississippi, and John J. Williams, Republican of Delaware.

A Rosy Salute for Senator Smith

(By Dorothy McCardle)

Democrats and Republicans joined in a rose-strewn love-in for Maine's Sen. Margaret Chase Smith last night at a dinner in her honor given by the American Newspaper Woman's Club.

The occasion for the dinner at the Shoreham Hotel was the 20th anniversary of the Senator's 1950 "declaration of conscience" speech on the Senate floor in which she took a strong stand against the Red-hunting tactics of the late Sen. Joseph McCarthy.

Yesterday, the 72-year-old Senator again took the floor to deliver her 1970 version of that declaration. In it, she criticized extremists of both the Left and Right and called both the McCarthy era and the present, a time of "national sickness."

Sen. Smith, who is the ranking Republican on the Senate Armed Services Committee, was saluted by Secretary of Defense Melvin R. Laird as "the first of her sex to achieve leadership on the Hill."

"There is no other person in Congress who understands how important it is to maintain a strong America, as she does," said Secretary Laird.

Sen. Smith had arrived without her usual trademark, a single rose pinned to her grown. This lack was soon remedied when Secretary Laird gave her a sheath of roses to carry to the platform. Roses centered every table and there was a special basket of roses for Mrs. Smith with a card from President Nixon.

In this rose-strewn setting, the compliments for Sen. Smith were spoken with tough and sincere masculine admiration.

Sen. Hugh Scott of Pennsylvania, Republican leader of the Senate, said that Mrs. Smith had delivered a thunderbolt 20 years ago for her declaration of conscience against McCarthy tactics.

"For balance and rectitude, Sen. Smith's speech was one of the greatest documents ever presented to the Senate in my time," said Sen. Scott. "She tells it like it is, she knows when to speak up.

"Now she has issued thunder on the Right and on the Left again today."

Sen. Scott said that the United States Senate is "singularly fortunate to have a viable, visible, and articulate conscience in Margaret Chase Smith."

Sen. John Stennis (D-Miss.) who is chairman of the Senate Armed Services Committee, said that "no other woman and few men have achieved her position of power and recognition in the Senate, which she has today."

He saluted her for having an all-time record of roll-call votes in the Senate. He said that every man and woman in all the military services owe a debt of gratitude to Mrs. Smith for all she has done for them over the years.

"Her work will bear fruit for decades to come." He said that Sen. Scott had stolen his thunder of compliments for Mrs. Smith, but he wanted to add one more word.

"Sen. Smith, you have overcome all of my prejudices. I have seen a good number of ladies in public office who thought they had to act mannish to get things done. But Sen. Smith has carried a full load and done more than her share of the work and yet she continues to be in every way a lady."

Sen. Stennis wound up by saying that "so long as honor, character and dedication have a value in American life, just so long will her influence be felt.

"There is one word for Margaret Chase Smith," said Sen. Stennis. "She has quality, genuine quality."

After tributes from ABC news commentator Howard K. Smith and Esther Van Wagoner Tufty, president of the American Newspaper Woman's Club, Sen. Smith stood to receive an ovation.

In a few short words she said she had alternately laughed and cried at all the encomiums tossed her way. She saluted the month of June, the month of roses, as her own special month. Thirty years ago in June she had come first to Capitol Hill, and 20 years ago on June 1 she had made her declaration of conscience.

"If I'm remembered at all in history," said the slight silver-haired woman, "it will be for that declaration of conscience which I made 20 years ago today."

A Plea for Civility—Left's Extremism Foreshadows Repression, Mrs. Smith Warns

(By Spencer Rich)

Sen. Margaret Chase Smith (R-Maine), speaking 20 years to the day after her famed 1950 "declaration of conscience" against the witch-hunting tactics of the late Sen. Joseph McCarthy (R-Wis.), warned yesterday that a new era of right-wing repression could occur in the United States in reaction to the "anti-democratic arrogance and nihilism from the political extreme left."

Likening the current atmosphere to that which prevailed a generation ago when McCarthy's Red-hunting methods threw the nation into turmoil, Mrs. Smith told the Senate, "We had a national sickness then from which we recovered. We have a national sickness now from which I pray we will recover."

In what could best be described as a plea for a return to civilized public discourse, Mrs. Smith struck out at "militant intellectuals" guilty of "refusing to listen while demanding communication" and at "the way the campus has been made a rendezvous for obscenity, for trespass, for violence, for arson and for killing."

She praised the "candid and justified defense of our government" by Nixon administration spokesmen but added that "some of the defense has been too extreme and unfair and too repetitive." Asked if she were referring to Vice President Agnew, she responded, "I'm not going into personalitities; I may later on if it continues."

Mrs. Smith's 1950 speech against McCarthy was one of the most dramatic in Senate history. McCarthy, riding the Communist-in-government issue hard in the atmosphere of the Cold War, had risen to national attention as a result of his sensational charges and was deeply feared by members of both parties.

Without naming him, Mrs. Smith in the 1950 speech attacked McCarthy for making unfounded charges and for character assassination. She survived a later attempt by McCarthy backers to purge her from the Senate, she recalled yesterday.

The Maine senator's thesis yesterday was that the extremism of the political left confronted the country with a choice between "anarchy and repression," and that, given such a choice, the nation would choose repression because "repression is preferable to anarchy and nihilism to most Americans."

"And make no mistake about it," she said, "if that narrow choice has to be made, the American people, even with reluctance and misgiving, will choose repression. For an overwhelming majority of Americans believe that trespass is trespass—whether on campus or off; violence is violence—whether on campus or off; arson is arson—whether on campus or off. . . . Criminal acts, active or by negligence, cannot be condoned or excused because of panic, whether the offender be a policeman, a National Guardsman, a student, or one of us in this legislative body."

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Mrs. Smith's address was the only major speech yesterday in a brief Senate session in which debate continued on the Cooper-Church amendment, denying funds for further U.S. operations in Cambodia after July 1.

Sen. Stuart Symington (D-Mo) complained that the Pentagon is denying information not only to the public but to Congress. He said the General Accounting Office, trying to learn who in the Philippines received some $38.3 million from the United States to support Philippine forces sent to Vietnam, is being refused access to needed Defense Department documents.

In the House Rep. Charles A. Vanik (D-Ohio) said that on Wednesday he would take to the floor his fight to hold the new national debt ceiling to $389 billion instead of the $395 billion sought by the Nixon administration. He wants the $6 billion difference cut from planned military spending. He was refused permission to offer such an amendment in the Rules Committee.

JETS FOR ISRAEL

Mr. SYMINGTON. Mr. President, I ask unanimous consent that a joint press release from the offices of the distinguished minority leader (Mr. SCOTT) and myself, as of June 1, be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

SEVENTY-THREE SENATORS URGE U.S. JETS FOR ISRAEL

WASHINGTON, D.C.—A bipartisan group of 73 Senators today sent a letter to Secretary of State William Rogers requesting a meeting to discuss recent Soviet moves in the Middle East and urging the United States to provide additional jet aircraft to Israel in response to Soviet escalation of the Middle East conflict.

The letter was circulated by a group of ten Senators including Stuart Symington (D-Mo) and Republican Minority Leader Hugh Scott (R-Pa). Others circulating the letter, in order of seniority, were, for the Democrats: Sen. Herman E. Talmadge (D-Ga), Sen. Gale W. McGee (D-Wyo), Sen. Edward M. Kennedy (D-Mass), and Sen. Abe Ribicoff (D-Conn); for the Republicans: Sen. Jacob K. Javits (R-N.Y.), Sen. Edward W. Brooke (R-Mass), Sen. Robert J. Dole (R-Kan), and Sen. Edward J. Gurney (R-Fla).

In a joint statement issued at the time they released the letter, Senators Symington and Scott said: "This letter, signed by nearly three-fourths of the Senate, represents an unprecedented expression of support of a policy that seeks to protect vital United States strategic interest and to further the cause of peace."

In addition to those who circulated the letter, the following Senators signed the letter:

James B. Allen (D–Ala.).
Howard H. Baker, Jr. (R–Tenn).
Birch Bayh (D–Ind).
Wallace F. Bennett (R–Utah).
Alan Bible (D–Nev).
J. Caleb Boggs (R–Del).
Quentin N. Burdick (D–N. Dakota).
Harry F. Byrd, Jr. (D–Va).
Howard W. Cannon (D–Nev).
Clifford P. Case (R–N.J.).
Frank Church (D–Idaho).
Marlow W. Cook (R–Ky).
Alan Cranston (D–Calif).
Carl T. Curtis (R–Nebr).
Thomas J. Dodd (D-Conn).
Thomas F. Eagleton (D–Mo).
Paul J. Fannin (R–Ariz).
Hiram L. Fong (R–Hawaii).
Barry M. Goldwater (R–Ariz).
Charles E. Goodell (R–N.Y.).
Mike Gravel (D–Alaska).
Fred R. Harris (D–Okla).
Philip A. Hart (D–Mich).
Vance Hartke (D–Ind).
Spessard L. Holland (D–Fla).
Ernest F. Hollings (D–S.C.).
Roman L. Hruska (R–Nebr).
Harold E. Hughes (D–Iowa).
Daniel K. Inouye (D–Hawaii).
Henry M. Jackson (D–Wash).
B. Everett Jordan (D–N.C.).
Warren G. Magnuson (D–Wash).
Charles McC. Mathias, Jr. (R–Md).
George S. McGovern (D–S. Dak.).
Thomas J. McIntyre (D–N.H.).
Lee Metcalf (D–Mont).
Jack Miller (R–Iowa).
Walter F. Mondale (D–Minn).
Joseph M. Montoya (D–N. Mex).
Frank E. Moss (D–Utah).
George Murphy (R–Calif).
Edmund S. Muskie (D–Me).
Gaylord Nelson (D–Wisc).
Robert W. Packwood (R–Oreg).
John O. Pastore (D–R.I.).
Claiborne Pell (D–R.I.).
Charles H. Percy (R–Ill).
Winston L. Prouty (R–Vt).
William Proxmire (D–Wisc).
Jennings Randolph (D–W. Va).
William B. Saxbe (R–Ohio).
Richard S. Schweiker (R–Pa).
Ralph T. Smith (R–Ill).
John Sparkman (D-Ala).
William B. Spong, Jr. (D–Va).
John Stennis (D–Miss).
Ted Stevens (R–Alaska).
Strom Thurmond (R–S.C.).
John G. Tower (R–Tex).
Joseph D. Tydings (D–Md).
Harrison A. Williams (D–N.J.).
Ralph Yarborough (D–Tex).
Stephen M. Young (D–Ohio).

Following is the text of the letter to Secretary Rogers:

MAY 26, 1970.

DEAR MR. SECRETARY: We feel compelled to express our sense of urgency respecting the deteriorating situation in the Middle East. The decision by the Soviet Union to undertake a direct military role in the Arab-Israel conflict by flying combat planes over Egypt represents, in our judgment, a significant change and a challenge to American strategic interests and a growing threat to world peace. Recent Soviet moves have encouraged Arab belligerence, and are creating a growing military imbalance in favor of the Arab states.

Your decision in March to hold in abeyance the sale of additional jet combat aircraft to Israel under the then prevailing conditions has failed to induce the Soviet Union to exercise reciprocal restraint with respect to the arming of the UAR and the other Arab states. In addition, the Soviet Union has taken the unprecedented step of overtly involving an increasing number of its own military personnel in a state far from its own borders.

We believe, Mr. Secretary, that the United States should now announce its intention to provide Israel with the aircraft so urgently needed for its defense. Such action will serve as a significant element of a credible response to the reckless Soviet escalation of the Mideast conflict. We feel that the strengthening of Israel's military posture at this time is the best guarantee against the outbreak of major hostilities.

We also suggest prompt consultations with our NATO allies because of the dangers posed to their own security and economies by the Soviet build-up in the Middle East. We urge the United States to redouble its efforts to reestablish the cease fire as a preliminary step to eventual peace negotiations.

We would be grateful for an early opportunity to meet with you at your convenience, so that we may have a full exchange of views on all aspects of the issue which we believe is warranted by the critical situation that has now developed.

THE ECONOMY

Mr. DOLE. Mr. President, the state of the Nation's economy has been a much-discussed topic during the past few weeks. The Nation's economic activity, now in a period of readjustment, is a source of concern for us all. However, there are now encouraging signs of an improving economy. Budget Director Robert Mayo predicts that we will see an upturn in business activity the second half of this year.

Still, President Nixon is being blamed for every slight fluctuation in economic activity. The National Observer of May 25 correctly points, I believe, to the tight predicament the administration faced when it entered office after years of deficit spending by the previous administration.

Mr. President, I ask unanimous consent that the editorial, entitled "The Course of the Economy," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE COURSE OF THE ECONOMY

Pessimism, like optimism, feeds on itself. The current downturn of the economy, which now appears to be sharper than most experts anticipated, has Government and business decision-makers saying and doing the things that inadvertently reduce public confidence in the nation's immediate economic prospects.

When the President of the United States, taking note of what was developing into the worst bear market since Depression days, says he would buy stocks if he had the money, people begin to get nervous. Ever since Herbert Hoover spoke enthusiastically of the soundness of the economy shortly after the Crash, Americans suspect trouble when a President feels the need to deliver an upbeat economic pronouncement.

When important newspapers run editorials explaining why 1970 is very different from 1929, Americans begin to perspire. Many readers probably never even considered the serious possibility of economic disaster until reading that such a disaster is not a serious possibility.

Most importantly, there is the evidence of recession that the people can clearly see and that prompted the cheerful-tearful statements in the first place. Unemployment is rising, profits are falling, hopes for a balanced Federal budget are put aside, corporate expansion plans are trimmed or shelved, consumers postpone the purchase of automobiles and other big-ticket items, and a recession psychology gradually insinuates itself.

And all the while prices keep going up. The Nixon Administration's effort to bring inflation under control has apparently succeeded in cooling the economy without achieving the main goal of stabilizing prices. The average American has a right to wonder what is happening and why.

The high inflation rate was caused by the combined bad judgment of the Johnson Administration and the Federal Reserve Board. Between mid-1965 and mid-1968, for instance, Federal expenditures increased $53 billion, with somewhat less than half the increase attributable to the Vietnam War. But President Johnson didn't even ask for a tax increase until January 1967, although the wholesale price level had been climbing steadily for the previous 30 months.

Meantime, while the Johnson fiscal policies were creating massive inflationary pressures, the Federal Reserve unaccountably adopted a more liberal monetary policy with the result that the money supply during

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1967 increased more than 7 per cent. That amounted to the fastest rate of growth in the money supply anytime since World War II.

The policies of the Government in the late 1960s guaranteed the high inflation rates of the past few years. So fierce were the inflationary pressures that measures such as the surtax on income were much too little, much too late. President Nixon knew he had to take far stronger action if the wage-price spiral was to be brought under control.

This being the case, his Administration began the difficult—and politically thankless—task of moderating the nation's economic activity. Unfortunately, America's binge during the Johnson years was such a whopper that the hangover has turned out to be unexpectedly painful.

In this period of economic readjustment, everyone looks to the stock market to see how it's reacting to the treatment. And, the market being the market, it's reacting like a cranky patient. The market is feeling rotten, thank you, but it keeps everyone acutely interested by mixing in an occasional good day with its more frequent sessions of moaning and groaning.

There is such a thing, we believe, as taking the stock market far too seriously as an economic indicator. Since November 1968, the Dow Jones Industrial Average has declined more than 300 points. Just since the beginning of this year, the market value of equities traded on all exchanges in the country has dropped some $150 billion. This unquestionably works a fearful hardship on investors, but does it really reflect the health of the economy?

It would be absurd to think so. The market, as a matter of fact, is often wrong. Attorney General John Mitchell last week quoted someone's comment that the stock market has predicted "1 out of the last 4 recessions."

It is the nature of the mechanism to overreact, to make specific bad events seem like general bad events. It is as if you took a room thermometer that was registering 72 degrees and held a cake of ice next to it. The instrument would soon show a reading of 60 degrees or less. But you would hardly infer from the experiment that the temperature of the whole room was 60 degrees.

We don't think it's necessary to list in detail the reasons why we believe the nation's economy is in a relatively steep but temporary decline. Most Americans are aware that it is the deliberate policy of the Administration to cool things off so that the value of the dollar can again be relatively stable. Most Americans, too, are aware of the tremendous leverage the Government has to ignite a boom in the 1970s once the recession has put the brakes on inflation. Actually, it is more likely that the energy and self-confidence of the people will handle the job in natural fashion.

The United States is today paying the price for the ill-considered fiscal and monetary policies of the late 1960s. As for the stock market, it will go back up again. And if you doubt that, you're likely to lose money.

"POPULUTION"

Mr. McGEE. Mr. President, we are all becoming increasingly aware of a pair of problems which are closely associated; namely, the problems of overpopulation and pollution. One gives rise to the other, surely. Dr. Charles M. Stebner, of Laramie, Wyo., is a man deeply concerned with our environment and with the quality of life. He has coined a word which fits the very special problem shared by all men in the 1970's. I ask unanimous consent that a brief explanation by Dr. Stebner of his word—"populution"—be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Need for a New Word

We remember the statement, "The Greeks had a word for it." Well, we need a new word for a very special problem to be shared by all men in the 1970's.

There are two selfish drives of man that threaten our environment. First, man's exploitation of the blessings of earth in the name of something called progress; and the abuse of the sex drive which was designed to perpetuate the species rather than destroy it. These drives are responsible for the multitude of problems that we could call *Populution.*

If we read, listen, look, smell, and finally think, we must become aware of an alarming growth in both population and pollution. They are inseparable in thought and in the symbol—a new word.

Yes, we need it! How else can we effectively discuss the urgent problems of populution?

Charles M. Stebner, D.D.S.

Laramie, Wyo., *April 20, 1970.*

STRUGGLE IN THE MIDDLE EAST

Mr. HATFIELD. Mr. President, today we face yet another crisis in the continuing struggle in the Middle East. Dr. John H. Davis, president of American Near East Refugee Aid, Inc.—ANERA—and former Commissioner General of the United Nations Relief and Works Agency for Palestine—UNRWA—is a man who has had a personal and professional involvement in that troubled land for many years. In light of the continuing escalation of military confrontation in the Middle East and two visits which I have made to the area within the past 18 months, I ask unanimous consent that a speech delivered by Dr. Davis at St. Anselm's College be printed in the Record. It is a most perceptive and poignant statement regarding the various aspects of the Middle East crisis. I hope that it will help give added insight to those concerned with this issue.

There being no objection, the speech was ordered to be printed in the Record, as follows:

America's Interest in the Middle East

(By Dr. John H. Davis)

As I revisited the Middle East in October of this year, after an absence of only seven months, I felt like I was in a different Middle East. The confrontation between the Arabs and Israelis had mounted in tempo; the commando strength was noticeably greater; Israel's response to commando exploits was becoming more massive; refugee well-being had deteriorated—particularly in the Gaza Strip, Jerusalem and on the West Bank, America's standing in the Arab world had significantly deteriorated while that of the Soviet Union correspondingly increased and the commando movement was having marked political impact in numerous Arab countries—notably Lebanon and Jordan, but to some extent all Arab countries.

The cause of change on so great a scale was not hard to find—the dominant innovating force was the rising spirit and identity of the Palestine people. For eighteen years the Palestinian Arabs had depended on Arab states and the world community of nations, working through the United Nations and the great powers, to resolve their conflict with Israel, but this had not worked in terms of bringing peace. The shock of Arab defeat in June 1967 and the subsequent occupation of Arab territory by Israel has changed all of this. The Palestinian Arabs were awakened to the fact that if they want redress for the injustices that they believed they had suffered, they must begin doing things for themselves. This they have now begun to do and with increasing vigor. The most visible aspect of the developing Palestinian movement is the commando action against Israel, and of increasing significance is its political impact on Arab governments.

I shall return to the commandos later. Let us now look at the basic cause of conflict in the Middle East. This story of conflict is a story of the tragedies that have beset two great peoples—Jews and Arabs—and of the struggles that these peoples have made and are now making to find a future for themselves that will be without tragedy. The problem is that in their quest for a future without tragedy, these two people have moved in directions that have brought them into violent confrontation. Today the situation is made the more ominous by the fact that each side is now "locked on course," so to speak, in a manner that compels its national leadership to pursue the course it is on, even when it is obvious to all concerned that this is a collision course. Each side seems to assume that it will survive the collision, and each prefers this to compromise.

Before proceeding further, may I explain that in referring to Zionism, which I shall do, I have in mind political Zionism, which is distinct from Judaism or traditional Jewish culture. Zionism, today, is a form of aggressive nationalism and as such must not be equated with Judaism. Zionism is the force that now dominates Israel.

Let us next consider just how the dreadful confrontation to which I have referred came about. You already know in a general way how the Israeli position took form—how Zionist leadership, after long years of Jewish persecution and dispersion, decided that the Jewish people must have a Homeland, a Jewish State, and that this state must be in Palestine. That the persecution that led them to this conclusion was great and tragic, at times even barbaric, needs no elaboration by me—memories of the savage and wanton slaughter of Jews during the Hitler era are still vivid with us. Nor need one quarrel, necessarily, with the idea of a state for the Jewish people, so long as in creating that state the basic rights of other people are not put in jeopardy.

But this brings us to the very heart of the problem—the creation of Israel has interfered with the basic rights of other people—the indigenous Arabs of Palestine—and it is this interference that is the basic cause of conflict. The thesis put forward by certain Zionist leaders about the time of the Balfour Declaration, "that Palestine was a land without people, waiting for a people without land", and was not true then, and it was not true in 1948 when Israel was created. In 1917, the year of the Balfour Declaration, Palestine was a settled state in which Jews made up only thirteen per cent of the total population. Considering the technology of that day, Palestine was quite fully settled, with concentrations of people already living on the best and most available land and in cities and major villages located at strategic points such as crossroads, harbors, and where the climate was most favorable.

The tragedy is that Zionist leadership decided to settle Jews in Palestine anyway, even when they knew full well that it was not a "land without people". In retrospect, it is apparent that from the start there never was any way at all by which an autonomous *Jewish State,* could have been implanted in Palestine without doing violence to the basic rights of the indigenous Arab inhabitants.

Thus, it is not surprising that when Israel became a state more than 700,000 Palestinian Arabs were suddenly made homeless refugees. There has been much debate as to whether Israel or the Arab States were responsible for this exodus of Arab people, but it is now quite clear that Israel had strong incentive for encouraging the Arabs

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to leave and that, in fact, she did much to move them out. Consider, for instance, that within the land area that was governed by Israel from 1949 to 1967, the Arab people, before their exodus as refugees, constituted sixty-four per cent of the total population. Israel's dilemma was that she could not establish a *Jewish State* in an area in which Jews constituted only a one-third minority. Indeed she could not! Hence, if the new state were to carry out the purpose of its Zionist founders, the Arab population had to be reduced; and it was. Thus, by midyear 1949, the Jews actually constituted a majority within the area that Israel then governed, and in consequence, almost three quarters of a million Arabs had become refugees.

However, it is not just the initial exodus of the Palestinian Arabs that has left the Arab people so embittered, it is the fact that they are still an exiled people, after a period of more than twenty years. They are still an exiled people because Israel has aggressively and effectively blocked their return home. Not only is this true for the refugees of 1948 and 1949 but also for those of 1967. The crux of the matter is that the Palestinian Arabs have been refugees for more than twenty years not because they are Palestinians or because they are Arabs—not at all. It is because they are not Jews. The point is that because they are not Jews they do not fit into a Jewish State.

If you find these statements startling, even to the point of being shocking and unbelievable, I am not surprised. The fact is that the whole truth has not been and is not now being well reported to the American people. This being so, I shall now attempt to highlight other points which I suspect you do not know, but must know if you are to understand the cause and nature of Arab-Israeli conflict.

To sharpen understanding, let us attempt to look at the problem of conflict as the Arab people see it. They see the people of Palestine as having been driven from their homes, their return then blocked by force, their property seized and given to new Jewish immigrants, and their homeland of Palestine turned into a new state in which the new immigrants were granted the status of legal citizens while most of the native-born Arabs were reduced to the status of foreigners doomed to live in exile. In consequence, the Palestinian Arabs see themselves as a people without a homeland where they might live together—a people without a country that they can call their own. Today there are about 2.5 million Palestinians in the world. Ironically, this is the number of Jews that now reside in Israel. The sad truth is that every single one of these 2.5 million Palestinian Arabs is today living as an exile in someone else's country; or living under occupation which he finds increasingly galling; or living as a citizen of Israel who has restricted rights, privileges and opportunities. In short, the creators of Israel have placed the Palestinian Arabs in a position similar to that which the Jews of history have experienced and which they have lamented with respect to themselves since Biblical times.

One would think that the Jewish people, who themselves have suffered such brutal persecution, would have been the first to champion the cause of justice for the Palestinian Arabs. Under different circumstances this probably would have been true. But Israel's dilemma is that she could not have championed the rights of the Palestinian Arabs and at the same time have fulfilled the Zionist goal for which she was created. By the term Zionist goal I refer to the Israel mission to unite the Jewish people of the world into a "Jewish peoplehood" based on nationality. The point is that the principle of Jewish exclusiveness is inherent in the very concept of a Jewish State. Hence, Israel has regarded efforts to repatriate the Palestine Arab refugees, in conformity with United Nations resolutions, as incompatible with her responsibilities to the Jewish people of the world.

From what I have said it is apparent that there is deep motivation on both sides of Arab-Israeli conflict. The Israelis are fighting for the existence of their state and with the belief that the destiny of the Jewish people is tied to that of their state. Their answer to the Arabs is that Arab territories and resources are vast and that the answer to the refugee problem is for Arab states to absorb the refugees. Israel further points out that she, too, has settled refugees—many even from Arab states.

These arguments are not accepted by the Arab people. The Arabs argue in terms of elemental justice and human rights for the Palestine Arabs whom Israel has made a people without a country. They regard Israel as a colonial entity, created by major powers at the precise point in history when colonialism was crumbling elsewhere over the world. Moreover, they do not believe that a state that bases citizenship on religion and nationality has a place in the Middle East—particularly when such a state under the Israeli law of "Return", has granted latent citizenship to all of the 15 million Jews in the world. For these and related reasons the Arabs are determined to destroy Israel as a Jewish state. In taking this position they distinguish between Israel as a Jewish state and Judiasm as a religion and the latter they accept. Moreover, they distinguish between Jews who support Israel and those who do not, and the latter they regard as friends.

To date Israel has demonstrated marked technological superiority in the use of modern weapons. This, combined with the knowledge on the part of every Israeli soldier and civilian that one defeat means the end of Israel as a state has fired the Israeli people to heroic performances in battle.

Israel may hold this advantage for some time, but Israel has a fundamental weakness that in the long run is likely to prove serious and even fatal. This weakness is that, in fact, a grave injustice was committed against the people of Palestine when Israel was created. Israel's refusal to admit this truth and then make appropriate redress will weaken her ultimate capacity to survive.

To be sure, Israel and the World Zionist Organization have to date had marked success in uniting the Jewish people in spirit and action—both those inside and outside of Israel. However, they are uniting them more behind a form of Zionist Nationalism than of Judaism. This nationalism, in fact, has thrived in the climate created by Israel's struggle for existence. But so, now is an expanding Arab resistance movement, as its counterpart.

Israel's continued occupation of the West Bank of the Jordan and other Arab lands is rapidly making the Palestinian resistance movement into a force of real significance. It is my judgment that the commando movement will grow as long as occupation continues and that through it, the Palestinian Arabs will ultimately demand and receive a voice in any meaningful peace talks that may take place. Israel has been most unrealistic in expecting the neighboring Arab states to control the commandos, Arab sympathy in these states being too much in support of the commandos. The commando movement, together with Israel's policy of trying to combat it through massive retaliatory strikes, is today the major factor moving the Middle East towards war.

A related force pressing towards hostility is Israeli annexation of Arab Jerusalem. Already it is becoming clear that Israel will not be able to administer Jerusalem to the satisfaction of the adherents of the three great faiths—Judaism, Christianity, and Islam. There are about ten million Christian Arabs in the Middle East—two-thirds as many Christian Arabs as there are Jews in the world. Except for a very few, they now have no access to Jerusalem. Then there are some seven hundred million Moslems, most of whom do not now have access to Jerusalem. The point is that today, there are at least forty times more adherents to the three great faiths who do not have access to Holy Places in the Old City than was even true from 1948 to 1967. I cite these figures not to indicate that the status of Jerusalem between 1948 and 1967 was good—it was not—but to show that now it is becoming far more explosive. Even if Western Christians continue to tolerate Israel's seizure of Jerusalem, which I doubt, one can be sure that Arab Christians and Moslems will vigorously oppose it. Just one month ago I observed in Arab Jerusalem how Arab properties had been seized and Arab homes demolished to make way for new Jewish apartments and government buildings; all for the purpose of quickly integrating the Arab sector into the State of Israel. This, I submit, is hardly the way for Israel to seek the friendship of her Arab neighbors.

So much for background. Let us now take our bearings and then look towards the future. It is my belief that events since June 1967 have rendered obsolete, even dangerous, much of the present policy of the West towards the Middle East. Basically, Western policy has rested on the premise that, rightly or wrongly, the State of Israel exists, and that ultimately the Arabs will have to recognize this fact. Accordingly, Western strategy has centered on finding ways to facilitate and expedite, if not force, Arab acceptance of Israel.

I submit that this basic premise is fallacious and always has been. The policy of insisting on Arab acceptance of Israel in the absence of rectifying past injustices is not only morally wrong, it is strategically dangerous, in that the Arab people have the alternative of resisting Israel until ultimately they can defeat her, even if this takes years.

The point is that Israel's so-called Victory of June 1967 has awakened the Arab people—particularly the Palestine Arabs—and Israel's continuing occupation of Arab territory is deepening their determination to get their lands back and to achieve justice for the Palestinian people.

If you question whether the Arabs will ever be capable of winning a war against Israel, I urge you to take a close look at the generation of Arab youth now reaching maturity. They are a new breed. They are learning skills and gaining competence, and the spirit of the commandos is fast becoming the spirit of Arab youth everywhere.

In this connection it is significant that war can actually bring an end to Arab-Israel conflict. But to end conflict, such war must end either in the defeat of Israel or in a nuclear holocaust that virtually devastates the region. Neither of these is acceptable to the world—yet Western policy, including that of the United States, is today pressing hard to this direction.

Why do I say that a localized war—one between Arabs and Israelis—must end in Israel's defeat if it is to bring an end to conflict? Because Israel cannot achieve peace through a military victory. Arab territory and population is too vast and scattered for her to win a total victory, and a limited victory such as that of June 1967 merely has the effect of increasing Arab bitterness, opposition, and determination.

What about America's record in the Middle East during the past twenty years? It leaves much to be desired. We mostly have not acted in our own national self-interest—we have encouraged Israel to do things that in the long run will not be in her self-interest, and we have now become a party to the injustices that have been committed against the Arabs of Palestine. This we have done by pursuing an ambivalent policy and

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by deviating from the basic principles on which our country was founded. We have denied the Palestinian people a homeland and the right of self-determination; we have voted twenty times in the United Nations for solving the refugee problem through repatriation and compensation, but have taken no effective steps to follow through; we have opposed an arms race and then been a principal supplier of arms. During the past two years, much, if not most, of what has happened in the Middle East has been the very opposite of what America has sought. 750,000 more Arabs have been caused to flee their homes or have been placed under Israeli occupation; Old Jerusalem has been made a part of Israel; and America's standing among the Arab people has plummeted to almost zero, while that of the Soviet Union has dramatically increased. We want none of these things; yet our own policy has been a major force contributing to these consequences.

In brief, America's problem is that she has permitted herself to become tied to a special interest policy that doesn't work. In large measure this is because policymakers have permitted themselves to become subservient to pressures—Zionist pressures.

The time has come when those who want to end conflict in the Middle East by means other than war must act with boldness. They must put first things first, which means coming to grips with the question of redress for Arab grievances. If one puts this first, then all other parts of the peace puzzle will fall into place; without it, the Middle East will continue to be driven towards war.

The Arab grievances which must be dealt with fall into two categories, (1) appropriate redress for the displaced Arab refugees and (2) subordination of the actions of Israel to unify the Jewish people where such efforts conflict with the basic rights of the Arab people—particularly the Arabs of Palestine who have been made a people without a country.

Obviously this is not the time or place to delve deeply into the complex subject of how past injustices to the Arab people can be redresed, but a few points can be made. The initial impetus must come from the two great powers. Israel, herself, must become directly involved if she is to gain Arab forgiveness or even tolerance. The world community, particularly the developed world, must assist Israel with the cost of redress, and it must be anticipated that this cost will be high—certainly in excess of ten billion dollars. Emphasis and priority must be placed on the well-being of people rather than of states. This must include all peoples in the Middle East, but particularly the Palestinian Arabs and the Jews in Israel. This time every effort must be made to mete out justice to both Jews and Arabs.

Inherent in any settlement of conflict without war is the necessity that certain basic changes take place in the nature of the state of Israel. Particularly, she must subordinate her efforts to unify the Jewish people where such effort conflicts with her responsibility to the non-Jewish people within her borders and to those Arabs who have every moral and legal right to be there, but are not there because their return has been blocked. This is to say that basic Arab rights must be respected and honored. I believe that the people of Israel must in time become reconciled to becoming members of a unified state—one that includes both Jews and Arabs, and ultimately one in which the Arabs will constitute a majority. In the long run, this, it seems to me, will be inevitable. Once the wrongs committed against the Palestinian Arabs are redressed, the two peoples should be able to live together and without hostilities. However, logic would indicate that the longer hostilities continue the deeper will become the feelings on both sides. In any event, the transition of Israel to a conventional type state need not mean that the Jewish people cannot be united. By using modern means of instantaneous communication, the Jewish people of the world can be in touch with one another—even more satisfactorily than when working from a state that is continuously at war.

You may say, but look at the persecution that the Jewish people have suffered in the past. Are they not now entitled to a state as they want it, and should not the world support them in their effort? Again, granting that the Jewish people have suffered in a manner that is shameful, their persecution has been perpetrated mostly by Western Christians and not by Arabs. Gentile persecution of Jews in the past cannot justify the persecution of Arabs by Jewish Nationalists today.

What about the Arab threat of driving the Jews into the sea? This, of course, is unacceptable. However, anyone who knows the Arab people well will realize that this is more talk than threat. Anyway, it can only happen if roadblocks to peace are not removed and if conflict is ultimately resolved by a war that Israel loses. Even then, there is reason to believe that Arab concentration would be on ending the rule of Israel as a Zionist state rather than on wanton killing of people.

Suitable guidelines for what I am suggesting exist in United Nations resolutions, some of which extend back for more than twenty years. A basic resolution is that of 11 December 1948, which encompasses the principles set forth by Count Bernadotte, and a companion piece is the Security Council Resolution of 22 November 1967.

In closing, may I say that I am pessimistic about the chances of peace in the Middle East. I fear that present policies are too deeply entrenched and pressures too great to permit change except at the brink of a crisis of terrifying proportion—one that threatens the future of mankind. We must hope that there will be a moment of pause at the brink during which a peaceful settlement can be worked out or even imposed if necessary. Meanwhile, let us remember that while those forces that might act for peace remain inert, those that press toward war will be active.

STUDENT WORK-STUDY PROGRAM

Mr. McGOVERN. Mr. President, I invite the attention of Congress to an article published in the Rapid City Journal of March 22, 1970, relative to the National College of Business in Rapid City, S. Dak.

The article concerns the efforts the school has made in making available to the students interesting and rewarding part-time jobs to assist students in defraying the costs of their school program. I consider this a splendid example of the work-study program, in which Congress has evidenced a continuing interest. The National College of Business has as its president the very able H. D. Buckingham and as its executive vice president Mr. John W. Hauer.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rapid City Journal, Mar. 22, 1970]

NCB'S MANY WORK-STUDY STUDENTS ARE CONTRIBUTING TO 'QUALITY OF LIFE'

Offbeat jobs have been the trademark of college students for ages, but seldom has a worthwhile collection of part-time jobs been found to match those of National College of Business students taking part in the college's federally financed work-study program.

Take NCB's Mary Clark, for example. She makes arrangements for clothing, groceries, and meal tickets for the needy at the Salvation Army office.

Three persons staff the Salvation Army office, and NCB's Mary is very much a part of the team. She is in charge of distributing welfare assistance to the needy—a job which includes assigning recipients the work the Army requires in return for the assistance it gives.

"The only part of the job I don't like is when I have to turn somebody away," Mary said. "We are not allowed to give welfare to a person more often than once every 30 days and not at all if they are drunk. I hate to have to tell these people that we can't help them. It's the hardest work I do."

Contact with welfare recipients is not the only responsibility Mary has. She also takes charge of the file system for the Army's welfare activities, types letters, mimeographs newsletters and wrote all 430 thank you notes and receipts for donations made to the organization's Christmas welfare program.

All this in 15 hours a week—a busy part-time job for anyone, especially a college freshman who must take a full load of courses toward her clerical and office machines diploma. (It's a requirement that participants must be full-time students and maintain at least a "C" average in order to qualify for the work-study program).

Mary is fairly typical of the 27 NCB students who work under the work-study program. Others can be found meeting the public for the YMCA; charting the abilities of the retarded student-workers at the Black Hills Workshop; or teaching cooking, sewing or ceramics classes and organizing the library at the Girls Club.

These student jobs are possible because the public agency pays only 20 per cent of the wages. The remaining 80 per cent is provided through a federal grant to the NCB administered by Mrs. Arletta Dailey, NCB's placement director.

Not just any business can qualify for the program. The federal government requires the business to be non-profit and public service. It also specifies that it cannot be political, religious or a service club, but must serve the entire public.

"The Salvation Army is the only exception to this directive," Mrs. Dailey explained. "Since the Army deals with welfare services, we are allowed to place students there as long as they work in the Army's public service area, not religious areas."

In addition, NCB students are employed at the Red Cross, Western South Dakota Traffic Bureau, Boys Club, Central States Fair, Pennington County Agricultural Extension office, Social Security office, Boy Scouts, Game, Fish and Parks Department and the Black Hills Conservancy Subdistrict.

Inflation has been especially hard on these agencies. Faced with cutbacks of funds and increased demand for public services, they view with relief such a program which offers them dependable, regular help—even on a part-time basis.

"Work-study students spend only a few hours a day at our office, but on a regular schedule," Milton Evans, director of the Traffic Bureau, explained. "I know I can count on their presence and the quality of their work, so I plan my schedule accordingly."

Evans employs three NCB students under this program. Henry Mullenburg handles all the accounting work; Susan Splitter does all the secretarial work and helps out with duties throughout the office; and Cindy Stalder assists in keeping the library or tariff contracts up to date and properly cataloged.

These students are getting a little extra out of this job because Evans holds a degree in business education and doesn't hesitate to give his student workers on-the-job training in his profession of tariff negotiation and control.

Incidentally, he obtained his degree a few years ago from Black Hills State College with the help of a work-study grant.

Students employed by these agencies have one thing in common. They know they are badly needed for the agency's basic workings, and they know they are part of the organization—not an outsider who merely puts in his or her hours.

At the Girls Club, work-study students provide the background organization for each program offered. Each of four NCB girls is in charge of arrangements, purchasing and organization of her own program area. It might be teaching sewing, cooking, ceramics or grooming for the girls who range in age from 7 to 17, or putting the library into workable order.

"Volunteer workers and funds are vital to the Girls Club, but it is just as vital to know there will be somebody in regularly to get the job done," Mrs. Barbara Fierro, director, emphasized. "Our NCB work-study girls provide the needed consistency to back up the volunteer teachers who make up most of the staff."

Lloyd Thompson of the Rapid City office of the state Game, Fish and Parks Department explained, "Before we entered the work-study program, we had more work to be done than manpower and hours to do it. As a result, jobs low on the priority list kept getting put off, and the list was growing longer and longer.

"Now, since we have NCB student Glen Albert working for us, we can assign some of these tasks to him, or with his assistance in other areas, professional employes have time to get them done," he said. "This program has not solved all our problems, we are still under-staffed, but it helps.

"In our office, Glen may find himself one week marking trees for harvesting or feeding hatchery trout, the next week he may go out on patrol with the game wardens—wherever he's most needed. This summer he might even find himself fighting forest fires," said Thompson.

"We did not spell out any particular qualifications because we felt college students had demonstrated their ability to learn by their very presence in college. Thus, we were sure we could satisfactorily train interested students," Thompson added.

Several of the agencies entered the program not really sure if they would benefit from it or if they were just doing the students a favor. They have changed their minds, and the responsibilities they have delegated to these students are amazing.

An illustration of this responsibility is the Social Security card that the majority of Americans carry around with them. If you live in the West River area and have registered for a number recently or had a name changed on the card, it was an NCB girl who handled the request.

The West River office of the Social Security Administration is caught up in the governmental freeze on federal employee hiring and their fulltime staff has dropped from 20 to 14 over the last four years. To help make up the difference, the office employs two NCB work-study girls.

At the Black Hills Workshop Schools for the mentally retarded, one NCB student helps out with the secretarial and bookkeeping duties, while others evaluate the working skill potential of the school's student-clients. They work alongside the clients in the wood shop and ceramics shop, keeping the assembly lines moving smoothly or supervising work on power tools so that no one is injured.

Work-study students also take regular inventory of the ceramics shop which maintains an amazing volume of sale. During breaks, they make friends and play basketball with the student clients.

It is not an easy job, physically or temperamentally. Not every NCB work-study student who accepts a job there stays very long. But the young men who do undertake the responsibility seem to thrive on the challege and enjoy the variety of the job.

The YMCA expects the students to be their face before the public as well as staff the game rooms, the check-out counters and the front desk.

"Our full-time staff members include myself and several secretaries and accountants," George Zeise, director of the YMCA, said. "We are usually tied down to our administrative duties, so the NCB work-study boys meet the public for us and have done a very good job. Thus, many people identify the "Y" with them.

Mrs. Dailey said the program is funded throughout the summer of 1971, so NCB can count on it until then. However, since the grant is awarded on a year-to-year basis, there is no long-range guarantee.

DISTRICT OF COLUMBIA REPRESENTATION IN CONGRESS

Mr. NELSON. Mr. President, Monday established another landmark in our long struggle to bring democracy to the citizens of the Nation's Capital. Hearings were held Monday by the Subcommittee on Constitutional Amendments, presided over by the distinguished Senator from Indiana (Mr. BAYH), on what I believe is one of the major defects of democracy in America—our failure to give full voting representation in Congress to the District of Columbia.

I am hopeful that these hearings will generate the sort of new momentum we need if we are to achieve our goal of bringing the 800,000 citizens of the District into full participation in the political processes of our Nation.

The need for District of Columbia representation in Congress was ably set out on Monday morning in the extensive testimony by the Senator from Massachusetts (Mr KENNEDY). Because of the broad interest in the issue and the urgency of achieving this long-overdue reform, I ask unanimous consent for Senator KENNEDY'S testimony to be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that the testimony of Mrs. Lucy Wilson Benson, the president of the League of Women Voters in the United States, be printed in the RECORD. One of the most significant recent efforts in the cause of District of Columbia representation in Congress was the league's immensely successful petition drive this spring, which demonstrated the broad nationwide support in all parts of the Nation for District of Columbia representation. Because of efforts like these, all of us in Congress are now closer to achieving the long-overdue reform we seek.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR EDWARD M. KENNEDY ON FULL VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

I am pleased to have the opportunity to appear before this distinguished Subcommittee and to give my strong support to a constitutional amendment for full congressional representation for the District of Columbia. For many years, the Chairman of this Subcommittee—Senator Bayh—has been in the forefront of the continuing efforts by Congress to achieve this goal. The two days of hearings he chaired on this question in the fall of 1967 were one of the high water marks of our efforts in the recent past.

I also commend the extraordinary recent work of the League of Women Voters on behalf of the District of Columbia. For four decades, the National League has made D.C. representation in Congress one of its primary goals. This spring, the League's dramatic petition drive showed all of us in the Senate and House of Representatives that the goal has broad grass-roots support in all parts of the nation.

For years, the cause of the District has also been strongly championed by many public and private groups and their able leaders in the nation's capital. I am pleased to know that so many of them are here to testify today. I hope that these hearings will give our efforts the new momentum they need to be successful.

One of the most glaring injustices in our democracy today is our failure to give full representation in Congress to the people of the nation's Capital. In recent years, we have made substantial progress toward extending the franchise and broadening the base of representative government in America. Most recently in the Senate, we voted overwhelmingly to lower the voting age to 18, and thereby bring millions of young Americans into the mainstream of the political process.

I believe that the opportunity is now at hand to take another major step forward in our long march toward fulfilling the promise of representative government for all our people. The time has come for prompt action to eliminate the injustice to which the people of the nation's Capital have been so unfairly subjected for so long. Later this month, when the pending resolution for popular election of the President is debated on the Senate floor, I intend to offer as an amendment to the resolution a provision giving full voting representation in Congress to the District of Columbia.

Although the inhabitants of the District of Columbia have now been made eligible to vote for President and Vice President, there is still a barrier against their fair participation in the national legislature. There is no reasonable basis to continue to exclude from them the right to representation in Congress. We can no longer afford to ignore that it is the power of a legislative vote which represents the ultimate means of participation in national decisions. Without that power, the people of the District are still mandated to abide by all the obligations of citizenship. At the same time they are relegated to the slavery of colonialism.

The residents of the Federal City are as intimately concerned about their city's conditions and their city's future as are the residents of Boston, Miami, Chicago or any other American metropolis. But Washingtonians do not share equally with other Americans in the opportunity to make decisions about their future. The proposal I support will help to assure that residents in the Capital City can more fully exercise each of the rights granted to all Americans by the Constitution.

A PROPOSAL FOR FULL DISTRICT OF COLUMBIA REPRESENTATION IN CONGRESS

The constitutional amendment I support would provide full voting representation in Congress for the District of Columbia. The amendment would contain six principal provisions:

D.C. voters would elect two Senators and the number of Representatives in Congress (probably two) to which the District would be entitled on the basis of its population.

Each Senator or Representative would be an inhabitant of the District.

Each Senator or Representative would possess the same qualifications as to age and citizenship and have the same rights, privileges and obligations as other Senators or Representatives.

A vacancy in the representation of the District in the House or Senate would be filled by a special election by D.C. voters.

The amendment would have no effect on the provision in the Twenty-third amendment for determining the number of electors for President and Vice-President to be appointed for the District. However, until such time as our system of choosing the President is changed, each Representative or Senator from the District would be entitled to participate in the choosing of the President or Vice-President in the House of Representatives or Senate under the Twelfth Amendment.

The Congress would have the power to implement the amendment by appropriate legislation.

The proposed amendment deals only with D.C. representation in Congress. It is not a proposal for "Home Rule" in the District of Columbia. Citizens of the nation's capital have never had representation in Congress. Ironically, however, in times past, they have had home rule—the right to choose their local government. For almost a century—from 1790, when the District of Columbia was first established by Congress, until 1874, when Congress eliminated all elective offices for the District—D.C. citizens had at least some form of home rule.

I strongly support the principle of home rule for D.C., and I hope that Congress will soon end our years of frustrating efforts to achieve this basic reform. Whatever the result of these efforts, however, at least we can agree now that representation in Congress for the District of Columbia is both well-deserved and justified.

THE NEED FOR D.C. REPRESENTATION IN CONGRESS

Washington, D.C. today is a city of 815,000 people. It has a population greater than that of eleven states and those eleven states have a total of 39 representatives in the House and Senate. Yet, the people of Washington have no voice whatever in Congress. By contrast, those eleven states are represented as follows:

	Population (1969)
No Senators, no Representatives:	
District of Columbia	815,000
Two Senators, two Representatives:	
Hawaii	775,000
Montana	700,000
Idaho	702,000
South Dakota	670,000
New Hampshire	701,000
North Dakota	633,000
Two Senators, one Representative:	
Delaware	538,000
Nevada	465,000
Vermont	417,000
Wyoming	314,000
Alaska	281,000

Washingtonians, as viewed by our official national policy, are equal for the purposes of taxation, but not for the purposes of representation. Each year, they are taxed for hundreds of millions of dollars without representation and their sons are drafted to fight and die in Vietnam. In countless ways, the people of Washington bear the manifold responsibilities of Federal citizenship, but they are denied the opportunity to shape the laws by which they are governed.

To deny District citizens a voice and a vote in the Congress is not only to deny 815,000 people their rightful representation in the Senate or House, but it is also to deny more than 35 million people in sixteen different states the full attention of their own Senators and Representatives. These are the people represented by the seven Senators and 25 Representatives serving on the Senate and House Committees on the District of Columbia. Although it cannot be expected that D.C. representation in the Congress will end the participation of other members on the Senate and House District Committees, it may reasonably be expected that at least Senators from the most populous states, like New York, would be more free to devote their attention to their own constituents if they are not also assigned the responsibilities of the detailed local work at a D.C. Committee. Obviously, in the present situation, Senators and Representatives on the D.C. Committees tend to put their work on national legislation ahead of their work on D.C. legislation. Clearly, it would be desirable to have Senators and Representatives on those committees whose primary loyalty is to citizens of the District.

The right of representative government is fundamental to democracy in America. Nowhere in America should the principle of representative government be more firmly established than in the nation's capital. In Washington today, however, democracy is weakest where it should be strongest. In this city where the principles of representative government should be practiced with pride as a symbol of freedom to the rest of the country and to the entire free world, democracy is shamefully lacking. By some cruel irony, a nation founded as a haven from oppression and tyranny denies to the citizens of its capital the blessings of democracy. Indeed, it is fairly said that Washington, D.C. is America's Last Colony.

Of course, in the early years of our republic the status of the District of Columbia was not the same urgent problem that it is today. Our founding fathers had no idea that the pastures, marshes and cornfields along the Potomac River would one day become the metropolitan residence for nearly a million people.

Today, however, the situation is different. The nation's capital has expanded into a vast and complex society, the heart of democracy in America. Washingtonians live with precisely the same issues that face every other part of the nation. Problems like war, race, poverty, crime, education, health and pollution are the great issues of our time, and they vitally affect all our people. Only in Washington, however, are American citizens denied a voice in solving these problems. The laws and policies that personally affect the daily lives of Washington residents are entirely dictated by us in Congress. Yet, not one of us in Congress is a direct representative of the people of the Capital City.

Equally important, the vast political changes in our society in recent years have placed extraordinary emphasis on fair and equal participation of every citizen in the most basic right of all in our democratic society—the right to vote. The decade of the Sixties brought enormous progress in this area to millions of Americans. The voting rights acts, the abolition of the poll tax, the reapportionment decisions of the Supreme Court, and now the 18 year old vote, are just a few of the great steps we have taken in recent years to achieve the ideal stated so eloquently in the Declaration of Independence, that "Governments are instituted among men, deriving their just powers from the consent of the governed."

At the same time, the remarkable advances we have secured in this area demonstrate even more clearly the injustice to which hundreds of thousands of Washington citizens are condemned. By denying them the right to representation in Congress, we rob them of one of the basic birthrights of American citizens. We relegate them to second class status in our society.

I fully understand the concerns of those who probe for an explanation of the true relationship of the Federal Government and the Congress to the District. We all know that this is not and has not been a static relationship. Rather, it has been a process of continual evolution through the years.

Agonizing debates have produced a wide variety of proposals to resolve this question. Some have suggested a federal enclave, withholding most or all federal property from municipal jurisdiction, but restoring all the rest to local control. Others call for complete local self-government, subject only to such controls as may be needed to preserve the seat of Federal government.

I recognize, therefore, that it is not easy to define an entirely satisfactory relationship between the Congress and the District of Columbia. To me, however, there is at least one contemporary need that is clear—a need to which Congress can and should respond. The people of Washington are entitled to full voting representation in the United States Senate and House of Representatives. It is long past time for Congress to demonstrate to our own people and to people throughout the world that in America, democracy exists for all.

PREVIOUS PROPOSALS FOR DISTRICT OF COLUMBIA REPRESENTATION IN CONGRESS

Although a large number of proposed constitutional amendments providing full D.C. representation in Congress have been introduced over the years, none has yet come to a direct vote in either the Senate or the House. One of the most significant recent developments occurred in 1967, when the Johnson Administration proposed a constitutional amendment to provide a single D.C. voting representative in the House of Representatives. The proposal would have authorized Congress to act by statute to enlarge D.C. representation in either the Senate or the House of Representatives, up to the representation to which the District's population entitles it. Hearings were held before both the House and Senate Judiciary Committees in the 90th Congress.

No further action was taken in the Senate, but the House Judiciary Committee reported the proposal in a much more far-reaching form. As reported, the proposal—essentially the same proposal that I favor—would provide for election by the voters of the District of two Senators, and the number of representatives based on the city's population. Unfortunately, the House Rules Committee failed to act on the proposal, and no further action could be taken by the House.

A decade ago, in 1960, the full Senate itself accepted the principle of D.C. representation in Congress. By a vote of 63–25, the Senate passed a constitutional amendment, sponsored by Senator Kenneth Keating, which would have given citizens of the District of Columba the right not only to vote in Presidential elections, but also to have nonvoting delegates in the House. Under the provisions of the amendment, Congress was authorized to determine by statute whether the delegates should have voting privileges in the House. The provision for DC voting in Presidential elections went on to become the 23d Amendment, but the provision for DC representation in the House died in the House Judiciary Committee. Today, however, a decade later, the climate in that Committee is obviously far more favorable toward DC representation in Congress.

In addition, it is worth emphasizing that the principle of D.C. representation in Congress has broad and bipartisan support. In his message to Congress on the District of Columbia in April 1969, President Nixon expressed the Administration's strong support for D.C. representation in Congress. As the President stated:

"It should offend the democratic sense of this nation that the 850,000 citizens of its capital comprising a population larger than eleven of its states have no voice in Congress."

As long ago as December 1952, President-elect Eisenhower spoke eloquently of the need for D.C. representation. As he put it, taxation without representation was contrary to the principles of our nation. He specifically expressed his strong feeling that something was basically wrong in America if we tax the citizens of the District and draft their children for military service, but do not give them the right to vote.

POSSIBLE ARGUMENTS AGAINST DISTRICT OF COLUMBIA REPRESENTATION

In the past, D.C. representation in Congress has been the subject of a number of unconvincing arguments. Because they are so unconvincing, most of us who favor D.C. representation dismiss these arguments as a cover for partisan politics or, worse, as a cover for racism.

Some opponents of D.C. representation claim that the amendment would treat D.C. as a state. They say that D.C. is not a State, but a city, smaller than at least eight other cities in the nation, and that there is no greater reason for this city to be represented in Congress than larger cities which are denied the right. This argument ignores the obvious fact that other American cities are political subdivisions of States, which are already represented in Congress. In any event, for years, D.C. has traditionally been treated as a state in virtually every major Federal grant program.

Another, even less persuasive objection to D.C. representation rests on the proviso in Article V of the Constitution, which declares that "no State, without its consent, shall be deprived of its equal Suffrage in the Senate." It is far too late in our history to argue that the admission of the District of Columbia to representation in Congress would deprive any state of its "equal Suffrage in the Senate." In light of the history of the Constitution and the precedents under it, the meaning of Article V is clear—no single State may be given a larger number of Senators than any other State.

In other words, it was the intention of the founding fathers in the proviso of Article V to make clear that the Senate should never—even by Constitutional amendment—be apportioned by population or any other basis that would give one State more representatives in the Senate than any other State. This was the essence of the Federal compromise at the Constitutional Convention in 1787. It has guided us for two hundred years, and it is intended to endure throughout our history. This is all that Art. V means, and all that it requires.

Nothing in the history of Article V or any other provision of the Constitution supports the interpretation that the District of Columbia was not intended to be entitled to representation in Congress. Indeed, in the Federalist, No. 43, James Madison, one of the principal architects of the Constitution, wrote that the prospective inhabitants of the Federal City "will have their voice in the election of the (National) Government which is to exercise authority over them." Clearly, Madison was assuming that the citizens of the Nation's capital would be represented in Congress.

In addition, Article V has never been read as prohibiting the representation of *new* States in the Senate, even though—obviously—the admission of a new State dilutes the voice and power of the existing states in the Senate. Indeed, since the ratification of the Constitution by the original 13 States, 37 new states have been admitted to the Union. As a result, the power of the original 13 states in the Senate has been diluted nearly fourfold from 2/26 to 2/100. Yet, no one has ever argued that any of the original States has been deprived of its equal suffrage in the Senate.

The principle is clear. So long as the District of Columbia is treated in the Senate on the same basis as any State, it cannot be said that representation for the District deprives any State of its equal suffrage in the Senate. Each State will still have two votes in the Senate, and each State will still have the same proportionate vote as any other State.

S.J. Res. 1 (Popular Election of the President) as an Appropriation Vehicle for Achieving D.C. Representation in Congress.

Six weeks ago, by a narrow vote, the Senate Judiciary Committee voted to send to the full Senate a proposed constitutional Amendment (S.J. Res. 1) for popular election of the President. I believe that this resolution is an entirely appropriate vehicle for a provision giving full voting representation in Congress to the District of Columbia. At a time when we in Congress are considering a change in one of the fundamental aspects of our democracy—the way we choose our President—it is fitting that we also consider one of the most glaring flaws in our democracy—the lack of representation in Congress for the citizens of the nation's capital.

I emphasize at the outset that no action we take on the amendment for D.C. representation should be permitted to jeopardize the pending amendment for popular election of the President. For far too long, we have failed to act to insure that our President is the peoples' President, not a minority President chosen by the Electoral College or by the House of Representatives. Therefore, our first priority must be to insure prompt action by the Senate on the pending resolution, which has already passed the House, so that it may be sent quickly to the States for ratification.

Obviously, before proceeding with the amendment for D.C. representation, we must be certain that we will not jeopardize the popular election amendment. It is my belief that there will be no such jeopardy, and that the Senate and House procedures are fully adequate to insure this result.

Two months ago, similar arguments were made against our effort to lower the voting age to 18 by amending the Voting Rights Bill on the Senate Floor. To do so, it was said, might endanger passage of the Voting Rights Bill itself. We know now that those arguments were wrong. By the overwhelming vote of 64–17, the Senate passed the amendment to lower the voting age, and there is every indication that it will also pass the House.

Indeed, it seems clear in retrospect that far from jeopardizing the Voting Rights Bill, the Voting Age amendment actually contributed to the overall passage of the bill. Similarly. I believe, the amendment for D.C. representation may actually contribute to passage of the pending amendment for popular election of the President.

Of course, no argument can be made that the D.C. amendment will jeopardize ratification of the popular election amendment by the States. Under clearly esablished precedents, it is possible for Congress to pass a single resolution submitting a series of, constitutional amendments to the States, with the provision that each of the amendmens is to become effective as soon as it is separately ratified by the required number of states.

This was the procedure followed with respect to the Bill of Rights, the first ten amendments to the Constitution. In September 1789, the First Congress approved a resolution submitting twelve proposed constitutional amendments to the States. Ratification of amendments 3 through 12, which became the Bill of Rights, was completed in 1791. But the first two amendments, one dealing with representation in the House and the other affecting the compensation of members of Congress, were never ratified.

Similarly, in the 86th Congress, the full Senate approved a resolution containing three separate constitutional amendments. In 1959, the Senate Judiciary Committee had favorably reported a resolution with an amendment authorizing State Governors to fill vacancies in the House of Representatives, whenever the total number of vacancies exceeded half the membership of the House. Under the 17th Amendment, State Governors already had the power to fill vacancies in the Senate, and the proposed amendment was designed to enable the House to be reconstituted in the event of devastating nuclear attack. In the course of the Senate floor debate on that amendment in 1960, two additional, unrelated amendments were added to the resolution:

The first, offered by Senator Spessard Holland, would have repealed the poll tax in Federal elections.

The second, the amendment offered by Senator Keating to which I have already referred, would have given citizens of the District of Columbia the right to vote in Presidential elections, and a delegate in the House of Representatives.

The House refused to accept the three-part resolution passed by the Senate. Instead, the House passed a resolution containing only the provision for D.C. voting in Presidential elections. The House version was accepted by the Senate, and eventually became the 23rd Amendment. Thus, the 23rd Amendment to the Constitution began as a Senate floor amendment.

In closing, it is worth mentioning what I think is already clear. Over the past 40 years, more than 100 different resolutions have been introduced in Congress to establish congressional representation for the District of Columbia, but all efforts to achieve this goal have met with uniform frustration and defeat. Just as in the case of the 18 year old voting provision, there is no realistic possibility that a proposal for D.C. representation in Congress will be reported from the Senate Judiciary Committee at any time in the foreseeable future. Our goal of bringing a greater measure of democracy to the people of Washington can be accomplished, if at all, only by a floor amendment. I am hopeful, therefore, that all of us in the Senate will give the most careful consideration to the opportunity that is at hand.

Statement Before the Senate Judiciary Subcommittee on Constitutional Amendments in Support of Full Representation in Congress for the Citizens of the District of Columbia

(By Lucy Wilson Benson)

The message that I wish to bring to you today from the League of Women Voters of the United States is that a million and a quarter people from all over the country have petitioned the Congress for a constitutional amendment to provide full voting representation in Congress for the District of Columbia.

For fifty years the League has maintained its commitment to the importance of citizen participation in politics and government. For almost all of those fifty years our organization has supported representation for the citizens of the District—a goal not yet achieved because not enough people in enough states of this Union understood or cared that residents of the city of Washington have no representation in the body which governs them.

The League decided that 1970 was the year to take this important but neglected issue directly to the citizens of this country. So we initiated a nationwide D.C. petition drive. This drive has had a two-fold purpose: 1) to communicate to men and women and to youth all over the country the almost unbelievable fact that District citizens are not represented in Congress; and 2) to demonstrate to the Congress that citizens from every state support representation in Congress for the District of Columbia.

Through the work of the League and a number of cooperating national organizations, the word has gone out far and wide that citizens living in our nation's capital are being taxed without representation—that Washington D.C. is indeed the "Last Colony". A great many people approached during the Petition Drive had no idea that District residents had no representation in the Congress.

Thousands and thousands of citizens throughout the country, from the South as well as the North, from small communities as well as big cities, have requested a Re-

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sponse from their Senators and Representatives to their petition for the redress of grievances of District residents. The response they seek is action now to achieve full representation for the residents of the District in the Congress.

As national President of the League, I led on May 6 a rally of League delegates to our 50th Anniversary national Convention. The rally, which was held in the courtyard of the Old Senate Office building, was the climax of our nationwide petition drive. League leaders gathered in the Senate courtyard represented nearly 1300 communities over the country. They brought with them their bundles of petitions, with the million and a quarter signatures, which they later delivered to their senior Senators. Though the petition drive lasted only one week, we are still receiving petitions in our national office.

The petition drive has clearly demonstrated nationwide concern over the plight of the citizens of the District. Delegates to the League's national Convention in early May expressed explicitly and emphatically their determination to continue working in high gear on this issue. It is now time for Congress to show sufficient concern to approve a constitutional amendment for full representation for the residents of the District.

The American Revolution was fought for the right of citizens to have a voice and a vote in their government. But the citizens of the District of Columbia do not have any voice or vote in the Congress. The Declaration of Independence speaks of the "right of representation in the legislature, a right inestimable [to the people] and formidable to tyrants only." The same document also says that, "Governments are instituted among men, deriving their just powers from the consent of the governed." But District of Columbia residents cannot give either consent or dissent to what Congress does or does not do for the District or for the nation (of which its residents are a part). No U.S. Senator or Representative can or should have the interests of the District of Coluumbia as his prime concern. The District needs its own voice and vote.

It is a matter of great concern to us that this basic right, related to the principle of representation for taxpayers, one of the foundations of American democracy, has not yet been granted to citizens in the nation's capital. It is unconscionable to us that Congress has failed to act on this matter. Recent Presidents of both major parties have supported a constitutional amendment for representation in Congress for the citizens of the District. Both the Republican and Democratic national parties affirmed their support for such an amendment in their 1968 National Platforms. Yet this issue has been allowed by the members of Congress to lie dormant.

We are confident that the League petition drive is accomplishing its purposes with striking success. Its nationwide impact on public opinion is clearly demonstrated by public response to the signature campaign, and by the remarkable press coverage and editorial space devoted to it in newspapers from coast to coast. I have brought with me today a sampling from newspapers across the country which I would like to have included in the record.

I would like to read to you an excerpt from an editorial in the Greensburg, Pa., Tribune Review:

"We add our collective editorial voice to that petition for redress of an injustice that has prevailed for a long time . . . Over the years, various arguments have been advanced in support of keeping the nation's capital subservient to Congress, without a voice in that body. None of these arguments weighs much against the fundamental point that in a representative government it is plain wrong for people not to be represented."

Another example I would like to mention is a column by Martin F. Nolan in the Boston Globe, which concludes with a succinct statement: "Democracy for America's last colony is after all an exquisitely uncomplicated issue."

The one and a quarter million signers of our petition have asked for a response from the Congress. And the only reply that will satisfy these voters who are now aware of the true plight of the District and the disgrace such a plight is to the entire nation will be a constitutional amendment passed by Congress to provide for full representation for the District.

STATEMENT ON CONGRESSIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

(By Lucy Wilson Benson)

On behalf of the citizens of Washington, D.C. and the League of Women Voters I'd like to welcome all of you to this rally.

We are here, today, for one simple reason—to petition Congress for a redress of grievances. A grievance that might seem slight in relation to today's headlines—but a grievance that actually expresses a very fundamental point in our system of government. We are asking that the citizens of Washington, D.C. have the same right afforded to all Americans. We are asking that they have full representation in Congress, that they be given a voice and a vote in the affairs of their government.

This nation has always prided itself on having a government which represents the will of the people. Yet at a time of national and international crisis, there are 800,000 individuals, the residents of Washington, the nation's capital, who are denied a voice and a vote in determining national policy.

I have no idea about the political or social ideologies of D.C. residents. I do know that they currently have no opportunity to express them on matters of national or local importance.

The League of Women Voters believes that this is an untenable situation. That is why we have taken the issue of D.C. representation to the American people; why we have just completed a national petition drive asking the members of Congress for a resolution for a constitutional amendment which would give full representation to the citizens of Washington, D.C.

Last month, members of the League of Women Voters conducted a nationwide petition drive asking for signatures in support of congressional representation. They found citizens across the country cared about the plight of residents of Washington—they also found that many people were shocked and surprised to learn that there were no Congressmen to speak for the District. Today, the 1600 delegates to the League's national Convention will present these petitions to their Senators. They, who have a voice in Congress, will be talking to their Senators and Congressmen—telling them that more than one and one quarter million individuals who signed the petition want congressional representation.

During the campaign, the League has used the slogan "Washington, D.C., the Last Colony." We think it is shameful that in 1970, the citizens of the District are governed by a Congress in which they are denied a voice and a vote.

The League believes that this rally today is a beginning, not an end. We, and many, many others, are going to continue our efforts for the District's citizens.

MEMORIAL DAY

Mr. MILLER. Mr. President, Memorial Day is a time set aside each year for Americans to pause and remember those who have served and died in the cause of our Nation.

Too often, unfortunately, what is said is soon forgotten or shunted to that limbo of our national conscience where things unpleasant abide.

This should not be so, for it should be a time when we rededicate ourselves to the tasks of remaining—and there are many—and to carry out the goals for which these men and women died.

With our Nation in so much agony this year, torn and troubled as it has but rarely been in our history, we need more than ever to carry with us the year around the thoughts and feelings of Memorial Day.

One whose remarks should not be soon forgotten are those of a fellow Iowan, Donald E. Johnson, head of the U.S. Veterans' Administration.

Delivered at the Memorial Day observance of U.S. Department of Agriculture Post 36 of the American Legion, Don Johnson's comments were a moving tribute to America's servicemen who have fallen in behalf of this Nation.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY HON. DONALD E. JOHNSON

(Text of remarks by the Honorable Donald E. Johnson, Administrator of Veterans' Affairs at the Memorial Day observance of U.S. Department of Agriculture Post 36, the American Legion, Department of the District of Columbia, Washington, D.C., May 28, 1970)

Commander Boratenski, members and guests of the Department of Agriculture Post 36 of the American Legion: It is an honor and a pleasure to join with you in this annual Memorial Day observance.

But for me . . . and I am sure for each of you . . . a ceremony such as this is also a humbling experience.

For it reminds us once again that we are met here . . . and we live in freedom . . . individually and as a nation . . . only because of the selfless service and supreme sacrifice of the patriotic, heroic Americans whom we honor today.

It is most fitting . . . I think . . . that the members of the Department of Agriculture Post of the American Legion . . . whose work is directed toward the cultivation and conservation of our heaven-blessed land . . . should pause to remember those . . . whose lifeblood nourishes and enriches our nation as surely as the products of our soil sustain and strengthen our people.

From Concord to Cambodia . . . for nearly two centuries . . . Americans . . . more than 42 million of them . . . have fought . . . and more than one million have died . . . not for glory . . . not for conquest . . . but . . . as President Nixon said in his Memorial Day Proclamation . . . "for those concepts that bind the people together in nationhood—and brotherhood."

The President's proclamation . . . in its title, its purpose, and its words . . . is a "Prayer for Peace, Memorial Day, 1970."

But even "to express our gratitude to the heroic dead by thought and prayer with special reverence" today is not enough . . . the proclamation reminds us.

"A more fitting memorial" . . . President Nixon has suggested . . . "would be the creation of a peaceful world, free of the destructive conflicts which have plagued man's history."

The proclamation continues:

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"We must, therefore, as individuals and as a nation, continue the difficult quest for tranquility among all peoples and the reasoned solution of our differences."

As a special mark of respect for those Americans who have given their lives in the tragic struggle in Vietnam . . . the President has directed that the flag of the United States be flown at half-staff all day on Memorial Day, instead of during the forenoon period, on all buildings, grounds, and naval vessels of the Federal Government throughout the United States and all areas under its jurisdiction and control.

War . . . any war . . . is hell.

But peace . . . at the price of freedom . . . would be hell on earth.

Bill Galbraith and I share the honor of having served the American Legion as National Commander. With you members of Department of Agriculture Post No. 36 . . . we also share the honor of being Legionnaires and veterans.

As veterans . . . you and I know that to forsake the cause of freedom for which more than one million Americans have died . . . and for which more than 42,000 of our countrymen have given their lives in Vietnam . . . would be to mock their sacrifice . . . and deny their silent plea that they shall not have died in vain.

Memorial Day 1970 finds America in agony.

Our colleges and universities . . . far too many of them, certainly . . . have been transformed from institutions of higher learning into battlegrounds where young men and women have tragically died.

We have yet to cleanse our waters and our air.

Inflation has not been fully curbed.

Crime still endangers the lives and property of millions of our people.

Degrading, grinding poverty remains the dead-end future for Americans who deserve better.

Our cities have not been rid of their ghettos.

The concerns of rural America . . . as the President said in establishing the Rural Affairs Council last November . . . and as you officials of the Department of Agriculture so well know . . . deserve more careful consideration.

Discrimination is still an ugly fact.

So is unemployment.

And so are the other ills that beset us.

Involved as we are in the affairs of the nation . . . whether they concern America's farmers or America's veterans . . . we sometimes don't seem to have the time . . . or . . . because we're so close to a particular problem . . . the objectivity to ask:

Can tomorrow be made better?

I think it can.

Because Cambodia and Vietnam will end.

And with their end . . . I believe . . . and I'm sure you do, too . . . that we can then meet courageously, effectively, and unitedly the many challenges that confront us.

I don't have to tell this audience that the attack on the evils . . . the problems . . . which we all know exist . . . need not await . . . and indeed has not awaited . . . the end of hostilities in Cambodia and Vietnam.

Being aware of what must be done . . . and what is now being done . . . to solve these critical problems . . . I think you will also agree that the American people consider the disengagement of American fighting men from Cambodia and Vietnam as our first national priority.

Not until President Nixon's pledge to withdraw American combat forces from Cambodia by the end of June . . . and to withdraw an additional 150,000 American servicemen from Vietnam within the next year . . . on top of the 115,000 who have already been pulled out . . . not until this pledge has been fully redeemed . . . in my opinion . . . will the American people have the desire and the will and the determination to make the massive commitment needed to solve our domestic crises.

As citizens . . . as parents of servicemen . . . and my oldest son just recently returned home from combat in Vietnam . . . one question . . . I believe . . . is uppermost in the minds of all of us today.

Will the President's timetable for the withdrawal of American troops from Cambodia and Vietnam be met?

I dare to state this question . . . not as a rhetorical one requiring no answer . . . nor as one to which there can only be an affirmative answer . . . but rather because you and I did not abdicate our citizenship or our rights to free speech when we became Federal employees.

As Federal Government officials . . . however . . . I think that it is especially incumbent upon us to remain informed on developments in Vietnam and Cambodia because the resolution of that crisis . . . the end of fighting there by American G.I.s . . . will certainly affect the funding, the planning, and the operations of those Federal programs for which we have responsibility.

There is yet another reason why we officials of the Federal Government should be as fully and as currently informed on developments in Cambodia and Vietnam as possible.

Our opinions and our knowledge are sought by sincere citizens . . . be they relatives or friends from back home or total strangers . . . who believe that because we are in the government . . . no matter what department or agency . . . and especially because we work in the nation's capital . . . we are aware of what is happening . . . even in Cambodia or Vietnam.

I'm not being facetious.

We may not know the answers . . . and certainly we would be foolish to pose as military experts . . . but we dare not be indifferent . . . to what is happening in Cambodia or Vietnam . . . and to why it is happening.

We need only follow the newscasts on radio or television . . . or read the daily newspapers . . . to know what . . . according to reports from our military commanders in Cambodia and Vietnam . . . the President's timetable for withdrawal of American combat troops from Cambodia by the end of June will be met.

Certainly, we have every reason to be encouraged by reports which tell of the capture of enough rifles and heavy weapons to outfit almost 70 enemy battalions of 500 men each . . . of more mortar and artillery shells, rockets and rifle bullets than the Communists would use in two years . . . of enough medical supplies to support a 320-bed hospital for four months . . . and of enough rice to feed more than 10,000 troops for a year.

Apparently the drive into Cambodia has set back the Communists' ability to launch a major offensive in the southern half of South Vietnam by six months . . . or more.

This is *what* is happening.

As to *why* it is happening . . . we need only re-read certain passages of President Nixon's April 30th nationwide televised speech on Cambodia.

You will recall that the President said . . . and I quote:

"This is not an invasion of Cambodia. The areas in which these attacks will be launched are completely occupied and controlled by North Vietnamese forces. Our purpose is not to occupy the areas. Once the enemy forces are driven out of these sanctuaries and once their military supplies are destroyed, we will withdraw.

"Now let me give you the reasons for my decision.

"A majority of the American people . . . are for the withdrawal of our forces from Vietnam.

"The action I have taken tonight is indispensable for the continuing success of that withdrawal program.

"A majority of the American people want to end this war rather than to have it drag on interminably. The action I have taken tonight will serve that purpose.

"A majority of the American people want to keep the casualties of our brave men in Vietnam at an absolute minimum. The action I have taken tonight is essential if we are to accomplish that goal.

"We take this action not for the purposes of expanding the war into Cambodia, but for the purpose of ending the war in Vietnam and winning the just peace we all desire. We have made and we will continue to make any possible effort to end this war through negotiations at the conference table rather than through more fighting on the battlefield."

Unquote.

I am sure you know that the National Executive Committee of the American Legion . . . meeting in Indianapolis earlier this month . . . adopted a resolution expressing the Legion's whole-hearted support of the President's decision to eliminate Communist military sanctuaries.

This resolution also calls upon the members of Congress and the American people as a whole to give the President's decision the same support.

In another resolution . . . the Legion National Executive Committee expressed your organization's "total opposition" to the amendment proposed by U.S. Representative Ogden Reid of New York to prohibit the use of appropriated funds to finance the introduction of American ground combat forces into Laos, Thailand or Cambodia. A day or two after adoption of this NEC resolution . . . the House of Representatives overwhelmingly defeated Congressman Reid's proposal.

As Legionnaires . . . I'm certain that you members of the Department of Agriculture Post No. 36 of the District of Columbia Department of the American Legion concur in the NEC's conclusion that such restrictive legislative proposals "would seriously inhibit this nation's ability to counter aggressive moves by enemy forces and place the enemy on notice that it has complete freedom to carry out its aggressive designs from Cambodia without fear of reprisal."

I do not suggest . . . even for a minute . . . that the Congress should not carry out its own Constitutional responsibilities vigorously and promptly.

But I sincerely believe that the President should be given the opportunity to carry out his Constitutional responsibility . . . as Commander-in-Chief . . . to protect the lives of American servicemen in Vietnam . . . and should be given the opportunity to make good on his pledge to withdraw American combat forces from Cambodia by June 30th.

I hope that the Congress will give him this opportunity . . . and not act prematurely.

We all know and love . . . even if we cannot sing well . . . the Star Spangled Banner.

Its last lines call America "the land of the free and the home of the brave."

I would not quarrel with these lyrics . . . but I would suggest today a slight variation.

I would suggest that our beloved America is still the land of the free *because* . . . for nearly two hundred years . . . it has been the home of the brave.

No where has this truth been more eloquently expressed than on the Confederate War Memorial in Arlington National Cemetery.

Perhaps you have seen this inscription . . . and been as moved and inspired by it as I have.

Permit me to quote it.

> "Not for fame or reward
> Not for place or for rank
> Not lured by ambition
> Or goaded by necessity
> But in simple obedience to duty
> As they understood it
> These men suffered all
> Sacrificed all
> Dared all
> And died."

I am sure you will agree that this tribute can be paid appropriately . . . with unashamed love and gratitude . . . to all of America's honored war dead.

It has been said that a nation is really its people.

I believe this is true.

In moments of sorrow and grief . . . people . . . families . . . unite to comfort and strengthen one another.

Memorial Day is not entirely a moment of sorrow and grief . . . for we remember fondly . . . even joyfully . . . those happy hours and years we shared with our loved ones before they answered freedom's call . . . and paid freedom's price.

We do no violence to these happy memories . . . however . . . if on Memorial Day we seek to unite the American people . . . our national family . . . so that we might comfort and strengthen one another.

In life . . . our honored war dead were the providers and protectors of their families.

If . . . on Memorial Day 1970 . . . the American family could once again unite . . . as it honors their memory . . . to provide for the future of our great nation . . . and to protect our priceless freedom . . . then our heroic war dead could truly rest in peace.

For they would then know that they have not died in vain.

Thank you.

SOUTH BALTIMORE'S STRAIGHT-TALKING MARY AVARA

Mr. TYDINGS. Mr. President, many Senators, intrigued by the fact that Maryland is the only State which still has a movie censor board, no doubt tuned in to the three late-night television talk shows to watch our three Maryland ladies discuss their work. Overnight, Mrs. Mary Avara became a celebrity. Mrs. Avara is a straight-talking South Baltimore gal who does not pull any punches. What the general public does not know is what a great person she is, what a hard worker, and how versatile are the many areas of her activities.

I ask unanimous consent that the article from the Baltimore Sun of Sunday, May 24, be printed in the RECORD to give Senators another view of a grand lady.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A BONDSWOMAN WHO CALLS BINGO—SOUTH BALTIMORE'S STRAIGHT TALKING MARY AVARA IS A WARD LEADER AND FILM CENSOR, TOO

(By Ralph Reppert)

Mary Avara can cut your hair or get you out of jail, help you make your will or fill out your income tax form, arrange your wedding and reception or your grandmother's funeral.

If you're a political candidate with a fair chance, Mrs. Avara can deliver an election precinct in your favor. If you have a son or nephew going wayward, Mary can talk to him like a Dutch uncle.

She can call a Bingo game for 300 women without using a microphone. In her dealings with people, as a bail bondswoman, as a member of the Maryland Board of Motion Picture Censors, and as a fireball volunteer in most of her church, community and neighborhood political doings, she speaks her mind—row and number—as if she were calling a Bingo game.

Mrs. Avara made her debut on television in March. Producers of the Dick Cavett show invited her and the board's other two members, Mrs. Margery Shriver and Mrs. Rosalyn Schector, to discuss the workings of Maryland's Board of Motion Picture Censors, the only such state board in the land. This board attracted national attention last year when it banned "I Am Curious (Yellow)," and it became topical again in March after *Time* published an interview with the three censors.

On television, Dick Cavett's panel discussion began decorously enough, and then TV viewers sat up and turned up the volume. They knew they were hearing something different, but they didn't know what it was.

It was, among other things, South Baltimore Straight Talk.

There was something different about Mrs. Avara, and a lot of that difference comes out in her talk. Political candidates may speak in suave generalities, but the precinct, ward and district workers speak in plain language. Mrs. Avara talks that way because she is a political worker.

The language of policemen is just as blunt. She knows their lingo, too. Detective Lt. Vincent Serio, who retired three years ago from the Baltimore Police Department, is her brother. And since 1947, when she became a registered bail bondswoman, Mrs. Avara's business has taken her almost every day and night to jails and police stations.

There's an inner strength that shows through in her talk. She is a shrewd business woman, with confidence in her abilities and conviction in her judgment. "I been a widow for 24 years," she has been heard to remark. "I'm not afraid of nothing." So when she says something—although she may pronounce it more in the manner Dizzy Dean than Allstair Cooke—her meaning stands out as plain and honest as a patch on the seat of the pants.

Without meaning to, Mrs. Avara stole the Dick Cavett show. She sat there with her dour expression, a sort of cross between Thelma Ritter and Ned Sparks, and with a what-the-hell-did-I-say-wrong? look on her face, broke up the panel with almost every answer.

Probably her most outstanding attribute is candor.

Complimented on her pretty dress, she may smile a thank-you, then tell you confidentially she got it, two for $11, on sale at Hecht's.

"You think that's a bargain? How about the shoes? A buck, on sale at Korvette's."

Mrs. Avara talked about Baltimore, her grandchildren, the 18 children her mother had, how to get people out of jail.

Dick Cavett was fascinated by her being a bondswoman, going into jails and police stations to get people out on bail, and he had many questions about the business. When he asked if she felt at ease in front of a TV camera, she said she would feel more at home talking to him if he were behind bars.

Harry Belafonte and Jack Carter, also guests on the panel, broke up. So did the MC.

Mrs. Avara registered not only with show people as a natural comedienne, but also with TV viewers. She went back before the TV cameras as a guest on the Johnny Carson and Merv Griffin shows. One MC told her she could go into show business with his organization any time she felt like it.

Russell Baker, the New York *Times* columnist, sent her flowers. An anonymous viewer sent her a dozen red roses. The following Sunday nine corsages, from both local and out of town admirers came to her home.

Governor Mandel wrote his congratulations and urged her to keep up the good work, spreading the word on the joys of motherhood and Maryland.

At her office there were notes of telephone calls from Steve Allen and Mike Douglas. Suspicious of practical jokes, she didn't answer either.

A Detroit (Mich.) TV viewer, an elderly woman, thought Mrs. Avara has a sympathetic face, and wrote for advice on some personal problems.

A New York city man had seen her on TV and was impressed with her honesty. A few days later the man's son was arrested in Baltimore, and the man asked Mrs. Avara by phone to bail him out.

Mrs. Avara inherits her independence from people who have had to make it the hard way and on their own. Her father was Samuel Serio, who was born in Sicily. He became a sailor, and after a few years at sea came home to marry Concetta, a childhood sweetheart. The two came to this country in 1895, when the bride was 18. Serio opened a fruit and vegetable stall in Hollins Market in Baltimore.

They had 18 children, 6 of whom died in infancy. All of the children helped their parents at the market and two brothers, Charles and Frank, still operate produce stalls there.

The other children went into a variety of professions. Vincent was a prizefighter before he retired from the ring to become a career policeman. Dominick wrestled under the name of Benito Guardino and was billed as "The Little Flower." Joseph, the youngest, is a hefty guard at the City Jail. Among his friends he answers to the name of "Baby Joe."

Mrs. Avara came seventh, as her mother did. There's a belief that the seventh child of a seventh child is born with a clairvoyance which in the Old Country is called "second sight." Mrs. Avara believes she has a strong streak of it.

"I can walk into a room where there's a phony, and know he's a phony the split-second I see him. I know things around the neighborhood are going to happen before they happen. Lots of times I know what a judge is going to say before he says it."

The sixth sense serves her well in her business. In posting bail for hundreds of prisoners every year, for 24 years, she's never put her trust in one who skipped bail.

She grew up a member of the St. Peter the Apostle Church ("I came with the fixtures there") and from her 6th through 14th year attended St. Peter's School on Poppleton street. She had to quit after the 8th grade to help her folks in the market.

In her late teens she became a helper in the organization of Julian B. "Chicken" Carrick, a Hollins Market poultry dealer and Sixth district political leader. Sharp and willing, she moved from precinct runner to odd jobs at the ward level, and then became a utility campaign worker for the whole district.

In 1929 she married Vincent Joseph Avara, who had come over from her parents' birthplace in 1920. Avara, a blacksmith in Sicily, learned barbering in Baltimore, and set up his own shop at Lombard street and Carrollton avenue.

Mrs. Avara was widowed in 1946 when her husband was killed in an automobile accident. Ten years later her 14-year-old daughter, Concetta, died the same way.

An uncle, Joe Serio, was a bail bondsman, and Mrs. Avara often allowed him to list her home as a security to his business. Widowed, and with four children to support, Mary went into the business herself. An astute businesswoman, she has since bought a number of additional properties to pledge as collateral in her profession.

Life is a bit easier now that the children are grown and on their own. Her son, Simon, has become a barber, operates a barber school, and is national president of all state barber boards. Her daughter, Carmelita, is married. Her son, Samuel, is a regional claims manager for Montgomery Ward.

The bail bond business earns Mrs. Avara a comfortable living, but it is a demanding job that keeps the telephone ringing late at night. Her most usual clients are shoplifters, numbers writers, bookmakers, with now and then charges as serious as manslaughter. For the bail she puts up, she is allowed a bondswoman's fees of 7 per cent in the city, 10 per cent in the county. Thus a shoplifter she gets out on $500 bail might produce a fee of $35 in town, $50 in the county. She has been known to shave her fee in distress cases.

Most of her clients seek her out, either because they are long-time customers or because friends mention her name. She has so many contacts that she doesn't find it necessary to list her name in the telephone directory or the classified section.

She doesn't like to handle some of the cases she does, but can't turn them down if they're good risks because business is business. She feels a genuine sympathy for the transgressers she calls "the little people," shoplifters, bookies and the like.

"It's easy to be honest," she says, "when you've got a dollar in your pocket. But can you hate a woman who doesn't have a dime, and who wants a pretty pink dress for her little girl so bad she'll steal it if she has to?"

In every neighborhood there are two types of people who want to help in emergencies. One type asks, "Is there anything I can do?" The other type spots what needs doing and does it. Mrs. Avara is a doer.

In South Baltimore Mrs. Avara is the guiding force of the Sixth District Ladies Civic and Improvement Association, Inc., an organization of more than 200 women of the Hollins Market area. Its headquarters is over a self-service food store. It's a plain but clean hall with walls displaying the American flag, a picture of Governor Mandel, and a sign which reads, Smile! God Loves You!

There every Sunday its members get together for an afternoon of Bingo, with Mrs. Avara calling the game. Each meeting opens with a prayer and the Pledge of Allegiance. The ladies have soft drinks and play all afternoon for a dollar, then take a break over sweet buns and coffee. Each woman brings something she baked or canned. Mrs. Avara beefs up the prizes with cartons of groceries she has collected from manufacturers and from her many friends in Hollins Market. Thus, most of the one-dollar admissions go into the club kitty. Periodically the ladies use the money for bus excursions to New York City, Altantic City, and historical points in Maryland.

Once, while Mrs. Avara was with the group of members in a big city, a group in another part of the city was drawn into an auction in a vacant store. The women, whom the auctioneer insisted had raised their hands to bid, came out with shoddy purses and other cheap items for which they were bullied into paying exorbitant prices.

Mrs. Avara, her mouth set in a tight line, gathered up the merchandise and took it back to the auctioneer. She came back to the bus in a few minutes with the money.

Members of the Sixth District Ladies Civic and Improvement Association, Inc., plus Mrs. Avara's friends in Hollins Market, plus her political contacts, plus grateful clients she has in years past bailed out of jail, from what might be termed a benevolent sort of South Baltimore Mafia. It has always been able to deliver when asked for help.

If somebody's house burns, the ladies round up food, clothing, furniture. If an elderly woman becomes crippled or infirm, there's somebody to help her with shopping and housework. If there's a death in the neighborhood and no money in the family for a funeral, the women take up a collection and make the arrangements.

In her formstone fronted rowhouse at 105 South Carrollton avenue, Mrs. Avara finds herself in the middle of somebody's problem almost every night. As a part of her business, she is a notary public and can use a typewriter. Her neighbors, many of whom speak little English, come to her with census forms, income tax forms, wills and for letters of recommendation. Between these good turns, she sells program ads for the church carnivals and promotes the Bingo games. Eight years ago she helped to form a bowling league for the blind.

Her day begins at 6.30 A.M. She does her housework, and reports to work with the censor board at 8.30 A.M. If somebody needs her to post bail, word gets to her at work, and she handles it as her schedule allows. She doesn't drive, and so gets around by bus in the daytime, a cab at night.

For their $4,000 to $4,500 salaries, the board members view between 600 to 700 films a year, the multi-million-dollar Walt Disney productions along with sex pictures which seem to have been shot with only a camera, a man, a woman, and a bed.

Board members do not have the final word on whether a movie or one of its scenes is fit to be shown in Maryland. The board merely screens the productions and marks each of those portions it believes come under the legal interpretation of pornography.

If a distributor accepts the cuts suggested by the board, as most do, the movie moves into public circulation. If a producer challenges the cuts, then a board which may include a psychiatrist, an artist, an educator among other recognized professionals, is formed to judge the picture.

"My mother had 18 children," Mrs. Avara says. "I got a family myself. I'd be pretty stupid if I didn't know what sex was. The love between a man and his wife is a beautiful thing. A beautiful secret to be shared by them alone.

"But when love is expressed in front of a crowd on the street, or on top of an automobile, it becomes as ugly as it is ridiculous.

"You can call that kind of stuff art or culture until you're blue in the face, but you wont' change my mind on it."

THE 20TH ANNIVERSARY OF "DECLARATION OF CONSCIENCE" SPEECH BY SENATOR MARGARET CHASE SMITH OF MAINE

Mr. TOWER. Mr. President, I shall engage the Senate's attention only long enough to speak in commendation of the remarks of the senior Senator from Maine (Mrs. SMITH) made on the floor of the Senate Monday about noon. The thoughts she expressed are my thoughts, but she expressed them with an eloquence I shall not try to match.

When this country was floundering and wrestling with a similar threat to our honorable and just traditions 20 years ago, the Senator from Maine spoke in similar measured tones of her own conscience and her intellectual commitments. She helped awake the conscience of the Nation so that the American people would not founder into the Scylla of civil repression while avoiding the Charybdis of social despotism.

So it was more than a routine matter when our colleague stood Monday to warn of the latest threat to the American tradition of libertarian values. Violence, arson, destruction, and threat of death employed for the ideals of peace, individual rights, and social prosperity is a contradiction. Civil rights can be destroyed by mobs even more quickly than they can be by governments.

It was no error that civilization came of age in the 19th century. Coincident with the dramatic material change which occurred between the years 1800 and 1899 was the flowering of the thought process known as liberalism, rooted in the Renaissance and propagated by the enlightenment of the 18th century. Liberalism during the 19th century was not a static set of beliefs. It was a method of looking at and dealing with reality. It was observation rather than precommitment; it was reason used to achieve knowledge. It was commitment to bring order to government, to commit science to the discovery of truth.

Our 20th century prosperity is a product of the liberal ideals of the 19th century. We are riding a crest of abundance traceable to those enlightened attitudes. But in 1970, reason is threatened by irrationality, personal freedom and safety by violence; creation by destruction. Optimism in the bigger and better future—a characteristic particularly of Americans I am told—has been replaced by pessimism.

In the finest sense of the term—in its 19th century definition—Senator SMITH's remarks of Monday were liberal. She pleaded for reason, for disagreement without violence. I commend her for her remarks and express the hope that they receive the contemporary attention they deserve, as well as the historical respect which the perspective of 20 years has accorded her warning of June 1, 1950.

RETIREMENT OF LAURENCE C. EKLUND, MILWAUKEE JOURNAL WASHINGTON BUREAU CHIEF

Mr. NELSON. Mr. President, after 23 years of distinguished service to the Milwaukee Journal and the people of Wisconsin, Laurence C. Eklund is retiring as the Journal's Washington bureau chief.

The loss is one that will not easily be replaced because Eklund brought nearly a half century of newspapering experience to the hundreds of thousands of daily readers of the Milwaukee Journal.

Eklund began his journalistic career as associate editor of the Daily Cardinal, the campus newspaper at the University of Wisconsin. From there he worked briefly for the Madison, Wis., Capital Times until he joined the Journal staff on August 27, 1927.

For 20 years thereafter, Eklund covered a wide variety of reporting assignments, including the Milwaukee courthouse, city hall, and the Federal Building. He also covered the State legislature and capital in Madison and very quickly became known for his political reporting.

He began his political reporting less than a year after joining the Milwaukee Journal staff covering the 1928 campaign, when Herbert Hoover defeated New York Gov. Alfred E. Smith.

But it was for his Washington coverage that Eklund will be best remembered. He came to set up the Journal's first Washington bureau in 1947, and

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through the years covered the activities of a number of men whose names would remain a part of the history of this country.

Throughout those 23 years he covered John F. Kennedy, Richard M. Nixon, Harry S. Truman, Dwight D. Eisenhower, Senator Joseph McCarthy, Senator Alexander Wiley, and a number of other men well known in Wisconsin and across the Nation.

Con Eklund represented the best qualities of journalistic integrity and objectivity during his years in Washington and fulfilled the vital function of the profession by acting as an overseer and critic of the functions of government and the elected representatives of the people.

I ask unanimous consent that three articles about Mr. Eklund, published in the Milwaukee Journal, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Milwaukee (Wis.) Journal, May 17, 1970]

Journal's Eklund Will Get Award

The 1970 Ted Carpenter Award of the Milwaukee chapter of Sigma Delta Chi, professional journalism society, will be presented Tuesday to Laurence C. Eklund, chief of The Milwaukee Journal's Washington Bureau.

Eklund who is retiring at the end of May after 43 years as a Journal reporter, will accept the award at the chapter's meeting at 7 p.m. at the Milwaukee Press Club.

The award, which includes a $200 prize donated by the Miller Brewing Co., is a memorial to Carpenter, who was a charter member of the Milwaukee chapter of Sigma Delta Chi and director of the Marquette University News Bureau for more than 40 years.

Eklund who has spent 23 years in The Journal's Washington Bureau, was honored in Washington last month by the Wisconsin State Society, a group of former Wisconsin residents living in Washington.

The Sigma Delta Chi chapter scholarship award also will be presented at the Tuesday meeting.

William R. Bechtel, staff director of the Senate Employment, Manpower and Poverty Subcommittee, will speak. Bechtel is a former reporter for The Journal and a former staff director for Sen. Gaylord Nelson (D-Wis.)

[From the Milwaukee (Wis.) Journal, May 24, 1970]

Eklund Got Touch of Politics Early

(By Robert W. Wells)

It was a summer of more than 50 years ago in Tomahawk, a northern Wisconsin community that had been a lumberjack town, with the sawdust piling up at the Bill Bradley mill, and the "shanty boys" hurrying into town on Saturday nights to spend a week's pay in the 30 saloons.

But now the times were changing and culture was not ignored. The Chautauqua movement, which brought lectures on art, religion and world affairs even to such northwoods communities, was going strong. A Chautauqua meeting was scheduled at Bradley Park, and the Eklund family had a picnic lunch packed and was heading toward this highlight of the Tomahawk social season.

A FLORID SOUTHERNER

Laurence C. Eklund, who is retiring as head of The Milwaukee Journal's Washington Bureau, has traveled widely and known famous men since that day in his early boyhood. But he remembers walking across the pine needles in the park named for his father's boss to listen to his first live politician.

"He was a florid southerner," Con Eklund said. "I don't remember his name but I recall how he broke down and cried over how much money the United States had spent to build the Panama Canal. I think my interest in politics stemmed from that speech."

Eklund was born in Tomahawk, a fact which he had taken for granted until recently when he had to prove it to the satisfaction of the social security bureaucracy.

Record keeping was more informal in Lincoln County then than now and Eklund discovered some years ago, when he wanted to apply for a passport, that there was no record of his birth at the courthouse in Merrill.

Eklund had his older brother, Oscar, go with him to the State Department and testify that Con was a native Tomahawker, which satisfied the passport people. But Oscar is now dead and the social security office wanted written proof that a Swedish carpenter named John Eklund and his wife had increased Tomahawk's population by one on May 16, 1905.

1905 FILES CHECKED

Eklund called Graham Foster Jr., editor of the Tomahawk Leader, who checked the newspaper's 1905 files and found an item mentioning the birth. But it failed to give the baby's name.

The Eklunds had been members of what was then called the Norwegian Lutheran Church—"there weren't enough Swedes for us to have our own," Eklund explained, apologetically—so Foster got in touch with the Rev. Bruce Hanstedt of what is now called Grace Lutheran Church.

The 1905 church records were written in Norwegian, but the pastor got one of Con's old friends, Mrs. Delia Newborg, to translate. Not only Eklund's May 16 birth but the fact that he was duly baptized on Aug. 8, 1905, was recorded. The minister dispatched a document which satisfied Washington that there really was a Con Eklund and that he'd been born in Tomahawk.

Eklund's father arrived in that community in 1889 and built its first skyscraper—a frame building which rose to a full two stories, a Tomahawk record for the time. As a boy, Con tried his hand at carpentry but soon gave it up.

WENT TO UW

"I was a wood butcher," he said. "So I went to the University of Wisconsin and majored in journalism instead."

In his senior year, Eklund was associate editor of the Daily Cardinal, which meant semester had hardly begun before he was being denounced by the Janesville Gazette as a "harebrained adolescent" and being scolded by The Milwaukee Journal for daring to say editorially that "Prohibition has been an incentive to student drinking."

The Capital Times, however, defended Eklund's editorial and the following June offered him a job. The Journal hired him away from the Madison paper, raising its initial offer of $25 a week to a princely $30 when Eklund pointed out that this was what he was already making.

JOINED JOURNAL IN 1927

Eklund joined The Journal on Aug. 27, 1927, so his retirement ends an association of nearly 43 years with the paper.

He helped cover the 1928 campaign in which Herbert Hoover beat Alfred E. Smith, but like most young reporters he worked on a variety of other assignments, including the Courthouse, City Hall, the Federal Building and an occasional police story, such as a fruitless FBI chase through the north woods for gangster John Dillinger.

While Eklund was a university student, Philip La Follette, then a young district attorney, had noticed one of his editorials and invited him to a series of Sunday night suppers. When Eklund was assigned to report the activities of the Legislature in 1935, La Follette was governor.

"He was one of the most colorful guys I've covered," Eklund said. "There are some others on that list—Gov. Julius Heil, Walter Goodland, Alexander Wiley and, of course, Joe McCarthy. I got to Washington shortly after McCarthy went there as senator."

Eklund continued to specialize in politics in Wisconsin until 1947, when he became The Journal's first full time Washington correspondent. Two future presidents arrived as congressmen that year—John F. Kennedy and Richard M. Nixon. The latter headed a list of dignitaries and old friends who sent telegrams wishing Eklund well after his retirement was announced.

Eklund manned the bureau alone until 1963, when a second man was added. He continued to specialize in reporting political news, helping cover national political conventions in nine presidential election years.

In 1949, 1959 and 1965, Eklund went on reporting trips to Scandinavia. During the last such visit, the Swedish Tourist office found relatives he never knew he had in the province of Varmland where his father was born.

In 1960, he went to Antarctica. His younger brother, Carl, was a widely known polar explorer for whom the Eklund Islands in the Antarctic were named.

JOINED GRIDIRON CLUB

Four years ago, Eklund was elected to Washington's Gridiron Club, a newspapermen's organization limited to 50 active resident members.

Last month, the Wisconsin State Society of Washington, composed of former Wisconsin residents, presented Eklund with a certificate of merit for distinguished service.

Eklund has been married for 39 years to the former Ethel Chipman, the daughter of a rural Columbia County state legislator whom he met while she was working with a private welfare organization in Milwaukee. They have a son, John, who is with the Post Office Department in Washington.

Eklund's last day on the job will be Tuesday. He will continue to live in a Washington suburb, Bethesda, Md.

PARTY TO BE GIVEN

A cocktail party for about 200 persons, including his fellow members of the Gridiron Club, other Washington news colleagues and federal officials, will be given in Eklund's honor by The Journal Monday evening at a Washington hotel. The newspaper will be represented by Irwin Maier, chairman of the board of The Journal Company, and Arville Schaleben, associate editor.

John W. Kobe, a member of The Journal's Washington Bureau who will succeed Eklund, and Frank Aukofer, who is moving from the paper's Milwaukee staff to the bureau, will be introduced.

In his new status as a man of leisure, Eklund plans to do some traveling, including a trip to Tomahawk, which he hasn't visited in 30 years. While there, he's going to stroll under the virgin pines in Bradley Park, remembering what it was like to be a small boy listening to a politician from the outside world who could shed tears over the cost of the Panama Canal.

[From the Milwaukee (Wis.) Journal, May 17, 1970]

A Washington Memoir

(By Laurence C. Eklund)

(The writer is retiring this spring after 43 years as a Journal reporter, the last 23 as its Washington bureau chief. In the article he reminisces about his years in the capital and people and events he wrote about.)

President Nixon, whose phenomenal memory amazes reporters, reminded me not long ago that he and I had arrived in Washington about the same time.

The president's recollection was correct. He began serving in January, 1947, as a 34

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year old congressman from California. I came here the following month to establish the Milwaukee Journal's Washington bureau.

As it happened, I saw a lot of Nixon and another future president, the 29 year old congressman from Massachusetts, John F. Kennedy, while covering my first big story for the Journal's fledgling, one man bureau.

They were members of the House Committee on Education and Labor. It was holding hearings on the Taft-Hartley bill which, passed over President Truman's veto, amended labor relations laws in favor of management. Nixon was the lowest ranking Republican on the committee and Kennedy ranked next to the bottom on the Democratic side. The hearings involved testimony of many Milwaukeeans.

One of those witnesses, Harold R. Christoffel, former president of United Auto Workers Local 248 at Allis-Chalmers, went to jail for perjury after he testified before the committee that he was not a Communist. Both Nixon and Kennedy played a role in the long drawn out legal battle that was taken twice to the United States Supreme Court.

Nixon's testimony that he was present when the alleged perjury was committed was important in producing a conviction at Chistoffel's second trial.

Kennedy made the motion to cite Christoffel for perjury. And he journeyed to Milwaukee as a member of a three man subcommittee that helped compile the case against the former union leader.

Another newcomer to Washington early in 1947 was Joseph R. McCarthy, who had toppled the 41 year La Follette senatorial dynasty by beating Sen. Robert M. La Follette Jr. in the Republican primary. He then went on to defeat Democrat Howard J. McMurray in the general election.

McCarthy had a way, even then, of attracting colorful acquaintances.

When Paul Ringler, now an associate editor of The Journal, and I went to lunch at the Carroll Arms Hotel the first day I arrived in Washington, we found McCarthy eating with Prince Otto, pretender to the throne of Austria. The archduke, a pleasant young man of 34, was seeking the new senator's support on a project.

Before coming to Washington, I had interviewed McCarthy at length as he relaxed at the King's Gateway Hotel at Land o' Lakes after his victory in the Senate race.

It wasn't until years after that northern Wisconsin interview that McCarthy, buoyed by material from a friend on a Chicago newspaper, hit political paydirt with his speech at Wheeling, W. Va., against alleged Communists in government.

On Feb. 6, 1954, by which time there had been ample evidence that McCarthy was not a standard bearer for the liberal Republicans, The New Yorker magazine tossed back at me a portion of that northern interview, under this chiding headline:

"The Clouded Crystal Ball."

(From a Story by Laurence C. Eklund in The Milwaukee Journal, Nov. 10, 1946.)

"In talking with McCarthy one gets the impression that he will make a record as a liberal Republican, and that he will be closer to Republicans of the type of former Gov. Harold E. Stassen of Minnesota and Senators Wayne Morse of Oregon and Joseph Ball of Minnesota than he will be to Sen. Robert Taft of Ohio, the apparent conservative choice for president in 1948. Evidently, he will not be satisfied with a Republican program that calls for 'free enterprise.' "

That's what I wrote, all right.

But McCarthy chose to ignore my predictions and gleefully pursued the nonexistent Communists in the State Department—with the active support and connivance of Taft, although it apparently was not love at first sight.

In 1946, when McCarthy was seeking Republican support for his primary battle against La Follette, I obtained a letter from Taft to Lester J. Bradshaw, then of Milwaukee, in which Taft revealed a close political kinship with La Follette.

Publication of the letter in The Journal caused a sensation. Taft got it back from Bradshaw and denied having written it, but fortunately I had taken the precaution of having it photostated. The Journal also published the photostat.

And in Washington, when McCarthy and his administrative assistant, Victor Johnston, walked into Taft's office to meet the Ohio senator for the first time, Taft jumped up, pumped Johnston's hand, and exclaimed "Glad to meet you, senator." The white maned Johnston looked more like a senator than his boss did.

Personally, I would rather remember McCarthy for his kind way with children and his home cooked chicken dinners (his secret was to use a lot of butter) than for his repeated attacks on The Journal as the "Daily Worker of Wisconsin." He never could understand that such attacks also were attacks on me as one of several hundred employe-owners of a rather successful capitalistic enterprise. That is a point that other politicians, some long forgotten, have been equally unable to grasp.

It was over McCarthy that President Truman began his long feud with Dwight D. Eisenhower that didn't end until Nov. 25, 1963, at the funeral of President Kennedy.

The peppery Missourian excoriated Eisenhower for yielding to pressure to delete from a 1952 Milwaukee campaign speech praise of Gen. George C. Marshall, who McCarthy had attacked as a captive of a conspiracy to abet Soviet designs.

Sen. Wiley's usual greeting to me during his years as senator often included the complaint, boomed out at a cocktail party or across a crowded restaurant, that he wasn't getting enough ink in The Journal. I usually retorted mildly that his activities weren't exactly ignored by the newspaper and that, in fact, he was written up rather frequently. It got to be kind of a joke.

The fact is that Wiley, for all his backslapping ebullience, was a good and gutsy senator, as well as a great story teller with whom a luncheon in the Senate restaurant was a most jolly affair.

In his switch from isolationism to internationalism in the midst of World War II, and in his opposition to the Bricker amendment limiting the treaty making power of the president, he showed courage in the face of bitter opposition from the right wing of his own party.

And his long, successful fight for the St. Lawrence Seaway was a crowning achievement.

Wiley, 78, lost his cool during his disastrous 1962 re-election campaign against Democrat Gaylord Nelson when he told me that Nelson was "stupid" and a "nit-wit" and only "half a Viking" who couldn't speak Norwegian while he (Wiley) was a full Viking who spoke Norwegian fluently.

What a pity he didn't retire voluntarily at the age of 78.

Besides recording national politics, the conscientious Washington reporter tries to stay in contact with visitors from his home state. He gets invited to a variety of semisocial events sponsored by home organizations; for instance, a chamber of commerce, a bankers' association or a rural electric cooperative.

These events occasionally produce news stories. But since 1949, the annual congressional dinner of the Wisconsin State Chamber of Commerce has been mainly social and predictably nonnewsworthy. That was the year that the guests turned on their hosts, and I reported it.

Democratic Rep. Andrew J. Biemiller of Milwaukee tangled with a sizable delegation of Wisconsin doctors who had flown to Washington to lobby against the Truman administration's compulsory health insurance bill, of which Biemiller was a sponsor.

And Rep. Frank B. Keefe of Oshkosh, a big man with an impressive voice, chided his hosts for demanding cuts in federal expenditures while seeking funds for such things as local airports.

"Every single chamber of commerce in the country wants that federal dough we're appropriating and you'll be the first ones to squawk and bombard us if we take it away," thundered Keefe.

"Hatchet Buried (In Skulls) at State Delegation Fete," proclaimed the headline over my front page story the next day. That did it. There hasn't been a good news story out of a state chamber dinner in the last 20 years.

Keeping in circulation in a town obsessed with propriety can be an amusing course in social studies.

Newspapermen generally have status in Washington, but socially they still rank below official people, including congressional secretaries. There even are social pecking orders among newsmen.

I brushed up against this in Navy protocol when I went with an official party to Norfolk, Va., to get the silver service off the battleship Wisconsin for display in the state capitol at Madison.

At a luncheon on board the battleship, the ranking guest was Rep. Glenn R. Davis, Waukesha Republican, who sat beside the captain. Next in the order of precedence that had been worked out by the Navy several days in advance was Davis' secretary, Jack Cory, who more recently retired as editor of a chain of Milwaukee suburban weekly newspapers.

In the seating arrangement I ranked below Cory, but I was placed closer to the captain than was the reporter from Madison's Wisconsin State Journal, apparently because The Milwaukee Journal had a larger circulation.

And down at the end of the table, way beyond the salt, was the news photographer.

On three reporting trips to protocol conscious Scandinavia I fared a little better socially than I did around Washington.

In Sweden especially, presumably because I am of Swedish extraction, I occasionally got to sit next to the host or hostess and was called upon to make the "thank you" speech. And in the royal palace in Stockholm, the crown prince—now the 87 year old King Gustav VI Adolph—singled out me and three of my journalistic colleagues, also of Swedish ancestry, for special, warm greetings. I have tried not to let all this go to my head.

The Scandinavian trips meant much more to me than just another assignment, because they gave me an opportunity to learn about my family background.

Searching the records at Sunne, the Swedish community in provincial Varmland where my father was born, I was startled to learn that he began life as Jan Jansson, not John Eklund. My father, who emigrated to Tomahawk, Wis., in 1888, never happened to mention to us that he had changed to a surname meaning "oak park."

My brother Oscar feared there had been a scandal in the family. But Pastor Victor Rydinge of the Sunne church explained that it was customary to change one's name as my father had done when he went to Stockholm to become a carpenter for the king.

Orville Freeman, former secretary of agriculture, told me that a grandfather, also a Swedish immigrant, changed his name from Johnson to Freeman because there were too many Johnsons in the Minnesota lumber camp where he worked.

Freeman figures that his forebearer's name change cost him 50,000 votes when he ran for governor of Minnesota in 1954, because

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many voters in the heavily Scandinavian state probably didn't know he was a Swede.

Through the church records, the Swedish Tourist Traffic Association located two sets of relatives on my father's side I never knew I had. I met them in 1965 when the Swedish government selected me as the American journalist to announce plans for Sweden's homecoming year, aimed at getting Swedish Americans to visit the homeland.

It was a sentimental journey indeed when I went to Rada, near Sunne, to be feted by my newly discovered cousin, Kark David Eriksson, and his daughter's family.

I gave a bright new Kennedy half dollar to Hans Backman, my cousin's 6 year old grandson. It was worth the entire trip to see the excited boy, a towheaded Swede if there ever was one, study the coin for a long time and then hear him exclaim to himself in Swedish: "God, what a fine coin!"

I like to think that my young kinsman still cherishes it.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a summary of the results of the Cambodian sanctuary operation as of 8 a.m. June 3, 1970, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

Total operations	Number	24-hour change
Individual weapons	15, 259	+60
Crew-served weapons	2, 114	+8
Bunkers/structures destroyed	8, 293	+100
Machinegun rounds	3, 267, 952	+200
Rifle rounds	6, 910, 376	+40
Total small arms ammunition (machinegun and rifle rounds)	10, 178, 328	+240
Grenades	34, 803	+35
Mines	3, 960	+35
Satchel charge	500	([2])
Miscellaneous explosives (pounds)	72, 000	([2])
Anti-aircraft rounds	132, 694	[1] −1, 027
Mortar rounds	48, 198	+2, 678
Large rocket rounds	1, 585	+70
Smaller rocket rounds	26, 179	+744
Recoilless rifle rounds	22, 166	+611
Rice (pounds)	11, 080, 000	+142, 000
Man months	243, 760	+3, 124
Vehicles	359	+1
Boats	40	([2])
Generators	36	([2])
Radios	186	+1
Medical supplies (pounds)	39, 600	([2])
Enemy KIA	9, 139	+133
POW's (includes detainees)	1, 913	+13

[1] Field adjustment.
[2] Unchanged.

ST. LAWRENCE SEAWAY HEARINGS IN DULUTH

Mr. MONDALE. Mr. President, on Friday, May 22, the Special Subcommittee on Great Lakes—St. Lawrence Transportation of the Committee on Commerce, presided over by the Senator from Indiana (Mr. HARTKE), held hearings on S. 3137 in Duluth, Minn. The bill was introduced by 15 Senators from both parties from all the States in the upper Midwest.

A number of editorials were published by leading newspapers in my State commenting on the hearings and on the bill. On May 14, the Minneapolis Star pointed out that the Administrator of the St. Lawrence Seaway Development Corp., Mr. David Oberlin, had noted that the seaway had already repaid $36 million to the U.S. Treasury and that no other inland waterway in the country has even paid its operation and maintenance costs, let alone returning something to the Treasury. If the seaway is a failure, Mr. Oberlin said, "We should have more failures."

The Minneapolis Tribune on May 15, 1970, pointed out that the penalty which was imposed on the seaway—requiring it to pay for the cost of its construction, including interest, and for maintenance and operations—was the price for getting the seaway bill. As the Tribune observed:

> There is no doubt that the Seaway's self-sustaining requirement is discriminatory. Tolls are imposed on no other portion of the nation's 25,000-mile system of navigable waters, despite a large and continuing Federal outlay for construction and maintenance of this system.

Some Senators opposing S. 3137 have recommended that tolls be increased and have argued that such increases would not necessarily reduce traffic on the Seaway. But a number of witnesses in Duluth pointed out that shipments of commodities such as grain are quite sensitive to toll levels. Even as little a cost differential as one-eighth cent a bushel would dictate the route by which grain would be shipped, observed one of the witnesses. As the Duluth News-Tribune said in its May 22 editorial:

> A substantial increase in tolls clearly could diminish those economic advantages. In turn, traffic would diminish and the Seaway Corporation would be in a position to repay the government even less than it can pay now.

The St. Paul Pioneer Press in an editorial of May 25 also observed that:

> Enemies of the Seaway want . . . tolls to be sharply increased to continue meeting the construction debts, but this would only drive present shipping off the Great Lakes, diverting the traffic to railroads and East Coast seaports.

It is quite understandable that representatives of east coast interests and railroad interests would like to see the discrimination which was written into the seaway legislation in 1954 continued. But I think the interest of the Nation requires us to take a new look at the unfair treatment which the Great Lakes region has been suffering from.

I think that the record will show that the Nation has benefited from the construction of the St. Lawrence Seaway, and I believe it is time to remove this unfair burden from the seaway. We are prepared to continue to pay operating and maintenance costs out of toll revenues, but it seems to me to be unconscionable to expect the seaway, alone among waterways in the United States, to pay not only these operating and maintenance costs but construction and interest costs as well.

Mr. President, I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Minneapolis (Minn.) Star, May 14, 1970]

DROP SEAWAY DEBT

Because the Great Lakes-St. Lawrence Seaway didn't produce all the economic benefits its most enthusiastic pre-construction boosters had predicted, it has been rated by many as a failure.

But, as Seaway Director David Oberlin told a group of Minnesota legislators in Washington recently, the seaway has in its 10 years of existence paid its operation and maintenance costs plus $36 million into the Treasury.

No other inland waterway in the country has even paid its operation and maintenance costs, let alone returning something to the Treasury, Oberlin noted. If the seaway is a failure, he added, "we should have more failures."

But it is true that the seaway has been running behind projections of volume and that it has not been able to keep up with payments on its debt, which, as a result, has risen from $125 million in 1960 to $157 million at present. That in turn has brought pressure for an increase in the tolls which, seaway backers fear, would make the seaway still more unattractive to users.

A special Senate Commerce Subcommittee on Great Lakes-St. Lawrence Transportation will hold hearings May 22 in Duluth on a bill introduced by Sen. Walter Mondale, D-Minn., to forgive the seaway debt. Canada also is considering a similar move.

Just removing the debt will not solve the seaway's problems; there would still be the need for a longer shipping season, for action against discriminatory rail freight rates, for a change in regulations requiring shipments of government cargoes to move totally or partially in American ships.

The same political and commercial interests that opposed the seaway in the first place can be expected to oppose any easing of its financial burden. The issue, as State Sen. Gordon Rosenmeier has pointed out, is not so much a moral one of paying off a debt as it is a deliberate political handicap to commerce. In all fairness, that handicap should be removed.

[From The Minneapolis (Minn.) Tribune, May 15, 1970]

DISCRIMINATORY TOLLS ON THE SEAWAY

The St. Lawrence Seaway is in trouble. Unlike other inland waterways, it must (by law) pay for itself—construction, interest, maintenance and operations. This penalty was imposed by Eastern ports, railroads and other anti-seaway interests as the price for getting the seaway built. But present tolls cannot do the job—in fact, the seaway is falling behind. An original debt of $123 million has risen to $157 million, and the seaway is nearly $20 million behind interest payment.

A moratorium on toll increases expires this year. Charles Baker, assistant U.S. secretary of transportation, told Congress in March the tolls must be increased or the seaway refinanced, but the administration has yet to propose any action. Sen. Mondale has a better alternative. He argues that higher tolls would be even more discriminatory against the Upper Midwest and would only discourage use of the seaway. Mondale is sponsoring a bill to cancel the seaway debt. A field hearing on the proposal, which is languishing in a Senate Commerce subcommittee, is scheduled May 22 in Duluth. Mondale's bill would not reduce toll charges—that requires agreement with Canada. But it represents a step away from increases. And it would allow a two-thirds reduction in tolls should Canada agree, which seems unlikely.

There's no doubt that the seaway's self-sustaining requirement is discriminatory. Tolls are imposed on no other portion of the nation's 25,000-mile system of navigable waters, despite a large and continuing federal outlay for construction and maintenance of this system. But some of the steam has been taken from Mondale's bill by the Nixon administration's attempt to impose user charges on all inland waterways.

This latter approach, which puts waterway users in roughly the same category as highway and air-transport users, makes sense. It would recapture a small portion of the federal investment in waterways projects, and it would help to even the differential created by seaway tolls.

But the administration's user-charge bill is no answer to the seaway problem. That bill is stalled in the House Ways and Means Committee, and even if it became law the seaway-financing issue would not be resolved. The Mondale bill, which offers a realistic and, we believe, fair way to help the seaway realize its potential, ought to be passed.

[From the St. Paul (Minn.) Pioneer Press, May 25, 1970]

UNFAIR SEAWAY BURDENS

No other inland waterway system in the United States can equal the record of the St. Lawrence Seaway in payment of operating and maintenance costs. Not only has it met these expenses in full but it has in addition paid $36 million into the federal treasury to apply against original construction costs.

Despite this remarkable success, the Seaway is in financial trouble because it has from the beginning been the victim of an economic discrimination policy of unparalleled severity. It has been saddled with the wholly unjustified burden of repaying the entire original cost of its construction to the government plus interest. No other federal waterway project of this nature is subject to such a handicap and penalty.

The only fair way to resolve this problem is for Congress to lift the $156 million construction debt off the back of the Seaway and thus free it to serve the Upper Midwest economy the way other public waterways serve the rest of the country.

Efforts in this direction were strengthened by hearings conducted at Duluth last week by a special subcommittee of the Senate Commerce Committee. The sessions received testimony from numerous groups supporting a bill by Senator Walter Mondale of Minnesota and 14 other senators from both parties which would remove the debt obligations from the Seaway Development Corporation. This is the organization responsible for operating the American section of the Seaway.

Under the Mondale bill the Seaway would continue to pay all its operating and maintenance costs, but would be relieved of the impossible burden of paying back original construction costs plus interest, as required by present law.

Shipping tolls now being collected on Seaway traffic are sufficient to meet the ongoing expenses of the waterway. Enemies of the Seaway want these tolls to be sharply increased to continue meeting the construction debts, but this would only drive present shipping off the Great Lakes, diverting the traffic to railroads and East Coast seaports. These interests have fought the St. Lawrence development for many years and don't want it to succeed.

Mondale pointed out at the Duluth hearings that if his proposal is approved and the Seaway Development Corporation's liabilities are restricted to operating and maintenance costs, the Seaway "still would be treated unfavorably with respect to all other waterways in the United States." Waterways throughout the rest of the nation have been built and operated entirely from general tax revenues. They have not been required even to pay for upkeep, to say nothing of capital debt charges.

Senator Vance Hartke of Indiana chaired the Duluth hearings. He and most other senators from Great Lakes states are backing the Mondale bill.

One of the witnesses, E. L. Slaughter, vice president of the International Longshoremen's Association, put his finger on one of the fundamentals of the situation. He said the present toll and debt charge system "is deliberately discriminatory and is maintained to give coastal seaports and inland transportation interests such as the railroads a competitive edge over Great Lakes shipping."

It was political influence from such interests which forced the original congressional approval of the anti-Seaway self financing program now in effect. It has always been unfair to the Midwest and still is. The situation should be cured by passage of the Mondale bill by the Senate and House.

[From the Duluth (Minn.) News Tribune, May 22, 1970]

FAIR BREAK FOR SEAWAY

As a special Senate subcommittee conducts hearings in Duluth today on legislation affecting the St. Lawrence Seaway, it should become apparent that without a fair financial break, the Seaway may flounder.

The Senate Commerce Special Subcommittee on Great Lakes-St. Lawrence Transportation will hear testimony relevant to a bill (introduced by Sen. Walter Mondale and 13 other senators from Great Lakes states) which would relieve the Seaway from repaying to the federal government the investment, plus interest, the government made in construction of the Seaway.

This investment was $124 million. Since the 2,342-mile waterway was opened, the Seaway Corp. has paid $33 million in interest to the federal government. Yet, the Seaway Corp. has fallen in arrears $12½ million in interest charges, and owing to other unexpected costs, now owes the government $155.9 million. If this pattern continues, by 2009, when the original debt is to be paid, the total debt will have increased to about $800 million.

Supposedly to give the Seaway Corp. an edge on repaying its debt, consideration has been given to increasing toll charges from 25 to 50 per cent. Such a plan might work, of course, if our seacoast was our only seacoast and if there were no other means of transportation to the heartland.

But the St. Lawrence Seaway has no such competitive advantage, and a substantial increase in tolls only would force a rerouting of much Seaway commerce into other coastal ports.

If the Seaway, in fact, were a transportation luxury, economic sense would dictate that it be closed as an avenue for commerce. But merely from the evidence that the annual cargo volume on the Seaway increased from 12 million tons to 48 million tons in 10 years, it may be concluded that this waterway provides definite economic advantages to many shippers.

A substantial increase in tolls clearly could diminish those economic advantages. In turn, traffic would diminish, and the Seaway Corp. would be in a position of being able to repay the government even less than it can pay now.

A sounder economic move, both for the Seaway and the government, would be to write off the debt, treating it instead of a permanent investment in a commercial waterway. Such an action wouldn't be an act of favoritism toward the Seaway interests. Rather, it would amount to giving the Seaway a concession granted other major waterways in the nation that have been built at government expense.

The government, for example, paid $56 million to develop the Gulf Intercoastal Waterway, and $50 million for maintenance and operation—$62 million to develop the Mississippi River-Gulf Outlet, and $11 million for maintenance and operation—$33 million to develop the Houston Ship Channel, and $37 million for maintenance and operation—$130 million to develop the Delaware River Channel, and $140 million for maintenance and operation.

Mondale's bill doesn't seek such gratuitous treatment from the government. It calls only for canceling the debt and interest for the Seaway construction. Maintenance and operation costs would continue to be borne by the Seaway Corp. and any revenues in excess of these costs would be returned each year to the U.S. Treasury.

In light of concessions made to other waterways, Mondale's requests are not unreasonable. More to the point, if it is return on investment that the government is interested in the government can best assure returns by lifting the construction cost debt and allowing the Seaway to grow, rather than strangling it with an uncustomary and unfair financial obligation.

RETIREMENT OF ROBERT J. MYERS, CHIEF ACTUARY, SOCIAL SECURITY ADMINISTRATION

Mr. CURTIS. Mr. President, it was with a great deal of regret that I learned that Mr. Robert J. Myers, Chief Actuary of the Social Security Administration, is no longer in Government service. Mr. Myers is an outstanding public servant. As a Government employee he was competent, honest, and loyal.

It is unfortunate that the higher authorities in the Department of Health, Education, and Welfare did not take the necessary steps to keep Mr. Myers in that Department. Mr. Myers was intensely loyal to the Nixon administration. His departure from Government is a loss to the Nixon administration and to the Government. It is a loss for all those who want to make social security better and who want social security financing to be sound.

Mr. Robert J. Myers has the gratitude of all Senators and Representatives who dealt with social security matters. He has the gratitude of the committee which had jurisdiction over social security legislation. He has performed his job well. He is entitled to great credit and high esteem.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Myers' letter of resignation dated April 14, 1970, together with a brief biographical sketch which partially shows his outstanding record.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL SECURITY ADMINISTRATION,
Washington, D.C., April 14, 1970.

HON. ROBERT H. FINCH,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: It is with the utmost regret that I am constrained to submit my resignation as Chief Actuary of the Social Security Administration.

I am deeply concerned about the welfare of the Nation, and I wish to serve the Nixon Administration and the Congress to the best of my ability. I believe that I can best serve these causes by remaining in my present position until the President signs the Social Security bill which will result from the pending Congressional deliberations. Therefore, I have not set a definite date for my resignation. If you believe that my continued presence is not in the best interests of the Department, I will be glad to make my resignation effective at any earlier date. I would appreciate your informing me as to your views on this matter.

I wish to make it clear that my resignation is by no means related to my views on the pending Social Security legislation. In fact, the situation is quite the opposite. I strongly believe that the President's proposal is an excellent one, including its sound financing. It is certainly the most progressive, forward step taken in the Social Security field in many years.

I believe that the President's proposal very well conforms with, and implements, the moderate philosophy of Social Security. It is a progressive, forward step that would prevent future over-expansion of the program, which would destroy private efforts in the economic security field and thus lead to serious consequences insofar as our national economy is concerned.

I should also add that now—as at all previous times during my 35 years of actuarial service with the Social Security program—no one has made any attempt whatsoever to influence or sway the technical actuarial cost estimates for the existing program or any proposed changes therein.

The question might well be raised as to why I believe, in all conscience and integrity, that I must resign. I have previously talked with you about my strong personal beliefs and have given you much supporting factual evidence to substantiate my views—namely, that certain of the top policy-making officials of the Social Security Administration (who are holdovers from the Johnson Administration) have strong beliefs in the desirability—even the necessity—of the public sector taking over virtually all economic security provisions for the entire population and thus eliminating private efforts in this area. It seems to me that this viewpoint is completely alien to that of the Nixon Administration.

Further, and equally important, it is my deeply-held conviction, as I have expressed to you a number of times in the past, that these officials of the Social Security Administration have not—and will not—faithfully and vigorously serve the Nixon Administration. Rather, they will exert their efforts to expand the Social Security program as much as possible by aiding and supporting any individuals and organizations that are of this expansionist conviction. Such anachronistic actions took place extensively during the Eisenhower Administration—against its political views. Such working at cross purposes with the Nixon Administration has occurred in the past year, and is still occurring, although to a somewhat limited extent so far. I have brought to your attention, on several occasions, the fact that the Social Security Administration is excessively wasteful by spending far too much time and money in performing research, conducting program planning, and collecting statistics in a manner that is not only nonproductive of sufficient worthwhile results; but also inimical to what I understand to be the philosophy and goals of the Nixon Administration.

Undoubtedly, there will be those who will say that I am taking this action solely or largely because I seek enhanced personal recognition. This is not the case. There is no position of any type that I would rather serve in than my present one, and I am not happy to have to leave it.

Evidently, no credence is placed in what I have related to you personally or in other evidence that I have furnished you on this matter, which has such an important effect on the future of the Social Security program. Therefore, I must, in good conscience and personal integrity, resign. It is especially dismaying to me to have to take this action, because I had hoped to serve the Nixon Administration not only with competence and integrity—as I had tried to serve all previous Administrations—but also with great enthusiasm, since I strongly believe in its philosophy and goals.

Sincerely yours,

ROBERT J. MYERS, F.S.A.,
Chief Actuary.

BRIEF PROFESSIONAL BIOGRAPHICAL DATA ON ROBERT J. MYERS

DEGREES

B.S. in Engineering Physics, Lehigh University, 1933. M.S. in Actuarial Mathematics, University of Iowa, 1934. LL.D., Muhlenberg College, 1964.

PROFESSIONAL EXPERIENCE

Various actuarial positions with U.S. Social Security Administration since 1934; Chief Actuary since 1947. Actuarial consultant to various Congressional Committees and to Federal Judiciary.

Missions of technical assistance in connection with Social Security or pension programs in Bermuda, Bolivia, Colombia, Cyprus, Greece, Honduras, Iran, Israel, Japan, Jordan, Liberia, New Caledonia, Nicaragua, Panama, Peru, Puerto Rico, Saudi Arabia, Trust Territory of the Pacific Islands, Venezuela, Viet-Nam (South), and West Germany.

Missions to study Social Security systems of Ceylon, England, Greece, Lebanon, New Zealand, Philippines, Soviet Union, Sweden, Turkey, and United Arab Republic.

PROFESSIONAL RELATIONS WITH INTERNATIONAL ORGANIZATIONS

Committee of Social Security Experts, International Labor Office.

Vice-Chairman, Committee of Social Security Actuaries, International Social Security Association (Chairman, American Regional Committee of Social Security Actuaries).

Pension Review Group, United Nations (1958–60). Committee of Actuaries, UN Joint Staff Pension Fund. President, Int. Fisheries Commissions Pension Society. Actuarial Consultant, Organization of American States.

PROFESSIONAL RELATIONS WITH OTHER ORGANIZATIONS

Board of Pensions, Lutheran Churches in America (1956–68). Pensions Committee, National Council of Churches. Board of Trustees, Group Health Associations (1962–65).

PROFESSIONAL SOCIETIES

Fellow, Society of Actuaries (Vice President, 1968–70).

Fellow, Casualty Actuarial Society.

Fellow, Conference of Actuaries in Public Practice.

Member, American Academy of Actuaries (Vice President, 1969–71).

Fellow, American Statistical Association.

Fellow, American Association for the Advancement of Science.

Fellow, Royal Statistical Society (England).

Corresponding Member, Spanish Institute of Actuaries.

Corresponding Member, French Institute of Actuaries.

Associate, Institute of Actuaries (England).

Member, International Union for Scientific Study of Population.

Member, International Actuarial Association (member of Council).

President, Inter-American Association of Social Security Actuaries.

Population Association of America (1st Vice President, 1962).

PROFESSIONAL AWARDS

Distinguished Service Award, Dept. of Health, Education, and Welfare.

Career Service Award, National Civil Service League.

PUBLICATION OF BOOKS

"Social Insurance and Allied Government Programs," Richard D. Irwin, Inc., 1965.

"Medicare," Richard D. Irwin, Inc., 1970.

MILITARY SERVICE

Captain, Army of the United States, 1943–45 (Medical Statistics Division, Office of Surgeon General).

CHICKEN PLANT LOSES PLEA

Mr. MUSKIE. Mr. President, I invite the attention of the Senate to the Supreme Court's rejection of a final appeal by the Bishop Processing Co., of Bishop, Md., which had been ordered shut down because of air pollution. The decision is, I believe, a significant step forward in our fight against environmental pollution and the implementation of the Clean Air Act of 1963. I ask unanimous consent that an article published in the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHICKEN PLANT'S PLEA DENIED BY HIGH COURT

(By John Hanrahan)

The Supreme Court has rejected the final appeal of a chicken rendering plant on Maryland's Eastern Shore that has been ordered closed because it has been wafting obnoxious odors across the nearby Delaware state line for 15 years.

According to the Justice Department, the rejection means that the firm, the Bishop Processing Co. of Bishop, Md., will be forced to close in June.

If it actually is closed, it will be the first plant in the nation forced to shut down under the Clean Air Act of 1963.

A company spokesman said yesterday that he knew little about the Supreme Court rejection, announced Monday, and said he knew of no plans to close the plant. Company attorneys could not be reached for comment.

The plant was ordered closed last October by U.S. District Court Judge Roszel C. Thomsen, of Baltimore, after he heard complaints that unpleasant odors were drifting across the Delaware line near the plant.

Thomsen's ruling also cited repeated violations by the plant of an earlier consent agreement to stop discharging odors.

The company's appeal was rejected in March by the Fourth U.S. Circuit Court of Appeals. This decision then was appealed to the Supreme Court, which has never ruled on a case involving air pollution laws.

The Bishop firm employs some 40 persons in a $350,000 plant. It cooks animal wastes and then extracts fats to make fertilizers and poultry feed.

Justice Department attorney Robert Lynch said yesterday that the court mandate to close the plant should be issued about June 12. Lynch said the company could reopen the plant if it could show that it had installed equipment to eliminate the odors, described by witnesses at hearings as "worse than dead bodies" and "a smell like nothing else on earth."

The Bishop plant was singled out in the recent report by consumer advocate Ralph Nader's Center for Responsive Law as a prime example of the failure of the Department of Health, Education and Welfare and the National Pollution Control Administration to get tough with air polluters.

The report said that the company's president, Harold Polin, for 15 years "has managed to outsmart and out-maneuver three governments and two courts."

The report noted that the circuit court first enjoined the company in 1956 from emitting "noxious . . . offensive . . . odors."

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The company appealed that order, lost and continued to pollute, the report charges, and eventually was fined $5,000 for contempt of court. Within three months, the report states, "the stench returned."

In 1967, the company was permanently enjoined from discharging "malodorous air pollutants." Within a short time, the report states, the firm "returned to its old tricks."

"Whether or not Harold Polin continues to render chickens, he has already achieved a minor victory for polluters everywhere," the report states. "He has demonstrated how one stout-hearted man can make monkeys out of a confused administration operating under a self-defeating law passed by a gun-shy Congress. . . ."

SPEECH BY DR. EDMUND A. MENNIS AT MEETING OF INVESTMENT BANKERS ASSOCIATION OF AMERICA

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the RECORD an article concerning the question of institutional membership on the stock exchanges, a question which will no doubt be before us in legislative form in the foreseeable future. The article was prepared by Dr. Edmund Mennis, a vice president of one of the banks in my State, who discusses the disadvantages that would accrue to the advent of institutional membership in our exchange systems.

I offer the article merely as an issue-raising vehicle and not as a statement of my own position on this matter, which I will reserve until it is eventually considered in the Committee on Banking and Currency and until all sides of the question have been explored.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

YOUR INSTITUTIONAL CUSTOMER AND EXCHANGE MEMBERSHIP

(By Edmund A. Mennis)

Security investments, particularly in equities, has increased appreciably in the postwar period. This has occurred for several reasons. Compared with the economic stagnation between World War I and World War II, the American economy has grown significantly since 1946, and the average individual wants to participate in this growth. Recently, particularly since 1965, an additional reason has been the search for protection against inflation through the purchase of equities. Rising incomes, increased savings and the automatic provisions for retirement through Government and private pension plans have not only made more savings available for investment but have also increased the willingness of the individual investor to incur greater risks. Consequently, he has been turning more from the traditional fixed income savings to equity securities.

I. GROWTH OF THE INSTITUTIONAL INVESTOR

This growing flow of funds into the investment markets has been channeled more and more through institutions. Investors are less interested in the direct ownership of securities and more concerned with the benefits of such ownership. Therefore, they have been willing to seek professional investment management rather than invest for themselves. As a result, greater concentrations of investment funds have come into the hands of a relatively small number of financial managers.

Because they are so well known and publicized, I shall not weary you with a long recitation of statistics on the size and importance of the institutional investor. More important from your point of view than the size of financial institutions is the amount of trading now accounted for by institutional investors. Institutional activity now accounts for about 56% of the value of public trading on the New York Stock Exchange and for 47% of the value of New York Stock Exchange member trades in all markets including the N.Y.S.E., regional exchanges and over-the-counter markets. Not only has institutional trading increased on the New York, American and regional exchanges but it has caused the creation of special third and fourth markets that cater almost entirely to institutional customers.

Concentrating on institutional business is more profitable for a brokerage firm than dealing with a large number of smaller customers. The recent New York Stock Exchange study made in conjunction with the new recommended commission structure makes this point quite clear. In fact, the growing importance of the institutional customer has raised a host of questions not only about the commission structure but also about institutional membership on securities exchanges, the relationship between the institutional member, its parent, and exchanges, and the regulation of security markets themselves either by the exchanges or by agencies of the Federal government.

One aspect of this subject, institutional membership on securities exchanges, is your primary interest at this meeting. However, prior to discussing this issue, I think it is important to consider the characteristics of the institutional investor and how he is organized to achieve his objectives.

II. CHARACTERISTICS OF THE INSTITUTIONAL INVESTOR

Although institutions vary considerably in their structure and in their aims, they have two characteristics in common. The first characteristic is that they are subject to competition, not only from institutions of the same type but also from other types of institutions. Life insurance companies have gone into the mutual fund field, and mutual funds have purchased or formed life insurance subsidiaries. Banks are active competitors of the life insurance companies in the pension field. Life insurance companies have established segregated accounts to permit larger equity holdings for pension funds. Many corporations have self-administered pension plans rather than use the services of a professional investment organization. Investment counseling firms have become subsidiaries of stock exchange firms, and investment managers have left stock exchange firms to form investment counseling firms. Both investment counseling firms and stock exchange firms have entered the mutual fund field and I would not be surprised to see the banks in this area in the next year or so. The lines of demarcation among institutions are no longer clear; every type of institutional investor is an actual or potential competitor for the individual and corporate savings dollar.

A second characteristic of investment institutions stems from the first. As the individual has entrusted his savings to institutions, he has become much more interested in the results that the institution can obtain. Consequently the word "performance" has become one of the most important in the investment field.

It might be worthwhile for a moment to examine the generally accepted meaning of "performance". Originally, performance meant meeting the objectives of an account, that is, examining the investment results over a period of time in order to determine whether the objectives of a particular investment fund have been met. These objectives would include such things as achieving some income requirement or conserving dollar principal or obtaining some degree of capital appreciation. In recent years, however, performance has come to mean something different. It is now related almost exclusively to capital appreciation, that is, how much did an account gain absolutely or relative to some market average or some other fund. Frequently the period over which this performance is to be attained is relatively short, and accomplishments are measured not over several years but annually or monthly or even weekly. Funds are shifted on the basis of recent appreciation results, with little consideration given to the risks assumed or the objectives for which the fund is invested.

I do not intend to debate here which of these two approaches to performance measurement is correct except to state that, in my judgment, achieving the objectives of the account over a reasonably extended period of time seems most appropriate. Whether this is true or not, however, the facts of life clearly indicate that capital appreciation over a short period of time apparently is what the average investor wants, and even a long-term investment manager must keep careful watch over his short-term performance or he will be faced with liquidations or the transfer of accounts from dissatisfied investors.

The increase in competition in the institutional investment field and the emphasis on performance have led to major changes in the investment policies of institutions and also in the method of organization used to arrive at investment decisions. The changes in these two areas are sufficiently important to warrant a thorough understanding of them by any organization that seeks to service the institutional investor.

The changes in institutional investment policies might be listed briefly as follows:

(1) An increasing emphasis on common stocks in portfolios.

(2) A greater aggressiveness in managing common stocks instead of broad diversification. Investment is concentrated in industries and companies where the outlook is considered most favorable.

(3) An increase in portfolio turnover in almost every institutional portfolio.

(4) As a result, increased trading activity and a significant increase in the size of blocks of stock traded.

(5) Impelled by a desire to conceal their investment movements or to trade large blocks at either more favorable prices or at lower commissions, institutions conduct their trading activities more and more away from the floor of the New York Stock Exchange.

As a result of these changes in investment tactics, there has been a considerable alteration in the organizational structure of institutions so that decisions can be reached promptly and executions can follow quickly thereafter. The greatest change has been in the simplification of the decision making process, with a very small group or perhaps one man responsible for making the final decision rather than a cumbersome committee process. As a result, the portfolio manager has emerged as a key individual in most institutional investment organizations.

Changing investment policies have also had an impact on the security analyst. Because of the scarcity of good analysts and the excessive costs involved, more and more institutions have been moving away from the practice of building up a large staff of highly specialized men. Many institutions are willing to rely on the institutional research firms in Wall Street and elsewhere that have such industry specialists. The institution itself will have a small group of analysts with a general knowledge of industries and companies who will make comparative evaluations of securities to be used by the portfolio managers. Alternatively, many organizations have eliminated security an-

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alysts altogether, and the portfolio managers rely almost exclusively on the analytical input of institutional brokerage firms.

Another change that I suspect is taking place among institutional investors is a return to more fundamental security analysis than has been typical of a lot of investing in the past few years. The day of the "story" and the "concept" is over, at least for a large number of institutional investors. I expect to see more reliance on economic analysis, the relationship of this analysis to the profitability of industries and companies and finally the search for relative values. Therefore the nature of the analysis that institutional investors need is undergoing a change, and firms that can meet these new requirements will obtain a larger share of institutional business.

III. CUSTOMER SERVICES

Assuming that my interpretation of the policies and organization of the institutional investor is reasonably accurate, it might be helpful to discuss in specific terms what services are provided by broker and dealer firms seeking institutional customers. The usual procedure is to provide written reports on companies and industries and, to a lesser extent, comments on the economic outlook, the securities markets and investment policy. This written material is often supplemented by personal visits or telephone calls. Although extremely useful, this type of information is frequently organized and disseminated from the point of view of the convenience of the originator rather than the needs of the institutional investor. It might be helpful to comment briefly on certain types of services or certain modifications of present services that an institutional investor would find even more useful than present methods and reports.

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The most important point in serving an institutional customer, in my judgment, is to see that the man assigned to the institution, be he an analyst or a salesman, takes the time and trouble to know the institution he is serving. He should be thoroughly familiar with his own firm, its trading and research personnel, and its strengths and weaknesses. Although institutional investors have many characteristics in common, each of them is to a certain extent unique in its organization and in its approach to investment. Most institutions are willing to explain the structure of their organization and the needs of their various sections. If the institutional salesman can take this information and match it with the best services available in his own firm, he can be sure that the right people get what they need and the time of busy people is not wasted on matters in which they have limited interest.

Let me summarize briefly some of the additional services that an institution can use in the specific areas of portfolio management, security analysis and trading.

In portfolio management, the manager is concerned with broad portfolio strategy, involving the outlook for the economy and the securities markets, the composition of investment portfolios and the selection of individual securities. He would therefore be interested in economic analysis that deals primarily with expectations for the future, emphasizing the investment significance of these developments for bond and stock markets and also particular industries and companies. Secondly, the portfolio manager would be interested in brief, concise reports that describe factually what is happening in the stock market, giving not only the performance of particular market indexes but also the market action of particular industries. It also would be helpful to know what large blocks have been traded and what other institutions are doing in the market. The third service of interest would be recommendations for portfolio strategy by institutional customers. Such recommendations would include comments about suggested equity ratios, reserve positions, areas of portfolio emphasis and why, and recommended industry diversification. Finally, the portfolio manager does not have time to read the lengthy analyses that are of greater interest to his security analysts. Brief summaries of company reports or visits or recommendations would be more helpful.

How can institutional securities firms help security analysts employed by institutional investors? Since they are held responsible for the assessment of comparative values and for the recommendations of specific securities to portfolio managers, institutional security analysts are more "generalists" than their industry counterparts in Wall Street. The greatest need is for detailed and expert information and specific conclusions about particular companies. Personal contacts between the analysts of the brokerage firm and the analysts of the institutional investors are much more important than the prepared story of an institutional salesman who cannot answer the questions the analysts want to ask.

The greatest need of the analyst is for new investment ideas. However, these recommendations would be more useful if they contained more analysis and less reporting. It would be helpful to have not just an indication of what a company has told an analyst during a recent visit but also an evaluation of the accuracy of the company's statements within the economic and industry framework that a particular investment firm anticipates. We should like to see long-term as well as short-term forecasts, and we should like to see the method by which these estimates are derived, with specifics as to sales, margins, tax rates and number of shares. We should like to see critical factors highlighted, including the negatives as well as the positives, the risks as well as the rewards. We should also like to have some description of the valuation technique used, so that we can understand why a stock is considered relatively attractive or unattractive in the current market. Finally, some consideration should be given to the trading volume and the floating supply of the stock, so that the problem of obtaining a position can be evaluated.

An area where a firm not located in New York can be of major help is covering regional companies with which the local firm is usually much more familiar than is the occasional visitor from New York City. Several regional firms have capitalized heavily on their ability to follow local situations, and the results in many instances have been extremely satisfactory both from their point of view and that of their customers.

I have reserved the trading and execution area for the last, recognizing that this is probably the most important and also that of greatest interest to you. After all, if an institutional customer has been serviced well, the rewards will come in orders received. Moreover, the firm that has an effective trading capability will do far more business than a firm that does not. Given the competitive pressures under which institutional investors operate, they demand efficient executions and will even sacrifice the fine research help given by a firm if their orders cannot be well executed.

I can cover briefly the mechanical parts of trading that an institutional investor requires. Efficient execution and fast reports of transactions made as well as correct confirmations are essential. We should like to be notified promptly of changes in the supply and demand situation of a stock, and we appreciate a professional exploration of the market. We should like to be shown realistic lists of blocks that are available rather than those "we are in touch with". We are, of course, partial to firms that can handle blocks and are willing either to position them or are capable of finding the other side of the order quickly. We should also like to have our account covered by professional traders who know the various kinds of orders and how to handle them rather than those who do not understand the trading function particularly well.

IV. INSTITUTIONAL EXCHANGE MEMBERSHIP

My discussion thus far has been aimed at giving you an idea of the investment policies and organization of an institutional investor and to describe for you his particular needs in portfolio management, security analysis and trading. With this perspective, we can now turn to the question of how effectively institutions can meet their needs by becoming members of stock exchanges. I have some rather strong views on the subject that may not be shared by many of my institutional counterparts, and I welcome this opportunity to present these thoughts to you.

The question of institutional membership is extremely controversial, seemingly with as many different viewpoints as there are participants in the discussion. In addition, the question of institutional membership is intertwined with consideration of things such as a fixed commission structure, the need of additional capital by many stock exchange firms, the potential loss of institutional commission business and its impact on member firms, and the regulation of institutional members and their parents should they be a subsidiary of another firm. Considerable disagreement exists over the percent of business that an institutional member can do with its parent and also the percent of a member firm's stock that can be publicly owned.

While I am sure that these are all very important questions and deserve your careful consideration, I hear little or no discussion of what I consider to be the central issue in this controversy. What is the primary responsibility of the institutional investor? It should be to obtain the best possible executions and the best possible service for his customers for whom he acts in a fiduciary capacity. Critical to performing his duties effectively, the institutional investor needs a broad central market for the larger and larger blocks of securities he trades, with depth, liquidity and open reporting of transactions, bids and asks, and market size. He also wants to deal with firms sufficiently capitalized and profitable to provide him with the services he needs.

As mentioned earlier, institutional business over the last several years has been drifting away from the New York Stock Exchange. The growth of regional exchanges, the third market, the fourth market and now various computer systems are all responsive to the growth of institutional trading and have encouraged movement away from the central Exchange.

Part of this movement may represent a desire on the part of institutional investors to conceal or disguise their movements of large blocks of stock. A major portion of the movement is an attempt to obtain either lower commissions or a market for large blocks of stock that cannot be handled effectively and efficiently on the Exchange floor.

Whatever the cause, as one institutional investor I can only express my dismay over this fragmentation of markets. I feel very strongly a need for a central market place where large blocks of stock can be traded, where the transactions occur in the open and where everyone knows what is going on. I cannot tell you how frustrating it is when an analyst comes in with an attractive recommendation, it is turned over to the trading department, and we get a report on the condition of the market in half a dozen different market places. We still do not have any idea whether an order for a fairly large block of stock can be executed efficiently. The best we can do is try and we often wind up with only a partial position, having worked thoroughly not only the floor of the New York Stock Exchange but all of the other markets available to us. The more that trading by institutions can be centered in one large central market place, the more do I believe that the interests of both institutional and individual investors would be served.

Whether this central market place is the floor of the New York Stock Exchange or is some central communication system to which all participants in the institutional market have access is a matter I leave to your deliberations and decisions. I recognize that there is considerable disagreement in this area. I can no more tell you how to solve these problems or forecast how they will be solved than I can tell General Motors how to make a safe car. But I want a safe car, just as I want a large, open market for stocks with depth, liquidity and efficient executions. I only hope as an institutional investor that the decisions ultimately reached will result in the overwhelming bulk of institutional business being done on a central exchange rather than proliferating the present dispersion of the securities markets.

Let me turn now to some specific questions about institutional membership on exchanges. From the point of view of an institutional investor who is a bank I think the following points are significant.

In the first place, a bank is only one of several types of financial intermediaries that serve the investing public. Under current Federal legislation banks cannot be members of an exchange. Therefore, if other types of institutions such as insurance companies and mutual funds are permitted to become members, banks are placed at a competitive disadvantage because the lower commissions accorded exchanged members will be available to their competitors and not to themselves. I object to this discrimination among financial institutions.

Secondly, if Federal legislation were changed and banks were permitted to join the exchanges, a competitive disadvantage would still be present. A large bank whose trust department assets are five or six times the size of ours might find it desirable to join an exchange, but we would have to analyze carefully the costs of such a membership versus the benefits derived. I am sure that smaller banks would find the decision not a marginal one but a clear case of the costs outweighing the benefits. My second objection therefore is again on the basis of discriminating among institutional investors through affording some lower commissions and others none.

The third objection, which may not be of particular significance to those institutions who now seek membership, is the potential loss of the other services in addition to executions that many firms provide institutional investors. Institutional research and security pricing are examples. Commissions are considered compensation for the total services provided and not just a fee to cover the cost of execution with some additional modest profit on top of that. As I mentioned earlier, many institutional investors have not developed the detailed expertise provided by the research firms that serve the institutional market. This expensive institutional assistance is paid for by commissions, and the fee structure of many institutions such as banks reflects this fact. If this research had to be paid for in cash, it would require a significant upward revision in the customer fees of many institutions to cover the additional cost of creating an internal research staff to duplicate the work that is now obtained outside. Aside from increased costs, such a procedure would result in an inefficient use of scarce research personnel.

The only argument that I have heard for institutional membership is the desirability of lower commissions on large orders. The fixed commission structure, it is contended, places an excessive charge on the institutional investor, and if he were a member of an exchange he could get the benefit of the lower commissions accorded these members. It is not quite clear in the discussions on this point whether these reduced commissions will all accrue to the benefit of the institution's customer or whether some of these commission reductions are designed to produce a greater profit for the institution itself. Regardless of this point, a more reasonable solution would seem to be to change the commission structure rather than create the inequity that will result by letting some institutions become exchange members while others are for all practical purposes excluded. The fixed commission structure can be lowered, or on large blocks commissions between institutional investors and market makers could be negotiated, with the commission reflecting payment for the total services performed by the market maker for the institution.

V. SUMMARY

Let me summarize briefly the major points I have tried to make in this paper:

1. As institutions have grown in size and importance, competition among them for the individual and corporate savings dollar has increased, and investment performance is critical to obtain and retain customers.
2. Investment polices and the organization of institutional investors have changed. Changing polices include higher common stock ratios, greater investment concentration and increased portfolio turnover. Investment decisions are concentrated in fewer hands, and increased reliance is placed on outside services that can be purchased with commission dollars.
3. Although the services rendered have been helpful, a need exists for more and better services rather than less, and some of these were described.
4. The question of institutional membership on stock exchanges has focused on lower commissions for institutional orders and not on the primary issue, which is the institutional investor's need for efficient executions and the best possible services for his customer.
5. The institutional investor's primary needs are a broad central market for large blocks of stock with open reporting, and firms sufficiently capitalized and profitable to provide the services required.
6. Institutional exchange membership will result in discrimination against institutional firms that cannot or do not join exchanges and may result in the loss of other services that institutional broker-dealer firms provide.
7. If the argument for institutional membership is to provide lower commissions, the solution is to change the commission structure, not to permit some institutions to join exchanges.

We are in the midst of the most turbulent times I can remember in the investment business. Decisions made now will shape the nature of the business for years to come. I urge you to concentrate your attention on the primary needs of all of your institutional customers, not just on answering the clamor of a few. If their needs are met, your institutional customers can successfully satisfy the demands of his customers, he will be a profitable organization to deal with, and the benefits to you will be substantial.

AMERICA AND THE AUTOMOBILE: A FADING ROMANCE

Mr. NELSON. Mr. President, there are signs that the longest, hottest, most extravagant love affair in human history is cooling off. Some will say: There are more and larger signs that it is still going strong and could last forever. But the smart money, the long-term money, will soon be on the bet that the colossal romance really is going to end.

My reference, of course, is to the love affair, now 60 years old, more or less, between America and the automobile.

In a recent series of seven articles published in the Minneapolis Tribune, Mr. Al McConagha of the Tribune's Washington bureau, has described the great romance and the signs of its fading. The articles are worthy of attention not only for the information they contain but as perceptive social commentary. I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Minneapolis Tribune, May 3, 1970]

American Love for Car May Be Cooling Off

(By Al McConagha)

Washington, D.C.—The United States has been shaped beyond imagination by a single, all-consuming American passion—the national love affair with the automobile.

"No woman, whether wife or mistress, could command the same sacrifice of money and energy that the American regularly lavishes on his car," a congressional transportation expert mused recently.

But today there are signs that the romance is cooling—precisely because the auto has been such a demanding mistress and domineering wife to American society.

In the past half century, the car became central to the American experience, a fixture in the American dream. "For better or worse," says one former Ford executive, "the automobile remade the world in its own image."

Cars so completely pervaded our existence that they even became extensions of our social status and sex lives. It can be argued persuasively that our morals dramatically changed with the introduction of the closed sedan.

Some critics contend the auto likewise helped reduce church attendance. Others point to its convenience for criminals. Certainly, it produced new frictions within families and new jealousies between neighbors.

While still president of Princeton University, Woodrow Wilson was so concerned about the advent of the Ford that he predicted nothing would spread "socialist feeling in this country more than the automobile."

Of course, he was wrong. Americans did not want socialism; they wanted automobiles. And they got them. Today 80 percent of the nation's families possess at least one car.

Basically, it all began in 1903. That year Henry Ford presented the Model T, a reliable machine priced for general sales. It rolled down the window on the creation of a whole new motor culture:

Car salesmen. Meter maids. Parking lots. Gas stations. Diners. Roadside stands. Hitchhikers. No-parking signs. Used-car lots. Traffic lights. Freeways. Drunken drivers. Teamsters. Traffic cops. Women drivers.

Cars roamed America. The auto made this nation the most mobile in the world. It ended the isolation of the farmer, whose wife could now shop downtown nearly as often as the banker's daughter.

Later the automobile made it possible to flee from the ugliness of urban life to the greener havens of the suburbs. Buses and trucks carried contemporary life to thousands of towns bypassed by railroads.

At the same time the automobile industry contributed immeasurably to the nation's general, growing wealth. Now one worker in seven is connected directly or indirectly with the building and maintenance of motor vehicles.

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But along with the convenience, flexibility, and prosperity brought by the car to the nation's life came a variety of evils. Autos created traffic jams, accidents—and deaths. They fouled the air and spawned acres of junk.

In 1966 John W. Gardner, then secretary of the Department of Health, Education, and Welfare, warned, "The internal combustion engine is on a collision course with the interests of the American people."

Now there is evidence of an advancing awareness of the destructive aspects of the motor vehicle, a spreading feeling that the social cost of our automobiles may be more than we should pay.

Rep. Clark MacGregor recently met students of Cooper High School in New Hope, Minn., who had walked to a meeting to protest motor vehicles. He returned to Congress with the astonishing report that youngsters are disenchanted with cars.

"The long-standing romance is starting to fade," the 3rd District Republican said. "And I do not think it is a transitory concern."

In Washington, Lowell Dodge, head of the Center for Auto Safety, remarked that, "There simply is going to be a major reevaluation of the role of the automobile in American life."

SAFETY, POLLUTION CONCERNS GROWING

The chill in America's admiration for the auto is supported by anxiety over highway safety (56,400 traffic deaths in the nation last year) and deepening annoyance with motor vehicle pollution.

Politicians respond to the growing apprehension. Congress passed the Motor Vehicle Safety Act in 1966—the first major federal legislation affecting the makers of automobiles.

This year the motor vehicle is being violently attacked as a source of noise and air pollution. President Nixon told a joint session of Congress that "The automobile is our worst polluter of air."

The fading passion for the auto is accompanied by rising consumer awareness. There is increasing dissatisfaction with the car—its high price and short life, its often defective quality.

"We feel it is entirely within the reasonable expectation of a buyer that his car should perform in a minimum way," says Casper W. Weinberger, chairman of the Federal Trade Commission.

"That is, it should run and it should be fit for the purpose for which it is sold," he adds. "There have been, we feel, too many cases in which that has not been the case."

No consideration of automobiles can be separated from highways. As the nation continues to throw down mile after mile of roadway and parking lot, new social and esthetic issues are generated.

Former Interior Secretary Stewart Udall, speaking of "wastelands of asphalt," warned:

"Businessmen who persist in uglification are going to find themselves bucking the tide."

A. Q. Mowbray, who investigated the American propensity for turning landscape into concrete motorway, deplores a willingness to even dig up the buried dead to make way for more roads.

"This nation has apparently dedicated itself to the proposition that there is no higher good than the unimpeded movement of automobiles," Mowbray contends.

Freeways have adversely affected the housing environment of the urban poor. Favoritism toward the auto, at the expense of other modes of transportation, has discriminated against poverty-level families without cars.

DETROIT FEELING CHANGE IN ATTITUDE

The thrust of this accumulating discomfort and disgust is felt in Detroit, Mich., the center of what is still the most unregulated transportation industry in the nation. As Ford executive Lee Iacocca observes:

"We're not only in a new ball park but we are playing under new rules. And for the first time, the rules are being written to a large extent outside the industry."

Sermon E. Knudsen, recently fired from the presidency of Ford, says "Aside from World War II, I cannot remember the time when forces external to Detroit played such a commanding role in shaping products and policies."

At least some of these forces favor extreme solutions. And whatever happens, Detroit will change more in the coming 10 years than it has since the industry took its present shape in the 1930s.

One reason why this development is being watched so intently is the belief that the motor vehicle represents a manageable microcosm of many of the environmental ills that confront the nation.

Its pollution can be moderated, possibly even eliminated. Its operation can be made safer, its consumer abuses corrected, its social utility balanced, its giant arrays of vested interests fought.

But all that will be expensive. It will affect profoundly a machine Americans have loved well but perhaps not too wisely. It will have influences scarcely foreseen on an industry that is a pillar of America's standard of living.

How these questions will be resolved—what direction the motor vehicle will take in our lives—may be one of the most interesting and dramatic national issues of the decade before us.

AMERICANS SHIFT CAR ACCIDENT BLAME FROM DRIVERS TO DETROIT

(By Al McConagha)

WASHINGTON, D.C.—In 1769 the driver of Nicholas Cugnoy's three-wheeled, steam-drive carriage really turned up the heat and, rounding a curve at 3 miles an hour, went off a French road.

That was the first self-propelled highway vehicle in the first motor traffic accident. It was only the beginning. Motor vehicles ever since have been unsafe at any speed.

For years accidents were customarily (and often accurately) blamed on the driver. For a generation, comparatively little effort went into making the vehicles themselves safer for their occupants.

But in the 1960s the national mood began to shift, propelled perhaps by a staggering highway mortality rate that annually reached the level of all American battle deaths in World War I.

This freshening sensibility, initially emerging as the suspicion that Detroit was not doing what it could or should to minimize highway suffering, may mark the beginning of the decline of America's romance with the auto.

Suspicion hardened into accusation during the 1966 Senate hearings on auto safety. Panel Chairman Abraham Ribicoff, D-Conn., and the late Sen. Robert F. Kennedy, D-N.Y., were barely civil to auto industry leaders.

At those same hearings James M. Roche, then president of General Motors, made a singular public apology. His statement, perhaps more than any other factor, made safer autos a headline sensation.

Roche, now General Motors chairman, admitted that his company had hired private detectives to spy intimately into the life of a little-known safety crusader named Ralph Nader.

Overnight Nader, a shy Harvard-trained lawyer of boundless energy and hair-shirt social conscience, became a national figure. Overnight his campaign for safer autos gained attention and credibility.

Nader argued that America's infatuation with the automobile was cursed with love's blindness and that for decades Detroit knowingly had visited unnecessary suffering and expense on its customers.

Nader did not deny that drivers had something to do with accidents or that consumers had voiced slight demand for safety features. He was not so concerned with what caused accidents as what happened after they occurred.

Nader claimed that you can't change human nature, but you can reduce the severity of accident injury. On this point, he charged the automotive industry with a failing of corporate conscience.

Nader's reputation grew. Scores of young idealists were drawn to his cause of advocating the public interest. One of these was a young lawyer named Lowell Dodge.

By experience and inclination a civil-rights activist, Dodge now employs his moral outrage and 14-hour work day in the continuing effort to make automobiles safer.

"Ralph works all the time, 20-hours a day, and it is contagious as hell," Dodge recently remarked. "He is successful just often enough, gets things done just often enough, that you want to make the same effort."

Unlike most of "Naders Raiders," Dodge, 29, receives an income as director of the Center for Auto Safety. The money comes from a fellowship granted by Consumers Union, a widely respected consumer protection group. The center's direction, however, comes from Nader.

DODGE HAD "ESTABLISHMENT" EDUCATION

A product of the kind of education that frequently identifies the Eastern establishment, Dodge went to prep school at Hotchkiss, college at Yale and law school at Harvard.

His solicitude for social problems derives from a year's study in Britain, his freshman experience at Yale, and a tour as a lifeguard at a California resort ranch.

He was not called upon to save any lives that summer. But he talked seriously with such clients as Arthur Goldberg, the former United Nations ambassador, and Supreme Court Justice William O. Douglas.

There was one other formative experience: Dodge believes his father's overcommitment to the business ethic (as an officer of an Eastern manufacturing firm) caused his premature death when his son was 14.

After graduation from Yale in 1963, Dodge entered the day's major social confrontation. He taught black children in Watts, before that Los Angeles, Calif., neighborhood blew up. As a law student, he worked in the civil rights movement in Mississippi.

Ready to leave Harvard as a lawyer in 1969, he heard Nadar was hiring. "Why not?" Dodge asked himself. He got the job—and enough income to keep groceries on the table for his wife and 15-month-old daughter.

Now, from his offices in Washington's National Press Building, he continues to work for safer autos. At the moment his focus is on strengthening the Motor Vehicle Safety Act and National Highway Safety Bureau.

As authorized by law, the safety bureau initially provided for 29 mandatory vehicle safety features. Only two more have been added since December 1969. Dodge regards that rate as much too slow.

"AIR BAG" IS NEWEST SAFETY FEATURE

Dodge says the next major safety addition will be the air bag, a cushion that automatically inflates in a crash. The bag absorbs the impact of bodies hurled against it. It may be included in some 1972 cars.

Meanwhile auto makers voluntarily have added safety items that Dodge considers useful but not revolutionary. General Motors has provided stronger doors; Ford is to add reinforced sides.

Dodge wants the federal safety bureau to be given power to force recall of defective vehicles for repair at manufacturer's expense. The bureau now can only require auto makers to notify owners of safety shortcomings.

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The Nixon administration wants the bureau expanded from the present 450 persons to 700. But this would still be less than the 2,000-man agency Congress hoped would be seeking safer motor vehicles.

Dodge also wants to enlarge the bureau's research facilities. He is concerned about what he views as the bureau's unwillingness to ardently support the research results of its safety engineers.

Meanwhile highway deaths continue upward. The 1969 nationwide toll was up 1,200 to a record 56,400 fatalities. But the number of deaths per 100 million miles of driving did decline by 2 percent to 5.3 last year.

"At least this is a sign that we are not losing ground," said Dodge. "One of the problems is that the enforced safety features apply only to new cars and it takes about 10 years to have full effect.

"The existing safety standards are absurd. They only codify the existing state of the art. They don't go nearly far enough. At the same time there is regressive design by manufacturers.

"Some specialty cars have only partial bumpers. Some windows are still tinted. At night this cuts visibility by as much as 50 percent. Some cars now have smaller back windows.

"We are always faced with lack of human motivation—sitting on seat belts instead of using them, for instance. What we need are things that don't require human participation—like the air bag.

Dodge admires Nader for what Dodge thinks of as his moral perception of public issues.

"I liked being in Mississippi," Dodge said. "There was no doubt who the good guys were and who were the bad guys. I like that kind of moral precision.

"Moral clarity is what Ralph brings to these questions. In civil rights the moral culprits are racists. In safer cars the culprit is still the auto industry."

America and the Auto: End of the Affair?

(By Al McConagha)

WASHINGTON, D.C.—Early this year hundreds of howling students pushed a factory-new Ford Maverick ($2,500) into its final resting place, 10 feet under the campus of San Jose, Calif., State College.

The sacrificial auto never polluted the air. It was never driven. Pushed and pulled from the showroom of the astonished dealer to its grave, it rests in peace under a flower garden.

That was the most dramatic—and expensive—moment during a week's protest of threats to the American environment. According to its sponsors, the ceremony symbolized the need to "kill the car before it kills us."

Since then scores of internal combustion engines have disappeared into hastily dug holes around American campuses as students vented the opposition to motor vehicle pollution.

Nor is this discontent confined to youth. On Earth Day last month Minneapolis residents saw some of their civic and business leaders bicycling to work in the name of a purer environment.

Air pollution is part of the reason for America's fading romance with automobiles. Even Detroit has received the message. "It is clear the American people want cleaner air," said Henry Ford II, "and want it very much."

No one is really sure yet how air pollution affects us. But the suggestion of the autopsy table is unmistakable: The countryman has pink lungs. The lungs of the city resident are black.

Pulmonary emphysema is the fastest growing cause of death in New York City. It is up 500 percent in 10 years. During that time, death by chronic bronchitis increased by 200 percent.

Doctors will not say flatly these deaths were from air pollution. Firmer proof is needed. But the presumption is present. And there is no doubt about the contribution of the motor vehicle to poisonous air.

In 1968 the motor vehicle generated 58 percent of the nation's polluted air. Industry was a distant second as the source of 11 percent. In some cities vehicles produced up to 90 percent of the fouled air.

The first detailed scientific report issued by the federal government disclosed that carbon monoxide from auto exhausts in American cities is frequently above the level of potential damage to health.

The study also revealed that persons exposed to less than two hours of emissions similar to those found in metropolitan rush hours suffered eye-sight impairment and a disturbed sense of the passage to time.

There is evidence as well that prolonged exposure to high concentrations of carbon monoxide may increase chances of fatal heart attacks in persons with cardiac conditions.

The federal report said hydrocarbons, another exhaust gas, passed the threshold of possible harm in Los Angeles, Calif., Philadelphia, Pa., and Denver, Colo.—the only three cities where data was available.

Nitrogen oxides, a third auto pollutant, are also harmful. University of California research indicates this gas reduces the oxygen carrying capacity of laboratory animals and induces respiratory inflamation.

Particulates are a fourth pollutant broadcast by automobiles. Solid particles, they are largely caused by lead added to gasoline. Removal of this no-knock additive is a particularly popular target.

The precise human cost of the increased amount of lead in the air is under debate. Some scientists contend man carries sizable quantities of this substance in his body as a result.

NOISE ALSO IS FACTOR

The auto also pollutes in terms of noise and waste. Traffic is one of the prime reasons the nation is getting noisier. Not a threat to the physical environment, it nevertheless lowers its quality.

The nation now seems to be at least approaching an acceptable solution for the estimated 10 million vehicle hulks scattered across the American landscape.

The Interior Department recently announced development of a cheap incinerator for junked cars. This process does not itself pollute the air and produces a profitable salvage.

Rep. Donald M. Fraser of Minneapolis is cosponsor of a bill that would provide $19 million a year in grants to states to collect abandoned vehicles, improve auto title programs and find means to prevent car dumping.

Auto exhaust, however, excites the most insistent public outcry. And this unrest is fueled by comments from such eminent ecologists as Prof. Barry Commoner of the University of Washington:

"I think it unlikely that the gasoline driven automobile can long continue to serve as the chief vehicle of urban and suburban transportation without imposing a health hazard most of us would be unwilling to accept.

"Added to the current demands for highway-safe cars, the demand for smog-free transportation is going to have an impact on the powerful and deeply entrenched automobile industry."

Unquestionably that kind of talk has impact on auto builders. For unlike the addition of safety features for new styling, auto emission correction involves far more than change in machinery details.

The pollution issue hits the industry where it really smarts—right in the power plant. It is the internal combustion engine itself that is under attack, and the implications are staggering.

Billions of dollars were invested to develop today's motor vehicle engines. The auto industry is the largest American business success story of this century. It's social and economic influence is incalculable.

OTHER POWER SOURCE IS YEARS AWAY

So althought the industry may be forced to contemplate radical change in the internal combustion engine to meet new antipollution standards, it cannot be expected to abandon that investment without a fight.

"Insofar as we can see, there is nothing in the foreseeable future that is going to be competitive with the internal combustion engine," said James M. Roche, chairman of General Motors.

GM President Edward N. Cole added, "In a desire for a quick solution let us be careful not to give up the highly developed, efficient internal combustion engine for a power plant of unknown and unproved qualities."

Just in case, however, the industry is increasing research on other sources of power such as steam-driven autos, gas turbine engines (now reported as the most promising) and electric cars.

"We have a strong vested interest in the survival of the internal combustion engine," Henry Ford II said recently. "But we have a far stronger vested interest in the survival of our company."

So alternative power is a final resort. Even if sought, it is years away. For example, the nation is expected to need twice the electricity it now produces to drive vehicles by that means.

Lee A. Dubridge, presidential science adviser, said, "No one has yet invented a replacement for the internal combustion engine which has adequate performance, reliability and safety, or which can be produced at a reasonable cost and requires a minimum of maintenance."

As the question of the future of the internal combustion engine has evolved, the public has had the unaccustomed experience of hearing the auto and petroleum industries quarreling in public.

CARS WILL BECOME INFERIOR

Detroit has suggested that lead in gasoline be put under scrutiny. A representative of Ethyl Corp. snapped back, "What do they care if we go out of business? Let's get perspective on who is doing the damage."

In the final analysis two results seem certain from the current reshaping of the existing motor to meet the Nixon administration's guideline of a 93 percent reduction of exhaust poisons by 1980.

Cars will cost more. They will cost more to buy. They will cost more to run—fuel consumption, for instance, will increase. Cars also will not be as efficient. They will have less zip and will be less easy to maintain.

Donald A. Jensen, Ford's top pollution official, said, "From here on out the public is going to feel the effects of pollution control—both in their cars and in their pocket books."

How efficient emission controls will be is already a matter of controversy. Henry Ford II, contending there is no feasible substitute for today's engine, said it will be virtually emission-free by 1975.

"Hypocrisy," snorted Rep. Leonard Farbstein, D-N.Y., an advocate of unconventional motors. "It is more than a coincidence that suddenly the industry is claiming all kinds of pollution breakthrough."

President Nixon told Congress, moreover that possibly by 1980 the sheer numbers of vehicles on the road will overrun the technical capacity to reduce pollution from the internal combustion engine.

He hoped this would not happen, Mr. Nixon added. But if it did, prudence dictated that research on alternatives to the internal combustion engine should get under way promptly.

Meanwhile, lumberjacks continued felling

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the towering Pondersoa pines in California's San Bernardino Mountains despite federal regulations prohibiting commercial exploitation of the celebrated trees.

Not even the government of the United States was able to protect the forest giants from fatal affliction by the poisonous smog drifting up the pinegreen slopes from the freeways of Los Angeles 80 miles away.

Repair Jobs Often Ignored

(By Al McConagha)

"There is no question about it. At the moment the automobile industry is trading dissatisfied customers."—John J. Nevin, vice-president, Ford Motor Co.

"The car buyer has been led down a primrose path . . . a defect-free car has not been provided."—Federal Trade Commission Report.

WASHINGTON, D.C.—The practice of not doing car repairs guaranteed by manufacturers has become so common that there are words for it in the lexicon of the garage.

There is the "wall job," in which the car simply is parked by the wall until reclaimed by the customer. In the "sunbath," the auto is left in the sun, there to remain untouched by repairman's hands until the owner's return.

The theory is, of course, that the motorist may suppose the car actually is fixed. Or perhaps he will just go away and forget about it. Two or three successive wall jobs are reported to have discouraging effect.

"Wall jobs" and "sunbaths" represent only a fragment of spreading skepticism toward auto manufacturers and their business allies. That fabled blackguard, the used car salesman, is no longer the exclusive focus of mistrust.

Something deeper than the present tendency to regulate auto safety and pollution suggests that the long, largely uncritical American romance with the motor vehicle is beginning to chill.

In the age of the consumer movement, many Americans have come to think of their autos as a bad buy. As author Eric Hoffer remarks, "The social landscape has begun to tilt away from business."

The times have already impelled Henry Ford II to warn his firm's shareholders that "There is a radical change in the environment in which your company operates."

General Motors likewise has been put on notice of the shifting business ambiance by a minority stockholder campaign to make the industrial giant more "responsible."

Car prices are up again. Consumer Reports magazine revealed that sticker prices on the 1970 models were up an average of $121—"The steepest car increase in 13 years . . . Our tests show no broad pattern of improvement."

New cars seem to deteriorate quickly. Indeed, they are not always very well put together to begin with. Consumers Union research indicates that 1969 model autos averaged 36 defects each on delivery.

The Federal Trade Commission (FTC) has found that one-third of the new cars sold in the United States have something wrong with them when they are delivered.

Caspar W. Weinberger, FTC chairman, says flatly, "Automobiles being sold today are not meeting minimum standards of quality which the purchaser has a right to expect."

There are other irritating money matters. Insurance costs keep rising though a recent government study shows auto coverage met only one-fifth of the $5-billion highway death and injury bill in 1967.

Repair costs continue to climb. One reason is the price increases on sheet-metal parts obtainable only from auto manufacturers. Another is the extreme fragility of vehicle exteriors.

Dr. William Haddon Jr., former head of the National Traffic Safety Bureau and now president of the Insurance Institute for Highway Safety, recently testified before a Senate committee investigating high repair costs.

"There are speeds," he said of the ease with which repair bills escalate, "at which humans—but not their cars—regularly crash without such extensive, expensive damage."

There is also the repossession controversy. A University of Connecticut legal scholar contends that banks, finance companies and auto dealers are combining to fleece the poor of millions of dollars a year.

Prof. Philip Shuchman, reporting on a study of auto repossession cases, maintains that the only person who frequently loses in these situations is the customer who falls behind in his payments.

The original owner can lose more than he should because the dealer only credits him with the below-market price paid the finance company for its repossessed automobile. The defaulting owner is then sued for an unfairly large balance.

Consumer advocate Ralph Nader calls this widespread procedure a "shocking distortion of the legal process," permitting "the most severe assaults on equitable dealing between buyer and seller imaginable."

The FTC also has been investigating price stickers on new cars—initially ordered as a protection for the consumer. Charges are made that these prices are deceptive.

WARRANTIES LENGTHENED, THEN SHORTENED

But for the auto industry itself, all these issues pale in contrast to current efforts to pass federal laws that will force Detroit to make good its warranty promises.

There has always been some form of automobile warranty. At first it was simply a 60-day guarantee on parts and workmanship. As the dealer franchise system developed, it became a 90-day or 4,000-mile warranty.

Present warranty practices began in the fall of 1960, when the four leading manufacturers announced that the 1961 models would be guaranteed for 12,000 miles or 12 months, whichever came first.

In August 1962 Chrysler, desperate over steeply falling sales, announced that power-related features of its 1963 models would be guaranteed for five years or 50,000 miles, whichever came first.

Some industry observers contend that Chrysler made the step with little consideration of its eventual cost implications. At any rate the move resulted in a substantial increase in sales for the faltering firm.

In a few years other auto makers accepted the general outline of the Chrysler standard. Then, when costs became more apparent, all four firms took their warranties back to about what they were in 1960.

Generally the 1970 models are guaranteed for 12 months or 12,000 miles. Ford is an exception. It guarantees its vehicles for a year without reference to mileage.

The manufacturers now differ on power-train guarantees. Ford, for instance, offers it for $15 to original owners. There are also company variations on used-car warranties.

An FTC report contended that "The manner in which the warranty developed clearly shows that the automobile manufacturers considered and used it as a device to promote sales."

The commission maintained that auto manufacturers had "indoctrinated the public to believe it would receive a defect-free product; that if defects should be discovered, they would be promptly repaired."

But the cars were so far from being defect free, the FTC calculated from its investigation, that on average 262,000 customers become badly dissatisfied each year.

These defects are assigned to poor design, lack of effective manufacturing quality control and insufficient predelivery inspection of automobiles by the dealers.

WARRANTY REPAIRS TOO OFTEN UNSATISFACTORY

The commission added, "The evidence distinctly points to the conclusion that there is an unreasonable incidence of failure to make warranty-covered repairs."

Twenty percent of warranty repair jobs were unsatisfactory, the commission claimed. It ascribed this to inadequate compensation to dealers for warranty work and overemphasis on profit-making sales.

The Chevrolet Motor Divison wrote its dealers recently—though the letter was quickly revised after it was made public—that there had been "an alarming increase in warranty costs."

Unless safety defects were involved, the letter ordered dealers not to do warranty work until requested by the customer. Anything discovered by the dealer's mechanics to which the buyer was oblivious was to remain unrepaired.

A study done for the National Highway Safety Bureau on auto safety features found repairs adequately completed in 88.6 percent of the cases when the work was not done under warranty.

But when the same kinds of jobs were done in the same shops under warranty coverage, the researchers ascertained that only 77.2 percent of the jobs were satisfactory.

Senate action is expected shortly on a bill intended to clarify warranties and to give consumers legal redress when these guarantees are not met.

This is viewed by the industry's severest critics as the initial step toward broader action recommended by the FTC. A second step, minimum performance standards, is waiting in reserve.

"A purchaser," FTC Chairman Weinberger told Congress the other day, "is far from certain of getting a vehicle which will perform as he may reasonably expect it to do."

Mrs. Virginia Knauer, the President's special assistant for consumer affairs, says the bulk of her complaints are related to autos.

"Unless industry corrects abuses," she adds, "Congress will do it for them."

Freeway Foes Rise in Cities

(By Al McConagha)

WASHINGTON, D.C.—Although it is often a motorist's delight, the nation's freeway system contributes hugely to the melancholy burden of life in American inner cities.

As its urban disadvantages become increasingly apparent, voices of dissent (so indistinct and eccentric when first detected 15 years ago) are more frequently heard in forceful assault on the freeways.

Almost as if by natural law, motor vehicles seem to multiply to fill the paved-over space available: more cars beget more miles of highway; more concrete generates more autos. Congestion is never solved.

People living in the core of great cities find freeways gorging on their too-deficient land. In their minds, an already despoiled human environment is being sacrificed to the greater glory of the auto.

"Highways have reached the saturation point, if they haven't gone beyond it, in many cities," says Sen. Walter M. Mondale, a champion of what he calls balanced transportation.

"The whole fight between concrete and mass transit," adds the Minnesota Democrat, "is an exploding issue that is going to overwhelm us shortly—and rightly so."

A congressional transportation expert says, "Surrender of the cities to the automobile has caused incalculable harm—from pollution of the air to loss of business and isolation of the poor."

This anxiety over the urban implications of freeways and the downtown confusion that they create is another reason that the automobile has started to roll downhill in the affections of the American people.

That concern is coupled with the fear that highway-building has so much internal momentum and so many people already economically dependent on its perpetuation that it is too late to moderate the tendency.

Freeways have some virtues. No one, for instance, accustomed to driving on University Av. from Minneapolis to St. Paul would reject the pleasures of passage on the present freeway between the two cities.

Freeways added mobility, convenience and safety to American life. Their construction provided countless jobs. It is now customary to say the interstate system is the greatest public-works program in history.

But the social, aesthetic and commercial costs of freeways are just beginning to be realistically assessed. And to many conservationists, roadways continue to threaten unique rustic environments.

Minneapolis experienced these consequences in the threat of the freeway to Minnehaha Park and in the conversion of the city's commercial area into a sea of parking lots.

"ATMOSPHERE OF COMPLETE DESOLATION"

The Minneapolis Downtown Council recently got this warning in a report made for it by Lawrence Halpern and associates, an urban planning and architectural firm:

"To continue this pattern will soon produce an atmosphere of complete desolation and decay in the minds of the people as well as a totally inefficient parking system."

That kind of thinking is beginning to have effect. Secretary of Transportation John A. Volpe last month told Earth Day audiences, "Freeways that affect our environment cannot be built."

Volpe, a former contractor once described as a compulsive builder of highways, even told the Highway Transportation Congress: "We must forever abandon the idea that highway transportation alone will solve America's needs."

"If we fail to provide America's cities with alternatives to highway transportation," said the onetime federal highway administrator, "highway users of this nation will be faced with congestion of unimaginable proportions."

The greatest traffic-parking-paving jam, of course, will occur in the cities. And it is the nation's metropolitan areas that the freeways already have damaged the most—along with the urban poor, uprooted and left behind.

Wilfred Owen of the Brookings Institution says, "One of the most significant factors in the declining tax base of the city is the liquidation of properties being absorbed by major highway projects."

As the tax base shrinks, freeways help lure the affluent to the suburban sprawl beyond the city limits. The poor remain behind to support the community.

Moreover, when freeway systems are mapped, there is a strong temptation to run them through the most unprepossessing residential and business properties.

"CHEAPER TO GO THROUGH THE SLUMS"

"It is pretty clear that a lot of highways are routed through the lowest real estate areas," says Mondale." It is cheaper to go through the slums—and far less dangerous politically."

These freeways uproot neighborhoods, displace the businesses least likely to recover elsewhere, and breed bitterness toward a commuting establishment that gobbles up half of the center city for parking lots.

Still another urban problem derives from the development of the nation's interstate system: as the money is poured into freeways, other transportation modes, public and private, deteriorate.

Freeways favor auto owners; they discriminate against those who do not own cars. Less than half the persons with poverty-level incomes possess automobiles.

Yet most new job opportunities for the unskilled and semiskilled are in the suburbs. Urban unemployed are dependent on public transit that, because of the auto's dominion, now offers speedier service for higher fares.

A Senate committee also discovered that in some areas, public transit simply didn't exist at all. And the group concluded that the nation's favoritism towards autos intensified the social and economic segregation of its poor.

"There is little doubt that the lack of adequate transportation has been an important factor in the growing unrest in our cities," the Senate Banking Committee said in its report.

"Most students of highway traffic," it added, "now believe that no conceivable increase in capital investment in highways during the foreseeable future will cure the congestion problem."

AFTER THE INTERSTATES, WHAT?

But there is already evidence of gathering, powerful pressures for a second round of freeway building after the interstate system under way is finished in the mid-1970s at a total cost now estimated at nearly $70 billion.

More will be said later in this series about the potent lobby associated with the automotive industry, its industrial cohorts and advocates of extended highway programs.

Suffice it to say here that the American Road Builders Association is one of the strongest pressure groups in the nation. Its monument is the Highway Trust Fund.

Congress established the fund in 1956. It is supported chiefly by a tax on oil and gasoline. Unlike other federal revenues that go into the general treasury, this money can be used only for road building.

The fund will collect and spend $4.9 billion this year. According to the Bureau of Public Roads, the total expenditures on roads in 1970 by all units of the nation's governments will be nearly $20 billion.

This is more than the federal government spends on space, poverty, education and agriculture combined. It is more than the estimated $17 billion to be spent this year on the Vietnam War.

"That large an inducement is hard to resist," Helen Leavitt, an outspoken critic of the freeway system, says with understatement. "Add a strong dash of lobbying . . . and the nation ends up with a massive road-building program."

Certainly road lobbyists have thus far fought off all comers with the temerity to propose deflecting the Highway Trust Fund to other purposes. The real issue is, basically, what happens next?

The fund expires with the Freeway Act in 1972. Congress is likely to renew both this year. The critical question will revolve around how it treats this enormous snowball of money.

The answer will indicate whether that student of cities, Lewis Mumford, is still ahead of his time as he was in 1958:

"When the American people, through their Congress, voted a little while ago for a $26-billion highway program," he wrote, "the most charitable thing to assume is they hadn't the faintest notion of what they were doing.

"Within the next 15 years they will doubtless find out.

"But by that time it will be too late to correct all the damage to our cities and our countryside, not least to the efficient organization of industry and transportation, that this ill-conceived and preposterously unbalanced program will have wrought."

Nelson Fights Auto Industry

(By Al McConagha)

Washington, D.C.—Although some of his friends felt it was hardly necessary, Sen. Gaylord Nelson recently served formal notice that he is the auto industry's public enemy No. 1 in the Upper Midwest.

To affirm his role as the man in the black hat to the Dodge boys, the Wisconsin Democrat strode into the Senate, reached for a bill and fired a shot calling for replacement of the internal combustion engine.

Nelson did propose to give the auto industry time and money to do this. But an attack on the internal combustion engine is an assault so fundamental to automaking that it shakes Detroit to its very chassis.

"We have for too long been breathing the exhaust fumes of a technological society," Nelson declared. "It is time we introduced legislation for a consumer's society."

In a later speech, Nelson added, "The heart of the problem is the internal combustion engine, which has powered America into unparalleled affluence, but now may drive it to unprecedented environmental disaster.

"If we are really serious about a nationwide commitment to cleaning up the environment," he told a convention of the United Auto Workers, "the automobile internal combustion engine may have to be the first to go."

Last month he proposed creation of a $4 billion a year "transportation for people fund" to finance alternative to urban auto use and to forestall a second round of interstate freeway building.

Nelson said it was time to stop paving the nation with highways, tearing communities apart and destroying scenic resources, in order to accommodate autos that would produce more pollution and congestion.

So he called for a "fundamental step in dealing with the gigantic environmental, social and human consequences of the American automobiles and its ever-expanding highway system."

Nelson's efforts to supplant the internal combustion engine have about as much hope of success at the moment as the Edsel.

But the fact that a politician of Nelson's astuteness made a proposal that six months ago would have been viewed as a form of lunacy indicates changing American attitudes toward motor vehicles.

Issues of safety, air pollution, consumers rights, and the proliferation of highways and vehicles have begun to erode America's legendary passion for its automobiles.

When Nelson began his drive, he knew there would be no shortage of political opposition. For one thing, automotive production is the nation's leading manufacturing industry.

Total sales of the industry's big four—General Motors, Ford, Chrysler, American Motors—came to some $45 billion in 1968 with 90 percent of that from motor vehicles and parts.

Last year General Motors led all of the nation's firms in sales. Ford was third and Chrysler fifth.

It is claimed that one out of every seven workers in the nation is dependent directly or indirectly on the automotive industry.

The array of human authority backing the automobile is even more impressive when one includes such allied industries as petroleum, glass, rubber, steel and parts manufacturing.

That component of American economic life has some natural common ground with lending agencies such as banks, auto finance firms and insurance companies.

These forces become transcendent when you add those business elements concerned with highways: road builders, cement makers, highway equipment firms, truckers and billboard companies.

On a statewide level, the political potency of the motor vehicle industry is demonstrated in part by a survey made by the Automobile Manufacturers Association, using 1967 Census Bureau data.

That year there were 893 new car and truck dealers in Minnesota. They paid $90 million in wages and salaries to 14,500 employees, the association said.

XUM

Employment in highway transportation industries in Minnesota was set at 256,183. That included road construction and maintenance workers and gas station attendants.

If insurance men and bankers are counted, at least 12 of the 67 members of the Minnesota State Senate have an economic interest in highway transportation, according to the State Blue Book.

ROAD-RELATED INDUSTRIES TIED TOGETHER

Highway related industries are bound together in associations at a variety of levels. One of the most prestigious is the newly formed Highway Users Federation for Safety and Mobility.

The federation serves as a general promoter of highway transportation. It contends it is not a lobbying organization and has no registered lobbyist in Washington, D.C.

A recent consolidation of the Automotive Safety Foundation, National Highway Users Conference and Auto Industries Highway Safety Committee, it shows the compatibility of seemingly unrelated businesses.

And a look at its officers suggests how important enhancement of motor vehicle transportation is for an enormous, interwoven segment of American business.

The chairman is Harry Heltzer, president of Minnesota Mining and Manufacturing Co. The St. Paul firm manufacturers reflective material used on highway signs.

Vice-chairman is J. N. Bauman, chairman of the White Motor Corp., a Cleveland, Ohio, truck manufacturing firm. Another vice-chairman is Warner Shelly, chairman of N. W. Ayer & Son Inc., a New York City advertising agency.

Harry Holt, president of the American Automobile Association, is secretary of the federation. Oscar Lundin, executive vice-president of General Motors, is treasurer.

They are only a perceptible fraction of one of the largest pressure groups operating in Washington. The auto-trucking-petroleum-rubber-highway lobby is said to be as formidible as oil and defense.

Sen. Walter Mondale said, "In my opinion it is still probably the strongest lobby in Washington. I think the ineffectiveness of the Highway Safety Office and the Highway Beautification Act show that.

"They block appropriations, influence appointments and the nature of regulations," said the Minnesota Democrat, who sponsored Auto Safety Act provisions requiring manufacturers to notify owners of potential defects.

THEIR COMBINED VOICE CARRIES WEIGHT

A congressional committee expert on transportation added, "From time to time they bicker among themselves. But when they all want the same thing it is difficult to say no to them.

"In fact, I would contend it is impossible to say no to them under those circumstances," he went on. "Unified they are the most puissant political force in America."

By all accounts, the No. 1 auto lobbyist is Lloyd Cutler. He is a Washington lawyer of impeccable credentials—eastern education, government service, civic leadership, the right clubs.

Cutler, 52, is credited with softening congressional criticism of auto firms during the Senate safety hearings in 1966 and with keeping criminal penalties out of the resulting legislation.

More recently he represented auto makers in obtaining a consent decree on charges that Detroit conspired for 15 years to limit development and installation of motor vehicle antipollution devices.

The order was negotiated with the Justice Department. In it, the four auto firms and the Auto Manufacturers Association neither admitted or denied the allegations—though they agreed not to engage in such activity in the future.

All this muscle on the other side doesn't bother Nelson at all. He has already opposed the pesticide interests and the tire manufacturers, he said, so what's one more industry?

Despite the fact that the largest corporate payroll in his state is paid by American Motors to its factory workers in Kenosha, Nelson said he has never had any personal collision with auto firms.

The only directly related conversations he remembers were with members of the United Auto Workers, who were understandably interested in the employment future in Detroit.

"I really don't think it takes a lot of courage to go ahead and slug away," Nelson said in an interview. "I think this kind of thing is a problem to some people, of course."

"They say, 'I'm sorry, but I can't take on the whole industry.' But I contend that if you have a sufficient case, you can fight. And when you consider the question of clean air, there is no other answer.

"People are beginning to say that this machine is creating more problems than it solves. In the next 10 years there is going to be a complete turn-around on the question of the auto.

"I think this may be the critical political fight of the next decade."

AUTO GLAMOUR IS DECREASING

(By Al McConagha)

WASHINGTON, D.C.—When the Minnesota Legislature passed its first motor vehicle law in 1903, it ordered motorists to stop on signal from buggy drivers and wait until the horse went down the road.

That may have been the last time the automobile was under control in this country.

"Over the past 50 years we have stood by and watched as the car tore apart our cultural life, razed our cities, despoiled our countryside and befouled our air," writes Iowa journalist Donald Kaul.

"And we have not merely stood and watched; we have cheered," he muses. "It is a curious phenomenon, a madness, something akin to 15th-century Europeans rooting for the plague."

Sen. Walter F. Mondale, D-Minn., is more explicit. "There is a feeling," he says, "that cars are too dangerous to use, contribute too much pollution, cost too much, are not fairly serviced—and all the rest."

Clouds of exhaust fumes, record traffic-fatality tolls, consumer annoyance and the steady advance of paving asphalt are beginning to have an impact on the American consciousness.

"The glamor of the automobile is decreasing," says Henry Ford II, who makes them. Says comedian Mort Sahl, an auto buff who has bought them in epic quantities, "The car isn't a romance any more."

As more and more people looked about for villains in this period of cooling passion for the auto, their critical gaze has focused on Detroit's auto makers in a wholly unprecedented way.

The wave of public skepticism seems to have begun in 1966 when General Motors first denied and then confessed responsibility for engaging private detectives to spy on safety advocate Ralph Nader.

"There is a feeling that the industry is not concerned with safety, environment or the consumer," says Mondale. "Critics think reform can only be forced on it. There is a good bit of cynicism about the industry."

As a result Detroit is not merely faced with an unfamiliar shift in public affection (an attitude once described by author Lewis Mumford as the "religion of the motor car"). It also has more immediate problems.

Because of a troubled national economy, sales are declining. And this fall management will be confronted again by the contract demand of Walter Reuther's 1.5 million United Auto Workers.

All of these adversities tend to obscure the industry's past glories. Not the least of these is the phenomenon of raising production from five to ten million units in a decade.

In that forced march to meet a voracious demand, Detroit also added five major, and now relatively ordinary, accessories: power steering, power brakes, power windows, air conditioning and automatic temperature control.

The average car leaving the assembly line these days has 15,000 parts. In purely engineering terms, it is decidedly more complicated that the general light airplane.

As the Federal Trade Commission said in Detroit's defense, "It is extremely doubtful that perfection can be achieved in the mass production of such quantities of anything."

Some aspects of product life also improved during the auto explosion. Valves no longer need to be repeatedly reground. Some parts are now lubricated for the life of the car.

During this period of expansion, manufacturers were almost exclusively absorbed with sales. According to students of the industry, such questions as durability and service capability were regarded as merely troublesome details.

In those years of extraordinary activity the industry took its present highly competitive shape—one characterized by high costs, prodigious advertising campaigns and incessant efforts at market penetration.

In fairness it might be pointed out that auto manufacturers are not wholly at fault because a lot of people like chrome and fins and are disinclined to buy seat belts and head rests.

It is also sometimes forgotten that auto firms pay taxes—some $4 billion to all units of government in 1968. That is enough to buy a couple of buses if someone wants to.

But Detroit was so engrossed in responding to what it saw as consumer desires that it was sadly unprepared for the ultimate social question now being asked: How are we going to to live with the auto?

With respect to safety, most critics want a better-financed, more powerful, more consumer-oriented National Traffic Safety Bureau. As presently constituted the bureau has disappointed many safe-auto advocates.

On the question of reasonable consumer expectation, the Federal Trade Commission is calling for enactment of a comprehensive auto quality control act to help stem the sale of defective vehicles.

Safety and consumer considerations aside, however, the car is a city problem. Wilfred Owen of the Brookings Institution asks "whether it is possible to be urbanized and motorized and at the same time civilized."

By the end of the decade Detroit expects to expand production enormously. The 100 milion motor vehicles in America today will be joined by 83 million more by the year 2000, says the Federal Highway Administration.

Officials are already talking about more miles of roadways to handle this traffic. Some want to double our interstate freeway system, which will total 42,500 miles when finished.

Detroit has indicated that it has received the message on pollution.

Millions are going into research, but Ralph Nader persuasively points out that the present emission-testing system is ludicrous.

At the moment the government only examines specially prepared "prototypes" to see whether they conform with pollution standards. Emission controls in production-line cars may be substantially less effective.

Even with the hoped-for progress in cleaning up the internal combustion engine, President Nixon has warned that the increase in sheer numbers of autos may cancel these efforts by 1980.

Mr. Nixon talked of alternatives to the gasoline engine. The possibilities range from special city cars without conventional motors to mass transit to ease commuting pressure on parking lots and highways.

"As far as cities are concerned," says Laura Fermi in the Bulletin of Atomic Scientists, "the first obvious step to abate auto pollution is to halt construction of highways and develop good mass transportation."

Some adherents debate the merits of the various kinds of mass transit, from fixed-rail forms to dial-a-bus proposals. It has become conventional wisdom to say each urban area needs its own peculiar mix of transit.

Author Helen Leavitt estimates that we spend, publicly and privately, more than $100 billion a year on highway transportation—more than twice our annual outlay for all kinds of education.

Clearly some of this money must be deflected into mass transit on a crash priority. Just as obviously the nation must be tougher in its regulation of the automotive manufacturing industry.

This is what Henry Ford II implied recently when he remarked, "It is futile to rely entirely on corporate good citizenship if the system encourages the poorest corporate citizen."

That has the sound of an industrial captain seeking help. The reply must be shaped with great innovation and intelligence if we are not to become merely the creatures of our automobiles.

HOW COMBAT SOLDIERS FEEL ABOUT ACTION IN CAMBODIA

Mr. TOWER. Mr. President, in the continuing discussion of the President's decision to take what I believe to be a militarily logical and necessary action against enemy sanctuaries in Cambodia a great deal of attention has been given to the constitutional powers of the President as Commander in Chief, the role of Congress in waging war, the origins of our involvement in Southeast Asia and the objectives of our policy there, the sharp divisions among our people at home, and so forth. All of these are, of course, important matters. But one question which seems to have been neglected and which I believe bears on our discussion is how do those most immediately involved—our soldiers in the field—how do they feel about the action in Cambodia?

I ask unanimous consent to have printed in the RECORD a letter from Vietnam. This is a firsthand report from a man who is neither a military leader nor an administration official but one who has had the opportunity to talk directly with the men who are fighting in Vietnam. Entertainer Johnny Grant of station KTLA in Los Angeles has made 11 trips to Vietnam to entertain the troops and is no stranger to the situation there or to the feelings of our soldiers. I ask unanimous consent that Mr. Grant's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A SIGNIFICANT LETTER FROM VIETNAM

Noted entertainer, Johnny Grant of Los Angeles Station KTLA posted a letter from Vietnam to a White House friend on May 7th concerning the morale of American troops stationed there. The letter is especially significant because Grant has made some 38 trips to meet with and entertain troops all over the world. This is his 11th trip to Vietnam.

MAY 7, 1970.

A short note from a touring gypsy in Vietnam.

In view of the bitter attacks on the President in recent days by the public and the press, I thought you might pass on a few words of support and encouragement.

The young men who are fighting the war and stand to lose the most—their lives—are solidly behind the President's decision to go into the Vietcong sanctuary in Cambodia. Morale here was good but went to an all time high when the announcement was made.

They feel they now have an even chance at fighting Charlie at his own game.

They also feel that in the end lives will be saved and a quicker victory will be achieved on the battlefield or at the peace talks. They honestly feel they can win this thing and now have the support to do it.

They are greatly disappointed in the reaction of the back home press, public and some of the politicians. As one young GI put it, "Fulbright must be worth 3 Divisions to the enemy." It's really hard for a young soldier to understand this kind of reaction to a White House announcement of more support for him and his buddies. These are outstanding young men and they deserve all the help and encouragement we can give them.

This letter was prompted by a young GI at the 3rd Field Hospital this morning when he said, "For God's sake let the President know somebody's behind him—us."

As I have toured the area the past few days *many* others have expressed the same feelings. I have not found one man against the Cambodian move.

I promised the troops I would pass their support on to the President and figured this would be the fastest way.

Will be back in the states on the 16th or 17th and will do all I can to help the situation.

Regards to all.

Sincerely,

JOHNNY GRANT.

P.S.—The men really love and respect General Abrams. They would walk to Cambodia if he asked them to.

FIRE RESEARCH AND SAFETY ACT—RESOLUTION OF CITY COMMISSIONERS OF FARGO, N.D.

Mr. BURDICK. Mr. President, the Board of City Commisisoners of Fargo, N. Dak., recently adopted a resolution requesting Congress to fund the Fire Research and Safety Act, Public Law 90–259, that the President appoint members to the National Commission on Fire Prevention and Controls, and that the fire chief of Fargo, William T. Stewart, be appointed to the Commission.

I ask unanimous consent that the materials furnished me by the mayor of Fargo, the Honorable Herschel Lashkowitz, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CITY OF FARGO, N. DAK.,
May 21, 1970.

Hon. QUENTIN N. BURDICK,
U.S. Senator,
State of North Dakota,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BURDICK: I am enclosing herein a certified copy of a Resolution adopted by the Fargo City Commission memorializing the Congress of the United States to take the necessary action to fund the Fire Research and Safety Act; respectfully requesting that the President of the United States appoint the National Commission on Fire Prevention and Controls and requesting that Fargo Fire Chief, William T. Stewart, be appointed to the National Commission on Fire Prevention and Controls.

I am also enclosing herein a copy of the letter written to the Honorable Richard Nixon, President of the United States, in regard to this matter.

It is with deep pride that we advance the name of the Honorable William T. Stewart for appointment. We regard Mr. Stewart as one of the most outstanding professional fire fighters in the United States. We feel that he would bring outstanding qualifications to this assignment.

We trust that the Resolution, the letter to yourself, and the letter to the President of the United States will be introduced into the Congressional Record, and further we respectfully ask that the Congress of the United States take the necessary action so that we can enhance the fire fighting standards of this very vital service by the necessary funding.

It is imperative that we act promptly because the expiration date is at hand.

Respectfully,

HERSCHEL LASHKOWITZ,
Mayor and President, Board of City Commissioners.

CITY OF FARGO,
May 21, 1970.

Hon. RICHARD NIXON,
President of the United States of America,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am respectfully forwarding to you a certified copy of a Resolution unanimously adopted by the Fargo City Commission, memorializing the Congress of the United States to take the necessary action to fund the Fire Research and Safety Act; and respectfully requesting that the President of the United States appoint the National Commission on Fire Prevention and Controls; and further requesting that Fargo Fire Chief, the Honorable William T. Stewart, be appointed to the National Commission on Fire Prevention and Controls.

It is with great pride that we respectfully and enthusiastically recommend Fire Chief William T. Stewart to this important position. Mr. Stewart is one of the most highly respected professional fire fighters in the United States and we sincerely hope that his talents and background will be utilized in behalf of the entire country.

Respectfully,

HERSCHEL LASHKOWITZ,
Mayor and President Board of City Commissioners.

CITY OF FARGO, N. DAK.,
May 19, 1970.

The Regular Meeting of the Board of City Commissioners of the City of Fargo, North Dakota was held in the City Commissioners' Room at the City Hall at 7:00 o'clock p.m., Tuesday, May 19, 1970.

The Commissioners present or absent were as shown following:

Present: Markey, Bromenschenkel, Schuster, See, Lashkowitz.

Absent: None.

President Lashkowitz presiding.

Resolution Adopted Memorializing the Congress of the United States to Take the Necessary Action to Fund the Fire Research and Safety Act; Respectfully Requesting that the President of the United States Appoint the National Commission on Fire Prevention and Controls; and Requesting that Fargo Fire Chief, William T. Stewart, Be Appointed to the National Commission on Fire Prevention and Controls:

President Lashkowitz relinquished the Chair to offer the following Resolution and move its adoption: (Vice President Markey presiding)

Be it resolved by the Board of City Commissioners of the City of Fargo:

Whereas, The International Association of Fire Chiefs and other similar professional organizations are deeply concerned that there has been no action taken at the Federal level on the Fire Research and Safety Act (Public Law 90–259); and

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Whereas, The International Association of Fire Chiefs and other similar professional organizations are deeply concerned that, as of the present, the National Commission on Fire Prevention and Controls has not been appointed by the President of the United States; and

Whereas, The International Association of Fire Chiefs and other similar professional organizations are deeply concerned that, as of the present, Congress has appropriated no funds for the Fire Research and Safety Act, even though the law (Public Law 90–259) was passed and signed by President Johnson on May 19, 1968.

Now, Therefore, be it resolved that the Board of City Commissioners of the City of Fargo does hereby memorialize the Congress of the United States to take the necessary action to fund the Fire Research and Safety Act; and

Be it further resolved, That the Board of City Commissioners of the City of Fargo does hereby respectfully request that the President of the United States appoint the National Commission on Fire Prevention and Controls; and

Bt it further resolved, That the Board of City Commissioners of the City of Fargo does hereby request that its Fire Chief, William T. Stewart, be appointed to serve on the National Commission on Fire Prevention and Controls; and

Be it further resolved, That this Resolution be inscribed upon the permanent records of the proceedings of the Board and certified copies forwarded to the Congressional Delegation and the President of the United States of America.

Second by Schuster. On the vote being taken on the question of the adoption of the Resolution Commissioners See, Lashkowitz and Markey voted aye.

Commisioner Bromenschenkel voted nay.

The Vice President declared the Resolution to have been duly passed and adopted and returned the Chair. (President Lashkowitz presiding)

HERSCHEL LASHKOWITZ,
Mayor and President.

CERTIFICATE OF CITY AUDITOR

State of North Dakota, County of Cass, ss.

I, F. R. Fahrlander, do hereby certify that I am the duly appointed, qualified and acting City Auditor of the City of Fargo, North Dakota; and

That the foregoing is a full, true and correct copy of a Resolution adopted by the Board of City Commissioners of the City of Fargo at a Regular Meeting of the Board held on Tuesday, May 19, 1970; and

That such Resolution is now a part of the permanent records of the City of Fargo, North Dakota, as such records are filed in the office of the City Auditor.

F. R. FAHRLANDER,
City Auditor.

INFLATION: CAUSES AND CURES

Mr. PERCY. Mr. President, J. Sinclair Armstrong, executive vice president of United States Trust Company of New York, who served as Chairman of the Securities and Exchange Commission, Comptroller of the Navy, and Assistant Secretary of the Navy during the Eisenhower administration, recently addressed the Chicago Mortgage Bankers Association on the subject "Inflation: Causes and Cures."

Because Mr. Armstrong is so well qualified to speak on the issues involved in the crisis of inflation, I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

INFLATION—CAUSES AND CURES

I. *Causes of Inflation—Defense, or Domestic Programs?*

The President and his Council of Economic Advisers attribute to the $57 billion Federal deficit for the decade 1960–1969 the cause of inflation. (State of the Union Message, January 22, 1970).

What Federal programs brought about that deficit? Let us look at Defense.

In the ten years (1961–1970), Defense expenditures were almost two-thirds of a trillion dollars ($622 billion). If the rate of defense spending had continued at the 1960 rate, $163 billion less would have been spent, of which $139 billion occurred in the five years 1966–1970. A large portion of this was for the Vietnam War. At $73.6 billion, President Nixon's budget request for Defense for fiscal 1971 is $28 billion more than the 1960 base year. Southeast Asia Operations are no longer separately stated (as they were in 1970 and previous budget documents), but it is reasonable to assume, with large forces remaining in Vietnam, and recent developments in Laos and Cambodia, that Southeast Asia Operations will cost at least $25 billion.

Have domestic programs of economic and social importance caused the deficit? Let us look at five, Natural Resources, Commerce and Transportation, Community Development and Housing, Education and Manpower, and Health. In the aggregate, for the decade 1961–1970, $196 billion will have been spent on these, and, if the 1960 base rate had been adhered to, the figure would have been $108 billion less.

Proportionately, the increase over the 1960 base for Defense has been less, 35% compared to 122% for these five domestic programs of economic and social importance.

However, who would argue that the $8.8 billion level would be adequate for these domestic programs today for our national requirements? Even fitting them into an austere war-time budget, President Nixon has requested an aggregate of $38 billion for Natural Resources, Transportation, Community and Housing Development, Education and Manpower and Health. Clearly, if the premise is true that Federal deficits cause inflation, Defense should be on trial. The Vietnam War is Exhibit A in the inflation case.

II. *Who Pays for the Increased Spending by Government?*

The taxpayer, of course.

The expenditure figures just cited are so gigantic and the increases so impressive that it will be no surprise to find that Federal revenue has enormously increased over the decade 1961–1970.

Principal sources of revenue in 1960 were the individual income tax, $40,791 million, the corporate income tax, $21,494 million and excises, $11,676 million, total $73,961 million. Ten years later, 1970, these revenues were estimated at individual income tax $92,000 million, corporate income tax, $37,000 million, excise taxes, $15,940 million, total $145,140 million, about double the revenue of ten years ago. The increased revenue became dramatic in the years 1967 to 1970, as higher personal earnings were taxed at surtax rates, and there was a sizable increase in corporate income tax revenue in those recent years too. Make no mistake. A heavy burden falls on taxpayers.

Over the decade, a trillion dollars ($1,013,441 million) of revenue was raised by individual and corporate income taxes and excises. If the amounts of revenue raised by these three taxes in 1960 had been raised in each year throughout the decade, a quarter of a trillion dollars ($273,831 million) less would have been raised. This additional quarter of a trillion was more than enough to pay for the increases in the five domestic programs of economic and social importance mentioned above, which increased $108 billion, and also a good part, though not all, of the decade's $163 billion increase in Defense. The bunching up of the Defense costs in the last five years caused acute budget imbalance, and certainly fueled the inflation in 1966 and subsequent years.

III. *Who Pays for Inflation?*

1. *Consumers.* That means everyone.

The consumer price index—all items—1957–1959 base 100—has risen from 103.1 in 1960 to 131.3 in December 1969, but 21.4 of this was during 1966–70, the Vietnam War years. The rate of increase was 7.5 in December 1969. The wholesale price index—all commodities rose from 100.7 in 1960 to 113 in 1969 and was at 115.1 at December. Of this rise, 12.6 occurred in 1966–1969. Everything costs more.

2. *Workers.*

Earnings are up too. Over the decade, against stable or declining average weekly hours of work, 38.6 to 37.5, non-agricultural workers have gained almost 50% in average gross hourly earnings, up from $2.09 to $3.11.

But do rising wages keep pace with rising prices? Not by much, for the worker. Average weekly gross earnings for workers in non-agricultural industries have increased almost 50%, from $80.67 to $117.25, but measured by 1957–1959 prices, these figures become $78 and $89.30, an increase of only 13%. In the four years 1966–1969, the progress has been about 2% from $87.37 to $89.30.

The worker has been on a treadmill during the Vietnam War years. It is important to understand this in assessing the recent very much larger demands and settlements in labor contract disputes, including those with Government itself, and the implications for the future of prices as well as wages. For example, after the recent transit settlement in New York City, the Transit Authority raised the fare 50%, from 20 cents to 30 cents. In the present postal workers settlement, the President is asking Congress for a two-third's increase in the first-class mail rate, from 6 cents to 10 cents an ounce.

3. *Investors.*

Investors pay for inflation too. Average stock and bond prices have seriously fallen. The Dow-Jones average of 30 leading industrial corporations touched the magic thousand figure several years ago, but recently has been 20 to 25% below that figure. Fixed income securities, too, have depreciated in value as interest rates have increased to historic highs. Borrowers of all kinds have been compelled to pay more, and credit has been less available, curtailed over most of the past five years by restrictive monetary policy wisely applied by the Federal Reserve System. Only recently has the "Fed" released the pressure a little, recognizing the "cooling" of the economy and a small rise in unemployment, despite continued price increases and wage demands.

4. *Home-buyers and the Housing Industry.*

High interest and unavailability of credit has particularly hurt the housing industry. Yields on FHA new home mortgages rose from 5.46% in 1965 to 8.4% in December 1969. New housing starts—farm and nonfarm—had some spotty years, sinking from 1,510,000 units in 1965, to 1,196,000 the next year, then rising to 1,547,000 in 1968, but dropping to 1,245,000 annual rate at December 1969. The increase in mortgage debt outstanding for housing has been far below an adequate rate: from 1966 to the third quarter of 1969, the increase of FHA insured loans $11.4 billion, VA $4.4 billion, conventional loans $34.8, represented rates of increase of mortgage financing nowhere nearly sufficient to finance the 26,000,000 family units stated

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as the Government homebuilding goal for the decade of the 1970's.

It is possible to become extremely depressed about housing. In New York City, where I live, there are one million human beings living in buildings over one hundred years old. Conditions in the ghetto are dangerous, unsanitary, alienating to young and old, breeding of vice, crime and drug addiction. The New York construction industry for low, middle income and high income housing alike, is virtually at a standstill. Vacancies are lower than since World War II. The City Council has reenacted rent control, fearful of the consequences of freeing a rental market when there are no vacancies. Investors and builders have no inducement to build under conditions of rent control and tight money. There is a vicious cycle. Only a massive infusion of money, relaxation of restrictive building code practices, introduction of modern construction methods, and a planned phase-out of rent control can arrest the deterioration of New York City housing. There is an opportunity here and a need for a gigantic financing program. Only the Federal Government has the resources to make this possible.

The housing problem is one of the acute national problems not met because of the vast call on Federal resources by Defense.

IV. *Is it sound economic analysis to blame high defense spending for inflation?*

Economists generally include defense expenditures as part of the gross national product. This is a fallacy. Money spent for defense, for personnel, operation and maintenance, procurement and research and development, indeed, for space, and what goes for military applications of atomic energy, leaves the economy. It contributes nothing to the economic life of the nation.

True it is that wages are earned and goods are procured and paid for. But the services rendered and the goods procured make no contribution to economic life or future economic activity. Indeed, they have a multiplier effect—two for one—because the dollar earned by the serviceman or the defense contractor will be paid into the civilian economy to purchase the needs of the serviceman and supplier, thus taking goods and services out of the civilian economy without putting anything back in exchange.

It is not accidental that throughout history, wars have been marked and followed by acute inflation. French currency collapsed after years of supporting Napoleon Bonaparte's Armies. Most major allied nations' currencies except ours suffered devaluations after World War I. (Our involvement in that war was short, and we became a major creditor nation.) U.S. currency declined about half in purchasing power through World War II and the Korean War, though the erosion was masked by wage and price controls, material allocations and selective credit controls, as well as support of government bonds by the Federal Reserve System. In the recent Vietnam War period, none of these devices has been used to reduce the pressure of defense and war spending on the civilian economy. Inflation during periods of war should be no surprise.

The impact of expanded defense spending on the civilian economy affects some sectors more than others. When the build-up began in 1965–1966, it pressed against a civilian economy going full blast, with high utilization of plant, professional and technical personnel and work force. "Guns and butter" (President Johnson's 1966 State of the Union message) was a fallacy. Something had to give way. It was "butter."

Bruce M. Russett, director of World Data Analysis Program and professor of political science at Yale University has analyzed the effect of defense spending on various civilian activities, relating pressures of defense to various categories. He concludes that consumer durables, services, investment, balance of payments (because of military expenditures abroad), and residential structures (housing) are major casualties, along with health and hospital services and education in the public sector.

The damage to future industrial capacity and output is regrettable when investment is curtailed. "Proportionately, . . . Investment is much harder hit by an expansion of the armed services than consumption . . . if an extra billion dollars of defense in one year reduced investment by $292 million, the level of output in the economy would be permanently diminished by a figure of the order of $65 million per year." (Bruce M. Russett, "The Price of War," Trans-Action, October, 1969, pages 28–35.)

Seymour Melman, professor of industrial economics at Columbia University, has analyzed the consequences of the defense spending in his new book, "Pentagon Capitalism—The Political Economy of War," just published this month (McGraw-Hill Book Company, 1970). A reading of this book is a "must" for any student of this subject. Let me mention a few points briefly, bearing on inflation.

Through its Defense Contract Administration procedures, a large part of all procurement is without competition through sole source suppliers. The Pentagon managers take part in the hiring, deploying and paying of employees, entering into labor negotiations, and specifying permissible overtime. A major part of military purchases involve goods for which no market exists, hence there is no benchmark for setting prices, hence the Pentagon sets prices on the basis of "cost analysis." Procedures for cost analysis are very complex, but are freed from various legal restrictions so that production costs will be compensated. A substantial portion of capital invested in military-industry work is supplied by the Government, through "GFE," and loans, advances, and progress payments. Contrary to popular impression, earnings on private industry's capital invested in defense work are higher than on capital devoted to civilian production.

Vast cost overruns are permitted. "Studies performed by the federal government's General Accounting Office found $500 million of waste in military industrial contracts during the period May 1963–May 1964. Since these studies were done on a sample representing 5 percent of Department of Defense and NASA payments, it is reasonable to infer that there was approximately $10 billion of questionable charges to the government during that one-year period, taking the population of military and space contractors as a whole."

Two classic examples of massive cost overruns are in the news. In May, 1969, it was announced that the 120 C–5A intercontinental jet transports would cost $5.2 billion, instead of the original estimate of $3.1 billion, and recently the contractor has applied to the Pentagon for financial aid of half a billion dollars to keep it in production on this and other contracts. "The original calculated cost of the F–111 program was $4.9 billion. By 1968 the cost of a 1,700 plane program would have been $14.6 billion on the basis of official testimony to the Senate Armed Services Committee reporting cost per plane to be $8.6 million. This implied a cost overrun of $9.7 billion by 1968, against the original 1963 estimates. . . The 1962 studies of Peck and Scherer (Merton J. Peck and Frederic M. Scherer, "The Weapons Acquisition Program," Graduate School of Business, Harvard University, 1962) disclosed that, on the average, final prices on large military systems had been 3.2 times initial cost estimates." (Melman, p. 64).

Defense spending's cost to society, its inflationary consequence, must be judged by what it replaces that could otherwise be accomplished. The scale and quality of research and development and the quality of the physical plant affect the development of productivity of both capital and labor. The deterioration of these in the United States is of great concern. McGraw Hill's regular five year inventory of metal-working machinery in U.S. industry, taken in November, 1968, "disclosed that 64% of the metal-working machine tools used in U.S. industry were ten years or older. The age of this industrial equipment (drills, lathes, etc.) marks the United States' machine tool stock as the oldest among all major industrial nations, . . . This deterioration at the base of the industrial system certifies to the continuous debilitating and depleting effect that the military use of capital and research and development talent has had on American industry." (Melman, pages 186–187). In 1967 of the 700,000 scientists engaged in research and development in the U.S., 63% were working for the military. The 259,000 "R&D" personnel engaged in civilian work compare "most unfavorably with the western European research and development staff which totals 466,000, an overwhelming part of which is engaged in civilian research and development." (Melman, page 187)

The depletion of our society by the excessive and wasteful military spending is a central element of inflation.

V *Cures for Inflation.*

1. Short range, restrictive fiscal and monetary policy continue essential. The President and the Federal Reserve System must maintain their courageous and not always popular stand for balanced budget and restrictive though flexible monetary policy—particularly to dampen the "expectation of inflation" which persists among businessmen, labor leaders and rank and file and Government officials. This "expectation of inflation" is well described by my colleague, James J. O'Leary, in his talk at the Federal Reserve Bank of Dallas on March 17. "The expectation of inflation remains very strong," he concluded. "Despite sincere and determined anti-inflationary efforts by the Administration and the Federal Reserve, the 'credibility gap' is still wide."

A Nation Incomes Policy should, in my opinion, be considered. The President has expressed himself opposed to wage and price controls. But wage and price controls, materials allocations and selective credit controls, helped stem inflation in 1942–45, and national incomes policies have assisted economies of debtor nations such as the United Kingdom. A distinguished Chicago banker, Mr. Allen P. Stults, Chairman of American National Corporation, spoke along these lines at its stockholders meeting, January 27.

As a matter of economic education and discipline, the Gross National Product figures should be revised to subtract from the totals all Defense, Space and Military Atomic Energy spending, as they do not increase the "product," and an equal amount should be subtracted to reflect the civilian goods and services taken out of the economy by those spending dollars earned in Defense. The result will be a more accurate estimate of "gross national product."

A writer in yesterday's Wall Street Journal (April 6, page 1, Column 5) put it this way: "The GNP misguides us as unblinkingly adding up as 'goods' such 'bads' as ABM's or bullets dealing out death in Vietnam. . . . The $41 billion a year is double counted . . . due to a conceptual dilemma which causes this to show up both as government spending and as consumer spending. Last year's output . . . deflated to strip away the illusory gains of price increases . . . as measured in 1958 prices, was $727.5 billion, a staggering 204.6 billion below the commonly cited figure."

Revision and better understanding of what constitutes "National Product" is urgently needed if inflation is to be understood and cured.

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Long range, here the problems are of immense difficulty, militarily, politically, and economically. Let me cite a few:

1. Missile development and the nuclear deterrent. At present, the U.S. and U.S.S.R. each has nuclear deterrent capability but lacks a "first strike" capability. If either alters this delicate strategic balance of terror, the consequences are unimaginable.

The Strategic Arms Limitation Talks (SALT) are of immense importance to both sides. If they fail, and each goes into a new phase of offensive and defensive missile development and deployment, the costs to each are likewise impossible to estimate. Senator Mansfield has mentioned $50 billion for "Safeguard" ABM, but there are no real estimates. If new offensive (MIRV) and "thick" defensive (ABM) weapons programs and shelters for civilian population should be embarked on, the figure $650 billion has been suggested. (Melman, page 121). What security would be achieved? Then as now the Americans and Soviets could still destroy each other's civilization. Surely, another round of the "missile race" must be avoided by both powers. The economic future of both countries depends on success of the SALT talks.

2. Conventional War. President Nixon announced a new and wise Asian foreign policy at Guam. But, can he succeed in withdrawing U.S. forces promptly and completely from Vietnam and avoid military involvement in Laos, Cambodia, and other countries out there? Who can tell? Meanwhile, the nation pays the price—the most costly mistake of our national history.

Business leaders are beginning publicly to recognize the damage to the U.S. that the Vietnam War has inflicted. The distinguished Chairman of the IBM Corporation recently said, "Our call to stop Communism anywhere—despite the price—drifted us into an unattainable goal in Vietnam. Since we have no formal mechanism to study, adjust and reset our national priorities in an integrated fashion, we pursued the Vietnam goal to a costly point. The lives of 40,000 of our men have been lost, vast resources have been wasted, and the morale of our youth eroded." (Thomas J. Watson, Jr., address before the Bond Club of New York, January 7, 1970). Mr. Watson called for the formation of a completely new governmental body, perhaps a Senate-House-Citizen group, to study, set and reset annually the national goals, "costed and readjusted on an integrated basis," reporting to the President.

Another distinguished American, Chairman of the Bank of America, the nation's largest bank, recently had this to say: "The war distorts the American economy; it is a major contributor to inflation; it draws off resources that could be put to work solving imperative problems facing this nation at home. Because the war distorts the economy and contributes substantially towards inflation, this bank has consistently pointed out that an end to the war in Vietnam would be good, not bad, for American business." (Louis B. Lundborg, letter to A. R. Appleby, Chairman, Los Angeles Chapter, Business Executives Move for Vietnam Peace, March 11, 1970).

So, if inflation is to be cured, the budget for strategic offense and defensive weaponry, and the budget for conventional war such as the one we have been waging since 1965 must be brought under control. Obviously, this is not the paper in which to develop a model defense budget. As a starting point for study, I recommend to you Professor Melman's Memorandum to the U.S. Senate Armed Services Committee, May 2, 1969, which would maintain 2,300,000 men in the armed services, "operate missile, aircraft and naval forces of staggering power" and provide savings from the $81 billion 1970 estimates of $54,794 million. If inflation is to be arrested and cured, proposals seriously to curtail the Defense budget but maintain deterrence and adequate manning must become the province of all sections of society, not just the Defense Department and the Armed Services Committees of the Congress. I personally hope that the President and the Congress will establish a Permanent Committee to take up this work as Mr. Watson proposed.

J. SINCLAIR ARMSTRONG.

TREATY, THE MOST SUITABLE FORM FOR ADDRESSING THE DANGERS OF GENOCIDE

Mr. PROXMIRE. Mr. President, because so much concern is voiced about the use of a treaty to deal with problems of genocide, it is useful to review the thinking contained in the 1969 report by the section of individual rights and responsibilities of the American Bar Association. This report includes a discussion which points out that treaties are today the normal means for entering into mutual commitments for common purposes. This discussion briefly describes the role of the treaty power as it has evolved through the 1940's, 1950's, and 1960's.

As pointed out in this discussion, the main interest of a treaty is focused on a common concern to all mankind. Certainly, genocide is a matter of common concern to all mankind. It is of common concern because genocide generates massive horror and disrupts international peace and security.

Certainly, no one would argue that the problems of genocide should not be addressed. Yet, other than a treaty, what means are available to all nations and all mankind to attempt to express revulsion of genocide and attempt to provide a means to deal with the perpetrators of genocide? Of the tools available, the treaty is the most appropriate way for the United States to add its voice to the past and current efforts to deal with the evils of genocide. U.S. ratification, Mr. President, is long overdue.

Mr. President, I ask unanimous consent that the ABA section's report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AN INTERNATIONAL CONVENTION OR TREATY IS THE MOST SUITABLE FORM FOR ADDRESSING THE DANGERS OF GENOCIDE

A. Treaties Are Today the Normal Means for Entering into Mutual Commitments for Common Purposes.

Until the twentieth century, there were comparatively few general multinational treaties. The treaty power, both in the United States and other countries, was used primarily to settle boundaries, and to formalize certain limited kinds of commercial arrangements, especially with respect to shipping and fishing. Thus, not until the Versailles Treaty and the League of Nations Covenant did the United States, along with other countries, have to consider the feasibility and desirability of establishing international rules of conduct through treaties. Such concern as the United States—and others—had with treaties in the 1920's and 1930's was settled in 1945.

The United Nations Charter became not just a document creating an organization and establishing its internal rules, more important, the United Nations Charter became a general code of conduct, first for the victorious states in World War II, and now for nearly all states. In the Charter, drafted with the prominent participation of the United States, the signatory states agreed to join together ". . . to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and in encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. . . ." [Art. 1(3)]; [22] "to refrain in their international relations from the threat or use of force against the territorial dignity or political independence of any state. . . ." [Art. 2(4)]; "to settle their international disputes by peaceful means . . ." [Article 2(3)]; and to "promote higher standards of living, full employment, and conditions of economic and social progress and development" among all nations [Article 55(1)]. All of these provisions (and as many more could be cited) involved, to some extent, limitations on sovereign states' absolute freedom of action; nearly all of them might involve matters typically thought of as subjects of internal legislation. But the decision was taken in Washington and in the chanceries and parliaments of now more than a hundred nations, that the limitations on one's own freedom of action was well repaid in the commitments of other countries to likewise recognize that each country's action affects all other countries and the peace and welfare of all mankind.

The successes and disappointments of the United Nations are not pertinent to this discussion. Certain it is that no nation—the United States included—has lived up fully to all the engagements in the United Nations Charter; but neither has any member state denounced the Charter or acted in deliberate defiance of the commitments it entered into. The point here, however, is a different one. The idea that treaties are the most solemn of international commitments, that they may and should be used to limit the actions of states and engage them in common pursuits, has been accepted, in the United States and universally. Further, and most relevant here, the idea has been accepted that treaties may and should be used to define what areas of individual and governmental activity are matters of international concern. In other words, nothing in the United Nations Charter nor in the many subsequent treaties—including the Genocide Convention—alters the basic principle that matters essentially within the domestic jurisdiction of states must be left to the states without outside intervention. What the Charter, and some of the treaties—including the Genocide Convention—do, is to say that certain kinds of activity are now the concern of all.

B. The Genocide Convention deals with a subject of common concern to all mankind.

The "principle" of international law, and of United States constitutional law that a treaty may only deal with matter of international concern [23] is, for all practical purposes, a tautology.[24] When some states—or as in this case, 75 states—consider a matter to be of sufficient concern to make a treaty about it, then realistically it *is* of international concern. The practical significance of the rule might be to inhibit a President who has been unsuccessful in securing passage of a bill of local content, say a rise in the minimum wage laws, from putting the substance into a treaty with a foreign country, and then attempting to assert it as national law. The Genocide Convention presents, from the point of view of the United States, just the opposite picture. Far from attempting to achieve internal reform by international treaty, the Genocide Convention would turn a set of rules already followed in the United States into obligations binding on other states and individuals as well.

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[22] See also, Article 13(1)(b).

[23] See, *e.g.*, American Law Institute, Restatement of the Law, Foreign Relations Law of the United States, § 117 (1965):

"(1) The United States has the power under the constitution to make an international agreement if

(a) the matter is of international concern, and

(b) the agreement does not contravene any of the limitations of the Constitution applicable to all powers of the United States."

See also, *Geofroy v. Riggs*, 133 U.S. 258, 266 (1890); *Santo Vincenzo v. Egan*, 284 U.S. 30, 40 (1931).

But the argument in favor of the Genocide Convention does not rest on these almost grammatical or verbal points. Genocide is of international concern, and for two equally compelling reasons. One, massive horror anywhere on earth affects everyone and every country; and two, the kind of issue comprehended within the definition of genocide [25] is nearly always associated with threats to or breaches of international peace and security. The chief instance, of course, which gave rise to the Convention is associated with—indeed was an integral part of—the greatest holocaust that man has yet seen. Just a glance at more recent disputes, such as between India and Pakistan, between Nigeria and Biafra, Greeks and Turks on Cyprus, between Black and White in Rhodesia and South Africa, between Arab and Jew in the Middle East, shows how closely ethnic hatreds, national combat, and world peace are tied together. Whatever restraint an international document or treaty can have on the eruption or conduct of such disputes, on the behavior of victors or the revenge of vanquished is repaid a hundredfold in the overall prevention of world war. No one, of course, expects any treaty or indeed any law to be one hundred percent effective as a restraint on conduct of aroused peoples. But the relevance to the international community—in technical terms the subject of international concern—cannot be doubted. Seen in terms of a threat to international peace and security, the occurrence of genocide anywhere in the world is as much a matter of international concern as, for example, the spread of nuclear weapons.[26]

A VIEW FROM SOUTHERN AFRICA

Mr. BROOKE. Mr. President, for well over a month the Africa correspondent of the Christian Science Monitor, Mr. Frederic Hunter, has been living and traveling in Southern Africa. He has talked with men and women representing all points of view in this most troubled section of the continent. The result has been an exceptionally fine and balanced presentation of the issues and the views of the participants.

Though I do not necessarily agree with all of Mr. Hunter's observations, I believe his series of six articles represent an important contribution to our understanding of conditions in South Africa, Rhodesia, Angola, and Mozambique.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Apr. 29, 1970]

BLACK-WHITE LINES HARDEN IN AFRICA

(By Frederic Hunter)

(NOTE.—Consolidation of white power in southern Africa was the dominant trend of the 1960's. It significantly influenced policies of newly independent black-ruled nations to the north. One result has been formation of black-liberation movements. These have instigated ambushes, small-scale attacks, and acts of sabotage. They do not threaten whites at present but are a salutary warning of what could come.)

LUSAKA, ZAMBIA.—Armed black-white conflict looms as a distinct possibility in southern Africa during the 1970's.

Wide-ranging interviews with spokesmen from five African liberation movements convince this correspondent of that likelihood.

It is based on the assumption that no change alters the overriding influence of the dominant trend—the consolidation of white power in the south—of the past decade. That decade opened with the Sharpeville shooting incident of late March, 1960, when South African police fired into a crowd of demonstrating Africans, killing 69. It ended in early March, 1970, when the Rhodesian Government announced its republican status.

This trend of consolidation of white power significantly influenced the policies of the newly independent black-ruled nations immediately to the north. It resulted in the organization of some liberation movements.

U.S. BACKING COULD TIP SCALES

At this point the outcome of the conflict cannot be accurately predicted. To some observers the armed strength of the south, particularly that of South Africa, appears invincible. Movement supporters, however, take heart in the example provided by the Vietnam war and note the initiative lies with them.

In addition, a number of scholars, analysts, and guerrillas note that once the decolonization process has been set in motion—and they regard South Africa's Bantustan policy in this light—it has never been reversed.

The end of the conflict—when it comes—will depend on a variety of factors. These include the success of the liberation movements in organizing and politically motivating Africans in the white-ruled areas and in their ability to create momentum. It also will involve the response they meet, the strength of white morale and, most importantly perhaps, the play of international pressures.

Eventual American backing for one side or the other could decisively influence the outcome. Given the way the conflict is shaping up, many observers doubt the United States can indefinitely escape committing its support.

At present contradictory claims made by the opponents complicate reporting. So does the fact these claims may be tainted by propaganda intent.

The minority-ruled governments seek to minimize guerrilla activities to maintain the confidence of their white citizens. Conversely, the liberation movements wish to bolster supporters' morale by creating an impression of capacity and momentum.

In trying to sort out the conflicting claims, one might attempt the following assessment. At present guerrilla activities seriously threaten none of the white-minority governments. These activities—ambushes, small-scale attacks, and acts of sabotage—form an annoying harassment, however, and represent a challenge to white morale.

At this stage more important aspects of guerrilla activity are extending political education and military training, locating bases of operations; setting up arms caches for use at a later stage of the conflict; and securing the help of reliable villages. These constitute important preparatory moves for the establishment of "secure areas" inside "enemy" territory. Liberation movement spokesmen contend that these activities are meeting with success.

At present only Frelimo (Mozambique Liberation Front), operating in Portuguese Mozambique, and three movements working in Angola have established secure areas. According to spokesmen, guerrillas move inside Rhodesia with considerable ease, even wearing uniforms on some occasions. Operations within South Africa and South West Africa apparently continue to involve extreme risk.

Rhodesia and the Portuguese have countered these incursions with varying success. Rhodesian armed forces are importantly reinforced by South African troops, and two battalions of them also have strengthened Portuguese defenses near the Cabora Bassa dam site in Mozambique's Tete Province.

According to the liberation movements, the present strategy of South Africa appears to involve helping to fight—and thus containing—the armed conflict on the territory of buffer states. It also seeks to commit Western support to its cause through increased Western economic investment in southern Africa.

Here is a brief checklist of the liberation movements, their activities, and their plans, as presented by their spokesmen:

Frelimo, headquartered in Dar es Salaam, Tanzania, claims to have about 20,000 men in Mozambique. Of these more than 10,000 are trained and armed. It also claims to control virtually all of Niassa and Cobo Delgado Provinces except the towns and a number of fortified posts from which Portuguese troops patrol.

FORTIFIED POSTS ASSAULTED

Frelimo's present military activities include not only staging ambushes and mining roads, but also mounting attacks against fortified posts.

These "second-phase" activities involve the planning and coordination of several guerrilla camps. They also result in the capture of both arms and other supplies including beds, food, and soap. Occasionally soldiers or deserters are taken prisoner; some have been released to the Red Cross.

In territory under its control Frelimo also has established an administration. It fosters growing of food crops to sustain villagers and guerrillas and encourages production of export goods. These include cashew nuts, oilseeds, rubber, beeswax, and Makonde carvings. These are exported through "friendly countries."

The administration also maintains schools for 20,000 children and clinics for both guerrilla wounded and local health care.

Frelimo faces an important test in Tete Province where construction now has begun on the mammoth Cabora Bassa dam and hydroelectric project. One goal of this project is to attract a million white settlers to the area before 2000.

Given the numbers of Portuguese and South African troops guarding the construction site, a Frelimo spokesman questions the movement's capacity to stop the dam. But he pledges sustained efforts to hamper progress. Cabora Bassa thus could become an important battleground in the black-white confrontation.

ZAPU (Zimbabwe African People's Union), headquartered in Lusaka, Zambia, operates in Rhodesia, known as Zimbabwe to the liberation movements. ZAPU spokesmen state they are in the "preparatory cum initial stages" of their revolution.

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[24] For a full development of this point, plus tracing of various conceptions of the treaty power in the United States constitutional history, see Henkin, *The Constitution, Treaties, and International Human Rights*, 116 U. Pa. L. Rev. 1012, esp. 1016–1026 (1968).

[25] See pp. 4–5 and ante.

[26] Compare the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, July 1, 1968, S. Exec. H. 90th Cong. 2d Sess. (1968).

Activities involve maintaining and extending the political consciousness of the African masses in Rhodesia as well as fostering local military training. Like Frelimo, Zapu also trains guerrillas in southern Tanzania and "other African states north of Zambia."

Given the apparent quiescence of the Rhodesian front over the past year, these activities would seem to form the bulk of ZAPU's present work.

CREDIT CLAIMED FOR ATTACKS

But it is also engaged in armed conflict and sabotage. The movement claims credit for two mid-January attacks in the western Zambesi valley. In one a band of guerrillas fired on the Victoria Falls airport; in the other fighters attacked a detachment of South African police, wounding four.

ZAPU also maintains an alliance with the African National Congress (ANC) of South Africa. Its partisans escort ANC members across Rhodesian territory and act as interpreters for them.

ZANU (Zimbabwe African National Union), also headquartered in Lusaka, originally splintered off from ZAPU. Its approach appears to be somewhat more radical than ZAPU's.

Over the last year ZANU has concentrated on small-scale sabotage activities. These buy time to organize and train supporters, the movement's present priority activities. Given Rhodesia's 20–1 black-white ratio, says, a ZANU spokesman, certain tangible results—possibly even secure areas—should be achieved in the next three years.

In the past 24 months ZANU claims to have recruited and trained several thousand persons across Rhodesia. The fact that the cadres conducting these activities have been fed, sheltered, and given information by people who do not know them indicates the level of organization ZANU has achieved, notes a spokesman. So does the fact that relatively few of them have been caught.

ZAPU and ZANU spokesmen acknowledge these claims do not necessarily amount to a great deal in terms of specifics. A better gauge of their success, they suggest, lies in the Rhodesian response, including use of the Air Force and the call-up of some reservists, and in the addition of some 700 South Africans to the estimated 1,500 to 2,000 already lent to the Rhodesian forces.

They also note that a newly passed Rhodesian law authorizes 20-year sentences for recruiting and training guerrillas and 5 years for harboring a trained man.

ANC, headquartered in Morogoro, Tanzania, was originally organized in 1912 to unite the African peoples of South Africa. In the 1950's it organized a variety of passive resistance activities such as boycotts and strikes.

After the South African Government banned it in 1960, it found no channel other than armed resistance "to voice our grievances to the people in power."

The ANC finds itself in the peculiar position of trying to wage guerrilla warfare in a country for which it lacks a physical point of access. Geographically South Africa is protected from the black-ruled nations supporting the liberation movements by a buffer of other states. All of these states are to some extent dependent on South Africa for their survival.

The ANC also faces the difficulty of trying to conduct resistance activities in areas where laws and an efficient police force considerably heighten the element of risk.

It claims to organize occasional acts of sabotage. Its main activities, however, involve political education and training in the use of weapons.

"We are teaching Africans how to make bombs," says an ANC spokesman. "We teach them the mechanism of a gun. South Africa is the only country which has never taught its indigenous people about guns. So we are teaching them."

A spokesman acknowledges the ANC's struggle is likely to be a protracted one ending in compromise.

SWAPO (South West Africa People's Organization) is headquartered in Dar es Salaam, Tanzania. In terms of armed struggle and political education SWAPO may well be the least developed of the liberation movements. The vastness and sparse population of South West Africa, known as Namibia to the liberation movements, hamper its activities.

DYNAMITE SMUGGLED OUT

Its guerrillas must be almost completely self-reliant, say SWAPO spokesmen, after they have infiltrated into South West Africa. Of necessity much of their equipment comes from the enemy, although supporters sometimes smuggle dynamite and explosives out of the mines. SWAPO claims more successes than the outside world hears about.

The Cunene River dam project on the South Africa-Angola border represents a likely target for future SWAPO activities. Its capacity to hinder construction must be rated even less than Frelimo's at Cabora Bassa.

In one respect SWAPO's struggle differs from that of other liberation movements. The legal status of South West Africa, formerly a trust territory of the League of Nations, remains unsettled. SWAPO thus seeks to marshal international pressure against South Africa on this issue.

At the moment, despite numerous United Nations resolutions on Namibia, this effort does not appear to be having much effect. The South African Government continues to integrate South West Africa as part of its national territory.

In addition, three movements are seeking to liberate the Portuguese territory of Angola—the Angolan Revolutionary Government in Exile, the Popular Angolan Liberation Movement, and Unita. The African Independence Party for Guine and Cape Verde is also seeking to push Portugal out of its tiny, triangular enclave in West Africa.

Internal rivalries and strife between the movements themselves have seriously hampered their progress. But some recent events suggest the movements are attempting to patch things up.

If they do, the changes they will work in southern Africa during the coming decade could be revolutionary and far-reaching.

EVOLUTION OR REVOLUTION IN SOUTHERN AFRICA? BOTH TRIED IN CLIMATE OF RACIAL CONFLICT

(By Frederic Hunter)

LIVINGSTONE, ZAMBIA.—Can evolutionary change avert possible armed black-white conflict in southern Africa?

This question forces itself on an observer of African affairs who stands here and watches the peaceful, smooth-flowing Zambezi slide by. The river marks the border between black, majority-ruled and white, minority-ruled Africa.

The question is difficult. From one viewpoint the prospects of a gradual solution seem infinitesimal. From another viewpoint so do those of forced change.

EXPERIMENTS BEGUN

But one thing seems certain. The situation will not remain static. There is too much being contemplated—and attempted—for that.

Experiments in gradual change are taking place in Malawi, Zambia's small, slim neighbor to the east. There the black government of President H. Kamuzu Banda has a close association with South Africa. It involves considerable South African development aid; officers lent from the South African Government are also filling important government posts.

REPRESSION CHARGED

In a way this relationship is testing South Africa's "outward policy." The results so far show two things: first, that Malawi has not become a client state; second, that the South Africans will probably not make a success of their outward policy until they learn more about dealing with Africans as equals.

Meanwhile, other Africans are bent on armed confrontation. A number of liberation movements have organized for this purpose. Most of them charge that original efforts to conduct a peaceful diaolgue were answered with repression.

Though their efforts do not appear to amount to much yet, some have wrested control of territory inside white-ruled borders. Others are conducting political education and guerrilla training and making other preparatory moves; they also carry out occasional small-scale attacks or acts of sabotage.

FOR AND AGAINST

These movements receive important aid, including arms, from the socialist countries. A number of African states also render tangible support. The most important of these is Tanzania, which allows the movements to conduct guerrilla training on its territory.

Thus, action leading to both evolutionary and revolutionary change has been initiated.

In broad terms the arguments for and against this action look like this:

National vs. pan-Africanist interests. Malawi's Dr. Banda and its cooperation with South Africa have been roundly denounced by many Africa nationalists. But to most Malawians they appear neither traitorous nor naïve. Dr. Banda takes pride in his practicality and political realism. "I do not idealize the world," he says. "I take the world as it is. My first concern is for my people here."

Pan-Africanists, on the other hand, take a larger view, one which Dr. Banda would probably consider romantic. They are interested in all of Africa and in all Africans.

Most liberation-movement leaders also appear to be pan-Africanists. Unlike Dr. Banda, they would not be willing to work simply for the national good. They are interested in farther-reaching results.

Nationalism vs. ideology. Understandably, liberation movements have developed their own ideologies. These borrow heavily from the works of Ernesto (Ché) Guevara, Ho Chi Minh, and Mao Tse-tung, all of whose portraits adorn their offices. Most of the movements define the enemy as a system of exploitation. This system is not confined to national boundaries. The failure of the movements to change the system through peaceful means has made them opt for violent ones.

By contrast, Dr. Banda's pragmatism is not bound by ideological imperatives. Still, it seems doubtful that liberation leaders would adopt his attitude if they gained control of their homelands. At present, anyway, most of these leaders wish to contribute to the overthrow of the system of exploitation in South Africa. For many of them it is a goal beyond the liberation of their native lands.

The futility of force. This argument has a variety of facets.

First of all, say its proponents, force tends to unite a people and strengthen its capacity and will to resist. In addition, it facilitates reactionary moves and blocks evolutionary ferment. They point to Rhodesia as the prime example of their thesis.

Second, the argument runs, force is futile because liberation movements are in no position to challenge the armed might of southern Africa's white-ruled governments.

Thirdly, it continues, apartheid contains the seeds of its own destruction: Its impracticalities will become manifest as South African industrial expansion continues and as it builds bridges to the north. Moreover, certain analysts contend, Portugal's racial policies vary considerably from those of

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Rhodesia and South Africa. Thus they are not natural allies; their alliance is a response to pressure.

Fourth, some observers believe evolution will preserve what has already been achieved in the white-ruled areas, especially in South Africa. Revolution, they argue, is likely to destroy it all.

The futility of gradualism. If force appears futile, say adherents of this view, gradualism has already been proved so. Armed pressure alone can produce change, they hold. These observers also note that racial change did not occur in the United States—where the racial situation was less exacerbated than in southern Africa—until Negro militancy made armed conflict seem probable.

In fact, however, the issue may be decided by what might be called historical momentum. The idea of racial equality appears to have come into its time. Its power cannot be denied. Only 25 years ago this idea was still largely foreign to much of the white world: to the United States and to the European colonial powers. The difference today seems to demonstrate the power of that idea and the pace of change in today's world.

On the basis of these facts some observers deny that the opportunity still exists for an evolutionary, gradualist settlement of the conflict looming between black and white Africa.

[From the Christian Science Monitor, May 13, 1970]

GOALS, FOES, AND STRATEGY: BLACK AFRICA LIBERATION PARTIES STRESS GUERRILLA TACTICS

(By Frederic Hunter)

DAR ES SALAAM, TANZANIA.—African liberation movements, seeking the overthrow of southern Africa's white-ruled governments, focus their activities on the pursuit of and training for guerrilla warfare inside white governed territories.

They also maintain administrative headquarters and offices for the dissemination of information in Zambia and Tanzania. There, sitting on straight-backed chairs under watchful portraits of Mao Tse-tung and Ernesto (Ché) Guevara, Ho Chi Minh and Patrice Lumumba, correspondent can hear the liberation movement's point of view.

As one talks to bureaucratized revolutionaries one senses that hope, frustration, and delusion may influence their comments. A tendence to slant, exaggerate, or even alter the facts may also come into play. But they appear to operate in the Information Ministary offices of the white-ruled territories as well.

QUOTATIONS SAMPLED

Here is a sampling of liberation-movement thinking. The quotations—or in some cases close paraphrases—have been culled from interviews with spokesmen of five liberation movements: the African National Congress of South Africa (ANC), the Mozambique Liberation Front (Frelimo), the South-West Africa People's Organization (SWAPO), the Zimbabwe African National Union (ZANU), and the Zimbabwe African People's Union (ZAPU). The latter two seek to overturn the government of Rhodesia.

Q: What is your goal?

ZANU: The issue is not one of establishing a nonracial society [in Rhodesia]. That is a matter of course. The operation is colorless. If you don't understand that, you will have to fight the revolution twice.

ANC: The seizure of political power to create a nonracial democracy in South Africa for the benefit of all its inhabitants.

SWAPO: To liberate Namibia . . . SWAPO is not waiting for the UN to bring about a settlement.

ZAPU: The establishment of a free Zimbabwe based on one-man, one-vote.

SELF-DETERMINATION ASKED

Q: How do you define the enemy?

ANC: The enemy are those who deny the right of self-determination to Africans. . . . We feel that a white man is not bad. We are fighting the injustices which the white man inflicts upon us. This is a very difficult thing to explain to ordinary Africans.

ZAPU: It is unfortunate in Zimbabwe as in South Africa that our enemies are the white people. This is a racial problem. . . . You can't remove exploitation without removing political suppression.

ZANU: The system is the enemy. . . . The enemy is the capitalist who is using color differences to fulfill the capitalist equation. . . . Racism as an issue appeals to the educated African because he knows he will benefit once independence is achieved if the issue is left at that. This tends to turn him into a black exploiter.

Frelimo: Frelimo defines the enemy as the exploiter. It's not the white man; it's his system. (Discussing a possible alliance between Frelimo and black American revolutionary groups): We would want to know: What are their aims? Who do they define as the enemy? If they defined the enemy as the white man, Frelimo would reject their help.

DIALOG DISMISSED

Q: Must the struggle be a violent one?

SWAPO: During most of the party's existence it sought a dialogue with South Africa. The dialogue was answered with suppression. SWAPO was banned in 1967; the party went underground. We don't believe in a dialogue anymore.

ANC: (The spokesman detailed ANC activities since its original founding in 1912.) After the ANC was banned [following the Sharpeville massacre of March, 1960], we had no other channel to voice our grievances to the people in power. We decided we would have to resort to armed struggle.

Frelimo: There cannot be a partial or peaceful struggle against colonialism. . . . It must be a war, because our enemies want it to be a war, they would not come to consider us men in any other way (Mozambique Revolution, Frelimo's official organ).

ORGANIZATION STRESSED

Q: What is your present situation, your training and tactics?

ZANU: Zimbabweans know there is a liberation struggle and that it is both just and necessary. To what extent they are willing to help in the struggle depends on the level of organization which ZANU has achieved.

ZAPU: To be effective training must be local. People in their own areas must organize their own camps. The training must not be imported.

ANC: We are teaching our people how to make bombs. We teach them the mechanism of a gun. South Africa is the only African country that never taught its indigenous people about guns.

Frelimo: In addition to the armed struggle we have three main activities in the liberated areas of Mozambique. There is food production for self-reliance. There is education. We are educating cadres to staff the liberated areas: administrators, teachers, and trainers of guerrillas. And there are health services.

STRATEGIES DISCUSSED

Q: What about the strategies of the other side?

SWAPO: We have more successes than you ever hear about. (The spokesmen claimed the recent downing of two South African helicopters by SWAPO guerrillas.) You never hear about this from South Africa.

ANC: [John] Vorster [Prime Minister of South Africa] will never admit there are guerrillas in South Africa. . . . Rhodesia announces that ZAPU attacks are done by the ANC in order not to let people know that sons of Zimbabwe are there fighting.

Q: What are your sources of outside help?

ZAPU: We train our people wherever we can find the necessary facilities and offers.

ANC: We accept help from every quarter.

ZANU: China has experience very relevant to Africa. We accept Chinese help because China has done nothing to make us think it is the enemy.

AMBITIONS RECOGNIZED

Q: Your opponents claim that most guerrillas are reported by the very Africans they seek to liberate. Is this true? Who are the informers?

ZAPU: Traitors are inevitable in revolutionary situations. . . . There are the greedy who wish to make fortunes overnight. There are the chiefs, those who fear to lose their positions after a successful revolution. There are African policemen who are heavily indoctrinated. Then there are the deliberately mischievous.

ZANU: Some people inform due to fear of reprisals: Others are deliberate informers, paid informers. . . . The allegiance of people depends on the balance of terror. . . . Terror is no good except when absolutely necessary and called for. This puts ZANU in a difficult situation.

Q: The liberation movements have been consistently hampered by internal strife. What about this?

Frelimo: It's a normal and inevitable situation in a movement like ours. Sometimes exploiters join the struggle. . . . There is the problem of personal ambition.

ZANU: There is a problem between liberation movements and fighters of defining programs and goals. You are united for what purpose?

ZAPU: At the moment we don't have quarrels with other liberation movements. We don't see reason for them to exist in the future.

U.S. ROLE ASSESSED

Q: What about the American role in affecting the outcome of this struggle?

ZAPU: The Nixon administration has not made its stand clear. . . . We don't believe the assertion that the U.S. will under no circumstances recognize the [Ian] Smith regime.

SWAPO: Africans in Namibia feel very, very, very sorry about the American support of South Africa. And particularly the mining companies. Their activities are just to make profits and help South African financially.

Frelimo: It would be foolish to deny the possibility of U.S. intervention and aggression against the people of Mozambique, knowing how far they have already gone through NATO to aid Portugal (Mozambique Revolution).

ZANU: The United States is a racist country. (The spokesman had lived for a time in Indiana.) Nixon is a conservative, even a reactionary. . . . The U.S. has done nothing for us because it despises our efforts. When the struggle becomes clearer, the U.S. will choose to side with the winners. I think the U.S. will back away from supporting South Africa, but not yet.

PROSPECTS OUTLINED

Q: What are your future prospects? How long is the struggle likely to last?

ANC: We are out of physical contact with South Africa here. It will take a very long time.

ZAPU: In a revolution you must never have a time limit. . . . We are committed to continue our struggle to its logical end. We should have gone many steps ahead by the end of the decade.

ZANU: It will take years to win this struggle. . . . No, it will not take decades. We will liberate Mozambique, Angola, and Zimbabwe within this decade.

[From the Christian Science Monitor, May 18, 1970]

Economic and Political Influence: Vast African Power Grid May Mold Mozambique's Future

(By Frederic Hunter)

Dar es Salaam, Tanzania.—Mozambique's future may hinge on the outcome of the Cabora Bassa hydroelectric project.

Its success could entrench white rule in Portugal's East African territory for the foreseeable future. Its failure would almost certainly signal the eventual victory of African nationalists over the Western world's last colonial state. As one liberation-movement magazine notes: There are very "high stakes at Cabora Bassa."

The project is a vast, interlocking development scheme of gigantic proportions. It involves damming the Zambezi River in a narrow gorge 86 miles northwest of Tete, the largest town in the province which bears its name, and building an underground power station with an ultimate generating capacity of 4,000 megawatts, almost twice that planned for Egypt's Aswan High Dam.

Project planners see the dam and power station as stimulating the establishment of mines and factories; prospecting has revealed an abundance of minerals; coal., nickel, copper, chrome, and asbestos as well as iron deposits which could produce a million tons a year. These, plus cheap power, could lead to a Mozambique steel industry.

AGRICULTURE TO BENEFIT

The dam also will irrigate 3.7 million acres. Grains, citrus fruit, vegetables, jute, and cotton will be grown on them. In addition, subsidiary dams, locks and canals will significantly extend navigation on the Zambezi, now navigable less than 100 miles from its mouth.

Despite these rosy predictions, Cabora Bassa is a prime target of liberation-movement guerrillas. They have pledged to do all within their power to stop or hinder its construction.

Frelimo, the Tanzania-based Mozambique Liberation Front, recently claimed to have killed 350 Portuguese soldiers in the Cabora Bassa region over a four-month period. The movement already controls large portions of Niassa and Cabo Delgado provinces. While these claims cannot be verified, the introduction of South African troops into areas near the construction sites gives some indication of Frelimo's capacity to hamper operations.

The liberation movements do not, however, regard Cabora Bassa as a means of developing a largely neglected population and province of Mozambique.

OTHER OBJECTIVES SEEN

They see it designed to:

Consolidate white rule in southern Africa.

According to the December, 1969, issue of Sechaba, the official organ of the African National Congress of South Africa, "South African political thinking has been moving toward creating extramilitary supports for its objective to consolidate white colonialist power in Southern Africa. The Cabora Bassa scheme has been shown to fulfill these supports. (Its) most crucial element (is) the plan to settle some one million white settlers in the lower Zambezi by the end of the century."

To the liberation movements, in other words, Cabora Bassa is not designed to improve the living standards of Tete Province's African inhabitants. It is meant to offer a high degree of material well-being to white settlers who would maintain colonialism and white rule.

"The white settler will import into Mozambique," Sechaba contends, "the interest of defending the privileges ensuing from the colonial subjection of the local African population."

FORMIDABLE SUPPORT

The magazine adds: "A million such defenders not only strengthen the capitalist-imperialist framework in which Mozambique is destined to develop under South Africa's aegis but creates a formidable front of support for apartheid."

To create an economic bloc in southern Africa.

At the moment none of the white-ruled countries of the region needs the power that can be generated by Cabora Bassa. South Africa has developed a series of power stations situated close to coal mines and is not dependent on outside sources. Mozambique's power needs are only one two-hundredths of the republic's.

Ultimately, however, Cabora Bassa may generate the cheapest power in the world and feed it into the electricity grids of South Africa, Mozambique, and Rhodesia. South Africa has agreed to buy the bulk of the power generated in the dam's first stage. South African companies are heavily involved in the construction of the project. Its successful completion will lead to increased economic interdependence between southern Africa's white-ruled nations.

To strengthen South Africa's buffer zones.

The liberation movements regard Cabora Bassa and the similar Cunene River project on the border between Portuguese Angola and South-West Africa as devices to protect apartheid's heartland. They serve as a kind of hydroelectric Maginot Line.

Because of the economic stakes involved, the projects become military bastions as well. Guerrilla activity against them acts as an excuse for South Africa to step in militarily—its troops are already there—and engage the guerrillas far from South Africa's borders.

FUNCTION ACKNOWLEDGED

White southern Africans acknowledge this function. A writer in the Rhodesia Herald notes, for instance, that Cabora Bassa was designed "to put a stable buffer between the eastern borders of Rhodesia and South Africa and the guerrillas from Zambia and Tanzania."

To commit the West to the project's success.

This goal, say the liberation movements, will be achieved through the involvement of massive Western capital in the dam's construction. The granting of economic concessions to "some of the world's major monopolies" also will play a role, they contend.

These factors, they argue, will eventually dictate "a policy on the Western major imperialist countries of safeguarding and enforcing the status quo in Mozambique."

Frelimo's official organ Mozambique Revolution declares: "The involvement of foreign capital in Cabora Bassa and any other scheme in Mozambique is a hostile act against the people of Mozambique."

Sechaba concludes at "Cabora Bassa emerges as a comprehensive economic and political device to ensure white domination and colonialist rule in southern Africa."

Reasoning of this kind may strike some as farfetched or doctrinaire. But because an East-West, Marxist-capitalist confrontation could develop over the future of southern Africa, to dismiss such reasoning as insignificant might prove to be dangerous.

[From the Christian Science Monitor, May 21, 1970]

Complex Interplay: African Nationalists Struggle

(By Frederic Hunter)

Dar es Salaam, Tanzania.—Spokesmen for African nationalist liberation movements striving to seize control of Rhodesia and Portuguese territories confidently predict either success or significant gains by the end of this decade.

What sort of prospects do they actually have?

The question is not easy to answer. First, the confrontation is still in its early stages. A complex interplay of factors will determine its outcome.

Second, analysts have difficulty getting accurate information. Committed spokesmen from both sides emphasize different sets of facts and tend to slant assessments in their own favor. In addition, the disparity between these sets of facts suggests that elements of self-delusion exist on both sides of the conflict.

Many observers believe Rhodesia will provide the liberation movements with their first success—if they achieve any successes at all.

The outcome there probably depends on how the following situations develop and interact:

Whether or not Rhodesia can ultimately restore normal trading relations with the outside world. Without these it appears unlikely that it can in the long run finance the rural development on which its African majority's acquiescence to white rule probably depends.

Whether or not Rhodesia can surmount its present diplomatic isolation. This tends to work in the liberation movements favor. Portugal's recent equivocation about its representation in Salisbury suggests things may get worse for Rhodesia on this front before they improve.

Whether South Africa eventually decides to commit itself totally to a defense of white rule in Rhodesia or to write it off as too great a liability. At present South Africa's leadership appears uncertain about how completely it wishes to assume the role of Rhodesia's protector. A total commitment to that role might endanger South Africa.

How Africans react to the white regime's push toward apartheid. Frustration and discontent could produce rebellion (a response requiring both organizing skill and opportunity), unorganized violence against whites, or undirected violence and antisocial behavior. This would most damage the Africans themselves.

The extent to which African police remain loyal to their white commanders also could be an important factor.

Which side in the long run proves better able to react and learn from mistakes. As the confrontation continues, both sides will face the need to reassess strategy and preconceptions about the human elements involved.

ASSUMPTIONS CHALLENGED

Naïveté seems to have characterized many guerrilla probes so far. These have evoked the scorn of whites. But the guerrillas are probably learning more and faster from their mistakes than most whites realize. But power struggles inside the movements continue to be a debilitating factor, as recent friction within ZAPU and Frelimo ranks attests.

Another important need for guerrillas—perhaps the crucial one in terms of eliciting African support—is to find a proper balance between persuasion and intimidation. Some evidence suggests that guerrillas have so far shown too much faith in terror as a device for securing support.

Whites will have to reassess assumptions about the underpinnings of their rule. Most appear to assume that Africans are docile and largely contented with white rule, that the chiefs will uphold that rule even if it tends to undermine their authority.

But events already have called these assumptions into question. For example, the eight men recently chosen by the electoral college of chiefs to represent their interests in the national House of Assembly already have formed a political party, the Rhodesian Electoral Union.

The capacity to learn and react will play

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a crucial role when—and if—internal order ever collapses. An advantage to Africans in this situation will be their numbers, the fact that they outnumber whites 20 to 1.

The whites will have the advantage of the South African experience and a successful model to duplicate. The layout of African townships around Salisbury suggests that Rhodesian planners already are using techniques employed successfully in South Africa.

The position of the Portugese territories is quite different. Despite the designation "overseas provinces" they are, in effect, colonies; a European state rules them, not a home-grown oligarchy. Moreover, Portugal does not base its rule on race: it rejects the color bar—at least in principle.

DEFENSE IN VASTNESS

The current military situations in Angola and Mozambique are unquestionably more acute than those in Rhodesia or South Africa. Ironically, however, the vastness of those territories has thus far soaked up guerrillas without seriously threatening Portuguese rule.

Even so, almost half of Portugal's budget presently goes to the military, most of it to the expenditures involved in trying to maintain control in the three African territories, all of which are under severe guerrilla pressure. How long Portugal can sustain this level of expense and also try to finance the economic development of both the metropole and the overseas territories is one of the crucial unknowns.

Factors determining the outcome of pressure against the Portuguese in Africa may be these:

Whether Portugal or the liberation movements gain the upper hand militarily.

Whether or not Portugal can tap the as yet largely unexploited resources of Angola and Mozambique quickly and broadly enough to raise African living standards and thus seek to win the loyalty of the population.

Whether or not Portugal can defuse the explosive racial odium attached to white rule in Africa. Portuguese assert that their rule is integrationist in contrast to that of South Africa and Rhodesia. But they have yet to make this assertion credible through activation of presently existing assimilation mechanisms.

Widespread acceptance of Africans into assimilated status might lessen some external pressures against Portugal's continued presence in Africa. This action would, however, constitute a kind of revolution and might trigger a power grab by local whites.

How Portugal ultimately allies itself with the other countries of southern Africa.

Considerable short-term dangers appear to exist if Portugal decides to maintain its separateness from Rhodesia and South Africa. The latter has, for instance, offered significant aid in helping to finance development projects such as the Cabora Bassa and Cunene River hydroelectric projects.

But long-term dangers await if Portugal decides to commit itself to a southern African bloc designed to perpetuate white rule in the subcontinent. Such a commitment would probably erase the distinctions between Portugal and its white-supremacist neighbors.

Those very distinctions might, if coupled with internal change and considerable public relations, still save the Portuguese future in Africa.

South Africa Simmers: Republic Braced Against Overthrow, But Quiet Forces Work for Change

(By Frederic Hunter)

Cape Town.—All of Africa's nationalist guerrilla fighters probably cherish a dream of overturning white rule in South Africa, the heartland of apartheid.

At present, however, almost no one acquainted with the situation here and the means available to the liberation movements believes they can succeed in the near future. Perhaps not at all.

Possibly the best that can be said of their efforts is that they serve to remind South Africans of the odium with which virtually the entire outside world regards a social system based on racial prejudice.

Some observers would even contend that greater effectiveness might disserve the movements' ultimate goals; it might unify white resistance in South Africa to the threat of violence. The sanctions policy has had this effect in Rhodesia. It was thwarted—even blocked—processes of evolutionary change there.

BASIC DILEMMA ETCHED

If the guerrilla movements are unlikely to produce change in South Africa, what will?

The question returns one to the situation's most basic dilemma. One opinion holds that no politically dominant cultural minority has ever voluntarily surrendered its privileges. Therefore, goes this argument, violence and revolution, are necessary and inevitable.

The opposite view contends that the past decade has demonstrated South Africa's mastery of attempts at revolution. It is just not possible here, this argument runs. Thus, evolution alone can bring change.

Most white South Africans believe the latter is true. "Give us time," they often plead.

Just what this means is not always apparent. It may mean that time will prove (a) that separate development—apartheid—is the right answer for South Africa; (b) that apartheid's internal contradictions will prove it unworkable and that other solutions, such as racial federation or a qualified franchise, can then be investigated; or (c) that in any case South Africa's economic boom will eventually force integration.

Interestingly, some diplomats here believe that time can bring about a just solution.

These and other informed observers consider that quiet revolutions are already under way in white South Africa. Sir de Villiers Graaf, leader of the opposition United Party, points to new thinking in the universities and in the Dutch Reformed Churches. Almost all analysts are struck by South Africa's economic vitality and by the roles played in it by young, go-ahead Afrikaner entrepreneurs and by Africans, both in production and consumption.

The leftward shift in the April 22 election suggests that these quiet revolutions are, in fact, making gains. But there is little likelihood at present that they will lead to the goal sought by the liberation movements: equal political rights for Africans.

OUTSIDE POTENTIAL MINIMIZED

Unfortunately, there does not appear to be a great deal that external forces can do to produce a climate of change here.

One diplomat believes that only the United States can influence local events. Its capacity to do this is severely limited, however, he says. He suggests a program of "positive and negative inputs" to keep South Africans reminded of their internal situation.

But "positive inputs"—such as the recent Nixon endorsement of self-determination—involve difficulties. They are immediately and often unthinkingly interpreted here as expressing approval of South Africa's present course.

Some "negative inputs" appear to have positive results; they stimulate local reappraisal of the country's social system. Demonstrations against or the banning of visiting South African sports teams serve this function.

Threatening to blockade South Africa tends, on the other hand, to have a negative effect. It blocks reappraisal by inducing emotional responses.

In the final analysis organizations within South Africa will have to effect the reappraisals and bring the climate for change. Some are already doing this.

Speaking at the annual meeting of the South Africa Foundation earlier this year, its president, Major Gen. Sir Francis de Guingand, said: "Our chief dangers are no longer subversion and external intervention. They are perhaps complacency and materialism."

In answering the question "What can be done to assist South Africa at this particular time?" Sir Francis enumerated six points:

Increase trade with as many countries as possible.

Demonstrate that the "outward" policy does not threaten Africa's new nations, but can aid their development.

Recognize the importance of increasing living standards and opportunities of the Bantu peoples.

Take all possible steps to spread greater knowledge of South Africa's problems and achievements.

Remain flexible. "No plan should be too rigid," said Sir Francis, "and changes in direction may prove necessary."

Avoid public utterances that can be interpreted as inhuman or out of line with either the outward policy or the government's declared intention of fostering racial understanding.

These proposals seem sensible, even obvious. Still, in the South African context they contain revolutionary potential. Their implementation could mean the climate for change.

HOW TO LIBERATE THE PUBLIC SCHOOL

Mr. TYDINGS. Mr. President, recently the Honorable Walter S. Orlinsky, a distinguished member from Baltimore of the Maryland House of Delegates, led a panel at the Maryland State New Democratic Coalition Convention entitled "How to Liberate the Public School System."

I have just had occasion to review the remarks Mr. Orlinsky prepared as a focal point for the panel and was intrigued by this position. I thought that it would be valuable to have these remarks journalized so that Members of Congress and others might be exposed to Mr. Orlinsky's perceptive analysis of means to achieve a quality public education system.

I ask unanimous consent that Mr. Orlinsky's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

How to Liberate the Public School System

(By Delegate Walter S. Orlinsky)

America today is committed to a task in education far more complex and far more ambitious than ever before attempted by any other society. We seek to be able to give each and every child in this society an equal education, but the method we must follow to achieve this goal is proving far from simple. Dr. James S. Coleman stated the problem in this fashion, "Our society is committed to overcoming, not merely inequalities in the distribution of educational resources (classrooms, teachers, libraries, etc.), but inequities in the opportunity for educational achievement." (See "Toward Open Schools," James S. Coleman, *The Public Interest*, p. 20–21.) So what we are really talking about is not just liberating the public school system, *per se*, but, more precisely, liberating the

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children of our society from the manifold inequalities imposed upon them by the accident of birth which places them in one social environment rather than another.

Today, all of us concerned with education must understand that the generalized rhetoric used in the current debates is less than helpful in solving the grave problem facing us. Catch phrases, such as "community control," "cultural genocide" and a host of other popular cries, do not really meet the problem.

White and Black "liberals" must face the fact that it is the almost total withdrawal of upper-class Whites and Blacks from the public educational system of our urban communities that may well have been a major contributing factor to its collapse or state of disrepair. There has also been a tendency for fancy White schools to remove bright, poor children from public education in order to prove their liberalism, robbing the ghettos of one of their only hopes for self-improvement. It has been shown that by mixing children of strong educational backgrounds with those of weak, we can increase the achievement level of the children with weak educational backgrounds with no measurable damage to the strong children.

However, we must face the fact, like it or not, that integration of schools, though important in its own right to our society, will not, in and of itself, solve the problem and cannot realistically be achieved in the near future. We should realize that its achievement will not *ipso facto* create equal educational opportunity for our children.

We must understand that in talking about liberating the public school system we are attacking what is the real crisis in education. It should also be clear that this crisis assumes more than one posture at the same time. The crisis that middle and higher classes of Whites and Blacks identify with is not the same crisis that the poor Whites and Blacks of our inner-cities face. It is more particularly to this latter situation that we direct ourselves.

We must face squarely our responsibility to the Black people who are huddled in our segregated, inner-city areas. The failure of prior generations to permit the Negro full and equal access to our society has made his problem unique to America. This is no longer a matter of just another immigrant group. The history of our country is, unfortunately, one of continued White denial to Negroes and not of Negro rejection of opportunity proffered. For Black people, and at least an equal number of forgotten Whites in our inner-cities, an equal education opportunity means something very different from giving them the same tools of education in terms of books, buildings, staff, "ratio," etc. as the average, middle-class White child. Such action is like giving a man with one leg a crutch and then asking him to enter an Olympic high hurdles contest.

Professor Coleman, who headed a United States Office of Education study, the largest single study ever undertaken in America to understand our educational system, summarizes his findings thusly:

"First, the inequality in results of elementary and secondary schooling for different ethnic groups, as measured by standardized tests, is very large for Negroes, Puerto Ricans, American Indians, and Mexican Americans. At the beginning of the twelfth grade, these groups were, on the average, three, four, or five grade levels behind whites in reading comprehension, and four, five, or six grade levels behind in mathematics achievement. Second, the evidence revealed that within broad geographic regions, and for each racial or ethnic group, the physical and economic resources going into a school had very little relation to the achievement coming out of it. This was perhaps the most surprising result to some persons: that variations in teacher salaries, library facilities, laboratories, school size, guidance facilities had little relation to student achievement—when the family backgrounds of the students were roughly equated. Such equating of background is necessary because, within each racial or ethnic group, the factor that showed the clearest relation to a child's achievement was his home background—the educational and economic resources provided within his home."

The impact of this observation cannot be minimized. What we need to do today in order to liberate the children of our inner-city areas is to evolve an educational policy which meets their real needs. It is senseless to talk about liberating children, unless and until they can read, speak and write. I suspect that these children, once able to read, speak and write, will do their own liberating quite well. Witness our suburban children who are today concerned with a wide range of ethical and moral problems. Let's face it, these kids are able to grapple with these issues because they are able to read and communicate to one another what they feel and see.

I realize that no matter what the educational input, kids whose environments stress earning a living, supporting a family and staying out of trouble produce the non-involved child as a rule and the children whose environments are not so hampered and more concerned with broader issues of our existence produce the outspoken kids of this generation. Those who say that schools do not motivate kids to face those broad moral and ethical issues may well be looking at the wrong villain. Perhaps the adult home environment is what is really "corrupting" the current generation. Education seems to succeed in giving people who want it as a primary value, the tools they need to think and communicate. The schools seem to have little influence on what their products think one way or another.

Compounding the problem is the fact that our public school system is, I fear, still programmed to educate children who have long since graduated school or fled to suburban or parochial schools. The innovation and imagination necessary to stimulate today's urban school child is stifled by the overdone educational bureaucracy which seeks protection in a rigid orthodoxy. The fact that public education is suffering from organizational sclerosis is a plain fact of life.

Before we can move forward and create a workable program of education which offers every child an equal educational opportunity, it is very important that we recognize that the education which was good enough for our parents, or for us, is no longer good enough for our children. Modern education offers so much more than anything we knew even fifteen years ago that it amounts to wanton neglect for a city to expend large sums of money on education without making sure they are taking optimum advantage of these advances.

The real tragedy in urban education today is that the children who must endure it are not being given the tools necessary to become whole human beings in this society.

When then is a proper educational policy for our cities? I believe a positive first premise would be the acceptance of the fact that no one pedagogical theory has proven itself to the exclusion of all other theories. This is not surprising if we constantly keep in mind the plain fact that we are dealing with human beings and it is senseless to seek one way to help them all learn. Different children respond to different stimulii. A recognition of this excludes a simple solution to this problem.

I believe that a sound educational philosophy must be based on a belief that every child has the right to be educated as an individual. Therefore, all efforts at educational reform must be oriented to fulfilling our obligation to provide for our children's individual differences. For example, we know that in Baltimore City each of its 192,000 children has different mental, physical and emotional qualities; each one has different abilities and weaknesses. The teaching process should be one of first assessing a child's educational capacities and needs and then utilizing those capabilities to meet the child's individual needs.

I believe that two of the major cornerstones of an educational policy may well be: (1) providing large enough groupings of children to insure a maximum utility of the wide range of educational tools now available to our children; and (2) freeing the schools from the orthodoxies of the present educational bureaucracy.

From these generalities I would like to move into a specific example of what I think we can do in urban education if we want to. Parenthetically, I believe that what follow is equally good for the already motivated child who also suffers from current educational orthodoxies in a different sense and with a much less significant result. I am taking a Baltimore City school as my example.

Briefly, City Springs Elementary School, located in the heart of Baltimore's inner-city and one of six schools in Baltimore's Model School Project, is such an example. A Model School has a class size of twenty-four, instead of a city-wide average of thirty-five, children per teacher. Although the majority of children in a Model School come from the school's neighborhood, a small portion of the students travel from other areas of the City. The members of the staff of a Model School are selected on the basis of their interest in participating in an innovative experiment while there is thus some self-selection, there is nothing extraordinary about a Model School staff. The staff and administration of a Model School have considerable autonomy to innovate in all areas of school activities. Supplies and equipment for a Model School are given an extra priority.

Statistically, ninety per cent of the children at City Springs live in neighboring low-income, public housing projects; ninety-five per cent of the children are from low-income families. Approximately two-thirds of the students receive Aid for Department Children. About eighty-eight per cent of the children are Black; about twelve per cent are White, almost all of which come from low income families. I believe that in this environment of economic deprivation, the techniques of individualized instruction face the ultimate test of their validity.

The school is non-graded, which means that for each subject each child is placed in a class with students at his own level. For example, a nine-year-old may be reading at a second grade level and doing math at a fifth grade level. In this way the non-graded school tries to provide the flexibility to respond to the different individual needs of each child.

Special services are provided some of the children at City Springs who need help just to reach the level of physical well-being at which learning can take place. Money has been invested, for example, in health service. Children with eye or ear defects or with some kind of physical ailment that would impair their learning abilities are given appropriate medical attention by a public health nurse. Emergency clothing—winter coats, dresses, pants, shirts and shoes—are provided for children at City Springs who thus can keep their minds on work and can enjoy school rather than have to worry about the cold. Young children who are hungry or undernourished receive a free lunch.

The typical activities in a classroom at City Springs are somewhat different from those you would expect to see in a traditional school. Although the class often works together as a group, a more typical educational environment is one in which the twenty-four children are performing different educational operations which are appropriate for their different educational needs. The following activities go on during a reading skills class:

In the middle of the classroom there is a Reading Round Table. On the table are sets of books; each set contains books of varying difficulty. Five students are sitting around the table, each child reading a different book. The teacher has started each child off on a different set, and the child is capable of moving from one book in the set to the next at his own individual speed. No child is left behind or held back.

In one corner of the room a Children's Aide is working with two students who have had difficulty reading. These students' particular reading difficulty has been diagnosed by a highly trained master reading specialist who works full-time at City Springs. The specialist has diagnosed that due to the speaking patterns of the students' out-of-school environment, they have trouble distinguishing between similar sounds; thus they cannot distinguish between different letters in the alphabet as they appear in different words, and the words themselves make no sense. The Children's Aide is using a Language Master, a machine which looks like a tape recorder. Instead of tapes, large cards are run through the machine. The card has a picture of an object and the object's name on it. As the card goes through the machine, a recorded voice pronounces the word correctly. Then the child says the same word. When the card is run through the Language Master a second time, the child hears the correct pronunciation and then his own recorded pronunciation. The Children's Aide can point out the difference. While learning correct pronunciation, the child also is learning to read from the word on the card.

In another corner of the room three advanced children are using a Controlled Reader to improve their reading speed. A strip of text is projected on a screen and is fed through the reader at prescribed rate. At given intervals the children stop and take a comprehension test to see if they understand what they have read. If they pass the comprehension test, they go on, putting the text through at a faster pace.

The teacher, with all this individualized learning going on in her classroom, is free to give her full attention to an older student who has repeatedly failed in his attempts to learn to read, but who now—with the help of diagnostic techniques from the master reading specialist, individualized exercses, and encouragement from his teacher—may be on the verge of a breakthrough.

Quite a few children are in the library selecting books with the help of a Library Aide. The library also contains several Rolling References, sets of reference books on wheels that can be moved into whichever classroom has a need for them at a particular time.

City Springs Elementary School is one of several schools and programs in the Baltimore City Public School System which has proven a capacity for success. During its first year of operation, a non-graded group of 24 children, eight through ten years old, formed a special reading skill class. All the children were completely unable to read a word: many did not know the letters of the alphabet. At the end of one year, sixteen of these children were reading at second grade level. Students who began school in City Springs Early Admission or kindergarten programs are presently achieving at the level of the national average. About half the members of the kindergarten class have begun to read before first grade. Other specific indications of success are reflected in the extremely low vandalism rate at City Springs, compared with other schools in similar areas of the City, and in the high rate of parent involvement and interest in the school. This indicates that a direct attack on the major source of inequality of educational opportunity identified by Dr. Coleman can, in fact, succeed.

The elements which allow a teacher in a Model School to respond to the individual needs of each child in his class are small class size, trained paraprofessionals working with the teacher in the classroom; auxiliary specialists in the school in reading, speech, health, psychology and social work; a substantial variety of audio-visual equipment permanently assigned to each classroom; ample quantities of published, individualized learning packages and sets of graded readers; and, full-time specialists in music and art with an adequate supply of musical instruments and art supplies. These elements increase the adult-pupil ratio in the school, provide for early diagnosis and professional correction of academic, physical and psychological problems that influence learning, and make possible individualized learning processes which have success, and hence, motivation and achievement, programmed into the materials.

The first question that comes to mind is, "Can we afford to provide this kind of education process?" While it is easy to answer the question with a question and say, "How can we not afford to do this,' it is no answer at all. It must be recognized that within the current tax framework of our nation, it is impossible to expect any dramatic increase in taxes for anything, let alone education. It is, of course, barely possible that some substantial amounts of money will be available from the Federal government if and when the senseless war in Viet Nam ends. However, I personally do not believe that we can realistically pin our hopes on that possibility, and Presidential advisor Patrick Moynihan's recent public utterances on the subject re-enforce this view.

What I do believe we can and must do is, first of all, examine our educational priorities. Are we spending money in the right places today. Is, for example, the money to be spent on new school construction in Baltimore as necessary as other possible uses for the money. The Mayor seems to think that his commitment to a major capital program will, in and of itself, make a major change in educational achievement. I do not.

There is, very simply, a need to establish an educational policy which can lead to educating children and which assigns relative values to each of the procedural alternatives to be considered. If we can do that much and then constantly crosscheck ourselves, I believe we will be well on the road to the liberation this session is addressing itself to.

For example, one significant breakthrough in education which is independent of policy alternatives which we can and should work for is the establishment of two separate career ladders for education, one teaching and the other administration. We are faced today with a situation where for legitimate monetary reasons the best teachers advance into the administrative structure of education and this is not good. Good teachers are too rare to waste on administration, much of which requires different skills in any event.

The problem of how to make an urban school responsive to the needs of its community is considered by many to be the central issue in urban education today. If the problem is discussed in terms of meaningless generalities and absolutes, then we are brought no closer to a real solution to the problem of increasing a school's responsiveness. Instead of discussing "community control" and "decentralization", emotion-laden terms which often lead to proposals that are presently illegal and/or politically and educationally unrealistic, it is much more constructive to discuss precisely what a current school system can do to make its schools responsive to the needs of their communities. Citing the unresponsiveness of a school system to the needs of local communities does not mean decentralization of authority and community control are the answers. We must realize that no society, least of all our own, will permit one group at set standards and a second group to automatically pay the bills. The decisions must be joint decisions or we have a stalemate which in the end hurts our children. Assuming a commitment to meeting the individual needs of students and, hence, the individual needs of communities, there are many prescriptions for improvement of the school system which are far more feasible and appropriate than community control a la New York.

A school system could involve a community in the planning of its school, providing expertise, access to information and essential materials, while a community group gathers and organizes the community's input into the plans for the new school. In this way, the community's aspirations for its children and its local needs could be programmed into the architectural specifications and curriculum development for the new school. Secondly, a school system could provide for a community's participation in the selection of the principal, the educational leader, of an existing school. This could be accomplished without serious violation to existing promotional policies by having the community group establish its criteria for its new principal, submit the criteria to the school system, and have the school system choose the person who most closely meets the community's criteria from the established list of persons eligible under existing promotional processes.

Thirdly, a community could participate in the daily operations of its school through influence on the basic policy tool, the budget. Instead of establishing educational priorities at a central office, a school system can have its budget developed from the ground up, at the local school level. The principal can be directed to assimilate the input of faculty, students, and parents into the school's budget for the next year. The school may want to give priority to a new boiler rather than a new music teacher, to an expanded cafeteria rather than to more supplies for students, and so on.

During Dr. Sheldon's first year with the Baltimore City Public Schools, the above three policies on community involvement in the planning of the school, in the selection of the principal, and in the development of the budget, were instituted. The Dunbar Charette is an example of what can be done using this philosophy. We must, however, breakdown many internal hang-ups in the educational establishment if we can broaden this idea.

Baltimore is also presently developing a plan for the decentralization of the administration, which will bring all administrative services down into the communities where they can respond quickly to the needs of a particular teacher in a particular classroom. The lesson should be that Baltimore's School System and most others can take many concrete steps toward increasing its responsiveness to the varying needs of local communities, toward involving parents and community groups in the managements of their schools, without the need for a New York-type confrontation.

It is only in a context of good educational policy that we can move forward in solving our current problems. There really is a very little need for the kind of emotional rhetoric which all too often is the hallmark of what is passed off as solving our educational crisis.

The solution to this crisis is very painful because it takes a personal commitment from each of us as individuals. The rhetoric is a way to absolve ourselves personally from responsibility and to shove the blame on institutions and society generally. If we continue to play millennium politics (i.e. all or nothing), we will continue to segregate our school system and make it increasingly unlikely that our children can get a good public education. The situation is tense and we must establish beachheads like City Springs Elementary School and then move to expand them. Anything else involves the cynical use of children as cannon fodder for a meaningless debate.

ADDRESS BY MRS. EVERETT McKINLEY DIRKSEN

Mr. TOWER. Mr. President, the participation by our Nation's young people in riots, demonstrations, and displays of violence are a cause of serious concern not only to their parents, but also to citizens interested in the future good health of our country. Mrs. Everett McKinley Dirksen, wife of the late Senate minority leader, recently expressed her sentiments on this situation. I ask unanimous consent that her address to the Capitol Hill Club be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY MRS. EVERETT MCKINLEY DIRKSEN BEFORE CAPITOL HILL CLUB WOMEN'S LUNCHEON

Members of the Capitol Hill Club and your guests. When Lou Tower called me in Florida last February and asked if I would say a few words to the Capitol Hill Club in May, I tried to convince her that I felt quite inadequate to present any ideas, now that I am a part of the "silent majority."

I think I almost miss the Senator more in the early evenings than at any other time, because when he came home we'd sit and relax, and would give and take about the events of the day. And from these sessions I felt I could go out and speak with some authority.

I didn't realize until only a few days ago that Lou had not taken me seriously and so here I am with a few ideas of my own. These ideas are on fundamentals and words which I think we are going to have to put back in our vocabulary if we are going to solve the problems of today.

The one word I am going to talk about is "discipline." The dictionary defines it as "training, which corrects, molds, strengthens and perfects." (I wonder if we might even find the little word "obsolete" in the new edition of Webster.) It is awfully important tho that we think of the word "love" when we talk about and exercise discipline. Because while you are attempting to train and mold, there must be love and understanding.

I recall years ago when some of the first schools of free thinking were tried out in Evanston, Illinois. The kindergarten children were not disciplined in any way. They would break up boxes, destroy furniture, throw paints, and it was all put under the term of aggressiveness or freedom of expression. These children have now grown and are still expressing themselves in words and actions but with more authority and more violence. Also they are listening to professors, taking notes and going out and repeating what they have heard. It seems so much easier than to read a history book and try to think a few things out for themselves.

I also quarrel with the mothers and fathers who feel inadequate and who feel they have lost control over their children. They say this is the computer age and the television age and their children know so much more about these things than they do. But parents have background and experience that far outweighs all of this computer age. And this is where the discipline in the home must be exercised.

As I watched the young people descend on Washington the other Saturday I said to myself, Where did they get the money to come to Washington? How long are they going to be away from home? And most of all, where are they going to spend the night and with whom? And do their parents know this?

And then I stood in the window of a shop on Connecticut Avenue and watched them come from the Mall up to DuPont Circle. They were dirty. They were unkempt. Not one boy had on anything above his waist. I thought "Where is their sense of pride. They can't all be from broken homes or from the streets. Weren't they taught any of the decencies at home?" Didn't you have to scrape your feet before you came into the house and didn't you have to wash your hands before you came to the table? And weren't there a lot of other things that you had to learn that had to do with cleanliness?

Only in the atmosphere of cleanliness is the mind free to do constructive things, and the things these young people were doing were destructive things.

As I watched them I was thinking "they are away from their schools and their classrooms and it is nearing the end of the school year." Do you remember when you graduated from high school or college? Do you remember when you walked up to the platform and received your diploma? This year many of the schools are closed and the graduates are receiving their diplomas by mail and many of them couldn't care less. When they go to seek employment is the employer going to ask for a high school, or trade school or college diploma? Or is that discipline gone also?

The schools that are adopting this method are catering to a small minority of students and many of the noisy ones are not students, but this discipline of which I have been speaking not only belongs in the home, it belongs in the school as well.

Last Sunday I was listening to a TV program. It was titled Religion in the Schools and because this was so close to the heart of my Senator and still is in mine, I was anxious to hear it. The panel was composed of a Democrat Congressman, a member of the D.C. school board and a young girl from Cathedral School. This girl was deploring that the students had to take religion in the school. She said there were more important things to do. People are hungry and they need food. She continuously referred to the "society" and how the "society" should take care of these people who were hungry and the "society" should see that they were clothed and fed. I was disappointed that no one asked her to define "society". I am sure it would have a hollow sound because it could only be a word that she had glibly picked up in the classroom. The program left me with a very troubled mind because in conclusion this young girl said that if the "society" didn't take care of her people and they were hungry they had every right to go out and steal to get what they wanted. The moderator asked the Congressman what he thought about this and he said he was very disturbed but that if his family was hungry he might be forced to steal. That is where they left the program that had started out to be Religion in the schools.

I think the real breakdown in the morals of this country was when we all repeated Franklin Roosevelt's Four Freedoms. "Freedom from fear, freedom from want etc". It all had a negative sound. There was no freedom for anything. And as the government gives more and more it takes away more and more.

There are fine children all over this country and all over the world who are brought up with discipline in the home and there is plenty of love that is sprinkled in with this discipline. These young people will find in the homes the freedom to do constructive things. Through conversation with their elders they will develop a sense of pride in their country and will realize their elders have great faith in their President.

As I conclude I want to talk about the marigold. David Burpee developed and named one particular marigold "Senator Dirksen, the smiling marigold." Many of you have planted seeds this year and are watching them grow. With the help of God who will send the rain and the sunshine these smiling faces will look up to the heavens and will bring you joy.

I want to plant another seed with you today. There are forces in this country that want to destroy us. There are forces in the Republican Party that want to tear us apart. You people have always been a united force in our party and let me tell you, there is no more "silent majority". You will have to read the papers and watch TV, and act. First get down on your knees and ask God to give you the judgement to speak wisely and then talk to your friends. But most of all take your pen in hand. If you feel that what you have listened to or read is going to destroy this country, then voice your objections. If there are enough letters of disapproval they will listen.

But there is one thing more. The bible says "If a man asks you to go with him a mile, go with him two". Don't stop after the first mile. If someone is doing or saying what you feel in your heart is right, tell him so. The Senator used to say "it is only the ones who want to tear me apart who write letters. The ones who agree with me don't bother to tell me so." Let's go this second mile and we'll find it is these seeds which will bring forth blossoms.

CANADIAN OIL CONTROLS CAUSE TROUBLE

Mr. MONDALE. Mr. President, on March 25, a bipartisan group of 25 Senators from Northern States wrote to the President and strongly urged that he "direct representatives of the Department of State to enter into immediate negotiations with Canada looking toward the prompt establishment of a 'freer exchange of petroleum.'" The 25 Senators included both the majority leader and the minority leader, and I hoped that we would receive a prompt and thoughtful reply from the President.

On April 22, 1970, Mr. William E. Timmons, an assistant to the President, responded to the 25 Senators in a letter which gave no indication that the United States was prepared to enter into serious and bona fide negotiations with Canada. In fact, the letter contained a virtual ultimatum to Canada that a comprehensive agreement "with respect to all energy matters" was required if the United States was to remove the quantitative controls on Canadian oil imports which had been represented as merely temporary.

In writing to the President, the 25 Senators observed that the proclamation had caused dismay on the part of our Canadian friends and neighbors. The New York Times for May 31 contained a very interesting article in which the Canadian Minister of Energy, Mines, and Resources, the Honorable J. J. Greene, was described as believing that the Canadians could not be blackmailed into an agreement which was contrary to their interests by such unilateral actions as had been taken by the United States. As he said:

> Canadians are just not the kind of people to negotiate anything with a gun at the head.

The experience of our country with Canadian imports gives every reason to believe that the source of supply is as

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secure as any other which we could rely on in a national emergency. Even the President's own Cabinet Task Force on Oil Import Controls reached substantially this conclusion. Nevertheless, it did raise the extraneous question of the dependence of Canada's eastern provinces on imports of oil from abroad. In this connection, we had already pointed out to the President in March that this issue was irrelevant to the security of Canadian supply to the United States because there would be no practical means for diverting Canada's western oil to the east if eastern supplies should be cut off.

Indeed, Minister Greene has publicly committed his government to the security of export deliveries to the United States on at least two occasions. I was glad to see that the Senator from Oklahoma (Mr. BELLMON) placed in the CONGRESSIONAL RECORD for May 21, 1970, the full text of Minister Greene's address on May 12 to the Independent Petroleum Association at Denver, Colo. In doing so, the Senator called attention to a few of the Minister's remarks which described Canada's resolve to pursue an independent course in its own economic development and trade policy.

I wish that the Senator had also drawn attention to the Minister's remarks in which he addressed the issue of the security of Canadian exports to the United States. In the same speech, Minister Greene said:

> Specifically, there have been suggestions that in an emergency western Canadian oil might be diverted from U.S. markets to meet needs in eastern Canada if adequate tanker-borne supplies were not available to that area.
>
> Secondly, it has been suggested that the U.S. would have to be prepared to make emergency deliveries of its domestic oil to eastern Canada if overseas supplies to the whole eastern seaboard of North America were curtailed.
>
> As to the security of our export deliveries to the United States markets, this has surely never been seriously challenged. Indeed, the work of the U.S. Cabinet Task Force on oil import control tended, if anything, to confirm the reliability of Canadian supply. Diversion to eastern Canadian markets of oil flowing to the U.S. would not at present be possible because of the absence of the necessary pipeline connections. And having regard to the long standing arrangements between our two countries in defence, trade, and other areas, I cannot find it credible that we would divert such supplies unless by mutual agreement for a common purpose, or that we would violate trading agreements that were in effect between us.

Mr. Greene made many of the same points in a speech in Washington, D.C., on April 23. In addressing the spring conference for corporation executives at Johns Hopkins University, he said also that he "would like to suggest that it should be left to us to evaluate the matter of oil supply security in eastern Canada and to take any appropriate action." But he also pointed out that Canada had the matter of eastern oil supply security under active review and would be prepared to revise its oil policy if it concluded that a problem did, in fact, exist. Since U.S. supplies are the only alternative to the import of foreign oil for Canada's eastern provinces, it is interesting to note that such supplies are also shipped by many of the same coastal routes that are used by oil from South America. Thus, it is not obvious that substituting American oil for Venezuelan oil would in any way contribute to the security of eastern Canada's supplies in an emergency.

On May 26, I wrote the President of the United States again on this vital subject. I pointed out that Mr. Timmons' reply was not at all responsive to the letter which the 25 Senators had written in March. Specifically, Mr. Timmons' reply was limited to the national security basis for the proclamation and it was not satisfactory on that point. But our letter had raised a number of other points including the question of relationships with Canada and the problem of fuel shortages and cost increases which would confront consumers in the United States.

We have seen that the control program has, indeed, resulted in just the shortages and price increases which we predicted. Not only have such shortages been felt in the northern tier of the United States but States in the midcontinent have also been adversely affected. They have found that the cutback in Canadian supplies has resulted in the draining off of domestic oil to refineries in the North. Price increases have occurred in many of these States, both in the midcontinent and in the upper Midwest.

Referring to the two recent speeches of Minister Greene in Denver and in Washington, I suggested that the President "promptly review the new controls in the light of his remarks." I pointed out that these speeches should "provide whatever additional assurance the President might have thought necessary in regard to our ability to depend on Canadian oil in an emergency."

Mr. President, I note that negotiations between the United States and Canada have come to a virtual standstill since the unilateral action which the United States took. I believe it is up to our Government to initiate discussions promptly. Minister Greene has indicated that the Canadians are prepared to talk in a reasonable atmosphere where they are not subject to unacceptable preconditions. In these troubled times, when the United States is plagued with inflation at home and can ill afford to antagonize one of our best friends in the international arena, it is troubling that our Government would act in such a way as to inhibit free and constructive discussions with our Canadian neighbors. I hope that our Government will accept the welcomed indications that Canada is prepared to be reasonable.

I ask unanimous consent that the New York Times article, the March 25 letter to the President from 25 Senators, the April 22 reply by Mr. Timmons, the May 26 letter from me to the President, and the speech by Minister Greene in Washington, D.C., on April 23 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CANADA RESENTS U.S. FUEL POLICY

(By Jay Walz)

OTTAWA, May 30.—Persistent demands by the Nixon Administration that Canada negotiate a common policy for the use of North American energy sources—oil, coal, gas, uranium and hydropower—are meeting increasing resistance here. They are also causing a rare outburst of nationalism that Canadians normally hold in reserve.

Recent White House tactics prompted J. J. Greene, the Minister of Energy, Mines and Resources, to scold an American audience in Denver for taking Canadians for granted.

Addressing a meeting of the Independent Petroleum Association of America two weeks ago, Mr. Greene said that the United States must prepare for a much more nationalistic Canada, "in which there will be firm control of all foreign investment, particularly in the resources industry."

At present, United States companies own or control about two-thirds of all oil and mineral production in Canada.

While several high-ranking officials of the State Department listened, Mr. Greene said that Canada wanted to be herself, and to avoid "the malaise that exists in your land." He cited the United States involvement in Southeast Asia, campus unrest, disorder in the streets and problems of pollution as major reasons for Canada's desire "to be different."

LETTERS SUPPORT STAND

He said the current round of bargaining between Ottawa and Washington on the continental resources must lead to "Canadian solutions in a Canadian interest."

Mr. Greene's office reports that since the speech he has received an avalanche of mail showing a 10-to-1 ratio of approval of his strong "nationalist" words.

Canadian hackles have been rising since last March when President Nixon ordered a reduction in the amount of Canadian oil flowing into United States markets from an average 634,692 barrels a day to 395,000 barrels. This action, which Canadian officials say was taken without Canada's consent, was interpreted here as an effort to prod Canada into talks on other forms of energy.

Canada at present can use only about one-half of the oil coming from the rich Alberta fields and is eager to sell the other half to the United States. Ottawa officials, however, are reluctant to commit Canada to long-term arrangements on the other fuels, which are largely undeveloped, because, as Mr. Greene said on Thursday, "we don't know what Canada is going to need 25 or 50 years from now.

MOVE LINKED TO ACCORD

The White House at first indicated that the cutback would be temporary. But a recent letter signed by a Presidential assistant suggests that the restriction on imports is tied to an agreement on general policy.

The letter,. answering the protest of 25 United States senators to the cutback, said that the national security of the United States required the conclusion of a "comprehensive agreement with Canada with respect to all energy matters and imposition of some qualitative limitations on the entry of Canadian petroleum pending the conclusion of such a pact."

Mr. Greene charged at a news conference that this was blackmail. "Canadians are just not the kind of people to negotiate anything with a gun at the head," he said. "It's very difficult to set up talks with respect to long-term policies when this unilateral action of cutting back has been taken by the Americans without Canadian consent."

Prime Minister Pierre Elliott Trudeau told newsmen in Vancouver yesterday that his Government was trying to ascertain whether the letter was just an opinion or represented a new policy. Mr. Greene told the House of Commons that the letter contained contradictions that created doubts that it was a statement of national policy.

[In San Clemente, Calif., Gerald L. Warren, White House deputy press secretary acknowledged that the letter had been sent and said

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that the Administration "has always said the controls, voluntary or mandatory, were necessary until an agreement is reached on all energy matters."]

While Mr. Greene said he had given Mr. Trudeau's office a copy of his Denver speech before he delivered it. It remains to be seen whether the Prime Minister will support him in the coming talks with Washington.

While letters to newspaper editors suggest the Minister may have struck a vein of popular support, some Western politicians have taken him to task for "childish diplomacy."

Eldon Wooliams, a Conservative representing an oil-conscious district of Calgary, said that Mr. Greene was "ruining the Canadian oil market." George Hees, a former Conservative Minister of Trade and Commerce, called on Mr. Greene to formally apologize for parts of his Denver speech as a first step in restoring good relations with the United States.

March 25, 1970.

Hon. Richard M. Nixon,
The White House
Washington, D.C.

Dear Mr. President: As Senators from northern states, whose consumers have a strong interest in oil policy, we were all heartened by your statement on February 20, 1970, in which you referred to the "unique degree of security (which) can be afforded by moving toward an integrated North American energy market."

We were gratified by your directive to the Department of State "to continue to examine with Canada measures looking toward a freer exchange of petroleum, natural gas and other energy resources between the two countries."

Understandably, we were quite disturbed by your announcement, only 18 days later, of the establishment of mandatory controls on Canadian oil imports. This seems to be a backward step and an affront to Canada.

We believe that these controls will result in increased costs and, in some cases, fuel shortages and curtailed operations. In the face of inflationary pressures, we feel that only the most compelling reasons could justify an action which will raise prices.

At the same time, the Proclamation has caused dismay—if not resentment—on the part of our Canadian friends and neighbors. After all, Canada is a natural source of supply for the northern United States.

We know there was a substantial increase in imports in January, when Chicago began to draw oil from the Interprovincial Pipeline. We also are aware of the pattern of imports in excess of the voluntary control program. It was these factors which led to your conclusion to establish a mandatory control program. However, we cannot agree that the 395,000 average barrels per day limit will be "adequate to meet the needs of the U.S. refineries and consumers," as stated in the White House announcement of March 10.

We also have some doubt as to the statutory authority for this action. As you know, the authority to restrict imports which "threaten to impair the national security" has been used only in the case of the Oil Import Control program established in 1959. This control program has specifically exempted Canadian oil.

The fact that the authority has been used but once underscores the narrow interpretation that you and your three predecessors have previously put upon this provision. Clearly, the test of a threat to the national security is, and was intended to be a difficult one to meet.

We do not find in the report of your Cabinet Task Force on Oil Import Control, or elsewhere, any logical case that even substantially increased imports of Canadian oil would adversely affect our national security interests. Indeed, we note that the Task Force concluded on page 94 of its report, that "the risk of political instability or animosity is generally conceded to be very low in Canada. The risk of physical interruption or diversion of Canadian oil to other export markets in an emergency is also minimal. . . ."

The Task Force discussion of Canada's policy on importing oil for its eastern provinces seems entirely irrelevant to the amount of exports from the western provinces to the U.S. As you know, Canada's western oil is not transported to the eastern provinces. Even in an emergency situation, there would be no practical means for diverting such oil to eastern Canada. With respect to the risk of depletion of Canadian oil reserves, we note that such depletion would be offset by preservation of U.S. reserves.

The Proclamation issued by President Eisenhower in 1959 expressly relied on the statutory criterion that crude oil and related products were being imported "in such quantities and under such circumstances as to threaten to impair the national security". In contrast, your Proclamation of March 10 concludes that the existing exemption of Canadian oil imports "does not effectively serve our national security interests" and that the control program is necessary "for the accomplishment of the national security purposes of Proclamation 3279". In order to justify such a significant new action as this, we think an explicit finding of a threat to the national security must be made.

We recognize that the United States has some significant interests in what are, in the final analysis, Canada's own policies regarding oil and related matters. But we do not believe that either a voluntary control program, or a mandatory program is an appropriate vehicle for asserting those interests. Accordingly, we strongly urge that you direct representatives of the Department of State to enter into immediate negotiations with Canada looking toward the prompt establishment of a "freer exchange of petroleum. . . ." In the meantime, we believe the best interests of both countries would be served by deferring the effective date of the March 10th Proclamation, pending a determation as to whether suitable agreements can be worked out.

Inasmuch as the effects of this new order are already being felt by our consumers and refineries, we would appreciate your early response.

Sincerely,

Jacob Javits, Clairborne Pell, Abe Ribicoff, Eugene McCarthy, Thomas McIntyre, Lee Metcalf, Thomas J. Dodd, Quentin Burdick, Charles H. Percy, Charlie Goodell, Vance Hartke, Stephen Young, Philip Hart.

Walter F. Mondale, George McGovern, Gaylord Nelson, Edward Kennedy, Edward W. Brooke, Edmund Muskie, Hugh Scott, John O. Pastore, Bill Proxmire, Mike Mansfield, Harrison Williams, Birch Bayh.

The White House,
Washington, D.C., April 22, 1970.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: This is in further response to your March 25 letter, which was co-signed by 24 Senators, concerning Canadian oil imports.

We agree with the basic premise of your letter that, since Proclamation 3969 has been issued pursuant to the authority of section 232 of the Trade Expansion Act, it presupposes that imports of Canadian oil threaten to impair the national security. Of course, such a threat may be posed in an indirect as well as in a direct manner. In our view, these imports create at least an indirect threat to the national security for two reasons.

First, in the announcement of the issuance of the proclamation it was stated that the recent steep increase in the flow of petroleum imports from Canada was impairing the entire petroleum import control program. Since the protection of the national security is the very goal of that program, imports having the effect of crippling it necessarily threaten the national security.

Second, the report of the Cabinet Task Force on Oil Import Control supports the imposition of quantitative controls on the import of Canadian petroleum. It indicates (pars. 335b, c, 343b) that while the risk of physical interruption of the inland delivery of Canadian petroleum may be slight, a serious and disturbing element arises from the circumstance that Eastern Canada imports all of its petroleum requirements from potentially insecure sources overseas. In the event of an interruption of that supply, Canada would either compete with the United States for the supplies available or turn to the United States to furnish the necessary imports. Those contingencies detract from the security value of U.S. petroleum imports from Western Canada and demonstrate the dangers to the national security involved in excessive reliance on the imports. In this context the national security of the United States requires the conclusion of a comprehensive agreement with Canada with respect to all energy matters, and the imposition of some quantitative limitations on the entry of Canadian petroleum pending the conclusion of such a pact.

Your letter also takes the position that the proclamation is defective because it lacks an explicit finding of a threat to the national security. It will be noted that the recitals of the proclamation contain the following pertinent findings: (1) the present system "does not effectively serve our *national security interests*"; (2) petroleum imports from Canada should be limited "in order to institute a more effective system of import control for the accomplishment of the *national security purposes* of Proclamation No. 3279, as amended"; and (3) the President's approval of the preceding finding and his own statement that the limitation of imports of Canadian oil into Districts I–IV is "necessary in the interest of the *national security objectives* of Proclamation 3279."

These repeated references to the national security plainly demonstrate that the President's action was taken so that unlimited imports of Canadian petroleum will not threaten the national security. Section 232, of course, does not make the validity of a proclamation issued under it dependent upon the use of any specific formula. Nor does it require the President to spell out in his proclamation the precise manner in which the import threatens to impair the national security. Proclamation No. 3279 is no more specific on that score than Proclamation No. 3969.

I hope that the foregoing is fully responsive to the points you raised.

Sincerely,

William E. Timmons,
Assistant to the President.

May 26, 1970.

The President,
The White House,
Washington, D.C.

Dear Mr. President: On March 25, 1970, twenty-five Senators from northern states wrote to you to protest your recent order imposing mandatory controls on Canadian oil imports. On April 22, one of your assistants, Mr. William E. Timmons, responded to me and to the other twenty-four Senators who had signed the letter. He closed with the hope that "the foregoing is fully responsive to the points" in our letter.

I must regretfully advise you that his letter is not responsive at all to the subjects which we covered. It deals almost exclusively with the national security issue and is not satisfactory in that regard.

Our letter also made the following points

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which are not touched upon in Mr. Timmons' reply:

1. The control program "seems to be a backward step and an affront to Canada." This point is underscored by a statement made by the Honorable J. J. Greene, Canadian Minister of Energy, Mines and Resources, in a speech in Washington, D.C. in April:

"Similarly, we are convinced that the unilateral decision on the part of the U.S. to cut back imports of Canadian oil is a mistake for both countries."

Mr. Greene also stated in a speech in May in Denver, Colorado that Canada does not "consider that these controls are in keeping with the conditions of trade in oil which both our countries have sought to preserve over the years."

2. We commented that "These controls will result in increased costs and, in some cases, fuel shortages and curtailed operations." Shortages have already occurred in a great many states and prices have been raised.

3. We disagreed that the 395,000 average barrels per day limit would be "adequate to meet the needs of the U.S. refineries and consumers" as stated in the White House announcement of March 10. In fact, the shortages we predicted have been felt even beyond the northern tier of states which most of those who signed the March letter represent in the Senate.

4. We questioned whether a control program on Canadian oil imports, whether voluntary or mandatory, is an appropriate vehicle for asserting our interests in Canada's policies regarding oil and related matters. Mr. Greene said in his May speech in Denver, "I am convinced that the solutions which will prove to best serve our joint interests will be those very solutions we come to as being the Canadian solutions in the Canadian interest."

These issues are of great significance to our millions of constituents and threaten to impair our relationship with our Canadian friends and neighbors. As United States Senators, and especially as Senators from northern states, those who signed the letter to you of March 25 assumed that you would comment on these vital matters.

It is also disturbing that Mr. Timmons' letter, even with respect to the national security issue, is not responsive to our comments. Specifically, he states that the Cabinet Task Force on Oil Import Control recommends the imposition of quantitative controls on Canadian petroleum. But this recommendation was predicated on the need for such controls during a transition to greatly expanded imports of oil from the Middle East and Venezuela. In the absence of a liberalized import program, which the majority of the Task Force proposed, there is no recommendation (or justification) in the Task Force report for controls on Canadian oil.

Moreover, the Task Force discussion of the purported problems which stem from the dependence of eastern Canada on imports from potentially insecure sources overseas cannot stand the test of logic. As we pointed out in our letter, Canada's western oil is not transported to the eastern provinces. Thus, the connection between the sale of western Canadian oil to the United States and the reliance on overseas oil by eastern Canada is, at best, obscure from the national security viewpoint.

Minister Greene stated in his Washington speech in April that "The security of our export deliveries to the United States markets . . . has surely never been seriously challenged." He continued, "Diversion to eastern Canadian markets of oil flowing to the United States would not at present be possible because of the absence of the necessary pipeline connections. And having regard to the long-standing arrangements between our two countries in defense, trade and other areas, I cannot find it credible that we would divert such supplies *unless by mutual agreement* for a common purpose *or that we would violate trading agreements* that were in effect between us." (Emphasis added)) The same points were repeated in his Denver speech in May.

I would also point out that the national security justification for curtailing Canadian imports is weak on other grounds. For example, during the 1967 crisis precipitated by the closing of the Suez Canal, we were quite anxious to get additional oil from Canada. The absence of sufficient pipeline capacity prevented our importing the oil from that secure source which was available to us. The effect of your control program will be to continue to inhibit the development of such pipeline systems which could serve us well in an emergency.

Surely the two speeches which Minister Greene made recently should provide whatever additional assurance you might have thought necessary in regard to our ability to depend on Canadian oil in an emergency. Therefore, I hope that you will promptly review the new controls in the light of his remarks. I feel confident that he would be prepared to confirm them in some formal exchange of instruments between the two governments. In the meantime, we cannot accept the continuation of these new restrictions at the demonstrably inadequate level of 395,000 barrels per day for the second half of this year.

Finally, Mr. Timmons' letter notes that the Trade Expansion Act authority for the oil import control program does not require the use of any specific formula nor the spelling out of the precise manner in which the threat occurs. He points out that Proclamation No. 3279 is not very specific either. It may be of interest that a number of members of the Senate have strongly criticized the proclamation and the statute on precisely that basis. Moreover, Section 232(d) of the law requires that a report be made. I do not believe that Proclamation No. 3969 adequately fulfills this requirement.

Because this subject is of the utmost importance to our constituents across the northern tier of the United States, and because it is of such great significance to our friend and neighbor to the north, I urgently request that you reconsider this matter at your earliest opportunity. I am sending a copy of this letter to the other twenty-four Senators who signed our letter of March 25. I am sure that they would also appreciate your early attention to these vital issues.

With warmest regards.

Sincerely,

WALTER F. MONDALE.

The Development of Canadian Resources With Special Reference to Oil

(By the Honourable J. J. Greene, Minister of Energy, Mines, and Resources, Canada)

1. INTRODUCTION

"Canada", as Jacques Cartier said to the Montreal Rotarians in 1535, "must develop its natural resources".

Since the days of the fur trade, development of natural resources has played a vitally-important role in Canadian economic growth.

A country heavily dependent on international trade, Canada experiences a "compulsion to export" to a unique degree. The products of our mines and of our oil and gas wells contribute significantly to our exports.

Regional development across the country has been stimulated by the opening up of mineral wealth. Today, it is hard to imagine the Prairies without oil and gas.

Finally, employment in and spending by our resource industries has a "multiplier effect" which reaches through the whole economy.

The resource industries then play a role in Canadian economic growth and development which is out of proportion to their size as measured by conventional economic indicators. I think there is a case for regarding these industries as a "psychological catalyst" in the Canadian economy. When they are expanding and innovating, developing new domestic and export markets, then confidence in the economy as a whole is at a high level.

Canadians today are more keenly aware than ever of the national importance of resource development. This awareness is related in part to the emphasis being given to opening up of the North, where development must be based largely on energy and mineral resources. It is coupled with a strong desire to ensure that the benefit to Canada of this development is maximized and that it proceeds in such a way that danger to the natural environment is minimized.

The result is greater government involvement in furthering resource development and in shaping the direction of that development in accordance with national aspirations.

My job as Minister of Energy, Mines and Resources is to ensure, as far as Government can, that we have healthy mining and energy industries. We want these industries to provide for increasing use of national resources and to continue to contribute their share to the realization of our economic and social goals.

We seek to achieve this purpose by fostering conditions favourable to sound expansion and by implementing policies directed at fuller, safer, and more efficient use of national resources. Moreover, my Department is justly renowned for its contribution to the appraisal of the extent of Canada's resources.

In implementing our policies, there is of course the need to strike a balance between consumer and producer interests, and between the different regions of Canada. Current desires have to be set against future needs. And purely economic criteria at times have to be subordinated to national political aims.

2. INTERDEPENDENCE IN RESOURCE DEVELOPMENT

Canadian energy and mineral resources are large. Quite how large, we are still finding out. Certainly their extent and variety is much greater than seemed possible just a few decades ago.

But once discovered, development is not always easy. Historically, some Canadian resources have proved particularly resistant to exploitation.

We have encountered technical problems: the tar sands are a particular example.

Transportation difficulties, a recurring theme in Canadian history, have been a frequent restraint. The natural-gas industry furnishes an example.

And availability of domestic capital has seldom been adequate to our resource development needs.

Characteristically, however, it is market access which has represented the ultimate limiting factor to the pace of Canadian resource development. Domestic markets are small and dispersed. It is logical, therefore, that Canada should look south for large and concentrated markets.

It is equally logical that the United States should look north for fuels and minerals to help supplement its domestic supplies. Take oil for example. Canadian resources are still at an early stage of development. I am told that we have found perhaps 10% of our total potential reserves of 120 billion barrels of crude oil. By contrast oil resources in the lower 48 states of the U.S.A. are in a late stage of development—perhaps half or more of total ultimate reserves have been found and the oil industry is finding it difficult to maintain its "inventory" of proven reserves.

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In this setting of "complementarity", it makes common sense to me that trade between the two countries is in the interest of both. Much has been said and written about a "continental oil or energy policy". Much has been written by those who neither understood the question nor the factors and yet have instant and certain answers. When the time comes to sit down with the United States, we shall want to find out more about what they have in mind and what trade arrangements can be achieved which are in the Canadian interest and yet of benefit to the United States. We would not be prepared to talk water in this context. With this exclusion, we are prepared to discuss energy matters on a "no holds barred" basis, always assuming that the existence of constitutional and statutory restraints on trade in energy sources is recognized in both countries.

In both these areas where there exists a serious difference of opinion it would be an easy thing to assume "tough stands" which might delight the jingoist or win quick political approval. But I suggest that such reaction which could render our positions rigid and inflexible would serve neither of our interests. I believe that the record of our past relations where we resolved differences at the bargaining table, negotiating in good will, and to the end of achieving resolutions which made the best economic sense is the pattern we should once again follow.

Of course, there is a place where a nation must stand. If a nation has no beliefs or concepts which it holds sacred, it is not a nation at all but merely a group of people living under a single political roof. Canada is standing at the place of its sovereignty in the Arctic, and at the place of assuring ecological control of its northern environment. So much of our future lies in northern development. So much of our Canadian dream of our particular "new frontier" is in this great north of ours. We are determined that the mistakes of the past will not be repeated in these areas where the ecology is so sensitive. I note that already some of your own statesmen, and at least one of your great newspapers, have supported our stand, though your State Department has taken exception to our conclusion. I note that prior to our declaration as to our 100-mile pollution control zone in the Arctic, President Nixon had signed a bill extending U.S. jurisdiction beyond the 3-mile territorial sea for the purpose of prevention of pollution. We do not believe our initiative to be narrow, petty or empty gestures of sovereignty. It was a necessary and meaningful initiative to protect and ensure Canada's future in the north.

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But we are equally certain that to achieve real and lasting results in maintaining the pristine purity of the northern ecology, we must and should work with you in bilateral or multilateral agreements and arrangements which will make pollution control effective. We are anxious to work with the United States to achieve such arrangements. And so, while the position we have declared is a firm and inviolable one, we know full well that practical results assuring the fulfillment of our purpose must be achieved by international understanding and arrangements. We believe this to be a realistic position, which fulfills our national responsibility, and yet is sufficiently flexible to allow discussions with the United States and other nations to enable satisfactory arrangements to be achieved.

Similarly, we are convinced that the unilateral decision on the part of the U.S. to cut back imports of Canadian oil is a mistake for both countries. We believe realistic trade arrangements in oil based on economic good sense to be the real answer. The resource studies done to date clearly show that we have existing and potential oil resources well beyond the need of Canada and Canadians in the present or in the foreseeable future, and that we thus have surplus to Canadian needs for the marketplace. It is, of course, for the U.S. to determine whether they in turn have a need for a growing supply of Canadian oil. If the need is there, such actions as the unilateral cutback are not conducive to the achievement of trading arrangements which will be good for both countries. On both these issues, where we have differences, the danger is that of rigidity, and that we will end up doing the wrong things in economic terms because we have reached positions from which we cannot later move.

I have in mind, for example, the fact that if the bureaucracy set up to enforce the unilateral oil cutback remains too long in place, what were to be temporary restrictions might well become a permanent way of life. I think we have all experienced in the past the fact that the bureaucratic structure and bureaucratic rules, once they are firmed in the cement of time, become as immovable as the mountain.

3. OIL POLICIES—SOME UNDERLYING DIFFERENCES

An important question from the Canadian viewpoint, is the extent to which a trade agreement in respect of petroleum resources would involve adoption of "common policies."

For a decade or more the development of the Canadian oil industry has occurred within a framework basically different from that existing in the United States. Our policy has been voluntary rather than mandatory and its flexibility has contrasted with the relative rigidity of the United States Oil Import Control Program. Particularly striking has been the continued dependence of eastern Canada on imported oil while western Canadian oil has been shipped in large volumes to United States markets. To understand this policy, certain factual differences between our two countries need to be brought out.

There is the fact of Canadian geography—the great east-west extent of our country with presently-known oil resources landlocked in the western interior. United States oil policy might have taken a different course if United States oil reserves were all in the Rocky Mountain states.

There is the fact of regionalism within the Canadian federal system. The United States certainly has its regional differences too, but because of our "ribbon development" and our less definitive historical resolution of inter-regional conflicts the possibility of regional differences pulling the Canadian federal state apart cannot be ignored.

The issue of domestic versus imported oil has caused considerable fuss in New England. Had a similar issue developed in eastern Canada it could have been an extremely serious national problem because of that strong sense of regionalism which exists.

There is also the fact that western Canadian oil is already being shipped more than 2,000 miles to Ontario markets, a greater distance than any pipe line movement in the United States.

4. SECURITY OF SUPPLY

I am aware of the concerns which have been expressed in some circles that dependence of eastern Canada on imported oil carries unfavourable implications for the security of deliveries of oil to eastern Canada and to the United States in conditions of world oil supply emergency.

We have the matter of eastern Canadian oil supply security under active review, as any responsible government should. Hitherto, we have not considered the danger of supply interruption to be such as to require revision of our oil policy. But there are changing circumstances and if we conclude that a problem exists, then we shall seek to apply solutions to it.

Possible solutions might include storage in eastern Canada, arrangements to exchange Canadian for United States oil in an emergency or the supply of some western Canadian oil to our eastern provinces. A complete answer could, of course, come with discovery of large oil resources on the Atlantic Shelf or in the Canadian Arctic.

I would like to suggest that it should be left to us to evaluate the matter of oil supply security in eastern Canada and to take any appropriate action. I am convinced that in the particular circumstances, the solutions which will best serve our joint interests are Canadian ones.

As to the security of our export deliveries to United States markets, this has surely never been seriously challenged. Indeed, the work of the U.S. Cabinet Task Force on oil import control tended, if anything, to confirm the reliability of Canadian supply. Diversion to eastern Canadian markets of oil flowing to the United States would not at present be possible because of the absence of the necessary pipe line connections. And having regard to the long standing arrangements between our two countries in defence, trade and other areas, I cannot find it credible that we would divert such supplies unless by mutual agreement for a common purpose or that we would violate trading agreements that were in effect between us.

5. SUMMING UP

We have in the past achieved accord and the resolution of our differences on the basis of economic good sense which accrued to the benefit of the standard of living of both of our peoples, rather than relied on chauvinistic posturing which in the end would have helped no one. I firmly believe that the same course which has served so well in the past should prevail in the future.

But there is perhaps a new factor which will require an even deeper understanding, a more determined decision to stay on that same sane road. Until fairly recently it appeared that Canada and the U.S.A. were going to be in the end almost identical in their make-up. We had but to cross the border at any given point for the affirmation of this fact. True, this impression of similarity may have been somewhat superficial. Be that as it may, it now appears quite clear that Canada is going to build on this northern half of the continent, a political entity which may in fact have a different appearance from that of the U.S.A. There is a great resurgence of Canadian nationalism. A nationalism that is not directed against anyone, or any nation, or any people. It is expressed in a determination to build something different, something uniquely Canadian. Because we are new, we are young, we are relatively undeveloped in industrial and technological terms, we believe that we can profit from the mistakes that have been made in the evolution of other states in building that unique Canada. The spirit is manifesting itself in many ways. The massive participation and determined involvement of many people, and particular young people on the questions of ecology. Their unwavering insistence that so-called economic progress be not at the expense of the environment. And on questions concerning foreign control of our economy, and the Canadian ethic becoming clear that the rules of the future permit maximum participation by Canadians in the international corporate conglomerates which will dominate the open marketplaces of the tomorrows. They are not satisfied to be a mere branch plant economy. The new nationalism manifests itself in the desire for an independent and uniquely Canadian foreign policy which will enable Canada and Canadians to play their full part in the world at large, bearing in mind the bilingual and bicultural nature of our own country.

This then will be the test. Whether we can still travel the same sound and sane road of economic good sense in our relationship, despite the fact that we are not going to look as much alike in the political-national sense as appeared at one time to be the case. This, of course, is the real mark and the real test of friendship. Whether or not it can survive—yes, and strengthen—in difference. The friendship that crumbles or diminishes in difference is not much of a friendship. I am convinced that the past record, the warmth of personal feelings which exists between our people, the burdens and joys we have shared previously, in the fact that in the vast majority of things we will continue to see eye to eye, in the common denominator our people, their sense of decency and humanity is the most cogent and certain evidence to me that we will stay on that tried and good road of accord. That in those areas where we do not see eye to eye we will sit down and talk, as we have done before, and work out solutions that are in the best economic interest of both our countries. On this sane, though perhaps not very exciting path, lies the real interest of our two peoples. The record of our past one hundred and fifty-six years has been a good one. It will require patience and goodwill to reconcile our respective interests, to develop and use our resources consistently with those interests, and to ensure that our differences do not obscure those interests that we share in common. These things can be done and will be done.

NEED FOR RESTRAINT IN WAGE AND PRICE INCREASES

Mr. PERCY. Mr. President, the United States is actually suffering from an epidemic, and its name is inflation. It cannot be controlled by quarantine, because all are infected. It cannot be cured by half measures, especially half measures which ignore the facts of international competition. It will not "just go away."

What is the extent and intensity of this epidemic? To merely equal the buying power that he had in 1960, a worker with three dependents must earn 30 percent more in 1970. Even more alarming, the place of inflation is accelerating. In March 1970, the Consumer Price Index was up 6.1 percent from a year ago. In terms of the 1957–59 dollar, the March 1970 dollar was worth 75 cents. Food, clothing, and medical care all cost more. The American housewife may not be familiar with every statistic, but she knows what life is like at the grocery store checkout counter.

One reason why the slowdown in inflation has not yet come about is the common expectation that the Government will not stick to its anti-inflationary policy. Some businessmen still think they can safely raise prices because they think that Government deficits and easy money will be pumping the economy up again and they will be able to sell all they can produce at higher prices. On the labor side, in the first quarter of 1970, major union settlements have on the average provided for annual increases of over 8 percent in compensation, often for several years to come. In the construction industry, the increases have averaged more than 12.5 percent.

Why do workers think they can demand such increases without even further unemployment? How do employers expect to be able to pay them? It is simply because they think that inflation is going to continue at a rapid rate.

Few things reveal the extent of the inflationary disease and its basic causes more vividly than our declining position in international trade. As inflation has accelerated, our manufactured goods have become less and less competitive in the world market. Since 1958, our imports of manufactured goods have quadrupled while our exports have only doubled. And in recent years, our merchandise trade surplus has dwindled from over $7 billion to virtually nothing in 1969. Why? One major reason for this disastrous decline is the great disparity between our labor costs and those in competing countries.

It is precisely this fact of world trade competition that limits our options on how to deal with inflation. Our global economy will no longer permit us to rationalize away inflationary wage and price increases as an internal phenomenon that will eventually equalize out.

The labor rate aspect of the problem of inflation is a subject which is understandably avoided by politicians but which now requires frank discussion. Let me repeat, the average major labor settlement in the first quarter of 1970 provided for an average pay increase of over 8 percent with the average increase in the construction industry over 12.5 percent.

These statistics, together with other cost increases in land, interest, and materials, show that it will be virtually impossible for the United States to meet its housing goals over the next decade.

Labor leaders are understandably negotiating contracts to take into account future expected cost-of-living increases. While increases of this kind seem most attractive to those who receive them, they should ask themselves, as we all must ask ourselves, what such settlements are doing to our economy in general and to the job security of American workingmen in particular.

It is difficult to blame the leaders and members of labor unions for wanting more, just as it is difficult to blame business leaders for passing their increased labor costs on to their customers, whenever possible. Yet, sooner rather than later, we must face up to the facts that these inflationary wage increases:

Rob us all of purchasing power;

Pick the pockets of those who are on fixed incomes;

Seriously damage our position in competitive world markets; and

Undermine the job security of American workers.

How should we deal with this corrosive problem? Wage and price controls? I sincerely hope not. The destruction of free collective bargaining and the ending of business decisions made free of Government coercion would be a bitter price to pay.

But Government must take firm action, where appropriate, to stop inflation. I am very worried about estimates that indicate that the fiscal 1971 budget may be in deficit by $6 billion against an original forecast of $1.3 billion surplus. The administration and Congress must work together to find revenue and cut expenditures to have a budget surplus. Otherwise, the fires of inflation will be fanned even more.

What is now needed in the struggle against the disease of inflation is another national commitment, a moral commitment, if you like: A commitment by labor leaders to practice restraint and lead their members responsibly; a commitment by business to hold prices in line; a commitment by workers to produce more and earn every dollar of increased wages; and a commitment by the administration and Congress to do everything in their power to foster productivity, equity, stability, and hold down the cost of Government.

To subdue inflation will require what has been called a spirit of creative collaboration among business, labor, and Government. We dare wait no longer. We need wait no longer. We must act now.

SECRETARY GENERAL U THANT'S IDEA PARALLELS WORLD ENVIRONMENTAL INSTITUTE PROPOSAL OF SENATOR MAGNUSON

Mr. MAGNUSON. Mr. President, on April 27, with 40 cosponsors, I submitted Senate Resolution 399, to facilitate creation of World Environmental Institute. As visualized in the resolution, the Institute would serve as a research center for global environmental problems and as a central clearinghouse on environmental knowledge. The goal of the Institute is to develop and provide information on environmental problems to all nations of the world in a cooperative manner.

Mr. President, since April 27 I have frequently called attention to similar environmental proposals by scientists and statesmen. On May 6, I inserted into the RECORD two fine proposals by Dr. George N. Kennan and Dr. Richard Gardner, respectively. I have also inserted the report of the Ad Hoc Committee of the International Council of Scientific Unions, which recommends creation of an International Center for the Environment.

Today I also have the honor and privilege of providing to the Senate a speech made recently by U Thant, the Secretary General of the United Nations. In his fine address, the Secretary General also recommends a global environmental authority. Calling attention to the urgent international environmental crisis, U Thant says:

> If effective measures are to be taken in time, we need something new—and we need it speedily—a global authority . . . In the matter of environmental pollution it seems to me absolutely essential that *all* countries and peoples should be associated from the outset with the effort to face what may well prove to be the gravest threat that mankind as a whole has ever encountered . . . For the task of saving the environment, nothing less than a new step toward world order will do.

Mr. President, the Secretary General's words echo those of my address on April 27, and his concern echoes not only my concern, but the concern of thousands of scientists and statesmen from throughout the world. Out of this concern has come the beginning of action—Senate Resolution 399. The resolution is now before the Foreign Relations Committee, awaiting the views of the State Department. I have asked both the Secretary of State, Mr. Rogers, and the Special Assistant to the Secretary of State for Environmental Affairs, Mr. Christian Herter, Jr., to speed their communication of views so that needed action may be taken on this resolution.

Mr. President, I am under no illusion that the adoption of Senate Resolution 399 alone will create an international environmental agency overnight. Obviously, the resolution will have to be followed by substantive legislation and by a concerted diplomatic effort. The resolution serves, however, to initiate needed action in preparation for the 1972 United Nations Conference on the Human Environment. It also serves to put the Senate on record as advocating this international concept, and it facilitates the refinement of the various proposals that have already been made. Most important, however, it serves to advise the President and the Department of State that we in the Senate consider the World Environmental Institute concept to be vitally important and a proper subject for diplomatic negotiation.

Let us remember what Secretary General U Thant has called the international environmental crsis—"the gravest threat that mankind as a whole has ever encountered." Let us act appropriately.

Mr. President, I ask unanimous consent that the fine speech by Secretary General U Thant be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

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HUMAN ENVIRONMENT AND WORLD ORDER

It is a thrilling experience to come to Texas and to the South West for the first time. To outsiders Texas is an almost legendary place, and for us in the United Nations this is particularly true. Texas, after all, is larger, both in area and in population, than most of the Member States of the United Nations. In fact, Texas has more inhabitants than 86 out of the 126 Member States of the United Nations. Its history, though comparatively short, has been dramatic and adventurous, as well as providing the unusual case of a truly independent republic which became part of a larger union. In an increasingly crowded world, the name of Texas evokes a vision of wide open spaces and vast horizons, of individualism and self-reliance. These, in our time, are the qualities of romance. I have been told that in the original agreement between the Republic of Texas and the United States Government, Texas reserved the right to split into five separate states. I sincerely hope that this temptation will be resisted. The world has enough trouble already with two Chinas, two Germanies, two Vietnams and two Koreas. A five-Texas problem might well be the last straw. But I have come here to talk with you about quite different matters.

Real life, in our time, has shown an alarming tendency to overtake science-fiction, and this tendency is nowhere more evident than in the subject I am going to talk about today—the problem of the human environment. It is a problem which, although it is by no means new, has suddenly taken on the quality of a nightmare.

Although experts may disagree on this or that detail, there can be no doubt that we are faced with an unprecedented situation. This is the first time in its history that mankind faces not merely a threat, but an actual world-wide crisis involving all living creatures, all vegetable life, the entire system in which we live, and all nations large or small, advanced or developing. It is a crisis which concerns literally everyone, and involves, directly or indirectly, almost everything. It underlines, as no other phenomenon can, the fact that ours is the first global civilization and that, as such, it can make global mistakes which can wreck not just one nation or society, but the very earth itself. We have, of course, also *invented* the means—nuclear, chemical and biological—of actually destroying our global society as well, but today I shall concentrate on the ways in which we may wreck it not intentionally, but by mistake, by selfishness and by stupidity.

The exploration of outer space has given us a new appreciation of our planet and of its unique and bountiful nature. Through the eyes of space explorers we have seen the earth as a jewel of the universe—with its great oceans, its incredible variety of terrain and vegetation, and its astonishing crew of animal and human life, sailing in space and wreathed with the clouds and the air of its life-giving atmosphere. The Soviet cosmonauts movingly expressed our newly found earth-patriotism when they wished their stricken American colleagues on Apollo 13 a safe return to "our native earth."

The drama of Apollo 13 also gave us an exhibition on a small scale of what might easily become the problem of spaceship earth. The problem in those agonizing days of Apollo 13's return from the moon was basically the uncertain balance between the capacity of the spaceship to support life and the demands made on it by its inhabitants. Until recently, the earth could, without difficulty, meet the needs of its passengers and could also absorb the various waste products which they produced. But now we face a rapidly increasing imbalance between the life-sustaining systems of the earth and the demands, industrial, agricultural, technological and demographic, which its inhabitants put upon it. This is an unprecedented challenge to all earth-people here and now. If we fail to meet that challenge, it could become an unthinkable disaster for our children.

Apollo 13 had behind it a vast and brilliant research and planning organization and a dedicated and decisive Mission Control—stationed here in Texas—whose authority was unquestioned. It also had a home base to return to. On spaceship earth we do not as yet have any of these advantages. Indeed, it is strange that while we marvel at, and pride ourselves on, the miracles of invention, planning, technique, courage and team work which sustain our space explorers, we still accept for our own spaceship earth the most antiquated systems, the most wretched mismanagement and a level of profiteering, sabotage, self-seeking and indiscipline which would not be tolerated for a second in the Manned Space Flight Center or at the Soviet Cosmodrome. Today I propose to consider briefly how we may begin to achieve for spaceship earth, on the necessary scale, the kind of planning, organization and authority which brought Apollo 13 safely home. Our problem, of course, is infinitely vaster and more complex, but the basic necessity is the same.

The symptoms of our problem are too well known to need description. We see, hear and smell them all around us, and, belatedly perhaps, the environmental problem is becoming the most widely discussed and written about question of our time all over the world. This sudden interest and concern over the environment cannot be allowed to be merely a passing whim, and it is also essential to avoid any temptation to make the problem into some sort of cult. Clear and honest thinking, organization and hard work are vital. The environment must become a subject of lifelong dedication for many people everywhere, especially among our most promising young men and women. This is one branch of human endeavor in which we dare not permit ourselves to fail.

The causes of our problem are also generally well known. Man's technological achievements in the past two hundred years have allowed for, and encouraged a fantastic growth of population which has increased the number of the earth's inhabitants sevenfold since 1600 A.D. and my well double it again in the next 38 years. This population increase has been accompanied by a process of urbanization which has already brought 40 per cent of the world's people to live in cities, and the urbanization process continues apace.

Urbanization on this scale was neither foreseen nor planned by the presiding wizards of the industrial revolution—nor apparently did it worry them at all—and the appalling results are clear for all to see. Urbanization has become, in social and economic terms an almost universal problem producing vast social and political difficulties as well as being a major source of pollution. At the same time the spread of industrialization and the inexorable advance of technology, of which the human and environmental consequences have so far been largely ignored, have produced a new and global range of problems which now threaten the very fabric and atmosphere of the earth itself.

You are all acquainted with striking examples of this horrible accident of history, and certainly we have already produced some irreversible disasters and have lost beyond redemption some precious parts of our common heritage. But there is no basic reason why technology, urbanization and industrialization, properly planned and controlled, should not be made to enrich the life of mankind rather than to deplete it, just as, at its best, the industrial revolution has; in some areas of the world, put an end to the drudgery and servility in which, for most of its history, a majority of the human race has lived. It is the aims, methods and organization of technology, industrialization and urbanization which must urgently be reviewed and, where necessary, changed, before we suffer larger and more fatally irreversible disasters.

Why has the environmental problem, which has been evident for so long in different ways and in different parts of the world, suddenly assumed the dramatic and global proportions of which men speak today? It is mainly I suppose, because the accelerated growth of population and technology have compounded themselves in a progression which was mathematically predictable, but to which, until very recently, short-sightedness and self-interest blinded the authorities and interests mainly responsible. One statistic, quoted recently in *The New York Times*, may give an idea of the speed of this progression and of the size of the problems we face. In 1957 the gross national product of the United States was 453 billion dollars. In 1969 it was 728 billion dollars, an increase of 60 per cent, and by 1980 it is estimated that it will again have increased by 50 per cent. The output of goods and services in the United States grew as much between 1950 and 1970 as it did in the entire period between 1620, when the Pilgrims landed, and 1950. An increasing gross national product was, until recently, regarded as an entirely desirable goal, but now we must also see this goal in terms of demands on resources, in terms of waste disposal and pollution problems and of other serious consequences, social as well as economic.

The question of the growth of the gross national product as a national aim is only one of many areas in which a reconsideration of attitudes and ideas, which until lately have been generally accepted, is urgently required.

Obviously, the environmental problem looks very different according to the state of development of the country one happens to live in, and this makes a global approach all the more essential. A simple example is the question of DDT, the use of which is vitally important to the agricultural development of a number of developing countries at precisely the moment when some advanced countries are taking steps to curb, or even abolish, its use. It is clear also that the whole question of the pace and the goals of economic development must be examined in the light of environmental problems. The developing nations should not be encouraged to repeat the mistakes of the advanced countries. Nor should they be the victims either of the abuses of the environment committed by advanced countries, or of the measures which their new awareness of their mistakes may cause the advanced nations suddenly to take. In the interest of all people of the world, it is essential to evolve a new balance between economic development and the increase of the gross national product on the one hand and the human and social requirements of men and a reasonable use and conservation of the world's resources on the other.

This is only one of a whole range of broad questions which will need to be re-examined urgently in the light of the environmental crisis. On a national level there are many others. In some countries the whole system of profits, of sales promotion and of the nature of commercial enterprise, as part of a national way of life, clearly have an important bearing on the environmental problem. The attitudes of consumers as well as of producers must be looked at anew from the environmental point of view. In other countries, which are not committed to the free enterprise system, national economic aims and policies will require a similar examination.

It also seems probable to me that the results of the habit of thinking primarily in national terms will be found to be closely connected with some of the problems of the environment. I think, for example, of the large numbers of aircraft from scores of national airlines which fly about the earth, often with a small complement of passengers, and of the 35 tons of oxygen which each of them is said to replace with gases and fumes in every six-hour flight. One may be forgiven for wondering if a more rational and efficient scheme of international civil aviation could not be devised which would reduce this major source of pollution, as well as lessening the overcrowding of the world's airports.

These are only a few of the general problems on which we urgently need a searching and responsible international dialogue. No one can say what the results of such a debate might be, but I believe that we should not be too pessimistic. Many of the questions to be discussed are overdue for discussion anyway, and it is even possible that out of this exchange we might evolve new aims, attitudes and styles of life which would in themselves constitute a positive improvement in the human conditions. We might, for example, begin to find a balance between the material cravings of man and other nobler aspirations which have tended to be overshadowed by the appetites cultivated by the technological age.

On more specific problems there is no shortage of evidence. The main areas of our concern are clear. The desperate conjunction of explosive population increase and food shortage has haunted us for many years. The effects of existing technology put a increasing strain on natural resources and now also threaten, through unabsorbable or undisposable waste products, not only the surface of the earth but the very integrity of the atmospheric envelope in which we live. We now hear much, for example, of the "green house effect" caused by the steadily increasing excess of unabsorbed carbon dioxide which we heedlessly release into the atmosphere each year. This could cause an increase in the mean annual temperature all over the world with a series of catastrophic results—the melting of the polar ice caps, radical changes in the ecology of the sea, and even floods on a scale hitherto undreamed of. There is also the emerging problem of new techniques which actually destroy the environment.

The most dramatic of these is, of course, the thermonuclear explosion, but others less spectacular, and benevolent in the short-term, may prove to be long-term disasters. Some chemical pesticides, some fertilizers, and the internal combustion engine—although this may not be the happiest place to say it—are obvious examples, not to mention the unknown effects on earth and in the atmosphere of innovations such as the supersonic transport plane. Here again we have to reach a proper balance between new goals and real human requirements. To reach this balance we have to develop our knowledge of the results of technological change and our thinking as to what men really want and need.

There is indeed no shortage of problems to discuss, and it is my hope that the United Nations Conference on the Human Environment, which, at the initiative of the Government of Sweden, is to meet in Stockholm in 1972 and for which we are now actively preparing, may serve as an occasion for organizing, sharing and deploying knowledge and expertise, identifying priority problems and co-ordinating national measures within an effective global framework. I do not propose to speak now in detail about the work of that Conference. There is, however, one aspect of it which we must consider realistically and with care—I refer to the question of effective organization to meet this first truly global crisis. What is to be the nature of the institutional arrangements for planning, programing and researching for the rescue of spaceship earth? And who, if things go wrong, will be our Mission Control, with the wisdom and the authority to ensure that the agreed measures are the right ones and that they are actually carried out?

There is already a huge mass of information on the threat to the environment, and many organizations and Governments all over the world are concerned with this or that aspect of the problem. There are even efforts to set international standards in some areas and to make international rules for the preservation of parts of our threatened environment. But the situation is now sufficiently urgent to demand a great deal more than this. The unthinking exploitation and abuse of the world's natural resources, and the plunder, befouling and destruction of our native earth, have already gone too far for us to rely any more on pious hopes, belated promises, and tardy efforts at self-discipline.

Only last year Thor Heyerdahl, in his papyrus ship, encountered a 200-mile oil slick in the mid-equatorial Atlantic. It was the contribution of countless tanker captains, and sometime soon it may begin to approach the shores of South America. There is no necessity for comment on an outrage such as this, but it underlines the fact that we do not have the time for an educational campaign to divert men from centuries of destructive or thoughtless habit.

If effective measures are to be taken in time, we need something new—and we need it speedily—a global authority with the support and agreement of Governments and of other powerful interests, which can pull together all the piecemeal efforts now being made and which can fill in the gaps where something needs to be done. This authority must embark expeditiously, with the good of all men in mind, on the delicate process of reaching a workable compromise among Governments and interests on matters affecting the environment. It should be able, if necessary, to police and enforce its decisions. Apart from the general support of Governments, such an agency will have to rely, as Mr. George Kennan has rightly observed, on experts, scientists and scholars who will be "true international servants, bound by no national or political mandate, by nothing, in fact, other than dedication to the work in hand". The immediate question is this: Do the sovereign nations of the world have the courage and the vision to set up and support such an agency *now,* and thus, in the interest of future generations of life on earth, depart radically from the hitherto sacred paths of national sovereignty? I sincerely hope that they do have this courage and wisdom, for I increasingly doubt whether any lesser measures will suffice to meet the challenge which faces us. Certainly the clouds and currents of pollution ceased to respect national sovereignty long ago.

There is a secondary question which relates to the nature of this new global agency. Mr. Kennan has suggested, for reasons which he considers cogent and practical, that, to begin with at any rate, it should be constituted by a small group of leading industrial and maritime nations, whose economies are largely responsible for the environmental problem in the first place. With all respect for Mr. Kennan's judgment, I profoundly disagree with this idea. It has always seemed to me ironical that the Powers who had created, or who owned, nuclear weapons were precisely those who were so insistent that others should forswear them, although, from a practical point of view, they were unquestionably right in seeking to curb the spread of nuclear weapons.

But in the matter of environmental pollution it seems to me to be absolutely essential that *all* countries and peoples should be associated from the outset with the effort to face what may well prove to be the gravest threat that mankind as a whole has ever encountered. As I said earlier, a balance has to be reached between economic development and human and social needs, and between population, development and environmental control. The developing countries are intimately concerned in these problems, which are crucial both to their own future and to the future of the environment. Their voices must be heard, and listened to, even if at the outset their technical contribution may be relatively small. Their confidence and their co-operation, as representing the largest part of the world's population, are vital. Otherwise we shall once again increase the gap between advanced and developing nations which is already one of the major sources of tension in the world.

I further venture to say that I believe that a global authority for the protection of the environment should be closely associated with the United Nations. I hasten to add that in saying this I am motivated by no impulse for empire-building. The United Nations has no shortage of great and difficult problems on its agenda. But the United Nations, for all its shortcomings, is the nearest thing we have to a world organization, and it suffers from all the difficulties of a world organization. If the United Nations has so far failed to develop the degree of world order and the kind of international authority and responsibility which many of us believe the present state of the world demands, it is perhaps because the challenges it has faced hitherto have not seemed compelling enough to persuade its sovereign members to advance sufficiently fast from self-centered nationalism to internationalism. The fact remains, however, that the United Nations is still the only forum where the development of world order is continuously discussed and actively striven for. For the task of saving the environment, nothing less than a new step toward world order will do. Any new and separate universal agency set up for this purpose will have to face the same hard facts of international life which

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the United Nations faces, without the advantages of the accrued experience and existing organization of the United Nations.

One of the standard plots of science-fiction is the overwhelming and mysterious threat from outer space which unites all men on earth to defend their planet and which makes them forget at last their petty, earthbound differences. If much of what we now hear about environmental problems is true, we may well, on our own, have provided the overriding incentive to unite and to cooperate, and we shall not be needing help from outer space. If that is so, I can only hope that we have the imagination and the strength to react in time and in a fitting manner. If we do, our present near-disaster could be turned, like the flight of Apollo 13, into a triumph of the human spirit and of human ingenuity. Every cloud, even if it consists of smog, may have a silver lining. The crisis of the environment could be the challenge which might show us the way forward to a responsible and a just world society—a path which, for all the efforts of the United Nations in the political crises of our time, has so far eluded us.

Is it wholly fantastic and utopian to ask that some of the ingenuity and the vast sums of money now spent on armaments might be diverted to the saving of our native earth? Is it silly to believe that man can find within himself the generosity and the imagination to put the common good before self-interest? Is it naive to hope that ideological struggles might give way to the struggle for survival and for a decent future? Is it unrealistic to suggest that the undoubted global challenge we now face might become the basis for a new start in world order and a more civilized and generous way of life for the peoples of the earth?

A great American public servant recently observed that "invariably the right things get done for the wrong reasons, so the organizer looks for the wrong reasons to get the right things done". While this dictum may err on the side of scepticism, there is a great deal of wisdom in it. As Secretary-General of the United Nations, I am deeply concerned with the threat to the environment, but I cannot let this concern overshadow all of the other objectives for which the United Nations has striven and will strive. All of these aims—peace, disarmament, justice, human rights, world order, improved conditions for all peoples, the development of international law—are interrelated, and an advance in one area benefits all the others. If the threat to our environment proves to be as great and as imminent as many experts now say it is, and as I believe it to be, and if the concern now being expressed all over the world is sincere, I would hope with all my heart that the lessons we can learn from this bitter experience may also find a wider application. I would hope that in saving ourselves by preserving our environment, we might also find a new solidarity and a new spirit among the Governments and peoples of the earth, and so look to the future with greater courage and confidence.

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U.S. ACTIONS FOR PEACE IN VIETNAM AND THE COMMUNIST RESPONSE

Mr. THURMOND. Mr. President, it is amazing to me to find Americans here at home protesting a major American victory on the battlefield in Southeast Asia. It is even more difficult to believe that some of my colleagues here in the Senate would undertake a legislative means to weaken our President's authority. To me, this is a breach of faith with the President and a gross violation of the faith of the American people who voted him into office. Before we go much further with this cowardly blow against our Commander in Chief, I should like to document the record with some White House facts about the U.S. action for peace in Vietnam and the Communist response.

Mr. President, I ask unanimous consent that the White House fact sheet, which fully justifies the President's decision, be printed in the RECORD.

There being no objection, the fact sheet ordered to be printed in the RECORD, as follows:

FACT SHEET: U.S. ACTIONS FOR PEACE IN VIETNAM AND THE COMMUNIST RESPONSE

U.S. ACTIONS

Military

We have instituted a Vietnamization program which envisages South Vietnamese responsibility for all aspects of the war—coping with both Viet Cong insurgency and regular North Vietnamese forces—even if we cannot make progress in the political negotiations.

We have offered the withdrawal of U.S. and Allied forces over a 12-month period, if North Vietnamese forces also withdraw. On April 20 the President reaffirmed our acceptance of eventual total withdrawal of U.S. troops, in return for the permanent withdrawal of North Vietnamese troops.

We have declared that we would retain no military bases.

We have reduced our presence in South Vietnam through lowering our force ceiling there by 115,500. On April 20, the President announced the withdrawal of another 150,000 American troops to be completed during the spring of next year, making a total reduction of 265,500 men since this Administration took office. He also said that more than 150,000 would be withdrawn if we make progress on the negotiating front.

We have reduced air operations in South Vietnam by over 20% since January, 1969.

There has been a halt to the bombing of North Vietnam since November, 1968.

We have emphasized to our military commanders the requirement that losses be held to a minimum, consistent with their mission to protect allied forces and the civilian population. (In the first three months of this year, the number of Americans killed in action was lower than in the same three months during any of the past five years.)

Political

We have made concrete and comprehensive political proposals for settlement of the war. In addition to the military steps listed above, we have taken political steps which many had advised us would lead to serious negotiations.

We have proposed free elections organized by Joint Commissions under international supervision.

We and the Government of South Vietnam have announced that we are prepared to abide by the outcome of the political process agreed upon.

We have offered to negotiate supervised ceasefires under international supervision to facilitate the process of withdrawal.

We have expressed willingness to discuss the 10-point program of the other side, together with plans put forward by the other parties.

We have dealt with the National Liberation Front at meetings in Paris.

In short, the only item which has not been declared negotiable is the right of the people of South Vietnam to determine their future, free of outside interference.

On April 20, the President affirmed our belief that a fair political settlement should reflect the existing relationship of political forces within South Vietnam. He also said, "We recognize the complexity of shaping machinery that would fairly apportion political power in South Vietnam. We are flexible; we have offered nothing on a take-it-or-leave-it basis."

The President also noted with interest the recent remarks by Soviet Deputy Foreign Minister Malik concerning a possible new Geneva Conference on Indochina.

On November 3, 1969, the President described extraordinary efforts we have made to engage the other side in serious negotiations. On April 20 he reaffirmed that we are willing to explore any reasonable path to peace.

THE ENEMY RESPONSE

Military

Enemy activity in Vietnam has increased in several areas over the past few months. In April they stepped up their attacks.

Their 40,000 troops in Cambodia and 67,000 troops in Laos are actively engaging in aggression in violation of the legally recognized neutrality of those countries.

While the U.S. is withdrawing troops, North Vietnamese infiltration into South Vietnam continues.

Political

Hanoi has consistently rejected our forthcoming proposals. The North Vietnamese continue to demand that we unilaterally and unconditionally withdraw all American forces, that we first overthrow the elected government of South Vietnam, and that we accept a political settlement that would in practice mean the imposition by force of a Communist government in South Vietnam.

Hanoi has rejected a ceasefire proposal for Laos and has shown no real interest in discussing ceasefires in Vietnam.

Hanoi refuses to provide information about the whereabouts of all U.S. prisoners of war, to allow them to communicate with their families, or otherwise to conform with elementary standards of decency in caring for captured U.S. personnel.

HANOI'S USE OF CAMBODIA IN THE VIETNAM WAR

Since late 1965, Cambodia has played a major role in Hanoi's strategy for taking over South Vietnam. The Vietnamese Communists have made use of its territory for tactical sanctuary, for base areas, for infiltration of personnel, and for shipment of supplies. They have also procured arms, food and other supplies from Cambodian sources.

Sanctuary

The utility of Cambodia to Hanoi became crucial in 1969, when the North Vietnamese decided after the defeat of their Tet offensive and two subsequent offensives in 1968 that they would shift to a strategy of "protracted struggle." This strategy, as outlined in detail in a document issued in August 1969 by COSVN (the "Central Office for South Vietnam," which is Hanoi's main headquarters in the southern part of South Vietnam), called for the withdrawal of the bulk of the Communist main forces into the Cambodian base areas, from which they would wait out the U.S. troop withdrawals under Vietnamization, stage occasional forays, or "high points," to maintain military pressure on the allies, and support the Communist infrastructure and local forces left behind in South Vietnam. Here the Communist forces enjoyed sanctuary, a particularly important feature for the forces operating adjacent to the relatively open, densely-populated, and heavily-garrisoned areas of IV Corps and southern III Corps—the Delta and the Saigon region. (Safe haven in Cambodia is less important further north where the rugged, densely-forested, and lightly-held South Vietnamese highlands provide more elbow room for Communist forces on the move or at rest.)

These base areas have now been turned by the NVA/VC elements into comprehensive military installations where troops and new recruits are received, supplied, and trained; military and political staffs maintain their headquarters; and fighting forces receive refuge and medical treatment. Some base areas contain sizeable ordnance depots, weapons and ammunition factories, petroleum storage facilities, truck parks, and POW camps. Clearly, the base areas provide the foundation upon which rest Communist expectations of maintaining an effective military-political apparatus in southern South Vietnam while the U.S. withdrawal proceeds.

The more northerly base areas, opposite II Corps and northern III Corps, serve as safe havens for Communist troops operating into these areas, and also facilitate the southward movement of North Vietnamese troops and supplies toward COSVN and eastward into the highlands of South Vietnam. They constitute, in effect, an extension of the Laos corridor—but a sector in which the NVA has enjoyed virtual immunity from Allied attack. To the extent that the Communists were denied free use of these areas, their forces in the highlands of South Vietnam could suffer a loss in combat effectiveness and increased casualties.

The southerly base areas, opposite the Delta and the Saigon region, have grown rapidly in size and importance since August 1969 as Hanoi has sought to limit exposure of its main force units and reduce casualties while attempting to halt the erosion of its political-military base in the populous and decisive theater. The bases are situated in well populated areas, many in villages and plantations inhabited by ethnic Vietnamese and controlled by Communists since the days of the Viet Minh.

The Cambodian sanctuaries play a key role in Hanoi's response to the Vietnamization and pacification programs. Because of their existence, especially the sanctuaries in southern Cambodia along the III and IV Corps frontiers, Hanoi can always mass large hostile forces in close proximity to major South Vietnamese population concentrations. This ability enables Hanoi to pose a continuing threat to South Vietnam's internal security that progress in pacification or Vietnamization cannot eradicate.

Infiltration

The Cambodian base structure, as noted above, supports infiltration of NVA personnel into South Vietnam, and the shift of units from one portion of South Vietnam to another, as in the case of the movement of NVA regiments into the Delta last year. The infiltration system through Cambodia handled nearly 55,000–70,000 NVA personnel in 1969, an estimated 60 percent of total NVA infiltration into South Vietnam that year. About 45,000–55,000 of these enemy troops moved as far as the southerly base areas subordinate to COSVN. The foot trails used lie very close to the border and occasionally cross into South Vietnamese territory; they are, for the most part, heavily canopied and secure from aerial observation. The trip from the Laos border to the "Parrot's Beak" opposite Saigon takes 45 to 60 days.

The Communists' north-south logistic route through Cambodia has few motorable segments and is mainly a network of trails and waterways. Occasionally, it utilizes the same trails as the personnel infiltration system. It has never been possible to quantify the north-south movement of supplies to VC–NVA forces in South Vietnam via Cambodia, but there is evidence that the trails are being constantly improved and that supplies are being moved.

Large quantities of heavy weapons and bulk supplies have moved until recently through the port of Sihanoukville and along West-East routes to III and IV Corps in South Vietnam.

Over the past year the demands of the new NVA force in the Delta would have greatly increased Communist supply requirements there. These increased supply requirements probably account in part for the actions of the Communist forces in attacking Cambodian police and military posts in provinces adjacent to the Delta region of South Vietnam. Food needs had evidently been met in part earlier by clandestine shipments of rice to the NVA/VC forces through Cambodia, but the recent decision of the Cambodian Government to halt such shipments has evidently induced the Communists to drive the Cambodian authorities entirely out of large sections of the country so that the Communists can then draw directly on the civilian population for their food supplies. Other purposes which the Communists undoubtedly have in mind in attacking the Cambodian forces are to strengthen and deepen the area from which they can threaten the allied forces in South Vietnam, as well as to threaten the overthrow of the neutral Government of Cambodia.

U.S. POSITIONS ON CAMBODIA

On April 16, 1969 the Australian Ambassador in Phnom Penh, representing United States interests in Cambodia, delivered to the Cambodian Government the following U.S. declaration:

"In conformity with the United Nations Charter, the United States of America respects the sovereignty, independence, neutrality, and territorial integrity of the Kingdom of Cambodia within its present frontiers."

July 2, 1969—U.S. resumes diplomatic relations with Cambodia and appointment of Chargé's announced.

In a March 21, 1970 Press Conference, President Nixon stated that the U.S. would deal with the Government selected by the Cambodian Parliament and that:

"We respect Cambodia's neutrality. We would hope that North Vietnam would take that same position in respecting its neutrality."

In his April 20, 1970 speech, President Nixon warned Hanoi about the risks of North Vietnamese escalation in Vietnam, Laos and Cambodia as follows:

"But I again remind the leaders of North Vietnam that while we are taking these risks for peace, they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or in Laos.

"I repeat what I said November 3 and December 15: if I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

"My responsibility as Commander in Chief of our Armed Forces is for the safety of our men, and I shall meet that responsibility."

CHARLES BAILEY'S STORY ON THE PRESIDENT'S DECISION TO INVADE CAMBODIA

Mr. MONDALE. Mr. President, one of the great tragedies of the Cambodian adventure is how it has undermined the credibility of the current administration and the faith of so many people in the manner of Presidential decisionmaking.

Given the administration's adherence to a military victory and its total commitment to propping up the Thieu-Ky government, the escalation of the war into Cambodia may well turn out to be tactically advantageous. The real question, of course, has never been in the tactic of Cambodia as much as the Indochinese strategy which this adventure revealed.

But whatever comes of Cambodia, America stands to lose if the credibility of the President is lost along the way.

It has been recently revealed that the story we were told on April 30 of the decision to invade Cambodia was far, far from the complete story. In fact, the decision to invade Cambodia had been in progress for more than a month—far in advance of the April 20 speech, for example, when the President told the American people how well Vietnamization was proceeding.

Charles Bailey, Washington bureau chief for the Minneapolis Tribune, has done a remarkable job in piecing together this story. He describes in detail the elaborate background of the Cambodian invasion and how long this decision was in the making. He points out—vividly but objectively—the inconsistencies which have emanated from the White House since the Cambodian plan began.

Mr. Bailey has done a great service by this reporting. I commend his article to the Senate, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune, May 17, 1970]

UNITED STATES ENDS ONE OPERATION IN CAMBODIA, WITHDRAWS—WHEN DID NIXON DECIDE?

(By Charles W. Bailey)

WASHINGTON, D.C.—Despite President Nixon's claim that a sudden increase in North Vietnamese military activity was the reason he ordered U.S. troops into Cambodia, plans for that attack were under top-level study for more than a month before it began.

This fact, now stated flatly by top officials, runs counter to Mr. Nixon's public assertion that he ordered the attack because of a step-up in enemy action between April 20 and April 30, when the operation was launched.

The contrast between public explanation and private action also provides new support for the growing belief here that the President and his military advisers viewed the Cambodian situation more as an opportunity than as a threat—as a chance for military gain rather than a danger which had to be checked.

This picture of the behind-the-scenes action in the Cambodian drama emerged Saturday on the basis of comments by Defense Secretary Melvin Laird, who revealed additional details of the planning that preceded Mr. Nixon's April 30 order to strike into Cambodia.

On that night, the President told a nationwide television audience that he had warned the enemy 10 days earlier not to take advantage of U.S. troop withdrawals to increase its own military activity.

Mr. Nixon asserted in the April 30 speech that "North Vietnam has increased its military aggression . . . particularly in Cambodia" and that "the actions of the enemy in the last 10 days clearly endanger the lives of Americans who are in Vietnam now."

The President also said that "in the past two weeks" the enemy had stepped up guerrilla actions and was "concentrating its forces in these sanctuaries . . . where they are building up to launch massive attacks on our forces."

Finally, Mr. Nixon pinpointed "the last two weeks" as the period when the Communists had "stripped away all pretenses of respecting the sovereignty or the neutrality of Cambodia."

Nothing in Mr. Nixon's April 30 speech suggested that he had been considering an attack into Cambodia prior to April 20, when he issued his "warning." In fact, he went out of his way to say that "even after the Vietnamese Communists began to expand these sanctuaries four weeks ago, we counseled

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patience to our South Vietnamese allies and imposed restraints on our own commanders."

Actually, according to Laird, U.S. military commanders were put to work in late March planning possible actions in Cambodia.

"When the change in government came about in Cambodia, I requested planning to be done at that time on various courses of action that could be taken by our government," Laird said.

"Planning was started in the latter part of March. Various proposals were presented to me. I approved certain actions, and made certain other recommendations to the National Security Council and the President . . .

"The plan that is currently going forward is a plan submitted to me by the NSC, and supported by me."

The NSC (National Security Council) met at the White House on March 24 and again the next day, March 25. The next NSC session was on April 8.

Laird's comments make clear that Mr. Nixon began to study the plan for the Cambodian attack early in April.

The defense secretary said he had given the plan to the President probably more than a week before Mr. Nixon's trip to Hawaii on April 18.

While in Honolulu, where he flew to greet the returning Apollo 13 astronauts, Mr. Nixon received a briefing on the invasion plan from Adm. John McCain, U.S. commander in chief in the Pacific.

Laird said that McCain's briefing "did give the (Cambodian) plan as presented by Gen. Abrams, modified by discussions we had had here."

But, he added, Mr. Nixon had seen the plan before:

"I had given him the plan. The plan had been transmitted to him."

When a reporter asked if that had occurred "the previous week," Laird replied:

"Well, before that, I think. But it had not been approved.'

Mr. Nixon returned from Hawaii to his California home on April 19 and the next day announced to the nation that another 150,000 U.S. troops would be withdrawn from Vietnam in the coming year.

In that announcement, he noted a recent step-up in Communist attacks in Vietnam but added that, "despite this new enemy activity, there has been an over all decline in enemy force levels in South Vietnam since December."

Mr. Nixon referred specifically to Cambodia at one point, charging that "almost 40,000 communist troops are now conducting overt aggression there."

And he said that the leaders of North Vietnam "will be taking grave risks should they attempt to use the occasion (of more U.S. withdrawals) to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or in Laos. . . . If I conclude that increased enemy action jeopardizes our remaining forces. I shall not hesitate to take strong and effective measures to deal with that situation."

Except for these two passages, Mr. Nixon did not refer to Cambodia in his April 20 speech. At no point in that talk did he discuss the border sanctuaries which only 10 days later became the target of U.S. attack.

Indeed, the tone of April 20 was upbeat—and obviously purposely so. Mr. Nixon said, "We shall not be defeated in Vietnam," that "we finally have in sight the just peace we are seeking" and that "we can say with confidence that all American combat forces will be withdrawn."

At that moment, however, Mr. Nixon's military planners were in the midst of a decision-making process that would send U.S. combat forces to new territory.

Laird said last week he had initially opposed the use of American troops to attack the Cambodian sanctuary areas—because of his concern that strong enemy resistance could lead to heavy fighting and high U.S. casualties.

But in mid-April, he said, the situation changed. North Vietnamese troops began moving westward out of the sanctuaries and further into Cambodia—thus reducing the force in the base area so that "the risk involved militarily" in the proposed attack "became much less."

At that point, Laird said, he changed his mind and supported the use of U.S. troops in the Cambodian attacks. "This was the time to hit them," he said.

Laird told reporters last week that about one-third of the estimated 40,000 Communist troops in Cambodia had moved out of the sanctuaries and were "facing the other direction" when the U.S. attack began.

Laird's statement that the North Vietnamese had moved something like 13,000 men out of the sanctuaries and away from South Vietnam contrasts with Mr. Nixon's claim in the April 30 speech that "the enemy . . . is concentrating his main forces in these sanctuaries where they are building up to launch massive attacks on our forces in South Vietnam."

This was not the only contradiction between official accounts.

On the same night that Mr. Nixon spoke publicly of the enemy "concentrating" in the sanctuaries, a high White House official, who briefed reporters, said Communist forces had moved out of the sanctuary.

There have also been signs that the administration rationale for the attacks has shifted. Originally—as in the President's speech—the strikes were depicted as basically defensive, as a response to a new and growing threat caused by Communist moves to connect the sanctuaries and thus form a 600-mile-long base for attacks on South Vietnam.

More recently, however, there has been a new tone to the explanations.

Laird put it bluntly to a congressional committee last week:

The President, he said, saw the operation as "an opportunity."

The military has seen it that way all along, and weeks ago authoritative military figures were arguing—anonymously that the overthrow of the neutralist Sihanouk government provided a good excuse for letting them do what had been forbidden previously for diplomatic reasons.

The "opportunity" argument is being advanced more openly now that the operation against the sanctuaries seems to be going smoothly with low casualties and a high box score of captured enemy materiel.

This may prove to be a politically advantageous line. But the disclosure that the attacks had been in preparation long before the time cited by Mr. Nixon in his April 30 speech could create problems for an administration seeking to preserve its credibility with a troubled and divided public.

LUBBOCK AVALANCHE-JOURNAL EDITORIAL ON SBA

Mr. TOWER. Mr. President, I invite the attention of Senators to an editorial published in the Lubbock Avalanche-Journal of May 14 which describes the quick and effective response of the Small Business Administration and its Administrator, Hilary Sandoval, to the recent tornado disaster which occurred in the Lubbock, Tex., area.

Mr. Sandoval was on the scene shortly after the tornado hit and quickly brought the resources of the SBA to bear on the reconstruction of the shattered businesses and homes of the area. This is the type of flexible and responsive Government action to a natural disaster which the people of this country deserve, wherever they may live. I commend the service performed by the Administrator in this situation and in other disaster situations in Texas and around the country. I also want to express my confidence that this same public service ethic will continue to make the SBA an outstanding model of a truly effective and functional Government agency.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OFFICIALS SPEEDING FINANCIAL AID—LIKE HILARY SANDOVAL

Whatever the final figure may show, it is safe to say that the tornado damage to construction in Lubbock—homes and business buildings—will be tremendous.

Whether the overall figure of losses will run $100 million, $150 million, or what, a great deal of money has gone down the drain and rebuilding and repairs will demand terrific expenditures.

Therefore, it is important to note that money in massive quantity will be quickly available. Whether it will be enough, or come cheaply enough, cannot be said at the moment. But a lot of it will be available through both private and public sources.

Sen. John Tower, Rep. George Mahon and Gen. George Lincoln, who heads the President's Office of Emergency Preparedness, all said during a flying visit here Tuesday that money would be made quickly available from Washington. Sen. Ralph Yarborough wired the same statement. But more important, Hilary Sandoval, the perceptive and indefatigable young head of the Small Business Administration, echoed those words. In the final analysis, it will be Mr. Sandoval and his organization who'll tote the wood and water and who will get the money where it needs to go and soonest.

Mr. Sandoval flew here with the others to view the situation both on the ground and, by helicopter over the city. He told *The Avalanche-Journal:* "There will be no delays. I've told Fred Neumann, our divisional supervisor stationed in Lubbock, that he can have all the loan officers here he needs. He can have 100 of them tomorrow if that's necessary."

Sad as the situation is in many homes and business concerns, there will be financial help and much of it. That is the best kind of news as the rubble is being cleared away.

Mr. Sandoval's personal visit to view the tornado's damage here is the second of its kind he has made to West Texas in recent weeks. He was Johnny-on-the-spot then in Plainview, Clarendon and other points hit by a savage storm, taking a personal hand in solving the problem, not leaving it to a subordinate. As was said on this page then, we say again: El Paso's Hilary Sandoval is a take-charge guy of the type the Government needs more of. A native West Texan and former Texas Tech student, he gives his whole home area a sense of pride in the way he works, *really works*, at his job.

AUTO SAFETY—AN INTERNATIONAL ENVIRONMENTAL PROBLEM

Mr. MAGNUSON. Mr. President, the distinguished Secretary of Transportation, Hon. John A. Volpe, is a man whose public pronouncements are almost always worthy of note. He has spoken with vision about future developments in the field of transportation, from low-emission engines to adoption of intermodal transportation systems. Even though the

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Secretary has frequently disagreed with me and other members of the Commerce Committee concerning methodology, I think it is fair to say that we share with him substantial agreement about the basic concepts of all facets of transportation. Whenever his speeches are particularly perceptive, my hopes for the Department of Transportation—which we labored so long to establish—are reaffirmed.

Recently, the Secretary made a fine speech at the 1970 International Auto Safety Conference in Detroit. In his speech, he noted:

> We all know that the world faces an environmental crisis of almost epidemic proportions. One aspect of this crisis can be seen in transportation safety.

Secretary Volpe also pledged that the United States stands ready to share with other nations our knowledge and our technology in the field of automotive safety.

Mr. President, these statements by Secretary Volpe speak directly to two issues that my colleagues know have long been of concern to me. The first is that transportation is a process with profound environmental significance. Simple as this maly seem, it is a fact that has long been overlooked by the makers of transportation policy and by the public as a whole. On February 20 of this year, in announcing the commencement of hearings on my National Transportation Act, I outlined for the Senate some of the far-reaching environmental and social consequences of transportation generally and of individual modes of transportation particularly. The Secretary, although he has some reservations about the National Transportation Act, has nonetheless clearly stated the importance of the social and environmental factors that this legislation endeavors to take into account in making future transportation policy.

The second issue raised by the Secretary is that of pooling knowledge among nations on common environmental problems—including, but not limited to, auto safety. This sharing of environmental information, as my colleagues know, is the underlying principle of my proposed World Environmental Institute, which is outlined in Senate Resolution 399. The Secretary's speech in Detroit, it seems to me, emphasizes that auto safety would be an appropriate concern of the World Environmental Institute—something I emphasized specifically when I introduced Senate Resolution 399 on April 27.

I can applaud, therefore, both the Secretary's fine remarks and the conference that provided him his forum, but I think the conference and the Secretary's speech serve to emphasize that such exchanges should be regularized and centralized. The institutionalization of informational exchange on environmental problems is urgently needed in a world that is fast succumbing to overpopulation, hunger, and befoulment of the air and water. The World Environmental Institute would not put an end to conferences such as the one Secretary Volpe addressed, but it would insure that the information compiled for and between such conferences would achieve maximum dispersion among the nations of the world.

If exchanges can be successful in the fields of auto safety, oceanography, outer space, and others, cannot a central exchange facilitate the application of knowledge in these and many other fields? I believe that it can, and that it must. I hope the spirit of cooperation that led to the International Auto Safety Conference can be maintained long enough and by a sufficient number of countries to see the World Environmental Institute established.

Mr. President, I ask unanimous consent that the very fine speech by the Secretary of Transportation be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Secretary of Transportation John A. Volpe

I am delighted to be here with you for this annual mid-year meeting of the International Automobile Safety Conference. Both FISITA and the Society of Automotive Engineers deserve wholehearted commendation for this continuing effort to save human lives.

I applaud your guidelines for the conference: first, that the automotive engineer have as much information available to him as possible; and second, that public officials concerned with establishing vehicle safety regulations have a full understanding of the need for, and feasibility of, meaningful and responsible regulations.

This 1970 Conference has been—and will be—unlike the typical automotive engineering meeting. This is not a hardware-oriented meeting.

Much of what is to be gained from this conference lies in an assessment of exactly where we stand technologically. I think you will agree that in almost all instances, we have the technology to do just about anything we want. The challenge now it to "get off the dime" and do something.

We all know that the world faces an environmental crisis of almost epidemic proportions. One aspect of this crisis can be seen in transportation safety. I am encouraged by growing public awareness that death and mutilation in car crashes is a public health problem of major proportions.

The people are really concerned now because they know the toll can be cut. We no longer believe that folklore about so-called "accidents"—phenomena of nature that can't be prevented. People realize that the machine which has given the common man greater mobility than ever before has also brought more misery than ever before.

We are waging a kind of war against ourselves on the highways. Auto crashes have killed off more Americans than all our violent crimes and all the wars in our history. In about five years at present rates we will reach the all-time mark of two million people killed and countless tens of millions injured. The economic loss in this year alone will be more than $16 billion, and the cost in suffering is incalculable.

An extra dimension of the tragedy is that among the 150 lives needlessly lost every day are many young people and others in the prime of their years who might have made a great contribution to our society. It is a startling fact that in this country, automobile accidents are the chief cause of death among young people between the ages of 16 and 24.

Sir George Scott, Deputy President of Great Britain's Royal Society for the Prevention of Accidents recently pointed out that, if the pattern holds, children and young people will be the principal victims of the crashes that will occur during the decade ahead.

This dismal equation between mobility and mortality *must* be balanced out on the side of life. I have confidence that these sessions will take us a long way down the road toward a sane and sensible use of our fabulous technology. We surely have no excuse for not trying.

We have solid statistical proof that laminated windshields, safety harnesses, collapsible steering columns, better brakes and reinforced fuel tanks really do work. The faith that the United States Congress showed in human reason when it passed the two historic highway and vehicle safety acts in 1966 has been full justified. Seat belts alone probably saved three thousand lives in 1969.

From 1962 through 1966, the average increase in fatalities was 6.9 percent per year. However, since the expanded Federal safety program got under way two years ago, this dreadful increment has dropped to 2.3 percent—in spite of a 6.4 percent rise in vehicle registrations and an 8.6 percent jump in total miles driven. These figures represent a startling drop when you consider that only 10 percent of all cars on the road have the new safety features.

Our projections show that the gross number of crash victims will start to decline around 1972 or 1973. By 1980 we could be within range of an annual traffic loss of only 41 thousand lives—even though there will be 37 million more vehicles on the road.

We intend to go all out to make these projections a reality. We are examining every conceivable aspect of vehicle safety from anti-skid devices, approach-rate detectors and proximity brakes to energy-absorbing bumpers and periscope rear view mirrors—from better tires and tire grading systems to non-flammable fabrics for car interiors.

Some safety systems can produce multiple social benefits. Improved bumpers, for example, could cut $1 billion from car insurance premiums and repair costs every year. That would help us fight inflation and cut the waste of our resources.

The main emphasis, of course, must be on occupant restraint systems. The Cornell Crash Injury Research Program analyzed over 14 thousand crashes and found that failure to wear safety-belts increase the risk of death or severe injury by at least 100 percent. And yet, only 25 percent of car occupants use lap belts and only 5 percent use their lifesaving shoulder harnesses. Even 5 percent is an overstimate if what I see on the streets of Washington indicates their popularity. We have concluded that if we are to have occupant restraint systems, our best results will come from so-called "passive" systems—systems that require no extra effort from the occupant of that seat.

When I came out here to Detroit in January for two full days of briefings, I saw demonstrations which indicate that the money and effort being poured into air bags are fully justified. I was highly pleased to see the enthusiastic acceptance of the air bag concept by industry leaders and to know that European car makers are also interested in these and other passive restraint systems.

As you probably know—and some of you were there—on Monday and Tuesday of this week the Department of Transportation, in cooperation with the U.S. automobile industry, co-sponsored the first international conference on passive restraints at G.M.'s proving grounds.

We—in this country—have pledged to share our expertise with other nations. We recognize that if we are to move ahead with all feasible speed in perfecting these new devices, such as the air bag, then we must work together to a degree that is extraordinary.

I am delighted to say that the conference was a tremendous success. We look forward eagerly to breakthroughs and progress in the very near future.

Naturally, we can't wait for ideal answers. Doug Toms, Director of the National Highway Safety Bureau, tells me that within five to seven years after we begin to install air bags in both new and used cars, we could achieve a 50 percent reduction in highway deaths and injuries.

That's enough of a reason for me, at least, to justify the commitment in engineering time and money that is involved.

Sure—the air bag *is* a new and different sort of device! But don't anyone try to tell me that John Q. Public or John Bull or Pierre or Heinrich or Mario won't accept a punch in the face in order to save his neck. The explosive air bag is going to be a part of our automotive lifestyle from now on; in fact, we propose to make them mandatory for the 1973 models. I'd be willing to wager that within a couple of years car makers will be out-shouting each other in ads claiming bag "X" is better than bag "Z".

Granted, present day automobiles are complex and there may be a limit to how much you can tinker with them. The U.S. Congress recognized that ultimately—after treating the emergency symptoms—we would have to build an experimental safety car from scratch. As you probably know, Congress has mandated that the Department of Transportation do so. That program is now building up a head of steam—(if you'll pardon the phrase—I don't want to show any bias against the internal combustion engine.)

We hope to award contracts on or about June 30 and could—optimistically—get delivery of the first prototypes from within the industry and outside by October 31 of next year.

What we are hoping is to preserve the integrity of the passenger compartment in crashes at speeds up to 50 miles per hour. The safety car will be able to roll over at 70 miles per hour and leave the passenger compartment intact. It will brake and handle better than any car ever built before. It will provide vastly better visibility, be fire-resistant and—as an extra added attraction—be powered by low-pollution engine. It will be designed from bumper to bumper with the ideal of safety uppermost.

I might also note that I think we can make it look good as well, so it will appeal to the consumer. We will build and test a total of 14 of these cars by the end of 1972. We believe that the automobile industry will recognize the value of the innovations and quickly incorporate them into production models.

These all-new vehicles will enable us to set definitive future safety standards for all automobiles offered for sale in this country. The information gathered will, of course, be available to automobile makers in other countries. We can't afford duplication in this field because it would only delay the time of safe passage on the streets and highways of the world.

The air bag and the experimental safety car represent one of the three legs of our current emphasis on automobile and highway safety in this country. The second is to get the problem of the drunken driver under control. In the United States more than half of all traffic fatalities are caused directly or indirectly by alcohol.

People are getting sick and tired of doing battle with drunks on roads their taxes pay for. As the Providence, Rhode Island, Journal pointed out in a recent editorial, "The lethal potential of automobiles is such that any public safety expert would rather take his chances with a gunslinging maniac than with a drunken or incompetent driver."

We estimate that the use of alcohol by drivers and pedestrians causes at least 25 thousand deaths and 800 thousand injuries each year. The sickening aspect of this tragedy is that so much of the loss of life, limb and property is suffered by people who are completely innocent.

However, public myth has always held that you can't really do very much about the drunken driver. Well, the time has come—in fact, it's overdue—for us to demolish this defeatist attitude. But it will take more than a simple breathalyzer test.

We have just set up an office of alcohol countermeasures to direct our top-priority campaign in this area. The job of this office will be to identify the chronic drinker *before* he becomes a statistic in the morgue—or kills an innocent victim. The alcoholic, contrary to legend, does have an identity. He is on *somebody's* book, either as a patient, a bad employment risk, a trouble-maker or a poor insurance risk. Most heavy drinkers are already known to family counselors, welfare agencies, local traffic courts and their long-suffering neighbors.

So, whenever a man is convicted for drunk driving his entire background should be investigated before he is sentenced. The judge should determine whether the offender has ever been arrested before for drunkenness—on or off the highway. Then he can confront him with two options—either get treatment and dry out, or stop driving. Period. No leniency, no excuses, no extenuating circumstances. The tough approach has paid off in countries as diverse as Sweden and Great Britain.

It goes without saying that the success of such a program depends crucially upon implementing and enforcing tough implied consent laws. Forty-six of our states now have such laws on their books.

A related safety approach is to demand periodic testing of driver competence—his eyes, his ears, his reaction time and his knowledge of road rules and signs. That is what Florida is doing a new driver licensing law which goes into effect July 1.

We also need better licensing enforcement measures, for the American Association of Motor Vehicle Administrators estimates that about 10 million motorists are driving blissfully along our highways without a driver's license. Many are dangerous, impulsive, even psychopathic personalities.

It is obvious, too, that no safety program would be complete without considering the third leg of the man, machine, and highway complex. And that is the road itself. Modern highways do return safety dividends in a big way. Since our Federal Interstate Highway Program began in 1956, it has saved one life for each five miles built—a total of 35,515 lives over 13 years. And the system is not yet complete. We still have 12,900 miles to go and many lives to save. The Interstate System is now a major factor in the better American environment which this Administration is dedicated to.

In an after-dinner speech, such as this, I can only begin to sketch the outlines of the auto safety problem remaining before us in the advanced nations. We need a multifaceted, sophisticated, systems approach. I don't have projections for Europe or Asia, but I do know that if the trend in this country continues, and we get no further reductions in the death rate per 10 thousand vehicles, some 85 thousand American men, women, and children will die on our streets and throughways in the year 1980.

Can any civilized people tolerate such losses? I say no. We have to press forward with all the resources of engineering talent, money, executive commitment and governmental leadership we can muster in this "campaign for life". We certainly have a long way to go. Most people who are well informed in this field would say that a 10 percent reduction in the death rate per 100 million miles would be remarkable, and yet even if we do that well, we in this country will still lose 43 thousand people per year a decade hence.

The first automotive fatality happened on the streets of New York in the year 1899 when a little girl was run over by a delivery truck. Though there was an immediate outcry and a demand that cars be banned from the streets or be preceded by a man waving a red flag, not enough has been done to stem the ever-rising tide of massacre through mobility.

Until now. Now it will be turned back. It will be turned back by the application of science and common sense, as in this conference. Your published analyses of impact tolerance, interior design, program management and many other technical aspects will take us a long way toward effective information sharing and improved performance in each of our countries.

I am personally convinced that cooperation among the technical societies, the manufacturers and governments can end this long-running nightmare of death and mutilation. But we must be committed to the long haul—for there is no easier way.

I want to thank you for having come here for this historic conference. I believe it will be fruitful. The hard work you invest here will pay off in a better life for all our peoples.

I wish you all possible success as you return to better and safer streets, highways, vehicles and drivers throughout the world.

MARK HATFIELD: MAN OF INTEGRITY

Mr. BROOKE. Mr. President, I was not present in the Senate earlier this week when several Senators joined in paying tribute to one of our most distinguished Members, the Senator from Oregon, MARK HATFIELD, but I take this opportunity now to add my voice to theirs.

MARK HATFIELD is a man of integrity, widely respected by colleagues and countrymen alike, and soundly deserving of that respect. His handling of the recent incident involving his use of the franking privilege is further proof, if such is needed, of his esteem for the office he holds and his determination to use it wisely.

As I understand the incident in question, Senator HATFIELD and several other Senators were cosigners of a letter explaining the Hatfield-McGovern amendment on the war in Vietnam. This letter and the approved enclosures were legitimately classified as Government business, and Senator HATFIELD was within his rights in allowing the material to be sent out under his mailing privileges.

Senator HATFIELD did not know that volunteers, working out of another office where the actual physical work of folding and stuffing the mail was taking place, had decided to enclose an additional piece of literature soliciting funds for a nationwide advertising campaign designed to win public support for the amendment. As soon as this fact was brought to light, Senator HATFIELD stopped the mailing and consulted with the Committee on Rules and Administration to determine whether the additional enclosure constituted an infringement of his franking privilege. When the committee ruled that it was an illegal use of the frank, Senator HATFIELD immediately forbade its further use and reimbursed the Post Office for all of the letters which had previously been mailed.

Mr. President, such behavior is the mark of an honorable man. The entire incident has occurred in full view of the public, and those who know the facts are

free to draw the appropriate conclusions. For my part, I find the Senator a completely innocent party to an unintentional infringement by others of his senatorial privilege. He deserves our understanding and our continued high regard for his courage and commitment to high ideals.

GUN CRIME PREVENTION

Mr. TYDINGS. Mr. President, from time to time, Members of Congress and the public make inquiries about the gun crime control proposal, which is one of 45 anticrime measures I have introduced in the 91st Congress. To answer the questions most frequently asked about my gun crime prevention proposal, S. 977, I have prepared a brief document entitled "Questions and Answers on the Anticrime Gun Control Proposals of Senator Tydings." I ask unanimous consent that it be printed in the Record.

There being no objection, the document was ordered to be printed in the Record, as follows:

QUESTIONS AND ANSWERS ON THE ANTICRIME GUN CONTROL PROPOSALS OF SENATOR TYDINGS

1. What is Senator Tydings' gun-crime proposal?

Senator Tydings' gun-crime bill, S. 977, is a moderate and rational proposal to curb the escalating rate of crimes committed by firearms in the United States. It provides law enforcement officials with the tools they need to help detect and deter gun crime.

Senator Tydings' gun-crime proposal would disarm the criminal element by preventing convicted felons, drug addicts, alcoholics, mental incompetents, and juveniles under 18 from purchasing or possessing guns. It would protect the right of sportsmen and all law-abiding citizens to purchase and possess firearms. It would provide law enforcement officials with an effective means of tracing stolen weapons and firearms used in crime.

Senator Tydings' proposal provides for registration of all firearms and licensing of all firearms owners and ammunition users. It encourages state action by providing for state preemption of the federal law. Where a state enacts its own licensing and registration law, the federal law would not apply. Where a state fails to act to protect its own citizens, the bill would provide a minimum floor of federal protection in that state.

Registration of firearms will give the police the means to trace quickly to their owners guns used in crime.

Licensing gun users will weed out persons who, by reason of criminal record, drug addiction, alcoholism, mental incompetence, or age, should not be entrusted with a gun in the first place.

2. Congress passed a new gun law in 1968. Why is the Tydings' gun-crime bill still needed?

The new law passed by Congress in 1968 was a watered-down compromise which, while worthwhile, for practical purposes can do little to curb the escalating gun-crime rate in the nation without additional state or federal action. The 1968 law was designed to make state-passed gun laws enforceable by requiring that gun purchases be made in the purchaser's home state. Prior to 1968, the state gun-crime laws which did exist were easily avoided by people who either simply went to another state to buy guns or just ordered them from another state through the mail.

The Gun Control Act of 1968 does *not* provide any way to trace a gun lost, stolen, or used in crime. It forbids mail order and interstate gun shipments to individuals, the importation of cheap foreign guns, and gun ownership by the criminally convicted. But it provides no effective means to actually keep guns out of the hands of felons, addicts, mental patients, or persons otherwise disqualified from gun ownership.

The 1968 law does make it illegal to transport or possess a gun if you are under indictment, a fugitive, a felon, an adjudged mental incompetent, an illegally-entered alien, have renounced U.S. citizenship, or have been dishonorably discharged from the armed forces, but provides no means to actually prevent such persons from making firearms purchases.

The 1968 law provides no way for gun dealers to determine whether the man they are selling to is who he says he is, does not intend to use the gun in crime, is not a felon, addict, or mental patient, or otherwise disqualified from gun ownership. These dangerous people can still get guns by simply lying.

To make the laws passed in 1968 enforceable, we need firearms registration and licensing. Firearms user licensing would prevent criminals, addicts, lunatics, and juveniles from purchasing firearms. Registration would help find them if they used a gun in a crime.

3. Why not just enforce existing state gun laws?

Most states' gun laws are totally inadequate to protect their citizens. Many states have practically no gun laws at all. Eight states have no law against felons buying firearms. In 35 states, lunatics can legally own guns. Only three states require a license to own or possess a gun.

Most state gun laws are either obsolete or meaningless, such as a Texas law forbidding carrying guns in a saddlebag except when one is travelling; Vermont's law forbidding schoolchildren to have guns in the classroom; or Arkansas' law forbidding using a machine gun for offensive purposes. Clearly, existing state firearms laws are totally inadequate to protect the public.

4. Are registration and licensing proposals merely steps toward confiscation of all firearms?

Certainly not. Firearms ownership and use by law-abiding citizens is a healthful recreation and does not contribute to the gun-crime problem.

But we urgently need adequate records of gun ownership to help trace guns used in crime to their criminal users. Registration of all firearms is the only way to gather these records.

And we urgently need to deny access to firearms by criminals, addicts, and mental incompetents. A licensing system, in which all law-abiding citizens automatically are entitled to licenses and all criminals, addicts, and mental incompetents are automatically denied licenses, and which punishes purchase, possession, or use of a firearm without a license, will severely inhibit criminal access to guns:

Those who oppose reasonable firearms control because they fear "confiscation" should be much more concerned that the rapidly-rising gun-crime rate may well lead to public demand for confiscation if reasonable measures to stem the gun-crime rate are not taken now.

The threat of confiscation arises not from reasonable action to stem the gun-crime rate, but rather from no action at all.

5. Aren't registration and licensing bills actually just taxation measures?

No. The Tydings proposal contains no fee at all for either licensing or registration. It would be paid for out of the general revenues because the Tydings bill is a law enforcement measure. Direct controls against criminal access to guns and good records for tracing guns used in crime—not taxes—are the best way to control the gun-crime rate.

6. Are registration and licensing constitutional?

Yes, without question. Here's what the Library of Congress says about the Tydings proposal and the Second Amendment's "right to bear arms": "From what we know of the history and construction of the Second Amendment, it would seem that the major current proposals for gun control are not subject to any serious Second Amendment challenges." (Library of Congress Study UC460B, 450/77 A–251: "The Second Amendment as a Limitation on Federal Firearms Legislation," July 6, 1968.)

In July, 1968, the U.S. Attorney General stated: "A federal system requiring the registration and licensing of firearms is a necessary and proper means to two legitimate goals, the regulation and protection of interstate commerce and the preservation of the peace of the United States . . . it is within the power of Congress to enact."

The Tydings bill also contains a special provision, to conform to recent Supreme Court decisions (Haynes v. U.S.) dealing with the constitutionality of firearms registration laws.

7. What would the Tydings bill cost the gun owner?

Nothing. The bill imposes no fees. The operation of the licensing and registration system proposed by the Tydings bill would be paid for out of the general tax receipts of the country. As a law enforcement and public safety measure, the cost of the Act should be borne by all citizens.

8. How does registration work?

A gun owner simply sends a law enforcement agency the makes, models, and serial numbers of his guns and his own name and address. It can be done completely by mail. Then, when a lost or stolen gun is found, its true owner can be discovered and his gun returned to him. If a gun is found at the scene of a crime, its last known owner can be quickly traced. When a suspicious character is arrested with a gun in his possession, its ownership can be quickly determined. If the gun has been stolen or is unregistered, the suspect can be booked for possession of stolen goods or possession of an unregistered weapon.

Under the Tydings bill, if a state enacts its own registration law, guns would be registered with whatever state agency the law designated. If the state failed to act, guns would be registered with the federal government.

9. Must every fircarm be registered?

Yes, otherwise many guns lost, stolen, or used in crime could not be traced.

10. Would private firearms sales be registered, too?

Yes. All firearms transfers, by dealers and private persons, would be registered so that up-to-date records of actual gun ownership could be maintained.

11. Doesn't registration impose a burden on the law-abiding citizen?

No. Everything can be done by mail on a form like this:

FIREARMS REGISTRATION FORM

Name ---------------------------------
Address ------------------------------
Firearm ------------------------------
  Make -------------------------------
  Model ------------------------------
  Serial #----------------------------

The registration would be free and permanent. No fees. No renewals.

12. But won't criminals refuse to register their guns?

Some criminals may refuse to register their guns and risk being jailed for having an unregistered gun. But any suspected criminal found with an unregistered weapon can be jailed on that charge alone, *even if no other crime can be proved*. So it will become very risky for a criminal to have an unregistered weapon.

XUM

13. Must an owner of several guns register each of them?

He must supply the make, model, and serial number of each, but could do so for all his guns on a single form.

14. What about weapons which have no serial number?

The bill provides that firearms dealers can imprint serial numbers on such weapons for identification purposes.

15. What about antiques?

No firearm manufactured prior to 1898 is covered by the bill.

16. How does licensing work?

Licensing is simply a way of denying fugitives, criminals, addicts, and mental defectives access to firearms and ammunition by refusing to give them firearms' licenses. Every purchaser, possessor, or user of firearms or ammunition would have to have a license, except for juveniles with their parents' consent and hunters or sportsmen who have borrowed a weapon for temporary use.

Issuance of licenses would be automatic to all law-abiding citizens, without any discretion on the part of the issuing officer. Denial of a license would be automatic in the case of felons, fugitives, adjudged alcoholics, addicts, and mental incompetents, and those under 18.

To get a license, you would simply submit a statement affirming that you are over 18, have never been convicted of a felony or committed to an institution by a court on the grounds of alcoholism, narcotics addiction, or mental incompetence, that you are not under indictment or a fugitive, and are not otherwise prohibited by law from obtaining a weapon. In addition, you would supply a physical description like that required for a driver's license and proof of identity (in the form of a draft card, driver's license, social security card, etc.).

If a state enacted a licensing law, the statement and identification would be supplied to whatever agency the state prescribed, but if the state does not act, then to any federal firearms dealer. The entire transaction could be conducted by mail.

17. How about my son under 18 years old? Could he still hunt and shoot?

Yes, definitely. Although he could not own a gun in his own name, the bill expressly provides that he will be able to hunt and shoot with his parents' consent.

18. What is the difference between registration and licensing? Do we need both?

Registration is a means of tracing guns used in crime. *Licensing* is a means of reducing the gun crime rate itself by denying access to guns by known criminals, addicts, and mental defectives. *Registration* is a means to *solve* gun crime once it has been committed. *Licensing* is a means to *prevent* gun crime from being committed in the first place.

19. Must every gun be separately licensed?

No. Firearms purchasers, owners, and users are licensed, not the guns themselves. The purpose is to deny licenses to criminals, addicts, and mental defectives.

20. Would there be any discretion to deny a license?

Not where the federal law applies. If the applicant is not under indictment, or a fugitive, a felon, an adjudged addict, alcoholic, or mental incompetent, or under 18, the license must be issued. The state could establish a different system, if it wishes, just as any state can today.

21. But won't criminals get guns anyway?

If a licensing law were in effect, a criminal, addict, or mental defective could not legally purchase, own, or use a gun, because he would not be entitled to a license. Thus, lawful channels of purchase would be cut off to him. Today they are not.

Today, in most states, criminals, addicts, and idiots have access to guns on the same basis as the law-abiding. Even if, after enactment of the Tydings Bill hard-core criminals may be able to get some guns, the small-time but frequently deadly crook who holds up liquor stores, bus drivers, and filling stations or housebreaks will find it much harder and much riskier to possess a gun.

No one claims gun laws are airtight or foolproof. The question is whether we should do what we can to detect and prevent gun crime or continue to do nothing, as we do today.

22. Why not just punish gun crimes more severely?

Heavier penalties for gun crimes already exist but haven't answered the gun crime problem. Armed robbery is a more serious offense than simple robbery; aggravated assault is more heavily punished than simple assault. Murder is the most heavily punished crime of all. Yet the commission rates of all these crimes are climbing intolerably. Armed robbery with guns increased from 42,600 crimes a year in 1964 to 99,000 in 1968; aggravated assaults by gun increased from 27,700 cases in 1964 to 65,000 in 1968; murder by gun increased from 5,000 in 1964 to 9,000 in 1968.

Gun crimes should be more heavily punished. But clearly, heavier penalties do not answer the gun crime epidemic. They do not help solve gun crimes, as registration would. They do not prevent criminal access to guns, as licensing would. They do not bring gun crime victims back to life, repair their wounds, or return their property. Only disarming the criminal can do that.

23. What about the argument that "guns don't commit crimes, people do"?

Of course, guns don't commit crimes, but *people using guns certainly do.* People using guns in 1968 alone robbed 99,000 Americans. People using guns murdered John Kennedy, Martin Luther King, and Robert Kennedy, along with more than 34,000 other Americans between 1963 and 1968.

24. What about the argument that "No dictatorship has ever been imposed on a nation of free men who have not just been required to register their privately owned firearms"?

That argument is baloney. It is unsupported by fact and refuted by history. For example, regarding the German occupations of Europe, the Library of Congress has concluded:

"We can make no positive correlation between gun laws and dictatorships, as the following examples will show.

"First, four countries were examined which are democracies now, but in recent history came under Nazi dictatorships (Germany, Italy, France, and Austria). One may reasonably assume that if gun registration laws constituted a primary factor in the rise of dictatorships, these countries would have since revised their laws to prevent future dictatorships. This has not been the case. The four countries today have substantially the same gun laws as those in force prior to the advent of dictatorships. In fact, in Italy, where gun laws were relaxed by Mussolini, they have recently been restrengthened approximately to their pre-Mussolini level.

"Secondly, two democracies were examined which have not suffered dictatorships in their recent history (England and Switzerland). Switzerland has had gun registration laws since 1874, England since 1831.

"It would be inaccurate, of course, to suggest that a dictatorship would be unconcerned about the possession of firearms by its populace. Nevertheless, these few examples would seem to indicate fairly conclusively that there is no significant relationship between gun laws and the rise of dictatorships, at least in these countries."

In his book, *The Right to Bear Arms,* author Carl Bakal thoroughly demolishes this hysterical argument most frequently made by National Rifle Association propagandists, that firearms laws threaten democracy. He writes:

"In resorting to such sophistry, the NRA is as casual with history as it is with statistics. It makes much of the alleged Nazi use of firearms registration lists to disarm and conquer Europe. However, if such a tactic were employed, it must be accounted one of the best-kept secrets of the war, for I could find no reference to it whatever in the histories of that era. I have spoken to correspondents with an intimate knowledge of German affairs, and they too disabused me of the notion that this was an element in the Nazi invasion tactics or, as is also said, in Hitler's rise to power. Said Sigrid Schultz, a journalist in Germany since 1919: 'Hitler used lists to take over Germany? Why, that's perfectly silly, absolutely ridiculous. He didn't need the guns of the people. He had virtually all the people. He had the Storm Troopers and he had the Army. His forces were literally armed to the teeth. If Hitler had any list of guns, he didn't need them.'

"Another veteran correspondent, Norbert Muhlen, with a half dozen books on Germany to his credit, told me of a German friend of his: 'He was a vehement anti-Nazi, but they never took away his gun. In fact, he even became a hunting inspector.'

"I also wrote to the American Embassy in each of the countries who so supposedly succumbed to the Nazis. From Denmark came this typical reply: 'The Germans did not disarm Danish civilians and so facilitate the German invasion and occupation of Denmark.' From Finland: 'The Library of War Sciences has not heard of any such activity.'

"Even if any lists of firearms owners would be useful to an enemy of the United States, undoubtedly the single largest and most useful such master list would be that of the more than one million names and addresses conveniently maintained on Remington Rand tabulating cards in the membership division of NRA headquarters. (New York City's list of 17,000 registered handgun owners is minuscule compared to this.) Vastly larger collectively are the lists of about 19 million hunting licenses on file with the conservation (or fish and game) departments in the capital cities of our fifty states."

25. How do law enforcement officials feel about gun licensing and registration?

They want both. At the 1968 hearings on the Tydings Bill, New Jersey Attorney General Arthur Sills testified regarding the National Gun Crime Prevention Act:

"Again, I repeat my plea and the plea of all New Jerseyans. Congress must enact a law to register all firearms, create licensing safeguards to prohibit the distribution of firearms to undesirable persons, ban all mail order sales of firearms, and prohibit the purchases of firearms by non-residents of a state. Few, if any efforts are more important to the future safety and security of the American people."

California Attorney General Thomas C. Lynch testified:

"I wish to endorse national firearms registration and licensing procedures . . . Registration and licensing of firearms would be a tremendous tool for law enforcement—a major protection for the honest citizen."

Mr. Quinn Tamm, Executive Director of the International Association of Chiefs of Police, testified:

"I support Federal legislation that will assist state and Federal enforcement agencies in preventing and solving gun crimes through Federal registration and licensing activities. The additional administrative workload that will be placed on local law enforcement agencies through the implementation of such legislation will be considerable, but it is my sincere belief that the cost will be inconsiderable compared to the lives that will be saved. Finally, enactment of legislation that will expedite a nationwide system of reporting firearms data will materially aid local law enforcement agencies in bringing to justice those who use such weapons in the commission of crimes."

Mayor Richard Daley of Chicago testified:

"I believe this to be one of the most important pieces of legislation to be considered by the United States Senate. It is long overdue. The need for such legislation has long been apparent."

Mayor John Lindsay of New York testified:

"Congress should pass legislation requiring the registration of firearms—with the specific recognition—as provided in Senate 3634 (the number of the Tydings bill in 1968) that the primary responsibility for registration rests with the individual states. Registration of ownership, serial number, and type of weapon can give enormous assistance to crime prevention and detection.

"The Congress should enact legislation providing that in the absence of state and local regulations limiting access to firearms, the federal government should assume responsibility for enforcing reasonable licensing regulations for the possession of firearms."

U.S. Attorney General Ramsey Clark testified:

"After all we have suffered, it would be terribly disillusioning if we failed to act to control guns. Interstate control, registration and licensing are all essential.

"The people want strict gun control. Their safety demands it. The Congress is fully empowered to act. The time is now."

ASTM AND THE LATE TOM MARSHALL

Mr. MAGNUSON. Mr. President, I wish to speak briefly about the American Society for Testing & Materials, a society of great significance to our economy, whose interests are international, nonprofit, technical, scientific, and educational. ASTM has been engaged in furthering scientific knowledge, developing standards, and other important functions since 1898. We commend the society for its years of service.

As we all know, of late standards for use by both industry and consumers have received attention from the Congress, Federal agencies, the consumer movement, and the standards associations and institutes themselves. We understand the importance of standards work for the vitality of our economy which produces such an abundance of goods for all Americans. We understand as well the need for standards to insure that the goods we all use are as safe as possible.

The American Society for Testing & Materials under the able direction of the late Thomas A. Marshall, Jr., its managing director, responded to the challenge posed for voluntary standards. The society recently published, "ASTM in the 1970's," which outlines the changed demands society has made on the voluntary standardsmaking associations, and ASTM's bold plans to take account of them.

To meet the challenges now facing voluntary standardization, ASTM has formulated a program which will deeply affect its organization of technical operations, meetings, publications, and districts. ASTM has taken steps to speed the standardsmaking process by relieving the committees responsible for making standards of much of the burden of paperwork required to maintain membership lists, prepare and distribute agenda and minutes, and write reports. The national office, which will substantially increase its staff, will take over these functions. The financial burden also will shift from the committees to the national headquarters; by this means the individuals and organizations who benefit from committee work will share the costs more equitably.

The post of associate technical director—administration—has been created within the national headquarters to oversee the increased administrative work. His reorganization of the staff and application of modern recordkeeping and reproducing devices for standards will greatly increase the speed with which standards will become available.

To maintain effective communication between the technical committees and the national office, the staff of the national office devoted to technical operations will be organized into a number of technical divisions, each comprising an area of technology and each headed by a division manager reporting to the director of technical operations. All divisions will receive administrative support from the associate technical director—administration—and his staff. The divisions are metals and ceramics; construction; chemicals; electrical, electronics, nuclear aerospace, polymer and fabric; general tests; and consumer—public oriented. The introduction of a division devoted entirely to consumer products and standards is an especially promising indication of ASTM's attitude in the 1970's. Each division manager is expected to keep aware of current technical developments and to anticipate future ones in his special area. Thus he will be better able to plan activities for the technical committees which set standards.

To speed the formulation of standards, ASTM has decided to implement a plan by which committees would hold a "committee week" each month from September through May. This procedure assures that a technical committee will deliberate more often and at a pace suited to its members. To make information immediately available on standards, ASTM has also decided to print a newsletter. It will be printed as a part of "Materials Research and Standards" and for separate distribution to any interested person.

All Americans depend in some measure on groups like ASTM to facilitate the growth of our economy and assist the cause of consumer safety. Though the Government must, in the future, acquire expanded responsibilities for consumer safety, much of the technical knowledge utilized will continue to come from societies like ASTM. ASTM's plans for seeking solutions to difficult problems in the new decade are encouraging. In discharging its basic responsibilities to consumers the Federal Government can certainly look to groups like ASTM for advice and assistance.

Thomas A. Marshall, Jr., was an important contributor to these new programs. Those who are committed to strong standards programs in the public interest will sorely miss him.

SENATOR MUSKIE SPEAKS ON THE ROLE OF DISSENT AND THE NEED FOR TOLERANCE IN AMERICA TODAY

Mr. MONDALE. Mr. President, our Nation today faces an enormous task of reconstructing the unity, the harmony, and the shared visions which have made our Nation great.

The specter of violence and repression is growing ever greater as frustrations rise and as faith diminishes in the ability of reason and the democratic process to solve our problems and bring us together again.

In a remarkable speech to the graduating class of William and Mary College, the Senator from Maine (Mr. MUSKIE) challenged us to hold fast to our conviction and, at the same time, "to learn to tolerate a little."

Unity and vision cannot arise from a forced conformity or a repression of dissent. As Senator MUSKIE said:

> Civilization has benefited whenever men had the courage to hold to their human convictions in the face of reprisal, and our country will not endure as a free society unless men are willing to do so.

But conviction and ideology must be tempered not with "caution" or "moderation" but, rather, with tolerance and respect.

The alternative is frightening to contemplate. Already, we have seen Kent State, Augusta, Jackson, new violence on the streets—now from the right—and an increasing tempo of intolerance.

I commend Senator MUSKIE's words to the attention of the Senate because I think they portray very vividly the need to retain commitment, conviction, and a passion for justice along with tolerance and respect for the ideas and ideals of others.

I ask unanimous consent that his speech to the graduating class of William and Mary be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A TIME TO SEEK A TRUCE

It is not hard to imagine the topics most commencement speakers will choose this year. In one form or another, it is dissent on the American campus.

Some will find it good per se, and will content themselves with praising those who mount it. Others will warn of its consequences, as did the President after the shooting at Kent State, without commenting on the justice of the dissent, or the madness of the means used to suppress it.

Perhaps some will look beyond the phenomenon of dissent to its causes and effects in the America of 1970. I hope to do that today.

It ought to be said, at the beginning, that dissent is an activity, and not a value. There has been widespread dissent in our country, and the verdict of history upon it is very mixed.

The patriots who questioned the authority of the British Parliament to govern the American colonies two hundred years ago in this very city were dissenters.

A great many military coups in Latin America and Africa have been, in a sense, forceful dissents against the policies of democratically elected governments.

In our own country, governors have dis-

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sented against the decisions of the Supreme Court, and have interposed their authority, on behalf of some of the people of their states, against their enforcement. The object of that dissent was not social justice, but the preservation of the status quo.

On the other hand, the dissent of thousands of brave blacks and whites—in Birmingham, in Selma, and in Mississippi—stirred the conscience of the nation and produced three civil rights laws after a century of inaction.

And I believe the dissent of millions of young Americans has had much to do with turning our government away from its policy of escalation in Vietnam.

So history teaches us to judge dissent, not as a thing in itself, but as an activity to be measured by what it opposes, and by what it forwards in its place.

Second, it should be remembered always that in much of the world, questions about the value of dissent are academic. The expression of dissent is simply impossible or fraught with such hazards to life and liberty as to sharply restrict its effect.

The suppression of Russian writers and scientists, and of the students in Prague, is testimony to this; so is the puritanical terror of the Red Guards, which has reached into the life of every Chinese village to attack the thoughts, as well as the deeds, of unenthusiastic citizens. So, to our consternation, are the arrests of South Vietnamese who have dared to take positions contrary to those of the government in Saigon.

Therefore, if we are often divided and angry about the merits of dissent in this country, it is not our way to settle the argument finally by becoming a police state, and enforcing, upon the conflict of minds, the resolution of the gun and club.

Third, we should understand that even in a society of free institutions, such as ours, there is a constant pressure on all to conform to the opinions of the majority. And the price of non-conformity has often been very high.

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To be an abolitionist in the South, or a pro-slavery man in the North during the Civil War, was an invitation to suffering.

Simply to have been a German-American during the First World War was enough to have your patriotism suspected, your language and culture abhorred, and your every move watched by vigilante groups of your fellow citizens.

In the early 1950's, the nation endured a Salem witch-hunt led by the late Senator Joseph McCarthy, in the course of which otherwise sensible Americans began to suspect their neighbors of harboring treacherous thoughts.

And today, in the bumper stickers that read "America—Love It or Leave It," one can see the bitter impatience with which many people regard those who challenge the system for the injustice and hypocrisy they see in it. The Vice President has given more articulate voice to the same defensive sentiments.

Indeed, the air today is alive with pressures to conform to the opinions or behavior of one group or another.

From the spokesmen of the Administration, there is pressure to become part of, or at least yield to, a "silent majority." It is commonly assumed that this majority is white, which makes it impossible for a substantial portion of our population to join it; that it is middle-class, which leaves out what begins to look like a preponderance of the electorate.

But as it may no longer be a majority, it is also becoming less silent. We saw that in lower Manhattan recently, when construction workers let out their pent-up fury against young demonstrators who had shouted their rage against the country and all its works—and who, for their part, demand an equally rigid conformity to their opinions from all with whom they come in contact.

At the heart of that struggle, there was the issue of our country's basic worth and direction. The demonstrators, many of them students who had enjoyed the unparalleled economic well-being of middle-class youth, were saying No! with signs and epithets to the society that had provided it; the construction workers, who had struggled for a share in American abundance and won it, were saying Yes! with their fists.

The workers could not understand the desperation of the students, some of whom face the possibility of serving in a war they find unconscionable and futile.

The students could not understand that the workers have an investment in the American system that they are willing to die for.

There was, and is, a tremendous chasm between the two. They were united only in violence—the one verbal, the other physical, each of them alternate steps up the ladder to confrontation.

If that violence—between those who challenge and those who affirm the American system—broke out only in Manhattan that day, it is latent throughout the land.

The young dissenters fear that the government will be deaf to their cries, and will continue heedlessly to commit their lives to military adventures abroad. Those who have an investment in the society fear that the dissenters will bury it in the rubble of the institutions they seek to destroy.

And that fear turns each group inward, making it at once more hostile to the other, and more demanding of the total commitment of its own members. Rocks are thrown, and the clubs come out. Rhetoric becomes inflamed—"effete snobs", "fascist pigs", "bums", "murderers"—until finally political dialogue disappears, and the two sides lob grenades of verbal abuse over the walls of their encampments. There is no quarter given, no attempt to understand, no capacity to feel what the other side feels.

Then triggers are pulled at Kent State, Augusta, and Jackson State. They are pulled out of fear—fear that has so cauterized the sensibilities that at last a man cannot imagine what it is for another man to take a bullet in the flesh.

For a moment, the country is shocked out of its trauma of fear. People begin to wonder what will happen, if we go on this way. Kent State had that effect, because the dead students were white and middle-class. Blacks have been asking that question for many years before Jackson State.

But there is no answer from the White House, nor any suggestion of an alternative. And after a while, the shock passes—as it passed after Watts, and Newark, and Detroit, and Chicago. The country returns to its various encampments—its separate fears.

Is that the way it must be?

Must we live in fear of "those others"? Must we demand that they conform to our opinions and interests, or face our eternal hostility? Must we arm ourselves in readiness for civil war, and speak only through bullhorns across the lines of class or race or age?

I believe this to be possible in America in the 1970's. I do not believe it is inevitable—not if we set our minds against it and our wills to work.

I think it is time we sent our emissaries to those "others". I think it is time to seek a truce, and to use that time to learn to feel for the other—and finally, hopefully, to learn to tolerate a little.

No one should expect that any man, or event, or policy, can "bring us together" in the sense that we all might come to share a common opinion or interest. America is too diverse for that, and the winds of change are so strong now that we are bound to be divided in our response of them. But we can expect and should demand from our national leadership—and from ourselves—tolerance for others when they dissent from us, tolerance for non-conformity to our chosen views.

For most graduates in this tumultuous year, the time of street demonstrations and violent dissent is ending. Most of you will, in the next few years, marry and take on family responsibilities. You will still have opinions, but you will also have jobs. You will be thinking less about student revolution, and more about how to live useful and productive lives.

You may become—indeed, you may already be—members of the "silent majority". Or you may hold views that do not conform to those prevailing in your community.

You may find yourself believing that the treatment of black citizens in your community is an outrage to the human spirit. And you may find the expression of that belief to be costly.

You may find yourself in strong opposition to the course your country is taking abroad. And you may suffer because of that at the hands of your employer, your fellow workers, or your neighbors.

You may be so increased by the pollution of your environment that you must speak out against an industry which your community believes is essential to its economic growth. And you may pay a price for that.

When the tide of emotionalism about crime is on the rise in your community, you may resist the simple solution of repressive laws, because you believe them ultimately ineffective and a threat to personal liberty. That may have its costs as well.

If your dissent has enjoyed a limited immunity during your college years, that immunity will end as you leave.

Then the question will be, whether you have the power of intellectual discrimination, and the moral integrity, to stand against what you believe to be wrong, to fight for what you believe to be right, and to pay the price of your dissent.

It will be far easier to conform, far more comfortable to join one of the embattled camps. It was easier to hate German-Americans in the First War, than to defend them from the attacks of their fellow citizens. It was easier to indulge Joe McCarthy in the early fifties, than to resist him publicly. It was easier for Southerners to vilify civil rights workers in the sixties, than to speak out against the abuse of blacks in the South. It was easier for students to join in demolishing university offices, than to stand against that vandalism.

Conforming to the prevailing views of one's community is always easier—on everything but one's conscience.

Non-conformity is nearly always costly—to everything but one's conscience.

And the men and women who, while holding to their own convictions, are willing to step out of the encampments of their class or face, and seek out those "others" who oppose them—will be doing more than a favor for their conscience. They will be beginning a dialogue that may result in a more tolerant America, one where people can feel some part of the fear and hope and need that others feel.

There is a practical reason why men and women must step out of their encampments—it is not possible for any one group to exercise enough influence or leadership to initiate change; coalitions make change. Perhaps we need new kinds of coalitions. But since it is coalitions that can bring about the changes that are required in our society, we must learn to work together apart from our encampments.

This is extremely difficult to do in times of crisis, at home or abroad. Many student dissenters view those who have engaged the nation in Vietnam as war criminals; many supporters of the war regard the dissenters as cowardly traitors. Many blacks feel, in the light of events such as the shootings at Augusta, and Jackson, that there is no hope for them in America save through their violent retaliation. Many whites believe their jobs, property, and even lives to be threatened by blacks.

In such a time, there is a tremendous pressure on the members of each group to conform to the group's opinions—to share the group's fears, its hates, its attitudes and enemies. A student is a cop-out who doubts the moral guilt of those in office; a man is unpatriotic who says the war must end tomorrow; those who try to work with the other race are either Uncle Toms or negro-lovers.

All that one can say to those who endure such pressure is that civilization has benefited whenever men had the courage to hold to their human convictions in the face of reprisal; and that our country will not endure as a free society unless enough men are willing to do so.

War between the fearful, a silent conformity enforced by the state, or a dialogue marked by tolerance—three very different futures for America. The men who worked here two centuries ago were brave enough, and intellectually disciplined enough, to choose, the last. They believed in the right to dissent, and protected it; and they judged the value of dissent by what it opposed, and what it espoused. They believed the open commerce of ideas preferable to divisions of opinion into hostile camps. The democracy they devised presumed that men could be able to communicate with each other in a reasonable way, and not only through slogans and force. It presumed that accommodation, and not fear, would characterize the American society.

One would hope that their descendants on this green today would so live as to do them honor.

THE CAMBODIAN INVASION

Mr. PEARSON. Mr. President, a few days ago I had the opportunity to meet with several students of the University of Kansas Law School. All were critical of the President's move into the Cambodian sanctuaries.

In encouraging their continued interest and participation in public affairs, I sought to persuade them that their positions, particularly as future lawyers, should be based upon reason, logic, and precedent, rather than emotion. I encouraged them to prepare and, if they wished, to submit a brief on the constitutional law questions that they raised.

Mr. President, I have recently received such a memorandum from William R. Sampson, a student at the Law School of the University of Kansas, which represents the kind of sensible and reasonable dialogue which the students of today rightfully seek.

Mr. President, regardless of how Senators may feel concerning the President's action in South Vietnam and Cambodia, I offer one student's responsible discussion of the issue.

Mr. President, I ask unanimous consent that the statement prepared by William R. Sampson be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by William R. Sampson

The nature of the Cambodian invasion and its stated purpose—to safeguard U.S. troops against future attacks from the Viet Cong—suggest the conclusion that the President acted improperly. International law is well settled concerning action against anticipatory attack. The attacking party must show a "necessity for self-defense, instant, overwhelming, and leaving no choice of means, and no moment for deliberation."[1] The United States certainly had other means of resolving the sanctuary problem. It had time to deliberate. The stores of ammunition and supplies could not have been easily used or transported during the ensuing monsoon season. The United States could have asked permission of the Cambodian government for its actions in the likely event that Cambodian forces would not or could not expel the Viet Cong from the sanctuaries. If that permission had been denied, the President could have protested the matter to the United Nations. And if his response there had proved unsatisfactory to his desire to invade and clean out the area, the President could then have gone to the Congress. However, the President did none of those things. To the extent that the President chose to ignore the accepted channels for resolving the problems with the Cambodian sanctuaries and chose to engage large numbers of U.S. troops in a new theatre of operation without the consent of anyone in the Congress, one can argue that the President acted improperly and exceeded his discretion as Commander in Chief.

However, international law as clearly supports the position that should a neutral accede to the impositions of one of two belligerants, the other may, in certain circumstances, disregard the neutral's sovereignty and attack the enemy within the neutral state. The Cambodian invasion can be profitably compared with United States' actions in three similar situations in which hostile forces used neutral territory as a base for recurring raids against the United States. General Jackson pursued Seminole Indians into Florida when that territory was owned by the Spanish. The Indians had frequently attacked American positions in Georgia. Jackson seized several Spanish forts in the operation; after the Indians were subdued, the forts were returned to the Spanish and reparations were made for injuries to Spanish property.

From 1870 to 1877, Mexican bandits frequently crossed into Texas to pillage American settlements. The Mexican central government made little effort to prevent the raids, so in the spring of 1877, the United States gave its commanding officer in Texas the authority "when in pursuit of a band of the marauders, and when his troops are either in sight of them or upon a fresh trail, to follow them across the Rio Grande, and to overtake and punish them. . . ."[2]

During the "Cortina War," Mexico acquiesced in the action of the United States against Juan de Cortina who had used Mexico as a sanctuary to avoid capture by American troops after raiding the Texas territory. American forces crossed the Mexican border on February 4, 1860, and broke up the Cortina outlaws. No complaint against the action was made by the Mexican central government, and the Mexican military commander in the area concurred that the American forces should be empowered to pursue and arrest Cortina and his men wherever found.[3]

These examples fit well within the thesis advanced by the author of a Note in the Columbia Law Review that "defensive actions which infringe the sovereignty of a neutral state should be justifiable under international law if . . . they are necessary to end repeated raids from a neutral sanctuary, or if they are required to protect the safety of troops under actual attack."[4] However, as that author also points out: "A point is reached in which self-defense becomes aggression under any well developed system of law." It is at this point that I would take issue with President Nixon's action of 30 April. I believe that the enormous size of our movement into Cambodia coupled with the clear indication that the President had the time to go to Congress and secure its approval render that unilateral action by the President an improper exercise of his powers as Commander in Chief.

The debates of the Constitutional Convention show the reluctance of the delegates to vest in the chief executive great discretionary authority to commit U.S. troops to combat. "The debates suggest that one of the prerequisites for unilateral presidential response even in defense of the country is that the attack be so 'sudden' that resort to Congress is militarily precluded."[5] The factor most persuasive to the conclusion that the President acted improperly is that he clearly *did* have the time to go to Congress with his request to send troops into the Cambodian sanctuaries. General Abrams had known of the sanctuaries for years and has repeatedly asked for permission to destroy them. The President could not have been wholly candid when he referred to the "sudden" buildup of supplies in the sanctuary area. Our military intelligence, as reported in the newspapers, indicated that substantial quantities of supplies have laid within the Cambodian jungles for many months. The only "sudden" development in Cambodia was the deposing of Prince Sihounok by Lon Nol and the "sudden" political changeover which made an invasion much less likely to stir up adverse reaction from the Cambodian government. Too, Mr. Nixon may have been motivated by the belief that Congress would not have given him the authority to conduct the invasion of Cambodia had he asked them for it. Neither factor is sufficient to justify the large-scale movement of U.S. troops across the Cambodian border and their deployment in Cambodia for a substantial period of time.

Cambodia never recognized that the United States had the right to pursue Viet Cong forces into its territory.[6] Nevertheless, had Mr. Nixon authorized the pursuit of attacking bands of Viet Cong by individual squads or companies, his action would follow the precedents of his predecessors in Florida and Mexico. But Mr. Nixon has so vastly expanded the Vietnamese War and has so seriously infringed upon the sovereignty of the Cambodian state that the precedents previously mentioned have virtually no relevance.

In conclusion, I do not believe that the President's action was "blatantly unconstitutional," as it has been called in a resolution by a Canadian conference of international lawyers. There is evidence that some kind of response to the sanctuary situation in Cambodia was justified. I believe, however, that the refusal of the President to work within the existing channels of international law, the massive nature of our response, and the virtual annexation of a substantial portion of Cambodia for 60 days was improper without Congressional approval. For these reasons I urge you to continue your efforts to secure the passage of the Cooper-Church bill. The President's action, although not clearly unconstitutional, is an unfortunate precedent which the Congress should disapprove in the strongest manner possible.

FOOTNOTES

[1] *See* 2 J. Moore, Digest of International Law 412 (1906).

[2] H.R. Rep. No. 701, 45th Cong., 2d Sess., App. B, at 241 (1878).

[3] *See* H.R. Exec. Doc. No. 81, 36th Cong., 1st Sess., 102–04 (1860).

[4] *International Law and Military Operations Against Insurgents in Neutral Territory,* 68 Colum. L. Rev. 1127–48 (1968).

[5] Note, *Congress, the President, and the Power to Commit Forces to Combat,* 81 Harv.

L. Rev. 1771–1805 (1968); *see* 2 M. Farrand, The Records of the Federal Convention of 1787, at 313, 318–19 (rev. ed. 1937). Hamilton's commentary similarly reflects the deliberate choice by the framers to vest in the legislature—the representatives of the people—the power to engage the Nation in war: "The President will have only the occasional command of such part of the militia of the Nation *as by legislative provision* may be called into the actual service of the Union." The Federalist No. 69 (emphasis added).

[8] *See, e.g.*, the statement of the Royal Cambodian Government, reproduced in N.Y. Times, Dec. 28, 1967, at 17, col. 2.

THE GOVERNMENT'S POSITION ON THE C–5A PROGRAM

Mr. BYRD of Virginia. Mr. President, I am greatly concerned as to the Government's position in regard to the Lockheed Aircraft Corp.—and specifically the C–5A program.

The C–5A program was initiated in 1963 when Robert S. McNamara was Secretary of Defense.

As of June 1969, no production aircraft had been delivered.

As of May 25, 1970, only six production aircraft have been delivered, plus eight research and development aircraft.

Yet through April 30, 1970, the Government has paid Lockheed Aircraft Corp. on the C–5A contract more than $2 billion.

The Department of Defense is seeking an additional appropriation of $544 million for fiscal 1971.

Of this amount, $200 million is labelled "contingency."

This $200 million exceeds by that amount the Government's obligation to Lockheed.

The Department of Defense seeks this additional $200 million as the best way to protect the Government's investment in the C–5A aircraft.

Admittedly, the Government and Lockheed face a very difficult problem in regard to the C–5A contract. Under the Air Force Department interpretation of the contract the loss to Lockheed will exceed $640 million.

I have great confidence in Deputy Secretary of Defense David Packard. He had no responsibility for the original contract and is making an effort to bring some order out of a rather chaotic condition.

He has not yet presented an overall solution. He does recommend the appropriation of the additional $200 million, which amount goes beyond the amount the Department of Defense contends it owes to Lockheed.

Lockheed has been operating almost entirely on Government funds. It has put up very little of its own money. The contract between Lockheed and the Government is an ambiguous one and apparently is subject to varying interpretation.

I am willing to support the $344 million authorization which the Department of Defense recommends as being within its contractual obligation, but I have considerable doubt about the additional $200 million which goes beyond what the Government contends is owed to Lockheed.

I shall vote to eliminate this $200 million item from the budget.

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SENATOR SCOTT GUEST ON METROMEDIA PROGRAM "PROFILE"

Mr. GRIFFIN. Mr. President, on Sunday, May 31, 1970, the distinguished Senate Republican leader (Mr. Scott) appeared as a guest on the Metromedia Radio News program "Profile." On the panel asking questions were the program host, Dan Blackburn, national editor of Metromedia Radio News, and Sam Shaffer, of Newsweek magazine. I ask unanimous consent that the transcript of the program be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Profile

Mr. Blackburn. Senator Scott, for all practical purposes, is there any real likelihood left of an acceptable compromise on the Cooper-Church Amendment to impose a deadline on American involvement in Cambodia?

Senator Scott. Yes, there is. Following a vote on the Dole Amendment pertaining to the release of prisoners of war, probably Wednesday morning, I would expect that Senator Byrd of West Virginia will introduce a resolution which may contain language protective of the power of the Commander in Chief to protect the armed forces abroad.

I am not sure whether such an amendment has the approval of the White House as of this time, but some progress is being made.

Mr. Blackburn. This is Dan Blackburn in Washington. My fellow reporter is Sam Shaffer of Newsweek Magazine. Our guest on this edition of Profile is Senate Republican Leader Hugh Scott.

We'll be right back after this message.

Mr. Blackburn. Senator, you say that you are not sure whether or not the resolution to be offered by Senator Byrd has the White House backing. Has getting White House backing for any compromise that might be accepted by supporters of the Cooper-Church Amendment proven to be a more formidable task than you had originally expected?

Senator Scott. Well, it is of course difficult when the Senate in effect challenges the President. The President tends to react to preserve his Constitutional functions; the Senate doggedly holds to its, so that of course it's a problem. But it is far better for someone, like myself, to continue to seek to conciliate, if possible, and to secure for the Commander in Chief a clear recognition of his authority, while recognizing, as I also do, that the Senate wishes to be heard with regard to Cambodia and the Vietnamese war, and, of course, all Senators, like all Americans, are extremely anxious for this dreadful war to be ended.

We're all agreed on the principles and the goals. The obsession of Senators is with techniques, and that is also true of the White House.

Mr. Shaffer. Senator Scott, you have been defending the President's actions in going into Cambodia. Doesn't it trouble you that a President can make a unilateral decision to invade another country? Has Congress become irrelevant on such a vital matter as waging war?

Senator Scott. The relevance of Congress, I think, is shown by Congressional reaction. The wish to be consulted; they have the power of the purse; they have the right to authorize the use of defense funds. At the same time, what the President has done is to recognize that the war was always being waged for more than five years from certain sanctuaries across the border from South Vietnam. The President has also recognized that without the removal of that menace he was unable to remove 150,000 troops from Vietnam during the next 10 or 12 months.

Therefore, it becomes—it became essential for this to be done. I have said quite clearly and plainly that it would have been better had Senator Mansfield, the Majority Leader, and I been consulted in advance, because we might have been able to better prepare public opinion for what proved to be a shock with regard to what they thought was a widening of the war, which the President firmly believes is a shortening of the war.

Mr. Shaffer. Well, Senator, in connection with preparing public opinion, as you put it, Senator Hughes of Iowa told the Senate just the other day that the invasion of Cambodia—and I quote him—distinctly polarized the nation beyond anything I have observed in my lifetime, and so I ask you, was it worth it, the military gains that will unquestionably be achieved and trumpeted at the White House?

Senator Scott. Well, Mr. Shaffer, I as a Senator am so used to the apocalyptic type of statement, that "never in my lifetime," or "the world is about to come to an end," or the Chicken Little philosopy that, "The sky is falling." I have learned that all things pass. This is a serious situation. It did indeed divide the country, but I think it divided the country more through misunderstanding of the common desire of both Congress and the President to find a quickening end to this war, and I think that misunderstanding has been contributed to by various eminent Senators who are themselves, or at least fancy themselves, candidates for President of the United States.

Mr. Blackburn. In what way do you feel it's been contributed to?

Senator Scott. Why, by the hot rhetoric, the excited language, the end of the world is coming, the ship is sinking, let's everyone run for cover, I've never seen such a disaster in my life, gloom, doom, disaster, and so forth.

Of course the times are serious; no one discounts that, but, as Adlai Stevenson once said, the world lives on the razor edge of terror, and all of us ought to devote our attention somewhat more cooly to getting off that razor edge.

Mr. Blackburn. You pointed, Senator, to a number of Democrats, without naming them, who may or may not be running for President in 1970——

Senator Scott. Oh, they all are. They all are. Don't worry about that.

Mr. Blackburn. I'm wondering if you feel that there has been an overindulgence in hot rhetoric on the other side of the fence too, and I'm thinking particularly of Vice President Agnew.

Senator Scott. Oh, I think rhetoric is always well fertilized and cross fertilized and tends to breed rhetoric. That's why I'm trying to be a rational and reasoning person in the center. I was reading this week that the difficulty of the center at the time of polarization is that instead of being a meeting ground for extremes, it's a no-man's land where men and ideas are caught in a withering crossfire. I'm one of those people presently caught out in no-man's land. But it says that precisely that quality of being a reasoning man in the center in a time of transition is needed because it's so scarce. Those are the qualities of patience, good temper and a skeptical willingness to wait and see.

Mr. Shaffer. Senator, I'd like to ask you a question on another aspect of foreign policy. Now, you have been a leading and very vocal advocate for planes for Israel, but the Administration appears to be dragging its feet on Israel's request. In your speech before the American Zionist Federation you said, "I have reason to believe that our prayers and our petitions to the President and the Secretary of State will be answered fairly soon." Can you be any more specific than that?

Senator Scott. Well, I am not in a position without revealing some of the things that I've been told, but I can say that the pressures for jets to Israel have increased mightily and on Monday Senators Javits and Ribicoff will send a letter to the Secretary of State signed by more than 50 Senators urging that jets be made available on long-term credit to counter the Russian introduction of Mig pilots and SAM–3 missiles, and inquiries on the Javits-Ribicoff move will be referred to Senator Symington and myself.

On Tuesday I will introduce with Senator Mondale of Minnesota a bipartisan resolution urging the President to get the Soviet Union to withdraw all Russian personnel from the United Arab Republic.

There is reason to believe that the Secretary of State is considering, now more seriously than ever, the need for some U.S. action to convince the Russians that it is not profitable to continue their dangerous creeping game of escalation of danger in the Middle East.

Mr. Shaffer. But meanwhile, how about this question of planes for Israel? What's your judgment?

Senator Scott. My judgment is that planes for Israel on long-term credit will indeed be provided. We are trying to expedite the matter of time. I would like to see—I think time is of the essence. I would like to see it done promptly. I believe that it is a necessary step to convince the Russians that they are seriously risking the spread of war in the Middle East by arming so mightily the Egyptian forces.

Mr. Blackburn. Senator, you said that the Secretary of State is considering some action to convince the Russians that their presence is not good for peace in Egypt. What kind of action could a Secretary of State, or any member of the Administration, this Administration, take that would be convincing to the Soviets?

Senator Scott. I have suggested two possibilities, the Scott-Mondale resolution to make the strongest of representations to the Soviet Union to withdraw its Russian personnel and to stop sending in SAM–3 missiles, even to withdraw those they have emplaced there.

Then the second approach is the Javits-Ribicoff approach to send the jets to Israel on a long-term credit basis. Of course, there is always diplomacy, but diplomacy hasn't worked since the United Nations has eight times condemned Israel and has never had the guts to condemn the Arab Republic for their aggressions.

Mr. Shaffer. Well, Senator, are we rendered any less effective by our involvement in Indo-China? In other words, do our words carry weight in the Middle East while we're bogged down in the swamps and the jungles of Cambodia?

Senator Scott. Well, I think that if we proceed by the President's schedule of withdrawal, and even accelerate that schedule of withdrawal, which I would favor, then we are maintaining our trustworthiness as a nation which keeps its promises. If we do that, then our credibility in the Middle East will be strengthened, but it makes no sense for some people to argue that the United States must be weak in one part of the world and strong in another.

Mr. Blackburn. Our guest on Profile is Senate Republican Leader Hugh Scott. My fellow reporter is Sam Shaffer of Newsweek magazine. This is Dan Blackburn and we will continue after this brief pause.

Mr. Blackburn. Senator Scott, to come full circle to what you were talking about with regard to both the Javits-Ribicoff letter and the Scott-Mondale resolution, is it your feeling that one of these two steps, if not both, will be adopted in some form close to what is outlined by the Administration?

Senator Scott. In—somewhere within the area for which we are pressing it is my feeling that the State Department will act. I think it important that they act promptly. I cannot give you a date.

Mr. Blackburn. Senator, I'd like to come back to another subject we touched on earlier, before pursuing something else, and this is this question of rhetoric. Vice President Agnew has said, and in fact has made such a comment on this program, that he does not feel he can go on to a campus at this time. Do you feel that this is a problem that should concern the Vice President, and would it concern you if you were in his position?

Senator Scott. Well, rather than responding directly to the Vice President's expressions which must be left to him, it is my view that the First Amendment ought to be observed by all good citizens, and that guarantees the freedom of the press and the freedom of assembly and the freedom of people to petition for redress of grievances and so on, and I would think that if people are genuinely devoted to these freedoms that they would make it possible for anyone, whether it be the Vice President or the ubiquitous poet, Gene McCarthy, or anyone in between, to address student audiences.

One would think that students would be interested in the educative process, namely to learn. It is preferable, believe me, to shout, because when you shout you can't hear what the other fellow's saying, and he just might say something worth hearing.

Mr. Shaffer. Senator, in connection with the business of hearing and listening, the youth of America, the Interior Secretary, Hickel, as you know, complains that the Administration is not listening to the youth of America. Now, do you agree with this?

Senator Scott. Well, I think at the time that he said it it was a salutary statement and I am glad he said it, and I so conveyed my views to him. I believe people should listen. I listen a lot myself. We've had loads of delegations come to see me. I haven't been able to see them all, and some go away a little miffed, but they don't realize that you can't see 10,000 people in 10 hours, for example, and there's a little unreasonableness in that.

There is, however, strong evidence now that the Administration is listening. It has sent out most of its younger staff members, a dozen, more or less, to listen to anyone who has the thought or desire to be heard. The Cabinet officers are listening. The young children, the sons and daughters of Cabinet officers, have been perhaps the most effective force in government in bringing to the high levels of government the importance of listening to what young people are saying. Their concern is real; their compassion is real; their desire to get out of the war is real.

One young lady said to me the other day in my home in Philadelphia she was very much concerned about Vietnam. I said, "I represent 12 million people, Bunny, and I'm 12 million times as concerned as you are."

Mr. Shaffer. Senator, you have an excellent record on civil rights, so I feel quite free to ask you, what is your Administration doing to woo the black voters? For instance, aren't you alienating the blacks when Attorney General Mitchell goes to Cleveland, Mississippi, at a time of great tension and crisis and talks to a lily-white audience, despite the black protests?

Senator Scott. Well, I have no say over where the Vice President—where the Attorney General goes or what he says. I recall that he at least delivered a balanced judgment in which he was critical of violence on one side or repression on the other, or of—on other occasions he has recently moved strongly to continue desegregation processes, even to suing the whole state of Georgia, so there's a good side to it too.

The Administration has also recently notified me, as they did in the last time this bill came around, that they are opposed to the Whitten anti-busing amendments and the Jonas amendment to one of the important bills, and I have been authorized to continue my fight in the Senate to strike these objectionable amendments out. If they're struck out that will be an important civil rights action.

I have succeeded 14 times in this 91st Congress in pro-civil rights amendments; the first three or four the Administration was a little ambivalent and uncertain of itself, but lately they've been giving me good solid support on it.

Mr. Shaffer. Then you're satisfied that the Administration is moving in the direction of wooing black votes?

Senator Scott. I am satisfied that they are concerned about black votes, but they're anxious that blacks be treated on an absolutely even and equal basis with whites, that they are not to be treated as an ethnic voting bloc, but rather as a group of Americans with very serious problems which need to be redressed.

For example, the extension of credit by this Administration to black businessmen, small proprietors, the opening of storefront headquarters for blacks to be able to get loans, the President's meeting with the heads of the black colleges, his naming the president of one of these colleges as his advisor, the fact that this Administration has named more black men and women to positions in government than any previous Administration, the fact that the new general counsel to the Department of the Treasury is a black, a former judge in New York, a friend of mine, formerly a protege of Senator Keating, all these things are steps in the right direction, but I think those who are seeking to have this Administration do what some Administrations do, and that is to make pleas, appeals, both overt and covert, to one ethnic group or another in the county is not a policy of the Administration. They are trying to treat all Americans as equally entitled to the benefits of government.

Mr. Shaffer. Senator, a little earlier in this program you spoke about the problems of the man in the center. Now, you were elected leader of the Senate Republicans by a four vote margin after——

Senator Scott. Five, Sam.

Mr. Shaffer. Five, was it? I'm sorry—after the death of your predecessor. Now there's talk about another challenge to you next January here in the Senate, and the firing is coming from the extreme right wing of your party. Now, it's my impression, as one who covers the Senate, that your strength is growing, but I may be misreading the situation. How do you, in all objectivity, read it?

Senator Scott. Well, so far as one can be objective about himself, Sam, I am pretty well known in Washington as a man who counts accurately. I have never given the press gallery a wrong count as to where I stand. Now, the support for me in my judgment at the present time is about 27–16, 28–15, and insofar as any new Senators are concerned, I'm sure that a majority would support me. Therefore, there has been a very strong and definite accretion of support for which I am most grateful since my road has been a very difficult one in seeking to be just and fair to all of my colleagues.

Mr. Blackburn. Yet the sniping at you seems to be escalating at the same time Senator.

Senator Scott. Well, that's partly due, I may say, to the press and media, if I don't get in wrong with you fellows, but—

Mr. Shaffer. You will.

Senator Scott. I'm sure I will, but I am candid, and I think part of it is because anything that sounds like bad news is better news than good news, but there's no justification for it.

The sniping, I think, results from the fact that I am a strong leader, as Bryce Harlow noted in introducing me once. The Senate prefers strong leaders, and the stronger you are, the more certain individuals are liable to snipe at you, but the interesting thing is

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they're always anonymous. None of them would quite dare invoke the wrath of their colleagues by making open attacks, because I think it would be a losing game.

Mr. BLACKBURN. Well, Senator, if I may follow up on this for a second, it has been reported that relations between you and your Whip, Senator Griffin, have become increasingly strained during recent weeks, that Senator Griffin has ambitions to sit in your seat and you have ambitions to keep him from doing that while you hold it. Could you enlighten us as to just what your relationship is with the Whip?

Senator SCOTT. Sure I will, Dan. You guys created that whole situation. It never happened. It's the most utter nonsense, total hogwash, completely incredible, and wholly and absolutely and utterly and totally false. Now, I've spent hours with Bob Griffin today and yesterday and the day before. We are in complete agreement and complete harmony. He is trying to do exactly what I'm trying to do, which is to work out an accord between the Senate and the White House. There has never been the slightest variance.

Now, Bob Griffin is the Senator from Michigan, and as Senator from Michigan, he has a constituency and he responds to it. I'm the Senator from Pennsylvania, and I respond to that. But I'll bet you'll find that Bob Griffin's and Hugh Scott's votes are about as close together as any two Senators here, and I want to nail this now for what it is, a total absolute falsehood.

Mr. BLACKBURN. I don't want to suggest for a second that you've left any doubt.

Senator SCOTT. Thank you, Dan. There never was any doubt, but I am constantly fighting ghosts and situations which never did exist.

Mr. BLACKBURN. We'll have some final thoughts right after this word.

Mr. BLACKBURN. Sam, I think you had a question you wanted to bring up.

Mr. SHAFFER. Yes, Senator; how do you account for the economic situation the country is in with the stock market in a bad slump despite temporary recoveries in the past day or so and with inflationary forces still on the rampage?

Senator SCOTT. Well, Sam, a battle to control inflation has its painful intervals. The country was allowed to run wild under the previous Administration of President Johnson, who tried to finance the war in Vietnam without paying for it in taxes and building up enormous budget deficits. We're paying for that now. As Kipling said once, "the things that we do by two and by two we pay for one by one" and this is happening.

However, I am personally of the opinion, after talking to leading economists in the Administration and out, that we will have a very good third quarter, a remarkably good fourth quarter and that the goal of the Administration's economic report of $985 billion in the Gross National Product has every reasonable expectation of being reached, and the present GNP is 932. That means that we will go up $53 billion between now and the end of the year. I do not expect unemployment at the end of the year to be higher than now. I hope it will be lower. It should be.

And therefore, while I am not an arrant optimist, I am, again, one of those who is convinced that definitely better times are on the way.

Mr. SHAFFER. Senator, if time allows for a parochial question, everybody in Pennsylvania says you'll have an easy ride in your race for reelection in the Senate. How does the campaign look to you?

Senator SCOTT. Sam, nobody as firm as I am, as candid as I am and as positive as I am is every assured of anything easy in this world, including election. All the surveys indicate that I am ahead. I assume that it will be a difficult race. I've never met my opponent. I do have a little trouble remembering his name, but I am sure that he will become more visible.

Mr. BLACKBURN. Senator, I'm going to try and work in two questions here before time gets away from us altogether. The first one is in connection with elections. Do you think there is any possibility that Hugh Scott might become Majority rather than Minority Leader in the next Senate?

Senator SCOTT. It's a consummation devoutly to be desired, as the late Senator Dirksen would have enunciated. I would hope that it would happen. If the economy is good and if the President has kept his promises, as I expect him to do, to get out of Cambodia, to accelerate withdrawal from Vietnam, to assure people we aren't going to leave anybody there ultimately, as the Secretary of Defense assured me yesterday it was his intention, then I would assume, with a better economy, that we could be the majority party. If we deserve to win, we will. If we deserve to win, I would then be the Majority Leader.

Mr. BLACKBURN. Are you as optimistic now as you were, say—or as you might have been, say, two months ago?

Senator SCOTT. Well, with the Dow-Jones up 32 points I feel a little better about it.

Mr. BLACKBURN. Senator, one final question, and that is, with debate over Cambodia and a number of other of that type of debate in prospect, do you anticipate a lengthy session of Congress this year?

Senator SCOTT. Well, here I'm the optimist, Mike Mansfield is the pessimist. Both of us expected to be out before Labor Day. I still hold to that prediction.

Mr. BLACKBURN. Which would make it a lot easier for people who are running for reelection.

Senator SCOTT. Yes, namely me.

Mr. BLACKBURN. Our guest has been Senate Republican Leader Hugh Scott. My fellow reporter has been Sam Shaffer of Newsweek magazine.

Next week our guest will be Doctor John Hannah, Administrator of the Foreign Aid Program.

This is Dan Blackburn in Washington. Thank you for listening.

INTERNATIONAL COUNCIL OF SCIENTIFIC UNIONS IDEA PARALLELS WORLD ENVIRONMENTAL INSTITUTE RESOLUTION OF SENATOR MAGNUSON

Mr. MAGNUSON. Mr. President, on April 27 I submitted Senate Resolution 399, to facilitate the creation of a World Environmental Institute. The resolution, which has 40 cosponsors, is now pending before the Committee on Foreign Relations. The committee has requested, and is waiting for, the views of the Department of State.

At the time I submitted Senate Resolution 399, I said it was "a practical proposal, one that can be achieved if we dedicate ourselves to the task. The resolution is intended to produce action, not more rhetoric. And it will produce that action if the Congress, the President, and the leaders of foreign nations accept it with the seriousness and urgency in which more than a third of the Senate has offered it."

Mr. President, despite my complete commitment to the World Environmental Institute concept, I suspect that some people may have doubted the feasibility of this idea. Since I introduced the resolution, however, both the feasibility of such an institute and the urgency behind it have become clear. Seldom have I seen such a response to a legislative proposal. Scientists, ecologists, statesmen and laymen from this country and around the world have written to me offering support and suggestions.

I have learned, for example, that my concern for treating environmental problems on a world-wide basis is not unique: Organizations and individuals throughout the world are urging similar proposals. On May 6, for example, I inserted in the RECORD two fine proposals by Dr. George Kennan and Dr. Richard Gardner. I will also insert a magnificent address on the same subject by U.N. Secretary General U Thant.

Today I want to share with the Senate another fine proposal—one that closely parallels my own, and has been worked out in great detail. The material I am inserting is a "Report of the Ad Hoc Committee of the International Council of Scientific Unions—ICSU—on Problems of the Human Environment." The ICSU is one of the most highly respected international scientific organizations, and the report of its Ad Hoc Committee clearly reflects the tremendous dedication and skill that its members possess.

This report not only catalogs the global environmental problems to which I alluded in my April 27 address to the Senate, but it comes to a strikingly similar conclusion concerning the recommended form of action that should be taken at the international level. Specifically, the ICSU Committee recommends creation of an "International Centre for the Environment." Like my proposed World Environmental Institute, the Centre would be both a research center on global environmental problems and a central "intelligence service" or clearinghouse on environmental knowledge. In addition, the ICSU Committee recommends that the Centre administer the global monitoring activities on the environmental front.

I cannot commend this report too strongly to the attention of my colleagues. It is an excellent, in-depth product of scientists throughout the world. It demonstrates the soundness of the international concept—whether it is called the World Environmental Institute or the International Centre for the Environment.

Mr. President, my concern in this matter is not restricted to making speeches. I do not care what the international organization is called or who gets credit for its creation. I simply want—as do U Thant, Dr. Kennan, Dr. Gardner, and ICSU, and countless others—real action on a proposal of this sort. And I want the United States to take the leadership in establishing an international authority to deal with global environmental problems.

I will not minimize the difficulty of this task—it is an enormous one and still far from completion. The urgency of the matter, however, and the consensus of opinion regarding it should signal that action is needed now. I am committed to that action; 40 cosponsors of Senate Resolution 399 are committed to that action; and I hope that the administration and the scientific community here in the United States will be committed as well.

I ask unanimous consent that the report of the Ad Hoc Committee of the ICSU on Problems of the Human Environment be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE AD HOC COMMITTEE OF ICSU ON PROBLEMS OF THE HUMAN ENVIRONMENT

ABSTRACT

The ad hoc Committee has considered in detail the following ways in which man is altering the environment:

1. Increase in human population density.
2. Increase in atmospheric carbon dioxide from the combustion of fossil fuels.
3. Increase in turbidity (particulate content) of the atmosphere.
4. Pollution of the oceans and coastal waters.
5. Radioactivity in the atmosphere, natural waters, soils and living organisms.
6. Deliberate and inadvertent modification of the atmosphere, including the effects of cloud seeding and jet contrails.
7. Effects of introduced species.
8. Pressures on available water resources.
9. Eutrophication of international waters.
10. Soil erosion and destruction.
11. Noise as a pollutant.
12. Dissemination of pollutants in air, soils, water and living organisms (including industrial and domestic wastes, pesticides, reactions in the atmosphere, biological molecules).
13. Degradation of natural ecosystems with the loss of gene pools.
14. Thermal pollution (atmosphere and international waters).

There is a wide variability in the scale of these effects, in the urgency of environmental threats, in the ways in which man could be affected. The Committee considered these facts, and also took note of the other international organizations which are involved.

The principal conclusion of the Committee is the ICSU *has a responsibility to provide objective scientific leadership in this field*.

The ad hoc Committee recommends that ICSU *set up a Scientific Committee on Problems of the Environment (SCOPE)*, which would bring together the various disciplines, and which, through its Commissions, would be responsible for the promotion of environmental monitoring, evaluation of the effects of environmental disturbances, simulation modeling and predictions, and the study of the social effects of man-made change in the environment.

It is recommended that SCOPE be provided with a secretariat which should be developed into an International Centre for the Environment.

The ad hoc Committee recommends that SCOPE and the International Centre for the Environment cooperate fully with other groups, outside of ICSU, including all involved UN Agencies, regional intergovernmental bodies, and international non-governmental bodies.

TERMS OF REFERENCE

The ad hoc Committee was set up as a result of the resolution adopted by the 12th General Assembly of ICSU (Paris, 28 September–2 October 1968):

"The IUGG, and IUBS in consultation with SCIBP, are invited to appoint three members each to an *ad hoc Committee of ICSU on Problems of Human Environment*, for the purpose of preparing a report upon those characteristics of the environment which man himself is altering. The report will emphasize those problems which are of international concern, and will state if there are those toward the solution of which the scientific competence represented by ICSU could effectively be applied and it will be submitted, with all possible speed, to the Presidents of IUGG and of IUBS, in the first instance who will examine it and forward it with their comments to the Officers of ICSU. The Assembly authorizes the Officers and Executive Committee to give the necessary financial help for the preparation of the Report and further recommends that the Officers take prompt action on the Report when it is presented to them."

SUBSEQUENT ACTION

IUBS, acting with SCIBP, and IUGG appointed the following six members:

IUBS

Professor D. S. Farner, Dept. of Zoology, Univ. of Washington, Seattle, Wash. 98105, U.S.A.

Dr. B. Lundholm, Ecological Research Committee, Natural Science Research Council, Wenner-Gren Center, Sveavägen 166, VIII, S 113 46, Stockholm, Sweden.

Dr. J. E. Smith, Marine Biological Association, The Laboratory, Citadel Hill, Plymouth, U.K.

IUGG

Dr. K. Grasshof, Institut fuer Meereskunde an der Universitaet Kiel, Niemannsweg 11, 23 Kiel, Germany.

Dr. W. Laszloffy, Racoczi ut, 41, Budapest VIII, Hungary.

Dr. E. Munn, Meteorological Service of Canada, 315 Bloor Street West, Toronto 5, Ontario, Canada.

The ad hoc Committee met for the first time in Washington, D.C. (1–2 March 1969, at the kind invitation of the U.S. National Academy of Sciences). Dr. J. E. Smith and Dr. K. Laszloffy were unable to attend but were represented by Dr. L. H. N. Cooper (Plymouth Laboratory) and Dr. K. Szesztay (Budapest) respectively.

At this meeting Dr. B. Lundholm was appointed Chairman and Professor G. D. Garland (Secretary-General of IUGG) who had assisted in convening the ad hoc Committee, was made Secretary.

The Committee held its second meeting in Stockholm, June 10–11, 1969. On this occasion, Dr. Szesztay again replaced Dr. Laszloffy and Dr. Cooper was present in addition to Dr. Smith. At the suggestion of IUPAC, Dr. R. Truhaut (Université de Paris, Faculté de Pharmacie, Chaire de Toxicologie, 4 avenue de l'Observatoire, Paris 6, France) and Dr. G. Widmark (Institute of Analytical Chemistry, University of Stockholm, Roslagsvagen 90, Stockholm, Sweden) attended as experts in the field of chemistry and at the suggestion of IGU, Dr. I. Burton (Department of Geography, University of Toronto, Toronto 5, Ontario, Canada) attended as an expert in geography. Mr. F. W. G. Baker, Executive Secretary of ICSU, was present on June 11. Mr. G. T. Goodman who had given considerable assistance in preparing the working paper was present as well.

THE BASIC PROBLEM

In what qualitative ways and by how much quantitatively is the global environment of man being adversely affected by the technological revolution begun during the 19th century? The growth of population and the per capita capability of modification and exploitation of the environment are accelerating at such rapid rates that unforeseen and often unwanted side effects are continually arising. How serious are the consequences of these *for the future life of man on earth?*

MAN INDUCED ALTERATIONS OF THE ENVIRONMENT

Observing its charge to prepare "a report upon those characteristics of the environment that man himself is altering", the Committee has considered in detail the environmental alterations listed below. Later in this report the individual topics are further discussed, with proposals for desirable scientific research and international action in each case.

The list below is not intended to be exhaustive. Rather, the ad hoc Committee felt that it should examine a sufficient number of problems to indicate the seriousness of the situation, and the extent to which the scientific interests represented in ICSU could be applied to alleviate it. It is believed that the following list does illustrate these points. On the other hand, the Committee wishes to make clear that it is not proposing that an attack could be made upon all problems at once. If ICSU accepts the recommendations of this report, and engages in a programme on the environment, careful consideration would have to be given to the number of problems which could be initially included.

This raises the question of priorities, and the grouping of problems. Possible threats to the environment could be arranged in different ways: by the region of the planet that they affect (e.g. atmosphere, oceans); by the particular pollutant (e.g. hydrocarbons); by the way in which the threat would affect man (e.g. economics, health, aesthetics); by the urgency of the problem and by the irreversibility of the environmental change. Because of overlapping, it is impossible to draw up a completely logical classification system on these grounds.

The ad hoc Committee has ordered the problems under three headings. The first consists of threats that are global, in that some aspect of the environment of the planet as a whole is involved, and, as a corollary, research covering the entire globe is required. The second category involves problems of less-than-global significance, but ones in which a wide measure of international cooperation, and even confrontation, is required. The third category consists of problems, whose effect may be local, but which depend upon international cooperation by virtue of the volume of research, and exchange of information, which is required.

The topics which have been considered are arranged as follows; not necessarily in order or urgency or recommended priority:

Global

1. Increase in human population density.
2. Increase in atmospheric carbon dioxide from the combustion of fossil fuels.
3. Increase in turbidity (particulate content) of the atmosphere.
4. Pollution of the oceans and coastal waters.
5. Radioactivity in the atmosphere, natural waters, soils and living organisms.
6. Deliberate and inadvertent modification of the atmosphere, including the effects of cloud seeding and jet contrails.

Confrontation

7. Effects of introduced species.
8. Pressures on available water resources.
9. Eutrophication of international waters.
10. Soil erosion and destruction.
11. Noise as a pollutant.

International by virtue of research cooperation

12. Dissemination of pollutants in air, soils, water and living organisms (including industrial and domestic waters, pesticides, reactions in the atmosphere, biological molecules).
13. Degradation of natural ecosystems with the loss of gene pools.
14. Thermal pollution (atmosphere and international waters).

GENERAL CONSIDERATIONS

It is known but often not acknowledged that the earth has a strictly limited set of material and energy resources, interlocking and partly renewable via geophysical, geochemical and ecological cycles, to form a unitary global environment. It is in this milieu that man must survive, now and in the future. The human race today has the power to transform this environment and by

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skillful design, to adjust it to the needs of man. But lack of skill or foresight may lead to unwanted environmental side-effects which might be harmful to man and also irreparable, or at least, extremely costly to cure. We must ensure that design prevails over accident so that future generations do not inherit a seriously degraded environment where their living conditions are restricted or even hazardous.

Apart from this strictly practical consideration, there are in addition important cultural and esthetic considerations.

There are those who have likened man's environment to a great painting or sculpture whose damage or destruction would be a saddening act of cultural vandalism. Perhaps the 20th century is not the greatest age of cultural sensitivity, but we do not like to think of ourselves as a feckless generation. We know too that unfortunately, more people on earth today are forced to concern themselves with survival rather than sensibility, but it is our own age that has developed the power to mould the environment, and people in the future may blame us for the irreversible damage we caused.

These two considerations are nowhere more important than in the developing countries where the local environment is as yet relatively undamaged. It should be the special responsibility of developed countries to ensure that any industrial enterprise which they may finance should have a high degree of ecological control. In the absence of local legislation, a situation may develop which is far worse than would be tolerated at home by the industrial nations; man simply cannot afford to repeat mistakes of this kind. Properly qualified ecological advisers should be consulted before technical assistance is granted. This is particularly relevant to international projects, and, of especial importance in the tropical areas where the increasing technological impact of little-known ecosystems might have far reaching effects.

It is now clear that any study of the environment adequate enough to be of use in helping the human race to avoid future hazards must involve competence of the highest order in the sciences, sociology economics and law. Is man's intellectual achievement in these fields adequate to the task? It is believed that we have the theoretical competence to achieve it and that there is an opportunity for ICSU to bring about the collaboration of sectional interests.

From the details considered under the individual environmental changes that have been considered, it is clear that the following broad conclusions emerge:

1. It is urgent that man must learn everything possible about the present state, and rate of change of this state of the environment.

2. An international, non-governmental body of scientific objectivity and with the capacity for effective executive action is required to draw up a plan and timetable of action which should include the existing research activities in these fields. The best available body for this task is ICSU. Environmental problems will become so pressing in the next few decades, that governments will be forced to take some sort of scientific advice from whatever body is prepared to give it; the involvement of ICSU would ensure that the scientific component was of the highest quality.

ICSU has at present little experience or involvement in social science; nor has it competence in economics and law. It should be noted however that ICSU has considered the establishment of a committee on the "Social Implications of Science," which could well remedy this by recommending the liaison with ICSU of the appropriate sociological, economic and legal organizations. In addition, ICSU should consider establishing liaison with these fields of science and engineering at present outside its competence.

3. The following points underly the rectification of many of the individual environmental problems:

(i) A need to monitor the present level of man's interference with the environment, in such a way that the rate of change of this disturbance can be determined. The Committee recognizes that the required methodology will be extremely varied, depending upon the substance to be monitored, but consideration must be given to the use of the most advanced techniques possible in each case. This would include, for example, the use of remote sensing for certain parameters, and research on the development of competely new techniques.

(ii) the evaluation of the effects of particular man-made changes upon biota, including the prediction of future trends.

(iii) the prompt recognition of potential hazards.

(iv) the close relationship of the traditional scientific aspects with human affairs, including man's perception of undesirable change in his environment, and the recognition of the social, economic and cultural consequences of such change.

4. ICSU should be constantly aware of the possibility of using science to improve the environment, as well as to prevent deterioration.

5. The ad hoc Committee urges developments in education along the following lines:

(i) the stimulation of improved public awareness of environmental problems

(ii) the necessity to encourage young scientists to consider interdisciplinary research on the environment as an exciting and challenging problem

(iii) the desirability of including some environmental science in the training of scientists and engineers who, because of their future activities in technological developments, may become involved in environmental modification.

6. There is an urgent need for an international mechanism by which expert advice may be made available rapidly to any group or country requiring it.

RECOMMENDATIONS

In the light of the foregoing General Considerations the ad hoc Committee recommends the following actions :

1(a) SCOPE

It is recommended that ICSU create a Scientific Committee on Problems of the Environment (SCOPE).

The Committee should be composed of experts, who have worked in areas of importance to environmental science, proposed by all interested bodies of ICSU, including in particular persons competent to deal with the atmosphere and hydrosphere, and with aquatic and terrestrial ecology. SCOPE should have the authority to seek expert advice as required by co-opting temporary members, particularly from interests not represented in ICSU (e.g. aspects of agriculture, demography, forestry, conservation, medicine, toxicology, engineering, social and behavioral sciences, international forensic science).

The functions of SCOPE should be:

(i) to promote and coordinate research relevant to environmental quality control and rational use of natural resources by means of appropriate commissions.

(ii) to advise ICSU on policies concerning man's interaction with the environment.

(iii) to advise UN, UN agencies, regional, intergovernmental and other international non-governmental bodies, when requested.

(iv) to be responsible for the operation of the International Centre for the Environment (ICE). (see below)

(v) to promote a public awareness of the importance of environmental problems through education and all available media. (This could well include the publication of an authoritative book, for the general public, on the state of the environment).

SCOPE should be served by a small executive group and a permanent secretariat based on ICE Headquarters.

(b) Commissions

SCOPE should receive expert advice from commissions, of a number appropriate to deal with the main elements of environmental quality control. The commissions should in the first instance include:

(i) commission on monitoring

(ii) commission on biosphere and technosphere evaluation

(iii) commission on quantitative predictions

(iv) Commission on social and economic evaluation

It is expected that SCOPE will continually review the adequacy of the commission structure, to ensure that all aspects of the problem, including those produced by technological changes, are sufficiently covered.

Suggested functions of the Commissions are as follows:

(i) *Monitoring* to promote investigations into the methodology of monitoring, including the selection of suitable parameters, to ensure compatibility of methods and the coordination of monitoring systems; to develop in the future and be responsible for, appropriate broad-based monitoring systems for air, water soils and biota, including man; to investigate the usefulness of studying past changes in selected parameters; to establish Environment Archieves. In the first instance monitoring should be for integrated global values obtained from satellites or networks of background stations far from population centres. However, the problem of cities should not be neglected and commissions should consider methods of monitoring the urban environment.

(ii) *Biosphere and technosphere evaluation* to promote and be responsible for a scientific interpretation and evaluation of changes in the biosphere as a result of human activity; to promote the testing of substances entering the biosphere from the technosphere for their acute, delayed and chronic toxicity, including the development of new techniques and basic research in toxicological evaluation; to promote the collection of data on the production, use and subsequent fate of technosphere substances entering the biosphere, including the recognition of new or potential environmental hazards.

(iii) *Quantitative predictions* to promote and facilitate research on simulation models, quantitative forecasting and prediction methods, using computer techniques for the study of geophysical and ecosystem changes.

(iv) *Social and economic evaluation* to promote and facilitate research and other activities in the social and behavioral science aspects of environment; to examine environmental quality alternatives and their perception, the full range of theoretical adjustments and to assist in the study and formation of criteria (including engineering and economic criteria) for the selection of adjustments; to advise on appropriate forms of action and assist international legal bodies in their consideration of environmental quality control; to conduct retrospective studies of the course of population growth and environmental deterioration and improvement in representative areas at different stages of technology, including the evaluation of past changes both anticipated and unanticipated; to carry out these functions in collaboration with other relevant groups both governmental and nongovernmental.

Commissions should be served by a number of working groups dealing with special aspects. It is not possible to make firm recommendations about their composition at this stage, but they would probably follow the main items listed under the activities of

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each commission above and be in active contact with national groups in their field.

2. ICE

It is recommended that ICSU promote the establishment of an International Centre for the Environment. This would be the headquarters of the SCOPE permanent secretariat and the following three special permanent services, serving the commissions:

(i) Monitoring service.
(ii) Research and planning service.
(iii) Intelligence service.

The functions of these Services could be:

(i) *Monitoring Service* to administer the activities of the Monitoring Commission.

(ii) *Research and Planning Service* to administer the activities of the other Commissions; to be responsible for reviewing specific environmental problems and for coordinating current research projects; to organize symposia.

(iii) *Intelligence Service* to gather information and intelligence relevant to the environment from all sources; to keep abreast of inter-governmental activities (e.g. current international research projects) and non-governmental activities (e.g. current research work, etc.) in the environmental fields, and to disseminate the information on request to SCOPE, the Commissions as well as to UN and its agencies. The Committee calls attention to the fact that no such office now exists at the international level, and that only by developing this Office can ICSU expect to discharge its responsibility to make available authoritative advice on environmental matters.

3. In order to promote the rapid realization of items 1 and 2 above in an effective form, the ad hoc Committee strongly urges ICSU to set up immediately the core group for SCOPE and to make possible the establishment of the Commissions. These core groups should be small and should consist of acknowledged experts in each field. Each Commission would produce a detailed, practical report as soon as possible and in any case before the UN 1972 Conference, appraising the scientific, organizational and financial considerations inherent in developing the programme. It should also be the task of SCOPE to examine the practical feasibility of establishing ICE.

Initial funding for this stage should come from ICSU and should be sought from private foundations, but if recommendations 1 and 2 are to be realized in full, costs will be of quite a different scale and financial support should be sought from UN, its agencies and member governments.

4. The Committee recommends that ICSU investigate the possibility of a resolution being submitted to the UN General Assembly following the UN Conference on the Human Environment 1972. The resolution should be appropriately worded to express the following ideas:

(a) that member states recognize that the human environment is global and indivisible and that deterioration in the environment of any member state frequently deteriorates the environment of other states.

(b) that member states resolve not only to take corrective measures concerning deterioration caused by existing technological practices and human population pressures but that they agree to examine new technological practices in industry, mining, agriculture, transportation, etc., in terms of potential degradation of the human environment and that, if significant potential degradation is foreseen, the proposed practice be appropriately modified or abandoned.

(c) that member states in assisting other member states or non member states assume the responsibility of ascertaining that the assistance does not result in the deterioration of the environment.

(d) That the UN establish a plan through which its agencies and member countries would support an International Center for the Environment.

5. When ICSU considers that the ad hoc Committee has discharged its responsibility the Committee asks to be disbanded.

APPENDIX I—ENVIRONMENTAL CHANGES CONSIDERED BY THE AD HOC COMMITTEE

Item 1. Environmental effects of human population change

A. General Comments

The Committee recognizes this as a very large and important problem but one which is somewhat beyond the present competence of ICSU. It cannot be adequately defined and broken up into manageable components without the help of demographers, social scientists, economists and planners. The Committee urges that ICSU associate its appropriate competences with those necessary for the definition and analysis of this problem, and further, that a very high priority should be placed upon it.

B. Related Scientific Research

Effects of rapid population growth and rapid urbanization on the environment: over-utilization of land, deterioration of natural areas, ecological imbalance, depletion of natural resources, dietary deterioration, increase of urban pathology, increased wastes, deprivation and lowered performance of children.

Consequences of national policies to reduce fertiltiy: there are different time lags for different effects.

Studies of the ways in which population growth has altered the environment in the past.

Experiences of nations in dealing with natural hazards (floods, etc.)

C. Related International Actions (in Progress or Required)

"Case" studies of countries or areas with stable populations.

Improved collection and analysis of demographic data and vital statistics, especially from less developed countries.

Analysis and planning of resource development needed to support future populations in different countries with minimum damage to the environment.

Measures for global stabilization of the human population within available resources.

D. International Organizations Known by the Committee to be Involved

ICSU: IUBS; IBP; and IGU.

Intergovernmental: WHO; UNESCO; U.N.; and FAO.

Other: IUCN.

Item 2. Increase in atmospheric CO_2

A. General Comments

Concern over the possible effects of an increase in CO_2 in the atmosphere as a result of man's burning of fossil fuel is not new. It was considered at least as early as 1940 and has formed a major topic of discussion at symposia of IAMAP. Very briefly, the natural carbon cycle involves exchanges between plants and the atmosphere, and between the oceans and the atmosphere. Burning of fossil fuels in large quantities increases the input of carbon to the atmosphere. The ocean can act as a buffer in this process and tend to maintain the concentration of CO_2 in the atmosphere constant, but it has been shown that the efficiency of buffering is very dependent upon the temperature of the ocean surface. The effect of increased CO_2 that has been most often stressed is the "greenhouse effect", that is carbon dioxide admits the incoming short-wave radiation from the sun, but absorbs the longer wavelength outgoing radiation and an increase in its concentration may produce an increase in the earth's surface temperature. There may be other, more direct, effects in the biosphere.

In reviewing the extensive literature on the subject, it is clear that there is a need for both more representative data on the global concentration of CO_2 and its change with time, for basic research on the carbon cycle, particularly on air-sea interaction, and for research on the direct biological effects of carbon dioxide. There is, at present, great difference of opinion on the secular change of CO_2 concentration, simply because there has not been an adequate network of monitoring stations. Similarly, the calculations on the possible future modification of climate have suffered from a lack of information on the atmosphere-ocean exchange. The role of the green plants of the earth, and the possible effect of the reduction in the area of green cover by growing urbanization, or by unintentional poisoning, are also of prime importance.

The double need for both more representative monitoring, and for fundamental interdisciplinary research, that appeared in this problem, was found to be pertinent to many of the global problems. Specific recommendations on both aspects will be made below. It is recognized, of course, that an increase of other gases, such as SO_2, H_2O, in the atmosphere may be taking place, and the remarks concerning monitoring and research upon their effect applies to them also.

B. Related Scientific Research

Rate of increase of average CO_2 content in the global atmosphere.

Partition of added CO_2 among atmosphere, ocean, and biosphere.

Oceanic release and absorption of CO_2 in high latitudes.

Effects of added CO_2 on the biosphere.

Effects of added CO_2 on weather and climate (relative to water vapour, CO_2 will be more important at high latitudes, high altitudes, and in winter).

Atmosphere-sea interaction and oceanic uptake of CO_2.

Relation between energy exchange and gas exchange.

C. Related International Actions (in Progress or Required)

Worldwide monitoring of atmospheric CO_2 content, probably at a few carefully selected stations in both Northern and Southern Hemispheres where the atmosphere is thoroughly mixed (e.g. South Pole, summit of Mauna Loa).

Investigation of mechanisms of CO_2 exchange betwen atmosphere and ocean.

Simulation modelling of general atmospheric circulation related to changes in radiation balance and water vapour content of the atmosphere.

Bench-mark studies of photosynthetic production of organic matter at selected locations.

Remote sensing of CO_2 (aircraft, satellites).

D. International Organizations known by the Committee to be Involved:

ICSU: IUBS; IUPAC, IBP; IUGG; SCAR, SCOR; and GARP.

Intergovernmental: WMO; IOC; and FAO.

Item 3. Atmospheric Turbidity

A. General Comments

This aspect of pollution has received a great deal of attention at the local level, and it is only the global consequences which will be emphasized here. Increase in the content of solid particulate matter in the atmosphere may have important climatological effects, by changing the transparency of the atmosphere to radiation, and also by providing an increased density of condensation nuclei. Increased precipitation tends to remove the pollutants, so that the interrelations are complicated. The problem is further complicated by the fact that man changes the radiation balance of the atmosphere, not only by altering its CO_2, water, and particulate content, but also by altering the reflectivity of the surface through irrigation, urbani-

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zation, etc. It is clear that basic information is needed on the sources and sinks of particles, and on the lifetimes of particles in the atmosphere. The aim should then be able to predict quantitatively the effect of changes in turbidity on climate. Both IAMAP within ICSU, and WMO, are involved in the monitoring and research aspects of this problem.

B. Related Scientific Research

Rate of increase and geographic extent of atmospheric turbidity.

Size, composition and origin of particles being added to the atmosphere over large areas.

Residence times of particles in the air.

Mechanisms of removal of particles from the air.

Effects on climate and weather through changes in earth's albedo and atmospheric radiation budget.

Relation to changes in land-surface albedo.

C. Related International Actions (In Progress and Required)

Worldwide monitoring of atmospheric turbidity and albedo (by weather satellites, from a network of vertical sounding stations and aircraft).

Simulation modelling and theoretical analysis of atmospheric phenomena believed to be affected by increased turbidity (cloudiness, precipitation, changes in temperature, and in circulation patterns).

D. Interested international organizations

ICSU, SCAR, COSPAR, GARP, IUGG. Intergovernmental, WMO.

Item 4. Pollution of the oceans and coastal waters

A. General Comments

The sea is the ultimate repository of almost every kind of pollutant material created by man's industrialized society. Industrial effluents, biocides and sewage are discharged either directly into coastal waters or carried to the sea by rivers. Highly toxic materials are often dumped in quantity on the sea bed or into the open waters of the ocean. Hazardous cargoes, transported by ships as freight or fuel, are released, day by day, either by accident or design onto the sea surface or into the sea; and pollutants carried in the atmosphere are continuously transferred by rain or by direct diffusion into the surface waters.

Pollution of the marine environment may put at hazard amenities valued for their aesthetic and recreational enjoyment, as when oil is cast upon coastlines; and may put at risk (e.g. oil emulsifiers) economically exploited resources such as fisheries. Every kind of pollutant—physical (e.g. thermal pollution), chemical and particulate—in some measure affects the character of an ecosystem, damaging or killing sensitive (indicator) species and altering the ecosystem balance by decreasing the species diversity. And, perhaps most important, man's health may be endangered directly or by the passage and accumulation of toxic substances through food chains.

B. Related Scientific Research

The great variety of pollutant materials cast into the sea, and their widespread transport by currents and (in the case of oil) by wind drift, poses peculiar difficulties of assay and monitoring. The essential elements of the problem of the identification of the character of pollutants and of the assay of their effects involves the questions: what is the nature of each kind of material; in what quantity does it occur; where is it transported; how does it change with the passage of time through the action of physical, chemical and biological processes; what is its toxicity initially and after dilution and change; in what ways and in what degree does it affect acutely or chronically individual species of plants and animals (indicator species) and the balance of ecosystems; and how are the materials transferred through food chains? A solution of these problems inevitably involves the expertise of a wide range of scientific disciplines including analytical chemistry, oceanography, plant and animal ecology, physiology, and biochemistry, and in particular calls for the development of methods of bioassay as a means to effective monitoring of the actual and potential conditions of economic and biological hazard and of environmental deterioration.

C. Related International Action (In Progress or Required)

International agreement on exchange of information on the nature and quantities of materials discharged into the sea.

Agreement on permitted levels of toxic material discharge and on measures of enforcement.

Agreement and enforcement of measures relating to the transport of hazardous cargoes and the discharge of fuels and cargoes at sea, and of the procedures for undersea drilling and production of oil and gas.

Multidisciplinary studies by economists, political scientists, producers of raw material and manufactured products, engineers, lawyers, shippers and scientists of all relevant disciplines in producing a rational and workable system of conditions for the operation of the above agreements. An international institute devoted to applied oceanography may be desirable.

The development of environmental monitoring systems.

D. International Organizations known by the committee to be involved

ICSU: IUGG (IAPSO); IUBS; IUGS; SCOR; and IUPAC.

Intergovernmental: UNESCO and IOC.

Other: ICES; IMCO; and OECD.

Item 5. Radioactivity

A. General Comments

This should be more properly regarded as one of the pollutants to be considered under Item 1 above, but there is such a high degree of international, national, public understanding of this problem, that it has been considered separately, as an area in lesser need of attention.

B. Related Scientific Research

Possibility of radioactivity monitoring by international agreement using satellites travelling N-S.

Radionuclide partitioning in selected high risk ecosystems, e.g. in mountainous developing countries with high rainfall, i.e. internationally agreed 'reference areas.'

Radioactivity sampling in ice, snow, peat and mud profiles, tree rings, museum specimens.

C. Related International Actions (In Progress or Required)

Co-operation to agree on the scientific problems listed under B above.

International data bank on radionuclide accumulation in air, waters, soils, biota and on the toxicological effects on biota, including man, i.e. collation of existing data and addition of new material.

D. International Organizations Known by the Committee To Be Involved

ICSU: IAMAP; JCAR; SCOR; SCAR; and COWAR.

Intergovernmental: IAEA; WHO; FAO; and UN SCEAR.

Item 6. Deliberate and inadvertent modification of the atmosphere, including the effects of cloud seeding and contrails

A. General Comments

It is well-known that, on a local scale, man is altering the atmosphere by cloud-seeding, to produce rain or prevent hail. There appears to be a possibility that similar methods can affect the path of tornadoes. So far, the effects produced have not been of global significance, but the energy balance of the atmosphere may be sufficiently critical that inputs of energy within the capability of man could produce large-scale effects. There has also been mentioned the possibility of producing climatic change by altering the reflectivity of the earth's surface, in snow or ice-covered areas.

The condensation trails of jet aircraft produce a local increase in cloudiness. It is possible that, in the future, significant atmospheric effects from this input of water could arise.

B. Related Scientific Research

Determination of the global pattern of atmospheric circulation and energy balance (the objective of GARP).

Study of the total effect of seeding under various conditions.

Research through simulation and numerical models of the atmosphere, on the effort of various stimuli.

Study of the effect of surface reflectivity modification.

Study of the ecological changes following artificial weather modification.

C. Related International Action (In Progress or Required)

Development of the World Weather Watch, based on the results of GARP.

International agreement on the use of weather modification procedures.

D. International Organizations Known by the Committee to be Involved

ICSU: IUGG and COSPAR.

Intergovernmental: WMO.

Joint Organizing Committee for GARP.

Item 7. Effects of introduced species

A. General Comments

Species invading new territories often undergo population "explosions" because their natural predators, competitors, and pathogens may not be present (e.g. Bubonic Plague pandemic transmitted round the world be ship rats; African Malarial Mosquito *Anopheles gambiae* in Brazil, etc.). Air and ocean travel, canal building and human penetration of wilderness areas all contribute to this problem which may have serious economic consequences in terms of disease or ecosystems modification.

B. Related Scientific Research

Effects of removing or lowering biological barriers, e.g., by sealevel canal across Central America.

Effects of human introduction of species into areas where they had not previously existed, e.g., Mexican bees in Brazil, salmon in Great Lakes, giant snails in Pacific Islands.

C. Related International Actions (In Progress or Required)

Biological and ecological surveys of separated areas before and after barriers are removed, e.g., Atlantic and Pacific across Central American Isthmus.

Development of methods of predicting consequences of removing biological barriers or introducing species into new habitats.

Advice to planners and engineers on means of minimizing unwanted biological effects.

D. International Oganizations known by the Committee to be Involved

ICSU: IUBS; SCAR; and SCIBP.

International: UNESCO and FAO.

Other: IUCN.

Item 8. Pressures on Available Water Resources

A. General Comments

The availability of fresh water of high quality is becoming an increasingly acute problem in many countries. Water requirements will continue to increase with the growth of population and increase in living standards. At present, large numbers of people are without piped supplies in urban areas

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in developing countries. Lack of adequately developed fresh water supplies is an inhibiting factor in the economic development of many regions. Water is needed for power generation, irrigation, navigation and community water supply. Often it is drawn from international rivers or lakes and in many instances international cooperation is needed in the allocation of water, the financing of water resource development projects and the technical aspects of their evaluation, design and construction. This cooperation is frequently made more difficult by declining water quality and lack of scientific information about the various elements of the hydrological cycle.

B. Related Scientific Research

Estimates of future water needs and the distribution of these between municipal, agricultural and industrial requirements.

Continuous evaluation of regional water availability so as to be able to detect periods of water shortage more precisely.

More detailed estimates of per capita river flow/per capita water use, for different regions.

Identification of "aereal units", computation of "representative water balances" for the globe and recommendations to governments on the water-resources distribution of international river basins.

Pollution control, in particular liaison with water pollution programmes.

Application of systems analysis and simulation models to water allocation problems.

Evaluation of impact of water development projects on the environment.

Studies on acceptable withdrawals from rivers, lakes and aquifers.

Remote sensing techniques (satellites) in the study of soil water changes, snow cover, progress of drought, salt/fresh water interfaces.

Age determination of ground waters by radiocarbon and tritium dating techniques.

Watershed management studies, desired surface vegetation, etc.

Desalination studies.

Alternative means of water conservation, including re-use and cycling and methods of reducing requirements for agricultural and community purposes.

C. International Actions (in Progress or Required)

International cooperation in research and exchange of results on the above scientific problems.

Global evaluation of water needs and water resources.

International actions to improve the regulation of international water supplies.

International liaison with UN Law Commission and International Law Association to improve water law.

D. International Organizations Known by the Committee To Be Involved

ICSU: SCAR; COWAR; IASH; IUPAC, and IUBS.

Intergovernmental: WHO; UNESCO; FAO, and WMO.

Other: ICID; IWSA; ICLD; PIAN; IUTA; OECD; ILA, and IAWPR.

Item 9. Eutrophication of international waters

A. General Comments

It is apparent that the oxygen content of some seas, such as the Baltic, has decreased very markedly in historic time. Similarly, manmade and other lakes are known to have suffered. The effect on marine life is serious, and there may be particularly harmful synergistic effects, for example, if the oxidation of oil in the sea is biologically controlled. ICSU, through COWAR, is already involved in the study of manmade lakes.

B. Related Scientific Research

Species composition, rates of growth, interactions, and decay of phytoplankton and bottom-living flora.

Nutrient requirements and utilization of nutrients by principal plant species.

Addition or subtraction of nutrients necessary for desirable changes in composition of phytoplankton, e.g. higher nitrate/phosphate ratio may suppress blue-green algae and encourage diatoms—N & P régimes.

Development of anoxic conditions in deeper waters.

Desirable changes in density stratification or other physical properties of lake waters to improve biological conditions.

Poisons from industrial wastes or other sources which may inhibit growth of desired phytoplankton species.

C. Related International Actions (in Progress or Required)

International cooperation in research and exchange of results on the above scientific problems.

International actions to improve conditions on international lakes and other water bodies.

Monitoring of major river systems and international "inland" waters, e.g. Baltic Sea, Mediterranean.

D. International Organizations known by the Committee To Be Involved

ICSU: COWAR; SCOR; IUBS; IUGG; and IBP.

Intergovernmental: UNESCO.

Other: OECD and EGE.

Item 10. Soil erosion, destruction, conservation and improvement

A. General Comments

In many parts of the world this is a major problem, the solution of which will require the combined efforts of scientists including geographers, geologists, hydrologists, meteorologists. While the problem is not a global one, a great deal of assistance could be given, particularly to developing countries, by the dissemination of information on means of preventing or combating soil erosion and destruction. Intergovernment agencies, particularly FAO, are involved.

B. Related Scientific Research

Soil-water relationships, especially in humid and sub-humid tropics.

Climate and other factors determining soil characteristics.

Mapping of soil erosion by satellites.

Prevention of soil erosion.

Sources and transport of dust from soils.

Prevention of water logging and salinity.

Erosion of watersheds for artificial reservoirs.

Silting of international rivers and lakes.

Improvement of soil characteristics by adding lime and other substances.

Soil erosion and its relation to atmospheric turbidity.

C. Related International Acts (in Progress or Required)

Worldwide surveys of soil characteristics, perhaps using satellite, multi-spectrum sensing and combining these data with histories of soil use.

"Confrontation" among countries on their programs for soil maintenance and improvement.

Additional international technical assistance in soil conservation and land use planning.

D. International Organizations Known by the Committee to be Involved

ICSU: COWAR; GARP; IUGS; IGU; and IUBS.

Intergovernmental: FAO; UNDP; WMO, and UNESCO.

Other: IBRD; IADB, and ADB.

Item 11. Noise as a pollutant

A. General Comments

Growing levels of noise appear to be of international concern, ICSU might promote research in this field, e.g. on noise as part of environmental stress or on ways of reducing noise levels.

B. Related Scientific Research

Sources and perceived levels of high intensity noise near airports (jet take-offs and landings), supersonic aircraft (sonic booms along flight paths).

Effects of sonic booms and other high-intensity noise on people, on domestic animals and wildlife, on structures.

Methods of lowering noise levels; lower noise production at source, acoustic treatment of environment.

C. Related International Actions (In Progress or Required)

Geographic study of permissible flight paths for supersonic aircraft.

Research on noise reduction at source and on acoustic treatment of environment.

D. International Agencies Known by the Committee To Be Involved

ICSU: IUBS; IUGG; IGU; and IUPAP.

Intergovernmental: ICAO; WMO; and WHO.

Other: OECD.

Item 12. Pollutants in air, water, soil and organisms

A. General comments

This is by far the largest and most diffuse of the problems because there are some half a million potential contaminants involved, with the list growing each year. Ultimately it is hoped that we shall be able to classify these substances according to their biochemical and/or physiological mode of action upon target organisms. This emphasizes the need for intensive biochemical and toxicological research.

There are three stages in progress towards the ultimate aim:

1. Urgent attention to well-known pollutants.

2. Search in the biosphere for compounds released by the technosphere which might constitute a future hazard.

3. Chronic (acute and delayed) toxicity testing on substances *before* they are produced industrially so that their output can be controlled if necessary.

Recognized pollutants.—These include S as SO_2 and H_2S, the oxides of nitrogen, peroxyacetyl nitrates, O_3, CO, F, Cl, Hg, Cd, As, Be, Cr, Pb, Zn, Cu, Ni, Mn, Se, organochlorine pesticides, aromatic hydrocarbons, polychlorinated biphenyls, oil emulsifiers, solvents, detergents and pesticides containing P and their metabolites, rubber vapour and dust, asbestos dust, sewage, other organic compounds. Also complex organic molecules, e.g. mycotoxins, and sex hormones, antibiotics, enzymes, if misused.

B. Related Scientific Research

The basic procedural pattern should be the same for all substances under 1 & 2 above, but will differ in detail:

1. Environment monitoring

(a) The collection of all data on the quantities of various substances being put out by the technosphere (e.g. via trade statistics, industrial enquiries, etc.). The drawing up of a balance sheet for import, loss during industrial processes, export, home consumption and fate after use. Particular attention should be paid to impurities e.g. Hg, Cd in zinc ores.

(b) The monitoring of endangered ecosystems for the distribution of each contaminant as between air, water, soil and biota. Examine food web partitioning. To start with, these studies are best done for ecosystems near output effluents. These will be extreme cases which when understood will help with the solution of existing "background" spread.

(c) The monitoring of historical background from museum specimens or from Environment Bank specimens.

(d) Worldwide monitoring of "background" levels.

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2. Toxicity testing

(a) Determining if the substance is cumulative in organs, species, food-webs? Calculating ingestion/excretion ratios and concentration factors in target species and ecosystems.

(b) Testing for acute delayed and chronic toxicity using all known criteria in individuals, population and ecosystems.

(c) Calculations to establish threshold toxicity to tolerable limits if applicable and recommendations of adjustment of technosphere's output to give this figure in ecosystems.

(d) Synergistic effects.

(e) Biological adaptation.

3. Pollution dynamics

Study of the specific physical, chemical and biological processes for the dissemination (transportation) and accumulation of pollutants in waters, soil and atmosphere.

C. Related International Actions (in Progress or Required)

The next logical stage will be to move from specific pollution situations to examine "background" levels by worldwide monitoring. For certain pollutants, where the movement of the substance through the ecosystem into various target organisms is well understood, this can be done at once. For other substances, worldwide monitoring may have to wait until a thorough understanding of the dynamics of the pollutant in ecosystems is obtained. As further knowledge accumulates, synergistic effects can be examined.

This programme presupposes an efficient process of data banking and retrieval and also, literature abstracting and rapid research communication. An international reporting system is required, that would collect and disseminate data on environmental quality, including the economic and social effects, with facilities for rapid communication when emergencies arise.

It also assumes a standardized sampling and analysis procedure for each substance and/or ecosystem. Another problem is the supply of trained scientists. It is felt that this 'project' approach to the environment as an indivisible whole calls for a specially trained environmental scientist with statistical, biological, chemical and toxicological competence. It is suggested that this unitary approach to the environment be fostered by special training courses in institutes of tertiary education. There is also a need to foster the development of laws regarding pollution.

D. International Agencies Known by the Committee To Be Involved

ICSU: IUBS; IUGG; IUPAC; IUB; IBP; and SCOR.

Intergovernmental: FAO; UNESCO; WHO; UNIDO; IOC; IMCO; and WMO.

Other: IUCN; I. I. Occ. Health; and IUC.

Item 13. Degradation of ecosystems

A. General Comments

Chronic pollutions lead to the reduction of species diversity of ecosystems. Military or tourist developments on oceanic islands, as well as the drainage of wetlands are among the additional hazards. The CT Committee of IBP have already collected a great deal of information in this field and should be consulted as early as possible to avoid overlap. Species of plants and animals may be regarded as gene pools in which individual plants and animals carry varying complements of the alleles of the species. In each population the relative abundances of the alleles are held in delicate equilibria by the selective pressures of the environment. Man-induced changes in the environment (effect of pesticides, alteration of habitat, and introduction of exotic species) can induce striking effects in the elimination of species or populations, with the loss of all genetic information of the gene pool, or more insidious effects in changing the selection pressures of the environment, thus altering the relative abundances of alleles in the pool, including the complete loss of some; again, a loss of genetic information. Once a gene or one of its alleles is lost, it may well be lost forever. It should be emphasized that the establishment of plant germ-plasm pools, and animal germ-plasm pools, as valuable as they may be, still involve altered environments and selective effects; the same is true in the "preservation" of species in zoological parks and botanical gardens. None of these devices provide assurance against the loss of genetic information. Furthermore, these devices require contemporary decisions concerning the species and populations, and hence, genetic information, that should or should not be preserved. Decisions that appear logical today may prove to be tragically illogical at some time in the future.

Although the importance of artificial preservation of plant and animal germ pools is heartily endorsed, the best assurance against the further loss of genetic information lies in the preservation of natural ecosystems.

The importance of the conservation of ecosystems in order to preserve genetic information is clear on at least two bases (a) the esthetic and cultural values of the species, and (b) the resource value of the genetic information for improvement of existing domestic species, for the useful domestication of additional species and as reservoirs of species for specially arising purposes, e.g. recolonization of derelict land. It may be pointed out that human activities tend to produce more simple ecosystems. These may be intentional, as in agriculture, or unintentional. These simplified ecosystems may become unstable so that drastic changes in the environment are possible.

The preservation of natural ecosystems, has further importance in the enrichment of our, as yet meager, knowledge of the kinetics and energetics of the biosphere. These subsystems of the biosphere are of enormous importance as sources of essential information.

B. Related Scientific Research

Study of flora and fauna of oceanic islands. Examples: Hawaii, Galapagos, Trust Territory of the Pacific Azores.

Study of national areas with unique species or ecosystems.

Examples: Everglades, Nairobi, isolated lakes and river systems, Redwood groves.

Study of oceanic areas with unique species or ecosystems.

Example: Phosphorescent Bay in Puerto Rico.

Studies on reduced homeostasis in simplified ecosystems.

C. Related International Actions (In Progress or Required)

Making of worldwide inventories of threatened species and unique ecosystems.

Obtaining of greater understanding of necessary conditions to maintain pre-existing ecological balance in scientifically significant areas.

Developing methods for preservation of gene pools.

Increasing taxonomic and ecological competence in both developed and less developed countries.

D. International Organizations Known by the Committee To Be Involved

ICSU: SCAR; IBP (CT); and IUBS.

Intergovernmental: UNESCO and FAO.

Other: IUCN.

Item 14. Thermal pollution of the atmosphere and international waters

A. General Comments

Thermal pollution of air over big cities or of water by waste heat from nuclear and conventional power stations may pose local climatic problems or problems in the survival of thermophilic biota (particularly pests, e.g. Teredo worm can survive and cause serious damage to marine installations in northern waters near warm effluents). Synergistic effects with other pollutants, particularly nutrients are also very important.

B. Related Scientific Research

Ecological effects of disposing of waste heat in streams, rivers, lakes, estuaries and coastal waters.

Possible uses of waste heat as a resource to make recreational waters more "swimmable", bring about desired ecological changes in rivers, lakes, estuaries, and coastal waters, or to provide warm water for irrigation.

Meteorological effects of heating of air over cities.

C. Related International Actions (In Progress or Required)

Control of heating of international rivers, lakes or coastal areas.

Exchange of information and research results on ecological effects and use of waste heat as a resource.

D. International Organizations Known by the Committee to be Involved

ICSU: IUBS; COWAR; and GARP.

Intergovernmental: WMO; IOC; FAO; UNESCO; and WHO.

Other: WFEO.

APPENDIX II—ABBREVIATIONS

COSPAR.—Committee on Space Research.

COWAR.—Scientific Committee on Water Research.

FAO.—Food and Agriculture Organization.

GARP.—Global Atmospheric Research Programme.

LADB.—Inter American Defense Board.

IAEA.—International Atomic Energy Agency.

LAMAP.—International Association of Meteorology and Atmospheric Physics.

IAMS.—International Association of Microbiological Societies.

IASH.—International Association of Scientific Hydrology.

IATA.—International Air Transport Association.

IBP.—International Biological Programme.

IBP (CT).—International Biological Programme (Terrestrial Conservation).

IBRD.—International Bank for Reconstructional Development.

ICAO.—International Civil Aviation Organization.

ICES.—International Council for the Exploration of the Sea.

ICED.—International Commission on Irrigation and Drainage.

ICSU.—International Council of Scientific Unions.

IGU.—International Geographical Union.

IHD.—International Hydrological Decade.

IMCO.—International Maritime Consultative Organization.

IOC.—Intergovernmental Oceanographic Commission.

ISSC.—International Social Sciences Council.

IUB.—International Union of Biochemistry.

IUBS.—International Union of Biological Sciences.

IUCN.—International Union for the Conservation of Nature.

IUGG.—International Union of Geodesy and Geophysics.

IUPAC.—International Union of Pure and Applied Chemistry.

IWSA.—International Water Supply Association.

IUTAM.—International Union of Theoretical and Applied Mechanisms.

JCAR.—Joint Committee for Applied Radioactivity.

OECD.—Organization for economic co-operation and development.

PIANC.—Permanent International Committee of Navigation Congresses.

SCAR.—Scientific Committee on Antarctic Research.

SCOR.—Scientific Committee on Oceanic Research.

UN.—United Nations.

UNDP.—United Nations, Development Project.

UNESCO.—United Nations, Educational Scientific Cultural Organization.

WHO.—World Health Organization.

WMO.—World Meteorological Organization.

TWO WHO QUIT—THE FULL STORY

Mr. GRIFFIN. Mr. President, most Americans rely heavily, of course on our newspapers to keep informed. Consequently, it is always distressing when one learns that some newspapers do not provide a full and accurate account of news events.

For instance, a story was carried recently about the resignation of Dr. Joseph T. English as head of the Health Services and Mental Health Administration. He was described in at least one news account as the "ranking career health official of the U.S. Government."

The truth, as revealed by Willard Edwards of the Chicago Tribune, goes a little deeper than that. In a column published on June 2, Mr. Edwards pointed out that Dr. English was not truly a civil service employee at all; rather, he was a political appointee of the Johnson-Kennedy era who was brought under civil service status just 10 days before the inauguration of President Nixon.

Because he did not measure up to the job, Mr. Edwards reports, the administration tried for a year to get rid of him but was blocked until April by civil service regulations. Finally, when told to resign or face dismissal, Dr. English quit in a flurry of anti-Nixon publicity.

Another case is that of Anthony J. Moffett, who, according to some press reports, resigned in May because he was upset over the Cambodia operation; he seized as a pretext the President's remark about students who destroyed a researcher's life work at Stanford University.

Actually, as pointed out in the Edwards column, Mr. Moffett had been told to pack up as head of the office of youth in the U.S. Office of Education. In fact, as Mr. Edwards reported, this young man had already lent his name to a fund-raising effort in behalf of Arthur Goldberg who is seeking the Democratic nomination for the governorship of New York.

He, too, left with a flurry of criticism of the Nixon administration which again was widely reported in the press.

Mr. President, I ask unanimous consent that the full text of Mr. Edwards' column be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Chicago Tribune, June 2, 1970]

The Truth About Two Who Quit

(By Willard Edwards)

Washington, June 1.—It is time to strip away the hypocrisy from so-called resignations of government officials given recent prominence in the press.

Two of these departures, in particular, caused editorial lamentations in the Washington-New York press. Both men were described as high-minded civil servants who quit because they could no longer tolerate the repressive policies of the Nixon administration.

The truth: Both resignations were forced. They were tendered only to avoid the stigma of dismissal. These holdover appointees from the Kennedy-Johnson regimes had been found not only hostile to administration programs but unfit for the offices they held. They clung to their positions as long as they could, then timed their resignations for the maximum political propaganda effect.

When Dr. Joseph English, 37, resigned as head of the health services and mental health administration, department of health, education, and welfare, he was described as "the ranking career health official in the United States government."

Not mentioned in the accounts of English's departure was the fact that he was hastily given this civil service stature just 10 days before the Nixon inauguration on Jan. 20, 1968. He had been a political appointee, subject to removal by the new administration, until then.

English entered government employ at the age of 29. He was known to have friendly associations with the Kennedy family and advanced rapidly. He was chief psychiatrist for the peace corps, became head of health services for the office of economic opportunity in 1968. From that post, he was elevated to directorship of the huge health services branch which has a budget of 1.5 billions annually and a work force of 25,000.

"He simply didn't measure up to that job," said a high official. "To put it plainly, he was a lousy administrator."

It took more than a year to remove English. He was finally told in April to quit—or else. He resigned to take a position with Mayor John Lindsay of New York as head of an experimental health and hospital corporation.

The second resignation involved a lesser figure, Anthony J. [Toby] Moffett, 25. His leavetaking also was described by administration critics as a grievous loss to the government.

Moffett was head of the office of students and youth, the personal selection of Education Commissioner James E. Allen. [The betting on Capitol Hill is that Allen will also be "resigning" before the end of the year.]

Moffett used his office openly to undermine the administration's standing with youth groups. He, too, was told to leave but it took more than nine months to get him out. Suddenly, on May 7, ostensibly because of anger over Nixon's description of property-destroying students as "bums," he announced his resignation.

Not until later was it learned that Moffett, long before May 7, had lined himself up with Arthur Goldberg, Democratic gubernatorial candidate in New York, in an anti-war, anti-Nixon movement with a 10 million dollar fund-raising goal. Literature issued by the Goldberg committee listed Moffett as "former Presidential advisor on youth."

"He was merely biding his time at taxpayers' expense to see when he could most effectively hurt the administration," remarked Sen. Robert Dole [R., Kans.]. "We will have political betrayals until all the holdovers are removed."

VICE PRESIDENT AGNEW GIVES VIEWS TO NEWSPAPER

Mr. GRIFFIN. Mr. President, Vice President Spiro T. Agnew recently sat down with editorial staff members of the Miami Herald, a member of the Knight Newspapers Group which include the Detroit Free Press.

The interview covered a broad range of subjects and provides, I think, interesting reading and added insight into the man the people elected to preside over this body.

I ask unanimous consent that the article, printed in the Sunday, May 31, 1970, edition of the Detroit Free Press, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Agnew Meets the Press, Says He's a "Safety Valve"

Vice-President Spiro Agnew, describing himself as a "safety valve" for frustrated Americans, has suggested a return to "traditional debate" as an alternative to more violent protests and demonstrations.

In an unusual interview, Agnew met with members of the editorial staff of the Miami Herald, a member of the Knight Newspapers group which includes the Detroit Free Press. He answered questions freely and seemed pleased with his role as interviewee, saying at one point:

"I'm enjoying these questions so much. I wonder if we could go another 15 minutes?"

Agnew's meetings with the press have been rare and he has generally made his views known through more formal speeches and public addresses.

During the exclusive interview, Agnew spelled out his views on such issues as campus disorders, the war in Southeast Asia and politics.

Agnew reaffirmed the administration's policy that all U.S. combat forces will be withdrawn from Southeast Asia by the middle of next year."

However, he said it would be unrealistic "to think that the United States won't have some forces in some places in Asia," especially where essential to maintain strategic bases such as in the Philippines.

Agnew said the Nixon administration plans to initiate talks with lower-level professors—those closest to the students—in an effort to improve communications between youth and government.

He disputed a labor union charge accusing him of staging a campaign of repression against dissenters.

"Never has public opinion been so frank and full as it is at the present time," he said.

As the son of a Greek immigrant, Agnew said he has a built-in understanding of the frustrations of the minorities.

Following is a partial transcript of the interview. Persons asking questions included Miami Herald editor Donald Shoemaker; reporter Janes Chusmir; editorial writer Jeanne Bellamy; political writer John McDermott; senior managing editor George Beebe; managing editor Larry Jinks; news editor Robert Ingle; and editorial writer Al Burt.

Agnew. I am very happy to have the opportunity to have a reasonable extended session to get into a little more depth on subjects with you. Sometimes I think the big problem about communications between people in politics and people in the media is that they don't talk unless there is a particular subject for the interview.

Shoemaker. I think when you were at Miami Beach you said you were not then a household word but you would be. How does it feel to be a household word?

Agnew. Well, it has its ups and downs. I think one of the things about the instant recognition factor is that a person in public life misses the wonderful feeling of anonymity—when you are able to walk through a shop and buy a tie off the rack without having people attempting to give you some special kind of service. But, of course, it's nice to be known, too, and anyone who is candid would have to say that it's flattering to be recognized.

NOT "EMOTIONAL" JOB, BUT WORK TO DO

CHUSMIR. Mr. Vice-President, would you be able to pinpoint it emotionally as to what the frustrations and disappointments and revelations have been?

AGNEW. I don't look at the job as an emotional job. I suppose I could best say I look at it the same way you probably look at your job on the newspaper. There's a certain amount of work that has to be accomplished. It is not a great emotional experience.

SHOEMAKER. Would you say, sir, that your position perhaps has been misunderstood then and misinterpreted in regards to minorities?

AGNEW. I would say so, definitely. I've always felt very aware and responsive to the needs of minorities. In my early political days, I said the strongest base of support that I had was minority-based because as a minority person myself—I say that because, of course, as you know, my father was not born in this country. He was born in Greece and he came here when he was, I think, about 21 years old. He suffered some of the disabilities that minority groups have traditionally suffered . . . Of course, none of it is quite so tough as the traditional mistreatments of the Negro minority in this country. I recognize that.

McDERMOTT. Mr. Vice-President, what would you recommend as a solution to the disturbances on the campuses?

AGNEW. The tack that I think would quiet most of the difficulties we see constantly erupting or re-erupting would be a better way for communications through debate and dialogue with less attention to demonstration. Of course, the big problem is that even though 80 percent of the student body might like very much to hear a controversial public figure—generally considered hostile to the movement, as it is characterized—debate with someone selected by them in a college forum, there always is that hard-core revolutionary minority that will refuse to let that happen . . .

I want to start with the faculty, what you might call the lower faculty, the graduate instructors and the assistant professor level, where, I think, the greatest affinity for student views exist and yet they have been there long enough to crystalize some thinking.

I think one of the things we lose sight of in discussing matters with students is that the undergraduate program is four years and a quarter of that turns over every year. You may achieve great rapport with the members of the junior class and then two years from now there's no one left that you have an agreement with.

But I think if you are going to get into the point where there's going to be a permanent effect on the attitudes on the campus, you first have to convince the faculty, and particularly the faculty that is recently from the student body and is closest to the student body.

McDERMOTT. Mr. Vice-President, you have referred to the criminal left as being responsible for much of the unrest. How would you define this criminal left?

AGNEW. Well, the criminal left is a hard core of revolutionary types—some of those who have already left the country—the Cleavers, and people of that type. Convicted felons who have a very appealing political posture to some who see them as the most stalwart and strong critics of the system they regard as oppressive.

REBELS MOVE FREELY WITH FAT BANKROLL

McDERMOTT. Are they a cohesive unit?

AGNEW. Oh yes. I think they are cohesive—they travel frequently together and the reports I get through the FBI indicate that they move about the country with great impunity and also with heavy funding which I'd love to know the source of. I'm not implying that it necessarily comes from some foreign communist capital but I am implying that there are subversive groups in this country that are very ready to fund such expeditions.

BELLAMY. Well, if they are criminals, Mr. Vice-President and law breakers, why are they not prosecuted?

AGNEW. Well, some of them have been. We took care of a few of the Chicago 7 or 8 or whatever it was. Cleaver was prosecuted, convicted and now he's fled to Algiers by our best information.

And a lot more of them would be prosecuted if the Supreme Court would reverse some of its trends and emphasis on the absolute requirement of individual constitutional protection and balance that against, to some extent, the needs of the whole of the citizenry. Constitutional rights have never been absolute, the traditional case of free speech being restricted by the damage it can do to others.

JINKS: You have, since then, on occasion said that you thought the speech had some salutary results, that and the one a week following. And I believe about a week ago, I think in Houston you found a great deal in the press to criticize even more severely than you had six or seven months ago.

AGNEW. Well, there were two speeches, one was devoted to the networks and the other was devoted to the newspapers, and particularly to syndicated writers and editorialists. The purpose of the speech in Houston was very limited. I had been lambasted editorially in many areas for my inflammatory language and all I attempted to do in that speech was to show that, in comparison to the language of some of my critics in print, mine was rather mild, That was a limited purpose speech, and all I was saying is let's forget about deescalating rhetoric until you're ready to cool yours a little bit.

YOUTH HAS ENERGY BUT LACKS ANSWERS

JINKS. Mr. Vice-President, I'd like to return for a moment to the question of communications with faculty members which you mentioned earlier. Will you and the administration in general be making an increased effort to deal with the growing problem of college campuses through this kind of communication? Is there a plan or a program or a movement to do this?

AGNEW. Certainly, as far as I'm concerned, I have always been interested in what happens with young people because they are the real activists in our society and it's tremendously important that they be involved in the political process. There are people who have the energy and capability, unfettered by the old prejudices, to move the country forward.

But they must be made to realize that—in a flash of revealed truth—they are not able to run roughshod over the experience and judgment of people who have been on the scene a long time. I felt at that age that I had the answers to everything. I guess most of us did. We found as we were in the arena a little while that some of the answers that we had weren't really quite as good as we thought they were. And we also found there is a great difference between thinking you know what to do when you are on the outside and putting it into effect when you are on the inside.

I can still remember coming into my first elective office, which was an executive position in the country, and thinking I had the solution to everything and then suddenly discovering all the impediments and all of the little things that I didn't know about that were in the way to the immediate solution of these problems.

So the youth is important. But we must stop this business of telling our young people that they are infinitely superior to the adult community. This is a gross mistake in my judgment. They are not infinitely superior. As a matter of fact, it's questionable whether they are superior to any other group of youths that ever came along.

They may be technologically beginning at a higher plateau because each generation stands on the shoulders of that that goes before. But to vest in them some sense of total superiortiy to the rest of the world is asking for trouble because, very frankly, they just don't have it.

In some ways, they have much greater potential. If they have, it's because my generation and yours and your father's and my father's gave them the higher starting point. Yes, they are ideological and yes, they are altruistic. But they need to be brought to confront the practicalities of life, and I think in too many cases the adult community has abdicated its responsibility to stand firm on the principle that it fought for and that it believes in. And this brings out some of the trouble we now have.

JINKS. Do you feel you have been effective in reaching any large proportion of the young people the college-age people?

AGNEW. Yes, I do. And you'd be surprised how many letters I get from young people who are concerned that the total public thrust of what youth is doing is all in one direction. They don't feel that way. There are people on campuses who believe very strongly in our system, and I get many, many letters saying, "Don't stop saying what you're saying; there are many of us on campus who believe as you believe."

REPRESSION CHARGE 'TOTALLY INACCURATE'

McDERMOTT. Mr. Vice-President, how would you answer the UAW charges that you and Attorney General Mitchell are staging a campaign of repression against Americans who espouse unpopular causes?

AGNEW. I think this fashionable attitude that there is repression in the country is totally inaccurate. I've often asked people who talk about repression to give me an example of someone who is being suppressed or impeded in his ability to say what he wants to say. They just can't give me an example. There isn't any repression in this country. Never has public opinion been as frank and full as it is at the present time.

JINKS. If there has been a constant theme in your speeches it has had to do with dissent and what you feel are excessive displays of dissent. If you were a U.S. senator, or a college faculty member, or a newspaper editor for that matter, and you felt strongly not only that the war is wrong but that the administration's policy toward it is wrong. How should you express your dissent?

AGNEW. The same way that we've always done it. If you're a newspaper editor you write editorials. If you're a college professor you make speeches if you like. I don't think the campus is the place for partisan politics—and most of the college presidents would agree that if anything is going to impair academic freedom it's too much expression of partisan political viewpoints on the campus.

YOUTH CAN DISSENT IN PRINT, POLITICS

INGLE. Mr. Vice-President, what is the proper way for a student to dissent, or to express opposition to the war? He doesn't have the vote . . .

AGNEW. They have campus publications to contribute to, in writing. They can certainly work through the established institutions of government. They can band together in groups to work for candidates who support their point of view. That sort of thing. That traditionally has been the way.

Now I have been in advocate of the 18-year-old vote since I was governor, and I still believe 18 years old is probably a good age for a person to be able to vote. But this doesn't mean that people between 16 and 18 should attack the system because they can't vote . . .

Now let me go into my feelings about dissent. I have thought very carefully about this.

Dissent can basically be divided into four categories.

The first category is the traditional debate and argument where if you and I disagree, we sit down together to discuss the matter. Generally we move closer together because you inescapably will make a point to impress me and maybe I'll make a few that impress you. And so when we complete argument maybe we haven't reached accord but we are closer together than when we began.

Hopefully, over a period of time, a compromise solution will be reached whereby both parties go away with a feeling that at least some of their ideas are being incorporated into a course of action. That's the way in our history we usually operate. Debates in the Congress, debates among organizations, etc.

Now it has been only recently that the tactic of demonstration has come into such favor. It began in a very proper fashion. It began in an area where there was no way for a voice to be had in debate—where Negro citizens were suffering really outrageous deprivations of liberty in accommodations, in the bus thing in Montgomery, and in the lunch rooms.

But I call your attention to how they differ from the demonstrations today. In those demonstrations the action was related directly to the unconstitutional act that was being committed against them. It was the fact that they couldn't ride on the bus that made them boycott the buses. It was the fact that they couldn't eat in the lunch room that made them sit in at the counters. Now that is the non-violent demonstration directly related to the problem that is being attacked and I can't quarrel with that—where the law they are protesting is later found to be unconstitutional. What else could they have done?

But we have gone so far beyond that now. We've gone from acts that relate to the law they are protesting to acts that are completely divorced from it. I don't like, let's say, the Agriculture Department's food program. So how do I demonstrate? Go lie down in the middle of the street in Washington? That has nothing to do with the food program. All it does is inconvenience thousands of other citizens in their basic freedom to locomotion. That is the point at which nonviolent demonstration departs from the rationale that makes it acceptable.

You have this tactic I mentioned to dramatize it. Suppose a bunch of people disagree with your editorial policy and they came rushing into your shop and just nonviolently stationed themselves around so that your people couldn't get the paper out. The same way the people walked into Secretary Finch's office and took it over so he couldn't do his work there.

This is a kind of non-violent demonstration that involves breaking the law and interfering with other people's freedom. I don't agree with that kind of dissent.

Then, of course, you move from there to violent dissent. The window-breaking, the hordes of people who simply mass for the purpose of general disruption and, of course, I disagree with that. And then, fourth, there is violence between individuals. These are the different kinds of dissent as I see them.

The dissent that is involved in debates is much more productive than demonstration. When a demonstration takes place, the two competing parties instead of trying to get to an accord, one disengages completely from the debate, goes out and attempts to recruit uncommitted people to his point of view. It's a widening of the gap that this kind of demonstration causes.

If 50,000 peace demonstrators walk down the street en masse in Washington, it really does nothing to bring their point of view any closer to those of maybe 50,000 people who would mass in support of the administration approach.

I feel that demonstrations are really anti-intellectual. I feel a little sad for the demonstrators I've seen over the country. When they line up along the street and shout their obscene slogans, they are nothing more than inarticulate, frustrated people who have to find some release to reveal their displeasure because they can't frame their opinions in any logical fashion. And we've gone too far in this direction. I say it is time to come back and start arguing and debating and hearing each other again.

McDermott. Do you think all the troops will be out of southeast Asia prior to the 1972 campaign? Would this be a political factor?

Agnew. Yes, of course it would be a political factor. I would say it would be unreasonable to think we wouldn't have some support troops. I think we'll be totally out of ground combat operations by the middle of next year. That's the objective the secretary of defense has announced and there is no reason we shouldn't be able to do that, with the additional time the Cambodian venture has given the process of Vietnamization. So all ground forces out of combat—yes. All forces out of Asia—I would say that's unrealistic.

I don't think we'll ever get to the point where we don't have some forces in some places in Asia.

Shoemaker. Mr. Vice-President, we appreciate your coming so much. We've enjoyed this—

Agnew. I'm enjoying these questions so much—I wonder if we could go another 15 minutes?

Shoemaker. Indeed, yes . . . I'm curious—are you going to do this with any other newspapers?

Agnew. I'm not going to go thundering around the country for newspaper interviews. But I'm going to select a few newspapers where I think we are not so far apart in viewpoint as it seems we've become through a lack of communication, and try to do this kind of interview.

Burt. In your Stone Mountain speech, you seemed to stress unity more than you had in the past. Is this something we can expect more of?

Agnew. I always have stressed unity. And yet, when the President said "bring us together" he meant the functioning, contributing portions of the American citizenry. He certainly didn't mean that there's any chance of bringing the violent criminal left—or right, either—into this accommodation that we are seeking.

Burt. Do you think you're being successful with this?

Agnew. I think I've done a lot. I talked to a gentleman the other day who said, "aren't you really inflaming the country by saying the things you're saying?" I said no. I think what I'm doing is providing a safety-valve for a great many people who are terribly frustrated that they're not hearing this point of view. And it at least lets them know that someone else has the same concerns they have with regard to the need for a strong stance on protecting the American system.

How can you feel comfortable about saying anything in support of people who rush down the street with the Vietcong flag attempting to give aid and comfort to an enemy that's over there killing American men every day? I can't feel good about those people. I don't want them in a society that I'm part of. If they really feel that strongly about the position of the Vietcong and the North Vietnamese, or the Cubans, or the Russians, or anybody else, I honestly think they ought to go and live with that system, if that's the system they want . . .

Beebe. Mr. Vice President, Harry Truman one time when he was annoyed at the press said he'd like a chance just one day to edit a metropolitan newspaper. So John Knight invited him to come to the Herald. So Truman came. He sat at the desk and we gave him lots of telegraphy copy and he pored over it a little bit and he then said: "Hell, I don't know a damned thing about editing newspapers." (Laughter)

Agnew. That reminds me of what happened to one of my critics who was a very conservative man on fiscal matters after I had been a county executive (in Maryland) for a while. He came in one day and said, "You've got to stop this spending, you've got to stop it." I said: "All right, how do I stop it?"

So I brought the budgets out, you know, the budgetary books. I said, "I'll take you into this room. Here is all the budget information, the staff's bills—I'll answer any questions you might ask. Now would you please sit down here and spend the rest of this day and tell me exactly how I'm supposed to cut this spending the way you want me to." And I walked out and left him sitting there.

I came back in about an hour and he had books all around. He looked up at me and said, "Dammit, I don't know how to do it, but just cut the spending." (Laughter)

EMERGENCY SCHOOL AID ACT OF 1970

Mr. PERCY. Mr. President, I was most pleased when President Nixon in his March 24 address on desegregation announced plans for submitting to Congress some affirmative proposals to facilitate the smooth implementation of desegregation and quality education in America. I am equally pleased that the Subcommittee on Education has responded to the President's request for speedy consideration of the plan by holding hearings. The benefits of the Emergency School Aid Act should become effective and operative as soon as possible in order to relieve those districts designated as eligible for relief funds in the coming school year.

The President has responded meaningfully to the cause of desegregation by submitting the Emergency School Aid Act for consideration. It has been made clear that along with strict compliance to desegregation orders, the emphasis in this administration is also on quality education for all American children. The authorization of $1.5 billion over the next 2-year period will assist greatly those school districts suffering de jure segregation which are now fulfilling desegregation plans according to Federal court order. It will also provide assistance to districts experiencing de facto segregation which need additional revenues in order to reduce or eliminate racial isolation, and to racially impacted districts which want to undertake special programs to reduce the social and educational disadvantages of racial isolation. By allowing such funds to be used for teacher training, curriculum revision, materials, renovation, and planning, the States and local education agencies have an opportunity to respond adequately to their own special problems of desegregation without fear of endangering other programs or the quality of education offered in the process.

Also, this act has the advantage of encouraging local leadership in school decisions. By setting out three categories for qualification of funds and a wide

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variety of ways in which such funds can be utilized, the President's proposal allows flexibility and innovation at the local level. It is important, I believe, for us to recognize that each school district—whether it be in the North, South, East or West—faces a multitude of special, but different, needs and difficulties. Local education agencies can best pinpoint those areas for concentration, and with the backup support of federal funds can have some assurance that their plans will be carried out.

Finally, the Emergency School Aid Act indicates a commitment on the part of this administration in reordering our spending priorities. As the President said on March 24, "it represents a heightened priority for making school desegregation work, and for helping the victims of racial isolation learn." It is important to note that the funds are to come from a new allocation rather than a shifting over from other programs.

This is, in my opinion, a vital step in the desegregation process and an important aspect of quality education for our children. I look forward to Senate consideration of the bill.

I ask unanimous consent that the President's message of May 21, 1970, on this subject be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

EMERGENCY SCHOOL AID ACT OF 1970

To the Congress of the United States:

Successfully desegregating the nation's schools requires more than the enforcement of laws. It also requires an investment of money.

In my statement on school desegregation on March 24, I said that I would recommend expenditure of an additional $1.5 billion—$500 million in fiscal 1971, and $1 billion in fiscal 1972—to assist local school authorities in meeting four special categories of need:

"The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

"The special needs of racially impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

"The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

"The financing of innovative techniques for providing educationally sound interracial experiences for children in racially isolated schools."

To achieve these purposes, I now propose the Emergency School Aid Act of 1970.

Under the terms of this Act, the four categories of need I outlined would be met through three categories of aid:

(I) Aid to districts now eliminating *de jure* segregation either pursuant to direct Federal court orders or in accordance with plans approved by the Secretary of Health, Education, and Welfare, for special needs incident to compliance.

(II) Aid to districts that wish to undertake voluntary efforts to eliminate, reduce or prevent *de facto* racial isolation, with such aid specifically targeted for those purposes.

(III) Aid to districts in the *de facto* racial separation persists, for the purpose of helping establish special inter-racial or intercultural educational programs, or where such programs are impracticable, programs designed to overcome the educational disadvantages that stem from racial isolation.

In all three categories, administrative priority will be given to what I described on March 24 as "the special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation." In all three, also, three will be special attention; given to the development of innovative techniques that hold promise not only of helping the children immediately involved, but also of increasing our understanding of how these special needs can best be met.

THE BACKGROUND

The process of putting an end to what formerly were deliberately segregated schools has been long and difficult. The job is largely done, but it is not yet completed. In many districts the changes needed to produce desegregation place a heavy strain on the local school systems, and stretch thin the resources of those districts required to desegregate. The Federal Government should assist in meeting the additional costs of transition. This Act would do so, not only for those now desegregating but also for those that have desegregated within the past two years but still face additional needs as a result of the change.

The educational effects of racial isolation, however, are not confined to those districts that previously operated dual systems. In most of our large cities, and in many smaller communities, housing patterns have produced racial separation in the schools which in turn has had an adverse effect on the education of the children. It is in the national interest that where such isolation exists, even though it is not of a kind that violates the law, we should do our best to assist local school districts attempting to overcome its effects.

In some cases this can best be done by reducing or eliminating the isolation itself. In some cases it can best be done through interracial educational programs involving the children of two or more different schools. In some cases, where these measures are not practicable or feasible, it requires special measures to upgrade education within particular schools or to provide learning experiences of a type that can enlarge the perspective of children whose lives have been racially circumscribed.

This Act deals specifically with problems which arise from racial separation, whether deliberate or not, and whether past or present. It is clear that racial isolation ordinarily has an adverse effect on education. Conversely, we also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world.

This Act is addressed both to helping overcome the adverse effects of racial isolation, and to helping attain the positive benefits of integrated education. It is concerned not with the long range, broad-gauge needs of the educational system as a whole, but rather with these special and immediate needs.

HOW IT WORKS

The procedures under this Act are designed to put the money where the needs are greatest and where it can most effectively be used, and to provide both local initiative and Federal review in each case.

Two-thirds of the funds would be allotted among the states on the basis of a special formula. One-third would be reserved for use by the Secretary of Health, Education and Welfare for especially promising projects in any eligible district. In all cases, whether under the State allotment or not, the grants would be made for specific individual projects with each project requiring approval by the Secretary. Application for grants would be made by local education agencies, with the State given an opportunity to review and comment on the grant application.

The State allotment formula begins by providing a basic minimum of $100,000 in each fiscal year for each State. The remainder of formula funds for each fiscal year would be allotted among the States according to the proportion of the nation's minority students in each State, with those in districts required by law to desegregate and implementing a desegregation plan double-counted. This double counting is designed to put extra money where the most urgent needs are, recognizing that there is a priority need at the present time for the ending of de jure segregation swiftly, completely, and in a manner that does not sacrifice the quality of education.

If any given State's allocation of funds is not fully utilized under the terms of this Act, the remainder of those funds would then be reallocated on the same formula basis for use in other States.

Under Category I (*de jure* desegregating), any district would be eligible which is now implementing an approved desegregation plan, or which had completed implementing one within two years prior to its application. Those not yet doing so would become eligible upon submission of an acceptable plan. Funds would be available to help meet the additional costs of implementing the desegregation plan itself, and also for special programs or projects designed to make desegregation succeed in educational terms.

Under Category II (*de facto* desegregating), any district would be eligible if it has one or more schools in which minority pupils now constitute more than half the enrollment, or appear likely to in the near future. Funds could be provided to help carry out a comprehensive program for the elimination, reduction or prevention of racial isolation in one or more such schools within the district.

Under Category III (special programs in racially impacted areas), a district would be eligible if it has 10,000 or more minority students, or if minority students constitute 50 percent or more of its public school enrollment. Funds could be provided under this category for special interracial or intercultural educational programs or, where these proved impracticable, for unusually promising pilot or demonstration programs designed to help overcome the adverse educational impact of racial isolation.

In connection with this Category III aid, it is worth noting that such research data as is available suggests strongly that from an educational standpoint what matters most is not the integrated school but the integrated classroom. This might, at first glance, seem a distinction without a difference. But it can make a great deal of difference, especially where full integration of schools is infeasible. It means that, by arranging to have certain activities integrated—for example, by bringing students from a mostly black school and from a mostly white school together for special training in a third location—the educational benefits of integration can be achieved, at least in significant part, even though the schools themselves remain preponderantly white or black.

In a number of communities, experiments are already under way or being planned with a variety of interracial learning experiences. These have included joint field trips, educational exchanges between inner-city and suburban schools, city-wide art and music festivals, and enriched curricula in inner-city schools that serve as a "magnet" for white students in special courses. Other innovative approaches have included attitude training for teachers, guidance and counseling by interracial teams, and after-hour programs in which parents participated. I cite these not as an inclusive catalogue, but merely as a few examples of the kinds of experimental approaches that are being tried, and that give some indication of the range of activities that could and should be further experimented with.

XUM

Examples of the kinds of activities which could be funded under all categories are teacher training, special remedial programs, guidance and counseling, development of curriculum materials, renovation of buildings, lease or purchase of temporary classrooms, and special community activities associated with projects funded under the Act.

THE URGENCY OF ACTION NOW

It now is late in the legislative year, and very soon it will be the beginning of the next school year.

In the life of the desegregation process, the fall of 1970 has special significance and presents extraordinary problems, inasmuch as all of the school districts which have not yet desegregated must do so by then. The educational problems they confront are enormous, and the related problems of community social and economic adjustments are equally so.

Some 220 school districts are now under court order calling for complete desegregation by this September; 496 districts have submitted, are negotiating or are likely to be negotiating desegregation plans under HEW auspices for total desegregation by this September; another 278 districts are operating under plans begun in 1968 or 1969; more than 500 Northern districts are now under review or likely soon to be under review for possible violations of Title VI of the Civil Rights Act of 1964. Quite beyond these matters of enforcement, we also must come seriously to grips with the fact that of the nation's 8.7 million public school students of minority races, almost 50 percent are in schools with student populations made up 95 percent or more of minority pupils.

Desegregating districts face urgent needs for teachers, eduation specialists, materials, curriculum revision, equipment and renovation.

Teachers and education specialists for the fall of 1970 are being recruited now. Materials and equipment must be purchased this summer to be on hand for the opening of school. Curriculum revision requires months of preparation. Contracts for renovation must be entered into and work commenced soon.

Administration representatives are now discussing with members of Congress possible ways of making the first of the funds for the purposes of this Act available when they are needed, which is now, through the use of existing legislative authorities.

Five hundred million dollars will be spent in fiscal 1971. I recommend that $150 million be appropriated under these existing authorities, on an emergency basis, as "start-up" money.

I recommend that the remaining $350 million for fiscal 1971 and $1 billion for fiscal 1972 be appropriated under the Emergency School Aid Act itself. It is this Administration's firm intention to spend these funds—$500 million in fiscal 1971 and $1 billion in fiscal 1972—in the years for which they are appropriated.

QUALITY AND EQUALITY

If money provided under this Act were spread too thinly, it would have very little impact at all on the specific problems toward which it is addressed. Therefore, the criteria laid down in the Act are designed to insure its use in a manner sufficiently concentrated to produce a significant and measurable effect in those places where it is used.

This is not, and should not be, simply another device for pumping additional money into the public school system. We face educational needs that go far beyond the range or the reach of this Act. But the specific needs the Act addresses are immediate and acute. It represents a shift of priorities. It places a greater share of our resources behind the goal of making the desegregation process work, and making it work *now*. It also represents a measured step toward the larger goal of extending the proven educational benefits of integrated education to all children, wherever they live.

Properly used, this $1.5 billion can represent an enormous contribution to both quality and equality of education in the United States.

With this help, the process of ending *de jure* segregation can be brought to a swift completion with minimum disruption to the process of education. It is in the interest of all of us—North and South alike—to insure that the desegregation process is carried out in a manner that raises the educational standards of the affected schools.

Beyond this, our goal is a system in which education throughout the nation is both equal and excellent, and in which racial barriers cease to exist. This does not mean imposing an arbitrary "racial balance" throughout the nation's school systems. But it should mean aiding and encouraging voluntary efforts by communities which seek to promote a greater degree of racial integration, and to undo the educational effects of racial isolation.

Nothing in this Act is intended either to punish or to reward. Rather, it recognizes that a time of transition, during which local districts bring their practices into accord with natonal policy, is a time when a special partnership is needed between the Federal Government and the districts most directly affected. It also recognizes that doing a better job of overcoming the adverse educational effects of racial isolation, wherever it exists, benefits not only the community but the nation.

This legislative recommendation should be read in the context of my comprehensive public statement of March 24 on school desegregation. In that, I dealt with questions of philosophy and of policy. Here, I am dealing with two aspects of the process of implementation: aiding the desegregation process required by law, and supporting voluntary community efforts to extend the social and educational benefits of interracial education.

The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

Few issues facing us as a nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to live together in one nation, in brotherhood and understanding.

The tensions and difficulties of a time of great social change require us to take actions that move beyond the daily debate. This legislation is a first major step in that essential direction.

The education of each of our children affects us all. Time lost in the educational process may never be recovered. I urge that this measure be acted on speedily, because the needs to which it is addressed are uniquely and compellingly needs of the present moment.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF VENEZUELA

Mr. KENNEDY. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and (at 12 o'clock and 16 minutes p.m.) the Senate took a recess subject to the call of the Chair.

Thereupon, the Senate, preceded by William H. Wannall, Deputy Sergeant at Arms, and Darrell St. Claire, Chief Clerk, proceeded to the Hall of the House of Representatives to hear an address delivered by His Excellency, Rafael Caldera, the President of Venezuela.

The address delivered by the President of Venezuela appears in the proceedings in the House of Representatives in today's RECORD.

At 1 o'clock and 48 minutes p.m., the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. CRANSTON).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 12128. An act for the relief of William Heidman, Jr.;

H.R. 12173. An act for the relief of Mrs. Francine W. Welch;

H.R. 12960. An act to validate the conveyance of certain lands in the State of California by the Southern Pacific Co.;

H.R. 13810. An act for the relief of Lt. Col. Robert L. Poechlein; and

H.J. Res. 746. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 614. An act for the relief of Franz Charles Feldmeier; and

S. 1786. An act for the relief of James Harry Martin.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H.R. 12128. An act for the relief of William Heidman, Jr.;

H.R. 12173. An act for the relief of Mrs. Francine M. Welch; and

H.R. 13810. An act for the relief of Lt. Col. Robert L. Poechlein; to the Committee on the Judiciary.

H.R. 12960. An act to validate the conveyance of certain land in the State of California by the Southern Pacific Co.; to the Committee on Interior and Insular Affairs.

H.J. Res. 746. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History; to the Committee on Foreign Relations.

XUM

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, is morning business closed?

The PRESIDING OFFICER. Pursuant to the previous order, morning business is closed.

Mr. BYRD of West Virginia. What is the pending question, Mr. President?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 667, offered by the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

Mr. President, I modify my amendment on line 5 by deleting the word "hasten" and inserting in lieu thereof the word "facilitate."

The PRESIDING OFFICER. The amendment is so modified.

The modified amendment is as follows:

> On page 5, line 7, before the semicolon insert a comma and the following: "except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam".

XUM

Mr. BYRD of West Virginia. Mr. President, my amendment is a perfecting one, and it is designed to amend paragraph 1 of the Cooper-Church language.

Paragraph 1 now reads as follows: "retaining United States forces in Cambodia;".

Together with certain words in the preamble, the Cooper-Church language in paragraph 1 now states:

> No funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—
>
> (1) retaining United States forces in Cambodia;

My amendment would add the following words to the language of paragraph 1:

> Except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam, or to facilitate the withdrawal of United States forces from South Vietnam.

Mr. President, if the Senate accepts my perfecting language, the Cooper-Church amendment would then read as follows, beginning at the comma on line 4 on page 5 of H.R. 15628,

> No funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—
>
> (1) retaining United States forces in Cambodia, except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam, or to facilitate withdrawal of United States forces from South Vietnam;

Mr. President, Edward S. Corwin, in his book, "The President—Office and Powers, 1787–1957," made this statement:

> Actually, Congress has never adopted any legislation that would seriously cramp the style of a President attempting to break the resistance of an enemy or seeking to assure the safety of the national forces.

It is my opinion, Mr. President, that the Cooper-Church amendment, as now written, would, for the first time in history, dangerously "cramp" the President who seeks to "assure the safety" of American military forces stationed abroad and to expedite and facilitate their ultimate withdrawal from South Vietnam.

Consequently, I have today offered this amendment—No. 669, as modified—to the Cooper-Church language, so as to make it clear that the President, acting as Commander in Chief, will retain his full powers to act to "assure the safety" of our fighting men still stationed in Southeast Asia.

My amendment, I think, is quite clear in its intent. It is also quite clear in its meaning and should require but little explanation by me today. Before addressing my remarks to it, however, I wish to make some comments which I consider relevant to the subject of the constitutional powers of the Congress and the constitutional powers of the President in relation to this whole matter and with particular reference to the Cooper-Church amendment which I seek to change, in part.

For more than a decade now—and under four Presidents, representing both political parties—we have been involved, in varying degrees, in a war in South Vietnam. Our actual participation, insofar as the loss of American fighting men is concerned, dates back to March 1965—although our active involvement began earlier, as I have indicated. Our heaviest losses occurred during the years 1967 to 1968. In those years, we lost 27,569 men. American casualties—as well as those of the enemy—accelerated sharply during the Tet offensive in January 1968. In the month of March 1968, President Johnson made his surprise announcement that he would not be a candidate for re-election, and he announced a halt to the bombing over most of North Vietnam. The peak of American participation, with respect to total American personnel involvement, was 543,482 men—in the month of April 1969.

President Nixon, as did President Johnson before him, has made a sincere effort to enter into meaningful negotiations for peace, but, like his predecessor, has met with no measurable success in this regard. Meanwhile, Mr. Nixon has announced a policy of gradual withdrawal of military personnel, and, in pursuance of that announced policy, has reduced the number of American servicemen in Vietnam from 543,482 men in April 1969 to 428,050 men as of yesterday, June 2, 1970—a total reduction of 115,432 men. Only a few weeks ago, the President announced that 150,000 additional men would be withdrawn by the spring of 1971. President Nixon continues to support a policy leading to the Vietnamization of the war and to a decrease in American involvement. This policy has met with fairly general acceptance throughout the country, and in the Congress, apparently, if we are to judge by the diminution of rhetoric regarding the war in recent months. The President's April 30 televised announcement concerning the incursion into Cambodia triggered a sharp reaction and a mercurial escalation of both rhetoric and protests around the country, and particularly on some of the college and university campuses of the Nation.

Here on the Senate floor we are witnessing a renewed and vigorous debate, which, for some weeks, has been centered upon the so-called Cooper-Church amendment to the Foreign Military Sales Act, H.R. 15628.

Before directing my attention to the Cooper-Church amendment, I wish briefly to state the position I have maintained during the years of American involvement in South Vietnam. Throughout my service in the Senate—the beginning of which service antedates the start of direct American participation in the fighting—I have said very little on the Senate floor or in West Virginia or anywhere else concerning the war in South Vietnam. I have considered myself neither "hawk" nor "dove," to use the common labels. I have, however, supported all appropriations bills providing for the support, the equipping, and the pay of American servicemen in Vietnam. If this makes me a "hawk," it would also characterize practically every sitting Senator as a "hawk" inasmuch as those Senators who have opposed appropriations for the conduct of the war can be numbered on the fingers of one hand, and at least two of these Senators were defeated in subsequent elections.

In supporting appropriations for the war in Vietnam, I have taken the position—and most Senators have apparently viewed the matter likewise—that as long as our country sends men to fight in a foreign land, we ought not be niggardly in appropriating adequate funds for clothing, military pay, ammunition, weapons, and other military hardware, because the least we can do in fulfilling our duty to those fighting men is to provide them with the kind of financial and military support that will enable them to fulfill their military responsibilities and to return home safely.

As to whether or not our country was right in becoming involved, perhaps only future historians will be able to render an objective and fair judgment. It was the view of our leaders—meaning the Chief Executive and his military and civilian advisers—in the previous administrations of Presidents Eisenhower, Kennedy, and Johnson, and now under the administration of President Nixon, that it was in America's best interest that South Vietnam not be taken over by the Communists. Our Government took the position that if South Vietnam were to fall to the Communists, then all of Southeast Asia could, and probably would, eventually fall, thus turning over to the Communists a vast area of 200 million people and rich mineral resources.

It was the view of our leaders that the fall of Southeast Asia to the Communists would be a blow to the free world and that America should help to prevent this from happening.

It was also stated that if America did not act, the Communists would interpret this failure to act as a sign of weakness and that wars of so-called "national liberation" would break out in various other parts of the world.

Gen. Vo Nguyen Giap, the top commander of the North Vietnam military forces, was quoted as saying:

> South Vietnam is the model of the national liberation movement of our time. If the United States can be defeated in South Vietnam, it can be defeated everywhere in the world.

The Peiping Peoples Daily, the foremost Chinese Communist newspaper, was quoted as saying that the Vietnamese conflict "is the focal point of the international class struggle" and is the "acid test for all political forces in the world." Thus, it was made to appear that South Vietnam was a "test" case, a landmark case.

The leaders of our Government, moreover, have proceeded on the premise that we had made commitments to go to the aid of South Vietnam. In 1954, President Eisenhower wrote to President Diem of South Vietnam assuring him of American assistance in "developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means."

Mr. COOPER. Mr. President, will the Senator yield? I want to hear the Senator's entire speech. However, I will have to be away for 15 or 20 minutes. Will the Senator be speaking when I return?

Mr. BYRD of West Virginia. Yes, I hope to, if the Senator is away no longer than 15 or 20 minutes.

Mr. COOPER. Mr. President, I know the Senator mentioned the statement of President Eisenhower. I refer to him because he was President at the time of the Geneva Accords and when the United States did not become a party to the accords.

Several years ago, in fact every year, I have tried to read the entire record of our involvement in Vietnam. I cannot be sure that I have read every document, but I have tried to do so.

In reading the communications of President Eisenhower to North Vietnam, I could never find one statement by President Eisenhower to the effect that he would give military support to South Vietnam except in the way of advisers.

Mr. BYRD of West Virginia. Mr. President, I do not challenge the statement of the Senator from Kentucky. The Senator is a very knowledgeable and astute student of this subject.

I would have to say that I, too, have not read or heard of any such statement by Mr. Eisenhower.

I merely at this point quote the verbiage from the President's letter to President Diem in 1954. Although it made no reference to military support, it would indicate that it was the intention of our Government to support the Government of South Vietnam in developing and maintaining a strong, viable state, capable of withstanding aggression from without and subversion from within.

I merely make this reference here to say that as far back as 16 years ago, under the administration of the late President Dwight D. Eisenhower, there was this strong expression of support for the Government of South Vietnam and an indication that our Government was willing to support that Government although, as the Senator from Kentucky has said, no reference was made by Mr. Eisenhower to military support.

The Southeast Asian treaty, which created the organization called SEATO, was signed at Manila in September 1954 by the United States, Great Britain, France, Australia, New Zealand, Pakistan, Thailand, and the Philippines, and was approved by the U.S. Senate in 1955 by a vote of 82 to 1. That treaty protects against Communist aggression not only its members, but also any one of the three non-Communist states growing out of former French Indochina which asks for protection.

Article IV of the SEATO treaty provides in section 1 as follows:

> ARTICLE IV
>
> 1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

Section 2 of Article IV of the SEATO treaty states that—

> 2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

Section 3 of Article IV of the SEATO treaty states:

> 3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

Mr. President, the treaty provisions made it plain that the territory covered by the treaty embraced Southeast Asia.

A protocol was adopted by the parties to the SEATO Treaty. The protocol states that—

> The Parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam.
>
> The Parties further agree that the above mentioned states and territory shall be eligible in respect of the economic measures contemplated by Article III.
>
> This Protocol shall enter into force simultaneously with the coming into force of the Treaty.

Thus, Mr. President, the protocol term "free territory under the jurisdiction of the State of Vietnam" describes and includes what we now refer to as South Vietnam.

I have quoted these excerpts from the SEATO Treaty in order to recall the background against which our leaders in various administrations under both political parties took the position that a binding commitment had been made to assist the Government of South Vietnam in meeting aggression and subversion endangering the peace of the treaty area.

On September 29, 1954, 3 weeks after the signing of the SEATO Treaty, the U.S. Department of State issued a communique concerning conversations conducted between representatives of the United States and France regarding Southeast Asia. Excerpts from that communique are as follows:

> Representatives of the two Governments have had very frank and useful talks which have shown the community of their views, and are in full agreement on the objectives to be attained.
>
> The conclusion of the Southeast Asia Collective Defense Treaty in Manila on September 8, 1954, has provided a firmer basis than heretofore to assist the free nations of Asia in developing and maintaining their independence and security. The representatives of France and the United States wish to reaffirm the support of their Governments for the principles of self-government, independence, justice and liberty proclaimed by the Pacific Charter in Manila on September 8, 1954.
>
> The representatives of France and the United States reaffirm the intention of their governments to support the complete independence of Cambodia, Laos, and Viet-Nam. Both France and the United States will continue to assist Cambodia, Laos, and Viet-Nam in their effort to safeguard their freedom and independence and to advance the welfare of their people.

So, Mr. President, the United States had, in the viewpoint of our national leaders, pledged its assistance to Vietnam, which assistance, in the course of history and events, took the form, first, of financial aid, and, eventually, of armed support for the Government and for the people of South Vietnam, the division of Vietnam having been formally accomplished through the Geneva accords of 1954.

Beginning in 1955 the U.S. Congress has appropriated moneys for economic and military assistance to South Vietnam, thus underwriting the pledge.

In 1960, Mr. Eisenhower again wrote to President Diem assuring him that—

> For so long as our strength can be useful, the United States will continue to assist Vietnam in the difficult yet hopeful struggle ahead.

In 1961, the late President John F. Kennedy wrote to President Diem pledging that our Government was "prepared to help the Republic of Vietnam to protect its people and to preserve its independence." President Kennedy went on to say that we would promptly increase our assistance to the defense effort of the Republic of Vietnam.

In August of 1964, Congress, by a combined vote of 504 to 2, passed the Gulf of Tonkin resolution expressing its support for actions by the President "including the use of armed force" to meet aggression in Southeast Asia.

These commitments were iterated and reiterated by President Lyndon B. Johnson.

Again, perhaps only future historians will be able to render a just and objective verdict as to whether or not these premises for American involvement were sound.

My position throughout the years has been not so much that of an advocate of these predicates for American involvement, but, rather, it has been one of supporting our fighting men who are in South Vietnam—through no choice, in most cases, of their own—and also, I have consistently taken the position that, although I may differ with the President on domestic matters, it was my duty—as long as I felt the President to be acting wisely, reasonably, and responsibly, based on the circumstances—to support him as Commander in Chief, regardless of his political party, in a situation involving the Nation at war. This is no place for partisan politics.

When our country is at war—and we are at war, even though not by a strictly formal declaration by the Congress—politics should end at the water's edge, and we should stand together as a nation and back up our leaders and our fighting men. It has always seemed to me that a policy of support for our leaders and a policy of support for our fighting men in time of war is a policy best calculated to shorten the war, keep down the casualties, and bring the fighting men home. This is not to say that I will agree with every tactical decision of the Commander in Chief. I probably will not. But I do not have the responsibility and the duty to make tactical decisions. The President carries this burden; I do not.

But, the price of disunity and division at home is loss of morale on the part of our troops in the field and, ultimately, the possible loss of whatever cause those American troops may be engaged in. A cardinal example of this principle can be seen, if we will but review recent history, in the failure of the French effort in Indochina.

France's defeat at Dienbienphu was characterized not only by the incompetence of the French high command, but also—and probably more so—by the monstrous indifference of a nation. It can be said of France that she showed the most complete indifference toward her army, and that, in the case of individuals, this crime of omission is known as "failure to assist persons in danger." Punishable by law in the case of ordinary citizens, it leads, when the whole nation is guilty, to that resignation from which a people never recovers, and which it pays for, sooner or later, with its own death.

There were reasons why Dienbienphu was a victory for the less well equipped of the two armies. At the bottom of everything was faith or the lack of faith, the will of a people or its decline. The corruption of conscience, the cowardice of Government leaders in the face of a truth which they refused to see because it would have called for virtues they did not practice—everything predisposed the unhappy country of France for one of the greatest abominations of the century. Napoleon could well have had such in mind when he said:

> In war, a great disaster always indicates a great culprit.

The French people—not the French armies—were the first culprits.

The Vietminh commander, General Giap, said to a French journalist in 1963 as he was leaving Hanoi for a visit to the old battleground at Dienbienphu:

> If you were defeated, you were defeated by yourselves.

I hope that General Giap will not be able to make a similar remark to an American writer some day—not that I expect victory in this war so much. It is just that defeat—or the essence of it—is not wholely beyond the pale of possibility.

Whether our involvement in Vietnam was, from the first, premised on a sound foundation, is not the question now. In retrospect, one may say that it was a mistake. Future historians may say, however—based upon the full consequences and the clear results, of which we are not privileged to see at this moment—that it was not a mistake. Our efforts may yet prove to have thwarted the Communists in their plan to take over South Vietnam. Our sacrifices, painful and written in blood as they have been and as they continue to be, may, in the judgment of history, have thwarted Communist conquest in Southeast Asia. It is difficult to see even the past clearly, at the present moment, to say nothing of what may lie beyond the present.

I am not a military man, but I suppose I can afford the luxury of expressing one man's opinion. It is this. We have already spent more than $100 billion and we have lost more than 40,000 American lives. From the beginning, we fought this war with one hand tied behind our back.

Perhaps that is the way we should have fought it. As I say, I am no military man. But, expressing one man's opinion, I think we should have hit the enemy with all our conventional power, with enough of it to have destroyed his dikes and to have forced him to negotiate in good faith.

Our fighting men did not ask to go to Vietnam. But having sent them, we should have done everything within the bounds of reason to give them every protection we could offer in order to get them back alive. I think that every parent in America who saw a son, and every grandparent in America who saw a grandson, go marching off to that war in South Vietnam, would certainly share this viewpoint, that, having sent those sons and grandsons, we should have done everything within the bounds of reason to give them every protection we could offer, in order to protect them and to get them back alive.

We did not do this. Not having done it, it seems to me that we should now support the President's policy, it makes no difference what his political party may be—the Commander in Chief's policy, may I say—of Vietnamization and gradual withdrawal, and we should get out of Vietnam.

In view of the fact that our country is so greatly divided on this question, and in view of the fact that it has demonstrated a lack of unified will, I believe that this is the only course that we can now follow. I believe we can yet extricate ourselves by gradually withdrawing as we continue to prepare the South Vietnamese to defend themselves. In the long run, perhaps a Communist takeover of Southeast Asia will have been prevented.

Incidentally, the Vietnamization program reportedly is helping to thwart Communist aims in Southeast Asia. The Vietnamization program is enabling South Vietnam to gain a defense posture sufficient to assure, hopefully, her independence, and the Vietnamization program is giving encouragement to other free nations in Asia.

Writing in today's Washington Post, Mr. Joseph Alsop, in a column entitled "Vietnamization Greatly Aided by Bold Stroke in Cambodia," says this:

> What the President will do about it, remains to be seen as these words are written. But it can already be said with confidence that the report he got from Gen. Creighton W. Abrams "would have sounded damn near euphoric, if it hadn't come from a man who never goes in for euphoria."
>
> Among other things, Gen. Abrams is known to have told the President that the Cambodian operations might easily turn out to put forward the Vietnamization program by a year or more. And this came from the same great field commander who was, quite justifiably, asking Mr. Nixon for "a pause" in Vietnamization only three months ago!
>
> * * * * *
>
> Although pacification was going great guns, III Corps was still threatened from two directions only three months ago. One threat was from the Parrot's Beak in the south, where the Cambodian border thrusts up and out towards Saigon like a dagger. The Parrot's Beak was bulging with enemy supplies, and contained over a regiment of North Vietnamese troops plus the in-sanctuary higher headquarters for the Vietcong for about half of III Corps.
>
> The other threat was from the very empty, very wild provinces on the northern fringe of III Corps. Here three more North Vietnamese regiments were lurking in jungle hideouts, well forward from the Cambodian border. So what has happened now to these threats?
>
> The supply lines of the North Vietnamese regiments in northern III Corps have been cut at the source by the Cambodian operations. It is a down-to-earth estimate that they cannot stay where they are for more than about a month and a half. Almost certainly, they will then have to begin seeping back towards the northeastern part of Cambodia, where the North Vietnamese still have semi-dependable sanctuaries.
>
> The Parrot's Beak, meanwhile, has been cleared of enemy troops and supplies, as have the other enemy sanctuaries on III Corps' borders, like the Fishhook. In this process, the entire Vietcong high command for about half of III Corps has been just about abolished. Thus the total enemy threat in III Corps has been drastically reduced.
>
> This is why the Vietnamization program can eventually take a great leap forward. * * * Even in IV Corps, similar albeit

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> smaller dividends are in prospect. With IV Corps' border sanctuaries cleaned out, the excellent South Vietnamese units of the 44th Tactical Zone—nearly equivalent to a division in all—should aid that task greatly. That will happen when the North Vietnamese regiments now stranded in the Seven Mountains are successfully dealt with. Want of supply should aid that task greatly.
>
> Thus these South Vietnamese units will also be set free, once again for use in either I Corps, or perhaps in II Corps. The potential enemy threat in these two northern corps areas, so much nearer to North Vietnam and to the supply line through Laos, is still considerable. The job is not over yet.
>
> But it is staggering, all the same, to hear solid, responsible, extremely knowledgeable men who want no defeat in South Vietnam—for one has to note that, nowadays!—talking about "taking care of III Corps with two brigades, and on an interim basis at that."
>
> If these men have not gone off their rockers, in fact, the whole pattern of the war has been radically transformed by one bold stroke in Cambodia.

Mr. President, although there have been many questionable aspects of our involvement in Southeast Asia, there have also been a number of positive effects from our presence there, according to many observers, one of these effects being the increasingly successful Vietnamization effort to which Mr. Alsop alludes.

Indonesia, moreover, overthrew its repressive Communist regime in 1965, a feat that many experts said could not have been accomplished without our presence in Southeast Asia. Our presence in South Vietnam has also enabled Thailand to build up its own defenses, and Burma has been able to strengthen its position of neutrality largely because of American troops fighting in South Vietnam.

Now, as to Cambodia. Several weeks ago, there were rumblings which indicated that the President might be called upon to make a decision with respect to going to the aid of the Cambodian Government following the ouster of Prince Norodom Sihanouk. I urged the President not to involve American fighting men in what I felt might become another Vietnam—in other words, a war to support the government of Cambodia. In a Senate floor speech on April 4, I stated:

> The United States should not become involved in the fighting in Cambodia. The new rulers of Cambodia have been hinting that they may seek American help in fighting the communists. For too long now, American troops and the American people have shouldered a heavy burden in fighting in Southeast Asia. To fight in Cambodia would only add to that burden.

Mr. President, I still feel today as I did on April 4. The United States should not become involved in fighting in Cambodia for Cambodia, or in support of any Cambodian Government.

Mr. President, on April 30, the President announced his decision to attack North Vietnamese and Vietcong sanctuaries along the Cambodian-South Vietnamese border. In a televised address to the Nation, the President stated that his purpose was to destroy the enemy's capability in inflicting, from nearby Cambodia, great casualties upon American troops and of hampering the pacification and Vietnamization programs. The President stated that the incursion into Cambodia on the part of American troops would only be temporary and that all American fighting men would be out of Cambodia by the end of June.

To date, I have not commented on the President's action. I am still opposed—I repeat—and will continue to be opposed to the use of American troops in Cambodia in any war to support any government of that country. Let Asians carry the manpower burden of keeping Asia free.

But the President's action, as he explained it, did not contemplate the use of American forces to fight for Cambodia. The invasion into Cambodia was, he said, for the limited purpose of giving protection to our men in South Vietnam, destroying enemy sanctuaries—some of which were within 35 miles of Saigon—and gaining additional time for South Vietnamese takeover of their own defense, thus enabling more Americans to return home.

And according to information furnished us, the Cambodian operation may have gone far in accomplishing the objectives sought.

Mr. President, as of yesterday June 2, 1970, 8,193 enemy bunkers had been destroyed; 15,199 individual weapons and 2,106 crew-served weapons had been captured; 133,721 antiaircraft rounds, 45,520 mortar rounds, 358 vehicles, 39,600 pounds of medical supplies, 3,925 mines, 34,768 grenades, 72,000 pounds of miscellaneous explosives, 10,178,088 rounds of small arms ammunition, 10,938,000 pounds of rice, 500 satchel charges, 1,515 large rocket rounds, 25,435 smaller rocket rounds, 21,555 recoilless rifle rounds, 40 boats, 36 generators, and 185 radios had been confiscated. The enemy had lost 10,906 men.

Can anyone say rightly, Mr. President, that this is not a serious setback to the enemy, or that it will not result in a major saving of American lives?

Let me go a step further. Allied sweeps into the Cambodian-Vietnam border area have located a number of major base complexes used by the North Vietnamese and Vietcong troops. One of the largest of these bases taken by allied forces was discovered by elements of the U.S. 1st Air Cavalry Division, on May 5, in the Cambodian Fishhook area. It is an immense complex, some 3 square kilometers in area, dubbed "The City" by U.S. cavalrymen.

A thorough analysis of what was found there now confirms that in overrunning this base, United States and South Vietnamese forces have dealt the enemy a serious blow.

The logistical part of "The City" was located in three separate areas and included approximately 182 storage bunkers. About 80 percent of the bunkers, each measuring 16 by 10 by 8 feet, were being utilized and contained enemy war supplies. Sixty percent or 87 of the 145 bunkers were filled to capacity. The bunkers contained munitions, weapons, food stocks, medical supplies, and quartermaster clothing and equipment.

While there were large stores of many kinds of materiel, the big find was ammunition—including more than 1½ million rounds for AK-47 rifles. Generally, all types of equipment and supplies were in an excellent state of preparation and in good operating condition when captured. All bunkers were serviced by bamboo matted trails from 3 to 8 feet in width. "The City" was well organized and was capable of rapid receipt and issuance of large quantities of supplies.

Judging from the general condition of the oldest bunkers and from captured supply documents found in the area, it appears that the storage depot had been in operation for some 2½ years.

The bunkers in the northern part of the complex appeared to have been constructed within the last 6 months. An analysis of the documents indicates that this complex was a supply depot with the primary mission of obtaining supplies and equipment within Cambodia and then delivering the supplies to Communist forces in South Vietnam.

In addition, this depot provided supplies to a number of training and headquarters elements. In addition to the logistical storage facilities, the complex contained a training area consisting of a large classroom, small arms firing range, and mess facilities to support the training area. Also located in the southeastern part of the complex was a small animal farm.

These facilities and these training aids, including silhouette targets and dummy grenades as well as a large stock of items of personal clothing and equipment, indicates that a portion of this base area was used to provide refresher and political training to recent replacements from Vietnam.

Colocated with the supply depot, the training center could also readily outfit the replacements by providing refresher training.

Can anyone deny, Mr. President, that the capture of "The City" was not a major blow to the enemy?

Can anyone deny or can anyone say that the capture of "The City" did not in the long run result in the saving of American limbs and of American lives?

An article by William J. Coughlin, a Los Angeles Times reporter in Saigon, tells us more.

He writes as follows:

> Communist forces, including two of North Vietnam's best divisions, are scattered, disorganized, and on the run, leaving behind them thousands of dead and a year's worth of arms, ammunition, and food.
>
> Since May 1 they have not been able to mount a single counteroffensive in either Cambodia or South Vietnam.

Continuing to read from Mr. Coughlin's Los Angeles Times article:

> More than in Vietnam, the initiative will remain with the allies since the North Vietnamese have no local popular support in Cambodia and the Vietcong can not hide its weapons and vanish among the population of Cambodia as it does in Vietnam.

Thus, in the face of the statistics and the various reports, the incursion has in the opinion of many, been very successful to date. Whether in the end we will have gained, remains to be seen. But it would appear, at the moment, that the mission's objective will have been accomplished in large part.

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The President will address the Nation this evening on the progress of the Cambodian operation and the current status of the Vietnamization program. It is possible, because of the apparent success of the move into Cambodia, that the President will be able to announce plans for the withdrawal of American forces sooner than the original timetable called for. I cannot say that he will. I do not know. I would only hope so.

As to the Cooper-Church amendment to the Foreign Military Sales Act, the amendment provides, among other things, that "in order to avoid the involvement of the United States in a wider war in Indochina and expedite the withdrawal of American forces from Vietnam" no funds may be expended after June 30 for retention of U.S. ground forces in Cambodia or for conducting any air combat activity over Cambodia except to interdict the movement of enemy supplies or personnel into South Vietnam. This is, in essence, as I recall, the intent of the language.

I have listened to the debate on the amendment and have found no issue during my 12 years in the Senate to be more vexing, no decision to be more difficult. I have read the mail from constituents, and I have talked with as many of them as possible. I have carefully studied the issue in an effort to reach a judgment on this question which, to say the least, has troubled me greatly.

I do not question the sincerity of those who support the Cooper-Church amendment, and, in my judgment, most of the arguments in support of the amendment, though not altogether necessarily persuasive, are not without some substance.

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Although I would not presume to substitute my judgment for that of others, I do have a responsibility as a Senator from the State of West Virginia to study the arguments on both sides, evaluate the facts, and reach a judgment and then to vote my convictions. It is each Senator's duty to act in the best interest of his country—as God gives him the wisdom to determine the direction in which those good interests lie.

I favor some of the provisions in the amendment. As a matter of fact, I favor most of the provisions in the amendment. I would like to vote for the Cooper-Church amendment, but I have reached a decision to vote against the amendment unless it can be changed to make it clear that the President has the power, the authority, and the flexibility to provide protection for our military forces still stationed in South Vietnam.

Proponents of the Cooper-Church amendment argue, I believe, that the limitations imposed by the amendment are no greater than what the President has already stated his intentions to be—to withdraw all American forces from Cambodia by June 30.

It is true that the President has said U.S. forces would be out of Cambodia by the end of June. It is also true that the enactment into law of the Cooper-Church amendment—if such enactment were to be successful—would provide for a June 30 deadline on the retention of U.S. troops in Cambodia. It is conceivable that circumstances could prevent the removal of the last American from Cambodia by the June 30 dateline, but I believe the President means to do this. The operation—in the opinion of many of the experts—has been successful in destroying vast stores of military provisions, weapons and materiel; the monsoon rains will begin to fall within a few days; and some of the U.S. personnel are already withdrawing and have already been withdrawn from Cambodia. The danger of the amendment, as it is now written, I believe, arises not so much from any effect it might have on the present operation, but, rather, it would appear to guarantee to the enemy complete freedom to return to the border sanctuaries without fear of future attack from U.S. ground forces. I do not believe that such immunity should ever be assured to the enemy as long as American fighting men are stationed in South Vietnam.

The President, as Commander in Chief, must retain a free hand to do what is necessary to protect American lives in Vietnam, and the President, as Commander in Chief, has a duty to do so. As presently written, the amendment would, therefore, appear or attempt to tie his hands to this extent, it seems to me.

The proponents also argue that the President should have consulted Congress before going into Cambodia, and I agree that it might have been better had he done so. I share the concern of those Senators who feel that congressional leaders should be consulted about such matters beforehand, but I can conceive of circumstances where the element of surprise may be considered vital to the success of such an operation as the incursion into Cambodia. The President may have felt that to have announced his plans to Congress far in advance of the action taken in this instance could have sacrificed this advantage of surprise, and, to that extent, the operation's chances of success might have been compromised. Yet, I believe that the President would have been spared certain criticisms had he consulted more than was done. We were informed just within the hour prior to his telecast to the American people.

Some people argue that the Cambodian operation constituted the invasion of a neutral country, and, thus, opened a new undeclared war. American forces did, indeed move into a country which had claimed neutrality. However, according to the principles of international law, any country claiming neutrality has a concomitant duty to prevent a belligerent from moving troops or supplies onto its territory. If the neutral country fails or is unable to prevent such movement of troops or supplies onto its territory, then another belligerent has a right, in its own defense, to invade the so-called neutral territory and to destroy the enemy.

For years, the North Vietnamese and Vietcong had used Cambodia as a privileged sanctuary from which vicious attacks were repeatedly launched against American and South Vietnamese forces, but because of Cambodia's claimed neutrality, the enemy had enjoyed immunity from retaliation. But a duty rested upon Cambodia to resist the use of her territory by the North Vietnamese and Vietcong. For one reason or another—perhaps she was too weak to act—she did not do this. Consequently, the United States and South Vietnam had a right, under international law, to invade Cambodia in order to put an end to the use of Cambodian territory by the enemy.

As to the contention that a new war had been initiated without a congressional declaration, this is completely without substance. As far as U.S. forces are concerned, it is the same war and the same enemy. United States forces were not attacking Cambodia—they were but temporarily—according to the President—extending the battlefield in order to attack the same forces with which they had been engaged, and from whom they had suffered great casualties, for years.

Based on the President's statement, the Cambodian exercise, insofar as American troops are concerned, is meant to be only a temporary expansion of the South Vietnamese battleground. The operation has a limited objective, and the President so indicated, and that objective was and is to destroy the enemy's sanctuaries on the Cambodian-South Vietnamese border and his capability to wage war on American forces and their allies in South Vietnam. There is no escalation of the fighting in the overall sense—the only escalation being that of hitting the enemy in a privileged sanctuary heretofore immune from attack, but a sanctuary nevertheless from which the enemy has been able to inflict casualties upon American and South Vietnamese forces and from which the enemy has been able to harass and impede the pacification and Vietnamization effort.

For at least 5 years the North Vietnamese and the Vietcong have operated out of those privileged sanctuaries, moving freely back and forth across the Cambodia-South Vietnamese border, while Americans and their South Vietnamese allies have scrupulously stopped at that border. Nobody can say how many thousands of Americans have died during those years because of the fact that the border served better than any Maginot Line would have served as a protection for the enemy. The Cambodian action appears to have minimized the chances of any great numbers of Americans being killed by a sudden sally from the sanctuaries in the immediate months ahead, when the President is reducing or has reduced significantly the number of American fighting troops in South Vietnam.

Supporters of the Cooper-Church amendment say that its adoption is necessary to protect the United States from a deepening involvement in an expanding Indochina war. This argument is an appealing one. However, the President has, upon numerous occasions, announced his intention not to deepen the involvement but, rather, to gradually withdraw from involvement. The Cambodian exercise, according to the President, is meant to hasten American withdrawal from South Vietnam in the long run.

In reality, the amendment's adoption, as it is now written, could, in my judgment, have the undesired effect of making more difficult our withdrawal of troops over the long pull because it would, in effect, appear to limit the President's power to protect American forces in South Vietnam.

The amendment's backers claim that Congress must reassert its constitutional authority to declare war and reestablish a constitutional balance in the division of powers between the legislative and the executive branches. This argument is a strong one. It is a cogent one. It is an appealing one.

According to the Constitution, only Congress can declare war. Down to the present, however, Congress has never exercised this prerogative, except as a consequence of the President's acts or recommendations. The President, who is designated in article II, section 2, of the U.S. Constitution as "Commander in Chief of the Army and Navy of the United States," has full control over the use of the Armed Forces.

On his own authority, the President may, and the President frequently has, acting as Commander in Chief, committed the Armed Forces to armed action in order to protect the national interest beyond the borders of the United States.

Historically, the President, without the prior approval of Congress, has utilized the Armed Forces in response to an immediate military situation. Occasionally, prior congressional approval has been sought. Thus, President Adams requested congressional approval before committing Armed Forces in the quasi-war with France, 1798–1800. President Wilson likewise requested congressional authorization in 1914 to occupy Vera Cruz, Mexico, but ordered the Armed Forces into action before Congress voted its approval. In other instances, commitments in the form of, or commitments based on, existing international treaties, or commitments deriving from membership in international organizations, have occasionally provided legal support for Executive action. United States interventions in Cuba, 1906–33, and actions of the United States in its capacity as the United Nations Command in Korea, 1950–53, fall into this category.

So the President has used his authority as Commander in Chief in a great variety of situations. He has ordered the Armed Forces to resist attacks against the national territory; he has ordered the Armed Forces to protect American lives and to protect American property in foreign countries; he has ordered the Armed Forces to suppress piracy at sea, to enforce collection of indemnities, to pursue lawless bands, and to combat Communist aggression.

The constitutional authority to formally declare a war has always rested with the Congress and it rests with the Congress now. I see nothing in the Cooper-Church amendment which would amount to a reassertion by Congress of its authority to declare war. In the first place, the action in Cambodia does not constitute a new war, as I have already said. It is the same war against the same enemy which our forces have been fighting for the past few years. Hence, there is no occasion for any declaration of war by the Congress in this situation. If the supporters of the amendment have in mind a declaration of war against North Vietnam, it would appear to be too late for a formal declaration, with no good purpose to be served whatsoever. One cannot repeal history, and, hopefully, we are on our way out of, rather than our way into, a very real war in which we have been directly engaged at least since early 1965 and indirectly engaged for years prior thereto.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. COOPER. I, unfortunately, missed part of the Senator's speech, but I have listened with great interest to the part I have heard. It is well-reasoned and well-documented, and I know it is the subject of much study on his part.

On the last question the Senator raised, whether or not the sponsors want the Congress to declare war against North Vietnam, the answer is, "No." We are engaged in a war, and have been engaged in a war, in a way, since 1950. We supported the French until 1954 and gave them about $2 billion to fight a war which never should have been fought. Now we find them one of our strongest critics. The French started the war in 1949.

But to repeat, the answer is "No," there is no desire on the part of the sponsors for a declaration of war against North Vietnam.

Much discussion has been had in the past about the Tonkin Gulf resolution and its effect. I must say that I knew, when I voted for it, that it might be used to bring us into war. I said so on the Senate floor. I did not think at the time that it would bring us into this great war, but the possibility was there. When I left the floor a few minutes ago the Senator was talking about statements made by President Eisenhower. I assume the Senator went ahead and talked about declarations made by President Kennedy and President Johnson and the action they undertook——

Mr. BYRD of West Virginia. Yes, I did.

Mr. COOPER. With respect to sending troops into South Vietnam. I think the record very pertinent to our case. I doubt that President Truman, President Eisenhower, and President Kennedy and, until 1965 or late 1964, President Johnson, ever considered that we would ever become involved in a large-scale war on the land mass of Asia.

But by a series of actions and a series of statements throughout those years, the President and Congress were foreclosed from being able to make a clearcut decision as to whether the war in Vietnam really affected our security interests and was necessary for the security of this country.

I do not believe it is necessary for the security of this country. But the point, we acted in such a way that, of course, South Vietnam believed United States would not support them. President after President made statements that "we will stand by the Government of South Vietnam," and beginning in 1962 our country began to send large bodies of troops to Vietnam. The governments believed it.

But Congress never made a clearcut decision—it never had an opportunity to do so—as to whether we believed it was necessary for the security of our country.

This is the point of our amendment. We do not want our President—and he is my President; he is of my party—to find himself in such a position that, through force of circumstances beyond his control, we would find ourselves as a new war in Cambodia. I am sure the people of this country do not want this to happen and neither does the President.

I believe that if our amendment were analyzed in this way, the majority of Senators would support it. It is not a question of declaring war. I do not believe any of us do—against Cambodia or Vietnam. But we do not want to let steps, taken one by one, lead us to the point of no return.

That is the whole point of the amendment.

Mr. BYRD of West Virginia. Mr. President, I agree with the Senator that no President, no Secretary of Defense, no Member of the House of Representatives or of the Senate could foresee in the beginning what there was at the end. No one could have foreseen 10 years ago, or 8 years ago, what these little steps, one by one, would eventually lead us into.

But I do say that there is nothing in the amendment, as I see it, which reasserts the constitutional authority of Congress to declare war.

Mr. COOPER. Will the Senator yield?

Mr. BYRD of West Virginia. As I shall say later in my speech, and as I believe I have already indicated heretofore, there are some provisions in the Cooper-Church amendment that I think we need. I favor the amendment, if we can only amend the first paragraph, which I think is necessary and in fact imperative.

I yield to the Senator from Kentucky.

Mr. COOPER. I understand the Senator's position, but I wish to respond to his statement that there is nothing in this amendment which would assert the congressional authority. Its sponsors certainly do not want to assert the congressional authority to declare war. But the Constitution, in the section which the Senator quoted, provides that Congress shall have power to declare war and to raise and support armies and navies. We have the power to provide the forces which must fight the war. That is our constitutional authority. We exercise that by the denial of funds to support a war which Congress never approved, if such a war should occur.

I have never voted, in all the time I have been in the Senate and all during this Vietnam war, for any resolutions or amendments to deny funds for the men who are fighting in Vietnam. I shall vote for this one, because I must vote to deny funds for a new war, if we should become engaged in one without the consent of Congress.

We do not take away from the President any of his options. This amendment only says, "If you determine by your judgment and best information that we should continue in Cambodia longer than June 30, or feel that it has become necessary to be involved in a war there, come to Congress."

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I think that is a perfectly reasonable position. I do not think the President wants us to get into war there. In answer to a direct question I addressed to him at the White House, in a public meeting, he said, "No, I do not intend that this country should become involved in a war in Cambodia."

But circumstances and events occur over which he has no control, over which no one in this country has any control, and that is where I think our authority comes—to assure that we shall not become engaged in a war without Congress having the opportunity to speak on it.

Mr. BYRD of West Virginia. Mr. President, I share the views of the able Senator from Kentucky to the effect that the President does not want to become involved in a new war. I do not think any of us wants to become involved in a new war. Moreover, I certainly recognize the constitutional powers of Congress with respect to the appropriation of funds. There is no question that Congress has the power over the purse, and it can utilize that power, and very effectively.

What I am trying to say, Mr. President, is that it would be unwise for Congress to attempt to utilize that power of the purse at a time when, in doing so, it would impair the President's capability of protecting our military forces already stationed in South Vietnam.

I should like to vote for the Cooper-Church amendment. As to paragraphs (2), (3), and (4), I think they have loopholes in them as big as Union Station, but I still think that they are directed to keeping U.S. military forces out of a war for Cambodia or in support of any government of Cambodia. I am with the Senator from Kentucky 100 percent on that.

As I say, I want to vote for the Cooper-Church amendment. I do not want us to get involved in another Vietnam. But at the same time, I want to leave the President's hands unshackled with respect to the protection of American fighting men who are still in South Vietnam, who will be there for yet some time through no choice of their own, and who were sent there by the U.S. Government in the first place. They will still be there beyond the June 30 date.

Very frankly, as I shall say a little later in this statement, I do not think that the Cooper-Church amendment is going to become law—certainly not as it is now written. If the Senate should approve the amendment, I think it would be by a very closely divided vote, and it would then express only a very closely divided Senate sentiment. I do not think the House of Representatives would accept it. It might, but I do not believe so. Even if it did so, I think the President would veto it; and if he did veto it, certainly two-thirds of this body are not going to vote to override his veto, and two-thirds of the other body are not going to vote to override his veto.

So we are spending a lot of time discussing something which really is not going to become law as it is written, in my judgment. That is one man's opinion. But even so, I feel that we ought to do whatever we can to make the language clear in its intent that the President is not going to be straitjacketed if he determines it to be necessary to utilize American forces in Cambodia after June 30 in the protection of U.S. military forces still stationed in South Vietnam, or, if he deems it necessary in order to facilitate the withdrawal of American forces from South Vietnam. That is where the Senator and I differ.

I want to vote for the amendment. I am offering a perfecting amendment which I think will improve it. If the perfecting amendment is adopted, I have reason to believe that this body might accept more readily the Cooper-Church language. In that case, the proponents of the Cooper-Church language would have achieved a great deal. I think they would have won a clear victory insofar as voicing the sentiment of the Senate against American involvement in a war for Cambodia or in support of any Cambodian Government is concerned. But I would not want the enemy to misread this intention and to suffer under any illusions that any words we write into this particular amendment are going to negate the constitutional power of the Commander in Chief to act in whatever way he deems necessary to protect American fighting men stationed in Vietnam.

I do not think we can take that power away from him, as I shall indicate later. I think he has this constitutional power, and I think Congress gave him authority to move into the Cambodian sanctuaries—if he needed additional authority—in advance when it passed the Gulf of Tonkin joint resolution in August 1964 for which all of us here at the moment—myself and the Senator from Kentucky included—voted.

Mr. COOPER. I assume that we will be talking about this amendment for several days, will we not?

Mr. BYRD of West Virginia. I should think we might be.

Mr. COOPER. I thought so. Perhaps a week?

Mr. BYRD of West Virginia. This is an amendment which has great merit, in my judgment. I think it is the key amendment. I think that this amendment clearly will indicate whether we believe what the Constitution says, whether we believe that it means what it says, or that it does not. I would certainly hope that there would be an up-or-down vote on this amendment, based on the merits of the amendment. That being the case, it would seem to me that we ought to discuss it a while; and I would personally hope that Senators who have gone to Cambodia today might be able to return by the time we vote.

Mr. COOPER. I think that is good. I do not think there will be any effort to table the amendment. I would not favor any effort to table the amendment. It is an important amendment. Perhaps, beyond the efforts of the Senator from West Virginia, some effort may be made to continue the debate for days and days.

Mr. BYRD of West Virginia. I have no desire to do that.

Mr. COOPER. It is an important amendment. In my judgment, it could be the decisive vote.

Mr. BYRD of West Virginia. If I may say at that point—I do not mean to interrupt the Senator—I think we ought to discuss it long enough for the American people to know what this amendment is all about before we vote on it. That should not take more than a few days.

Mr. COOPER. I think that is right. We differ on it. The Senator from West Virginia believes that the amendment is necessary to assert the constitutional power of the President to protect the troops. Of course, I do not believe so, and I do not believe the Senator does, altogether, because he said a few minutes ago that we could not take that power away from him. We cannot give it to him, either. He has it. The extent to which he may use it is a matter for his judgment. Even if the amendment were agreed to, he might ignore it. It might not be agreed to by the House; it might not become law. But if it is adopted by the Senate, it will have some persuasive influence, I would think, upon the President.

We will be talking about this matter tomorrow, I assume, and the day after tomorrow, and will have more opportunity to develop the question of whether the President needs action of Congress to enable him to protect the troops and whether we can take that power away from him. There is a gray area. I think I can explain what my views are about these powers.

I have received a great deal of mail about this amendment—approximately 12,000 letters. Some of those who oppose it believe that the sponsors intend to take away from the President the power to protect the men in Vietnam. Of course, that is incorrect.

I listened very carefully to the Senator's quotation of some of the authorities about the power of the President to protect the forces. Sudden attack, imminent danger—that is as far as the authorities go. I do not believe it means that the President can determine that a far-reaching operation, where the consequences would be in the dark, is within the power to protect the troops.

I will not stretch it to some foolish extreme; but, certainly, to take that viewpoint, there would be no point in logic where the President's power could be halted. That is what Abraham Lincoln said in the House of Representatives in 1848. If we take that view, that there is no point at which that authority cannot be exercised. He said there is absolutely no limit against the President's use of that power. That was Abraham Lincoln's view in 1848. He was not sustained by Congress, but I think it is a pretty good viewpoint.

I thank the Senator for yielding.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, as to the reestablishment of a constitutional balance in the division of powers between the legislative and executive branches, I feel that this is long overdue, especially in many of the domestic areas. But with respect to the constitutional authority of Congress to declare war, that authority has not been challenged by the President nor

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has it been usurped, as some people claim. "To declare war" is to be distinguished from "to make war." As I have already indicated, many Presidents have exercised authority "to make war" under their constitutional powers as Commander in Chief, and they have done so without any congressional declaration of war.

The Cooper-Church amendment, though paying recognition—and I say this with the utmost respect for the sponsors and authors of the amendment—to the idea that the Congress acts in conjunction and in cooperation with the President, actually seems to me to attempt to supervene the powers of the Congress into matters which are, by authority of the Constitution, the responsibility of the President as Commander in Chief. Although stating that such action is "in concert" with the President's objectives in Cambodia—to wit, of achieving certain tactical goals and then withdrawing U.S. forces—the Cooper-Church amendment goes beyond this and actually, in force and effect, places grave restrictions on the President's authority and powers as Commander in Chief of the Armed Forces of the United States.

The Cooper-Church amendment, it is recalled, prohibits as now modified, after June 30, 1970, the use of any appropriated funds for the purpose of, among other things, "retaining U.S. forces in Cambodia."

Some have said that the Cooper-Church amendment is "a small, but important step" in the direction of bringing the Vietnam war to an end. This objective—to end the war—is a laudable one that I share with the movers of that amendment. I also share with them the fervent hope and expectation that the hostilities will be brought to an end and that no more American blood will be shed on that already stained ground known as Southeast Asia. The question, however, is whether this is an effective way to end the war, and whether, in the light of the Constitution and our history, the Cooper-Church amendment makes the very mistake that some have charged against the President; namely, crossing the barrier that marks the division of powers between the executive and the legislative branches of our Government.

As I said a little earlier in my colloquy with the Senator from Kentucky (Mr. COOPER), no one doubts the authority of Congress to take the steps of cutting off funds as suggested by the Cooper-Church amendment, for Congress is specifically designated by the Constitution as having within its province the power "to pay the debts and provide for the common defence," as well as "to raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years." Further, Congress is empowered to "declare war," Congress is empowered to "provide and maintain a Navy," Congress is empowered to "make rules for the Government and regulation of the land and naval forces" and Congress is empowered "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." There can be no doubt at all, I repeat, of the power of Congress over the purse, whether for defense or for any other purpose.

Yet to urge the passage of this amendment on the ground that the President exceeded his own powers as Commander in Chief in moving U.S. forces into Cambodia—for the purpose of attacking and destroying certain enemy quarters, enemy supplies, and enemy troops—in my judgment, entirely misconceives the division of constitutional responsibilities as between Congress and the President.

Those provisions of the Constitution that are relevant to the matter under discussion are those vesting the executive power in the President, those making him Commander in Chief of the Army and Navy, and those enjoining him to "take care that the laws be faithfully executed." The President, as is also well known, is empowered to make treaties by and with the advice and consent of the Senate.

I think the President had every right to order U.S. Armed Forces into Cambodia for the purposes which he stated. I do not, by this, mean to applaud the fact that the Vietnam war has now spread—openly, even though temporarily as it is hoped—to another country. In fact, I deplore strongly the necessity for this development. But one may do that, and one may also concede the power of Congress to control the purse strings in this and in other matters, without having to yield to the argument that the President exceeded his powers in taking this action.

Despite the fact that during the Constitutional Convention, the phrase "make war" was changed to "declare war"—with the intention of leaving to the President only the power to repel sudden attacks—in truth the Constitution does not spell out at all under what circumstances forces can be sent into battle or by whose decision, when Congress has not declared war and when no State has been "actually invaded" or is in "such imminent danger as will not admit of delay." Note that under article I of the Constitution, even a State among the several States may engage in war, under certain conditions, without a declaration by Congress.

Indeed, the constitutional conception of declaring war has, in actuality, probably been outstripped by the age in which we live, keeping in mind the speed, the secrecy, and the techniques and technologies which are the realities of today. Ironically, it is some of these very factors, according to John Jay writing in the Federalist, which give certain advantages to placing the warmaking power—as distinguished from war-declaring power—in the hands of the President—that is, the unity of the office, its capacity for secrecy and dispatch, and its superior sources of information. To this is added the fact that the executive office is always on hand and always ready for action, which may not be true of Congress during an adjournment. Thus, it is now widely conceded that the President may, without a declaration of war or other congressional action, use Armed Forces abroad to protect American lives and American property. No such consensus, however, has been reached with respect to the broader question of the President's authority to use such forces to protect American interests as such, or to promote U.S. foreign policy.

We need not, however, reach such a question here and now, since Congress itself has, long ago and on numerous occasions, affirmed its support of the South Vietnamese people and Government, rightly or wrongly. The President's actions in going into Cambodia may also rest on the conceded power which he has to "protect American lives," it having been recognized for several years past that the enemy was using that country of Cambodia as a haven and sanctuary in attacking United States and South Vietnamese forces.

The constitutional question before us, then, is not whether Congress has the authority to cut off funds for Cambodia, but the question is whether it shall choose to exercise that authority to cut off funds. By the same token, as I have indicated, it seems clear that the President, acting under his powers as Commander in Chief of the Armed Forces, was legally and constitutionally well within his rights in making the action he did. Beyond this, there is little doubt in my mind that, even without regard to the Constitution, the President, acting under the Gulf of Tonkin joint resolution, has been fully and completely supported by Congress in this latest action and in prior actions.

By way of review, Mr. President, on August 2, 1964, North Vietnamese torpedo boats attacked a U.S. destroyer, the *Maddox*, operating in international waters, in the Gulf of Tonkin. The next day, the United States protested to the Hanoi regime, and President Johnson instructed the Navy to issue orders to the commanders of U.S. aircraft and the two U.S. destroyers in the vicinity—the *Maddox* and the *G. Turner Joy*—to attack and destroy any force that attacked them in international waters. When the two ships were again attacked by North Vietnamese PT boats on August 4, "at least" two of the attacking PT boats were promptly sunk and U.S. air action was taken against North Vietnamese "gunboats and supporting facilities."

President Lyndon Johnson informed the Nation of this action that night. The next day, August 5, he asked Congress for a resolution "expressing the unity and determination of the United States in supporting freedom and in protecting peace in Southeast Asia." The President recommended a resolution "expressing the support of Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO Treaty." He added that it could be based upon similar resolutions enacted by Congress to meet the threat to Formosa in 1955, the Middle East in 1957, and Cuba in 1962.

Congress responded on August 7, 1964, with a joint resolution—the so-called Gulf of Tonkin resolution—adopted unanimously in the House and by a vote of 88 to 2 in the Senate, that expressed the approval and support of "the determination of the President, as Commander

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in Chief to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." It was signed into law by the President on August 10 and became Public Law 88–408.

Mr. President, the Gulf of Tonkin resolution was brief, and it was unambiguous. I shall read it in its entirety:

JOINT RESOLUTION TO PROMOTE THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA

Whereas naval units of the Communist regime in Vietnam in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia, to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonable assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Approved Aug. 10, 1964.

Public Law 88–408 has never been declared unconstitutional, and it has never been repealed or amended. The President, therefore, in sending American forces into Cambodia to protect American fighting men in South Vietnam from armed attack, acted within the present law which "approves and supports" the President in taking "all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." Anyone reading the plain language of Public Law 88–408 would clearly discern this fact. I am surprised to hear charges, even by Members of Congress, that the President acted illegally, or that he acted unconstitutionally, or that he usurped the powers of Congress in going into Cambodia under the circumstances as he explained them. The truth of the matter is that he acted with congressional approval given in advance.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the able Senator from Idaho.

Mr. CHURCH. First of all, I wish to compliment the Senator on his thorough exposition of the legal history of our involvement in Vietnam, as well as on the very careful constitutional argument he is making.

Let me say, at the outset, that insofar as I am concerned, my sponsorship of the so-called Cooper-Church amendment is not based on the belief that the President acted illegally, or that he exceeded his authority under the Constitution. I have not made that argument, nor do I believe the Senator from Kentucky (Mr. COOPER) has made that argument.

As the Senator quite correctly points out, Congress, through the appropriation of public money, has underwritten this war, in the absence of a formal declaration; and, furthermore, very broad authority was conferred upon the President by the Gulf of Tonkin resolution. All of this is undisputable.

The real question with which we are faced, it seems to me, is not legal, nor even constitutional in character. The Senator from West Virginia himself has acknowledged that it lies within the power of Congress either to furnish or withhold public money for the prosecution of this war. The control of Congress over the public purse is hardly contestable.

We are in one of those situations where everyone concedes, I should think, that Congress has the power to impose limitations on the future use of public funds respecting the war in Southeast Asia, just as everyone concedes that the President has certain inherent powers as Commander in Chief.

The real question is what the policy should be under present circumstances. The real question is whether the time has not come, after so many years of inconclusive warfare in Southeast Asia, for Congress to begin to assume some of the responsibility for bringing this war to a close. As a matter of policy, I think we should. I think it has become important for Congress to strengthen the President's position against all the forces which are pressuring him toward ever deeper involvement in Southeast Asia, by giving legislative definition to the outer limits of our Cambodian incursion.

We have fixed those limits, as the Senator knows, at the very place the President himself set them. I see the Cooper-Church amendment as an effort to give legislative backstopping to the President, to undergird his own expressed determination to make this Cambodian operation one of limited character, to bring all American troops out of Cambodia by the end of June, and not to return to Cambodia thereafter. As the President himself declared, if it ever becomes necessary to again attack these sanctuaries, after the enemy returns to them, he is confident this could be accomplished by the South Vietnamese alone.

I want to emphasize that I do not base my arguments for enactment of the Cooper-Church amendment upon the ground that the President exceeded his constitutional authority when he sent American troops into Cambodia. There really is no basic disagreement between the Senator from West Virginia and the Senator from Idaho on the constitutional propositions he has discussed, nor on the legal history he has faithfully reviewed.

The question is policy; and on that ground I believe the time has come for Congress to begin to share with the President the responsibility for bringing this war to a close. I see the Cooper-Church amendment as a first move in that direction.

Mr. BYRD of West Virginia. I thank the Senator.

In stating that there are those who have charged that the President acted illegally or unconstitutionally, I did not mean to refer to the able Senator from Idaho, and I am glad that the able Senator from Idaho raised this point, because it gives me an opportunity to reassure him and buttress his statement to that effect. No, I have not heard the Senator from Idaho say that, but many people have said it in their letters to me, and I think I am correct in saying that some Members of Congress have indicated that in their belief—and it is a sincere belief, no doubt—the President acted illegally and certainly unconstitutionally, and that he usurped powers of Congress in going into Cambodia under the circumstances as he explained them.

Moreover, I stated before the Senator came into the Chamber that the question before us is not whether Congress has the authority to cut off funds, but, rather, whether it shall choose to exercise that authority and whether it would be wise to do so as suggested by paragraph 1.

Now, the Senator has said that the authors of this amendment have acted as they have in an effort to give legislative backstopping to the President. With all respect for the able Senator from Idaho—and I do respect him, he is my friend, and I have the highest regard for him—I cannot see how cutting off funds beyond June 30 for the utilization of American forces in Cambodia—if the President so determines that to be necessary for the protection of our military forces stationed in South Vietnam—can be backstopping for the President. To the contrary, I think it attempts to tie his hands. It says, "All right, Mr. President, until June 30 we will not cut off any funds, but after June 30 do not send any more men into Cambodia no matter whether or not you believe it is necessary to protect our armed services who are stationed in South Vietnam. Do not do it. You cannot spend any funds under this act or under any other act unless it is hereafter authorized by law."

I do not see that as backstopping the President. I do see my effort, however, if I may say so respectfully, and the effort of those who join me in supporting this amendment, as an effort to backstop the Commander in Chief—not the President so much—regardless of political party, but it is an effort to make clear that the Commander in Chief is not to be straitjacketed, that he is not to be inhibited, but that he will truly be backstopped down the road beyond June 30 if he determines it necessary, for the safety and protection of our troops in South Vietnam, to utilize U.S. Armed Forces in Cambodia, and for nothing else.

As I stated a number of times earlier today, I support the intent and meaning of the Cooper-Church amendment—as I interpret it—insofar as paragraphs (2), (3), and (4) are concerned, and I want to vote for that language. But I want to see paragraph (1) perfected first.

So, it is rather late in the day for anyone, especially those of us who voted for the Tonkin Gulf resolution, to say that the President acted without authority or that he usurped the power of Congress in this instance. Future historians might have charged him with being recreant in his duty if he had not acted to protect our fighting men.

There are those who believe that the President's action should have been taken a long time ago, but, of course, notwithstanding the sound principle that, under international law, the United States would have been acting appropriately and justifiably in attacking the Cambodian sanctuaries—the circumstances being as I have already explained with respect to the responsibility of a neutral power to prevent the use of its territory by a belligerent—the opportunity and the advisability of launching an attack upon the Cambodian-South Vietnamese border's sanctuaries were greatly enhanced by the overthrow of Prince Sihanouk a few weeks ago.

I share the deep concern of everyone at the course of events in Vietnam and Cambodia. Let there be no mistake about that. I would hope—and I urge—that the President take us into his confidence wherever possible, with the view that together the Congress and the President may deliberate and decide these momentous questions of war and peace. The function of Congress does, indeed, go beyond that of appropriating money.

I believe, however, that the Cooper-Church amendment represents perhaps an over-reaction to the former actions of Congress in supporting and authorizing various presidential moves in Vietnam and elsewhere. It seems to me that such a step as cutting off funds in the midst of a shooting war, and restricting the President from attacking the enemy in Cambodian sanctuaries should of necessity require it again in the future, not only is highly dangerous to the security of our armed forces in Vietnam and Cambodia, but also constitutes an act which though certainly within the power of Congress, is unwise in principle. It comes very close to a tactical direction of troops in wartime—a duty which can only rest with the Commander in Chief, under the Constitution, and one that must be carried out by him personally, in response to his own constitutional obligations. Obviously Congress, while constitutionally empowered to declare a formal war, cannot direct battlefield tactics—and the Founding Fathers never envisioned its role as such. To claim that 535 Members of the House and Senate could assume such a responsibility would be sheer folly. This responsibility was vested in one man—the President—and he was given the title Commander in Chief.

There is another argument that says, or at least implies, that adoption of the Cooper-Church amendment is necessary to calm the unrest in our country. I personally would never vote for the amendment on such a dubious ground; namely, that it would calm the unrest on college campuses and elsewhere in the Nation. Congress must not be stampeded into unwise action in an attempt to appease mobs on campuses or anywhere else. To do so would be to capitulate to mob rule. I will never do this.

Moreover, it is a mistake to interpret the campus protests as being representative of majority thinking on the part of students and faculties. There is no doubt that all students are concerned about the war in Vietnam, but the students are not by themselves in this regard. Adults, too, are concerned. Parents are concerned. Grandparents are concerned. But, while the press makes a big thing out of a protest gathering on the Ellipse by an estimated 60,000 to 100,000 students—and those of us in public life who are accustomed to crowd estimates should know by now that such estimates nearly always tend to be substantially overblown—it should be remembered that there are 7 million students throughout the country in colleges and universities who did not come to the recent Washington demonstration.

We should not, therefore, allow ourselves to be influenced by demonstrations and acts of violence on the part of radical extremists. Of course this is not to imply that all persons who participate in these demonstrations are extremists.

I have been genuinely impressed by the concern expressed in letters received from students and other persons who have written earnestly and thoughtfully. But I have not been impressed or persuaded by the small minority of students and others who have written threateningly. If the Cooper-Church amendment is to be adopted, I say let it be approved on its merits, because only then will it stand the test of time. Let this Senate never be driven to act unwisely through threats of unrest and violence. We have laws and we have security forces which can be used to deal with those who engage in fomenting unrest and violence. Let the laws be enforced.

Mr. President, it was Clemenceau who warned us that, "War is much too serious a matter to be entrusted to the military"—which may have been a sound warning in his age and perhaps even more so in our own age.

But it was Walter Lippmann who cautioned those of us that, "War is too serious a matter to be entrusted to public opinion."

I have previously stated that I believe a vast majority of citizens, both adults and students alike, are in general agreement with the goals of our Nation, but even if that small minority of students bent on destroying our society were truly representative of public opinion in America, Mr. Lippmann's warning would still apply.

In his book "The Public Philosophy," the noted columnist called our attention to the "failure of public opinion in foreign affairs," and he said this:

> The unhappy truth is that the prevailing public opinion has been destructively wrong at the critical junctures. The people have imposed a veto upon the judgments of informed and responsible officials. They have compelled the governments, which usually knew what would have been wiser, or was necessary, to be too late with too little, or too long with too much.

Mr. President, Lippmann noted that public opinion "has required mounting power in this century," and he concluded that "It has shown itself to be a dangerous master of decisions when the stakes are life and death."

Mr. President, the stakes are life and death for the young Americans now fighting in Southeast Asia. My amendment is offered with the intention of allowing the President to retain the power to take whatever steps he deems necessary to protect those men.

Mr. President, there is a great deal of pressure from the small radical elements in our society for Congress to pass an extensive amendment that would serve to bind the President's hands not only in this present action in Cambodia but also in future actions that may be called for. There may be a certain temptation for some to accede to the reckless desires of this vocal minority. But again, if I may quote Mr. Lippmann, he warns against assigning "too much importance to the vocal minority. Relying too heavily on misguided public opinion," he says, "democratic officials have been compelled to make the big mistakes that public opinion has insisted upon." He continues that such total reliance "can be deadly to the very survival of the state as a free society if, when the great and hard issues of war and peace, of security and solvency, of revolution and order are up for decision, the executive and judicial departments, with their civil servants and technicians, have lost their power to decide."

When we attempt to take from the Commander in Chief his power to decide what action is needed to protect our fighting men, then we are, to a certain extent, threatening the security of our country, and to a larger extent we are giving a measure of security and comfort to the enemy.

Mr. President, I want, as much as anyone else to withdraw our men from South Vietnam. But they cannot be withdrawn overnight. This would be physically impossible. The President has been following a policy of gradual withdrawal, and I have supported that policy of gradual withdrawal. I have supported the President's policy of Vietnamization, a policy which will allow the South Vietnamese to take over the fighting as they more and more become able to do so. I have supported appropriations for training and equipping the South Vietnamese to defend themselves, so that our American fighting men can return home.

The President stated that it was to expedite this withdrawal that he decided on the Cambodian action. He felt that it would buy time for the South Vietnamese in which to prepare to defend themselves. He indicated that it would weaken the

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enemy along the Cambodian-South Vietnamese border, thus enhancing the prospects for success of the pacification of the countryside and for success of the Vietnamization program. He said that, by destroying the enemy sanctuaries, several months would be required, in view of the impending monsoons, for the North Vietnamese and Vietcong to rebuild those sanctuaries, and that, as a result, American casualties would be fewer in the long run, and American withdrawal of troops would be made more sure.

I hope that the President is right in his words and in his action. I certainly do not believe that it would be wise for the Senate to attempt to stay his hand in the protection of our men who are stationed in South Vietnam and in the President's desire to facilitate their eventual withdrawal from Southeast Asia.

I think the President as Commander in Chief should be given a chance to accomplish his objectives. If he is able to do this, and if he is able to pull all American fighting men out of Cambodia by June 30, as he promised, the outlook for American withdrawal from South Vietnam, hopefully, will have been enhanced. If it ever becomes necessary to cut off funds to prohibit the use of U.S. forces in Cambodia, to fight for Cambodia, then we can do this later and at such time as it is evident that there is a clear and determined intention to involve American troops in a second and different Asian war in Cambodia and for Cambodia.

I would like to vote for other provisions that are included in the Cooper-Church amendment, but unless this restriction of the President's power to protect our own fighting men still stationed in South Vietnam is removed, I shall vote against it.

It is for this purpose, therefore, of eliminating such a restriction that I have offered this amendment today.

The Cooper-Church amendment states that, "unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended" for certain purposes which are set forth in four paragraphs numbered 1, 2, 3, and 4.

I personally have no great objections to paragraphs 2, 3, and 4, for the most part, and, in fact, I want to emphasize I would vote for the Cooper-Church amendment were its thrust confined to those three paragraphs. Senators will note that each of paragraphs 2, 3, and 4 ends with the phrase "in support of Cambodian forces," whereas paragraph 1 makes no reference to "support of Cambodian forces."

In other words, the Cooper-Church amendment prohibits the use of funds for purposes enumerated in paragraphs 2, 3, and 4, all of which purposes are "in support of Cambodian forces." This suits me fine because I do not want, for example, to provide funds to pay the compensation of any U.S. personnel in Cambodia who—in the language of paragraph 2—"engage in any combat activity in support of Cambodian forces." I emphasize the words "in support of Cambodian forces." This is what got us so deeply involved in Vietnam in the first place.

But, as I have stated, paragraph 1 omits the phrase "in support of Cambodian forces," so common to the other three paragraphs.

Paragraph 1 of the Cooper-Church amendment, is confined to the retention of U.S. forces in Cambodia. Simply stated, it prohibits the use of funds for the purpose of "retaining United States forces in Cambodia." Period. Nothing is said here about cutting off funds for retaining U.S. forces in Cambodia "in support of Cambodian forces"—and, parenthetically, I would be against the use of U.S. forces in Cambodia to support Cambodian forces. What is said here is that funds are prohibited for retaining U.S. forces in Cambodia for any purpose. For any purpose, I repeat, whatsoever. To put it another way, the Cooper-Church amendment says, in paragraph 1, that the President, acting as Commander in Chief, is forbidden from sending any American soldier, any American sailor, or any American marine across the boundary line between South Vietnam and Cambodia or up the Mekong River in Cambodia after June 30, no matter what the existing conditions may be at that time, no matter how necessary to the safety of our military forces in Vietnam such action may be. The North Vietnamese and the Viet Cong would, in effect, be given an open invitation after June 30 to rebuild the sanctuaries which have recently been destroyed, with assurance that they would not need fear a resumption of attacks in the future from American ground forces.

This paragraph—paragraph 1—goes too far, in my judgment, regardless of the good intent—and I do not question the good intent—of the Senators who are sponsoring it.

The amendment I am offering would modify paragraph 1—and paragraph 1 only—to make it clear that the Cooper-Church language would not preclude the President from taking such action as may be necessary to protect the lives of U.S. forces in South Vietnam or to facilitate the withdrawal of U.S. forces from South Vietnam.

I believe mine is a reasonable amendment. I believe it is a necessary amendment. I do not see how anyone would want to oppose it, because surely every one of us wants to secure the full protection of our servicemen while they are stationed in Vietnam, and wants to facilitate and expedite the eventual withdrawal of every American serviceman from South Vietnam.

Frankly, Mr. President, any realistic evaluation of the parliamentary situation must lead to the conclusion that the Cooper-Church language, as presently written, will not likely become law.

At most, if it should clear the Senate as written, it will be but an expression of Senate sentiment—and a closely divided sentiment at that.

Even so, it could be wrongly interpreted by the enemy of our troops stationed in South Vietnam.

Mr. President, as of yesterday, Tuesday, June 2, 1970, there were still 428,050 U.S. servicemen in South Vietnam. I am quite sure that no Member of this body would like to subject even one of these men to the risk of further ventures by the enemy from Cambodian sanctuaries heretofore immune from attack by U.S. forces. The amendment which I have proposed aims to prevent that danger—it makes clear that the President is authorized to take action to protect the lives of those men or, in an effort to completely remove them from the hostilities, to take action to facilitate their withdrawal from South Vietnam. The amendment has no other purpose than this: its real goal is to assist in winding us up in South Vietnam, and in the meantime to protect the lives of our men who are still stationed there. And I urge its adoption.

AMENDMENT NO. 667

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that my amendment No. 667, as modified, be printed in the RECORD, with the names of the cosponsors thereof shown.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 667, as modified, is as follows:

On page 5, line 7, before the semicolon insert a comma and the following: "except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam."

VIETNAMIZATION PAYS OFF

Mr. BYRD of West Virginia. Mr. President, one of the plus aspects of the Cambodian maneuver which may not have been fully expected is the establishment of the fact that South Vietnamese fighting units have come a long way in their ability to deal with their Communist foes. This is an integral part of the Vietnamization program. The training which these forces have been undergoing is paying off—and this, too, should help to speed up the withdrawal of our own forces. Reports from Cambodia indicate that the ARVN's new efforts in its own behalf have been uniformly excellent.

I ask unanimous consent that the following articles be printed in the RECORD at the conclusion of my prepared remarks:

A column entitled "South Vietnamese Servicemen Have Now Proved Their Mettle," written by Joseph Alsop, and published in the Washington Post of May 29, 1970.

A column entitled "Viet Troops' Splendid Performance in Cambodia Surprises U.S. Generals," written by Rowland Evans and Robert Novak, and published in the Washington Post of May 29, 1970.

An editorial entitled "The Cooper-Church Amendment," published in the Wall Street Journal of Tuesday, June 2, 1970.

An editorial entitled "The Results in Cambodia," published in the Houston, Tex., Chronicle of Friday, May 15, 1970.

An editorial entitled, "Strategy in Cambodia," published in the North Orlando, Fla. Sentinel of May 15, 1970.

An editorial entitled, "It's Never Unpopular to Win," published in the Daily Oklahoman of Oklahoma City, Okla., of May 20, 1970.

A column entitled, "Danger Seen in Cambodia Curb Plan," written by David Lawrence and published in the Washington Star of May 21, 1970.

A column entitled, "Nixon's Gamble in Cambodia Shows Tremendous Promise," written by Joseph Alsop and published in the Washington Post of May 22, 1970.

An editorial entitled, "Cooler Look at Cambodia," published in the Christian Science Monitor of May 22, 1970.

A column entitled, "U.S. Wins More Than Military Victory in Cambodia," written by Russell Kirk and published in the Baltimore Sun of May 25, 1970.

An article entitled, "A Different Scene," published in Newsweek of June 8, 1970.

An article entitled, "House Traditions Make Vote on War Unlikely," written by Shirley Elder and published in the Washington Sunday Star of May 31, 1970.

There being no objection, the articles were ordered to be printed in the Record as follows:

South Vietnamese Servicemen Have Now Proved Their Mettle

(By Joseph Alsop)

In common fairness, something more needs to be said about the performance of the South Vietnamese units in Cambodia. It is a crucial measurement of the practicality of the President's Vietnamization program; and above all, it gives the lie to a good many biased people who have made a lot of noise in this country.

From their first day across the border, the ARVN units' performance has continuously moved Gen. Creighton W. Abrams to the highest flights of praise. He is a man sparing of praise in normal circumstances; but he has used every adjective in the military book, from "outstanding" upwards, to characterize the dash and efficiency the South Vietnamese have shown.

More importantly perhaps, he is known to have described the success of the South Vietnamese in Cambodia as a "stunning psychological victory," in and of itself. This is because it has infused a quite new spirit of confidence and pride in all the South Vietnamese under arms. Until Cambodia, they had never been fully tested. Now they have been tested, and they have passed the test exceptionally well.

"Every Asian wants to be with the winner," Gen. Abrams is said to have concluded. "And now we are the winners."

The facts of the Cambodian campaign amply substantiate Gen. Abrams' assessment. Five ARVN divisions, the 9th, 21st, 22d, 23d and 25th, have been engaged, along with ARVN rangers, marines and paratroopers from the reserve. Every one of these divisions has been portrayed, at various times, as a mere horde of cowardly scoundrels commanded by corrupt incompetents.

The corrupt incompetents have now proved to be first-rate leaders in the field, and the cowardly scoundrel have fought with relentless aggressiveness. And it must be remembered that they have been fighting the most famous North Vietnamese units assigned to duty in South Vietnam.

For example, the ARVN 25th division has successively taken on, and briskly decimated, the 88th, 271st and 272d regiments. That means that this South Vietnamese division, customarily labeled "the worst," has by now defeated all the main components of the enemy's 9th division, formerly labeled "the best."

The secret of this seeming-magical reversal of roles comes in two separate parts. "The best," obviously, was not nearly so good as every one had come to believe, in the long period when the enemy's 9th division had no real mission beyond occasional hit-and-run attacks.

"The worst," equally obviously, has been radically altered by being given an offensive role, at long last. ARVN, one must remember, was a defeated army at the time of the U.S. intervention on the ground; and since that time ARVN has been an army mainly committed to a purely defensive role. Taking the offensive, and with great success, has naturally made a lot of difference.

You can see the difference in the Pentagon arguments about the U.S. advisers with ARVN in Cambodia. At first, it was argued that the U.S. advisers really had to go along, to "provide stiffening." But now, somewhat ironically, the same people are just as passionately arguing that the U.S. advisers are still needed, to insure reasonable prudence.

Another remarkable fact, closely linked to the foregoing, also deserves attention—which it has not been getting. After all, two South Vietnamese divisions, plus other troops, have plunged out of IV Corps; one South Vietnamese division and one American division have moved out of III Corps; and at different times, two South Vietnamese divisions have marched into Cambodia from II Corps.

For the Vietcong and North Vietnamese units inside South Vietnam, these departures of their strongest opponents should have offered a golden opportunity. With the cats away, the mice ought to have played—and played a pretty murderous game, at that. But instead, the level of enemy efforts in III Corps and IV Corps has dropped by more than a half since the Cambodian venture began.

Since the beginning of the Cambodian venture, in fact, the one fairly conspicuous enemy effort has been a probe by elements of the 2d North Vietnamese division, up in I Corps. The 2d ARVN division, defending the little district town that was under attack, has thus far just about abolished one of the regiments making the probe. Meanwhile the people of Hiepbuc, the isolated mountain town that was in danger, are still tilling their fields as before.

Altogether, the Cambodian venture has given President Nixon's Vietnamization program a new look. For the South Vietnamese have now proven their mettle, while the enemy has suffered what should prove a crippling setback.

Viet Troops' Splendid Performance in Cambodia Surprises U.S. Generals

(By Rowland Evans and Robert Novak)

The splendid combat performance by South Vietnamese troops in Cambodia not only strengthens the Vietnamization program but casts dark clouds over the U.S. military advice going to President Nixon.

The way ARVN (Army of the Republic of Vietnam) outfits have handled North Vietnamese regulars in Cambodia's Parrot's Beak has evoked raves from the very U.S. generals who insisted they could not do the job. Gen. Creighton Abrams, U.S. commander in Vietnam, has personally expressed his surprise to the Pentagon. What's more, high officials privately make this blunt admission: The South Vietnamese could have performed the Cambodian operation *alone*, without U.S. troops.

The implications of this are staggering. It means Mr. Nixon could have enjoyed the military fruits of entering Cambodia without the calamitous political and economic consequences he now endures and without reactivating the dormant peace movement. The President could have avoided his present crisis of confidence had he rejected the counsel of the Joint Chiefs of Staff and instead heeded the advice of Secretary of Defense Melvin R. Laird, who wanted an all-ARVN operation in Cambodia.

This Cambodian dispute between Laird and the Joint Chiefs is the culmination of sharp backstage disagreement over Vietnamization between civilian and military at all levels which we observed during our recent reporting trip to Vietnam. Even before Mr. Nixon's April 20 announcement of another 150,000 U.S. troops to be withdrawn, the military felt he was pulling out too rapidly.

Adding respectability to this view was Gen. Abrams himself. No Colonel Blimp, Abrams is the most sophisticated American commander during 16 years in Vietnam. Moreover, Abrahams knows all about the training of ARVN, having been originally assigned to Vietnam as Gen. William Westmoreland's deputy for that purpose.

Yet one high-ranking civilian official told us in Vietnam: "Abe just doesn't understand Vietnamization." He and other civilians feel Abrams and the uniformed military are missing an essential point of Vietnamization—that South Vietnamese troops must take over from the Americans not when they are ready, but *ready or not*. Otherwise, the South Vietnamese never will be ready.

This is best illustrated in the strategic Mekong River delta. The mighty U.S. 9th Division, only American ground troops in the delta, pulled out last August amid nervous prostration by the U.S. high command. The generals feared the 7th ARVN Division simply could not handle the job in troublesome Kienhoa and Dinhtuong provinces.

Superficially, their fears have been realized. Communist military activity in those two provinces has increased, and nobody claims the 7th ARVN performs nearly as well as the Americans. Nevertheless, since the Americans left, pacification—the Saigon government's control of the countryside—has moved steadily forward. In sum, the Vietcong are losing the delta guerrilla war.

It can even be argued that the heavy-handed U.S. 9th in the delta actually retarded pacification. Certainly had Washington granted Gen. Westmoreland's 1966 request to send three U.S. divisions into the delta, the damage wrought by American troops—as we pointed out at the time—would have played into Vietcong hands.

That indicates the U.S. military still has not fully grasped the political complexities of guerrilla warfare. Beyond this, U.S. generals, noting that ARVN units are led by Vietnamese officers made cautious by 20 years of constant warfare, express preference for U.S. units led by venturesome young officers out to make a record in six months of combat.

Save for the fateful exception of Cambodia, however, Laird has prevailed with the President against this military resistance. For instance, this summer's offensive against North Vietnamese encampments in Vietnam's bloody Ashau Valley near the Demilitarized Zone will be borne for the first time by South Vietnamese troops. Indeed, South Vietnamese are doing most of the fighting in Cambodia.

Contrary to the uninformed contention by U.S. doves that it has failed, Vietnamization is a success from a strictly military standpoint. Its basic problem is economic, the reduced flow of dollars into the country threatening runaway inflation by increasing Saigon's war costs.

With these economic problems still unsolved, Laird is pushing ahead for even faster Vietnamization—his hand strengthened by Cambodian events. Having proved themselves in the Parrot's Beak, the ARVN troops are at a peak of battlefield morale. And military doubts about their worth will carry considerably less weight in the White House henceforth.

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The Cooper-Church Amendment

As the Senate debates the Cooper-Church amendment to cut off funds for certain types of military operations in Cambodia, our biggest headache is trying to figure out what its words mean. Its passage would do more harm than good unless something is done to clarify what it says, first, about the President's power to strike into Cambodia in protection of American troops already in the field, and second, about policies intended to bolster the non-Communist government in Cambodia.

On its face the amendment seems to say that despite the President's powers as Commander in Chief he cannot undertake military operations in Cambodia even if enemy forces there are attacking or about to attack American troops already in South Vietnam. Either the amendment means this or it means nothing at all with regard to this question; its sponsors seem confused as to which is the case. Witness Senator Church on the Senate floor:

"We do not raise into question here the power the President has as Commander in Chief. He derives that authority from the Constitution itself. We could not deny him his powers under the Constitution if we tried. Nothing in our amendment would interfere with his right to protect American troops in the field or to provide for their immediate needs."

If the amendment does fully preserve the President's right to protect American troops, then it does not change his right to act within Cambodia if his purpose is to protect American troops, as it is in the current operations. If the amendment denies him the right to act in Cambodia regardless of his purpose, then it interferes with his right to protect American troops in ways the Commander in Chief deems necessary. The amendment's sponsors cannot have it both ways.

Both the Constitution and common sense dictate that Congress cannot act as Commander in Chief of troops actually in the field, as it would be doing when it draws lines of military maps in a theater long since drawn into the war by the enemy. It does not wish to say it's different because international boundaries are involved when the enemy constantly violates these boundaries and when the nation involved does not object. Nor does it wish to say Congress is only formalizing limits the President himself has established, since limits are one thing when drawn by the Commander in Chief and another thing when etched into law.

At the amendment's second level, we find another set of considerations. We think it entirely appropriate that Congress concern itself with the broad question of American policy toward the Cambodian government, and in fact, we thing the Administration should seek to involve Congress here. But once again we are left unsure what policy the Cooper-Church amendment seeks to promote. There is quite a difference between a policy of "no American troops" and a policy of "let the place sink."

The general thrust—and the ostensible defense—of the amendment is to implement a policy of no American troops. It has a sleeper section, however, that could undercut any effort whatever to aid Cambodia in its self-defense. This section prohibits U.S. participation in any agreement to provide military instruction in Cambodia. In other words, the U.S. could not provide technical or financial assistance if the South Vietnamese, Indonesians, Thais, Koreans or others undertook to help Cambodia train its army.

It's difficult to conceive a more wrong-headed provision. If we want to reduce our presence in Asia, regional cooperation is what we should try to promote, not inhibit. Also, the section makes hash of the sponsors' arguments that they only want to help the President follow the policy he has already set, for nothing could be more contradictory to the Nixon doctrine.

Despite all this, the Cooper-Church amendment is directed at a concern with which we sympathize—that Congress be more involved in foreign policy. What is needed is the type of Congressional-Executive consultation that helped prevent an Indochina expedition in support of the French during the Eisenhower years. But it is not a matter of writing a law but of building an ongoing process; a specific piece of legislation is important only to the extent it helps build the basis for a continuing process. As it now stands, casting an ambiguous shadow both on the President's powers as Commander in Chief and on the Nixon doctrine of U.S. assistance for self-help, the Cooper-Church amendment will not build but undermine the process.

Yet it could conceivably be turned into something else if the Senate and the Administration can work together to clarify what it says about the Commander in Chief's powers and to remove the sleeper section. In the process of working out those problems, perhaps the two branches could make a small start toward the trust, understanding and cooperation necessary to truly meaningful consultation on future policy.

The Results in Cambodia

With the eye toward justifying the mission, allied headquarters in South Vietnam has released the following summary of the results of the incursion into Cambodia by United States and South Vietnamese troops:

The count now stands at 6212 North Vietnamese Army and Viet Cong troops killed; 9559 weapons, 2090 tons of rice and hundreds of tons of ammunition captured.

It's an impressive list. And it will be even more impressive if this action has weakened the ability of the North Vietnamese and the Vietcong to wage war in South Vietnam.

We hope the results will enable the United States to quickly carry out its mission in South Vietnam—Vietnamization, i.e., pacification, and training of the South Vietnamese Army. And then get out.

If that's accomplished, it is hard to be against the plan. But that's the big uncertainty—even among the plan's staunchest supporters.

It has been reported that it took the enemy a year to assemble this amount of war materiel. But there's no agreement on how long it will take to replenish it. Or for what length of time their war effort will be conducted at less than normal intensity. Or how long they'll stay out of the sanctuaries.

The price of the incursion has not been cheap. U.S. losses for the Cambodian operation have been reported as 104 killed and 446 wounded. A cruel rule of military operations is that sometimes lives must be sacrificed so that many more lives utlimately will be saved. This is the President's rationale for the move into Cambodia.

Still speculation rages as to why President Nixon ordered the mission, aware of all the risks involved and the reproach sure to come from so many quarters. Opinions vary and the real reason may be a long time coming.

As a purely tactical move, however, it already appears to be a partial success. Barring some unforeseen and tragic turn of events, it should gain us some time and room to breathe in South Vietnam. Moreover, the Communists can't be sure the South Vietnamese, with our support, wouldn't take a similar action again, if they return to the sanctuaries now under attack. Now that we know the countryside better, air strikes no doubt will prove to be particularly effective.

One thing is sure, the sanctuaries will not be as secure as they were prior to April 29. For President Nixon's concept of Vietnamization and more importantly, for the American fighting men left in South Vietnam, that may prove to be an increasingly important factor.

Strategy in Cambodia

There are compelling reasons why Richard Nixon should be given his two months in Cambodia other than that of cleaning out the Communist sanctuaries which have fueled the attacks on South Vietnam.

In the past year, the government in Hanoi has diverted a large proportion of its dwindling economic resources from the war in the south to the reconstruction of North Vietnam itself.

It has theorized that it could afford to provide less for the war during the American withdrawal. So Hanoi was feeling reasonably hale and hearty and its general optimism over eventual victory has been reflected in the stagnated Paris peace talks.

But if the Americans can now destroy a large part of the stocks in the Cambodian sanctuaries, the North Vietnamese will have to do one of three things:

(1) They can replace their losses, which would delay the rebuilding of North Vietnam to the dismay and irritation of the people there—unless Hanoi can successfully go hat in hand to the Russians for more money.

(2) They can maintain their present balance of economic priorities, even though they know this would reduce their chances of beating the South Vietnamese when the Americans have left.

(3) They can negotiate on the terms Mr. Nixon has been offering.

Informed guessers abroad believe the most likely explanation of the President's surprise invasion of Cambodia is that he thinks he can push the North Vietnamese into one of the two latter courses perhaps with a helping hand from Alexei Kosygin, although admittedly the Russian has not been sounding as though he would cooperate.

However, it goes, President Nixon has hit the enemy hard in a place designed to hurt them in several ways. His strategy is sound and it should be given an opportunity to work without the anguished screams of those who don't understand what is he trying to achieve.

It's Never Unpopular To Win

Instead of the "extended debate" some of them are promising, the senatorial doves trying to tie the president's hands in Cambodia ought to be anxious to get a vote as soon as possible.

For their case is weakening perceptibly with mounting evidence that the Cambodian venture is turning out to be a huge military success. Up to mid-May, the allied sweep through the Communist sanctuaries had collected more than 10,000 rifles and more than a thousand heavy weapons.

The nearly 2,000 tons of mortar and artillery shells, rockets and small arms ammunition seized would have kept the Communist armies supplied for two years. These are weapons, shells and bullets that won't be used in any attempted Dunkerque type onslaught the Communists may have had in store for the dwindling numbers of Americans who will remain in South Vietnam as the planned withdrawal continues.

In addition to the arms, the Communists have lost thousands of tons of rice. They must rebuild their stores of arms and food before they can undertake another large-scale offensive in South Vietnam. The time required for restocking is estimated at anywhere from six months to a year. From Communist sources in Phnom Penh comes conjecture that Hanoi's timetable may have been knocked back by years because of the loss of supplies and disrupted communications.

The Communists suffered a crippling blow to their communications in their precipitate retreat. Their Central Office for South Vietnam was out of radio contact with its troops in the field, and many Communist units were left to wander leaderless throughout eastern Cambodia.

The inconsolable doves at home will try to minimize the operation's success, of course. But consider what an agitated fluttering would have seized them if American and South Vietnamese forces had suffered a comparable disaster.

The wailing that would have gone up from the campuses and congressional halls would have been deafening. There would have been shrill demands for capitulation without further ado and for congressional investigations of the administration's military ineptitude.

But in view of the gathering indications of success, it's going to be hard for the dissenters in Congress and elsewhere to maintain that the decision was a mistake. The critics who continue to berate the administration for an undertaking that is paying off militarily are beginning to sound foolish.

Those who argue that the venture was sound militarily but in error politically are spreading a contradiction. For the political consequences of any military decision respond in the long run to the sole test of its success or failure. In war, there's no such thing as a politically unpopular victory.

Therefore the senatorial doves who hope to limit the funds available to the president through such devices as the Church-Cooper amendment had best make haste. The longer they argue against success, the sillier their arguments sound.

Danger Seen in Cambodia Curb Plan

Lots of people throughout the country—including some members of the Senate and House—seem to think that only Congress can "declare war." They construe the words "declare war" to mean that the United States cannot defend itself without the consent of Congress. But how would they answer this question:

Supposing a foreign government fired in this nuclear age an intercontinental ballistic missile and destroyed many American lives? Would the president of the United States, who is also commander in chief of our armed forces, have to wait for Congress to be called into session—it might actually be in recess—before he would have authority to take the necessary steps to defend the American people?

Incidentally, Daniel Henkin, assistant secretary of defense, told a meeting of the Aviation and Space Writers Association on Tuesday that the launching of a satellite confirms the technological progress of the Red Chinese. He warned that "prudence requires that we continue to credit them with near-term capability to fire their first intercontinental ballistic missile."

All presidents have adhered to the doctrine that it is the duty of the commander in chief to guard the territory of the United States and also to protect American lives and property abroad whenever endangered, without obtaining the consent of Congress beforehand. The Senate, however, is debating a measure which would prohibit federal funds from being used by the President in any way for U.S. ground or naval operations in Cambodia after a certain date, presumably June 30, President Nixon has already announced his intention of removing American forces by that time.

This action could do more than just affect the Cambodian situation. It could have an impact on America's military operations in the future. It could raise doubts whether American citizens abroad, who hitherto have been assured of protection when hostile countries have threatened them can depend upon such a safeguard in the future. It also could mean that aggressor countries could attack smaller nations without fear of immediate counter-moves by the United States, because of the long delay that might ensue before Congress could give its consent to a military action.

The controversy is basically political, and those who are espousing the idea of limiting the President's powers think they are making votes at home. Actually, they are building up obstacles to the exercise of American military strength where it may be needed in other parts of the world to halt aggression and fulfill American commitments.

The Senate, for instance, has ratified both the Southeast Asia Treaty and the North Atlantic Treaty, under which the United States has made commitments to aid allied countries that are the victims of aggression. If the pending measure in regard to Cambodia is passed, however, there may be doubts whether the United States will honor its pledges. In other words, all treaties will be subject to considerable question as to their effectiveness if Congress now undertakes to limit the power of the commander in chief to initiate military steps when he deems them necessary to carry out American obligations.

There has always been a close interrelationship between Congress and the President when military operations start. As the war in Vietnam began to expand, former President Lyndon B. Johnson asked Congress for specific authority. Both Houses, by an overwhelming majority, passed the Gulf of Tonkin Resolution to permit the United States to help Southeast Asian countries to fight against the "systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors."

Once the Cambodian operation is completed, which probably will be by the end of June, the anti-war sentiment may stimulate groups in Congress to push legislation to require the termination of our participation in the Vietnam war itself by compelling a withdrawal of all our troops by a certain date. This would be a risky step for the United States, and could encourage aggressors to start more trouble in Southeast Asia and elsewhere. The Administration will certainly oppose any such legislative moves and will point out to the American people the dangers involved.

Nixon's Gamble in Cambodia Shows Tremendous Promise

First, some facts:

Item: The South Vietnamese and U.S. troops in Cambodia have taken above 10,000 individual and crew-served weapons—or about two years of resupply for all the 101 enemy battalions in the southern half of South Vietnam.

Item: They have also taken above 11.5 million rounds of rifle and machine-gun ammunition—or about a year and a half's supply for all these enemy battalions in III and IV Corps.

Item: Of rocket, mortar and recoilless rifle rounds, they have taken well above 50,000—or enough for about 6,000 of the little attacks by fire which are customarily reported as great enemy "offensives" when they are bunched together in a "high point." By the standards of the high points of the last six months, the North Vietnamese have therefore lost the essential ingredients for over eight years of these pseudo-offensives.

Item: Some 7,000 enemy troops have also been killed, and 1,731 have been taken prisoner, against negligible U.S. losses and quite small South Vietnamese losses. In numbers, the enemy losses are nearly equivalent to the whole of one of the three North Vietnamese divisions Hanoi had stationed in the Cambodian sanctuaries.

To these remarkable totals, far more could be added. But there is enough here, first of all, to prove that President Nixon's courageous gamble in Cambodia is currently being as grossly misrepresented as the enemy's desperate offensive at Tet, in 1968. One case is in fact the reverse of the other.

Tet was initially portrayed as gigantic disaster for the United States and its allies. In the outcome, it proved to be a gigantic disaster for Hanoi. As to the Cambodian gamble, although the final outcome must be awaited, it is currently being portrayed as a sad failure. Yet on the basis of the results to date, it promises to be the most brilliant feat of U.S. arms since the Inchon landing in Korea.

Almost better still, it promises to be a brilliant feat of South Vietnamese arms. Here there is another irony. The same disastermongers who misrepresented Tet and are now misrepresenting Cambodia, used to have an easy way of spending a dull day. On such days, they would describe the cowardice and incompetence of the South Vietnamese 25th Division.

In the present offensive, this was the point division, and its officers and men have fought with conspicuous courage and efficiency. But so far as one knows, none of the disastermongers has made a public apology to the ARVN 25th, or indeed to any of the other South Vietnamese troops who have been doing equally well. Yet the general excellence of ARVN's performance in Cambodia again ought to be news by any standard, especially in view of the President's Vietnamization program.

There are some pretty ugly things one is tempted to say about all this. But it is perhaps better to examine the reasons the Cambodian gamble now has such tremendous promise.

It will no doubt come as news to many senators, but the fact is that even the enemy's troops really cannot go on fighting without guns and ammunition. In Cambodia, we have now scooped up all the guns and ammunition and many other things that were destined to nourish the enemy's war in III and IV Corps for much more than a year.

Unless Hanoi can perform miracles of resupply, therefore, the war in the lower half of South Vietnam should now begin to wither away by stages. Genuine miracles will be needed to avert this result, moreover, because there is no doubt, any longer, that virtually all the supply for III and IV Corps has been coming by sea, through the Cambodian ports, for a very long time.

This is proved by the labels in the caches in the sanctuaries; and this lends enormous significance to another crucial fact. The President's gamble has decisively closed the Cambodian ports to the enemy, and it can be flatly predicted they will be kept closed, no matter what happens.

No increase of effort on the Laos trails can possibly compensate the enemy for the loss of Sihanoukville. This loss, in fact, should be even more upsetting to the Hanoi war-planners than their loss of far more than a year's supply for their units in III and IV Corps.

The North Vietnamese troops in Cambodia, finally, have been giving every sign of desperate disorganization, to the point of repeated disobedience of the anguished orders of the high command. Despite further misrepresentation on this head, moreover, there is no shadow of a present threat to Phnom Penh.

But the future of the Lon Nol government at Phnom Penh remains the uncertain factor. This is what makes it needful to wait and see whether the Cambodian gamble will finally fulfill all of its present promise.

Cooler Look at Cambodia

"The Americans and the South Vietnamese have scored a major, perhaps a decisive victory with their combined operations in Cambodia . . .

"The scale of the victory could even lead to some sort of genuine peace negotiations—but on very different terms from those being discussed three weeks ago, when the offensive began."

This is not the reporting of some gung-ho American correspondent or the conclusion of some "brainwashed" American politican

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desperately clutching for something to justify his support of White House policy. It is the opening of a dispatch from Murray Sayle, perhaps the most outstanding and seasoned of the stable of younger correspondents maintained by The Times newspapers in London. He was filing from Phnom Penh. His assessment is all the more remarkable because there is a perhaps built-in British tendency to be astringent in judging American actions overseas, and because The Times initially voiced the opinion that President Nixon's Cambodian decision was "one more step to disaster."

Of course none of this means the United States or the South Vietnamese are out of the woods in the struggle in Indo-China. The other side is still too resourceful for that. Neither does it mean President Nixon's confrontation with the protest movement is likely to be over by the end of the summer. What it does mean—as Mr. Sayle says—is that there could now be "some sort of genuine peace negotiations." But where?

There is already the forum of the talks in Paris, involving Hanoi, Washington, Saigon and the South Vietnamese National Liberation Front (NLF). The Hanoi/NFL team called off last week's session of the talks in protest against American/South Vietnamese operations in Cambodia. Significantly, however, the other side gave no indication of breaking off the talks for good—perhaps because they recognize that, with their setbacks in Cambodia, they might now be better served by a compromise solution than by continued stalling.

But the Paris talks are concerned only with Vietnam, and the war has now clearly become an all Indo-China war and not just a Vietnam war. Should the forum then be a revival of the 1954 Geneva conference on Indo-China? For many reasons this would be better than Paris. It is in fact what Washington has intermittently suggested and what one of the conference cochairmen (Britain) has sought to interest the other (Russia) in. But the Russians have repeatedly stalled. In any case, there is some doubt, in today's circumstances, whether China—whose participation is essential—would join in a meeting under part-Russian sponsorship to settle the affairs of Southeast Asia. So what else?

Well, there is always the team of three—Indonesia, Japan, and Malaysia—set up at last week's 12-nation Jakarta conference on Cambodia. The conference had its ups and downs from the moment the Indonesian Government proposed it. Communist countries, although invited, boycotted it. But the gathering wisely kept itself in a low key and ended up by establishing the team of three to work for peace. If both Indonesia and the three-man team can be seen to be working independently of the Americans, this modest initiative in Jakarta could yet prove one of the little acorns out of which great oak trees grow.

U.S. Wins More Than Military Victory in Cambodia

What militant doves fail to understand, just now, is this: by taking the Communist bases along the frontier of Cambodia, President Nixon has won the greatest victory of our decade-long involvement in Southeastern Asia. But perhaps some of those doves don't desire American victories; perhaps they smile upon the ideologies of Hanoi and the terrorists of the Viet Cong.

At the end of the third week of the Cambodian campaign, American and South Vietnamese forces had beaten the enemy dramatically, at small cost. More than 7,000 Communist troops had been killed, and an unknown number wounded or captured: this is the equivalent of destroying two divisions of North Vietnamese and Viet Cong. American and South Vietnamese losses were slight.

But this military achievement is only incidental to several larger successes achieved by taking the offensive along the frontier. Those other gains exceed anything accomplished by the Americans and their allies in all the long Vietnamese struggle.

First, the Nixon offensive against the Communist bases in Cambodia has made it far easier to withdraw 150,000 more American troops by the end of this year—without exposing South Vietnam to Communist conquest. Hard hit and bewildered, Hanoi's troops will be unable to undertake a counterattack along the Cambodian front for many months to come—during which time American disengagement can proceed as Mr. Nixon has scheduled it.

Second, the government and the army of South Vietnam have been mightily heartened by this victory, and can act with more confidence and better prospect of continuing success than ever they enjoyed before. They soon should be able to assume most of their own defense.

Third, the Cambodian government at Phnom Penh, headed by Gen. Lon Nol, has been saved from the Communist onslaught. That government has been given precious time in which to organize effective resistance to Viet Cong and North Vietnamese forces. Time was mostly what the Cambodians needed; for the Kymers, detestation of Vietnamese should suffice to squelch a guerrilla war like that in Vietnam, provided that Lon Nol is able to repulse in this hour of crisis the 40,000 Communist troops that have invaded his country.

Fourth, the Communists' stocks of munitions and food have been captured, in vast quantity, and their bases in eastern Cambodia have been overrun. Withdrawn to the interior of Cambodia, the enemy soon will be desperately short of ammunition and rice. And our forces have cut, at least temporarily, the routes by which supplies come down through Laos.

Fifth, the Nixon offensive has made it virtually impossible for the Communists to mount any assault upon the neighborhood of Saigon until the monsoons are over. And the Viet Cong in the Mekong Delta are cut off from reinforcements and supplies.

Sixth, Hanoi and the Viet Cong have suffered a vast loss of face throughout Southeastern Asia. Not only Cambodia, but Thailand and other states are heartened to resist the Communists—who now clearly are vincible, when one carries the war to them.

Finally, Soviet Russia has been informed, through this Cambodian action, that the United States is not a feeble giant: that America can strike promptly and with great power, when necessary. This will diminish the Russian proclivity to aid the Arab states against Israel; and it should incline Moscow toward more serious negotiations in the SALT talks and elsewhere. In the long run, President Nixon's decision to act in Cambodia will be understood as a bold measure that improved the prospects for peace.

A Different Scene

Just before the drive in Cambodia began, a South Vietnamese colonel released some long-pent-up anger on his chief U.S. adviser. "You Americans think the North Vietnamese are gods!" he shouted. "You should give us a chance to fight as they do—on someone else's land. We would amaze you." By last week, after a month of campaigning on Cambodian soil, the colonel's words were beginning to sound prophetic. For many U.S. military men, if not exactly amazed, were extremely pleased with the performance of the South Vietnamese armed forces in Cambodia. "The rabbits," observed one American, "have turned into tigers.

Not that the South Vietnamese have chewed up the North Vietnamese or their Viet Cong and local Communist allies in any conclusive fashion. Indeed, the Communist troops, in accord with the Maoist guerrilla maxim to retreat in the face of superior forces, have chosen to avoid major confrontations. But nevertheless, the South Vietnamese have done exceedingly well when the enemy has elected to stand and fight. In the process, the South Vietnamese have moved steadily into Cambodia, and last week—with the capture of the important rubber plantation town of Chup and the consolidation of their positions south of Phnom Penh—they were in control of vast stretches of rice-rich, densely populated land to the east and south of the Cambodian capital.

One of the ironies in this, according to a high-level U.S. military source, is that the South Vietnamese Joint General Staff was originally horrified at the idea of engaging in a massive thrust into Cambodia. It was only after the General Staff was given direct orders from President Nguyen Van Thieu that it reluctantly prepared the battle plans. "Not only were they excellent plans," said the American, "but they were brilliantly carried out." Those plans called for (1) a multidivision ground operation and (2) a search-and-clear sweep up the Mekong River all the way to Phnom Penh by a combined force of all four of Saigon's military services—the army, navy, marines and air force. Such complicated, large-scale maneuvers were new to the South Vietnamese. But both, so far, have been carried out in Cambodia with hardly a hitch.

Rout: The aggressiveness of the South Vietnamese troops, once a sore point with U.S. advisers, is also getting better marks. In one case, a company of South Vietnamese hiked a risky 10 kilometers at night to surprise and rout a bigger force of North Vietnamese the next morning. Such a maneuver would have taken the South Vietnamese Army of yesteryear several days and a regiment to execute. And there is no concealing the pleasure that Saigon is taking in its recent military achievements. "No one can say now that we lack fighting spirit," says Minister of State Phan Quang Dan.

If the willingness of the South Vietnamese to seek the enemy and join him in battle has been impressive, so too has been their impeccable military discipline. In the South Vietnamese encampments near Cambodian towns, tents are pitched symmetrically, trucks are lined up, latrines are dug and garbage is actually buried. And despite earlier fears in Phnom Penh, the South Vietnamese have behaved with remarkable restraint toward the Cambodians. Rape and looting have been rare, and for the most part South Vietnamese troops have carried out orders not to display their own national flag unnecessarily. "Can you imagine," asks one U.S. major, "Americans strolling into a country where other Americans had been slaughtered and not even flying their flag?"

What has happened to transform the once-maligned South Vietnamese troops? It is simple," says an American military adviser. "After twenty years of what has always been essentially a defensive war, the southerners have finally gone on the offensive. They are fighting in someone else's backyard and happy to be there." Morale has soared, and truckloads of South Vietnamese have roared into battle in almost a holiday mood. Moreover, there is little doubt that the South Vietnamese—after years of being condescended to by the Americans—are delighted to show the ragamuffin Cambodian Army what real fighting men are like. Echoing U.S. views of the ARVN, South Vietnamese Brig. Gen. Nguyen Ba Di remarks: "These Cambodians wouldn't be bad fighters if they had the right equipment and good leaders."

But the leadership and equipment, as well as high morale, do not fully explain the South Vietnamese success. There is also the very major factor that the Cambodian campaign is exactly the kind of conventional operation—capturing towns, ferry crossings and rubber plantations—that the South Vietnamese Army has been trained for but has rarely had the chance to carry out. In Cambodia, the South Vietnamese do not have to worry about the effect that blowing up a town will have on the pacification program. And they can take to the paved roads with tanks and armored personnel carriers and highball from one Cambodian town to another just as their Yankee mentors did in World War II. An added joy is that the enemy has not had the time to seed the roads and jungle with mines and booby traps.

All this, of course, raises the question of just how relevant the South Vietnamese military experience in Cambodia is to the situation at home, where fighting conditions are vastly different. "The fact that the South Vietnamese are good at this type of operation," says one Western diplomat, "doesn't mean they'll do a good job back in Vietnam." Nor, for that matter, does it mean that they will ultimately emerge triumphant from Cambodia. So far, the South Vietnamese have done their job in Cambodia with considerable flair and effectiveness. But they have not by any means destroyed the enemy, only driven him to cover. The North Vietnamese still have powerful forces in the Cambodian countryside surrounding many of the South Vietnamese positions. And if the South Vietnamese should become bogged down in the monsoon rains expected this month, then the North Vietnamese might well try to deflate the newly puffed-up ego of their enemies.

House Traditions Make Vote on War Unlikely

(By Shirley Elder)

Unless some major changes occur in the next few months, it is doubtful that there will be a recorded vote in the House on the issue of the Vietnam war, no matter what the Senate does or what happens in Southeast Asia.

This is not because the issue will not be raised. It certainly will, both in House antiwar efforts as appropriations bills come to the floor, and in House consideration of whatever Senate amendments are adopted.

But House rules and traditions are so rigid that nothing short of a minor revolution is going to change them.

A chief factor is that most House business is conducted in what's known as the "committee of the whole," where no record is made of the votes of individual congressmen.

BORROWED FROM BRITISH

The procedure was lifted from the British parliamentary system, where informal votes were designed to protect legislators from the king's recriminations.

There are three kinds of votes in the committee of the whole: voice, where each side hollers "aye" or "no"; a division, where the members stand to be counted, and tellers, where each congressman files down the center aisle to be tallied.

A recorded vote, with all names listed in the Congressional Record for all to see, is possible in only two situations.

First, if an unfriendly amendment is adopted in the committee of the whole, a bill's floor manager can demand a roll call when the House resumes regular business.

Second, a roll call is possible on a motion to recommit, which traditionally is handled by the minority party as a last chance to kill or alter legislation by sending it back to the original committee.

On the question of the war, however, Republican and Democratic leaders join in support of the President. The minority party does not, in this case, represent the "opposition" viewpoint. The motion to recommit becomes meaningless, and liberal war foes are frustrated to the point of rage.

Grumbling that war backers lack the courage to be counted publicly on the war, the doves have turned to a confusing alternative, something known as the "previous question."

Normally, the previous question is ordered routinely, without challenge. It simply clears the way for a vote on the pending legislation. The speaker announces: "The previous question (namely, the vote on the bill) is ordered"—and the House votes.

However, if the House refused to order that vote, by not agreeing to the previous question, the bill again would be open to amendment, this time without the protections of the committee of the whole: votes would be recorded.

So, liberals have begun demanding roll calls on this procedural move: a "no" vote is interpreted as support of whatever liberal amendment is being pushed. Thus, the only record vote supporting the supersonic transport the other day actually came on a previous-question tally. Liberals, trying to kill SST funds, came closer than they ever have, losing 176 to 163.

Similarly, the only vote on whether to restrict funds for sending American troops into Cambodia came on a move to order the previous question. Doves lost, 248 to 146, but in losing, they hit a new high in anti-war sentiment.

Critics of the war find it difficult to explain why the House is more hawkish than the Senate. Part of the answer rests with the leadership. Both Democratic Speaker John W. McCormack and GOP Leader Gerald R. Ford feel Congress should do nothing to tie the hands of the chief executive on matters of national security.

Leading House doves argue the leadership is running behind the country. They say they sense a changing mood throughout the nation and they warn that House members who refuse to see this will find the voters refusing to send them back to Congress.

Still, the doves mustered only those 146 votes on a major test of sentiment shortly after President Nixon appeared to escalate the conflict by sending U.S. troops into Cambodia.

Of the 146, 116 were Democrats, a minority of the House Democrats.

War foes protest, however, that these test votes, coming on procedural questions, never really come to grips with basic issues.

Rep. Donald M. Fraser, D-Minn., chairman of the liberal Democratic Study Group and a spokesman for those who oppose the war, has launched a campaign against these rules, which he says deprive the liberal minority of an opportunity to force a Vietnam vote.

There are three main targets—the refusal to record teller votes, the fact that motions to recommit are offered by top minority members of a committee who often do not represent the true minority, and the practice of permitting those same senior members to allocate debate time.

As ranking Democrats and Republicans on each committee grow old together, their philosophies often blend into uniformity. Four come to mind: Armed Services, Appropriations, Judiciary, Foreign Affairs.

Fraser tried and failed to alter the time-honored procedures when the House took up the military construction authorization bill. He wanted discussion time reserved specifically for the true "minority" on military matters—in this case, the liberals from both parties—and he wanted the House to permit a dissenter to offer the motion to recommit, or kill certain portions of, the bill.

It didn't work.

Fraser's followers had to turn to the "previous question." They lost, as anticipated.

The maneuver certainly is not the simplest way of legislating, but it's all the outvoted and out-ranked liberals have. It still leaves doubt over how the House really feels. Presumably, some vote for or against the previous question because of their personal feelings on using procedural matters as test votes.

Clearly, a majority of House members do not want to vote on whether to support Nixon in Southeast Asia and, almost as clearly, a majority do support the President. By failing to permit a clear yes-no vote, however, the House allows the question to remain muddy and lets the President interpret its actions anyway he wants.

Mr. STENNIS. Mr. President, is it convenient for the Senator to yield to me?

Mr. BYRD of West Virginia. Yes, it is.

Mr. STENNIS. I thank the Senator.

Mr. President, I would request, if the Senator could, and if it is agreeable to him, that he yield to me for 10 or 12 minutes so that I may comment on the amendment.

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Mississippi with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from Mississippi is recognized.

Mr. STENNIS. I thank the Senator from West Virginia, and I thank the Senate, too, for permitting this interruption.

Mr. President, I have been vitally interested in this entire subject since the highly important Church-Cooper amendment became the pending question. It represents the thought of two of our very finest and among our most able Senators. We all cherish them and appreciate their efforts in trying to get this problem solved. I am delighted with the way they have carried on this debate.

But to me, as I see the operation of this war, how we got into it, how we have carried it on, and what a prominent part the sanctuaries have played, it looks as though, if we are going to stay there—and I do not believe in turning and running—it is fortunate that we had the decision made by the President as Commander in Chief, and also as President of the United States, that this sanctuary in particular had to be destroyed.

Mr. President, I have been satisfied for years that the sanctuary system there is our primary obstacle in bringing this conflict to a termination; of bringing this conflict—and it is an unfortunate conflict—to a successful termination of some kind. I think the success of taking over this sanctuary has proven beyond all doubt the practical wisdom of the President's decision to go in there. He did not know how it would result. No one else did. But that was one of those cases in which a decision had to be made, and he made the hard one. Without going into the figures again, I think the action is highly successful.

As one who has been fairly close to this war all the way through, I think the movement of our troops in going in and destroying the sanctuary made the difference, for the time being, with respect to continuing with our withdrawal program. In other words, I believe the plan was in jeopardy. I had the feeling, before I ever heard about the invasion of Cambodia, that we were getting down to a narrow margin of being able to withdraw safely, leaving the men who were still there able to protect themselves. So for those reasons I greatly welcome what was done.

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On the very practical side of this question, I do think a constitutional question is involved, and in this way: I have said before on the floor of the Senate that Congress certainly has the power to appropriate money or to withhold money. But if we are already in a war and men are going forth to battle—and certainly this matter has jelled into 4 or 5 years of actual fighting—then, so long as the battle is going on and boys are ordered to go in and sacrifice their lives, if necessary, in battles there every day, I do not believe any proviso Congress puts in a bill, appropriation, or otherwise, is binding on the President or the Commander in Chief. I do not conceive that we could have the authority to say, "Go on with the battle, the money is here, but don't hit the other fellow back." That is about all we are doing in the sanctuaries.

I do not believe the President ought to be put in a position of having to decide whether that proviso is valid or not. Every President wants to obey whatever Congress enacts. I am not suggesting that the President would fail to obey it—the very opposite of that—but it proves to me that he could not be bound by it, within the laws of reason and carrying on a war in a battlefield there in which we are trying to proscribe or limit him. To me, that is not only a question of great concern, but it involves a precedent that would plague our country and future Presidents. In all the ups and downs and wars we have had, there has never been a Congress that undertook to pass a law that proscribed and limited the President of the United States as to a battle that was already going on. That certainly is a physical fact.

I highly commend the Senator from West Virginia. I have been groping all the time as to just what would be the proper amendment to offer on the point that I am discussing, in order to put this whole matter in issue and make it decisive. I think the Senator from West Virginia has come up with the exact language, the proper language, the language with the proper meaning. It does not go too far, but it goes far enough.

ADDITIONAL COSPONSOR

Mr. STENNIS. Mr. President, I heartily support the amendment; and, if I am in order now, I ask unanimous consent that I be permitted to join the Senator from West Virginia as a cosponsor of his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I thank the Senator. I had asked him a few hours ago if that would be all right. I thank the Senator for his attitude.

Mr. BYRD of West Virginia. Mr. President, if the Senator from Mississippi will allow me, I thank him for his support of the amendment, and I am grateful for his cosponsorship. He is a great Senator, a powerful Senator, a highly respected Senator. I am pleased that he has asked to join as a cosponsor and that this request has been granted.

Mr. STENNIS. I certainly am grateful, and I thank the Senator very much.

Mr. President, to continue, other Senators are as much concerned about the Constitution as I am, of course. But I point out again that phrase in the Constitution, "the Commander in Chief," has a real meaning.

The question was, as I gather from what I have read about the Constitutional Convention, that the delegates could not agree upon how they would select, particularly in wartime, a commander in chief; and they never did agree upon a system of selecting a commander in chief. They finally settled on the idea that the Chief Executive of our Nation would be the Commander in Chief.

The argument was made that while everyone had in mind George Washington for our first President, we would have future Presidents who were not militarily trained. However, they decided it did not make any difference. They wanted the authority placed there, and the President could act on the advice and counsel of others.

So this is a constitutional office, to the same degree that the Presidency is a constitutional office, though the same man occupies both.

To be frank about it, can anyone imagine the First Congress putting limitations on George Washington with reference to a battle that was already in progress? More recently, we can hardly imagine Congress putting limitations upon the late President Eisenhower as Commander in Chief of all allied forces in World War II. Such thoughts the mind rejects immediately.

But the principle is just the same. I do not think this is an attack on President Nixon personally; I want to make that clear. I do not think so at all. But I am not pleading for President Nixon. I am pleading for the office of the Presidency of the United States and for the office of Commander in Chief.

Moreover, there is no doubt in my mind that continued use of this power is necessary for our withdrawal program, which I pray will be successful, and I have some belief that it will.

Frankly, I never have flatly stated that I believed unconditionally this is the way, and the only way. But I want to back it, and I shall back it as long as I can. I believe that we are on the way to success. But we ought not to stop here and argue too long, now, about whether the Commander in Chief should have gone in here or gone in there. If we are going to back this war that we have been in for 5 years, we have got to have somebody to make those decisions.

Going over into another country, though, is a serious matter. Crossing a boundary line for any reason is a serious matter, and should give pause for a second thought. I am sure it did in this instance.

But, what is that territory there that we have been in and may have to go into again after we retire? That territory lost its neutrality years ago. It has lost all of its normal characteristics of being a part of an independent nation. The Cambodian Government was either willing for this sanctuary to be there, or else could not prevent it. So it had lost all aspects of its neutrality. It had long ago lost all aspects of its independence as a nation; instead, it was an arsenal—an arsenal for supplies, of weapons, military hardware of all kinds, essential ammunition for replenishment of the army, retraining—well, I do not know that there was much retraining done there, but there was a reconstituting of the fighting units. Virtually everything that needed to be done in making a war was done there except the basic training and, of course, the industrial production that has to be behind it.

So it lost its neutrality. It lost its identification as a part of a nation that could maintain its sovereignty. It was an arsenal for the production of war. Against whom? Against us. Against our men that we were having to send into those battles day after day after day—including, of course, our other allies.

Can we say now, on the floor of the Senate, regardless of our good intentions, that we are going to reach out, stay the hand of the President, and say to him, "Oh, we are going to back you, except that on this battlefield we are not going to let you have freedom of judgment, in this very vital spot"?

I know we accept in good faith the intentions of the President to come out of there by a certain date. But what President can guarantee, in a war, that he will be able to carry out exactly what his plans are? What President, at any time, has ever been able to guarantee that this same problem will not redevelop? Of course no one can.

If we adopt the Church-Cooper amendment, regardless of the fine words that are in it, it is going to tie the Commander in Chief down to where, regardless of what develops in that sanctuary or anywhere else that has these countries' names tied to it, he cannot move, even during a battle, to protect men who are engaged in that battle, and he cannot move into such areas to continue our withdrawal program.

So in those circumstances I say we must, in some way, stay the legislative arm until we have taken a second thought. I am willing to go as far as anyone else with trying to maintain and protect the legislative power; but that is not the issue here now. We are already in war. We are already in those battles, and we are not demanding that all those men be brought home. Few, if any, Senators have taken the responsibility of advocating that. Instead, over and over again, nearly all of us have approved continuation of the war.

I am not casting any "I-told-you-so's," or saying to any Senator that he should have voted a different way. Senators voted the way they thought they should have voted at the time. Over and over, we have passed authorization bills and appropriation bills to do what we, in our hearts, did not favor or did not want to do. But, as is almost always true, the law of necessity operated on us, and we went ahead and did these things.

To that extent, we cannot say now that we did not give the former Presidents the authority to do the very things that they have been doing, in a general way. I do not refer only to the Tonkin Gulf resolution. Suppose we had not passed it. We have given this consent over and over

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again, and now it is certainly not very—well, I do not like to use the word "consistent," but it is not in keeping, I submit, with our responsibilities in view of what we have already done, to approach this problem in this way.

I would rather see a resolution demanding a complete and immediate withdrawal than to see one that would keep our men on the battlefield, but still not give their Commander in Chief some freedom of judgment in their protection.

I am choosing my words carefully now. I think it would be better, even, to set a future date for a complete withdrawal than it would be to say to the President, in effect, "Keep on fighting, keep on sending our men in."

"You can do it, but don't dare step over that imaginary line to destroy the sanctuaries which they not only have built up as an arsenal of supply but also have used as a refuge to hit and run." That has been our drawback, as almost everyone knows, all during this war.

I have no more knowledge about the sentiment of the people than anyone else. As chairman of the committee, I have received a great deal of mail—mail from my home State and other mail. I am not thinking in terms of any particular letter. I am thinking now in terms of the way I interpret the feeling, the expression, on the street, in the buses, at the crossroads, at the ball games. I have traveled somewhat throughout the country while this amendment has been pending. With their good, old commonsense, the American people, by and large, know that if we are in war, someone has to direct the war. They know that. We cannot fool them. We cannot fool the people at the crossroads in the United States on that point. We cannot fool the housewives and the mothers of these boys. They know someone must direct the war if you were going to be in it. They know, too, that it cannot be directed by a multiheaded body such as Congress. They understand that fully.

They may not know exactly what "Commander in Chief" means. Many of them may not realize, without being reminded, that this is a constitutional function. But they know that a government must have a head, a war must be run, and someone must have the final say. If they do not realize the wording of the Constitution, they know what the custom is, and it is that the President has the final say.

Another thought goes with that, just as night follows day, and it is this: If we are going to stay in that war and are going to send our boys into battle, we want the President to have the authority necessary to carry out the combined judgment of himself and his advisers. There is no escape from that.

There has been talk about the mass of mail and the marching. I am distressed, too, that we are in war and that our people are disturbed, and I do not blame them. But when we allow for the x percent of them who are making the noise and doing the marching—much of it in good faith—the great body of the people have the capacity to come to a judgment based on common sense. They know, as I have said, that in a war someone must be in charge. They know that it cannot be Congress. They do not want us interfering and limiting and restricting this power as it relates to carrying out the function, the fighting, the planning, and the activities on the battlefield.

I believe that time will prove whether we should adopt this amendment. I do not think it will be adopted. I do not believe Congress will ever adopt the concept of the Cooper-Church amendment in whatever wording. But in the event the Senate should adopt it, I believe it would prove to be a mistake; that just that much would be an injurious precedent. The injury would start flowing to us immediately. It would start more quickly than on the battlefield—in the embassies and the chancelleries and with the heads of government all over the world, both friend and foe. It would be unprecedented that a responsible body such as Congress, when we are in this predicament, would try to restrict, by words and limitations, the authority, the judgment, and the discretion of the Commander in Chief.

I think there would be great glee around the council tables of our enemies, our adversaries, and those who are not in sympathy with us and against us, and it would be a victory for them. I think we would immediately start taking a downward turn in any chance to get a settlement, a reasonable settlement of any kind, in this unfortunate war. I believe it would create doubt among our friends. But I am more concerned about the formidable strength and determination it would give to our adversaries, to keep up their plan to continue this war as long as they can, with as much cost to us as they can. Every day they are able to do that, it is a victory for them. They do not expect to annihilate us and to overrun our armies. They want to take a toll of a different kind.

As long as we are going to stay in, instead of thinking of ways to restrict the President of the United States, I think we should be thinking of ways to back him and support him. That is the American way. Like him or not, that is another question. Support him or not at the polls, that is another question. But when the pressure is on us and the crisis is on and our boys are going into battle, God save us from the day that we try to decide things both ways—to be in a war but to be wishing ourselves out of it.

War is war, a noted journalist said, but there are much worse things than that about war. It is bad at best. But certainly this amendment is not the way out.

I believe that the Senator from West Virginia has hit the nail on the head. Regardless of what may happen to the rest of this amendment, the law, of necessity, requires that this proviso be put in: Nothing in subsection (a)(1) shall preclude the President from taking such action as may be necessary—of course, that means in his judgment—"to protect the lives of U.S. forces in South Vietnam or to hasten the withdrawal of U.S. forces from South Vietnam."

The last part is the hope of our Nation today, and if we are going to restrict that, we ought to abandon the withdrawal program entirely and say we will try it another way.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Will the distinguished Senator allow me to state that the word "hasten" has been deleted and the amendment has now been modified, at my request, to read "facilitate." The word "hasten" has been deleted, and the word "facilitate" has been inserted in lieu thereof.

Mr. STENNIS. I thank the Senator. I did not know of that change. I think it is a better word.

Mr. President, I have concluded my thoughts for the time being. I thank the Senator from West Virgina for yielding to me. It is a privilege to join in cosponsoring his amendment.

Mr. BYRD of West Virginia. I thank the Senator for his very able statement and I thank him again for cosponsorship of the perfecting amendment.

Mr. President, I ask unanimous consent that my amendment, as modified, be reprinted. I make this request as a result of the colloquy which I have just engaged in with the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I would also ask that the pages take off the desks of Senators all my previous versions of amendments, so that tomorrow only the reprinted version of amendment No. 667, as modified, will lie on their desks as an amendment by the junior Senator from West Virginia.

The PRESIDING OFFICER. Without objection, that will be done.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I gladly yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I commend the Senator on the excellent amendment he is offering. I think that the acceptance of this amendment will do much to undo the damage that can be done by the Cooper-Church amendment not only in regard to the waging of this particular war, but also because of the precedent it can set.

My personal feeling is that if we are concerned about the Constitution's charges to the Congress relevant to raising and maintaining armies and navies and providing for them and governing, and so forth, if some Senators believe that this power does include strategic and tactical decisions and the strength to enforce decisions, we should approach the matter with a constitutional amendment so that we do not establish a precedent that can be used any time the President uses his power as Commander in Chief.

Likewise, on the amendments that will be offered after we decide the pending amendment relative to the power of the President, I think we should also approach that question with a constitutional amendment and allow the Senate to act on it and then have it go

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through the several legislatures for action by the people.

The Senator from West Virginia has offered an amendment that I think is absolutely necessary. I think we would destroy not only the confidence of our own people in the presidential power, but we would also destroy the confidence of our friends around the world if we were to willy-nilly pull out of Cambodia on June 30 and then have the Cooper-Church amendment apply and the President not be able to go back in to protect the lives of American servicemen or American nationals who might be in that country on missions of state or business or otherwise.

ADDITIONAL COSPONSORS

Mr. GOLDWATER. Mr. President, I congratulate the Senator. I intend to support him on this amendment. If the Senator would not object, I would like to have my name included as a cosponsor.

Mr. BYRD of West Virginia. Mr. President, I am grateful for the statement by the Senator from Arizona (Mr. GOLDWATER). I welcome his support.

Mr. President, I ask that the name of the Senator from Arizona (Mr. GOLDWATER) be included as a cosponsor of amendment No. 667.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, if the Senator from West Virginia has no objection, I, too, would wish to become a cosponsor of the amendment.

Let me say, as the Senator said some time ago, that I think I hold about the same views with reference to the Cambodian incursion as the Senator from West Virginia.

I have said publicly, as the Senator has, that I would not support the incursion into Cambodia if the purpose was to shore up the Lon Nol government or to become engaged in another land war in Cambodia, as much sympathy as I might feel for the Cambodians.

I do share the views of the Senator from West Virginia that it is necessary to protect American forces and is necessary to continue the withdrawal from Southeast Asia and, if possible, to expedite these withdrawals.

These worthy objectives have been stated by President Nixon many times.

I view the Senator's amendment as the key amendment of all that have been offered or printed to date.

I think very clearly that we are now down to the area with reference to the Cooper-Church amendment where we decided who is the Commander in Chief, whether it will be the President, as stated in the Constitution, or whether it will be, as the Senator from Mississippi said a few moments ago, a body of men in Congress.

I share the views expressed by the Senator from Mississippi that most Americans understand that some one person must have that power, some one person must have that right. I believe that the amendment proposed by the Senator from West Virginia strengthens the Church-Cooper amendment. I do not believe that it vitiates it.

I believe that it makes it very clear, as many Senators have said on the floor time and time again—in fact, many sponsors of the Church-Cooper amendment have said so—that the President has the right to protect American troops in any event.

If he has that right, if that is a clear-cut right and power that the President has in accordance with the Constitution, then, it does no harm to the Church-Cooper amendment to write that in the amendment.

As the Senator suggests, it strengthens the hand of the President and indicates to the American people that Congress does share the responsibility. I believe that it would offer a very appropriate and very reasonable and very legitimate compromise.

Mr. President, I strongly support the amendment offered by the Senator from West Virginia. I think that with reference to the amendment voted on earlier today, the amendment of the Senator from West Virginia is broad enough to provide the protection necessary to Americans who may be prisoners of war or Americans who may be missing in action.

I know that the Senator from West Virginia shares the same views as every other Senator with reference to these unfortunate men.

If the Senator has no objection, I would appreciate the opportunity of joining him as a cosponsor.

Mr. BYRD of West Virginia. Mr. President, I not only have no objection, but I also welcome the cosponsorship by the able Senator.

Mr. President, I ask unanimous consent that the name of the Senator from Kansas (Mr. DOLE) may be included as a cosponsor of my amendment No. 667, as modified.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Wyoming (Mr. HANSEN).

Mr. HANSEN. Mr. President, it has been my great privilege to admire the diligence and the understanding that the Senator from West Virginia has brought to the Senate since I have been a Member.

It has given me great pleasure and satisfaction to note from time to time his eagerness always to place the interest of our country above those of any partisan considerations.

I have supported the Senator on more than one occasion, as he knows.

If it is in accord with the wishes of the Senator, I, too, would like to ask that my name be added as a cosponsor.

Mr. BYRD of West Virginia. Mr. President, I had hoped that the Senator would ask that his name be included as a cosponsor.

Mr. President, I ask unanimous consent that the name of the able Senator from Wyoming (Mr. HANSEN) be added as a cosponsor of my amendment No. 667.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. HANSEN. Mr. President, if the Senator would yield further, let me say at the risk of being repetitious that I think the Senator's amendment spells out very clearly, and precisely, exactly the thoughts that have motivated the President of the United States in taking the actions he has taken in Cambodia.

As I have said from time to time, it seems obvious to me that if we will but reflect objectively upon the involvement of this country in Southeast Asia, we cannot escape the conclusion that we are fighting the same enemy that we have been fighting over there for a number of years. There is no difference. It is the same enemy that we have fought all along.

The only thing that I can see that has changed is that for the first time we have taken from the enemy the exclusive right he has had of deciding where the battleground will be.

We did not go into Cambodia seeking to violate the integrity of that nation. It was only through long patience that we permitted the enemy to use sanctuaries in Cambodia as a base from which he could make attacks upon our forces in Vietnam, take American lives, and bring about great destruction of the country of Vietnam, and when the going got tough, retreat back across the border and be given the protection and asylum that a neutral country, so to speak, afforded the enemy.

I think that our incursion into Cambodia will accomplish both the objectives that the Senator's amendment calls for.

It will protect the lives of American men in uniform in South Vietnam and it will hasten and make more orderly the withdrawal of American forces from South Vietnam. It does one other thing, in my judgment. It will give the South Vietnamese added time in which to assume the full burden of responsibility for their own defense on the one hand and to bring about a viable government on the other so as to accomplish as best we can the purposes which motivated President Kennedy when he first committed forces to that part of the world. It will help achieve the objective that I am certain President Johnson had in mind when he further pursued that war. No further purpose would be served in my recounting what has happened in the past 10 years. But none of us should take exception to and be against the sort of amendment to which I now subscribe.

It occurs to me that if we want to be sincere, as I am certain Members of this body are in trying to legislate here, how could we possibly take exception to an amendment that spells out our purposes as clearly and as unequivocally as does the amendment of the distinguished Senator from West Virginia. So long as the President is trying to pursue these twin objectives spelled out here, this amendment will give meaning to the Cooper-Church amendment by making it abundantly clear there is no other intention on the part of anyone who may later have the opportunity to vote up or down on this amendment. If it is agreed to I am certain it will gain for the Cooper-Church amendment much support it does not now have. By incorporating this amendment in the Cooper-Church amendment Senators will be better able to support the Cooper-Church amendment and they can do so with the clear feeling that we are not equivocating with respect to Cambodia insofar as our objectives and the President's objectives are concerned.

In conclusion, I wish to express my appreciation for the opportunity to cosponsor such a worthwhile amendment.

ADDITIONAL COSPONSOR

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from South Carolina (Mr. HOLLINGS), I ask unanimous consent that his name be included as a cosponsor of amendment 667, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD HOUSE JOINT RESOLUTION 1117 AT DESK UNTIL CLOSE OF BUSINESS FRIDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent—I understand that this request has been cleared on both sides of the aisle—that the message from the House concerning House Joint Resolution 1117 be held at the desk until the close of business on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIT-AND-RUN REPORTING

Mr. DOLE. Mr. President, Daniel Schorr of CBS never has a kind word for the Nixon administration, nor for that matter any word for those who do not share his liberal views. In his repeated attempts to criticize the administration, facts are secondary. The most recent example of bias was his report on CBS morning news Tuesday, June 2.

Mr. Schorr introduced his subject matter in the following way:

> The Nixon Administration says it will solve the hunger problem by the end of this month when it has a food program working in every county. But the White House is sitting on a report that found many counties running only "paper programs".
>
> Two West Point instructors, Captains Terrence Goggin and Walter Hendrix, were commissioned last summer by the Urban Affairs Council to make a survey. They say they filed their report in January and that it was suppressed as "politically sensitive." Now, they are ready—though forbidden to appear in uniform—to tell their story today to Senator McGovern's Nutrition Committee. Captain Goggin summed it up for CBS News.

This introduction was followed by rather objective remarks of Captain Goggin, and his comments were followed by this closing statement of Mr. Schorr:

> White House News Secretary Ron Ziegler says he knows of no such report . . . I have a copy of it here, and it appears to be on White House stationery, saying, "A survey commissioned by the Urban Affairs Council for the President." As to the charge of discrimination in food distribution in the South, Ziegler says, and I quote, "There is none." Unquote.

There is nothing particularly disturbing in the remarks by Captain Goggin, but Mr. Schorr, in his customary manner, dealt several body blows to the administration before and after Goggin's statement. Of course, the CBS viewing public will never know the facts because Mr. Schorr will never admit his bias, nor that he made false and misleading statements on the morning of June 2.

He knows for a fact that no one in this administration has ever stated it could solve the hunger problem by the end of June. He knows that the report referred to was not suppressed. He knows, since he was present at the Nutrition and Human Needs Committee hearing on the morning of June 2, that Captain Goggin appeared in uniform.

He knows that Mr. Ziegler, the President's press secretary, cannot be expected to be aware of every report forwarded to or filed with the White House, and he would have known, had he checked, that the report was typed on White House stationery by Captains Goggin and Hendrix, and that this matter was never in dispute.

CBS viewers are, unfortunately, subjected to the biased views of Mr. Schorr. One can wonder if he is not less concerned about malnutrition in America than about constant harping at the administration's efforts to solve this nagging problem.

As expected, the CBS evening news on June 2, and the morning news of June 3, made no reference to my comments about Schorr's biased report, so CBS viewers are left with the impression that President Nixon promised to end hunger by the end of June, that the President is suppressing reports, and, presumably, that this administration forbids military men to appear before a committee in uniform.

There are serious inadequacies in both the commodity and food stamp programs, and no one in this administration, nor the previous one, has ever claimed that every person in America suffering from an inadequate diet was receiving appropriate relief.

President Nixon is providing strong leadership, in an effort to solve the many, many problems in America, and this is to his credit. However, one need only review the comments made by Daniel Schorr over the past 2 years concerning malnutrition in America, to really understand that his first interest is in discrediting the Nixon administration, while he promotes those who share his liberal views.

It is, perhaps, not wise to criticize the media, especially a giant like CBS, but when those who report the news are irresponsible, someone must alert the viewing public.

LAWRENCE O'BRIEN

Mr. DOLE. Mr. President, the shame of the Democratic Party is Lawrence O'Brien. His recent implied accusation that the President was responsible for the deaths of the four Kent State students is beneath contempt.

Surely those Democrats who sought leadership for their party when they selected him to be their national chairman had a right to expect better.

Slander is not leadership.

Vituperation is not statesmanship.

But Mr. O'Brien does not appear to know this.

Mr. President, we all recognize that in the heat of the moment any man can utter words he wishes he had never said and does not really mean.

But real men face up to their mistakes. They retract or they apologize.

Mr. O'Brien is not the first Democratic national chairman to falsely accuse a President. But the last one who did so was gracious and courageous, man enough to confess his error.

He was Paul Butler.

That story begins on February 25, 1960, when a U.S. Navy plane collided with a Brazilian airliner over Rio De Janeiro.

Thirty-five Americans lost their lives in that collision, many of them members of a Navy band that was to have played in Rio for President Eisenhower who was on a State visit to Brazil.

In the wake of that tragedy, Mr. Butler engaged in a debate with a gentleman who was and is a Republican Senator from Pennsylvania, the Honorable HUGH SCOTT.

The New York Times of March 7, 1960, in a story by W. H. Lawrence, carries the following paragraph:

> In a bitter exchange, Mr. Butler said it was time someone mentioned that—

And here the Times quoted Mr. Butler—

"President Eisenhower has something to answer for to the wives and children of the Navy men"—

The quote of Butler's ends here—

who died in the air collision over Rio de Janeiro on February 25.

Mr. Lawrence then resumes his quote of Mr. Butler:

> What right has he (the President) to take the Navy band on a trip around the world? Was this trip a political show or something?

Mr. President, to this Senator Scott replied—and his reply applies to Mr. O'Brien today as well:

> This attempt on your part to bloody the hands of the President is not very creditable.

Following this episode, Mr. Butler quickly retracted. He told the world that "for any such inference, I want to apologize to the President and the American people."

He went on to say:

> I want to make it perfectly clear that I am not blaming the President for the tragic accident or the decision which brought the Navy band to Brazil.

Mr. President, Paul Butler, a Democratic national chairman, said a wrong thing in anger. But he had the courage and the integrity and the decency to apologize. We have waited in vain for Mr. O'Brien to follow suit.

It is to the shame of the Democratic Party that Lawrence O'Brien lacks those qualities of courage, and integrity and decency held by Paul Butler.

The Democratic Party and the Nation are the poorer for it.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 4, 1970, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate June 3, 1970:

U.S. Army

The following-named officers to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. James Dyce Alger, 561-54-2800, Army of the United States (major general, U.S. Army).

Lt. Gen. Andrew Jackson Boyle, 224-52-4050, Army of the United States (major general, U.S. Army).

Lt. Gen. John Edward Kelly, 088-03-4921, Army of the United States (major general, U.S. Army).

Lt. Gen. Charles Wythe Gleaves Rich, 227-36-1915, Army of the United States (major general, U.S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate June 3, 1970:

Federal Farm Credit Board

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1976:

Kenneth N. Probasco, of Ohio.

E. G. Schuhart II, of Texas.

Federal Maritime Commission

Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner for the term expiring June 30, 1975.

U.S. Coast Guard

Rear Adm. Thomas R. Sargent III (1670), U.S. Coast Guard, to be Assistant Commandant of the U.S. Coast Guard with the rank of vice admiral.

HOUSE OF REPRESENTATIVES—*Wednesday, June 3, 1970*

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The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let all the ends of the earth remember and turn again to the Lord.—Psalms 22: 27.

Almighty and eternal God, who exaltest the nations that follow the way of righteousness, we pray for our President, our Speaker, Members of Congress, and all to whom have been committed the government of this Nation. Grant unto them wisdom, understanding, and strength that, upholding what is right, supporting what is good, and following what is true, they may fulfill Thy purpose for mankind.

We pray for the President of Venezuela and the people of that great land. May we be one in spirit as we seek to promote peace in the world, cooperation between the nations, and good will among all people.

In the spirit of the Prince of Peace, we offer our morning prayer. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 12619. An act to amend section 11 of an act approved August 4, 1950, entitled "An act relating to the policing of the buildings and grounds of the Library of Congress."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1519) entitled "An act to establish a National Commission on Libraries and Information Science, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Pell, Mr. Yarborough, Mr. Randolph, Mr. Williams of New Jersey, Mr. Kennedy, Mr. Mondale, Mr. Eagleton, Mr. Prouty, Mr. Javits, Mr. Dominick, Mr. Murphy, and Mr. Schweiker to be the conferees on the part of the Senate.

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF VENEZUELA, DR. RAFAEL CALDERA

The SPEAKER of the House presided.

The Doorkeeper (Hon. William M. Miller) announced the President pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the President of the Republic of Venezuela into the Chamber: the gentleman from Oklahoma, Mr. Albert; the gentleman from Louisiana, Mr. Boggs; the gentleman from Pennsylvania, Mr. Morgan; the gentleman from Michigan, Mr. Gerald R. Ford; the gentleman from Illinois, Mr. Arends; and the gentleman from Indiana, Mr. Adair.

The PRESIDENT pro tempore. On behalf of the Senate, the Chair appoints as members of the committee to escort the President of the Republic of Venezuela into the Chamber the Senator from Massachusetts, Mr. Kennedy; the Senator from West Virginia, Mr. Byrd; the Senator from Arkansas, Mr. Fulbright; the Senator from Idaho, Mr. Church; the Senator from Pennsylvania, Mr. Scott; the Senator from Michigan, Mr. Griffin; the Senator from Colorado, Mr. Allott; the Senator from North Dakota, Mr. Young; and the Senator from Vermont, Mr. Aiken.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 32 minutes p.m., the Doorkeeper announced the President of the Republic of Venezuela.

The President of the Republic of Venezuela, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a great honor and pleasure to present to you His Excellency, Rafael Caldera, President of the Republic of Venezuela.

[Applause, the Members rising.]

ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF VENEZUELA, DR. RAFAEL CALDERA

President CALDERA. Mr. Speaker, Mr. President, Honorable Senators, Honorable Congressmen, the honor which the Congress of the United States confers upon me by inviting me to this special joint session, is above all, out of deference to Venezuela, and to the Latin American family of nations. This gesture deserves my deepest appreciation.

We are living a decisive moment in people's confidence in free society, not only in Latin America, but perhaps all over the world. The outcome will depend on the possibility of proving that democracy, better than any other system, is capable of attaining justice and of achieving development.

Perhaps the fact that I come from the fatherland of Bolivar, a country filled with glorious achievements in the search for independence; a country with darker moments in the arduous process of organizing itself politically; a country where peace is maintained through irrevocable conviction and inexhaustible faith in the democratic system. Perhaps these facts explain why friendly eyes are observing us today, sympathetic to our words.

Speaking from this forum, I am aware that the people of the United States are listening to me; since every citizen of this country, whatever his political persuasion, his ideology, or his economic interests, knows that the vital issues which concern the Nation are debated within these walls.

The Congress of this country will soon be 200 years old. It met for the first time in Philadelphia in 1774. In 1776 its Declaration of Independence marked a new chapter in the political history of the world. We have evidence that in Caracas the Spanish translation of the Philadelphia documents was known and written by his own hand by the Director of our University as soon as 1777. For two centuries, in spite of profound modifications in the geography, in commerce, and especially in the attitudes of the people, the Congress has functioned with incredible consistency.

It is important to stress this long and continuous vitality because many times the justification for other political systems has been their continuity. There are those who permit themselves to be impressed by the survival of systems which have arisen out of violence and that are maintained by force, the net result of which is ephemeral, and is soon destroyed by the pendular movement of history's contradictions. On the other hand, the democratic system has proven its capacity to stay alive in the midst of the vicissitudes of time and its capacity to adapt itself to new needs and to new ideas.

During this long political experience, the United States has undergone profound transformations, having suffered the agonizing rigors of a civil war, and the immense sacrifices of international war. It has lived periods of intense anguish; it has felt justifiable pride in its extraordinary achievements, and it has suffered frustrations yet unresolved which worry its finest minds.

While the United States was living these 200 years of democratic continuity and political freedom, some other parts of the world, were witnessing different experiences.

Some time after the meeting in Philadelphia of America's First Congress, Napoleon Bonaparte overran Europe, ever imposing his all-embracing will. His brilliant ascent lasted 15 years, a rather short time in the lifespan of nations.

In recent times, another empire was built; imposed by legions of brown shirts, which propagated myths through blitzkrieg movements, and proclaimed the bankruptcy of representative democracy. The Nazis failed as will every system which denies human dignity and freedom. Meanwhile, democracy survives and will continue to survive.

But it is also true, honorable Senators and Congressmen, that at the present moment, humanity feels the urgent need for fundamental changes in its institutional life. The incredible advances in technology have accelerated the need for these changes and those who do not fully share in the economic benefits, urgently demand it. This is an undisputable fact and there is no exception in any part of the world. There are countries where these anomalies are buried under gravelike silence but this does not mean that growing unrest cannot be detected by close observation. The time is gone when demonstrations and riots were the shameful patrimony of those countries which have not acquired membership in the exclusive club of civilized nations. Today, ferment is evident everywhere. Great advances in communications, deadly skills acquired in war, the crisis of some moral patterns, contribute to favor those who try to push nations toward a whirlwind of violence; be they motivated by ambition or by erroneous thinking.

We know that great majorities in the United States, in our Latin America, as in Europe, Asia or Africa long for peace. A fertile peace which permits families to raise their children without anxiety, to further their endeavors with the assurance that the fruit of their labor will be permanently enjoyed. However, in order that we may fortify and channel the will of these great majorities, that we may renew their wavering faith in the future so that we may render useless the dissent caused by adventurers and warmongers, it is necessary that we convert a new message into reality.

A free society, in order to survive and justify its survival, must ever strive to prevent any of its sectors, even though a minority, from wallowing in poverty and cultural underdevelopment. In like manner, the community of nations, and concretely, that of our hemisphere, in order to guarantee freedom and peace, must strive to close the ever-widening gap between opulence and misery, between fantastic technological advances and underdevelopment.

Large segments of our youth are convinced of this truth, although their behavior may vary. Many dedicate themselves to the analysis of social and political systems, to the study of the cycles in economic life, and to the technical possibilities for transforming the world. Others allow themselves to be seduced by an overwhelming desire to destroy, being imbued with the naive idea that the destruction of that which exists will automatically bring about a new order for making man happier. It is perhaps the latter whose commotion is most clearly heard, amplified as it is through the sound tracks of industrial civilization. The former are expecting us to produce a clear and convincing program, a behavior which is compatible with popular aspirations and an optimistic outlook for confronting the future with confidence.

A well-recognized fact in our era is the existence of the international community. There is no longer a place for isolationism. In a world in which physical distances become shorter as each day passes, it is absolutely anachronistic to widen ideological gaps between human beings. If within each country, it has become unacceptable for a group of privileged people to look down upon the subhuman living conditions in which others may find themselves, in like manner the idea that some powerful and wealthy nation can be oblivious to the plight of other nations is obsolete.

Venezuela, for example, exports petroleum. Our economy is largely based upon our petroleum exports. Any decision related to the access of Venezuelan petroleum to the North American market has grave repercussions on our possibilities for livelihood and development. In the last decade the relative position of our petroleum in the U.S. market has deteriorated. Our people cannot understand being made the object of discriminatory treatment. At those times when the world saw the anguish of liberty in the face of the totalitarian threat, in the dangerous situations that the world, and this hemisphere in particular, experienced, the assurance of a supply of fuel from Venezuela constituted the best guarantee of the availability of energy for the decisive confrontations. On the other hand, the foreign exchange generated by our petroleum exports has been the basis of our monetary stability and it has allowed us to make an important contribution to international commerce.

We rank third in the Western Hemisphere and ninth in the world as customers of goods and services provided by the United States, despite our small population.

A just and nondiscriminatory treatment, that can guarantee a secure place

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for Venezuelan petroleum in the North American market and a reasonable participation in its expansion, goes beyond the terms of a simple commercial arrangement. It is a condition for the fulfillment of the development programs of a neighboring and friendly country and a key to the direction that future relations between the United States and Latin America will take.

The aspects I mentioned are facts. I note, however, with pleasure that the issue of Venezuelan petroleum is on its way to being duly acknowledged in the United States. Venezuela's thesis is to air in the clearest possible manner those matters related to petroleum, a product whose use is of common interest to all mankind. We seek no special privileges. Our national interest can withstand the closest scrutiny and is available for verification in the depth.

The other countries of Latin America face similar problems. Producers of raw materials see their prices stagnating or declining, while the prices of manufactured goods rise. How many schools and hospitals will close, how many workers be dismissed, how much pain be inflicted, how many rebellions engendered in peace-loving nations, by the reduction of a single cent per pound of coffee, bananas, lead or copper? And yet, these nations have a right to fulfill their own destiny.

Powerful arguments for a new hemispheric treatment are found in the comparisons between the quantity of primary products that needed to be delivered to a developed country 10 years ago—for the acquisition of a tractor or for the tuition of a young man at a technological institute—and the quantity which is demanded of us now for the same purpose. The prices of manufactured goods keep rising, partly because it is necessary and just to improve the standard of living and working conditions of the laborers who participate in their production. Meanwhile, great pressure is brought to bear to lower the price of the products from which the developing countries derive their means of subsistence.

The formula for achieving cordial relations, which in turn will direct the influence of the hemisphere on the rest of the world toward friendship and international cooperation, cannot be the merciless attempts at forever lowering the prices of our goods while increasing the price of the commodities we have to import. The thesis that more trade diminishes the need for aid is correct as long as the trade is a just one, and is converted into a greater possibility for attaining the urgently needed changes in developing nations.

I believe in international social justice. Recalling Aristotle's old aphorism that justice demands that we render "to each his own," may I remind you that in the transformation of his thought in Christian philosophy "his own" does not evoke exclusively that which belongs to each individual but also the idea of that which belongs to "society" for the "common good."

No difficulty lies in transferring this concept onto the international community.

Just as "society" in the international ambit has the right to impose distinct types of relationships on its members, so the "international community" if it exists demands that the various nations participate in proportion to their capacity in order that "all" may lead what could be termed a human existence. The rights and the obligations of the different countries should be measured, therefore, in terms of the potential and the needs of each one, making peace, progress, and harmony viable, and making it possible for us all to advance within a true friendship.

I remarked at the beginning that I felt I was speaking to all the people of the United States. I am convinced that the future of the hemisphere depends on the extent to which this great nation reaches a decision to become a pioneer in social international justice. The measure to which your people, so deserving of our admiration and our friendship become conscious of the fact that with the cost of one of its Apollo moon shots it could contribute to the prosperity and happiness of nations like ours on whose security its own security depends; in that measure, the way would be open to new endeavours and your 200 years of political experiment would be barely the threshold of many centuries of the democratic way of life in the Western Hemisphere.

We hope that the Apollos will continue exploring space. But the result of these explorations make the need for a better life for men on earth more urgent.

With this objective we can inspire youth to an attitude in which all that is negative will depart from the scene and the positive will prevail. We can inflame the spirit of the new generations towards the rescue of the idea of freedom. Two hundred years ago, young men like the Frenchman Lafayette, the Pole Kosciusko and the Venezuelan Miranda came to North America seeking liberty. Bolivar, the Liberator, said of this Nation in his memorable address to the Congress of Angostura in 1819, that it "was cradled in liberty, reared on freedom, and maintained by liberty alone." Freedom could suffer its most severe crisis if it is not nourished with the accomplishments of social justice. The skepticism of youth towards liberty during the decade of the thirties produced the intrusion of fascism and nazism, which threatened to raze the very foundations of our present civilizations. We cannot allow our youth today to succumb to the call of violence and to the denial of the fundamental values which gave democracy its forcefulness.

I have sustained and still sustain, honorable Senators and Congressmen, that a robust friendship with a new outlook between the United States and Latin America is a necessity not only for the hemisphere but for the whole planet which we inhabit.

We must commence with an effort to reach mutual understanding. We must repeat a thousand and one times that being different implies neither being better nor worse. We Latin Americans have our own way of life and we have no wish to adopt in a servile manner a way of life which is current elsewhere. We have a fierce love of independence, we place full recognition of our dignity above that of our needs. For us as for you—as you have proved in decisive moments of your history—spiritual values take precedence over material interests. We know that we can count on your understanding; because as a great contemporary philosopher, Jacques Maritain, has said:

> The American people is the least materialistic of the modern peoples which have reached the industrial stage.

I am proud of being a Latin American. This does not prevent my understanding and admiring other cultures among which yours occupies a prominent place. As a Latin American, I can affirm before this representative assembly of the people of the United States, that there is still time to seek out solid ground upon which to construct genuine foundations for the understanding that we so desire.

There are people in our countries, as there are in every country, whose only current aim is a "strategic hatred" for the United States. They consist of minorities who are ideologically committed to a struggle which they aspire to turn into a veritable international civil war. But their success would be very small, despite their noisy activity, if it were not for large sectors whose feelings could easily be converted into antagonism.

When the statements of certain political leaders reach the columns of our press, when the actions of certain businessmen are not what they should be, an uncomfortable feeling engulfs our people, because, for better or for worse, we are very emotional.

In the same fashion, the North American man in the street receives an unfavorable image of the ordinary Latin American citizen. The "Ugly Latin American" has come to be, unaided by a best seller to promote him, the incarnation of those difficult neighbors to the South. This should not be.

The fact that at a time of intense internal political activity, the House of Representatives and the Senate of the United States have joined in order to listen kindly to the sincere remarks of the Chief Executive of a Latin American Republic, will be received, down there, as a token of good will and a sign that foretells great possibilities for a renewed friendship.

The gallant attempts which are made on both sides for the purpose of reaching an authentic understanding must be submitted to the opinion of our respective peoples whose decision, in the democratic system of government, is the final one. This makes it necessary for us, political, cultural and economic leaders, to make a sustained effort to convey the concept of a new hemispheric policy into the very hearts of our fellow citizens.

It is not enough that Presidents exchange ideas: it is necessary that their agreements receive full backing from the

Congress, and that it in turn may rely on the support of the citizens.

As I said, you live in democracy, and in democracies the real will of the citizens has the final word.

We are convinced that if the United States and Latin America are unable to achieve a true and lasting friendship based on justice and the honest examination of events, mankind in general could not aspire toward an organization founded on universal comprehension.

On the other hand, we are absolutely certain that a new, vigorous, and fruitful hemispheric relationship, inspired by the brave repudiation of everything that in the past obstructed the just norms of good relations, will have a great influence on world peace.

As democracy reaches its 200th anniversary, let it give this new evidence that it continues to be the best system of government.

Thank you.

[Applause, the Members rising.]

At 1 o'clock and 8 minutes p.m., the President of the Republic of Venezuela, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Ambassadors, Ministers, and Charges d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The **SPEAKER**. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly (at 1 o'clock and 11 minutes p.m.), the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The **SPEAKER**. The House will continue in recess until 1:45 p.m. today.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 47 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRESIDENT RAFAEL CALDERA OF VENEZUELA

(Mr. **FASCELL** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **FASCELL**. Mr. Speaker, the Congress of the United States, assembled in the Chamber of the House of Representatives, has greeted and heard a very distinguished visitor to our country: President Rafael Caldera of Venezuela. His expressed belief and faith in the need for human dignity, a free society, and the inter-American system is inspirational.

This has been a historic occasion. For President Caldera, an eminent lawyer, legislator, author, professor, and leader of his country's Social Christian Party, is also one of the leading champions of representative democracy in the Western Hemisphere.

A man who is no stranger to the United States, having lived here in exile during the reign of Dictator Marcos Perez Jimenez, Dr. Caldera is the third consecutive President of the Republic of Venezuela to have been elected to that office in a free, democratic election.

In this respect, he follows in the footsteps of his two recent distinguished predecessors—President Romulo Betancourt and Raoul Leoni.

Mr. Speaker, as chairman of the Subcommittee on Inter-American Affairs, I extend our warmest welcome to President Caldera and to point out that his visit to our country is most timely and opportune.

As we embark upon the decade of the 1970's, many serious challenges confront us in the Western Hemisphere. The foremost among them is the task of devising jointly a new strategy of development which, carried within the framework of democratic principles and institutions, will hasten the achievement of the economic, social, and political goals of the Alliance for Progress.

President Caldera will continue to play a leading role in those processes. It is fitting, therefore, that we have an opportunity to consult with him and to have the benefit of his views regarding the solution of the problems that lie ahead.

INCREASING THE PUBLIC DEBT CEILING—LETTER FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-345)

The **SPEAKER** laid before the House the following letter from the President of the United States, which was read and referred to the Committee on Ways and Means and ordered to be printed:

THE WHITE HOUSE,
Washington, June 3, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I ask the Congress to enact promptly the legislation reported by the Committee on Ways and Means which will temporarily increase the debt ceiling to $395 billion through fiscal year 1971, and provide for a permanent ceiling of $380 billion. The present temporary ceiling of $377 billion reverts to the existing permanent limit of $365 billion on June 30. On that date, the debt subject to limit is expected to exceed $365 billion by approximately $6 billion. In the absence of legislation, the Government would be unable to issue new securities, and thus would be put in the untenable position of not being able to meet its payment obligations.

As you know, this Administration has been pursuing a policy of fiscal restraint as an essential step toward the restoration of economic stability. The budget for fiscal year 1971, as I have recently revised it, is a tight budget, a budget which is fiscally responsible in the environment we expect to prevail during the next year. I want, and indeed I must have, the support of the Congress to stay within this budget.

Even with the tight restraints on controllable outlays contained in this budget, however, the debt will unavoidably rise significantly next year. While the trust funds will be in substantial surplus, there will be a deficit in the Government's own accounts—the so-called Federal Funds Accounts—of about $10 billion. The new ceiling recommended by this Administration and approved by the Committee on Ways and Means will permit the financing of this deficit, and at the same time restore a reasonable margin for contingencies.

In order to assure the orderly management of the Government's finances, I respectfully enlist the cooperation of the Congress on the prompt enactment of the bill reported by the Committee on Ways and Means.

Sincerely,

RICHARD NIXON.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE CERTAIN REPORTS

Mr. **BOLLING**. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 17802, TO INCREASE PUBLIC DEBT LIMIT

Mr. **BOLLING**. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1051 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1051

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17802) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendments shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, this is a closed rule providing for 4 hours of general debate.

There is one unusual feature in the rule. All points of order are waived against the bill. That is not because of the Ramseyer rule because in this case I understand that the committee has complied with the Ramseyer rule. It is, as I understand it, because of the nature of the Second Liberty Bond Act which the committee was informed is an act which provides for bond legislation and appropriations. The Committee on Rules was informed that failure to waive the points of order would make an amendment to the Second Liberty Bond Act subject to a point of order. For that reason, the Committee on Rules decided to grant the waiver.

XUM

With that exception is is the normal rule for this type of matter.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in connection with the consideration of H.R. 17802, the public debt ceiling, the resolution under consideration now, House Resolution 1051, provides a rule for 4 hours of general debate under a closed rule. Only committee amendments are in order, and such amendments are not themselves subject to amendment. All points of order against the bill are waived.

The reason for the waiver as explained by the distinguished gentleman from Louisiana (Mr. BOGGS) is that in the statute which is being amended by the bill, which is the Second Liberty Bond Act, section 10, is actually appropriation type language.

Because the act is permanent legislation and not a general appropriation bill, it is believed that the text of the bill, that is, H.R. 17802, because it amends the Second Liberty Bond Act, would be subject to a point of order due to the problems of the original act in appropriating on a legislative bill.

This particular bill increases both the permanent debt ceiling and the temporary debt ceiling. The present law provides a permanent debt ceiling of $365 billion. On June 30, the close of the fiscal year, the public debt of the United States may not exceed that amount. Under current law, however, it is also provided that during the remainder of the fiscal year a temporary ceiling is in effect. This temporary ceiling currently is set at $377 billion, and that will expire at the close of fiscal 1970.

The bill changes both these debt ceiling figures. It provides an increase in the permanent debt ceiling of $15 billion to a new permanent ceiling figure of $380 billion. Second, the bill provides that for the fiscal year beginning July 1, 1970, the temporary debt ceiling is increased from the present figure of $377 billion to a new figure of $395 billion. After June 30, 1971, however, which is the end of fiscal year 1971, the ceiling will be $380 billion with no further temporary ceiling provided at that time.

Mr. Speaker, I urge the adoption of the rule, and I reserve the balance of my time.

Mr. GROSS. Mr. Speaker, would the gentleman yield for a question?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. Do I understand that the points of order are waived because this bill, H.R. 17802, amends the Second Liberty Bond Act, and, therefore, the act would be in question if the waiver was not granted in this rule?

Mr. SMITH of California. I think particularly section 10 would be in question because it is appropriation type language, and if a waiver is not made then in all probability the Second Liberty Bond Act would be subject to a point of order, and would probably be open for amendment. I think that is correct; at least, that is the way it was explained to the Committee on Rules by the distinguished gentleman from Louisiana, and I understand that to be the parliamentary situation as we were told it.

Mr. GROSS. I would say to the gentleman from California that that seems to be really stretching the necessity for a waiver. I had not thought that waivers of points of order were necessary for the reasons given today because we amend a lot of statutes on the floor of the House, and never think in terms of invalidating the act itself.

Mr. SMITH of California. I think also we are appropriating actually on a legislative bill in this particular instance, and that would be wrong, to appropriate on a legislative bill. That is my understanding of the rule, but I may be wrong. Maybe the distinguished gentleman from Arkansas (Mr. MILLS) can explain it.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, there is one provision in the original Second Liberty Loan Act which does appropriate funds, and thus it was originally subject to a point of order.

So far as I am aware, it was considered at that time under a rule which waived points of order.

Section 10 of the Second Liberty Bond Act contains this language:

> The amount of . . . certificates of indebtedness herein authorized is hereby appropriated, . . .

Members should note that this language does not merely authorize an appropriation; the section says, "is hereby appropriated."

It is my understanding from discussing the matter with the parliamentarian that any time you amend an original act which was subject to a point of order, then the amendment itself would be subject to a point of order—or it is possible that that is the case.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. VANIK) for purposes of debate.

Mr. VANIK. Mr. Speaker, I urge the defeat of the previous question on the rule. If the previous question is defeated, I expect to offer an amendment to the rule to provide a debt ceiling of $389 billion and a $66 billion limitation on military spending in fiscal 1971. If the bill can be amended to permit a vote on a ceiling of $389 billion and an expenditure ceiling of $66 billion, I will vote for the debt ceiling. If the closed rule is sustained, providing the House with no other choice, I expect to vote against this debt ceiling.

In the skimpy 2-day hearing on the debt ceiling before the Ways and Means Committee, we heard only from Treasury officials. There was no testimony provided by economists or by representatives of the Defense Department.

In recent years, this Nation's deficits and debt have been determined at the Pentagon rather than Capitol Hill. The Expenditure Control Act of 1968 rolled back all controllable expenditures except interest rates and military costs. In spite of all our talk, the Pentagon has not yet gotten the word.

The administration budgets $71.8 billion for military spending in fiscal 1971. If the 150,000 troops are removed from Southeast Asia during the course of this year and if the Armed Forces are reduced by a like amount, the projected savings will exceed $4 billion. Certainly the Department of Defense should be able to find ways to reduce the remainder of its projected spending by 2½ percent. A defense spending reduction of $6 billion is both reasonable and consistent with the national security. In addition, there is $40 billion in the defense pipeline—waiting to be used at the will of the Executive.

Today, Secretary Laird announced in Colorado Springs that this administration proposes a 1-million-man reduction in our military manpower. At $20,000 to $25,000 per man, this could represent a Treasury saving of $20 billion per year. This announcement by Secretary Laird was never contemplated and was never considered by the Committee on Ways and Means. It seems all the more imperative to send this bill back to committee to relate the debt ceiling to the possibility and timetable of troop-strength reductions.

Our deficits and our debts are planned and ordered in the Pentagon—which directs the deployment of 300,000 military men in Western Europe, another contingent almost as large in Japan, Okinawa, and the western Pacific. To this must be added the horrendous cost of men and material in Vietnam and Cambodia. These costs are a secret to almost everyone. Neither operation or incursion appears in the Federal deficit or in an explanation of the Federal debt.

Neither the Ways and Means Committee nor the Congress has an accurate idea of the fiscal 1970 costs of either Vietnam or Cambodia or the cost projections for fiscal 1971.

This is an incredible way to run a country. The most crucial costs are confounded and concealed. In the past there were great, secret spendings of our Government—and now there are more.

Although the debt ceiling must be raised, I do not believe that this Congress has received either adequate or convincing evidence of the need for a $395 billion debt ceiling. Is there clear and convincing evidence that the Treasury needs $18 billion within the next fiscal year? The administration requested and the Ways and Means Committee has provided a $6 billion cash accounts cushion within the debt ceiling—$2 billion more than was ever before allowed. There is enough leeway in the debt ceiling to fund several more incursions and trespasses into other places.

Congressional impotence to control foreign policy has been demonstrated. Congressional impotence to control either deficit or debt is being further demonstrated by this debt ceiling bill. Are we really here to exercise our constitutional power to legislate?

Must this House be denied an opportunity to decide whether this debt ceiling is to be $395 billion, $390 billion, $389 billion, or $378 billion? Are we here to rubberstamp approval on the wrongs of extended commitment and waste? What is our role and when do we begin our work? The answer is "Now."

Vote against the previous question. Let us open up the rule and exercise our constitutional authority to control expenditures, limit our deficits, and hold down our debt.

Mr. MOORHEAD. Mr. Speaker, I rise to express support for the proposal of the gentleman from Ohio (Mr. VANIK) to limit the temporary debt ceiling to $389 billion including a limitation on defense expenditures for fiscal year 1971 of $66 billion.

Mr. Speaker, I have always voted for increases in the debt ceiling because to do otherwise in my opinion would be irresponsible. Congress cannot responsibly vote for appropriations in excess of revenues and then pretend we did not do so by refusing to raise the debt ceiling.

The Vanik proposal is not irresponsible because under it Congress makes the decision to limit expenditures to a degree that a lower debt ceiling can be justified.

Limiting defense expenditures to $66 billion in fiscal year 1971 makes good sense, considering our disengagement from Southeast Asia, the Guam doctrine, the revision of our contingency planning assumptions from 2½ to 1½ wars and hopefully our hard learned lesson from the Southeast Asian experience, that there are severe limits to what can be accomplished in the world— in the interest of the United States—with the exercise of our military power.

I am fully confident that a cut of $6 billion can be effected in defense expenditures over the next fiscal year without adversely affecting the national security of this Nation.

Before the Joint Economic Committee early this week Charles L. Schultze, the former Budget Director, testified that we could cut the conventional force budget alone by $10 billion over the next 2 fiscal years without affecting our national security. He testified that this could be done with no major budgetary or force deployment disruption. So I would conclude that this is a reasonable and workable amendment.

Here are the kinds of cuts that Mr. Schultze identified that could be made in our existing general purpose forces considering a revision of our 2½- to a 1½-war policy. Both Mr. Nixon and Mr. Laird have recently stated that this is indeed our current policy. A change in policy of this magnitude should be worth something in terms of forces and dollars.

One would first want to look at the pre-Vietnam general purpose forces deployed on a 2½-war assumption. The conventional forces to meet these contingencies would be something like the following major elements: 19⅓ active divisions and seven high-priority Reserve divisions; 23 tactical air wings; 15 attack carrier task forces; and appropriate accompaniment of antisubmarine warfare, antiaircraft, airlift, sealift communications, and general support.

Now, if one went from a 2½- to a 1½-war assumption Mr. Schultze suggests that reductions could be made on the magnitude of five or six divisions with their equipment, training, and so forth; three to five air wings; six carriers and their task forces, and pro rata accompanying amount of antisubmarine, antiaircraft, communications support, and the like.

When you total up the costs of these divisions and air wings and attack carriers and the task force accompaniment and all that goes with it, it comes out to just about $10 billion in today's prices. This I would add would still leave the United States with very substantial conventional forces.

Therefore, I think we should vote down the previous question so that the Vanik amendment can be considered.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. VANIK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 273, nays 86, not voting 70, as follows:

[Roll No. 149]

YEAS—273

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Beall, Md.
Belcher
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Blatnik
Boggs
Bolling
Bow
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Caffery
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Collins
Colmer
Conable
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Duncan
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Fallon
Fascell
Findley
Fish
Flood
Flowers
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gettys
Giaimo
Gibbons
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hays
Hébert
Henderson
Hogan
Horton
Howard
Hull
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, Md.
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
MacGregor
Madden
Mahon
Mann
Marsh
Martin
Mathias
May
Mayne
Meeds
Melcher
Meskill
Michel
Mills
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Neill, Mass.
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Reid, Ill.
Rhodes
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rostenkowski
Roth
Ruppe
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Ullman
Waggonner
Wampler
Watkins
Watson
Watts
Weicker
Whalley
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wright
Wyatt
Wylie
Wyman
Young
Zablocki
Zion
Zwach

NAYS—86

Adams
Anderson, Calif.
Barrett
Biaggi
Bingham
Boland
Brademas
Burton, Calif.
Button
Byrne, Pa.
Carey
Celler
Clark
Cleveland
Conte
Conyers
Culver
Diggs
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Farbstein
Foley
Fraser
Gallagher
Gonzalez
Green, Pa.
Gude
Halpern
Hamilton
Harrington
Hathaway
Hechler, W. Va.
Heckler, Mass.
Hicks
Hungate
Ichord
Jacobs
Karth
Kastenmeier
Koch
Kyros
Long, La.
Lowenstein
Macdonald, Mass.

Matsunaga
Mikva
Miller, Ohio
Mink
Moorhead
Morse
Mosher
Moss
Nedzi
Nix
Obey
O'Hara
O'Konski
Olsen
Patman
Pike
Podell
Pucinski
Randall
Rarick
Reid, N.Y.
Reuss
Riegle
Rogers, Fla.
Rooney, Pa.
Rosenthal
Ryan
St Germain
Shipley
Smith, Iowa
Stokes
Symington
Vanik
Vigorito
Whalen
White
Wolff
Wydler
Yates
Yatron

NOT VOTING—70

Addabbo
Anderson, Ill.
Andrews, Ala.
Ashbrook
Baring
Bell, Calif.
Brasco
Bray
Brock
Brown, Calif.
Broyhill, N.C.
Camp
Chisholm
Clawson, Del
Clay
Cohelan
Collier
Dawson
de la Garza
Dowdy
Dulski
Dwyer
Evins, Tenn.
Feighan
Fisher
Flynt
Ford, William D.
Gaydos
Gilbert
Goldwater
Gubser
Hanna
Hansen, Wash.
Hastings
Hawkins
Helstoski
Holifield
Hosmer
Kirwan
Leggett
Lujan
Lukens
McCarthy
McCloskey
McKneally
McMillan
Mailliard
Miller, Calif.
Morton
O'Neal, Ga.
Ottinger
Powell
Price, Ill.
Rees
Reifel
Rooney, N.Y.
Roudebush
Roybal
Saylor
Scheuer
Stratton
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Vander Jagt
Waldie
Whitehurst
Wilson, Charles H.

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Morton for with Mr. Gaydos against.

Mr. Collier for with Mr. Rees against.

Mr. Saylor for with Mr. William D. Ford against.

Mr. McKneally for, with Mr. Ottinger against.

Mr. Andrews of Alabama for, with Mr. Roybal against.

Mr. Evins of Tennessee for, with Mr. Tunney against.

Mr. Holifield for, with Mrs. Dwyer against.

Mr. Fisher for, with Mr. Helstoski against.

Mr. McMillan for, with Mr. Clay against.

Mr. Gubser for, with Mr. McCarthy against.

Mr. Bray for, with Mr. Brown of California against.

Mr. Roudebush for, with Mr. Dawson against.

Until further notice:

Mr. Baring with Mr. Anderson of Illinois.

Mr. Rooney of New York with Mr. Del Clawson.

Mr. Miller of California with Mr. Goldwater.

Mr. Brasco with Mr. Hastings.

Mr. Gilbert with Mr. Camp.

Mr. Stratton with Mr. Mailliard.

Mr. Thompson of New Jersey with Mr. Vander Jagt.

Mr. Addabbo with Mr. McCloskey.

Mr. Price of Illinois with Mr. Hosmer.

Mr. Dowdy with Mr. Ashbrook.

Mrs. Hansen of Washington with Mr. Reifel.

Mr. Charles H. Wilson with Mr. Bell of California.

Mr. Leggett with Mr. Lukens.

Mr. Udall with Mr. Lujan.

Mr. de la Garza with Mr. Whitehurst.

Mr. Flynt with Mr. Broyhill of North Carolina.

Mr. O'Neal of Georgia with Mr. Brock.

Mr. Scheuer with Mrs. Chisholm.

Mr. Cohelan with Mr. Powell.

Mr. Kirwan with Mr. Hawkins.

Mr. Dulski with Mr. Hanna.

Mr. Waldie with Mr. Tiernan.

Messrs. ANDERSON of California, BYRNE of Pennsylvania, WHITE, HALPERN, and MILLER of Ohio changed their votes from "yea" to "nay."

Messrs. LONG of Maryland, PHILBIN and HENDERSON changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY, TO SIT DURING GENERAL DEBATE TODAY

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR SELECT SUBCOMMITTEE ON EDUCATION TO SIT DURING GENERAL DEBATE TODAY

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that the Select Subcommittee on Education may be allowed to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PUBLIC DEBT

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17802) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17802, with Mr. FASCELL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 2 hours, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 2 hours.

The Chair recognizes the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, I yield myself 15 minutes.

The CHAIRMAN. The gentleman is recognized for 15 minutes.

Mr. MILLS. Mr. Chairman, the simplest way that I can describe the purpose of House Resolution 17802 is to say that it makes it possible for the Government to meet its financial obligations during the next fiscal year by raising the debt ceiling, whereas the Government would not be able to do so without the passage of this legislation. That something must be done is clearly demonstrated by the fact that on June 30 next the debt limitation will go from $377 billion down to $365 billion. While the debt limitation will revert to $365 billion on June 30 next, the actual debt at that time, subject to the limitation, is expected to be almost $372 billion. In other words, on July 1, the actual debt will be from $6 billion to $7 billion over the limitation, on that date if we take no action.

Of course, no one likes to say that he is in favor of increasing the debt ceiling. In that sense of the word, presenting a bill increasing the debt limitation is perhaps the most thankless task that this committee has to perform. Despite this, I believe that the debt limitation serves a useful purpose in that it directs our attention from time to time to the overall revenue and expenditure totals, and it has the useful effect of making us face up, a little more specifically than might otherwise be the case, to the issue of priorities in spending and in revenues.

In addition to what I have just said, in my estimation, one of our greatest fiscal needs today is for a device which better enables the Congress to control spending and to express its views as to priorities among different types of expenditures. The debt limitation is an imperfect tool in this respect, but, at least until we develop a more satisfactory method of dealing with the problem, I believe the debt limitation remains useful.

But while it is useful to keep a rein on spending, it serves no useful purpose to provide a debt limitation so severe as to deny the Government the ability to pay its bills. As a result, in considering debt limitations, I believe it is desirable to provide a limitation which is tight enough to keep control of spending while it is also flexible enough to enable the Government to pay its bills and manage its debts in accordance with sound debt management practices. I believe I can demonstrate that the debt limitation provided by this bill meets the standards I have outlined.

Let me turn now to specifics of the bill. The bill provides—it is unbelievable, I know—for an increase of $18 billion in the temporary debt ceiling, raising the ceiling from its present $377 billion to $395 billion effective July 1, 1970. On July 1, 1971, the debt limitation will revert to a permanent limitation level of $380 billion in place of the present permanent level of $365 billion.

I realize that the need to raise the debt limitation by $18 billion, from $377 billion to $395 billion, is something which frequently is not understood. It is not understood by the public, and I want to explain why. People are apt to read that even after the substantial revisions made on May 19 of this year, the administration is still only projecting a unified budget deficit of $1.3 billion for fiscal year 1971. Of course, people are asking, with no more deficit than that, why does this ceiling have to go up by the $18 billion?

The answer is that the unified budget is highly misleading, in my opinion. While the unified budget may be useful to economists—and I am sure it is—in gauging the effect of Government actions on the economy as a whole, or as a device to indicate to bankers the debt financing requirements which must be obtained from the public—and it does that very adequately—it is not a good tool for measuring the balance or imbalance in the Federal Government's own operations apart from the operations which it carries on for others in a fiduciary capacity.

To measure the Federal Government's own operation we need to focus on the Federal funds budget, or what used to be called the administrative budget, which excludes trust fund receipts and disbursements. When we turn to the fiscal funds budget we find that the deficit for the fiscal year 1971, according to the administration, is not $1.3 billion but it is $10 billion, and the deficit for the Federal funds budget for fiscal year 1970 is $11 billion.

I am not criticizing the administration; I am only trying to explain why the debt ceiling has to go up by $18 billion when they say there is a deficit coming up in the unified budget of only $1.3 billion.

In other words, when we focus our attention on the Federal funds budget—the budget which is pertinent in determining the size and effect on the national debt—the problem takes on an entirely new dimension. This is because the Federal funds deficit, in contrast to the deficit under the unified budget, is not reduced by the trust fund surpluses which are expected to amount to nearly $9 billion in fiscal year 1971.

These trust fund surpluses are invested in U.S. Government securities. They have to be, under the provisions of existing law. This, of course, reduces the need to borrow from the public, but the Government obligations held by the trust funds are just as much a part of the debt of the Federal Government as any other debt obligations issued by the Government, and indeed are so counted for purposes of the statutory debt ceiling.

I dare say if we excluded these obligations from the debt there would be much criticism of our action by the Members of the House of Representatives. The Members would say that we were trying to camouflage a part of what we owed. Consequently, we must look not just at the Federal debt held by the public but also at the Federal debt which is held by trust funds, which is still owed to those trust funds by the general fund of the Treasury.

The Ways and Means Committee has sought to clarify this confusion and to provide better information to our citizenry to enable the people to better understand the relationship of the Federal budgetary deficits or surpluses to the Federal budgetary deficits or surpluses to the Federal debt. To this end the Ways and Means Committee in its report suggested that the Bureau of the Budget develop the Federal funds budget in the same way the present debt document develops the unified budget. I have discussed this with the gentleman from Texas (Mr. MAHON). He is aware of it. The Federal funds budget is pertinent to the public debt, but the relationship between the two must be explained and shown in one document to avoid this confusion which now exists.

We understand the Bureau of the Budget has agreed to do this. They said they will place a new section in the basic budget document which will be submitted in January, well toward the front of the document, that will be concerned with the Federal funds budget and the effect of spending from the general funds of the Treasury upon the debt itself and relate this to any needed change in the public debt limitation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman says, and he is correct, that the public does not understand the application of the Federal debt ceiling to the various budgets. If they do not understand this application—and I am sure they do not, as I am sure many Members of Congress do not; and I am one of them—how in the world can they understand the handling of the finances of this Government, when they deal interchangeably with Federal funds budgets, unified budgets, administrative budgets and I do not know how many more? When are we going to make some sense out of this business of budgets?

Mr. MILLS. I agree with my friend that it is very confusing. I think it is almost as confusing now as it was prior to the use of the new unified budget, when we really had three separate budget's statements sent up here. I am not asking that we forgo the use of the unified budget but that we have the budget document itself make very clear to the Members and to the public why it is that there can be a deficit of only $1.3 billion in the unified budget and there can still be a deficit in the Federal funds budget of $10 billion.

Mr. GROSS. Will the gentleman yield further?

Mr. MILLS. Yes.

Mr. GROSS. I do not know whether it is lack of intelligence on my part——

Mr. MILLS. No, it is not.

Mr. GROSS. But I can read your report on this report, backward and forward, and I will swear to you that when it jumps from a unified budget to some other budget to some other budget, I am lost.

Mr. MILLS. There is nothing we can do in the report except state the facts as they are.

Mr. GROSS. I am not critical of the gentleman or his committee, but I wish we could make some sense out of this budget business.

Mr. MILLS. Let us go back and talk for a second about this. I am taking more time than I expected to, but let me give you the story.

When President Johnson was in the White House he picked up three papers—I think it was the New York Times, Wall Street Journal, and some other paper. He had submitted his budget to the Congress, but each of these papers carried a detailed but different account of a budget, and when you put the three together they were as inconsistent as daylight and dark because neither of the three accounts referred to the same type of budget. There were three different budgets, and the three newspaper stories described a different one of the three budgets. So the people, President Johnson thought, were so confused that they would not know anything about what he asked. He thought maybe Congress itself would not know. So he developed the idea of appointing a commission of very eminent Americans, with—as it turns out now—the chairman being the present Secretary of the Treasury and the staff director, as I remember, being the present Director of the Bureau of the Budget, Mr. Mayo. It was a bipartisan group, and they were unanimous in the belief that something had to be done to get the budget back into proper focus and on an understandable basis.

In the process of submitting budgets—and that is what I am critical of here—they completely overlook the fact that there is such a thing as Federal funds, or an administrative budget, which is the budget, as you know and I know, which determines for debt issuance purposes whether you are in balance or whether you are in a deficit. That is what I wanted to focus attention on and make clear.

Now I will yield to the gentleman from North Carolina.

Mr. JONAS. I ask this question for clarification. My recollection is that the national debt today is above $370 billion.

Mr. MILLS. Approximately, yes. It was $374.9 billion around the 15th of April.

Mr. JONAS. It is above $370 billion?

Mr. MILLS. That is right.

Mr. JONAS. That means we are already above the permanent ceiling by about $5 billion or $6 billion.

Mr. MILLS. We will be $6 billion or $7 billion above the $365 billion when we end this fiscal year.

Mr. JONAS. If this bill is not enacted, we will revert to the permanent ceiling figure. Is that correct?

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MILLS. Mr. Chairman, I yield myself 10 additional minutes.

If the gentleman will bear with me, I want to discuss what the situation will be when we are out of money and how the Government will be completely paralyzed if we do not pass this legislation.

Mr. JONAS. I will be happy to defer my question, then.

Mr. MILLS. I will be discussing it shortly. With the background that we have given of the budget, now let us look at the facts and see why it is necessary to raise the temporary debt ceiling to $395 billion. What I am going to do now is build up this $395 billion item by item so that you can see just how we came to this total. When you do that I believe that you will see we have kept a tight rein on expenditures.

We start with the fact that as of April

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15, 1970, when the outstanding debt for fiscal year 1970 reached its highest level, the debt subject to the limitation amounted to $374.9 billion. The reason we start with this April figure is that the ceiling must be high enough to accommodate the debt at its peak for the fiscal year which generally comes around mid-April. This seasonal peak in the debt occurs because, while expenditures generally flow out relatively evenly during the year, receipts are highly concentrated in the last quarter of the fiscal year. In order to arrive at the needed debt limit for this next fiscal year, this $374.9 billion must then be increased by the current estimate of the Federal funds deficit for the period from April 1970 to April 1971. Measuring the debt over this specific period results in a larger Federal funds deficit; namely, $13.2 billion. Now, get your pencil and figure and see how it adds up. The $13.2 billion then for the Federal funds budget deficit for the period from mid April 1970 to mid April 1971, because of the unusual expenditures which occur during this period of time, such as in this instance—retroactive pay increases, plus the fact that certain expenditures for this next year are likely to be concentrated even more than usual in the first part of fiscal year 1971.

Next, in arriving at the needed debt limitation, we must take into account the fact that the cash balance on April 15, 1970, had declined to the inadequate level of $2.2 billion. Think of it. As of April 15, this was all the cash we had on hand. In the past we have assumed a cash balance at all times of at least $4 billion, but this has proved to be less than adequate as expenditures have been climbing from year to year. The Treasury representatives presented evidence to the committee that based upon past relationships, a cash balance of $6 billion is needed. By increasing the allowance for the cash balance from the $2.2 billion on hand on April 15 to $6 billion means we must increase the amount subject to the debt limit by a further $3.8 billion.

Finally, in arriving at the needed debt limit we have always made an allowance of $3 billion for unknown contingencies.

To anyone who feels we have been overly generous in allowing a $6 billion cash balance and $3 billion allowance for contingencies, let me remind you that this total of $9 billion is sufficient only to meet the Government's expenditures for—about what time would you say? Two and a half weeks is the answer. Think of it. Two and a half weeks. An amount representing expenditures for this time is what we allow them to have for contingencies and cash balances. What business, I ask, would any of you want to operate on such a narrow margin?

Mr. Chairman, let me repeat these figures indicating why we need the $395 billion for the debt limit. We start out with $374.9 billion of public debt subject to the limitation on April 15, 1970. Add to it $13.2 billion of deficit between April 1970 and 1971. Then add $3.8 billion to restore the cash balance to $6 billion. Finally we add $3 billion for contingencies. If you add up these figures you will get a total of $394.9 billion. This is the amount of debt subject to limitation that the administration expects to be outstanding on April 15, 1971. This is why we need the $395 billion temporary ceiling effective July 1, 1970.

The bill also increases the permanent debt limit from $365 billion to $380 billion. The figure of $380 billion is a conservative approximation of the debt likely to be outstanding at the end of fiscal year 1971. The debt outstanding at the end of fiscal year 1970 is expected to be $371 to $372 billion, and adding the administration's Federal funds deficit for fiscal year 1971 of $10 billion to this indicates a debt level of $381 to $382 billion on June 30, 1971.

Mr. Chairman, it would be unrealistic to provide a permanent debt limitation, therefore, that is below the $380 billion figure.

Actually, the proposed increase in the temporary debt ceiling to $395 billion is moderate considering all the circumstances. And, let me point you to some of the other problems—questions raised by the gentleman from North Carolina (Mr. JONAS), in part.

There are several imponderables in these estimates. Actually I think the administration is optimistic in feeling that the $395 billion limitation is capable of taking it through the next fiscal year because of these imponderables.

Let us look first at Government receipts. In the first place, the administration says that it has a deficit of $1.3 billion in the unified budget. Our own staff of the Joint Committee on Internal Revenue taxation thinks that receipts are overestimated by about $3 billion, and in place of $1.3 billion, the deficit would be about $4.3 billion. Second, estimating this $10 billion deficit, the administration assumes favorable action by Congress, on proposed revenue legislation which equals nearly $3.8 billion. This legislation has not even been considered as yet by either the committee or by the Congress. Whether the Congress will pass this legislation I do not know, and I do not think anybody knows. We have not yet passed judgment on it, anywhere along the line.

The two items that I have mentioned, the underestimate of receipts by about $3 billion plus the $3.8 billion in proposed legislation, add up to $6.8 billion of receipts which the administration takes into account in its estimates. All these expected funds could vanish and not be available to the administration.

In addition to these cash receipts, I believe it is fair for us—and I would like the attention of the gentleman from Texas (Mr. MAHON), if I am in error about this—to look at the expenditure side of the forecast. Spending for the fiscal year 1971 under the Federal funds budget will have to be held to the $158.9 billion estimate taking into account the Budget Bureau's May revision. I am hopeful, of course, that we will be able to hold expenditures down to this level, but we should be mindful of the fact that the outlays projected by the Bureau of the Budget in May were $4.8 billion above the February budget estimates by the Bureau of the Budget.

Mr. Chairman, let me insert at this point in the RECORD a table taken from the committee report indicating the nature of the expenditures programs which account for $4.8 billion in increased spending:

Changes in administration estimates from February budget in 1971 budget outlays

	In billions
Changes in uncontrollable programs:	
Interest on the public debt	+$1.00
Unemployment insurance benefits	+.50
Cash assistance grants, medicaid and medicare	+.20
Farm price supports	+.30
Veterans compensation and pensions	+.20
Disaster relief	+.10
Subtotal, changes in uncontrollable programs	+2.30
Other changes:	
Federal comparability (enacted Apr. 15, 1970) and postal pay raises	+1.40
New postal rate proposals	−.40
Increased postage for Federal mail	+.10
Withdrawal of voluntary State-local construction deferral	+.50
Housing and construction incentives	+.15
Environmental quality—revision in proposal and reestimate of budget program	+.20
Labor-HEW appropriation bill for 1970 as enacted—effect on 1971 outlays	+.20
Education appropriations—to maintain consistency with 1970 bill as enacted	+.20
School desegregation	+.15
Veterans education (GI bill)	+.20
School lunch and child nutrition, as enacted	+.20
Coal mine heath and safety bill, as enacted	+.10
Federal employee health benefits	+.10
Farmers Home Administration, net lending	+.30
Model cities—slower pace of outlays (no change in program level)	−.15
Highway trust fund	−.05
Delay in initiation of family assistance program	−.40
All other changes, net	−.30
Subtotal, other changes	+2.50
Total changes	+4.80

Because of the three reasons I have given you as to why the debt ceiling could well exceed the proposed $395 billion ceiling—and I want to hold to this level—I believe in all seriousness this new ceiling will be tight enough to help us retain an indirect rein on the spending of Government. It seems to me that there is virtually no margin for further increases in spending if we stay within the $395 billion debt ceiling. I believe that this is appropriate in view of existing circumstances. The debt limit as such may be a weak reed to lean on, but it is the best method that we have currently in helping us to control expenditure levels.

I have already pointed out to you that if Congress fails to act on a new debt limit—and I am now getting to the inquiry of the gentleman from North Carolina (Mr. JONAS) the present ceiling of $377 billion as of July 1 of this year will revert to the $365 billion permanent ceiling. Since the debt subject to the ceiling is expected to be between $371 billion and $372 billion on July 1, this will result in a ceiling which is $6 to $7 billion under the actual debt itself. While of course there would be no question concerning the legality of any part of the outstanding debt, this would place our Government in the kind of fiscal straitjacket that I am sure none of us would want. The Treasury Department would be unable to issue any new Government obligations—not even securities—now get this——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 5 additional minutes.

Not even securities to replace maturing issues. In addition, savings bonds could not be issued, and this will stop our payroll savings plans; it would be completely disrupted.

The Treasury cash balance would soon be exhausted. How long will it last? There will be a sizable balance on June 30, but how long will it last?

Substantial amounts of Treasury bills become due on a weekly basis during July and an additional amount would mature at the end of July. If new bills cannot be issued to replace those that are outstanding and coming due, the Treasury cash balance would be exhausted by July 9, a day on which $3.1 billion of Treasury bills mature.

Once the cash balance is exhausted, the Government has no more money. It has no authority to borrow money. It cannot force the prepayment of taxes, but it must wait until those taxes are due under the provisions of existing law.

So the Government would be compelled to delay payments on contract obligations, Government salaries, various State and local government, and public assistance payments.

Do we want that word to go out? Do we want to tell the States that, even though we are obligated to pay under a formula our portion of various benefit programs like medicaid programs and all of those, we cannot do it—we do not have the money. What will happen to the States? They cannot meet those burdens.

It is utterly unthinkable to me that we would permit these things to happen. They are just not going to happen. In times such as we now live in—with the uncertainties that are now in the marketplace and with the inflationary pressures that we have, we simply cannot play havoc with this Nation's finances, and this Nation's contracts, and this Nation's obligations.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. JONAS. Would the gentleman comment on what he thinks would happen in the financial markets of the country if the Federal Government could not pay bills as they come due?

Mr. MILLS. If the Federal Government cannot redeem its own bonds, and that would be the case before the end of July, then the Federal Government would be in the same situation that some of the States were in back during the depression when certain bond obligations of the States came due and they could not be paid. They said then that the States were broke; did they not? So the general impression would be that the Federal Government was broke—maybe temporarily—but nobody knows how permanent the damage would be to the morale of the people, and in the thinking of the people. No one knows what would happen to the temperamental stock market. No one knows. But I think you can predict the most serious consequences would occur.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. MILLS. It would not stop the war in Southeast Asia, however, because we would not have any money to pay the costs of getting the boys back.

Mr. Chairman, I yield to the gentleman.

Mr. FRASER. Mr. Chairman, I was interested in the question being asked by the chairman because I wonder—I was looking in the CONGRESSIONAL RECORD at the vote in 1967 when the chairman made again an eloquent plea for responsibility and when the proposed debt ceiling was defeated.

I notice that the questioner voted against an increase in the debt ceiling at that time and not only did he vote against an increase in the debt ceiling, but he voted against the adoption of the rule.

Mr. Chairman, I wonder if something is happening today that makes a vote in favor of a higher debt ceiling more responsible than it was in 1967 when the questioner had voted against an increase.

Mr. MILLS. The gentleman from Minnesota will please accept my apologies for my reference to the war in Southeast Asia, but I know the gentleman like I am is anxious to get that situation over with.

I just wanted to point out you have to have some money in the Treasury if you are going to pay the cost of bringing the boys back home.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. JONAS. I would like to respond to the gentleman from Minnesota. The gentleman who asked the question voted against the increase last year when it was requested by the present administration and I have not decided how I shall vote today. The gentleman from Minnesota who is raising this question, however, voted to increase the debt ceiling last year.

Mr. MILLS. Please let us not get into an argument and expect Members of Congress to be consistent. That is the last thing in the world our constituents expect of us.

The CHAIRMAN. The gentleman from Arkansas (Mr. MILLS) has consumed 30 minutes.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. BYRNES of Wisconsin. Mr. Chairman, the issue before us, as presented by this bill, is not a philosophical one. The issue is real, practical, and based on facts.

True, the facts which we have to face, in regard to this bill, are unpleasant. I think we all agree on that.

But we are up against a matter of mathematics. It is a question of what the cash flow of the United States is going to be in terms of its receipts and its expenditures in the 12 months following July 1, 1970.

The first fact that we have to face, as far as this legislation is concerned, is that if we make no change in the present law, the public debt, or the authority of the Government to borrow, will be limited legally to $365 billion. There are obligations outstanding, in bonds and in notes of the Government, in excess of that amount. As the chairman has said, these will total approximately $371 or $372 billion as of June 30.

On July 1, when the debt ceiling would go down, and the amount the Government could borrow would be fixed at $365 billion, we would have debts outstanding which would total some $6 billion more than the ceiling.

Now nobody questions that these would be legal obligations, because when they were issued they were legal. But the Treasury would have no authority to borrow any more money in order to redeem bonds that were presented for payment. All of the cash would be used up in trying to meet, to the degree possible, the day-to-day operations of Government. And on July 9 the Treasury would hit the crucial point at which it would be broke.

So, as I have said, there is no philosophical question involved here. There is instead, the practical requirement that we provide a borrowing authority in excess of that contained in the present law of $365 billion. We simply have to go higher than that.

We come down, then, to a secondary question that always confronts us as we consider legislation dealing with the borrowing authority of the Government: Are we using the proper figure? Is $395 billion the correct one? Or is some other figure more appropriate?

I say quite frankly that this has been the question which I have differed with the committee and with the administration many times in the past. I have never differed on the question of whether or not we had to act. But I have differed on whether the amount proposed was appropriate. It is my feeling that the debt limit provides a tool—admittedly crude—that Congress has to place fiscal restraint on the executive branch, and on ourselves. It was my feeling on many such occasions in the past that the ceiling recommended on this floor was too liberal, that it gave too much leeway to the executive branch and to the Congress to embark on new programs of expenditure. But I think we can all agree today that the figure established in this bill before us is one of the tightest figures that has ever been asked for by any administration. I cannot recall a time when an administration has come in and said it had to have an increase in the debt ceiling, and has established a level

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of borrowing authority that has been as restrictive as this one.

As the chairman has said, there are several inherent assumptions, underlying the $395 billion ceiling recommended that are very speculative in nature. These assumptions are based on an optimistic view of financial developments.

For example, legislation has been requested which would produce approximately $3.7 billion; without this revenue, instead of having a $10-billion deficit, we would have more than a $13-billion deficit, and would, therefore, need a borrowing authority of $3.7 billion more than is called for in the bill before us.

The administration has made a proposal to Congress for accelerating the collection of estate and gift taxes that would produce an estimated $1,500,000,000. But if that proposal is not enacted into law, we would have an additional $1,500,000,000 shortfall in revenue, which means the deficit would increase that much more.

As the ranking minority member of the committee, I join the chairman in pointing out that we have no way of assuring the Members that our committee will approve, or that the House or Senate will pass, these two administration proposals for increased revenue. So they remain highly questionable items.

Another proposal for increased revenue, about which questions have been raised, is for a tax on lead used in gasoline. That would produce another $1,600,000,000. But if it is not enacted, we would have another substantial shortfall which would have a critical effect on calculations of what borrowing authority must be provided.

There is also the proposed extension of the excise tax rates on automobiles and telephone service involving $650,000,000.

And there is another $4 million item, which I would just as soon tell the administration right now it is not going to get. I do not think the committee is going to recommend it, and I do not think this Congress would pass it if the committee did recommend it. I refer to the user tax on the inland waterways. I simply do not think it is within the realm of possibility that this revenue will be forthcoming, yet it was a factor in the administration's determination of how much additional borrowing authority it would need. Fortunately, this is a relatively small amount, and I do not think that, by itself, it would seriously aggravate the situation.

Also figuring in the proposed ceiling is a postal rate increase. We know that the Post Office and Civil Service Committee is now studying that question, but is there anyone here who can guarantee that the administration's request for that increase is going to be enacted, and that the Post Office Department will have that additional revenue available to reduce the postal deficit?

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I am glad to yield to the gentleman from Iowa, who is a member of the Post Office and Civil Service Committee.

Mr. GROSS. Unless it has happened today, or in the past 24 hours, the administration has not yet found anyone to introduce the administration's postal rate increase bill—not even to introduce it in the Congress.

Mr. BYRNES of Wisconsin. I believe the gentleman makes the point very well that this is, therefore, a very tight ceiling, especially considering that the revenues and expenditures are based on items that are necessarily uncertain.

I might point out also that the ceiling is based on expenditures at the level the administration has proposed. I am not now talking about obligational authority. Does anybody here sense a disposition in Congress to cut the budget of the President below present expenditure levels? I believe the complaint we have heard most often has been that cuts have been too deep, that there have not been sufficient funds allocated for programs to meet our needs in education, pollution control, and other areas. We know we still have ahead of us the potential for further pressures on the expenditure side.

Another factor that should be taken into consideration here is that the Treasury anticipates an upturn in business in the second and third quarters of the year. There are those who contend the upturn either will not occur, or that it will not occur to the extent the administration expects.

For example, the staff of the Joint Committee on Internal Revenue Taxation, declaring that the Treasury estimate of revenue is about $3 billion too low, has a different estimate as to economic activity.

In recommending the $395 billion ceiling, we assumed that all of the budgetary uncertainties will be revolved in a manner having a favorable budgetary impact. All the expectations have to be fulfilled in order for the Government to be able to live within that ceiling. If any of these calculations fall short, then we will, in all likelihood, be here in October, November, or December, or sometime before next April 15, to consider a further increase.

I do not believe, therefore, we can have a real argument today, as we have had in the past, that we are granting a borrowing authority that puts no pressure on the expenditure side of our budget. I believe this does put pressure on it.

Mr. Chairman, I would summarize by saying flatly and firmly that we do not have the luxury of an alternative—we simply must pass this legislation as recommended by the committee.

We have to act. The ceiling that is proposed, is tight. It will maintain restraint on the expenditure side of the budget.

But we cannot rest with this action. If we forget the distastefulness of today's action, and tomorrow or the next day vote for higher appropriations and higher expenditures than are called for in the budget, then we are inviting ourselves to come back here in October or November and pass a further increase in the debt ceiling. The job is not completely done today. What we do in the days to come, in terms of holding the line on expenditures, will determine whether we have to face another disagreeable day later on in the year.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the distinguished member of the committee, the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I believe, contrary to some other Members of the House, that it is responsible to give a Republican President as well as a Democratic President the funding authority to pay the bills of the United States. I do not think that it is ever wise to play politics with this particular bill. But I want it clearly on the RECORD that my vote for this increase in the debt ceiling is in no way a vote of confidence in the economic and monetary policies of this administration. In my judgment, the economy is in a worse state of disarray than I have seen it since I have been in public life. The administration is wrong on count after count in its management of the monetary and economic policies of this Nation. Irrespective of that fact, the bills do have to be paid, and we must pass this legislation.

Almost from its inception, the administration has engaged in wishful thinking rather than decisionmaking. The administration "plan"—almost entirely based on severely restricting the Nation's money supply—has proved a blueprint for economic disruption and instability. The record speaks abundantly for itself.

Inflation is booming along today at a rapid clip despite promises from the administration for more than a year that it would soon be brought under control. The cost of living has shot ahead by one-third in the past year compared to the rate of inflation in the last years of the Johnson administration. Economic indicators show consumer prices continuing to rise at the rate of 6 percent a year, a high-water mark that has been maintained over most of the past 12 months. The wholesale price index, bellwether of trends to come in consumer prices, holds steady at intolerably high levels.

For the housewife, it is no longer a question of whether steak is too expensive. Now she must decide if she can afford hamburger. The manufacturer faces a continued upswing of prices on industrial commodities at the rate of nearly 5 percent a year.

Business sales are off by more than $1 billion a month. Corporation profits are down 11 percent in the first quarter of this year.

The decline in gross national product over the last quarter of 1969 and the first quarter of this year constitutes a financial recession—whether the administration likes the word or not. It ends an 8-year period of consecutive growth in the economy, the longest in the Nation's history.

Trading in the stock market borders on hysteria as investors try to get a handle on the prospects for the economy. As the Dow Jones indicator last week plunged wildly down to its lowest point in 8 years, and then upward again, it became apparent that Wall Street has no clearer idea of where we are headed than the administration.

Unemployment is up by nearly 50 percent since early last year, with forecasters predicting that many more Americans will be out of work this summer.

Last, but hardly least, the economy is badly strained by the exorbitant cost of money and credit, the most direct result of the administration's one-weapon economic policy. Interest rates are at record levels. The municipal bond market last week pushed to an all-time high in yields of over 7 percent. In the face of today's heavy demand pressure from Government and corporations, the bond market may well be headed for financial collapse. High-interest rates also continue to bleed the housing market. Interest payments on a new $25,000 house amount to as much as double the purchase price.

We are told we should not be too hard on the administration, that it inherited an economy with problems from the preceding administration and needs time to stabilize it. A year ago, I was willing to buy this argument. I was willing to join my colleagues on a honeymoon with the administration. But 17 months is ample time to set a new course. Yet we are still drifting aimlessly and dangerously. The administration must accept the blame for today's economic disarray.

The thing that bothers me probably more than anything else in the whole economic picture is this: Certainly we can see the economy going in two directions at once. On the one hand, we are going toward recession, toward rising unemployment, which has climbed in my State; toward segmented recession, with many segments of the economy being in extremely hazardous situations. The housing industry is going down, down, down, when it should be going up, we are building houses at less than half the rate that we should be building them in order to take care of the very minimum needs in this Nation. Of course, that is directly traceable to the money market and to the interest rate structure.

I think the No. 1 problem in our economy is the exorbitant price of money in our money markets. In my judgment, this Nation today is in a financial recession. It is not a full-blown recession, according to all of the economic indicators, but it very clearly and very definitely is a financial recession. Whenever tax-exempt bonds are selling at 7 percent, this country is in trouble. How in the world can we finance a Federal Government at the kind of interest rates we are having to pay today?

Mr. Chairman, if we issued any 6-year notes or 7-year notes, we would probably have to pay 8.5 percent. We would have to pay 8.5 percent in the money market. We are paying 7¾ percent now for 18-month notes. Further, every year remember we are refunding more and more debt and the market of the old 4-percent bonds is running out and will have to be replaced at 8 percent.

The interest cost to the Federal Government this year will be $20 billion. In my judgment it will be $22 billion next year. No nation is rich enough to afford that or to afford the interest rates we are paying in this economy.

The administration's reliance on monetary policy as a cure-all is in the classic manner of traditional Republican shortsightedness on economics. We saw it in the 1950's when the Eisenhower administration, clinging to the concept of a balanced budget, relied heavily on monetary policy to muddle through. At least twice—in the recessions of 1954 and 1958–1959—the Republicans should have learned that tight money has no economic magic.

A year ago, as the present administration began to turn to the old Republican formula, I wrote to Secretary of the Treasury David Kennedy urging caution. I warned that the kind of pernicious inflation we were facing could not be stopped by monetary policy alone, or indeed, by the mix of monetary and fiscal policies proposed at that time by the administration's economic advisers. The tax surcharge—at 5 or 10 percent was ineffective.

The inflation we faced then and still face today is fed by the tens of billions of dollars of wartime expenditures, and cannot be controlled by peacetime economic policies.

In my letter of June 18, 1969, to the Secretary, in which I opposed further extension of the surcharge because, in my judgment, it was clearly having no impact, I said:

> I strongly urge you and the President to make abundantly clear to the American people that you will not stand by and permit unfettered excesses in the economy to bring about the abandonment of important national goals. I urge the following specific actions:
>
> 1. Declare a national policy of monetary priorities based upon the investment needs of a balanced economy.
> 2. Declare a national policy of inflation control, establishing limits of acceptability in price, wage and interest rate increases.
> 3. Use the full force of the Administration to implement such priorities, making them fully known to the financial community and taking a more responsible stance in support of roll-backs in interest rates.
> 4. Establish firm agreements with the Federal Reserve Board to implement a more realistic set of priorities within the banking and monetary systems.

The need a year ago and now is for positive and active involvement by the administration in monetary policy through the employment of selective credit controls, for which Congress gave the President authority last December, and through the establishment of enforceable price and wage guidelines.

Though Secretary Kennedy has ignored this advice, I see in the morning papers today that his chief economist is now inclined to agree with me.

The measures I propose are necessary because of our continued participation in the Indochina war. The war is certainly the most important factor in the Nation's present economic difficulties. We are fighting an undeclared war while attempting to run a peacetime economy. This is an impossible task to accomplish successfully, as the current state of the economy attests. There can be no such thing as a "business-as-usual" war for the United States.

The measures I propose are also necessary to reverse the dangerous pervasion of high interest rates throughout the entire fiber of the economy. High interest rates are undermining our whole process, making a mockery of economic opportunity for the homeowner, the investor and the small businessman, and making a travesty of fiscal responsibility for the Federal Government.

Let us look now just very quickly at the deficit situation because there has been so much confusion about the problem of the budget.

The administration says that in fiscal year 1971 we will have a $10 billion deficit and this is in the Federal funding budget. Heretofore we have always talked for years in considering the deficit about the administrative budget. Only this past year the committee implemented this new combined, or unified, budget. In my judgment it is a misrepresentation of the actual spending and deficit situation insofar as the U.S. Government is concerned. In the Federal funding budget the administration estimates a $10 billion deficit in fiscal year 1971. In my judgment, they are off at least $6 billion. In place of it being $10 billion, it will be closer to $17 billion.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. ULLMAN. Mr. Chairman, what we have done in the first place is to assume that this Congress was going to enact their tax increase recommendations, first in the area of gift and estate taxes; and, second, in the area of leaded gasoline taxes. Both of their recommendations are highly controversial and, in my judgment, with the state of the economy as it is today it may very well be the height of folly to enact them, so, I think their assumptions are totally wrong. I do not think this Congress is going to do it. In my judgment their recommendations are not sound.

Second, they have estimated an upturn in revenue, particularly in corporate revenue, in the second half. As I look at the economy, I have to agree with the Joint Committee on Internal Revenue Taxation which says that they have about a $3 billion deficit over the estimate as to the amount of revenue.

So, if you take those two factors into consideration, we will have close to a $17-billion deficit in this fiscal 1971 budget.

Now, because of that I am willing to vote for this bill which gives the President more leeway than we have ever given a President in the way of cash on hand and more flexibility. But because of those two factors which I mentioned, I think the administration has grossly miscalculated both the revenue and the tax side ledger as to the amount that we are giving them. The $395 billion in my judgment will just barely see us through. For that reason, I think it is wise for this House to enact this legislation. But I hope that the administration will see the light and start changing its monetary and economic policies. If it does not, we are going to be back here early next year with a far larger increase in the debt ceiling than anyone could possibly anticipate today.

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Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the distinguished gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. In other words, the gentleman would agree to what I said: that it is an awfully tight figure that is used in this particular piece of legislation?

Mr. ULLMAN. I would say to the gentleman from Wisconsin that I do agree, but I agree only because of what I consider gross miscalculations on the part of the administration in both the tax proposals and their revenue estimates.

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. MIZE).

Mr. MIZE. Mr. Chairman, there is probably very little that I can add to what has been said by the distinguished Chairman of the committee, the gentleman from Arkansas (Mr. MILLS) and the distinguished ranking minority member, the gentleman from Wisconsin (Mr. BYRNES) but I think it is absolutely essential that we face up to the problem that we have to increase the permanent debt limitation from $365 billion to $380 billion, and to increase the temporary debt ceiling by an additional $15 billion, or an overall limitation of $395 billion for the fiscal year 1971, for the various reasons that have already been given.

As has been pointed out, Mr. Chairman, many members of the public do not understand the basis for this increase, for they know that the President has forecast a very slight deficit in his budget for fiscal years 1970 and 1971, less than $2 billion in each case. But as has been pointed out, the President's budget is called the unified budget, and it reflects the total income and total outgo of the Government for a fiscal year. When the income exceeds or equals the outgo, the President quite properly can claim credit for a balanced budget, but due to slightly reduced estimates of receipts from income taxes, President Nixon has announced recently in a very forthright manner, I believe, that his unified budget will be about 1 percent in deficit this year, and again next year.

But the public debt is figured differently, Mr. Chairman, and the public should be made fully aware of this distinction. The public debt is figured on a Federal funds basis instead of this unified budget basis.

Now, since the Government acts in a fiduciary capacity in management of the various trust funds in its custody, I think we would all agree that it is appropriate that the Treasury Department borrow from the surplus of these trust funds, and later repay these debts with interest. Through this device the Treasury assures the trust funds, such as social security and medicare, a modest interest income paid on the paid-in principal.

Mr. Chairman, the Treasury will borrow about $10 billion this year, and again next year, from these trust funds. To be precisely accurate in documenting the public debt, these borrowings should be reflected in its calculation.

Now, further, the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS) and the ranking minority member, the gentleman from Wisconsin (Mr. BYRNES) and the Secretary of the Treasury I think have been prudent to recommend an increase in the cash balance of the Treasury to a level of $6 billion, because in the recent past the cash balance has been drawn down, as has been pointed out, to less than $3 billion.

So these and other adjustments require the statutory level of the public debt to be increased at a time when the income of the Federal Government is roughly comparable—roughly comparable—to the Government's outgo.

When the pressures of the war abate, let us hope that the Congress will find it appropriate to retire a portion of the public debt.

At that time no doubt it will still be advisable to borrow from the trust funds in order to assure the beneficiaries of these trust funds an income on their paid-in equity. But that decision, of course, we can make later.

Today, Mr. Chairman, we should act promptly to increase the statutory level of the Federal funds account public debt—and that is what we are being asked to do here today.

As has been pointed out, should we fail to do so the payroll savings program will be disrupted after July 1 for U.S. savings bonds could not be issued after the date, and further Government contracts and payrolls would be threatened.

It is a difficult decision that we face, but we certainly hope and pray that the majority of our colleagues will do what is right for the country at this time and then let us all redouble our efforts to bring Federal spending within reason in the years immediately ahead.

Mrs. GRIFFITHS. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, in the some 8 years that I have been here, I have always voted along with the Committee on Ways and Means and with the majority of the Members of the House to increase the debt ceiling. I shall do so now because I think it is the only responsible thing to do.

But I want to go clearly on record and say that next year I may change my voting pattern because of something that disturbs me very deeply. That is because I do not think we have been told the whole truth and nothing but the truth about this debt and about the financial operations of our Government. I am not pointing an accusing finger at anybody in the executive branch or in the legislative branch, but I am just trying to state a basis, as I understand it.

Every year, and I will use this year as an illustration, we see statements by the executive and by his chief financial officers that we probably are going to have a slight surplus or slight deficit in the budget of the Federal Government. Well—that just is not so, Mr. Chairman. The deficit is not slight. As the gentleman from Kansas pointed out a while ago and as the gentleman from Wisconsin pointed out a while ago, the deficit is a lot more than slight. In fact, it is quite a few billion dollars.

The deficit in the budget is really, if it may be accurately measured, it is really the difference between what you are levying in taxes to pay your bills, and what you have to go out and borrow in the market to finish paying your bills after you run out of money.

Last year it was about $12 billion. This year it is going to be about $18 billion. That is really the amount of the deficit that we are having and that is what so worries me about going on and saying, and allowing people in the executive department to get away with it, that we are just having a slight deficit or perhaps even a slight surplus.

I think this failure to tell the whole truth creates the wrong kind of climate in the Congress and in the minds of the public to do what needs to be done to bring this Federal spending and Federal taxing into proper balance.

So I say right now that while I have voted for this in the past and I will vote for it today, I am going to be watching as to how the story is told next year of whether or not we are actually operating at a deficit.

In order to make the record completely accurate as to what my position is, I want to call the committee's attention to the committee report on page 3, table 2, and show here that the actual deficit for 1969 was $5.5 billion and that the actual deficit estimated for the fiscal year 1970, which is only 27 days from now, will be $11.2 billion. Then next year, a year from now, the actual deficit will be roughly $13.8 billion. That $13.8 billion assumes what probably Congress is not going to do anyway, and that is to pass these different tax increases that have been proposed, such as an increased tax on gasoline, and a tax on some other people that the Congress probably is not going to go ahead and tax. So I think in order to create a kind of political responsibility in the country, the Chief Executive and his chief fiscal officers are going to have to talk plainly and state that the country is not operating at a slight deficit, but that the country right now is operating at a deficit that approaches $18 billion a year.

I think the most accurate statement of what the situation is going to be during the remainder of this year is contained in the hearings of the committee on page 3. It was a statement appended to Secretary Kennedy's testimony.

As Mr. BYRNES, the ranking minority member, said this is a very tight ceiling. To show how tight it is I point out table 1 at the bottom of page 3 of the committee hearings. On April 15 next year just before that large influx of money comes on April 15 of next year, assuming that even the $4 billion worth of additional taxes have been levied, and I doubt very seriously that that is going to happen, the debt picture of this country will be within two-tenths of a billion dollars from the temporary ceiling. Mr. Kennedy's testimony shows

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that at that time, on April 15, 1971, we will have in debt and in cash balance, in the Treasury, outstanding $394.8 billion, or within two-tenths of a billion dollars of what is going to be set by this legislature today.

So I think the fiscal responsible thing to do this year and right now is to vote for this debt limitation, but I would hope that the Executive and all Members of the Congress would tell it like it is, that the budget is badly out of balance, that it is not out of balance by just $1 billion, but it is out of balance for fiscal 1970, the year we are now in, by about $11 billion, and that next year it is going to be out of balance between $10 and $15 billion unless something very dramatic is done.

Mrs. GRIFFITHS. Mr. Chairman, I yield 10 minutes to the distinguished chairman of the Committee on Banking and Currency, the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, it occurs to me that we should expect the budget to be unbalanced when we allow the Federal Reserve System to operate in its present manner.

THE CONGRESS SHOULD CANCEL THE FEDERAL RESERVE'S $57 BILLION BOND BONANZA

Do the Members of the House of Representatives approve of giving a Federal agency $3.2 billion of public moneys to do with as it pleases—without any questions being asked, without any audit, without any review?

That is the basic question before us. This Congress, through its inaction and refusal to step on the toes of the big money managers, gives the Federal Reserve System this $3.2 billion slush fund and never asks a single question about what is happening to this public money.

Mr. Chairman, this is wrong. It is immoral and it is against every precept of good government. It is a shame on the Congress that this is allowed to go on.

There is absolutely no question about it. The Federal Reserve finances its far-flung—and often questionable—activities through the interest payments which are given it by the U.S. Treasury Department. At the moment, these are amounting to more than $3.2 billion annually. And there is not a single Member of this House of Representatives who can tell their constituents what happens to this money. There is not a single hearing record in the Appropriations Committees that will reveal a single fact about what happens to $3.2 billion of the taxpayers' money.

The Federal Reserve uses what it desires of the $3.2 billion and then gives the remainder back to the Treasury.

The truth is this House of Representatives does not have any information or any control over what has been happening to this money—this slush fund paid for by the American taxpayer—the taxpayer that we are charged with the responsibility of protecting.

How does the Federal Reserve amass this fantastic sum? The device is unique among Government agencies and at the same time, quite simple.

Here is the way it works:

The Federal Reserve System, through its Open Market Committee purchases—with the credit of the United States—Government securities in the open market. Using the credit of the United States, the Federal Reserve has purchased $57.3 billion worth of these Government securities. These securities, paid for by the credit of the United States, reside in the portfolio of the Open Market Committee in the New York Federal Reserve Bank—the real nerve center of the entire Federal Reserve System.

Mr. Chairman, these are Government bonds that have been paid for with the credit of the United States. They have been paid for once. But, the Federal Reserve System continues to hold them in the portfolio of its Open Market Committee and it continues to charge the U.S. Government interest on these securities. I repeat, the Federal Reserve System charges the U.S. Government interest on bonds that the U.S. Government has already paid for.

Mr. Chairman, I cannot think of anything more absurd than such a system. Here we have a system where the U.S. Government has paid for a bond and yet an agency of that same Government collects interest on this same obligation.

I am at a loss to explain why the Members of this Congress, fine, outstanding Members, would allow something like this to go on.

This is like a home buyer who engages a broker to pay off his mortgage and then finds that the broker, after paying the mortgage holder with the home buyer's money, has retained the mortgage for himself * * * continuing to collect the interest and asserting the right to come around and collect the principal again when the mortgage matures.

This device, of course, enables the Federal Reserve to carry on its operations without coming to the Congress for appropriations. Thus it escapes an annual review of its activities. Every other agency of the Federal Government must come to the Congress for appropriations and they must undergo a full review of their expenditures of public moneys. But in its benevolence, the Congress has exempted the Federal Reserve from this scrutiny.

Mr. Chairman, through the years the officials of the Federal Reserve System have made no attempt to hide the reasons that they want to hang onto these bonds—these paid-up bonds. They admit that it is for the purpose of avoiding the appropriations process.

For example, Mr. Chairman, former Federal Reserve Chairman Marriner Eccles, conceded this point to me when he appeared before the Banking and Currency Committee back in 1941 and I quote from the record of the Committee's hearing of June 21, 1941:

> Mr. PATMAN. Have you had in mind keeping a certain amount of securities, the interest from which would be sufficient to pay the operating expenses of the Federal Reserve banks?
>
> Mr. ECCLES. I certainly have.
>
> Mr. PATMAN. You say you certainly have?
>
> Mr. ECCLES. Yes.
>
> Mr. PATMAN. In other words, keeping enough Government securities to pay operating expenses?
>
> Mr. ECCLES. Yes, sir.
>
> Mr. PATMAN. That is, in order to prevent you from having to come to Congress for an appropriation to maintain you?
>
> Mr. ECCLES. Well, if Congress desires to have the Reserve System operate on a basis of appropriations, of course, it is up to Congress to do that; but until Congress determines that the Reserve System should come to Congress for its operating appropriations, it seems to me that it would be the duty of those responsible for the operation of the System to provide that the income will maintain the outgo.
>
> Mr. PATMAN. It occurs to me, though, that that is no more reasonable in your case than it would be in the case of any other agency in the Government. In other words, if it is right to permit you to transfer non-interest-bearing obligations of the Government for other Government obligations that bear interest, and to permit you to keep those obligations and receive interest on them annually, in order, as one of the main reasons, to maintain and pay your operating expenses, there would be just as much reason and logic to support their contention that they be allowed to do so.

Without the income from these bonds, the Federal Reserve would be in the same boat with every other major Federal agency. They would have to come to the U.S. Congress for appropriations. And should this happen, the Members of the Appropriations Committees and the Members of Congress would have an opportunity—their first—to review the activities of the Federal Reserve and its expenditures.

This kind of public accountability, the Federal Reserve wants to avoid at all costs.

The Congress has always taken the position that the regulatory agencies—such as the Federal Power Commission, the ICC, the FTC, the FCC—should come to Capitol Hill for their money. The Congress has rightfully regarded this appropriations process as an opportunity to review these agencies as well as provide control over expenditure of public moneys.

In recent years, the Federal Reserve has been spending around a quarter of a billion dollars for various activities including its support of the bankers lobby. Yes, support of the bankers lobby.

About $100,000 of the U.S. Treasury dole to the Federal Reserve—your money, the taxpayers' money—goes to pay dues to the American Bankers Association and various State and local bankers associations. These groups are nothing more than lobbying organizations—organizations that come right here to Congress and lobby us on monetary and banking policy.

The Federal Reserve System—a Federal agency—is a full-fledged, card-carrying and dues-paying member of the bankers lobby, courtesy of the U.S. taxpayers and thanks to the laxness of the Congress.

After the Federal Reserve gets through spending the money for what it pleases, the remainder is turned back to the Treasury at the end of each month. The fact is the money should never have left the Treasury in this form in the first place.

There is no accounting—in the true sense of the word—for the difference between the $3.2 billion paid out by the

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Treasury and the varying sums returned at the end of the year by the Federal Reserve.

Mr. Chairman, I realize that these facts are startling, shocking to many Members. Many may think such a situation could not really be allowed under our form of government.

But, let me quote from a hearing of the Banking and Currency Committee on July 7, 1965, at a time when the bonds in the open market portfolio amounted to only about $39 billion. At that time, William McChesney Martin, Chairman of the Federal Reserve Board, made no attempt to hide what was happening. Here is the way he described the situation in answer to my questions:

> Chairman Patman. I want to clarify this for the record one more time, Mr. Martin. How in the world can you insist that bonds that are paid for once should continue in existence with the taxpayers having to pay interest on them after they have been paid for once? Now, of course, you claim that these bonds have to be there to back up Federal Reserve notes. But that does not conform with your reasoning in 1959 when you presented to Congress a bill, and it was passed on by this committee, which said that you wanted the power to lower reserve requirements and count vault cash as reserves; and that, if you got that power, you would transfer $15 billion of the then portfolio of $24 billion to the private banks. You further stated that the private banks needed the income from these bonds, and that the Federal Reserve does not need it. You do not need the $15 billion. The remaining $9 billion in the portfolio, as you stated in a staff report, would provide enough flexibility for you to operate. Now, then, when the Open Market Committee owns $38.5 billion worth of bonds—which of course is about $14.5 billion more than it was then, you insist that it is impossible for those bonds to be canceled, although $15 billion under the same circumstances could be given to the private banks, after giving them (through reducing reserves) the reserves to buy the bonds.
>
> The Fed pays nothing for them; it merely creates new reserves. Then it continues to get interest on those bonds and, when the bonds become due, they can collect the principal again.
>
> I cannot get the reasoning there at all, Mr. Martin. If that makes sense, I am unable to comprehend it. Of course, there may be something in my background—lack of knowledge—that would account for it, but I do know this: No one should be compelled to pay his debts more than once, but in this instance you would compel the Government to pay its debts more than once. You would compel the Government to continue to pay interest on bonds that have already been paid for. When you bought these bonds, you paid for them. You will admit that, will you not, Mr. Martin?
>
> Mr. Martin. The bonds were paid for in the normal course of business.
>
> Chairman Patman. That is right.
>
> Mr. Martin. And that is the only time they were paid for.
>
> Chairman Patman. Just like we pay debts with checks and credits.
>
> Mr. Martin. Exactly.
>
> Chairman Patman. In the normal course they were paid for once; you will admit that, will you not?
>
> Mr. Martin. They were paid for once, and that is all.
>
> Chairman Patman. That is right.

Mr. Chairman, the truth is no one has ever denied that this is the way the Federal Reserve System operates. All of the officials of the Federal Reserve have conceded the facts. For example, Mr. Chairman, Senator Paul Douglas interrogated Mr. Martin before the Joint Economic Committee in February 1952. And Mr. Martin admitted that the bonds had been paid for by the credit of the U.S. Government. Here is the way that exchange went:

> Senator Douglas. When the Open Market Committee buys Government bonds, how are these bonds paid for?
>
> Mr. Martin. They are paid for by a check, by deposit.
>
> Senator Douglas. You mean that the banks, the Federal Reserve banks, create credit—
>
> Mr. Martin. That is right, sir.
>
> Senator Douglas (continuing). With which they buy Government bonds from private parties.
>
> Mr. Martin. That is right, sir.
>
> Senator Douglas. What happens to these checks which the Federal draws from a created credit account? What happens to those checks?
>
> Mr. Martin. They go into the reserve account.
>
> Senator Douglas. Yes; that is the second step. What is the first step? They are given to the holders of securities; is that true?
>
> Mr. Martin. That is right.
>
> Senator Douglas. Then they are presented through member banks to the Federal Reserve System; is that not true?
>
> Mr. Martin. That is right.
>
> Senator Douglas. When they are deposited in the Federal Reserve System, how are they set up as a credit?
>
> Mr. Martin. To the reserve account of the bank, of the depositing bank.

Mr. Chairman, another former Chairman of the Federal Reserve, Marriner Eccles, was also quite candid. Here is what he said back in 1943 in hearings before the House Banking and Currency Committee on April 5 of that year:

> Mr. Eccles. What we do, if we purchase Government securities in the market, is we credit the account of the bank that turns them in. They usually come through the banks.
>
> Mr. Patman. That is right.
>
> Mr. Eccles. Even though they may be individuals who are selling the securities and we debit the bond purchase account, showing that the Federal Reserve has a liability to the banks to the extent of $1,000,000,000, which represents their reserves on the one hand, and that they own $1,000,000,000 of bonds in what we call the portfolio, on the other hand.
>
> Mr. Patman. I know in practice that is exactly the way it is done, Mr. Eccles, but suppose the banks want the billion dollars in currency, you would pay it in Federal Reserve notes, would you not?
>
> Mr. Eccles. That is right.
>
> Mr. Patman. Those Federal Reserve notes, as we have often discussed, are obligations of the United States Government?
>
> Mr. Eccles. That is right.

Mr. Chairman, I also interrogated Chairman Eccles on this point on June 21, 1941, before the House Banking and Currency Committee and I place in the Record two excerpts from this testimony as further evidence of the point that I am making here today.

TESTIMONY OF MARRINER ECCLES REGARDING TRANSFER OF NONINTEREST GOVERNMENT OBLIGATION FOR INTEREST BEARING

> Mr. Eccles. The Open Market Committee can buy either those bonds or any other bond either from the bank that you indicate or from a dealer or from any other bank.
>
> Mr. Patman. I am just giving that as an illustration, not as a specific case.
>
> Mr. Eccles. But the System does not operate that way. No Reserve bank buys Government bonds from any bank. The Open Market Committee does the purchasing, and they do the purchasing in the open market because the law requires that they do the purchasing in the open market, and requires that they cannot buy directly.
>
> Mr. Patman. Of course I am not taking that into consideration, but the effect of it is the same. If the bank sold a million dollars in bonds, although it was through the open market, the effect is the same. You have transferred—
>
> Mr. Eccles. Credit. As a practical matter, the bank that sold the bonds would sell those bonds in the market.
>
> Mr. Patman. In the open market; that is right.
>
> Mr. Eccles. And would get credit either at the Reserve bank or at a correspondent bank, for which they could get Federal Reserve notes if they wanted them.
>
> Mr. Patman. So if the statement that you are transferring one Government obligation that is noninterest bearing for another Government obligation that is interest bearing is correct, then you continue to draw interest until those bonds are due and payable?
>
> Mr. Eccles. That is correct; yes, sir.

* * * * *

FEDERAL RESERVE NOTES A GOVERNMENT OBLIGATION THE SAME AS INTEREST-BEARING GOVERNMENT SECURITIES

> Mr. Patman. Now, I want to ask you about these Federal Reserve notes. You consider them obligations of the U.S. Government, do you not, Governor Eccles?
>
> Mr. Eccles. I do.
>
> Mr. Patman. They are just as much an obligation of the Government as a Treasury bond or any security that is issued by the Government?
>
> Mr. Eccles. They are just as much an obligation as, say, the silver certificates or what we speak of as the greenbacks, of which some are still out.
>
> Mr. Patman. Or the bonds that have coupons on them that you clip?
>
> Mr. Eccles. That is right. They are just a little different form of obligation.
>
> Mr. Patman. I understand they are a different form of obligation, but at the same time they are Government obligations and a Government responsibility?
>
> Mr. Eccles. That is right.

Mr. Chairman, these bonds should be canceled and retired as obligations of the U.S. Government. They should be subtracted from the national debt.

In other words, the debt ceiling bill that we are considering here today is actually unnecessary. We could, by doing the right thing concerning the Federal Reserve, cancel these bonds and subtract $57.3 billion from the national debt. Thus we would have a national debt of less than $320 billion and we would not need the increase that is being proposed here today.

By doing this we would be forcing the Federal Reserve to come to Congress for appropriations and to face an annual review by the elected representatives of the people.

The Congress should require this action without delay. And as I told the House earlier this week, we should pile up these paid-up bonds and have an old-fashioned bond burning at the Capitol. This would signify that the Congress of the United States was asserting its constitutional power over monetary affairs

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and would no longer allow the Federal Reserve to thumb its nose at the American people and their elected representatives.

We would be taking a giant step forward toward a sane monetary policy and lower interest rates for everyone in the economy.

We will never know all the facts about the Federal Reserve unless there is a Government audit by the General Accounting Office. But that is resisted. It has been impossible to get a provision through Congress to get the Federal Reserve audited. That should create some suspicion, but it has not so far, not enough to get anything done.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield briefly to the gentleman from Iowa. I have only a short time.

Mr. GROSS. Is this the same unaudited Federal Reserve Board to which the Banking and Currency Committee of the House and its chairman delegated the power to impose credit restrictions on every living citizen in this country?

Mr. PATMAN. Actually we gave the power to the President and he may have the Federal Reserve administer the authorities. We have been unable to get a bill through that contained a provision for an audit of the Federal Reserve.

I went before the Rules Committee on this bill and tried to get the Rules Committee to permit me to offer an amendment that would require an audit of the Federal Reserve. If we had an audit, it would show we have overpaid our debts $57 billion.

We should cancel those. We should have an old-fashioned bond burning, like the church usually has when it has paid off its bonds. They are happy and pleased the debt is paid, and they have a bond burning.

How can any government have any budget except an unbalanced budget when it pays its debts twice or three times or more, allowing the Federal Reserve to hold on to these paid-up bonds.

That is going on, my friends, right here in broad daylight. It is true the Ways and Means Committee has not had time to study the question. I was told last Monday the only time I could be heard would be Monday. Of course, the Secretary of the Treasury and the Director of the Bureau of the Budget took up all Monday morning. Monday afternoon I had two bills on the floor. One of them was the numbered bank account bill—H.R. 15073. And I had no opportunity to testify.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PATMAN. May I have 5 more minutes?

Mrs. GRIFFITHS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. PATMAN. I could not go over to the Ways and Means Committee. Of course, the hearings closed.

How can we go into these matters if we do not get consideration? The Rules Committee did not give me the power to offer an amendment calling for an audit of the Federal Reserve. I also wanted an amendment that would give consideration to cancelling those bonds, with the understanding that I would show and document with adequate proof that they have been paid for once. But that amendment was not permitted, either. So how are we ever going into these things to get the right things done unless we get consideration?

I suggest, my friends, that we give real consideration to this. It is not just a story of a mysterious thing. It is something that is real. It is not imaginary. It can be documented. It can be proved.

We have plenty of evidence of this. There is no reason why we should have to raise the debt ceiling, when we have $57 billion of bonds that have been paid for once and, in addition to that, we are paying $3 billion a year interest to people that have no responsibility as to how that money is spent.

Listen to this. They have no responsibility as to how that money is spent and they are spending it for things that no other agency would be allowed to spend money for. I will place in the RECORD in a few days some startling expenditures that I have discovered in some records of the Federal Reserve. This is money that would go right into the Treasury were it not intercepted.

The CHAIRMAN. The time of the gentleman has expired

Mrs. GRIFFITHS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I do not have time. I only have 3 minutes left now. I am speaking tomorrow afternoon when I have a special order, and if you are here, I will yield to you then. I cannot yield now.

Now, then, yesterday I made a speech, and this is all in the RECORD of yesterday, and I hope you will look it over and see all of the material that is in there. Today I have documented this speech with what Mr. Eccles said and what William McChesney Martin said and all of the rest of them. None of them have contradicted a word of what I have said about those bonds.

We are paying our debts twice. Not only paying interest on debts that have already been paid. We should not do that. It is not sensible to do it. It does not make any kind of sense. It is just senseless. But that is what we are doing. Therefore, if we will have the Federal Reserve audited and have them report just like all other agencies of the Federal Government do, we will discover this very quickly without any guesswork. So I ask this fine Committee on Ways and Means, before you ever bring another bill in here, to get an audit of the Federal Reserve and look into these charges that I am making now. I can prove and document the fact that the national debt is $57.3 billion more than it should be because we refuse to cancel these paid-up bonds in the portfolio of the Federal Reserve's open market committee.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I rise in categorical opposition to H.R. 17802 or to any other measure that would further increase the Federal debt limit.

Conversely, I am in absolute favor of any measure that would begin, at once, to decrease the Federal debt; it is mandatory that we take such action.

To approve this proposed exercise of H.R. 17802 in a too-long-permitted pattern of fiscal irresponsibility can only do further violence to this Nation's economic status and security.

To pass H.R. 17802 to increase the permanent Federal debt limit to $380 billion would be to further intensify the lack of public confidence already suffered with regard to the national fiscal picture; and it would be an act of total irresponsibility on the part of this distinguished body, the U.S. House of Representatives.

To add this proposed "one more for the road" to this too-long-permitted train of increase upon increase in the public debt limit would be to apply, once again, the tragic medicine of proved failure to a potentially lethal disease which began to head toward the terminal stage the day that impotent medicine was first applied.

As we look about us at the myriad of problems suffered in both the public and the private sectors of our national economy, it is perfectly obvious that the old medicine of economic permissiveness must, at once, be discarded, and that the new medicine of economic sanity must be applied.

In 1917, the public debt was $3 billion. In 1941, the limit on the public debt was set at $65 billion. Almost every year since, Congress has raised the national debt limit. Today, we are asked to raise it a total of another $18 billion above the current temporary limit of $377 billion to the new high of a total of $395 billion.

That, as the measure stipulates, this would raise the limit only temporarily is of no assurance nor comfort to me—nor to millions of other increasingly more concerned American citizens. It is recalled that so, too, were the previous increases in that same temporary debt limit; but, in order to attempt to keep pace with continued high and deficit Federal spending, that which was temporary has, in fact, become a permanent and progressively worsening economic way of national life. Consequently, our very way of life suffers ominous threat and increasing jeopardy.

It is time for the Congress to take action to stop our spiraling national debt if we are to protect our economy, and reduce the burden on our taxpayers.

During my congressional tenure, I have never voted for any increase in the national debt. Now, I find even more compelling cause to oppose an increase. As we look about us, we find fiscal problems that lack of congressional action has only permitted to deepen.

It was in my long-established serious concern over this problem that, on February 26, 1970, I introduced in this body a concurrent resolution—House Concurrent Resolution 517—which would provide that—

> Each budget submitted to the Congress . . . should include specific provisions for bringing about a net reduction in the na-

> tional debt of at least $10 billion during the fiscal year for which such budget is submitted.

I noted then that—

> In fiscal year 1971, the American people will be compelled to spend more than $18 billion in interest, alone, on the ever-growing national debt which is now in excess of $360 billion.

Today, little more than 3 months later, we find that, as of May 20, 1970, that debt stood at $374 billion, with the American people now confronted with an interest cost of nearly $20 billion in fiscal year 1971, which starts July 1, 1970. That is $20 billion down the drain as the price for past and continuing Federal fiscal irresponsibility on the part of the Congress.

I ask you to consider these additional facts: The national debt must now be refinanced every 3 years and 6 months. If we are fortunate enough to refinance the entire national debt at 8 percent interest we will be paying more than $30 billion annually in interest alone.

Over $110 billion in Federal obligations are maturing in fiscal year 1971, and we will not pay off a penny of them. They will all be refinanced on short terms. In addition, we will borrow an additional $10 to $15 billion.

This will only serve to further siphon money from the capital market, will cause higher interest rates, tighter money, and accelerate inflation.

That this is incredible is demonstrated by the fact that every political jurisdiction below that of the Federal Government carefully amortizes its debts. For example, when a State, county, or municipal government raises money by floating a 25-year bond issue, principle and interest payments are made annually. Thus, in 25 years, the full obligation represented by the 25-year bonds has been paid off.

But not so at the Federal level, where the long-established pattern is the constant practice of refinancing ever-growing old debts at higher interest rates and borrowing more money. This only further drains off money from the capital market which should be available for new housing starts, mortgages, and industrial and commercial expansion that provides new jobs.

Further, this total fiscal irresponsibility on the part of the Congress has now made it difficult, and impossible in some cases, for States, counties, and municipalities to borrow money for schools, sanitary sewage treatment plants, incinerators for solid waste management, and other sorely needed improvements.

Let us not delude ourselves with the old fallacy that we only owe the national debt to ourselves. Try telling that to the banks and insurance companies whose depositors' and policyholders' money is invested in Federal securities. Even better, try telling that to the American workingman who tries to cash in his U.S. Treasury savings bonds at maturity and walks away empty handed.

I submit that this continuing parade of gloomy economic facts must serve to underscore that our Government must begin to practice what every American breadwinner knows he must practice if he is to survive financially; namely, that he cannot spend more money than he earns, and that when he borrows money, he must know how, and from what source, he is going to be able to repay it.

It is against this background, these facts of fiscal life, these threats to our national economic survival, that I ask that the Members of this House assert their responsibility to turn back this tide of inevitable disaster by refusing to pass H.R. 17802 as the first step toward cutting Government spending, reducing national debt, and giving our too long overburdened taxpayers cause for desperately needed confidence in our economic intelligence and fiscal integrity.

Mrs. GRIFFITHS. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I rise in opposition to this bill, and I plan to vote against the bill. I do not rise in a partisan sense, although I could not help but be struck by the earlier, somewhat pious pleas for responsibility by those who consistently voted against debt increases in the past.

Both in 1966 and in 1967 the vast majority of the Republicans voted against the debt increase. In fact, in 1966, 121 Republicans voted against the increase, and only one voted for it.

Perhaps we might have a rule when we get up to speak on these matters that we should take into account what our past position might have been so we can introduce some consistency into the political dialog of this country.

Last year when the debt increase came before us, I voted for it despite the fact that it came from a Republican administration.

I rise to oppose it this year—not because it is not needed—because I think it is—even with the generous $6 billion cash provision and the $3 billion margin which are provided for. I do agree with the gentleman from Oregon (Mr. ULLMAN). I expect that the estimates are not very good and that probably the full amount of this $18 billion debt increase will be required before the end of the fiscal year 1971.

I rise to oppose this measure to impress upon the President the need to move more rapidly toward disengagement in Southeastern Asia.

Since the President took office in January of 1969, we have incurred expenditures in connection with the Vietnam war in excess of $37 billion. What we will incur in the fiscal year 1971 is unclear. The President said that he was going to take 150,000 troops out, but he also told us that the reason he provided for a year's period in which to do this was because the generals did not want the troops to come out in the next 3 or 4 months.

So it may well be that for most of the fiscal year 1971, we shall continue to have the same level of troops in Vietnam as we have today.

So that figure of $37 billion-plus may be closer to $50 billion by the end of fiscal year 1971.

The United States can disengage more rapidly from Vietnam.

Those in the U.S. Government who played the principal role in turning this country around on the war in 1968: Secretary Clark Clifford, Ambassador Averell Harriman, Under Secretary of State George Ball, and Assistant Secretary of Defense for International Security Affairs Paul C. Warnke, all say it is in the interest of the United States to get our troops out by the end of fiscal year 1971.

We spent over $100 billion in Vietnam trying to chase an ideology over the landscape. Why the President persists in attempting a continuation of the war through Vietnamization instead of trying to negotiate a settlement escapes my understanding completely.

But I am not going to vote for a debt increase which would have been unnecessary had the President moved more rapidly toward disengagement.

I am not going to vote for a debt increase until the President at least commits himself toward disengagement to be completed within the next 12 to 14 months.

Finally, I have another reason for voting against this debt increase. In Colorado last fall, the President said that there would be no post-Vietnam dividend. He said that the $28 to $30 billion a year for Vietnam would be used up by other military expenditures. So, on the plate served to us this year, we have a whole range of new strategic nuclear programs—the MIRV, the ABM and the new B-1. We persist in providing for new aircraft carriers despite the Pentagon's study committee saying that it is unnecessary.

This President and this administration seem to be preoccupied and fascinated by the glitter—the power—of military arms. We seem anxious to spread those glorious goods around the world.

I see that by today's paper we are going to resume full military aid to Greece, a totalitarian society, the Fascist society that was repudiated by the Council of Europe.

So the facts are, Mr. Chairman, that this administration is not committed to an end of this war, although perhaps the President will seek to disengage us from it in another 3 years—that is before the election. We stand committed to an increased level of arms deliveries around the world, and we stand uncommitted to a reversal of national priorities. We are cutting education while we build new armaments. I could not go back to my district and tell my voters that these are the kinds of policies, that these are the kinds of programs for which I am going to vote an $18 billion increase in our debt ceiling. At some point the conscience must cry out that enough is enough.

Mr. Chairman, if the President would simply say that he was going to accept the advice of those who have lived longest with this war and who helped turn it around, and say that he was going to disengage the United States from that war by mid-1971, I would then be prepared to support whatever debt limit was

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necessary for a continuation of responsible government in the United States.

Mrs. GRIFFITHS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, first of all, I would like to express my deep regret that once again today we are operating under a closed rule. This procedure is not understood in the country. It contributes to a lack of satisfaction with the Congress and its procedures and a lack of trust in our form of government. I think it would have been wise to let the House work its will on the amendment that would have been proposed by the gentleman from Ohio (Mr. VANIK).

On the merits of the bill before us, I have always supported such legislation in the past, but I rise against it today, and I would like to be associated with the eloquent statement just made by the gentleman from Minnesota (Mr. FRASER).

I hope the Congress will reject this proposed increase in the debt limit. If it does so, I do not visualize that we will be suffering the terrible consequences that are so vividly described in the committee's report—failure to pay Federal payrolls and the like. What will happen is that the President will have to come in with a new proposal, and I hope very much that that proposal will reflect some new thinking on military spending in general and on the Vietnam War in particular. I hope that in that event the President will come back with a plan incorporating specific assurances for a more rapid pullout from Vietnam and a new policy toward the Thieu Government in South Vietnam.

Messrs. Thieu and Ky—Generals Thieu and Ky—are riding high today. They are operating all over Cambodia, at a time when we are supposed to be doing the fighting for them in Vietnam. They should be told that the United States and the American people are not going to tolerate this. They should be told that the United States is not going to tolerate their continuing to exercise a veto power over any reasonable compromise settlement that might be made.

These two men have never been for a compromise. They have never really been for negotiations, and that is natural, because without negotiations they hold onto the power. But there is no reason that American boys should be fighting and dying to keep these generals in power.

There are great opportunities facing the country today for other cuts in military spending, as well as in Vietnam; for example, with respect to the ABM and the MIRV. Why has not the country been told that there have been no new starts on the Soviet SS–9's since October? And yet Secretary Laird has built his whole case for the ABM and the MIRV on the threat that the Soviets were going on building these SS–9's, to the point at which they could wipe out our Minutemen. But there have been no new starts since October. The Soviets are showing some restraint and some interest in the SALT talks. It is time that we do likewise. And we could save substantial sums of money for the taxpayers at the same time.

Are we engaging in rough tactics here in opposing this bill? I will plead guilty to that charge. It is rough tactics if we can defeat this bill. But the President engaged in very rough tactics when he moved into Cambodia, when he moved U.S. troops into Cambodia without consulting the Congress.

Mrs. GRIFFITHS. Mr. Chairman, I yield 10 minutes to the distinguished chairman of the Appropriations Committee.

Mr. MAHON. Mr. Chairman, the subject matter of the pending bill is such that I felt I should make a few comments at this time.

THE DEBT CEILING

I wish to commend the gentleman from Arkansas (Mr. MILLS) and the Committee on Ways and Means for following through with this procedure of establishing a new statutory debt ceiling.

There are Members of the House who feel that they should not be dragged through this exercise every year, that it would be better if we did not have a public debt ceiling. It is true that actually the debt ceiling, except for psychological reasons, causes no expenditures and saves no money.

The debt ceiling exercise in a former year was described by a colleague as a meaningless annual gesture. It has been said that this procedure tends easily to give Members who wish to do so the liberty to vote for increased appropriations throughout the year and then undertake to prove how strong they are for the economy by voting against increasing the debt ceiling.

But actually we do not save money by voting against the debt ceiling. Expenditures are the result of actions on appropriation bills and related legislation, not debt ceiling legislation.

I believe the practice of setting a debt ceiling was begun in 1917, and it has been continued throughout the years. I think it is good practice, and I want to compliment the gentleman from Arkansas (Mr. MILLS) and the committee for their tenacity in holding onto this procedure, which many think is an unnecessary agony for Members of the House, but I think it is good, because it makes us face up to the consequences of our actions in accelerating, year after year after year, our defense spending and our nondefense spending and all Federal spending, spending in all sectors, spending from the Federal funds, and spending from the trust funds.

There is no logical alternative to passing the pending bill.

What would happen if we did not pass this measure? On July 1, if we did not pass this measure, the debt ceiling would revert to $365 billion.

So, by the passage of this measure as of that date we will increase, for the fiscal year 1971, the authority of the administration to borrow, by $30 billion. That is quite a sizable sum at a time when we are talking about a thin budget balance, or a slight deficit.

THE PSYCHOLOGY OF A PROJECTED BUDGET SURPLUS

I am inclined to say in a certain sense that any President who submits a projected balanced budget under precarious fiscal situations is probably doing the country a disservice. I say this because there is a certain psychological effect which is very bad indeed. When the President submits such a budget and the screaming headlines go out that we are in the black, that we have a surplus, even though it is a small surplus, people who feel that they, themselves, are the most fiscally responsible, lean back in their chairs and say, "Thank Heaven, things are better now. We do not have to be so concerned. Maybe there is at last some room for complacency."

The spenders, the people who want to spend more and more and more and more, are given a great deal of support by the fact that there is a projected surplus.

So these types of citizens, in all sincerity I agree begin to look around, and say, "How can we spend this surplus?"

Of course, projected budgets are not self enacting. They have to be considered and acted upon by the Congress.

Original budgets are generally optimistic in outlook. For a variety of reasons, they do not turn out as originally projected. The realizations often do not match the expectations or projections. Projected revenues may not—and often do not—come up to expectations. Expenditures may exceed—and often do exceed—original budget estimates. And so on. In other words, original surplus projections not infrequently vanish and turn into deficits.

A PRESIDENT CAN SUBMIT A BALANCED BUDGET

I doubt that every American citizen understands that any President can submit a balanced budget any year he wants to submit it. Any President cannot only submit a balanced budget, but also he can submit a balanced budget with a budget surplus as large as he wants to make it. He can do it by the stroke of a pen. I do not believe that is as well understood as it might be, but of course that is true. He can submit a balanced budget anytime he wants to.

He can do it by this process: He can reduce his proposed spending, or he can make recommendations for increased revenues. He can recommend raising postage on first-class mail to any sum, say 50 cents, if he wants to, as a part of his budget proposal, even though he would know he would never get it. I exaggerate for the purpose of making my point clear.

I make the point that it is no trick at all to submit a balanced budget, if one is willing to put himself in a position of being hardly supportable from the standpoint of credibility.

I hasten to say that the budget before us this year, in my opinion, represents the sincere views of the administration. Budget in previous years have, likewise, represented the honest views and desires of prior administrations.

DEFENSE APPROPRIATIONS AND EXPENDITURES

Mr. VANIK. Mr. Chairman, will the gentleman yield?

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Mr. MAHON. I am glad to yield to the gentleman from Ohio.

Mr. VANIK. I wonder if the distinguished chairman of the Appropriations Committee can give this Committee some idea as to what we have in the pipeline over and beyond appropriations? I understand that in the Defense pipeline we have about $40 billion. Is that a correct figure?

Mr. MAHON. The unexpended balance as presently estimated by the Defense Department is about $44 billion, but of course in various other departments and agencies, such as Housing and Urban Development, and so on, we have unexpended funds running to approximately $81.5 billion. There are in the Federal funds portion of the overall budget; I exclude trust fund balances from these amounts. This general situation has existed for years. We could rescind appropriations and cancel projects throughout the Government if we wished.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Arkansas.

Mr. MILLS. On the question asked by my friend from Ohio, the budget shows "defense-military" at the end of 1970 with an obligated carryover of $30 billion and an unobligated carryover of $10 billion plus.

Mr. VANIK. Mr. Chairman, will the gentleman yield further?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. VANIK. If that much money is in the pipeline, is it not possible for defense expenditures in fiscal year 1971, to exceed the $71.8 billion by whatever is spent out of the $40 billion?

Mr. MAHON. Theoretically, funds that are carried over from year to year could be spent instantly, and vastly increase expenditures in a given year, but as a practical matter, of course, this sort of thing does not develop.

Mr. MILLS. Mr. Chairman, will the gentleman yield on that point?

Mr. MAHON. I am glad to yield to the gentleman from Arkansas.

Mr. MILLS. I believe it is interesting to point out here that assurances were given us by the Director of the Bureau of the Budget that the administratiaon had no intention to, and would not, exceed the amount it had budgeted in February for military defense.

Mr. MAHON. This is correct. We have an expenditure ceiling enacted into law for fiscal year 1970. We have modified it in the second supplemental appropriation bill, which has gone to the Senate, to give additional leeway. But it is a ceiling on spending for fiscal 1970.

We have an expenditure ceiling fixed for fiscal year 1971 at something over $200 billion. The point is that, regardless of the availability of funds, there is a fixed maximum amount that can be expended in a given fiscal year.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 5 additional minutes.

DEFENSE FUNDS REPROGRAMING

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. VANIK. Does the Defense Appropriations Subcommittee, without consulting the rest of the Members of Congress, have the internal authority to approve or disapprove transfers in the allocation of military funds within the appropriated funds for military spending?

Mr. MAHON. The gentleman refers to reprograming. Transfers are not made from one appropriation to another through reprograming.

There is a practice that has obtained for many years requiring that even though funds are not appropriated on a line item basis, any substantial program changes within individual appropriations must be cleared by the Committees on Armed Services and Appropriations, even though, under the letter of the law, the Defense Department has the authority to make these program changes.

An example of reprograming is, if it is determined that one aircraft development program is moving along more rapidly and effectively than another one, you could increase the amount of expenditure for one and decrease the other, as long as you are within the total authorization and appropriation limit for aircraft. That is an example of what is referred to as reprograming. It is a procedure which tightens congressional control.

Mr. VANIK. I thank the gentleman.

But do the members of the Defense Subcommittee have authority to move around the utilization of billions of dollars, if that is involved in a program change, without consulting the House or without consulting the rest of the Congress.

Mr. MAHON. This is not the authority of the Committee on Appropriations. Reprograming pertains only to those items within individual appropriations. It never involves billions or anything close to billions.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. MILLS. The point in the gentleman's mind is—and I know he is disturbed about this, as he was in the executive sessions of our committee—if it is appropriated for aircraft, could it then be used for tanks or any other object?

Mr. MAHON. It could be used only for the purposes for which it is appropriated.

Mr. VANIK. Within the class?

Mr. MAHON. Within the paragraph of the bill making the appropriations. That is the only way. In the bill there are certain funds available, and there is a certain flexibility within the individual appropriations paragraphs.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. HALL. The answer to the gentleman's question is "No." It cannot be done within the subcommittee and every reprograming action by "line item" comes back to the full legislative committee of the Committee on Armed Services before it is approved for changes in expenditures.

Mr. JONAS. Mr. Chairman, will the gentleman yield to me?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. I asked the gentleman from Texas to yield in order to make this comment with respect to the first question asked by the gentleman from Ohio and the response of the gentleman from Arkansas.

Mr. VANIK. $40 billion, I said.

Mr. JONAS. In the entire Government operations there are unspent but previously appropriated moneys amounting to $233 billion, and that is at the end of 1970. So you have money in every pipeline of the Government—public works, dams, and all of the other activities of the Government—and it is not restricted to the Department of Defense.

Mr. MAHON. The gentleman is correct. Under the unified budget concept, some $233.7 billion remains unexpended throughout the Government. With regard to Federal funds only, about $126.1 billion remains unexpended.

THE DEBT CEILING IS A RIGID CEILING

Mr. MILLS. Mr. Chairman, will the gentleman yield further?

Mr. MAHON. I yield to the chairman.

Mr. MILLS. I want to emphasize one point that the gentleman is emphasizing.

This, too, is a ceiling and do not forget it. I do not want anyone in the House to forget it, but this ceiling of $395 billion on the debt is also a ceiling on spending if we do not agree to further increase the debt ceiling during the fiscal year. I do not have any intention of doing it unless some great emergency comes up.

Mr. MAHON. The point the gentleman makes is that this is an inflexible ceiling. It is the law of the land. It cannot legally be exceeded. But like a ceiling otherwise, anything that Congress can do today it can undo tomorrow or modify it tomorrow.

Mr. MILLS. Oh, yes.

Mr. MAHON. But the ceiling, while not binding on Congress, is binding on the executive branch and the executive branch chafes at the ceiling which applies to the executive branch but does not apply to the Congress. But under our system of government this is inevitable.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 5 additional minutes.

The CHAIRMAN. The gentleman from Texas is recognized for 5 additional minutes.

Mr. MILLS. What I am talking about is that the ceiling now on the debt—and it is a fixed matter——

Mr. MAHON. Right.

Mr. MILLS. Is only subject to change by another enactment. A bill has to be passed by the Congress and signed by the President.

Mr. MAHON. Yes.

Mr. MILLS. So it is even more rigid

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than the ceiling on expenditures that the gentleman is talking about.

Mr. MAHON. I think the gentleman is correct.

Mr. MILLS. And there is no room for any more spending out of the general fund other than the $158.9 billion to which we refer.

THE UNIFIED BUDGET CONCEPT

Mr. MAHON. Mr. Chairman, reference has been made to the unified budget plan on which the annual budget is now submitted.

In 1967, President Johnson appointed a Commission on Budget Concepts. We had had a most complex and confusing system for reporting the budget as was pointed out by Chairman MILLS.

For instance, in one paper it would say that the President's administrative budget totaled so much. Another paper would say the cash budget is so much. Another commentator or newspaper would say the national income budget is so much. There were in use three or four different concepts of what the budget total was. The figures were billions of dollars apart. It was a very confusing picture. The challenge of this Commission was to try to bring some order out of this very confusing situation. The objective was to settle on one budget concept in lieu of three or four separate concepts then in use.

I must say that the Commission did not fully succeed in bringing order out of chaos. I, along with other Members of the House and the Senate, was a member of this Commission. We sought to be as unanimous as possible. We did not want to file various minority reports. We wanted this to be as serviceable as possible to the President. But we did, within the framework of the report, try to make known the position of those of us in the legislative branch.

In the letter transmitting the Commission report to the President, at our insistence some qualifying language was used. Under leave granted, I include this excerpt:

> As might be expected in a group of men with such diverse backgrounds, philosophies, and responsibilities as the members of the Commission, there have been differing opinions regarding particulars of the many budgetary, fiscal, and economic questions considered. Thus, not every member of the Commission subscribes to each and every observation, premise, conclusion, or recommendation in the Report. Nevertheless, there is complete unanimity regarding the main objective of a unified budget system. Through free discussion and the process of give and take we have put together a general body of recommendations about which there is a very substantial consensus among the members. However, it should be pointed out that several members occupy dual official positions, as members of the Commission and as members of the legislative or executive branches. In their latter capacities, these members have continuing responsibilities in the areas being dealt with, a fact which in the nature of the situation requires that the right be reserved to them to take differing positions on individual issues and recommendations encompassed by this report.

Members of Congress serving on the Commission did not approve the Commission's suggestion to make the debt limit consistent with the unified budget concept by eliminating from the debt ceiling the amounts owed to trust funds. I quote briefly from page 61 of the report of the Commission and the footnote reserving on this recommendation:

> THE PUBLIC DEBT LIMIT
>
> Since the statutory public debt limit is likely to continue to be used by the Congress, the Commission suggests that the executive branch may wish to ask that consideration be given to changes that will make the debt limit consistent with the Federal budget concepts herein recommended.[1]

Now, Mr. Chairman, one has to admit that the unified budget plan is a good thing from the standpoint of studying the economy and considering the overall relation of the budget to the economy. From that standpoint it is more useful than the old administrative or Federal funds budget. It is a good thing from that standpoint because the unified budget is simply this—it deals with all Government income, Federal funds and trust funds. It deals with all income; it deals with all outgo, Federal funds and trust funds, such as highways and social security. So it does give one an accurate picture of the income and the outgo of the entire Government. But the trouble is that from the standpoint of processing the legislative and appropriation bills and the debt ceiling bill, we have a somewhat distorted picture unless one reads the fine print.

In recent years there has been a surplus in the trust funds that tends to confuse the situation. The estimated trust funds surplus in fiscal 1971 is now $8.7 billion; the estimated surplus in 1970 is $9.2 billion and in 1969, the surplus was $8.7 billion. Under the unified budget plan, those surpluses tend to constitute something of a windfall, so to speak, in putting the totals together. In submitting his budget the President, in all candor and within the framework of the law and of the commission's recommendations, submits a balanced budget which was balanced only by the technique of borrowing the surpluses from the trust funds to help pay the regular Federal expenditures of Government. This has blurred the true situation as to the Federal funds portion of the budget, which are in considerable deficit, and thus has tended to be somewhat misleading.

We have got to find a way to clarify this picture for the Congress and for the country.

Mr. Chairman, on February 10, 1970, shortly after the President submitted his budget, I made a statement to the House on the precarious budget situation facing us, as I saw it at that time. In connection with those remarks I addressed myself to the failure of the unified budget concept to reflect this picture clearly. I include the relevant portions of those remarks in the RECORD at this point:

> THE PRECARIOUS BUDGET SITUATION—NEED FOR DRAMATIZATION
>
> Mr. Speaker, all Members and all citizens, and this certainly includes the press, need to understand the precarious fiscal situation confronting the country.
>
> We need to understand that had the fiscal 1971 budget now before Congress been submitted under the same budget guidelines that was obtained under the Eisenhower and Kennedy administrations, and under the first 3 years of the Johnson administration, the new budget, submitted last week, would show a deficit for fiscal year 1971 of $7.3 billion, not the $1.3 billion surplus in the headlines.
>
> That blunt statement of fact will seem strange and perhaps incredible to people who have read the big headlines and who have not studied and understood the fine print. I am not charging bad faith. I know of none.
>
> I am charging that there is a lack of information as to the facts.
>
> Let me follow my blunt statement of fact with a few other statements of fact:
>
> First. We talk about a balanced budget, and it is balanced under the new unified budget system, which seems to mislead a lot of people. The Federal debt continues to go up. The administration estimates that the gross Federal debt will increase by nearly $8 billion in the next fiscal year. This means that the debt ceiling will have to be raised at this session of Congress. If there were a balance of outgo and income in the federally owned funds of the Government, the Federal debt would not, of course, go up.
>
> Second. The fiscal 1971 budget requests new spending authority—"budget authority" is the technical term—in excess of fiscal year 1970 in the sum of $9 billion. The gross increase is several billions higher than $9 billion as I shall in a few moments show in some detail, but there are certain nonrecurring offsets.
>
> Third. Under the unified budget which became effective for fiscal year 1969, and which includes 6 months under the previous administration, the so-called surplus is dwindling. The trend is in the wrong direction. Here it is:
>
> Under the unified budget, the fiscal 1969 surplus was $3.2 billion. It is estimated to sag to $1.5 billion in the current fiscal year, and it is estimated to sag further in the forthcoming fiscal year to $1.3 billion.
>
> Trust funds are dedicated to specific programs, such as social security and highway construction. These revenues are not available for regular Federal programs. They can be borrowed, however, by the Government and used to pay the regular expenses of the Government, and this is what has been and is being done. The Government borrows these funds, paying appropriate interest, and uses them for the regular functions of the Government.
>
> I am not opposing the practice of borrowing surplus trust funds and using them for the operation of the Government. These sums earn interest, of course, paid by the taxpayer. But the Congress and the citizen must not overlook the fact that these funds will have to be repaid and that a budget surplus based solely on trust fund borrowings is not a very comforting situation.
>
> I am not making a partisan appeal. It was not this administration which first advocated the unified budget procedure. This was done by the previous administration. I am not even making a plea for the abandonment of the unified budget plan. I am just advocating that a way be found to display the full truth to the Congress and to the American people.
>
> The unified budget plan was designed to promote understanding by use of a single,

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[1] While they do not, of course, have any objection to the Commission's suggestion that the executive branch may wish to recommend that the structure of the statutory public debt limit be reexamined in the light of the Commission's proposed new budget and debt concepts, the congressional members of the Commission would not want to be understood as now subscribing to the thought of any change in the overall debt limit in advance of careful study by the appropriate committees of the Congress.

comprehensive measurement in lieu of the three or four separate sets of figures used previously. It tends to obscure the actual situation in relation to general Federal funds but it does provide a picture of total budgetary income and outgo for economic analysis and other purposes.

What concerns me and many others is that the so-called surplus for fiscal year 1970 will probably dwindle further, and the so-called surplus for 1971 will undoubtedly vanish, and we will be in the red under the new unified budget plan in 1971. Under the former budget plan which obtained in the previous administration, we would be in the red for the 3 fiscal years 1969, 1970, and 1971 in the total sum of $19.9 billion. The actual figures by years are: 1969, $5.5 billion; 1970, estimated, $7.1 billion; 1971, estimated, $7.3 billion.

The practical facts which I have recited are not understood generally, but they must be understood if we are to be able to take off the cloak of complacency in regard to fiscal matters. Under the facts there is no possible basis for comfort in regard to the budgetary situation.

It must be understood how the unified budget surplus is arrived at. As a result of the actions of Congress, increasing social security and other trust funds, trust funds have sharply increased during the past few years. Receipts of trust funds have exceeded expenditures of trust funds, thereby creating large surpluses. The estimated surplus for 1971 is $8.6 billion. The estimated surplus for 1970 is $8.6 billion. The surplus for 1969 was $8.7 billion.

I would like to contribute to the awakening of the American people on this issue. Some way must be found to dramatize the seriousness of the situation confronting the country.

A TENUOUS BUDGET BALANCE

I share the President's concern that pressures for increased spending could unhorse the razor-thin unified budget surplus of $1.3 billion which he has presented. In fact, I say—regretfully—that in my opinion the razor-thin unified budget surplus projected for fiscal 1971 will disappear.

I would have preferred to see a much larger surplus projection. The $1.3 billion figure stands uncomfortably close to the edge of a zero balance. It is a fragile, precarious balance. It can disappear with a single miscalculation—and there are always miscalculations in budgets.

Original budget projections are often highly fragile. They rest on major assumptions and contingencies. They not infrequently fail to allow prudent margins of safety as hedges against miscalculations and failures. They are prospective only. They are not self-enacting. They never materialize exactly according to plan. They are, characteristically and understandably, optimistic in tone and outlook.

I would say that the current budget message is no exception in these regards.

Whether this budget reflects a strong budget position is a matter of opinion, open to debate.

The unified budget position in the current year has deteriorated considerably. The administration's original April 15 estimate for fiscal 1970 projected a unified surplus of $5.8 billion. In its Summer Review of the Budget issued last September, the reestimated amount was $5.9 billion. Today, it is again reestimated, down to $1.5 billion. It is withering away.

Our national budget position is slipping. Today's unified budget surplus of $1.3 billion for 1971 is down from the reestimated unified surplus of $1.5 billion for the current fiscal year 1970, which itself is somewhat tentative especially because of the uncertainty involved as to the final figures for the vetoed Labor-HEW appropriation bill.

The unified budget surplus for fiscal 1969 was $3.2 billion. Thus both fiscal years 1970 and 1971 have slipped to less than half the 1969 figure.

It is thus crystal clear that there is no room whatever for complacency about our fiscal position. The current highly volatile inflationary situation underscores the necessity to follow a high order of restraint in approaching the fiscal bills of the session.

RELATION OF TRUST FUND SURPLUS TO THE ADMINISTRATIVE AND UNIFIED BUDGETS

The fact is that prior to 3 or 4 years ago, the trust fund surpluses were either small in relation to more recent years, or there were small deficits. Contributions are made to the trust funds for dedicated purposes. Necessary amounts are paid out of the trust funds for the purposes for which they were established, such as social security, highway construction, civil service retirement, and other authorized programs. The larger surpluses, as you will note have occurred in the more recent years and are projected to continue for a few years.

I now include for the RECORD, Mr. Chairman, tables further illuminating the relation of the trust fund surpluses to the contrasting pictures reflected by the administrative and unified budget:

THE BUDGET SURPLUS AND DEFICIT SITUATION UPDATED BY PRESIDENT'S STATEMENT OF MAY 19, 1970

[In billions of dollars]

	Trust funds	Federal funds	Total of the 2	Less intragovernmental transactions that wash out	Net totals
Fiscal 1971:					
Budget receipts (estimated)	64.4	149.6	214.0	−9.7	204.3
Budget outlays (estimated)	55.7	159.6	215.3	−9.7	205.6
Surplus (+) or deficit (−) (estimated)	+8.7	−10.0	−1.3		−1.3
Fiscal 1970:					
Budget receipts (estimated)	58.3	146.6	204.9	−8.5	196.4
Budget outlays (estimated)	49.1	157.6	206.7	−8.5	198.2
Surplus (+) or deficit (−) (estimated)	+9.2	−11.0	−1.8		−1.8
Fiscal 1969:					
Budget receipts (actual)	52.0	143.3	195.3	−7.5	187.8
Budget outlays (actual)	43.3	148.8	192.1	−7.5	184.6
Surplus (+) or deficit (−), actual	+8.7	−5.5	+3.2		+3.2
Surplus (+) or deficit (−), all 3 years (estimated)	+26.6	−26.5	+.1		+.1

Trust fund surpluses and deficits, fiscal years 1971—1960

[In billions of dollars]

Fiscal year:	*Surplus* (+) or *Deficit* (−)
1971 (estimate revised May 19, 1970)	+$8.7
1970 (estimate revised May 19, 1970)	+9.2
1969	+8.7
1968	+3.2
1967	+6.2
1966	+1.3
1965	+2.2
1964	+2.6
1963	+1.8
1962	−.2
1961	+.8
1960	−.5

BUDGET SURPLUS OR DEFICIT, 1960-71

[In millions of dollars]

	Administrative budget	Unified budget
Fiscal year:		
1960	+1,224	+269
1961	−3,856	−3,406
1962	−6,378	−7,137
1963	−6,266	−4,751
1964	−8,226	−5,922
1965	−3,435	−1,596
1966	−2,251	−3,796
1967	−9,869	−8,702
1968	−28,379	−25,161
1969	−5,490	+3,236
1970 [1]	[2] −11,000	−1,800
1971 [1]	[2] −10,000	−1,300

[1] Estimated revised May 19, 1970.

[2] Currently referred to as "Federal funds."

From the foregoing figures, it will be noted that in 1960 there was not a surplus in the trust funds, there was a minus of half a billion dollars, and in 1962 there was a minus of $200 million, and in fiscal year 1963 there was a surplus of $1.8 billion. This was not very significant in the framework of a large budget, but when you get to the trust fund surpluses such as the $8 billion-plus and $9 billion-plus, as in the last 2 years, it does tend to distort the picture. It thereby gives undue comfort to the so-called conservatives who would otherwise strive to balance the budget, and it gives undue encouragement to the so-called liberals who feel justified in spending real surpluses on additional Federal programs.

So I do think it good for us to bear in mind just what the picture is that confronts us.

In conclusion, Mr. Chairman, I am supporting the pending legislation. There is no logical alternative to its adoption. It will not save any money. It does have a firm and inflexible debt ceiling, and under all the circumstances is in the public interest. And while I very much regret that it is so high, there is no logical and responsible way at this point to avoid it.

Mr. MILLS. Mr. Chairman, we just have one more speaker remaining.

Mr. BYRNES of Wisconsin. Mr. Chairman, I would ask the distinguished chairman if he intends to secure permission for each Member to revise and extend their remarks when we go back into the House?

Mr. MILLS. I do indeed; in fact, I will do it now.

Mr. BYRNES of Wisconsin. I thank the gentleman.

GENERAL LEAVE

Mr. MILLS. Mr. Chairman, I ask unanimous consent that all Members may have permission to revise and extend their remarks at this point in the RECORD on the bill under consideration.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise with some reluctance in support of H.R. 17802.

My reluctance is not based upon the contents of the bill, but upon its symbolism. It represents the sad and unhappy state of Federal finances today.

But the way to correct this condition, to put our fiscal house in order, is not to defeat this bill. The way to handle the debt is to get at its root causes, not to argue uselessly over raising or lowering its legal ceiling.

The debt is not at its present level directly because of the ceiling. And it will not grow larger solely because of any action we might take on that ceiling now.

If we are really earnest about setting some reasonable limitation on our ballooning debt, then we must act at other times to limit the factors which have contributed to its growth. We must examine more carefully the proposals for spending in the future, and we must move to curb those proposals whenever and wherever we can.

All of this having been said, there is still no joy in raising the ceiling on the public debt. It remains an unpleasant, but very necessary, step.

Ample evidence of the necessity can be found in a quick consideration of what would happen if we failed to provide an adequate ceiling.

On June 30 the present ceiling of $377 billion would expire, and the next day the overall limitation would fall to $365 billion. But the debt in reality would be about $371 billion, or $6 billion over the limit.

There would not be any question about the legality of the debt outstanding at that time. That is not a genuine problem.

One very real problem is that the Treasury would not be able to issue any new securities. As a result, savings bonds could not be sold, and payroll savings plans would be disrupted.

In addition, the Treasury cash balance would be depleted rapidly. Large amounts of Treasury bills come due on a weekly basis during July, and more mature at the end of the month. If new bills could not be issued as replacements, the cash balance would be exhausted by July 9, a day on which $3.1 billion of Treasury bills mature.

Once that cash balance was gone, the Government would be forced to delay full payment or resort to partial payment of contract obligations, Federal salaries, a variety of loan and benefit programs, and grants to States and localities.

It is obvious that the resulting economic hardships would be felt most acutely and painfully in areas where there are large numbers of Federal employees or employees engaged in Government contract work.

So from the practical standpoint, we have no choice.

Mr. Chairman, our greatest problem in connection with this bill is not whether to approve it—for to do otherwise would appear little short of irresponsible—but how to explain the need for it, in light of widespread confusion over the Federal budget.

Actually, there are two Federal budgets involved here—the so-called unified budget and the Federal funds, or administrative, budget.

When the administration talks to the American people about its financial programs—as embodied in the basic budget document published each year—it talks in terms of a unified budget, which takes into account the Federal trust funds. These trust funds usually show a sizable surplus, which gives the budget a much more healthy appearance.

But when the administration talks to the Congress about its need for more borrowing authority—as it has done in connection with the bill before us—it talks in terms of its operating funds, or administrative, budget, which excludes the trust funds.

The unified budget indicates a deficit of $1.3 billion for fiscal 1971. By contrast, the operating funds budget shows a deficit of $10 billion for fiscal 1971.

This huge budgetary difference, and the different uses of the budgets by the administration, have led to what might be called an understanding gap between the executive branch of Government and the bulk of the American people, including many Members of this Congress.

Stated simply, it is hard to understand why the administration needs to increase its borrowing authority, or the limit on the public debt, by $18 billion, when it has a unified budget deficit or less than $2 billion.

To help close the understanding gap, the Budget Bureau has agreed to a request by the Committee on Ways and Means that it include a special section on the operating funds budget in its next basic budget document.

I understand that this section, to be placed near the forefront of the volume, will attempt to explain the operating funds budgeting concept just as thoroughly as the rest of the document explains the unified budget concept.

With this due attention paid to both budgets in the future, the understanding gap hopefully will close, or at least diminish. And adjusting the public debt ceiling will become more explainable, if no less painful.

Mr. REUSS. Mr. Chairman, for the first time in my 16 years here—equally divided between Republican and Democratic administrations—I shall vote against a debt ceiling increase.

The administration's present policies do not deserve a blank check to involve us in a debt increase of $18 billion, up to a temporary ceiling of $395 billion. By widening the war in Southeast Asia, by insisting on increasingly wasteful civilian expenditures ranging from the SST to subsidies to wealthy corporate farms, the administration has shown a fine disregard for expenditure restraint.

Going endlessly into further debt imposes greater strains on our financial markets, ever-higher interest rates, and thus more distress for housing, State and local governments, and small business.

It will be said that refusing the almost blank check for raising the debt ceiling will hurt education, health, housing, and the environment. The administration has already cut these authorizations to the bone. Whatever debt ceiling is imposed, the administration is not prepared to allocate adequate amounts to these top-priority domestic needs.

Let the President take action to control inflation and high interest rates—by credit controls, by wage-price action, by supply measures, and, above all, by moving to extricate ourselves from Southeast Asia. If the administration will show its responsibility, I will once again be found voting for increases in the debt ceiling.

Mr. PELLY. Mr. Chairman, I am going to support H.R. 17802, to increase the public debt limit and I will oppose any attempt seeking to amend the bill.

At the outset, I want to explain that in the past I have both supported and opposed measures to increase the public debt. I took each piece of legislation in context of the state of our economy and national and world stability.

Today, however, we are faced with either permitting our Government to meet its financial obligations or causing a panic across our land and across the world. That is the issue of the increase in the debt ceiling.

Mr. Chairman, if we defeat this request to increase the public debt limit by previous legislation the ceiling reverts back to $365 billion. At this moment, the debt is $371 billion under the previous temporary ceiling, so the question is where are we to get this additional $6 billion if we do not permit any increase in the debt?

Many people will have an idea as to how to answer that question. Any one of us could suggest where the President could start. Some would approve of taking it from public works projects; others would take it out of defense spending. But, what has to be realized is that defense spending already has been cut $9 billion, and review boards are meeting regularly with the aim of further cutting this expense. The Nixon administration inherited certain built-in increases, and Congress passed pay raises. The point is that many programs require mandatory spending.

Any move to cut spending responsibly takes long and careful study. I support this study, and I certainly believe in reducing public spending. But, Mr. Chairman, for us today to take any action that leaves our country unable to meet its bills would be the most irresponsible action I would have seen in my service to this great body. Any move to legislate cuts by floor action without hearings is dangerous and equally irresponsible.

So, I feel I must support this increase in the public debt, and I urge my col-

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leagues to do likewise. The time and the place to limit or to economize or cut spending is on individual bills; not in a way which could cause serious consequences to the entire economy. If anyone wants a major economic catastrophe, then let them vote against this bill to raise the legal debt ceiling. This bill is to allow the Government to borrow from itself and is not to allow for more huge Federal deficits.

In summary, Mr. Chairman, if anyone opposes this bill because of their opposition to the war in Vietnam, then they will be cutting off funds to bring our troops home. If they oppose the bill, then they cut off social security payments to those who so badly need the funds. We could not even redeem our own bonds when they became due.

There are ways to cut Federal spending. But, the way is not a blanket negative vote against the U.S. economy.

Mr. EDWARDS of California. Mr. Chairman, the grave state of the national economy is a direct result of the Indochina war. The simultaneous inflation-recession, rising unemployment and other economic dislocations from which we now suffer can be attacked most efficiently through a reduction in war expenditures. Funds cut from military spending must be diverted to rebuild our torn society. They are desperately needed for housing, education, pollution control, mass transportation, urban renewal, and the many other human needs which are now going largely unmet.

Evidence of the havoc this war is creating in our home economy is abundant. For the first time in 8 years the gross national product is declining. Unemployment has increased 45 percent in the past 15 months. Interest rates are the highest they have been since the Civil War. Corporate profits have dropped 11 percent the past year, after a steady 9-year rise. Prices and government costs continue to rise. Investors nationwide have lost $160 billion on the stock market since January 1969. Meanwhile, Indochina war costs have been largely responsible for the $25 billion rise in defense spending the past 5 years, with a $50 billion increase in the gross Federal debt during the same period.

The $10 billion annual rate of increase in the national debt the past 5 years is twice the rate for the 10 years prior to our massive commitment of U.S. forces in Vietnam. The administration wants authority to increase the debt by $15 billion which, combined with the increase approved last year, would be a total of $30 billion in a little more than a year. For the Nation to continue on this course is suicidal. Any increase in the debt limit should be tied to a limit on military spending.

Mr. ROTH. Mr. Chairman, today we are faced with our perennial problem, should the Congress increase the public debt limit to permit the Government to borrow additional funds and thus continue the period of deficit financing? There are some persons who argue that the debt limit legislation is meaningless because the Congress always grants the increase requested by the Executive. When we take a look of the history of the 1960's much credence must be given to this contention.

During the last decade, 1961 to the present, there have been 13 bills before the Congress to increase or extend the public debt limit. Over the past 10 years, fiscal years 1961 to present, our public debt limit has been raised from $293 billion to the current level of $377 billion. This amounts to an increase of $84 billion or a percentage increase of 29 percent. And, now we are confronted with a request to raise the public debt limit another $18 billion to a total of $395 billion which would be $102 billion or 35 percent above the level at the end of fiscal year 1960. The decade of the 1960's is well documented as a period of deficit spending by the Federal Government.

We proceeded along year after year with the Government spending more than it received in revenue. Also, we are all well aware of the extensive and persistent inflation plaguing our economy which this extended period of deficit financing has generated for us.

The Amercan consumers are spending $600 billion a year for their consumption expenditures. With the Consumer Price Index rising at a 6 percent annual rate this means that the public is spending $36 billion a year for which they receive no goods or services; only inflated prices. This is an unbearable hidden form of taxation that warrants our fullest consideration.

It does no good to pass tax reform and tax reduction legislation if the benefits are going to be consumed by inflation. I do not think that we can bring our inflation under control so long as the Federal Government continues to spend more than it takes in. Further we will not be able to substantially reduce our excessive interest rates so long as the Federal Government must continue to borrow funds to meet its obligations. I contend that we cannot permit our public debt limit to continue rising year after year.

Mr. Chairman, as I mentioned earlier, the decade of the 1960's produced a string of Federal Government budget deficits; these deficits were reflected in annual increases in the public debt outstanding. Let us look at a few of the pertinent facts.

At the end of fiscal year 1960 our total public debt subject to limitation amounted to $286 billion. On May 21, 1970—the latest date available—the public debt amounted to $374 billion. This amounts to an increase of $88 billion in our public debt outstanding over this 10-year period. Our debt limit over this period has been increased by $84 million.

At the present time our public debt outstanding is $3 billion below the public debt limit, whereas, at the end of fiscal year 1960 the public debt was $7 billion below the debt limit. Over this 10-year period the cumulation budget deficits in the Federal funds of the U.S. Government have amounted to $91 billion. Here is the source of our ever increasing public debt.

Mr. Chairman, last year it was said we had a budget surplus of $3.2 billion. The recently revised budget estimates for the current fiscal year claimed a deficit of $1.8 billion. And, the recently released revised budget estimates for the upcoming fiscal year—1971—were for a budget deficit of $1.3 billion.

Thus, when we combine the budget surplus of 1969 of $3.2 billion with the anticipated small deficits for fiscal years 1970 and 1971 of $1.8 and $1.3 billion respectively they practically balance out. Yet, even with virtually balanced budgets over this 3-year span, we had to raise the debt limit last year by $12 billion and now we are requested to grant an additional $18 billion increase. This is a source of much confusion for the American public.

How is it that the Federal Government has a span of relatively balanced budgets over a 3-year period, but in order to pay its obligations it must increase its borrowing authority by $30 billion?

We recognize that this apparent inconsistency comes from our budget accounting incorporated in what we term the "unified budget concept." In March 1967, President Johnson appointed a Commission to study Federal budget concepts and presentation. This Commission was chaired by the Honorable David M. Kennedy, currently Secretary of the Treasury.

In October 1967, the Budget Commission rendered its report to President Johnson. The Commission's first recommendation and the one that it termed its most important was to adopt a unified budget concept. The unified budget would include trust funds and Federal or general funds of the U.S. Government. This budget form shows the total of revenue of receipts flowing to the Government whether they be personal income taxes, social security taxes, Federal employees retirement contributions, and so forth, and in turn would show the total amount of payments being made by the Federal Government whether these payments are for national defense expenditures, Federal employees retirement checks, social security payments, and so forth.

While these data are beneficial for any economic analysis of the overall effects of the Federal Government on the economy, they are confusing for the public. President Johnson submitted his budget in January 1968 on the unified budget basis and the budget has continued to be submitted on that basis each year since.

In recent years the statements that the budget was in balance referred to the unified budget and not to the Federal funds budget which is roughly comparable to the old administrative budget concept that our Government used from its formation in 1789 until January 1968. For example, last fiscal year—1969—the unified budget showed a surplus of $3.2 billion, yet the Federal funds portion of the budget had a deficit of $5.5 billion which meant that the Federal Government had to borrow that amount from its trust funds to cover its general expenditures.

The Federal funds revenue of the Government is derived from personal and corporation income taxes, most of our excise taxes, the estate and gift taxes, customs duties, and miscellaneous receipts. These funds when collected are deposited in the general fund of the U.S. Treasury. From the general fund of the Treasury are paid the expenditures of

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the historical functions of the Government such as national defense, veteran's benefits, interest on the public debt, labor, commerce, postal deficits, and others. All trust fund receipts of the Federal Government are paid into specific trust fund accounts for which the revenue is earmarked. All trust fund payments by the Federal Government are made from these specific trust fund accounts. Trust fund surplus receipts are invested in Federal securities—public debt or Federal agencies' obligations.

The major Federal trust funds are: Old-age and survivors insurance, disability insurance, health insurance, unemployment, Federal employees retirement, railroad employees retirement, and the highway trust fund. The Federal funds—income taxes, et cetera—are administered by the Government as owner, while the trust funds are administered by the Government in a trustee or fiduciary capacity.

However, when we combine the Federal funds and the trust funds in the unified budget concept we give the impression that the Federal Government is administering both types of funds on an ownership basis. I contend that this budget practice is misleading for the general public. I urge that the Federal Government either return to the old administrative budget concept for reporting budget data or some alternate approach so that the public will know whether our general functions of Government are being financed by the general funds of the Government. To continue this practice of covering budget deficits with borrowed trust funds surpluses which leads to an increasing public debt level renders a disservice to the American public.

Mr. Chairman, I am greatly disturbed by our ever increasing public debt accompanied by its rapidly increasing interest cost. Our annual interest cost alone on the public debt is accelerating toward $20 billion a year. This is more than our Federal Government spent all total from 1789 to 1900.

Furthermore, it is more than we spent in any one fiscal year in our history until World War II. I am troubled by our continuing inflation and our current economic problems. I do not believe that we shall be able to bring our economy into balance until we get our budget matters into balance. This is a period which calls for a hard evaluation of total Federal Government functions. I fear that if we continue to grant increases in our public debt limit we shall not achieve that hard and difficult examination that is required. Therefore, I feel that I must vote against any increase in the public debt limit and I urge my colleagues to do likewise.

Mr. ROGERS of Florida. Mr. Chairman, I rise in opposition to the proposed increase in the ceiling for the national debt.

I have in the past and am now opposed to this approval of spending and I think that the entire financial situation in the United States today has been caused in part to the Government's lack of restraint in operating within its income capabilities.

How can we ask our people and our business community to govern their finances in a responsible manner if we continue to carry on the financial business of the Federal Government in a manner such as is proposed here today.

We should be cutting back on Federal spending now, not stretching our debt. It is not the time for deficit spending, if indeed there ever is a time for it.

And I find it bitterly ironic that we are being asked to increase the debt ceiling today and tomorrow we are going to be asked to appropriate nearly $2 billion for foreign aid. We cannot balance our budget, but we are sending millions of dollars abroad.

I think we had better start thinking about the American taxpayer. Increasing the already painful debt ceiling is not the answer and will not, I believe, be taken very well by an already overtaxed people.

Mr. MONAGAN. Mr. Chairman, I shall vote for H.R. 17802.

I have supported actions of this type in four administrations including two Democratic and two Republican Presidents because I believe that the raising of the debt limit is to some extent a formality while the substance of fiscal action is in the actual appropriations process itself.

Whether or not we increase the limit there will be obligations for the Treasury to satisfy and failure on our part to take action will mean that governmental obligations will not be satisfied since the funds to discharge them will not be available.

The real place to reduce obligations is in the appropriations bills as they come to us individually. For example, the military appropriations were reduced in the last bill by approximately $5 billion and other areas of reduction to come to mind include the farm bill, the space bill, and similar items.

Our concentration, therefore, should be on the day-to-day requests which we must consider individually. It is only by reducing these and by reducing the authorizations for spending without specific appropriation that we can directly cut down on the obligations of our Government. This must be an area of concentration for us in the days and months ahead.

Mr. PRICE of Texas. Mr. Chairman, I find that I cannot in good conscience vote for the proposal to increase the public debt limit.

The reason why I am compelled to vote against the increase is a fundamental one. I believe the Federal Government cannot continue to engage in the spending practices it has in the past while continuing to buoy up the economy by increasing the size of the national debt. As every wage earner knows, this is an artifice. Financial health simply cannot be insured by increasing financial liabilities. Sooner or later there has to be a day of reckoning.

This is the second occasion the Nixon administration has requested Congress to increase the limit on the national debt. I acceded to the President's request the first time because I felt he needed the extra flexibility to facilitate economy recovery from the financial hangover caused by the $64 billion deficit left by the spending policies of the previous administration.

Regrettably, the President's resolve to stabilize the economy has not been matched by equal congressional resolve. And regrettably, the Congress has continued to spend money as if the Nation were in the midst of an unparalleled boom rather than in the throes of a destructive inflation.

In my judgment, Congress has clearly failed to come to grips with the problem of controlling Federal spending. It has not established the proper budgetary controls that must accompany any successful fight to restore national economic health. For this reason I think Congress would be deluding itself and the people of this Nation by increasing the limit on the national debt under the guise of facilitating economic recovery.

Mr. Chairman, I think it is fiscal madness to just keep increasing the national debt limit as the mood moves us. At the end of the first quarter of 1969, the national debt stood at approximately $362 billion. In 1969 it cost the American people $15.7 billion just to bear the debt interest. As of the close of the first quarter of this year, the national debt amounted to almost $373 billion—an increase of $11 billion. Furthermore, it is estimated that the taxpayer will pay about $18 billion this year in interest payments alone. Who do we think we are kidding? We are certainly not fooling the taxpayer; he foots the bill for this periodic exercise in financial extravagance.

What this Nation needs is not a larger national debt. This Nation needs a good dose of fiscal sobriety. We must start to put the Nation's financial house in order. As Federal officials we can play an important role in this process. Congress should take Federal Reserve Board Chairman Arthur Burns' statement to heart, and review annually entire government programs for the purpose of weeding out "expenditures on outmoded programs whose costs have long since exceeded their benefits."

To facilitate economic recovery Congress should first and foremost cut unnecessary Federal spending. This, rather than piling debt upon debt, is the surest route to national financial health.

Mr. GROSS. Mr. Chairman, the speeches I have heard here this afternoon in support of the debt ceiling increase are almost identical with those I have heard almost year after year for the last 21 years.

Everyone bemoans the alleged necessity for increasing the ceiling on the Federal debt but all too few are willing to vote against the spending measures that send the debt ever higher and higher.

I have listened in vain through the years for the leadership in Congress to demand not only that budgets be balanced—that spending be held to the level of income—but also for the demand that in addition to balancing the budget there be orderly, annual payments on the Federal debt. I have had a bill in Congress for years to do just that: to provide for balanced budgets and orderly payments on the debt each year. It has gotten exactly nowhere.

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Yes, I have listened to the speeches of the proponents of the debt ceiling increase this afternoon and I am convinced absolutely of one thing—that this Government, financially speaking, is busted. That being the case, to increase the debt ceiling is merely applying a mustard plaster to the cancer of financial irresponsibility.

Mr. Chairman, I refuse to beguile the citizens of this country into believing that something has been accomplished in their behalf by this legislation. I am opposed to it and I want the RECORD to record my position.

Mr. FARBSTEIN. Mr. Chairman, I rise in opposition to H.R. 17802, a bill to increase the public debt ceiling by $18 billion.

The vote today on this measure is not simply on whether to approve a routine monetary action, but on whether the Congress will continue to provide the executive with the money to continue our military adventure in Southeast Asia.

The impact of that adventure on our citizens, while not measurable in quantitative terms, has been devastating. It has torn apart the very fabric of our society; brutalized our citizens to the point where it is hard to tell the difference between the actions of a U.S. Army unit in a small village in Vietnam and those of a National Guard unit on a small college campus in Ohio; and led to an ever increasing reliance on violence and conflict.

While these are not quantitatively measurable consequences of our Southeast Asian policy, the fiscal consequences are.

The cost of the war in Vietnam has been largely responsible for the $25 billion rise in defense spending over the past 5 years and the $50 billion increase in the gross Federal debt in the same period. The massive 1966–68 debt increase of $40 billion reflects a jump in Vietnam spending in the same 2-year period of about $22 billion.

For the 10 years prior to 1965, the debt increased at an average of $5 billion per year. Over the past 5 years since 1965, the debt has increased at an average of $10 billion a year—double the rate of increase since the massive commitment of U.S. forces in Vietnam.

The request for a further $18 billion increase in the public debt ceiling is not only the consequences of the continuation of the war, but the impact that war is having in financial terms on the national economy and the lives of millions of Americans.

The President is asking for an $18 billion increase in the public debt because of interest rates which are the highest since the Civil War. These high interest rates are a direct result of our continued massive expenditures for Southeast Asia.

The President is asking for an $18 billion public debt increase because of uncontrolled inflation. This inflation, like high interest rates, is the result of an overburdened war economy.

The President is asking for the debt increase because unemployment has increased. Many are today out of work because of the fiscal actions taken by his administration in an attempt to curb high interest rates and inflation, the economic consequences of our Southeast Asian economic burden.

The President is asking for an increase in the public debt ceiling because of the economic consequences of our Southeast Asian involvement so that we may continue that involvement.

The only way the Congress can bring an end to that involvement is to deny him the funds to continue it.

That means denying the President an increase in the public debt ceiling.

This is the only language the President is going to understand. It is also the only way we are going to put a restraint on defense expenditures for weapons systems like ABM and MIRV, which do little to increase our national security, it is the only way we are going to reorient our national priorities toward domestic needs.

Just how distorted our national priorities are can be seen by taking another look at figures for recent budget allocations.

For the period between July 1965 and February 1970, it is estimated total Federal funding outlays amounted to $682 billion, of which $61 billion was financed through deficit spending.

Outlays for national defense, of which in excess of $100 billion have been expended on Vietnam, $368 billion.

Outlays for interest on the public debt, $71 billion.

Outlays for space research and technology, $24 billion.

Outlays for veterans benefits and services, $33 billion.

Outlays for international affairs and finance including economic foreign aid and food for peace, $22 billion.

Outlays for all other functions of the Federal Government including education, health and welfare, housing and urban development, transportation, economic opportunity programs, manpower training and development, agriculture programs, natural resources, commerce, labor, justice, postal deficits, regulatory agencies, legislative branch, judicial branch, and other general government functions: $164 billion. For all of these varied functions we have spent much less than half of what we have spent for national defense and only $50 to $60 billion more than we have spent in the Southeast Asia conflict.

Our involvement in Southeast Asia and infatuation with massive defense expenditures has not only ravaged Vietnam, Laos, and Cambodia; torn the very fabric of our own society apart; and wraught adverse economic consequences on our people; but it has cut off funding that could put this country back together again, by meeting its domestic needs.

By voting against increasing the public debt limit at this time, the House of Representatives will be voting for an end to the war in Southeast Asia and an increase in the attention paid to our problems at home in the future.

Mr. ASHLEY. Mr. Chairman, no one votes with any enthusiasm or sense of satisfaction on a bill to increase the public debt limit. Nor do we do so because of any imminent surge of wastrel Federal spending. We do so only because there happens to be a legal debt limit—whatever is set by the Congress—and because a miscalculation of expenditures against receipts requires the adjustment.

I voted for the rule to consider the bill before us because I strongly believe that this is not the proper vehicle for testing antiwar sentiment. In recent weeks I have supported efforts to limit our intervention in Cambodia and to scale down military spending in the hope of channeling more vitally needed funds into domestic programs. These votes were directly on the military issues under consideration and were fully and openly debated. This was not the case earlier today.

Mr. Chairman, the bill before us lends itself to partisanship and demagoguery. On a number of occasions in past years I have seen antiadministration Members of this body take to the well of the House for prolonged perorations against any increase in the debt limit. This has never proven helpful or accomplished a useful purpose, nor will it today.

The fact is that our economy is in a precarious position and the psychological consequences of failing to increase the debt ceiling could be enormously serious both to our business and financial communities and, indeed, to the world's economy. There will be ample time in the weeks and months ahead to debate the policies of the administration and the actions of this Congress; for the present I think we should approve the bill before us.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 1 minute.

Reference has been made to expenditures by the Department of Defense. It is not my intention to get into an extended argument over this, but I have some factual information that might be helpful in keeping the record straight.

In the first place, the budget presented by President Johnson for fiscal year 1970 proposed an obligational authority of $85.6 billion for defense. This figure, however, already has been reduced by some $8.6 billion—the largest reduction in any single year since the budget of 1946, which was revised as a result of the end of the war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 1 additional minute.

Also, it should be noted that expenditures of the Department of Defense for fiscal year 1970 were projected by the Johnson administration at $81.6 billion. That sum has been reduced by $4.6 billion, and another reduction, of $5.2 billion, has been made for fiscal year 1971. This produces a total reduction in the Department of Defense spending, over 2 years, of $9.8 billion.

In addition, Mr. Chairman, may I point out a fact which I find very interesting. In terms of constant 1964 dollars, the expenditure for the Department of Defense in fiscal year 1964 was $50.8 billion. But in fiscal 1971, also in constant 1964 dollars, the expenditure is projected at $54.62 billion.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNES of Wisconsin. Mr. Chair-

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man, I yield myself 1 additional minute, so as to yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I thank the gentleman for yielding.

It is also true that in its relation to national income, defense spending has been going down, down, and down, and spending for social welfare programs has been going up, up, up in the last decade.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I thank the gentleman for yielding, and I commend the gentleman for placing in a better perspective the matter of defense spending. There are those who think that we can just slash defense spending willy-nilly.

But I think most of us regard the preservation of the Nation and the security of the Nation as the No. 1 priority. We are chasing a will-o'-the-wisp if we think we can drastically reduce defense spending at this time. We made a number of sharp reductions last year totaling $5.6 billion, as the gentleman pointed out. We will do the best we can this year. But there is a limit as to how much can be cut if we are going to be reasonably secure from a military standpoint.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Michigan, the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, at this point in the debate, I wish to indicate my total concurrence with the recommendations of the Committee on Ways and Means.

The gentleman from Arkansas, the chairman of the committee, and the gentleman from Wisconsin, the ranking minority member, I believe have very eloquently, convincingly and effectively pointed out the need and the necessity for affirmative action on this recommendation from the Committee on Ways and Means.

I think it would be most unfortunate if an effort is made to defeat the previous question on the motion to recommit. If a fight is made on the motion to recommit it should be defeated.

In the final analysis from the point of view of the country as a whole, it seems to me perfectly obvious that the recommendation by the committee should be approved. At this point I include a letter received from the President of the United States which sets forth the strongest justification for a favorable vote on the committee's recommendation:

THE WHITE HOUSE,
Washington, June 3, 1970.

Hon. GERALD R. FORD,
Minority Leader,
House of Representatives,
Washington, D.C.

DEAR JERRY: I ask the Congress to enact promptly the legislation reported by the Committee on Ways and Means which will temporarily increase the debt ceiling to $395 billion through fiscal year 1971, and provide for a permanent ceiling of $380 billion. The present temporary ceiling of $377 billion reverts to the existing permanent limit of $365 billion on June 30. On that date, the debt subject to limit is expected to exceed $365 billion by approximately $6 billion. In the absence of legislation, the Government would be unable to issue new securities, and thus would be put in the untenable position of not being able to meet its payment obligations.

As you know, this Administration has been pursuing a policy of fiscal restraint as an essential step toward the restoration of economic stability. The budget for fiscal year 1971, as I have recently revised it, is a tight budget which is fiscally responsible in the environment we expect to prevail during the next year. I want, and indeed I must have, the support of the Congress to stay within this budget.

Even with the tight restraints on controllable outlays contained in this budget, however, the debt will unavoidably rise significantly next year. While the trust funds will be in substantial surplus, there will be a deficit in the Government's own accounts—the so-called Federal Funds Accounts—of about $10 billion. The new ceiling recommended by this Administration and approved by the Committee on Ways and Means will permit the financing of this deficit, and at the same time restore a reasonable margin for contingencies.

In order to assure the orderly management of the Government's finances, I respectfully enlist the cooperation of the Congress on the prompt enactment of the bill reported by the Committee on Ways and Means.

Sincerely,

RICHARD NIXON.

I hope and trust that those of us on our side will wholeheartedly support it and I hope it can be and will be effectively supported in a bipartisan way.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield to the gentleman from New York (Mr. CONABLE), a member of the Committee on Ways and Means, 10 minutes to close debate on our side.

Mr. CONABLE. Mr. Chairman, I am particularly grateful to the gentleman who preceded me in the well of the House, the distinguished chairman of the Committee on Appropriations, for his historical contribution to the debate because, of course, the oratory we have been hearing today has had a familiar ring to it.

This day has come and gone many times before. This day has become a ritual at least annual in its observance. This day also has been a day in which we have deplored and inveighed against results of a year of insufficient concern for the causes that bring us to this day.

This day has also been a part of the intricate dance of politics. It has been a dance that has been performed by different people in different forms.

We have some new choreographers today. We have some new steps. But it still is basically the same intricate dance. I can only hope this day will not be a day in which we stub our toe and fall and do some damage to the Nation; and that could result, if we do not understand that behind the intricate dance lie some hard facts, some inescapable facts. For regardless of our desire to be consistent or to be inconsistent or to participate as dancers in this ritual—regardless of the inveighing—regardless of the concern we all feel about this day having come again—these hard facts remain.

There is, in fact, very little that we can do now except to face up to the consequences of our unbalanced budget; $18 billion is what we are asked to add to reach a total of $395 billion as a debt ceiling. Frankly, despite the impressiveness of this addition, it is a very, very narrow margin that we have left ourselves.

There are three things that can go wrong. First, included in our figures whereby we arrive at this ceiling is $3.8 billion in tax revenues which the Congress may or may not see fit to add. These taxes will require congressional action. The $1.5 billion would result on a one-shot basis from the speed up of the estate and gift taxes requested by the administration, $1.6 billion would result at least in the first year from a tax on leaded gasoline, and $650 million would result from an extension of the excise taxes. The concern I have and that I think many of us have is that Congress will not see fit to take one or more of these steps which must be taken if we are to have the total revenues on which the Government is counting in asking us to set this debt ceiling at the $395 billion level.

For myself, I have some serious concern about at least one of these items, the speed up of estate and gift taxes, which would generate $1.5 billion this year but nothing thereafter. It would be something with which we would have to live for years to come, and I think it would result in serious administration problems for estates throughout the country. Not merely the big estates, but any nonliquid estate would have to pay a substantial amount of inheritance tax due on that estate during the first 6 months after the death of a decedent.

Those of you who are lawyers know that this action because of the pressure of time it would place on estates would create serious administration problems for those left behind by death.

I mention that to indicate that the $3.8 billion to be raised by these additional taxes is by no means a sum of which we can be certain at this point.

The second thing which could go wrong with this debt ceiling is that Government expenditures could go up. We put an expenditure ceiling on the President. We do not put such a ceiling on the Congress. All of us know that there are going to be some very attractive opportunities to spend money. They will be coming down the pike as the year proceeds. If you have a great deal of confidence in your own self-restraint with respect to every opportunity to spend, perhaps you can satisfy yourself in your own mind that this is not a risk. Personally, I think we have to concern ourselves as a group as to whether we will be able in this election year to face up to the obvious need for congressional restraint if we are to keep this debt ceiling a realistic one.

The third thing that can happen and that can put us into serious trouble is a revenue-short fall, and it is quite obvious that with the economy in transition, we know not whither, we can have serious revenue-short falls for any number of reasons. The profit margin of corporations has narrowed, and corporate taxes contribute substantially to our revenues. Personal income has been con-

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tinuing to rise, but if the economy were to cool a great deal more, we could have a revenue-short fall on that account.

I am not one of those who cries doom about the economy. I think there has been altogether too much of that, some of it politically oriented, but we have to consider the possibility that a revenue fall off this year is something which could make this debt ceiling not as realistic as we would hope.

There has been a great deal of reference in the well today to the preoccupation of the Nixon administration with arms and military matters. I learned from a member of the Appropriations Committee interesting statistics relating to expenditures, which show that in fiscal year 1971, as compared with fiscal year 1969, domestic expenditures were up $24.6 billion, while defense expenditures were down $6.9 billion.

I think this says something about the preoccupation of this administration. Certainly it does not appear to be a preoccupation with arms and armaments, and for that reason I hope that no one will base his vote on this particular measure on this concern about the direction of our national priorities.

In the final analysis, Mr. Chairman, it seems to me what we are doing today is expressing our own view of executive intent. We have very little choice as far as the enactment of this legislation is concerned, unless we feel that it is necessary to impose additional restraint on our Executive.

Many of us before have voted against debt ceilings for reasons related to our concerns at that time. It seems to me that recently our concerns as Congressmen have related more to a fear that not enough would be spent in our national priorities, rather than that too much would be spent. For this reason, I hope people will not misinterpret the expressions of opinion that we are recording in our votes here today.

We have every reason to have confidence that the President will continue to exercise as much restraint as is possible. I hope we will dedicate ourselves to helping him in this regard, rather than to hampering him.

Faced with the obvious and serious gap in revenues and expenditures, I hope we will do the necessary today and not trip in this intricate dance, not obfuscate or confuse our constituents with the comparisons that are involved in different types of budgets, but will behave as responsible legislators, doing what is necessary.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to my chairman, the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, I appreciate the gentleman's comments on some of the statements that have been made in the course of the debate.

Some, I think, very much minimize the seriousness of not passing such legislation as this. I do not know but that it might be a good thing sometimes for all of us, including myself, to consider the depth to which we might descend economically or otherwise if our Government could not pay its obligations—sometimes I think we should find out.

A debt ceiling bill was beaten once, and the Ways and Means Committee came back with a modification. But as far as I am concerned, this is it. If some of the Members who have spoken and have said they are against the bill want Wall Street to topple—and it could well happen—and if they want the welfare, urban and similar programs to stop, then maybe it is appropriate that they vote against the bill. I am not making an idle threat, but I do not plan to call the Ways and Means Committee together again before July 1 to consider debt-ceiling legislation. I feel very strongly about this, because I believe many probably do not grasp the significance of what we are considering.

Mr. CONABLE. Mr. Chairman, I wonder if my distinguished chairman would agree with me that not being able to pay the Government's bills is unthinkable?

Mr. MILLS. Of course it is unthinkable. Of course it is unthinkable, and the consequence of it is the unthinkable part as far as I am concerned.

Mr. BUSH. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Texas.

Mr. BUSH. Mr. Chairman, I commend the gentleman from New York (Mr. CONABLE) on his cogent comments. I rise in reluctant support of H.R. 17802, a bill to raise the public debt limit. I say reluctant because it is an unhappy occasion whenever Federal expenditures exceed revenues and must be financed from borrowings, either from the general public or from the trust funds. This legislation is necessary, and must be supported by all those who are concerned about maintaining the financial integrity of our Government.

In the past I have supported an increase when I felt the administration had done all in its power to hold down expenditures. I opposed an increase when I felt the administration had not really tried to hold back spending.

The present debt limit of $377 billion includes $12 billion in temporary borrowing authority that will expire on July 1 of this year, resulting in a decline of the debt limit to $365 billion. According to Treasury estimates, the debt subject to limitation on that date will exceed by around $6 billion the $365 billion limit that will govern unless we act. Unless adequate borrowing authority is provided, the Treasury would be unable to replace maturing issues and issue additional securities to pay its bills. Treasury bills becoming due weekly during July and bills maturing at the end of July could not be refinanced. It is estimated that in the absence of this legislation the Treasury's cash balance would be depleted on July 9 when $3.1 billion of Treasury bills mature.

Without adequate funds to meet our commitments the Treasury would be compelled to default on contract obligations, Government salaries, veterans' benefit programs, and grants to our hard-pressed States and local governments. Additionally, the inability to issue new securities would disrupt payroll savings plans that provide savings outlets to millions of American citizens. The financial integrity of the U.S. Government would be severely damaged and its ability to obtain future commitments impaired if such a crisis should materialize. Additionally, the cost of future borrowings might be higher. Responsible action is therefore required.

Responsible action requires that the debt limit be as tight as possible in order to provide some measure of encouragement for the administration to continue its efforts to hold down expenditures. The debt limit provided in this bill meets that criteria. On April 15 of the next fiscal year the debt subject to limit will reach a peak of $394.8 billion. This allows for the usual $3 billion contingency and $6 billion cash on hand. The contingency provided is about 1½ percent of total Federal expenditures. The cash provided is no more than enough to pay the Treasury's bills for about a week and a half. With these modest allowances the Treasury on April 15 will be within $200 million of the statutory debt ceiling we provide in this bill.

It should be noted that this assumes no further increases in expenditures during fiscal year 1971 over the Budget Bureau's current estimates, and assumes congressional enactment of revenue-producing measures that will yield an additional $3.7 billion during fiscal 1971. If expenditures increase, revenues under the existing law decline, or Congress fails to enact the revenue-raising proposals the President has recommended, a further increase in the debt ceiling would be required. I do not know how we could provide any tighter limit in the debt ceiling and still enable the Treasury to conduct its affairs.

I would like to make one further point, Mr. Chairman. Many of our citizens are understandably confused by the necessity to raise the debt limit by a significant amount when they have been told the overall budget is nearly in balance. This difficulty stems from the new "unified" budget concepts on which the Federal Government began keeping its books in fiscal year 1969. The unified budget includes expenditures and income not only from the old administrative budget—currently called the Federal funds budget—but from the trust funds as well. Since the trust funds—primarily the old-age survivors and disability insurance funds—have a surplus of income over outgo during fiscal year 1971, the overall or unified budget is nearly in balance even though expenditures under the Federal funds budget is running a deficit.

In fiscal year 1971 it is estimated that the Federal funds deficit will equal $10 billion, and all but $1.3 billion of this deficit will be made up by a surplus in the trust funds. The Government in its dealings with the trust funds acts in a fiduciary capacity for beneficiaries of the trust funds. Borrowings from the funds must be on arm's-length basis predicated on market transactions. Since the trust funds are separate from the Govern-

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ment's general operations, any securities purchased with a surplus in the funds must be subject to the statutory debt limit.

In view of the confusing nature of the present budget relative to the debt ceiling, the committee specifically requested in its report that the Budget Bureau develop a new section for inclusion in the annual budget document setting out the Federal funds deficit or surplus in essentially the same way as the unified budget is set out. This will be included in a prominent place in the budget so that it can receive adequate public attention. Hopefully, these new procedures will alleviate some of the existing confusion and result in a straightforward statement of the Government's finances that the public can fully understand.

This should result in greater public understanding of the budget and the conditions which produce deficits that require increases in the debt limit. The appropriate way to avoid increasing the debt limit is to insure that we live within our means—and this means expenditure control.

I urge all of my colleagues to vote for this bill and join me in my efforts to achieve meaningful expenditure control, a task that should be made easier by the new budget data the Ways and Means Committee has called for.

Mrs. REID of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentlewoman from Illinois.

Mrs. REID of Illinois. Mr. Chairman, I rise in support of H.R. 17802.

As most of my colleagues know, I have opposed past increases in the debt ceiling and still feel that the Federal Government should operate within the confines of a balanced budget. Last year, however, I voted to raise the debt limit because, in my judgment, to have denied President Nixon that increase before he had full opportunity to review and reevaluate all Federal programs for possible economies would have seriously handicapped his efforts in this direction.

In contrast to the previous administration which submitted budgets with "planned deficits," the policy of the Nixon administration is to work for a balanced budget. Last year President Nixon asked Congress to help in this task and submitted a program detailing 57 areas in which Federal expenditures could be cut. Unfortunately, the Congress has not acted on his suggestions and has, in fact, voted in several instances to raise appropriations over the President's budget although, as a member of the Appropriations Committee, I have consistently endeavored to curtail excessive expenditures wherever possible. Now the bills are due and must be paid.

Another reason that it is necessary to raise the debt ceiling now is because revenue receipts have not been as high as previously anticipated due to a downgrade in the general economy. In recent days we have seen encouraging signs that there is an upturn in the economic situation—although slight. However, if provision is not made for a new debt ceiling, the Treasury Department could not issue any new savings bonds or other securities. The Treasury cash balance would be depleted rapidly and, once it is exhausted, the Government would be compelled to delay full payment—or resort to partial payments—of contract obligations, Government salaries, various loan and benefit programs, and grants to States and local governments when they become due. The resulting effect on the economy obviously would be chaotic.

In my opinion, there is no other choice but to vote for this additional increase in the debt limit—although, once again, I do so reluctantly. I do feel that it would be statesmanlike if this Congress, in addition to raising the debt limit, would also address itself to a permanent solution to the problem through genuine economies, and I shall certainly continue my efforts in this direction.

Mr. MILLS. Mr. Chairman, we have one more Member to whom we will yield to close the debate.

I yield to the gentleman from California (Mr. CORMAN) 10 minutes.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from California.

Mr. McFALL. Mr. Chairman, I take this time to explore the validity of what I believe to be a political matter which is being developed in the country by editorial comment and even by some comments from representatives of the administration, about the effect of the tax bill which this Congress recently passed.

I should like to ask the distinguished chariman of the committee if he would discuss this in answer to my question.

The statement is sometimes made that the Tax Reform Act cut revenues in the fiscal years of 1970 and 1971. I wonder if the chairman would explore this and tell me if this is correct. What is the exact effect on revenues of the Tax Reform Act which the Congress passed?

Mr. MILLS. Mr. Chairman, will the gentleman from California yield?

Mr. CORMAN. I yield to the chairman of the Ways and Means Committee.

Mr. MILLS. In response to the quesiton of my friend from California (Mr. McFALL), in the fiscal year 1970 the estimates are that the provisions of the Tax Reform Act will raise $3.7 billion over and above what would have been raised by prior law.

In the fiscal year 1971 the tax provisions of the Tax Reform Act will accrue to the Treasury, in accordance with the estimates of the Treasury and of our own staff people, $2.7 billion more than the provisions of prior law.

There was one provision which was included in it that did have the effect of cutting back on the revenues we raised through the reform provisions, as my friend from California (Mr. CORMAN) will remember. That was in the conference, when we accepted the increase in the first exemption effective July 1 of this year, from $600 to $650. But that is also taken into consideration in the estimate that I have given for 1971.

Mr. CORMAN. Mr. Chairman, first of all I should like to join my colleague from New York (Mr. CONABLE) because it does seem to me he did a very good job of putting things in proper perspective and pointing out possible changes over the next year that might mean we had not increased the debt limit as much as we will have to. Hopefully this is as far as we will have to go.

My only difference with the gentleman is that although I agree a "no" today would be irresponsible, I thought the same thing in 1967.

There has been a lot of talk about what congressional action has done to put the budget further out of balance than it is. Let us take a look at it.

Remember, we are talking about increasing the debt ceiling $18 billion. Let us look at what the Congress has done to increase some of the spending over that requested by the administration.

The appropriations we have passed will increase expenditures by $412 million more than the President asked for, for education. We have appropriated amounts which will lead to $169 million more in expenditures for GI benefits than the President asked for. We have appropriated amounts which will lead to $200 million more in expenditures to feed hungry schoolchildren than the President asked for. Appropriations we passed will result in $91 million more than the President asked for in expenditures to try to protect the health and safety of the men who go down into the ground to dig for coal. We have appropriated amounts which will lead to $91 million more in expenditures than the President asked for to more nearly bring into line the Government's contribution toward Federal employee health benefits.

The President asked us to move up the date of Federal pay increases, at a net cost of $1 billion in expenditures. Congress will spend $275 million less than the President asked for in his revenue sharing proposals, and we will spend $400 million less in the fiscal year 1971 than the President asked us to in the family assistance program.

So we have appropriated amounts which will increase spending by $963 million more and also we have decreased expenditure programs by $675 million below the President's figures, so we must assume a little over a quarter of a billion dollars of additional responsibility toward that $18 billion debt increase. These figures are based on information given our committee by the Director of the Bureau of the Budget.

There are a lot of increases over which neither the President nor the Congress has any direct control unless we change some fundamental laws. The biggest, and it seems to me the most wasteful of all, is that we spent this year $1 billion more than we anticipated in servicing the national debt because of high interest rates. Every time the unemployment rate goes up, the cost of unemployment benefits goes up and the cost of welfare goes up and our income taxes go down. Altogether, these uncontrollable programs have accounted for about seven times as much as the Congress has been responsible for.

Now, there are some proposals for additional taxes. The gentleman from New York pointed out some of the grave misgivings many of us have about accelerating the payment of estate gift taxes. It is admittedly a one-shot proposition, but it may cause real havoc in winding up estates. We are asked to impose $1.6 billion more in gasoline taxes, not to go into the highway trust fund, nor into curbing pollution and not really to discourage the use of leaded gas but just to make up some of the deficit. I have grave misgivings about that proposal.

If, in truth, it is really a pseudo sales tax, then I am going to oppose it. If it will get us away from the use of leaded gas and fight pollution, then I will support it. But there has been no case made on that yet.

There are two kinds of cuts that we may make in expenditures. One of these kinds of cuts goes to those things which only the Federal Government is spending money for. If we cut in defense, then those dollars are not going to be spent by any level of government. If we cut farm subsidies, those dollars will not be spent by anybody else. Those are true tax savings. But what happens when we cut back the contribution that we make toward education? It merely means that local taxpayers have to see the taxes on their homes increased because America has decided that we must educate our children. There is no real tax saving in cuts in education or in cuts in any field where we merely shift the burden to State and local governments. So we ought not to delude ourselves into thinking that if we cut, for instance, aid to education or aid to public assistance or aid to medicaid that we have any true tax saving. We merely shift it to a level of government which has much more difficulty in raising the money than do we.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I am glad to yield to the distinguished Speaker of the House.

Mr. McCORMACK. I want to congratulate the gentleman from California for the excellent argument that he is making in support of this bill. I want to join with him in his arguments.

This bill involves a question of responsibility of our Government. It seems to me that the responsible act on the part of the Members of the House today would be to pass this bill, because, as I have stressed, the important question of responsibility of both Government and action on our part is involved in this bill as it is involved in many other bills that come before the House.

Mr. CORMAN. I thank the distinguished Speaker.

One observation in closing. It seems to me that we would get no votes for this bill if a man said to himself, "I cannot vote for it unless I approve all of the spending that the Federal Government has engaged in over the past year." I doubt that any one of us voted for every spending bill that was passed. But that is not the issue here. Certainly Cambodia, Vietnam, and social welfare are not the issues here. We have expressed ourselves on those bills as they went through the House. Let us look for a minute at what we would invite if we did not increase the debt ceiling. We would say to the President that we have appropriated funds that would give us an $18 billion increase in the national debt, but you cannot borrow the money. So we invite you to cut wherever you may please.

I do not believe the President would cut in those areas which are of concern to those who are most opposed to the war. I expect we would see cuts in every social welfare program that many of us feel are also essential to the well-being of this Nation. I think we would see havoc in Federal employment, I think we would see services cut that we all believe the American taxpayer is entitled to.

Mr. Chairman, I share the concern of many of my colleagues on my side of the aisle about this war. It is confusing, frustrating, and heartbreaking. However, the vote today is not an indication of either endorsement or opposition to the President's war policy. If this bill is killed, it will invite the President to willy-nilly, in his discretion cut $18 billion of funds which we have said to him he ought to spend for the purposes we have prescribed.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CORMAN. I thank the chairman.

Many of us have felt in past years when we saw a straight partisan vote on the debt ceiling that it was not an honest portrayal of the fiscal conditions of this Nation. I hope we can all support this measure and say to the President that we expect him to carry out the mandate which the Congress has given him with reference to health, welfare, education, and the many other critical programs which this Congress has enacted.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I am glad to yield to the distinguished chairman.

Mr. MILLS. Mr. Chairman, I want to congratulate the gentleman from California on his statement by saying in my opinion he has made one of the best statements during the course of this debate. The gentleman is a very able member of the committee. He certainly is not an advocate of war but bear in mind what is being spent there is something many do not like, including myself perhaps as much as anyone, is only a small part of what is involved in this total of some $200 billion that will be spent by the Federal Government in fiscal year 1971.

Mr. CORMAN. I thank the gentleman.

Mr. MILLS. Mr. Chairman, I have no further requests for time.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment and no amendments are in order except committee amendments.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) is amended by striking out "$365,000,000,000" and inserting in lieu thereof "$380,000,000,000".

SEC. 2. During the period ending on June 30, 1971, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act shall be temporarily increased by $15,000,000,000.

SEC. 3. This Act shall take effect on July 1, 1970.

The CHAIRMAN. Are there any committee amendments?

Mr. MILLS. There are no committee amendments, Mr. Chairman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17802) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, pursuant to House Resolution 1051, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BETTS

Mr. BETTS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BETTS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. BETTS moves to recommit the bill H.R. 17802 to the Committee on Ways and Means.

Mr. MILLS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the speaker announced that the ayes appeared to have it.

Mr. MILLS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 236, nays 127, not voting 66, as follows:

[Roll No. 150]

YEAS—236

Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bennett
Berry
Biester
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Casey
Cederberg
Celler
Chamberlain
Clark
Conable
Conte
Corbett
Corman
Coughlin
Cramer
Culver
Cunningham
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denney
Dennis
Dingell
Donohue
Dorn
Downing
Dulski
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fallon
Fascell
Findley
Fish
Flood

XUM

Foley
Ford, Gerald R.
Frelinghuysen
Frey
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Giaimo
Gibbons
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harvey
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Hicks
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kazen
Kee
Keith
Kleppe
Kluczynski
Kuykendall
Kyros
Landrum
Langen
Latta
Lloyd
Long, Md.
McClory
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mills
Minish
Mize
Monagan
Moorhead
Morgan
Morse
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
O'Hara
O'Neill, Mass.
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rooney, Pa.
Rostenkowski
Ruppe
St Germain
Sandman
Schneebeli
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Taft
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Ullman
Vigorito
Waggonner
Watts
Weicker
Whalen
Widnall
Wiggins
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Yates
Yatron
Zablocki

NAYS—127

Abbitt
Abernethy
Adair
Anderson, Calif.
Betts
Bevill
Biaggi
Bingham
Blackburn
Blanton
Brinkley
Buchanan
Burke, Fla.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Caffery
Carey
Chappell
Chisholm
Clancy
Clausen, Don H.
Clay
Cleveland
Collins
Colmer
Conyers
Cowger
Crane
Daniel, Va.
Derwinski
Devine
Dickinson
Diggs
Duncan
Edwards, Calif.
Edwards, La.
Farbstein
Flowers
Foreman
Fountain
Fraser
Fulton, Pa.
Gettys
Gonzalez
Goodling
Griffin
Gross
Hagan
Haley
Hall
Harrington
Harsha
Hechler, W. Va.
Henderson
Hunt
Hutchinson
Ichord
Jacobs
Jonas
Jones, N.C.
Jones, Tenn.
Kastenmeier
King
Koch
Kyl
Landgrebe
Lennon
Long, La.
Lowenstein
McClure
Mann
Martin
Mikva
Miller, Ohio
Mink
Minshall
Montgomery
Mosher
Myers
Natcher
Nichols
Nix
Obey
O'Konski
Olsen
Passman
Patman
Podell
Price, Tex.
Quillen
Rarick
Reuss
Rogers, Fla.
Rosenthal
Roth
Ruth
Ryan
Satterfield
Saylor
Schadeberg
Scherle
Schwengel
Scott
Shipley
Smith, Calif.
Snyder
Steiger, Ariz.
Stokes
Symington
Talcott
Taylor
Thompson, Ga.
Vanik
Wampler
Watkins
Watson
Whalley
White
Whitten
Williams
Wold
Wolff
Wylie
Wyman
Zion
Zwach

NOT VOTING—66

Adams
Addabbo
Andrews, Ala.
Ashbrook
Baring
Bell, Calif.
Brasco
Bray
Brock
Brown, Calif.
Broyhill, N.C.
Camp
Carter
Clawson, Del
Cohelan
Collier
Daddario
Dawson
de la Garza
Dent
Dowdy
Dwyer
Evins, Tenn.
Feighan
Fisher
Flynt
Ford, William D.
Gaydos
Gilbert
Goldwater
Gubser
Hanna
Hansen, Wash.
Hawkins
Helstoski
Holifield
Kirwan
Leggett
Lujan
Lukens
McCarthy
McCloskey
McKneally
McMillan
Miller, Calif.
Mizell
Mollohan
O'Neal, Ga.
Ottinger
Pepper
Powell
Price, Ill.
Rees
Rooney, N.Y.
Roudebush
Roybal
Scheuer
Stratton
Tunney
Udall
Van Deerlin
Vander Jagt
Waldie
Whitehurst
Wilson, Charles H.
Young

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. Andrews of Alabama against.

Mr. Daddario for, with Mr. William D. Ford against.

Mr. Pepper for, with Mr. Ottinger, against.

Mr. McKneally for, with Mr. Evins of Tennessee against.

Mrs. Dwyer for, with Mr. Lujan against.

Mr. Adams for, with Mr. Camp against.

Mr. Holifield for, with Mr. Collier against.

Mr. Mollohan for, with Mr. Mizell against.

Mr. Addabbo for, with Mr. Baring against.

Mr. Whitehurst for, with Mr. Dowdy against.

Mr. Hanna for, with Mr. Gaydos against.

Mr. Feighan for, with Mr. Roybal against.

Mr. Kirwan for, with Mr. Rees against.

Until further notice:

Mr. Stratton with Mr. Ashbrook.

Mr. Van Deerlin with Mr. McCloskey.

Mr. Young with Mr. Lukens.

Mr. Rooney of New York with Mr. Roudebush.

Mr. Udall with Mr. Carter.

Mr. Charles H. Wilson with Mr. Del Clawson.

Mr. Leggett with Mr. Bell of California.

Mr. Tunney with Mr. Goldwater.

Mr. Price of Illinois with Mr. Vander Jagt.

Mr. O'Neal of Georgia with Mr. Bray.

Mr. Waldie with Mr. Gubser.

Mr. Flynt with Mr. Broyhill of North Carolina.

Mr. Fisher with Mr. Brock.

Mr. Brown of California with Mr. Powell.

Mr. Cohelan with Mr. Brasco.

Mr. de la Garza with Mr. McCarthy.

Mr. Dawson with Mr. Helstoski.

Mr. Scheuer with Mr. Hawkins.

Mr. McMillan with Mrs. Hansen of Washington.

Mr. Gilbert with Mr. Miller of California.

Messrs. PODELL, SYMINGTON, and DON H. CLAUSEN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLS. Mr. Speaker, I ask unanimous consent that those Members who participated in the debate today on H.R. 17802 may be permitted to revise and extend their remarks and to include tables and other extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

GENERAL LEAVE

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

ADJOURNMENT TO 11 O'CLOCK TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

INTRODUCTION OF BILL TO EXTEND THE SEA GRANT COLLEGE PROGRAM FOR 3 MORE YEARS

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, I have today introduced a bill amending title II of the the Marine Resources and Engineering Development Act of 1966 to authorize the appropriation of funds for the sea grant college program. The bill authorizes the sum of $15,000,000 for fiscal year 1970 and provides for $5,000,000 increases over that sum for each succeeding year through fiscal year 1973.

The sea grant college program was enacted in 1966 under the auspices of the National Science Foundation in order to provide Federal support for the establishment and development of broadly based scientific, engineering and technical research programs in our private educational and technical institutions.

In administering the sea grant college program, the National Science Foundation has been directed by the act to:

First, initiate and support programs at sea grant colleges and other suitable institutes and laboratories for the education of participants in the various fields related to the development of marine resources;

Second, initiate and support research programs in the various fields relating to the development of marine resources with preference given to research aimed at practices, techniques, and design of equipment applicable to the development of marine resources; and

Third, encourage and develop programs, including courses of instruction, practical demonstrations and publications to provide a marine advisory program to impart useful information to persons currently employed in the various fields related to the development of marine resources, the scientific community and the general public.

The National Science Foundation implements the sea grant college program through contracts with or grants to suitable private or public institutions of higher education, technical institutes, and marine laboratories. The Foundation is directed to carry out the sea grant program in such a manner as to avoid duplication or overlapping of existing private or governmental efforts in the field of marine science.

The sea grant college program has been enthusiastically received by the academic community. The past funding of the program, however, has been short of the need. While during fiscal year 1970 thirty project awards and seven institutional awards were made by the Foundation, over 100 formal applications were received. While it is desirable that the Foundation be highly selective in the approval of applications, the shortage of funds has meant that even those most deserving of support in most cases have received only a fraction of the money called for.

In framing the guidelines for administration of the sea grant college program, the Foundation has wisely stressed a multidisciplinary approach favoring those projects which bring together in a working group diverse scientific disciplines. The sea grant college program has led the way in refinement of multidisciplinary techniques and has proven that members of the scientific community, who traditionally have worked independently of each other with a minimum of interchange of data, can in fact approach a problem of scientific interest as a team, exchanging data and supporting each other's work as the work progresses. Traditionally, the exchange of information has taken place only after the investigations of individual researchers have been concluded. The results that have been achieved under the sea grant college program have encouraged the National Science Foundation to apply the same principle of team effort with specialists working side by side to other areas of the Foundation's responsibility.

Under the sea grant college program, the Foundation also has encouraged the creation of consortia between private industries and universities with each partner of these academic-industrial alliances furnishing funds and personnel.

In short, Mr. Speaker, the sea grant college program has led the way during its short life in the intelligent and innovative application of Federal grants to the private sector in a field vital to the future of this country—marine science. The experience gained with this program has had an impact far beyond our quest for knowledge of the seas and their resources, however.

It is gratifying that the Nixon administration has recognized the achievements of the sea grant college program and has enthusiastically supported the increased level of funding called for in this legislation.

REPRESENTATIVE McCULLOCH INTRODUCES LEGISLATION TO CREATE POSITION OF COURT EXECUTIVE FOR JUDICIAL CIRCUITS

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. McCULLOCH. Mr. Speaker, today I am introducing legislation that would provide for the creation of the position of court executive for each of the 11 judicial circuits. I am pleased that the able chairman of the House Judiciary Committee is introducing an identical bill. Joining me as cosponsors are the minority leader of the House and 15 Republican Members of the House. Identical legislation is also being introduced in the other body.

The bill would permit, but not require, each judicial council to select a court executive from among persons certified by a board of certification. The board of certification would consist of five members, three of whom would be elected by the Judicial Conference of the United States. The additional two members would be the Director of the Administrative Office of the U.S. Courts and the Director of the Federal Judicial Center. The board would have two primary functions, one, to draft standards for certification, and two, to review all applicants who apply for certification and maintain a roster of all persons certified. These standards would take into account experience in administrative and executive positions, familiarity with court procedures, and special training.

The concept of the court executive is supported by the administration, the Judicial Conference of the United States, and the American Bar Association. Mr. Speaker, I am of the opinion that much of the dissatisfaction with the operation of our courts is because of undue delays in the administration of its business.

Court management and the administration of justice are inseparable in our judicial system. We have all heard or said the truism that "justice delayed is justice denied," but delay and congestion in our Federal courts continues to grow. Deputy Attorney General Kleindienst, at hearings on the omnibus judgeship bill punctuated the problem with these words:

> Parties to litigation have become increasingly frustrated over their inability to secure prompt judicial determination of their rights and liabilities. On the criminal side . . . innocent persons must wait many painful months to clear their names; the general public is subjected to the risk of repeated criminal offenses committed by guilty persons free while awaiting adjudication of their cases.

I might add that there are other undesirable effects of delay and backlog:

Witnesses give up in frustration after numerous canceled court appearances;

Jurors despair waiting endless hours only to go home without having fulfilled their civic duty;

Plaintiffs settle for less than what they are legally entitled to because they cannot wait for the court to act.

The net result of this is a weakened judicial system. These conditions also help to create disrespect for our laws and our legal institutions which in turn can increase the chances for disruption in our society.

Efficient and effective court administration with a feeling for all people who use or are connected with our courts, as well as a feeling for professional and constitutional values will do much to better justice in America.

FAILURE OF THE MEDICARE PROGRAM IN SMALL TOWNS

(Mr. POAGE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. POAGE. Mr. Speaker, just today I received a letter from a young lady in my district which I think gives a clear picture of how the medicare program has miserably failed in the small towns of America. This young lady worked as a volunteer in a hospital in Granbury, Tex., and has seen firsthand the great benefit that hospitals are to small towns. Unfortunately, the medicare program has contributed to the closing of this and dozens of similar small hospitals. I think it is time that we took a close look at what medicare has done to many of our small communities. I am inserting the text of this letter. I think every Member should see it. In addition, I am inserting an advertisement which was placed in the Hood County News-Tablet by three prominent physicians expressing their strong contention that medicare has been a failure. The opinions of these physicians should not be taken lightly. They should be heard. I think it is a shame that the citizens of Hood County and of other counties now find themselves without hospital facilities. This is not a good recommendation for the medicare program. Those in charge of this program should not try to apply the same rules in our rural communities which may fit New York.

Mr. Speaker, the letter and advertisement follow:

MAY 31, 1970.

DEAR CONGRESSMAN POAGE: As a result of Medicare the only hospital in Hood County will be closed as of June 1, 1970.

Another victim of Medicare is the Ambulance service. There are three ambulances in Hood County and Medicare has now stuck its angry claws into them. At the rate it's going by fall of 1970, we will not have any ambulances either.

Granbury has a population of about 3,000. We have recently acquired a big and beautiful lake and our population is expected to increase to around 40,000 by 1980. In my opinion our population will never reach 40,000, but at present it is a very booming and growing community which could possibly reach this figure. What would a town of 3,000 or even 40,000 do without a hospital or ambulances?

It seems as though Hood County doesn't have enough Registered Nurses for every shift at the hospital. I feel as if we were lucky to have the trained staff we had.

During the summer of '69 I worked at the Granbury General Hospital as a Candy Striper. Before then, to me, it was just another hospital where I got shots, had my tonsils removed and went home smelling like Lysol. After I began working there I felt a feeling of pride, because I was a part of something wonderful and good.

During my summer there I saw many heart attack victims brought in and everyone I saw lived because the ambulance got them to the hospital in time for the excellent doctors to save them. I saw the victims of one very bad car wreck. The three teenagers lived. The boy had severe internal injuries. He was released in about a week in good health. One girl's knee was crushed. She is walking fine today as a result of the hospital. The other girl had a broken jaw and she sat next to me in English class and chewed gum and talked all during class this year.

I also saw a man have his fingers sewn back on after he accidentally had a gun go off in his hand. If we hadn't had a hospital in Granbury, he wouldn't have the use of that hand today.

The nearest hospital is about 40 miles away and after providing a heart attack victim with emergency care, being unable to put them in bed, but then transporting them 40 miles for the continued care required, could mean death.

I have lived in Granbury all my life and I'll be 16 in November. I love this town, this county and I hate to see what is going to happen to it as a result of Medicare.

Medicare was not created for a small town. Why does such a small community and small hospital have to have such large requirements?

Medicare is not helping the elderly of Hood County, it's only hurting them. I read recently in the Fort Worth Star-Telegram, that by the year 1980, the cost of a hospital room would be approximately $1000.00 a day, and the government thinks the situation would be improved if the old people, taking up the expensive hospital rooms and beds, should be moved to nursing homes as soon as possible.

I think we've handled our illnesses and needs of loved ones just fine without the government's controlling concern.

Please help in this merciless situation.

KAREN THRASH.

GRANBURY, TEX.

FULL-PAGE ADVERTISEMENT IN HOOD COUNTY NEWS-TABLET

To the citizens of Hood County:

After much study, considerable thought and consultation with experts in hospitalization, the owners of the Granbury General hospital have decided to close the hospital (not clinic) effective May 31st.

The Physician-owners of the hospital have provided hospital facilities for Hood County since 1945, at no cost to the taxpayers. Due to the increasing costs and demands of Medicare, we feel that we can no longer operate the hospital at a deficit.

During each of the four years of the existence of Medicare, we have spent large sums of money complying with their requests. Medicare now requires that we spend an additional large sum of money to provide an automatic sprinkler system for the building and a standby power plant for the hospital. If this were done in approximately six months time, Medicare states that we will have to employ four additional registered nurses to provide continuous R.N. coverage. We have exhausted every means in attempting to locate additional nurses and have not been able to employ them.

In the face of these difficulties, Medicare has not given us a final settlement for the years of 1967–68–69. Inasmuch as the hospital can be paid by Medicare only the operating costs, we cannot continue to subsidize Medicare.

We would like to take this opportunity to thank the people of Hood County for their confidence, trust, and support during the 25 years existence of Granbury General Hospital. It has been a pleasure to be of service to you.

We will continue to operate the clinic and provide for our patients hospitalization in Ft. Worth or other area facilities.

R. N. RAWLS, D.O.
L. G. BALLARD, D.O.
B. R. HALEY, D.O.

THE ENVIRONMENT AND THE ECONOMY DEMAND NO SST DEVELOPMENT AT THIS TIME

(Mr. WOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLD. Mr. Speaker, on May 27, I voted against appropriating $290 million in new money for prototype development of the supersonic transport SST.

Like many of my colleagues in the House, I am very much disturbed by the many environmental questions that have been raised in the SST deliberations. Russell Train, Chairman of the President's Council on Environmental Quality recently indicated that the "SST would be 3 to 4 times louder than current FAA sideline noise standards and 4 to 5 times louder than the Boeing 747." I think that communities near existing airports are going to find this noise burden unacceptable. I know I would.

The sonic boom problem is a major technological hurdle facing the 1,800-mile-per-hour, 300-passenger SST. Engineers working on the SST have admitted that they know of no way to reduce the effect of the sonic boom so that the SST can fly over populated areas.

Many technically qualified groups have said for a long time that sonic boom cannot be reduced to an acceptable level.

If this is the case, then the only supersonic use of the SST will be transoceanic flights, which is not economically sound and will not support the Government's investment.

Most recently "environmentalists," including representatives of the President's Council on Environmental Quality, have been talking about the possible consequences of high-altitude pollution resulting from SST flights. Council Chairman Train recently warned of the large quantities of water vapor that would be introduced into the stratosphere by the SST and the impact this could have on our climatic conditions. He stated:

> Clearly the effects of supersonics on the atmosphere are of importance to the whole world. Any attempt to predict those effects is necessarily highly speculative at this time. The effects should be thoroughly understood before any country proceeds with a massive introduction of supersonic transports.

We have passed the time when people are willing to accept the serious physical and psychological hazards as a price of progress. It makes no sense to pursue this expensive program until we have a better understanding of the environmental inpact of supersonic flight.

Another facet of the SST program that is also quite troublesome concerns the cost performance. When the SST program was authorized in 1962, President Kennedy announced that the program costs would not exceed $750 million. So far the Government has invested more than $640 million, and the program is not even out of the design stage. A year ago, the Department of Transportation estimated that the cost of a prototype SST would be $1.3 billion. Since that time there has been a $76 million cost overrun. Shades of the British-French Concorde development which has experienced staggering cost overruns. Experts see a similar cost pattern developing on the SST and warn that the way things are going program costs to the Government could escalate to $5 billion.

Unfortunately, the Government's subsidy of the SST will probably go beyond aircraft development costs. Already the company developing the SST is encountering serious difficulties in meeting technical specifications. Takeoff and landing requirements significantly exceed original DOT specifications, which means that very few airports in the world could accommodate the SST.

If we move ahead with the program, airports will have to be redesigned and enlarged or completely moved to new, remote sites to meet the longer landing and takeoff requirements and to minimize noise impact, undoubtedly the taxpayers will be called upon to pay for these changes.

When Congress initially authorized the SST, it was contemplated that private capital would be used to finance the production of SST's. Today this plan is very much in jeopardy. The SST contractor has publicly questioned whether they can raise the $2 billion or more needed to move into production. The environmental problems, escalating costs, and the unanticipated limitations of the use of the SST to mostly transoceanic flights, raises serious doubts as to the economic viability of this project. Already companies like PanAm, the world's largest airline, are wondering aloud if they can afford to pay the latest estimated cost per unit—$60 million.

Daily the handwriting becomes a little clearer. If private investors are unwilling to finance the SST production, the Government will be called upon to carry the entire burden. I simply see no reason why this Government should subsidize a program that is not a sound economic investment, will provide so little for so few, and will further aggravate our environmental problems.

Accordingly, I cannot support spending $290 million at this time for a prototype SST.

NANCY RINES WINS ESSAY CONTEST

(Mr. PHILBIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the CONGRESSIONAL RECORD I include therein a very gratifying excerpt from a recent edition of the Worcester Telegram citing the recent outstanding achievement of Miss Nancy Rines, of Leominster, a sophomore at St. Bernard's High School, Fitchburg, in winning the honored State essay contest.

I take pleasure in heartily congratulating this fine young lady upon her excellent essay that won highest honors for her.

Everyone should read this splendid essay by one of our distinguished young, high school girls. It is exceptionally well done and it reflects in a striking manner an exalted, knowledgeable appraisal of American patriotism, which is a great tribute to this brilliant young lady and the informed generation of young students which she so admirably represents.

The article referred to follows:

LEOMINSTER GIRL WINS STATE ESSAY CONTEST

(By David W. Gilmartin)

LEOMINSTER.—What is patriotism?

To Nancy Rines of Leominster, a sophomore at St. Bernard's High School, Fitchburg, it's the Pledge of Allegiance To the Flag and the meaning each line of the pledge has for her.

Nancy's interpretation of the word patriotism has earned her first-place in the annual state Italian-American War Veterans essay contest.

The 16 year-old daughter of Mrs. Ralph O. Dickson of 32 Blossom St. has already received the Fitchburg Post 4 ITAM Veterans Award and will soon receive the state wide award. The state award will make her eligible to compete for the national award later this year.

The Fitchburg Post award was presented to her last week by Joseph J. DiPrima of Leominster, commander.

Her essay:

"I pledge allegiance to the flag. . . . How often have these words been recited by children and adults of America? The answer, of course, is too great to be known. Americans have known these famous lines since they were old enough to talk. The words probably had no meaning when we were small children, but now we realize the importance and significance of each and every line.

"Of the United States of America. . . . Our ancestors provided us with a firm foundation of pride for our country. Through the courage of the Pilgrims and dedication of the first leaders, the United States began to blossom into the nation it is today. Men and women were not afraid to fight and die for the nation they loved.

"And to the republic for which it stands. . . . A free country, a democracy that we can be proud of. Some of today's youth question the term 'freedom.' But the meaning is quite plain. Webster's Dictionary defines freedom in this way: 'Independence, liberty, license.' Liberty and independence are truly great privileges. To be able to elect our own leaders and belong to any faith are things which cannot be replaced.

"One nation, under God. . . . How could we have such a powerful country without the help of God? To be able to possess all of the qualities of an independent nation, we have to give thanks for the only person who could possibly help us to achieve this goal.

"God has been thanked in all ways—by all religions. Since we have freedom of religion, each man can show gratitude to his God, in his own church, in his own way. God plays a very important role in all of our lives and so, through our freedom in worshipping Him, we can give thanks.

"Indivisible. . . . To divide means to split or separate. As one, complete nation, each state's 'belonging' to another, we can all stand proud, united as Americans. Each lake, river, valley and mountain of this country belongs to every American despite his past heritage. We are not Irish, French or Italian. We are Americans united under the love for the United States.

"With liberty and justice for all. . . . Whether black, yellow or white, we all belong here. As Americans we all own this country. We've grown up with it, seeing it during good years and bad. We love this country. We all love this country. We are all Americans."

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FATHER CUNNINGHAM ON THE INVOLVEMENT IN INDOCHINA

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, since April 23 my office has received several thousand cards, letters, and telegrams directed at our involvement in the Indochina war.

One in particular has stuck in my mind as one of the best letters I have received in my 3 years as a Congressman. It was written by a professor of philosophy at Providence College, Father John Cunningham.

Father Cunningham speaks not as a foreign policy expert, nor a military expert, nor a political scientist. Rather he speaks modestly as a Christian and a realist. His patriotism cannot be questioned. While loving his country he merely asks whether a Communist regime is "worse than decades of civil war? Worse than generations of neglected social and economic problems? Worse than having 50,000 crippled children?"

I join with Father Cunningham in answering "No" to those questions. I join him in seeking a swift conclusion to our military involvement in Southeast Asia.

At this point in the RECORD I include Father Cunningham's letter in its entirety:

PROVIDENCE COLLEGE,
Providence, R.I., May 10, 1970.

Hon. ROBERT O. TIERNAN,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN TIERNAN: Among the many questions I asked myself as I thought about this letter, one kept recurring with annoying frequency. Quite simply put, it was this: How could I presume to speak with any degree of authority on such a complex problem of this country's foreign policy in Southeast Asia and specifically the conflict in Vietnam and Cambodia.

I cannot speak of the international dimensions of the war, since I am not a student of diplomatic relations. I can hardly address myself to the military question, since I have no expertise in military tactics. And, I certainly cannot speak with any authority of the political dimensions of the conflict, since I am not a political scientist. So, I had to ask myself: From what vantage point can I speak to my elected representative?

During the closing days of World War II, as a Freshman in college, I remember referring to myself, rather pompously I fear, as a Christian realist. The form of Christianity to which we are both committed has changed in many ways since that time. And perhaps a 1945 realist is a 1970 reactionary. But whatever the case, I should like to speak to you as a Christian if at times a bumbling one, and a realist, if at times a naive one.

I would like you to understand that I do not support the destruction of draft records, or the waving of the Viet Cong flag, or the dishonoring of our own flag. Nor do I think that the Allied forces in Southeast Asia have a monopoly on injustice. At the same time, I see my country, and I am not ashamed to call it mine, involved in acts of inhumanity in Vietnam that are morally indefensible: the incineration of villages, the destruction of rice crops, and, through our South Vietnamese allies, the torturing of prisoners.

I must say that I believe our concern for the war is motivated by what I might call our anti-Communist obsession. (I would not have said this five years ago, nor much of what follows in this paragraph.) We have given this up in relation to the Soviet Union and the eastern European countries. Somehow it hangs on in relation to Asia and Latin America. I believe that we should abandon once and for all the conviction that a Communist regime is the worst possible fate that can befall a country. Is it worse than decades of civil war? Worse than generations of neglected social and economic problems? Worse than having 50,000 crippled children?

I would not like to see South Vietnam controlled by a Communist group. But I honestly do not see how we can assume that it is good for the South Vietnamese if we continue to ravage their country for years in order to prevent such a result.

I have worked with college age students, inside and outside the classroom, for over ten years. This may be the last time they will turn to us, "the establishment," to help them in their mission to end the war. For such a mission, can we refuse to reach out our hands and share the common cause with them?

I urge you, Mr. Tiernan, to express openly and frequently your opposition to the Cambodia invasion. Further, I ask that you take whatever action may be necessary and appropriate to your office as an elected representative to effect our country's swift and complete disengagement from our military commitment in Southeast Asia.

Sincerely,
Rev. JOHN F. CUNNINGHAM, O.P.,
Professor of Philosophy, Director of Residence.

THE ROAD TO RADICALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 60 minutes.

Mr. MIKVA. Mr. Speaker, I find it revealing that both those who profess the most radical doctrines, and those who must staunchly defend the status quo, appear to agree on a favorite quotation. Each for his own reason is fond of citing Mao Tse-tung's dictum that all political power grows out of the barrel of a gun.

The revolutionaries like this quotation because it relieves them of the burden of articulating a coherent program to win support, and justifies the blatant use of violence to achieve any end.

The defenders of the establishment like Chairman Mao's aphorism because it conveniently reduces the confrontation with the radicals to the level of a shoot-out in the grand tradition of our own Wild West.

I am somewhat more old-fashioned, Mr. Speaker, and I would be inclined to argue that political power derives in some degree from the consent of the governed, in keeping with the theories of another group of American radicals known to have operated in the vicinity of Philadelphia and Boston in the late 18th century. But I would be the last to deny that there is all too often a direct relationship between the exercise of political power and the level of violence which seems to engulf us.

In fact I support the thesis that the greatest force for radicalism in American society today is the increasing use of violence by the establishment against any minority in whose actions or ideas the majority perceives a threat. The road from reason to radicalism is all too short.

And it can be traversed with truly remarkable speed when it becomes clear that a lawful agent of authority in your own society can, and indeed may, shoot you down at his discretion with apparent impunity—and actually has shot down other members of your society in no material way distinguishable from yourself.

With the indulgence of this House, I would like to develop that thesis in relation to the terrible events to which we have grown all too accustomed on the front pages of our newspapers and on the television screens in our homes. I think clear and relevant examples can be found in the December 1969 Black Panther raid in Chicago, as well as in the recent shootings at Kent State, Jackson State, and Augusta, Ga.

I took the unusual step, Mr. Speaker of asking permission to insert in the CONGRESSIONAL RECORD the full text of the Federal grand jury report on the December 1969 Black Panther raid in Chicago, which was published on May 15, 1970. In my remarks preceding the report, I characterized the grand jury findings as "a failure for America." Let me explain.

At the outset I must state that there is much about this grand jury report that I find alarming. First, I am appalled at the details of incredibly inefficient, and in many ways downright deceptive, police work in my home city of Chicago that this report has placed on the public record. I certainly agree with the exceptionally restrained comment by the grand jury that—

> The performance of agencies of law enforcement . . . gives some reasonable basis for public doubt of their efficiency and even of their credibility.

Second, I am very troubled by the fact that the grand jury was unable to determine whether the civil rights of any individuals had been violated, principally because the members and supporters of the Black Panther Party adamantly refused to testify or cooperate in any way with an investigation conducted under the aegis of the Department of Justice. The Panthers argued that they had no reason to expect a fair, impartial, and thorough investigation under the auspices of an agency which has declared publicly that the Panthers represent the greatest current threat to the internal security of the United States. The grand jury again put the matter succinctly:

> The Grand Jury is forced to conclude that they (the Black Panthers) are more interested in the issue of police persecution than they are in obtaining justice.

It was in this tragic situation that I found a failure for our society. I am just as appalled by the performance of the Chicago police as I am by the violent policies of the Black Panthers and their refusal to participate in this investigation. But it seems clear to me that the fragile fabric of consent between those who govern and those who are governed disappeared in a hail of bullets that bloody December morning.

The experts working with the grand jury concluded after exhaustive tests that from 82 to 99 shots were fired from a variety of weapons and that only one of those shots could be traced to a weapon belonging to any of the nine Black Panther occupants of the apartment. This to me constitutes something very near to prima facie evidence that the assertions of the Black Panthers that they were wakened from sleep that morning by an unannounced and unprovoked barrage of police fire are true. In light of that evidence, I find it at least explicable—even if not defensible—that the seven Panthers who survived the early morning onslaught might doubt that their rights would be fully protected and all facts fairly presented in an investigation conducted under the authority of what they consider the same hostile power mechanism.

Largely for that reason the grand jury inquiry was fated from the start to raise more questions than it could answer. Even the publication of its report is evidence of a breakdown in the system. My learned colleagues, I am certain, need not be reminded that grand jury investigations normally are conducted in full secrecy, and that customarily there is no announcement of their findings other than the decision to indict or not to indict. The frustration of the grand jury and of those responsible citizens on all sides who participated in its work was clear in the way existing procedures were twisted to permit publication of the valuable but incomplete report of May 15.

I also am disturbed by some of the circumstances of the conduct of the investigation. I think we all recall the outpouring of emotional and distorted reporting on all sides at the time of the Black Panther raid, the virulent charges and countercharges, the distortions, deceptions, and outright lies that contributed so much to impeding the impartial pursuit of the truth. In that tense atmosphere it was not surprising that a number of mutually exclusive investigations were launched at approximately the same time—by the Chicago authorities, by local news media, by citizens' groups, and by the Black Panther Party.

One of the more promising initiatives was that of the so-called Goldberg Commission, which was a panel of concerned citizens headed by former Supreme Court Justice Arthur Goldberg. The heterogeneous composition of this group and the broad experience of its members suggested that they would adhere to strict standards of evidence and might have a chance of securing the cooperation of all parties to the incident.

Yet this panel abandoned its inquiry shortly after a meeting early this year with the Assistant Attorney General charged by the Department of Justice with responsibility for the grand jury investigation. Reports from participants in these discussions have made clear that the citizens' panel called off its study when the Justice Department official alleged that, by covering the same ground, the panel might prejudice the evidence and make it impossible for the grand jury to return indictments, for which the Assistant Attorney General indicated chances were good. Convinced of the seriousness of the grand jury probe, and of the possibility of legal conflict with their own study, the citizens' panel canceled its plans. Thus the chance for at least one other impartial examination of the details of this case was lost.

The fact that no indictments ever resulted from the grand jury investigation lends added poignancy to a series of interrelated events just prior to the May 15 release of the grand jury report. All of the seven surviving Black Panthers who were in the Chicago apartment at the time of the raid last December subsequently were indicted by a Cook County grand jury on charges ranging from intent to commit murder to illegal possession of firearms. On May 7 the State's attorney for Cook County denied that charges against the Panthers would be dropped. On May 8 all charges were dropped. On May 14, the night before the grand jury findings were released, three of the Chicago police officials who were most severely criticized in the course of the investigation were demoted by the Chicago superintendent of police. On May 15 the report appeared with no indictments.

Thus, Mr. Speaker, in a manner of speaking the case is closed. Yet I am convinced that even in this sketchy recital of facts there is a clear failure for America. I have no doubt that in this unfortunate incident many persons were at fault, and crimes were committed. Yet the only comprehensive investigation was hamstrung from the start because it lacked impartiality and credibility in the eyes of certain of the principal parties, who therefore withheld their cooperation. And the only actions arising from the investigation were the result of administrative deals rather than decisions by a court of law. None of the guilty have truly been punished, nor the innocent exonerated; none of the accumulated hatred and suspicion has been dispelled; the circumstances of the raid remain as murky as before, and there are no clear safeguards against the recurrence of similar incidents. The public interest emphatically has not been served.

Mr. Speaker, I believe we can disregard the lessons inherent in the Chicago Black Panther raid only at our own peril. One lesson is simple: those who commit or condone official violence thereby lose their credibility as impartial judges of its consequences. And as long as any part of our Nation has grounds to believe that it can be deprived of its fundamental civil rights, including first and foremost the right to life itself, we are all in danger. That is why I submit that officially sanctioned violence against any minority is the greatest force for radicalism in America today.

The challenge has been repeated once more by the sickening deaths of four young people at Kent State, two more at Jackson State, and six more in the streets of Augusta. It is impossible to overexaggerate the impact that these violent deaths, each one at the hands of a legally appointed protector of the peace of our society, have had on the youth of our Nation. Mr. Speaker, we are at a crossroads of credibility. If we fail as a nation to do justice to the dead in Ohio, Mississippi, and Georgia, we will only have succeeded in convincing thousands,

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even tens of thousands, of Americans—and not only the young—that they have lost their stake in the preservation of our system.

I do not use these words lightly, Mr. Speaker. I deplore violence wherever it may occur, and I do not defend those who believe that protest must be equated with destruction and force. I take heart at the great numbers of young people who continue to demonstrate that they are willing to work within our system through direct political action to correct the failings they see in our policies and priorities. But none of us can neglect the abundant evidence that the shooting down of unarmed youths by police or National Guardsmen instantly does more to bolster the forces of radicalism in our Nation than any fifth column of covert agitators could do in a decade.

The way to demonstrate that we have learned something from the tragic deaths at Kent State, Jackson State, and Augusta—the way to show that those who died there did not die in vain, or worse, only to further radicalize America—is to insure that these incidents are thoroughly, impartially and publicly investigated. The President of the United States has the power to bring such investigations about. His staff has already announced that he will appoint a commission to investigate the deaths at Kent State. I urge the President to expand that commission's mandate to include the similar deaths by "official violence" at Jackson State and Augusta.

I urge the President to insure that the investigating commission is so constituted that there can be no conceivable doubt—in any segment of the population—about its impartiality, fairness, and competence. Most important, I urge the President to demonstrate in advance his commitment to equal justice under law by indicating his intention to follow the recommendations of his investigating commission, both as to procedures for avoiding future Kent States and Jackson States, and as to appropriate legal action against those who are found to be at fault.

If we are to preserve the credibility of our institutions and our laws, we must demonstrate beyond further question to all our citizens that no man, be he National Guardsman, police officer, or elected official, may commit unlawful acts, and inflict illegal violence on the population with impunity.

I was in Jackson, Miss., Mr. Speaker, for the funeral of James Earl Green, the 17-year-old black high school student who died on May 14 in a senseless fusillade of gunfire by Mississippi State police that killed one other and wounded many more. James Earl Green's crime consisted in walking down the sidewalk across from the ill-fated women's dormitory at Jackson State College that day. I also inspected the facade of that dormitory, and I too have concluded that it is nothing short of a miracle that the dead were not numbered in the dozens. I hope that I shall never see again anything so close to a search and destroy mission on a college campus in America. Only the bombs and napalm were lacking. And even in Vietnam we pride ourselves, I hope justly, on administering first aid to the enemy wounded. Yet in Jackson, eyewitnesses report that the State troopers calmly collected their spent shells from the pavement and lawns of Jackson State College while the dead and wounded lay unattended.

I cannot blame any black person in America for concluding that if James Earl Green can be shot down in the light of day without cause, every black is in danger for his life. I realize, of course, that many in the black community will smile indulgently for my suggesting that there is anything in that situation that is new or unusual. But none would argue that such official violence in the name of a cruelly distorted concept of "law and order" can only breed more violence.

One of the most disturbing aspects of the events at Kent State, Jackson State, and Augusta is the possibility that Federal money and Federal support played an important role in the deprivation of the civil rights of those persons who were killed and wounded by "official violence" of National Guardsmen and police. In the case of the Ohio National Guard, the Federal role is clear: the Guard is paid and maintained directly by Federal funds provided by the Congress. In the case of the police at Jackson and Augusta, the Federal role requires more elaboration.

The 1968 Omnibus Crime Act established the Law Enforcement Assistance Administration—LEAA—in the Department of Justice to provide Federal assistance to State and local law enforcement agencies. The Omnibus Crime Act specifically provided that neither LEAA nor any Federal official was to assume any command authority over local law enforcement personnel. Section 518(a) of the act states:

> Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement agency of any State or any political subdivision thereof.

In light of this explicit prohibition, it was hard to understand a newspaper account which indicated that LEAA officials had participated in the mass arrest of black students at Mississippi Valley State College at Itta Bena, Miss. In response to my inquiries on this question then LEAA Administrator Charles H. Rogovin answered categorically that no LEAA advice, personnel, or funds were involved in Itta Bena incident, despite contrary implications in some of the statements made by Mr. Kenneth Fairly, director of the Mississippi Division of Law Enforcement Assistance.

When the tragic death of two students at Jackson State College and the wounding of a dozen others occurred on May 14, I again wrote to Mr. Rogovin to inquire whether any LEAA funds, equipment, or training had been provided to the Jackson police or other law enforcement personnel involved in the Jackson State shootings. Mr. Rogovin has since resigned from his post at LEAA, but I have received no response to my question from the remaining LEAA Administrators, Richard Velde and Clarence Coster.

On May 31, 1970, the New York Times published an article datelined Jackson, Miss., which strongly implies that LEAA funds and equipment were involved at Jackson State. The story indicated that the Mississippi Law Enforcement Assistance Division "henceforth will require police forces to have 'well enunciated command and control procedures assuring proper restraint' before they will be allotted funds for lethal weapons in riot control." Since such assurances will be required "henceforth," it seems obvious that they have not existed heretofore. It also seems obvious that the Mississippi Law Enforcement Assistance Division's concern is based on the use of equipment, funds, or equipment which it has supplied to the Jackson police in the Mississippi State College killings.

"Official violence" is disturbing enough. When it denies our citizens their federally and constitutionally protected civil rights, official violence is all the more a cause for concern. When Federal funds and equipment are used to perpetrate this official violence, the situation becomes intolerable.

The deaths at Kent State, in Jackson, and in Augusta cry out for justice. There must be urgent and painstaking investigations, Mr. Speaker, and those investigations must be constituted and conducted in a manner that will ensure their credibility and impartiality in the eyes of every citizen of the United States. Yet I hear on one hand that the Civil Rights Commission must abandon its plan for an inquiry into the deaths in Augusta and Jackson because of a lack of funds, and on another that hearings by local authorities will be sufficient.

I wish to make absolutely clear, Mr. Speaker, my conviction that nothing less than a crisis response to these deaths will be sufficient. Delays and distortions and equivocations will simply mean failure, and our society cannot afford another such failure.

I repeat that the road from reason to radicalism is short. If we are to preserve the structure of our society, and to sustain the faith of our people in our system of government, we must start with true "law and order." I do not mean the law and order that has become a codeword for racism and repression, and a sanction for violence. I mean the law and order of a society that accepts responsibility for that most precious civil right of all—life—and promotes that right and protects it against all threats. I mean the law and order under which a gun is not looked on as a great equalizer, but as a great terrorizer which civilized people never use, and which law enforcement officials use only in the most extreme cases of self-defense.

Mr. Speaker, we must have that kind of law and order in America, or I fear we shall have no other.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Michigan.

Mr. CONYERS. I rise to commend the gentleman from Illinois for having the courage, in his very able way, of bringing to the floor of this Congress a discussion of the implications of the tragedies that have occurred in 4 dif-

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ferent parts of the United States. It is true that I was one of the Members of the Congress who went to Chicago and visited the scene of the Black Panther tragedy there. I talked with a number of people who were personal witnesses to what had gone on. And I think that the gentleman deserves the commendation of our entire country for bringing this matter to some very intelligent discussion, and further introducing Joint Resolution 1226, which would create a temporary joint congressional committee to investigate and report to Congress on these incidents at Kent State on the part of the Ohio National Guard.

I, too, join with the speaker in saying that this is a matter that has implication for all Americans, wherever they may live, and I, too, say that this continuing repression on the part of law-enforcement authorities and agencies is creating a fear and a further reaction on the part of elements in our society. It is certainly operating against any tradition in this country that would speak to the fact that the law-enforcement agencies, whether they be the militia, National Guard, the State troops, the police—all of them have an overriding, or should have an overriding concern about these questions of justice and fair play that have frankly cast a grave doubt upon the honesty and integrity of many law-enforcement agencies across the country.

This is very important. I would point out to the gentleman that not too long ago Dr. Ferry, formerly of the Institute for Democratic Studies in Santa Barbara, Calif., issued a very thoughtful paper that spoke to a point that at first I was unable to agree with, because the point of that paper was to the effect that this country is already in a police state. He was very careful to say that he did not mean a quasi-police state or a police state nation for some minorities and not for all.

It seems to me that the tragedies at Kent and at other places have only served to reinforce the notion that he wrote about at such great length. He pointed out that it was in Germany where the good citizens failed to respond and failed to ask the questions that should have been asked then, because everyone thought this was something that did not concern him, and it was something for which he was not responsible. The result was one of the most barbaric national acts in recorded civilization.

What I am saying, as I join the gentleman in the well today, is that there needs to be more honest discussion of the implications of the police action that goes on in this country. Unless this Congress is willing to investigate, unless this administration is willing to extend the scope of the query of such agencies that are already supposed to be able to investigate these questions—for example, the Civil Rights Commission and other agencies that have been appointed—we are not going to be able to get to the truth of the matter.

I think in the absence of truth, America is going to continue to be polarized, and we are going to continue to operate under a great pall of confusion and fear, and in the end we will continue to do acts that are detrimental to this society and to this Nation.

Mr. MIKVA. Mr. Speaker, I thank the gentleman from Michigan for his words. As is perfectly obvious, I am not a Black Panther, and I am not any kind of panther, but I find very little solace in what seems to solace so many of our citizens and colleagues who say that the victims were equally guilty, or in finding some kind of equation between victims of law enforcement and victims of over-law enforcement, whether at Chicago or at Kent State, or at Augusta, Ga.

I was shocked, as the gentleman from Michigan was, by the poll that would indicate so many people thought the students who were killed at Kent were themselves at fault. What is disturbing is not only that the American people did not read their own newspapers to find out that the students who were killed at Kent State and at Jackson State were innocent bystanders, but also that somehow they are drawing an equation between those who are equally bad, whether Black Panthers or others, and the law enforcement people, and they say therefore anything a law enforcement officer does to anybody is all right. That is the most shocking of all, because that is what leads us on the road to fascism. When we set up a dual standard which says a law enforcement agency can act illegally and unlawfully as long as it deals with bad people, then we are on the way to that Fascist state.

Mr. CONYERS. Would the gentlemen agree that in a nation with 194 years of democratic government, what we need at this time, perhaps more than anything else, are the forces in America who will speak to these questions and who will speak to truth and attempt to shed light on the problems. It would seem to me evident, as it is to the gentleman in the well, that the Federal Government would be an ideal source from which we could begin to establish some positive frame of reference on many of these questions which really have their roots in problems that are inherent in the question of race and race relations.

Who is more appropriate than the Executive Office, the national administration, to set the tone in America for a climate of ameliorating tensions of these kinds between students and police, between black and white, between the unemployed and the working, between the middle class and the poor, and all the other kinds of confrontations that go on in our society?

Yet I am sorry to say that there is little evidence from the executive branch of Government that this is their responsibility, and a very important responsibility which I will admit cannot be found anywhere detailed with precision in the Constitution but which has nevertheless come to be a very important and crucial role for the Executive to play.

We do not hear that. We have no voices of reason. We have very few voices calling for unity and understanding, because it is too convenient, oftentimes politically too expedient, for us to quietly side with whoever may become the victims of official police violence in this country.

Mr. MIKVA. I could not agree more.

There is to my mind no question that those are our law enforcement forces. They ought not be the white man's police or the old people's police. They ought not be the enemy of the black or the young or the disinherited or the disfranchised. So long as we allow that situation to continue we continue to break down the very fabric of our society.

I know of no more pressing burden that the Federal Government has, trying to hold us together as a country, than to reestablish the confidence of all groups in law enforcement.

So this myth—I still believe it is a myth, and I have to insist it is a myth—that somehow these forces belong to a certain segment of society, and therefore they are not our police but they are somebody else's police, and they are not our National Guard but somebody else's National Guard, must be broken down, or our society will break down.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I am grateful, as I believe most thinking people will be, to the gentleman for presenting this question to the House today. I certainly want to join the gentleman from Michigan in his enthusiastic praise for the gentleman's efforts.

I do not see how anyone can doubt at this late date that the Black Panthers are dangerous. Their philosophy is dangerous, as is the philosophy of any group that urges violence and terrorism, and it is dangerous to sentimentalize about dangerous groups, to talk as if Panthers were somehow heros, or prototypes of what will make America a better place. No free society could survive the domination of groups that glorify violence and appeal to hate, whether the members of the group are black or white, and whether the ideology behind the activities is far left or far right, Maoist or racist.

But it is also true that Panthers and others who turn to violence will not disappear until the conditions that spawn them are eliminated—until we have rid ourselves of what Robert Kennedy called the slow violence of poverty and neglect, and until all Americans enjoy equal protection of both the laws and the lawmen.

Thus the events in Chicago have not reduced the influence of the Panthers, but, to the contrary, have increased their influence both in the black community and among many other Americans who find violence abhorrent whether practiced by or on Black Panthers. There is even a widening sense that the tragic misbehavior of some Panthers have made it impossible for other Panthers to obtain justice in the courts. It would be a terrible irony if our horror over Panther methods and preachments were to cause us to engage in, or condone, behavior similar to that which we reject and despise when it is advocated or practiced by Panthers on others.

Fairness means not merely fairness to those accused of a crime, but fairness to those not accused of a crime, fairness

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to them in their quarters, fairness to them in their political activities—fairness, in short, to everyone under the Constitution, whether we like them or not, whether we agree with them or not. Fairness does not, of course, mean tolerating violence or other violations of the Constitution by Panthers or anyone else.

What I want to add to the gentleman's comments beyond the specifics he mentioned, is to say that I have just been in Tuscaloosa, Ala., where a demonstration on the campus of the University of Alabama by a very substantial part of the student body produced the mass arrest and the mass beating by the police in the city of Tuscaloosa of very large numbers of students and some others, faculty, and even an attorney for the university. The police in this instance acted against white people as well as black. In fact, 90 percent of the people acted against were white. The police acted with a sense of impunity, which cannot be described as anything other than what happens in States where the police are above the law.

It was a very disturbing discovery. I sat there in the student union at the University of Alabama at the invitation of the student government leaders of that university for many hours listening to the specific statements and testimony of students and others who had been treated in this fashion by the police. It was sad to be reminded of the bitterness that grows among people who are treated by police in this way and who then cannot even begin to get redress.

One point that you made seems to me to be of particular importance here. Those of us who have been opposed to the use of disruptive or violent tactics, as you have and I have and most of us have always been who have been concerned about democracy, feel that it becomes very, very important now to say clearly, as you have today, that opposition to disruption and violence has to be across the board. When the disruption and violence occur on the part of those charged with upholding the law, it is a very much more serious offense, because if the people who are supposed to uphold the law in fact become agents violating it, then who shall uphold the law?

A free society owes a great debt to its law-enforcement officers. They are often underpaid and their heroism often goes unrecognized. They have deserved the gratitude of Americans across the continent and across the country. But one major purpose of law-enforcement officers is to see to it that when anyone violates the law there is some impartial and fair agency to protect society—to see to it that there is protection for those whose rights are being denied by those who would cause disruption. If law-enforcement officers themselves become the agents of disruption and if they do things that in fact make it impossible for anyone to find protection from violators of the law, then there is little chance of working out differences without violence on all sides.

So, if I may just simply join in your remarks, I want to point out that it is in fact clear that while black people and Black Panthers especially in the recent past bore that brunt of this type of injustice that disturbs us today, that kind of disturbance occurs in Tuscaloosa and other places to white people as well.

I saw in Jackson—as did the distinguished gentleman and others—disturbing evidence that two young people were shot to death unnecessarily—outrageously—by law officers in the name of the law. Both students were unarmed. One was shot apparently while observing, because he was standing in a place where police fired a stream of bullets. The other showed signs of having been dragged by the hair to the place where he was killed.

The failure to bring to justice those responsible for such deeds, or even to make a serious effort to get all the facts fairly and quickly, leads to the bitterness felt by so many who have been taught that they have the right to expect justice under law but who then are treated quite differently in practice. To understand this bitterness is not to condone violence, but it does explain why so many Americans no longer feel they can rely on the law for even-handed protection and so find themselves tempted to turn to violence, often as what they think of as measures for self-protection.

What it does to the institutions of a free country you and I know. That is what makes the discussion you are conducting here today a particularly crucial one if we are to make the country whole together.

Mr. MIKVA. I thank the gentleman from New York for those statements. As he points out, we may not have achieved an integrated society, but we certainly have achieved integrated violence. I, too, was at Jackson, as the gentleman from Michigan pointed out, we are cosponsors of the resolution concerning Kent State. The excesses of law enforcement have not been aimed exclusively at black people as Kent State points out. Alabama proved that as well. The conclusion is simple. Those who commit or condone official violence completely lose their credibility as impartial judges of its consequences. The tragedy of Chicago is that the case is ostensibly closed. Yes, they demoted four policemen who were directly involved and the grand jury severely criticized various law enforcement agencies and investigative agencies, but officially the case is closed. Yet people who are most affected by that Chicago shoot-out do not feel that justice has been done.

They do not feel that their rights have been vindicated, indeed they feel their suspicions have been vindicated. I know a number of my own middle class, black constituents who 2 years ago would never have thought of contributing or lending support to the Black Panthers; today they feel that the Black Panthers perhaps are making sense.

It grieves me to think that this is going on. A part of the reason it is going on is because we have not been able to remove the frustrations of those who believe in the system, like the people who made up the grand jury in Chicago.

Mr. Speaker, until we can get at that whether it be in Chicago, Kent State, Augusta, Ga., or Tuscaloosa, we indeed are helping to radicalize group after group after group.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Ohio.

Mr. STOKES. I thank the gentleman for yielding.

I too would like to join my other colleagues in the House who have commended the gentleman in the well for having sponsored the resolution which he now has before the House and for having made the comments he has made here this afternoon relative to the Black Panther situation in Chicago.

I had occasion, along with other colleagues here in the House, to journey to Chicago for the purpose of conducting an investigation into the matters to which the gentleman has made reference this afternoon. Those of us who went in there and conducted this investigation did so at the request of the elected public officials in the city of Chicago, and in the State of Illinois.

Our reason for going in was based upon the fact that we were told that these were political assassinations. This is a dangerous charge in these days and times. Certainly, we as Members of Congress were concerned about such allegations existing in the Nation today. So, we journeyed into Chicago and for a full day we conducted hearings and listened to many public officials testify before us.

I was struck particularly by the fact that a State senator said to us that Chicago was in virtually a garrisoned State. This did not come from some lay person in the community. This came from an elected public official.

During the course of that day we had occasion to journey to the premises where these two deaths had occurred. It was perfectly obvious to one who has had some degree of training in the area of criminal law and one who has on many occasions viewed premises where murders have taken place that this was no ordinary situation, I was amazed at the allegation that there had been a shoot out which was not substantiated by the physical evidence on the premises. When I came out of the premises this occasioned me to remark to the news media awaiting us that obviously this was a "shoot in" and not a "shoot out."

The grand jury report to which the gentleman in the well has just made reference has certainly corroborated that in all respects. But, I am particularly concerned about the general attitude of permissive official lawlessness. I was rather appalled, personally, in Cleveland, Ohio, when on a television program the president of the Cleveland Fraternal Order of Police made the comment that "we do not need a Black Panther Party in this country and to my way of thinking the Black Panthers have to be wiped out." But it seems to me that this kind of comment is opposed to everything that this Nation stands for. We do not just wipe out people in our country. We have set up an orderly judicial process whereby a person who is charged with a crime is brought before a judicial body and after the trial has taken its course, that person is either convicted or acquitted. And, if convicted, he is then punished in accordance with the law.

This is the way we like to think—that all people in this country who believe in law and order and justice can apply the same to every person, whether that person be the highest elected official of this land or whether he be a Black Panther.

So, Mr. Speaker, it seems to me that if we ever get to the point in this country where you can kill a Black Panther with impunity—that tomorrow that same kind of impunity will apply to those who might have the previous day applauded such action.

Mr. Speaker, again I do commend the gentleman in the well for the approach he is taking. I hope all of our colleagues in the House will realize that it is important to this entire Nation that matters such as occurred at Kent State University and the matter which occurred at Jackson State College in Jackson, Miss., be investigated by a thoroughly objective body, and that the actual facts be reported back to a body of this sort.

For that reason I certainly join with the gentleman in the well and associate myself completely with the remarks of the gentleman this afternoon.

Mr. MIKVA. I thank the gentleman.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I would like to ask unanimous consent to include in my remarks a statement from Dr. William H. Ferry, entitled "The Police State, American Mode."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. And, Mr. Speaker, because of the very excellent point that my colleague made, I would like to just quote one small, brief passage that really states precisely the point that I think the gentleman has so excellently presented, and it is as follows:

> The tendency of those armed by the state to take over the state was recognized from the outset of the nation. Hence the provisions in constitution and statute for civilian control of all bodies legalized by the state to do violence. As Prof. A. C. Germann remarks, however, "Any police agency that accepts the task of 'community bully,' even if tacitly agreed to by community silence, and regularly bugs the hell out of its minority groups, peace groups, hippie groups, youth groups—unpopular groups—will sooner or later have 'a lot of chickens coming home to roost,' and that is now the case in many American communities."

Mr. Speaker, I think that point cannot be made too many times; that what we have to recognize is that no longer are Black Panthers the subject of occasional police violence. There are many black Americans that feel that without having any connection or association with the Panthers or any other activist group that they can be made just as easily and are being made just as easily the victims of arbitrary police violence.

And now the episodes at Kent and Tuscaloosa, as well as events at certain other peace demonstrations, have made it clear that being white no longer gives you some immunity to the violence of police in this country. And I am hopeful, prayerfully hopeful, that the American people will begin to recognize the points that have been made by the gentleman from Ohio (Mr. STOKES) and the gentleman from Illinois (Mr. MIKVA) who is now in the well of the House.

Mr. Speaker, I shall include the full text of the material referred to previously at this point.

The material referred to follows:

POLICE STATE: AMERICAN MODE

(By Dr. William H. Ferry)

This is, for me in any event, an intensely agreeable occasion. It is its unexpectedness that more than anything else cheers and lifts me up. I was warmed by the letter from our friend Lex Crane telling me of your intention, as I am warmed by the words said here today. No-one in my line of work expects to be honored; early in the career of a town crank he learns to rub along with the glares and sneers of neighbors, and with mailbox yelps from distant offended citizenry. It is the essence of crankhood not to have a constituency, or at least not to have one that lasts very long. The experienced crank knows that today's cheer is tomorrow's poison pen letter.

So while I have much to thank you for, please accept most of my gratitude for the, as my daughters would say, groovy unexpectedness that you have added to the 58th year of my life.

Alas, I cannot reciprocate. I wanted very much to say something unexpected and also something agreeable to you, to match my feelings today. This is a season of gnawing apprehensions and I wanted to emit sparkles of optimism, and to announce that all will be well. Hunt as I might, I could not come down on such a theme.

So I am afraid that I shall have to speak in character, which critics call morose and cassandraesque. The mood of the following remarks is caught in a few lines by Kenneth Rexroth, the distinguished San Francisco poet:

"TIME IS THE MERCY OF ETERNITY, 1958

"The writhing city
Burns in a fire of transcendence
And commodities. The bowels
Of men are wrung between the poles
Of meaningless antithesis."

In another place I suggested recently that the apprehensiveness and general malaise to which I have referred results from our conscious or unconscious realization that there are no answers to any of the great questions confronting us. My contention is that the issues have outstripped our capacities: that war, race, burgeoning science and technology, bureaucracy, urbanization, and similar central concerns are today so complicated and fast-developing as to leave us with a heavy sense of impotence· and that this sense in turn produces the frustration and despair that is in such ironic contrast with the visible manifestations of prosperity and progress.

This conclusion, I learn, is not a welcome one. But I do not intend either to review my argument or the angry responses to it. Today I intend to look at what seems to me the most ominous result of these widespread sensations of impotence and frustration.

The ominous result is that the large cities of this nation, and some of the smaller ones as well, have become police states.

This is an uncompromising statement. I wish I could be less bleak. I wish I could say that the metropolises of the United States may become, or show signs of becoming police states. But this is not the way it looks to me. I am not even inclined, on close inspection, to say that our cities are in the first stages of a police state. I believe they are already there.

There are, of course, millions of quiet Americans in millions of quiet American homes who do not fear the midnight knock on the door, who may never experience the thrust of a revolver or the bone-smashing crack of handcuffs. To those people my statement will seem a shocking caricature at best and at worst a slander of the police.

Before demonstrating why I believe our cities to be police states, I want first to stir up a dirty memory, and then to say why I think our cities have to be police states.

The dirty memory is that of the "good Germans". During Hitler's dozen years, the good Germans sat quietly at home, not fearing the knock on the door—not at first, anyway. The evidence is mixed as to whether they knew they were living in a police state. Few annals are so pitiable and sad and unconvincing as those of the "good Germans" who after World War II tried to explain what they felt, and thought, and did during the monstrous Thirties and Forties. Their explanations may be briefly summarized in a few quotations: "We trusted our leaders." "We felt that our leaders knew what they were doing and knew how best to deal with the enemies of the state." "Even when we learned about bad things, there was nothing we could do."

Now let me show why we must have a police state. It is because we have run out of other remedies. We have no other social or political medication for the most serious ailment to strike this nation in a hundred years—and one which a century ago almost ruined the republic.

We simply do not know what to do about 25 million black Americans. It is only a little less true that we also do not know what to do with our agitating children and hippies and other self-evictees of respectful white society. They too are subjects of the new police state, but to a lesser degree than blacks, on whose situation I choose to focus today.

As middle-class America looks across the tracks to blacktown, it does not understand what it sees there. But it is clear enough, I think, that middle-class America does not see human beings like themselves. It sees people different in hue, outlook, manners, dress, speech. Middle-class America also sees people who are mal-educated, badly housed, and poor; people who are angry and demanding, and therefore dangerous. Most important, it sees people who consistently display the most reprehensible of traits—ingratitude. Blacks are never sufficiently grateful for the kindnesses and favors done them by whitetown. As C. P. Snow remarked, "Gratitude is not an emotion, but the expectation of gratitude is a very lively emotion indeed." The key word is "different." Blacks are not like us, so all our stored-up xenophobia comes into play when the question of "handling" blacktown arises.

Yet white America, eighty-eight per cent strong, has no choice but to deal somehow with this rumbling phenomena. We have got away with ignoring it these many generations. But now blacktown has caught up with us, and will no longer be ignored.

The first means of dealing with blacktown, in this Christian nation, would be to try the Christian approach—by sharing, and giving, accepting blacktown in brotherhood and binding up its wounds. But this obviously is not acceptable. Many have remarked that Christianity is a Sunday morning thing. The proof rests in the welching that the or-

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ganized church is now engaging in with respect to its promises of help to blacktown. Church funds promised to blacktown are not forthcoming, and church leaders say this is because their constituencies—Christians all—will not countenance the expenditure of money on undisciplined and irresponsible neighborhoods. Even when a little money trickles out of Peter's purse, it is a bookkeeping not a Christian transaction. The question is whether the donors can be assured that the money "will be well spent." This is known as Christianity the CPA way. The reason why it is hard to tell a Christian church trustee from a banker is because there is no difference.

Everyone remembers the nationwide howl when James Foreman proposed a half-billion dollars from the churches to blacktown as reparation for generations of wrongs. The demand was denounced as outrageous, preposterous, extravagant, impertinent, and arrogant. I do not remember that anyone called it unchristian or unjust. One can understand these offended cries, but they can scarcely be classed as a Christian response.

On the whole I think that we must forget Christianity as the mode for coping with blacktown. It is not that we like Christianity less but that we love white superiority and affluence more. I do not easily abandon this approach, because everything about it is so appealing—the language; the examples, the laws. But then I think of Viet Nam, this Christian nation's response to a distant colonial problem, and reflect that blacktown is even more a colonial perplexity, and more over on our very doorstep. And then I understand why we deal with it with fire and sword, mace and teargas, helicopters and sub-machine guns. As R. de Montalvon says, "Nothing is more naive than to believe that Christians love peace. They distrust it, suspecting it of heresy,"[1] Please substitute the word brotherhood for "peace" in the foregoing quotation, and you come close to the heart of white racism.

If Christianity is not the avenue to rapprochement with the ghetto, perhaps we had better see what the social scientists have to offer. Some of my best friends are psychologists and sociologists. I regret to report that they are of little more use than the Christians. Considering the spate of materials now being produced by this learned cult, this will seem an unwarranted condemnation. In fairness it might be acknowledged that they are doing their best, but their best is not nearly enough, and much of it is misdirected. Thus we are exhorted to "try to understand the blacks", and this is fair enough advice—but only if it is understood that the greater task is understanding ourselves. The Kerner Report declared the root of the matter to be white racism. This is a psychological finding of great import for whitetown—blacktown has known it all along—but the psychologists, like the members of the Commission, seem unable to tell us what to do about white racism. If they have a message for us, it has been so cautiously delivered as to leave no imprint either on public policy or private behavior. Insofar as they have concentrated their attention on blacktown the psychologists and sociologists may have had the unintended effect of strengthening white racism. For they have confirmed that blacks, for all sorts of historical and cultural reasons, are unlike whites in significant respects. An example is black attitudes toward work. Employers who with the best will in the world are hiring the hard-core are confused by the tendency among blacks to disregard the time clock and the business world's standards of attendance, zeal, and obedience. This tendency exists, but is it wrong, or pathological? Another example is found in the liberals and do-gooders who are put off sharply by the resentment, never before so openly expressed, of younger blacks. Many of blacktown's former friends and advocates, especially among elderly faculty liberals and integrationists, are falling away because their paternalism is now met with rebuffs. The sin of ingratitude is keenly perceived by such whites, and their defection from blacktown's cause removes one more obstacle to the police state. A churchman complains. "They don't want our help." He should have said, they want help but no longer trust Whitey, even in a turned collar.

All of these attitudes can be explained by the psychologists, but the explanations are of little use, since they once again confirm the essential differentness of our largest minority and the impossibility and undesirability—in my opinion—of bringing this differentness into conformity with the accepted practices of white America.

Here is the problem of integration, which may be seen chiefly as an effort to turn black Americans into white Americans. Establishing integration as the goal of public policy is hypocritical and misguided. Whitetown would be far better occupied trying to figure out how to turn the differentness of the black community into an asset. This would mean giving blacktown substantial autonomy in all areas. It would mean separation, and black self-government under new federal principles, and black police, education, and political and economic power. But this is a separate argument and too emotion-laden and difficult to enter into here. I can summarize it by saying that it confers no dignity on blacks to let them know that they may, if they work hard enough at it, satisfactorily adopt the modes of whitetown. The price of such a transfer is, I believe, clearly the giving up of black identity, and too great for the majority of blacks to pay. Least of all is it any "solution" to our transcendent domestic problem—race.

I conclude that the social scientists cannot help white America much in its all-important task of dealing with blacktown.

There remain legal and political and governmental measures for dealing with blacktown. We liberals find here our consolation and hope. What is needed, we say, are more and more legislative and administrative provisions against discrimination, along with positive action, mainly of the compensatory variety, to assure blacktown equal access to the bounties of middle-class America.

It is true, as liberals argue, that there has never been as much attention given to blacktown as in the last two decades. The liberal assertion here is mushy, however, for it omits the all-important fact that virtually all gains have come as a result of demonstrations, resistances, and in recent years, rebellions and burnings. The liberal claim recalls the industrialists who brag about their high wage rates and forget to mention that they were not given but fought for and achieved by union action. The liberal counsel of patience is also valid, for it would take years for all of these well-meant laws and programs to take hold.

But I do not think that this approach, which is our chief reliance, will work. I do not believe that, taken together, the laws and ordinances and programs for "solving the race problem" amount to much more than an effort to pacify and make more governable an unruly section of the population. They seem to me mainly the measures that would be adopted by any colonial administration to keep the natives in order. This is indicated by the ebb and flow of official action. As many blacks have sourly observed, their demands are listened to only when the fires are going. When the chairman—white, of course—of a mid-western committee for betterment of economic conditions in blacktown was asked why a promised grant had been rescinded, he said, "No need to spend the money, things have quieted down." Blacks notice also that the moment any significant white interest is threatened, the shallowness of white concern is disclosed. The recent effort in Pittsburgh by blacks to obtain a fair share of heavy construction jobs in that city is an instance, as is the continuing high incidence of school segregation north and south, 15 years after the Brown decision.

There are many more examples at hand, but I can shortcut all of them by remarking that without exception they are fatally infected by white protectionism and white paternalism. I am forced to conclude that the legal-governmental reform methods of dealing with blacktown have been and are failing. We cannot cope because we no more have the requisite political imagination than we have the requisite moral compulsion.

But we must have some way of meeting this greatest of domestic crises. We must indeed, and have found it. It is the police state. The police are the effective rulers of blacktown today. Theirs is the paraphernalia of any police state: the procedures, the weapons, the psychological instruments of intimidation and repression. Theirs is the most important possession of all, the knowledge that they have the backing of white America. I invoke here the memory of the good Germans.

The harassment of the Panthers is a national scandal. Many of their members have been killed or wounded, and the rest feel under sentence of death. Twenty-one Panthers have been murdered by the police in the past year, and there would have been more stir in whitetown if twenty-one panthers in America's zoos had been wantonly slain. Whitetown never passes to ask whether the assertions of the Panthers are true, or whether their claims are just. They are different, and threatening to white complacency, and so their harassment is virtually unquestioned. Other black groups are under constant surveillance. So frequent are "on suspicion" arrests that emergency legal services in great variety have sprung up in the ghettos, but they do not come close to meeting the need and encounter moreover the unremitting hostility of the forces of so-called law and order. We read of no such harassment or violence against the organized white vigilante groups.

Frame-ups, impossible bail, unwarranted searches and seizures and similar practices are commonplaces of ghetto life. Helicopters hover over black neighborhoods, searchlights glaring and bullhorns shouting, and the protests of citizens go unheeded.

The readiness of police to use their weapons is a tenet of blacktown life. "Everyday I feel like a duck in a shooting gallery," a young black organizer says. The cop's trigger-finger is the gavel of justice in blacktown. One American city, Wilmington, Delaware, was under martial law for 10 months, and white America was scarcely aware of it, because the martial law was applied to blacks not whites, except for a few ornery white protesters. Public functions in blacktown are held by permission of the precinct station. Curfews are enforced. Recreation programs are instigated and conducted by police departments, ostensibly on a get to know your local cop basis, but also as a means of recruiting informers. Police are the Eumenides of the inner city.

Perhaps the most insidious practice of all is the infiltration by police of black institutions and organizations. The use of reformers, the setting of friend against friend, child against parent, is the most familiar of police state strategies. Its corrupting effects are widely felt in black town, where one self-help organization after another is ruined by the machinations of infiltrators or the suspicion that informers are everywhere present.

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[1] Christian Peace Conference, March 28, 1969, p. 1.

The police state is, moreover, achieving the results it set out to achieve. Young blacks intent on improving the conditions of their community have no place to turn. The lawlessness of the lawmen threatens them at every juncture. Intimidation is not yet complete, but the police—always with the sanction of the majority—are laboring mightily to make it so. Where hope flickered for a few months in blacktown, frustration and fear are now the presiding emotions. The cohesion among black groups that began to appear two years or so ago, with its promise of the establishment of self-respecting black endeavors, has broken down for reasons I have already given. White America wants a blacktown that is not troublesome, that never afflicts its conscience. It wants a colony that knows its place, and that will be a little drain either on pocketbook or spirit.

I realize that I shall be challenged sharply on all of these statements. It will be said that my police state amounts only to the precautions needed to assure the welfare and protection of ghetto residents themselves. It will be said that blacktown has brought on itself whatever police measures are being used. It will be said that my argument is mere mawkishness that disregards the real dangers of outspoken, tough blacks. It will be said that the true police state of the modern era, typified in Stalin's Russia, Hitler's Germany, and a horde of lesser Latin and other nations, is wholly unlike the description I have given. A police state of such a foreign, un-American character cannot, it will be said, happen here.

I do not propose to enter a dispute as to whether the police state in American cities does or does not resemble other authoritarian or totalitarian experiences. This is not an academic treaties but an angry comment on current events. The experience of ghetto blacks in the United States is what I am talking about. I believe that blacktown is experiencing a police state. How else does one explain the constant tension, the sense that a peril point is very near, a fuse ready to be touched off in blacktown? Is this black paranoia? Are these wild imaginings, or a human response to overbearing violence and threat? Of course most of white America does not share this sense of impending upheaval. Comfortable but frightened white America, under the banner of law and order, has sent its front-line troops, the police, into blacktown to keep things cool. My thesis, you will recall, is that this is the only way that satisfied whitetown can find of dealing with the restless, unhappy inhabitants of blacktown. The result is a police state that is honey-sweet on one side—exemplified by police supervision of recreation programs and anti-crime clinics at which informers are discovered—and on the other is charged with brutality and harshness, as in the constant hassling of blacks who are disliked or distrusted by police. The verities are the brutalities of blacktown, apparent and covert. The emergence of the police state has destroyed the few beginnings of genuine dialogue between blacktown and whitetown. It is far easier to intimidate than to confront.

This phenomenon is of course not especially new. The novelty today is its pervasiveness in the cities, to say nothing of the intransigent rural South, and the direct authority for it being extended by white America. I refer to the very large number of federal and local anti-crime and anti-riot measures that have been passed in the last two years. I refer also to Attorney-General Mitchell's proposals for making it easier for the police to go about their jobs. One of his proposals, you may recall, is for 'preventive detention' of suspects for as long as 60 days, without a charge being laid against them. This is a police state proposal pure and simple; and it comes from a Cabinet member. The police state is not, as some contend, merely the creation of the ethnic groups whose hostility to black incursion appears to be at an all time high point.

A police state is present when the police move from a service role, that of protection and peace-keeping, to a political role. I shall touch later on the political powers now being asserted by police organizations; for the moment it is necessary only to point to the number of police chiefs running for mayor in the large cities. This spring one city, Cleveland, came within an inch or two of a police putsch against City Hall.

Because of its peculiarly American aspects, it would not be accurate, I think to call this police state a totalitarian development. Though it has much of the stink of facism about it, this too is a not quite applicable term. The control mechanism decided on more or less consciously by the majority of complacent white Americans for keeping down a threatening minority might be called, for lack of a better word, *satispression*—the repression of the dis-satisfied by the satisfied. Satispression is not a handsome word, and I made it up merely to mark off the contemporary U.S. police state from its near-relatives in other continents. Satispression has come into being because of many factors. One of the most important is also one of the least talked-about. I refer to the desire of whitetown's political and economic power-holders to hang on to their power as black voters begin to achieve urban majorities.

Another factor is the anomalous part that the press is playing. Middle-class and white to the core, the press is leading its readers into believing that blacks and blacktowns are, first and foremost, a menace to their welfare. That this is an effect unconsciously achieved for the most part does not alter its impressive weight. Thus, we learn from our papers all about Black Pantherdom and its officers, and almost nothing about the heavily-armed anti-black vigilante groups, a far more numerous and threatening horde. But they have, where the press is concerned, the inestimable advantage of being white.

Americans seem to be pretty content with what they are doing in the ghettos. It is the contentment associated with American flags appliqued on windshields, with handguns, and with bumper stickers saying "America, love it or leave it." This is why I cannot "prove" that the police state exists; because no amount of evidence of brutality, maltreatment, injustice can prevail against whitetown's self-righteousness and indifference. One hears little clamor in whitetown against the lawlessness and the corrupting tactics of the police. Whitetown easily tolerates practices in blacktown that it would not stand for in its own neighborhoods. The good Germans, when they were willing to pay any attention, easily tolerated the frightful tactics of their police in dealing with Communists and Jews. They did not—most of them, anyway—think that they were living in a police state. They thought that they were sanctioning only those laws and practices needed to preserve order and to keep the nation secure against its enemies. Since these laws and practices took effect only in distant ghettos and against strange, despicable people, how could good Germans consider them anything but the most reasonable preservation of law and order?

A year ago this time I felt that a civil war—whitetown against blacktown—was inevitable, and said so. I thought then that it would be precipitated in the early part of this summer. My timetable is off, and I believe there are good reasons for it. These reasons, which I believe to be superficial and of no lasting importance, are (a) programs for black betterment are proceeding, (b) the moderates in black communities are increasing in numbers and political and social influence, appearing on TV, taking part in church group action, etc., and (c) there is no cohesion among young militant groups.

There are other and more valid reasons too. One is that blacks are scared for their lives. There is talk of survival now where there was talk of the "black rebellion" as recently as six months ago. Many blacks I know believe that the elaborate lawnorder projects are military preparations to move against the ghettos at any provocation. The result is that many are subdued and apprehensive that they themselves and their families are likely to be killed or jailed, with the probabilities rising sharply with the known militancy or radical political attitude of the black. In question. Thus the police state succeeds.

These fears are warranted, I believe. Blacks are correct in seeing themselves as the pretext for the wave of satispression sweeping the country. They are correct in seeing themselves, along with the radical young, as the object of statutes that give legal form to satispression. We can never forget that Nazi Germany was run according to law. Legal historians say that Hitler never violated a law. Hence he was called Adolf Legalite. Our present policies and laws now being adopted are avowedly to keep down civil turbulence, and they may temporarily succeed in doing so. They seem to me also to be likely to ignite a civil war, or at least not at all designed to prevent it. But such a conflict will not be started by blacks, though every effort will be made in such an event to make it appear that blacks are the aggressors. This after all is the chief justification of today's police state.

My idea as to how civil war might erupt owes much to Prof. Arno Mayer of Princeton, the great theorist of counter-revolution. But he should not be blamed for my misuse of his notions. I have felt that civil war was most likely to be precipitated by one or another of the numerous counter-revolutionary groups, many of them ethnic in composition, standing in the wings of most urban centers awaiting a suitable provocation, a suitable pretext to launch a virtuous assault against the black community somewhere or other.

Such are the tensions, especially between the ethnic groups ringing blacktown and young blacks, that I felt a pretext was readily available, so that at any moment that a counter-revolutionary group felt public sentiment was ripe and hot, an attack would be made. Thereafter the police, the legitimate bearers of violence-authority, would come immediately into the picture—but how, and on whose side?

Let us visualize the scene: whites attack blacks in an organized way. The police arrive, and have three choices: first, to step between the combatants and try to calm things, like a UN peace force, or British troops in North Ireland; second, to go to the assistance of the black community, which has been attacked; third, to ally themselves with the attackers. Which one?

There is, I believe, only one plausible answer. The police would ally themselves with the white attackers. This would be, as a matter of fact, the most important calculation preceding the attack of the counter-revolutionary group, the calculation that whitetown's feelings toward blacktown had become so inflamed as to assure that the police would be their allies from the beginning. It might even be planned that way. On September 9 the UPI reported from Detroit, "Open hostility exists between the mainly white police department and the city's black population (of nearly 40 percent.)"[2]

This seems to me a wholly probable little playlet, and still seems to me the way a civil war in this country is most likely to begin. It has not done so, in my judgment, merely because the police and legislators have been willing to do the dirty businesss of the vigilante groups. The law and order impetus of the white majority, carried from policy to action by cops and the military, has made needless—so far at least—action by the paramilitary organizations. There are many of these in major metropolitan centers, but, as I have already said, the mass media have characteristically ignored or played down these organizations, and have instead concentrated on the activities of black groups and their leaders. The harrassed Black Panthers are the best but far from the only example.

It is time to hear again from the critics of my thesis. There is more crime in the ghetto than elsewhere, is there not? The Panthers are a lawless and anarchistic gang, are they not? The actions and statements of angry, discontented blacks are threats to the stability and welfare of the community, are they not?

To all these questions the answer is yes. But my proposition continues to be that white America's response has been to authorize a police state as the only means of coping with these situations. White America has ignored the true causes, has brought little compassion and less imagination to the massive challenges of blacktown, and has encouraged lawlessness and corrupting practices by lawmen. The prior question is what we want. Do we really want a police state, in blacktown or anywhere else? For there can be no greater folly than to think that, in elevating the police to positions of arbitrary power, we can prevent this power from running far beyond the boundaries of blacktown.

It is instructive to note the extent to which this power already is beyond the control of elected officials. This power appears more and more to reside in the police trade unions—the police benevolent and fraternal organizations. These unions are increasingly dictating to mayors and police commissioners what the police will and will not do: the weapons they will use, the circumstances under which they will use them, the methods to be employed with suspects or crowds. In many cities the police are already in a state of near-revolt against their elected superiors, and this mood is encouraged by the police unions. It need scarcely be said that these unions are conservative and self-interested. These organizations naturally favor strong-arm over non-violent methods, direct action against conciliation, stationhouse confessions to the laborious job of proving criminal acts, the judgment of the man on the beat over the judgment of his civilian superiors. Their resolutions are a frequent source of the "coddling the criminals" complaints against the courts which compel police to use the more difficult legal methods. Theirs is the discredit of having defeated most proposals for civilian review boards.

Even the well-established conservatism of New York's patrolmen's Benevolent Association, the country's largest police union, is not enough for some 5,000 of its nearly 30,000 members. These 5,000 policemen formed a Law Enforcement Group, an insurgent group inside the PBA, to "get tough". Spokesmen for the Law Enforcement Group said it had been organized to meet the need for a national organization "that is anticrime and pro law and order"—intimating that the Benevolent Association was not enough of either. I hazard the opinion that these unions will prove the most intractable and dangerous to the general welfare of any in the nation's history.

I have simplified a complex phenomenon, or rather, a series of complicated and interwoven issues. The rapid development of a legitimate and necessary police power into what I have chosen to call in all its starkness a police state is merely the most formidable and threatening of the multitude of developments going under the general rubric of urban crisis.

As I have not made as clear as I might, this development is nourished by many other ugly developments. There are the obvious ones: for example, the mindless overcrowding of metropolitan America in the absence of any effort either to discover policies that will keep people on the land or to entice them back to it. There is the domination of ghetto economy by outsiders: white sharks in black waters. There is the apparently irresistible tendency of bureaucracy to dehumanize all transactions, whether social, political, or economic, and especially blacktown's transactions with official whitetown, whether at the welfare office or with the police. There is the legacy of bad jobs, bad education, bad housing, systematic neglect by affluent rulers all along the line; and with it blacktown's realization that its needs are only attended to under the threat or actuality of civic turmoil. So when I argue that we must have a police state in our central cities because I know no better solution, I am arguing also that the accompanying problems are equally beyond solution.

I am also aware that I appear to be making police the goats of this account. This is not my intention. Policing is a perilous, hard line of work, almost inevitably engendering cynicism and a hardboiled attitude. Bad hours, low pay, and no great public affection, I realize, is the policeman's lot. Nevertheless, it is natural if deplorable that the police should step into the civic vacuum created by white ignorance and distaste for blacktown's conditions. For their own welfare the police should be the first, not as now is the case among the last, to demand full-scale programs for the amelioration of blacktown, where admittedly the greatest dangers await them.

The tendency of those armed by the state to take over the state was recognized from the outset of the nation. Hence the provisions in constitution and statute for civilian control of all bodies legalized by the state to do violence. As Prof. A. C. Germann remarks, however, "Any police agency that accepts the task of 'community bully,' even if tacitly agreed to by community silence, and regularly bugs the hell out of its minority groups, peace groups, hippie groups, youth groups—unpopular groups—will sooner or later have 'a lot of chickens coming home to roost,' and that is now the case in many American communities."[3]

I do not want to involve Prof. Germann in my contention that we already have a police state in most of our great cities, and in some of the smaller ones as well. But he speaks directly to the point:

"If," he says, "the majority community is more willing to supply its police with mace, armored vehicles, sniper rifles, barbed wire, and hollow-point bullets than it is willing to scrutinize police field operations and eliminate ineffective, illegal, and degrading practices, that community surely deserves the chaos that is certain to come."[4]

I have no expectation that I, or anyone else, will soon convince white America of the existence and growth of a police state that is bearing down ever more heavily on their black fellow-citizens—not to mention the other groups named by Prof. Germann. A Gallup poll divulges that 81 per cent of Americans think that there is no such thing as police brutality. I imagine that a poll in Nazi Germany would have disclosed a similar complacency among the good Germans. These same Americans saw Chicago police in Grant Park at last year's Democratic Convention. They read almost daily of murder by police in some blacktown or other. They know of stop-and-search operations, of curfews, of the constant hassling and roughing-up of young blacks. They may know that the number of civilians killed by the police in this country is more than three times the number of policemen who lose their lives while on the job, and that the opposite is the case throughout Europe. They may even know that "in all the upheavals that have rocked European countries lately, only one civilian died as a result of police action."[5] They almost never see police brought to account for their actions. Let me read a few recent headlines from the Los Angeles Times:

"Youth Slain (by Police) in Tragic Error."

"One out of Every 10 Lawmen in County Accused of Malpractice: Most Frequent Offense is 'Use of Physical Force.'"

"Burglary Suspect, 14, Killed in L.A. Market by Deputy."

"Slaying of Sniper Suspect Ruled 'Not Criminal.'"

"Police Actions Termed 'Harassment.'"

Once again I must stress that I am not solely condemning the police, though they, no less than Hitler's agents, must be held responsible for their actions. I am asserting only that our tradition of violence, abetted by the ignorance and willful blindness of whitetown—the American counterpart of the good Germans—and immensely stimulated by resistance in blacktown, have together resulted in satispression, a police state, and the establishment of the police as a political entity.

Few in whitetown will agree with the urban pathology I have sought to illuminate. I grant that my thesis is not heavily documented. For those wishing a closer inspection of the facts I refer to the Kerner Commission report and to the several studies of the Commission on Violence, of which Prof. Germann's paper is an admirable example. I have only done what these reports did not do, put a line under all the findings and add them up. The sum is the police state.

Yet before Americans can be persuaded to do anything significant about this condition, I fear that even more pointed evidence will have to be offered. Then I see the urgent need for a city-by-city Report on the Prevalence of Police State Practices. Assembling such a report would be worthy of Ralph Nader's attention, for it most requires independence, energy, and healthy disrespect of conventional opinion and authority. Perhaps he would consider bringing together a counterpart of that valiant band, Nader's Raiders, that has lately uncovered so many stagnant and hidden pools in official Washington. Only such a diagnostic technique, dealing with both the producers and consumers of police state practices, would stand a chance of bringing white America face to face with its most foreboding contemporary creation.

There is some irony in the public and Congressional revolt we are now witnessing against that other formidable bastion of legitimated violence, the Pentagon. Today budgets are cut, new arms programs questioned and sometimes eliminated, and even the preponderant role of the military in foreign policy appears on its way to dilution. All this at a moment when the domestic military force is achieving a never-before-countenanced role in urban affairs.

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[2] Santa Barbara News Press, p. 3.

[3] The Problem of Police-Community Relations, California State College, October 1968, p. 4.

[4] Ibid., p. 4.

[5] How the Police Work, New Republic, Aug. 2, 1969.

Public reason is beginning to prevail with respect to the domination of the Department of Defense because it has become evident that we have been foolishly frightening ourselves, almost to death, about dangers that are non-existent or magnified immensely out of scale.

It would be nice to think that public reason might also prevail soon with respect to events and problems within our borders, where we are similarly frightening ourselves silly. The problems are all there, and intractable enough; but they cannot be solved by force any more than we have solved Viet Nam with a hundred billion dollars worth of violence.

I am afraid, however, that we are a long way from a reign of public reason in blacktown. I am more afraid that in the meantime we shall do our best to reinstate docility and submissiveness in our black fellow-citizens as their only proper attitude.

I am most afraid that we shall soon have our own Reichstag fire, and that a shameful civil war will erupt, and bloody our conscience and honor for generations to come.

Mr. MIKVA. Mr. Speaker, I thank the gentleman for his comments.

I was in Jackson, Miss., as was the gentleman from Michigan. We were at the funeral for James Earl Green. Mr. Green was no Black Panther; he was a 17-year-old high school senior walking home from work, and he was struck down in a senseless fusillade of gunfire by the Mississippi State Police that killed two and wounded many more. His entire crime was that of walking down the sidewalk across from the ill-fated women's dormitory of Jackson State College that day. I too, Mr. Speaker, inspected the facade of that dormitory, and I too have concluded that it is nothing short of a miracle that the dead were not numbered in dozens. I hope that I never again see anything in this country as close to a domestic search and destroy mission as that.

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman.

Mr. STOKES. Mr. Speaker, the comments just made by my colleague, the gentleman from Michigan, have just reminded me of one other item that I should like to ask permission to have included in my remarks.

I refer to some remarks which were recently made by a police chief in California who has had a great amount of dealing with the Black Panthers out there. You would expect that his remarks regarding the Black Panthers would be rather vituperative.

To the contrary, however, in trying to explain to the rest of this Nation what causes Black Panthers, this police chief in a very articulate manner describes to this Nation the kinds of conditions that have fostered and created situations in which this Nation now has groups such as the Black Panthers.

Mr. Speaker, I think for the benefit of my colleagues, I would like them to see these comments which were printed in an editorial in the Cleveland Plain Dealer recently, and I would now at this time ask for permission to include this editorial as a part of my statement at this time.

The SPEAKER pro tempore (Mr. GRAY). Without objection, it is so ordered.

There was no objection.

Mr. STOKES. Mr. Speaker, the editorial to which I refer is as follows:

LESSON FROM THE PANTHERS

The recent statement about the Black Panther party by the police chief of Oakland, Calif., is pertinent because the chief has been concerned with the Panther problem ever since the party came into being in his city and state three years ago.

It would have been easy for Chief E. R. Gain, drawing upon his Oakland experiences, to denounce, to express bitterness and to make otherwise nonconstructive comment. Instead, he got to the root of the matter. His clear view is worth emphasizing:

"The American people," Chief Gain said, "should recognize that the phenomenon of the Black Panther party is not at all unique, given the violence of our society, given the divisions in our country, given the plight of the poor blacks in our cities . . . The Black Panther party is a retrogressive, irrational, ambiguous movement . . . It could not survive were it not for the underlying conditions under which black people are forced to live.

"If the poor black man in this country could only have hope. If he could see a national government where a president would speak up and see their plight and promise a national commitment to change it. If they could sense that hope, they would end the Black Panther party and its present platform . . .

"But they have not been given that hope. President Johnson refused to endorse the Kerner Commission report (on civil disorders) . . . President Nixon hasn't endorsed the Eisenhower Commission report (on the causes and prevention of violence). These reports just sit there on the shelf. There is no national commitment to do something about creating jobs and housing and hope.

"So you have Panthers and you have crime which is caused by poverty. We can deal with it for the short run with more and more policemen and you may wind up with a police state. Or we can make the kind of commitment that has to be made to correct these conditions. It's up to us, and the Panthers have very little to do with it."

Mr. MIKVA. I thank the gentleman from Ohio.

Mr. CLAY. Mr Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the distinguished gentleman from Missouri.

Mr. CLAY. Mr. Speaker, I would like to commend the gentleman from Chicago for presenting us with an opportunity and a forum in which we can discuss this grave situation that has evolved in our country with regard to the administration of justice, not only for black people, but for all people who happen not to be in the power structure of our Nation.

I wish to join with my other colleagues in the remarks they have made prior to my speaking, and I wish to say I am in full agreement with those remarks.

Mr. Speaker, the circumstances surrounding the "murders" of two members of the Black Panther party in Chicago is a sad commentary on the administration of justice in this country. While those in high government office are demanding respect for law and order, people across this country are being legally executed by those who are supposed to enforce the law. The killing of the two Panthers in Chicago is not an isolated case. It must be viewed in its totality and compared with the hundreds of blacks in this Nation who are killed annually by police officers under very questionable circumstances.

A passage from the grand jury report documenting what happened on that December night in Chicago vividly points out the absurdity of law and order proponents. "The whole concept of going on a raid in a high-crime density area to obtain weapons from known militants—led by a convicted felon believed to be dangerous—with only 14 men, in plainclothes, in the dead of night, with no sound equipment, no lighting equipment, no tear gas, and no plan for dealing with potential resistance seems ill-conceived," the grand jury concluded.

Mr. Speaker, the Black Panther shootout leaves a great deal unexplained. In addition to the two Black Panthers killed, four others were wounded by police in that raid at the Chicago apartment.

On December 4, 1969, State's Attorney Edward V. Hanrahan said:

> As soon as our men announced they were policemen, occupants of the first floor apartment attacked them with shotgun fire.
>
> The officers took cover and the occupants continued firing at our policemen from several rooms in the apartment.

The Federal grand jury probing the police raid on the Black Panther apartment concluded that only one shot, if any, was fired from inside the building.

Mr. Speaker, this raises some very serious questions about the integrity and credibility of State's Attorney Edward V. Hanrahan. Was he an actual eyewitness to the Black Panther murders? If so, did he deliberately lie about the role of the police? Or was he misinformed about what actually happened? If so, will Mr. Hanrahan pursue the prosecution of the police officers with the same diligence and tenacity that he pursued the prosecution of the Panthers?

Either the State's attorney general was not an eyewitness of the crime, or the persons who informed him of their crime deliberately misled him. It raises some other questions, too. If the State's attorney general were an eyewitness of a crime, and described it in such a fashion as to mislead the public by saying there was shotgun fire coming out, the police officers took cover, and then the people inside continued to fire and continued to fire, and that the police officers only shot in self-defense, and if the evidence produced by the grand jury is such that they can prove that only one bullet, if any, came out, then, in my opinion, Mr. Hanrahan is a liar, and if he were not an eyewitness to that crime, and he relied on other people to give him the information, and they deliberately misled him in this instance, then the other question that I would like to raise is, Will Mr. Hanrahan have the same diligence and the same tenacity to prosecute those who deliberately misled him as he had in attempting to prosecute members of the Black Panther party?

I would like to say again that this killing in Chicago was not an isolated

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case. It happens across this country. In my district, for instance, in St. Louis in the last 3 years we have had black people shot by police officers who had apprehended them and arrested them and cuffed their hands behind their backs, and between the time they cuffed their hands behind their backs and the time these particular people arrived at the police station, they were killed by police officers, two of them shot in the back. The police claimed they were attempting to escape—with their hands cuffed behind their backs.

Just recently in my district in St. Louis a police officer sent out an emergency code that a riot was taking place in a public housing project, and this was an integrated housing project, black and white people living there, and a police officer claimed that a sniper had fired at him from a rooftop in an 11-story building. There were over 2,000 people living in that building, and he claimed that one shot was fired at him, and over 100 police officers with automatic weapons, some of them illegal—and we have pictures of the illegal weapons that they used—sprayed that public housing project at 10 o'clock in the evening when more than 2,000 people were at home, and they shot out hundreds of windows of innocent people and jeopardized the lives of thousands of people. This is the kind of response that we are getting across this country today by police officers who are overreacting in most instances.

I, too, visited the campus at Jackson State College, and I think that it is shameful that police officers and highway patrolmen, as occurred in the incident at Jackson State College, can roll a tank up on a university campus mounted with a machinegun and spray bullets into a dormitory, a girls' dormitory, as they did at Jackson State College. I think that this is indicative of the depths to which we have sunk in this country. I agree with the previous speaker that there will be no respect for law and order in this country until those who are responsible for enforcing law and order begin to respect it themselves.

I include some articles from various newspapers commenting on the killing of the Black Panthers in Chicago.

Mr. Speaker, I would like to commend the following articles to the attention of my colleagues.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The articles are as follows:

[From the St. Louis Post Dispatch, May 18, 1970]

POLICE 82, PANTHERS 1

The obvious questions to be drawn from the federal grand jury's report on the Black Panther shootout in Chicago last December are whether the police opened fire without cause on the nine occupants of the apartment they raided and whether officers then proceeded to falsify evidence so as not only to protect themselves but also to assure that the seven survivors were sent to prison.

That more damaging evidence against the police was not revealed by the jury can in large part be blamed on the Panthers themselves. The seven survivors of the raid refused to cooperate with the jury, convinced it was stacked against them. That, it is now apparent, was not so. It is a credit to the persistence and keen judgment of the jury that it was able to go as far as it did in exposing the police conduct in the matter under the circumstances.

Here, in short, is what the jury found: The police fired 82 shots, the Panthers one, a far cry from the running gun-battle account given the press immediately after the raid. The police laboratory left in the apartment at least 80 bullets and casings and numerous other items of evidence, gathering only that evidence which would support the police version of the one-way shootout. The laboratory did not ask the raiding police to turn over their weapons for ballistics tests until after the seven Panthers had been indicted and questions about the indictment arose. The inquiry conducted by the police department's internal investigation unit was "so seriously deficient that it suggests purposeful malfeasance." The coroner's report reversed the entry and exit wounds in Fred Hampton's head. The coroner falsely reported that the contents of Hampton's stomach had been analyzed as part of the autopsy. The indictments against the seven surviving Black Panthers were based on "mistaken" evidence. Charges against the seven were dropped by State's Attorney Edward V. Hanrahan only after the federal grand jury notified the court of the "mistaken" evidence.

One can only speculate as to what might have happened to the seven if an independent investigation of the shootings had not been undertaken by a federal jury. The panel suggested that a subsequent grand jury investigate whether the Panthers' refusal to testify constituted obstruction of justice. What the Panthers' might do is use the second grand jury to urge that charges are brought against the appropriate police and public officials, an opportunity they had with the first jury but stupidly forfeited. If the Panthers refuse to co-operate with the second jury they have little cause to complain that "the system" will not allow justice done.

But one needs no sympathy for the Panthers to realize that police above all must be held to strict accountability for the law, for the sake of all citizens. No one needs a shoot-'em-up police force.

[From the St. Louis Post Dispatch, May 19, 1970]

FALSIFICATION AND MISREPRESENTATION—HOW FEDERAL GRAND JURY DESCRIBED POLICE IN BLACK PANTHER CASE

(Excerpts from a 249-page report filed by a United States District Court grand jury at Chicago which investigated the police raid on a Black Panther Party apartment last December.)

CHICAGO.—The great variance between the physical evidence and the evidence and the testimony of the officers raises the question as to whether the officers are falsifying their accounts.

At an absolute minimum, the participating officers say they were fired at with 10 to 15 shots. Yet, only one bullet hole, one shell and one projectile—all associated with the blast by a slug through the living room door—can be identified ballistically as having been fired by the occupants. The most plausible explanation, but one rejected by the officers, is that in the darkness and excitement they mistakenly attributed to the occupants the fire of other officers.

It is impossible to determine if there is probable cause to believe civil rights have been violated without the testimony and co-operation of the surviving Panther members. This co-operation has been denied to the grand jury. Given the political nature of the Panthers, the grand jury is forced to conclude that they are more interested in the issue of police persecution than in obtaining justice.

The whole concept of going on a raid in a high crime density area to obtain weapons from known militants—led by a convicted felon believed to be dangerous—with only 14 men, in plainclothes, in the dead of night, with no sound equipment, no lighting equipment, no tear gas and no plan for dealing with potential resistance, seems ill-conceived. The grand jury believes that a professional police department would not have adopted such an approach.

The crime lab of the Chicago Police Department was responsible, in part at least, for a totally inadequate search and for a grossly insufficient analysis. The team recovered but seven items and left behind at least 80 projectiles and casings and at least as many other items of physical evidence. The testimony that the team's only purpose was to gather evidence supporting the officer's stories, makes it clear that there simply was no thorough professional examination made of the premises. Similarly, the work done by the lab after it received the limited amount of evidence submitted displays questionable professionalism.

The performance of the internal investigations division of the Chicago Police Department was so seriously deficient that it suggests purposeful malfeasance. The regular channels of the IID were bypassed. No officer was given the opportunity to explain what happened in detail and all the subordinate officers were asked only to ratify their sergeant's account—which itself was based not only on prepared questions, but suggested answers composed by a police lawyer and shown to the sergeant in advance.

Nor did the IID investigate any potential violations of Police Department regulations by the officers. When Superintendent James R. Conlisk was told that proposed answers, as well as the questions, had been prepared and discussed, he said: ". . . I am flabbergasted to think that such a thing could exist."

Moreover, the publication of the results of this "investigation", in the view of the grand jury, was misleading to the general public by inferring that a legitimate investigation was held.

It must be reported that the Panther tactics and policies help create much of the very tension and conflict they have complained of in this and other cases. While the grand jury has focused on the civil rights guaranteed by the Constitution, any analysis of law enforcement problems in this case must make it clear that there is no intention to defend or excuse any violations of state and local law. In this case, the state's attorney's police did, in fact, seize and remove from public circulation 19 weapons and a large quantity of ammunition. The fact that the raid was poorly planned and executed and the evidence was mishandled does not mean that there should have been no raid.

This investigation establishes reasonable grounds to question whether the continuation of the coroner's office is desirable. The findings were based on incomplete evidence and, in fact, were not binding on anyone. Nor did the medical work seem to be of high caliber. The reversal of the entrance and exit hole made by a bullet in Fred Hampton's head and the misdescription of one of Hampton's wounds could have caused serious repercussions. The understaffing, inadequate procedures, use of an unlicensed pathologist indicate serious problems.

The pathologist from the coroner's office misrepresented the autopsy procedures which he followed by stating that he had opened the stomach of Hampton and examined its contents. In fact the stomach was untouched. . . .

One of the matters which the grand jury took up was the question of why the raided premises were not sealed or otherwise made secure until almost two weeks after the incident. The civil authorities which could

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have sealed the premises while a detailed and thorough examination was made all declined responsibility for the failure to seal.

Not only did the state's attorney's police fail to turn in their weapons for testing, the crime laboratory did not even request them to do so until after a mistaken report was prepared and indictments based on it. When the grand jury received evidence from the FBI that the police crime laboratory had incorrectly identified two shells as having been fired from the weapons seized from Brenda Harris and that there was thus evidence of only one shot having been fired by Panther weapons, it promptly notified the court of a potential miscarriage of justice.

The grand jury had evidence that part of the evidence upon which those indictments charging the seven survivors with attempted murder had been based was false.

The grand jury believes that the action of these Panther witnesses in refusing to testify is without legal justification and is nothing more than political posturing to publicize the Panthers' position on juries. The jury recommends that the conduct of Mr. Bobby Rush, Panther minister of defense, in formulating and announcing the Panther policy against co-operation, should be carefully evaluated by a subsequent grand jury to determine if it violates federal laws prohibiting obstruction of justice.

[From the Washington Post, May 25, 1970]

THE POLICE AND THE BLACK PANTHERS

The report of the federal grand jury which investigated a police raid on a Black Panther apartment in Chicago last December is a stunning document. It demonstrates, in the most vivid terms, why some Negroes in this country regard the police as their natural enemy and demand that the entire system of American government be changed. But it also demonstrates that this system of government can work to protect those same Negroes if only they will use it. Because it is so rare for a single document, for a single case, to present both aspects of this feeling of distrust and fear, we are publishing elsewhere on this page today extracts from the grand jury's findings.

One cannot read the entire report, which runs well over 25,000 words, without being appalled at the conduct of law enforcement agencies in Chicago. The story of the raid, as pieced together by the grand jury, would sound like an episode out of the Keystone Kops if it were not so tragic. The raid, an attempt to serve a search warrant for illegal weapons, was poorly planned and ineptly executed. The police contend to this day that they met heavy resistance; they told the grand jury the Panthers fired 10 to 15 shots at them at a minimum. But the grand jury discovered that of the 83 empty shells subsequently picked up in the apartment, 82 had been fired in police weapons. And of the 56 bullets that were recovered, 55 were fired in police weapons. The only physical evidence of Panther shooting the grand jury found supports the police contention that a Panther fired first. But none of the physical evidence supports the police story of a firefight. The grand jury concluded, "The most plausible explanation, but one rejected by the officers, is that in the darkness and excitment they mistakenly attributed to the occupants (of the apartment) the fire of other officers."

Regardless of what happened in that apartment, there is plenty of other material in this report to convince black militants and many others that the police were less interested in upholding the law and seeing justice done than in getting the Panthers and covering up any illegal tracks they made in getting them. The grand jury said that the police search of the apartment was unprofessional, that the police investigation of the actions of the raiding officers was a whitewash, that the coroner's autopsy was incompetent, that some of the information released by the prosecutor to news media was clearly erroneous, and that the man who made ballistics tests for the police knew they were inadequate (they were also erroneous) but feared for his job if he said so.

With this kind of conduct by law enforcement officials—it is not hard to see in it a deliberate plot to convict the surviving Panthers of attempted murder on false evidence—how much more does a militant who thinks the American system is oppressive need to decide that he has no chance for justice and equality as long as that system exists?

The grand jury report is in itself an interesting answer because the grand jury is a part of that system and it was ready to act against the police. The investigative job done by the Federal Bureau of Investigation and the Department of Justice was superb and led directly to the dismissal of the indictments against the surviving Panthers. The evidence of police misconduct these two agencies supplied the grand jury was so substantial that the jury begged those survivors to provide it with the additional evidence it needed for an indictment. They refused on the ground that they would not testify before a jury most of whose members were white. The following exchange between an assistant United States attorney and one of the survivors tells it better than we can:

"Q. So I say to you again that this is the only grand jury you have got, and this is the only body in existence at this time who has power to do anything. . . .

"You have a small child, Miss Johnson, and I am convinced and I think the grand jury is convinced that what happened on December 4th, 1969 should not happen again. But their power to act, Miss Johnson, is tied into your power to cooperate with this grand jury, and I would hate to read two weeks from now or two months from now or two years from now that there has been another shoot-out in Chicago or any other city where two men are killed and four people are wounded. If I do read that, Miss Johnson, and if you read it, then I think we can both say one of the reasons this has happened is because you sat on this stand with the power to do something about it and rhetoric was more important to you than justice. . . .

"A. I have nothing to say to this grand jury."

This whole episode, it seems to us, sums up one of the major tragedies of our time. The government—in this case the law enforcement agencies of Chicago—has provided a substantial reason for some citizens to believe that there can be no justice for them. For lack of faith—and not without some reason—those citizens have helped make that belief come true by refusing to accept justice when it is offered. That is the awful dilemma, for the system of law enforcement can only be reformed or improved if all citizens are willing to help. This grand jury tried; the Black Panthers would not.

[From the Washington Post]

THE GRAND JURY REPORT ON THE PANTHER RAID

At 4:45 a.m. last December 4, a force of policemen assigned to the state's attorney's office in Chicago began a raid on an apartment occupied by a group of Black Panthers. Within the next 10 minutes, almost 100 shots were fired. Two Panther leaders were killed. Four other occupants of the apartment were wounded, police seized 19 weapons and a large quantity of ammunition. The raid has become a *cause celebre* of the Black Panther movement, whose leaders claim it was planned deliberately to kill Panthers. The police claim it was a legitimate raid aimed at confiscating an arms cache.

On May 15, a federal grand jury released a 25-page report on its investigation into that raid, an investigation led by a team of Justice Department lawyers and aided by the Federal Bureau of Investigation. That report finds the stated purpose of the raid to have been valid but its planning and execution "unprofessional." The report denounces the Chicago law enforcement agencies, the news media, and the Panthers for subsequent acts. The grand jury could find no evidence, for instance, that more than one shot was fired by a Black Panther, although the police insist many shots were fired at them. It found that a Chicago ballistics expert incorrectly identified bullets as coming from a Panther gun when they came from police guns; that a pathologist hired by the Panthers incorrectly said Hampton was drugged at the time of his death; that the coroner reported examining Hampton's stomach when he had not done so. The grand jury clearly implies that it might have indicted some policemen for their actions except for the refusal of the Panthers to testify..

The following are extracts by this grand jury . . . has presented a rare opportunity to evaluate the effectiveness of various law enforcement agencies and, indeed, the whole legal system. . . . Such an analysis of our law enforcement machinery is especially appropriate at a time when the basic fairness and fundamental competence of the American Legal System is constantly questioned and, by some, totally repudiated. The analysis which follows is disappointing because it demonstrates serious shortcomings in the performance of some public agencies and mutual suspicion among the individuals involved that seems almost paranoic.

THE POLICE AND PROSECUTORS

The grand jury concludes that the state's attorney's office should discontinue or minimize the use of police assigned to it for normal police department functions such as the service of search warrants . . . The grand jury believes the facts show that the state's attorney's police are neither trained nor equipped for such major undertakings.

The problems inherent in using the state's attorney's police in this way are readily apparent. It was never clear who was responsible for the crime scene, either its search or its security. Police department officials say the state's attorney's officers had the responsibility because it was their raid, and the police department only provided assistance as requested. The state's attorney said that when the police crime laboratory men arrived, the whole scene was their responsibility. As a result, no gun was tagged or fingerprinted, no record made of where it was found, no proper inventory was made and no record shows what ammunition was in each, if any. The scene was abandoned by 7:30 a.m. through an unexplainable series of conflicting orders . . .

Moreover, the whole concept of going on a raid in a high crime density area to obtain weapons from known militants—led by a convicted felon believed to be dangerous—with only 14 men, in plainclothes, in the dead of night, with no sound equipment, no lighting equipment, no tear gas and no plan for dealing with potential resistance seems ill-conceived. The grand jury believes that a professional police department would not have adopted such an approach . . .

The operation of (the Chicago police crime laboratory) in this case indicated a serious lack of professionalism and objectivity. The whole purpose of a crime laboratory is to gather and analyze evidence. A scientific approach, in the grand jury's view, is necessarily objective and unbiased. It is inconceivable how the activities of the mobile crime lab team can be justified in light of this standard. The team recovered but seven items and left behind at least 80 projectiles and casings and at least as many other items of physical evidence. The testimony of the team leader that the team's only purpose was to gather evidence supporting the officers' stories, makes it clear that there simply was no thorough professional examination of the premises . . .

Similarly, the work done by the lab after it received the limited amount of evidence submitted displays questionable professionalism. While any firearms examiner can be excused a mistake—even one with serious consequences—there was more involved here. Not only did the state's attorney's police fail to turn in their weapons for testing, the crime laboratory did not even request them to do so until after a mistaken report was prepared and indictments based on it and after this grand jury investigation was initiated . . .

In short, the crime lab was responsible, in part at least, for a totally inadequate search and grossly insufficient analysis. The testimony of the firearms examiner that he could not have refused to sign what he believed was an inadequate and preliminary report on pain of potential discharge is highly alarming. If true, it could undermine public confidence in all scientific analysis performed by this agency . . .

The performance of (the Internal Inspection Division) of the Chicago police department—the branch dedicated to impartial and objective investigations of police conduct—was so seriously deficient that it suggests purposeful malfeasance. The regular channels of the IID were bypassed. Instead of a complete investigation of any of the factual controversies raging in the press, the investigation consisted only of gathering all police reports, soliciting cooperation from counsel for persons accused of crimes (knowing that no defense counsel would permit pre-trial statements by an accused) and asking the officers involved a few simple conclusory questions in which they denied wrongdoing. No officer was given the opportunity to explain what happened in detail and all the subordinate officers were asked only to ratify their sergeant's account—which itself was based not only on prepared questions, but suggested answers composed by a police department lawyer and shown to the sergeant in advance . . .

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Moreover, the publication of the results of this "investigation," in the view of the grand jury, was misleading to the general public by inferring that a legitimate investigation was held. The grand jury found a more detailed account of the raid in The Chicago Tribune than it did in the IID files . . .

Nor did the medical work of the coroner's office seem to be of higher caliber. The reversal of the entrance and exit hole and the mis-description of one of Hampton's wounds could, in some cases, have caused serious repercussions. The understaffing, inadequate procedures, use of an unlicensed pathologist, loss of a crucial dicta-belt and reliance on dieners (autopsy assistants) to do work such as fluoroscopy indicate serious problems.

THE MEDIA

In the view of the grand jury, improper and grossly exaggerated stories were reported almost daily in the Chicago media. It seemed to become a kind of publicity contest with everyone involved releasing more and more to newspapers and other media who published anything and everything. Thus, the smoke had hardly cleared before Panther spokesmen claimed murder, and their claims were published. Similarly, the injured policemen made immediate statements to the press at the hospital which were either grossly inaccurate or grossly distorted. The ensuing escalations . . . culminated in a television spectacular being acted out by the policemen who did the shooting. While we can understand the state's attorney's position—that he felt obliged to respond to widely published charges made by Panther spokesmen—the jurors cannot accept this as justifying the extraordinary television show or the exclusive (and in part erroneous) Chicago Tribune account . . .

The media must accept responsibility for some of the problems of pre-trial publicity. Especially where the public is intensely interested in a case, the journalists must recognize their duty of accurate and balanced reporting. In a competitive press, sensational headlines reporting unproved and unchecked allegations undoubtedly attract readership, but, if in error, they also publicize misinformation, sow distrust among citizens and may even prejudice the interests of justice.

Nor can the grand jury justify the equally prejudical approach of attorneys for the apartment occupants. Press conferences were held by defense counsel and expert witnesses, which, at least in one instance, resulted in the widespread dissemination of totally erroneous information on drugs with no foundation at all that Hampton was intentionally murdered after being drugged . . .

THE PANTHERS

Organizations such as the Black Panther Party present law enforcement problems of the most serious dimensions. It must be reported that the Panther tactics and policies help create much of the very tension and conflict they have complained of in this and other cases. While the grand jury has focused on the civil rights guaranteed by the Constitution to all persons, any analysis of law enforcement problems in this case must make it clear that there is no intention to defend or excuse any violations of state and local law. Certainly, gathering large numbers of unregistered firearms and ammunition is not an act of peace. Public advocacy of violence toward policemen is not an appeal for justice. The constant rhetoric of revolution in the tinder of the ghetto will never solve the social and economic problems of black citizens.

Much has been done and is being done toward eliminating these human problems, but the continuing process of change and correction will take time, perhaps a number of years. In the meantime, the difference between chaos and order is the responsibility of local law enforcement agencies. In a difficult situation, the job of law enforcement agencies is to preserve order, administer justice and guarantee the fundamental rights of all citizens. In these tasks, they deserve public understanding and support. The activities of violence oriented groups such as the Panthers seriously complicate the achievement of legitimate goals of such agencies . . .

If officers of the law are on a legitimate and proper mission to search for illegal weapons that could endanger countless persons, they should not be met with gun fire. In this case, the state's attorney's police did, in fact, seize and remove from public circulation 19 weapons and a large quantity of ammunition. The fact that the raid was poorly planned and executed and the evidence was mishandled does not mean that there should have been no raid . . .

CONCLUSION

This grand jury has sincerely endeavored to exhaust every reasonable means of inquiry to ascertain the facts of this case. The most concise conclusion is that, in this case, it is impossible to determine if there is probable cause to believe an individual's civil rights have been violated without the testimony and cooperation of that person. This cooperation has been denied to this grand jury. Given the political nature of the Panthers, the grand jury is forced to conclude that they are more interested in the issue of police persecution than they are in obtaining justice. It is a sad fact of our society that such groups can transform such issues into donations, sympathy and membership, without ever submitting to impartial fact finding by anyone. Perhaps the short answer is that revolutionary groups simply do not want the legal system to work.

On the other hand, the performance of agencies of law enforcement, in this case at least, gives some seasonable basis for public doubt of their efficiency or even of their credibility.

The resulting competition for the allegiance of the public serves to increase the polarization in the community.

[From Los Angeles Sentinel, Dec. 11, 1969]

PANTHER GENOCIDE PLOT ARRIVES IN LOS ANGELES

(By Booker Griffin)

A mass national plot to commit genocide upon the Black Panther party has reared its ugly head in our community.

Raids on three Panther locations early Monday morning brought the full force of the authoritarians' national conspiracy against the party to grotesque reality in our own back yard.

Despite police department and power structure appeasement public relations, it is apparent to large segments of the black community—ranging from NAACP types, to elected officials, to students, to small children—that the police department is bullying the Panthers and through any means necessary is trying to destroy the party.

The first and major question that we must ask ourselves is whether the police department was picked out of the clear blue sky as a point of concentration for the Black Panther party activities or whether police practices in the black community created a need that the Panthers in their way and through their means are trying to meet.

Could it be that the Panthers are making some attempt to program a silent feeling that beats in the hearts and souls of a great cross-section of the black community?

AGAINST PRACTICES

This does not imply that such a feeling would be against the police, but against the practices of many officers. Those of us in the news media who watched commanding officers turn their backs as wildly fanatic officers clubbed, kicked and brutalized helpless people, including women and children around the Panther area, all day Monday must have clouded feelings in that regard today.

The unlawful character of the national raids and other un-American persecution of the Panthers is based upon an assumed mass ignorance of the law on the part of the average citizen. Let's look at the legal basis for the raids in Los Angeles.

Legal right to storm the Panther facilities was lawful by virtue of warrants to arrest two assumed Panthers on alleged charges. Warrants were also issued to search for weapons. This was all supposed to be based on police intelligence work.

First and foremost, the police were on shaky ground to storm three sites to seek two men since common third-grade arithmetic would indicate they wouldn't be in three places. Hence the supportive warrants to search for weapons. This brings me face-to-face with the two practices which I feel police commit which are among the five greatest threats to internal security and domestic tranquillity in this country.

TWO PRACTICES

These two practices are planting evidence and fabricating charges.

A simple example of planting a pistol in a man's hand after he has been gunned down or putting narcotics in a man's pocket and then arrest him for possession.

A simple example of fabrication is when an officer assaults a person and then books the person for assault against an officer.

I feel that both of these tactics have been used against the Panthers.

Monday's raids were based upon alleged police intelligence reports. We must assume that the responsible Judge Chavez (note the minority judge), who has been said to be the judge who issued the legal papers, would not act without reliable information.

The whole validity of the reliability of so-called police intelligence is questionable to me. If intelligence was so good, they would have known that the sites on Exposition and 55th St. were simple communal living locations and they would never have staged the massive overkills at those locations. You must note the fact that most of those arrested at those sites were female.

The Panthers are not the most armed group in the black community. If police intelligence is so great, it's playing a strange "Avis game" in terms of arms and militancy in the black community. Police intelligence could also use its great powers to curtail the dope that is destroying our kids.

POLICE KNEW

I think that the police knew that they would find only a few people and possibly a weapon or two at the Exposition and 55th St. locations. I think that they entered the Central Ave. confrontation ready to massacre every living soul.

Two things prevented this.

One was that the Panthers expected to be moved and had added new fortifications for protection. The other was that the building's roof was more sturdy than had been expected.

There are two prime questions here. These are the questions of abridgement of constitutional rights and police oppression based upon social or political beliefs.

There are those in high police circles who believe that the means justifies the end. Many of these men in warped sincerity really believe that they are serving the public good by wiping out the Panthers. Their public relations does not allow them to relate how they provoke certain things themselves.

Some say that the Panthers are revolutionaries and do not deserve protection of American civil liberties. I say that George Wallace is a revolutionary and police give him full support. In fact, the Panthers and the Wallaceites are opposite sides of the same coin in terms of advocating extreme and literal interpretations of the Constitutional principles of the Republic; Wallaceites to serve white supremacy and Panthers to serve black liberation.

When Panthers break defined laws, the police have a right to deal with them according to the procedure of the law. In the same instance, the police must not break the law themselves. I submit that were the Panthers to evaporate a new group would soon rise in the community to protest police practices.

I further submit that the real American test is not the Panthers and the police but the question of constitutional interpretation.

As long as police deal fairly and decently with the Panthers, it's a legal thing, but outside that guarantee I do not support the genocide conspiracy against the Black Panthers.

[From the New York Amsterdam News,
Dec. 13, 1969]

THE BLACK PANTHERS

There is something deeply disturbing about what seems to indicate a concentrated drive by police throughout the country to wipe out the Black Panthers.

It has reached the point wherein the National Urban League's Whitney Young has called on U.S. Attorney General John Mitchell to make a special investigation.

Nearly 30 members of the Black Panthers have been killed across the country. Last week's slaying of two in Chicago has drawn such community rage that it looks as if a real investigation will be made there. The siege Monday in Los Angeles has also drawn concern, though fortunately no one was killed.

Here in New York City we have some 22 Panthers indicted on charges of conspiracy to bomb, with most of them unable to make the high bail of $100,000.

Yet another group who was arrested on charges of participating in actual bombings had their bails reduced and were released.

What gives?

And when we talk about the Black Panthers we are always reminded that nothing was ever done about the white off-duty policemen who attacked a group of them in the hallways of a Brooklyn court.

[From the Boston Bay State Banner,
Dec. 11, 1969]

LEGAL MURDER

Police raided a Chicago apartment this week and gunned to death Fred Hampton, Illinois chairman of the Black Panther party and Mark Clark, a Panther leader from Peoria. This brought the Black Panther death toll from police bullets to 28, all in the past two years.

Chicago police stated that they shot the two Panthers while making arrests. They fired, so they said, when they were met by a fusillade of bullets. However, an autopsy on Hampton revealed that he was shot while asleep. Furthermore, the walls of the apartment were not marked by bullet holes nor did the police suffer serious casualties.

It would appear that the police surprised the Panthers and shot them down. This would support the charge that a nation-wide police conspiracy exists to kill off the Panther leadership.

The Black Panthers have urged revolution and weapons. Their tactics have been disruptive and violent. They have been menacing in their black berets and black leather coats. But regardless of whether one agrees or disagrees with their politics, certainly no one can endorse a plan of legal assassination to end any political organization.

It is interesting to note that no violent extra legal methods have been used to rid this country of its greatest threat—organized crime. Persons guilty of crimes which threaten to undermine the very economic and political structure of this country are afforded every protection of the law. But of course these criminals are white.

When Black Panthers violate the law, they should be prosecuted. It is not our purpose to advocate any special immunity for their activities. But every citizen has a solemn responsibility to speak out against officially sanctioned political murder.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I was just wondering whether the gentleman from Missouri was aware of the fact that shortly after the tank had appeared at the campus at Jackson and had sprayed bullets from automatic weapons at students, the police appeared and sought to remove the evidence of what they had done. I wonder what that says about the interest that the higher officials may have had in trying to find out what had occurred. I raise this question because it is possible, as deplorable as it would be, for a policeman in line of duty to commit excesses. I am not sure it is possible, when excesses are committed, to understand why an investigation is not immediately launched by the higher officials to determine what it was that produced the excesses and to bring to justice those who committed them.

I was particularly interested in how anybody could explain—if anybody could explain—why, following the events at Jackson State, they failed to investigate whether the police themselves were responsible and failed to bring to justice those who committed the excess actions, rather than remove the evidence which would have made it possible to find out what happened in that situation.

I might also add that I received a telegram from the sheriff in Alabama in which he, instead of appreciating the fact that I helped to bring to light what happened there at Alabama, stated that he thought I had no business at all in doing that. I would have thought the authorities in Alabama would have been anxious to have these facts brought to their attention in order to take steps to prevent a future occurrence.

It makes one wonder if these actions are condoned at a higher level. When there is a coverup, when people are castigated for expressing such things, one wonders if, in fact, it is something that is not only condoned, but is a policy arrived at by the higher officials. I realize that is a sinister question, and I realize that it is a difficult question to bring up, but I think it should be introduced in considering this problem.

Mr. CLAY. Mr. Speaker, I think it is quite clear that it is happening in this administration as in previous ones, that we have a complete lack of sensitivity and concern on the part of our Attroney General in enforcing laws that deal with the violation of civil rights of citizens of this country.

I still today have not received a response from our Attorney General to a query asking him to investigate the situation in St. Louis in our public housing project, where the lives of hundreds or thousands of people were threatened by the illegal actions of our police department. To date I have had no acknowledgment—but this is par for the course, not only for this Attorney General, but for the two previous Attorneys General, when we had instances similar to this in St. Louis, before I became a Member of this Congress, and whenever we had written as elected officials in St. Louis, asking for investigation of certain instances such as the shooting into the public housing project. We never received either an acknowledgment or a reply from the Attorney General.

I think the eye witnesses who testified before our committee—and we had five eye witnesses when we were in Jackson, Miss.—testified that the police officers did come on campus and did pick up all the shells, to destroy the evidence of the number of bullets that were expended in that situation.

I think it is a well-known fact that there is no justice in Mississippi and in many other parts of this country for either the black or the poor. I think this is one of the tragedies of our Nation, that the processes of justice do not exist and the people who are responsible for enforcing those processes are very insensitive and very apprehensive about applying the law where it should be applied.

Mr. MIKVA. Mr. Speaker, I thank the gentleman from Missouri.

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One of the parts of the grand jury report I thought most important was the criticism by the grand jury of the investigative units within the Chicago police department and within the Department of Justice in terms of the very point the gentleman mentioned—that is, that these units see much more point in trying to cover up the excesses rather than in getting to the bottom of them.

I want to make it clear that I have perhaps more policemen living in my constituency than any other Representative from the Chicago area. I am very proud of them. The number of those who will be found to have engaged in excesses will be far less than half of 1 percent. Yet, in my heart I cannot blame the castigators and the condemners, when those of us who ought to know better, who are part of the system of laws, do not do our utmost to see that those few bad apples are weeded out.

The gentleman from New York mentioned the attitude of some officials of Alabama, and some of those of us who went to Mississippi were able to see the same attitude on the part of some of the officials of Mississippi.

Unfortunately, that is an old custom in this country, to condemn not those who are wrongdoers but those who complain about the wrongdoers.

I should like to say in closing, I believe the crisis is very, very serious. I believe nothing less than a crisis response to these deaths will be sufficient.

The case in Chicago, my own hometown, may be closed; it may be beyond the reach of any further official investigation, but anyone who wants to read about the breakdown of law and order in this country need read no further than that grand jury report.

The cases in Kent State, In Jackson, and in Augusta are all still open, and they cry out for justice. They cry out for a restoration of faith on the part of the American people in their system of law and order—the law and order, as I said before, that one finds in the Constitution and not in a bigot's handbook.

GEORGE WALLACE VICTORY ESTABLISHES REALISTIC SOUTHERN STRATEGY

The **SPEAKER** pro tempore (Mr. GRAY). Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, George C. Wallace, an Alabama Democrat, has been reelected Governor by the people of that State.

The people of Alabama have made their choice and all Americans join in extending our congratulations and thanks.

If we are to believe half of what we have read in the Nation's press, Governor Wallace and his dedicated pro-American supporters took on the establishment, including both national political parties, the controlled communications media, and the incumbent Governor—and won.

It will be interesting in the coming days and weeks to see how the commentators and interpreters of current events try to rationalize their defeat and whittle the significant George Wallace victory.

Americans understand that the people of Alabama—his neighbors and fellow citizens—who know him best have chosen him as their Governor and have entrusted to him the chief office of their State. They have also given him an unmistakable mandate as the spokesman of the long-suffering southern people.

Americans of the constantly villified South are satisfied that both national parties have gotten the message—that there is a southern strategy but it will be for equal application of the laws throughout the United States—an end to the "conquered province" theory. It marks the close of the political ploy by any national political party to swap off the South for block votes in the North.

What has been long recognized as practical politics in the North will be frantically smeared as racism in the South.

But practical politicians now recognize where the balance of power lies and can be expected to act accordingly.

STATEMENT OF SENATOR JOHN L. McCLELLAN ON S. 30, THE ORGANIZED CRIME CONTROL ACT OF 1969

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. FASCELL. Mr. Speaker, on May 20, 1970, Subcommittee No. 5 of the House Judiciary Committee began comprehensive hearings on measures relating to organized crime, including S. 30, the "Organized Crime Control Act of 1969," H.R. 16134, a bill which I introduced on February 24, 1970, and whose provisions parallel S. 30, and H.R. 16133, a bill to provide for training for organized crime prosecutors, which I introduced at the same time.

The mounting and improving effort against organized crime, not just during this term of Congress, but for the past two decades has been brought about, in large part, by the efforts of Senator JOHN L. MCCLELLAN. Through his work on the Senate Government Operations Committee, which he chairs, and the Senate Judiciary Committee on which he is the ranking majority member, Senator MCCLELLAN has led a relentless legislative effort to expose the true threat that organized crime poses to the Nation. The Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee, which Senator MCCLELLAN chairs, conducted extensive hearings on S. 30 which is now before the House Judiciary Committee. His recent statement on S. 30 before Subcommittee No. 5 of the House Judiciary Committee deserves the careful attention of all of us who are concerned with taking vigorous action against organized crime.

The statement follows:

STATEMENT OF SENATOR JOHN L. MCCLELLAN ON S. 30, THE "ORGANIZED CRIME CONTROL ACT OF 1969"

Mr. Chairman, I am pleased to appear before this Committee today to testify in support of S. 30, the "Organized Crime Control Act of 1969."

I would like to express to you my own feeling of urgency concerning this legislation. The social poison for which S. 30 is intended to be an effective antidote has already crippled or weakened vital organs and centers of our body politic, and it is spreading rapidly. Unless we act effectively and with dispatch, organized crime may well destroy the social, political, economic and moral heart of our Nation.

Never in the history of America has organized crime had greater adverse impact and widespread control over the social, political, and economic lives of our citizens and institutions than it does today. Never has the national criminal syndicate, known as La Cosa Nostra, managed with greater success than now to maintain profitable operations in so many areas and in such a variety of illegal enterprises. Let me illustrate:

One of those enterprises, of course, is trade in narcotics. Just last year, skillful implementation by the Federal Bureau of Narcotics of the electronic eavesdropping authority granted to Federal courts in Title III of the 1968 Safe Streets Act afforded the public a small glimpse of the deep involvement of La Cosa Nostra leaders in the importation and wholesale distribution of hard narcotics, such as heroin and cocaine. By conducting limited wiretapping under judicial supervision on two Washington, D.C., telephones, law enforcement officers were able to seize large quantities of cocaine and cash and to arrest 41 persons involved in a massive scheme for distribution of hard narcotics. Included among those arrested were two identified members of the Cosa Nostra family of Vito Genovese, a lawyer, a real estate broker, and a metropolitan police officer. We must not permit illicit operations such as this, sapping our vital strength as a society, to continue to plague this Nation.

There are ample grounds, moreover, for fearing that the 1970's, like the 1960's, will be a decade of expanding use of dangerous drugs, in both disadvantaged and privileged groups of young people. Among our highest priorities, therefore, must be to prevent further personal tragedies—enslavement of young people to addictive drugs—and to eliminate the resulting social tragedy that, each night, whole cities are virtually trapped in their homes by fear of street violence at the hands of drug addicts and others.

The desperate plights of the direct and indirect victims of narcotic addiction must not, however, cause us by contrast to minimize the social harm done by the Mafia's control over its biggest single illegal activity: unlawful gambling. Cosa Nostra informant Joe Valachi, who once ran a numbers racket himself, paying the typical 500 or 600 to 1 odds—although the odds against winning were 1000 to 1—described well the impact of organized gambling on its direct victims when he said: "It's poor people that play the numbers, and if you want the truth, most of them play because they are desperate for money and they don't have no other way to get it." Badly needed money is all too often drained away from needed food, clothing, shelter, education and medical care. We must recognize, too, that La Cosa Nostra's control of gambling ravishes the entire society, not merely the gamblers, since the 6 or 7 billion dollars *profit* organized gambling operators earn each year bankrolls not only the Mafia's drug trade but organized crime's infiltration of legitimate business and other activities, and this is one of the Nation's

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most serious criminal justice and economic problems.

The effect that mob money and methods have on formerly legitimate businesses is well illustrated by the mob takeover of the air freight trucking industry at Kennedy Airport, New York, which has recently received much publicity. In that case, organized criminals acquired control both of the unions and of the truckers' trade association, and used those positions in effect to get cuts of the businessmen's profits, the workers' wages, and the shippers' freight charges. In addition, the mob members took advantage of their opportunity to steal goods shipped by air freight. Annual thefts jumped a hundredfold in 5 years, from $45,000 to $4.5 million.

Of course, Mafia manipulation of some union members has been notorious for years—Valachi reminded us that when he was in the dress business "if any union organizer came around, all I had to do was call up Johnny Dio or Tommy Dio and all my troubles were over." More recently, the New Jersey Federal court order making public several years of electronic surveillance over Simone (Sam the Plumber) DeCavalcante, has made available a valuable illustration of the financial rape of union members by the head of a Mafia family. In the transcripts, DeCavalcante is repeatedly heard to engage in conversations concerning thousands of dollars paid to the Mafia by "legitimate" builders for the privilege of using nonunion labor, at below-union wages, on construction projects.

Of course, we all know that the Mafia can operate successfully and on the scale that it does, only because of the connivance and incompetence of key law enforcement personnel. Again, we have recent illustrations of the way in which our governments are corrupted in the disclosure by the Justice Department of a conspiracy through which the Chief of Intelligence of the Columbus, Ohio, Police Department received $40,000 over a three-year period and some patrolmen received about $250 per month for failing to close a known numbers operation, and the scandalous allegations of pervasive corruption among some New York police officers. The Columbus situation was discussed in a recent exchange of letters between Assistant Attorney General Will Wilson and myself, which I am glad to offer, Mr. Chairman, for inclusion in the record.

We should be moved to curb this crime and corruption simply by compassion for the victims. We must pity the suffering of narcotic addicts. We must respond to the frustration of the poor who waste their meager earnings on gambling. We must understand the discouragement of honest workers cheated out of fair wages by labor corruption. We must comprehend the helplessness of honest businessmen unable to compete with a wealthy and ruthless cartel of criminal entrepreneurs. The individuals victimized in those various ways cry out to us for help, and humanity compels us to heed them. But the overriding consideration is that these criminal activities pose a danger which no civilized society can long endure. Citizens become disillusioned by the example of the hoodlums and the corrupted officials who operate with impunity. They lose respect for law, for our institutions, and even for our basic values. They lose confidence in our system of justice.

Angelo (Gyp) DeCarlo a Cosa Nostra family member, put the problem succinctly in a conversation that was overheard in an FBI electronic surveillance recently ordered disclosed by a New Jersey federal court. In a conversation, Harold (Kayo) Konigsberg, reputed loanshark and convicted extortionist, asked DeCarlo:

"Will you tell me why everybody loves you so much?"

"Well, because I'm a hoodlum," replied DeCarlo. "I don't want to be a legitimate guy. All those other racket guys who get a few bucks want to become legitimate."

DeCarlo's answer reflects a life in which the basic values of our society have been inverted and perverted. In the underworld, the individual is more successful—even more "loved"—the less he is "legitimate." This conversation aptly exemplifies the President's Crime Commission's conclusion concerning organized crime:

"As the leaders of Cosa Nostra and their racketeering allies pursue their conspiracy unmolested in open and continuous defiance of the law, they preach a sermon that all too many Americans heed: The government is for sale; lawlessness is the path to wealth; honesty is a pitfall and morality a trap for suckers."

Now, however, the Congress has the opportunity to respond to this intolerable situation with legislation that launches a truly comprehensive attack on the crime syndicate. S. 30, the proposed "Organized Crime Control Act", contains 10 titles, dealing with almost every stage of the process of criminal justice from investigation through sentencing. It establishes imaginative civil procedures and remedies for combating and curbing the ills caused by organized crime. After extensive hearings, much consultation, and full debate, S. 30 received the support of the Senate by a vote of 73 to 1.

TITLE I— GRAND JURY

The first title provides for the regular creation of special grand juries in the parts of America which have been most plagued by organized crime, the largest metropolitan centers. In those districts, the convening of special grand juries is made automatic, while in other regions it is made discretionary with the Attorney General. Members of the grand jury are selected from a broad sample of the community, as are members of ordinary grand juries. In addition, the special grand juries are given a degree of independence from the court and prosecutor, to insulate them from political influence in sensitive organized crime investigations, by authorizing a special grand jury to elect its own foreman and deputy foreman and by giving the jury the right to obtain review of any dispute between the jury and the court or prosecuting attorney.

Like regular grand juries, these special grand juries will have the benefit of the guidance and assistance of the prosecutor and the court, but the measure of independence provided by title I will enable them to function as an effective investigatory body, acting without political fear or favor. In addition, the special grand juries will have restored to them their historic power to file public reports making legislative or executive recommendations, describing organized crime conditions in the communities in which they sit, and, subject to careful safeguards, reporting noncriminal misconduct by public officials uncovered during their investigations. Thus, they will perform in the area of crime, corruption and governmental efficiency a role like that now played by the Civil Rights Commission in the area of civil rights.

This reporting power has deep roots in English and American history and practice, and has been retained to the present date in several states. Title I of S. 30, of necessity, surrounds the reporting power with safeguards which must be followed before a report critical of an identified individual can be published, including the right of the individual to require that witnesses be called before the grand jury to present the individual's side of the case, the requirement that the court determine that the evidence supports the report before it is published, the right of the criticized individual to append to the report a rebuttal which is published simultaneously with it, and the right to obtain judicial review of the propriety of the report prior to its publication. Even so circumscribed by such strict limitations, the reporting power of the special grand jury will be a powerful instrument for public education and reform of government, and title I will greatly aid the effort of our government and society against organized crime.

Title I also would expand the provisions of section 3500 of title 18 of the United States Code to cover grand jury minutes. In the past, that section has governed pretrial discovery only of witnesses' statements, and the various courts of appeals have developed inconsistent practices with regard to discovery of grand jury minutes. Title I would expand the proven procedures of section 3500 to cover both types of pretrial statements. These provisions would bring to fruition a rule of law now developing in courts of appeals—without the necessity for further reversals.

TITLE II—IMMUNITY

Title II is a comprehensive statute for the granting of immunity to witnesses in federal proceedings. It follows a recommendation of the President's Crime Commission, and more specifically implements a report by the National Commission on Reform of Federal Criminal Laws urging that the more than 50 immunity statutes now found in the United States Code be replaced with a single comprehensive law providing for judicial, administrative and congressional grants of immunity from the use of compelled testimony and its fruits. I need not dwell too long on these provisions, however, since this Committee has, of course, already reported out H.R. 11157 in a form that closely tracks title II of S. 30. I sincerely hope this means that we will be able soon to present legislation along these lines to the President for his signature.

The concept of immunity from the use of evidence and its fruits, which is the cornerstone of title II, was developed through a long and complex process of Supreme Court adjudication. First, the Court in *Counselman v. Hitchcock,* 142 U.S. 547 (1892), struck down an immunity law which merely barred the use in subsequent court proceedings of testimony compelled under an immunity grant, saying:

"It could not, and would not prevent the use of his testimony to search out other testimony to be used in evidence against him or his property, in a criminal proceeding in such court." (142 U.S. 564.)

Congress therefore replaced the void law with one granting "transaction immunity;" under it, a person ordered to testify could not be prosecuted for the criminal activities concerning which he had testified, regardless of whether the evidence against him was obtained from his compelled testimony or from a completely independent source. The Supreme Court upheld the constitutionality of that broad immunity in the case of *Brown* v. *Walker,* 161 U.S. 591 (1896). It rejected the argument that the Fifth Amendment should be interpreted as forbidding the federal government to require an individual to "incriminate" himself in the eyes of the public, holding himself up to ridicule and disrepute. The Court dismissed that contention with the statement:

"The authorities are numerous and very nearly uniform to the effect that, if the proposed testimony is material to the issue on trial, the fact that the testimony may tend to degrade the witness in public estimation does not exempt him from the duty of disclosure. A person who commits a criminal act is bound to contemplate the consequences of exposure to his good name and reputation and ought not to call upon the courts to protect that which he has himself esteemed to be of such little value." (161 U.S. 605.)

The Court further stated:

"Every good citizen is bound to aid in the enforcement of the law, and has no right to permit himself, under the pretext of shielding his own good name to be made the tool of others who are desirous of seeking shelter behind his privilege." (161 U.S. 600.)

Because of the *Counselman* v. *Hitchcock* and *Brown* v. *Walker* decisions, the various federal immunity statutes which were enacted between 1896 and 1964 granted "transaction immunity." Then, however, the Supreme Court revived the concept of more limited immunity in deciding *Mallow* v. *Hogan*, 378 U.S. 1 (1964) and *Murphy* v. *Waterfront Commission*, 378 U.S. 52 (1964).

In the *Murphy* case, the Court held that State immunity statutes can be sustained only if they protect a state witness not only in state but also in federal prosecutions, yet recognized that protection of a witness against federal *use*, direct or indirect, of the compelled testimony is an adequate protection against the federal government. The Court treated the protection of a witness against use of the indirect fruits of his compelled testimony as analogous to protection of a defendant against use of the indirect fruits of an unlawful search or other violation of his constitutional rights, and stated:

"We hold the constitutional rule to be that a state witness may not be compelled to give testimony which may be incriminating under federal law unless the compelled testimony and its fruits cannot be used in any manner by federal officials in connection with a criminal prosecution against him." (378 U.S. 78)

Mr. Justice Goldberg made it clear in a footnote that:

"The federal authorities have the burden of showing that their evidence is not tainted by establishing an independent, legitimate source for the disputed evidence." (*Id.* at 18)

Recently the Supreme Courts of California (*Byers* v. *People*, Sept. 16, 1969), and New Jersey (*Zicarelli* v. *Commission*, Jan. 20, 1970), have relied upon those Supreme Court precedents to uphold the concept of immunity embodied in title II. This is not only sound constitutional law, it is important and basic public policy as well, since as Mr. Justice White stated in a concurring opinion in the *Murphy* case, "immunity must be as broad as, but not harmfully and wastefully broader than, the privilege against self-incrimination." (378 U.S. 107)

To fail to replace the existing federal immunity statutes with title II is to give what Mr. Justice Holmes called a "gratuity to crime" (*Heike* v. *United States*, 227 U.S. 131, 144 (1913)), while to enact title II would be to provide both witnesses and society with protections that they need and deserve.

TITLE III—RECALCITRANT WITNESSES

In the many cases in which reluctance of witnesses to testify actually stems solely from the fear of self-incrimination, the immunity grant is a sufficient means of obtaining the testimony. However, organized crime investigators sometimes are confronted with witnesses who have sworn allegiance to La Cosa Nostra's code of silence. One of legitimate society's infrequent glimpses of the pervasiveness of that code was afforded last year when the De Cavalcante bugging transcripts to which I have referred above, were published, and the head of Philadelphia's Mafia family was overhead telling the head of a New Jersey family:

"The idea is, the main thing is that, that's why I say, he signed a statement, that is bad. Because no friend of ours is supposed to sign any kind of a statement with the law. Never. Plead guilty, because there is a deal made that by pleading guilty, instead of getting ten years, he gets two: however, he pleaded guilty, instead of getting ten, he got one. So there's a deal there, but you still don't sign a statement, even though you plead guilty, you don't sign a confession."

Where it is allegiance to a secret syndicate that seals the lips of a witness, resort sometimes must be had not only to an immunity grant but also to the traditional and inherent power of the Federal courts to cite recalcitrant witnesses for contempt. Title III of S. 30 codifies and clarifies that power, insofar as civil as opposed to criminal contempt is concerned.

Neither existing grand juries nor the special grand juries to be created under Title I have the power to punish witnesses for contempt or refusal to testify. Instead, the grand jury brings the case of a recalcitrant witness to the attention of the court, and only if the court finds the refusal to testify to be without just cause and orders the witness to reply and the witness repeats his refusal, can the witness be held in contempt. If the court chooses to impose a penalty for criminal contempt, a hearing is held and the witness may be imprisoned, not to compel him to answer but to vindicate the order of the court.

On the other hand, if the aim of the court is not to punish but to obtain an answer to the grand jury's questions, the witness is confined for civil contempt until he testifies or the term of the grand jury expires, and, where contempt is clear, ordinarily the witness is not admitted to bail pending any appear that may be taken.

Title III also amends section 1073 of title 18 of the United States Code. That section provides no punishment for flight in interstate commerce with intent to avoid testifying in State criminal investigation. Title II would amend it to punish such flight also where the intent is to avoid contempt proceedings stemming from disobedience of an order to testify or produce documents by a State investigating agency. Again, it was recent New Jersey experience which demonstrated the need for this proposal in S. 30. Two of De Cavalcante's lieutenants, Robert (Bobby Basile) Ochipinti and Frank Cocchiaro, while under summons by the New Jersey State Commission of Investigation, fled the State to avoid being prosecuted for contempt for refusing to answer the Commission's questions. Since section 1073 was not sufficiently broad to cover that conduct, the F.B.I. had to ignore their interstate flight, and the only way New Jersey could obtain their return was through the lengthy, difficult and uncertain process of state extradition. The present defect in section 1073 is exactly the type of technicality or loophole which can be easily corrected but, until it is cured, is taken advantage of by organized criminals. By correcting this defect in the law, we can help New Jersey in its commendable effort to clean its own house.

TITLE IV—FALSE DECLARATIONS

While the principal provisions of title III will clarify the power and procedure by which the Federal courts can compel the giving of evidence, the provisions of Title IV, on false declarations, are necessary to correct serious defects in existing Federal law requiring that any testimony given be truthful. At present, Federal law imposes upon perjury prosecutions certain special requirements not applicable to other very serious criminal offenses, such as murder and robbery. These special requirements prevent a perjury conviction from being based upon circumstantial as opposed to direct evidence, require special corroboration of the testimony of the prosecution's chief witness, and forbid the conviction of a witness who has made two flatly contradictory sworn statements unless the Government is able to establish by other evidence which of the two contradictory statements is false.

The President's Crime Commission examined this situation, and concluded that it is a sufficient protection for perjury defendants that the Government presently is required to prove beyond a reasonable doubt that the defendant knowingly made a materially false statement. The Crime Commission therefore concluded that the special requirements in perjury cases be eliminated, recommending: "Congress and the States should abolish the rigid two-witness and direct-evidence rules in perjury prosecutions, but retain the requirement of proving an intentional false statement." Since, as the President's Crime Commission reported, the incidence of perjury is believed to be greater in organized crime prosecutions than in other criminal cases, the elimination of these defects in existing law dealing with false declarations is especially important in the organized crime context. However, false testimony occurs in the widest variety of circumstances, and the existing artificial rules are found and applied in all types of perjury prosecutions, so those rules should be eliminated by general provisions applicable to all cases. The two-witness and direct-evidence rules are grounded on medieval experience no longer applicable to modern prosecutions, and have led to a lower rate of convictions in perjury cases than in other prosecutions. They stand as barriers to the doing of justice by the courts, which cannot act fairly unless they can obtain truthful testimony. It is only by preventing and punishing the giving of false evidence, whether the falsehoods favor the Government or a defendant, that the Congress and the courts can enhance the integrity and reliability of our judicial process.

By strengthening the inducement to tell the truth and correct falsehoods, and providing for effective prosecution and punishment of those who give false testimony, Title IV substantially improves the capacity of our courts to administer justice.

TITLE V–WITNESS FACILITIES

Title V of S. 30 would authorize the Attorney General to establish and operate protected housing facilities for witnesses and their families who are in danger of violence because of their cooperation in organized crime prosecutions. The grave dangers faced by such witnesses are well illustrated by the testimony of the Attorney General that from 1961 through 1965 the organized crime program lost 25 informants. That tragic experience occurred despite the best efforts of the Department to provide protection for the witnesses through *ad hoc* arrangements with military bases and other Government facilities willing to provide housing and security for witnesses.

Of course, witnesses to whom protective facilities are offered under Title V will not be required to accept the offers, but when a witness' sense of obligation to the community or his legal duty to testify exposes him to the danger of violent retaliation, the Government must do what it can to provide physical protection for the witness and his family.

TITLE VI—DEPOSITIONS

Title VI is based upon existing Rule 15 of the Federal Rules of Criminal Procedure, which now gives a criminal defendant a limited right to obtain court permission to take the depositions of his own witnesses in order to preserve their testimony in case they should be unavailable at the time of trial.

Title VI expands that right of a defendant by broadening the grounds upon which a court can authorize such a deposition, and extends the same provision to the prosecution. Title VI retains the limitation of Rule 15 which permits the deposition to be taken only of a party's own witness, in order to preserve his testimony, not of an opposing witness, as a means of discovering the opposition's case. The proposed section fully pro-

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tects the constitutional rights of criminal defendants, by providing for assistance of counsel and full opportunity for cross-examination, and by requiring that the Government furnish to the defendant at the time of the deposition any prior statement of the witness which is in the Government's hands.

Witnesses die, disappear, become incompetent, or are improperly influenced in all kinds of criminal cases, so Title VI, like Rule 15, is made applicable to all criminal prosecutions in the Federal courts. However, we can expect that Title VI will make its greatest contribution both to defendants and to the Government in organized crime cases. since the leaders of organized crime have shown a great propensity to apply the techniques of intimidation and bribery with which they conduct their illegal businesses to their defense of criminal cases as well. As the distinguished senior Senator from Maryland, Mr. Tydings, testified before the Senate Subcommittee on Criminal Laws and Procedures:

"Unimplicated witnesses have been, and are now, regularly bribed, threatened, or murdered. Scores of cases have been lost because key witnesses turned up in rivers in concrete boots. Victims have been crushed—James Bond-like—along with their automobiles by hydraulic machines in syndicate-owned junkyards."

Title VI makes a two-pronged attack on that problem. First, it preserves the evidence which a witness has to give in a form which can be used at trial if the witness is unavailable at that time or has been suborned, but which is inadmissible if the witness appears at trial and offers the evidence in person. Second, by preserving the evidence which a witness can give, a deposition taken under title VI largely eliminates the incentive which a defendant or his associates have to harm or kill the witness. Thus, title VI reduces the chance of witnesses being harmed or bribed, and at the same time provides an alternative way to present the testimony of witnesses who do become unavailable.

The utility of the deposition authority title VI would confer, and the urgency of the need for its enactment, are illustrated by the recent prosecution in Tucson of three reputed Mafia leaders. In that case, Joseph Bonnano, the alleged former boss of a New York La Cosa Nostra family, and Charles Battaglia and Peter Joseph Notaro, two alleged La Cosa Nostra members, were charged with conspiracy to obstruct justice by obtaining false testimony from a former police sergeant.

All three defendants were, however, acquitted last March 4, because an essential but reluctant witness, who had corroborated the Government's case in testimony before the grand jury that returned the indictment disappeared before the trial. The testimony of that witness, Floyd Max Shumway, obviously was in danger of loss before trial, and could have been preserved if title VI had been law at the time. Since Congress had not yet enacted title VI, no deposition could be taken, and the jury was needlessly deprived of the opportunity to hear crucial evidence.

The circumstances of this case were discussed in an exchange of correspondence between Assistant Attorney General Will Wilson and myself, which I am glad to offer, Mr. Chairman, for inclusion in the record.

TITLE VII—REGULATION OF LITIGATION CONCERNING SOURCES OF EVIDENCE

Title VII of S. 30 would place certain very limited, but terribly important, regulations upon the conduct of proceedings to suppress evidence. The need for this legislation has developed gradually, to the point where today a real crisis exists in our courts and cries out for correction. Criminal defendants, and even some civil litigants, raise tenuous and unfounded claims that evidence against them somehow has been indirectly derived from alleged violations of their constitutional or other legal rights. They do this as a deliberate tactic to obtain delay or dismissal of the proceedings against them and to distract the public and the Government from determining their own guilt, and often can in effect convert the proceedings against them into proceedings against police or other officials.

That situation most commonly arises when an individual is the victim of an illegal police electronic "bug" at some time in his life and then, perhaps many years later, is charged with a crime which is entirely unrelated to the earlier bug. He delays and confuses the trial on the issue of his guilt, by filing a motion to suppress all the evidence against him on the ground that it was indirectly derived from the bug. He demands access to all the Government files concerning the bug, insists upon a lengthy factual hearing into the relationship between those files and the current prosecution, in which he summons Government agents to testify fully on the circumstances surrounding both the bug and the Government's evidence of his recent crime, argues that there is some possibility of a relationship between the two events, and if necessary appeals and seeks collateral relief from any conviction.

Present law permits a defendant to abuse a criminal proceeding in that way very successfully, primarily because of the broad and inflexible requirement laid down by the Supreme Court last year in the case of *Alderman* v. *United States,* 394 U.S. 165 (1969). There the Court held that, after a defendant has moved to suppress the evidence against him and has established that he once was the victim of unconstitutional electronic surveillance, the Government must show him confidential materials concerning the surveillance to aid him in proving that the evidence to be used against him in the criminal trial was indirectly derived from the surveillance. The Court did not permit a court to restrict disclosure to the defendant in order to screen out obviously irrelevant material, or to protect legitimate investigations or the reputations and privacy of third parties incidentally referred to in the files. Indeed the *Alderman* rule of disclosure contains no time limitation, so a defendant can seek suppression of evidence of events which occurred many years after the alleged violation of his rights. Where the suppression claim is stale and improbable, it becomes impossible reliably to determine whether suppression really would have ever been warranted, the harm done to Government operations and to others' reputations is especially gratuitous, and the opportunity for tactical harassment by a defendant of the Government are enhanced.

Experience has revealed that the type of disclosure *Alderman* requires often leads unnecessarily to flight by suspect, destruction of evidence, damage to the privacy and reputations of third parties when disclosed files are leaked to the press or made public by court order as was done last year in New Jersey, danger to undercover agents and informants, and deterrence of citizens from becoming witnesses. It has also been the experience that protective court orders confining disclosure to defendants and their counsel have not been effective.

For those reasons, the unlimited nature of the *Alderman* rule creates a dilemma for the Government and a bonanza for every defendant who at any time has been unlawfully surveyed: The defendant can commit crimes in the knowledge that, if he is charged, he automatically can file a motion to suppress all the evidence against him and the Government invariably will be required either to disclose its confidential files or, if disclosure would cause such harm to the Government or third parties that the Government cannot make disclosure, the defendant will obtain dismissal of the charges against him. Thus, in many cases the *Alderman* rule is, for a person who has been surveyed, literally a "license to steal"—and engage in any other activity of organized crime.

Such a defendant, when he is charged with a crime, invariably files a motion to suppress. The Department of Justice is encountering a great many such motions, based upon the unlawful surveillance conducted by the Department from 1961 to 1965, and the *Alderman* case has begun further to aggravate the problem of delay of criminal trials. That problem already was a disgrace to our judicial system. The President's Commission on Crime in the District of Columbia, for example, found that, in large part because of a great increase in pre-trial motions, the time needed to prosecute a District of Columbia felony case doubled between 1960 and 1965. The Commission suggested that because of what it considered "excessive" delays in criminal cases ". . . greater priority should attach to efforts aimed at accommodating . . . judicial and legislative requirements [regulating the conduct of trials and securing the rights of defendants] with the goal of expeditious handling of criminal cases." It is the aim of title VII to replace the one-sided and heedless *Alderman* decision with the kind of accommodation to which the President's Commission referred, thus reconciling the rights of a defendant with the interests of society, and doing justice to both parties.

The need for remedial legislation is well illustrated by the progress of the Federal Government's case against Felix (Milwaukee Phil) Alderisio following the Supreme Court's reversal of his conviction for committing extortion in Colorado in 1959. He was a co-defendant of Alderman himself, and the Supreme Court remanded Alderisio's case for full disclosure of the confidential files and a new hearing on his claim that the evidence against him was the indirect fruit of electronic surveillance.

The district court, after full disclosure and two and a half days of defense interrogation of numerous F.B.I. agents and supervisors connected with the surveillance, found that "there is absolutely no relevancy in any of the material from any of the logs of the electronic surveillance to any evidence offered at the trial of this case," and reaffirmed Alderisio's four and one-half year prison sentence for the extortion. (*United States* v. *Alderman,* Crim. No. 17377, U.S. District Court, D. Colo., July 7, 1969.)

Alderisio, still pursuing the dilatory tactics he had used since the extortion case began, appealed the district court's latest decision. Then, on January 30, 1970, the case finally was closed. Alderisio agreed to withdraw his appeal from the extortion conviction, and to plead guilty to a charge of possessing (as a convicted felon) 33 firearms confiscated from his home, and no defense to one of 21 counts of bank fraud—both committed while he was free during the extortion proceedings, which had begun when he was indicted in 1964. In return, he obtained the Government's agreement to drop the other 20 fraud counts and to let the new two-year sentence on the gun charge and five-year fraud sentence run concurrently with the extortion term. Since the new sentences are concurrent, they will add only 80 to 120 days to Alderisio's time in prison.

Alderisio, who has been identified as an enforcer and leader of loan sharking and gambling operations for La Cosa Nostra in the Chicago area, thus used the dilatory tactics title VII would curb to postpone beginning his punishment for extortion until 10 years after the crime and five years after indictment, remaining free in the meantime

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to commit bank fraud and a gun violation punished by only 80 to 120 days imprisonment—and this despite the fact that his motion to suppress was groundless and he was (he now practically concedes) guilty of all three crimes. The F.B.I., the Justice Department, and the Federal courts, on the other hand, spent a fortune and ten years obtaining his imprisonment. Society got a raw deal, and Alderisio, as the Chicago *Sun Times* reported (Sat., Jan. 13, 1970, p. 6, col. 1), said, as he walked grinning from the court, "I just made the best deal of my life."

Title VII contains three basic provisions. First, Title VII directs the opponent of a suppression motion, such as the Government in a criminal case, to admit or deny the occurrence of the alleged violation of the defendant's rights, on which the motion to suppress is based. Second, it permits a court to order disclosure of information in connection with the motion only if the court finds that the information may be relevant to the suppression claim, and that disclosure is in the interest of justice. Finally, the Title entirely forecloses consideration by the court of a claim that evidence of an event is inadmissible because supposedly it was indirectly derived from an unlawful act occurring more than 5 years before that event. These three provisions would fully protect the right of a defendant to have evidence which actually was derived from a violation of his rights excluded from any trial against him, but would prevent the abuses occurring under the present rule.

Enactment of Title VII is fully within the constitutional powers of the Congress since the *Alderman* decision was merely an exercise of the Supreme Court's supervisory jurisdiction over the lower Federal courts. Each of the three major provisions of title VII fully protects the right of a defendant to obtain exclusion of inadmissible evidence. The first requirement, that the Government admit or deny the occurrence of the alleged invasion of the defendant's rights, actually places or codifies a burden upon the Government, rather than the defendant. The second provision, eliminating any requirement for disclosure unless the information to be disclosed may be relevant and its disclosure is in the interest of justice, would bar disclosure only when disclosure would be patently abusive and improper. It might be applied, for example, in a case such as *Aiuppa* v. *United States,* 394 U.S. 310 (1969), in which an organized crime member who once had been overheard during an electronic surveillance was found by a forest ranger to have violated migratory bird laws. The present rule of Alderman requires massive disclosure even in such an obvious case or irrelevancy, and there can be no objection to providing for the kind of bare threshold screening of files that would exclude that kind of case from the disclosure requirement.

The third provision of Title VII, which would entirely bar consideration of suppression motions as to which more than 5 years had passed from the time the moving party's rights were violated to the time he committed the crime for which he is to be tried, similarly applies to only the most extreme and obvious cases in which the right to seek suppression is being abused. This provision, of course, preserves the rule that the *direct* product of the violation of the defendant's constitutional rights is always inadmissible. The provision deals only with motions to suppress evidence on the ground that the evidence was *indirectly* derived from other evidence obtained unlawfully.

The phrase "obtained by the exploitation of" carries with it this technical distinction. See *Wong Sun* v. *United States,* 371 U.S. 471 (1963). All that this third provision does is to recognize that it is virtually impossible that, for example, a wiretap conducted in 1970 can lead the police indirectly to evidence of a crime which the defendant does not even commit until 1976. Since that is the case, this third provision sets up a period of limitations, similar in some respects to the statutes of limitation which prevent the bringing of a criminal prosecution or a civil law suit more than a given number of years after unlawful conduct. This provision of Title VII, like those statutes of limitations, is designed in part to prevent the delay, expense, uncertainty, and injustice which result when stale claims, especially those which are as dubious as the ones covered by this provision of Title VII, are litigated long after the facts. That we should reach this result ought not be considered unusual. After all, the citizen who is the victim of unlawful police conduct, such as an unconstitutional electronic surveillance has not only the right to have the product of the surveillance excluded from any criminal trial against him, but also a civil cause of action under the Federal Safe Streets Act against the officer, while the officer himself is exposed to criminal punishment for conducting the surveillance. Nevertheless, it remains unquestioned that the officer's criminal responsibility, and his civil liability to the person surveyed, are both limited by statutes of limitations, which entirely bar criminal and civil proceedings, regardless of whether the evidence of the violation is perfectly clear. Since the third provision of Title VII forecloses only claims which are both stale and inherently improbable, there can be no reason to make suppression the only one of the three remedies for the officer's violation whch is subject to no "statute of limitations," even the limited one here proposed.

Together, the three principal provisions of Title VII will curb the use of dilatory tactics in cases in which they are obviously abusive, and will fully protect the right of defendants to obtain the exclusion of evidence which actually was illegally obtained, while protecting the public interest by aiding the proper functioning of our courts.

TITLE VIII—SYNDICATED GAMBLING

Title VIII, dealing with syndicated gambling and related corruption, was introduced at the instance of President Nixon, who in his Message on Organized Crime in April of 1969 described gambling profits as the "life line of organized crime" and placed high priority on an effective federal effort against organized gambling. The directors and managers of the major numbers, booking, and sports gambling operations across the country are, of course, the same Mafia leaders who engage in extortion, labor racketeering, corruption of legitimate business, and the panoply of other illegitimate enterprises which support organized crime. For various reasons, though, including the dependence of gambling operators upon the telephone, it is in their gambling businesses that the captains of these criminal conglomerates are most exposed to prosecution.[70]

Gambling also is unusual in the degree to which, since it necessarily is conducted in the view of a rather wide segment of the public, it must be protected by corruption of members of the executive, judicial, and even legislative branches of federal and state governments. Although most enforcement officials and prosecutors across the country are honest and diligent, it remains true that organized gambling must corrupt at least a few officials in each locality in which it is to flourish, and that Mafia controlled or licensed gambling today operates in every corner of the United States.

Title VIII provides new tools for curbing both the large-scale gambling operations themselves and the corruption of local officials on which they depend. Part A of title VIII contains special findings regarding the prevalence and methods of syndicated gambling. Part B would make it a federal felony for large scale gamblers and local officials to conspire to obstruct enforcement of state and local laws against gambling through bribery of the officials. Part C would provide the same punishment for the gambling operators who conduct such a major gambling enterprise.

The prohibitions in Parts B and C largely overlap existing laws in virtually every state, prohibiting the gambling operations typical of the Mafia and the bribery by which they are protected. There is no intent in this legislation, however, to preempt law enforcement efforts under those state and local laws; on the contrary, it is essential that the primary responsibility for enforcement of the gambling and corruption laws remain in the hands of state and local officials. Title VIII's expansion of the existing federal jurisdiction over gambling cases will improve such local efforts, not merely by providing an impetus for effective and honest local enforcement, but also by making available to assist local efforts the expertise, manpower, and resources of the Federal Bureau of Investigation, the Internal Revenue Service, and other agencies of the Federal government which, under existing federal anti-gambling statutes, have developed high levels of special competence for dealing with gambling and corruption cases. The International Association of Chiefs of Police has endorsed title VIII, recognizing it not as a substitute but as a valuable addition to state efforts.

Existing federal laws are not always adequate for that purpose, and unnecessarily limit federal jurisdiction. The harm done by that deficiency in federal law was well illustrated by the frustrating outcome of the Columbus, Ohio, gambling and police corruption case to which I referred previously. That case ended with an acquittal by a jury apparently convinced of the defendants' substantial guilt, but not of the federal authorities' jurisdiction under existing law. According to Assistant Attorney General Will Wilson, "the daily intake of one operator . . . was believed to exceed $15,000." Cases of that size, especially where local enforcement is crippled by corruption, are most appropriate subjects of federal jurisdiction, and title VIII would supply that lack in our law.

Mr. Chairman, it seems that public remarks dealing with the subject of gambling legislation and enforcement almost invariably begin with a recitation of the evils of unlawful gambling, its scope, and its indirect impact upon other forms of criminality—I did the same thing in beginning my remarks here today. However, it often appears that the message does not sink in with the public, many of whom remain apathetic about organized gambling, perhaps considering a 25 cent number bet or a $5 horse bet off the track to be a harmless diversion engaged in with a friendly tavern keeper. At the same time, the policies underlying the gambling laws of the federal government and the states have come under repeated attack, by some law enforcement experts as well as social scientists and others, as being unrealistic, futile, or unwise. It is time, I think, when illegal gambling profits annually run to many billions of dollars and federal and state governments devote large sums to attempts to control gambling, to undertake a study of gambling policy more thorough and comprehensive than any ever undertaken in this Nation. For that reason, title VIII contains a Part D which would establish, two years after its enactment, a commission to review national policy toward gambling. This commission would examine every aspect of the gambling problem, from data on the scope and types of legal and illegal gambling, to the broadest and most basic policy grounds upon which public and governmental attitudes towards gambling rest. Its proceedings and report would serve to enlighten the public on the relationship between local gambling and the national syndicate, and more importantly would provide the basis for a thorough reexamination by the federal and state governments of gambling policies, legislation, and enforcement practices.

TITLE IX—CORRUPT ORGANIZATIONS

Title IX of S. 30 is designed to prevent organized criminals from infiltrating legitimate commercial organizations with the proceeds of their criminal activities or with violent and corrupt methods of operation, and to remove them and their influence from such enterprises once they have been infiltrated.

Involvement of La Cosa Nostra leaders in legitimate businesses has become the rule rather than the exception. Indeed, Internal Revenue sources have revealed that among the 113 major organized crime figures in America, 98 are involved in 159 businesses. Among the business interests held by organized crime leaders are controlling interests in one of the largest hotel chains in America, a bank with assets of 70 to 90 million dollars, and a laundry business grossing 20 million dollars annually. Of all the dangers posed by organized crime to our society, this seems somehow one of its most frightening.

While these few examples of the extent of organized crime infiltration of business are themselves disturbing from the point of view of economic concentration of power, the most offensive aspect of this infiltration is the means by which it is accomplished and maintained. The corrupt and violent methods by which organized crime members conduct their gambling and loansharking operations are adapted as means of acquiring and operating businesses. Threats, arson and assault are used to force competitors out of business and obtain larger shares of the market. Building contractors pay tribute for the privilege of using non-union labor, while labor unions infiltrated by organized crime raise no objection. A corporation is bled of its assets, goods obtained by the corporation on credit are sold for a quick profit, and then the corporation is forced into bankruptcy while the criminals who infiltrated it disappear. Large sums in stocks and bonds are stolen from brokerage houses and banks, and then used as collateral to obtain loans. Income routinely is understated for tax purposes, so that mob businesses have competitive advantages over businesses which report all their income. These methods and others give such a competitive advantage to the mob enterprise that monopoly power is approached or gained, and prices are raised

Of course, all these unlawful means of acquiring and conducting businesses have been subject to criminal punishment all during the period in which their utilization has led the Mafia to a position of economic preeminence in our society. They have succeeded nevertheless, and that is because the criminal law simply has not been an adequate tool, by itself, to prevent and reverse such infiltration. Indeed, the processes of the criminal law seem to have been even less effective in the field of controlling organized crime infiltration of legitimate business than in controlling other types of organized criminal activity.

This is so because the criminal process has suffered from two major limitations as a means of protecting our economic institutions from this kind of infiltration. The first disability is procedural. Since a criminal conviction subjects a defendant to penalties involving loss of life, liberty, or property, our law quite properly has burdened the government in a criminal case with strict procedural handicaps, placing the government procedurally at a relative disadvantage. This one-sided character of the criminal process has been a handicap in the use of the criminal law as a means of avoiding infiltration of legitimate business by organized crime, just as it has hindered the use of the criminal law to curb other aspects of organized crime. Of course, while we may criticize or defend the precise contours of the procedural rules developed for criminal cases, none of us would deny that our law properly gives defendants considerable procedural advantages over the government in criminal cases, such as the requirement for proof of guilt beyond a reasonable doubt, the double jeopardy prohibition and so forth. Nevertheless, as much as we may approve such a scheme, we must recognize that the result is that the criminal law is a limited tool for dealing with organized crime infiltration of legitimate business.

The second disability of the criminal law as a means of dealing with that problem is the limited scope of criminal remedies, which traditionally have been limited to imprisonment and fine. While jailing or fining an organized crime leader is appropriate and effective in some respects, too often the organized crime leaders' business, like his Mafia family itself, is managed by subordinates in his absence and restored to his control when he is released from prison. Thus, criminal sanctions of the traditional kind are not effective to remove the unlawful influence from the legitimate organization.

The purpose of title IX is to fill these gaps in our power to deal with criminal infiltration of legitimate organizations. To the criminal penalties of fine and imprisonment is added the criminal sanction of forfeiture. By reviving the remedy of criminal forfeiture, which was used extensively in England and to a limited degree in the colonies but has found virtually no application in the United States, title IX would provide an effective adjunct to a criminal prosecution: it would punish the criminal appropriately by forfeiting to the government his ill-acquired interests in a legitimate business, and directly aid the business community by expelling him from the legitimate business he had abused. The government would have to dispose of the forfeited interest as soon as reasonably possible, and could sell the property in such a manner as to ensure that the enterprise was not again infiltrated by the convict or his criminal associates. Since the convict would not be compensated for the forfeited interest, the forfeiture would be a criminal one, and could be applied only if the individual's guilt were proven beyond a reasonable doubt in a criminal trial.

In addition to this innovative criminal penalty, title IX contains important civil provisions which in some respects are superior to the criminal process' remedies and procedures. As to remedies, title IX adapts the equitable remedies long applied by courts of equity and brought to their fullest development by federal courts applying the antitrust laws, as a means of requiring individuals who have used racketeering methods to acquire or operate legitimate businesses to divest themselves of their ill-gotten interests and to refrain from re-entering the same lines of business. In extreme cases, the civil remedies could include even the court-ordered dissolution of a business found to be corrupted from top to bottom.

Since these civil sanctions would be remedial rather than punitive, title IX also adapts the full range of procedures used in other civil cases to the organized crime context. Since a civil proceeding under title IX would not place a defendant in danger of imprisonment or other penalty, the federal rules of civil procedure would apply, and the government, like the defendant, would have rights of amending pleadings, discovery, appeal, and the other facets of procedural equality denied to the government in criminal cases. In addition, title IX grants the government the power to issue civil investigative demands comparable to those found to be so effective in the antitrust laws.

The improved remedies and procedures of title IX offer the first real hope for advancing the federal effort against organized crime beyond the level of imprisoning and fining those few organized crime members who can be convicted by the rigorous method of the criminal trial, and promise to provide a vehicle for cleansing the streams of commerce of one of their most harmful pollutants.

TITLE X—SPECIAL OFFENDER SENTENCING

Finally, Mr. Chairman, there is title X, which would add four new sections dealing with sentencing to title 18 of the United States Code.

The first section, authorizing extended prison sentences for carefully defined categories of particularly dangerous special offenders, would permit a federal prosecutor to file a notice before the trial of an adult felony defendant stating any grounds for finding him to be within the definition of a "dangerous special offender." The section defines the concept of dangerousness and the types of special offender: recidivist, professional offender, and organized crime offender. If the defendant is convicted of his felony beyond a reasonable doubt, the court then holds a full sentencing hearing with substantial presentence report disclosure and rights to notice, counsel, compulsory process, and cross-examination. If the facts sustain the special sentencing allegations, the court can impose a sentence appropriately higher than the ordinary maximum, though in no case can the special sentence exceed 30 years, and the court must record its findings and reasons for the sentence.

The other three sections of title X authorize appellate review of special offender sentences at the instance of the defendant or the government, codify the right and duty of a federal court to consider the fullest information possible in determining an appropriate sentence, and establish within the FBI a central repository for copies of conviction records to be admissible, for example, in sentencing proceedings or for impeachment purposes.

Title X would begin to correct the present tendency to concentrate the development and refinement of criminal law in the areas of procedure and substantive prohibitions, to the relative neglect of sentencing. Since the great majority of federal defendants plead guilty, sentencing is the most important stage of the criminal process to most defendants and the only significant stage for many of them. Nevertheless, while the prohibitions and procedures of criminal law have been elaborated and, some would say, tortured into extreme complexity and sophistication, federal law concerning sentencing has remained primitive and, especially in organized crime cases, utterly inadequate.

The basic defect in our sentencing law has been that, for a given crime, every offender has been exposed to a single maximum authorized punishment set by the Congress, while a sentencing court's choice of a particular sentence at or under that maximum has not been reviewable by the appellate courts. That defect has led the Congress, in setting maximum sentences for various crimes, to establish those maximums at compromise levels which reduce the risk of abusively high sentences for ordinary criminals, but are too lenient to protect society by confining recidivists, professionals, and organized criminals.

Federal and state racket prosecutors for years have been aware of the insufficiency of sentences imposed on organized crime leaders. Their experience was confirmed recently by the results of a staff study by the Senate Criminal Laws Subcommittee based upon sentencing data gathered by the Fed-

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eral Bureau of Investigation. That study can be found in the Congressional Record of November 17, 1969. Therefore, let me simply mention now that we found that two-thirds of La Cosa Nostra members included in the study and indicted by the Federal government since 1960 have faced maximum prison terms of only 5 years or less, and that nevertheless fewer than one-fourth have received the maximum sentences, 12 percent have received no jail terms, and the sentences of the remainder have averaged only 40 to 50 percent of the maximums.

I have described several egregious individual examples of inadequate sentences for racket leaders in a recent article in the *Reader's Digest*. Rather than take the time of the Committee today by repeating several of those examples, let me simply refer to one of them, the case of Joey Glimco. The labor racketeering investigations of the Senate Select Committee on Improper Activities in the Labor or Management Field established that Glimco, a top Chicago henchman of Teamster boss James Hoffa and ruler of Chicago Teamster Local 777, embracing 5,000 taxi drivers and miscellaneous maintenance workers, was a mobster who could match criminal careers with the worst: his record included 36 arrests from robbery to murder. The Committee's final report required 56 pages to detail his marauding, and concluded:

"Glimco was shown to be a common thug and criminal who gained control of this union by violence and by those strongarm methods which are a stock-in-trade of the Chicago racketeer. Under Glimco, local 777 became a captive union. He ruthlessly stifled any opposition by the membership, while he ransacked the union treasury."

In February of 1959, Glimco was allowed to plead guilty to having taken gifts, ranging from turkeys, to a large sprinkler system, to his $5,000 Jaguar, as payoffs for a bogus contract that protected a businessman from the organized efforts of legitimate unions. Investigation and prosecution cost the government well over $200,000, but resulted in a four-count indictment that could have resulted in a four-year prison term. Nevertheless, Glimco received from the court only a $40,000 fine—no jail term whatsoever.

Title X will both promote more effective sentences for organized crime leaders and begin the process of rationalizing our federal sentencing law, by implementing the principle, approved by the Department of Justice, the American Bar Association, the National Council on Crime and Delinquency, the American Law Institute, and the President's Crime Commission, that every crime should carry not only a sentence for ordinary offenders, but also a greater maximum for more dangerous offenders.

All three of title X's definitions of special offenders—organized crime offenders, professional offenders, and recidivists—will apply in some cases to hard core members of large criminal syndicates. For example, the staff sentencing study I referred to previously indicated that almost 60 percent of Mafia members included in the study would, on conviction of another federal felony, qualify under title X as recidivists.

More importantly, the three definitions have been so drawn as to accurately define the three types of offenders who should be singled out for special sentencing treatment, regardless of their relationship to La Cosa Nostra. Again, recidivists are an obvious example. The staff sentencing study revealed that 68 percent of all persons arrested on federal charges during the period of the study who would have qualified as recidivists under title X accumulated an average of 4.3 charges per offender following those federal arrests. Now that the National Commission on the Causes and Prevention of Violence, like other investigations and authorities before it, has documented again the key role that recidivism plays in our exploding crime problem, we must at last enact a federal general recidivist statute.

The provisions of title X authorizing appellate review of sentences are very important for defendants who are shown under title X to be especially dangerous to the community and are made subject to exceptionally long sentences. Those provisions implement a recommendation of the President's Crime Commission that:

"There must be some kind of supervision over those trial judges who, because of corruption, political considerations, or lack of knowledge, tend to mete out light sentences in cases involving organized crime management personnel. Consideration should therefore be given to allowing the prosecution the right of appeal regarding sentences of persons in management positions in organized crime activity or groups. Constitutional requirements for such an appellate procedure must first be carefully explored."

Rulings announced by the Supreme Court during its last term, and careful hearings into the legal and constitutional facets of appellate review of sentencing can be applied as this title does within constitutional bounds. The provisions have been drawn in the light of those decisions and hearings, so as to preserve individual rights under the due process and double jeopardy clauses. Appellate review of sentences under title X will not only permit correction of unjust sentences in individual cases, it will also encourage the development of sentencing principles and enhance respect for our system of criminal justice.

The section of title X preserving the federal courts' access to full information for sentencing follows the lead of the Supreme Court in *Williams* v. *New York*, 337 U.S. 241 (1949). Like the *Williams* decision, this section rests on modern penological concepts of individualizing punishment to fit both the crime and the criminal.

The last section of title X authorizes the establishment within the Federal Bureau of Investigation of a central repository for copies of judgments of conviction with fingerprints of defendants attached. Federal law enforcement agencies are required to participate by forwarding records to the repository, and are given access to the contents of the repository. The states are given similar access on condition that they furnish copies of their conviction records.

Records from the repository will be extremely useful to both state and federal law enforcement agencies, since they can be used in court to impeach the testimony of witnesses, to establish prior convictions which are a predicate for enhanced punishment of recidivists or other special offenders, and to establish the fact of a conviction in any case in which the conviction otherwise becomes material. The section includes an express provision making the contents of the repository admissible in federal courts. At the present time, similar records are admissible in federal and state courts, but are difficult to locate and then can be obtained only by writing to the individual federal and state courts in which the convictions occurred. In addition, such records ordinarily are not kept and indexed with fingerprints, so the use of aliases often prevents the obtaining of a comprehensive set of admissible copies of convictions for a particular defendant. Enactment of this section will permit every federal and participating state police or prosecuting agent to obtain a complete and fully admissible record of all of a defendant's convictions simply by submitting his fingerprints, name, and other basic data to the central repository. The saving in time and money, and the increase in efficiency, can be expected to be dramatic.

It is important, however, that the FBI have sufficient time to establish the repository without disrupting its just inaugurated computerization project, a project that has only begun to offer the hope of quick fruition in the last two weeks. The Bureau must also be accorded administrative flexibility to establish and revise efficient forms and procedures. (State legislatures will need time to enact legislation authorizing state participation in the repository and establishing admissibility in state courts, and federal and state courts and agencies will need some time to develop procedures for processing information handled by the repository.) This new development in computerization now leads me to urge that the Committee amend this section to authorize the Attorney General to make regulations concerning forms and procedures, leave the language of the section itself in terms of a general authorization, and give the Department of Justice discretion to establish the repository at any time within a three year period following enactment of the statute, rather than immediately.

Certain technical amendments to title X's provisions on appellate review of sentences are also desirable. They would clarify the applicability of the appellate review provisions to review of correction or reduction, as well as imposition, of a sentence, and simplify the terms used. They would further clarify the intent that the prohibition against increase of a sentence where the Government had not taken review would be applied, in the context of review of correction or reduction of a sentence after the Government had failed to take review of the original sentence, to prohibit increase of the sentence above its original level.

The substance of the amendments, and some discussion of their interpretation, appear in the Congressional Record in the Senate debate on S. 3246, the "Controlled Dangerous Substances Act." (CONGRESSIONAL RECORD p. 1323, Jan. 27, 1970.) Key sentencing provisions of that Act were largely modeled on those of S. 30, and included the technical amendments to which I now refer when the Senate passed S. 3246 by a vote of 82 to 0. (CONGRESSIONAL RECORD, pp. 1671, 1679, Jan. 28, 1970.)

The amendments also appear in H.R. 16134, introduced by Congressman Fascell on February 24, 1970. H.R. 16134 duplicates S. 30 except for these technical amendments.

These amendments will make explicit the intended reconciliation between sentence reduction by the trial court, and sentence review by the appellate court. They have my full support.

CONCLUSION

Mr. Chairman, every one of the ten titles of this bill, which I have just described, has roots in measures jointly introduced in the Senate by Republicans as well as Democrats. Once those original bills had been introduced, the Senate Judiciary Committee's Subcommittee on Criminal Laws and Procedures, which I am privileged to chair, held comprehensive and detailed hearings on the measures. We solicited and received written views and recommendations from law professors in the respective fields. The Subcommittee and its staff devoted a great deal of study to those comments. We examined two decades of proposals made by such distinguished bodies as the President's Crime Commission, the American Bar Association, the National Council on Crime and Delinquency, the American Law Institute, the National Commission on Reform of Federal Criminal Law, and many others. Indeed, I think I can say that we have considered virtually every major organized crime proposal made in the past 20 years, and have incorporated in this measure many of those that were found to be important, valid, and constitutional.

I add, too, that the Subcommittee held a series of executive sessions to consider this

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material. It made numerous perfecting amendments in the bill before reporting it favorably to the full Judiciary Committee, from which it was then reported to the Senate. On the Senate floor, the bill was thoroughly debated. Several amendments were offered and considered. It is quite significant, I think, that only one Senator voted against its passage. The votes on the amendments, like the vote on final passage, were bipartisan.

Mr. Chairman, I believe it is the exhaustive study and consideration which this bill received in Committee on the Senate side that permitted it to command the bipartisan and nearly unanimous support of the Senate. We made full use of the opportunity for study, analysis, redrafting, and further redrafting, to produce in every title of the bill an appropriate accommodation between the interest of society in controlling crime and the rights of every individual to a fair procedure and just laws. Often, we found it was possible to design a provision in such a way that the particular procedure in question infringed no substantial interest of any individual simply by using careful definition and including full procedural guarantees. Where that was possible, we did so. In other cases, we found that due enforcement of the laws necessarily placed a burden or a risk on some individual interests. Where that was the case, we assiduously drafted and redrafted the provisions to minimize the impact upon individual interests and to balance them appropriately with the interests of society, scrupulously avoiding all conflicts with constitutional guarantees, and often giving individual defendants and others more rights than the minimum required by the Constitution.

The degree of success we have achieved in developing provisions which combine effectiveness with fairness is indicated by some of the endorsements those provisions have received. Title I's authorization of special grand jury reports criticizing identified local officials, for example, has been approved by the National Association of Counties and the International Association of Chiefs of Police. Although some of their members are potential subjects of such reports, those associations are responsible, highly-regarded exponents of effective action against crime and corruption. They have recognized title I as a balanced, fair proposal, and have strongly endorsed it.

S. 30 promises to strengthen the protection of society from the ravages of organized crime, while at the same time making secure the constitutional rights and legitimate interests of the accused. Its reconciliation of the competing interests of society and individuals has been informed and guided by an approach to criminal justice well-expressed by Dean Roscoe Pound when he wrote:

"Civilized society presupposes peace and good order, security of social institutions, security of the general morals, and conservation and intelligent use of social resources. But it demands no less that free individual initiative which is the basis of economic progress, that freedom of criticism without which political progress is impossible, and that free mental activity which is a prerequisite of cultural progress. Above all it demands that the individual be able to live a moral and social life as a human being. These claims, which may be put broadly as a social interest in the individual life, continually trench upon the interest in the security of social institutions, and often, in appearance at least, run counter to the paramount interest in the general security. Compromise of such claims for the purpose of securing as much as we may is peculiarly difficult. [Nevertheless,] . . . in criminal law, as everywhere in law, the problem is one of compromise; of balancing conflicting interests and of securing as much as may be with the least sacrifice of other interests."

We must not, however, in Pound's terms, indulge in an "excessive solicitude" for defendants, nor should we erect "technical obstacles" to a realistic and fair accommodation of society's need for protection and the rights of individuals. S. 30 is, I suggest, neither excessively solicitous of those accused, nor does it accord too much weight to the interests of society. It is, in short, what is needed by all: a fair balance. I hope and believe that upon this Committee's careful examination of S. 30, you will agree that it is an effective treatment of this difficult problem, ensuring equal protections and justice both for society and for the individual citizen.

Mr. Chairman, I urge that you give S. 30 expeditious and favorable consideration. I believe that this Nation is feeling what can only be described as "a tremor of righteous indignation." Peaceful, law-abiding citizens are becoming incensed at the prevalence of professionalized and organized lawlessness. They are demanding, as last week's Gallup Poll showed again, that the government give efforts to reduce crime priority over all other domestic programs.

Mr. Chairman, the public is demanding that we recognize that the right of society to be safe transcends the right of the criminal to be free. The public is aware that existing federal law lacks a number of necessary tools for dealing with the crime syndicate, but it believes those tools can be provided within the framework of the Constitution. Only by processing this bill to final enactment this year can the Congress meet its responsibility and truly respond to the urgent demand for wise and courageous action to rescue our society from the sickness and peril that organized crime has inflicted upon it.

Thank you.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The total gross national product of the United States in 1967 exceeded that of every region in the world. The U.S. GNP totaled $789,700,000,000 compared to $589,478,000,000, the combined total of all the countries of Western Europe.

POSTAL REFORM VERSUS RIGHT TO WORK

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include a letter.)

Mr. GROSS. Mr. Speaker, on May 22, the gentleman from Arizona (Mr. UDALL) placed in the RECORD a statement denouncing what he described as the "alarmist mail that threatens to undermine the effort of the Nixon administration to reform the Post Office Department."

The reference was to mail we have all been receiving which calls attention to the fact that the provisions of H.R. 17070, the Postal Reorganization and Salary Adjustment Act of 1970, pave the way for compulsory unionism of employees of the reorganized postal service.

It is interesting to watch Mr. UDALL, an eager candidate for the majority leadership, rush to embrace and defend the Nixon administration. In contrast, the chief lobbyist for a postal corporation and cochairman of the Citizens Committee for Postal Reorganization, Mr. Larry O'Brien, has not seen fit lately to praise any aspect of the present administration. It makes you wonder who has his signals crossed.

The gentleman from Arizona stated to the House:

> "Right to work" is not an issue in postal reform. The bill reported by the Committee on Post Office and Civil Service neither advances nor retards the "right to work" movement; it leaves it precisely where it is now. It retains the status quo.

Either the gentleman from Arizona and I have not read the same bill, or we differ on our definition of the status quo.

Under existing law, the standards for examination, certification, and appointment in the competitive civil service, as found in sections 3301–3364 of title 5, United States Code, apply to postal employees just as they do to employees in other departments of the Government.

The policies governing all Federal agencies in their dealings with Federal employee labor organizations are set forth in Executive Order 11491, under the title of Labor-Management Relations in the Federal Service, and signed by President Nixon on October 29, 1969.

This Executive order states, in section 1 of its General Provisions:

> Each employee of the executive branch of the Federal Government has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

In other words, a national "right to work" regulation exists for all Federal employees in the executive branch of Government.

The existing provisions of the Labor Management Relations Act of 1947 specifically exclude from its coverage the United States or any wholly owned Government corporation as an "employer," and specifically exclude Government employees as well.

This, Mr. Speaker, is the status quo.

The bill, H.R. 17070, makes several significant changes.

First, while the postal service will remain in the executive branch, postal employees under this legislation are removed from the competitive civil service and placed in a category of "postal career service." Appointments, promotions, and other personnel action will be governed by procedures established through collective bargaining.

Second, it nullifies the provisions of Executive Order 11491 as they would apply to the postal service.

Third, it makes the provisions of the Labor Management Relations Act of 1947 applicable to the postal service and

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its employees. The significant application of the Labor Management Relations Act permits a union and an employer to make an agreement requiring all employees to join a union in order to retain their jobs.

Thus, this legislation takes a Federal executive agency and its 750,000 employees and places them under the coverage of a statute from which they are now excluded.

For the first time in our history, a group of Federal employees and those individuals who aspire to work for the Federal Government in the postal service, would be faced with the prospect of union membership as a condition of employment, and could be dismissed for failure to join a union if a union shop agreement is entered into.

The gentleman from Arizona makes the point that nothing in H.R. 17070 disturbs the provisions of section 14(b) of the Taft-Hartley Act, which permits the States to enact "right to work" laws. This is true, but that statement could not be more irrelevant. Section 14(b) of the Taft-Hartley presently has no application to Federal employees. What this legislation does is to deny Government employees in the postal service the absolute right to refrain from union membership—a right they presently enjoy under Executive Order 11491.

The issue that this legislation presents is simple: Is it proper that a Government employee be required to join a union in order to hold his job?

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It is my opinion, Mr. Speaker, that such a requirement is highly improper and contrary to the entire body of policy which has evolved under the Federal competitive civil service system. The bill, H.R. 17070, overturns civil service policy as it pertains to 750,000 postal employees, and it paves the way for erasing the civil service merit system in all Federal departments and, throughout the country, at every level of Government.

Mr. Speaker, as might have been expected, Postmaster General Winton M. Blount has now joined the gentleman from Arizona in attempting to convince Members that compulsory unionism is not an issue in the consideration of so-called postal reform legislation.

In a letter which I assume went to all Members, the Postmaster General is just as far off base as the gentleman from Arizona. I regret that he would try to confuse the issue by stating that there is some "misunderstanding of this aspect of the bill." To the contrary, the issue is clear.

I call to the attention of my colleagues the text of my response to the Postmaster General's letter:

MAY 28, 1970.

Hon. WINTON M. BLOUNT,
The Postmaster General, Post Office Department, Washington, D.C.

DEAR MR. BLOUNT: In your letter of May 26, 1970, you state: "Neither the Administration nor the Post Office Department has ever proposed that there be a union shop in the Postal Service."

Having made this statement, I find it incredible that you would refuse to support this simple amendment to H.R. 17070:

COMPULSORY UNIONISM

Add a new subsection to section 222 to read as follows:

"(b) Each employee of the Postal Service has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from such activity, and each employee shall be protected in the exercise of this right."

I would remind you, Mr. Postmaster General, that the Republican Party made a solemn pledge to the voters in our 1968 platform "to protect Federal employees in the exercise of their right freely and without fear of penalty or reprisal to form, join or assist any employee organization or to refrain from any such activities."

That you would see fit to ask Republican members of Congress to repudiate this pledge is unpardonable. I for one have no intention of doing so. It is also unpardonable that you would attempt to confuse the issue involved by asserting that there is some "misunderstanding of this aspect of the bill."

There is no misunderstanding, Mr. Postmaster General. To the contrary, the issue is clear. The bill would in fact permit compulsory unionism in the Postal Service, in direct contradiction to long-standing federal policy, publicly stated and declared by the last three Presidents of the United States.

Your suggestion that "the basic policy issues involved in the union shop question should only be considered in the context of an appraisal of the general labor law" is totally unacceptable to me and I trust will be summarily rejected by the House of Representatives.

The issue can and should be settled now; not at some time in the unforeseeable future.

Sincerely,

H. R. GROSS.

MINE EYES HAVE SEEN THE CENSOR

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. FASCELL. Mr. Speaker, Mr. Burnet Hershey, acting chairman of the Overseas Press Club Foundation, has written a very timely article. "Mine Eyes Have Seen the Censor" is a historical analysis of the rules and regulations that GI correspondents and newscasters have faced throughout this century. Mr. Hershey's article appeared in the Overseas Press Club publication, Dateline, well before the recent GI newscasters' cries of censorship were heard. From time to time the intensity of dispute and criticism increases so it is important to have this review from an experienced hand who can put some perspective into a discussion that he has been personally involved in for over half a century:

MINE EYES HAVE SEEN THE CENSOR

(By Burnet Hershey)

Two very young GI newscasters are in the military dog-house today because they accused the U.S. Command of wielding the censor's scissors on their staff—"suppressing unfavorable news and having our scripts distorted." One of these young Army broadcasters, on his Armed Forces Radio show, exploded a bomb as deadly as any mortar salvo when he told his listeners that he and his buddies were "not free to tell the truth."

Specialist S/Robert Lawrence said that he and eight other members of the news staff had signed a letter asking the Army network for a clear definition of censorship policy. He said the request "was totally ignored." He also charged that "significant network news reports concerning the Vietnamese government, a local peace demonstration, and black market activities in Saigon recently were banned" from the network. He also said that he had been told that he could not select film for the war portions of his telecasts because his choices were unfavorable to the South Vietnamese government.

Now in the semantic jungle where we swing from tree to tree—and often hang ourselves by our own rope—this started out as the old and tired gripe of the "credibility gap." Then it sprouted into a hassle about "military justice." Now, it seems it has finally burst its army-beef cocoon and has emerged as what it really is—the complaint of the "generation gap." Maybe in Saigon it was blown up to look like a freedom-of-the-press issue. At home we have been living with the Agnew-Mitchell controversies, the network jousts, and the public and private autopsies on the communications profession, so why all the concern with a couple of GI newscasters, one of whom was ordered back to driving a truck, while the other probably was assigned to a tour of latrine duty.

Not to overstate its importance, but the entire matter may now have to undergo reexamination and perhaps a Defense Department revision of the rules laid down in all three big wars for the establishment and conduct of field press censorship in combat areas. Specifically, it may call for a reappraisal of the rules governing armed forces news and newsmen.

Everyone knows and understands that both the military and the civilian press have been arguing about freedom and censorship for over half a century. Historical analysis of the ground rules discloses that, while the controversy may have existed in every war, there have been periodic adjustments and even a measure of liberalization. As a matter of fact, because the Vietnam war is not a "declared" war, no formal censorship has actually existed.

The Basic Field Manual, with its insistence on compliance by all communications media has always existed. It has never changed and remains as rigid as the oath of loyalty. A capsulated statement of its principal objectives is worth noting:

Field press censorship (says the army), will be governed by the principle that the maximum of information will be released to the public with a minimum time consumed in review, while denying the enemy information which would enable him to prosecute the war more effectively. Following this principle, news material will be released unless it:

1. Will supply military information of value to the enemy; or
2. Will have an adverse effect upon the combat efficiency of our forces or those of our allies; or
3. Is false or inaccurate in respects which are detrimental to our forces or those of our allies and of service to the enemy.

It is emphasized that field press censorship is exercised for security only, and that news material will not be deleted or stopped on policy grounds. The field press censor is concerned only with preventing the transmission of information which will aid the enemy. His authority will not be used to prevent the transmission of news upon the grounds of anticipated adverse reaction by the American public.

Fundamentally, no American has ever quarreled with these basic assumptions. And, much freedom has been allowed which cuts the censor down to tolerable size.

No dispatches between army censors and newsmen were more abrasive than the storms which were kicked up by General Pershing in World War I and General MacArthur in the Korean War. Only a handful of correspondents are alive today who remember the rebelliousness of the New York *Tribune* correspondent in World War I, Heywood Broun—the brittle, non-conforming muckraker of his time; or the angry, youthful Westbrook Pegler who attacked censorship; or Floyd Gibbons, then sans eye-patch, with his irreverant, almost contemptuous approach to the military leadership; or Tom Johnson (former OPC Vice-President, now living in St. Paul); or Wythe Williams (founder President of the OPC) and their challenges of brass and censor in dispatch after dispatch. Some of these men had their accreditation revoked and were sent home; others were disciplined in various ways. But none of them ever knowingly jeopardized their country's security or honor.

Perhaps it is all best summed up by the long forgotten sign, crudely painted by Lt. Gerald Morgan, a top-drawer magazine writer of his time, and a pal of Richard Harding Davis, who became Pershing's chief censor. Censorship headquarters consisted of an old store in the city of Neufchateau. I think it had formerly been a bakery and it had the usual iron shutters under which was the proprietor's name. Here, through a roughly constructed cage, the American war correspondents covering World War I passed their dispatches to the censors who were working in the rear. Right over the cage, so that it could be seen by all, was a little sign in a tarnished gilt frame which read: The greatest story in the world is not worth the life of one American soldier.

Have you ever read Black Jack Pershing's wire to the War Department at a critical moment in the AEF annals? Tough as he was on the subject of censorship, Pershing passed this legacy on to Marshall, and Marshall must have handed it down to Eisenhower:

"Regret that—word—reached press correspondents resulting in submission of articles which censor has held not because of misrepresentation, but in order to avoid appearance of our presenting through press matters already sent you officially, suppressing these dispatches subjects us here to charges of keeping back information which press reasonably claim American people are entitled to know, such views must undoubtdely reach public in some manner, as criticism seems inevitable. Probably best not wait until it is published from hostile source but accept it from friendly source instead. Recommend, therefore, release to correspondents stories involving temperate criticisms on supply developments where they are known to be well founded. Early action a request.

"PERSHING."

To emphasize how muddled official thinking had been about censorship, the very liberal Secretary of War, Newton Baker, cabled his answer to the conservative, rigid soldier, Pershing: it was an emphatic "No."

All these restrictions, rules, do's and don't's were later expanded by an announcement that our State Department considered it "dangerous and of service to the enemy" to discuss differences of opinions among the Allies or difficulties with neutral nations. Finally, it was added that even speculation about peace might be dangerous!

Thus American newspapers had general principles to follow, but were forced to use their own judgment in conforming to them. No responsibility was accepted by the censorship organization, and the newspapers which made serious errors in judgment were subject to prosecution under the Espionage Act of 1917. This act imposed a maximum penalty of $10,000 fine and twenty years imprisonment upon those who interfered with draft operations or made false statements with intent to retard the success of the armed forces or attempted to incite disloyalty—the last being an especially ambiguous phrase. The act was later amended to include anyone who discouraged the sale of Government bonds; obstructed the making of loans by or to the United States; incited subordination, disloyalty, or mutiny; uttered, printed, wrote or published any "disloyal, profane, scurrilous or abusive language about the form of government of the United States," its Constitution, armed forces, or uniform; issued language intended to bring them into "contempt, scorn, contumely or disrepute;" discourage production of war necessities; or taught, defended, or suggested the doing of any of those things. Possibly this system begun under the initial war hysteria which swept the country in 1917, might have been modified if the war had lasted longer. As it was, war censorship was still in effect at the time of the Versailles peace negotiations, and American correspondents there found themselves, like their colleagues of other countries, apparently doomed to be shut out from the essential meetings of a conference which was showing scant respect for President Wilson's advocacy of "open covenants, openly arrived at." The way was now paved for newsmen and press officers alike to profit—but only partially—by the mistakes made in that first big war.

When World War II broke out, a more efficient, more sophisticated information branch had been conceived, full of promising beginnings, although a lot of improvising went on. By the time General Eisenhower had been given his command, the framework for a press and censorship section was ready to function. It turned out to be a gigantic operation with, eventually, some 1500 journalists, writers, photographers, radio broadcasters and artists accredited, indoctrinated and shipped to the scene of the action. To this small army was added the large corps of combat correspondents, whose place in the war-time apparatus of the U.S.A. had just really been established. One could hardly call the World War I *Stars and Stripes* a combat newspaper, nor its brilliant editors and reporters, combat correspondents. In World War II Alexander Woollcott, a frying pan strapped to his bulging waist and a shawl over his dirty uniform, spent some nights in the French mud dodging shrapnel. In Korea and Vietnam over one hundred combat newsmen lost their lives. Sixty-two of this number died covering the news in Vietnam.

The first few weeks after censorship was imposed in Korea, there were a few mistakes, a certain amount of confusion, and many publicly aired arguments. Most of this was due to the fact that both censors and correspondents were as yet unfamiliar with all the censorship regulations and the army's do's and don't's. This soon became the old problem of how to balance freedom of the press with military security. Added to this were political considerations and the sensitivities of more than a dozen "allies" of this United Nations "police action." General MacArthur and his two-star press officer were giving the boys a hard time. For example, double censorship was imposed and caused a veritable black-out of news from Korea. Under the plan, all news stories from Korea first had to be cleared by 8th Army censors and then transmitted to MacArthur's headquarters in Tokyo for double checking. The irony of this "security" plan was the fact that all news from Korea moved by telephone or teletype which could be monitored by the Reds or anyone else. One correspondent who attempted to write about censorship had his first story killed by MacArthur's censors.

During war, songs celebrating a variety of topics spring up, and it was inevitable that war correspondents should have songs about the censor. The Korean war song was sung to the tune of "The Battle Hymn of the Republic," and it went as follows:

Mine eyes have seen the censor with the copy on his knee;
He was striking out the passages that mean the most to me;
This sentence hurts morale as it's defined in Section Three—
This passage must come out.
And the chorus goes:
Glory, glory to the censor,
Glory, glory to the censor,
Glory, glory to the censor,
This passage must come out.

Something happened between the wars that influenced a few changes in press and censorship management. It had nothing to do with how to handle unruly correspondents or how to set up barricades against them. From a half century of experience in our three big wars I was able to put my finger on this change. *The declension of the brass hat had taken place.* I recognized the final stage when I ran into some officers with whom I had worked in Africa and Europe. There they were just commonplace human beings in undistinguished mufti, on their way to one of the innumerable monthly board meetings of a military industrial complexity. One was en route to the Blue Ridge mountains to play golf. He was not even called to Washington when war came again. Some had remained admirals and generals in the world of public relations, others had taken to writing books, and some tried a little politics.

New, younger officers replaced them and they took another look at the rules, rules, rules, and some of those rules got a real trimming. Vietnam has been a tough, but fairly untrammeled beat, because of some of these young officers. But they had to learn from the older ones. Not just about the new instruments which had increased the range, speed and variety of mass communications, but lessons about reporters and photographers and their problems and responsibilities. Eisenhower must have learned from Pershing that you cannot tamper with public opinion at home and that censorship was a hot potato.

Westmoreland, Abrams and Wheeler inherited the books from Eisenhower and Bradley and unquestionably brought the press and armed forces into the new decade, and the Vietnam war into its proper perspective—as a political, ideological war. Of course, there are still many smoldering differences over the quality of reporting. Newsmen themselves are divided on matters of editorial vs. factual dispatches, the credibility of U.S. officials and criticism of ARVN and of Saigon politicians.

These men were sons of World War I, they had fought World War II and Korea and they have no intention of leaving World War III to be finished by *their* sons. They may not yet be sure how that can be prevented; it is not yet within the scope of their objective. But it will not be forgotten or neglected.

How well aware they are of the irresponsibility of the 1918 veterans. Ernie Pyle once put it in one quoted sentence: "Those bluenoses back home better not try to put prohibition over on us while we're away this time!" That was an immediate objective because they regarded it as an immediate danger. And in the future each such threat will be resisted in turn as it presents itself clearly, but not in raucous voices of doom and rebellion.

DISTRICT OF COLUMBIA RESIDENTS OPPOSED TO HIGH INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, last week, the House of Representatives went on

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record against high interest rates and against the destruction of local usury laws.

The vote was 176 to 118 against exempting FHA and VA mortgages from the District of Columbia's 8-percent ceiling on usury.

In taking this position, the House rejected the now well-worn cliche that higher interest rates can somehow assist housing. This is a fallacious argument that every available housing statistic refutes.

Each increase in interest rates prices another segment of the population out of the housing market. Today, we have allowed interest rates to rise to such astronomical levels that only the affluent can afford decent housing. In fact, under the present interest rate structure, an income of at least $12,500 is needed to properly qualify for an FHA-insured home mortgage.

Mr. Speaker, I am still mystified by the manner in which the District of Columbia usury bill was brought to the floor. I am still puzzled by the fact that that bill would have allowed one group of mortgages—Government-backed mortgages—to bear interest rates above the usury ceiling, while the conventional mortgages—the type of mortgage used by the most affluent—would remain under the 8-percent usury ceiling. Normally, we expect that the backing of the U.S. Government would give the homebuyer some break on interest rates—a slight improvement over conventional terms which bear no Government insurance. But the District of Columbia bill that was before us on May 25, would have reversed this and made the Government-insured mortgages the most expensive in the District of Columbia.

Since the House action, there have been a number of statements by various people in the District of Columbia. It is encouraging that many officials are showing a new interest in the question of high interest rates and their effect on low- and moderate-income housing. I hope that these officials will use their great influence with the White House to encourage a reversal of this administration's policy of high interest rates and tight money, which are so destructive to housing, not only in the District of Columbia, but throughout this Nation.

Perhaps some of the District of Columbia officials, who have been appointed by President Nixon, will go back to him and insist on a reversal of these high-interest-rate policies and thus free funds for housing in the District of Columbia.

Mr. Speaker, it has been implied that local lenders needed higher interest rates in order to survive. This is complete hogwash. I challenge any financial institution in the District of Columbia to show that it loses money when it makes a home loan at the legal District of Columbit usury limit of 8 percent. The truth is, Mr. Speaker, that financial institutions make a handsome profit at 8 percent, and they do not need 8½, 9, or 10 percent to turn a very neat profit.

Perhaps the officials of the District of Columbia could take a look at the books of the financial institutions operating in the District of Columbia and determine just what profits they are making on loans which stay within the 8-percent usury limit. Such a study would be quite revealing.

In the meantime Mr. Speaker, I hope that the proper officials in the District of Columbia will take steps to vigorously enforce the District of Columbia usury law on all types of loans, including home loans. In recent months, consumers in the District of Columbia have been forced to bring their own suits to protect themselves against apparent usury. The District of Columbia government itself should be in the forefront of the enforcement of the District of Columbia usury laws.

Mr. Speaker, the great majority of the residents of the District of Columbia are opposed to high interest rates and do not want to see the usury laws wiped out.

Last week, I received a letter from Mr. Anthony Z. Roisman, vice chairman of the Greater Washington Chapter of Americans for Democratic Action, expressing continued opposition to interest rate increases in the District of Columbia. I place in the Record a copy of this letter:

Berlin, Roisman & Kessler,
Washington, D.C., May 26, 1970.

Hon. Wright Patman,
Chairman, Committee on Banking and Currency, Rayburn House Office Building, Washington, D.C.

Dear Chairman Patman: It is always a pleasure to read your floor comments in opposition to the series of bills which have sought to raise interest rates in the District of Columbia. It was a particular pleasure to find you once again leading a successful opposition to such ill-conceived legislation—in this case H.R. 17601. The Greater Washington Chapter of the Americans for Democratic Action and all the citizens of the District of Columbia are much indebted to you for your vigorous and continuous opposition to these proposed interest rate increases.

I want to assure you that the Greater Washington Chapter of ADA and other local organizations are now working on legislation to deal with the housing crisis in a responsible way. Following the excellent suggestions which you set forth in your dissent to the Report on Mortgage Interest Rates we hope to develop a bill which will require lower interest rates, will provide some form of inner-city development bank for housing and will require lenders to devote a significant portion of their assets to low and moderate income housing. We hope that the House District Committee will pursue its oft-expressed desire to improve housing and give prompt and favorable approval to these legislative proposals.

I shall keep you informed of these developments and if the Greater Washington Chapter of ADA can ever assist you in your battle against irresponsible interest rates, please let us know.

Sincerely,

Anthony Z. Roisman,
Vice Chairman, Greater Washington Chapter of Americans for Democratic Action.

WHERE, OH WHERE, HAS THE PRESIDENTIAL COMMISSION ON FINANCIAL STRUCTURE GONE?

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. PATMAN. Mr. Speaker, has President Nixon seen the light and decided that this city already has too many Presidential commissions?

Back on January 30—more than 4 months ago—the President, in his annual Economic Report to the Congress, announced that he was appointing a Commission on Financial Structure and Regulation. This Commission was, in the words of the Economic Report, to conduct a "thorough examination of needed changes in our financial institutions and our regulatory structure."

The announcement, which appears on page 104 of the Economic Report of the President, concluded with this statement:

> This study will be carried out by a Commission to be appointed by the President early this year.

Weeks went by and we heard not a word about this Commission. Then, on April 21, after many inquiries about the Commission's status, President Nixon wrote the chairman of the Senate Banking and Currency Committee, John Sparkman, telling him:

> It is my intention to move promptly with the objective of having the Commission fully organized, staffed and ready to begin its important work no later than June 1.

Mr. Speaker, we are now well into the first week of June and there is still no Presidential Commission on Financial Structure and Regulation. I understand that this Commission does have a Chairman, Mr. Reed O. Hunt of the State of Washington, but no members, no staff, no work plan, no address, no telephone, and not even a letterhead. It only has a Chairman.

Mr. Speaker, it appears that the President has come around to the thinking of a lot of Members of Congress that these Presidential commissions are a great big waste of time. If this is the case, I want to be among the first to commend the President.

Presidential commissions usually turn out to be no more than a tax-paid lobbying front for specal interests. The special interests invariably move in on these Presidential commissions and try their best to supplant the decisionmaking process of the legislative and executive branches to the detriment of the public interest.

Mr. Speaker, I realize that there has been much fanfare, a lot of jockeying behind the scenes, and a great deal of lobbying concerning this Commission over the past 4 months. As a result, the administration may feel some embarrassment if it sweeps this unappointed and unannointed Commission under the rug. But I hope that this embarrassment does not prevent the President from doing the right thing.

Let me assure the President that any embarrassment that he might feel for having killed his own Commission will be overcome by a tremendous sigh of relief by the American people, overjoyed by the prospect of one less Presidential study commission.

HIGHER AIR PASSENGER FARES

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, on May 13, 1970, while discussing the conference report on the Airport and Airway Development Act of 1970—H.R. 14465—I expressed my personal concern about higher and higher air passenger fares—Congressional Record, page 15295.

My attention has been invited to an article appearing in the Washington Post on May 2 entitled, "U.S. Airlines May Press Fare Boost," as follows:

U.S. Airlines May Press Fare Boost

(By Robert J. Samuelson)

America's domestic airlines may soon press for another fare increase to offset rising costs, according to the chief economist of the Air Transport Association.

Last year, the airlines received two fare increases from the Civil Aeronautics Board, a 3.8 per cent rise in February and a 6.35 per cent increase in October.

These changes helped "to prevent a deficit for the entire industry" George James the ATA's vice president for economics and finance said this week.

"This relief however has been only temporary . . . The deficit may have been only postponed and further relief may soon be required" he continued.

747 FARE REVISIONS

A number of airlines have already proposed fare revisions for the new Boeing 747 jumbo jet and for regular flights during the summer. The CAB is studying the recommendations, which would primarily:

Apply a surcharge to tickets for flights on the 747. The additional payment would be $5 for coach seats and $10 for first-class on a coast-to-coast flight. The surcharge would decrease for shorter trips; for example, the first-class addition for a Chicago-New York flight would be $5 and the coach surcharge would be $3.

Impose a surcharge of 5 percent on ticket prices for flights of more than 1,000 miles during the "peak" summer season between June 1 and Sept. 30.

TWA PROPOSALS

These changes were first proposed by Trans World Airlines, and three other carriers—United, Continental, and Braniff—have filed plans encompassing some, or all, of TWA's ideas. Braniff, however, requested that the 5 percent summer surcharge apply to all flights, regardless of distance.

Although he did not say so explicitly, James seemed to be talking about a more general fare increase. His remarks were made in a talk to financial analysts in Dallas.

For the first quarter of 1970, the financial results of many of the large carriers have been poor. Except for airlines with a large number of routes to Southern, resort cities, the first quarter is often bad, but deficits in 1970 have been exceptionally large for a few carriers.

TWA LOSSES

TWA had a loss of $39.7 million against a deficit of $14.9 million last year, and United reported a loss of $15.1 against $1.2 million in 1969's first quarter. Executives of both airlines have indicated the air traffic controllers' slowdown aggravated their problems.

In his speech, James was pessimistic about a quick upturn in earnings. "Wages, fuel, and landing fees are rising significantly," he said, emphasizing that wage settlements since the third quarter of 1969 have resulted in cost increases of 11 percent a year.

But a major reason for the industry's poor outlook, he conceded, is a widening gap between airlines' growing capacity (available seat miles) and the likely increase in actual traffic.

For 1970, James predicted, traffic would rise only 8 percent (against 9.7 percent in 1969 and 14.6 percent in 1968), but capacity will jump 13 percent.

Then on Tuesday, May 26, another article appeared in the Post entitled, "Jumbo Jet Orders Cutback Hinted," which recites an interview with Stuart G. Tipton, president of the Air Transport Association. Mr. Tipton suggests "selective" fare increases—for example, $5 surcharge on transcontinental and summer season trips. Further, that Mr. Tipton, one-time top staff officer at the Civil Aeronautics Board and in day-to-day contact directly or through his staff with airline representatives, has "no doubt" that the CAB will be "forced" to grant some type of fare "relief" before the Board's present investigation is completed. I certainly hope he is wrong. The article is as follows:

By Airline Group: Jumbo Jet Orders Cutback Hinted

(By Robert J. Samuelson)

Unless profits show some improvement, airlines might be forced to reduce their orders for new, giant jet aircraft, the Air Transport Association warned yesterday.

According to the ATA, the industry's chief trade association, the 11 trunk carriers and Pan American are now committed to spend $6.6 billion between now and 1973 for 336 new jets, including 129 Boeing-747s at a cost of approximately $22 million each.

Stuart G. Tipton, president of the ATA, made the forecast in the group's annual report on the state of the industry. In a telephone interview, Tipton declined to make specific predictions.

Tipton's statement appeared to be a warning to the Civil Aeronautics Board to take quick action to raise airlines' sagging revenues. Last year, airline profits dropped to $55.3 million from 1968's $216.1 million.

In the first quarter of 1970, the 11 trunks and Pan American showed a collective loss of $45.5 million against a deficit of $21 million a year earlier. A large part of the total reflected big losses at Trans World Airlines ($38 million) and Pan Am ($20 million).

In the interview, Tipton said he has "no doubt" that the CAB will be forced to grant some type of fare relief before the board's present general fare investigation is completed. The board has imposed a deadline of early 1971 for finishing the investigation.

Fares were raised twice in 1969—3.8 per cent in February and 6.35 per cent in October—and a new airline passenger ticket tax of 3 percent will be levied beginning in July. Some airline economists now fear that yet another increase would simply drive away passengers and depress revenues even further.

In the interview, Tipton argued for "selective" increases "where the public would be most willing to pay more." The CAB recently rejected such a selective airline proposal—a $5 boost on coast-to-coast 747 flights and a summer season surcharge of 5 per cent on long trips.

According to the ATA report, both inflation and slowdown have squeezed airline profits.

The slowdown appears to have discouraged travel (the increase in revenue passenger miles declined from 15.4 per cent in 1968 to 6 per cent in the first quarter of 1970), leaving the carriers—which augmented their capacity by 16 per cent last year—with empty seats.

In looking over the May issue of Airline Management & Marketing magazine, I find an article about pressure by the industry for a further increase. This article is as follows:

Higher Fares

Pressure mounted last month for further increases in domestic passenger fares. The continued national recession, rising costs and the adverse impact of the controllers' strike added up to emergency fare relief for the carriers.

The opening move (AMM/AA, April) was TWA's bid for a 5% surcharge on 747s plus a summer season increase of 5% on long-haul flights. United has joined in both proposals, with a few markets excepted. Braniff wants the 5% seasonal increase, but without the limitation to long-haul flights. Continental wants the 5% seasonal increase on long-haul flights in the continental U.S.; CAL has also applied for a 10% hike in mainland-Hawaii fares. American was preparing a fare increase filing at presstime.

Since CAB is in the early stages of a General Fare Investigation, the proposed increases pose the possibility of an interim emergency investigation. If the agency approves the tariffs, no problem. But if it suspends, the law gives it 180 days to complete a formal investigation. That could give priority status to the interim case.

The 6% increase granted last October 1 continues in effect. If approved, the new tariffs would be added to that increase.

It seems to me the airline industry would do well to pay attention to the statement I made on the floor on May 13. I do not know what message the top management back home is getting from their representatives in Washington, but my constituency is not a bit happy about the mounting, higher airline passenger fares.

The CAB and the administration would do well to hold the line until at least the present appeal is terminated and the pending CAB investigation is completed, which should be in early 1971.

TODAY'S YOUTH MUST PICK UP THE CHECK

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, Francis Wallace, author and historian, recently made a speech before the Bellaire Kiwanis Club in Bellaire, Ohio, suggesting that today's youth must pick up the check.

I am including the newspaper account which appeared in the Bellaire-Martins Ferry Times-Leader, May 25:

Today's Youth Must Pick Up Check, Wallace Says

The best advice that the "establishment" can give to the younger generation is that they will have to pick up the check for what is happening today when they become the "establishment" and inherit the nation in the next several years, said Francis Wallace, Bellaire author, in a talk on "Discipline and Dissent" at the Tuesday meeting of the Bellaire Kiwanis Club in the City Restaurant.

The blueprint for today's violence and destruction was plotted more than 25 years ago, Wallace said in recalling a speech which he had made in November, 1944, in which he charged that those who would destroy the United States would accomplish their objective by spreading fear and hate, undermining the schools, communications, churches and government, and replacing the

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Christian philosophy with mechanistic and atheistic theories.

People who are surprised at the violence on college campuses and in the streets, especially government leaders who profess astonishment, haven't been keeping up with their homework in the past quarter century, Wallace said.

The pattern has been there to see, he pointed out in quoting from the Congressional Record and from other sources, and the nation's leaders should have been forewarned.

Student dissent and disagreement are inherent rights which never should be denied to young people, for such denial is against the principles of the nation, but dissent and disagreement untempered by discipline lead to chaos, he said.

Ninety-five per cent of the nation's students and faculty are good, sincere people, but they are being misled and manipulated by the five per cent who are intent upon wrecking the nation. In support of this contention, Wallace referred to inflammatory speeches of destruction by radicals Mark Rudd, Bernadine Dohrn and Jerry Rubin at Kent State in the months preceding the recent riot in which four students were killed.

The great majority of the students are sincere in their ideals, wanting a better world, but so does everybody, even the adults, he said. There are no instant miracles; however, each succeeding generation improves on what it inherits, and things gradually get better, Wallace stated. The immature idealist, no matter how sincere, is being manipulated today by the professional "destroyers" who take the idealists, play on their principles, and end up twisting the idealists into playing the game the way the "pros" want it played.

Basic to the pattern of disruption is the destruction of law and order, the actual point of many "student demands" and particularly at Kent State, for without law and order there can be no society, Wallace said.

Faculty members who support the radicals and agitate the students play a dangerous game not only with the young people but with the future of their colleges and their country, he stated. Wallace pointed to recent incidents at UCLA at Berkeley where a professor who had been on the side of the students eventually found his class taken over by the radical minority to such a degree that to regain his authority, the professor had to resort to holding classes in his home.

College administrators usually are gentle men accustomed to obedience, and when suddenly they find themselves faced with the radical rabble shouting threats and issuing demands, they are ill equipped to cope with the situation and end up by surrendering to the minority, against their own best judgment, Wallace said.

Parents and grandparents are the molders of the nation's youth, and they have the obligation to continuing playing the "chief of police" in disciplining the young and teaching the right virtues, Wallace said. This is not an easy thing to do, as any parent knows, but to keep the young from working their own destruction, it has to be done, he warned.

Young people must be taught to look behind the front, to find the truth, to weigh the consequences of destruction and disruption, for when they are over 30 and have inherited the country, they will have to pick up the check, he concluded.

TWISTED, BIASED REPORTING

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, in the Washington Post on June 2, Frank Mankiewicz and Tom Braden, in their column, again demonstrated that Vice President Spiro T. Agnew is right.

Some of these birds just cannot write a straight story. They like to slant as they see fit, twist and philosophize in such a manner as to expound their own theories, notwithstanding the facts.

Look at the headline, "Nixon Will Try, But Can't Disguise the Failure of Cambodia Operation." This breaks all legal and journalistic tenets by basing an assumption on an assumption.

The erstwhile frontman for the late Bobby Kennedy has concluded that President Nixon's Cambodia posture is a failure, notwithstanding the facts, and tries to anticipate what the President might say in his nationwide address, yet has already concluded that it is a failure.

In any event, just to memorialize this type of journalistic gymnastics, I am reprinting the article which follows:

NIXON WILL TRY, BUT CANNOT DISGUISE THE FAILURE OF CAMBODIA OPERATION

(By Frank Mankiewicz and Tom Braden)

The President could not wait until the troops were out of Cambodia—he opted for an "interim report" this week. It will confirm that the purpose of the Cambodian invasion has become not to save the lives of American soldiers but the face of American generals and the seats of Republican congressmen.

Mr. Nixon will list the weapons, the ammunition and the rice we have taken and destroyed. But the weapons and the ammunition can be replaced—by the Russians if necessary. The hundreds of Americans who will have died in Cambodia cannot. What cannot be avoided, once all the "success" language is cleared away, is that Cambodia was not only a political setback of major consequence for the administration, but a military failure as well.

Item: We do not even claim that the "central headquarters" for the Vietcong had been captured. On earlier offensives, such as Operation Cedar Falls and Operation Junction City in 1967, we reported it overruns bunkers, communications equipment and all. This time, it seems to have passed to the control of the Scarlet Pimpernel and eluded us. No matter—six months after the last time we captured it the enemy launched the Tet offensive.

Item: Simultaneous leaks from what seems to be the same Pentagon source to selected newsmen last week indicate a major effort to mask the failure of Vietnamization which the Cambodian campaign revealed. In the first two weeks, while our casualties went sharply up, those of the South Vietnamese went as sharply down. Morale in the ARVN, it is reported, has never been higher. It is, apparently, an army which prefers bullying Cambodian civilians to fighting the Vietcong at home. It is no wonder that Thieu and Ky want to stay indefinitely.

Item: High South Vietnamese sources now say that the cost of remaining to "assist" the Cambodian army will run at the rate of $200 million. This is a heavy cost for the American taxpayer, who may not understand why he must pay the South Vietnamese to Cambodianize one war while still paying something on the order of $30 billion to Vietnamize the first one.

Item: Our military planners—anxious to take advantage of Prince Sihanouk's overthrow—ignored the historic hatred between the Vietnamese and the Cambodians. The report that Thai "volunteers" will defend Phnom Penh merely increases the problem. Thais are also unwelcome in Cambodia. Furthermore, one wonders how much we will pay to provide the Thai volunteers.

Item: The new Cambodian government has imposed martial law and will crack down on its own citizens, understandably restive over the presence of the South Vietnamese and—more important—over the fact that since the invasion the North Vietnamese have taken over a number of provincial capitals and have tightened their grip in the areas they already held.

Item: The ease with which the enemy seized and briefly held Dalat, South Vietnam's ninth largest city, over the weekend suggests just what Vietnamization has come to. Areas once thought pacified have fallen again to the Vietcong, now that the South Vietnamese are off in Cambodia improving their morale by fighting women and children.

Item: Since the fighting began in Cambodia, American casualties in South Vietnam have remained above the earlier "tolerable" level.

Item: The Vietcong now control more of Laos than they did before the Cambodian invasion.

The President's interim report may boost his popularity for a while. It may even nudge a senator or two to vote against the Cooper-Church amendment to stop funds for more operations in Cambodia. But the facts remain. "Vietnamization" was always doubtful—an army which would not fight with Americans was a poor bet to fight without them. Now, the failure is plain through all of Indochina. The generals have never known what this war was about, and the President—like his predecessors—had no reason to believe that they did.

TOWARD WAGE AND PRICE STABILITY

(Mr. WIDNALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, on May 27, I introduced on behalf of the House Republican members of the Joint Economic Committee, Mr. Brock, Mr. Conable, Mr. Brown of Ohio, and myself, a House joint resolution on wage and price stability. That resolution called upon the President's Council of Economic Advisers to publish data on the inflationary implications of major price and wage decisions in the private sector. Since introducing that measure, we have received several inquiries concering what seemed to be unequal treatment of price activities as opposed to collective bargaining agreements in the language of the resolution. Today, I would like to introduce a new resolution clearing up any apparent bias in the treatment of price and wage behavior.

The resolution I introduce today embodies the unanimous recommendation of the minority members of the Joint Economic Committee in their views on the 1970 Joint Economic Report. It requests that the Council of Economic Advisers publish when appropriate, but no less than once a month, the implications of unusually significant price decisions made or proposed in major industries and the implications of unusually significant collective bargaining agreements entered into or proposed in major industries. By making public such an analysis of price decisions and their relation to our progress toward economic stability and a similar analysis of wage and benefit increases, we hope to bring public opinion to bear on business and labor to promote responsible, noninflationary behavior.

On May 27, I went into the reasoning behind our proposal and the arguments for it and I would refer my colleagues to my introductory statement at that time for more detail. I would like to say, however, that Senator JACOB K. JAVITS will introduce an identical Senate joint resolution in the other body quite shortly on behalf of the Senate minority members of the Joint Economic Committee. Further, since the introduction of the original resolution, Under Secretary of the Treasury Charls Walker has stated he finds "considerable merit" in the proposal. I hope this is an indication that the administration is moving toward careful consideration and implementation of our resolution.

WASHINGTON NATIONAL AIRPORT AND THE 727

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I note with regret the flurry of criticism which has followed the introduction of the stretch version of the Boeing 727 jet aircraft into Washington National Airport. It seems to me that much of this criticism stems from a lack of knowledge of the facts of the case.

There is a great demand by busy Government officials and businessmen for what are essentially commuter flights between the major cities of the Northeast and Washington, D.C. Washington National Airport provides a convenient, time saving point of arrival and departure. With the restrictions that have been placed on the frequency of flights into that airport, larger aircraft are needed to provide the seats required by the traveling public.

If the stretch 727 were noisier or dirtier, I would be the last to recommend its use here in Washington. Conversely, however, at LaGuardia we have found that this newer version of the 727 is somewhat quieter and cleaner than the older versions.

The Arlington Chamber of Commerce has recently studied this matter closely and has come to the same conclusion. It is their community that is most effected by aircraft noise and pollution and they recommend the continued use of the stretch 727. Their efforts in correcting the public record on this subject have been admirable.

I know that men and women in my district want to be able to fly into Washington National from LaGuardia and if there are to be seats enough for the rising demand, we must use the larger jets. For more complete response to the criticism of the stretch 727 at Washington National, I would like to submit for the RECORD, the following detailed responses to the specific criticisms which have been put forth:

THE MISUNDERSTANDING AT WASHINGTON NATIONAL AIRPORT—AN ANSWER TO CRITICISM OF THE "STRETCHED" 727

FAA's decision to deny Washington National Airport access to the 727–200 was made in 1966 when crowding of the passenger terminal was a major problem. Although other considerations such as weight, size and noise were mentioned at that time, the Agency subsequently has acknowledged that these are inconsequential and that increased passenger capacity of the airplane is its *primary* concern. Supporters of the original FAA position obviously believe that the additional seats of the 727–200 would increase terminal crowding.

Those who might be impressed by that view today should be made aware of the very significant changes that have occurred at WNA since 1966. First, the number of airline schedules was cut back to a maximum of 40 per hour. The airlines then expended over $15 million to improve the convenience and capacity of their passenger terminal accommodations. The auto parking areas have been expanded and some improvement has been made in auto access and traffic flow.

There is attached a list of concerns re the operation of the 727–200 at WNA together with a factual response to each. Note that many of the concerns are based on misunderstanding of 727–200 characteristics or of the differences between that airplane and other equipment which has routinely operated at WNA since 1966.

As analysis of the facts in this case clearly indicates that the stretched 727, operating at WNA, introduces *no* new problems with regard to size, weight, noise, pollution or overcrowding of facilities. On the contrary, it offers the opportunity to satisfy today's traffic requirements with a reduction in the total number of daily operations.

These statements are based upon verifiable facts—not opinion. For elaboration or clarification please contact E. W. Norris, The Boeing Company, Washington, D.C., telephone: 484–2443.

CRITICISM AND RESPONSE

1. Terminal Congestion—See also, "Traffic generation," discussion No. 8

Scheduled operations, reduced to only 40 per hour[1] to alleviate 1966 crowding, have been maintained despite subsequent 15 to 20 million dollar terminal construction by the airlines to improve convenience and expand capacity. This 1966 objection should be reconsidered in the light of the vastly improved 1970 terminal accommodations, schedule restrictions and nightly curfew.

2. Increased seating capacity—See also, "Traffic generation," discussion No. 8

The highest capacity aircraft regularly serving WNA are the DC9–30 with 107 to 117 seats and the 727–100 with 95 to 105 seats.

Seating capacity of the 727–200's currently operated by carriers serving WNA runs from 122 to 137. Thus, the highest capacity 727–200 would offer only 20 more seats than the DC9–30 now operating at WNA.

3. Size

The only geometric difference between the 727–100 and 727–200 is 20 ft. in additional fuselage length. WNA gate positions are adequate for both. Recent experience with the 727–200 at WNA has demonstrated full compatibility with that facility. WNA management reports "no new problems."

4. Weight

WNA runways are adequate for dual wheel gear aircraft weighing up to 200,000 lbs. Maximum allowable weight for the 727–200 at WNA is 162,900 lbs. This limitation, based on field length considerations, is 3,900 lbs. more than the maximum allowable weight for the 727–100. When airport temperature exceeds 59°, these weights are further reduced by performance considerations.

Take-off gross weight required to carry 137 passengers 650 nautical miles from WNA is only 154,200 lbs.

Landing impact loads in 727 aircraft have been reduced by changing the pressure in the landing gear cylinders.

5. Community noise

Both standard and stretched 727 models have the same wing area, same engine thrust—hence, similar performance and noise characteristics at the same weights. Many of the stretched models incorporate "hush kits" further reducing noise. All 727 models are quieter than smaller jets such as the BAC–111 and Caravelle which now operate at National. All jets are restricted by the 10:00 p.m.–7:00 a.m. curfew.

6. Air pollution

Despite general acknowledgment that jet aircraft contribute less than 1% to total U.S. air pollution, the aircraft industry has developed and the airlines are now retrofitting JT8D engines with components that make the 727, 737 and DC–9 virtually smoke-free. Target completion date—late 1972. All new production aircraft are being delivered from the factory with smoke-free engines.

7. Safety

All models meet same design and operating safety standards. The 727–200 in worldwide operation with 20 airlines, has an unblemished safety record.

8. Traffic generation

Some of the concern regarding potential terminal congestion is based upon the theory that the mere availability of additional seats in the 727–200 will generate additional passenger traffic. Such a theory discounts the fact that all traffic that wants to move is *now* moving on existing schedules *or on extra sections*. Availability of additional seats in *some* 727's would not increase seat demand or terminal crowding but it would reduce the need for some of the extra sections. Regular schedules are fixed by the 40 per hour limit. Each extra section eliminated due to availability of extra seats in the "stretched" 727 would reduce the total daily operations, airways and airfield congestion, controller work load and community noise exposure.

727 operations currently account for 225 (36%) of the 619 daily flights scheduled at WNA.

The *average* seating capacity of the stretched 727's operating at WNA is 127—only ten more than the stretched DC–9. If 40% of the 727 scheduled flights were operated with the stretched model, it would introduce (0.4 x 225 x 10) or 900 additional seats per day. Assuming a high load factor of 70% (vs. industry average of 50%) this would accommodate (0.7 x 900) or 633 passengers per day, or 42 passengers per hour, distributed throughout the airport at the various improved airline terminals. Presumably all of these passengers would have been handled by extra sections if the extra seats of the 727–200 were not available. To the extent this is so, the extra seats do not add to the WNA terminal traffic load. It is simply a matter of extra seats or extra sections for a given traffic load.

STATEMENT OF ARLINGTON CHAMBER OF COMMERCE ON WASHINGTON NATIONAL AIRPORT

The Arlington Chamber of Commerce has noted the FAA's decision to evaluate the

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[1] Extra sections are permitted to meet peak hour passenger demand which exceeds capacity of the scheduled operations.

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use of Boeing 727–200 "stretch" jets at Washington National Airport. We are also aware of the belief in some quarters that this decision will lead to increases in passenger congestion, noise, air pollution, and safety hazards.

Our investigation reveals the following:

1. The 727–200 is clearly bigger; it will carry 122 passengers vs. 92 in the current version.

2. While the capacity is larger, the engines are also newer and more efficient. Specifically:

a. They are quieter—Reductions of 4 PNdb (decibels) in take-offs and 2 PNdb in landings.

b. They are also "cleaner," in that they consume less fuel. The stretch version burns 7% less fuel in climbing to 3,000 feet.

3. Despite larger capacity and newer engines, the total weight has increased less than 3%, and is well within the weight limitations of the runways of National Airport.

Therefore, the only real question is whether the larger aircraft will result in additional congestion at this already busy airport.

In our detailed study report of last November, the Arlington Chamber of Commerce observed that existing constraints on night operations, size of aircraft, and number of flights per hour would serve to limit significantly any further passenger growth at National Airport. This growth was anticipated to level off at about 16 million passengers per year by 1980. Our study report recommended approval of a proposal to modernize passenger access, parking, and terminal facilities to meet this limited demand. We did not recommend further expansion.

With this in mind, the proposed use of 727–200 stretch jets may well be in everyone's best interests. If such aircraft are introduced, it should permit the FAA to cut back further on the current commercial flight limitations of 40 per hour. In other words, the same volume of passengers could be scheduled on fewer flights. If this were done, there would be twofold reductions in noise and air pollution, due to improvements in the newer aircraft as well as a reduction in the total number of flights. Thus the contemplated use of these stretch jets could well be a step in the right direction for all area residents.

The Arlington Chamber of Commerce reaffirms its previous position on National Airport and we emphasize the critical necessity for constraining further growth at National. We further believe that the FAA should be permitted to evaluate the benefit of the 727–200 stretch jets. However, if such larger aircraft are to be utilized, there should be immediate compensating adjustments by the FAA in the number of aircraft landings and take-offs allowed, to prevent further congestion at National Airport.

A RESOLUTION DEPLORING AMERICAN MILITARY PRESENCE IN CAMBODIA AND REQUESTING THE WITHDRAWAL OF TROOPS AND ARMS COMMITMENT TO CAMBODIA

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, tonight, the President of the United States will again go on national television to report on the war.

His decision to invade Cambodia measurably widened the war and deepened our involvement in this Indochina conflict.

A large segment of our population expressed their outrage at this unconstitutional usurpation of power by the President.

In my State of Hawaii both houses of the legislature adopted resolutions expressing their disapproval. In addition the city council of the city and county of Honolulu, and the Hawaii State Democratic convention held in Honolulu on May 8–10, 1970, both went on record in opposition to the President. Because of their significance and timeliness I insert these resolutions at this point in the Record:

Resolution by the City Council of the City and County of Honolulu

A resolution deploring American military presence in Cambodia and requesting the withdrawal of troops and arms commitment to Cambodia

Whereas, it is the obligation of the City Council of the City and County of Honolulu to express itself on all matters affecting the health and welfare of its citizens; and

Whereas, the continued U.S. involvement in Southeast Asia has tragically divided this country and claimed over 40,000 American lives, with Hawaii suffering the greatest per capita loss of the nation; and

Whereas, it has been the announced policy of President Nixon to disengage the U.S. from this war through negotiation, the phased withdrawal of American troops, and the vietnamization of the conflict; and

Whereas, the invasion of Cambodia occurred by Executive Order without the consent of Cambodia or Congress; and

Whereas, this invasion of Cambodia enlarges the explicit parameters of the war, endangers scheduled troop withdrawals, and severely damages the credibility of an American commitment to peace;

Now, therefore, be it resolved by the City Council of the City and County of Honolulu that it deplores the American presence in Cambodia and its concommitant widening of the war; and

Be it further resolved by the City Council of the City and County of Honolulu that it respectfully requests President Nixon to reconsider and rescind his decision of troops and arms commitment to Cambodia; and

Be it further resolved by the City Council of the City and County of Honolulu that it respectfully requests the Hawaii Congressional delegation and their colleagues to do all within their power to restore the Constitutional balance of power which reserves decisions of war to Congress, and to thereby reverse American commitment to Cambodia; and

Be it finally resolved by the City Council of the City and County of Honolulu that copies of this resolution be sent to the Honorable Richard Nixon, President of the United States, to the Hawaii Congressional delegation and to all news media.

May 12, 1970.

Resolution (Adopted by the Hawaii State Democratic Convention May 8, 9, 10, 1970)

A resolution supporting the stand of Hawaii's democratic congressional delegation concerning the war in Southeast Asia

Whereas, the Hawaii congressional delegation, Representative Patsy T. Mink and Spark M. Matsunaga have spoken out against American military involvement in Southeast Asia; and

Whereas, United States Senator Daniel K. Inouye has courageously stated in a recent speech that our government's initial entry into, escalation of, and continuation of the war in Vietnam and Southeast Asia has been and is a tragic mistake of monumental proportions; and

Whereas, the Legislature of the State of Hawaii has taken a strong stand against the escalation of the war in Southeast Asia; and

Whereas, this war has divided the American people as no other issue since the Civil War, has alienated large numbers of Americans, and diverted critically needed resources from domestic programs; and

Whereas, this war has cost the American people 49,000 lives, 270,000 wounded and upwards of $140 billion dollars; and has cost the Vietnamese people over 800,000 dead, countless wounded and displaced, and a hopelessly shattered way of life; now, therefore,

Be it resolved that the Democratic Party of the State of Hawaii support Senator Inouye's proposal that the American government "propose an immediate and complete ceasefire without terminal date" and that "to secure such a ceasefire we should, if necessary, be prepared to unilaterally halt all offensive operations and limit our forces and those under our control to purely defensive roles"; and

Be it further resolved that the Democratic Party of the State of Hawaii wholeheartedly support Senator Inouye's call for an Asian conference of the governments of Southeast Asia on the overall problems of the area known as Indochina, and abide with the outcome of these political negotiations.

Resolution

(Adopted by the Hawaii State Democratic Convention May 8, 9, 10, 1970)

A resolution requesting the Democratic Party of Hawaii to revoke the Gulf of Tonkin resolution

Whereas, the Gulf of Tonkin Resolution has been used as authority to expand the hostilities in Southeast Asia; and

Whereas, this Gulf of Tonkin Resolution may in the future be used to further expand these same or future hostilities; and

Whereas, President Nixon has committed to withdraw forces from Cambodia no later than July 1, 1970, ending the need for such resolution; now, therefore,

Be it resolved that the Democratic Party of Hawaii in this convention recommend to our members of Congress that the Gulf of Tonkin Resolution be revoked and the authority for engaging in armed conflicts be reinstituted in the Congress in accordance with the provisions of the Constitution of the United States.

Resolution

(Adopted by the Hawaii State Democratic Convention May 8, 9, 10, 1970)

A resolution calling for congressional action to limit the war in Southeast Asia.

Whereas President Richard M. Nixon has authorized and directed acts of war by United States forces in the countries of Laos and Cambodia without even the foreknowledge, much less the discussion, debate and declaration, of Congress; and

Whereas the acts of war directed by the President prolong and widen an already tragically destructive war in Southeast Asia at a time when the United States has publicly declared to the world its desire for peace in that part of the world; and

Whereas the actions of the President set dangerous precedents of arbitrary, unilateral power for the executive branch to commit hostilities at will, exclusive of Congressional procedures; and

Whereas the continuation of war in Southeast Asia promises not peace but only more destruction in a land which has been torn by more than a quarter of a century of war; therefore

Be it resolved that the Democratic Party of Hawaii, in the desire for constitutional government and world peace, appeals publicly to the Congressional representatives from Hawaii and to the entire Congress of the United States to use those constitutional means available to it to restore the balance between the executive and legislative branches of the government.

RESOLUTION

(Adopted by the Hawaii State Democratic Convention May 8, 9, 10, 1970)

A resolution relating to the Cambodia situation

Whereas, the Nixon Administration has unilaterally decided to invade Cambodia; and

Whereas, said Administration has refused to heed the lessons of our bitter experience in Vietnam; and

Whereas, said Administration has refused to heed the widespread expressions of citizen opinion in the United States; now, therefore,

Be it resolved that we, the delegates to the 1970 Biennial Convention of the Democratic Party of the State of Hawaii, recognize the deep concern of the students of the University of Hawaii about this most important national crisis.

SKIPJACK TUNA BILL

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I have today introduced the Central and Western Pacific Tuna Fishery Development Act to establish a tuna fishery as a means of broadening the economic bases of the State of Hawaii, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

The objective of this bill is to tap the latent tuna resources of the central and western Pacific Ocean. The potential harvest of skipjack tuna that is not now being caught has been estimated in the hundreds of thousands of tons.

Less than 5,000 tons of this vast potential will be taken this year in Hawaii by the only fishery for the skipjack tuna in the central Pacific. Our State's fleet of 17 small vessels uses the inefficient pole-and-line method, and 62 percent of the annual catch is made in 4 months of the year.

More modern, productive and year-round techniques are needed. We must determine the applicability in these waters of modern purse seine gear that has proved effective in the eastern Pacific. We must also locate the principal aggregations of skipjack tuna in these areas throughout the year.

My bill authorizes the Secretary of the Interior to carry out a 3-year program of tuna exploration, tuna stock assessment, improvement of harvesting techniques, gear development, biological resource monitoring and economic evaluation of the potential for a tuna fishery in these areas, and authorizes for these purposes appropriations of $3 million.

The potential benefits of this program are considerable. According to the State of Hawaii Department of Planning and Economic Development, a catch of 400,000 tons of skipjack tuna would yield at present prices $400 million at the retail level.

For the trust territory and Guam, with their limited land-oriented commerce, this immense new resource would contribute greatly toward the development of a viable economy. For American Samoa, where catches of other tuna species have declined markedly in recent years, skipjack tuna yields would revitalize the fishing industry that is its most important private enterprise.

For the State of Hawaii, the tremendous resources of skipjack tuna, much of which lies within 1,000 or 2,000 miles of the islands and now remains untouched, represents the possible gain of a fourth major industry to buttress an industrial economy that rests on a base of tourism, sugar and pineapple.

The United States imports 60 percent of its tuna consumption. The development of a productive skipjack tuna industry will have a significantly favorable impact on the national economy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. COWGER, for the period of June 8, 1970, to June 21, 1970, on account of a factfinding inspection of Southeast Asia and the Near East.

Mr. PEPPER (at the request of Mr. ALBERT), for today, on account of official business.

Mr. MCKNEALLY (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of official business.

Mr. HELSTOSKI (at the request of Mr. ALBERT), for today, on account of official business.

Mr. MCMILLAN (at the request of Mr. ALBERT), for today and through to the 10th, on account of official business.

Mr. ASPINALL, from 2:30 p.m., June 4, until noon, June 10, 1970, on account of official business.

Mr. WILLIAM D. FORD (at the request of Mr. O'HARA), on account of illness, on June 2 and June 3.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STOKES) and to revise and extend their remarks and include extraneous material:)

Mr. LOWENSTEIN, for 20 minutes, today.

Mr. RARICK, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARBSTEIN, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MOORHEAD, to extend his remarks immediately preceding the vote on the previous question on H.R. 17802.

Mr. GERALD R. FORD during his remarks on H.R. 17802 and to include a letter from the President of the United States.

Mr. PHILBIN in five instances.

(The following Members (at the request of Mr. LLOYD) and to include extraneous material:)

Mr. WHALLEY.

Mr. QUILLEN in five instances.

Mr. WYATT.

Mr. GUBSER.

Mr. KING in two instances.

Mr. STEIGER of Wisconsin.

Mr. SPRINGER in two instances.

Mr. FRELINGHUYSEN.

Mr. ARENDS.

Mr. KUYKENDALL.

Mr. SCHERLE in two instances.

Mr. COUGHLIN.

Mr. BROWN of Ohio.

Mr. ESCH.

Mr. CRANE in four instances.

Mr. MORSE.

Mr. MATHIAS.

Mr. WATSON in two instances.

Mr. DUNCAN in two instances.

Mr. BUSH in two instances.

Mr. RHODES in five instances.

Mr. MCDADE.

Mr. BUTTON in two instances.

Mr. MYERS.

Mr. WOLD in two instances.

Mr. WYMAN in two instances.

Mr. MIZELL in two instances.

Mr. BROYHILL of Virginia in three instances.

Mr. HAMMERSCHMIDT.

Mr. BLACKBURN in two instances.

Mr. PRICE of Texas.

Mrs. REID of Illinois.

Mr. TALCOTT in two instances.

Mr. SKUBITZ in two instances.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. CELLER.

Mr. BOLAND.

Mr. PEPPER in three instances.

Mr. FISHER in four instances.

Mr. MOLLOHAN in eight instances.

Mr. LOWENSTEIN in 10 instances.

Mr. HAMILTON in 10 instances.

Mr. RODINO in two instances.

Mr. GAYDOS in five instances.

Mr. MCCARTHY in three instances.

Mr. HATHAWAY.

Mr. OTTINGER in two instances.

Mr. RARICK in three instances.

Mr. DENT.

Mr. CORMAN.

Mr. ASHLEY.

Mr. BIAGGI in five instances.

Mr. WILLIAM D. FORD in two instances.

Mr. PATTEN.

Mr. FOUNTAIN in two instances.

Mr. KLUCZYNSKI in two instances.

Mr. EILBERG in two instances.

Mr. GALIFIANAKIS in two instances.

Mr. HUNGATE in three instances.

Mr. GONZALEZ in two instances.

Mr. BOLLING in two instances.

Mr. ANDERSON of Tennessee in two instances.

Mrs. GRIFFITHS.

Mr. FULTON of Tennessee in two instances.

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Mr. Carey.
Mr. Fascell.
Mr. Fraser.
Mr. Griffin.
Mr. Moorhead in two instances.
Mr. Anderson of California in two instances.
Mr. Henderson in two instances.
Mr. St Germain.
Mr. Jacobs.
Mr. Moss.
Mr. Scheuer.
Mr. Shipley.
Mr. Roberts in two instances.
Mr. Hagan in two instances.
Mr. Mahon in two instances.
Mr. Monagan in two instances.
Mr. Alexander in two instances.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 614. An act for the relief of Franz Charles Feldmeier; and

S. 1786. An act for the relief of James Harry Martin.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on June 2, 1970 present to the President, for his approval, a bill and a Joint Resolution of the House of the following titles:

H.R. 11628. To transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress; and

H.J. Res. 1069. Extending for 4 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 4, 1970 at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2105. A communication from the President of the United States, requesting the prompt enactment of legislation increasing the public debt ceiling (H. Doc. 91-345); to the Committee on Ways and Means and ordered to be printed.

2106. A letter from the Assistant Secretary of Transportation for Administration, transmitting a list of the purchases and contracts made by the Department of Transportation under clause 11 of section 2304(a) of title 10 of the United States Code, for the period November 1, 1969, through April 30, 1970, pursuant to the provisions of 10 U.S.C. 2304 (e); to the Committee on Armed Services.

2107. A letter from the Assistant Secretary of the Interior, transmitting notification of the receipt of an application for a loan from the Roy Water Conservancy Subdistrict, Roy, Utah, pursuant to the provisions of section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

2108. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FISHER: Committee on Armed Services. H.R. 10772. A bill to amend title 10 of the United States Code to provide a more equitable standard for awarding the gold star lapel button; (Rept. No. 91–1142). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 13195. A bill to amend title 10 of the United States Code to require that U.S. flags be presented to parents of deceased servicemen; with amendments (Rept. No. 91–1143). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 11876. A bill to amend section 1482 of title 10 of the United States Code to provide for the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered; with amendments (Rept. No. 91–1144). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 16731. A bill to amend provisions of title III of the Federal Civil Defense Act of 1950, as amended; (Rept. No. 91–1145). Referred to the Commmittee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 17255. A bill to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air; with an amendment (Rept. No. 91–1146). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 1059. A resolution waiving points of order against certain provisions of H.R. 17867, a bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes; (Rept. No. 91–1147). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 17894. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 17895. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 17896. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.R. 17897. A bill to provide that primary elections and runoff primary elections for nomination of candidates for the House of Representatives shall be held on the same day throughout the United States; to the Committee on House Administration.

H.R. 17898. A bill to require the Secretary of Commerce either to give the State of Pennsylvania alternative mileage on the Interstate System or to pay the Federal share of the Pennsylvania Turnpike; to the Committee on Public Works.

By Mr. ANDERSON of California:

H.R. 17899. A bill to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services to the Committee on Armed Services.

By Mr. BROOMFIELD:

H.R. 17900. A bill to amend title 39, United States Code, to provide rates of pay for postal field service employees in certain areas and locations in accordance with private enterprise pay rates in these areas to assist in recruitment and retention of postal field service employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CELLER:

H.R. 17901. A bill to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit; to the Committee on the Judiciary.

By Mr. FREY:

H.R. 17902. A bill to amend title II of the Marine Resources and Engineering Development Act of 1966; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Tennessee:

H.R. 17903. A bill to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973; to the Committee on Ways and Means.

By Mr. HENDERSON:

H.R. 17904. A bill to amend title 5, United States Code, to improve the administration of the leave system for Federal employees; to the Committee on Post Office and Civil Service.

By Mr. LONG of Maryland:

H.R. 17905. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McCULLOCH (for himself, Mr. Gerald R. Ford, Mr. Poff, Mr. MacGregor, Mr. Hutchinson, Mr. McClory, Mr. Smith of New York, Mr. Railsback, Mr. Biester, Mr. Wiggins, Mr. Dennis, Mr. Fish, Mr. Coughlin, Mr. Mayne, Mr. Betts, Mr. Clancy, and Mr. Devine):

H.R. 17906. A bill to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit; to the Committee on the Judiciary.

By Mr. PODELL (for himself and Mr. McCarthy):

H.R. 17907. A bill to require the Secretary of Commerce to make daily determinations of the extent of environmental pollution, to establish an Environmental Quality Index, to disseminate publicly information on pollution, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 17908. A bill to amend title 32 of the United States Code to prescribe standards for training and control of National Guard units assigned to duty in connection with civil disturbances occurring on or adjacent to institutions of higher learning, and for other purposes; to the Committee on Armed Services.

H.R. 17909. A bill to amend the Immigration and Nationality Act to allow the issuance of visas to brothers and sisters of citizens of the United States as immediate relatives, and for other purposes; to the Committee on the Judiciary.

H.R. 17910. A bill to authorize a program for the development of a tuna fishery in the Central and Western Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

By Mrs. GREEN of Oregon:

H.R. 17911. A bill to amend the Higher Education Act of 1965 to extend to the College of the Virgin Islands the benefits now available to certain other institutions of higher education; to the Committee on Education and Labor.

By Mr. MOSS (for himself and Mr. KEITH):

H.J. Res. 1247. Joint resolution to amend section 19(e) of the Securities Exhange Act of 1934; to the Committee on Interstate and Foreign Commerce.

By Mr. WIDNALL (for himself, Mr. BROCK, Mr. CONABLE, and Mr. BROWN of Ohio):

H.J. Res. 1248. Joint resolution on wage and price stability; to the Committee on Government Operations.

By Mr. ADDABBO:

H. Res. 1060. Resolution to stop funds for war in Cambodia, Laos, Thailand, or North Vietnam; to the Committee on Foreign Affairs.

By Mr. BROTZMAN:

H. Res. 1061. Resolution to urge the withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

By Mr. O'NEILL of Massachusetts:

H. Res. 1062. Resolution authorizing the Speaker of the House of Representatives to appoint a special committee to investigate and report on campaign expenditures of candidates for the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHAMBERLAIN:

H.R. 17912. A bill for the relief of Jin Soo Park and Moon Mi Park; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H.R. 17913. A bill for the relief of Chan Ku Lee, his wife, Young A., and daughter, Eun Kyung; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause of rule XXII,

503. The SPEAKER presented a petition of the National Association of State Aviation Officials and other national associations representing the civil aviation industry, proposing immediate steps to increase the capacity of airports and airways, which was referred to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

JULIAN F. ROSS, SMALL BUSINESS ADVISER OF DEFENSE SUPPLY AGENCY, RETIRES

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. CORMAN. Mr. Speaker, as chairman of the Subcommittee on Government Procurement of the House Select Committee on Small Business, I would like to say a few words about our good friend, Julian F. Ross, the Small Business Adviser of the Defense Supply Agency, upon the occasion of his recent retirement from Federal service.

Mr. Ross has had an exceptionally distinguished career in the Federal service. He served in the U.S. Army, entering as a private in September 1942, and was released as a captain in June 1946. Continuing in the Reserves, he achieved the rank of lieutenant colonel prior to his retirement from the Reserve Corps. In civilian service, Mr. Ross has held various assignments with the Office of Price Administration; Office of the Quartermaster General, Department of the Army; Office of Design and Construction, General Services Administration, prior to his appointment to the Defense Supply Agency in February 1962.

Dedicated to the philosophy that small business must have a fair share of Government procurement, Julian Ross for many years has ably served the interests of the small businessman in America, as well as enforcing the high standards of procurement of the agency he represented.

Mr. Ross has always fully cooperated with our committee as a DSA witness in procurement hearings and in connection with the solution of many procurement problems and complaints presented to our committee by Members of Congress on behalf of their small business constituents. His achievements have been extremely helpful both to the small business community and to the Government.

Lt. Gen. Earl C. Hedlund, Director of the Defense Supply Agency, in recognizing these accomplishments, has presented to Mr. Ross the Agency's highest award, the DSA Exceptional Civilian Service Award. The citation on this award reads as follows:

> For exceptional performance of duty as Small Business Advisor of the Defense Supply Agency from 15 May 1964 to 15 May 1969. Mr. Ross has consistently demonstrated an exceptional degree of professional ability. His outstanding leadership, integrity, and managerial ability forged Defense Supply Agency's Small Business Program to the forefront at its inception and has continued this preeminence through subsequent years with the highest rate of effectiveness, resulting in DSA being the only major Department of Defense element meeting or exceeding established goals. Mr. Ross' contributions reflect great credit upon himself and the Department of Defense.

In addition to this, Mr. Ross earlier received the DSA's Outstanding Performance Award for his years of service from 1962 to 1964. I would only comment that both awards and the citation emphasizes the respect and admiration that all of us—committee members and staff—have for Julian Ross.

While we shall miss him, it is our wish that his well-earned retirement will bring to Mr. Ross and to his family the enjoyment of good health and happiness for many years to come.

SOVIET NUCLEAR STRATEGIC ARMS BUILDUP

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 3, 1970

Mr. THURMOND. Mr. President, until such time the Soviets show some sign of deescalating their nuclear strategic arms buildup, it would be an unacceptable risk for the United States not to move ahead with the deployment of MIRV and the ABM Safeguard System. These systems are the two best bargaining weapons America has in negotiating a reduction in strategic arms at the SALT talks now in session in Vienna.

It is encouraging to note that the State newspaper in Columbia, S.C., fully supports the deployment of MIRV and ABM. In the May 22 issue, an editorial points out the grave danger of a unilateral moratorium on the deployment of MIRV. Full support of U.S. intentions to deploy MIRV and the ABM will place the United States in a strong position to trade with the Soviets. In my judgment, it would be foolish to give away our trump card in advance.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOPES OF ARMS LIMITATION MUST NOT NULLIFY DEFENSE

Despite the best efforts to make the issue of national defense understandable, some critics of U.S. defense spending absolutely refuse to understand even a little about the subject. It suffices for their purpose to lament the "military-industrial complex," having done which they retire from debate, satisfied at a job well done.

The subject, needless to say, is considerably more complex than they imagine. Likewise considerably more important, for if the SALT talks in Vienna fail to make pacifists of the Soviets, the nation must fall back on the Pentagon for whatever security it will enjoy in the years ahead.

Yet the giddy feeling persists that the Pentagon should declare a moratorium on defense work for the duration of the Vienna talks. Senator Edward Kennedy, for example, declared in a speech last week that Defense Secretary Laird's insistence on the Safeguard ABM system and MIRV warheads "is undermining" attempts to get an international

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agreement on disarmament. The MIRV, a cluster of warheads in one rocket, particularly alarms him.

"Large scale deployment of MIRV by the U.S.," he said, "would so threaten the Russians' second-strike capabilities that they would probably have to revert to a launch-on-warning system." This is the tactic whereby a nation, fearing near-certain destruction of its missile force, launches its missile force the moment it detects radar blips that look like incoming missiles.

If our MIRVs are that fearful a weapon, it becomes difficult to follow Senator Kennedy's logic; deployment would seem to be the best possible way of encouraging the Russians to sign a disarmament agreement. But let it pass. What needs to be understood is that MIRV is not that fearful a weapon. Just the opposite, in fact.

The chief virtue of the MIRV is its ability to penetrate an antiballistic missile (ABM) defense, but it can do so only at a price. The price is diminished destructive power for each warhead. Instead of one missile of, say, 50 megaton capacity, the MIRV would carry 10 missiles of five megaton capacity. As a first-strike weapon—one designed to knock out the enemy's hardened missile silos—the MIRV is a flop. In spite of this Senator Kennedy and other critics of the MIRV insist on treating it as precisely the kind of weapon it is not.

They also ignore, in the debate on an ABM system, the increasing Soviet firepower. In five years, the Nixon administration has recently disclosed, the Soviet Union will have 25,000 intercontinental ballistic missiles (ICBMs). This will be two and a half as many as the United States will have by then. In terms of megatonnage, the Soviet missile force will outweigh the U.S. force by five or more to one. The Pentagon estimates that such a Soviet force would be able to destroy 95 per cent of America's land-based missiles.

These are frightening statistics. The prospective Soviet advantage in this decade can be offset only by an ABM system to protect this country's land-based missiles or by the construction and deployment of enough additional missiles so that the United States could retaliate after a Soviet first-strike. It will be expensive, but what is the alternative? The SALT talks perhaps, and let us keep our fingers crossed. But if the SALT talks should fail, it would be nice to have something more comforting than faith in the Kremlin's self-restraint.

DISSENT: A RIGHT?

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. FULTON of Tennessee. Mr. Speaker, some weeks ago, the Franklin Road Jaycees of Nashville, Tenn., were the sponsors of an Americanism essay contest for the students of Hillsboro and John Overton High Schools in Nashville.

The contest was designed in order to give the students an opportunity to become more useful American citizens by studying Americanism. It was felt that, through the essay contest, the participating students would be given the opportunity to research timely topics on Americanism and express their own individual thoughts in essay form.

The winner of the contest was Miss Debbie Bryant of Nashville, whose winning entry was entitled "Dissent: A Right?"

Mr. Speaker, I found a great deal of insight in Miss Bryant's essay and a good deal of commonsense. I insert it in the RECORD at this point and commend it to the attention of my colleagues:

DISSENT: A RIGHT?

(By Debbie Bryant)

In a little room in Philadelphia, a young man sits writing. His penmanship, small but strong, keeps true to the line, like every word he puts down. He is making the first draft of the Declaration of Independence. The young man's red hair is damp, for it is late June 1776, and a blistering hot day. But his heart is even hotter.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

It is true that throughout our long history our forefathers have spoken for the rights of men. These men had definite aims they sought in regard to an individual's virtues. Today, though, several problems have arisen in our society. Exactly who speaks for man's rights today? What do we mean by "our rights"? Do our rights give us authority to be irresponsible, to burn draft cards, or to stomp an individual to dust simply because he disagrees with us? Of course, we know that the rights of an individual do not refer to these things mentioned.

Consider this idea: Everyone, at some time or another, has heard of an individual making demands for his rights, but has anyone ever heard of an individual asking about his responsibilities? At best, it is quite a rare incident, and yet in our form of government, that government which has not only established these individual rights but protects them as well, the two terms are so interrelated as to be impossible to separate them.

It would seem that if a man had only to accept his own individual rights, without further concern for anything or anybody, it would be a wonderful world in which to live. History, however, has taught us that individual rights cannot exist without individual responsibilities accompanying them. History has also taught us that we must respect these same individual rights and responsibilities for all of the citizens throughout our land.

There is no argument about the importance of the rights of man or the position which they should take in our American way of life, nor is there any downgrading of this importance however, in all important documents which have been written for the purpose of defining a code of conduct to govern man, everywhere that a right is expressed a responsibility is at least implied. No place is this found to be more evident than in our own Constitution and Bill of Rights.

None of us in America deny the right of an individual to investigate and question governmental policy nor the right to reflect upon the competence of our leadership, but rather we encourage it. If an individual is in disagreement with what he finds, it is his duty as a citizen to attempt to bring about a change.

Suppose a time should come when the prevailing government, instead of upholding the rights of the people, is found to be destructive of those rights. Under such circumstances, it is the right of the citizens to change the form of their government. Always, however, the purpose of such a change must be "to effect their safety and Happiness."

Once again, I would like to say that the rights of an individual does not mean that a man may break into your home and steal your property. It does not mean that a man or a group of men may undermine or overthrow those safeguards and restraints which are necessary for the perpetuation of a man's rights. Rights cannot exist without order.

The temptation to present America as a republic of rebellious angry people trying to hold each other back from adopting the changes which were coming about prevails throughout our country. Everyday we hear newscasts about all the absolute unrest in our society. "Establishment" is an extremely dirty word. Just wait a minute: Actually our country is not anything as it is pictured. Our country is now undergoing a great evolution. And no change as great as the one occurring comes about without a reasonable amount of trouble. Today, changes are coming about because of the voices of the young generation speaking out. This is a very vital part of our country's existence. But despite what is being said and despite the changes which are occurring, there is still very much hope and promise in our land. Take a look at the changes which are being made and see if they are not fruitful.

This poem by Bill McCullam of the Hearst Headline Service seems appropriate to express his opinion of the dissenting voices and also the changes in our live:

"Mourn not the passing time that's logged
As summer turns to fall.
What's been is blurred; the future's fogged
What's real is now; this moment—all."

NATURAL RESOURCE TANGLE

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, June 3, 1970

Mr. MOSS. Mr. President, the time is surely near when the Nixon administration will advise the Congress of the recommendations of the Advisory Council on Executive Organization, better known as the Ash Council, for the reorganization of the executive agencies which deal with natural resources and the environment.

The importance of doing something about the "natural resources tangle" has been discussed for years. Authority for the administration of the programs which shape the environment in which we live—and upon which the future of life on this planet actually rests—is divided among a dozen different agencies and departments, with built-in conflicts, overlapping, duplication, and confusion. There is critical need for clarification.

Five years ago I introduced a bill to establish a Department of Natural Resources and the Environment which detailed how the reorganization might be accomplished—by abolishing the Interior Department, transferring those agencies which deal mainly with human resources, or not closely identified with the environment, to other appropriate departments, and putting under an umbrella of one great department all governmental functions which deal with our water, our land, our air, our oceans—any aspect of our environment. But even such an obviously practical idea has its opponents.

Ann Cottrell Free, distinguished writer in the conservation field, has now summarized the problem, and discussed the potential of the Ash Council report, in a special article written for the Washington Star on May 24, 1970, entitled

"Straightening Out the Natural Resources Tangle." I ask unanimous consent that this informative article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, May 24, 1970]

STRAIGHTENING OUT THE NATURAL RESOURCES TANGLE

(By Ann Cottrell Free)

If April's "Earth Day" accomplished nothing else, it posed, once again, in the governmental sense a perplexing question:

"Whose Earth (the U.S. part) is this, anyway? Interior's? Agriculture's? Commerce's? Army Engineers? Transportation's? Housing and Urban Development's? Health, Education and Welfare's? Federal Power Commission's? Atomic Energy Commission's? the Council on Environmental Quality's?

The list could go on and on. Nearly every department or independent agency of the federal government is involved with natural resources or the environment—or both. Nobody seems in charge. Conflict and overlap breed confusion. And confusion proliferates.

Air problems continue up in the air, with at least a half-dozen agencies getting in the act, either as polluters or antipolluters. The nation's water programs continue muddied regardless of the interdepartmental Water Resources Council and the Water Pollution Control Administration. The very soil itself is subject often to conflicting approaches as to its best use.

The sight of the Corps of Engineers or the Bureau of Public Roads being locked in battle with the National Parks Service has become a commonplace.

Twenty government departments or agencies involve themselves with our coastal zones and non-military oceanography.

There are at least 10 different federal approaches to the uses of recreation grounds.

Philosophies toward wildlife are confusing enough to give even a sleeping bear a nervous breakdown.

And when it comes to pesticides, authority still appears diffuse—not only between departments, but within departments.

Nearly everyone agrees that something should be done about the jumble. But hardly anyone agrees on what and how it should be done.

So now it is the Nixon administration's turn to have a go at the increasingly complex problem.

That time is soon at hand. A fresh focus and a new dialogue soon will reach center stage as a result of the Ash Council's recently completed study and recommendations to the President on stream-lining of natural resource and environmental responsibilities.

Roy L. Ash, president of Linton Industries, was appointed by the President a little more than a year ago to head up the Advisory Council on Executive Organization.

The council earlier his year recommended improvements in the Executive office of the President itself and as a result President Nixon asked for Congressional approval of a Domestic Council and an expansion and re-naming of the Bureau of the Budget to the Office of Management and Budget.

The President may ask for legislative action on the eagerly-awaited Ash Council's proposals. Or he could handle some of the suggestions by executive order. Or, as the Wildlife Management Institute, cynically comments, "he can do nothing."

If nothing is done, it won't be the first time. In 1935 Interior Secretary Harold Ickes asked for a better line-up of conservation duties. In 1949 some of the task forces of the first Hoover Commission suggested a Department of Natural Resources, the establishment of which President Truman tried to obtain up until 1951. President Eisenhower asked that the water functions of the Army Corps of Engineers be transferred to Interior. And President Kennedy in 1961 pledged to do his best to make sense out of the conservation cross currents in government.

But nothing has happened.

The Ash Council is thought to lean favorably toward changing the name of the Department of Interior to the Department of Natural Resources and the Environment. This approach has been spelled out in bill form by Senator Frank Moss, D-Utah, since 1965. In brief, it would transfer to the renamed department the Forest Service and Soil Conservation Service from the Agriculture Department, the Corps of Engineers' civil functions from the Army, and air pollution jurisdiction from HEW. The Bureau of Indian Affairs would go from Interior to HEW.

Hearings held on the Moss bill in 1967 led Senator Moss to the rueful comment that the bureaucrats, whose departments would be dismembered, "would rather fight than switch." Though he would have become more powerful with the Forest Service and the Engineers under his jurisdiction, then Secretary of the Interior Udall was realistic enough to know that the battle to wrest these agencies away from their parent bodies would be a losing battle. He did endorse the change of name. Secretary Hickel has made no public statements on the Moss concept, but he has shown considerable interest in the reshuffling idea.

Regardless of the Ash Council's specific proposal, another view will soon come in for a great airing. This is the Muskie approach. The Maine Senator proposed recently the establishment of an environmental superagency, called the National Environmental Quality Administration. It would group together under one roof all the environmental regulatory powers of the Federal government.

Muskie questions also whether "the Department of Transportation should be the agency to determine air pollution requirements for the transportation industry." He notes also that some of the responsibilities for solid waste programs are lodged in the Interior Department's Bureau of Mines, which has as its primary mission the promotion of mineral resource development and use.

His approach could be quite appealing if the Council on Environmental Quality had not been set up less than six months ago. Not an umbrella for environmental functions of government, nor an operating agency, this three-man council has tremendous power. Already, under the leadership of Russell Train, it is knocking agency heads together. And the very Act that set up the Council—the National Environmental Policy Act—has been used to halt a variety of infringements.

Conservationists such as Spencer Smith of the Citizens Committee on Natural Resources say "Give CEQ a change." Lloyd Tupling, Washington man for the Sierra Club, feels the same way.

As the various conservation groups and bureaucrats prepare their positions in regard to the Ash Council's report, each is taking a look backward and asking "How did we get into this mess?"

Interior, the key department in the environmental-natural resource tangle, is a "just-grew-like-Topsy" kind of department. It was set up in 1849—the year of the great Gold Rush. It was a combo of the old (1812) General Land Office and the Indian Office.

In 1905 Interior lost the Forest Service to Gifford Pinchot and the Agriculture Department. Between them ever since no love has been lost. Interior's Bureau of Land Management—which manages 176 million acres of public land in continental U.S.—also sells timber, but under different regulations.

The story of the controversial Corps of Engineers role in dam building, flood control, waterway imrpovements and navigability began in 1824. Congress gave the Corps $75,000 to clear out sandbars and other obstructions from the Mississippi and Ohio Rivers. Since then the Corps has become dearer than the flag and apple pie to politicians. The annual Rivers and Harbors Bill—which translates into "pork barrel"—keeps Congressmen in office and the corps busy.

Realists, such as Tennessee Valley Authority's Frank Smith, see attempts to wrest the Engineers or the Forest Service away as "bone shattering" fights. Other realists see a reshuffling as a possible affront to Congressional committee seniority. What would happen to the committees that ordinarily keep the Forest Service happy? Would campaign support from special lobbies leave them cold?

These and other aspects of re-alignment of departments, agencies and committees have been studied by a special group of the National Academy of Sciences and the National Academy of Engineering. It suggested the formation of a joint committee of Congress, composed of chairmen of relevant committees, to look into the problems. The Wildlife Management Institute feels, also, that some type of co-ordinating council be formed to take a long-range, in-depth study.

No easy task stopping the overlap. Nixon may find like Roosevelt, Truman, Eisenhower and Kennedy that straightening out the natural resource tangle may be too much for him, too. But at least this time around more steam, more thought is being put behind the question.

QUESTIONS ON VIETNAM: V. A SETTLEMENT WILL BE MORE DIFFICULT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. FRASER. Mr. Speaker, in spite of an avowed intent to end the Vietnam war by negotiation with an ultimate goal of peaceful self-determination for the people of South Vietnam, the United States has allowed a very undemocratic government to continue in Saigon. We have supposedly agreed to Communist participation in a coalition government in South Vietnam, but we have allowed the Saigon government to announce our policy in its deeds. The Committee of Concerned Asian Scholars at Cornell University deals with this in the following question:

QUESTIONS ON VIETNAM

9. The negotiating position taken by the United States has been to agree in principle to communist participation in free elections for a coalition government in the South, but the communists have refused to negotiate this question with the Americans. Isn't this evidence of the communist's refusal to accept self determination as called for by the majority of the South Vietnamese?

American statements have been ambiguous and contradictory on this question of elections, and this has confused not only the Vietnamese communists but our European allies as well. However, we have made it absolutely clear that our position is consistent with that of President Thieu (see, for instance, President Nixon's speech of May 14, 1969); and Thieu's position on this question is very clear. First, he insists that any such elections must be held under conditions where his present government is in control of the administration and of the police; secondly, he insists that any such elections be in conformity with the constitution of his own regime, one which explicitly forbids those who support communism from running in the elections. (This is naturally not reassuring to the Vietnamese communists who are in effect asked to repudiate their own political views and connections before participating in an electoral process.) The American suggestion of a mixed electoral commission, including representatives of the communists, is not a significant inducement to the NLF (Vietcong) given the fact that the commission would have to operate within an administrative and police context dominated by President Thieu's own government.

Essential to understanding the attitude of the communists toward elections is the history of the post-Geneva period. The communists still bitterly recall that in 1954 (at Geneva) they agreed to an armistice and regrouped their armies on the promise that election would be held two years later, but that once they had made the concession of agreeing to an armistice and pulled their troops out of many strategic areas, the promised elections were never in fact held. Thus, today they insist that a coalition government be formed before elections are held so that by sharing in power they can be protected against reprisal and ensure that elections are actually held.

Furthermore, and undoubtedly most basic, is the fact that the communists are already very conscious of the way in which "free" elections, have been carried out previously by Thieu's government. In the 1967 elections, not only were those labeled by Thieu as communists and neutralists barred from participating, but also candidates who advocated a peaceful settlement and negotiations with the NLF, and those who had been arrested for political reasons by the French colonial administration. They also know what has happened to those numerous Buddhist and other non-communist leaders who tried to compete through legal channels in the 1967 elections and are very much aware of how many of them today languish in Saigon's jails as political prisoners. The communists assume that if non-communist opponents of the Thieu regime are treated in this way that they can hardly expect fair treatment in elections themselves. Given the history of Thieu's tactics, it is hardly realistic to expect that the NLF (Vietcong) will turn in its arms (as Thieu insists) before the elections are held and trust to the mercies of Thieu's police.

A PROUD RECORD DESERVES JUST RECOGNITION

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, June 3, 1970

Mr. DOLE. Mr. President, it is seldom that a first-term Member of Congress receives extraordinary recognition for his work in Congress. It has become axiomatic that a freshman Representative is to be seen but heard very little. If this is true, the first-term Representative from the First District of Kansas is breaking precedent in a dramatic way.

The Honorable Keith Sebelius, who now so ably represents this great district, is compiling an outstanding record in the House and is gaining widespread recognition for his accomplishments on behalf of the fine people of western Kansas.

Representative Sebelius has been deservedly recognized for his efforts in an editorial published in the Oberlin Herald, in Kansas on May 28, 1970. I ask unanimous consent that this splendid tribute be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Examples of Sebelius' Good Work

If the U.S. is to save both its great cities and small rural communities, efforts are going to have to be made to lure job-providing industries from the metropolitan areas to towns like ours.

In order to do this, we will need better roads and more recreation facilities for the leisure-oriented city folk.

Two bills introduced in Congress by Rep. Keith Sebelius, R-Kans., would help provide both.

One would designate U.S. 36 and U.S. 83 interstate routes, thereby puting Oberlin at the intersection of two modern, heavily traveled highways that would link three nations and the industrial East with the Rocky Mountains.

"This bill would be of great help in offsetting the current farm income and tight money crises through increased employment opportunity," said Sebelius. "Since modern transportation inspires economic growth, modern highways in our rural areas would mean expanded economic opportunity in areas where people prefer to live," he said. And people are increasingly saying they want to live in the country.

The other bill, drafted to hasten and expand water resource development in the nation, would expedite construction of needed reservoirs in this community.

This measure would authorize the inclusion of "secondary benefits" in determining the cost feasibility of all water resource projects.

"Before the federal government will finance a big water project . . . the cost must be measured against the benefits to the surrounding area," said the congressman. "My bill would make sure these benefits take into account such items as outdoor recreation, fish and wildlife resources, preservation of unique areas of natural beauty, area redevelopment and population dispersal."

Oberlin has more than a casual interest in two such projects.

In December, Congress okayed $22,000 for study on proposed Oberlin Reservoir, which would be situated on Sappa Creek 2 miles southwest of Oberlin.

Proposed Herndon Dam to be built a mile west of Herndon on Beaver Creek, was once deemed feasible on a cost-benefit ratio that has been erased by a cockeyed government formula that applies inflation to the cost but not the benefits. And the project may not be declared feasible until proposed benefits include the "social and human factors" Bureau of Reclamation Commissioner Ellis Armstrong says should be added to feasibility figures.

These factors, which Sebelius brings out in his bill, will become increasingly important as our nation's population continues its rapid growth.

One questions whether Sebelius can get his congressional colleagues from the cities to see the wisdom of bolstering the rural economy to help solve the problems of the urban areas. But his efforts to improve our region's transportation arteries and help us hold precious water for farm, municipal, industrial and recreational uses are examples of the good work this man is doing for us in Washington.

DISCRIMINATION AGAINST WOMEN IN PROFESSIONAL ADVANCEMENT AT COLLEGES AND UNVERSITIES

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mrs. GRIFFITHS. Mr. Speaker, one of the best articulated complaints in my district is the complaint against the present method of running colleges and universities. The destruction committed by the students.

It is strange that colleges and universities are almost exclusively run by men. Nothing makes clearer the basic insecurity of such men than the fact that they have absolutely refused promotions to qualified women. At the present time, various well-qualified groups of women are researching these problems and bringing actions against the universities. Consider the following shocking facts and instances:

Silver Spring, Md.,
June 1, 1970.

Hon. George P. Shultz,
Secretary, Department of Labor,
Washington, D.C.

Dear Mr. Secretary: Please consider this letter as a formal charge of sex discrimination under Executive Order 11246 as amended, which forbids Federal contractors from discriminating against women.

These charges are filed against the entire state university and state college system of the State of California including:

University of California at Berkeley.
University of California at Davis.
University of California at Irvine.
University of California at Los Angeles.
University of California at Riverside.
University of California at San Diego.
University of California at Santa Cruz.
University of California at San Francisco.
University of California at Santa Barbara.
California State College at Dominguez Hills.
California State College at Fullerton.
California State College at Hayward.
California State College at San Bernadino.
California State College at Long Beach.
California State College at Los Angeles.
California State Polytechnic College.
Chico State College.
Fresno State College.
Humboldt State College.
Sacramento State College.
San Diego State College.
San Fernando Valley State College.
San Francisco State College.
San Jose State College.
Sonoma State College.
Stanislaus State College.

These charges are initially based on a news release (enclosed) from California State Senator Mervyn M. Dymally who gives numerous examples and states that "the statistics prove conclusively a distinct and deliberate plan to shut out women from many professions and restrict the opportunities in others to low-level, low-paying positions."

Additional data will be submitted within the next few weeks.

We request that all current contract negotiations with any institutions of the California state universtiy or state college system be immediately suspended, and that no further Federal contracts be issued until such time as compliance reviews are instituted and a comprehensive plan of affirmative action to remedy the effects of past discrimination is adopted and implemented.

We further request that such compliance reviews include an investigation of admission policies, financial assistance to students, placement of graduates, hiring and promotion policies for staff and faculty, and salary differentials.

While we have not investigated the factual nature of this complaint we are forwarding it to you in accordance with our usual policy of bringing these matters to your attention.

Please notify me when the compliance reviews are scheduled.

Sincerely,

BERNICE SANDLER, Ed.D.,
Chairman, Action Committee for Federal Contract compliance in Education, WEAL.

DYMALLY CALLS THE 1970'S THE DECADE OF WOMEN

Senator Mervyn M. Dymally (D-Los Angeles) announced that he has introduced a series of bills designed to correct the glaring pattern of discrimination against women in our higher educational institutions.

"There must be women faculty members and women administrators in order to encourage the aspirations of young women", said Dymally. "To apply for admission to most graduate schools, a girl has to reject the advice of her counselor, who will tell her there are no job opportunities unless she stays within the traditional confines of women."

Dymally stated that the statistics prove conclusively a distinct and deliberate plan to shut out women from many professions and restrict the opportunities in the others to low-level, low-paying positions.

"For example, the School of Law at University of California, Davis has five women out of a student body of 340. U.C. Irvine has 250 medical students, none are women. U.C. Berkeley has five women students out of a student body of 300 in graduate Physics courses.

"The picture at the State Colleges is almost as bleak," said the Los Angeles Legislator, "San Francisco State has 12 women in its Political Science Graduate School and there are 15 women in the School of Journalism at San Jose State."

In a recent study of the faculty of Political Science Departments in all of California, it was established that there are no full professors at any University of California campus. This is notable in that in 1969 alone, 12% of the awarded Ph. D.'s in Political Science went to women, according to Dymally. The statistics prove that such graduates are doomed to be lecturers, teaching assistants and other badly paid, low prestige jobs.

Dymally described the legislation he has drafted as overdue and said that he believes that the Seventies will be the decade in which women finally achieve acceptance as human beings.

"Women pay taxes to maintain our education institutions, but are denied jobs for which they are qualified. My bills will prove that the Legislature recognizes the seriousness of this situation and that we are ready to set an example for private industry at the University and in the State College system."

Senate Bill 907 requires that State College Trustees immediately begin using compensatory hiring to integrate women into faculty, administration and support staff. Senate Bill 1203 calls on the U.C. Regents to do the same.

Senate Bill 908 asks that the student body of each State College Graduate School more nearly reflect the percentage of women in California and that sufficient financial aid and scholarships be set apart for this purpose. Senate Bill 1147 makes the same request of the U.C. Graduate Schools.

Senate Bill 909 requires that the Trustees set up free, full time, day care centers for the children of male and female students, faculty, and staff. Such centers will employ student help and will give course credit for development and training programs. Senate Bill 1148 will provide day care centers at the University.

Senate Bill 1072 requires that school boards adopt for use in elementary schools, textbooks which portray men and women functioning in all roles, including professional and executive and which do not include stereotyped images of either sex. Senate Bill 1073 requires that the California Coordinating Council for Higher Education immediately hire women staff members. S.C.R. 54 calls on those with appointing powers to the Council, to fill half of the vacancies occurring in 1970 with women appointees.

Senator Dymally said, "Our society has much to gain by utilizing one of our best and, until now, most wasted resources. My friend, Shirley Chisholm, New York Congressman, stated recently that she has been more discriminated against as a woman than as a Black. I believe that my legislation is a positive and practical approach to eliminating this shameful situation."

SILVER SPRINGS, MD.,
May 11, 1970.

Hon. GEORGE P. SHULTZ,
Secretary, Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: Please consider this letter as a formal complaint under Executive Order 11246 as amended which forbids Federal contractors to discriminate against women.

The charges of sex discrimination are specifically filed against the University of Georgia and is based on information forwarded to me. The person forwarding this information has asked that she remain anonymous, although she will be glad to talk with an official investigator during a compliance review. I will be glad to furnish her name when the investigation begins.

According to the University of Georgia Graduate School Bulletin for 1969–71, there are 333 appointed members of the University faculty. Only *12* of these are women (less than 4%). They are: 1 Prof. of Special Education, 3 Professors of Education, 1 Prof. of Literature, 1 Associate Prof. of Education, 1 Professor of Economics, 1 Assistant Professor of Vet. Pathology, 1 Professor of Home Economics, 1 Assistant Professor of Drama, 1 Professor of Psychology, and 1 Assistant Professor of Education. There are some indications too that there may well be discrimination in admission of women, particularly to graduate programs.

We request that an immediate compliance review of the University of Georgia be conducted; that such a review include an investigation of admission policies, financial support to women students, placement of graduates, hiring and promotion policies for both staff and faculty; and salary differentials. We further ask that all current contract negotiations be immediately suspended until such time as all inequities are corrected and a plan of affirmitive action is worked out and implemented.

I am enclosing a list of selected fields showing the number of doctorates awarded nationally to women. It will be instructive to compare the percentage of women employed in various departments of the University of Georgia with the percentage of doctorates given to women in those particular fields.

While we have not investigated the factual nature of this complaint, we are forwarding it to you in accordance with our usual policy of bringing these matters to your attention.

Please notify me when the compliance review begins.

Sincerely,

BERNICE SANDLER, Ed.D.,
Chairman, Action Committee for Federal Contract Compliance in Education (WEAL).

WOMEN'S EQUALITY ACTION LEAGUE—WEAL

Percentage of doctorates awarded to women in selected fields in 1967–68:

General Biology	29.0
General Zoology	14.8
Bacteriology, Virology, Mycology, Parisitology, and Microbiology	18.0
Biochemistry	22.3
Pharmacology	14.1
Educ. of Mentally Retarded	44.4
Educ. of Deaf, Speech, & Hearing	23.8
Art Education	34.0
Music Education	11.0
Early Childhood Education	100.0
Elementary Education	42.4
Secondary Education	17.0
Adult Education	21.4
Educ. Administration, Supervision & Finance	8.2
Counseling & Guidance	20.9
Rehab. Counselor Training	23.0
History & Philosophy of Educ	19.2
Curriculum & Instruction	24.5
General Education	18.7
Educational Psychology	28.4
English & Literature	27.4
Journalism	15.6
General Arts	25.0
Music	14.5
Speech & Dramatic Arts	18.5
Fine and Applied Arts	34.0
Linguistics	20.6
French	38.1
Italian	18.0
Spanish	31.7
Philology & Literature of Romance Languages	35.8
German	23.9
Pharmacy	10.0
Library Science	31.8
Mathematics	6.0
Philosophy	9.1
Chemistry	8.0
Psychology	22.5
Anthropology	23.9
History	13.0
Political Science	11.3
Sociology	18.5
Social Work	22.0

(Source: Earned Degrees Conferred: Part A—Summary Data, Office of Education, OE-54013–68–A.)

SILVER SPRING, MD.,
May 11, 1970.

Hon. GEORGE P. SHULTZ,
Secretary, Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: Please consider this letter as a formal charge of sex discrimination against Columbia University, under Executive Order 11246 as amended, which specifically forbids Federal contractors from discriminating against women.

The charges are based on an extensive report prepared by the Columbia Women's Liberation group and will appear in a future copy of the Barnard Alumni magazine. A copy, prepared from the galley proofs, is enclosed. It documents widespread discrimination at Columbia. For example, 24% of the doctorates awarded by Columbia go to women. Yet the percentage of women with tenure in the Graduate Faculties has remained steady at just over 2% since 1957.

We request that an immediate compliance review of Columbia University be conducted; that such a review include an investigation of admission policies, financial support to women students, placement of

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graduates, hiring and promotion policies for both staff and faculties, and salary differentials. We further ask that all current contract negotiations be immediately suspended until such time as all inequities are corrected and a plan of affirmative action is worked out and implemented.

While we have not investigated the factual nature of this complaint we are forwarding it to you in accordance with our usual policy of bringing these matters to your attention.

Please notify me when the compliance review begins.

Sincerely,

BERNICE SANDLER, Ed.D.,
Chairman, Action Committee for Federal Contract Compliance in Education (WEAL).

COLUMBIA WOMEN'S LIBERATION: REPORT FROM THE COMMITTEE ON DISCRIMINATION AGAINST WOMEN FACULTY

A Columbia Women's Liberation group, formed in the spring of 1969, grew out of women's consciousness that the problems of sexual status must be articulated in political and economic terms. We concentrate on the problems that women face in common because of society's attitudes . . . problems which are not a matter for individual adjustment but require group action. As a university organization, we can focus on several areas: education and curricular questions; health care; employment practices as they affect teaching and administrative staff; the criteria for awarding graduate school fellowships; child care. This report summarizes the research of a small group of graduate students and junior faculty who are concerned about the employment practices of this university.

On method: Our method is simple. We have tabulated the number of women and men doing the same job. Percentages of the totals may then be constructed. In the case of ambiguous catalogue listings, by calling Department offices we double-checked names whose gender was unclear. The report uses the catalogues of the various divisions of the university, the yearly publication recording the names and fields of all Master's and Doctor's degrees awarded, the American Association of University Professors' annual salary reports, national statistics and a few other relevant publications.[1]

Questions not answered: The only fully satisfactory way to prove discriminatory practices would be the case-history method. We did not have the facilities to carry out a proper investigation along these lines, but the university should consider making such a study. Information could be sought from former and present faculty members, male and female, and from unsuccessful applicants of both sexes for positions at Columbia and Barnard. The criteria of departmental hiring committees could be investigated and assessed. The study should be extended to include comparable schools where similar hiring criteria will operate. Salary scales for women and men must be compared, as well as their rates of promotion. Clearly we recommend broader and more detailed studies, since ours is only an introduction to the facts of discrimination.

What proportion of the Columbia University faculty should be female? In studying the different numbers of men and women employed by the various divisions of Columbia University, we did not assume that a 50/50 ratio was either immediately desirable or justifiable. We based our expectation of the proportion of female faculty to male on the proportion of women known to have the appropriate training, namely a Ph.D. excluding for the time, being most other factors affecting the employment of men and women with Ph.D's. For example, there is evidence that suggests that women in some fields should be represented in higher proportions than that of degrees earned on the grounds that women are more likely than men to be employed by educational institutions, the men working instead in industry and government.[2] A fuller report would have to consider such factors.

How should women be represented? Since a woman does not invest time, energy and money in obtaining a doctorate in order to be a better wife and mother or more entertaining companion for her husband, women should be represented in a proportion that reflects the number of doctorates going to women. Those who argue that a woman's commitment to her profession differs from that of a man must be able to cite detailed studies of the career patterns of highly trained women.[3]

Women earned an average of 15 per cent of all doctorates awarded during the 1940s; an average of 10 per cent of all doctorates awarded during the 1950s; and an average of 11 per cent during the 1960s. Given the normal timetable of the academic career, we would expect to find the women who earned their degrees in the 1940s represented now in the higher ranks of the faculty of Columbia and comparable institutions in a proportion of 15 per cent, and in the lower ranks in a proportion of 10 per cent. The following table, drawn from Columbia's catalogues for the academic year 1968–69 tells another story.[4]

School	Professor	Associate professor	Assistant professor	Instructor	Lecturer	Associates preceptors assistants
Columbia College	1/133 (0.7)	0/68 (0)	7/101 (6.5)	8/76 (9.5)		20/50 (29)
Law School	0/34 (0)	0/2 (0)	0/4 (0)			
School of Dental and Oral Surgery	0/78 (0)	1/70 (1)	1/102 (1)	0/54 (0)		0/31 (0)
School of Int'l Affairs	3/87 (3)	0/23 (0)	1/17 (6)	0/1 (0)		
School of Business	2/37 (5)	0/23 (0)	0/13 (0)			
General Studies	5/49 (9)	8/28 (22)	8/48 (14)	17/42 (29)		24/43 (36)
Graduate Faculties	8/367 (2.1)		10/74 (12)	7/52 (12)		
Barnard College	11/38 (22)	12/12 (50)	21/12 (64)	15/16 (48)		23/5 (82)
American Language Program					0/3 (0)	29/16 (64)

Explanation: The figures given above are the ratio of women to men in that category. The figures in parentheses below this ratio are the percentages of the total number of teachers represented by women.

For full professors in the eight divisions that employ them, the actual percentage is 5.2 per cent (2.8 per cent if Barnard is excluded). This compares rather badly with the 15 per cent of doctorates that were earned by women in this age group. The Barnard figure hardly compensates for the lack of female representation in the other, better-paid divisions. Even at Barnard, 78 per cent of the full professors are men. In the 1950's, women received 10 per cent of the doctorates awarded. Since in over half the divisions shown on the chart, women are not represented at all at the Associate Professor level, there is no need to belabor this disturbing lack.

In the lower ranks, women constitute a much higher proportion of the total teaching staff than they do at the upper levels. Women received 11 percent of the Ph. D.s awarded between 1960–68. At some divisions of Columbia, their numbers exceed this proportion at both Assistant Professor and Instructor levels. However, this distribution begins to reveal another aspect of the university's hiring practices. Overall, women are concentrated in the lower ranks, and have been for several years. They are also to some degree segregated by sex by being confined to Barnard College, General Studies and the Graduate Faculties. Women constitute a majority of only one category—part-time employment (Preceptors, Assistants and Associates).

Summary: This data reflects two major tendencies. The greater the proportion of women students, the greater the number of women faculty at all ranks. Second, the higher the rank and the better the pay, the fewer the number of women at that rank. While to some minds this arrangement may have an appealing symmetry, we believe that it reflects and reinforces a marked inequality of opportunity and compensation.

Barnard College and What It Indicates: The role of Barnard College as an equalizer in the otherwise male-dominated Columbia community is worth examining for other clues about the status of women. Although 78 per cent of Barnard's full professors are men, the number of men and women employed in full-time teaching there is almost equal. Barnard is in fact the only one of the Seven Sisters colleges to hire (slightly) more women than men, but at all these colleges men control the full professorships and the chairmanships.[5] Even the one group of educational institutions founded to give women college educations and access to professional careers do not, after more than 50 years of activity, serve as models demonstrating to the rest of the community the abilities of women to manage demanding careers in responsible positions theoretically open to them.

All these women's colleges lack the endowment of their male equivalents; all of them have fewer facilities; all pay lower salaries to their faculty. The differences between Barnard and Columbia salaries are well known, varying from an average of over $5,500 at the full professor level to $1,765 at assistant professor level.[6]

Columbia Full Professor: $22,540 average compensation.

Barnard Full Professor: $16,892 average compensation.

Columbia Associate Prof.: $14,909 average compensation.

Barnard Associate Prof.: $12,188 average compensation.

Columbia Assistant Prof.: $11,486 average compensation.

Barnard Assistant Prof.: $9,721 average compensation.

It should be noted that not only the absolute but also the percentage differential in compensation between Barnard and Columbia increases with rank. These salary differences do not measure relative excellence but rather punish those engaged in the education of women. They are a direct reflection of the value society places on women's education and on women's role in society. We sug-

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Footnotes at end of article.

gest it is urgent that Barnard bring salaries up to the level of those at Columbia in order to prevent further penalization of Barnard's faculty.

Graduate Faculties and the Training of Women: Statistics for the Graduate Faculties of Columbia, the division responsible for training graduate students and granting degrees, show a startling contrast between the percentage of doctoral degrees awarded to women and the percentage of women employed full-time, especially in tenured positions. The rise in percentages of doctorates awarded to women *may* mean that more women are going on to a Ph. D. after completing the MA program than used to be the case. Investigation is needed in this area. Thirty-eight per cent of current graduate students are women.

DOCTORATES AWARDED

Year	Female	Male	Percent female
1956-57	11	229	4.6
1960-61	39	300	11.5
1964-65	75	369	16.9
1966-67	88	298	22.8
1967-68	99	307	24.3

As the table shows, the proportion of Columbia doctorates awarded to women has risen steadily from 4.6 per cent to 24 per cent in a decade. The percentage of women with tenure in the Graduate Faculties has, however, remained steady at just over 2 per cent since 1957.

TENURED FACULTY IN THE GRADUATE FACULTIES

Year	Female	Male	Percent female
1957-58	7	287	2.4
1958-59	8	318	2.4
1959-60	7	298	2.6
1965-66	9	348	2.5
1966-67	9	370	2.3
1968-69	8	357	2.1

In recent years this meager percentage has even suffered a decline.

The cost of a token: We think that it is essential for Columbia University to hire more women in the Graduate Faculties, particularly since it is clear that to do so requires no sacrifice of standards. We are puzzled by the Graduate Faculties' commitment to train women, but not to hire them. We know from experience as students and teachers that it is vital for women students in graduate school to see women engaged in the academic profession as naturally as men are. At present, many women students will never have any contacts with such role models, or will meet so few that they become used to the idea of women as exceptions in the more demanding areas of the academic world. Students will not be unaware either that most of the tenured women they meet are single, and thus in theory able to devote more of their time to their profession than their married male colleagues. They will not be unaware either that the small number of women with tenure in the Graduate Faculties are all exceptionally distinguished scholars, whose presence helps perpetuate the unfortunate idea that to succeed in any professional career, a woman has to be not just as good, but several times as good as a man. Tokenism is always based on abnormal criteria of excellence in order to limit the number of qualified people of certain races and sexes with access to a profession. Its cost is the high expectation of failure for the discriminated group. By the obvious scarcity of women training women graduates, the institution acclimatizes women students to their professional expectations: low rank, low pay, low status, a slower rate of promotion than their male colleagues and a more difficult tenure hurdle. We note that the percentage of women at assistant professor level has risen from 4 per cent in 1962–63 to 15 per cent in 1968–69. It will be interesting to see whether the rise at this level is reflected over the next five years in an increase in the number of women in the Graduate Faculties with tenure. The absolute number of women instructors has risen slightly but the percentage of women at that rank has declined from 22 per cent in 1963–65 to 13 per cent in 1968–69.

NONTENURED RANKS, GRADUATE FACILITIES

	1962-63	1963-64	1964-65	1966-67	1967-68	1968-69
Assistant professors:						
Female	3	6	4	6	10	14
Male	72	71	64	84	74	78
Percent female	4	7.7	5.9	6.6	11.9	15.2
Instructors:						
Female	4	13	9	9	7	11
Male	28	45	31	35	52	73
Percent female	16.5	22.4	22.5	20.4	11.9	13.2

Doctorates awarded to women: The percentage of doctorates going to women in subjects long stereotyped as masculine are in some cases surprisingly high. In the years 1966–68, which will be quoted throughout this section, 10 per cent of the Chemistry doctorates went to women; 8.6 per cent of the Physics doctorates went to women; but no women earned doctorates in the fields of Geology, Mathematics or Mathematical Statistics. Columbia has had in the recent past women as Professors of Physics, Chemistry and Microbiology, and has women as Professors of Biochemistry and Physics at the moment.

The following section compares percentages of doctorates awarded to women in specific Departments with the percentages of female faculty in that Department. Cross-listed faculty are excluded because their appointment and teaching duties are not primarily in the Graduate Faculties.

French: 66.6% of their doctorates went to women; no full-time female faculty.

Art history and archeology: 54% of their doctorates went to women; 26% of the tenured faculty is female; 71% of the non-tenured faculty.

Biological sciences: 45% of their doctorates went to women; 9.5% of the tenured faculty is female; 33% of the non-tenured (*i.e.* 2 men, 1 woman).

Anthropology: 44% of their doctorates went to women; no full-time female faculty.

Psychology: 36% of their doctorates went to women; no female faculty.

English and comparative literature: 27% of their doctorates went to women; 4% (1 woman) of their tenured faculty is female.

Sociology: 26.6% of their doctorates went to women; in 1967–8 they had one female assistant professor.

History: 17% of their doctorates went to women; 2 women on their faculty.

Philosophy: 17% of their doctorates went to women; no women faculty.

Public law and government: 16% of their doctorates went to women; they have one female instructor. There are 35 men in the department, 26 of them full professors.

It will quickly be seen that only the Department of Art History and Archeology hires women in numbers even close to the proportion of women they train. We believe that women should be fairly represented at least in those departments that attract a proportion of women in excess of 15 per cent. Women should in fact be hired in all Departments.[8]

Discrimination: We realize that these figures do not *prove* that Columbia University has in the past discriminated or is now discriminating against women. Given these statistics, however, it will be difficult to disprove discrimination. An examination of the data does lead one to believe that some discrimination must occur, for it is clear that the number of women who hold faculty positions is remarkably small, and is in most cases below the national average of labor available for that category. Here it is worth noting that the per cent of women working in all institutions of Higher Education in the United States is 22 per cent.[9] We believe that women are by and large excluded from the more prestigious colleges and universities and must find employment instead in teachers colleges, the smaller liberal arts colleges and junior colleges, where in fact they can be found in proportions ranging from 34 per cent to 42 per cent.[10]

Women, work and family: Undoubtedly it will be argued that academic women marry and drop out of the labor market while their children are small at least. We would be interested in figures based on Columbia's past employment patterns that substantiate such claims. Other studies have shown that the more training a woman receives and the better her job, the more likely she is to remain in full-time employment, even if she has children.[11] Academic women are also more likely to remain single than other women, and to have small families when they do marry.[12] A trained woman is also financially in a position to hire domestic and child-care help for those tasks she wishes to delegate. Granted these observations, we suspect any explanation of the position of women in academic life that relies too heavily on the conditions of their supply rather than on the conditions of the market's demand for them.

Recommendations: Given the findings of this report, we call upon the university, perhaps through the Senate, to undertake four tasks:

1. to prepare a full study of the status of women faculty in the university, using sources that were not available to us, *e.g.* salaries. Half at least of the persons concerned with that study should be women.
2. to declare its unequivocal support of the right of women to equal employment opportunities and equal pay compared with those of men of comparable qualifications and ability. Such a declaration will mean the hiring of more women at all ranks in all divisions and a review of their salaries.
3. to engage in intelligent discussions of child care and paid leave for child birth, available to all employees of the university, whether faculty, administration or staff.
4. to invite submission of reports of alleged discrimination to a Committee on Employment Practices, and further to have such a Committee initiate investigations into the hiring patterns that may be discerned in various departments and divisions of the university.

This report was prepared by Rachel DuPlessis, Rachel Blau '63, Preceptor, English; Linda Edwards, graduate student, Economics; Ann Sutherland Harris, Assistant Professor, Art History & Archeology; Kate Millett, Instructor, Philosophy (Barnard); and Harriet Zellner, graduate student, Economics. Joan Mitchell collected the catalogues.

APPENDIX I—FACULTY BY RANK AND SEX, 1969–70, COLUMBIA COLLEGE BARNARD COLLEGE, GRADUATE FACULTIES GENERAL STUDIES

	Ratio of women to men	Percent women
Columbia College:		
Full professors	1/125	(1)
Associate professor	0/50	0
Assistant professor	7/88	7.3
Instructor	14/61	18
Preceptor	15/38	28
Barnard College:		
Full professor	9/31	22
Associate professor	16/29	54
Assistant professor	24/33	74
Instructor	11/20	55

	Ratio of women to men	Percent women
General studies:		
Full professor	3/45	6
Associate professor	3/37	7.5
Assistant professor	17/71	19
Instructor	12/25	32
Graduate faculties:		
Full professor	6/324	1
Associate professor	2/73	2.6
Assistant professor	6/42	12.5
Instructor	2/4	66

Note: Assistant, associate, and full professors with Ph. D.'s granted between 1960 and 1970 by sex (Barnard excluded as dates of Ph. D.'s not given by catalogues).

	Male		Female	
	Amount	Percent	Amount	Percent
Assistant professor	91	47	24	96
Associate professor	74	38	1	4
Full professor	30	15	0	0
Total	195	100	25	100

[1] Under 1 percent women.

If women faculty with Ph. D.s granted in the 1960s were distributed in the three ranks as men faculty are now, there would be 3 female full professors, 9 female associate professors and 13 female assistant professors. The average date of the Ph.D. awarded to the women in the assistant professor category in 1965; of the men 1966. Well over 50 per cent of the men with 1964 and 1963 Ph.D.s are associate professors; none of the women in that category have been promoted.

FOOTNOTES

[1] The figures on degrees earned by subject and sex are taken from Federal Security Agency, Office of Education, Circular numbers 262 (1949), 282a (1950), 333a (1951), 360a (1952); Department of Health, Education and Welfare, Office of Education, Circular numbers 380a (1953); 418 (1954), 461 (1955), 499 (1956), 527 (1957), 570 (1958). And OE 54010-59; OE 54010-60; OE 54010-61; "Earned Degrees Conferred 1961-2"; OE 50039-63; OE 54010-65; OE 54013a-66. Degrees earned in general by sex, from 1900-1957, from *Historical Statistics of the United States: Colonial Times to 1957* (Series H327-338). Statistics from 1957-66 are aggregations of the disaggregated data from Office of Education circulars.

[2] *Women and the Scientific Profession*, edited by Jacquelyn A. Hatfield and Carolyn G. Van Aken, Cambridge, Mass., M.I.T. Press, 1965, p. 63. Women are, however, more likely to earn a Ph.D. in the humanities rather than in science. In 1966, for example, 17.4% of the doctorates in the humanities and social sciences went to women although only 11% of all Ph.D.s awarded went to women.

[3] A study of 1,979 women who received doctorates in the years 1957-8 showed that 91% were working, 81% of them full-time. (Helen Astin, *The Woman Doctorate*, Basic Books, 1970, quoted by Malcolm J. Scully, "Women in Higher Education Challenging the Status Quo," *The Chronicle of Higher Education*, Feb. 9, 1970, pp. 2-5, especially p. 4).

[4] For professional schools such as Law, Dental and Oral Surgery, International Affairs and Business, the proportion of degrees earned by women is a more accurate guide than the overall proportion of doctorates earned by women. The following data for post-1949 degrees will give some idea of the proportion of Ph.D.s going to women in these subjects.

	1949-53	1954-59	1961-66
Law	0.02	0.03	0.04
History	.11	.12	.11
Political science	.08	.06	.08
Sociology	.14	.14	.19
Economics	.06	.04	.05
Business	.07	.03	.03

[5] *Token Learning: A Study of Women's Higher Education in America*, Education Committee of the National Organization for Women, New York Chapter (Kate Millet, Chairman), 1968, pp. 37-40.

[6] AAUP Bulletin, 1968. Compensation is defined as salary plus fringe benefits.

[7] Part-time and visiting appointments are excluded, as are cross-listed appointments.

[8] In 1960 John Parrish studied the distribution and numbers of women faculty in ten high endowment and ten high enrollment institutions of higher education ("Women in Top Level Teaching and Research", *Journal of the American Association of University Women*, Vol. LV, 1962, Jan., pp. 103-109). Table 4 shows their distribution by subject, varying from 93.1% of Home Economics faculty to .2% of Engineering faculty. Columbia was among the high endowment institutions studied. The percent of women faculty by rank in the eight institutions with high endowment who responded to the questionnaire in 1960 was: Full Professor—2.6%; Associate Professor—7.5%; Assistant Professor—8.5%; Instructor—9.8%. With Barnard excluded, Columbia's current faculty enrollment shows a lower percentage of women at all ranks than Parrish's 1960 study.

[9] Scully, "Women in Higher Education," p. 2. The median salary of women in Higher Education was 16.5% less than that of men in 1965-6 and 18% less in 1968.

[10] Jessie Bernard, *Academic Women*, Pennsylvania State University Press, 1964, provides many useful statistics on the distribution of women in American institutions of higher education.

[11] See note 3. See also Evelyne Sullerot, *Histoire et Sociologie du Travail Feminin*, Editions Gonthier, Paris, 1968, pp. 300-302. Columbia University does not own this book, the best comprehensive study of women and work published to date. Sullerot (p. 318) also cites French studies that show absenteeism among women lessens in inverse proportion to the degree of education they have received, and that level of education is a more important factor than either marriage or the arrival of children.

[12] *Women and the Scientific Professions*, p. 75 and *Womanpower*, National Manpower Council, New York, 1957, p. 75. Jessie Bernard also notices this factor.

NEW YORK STATE SCHOLAR INCENTIVE AWARDS

Any student who has been a legal resident of New York State for the preceding year is entitled to a Scholar Incentive Award for each term in which he is registered as a full-time degree candidate. Further information and application forms may be obtained from the State Education Department, Regents Examination and Scholarship Center, Albany, N.Y. 12201. To insure timely processing, application for awards should be filed three months in advance of the beginning of the term for which the grant is to apply.

ENDOWED FELLOWSHIPS: OPEN TO STUDENTS IN ANY OF THE THREE GRADUATE FACILITIES

Richard Butler Scholarship (1903). Awarded biennially to male students from the State of Ohio. A gift of Mrs. Richard Butler in memory of her husband.

Henry J. Carman Fellowship (1949). Awarded annually to seniors in Columbia College. To be used for work toward an advanced degree under one of the Graduate Faculties. Students may not apply; selection is made by the Dean of Columbia College. A gift of friends and former students of Dean Carman.

Curtis University Scholarship (1896). Awarded annually to first-year students in the Graduate Faculties who are graduates of Barnard College. Established by the Trustees of Columbia University in accordance with conditions set forth by President Seth Low.

William Bayard Cutting Traveling Fellowships (1913). Awarded annually to men who have been in residence under the Graduate Faculties and are certified candidates for the Ph.D. degree. A detailed itinerary approved by the student's sponsor, and a budget of estimated expenses are required before final selection. A gift of Mrs. William Bayard Cutting and her children in memory of her husband.

Vera B. David Scholarships (1963). Awarded annually. A bequest of Vera B. David in memory of her husband John David.

Frances M. Dibblee Scholarship (1933). Awarded biennially to women graduates of Barnard College or Teachers College who are looking forward to careers in teaching or finance. A bequest of Charlottee Dibblee in memory of her mother.

Dyckman Institute Scholarships (1943). Awarded annually to students who are residents of Manhattan or the Bronx. A gift of the Dyckman Institute.

George W. Ellis Fellowships (1930). Awarded annually to graduate students who are residents of the State of Vermont or who have been graduated from a Vermont college or university. A bequest of George W. Ellis.

Henry Evans Fellowship (1928). Awarded annually to graduates of Columbia College for study either abroad or in the United States. Students may not apply; selection is made by the Dean of Columbia College. A gift of Mrs. Henry Evans in memory of her husband.

Gottsberger Fellowship Fund (1904). Awarded triennially. A gift of Ellen J. Banker in memory of her brother, Cornelius Heeny Gottsberger.

Graduate Faculties Alumni Fellowship (1966). Awarded annually. A gift of the Graduate Faculties Alumni of Columbia University.

Leta Stetter Hollingsworth Fellowship (1944). Awarded annually to women who are graduates of the University of Nebraska, with preference given to those who were born in Nebraska or received their earlier education there. Holders are eligible for reappointment for one year. A gift of Harry L. Hollingsworth in memory of his wife.

Hu Shih Fellowship (1962). Awarded annually to students of history, philosophy, or literature. A gift of various donors in memory of Dr. Hu Shih.

Edward W. Scudder Johnson Scholarships (1946). Awarded annually. A bequest of Mary Mandeville Johnston in memory of Edward W. Scudder Johnston.

Euretta J. Kellett Research Fellowship (1931). Awarded annually to graduates of Columbia College who are studying in the Faculties of Philosophy or Political Science, who have completed course work and certifying examinations for the Ph.D. degree, and who must do research for their dissertations at Oxford University or Cambridge University. Applications should be submitted to the Dean of Columbia College before February 1.

Paul H. Klingenstein Fellowship (1964). Awarded annually to a doctoral candidate who has completed at least one year of full-time graduate study at Columbia and who is preparing for a career in teaching. Preference is given to candidates from the Faculties of Philosophy and Political Science. A gift of Mrs. Klingenstein in honor of her husband.

Lydig Fellowship (1931). Awarded annually to an advanced doctoral candidate. Special provision: upon recommendation of the Dean of the Graduate Faculties, the holder may pursue his studies or research in a foreign country. A detailed itinerary approved by the student's sponsor and a budget of estimated expenses are required before final selection. A bequest of Hannah M. Lydig.

Walter Ross Martin Fund (1956). Awarded annually to students who are citizens of the United States, preferably those coming from Greene County, New York. A bequest of Walter Ross Martin.

President's University Scholarship (1896). Awarded annually to first-year male students in the Graduate Faculties. Established by the Trustees of Columbia University in accordance with conditions set forth by President Seth Low.

Lydia C. Roberts Graduate Fellowships (1920). Awarded annually to students born in Iowa who have been graduated from an Iowa college or university. In addition to the stipend, the fellow is reimbursed the cost of traveling once from Iowa to New York City and back. Special provisions: holders may not concentrate their studies in law, medicine, dentistry, veterinary medicine, or theology.

Schuyler Fiske Seager Fellowship (1932). Awarded annually for the study of economics. A bequest of Professor Henry R. Seager.

Wladimir S. Woytinsky Fellowship (1962). Awarded annually for the study of economics. A gift of Mrs. Emma S. Woytinsky in memory of her husband.

OPEN ONLY TO STUDENTS IN THE FACULTY OF PHILOSOPHY

Victor Baier Fellowship (1922). Awarded annually for the study of church music. A bequest of Victor Baier.

Clarence Barker Musical Scholarship (1921). Awarded for two consecutive years. A bequest of Virginia Purdy Bacon; for the study of music, preferably in Europe.

Wendell T. Bush Fellowship (1954). Awarded annually for the study of philosophy. A bequest of Mary T. Bush in memory of her husband.

Ch'en Kuang Scholarship (1964). Awarded biennially for the study of Chinese. A gift in memory of Lucius C. Porter.

Edward Benton Coe Scholarship (1954). Awarded biennially. A bequest of Margaret E. Coe in memory of her father. Open to students in the Department of English and Comparative Literature.

Thomas S. Da Ponte Fellowship (1963). Awarded annually for the study of Italian language and literature. A gift of Mrs. Marcia Da Ponte.

Angel Del Río Prize for Excellence in Hispanic Studies (1963). Awarded annually to the most outstanding recipient of the master's degree in the Department of Spanish and Portuguese.

Alice M. Ditson Fellowship (1940). Awarded annually for the study of music. A bequest of Alice M. Ditson.

Henry Drisler Fellowship. Awarded annually. A gift of President Seth Low in honor of Henry Drisler. Open to students in the Department of Greek and Latin.

Irwin Edman Fellowship (1954). Awarded biennially for the study of philosophy. A gift of friends of Professor Edman.

Lizette Andrews Fisher Fellowships (1945). Awarded annually to women students in the Department of English and Comparative Literature. A bequest of Lizette A. Fisher.

Giuseppe Garibaldi Scholarship (1932). Awarded biennially to students who plan to specialize in the study or teaching of Italian. A gift of the Italian Government, the income to be used to defray tuition expenses.

William Addison Hervey Memorial Scholarship (1924). Awarded biennially to students in the Department of Germanic Languages. Preference is given to graduates of Columbia College or Barnard College. A gift of friends and former students of Professor Hervey.

A. V. William Jackson Fellowship (1939). Awarded annually for Indo-Iranian studies.

Adam Leroy Jones Memorial Fellowship (1946). Awarded annually to students in the Department of Philosophy. A gift of Mrs. Adam Leroy Jones in memory of her husband.

Manfred Kridl Scholarship (1957). For study in the field of Polish language and literature. The gift of various donors.

Sylvanus Lyon Scholarship (1962). Awarded annually for doctoral study in the Department of English and Comparative Literature. A bequest of John H. H. Lyon in memory of his father.

William Mason Musical Scholarship (1933). Awarded annually. A bequest of Mina Mason van Sinderen.

William Mitchell Fellowship (1908). Awarded annually to graduates of Columbia College. Students may not apply; selection is made by the Dean of Columbia College. A bequest of Benjamin D. Silliman.

Mogilat-Mihaily Fellowship (1967). Awarded annually for summer travel expenses to the Soviet Union. Open to students in the Department of Slavic Languages.

Joseph Mosenthal Fellowship (1898). Awarded biennially to students of musical composition. A gift of friends of Joseph Mosenthal.

Austin Oldrini Traveling Fellowship (1957). Awarded annually for the study of Italian language and literature. A bequest of Linda Oldrini.

Alexander Moncrief Proudfit Fellowship (1899). Awarded biennially to graduates of Columbia College for study in the Department of English and Comparative Literature. Special provision: holders must be unmarried during the duration of the fellowship. A bequest of Alexander M. Proudfit.

Seidl Fellowship (1899). Awarded biennially for the study of musical composition. Special provision: preference will be given to candidates who demonstrate their ability to compose for the lyric stage (opera or ballet).

Carl Schurz Fellowship (1900). Awarded triennially for the study of Germanic languages and literatures. A gift of friends of Carl Schurz.

Henry Alfred Todd Scholarship (1936). Awarded biennially for the study of French language and literature. A gift of Mrs. Henry A. Todd.

F. J. E. Woodbridge Fellowships. Honorary fellowships awarded annually to advanced students of the highest academic achievement and promise. Students may not apply; nominations are made by the departments to the Committee on Instruction. Honorary fellows may hold a concurrent award carrying a stipend.

OPEN ONLY TO STUDENTS IN THE FACULTY OF PURE SCIENCE

Ernest Kempton Adams Research Fellowship (1904). Awarded annually for research in the physical sciences or in their practical applications. Appointment made from among the distinguished physicists of the United States or of any foreign foundations, clubs, and labor unions. The names of the fellowships and scholarships awarded for the year 1967–1968 are as follows:

American Chemical Society Fellowships. In geology.

American Cyanamid Fellowship. In chemistry.

Armenian General Benevolent Union of America, Inc., Fellowship. In Armenian history, linguistics, literature, art history, archaeology, or theology.

Atran Foundation Scholarships. In Yiddish language, literature, and culture. Consult the chairman of the Department of Linguistics.

Laura Boulton Fellowship. One fellowship awarded annually to a student who qualifies for work in the Research Project on World Music in the School of International Affairs. This fellowship may be used for field work or for studies at Columbia University.

Continental Oil Company Fellowship. In geophysics.

Walter Dorn Scholarship. In history.

Dupont Teaching Award. In chemistry.

Dupont Fellowship for Fundamental Research in Physics.

Esso Education Foundation Fellowship. In chemistry and chemical engineering, for a twelve-month period.

Harry G. Friedman Scholarship. In economics.

Friends of Music Scholarship. In music.

German Academic Exchange Fellowship. Awarded by the Federal Republic of Germany for studies in the humanities or social sciences or, with special permission, in the pure and applied sciences. For a full year of study (September 1 to August 31) at a university of the student's choice in West Germany or West Berlin. Further information may be obtained from the Graduate Faculties Office of Admissions and Financial Aid, 106 Low Memorial Library.

IBM Graduate Fellowship. For a student in the humanities who is using the computer as a tool in his research for the dissertation.

International Affairs Scholarships. In the Departments of Economics, History, and Public Law and Government.

Joseph Klingenstein Fellowships. In social psychology.

Samuel Kress Foundation Fellowships. In art history.

Lederle Scholarship. For a student of German extraction.

Adelene Moffat Fellowship. Awarded annually to a woman student for graduate study in geography. A gift of the Society of Woman Geographers.

Meyer Padve Scholarship. In American history.

SILVER SPRING, MD.,
May 11, 1970.

Hon. GEORGE P. SHULTZ,
Secretary, Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: Please consider this letter as a formal charge of sex discrimination against Western Washington State College, under Executive Order 11246 as amended, which specifically forbids Federal contractors from discriminating against women.

The charges are based on the enclosed letter which was written to a woman who applied for a position there. The letter openly and blatently states that the particular department is "looking for a man."

We request that an immediate compliance review be conducted at Western Washington State College, Bellingham, Washington. We further request that such a compliance review include examination of admission of women, financial support to women, placement of women graduates, hiring and promotion policies of women on both the staff and faculty, and a study of salary differentials.

Please inform me when the compliance review begins.

Sincerely,
BERNICE SANDLER, Ed. D.,
Chairman, Action Committee for Federal Contract Compliance in Education (WEAL).

WESTERN WASHINGTON STATE COLLEGE,
February 2, 1970.

At the moment we are looking for a person who can handle our debate program who has, or is close to the Doctorate. We want

XUM

to take advantage of the Buyer's Market this year and hold out for just the right person.

Last year we brought on three women, so that one quarter of our staff is female. We were, frankly, looking for a man this time to fill our speech opening. But thank you for your interest in our school and our department.

Sincerely,

ARTHUR L. SOLOMON,
Chairman.

PART 3: PROMOTIONAL PRACTICES AT BROOKLYN COLLEGE 1930–1970 SHOWING DISCRIMINATION AGAINST WOMEN IN PROFESSIONAL ADVANCEMENT WITH SPECIAL REFERENCE TO DISCRIMINATION AGAINST DR. BABEY-BROOKE

A statistical analysis of promotion in the ranks of full, associate and assistant professor in the teaching faculty, including men and women, at Brooklyn College of the City University of New York from the inception of the college in 1930 to 1970 is the subject of this report. At first the year 1964 was chosen because it was at that time that Dr. Anna M. Babey-Brooke, an assistant professor in the department of English, protested, among other charges, "that discrimination against her as an individual and against women existed at promotion time in Brooklyn College." Due partly to her case, to the activities of the Ad Hoc Committee, and to the Report of the Committee of Rank, the college administration made a gesture to correct this injustice and promoted women in wholesale numbers in 1966. This study has therefore, included an analysis of promotional practices in 1966–1968. The Brooklyn College Bulletins which are a matter of public record, were used for this study.

The names, dates of appointment of individuals together with the years required for promotion to the next rank are all enumerated. The rate of promotion for each rank is given in a departmental as well as on a college wide level. The record speaks for itself; there is no doubt about discrimination against women. Statistical tables provided in a memorandum from Deans Mais and Stroup to President Gideonse, February 21, 1962 and reissued April of 1964 by the Office of the Dean of Students as "Conference on the Status of Women" substantiate this report.

From the beginning when the College was first set up from the faculties of Hunter College—for women—and from the College of the City of New York—for men—discrimination against women existed. The men's division sent in all men as faculty; the women's division sent in both men and women: the major ranks filled exclusively by men. In 1932, 8 men were professors, but no women; 10 men and 4 women were associate professors; 21 men and 7 women were assistant professors. This trend continued so that in 1964, 34 men but no women were appointed full professors; 39 men and 5 women were associates. In the total count from 1930 to 1964, 151 men were made full professors in contrast to 16 women; 104 men were associates in contrast to 48 women.

The Bulletin of 1966–1968 shows the continuation of this trend: 145 men were full professors to 20 women; 125 men associates to 35 women; and 153 male assistants to 62 females. In the years 1966–1968 the women gained 4 full professorships at the expense of 13 associate professorships and the men lost 6 full professorships but gained 21 associate professorships. The senior ranks for females showed a net loss of 9 and for males showed a net gain of 15.

The latest Bulletin 1968–1970 lists 143 men as full professor to 17 women; 135 men associates to 25 women and 158 men assistants to 52 women. In two years from 1968 to 1970, men lost 2 professorships to 3 for women. Men gained 10 associate professorships and women lost 10; men gained 5 assistant professorships and women lost 10 assistant professorships. In the senior ranks, men gained 8 and women lost 13. The figures speak for themselves.

In the following eight departments: anthropology, art, geology, music philosophy, physics, psychology, and sociology, no woman has ever been appointed to a full professor. This figure comprises more than half of the departments as listed in the statistical tables that follow in the departments listed on page 38 of the report published in 1966.

In the following four departments: art, music, philosophy, physics, and sociology, no woman has ever been made an associate professor.

Only on rare occasions have women held the rank of chairman of the department. This fact also is a form of discrimination, for it is the chairmen of the departments who make up Personnel and Budget, the Committee at Brooklyn College which votes on the candidates to be promoted. If the President concurs, the recommendations goes to the Board of Higher Education of the City University of New York.

In the Babey-Brooke case—a pilot case in higher education—it was brought out in the hearings by the Board of Higher Education that the Committee on Personnel and Budget consisted of 18 men and 2 women, one of whom was the wife of the then-Dean of Administration who later became President of the College (Kilcoyne). At the hearing, it was further brought out that President Gideonse admitted that he had appointed at least 14 chairmen (of 14 different departments). This figure was a *small number* in his opinion. One of his appointees was Professor George Peck to the chairmanship of the Department of English. He went on to become Dean of Administration and then Acting President. Babey-Brooke in her capacity as an elected member of the Appointments Committee, to which she had been elected by her colleagues for fourteen successive years voted against the appointment of Mr. Peck in 1955. Although President Gideonse called her into his office and asked her to change her vote, she refused.

The statistics for the spring of 1967 reported by the registrar of Brooklyn College were 12,330 women and 9,965 men for the total enrollment of 22,295 of the college; 5,246 women and 4,487 men out of that total represent the matriculated students in the day session. In this college where women predominate, a woman with a Ph.D. who has been an associate dean for over ten years was passed over for the post of Dean of Administration which was given to a man—an acting dean—who had an A.B. degree, no administrative experience, and certainly no scholastic accomplishment. The administration must have realized its mistake, for it then gave the post to Mr. Peck (March 1967, *Faculty Staff Note Book*).

When Mr. Peck was acting president, the acting dean with a B.A. degree was appointed as an associate dean (so that he could get his full professorship).

What follows in the report is a summation of each department of the college in regard to discrimination against women in the promotional practices prevailing at Brooklyn College.

SECTION II: PROFILE OF DR. ANNA M. BABEY-BROOKE'S PROFESSIONAL ACTIVITIES SINCE HER PROMOTION TO THE RANK OF ASSISTANT PROFESSOR IN 1953

I. RECORD OF SIGNIFICANT ACHIEVEMENT IN FIELD OR PROFESSION

1. Guest Lecturer at International Congress of Acupuncture, Paris, France, 1969.
2. Guest Lecturer at International Congress of Acupuncture, Tokyo, Japan, 1965.
3. Lecturer to Medical Societies and colleges in Japan, 1965.
4. 1963–64: Senior Fulbright Grantee, Professor, English Graduate Studies, Lady Doak College, Madurai, South India. She was the head of the Graduate Department in English of this college, an affiliate of Madras University.
5. Guest Lecturer at the following colleges in India: American College, Theogarajen College, Theorgararajan College of Preceptors, Maurai College.
6. Lecturer for United States Information Service on its various American cultural affairs programs at the following Universities in India: Annamalai, Karnatak, and five colleges associated with Calcutta University.
7. Special Public Lecturer for the Annual Address promulgated by the Vice-Chancellor of Madras University on "The Search for the Self in Eastern and Western Cultures."
8. Participant, American Studies Center, Hyderabad, Osmania University, Photostatic copies of letters, unsolicited, from four government officials will provide insights into her contributions.

N.B. Other Fulbrighters at Brooklyn College have been promoted for their governmental awards. Babey-Brooke was bypassed even though she was one of two Americans invited to represent the United States at the International Congresses in Tokyo and in Paris.

II. RECORD AS ADMINISTRATOR

1. Educational Director and Chairman, American Association of University Women, 1966–present.
2. Member, Steering Committee, International Congress of Acupuncture, Tokyo, 1965.
3. Chairman, Graduate Studies, Lady Doak College, India, 1963–64.
4. Coordinator, Division of Written Communications, Division of Vocational Studies, 1955–1969 except for leave to teach in India.
5. Deputy Chairman, Division of Graduate Studies, English, Brooklyn College, 1958.
6. Faculty advisor to school *Landscapes*, a student publication.

III. RECORD OF SERVICE TO THE COMMUNITY—ABROAD AND AT HOME

1. Lecturer at various social agencies in India: Y.W.C.A., Y.M.C.A., Lions' Club; Hindu Relief Organization; Hindu orphanages and Christian orphanages on fund-raising campaigns; maternity centers in local villages on outskirts of Madurai on an educational program.
2. Lecturer at College of Religious Science and the First Church of Religious Science and its clubs on the following: Plato, Aristotle, Great Truths, Buddhism, Taoism, General Semantics, William James, Existentialism, *The Upanishads, BhagavadGita,* Swedenborg, Boehm, Confucius, Lao Tse etc.

IV. EVIDENCE OF CONTINUED GROWTH

She is the first American woman to receive the degree of Doctor of Acupuncture, a Chinese medical degree, signed by the Minister of Foreign Affairs and verified by the courts of Taiwan, Free China. This was awarded in June of 1964. (In the Sung Dynasty, Acupuncture was one of the three main subjects taught in the government medical schools.)

2. The State Department interviewed her in Washington about her experiences and contacts in India and Formosa.
3. She is a member of the International Committee on the Standardization of Nomenclature.
4. She is co-author of "The Pulse in Occident and Orient: It's Philosophy and Practice in India, China, Iran and the West." Dawson of Pall Mall, London; and Santa Barbara Press, N.Y., 1966.
5. Two articles published in International Journal of Acupuncture at the two different congresses—in Japan and France—and translated into other languages.

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V. RECORD OF SERVICE TO THE COLLEGE

1. Her publications of various career manuals which are listed on the college special form—known as Form D—of her academic record require this explanation: She approached the dean in 1951 with preparing vocational brochures of interest to English majors and she prepared this material and edited a General Manual. These two Manuals were followed by the establishment of a college-wide committee on Employment and she became a Counsellor in the Division of Personnel Services. In 1954, the Minutes of the English Department reported that she had obtained a sum of money to defray the publication costs of a 16 page booklet. In 1954, 5,000 copies of this manual were distributed and in 1956, 2000 additional copies were sold.

2. Member, Faculty-Student Commitee on Employment, 1951–53.

3. Chairman, Faculty Committee on Economic Services to Students, 1953-55.

4. Member, Commitee on Career Publications (College-Wide) 1953–57.

5. Member, Committee on Scholarships and Awards, 1955–56.

6. Elected Member of Faculty Council, 1955.

7. President, Faculty Club, School of General Studies, 1958–59.

EDITORIAL SUPPORT OF PRESIDENT NIXON'S CAMBODIAN ACTION

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 3, 1970

Mr. THURMOND. Mr. President, many editorials throughout the country support President Nixon's decision to destroy North Vietnam's sanctuaries in Cambodia. However, few editorials equal the one entitled "It Was the President's Duty," published in the Columbia Record of Saturday May 23, 1970.

The editorial makes an irrefutable case to show that President Nixon's decision was logical, timely, necessary, and a master stroke of tactical surprise. To quote from the editorial:

> It will be seen as the right move at the right time at the right place and under the right circumstances. For the President not to have taken advantage of the unexpected political developments in Cambodia when he did would have been a dereliction in his duty as President of the United States.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Columbia Record, May 23, 1970]

IT WAS THE PRESIDENT'S DUTY

Not even some of the bitterest opponents of President Nixon's Cambodia incursion deny that he made a sound and laudatory tactical decision.

Under Sihanouk's policy of neutralism the Communists were granted use of Cambodian ports to receive war supplies. They occupied territory to establish military bases.

The Viet Cong and North Vietnamese stockpiled these sanctuaries with supplies and used them as springboards to attack South Vietnam. Their guerrillas and army regulars could return to safety without fear of retaliation.

As long as Sihanouk ruled, his country were off limits to American and South Vietnamese forces, but the circumstances changed when Sihanouk was deposed. The allies were welcome to divert Communist forces from a takeover of the country.

This gave the Americans the opportunity to secure their left flank. As Commander-in-Chief, President Nixon seized the initiative with a surprise, blitzkrieg attack that has captured more military supplies than we believed the enemy held. The sanctuaries have been destroyed. The impending monsoon season will ensure that they cannot be rebuilt and restocked for many months.

An alternative to the Nixon decision was to hold back to defensive positions and allow the Communists to take over all of Cambodia with impunity, expanding the sanctuaries to intolerable proportions. This would have added new dimensions to the war and possibly caused a long and bloody delay to the planned orderly withdrawal of American forces.

In any previous war the action would have been hailed as a master military stroke, but the Vietnam War is different. It has been run almost entirely for political rather than military considerations, and has been directed by political rather than by military decision makers.

Consequently, a howl went up in the Senate because Congressmen had not been consulted beforehand about the military operation. Such a consultation most certainly would have destroyed the element of surprise for the enemy, and impeded the entire American peace effort.

The "invasion" issue was grabbed by those whose voices are constantly raised against any opposition to Communist aggression. Swept up in the wave of emotionalism that ensued were those who want peace at any price, those who have honest revulsion to American overseas involvement, and those who sponsor any cause that undermines the government of the United States.

When the storm of hysteria has passed and the Cambodian action and its results can be calmly and soberly assessed, we predict that it will be seen as climactic in bringing the war to a quicker end.

It will be seen as the right move at the right time at the right place and under the right circumstances. For the President not to have taken advantage of the unexpected political developments in Cambodia when he did would have been a dereliction in his duty as President of the United States.

AMERICANS ARRESTED ABROAD ON NARCOTICS CHARGES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. ANDERSON of California. Mr. Speaker, I am inserting in the CONGRESSIONAL RECORD a letter from the Department of State relative to the increased number of young Americans who are under detention abroad for violation of foreign drug laws. This is a serious situation and I feel every effort should be made to acquaint our young people of the fact that when they go abroad, they are subject to the laws of the countries they visit and that in many countries penalties for possessing drugs are severe while the penalties for trafficking can be even more stringent.

I also wish to encourage the Department of State to continue their present efforts and also seek additional methods to reach our young Americans regarding this serious situation.

The letter from the State Department follows:

DEPARTMENT OF STATE,
Washington, D.C., May 19, 1970.

DEAR CONGRESSMAN: You may already have heard about the increasing number of young Americans who are under detention abroad for violating foreign drug laws. However, we view the problem so seriously that we wish to make doubly sure that all Members of Congress are fully informed. The number of young Americans under detention abroad at the end of March last year was 142. A year later it had risen to 522.

We believe that many young Americans who go abroad do not realize that they are subject to the laws of the countries which they visit; nor do they realize that in many countries the penalties for possessing drugs are severe while the penalties for trafficking can be very serious indeed. The fact sheet attached to this letter will give you an idea of what can happen to the boy or girl who is apprehended abroad on this type of charge. Prison conditions in many countries, particularly in the Far East, Middle East and Latin America are severe; an individual who must serve a jail term faces a most distasteful ordeal. A person who has been apprehended must often spend several months in prison awaiting trial. In many instances, this time of incarceration is not subtracted from the sentence imposed by the court.

Our consular officers do the best they can to assure American citizens fair treatment under the legal procedures of the country involved. They cannot, however, represent them legally nor request special treatment on the basis that they are Americans. Moreover, the consular officers are unable to expend any U.S. Government funds in their behalf.

The Department has taken several measures to warn young people about the penalties of violating foreign drug laws. These warnings have included TV and radio interviews by the Administrator of the Bureau of Security and Consular Affairs, Miss Barbara M. Watson; a press release which has been reprinted and widely circulated to almost 6,000 colleges and college newspapers; and instructions to our consulates abroad to use posters and notices in order to warn American boys and girls who are visiting their countries. Our purpose has been to alert them to the danger before they get into trouble.

I am sending you this letter because I believe you would want to know how serious the situation has become. Please feel free to use this letter and the enclosed fact sheet in any way you deem helpful in alerting your constituents to this problem.

Sincerely,

DAVID ABSHIRE,
Assistant Secretary for Congressional Relations.

AMERICANS ARRESTED ABROAD ON DRUG CHARGES

1. Total Americans arrested and under detention abroad on narcotics charges:

ARRESTS

During March 1969, 57.
During March 1970, 221.

UNDER DETENTION

As of March 31, 1969, 142.
As of March 31, 1970, 522.

2. Top 20 countries in which Americans are under detention for narcotics:

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Country	Arrests in March 1970	Total under detention, March 31
Mexico	52	145
Spain	20	63
France	23	33
Japan	10	26
Jamaica	3	25
Sweden	10	23
United Kingdom	16	22
Italy		20
Israel	10	18
Canada	11	17
Lebanon	5	17
Germany	5	16
Greece	1	12
Panama	8	8
Netherlands	4	7
Bahamas	5	6
India	5	6
Turkey	1	6
Bolivia		5
Denmark		5

3. Representative penalties for possession and trafficking in narcotics:

Bahamas: Possession—Americans have been sentenced to from 3 months to 1 year in jail.

France: Possession—varies, but less than for trafficking. A minimum of 3-4 months pre-trial confinement; Trafficking—1-5 years jail.

Germany: Possession—One American sentenced to 2 years for possession of large amount of hashish.

Greece: Possession—Fine and sentence to few months jail. Trafficking—One American recently sentenced to 18 months, another to 5 years.

Italy: Possession—One American recently fined $317 and sentenced to two years jail. Trafficking—3 to 8 years.

Jamaica: Possession—minimum of 18 months.

Japan: Sentences are based on the quality of narcotics involved. For small amounts, as are usually the case, sentences are light, are often suspended, followed by deportation. One American found with 600 grams of hashish was sentenced to two years. Most Americans arrested on narcotics charges are seamen.

Lebanon: Possession and use—1 to 3 years in detoxification asylum (usually a mental hospital). Trafficking—3 to 15 years.

Mexico: A minimum of 6-12 months pretrial confinement; then, sentence usually *under* 5 years unless more than one-half ton of drugs involved.

Spain: Penalty depends on quantity of drugs involved: Less than 500 grams—fined and released or released on bail until trial. More than 500 grams—heavy fine plus minimum of 6 years jail.

Sweden: Possession—One American recently sentenced 1 year jail. Attempted sale—One American sentenced 1 year, 9 months. Permanent expulsion from Sweden usually follows release.

Turkey: Possession—3 to 5 years. Trafficking—10 years to life.

U.S.S.R.: Trafficking—3 to 10 years.

4. Approximate age of persons arrested for narcotics violations:

According to a sample of about ⅓ of the cases in our card file, by far the greatest number arrested are below 30 years of age.

5. Distribution of arrest reports:

Initial reports of an arrest are sent to the Department of Justice as well as the Department of State.

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EDUCATION VOUCHERS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 3, 1970

Mr. THURMOND. Mr. President, the State, the morning newspaper of Columbia, S.C., has warmly endorsed the concept of educational vouchers as a method of heading off the crisis in public education.

Under the proposed voucher system, every parent would draw a certificate from public funds equivalent to the per-pupil cost of public education. He would then be able to apply this voucher toward tuition at any school that would accept his child.

This system would break the monopoly that forces most parents to send their children to the public school system for assignment to a school.

I believe that educators should welcome this proposal. It would provide the competition in education that is necessary to bring out the best in any enterprise. Every school, public or private, would have to reexamine its methods to see whether it is doing the best it can.

The real interest of government is to see that every child gets a good education. It is not in the interest of government to impose a monopoly on its people.

Mr. President, I commend the State newspaper for taking a forthright stand in favor of this proposal, and I ask unanimous consent that the editorial entitled "Public School Monopoly Challenged by Vouchers," published May 28, 1970, be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PUBLIC SCHOOL MONOPOLY CHALLENGED BY VOUCHERS

The public school establishment will not celebrate the idea, but a system of educational vouchers may—just may—be able to head off the crisis in public education.

Under the plan, long advocated by economist Milton Friedman and now being pushed by the Office of Economic Opportunity, the virtual monopoly of public schools would be broken. Both private and public education stand to benefit. More important, so do the students.

The voucher plan works this way. Every parent of a school-age child would draw from the government a certificate equivalent to the per-pupil cost of public education. He could "spend" this voucher, if he wished, on public schools. But if he found private education preferable, he could use the voucher to send his child to a private school.

Opposition from the public school lobby is understandable. Under the existing order, public education has a captive student body whose parents are required by compulsory attendance laws to send their children to school, but who, for the most part, are economically unable to opt for private education. The result, in many cases, is the kind of stagnation that generally accompanies a lack of competition.

Aside from vested interests, however, the voucher plan's bitterest opponents are to be found among those who stand to benefit from it most: the urban blacks. The voucher system smacks of the old "tuition grant" device whereby Southern states once thought to escape the onus of compulsory integration. And since the courts have ruled, with some justification, that tuition grants were a dodge, the argument is now heard that even an honest voucher plan would be tainted.

It is not so, of course, but the opposition can be expected to latch onto the issue of racial prejudice with all the effectiveness of a squid inking down a menacing shark. But the threat is not to blacks. It is to that portion of public school officials, however small, whose indolence or incompetence would be spotlighted by widespread availability of a voucher plan.

Beyond that, however, children from impoverished backgrounds could transfer out of impoverished "ghetto" schools. It is no secret that in countless communities most educational dollars are spent in the better-off neighborhoods. Slum dwellers resent the inequity, but are often powerless to bring about correction through the political process. The voucher system would give them a way out. If slum schools failed to meet the needs of slum children, parents could enroll their children in other public schools—or even private schools—that did.

From almost any angle, the voucher system has to be viewed as an improvement. By offering a private escape hatch, it would alleviate many of the social pressures now building dangerously in public school classrooms. It would give poorer families the access to private schools that only the relatively affluent now enjoy. Most of all, it would break up the public school monopoly and force public institutions to compete with each other and with private schools for acceptance.

But wait. The millennium is not here yet. If experience counts for anything, the vested interests will make a brave fight against any alteration of the status quo.

Nonetheless, the idea is so refreshing and so challenging that it deserves broad support—not only for initial adoption but for ultimate expansion.

WHO SPEAKS THUS?

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. KUYKENDALL. Mr. Speaker, now and again in our lives there sounds a voice out of the rhetoric, a clear bell from the cacophony that assaults our ears every day, that makes us turn and listen and say to each other, "What was that? Did you hear it? Who speaks thus?"

Such a voice comes through in an open letter to the President, from Dr. Miller Upton, the president of Beloit College in Beloit, Wis. I urge it on my colleagues as one of the most succinct appeals to reason that it has been my pleasure to hear in many years.

If there is one shining message in Dr. Upton's letter, it is the cry for truth and reason to prevail. The man has no ax to grind, no windmills that he tilts against. He opposes many of the viewpoints that prompt his letter, but he opposes even more the strident voices from his own profession who want to overcome these viewpoints by shouting them down.

Mr. Speaker, I would count myself lucky if my enemies were men like Dr. Upton. I would be even more blessed if I could call him my friend. I have never met him, but I am grateful to him because he has shown me that men still know how to seek justice, defend truth, and do it well. The letter follows:

BELOIT COLLEGE,
Beloit, Wis., May 11, 1970.

AN OPEN LETTER TO PRESIDENT RICHARD M. NIXON

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As a college president, a past scholar-teacher, and one who has consciously devoted his whole life to the cause of higher education in the conviction that it offers the greatest hope for social progress and the elevation of man to his highest potential, I wish to apologize to you and the nation for the grotesque failure of the academic community at this hour of national trial and turmoil.

I am fully aware of how extremely presumptuous it is for one to represent himself to apologize for the many, but I am constrained to do so nonetheless for the shame I feel for the community with which I have been so intimately related for so long and in which I have placed so much confidence in the past. Those who do not agree with me will, of course, be able and willing to speak for themselves.

Let me establish a point about myself at the outset so that my position can be more accurately interpreted. I was a conscientious objector during World War II, and were I of draft age now I would be a conscientious objector again. But my moral opposition to war, however deeply and conscientiously held, does not entitle me on any ethical or moral grounds to take violent action against those who disagree. I must bear witness to truth as I see it, but I must also respect the right of the other person to do the same. Certainly, I must never hurt or demean another simply because he won't go along with my own conviction.

This commitment to respect for the individual, intellectual openness, and freedom of inquiry is the transcendent value to which an academic community must be subservient. In fact, it is the only value to which the academy can pledge allegiance if it is to be consistent with itself. To elevate any other value is to break faith with this transcendent value and it is at this point that we have violated our public trust as professional educators: we have given in to violence and threats of violence in support of a particular point of view, and in doing so we have allowed the academic integrity of our individual institutions and the academic community at large to be violated.

Being a conscientious objector to war and one who would issue such an open letter as this, I clearly am not opposed to dissent and protest. But I am vigorously opposed to violence in any form and for any reason, and most of all I am opposed to would-be leaders capitulating to intimidation and violence. Those who respect violence when used against them will inevitably employ violence when it suits their cause.

We in the colleges and universities have tolerated unspeakable intimidation and thought control on the part of radical students, faculty and others, and yet when Vice President Agnew speaks out forcefully against such the only voices that are heard from the academy are those who castigate him and you for repressing dissent. There are few college campuses, if any, where Vice President Agnew, or any member of your cabinet for that matter, could speak without disruption and even physical abuse and intimidation. But a convicted murderer, dope peddler, or one committed to the forceful overthrow of the government will receive not only a respectful hearing, but will be paid a handsome honorarium in addition. In the light of his high position, I have been embarrassed by some of the Vice President's intemperate language. But surely he has as much right to dissent and to be given a respectful hearing as any of the criminal element of our society.

Much of the academic community is now telling you how to settle the war in Vietnam and being critical of your effort to protect lives and shorten the war by moving troops into Cambodia. I find it highly unbecoming of us to presume to tell you how to fight the war in Vietnam when we aren't even able to settle the wars on our own campuses. Nor do I use the word *war* in the context lightly. The throwing of missiles to do physical harm, the throwing of firebombs to burn buildings, the use of guerrilla tactics via arson and vandalism, the shooting and killing of combatants and noncombatants is every bit as much war as that which prevails in Vietnam, Cambodia, and the Near East. I have often wondered sardonically how many protestors of napalm have themselves thrown fire bombs or engaged in arson.

I have also been appalled by a certain arrogance and inconsistency on our part with regard to the way we are free to tell you and others how to handle your jobs but become deeply resentful, insulted, and even hostile when there is any suggestion of your intrusion into "our" domain. I am quite sure that I am able to run Beloit College better than you, but by the same token I am sure that you are able to deal with the issues of the Presidency of the United States, including fighting the war in Vietnam, better than I. The widespread propensity of members of the "intellectual" community to make judgments without benefit of facts is one of my greatest disillusionments and embarrassments.

As a matter of fact, my early naivete led me to embrace the academic life because of my belief that members therein were committed to intellectual honesty, rational behavior and humanistic concern and compassion. Recent incidents have merely confirmed all the more what my life's experiences have suggested. Academic man is as much motivated by vested interest, is as much controlled by base emotion, and reasons as much from prejudice as any other mortal. My readings of Ecclesiastes, the New Testament and the life of Mahatma Gandhi should have prepared me for this, but they didn't.

We who work closely with young people and should know and understand them best have not been very helpful to them or to you and others of the adult community in serving as a vehicle of communication. We have too often taken sides ourselves and been critical of one group or the other and not been sufficiently discriminating in our communicative role.

Maybe we can be forgiven on the grounds that the task is such a difficult one. I know that the great bulk of college students are genuinely concerned about the inhumanity and futility of war and deeply question the legitimacy of a life that sanctions and even glorifies indiscriminate killing and maiming. I also know that the great bulk of adults and members of the establishment are sincere, dedicated individuals with the same hopes and aspirations as the young. But I also know that in each group there are examples that support the worst stereotype of each. The great frustration of the day is that despite this great community of interest and concern there is a growing separation based upon the sinful tendency to judge by stereotype and preconception. We in the academic community are frequently party to this sin even though our training should particularly help us to know better.

Although my own sentiments are basically with the young people, I must admit that there is a general pandering to the young at the present time that is both disgusting and irresponsible. Disgusting because it prostitutes normal respect and affection. Irresponsible because it is creating an unrealistic cleavage between age groups.

Of course, young people on the whole are wonderful, but what's new about that? The great reward of college work is the opportunity it affords to associate regularly with this age group. The idealism, absolutism, intellectual honesty and great aspiration of the young are the eternal attributes of this age group upon which society is dependent to preserve its vital, dynamic quality. These attributes are the standards of behavior to be expected, not glorified as unique in any narrow time span of human history.

Young people are first and foremost people. Those who are young today will be old tomorrow and having to relate to those who are younger then. As people they represent all types, some taller than others, some fatter than others, some with higher IQs than others, some more criminally inclined than others, some more saintly than others, some more hostile than others, some more vocal than others, etc. There is no general virtue attributable to youth any more than there is general evil. We have done all young people a great disservice in recent years by suggesting to them that they are of a different breed from the rest of us and beyond reproach. They are nothing more than the fresh blood being pumped into the human society, just as we were in the past and their children will be in the future. We in Academe should have known this better than anyone else and not have failed them and you in your common need for understanding.

We have been quick to tell you that you are alienating the youth of America, but we seem to pay little attention to the way we are alienating our own constituencies by our failure to protect the authentic academic integrity of our institutions. Implicitly we are also alienating the youth of America over the long run by our failure to be faithful to our leadership responsibilities.

The pain that hurts most of all is the realization that I bear partial responsibility for the unnecessary deaths of four young people on the campus of Kent State University. The National Guard troops should never have been there in the first place, because we should never have permitted the conditions to develop which necessitated the presence of troops. Once this die was cast, it was simply a matter of time before tragedy would strike. If fault lies anywhere for the Kent State deaths it lies not with you and the Vietnam War but with the radical acts and excesses we have tolerated in the name of dissent.

I am sure you know, Mr. President, that I do not say these things with tongue in cheek to placate others, to curry favor, to advance partisan interests, or to defend your war policies. Last fall I joined with a number of other college presidents to urge your rapid withdrawal of troops from Vietnam. I reaffirm this plea. But when I consider the whole matter fully and objectively, I have to concede that you have been more faithful to your leadership responsibilities than we in Academe have been to our own.

With respect for the tremendous burdens you must bear for the rest of us and the conscientious way you are bearing them and with apology for the cruel injustices that have been foisted upon you by the professional community of which I am a part, I remain,

Respectfully yours,

Miller Upton.

SUPPORT OF PRESIDENT NIXON'S ACTION IN CAMBODIA

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 3, 1970

Mr. THURMOND. Mr. President, David Lawrence makes a strong case in support of the President's authority for the Cambodian action. In his column published in the Washington Evening

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Star of Thursday, May 21, 1970, Mr. Lawrence points out that the Senate ratified the Southeast Asia Treaty to aid allies who are victims of aggression.

Both the House and the Senate overwhelmingly passed the Gulf of Tonkin joint resolution to permit the United States to help Southeast Asian countries to fight against aggression. Mr. Lawrence further emphasizes that all U.S. Presidents have adhered to the doctrine to protect American lives without obtaining the consent of the Congress.

Mr. President, I ask unanimous consent that Mr. Lawrence's column be printed in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

Danger Seen in Cambodia Curb Plan

(By David Lawrence)

Lots of people throughout the country—including some members of the Senate and House—seem to think that only Congress can "declare war." They construe the words "declare war" to mean that the United States cannot defend itself without the consent of Congress. But how would they answer this question:

Supposing a foreign government fired in this nuclear age an intercontinental ballistic missile and destroyed many American lives? Would the president of the United States, who is also commander in chief of our armed forces, have to wait for Congress to be called into session—it might actually be in recess—before he would have authority to take the necessary steps to defend the American people?

Incidentally, Daniel Henkin, assistant secretary of defense, told a meeting of the Aviation and Space Writers Association on Tuesday that the launching of a satellite confirms the technological progress of the Red Chinese. He warned that "prudence requires that we continue to credit them with near-term capability to fire their first intercontinental ballistic missile."

All presidents have adhered to the doctrine that it is the duty of the commander in chief to guard the territory of the United States and also to protect American lives and property abroad whenever endangered, without obtaining the consent of Congress beforehand. The Senate, however, is debating a measure which would prohibit federal funds from being used by the President in any way for U.S. ground or naval operations in Cambodia after a certain date, presumably June 30. President Nixon has already announced his intention of removing American forces by that time.

This action could do more than just affect the Cambodian situation. It could have an impact on America's military operations in the future. It could raise doubts whether American citizens abroad, who hitherto have been assured of protection when hostile countries have threatened them, can depend upon such a safeguard in the future. It also could mean that aggressor countries could attack smaller nations without fear of immediate counter-moves by the United States, because of the long delay that might ensue before Congress could give its consent to a military action.

The controversy is basically political, and those who are espousing the idea of limiting the President's powers think they are making votes at home. Actually, they are building up obstacles to the exercise of American military strength where it may be needed in other parts of the world to halt aggression and fulfill American commitments.

The Senate, for instance, has ratified both the Southeast Asia Treaty and the North Atlantic Treaty, under which the United States has made commitments to aid allied countries that are the victims of aggression. If the pending measure in regard to Cambodia is passed, however, there may be doubts whether the United States will honor its pledges. In other words, all treaties will be subject to considerable question as to their effectiveness if Congress now undertakes to limit the power of the commander in chief to initiate military steps when he deems them necessary to carry out American obligations.

There has always been a close interrelationship between Congress and the President when military operations start. As the war in Vietnam began to expand, former President Lyndon B. Johnson asked Congress for specific authority. Both Houses, by an overwhelming majority, passed the Gulf of Tonkin Resolution to permit the United States to help Southeast Asian countries to fight against the "systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors."

Once the Cambodian operation is completed, which probably will be by the end of June, the anti-war sentiment may stimulate groups in Congress to push legislation to require the termination of our participation in the Vietnam war itself by compelling a withdrawal of all our troops by a certain date. This would be a risky step for the United States, and could encourage aggressors to start more trouble in Southeast Asia and elsewhere. The administration will certainly oppose any such legislative moves and will point out to the American people the dangers involved.

THE ENERGY SHORTAGE

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. WOLD. Mr. Speaker, today's edition of the Wall Street Journal carried an article entitled: "Power Crisis: Shortage of Energy Threatens Industries, Homes in United States." The author, Mr. Thomas Lindley Ehrich, explains some consequences and causes of the electrical power crisis.

For many months now, industry spokesmen and concerned Members of this body have warned of an impending electrical power crisis brought about by shortsighted policies in the field of power generation. There have been "red-letter" signs in the past few years of impending crisis—power burnouts across the Nation and the big Northeast power blackout of three summers ago.

Despite these warnings little was done and now the crisis is upon us.

Nonetheless, it is a crisis that can be confronted and surmounted if we begin to act now to create and develop a coherent and sound national energy policy. The United States has adequate supplies of both capital and natural energy resources to insure power supplies to meet every demand of our citizens for both commercial and home power.

I insert Mr. Ehrich's article at this point:

Power Crisis: A Shortage of Energy Threatens Industries and Homes Across the United States

(By Thomas Lindley Ehrich)

(Demand already tops supply in some areas; electricity, gas, coal, oil all tight—for some: Long, hot summer.)

This country—an insatiable, power-consuming culture of electric toothbrushes, power lawn mowers, gas-fired barbecues and air-conditioned homes with electric garage doors—is suddenly faced with a broad energy shortage.

For the first time in history, the nation's energy supply is failing to keep ahead of the ever-growing demand. America's factories and consumers are increasing use of electricity, natural gas, coal and other fuels faster than the suppliers of energy can boost the output. Some analysts see the problem as temporary, but others view it as a historical turning point in which the energy resources that always have been taken for granted become a limiting factor in national growth.

The impact of this "energy gap" is spreading through industry and is beginning to touch consumers. Its scope and seriousness are emerging in scores of scattered but related symptoms:

Fuel and power shortages are interrupting factory operations, increasing manufacturers' costs and hurting their profits. The shortages also are influencing corporate plant-location decisions and crimping industrial-expansion hopes of some areas.

Consumers and homeowners are being threatened with less-reliable utility service, including the prospect of summer power failures. While rates rise and service grows chancier, some are beginning to wonder whatever happened to Reddy Kilowatt, that nearly vanished symbol of cheap, dependable, instant electricity.

Utilities are cutting back on promotions they traditionally have used to increase their business. New York and Philadelphia power companies, for instance, have stopped promoting air-conditioner sales. Meanwhile, utility executives are scrambling to boost capacity and are hoping for breaks with the weather.

"CRISIS AMID ABUNDANCE"

The problem worries Washington officials. "What we have is a crisis amid abundance," declares S. David Freeman, director of the energy-policy staff of the White House Office of Science and Technology.

As the Federal Government's top planner in the energy field, Mr. Freeman lately has been raising provocative questions: Though doubling of power use every decade always has been a sign of progress, isn't it now a "mixed blessing"? Aren't utility salesmen "doing a better job than the producers"? Should utility rate structures, which have always favored the big customers (the more you use, the lower the rate) be changed to "flat or even regressive," which would penalize bigger-volume users?

Some experts speculate that the energy gap, if it persists, will have major, long-range consequences. "Lack of energy is going to start inhibiting our economic growth and perhaps our standard of living," says E. F. Andrews, purchasing vice president of Allegheny Ludlum Industries, Inc., a steelmaker.

"You may have some industries that will be operating seven or eight months a year" due to energy shortages, speculates Robert M. Fletcher, Armco Steel Corp's director of raw materials purchasing.

THE GOOD LIFE

Presidential adviser Freeman suggests that the affluent society might have to curb its appetite for more goods that consume energy. "Electricity has helped bring the good life

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to many Americans," and it isn't possible to stop its growth, but "the rate of growth . . . is subject to discussion and action," he remarked in a recent speech.

The energy gap stems from what Mr. Freeman calls a "runaway market" for energy at a time when suppliers have been hit with a multiplicity of troubles ranging from construction delays and labor strife to bad weather and antipollution crusades that stall projects.

One big problem is that energy suppliers simply underestimated growth in demand. For many years, energy use had been growing at about 3% a year, but starting in 1965 demand growth jumped to 5% annually. Especially startling were the 9% annual spurts in electric-power use in 1968 and 1969.

The pinch affects all major sources of energy and has become an interlocking problem. Thus, attempts to switch from one energy source to another seldom help.

A lag in natural gas exploration, which producers blame on prices set "unrealistically" low by Government regulators, is tightening supplies. For the past two years, consumption of gas has outrun new discoveries, which puts a drain on the nation's gas reserves. Some major pipelines are strained to capacity. Last winter's extreme cold severely depleted supplies at some storage areas.

Coal shortages stemming from recurring labor trouble at the mines, a crackdown on mine safety that has closed some mines and a lag in new mine openings, have grown severe. Mining concerns are unable to boost production quickly, and users' stockpiles have greatly dwindled.

AN ILLUSTRATION

Antipollution pressures are affecting demand as well as supply. "Companies we've been trying to sell gas to for years without much success are now knocking at our door wanting gas to substitute primarily for coal," which pollutes the air more, says Robert E. Seymour, executive vice president of Consolidated Natural Gas Co. The company, like other gas distributors, can't fill all the orders. Similar requests are inflating demand for low-sulphur fuel oil, which also has become hard to get.

The severe disruptions that this situation can cause a big energy user can be seen in the case of PPG Industries Inc., the Pittsburgh based maker of paint, chemicals and glass.

This winter, PPG's glass division had gas service reduced at various plants on two dozen occasions; utilities had curtailed service to industrial customers to keep pumping fuel to homeowners on extremely cold days. In some cases, the PPG plants had to close and send workers home, and in others the plants hastily switched to fuel oil or liquid propane to keep operating—but that caused product-quality problems such as flaws in the glass, company officials say.

The cold-weather woes are behind it, but PPG now is faced with hot-weather problems. John White, a vice president of the PPG glass division, says one major utility that supplies electric power to the plants recently called to ask what operations the company could close down in the event of power shortages this summer. So now the division, which has disaster plans for storms, fire and war, has had to draw up one for "a call from the electric company," says Mr. White.

That's not all. PPG is expanding its three fiber glass division plants, but it can't get gas to run the expanded plants. Facing the prospect of letting big new facilities sit idle, the company is considering the possibility of installing costly equipment to use liquid propane or fuel oil—but both would be more expensive than gas and the change-over could delay the start-up of the facilities, officials say.

To top it off, PPG's fiber glass plants in Shelby and Lexington, N.C. just got a letter from Duke Power Co. saying their rates will be rising 18% because the utility, to fight pollution, is buying more-expensive low-sulphur coal to power steam generators.

A DRAIN ON EARNINGS

As the PPG case illustrates, the energy shortages can hit companies in many ways. It all adds up to another drain on profits. In reporting first quarter earnings this year, several companies blamed declines partly on higher fuel costs and on plant shutdowns due to gas shortages. U.S. Steel Corp., Koppers Co. and Republic Steel Corp. were among these companies.

Lukens Steel Co. blamed part of its 40% drop in first quarter earnings on operating troubles caused by fuel shortages. Out of 84 operating days in the first quarter, Lukens' gas supply was cut by as much as 45% on 26 days, forcing cutbacks in operations. "We certainly feel very strongly that there's a general energy shortage," says W. E. Mullestein, Lukens' president.

The gas shortage was one reason Armco Steel recently decided to build a steel plant in Texas—where gas from nearby fields is plentiful—rather than in the Midwest, where supplies are tight.

A number of gas suppliers have told industrial customers they're clamping a lid on new business. Usually, that means any customer can expect to receive only as much gas this year as he received in 1969. Some utilities are actually cutting back. Pittsburgh's Peoples Natural Gas Co., a unit of Consolidated Natural Gas, is holding industrial gas deliveries this year to 10% below last year's level.

The gas gap could hurt some communities' efforts to build up local industry, utility executives concede. UGI Corp., a Philadelphia-based gas distributor serving eastern Pennsylvania, figures that it needs to exercise "selectivity" in taking on new business "will discourage industries from moving into the area," comments W. C. McElroy, vice president for operations.

While shortages of gas, fuel oil and coal are primarily affecting industry, consumers will feel the effects of the electric power pinch.

The strain on electric capacity could become severe this summer. "If we have a hot summer, people will really be astounded at the amount of outages that will occur," predicts Robert M. Taylor partner of R. W. Beck & Associates, a consulting firm for utilities. "Utilities are hoping for a cold summer."

In many places, utilities' reserve generating capacity is precariously low. "Generally speaking, electric utilities are all sort of treading on the edge of a precipice," claims one industry analyst.

The Federal Office of Emergency Preparedness, which normally worries about such things as nuclear holocaust and natural disasters, now is worrying about power failures. A recent OEP study identified numerous areas of the country where reserve electric capacity is dangerously slim. These areas include New York City, Chicago, St. Louis, Minneapolis-St. Paul, the Pennsylvania-Maryland-New Jersey area and all of the Southeast except Florida.

(Some utilities say their reserve position is stronger than the OEP figures indicate, but the utilities generally are counting new or unproved generating capacity that the OEP contends can't be relied upon.)

Some customers in these areas can't be sure their air-conditioners will keep humming through summer's heat waves. If power-demand begins to strain capacity of New York's Consolidated Edison, for example, Con Ed plans to ask customers to turn off air-conditioners when nobody's home, to keep lights off during the day and even to stop opening and closing the freezer door so often—all to curb the power drain.

"LOAD SHEDDING"

Other strain-easing steps at Con Edison will include reducing voltage, which could cause light bulbs and motors to function inefficiently, and asking large industries to cut back their power use.

If such steps fail, the utility will turn to what industry men call "load shedding"—which simply means your power gets cut off temporarily if you're in the area that's "shed." According to a plan adopted by the Public Service Commission of New York State, the blacking out would be done at substations, indicating large areas would be affected. Asked to give an example, Joseph Swidler, PSC chairman, replies: "Well, for instance, we might black out Westchester County"—a suburban area of about 900,000 residents.

Analysts say the Pennsylvania-New Jersey-Maryland power area is in worse shape than New York. Elaborate power pools designed to enable, say, Con Ed to buy excess electricity from as far west as Illinois will provide some relief this summer. But with capacity tight in nearly all Eastern states, a heat wave hitting several cities simultaneously would nullify these power-exchange arrangements.

The answer to the energy gap may be simple economics—making energy cost enough to encourage conservation in its use and greater investment in energy facilities. Presidential adviser Freeman suggests that a rate structure that increases according to volume used would help curb indiscriminate use of electric power, such as the practice of letting air-conditioners hum around the clock when they're not really needed.

"If energy began to cost more, people would think of better insulation, building houses to utilize the heat of the sun" and other steps to conserve energy, Mr. Freeman says.

Whether or not anything as drastic as a "regressive" rate structure materializes, it's clear energy costs will rise sharply as energy suppliers absorb higher costs and expand facilities to overcome shortages. Utilities have greatly increased the pace and amount of rate boosts over the past year or so, and many more increases are probable. Environmental considerations will boost fuel costs, too, as more users are pressured into switching to higher-cost, cleaner-burning fuels. Coal companies unable to keep up with demand and hit by higher costs due to new safety rules are making price boosts that industry sources figure may total 30% or more by year's end.

THE REDIRECTION OF THE WAR IN VIETNAM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 3, 1970

Mr. THURMOND. Mr. President, these are trying times for the American people and the country is presently divided over the President's redirection of the war in Vietnam.

As I have indicated many times on this floor already, I strongly support the President in his recent decisions on the war and I have also cited the great percentage of letters and telegrams supporting Mr. Nixon that I have received in my office.

During frequent contacts with my fellow South Carolinians, I am impressed

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by the stanch support given to the President by the majority of the people there. They cannot be characterized as "middle Americans" because the sample that I am discussing is an "all-American" sample. The group constitutes the rich and the poor, the highly educated and the poorly educated, and Democrats as well as Republicans.

A reflection of that South Carolina support is very well described in an editorial in the May 2, 1970, edition of the State newspaper entitled, "Nixon's Rubicon: The End of a War—And a Beginning." The editorial praises the President's courageous action and commends him for accepting the direct responsibility for the war's outcome.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIXON'S RUBICON: THE END OF A WAR—AND A BEGINNING

Richard Nixon has crossed the Rubicon just as certainly as did Julius Caesar. For, like Caesar's enemies, Nixon's left him little choice. To have drawn back in fright from the Cambodian border would have meant the probable collapse of the Lon Nol government, now battling for survival against tremendous odds.

This is not the justification given, to be sure. The President, in his television address to the nation, described a swift surgical operation of limited military objectives. We would destroy the North Vietnamese sanctuaries and then get out.

Perhaps. But if this is the excuse, why did the decision come when it did? These sanctuaries, the secure outposts from which the Communists plan and sometimes execute their assaults against South Vietnam, are nothing new. They have been there all along, frustrating every American attempt to make lasting headway in the pacification effort.

Mr. Nixon now has decided to take them out, and part of the reason surely has to do with the danger they pose to South Vietnam. As long as the enemy hid across the Cambodian border, ready to pounce, the contemplated withdrawal of all American troops entailed greater risks than Mr. Nixon may have been prepared to accept. This is not new either. What is new is the ouster of Red-leaning Prince Sihanouk and the sudden realization, in Washington and Hanoi, that Cambodia is up for grabs.

Seen in the narrow perspective of South Vietnam alone, the President's decision is not as spectacular as the President, by word and emphasis, clearly suggested. The Cambodian invasion—Mr. Nixon shied away from the description, but an invasion is what he ordered—is no momentary hot pursuit, limited in objectives and soon to be forgotten. This is no longer the war in Vietnam. It suddenly has become officially what reality made it long ago: the war in Indochina. This new war, the President went to some lengths to explain, belongs to him.

That may easily go down as the most significant statement the President made last Thursday night. Heretofore, Mr. Nixon has been content to find a graceful exit from the mess his predecessors left behind in Southeast Asia. Unable to undo the compounded errors of the past, he would simply get us out. It was not much, perhaps, but Lyndon Johnson had kept so many options open for so long that getting out seemed one of the few opportunities left.

Cambodia changed all that. A President who had steeled himself to retreat from Vietnam was unable to accept the surrender of Cambodia as well. With Cambodia gone, what chance had Vietnam and Laos to survive? And how long could Thailand, thus surrounded, hope to last? With Cambodia about to be overrun, the whole equation changed, and it all added up to defeat.

So has Lyndon Johnson's war ended and Richard Nixon's war begun. And so, too, dawns new hope. The President seemed content to put any kind of finish to Mr. Johnson's bunglesome adventure. Now that the war is his, the President plainly aims to see it through to a satisfactory end.

He deserves the nation's unequivocal support.

PENNSYLVANIA—THE CIGAR STATE

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. McDADE. Mr. Speaker, the cigar industry is a major business in Pennsylvania. Over 51 percent of all cigars manufactured in the United States in 1968 were manufactured in 51 cigar plants in Pennsylvania. Over 48 percent of all cigar leaf grown in the United States in 1968 was grown in Pennsylvania. Pennsylvania is the leading State in the Union in both cigar tobacco growing and cigar manufacturing.

In the colony of New Sweden as Pennsylvania was known in colonial times, a vigorous effort was made to encourage the cultivation of cigar tobacco. Farmers in all parts of Colonial Pennsylvania grew cigar tobacco for home consumption. Cigar tobacco was frequently used to pay debts, there being little or no currency.

In 1828, several Lancaster County farmers growing cigar tobacco and rolling it into cigars for their own use began to dispose of any surplus at local stores and taverns for 1 cent each. These foot-long cigars became a favorite of the drivers of the Lancaster-made Conestoga wagons; thus the name "stogies" was originated.

Cigar tobacco culture in Pennsylvania was given impetus by the Civil War. In 1863, it was stated: "the extraordinary high price of tobacco consequent on the rebellion has drawn the attention of Pennsylvania farmers to this crop." At that time, it became an important branch of farming in the counties of Lancaster, Chester, Berks, Lebanon, York, and Cumberland.

Most cigars were handmade until after 1890. Today almost all cigars are machine made. Over 51 percent of all cigars manufactured in the United States are manufactured in 51 Pennsylvania cigar plants located around the State in such towns and cities as Philadelphia, Red Lion, York, Windsor, Scranton, and many others.

There are over 250 tobacco distributors in the State of Pennsylvania and tens of thousands of tobacco retailers. Many of the basic suppliers to the cigar industry, including machinery and labels, are located in Pennsylvania. The cigar industry in Pennsylvania includes cigar tobacco growers, cigar tobacco dealers and processors, cigar manufacturers, cigar distributors, and cigar retailers and are jointly one of Pennsylvania's leading industries, proud of their product, their State and their heritage.

Raymond P. Shafer, Governor of the Commonwealth of Pennsylvania is distributing, this day, a sample selection of cigars, all manufactured in Pennsylvania, to each Member of the U.S. Congress with the following message:

To the Members of the United States Congress:

These cigars, all made in Pennsylvania, come to you with the compliments of the proud State of Pennsylvania and its cigar industry leading the Nation in the growth of cigar tobaccos and the manufacturing of fine cigars.

Included in the gift cigar package, prepared by the Pennsylvania Cigar Council, are the following brands all manufactured in Pennsylvania:

Parodi Cigar, Parodi Cigar Company; Tiparillo, General Cigar Company; Tipalet, Consolidated Cigar Corporation; Phillies Tips, Bayuk Cigars Incorporated; LaCorona, American Cigar; and Archers, House of Windsor.

Pennsylvania, the Cigar State, is proud of its cigar industry and the fine cigars manufactured in Pennsylvania.

RECOGNITION OF JAMES K. BRABOY

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 3, 1970

Mr. THURMOND. Mr. President, the State, the morning newspaper of Columbia, S.C., has written a heartening editorial commending the selection of James K. Braboy by Look magazine as one of the top five teachers in the Nation.

Mr. Braboy is a Lumbee Indian and a native of South Carolina from the Dillon area. From humble beginnings, this talented teacher has fought his own 42-year war on poverty. He is thoroughly devoted to the children who have been in his charge.

I wish to add my own note of commendation to Mr. Braboy for a career of dedication and well-spent labor. I am delighted to see that he is getting well-deserved national recognition.

Mr. President, I ask unanimous consent that the editorial entitled "Deserved Recognition," published in the State of May 28, 1970, be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DESERVED RECOGNITION

South Carolina's "teacher of the year," James K. Braboy, the Lumbee Indian from near Dillon placed in the top five in *Look* magazine's national teacher of the year competition.

He was among four teachers on the "Honor Roll" just under the winner, a physics instructor from Walla Walla, Wash. *Look* said that "any on the Honor Roll would merit the national title."

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Speaking of Mr. Braboy, the magazine further said that he "rates a doctorate in dedication for his 42-year war on ignorance and poverty in the Carolinas."

It was a wonderful showing by a humble man who has overcome uncounted adversities to educate his people. The contest brought his inspiring story to national attention. All of us who have heard it are a little better for it.

NIXON-CONGRESS COMPROMISE?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. HUNGATE. Mr. Speaker, many are concerned over the legality and constitutionality issues involved in Cambodia and Vietnam. I think the following article is useful in considering that question:

[From the Christian Science Monitor, May 23, 1970]

POLITICAL SETTLEMENT WOULD AVOID LEGAL SHOWDOWN: NIXON-CONGRESS COMPROMISE?

(By Saville R. Davis)

WASHINGTON.—There is surely a political crisis over Cambodia. Whether there is a constitutional crisis—that is in doubt.

The President acted arbitrarily in the judgment of a significant number of Americans. He ordered the invasion of Cambodia with a minimum of consultation, either with Congress or his own officials. He personally assumed the risk of so doing, and frankly told the country so.

His opponents say this violated the spirit of the Constitution, which was written to end the rule of kings. That is a political judgment.

The spirit of the Constitution is a matter of history—the Federalist papers, the debates, when the Constitution was formed and adopted, and the weight of subsequent practice. Congress and the people can interpret the spirit of all this as they wish.

But legally—that is another matter.

The President can command his troops to march or stand still. Congress can declare war and raise money for the armies—or it can refuse. So says the Constitution.

The President moved into Cambodia without asking for a declaration of war. The Constitution offers no specific objection.

Congress, if it wants to, could cut off his funds and force him to order the troops out. Or it could impeach him. The Constitution offers no objection.

This is as clear as an unclear matter—the constitutional relationship between Congress and the Executive—can be.

In the field of foreign policy, of war and peace, the Constitution throws most questions into the political rather than the legal arena. That is the primary function of the nation's basic document: to set limits to the power of the three top institutions of government and thereby to drive conflicts into the arena of political adjustment.

In general, the President acts, and Congress responds. The adjustment between the two depends partly on presidential leadership and partly on the judgment of Congress and the country on the merits of the issue.

So a compromise is emerging between President Nixon and the opposition leaders in the Senate.

The President's immediate position remains intact as long as he withdraws from Cambodia—unless something changes the basic situation. The issue is whether Congress will attempt to bind his actions as Commander in Chief in the future, or force him to consult more widely. The outlook is for the latter, not the former.

It would be very surprising—after the furor over the neatly timed and hastily steamrollered Tonkin Gulf resolution, which President Johnson took as authorization for bombing North Vietnam and for generally escalating the Vietnam war, and after the similar furor over the narrow range of President Nixon's consultation in the case of Cambodia—if Mr. Nixon or any other president failed to consult more widely another time.

The political costs are too high, and the political risks too dangerous.

These costs and risks, now are being strongly impressed on Mr. Nixon and on the country at large by the debate over the various resolutions to ensure a larger role for the Senate in the future.

If this is the way it works out, the nature of the crisis is much more political than it is constitutional.

That is the general sense of the situation in Washington, in both legal and political circles. It is borne out by the fact of compromise and the avoiding of a clearcut legal showdown by both the Senate and the Executive.

COMPLICATING FACTOR

There is a complicating factor in the present situation which the general public poorly understands and which has been very little discussed.

At the present moment in history declarations of war are rarely being used, and there are specific cases in which they are generally considered undesirable. This increases the President's room for maneuver, as his supporters would say, or his arbitrary action in the view of his critics.

For the main congressional brake on the President, in matters of foreign policy, is fixed by the Constitution precisely on the declaration of war. If the President does not ask for a declaration, there is nothing which compels him to do so, and Congress has to resort to less-definite means of putting limits on the President.

HOW ISSUE IS FUZZED

The American military actions in Korea, Vietnam, Loas, and Cambodia have been regarded by successive administrations as police actions rather than war. The goal has been to force an aggressor to withdraw from another country and remain behind his own borders—not to invade and defeat him, overthrow his government, occupy his country, and impose a settlement dictated by the victor, which are the normal aims of war.

The last thing that would have been desired by the Senate liberals, who opposed general war in Indo-China and tried to block the escalations of Presidents Johnson and Nixon, was a commitment by Congress to invade North Vietnam and destroy the power of its government.

It might have led to nuclear war.

So the constitutional issue is fuzzed today by the peculiar nature of an era of "limited war" where a formal declaration of hostilities is undesirable and presidents do not ask for it.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

TRUST IN ECONOMIC SYSTEM UNSHAKEN

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, there have been many statements in the press in recent days about the state of the economy. I would like to bring to the attention of the House one of those statements, by the noted columnist, David Lawrence. In the Evening Star, which published his column on May 27, the headline reads, "Trust in Economic System Unshaken." Mr. Lawrence was speaking for many of us when he wrote that column, and I include the article in the RECORD at this point:

TRUST IN ECONOMIC SYSTEM UNSHAKEN

(By David Lawrence)

Talk of "recession" or "depression" continues throughout the country, and gloom persists among those who watch the stock market decline. But fundamentally the pessimism is due mostly to a feeling of uncertainty as to what the future has in store.

While there are many factors that cause concern, public confidence in the stability of the economic system and its financial institutions has not been shaken, as happens when there is a real depression. The cost of living is still high, and inflation is painful. Wages and inflation is painful. Wages have gone up and so have prices. The unemployment rate, however, is not as large as it was even on many occasions in the 1960's when the words "recession" or "depression" were rarely mentioned.

The Democrats—for political purposes, of course—are emphasizing the economic downturn of the moment and doing everything they can to put the responsibility on the Republicans.

But some of the administration supporters are beginningg to reply. Rep. Robert Michel, R-Ill., commenting on attacks by Democratic leaders, points out that, while there is a 4.8 percent unemployment today, there was a 6.7 percent rate of unemployment in 1961, 5.5 percent in 1962, 5.7 percent in 1963 and 5.2 percent in 1964—all under Democratic administrations.

The current unemployment is by no means as serious as the unemployment of the 1930s, and hence what is going on today can hardly be called a "depression."

The most important thing to be borne in mind is that the cure for a bad economic situation had not been prepared by the government in the 1930s when unemployment rose to record heights. Today the administration can send into the national economy a flow of funds at any time to stimulate business expansion and decrease unemployment.

There is no doubt that the President is well aware of the gloomy comments being made about the economic situation and that he wants to see business conditions change for the better. He is anxious, on the other hand, not to allow inflation to take a sudden upturn. If wages and prices continue to rise, the inflationary ill effects will be multiplied.

The power of the federal government to pump money into the economy and to fix interest rates and even allocate new projects in certain areas can produce a complete psychological readjustment across the country with respect to the whole economic outlook. Such a development might come during the summer months, and some persons in the government are predicting that the economy will show definite improvement beginning in September.

Meanwhile, President Nixon is being urged

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to call conferences with leaders of business and labor in order to keep prices and wages from being raised. While he undoubtedly would like to exert an influence in that direction, he recognizes how difficult it is to do so in any economy as complex as one containing so many big industries in America today.

Unquestionably the Vietnam war is directly related to the economic situation. If there is a curtailment of expenditures for the war in Southeast Asia, the general assumption is that much of the money will be promptly be spent at home and that the national economy will be strengthened by a distribution of many billions of dollars in domestic projects.

While American military operations in Vietnam are slowly being diminished, it is not likely that the full effects on the economy will be felt for at least a year. But even the expectation of huge sums of money from the U.S. Treasury for domestic purposes may create an optimism with respect to American business enterprises and build up confidence in their future.

The present era is undoubtedly a painful one. Aside from the political partisans who see an election coming and wish to blame the incumbent administration for everything that has happened, however, there is an encouraging attitude among the impartial economists that the battle against inflation and the problems that have been created can be successfully handled without a serious recession.

LET US GET THE FACTS STRAIGHT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. WYMAN, Mr. Speaker, basic to any objective considerations of the true significance of the war in Indochina is the fact that war was taken there by the Communists, not by the United States. It is the Communists who are the aggressors, who attack South Vietnam, who infiltrate the Vietcong, who are the aggressors in Cambodia and Laos. It is the Communists from North Vietnam with help in supplies and money from the Soviet Union, who are responsible for the war in Southeast Asia, for its continuation, and for many—although not all—of the horrors perpetrated upon the peoples of Vietnam who must endure this conflict.

War in Indochina—or war in the Middle East for that matter—is succored, nurtured, aided, and abetted by communism. It is the Communists who are supplying Nasser of Egypt with planes, tanks, guns, and now pilots. It is Red China who waged war in Korea and who now stealthily encourages various incidents that at the appropriate time in the Communist timetable may be permitted to erupt into a so-called peoples revolt but which is really just another front between the forces of communism and freedom.

Whether a particular segment of the world's surface area is or is not as vital as another is legitimately arguable. Whether it is strategically or tactically advisabe to commit troops to fight far away in a hostile environment and with a 10,000-mile supply line is obviously questionable. But let it not be said that what is going on in Vietnam is a civil war and that we should let brother take it out on brother there. The aggressor in Vietnam is communism by design and deliberate attack. Those supplies and weapons do not just appear there. They had to be ordered, to be planned for, to be received, to be requested, long in advance.

Neither, as the following editorial points out, is victory President Nixon's objective in Vietnam. Our President is honoring the commitment made by this Nation to South Vietnam under a predecessor President. He can do no less. He is acting as the Examiner states, "with courage and statesmanship" and he deserves the support of the American people.

The editorial follows:

THE COURAGE OF THE PRESIDENT

(By Charles L. Gould)

President Nixon did not take the fighting to Cambodia.

The Viet Cong and the North Vietnamese did.

In both world wars hundreds of thousands of American troops fought across Europe.

They were not concerned with invisible national boundaries. They were concerned with meeting the enemy and destroying him.

In 1917 and again in 1941 our nation made open declarations of war. War-time rules were imposed at home. Dissent was stifled. Battle goals were established. And power at our command was used to achieve them.

Had we fought Hitler as we have fought Hanoi, our troops would still be mired down in the battlefields of Europe. Or—we would be saluting the swastika.

For six long years our men have fought in Vietnam under a weird, one-sided code of Marquis of Queensbury rules.

Our men were not permitted to fight to achieve victory. Our fighting men and their allies were not permitted to pursue the enemy into North Vietnam. They were not permitted to pursue the enemy into Laos and Cambodia.

Thus the enemy was given the right of initiative. He could pick the time and place and method of his attacks. He could strike and run.

Our men could lose but they could not win.

The danger of the fighting escalating into a worldwide conflagration was our alibi for not defining the enemy's defeat as our goal.

The danger that the war would erupt on a global scale was present the moment we committed our first fighting man to the conflict.

The same danger is implicit in each of the pacts we have with fifteen nations of Europe and with numerous other nations in Asia and the Middle East.

These pacts were established to protect weak friends and allies from the repeatedly declared aggressive aims of the Communists.

All should recognize that the danger of a third world war is ever-present. This danger was born the moment following World War II that the Communists again restated their goals of global domination.

If World War III comes it will come when the Communists believe the time is right.

They may believe the time is right if our country is so hopelessly divided that we—as a people—fail to support our President in supporting our fighting men as he did last night.

Let it be clear that President Nixon has not established victory as a goal in Vietnam. Months ago he mapped plans for honorably extricating our troops from the conflict and turning the defense of South Vietnam over to the forces of that nation. He has not changed those goals.

However, if the Viet Cong and the North Vietnamese were permitted to expand and perpetuate their sanctuary in Cambodia, President Nixon saw grave danger that his carefully planned timetable of de-escalation would be destroyed.

He saw a stepped-up threat to the safety of our fighting men. He saw the danger of expanded war through failure to act.

He acted with courage and statesmanship. He merits our support.

FOURTH ANNUAL QUESTIONNAIRE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. HAMMERSCHMIDT. Mr. Speaker, I am seeking the views of my constituents on a number of important issues of the day. This is being accomplished by sending to postal patrons a questionnaire, the content of which I include in the RECORD at this point:

I WOULD LIKE YOUR VIEWS—FOURTH ANNUAL QUESTIONNAIRE

Since I cannot talk with many of you personally, this type of survey has proved the next best way to obtain opinions.

Your views have been of great assistance to me in considering the complex problems of the times. Again I am asking for your help in telling me your thinking about difficult legislative issues and matters of national and worldwide concern.

Your ideas are very important to me. They help greatly in the decisionmaking process. Though the final decision is solely mine, your thinking is always taken into consideration as I cast my "yea" or "nay" vote.

Thank you for your help!

JOHN PAUL HAMMERSCHMIDT.

1. Do you approve the President's military decision to send U.S. troops into Cambodia?
Yes —
No —

2. Do you favor:
(a) Immediate withdrawal from Vietnam?
Yes —
No —
(b) The President's withdrawal plan through Vietnamization?
Yes —
No —
(c) A decisive U.S. military victory?
Yes —
No —

3. Should college deferments be phased out to provide a larger pool of draft eligibles?
Yes —
No —

4. Do you favor replacing the present draft lottery system with an all-volunteer military service if manpower requirements permit?
Yes —
No —

5. Do you favor continued negotiations with the Soviet Union to limit development of nuclear weapons?
Yes —
No —

6. Do you favor a federal study on U.S. population growth and possible methods of control?
Yes —
No —

7. Should the present welfare system be replaced by a federally-financed minimum family income and work training plan as provided in the Family Assistance Act of 1970?
Yes —
No —

8. Should the Post Office Department be reorganized as an independent agency of

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government, removed from all direct political control by Congress and the White House?

Yes —

No —

9. Do you believe present economic conditions warrant wage, price, credit, and rent controls?

Yes —

No —

10. Should a percentage of federal income tax money be shared with state and local governments, to be used on programs which they designate?

Yes —

No —

A FED-UP PROF STRIKES BACK

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. ARENDS. Mr. Speaker, the American people are very much disturbed and distressed over what has been taking place on our college campuses throughout the country. And not without good reason.

All recognize the right of dissent. But the right to dissent does not include the right to destroy. Nor does it include the right to interfere with the rights of others. Freedom is not license. Freedom is ordered liberty under law. Otherwise we have no freedom at all for anyone. We would have anarchy.

Many factors account for what has been taking place on our college campuses. Under leave to revise and extend my remarks I am inserting an article by Prof. K. Ross Toole, of the University of Montana, which appeared in the Washington Post of Sunday, May 31. I believe that the point of view he expressed is shared by the vast majority of the American people.

The article follows:

A Fed-Up Prof Strikes Back

(By K. Ross Toole)

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of any place except exurbia. I was nurtured in depression, lost four years to war, am invested with sweat, have had one coronary, am a "liberal," a square and a professor. I am sick of the "young generation," hippies, Yippies, militants and nonsense.

I am a professor of history at the University of Montana and I am supposed to have "liaison" with the young. Worse still, I am father of seven children. They range in age from 7 to 23.

I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous and the essence of arrogant tyranny, the tyranny of spoiled brats.

I am terribly disturbed that I may be incubating more of the same. Our household is permissive, our approach to discipline is an apology and a retreat from standards, usually accompanied by gift in cash or kind.

It is time to call a halt; time to live in an adult world where we belong and time to put these people in their places. We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point and respect when they deserve it. We do not owe them our souls, our privacy, our whole lives, and above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth; it has tackled, headon, a racial problem which no nation in the history of mankind had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.

It has begun these things, not finished them. It has declared itself and committed itself, and taxed itself and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation—or his father's, or his. Its greatest mistake is not Vietnam: it is the abdication of its first responsibility, its pusillanimous capitulation to its youth and its sick preoccupation with the problems of the young.

WHO'S IN CHARGE HERE?

Since when have children ruled this country? By virtue of what right, by what accomplishment should thousands of teen-agers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

The psychologists, the educators and preachers say the young are rebelling against our archaic mores and morals, our materialistic approaches to life, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderdash!

Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years; he is the product of 3,000 years of the development of mankind—and throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered.

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that this minority threatens to tyrannize the majority and take over. I dislike that minority; I am aghast that the majority "takes" it and allows itself to be used. And I address myself to both the minority and the majority. I speak partly as a historian, partly as a father and partly as one fed-up, middle-aged and angry member of the so-called "establishment," which, by the way, is nothing but a euphemism for "society."

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society; it is the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen, they will only shout down.

Arrogance is obnoxious; it is also destructive. Society has classically ostracized arrogance without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks, urinating on our beliefs and defiling our premises? It is not the police we need; it is an expression of our disgust and disdain. Yet we do more than permit; we dignify it with introspective flagellation! Somehow it is our fault. Balderdash again!

Sensitivity is not the property of the young, nor was it invented in 1950. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the minds loose along unexplored corridors. Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

Today's young people did not invent it; they do not own it. And what they seek to attain, all mankind has sought to attain throughout the ages. Shall we, therefore, approve the presumed attainment of it through heroin, speed, LSD and other drugs? And shall we, permissively, let them poison themselves simply because, as in most other respects, we feel vaguely guilty because we brought them into this world?

Again, it is not police raids and tougher laws that we need, it is merely strength—the strength to explain, in our potty, middle-aged way, that what they seek, we sought; that it is somewhere, but not here and sure as hell not in drugs; that, in the meanwhile, they will cease and desist the poison game. And this we must explain early and hard—and then police it ourselves.

"WE ARE NOT BLIND"

Society, "The Establishment," is not a foreign thing we seek to impose on the young. We know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have only been minimally successful is the story of all generations—as it will be the story of the generation coming up.

Yet we have worked a number of wonders. We have changed it. We are deeply concerned about our failures; we have not solved the racial problem but we have faced it; we are terribly worried about the degradation of our environment, about injustices, inequities, the military-industrial complex and bureaucracy. But we have attacked these things.

We have, all our lives, taken arms against our sea of troubles—and fought effectively. But we also have fought with a rational knowledge of the strength of our adversary and, above all, knowing that the war is one of attrition in which the "unconditional surrender" of forces of evil is not about to occur. We win, if we win at all, slowly and painfully. That is the kind of war society has always fought—because man is what he is.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance and instant gratification. That is not idealism; it is childish tyranny. The worst of it is that we (professors and faculties in particular), in a paroxysm of self-abnegation and apology, go along, abdicate, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

As a professor, I meet the activists and revolutionaries every day. They are inexcusably ignorant. If you want to make a revolution, do you not study the ways to do it? Of course not? Che Guevara becomes their hero. He failed; he died in the jungles of Bolivia with an army of six. His every move was a miscalculation and a mistake. Mao Tse-tung and Ho Chi Minh led revolutions based on a peasantry and an overwhelmingly ancient rural economy. And yet they are the pattern makers for the SDS and the student militants in our modern, technological society.

I have yet to talk to an "activist" who has read Crane Brinton's "The Anatomy of Revolution," or who is familiar with the works of Jefferson, Washington, Paine, Adams or even Marx or Engels. And I have yet to talk to a student militant who has read about racism elsewhere or who understands, even primitively, the long and wondrous struggle of the NAACP and the genius of Dr. Martin Luther King Jr., whose name they invariably take in vain.

An old and scarred member of the wars of organized labor in the United States in the 1930s recently remarked to me: "These 'radicals' couldn't organize well enough to produce a sensible platform, let alone revolt their way out of a paper bag." But they can, because we let them destroy our universities, make our parks untenable, make a shambles of our streets and insult our flag.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are antediluvian, not because we are middle-class materialists—but simply because we have failed to keep that generation in place and we have failed to put them back there when they got out of it. We have the power; we do not have the will. We have the right, we have not exercised it.

REAPPRAISAL NEEDED

To the extent that we now rely on the police, Mace, the National Guard, tear gas, steel fences and a wringing of hands, we will fail.

What we need is a reappraisal of our own middle-class selves: our worth and our hard-won progress. We need to use disdain, not Mace; we need to assess a weapon we came by the hard way, by travail and labor, firm authority as parents, teachers, businessmen, workers and politicians.

The best place to start is at home. But the most practical and effective place right now is our campuses. This does not mean a flood of angry edicts, a sudden clampdown, a "new" policy. It simply means that faculties should stop playing chicken, that demonstrators should be met not with police but with expulsions. The power to expel (strangely unused) has been the legitimate recourse of universities since 1209.

A university cannot function without rules for conduct. It cannot, as society cannot, legislate morals. It is dealing with young men and women, 18 to 22. But it can and must promulgate rules. It cannot function without order—and therefore, who disrupts order must leave. It cannot permit students to determine when, what and where they shall be taught; it cannot permit the occupation of its premises, in violations both of the law and its regulation, by "militants."

There is room within the university complex for basic student participation but there is no room for slobs, disruption and violence. The first obligation of the administration is to lay down the rules early, clearly and positively and to attach to this statement the penalty for violation. It is profoundly simple—and the failure to state it, in advance, is the salient failure of university administrators in this age.

This is neither new nor revolutionary. Expulsion is merely the reassertion of an old, accepted and necessary right of the administration of any institution. The failure of university administrators to use it is one of the mysteries of our permissive age—and the blame must fall largely on faculties because they have consistently pressured administrators not to act.

Suppose the students refuse to recognize expulsions; suppose they march, riot, strike? The police? No. The matter by prearrangement, publicly stated, should then pass to the courts. If buildings are occupied, the court enjoins the participating students. It has the lawful power to declare them in contempt. If violence ensues, it is in violation of the court's order.

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those who seek to employ Freudian analysis, too positive for "academic senates" who long for philosophical debate and too prosaic for those who seek orgiastic self-condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed up with nonsense. We need, those of us over 30, tax-ridden, harried, confused, weary and beat-up, to reassert our hard-won prerogatives. It is our country, too. We have fought for it, bled for it, dreamed for it and we love it. It is time to reclaim it.

IDA PHILLIPS CASE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mrs. GRIFFITHS. Mr. Speaker, a sensitive article written by Molly Sinclair of the Miami Herald on the case of Ida Phillips shows you with great exactness the discrimination in employment practices against women. It should show you also the cost of this discrimination to both families and taxpayers and, finally, it demonstrates completely the incredible stupidity of the Federal judiciary. I remind you again that this is at least the second instance in which the Federal judiciary has refused to enforce the Civil Rights Act of 1964 ban on sex discrimination. Their excuses are flimsy, ill-considered, and unbelievable. I would like to say also the women with real courage in this country in seeking employment rights have been southern women.

The article of May 24, 1970, follows:

IDA PHILLIPS HAS A CASE—JUDGE CARSWELL SAID NO. WILL SUPREME COURT SAY YES?

(By Molly Sinclair)

JACKSONVILLE.—Ida Phillips doesn't look like much of a fighter.

She's small and a bit stooped and she sags around the middle from eight pregnancies. She's also reserved and a little shy.

But underneath, Ida Phillips is tough.

Tough from the corn and cotton fields of South Carolina where her sharecropper parents and their kids had to scratch out a living.

Tough from trying to feed her own children, after their father left, on the tips she earned as a waitress.

And tough from fighting a space and defense contractor all the way from its Orlando plant to the U.S. Supreme Court when management refused to consider her job application because she had a preschool child.

"They thought I'd give up," she says. "But I never did. Anything I've ever set my mind to, I stuck with. I just don't give up easy."

Maybe, she adds with a rare show of humor, "because I'm Capricorn." That's the zodiac sign astrologers associate with courage and earthiness and inflexibility of purpose.

The Supreme Court agreed in March to hear the case brought by Mrs. Phillips against the Martin-Marietta Corp. When the justices rule, after arguments next fall or winter, it will be the first time the nation's highest court takes a stand on a sex discrimination suit filed under Title 7 of the 1964 Civil Rights Act.

The case went up on appeal after the Fifth Circuit Court, by a 2–1 vote, decided against Mrs. Phillips and a request for a rehearing before all 13 circuit judges was denied. Among those voting not to hear it in full court was G. Harrold Carswell, who has since been labeled a "sexist," been refused a seat on the Supreme Court, resigned as a circuit judge and announced as a candidate for the U.S. Senate.

"Old Carswell has got to feel bad about this," says Mrs. Phillips, who intends to vote against him just as he voted against her.

With a flat country twang and disarming candor, the 36-year-old mother says the whole thing started on a cool September evening four years ago in Orlando, where the family was living at the time.

NEWSPAPER AD TOLD OF JOBS

"I'd seen this ad in the Orlando paper for 100 assembly-trainees at Martin-Marietta that said to apply between 6 and 8:30 p.m.," she says.

She went to the plant with Tom Phillips, the 46-year-old mechanic she married a few months earlier that year. He was her second husband. Her first one left in 1964, after 14 years and seven children, and she supported them with her waitress earnings and $80 a month welfare aid for two years, until she and Phillips married.

"Tom is the stepfather," she explains.

"Yeah, a bad stepfather," he adds with a wink.

Phillips waited in the car that night while she went inside to apply.

"There were lots of people, and I had to wait in line a long time. Somebody there said they really wanted 200 trainees but had announced openings for only 100 because they didn't want so many people coming out to apply.

"I COULD SEE ME WORKING THERE"

"I filled out the application and gave it to the receptionist. She looked at it and put it to one side and told me she was sorry but women with preschool kids weren't going to be hired. So I thanked her and went back out to the car."

Phillips, a big, handsome man with crew-cut sand-colored hair and tanned skin, interrupted his wife.

"I told the Mother they couldn't do that. I said it was a violation of the sex law.

"I said to stop on the way home and we'd get some good stationery—cause with seven kids we didn't have anything decent at home to write on—and we'd write somebody about this.

"She was drivin', and I wasn't paying attention because she's a good driver.

"But all of a sudden we noticed the signs were backwards. She said, 'I believe I'm going the wrong way.' And she was. We were going the wrong way on the main expressway. Thank the Lord nobody was coming at us. She made a U-turn right quick and we got off that road.

"But that's how upset she was about the thing."

He paused, and Mrs. Phillips picked up the conversation.

"I never was so letdown over anything in my life like that job turndown. I could just see me working there and being able to do things for my kids. I knew the pay was good, maybe $4,000 a year more than I was making at my waitress job, and it would mean regular hours and employe benefits. I could see how well people who worked at the plant were doing."

"LAW FOR ALL OR JUST A GROUP"

When they got home that night, they wrote two letters. One to President Johnson, a copy to Martin-Marietta.

"We said in the letter," Phillips remembers, "what happened at the plant and we

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said 'Is the law passed for all the people in this nation or just for a group?'"

Martin-Marietta never replied, but four days later there was an answer from the President's office saying that the Equal Employment Opportunity office would get in touch with Mrs. Phillips, and two days later there was a form from EEO to fill out and return.

By the time federal investigators concluded sufficient grounds existed for a lawsuit against the plant, two years had passed and the Phillipses had moved to Jacksonville where he had lived once before and where mechanics' wages were better.

Now, with Peggy, 19, the oldest child married, there are only six kids at home, and three of them work. Ronnie, 17, puts in eight hours a day as a cook from 3:30 to 11:30 p.m., after school. Brother Al, 15, is a dishwasher at the same restaurant, Vera, 16, and her mother wait tables at a nearby Ranch House.

ALL BUT THREE CHILDREN WORK

"The kids wanted to work" Mrs. Phillips says. "The oldest boy got a summer job as a dishwasher as soon as he was old enough."

That fall she went with him to buy school clothes. "He picked them out, and while I was there waiting, I thought how this was the first time he'd ever had anything he really wanted. Always before, I'd had to buy only the cheapest clothes and nothing they ever wanted."

When the younger children saw "what Ronnie had done for himself by getting a job, they all wanted to work, too."

And now, with all but three in the family working, "We're doing pretty good."

Much better, she adds, than a few years ago after her first husband left and the family financial condition was so bleak.

She remembers a minister suggesting to her then that she "farm the kids out in foster homes."

"It made me cry just to think of that. I told him I wasn't going to break up my family, that if we were going to starve, we'd starve together."

The federal government, which joined with Mrs. Phillips in the case, has said Martin-Marietta's refusal to hire her "is contrary to the federal policy of encouraging unemployed women with preschool aged children to seek gainful employment as an alternative to welfare payments."

Mrs. Phillips agrees.

"I didn't like being on welfare. I never would have taken it if I could have gotten work that paid enough. I've applied for other jobs besides waiting tables, but nobody much wanted to hire me."

Not, she said, because she had preschool children, but because she had so many children. "They figure you won't show up for work half the time."

It isn't usually stated, she says, but employers feel a mother should be at home with her children. "But what mother wants to stay at home when her kids are hungry and need clothes? No, you want to work and get the things your kids need."

When she married Tom, she stopped accepting welfare, "With me and Mother working and making enough to get by, it wouldn't be justice to take it," he says.

At present she works six and sometimes seven days a week, from 6:30 a.m. to 2:30 p.m. "I haven't missed a day in I don't know when," she says. "And when I get home, I go like crazy cleaning and doing things around here."

"Here" for Mrs. Phillips is a modest white brick house on Redberry Lane in the Arlington Hills section of Jacksonville, a few blocks from Jacksonville University on the east side of the St. Johns River.

It is a neat, well-kept home with a big shade tree in the backyard. The gold-upholstered furniture in the living room and the table and chairs in the dining room look brand new, though they are three years old. "You're only about the third person to ever sit on that couch," Mrs. Phillips explains. "People say we're crazy, but we don't use these rooms."

The furniture was bought a piece at a time. "We can't pay cash for anything big and we don't charge. We paid it out $10 a week."

One of eight children, Mrs. Phillips was born and reared on a farm near Lynchburg, S.C. The "next to the baby" in the family, she worked in the fields after school like the others.

"I didn't finish school," she says. "I dropped out after the 10th grade and got married."

She didn't plan to have a big family, she says. "The first baby died. After that, the kids just came. I didn't know how to control it. You know how old-fashioned people were then. You didn't talk about that sort of thing."

After awhile she and her first husband and children moved to Maryland and then to Orlando. The youngest child, Gracie, was two and the only one not in school when Mrs. Phillips applied at Martin-Marietta. Kenneth, now a fifth grader, was 6 and Bryan, now a seventh grader, was 9.

Next to winning this case, Mrs. Phillips has two goals in life. One is to finish her ironing, and the other is to go to South Carolina this Christmas for a family reunion.

"My parents will be married 50 years if they live till Dec. 26," she says.

"I was kind of a disappointment to my mother, dropping out of school and all. She's kind of big society, belonging to the home demonstration club and the civic league and that sort of thing.

"She had dreams of me being somebody . . . maybe a home demonstration agent or something like that."

LAND REFORM IN VIETNAM

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. ZABLOCKI. Mr. Speaker, I would like to recommend to the attention of my colleagues in Congress a recent news dispatch from Saigon which appeared in the Milwaukee Journal of May 22. This article, written by the distinguished journalist, Mr. John N. Reddin, details in clear and logical terms the necessity for moving forward as quickly as possible with an effective land reform program in South Vietnam.

Mr. Reddin's story also demonstrates the need for congressional consideration of House Resolution 17117, a bill which I have cosponsored with 10 other colleagues from both sides of the aisle.

House Resolution 17117, is designed to speed up a meaningful land reform program in Vietnam. I would encourage cutting the present timetable from 4 to 2 years. Most importantly perhaps, this legislation would hasten the "Vietnamization" of the war and the withdrawal of American forces, thereby saving precious lives and billions of dollars in war costs.

Mr. Reddin's article follows:

LAND REFORM NEEDED IN VIETNAM, BUT FAST

(By John N Reddin)

SAIGON, Vietnam—One reason the Vietcong managed for so long to control large areas of the South Vietnamese countryside was that the peasants living there had little reason to defend their homes.

They did not own the land they worked. They paid huge proportions of the rice and other crops they raised to landlords for rent. The Vietcong promised them land.

President Nguyen Van Thieu is embarking on a new land reform program that would turn two million acres of riceland over to the farmers who now operate as tenants. The program was started late in March in the rich Mekong delta—and Thieu called it the "happiest day of my life."

REFORM WAS SLOW

Americans who have watched one failure after another in land reform since the mid-1950s are simultaneously hopeful and doubtful. They welcome President Thieu's enthusiasm, but one of them said: "The president has good intentions right now, but the question is whether he will still have them four or six months from now."

Before the French were driven from Vietnam in 1954, most of the farmland was owned by Frenchmen or rich Vietnamese. Most farmers were tenants and paid 45% to 55% of all crops to landlords.

Decrees in 1955 attempted to limit rents to 25% of crops, but that level never was reached. Landlords continued to milk their tenants. Another decree in 1956 limited riceland holdings to 250 acres an acreage over that was expropriated.

In 1958 the government took over all French riceland, 1.7 million acres, and started to redistribute it. But the concern of the government over its own political survival plus bad administration and a deterioration of security against Vietcong raids and influence brought the program almost to a standstill. In the 1962–1967 period only 6,000 acres were turned over to tenants.

GOVERNMENT WILL BUY

Cao Van Than, minister of land reform and agriculture, started pushing early in 1969 for a new land reform program. He was encouraged by the United States aid mission, which pledged an original $10 million to get the program started and said it would seek another $30 million for the project. At the same time, the Americans began to aid in aerial photography of farm areas to make redistribution easier.

Under the program just started, it is hoped to redistribute 3.2 million aces to about a million farmers, with families totaling six million people. The government will buy the land, paying cash for 20% of the cost and giving bonds for the remaining 80%. The price is set at 2½ times the value of the annual crop.

One American official told me:

"Landlords won't get much out of it, but they don't seem to be griping. Many of them have long since put their money into urban projects. Few have much faith in the future—they figure that if the war is won they'll lose the land anyway, and if it is lost they will get nothing for it from the Communists. So they are willing to accept 80% payment in bonds that are not negotiable and that have no payment date, and consider it good riddance. They do not even seem to complain about the 10% interest the bonds will pay—even if it is less than the rate of inflation."

COSTS $400 MILLION

The total project will cost about $400 million. Some Americans feel that it would be a good deal even if the United States paid the whole bill.

"Give a man some land of his own and he will be more prone to defend it and less prone to listen to Communist propaganda," is the way one American puts it. "That $400 million is a drop in the bucket compared to what our military operations cost us—it would keep the military going only about a week. If land reform can increase security, it is a military as well as a political gain."

"HAS TO WORK NOW"

Americans worry about the capacity of the government, and its long term commitment, to move land reform fast enough. Some point out that it took three years before any of the land listed for transfer was distributed after 1957, and four years to distribute former French holdings.

"We don't have that much time now," an official warns. "If the program is going to do any good, it has to work right now."

Coupled with the land reform program is a training program that got well underway last year. By the end of 1969 some 63,000 village officials went through programs designed to teach them how to get their people to work for economics, social and political improvement.

For some time such programs have included building roads, digging wells, putting up bridges and providing schools and dispensaries. But the fact is that many such projects are too big for villages to handle, and district and provincial officials have to get into the act.

The trend now is to get villagers to work on minor projects—such as building cement floors for piggeries, fish ponds, chicken coops and such projects.

OVERCOMING THE CRISIS OF CONFIDENCE

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. FRELINGHUYSEN. Mr. Speaker, the Honorable Samuel DePalma, Assistant Secretary of State for International Organization Affairs, recently addressed the biennial convention of the United Nations Association of the United States.

His speech, "Overcoming the Crisis of Confidence," was most illuminating and I commend it to the attention of my colleagues:

OVERCOMING THE CRISIS OF CONFIDENCE

I welcome this opportunity to speak to this eminent gathering of the United Nations Association of the USA because I have long wanted to thank you for the support and encouragement you have given us throughout the years. I hope you will not think me ungrateful, however, if I hasten to call on you for further assistance. Your help is needed in overcoming the crisis of confidence from which the United Nations is now suffering.

There is no need to belabor the point. We all know there is a crisis of confidence, but it may help to illuminate the areas where some remedial action can be taken if we look at the way the UN is viewed by the public, the Congress and this Administration.

I. THE PUBLIC

There is ample evidence that public support for the United Nations has been declining. Nevertheless, judging by the polls and other indications, a majority of Americans is still very favorably disposed and sees the Organization, with all its faults, as the best hope for mankind. However, it also believes that the UN has not achieved its central purpose—the maintenance of international peace and security. Certain groups of our people who are particularly interested in the outcome of specific conflict situations have grown rather bitter about the UN's failure to deal effectively, or even fairly, with those situations.

The general public is vaguely aware of the "good works" performed by the UN system in economic, social, and technical areas, but—with a few exceptions, such as UNICEF—it is very inadequately informed about the actual work being done, and particularly how it benefits the United States. Much of the continuing and constructive work of the UN system is obscured from the view of the general public by the smokescreen of oratory and confrontation which emanates from UN meetings. The public's attention is caught by the loud disagreements voiced in UN debates and seldom focuses on the work programs which continue, almost despite the oratory.

Among our youth, interest in the UN is spotty, although I have the impression that there is much enthusiasm and idealism which could be enlisted if only young people were persuaded that the UN had a vital role to play in world affairs.

The academic community these days includes relatively few specialists who find the UN worthy of concentrated attention, though happily they are among its most effective supporters.

II. THE CONGRESS

The Congress shares the view that the United Nations has not carried out its primary mission to keep the peace or to restore breaches of the peace. The Congress, as a whole, tends to pay little attention to the economic, social and technical activities of the UN system, though many members of Congress continue to give it strong support and to prod the Executive Branch to pay more attention to it.

Congressional Committees have become increasingly critical of the steady and substantial rise in the costs of the United Nations system. The assessed budgets of the United Nations and its family of specialized agencies have risen from $130.3 million in 1960 to $371.5 million in 1969. During the same period the total of voluntary contributions to the UN system for economic development and relief activities grew from $109.7 million to $441.7 million.

Above all, Congress is concerned that the United States has so little influence on the size of budgets and the shape of UN programs, and that, as a result, the Congress cannot demand the kind of accountability for the uses made of our contributions to UN programs which it does for other forms of US expenditures. Having read only sketchy summaries of the Jackson Capacity Study, the Pearson Report, and similar studies, the Congress has come to feel that rising UN costs are at least partly the result of mismanagement, duplication and a lack of priorities.

You who have the time or inclination to follow UN affairs closely know that there are sound answers to many of these criticisms and concerns. However, I believe that some of the concerns felt by our public and the Congress must be taken seriously.

The UN is no longer an infant organization. Nor is the UN system particularly small in size. The United Nations system has, in fact, become a rather big business. It is a sizable conglomerate, employing in all a staff of about 30,000 throughout the world, plus some 15,000 local employees in relief and development activities. But it is a conglomerate which lacks a central board of directors. Its affiliated agencies are responsible, in the first instance, to separate constituencies of medical, agricultural, educational, scientific and other interest groups and specialists. The member governments, which pay the bills, are often unable to impose a unifying discipline on their own specialists who represent them in the governing bodies of the various agencies. They tend, as a result, to shift the blame to the international agencies for the lack of coordination, the failure to set priorities and the rising costs which many of them regard as excessive.

The answer, surely, is not to seek to impose any one government's order of priorities or budget ceilings on these agencies, but to insist that the UN system should organize itself so as to provide more information to member governments, more central direction and a common order of program priorities. Failing this, there is bound to be greater resistance to rising costs and a further decline in the support.

Perhaps what is needed now is an increased sense of accountability to member governments on the part of the administrations of the UN specialized agencies and programs. Not that they are not already fully subject to the decisions of their member governments, decisions which, as I said, too often reflect inadequate coordination in terms of national priorities. But this difficulty is compounded if the international administrations do not make available to the governments the information they need as a basis for reaching sound judgments on program priorities and costs.

It is no longer permissible to expect national delegations to act on the basis of late and sometimes totally inadequate documentation. Governments should not be expected to approve illustrative programs which may or may not turn out to be the activities on which funds are actually expended. Nor can they be expected to accept on faith the value of on-going programs which are either not evaluated for actual results or, if evaluated, the results are not reported to governments. It is not enough to argue that the sums expended by international organizations are small in comparison with national budgets or as measured against needs. What matters is how effectively available funds are utilized—and since the funds are clearly inadequate, it matters even more.

I want at the same time to commend the initiative and drive displayed by most UN agency and program administrations. This is one of the most heartening and promising signs on the UN scene, particularly in the face of the disillusionment felt in other quarters. But they must also see to it that member governments are given the information needed to evaluate their performance and to share their enthusiasm.

They must also begin to see their roles more as members of the UN system and less as independent entities. Ways must be found to overcome the disadvantages of what we now see as an excessive degree of decentralization in the system. The UN Economic and Social Council and the General Assembly must assert their responsibility to assess overall priorities throughout the UN system.

I have felt it appropriate to mention these facts of life here because I know I will not be misunderstood by an audience dedicated to supporting the UN. I hope you agree with me that constructive criticism is needed from its supporters if any organization is to grow and maintain its vitality.

There is another point to be made about the feeling of disillusionment felt today about the UN. Much of it reflects confusion about the essential purpose of the United Nations. Let's recall what it is all about: It was established to promote the building of a world order which can promote peace, justice and progress. Philosophers have thought in these terms throughout the ages, but only in this century have nations actually engaged in practical cooperation to implement this vision. This is a venture even more bold, complex and difficult than, say, the conquest of outer space.

Yet, whereas we understand the need for a systems-wide approach in the application of new technologies to the conquest of outer space, we often appear to be seeking short-

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cuts in the task of creating a world order. The fault lies not in the Charter, which established a solid framework for this venture, but in our expectations, which were distorted by the anguish of the Second World War and succeeding conflicts. Somehow we came to believe that if only we had the proper machinery, we could assure peace. So we began creating machinery to enforce the rule of law throughout the world before we had created the conditions necessary for the acceptance of that law.

There is no cause for disillusion if we remember what we are about. The need for the effective functioning of the UN as a peacekeeper is urgent. Our successive military involvements abroad are proof of the desperate need for an effective multilateral system of peacekeeping and for the accepted procedures for the pacific settlement and adjudication of disputes. Moreover, new tasks for international cooperation are emerging, of which the most readily understood is the need to deal with threats to our environment—a multilateral task if ever there was one.

But we must think more realisticlaly about the future. What do we want the United Nations to be doing five, ten, twenty-five years from now? What are the obstatcles? How can we remove them, or get around them? What actions can the United States take, by itself, to strengthen the Organization?

III. THE ADMINISTRATION

Let me say a word about the attitude of the Administration of President Nixon. President Nixon and Secretary of State Rogers have, at every appropriate opportunity, reaffirmed their belief in, and support for, the United Nations. In September 1969, the President made a major policy address at the General Assembly and suggested some specific tasks for the United Nations, including action to discourage hijacking of airplanes, to encourage international voluntary service, to foster the related objectives of economic development and population control, to protect the environment, and to share the benefits of the exploration of outer space.

To this list he added, in his February 19, 1970 Foreign Policy Report to Congress, the need to develop international law in regard to the breadth of the territorial sea and the boundary between the continental shelf and the deep seabeds, and the need for international agreement on a regime for exploitation of the deep seabed resources.

Secretary Rogers, in his speech on April 25 to the American Society of International Law, called in particular for increased reliance on the International Court of Justice—one of the six "principal organs" of the United Nations—and made a number of suggestions to increase the influence and effectiveness of the Court.

Under Secretary Richardson, in his address on April 29 to the Convocation on the Challenge of Building Peace, stressed the need for utilizing fully procedures for maintaining the peace which are available both through regional organizations and the United Nations. He called for prompt action to break the impasse on UN peacekeeping procedures, stressing that agreement should be reached on procedures that are politically resonsive, efficient in administration and adaptable to rapidly evolving events. He also called for efforts to revitalize Articles 14, 33 and 36 of the United Nations Charter relating to methods of adjustment of international disputes. He drew attention to the possibilities for constructive action open to the Secretary General under Article 99 and to the desirability of making the Security Council a greater center for world consultations by holding periodic meetings at the foreign ministers level.

We have given solid evidence of our support for the United Nations and the UN system by ratifying the Privileges and Immunities Convention, seeking an appropriation of $20 million as our contribution to the expansion of United Nations Headquarters, requesting sizable increases in our contributions to the United Nations Development Program, and by submitting the Genocide Convention for the advice and consent of the Senate.

The President has today just announced that he is proposing that all nations adopt, as soon as possible, a treaty under which they would renounce all national claims over the natural resources of the seabed beyond the point where the high seas reach a depth of 200 meters and would agree to regard these resources as the common heritage of mankind. The President further proposed that the Treaty should establish an international regime of the exploitation of seabed resources beyond this limit and that this regime should include the collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries. The regime should also establish general rules to prevent unreasonable interference with other uses of the ocean, to protect the ocean from pollution, to assure the integrity of investments and to provide for peaceful and compulsory settlement of disputes. Coastal nations would act as trustees for the international community in an international trusteeship zone, comprising the continental margins seaward of 200 meters depth off their coasts and agreed international machinery would authorize and regulate exploration and use of seabed resources beyond the margins.

The United States will introduce specific proposals to these ends at the August meeting of the UN Seabeds Committee. Pending agreement on a treaty, the President has indicated we woud be prepared to join an appropriate number of other states in an interim policy under which all permits for exploitation of the seabeds beyond 200 meters deep would be issued subject to the international regime to be agreed. During the interim period a substantial portion of the revenue derived by a state from exploitation beyond 200 meters should be turned over to an appropriate international development agency for assistance to developing countries.

In his talk last Wednesday Ambassador Yost outlined to you the areas in which we are conducting intensive studies and exploring the possibility of early initiatives. I can assure you that we in the Government are not paralyzed by the crisis of confidence in the UN. We are determined to do something about it.

We are taking our cue from a directive which President Nixon had issued on January 8 of this year. It stressed that the President believes it should be the special aim of his administration to make our participation in international organization affairs as effective as possible. In calling upon the Secretary of State to supervise and coordinate all activities of the executive agencies relating to our participation in these organizations, the directive stated:

"In this connection, he anticipates that you will keep under constant review how our worldwide responsibilities can best be served through such participation, identifying priority areas for the investment of our resources and efforts in international programs, formulating the United States position on programs and budgets, conducting a continuing evaluation of each major organization's program performance, and recommending measures designed to improve their effectiveness."

I am sure you will agree that this is a timely and appropriate directive. We need to take our bearings with care as we approach the next quarter century of the United Nations so that we do not again lose sight of the need to create the necessary infrastructure for the world order we seek. It can only be achieved through patient, persistent effort. The time has come to stop chasing the mirage of instant peace and to apply ourselves more effectively to the concrete tasks we now see plainly before us.

From my observations, the crisis of confidence in the United Nations can be overcome:

If the United Nations adopts the needed internal reforms;

If it takes other steps to adjust its procedures and programs to the political, social and technical realities of today; and

If the Congress and the public are convinced that the United Nations is doing things that need to be done and that benefit the United States as well as other nations.

Convincing the public and the Congress that the United Nations is successfully carrying on needed activities is a task particularly suited to the UNA. The UNA and its member organizations and affiliates are, insofar as United Nations affairs are concerned, the most knowledgeable NGO's in the country. As such, you have an extraordinary opportunity—may I say responsibility—to let our citizens know what the United Nations actually does in its many fields of action, and to show how these UN activities are of benefit to the United States and to the world.

In my opinion, the work of the UN Specialized Agencies has not been adequately explained in terms of United States interests. We know that the World Health Organization is carrying on a vast anti-smallpox campaign, but who bothers to explain how it relates to the absence of smallpox here? How many people know that the WHO is responsible for those yellow health cards we carry abroad which testify to the standardization of innoculations achieved by that organization?

It might be useful for our citizens to learn a little bit more about the history of the international agencies. They should, for example, know that it was Abraham Lincoln's Postmaster General, Montgomery Blair, who called the first international conference to straighten out what was then an international postal mess. Out of this grew the Universal Postal Union and the convenience we all enjoy today of mailing a letter and being reasonably sure that it will be delivered abroad no matter what its destination. They should know that when they tune in the local radio station they are spared interference from other stations thanks to the allocation of frequencies accomplished by the ITU.

How many of our citizens understand that there exist international standards governing the operation of planes and ships, that there exist agreed signals for take-offs and landings on international air routes, that we have rules of the road to govern traffic at sea and that international organizations established these safety regulations? Only yesterday President Nixon submitted to the Senate two treaties drafted last year by the Intergovernmental Maritime Consultative Organization, another UN body. These treaties are designed to guard against pollution of the seas.

I hope that the UNA will continue to give us your views, your suggestions and proposals for both United States and United Nations policies. I hope you will continue to keep the public informed about the work of the entire UN system. Only through such concerted efforts can we assure that the United Nations remains relevant to the present needs of the world community, that it is seen to be relevant and actively engaged in meeting those needs and that, as a result, it receives the full support it requires from the United States and other members.

QUESTIONS ON VIETNAM: VI. EXAGGERATED FEARS OF THE CONSEQUENCES OF A PULLOUT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. FRASER. Mr. Speaker, many people argue about the reasons for the United States to stay in Vietnam. Two of the arguments used by those who favor the continued presence of the United States in Vietnam are the "bloodbath" idea and containing the spread of communism. These two points are answered by the Concerned Asian Scholars at Cornell University, as follows:

> If we pull out won't there be a bloodbath?
>
> There already is a bloodbath in progress in Vietnam. It must be remembered that the present fighting in Vietnam results in a civilian total of over 100,000 casualties per year (see U.S. Senate Sub-Committee to Investigate Problems Connected with Refugees and Escapees), and that Vietnamese military combat deaths (both sides included) have totalled more than 700,000 since 1965.
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> No one can guarantee, of course, what will happen when the U.S. leaves Vietnam, and because of U.S. complicity in the prolongation of the war in Vietnam, the U.S. bears heavy responsibility for any killings which may occur as a result of the intense hatreds which have developed within Vietnam over the past 15 years. Asylum, as provided in the Hatfield/McGovern amendment, could and should be offered to those Vietnamese so compromised by their association with the U.S. that their lives are endangered. (Since the U.S. has provided asylum to some 500,000 refugees from Castro's Cuba, it should not find it difficult to receive 50,000 to 60,000 refugees from Vietnam.)
>
> Further, looking at the question in historical perspective, there is reason to doubt the likelihood of a bloodbath. The Geneva Agreements of 1954 (following 9 years of warfare between France and Ho Chi Minh's Vietminh) prohibited political reprisals, and provided for the International Control Commission machinery to supervise this provision. The ICC received ten times as many reports of reprisals in the South as in the North. The Diem government itself admitted in 1960 that it had arrested more than 48,000 political prisoners.
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> Killings (an estimated 10–15,000) did occur in the North in 1956 in connection with a land reform program, but were not undertaken as political reprisals for collaboration with the French as has sometimes been alleged. Ho Chi Minh removed the responsible officials and took over direction of the program himself, and the killings ceased.
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> The other example sometimes cited by proponents of the bloodbath theory is the so-called Hue massacre. During the 1968 Tet offensive Hue was held by Vietcong and North Vietnamese troops for three weeks, and was recaptured by U.S. marines in severe fighting. At the time it was estimated by U.S. officials that 3600 civilians had been killed in the fighting. Of these, South Vietnamese officials at the scene estimated that 200–300 had been deliberately executed; General Westmoreland estimated 1000. Many of those executed were members of the police and secret police, not innocent civilians as the Administration now claims. Most of the executions in Hue were committed in a heat of battle situation, and are not indicative of what is to be expected following an armistice. The only precedent for this is the above mentioned experience following the 1954 Geneva Agreements.
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> Aren't we helping to prevent the spread of communism through our action in Southeast Asia?
>
> (1) The strongest barrier to the spread of communism is nationalism. Official U.S. policy in Asia has been to build up strong nationalist governments; however, the means used have undermined the objective. The U.S. has given massive and unconditional aid and support to anti-communist governments in Vietnam, Thailand and Laos. As these governments have become increasingly dependent on U.S. aid they have come to rely on U.S. support rather than the backing of their own people. They have thus become increasingly insulated from and responsive to the demands of their citizens. U.S. aid has not only weakened what democratic impulses these governments may have had, but has directly contributed to exceedingly high levels of corruption. Even the facade of democracy has disappeared as military regimes have come to power throughout the area. This is a situation in which popular unrest has traditionally occurred and which now provides ready-made followers for communist leaders. Despite the fact that many of the most patriotic Vietnamese were forbidden to run in the carefully controlled elections of 1967, the U.S. backed government in South Vietnam received only 35% of the vote; nearly half of Laos is under the control of the procommunist Pathet Lao; and Thailand faces growing rebellions in the Northeast, North and South.
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> U.S. fear of neutralist governments as an easy prey for communist movements led it to engineer the overthrow of the Souvanna Phouma government in Laos in 1958—leading to a civil war in that country, as a consequence of which the communist Pathet Lao gained in strength and can today threaten at will to capture the capital city. In Cambodia, Prince Sihanouk was able to maintain an independent nationalist government against communist pressures by following a neutralist policy in international affairs and by refusing aid from or close ties with the U.S. His overthrow in March 1970 by the Lon Nol-Sirik Matak coup and the U.S.-South Vietnamese intervention in Cambodia have not only ended the possibility of a neutralist government there, but have widened the Vietnam war to encompass yet another country.
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> (2) The U.S. attempt to cope with the threat of communism in Southeast Asia through military means and by backing the extreme right-wing rather than the broadly-based, generally neutralist middle, has eliminated the possibility of moderate elements determining the destiny of their country. In Vietnam only the communists and the South Vietnamese military have access to arms; as long as the struggle is waged on the battlefield there is no role for the "third force"—the moderates, nationalists, Buddhists and others—who want an end to the war and the establishment of a truly nationalist government. In a military struggle the communists may well win; in a political struggle they are less likely to do so.
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> (3) The war in Vietnam has caused widespread destruction of the country and the creation of conditions of chaos and devastation in which communism has always found its greatest opportunity to pose as the only force able to meet the real needs and desires of the people. The ending of the fighting, and the use for purposes of reconstruction of even a fraction of the amount now being spent on the war, would permit the development of conditions of peace, reduced poverty and greater stability in which communism would have less appeal.
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> (4) A united Vietnam would be the strongest barrier to the extension of Chinese power in Southeast Asia. Although North Vietnam shares the Marxist-Leninist ideology with China, China and Vietnam are traditional enemies. It is significant that three of the four battles commemorated in the national museum in Hanoi are battles against the Chinese (the fourth is Dien Bien Phu—against the French). Were Vietnam to be reunified, even under the leadership of the communists in the north and the south, the country would more closely resemble Yugoslavia's nationalist—and strongly independent—government, rather than the puppet regime of East Germany.

DIRECT AIR SERVICE BETWEEN PORTLAND-SEATTLE AND TOKYO

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. WYATT. Mr. Speaker, I recently received a letter and a copy of a petition supporting briefs by Pan American and Braniff for direct air service between Portland-Seattle and Tokyo. These applications are presently before the Civil Aeronautics Board.

The petition for expeditious action was submitted by the city of Portland, Portland Chamber of Commerce, Portland Freight Traffic Association, and the Port of Portland. The State of Oregon also is a party through the public utility commissioner and the transportation department.

Mr. Speaker, the document makes some cogent arguments in favor of the pending applications that would provide Portland with its first direct service to the Orient. Let me relate just a few of them.

In the first place, Portland is a metropolitan area of close to 1 million population. Yet the city has no single plane service to the Orient. Portland is a major gateway to the Far East. Portland and the State of Oregon have long had a strong community of interest with Japan. As a major port, Portland is a major distributing center of Japanese manufacturers.

The discrimination in direct airline service is hurting the economy of the area. Seattle has two daily nonstops to Tokyo, Minneapolis has two direct daily flights and Cleveland and Washington have once daily direct service.

Northwest Airlines provides connecting service in the westbound direction only—one connection in Anchorage with a 3-hour layover and an afternoon connection with a 2-hour layover in Seattle. Not only must Portland-Orient traffic change planes, it must experience substantial delays in connections, thus making the elapsed time longer than its competitive gateways.

That this inconvenient service inhibits traffic can be demonstrated when you compare the greatly increased Orient traffic at other large cities with single plane service.

In 1965, Portland generated much more Tokyo traffic than either Cleveland or Minneapolis—at that time without a direct airline link. There were 672 boardings from Portland, 396 from Cleveland, and 444 from Minneapolis. Yet by 1968 Cleveland's traffic increased 454 percent and Minneapolis' 353 percent with the direct plane service. Portland jumped 189 percent, but fell below the two cities in the number of boardings.

There is a wealth of other supporting

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data suporting Portland's application for direct service. The evidence is on file with the CAB, and I am confident there will be a ruling favorable to the city for improved air service to the Orient.

COURT EXECUTIVES IN CIRCUIT COURTS OF APPEALS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. CELLER. Mr. Speaker, the increasing dissatisfaction with the operation of our courts, due in large measure to undue delays in the administration of justice, has brought about a recognition of the growing need to provide our courts with persons trained and experienced in modern management techniques. Although the Federal circuit and district courts processed a total of 115,000 cases in fiscal year 1969 and expended $106 million in a system employing more than 7,000 people, there is no provision for management personnel except on the national level through the Administrative Office of the United States Courts.

Mr. Speaker, I introduce legislation today to provide for the creation of the position of court executive for each of the eleven circuits. The concept of the court executive has been endorsed by the Judicial Conference of the United States and by the American Bar Association. In a report of the American Bar Foundation—"Accommodating the Workload of the U.S. Court of Appeals"—it was stated that the administrative facilities of the courts of appeals should be greatly strengthened. The court should have an administrative officer responsible to the circuit council having authority and responsibility for the administration of the court's business.

In an address before the American Bar Association, the Chief Justice voiced his strong concern about procedural delays in the administration of justice and said that principal underlying causes of these delays was "a lack of up-to-date procedures and standards for administration or management, and the lack of trained managers" for the courts.

The bill that I introduce today would assure that the proposed circuit executives will be persons who have the requisite managerial expertise. The bill provides for the establishment of a five-member Board of Certification which would establish the qualifications for certification as well as certify applicants. The circuit council would appoint the circuit executive from the list of certified applicants. Properly utilized, the circuit executive will relieve the chief judge of the circuit of most of his administrative burdens, conserving the judge's time for the exercise of the judicial function.

Mr. Speaker, this legislation, designed to modernize our court operations, should prove to be effective in expediting the business of the courts for the benefit of the public.

DRUGS AND YOUTH

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. ROBISON. Mr. Speaker, the question of drugs and drug abuse and how to deal with it is one for which we have yet to find an adequate solution. Various experts have advanced theories ranging from increasing the severity of sentences to making drugs readily and legally available; but the problem remains unsolved. The growth of the market for illicit drugs is astounding, and most of this demand is in the United States. Certainly we can all sympathize with the adult addict who must barter his soul and very often his freedom to be able to buy his "daily fix." However, all parents and concerned people must be shocked and dismayed by the recent evidence of an increasing number of youths who are drug users. Without speculating on the likelihood of progression from the so-called soft drugs to the hard drugs, we can all unite in our revulsion against the drug pusher standing near the schoolyard dispensing drugs to our children. Without meaning to cast my lot with the alarmists, I do believe that drug abuse is quickly becoming a problem of national significance and should be a matter of national concern.

It is for the purpose of bringing the full scope of this problem to the attention of my colleagues that I offer the following article which appeared in the Cornell Alumni News which vividly points out the extent of this problem among our youth:

A NEW ATTITUDE ON DRUGS

(By Allan J. Mayer)

"They see you moving about and they come up acting real hip and ask, 'You straight?' And I say 'Yeah' and then get on to dealing. They're big on pills and marijuana, but they'll buy heroin just to show you they're hip."

There are now 25,000 drug addicts in New York City under the age of 19. They are shivering in Harlem alley-ways and they are wiping their runny noses on Mom's decorator-design Scott towels in Forest Hills. Some of them have been shooting up since they were in the sixth grade. Two hundred twenty-four of them died last year, most from over-dosing, a few from shooting roach powder into their veins. Twenty of them were under fifteen, one of them, a cute but shy kid named Walter Vandermeer, was 12. By this summer, says Dr. Julianne Densen-Gerber, the director of Odyssey House, there will be more than 100,000 young addicts dying their slow and miserable death in New York City.

We have been talking quite nonchalantly about drugs (or dope, or stuff, or whatever it is they're calling it these days) for a number of years now. We make jokes about it on television, we make films about it in Hollywood, and we marvel at its apparent wide-spread acceptance. But for those wags who turned the old political promise inside out and had it come out reading "Pot in every chicken," the chicken is once again coming to roost. As a teacher at Charles Evans Hughes High School (known in New York as "The Market") bitterly observed, "now that heroin is getting out of the ghettos, everybody is beginning to see it as a problem."

Smoking grass may not lead directly to shooting smack, as many argue, and you could probably name dozens of people you know who turn on but who wouldn't go near "hard stuff." Yet, sadly, the argument doesn't ring true when you go home to Queens, as I did a summer or two ago, and see the 13-year-olds giving out Seconals and Amyl Nitrate capsules like they were candy, and the 14-year-olds shooting up in the handball courts at Russel Sage Junior High School at 4 in the afternoon. Sage is not a ghetto school and the kids weren't poor. And that was all a year ago.

Young kids are always imitative of their older brothers and sisters. What the college kids are doing they want to do—and then some. When I was a freshman two years ago, high school kids who turned on were still somewhat of a novelty. But the social anthropologists tell us that the difference between generations these days is less than three years, and it seems to be true. Anyone going back to visit the old playground now to see what the neighborhood kids are into who doesn't feel out of it is only fooling himself.

Rego Park, a neighborhood in Queens right next to the one where I grew up, is now known as "Sales City." I remember, when I was 15 or so and shooting pool at a "billiard emporium" called the Cue Club, that there was some dealing going on there. It was mostly grass and when I was 16 a big stink was made of it when they installed two-way mirrors in the bathrooms to discourage dealers. All it accomplished was that the dealers moved upstairs to Queens Boulevard. Now you can go down the block and buy anything you want and the frightening thing for me is that most of the pushers are guys I used to play ball with in junior high. What's more frightening is the desperate look on everybody's face. No one smiles there, except when they're nodding. When I went back after my freshman year most of the dealing was in pills and acid, but now, after two years, heroin has moved in—and moved in solidly.

Petty thefts are up in Forest Hills and Rego Park, the sign that there are junkies frequenting the area—but you don't have to consult the police blotter to know that a lot of kids are on smack. Everybody laughed when a pharmacist opened a store called Drug City. "Hell," one 15-year-old said, "I guess the pushers are moving inside again."

It's not really funny, not when the so-called "good kids" who are messing up their lives with junk are kids that you know, kids you've gone to school with, kids whom you see when you come home on vacation and who say to you, glassy-eyed and shivering, "Hey man, what's happening?" It's not funny because the things you're into are a million miles away from anything they're interested in; and it's not funny when you ask them the question back and they give you a vague smile and say, "Nothin' much. I got burned last week but there's some good stuff around now."

Whose fault is it, you ask? Well, to begin with that's the wrong question but if you want an answer it's that it's our fault, it's the fault of a society in which pill taking is a way of life (". . . for headache take aspirin, for tension take . . ."), it's the fault of the self-proclaimed Messiahs who are so busy pushing the good side of their product that they forget about the bad side. Mostly, though, it's our fault because we are the people who made grass hip, who admired the guy who tripped, who made it fashionable to say, "Yeah man, I've tried smack. It's okay."

The people who've dealt with the problem all their lives know it's no joke. The Black Panthers of Corona, a poorer section in Queens, weren't fooling around when they passed out a leaflet listing the names of the neighborhood pushers—the leaflet was headed, "Pushers Wanted for Murder."

But, as frightening as the street evidence is, what's more frightening is that nobody

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is quite sure what to do about it. Methadone treatments, allowing physicians to prescribe narcotics for patient-addicts, these are not solutions—they are merely stop-gaps. The solution, ultimately, will have to run deeper, it will have to do something about our attitudes, our smugness, our concern with what's hip.

Perhaps no one has the right to take away our personal pleasures, perhaps the cop who busts you for possession is also depriving you of an inalienable right—but, then, did 12-year-old Walter Vandermeer have the right to die, alone, of an overdose of heroin in a Harlem bathroom?

CALIFORNIA FARMWORKERS EARN TOP INCOME

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. MATHIAS. Mr. Speaker, I would like to bring to the attention of my colleagues an article that recently appeared in the Bakersfield News Bulletin reporting that California farmworkers earn well over the national average of $2.24 an hour for farm laborers. Many people have tried to discredit agriculture by saying farmworkers in California earned only $1.60 an hour. The survey conducted by the U.S. Department of Agriculture's Statistical Reporting Service and reported in this article verifies that California farmers pay the highest wages in the Nation.

Not only does California produce some of the best agricultural crops in the Nation, but our farmers pay the highest wages to their workers.

I include the article entitled "California Farmworkers Earn Top Income," at this point in the RECORD:

CALIFORNIA FARMWORKERS EARN TOP INCOME

The average American hired farm workers paid by piece-rate earned $2.24 an hour in January, according to Kern County Farm Bureau.

This is indicated in a new quarterly probability farm labor survey issued for the first time this month. The survey, conducted by the U.S. Department of Agriculture's Statistical Reporting Service, supplements the Department's regular farm wage rate data, said KCFB manager, Paul Franklin.

He said publication of wage rates for piece-rate workers comes four years after Farm Bureau first requested this service from Secretary of Agriculture Orville L. Freeman in 1966. In April, 1969, Farm Bureau renewed the request in a letter to Secretary of Agriculture Clifford M. Hardin.

Franklin said the hourly-wage-only method of reporting farm earnings made typical farm wages look lower than they actually were, especially in California where most harvest workers receive piece-work payment.

"Propagandists looking to discredit agriculture have been taking the old average per-hour figures and passing them off as typical farm labor earnings in California," said Franklin. "The $2.24 average per-hour wage for piece-work is for the nation as a whole. California farmers pay even more, which demolishes the frequent charge that farm workers in this state receive only $1.60 an hour."

Franklin also pointed out that the hourly average not only includes workers in lower-paying farm states, but also many housewives, student and other casual harvest workers whose production is such that they do not earn the $2.24 hourly average.

"These new figures from USDA substantiate wage information that farmers have been trying to get across to the public," said Franklin. "It can now be seen that reports of earnings of $4.00 per hour and more by many skilled harvest workers are no exaggeration."

SPOKE—A NEW YOUTH MOVEMENT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, on May 14, 1970, a group of Fairfax County high school students announced the formation of a youth movement called SPOKE, by news releases sent to most of the Washington area new media.

As no notice was carried in the papers or on television concerning their group, they have requested that I make public their formation as well as their goals. I feel sure our colleagues will agree that theirs is a peaceful and constructive approach to becoming involved in local and national issues, and I would hope that youngsters elsewhere in our Nation would want to follow their lead in this direction.

As I want to make the goals and activities of SPOKE known to all who read this RECORD, I insert their news release in full at this point in the RECORD:

NEWS RELEASE OF SPOKE

A group of Fairfax County high school students recently started a youth movement called SPOKE. The organization is designed to emphasize to the students their rights and duties as citizens. Their major emphasis will be on the duties of a citizen. The SPOKEs do not intend to be anti-anything except that they do wish to oppose the actions of the militants who seek social change through violent and unlawful demonstrations. They are Students who want to accomplish their objectives through Participating in the legal procedures, to show that they are responsible youths by Observance of the laws, to become involved in current issues by obtaining the necessary Knowledge for an intelligent viewpoint and to enlighten all students and their voting parents through Education in the form of assemblies, discussions, etc.

The nucleus of the SPOKE movement has been started with ten student charter members. These charter members are now attempting to establish chapters in their local high schools. With this official recognition the SPOKEs will begin the movement to inform the students and their parents of local and national issues. Two current local issues, student representation on the Fairfax County Board of Supervisors and the moratorium on building permits are examples of the type of expected student involvement.

The SPOKEs are working eagerly to become established before the summer vacation in order to also become involved in the political campaigns; they do however intend to neither support nor oppose any of the political campaigns, they do however intend to study the issues involved, and then individually attempt to influence their parents' votes or at least discuss the paramount issues. With active discussions between parents and students, of the issues at stake, perhaps the generation gap may be narrowed. Voter apathy in local elections has permitted local vested interests to make decisions which have not always been best for the average citizen.

This station supports this SPOKE movement and upon request will provide additional information about organizing your own student group.

SPOKE—STUDENTS PARTICIPATING IN OBSERVANCE, KNOWLEDGE, AND EDUCATION: CHARTER

Whereas, we are *S*tudents who wish to oppose, without violence, the actions of militants who seek social change through violent and unlawful demonstrations, and

Whereas, we wish to accomplish our objectives through *P*articipating in the legal procedures, and

Whereas, we wish to show that we are responsible youths by *O*bservance of the laws, and

Whereas, we wish to become involved in current issues by obtaining the necessary *K*nowledge for an intelligent viewpoint, and

Whereas, we wish to enlighten all students and their voting parents through *E*ducation in the form of assemblies, discussions, petitions, newspapers, radio, television and small, nonviolent demonstrations in accordance with the law,

Be it therefore known that we resolve to accept our individual and collective responsibilities and duties as citizens and for this purpose to do and perform every lawful act and thing necessary and expedient to be done or performed and which will be convenient and advantageous for the efficient conduct of the activities of SPOKE.

Dated this 4th day of May 1970.

REPRESENTATIVE WHALLEY'S CONSTITUENT HIGHLY HONORED FOR MUSICAL ACHIEVEMENT

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. WHALLEY. Mr. Speaker, Mrs. Carlton Chaffee a former resident of Windber, Pa., and of my congressional district, has been notified that an operetta on which she has collaborated has been accepted for publication by Coach House Press. The work, "Mr. Crinkle's Magic Spring" was written especially for elementary children.

Mrs. Chaffee, a professor of music at the University of South Dakota in Vermillion, S. Dak., formerly was associated with teaching elementary music in the public schools of South Dakota and Iowa, as well as Pennsylvania.

She has been active in South Dakota music affairs on the State level and recently was appointed north-central district representative at Music Educators National Conference Committee on Music for Early Childhood.

Mrs. Chaffee is the former Beatrice Shaffer, daughter of Mrs. Elsie Shaffer, 818 Main Street, Scalp Level, Pa., and the late P. W. Shaffer. She graduated from Windber Area High School and Indiana University of Pennsylvania. Her children are: Mrs. Catherine Baird, a teacher at LaSalle, Colo.; Lee, an engineer, Denver; and John, a student at the University of South Dakota.

We congratulate Mrs. Chaffee in this notable achievement.

YOU CAN'T TALK INFLATION TO DEATH; JAWBONING'S A JOKE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. BROWN of Ohio. Mr. Speaker, there have been many proposals in recent weeks for Presidential "jawboning" to halt inflation. A constituent has sent me the text of the April 18, 1970, edition of the New Republic, in which Edwin Dale, Jr., the distinguished economics writer for the New York Times, discussed the idea. The headline on the story reads: "You Can't Talk Inflation to Death; Jawboning's a Joke."

Mr. Speaker, this is an informative summary of the problems involved in such a plan and I ask unanimous permission that the article be printed in the RECORD:

YOU CAN'T TALK INFLATION TO DEATH; JAWBONING'S A JOKE

(By Edwin L. Dale, Jr.)

There is a very widespread belief among persons of good sense and good will that some form of federal government, or Presidential, intervention in the process of private price-setting and wage-setting could make our inflation problem less severe. The issue is not wage and price controls, which are not backed by anyone with experience of the problem, but rather a wide variety of possible techniques aimed at bringing the "public interest" to bear on private decisions.

Two first-rate former chairmen of the Council of Economic Advisers, Arthur Okun and Walter Heller, trumpet the idea at every opportunity. Both Republican and Democratic members of the Congressional Joint Economic Committee have just embraced the principle, though their plans are very different. The Republican embrace has aroused particular interest because of apparent past philosophical opposition. This will be an effort to show that by whatever name it is called—"guideposts," jawboning, arm-twisting, exposure to the light of public opinion—government intervention into private price and wage decisions will smell as bad. It won't work, particularly in the prices that count for all of us in our daily lives.

But first, it is only fair to clarify the confusion created by one's opponents. A delightful vagueness surrounds this subject. Economists usually talk with some precision, though their ideas differ. Politicians seem to feel, mainly, just that the government should "do something."

The Democrats on the Joint Economic Committee (those who bothered to sign the report, which was not all) proposed, for example, an elaborate scheme including "quantitative standards for price and income changes" established by the Council of Economic Advisers and then a new Federal Productivity, Price and Incomes Office that would decide "the extent of compliance with the price and incomes standards set by the Council of Economic Advisers."

The Republicans had a different idea. No general "standards," no new federal office; instead, the Administration should "immediately announce the inflationary implications of unusually significant wage and price decisions." The Council of Economic Advisers should "calculate and make public how much each price increase adds to the wholesale or consumer price index, and indicate other prices which would be adversely affected by such an increase." And so on.

Okun has suggested some kind of federal "umpire" to call "foul balls." Heller has proposed a revived form of the old guideposts, which tried to keep wage increases within the bounds of the growth of productivity, though he now says a cost-of-living factor should be added. The one thing all the plans have in common is the effort to make private persons do something different from what they otherwise would have done.

Let us, as a starter, take up some real-world examples that have a lot more to do with the cost of living than the sort of thing these plans have in mind—say, whether the United States Steel Company raises the price of hot-rolled sheets.

The Mothers of Mercy hospital in Peoria raises its rate for a room from $40 to $50 a day. Is the President's Council of Economic Advisers supposed to intervene?

Fred Richards Auto Body Shop raises the charge for fixing a fender in Richmond from $20 to $30. Is President Nixon to call Fred Richards to the White House?

The Permanent Trust savings and loan association of Denver raises its mortgage interest rate to 8½ percent from 8 percent. Will Mr. Okun, or Paul McCracken, his current counterpart, fly to Denver?

The Maryland State insurance commissioner authorizes higher fire insurance preiums on homes because there are more fires and the cost of repairs has risen and the companies are losing money. Is the "Federal Productivity, Price and Incomes Office," as proposed by the Joint Economic Committee Democrats, supposed to haul the insurance commissioner before it?

There is a freeze in Florida and the price of orange juice goes up, raising the month's consumer price index by one-tenth of one percent all by itself. Does the Attorney General bring an antitrust suit against the orange growers?

The Washington Senators raise the price of seats to the ball game—also in the index. Does the President announce that he will go to no more ball games?

The New York subway, after years of a phony effort to keep down the fare by avoiding maintenance, finally raises the fare by 50 percent after a union settlement, and an effort at maintenance begins. Does the President tell John Lindsay he is a fink because he has raised the consumer price index for the nation, which he has?

Eternal strikes in Chile and Zambia and a lack of transport in the Congo cause a chronic supply shortage in copper, and eventually the American producers raise their domestic "monopolistic" price to about three-fourths of the world price. Is the President to tell them they are naughty for not raising the price as much as they really should in order to "clear the market?"

Joe's barber shop in Tucson, the best-known in town, raises the price of a haircut from $2 to $2.50, and the others follow. The cost of living of the citizens of Tucson, at least the male citizens, rises. Should Mr. McCracken let his hair grow?

We have all been hypnotized by the idea that the price of steel or chemicals or copper or sulphur or paper—and the bargained wage increases won by unions—are the "cause" of inflation, or at least the major cause. Heller and Okun have never fallen into this trap. They have always said that past mistakes in government fiscal (budget) and monetary policy were the real culprit in our inflation. But their continued belief that jawboning in various forms by the federal government can help, now that fiscal and monetary policy are on the right track, contributes to the hypnosis.

Okun, in a careful analysis that has won many converts in Congress, sought to show early this year that the sorts of prices that Presidents might be able to influence, and that President Johnson and his Council of Economic Advisers did influence, rose a good deal more in 1969 than in the preceding three years. Secretary of Labor Shultz, in an equally careful but almost entirely unnoticed paper presented to the Joint Economic Committee, has sought to show all the special factors involved in the various products that cast doubt on the Okun analysis. This is no place to go into the merits of either case. But the important point is that the most Okun could claim was that, if the Nixon Administration, the government, had used its power of persuasion or pressure or exposure to public opinion or whatever, the wholesale price index last year would have risen only by between one-half and one percentage point less than it did—*not* the consumer price index. And Okun made no claims at all about wages and unions. Nor did he mention the fact that in some of these supposedly "key" industries, like steel, profits were actually down last year despite the price increases, and the industries might have told the President, in a word, to go to hell.

Let us face it. "Incomes policies"—the broad term for voluntary guidance by government on supposedly "key" or "major" wage and price decisions—have been a flop in Europe. The policy is breaking down completely in Britain this year, but the pound remains strong, mainly because Britain's monetary and fiscal policies remain reasonable. In the United States we are, in fact, lucky: only a quarter of our labor force is unionized and a "wage explosion" is made very unlikely by our habit of long-term contracts. In this exceptional year of many major contracts, the 5 million workers involved amount to less than seven percent of the labor force. Heller and Okun and the Congressional advocates of various methods of inducing "restraint" might well say, thank God! For of course they have never been able to demonstrate a willingness on the part of unions, at a time of inflation, to show any restraint at all.

Is this what the preacher or politician would call a "counsel of despair?" The answer is yes. There is no point in expecting results that cannot be achieved. In addition, there is always some danger that the public will begin to believe that the wage increase of the auto workers or the price of copper "cause" inflation, if the President or the Council of Economic Advisers or some other government body is always fussing about them. While the analogy is not quite fair, President Johnson twisted steel, aluminum and sulphur arms to the tune of page-one headlines while the budget drifted quietly into the biggest deficit in history except for World War II. We had inflation as a result. The congressman who thinks Alcoa or Jersey Standard—or the Teamsters—causes inflation is the congressman who will vote for more spending and less taxes and will urge the Federal Reserve Board to pump up the money supply.

Alas, Herbert Stein of the present Council of Economic Advisers was surely right when he said in early April: "The basic premise upon which these policies (guideposts, etc.) rest is not easy to believe. People who want to raise their own prices and wages have not only a strong selfish interest in doing so; they almost always have a strong conviction that what they do is morally right and good for the country. We are asked to believe that people will suppress these interests on the basis of calculations made by some economists in Washington and appeals by the President without legal standards or sanctions."

The main case against this easy option of government "intervention" is, obviously, that it is very unlikely to work, despite an occasional temporary success in rolling back a given headline price increase for something like aluminum ingot. But all is not lost. Most of the prices that really affect us are not set by "big business" and "big labor." This country has had long periods of fairly stable prices when the government's fiscal and monetary policies prevented excess demand,

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or spending. The Mothers of Mercy in Peoria and Joe's barber shop in Tucson will not have to raise prices if the economy as a whole is not inflationary. To say that "monopolistic" situations in parts of industry and parts of the labor force exist is true; to say that they cause inflation, or that appeals to monopolists' better nature will significantly slow inflation, is a delusion.

AS I SEE IT

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. MORSE. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues a recent newspaper column which appeared in the Medford, Mass., Daily Mercury, "As I See It," by Mr. Robert H. Goldman.

Mr. Goldman is a distinguished lawyer and a thoughtful and concerned citizen. I think his comments will be of interest to Members of the House and I include his remarks at this point in the RECORD:

[From the Medford (Mass.) Daily Mercury, May 27, 1970]

AS I SEE IT

(By Robert H. Goldman)

Incidents involving the lowering of the Flag of our country have recently caused heated controversy. Should Governor Sargent or Mayor Lindsay, as the case may be, have ordered the flag lowered in memory of the four slain Kent students? What kind of precedents do such incidents set?

Then, too, the Flag has been involved in other controversies:—thousands of construction workers, carrying hundreds of flags, battle peace groups in front of New York's City Hall and on Wall Street, and cry out as they do so, "We love our Flag!" "We protect our Flag!"

Those who "support" the war, proclaim their deep loyalty to the Flag, and often some of them—not all of them but some of them—attack those "opposing" the war as "unpatriotic."

The rhetoric on all sides rises to new pitches of intensity.

I have never considered that the Flag of our country is merely a symbol of victory in war, or of war itself. Certainly it stands for those who have died in America's conflicts, from our Revolution down to today's undeclared war in Vietnam and Cambodia. Those who gave their lives in any of America's wars, whether we have agreed, or now agree with the particular conflict, deserve our deepest respect. For this beloved soil of America shall one day bury us all, young and old, white and black, poor and rich. We bowed our heads this last Memorial Day to those who died in the wars of our country, most of whom rest now in the cemeteries across our land.

But our Flag stands as a symbol of our nation, and our nation owes its true greatness not to its wars, but to its work for Peace. It is the peaceful progress of America through the ages, in art, in literature, in medicine, in science, in education, in creating the highest standard of living this world has ever seen—that peaceful progress of our nation is also symbolized by the Flag.

I love this land for what it means to be an American—and, to me, being an American means that I regard the "greatness" that has come to America, that "greatness" of which President Dwight D. Eisenhower and John F. Kennedy spoke, the true greatness of America and its Flag, as comprising American leadership towards a world of Peace.

I do not deny that we must remain armed in today's world—but I pray for the day when the name of America and the glory of our Flag will be looked up to by all men as representing the leadership of all mankind—not in War, but in the exploration of outer space; not in War, but in the pre-eminence of American science in conquering the great diseases—cancer, heart disease, a host of others; not in War, but in solving the great problems of ending poverty and hunger and human misery.

So, I am angry when the Hawks try to appropriate the Flag to themselves—it is not theirs anymore than it belongs to any one faction of our citizens. And I am angry when I see how the Doves, "the dissenters," too often fail to realize that they have as much right in their non-violent advocacy of peace to "Stand behind the Flag" as the most hawkish hawk.

For our Constitution guarantees difference of opinion—and the Founding Fathers argued long and hard among themselves before they came out with a great "Compromise Solution"—that Constitution itself. Peacably and sincerely to disagree—and to even very strongly disagree—with our government, the administration in power, or with other Americans, is to exercise one of the highest functions of American citizenship. Thus, a young Congressman made anti-war speeches in the House, saying the war was "unnecessarily and unconstitutionally commenced"—and lost his seat in Congress as a result. The war was the Mexican War of 1848 and the Congressman was Abraham Lincoln.

So I say to the Dissenters—this Flag is your Flag, and when you peaceably dissent you honor the Flag—which, again, stands for all Americans. And all Americans don't agree on most issues. But we must agree on the means by which we exercise those disagreements.

Let then those who oppose the war carry the Flag proudly—and peaceably—in demonstrations—and let them not allow the Hawks to claim it as their sole possession.

We love our land for what she is, with all its faults. But we should love it even more for what it is to be—what it can be—a beacon to all the nations, not of progress in War, but of a great age of Peace to come.

POSTAL WORKERS

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. McCARTHY. Mr. Speaker, last night the New York State Association of Letter Carriers held their annual dinner here in Washington.

They are, of course, members of a profession that assures that the wheels of the Nation's commerce and communication keep rolling. Their unselfish service over the years has frequently hidden the fact that they have carried out their responsibilities without the fanfare that pervades much of the public debate these days. At a time when so much dissent is characterized by theatric gestures and irrational threats the postal workers have resorted to the time-honored method of collective bargaining to redress their grievances which are real indeed.

It is shocking that men who work so hard are frequently forced to supplement their income with relief funds. Because of our preoccupation with the senseless war in Indochina, student dissent and unneeded supersonic aircraft, we have ignored the plight of those who seek only to provide themselves and their families with a comfortable and dignified life. This will not be possible for them until Congress provides the money. The recent steps to give a modest 6-percent increase was long overdue and postal workers income will not reach a sufficient level until the additional 8-percent increase is assured.

I therefore call on both Houses of Congress to dispense with delay and enact this needed legislation forthwith. These men and women must no longer be the forgotten Americans.

WHY NO WAR DECLARATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. RARICK. Mr. Speaker, I receive many inquiries as to why our men are fighting a war which has not been declared by Congress.

A declaration of war does provide the citizenry with advantages as well as disadvantages. In the present conflict our citizens are living in a state of war without the protections and advantages of a formal declaration.

I include a list of the laws effective upon declaration of war relating to treason, subversion, and curtailment of free speech; a portion of 1967 Armed Services Committee hearings containing the rationale of former Secretary of Defense, Robert Strange McNamara—presently World Bank President; and a report by David Lawrence, as follows:

PROVISIONS OF FEDERAL LAW EFFECTIVE UPON DECLARATION OF WAR BY CONGRESS RELATING TO TREASON, SUBVERSION, AND POSSIBLE CURTAILMENT OF FREE SPEECH; EXECUTIVE ORDERS

A. TREASON

Const., Art. III, Sec. 3, Cl. 1: "Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort . . ."

18 U.S.C. 2381: "Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason . . ."

The first form of treason, levying war against the United States, is beside the point here; no declaration of war would ever be necessary. The second form is less clear. There has never been a conviction for treason on account of giving aid and comfort to the enemy in the absence of a declared war. On the other hand there has been no acquittal of a charge of treason simply because the hostilities in which we were engaged were conducted in the absence of a formal declaration of war. Some take the position that no formal declaration of war is necessary to support a conviction now. See *Treason and Aiding the Enemy,* 30 Military Law Review 62 (October, 1965).

B. ACTIVITIES AFFECTING THE ARMED FORCES DURING WAR

18 U.S.C. 2388 punishes making false reports with intent to interfere with the armed forces and causing insubordination or mu-

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tiny in the armed forces, "when the United States is at war." Although it was originally enacted to operate only when "the United States is at war" and, as enacted, might require the existence of a declared war to support a conviction under it, its provisions have been made operative by 18 U.S.C. 2391 until "six months after the termination of the national emergency proclaimed by the President on December 16, 1950 . . . or such earlier date as may be prescribed by concurrent resolution of the Congress." This proclamation is still in effect.

C. ESPIONAGE

The espionage statute (18 U.S.C. 793) applies in peace and war, but the President may designate "prohibited places" in addition to those described in the act in time of war or national emergency.

18 U.S.C. 794(b) Whoever, in time of war, gathers defense data of the United States with intent that they be sent to the enemy, is punished with death or jail. Incidentally, sec. 795 forbids photographing, sketching, etc., military and naval installations where the President has, in the interests of national defense, defined them as vital installations requiring protection against general dissemination of information with regard thereto. However, no declaration of war on proclamation of emergency is necessary to this section.

D. EMERGENCY DETENTION OF SUSPECTED SECURITY RISKS

50 U.S.C. 811 et seq. provides for the emergency detention of suspected security risks upon proclamation by the President of an Internal Security Emergency, which he may do only if (1) the United States is invaded; (2) Congress declares war; or (3) an insurrection occurs within the United States in aid of a foreign enemy.

E. ALIEN ENEMIES, REGULATION, RESTRAINT, AND REMOVAL

50 U.S.C. 21–24 provides, in event of war declared by Congress, or the Presidential proclamation of a foreign invasion of the United States, for the forcible restraint and removal as alien enemies all subjects of the hostile power.

F. PRESIDENTIAL TAKE OVER OF FACTORIES IN TIME OF WAR

50 U.S.C. 82(c) authorizes the President, in time of war, to take over any factory for use by the Government.

G. VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES

50 U.S.C. 191–198 empowers the Secretary of the Treasury, under direction of the President, to regulate the anchorage and movements of vessels within the territorial waters of the United States, including the seizure thereof, and including foreign vessels, whenever the President declares a national emergency to exist because of actual or threatened war.

H. TRADING WITH THE ENEMY ACT

50 App. U.S.C. 1–44, applicable during declared war. This law, however, has no relation to subversion and civil liberties.

I. SABOTAGE

18 U.S.C. 2151–2157 punishes, when the United States is at war, or in times of national emergency declared by the President or by Congress, the destruction of war material, premises, or utilities; production of defective war material. These sections (2153, 2154), in addition to coming into effect in time of war, shall remain in full force until six months after the termination of the 1950 emergency proclamation (Proc. No. 2914), or until such earlier date as Congress may set.

J. EXECUTIVE ORDER NO. 11490

(Oct. 28, 1969; 34 F.R. 17567)

This order, to take effect upon the direction of the President (in times of emergency) directs the heads of various Federal departments and agencies to draw up emergency plans for the operation of their respective organizations in time of national emergency declared by the President. The plans drawn up hereunder may vary from time to time and may only be put into effect upon approval of the President.

MILITARY PROCUREMENT AUTHORIZATIONS FOR FISCAL YEAR 1967

DECLARED WAR VIS-A-VIS UNDECLARED WAR

Senator YOUNG of North Dakota. Would you yield for one question?

Senator SMITH. Yes.

Senator YOUNG of North Dakota. This may be a bit unfair and not the proper place to ask it, but from the military point of view, what advantages or disadvantages would there be to a declaration of war? This question is often raised in my mail. Why don't we declare war on North Vietnam?

Secretary MCNAMARA. Senator Young, this is a highly technical question with legal overtones. I wonder if I might answer that for the record. I would be very happy to do so.

Senator YOUNG of North Dakota. Thank you. Will you supply that?

Secretary MCNAMARA. I will be very happy to supply it to you.

Senator MILLER. Mr. Chairman, I would like to receive a copy of that.

Chairman RUSSELL. I think you might offer it for the record, Mr. Secretary.

Secretary MCNAMARA. I will do so.

Chairman RUSSELL. If there are any treaties that bind North Vietnam to Russia or China, that would bring Russia and China into the war automatically upon a declaration of war, I think you ought to state that. That to me is one very good reason.

Secretary MCNAMARA. Yes.

(The information follows:)

The question has been raised whether it would be desirable for the President to seek a formal declaration of war against North Vietnam. This question should be considered with respect to both international and domestic considerations.

INTERNATIONAL CONSIDERATIONS

From the international standpoint it seems undesirable to request a declaration of war for the following reasons:

1. The policy of the United States in Vietnam is to assist the Government of the Republic of Vietnam, at the latter's request, in thwarting an armed aggression from North Vietnam and to achieve a workable settlement of the dispute among the principal parties involved. This policy is pursued with limited aims, seeking to end the aggression against South Vietnam without threatening the destruction of North Vietnam, allowing a miscalculation by the enemy as to our intentions, or unnecessarily enlarging the scope of the conflict. The United States believes that the struggle must be won primarily in Souh Vietnam and is in that context a defensive military effort.

2. To declare war would add a new psychological element to the international situation, since in this century declarations of war have come to imply dedication to the total destruction of the enemy. It would increase the danger of misunderstanding of our true objectives in the conflict by the various Communist states, and increase the chances of their expanded involvement in it. Such a declaration would question the continued validity of the President's statements concerning his desire for a peaceful settlement allowing the various nations of the area, including North Vietnam, to live together in economic cooperation, and his reiteration that we do not threaten the existence of North Vietnam.

3. On balance, a declaration of war—which would be the first since the signing of the United Nations Charter—would significantly reduce the flexibility of the United States tory action—the defending of American nato seek a solution among extremely complex factors and reduce the chances that our adversary will take a reasoned approach to a solution, when U.S. policy from the beginning has attempted to avoid closing off any possible avenue of resolution and to make the North Vietnamese more rather than less rational in the situation.

4. There is nothing in modern international law which requires a state to declare war before engaging in hostilities against another state; nor would a formal declaration of war impose any obligations on an enemy by which he would not otherwise be bound.

5. Absence of a formal declaration of war is not a factor which makes an international use of force unlawful. The only relevant legal question is whether the use of force is justified. Examples of hostilities begun without prior declaration of war abound in recent history. The fighting in Korea from 1950 to 1953, that in Indochina from 1947 to 1954, that in and around the Suez Canal in 1956, and that in West New Guinea between the Dutch and Indonesians in the spring and summer of 1962 all took place without benefit of declarations of war. We are not aware that the absence of declarations of war in these cases has been alleged to constitute a violation of international law.

6. The legal rules of international law concerning the conduct of armed conflicts apply to all armed conflicts without regard to the presence or absence of declarations of war. All that is required is armed conflict between two or more international entities. The 1949 Geneva Conventions for the Protection of War Victims were specifically made applicable to any "armed conflict of an international character" between two or more of the parties. The rules of war embodied in the Hague conventions formulated in the early years of this century are considered, in general, to be part of customary international law binding on all states, and their applicability is unrelated to declarations of war.

DOMESTIC CONSIDERATIONS

From the point of view of U.S. law it would be undesirable for the President to seek a declaration of war for the following reasons:

1. A declaration of war is not necessary either to authorize the actions that have been taken by the United States in Vietnam or to provide an expression of congressional intent on the Vietnamese situation. The President has power under article II, section 2, of the Constitution as Commander in Chief to deploy U.S. military forces to Vietnam for the purpose of assisting South Vietnam to defend itself from armed aggression by North Vietnam. Since the Constitution was adopted, there have been at least 125 instances in which the President, without congressional authority and in the absence of a declaration of war, has ordered the Armed Forces to take actions or to maintain positions abroad. Some of these historical instances have involved the use of U.S. forces in combat. Congressional intent is expressed by the joint resolution of Congress of August 10, 1964, passed by a combined vote of 504 to 2, explicitly approving all necessary steps, including the use of armed force, in the defense of freedom in southeast Asia. A much fuller presentation of the views of the executive branch on the question of the President's constitutional authority was published in February 1951, as a joint committee print of the Senate Committees on Foreign Relations and Armed Services.

2. A declaration of war does not seem necessary in order to provide emergency authority to the executive branch. Many laws become operative in time of national emergency or in time of war. Most of these are operative today by virtue of the state of emergency proclaimed by President Truman in December 1950. These laws give the executive branch increased power to deal with the

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problems in Vietnam as well as other areas of the world. For example, they include special authority with respect to the movement of aliens in and out of the United States, the Armed Forces, Reserves, and the National Guard; procurement of material for the services; transactions in foreign exchange, Government contracts, security, and the protection of defense information; and defense transportation. A few emergency laws would not come into effect unless there were a declaration of national emergency or of war subsequent to the 1950 declaration of national emergency. However, there are only a few laws which can become operative only in time of war, and they have not been found necessary for the conduct of hostilities in Vietnam.

IS A DECLARATION OF A "STATE OF WAR" NEEDED?

(By David Lawrence)

The Constitution explicitly says that Congress alone shall have the power to declare war. Why, then, are so many men of the land and air forces of the United States, as well as a substantial number of naval units, currently participating in the fighting in Vietnam, and why is there in official quarters now talk of increasing these forces—all without a declaration of a "state of war"?

Why, too, were five million Americans called upon to serve in a major war in Korea, beginning in 1950 and continuing into 1953, without a single resolution of Congress authorizing such combat operations?

These questions have been answered in the past partly by citing various precedents and partly by the argument that an emergency often necessitates instant action and that there is no time to wait for a resolution to be passed by Congress.

No two situations, of course, are exactly alike, but the history of the United States shows that Presidents have on a number of occasions sent forces to fight in neighboring countries—and recently overseas—without a declaration of war by Congress. As a matter of fact, the United States has, by its ratification of the North Atlantic Treaty, for instance, obligated American armed forces to respond instantly to an attack on any of the member countries of NATO.

Under this treaty, no action by Congress is required in advance. The signatory countries already have agreed that "an armed attack against one or more of them in Europe or North America shall be considered an attack against them all," and that each of them "will assist the party or parties so attacked by taking forthwith, individually and in concert with other parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."

In a parallel agreement setting up the Southeast Asia Treaty Organization—or SEATO, as it is commonly called—the obligation of the members is not as explicit. The treaty provides that "aggression by means of armed attack in the treaty area against any of the parties" is recognized by each signatory party as endangering "its own peace and safety," and that each will "act to meet the common danger in accordance with its constitutional processes."

When it originally signed the SEATO treaty, the United States made a special reservation by which this country's "recognition of the effect of aggression and armed attack and its agreement with reference thereto" is understood to "apply only to Communist aggression," but "in the event of other aggression or armed attack," the United States will consult with other members on what measures should be taken. The purpose of this is, of course, to give the United States an opportunity to decide for itself whether it wants to engage in military action.

A basic reservation of this same kind is contained also in the United Nations Charter. The Security Council is empowered to make special agreements with member nations for the use of armed force to maintain peace. But these agreements are subject to ratification by the signatory states "in accordance with their respective constitutional processes."

Broadly speaking, the distinction between a situation where a declaration of war by Congress is sought by a President and one where action is taken without congressional authorization usually is related to the time factor. Thus, President Wilson in 1914 ordered U.S. Marines to seize the Customs House in Vera Cruz, Mexico. He had received word at four o'clock one morning that a vessel carrying arms which might be used against Americans was about to land at Vera Cruz and that instant action was necessary to prevent this. The President had actually requested of Congress the day before a resolution confirming his authority to use troops in connection with another incident in Mexico, but it wasn't passed until after U.S. forces had occupied Vera Cruz in a battle for the city.

President Truman in June 1950 ordered American forces in the Far East to go to the aid of South Korea when it was suddenly invaded by North Korea. There wasn't time to wait for the processes of the United Nations to go into operation to repel the aggression.

Mr. Truman never asked Congress for a resolution authorizing his action in Korea. The argument was that actually the Russians or Chinese or both had been violating in Korea an agreement reached as a consequence of the World War II peace conference, that many of the situations arising out of World War II had not been amicably settled, and hence military power originally authorized during the war could continue to be applied. This is still the basis for American military patrols in Berlin and vicinity.

It was contended, moreover, in the case of Korea that, whenever Congress appropriated funds to conduct the military operations there, it was, in effect, giving implicit approval and authorization for the use of the armed forces, and that a declaration of war wasn't necessary. Somewhat the same argument can be made with respect to appropriations by Congress to carry on the war in Vietnam.

President Johnson, however, was aware of the importance of getting special authorization for the use of armed forces in Southeast Asia. He requested and obtained from Congress in August 1964 a resolution approving the military action being taken there.

In a press conference on June 17, 1965, when asked about getting further congressional approval for sending increased forces to Vietnam, Mr. Johnson stated that "the authority of the President is very clear and unquestioned without a resolution—the Commander-in-Chief has all the authority that I am exercising." He added:

"But because of my desire to have the support of the Congress and to have them a part of any decision we make after consulting their leadership, exchanging viewpoints and carefully drawing a resolution, we submitted to the Congress language that we thought would make it clear for all time, to one and all.

"That language, just as a reminder to you, said the Congress approves and supports the determination of the President as Commander-in-Chief 'to take all—all—all necessary measures to repel any—any—any armed attack against the forces of the United States' and 'to prevent further aggression.' "

The resolution was adopted by an overwhelming majority of both houses of Congress on Aug. 10, 1964. The request was made by the President in connection with retaliatory action—the defending of American naval vessels against attacks that were coming from North Vietnam. While, therefore, in recent operations there has been ample authority, the question arises as to whether Congress should be requested to extend the authority, particularly if the Vietnam war is to be widened by participation of the Red Chinese.

The problem in South Vietnam is complicated by the fact that the United States was originally requested by the established government in Saigon to give it military assistance in resisting an invasion by hostile guerrilla forces. Normally, this would be regarded as international co-operation of a minor nature which probably would not require a request by the President for authority from Congress but would be covered by the precedents of Executive discretion.

Now that the war has been intensified, however, it is up to President Johnson to decide whether the use of American armed forces in South Vietnam is an obligation under the provisions of the Southeast Asia Treaty itself, which pledges the United States to cooperate with other powers in protecting the "peace and safety" of the treaty area. But even in such a circumstance, the President would appear to be on firmer ground if he were to get congressional authority.

Mr. Johnson has sought to make it clear that the United States is not engaging in a war on its own initiative but is, along with other nations, helping a victim of aggression. The President unquestionably would get immediate approval from Congress if he should ask for authority to carry out American treaty obligations in Vietnam as well as in the whole SEATO area.

One of the difficulties today is that, while North Vietnam is obviously the aggressor, a declaration of war by the United States against the Hanoi Government alone would hardly be adequate. On the other hand, the United States may not wish to be in the position of declaring war on either Red China or the Soviet Union. Any declaration probably would provide for resistance to aggression against South Vietnam, together with authority to respond by whatever means may be necessary to any attacks from North Vietnam or elsewhere.

By declaring a "state of war" to exist, the United States would be in a strong position to make illegal the further construction of Soviet missile bases in North Vietnam, whose Government is being aided largely by Red China in continuing the aggression against South Vietnam. For if the war is to be carried on in earnest, the United States must prevent its own forces as well as those of South Vietnam from being defeated by either the North Vietnam Government or its Communist allies.

While the President can certainly proceed today on the assumption that he has public sentiment back of him, he would be better advised to ask at the proper time for a resolution by Congress declaring a "state of war." This would not only conform strictly to the letter of the Constitution but would give the United States a position under international law which would permit measures to be taken to prevent any "trading with the enemy," including the Red Chinese. It would also demonstrate to the entire world that the American people are united behind their Government in the Southeast Asia war.

BUSTED BUDGET

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. HUNGATE. Mr. Speaker, many of my constituents have written me of their

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concern about inflation and the need to balance our budget. I am sure the following article from the Christian Science Monitor of May 26, 1970, will be of great interest to them and to my colleagues.

BUSTED BUDGET

President Nixon's new estimate of a $1.3 billion deficit in the fiscal year that begins July 1 was out of date less than 24 hours after it was made public.

The deficit will be bigger—and Mr. Nixon himself caused the first overrun.

As estimated in the first formal revision of the 1971 budget, spending was to total $205.6 billion—up $4.8 billion from the administration's February estimates—and the original thin surplus had turned into a thin deficit.

But this month's revised figures included only $150 million in outlays under the President's promised $500 million program of federal aid to school districts that are "racially impacted" or are in the process of desegregating.

That led to charges that Mr. Nixon was shortchanging his own program. The White House promptly promised that the whole $500 million would be spent in fiscal 1971.

And there went the revised estimates.

AC ELECTRONICS DIVISION ROLE IN SPACE PROGRAM

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. ZABLOCKI. Mr. Speaker, in the heroic rescue of the Apollo 13 astronauts from the depths of space, the inertial guidance and navigations systems aboard the lunar module, Aquarius, and the command module, Odyssey, played a significant role.

Both of these precision guidance and navigation systems were manufactured by General Motors' AC Electronics Division in my district in Milwaukee, Wis. Both systems performed perfectly, and guided the astronauts safely back to earth.

The AC lunar module guidance system took over for the command module guidance system when it had to be shut down to conserve power. The LM guidance system controlled the attitude of the spacecraft and controlled the engine burn that put the spacecraft back on to a free return trajectory to earth. It also controlled the 4 minute and 20 second engine burn that accelerated the spacecraft's return by 10 hours.

Further, the LM guidance system accurately guided the astronauts from the moon to the earth, a task it was not programed to do. Before entry to the earth's atmosphere, the command module guidance system was powered up, using battery energy. Although it had been exposed to extremely low temperatures not normally experienced, it worked flawlessly, guiding the astronauts through the critical entry corridor, and to a pinpoint splashdown in the Pacific Ocean.

Mr. Speaker, the people of Wisconsin take great pride in the achievements of Wisconsin men and women working in the Milwaukee area who have designed, developed and manufactured the complex and delicate components that make up Apollo's lunar and command module guidance and navigation systems.

The AC Electronics guidance and navigation systems aboard the Apollo not only performed tasks not normally expected of them, but also made possible a safe, pinpoint landing in the Pacific when our courageous astronauts returned to earth. These accomplishments were indeed a tribute to the talented, hard-working General Motors people of Wisconsin who helped make this safe return possible.

NOTED BANKER DIES AT AGE 81

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. ALEXANDER. Mr. Speaker, one of the most respected, one of the most influential, and one of the most beloved citizens of Arkansas died last Thursday. W. W. Campbell of Forrest City was known affectionately by thousands as "Mr. Will."

There is no way that his contributions to his hometown, to his beloved State, and to his Nation could be enumerated. It can simply be said that he will be sorely missed.

His advice and counsel were sought constantly by the known and the unknown. His views and recommendations were honored and appreciated by officials throughout the country as well as by rural residents of St. Francis County. His goal was to help his fellow man, his philosophy was love for his fellow man, and his legacy will be an improved world because he was with us.

I include in the RECORD at this point several articles that appeared concerning the life of W. W. Campbell:

NOTED BANKER DIES AT AGE 81—BUILT REPUTATION AS FARMERS' FRIEND

FORREST CITY.—William Wilson Campbell, aged 81, a Forrest City banker who became an East Arkansas institution in his own lifetime, died Thursday.

Known affectionately to many as "Mr. Will," the lifelong Arkansan died at 1 a.m. at Methodist Memorial Hospital in Memphis after a lengthy illness.

He was Board chairman of First National Bank of Eastern Arkansas and was recognized throughout the nation for his banking expertise.

In 1947, the editors of Reader's Digest selected him the outstanding "Good Neighbor Banker" for his work in the field of industrial, agricultural, commercial and personal banking service in his community. Fortune magazine featured Mr. Campbell as the "Outstanding Country Banker" in November 1948. He was named Man of the Year in Service to Arkansas Agriculture by Progressive Farmer magazine in 1951.

Born on a farm atop Crowley's Ridge, Mr. Campbell knew the region's people and its problems. He was the son of S. C. and Jessie Griggs Campbell, pioneers of the area.

He foresaw the day the small farmer would be forced off the land by mechanization, and was a leader in the successful attempt to diversify the livelihood of East Arkansas residents. Because of him, many large industrial plants were erected around Forrest City.

He was a pioneer in planting rice in the area west of Crowley's Ridge. He formed the first soil conservation district and pushed modern agricultural thinking.

When the chemicals and the mechanical pickers came and the exodus from the land took place and the welfare rolls lengthened, Mr. Campbell took up the banner of the little man.

In those early days, he acquired the reputation that has lasted until his death of being the banker who never foreclosed on a mortgage.

He thought this record important, an example of his philosophy.

"Bankers have the greatest opportunity to help people," he once said. "We don't want a man's land. We want him to work on it and make a living."

In later years, he encouraged the growth of truck gardens on former cotton land as a means of augmenting further the incomes of those who worked in the plants his foresight had brought to Forrest City.

"Those people can have a rich life," he told a reporter in 1964. "They have television, modern conveniences consolidated schools. And they can stay on the land. They were raised in the land. They like the freedom of space."

It was under Mr. Campbell's guidance that Forrest City was looked on as a leader in race relations until recent troubles there. Whites and blacks worked side by side in Forrest City industries in a time when other parts of East Arkansas did not even consider desegregation.

Born February 1889, Mr. Campbell was graduated from Forrest City High School, attended the University of Arkansas at Fayetteville and was graduated from Eastman's Business College at Poughkeepsie.

His first job after college was as bookkeeper for Russell-Graham-Alderson, a mercantile firm.

He came to the First National Bank of Eastern Arkansas as a cashier in 1909, becoming president in 1923 and remaining at that position until January of 1954, when he was named chairman of the Board, a position he occupied until his death.

Mr. Campbell had served on the Board of Arkansas Power and Light Company and the Board of Trustees of Arkansas College at Batesville. He was vice chairman of the Arkansas Industrial Development Commission.

Mr. Campbell had served the Arkansas Bankers Association on various committees and was chairman of the Agricultural Committee for two terms. He was vice president of the Association in 1923 and was named president in 1928.

He held many high positions and served on many committees in the American Bankers Association, including chairman of the Agricultural Commission for four terms, president of the National Bank Division, member of the Executive Council, Special Planning Committee, Administrative Committee, Government Borrowing Committee.

He served as state chairman of the War Finance Committee during World War II.

He had served since 1941 as Arkansas state chairman of the United States Savings Bond program. He also had served as a member of the Federal Reserve Advisory Council of the Federal Reserve Bank for two terms and six years on the Board of the Federal Reserve Bank of St. Louis, Memphis Branch. In January 1952, Mr. Campbell was one of 16 Savings Bonds chairmen in the United States elected by the Treasury and Defense Departments to tour France, Italy, Germany and England for the purpose of observing the progress made in the buildup of NATO forces and the efforts being made by the Europeans themselves in self help.

Mr. Campbell received a 25-year Savings Bond Volunteer Award from the American Bankers Association in 1966 for outstanding service.

He was a member of the Joint Civilian Orientation Conference of the United States Defense Department in 1957 and again in 1960. Mr. Campbell served as state chairman

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of the Advisory Committee for the Arkansas Farmers Administration and as a member of the Cotton Advisory Committee of the Commodity Credit Corporation, and the Advisory Committee of the Reconstruction Finance Corporation, a Memphis and Little Rock agency.

Mr. Campbell also was a member of the White House Conference on Education; Memphis, Tennessee, and Arkansas Bridge Commission; Board of Governors of the Small War Plants Corporation, Kansas City Agency; Board of the Arkansas Tuberculosis Sanitorium for 12 years; chairman of the State Highway Finance Advisory Committee under three Arkansas governors.

He served on the Hoover Commission as a member of Advisory Committee on Government Lending Agencies; Board of the Arkansas Economic Council, State Chamber of Commerce; chairman of the Comptroller of the Currency and was an honorary member of the Soil Conservation Society of America.

Mr. Campbell was a member of the Board of Elders at the Graham Memorial Presbyterian Church, a trustee of the Forrest City Library; a 33d Degree Mason, and a member of the Higher Education Committee and the Quest Committee of the Southern Presbyterian Church.

In 1967, the Forrest City Chamber of Commerce presented him with the "Outstanding Citizen" Award, recognizing many years of service toward the betterment of Forrest City.

An honorary doctor of law degree was conferred on Mr. Campbell by the University of Arkansas in 1949 and he is listed in Who's Who in America.

As a Gazette editorial writer put it in 1954, when his son took over as president of the Bank:

"It would be hard to think of the National Bank of Eastern-Arkansas without W. W. Campbell. In fact it would be hard to think of Eastern Arkansas without W. W. Campbell. Mr. Campbell and Miss Victoria Mann, formerly of Marianna, were married on December 14, 1916.

Mr. Campbell is survived by his wife; a son, William Mann Campbell of Forrest City, and a daughter, Mrs. Ann Campbell Jaratt of Forrest City; a sister, Miss Annie Campbell of Forrest City, and two grandchildren.

The funeral will be by Rev. Robert Smith and Rev. Herndon McCain at 2 p.m. today at Graham Memorial Presbyterian Church. Burial will be at Forrest Park Cemetery by Stevens Funeral Service.

Pallbearers will be Tom C. Pope, Albert Laughinghouse, Charlie Woodfin, Tom Harris, Archie Ford, Wendell Weed, Marvin Ragland, John Mann, Reff Mann and Lon Mann.

AS WE SEE IT

(By Bonner McCollum)

How much can one individual mean to a community?

We could not help but ponder this question as we learned of the death early today of W. W. "Will" Campbell, chairman of the board of First National Bank of Eastern Arkansas.

Other than the love and respect we held for our own father, we have known no other man in our lifetime whom we respected and admired as much as we did "Mr. Will."

Any attempt here to convey to our readers the many, many contributions W. W. Cambell has made to Forrest City, to Arkansas and to our nation, would be merely scanning the surface; for it would take an in-depth, detailed study, covering a period of the past 80 years, to outline the contributions he has made to our society.

One outstanding quality which he possessed was an uncanny enthusiasm for life and the challenges and rewards it offered him. Throughout his lifetime he maintained an optimistic, enthusiastic outlook toward everything and everyone. He always expected the best, both of people and events; and it is remarkable how often both met his expectations.

We have lost a dear, personal friend in his death; and Forrest City has lost one of its truly great community leaders.

WILLIAM W. CAMPBELL

No man in Arkansas stood higher in the profession of banking than William Wilson Campbell, who has passed away at the age of 81, and no man had finer personal qualities. He impressed everyone not only with his friendliness and understanding, but also with sincerity and forthrightness of character. While he followed the rules of sound and conservative banking, and made the First National Bank of Eastern Arkansas one of the state's outstanding financial institutions, he always showed sympathy for those who were in need of helpful consideration. Through the years he built for himself and his institution a strong structure of public confidence.

"Mr. Will", as he was affectionately known, built an enduring monument with his lifelong labors in the banking field, and he leaves a good name that will always be remembered.

WILLIAM W. CAMPBELL

It would be difficult to name a citizen of Eastern Arkansas who contributed more to his city and his region than William W. Campbell, of Forrest City, who died yesterday at the age of 81.

As employe and president, Mr. Campbell was associated with the National Bank of Eastern Arkansas for more than 60 years—a span of time that also measured his service to his community. People called him "Mr. Will," evidence of the friendly esteem in which he was held.

Banker Campbell must have had a formula for success based on the proposition that if a financial institution is to prosper, the community also must prosper. So, a good many years ago, he set about to make the formula work, which it did, to the benefit of everyone.

Mr. Campbell was a leader in promoting advanced ideas in agriculture, in encouraging small farmers, in supporting every civic enterprise that promised to upgrade the life of his neighbors. He had much to do with putting Forrest City on the map of 20th Century progress and was the subject of articles in such magazines as Reader's Digest and Fortune. We at The Press-Scimitar remember his valuable advice in helping us to promote our Save-Enrich Our Soil program a number of years ago.

Mr. Campbell was a man who respected tradition. He was the grandson of Eastern Arkansas pioneers; therefore, he had a duty to carry on. He was a banker; therefore, he had a responsibility to protect the community's economic health.

These high principles now pass to the hands of Mr. Will's son, W. M. Campbell, president of the bank once headed by his father.

YOUNG MAN SPEAKS FOR A GENERATION

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. MANN. Mr. Speaker, Mr. Marshall Winn, the valedictorian of the class of 1970 at Dorman High School in Spartanburg, S.C., is in Washington this week participating in the presidential scholar program. Mr. Winn will participate in special ceremonies at the White House tomorrow with 118 other presidential scholars from across America.

This week the Spartanburg, S.C., Herald printed an editorial which quoted parts of Mr. Winn's valedictory address at Dorman High School. In this age of dissent and trouble among many of our young people, I think this outstanding young man's words to his contemporaries are worthy of our attention. Mr. Speaker, I am pleased to share this editorial with my colleagues:

YOUNG MAN SPEAKS FOR A GENERATION

Marshall Winn, the valedictorian of the Dorman High School graduating class, believes in action as the only way of "attaining a desired end."

In his view, however, the concept has been abused in modern America.

"To many people," he told his class at graduating ceremonies, "action means simply doing whatever in their judgment is necessary to gain their goal."

Such a definition cannot be accepted by a civilized society, Mr. Winn declared to his fellow graduates. He continued:

"One of the marks of a civilized society is the ability to reason one with another without resorting to mob action and violence. . . .

"Dissent was the reason for the founding of our country . . . but (the Founding Fathers) made it clear that there were specific channels for dissent—that unorganized dissent, which amounts to anarchy, would not be tolerated. If this was to be a real nation, strong and free, then there had to be a strong system of justice and order. . . . Personal freedom had to be limited to that freedom which does not encroach upon the liberty of others.

"Accordingly, the freedom of dissent was emphasized, but limited to that which did not infringe upon the rights of other citizens to make their own free choice."

However: "We see more and more evidence that, across America, persons disagreeing with certain aspects of our society or system have little regard for the rights, or the opinions, of others not in agreement with them."

Mr. Winn declared, "This kind of behavior cannot be tolerated if we are to preserve our way of living. . . . Americans must not allow those who would tear down our society from within with no plan of their own for rebuilding or for improvement to destroy this proud and free system."

If Marshall Winn were exceptional in his generation for his views, his message would be worthy of attention. The fact that he articulates the attitude of most of his graduating generation across the nation makes it a particularly valuable message to be heard and understood.

The nation will be in good hands with this generation of young people.

Mr. Winn represents something else of special importance in South Carolina. He is a superb scholar and he has been sought of the country's finest universities—among them being Duke, Davidson, Furman and Harvard. The latter offered him a scholarship valued at $15,600.

He is one of only 119 Presidential Scholars from the 50 states who are invited to the White House on June 4.

Dorman Principal Allen O. Clark announced at graduation exercises that Mr. Winn has decided to remain in his native state for his education. He will attend the University of South Carolina as one of 10 "Carolina Scholars" selected for scholarships this year.

He is the son of Mr. and Mrs. Ralph M. Winn, Jr. of Spring Valley Drive.

A QUESTION OF SUBSIDIES

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. ALEXANDER. Mr. Speaker, a farmer from northeast Arkansas has recently brought to my attention an article in Cotton Farming concerning the continuing debate over farm subsidies. Because the article raises a point that deserves to be considered, I include it at this point in the RECORD:

A LITTLE CHAT

Look out, Reader's Digest is after you. Pick up a copy of the May issue. In it is an article entitled, "Time to Say No to Big Farm Subsidies." And cotton growers come in for a real drubbing. The article urges readers to write their Congressman immediately to insure payment limitations and a gradual phase-out of all subsidy. Don't look for any pro and con points. It's as subjective and vindictive attack as you'll probably ever see.

If we put aside all justifications of agricultural subsidies, it's still rather ironic for Reader's Digest to launch such an attack. Ironic because Reader's Digest is a recipient of one of the largest Government subsidies in the country . . . Second Class mailing.

Second class mail has a rather complicated weight-price formula but it all boils down to about seven cents a pound on the average as compared to 22 cents a pound for mailing bulk rate, third-class circulars, etc. The Post Office says it loses money on the 22-cents per pound bulk rate. Think what it's losing on seven cents per pound. That's a subsidy of at least 15 cents per pound. Multiply that by the Digest's usual weight, circulation, and 12 issues a year and the result is that Reader's Digest is probably subsidized somewhere between 12 to 16 million dollars a year by the taxpayer.

How about an article on that, fellas?

WALTER LITTLE, *Publisher.*

HON. JOHN W. McCORMACK

HON. JOSEPH P. VIGORITO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. VIGORITO. Mr. Speaker, when a great man leaves public life, a void exists. The House of Representatives now realizes what greatness we have lost with the retirement of our distinguished speaker, Mr. McCORMACK.

The void Mr. McCORMACK leaves in the House will not be easily replaced. He has been a leader of matchless ability and dedication. He has firmly molded the House of Representatives so that it has been able to fulfill its constitutional legislative role.

The Speaker has been a man of integrity and has possessed a breath of vision not found in mere men. It is with regret that we see him leave the House after these decades of unequalled service. There will not be another like him. I join with my colleagues in saluting Mr. McCORMACK on his retirement. We all wish him well. We all thank him from the bottom of our hearts for all he has given to us, individually and collectively.

SOUTHEAST ASIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. FRASER. Mr. Speaker, in light of the recent decision to widen the war in Southeast Asia and in light of the widespread public dissention that followed it, a 1965 letter from President Nixon to the New York Times gains new interest.

The President observed in 1965 that "there are occasions—particularly in wartime—when the individual's rights and the Nation's security come in conflict." He asserted that "America's 20th century war Presidents, Woodrow Wilson and Franklin D. Roosevelt, were forced to make this cruel choice and in both instances they properly concluded that in wartime preservation of freedom for all the people must take precedence over the rights of an individual to exercise freedom of speech when it would serve the enemies of freedom." And he concluded that dissension over the war in Vietnam posed at that time the conflict between the public good and an individual's right to free speech: "We must never forget," he wrote, "that if the war in Vietnam is lost, the right of free speech will be extinguished throughout the world."

Mr. Speaker, this letter now prompts questions about the President's position which deserve public answers. Does the President still view the failure to win a military victory in Southeast Asia as the apocalypse of global freedom? Does the current war situation still justify, in the President's mind, the abridgment of individual freedoms? What restraints does the President feel on his powers to limit freedom of speech in the United States?

I include the full text of Mr. Nixon's letter in the RECORD:

NIXON EXPLAINS STAND ON OUSTING GENOVESE

To the Editor:

In accordance with the great tradition of the Times for complete and objective coverage of the news you might want to carry statements I made on the Genovese case which were omitted in the Times news story of Oct. 25.

Every American is for free speech and academic freedom. The question is how do we preserve that freedom?

We do so by recognizing and protecting the right of individuals to freedom of speech.

We do so by defending the system of government which guarantees freedom of speech to individuals.

Unfortunately, there are occasions—particularly in wartime—when the individual's rights and the nation's security come in conflict.

FUNDAMENTAL ISSUE

Justice Learned Hand summarized it best when he said, "A society in which men recognize no check on their freedom soon becomes a society in which freedom is the possession of only the savage few."

In his recent speeches in New Jersey, Robert Kennedy, by contending in effect that the right to freedom of speech is absolute and unrestricted, confused the fundamental issue involved in the Genovese case.

He charged that Senator Dumont's demand for Professor Genovese's dismissal was the same as Governor Barnett's demand that professors at the University of Mississippi who advocated integration should be discharged.

DISTINCTION EMPHASIZED

He completely missed the fundamental distinction between the two cases. No one has questioned the right of Professor Genovese or anyone else to advocate any controversial issue in peacetime.

The question in the Genovese case is whether a professor, employed by a state university, should have the right to use the prestige and forum of the university for advocating victory for an enemy of the United States in wartime.

The victory for the Vietcong which Professor Genovese "welcomes" would mean ultimately the destruction of freedom of speech for all men for all time not only in Asia but in the United States as well.

The question at issue, therefore, becomes: does the principle of freedom of speech require that the state subsidize those who would destroy the system of government which protects freedom of speech?

We are confronted in the Genovese case with this choice:

The responsibility of the state to protect the right of freedom of speech for an individual.

The responsibility of the state to defend itself against enemies whose victory would deny freedom of speech to all.

WARTIME CHOICE

America's twentieth century war Presidents, Woodrow Wilson and Franklin D. Roosevelt, were forced to make this cruel choice and in both instances they properly concluded that in wartime preservation of freedom for all the people must take precedence over the rights of an individual to exercise freedom of speech when it would serve the enemies of freedom.

Reports from Hanoi and Peking conclusively indicate that the demonstrations against our policy in Vietnam encourage the enemy, prolong the war and result in the deaths of American fighting men.

Our recognition of this unhappy truth does not mean that we suppress the views of all those who may oppose the war in Vietnam for ideological reasons.

But there is a point at which a line must be drawn.

I say as long as the demonstrators and those participating in teach-ins are acting in an individual and private capacity no action should be taken to curtail their activities.

But any individual employed by the state should not be allowed to use his position for the purpose of giving aid and comfort to the enemies of the state.

Where the choice confronting us is between the lives of American men fighting to preserve the system which gurantees freedom of speech for all and the right of an individual to abuse that freedom, the lives of American fighting men must come first.

We must never forget that if the war in Vietnam is lost and the victory for the Communists which Professor Genovese says he "welcomes" becomes inevitable, the right of free speech will be extinguished throughout the world.

RICHARD M. NIXON.

NEW YORK, *Oct. 27, 1965.*

HON. JOHN W. McCORMACK

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. NIX. Mr. Speaker, the announcement of your retirement from public office will deprive this House and this Nation of the services of a great American.

JOHN MCCORMACK's remarkable career in this body is well known. For 42 years he has served in this House. The last 9 years he served ably and admirably as Speaker.

Mr. MCCORMACK has occupied the most powerful office in Congress and the third highest elective office in the land since 1962. His impending departure from the House will leave a large void in Congress.

Our country is a better place for the contribution he has made to it and to our American way of life. His vast experience and great ability have provided the House with excellent and effective leadership. Perhaps the real key to the high degree of integrity he has brought to his public service was the example of his personal life. His devotion to his faith and his wife is a model for us all.

I am particularly proud and privileged to serve with him. He has been a wonderful friend.

I wish the Speaker and his charming wife many more years of happiness, peace, and relaxation that they have earned so well.

A DAD'S LETTER TO THREE COLLEGE DAUGHTERS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. SCHERLE. Mr. Speaker, a letter written by an Iowa father to his three daughters in college appeared in the Des Moines Sunday Register on May 17, 1970. It is a very wise and sensible letter. I wish all students received—and heeded—advice as sane and sound as it contains. It seems from the activities of the small but vocal minority of student radicals that they have not. And there is always the danger that the unthinking, passive majority will allow itself to be manipulated for the political purposes of the few. It is our duty to alert them to their responsibility. I, therefore, insert this letter in its entirety into the CONGRESSIONAL RECORD:

A DAD'S LETTER TO THREE COLLEGE DAUGHTERS

DEAR SUE, JAN, AND CAL: For the first time since each of you left for college, I feel some real concern for your safety and well being.

The events of the past few days at Kent State and Iowa are tragic and frightening but I certainly hope the nation's college students don't find in the ghastly mistake at Kent an excuse to prolong the violence.

I'm sure you know that I consider my own opinions of no great importance but I want to tell you how I feel about the current political situation just as some sort of counter balance to some of the inflammatory oratory you're going to be subjected to in the next couple of weeks.

THE CHOICES

No sensible American wants to continue the war in Vietnam and Cambodia for one more day.

I don't know of any responsible leader, who if given the choice today, would choose to become involved in Vietnam.

I also know of no American who, if placed in the position of responsibility the President must occupy, would unconditionally admit defeat and withdraw our troops from Vietnam.

I doubt if even Bill Fulbright or Harold Hughes would take this action if they were in a position to make the decision. I'm sure the Jerry Rubins in our society would make such a decision but hopefully they'll never be in that position.

The Rubins, I'm convinced, really want to destroy the United States—or at least the society we've built here over the past 350 years. As imperfect as is that society, it's far better and offers hope to more people than the anarchy that would follow its destruction.

Perhaps we'll never find a way, but I'm convinced at least a majority of Americans believe that maintenance of the United States' integrity in the world requires some solution in Vietnam short of a complete Communist takeover.

Many of us also think that the new isolationism that is being advocated is not the answer as we know from experience that it was not the answer in the 1930's.

COULD BE WRONG

And, of course, we could be wrong—dead wrong. But the type of demonstrations we're seeing on the college campuses is not going to convince us we're wrong.

The name calling, rock throwing and building burning we've witnessed the past few weeks convinces most of us that too many college students are immature children throwing temper tantrums because they can't have their own way. The thought of following leadership like we've seen on the campuses makes us want to vomit.

The situation at Kent State was tragic—but in light of the type of rioting we've had on the campuses it was inevitable. Those who advocate revolution ought to realize that the society they want to overthrow has the ability to fight back. At Kent State it was a few frightened national guardsmen who used the weapons at their command to retaliate.

Mostly I'm amazed at the patience and tolerance with which society has met the student rebels. I'm getting quite impatient with college administrators who don't seem to have enough sense to expel so-called students whose only real goal seems to be the destruction of the university.

The four deaths at Kent were tragic. So are all the deaths of students in auto accidents and from drug overdoses. But why compound the tragedy?

AGREED IN 1950

One other thought. I agreed, when it was an issue in the 1950's, that college students should not be required to participate in ROTC training. But I think those that believe that no college student should have an opportunity to receive ROTC training are just as stupid as were those who insisted that all college young men must take the training.

Frankly, the intolerance of the vocal group on your campuses frightens me.

Well, I'll get off my soap box because I doubt if my hymn of discontent makes much sense.

My real concern is that each of you keep in mind what you came to college for and not let the side issues detract you from your goal.

Each of you may want to play an active political role in society in the future, but you'll be more effective in that role if you've proved your ability to play a useful role in that society—by acquiring training and skills useful to that society. So I guess I'm saying, in effect, do your darndest to keep out of the hot spots and out of the line of fire—if it comes to that.

All is well at home. Wags has not staged any protest demonstrations of his own—but I expect he would if we didn't keep serving him his ground chuck.

I'm looking forward to seeing Cal this week and I'll be an awfully proud dad when Sue gets her degree on May 28. As a matter of fact, I'm awfully proud of each of you—as well I should be.

Unless instructions are changed, I'll plan to pick up Jan on the morning of the 26th and Cal the afternoon of the same day. Sue, will you be having any time off before graduation?

Love,

DAD.

NATIONAL DISGRACE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, a friend and constituent of mine recently called my attention to an editorial in the May 28 issue of the Hellenic Chronicle which places the recent tragedy at Kent College in its proper perspective. He feels, and I agree, that the editorial deserves the thoughtful consideration of all who read this RECORD. I include the entire text at this point in the RECORD:

NATIONAL DISGRACE

The Kent occurrence of last week is a national disgrace—and not for the reason the media would want us to believe. The failure of parents and educators was brought into sharp focus. The Benjamin Spock generation—supposedly bent on peace—has matured into a frightful ogre. Thanks be to God that a majority of youth have not been raised in the permissive atmosphere that spawns the tragedies we witnessed last week.

The youngsters, needled on by agitators of a very doubtful political stripe, went at this intemperance with the attitude this was a game of sorts whose rules they could manipulate at will. By the rules of this game it is perfectly correct to burn buildings at random, to deprive other students of their legitimate right to belong to the ROTC, to spew invectives and obscenities at the national guard called to protect life and property. The game takes a serious turn when, by account of one student observer from Vermont, the mob turned upon the National Guardsmen with rocks, railroad spikes and lengths of pipe. Those soldiers had a perfect right to defend themselves, even to the extent of firing into the crowd.

The deaths of four young people is a terrible tragedy, but it must be carried on the consciences of the people like the president of Yale University, the Mayor of New York City, the television personalities and others who have been promoting this confrontation. The extension of the war into Cambodia was accomplished a long time ago by the Communists. But, strangely enough, we have never heard the voice of Senator Fulbright raised against anything the Communists have done. The decision of the military to wipe out the sanctuaries of the Vietcong in Cambodia is a necessary prelude to a safe withdrawal of our troops from Vietnam. Were this not accomplished our men would be sitting ducks for the Communist gunners.

And since when must the national policy of this nation be formed on the streets and in the gutters by the Abbey Hoffmans? Those who speak of revolutions should not act so surprised when the cost of revolt is the lives of the front-line soldiers—in this case young college students. President Nixon is the president of the United States—not Johnny Car-

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son or Merv Griffin. Yet their programs are frontal propaganda attacks on the President of the United States. They speak of a national decency, yet they are the main violators.

We can sympathize with the parents of the students who died needlessly. But they must also share the blame for the debacle which occurred. The difficulty is that too many parents, disciples of the Dr. Spock philosophy of raising children, have been so permissive with their children as to allow a complete disregard for authority. That, in effect, releases many lethal forces.

STUDENT UNREST

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. BOB WILSON. Mr. Speaker, in our extreme concern over recent student violence and riots, it is often too easy to lump all students together as troublemakers and radicals, when, in fact, a small, but well-organized, group of militants is frequently the activating force for violence. Many times these radicals do not even belong to the campus involved and conveniently depart the scene when law enforcement officials begin arrests. The new student body president of Stanford University, Pat Shea, of Lemon Grove, Calif., recently made some pointed observations on this subject in the San Diego Evening Tribune and I am pleased to share his comments with my House colleagues:

Young America—Student Leader Warns of Peril: Destruction Called Goal of Militants

(By Monty Norris)

A Lemon Grove youth who recently took office as student body president of Stanford University is asking for community support in combating what he described as "professional revolutionaries bent on shutting this country's universities down."

"Most of them aren't students at all," said Pat Shea, 20, a junior philosophy major at the university. "They are transient radicals that drift from one campus to another, organizing demonstrations and encouraging violence."

He described the militant revolutionaries as "well-organized and efficient."

"When things get hot (meaning the arrival of police or National Guard units on campus) the leaders disappear and leave naive students holding the bag."

Shea, the son of Dr. and Mrs. Peter Shea of 2362 Golden Ave. in Lemon Grove, urged community support to help battle the kind of violence that has plagued the Stanford campus now for two weeks.

Shea, who took office last week in the top student post, said he hoped to rally the support of his fellow students to "choke off this violence before it shuts down the university."

Shea said: "If the community and alumni turn their back on us now they will be playing right into the hands of the militant revolutionaries."

The student leader said that issues such as U.S. involvement in South Asia are "not the real issues at all."

"The whole thing is really an attack on our society," Shea said in a telephone interview from the strife-torn campus. "Demonstrators want to shut the university down—they want to bring the terrors of war to the United States, and ruin the image of our great universities."

Shea likened the situation to a small country being subverted by foreign intruders. He said that if the violence does not end soon, the university will be forced to close down completely. Already, many classes have been canceled, Shea said, because of the rampage which began early last week.

Shea said that many students have dropped out of school because of the disturbances. Others have been taken out by their worried parents.

Shea, along with a team of students, faculty and administrators, has been meeting with officials in Washington about the nationwide spread of campus violence and its relation to military training and other key issues of campus dissent.

Student demonstrators are demanding an immediate end to Reserve Officer Training Corps—(ROTC) units on campus, a termination of government financed, war oriented research, a halt to military action in Southeast Asia and a release from prison of what the radicals describe as "political prisoners."

"Most students are concerned about increased military involvement in Southeast Asia," Shea said, "but the militants use these and other emotional causes as rallying points for violence.

"I've talked with several of the militants and they are interested solely in destroying our entire social structure as we now know it. They know the best place to begin is with the university."

Shea explained how the militants work, roaming from campus to campus and capitalizing on student unrest and peaceful demonstrations.

"They spread out during a sit-in and begin shouting obscenities and violent slogans and trying to rally support. They'll start scuffles and fights. Everyone gets emotional and panicky. Pretty soon one of the militants throws a brick or something through a window and then all hell breaks loose."

To support his evaluation of violent tactics, Shea described a recent roundup by police of 24 demonstrators. He said only 11 of them were students, and of the students arrested. nine were freshmen.

"That says something about what's happening," Shea said. "The militants stir things up and then cut out before the 'bust' (arrests)."

Shea described the usually picturesque campus as being a shambles since violence erupted early last week. He said there are few windows now left intact anywhere on the campus. Two research buildings, containing a decade of scholarly works, were damaged by fire believed set by arsonists last Friday about three hours after demonstrators were routed from another building.

Damage resulting from rioting and vandalism is now estimated at more than $250,000.

The university administration has refused requests by demonstrators to grant amnesty to those responsible for the violence.

The violence took its most threatening turn last weekend when a shotgun blast ripped through the front door of the home of Col. Stanley Ramey, commander of the Stanford ROTC unit. No one was injured in the incident, although the pellets narrowly missed one of the officer's sons.

Shea emphasized that the university cannot last without the help and support of the community. He said he is trying to rally the support of students to "choke off this insane destruction."

But he said he doubted the university could do it alone now.

Demonstrations and sit-ins continued this week, with only sporadic outbreaks of violence and some window smashing.

Shea said smashing windows was known among militants as "trashing."

"It's a popular term up here," he said. "It's all part of their scheme to turn the university and our society into rubble."

Only about 1,000 of the 10,000 student population at Stanford are involved in demonstrations, Shea said. Perhaps less than 200 are in any way involved in actual violence. But, he said, outside agitators offer strength, cunning and know-how to the vandalism operation.

Shea said that 99 per cent of the students do not support violence of any kind.

COMPULSORY UNION FEATURE OF POSTAL REFORM BILL ATTRACTING WIDE COMMENT

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. HENDERSON. Mr. Speaker, despite claims in some quarters that right to work is not an issue in H.R. 17070, the pending postal reform bill, the press has recognized the true situation and editorial comment from throughout the Nation has been widespread. At this point in the RECORD, I shall insert comments from various newspapers:

[From the Washington Evening Star, June 2, 1970]

Compulsory Postal Union Plan Bodes Ill for All

(By James J. Kilpatrick)

Responsible reform of the U.S. postal system merits high priority on Capitol Hill, but the pending "compromise" bill is worse than no bill at all. This is no compromise, this is a sellout—and reforms the bill offers are not worth the price.

In the nature of things, primary attention has been focused on a raise for postal workers: How much of a raise and when would they get it? A great deal also has been written of a corresponding increase in postal rates; How much of an increase and who would fix it?

These issues are important, but they obscure the fatal precedent sleeping in this bill. Under the deal worked out between the Nixon administration and the AFL–CIO, it is proposed—fantastic as it seems—simply to sell out the freedom of thousands of nonunion postal workers. The bill permits the writing of a union shop contract between the government and the postal unions. Under such a contract, every worker would have to join a union within 30 days or lose his job.

It beggars belief that a Republican administration could have made itself party to this deal. The Republican platform of 1968 expressly reaffirmed the GOP's commitment to a right to join, or a right to refrain from joining, a union of public employes. The concept of a union shop in public employment was repudiated by President Kennedy in his day. Labor Secretary Shultz opposed the idea as recently as last November. Former Labor Secretary Goldberg once told a union convention, "I know you will agree with me that the union shop and the closed shop are inappropriate to the federal government."

Why did Postmaster General Blount surrender? He was told, in so many words, that organized labor would throw its weight against any postal reform unless a union shop were authorized. He also was told that unless the impatient clerks and carriers got their raises, and swiftly, he could expect the postal strike to be resumed. Looking down this double-barreled shotgun, Blount caved in.

But one of the enduring facts of political life is that, while a president proposes, Con-

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gress disposes. The agreement between Blount and George Meany, president of the AFL-CIO, is not binding upon members of the House and Senate. They are free to reject this high-handed proposal not only on its merits but also for its effect on public employment everywhere.

Meany, to his credit, has been utterly frank about his intentions. He told the House Post Office Committee in April that he views the pending bill as "only the beginning." If he can win a union shop in the Post Office Department, with its 750,000 workers, he will seek the same kind of collective bargaining "for all civilian workers of the federal government."

The AFL-CIO News added the obvious echo: "What's good enough for Uncle Sam ought to be good enough for every state, county, and city."

It is one thing for a private corporation to negotiate a union shop contract binding its workers to union membership. Such contracts are forbidden in right-to-work states, but Taft-Hartley permits them elsewhere. In any event, a right to work for U.S. Steel is a qualified right.

But the right of a United States citizen to work for his own government approaches an absolute right. It cannot be conditioned upon the payment of union dues. If a man is otherwise qualified to carry the mail, it is simply none of the government's business whether he wishes to belong or not belong to a labor union.

Amendments to delete this intolerable provision from the bill were offered in committee, on both the House and Senate sides. The amendments were defeated, but they will be back on the floor. Members will want to understand clearly the magnitude of this issue. They will be voting on compulsory unionism in the government of a free society. The postal workers are first, but if the bill is passed, they will not be the last.

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[From the Washington Daily News, June 2, 1970]

"RIGHT" TO A POSTAL JOB

President Nixon's year-old effort to extract from Congress a workable reorganization of the decrepit Post Office now is threatened with another serious snag.

The issue this time is a section of the postal reform bill which would permit unions of postal employees to negotiate a closed shop. On the theory that if a union shop is negotiable the unions will get it, substantial groups of members in both the Senate and House are threatening to block enactment of the whole bill.

There are several pertinent objections to the union shop ideas.

The Post Office is a public service, and even under the reform bill would be financed in part by taxes. It ought not be subject to rule, directly or indirectly, by union politicians.

Government service should be open to any citizen who wishes to work for the government, who is needed and who can qualify for the job, whether or not he belongs to a union.

The bill would not permit union shops among postal employes who work in any of the 19 states which now have "right-to-work" laws. Either way you look at it, this creates discrimination among postal employes.

The bill also would eliminate the current practice of requiring postal unions to pay for the bookkeeping inflicted on the government by a dues checkoff. Why should the taxpayers pay for this?

The postal bill already does more for unions in the government than any legislation up to now. It officially recognizes unions as spokesmen for their members; it sets up a system for dealing with wages, working conditions and grievances; and it includes another pay raise of 8 per cent.

There are big gains in this for postal workers. And doubtless more to come if the Post Office can be reorganized on a modern basis. Considering the neglect which has beset the postal service and its employes all these years, this is pretty good for starters. The compulsory union section is neither needed nor good business.

[From the Arkansas Democrat, May 28, 1970]

POSTAL UNIONISM

There are several things wrong with the Nixon administration's postal reform bill, which has now been approved by both the Senate and House post office committees. One of the most important ones is that the bill could create compulsory unionism in the post office.

The post office department would be replaced by something called an independent U.S. Postal Service, run by a board of governors, who would have broad authority to do such things as negotiate wage contracts with postal unions. Strikes would be illegal under the bill, but machinery for arbitration, with decisions binding on both management and labor, is established for settling all other disputes. The unions would be perfectly free to press for a union shop, which would mean that postal workers would have to join a union or lose their jobs. The U.S. Postal service could reject the demand, but when an arbitrator came in to hear the dispute, he could certainly rule for compulsory unionism.

This loophole plainly violates what President Nixon and his labor secretary, George P. Schultz, have said several times—they did not believe people should have to belong to unions to work for their government. We don't think so either. In fact, closed shops are against the law in Arkansas and in 18 other states that have right-to-work laws. What would happen in these states if the bill passed? It's not clear at this point, because while the state laws under Taft-Hartley are supposed to take precedent where there is a conflict over the closed shop, this principle has been violated in some instances. However, you would think the state law would dominate because it would be grossly unfair to impose compulsory unionism on some workers in a state and not on others.

Of course, we think it is wrong for a government employe in any state to have to join a union. To prevent this, Rep. David Henderson, D-N.C., tried to amend this bill when it was before the House committee. He wanted to insert this phrase: "Each employe of the postal service has the right, freely and without fear of penalty or reprisal, to form, join and assist a labor organization or to refrain from any such activity, and each employe shall be protected in the exercise of this right." In other words, Henderson, who comes from another one of the right-to-work states and is proud of it, sought to guard against compulsory unionism the same way that the administration sought to protect itself against strikes. But his amendment was voted down, 14 to 8.

He has vowed to re-introduce it when it comes to the House floor. We hope he will and that the amendment becomes a part of the bill. Compulsory unionism should have no place in a free government. Certainly if it is allowed in the post offices it could not be prohibited with justification in other branches of the federal government.

JOHN McCORMACK

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. MILLER of Ohio. Mr. Speaker, as a relative newcomer to Congress, I have not had the privilege of a long association with Speaker McCORMACK as many of my colleagues have had. However, it does not take long to gain an appreciation for this exceptional man.

Blessed with a keen mind and a wry humor, JOHN McCORMACK has brought to his job as Speaker an insight and ability of the highest order. His perceptive and able manner, combined with an uncanny insight into the workings of the Congress, have won him the admiration of all who know him. Long instrumental in getting enacted measures that would have otherwise been buried in the legislative process, he has been the force that got things done.

Today I join my colleagues in saluting Speaker McCORMACK for his long and outstanding service to the Congress and to our Nation, and extend to him my personal thanks for a job well done.

THE ARMS TRADE—PART XII

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. COUGHLIN. Mr. Speaker, I believe my colleagues might be interested in an article which appeared recently in the Philadelphia, Pa., Sunday Bulletin.

Significantly, it is written by a military man and concerns itself with the new military reality of the atomic age—namely, that modern war is not necessarily nuclear war but guerrilla war, sometimes known as insurgencies or revolutionary war.

All the 56 wars since 1945 have been fought with standard military hardware such as rifles, pistols, grenades, tanks, patrol boats, helicopters, and jet fighter and bomber aircraft. None have been fought with nuclear weapons. Virtually all of the arms used in these conflicts have been supplied by the great industrialized nations.

I believe, Mr. Speaker, that if there ever is a nuclear war it likely will be triggered by a nonnuclear war escalating out of control. Colonel Heinl, the author of this article, notes that there are some 30 nonnuclear conflicts in progress at this very moment—each one of which is capable of provoking a holocaust.

There are absolutely no international agreements to limit and control the $5-billion-a-year trade in these conventional weapons. While I do not subscribe to the notion that no arms would mean no wars, I do believe that many of these wars would be of shorter duration, of lower intensity and more easily controllable if the major suppliers—the United States, Soviet Union, Great Britain, France, and some 20 other countries—would not distribute their military products with such reckless zeal, particularly to the poor and backward countries which are the ones doing most of the fighting. Indeed, I am convinced that many of these wars would never have occurred at all if arms had been denied the disputants.

This article emphasizes once again the need to review our entire military arms aid program, to have the subject of the arms trade debated in the United Nations, and to begin multilateral talks among the great powers on ways to check and control this most dangerous trade in death. The article follows:

[From the Philadelphia (Pa.) Sunday Bulletin, May 24, 1970]

A WORLD AT WAR IN AN AGE OF "PEACE"

(By Col. R. D. Heinl, Jr.)

WASHINGTON.—Although nuclear conflict is supposed to be the dominant mode of future war, there have been more than 50 significant international clashes since 1945, nearly twice as many internal armed struggles, and not a single nuclear explosion in battle.

Depending on how you count them, at least 30 conflicts worth calling a war are in progress today.

Yet, during the quarter-century since we dropped the atom bomb in 1945—some of the most troubled, violent and belligerent years in world history—the armed forces of the two most powerful states have come no nearer fighting each other than the Soviet-U.S. confrontation over the Cuban missile crisis in 1962. And, during this same quarter-century of continuous conflict, there has not been a single declaration of war.

Declared, formal war, governed in greater or less degree by international law and by rules of land warfare, fought on both sides by uniformed, professionally trained and oriented soldiers, appears to be nearly as remote from the 1970s as nuclear war, and possibly more so.

Very conceivably, both modes of war have lost much if not all their relevancy in an era when 15 or more political insurgencies crop up every 12 months. Not all of these blaze high enough to be called wars, but many do.

Nobody "declares war" any more, but men are shooting and killing each other today in 30 large and small conflicts all around the globe.

While all this has been happening, an entirely different kind of war—military action at the opposite end of the spectrum of force and the spectrum of law—has conquered more territory, engaged more troops and laid waste more national resources, than the so-far hypothetical "Third World War," the nuclear holocaust that hasn't happened.

This other kind of war—guerrilla war, insurgency, revolutionary war, "war of national liberation," as Khrushchev named it—is probably the most significant politico-military phenomenon of our century. Maybe it deserves to be called, as some French authorities already do, starkly and simply, "Modern War."

Out of some 250 recorded instances of revolutionary insurgency since the dawn of history, nearly a hundred have occurred in this century, two-thirds of them since the end of World War II.

People's war, or insurgency, is nonetheless not the exclusive mode of warfare practiced in our times. Unhappily, there have also been numerous conventional (if undeclared) limited wars fought out during the last 25 years. Examples are the Korean War, the Suez intervention by France and England, clashes between India and Pakistan, the wars of Israel, and China's aggressions against India.

Many phases of the most complex of all—Vietnam with its added Cambodian and Laotian aspects—represent (in terms of military techniques and organization, at least) conventional war at its most deadly and hard-fought.

Yet conventional (i.e., limited, non-nuclear) war must today be regarded as the exceptional (or at least minority) form of war on a world scene tormented by guerrilla insurgency, civil war and daily military coups.

What must be faced is that there is no peace in our time, nor has there been since 1941. We are caught up in what is already a Thirty Years War and what might well prove to be a Hundred Years War. In a word, most of the world is already engaged in some segment of World War III and has been since 1946.

"CIVILIZING" WAR"

Besides overturning the rules and restrictions, we have laboriously contrived to tame or "civilize" war. The past quarter-century of conflict has blurred if not effaced the most fundamental distinction in war as we have come to view it.

This is the distinction between soldier and civilian, between combatant and noncombatant. The tendency to erase this distinction first arose with the airpower and strategic-bombing, city-busting dogmas of Douhet and Billy Mitchell prior to World War II.

During that war, with the "highest motives" (future world peace and freedom), the world's air forces wiped out civilians and cities just as routinely as the infantry wiped out pillboxes. Today, at the other extreme of warfare from airpower and city-busting, the whole character and effectiveness of revolutionary war, or people's war, also depends on erasing the distinction between combatant and non-combatant.

We have not yet really learned to cope with war in the absence of this distinction. My Lai proves this fact abundantly.

There is in further fact still some question that we have learned to think of war as anything but a matter of firepower. (General Westmoreland, for example, is even supposed to have said that the answer to guerilla tactics is firepower!)

NO CONVERTS

We do not seem to have realized fully that bombing villages, or strafing people in a free-fire zone, has never yet won a convert. Indeed, we have not grasped to any extent the implications of J. F. C. Fuller's profound observation to the effect that, whereas we fight our wars to destroy our enemies, the Communists wage theirs to convert them.

We have still found no way out of the trap whereby our strongest weapon—modern firepower—is, by a hideous trick of psychological warfare, turned against the society we are trying to save.

In Korea, the Communist tactic in defending Seoul compelled us to flatten the city. Eighteen years later, a comparable stratagem by Communist defenders leveled American bombs, flame and artillery against Hue, the most lovely and historic city of Indochina.

Future histories by the Vietnamese may record that the Americans "saved" Hue in 1968. Those histories surely will record that we destroyed much of it. Whether those same histories, on the other hand, will record the ghastly mass graves of three thousand slaughtered non-Communist citizens at Hue, we cannot say.

Another monument to U. S. incomprehension of the dynamics of war today has been the clear-cut failure of "controlled escalation" as a strategy for fighting a limited and therefore political war.

Among many other reasons for the costly frustrations and failures of Vietnam, reliance on the controlled-escalation strategy (often advocated by Robert S. McNamara and his civilian advisors) will be ranked high.

Our carefully selective and gradually intensified bombing of North Vietnam after the Tonkin Gulf incident actually discredited both the underlying strategy itself and with it the ability of airpower to force political decisions, let alone win modern wars.

SOME ENCOURAGEMENT

Amid so much that seems futile and desperate in this era of war, there are, however, crumbs of encouragement.

One ground for encouragement is, of course, that virtually all states—and especially the nuclear ones—seem to have tacitly committed themselves to controlling and limiting the use of force where force is unavoidable. Some states, alas, even seem to have concluded that forms of limited war can be made to pay.

Only 15 years ago, in Eisenhower times, U.S. officials commonly said and believed that once war occurs, it has no limits save those required to win an all-out victory. Today, we no longer talk that way.

Despite hysterical spasms of fear of nuclear war, the real wars we rationally and immediately consider are limited wars. This is a triumph of realism and possibly of reason.

NEED FOR CONTROL

Philosophically speaking, it can even be argued that nuclear war has, in today's materialistic age, replaced the fire and brimstone of old-fashioned hell.

But the nuclear era has not yet made armed conflict out-of-date. What it has done, quite successfully, is to turn world attention to the need to control and limit the dimensions of war.

THIRTY WAR AREAS OF 1970

At least thirty places are fields of war, conflicts and insurgencies today—in Asia, Africa, the Middle East and Latin America.

Name/locale and participants

Middle East War: Israel vs. Egypt, Libya, Sudan, Syria, Iraq, Jordan, Algeria, Saudi Arabia, South Yemen, and other Arab states.

Cyprus: Greek vs. Turkish Cypriots.

Lebanon: Lebanese government vs. Syrian Saeqa guerillas.

Iraq Iranian border: Iraq vs. Iran (Kurdish guerrilla operations).

South Arabia: Dhofar Liberation Front vs. Muscat and Oman.

Sudanese civil war: Southern vs. northern Sudanese.

Angola: Portuguese vs. African insurgents.

Mozambique: Portuguese vs. African insurgents.

Portuguese Guinea: Portuguese vs. African insurgents.

Rhodesia: Zambian guerrillas vs. Rhodesia/S. Africa.

Mozambique-Angola: Zambian guerillas vs. Portuguese.

Kenya: Somalian "Shifta" bandits vs. Kenya.

Ethiopia: Eritrean Liberation Front insurgents vs. Ethiopia.

Chad: Civil war between local factions combined with anti-French insurgency.

Ruanda: Batusi guerrillas vs. ruling Bahuti tribe.

Vietnam: South vs. North Vietnamese and Viet Cong; U.S. and allies vs. North Vietnam.

Thailand: Thai government vs. Meo, Chinese-Malaysian and North Vietnamese insurgents.

Malaysia: Chinese insurgents vs. Malaysia.

Burma: Chinese and indigenous insurgents vs. Burma.

Tibet-Nepal-N. E. Frontier of India: Chinese and indigenous insurgents vs. Nepal and India.

Cambodia: Kmer Serai and North Vietnamese vs. Cambodian forces; U.S. troops vs. North Vietnamese forces.

Laos: Laotian factions and U.S. vs. North Vietnamese and other insurgents.

Mongolia-Manchuria: China vs. USSR.

Korea: North Korean incursions vs. South Korea.

Philippines: Huk insurgency, Luzon.

Guatemala: Communist insurgents vs. Guatemala.

Venezuela: Castroite guerrillas vs. Venezuela.

Colombia: Castroite guerrillas vs. Colombia.

Uruguay: Irban insurgents vs. Uruguay.

Honduras-El Salvador: Border hostilities following "Soccer War."

FAMILIES OF WAR WOUNDED GET ANTIWAR PHONE CALLS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. DULSKI. Mr. Speaker, our Nation paid tribute last weekend to its war dead in the traditional Memorial Day observances.

In preparing a pre-Memorial Day feature, the Buffalo, N.Y., Evening News sent its Washington correspondent, Ronald J. Maselka, to visit area servicemen at Walter Reed Army Hospital.

The facts developed in his article cannot help but bring disgust to any reasonable person.

Think of it, Mr. Speaker: the men being interviewed had to ask that their last names be omitted.

Why? To spare their loved ones at home from antiwar telephone calls at all times of day and night.

As one of the men told the reporter in referring to the phone calls:

> You know this takes a terrible toll on people's families. I never saw my mother with so many gray hairs. It's true, they also serve who only stand and wait.

Mr. Speaker, individuals who make such telephone calls can only be described as sick. They are a disgrace to humanity, picking unmercifully upon innocent families of men who have served their Nation and have suffered the physical consequences of armed conflict.

Following is Mr. Maselka's May 29 article:

FOR AREA MEN WOUNDED IN VIETNAM, MEMORIAL DAY CARRIES A SPECIAL MEANING

(By Ronald J. Maselka)

WASHINGTON, May 29.—"What do you say about Memorial Day that doesn't sound corny?", the Army captain asked.

The reporter shrugged, glancing at the young man's cane, the built-up heel on his left shoe, the white cast on the left hand where bullets had dashed in and out.

With the ongoing war in Vietnam, the holiday has special meaning. And with returning veterans, it has even more. That's why we came to Walter Reed Army Hospital. That's why we asked to talk with Sgt. Mike, 27, from Tonawanda, N.Y., and Specialist 4/C Dick, 21, from Akron, N.Y.

They wouldn't let us use their last names because their wives have received anti-war telephone calls—some obscene and some very early in the morning—after previous publicity.

Last Memorial Day, Sgt. Mike was in Vietnam guarding a jungle landing pad for U.S. helicopters, thinking about the family picnic he was missing back home. Today, he is in Puerto Rico for the week-end, compliments of the Disabled American Veterans. Sgt. Mike has lost both legs.

Specialist Dick is spending the week-end in Washington with his wife. He has lost some muscles in one leg, has no feeling in the other.

VICTIM OF MORTAR SHELL

A mechanic with an engineers' outfit, he was walking back from supper last November when a mortar shell exploded nearby. He had been in Vietnam about three weeks. He doesn't know how many operations lie ahead.

Sgt. Mike stepped on a booby trap last Fourth of July about 9:15 in the morning.

He remembers the time because he saw his medical records and he was brought into the field hospital at 9:30.

"That chopper was right overhead at the time," he recalled, "and it couldn't have been 15 minutes before they got me to the hospital."

It was only seven weeks ago, after nine months of vain hoping, that Sgt. Mike's second leg was amputated.

Husky, with sandy brown hair, he isn't sure whether he'll try to go back to plant work or to school to become an industrial arts teacher.

"So I'm a double amp," he said. "It sounds like you're in real bad shape and you're gonna be confined to a wheelchair all your life. But you're not."

Noting that he has one artificial leg already and "can almost walk," he laughed when someone mentioned how he zooms around the hospital in his wheelchair, the "Ward 35" number imprinted on its canvas back like a racing car.

When he was home last week-end, Sgt. Mike took the phone off the receiver. There was anger for those who would badger his family, but no bitterness for the war.

TAKES IT AS IT IS

"I wouldn't say it changed my life," he argued. "Sure, I'm dependent on people for some things now. I can't climb up the roof. But last week-end at home, I carried out the garbage in my wheelchair, planted flowers. You make out one way or another."

Speaking of Memorial Day, he added: "You really realize that we're trying to commemorate the soldiers, not the wounded so much but those who have been killed. All those guys killed. What is it, 40,000 now? That's why I hate this talk of pulling out. That would mean a lot of those fellows lost their lives for nothing."

The young captain, 25, sat through the interview, watched the two soldiers in blue pajamas leave, one driving a wheelchair, one carrying crutches, just two of Walter Reed's average daily population of 700 Vietnam veterans.

Referring to the phone calls, he said: "You know this takes a terrible toll on people's families. I never saw my mother with so many gray hairs. It's true, they also serve who only stand and wait."

Then you talk about Memorial Day, the war, the graves, the pain. And then the future, the hope that someday Memorial Day will go out of style.

Maybe, just maybe, there won't be a war for so long that there won't be any soldiers' graves to put flowers on. And maybe they'll have Memorial Day just to mark another year of peace and there won't be any wounded to talk to.

ADULT LANGUAGE EDUCATION

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. MONAGAN. Mr. Speaker, I would like to share with my colleagues a letter which I received this week from Mrs. Olympia S. Pinto written in behalf of several citizens of Portuguese ancestry from Waterbury, Conn., who have completed an English language course offered as part of an adult basic education program.

It is deeply gratifying to know that the participants in the program are sincerely appreciative of the educational opportunity afforded to them and that they view their educational experience as enabling them to become better citizens of their city, State and country.

The letter from Mrs. Pinto follows:

WATERBURY, CONN.,
May 27, 1970.

Hon. JOHN S. MONAGAN,
Congress of the United States of America, House of Representatives, Rayburn Office Building, Washington, D.C.

DEAR MR. MONAGAN: As another successful year in Adult Basic Education and English as a Second Language Programs in the Evening Schools comes to a close it is important to write this letter and to let you know the following:

1. That the Portuguese Speaking People of Waterbury, attending the Washington Elementary Evening School, have asked me to take this opportunity to thank on their behalf the President of the United States of America, Mr. Richard M. Nixon, the Health, Education, and Welfare Departments, Governor John Dempsey of Conn. Honorable Mayor Edward D. Bergin, of Waterbury, Dr. Michael Wallace, Superintendent of Schools, Mr. James A. Dorsey, Consultant of A.B.E. and Mr. John Crowe Coordinator of Federal Funds, and Mr. James P. Tyrrell, Director of Adult Basic Education in Waterbury and especially you Mr. Monagan for your untiring efforts in obtaining the necessary funds to give them the opportunity of gaining an education to make them better citizens of our beloved City of Waterbury, State of Connecticut and this wonderful country of ours.

2. They are grateful also for the fine staff which was chosen so carefully to aid them in their English beginning and for the patience and confidence dispensed to them by this same staff who is made up of the following personnel, Mr. Edward Winslow, Mr. Louis Bosco, Mrs. Zelda Parks, Mr. John Hickey, Miss Eleanor Vollone and Mrs. Linda Vinhais.

3. The Portuguese People of Waterbury would be most happy if these thanks were to be put in the Congressional Record of the United States.

4. It has been my very happy privilege to be recruiter and organizer of these classes and to be part of the staff as a bilingual aide and teacher assistant.

5. With kind esteem and deep consideration for the many kind favors granted the Portuguese People of Waterbury and who will remain in your service as long as needed,

Very respectfully yours,
MRS. OLYMPIA S. PINTO.

RECOGNITION OF CONGRESSMAN ARENDS' MANY YEARS IN CONGRESS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. WYDLER. Mr. Chairman, when LES ARENDS first became Republican whip I was a 19-year-old soldier serving in the China-Burma-India Theater during World War II. That was a long, long time ago.

LES ARENDS is now my commanding officer in the whip organization. I can say with great sincerity that I never knew a man younger in spirit, more dedicated to his course, and so completely involved with the Congress he loves. I salute him with respect—and pleasure.

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GEORGIA WOMAN'S SUCCESS IN BUSINESS WORLD

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. BLACKBURN. Mr. Speaker, I was delighted to learn that a constituent of mine, Mrs. Anne Kee, of Atlanta, Ga., was recently cited for special recognition for her accomplishments in the business world. She is unquestionably one of the very few women who has been so markedly successful with a franchise she holds from a large business enterprise.

Mrs. Kee is described by a close friend as "a gentle and warm person with a winning smile and a soft sincere voice." Others speak of her talent in "understanding and getting along with people," or being a discreet person, and always seeking to be helpful to others. She has a good deal of commonsense and a natural talent for leadership.

In our world of turmoil we often overlook the people who work hard and devotedly to make life a little better and a little happier. Our attention is distracted by those who shout loudest and contribute the least. We fail to take note of people like Mrs. Anne Kee, who do their chores day by day, quietly, resolutely, and thus accomplishing more.

A native of Macon, Ga., she was one of 12 children in a farm family. She studied evenings at a local college and worked during the day in a restaurant in order to maintain herself. In 1942, she came to Atlanta, where she worked for a film company. It was in Atlanta that she met her husband, Scott Kee, and they were married several months later. He was a law student and subsequently became associated with the legal department of a local company. They have a 17-year-old daughter.

Mrs. Kee has been associated with the business world all through her years in Atlanta. For many years she worked as consultant and later as division sales manager for Luzier Cosmetics, a subsidiary of Bristol-Myers Co. She supervised a team of 90 women who were in the top 10 in sales. Early in 1969, she became interested in a franchise with Bonanza International, Inc., and a short time later she opened this family steak house located in Stone Mountain, Ga.

Over the years, Mrs. Kee and her husband continued to take an active interest in church work and civic affairs. I have had the pleasure of meeting them on many occasions and they are also well known to my parents.

I have also been to their restaurant several times and on each such occasion I was impressed with their aim; namely, to provide a clean, friendly, happy place for all. This aim has been so successful during the past year that Mrs. Kee is now planning to expand the services and facilities. I have heard people ask: "What's Anne's secret to success?" The secret is simply perseverance: She sets her goal, she thinks of ways to fulfill it, and does not allow anything to deter her from that goal. She has always had the full support of her family in her enterprises. They are deeply religious and their belief in God is reflected in their daily lives.

Last December, the Tucker Star, a newspaper published in Tucker, Ga., carried a fine story about Mrs. Kee and the very able way in which she operates her restaurant. It speaks well of this lady's business acumen and success. Under leave to extend my remarks, I insert in the RECORD this brief article, which reads as follows:

Georgia Woman's Success in Business World

The true joy of Christmas is families sharing and doing things together; and what better way to gather one's family and friends than to dine at the Bonanza Sirloin Pit on Memorial Drive near DeKalb College.

In an atmosphere of congeniality, this reporter and family enjoyed all the pleasures of home while consuming beef steaks fit for any king.

It was very impressive watching the "little" lady smiling and greeting customers, and after several refills on coffee (at no extra cost) I had to tell her what a pleasure it was being there. The combination of good food and attentive service is noticed immediately.

Mrs. Anne Kee revealed to us that she had purchased the Bonanza franchise after an extensive search for a place in an area representing both change and growth. Located near the DeKalb College Campus, the Bonanza Sirloin Pit opened July 1 this year at 5 o'clock. Since that date and time, the volume of diners have been staggering. Mrs. Kee responds with warmth and dedication.

Mrs. Kee believes that many factors have played a part in the success of the "Pit". She says she has advertised in the newspapers some and that it has helped. And satisfied customers have carried the word back to their friends and neighbors. Anne continued to emphasize that pleasing her customers was the number one goal at her Bonanza "Pit".

She can be seen checking the quality of the food, both before and after preparation—and she continually moved among the diners pouring coffee and attending to the various chores that go with making a restaurant more than just another place to eat—a homey atmosphere. Pricing practices on their menus have been held in pace with the times. This has been done by employing skilled and industrious workers, thrifty purchasing practices and being involved herself.

The evening ended; my eye scanning the 200-seat facility as Anne ended the conversation—picking up a container of coffee in one hand and an extra supply of napkins in her other hand as she began to make another round through the dining area.

CAMBODIA AND THE WORLD COUNCIL OF CHURCHES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. RARICK. Mr. Speaker, perhaps the oppostion to the Cambodian campaign from the plush offices of the World Council of Churches was based on doctrine other than theology.

The Reuters News Service reports that Gunnar Myrdal, the Swedish socio-agitator of Brown against Topeka judicial fame, has reported the liberation of medical supplies valued at $179,000 which had been given to the Vietcong in South Vietnam. Myrdal, head of the Swedish Vietnam Committee to support "liberation" causes has also confirmed that 16 tons of medical supplies contributed by similar movements and the World Council of Churches were supplied during the month of February.

Mr. Speaker, I insert a newsclipping from Reuters for June 3, 1970, as follow:

South Korea Rules Out Cambodia Arms Aid

In Stockholm, sociologist Gunnar Myrdal said Cambodia's new government had seized medical supplies worth about $179,000 sent to the Vietcong in South Vietnam.

Myrdal, chairman of the Swedish Vietnam Committee, said 16 tons of medical supplies contributed by countries and the World Council of Churches was sent to the Cambodian capital Feb. 17.

BEHIND ENEMY LINES: A REPORTER'S STORY

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert in the RECORD the third in a series of articles written by Robert S. Boyd, chief of the Knight Newspapers Washington Bureau. Mr. Boyd recently returned from North Vietnam and reports the following:

Hanoi's View of War: Same Words, Different Meaning

(By Robert S. Boyd)

The North Vietnamese people have available to them a totally different picture of the war in Indochina than we are usually given in the United States.

The view from Hanoi is almost a mirror-image on the perspective from Washington.

Many of the words are the same—but the meaning is just the opposite.

This helps explain why North Vietnamese actions which seem illogical, unfair or cruel to Americans appear logical, fair and just to someone who lives north of the demilitarized zone.

You don't have to agree with them. But it's important to understand their point of view. Then you can see better why we're having such a devil of a time ending this war.

Here are some samples of the wildly clashing concepts Americans and North Vietnamese hold:

Who started the war?

We say North Vietnam did, by invading the south beginning in 1960.

They say the United States did, by picking up where the French colonials left off in 1954 and occupying the southern half of their country.

Who's winning?

We say we are. The north has been badly beaten and is now too weak to undertake sustained offensives. The Saigon regime is growing stronger all the time.

They say they're winning. They have already "won" the air war in the North by forcing the United States to halt large-scale bombing. They are gaining steadily in the south as U.S. forces go on the defensive and start to pull out.

What's the solution?

We say it's for the North Vietnamese to stop their "aggression" against the south, bring their troops home, and "let their neighbors alone."

They say it's for the Americans to stop our "aggression," take our troops home and "let

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the Vietnamese people settle their affairs themselves."

Of course, the North Vietnamese version is the official party line. It's not necessarily the same as reality, any more than the "line" put out by the State Department and White House in Washington is 100 percent correct.

In some ways, it doesn't even matter which of these two versions of current history is more accurate.

Whether the ordinary man on a bicycle in Hanoi, or in a rice paddy in the countryside, believes his government's version doesn't matter either.

He probably does believe most of it. At any rate, it's the only version available to him. And besides, public opinion is of little importance in a country tightly controlled from the top, as most communist closed societies are.

The point is, the official pictures on display in the two warring nations simply don't mesh.

The differences go all up and down the line.

To the Pentagon, for example, the battles of Tet 1968 and Khe Sanh were glorious, if costly, victories.

In the Army museum in Hanoi, Tet 1968 and Khe Sanh are recorded as costly but glorious victories—for their side.

To Washington, the North Vietnamese are ruthless and untrustworthy. They failed to pull their troops out of Laos in 1954 as promised. They cannot be trusted with a share in a coalition government in Saigon.

To Hanoi, Americans are tricky and untrustworthy. They say we went back on a promise to let them hold nationwide elections in 1956. Nixon's "perfidy" in Cambodia is obvious.

According to President Nixon, his only non-negotiable demand is "self-determination" for the South Vietnamese. By this he means free elections conducted by an organization in which the persent rules of Saigon as well as the communists have some say.

According to the heirs of Ho Chi Minh in Hanoi, "self-determination" is also their only non-negotiable demand. But by that they mean, "Yankee go home," and it's none of your business how we Vietnamese run our own society.

The fundamental difference in viewpoint, which distorts and destroys all attempts to reach mutual understanding, is over the question of just what Vietnam is.

To Washington, it is two states, North Vietnam and South Vietnam. The north must not be allowed to swallow up the south by force or guile.

To Hanoi, Vietnam has been one nation for 2,000 years.

North Vietnamese are fond, for obvious reasons, of pointing to the north's determination to reconquer the south in the American civil war.

Here, in brief, is how the war looks to the North Vietnamese:

America is a rich and powerful nation, inhabited by many decent, peace-loving people. Unfortunately, in the North Vietnamese view they are controlled by a small "ruling circle" which profits from war and foreign adventure.

These are the "imperialists" and "aggressors" who replaced the French colonialists in 1954. They are seeking to hang on to South Vietnam as a permanent colony of a new type.

At first, Hanoi contends, President Eisenhower and then Vice-President Richard Nixon foisted a puppet ruler on South Vietnam, Ngo Dinh Diem.

When the South Vietnamese righteously undermined Diem, President Kennedy beefed up the U.S. "adviser" force, and launched a "special war" of counter-insurgency against the liberation forces.

After Diem fell and the communists were on the brink of victory, as the North Vietnamese see it, President Johnson butted in. He sent half a million troops, installed a new set of puppets, Thieu and Ky, and expanded the war to North Vietnam.

When that didn't work and LBJ was chased from the White House, President Nixon tried still another tactic—Vietnamization. This is a trick, in Hanoi's view, to lull the American public by cutting down U.S. costs and casualties, and turning over the brunt of the fighting to Vietnamese.

But Mr. Nixon doesn't really mean to end the war, except on his own terms. He intends to keep a permanent occupation force of 200,000 men, plus the Seventh Fleet and U.S. Air Force nearby, to prop up Thieu-Ky and keep the Vietnamese from attaining their independence and unity.

The Paris peace talks are a fraud, according to the North Vietnamese—a smokescreen to cover Mr. Nixon's real purpose, which is to continue the war in a vain quest for victory.

Mr. Nixon's plan won't work though, they say. It is bound to fail. Thieu and Ky are hopelessly corrupted by their dependence on foreigners. They are detested by all patriotic South Vietnamese.

As the U.S. troops are withdrawn, the Saigon regime will become weaker, and finally it will collapse or seek a deal.

The right course for North Vietnam, then, they contend, is simply to fight on. Victory will eventually be hers because history and injustice are on her side.

As they see it, this war is simply one more incident in 2,000 years of resistance against foreign invaders. Vietnamese are fighting on their own soil for their independence. They are not attacking the United States or harming Americans.

Some day finally, the United States will get tired, realize it has made a terrible mistake, and go home.

Only then, according to this view from Hanoi, can there be peace in Vietnam.

FEDERAL COURT CASELOAD

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. PEPPER. Mr. Speaker, as chairman of the Select Committee on Crime, I wish to commend the Department of Justice for its decision to reduce the Federal caseload on automobile theft prosecutions by leaving most of these crimes to State and local authorities. The Department has advised U.S. attorneys to concern themselves only with cases of car theft rings, or automobiles used in commission of other crimes, or vehicles that are sold, stripped, or grossly misused.

I approve the action because it will permit Federal investigative, prosecutorial, and correctional functions to concentrate on greater obligations. No one wants automobile thefts overlooked, but there is a reasonable need for new priorities for action when one of every eight Federal court cases has involved these Dyer Act violations, and one of every five Federal prison inmates is in prison because of stolen cars.

We in the Congress, working with the Justice Department, have sought to help the State and local agencies through the Law Enforcement Assistance Agency. One supporting reason for LEAA is that if the other elements of the correctional system work to combat automobile thefts, our Federal prosecutors and courts can speed up action against organized crime, interstate conspiracy and fraud, illicit narcotics, and other major Federal violations.

I am advised by the Department that we should know by July what this new delineation has achieved. I hope and believe that we should find solid evidence of important progress.

A POSITIVE RESPONSE TO AIR POLLUTION AND SOLID WASTE DISPOSAL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. BIAGGI. Mr. Speaker, in the 3 years since we debated the last air pollution legislation which became the Air Quality Act of 1967, all of us have become increasingly aware that massive air contamination in many regions of our country is becoming so dangerous that more drastic and immediate steps must be taken to clean up and protect the air around us.

As the appropriations provisions in the Air Quality Act expire this year, we must review the act in line with immediate needs for more comprehensive and accelerated action at the Federal level to reverse the trend of all-encompassing atmospheric contamination.

Therefore, I am introducing a bill today to extend the duration of the Air Quality Act, provide for national air quality standards, regulate fuels and fuel additives, improve controls over automotive emissions, and establish national standards for dangerous emissions from stationary sources.

Implementation of many provisions of the Air Quality Act of 1967 has been very slow. The existing program for regulating air pollution from stationary sources is particularly limited and its enforcement provisions are cumbersome and ineffective. This new legislation I have submitted proposes establishment of national air quality standards, giving the States 6 months to adopt implementation plans. It would also establish national standards for extremely hazardous pollutants and for new sources of pollution which would threaten public health and welfare.

Automotive emissions must be reduced drastically to halt air pollution from that source. The automobile is responsible for 60 percent of the air pollution in the United States in general, and up to 92 percent in urban areas. In the face of increasing numbers of motor vehicles on the roads, we must make sure that all automobiles off the assembly line have control devices in proper working order.

Accordingly, the bill makes testing of assembly line vehicles mandatory, rather than relying on the testing of prototypes. It also closes existing loopholes for imported automobiles, making compliance with national standards mandatory for all. In addition the bill provides

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for the regulation of gasoline composition and additives to achieve pollution reduction from that source.

Turning to the problem of solid waste disposal, I am introducing another antipollution bill today, which authorizes the Council on Environmental Quality to conduct studies and make recommendations regarding the reclamation and recycling of material from solid wastes, and to extend the provisions of the Solid Waste Act.

The existing Solid Waste Act emphasizes the effective disposal of waste materials. Since there was little initiative for reuse some years ago, we are now forced to recognize that our natural resources are not unlimited, and that we must, therefore, recycle and reuse waste materials, often many times over. At the same time, the mounting volume of trash and refuse created by new consumer products and marketing practices forces us to turn to easily disposable, degradable materials.

My bill proposes the development of incentives and regulations for reusing wastes or reducing their volume by efficient disposal methods. Research would be directed toward techniques for recycling of materials and for producing easily degradable packaging.

In particular the Council on Environmental Quality would develop a system of incentives to insure prompt scrapping and reuse of junk automobiles. Attention would also be given to the disposal of abandoned cars from the city streets, a problem which is plaguing New York City at this moment.

Mr. Speaker, I believe that the passage of these two bills would mean a step forward toward a more livable environment and I urge my colleagues to favorably consider both these measures.

ANNIVERSARY OF BIRTH OF JEFFERSON DAVIS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. GRIFFIN. Mr. Speaker, I take this opportunity to bring to the attention of the House that today is the 162d anniversary of the birth of Jefferson Davis. Few men in American history have been so misunderstood. Most Americans are aware that Davis was the President of the Confederate States of America, a fact that Mississippians can be proud of since Davis lived in Mississippi after the first decade of his life.

Jefferson Davis had a long and distinguished record of service to the United States prior to becoming President of the Confederacy. A graduate of West Point, Davis served brilliantly during the Black Hawk and Mexican Wars in the U.S. Army. Later he was elected to the House of Representatives and to the U.S. Senate from 1847–51 and 1857–61.

As Secretary of War during the administration of President Franklin Pierce—1853–57—he was given the responsibility by Congress for commissioning the sculptor Thomas Crawford to create the Statue of Freedom which now graces the dome of this Capitol. At the time the statue was put into place in 1863, Davis was already the President of the Confederate States of America.

When Mississippi seceded from the Union in January 1861, Davis resigned from the Senate and returned to Brierfield, his plantation outside Vicksburg, Miss. Preferring to remain with his wife, Varina Howell Davis, he nevertheless accepted the Presidency of the new nation. He was elected in October 1861, and was inaugurated February 22, 1862. The harsh imprisonment this great man suffered following the war broke his health, but not his spirit. He lived in Mississippi until 1889 when he died at his gulf coast home, Beauvoir.

ROBERT F. KENNEDY

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. HATHAWAY. Mr. Speaker, this week marks the second full year since the tragic death of Robert F. Kennedy, a man who knew as well as any man the horrible effects of violence, himself a victim of violence's irrationality, a man whose compassion and quiet strength could have made a difference in today's troubled America.

Robert Kennedy spoke of violence in a speech made in Cleveland following the assassination of Dr. Martin Luther King, Jr. As a tribute to his noble spirit and as words of advice to a Nation torn by violence, I include the text of his remarks in the RECORD. I also include Richard Harwood's excellent June 3 Washington Post article.

SPEECH BY ROBERT KENNEDY AT THE CITY CLUB IN CLEVELAND, OHIO, APRIL 5, 1968

This is a time of shame and sorrow. It is not a day for politics. I have saved this one opportunity to speak briefly to you about this mindless menace of violence in America which again strains our land and every one of our lives.

It is not the concern of any one race. The victims of the violence are black and white, rich and poor, young and old, famous and unknown. They are, most important of all, human beings whom other human beings loved and needed. No one—can be certain who will suffer from some senseless act of bloodshed. And yet it goes on and on.

Why? What has violence ever accomplished?

What has it ever created? No martyr's cause has ever been stilled by his assassin's bullet. No wrongs have ever been righted by riots and civil disorders. A sniper is only a coward, not a hero, and an uncontrolled, uncontrollable mob is only the voice of madness, not the voice of the people.

Whenever any American's life is taken by another American unnecessarily—whether it is done in the name of the law or in the defiance of law, by one man or a gang, in cold blood or in passion, in an attack of violence or in response to violence—whenever we tear at the fabric of life which another man has painfully and clumsily woven for himself and his children, the whole nation is degraded.

"Among free men," said Abraham Lincoln, "there can be no successful appeal from the ballots to the bullet; and those who take such appeal are sure to lose their cause and pay the costs." Yet we seemingly tolerate a rising level of violence that ignores our common humanity and our claims to civilization alike. We calmly accept newspaper reports of civilian slaughter in far-off lands. We glorify killing on movie and television screens and call it entertainment. We make it easy for men of all shades of sanity to acquire whatever weapons and ammunition they desire.

Too often we honor swagger and bluster and the wielders of force, too often we excuse those who are willing to build their own lives on the shattered dreams of others. Some Americans who preach nonviolence abroad fail to practice it here at home. Some who accuse others of inciting riots have by their own conduct invited them. Some look for scape-goats, others look for conspiracies, but this much is clear; violence breeds violence, repression brings retaliation, and only a cleaning of our whole society can remove this sickness from our soul.

For there is another kind of violence, slower but just as deadly, destructive as the shot or the bomb in the night. This is the violence of institutions; indifference and inaction and slow decay. This is the violence that affects the poor, that poisons relations between men because their skin has different colors. This is a slow destruction of a child by hunger, and schools without books and homes without heat in the winter.

There is the breaking of a man's spirit by denying him the chance to stand as a father and as a man among other men. And this too afflicts us all. I have not come here to propose a set of specific remedies nor is there a single set. From a broad and adequate outline we know what must be done. When you teach a man to hate and fear his brother, when you teach that he is a lesser man because of his color or his beliefs or the policies he pursues, when you teach that those who differ from you threaten your freedom or your job or your family, then you also learn to confront others not as fellow citizens but as enemies—to be met not with cooperation but with conquest, to be subjugated and mastered.

We learn, at the last, to look at our brothers as aliens, men with whom we share a city, but not a community, men bound to us in common dwelling, but not in common effort. We learn to share only a common fear—only a common desire to retreat from each other—only a common impulse to meet disagreement with force. For all this there are no final answers. Yet we know what we must do. It is to achieve true justice among our fellow citizens. The question is whether we can find in our own midst and in our own hearts that leadership of human purpose that will recognize the terrible truths of our existence.

We must admit the vanity of our false distinctions among men and learn to find our own advancement in the search for the advancement of all. We must admit in ourselves that our own children's future cannot be built on the misfortunes of others. We must recognize that this short life can neither be ennobled or enriched by hatred or revenge. Our lives on this planet are too short and the work to be done too great to let this spirit flourish any longer in our land.

Of course, we cannot vanquish it with a program, nor with a resolution. But we can perhaps remember even if only for a time—that those who live with us are our brothers, that they share with us the same short movement of life, that they seek—as we do—nothing but the chance to live out their lives in purpose and happiness, winning what satisfaction and fulfillment they can. Surely this bond of common faith, this bond of common goal, can begin to teach us something.

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Surely we can learn, at least, to look at those around us as fellow men and surely we can begin to work a little harder to bind up the wounds among us and to become in our own hearts brothers and countrymen once again.

[Washington Post article by Richard Harwood]

Two years ago today on the waterfront in San Francisco, Robert Kennedy made one of the last speeches of his life.

"We want something different," he said, "something better, for ourselves and our children.

"We want a country respected abroad by the force of its example of justice and liberty at home.

"We want a country where a child's wealth does not limit his opportunity; where schools teach him to learn and to challenge and to grow as an independent human being.

"We want a country where men and women respect the diversity between themselves; and where we see each other again as brothers and countrymen in a common cause."

The words seem old-fashioned now, almost naive. The graves of the students killed at Kent State and Jackson State are still fresh. So are the graves of the men of Augusta and of the policemen shot down in New York.

In the Senate of the United States, Margaret Chase Smith warns of an approaching era of repression. Washington's hip weekly, Quicksilver Times, offers (borrowed from the Black Panthers) its young readers an illustrated recipe for the home manufacture of fire bombs and hand grenades: "Fill with ¾ black powder and ¼ shot, small headed nails or anything to use for shrapnel . . . If thrown in the open it will kill within a 25-foot radius and maim within 100 feet. I suggest you familiarize yourself with this weapon by practicing with a sand dummy."

Alabama, in the year 1970, has witnessed a political campaign in which the literature included the following: "White Alabama, are you going to let the niggers take over our state?"

"Who doubts now," Andrew Kopkind writes in his radical weekly, "that the seeds of revolution have taken root; that they are planted everywhere; and that another May will come?"

The President of the United States writes a mindless epitaph on the campus slaughter in May: "Violence begets violence." And outside his windows, mindless tormentors cry out for "One more war—bring the war home."

It was brought home to Martin Luther King two years ago this spring and on that occasion Robert Kennedy spoke of the options for this country:

"In this difficult day, in this difficult time for the United States, it is perhaps well to ask what kind of nation we are and what direction we want to move in. For those of you who are black you can be filled with bitterness, with hatred, with a desire for revenge. We can move in that direction as a country, in great polarization. Black people among black, white people among white, filled with hatred toward one another.

"Or we can make an effort, as Martin Luther King did, to understand and to comprehend, and to replace that violence, that stain of bloodshed that has spread across our land, with an effort to understand with compassion and love . . .

"What we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence or lawlessness, but love and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country, whether they be white or black . . ."

On the next day, Kennedy spoke again of the "mindless menace of violence in America which stains our land and every one of our lives. It is not the concern of any one race. The victims of violence are black and white, rich and poor, young and old, famous and unknown.

"They are, most important of all, human beings whom other human beings loved and needed.

". . . We can perhaps remember—even if only for a time—that those who live with us are our brothers, that they share with us the same short movement of life, that they seek—as we do—nothing but the chance to live out their lives in purpose and happiness, winning what satisfaction and fulfillment they can. Surely this bond of common faith, this bond of common goal, can begin to teach us something."

A little later he was himself dead, a victim of that unloving, vengeful spirit of violence that in a single decade had cut down King and Malcolm X and a young President.

This week the family and friends who loved and needed Robert Kennedy as a human being will go out to Arlington Cemetery and stand by his grave and ask again the question he had so often asked his countrymen:

"What did violence ever accomplish?"

NORTH CAROLINIANS GIVE VIEWS ON SOUTHEAST ASIA

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. GALIFIANAKIS. Mr. Speaker, 2 weeks ago a delegation of student and faculty members from the University of North Carolina came to Washington to register their concern over the expansion of the Vietnamese war into Cambodia.

At that time, the entire North Carolina delegation was pleased to meet with these students and teachers and to hear what they had to say.

I was impressed both by their seriousness and by their willingness to work constructively within the democratic system. And while I did not agree with everything they said, or with all their reasons for opposing American involvement in Southeast Asia, I did feel that they came well prepared for the discussion.

Mr. Speaker, so often we hear only of those young people who attempt to destroy our society when it does not change to suit them. It was a pleasure to listen to the delegation from the University of North Carolina, which used persuasion rather than coercion.

I insert the text of the students' and faculty members' remarks at this point in the RECORD:

STATEMENT BY TOMMY BELLO

Let me first introduce myself. My name is Tommy Bello, president of the student body at the University of North Carolina at Chapel Hill and have lived my entire life in Raleigh, N.C. I would like to thank the N.C. delegation for its attendance today to hear our voice of protest.

I will lead off the presentation by addressing myself to one question. Why? Gentlemen, why was the formerly peaceful Carolina campus one week ago the scene of incredible unrest, of massive striking, of over six thousand students from the campuses of Duke, Carolina, State, and Shaw Universities joining in a march ending at the State Capitol on Friday? And yet at the same time, why, with what has happened at other universities throughout the country, why has our protest been disciplined, peaceful, patriotic, and responsible?

Why? Well, the large number of students participating in the protest is indicative of a number of things. First, it is indicative of the widespread dissatisfaction and discontentment at President Nixon's decision to send troops into Cambodia and of our moral outrage at what has happened at Kent State University. Second, the numbers represent the amount of frustration students have felt for so long in their efforts to communicate their feelings to the political leaders of this country and see tangible results from their efforts.

The American political system has not been responsible to the seventeen million students who now attend this nation's colleges and universities. So many of us do not have a vote and in this manner have not been given the chance to become a responsible, participating part of the American system. Even more than this, we do not feel that our voice is being heard. I have in my hands the Congressional report on campus unrest dated June 17, 1969. That report stated: "It is apparent that Viet Nam originally served as one of the major factors in radicalizing students. It is still a major source of alienation and dissatisfaction with our society and our national government." Gentlemen, we have been saying this for over five years now. When will you listen?

The Cambodian incident only made us further realize how far removed we were from national decision-making; and when we saw how our protests, as sincere and concerned as they were, were met by the trooper's bullets at Kent State and the caustic words of our national leaders, we could not believe our eyes.

And yet gentlemen, so, so many of us still believe in this country and the democratic process. Thus we have unified to work peacefully and politically. On this campus, we have not been as much radicalized as we have been politicalized. Last weekend over three hundred students went out into the Chapel Hill community to talk to the voters and many thousands more went home to their local communities throughout the state to talk to their parents and friends about the extension of the war into Cambodia. Efforts are already underway to organize politically in every county in this state. As far as this campus is concerned, the time for political demonstration has ended, the time for political organization is just beginning.

We still believe in this country, but feel it is headed in the wrong direction. We are tired of all the violence and killing, whether it be in Viet Nam, Cambodia, or Kent State. And we are voicing our protest of this violence in the most constructive and productive manner that we know: by coming to you, the leaders of the state.

And so gentlemen, we come today in protest, but we come in peace. We come with a sincerity of conviction and a dedication to what we believe. And we come to be heard, I would only ask your kind attention to what every speaker has to say.

Thank you.

STATEMENT BY JOSEPH B. SHEDD

My name is Joe Shedd. I'm a senior majoring in Political Science. I'm a Morehead Scholar from Leonia, New Jersey.

I suppose a Yankee's credentials as a spokesman for a group from North Carolina might be questioned. For what it's worth I've been President of the campus YMCA for the past year, my great grandparents were North Carolinians, and my father, two uncles and two cousins are all graduates of UNC. So I can say that I'm a Tar Heel bred, and I can lay some claim to being a Tar Heel born as well.

Tom has illustrated the breadth and scope of the response students on our campus have made to the events of the last few weeks. I'd like to suggest what the depth of that response has been: I'd like to indicate some of the feelings and emotions students have experienced lately. No one has looked over my comments so I'll speak in the first person about my feelings. But I think what I want to say bears some relation to what others have been thinking.

The best word to express my feelings is uncertainty—uncertainty about where my nation is headed and uncertainty about what I can or ought to do.

I sense that Americans have finally decided to have done with the war. And I sense that we are being drawn into an expanding conflict.

I sense a renewed willingness among students to use electoral politics to effect changes in leadership and policy. And I sense a despair that no measure of political activity can have a significant effect on leaders or policies.

I sense an optimism that Congress is now ready to reassert its leadership in affairs of war and peace. And I sense a pessimism that we have come to the point where our system cannot accommodate more than one leader and that come hell, Congressional resolutions or 50,000 more deaths, we are at that leader's mercy.

I feel the rejuvenation of a democratic spirit. And I hear the words of the Vice President as harbingers of a growing intolerance for political dissent.

I note that there seems to be a reemerging respect for the individual and for human life. And I note that we can callously dismiss My Lai as a necessary, if "unfortunate," consequence of war.

I sense that perhaps now people regret the bitter divisions the war has caused among us. And I sense that perhaps it will continue to drive us even further apart.

The forebodings are no more depressing than the hopes are reassuring. The optimism and faith are just as real as the pessimism and despair. There is little coherence to my feelings, little on which to predict how things will turn out.

But I think a sense of purpose *is* emerging. It's a sense of purpose which assumes that a person will do what he thinks is right without the naive comfort of believing he's on the winning side. It's a sense of purpose which won't diminish with disappointments and defeats. It, too, has the potential for good and bad.

It can give a man courage. And it can generate an intolerance which mirrors the intolerance of some of our leaders. Hatred and pettiness are no more foreign to me and my generation than they are to any other. But that fact alone ought to convince us that we can't afford to pursue this war further.

I consider myself a loyal American. I'm proud to claim as part of my heritage a system of government and a body of ideas which affirms the right of people to work out their own patterns of living and thought. This war is ripping the fabric of our country apart and destroying the respect men ought to have for each others' differences and each others' dreams. I don't believe our heritage can be preserved in the atmosphere of fear, intolerance and callousness for human life that this war has spawned.

And I'm not sure if any of us know where we're headed.

Statement of John W. Dixon, Jr.

I am experienced at extemporaneous speaking: It is a part of my profession. I read this for one reason only. I want very badly to inform you of some things that are very close to my experience and to persuade you of things that are very strong in my belief. My time is brief and my task is difficult. I want to be as precise and yet as accurate as possible. It is not my purpose to try to give you information you obviously have or to compel you to listen to opinions you have already heard. I want, rather, to convey to you what I have that you cannot have unless we tell you: a sense of who we are, of why we feel as we do and especially who these students are who have come here to speak with you.

There is one word above all I want to emphasize and that word is patriotism. If there is a single word, a single principle that would unite the members of this House it is "patriotism." It is a holy word to you and it is right it should be for you have custody of the public destiny of 200 million people. No single principle has so obstructed understanding of what we in the university feel than the passionate belief that we are unpatriotic, that we attack and reject our own country. It is obvious that we attack and reject the policies of our government but our motives are precisely a passionate love for the principles of our country. It is vital to know that the students you see around you are not radicals or rebels. Radicals and rebels we do have and they longed to seize control of this movement. But, with extraordinary skill, the students themselves—not the faculty, not the administration, not the police—the students themselves controlled their own rage and the rhetoric of the radicals and have concentrated their attention on the real issue and they do so with a passionate patriotism. They do so because they passionately believe that what we are doing in Vietnam, in Cambodia, in Laos, is un-American, unpatriotic, an offense against the basic principles that should give meaning to our country.

One of them looked at me and said, "I guess I really believe what they taught me in school about the American dream."

And what is the American dream they see our government supporting? We taught them that killing is wrong but our government measures its victories by the number of Asian peasants killed. We taught them that lying is wrong but our government has lied throughout the years. More than five years ago our government solemnly promised we would be out of Vietnam by the end of that year. The victory claims are false, the casualty figures are false, the promises have always been false, the statements of purpose are false. Should, therefore, the protesting students be called unpatriotic?

My fifteen year-old daughter wept while she listened to the President try to justify actions she has always been taught were wrong. What should the young think when air raids with 150 planes are called "protective reaction strikes?" And those of us who grew up in the thirties may remember who then used such names for such acts.

With desperate helplessness we have seen already what the American dream means for Cambodia. For in these recent days our troops have totally destroyed another lovely village. It is, presumably, a consolation to our patriotism to hear the government announce that the families of the villagers we killed have been paid $43 each.

Can we really expect them to believe that the honor of the mightiest nation in history is preserved by smashing—Vietnam? Can we really expect them meekly to kill and be killed because presidents are afraid their pride will be hurt? Other nations may fear our destructive fury but they will not honor a "firmness of purpose" that simply kills more peasants, destroys more villages, exhausts our substance, and tears us apart as a people.

The students protested against this in every way they knew. Then they saw in the torn and bloody bodies of their comrades in Ohio what the answer of their country might be. Their response has been one of the most extraordinary political phenomena of our time. They are afraid as they rightly should be but they have come forward in astonishing numbers. The most surprising thing of all is that they have done exactly what we have told them all along to do, we of the previous generation: they have come forward once more within the system. They are now the moral conscience of the nation. Do not mistake who they are. They are my children—two of my daughters are in this room. They are your children and the children of your neighbors. Do not mistake their purpose. It is a deeply patriotic love of their nation and its principles. For perhaps the last time in this generation they are back in the system. God grant that the system will be worthy of them.

Statement Made by Heywood Rankin

I am going to speak to you about the reaction of the law students at the University of North Carolina to the recent events—the invasion of Cambodia and the deaths of four students at Kent State University. First, I wish to say that it is very significant that I or any other law student could represent a majority of the law students of any law school on any given issue. Law students, almost by definition, whether by predilection or training, are very cautious people. Law students are steeped in tradition and they are inclined to work through the existing polity. They tend to have a high respect for leaders of their state and country. They are often displeased by those who speak out against the system in angry tones, displeased by the emotionalism and the apparent irrational flurry. For these reasons, what I have to tell you is quite extraordinary:

For the first time in the history of our law school, our law students, as a body, have become outwardly and actively aroused about a crucial issue. No one in the law school that I have talked to has been untouched; every law student I know has searched his soul as he never has before. And many, many are going beyond a rethinking process and are committing themselves to an active involvement in a way they would never have dreamed of just one week ago.

I am not exactly sure why this has happened so suddenly. Most law students, just as most people across the country, supported this war in the early years; many volunteered to fight, and they fought hard, and believed they were fighting for a good reason. The war has gone on and on, one promise of immediate victory and immediate peace has succeeded another. Meanwhile in this country the problems in the cities, in the environment, and of conflicts between various socio-economic groups have multiplied, and people have become increasingly aware of the magnitude of the national commitment of resources that is going to be required to meet these domestic problems. Any enthusiasm people felt for the war dissipated; people began to talk not of support of the war, but of nonopposition to the President. And the President seemed to comply: he withdrew some troops and promised the withdrawal of many. The entry into Cambodia could hardly appear other than an about-face; the frantic response, the fear of a deeper and longer involvement in Southeast Asia, was only to be expected—even among law students, who more than anyone yearn to venerate their leaders and uphold national political policy.

I spoke of the "active involvement" of law students a moment ago. Having come to a decision about this war and having decided *to do* something, law students, as to be expected, have searched for constructive means within the framework of our republican system to act to implement their stand. Several alternatives have quickly come to mind: working within the local political parties. Leaving classes in the weeks before the November elections to canvass voters throughout the state. Speaking to groups at the community level about the position

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of the law students toward the war. Writing letters to the President and to our Congressional delegation. Signing petitions. And today, coming to Washington to discuss the war with you. Some cynicism has been heard—"How can we, powerless as we are, have any effect on persons in positions of political power?"—but yet, a faith that the political system remains responsive to its concerned and thoughtful citizens has far overbalanced the unhealthy cynicism.

May I suggest why I think this response in the law school has relevance and importance. First of all, these law students will not long from now be men of influence in communities throughout North Carolina. The cathartic experience they have undergone in this week will not be forgotten; it has had a lasting molding influence on the minds and character of these men. Second, I suggest this response has importance because law students in many respects more resemble people outside the university than they do those inside. Many law students enter the law school after serving in the military, many after working in the business community. Moreover, the legal discipline is not generalistic, as are the social sciences and humanities; just as the harried businessman or millhand or secretary has little time and energy to be concerned with and to reflect upon the burning issues of the day, so it is with the law student learning the hundreds of thousands of technical rules that structure society. If my evaluation of the law students is correct, I submit that their opposition to the war in Vietnam portends a similar antiwar reaction throughout the nation.

STATEMENT OF VIRGINIA ANNE EDENFIELD

I am speaking to you today in an attempt to communicate some of the sense of urgency and frustration that I and many of my fellow students are feeling at this time. The recent tragedies at Kent State and President Nixon's decision to send troops into Cambodia have served to unite the college population as never before to work towards bringing an immediate end to this war in Indochina.

I find it extremely difficult to verbalize many of the emotions and thoughts prevelant among the students at the University of North Carolina in the past week. I have seen many of my closest friends so very upset, disillusioned, frustrated, and scared—wanting to help but not knowing where to go or what to do. What has struck me as perhaps the most significant is the involvement of so many here-to-fore apolitical people. I have been a student at Chapel Hill for four years, and never before have I seen the student body so united and so committed as they are now in working to end our involvement in this war.

Students are actively organizing in the communities across the state in order to bring about changes through our existing political channels. And the very fact that we are here today is proof of the deep commitment and involvement felt by UNC students.

Many people have said that a student strike is merely a symbolic gesture, and that it is if it stops at that. But we at Chapel Hill have shown by our activities that it won't. We are aware of many of the things that are needed to be done, and we are willing to do them. There are numerous students at UNC truly dedicated to academic pursuits who have become actively involved in this strike because they and I feel that business as usual cannot continue so long as lives are daily being lost in an unnecessary war. We have gone on strike because we feel that by uniting our efforts we might be able to bring about the needed changes.

For years we have been given promises that the United States is withdrawing from Southeast Asia, and repeatedly we have seen little or no results. The optimistic promises of our national leaders have lost their credibility, and perhaps this is one major reason why so many people at this time are so vigorously opposing our government's actions in Southeast Asia. We can no longer sit idly by while people are unnecessarily dying daily.

We are not "campus bums" attempting to disrupt but deeply concerned Americans who are exercising our rights to assemble and dissent. We college students of this country deserve to be heard. Today we, as members of your constituency, are asking you to represent and not merely listen to us. We are asking you, our elected officials, to do all in your power to bring about an immediate end to this unjust and immoral war in Indochina. For it is only then that we can get down to solving the much more urgent problems that are rapidly tearing our own country apart.

STATEMENT BY VIRGINIA CARSON

I've been asked to speak primarily because I'm a woman, I think. On this issue, however, there is no clear woman's side to present. We students are united as never before. I have been active in campus and national political issues for the past three years, and I have never seen so many students willing to speak out in protest, many of them for the first time. I can report to you that most of these students still have faith in the democratic system of government. We can't conceive of few other systems of government to replace ours with. We are canvassing, petitioning, lobbying as we are in Washington today, and campaigning in the fall. I have spoken with Joe Peckerman, a law student from Yale University, who is setting up an election service so that student volunteers can be of help in the fall elections. I can promise many student volunteers who will be working next fall in support of those candidates who are opposed to the war in Indochina and who have demonstrated that opposition in the past. Through the coordination set-up at Yale, we hope to have a vigorous national effort on the part of peace candidates. Our campus protests, then, are only the most verbal sign of a deep commitment to change our country's war policy, as all of us, I believe, are trying to indicate. We are working now, we will continue to work in our home communities this summer, and in the elections next fall. I think we will succeed.

STATEMENT MADE BY CHARLES A. PATRIZIA

I feel slightly foolish in making this speech, since I have been asked to talk about politics to a group of professional politicians. Lest I feel even more foolish than I do right now, I will talk only about what has been done, or is already planned.

I am a Morehead scholar from Winston-Salem, majoring in Political Science and Psychology. I am only one of several people who have organized this campaign to canvass the State. Another Morehead scholar, the daughter of one of the Vice-Chancellors, and an instructor in the Math Department have all worked to make this campaign a success.

Our Campaign began last week, when we realized that political action was necessary to bring about the aims of the strike. We began the following:

1. A campus letter writing campaign, which should begin filling your mail bags, and continue to fill them for the next three weeks. These letters have been from people all across the state and nation, all of them urging that the war be ended now.

2. Approximately 150 people began to canvass all over Chapel Hill-Carrboro areas last Thursday, finding out the opinions of the community on the war. This group has grown larger every day. Results indicated that most of the people favored getting out of Cambodia and Vietnam now. Here again, letters are being sent to the President and members of Congress, expressing this conviction.

3. There are now 400 people, organized statewide, setting up groups to canvass in every county of the State. This canvass will work out of the campuses of colleges, out of churches, and out of Chamber of Commerce offices, and will be conducted throughout the summer. The goal will be to bring certain issues before the public, and to encourage them to express their views.

4. We are also working in coordination with a national movement to encourage students to join in the campaign of the elections this summer and fall. Our goal is the election of a Congress which will end this war. Our criteria for encouraging students to join a particular campaign will be the candidate's record and his views on the war. This will not be just a summertime campaign. It will carry on through the fall, right on into November.

Other students will be working on local campaigns for county commissioners, state senate and legislature.

All these are to be carried out with the goal of getting us out of Southeast Asia. That is why we have come here today, to ask you to get us out, please, get us out now.

We, as students, have been urged for a long time to work within the system. This is what we are doing: asking the system to end a war which we consider unjust and immoral.

We tried in 1968. We are now in Cambodia.

Lest we all lose our faith in the system and the beliefs which we grew up in, we hope, with a singlemindedness born of the fear that we will be proved wrong again, that the system will respond this time.

STATEMENT BY ANNE STUBBS

I am Anne Stubbs, a graduate student in political science, from Montreat, North Carolina, Congressman Taylor's district. This past week has been my first involvement as an active citizen, as it has been for many of the students here today and those who have been aroused by the events at Kent State and in Cambodia. I feel a part of this movement of Middle America that is bestirring on campuses. At the University of North Carolina, there is a sense of aliveness—of a community in tension—which is the reason why many of us are here meeting with you today.

Many of us are motivated by concern; a concern for Cambodia and Vietnam. There is a fear that the action in Cambodia is not a "decisive action" but the beginning of yet another escalation. Students may accept the military justification of the Cambodian invasion but increasingly reject the validity of military means to maintain United States' honor and commitments.

We are concerned for a "Kent State". The deaths at Kent State hit close to home for many of us, for it was Middle America that was killed there. The sense of morality instilled in us by our parents and our schools has been disturbed by the brutality within Cambodia, by the unilateral American decision to invade Cambodia; and it has reached the breaking point by the rapid escalation of violence at Kent State.

We begin to feel a sense of alienation from our present Administration and its silent majority of unquestioning support. We are caught up in a polarization which is growing within this country between students and the Government, between students and parents, and, within the academic community, between students and students.

Our reactions and our feelings are often confused and unstructured. Not all of us demand that this nation end the war today, but we do demand that the country accept the validity and the credibility of a "strategic minority" of its citizens—the future leaders of this nation.

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May I close with a request—a challenge: that this nation and this Congress have the courage to seek a meaningful alternative to the policy and the quagmire in Vietnam.

Thank you.

STATEMENT MADE BY LEE MEYROWITZ

My name is Lee Meyrowitz and I served for one year as a point man with 1st Brigade, 101st Airborne Division in Viet Nam. I now go to UNC under the Disabled Veterans Retraining Program.

As I begin to speak here today I remember a day in August, 1966 in Viet Nam when a man of 19 named Tommy Morales, who nobody knows here except me, got shot in my place. Since that time I have been asking myself two questions—Why? and Was it worth it? You would ask yourself also these same two questions if somewhere in your life experiences something such as this had happened to you.

Did he die for the corruption that exists within the U.S. military in Viet Nam? Did he die for the corruption that exists within the South Vietnamese government and military? Did he die for the corruption that exists within the American industrial system? Did he die for the unresponsiveness of the American democratic system? What did he die for?

Did he die to protect the democratic nations of the world from the onslaught of the Communist monolith of the Eurasian plan which has its definitional origins in 1945? I answer "No" to all these questions for he died because he thought that he as a Mexican-American was helping to protect the people of Viet Nam from supposed aggression from their countrymen in the North. He went to war like I did thinking that we were going 11,000 miles to help the people of Viet Nam save their country from aggression. Well, I think that we were both wrong. And I will use these terms right or wrong even though they have moral connotations. So often we as Americans talk about morality within our domestic political structure, but never do we apply the same standards to international relations—in this realm we use the pragmatic approach to foreign policy.

It is about time that Senators, Representatives and other officials across the U.S. listen to a large body of people who are tired, frustrated, and disgusted with our commitments to fight anywhere in the world whenever the President deems it necessary for the protection of democracy.

You can take as many fact-finding trips as you want to Viet Nam, but will never be able to feel or express the sensations of leeches sucking at your blood, the acrid smoke from artillery bombardments as it stings the membranes of your nose, nor the nausea that eats at your conscience as you kill another human. If you can go to Viet Nam and stay there one year and get away from your hallowed halls of affluence and monumental power you will see Blacks, Puerto Ricans, Mexican-Americans, Polish-Americans, Jews, etc., all fighting to secure the vested interests of the U.S. and South Vietnamese governments. No matter what sociological terminology you use, this cross section of American society is what our democratic theory is supposedly all about. Or is it?

Before I finish I have one final question to ask of you. If the U.S. government supports governments such as the Thieu regime, do they not do this because the U.S. defines these governments as responsive to the needs of the people? If this is the case, is it not possible that the government of North Viet Nam which represents a large cross section of people is more responsive to the needs of its people than is the corrupt, repressive, and oligarichal regime of Premier Thieu which we have to support militarily, financially, and morally?

STATEMENT OF FREDERIC N. CLEAVELAND, PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

As a student of contemporary American politics, I want to speak briefly about the impact of America's continued involvement in the war in Indo China upon the domestic political scene—and here I am talking about what you members of the Senate and the House of Representatives know much better than we, for it is very much your essential business to know.

We are in the midst of a political crisis—certainly the most severe of this century, and probably exceeded in our history only by the Civil War. It is a crisis which threatens the very capacity of the nation to govern effectively.

First, the American people are becoming increasingly polarized: (1) The Administration's policies in pursuing the war aggressively while allowing peace negotiations to remain on dead center are flatly opposed by a significant segment of the American people. (2) The President and a substantial part of the Congress are at odds over important issues about the conduct of war and the pursuit of peace. (3) Administration leaders and the university world—students, large numbers of faculty, and many distinguished university presidents—are in conflict over the propriety of dissent and how to insure that it is peaceful. (4) Black people are everywhere straining against the system, challenging and testing the forces representing order, an order which in the past has consigned them to inferior status.

These divisions sap our strength, cloud our vision, and confuse the alternatives before us.

Second, as a direct consequence of this war the American economy is in a straitjacket, hobbled by inflation: (1) Unemployment approaches five million, and falls most heavily upon racial minorities and young people—the two groups already seriously at odds with the system. (2) High interest rates, essential to check inflation, are seriously crippling the construction industry and forcing postponement once again of long over-due efforts to alleviate housing shortages—this, too, falls disproportionately upon blacks and the urban poor, those least able to cope. (3) Severe labor tensions are inevitable as unions press for wage increases to maintain standards of living only to meet an immovable object in the form of Administration hold-the-line policies to guard against further inflation. (4) The rate of real economic growth has been slowed, and there is ever present danger that measures strong enough to stem inflation fed by the forced draft of military spending, may precipitate the economy into recession. (5) The business pulse reflected in Wall Street's current behavior is anything but encouraging. Can anyone believe that business confidence will be restored by any actions short of ending the war in Viet Nam?

Third, continued involvement in this war is depriving us of the resources in men and money necessary to tackle the major priority problems facing the nation at home. We know what these problems are, and they are legion: (1) Restoring man's environment. (2) Rebuilding the cities. (3) Eliminating hunger and poverty in the most affluent society on earth. (4) Providing all our youth the quality education which modern life requires. (5) Bringing health and adequate medical care within the reach of all people. (6) Developing a productive economy with jobs and hope for people in such areas as Appalachia and the Coastal Plains. (7) Affording the elderly real security. (8) Eradicating the causes of crime and delinquency. (9) Bringing into the economic and social system as full partners blacks, Indians, Puerto Ricans, and Mexican-Americans.

In summary, this Government's continued involvement in war in Southeast Asia threatens the fundamental consensus upon which our vitality as a free people rests. It threatens our economic security. It undermines our capacity to pursue national goals which have commanded wide public support over four national Administrations as the highest priorities before us.

It is the very essence of the American democratic tradition of representative government for us to express our vigorous dissent to the present policies of this Administration, and to seek your help to change these policies. We pledge to work within the system, and with your assistance, we expect the system to respond.

(Professor Cleaveland is currently on leave from the University of North Carolina at Chapel Hill serving on the senior research staff of the National Academy of Public Administration in Washington, D.C.)

CONGRESSIONAL REPORT TO THE NINTH DISTRICT RESIDENTS—MAY 4, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. HAMILTON. Mr. Speaker, as I make the rounds of the 16 counties in the Ninth District I am often impressed with the contribution made by the small businessman.

His welfare is important to the American economy. There are an estimated 5.4 million independent businesses in the United States, 97 percent of which employ fewer than 100 workers. Small businessmen employ more than 40 percent of the U.S. work force, and they contribute about 37 percent of the Nation's gross national product, the total of goods and services produced.

However, in an economy dominated by large corporations, there are special risks for small businessmen. Operating many times on the edge of solvency, he is the first to feel the effects of the slightest tremor in the Nation's economy.

Today, he faces the highest interest rates on record, dwindling credit supplies, increasing property taxes, a spiraling wage-price index, and increasing inflation.

Government has expressed its concern for the plight of the small businessman, but has done little to alleviate his burdens—sometimes adding to his burden in fact. Many actions have had the effect of creating new requirements, additional paperwork, and more redtape to be managed by already-burdened staffs of the small businessman.

The best way Government can help the small businessman is to stimulate the entire private sector by creating a favorable business climate. Direct Government programs to assist and protect small businesses have not had real impact. The main needs of small business are for trained people and more capital, and Government efforts ought to concentrate in this area with—

Incentives to make loans to small business;

Assistance on interest payments;

Tax reforms to make it easier to treat a small business like a partnership, stock options, and an extended tax loss carry-forward period;

Guarantee for surety bonds for small qualified contractors; and

Assistance for job training.

A recent report from the President's Task Force on Improving the Prospects for Small Business also makes several suggestions which deserve consideration. The task force recommendations concentrate on protecting the opportunities for small business rather than assistance programs which often have the effect of sheltering and fostering ill-conceived or incompetent enterprises.

The 12-member study group recommends that the Small Business Administration—SBA—lead in identifying and analyzing the problems of small business, be the advocate and voice of small business, foster and coordinate research, and widen the opportunities for small businesses to compete on an equitable basis. Additional recommendations included—

First, that Federal agencies or departments affecting small business designate a high-level executive to work in close liaison with SBA;

Second, that the SBA and the Department of Labor develop improved programs to attract trained people into small business and provide incentives to small businessmen to employ and train people from the local work force;

Third, that consideration be given to motivating private credit sources to take the risks of lending to small business in addition to Government participation in this area;

Fourth, that Government study present and proposes income tax legislation to be sure that present and future changes do not harm small businesses; and

Fifth, that Government agencies develop contract guidelines to motivate contractors to subcontract to more small businesses.

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TRIBUTE TO HON. LESLIE C. ARENDS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. CRANE. Mr. Speaker, as the newest Member of the House of Representatives, it is my great pleasure to join my distinguished colleagues in congratulating the dean of the Illinois delegation, the Honorable Leslie C. Arends, on the 27th anniversary of his election as Republican whip.

My colleagues and friends who have served with Les for many years probably know him better than I, but it is particularly noteworthy that he has been a wise counselor and mentor to those of us who have only recently come to this body. I have had the privilege of sharing several speakers' platforms with the distinguished minority whip in the last several years, and I have come to know and value his advice and ideas on many areas of national concern. From traveling with Les in our home State, I know the high regard in which he is held by his own constituents in the 17th Congressional District, and I congratulate them for their good judgment in repeatedly sending Les Arends back to the House of Representatives.

Les, I look forward to working with you for many years in the future and wish you the best of everything.

LETTERS FROM GI'S IN VIETNAM

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. SKUBITZ. Mr. Speaker, the Fredonia, Kans., Daily Herald of May 11, 1970, published a letter written by Lt. Steven Shields to his mother and dad, Mr. and Mrs. Paul Shields.

I called Mrs. Shields and asked her permission to place Steve's letter in the Congressional Record and her reply was:

> Congressman Skubitz, please do, we think the Congress and President Nixon should have some idea how some of our men in the Armed Services feel about Cambodia.

Lieutenant Shields is stationed in Bien Hoa with the Air Force. He has been a pilot, flying HC-47's and has been in Vietnam since September 1969.

I am sure that Steve is just as anxious to end this war and get home as any other American—his life is on the line. With full knowledge of what could happen, he writes as follows:

> Hi all. My land, I got 3 letters from you all yesterday. Thank you so much. I love letters so much.
>
> Well, I've got a feeling that the questions are going to be asked about Cambodia so I may as well answer them now. First—"Am I flying into Cambodia"— "yes." But only at 7,000 feet or higher.
>
> Okay now for the big one you are going to ask. "Do I think we should be going into Cambodia?" Definitely yes! Reason the whole time I've spent here at Bien Hoa, they have known where the VC were and where the supplies were coming from all this time. Somehow it was like your next door neighbor giving your other neighbor a gun and ammo and rockets to shoot at you. When we fly at night, along the border around the Parrot Beak and the Fishhook you can see the trucks come right up to the border with their lights on and then turn them off and from here, the stuff is loaded onto people to bring on in. What makes you so mad is that whatever they bring in, you could be seeing it in the future. Ammo, guns or a rocket that could wake me up at 6:00 some morning. Somehow, that doesn't and never has made sense that we should let it happen. Do I think we ought to be in Cambodia—"Hell yes."—it's about time we did something across that border. Now you know I'm not a "war monger" but the situation that was here before we went in was the dumbest thing in the world. I hope you understand what I'm trying to say. At least this is one consulation. You won't talk to five guys out of 100 that will disagree to what I've said—that's of the guys over here that are doing it. The ones back home seem to be having a different view of the situation though, don't they? I don't understand that. They aren't here—let those of us that are here worry about what we are doing. I don't understand the riots at all, I'm not that much older than those people either.
>
> Well, good-night you all, hope my philosophy of what the U.S. is doing has helped you as to how I think. Love an miss you all so much. See you soon.
>
> Love, Steve.

Another soldier in Vietnam, Cpl. John K. Poole of El Dorado wrote me:

> Dear Representative Skubitz: I am now serving in Vietnam. I would like you to know that I support President Nixon's Cambodian campaign 100%. I think that is the right way to end the war.
>
> I also hope you will do all you can to stop the campus disorders across our nation. I had 2½ years of college before I joined the Marine Corps and I hope there are colleges left where I can finish my degree when I finish my job over here.
>
> I am from El Dorado, Kansas and was a member of the Young Republicans at Butler County Junior College when you spoke there once.
>
> Sincerely,
>
> Cpl. John K. Poole.

And I received another letter from Mrs. Lee Goodin, a grandmother who lost a son in World War II and has a grandson in Vietnam. She writes:

> Dear Mr. Skubitz: I am a widow 68 years old, living 10 miles south of Wichita. I lost a son in World War II. One grandson was in Vietnam one year and another grandson will soon take his physical, so I know something of the heartaches of war.
>
> Concerning President Nixon's decision to go into Cambodia. I have faith in him and believe he knows what he is doing.
>
> While most of my neighbors probably won't write and say so but many I have talked with, feel as I do.
>
> And, all of us, are so sick and tired of the protestors, that have done no good, only harm.
>
> Sincerely,
>
> Mrs. Lee R. Goodin.

In addition, I would like to submit an article from the May 27 Pittsburg Headlight-Sun concerning the answer given by ex-1st Lt. Michael Judah of Pittsburg, who is fighting in Vietnam, in reply to a telegram by Dr. George Budd, Kansas State College president to President Nixon:

> On a mountain top in Cambodia, things look a lot different than they do from a plush office in a college, or even under leafing trees that accent green lawns of a school campus.
>
> This comparison was penned from the Cambodian locale by 1st Lt. Michael D. Judah, Co. C, 1st Bn. 8th Cav., 1st Cav. Div. in reply to a published telegram apparently dictated in his more serene site by Dr. George F. Budd, Kansas State College president, to President Richard M. Nixon. The Cambodian-linked wordage far more than indicated the lieutenant was in complete disagreement with the thinking expressed by the KSC president.
>
> Lieutenant Judah is a 1968 graduate of KSC. His home address is 202 S. Pine, where, if all goes well, he anticipates returning by late August.
>
> The army officer put aside his lethal weapons on the Cambodian hillside and reached for a ballpoint to make known not only his own views on the war situation but to, he says, echo sentiments of the fighting men in his platoon, and others.
>
> In a letter technically designated for the "Letters to the Editor" department of the Headlight-Sun, Judah wrote:
>
> "I recently received in the mail a clipping from your newspaper sent to me by my par-

ents. It was entitled: 'Budd to Nixon: Withdraw U.S. Troops Now.'

"I am a 1968 graduate of Kansas State College and am presently serving a tour in Vietnam with the U.S. Army as a platoon leader. In view of my present position and the experiences I've had in this part of the world in the last 10 months, I'd like to comment on Dr. Budd's advice to President Nixon and at the same time present the views of some of us who are actually involved in the Cambodian campaign. Dr. Budd's remarks both shocked and apalled me and it is for this reason I am writing this letter.

"At the same time I received the abovementioned newspaper clipping, I also received another clipping from your paper. It was a letter to the editor, written by Allen Engles and, if I am not mistaken, relegated to one of the inner pages of the paper. Engle's remarks embody the thoughts and feelings of myself, the men of my platoon and the men of my company. In other words, we who are actually involved in the Cambodian campaign (this letter is being written on a mountaintop in Cambodia) totally and whole-heartedly agree with President Nixon's views and with his policy of sending troops into Cambodia. On the same note, we totally disagree with the views of such people as Dr Budd and the thousands of college students who are demonstrating against President Nixon's policies.

"Now, one may ask why we support the President. In the past three weeks, in fighting in Vietnam which this company has been involved in, I have seen three men killed and five times that many wounded by North Vietnamese army soldiers who had been trained, resupplied and given sanctuary in the very Cambodian bases which we are now destroying. Until this time, we have been denied the right to attack these sanctuaries which have caused the deaths of so many American soldiers a short distance away in Vietnam. When we received the order to move into Cambodia, we were overjoyed, not because we support expansion of the ground war, but because we knew that it would hasten the pullout of U.S. troops from Vietnam and speed up all home to our families. One needs only to look only at the manner in which these Cambodian bases and supply roads are constructed to realize that it was never anticipated by the enemy that we would ever come here.

"One may criticize this letter by saying that it contains nothing but the mutterings of a brainwashed army lieutenant. But I will meet that criticism by saying that these views are held by the men in my platoon and in my company. We have discussed this matter thoroughly and have jointly reached the conclusion expounded in this letter.

"We who are presently fighting in Cambodia believe that what we are doing is the correct policy to follow and therefore, are devoting all our energies to it. I cannot conceive how someone like Dr. Budd, or other lower members of the college community, can presume to pass judgment on President Nixon's policies, when we who are actually receiving the bullets, climbing the mountains and sitting in the rain, wholeheartedly endorse them. After all, does Dr. Budd really know what is happening here? I challenge and invite him to travel with my platoon in Vietnam and watch American soldiers killed by NVA who can run back across the border and find sanctuary in Cambodia. Perhaps, then, and only then, could he presume to pass judgment on the President's policies, because then, and only then, would he know what he is talking about.

"I respectfully request that this letter receive equal position in your newspaper as that received by the article about Dr. Budd. This is an opposing viewpoint, and after all, is this not a democracy whose opposing points of view receive equal space? I don't believe the U.S. has changed that much in the 10 months I've been away.

"We receive newspapers in the field, and it seems to me all I've seen in the headlines lately is opposition to administration policies on Southeast Asia. We find this very disheartening. I feel that the time has come for people who are really involved in this situation and who really know what is going on, to have their say. This is the second reason for the writing of this letter.

"I would welcome the opportunity to discuss this matter with Dr. Budd or any other individual or group holding his viewpoint, either by letter or in person as I will be returning to Pittsburg the latter part of August.

1st Lt. MICHAEL JUDAH.

LAWRENCE F. O'BRIEN SPEAKS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. JACOBS. Mr. Speaker, the national Democratic chairman, Lawrence F. O'Brien, in the highest traditions of his official responsibilities has expressed eloquently questions logically on the minds of all thoughtful Americans with regard to American military involvement in Southeast Asia.

The statement follows:

STATEMENT BY CHAIRMAN LAWRENCE F. O'BRIEN ON NIXON INTERIM CAMBODIAN REPORT

Tomorrow evening President Nixon will once again address the nation on television. We are told to expect an interim report on the American invasion of Cambodia. We are also told not to expect any dramatic new announcement.

But Mr. Nixon must now recognize that he has a firm obligation to the American people to address himself in detail to several issues that urgently require clarification, in addition to recounting the mountain of weapons, clothing, and rice that have been found in Cambodia.

First, Mr. Nixon told us on April 30 that "the heart of the trouble" in securing peace in Indochina was cleaning out the Cambodian sanctuaries of enemy troops. If we withdraw all allied forces from Cambodia by July 1, what then happens when enemy troops return to the border sanctuaries? Will there be future invasions? If not, how do we plan to protect American troops as they withdraw from South Vietnam over the next year? Indeed, can the President promise us again that all U.S. involvement in Cambodia—including air support—will terminate by July 1?

Second, Mr. Nixon and his spokesmen have repeatedly told the American people that South Vietnamese military units would withdraw from Cambodia at "approximately the same time" as U.S. forces. South Vietnamese spokesmen—Vice President Ky, in particular—have repeatedly stressed their intention to stay in Cambodia for the indefinite future. How does the United States intend to resolve this obvious contradiction in policy between the United States and South Vietnam? What does this country intend to do if South Vietnamese troops refuse to withdraw on schedule?

Third, we now learn that Thai forces have also crossed into Cambodia. What is the nature and extent of the U.S. military commitment to Thailand? Will the Thai forces withdraw by July 1? What will the United States do if the Thais remain beyond that date?

Fourth, Administration spokesmen have told us that the success of the Cambodian invasion will make it possible to accelerate the rate of U.S. troop withdrawals from South Vietnam. If the operation is as successful as Administration spokesmen have already claimed, is Mr. Nixon prepared to announce a specific monthly timetable for U.S. troop withdrawals, just as he announced a specific date for our withdrawal from Cambodia? In this regard, I urge Mr. Nixon to consider at a minimum, a withdrawal rate of 50,000 troops every two months for the next year. This would still leave approximately 150,000 U.S. troops in South Vietnam by June, 1971.

Fifth, Mr. Nixon told us on April 30 that the major purpose of the invasion was to attack the "key control center" of North Vietnam "COSVN," as it is called. What happened to this objective? How did this key enemy control center escape the American and South Vietnamese units sent into Cambodia? And what does this mean for future allied military operations in Indochina?

Sixth, Mr. Nixon told us on April 30 that enemy forces were concentrating in the border areas of Cambodia, building up to a massive attack on American and South Vietnamese forces. On May 14, however, Secretary Laird told newsmen that the enemy forces were, in fact, moving away from the Cambodian borders on April 30. The American people have a right to know which version is correct. Where were these massive enemy forces at the time of the allied invasion? Were they about to attack South Vietnam? And where did they go when the allied forces moved across the Cambodian boundaries?

Seventh, the recent enemy attack on Dalat in South Vietnam raises another critical consideration. How will the dwindling number of U.S. combat troops and the constant level of South Vietnamese troops in South Vietnam retain the military initiative against the enemy? In the absence of a negotiated political settlement, can we expect anything but military disaster when U.S. combat troops are withdrawn?

Finally, Mr. Nixon told us on April 30 that the United States stands ready for negotiations to end the war peacefully. Why, then, does the President persist in refusing to send a high level personal ambassador to the Paris peace talks? What is there to be gained by this deliberate downgrading of these critical negotiations?

These questions are not asked in a partisan sense. They are asked only because the American people are asking them and because the American people have a right to some answers. Considering the terrible human price this country has paid for its military involvement in Indochina and the terrible human price we have paid here at home, we implore the President of the United States to answer them tomorrow night.

RESIGNATION OF ANTHONY MOFFETT, JR.

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, the Reverend George E. Schnabel, pastor emeritus of St. Mark's United Methodist Church in my northern Virginia district, reacted with some disgust, as did many of us, at the silly resignation statement of Mr. Anthony Moffett, Jr., on leaving his position in the Office of Students and Youth, Department of Health, Education, and Welfare.

In view of the wide publicity given

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Mr. Moffett's statement, I believe Mr. Schnabel's very well-written reply should likewise receive public attention. I include the text of his letter in full at this point in the RECORD:

MAY 10, 1970.

Mr. ANTHONY MOFFETT, Jr.,
Office of Students and Youth, Department of Health, Education, and Welfare, Washington, D.C.

DEAR SIR: He called them "bums", so I am quitting. Well, aren't they "bums", Mr. Moffett? Bums is putting it mildly. How childish can you get? "Mama, the bad man slapped my wrist, I'll not play with him anymore".

Mr. Moffett, these bums have left a trail of devastation across the campuses of this country. They have burned, wrecked, harassed, obstructed, bricked, stoned and used physical force on faculty, administration and students, as well as those called in to keep order. They have made the acquiring of an education a hazard on scores of campuses. Who but "bums", Mr. Moffet, would go to these extremes?

Orderly dissent—yes, and every day, if necessary, to attain worthy objectives, but violence—never; and those who resort to violence in any form and those who abet them are "bums", bums in the most meaningful and explicit sense of the word.

As they bring destruction to our campuses, with mindless fury, it ill becomes men of intelligence to stoop to their level and thus become part of the problem rather than a solution to the problem. Now, Mr. Moffett, what part of the problem have you solved by resigning and by giving as your main reason "he called them 'bums' "? What would you call these campus-burners, these disrupters, these obscene, mindless agitators? If they aren't "bums", then what are they? Could they be the real "pigs"? Like any pig, put the pig in the parlor and what changes, the "pig or the parlor"?

Where weak, vascillating, confused leadership has raised the white flag of surrender on our campuses, the "bums" have taken over and now administrators, faculty and student bodies have become the pawns of revolutionaries, who, with mindless abandon, are ready to destroy our universities, our social institutions, our political system and the moral quality of our nation.

Reform—yes! Change—yes, but orderly constitutional and legal change; by violence—never!

Your pious, holier-than-thou posture is a bit silly when stacked up against the great opportunity you had to keep your engagement with destiny and help bring order to these troubled times.

Sincerely,

GEORGE E. SCHNABEL.

SOME FACTS ABOUT THE WAR—A MEMORIAL DAY SPEECH

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. FISHER. Mr. Speaker, there are 28 Veterans of Foreign Wars districts in Texas. The 20th District includes Bexar County, and is one of the fastest growing and one of the most alert and active VFW districts in the Nation. Right now it is rated No. 1 in the country in membership quota. Its membership—as is true of all VFW posts—is composed of active, dedicated, patriotic veterans. It is preeminent in terms of community service and in the promotion of Americanism.

The 20th district is commanded by Mr. Martin H. Lambrecht of San Antonio. Other officers include Orva Longley, Col. (Ret.), senior vice commander, Woody Willis, junior vice commander; Spencer Mitcham and Jack Smalley, chiefs of staff; and Nick Carter, adjutant.

On last May 30 this great organization sponsored one of the most colorful and impressive Memorial Day services I have ever witnessed. A score of wreaths were laid by auxiliary posts. The celebrated Fort Sam Houston band furnished the music. Surrounded by waving flags, the ceremony was attended by many distinguished veterans and their families who joined in the solemnity of the occasion.

It was my honor and privilege to address that gathering of dedicated and patriotic Americans. I include a copy of my remarks, which follow:

MEMORIAL DAY ADDRESS BY CONGRESSMAN O. CLARK FISHER, SUNSET MEMORIAL PARK, SAN ANTONIO, MAY 30, 1970

It is indeed an honor to participate in this Memorial Day service, sponsored by the 20th district of the Veterans of Foreign Wars. We are gathered here today in remembrance of those who have fought and died in defense of freedom.

On this day we not only pay tribute to fallen heroes whose sacrifices account for our heritage and the liberty we cherish, but we contemplate our own capacity to maintain and preserve them. For us, the living, the obligation is three-fold—to the past, to the present, and to the future.

We face in this country today a new dimension—new in terms of our ability to convince people that the right to enjoy freedom is not a license to abuse freedom.

This struggle for freedom seems to be an endless thing. Aside from the holocaust of armed conflict, even now we are fighting a battle right here at home—against dissidents and against those identified with an alien, totalitarian philosophy who are seeking to subvert both our heritage of God and of Country.

In the emotionalism of these times, when people clash without reason and riot without cause, when verbal brickbats fly over how to fight a war, let us not for a moment lose sight of the all-important fact that world Communism is still a very real threat to the very concept of what we call human freedom. On this day let us not forget that the war of aggression against freedom in Vietnam is being financed almost entirely by the Soviet Union, and Moscow has repeatedly spurned our appeals that she join in finding a peaceful solution. In assessing our potential perils, let us not forget Hungary, and let us not forget Czechoslovakia.

We know that today the Soviet Union is engaged in a massive military build-up, unsurpassed in modern times, and we know this threat is directed primarily at the United States of America. Because it happens that this country is the only real roadblock in the way of Communist designs for world domination—an objective which Communist leaders have themselves made crystal clear on many occasions, which today they would have us discount and overlook.

Strange things are happening right here in our own country today. We are witnessing serious attacks upon our military posture. Much of what we see and read is not thoughtful and considered comment on the size of the military budget, or even expressions of doubts about what should be done in Vietnam—much of what we are hearing and reading is an out and out attack upon this country's defense structure itself. And this must not be treated lightly.

Today, in this land of the free and home of the brave, we see, for example, scores and scores of ROTC offices being burned and destroyed on college campuses by mobs of hooligans. Some say they are not Communists who do this. Well, I wouldn't know about that. What I do know is that because of their strike at America's preparedness, these hoodlums are being toasted in Moscow, Peking, Hanoi, and Havana.

And we are appalled by attacks upon American industry engaged in the manufacture of weapons of war—without which America would soon become a second rate has-been power and a pushover for Communist aggressors. Personally, I am proud to support this military-industrial complex we read about. Without it this nation would be doomed.

WAR IN VIETNAM

Now, let me refer very briefly to the war in Vietnam, because any memorial service today must be related to the American lives that are being lost in those rice paddies and steaming jungles—every day and every night.

Many will agree with the late General MacArthur who warned the nation about involvement in a land war in Asia—where human lives are so cheap. But be that as it may, we *did* become involved—our Nation became involved in pursuance of a treaty commitment and the move to contain Communist aggression. Today we mourn our losses and pause to pay tribute to the great courage and gallantry that has been displayed there, and the supreme sacrifices that have been made, and to American prisoners of war being held and mistreated by a despotic enemy. In that struggle enemy losses have approximated 600,000. It is tragic that the military was not permitted to call the shots and win that war long ago.

As you know, the President has announced a gradual withdrawal of our combat forces from Vietnam, to be synchronized with trained and equipped indiginous troops to assume the burdens of defending that country. This is called the Vietnamization program. In pursuance of that purpose already 115,000 Americans have been withdrawn, and an additional 150,000 are scheduled to be brought home during the next year.

The degree of success of that withdrawal plan is dependent in no small measure upon the degree of national unity which it receives here in our own country.

It is well known among the military that a disengagement of this magnitude cannot be accomplished overnight—notwithstanding the expertise in foreign and military policy as enunciated by such experts as the Dr. Spocks and the Jane Fondas. We are told, and the history of warfare confirms, that a successful withdrawal is indeed a difficult and dangerous military maneuver—if catastrophe is to be avoided and if heavy casualties are to be prevented.

As a part of the strategy to achieve orderly withdrawal, the President, acting upon the best military judgment and intelligence in our land, ordered U.S. troops into the Communist sanctuary of Cambodia—only 30 short miles from Saigon—where vast stockpiles of military equipment had been stored by the enemy, to be used to kill Americans during the coming monsoon season.

I applaud the President for his courage and for his good judgment.

The results have exceeded expectations. Already enough guns, ammunition, rockets, mortar rounds, land mines, rice, and vehicles have been captured to maintain a fairly good sized army for up to six months. And by head-count up to last Thursday 8,171 Communists had been killed in that operation.

The Cambodian action was in *no* sense an escalation. It was *not* an invasion. The move was made with the approval of the Cam-

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bodian government. The strike was designed to *save American lives,* enhance the Vietnamization program, and expedite our withdrawal plans.

You would think that arrangement would have been acclaimed by all Americans. I firmly believe that 90% of the criticism has come from those who were emotionally affected and did not fully understand what was involved. Our own withdrawal from Cambodia will be complete by June 30.

To avoid serious interference with the success of the Vietnamization plan and our withdrawal goals, it would, as I see it, be foolhardy indeed for the Congress to take any action which would tie the President's hands in any way, or restrict his options as Commander-in-Chief, in planning strategy and pursuing the disengagement objectives. Too many American lives are involved.

For myself, I shall have no part in such ill-conceived legislative maneuvers.

We hear and see a lot these days of demonstrations—both peaceful and violent. On this Memorial Day, as we pay tribute to our heroes and contemplate our perils, let us think in terms of patriotic devotion to a great Nation. What is needed today, as I see it, is a massive unprecedented demonstration of American flags—and we are seeing much of that; a demonstration of American unity; and an outpouring demonstration of genuine American patriotism.

Wouldn't it be wonderful to see, not thousands but millions and millions who are proud they are Americans, demonstrate pride in their heritage, close ranks and march proudly while all sing in voices loud and clear—in a united voice that would reverberate throughout the land: "God Bless America—Land that I Love!"

INCREASED TERRORIST ACTIVITY AGAINST RHODESIA?

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. WATSON. Mr. Speaker, while receiving very little attention in the American press, just recently the Finance Minister of Zambia announced that Rumanian and Yugoslav concerns would be allowed to prospect for copper in that nation.

I am fearful that the offshoot of this announcement is going to be increased Communist-backed terrorist activity against the Government of Rhodesia, which has already reached alarming proportions. In fact, there are numerous training camps already located in Zambia for thousands of Soviet- and Peking-trained terrorists.

As I pointed out in a speech on the House floor in October 1967, Communist instructors in the technique of guerrilla warfare were swarming into Zambia for the avowed intention of destroying its neighbor, the peaceful nation of Rhodesia.

For the past several years Zambian terrorists have crossed the border of Rhodesia and without provocation burned villages, destroyed crops and livestock, and tortured—even killed—black Rhodesians. It should be obvious that Zambia is for all intents and purposes nothing more than a Communist satellite bent upon eliminating all Western influence in Africa, and this latest example of cooperation with two Communist-bloc nations should be greeted with real concern by the U.S. Government.

Zambia is one of the world's leading producers of copper, a valuable defense-related industry. While enemies of the United States benefit from this copper supply, American companies are not allowed to purchase chromium ore, which is also a vital defense metal, from Rhodesia because of the U.N.-imposed trade sanctions.

It is solely for the consideration of the United Nations that the United States participates in the trade sanctions against Rhodesia—sanctions, by the way, which have absolutely no legal basis under international law. It seems to me that, unless we begin showing visible signs of friendship toward the people of Rhodesia, the time may arrive when the Communists, through their African puppets, will hold the balance of power in southern Africa. This would surely be a disaster for the free world.

Mr. Speaker, as a part of my remarks I would like to include an editorial from the Columbia Record, which points out in a very perceptive manner the growing concern in this Nation over these ridiculous sanctions. I commend this excellent editorial to the attention of my colleagues, as follows:

[From the Columbia (S.C.) Record, May 18, 1970]

TRADE GETS PREFERENCE

After Rhodesia became a republic this year, several countries, including the United States, closed their consulates in the capital at Salisbury.

On the eve of the closings, a representative of "a certain government" called on Prime Minister Ian Smith. The foreign official, Smith said, "stated that he had been asked to convey a message to me that his government was being pressurized by Britain to withdraw from Salisbury."

"They were reluctant to do this," the PM added, "but as they saw the position, two courses were open.

"Firstly, if they were to remain, they belived this would attract so much attention and antagonism that they could be compelled to reduce their plans for increased trade with Rhodesia.

"Secondly, if they closed their office—and this I was assured would be a temporary measure—then they believed they would be free to continue with the thing that mattered, namely, their plans to increase trade with Rhodesia.

"His government believed that the second course was more realistic and practical and would be to the advantage of both our countries.

"He asked me for my thoughts. My reply was immediate and positive: I agreed with him and said, 'Close your office.' "

It is doubtful that the representative was from the United States. He would not have referred to "increased trade" because the U.S. exercises an ironclad boycott, which is backed by federal court action by the government against one company suspected of receiving goods from Rhodesia in the beginning of sanctions.

Also the closing of the U.S. consulate came as a shock to Rhodesians, who believed that they would be taken off the State Department's hate list by the Nixon Administration.

But there is strong sentiment among the American people, the Congress and several departments of the federal government for the U.S. to take a realistic attitude toward the friendly new country and cease bowing to the British-U.N. arrogant stupidity.

Britain is also divided in its attitude toward the former crown colony. Edward Heath, leader of the Conservative Party, the "loyal opposition," recently told the Conservative Council in reference to Rhodesia: "We cannot guarantee success—no one can do so—but we shall be genuine in the attempt we make, and let us hope that this ghastly breach between the two peoples and two countries can at last be brought honorably to an end."

The United States could be the agent for an honorable end to the "ghastly breach" if it dared to defy the pressures of Britain and the U.N. and to put honest practicality before political popularity.

CONSUMER REPORTS REPORTS ON AUTO INSURANCE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. RODINO. Mr. Speaker, the June 1970 Consumer Reports magazine contains two very informative articles on automobile insurance. It is difficult to overestimate the importance of this subject since American highways are being used by more than 100 million automobiles. Consumer Reports has approached the subject with their usual thoroughness and objectivity. Their articles are based on questionnaires received from 230,800 car owners assessing the problems faced by the driving public. The articles are practical and worthy of serious consideration. They follow:

AUTO INSURANCE: THE QUALITY FACTOR

Automobile insurance companies make their living by selling financial security against accident losses. Yet this industry has managed to instill a sense of financial *insecurity* in the motoring public.

Millions of policyholders are hard-pressed to pay ever-rising premiums. Car insurance rates have just about doubled in the past 20 years and continue to increase at an accelerating pace. Some people—especially young men—are being priced out of the market. Countless others risk having their car insurance priced out of reach with every claim filed against their policy.

Millions of policyholders stand in peril of having their protection discontinued because their insurance company no longer wants to cover them. Car insurers have canceled or refused to renew the policies of 14 per cent of all policyholders at some time in their lives, according to a survey just published by the U.S. Department of Transportation. According to the same survey, 55 per cent of policyholders have heard of other people whose policies were canceled or not renewed. Thus does anxiety in the motoring public spread like ripples around those directly involved.

The problem is most acute in racial ghettos and racially changing neighborhoods of the cities, where insurance companies are loath to deal voluntarily with car owners no matter how good their driving records. Unable to buy insurance, they drive without it, sometimes illegally. Or they pay exorbitant rates to substandard insurance companies. Or they buy the minimal liability insurance protection available through assigned-risk plans.

Of the thousands of car owners in New York City who apply each month for assigned-risk coverage, 70 per cent are blacks or Puerto Ricans living in ghetto neighbor-

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hoods. Throughout New York State, where car insurance is compulsory, 510,000 private passenger cars—about 10 per cent of all those registered—were insured as assigned risks in 1968. Two-thirds of the owners of those cars had good enough driving records to qualify for insurance at the standard price, and almost one-half qualified for a safe-driver discount; yet they could find no insurance company that would accept them voluntarily. The same sort of apparent discrimination is reported in other cities.

People living in places more acceptable to auto insurers run into a strange mixture of salesmanship and diffidence. Some companies still advertise for new customers on television or radio. Some companies invite new business through mail-order advertisements in the newspapers. But two major companies told CU they were losing money on car insurance and were doing nothing to attract new customers.

REPORT FROM THE COUNTRY CLUB

Whatever the promotional practices, as David O. Maxwell, former Pennsylvania insurance commissioner, told a Senate committee, "we must begin with the proposition that 'competition' in the insurance business is *sui generis*. When you go to buy a car, the salesman will sell you one if you have the money. Buying insurance for the car is more like joining a country club."

This is a report from the country club. CU's 1969 Annual Questionnaire, mailed to more than 1.4 million subscribers, included a long list of questions delving into their experiences in the previous five years with auto insurance. The typical CU Questionnaire respondent should be an ideal candidate for the car-insurance country club. He is a family man or woman (median age, 40) in the upper middle income bracket (median family income, $13,000), who has attended college and very likely graduate school (37 per cent). The Questionnaire returns bore out his highly insurable status. Only 1.4 per cent of the respondents were assigned risks. From 1964 to 1969, only 4 per cent had experienced cancellations or nonrenewals of their policies.

The preferred-risk motorist can still pick and choose his insurance company. He can still shop for the best price. He can still benefit from some rather vigorous price competition. And the results of this survey can help him select a company offering high-quality service.

For this survey, we asked questions designed to find out which companies are most likely to pay claims promptly, courteously and in full. We asked questions designed to discover which companies are least likely to cancel a policy, which companies are least likely to refuse to renew a policy, and which companies are least likely to demand sudden large boosts in premiums.

The Questionnaire response was large: 230,871 people answered the car insurance section, and 133,121 of those people reported on their experiences with claims.

The response provided data on:

Some 81,000 experiences with "first-party" claims, the kind of *claims you make against your own insurance company* for such things as collision damage, fire losses, theft, vandalism, broken windshields and medical costs. Assuming your insurance policy covers the type of loss, your claim is valid no matter whose faulty driving caused the damage or injuries.

Some 56,000 "third-party" *claims by CU members against other car owners*, the kind of claims you file when you consider the other driver to blame for an accident doing damage to your own car or injuring people in it. There is no limit to how much you may claim. How much you can actually collect depends on, among other things, your provable loss and the amount of liability insurance carried by the owner of the other car.

Some 20,000 "third-party" *claims against CU members*, the kind of claims other drivers make when they hold you responsible for an accident.

Some 19,500 reports of single-year increases in premiums considered by the respondent as grossly unfair.

Some 9000 reports of policies canceled or renewals refused by insurance companies.

With so rich a lode of actual experience data to work with, we have been able to rate the overall quality of service provided by 25 companies or groups of companies doing 60 per cent of all car insurance business. And we think that the survey sheds some light on the performance of the industry as a whole.

Analysis by CU's statistical consultants identified two companies that stood head and shoulders above the rest, *State Farm Mutual* and *United Services Automobile Association*. As luck or good management would have it, both companies sell at relatively low premium rates in most localities. *State Farm Mutual*, the nation's largest car insurer, deals with any car owner able to meet its fairly stiff underwriting standards. *United Services*, a mail-order company ranking 16th in size, limits its clientele mainly to active retired and former military officers.

At the other end of the Ratings are two companies judged distinctly inferior to the rest: Sears, Roebuck's *Allstate Insurance Co.*, second largest in the country, and the *Home Insurance Co.*, the 14th largest company.

BUREAU COMPANIES VERSUS INDEPENDENTS

The quality of a company's service, as measured by the survey, bore no relationship to the type of company. Traditionally, auto insurers divide up into two loosely defined categories, bureau and independent, although there are many variations.

Bureau companies follow the pattern of prices and policy wording established by national insurance rating boards. The boards' prime function is to establish premium rates—literally hundreds of thousands of possible rates from state to state and from place to place within a state—based on claims experiences and other information submitted by the member companies. Until recent years, virtually all bureau companies (and many nonbureau companies) used identical rates. Many bureau companies these days charge less than the bureau rates, and some make minor improvements in policy forms.

The really distinguishing feature of a typical present-day bureau company is its practice of selling through independent local agents. Those agents are in business for themselves and handle several different companies' policies rather than one company's exclusively. Their job is to produce business. As part of their service, they usually fill out a new policy for each customer each year, collect premiums and sometimes settle small claims. The insurance companies also expect them to screen out poor risks. If too many of an agent's policyholders put in claims, some insurance companies may withdraw their business from the agent and his customers, canceling the policies when the law allows, or refusing to renew them.

Three national bureau-members or bureau-type companies in our survey—the *Federal Insurance Co.*, the *United States Fidelity and Guaranty Co.*, and the *Insurance Co. of North America (INA)*—were judged to have given above-average service.

Independent companies, such as *State Farm Mutual, Nationwide Mutual* and *Allstate*, long ago challenged the bureau companies to a price war. They did so by building organizations of exclusive agents, substituting high volume for high commissions as their agents' incentive, creating a reputation for low price, doing away with the ritual of replacing policies every year, and billing customers directly (often on a budget-easing semiannual basis).

The premium rates of some of the independents are lower than most bureau-company rates, but not universally so. Through strategic rate-setting, some independents try to attract only the least accident-prone customers. In the city of Chicago, for instance, a 30-year-old man with a clean driving record can buy the minimum automobile liability coverages (as established by the Illinois financial responsibility law) from *State Farm Mutual* for 25 per cent under bureau rates. An 18-year-old Chicago youth driving his own car, however, would have to pay *State Farm Mutual* 4 per cent *above* bureau rates, even though he, too, had a clean record.

Today, you rarely hear the old bureau-agents' charge that the independent companies save money by holding back claims payments or ruthlessly canceling policies. Indeed, such a generalized charge wouldn't stand up against the results of our company-by-company survey. *State Farm Mutual* satisfied a very high percentage of claimants, including not only its own policyholders but also those who collected liability claims against its policyholders. It was also one of the companies least prone to cancel or refuse to renew its policies. Another independent company with an above-average service record was *Government Employees Insurance Co.* (GEICO). Also judged above average was the *Liberty Mutual Insurance Co.*, a bureau-member company that sells through its own exclusive agencies. But the low rating of *Allstate* is a reminder that there are not-so-good independent companies, too.

THE MOTOR CLUB COMPANIES

A third type of insurance company of interest deals exclusively with dues-paying members of motor clubs affiliated with the American Automobile Association. The biggest of them are big by any standard. The *Interinsurance Exchange of the Automobile Club of Southern California* ranks 15th in size nationally. In central and northern California, the somewhat smaller *California State Automobile Association Inter-Insurance Bureau* covers 14 per cent of all private passenger cars registered in its membership area. Those two companies ranked third and fourth in CU's Ratings and were judged to have given much better than average service.

Similar companies are attached by the Automobile Clubs of Missouri, Michigan and Iowa, the Chicago Motor Club, the Keystone Automobile Club (Pennsylvania) and the Cornhusker Motor Club (Nebraska). Unfortunately, our survey did not gather enough experiences to permit a rating of any of them. As a group, they fell short of the service record of the California clubs, but were as good as the average company in this report. Individually—we just can't say.

THE BETTER SIDE OF CLAIMS

Consumer-business relationships usually work out best when the consumer deals directly with the seller. Relations with car-insurance companies are no exception to the rule. They are in business to handle claims, and it makes all kinds of economic sense for an insurer to pay a legitimate claim promptly and in full when the claimant is its own policyholder. Otherwise, it may lose a customer.

You as a customer are in this relatively favorable first-party position when you make claims under the collision, comprehensive, medical payments, uninsured motorist, and towing-cost provisions of your policy—claims payable by your company regardless of who, if anyone, was at fault. When you make a liability claim against someone else's insurance company, or he makes one against yours, you become or he becomes the third-party in the transaction. In those situations,

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the claimant is not a customer. He is an adversary who must be able to prove to someone else's insurance company that its policyholder was at fault, or who must convince a jury of it.

The biggest objection raised against the liability insurance system flows from the adversary relationship, which breeds disputes, court cases, excessive and, frequently, dissatisfaction with the outcome. One good argument for doing away with the liability system of paying auto accident losses would be to put auto insurance predominantly on a less controversial first-party basis.

Theory is borne out by practice. In CU's survey, first-party claims generally caused the least dissatisfaction. Our questions probed into the size of claims, the types of claims, and the speed and courtesy with which they were settled. Only a few first-party claims had been rejected (1.8 per cent). Of those whose claims were paid, 89.5 per cent said they received about the right amount or exactly the right amount, and only 7 per cent said they received too little. Almost all respondents were pleased with the way claims were handled: 94 per cent thought the company took no more than a reasonable time to settle, and 92 per cent felt they were treated courteously.

By no means all companies did equally well. Honors went to *State Farm Mutual, United Services,* and the two California auto-club insurance companies for first-party claims handling that was well above average. If one had to choose among them, we would single out *United Services.* It stood well above the average company no matter whether it was a simple claim for a broken windshield or a trickier one for medical payments or injuries caused by an uninsured motorist.

Just how well satisfied the claimants were with the settlement hinged, however, on the size and type of the claim (see the table). As the size of the claim increased, fewer people reported themselves satisfied with the size of the payment. When the payment exceeded $1000, it was considered too small by 13 per cent of those people who responded to that question.

1ST-PARTY CLAIMS—HOW SATISFIED WERF CAR OWNERS WITH THE CLAIMS THEY COLLECTED FROM THEIR OWN INSURANCE COMPAN!ES?

[In percent]

	The payment was considered—					
	Too little	About right	Exactly right	Overly generous	Don't know	Total
For all claims collected	7.0	32.0	57.5	2.0	1.5	
For claims amounting to—						
Less than $200	6.0	27.0	64.0	2.0	1.0	[1] 51
$200 to $999	7.5	37.0	51.5	2.5	1.5	[1] 38
More than $1,000	13.0	43.0	39.5	3.0	1.5	[1] 11
Total						100

	The payment was considered—					
	Too little	About right	Exactly right	Overly generous	Don't know	Total
For claims based on—						
Comprehensive	5.5	25.5	66.0	2.0	1.0	[2] 40
Collision	8.0	37.5	51.0	2.0	1.5	[2] 55
Medical payments	11.0	39.0	45.5	2.0	2.5	[2] 10
Injuries caused by uninsured motorists	16.5	37.0	41.5	2.5	2.5	[2] 6
Other	7.0	26.5	60.0	4.0	2.5	[2] 1
Total						[2] 112

[1] Received this amount.

[2] Of all claims.

Note: Total exceeds 100 percent because some people filed more than 1 type of claim. The data in this table are based on 69,302 claims actually paid, out of 80 951 claims reported. Of the rest, 1.8 percent of the respondents said their claim was rejected, 3.1 percent said it had not yet been settled, and 9.5 percent didn't know or di dn't say how much they collected.

First-party insurance was quite clearly protecting well against property-damage claims. More than 90 per cent of those reporting felt they had been paid at least enough for losses due to fire, theft, vandalism, rocks kicked up by passing cars, and other accidents covered under the general heading of "comprehensive, fire and theft," There was also quite a high level of satisfaction with collision claims.

HOW THE INJURED FARED

First-party medical claims were paid with some reliability, too, although not as satisfactorily as car-damage claims. First-party medical coverage, remember, is payable to anyone in the policyholder's car regardless of who caused the accident. With most policies, medical payments are limited to somewhere between $500 and $5000. Even so, a far higher percentage of people were satisfied with those limited payments from their own insurance companies than with medical compensation paid to them as the result of liability claims.

The most troublesome first-party claims were made under the provisions of uninsured-motorist coverage. This hybrid of first-party and liability insurance obliges your own company to pay you for injury costs—medical and hospital bills, lost wages, compensation for pain and suffering—usually up to a limit of at least $10,000 (depending on state laws and policy differences), but only if a faculty driver in an uninsured or a hit-and-run car caused the accident.

The fact that 16.5 per cent of claimants against uninsured-motorist coverage felt they had been underpaid may be attributable partly to compromised settlements of disputes over the size of a bodily injury claim and the question of who was at fault—commonplace disputes in liability situations. Or the claimant may have thought he was entitled to compensation for damage to his car. Under the uninsured-motorist laws of most states he is not.

Thousands of car owners who pay for insurance protection do not get it because the insurance company has become insolvent, and for the same reason, accident victims lose millions of dollars of compensation each year. Company failures may wipe out only a tiny fraction of all claims, but the losses are real enough. They certainly were real to this participant in our survey:

"I was the driver of a car involved in a . . . collision in July 1961. . . . The two occupants of the other car brought suit against me individually. [My insurance company], Commonwealth Mutual Insurance Co., went into bankruptcy. The cases came up for trial in September 1967. I settled with both plaintiffs out of my own pocket, and I submitted claims to the Pennsylvania insurance commissioner against the insurance company. As of May 1969, the commissioner's office is still trying to untangle and dissolve [the defunct company]. If I sound somewhat bitter, I am."

Most states now require uninsured motorist provisions to cover at least the injury liability claims owed by bankrupt liability insurance companies, but that doesn't help you collect when your own company fails. Thus, uninsured-motorist coverage serves only as stopgap protection for some motorists and their potential victims in some situations in some states. Other states have an insolvency fund to help in some cases. What is needed is a Federal law creating a system that will safeguard all policyholders in all states, the way the Federal Deposit Insurance Corp. safeguards the savings of bank depositors. Such a bill, the Federal Insurance Guaranty Corp. Act (S. 2236), is said to be gathering increased support in Congress.

THE LIABILITY SYSTEM

Despite the flaws in uninsured-motorist coverage, even this form of first-party insurance proved more reliable than the liability coverage of properly insured drivers. Liability protection is at the heart of present-day combination auto insurance policies. It is there to protect the financial interests of the car owner against the legal consequences of faulty driving by anyone who operates his car. State law usually says faulty drivers must pay for all the losses sustained by their victims, not only those losses directly measurable in dollars but also any subjective or "psychic" losses such as pain, suffering or disfigurement. Liability insurance saves the car owner and others who drive his car from those financial consequences by spreading the costs among all insured car owners. The insurance company pays the claims against you; it also supplies you with legal counsel and pays any court costs.

The least amount of liability protection found in automobile policies in most states is "10/20/5" coverage. That pays a maximum of $10,000 to any one person for bodily injuries, up $20,000 for all persons injured in the same accident, and up to $5000 damage to cars and other property. Financial responsibility laws in each state set minimum limits, and quite a few states set them higher than 10/20/5. Maine requires the highest limits, 20/40/10, and many people everywhere wisely carry even more than that.

In short, there is usually enough liability insurance in any policy to pay for all except very severe injuries. Yet those who reported to us on successful liability claims against other drivers expressed a high degree of dissatisfaction at the amount they received.

The table on this page tells the story: 31.5 per cent felt their medical payments were too small (compared with 11 per cent who thought medical payments from their own insurer were too small); 38 per cent were dissatisfied with payments for pain and suffering; 40.5 per cent were not fully paid for wages lost because of injuries serious enough to prevent them from working. Even though 13 per cent of those reporting liability claims had received $1000 or more from the other driver's insurance company, one third of those claimants felt they had received too little.

Liability insurance functioned fairly well in the large majority of claims involving compensation for property damage only. In those instances, 82 per cent of the claimants received at least enough to pay for repairs. The real problem is not with repairs to cars. Many would be covered by their own collision insurance in any case.

Our findings hint at the hardships endured by some accident victims while insurance adjusters tried to knock down the size of the claim. The wait was too long for 19 per cent of the claimants reporting, and far too long for an additional 18 per cent of them. One in seven liability claimants retained lawyers. Nearly half the settlements won through a lawyer were considered too small, and most of those claims took too long to settle, the claimants reported. The lawyer's fee typically took 25 per cent or more out of the settlement.

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LIABILITY CLAIMS—HOW SATISFIED WERE ACCIDENT VICTIMS WITH THE CLAIMS THEY COLLECTED FROM THE INSURANCE COMPANY OF ANOTHER DRIVER WHEN HE CAUSED THE ACCIDENT?

[In percent]

	The payment was considered—					
	Too little	About right	Exactly right	Overly generous	Don't know	Total
For all claims collected	17.5	40.5	38.0	2.0	2.0	
For claims amounting to:						
Less than $200	14.0	36.5	46.5	2.0	1.0	[1] 51
$200 to $999	18.0	43.5	35.0	2.5	1.0	[1] 36
$1,000 to $9,999	36.0	47.0	12.0	2.0	3.0	[1] 12
$10,000 or more	37.0	37.5	19.0	2.0	4.5	[1] 1
Total						[1] 100

	The payment was considered—					
	Too little	About right	Exactly right	Overly generous	Don't know	Total
For claims based on:						
Damage to auto	16.5	40.5	39.5	2.0	1.5	[2] 94
Medical expenses	31.5	48.5	13.0	3.0	4.0	[2] 16
Pain and suffering	38.0	46.5	6.5	4.0	5.0	[2] 11
Loss of wages	40.5	45.5	7.0	3.0	4.0	[2] 7
Collision deductibles	37.0	36.0	19.5	2.0	5.5	[2] 5
Total						[2] 133

[1] Received this amount.
[2] Of all claims.

Note: Total exceeds 100 percent because some people filed more than one type of claim. The data in this table are based on 44,662 claims actually paid, out of 56,393 claims reported. Of the rest, 7.6 percent of the respondents said their claim was rejected, 8 percent said it had not yet been settled, and 5.2 percent didn't answer the question pertaining to the amount they had received.

When people have been injured, who pays the costs meantime? How many people will delay getting physical therapy and rehabilitation treatments? A Transportation Department study of seriously injured highway victims in 1967 found that those whose losses exceeded $10,000 recovered an average of only one-third of their losses and those whose losses exceeded $25,000 recovered only one-fourth. According to other studies, few get the money when they need it most.

SOMEONE ELSE'S CLAIM

One exceptional Questionnaire respondent wrote: "We were hit while . . . virtually standing still. The police report definitely assigned all blame to the other driver. My husband offered to accept $800, the exact cost of the car repairs and my small medical costs. We had to get a lawyer, who [collected] $1200 *for us* (exaggerating my injuries, etc.) so he would receive one-third. This seems to be common procedure and we deplore it. No wonder insurance is so costly."

Only 2 per cent of those reporting on claims against other drivers thought they had been paid too much. People saw things quite differently, however, when it was someone else's claim against them. A great many Questionnaire respondents did not know how much their company paid someone else or couldn't judge the fairness of the payment. Quite a few who did know thought the payment was overly generous. Here's how people judged the adequacy of liability payments when their company was paying, contrasted with how they judged payments when someone else's company was paying *them* (not counting those answering "don't know" or "can't judge"):

[In percent]

	Too small	About right	Exactly right	Overly generous
When the claim was against those reporting	2.0	36	43	19.0
When it was their claim against someone else	17.5	41	39	2.5

Clearly, the liability system of paying highway injury claims tends to becloud the objectivity of some of those involved. Nevertheless, some insurance companies did a better job than others of satisfying third parties. *State Farm Mutual's* handling of third-party claims was judged outstanding. The *Auto Club of Southern California, GEICO* and *United Services* did nearly as well. The least satisfaction was reported with third-party claims against the *Aetna Casualty and Surety Co.* and *Allstate.*

CANCELLATION PROBLEMS

The standard family automobile policy says as follows:

"This policy may be cancelled by the company by mailing to the insured . . . written notice stating when not less than ten days thereafter such cancellation shall be effective. The mailing of notice as aforesaid shall be sufficient proof of notice."

It goes on to say that after the policy has been in effect for 60 days the company "shall not exercise its right to cancel" the liability portion of the policy except for failure to pay the premium or suspension or revocation of the driver's license of anyone who customarily drives the car. In other words, an insurance company wants 60 days to decide whether to do business with a new policyholder for the full term of his policy, usually one year, or to drop him unceremoniously. Moreover, the typical policy puts no restriction at all on the right of a company to refuse to renew an expiring policy.

State laws further restrict cancellations and nonrenewals. Most states require insurance companies to give 20 days' notice, not 10, of cancellation or nonrenewal. Some states require the company to give a reason. A few states grant policyholders a hearing if they think the cancellation is unfair or illegal. And several states prohibit auto insurers from determining whom they will or will not insure solely on the basis of age, race, color, creed, national origin, ancestry or occupation.

A new law this year in Ohio requires companies to guarantee renewal of a policy for two years. The law, however, gives insurers 90 days to cancel a new policy for any reason at all, instead of the usual 60 days.

Some few insurance companies promise to continue your coverage longer than any law requires. Of the companies rated in this report, *Allstate* guarantees renewals for five years after the first 60 days. As a result, *Allstate's* incidence of nonrenewals as reported in our survey was much lower than average. Its incidence of cancellations, presumably within the first 60 days, was much higher than average, however, and a much higher than average percentage of policyholders said their premiums had been increased by a grossly unfair amount in a single year.

Without making any guarantee to renew, *State Farm Mutual, United Services, Liberty Mutual* and *GEICO* also had a much lower than average incidence of nonrenewals. In contrast to *Allstate*, their incidence of cancellations was much lower than average, too, and relatively few policyholders answering the Questionnaire complained of unfair step-ups of premiums.

One of the most disturbing findings in our survey is that thousands of people felt so intimidated by the threat of cancellation, nonrenewal or excessive premiums that they were willing to sacrifice benefits rather than risk a claim against them. We asked this question: "Did you pay anyone for some damage or injury done by your car without involving your insurance company, so as to avoid the chance of having your rates raised or your insurance cancelled?" More than 14,000 respondents—6 per cent of all those reporting—answered "yes." At that rate, it is plain that millions of other motorists, too, hesitate to use the protection they are paying for.

How much does this feeling of intimidation save the insurance companies? As you might expect, most of the private settlements reported to us for the years 1964 to 1969 involved less than $100 and 98 per cent involved less than $500. But 142 people said they paid amounts between $500 and $1000, and 129 people said they paid more than $1000.

It is a violation of your insurance policy not to report an accident to the company. CU's insurance consultants warn against the private settlement of damages, at least in accidents involving other cars with people in them. Even if everyone says he is unhurt, you may find yourself served later with notice of a personal injury suit. That nearly happened to a participant in our survey. He wrote:

"The accident took place . . . with a police officer in full view. . . . I hit the car in front of me, which had stopped suddenly in traffic. The officer came over, looked over both cars, asked how each of us felt, told us there would be no ticket, and asked us to quickly move out of the scene so that traffic would not be held up. Much to my dismay, about 30 days later my company was taken aback by a letter from an attorney . . . requesting payment for whiplash injuries suffered by his client. . . . My company paid the claim, $1100, which was all medical charges, not for auto damage."

Luckily, the insurance company paid that claim. But if you attempted to settle automobile damages yourself and were later sued for someone's real or alleged injury, your insurance company might not pay the claim and it might not defend you in court.

CHOOSING A COMPANY

The Ratings give weight to the way each company handled first-party claims and third-party claims and to its record on cancellations, nonrenewals and big premium boosts. If you are seriously worried about losing your coverage, you may want to consider *GEICO* or *Liberty Mutual*, for their low incidence of cancellations and nonrenewals, in preference to some of the other above-average companies with better records on first-party claims. Any above-average or below-average characteristic of a company is mentioned in the Ratings.

Also noted, but given no weight in the Ratings, are the companies' own comparisons of their rates with those published by the national rating organizations—the bureau rates. That information is given as a first step in price shopping. It should hardly be the last step, though. The car-insurance rate structure is immensely complicated and rapidly changing. As the insurance commissioner of Georgia has pointed out, the industry's system of classifying drivers, localities, car usages, and types of cars can produce more than 100,000 rates for a single company in a single state. Next month we will tackle the difficult problem of finding a practical method of making valid price comparisons.

The Ratings also indicate which companies offer the family automobile policy, and which ones offer the special automobile policy. Next month's issue will explain the differences between the two policies in greater detail. For now, the important thing to note is that some bureau companies sell the special policy at rates around 15 percent lower than for a family policy with equivalent coverages, but you may have to prod an agent into offering it.

If you are pleased with your present car insurance or with your present agent, perhaps you should leave well enough alone. Even a company rated below average in this report may be giving you better-than-average service because of a good agent or a good district claims manager. And an independent agent may really go to bat for you with a balky car-insurance company if you have placed a lot of other insurance with him, too.

DON'T SWITCH IF . . .

Some people should probably hang onto their present policy under any circumstances. A safe rule of thumb is: Don't switch companies now if your company has paid a liability claim against you of $100 or more in the past three years. Don't switch if you have had a number of smaller liability claims. Don't switch if you have made a large claim or a number of smaller claims recently under the collision, comprehensive or medical provisions of your own policy. A new company may accept you at first but cancel you within a couple of months on the basis of further investigation. In no instance should you discontinue your present policy until you have been notified that a new one is in effect. The best time to apply to a new company is about 60 days before your old policy is due to expire.

HOW RELIABLE IS THIS SURVEY?

Ordinarily, people who answer questionnaires tend to be motivated by some sort of bias. If an automobile insurance questionnaire were mailed at random, the people most inclined to answer it might be those who felt strongly about the subject—especially people with gripes.

That kind of bias did not play a significant part in this survey. The automobile insurance questions took up less than half of a questionnaire that was five pages and 77 questions long. Other questions ranged over a variety of subjects. A full additional page, the front page, consisted of the ballot for the election of seven CU directors. Valid ballots were cast by 231,377 members. The automobile insurance questions were answered by 230,871. If the respondents had any particular bias, it must have been a devotion to Consumers Union and to the cause of more and better consumer information. It was certainly not an ax-grinding bias against insurance companies.

But the experiences gathered are indeed those of a select group in American society, as noted elsewhere in this report. Possibly, a scientific sampling of all driving-age Americans would have painted a different picture of how well automobile insurance functions. A concurrent survey for the U.S. Department of Transportation, for example indicates a higher incidence of cancellations and nonrenewals of policies among the general public than among CU's sample of that public.

For another thing, the people in our sample are prone to be price-conscious insurance shoppers. A larger percentage of them were insured by low-priced companies such as *Allstate, State Farm, GEICO,* and *United Services Automobile Association* than would have been predicted on the basis of the position of those companies in the national market.

What counted in the statistical evaluations behind the Ratings were, first, the percentages of people reporting this or that experience with each company, and, second, the total number of responses for each company. Companies with comparatively few returns, such as *Federal* (322) and *Ohio Casualty* (312) were less likely to be judged above or below average than companies with many returns, such as *State Farm* (13,515), *Allstate* (9538) and *Geico* (6059).

In CU's judgment and that of its consultants, the Ratings constitute a highly reliable reflection of the way 25 insurance companies treated CU-members as policyholders or liability claimants in the years 1964 through mid-1969. And given the fact that the managements of automobile insurance companies are slow to change, the Ratings should hold true for a number of years into the future. Inevitably, in a national study of service organizations some of you who are persuaded to insure with one of the top-rated companies will be disappointed. Some insurance authorities tell us company management can vary from state to state or even from city to city. And of course an occasional company too small or too local to be picked up by this kind of survey may be outstanding.

Those qualifications having been dutifully noted, your prospects of choosing well on the basis of CU's Ratings far exceed the prospects of choosing well on the basis of any other information we know about.

AUTO INSURANCE: THE PROSPECTS FOR REFORM

In May 1968, Congress directed the Secretary of Transportation to study the present automobile liability insurance system. Now, two years later, Transportation Secretary John A. Volpe is about to present his report and recommendations. Mr. Volpe is expected to propose some changes in the law that gives rise to automobile liability insurance.

The law, handed down from the horse-and-buggy age, says anyone who suffers injury to body or property through another's carelessness has a right to full compensation from the wrongdoer. On today's highways, though, the word "wrongdoer" may not properly describe the situation. There were an estimated 20.4 million highway accidents in 1969—one for every five motor vehicles. Truly, as one of our readers has observed. "The ubiquitous automobile is a hazard which must be accepted in the same category as fire, earthquake and disease."

Everyone who drives a car runs a heavy risk that he will someday be a wrongdoer in the eyes of the law. That's why car liability insurance was invented. Moreover, every state in the union, in order to give highway victims a fair chance to collect from wrongdoers, seeks to compel all motor vehicle owners to buy liability insurance.

Here is a rare instance in which the police power of the state is used to force consumers to buy something from private business. In CU's opinion, the state thereby takes on a special obligation to see that consumers receive good value for their money—some $7.2 billion in 1968. But in that the state fails miserably.

A BILL OF PARTICULARS

First, liability insurance does a poor job of paying for highway injuries. Out of every dollar of premiums spent for bodily-injury liability, nearly 25¢ pays for legal expenses—more, probably, than pays for medical costs.

A second extravagance takes the form of insurance benefits paid twice, three times or even five times for the same loss. The rule of liability law says every loss must be paid as though no insurance existed. So along with liability insurance, many people also get first-party medical payments from their own car insurance and from other accident and health insurance; some also are paid life insurance, workmen's compensation insurance, social security, Blue Cross, sick pay or unemployment insurance. By recent estimates, nearly 20 per cent of benefits from liability insurance are duplicate payments. That doesn't mean all victims are generously paid. As noted elsewhere in this report, many people hurt in accidents are underpaid—especially those whose losses are heaviest.

Liability insurance has also been blamed for a distaste on the part of insurance companies for certain kinds of customers. According to T. Lawrence Jones, president of the American Insurance Association, insurance companies look at each applicant for a policy as a potential defendant in court. Mr. Jones recently told the Senate Antitrust and Monopoly Subcommittee, "It is easy to see how this . . . unfortunately leads to the reluctance of some insurers to make auto insurance available to young people, minority groups and people with occupations that are judged to be in less favorable light."

INSURANCE WITHOUT FAULT

For all those reasons and others, Consumers Union has endorsed a plan to change most automobile-accident bodily injury claims from third-party liability claims, payable only to victims of faulty drivers, to first-party claims, payable without regard to fault (Consumer Reports, January 1968). The Basic Protection plan, as it is called, was developed by two law professors, Robert E. Keeton and Jeffrey O'Connell, and is better known as the Keeton-O'Connell Plan. Before it can be put into effect, Congress or state legislatures would have to pass a new car-insurance law. So far that hasn't happened.

Under the Keeton-O'Connell plan, the liability law would be preserved primarily for people whose injuries were so severe and so costly that their first-party coverage limit of $10,000 per person wasn't enough, or who, because of the loss of a limb or mutilation of mind or body, could convince a jury to award them more than $5000 in compensation for their suffering or for being crippled.

While the Keeton-O'Connell plan remains only a plan, it has spurred other proposals to swing more of the emphasis of car insurance toward payment without regard to faulty driving. Various industry trade associations have come out for reforms of one sort or another, and one of them, the American Insurance Association (AIA), has proposed a plan to eliminate liability claims entirely.

THE NEW YORK STATE PLAN

Progress towards insurance reform took a major step forward last February, when Richard E. Stewart, New York State superintendent of insurance, submitted a report to Gov. Nelson A. Rockefeller extensively reviewing and documenting the failures of the present liability insurance system in language the layman can understand. (Free copies of the report, "Automobile Insurance . . . For Whose Benefit," are available from the Governor's office, Albany, N.Y. 12224). Mr. Stewart proposed, and Governor Rockefeller endorsed, legislation to achieve major reforms.

Under the New York State plan, the insurance on the car in which you were hurt would pay all injury costs, including wage losses, as they were incurred. You would not have to go in debt or postpone treatment while waiting for a claim to be paid. Liability claims would be possible only if someone were killed. If a drunk or a drugged driver

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caused the accident, your insurance company could recover what it paid you by making a claim against his company. Your company could also recover from the insurer of a commercial vehicle, if you were involved in an accident with it, on the theory that businesses can exert some control over the way their vehicles are driven.

The New York plan, like other proposed no-fault plans, would be compulsory. But unlike compulsory liability insurance, this plan gives car insurance a back seat to more economical insurance policies. The compulsory coverage would be used only to pay expenses not covered by more efficient insurance. At present, even the nonliability coverages in car insurance policies are relatively costly, taking 30c to 40c of the premium dollar for company expenses. By contrast, social security takes 3c, Blue Cross 7c, and health and accident insurance 17c. Premium rates under the New York plan have been estimated at 33 per cent below the rates for today's package policies with equivalent coverage.

One minor weakness of the New York plan, as we see it, is its treatment of automobile damages. The compulsory policy would pay for damage to clothing, buildings and other property but not for car damage. No one could collect for car repairs unless he had bought an optional collision policy. The trouble here is that many older cars aren't worth insuring against collisions, and quite a few owners of new cars are willing to take the risk of paying for their own mistakes, so long as liability insurance will pay for damages caused by someone else. Under the present liability system, our studies show, most claimants do manage to collect car-damage costs from other driver's insurers when the other driver causes the accident, probably because claims can go no higher than replacement value of the car and are usually much smaller than that. The New York plan would induce many more people to buy collison insurance unnecessarily, while the present property-damage liability system could probably be made to work well at a lower price.

There is one much more serious complaint against the New York plan. Its basic compulsory coverage leaves no way for grievously injured victims to win compensation for losses not directly measurable in terms of money—losses claimable in present liability cases under the heading of "pain and suffering." The truth is that, today, most payments for pain and suffering are bribes used to settle relatively small, so-called nuisance claims, and that people with severely disabling injuries are lucky to recover even their out-of-pocket losses. All the proposed no-fault plans are designed to eliminate nuisance claims, and rightly so. Under the New York plan, you can collect for pain and suffering only if you have bought your own optional extra coverage for it. But when the other driver's negligence was flagrant and when your injuries leave you with endless pain or terrible disfigurement, optional coverage hardly seems fair or adequate—especially if you don't have it.

In those cases, either the victim should be able to sue, as he can now, or he should have a claim against his own compulsory insurance. A no-fault insurance bill in Minnesota, for instance, proposes to fix compensation for permanent injury at amounts ranging from $1050 for loss of a big toe to $25,000 for total disability.

The New York plan is also somewhat fuzzy about how it will pay for future wage losses of children, students and workers who have not yet realized their full economic potential. Critics of this and other no-fault plans often exaggerate the weak points instead of suggesting ways to strengthen them. A favorite horror story has a drunken driver run over a little girl, mutilating her horribly. The drunk's no-fault insurance policy pays the little girl nothing. Her family's no-fault policy pays, at most, her medical expenses.

That horror story might be appropriate if today's drunks and other negligent drivers really paid claims and if they were the only ones responsible for maiming innocent children. But it's the drunken driver's insurance company that pays—with money from other policyholders. And not all injuries are caused by drunks or other negligent drivers. Some children dart into the street from behind parked cars. A tragic few are run over by parents backing out of driveways. If the victims of drunks deserve money for a lifetime of pain or disability, so do the victims of innocent drivers.

FEDERAL ACTION?

The New York plan, the Keeton-O'Connell plan, the AIA plan and others all provide a good basis for the kind of reforms Transportation Secretary Volpe is considering for his imminent report to Congress. The swiftest, most effective reform could come through Federal legislation establishing one unified no-fault auto insurance plan for the entire country. Whether through Federal or state action, though, change is needed. Those in the insurance industry who oppose it might well heed Mr. Stewart of New York, a staunch supporter of private enterprise:

"If fundamental change in the fault insurance system does not come very soon, we predict that the entire apparatus will be swept away and replaced by a social insurance system run by government."

The consumer's main concern is not whether government or industry will do the job. One way or the other, he wants insurance designed for the realities of the road. He wants protection from serious financial losses in all highway accidents. He wants insurance that returns the largest possible slice of his dollars in benefits. He wants his claims settled fairly and promptly without legal travail. And he wants to be treated as a customer, not as a supplicant.

VOTING RIGHTS ACT

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. ROBISON. Mr. Speaker, I would like to insert in the RECORD for the consideration of my colleagues the following editorial which appeared in the New York Times of June 2, 1970. With the voting rights bill currently before the Committee on Rules and due on the House floor soon, this editorial is most timely.

The editorial follows:

VOTING RIGHTS IN DANGER

The House Rules Committee is expected to take action today on extending the Voting Rights Act of 1965, one of the most effective civil rights laws ever passed. If the committee reports out the expected resolution, allowing the chamber simply to vote for or against the bill as amended by the Senate, there is a good chance that this crucially needed legislation will quickly be passed and sent on to the White House.

If the committee allows further changes, however, or the House rejects a rule for a simple yes-or-no vote, then a vital protection for Negro voters in the South will almost surely disappear in August, when the present law expires.

What points ominously to this possibility that any further amendments now would require that the bill be sent to a conference committee, which, because of its probable Senate membership, would provide the perfect setting for a quiet entombment.

The greatest threat to the bill, ironically, is not that the House will seek to undo Senate provisions that strengthened the original House measure. Republican House leaders and the Administration itself have made clear their acceptance of those changes.

The danger is in the proposal to lower the voting age to eighteen, introduced and pressed by Senator Kennedy of Massachusetts. Even some Representatives who favor such action believe the purpose should be achieved by constitutional amendment rather than Congressional statute. We hope that those who take this view will nevertheless forgo their preference rather than endanger the entire measure. If their reservations are solely on legal grounds, they need have no qualms, since the bill provides that a court decision ruling the method unconstitutional would affect only that provision, leaving the rest of the measure intact.

The Voting Rights Act of 1965 has made far too great a contribution to American democracy to be sacrificed before its purpose is fully served. In those Southern states affected by it, Negro registration has jumped from 29 per cent to 52 per cent, and the number of blacks elected to office has gone from 78 to nearly 500. Yet in terms of getting a majority of voting-age Negroes registered, the job is far from done. To allow the act to expire now would be the worst setback to civil rights since the martyrdom of Martin Luther King.

MR. SPEAKER—JOHN McCORMACK

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. PICKLE. Mr. Speaker, under the rules of the House, I am tempted to offer my remarks as a personal privilege speech—because it has been my privilege to serve in this great body under the direction of the best there is, Speaker JOHN W. McCORMACK.

When I was first sworn in as a Member of Congress, I was awed by the quiet power of this man JOHN McCORMACK. Over the years, that respect has not diminished; rather it has grown. In my time here, I have witnessed personally the skill, the compassion and the mettle of the Speaker, and I have learned from that experience.

To my thinking, this man richly deserves the outpouring of affection as witnessed by the appearance of former President Johnson and President Nixon who came to Capitol Hill to offer their thanks for the service he has rendered.

Of all the truly great men in government, I know of few who can match JOHN McCORMACK's minute-by-minute awareness of responsibility to his Government, his country, and his people. Many is the time I have rushed to the Speaker's office with a hot request of crisis proportions to my district, and always I have found a receptive audience. The Speaker would always listen; he would not always agree and I respect him for this, but he would always listen.

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JOHN MCCORMACK earned the respect of his colleagues by his fair treatment of all Members, regardless of party or philosophy.

His tenure at the helm is direct testimony of his worth. A lesser man could not have commanded the job for one-half the years that Speaker MCCORMACK has lead the House of Representatives. In times of both crisis and calm, the Speaker has been a steadying influence for the House. Because of my close personal association with President Johnson, I know how much he depended upon the Speaker during those initial months after that paralyzing moment at the assassination of President Kennedy. I know how much President Johnson depended on him through all these years, and I know, and even predict, that history will prove my convictions about the Speaker. He has indeed been a giant in his time. History will bear that out.

But, instead of waiting for the kindness that will come from history, I want the Speaker and the Nation to know of my high regard—my "maximum high regard" as President Johnson puts it—for Speaker JOHN MCCORMACK. I like him as a man, as a colleague, and as a leader.

Speaker MCCORMACK was Speaker when I came to the House. He is my Speaker now. He will always be my Speaker.

To the Speaker and to his beloved wife Harriet, I offer the special thanks for having shared with the Nation their lives, their energies, and their direction. I wish them every happiness.

MY GOD, HOW CAN IT BE?

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. ANDERSON of Tennessee. Mr. Speaker, we are all concerned over the events of the times, particularly those related to the war in Southeast Asia, and the high level of violence and crime here at home. Mr. Joseph R. Holmes, of California, has written some eloquent questions on these subjects. I include Mr. Holmes' words in the RECORD:

MY GOD, HOW CAN IT BE?

That one boy lies rotting from malnutrition and torture in a jungle prison camp in North Vietnam—and another boy spits and tramples on the flag of this country on the steps of a university.

That one boy lies sightless in a hospital room from communist inflicted face wounds—and another boy uses a communist flag to drape himself in defiance of the laws of this country.

That one man of medicine begins his thirtieth straight hour standing over an operating table in pursuit of life for men serving this nation—and another man of medicine implores crowds of young men to refuse to serve their country.

That one negro holds the face of his dead white comrade in his hands and cries pitifully in a dirty mud hole in Vietnam—and another negro screams with hate against his white brother on the streets of countless American cities.

That one young woman sobs with grief over the death of her soldier husband in a far off jungle—and another young woman sobs with hysteria as her body pulsates with drugs.

That one man's heart fills with pride as he stands before his President to be honored for valor—and another man stands in a gutter carrying a sign smeared with venom and vulgarity directed at his President.

That one boy lies in a coffin beneath the ground because he believed in duty to country—and another boy lies on a dingy cot giving blood to the enemies of his country.

That one man of God shields a wounded boy from an enemy bayonet with his body and dies—and another man of God uses his cloth as a shield to preach hate, dissension and lawlessness.

That in the name of liberty for Southeast Asia, Americans walk the streets, the jungle paths of South Vietnam with courage and conviction—and in the name of civil liberty for those who wallow in a life of crime, other Americans walk the streets of their own cities with fear and trepidation.

My God, how can it be?

REMARKS OF CONGRESSMAN O'HARA AT MICHIGAN PRISONER OF WAR WEEK RALLY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, on May 24, the people of the Detroit area under the leadership of the Prisoner of War Committee, Mrs. Shirley Odell of Mount Clemens, president, held a rally to mark the beginning of Michigan Prisoner of War Week. The rally, held in John F. Kennedy Square, in downtown Detroit, included remarks by my distinguished colleague, the gentleman from Michigan (Mr. O'HARA).

I include Mr. O'HARA's comments on this occasion at this point in the RECORD:

It's an honor to be here to speak a very few, inadequate words with regard to the brave Americans who are being held prisoner in North Vietnam and with regard to their equally brave families who have organized this event today.

In a time of increasing, and ever more bitter division among the American people on a great many questions, and on the over-riding question of the war itself, there are few subjects on which we can with any accuracy claim unanimity.

But if there is one such subject, it is the question of the treatment of prisoners held in North Vietnam.

There are those here today who favor an expansion of the war. There are those here today who favor rapid liquidation of our involvement in the war.

There are those here today who believe firmly and without question that the President's decisions are correct. There are those here today who think he has made a serious mistake and that present policies will not shorten the war by a day or shorten the casualty lists by a single name.

But there are few indeed who would not subscribe to the proposition that the Americans who are being held in North Vietnam are entitled *at the very least* to treatment as good as that which their fathers may have received in German prison camps in World War II.

Those who are gathered here today—those who have fathers or brothers or sons or husbands in prison camps—pray hourly for their release and their return home. But all that these wives and children and mothers and fathers have demanded as a right is that North Vietnam tell us who they are holding, let them send and receive mail on a regular basis and treat them in accord with the minimal requirements of the Geneva Convention.

The Geneva Convention on Treatment of Prisoners of War is a document of some age and considerable moral values. It stands as a symbol of hope to those who feel that a treaty can mean something. In World War II when the contending powers were fighting for their life and for their way of life—in a war which ideological considerations made particularly bitter—in a war in which at least one combatant demonstrated a willingness to eradicate millions of people as a matter of national policy—even in that war, that combatant and the others observed the Geneva Convention. Even in that bitter war, the International Red Cross was able to exercise its normal functions as a neutral intermediary between Germany and the Western Allies, frequently between Germany and the Soviets, and to a limited extent between Japan—which had never signed the Convention—and its enemies.

There were, God knows, horrible exceptions in World War II to the principle of decent treatment of enemy prisoners of war—and few combatants were wholly innocent of such exceptions. But, by and large, a prisoner in World War II was treated as a prisoner.

He was given the kind of diet and medical care which was available to the soldiers of the nation holding him prisoner. In Japanese and German prison camps toward the end of World War II, this wasn't very much. But it was for the most part as good as the German and Japanese soldiers were getting at that time.

He was, for the most part, able to count on the intervention of the International Red Cross.

And, for the most part, *his family knew he was a prisoner!*

None of these things are true with respect to the prisoners in North Vietnam today.

There are nearly 1500 Americans missing in this war. Of these, only about 400 are, in fact, *known* to be prisoners.

Their treatment leaves much to be desired. The pitifully tiny handful who have been released have told tales of brutality and starvation that would turn any stomach. For a while, the North Vietnamese government noisily talked of trying them as "war criminals." But under the pressure of world public opinion, this threat, at least, has waned.

The ability of these prisoners to write to their families and the ability of their families to write to them or to send them relief packages is severely limited.

A self-styled Liaison Committee with families of servicemen detained in Vietnam has claimed to have expedited the mail situation. And whether this Hanoi approved group deserves any credit or not, there has been *some* improvement. But in fact, the situation is still very difficult with regard to mail.

But above all, the worst and cruelest fact of all is that the North Vietnamese have continually and consistently refused to release lists of the names of those held in their camps.

The pain of knowing that your husband or your father or your son is in battle and in peril of his life is difficult enough to bear. The knowledge that he has been wounded and is fighting to hold on to the life that for most of these young men has just really begun, is harder to bear. Almost as painful is the knowledge that he is a prisoner held in a distant land with his future dependent largely on the efforts of others and on the outcome of battles in which he cannot participate.

But the worst fate of all is not to know if he is a prisoner or indeed even if he is alive. Those who bear the cross of uncertainty bear the most difficult burden this long and bloody war can impose. They are entitled to, and they have our sympathy and our help whatever we may believe about the war itself.

On the question of expressing this nation's determination that its prisoners shall be treated according to the Geneva Convention and by minimal standards of human decency, there is no division—in the nation, or in the Congress—and indeed congressional resolutions endorsed by the families of prisoners have been approved by the House of Representatives without a dissenting vote.

In a recent letter to a Washington newspaper, the wife of an American prisoner of war has gone to the heart of the matter. She says, "Only world opinion will persuade Hanoi to change its policy on prisoners. It is known that the North Vietnamese cannot believe that the American public really cares about 'just 1500 men.' " As this brave American woman suggests, however, it is the genius of a free society that it does not reckon the mortality of a question in terms of the number of people involved.

The gas chamber of Auschwitz and Belsen were immoral when the first man died in them, long before their terrible toll mounted. The refusal of Hanoi to communicate the names of prisoners to the Red Cross became immoral the first time it happened, not when the figure reached 400 or 700 or 1,000 or 1,500 or whatever figure it has actually reached now.

The families of these prisoners have demanded that Hanoi abide by the obligations the civilized community of nations has set for the treatment of war prisoners. They are entitled to nothing less.

SILENT MAJORITY SPEAKS OUT

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. MYERS. Mr. Speaker, more and more of the so-called silent majority are contacting our office to express their support for President Nixon. Such a vote of confidence arrived today from a student at Indiana University who wanted to assure me that the vocal minority does not speak for her. Her comments, which I would like to share with my colleagues, are typical of the comments I am hearing throughout my congressional district:

TUESDAY, MAY 19.

Hon. JOHN MYERS,
Cannon Office Building,
Washington, D.C.

DEAR SIR: I realize you'll probably never see this; but hopefully, someone will.

I just want to thank you for trying and doing a good job as my Congressman. I know how difficult being in office must be—especially during such a pathetic period.

I wish the war was over but it makes me sick to think my generation acts so resentful. Someone has to fight the war. If my parents could fight in World War II so that I could live in a free country then the least I can do is fight for my children. Oh yes, I'm a girl but when I get my degree in 2½ years I'm going to either join the Peace Corps or work for the Red Cross even if it's just serving donuts to the soldiers.

This country has given me too much to just sit back and watch it rot away with the corruption of many of my generation.

Thank you again, Congressman Myers. Run in '72 and by then I'll be able to vote for you.

Yours truly,

ANNACAROL LAMPE,
Indiana University.

QUESTIONS ON CAMBODIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. FRASER. Mr. Speaker, in light of antagonism and disturbances perpetrated by the Lon Nol regime against the NLF and North Vietnamese Embassies—March 11, 1970—and actions taken against Vietnamese living in Cambodia it is easier to understand the difficulty Lon Nol is now having in negotiating with Hanoi. The United States as well has jeopardized any prospects for peaceful negotiations.

These two points are discussed by the director of the Southeast Asia program at Cornell University, Prof. George Mc T. Kahin, in his analysis of a set of questions and answers the Nixon administration has issued:

ANALYSIS

9. THE ADMINISTRATION'S QUESTION

If Lon Nol cannot beat the communists, why does he not negotiate with them or compromise with them as Sihanouk did?

The administration's answer

We understand that he has made several offers to open negotiations.

We also understand that talks were held immediately after the new government came into power and that the North Vietnamese broke off those talks when they pulled almost all their staff out of Phnom Penh.

Since that time, the North Vietnamese have refused to deal with Lon Nol and have called for the overthrow of his government. He has made several efforts to deal with them, we understand, but they have refused. It seems clear from their tactics that they either want to gain control of Cambodia or to intimidate the government to let them have free use of large portions of the country.

Our answer

It is incredible that in the above answer no mention is made of the fact that *before* Lon Nol's alleged indication of a desire to open up negotiations, he and the Cambodian army had organized the sacking of the North Vietnamese and NLF embassies (March 11, 1970). As a consequence of these army-supported mob actions as well as other more serious violence taken against Vietnamese living in Cambodia, one can appreciate that Lon Nol was hardly setting the stage for negotiations. Moreover, the attacks of his army units in cooperation with South Vietnamese and American forces against NLF and Hanoi base areas did not increase prospects for negotiations.

10. THE ADMINISTRATION'S QUESTION

Do we not think that operations by U.S. forces inside Cambodia will jeopardize the prospects for negotiations?

The administration's answer

Recent North Vietnamese actions and statements give no indications that they are ready to negotiate. In fact, they may be postponing any serious negotiations which they might have contemplated until they can see what happens in Cambodia.

I think we should not continually act on the assumption that a de-escalation by our side will promote negotiations whereas any new action which we might undertake will jeopardize them. Over the past year we have de-escalated in a variety of ways and Hanoi has steadfastly refused to talk seriously. Under those circumstances, I do not believe that what we are doing now will jeopardize any prospects for peace which might have existed.

Our answer

It is already evident that the invasion of Cambodia has made President Thieu even more outspoken in his refusal to accept a negotiated settlement, and in his insistence upon a solution by military means. If, as the Administration has repeatedly stated, the Vietnamization program was designed to reduce American commitments in Southeast Asia and to facilitate the achievement of a negotiated settlement of the war, the Cambodian adventure is impossible to justify. By enlarging the area of conflict and the scope of American commitments and by increasing the number of disputing parties, it adds enormously to the length and complexity of any agenda for negotiations. With the U.S. and the Vietnamese now enmeshed in a Cambodian civil war a virtually insoluble Cambodian problem is added to the already intractable Vietnamese problem. It is no longer enough to settle the war in Vietnam and Laos; we are assuming a responsibility for settling a Cambodian war as well.

President Nixon's precipitate invasion of Cambodia has not only further polarized internal political forces in Cambodia; but by aligning Sihanouk (who for so long had managed to remain unaligned and genuinely neutral) with Moscow and Peking, it has increased polarization within the concerned international community. The President's action has seriously reduced the confidence of Japan and our most important European allies in America's foreign policy; and it has drastically undercut the possibilities for any Soviet offices in getting a negotiated solution of the Vietnam war underway. Thus, the long-term consequences of President Nixon's short-sighted military escalation further diminish the already faint prospects for that negotiated settlement of the war to which the Administration has repeatedly committed itself.

A STUDENT LOOKS AT AMERICAN YOUTH

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. ROBERTS. Mr. Speaker, at a time when many students are being criticized for their irresponsible actions, I was heartened by the receipt of this inspiring poem. It was written by Tony Mattasolio, a 17-year-old student at Robert E. Lee High School, in Tyler, Tex.

XUM

I commend it to my colleagues and others seriously interested in learning about both sides of the student question:

I KNOW

(By Tony Mattasolio)

A boy becomes a man when he has to.
When he is forced to face the responsibilities of manhood.
A student becomes an adult not through knowledge gained, but knowledge applied.
There are many things to know, without necessary being twenty-one.
I know, as a student, I have been made ashamed; made ashamed not of *my* actions, but of people's my age.
Ashamed of being a student.
Ashamed of being a teenager.
Ashamed of being referred to as the juvenile group.
I know that there are still people among us who want to do right,
But, I also know that there are masses of people, worlds large in number who are filled with the sour juices of apathy.
Indifferent persons, or equally as bad, persons who fail to realize the dangers of our own country's internal affairs.
I know that I am a man of lesser experiences than of my forefathers who fought for me.
The men who died to make it possible for me to help send my brethren to the moon.
I know that in the pitiless heart of society, there dwells the diseased mind of many.
Ones who take thousands of shapes, forms and colors.
Ones who have queer flags, kill guards and riot.
And I know that in the nucleus of these sick minds lives a desire to destroy what America has always stood for.
The valor, effort and pride that endless amounts of people sacrificed for,
Died for.
To endanger such a precious thing as the American people's liberty,
To confiscate our tremendous honor,
To endure our high standards to be infested with such heresy,
To allow this type of atrocious behavior to continue under the American flag, would be total appeasement into the hearts of our sick minorities.

AN OPPOSITION TO THE MILITARY CONSTRUCTION AUTHORIZATION FOR FISCAL YEAR 1971

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. SCHEUER. Mr. Speaker, I oppose the military construction authorization for fiscal year 1971. In a year when the budget is right, when labor, health, and education programs are woefully underfinanced, when the key criteria for funding programs are supposedly cost-effectiveness and performance, and most of all when the need for reordering our national priorities is more urgent than ever, I find it impossible to vote for such desirable but deferrable facilities as theaters, expensive commissary quarters, and men's clubs for the military.

Some glaring specific shortcomings have also induced me to object to this legislation. The Safeguard missile program I am convinced is ineptly planned, unnecessary and counterproductive as it is a dangerous provocation in our international relations. If we grant the $325.2 million this bill requests, these funds will simply disappear into the insatiable maw of the omnivorous military-industrial complex which has been so unreliable, and what is worse, unaccountable in the past decade.

PITTSBURGH PHYSICIANS EXPRESS CONCERN OVER WAR, CAMPUS UNREST

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. MOORHEAD. Mr. Speaker, physicians as a group do not ordinarily mobilize to publish statements of concern over foreign policy; for one thing, they are usually too busy caring for all of our health needs.

So, it is particularly significant when statements, such as that sent to me recently by one of my constitutents, Dr. Jack Paradise of Pittsburgh, appear in print.

It seems to me that an administration that cuts the health budget while talking about a "national medical crisis"; reduces funds for medical manpower training, while complaining about the shortage of medical personnel; slashes funds for health research that could save future lives—and at the same time escalates our very human involvement in Southeast Asia, which I believe has contributed to divisiveness on the campus, and nearly everywhere else—could well heed this plea on behalf of those whose profession is dedicated to saving lives.

I am pleased to include the statement of concern by 82 Pittsburgh doctors at this point in the RECORD for the attention of my colleagues:

THE INDOCHINA WAR AND THE RIGHTS OF STUDENTS: A STATEMENT OF CONCERN BY 82 PHYSICIANS

We write this statement as citizens and as Pittsburgh area physicians concerned with human life. We decry violence of all types.

We believe that American military actions in Vietnam and Cambodia are resulting in needless death, injury, and destruction.

We do not agree that retaliation—lethal or otherwise—is an expected result of student participation in anti-war demonstrations. Students who express their horror and indignation at this war through peaceful demonstrations are not merely within their rights; they are exercising their moral and civic obligation to speak out against what they perceive as wrong. As Secretary Hickel pointed out, our leaders have not appeared to be listening to students or trying to understand their position. Instead, they have created an atmosphere of hatred and divisiveness by implying that student opposition to the war is unpatriotic. This atmosphere, we believe, helped make possible the killing of students at Kent State.

We urge a prompt end to the war in Vietnam and Cambodia, so that our nation may turn to the improvement rather than the destruction of life.

Siamak A. Adibi, M.D., Sheldon Adler, M.D., Thomas E. Allen, M.D., Max A. Antis, M.D., David Bachman, M.D., Lawrence C. Bachmann, M.D., Lee W. Bass, M.D., John Baron, M.D., Marvin L. Bellin, M.D., John Berardinelli, M.D.

Milton Bilder, M.D., Eugene Blank, M.D., Charles D. Bluestone, M.D., Jane Breck, M.D., Philip Brostoff, M.D., Sidney N. Busis, M.D., C. Glenn Cambor, M.D., Maurice S. Cerul, M.D., Robert Chanovitz, M.D., E. Joseph Charny, M.D.

Robert M. Coyle, M.D., Sophie J. Coyle, M.D., Catherine DeAngelis, M.D., Carmen A. DeChesaro, M.D., Frances L. Drew, M.D., Sheldon M. Epstein, M.D., Richard A. Finegold, M.D., Stanley Fisher, M.D., Warfield Garson, M.D., Kenneth L. Garver, M.D.

Milton W. Golomb, M.D., Samuel P. Harbison, M.D., Christa-Marie Homann, M.D., Juergen Homann, M.D., Donald N. Hutchinson, M.D., Gilbert H. Isaacs, M.D., Stanford Isaacson, M.D., John B. Josimovich, M.D., Richard L. Kalla, M.D., Irwin Kash, M.D., Sidney S. Kaufman, M.D.

Laibe A. Kessler, M.D., Yale D. Koskoff, M.D., Norman N. Kresh, M.D., Stephen Landay, M.D., Joseph Leighton, M.D., Cora C. Lenox, M.D., Macy I. Levine, M.D., Kathryn H. Lewis, M.D., Samuel Lewis, M.D., Benito Lombardi, M.D.

Ned G. Maxwell, M.D., Richard H. Michaels, M.D., Richard W. Moriarty, M.D., Jack L. Paradise, M.D., Leo R. Patton, M.D., Richard Paul, M.D., Mark M. Ravitch, M.D., David E. Reed, M.D., John B. Reinhart, M.D., Gerald P. Rodnan, M.D.

Joan B. Rodnan, M.D., Kenneth D. Rogers, M.D., Lore Rubin, M.D., Diane Sachs, M.D., Joseph Schachter, M.D., David P. Segel, M.D., Richard P. Shapeea, M.D., Frank E. Sherman, M.D., Herschel Sidransky, M.D., Earl B. Smith, M.D.

Abraam Steinberg, M.D., Milton G. Tall, M.D., Douglass S. Thompson, M.D., Robert G. Tyson, M.D., Alan Winkelstein, M.D., Jerome H. Wolfson, M.D., Michael R. Wollman, M.D., David N. Yatzkan, M.D., Eugene L. Youngue, M.D., George Zitner, M.D., Janis Zvargulis, M.D.

Committee for Physicians' Statement: Kenneth L. Garver, M.D., Jack L. Paradise, M.D., Richard H. Michaels, M.D., Robert G. Tyson, M.D., Co-chairman.

PRAYERS FOR NIXON URGED

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. KING. Mr. Speaker, one of my favorite correspondents is Mrs. Gertrude Andrus Record, of Mechanicville, N.Y., a young woman of 93 years of age. Many times in the past she has written me and always has a knack of coming up with the proper suggestion. Recently I saw a letter from Mrs. Record to the editor of the Saratogian, our hometown newspaper. I thought her sentiments were so profound that I include her editorial in the RECORD at this point. I only wish that some of our younger generation had the wisdom of Mrs. Record.

PRAYERS FOR NIXON URGED

This is a plea to the people of our nation to go down on their knees praying that our harassed President be given wisdom, courage and strength to meet the tragic challenges which he has inherited.

Far too long the conditions which exist in this country have been building up.

XUM

Too long we have been indifferent to the ruin of our lakes and forests. Far too long we have been blind to scheming gangsters who control our economy.

We have been asleep while traitors infiltrated our schools, our colleges, our unions, our social and political organizations.

We have been grasping in our gratification of "good times," in our love of pleasure. We have danced when we should have been at work. Suddenly we are aware that we have become a tragically sick nation.

It did not all come to pass in the 16 months since Mr. Nixon became President. He inherited it. He is not responsible for the Asian conflict, for the frightening influence of huge families of gangsters, for the pollution, for race hatred, for the wave of rebellion. It has all been years in building up.

And now we weep for ourselves and demand that our President, with little help from us, correct that which downgrades our poor, sick nation.

Let us help him, first in winning the war. Then, there will be released billions of funds to be used to control all of these other ruinous evils.

Mr. Nixon needs and deserves our dedicated concern and our help.

May God hold him close and give to him wisdom, courage and strength to accomplish what I firmly believe he so desperately is trying to do.

With God's help, he will succeed.

GERTRUDE LONG ANDRUS RECORD.

NATIONAL PRIORITIES

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. PHILBIN. Mr. Speaker, the list of our needs and priorities in many areas is growing by leaps and bounds. We must bring our country and its services to the people up to the levels of need in this space-jet age, and particularly in the 1970's. The money is in our record gross national product and it must be brought forward as painlessly as possible to meet crying needs. This is a must that cannot be ignored or compromised. It must be fulfilled now. And it must be done without unfair, excessive tax levies on any individual, class, or group.

Frankly, if we could establish universal peace we would be in a much better position to meet some of these great problems in the homes, schools, hospitals, and lives of the American people—young and old.

If we could, for example, have world peace tomorrow, in the not too distant future, this would make billions of dollars available for many urgent social and economic programs (to which I have referred)—although, admittedly, this huge sum would hardly be enough in the light of all the deferred demands of many kinds pending that have very high priority.

We must remember two things about such comments and proposals.

First, we are living in a very dangerous world, and further the Soviet Union and its allies are keeping the pressure upon us practically everywhere and have not even been willing up to this time to discuss seriously with us the peace options, which if agreed upon, could so easily lead to total world peace and a virtual millennium on this earth. As one of our most illustrious diplomats observed to me just today. "We never got to the negotiation stage. We were bogged down by frustration and refusal to bargain."

The Soviet Union makes all the gains because they have developed and are supporting loyal, ferocious allies in other countries, who are waging their fight to subvert and take over other nations and incorporate them into the Communist world.

They are willing to spend the money to furnish huge supplies of arms, aircraft, missiles, and other deadly weapons to enable these smaller nations to fight, as North Vietnam is doing, in wars of aggression but they are not willing to talk peace, or at least they have not been willing up to this time.

It is a matter of note that less than 48 hours after Congress voted to implement the ABM system last year, the Soviet Union agreed to enter the SALT talks that are now talking place.

Now I do not know what that illustrates, but we know very definitely that the Soviet Union is very strong in total military power and destructive capability and is spreading this potential to other nations that may be intent upon aggression in numerous areas.

It possesses great strength in every important defense category on land, sea, and in the air that this Nation cannot afford to minimize or ignore.

So long as this raw power lies in the hands of nations that will not even negotiate sincerely to effectuate the peace, this Nation will be required, if it hopes to exist and survive, to maintain armed forces adequate to defend this country as best it can in a nuclear age against all who seek conquest or destruction of the monuments and institutions of freedom.

If we were to do otherwise at this crucial time in history, when communism is making gains inside, as well as outside, the United States, we would be guilty of gross, criminal neglect of our national security, and we would greatly endanger our survival as a free Nation—indeed, we would be leaving ourselves open to deadly attack. But I do not want to belabor these points further at this time.

I am pointing to the fact that if we could afford to dispense with a substantial part of our huge Defense Establishment and still retain an adequate defense, we might be able to transfer some of the money saved to some of the constructive purposes that I have mentioned in my foregoing remarks.

At the same time, we must realize that even such a large sum would not be nearly large enough to meet all of the extreme, and ofttimes urgent, needs that the American people are seeking in terms of social security, medicare, medicaid services and health and welfare, not to speak of education, welfare and other humane needs.

But at least at this time, before the situation grows worse, let us tackle and try to dispel, and eliminate the hideous specter of uncontrolled pollution in our midst that has threatened to turn this country into a foul and nasty place—an unfit habitat for human beings and animal life.

Also, let us move fast and with determination to provide for our education, health, and hospital needs without cavil or delay.

Above all, let us be reminded that unless we keep strong, able to defend ourselves, protect our shores and free heritage, everything else we do will be in vain, for we shall perhaps have lost our birthright and committed ourselves to Communist domination, slavery, or destruction.

It is clear to me that this adds up to maintaining our defense and striking power at adequate levels to protect our security in a world where we face not only enmity and hatred, but are threatened as never before from both at home and abroad. Let us not miscalculate these dangers, and let us not underestimate the power, strength, and intentions of our possible adversaries in the world.

RHODESIA DESERVES BETTER TREATMENT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. FISHER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include a recent newsletter in which I discussed the subject of Rhodesia. The report follows:

NEWSLETTER

How much longer will the United States arbitrarily refuse to recognize and do business with the small Republic of Rhodesia? That African nation has done us no harm. It even offered at one time to send some aid to South Vietnam if we asked for it. It is a friendly country, rich in resources, and strongly committed to the western struggle against the relentless forces of communism.

But the United Nations decided several years ago that it did not like the way internal affairs were being handled inside Rhodesia, and so a boycott of trade was decreed—joined by the U.S.A. That occurred during the Johnson administration. More recently, during the present administration, at Britain's urging we pursued the boycott and sanctions, and then closed down our consulate in Salisbury. The British had asked for it.

To be sure, there is much evidence that Rhodesia is controlled by a minority. So what? So are most of the other Nations of the world, for that matter. But who are we to probe the internal affairs of other countries? Are we not committed to the concept of self-determination?

While our British friends were pleading with us to shut down our consulate in Salisbury, the Union Jack continued to fly over the British consulate in Hanoi! While we refuse to allow any U.S. trade with Rhodesia, our government makes overtures to open trade relations with Red China.

And, aside from the principle of the thing, we cut our nose off to spite our face. For example, it happens that Rhodesia and the Soviet Union are the world's two principal producers of chromium, an essential ingredient in the manufacture of stainless and chrome steels. We must import it. But from where?

Union Carbide Corp. is one of the leading suppliers of this mineral. It had 150,000 tons from its mines in Rhodesia paid for and ready for shipment when the sanctions were clamped on three years ago. In the meantime, the price has jumped from $35 a ton to $55 a ton.

Despite Union Carbide's pleas, the U.S. has steadfastly refused to allow a ton of that chromium to be imported from Rhodesia. And so Union Carbide has been buying its chrome from the Soviet Union—a Nation controlled by the tightly managed Communist party, which constitutes less than 10% of the Russian people.

Let us hope this unrealistic, indefensible policy will not be continued. Let's cut out this nonsense!

WYOMING RURAL ELECTRIC NEWS REPORT ON WYOMING'S ELECTRIC POWER CONFERENCE

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. WOLD. Mr. Speaker, the May 1970 issue of Wyoming Rural Electric News was entitled "Special Wyoming Power Edition" and devoted to the electric power conference sponsored by Wyoming's progressive Governor, Stan Hathaway.

The publication, edited by Stu Crawshaw, noted editorially that "our society today cannot exist nor function without an adequate supply of electricity" and called for an enlightened attitude toward power generation and conservation/antipollution measures.

Mr. Speaker, I include the central article and editorial concerning the power conference:

HAVE YOUR CAKE AND EAT IT

This issue of the Wyoming Rural Electric News is a departure from previous policy as far as content is concerned. Heretofore, we have avoided overloading with REA news, electricity, etc. First, because to most people it is a dry subject. Secondly, being the largest rural magazine published in Wyoming places upon us an obligation to satisfy some of the communication needs and desires of rural people . . . which include agriculture, history, politics, and many other subjects.

But we have devoted most of this May edition to the Wyoming Electric Power Conference sponsored by Governor Hathaway for a very good reason. We think that every Wyomingite should be aware of the problems facing the industry, and how they will be solved. Power users should have ideas about how their electricity reaches them, and they should know more about who supplies it.

It is a fact that our society today cannot exist nor function without an adequate supply of electricity, which makes the problem of maintaining this supply more than just the power company's concern. It is a subject for every citizen. Your awareness is important to your power supplier, whether an REA cooperative or a private corporation.

The public is creating a huge demand for power all over the nation. Americans are using more and more of it everyday . . . to the extent that in less than ten years they will far exceed our present ability to produce. As the power organizations begin to make plans for the building of additional generating plants, power plants stand idle under court injunctions brought about by environment protectors.

Demands to stop the pollution of our land, air, and water are top news everyday. Most of these demands are reasonable and vital to our future existence. Some of them are ridiculous. The anti-pollution movement is no more immune from crackpots than any other.

While the power industry has itself, with few exceptions, pioneered in meeting the demands of clean environment, the hysteria which so often accompanies highly emotional issues threatens to disrupt efforts to gear up for these huge expected demands. The situation is so critical in some parts of the country, that the shutting down of one generating plant could cause far-reaching "brownouts" and even total blackout.

As our technology advances, the ability to more successfully control the smoke emission from power plant chimneys will grow with it. But this is expensive, and the consumers who demand pure air along with all of the electricity they can use must be prepared to pay more for both.

Someday someone will find a satisfactory way to handle the heat discharged from a power plant . . . maybe even a valuable use for it. In the meantime, the extremists may lead us into making a choice between having all the power we need and want, or stopping every last little vestige of the effects a generating unit has on its environment.

The power industry offers great promise for Wyoming's future. With the unlimited coal reserves here, this state could easily become the power capital of the United States. The benefits this development would bring, both socially and economically, need not be spelled out. With the increasing capabilities of the electric business to keep itself compatible with esthetic and health requirements, they can be attained without encroaching on the desires of those who wish to preserve the virgin qualities of our state. In this case, we can have our cake and eat it too.

This is why your understanding is important. As the air and water belongs to you, so does electrical energy and the potential of the earth to produce it. If you are not prepared to return to the kerosene lamp, the washboard, the outside toilet; and you're not willing to give up the T.V., dishwasher, automatic furnace . . . then you had better get with it. It's your problem too.

POWER CONFERENCE

(By S. J. Crawshaw)

As important as the air we breathe, and almost as fundamental today as life itself, electrical power is the hidden servant that turns wheels, heats homes, waters crops, and does a thousand other uncountable jobs in industry and on the domestic scene. Yet, like many important elements in our lives, we take it for granted . . . until it is not there.

To make sure that it will be there . . . always when demanded, . . . the nation's power suppliers are taking a hard look at their own industry. They are finding some alarming answers to difficult questions, and are beginning to see, waiting around the corner, some monumental challenges looming in the future.

Interconnection of all power companies across the country, crash programs to generate new power, developing better uses for electricity, meeting the need to protect the environment; these are just some of the problems the industry has to face. But they don't belong only to the power company. Every person who benefits from the use of modern electrical applications . . . and that's just about every American . . . shares in these problems, and it behooves him to share in their solution.

In an effort to bring all of Wyoming's electric suppliers together for a cooperative look at their common problems, Governor Stan Hathaway called an "Electric Power Conference" last month in Cheyenne for a two-day meeting. The response was overwhelming.

With attention focused on the fact that someday people in the mid-west will be using more electricity than can now be generated, over 300 representatives of all phases of the industry . . . public, private, and REA . . . joined to discuss privately and on organized panels the means of solving power supply problems, with all the ramifications that go with them.

COAL

While speaker after speaker spoke of Wyoming's huge coal reserves, regarded so fondly by the state's developers, in the eastern seaboard other power companies expressed alarm over their dwindling coal stockpiles. Consolidated Edison in New York announced that it would have to "ration" power this summer in residential areas, causing controlled blackouts to avoid shutting down vital industrial and business facilities.

As the conferees in Cheyenne discussed how Wyoming coal could be converted into electricity here, with the accompanying benefits of tax base, employment, etc.; and ship it out of state by wire to areas where it is so badly needed, the American Public Power Association in Washington, D.C. fired off a letter to President Nixon demanding steps to be taken in the next few weeks to prevent widespread "brownouts" . . . and even total blackout.

While in Cheyenne they talked of Wyoming's 900 billion tons of coal, most of which lies idle beneath the earth, power plant operators in other parts of the U.S. watched with increasing dismay their coal stockpiles shrink from the customary ninety-day reserve down to sixty days, and as low as fifty-four days.

ENVIRONMENT

During the time of the conference, students at schools and universities along with older citizens were gearing up for "Earth Day" slated to be held the week following. While the environmentalists prepared frantically for this national focusing on protection of air, water and land, the Power Conference participants in Wyoming's capitol seriously and unemotionally talked about the same thing. It was evident that they have been working for some time to eliminate any contributions they might have been making to pollution.

GETTING TOGETHER

Where conflicts . . . serious ones . . . used to exist between private and consumer-owned electric distributors, the Governor's Conference made one thing very clear. The day of the conflicts, at least in Wyoming, are over. The need for rapid solution to their problems, and with the guiding hand of the state's Public Service Commission and a progress-minded governor has tended to fuse a common bond between all . . . and it appears to be strengthening.

Interconnecting power transmission lines which carry large amounts of electricity to the load areas will someday be an accepted fact. A huge national "grid" of these lines will allow power to flow in any direction, from one system to another, providing uninterrupted energy sources for the consumers of every company and cooperative. This, it was felt, would be the basis for cooperation. Joint ventures in building and operating power generating plants will be another.

WATER

Water inevitably became a subject for talk. To use coal for power generation with conventional methods ("thermal-generating"), water is necessary for cooling purposes. Neil

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Simpson, Black Hills Power & Light president from Rapid City described his company's revolutionary air cooled condenser experiment at Wyodak, east of Gillette.

Simpson, an authoritative speaker, explained long-dreamed-of benefits to both utility and consumer that this new concept will produce . . . lower cost power because it allows the generator to be placed right at the coal mine, eliminating high transportation costs. Black Hills' experiment will prove to be a boon for Wyoming utilities if it allows them to divorce themselves from huge water needs.

FARM AUTOMATION

The changing face of agriculture was the reason offered by Wyoming State Rural Electric Association president, Merl Rissler of Casper, for the huge increases in power use facing the state's fifteen rural electric associations. Farmers are demanding automation to free them from long hours ". . . to give them the same recreational benefits their city cousins have already attained," Rissler stated, adding that labor shortage for rural areas is another contributing factor. "Sprinkler irrigation, both circular and solid-set, will be a necessity on farms and ranches where good low-cost hand labor is no longer available." Rissler, with an eye on the future, looks for the day when such "far-out" devices as closed-circuit television will be regular equipment on large livestock operations. With this, he says, one man can keep his eye on hundreds of cattle or sheep at the same time.

Using past records to illustrate his point, Rissler indicated that the consumer-owned power systems in Wyoming will be needing twice as much electricity in 1977 as they are using today. In addition to irrigation, he said that oil production, the building of more summer and recreational homes, electric home heating, and the expected influx of population and industry will bring about greater demands for electricity in Wyoming's rural areas.

BACK AT THE COAL MINES

Iowa Public Service Company is preparing to ship coal from Hanna, Wyoming mines in "unit trains" to a power plant near Sioux City. This was told to conference listeners by Governor Stan Hathaway in his opening speech. "Wyoming," Hathaway added, "is in an advantageous position in the middle of a donut. All around us demands for more electricity are going up . . . ."

Former Dept. of Economic Planning Development director Roy Peck, introduced as "co-publisher of the Riverton Ranger", spoke in glowing terms about Wyoming's potential as a supplier to the nation's power users. The state is, Peck said, "in the middle of the greatest and most successful search for minerals since Texas oil field days or the California Gold Rush." As far as how much coal there is in Wyoming is concerned, Peck told a luncheon gathering that, "it doesn't matter whether we set these reserves at 120 billion or 560 billion tons . . . there is enough coal to meet present energy needs of the world for two thousand years or more." Peck is known for his zeal and enthusiasm in helping to develop Wyoming economy, and is expected to be a contender for political office in the upcoming elections.

JOINT VENTURE

Consumer-owned and private power companies *can* work together in using these coal reserves. Bob Risch, of Tri-State Generation and Transmission Association said so . . . and so did REA administrator David Hamil.

Risch, operations manager for the Denver-based wholesale supplier of power to twelve of Wyoming's REA co-operatives, had several suggestions for joint venture. ". . . Investment sharing," he said, "where the actual generating facility is owned by a number of utilities and the investment shared on the basis of the power to be provided each utility." He also suggested the "staggering of construction" through joint planning so that surplus power from one plant could be used to supply another's customers until a plant in that area is built.

Benefits from joint ventures, Risch said, would include more reliable service, savings in money, conservation of natural resources and protection of water supplies.

Hamil, who has long been known as an advocate of cooperation between private and public power organizations, laid it on the line with several examples of jointly operated power plants now existing in the east. He called for common efforts to solve common problems.

A former Colorado cattle rancher, Hamil held the same position with REA under the Eisenhower administration. He has frequently stated that he would make REA loans for generating plants contingent upon whether prospective borrowers were considering joint facilities with private investor-owned power companies.

EGGS HATCHED

Keynote speaker of the conference was Federal Power Commissioner Carl Bagge who topped off the conference banquet with a speech that was a mixture of pats on the back and spankings for power companies. Warning of the enormous strains that future demands will make upon the power industry, Bagge said, "Nowhere is the problem more critical than in the west which still represents the last frontier of spacious, unspoiled landscape and clear blue skies."

Wyoming coal got a boost from him too. "Nuclear power generation," Bagge commented, "was not the great panacea we had envisioned. Utility planners had placed too many of their eggs in the nuclear basket, but now the eggs have hatched and have come home to roost." He pointed out that nuclear methods of power production are proving to be too costly and have the added problems of pollution.

What is hoped will come out of the Electric Power Conference is the appointment of a Governor's Advisory Committee to help with the coordination of power planning in the future. Only in this way, is it believed by leaders in the industry, will effective use be given to new knowledge of pollution control, cooperation between power systems, and the desire to develop Wyoming as the major supplier to the nation.

JAPANESE ARE AIMING AT ECONOMIC TOP SPOT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. GAYDOS. Mr. Speaker, the threat of foreign imports to the American domestic market no longer is considered just a smudge on our economic horizon. The threat is all too real now. It looms menacingly over the entire national economy.

The House Ways and Means Committee has recognized the danger and now is holding hearings to determine what must be done to protect the American textile and shoe industries, which are teetering on the brink of economic extinction. The proceedings are being watched with interest by other industries which already have felt the squeeze of foreign competition on the home market.

The chief threat to America's economic security is Japan. She is the leading exporter to the United States and just this month she replaced this Nation as the leading exporter of goods to the Philippines. Her tremendous strides to gain dominance over the world trade market has caused justifiable alarm. She seeks to expand her exports while maintaining a strong protectionist policy on goods imported to Japan.

Japan's burning ambition to achieve superpower economic status in the world is clearly spelled out in five articles written by Sylvia Porter and appearing in the Pittsburgh Post-Gazette. I intend to submit the articles, separately, for inclusion in the RECORD. The first appears below and I strongly urge my colleagues to read it and heed the message:

JAPANESE ARE AIMING AT ECONOMIC TOP SPOT

(By Sylvia Porter)

TOKYO.—From a nation bombed into a shambles a mere 25 years ago, Japan has surged ahead to become our Number One competitor in the trade markets of the world. Now, from an astoundingly advanced level in 1970, Japan is striving to surge further ahead to replace us as Number One of all world economies well within the next 25 years.

After an intense working trip to these crowded islands (103 million people in an area smaller than California), Japan's ambition to become an economic superpower stands out as my most vivid impression.

Whether or not she achieves her aim will depend as much on how you react to this challenge as on what Japan dreams of.

When I accepted the invitation of JETRO (Japan External Trade Organization) to visit Japan last month, I had my fists up—for I thought of Japan's competition primarily in terms of a threat to us.

I was well aware of her enormous sales of textiles to the U.S., irritated by her refusal to meet our textile industry's complaints by imposing voluntary quotas on her shipments, deeply annoyed by her maintenance of steep tariff-tax-quota walls around her own booming industries while she moved in on free markets everywhere else.

Now my fists are still up, but now I view Japan's competition primarily as a challenge which can benefit all of us if we only have the determination to seize and meet it.

Item, autos: The major reason Detroit is giving us sub-compacts at relatively attractive prices this year is: fierce competition from Japan's Toyota and Datsun on top of Germany's Volkswagen. Imported cars will account for more than 11 per cent of our new car market in 1970: Toyota alone is selling more than 200,000 cars a year to us.

But Detroit is fighting back now with the U.S. mini-models and it seems inconceivable to me that America's genius for innovation and automation can't meet the Japan-Germany challenge. As for us, the car customers, we cannot help but benefit.

Item, steel: The reason our steel industry has in recent years adopted cost-cutting, product-improving methods which are enhancing our competitiveness around the world lies in one word: Japan.

Steel is Japan's largest single export today; she is the world's leading steel exporter in tonnage; the newly merged Nippon Steel Corp. tops U.S. Steel; we are Japan's leading customer for steel. All this has finally compelled our steel companies to modernize to survive.

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Now, although Shigeo Nagano, chairman of Nippon Steel, smilingly predicted to me that "Japan will rival the U.S. steel industry within a decade," other objective observers believe our updated steelmakers can and will remain in the number one spot.

Item, textiles: One basic reason our cost of clothing has risen less than most other essentials is: Japan's exports of textiles to us. So serious is her low-priced competition that the powerful House Ways & Means Committee chairman, Wilbur Mills of Arkansas, is spearheading a drive in Congress to limit her sales here.

The U.S. and Japanese textile industries are in an eyeball-to-eyeball confrontation and the issue has moved out of economics and into the emotional sphere.

Before protectionism here reaches the point of new laws, though, I'm still confident the textile issue will be negotiated and compromised—with U.S.-Japan government prodding. And if this also forces modernization of our industry, you and I again will benefit.

I do not underestimate Japan's ambitions or capacities!

Although dozens of the influential men I interviewed in Japan denied her objectives, I knew they were telling me what they thought I wanted to hear. And who's kidding whom? We, of all nations, ought to agree it's only human to strive to be No. 1.

But I also know that at stake is $7 billion of two-way trade between us, slated to reach $15 billion by 1975. At stake too is Japan's role as an equal trade partner, a friend in a crucial world area.

And I know that if we retreat to trade walls now, we're throwing away dollars in exchange for dimes.

Japan, a threat?

No, not if we insist that she open her markets as befits a nation at her economic level now and if she lives up to the rules of the world trade game.

Japan, a challenge?

Yes, the toughest we've ever had. And if we wake up to and rise to that challenge, a blessing as well.

A MEMBER OF THE SILENT MAJORITY SPEAKS OUT

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. QUILLEN. Mr. Speaker, very deliberately the silent majority in this Nation is becoming an aroused majority, and I cannot express how pleasing this is to me.

Recently I received a letter from one of those persons of the silent majority who speaks out in crystal clear language.

The letter I received is from Rev. J. Hulet Stogner, superintendent of missions of the East Tennessee Baptist Association, 212 Broadway, in Newport.

Mr. Stogner is deeply concerned about lawlessness in this country, the disruption by some of our judicial system, abusement of constitutional authority and the attempts being made to bring about reform by force, fear, or revolution instead of through the democratic process.

He also expresses his support of President Nixon for his decision to enter Cambodia and Vice President AGNEW for his vociferous criticisms of the youth radicals and all militants engaged in unethical and disorderly activities.

Reverend Stogner's conclusion is that our problems will continue to increase and enlarge until this Nation returns to a faith in God and allow Him to direct our affairs through people who are obedient to His laws and seek His wisdom.

Reverend Stogner's letter is so stirring that I wish to insert it in the RECORD for others to read, as follows:

EAST TENNESSEE BAPTIST ASSOCIATION,
Newport, Tenn.

To whom it may concern:

A member of the silent majority wishes to express himself to various members of the Congress of the United States.

The real enemy of this nation is any person who tries at any time to interfere with Constitutional authority, disrespects and disregards the laws of the land and the enforcement officials, mocks and disrupts the judicial system, or attempts to bring about reforms by force, fear, or revolution instead of the Democratic process; whether they be old or young, Black or White, American or Foreign, Politician or Educator, Senator or Representative, Governor or Mayor, Draftee or Soldier, or the man in the street.

To cut off funds for military operations is the most asinine thing possible for intelligent leaders, or to tie the administration's hands in any other way to jeopardize our ability to meet emergencies promptly.

To allow the continued riots, demonstrations that incite violence, and terror tactics used by minority groups, civil disobedience, that destroys both public and private property and lives is not to be tolerated. It is unthinkable for the two percent of our population to influence the policy making process of this country by their revolutionary tactics. How can we ignore the manifestoes and stated aims and policies of radical groups and permit their activities to go on unrestrained by any legal procedure whatsoever.

The attitude and position taken by some of our legislators is treason of the highest degree in my opinion.

The Bible says, "That a house or city divided against itself cannot stand." The same applies to a Nation. It is time our elected leaders reached some kind of agreement so that the people might hear one voice giving one direction out of the many complex problems faced by this nation.

I support the President in his decision to enter Cambodia, even if it is five years late. I support the Vice President in his position relating to the news media and the youth radicals and all militants engaged in unethical and disorderly activities. I support our military personnel and plead with those most responsible to see that civil rights of one group is not violated by another group seeking special privilege in the name of demanding their civil rights.

Finally, our problems will only increase and enlarge until this nation returns to a faith in God and allow him to direct our affairs through people who are obedient to his laws and seek his wisdom.

I pray daily to this end.

J. HULET STOGNER,
Superintendent of Missions.

CRACKING DOWN ON ORGANIZED CRIME

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. PEPPER. Mr. Speaker, the Select Committee on Crime continues to examine the problem of strengthening our internal national defenses against crime. It was a privilege, therefore, to be able to testify on a major aspect of our national crime problem in the hearings being conducted by the distinguished Committee on the Judiciary on S. 30 and other bills related to the control of organized crime.

It was my purpose to indicate my general support for S. 30, based upon the information which the select committee has obtained to date. We are undertaking more intensive investigations of organized crime, but we already have learned a great deal about the dimensions of this criminal conspiracy. Therefore, in addition to indicating general support for a stronger effort against organized crime, I wished to suggest several specific areas in which the weapons against organized crime could be expanded and strengthened.

I have condensed my testimony somewhat and offer it as one of the periodic reports which I feel I should make to the House:

STATEMENT OF CONGRESSMAN CLAUDE PEPPER, CHAIRMAN OF THE SELECT COMMITTEE ON CRIME, BEFORE THE HOUSE COMMITTEE ON THE JUDICIARY, MAY 27, 1970

Mr. Chairman, it is always an honor and a pleasure to appear before your distinguished committee. Our Select Committee on Crime has been shocked by what we have learned since our inception about the onslaught of organized crime in our Nation. Wherever we turn and wherever we have held hearings, be it Boston, Omaha, San Francisco or Washington, we have seen the deleterious influence which organized crime has visited upon our society.

I have been deeply concerned about the ever-increasing crime rate in our country and especially alarmed by the violent antisocial behavior that has become so prevalent in our daily lives. Such behavior has conveniently been referred to under the general heading of "crime in the streets." As you well know, Mr. Chairman, these crimes are often committed by the economically underprivileged. Violence of this type is ugly at any time.

However, what alarms me as Chairman of the House Select Committee on Crime, is that there are other types of crimes of rapidly growing prevalence that not only menace our society, but which fan the flames of violent crimes by the poor and which are, to an ever increasing extent, responsible for them.

For example, we have learned that the narcotics addicts who live in every one of our major cities and who commit a substantial number of our Nation's robberies, car thefts, and burglaries are dependent upon organized crime for their daily dosage. Organized crime controls such traffic and protects itself from detection and prosecution by the immunization inherent in a sophisticated and complex corporate structure.

As our gross national product increases we have witnessed a parallel increase, not only in crimes of violence committed in our Nation's streets, but also, and more pointedly, in organized and syndicated crime. Yet, with all our prosperity and supposed affluence, we have not answered or cured our Nation's ills in this regard.

Mr. Chairman, my concern cannot be limited to street crimes of violence. Our Committee's nationwide overview hearings have brought to our attention the disturbing geometric growth of organized and white-collar crime, and have made it abundantly clear that this type of crime needs more attention.

It is my considered judgment that there is

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a definite relationship between violent crimes of the poor and white-collar crimes. Judge Henry J. Friendly, one of the most scholarly and articulate members of the Court of Appeals of the 2nd Circuit, recently said, "In our complex society, the accountant's certificate and lawyer's opinion can be instruments for inflicting pecuniary loss more than the chisel and crowbar." Federal prosecutors across the Nation have long been handicapped in their pursuit against organized and syndicated criminals because they have lacked the proper prosecutory tools.

Organized and white-collar crime, and the hypocrisy which so often surrounds and protects the perpetrators of such crime, has repeatedly been cited by investigating commissions as a root cause of the attitude that leads to lawlessness and violence on the streets. How much longer can our society survive as a nation if we continue to ignore the blatant statistical fact that organized crime yearly drains from 30 to 50 billion dollars from our economy?

As you know, Mr. Chairman, Robert M. Morgenthau, formerly United States Attorney for the Southern District of New York, for the past nine years conducted a relentless campaign against organized crime and continually was frustrated in his efforts because of limited immunity provisions, improper witness protection and the inability to convene lengthy grand jury sessions where intricate corporate financial workings could be discovered. Frank S. Hogan, for 25 years District Attorney in Manhattan, has also stated that his office has been similarly limited in its fight against organized crime.

Mr. Chairman, if I may, I would like to direct a few brief remarks to the provisions in Title V of S. 30; namely, the protection and housing of government witnesses. Initially, I want to offer my wholehearted support for these provisions. To my knowledge, no responsible law enforcement official dealing in the area of organized crime has ever testified that successful inroads can be made in the area of detection and prosecution of organized crime without the help of informant information. Our Committee in its investigations has become alerted to the justifiable concern inherent in such cooperation by an informant with officials of our Federal Government.

Indeed, several Attorneys General have indicated that such fear was not unjustified. The President's Crime Commission has clearly stated that this is a problem which must be dealt with if we are to obtain the cooperation of witnesses who can testify as to their inside knowledge of agreements and conspiracies perpetrated by organized and syndicated crime figures. Our investigations have revealed that several potential informants refused to cooperate with various agencies of the United States Government because they feared violent reprisals if they defected from the ranks of organized crime.

Our Committee, during the course of its investigations, has been confronted by the disturbing problem of an informant who was actively cooperating with federal agencies but stopped cooperating because he was told that the federal government did not have sufficient funds to protect him and his immediate family, nor did the government have funds available to pay for the hundreds of long distance telephone calls which this man placed at the behest of federal agents. This episode is particularly distressing in light of the fact that this man is scheduled to testify as the principal government witness in an important case pending in one of our federal district courts. We are also aware of the fact that information which he has provided to law enforcement officials led directly to the arrest of several lower echelon mob figures and the seizure of illegal contraband.

Mr. Chairman, there is no provision in Title V to compensate an informant or potential congressional witness who provides valuable information to a Congressional investigating committee. Obviously, all competent investigatory efforts into the organized crime field must necessarily include the gathering of information from people who would be classified as informers and/or potential congressional witnesses. During the course of an intense Congressional investigation wherein such people are used to gather source and background materials, expenses are often incurred by both the committee staff and the actual informant. I respectfully suggest that Title V be amended to cover such disbursements for Congressional investigating committees.

In addition, I respectfully submit that Title V should be expanded to include the appropriation of funds for the training and instruction of the United States Marshals and their deputies who are assigned the task of protecting informants and government witnesses. To my knowledge, no such training in protective techniques for U.S. Marshals now exists. I am aware of the fact that Title V represents a distinct effort by the United States Senate to meet society's obligations to protect informants and witnesses from the underworld's vengeance. It is my considered judgment that this legislation as presently written does not go far enough. I submit, Mr. Chairman, that the Committee include a provision for the training and instructing of U.S. Marshals so that they would be better able to perform this vital function of protecting and housing government witnesses and informants.

In addition, I would suggest that this Committee consider setting up a contingency fund for the payment of information from informants and government witnesses, where such payments, in the discretion of the Attorney General are necessary in our government's battle against organized crime. A contingency fund should be established in the office of the Attorney General to take care of disbursements of funds to cover expenses incurred by informants and witnesses pursuant to requests by federal law enforcement officials. Mr. Chairman, it is imperative that the Congress recognize the fact that for many years government agencies have relied upon informant information in order to strike at the heart of organized criminal conspiracies. If the Congress refuses to recognize this fact, we will be like ostriches with our heads in the sand. Mr. Chairman, we are living at a time when disrespect for the laws of our land seems to be commonplace and law abiding conduct often becomes the exception rather than the rule.

Information has come to me in the course of my responsibilities as Chairman of the House Select Committee on Crime that often responsible federal agents, attempting to do their jobs, must disburse their own funds to cover expenditures incurred by government witnesses and informants during the course of their investigations and prosecution. Mr. Chairman, we cannot afford to encourage federal agents to violate the law by their filing false vouchers to cover necessary expenditures which must be made if they are to do their jobs properly.

Mr. Chairman, I raise only three additional points. I would like to inquire as to whether or not the Omnibus Streets bill carries adequate authority to conduct electronic surveillance and perhaps wire tap surveillance upon those who are a part of the pattern of racketeering as described in this bill.

As I understand it, the limitations in the Omnibus Crime bill on wire tapping and the electronic surveillance are fairly severe as to the showing of probable cause that must be to a court.

I suggest that the court should be authorized—upon a proper showing that an individual was a part of a pattern of racketeering as defined in this bill, or a member of an organization which was a part of or carried on a pattern of racketeering—that the courts should be authorized in that limited category of cases to authorize the placing of electronic or wire tapping devices at such places as the officials thought that it would be effective.

I believe that that is broader than the present authority for the use of electronic wire tapping devices.

The Chairman. Do I understand you to mean that even if there is no crime involved, electronic devices and wire tapping may be used?

Mr. Pepper. No. If one meets the definition on page 51, where a pattern of racketeering activity is defined, it requires at least two acts of racketeering activity, one of which occurred after the effective date. Where you find an individual has committed, according to this definition, at least two acts of racketeering, one which occurs after the enactment of this bill, if it is enacted, then in respect to that individual, the court should be permitted to allow, by appropriate order after appropriate hearing, electronic and wire tapping surveillance at such places and times and for such lengths of time as the court should approve and the enforcement officer should desire—because it is so hard to get to the top of these isolated figures in the field of organized crime, who insulate themselves by layers of protective personnel from ordinary contact.

Second I would like to inquire as to the effect of the language of this bill (S. 30) which makes illegal the collection of an illegal debt, defined in this bill as one that violates the usury laws of the respective states. So far as I know, in the bill there is no reference to what we call loan sharking. Loan sharking is considered to be one of the grievous offenses committed by organized crime and perpetrating fraud upon the people of the country.

I am wondering whether or not "particularly in a pattern of racketeering" as defined in this bill might well cover injurious interest collections. When our crime committee had a hearing in Miami, we wanted to hear a certain individual who was a victim of a loan shark operation by some elements of organized crime. We thought we were going to get that man to testify because he had been robbed literally by this gangster crowd. But, evidently they got wind of it. He came back and told our people trembling, "I cannot afford to testify before your committee," because, of course, they probably would have done him bodily harm.

Third one, I suggest that your competent staff look into the question of whether or not the present law relative to prohibiting using the mails or using wires or other facilities to cross state lines, are broad enough to cover various acts under the "pattern of racketeering" as defined in this bill.

The Chairman. In other words, as I take it, you want us to possibly broaden the provisions concerning that subject.

Mr. Pepper. That is it. I would suggest that your able counsel examine the present law relative to the use of the mails and to the use of the wires and other media for crossing state lines or effecting interstate commerce, as to whether or not this broadened pattern, of a pattern of racketeering as defined in this bill, whether or not the present law is appropriate to that broader definition of the offense of engaging in a pattern of racketeering.

THIS IS A BEAUTIFUL AND WONDERFUL WORLD

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. GUBSER. Mr. Speaker, with all the agitation and the complaints today

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that the current generation has failed and produced a bad world, it was refreshing for me to read a description of the situation as viewed by my good friend, Mr. George P. Leonard, a former resident of my congressional district. I have entitled his effort "This Is a Beautiful and Wonderful World," and am pleased to submit it herewith:

THIS IS A BEAUTIFUL AND WONDERFUL WORLD

Please forgive me but I grow weary from all the complaints, particularly by the young and inexperienced, as to how bad our society is, and only militant or revolutionary action can help it. They know not whereof they speak.

At the time of my birth in 1904 my life expectancy was 47 years. Were I born today my life expectancy would be 68 years. That's an increase of 44 percent, which came about because we live in an organized society, this Establishment if you will, of the United States of America. Now at 66 years of age I can hope to live to be 79. This is a gift of life itself, where society comes closest to being godlike.

Please note that I am not talking about gross national product, or net worth, or automobiles, bathtubs, telephones or televisions per capita, but of life itself, than which there is no greater gift.

Together my wife and I have experienced premature birth, whooping cough, measles, mumps, chicken pox, smallpox, poliomyelitis, amebiasis, coronary occlusion, scarlet fever, puerperal fever, mastoiditis, ethmoditis, peritonitis, arthrits, pluerisy and dandruff. We should look like a well sliced salami for we have undergone tonsilectomy, adenoidectomy, appendectomy, bilateral vasoligation, prostatic resection, Fallopian tube ligation, tumor of the urethra and Caesarian section operations. We still live solely because we are part of an organized society.

Now at 66 we have almost all of our teeth, my good wife has practically no gray hair, and I have practically none too. I'm bald. Our only visible defect is a bunion on my left foot and since I rarely go barefoot, that doesn't show much.

All of this has happened not to the elite of our society, but to one of ten children of a laborer, and the only child of a widowed mother. What organized society has done for us, in our short lifetime, is but a token of what it can still do if we work with it, and for it, and quit throwing monkey wrenches in the machinery.

This is a grand and a beautiful and wonderful world and we were meant to make the most of it. Can you understand why we like it here?

GEORGE P. LEONARD.

QUESTIONS ON CAMBODIA: VII. THE PRESIDENT'S ACTIONS VIOLATE INTERNATIONAL LAW

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. FRASER. Mr. Speaker, the legality of the President's actions in invading Cambodia can be challenged on two levels. As George Kahin, professor of government, explains in "Cambodia: The Administration's Version and the Historical Record," the President may have violated international law in acting without the consent of Cambodia, a sovereign state; and his invasion of a "neutral" country has been taken without a declaration of war and without the advice and consent of Congress.

12. THE ADMINISTRATION'S QUESTION

What was the legal basis for the President's actions?

THE ADMINISTRATION'S ANSWER

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If it is argued that the President made his decision in the context of American constitutional practice, it must be noted that his invasion of what he has referred to as a "neutral" country, has been taken in the absence of a declaration of war without the advice and consent of Congress.

THE HONORABLE JOHN W. McCORMACK

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OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

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SOME USE, SOME ABUSE IT

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Mr. KING. Mr. Speaker, the Honorable James A. Fitzpatrick, long a leader in both the north country and New York State, and chairman of the New York State Power Authority, has written a letter to the editor of the Plattsburgh Press Republican offering the community of Plattsburgh some sound advice about the relationship between the generations. His remarks are particularly fitting in view of the fact that the New York State University has a college at Plattsburgh, N.Y. I am sure that my colleagues will enjoy Mr. Fitzpatrick's letter which I make part of my remarks:

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I respect the views of the young, applaud much that is being said and agree with the right to dissent. However, I am surprised at the manner in which some opinion can be so fearlessly, passionately and inflexibly embraced by those whose experiences and personal exposure to history have of necessity been so limited.

As I listen, read and observe, I am deeply disturbed and very much afraid, I am disturbed as I witness the pride and accomplishments of our universities, the blossoming idealism of students, the dedication, wisdom and courage of many teachers and the overriding good in most young people, obscured nullified, debased or destroyed by apostels of discord and violence. I am afraid that unless respect for duly constituted authority is promptly restored, parental and academic authority reasserted, and belligerent confrontation halted, that our society will be so poralized and torn asunder that further dialogue will be impossible and a national disaster inevitable.

Citizens of this community have been asked two questions: (1) What of Cambodia? (2) What of Kent State? As all well-intentioned people, I want peace at home and abroad. I have not had and do not have the military and diplomatic intelligence available to the President and his advisors. I am thus unable to sit in judgment as to either Vietnam or Cambodia. I feel that the general public is similarly situated. I can and do have an opinion that our original entry into Vietnam was a serious mistake and that we should withdraw as soon as we can safely and honorably do so. I think that the move into Cambodia is designed to hasten that day and to safeguard our troops. As such, I support both it and the President who had the courage to make it. I firmly believe that every military move this country makes has as its sincere purposes the protection of freedom. Mistakes have been and will be made, and when made should be acknowledged as such. The price of freedom, however, has never been cheap and the land of the free must continue to be the land of the brave. It takes no courage to surrender and much won at great sacrifice can be suddenly destroyed by turmoil at home which can only prolong our agony abroad.

The death of the students at Kent State was an obvious tragedy. So, too, was the violent confrontation which provoked and caused the loss of life. If the resulting demonstrations and marches were to be directed against, rather than for, anything, I feel that they should have been directed against the climate of violence—not against the government or against the National Guard. The Guard, while unfortunately over-reacting, was charged with maintaining the law and order without which neither society nor educational opportunity can survive.

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The intelligence, idealism and energy of a great majority of our young people affords today's society with an unparalleled opportunity for progress and improvement. None of us can afford to idly watch this opportunity turned aside, or lost, by surrender to those from within or without who seek only to tear down and destroy us.

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I will always be impressed with your willingness, and even more importantly, your availability, to help me with many of the special problems and projects which were really my burden, and not yours.

I shall always remember you as one of the kindest and most capable public servants I have ever known, and I wish you well.

CITIES NEED COORDINATED TRANSPORTATION PLANNING

HON. WILLIAM S. MOORHEAD

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Mr. MOORHEAD. Mr. Speaker, I recall saying in my remarks before the Fourth International Conference on Urban Transportation held in Pittsburgh in March of 1969 that "a nation that could send a man to the moon ought to be able to get him to and from the airport."

All of us who are interested in improved urban mass transit facilities should also recognize the need for coordinated planning to not only get to and from the airport, but that will mesh with other systems of transportation to achieve a balanced approach to transportation.

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Tokyo's experience has relevance to the Pittsburgh District, which is involved just now in two significant developments: 1) the provision of rapid transit, and 2) the expansion of Greater Pittsburgh Airport at an estimated cost of $250 million.

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We have endorsed those projects and we think they should proceed as promptly as possible. But we think, too, that PAT directors should also be giving serious attention to the inevitable traffic congestion that will follow an expansion and internationalization of the airport. The Parkway West linking downtown to the airport is already inadequate. As the airport expands and attracts more industrial and residential construction, Parkway congestion will become a more urgent problem.

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WHOSE SIDE ARE BIG 5 ON?

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Mr. BOB WILSON. Mr. Speaker, the major news media have often emphasized every U.S. shortcoming in Southeast Asia, while totally ignoring the staggering toll of Communist brutality in that conflict. As the tension increases in the troubled Middle East, it is interesting to consider the approach these same media will take to Russian-inspired crises there. I know my House colleagues will be interested in the following analysis by Alice Widener as published in the San Diego Union:

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Indisputably, there are two major crises now—one in Southeast Asia and the other in the Middle East. In the first, we already are engaged militarily and lives of our GIs are at stake; in the second, we are not yet involved militarily but there is the extremely dangerous possibility that we could become so involved.

In Vietnam, we are fighting against a Communist foe backed by the Soviet Union, and our natural allies in Western Europe are neutral. In the Middle East, we are in danger of becoming drawn into a bitter dispute between Israel and the Arab states backed by the Soviet Union, a dispute in which West European nations probably will not be neutral.

that the current generation has failed and produced a bad world, it was refreshing for me to read a description of the situation as viewed by my good friend, Mr. George P. Leonard, a former resident of my congressional district. I have entitled his effort "This Is a Beautiful and Wonderful World," and am pleased to submit it herewith:

THIS IS A BEAUTIFUL AND WONDERFUL WORLD

Please forgive me but I grow weary from all the complaints, particularly by the young and inexperienced, as to how bad our society is, and only militant or revolutionary action can help it. They know not whereof they speak.

At the time of my birth in 1904 my life expectancy was 47 years. Were I born today my life expectancy would be 68 years. That's an increase of 44 percent, which came about because we live in an organized society, this Establishment if you will, of the United States of America. Now at 66 years of age I can hope to live to be 79. This is a gift of life itself, where society comes closest to being godlike.

Please note that I am not talking about gross national product, or net worth, or automobiles, bathtubs, telephones or televisions per capita, but of life itself, than which there is no greater gift.

Together my wife and I have experienced premature birth, whooping cough, measles, mumps, chicken pox, smallpox, poliomyelitis, amebiasis, coronary occlusion, scarlet fever, puerperal fever, mastoiditis, ethmoditis, peritonitis, arthrits, pluerisy and dandruff. We should look like a well sliced salami for we have undergone tonsilectomy, adenoidectomy, appendectomy, bilateral vasoligation, prostatic resection, Fallopian tube ligation, tumor of the urethra and Caesarian section operations. We still live solely because we are part of an organized society.

Now at 66 we have almost all of our teeth, my good wife has practically no gray hair, and I have practically none too. I'm bald. Our only visible defect is a bunion on my left foot and since I rarely go barefoot, that doesn't show much.

All of this has happened not to the elite of our society, but to one of ten children of a laborer, and the only child of a widowed mother. What organized society has done for us, in our short lifetime, is but a token of what it can still do if we work with it, and for it, and quit throwing monkey wrenches in the machinery.

This is a grand and a beautiful and wonderful world and we were meant to make the most of it. Can you understand why we like it here?

GEORGE P. LEONARD.

QUESTIONS ON CAMBODIA: VII. THE PRESIDENT'S ACTIONS VIOLATE INTERNATIONAL LAW

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. FRASER. Mr. Speaker, the legality of the President's actions in invading Cambodia can be challenged on two levels. As George Kahin, professor of government, explains in "Cambodia: The Administration's Version and the Historical Record," the President may have violated international law in acting without the consent of Cambodia, a sovereign state; and his invasion of a "neutral" country has been taken without a declaration of war and without the advice and consent of Congress.

12. THE ADMINISTRATION'S QUESTION

What was the legal basis for the President's actions?

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A big question is: What will be the attitude of the so-called "peace" forces in our communications media if the Arab-Israeli situation reaches the boiling point?

To be specific: since Dec. 14, 1961, when President John F. Kennedy declared the United States was prepared to help the Republic of South Vietnam "preserve its independence," and since December 1962, when he increased U.S. military "adviser" support to South Vietnam to 4,000 men, our major broadcasting companies—CBS, NBC, ABC, and the New York Times and Washington Post—have been openly against U.S. military policy there.

The "Big Five" in our communications media openly propagandized against President Diem of South Vietnam and have consistently highlighted everything unfavorable to that country while remaining virtually uncritical of North Vietnam and the Viet Cong.

Since December 1964, when President Johnson increased U.S. forces in Vietnam from 23,000 to 75,000, and since July 1965, when he authorized an increase of U.S. forces in Vietnam to 125,000, the Big Five in our communications media have refrained from giving moral support to our participation in the war.

It is the first war ever fought on TV, and NBC, CBS and ABC on-scene correspondents have stressed all the faults, failings and mishaps of our side and put all propaganda pressure for "peace" on our side almost exclusively. There have been no CBS or NBC televised editorials demanding "peace" moves by Moscow and Hanoi.

Now what will be the Big Five's attitude in the Middle East?

If Israel shoots down an Egyptian plane with a Soviet pilot over Israeli territory, or if a Soviet-furnished SAM missile hits a populated area of Israel and an Arab-Israeli war breaks out with the Soviets backing the Arabs, what will be the foreign policy of our communications media Big Five?

If the independence of Israel is jeopardized, what will be the attitude of the "peace" forces in our Big Five communications media? Since they have failed to denounce the Russian Communists backing Hanoi, will they also remain silent about the Russian Communists backing Cairo?

Ever since our Navy was sent to protect the independence of Formosa with the Seventh Fleet, the "peace" forces in the Big Five communications media have been insisting it play a passive role in the Pacific, Formosa Straits and China Sea.

What will be the attitude of those "peace" forces toward the Sixth Fleet in the Mediterranean?

CAUSE OF KENT STATE DEATHS SENSELESS

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mrs. REID of Illinois. Mr. Speaker, all of us were shocked and appalled by the fatal shooting of four students at Kent University during recent antiwar demonstrations.

Under leave to extend my remarks in the RECORD, I wish to include the following editorial by Lewis S. Mrkvicka which appeared in the May 10 edition of the Aurora, Ill., Beacon-News. I thought my colleagues might find his comments of interest:

CAUSE OF KENT STATE DEATHS SENSELESS

I know that you were shocked and appalled, as I was to learn about the fatal shooting of four students of Kent State University by Ohio national guardsmen during an anti-war demonstration last Monday. The deaths of these young people were even more tragic because the disorder which triggered the shooting was so senseless and so absurd. What strange idiotic logic could prompt students to riot against a school which had no part in the decision to send American troops into Cambodia and no power to alter the situation?

We will, in the days, weeks and months which lie ahead, be hearing endless arguments over the question of whether or not the guardsmen were justified in shooting when they did. I doubt that the question will ever be settled to everyone's satisfaction. I am, however, not primarily concerned over whether or not the threats to the lives and safety of the guardsmen were sufficient to have their actions classified as self-defense. I prefer to place the blame for the Kent tragedy, as well as the disgraceful rioting on other college campuses, where it rightfully belongs.

I blame all the students who with a juvenile logic which belies the wisdom which they profess to possess, blatantly defy the forces of law and order and resort to senseless violence in an effort to enforce their demand on society.

I blame the indulgent and apathetic parents who continue to pay for the college expenses of their children even after they become aware that the young people are devoting their energies to anarchism rather than the pursuit of an education.

I blame the college officials and teachers who, with a startling display of spinelessness, do nothing to prevent these things from taking place, and especially those educators who lend support to lawlessness by joining the demonstrators in their illegal activities.

I blame the courts which have been rewriting our laws to protect the rights of those who violate the law while forgetting the rights of those to whom the law is a sacred thing which must be obeyed in order that our free society may be preserved.

The deaths of the four Kent students were not the only tragic events of the past week. Who would have thought that the American flag would be sullied and defiled on the campus of one of our great universities? Or that colleges throughout our great nation would be forced to close their doors because of the actions of a bunch of hoodlums? These closings were a hardship for serious students who sincerely want an education. As for the members of the unruly mob, however, there was no loss. What need do they have for more learning when they already know—or think they do—enough to take over the running of the world?

It's time that we restored sanity to our nation's campuses. It's time that we said to our rebellious students:

"You have a right to dissent, but not to try to force your views upon the rest of us. If you disagree with what is going on, state your views and then get back to your books. If you don't want to obey the rules of your school, get out, go to work and make room for other students who really want an education."

STUDENTS OFFER LEGISLATIVE SUGGESTIONS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. MOSS. Mr. Speaker, much has been said about the lack of communication between the generations and that the younger members of our society do not try to work within the framework of our present system of government but resort to other methods because they feel that the adult portion of the society pays little heed to their ideas.

My strong faith in the younger generation is constantly being reinforced by recommendations, such as I insert below, which is the work of two classes of high school seniors from Highlands High School in North Highlands, Calif. The following proposals are the result of a course of study in which the students attempt to solve significant internal problems facing the United States. Their instructor, Mr. Robert Silvis, permits his students to decide what problems will be discussed and what recommendations will be made. The result was attained only after much debate and compromise, a method with which we here in the House are very familiar.

The students elected one of their classmates, Miss Debby Ginotti, as the student "Secretary of State." Miss Ginotti's letter of transmittal precedes the recommendations themselves. I urge each of my colleagues to take the time to peruse the student's suggestions and urge them to pay heed to their recommendations:

MAY 1, 1970.

DEAR SIR: The following recommendations are the result of a combined class effort to alleviate and improve that which we believe to be the most important problems existing today within our society. One primary objective of the course "International Relations" (from which these solutions came) is to define the existing problems within the United States, and to carefully select the solutions most workable, enforceable, and logical. To fulfill the second objective upon solving and improving the International Relations with the world, the class was divided into three groups:

(1) Anti-American.
(2) Neutral.
(3) Pro-American.

Each group evaluated the following problems and presented their solutions to the class. The class then voted on what they believed to be the most complete of all possibilities. The following then, are our suggestions for future Congressional Legislation to aid in the alleviation of poverty in the United States, Environmental Pollution, Racial Discrimination, the Draft, also, improvement of our National Security, and the Space Program.

As high school seniors, we are soon to face the reality and responsibility of the problems within society. We are deeply interested in these problems and have gained valuable additional information on the above mentioned problems.

We wish to thank you for the valuable time you have spent reading our solutions. It is only hoped that they may benefit you as much as they did the students who participated in their creation.

Sincerely Yours,

DEBBY GINOTTI.

SUGGESTIONS FOR FUTURE CONGRESSIONAL LEGISLATION TO AID IN THE ALLEVIATION OF POVERTY IN THE U.S.A.

1. *Education.*

a. That substantial additional amounts of federal money be spent in poverty areas for the purpose of increasing educational opportunity.

b. That most of this money be spent at the primary-elementary level although all levels of education, including adult vocational training, be included.

c. That federal funds be used for additional sociological and psychological training of teachers who will be teaching in poverty areas. This could be done through an expansion of the VISTA program.

2. *Overpopulation.*

a. That the federal government establish family planning clinics in all rural and urban poverty areas and that these clinics dispense free birth control pills and devices.

b. That a positive step be taken to alleviate the population problem by having the U.S. government pay a cash bonus each year to all U.S. families that have no more than two children.

3. *Additional Federal Programs in Poverty Areas.*

a. That Congress change its priorities in the appropriation of money to shift more funds to promoting an equality of opportunity in America and that this shift of funds be taken from the area of "defense" spending.

b. That surplus food be more easily available to the poor but that the distribution of such food be part of a federal program of created jobs in rural and urban poverty areas so that the poor will be able to work for this food rather than be given food.

c. That jobs created by the federal government be primarily in poverty areas and that some of these work programs be directly related to improving life in these areas.

SUGGESTIONS FOR CONGRESSIONAL LEGISLATION TO AID IN THE ALLEVIATION OF ENVIRONMENTAL POLLUTION

1. *Internal Combustion Engine as a Polutant.*

a. That the internal combustion engine, in its present form, be banned from new automobile construction after 1975.

b. That a federally approved smog control device be mandatory on all automobiles after 1973.

c. That the federal government subsidize mass public transport that is relatively nonpolluting like electric trains.

2. *Industrial Pollution.*

a. That the federal government set up regulations covering industrial air and water pollution standards and enforce these standards with heavy fines.

b. That included in these standards be the specific requirement that all liquid wastes be expelled as water "fit for human consumption".

3. *Personal Pollution.*

a. That federal legislation be enacted to force manufacturers of beverages to produce either reusable or completely dissolvable containers.

b. That open burning be banned in all metropolitan areas of the nation.

SOLUTIONS TO HELP LESSEN RACIAL DISCRIMINATION

1. *Employment Discrimination.*

a. That the federal government provide tax reductions to employers who are equal opportunity employers.

(1) An "equal opportunity employer" will be any private business where the size of the working force has as a minimum, ten employees in addition to members of the owner's family.

(2) The per cent of ethnic distribution to qualify as an equal opportunity employer shall be equal to the ethnic and racial distribution of the COUNTY wherein the business is located. A variance in the ethnic distribution of no greater than 20% will be allowed.

2. *Housing Discrimination.*

a. That the current Federal Housing Act be strengthened by authorizing the Justice Department to provide free legal assistance to members of minorities who have claims against landlords and owners who refuse to rent or sell solely on racial or ethnic grounds.

b. That all such claims be settled within 30 calendar days.

3. *Discrimination in Education.*

a. That the federal government provide significant additional funds to promote "quality" education in poverty areas.

b. That the federal government encourage, through subsidies, large centralized elementary schools that draw their enrollment from both ghetto and middle class neighborhoods thus ending one of the reasons for "busing."

c. That the federal government provide additional subsidies to school districts that show that they lessen racial discrimination by changing school attendance boundaries for this purpose.

RECOMMENDATIONS FOR MILITARY SERVICE—NATIONAL SERVICE

1. That, except for War declared by Congress or the National Emergency declared by the President, the present draft law is not to be extended past June 30, 1971.

2. That, with the exceptions listed above, a United States public law be enacted limiting the size of the active military forces to not more than 2,000,000 personnel.

a. Under such a law, all personnel will be volunteers.

b. Volunteering will be encouraged by: (1) more than doubling the pay of the lower enlisted ranks and lesser raises for the higher enlisted ranks and the officers. (2) Increasing the present "G.I. Bill" privilege by 50%.

3. That, in the event a "draft" is necessary, volunteers rather than "delinquents", be called first.

4. That, as an alternative to military service (in peacetime), a "National Service" be created.

a. This "National Service" will combine the present organizations of Peace Corps, Vista, Job Corps, etc.

b. It will be completely voluntary and the upper limits of the numbers in each of it's branches be set by Congress.

c. Enlistments in the National Service will be for periods of two years.

d. The pay structure will be similar to the military with the exceptions that the pay for each pay grade be approximately 20% less and that those who complete at least two years of "National Service" be awarded benefits similar to those contained in the "G.I. Bill" but of a lesser dollar value.

RECOMMENDATIONS RELATED TO THE NATIONAL SECURITY OF THE UNITED STATES

1. That Congress do all in its power to avoid future "Vietnam type conflicts" by using the following guidelines:

a. In the future, armed intervention be limited to those situations where the national security of the USA is definitely threatened.

b. That the majority of the people, not just the leaders, want us to help them defend the country.

c. In the event of armed conflict, Congress should use recommendations from soldiers and civilians who have been involved in battle along with the testimony of "expert" witnesses to help determine the amounts and types of future appropriations related to that of "armed conflict."

2. That Congress should place more emphasis on Military Advisory Assistance Groups (M.A.A.G.) as the type of Military Aid most desirable to render to those countries faced with possible Communist takeover.

3. That Congress change concepts of the Army Special Forces (Green Berets) away from being an elite fighting force toward being an elite organization of advisors who would train and possibly lead indigenous "special forces."

4. That in matters related to internal security (subversion), Congress legislate definite guidelines about what organizations would provide under-cover agents. It is suggested that no Army Counter-Intelligence agents be used to infiltrate civilian organizations and that C.I.A. agents be used only when the organization draws financial support from a foreign power. It is recommended that the F.B.I. provide the bulk of the under-cover agents and that the National Security Council provide direct supervision over all activities of this type.

RECOMMENDATIONS RELATED TO THE SPACE PROGRAM

1. That the budget for fiscal year 1971 for the National Aeronautics and Space Administration be reduced by 30–35 percent under the 1970 figure.

2. That the savings in money, due to this recommendation, be spent equally in the areas of aid to poverty and alleviation of environmental pollution.

OLIVER BRUCK—MR. POSTMASTER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. PICKLE. Mr. Speaker, in Austin, Tex., we will honor a man this Friday who has served his country and his Government continuously for 50 years—he is the postmaster's postmaster. In fact, he has been selected by the Dallas regional office of the post office to train new postmasters.

I rise today to join the many friends of Oliver Bruck, Austin's postmaster who first agreed that the mails would go through back in 1920. On June 7 of that year at the age of 18, Oliver Bruck took the oath and signed on as a substitute clerk in the Austin office.

And he was a man whose talents and initiative would not be denied. Oliver rose through the ranks in what must be a living textbook for anyone wanting to make a career in the post office—he worked his way through school at the post office—he was married and raised two children while at the post office. And he is there today, to our everlasting gratitude.

Mr. Speaker, this man's list of accomplishments—both professionally and in community involvement — runs seven pages. I will not attempt to itemize the many accomplishments of this man, but I would briefly headline some of the highlights of his life to date.

First, let me sketch his career with the Government. In 1935, Oliver was promoted to foreman of mails; in 1943, he was promoted to superintendent of mails; in 1949, he was elevated to assistant postmaster; then in 1959, Oliver was named to acting postmaster and on June 19, 1962, Oliver Bruck was confirmed as postmaster in the Austin office.

Mr. Speaker, that is a model career accomplished by an extraordinary man. Oliver was born in Austin, and although his interests are national, he has never left central Texas. In 1929, he married Sibyl, the daughter of Judge Walter Wray of Waco. The Brucks now have two grown children—a daughter named Sibyl, but known affectionately as "Susie" and a son, Oliver, who is a career clerk in the Austin Post Office.

Oliver has made many contributions to his community that go beyond the mail

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service. His list of civic accomplishments and offices runs as long as your arm. His active, working membership is a reflection of his concern for his neighbor. I have served with him in the Lions Club for over 30 years.

Oliver is carrying on a tradition started by his father. Today, he serves his church in the same office once held by his father for many years—chairman of the communion committee at University Methodist Church. Also, he is a member of the board of stewards.

After the investment of a lifetime, Oliver Bruck can make his work at the post office look easy. For example, the Austin Post Office was the first installation in the Nation to win the award of merit for working a full year without a single disabling injury. And, for the last 7 years in a row, the Austin Post Office has won the safety contest in their division. Mr. Speaker, this is ample evidence of an efficient operation. If there is trouble in the mails—I submit, it begins somewhere else and not in Austin.

Obviously, Oliver Bruck has done the job we asked him to do—and more. I am proud to call him my friend and honor him in this way. Oliver Bruck is the highest type of public servant in America.

LT. GOV. RAYMOND J. BRODERICK RECOMMENDS FEDERAL AND STATE ACTION FOR AIR POLLUTION CONTROL

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to call to the attention of my fellow Members of Congress and the American people the excellent letter dated May 31, 1970, of Lt. Gov. Raymond J. Broderick, of Pennsylvania, to enlist help for air pollution control legislation. Lieutenant Governor Broderick favors an amendment to the Federal Air Quality Act of 1967 which would give all States the power to legislate further air pollution controls than are now required by Federal law.

Congratulations for the protection of the natural heritage of our environment are in order for Lt. Gov. Ray Broderick for his leadership in acting to clean up Pennsylvania skies. I have advised my friend Ray Broderick that I will cooperate and work with him to legislate for additional State authority for air pollution control standards.

We citizens of Pennsylvania certainly believe that Ray Broderick deserves our cheers in his leadership for clean air and air pollution control.

The materials follow:

LIEUTENANT GOVERNORS OFFICE,
Harrisburg, Pa., May 31, 1970.

Hon. JAMES G. FULTON,
Congress of the United States,
Rayburn House Office Building,
Washington, D.C.

DEAR JIM: I would like to enlist your help in cleaning up Pennsylvania's polluted skies. Tomorrow, I intend to announce to the press my intention of seeking an amendment to the Federal Air Quality Act of 1967. Such an amendment would give all states, and especially the Commonwealth, the power to legislate for a more stringent automobile air pollution control mechanism than is now required by Federal Law. To date, California is the only state in the nation with such authority. I want like status for Pennsylvania.

Can I count on you to press for an amendment to Section 208(b) of the Air Quality Act of 1967? A glance skyward will tell you that we are running out of time.

Enclosed please find a copy of my most recent position paper on Air Pollution. The matter I am most concerned with, that is amending the Federal Law, is detailed on Pages 3 and 4.

I send my personal regards.

Sincerely,

RAYMOND J. BRODERICK,
Lieutenant Governor.

AIR POLLUTION

(By Lt. Gov. Raymond J. Broderick)

AUTOMOTIVE EMISSIONS

By weight of emissions, the automobile is the largest contributor to air pollution in Pennsylvania. A recent study of air pollution in the Delaware Valley area showed that transportation and industrial operations accounted respectively for 58% and 30% of the daily weight of 2,265 tons of organic compounds vented into the atmosphere. The greatest contributors to the 8,663 tons of carbon monoxide emitted daily were transportation (70%) and industrial operations (28%). It should be pointed out, however, that the total quantity of pollutant emissions does not tell the whole story—some pollutants (for example, sulphur dioxide) are chemically more active than others and hence more harmful at lower atmospheric concentrations.

Tests have already demonstrated that for each 1,000 gallons of gasoline consumed, there is emitted: 3,200 pounds of carbon monoxide, 200–400 pounds of organic vapors, 20–75 pounds of oxides of nitrogen, 18 pounds of aldehydes, 17 pounds of sulphur compounds, along with lesser amounts of organic acids, ammonia, and solids.

In addition, automotive emissions have been proven to cause photo-chemical smog. This smog irritates the eyes, reduces visibility, irritates the respiratory tract and affects materials. The incidents of photo-chemical smog in the Philadelphia area have increased as the automobile population of the area has increased. Oxident concentrations (which is a measure of photo-chemical smog) in the Philadelphia area have exceeded the standards established by the Pennsylvania Air Pollution Commission. For the health, safety and welfare of our citizens, automobile emissions must be controlled.

Under Federal regulations, since 1968 all new automobiles have been equipped with emission control devices. These devices have added approximately $50 to the cost of a new car. Approximately 400,000 new cars are sold each year in Pennsylvania. Thus, the citizens of this State are now spending $20 million a year for the control of this problem. Increasing the Federal standards would result in more effective control.

It has been proven that without proper maintenance, these devices (which are installed under Federal regulation at the factory) are significantly reduced in effectiveness after approximately 12,000 miles of operation. Therefore, in order to insure that our citizens are obtaining their money's worth from these devices and that these devices are properly maintained so as to control automotive emissions, a program of periodic maintenance inspection is necessary.

A number of bills have been introduced in the General Assembly which would provide for inclusion of automotive emission control devices on the list of items to be checked under the semi-annual vehicle inspection program. It is the responsibility of the State to see that these devices are properly maintained. The semi-annual motor vehicle inspection program is the proper means of performing these checks.

Pennsylvania must move into a partnership with the Federal Government in combating this serious air pollution problem. The Federal Government, pursuant to the Air Quality Act of 1967, has assumed the responsibility for establishing standards for emissions from new automobiles. It is the responsibility of our Commonwealth to see that the effectiveness of the control devices installed on new cars is maintained. It is also our responsibility to insure that Federal standards are responsive to the needs and problems of Pennsylvania. To do this we must continually monitor (sample) the air in urban areas and check emission control devices on automobiles operated in Pennsylvania.

It has come to my attention that the State of California is the only state in this nation which has the authority under present Federal law to issue automobile emission regulations more stringent that those of the Federal Government. I want like status for Pennsylvania. I will not accept second-class citizenship for Pennsylvanians in any matters, but most particularly in an issue involving their health.

I therefore favor a law requiring all new cars sold in Pennsylvania to have an air pollution control mechanism that reflects the needs of our state, not the needs of those states which have little industry and less concentrated motor vehicle traffic. This is not possible, however, until we amend the present Federal law.

I have requested Senators Scott and Schweiker and our Republican delegation in the United States House of Representatives to give immediate consideration to the preparation of an amendment to Section 208(b) of the Air Quality Act of 1967 which would permit Pennsylvania to have the same options as California; that is, the freedom to adopt more stringent standards than are now provided by the Federal Government.

Upon passage of this amendment by the United States Congress, I shall request our General Assembly to enact a statute requiring all new cars sold in Pennsylvania to have an air pollution control mechanism which will be more effective in eliminating emissions.

AIR MONITORING SYSTEM

In 1948 we had a smog disaster in Donora, Pennsylvania. During a four-day period of stagnant weather conditions, the build-up of air pollutants in this small western Pennsylvania community caused 20 people to die and many to become ill. These stagnant weather conditions still occur in certain areas of the State. No matter how well sources of air pollution are controlled, there is still the possibility that adverse levels of pollutants may be reached.

The Pennsylvania Air Pollution Commission has developed a regulation which will provide for special controls to be instituted during such periods. In order to enforce this regulation and to properly measure levels of atmospheric contamination throughout the State, it is necessary that we develop a more sophisticated automatic air monitoring system. We must know the nature and extent of air pollution in various areas of the State in order to develop control procedures and measure the effectiveness of these controls. We must have immediate information to determine when emergency steps must be taken.

The Pennsylvania Legislature has appropriated $490,000 for such a system. With this appropriation, we will be receiving approximately $1 million in Federal matching funds. We must move ahead rapidly in the estab-

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lishment of this system. We must insure that the air sampling stations (which will be part of the system) are located in areas having significant air pollution problems. We must place a high priority on cleaning up these areas. The air quality information which is developed from this system must be made available to the public so they themselves can determine progress in controlling air pollution. Air pollution directly and intimately affects the public and the State must respond to the public's right to clean air.

IMPROVED AND INTENSIFIED ENFORCEMENT

The Pennsylvania Air Pollution Commission has located 11 "air basins" in this State in which air pollution problems are intensified because of high industrial and population densities. Additional air basins are being designated. (The five counties in southeast Pennsylvania have been designated as an air basin.) We must step up the number of inspections to insure that enforcement procedures are carried out. We must provide adequate legal assistance to our air pollution control program to insure effective enforcement through the courts of the Commonwealth.

In Philadelphia, which operates under an exemption from Pennsylvania law, enforcement of the new Air Management Code must be more vigorous than it has been in the past. For the four-year period ending December 31, 1969, a total of $3,125 in fines were levied against the 15 top polluters in what is the third worst polluted city in the nation. This amounts to only $50 per polluting firm per year—or what each of us now pays for a control device on a new car.

Pennsylvania has been running its air pollution control program on a relatively modest budget. We are one of only three states which has qualified for federal maintenance grants, and at present our program is supported on a 1:1 basis with federal funds. Clean air is an economic asset to the Commonwealth, and it is worth the investment.

There are a number of areas in the present air pollution control act in which improvement can be made in streamlining administrative and enforcement procedures. Once the existence of an air pollution problem has been established, control should be required and achieved in a deliberate and expedient manner. The rights of all must be protected but the public should not be required to put up with these problems while long and involved legal and administrative procedures are followed. The time for rhetoric has passed. The time for action is now.

We must strengthen our law with respect to preventing air pollution. It is well known that effective air pollution control devices can be installed on new installations at less cost than on existing installations. The Pennsylvania Air Pollution Control Act should be amended to specifically provide for approval prior to the construction and operation of all new potential sources of pollution in the Commonwealth.

COMPLIANCE

It is not enough to put strong laws in the statute books. We must intensify our efforts to insure compliance.

Faced with an order to install a pollution control device, particularly if the device is costly, the industry or governmental unit faces two choices: stop operations, or install the needed equipment. The first choice is untenable. It implies the closing of a business and the resulting loss of employment. I reject this choice.

It is the responsibility of government to aid business and industry to comply with the new rigid standards. In this connection, I strongly recommend that the Congress of the United States consider expansion of the present provisions for tax credits now provided in Federal income tax structure in order that immediate, effective incentives are provided for business and industry. By the adoption of this approach, we would finally be able to put all the pieces together—a tough basic law, vigorous enforcement, and the means to comply—so that we might truly have the clean air we all are entitled to.

STREAMLINING GOVERNMENT

In order to insure effective control of pollution, we must reorganize the state government. Toward that end, I recommend prompt creation of a single Department of Environmental Protection which would bring together all agencies of State Government now concerned with the myriad problems of pollution of land, water and air into a single unit charged with strict enforcement of existing and future law.

I propose that this new department not be based on expansion of our existing Department of Forests and Waters, as some have suggested, but rather that it bring together under one cabinet-level officer all agencies now concerned with the technical aspects of environmental pollution and control.

Such a department would have as its base the existing Department of Mines and Mineral Industries which, over the past 8 years, has grown into one of the most effective arms now existing in State Government to fight environmental pollution.

To it would be added technicians from the Department of Health's Bureau of Environmental Protection . . . including the Sanitary Water Board, the Air Pollution Commission and the Solid Waste Management Section.

From the Department of Forests and Waters would come the Water Power Resources Board; from the Department of Agriculture, the Soil Conservation Commission; from the Department of Labor and Industry, the Division of Mines and Quarries; and from the State Planning Board, the Geological Survey.

I have advocated the reorganization and streamlining of State Government so that we eliminate duplication and deliver the essential services at less cost and save tax dollars.

The creation of such a department is a major step in streamlining State Government and is a necessary step if we in Pennsylvania are to win our battle to improve the quality of the air we breathe. It is a matter of survival!

BISHOP LAURISTON L. SCAIFE RETIRES AS EPISCOPAL HEAD

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. DULSKI. Mr. Speaker, the Episcopal Diocese of Buffalo bade official farewell this week to the Right Reverend Lauriston L. Scaife, who retired after serving as bishop since 1948. He was the diocese's seventh bishop.

During his 22 years as leader of his western New York flock, Bishop Scaife came to be known and loved by peoples of all faiths, all nationalities.

During the commencement exercises last Friday at the State University of New York at Buffalo, the coveted chancellor's medal was bestowed upon the bishop.

The citation credited Bishop Scaife with displaying those ideals which are the very bases of a university. The citation continued:

Buffalo could have had no greater leader in its midst during this ecumenical period.

In this age of diversity, when the affliction of Babel has compounded itself and separated men from men, it is a rare individual who, by his character, can show men of all backgrounds that they are indeed united by a common humanity.

Unusual is the man whose warmth can melt the barriers which impede understanding and goodwill. The man we honor today has demonstrated these attributes in his church, his community, his nation and his world.

His outstanding qualities have distinguished him as a leader not only in his church, but also among all religious communities.

Bishop Scaife is and has been a great spiritual leader, a great community spirit whose activities regrettable have been sharply reduced recently because of ill health, forcing his retirement at this time.

In a feature story on May 29, the Buffalo, N.Y., Evening News headlined Ellen Taussig's article: "Lauriston L. Scaife—'Every Inch a Bishop.'" That's a four-word description that tells the story of this man.

Following is the newspaper feature:

LAURISTON L. SCAIFE—"EVERY INCH A BISHOP"

(By Ellen Taussig)

"I baptize thee in the name of the Father and of the Son, and of the Holy Ghost."

"Defend, O Lord, this thy child with thy heavenly grace; that he may continue thine forever; and daily increase in thy Holy Spirit more and more, until he come into thy everlasting kingdom."

"Jesus said, 'Let not your heart be troubled: ye believe in God, believe also in me. In my Father's house are many mansions: If it were not so, I would have told you.'"

The Protestant Episcopal Church in the United States of America meets the three cycles of man's days—birth, life and death—in part, with the above words.

Over two decades throughout her Western New York Diocese, they have been prayed and declaimed by the Rt. Rev. Lauriston L. Scaife, a large, majestic-appearing man, with eyes both loving and keen, who—with raised chin and proud bearing—has thus declared his allegiance to Jesus Christ, of whom he has said:

"He (Christ) lived a life deliberately balanced between the new and the old. He was and is the center of a new society in which power is subordinated to love."

Now regretfully, the Episcopal Diocese will bid her seventh bishop farewell, as he retires June 1.

A diocese where he has established nine new congregations and opened many new church buildings, and whose community outreach is reflected in the founding, during his term, of:

The Rendezvous, a teen-age coffee house in South Buffalo; The Southwestern Area Migrant Committee, Fredonia; St. Augustine's Center, an urban mission on Humboldt Pkwy., and St. Phillip's Community Center, for young and old, on Goodell St.

GAINS IN DIOCESE

A diocese where Sunday school teachers have increased from 600 to 1000 during his office, and their pupils by more than 1300.

A diocese which recently established its own charities fund.

Regret at Bishop Scaife's departure however, crosses local denominational lines, and reverberates through scores of churches around the world.

For during his bishopric, he has looked over the tops of miters, croziers and creeds to the origin and root of the Christian faith.

Recognized as perhaps the greatest diplo-

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mat in the U.S. in dealing with the Orthodox Church, Bishop Scaife recently was asked what thought he has borne in mind in dealing with so many denominations:

"I have remembered," he replied, "that God has no particular love for denominations, but an infilite love for people."

GOD HAS LOVE FOR PEOPLE

"I have remembered that all of us, Christian or Jew, Moslem or Hindu share a common goal: To open ourselves to His love. And I have tried to remember that a necessary first step is for us to open ourselves to one another."

In presenting the Distinguished Citizen's Achievement Award of Canisus College to Bishop Scaife in 1966, the Very Rev. James J. McGinley, S.J., said:

"The spirit of ecumenism has been his possession for long years . . . (he) is a combination of patriotism and intelligence, laced with patience and Christian charity—a good combination for the youth of our land to behold in their day of trial and doubt."

Born in Milton, Mass., in 1907, of Pilgrim stock, Lauriston Livingston Scaife was drawn to the ministry while a choirboy of 12, at St. Michael's Church there. The inspiration of the rector, Rev. H. Boyd Edwards, helped seal his decision.

Even earlier, he had begun study of the piano and organ, an interest he has continued throughout his life.

STUDIED PIANO, ORGAN

He was assistant organist at both Milton Academy, his preparatory school, and at Trinity College, Class '31.

Afterward, he taught classical language at St. Paul's School, Concord, N.H., and studied at Gottingen University, Germany, and at Harvard Graduate School.

General Theological Seminary conferred the degree of doctor of sacred theology upon him in 1937; while there he taught New Testament Greek.

He was ordained to the priesthood a year later, and began his ministry as curate at St. Thomas Episcopal Church, New York, after which he served successively as rector of Trinity Episcopal Church, Newport, and Calvary Episcopal Church, Pittsburgh, from where he was called here.

SERVED IN WORLD WAR II

During World War II, he was first, a prison chaplain, and later was assigned aboard ship in the South Pacific.

The Episcopal diocese of Western New York unanimously elected him bishop on the first ballot, Jan. 20, 1948, to succeed the Rt. Rev. Cameron J. Davis and he was consecrated May 13 of that year.

"He came to the Diocese at a critical time," says one observer. "Following a depression and war. It was badly fractured—financially, socially and from the viewpoint of churchmanship.

Two weeks after he arrived, he met the clergy at luncheon and told them: "I am your bishop, and I want to be so in more than name."

Then he circled the tables, and called each man there by name—there were about 70—and mentioned the name of his wife and children.

"It was a tribute to his memory," says a minister who was present, "but an even greater one to his warmth and concern for people. To tell you the truth," he confessed, "Bishop Scaife knows my people better than I do today."

Another priest says: "He was every inch a bishop, but he was very tender-hearted; he was wrung by people's troubles. If he heard someone was sick, he might appear personally at the hospital, or call the patient's rector.

HE WAS A QUICK STUDY

"He was a quick study; he grasped the salient points and didn't get bogged down with details. He thought in large terms, in the grand design.

"Bishop Scaife had a high regard for the old, in the best sense of the word, yet he was not afraid to venture into new territory.

"He had good balance in every area—social, theological and ecclesiastical."

Dramatic and traumatic events and changes have taken place in the field of religion since Bishop Scaife came to Buffalo.

The vision of Christian unity has raised its head higher than it has for centuries. Across it, like a beneficent shadow, lies the memory of Pope John XXIII, who called the Second Vatican Council, which emphasized the unity of all Christian groups, in hope of a closer relationship.

Of this Bishop Scaife says:

"The most significant thing about the ecumenical councils lies in their providing a place for Christians to get together and talk. No problem is ever solved by silence, least of all a theological difference.

TRIBUTE TO POPE JOHN

"Pope John, more than any individual in the 20th Century, showed the rest of us how to love our neighbor, while respecting his uniqueness."

Bishop Scaife expressed his own views on the full meaning of Christian unity in an address before the First Friday Club of the Knights of Columbus in 1965.

"Pope John is largely responsible for my being here today," he told his listeners.

His remarks sum up his current thoughts on interdenominational reunion:

The bishop interpreted the ultimate objectives of Christian reunion as "the healing of the divisions which now separate Roman Catholic, Orthodox, Anglican and Protestant Christians, and the reuniting of all Christians in that visible unity of the church which consists in full and complete communion in faith, in discipline and in the sacramental life."

He defined the more proximate objective of the Christian reunion movement, the Ecumenical Movement, as:

ECUMENICAL OBJECTIVE

"The removal of the obstacles of unity—not only the differences in matters of doctrine, discipline and liturgy, but the mutual lack of knowledge among the Christian bodies, and the fears and suspicions which have sprung up between them as a result of centuries of division and hostility."

Finally, he encouraged his listeners to regard the entire work of Christian reunion as "the work of God, and therefore, a work to be carried forward principally by the power of prayer."

"Study we must and talk we may," declared Bishop Scaife, "but this is one house the Lord must build, or the builders will labor in vain."

The invitation extended by Bishop James A. McNulty to the Episcopal Diocese to hold the ceremony for Bishop Scaife's successor, the Very Rev. Harold B. Robinson, in St. Joseph's New Cathedral in 1967, and Bishop Scaife's acceptance, set a Roman Catholic-Protestant Episcopal precedent in this country.

ON INTERFAITH ADVANCES

On advances in interfaith—Roman Catholic relationships, specifically during his term of office, Bishop Scaife comments:

"The dealings of Roman Catholics with their Christian brethren over the past years, have been no less than exemplary. Currently, they are engaged in more discussions with more separate denominations than any other Christian body."

Bishop Scaife, who has represented the Episcopal Church as a delegate to and mediator with the Orthodox Church throughout the world, was asked what he felt was the value of the closer relationship he has effected between the two churches.

"I pray," he replied, "that the work that has been done in Anglican-Orthodox relations has resulted in an increase of love between brothers. There is too little of that in this world, and the more we have the better for all of us."

PARISHONER'S PROBLEM TODAY

What, in Bishop Scaife's opinion, is the greatest stumbling block to the average parishoner today, in the development of his religious life?

"Doubt is, and always has been, the greatest stumbling block," he replies. "Doubts about whether the Church is moving too fast; doubts as to whether the Church is moving at all; doubts about the future and about the meaning of the past.

"And doubt," he says, "is merely a lack of trust in whether God really works in His world.

"He does."

A wide spectrum of sociological and civic issues have appeared, particularly during the last decade of Bishop Scaife's service.

They ranged from race relations to military service, from a challenging of long-established ethical and moral percepts to interpretation and usage of scientific advancements.

In 1965, invited to deliver a major address before the Citizens Advisory Committee on Community Improvement hearing on housing and blight, Bishop Scaife declared:

VIEWS ON HOUSING

"There can be no East Side, West Side, North or South Side, in dealing with this city-wide problem.

"We are to work man to man, face to face, shoulder to shoulder—Negro and White, Christian and Jew, as brothers sharing not only a common cause, but also a common Father.

Does the bishop feel such an attitude is present in the city today?

"While I believe race relations here have improved to a degree," he reports, "they have not come as far as I had hoped. We must guard against losing the ground we have taken and face the fact that our common life is far more important than our private predilections.

"If we once relax and allow this city to split into racial factions, each with its own special interests, we shall cease to have a community and find ourselves in the midst of a battleground."

To questions on other leading issues of the day the bishop had this to say:

MATTER OF MORALITY

Q—In your opinion, are we in the midst of a drastic change in the morality of sex, or is it a reformation or a tangent?

A—Regrettably, every generation believes that it invented sex and sets out to market it to the rest of the world. We are witnessing less of a sexual revolution, than a new, and rather boring, willingness to talk about what has been going on for eons.

Q—What of the current "rebellion" of youth? Where in your judgment have parents of today's unruly youth failed?

A—"Failure" is a relative term and not one I necessarily would apply to the parents of today's so-called "unruly youth."

These young people have taken most seriously, the values of their elders: Equality and dignity for all men, the necessity of peace among nations, the joys of the good life and the importance of the care and repair of the environment which sustains us.

However, a lesson we seem to have neglected is that passionate ideals do not replace hard work; that rhetoric is a poor substitute for reason, and that self-sacrificing love brings more results than random, capricious violence.

BIRTH CONTROL, DIVORCE

Q—What is the Episcopal Church's attitude toward birth control, abortion, divorce and remarriage?

XUM

A—The Episcopal Church's attitudes toward birth control, abortion, divorce and remarriage are premised on the primacy of Charity.

While we believe that children are a blessing to a marriage, we also feel that the marriage partners should, in the wisdom of their own consciences, determine for themselves, how many children will contribute to the health and growth of the marriage relationship.

Abortion is a far more complex matter and one which, in most situations, we view with alarm. However, certain rare and unusual circumstances demand special pastoral considerations.

The Episcopal Church does not condone divorce. On the other hand, in the case of marriages which have been entered into contrary to the laws of the Church, we have provisions for providing ecclesiastical annulments.

Those who divorce and remarry are subject to individual discipline. In all these cases, our desire is not to punish or condemn, but to restore those whose lives are troubled and disordered to the full life of the Church.

Christ commissioned us to love and forgive sinners, and that is our first job.

ON THE HUMAN SIDE

On the human side, Bishop Scaife has brought to the diocese a naturalness of manner and conviviality of spirit that, of themselves, have won him many followers, including youthful communicants.

At the annual ball in his honor, the highlight of the evening was when he went to the piano to play popular tunes to the delight of the guests.

Despite the burden of his office, he continued to exercise scholarship, reserving the right to personally examine young ministers ordained here in Greek. Recently, he taught a course in philosophy and religion at Canisius College.

The Episcopal Diocese's seventh bishop took his religion home to the large white-brick, green-shuttered house at 36 Lincoln Parkway, where he received religious personages from throughout the world.

CHAPEL IN HIS HOME

He had a chapel built there. It was designed so he might worship as master of his household with his family, while still retaining the traditional liturgical place of a bishop.

What is the message of Bishop Scaife, as he leaves office? What encouragement would he give and what pitfalls would he point out to the members of his 75 churches, and to Buffalo, as a city?

"I would like to remind both the people of the church and the people of the city," he says, "that they must settle for nothing less than perfection in their own lives and the life of their community.

"There is no such thing as 'half a saint,' anymore than there is a 'partially starving' child.

"We must pray constantly that God will strip us of our pride and sin, while we labor to strip our city of its slums, its polluted air, and its racial injustice."

Bishop Scaife and his wife, the former Eleanor M. Carnochan, will remain in Buffalo for the present.

SUPPORTING THE PASSAGE OF H.R. 15424

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. ST GERMAIN. Mr. Speaker, on May 21 of this year, this body took a decisive step toward the revitalization of the U.S.-flag merchant fleet when it voted nearly unanimously in favor of amendments to the Merchant Marine Act of 1936.

I am proud that I was one of the 307 Members of this body who voted in favor of this legislation, because by our action we have expressed our commitment to helping our merchant marine move back into contention for the ever-increasing cargo which moves to and from our shores.

The 307 to 1 vote by this House demonstrates that there is overwhelming support for positive action that will reverse the downward trend which has marked American maritime affairs for the nearly quarter of a century since the end of World War II. I think none of us labors under the delusion that this legislation will correct all of the ills of our merchant fleet. These ills have been developing for more than two decades, and it would be unrealistic to believe that they can be remedied overnight. We have a long uphill climb in front of us—one which will stretch over a period of many years—before we can be assured that we have become, once again, a major maritime power. But the important thing is that we have finally made a beginning—we are, at long last, headed on the proper course.

The significance of this bill lies more in the concepts which it embodies, than in the actual first steps toward regaining our position among the seafaring nations of the world. I say this, Mr. Speaker, because, for the first time, we have approved maritime legislation that seeks to assist all segments of the merchant marine to share in the benefits of our national maritime program.

I do not wish to belabor the subject of the inequities which existed under the Merchant Marine Act of 1936 as originally written—although the fact of the matter is that, whatever the intention of the Congress 34 years ago, that legislation has, over the years, worked to the benefit of only one-third of the American merchant marine, and has left the remaining two-thirds virtually without protection against the predatory competition of foreign merchant vessels, built by cheap labor and manned by cheap labor.

There have been some justifications advanced for the fact that the Merchant Marine Act of 1936 restricted its benefits so narrowly. At the time of the bill's enactment, our foreign trade was primarily centered on the liner trade; bulk-cargo carriage constituted only a minute fraction of the Nation's waterborne imports and exports. Perhaps the drafters of the 1936 act were unable to foresee what actually occurred—the decline of the liner trade and the enormous expansion of the bulk trade. Certainly I do not impugn the motives of the legislators who drafted that act 34 years ago. But many of us have long regretted both the inflexibility of the 1936 act, and the even greater inflexibility of those who, over the years, have had the responsibility for its administration.

So the greatest significance in the bill which this House adopted on May 21—the day before Maritime Day—lies in the fact that its provisions are less restrictive, and its goal is to operate in assistance of all elements of the merchant marine, whatever relative role each segment might currently play in terms of our total waterborne foreign commerce.

This legislation is not perfect, by any means. It still denies some forms of assistance to major segments of the maritime industry. It does not offer help, for example, in either building or operating ships on the Great Lakes, in service to the offshore areas of Hawaii, Alaska, Puerto Rico, or Guam, or in the fishing industry. But it does extend the beginning of some forms of help to all of these segments, as well as to all of our deep-sea vessels engaged in international trade.

But the fact that the bill is less than perfect scarcely detracts from the principles which it embodies, and from the first steps that it proposes to begin to remedy the years of neglect of this important industry.

I am pleased that the bill received such overwhelming and bipartisan support in this House, that it represents the joint efforts both of the legislative branch and the executive branch, and that it enjoys virtually the unanimous endorsement of all segments of the maritime industry, and the overwhelming support of maritime management and labor, alike.

This legislation has been a long time in coming. It is my earnest hope, Mr. Speaker, that we will witness its quick approval in the other body of the Congress, its prompt signing by the President, and its speedy implementation by the Maritime Administration.

ADDRESS BY CARL FENICHEL, LEAGUE SCHOOL FOR SERIOUSLY DISTURBED CHILDREN

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. CAREY. Mr. Speaker, I wish to call to the attention of my colleagues the excellent address of Carl Fenichel, Ed. D., director of the League School for Seriously Disturbed Children in Brooklyn, which was delivered at the school's 17th annual luncheon at the Waldorf-Astoria on May 9, 1970.

When the league school was founded in 1953 there were no day schools in the country for mentally ill children diagnosed as schizophrenic. During the past 17 years the school has won national and international recognition for demonstrating that seriously disturbed children, previously institutionalized as hopeless, can remain at home within the family and be helped within the community.

I commend to my colleagues the contents of Dr. Fenichel's address which outlines some of the more recent achievements of the school. I am sure that all Members of this body will concur in his concluding statement that "every child—

no matter how disturbed or disabled—is entitled to achieve his full potential and to live with human dignity in the family of man." His remarks follow:

Address by Carl Fenichel, Ed. D.

Recent tragic events in Cambodia and on the Kent State campus have dimmed our memories of what happened a few short weeks ago when the world watched and waited anxiously as three astronauts struggled for survival in outer space close to the edge of disaster. The impact of that near-tragedy impelled many of us to identify closely with the anguish of other human beings bordering on the brink of doom. After four long days and nights of harrowing suspense, there was wide global relief and rejoicing when these three men touched earth again.

This afternoon I'd like to bring you up-to-date on the rescue of three other human beings that will never make the front-page headlines. It concerns three of our own boys who had been trapped in the long, dark terror of mental illness and whose future looked equally grim and hopeless when they first come to League School. For many years the disordered minds of these three boys were far out in space, hovering on the thin edge of life. Today we can all proudly rejoice for our three boys have now been returned to earth and have rejoined the human family.

When Simon was admitted to League School six years ago, he was diagnosed as autistic, ritualistic and withdrawn. His thinking was seriously disturbed and distorted. He had no self-control and no ability or desire to relate to people. After four years of education and rehabilitation at the League School, Simon was gradually and successfully absorbed into a full-time regular junior high program where his scholastic and social skills showed continued improvement. This June he will be graduating with superior grades of 90 and above in all but one subject. Simon is now the pride and joy of all his junior high teachers who have told us how much they will miss him when he moves on to high school in September.

Then there is Perry who, when he came to us ten years ago, was considered a classical case of childhood schizophrenia. He was overwhelmed by anxieties, phobias, compulsions and confused thinking that he found it hard to hold on to minimal contact with reality. After seven years of slow but steady progress, Perry was able to move on from League School to high school where he made a fine adjustment. This June, Perry will be graduating from high school with excellent grades and in September he will be entering a Brooklyn college.

The third boy is Ray who came to League School 14 years ago, diagnosed as hopelessly psychotic, withdrawn, disorganized and unable to relate to people or objects. Today I am proud to announce that this once severely disturbed boy is now a well-functioning young man of 23 and that within the next few weeks Ray will be graduating from a college in New England with highest academic honors.

We are happy to share these heartening news items with all of you good friends and supporters who have made it possible for us to reach out and bring many of our lost children back to earth.

Today we are gathered here to remember and to renew a commitment to the pioneering achievements of League School which over these past 17 years has broken through much of the doom and despair that have darkened the lives of deeply disturbed children and their families.

While the impact and significance of our School gains greater momentum and glows ever brighter with each passing year, it seems to many of us that much of the world outside has little to glow about. In fact, each morning's headlines make many of our staff and our visitors wonder on which side of the League School door does sanity live—outside or in? It is a sad and bitter commentary on the so-called "normal" world outside that all too often our small corner of earth in Brooklyn—devoted exclusively to the most disturbed, disordered and disorganized children—is a shining sanctuary of peace, serenity, security and sanity in contrast to the mad, violent, unsafe and corroding world outside the League School doors.

As we move into the decade of the 70's the new "in" word on the tongues and minds of millions of concerned Americans is "ecology"—the science of man's interaction with his physical and human environment. The alarm is sounding and spreading across our nation and the world that mankind is fouling his own nest and plundering his home on earth, and that nature's deadliest parasite and murderer is man himself. We are waking to the urgent need for immediate and drastic action against the prospect of self-extermination that faces all humanity by the erosion and waste of our resources and the pollution of our land, our water and our air.

But unfortunately we have not yet fully awakened to the pollution of our hearts and minds by an agonizing war, racism, poverty, perpetual violence and hate, dehumanization and indifference to the needs of the hungry and the handicapped—each of which is as fatally poisonous to our human environment as the physical pollution of the earth on which we live.

We know that there are no easy solutions to the multitude of frightening and complex problems that confront our world today. And yet there are some important lessons that our League School experiences have taught us which I believe should make us feel a little more hopeful about our chances for survival and for shaping a better world tomorrow.

The basic lesson is that progress in a democracy doesn't just happen. It comes from the aroused and enlightened conscience and action of its citizens. All change starts with people. The League School didn't just happen. The League School is people who made things happen.

During the early years of League School, its chances for survival looked dismal indeed. They were years of endless struggle trying to keep our doors open and our untried ideas alive as we faced the daily specter of unpaid bills and the weekly crisis of meeting the perennial payroll. We had no wealthy benefactors, no endowment funds, no foundation grants, no government assistance, no community support. We were rich in nothing but hope and the resolute will of a small band of people filled with a sense of purpose and armed with the moral imperative that mentally sick children must not be excluded from the human race.

True, the opening of our School was gratefully welcomed by parents as the answer to their prayers and dreams of finding a place that would keep their child out of the state hospital. And yet for several years after our pioneering day school program was launched it met with little or no acceptance or support by professionals, government agencies or citizens in the community.

We know that old habits and traditions die hard. Exclusion and isolation had been society's prescription for the mentally ill down through the ages. Even in the enlightened 20th century, separation of the deeply disturbed child from his family was widely advocated and justified by professionals on the assumption that the child's mental and emotional disorders were caused by the disturbances and inadequacies of his parents.

We found most of our parents no more disturbed than most other parents. Nor could we uncover any evidence in the early histories of our children that they had suffered rejection or parental deprivation. What we found instead were parents who had to go through life with the shattering experience of having a seriously disturbed child and whose personal grief and anguish were made heavier by professionals who put ambiguous labels on their child and the finger of blame on them as parents.

The League School refused to accept hospitalization as the best and only resort for all mentally disturbed children. What we struggled to achieve were more humane and more effective strategies and services that would give these children the comfort and care of home and school in place of the dead-end, cold-storage containment of the hospital.

It is worth noting that when the League School began, while there were day school programs for the blind, the deaf, the mute, the retarded, the cerebral palsied and the brain-injured, there were none for the seriously disturbed child. At that time it was the general belief of nearly every mental health authority that education could do little or nothing for children as disturbed as ours. The treatment most recommended but rarely available and much too costly for most families was psychotherapy. And yet the few experienced psychotherapists able and willing to work with severely disturbed children admitted having little or no success.

With each passing year League School has made it increasingly evident that teachers trained in special education have an important therapeutic as well as educational contribution to make and that—with the supportive skills of other clinical disciplines—the school day in a therapeutic classroom can do more for the mental health and emotional growth of the deeply disturbed child than a few weekly hours of psychotherapy in a mental health clinic or on a psychiatric couch.

Gradually, the quiet story of our work began to spread and eventually what was happening on an obscure little street in Brooklyn became known to parents and professionals across the cities and towns of America and beyond. Today our schoolhouse has become a place of almost daily pilgrimage as more and more state and private hospitals, clinics, mental health boards, and boards of education are hoping and planning to start similar day school programs as an essential community facility to help disturbed children. As Governor Rockefeller declared when he came to dedicate our new building about two and a half years ago: "Professionals from six continents beat a path to the League School to learn how to establish similar stations of hope for disturbed children."

The teachers and clinicians at League School work untiringly to stir and waken the closed and disabled minds of children; to stimulate and guide the withdrawn ones who live in silence and in solitude; to quiet and comfort the wild, explosive ones and help them find the peace that comes with self-control; to bring order and purpose to the chaotic minds of the mentally disordered so that they can begin to make sense of a world they cannot cope with or understand.

Our program has succeeded in rehabilitating many children who might otherwise have to spend and end their days vegetating in institutions. It has enabled us to reach and teach many children considered inaccessible and uneducable. It has furthered the emotional growth of severely disorganized children by helping them develop the many skills needed to play, work and relate appropriately with others. Through the years our program has made it possible for many of our children to move on to regular or special

XUM

classes in the New York City school system, to learn vocational skills and work habits, hold down jobs, earn a livelihood and lead meaningful and useful lives.

Now we don't want anyone to go away from here with the idea that we don't know the bitter taste of failure. No matter how hard we try to help each child—we don't always succeed. When you work with children as sick as ours, dedication is no substitute for knowledge. Even with the most tender loving care, expert handling and sensitive understanding, the knowledge and skills available today in the fields of special education, psychiatry, psychology, neurology and biochemistry are neither adequate nor precise enough to help every child. Despite all our efforts and hopes, we realize that some of our children will have to spend interludes or entire lifetimes within a totally supportive sheltered environment.

Our field needs far more information on how handicapped children learn and why many of them fail. And yet we cannot afford to wait until we reach that heavenly state of absolute wisdom before we start working to help these children. While we are humbly aware of the serious gaps in professional knowledge, we know too that because of a shortage of funds and a surplus of indifference much of what has been learned over the past few decades is *not* being used to help most mentally and emotionally handicapped children.

This was brought into sharp focus in the recently completed study by the Joint Commission on Mental Health of Children which was established four years ago on a mandate from the U.S. Congress. The Commission's Final Report, which is the work of the nation's outstanding authorities in the mental health field, has now been submitted to Congress, and it presents hundreds of pages of damning evidence on the shameful plight of our mentally ill and other handicapped children.

XUM

Here are a few direct quotes from the Final Report on how our children are being shortchanged by national neglect and indifference:

"We proclaim we are a nation devoted to its young. Yet we find ourselves dismayed by the violence, frustration and discontent among our youth and by the sheer numbers of emotionally, mentally, physically and socially handicapped youngsters in our midst. It is shocking to know that thousands of children are still excluded from our schools, that millions in need go untreated, and that many still suffer from hunger and malnutrition."

Summarizing the Joint Commission's study are two simple declarative sentences which reveal our nation's lack of concern for mentally, emotionally and physically handicapped children: "There is not a single community in this country which provides an acceptable standard of services for its mentally ill children . . . We have knowledge and the resources to remedy many of these conditions yet we lack a genuine commitment to do so."

People and nations show their genuine commitment not by what they *say*—but by what they *do*. We *say* that our children are America's most precious resource. Let's see how precious they really are. A few years ago the Johnson administration appropriated over 1 billion dollars to support the price of cotton and 1/20 that amount for children's mental health services. By our actions, which do we value more—our cotton or our children?

Recently, the Nixon administration vetoed a budget of 19 billion dollars for our nation's health, education and welfare services because it was excessive and inflationary—but approved a budget of 23 billion for a war in Vietnam with no questions asked. By our *actions* which do we value more—warfare or welfare, killing or helping children?

The Joint Commission's Report on the critical shortage or non-existence of educational and other services for the mentally handicapped comes as no surprise to heartsick parents and frustrated professionals seeking to place children desperately in need of immediate help who end up nowhere except on long waiting lists that grow longer each day.

The basic reason for this shortage is money. Since special educational programs cost more than regular educational programs there is a greater reluctance to spend funds for the handicapped. Where such funds are made available they are almost always used for the mildly handicapped who are likely to need less help and at a cheaper per capita cost than the more severe cases.

Over the years our League School policy of working with the most severely disturbed has been questioned by many who claim that ours is too costly a program for children with so poor a prognosis. We know of at least three educational facilities in New York City that had been working with severely disturbed children up to this year but who now have decided to change their admissions policy and take only the mildly disturbed whose improvement will be surer and cheaper.

So there it is: the children who need help most usually end up getting little or nothing because it costs too much and takes too long. I believe the time has come for America, which puts no ceilings on what it spends on a barbaric war in Asia and on journeys to dead planets, to reverse its priorities and stop putting price tags on the welfare of our children—normal or handicapped. The worth of our society and its people will be judged not by its wealth or weaponry but by its dedication to human needs.

All over our nation are desperate parents searching for a more decent destiny for their handicapped children. And all around them are neighbors and fellow citizens blind to the needs and deaf to the cries of these children. The cries of these children should be thundering in the ears and minds of all America. We must waken our people and our government to an essential, moral and democratic principle: that every child—no matter how disturbed or disabled—is entitled to achieve his full potential and to live with human dignity in the family of man.

MY 1970 CONGRESSIONAL QUESTIONNAIRE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. EILBERG. Mr. Speaker, each year in an effort to more closely determine the attitudes and opinions of my constituents I conduct a thorough poll by mail.

It is my privilege to represent northeast Philadelphia, the most rapidly growing section of the city of Philadelphia. The total population of the district is now approaching 500,000 with the post office household count now at 141,378.

All of us know the frustration of trying to get our constituents' views. The population explosion has made it virtually impossible to talk to but a fraction of our constituents. I have found that using a questionnaire gives every family I represent in the Congress an opportunity to express its views.

With the unanimous consent of my colleagues, I enter my current poll in the RECORD:

CONGRESSMAN JOSHUA EILBERG WANTS YOUR OPINION

JUNE, 1970.

DEAR FRIEND: As your Congressman, I am called on to vote in your behalf on a growing number of increasingly complex questions affecting the future of the Nation and the lives of each one of us.

None of these questions lend themselves to easy answers and frequently I am called upon to vote with a simple "yes" or "no."

I believe that to do my job more effectively I must know how you are thinking on the issues. As many of you know, I return home every weekend to meet with our community groups and to talk with as many of our friends and neighbors as possible.

But the days are never long enough. While I speak with many people I realize that they represent only a fraction of our Northeast Philadelphia community, now approaching a half-million in population.

That is why it is important that you take a few minutes from your busy life to answer this questionnaire. The job of governing the United States belongs to all of us.

Please fold according to the instructions and return it to me as soon as you can. Your answers will be confidential. The results of this poll will be mailed to every household in Northeast Philadelphia.

Because the technical requirements of a poll like this sometimes restrict the range of possible answers, I welcome any additional comments you may have. Thank you for your consideration and attention.

Sincerely,

JOSHUA EILBERG.

1. a. Do you believe that inflation is under control?

b. If not where has inflation hurt you the most? (check one)

(1) Food
(2) Housing
(3) Education
(4) Transportation
(5) Clothing
(6) Medical Costs
(7) Taxes

c. Do you think increased unemployment is an acceptable way to curb inflation?

2. Which tax do you resent the most? (check one)

(a) Federal income
(b) State sales
(c) Local real estate

3. Do you think the present Social Security benefits are adequate?

4. Non-essential government spending must be cut. If you were writing the Federal budget, which program would you cut first? (check one)

(a) Crime
(b) Defense
(c) Education
(d) Foreign Aid
(e) Highways
(f) Housing
(g) Pollution control
(h) Space
(i) Welfare

5. Would you increase or cut Federal aid to:

(a) Elementary and secondary public schools?
(b) Private and parochial schools?
(c) Colleges and universities?

6. a. Which of the following constitutes the most serious threat to your health and the health of your children? (check one)

(1) Air pollution
(2) Water pollution
(3) Noise pollution

b. Who do you think has the greatest responsibility for curbing pollution? (check one)

(1) Government
(2) Private industry
(3) The private citizen

7. a. I do not support an increase in first class mail postage to eight cents. Do you?

b. Rather, I believe junk mail rates should be substantially increased to pay their own way. Do you agree?

c. I support strict prohibition of the mailing of unsolicited pornography. Do you agree?

8. a. Do you support a Vietnam-type commitment in Cambodia and Laos?

b. Do you believe we should withdraw from Vietnam?

c. If yes, do you think we are withdrawing fast enough?

9. Do you think the United States should sell Phantom jets to Israel?

10. a. Do you feel personally threatened by crime on the streets?

b. Do you think the police should be able to enter your home and search it without first knocking on your door?

c. Do you think persons outside the Internal Revenue Service should be allowed to see your income tax return?

11. a. Would you reduce first offender penalties for possession of marijuana?

b. Would you increase the penalties for those who sell drugs to school children?

12. Do you think that 18, 19, and 20 year olds should be permitted to vote?

13. Do you think Associate Justice William O. Douglas should remain on the Supreme Court?

14. What do you think are the three most pressing problems facing America today? Please list in order of urgency.

15. What one problem in the Northeast is of most concern to you?

TRIBUTE TO SPEAKER McCORMACK

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. REUSS. Mr. Speaker, I rise today to salute JOHN McCORMACK for his long and distinguished service to his country and especially to this body.

Throughout his more than 40 years in the House, Speaker McCORMACK's thorough dedication to his work, his sense of fair play, and his kindness and understanding have set a worthy example for all who have served with him.

During his remarkable career, JOHN McCORMACK has consistently fought for legislation with direction, purpose, and effectiveness—legislation that has benefited every citizen of this country.

Under his leadership as Speaker of the House, some of our most pressing national problems were faced with landmark legislation the end result: The Civil Rights Act of 1964, the Voting Rights Act of 1965, the Environmental Quality Act of 1969, the Housing and Urban Development Act of 1968—the list goes on.

To JOHN McCORMACK, the House of Representatives has been a full-time job. Few men who have ever served here have served with such total dedication. Yet despite his many obligations as Speaker, JOHN McCORMACK always found time to take a personal interest in each Member and to extend to each of us his wise counsel and courtesy.

It is the true measure of this man that he is admired and respected by every Member of this body on both sides of the aisle.

I know I speak for all House Members when I say that JOHN McCORMACK will be fondly remembered by all who have known and served with him.

HON. LESLIE C. ARENDS MARKS 27TH ANNIVERSARY AS HOUSE REPUBLICAN WHIP

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. SPRINGER. Mr. Speaker, one of the truly great men in the Congress of the United States marks an important anniversary today. It was just 27 years ago that the Honorable LESLIE C. ARENDS became the Republican whip of the House of Representatives.

LES ARENDS long ago established a record for having served in the position of whip longer than any other Member in history. In fact, that record was previously held by his immediate predecessor, Congressman Harry Englebright of California, who served as Republican whip from 1933 until his death in 1943, altogether about 11 years. LES ARENDS has thus served as Republican whip 16 years longer than any other Member.

It is indeed fortunate for the country and for his party that LES ARENDS came to Congress as a relatively young man. He is now completing his 18th consecutive term as Representative from the 17th Congressional District, which adjoins on the north and east of the 22d District which I have represented for the past 12 years. LES ARENDS has seen a lot of history made during his 36 years in Congress. I believe that perhaps the single most important element in his success as a party leader has been his ability to bring people together. No whip in such a controversial body as the House of Representatives could be successful without the ability to get other people to join in advancing their party's cause. LES ARENDS possesses this ability in the highest degree. And to this quality can be attributed some of the most stirring Republican legislative victories during his long service as GOP whip of the House.

Randall B. Ripley, in his book "Party Leaders in the House of Representatives," published by the Brookings Institution in 1967, tells us:

> The name Whip was not formally applied to a Member in the House until the end of the 19th century.

Before then Members functioned as whips only in connection with important legislation on which there was a close division between the parties.

The first whip was a Republican, James Tawney, appointed by Speaker Reed in 1897. The following list of whips and their terms of service is taken from Mr. Ripley's book:

DEMOCRATS

Oscar Underwood, Alabama, 1900–01.
James Lloyd, Missouri, 1901–08.
Thomas Bell, Georgia, 1913–15(?).
William Oldfield, Arkansas, 1921–28.
John McDuffie, Alabama, 1929–33.
Arthur Greenwood, Indiana, 1933–35.
Patrick Boland, Pennsylvania, 1935–42.
Robert Ramspeck, Georgia, 1942–45.
John Sparkman, Alabama, 1946.
John McCormack, Massachusetts, 1947–49, 1953–55.
Percy Priest, Tennessee, 1949–53.
Carl Albert, Oklahoma, 1955–62.
Hale Boggs, Louisiana, 1962–.

REPUBLICANS

James Tawney, Minnesota, 1897–1905.
James Watson, Indiana, 1905–09.
John Dwight, New York, 1909–13.
Charles Burke, South Dakota, 1913–15.
Charles Hamilton, New York, 1915–19.
Harold Knutson, Minnesota, 1919–23.
Albert Vestal, Indiana, 1923–31.
Carl Bachmann, West Virginia, 1931–33.
Harry Englebright, California, 1933–43.
Leslie Arends, Illinois, 1943–.

GREECE AND OUR OWN SELF-INTEREST

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. BOB WILSON. Mr. Speaker, H.R. 17604, the military construction authorization for fiscal year 1971 passed the House on May 20. Included among its provisions was an authorization for $50 million for financing the U.S. share of the NATO infrastructure program.

The chairman of the committee (Mr. RIVERS), asked and was granted permission that all Members have 5 legislative days to extend their remarks on this bill. Because of the particular authorization to which I have referred I wish to make a few remarks relating to the relationship that should exist between our country and Greece. The liberalism that is said to be a reflection of true democracy has obviously mislead us somewhere along the way. The morning paper tells us that. And it is this kind of liberalism, the kind that burns down college buildings and views riots in the streets with complacency, that has given many people in the United States a wholly distorted view of Greece and its government today. Although I think that we do ourselves and the Greek people a disservice in adopting this attitude, I think it very much more important that in doing so we tend to forget our own national self-interest, the responsibilities that we share with the other members of all NATO, and thereby seriously limit the hard objectivity with which we should be viewing the Mediterranean area today.

Some perceptive realist once said that:

> Self-interest is not only a legitimate but a fundamental cause for national policy, one which needs no cloak of hypocrisy.

Those wise words are being disregarded today. A person with any real understanding of what is best for this country cannot but wonder why we have a national policy toward Greece that is anything short of total cooperation. Its

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location is of great strategic significance to the United States, particularly in the light of the massive Soviet incursion into the waters of the Mediterranean and the equally massive assistance that the Soviet Union is now granting to the Arab countries in furtherance of the explosive situation in the Middle East. The Soviet Union well knows where its self-interest lies.

We are constantly being reassured that international communism is no longer a monolithic conspiracy. We are told that the Soviet Union does not want war. We are begged to believe that the Soviets really want world peace. These are things that we are asked to believe. But are these views acceptable in the light of the Russian attitude in the Middle East? For that matter are they believable in the light of Hungary, Berlin, Czechoslovakia and Vietnam?

The national self-interest of the United States clearly dictates that we should accept our friends and allies where we find them. And when we take a hard pragmatic look at our country in relationship to today's world we find Greece among our stanchest and most important friends.

Just a few days ago in referring to the court-martial of members of the underground organization in Greece the Christian Science Monitor ended up its news story with these words:

> Although the (Greek) government protagonists have emphasized severity and cold logic in the administration of justice, humanity also has crept in.

I cite this particular news story because it appeared in a newspaper that is hardly known for any radical persuasion either to the left or the right. The dateline of the story was Athens. It was not a story written in the newsroom of the Christian Science Monitor here in the United States. It represented an on-the-spot appraisal of the situation.

Is the present Greek Government lacking in some respects? I know of no government in the world today that can hold itself up as a model of absolute perfection. Congress could go out of session and the President could go on vacation if we achieved this kind of perfection in our own country. Difficult situations call for strong measures, and I do not think it is our obligation here in the United States to attempt to judge how Greece will run itself. That's up to the Greeks.

Our Ambassador to Greece, Mr. Henry J. Tasca, arrived there only this past January. It is my understanding that he was told to report back on the pros and cons of resuming arms shipments to the Greeks. I also understand that Mr. Tasca has submitted several reports on this subject and that they are now under study. My own view is that these arms shipments should be resumed. And while I have a number of reasons for holding this belief, I will suggest to those who disagree with the present Greek Government that they re-examine that so important matter: the self-interest of the United States.

Greek Premier George Papadopoulos recently said that "The political and intellectual leadership should hoist the flag of legality against anarchy and impose the laws necessary to lead society to a safe harbor."

Now it may be true that Mr. Papadopoulos' definition and interpretation of some of those words just quoted might be somewhat different than you or I might have, but the words themselves taken at face value could well be applied to the needs of our own country today. We in this country have not reached a state of anarchy but we could hardly say in the light of today's events that our society is resting in "a safe harbor." When that is so, when we have achieved our perfection, then we can engage in telling the other countries of the world how they should run their business.

Mr Speaker, let me conclude on this note: the Soviet Union has not changed its spots, its aims are essentially today what they have been since the time of the Russian Revolution. Greece is our fellow member of NATO. The Middle East, if it gets out of hand, could supply the tinder for the beginning of another world war. Greece is an essential element to the maintenance of the United States' position in the Middle East. These are all facts, let's view them as facts, and as facts that deeply affect our own country and the world.

LAURENCE C. EKLUND RETIRES FROM MILWAUKEE JOURNAL

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. ZABLOCKI. Mr. Speaker, each of us who serve in public office understands and appreciates the importance of our official actions being reported accurately and fairly to those we represent. In a democratic system such as ours, of course, that function is performed by the news media—a function so vital to our process that it enjoys constitutional protection.

Yet, I am sure you would agree, Mr. Speaker, that any institution in our society—but especially the news press—is only as good as the men and women who work within it. In that connection, an able news reporter is always to be respected. His ability to report to his readers the important event of the day accurately, fairly, and within a context that makes them truly meaningful is a rare gift.

A man of such talent is Mr. Laurence C. Eklund.

Mr. Eklund, known to his many friends and colleagues as "Con," retired last week as Washington correspondent of the Milwaukee Journal. He will be sorely missed not only by his readers but by those about whom he wrote—sometimes critically but always fairly and accurately.

What I hope will be but the first chapter of his memoires appeared in the Journal of May 17. A story recounting Mr. Eklund's distinguished journalistic career of 44 years was published in the Journal of May 24. It is my privilege to insert both these stories in the RECORD at this point and recommend them to the reading of my colleagues.

To Con Eklund and his lovely wife, Ethel, go my best wishes for a relaxing and enjoyable retirement.

The stories follow:

A WASHINGTON MEMOIR

(By Laurence C. Eklund)

President Nixon, whose phenomenal memory amazes reporters, reminded me not long ago that he and I had arrived in Washington about the same time.

The president's recollection was correct. He began serving in January, 1947, as a 34 year old congressman from California. I came here the following month to establish The Milwaukee Journal's Washington bureau.

As it happened, I saw a lot of Nixon and another future president, the 29 year old congressman from Massachusetts, John F. Kennedy, while covering my first big story for The Journal's fledgling, one man bureau.

They were members of the House Committee on Education and Labor. It was holding hearings on the Taft-Hartley bill which, passed over President Truman's veto, amended labor relations laws in favor of management. Nixon was the lowest ranking Republican on the committee and Kennedy ranked next to the bottom on the Democratic side. The hearings involved testimony of many Milwaukeeans.

One of those witnesses, Harold R. Christoffel, former president of United Auto Workers Local 248 at Allis-Chalmers, went to jail for perjury after he testified before the committee that he was not a Communist. Both Nixon and Kennedy played a role in the long drawn out legal battle that was taken twice to the United States Supreme Court.

Nixon's testimony that he was present when the alleged perjury was committed was important in producing a conviction at Christoffel's second trial.

Kennedy made the motion to cite Christoffel for perjury. And he journeyed to Milwaukee as a member of a three man subcommittee that helped compile the case against the former union leader.

Another newcomer to Washington early in 1947 was Joseph R. McCarthy, who had toppled the 41 year old La Follette senatorial dynasty by beating Sen. Robert M. La Follette Jr. in the Republican primary. He then went on to defeat Democrat Howard J. McMurray in the general election.

McCarthy had a way, even then, of attracting colorful acquaintances.

When Paul Ringler, now an associate editor of The Journal, and I went to lunch at the Carroll Arms Hotel the first day I arrived in Washington, we found McCarthy eating with Prince Otto, pretender to the throne of Austria. The archduke, a pleasant young man of 34, was seeking the new senator's support on a project.

Before coming to Washington, I had interviewed McCarthy at length as he relaxed at the King's Gateway Hotel at Land o' Lakes after his victory in the Senate race.

It wasn't until years after that northern Wisconsin interview that McCarthy, buoyed by material from a friend on a Chicago newspaper, hit political paydirt with his speech at Wheeling, W. Va., against alleged Communists in government.

On Feb. 6, 1954, by which time there had been ample evidence that McCarthy was not a standard bearer for the liberal Republicans. The New Yorker magazine tossed back at me a portion of that northern interview, under this chiding headline:

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"THE CLOUDED CRYSTAL BALL," (From a story by Laurence C. Eklund in the Milwaukee Journal, Nov. 10, 1946).

"In talking with McCarthy one gets the impression that he will make a record as a liberal Republican, and that he will be closer to Republicans of the type of former Gov. Harold E. Stassen of Minnesota and Senators Wayne Morse of Oregon and Joseph Ball of Minnesota than he will be to Sen. Robert Taft of Ohio, the apparent conservative choice for president in 1948. Evidently, he will not be satisfied with a Republican program that calls for "free enterprise.'"

That's what I wrote, all right.

But McCarthy chose to ignore my predictions and gleefully pursued the nonexistent Communists in the State Department—with the active support and connivance of Taft, although it apparently was not love at first sight.

In 1946, when McCarthy was seeking Republican support for his primary battle against La Follette, I obtained a letter from Taft to Lester J. Bradshaw, then of Milwaukee, in which Taft revealed a close political kinship with La Follette.

Publication of the letter in The Journal caused a sensation. Taft got it back from Bradshaw and denied having written it, but fortunately I had taken the precaution of having it photostated. The Journal also published the photostat.

And in Washington, when McCarthy and his administrative assistant, Victor Johnston, walked into Taft's office to meet the Ohio senator for the first time, Taft jumped up, pumped Johnston's hand, and exclaimed: "Glad to meet you, senator." The white maned Johnston looked more like a senator than his boss did.

Personally, I would rather remember McCarthy for his kind way with children and his home cooked chicken dinner (his secret was to use a lot of butter) than for his repeated attacks on The Journal as the "Daily Worker of Wisconsin." He never could understand that such attacks also were attacks on me as one of several hundred employe-owners of a rather successful capitalistic enterprise. That is a point that other politicians, some long forgotten, have been equally unable to grasp.

It was over McCarthy that President Truman began his long feud with Dwight D. Eisenhower that didn't end until Nov. 25, 1963, at the funeral of President Kennedy.

The peppery Missourian excoriated Eisenhower for yielding to pressure to delete from a 1952 Milwaukee campaign speech praise of Gen. George C. Marshall, who McCarthy had attacked as a captive of a conspiracy to abet Soviet designs.

Sen. Wiley's usual greeting to me during his years as senator often included the complaint, boomed out at a cocktail party or across a crowded restaurant, that he wasn't getting enough ink in The Journal. I usually retorted mildly that his activities weren't exactly ignored by the newspaper and that, in fact, he was written up rather frequently. It got to be kind of a joke.

The fact is that Wiley, for all his backslapping ebullience, was a good and gusty senator, as well as a great story teller with whom a luncheon in the Senate restaurant was a most jolly affair.

In his switch from isolationism to internationalism in the midst of World War II, and in his opposition to the Bricker amendment limiting the treaty making power of the president, he showed courage in the face of bitter opposition from the right wing of his own party.

And his long, successful fight for the St. Lawrence Seaway was a crowning achievement.

Wiley, 78, lost his cool during his disastrous 1962 re-election campaign against Democrat Gaylord Nelson when he told me that Nelson was "stupid" and a "nit-wit" and only "half a Viking" who couldn't speak Norwegian while he (Wiley) was a full Viking who spoke Norwegian fluently.

What a pity he didn't retire voluntarily at the age of 78.

Besides recording national politics, the conscientious Washington reporter tries to stay in contact with visitors from his home state. He gets invited to a variety of semi-social events sponsored by home organizations; for instance, a chamber of commerce, a bankers' association or a rural electric cooperative.

These events occasionally produce news stories. But since 1949, the annual congressional dinner of the Wisconsin State Chamber of Commerce has been mainly social and predictably nonnewsworthy. That was the year that the guests turned on their hosts, and I reported it.

Democratic Rep. Andrew J. Biemiller of Milwaukee tangled with a sizable delegation of Wisconsin doctors who had flown to Washington to lobby against the Truman administration's compulsory health insurance bill, of which Biemiller was a sponsor.

And Rep. Frank B. Keefe of Oshkosh, a big man with an impressive voice, chided his hosts for demanding cuts in federal expenditures while seeking funds for such things as local airports.

"Every single chamber of commerce in the country wants that federal dough we're appropriating and you'll be the first ones to squawk and bombard us if we take it away," thundered Keefe.

"Hatchet Buried (In Skulls) at State Delegation Fete," proclaimed the headline over my front page story the next day. That did it. There hasn't been a good news story out of a state chamber dinner in the last 20 years.

Keeping in circulation in a town obsessed with propriety can be an amusing course in social studies.

Newspapermen generally have status in Washington, but socially they still rank below official people, including congressional secretaries. There even are social pecking orders among newsmen.

I brushed up against this in Navy protocol when I went with an official party to Norfolk, Va., to get the silver service off the battleship Wisconsin for display in the state capitol at Madison.

At a luncheon on board the battleship, the ranking guest was Rep. Glenn R. Davis, Waukesha Republican, who sat beside the captain. Next in order of precedence that had been worked out by the Navy several days in advance was Davis' secretary, Jack Cory, who more recently retired as editor of a chain of Milwaukee suburban weekly newspapers.

In the seating arrangement I ranked below Cory, but I was placed closer to the captain than was the reporter from Madison's Wisconsin State Journal, apparently because The Milwaukee Journal had a larger circulation.

And down at the end of the table, way beyond the salt, was the news photographer.

On three reporting trips to protocol conscious Scandinavia I fared a little better socially than I did around Washington.

In Sweden especially, presumably because I am of Swedish extraction, I occasionally got to sit next to the host or hostess and was called upon to make the "thank you" speech. And in the royal palace in Stockholm, the crown prince—now the 87 year old King Gustav VI Adolph—singled out me and three of my journalist colleagues, also of Swedish ancestry, for special, warm greetings. I have tried not to let all this go to my head.

The Scandinavian trips meant much more to me than just another assignment, because they gave me an opportunity to learn about my family background.

Searching the records at Sunne, the Swedish community in provincial Varmland where my father was born, I was startled to learn that he began life as Jan Jansson, not John Eklund. My father, who emigrated to Tomahawk, Wis., in 1888, never happened to mention to us that he had changed to a surname meaning "oak park."

My brother Oscar feared there had been a scandal in the family. But Pastor Victor Rydinge of the Sunne church explained that it was customary to change one's name as my father had done when he went to Stockholm to become a carpenter for the king.

Orville Freeman, former Secretary of Agriculture, told me that a grandfather, also a Swedish immigrant, changed his name from Johnson to Freeman, because there were too many Johnsons in the Minnesota lumber camp where he worked.

Freeman figures that his forebearer's name change cost him 50,000 votes when he ran for governor of Minnesota in 1954, because many voters in the heavily Scandinavian state probably didn't know he was a Swede.

Through the church records, the Swedish Tourist Traffic Association located two sets of relatives on my father's side I never knew I had. I met them in 1965 when the Swedish government selected me as the American journalist to announce plans for Sweden's homecoming year aimed at getting Swedish Americans to visit the homeland.

It was a sentimental journey indeed when I went to Rada near Sunne to be feted by my newly discovered cousin Kark David Eriksson and his daughter's family.

I gave a bright new Kennedy half dollar to Hans Backman my cousin's 6 year old grandson. It was worth the entire trip to see the excited boy a towheaded Swede if there ever was one study the coin for a long time and then hear him exclaim to himself in Swedish: "God what a fine coin!"

I like to think that my young kinsman still cherishes it.

EKLUND GOT TOUCH OF POLITICS EARLY

(By Robert W. Wells)

It was a summer of more than 50 years ago in Tomahawk, a northern Wisconsin community that had been a lumberjack town, with the sawdust piling up at the Bill Bradley mill and the "shanty boys" hurrying into town on Saturday nights to spend a week's pay in the 30 saloons.

But now the times were changing and culture was not ignored. The Chautauqua movement which brought lectures on art, religion, and world affairs even to such northwoods communities was going strong. A Chautauqua meeting was scheduled at Bradley Park and the Eklund family had a picnic lunch packed and was heading toward this highlight of the Tomahawk social season.

A FLORID SOUTHERNER

Laurence C. Eklund who is retiring as head of The Milwaukee Journal's Washington Bureau, has traveled widely and known famous men since that day in his early boyhood. But he remembers walking across the pine needles in the park named for his father's boss to listen to his first live politician.

"He was a florid southerner," Con Eklund said. "I don't remember his name but I recall how he broke down and cried over how much money the United States had spent to build the Panama Canal. I think my interest in politics stemmed from that speech."

Eklund was born in Tomahawk, a fact which he had taken for granted until recently when he had to prove it to the satisfaction of the social security bureaucracy.

Record keeping was more informal in Lincoln County then than now and Eklund discovered some years ago, when he wanted to apply for a passport, that there was no record of his birth at the courthouse in Merrill.

Eklund had his older brother, Oscar, go with him to the State Department and testify that Con was a native Tomahawker, which satisfied the passport people. But Oscar is now dead and the social security office wanted written proof that a Swedish carpenter named John Eklund and his wife had increased Tomahawk's population by one on May 16, 1905.

THE 1905 FILES CHECKED

Eklund called Graham Foster Jr., editor of the Tomahawk Leader, who checked the newspaper's 1905 files and found an item mentioning the birth. But it failed to give the baby's name.

The Eklunds had been members of what was then called the Norwegian Lutheran Church—"there weren't enough Swedes for us to have our own," Eklund explained, apologetically—so Foster got in touch with the Rev. Bruce Hanstedt of what is now called Grace Lutheran Church.

The 1905 church records were written in Norwegian, but the pastor got one of Con's old friends, Mrs. Delia Newborg, to translate. Not only Eklund's May 16 birth but the fact that he was duly baptized on Aug. 8, 1905, was recorded. The minister dispatched a document which satisfied Washington that there really was a Con Eklund and that he'd been born in Tomahawk.

Eklund's father arrived in that community in 1889 and built its first skyscraper—a frame building which rose to a full two stories, a Tomahawk record for the time. As a boy, Con tried his hand at carpentry but soon gave it up.

WENT TO UW

"I was a wood butcher," he said. "So I went to the University of Wisconsin and majored in journalism instead."

In his senior year, Eklund was associate editor of the Daily Cardinal, which meant semester had hardly begun before he was being denounced by the Janesville Gazette as a "harebrained adolescent" and being scolded by The Milwaukee Journal for daring to say editorially that "Prohibition has been an incentive to student drinking."

The Capital Times, however, defended Eklund's editorial and the following June offered him a job. In August, he wrote the editorials. The Journal hired him away from the Madison paper, raising its initial offer of $25 a week to a princely $30 when Eklund pointed out that this was what he was already making.

JOINED JOURNAL IN 1927

Eklund joined The Journal on Aug. 27, 1927, so his retirement ends an association of nearly 43 years with the paper.

He helped cover the 1928 campaign in which Herbert Hoover beat Alfred E. Smith, but like most young reporters he worked on a variety of other assignments, including the Courthouse, City Hall, the Federal Building and an occasional police story, such as a fruitless FBI chase through the north woods for gangster John Dillinger.

While Eklund was a university student, Philip La Follette, then a young district attorney, had noticed one of his editorials and invited him to a series of Sunday night suppers. When Eklund was assigned to report the activities of the Legislature in 1935, La Follette was governor.

"He was one of the most colorful guys I've covered," Eklund said. "There are some others on that list—Gov. Julius Heil, Walter Goodland, Alexander Wiley and, of course, Joe McCarthy. I got to Washington shortly after McCarthy went there as senator."

Eklund continued to specialize in politics in Wisconsin until 1947, when he became The Journal's first full time Washington correspondent. Two future presidents arrived as congressmen that year—John F. Kennedy and Richard M. Nixon. The latter headed a list of dignitaries and old friends who sent telegrams wishing Eklund well after his retirement was announced.

Eklund manned the bureau alone until 1963, when a second man was added. He continued to specialize in reporting political news, helping cover national political conventions in nine presidential election years.

In 1949, 1959 and 1965, Eklund went on reporting trips to Scandinavia. During the last such visit, the Swedish Tourist office found relatives he never knew he had in the province of Varmland where his father was born.

In 1960, he went to Antarctica. His younger brother, Carl, was a widely known polar explorer for whom the Eklund Islands in the Antarctic were named.

JOINED GRIDIRON CLUB

Four years ago, Eklund was elected to Washington's Gridiron Club, a newspapermen's organization limited to 50 active resident members.

Last month, the Wisconsin State Society of Washington, composed of former Wisconsin residents, presented Eklund with a certificate of merit for distinguished service.

Eklund has been married for 39 years to the former Ethel Chipman, the daughter of a rural Columbia County state legislator whom he met while she was working with a private welfare organization in Milwaukee. They have a son, John, who is with the Post Office Department in Washington.

Eklund's last day on the job will be Tuesday. He will continue to live in a Washington suburb, Bethesda, Md.

PARTY TO BE GIVEN

A cocktail party for about 200 persons, including his fellow members of the Gridiron Club, other Washington news colleagues and federal officials, will be given in Eklund's honor by The Journal Monday evening at a Washington hotel. The newspaper will be represented by Irwin Maier, chairman of the board of The Journal Company, and Arville Schaleben, associate editor.

John W. Kole, a member of The Journal's Washington Bureau who will succeed Eklund, and Frank Aukofer, who is moving from the paper's Milwaukee staff to the bureau, will be introduced.

In his new status as a man of leisure, Eklund plans to do some traveling, including a trip to Tomahawk, which he hasn't visited in 30 years. While there, he's going to stroll under the virgin pines in Bradley Park, remembering what it was like to be a small boy listening to a politician from the outside world who could shed tears over the cost of the Panama Canal.

GODDARD PARK

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. BOLAND. Mr. Speaker, the Rotary Club of Auburn, Mass., has built a strikingly beautiful park as a memorial to Dr. Robert Hutchings Goddard—the visionary scientist whose pioneering work in rocketry made the space age possible. As a young physics instructor at Clark University in Worcester, Mass., Goddard carried out his early rocket experiments on Auburn's countryside. It was there that on March 16, 1926, he launched the world's first liquid fuel rocket.

Bordering a lake and a waterfall, the park spread over two acres of lawns and flowerbeds in the center of Auburn. A simple granite monument—bearing a plaque honoring Dr. Goddard—commemorates the rocket experiments that eventually led to this country's manned landing on the moon. A replica of Dr. Goddard's first liquid fuel rocket is exhibited in the park. The most spectacular exhibit, however, is a giant Polaris rocket donated by the U.S. Navy. At its base is a fountain, illuminated at night so that its spurting water simulates a blastoff.

The Auburn Rotary Club, now 25 years old, built the park as its silver anniversary project. Club members labored a year clearing land, seeding lawns, laying flower beds, building concrete walkways and the exhibits. Contributions from members and other Auburn residents financed the park.

The club and its president, Len White, deserves commendation for this remarkable tribute to the father of the space age.

On May 25—the day Memorial Day is marked in Massachusetts—the park was dedicated. Dr. Goddard's widow and Edwin Aldrin, Sr., father of the second astronaut to step foot on the moon, took part in the ceremonies. I was honored to give the principal address.

With permission, Mr. Speaker, I put in the RECORD my talk, a Rotary Club bulletin outlining plans for the park, and the program for the dedication ceremonies:

GODDARD PARK

Reverend Clergy, Mrs. Robert Goddard, Commander MacElvaine, members of the Auburn Board of Selectmen, President of the Auburn Rotary, Mr. White, ladies and gentlemen, I have a feeling as we take part in these ceremonies here today that we are helping the world and especially the United States to repay a debt.

Dr. Robert Hutchings Goddard, the great genius in whose memory we are dedicating this monument, was virtually unrecognized at the time of his death.

He was one of the most inspired visionaries of all time. As the father of modern rocketry, he, more than anyone else, made the space program possible. We owe him much.

Memorial Day is an apt time for the dedication of this park. Like the soldiers who sacrificed their lives on battlefields, Dr. Goddard did not seek public honors or personal rewards.

He dedicated his life to scientific inquiry. It is just this kind of selfless dedication that we honor on Memorial Day. For soldiers it led to victory in two world wars. For Dr. Goddard, it led to the most staggering achievement in the history of civilization—a manned landing on the moon.

I think of how frustrating, how unfair life must have seemed to this physics professor who as early as 1909 became fascinated with rocketry.

That was a year before he was graduated from Clark University, where he later taught physics.

As a boy, Robert Goddard dreamed of shooting an arrow into space. He even tried it, and from the experience realized that some method must be developed to give the arrow added push after it reached the maximum altitude to which a bow could send it.

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This was the crude beginning of modern rocketry.

Goddard continued his experiments. By 1916, he had demonstrated the soundness of his theories and revealed by actual tests that rockets had more thrust in vacuum than in air.

When he prepared a report about a rocket that would go to the moon, the result was widespread ridicule.

He was called a crackpot and a faker, terms that hurt. But nothing daunted him. Thank God he was not a quitter!

Goddard was so convinced that his theory was right that he finally managed to bring the Smithsonian Institution to his support, the first he had received from anywhere.

On a $5,000 grant, he was able to go to work on the world's first liquid-fuel rocket—and here on March 16, 1926, he gave it its first test.

The importance of this moment in bringing on the space age was unrecognized at the time. The flight lasted less than three seconds, covered only 184 feet, and reached a speed of 60 miles an hour.

Here, again in 1929, Dr. Goddard launched the first rocket to carry a payload—a barometer, thermometer, and camera.

But the noise caused such alarm that he was barred from making any more rocket tests in his home State.

However, the moment was not without its reward, for the resulting furore caught the attention of Colonel Charles A. Lindbergh.

This distinguished aviator came to talk with Dr. Goddard and, as a result, managed to obtain for him a $50,000 grant from the Guggenheim Fund. This was the money that enabled Goddard to set up a workshop near the White Sands Proving Ground in New Mexico and to produce much larger rockets.

But he still had not met with complete success, when World War II came, he was unable to get the war department to take interest in what he was doing in behalf of national security.

Meanwhile, somewhat ironically, on the other side of the Atlantic, the Germans were adopting his methods and applying them in the production of V–2's.

Goddard's death in 1945 came many years before the world realized what a genius he was.

Working virtually alone, he made it possible for us to produce the great spaceships that have taken our astronauts to the moon.

If he had had the facilities and financial support he needed and deserved, it is difficult to estimate how far he might have gone before his end came.

Despite our lack of understanding and lack of support, he brought us into the most exciting age of all time. You can catch this excitement and realize its significance when you look up to the moon and ponder that this nation succeeded in sending men there to explore its surface—Neil Armstrong, Edwin Aldrin Jr., Alan Bean, and Charles Conrad, Jr. What an incredibly fantastic, magnificent achievement! It clearly demonstrates the staggering technological achievements in the nation's space effort—the expertise and knowledge and courage of our astronauts. And think of it! Dr. Goddard was a pioneer in the effort that culminated in the nation's success in space.

We can never add to his memory too much honor and to much tribute. I can sense, too, the great pride that Mrs. Robert Goddard, who is with us today—a distinguished person in her own right—takes on this occasion as we honor her illustrious husband.

I come to commend the Charles P. Tuttle Post #279, American Legion, and the Auburn Rotary for sponsoring this Memorial Day exercise and the dedication of Goddard Park.

We dedicate this beautiful, unique park to Dr. Goddard's memory—in his name and for the continued peaceful exploration of space. This place and all that it represents will be an inspiration to the young to continue to reach for the stars as they recall the life and works of Dr. Goddard.

For what is being done here today and its meaning for the future, I express the gratitude of the United States of America.

In recent testimony before Congress, I recall, Dr. Thomas O. Paine, head of the National Aeronautics and Space Administration, said:

"This Nation cannot afford not to have Robert H. Goddards in the future."

He is right.

AUBURN SHOOTS FOR THE MOON

On March 16, 1926, the world's first liquid propellant rocket engine was flown at Auburn, Massachusetts by Dr. Robert H. Goddard.

The Rotary Club of Auburn is justly proud of this modern heritage and the event is recorded in the design of the Club banner. Many senior members remember Dr. Goddard, and one Club Past-President, his nephew, still owns the land where Dr. Goddard made the flight, which ended on the moon in 1969.

This year, the Rotary Club of Auburn is twenty-five years old. For the Silver Anniversary, President Len White elected to have the members construct a park to honor the memory of Dr. Goddard. Two acres of wasteland near the historic site and the center of Town, were granted to the Club by the Auburn Selectmen.

The site is on the shore of Mirror Lake, and is visible from the Massachusetts Turnpike and Interstate Highway 290. Plans were drawn in May and approved by Mrs. Goddard and the Town officials.

The plan for the park includes a large fountain, the center of which will feature a modern Polaris rocket donated by the United States Navy. The fountain, which sprays water downward from the base of the rocket, will be illuminated at night. Red underwater lights will give the illusion of the rocket starting flight and the upper portion will be bathed in white light.

A system of concrete walkways will connect the fountain site and parking areas with a full-size model of the original Goddard rocket on the lawn of the Town Library across a small brook which borders the park.

A system of underground lawn sprinklers and area lighting of the walkways is included, as well. Adjacent to the fountain, there will be a large granite monument bearing bronze dedication plaques to Dr. Goddard and sponsors of the project.

Work was begun at the time of President Len's installation in June. About 8000 cubic yards of earth embankment was donated by a company developing a local shopping center. The Club membership was broken down into Committees and work assignments were scheduled for successive weekends. Auburn is a young Club and the groups responded enthusiastically in reporting for work and obtaining free materials from building suppliers. A finance committee solicited contributions of one hundred dollars each from private patrons and industrial or commercial sponsors. The money contributed is to pay for materials and services unobtainable as gifts. The members, young and old, have participated in all phases of the work, pouring the concrete for the rocket base, fountain and walkways; installing electric wiring and sprinkler piping; and grading, seeding and planting lawns and shrubs.

The Club's Rotary Anns participated by serving morning coffee at the project site and returning with a charcoal grille to offer a welcome lunch. Not to be outdone by the men, the Rotary Anns will also install some 2000 tulip bulbs in the planting area at the fountain, and construct flower beds in other sections of the park.

Dedication will take place on Memorial Day, 1970. Mrs. Robert H. Goddard, wife of the late Doctor Goddard, will participate in the dedication ceremonies together with Town, State and Federal representatives, and the Club officers.

The park will preserve the memory of a great American scientist and his historic achievement. It will also serve a useful recreational function for the people of Auburn. For Auburn Rotarians, it will stand always as real testimony of the Rotary ideal of Service above Self.

EXERCISES AT GODDARD PARK

Master of Ceremonies: Roger P. Magnuson, Past Commander, Chester P. Tuttle Post.

1. America the Beautiful: Auburn High Band.
2. Invocation: Rev. Bergstrom, Chaplain, VA Hospital Jamaica Plains.
3. Pledge of Allegiance: Boy Scouts & Girl Scouts.
4. Welcome: Mr. Robert Hunter, Chairman, Auburn Board of Selectmen.
5. Lincolns Gettysburg Address: David Young.
6. Flanders Field: Joan Turnblom.

GODDARD PARK DEDICATION BY ROTARY CLUB OF AUBURN

(Mr. Leonard White, President)

7. Speakers: Congressman Boland, Mr. Edwin Aldrin.
8. Selection: Althea Grotto Band.
9. Presentation Rotary Anns: Mrs. Ralph Proctor.
10. Honored Guest: Mrs. Robert Goddard.
11. Benediction: Father O'Rourk, North American Martyrs Church.
12. National Anthem—Auburn High School Band.

ROTARY COMMITTEE

Mr. Leonard White, Mr. John Beadreau, Mr. Harold Procter.

THE POWERFUL INFLUENCE OF JOURNALISM

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. BOLLING. Mr. Speaker, two excellent articles dealing with various aspects of communications, published in the spring 1970 issue of the Columbia Journalism Review, clearly illustrate the powerful influence of journalism and recommend steps to assure thoughtful, responsible coverage of national and international news. The one article covering the scope and role of television journalism by Sir William Haley, formerly editor of the Times of London and director general of the BBC; and the second, covering mass media and violence from the Report to the National Commission on the Causes and Prevention of Violence, deserve wider circulation based on their enlightening and informative qualities. They follow:

WHERE TV NEWS FAILS

(By Sir William Haley)

(Television newsmen have become technology's captives. To escape they must go beyond showing "happenings" and reintroduce "rifting, reporting, and evaluating.")

In 1944, when victory in World War II was clearly in sight, the British Broadcasting Corporation arranged a Commonwealth Broadcasting Conference in London to discuss postwar service. When the war had begun in 1939 the BBC, which had started the first television service in the world, had had to shut the service down. As most of those at the conference had never seen TV, we opened the transmitter for one afternoon and showed them transmissions on closed circuit. A discussion followed about how TV was likely to develop. I said that I thought its main long-term service would be in news. As communications developed—we could not foresee satellites but we were sure that some sort of relays would eventually span the globe—every country would have visual access to every other country's happenings. The TV screen, wherever it might be, would be a window on the world. (It was, I think, the first time that metaphor was used for the TV screen.) And I forecast that for the completely natural use of this service flat TV receivers would have to be designed so that, like windows, they could be fitted flush into the walls of every home (and, while this is not yet a practical possibility, it will come).

There are three points to this story. The first is the youth—one might say infancy—of TV even in 1970; less than twenty-six years ago well over 99.99 percent of all those now viewing throughout the world had never seen TV. The second point is the incredible scientific and technical strides the new invention has made in that short time; as I write this the BBC is on the eve of receiving in England its first color program direct from Australia. The third—and by far the most important—point is that although the closed circuit showing resulted in some discussion of this conception of international news by television, there was none at all of the problems it would create. The point can be made even stronger. Although many of those present at the conference had been responsible for handling radio news for up to twenty years, no one foresaw that the televising of news would bring problems exclusively its own.

One can make excuses. We were still at war. The 1936–39 TV programs were a novelty and not an integrated service. Before the war the BBC's news had not acquired the importance, authority, philosophy, and stature that came during it. In 1944 we had neither the time nor the men to engage in deep thinking about the principles of televising news. Even if we had thought about them the problems could not have been foreseen. They could emerge only in practice. And what emerged in the early days was not final. Not only did the resources of TV change and evolve; the news itself changed and evolved. Neither the BBC nor the American networks nor other countries' television organizations faced as recently as 1960 the deep and confusing issues that they are having to wrestle with in 1970.

One of the problems my immediate colleagues and I did recognize as soon as we restarted TV in 1946 was that it was not possible to put the BBC's famous *Nine O'clock News* before the cameras and just leave it at that. It is perhaps necessary to explain that the 9 p.m. news, the BBC's main news program throughout the war, became a national and, to some extent, an international institution. Inside the United Kingdom it achieved such authority that, no matter what the British newspapers might report, people did not accept it until they had heard it on the 9 o'clock news. The BBC's news bulletins were also the main lifeline to occupied Europe and a major factor in the Resistance.

This authority of the BBC's news did not depend solely on its accuracy. Just as important to the millions who listened was its sense of news values. The length and placing of each item were objectively and professionally considered. Even the serious British newspapers would compare their main news page stories with the selection in the 9 o'clock news. They would go their own way, but they wished to study their judgment alongside that of the BBC.

It was quickly found that preserving this judgment in TV news was a seemingly impossible task. Visual news values are in almost inverse ratio to real news values. What is most exciting to see is generally the least important to know about. To start a TV news program with an item of the seriousness and length it would be given in radio news would in all likelihood result in losing the viewer's attention. He would do something else until the news was over.

The BBC was not prepared to have two standards of news values for its programs—one for radio and the other for TV. So in the first years after the war the BBC had no televised news. It merely read the 9 o'clock radio news in the TV program without any attempt to add visual material. Later, TV news programs were started. Much professional skill has been brought to bear on the problem of visual values and real news values, and some progress has been made, but the problem is still far from solved.

I think it has been solved even less in the United States. Sixteen months of American viewing left me with the conviction that the truth has not yet been realized that even supposedly exciting events by their recurring similarity lose all interest. By and large, fires, floods, and sinking ships, railway and car smashups, even earthquakes have little originality. They all look the same on the TV screen. The same is now true of demonstrations. There is little significant visual difference between them, whether they be in the United States, in Britain, in France, Italy, Germany, or Japan. Yet they go on being shown because they represent action. They assume a bogus interest. In fact they bore the viewer. Worst of all, they waste scarce and valuable time that could have been given to items that really matter.

It is sometimes argued that this time-wasting is not serious because American TV stations give so much more time to news than the British and stations of other nations do. This is a fallacy. Once stories are not tautly edited and lose proportion and significance, the whole idea of news loses significance for the viewer. And the loss of significance is not made up by deep treatment of important and serious news items in documentaries. What documentaries I saw during my stay in the United States convinced me that the BBC is far ahead of the networks in this field. American TV documentaries have not the skill at getting at essentials, and the deep probing into them, that British documentaries have. All too often the longer they go on the more superficial they become. This is possibly one reason for the present reluctance of American TV stations and sponsors to sink money and time into news documentaries. Whatever the reason, the lack of enthusiasm for news documentaries struck me as one of the most serious developments in the tidal wave of TV that has swamped the American public's time and attention. It can have grave consequences for American democracy—unless the news stories are restructured or a corrective is provided in some other way.

These are elementary facts. It has been necessary to start with them because they are fundamental. They are as much at issue today as they were when TV was restarted twenty-four years ago. In some ways they are more so. The journalist has not been able to withstand the engineer. More and more technical resources and devices have been offered him. They have mastered him, and not he them. The outcome is even more crucial now that satellite communication is becoming common. Because the satellite relay does stand to open up the whole of the free world, because its cost is high, and because no conceivable distance—not even that from the moon to the earth—is any longer a bar to immediacy, both significance and journalistic judgment are in danger of suffering greater blows than ever before.

For some time now the immense engineering resources available to TV reporters and correspondents have highlighted the ordinariness and inanity of much of what those resources are employed to transmit. The old metaphor of using a sledgehammer to crack a nut can all too often be modernized into "using a satellite to relay a television correspondent." It is not the correspondent's fault. He is as much a victim as the viewer. The urge to show things as they have happened or, better still, while they are happening leaves no time for the old journalistic skills. Air travel and the international telephone similarly in some way hamper the newspaper correspondent. Men are flown half across the world to a trouble spot they have never seen before and are expected to send back measured dispatches within twenty-four hours of their arrival. Even then the newspaperman has some little time to think and write. The TV camera team must move in at once. It gets wherever it can as quickly as it can, the correspondent being left with the job of conveying the idea that what the viewer is seeing is the whole—or at least representative of the whole—of whatever is being covered. It can be neither.

The occasional roundups are even worse. They purport to be a summing-up, a considered general judgment. Hardly a situation in the world today can be thus treated properly with the resources and the time the TV correspondent has at his disposal. The camera is always pressing upon him. So is the editor at home, anxious to use the satellite—not only to televise him but other correspondents as well. The more commonplace the use of the satellite becomes, the more will station prestige (and eventually correspondent prestige) demand that everyone shall use it. The cost being so high, each use will be only a fraction of what it ought to be—if it is to be used at all. Thus there will flash on the home screens of Britons, Americans, Frenchmen, Italians, Germans, and others a succession of *obiter dicta* from men who are forced to do an inadequate job and who look as if they knew they were doing it.

For in yet another way the pressures on the TV journalist are greater than those on his newspaper brother. Not only is he expected to do twice as much twice as fast in a tenth of the space; he has the added load of having to be seen for much of the time he is doing it. This personalizes the news, making it more difficult than ever to form a true opinion of its objective value. It also debases the role of the journalist by making him, consciously or unconsciously, and at the very best to some infinitesimal degree, an actor.

That being so, it seems to me TV reporting from one country to another should not be left solely in the hands of the regular correspondent. The more important the events being covered, the more vital it is that journalists of the country where the news is originating should be used to complement the TV network's or station's own man. *And both men should be given time to do a thorough, responsible job.*

The existence of the TV international relay and of the satellite ought to make TV news editors and managers reconsider the whole scope and role of television journalism. (One of the major weaknesses of TV journalism in some countries is that both editors

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and managers have a say in the matter.) The old patterns were never very good; these new inventions make them completely outworn. Instead of using the new aids for yet more variegated and more heterogeneous news stories, the journalists of this new television age should scrap present methods and use the new devices to increase the depth of treatment of the news that has significance and really matters. The faster communications become, and the more widely their net is thrown, the greater is the need to eschew any immediacy that has to be paid for by perfunctoriness. TV news should be more than a peep show. People may be titillated by the latest incident, whether it matters or not, being flashed to them in a split-second across thousands of miles. That is not journalism. It often is not news.

What is news? Some of us discussed this at one of the Columbia-duPont Broadcast Survey luncheons last year. Someone asked what had been the greatest TV newscast of the year. The Apollo's pictures of the first man landing on the moon were suggested. Stress was laid on the many hours the program had lasted and the world excitement at the event. I objected that it had not been news. It was a show—admittedly a most historic and spectacular show—but a show nonetheless. News is not a happening. It is what journalists make of it. It is the sifting, reporting, and evaluating of what has happened. In the case of the moon landings this was done subsequently. It was not done by the Apollo camera automatically sending to earth the pictures of the first men treading the lunar surface. This may seem to be a fine distinction. I believe it to be a fundamental one. And it is precisely because I do not believe that TV newsmen are making this distinction that I think TV news has so far missed its purpose.

This would not matter so much if newspaper readership in the United States and Britain was still on the increase. When TV started I forecast that its inability to deal with news adequately would give newspapers a second chance—in Britain at any rate. To some extent it has done so. But the opening of the whole world to news, the speed with which it is now communicated to newspapers, radio, and TV, the multiplicity of seemingly insoluble national and international dilemmas, have led to a flight from the news by those who, if a nation is to be healthy, should most be following it. Added to this is the increasing specialization in all kinds of activity. Here, too, results which used to take months, if not years, to circulate internationally now do so in days. It has all become too much of a load for many of those who have the world's work to do. A growing number of business and professional men and women now need only the publication that gives them the specialized information they need; for the news as a whole they depend on the nightly TV news broadcast.

This habit is, I think, more common in the United States than in Britain. In both countries the economic forces attacking newspapers are the same. Geography makes the consequences different. In the United Kingdom 54 million people live in an area slightly smaller than that of Wyoming. In spite of casualties it is therefore still possible to have eight national newspapers, with varying coverage of national and international news, able to get onto any British breakfast table. The vast continent that is the United States makes national newspapers well nigh impractical. Casualties among American newspapers have left the overwhelming majority of cities with only one newspaper. Often its coverage of national and international news is not such as to make it obligatory reading. In addition, the vastness of the United States precludes there being many single focal points of news interest.

Americans have nowhere near the same interest in the proceedings of Congress as the British have in daily reports of the meetings of the House of Commons. The uncertainty of the General Election date keeps British politics continuously alive to some degree. The various sections of the nation are conscious of their abiding or changing political loyalties, and have papers to cater to them. Among the serious newspapers there is the *Daily Telegraph* to meet the needs of the Right, the *Guardian* those of the Left, and the *Times* those of the center. The popular newspapers also have identifiable stances. And the fact that all these papers circulate through the whole of the kingdom gives the British press a place and a voice that has not yet suffered much from TV.

British newspapers also do a better job than TV in reporting on the arts, law, science, local government, and the whole range of subjects which traditionally make the best complete newspapers. On neither side of the Atlantic so far has TV news sought to give a regular service in these news areas. Here, too, geography may make it more difficult for American TV to deal adequately with this responsibility. But the need is there; it must be met.

While geography can modify the consequences of scientific, economic, industrial, and social progress, it cannot quarantine them absolutely. Their effect on different countries is mainly a matter of time and degree. The most widespread problem of journalism today—of TV journalism more than of newspaper journalism—is the problem of every avocation. It is the problem of men and women everywhere. Mankind is failing to cope with the vastly increased speed of its communications. Jet travel—soon it will be supersonic—leads statesmen in time of crisis to fly to see each other before they have had time to consider what they are going to say when they get there. The greater the emergency, the less time they take to assess it. Businessmen start negotiations at the end of long flights when they are in no condition to do so. (Some large business organizations now recognize this and impose a forty-eight-hour assimilating period on their executives.)

News arrives in such proliferation and at such a rate that before it can be digested and judged it is overtaken by the next day's flood. Correspondents and reporters are mentally breathless. Refuge is sought in generalization. Speculation takes the place of judgment. Today's big news may prove to be tomorrow's trivia.

It is perhaps too much to ask television journalists to be the pioneers in reversing a trend that is bedeviling all mankind. But as their influence grows so does their responsibility. And that responsibility is to make the gadgets—even the satellites—their servants and not their masters, and to remember what is the true function of a journalist.

REPORTING CONFLICT IN AN AGE OF CHANGE

Conflict is part of the crucible of change. It may yield progress or repression. But conflict is not a state of social equilibrium. Whether conflict is resolved by violence or cooperation will depend in part upon the actors' perceptions of the world about them. Providing an accurate perception of that world is the media's most important responsibility . . .

Collectively, and within their own organizations, the news media can accomplish much before . . . disorder starts. Indeed, how much they do may determine whether it starts at all or how much it grows . . .

The most controversial and difficult issue for radio and television centers on the delay of news. Where the news event is of a kind likely to symbolize past injustices to any significant group in the community, there is a danger that such an event may trigger a large-scale disorder. Moreover, once a crowd has begun to gather at the scene of such an event, immediate broadcast of the event and its precise location is likely to draw additional persons to the area and add to crowd control problems of the police, thereby contributing to the likelihood of a violent outbreak and its severity if it does occur . . .

Once it is decided that the incident is potentially inflammatory or may attract a crowd to the scene, most of the newsmen with whom we have been discussed the problem suggest a delay of at least thirty minutes to confirm the story, make sure the facts are clear, and to avoid exaggeration. Under particular circumstances it may require a delay of an hour or longer. Media transmittal of unconfirmed reports, emotional or unbalanced accounts, and visual portrayals of violence without perspective can do at least as much damage as news delay.

Where communitywide guidelines are in effect, it is best to designate one journalist representative to determine the length of the embargo. Such centralization eliminates the competitive pressures that tend to undermine this policy. A complete embargo beyond one hour, and preferably beyond thirty minutes, probably cannot be justified . . .

In reporting both incidents that may grow to disorders and the disorders themselves, the media can make additional preparations within their own organizations. Some TV stations, for example, have already made the decision not to cover riots with live mobile television units. Rather than send conspicuous shoulder-braced sound cameras to a riot, they can plan to send the much smaller, hand-held silent camera, plus a man with a tape recorder to pick up random sound. Similarly, they can use black and white instead of color film, which requires more light; in this way, they can reduce the need for crowd-attracting lights and apparatus. They should plan in advance the deployment of manpower within the news organization, what the process for assimilation shall be and who shall exercise responsibility at each stage.

A neighborhood fight should not be called a riot. A disturbance should not be designated racial without confirmation. Accuracy should have priority over speed. The story, particularly its violent aspects, should be kept in perspective.

If, for example, the police radio carries a report of a National Guardsman being shot, it is tempting to put this on the air, because it has the surface authenticity of a police report. Many of these reports are based on rumors and are simply requests for confirmation by a police officer. The story is skimpy; no details substantiate it. During the tension of a riot, the police can act hastily and carelessly. Moreover, the day is past when everything the police say should be broadcast as "truth." The report must be confirmed. . . .

News is the unusual, the extraordinary; it is something that doesn't happen every day. The media have no need to report each airliner that arrives safely; it is not a matter of general public interest. The objection, however, is not that the media focus upon the unusual; rather it is that they focus on the unusual aspects of the unusual. Recall, for example, the coverage of the meeting at Watts, devoted to discussing grievances and what could be done to calm a tense racial situation. The media focused on the extremist statements of one sixteen-year-old-boy. This was not a representative portrayal of a legitimate news event. . . .

The media have properly rejected the suggestion that they report "good" news simply because it is good. It apparently has not occurred to very many newsmen, however,

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that events should not go unreported simply because they involve a nonviolent resolution of conflict. One function of the media is to aid in coordinating society's response to change. They can fulfill this function in part by telling the public how conflicts are resolved nonviolently and by giving such resolutions the same prominence they give the violent manifestations of conflict. . . .

The press does provide a marketplace for ideas, but it is not of the sort commonly supposed. The increased level of violence in this country today is partially owing to the sluggish response of our institutions to social change; but the press shares in this sluggishness, and an important part of its inadequacy is the inability of new and different voices to gain routine and peaceful access to the centralized news media. . . . It should become habitual editorial policy to display fairly and clearly the opinions, analyses, and solutions offered by a wide variety of people, expert and nonexpert, covering the spectrum, regardless of the proprietor's personal position.

Too many news organizations fear social ideas and social action. As a result, they stimulate, dissatisfy, and arouse anxiety only to fall silent or limit themselves to irrelevant cliches when thoughtful solutions are required. Alternative solutions to our most urgent social problems, based on the work of our most imaginative social thinkers, and written with the clarity that only a good journalist can produce, ought to be standard. . . .

America can look forward to change—the only certainty. This will require not only information about events, violent and nonviolent, but ideas about what to do about these events. . . .

Specifically we recommend:

A. The Corporation for Public Broadcasting be provided with a budget for news and public affairs programming comparable to that of the television networks. . . .

B. The Justice Department and the Federal Communications Commission should scrutinize carefully all mergers, license applications, and license transfers which would result in greater concentration of media ownership. . . .

C. Perhaps most important is that the government must stay abreast of new technological developments in the communications industry and be prepared to assure that further concentration of control does not occur. This is particularly important with respect to CATV. . . .

D. There is a good deal of confusion, particularly among practicing broadcast journalists, about what the fairness doctrine requires. . . . We recommend that the FCC clarify this ambiguity and resolve it along the lines indicated.

E. Each year the Federal Communications Commission must pass on approximately 2,500 broadcast license renewal applications. . . . If the Commission is to effectively discharge its mandate, it must develop at least broad guidelines for such determinations in order that its staff can bring to the Commission's attention those cases that raise serious questions. . . .

F. Journalist should reexamine the degree to which existing news judgments incorporate obsolete standards, including a tendency to report violence because it is sensational, rather than because it is significant. Moreover, in reporting conflict, the press should develop a special sensitivity to the danger of overstating the degree of conflict.

G. Beyond reexamining existing standards for reporting violence, newsmen should reconsider the contemporary utility of well established newsgathering practices. Perhaps most important is the interpretive news stories—which can be written with time for calm reflection and balanced judgment—be allocated more resources and be given greater prominence. For newspapers, this means running such stories regularly on page 1. . . .

H. We strongly recommend: 1) that the media hire and train increased numbers of newsmen from minority groups; 2) that the media provide the kind of regular surveillance of minority group activities which it applies to other segments of the community; 3) that the media provide information to local groups about preparing press release and, more generally securing access to the media through traditional channels short of demonstration, confrontation, and violence; 4) the use of ghetto "stringers"; 5) inclusion of members of minority groups in day-to-day news, such as births, deaths, weddings, business, and social functions; 6) more background and in-depth stories on social issues and particularly those stories dealing with facets of the American scene with which the majority of the audience have little actual experience.

I. There is a need for greater interaction between the news media and the community and for responsible criticism of media performance. There are a number of ways in which this can be brought about:

1) News organizations should establish and publicize the existence of grievance machinery or internal appeal boards to hear the complaints of persons who feel that their viewpoint has been unfairly excluded from the press or that the press coverage of an event to which they were involved is inaccurate. Such a program has worked well at the Louisville *Courier-Journal*.

2) News organizations should encourage local press councils to provide a continuing exchange of views between the news media personnel and representative members of the community.

3) Journalism schools should ingrain in their students a tradition of continuous reexamination and self-criticism through, *inter alia*, the establishment of journalism reviews and programs designed to prepare the student to apply new findings in communications theory to the practical problems of communicating the news.

4) The establishment in other major metropolitan areas of publications like the *Chicago Journalism Review* which provide a forum for public debate on news media performance.

5) News organizations should freely criticize other news organizations and report on their performance the same as they would any other institution in our society. . . .

J. We endorse the mid-career training programs offered at some universities and urge that more media owners and operators, particularly television, make time and funds available to their newsmen to take advantage of these programs.

K. We recommend that every news medium establish a code or other form of guideline to be followed in the coverage of riots or other events involving group violence. . .

L. We recommend that news organizations resist those critics who would have them deny coverage to protest. The news media can reduce substantially whatever incentive they provide for violence by providing balanced treatment of at least four aspects of demonstrations:

1) The purpose of the demonstration. What is the nature of the grievance? Why are the demonstrators there?

2) The events leading up to the demonstration. Have other remedies been sought; if so, what has been the response of those addressed?

3) The demonstration. How many people were present? How did they conduct themselves? Do not focus only on the most extreme conduct or dress.

4) The provocations, if any, and the official response. Why were the demonstrators trying to provoke the police? Did the police use more force than necessary to maintain order? Were there any extenuating circumstances, such as physical exhaustion or personal security of political candidates?

The standard for determining whether an event will be covered should place more emphasis on the nature of the grievance, the number of people affected, the severity of the grievance and less emphasis on the willingness of the aggrieved to engage in violence or the likelihood that they will. . .

URGES SALE OF JETS TO ISRAEL

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. HALPERN. Mr. Speaker, I would like to read into the Record a letter I sent last Monday, June 1, to the President of the United States urging that the administration announce a new declaration on Middle East policy and recommending a seven-point action program including the immediate granting of Israel's request to purchase additional jet aircraft.

I am convinced, Mr. Speaker, that a vast majority of the Members of Congress, the representatives of all the American people, support the valiant State of Israel in the serious threat to its security. It is vital to the interest of the United States as well as to the very existence of the State of Israel that this request for jets be fulfilled as a response to the Soviet escalation in the Middle East conflict and as a deterrent to a horrendous confrontation that could engulf the entire world.

The letter follows:

Dear Mr. President: The recent school bus tragedy in Israel near the Lebanon border is but one of the unjust cruelties being perpetrated by the Arab terrorist groups. Innocent bystanders are dying as the Russian and French governments support the vengeful Arab drive to liquidate Israel, to finish Hitler's dirty work. We must not let this happen.

We have heard repeatedly that the Administration stands behind Israel. And there is no question of the American people standing almost solidly behind Israel in its struggle for existence and freedom. Yet despite this great support there remains a residue of fear about how flexible is our policy.

So that our friends may be reassured and that our enemies not miscalculate, a new forthright declaration on Middle East policy is essential. But, Mr. President, it must do more than voice phrases. Actions must occur.

I propose that the United States government immediately take the following actions to meet the crisis:

1. Announce without further delay the provision of additional Phantom and Skyhawk jets and other weapons required by Israel.

2. To enable Israel to pit its meager finances against the combined economies of the Soviet Union, France, and the Arab world, the United States must assist Israel financially to cover the cost of the necessary arms.

3. Proclaim that the U.S. government will not tolerate the intervention of the Soviet armed forces against Israel, whether openly or covertly through so-called "volunteer" bomber pilots, naval personnel, and so forth.

4. End the illusion of Israeli capitulation

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. . . by the U.S. withdrawal from the Big Four Power Talks because . . . of the obvious Franco-Soviet manipulation of such talks and open bias that makes the forum nothing but an anti-Israel kangaroo court.

5. Re-affirm unequivocally the principle of a just settlement involving direct face-to-face negotiations in which the Arabs acknowledge their responsibility to make and keep a real and lasting peace and sign such a treaty.

6. Proclaim that Israel must not withdraw from a single inch of occupied territory until the Arabs commit themselves to a genuine peace and display by their actions that all forms of warfare, including guerrilla warfare, and terrorism have been terminated.

7. Propose amending such international legal pacts as the Warsaw and Hague conventions to cover acts of interantional terrorism on air travel as violations of international law.

There is not time to spare, Mr. President. Arab terrorists are being trained by the Russians, Chinese, and Viet Cong. Egyptian troops are in Libya and Libyan forces are entering Egypt. Russian pilots are flying Egyptian fighter jets.

Humanity rebels against the rising level of violence that endangers not only Israel but also the national security of the United States.

Moscow is today operating through the radical Arab stated to penetrate the Middle East and the Mediterranean. Israel is the target because Israel is an outpost of freedom. A defeat for Israel would be a devastating blow for the United States. * * *

No American troops are sought by Israel. But we must nevertheless deter direct Soviet military intervention. When Secretary of State Rogers said last March when he announced the Administration's decision on the sale of Phantom jets to Israel he did reaffirm our stated intention to maintain careful watch on the balance of military forces and to provide jets and arms to Israel as the need arises.

Israel's need is immediate. Further delay is dangerous. If Washington delays, the danger of aggression will only grow; the strength of the Arabs will increase while Israeli deterrent power deteriorates; violations of the cease-fire will escalate, the Soviet Union might very well miscalculate our position and wrongly assess American intentions in a grave error that could bring about a horrendous confrontation threatening the entire world.

It is no longer a question of whether we can afford to provide Israel with the necessary jets and to extend new lines of credit to cover their financing. It is now a matter of whether we can afford not to take action on Israel's urgent needs.

This is the way to avoid confrontation. This is the way to peace through strength. And this is the way to redeem our moral and ethical commitments toward Israel.